

## FROM FOSTER CARE TO TRAFFICKING

AN ANALYSIS OF CONTRIBUTORY FACTORS

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#### From Foster Care to Trafficking: An Analysis of Contributory Factors

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# From Foster Care to Trafficking: An Analysis of Contributory Factors

The practice of child sex trafficking – more properly known as the commercial *sexual exploitation of children* (CSEC) – is nothing new. In all likelihood, it is as old as commerce itself. However, in recent decades the business of CSEC has grown at a staggering rate, burgeoning into a massive industry due primarily to two related phenomena: globalism and the rise of the Internet. While the actual numbers are subject to debate, common estimates place the total number of sex-trafficked individuals (adults and children) in the hundreds of thousands in the U.S. alone. Globally, those numbers are likely in the millions, fueling an industry that may generate as much as \$32 billion annually. The appeal for criminals is obvious, as much as it is horrific: sex trafficking provides them with a renewable resource. Whereas drugs are only consumed once, a human being can be sold over and over again. But humans, of course, can't simply be manufactured. Professional traffickers rely on complex forms of psychological manipulation to lure their victims and maintain a hold over them. They are skilled and resourceful, and they know where and how to find vulnerable victims. In the US, that often means preying on children involved in the child welfare system.

The linkages between CSEC and the child welfare system – in particular, foster care – have grown more obvious in recent years thanks to statistics from the criminal justice sphere. The FBI reported in 2013 that 60% of children recovered from CSEC incidents had previously been in out-of-family care.<sup>29</sup> A 2014 Department of Justice report estimated that 85% of girls involved in CSEC were previously involved in the child welfare system.<sup>15</sup> In 2015, California Attorney General Kamala Harris reported that 59% of children arrested on prostitution-related charges in Los Angeles County had previously been in foster care.<sup>14</sup> The Connecticut Department of Children and Families reported that 86 out of the 88 children identified as CSEC victims had been involved with child welfare services.<sup>17</sup> And in 2007, the city of New York reported that 75% of identified victims of CSEC had experienced some contact with the child welfare system.<sup>24</sup> However, despite this powerful evidence, the speculation regarding why the linkage exists is generally based on anecdotal evidence, testimony, and supposition.



#### **A Seeming Contradiction**

In 2009, the University of Massachusetts Lowell produced a qualitative study called "Pathways to Trafficking", in which 61 adolescents were interviewed, all of whom had experienced CSEC-related violence or were at increased risk of it.<sup>34</sup> The study identified several commonalities between these young people, one of which was a history with foster care. As the authors noted, "It may seem contradictory, following a strong call for more services for abused children, to point to a theme of... *too much* intrusion by the state".<sup>34</sup> Sentiments like this, in fact, are common to much of the recent writing on this topic. How could the child welfare system, our society's best attempt to protect and shelter children from abuse, be exposing them to further victimization — or even *priming* them for it?

Foster care is a response to the reality of child abuse, a critical social problem. Government agencies have established protocols by which its child welfare agents can determine if children are at risk in the home, and if so remove them from their guardians. From there, the state typically begins outsourcing solutions, beginning with the care of the children, who are placed with private citizens called foster parents. Services for the birth parents are also outsourced: rather than providing them with affordable housing, a living wage or adequate food assistance, the government contracts with outside agencies to teach parents budgeting and nutrition skills.

Problematically, states can still receive essentially unlimited funding for foster care. The federal Title IV-E program is an open-ended federal entitlement for foster care services, whereas the Title IV-B program – which funds preventive and family-preservation services – is capped and considered discretionary funding, subject to the annual appropriation process; typically, Title IV-B funds account for only about 5% of

all federal funding on child welfare.<sup>27</sup> Without a federal commitment to preventive and family preservation services, state agencies struggle to protect children in their own homes, with their own families. Notably, a new law – the Family First Prevention Services Act – is set to upend the system beginning in 2019, however its roll-out may be delayed by up to two years in some states, and it may be much longer before its full impact can be measured.<sup>35</sup>

Child welfare case workers typically enter the field out of a desire to protect children. And they often assume that, per policy, most removals occur due to hard evidence of abuse. However, whether or not foster children were being traumatized at home, they are almost always traumatized by the removal process itself. And more often than not, they are removed not on grounds of physical or sexual abuse but rather on grounds of neglect – a broad, relatively nebulous designation in which conditions related to poverty can often be confused with negligence. According to recent statistics, 78% of children deemed victims suffered only neglect at home.<sup>11</sup>

While caseworkers may do everything in their power to prevent removing a child, they often feel they must "err on the side of caution," conducting removals as a proactive measure, since agencies may be held accountable – both legally and in the court of public opinion – when child fatalities happen on their watch.<sup>33</sup> The result is a system that too often does a poor job of gauging the relative trauma caused by its actions or inaction, its policies dictated by imbalances in funding as well as the ebb and flow of politics and media outrage. And the more commonplace and normalized removals – especially those conducted on grounds of neglect – become, the more easily such decisions can be influenced by the personal biases of case workers.



In recent years, the system's reputation for racism and classism have earned it an unfortunate moniker: "the new JaneCrow".<sup>3</sup>

Vast numbers of children are removed from their birth parents every year, in addition to the children who enter the system due to surrender of parental rights, death or incarceration of caregivers, deportation, or other reasons. Even after years of reforms, caseworkers routinely face unmanageably large caseloads and massive delays in the family court system, with many children lingering in care for years. And placing huge numbers of children in care creates a commensurate need for foster parents, which often results in less stringent vetting processes, less support, and less training. Abuse within foster homes is a disturbingly common reality.<sup>24</sup> And while most foster homes are not abusive settings, the process of forcibly removing children from their birth parents and placing them in a stranger's home must be understood as inherently traumatic.

Even the process of geographic displacement is traumatic, as humans develop relationships with places in much the same way that they develop relationships with other humans. Sudden separation from the places with which an individual has formed familiarity, attachment, and a sense of identity is associated with intense experiences of disorientation, shock, depression, and alienation.<sup>13</sup> Meanwhile, sudden disruptions in schooling may impair a child's academic success or ability to participate in nourishing extracurricular activities.<sup>32</sup>

The authors of the Pathways study found that many of their subjects reported deeply negative experiences with the foster care system, including being moved from home to home frequently, often for reasons that felt arbitrary.<sup>34</sup> In the words of one survivor, "You never really got too comfortable because you didn't know how long you was going to be there... I'm not even really sure [why I'd have to move]. Sometimes you wouldn't even know.... Your case worker would show up... and you would leave".<sup>34</sup>





#### **Key Risk Factors**

According to Dr. Gerald Mallon who has written extensively on the topic of child welfare, foster children are "in need of parenting and care – sometimes easily manipulated, many times in need of love" (personal communication with author, February 28, 2018). Children in care have an increased susceptibility to being manipulated by false promises of security and acceptance – and traffickers know this. They know, too, that children in care likely have a trauma history, which can prime them for the types of messages traffickers need to instill in their victims: that their bodies are not their own, or that if they tell anyone about their victimization, they won't be believed.<sup>37</sup>

As a result, traffickers often recruit in public places that are close to youth shelters, group homes, and schools likely to be attended by foster children.<sup>17</sup> In some cases, traffickers have sent girls to live in group homes for the sole purpose of recruiting.<sup>24</sup> Lack of adequate supervision of children in care may in itself be a major risk factor, along with a lack of awareness and training for child welfare personnel.

Another risk factor produced by child welfare involvement is an increased likelihood of homelessness. The unique vulnerability of homeless youth to traffickers is well documented. According to statistics from the OL Pathy Foundation, 75% of all sex trafficking victims were at one point homeless, and 1 in 3 homeless teens are lured into CSEC by a trafficker within 48 hours of leaving home.<sup>22</sup>

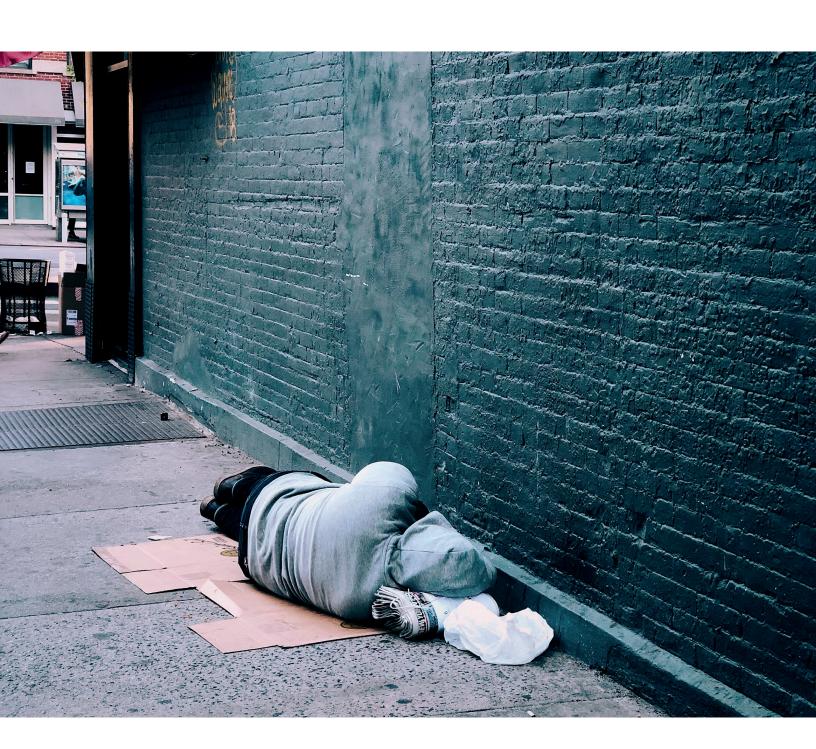
Foster children commonly run away from placement, and prior to the passage of the Preventing Sex Trafficking and Strengthening Families Act (2014), case workers were not legally required to report such absences to the National Center for Missing

and Exploited Children (NCMEC); national estimates on the number of children who run from foster care and residential placement likely remain low.<sup>2</sup> In 2012, 4,973 children were reported missing by states in total, generally with no investigatory follow up.<sup>32</sup> In the words of Withelma "T" Ortiz Walker Pettigrew, a CSEC survivor testifying before the U.S. House of Representatives Ways and Means Committee, "traffickers... have no fear of punishment because they rely on the lack of attention that occurs when these young people go missing."<sup>36</sup> This lack of attention allows traffickers to curry loyalty from their victims by convincing them that they have no hope of ever being rescued.<sup>32</sup>

Case workers are, in fact, often unmotivated to locate runaway youth. There are multiple reasons for this: they are largely unequipped to do so, they commonly assume that youth don't want to be found, and they know that finding a new home for chronic runaways is extremely difficult. Runaways, meanwhile, often don't return because they are well aware that their previous placement has likely been filled, meaning they will need to move again.<sup>2</sup> For such children, the streets may hold the allure of greater control over their environment than foster care would provide them.

Finally, running away is not the only pathway to homelessness for foster children. 22% of youth "aging out" of the foster care system end up homeless, as there are few services to provide for the aged-out population. In a sense, the system largely "cuts them loose" when they reach adulthood, after depriving them – in some cases for many years – of meaningful connection with their natural support systems. Between 1999 and 2013, a staggering 230,000 youths were discharged from foster care in the U.S. without a permanent family to which to return.





### The Psychology of Monetization

Foster parents are paid for their work. Obtaining documentation that a child has severe emotional or behavioral disturbances is further incentivized: foster parents can receive higher stipends for such children. In theory, payments to foster parents are meant to be utilized on expenses related to caring for the child, but most states have no system in place to track how the money is being spent.

There is an increasing awareness that when children in care know these facts, they may feel objectified or monetized, worth only as much as their foster parents are getting paid.<sup>24</sup> Many foster children – especially adolescents – know their caregivers are paid to care for them. More often than not, they know the exact dollar amount. Caseworkers hear the same refrain from children again and again: "I'm worth nothing but a paycheck to these people;" or "They pretend to love me because they're getting paid to;" or, perhaps most commonly, "They get money for me but spend it all on themselves, not on me."

The problem of monetization is perhaps the greatest "elephant in the room" in any discussion of foster care. It may also be a subtly powerful dimension of the foster care to trafficking process. Dr. Mallon (personal communication with author, February 28, 2018) phrased the problem succinctly: "Foster care and trafficking are similar. People are paid to take care of you, and they promise to offer protection to you in exchange for something."

One survivor, quoted in the O. L. Pathy Foundation report, explicitly expresses this:

Being in foster care was the perfect training for commercial sexual exploitation. I was used to being moved without warning, without any say, not knowing where I was going or whether I was allowed to pack my clothes. After years in foster care, I didn't think anyone











would want to take care of me unless they were paid. So, when my pimp expected me to make money to support 'the family,' it made sense to me.<sup>22</sup>

Another, more extensive testimony comes from Withelma "T" Ortiz Walker Pettigrew:

Youth within the system are more vulnerable to becoming sexually exploited because youth accept and normalize the experience of being used as an object of financial gain by people who are supposed to care for us, we experience various people who control our lives... [Children] who grow up in foster care express how it is common household knowledge that many caregivers take them in primarily for the paycheck.... These caregivers will make statements like 'you're not my child, I don't care what's going on with you, as long

as you're not dead, I'll continue to get my paycheck.' This "nothing but a paycheck" theory objectifies the youth and the youth begin to normalize the perception that their presence is to be used for financial gain. This creates a mind frame for the youth that their purpose is to bring income into a household.... Therefore, when youth are approached by traffickers... they don't see much difference between their purpose of bringing finances into their foster home and bringing money to traffickers.<sup>36</sup>

The phenomenon of monetization is severely understudied. More investigation and qualitative research needs to be conducted on this topic in order to fully understand the unique susceptibility of foster care children to traffickers.



#### Literature Review

This investigation has uncovered few substantial articles, and only one example of scholarly research: the UMass Lowell "Pathways to Trafficking," project, which was conducted in collaboration with the U.S. Department of Justice.<sup>34</sup>

The most substantial summation of existing information is a report from the American Academy of Matrimonial Lawyers entitled, "Trafficking and the Child Welfare System Link: An Analysis". Beyond this, coverage of the foster care-trafficking linkage has been primarily limited to the popular press, including the 2014 *Huffington Post* piece that coined the phrase "the Foster Care to Child Trafficking Pipeline". Pandy of the articles cited in this report attest to the fact that substantially more research is needed, to better understand the association, identity specific associated factors, and to serve as the basis for public policy.

One positive example of such policy change was the 2014 Preventing Sex Trafficking and Strengthening Families Act (PSTSFA). Dave Reichert (R-WA), the sponsor of PSTSFA, was a vocal critic of the child welfare system, and explicit in his belief that foster care makes children more vulnerable to being trafficked.<sup>26</sup> The law seeks to address this by patching key gaps in the system, particularly in areas of data collection and the reporting of missing children to NCMEC, with an emphasis on youth who have run from care or who have a prior history with CSEC.<sup>23</sup> The full impact of this law – which gradually rolls out incremental changes to a massively problematic system – has yet to be evaluated.

In 2013, the O. L. Pathy Family Foundation published "An Unholy Alliance," which presented prior data from law enforcement that evidenced the foster care-trafficking linkage and speculated as to the causal factors.<sup>22</sup> Lillie's article identifies four common factors in the childhood experiences of survivors – prior sexual abuse by a family









member, parental neglect or abandonment, time spent as a runaway or throwaway, and homelessness from aging out of foster care – and connects each of these to deficiencies in the foster care system.

In 2015, the West Virginia Law Review published "The Civil Rights of Sexually Exploited Youth in Foster Care" which gathered existing data on the topic, noting serious gaps in the academic research.<sup>2</sup> The report ultimately provided support for PSTSFA while denouncing the lack of accountability foster parents face when children are sexually exploited while under their care.

In 2016, the American Academy of Matrimonial Lawyers published the extremely thorough "Trafficking and the Child Welfare System Link: An Analysis," which presented the newest law enforcement data, information about the 2014 law, and excerpts from survivor testimonu.<sup>32</sup>

The Pathways Project, cited frequently in this report, was conducted in 2009 by the University of Massachusetts Lowell.<sup>34</sup> "Pathways into and out of commercial sexual victimization of children" presents extensive self-reporting from survivors, with negative foster care experiences and homelessness via aging-out emerging as common themes.

A 2017 study published in the *Journal of Child Sexual Abuse* mentions the foster caretrafficking link explicitly.<sup>21</sup> "Baseline Characteristics of Dependent Youth Who Have Been Commercially Sexually Exploited" presents data on the demographic characteristics, trauma history, mental and behavioral health needs, physical health needs, and strengths of commercially sexually exploited youth involved in the child welfare system in Florida. The study notes the unique vulnerability of children in foster care due to their "unmet needs for family relationships" and their history of trauma.



A 2015 study from Britain, "Researching Child Sexual Exploitation, Violence and Trafficking" also addressed connections between trafficking and foster care. The study evaluated specialized foster care settings designed for youth who have already been victims of CSEC, concluding that that the most successful placements involved both increased safety measures and "demonstrations of compassion and acceptance".<sup>31</sup>

Another recent study, "Homelessness and aging out of foster care" found that youth who reunified after out-of-home placement exhibited the lowest likelihood of homelessness. Interestingly, youth who aged out without reunification experienced similar rates of homelessness as youth who had been investigated by child services but never removed. The study casts serious doubt on the efficacy of the "independent living" services provided by the child welfare system.

Looking at foster care more broadly, "A systematic review of cognitive functioning among young people who have experienced homelessness, foster care, or poverty" examined a wide range of articles on cognitive functioning among the stated populations, comparing the results to published norms on non-disadvantaged youth. Deficits in many areas of cognitive functioning emerged, while creativity emerged as a common strength among homeless youth.

"Swedish population-based study of pupils showed that foster children faced increased risks for ill health, negative lifestyles and school failure," and examined whether foster children faced an exceptionally high risk of health problems. Children in foster care were shown to have higher risks of chronic health problems as well as unhealthy behaviors such as smoking and drug use, and to hold a more negative view of life.

A similar study, "Predicting Homelessness among Emerging Adults Aging Out of Foster Care" was also recently published.<sup>30</sup> Using a state-level database, the study examined young adults exiting foster care to assess their vulnerability for homelessness. Youth who had experienced disrupted adoptions, multiple foster

care placements, or involvement with the juvenile justice system had increased odds of homelessness, while youth who had been placed with a relative during foster care had higher chances of success.

Taking a wider perspective, "Outcomes of children who grew up in foster care: Systematic-review" examined studies of foster care alumni using a variety of metrics, including education, employment, income, housing, health, substance abuse, and criminal involvement.<sup>18</sup> The review found that foster care alumni continue to struggle in all areas compared to their peers from the general population. Factors that mitigate these troubles seem to include a stable foster care placement, a stable educational placement, and a steady mentor.

A 2012 study, "Research to Action: Sexually Exploited Minors (SEM) Needs and Strengths," collected data on sexually exploited youth in two California counties, concluding that many of their characteristics are adaptations to trauma and abuse. 75% of the youth had experienced trauma or family disruptions, while 84% possessed problems with judgment that placed them at risk for physical harm, including severe substance abuse and frequent episodes of running away from home.





#### Conclusion

The fight for child welfare reform is also nothing new, although each new generation of reformers seems to experience it as such, as the victories of the past are rolled back and plowed over. In the current era of welfare retrenchment, it feels that every gain is a loss waiting to happen. How can we create a movement that builds on the wisdom of the past without constantly losing ground? The struggle feels like an uphill battle, but at the same time like it should be an easy win: the victims, after all, are children. The question it seems everyone wants to ask is: How can we better safeguard children in foster care from villainous traffickers? Perhaps instead we should be asking, What if we redirected the majority of our efforts away from out-of-home care and toward preventive, family preservation services? Because the reality is that most parents charged with neglect do not desire to hurt their children; they may be desperate and stressed, but they are rarely malicious. Child traffickers, however, are.

Nationwide, there have been numerous examples of family preservation programs that not only successfully prevent removal (or facilitate reunification), but which do so in a way that is far more cost-effective than providing foster care. The Michigan Department of Human Services found in 2011 that its intensive Families First program exceeded projected expectations, helping families to avoid placement for the 3-month period following their intervention in 92% of cases.<sup>28</sup> Looking forward to FY2012, their projected cost of the program was \$4,744 per family. For the same period, the projected cost of Foster Care was \$23,913 per child. Based on these figures, it is evident that when intensive family preservation services work, they can save huge numbers of taxpayer dollars while also keeping families together.

As noted earlier, major reforms are underway. With the Family First Prevention Services Act, Congress has finally begun to overhaul the child welfare system



so as to privilege preventive service programs over placement.<sup>35</sup> Although some in Congress opposed the law because of its drastic cuts to group home settings, many reformers have hailed it as being a step in the right direction for families and children. However, with regards to the larger picture of the foster care-to-trafficking pipeline, there is still far more work to be done. Social workers should understand their role is to inoculate children from the risk of trafficking through education, care, and advocacy. Everyone, regardless of their position or rank within the human services field, has a vital role to play:

Case workers can provide vigilant supervision of children in care, report missing children to NCMEC, educate clients and co-workers about the dangers of human trafficking, work aggressively to secure kinship placements for children in care, and advocate, whenever possible, for family preservation over removal and reunification over adoption.

Administrators can ensure that foster parents are stringently vetted and then amply supported and trained, advocate for reduced caseloads, and bolster preventive services programs.





Clinicians can listen without judgment to birth parents and foster children, while helping them regain a sense of their own intrinsic human worth, power and agency.

Organizers and advocates can educate communities to recognize and report signs of trafficking, mobilize communities to support parents and children participating in the child welfare system, and help change the cultural narrative about such families.

Policy advocates can fight for legislation that redirects federal funding to support preventive services over out-of-home care and that facilitates the expedient return of children to their families.

Everyone, on every level of the system – from foster parents to case workers to policy makers – can prioritize educating foster children on the risks and warning signs of human trafficking, to help them recognize their vulnerability and know how to handle encounters with traffickers.

Our current child welfare system is not a fixed reality. It is a constructed institution, buttressed by laws and pervasive narratives, and administered by human agents. But institutions can be changed and narratives can be rewritten. We need to develop a common, federal-level vision for keeping children in their homes and out of foster care. Instead of complying with a system that retraumatizes children and places a dollar value on their heads, we can work collectively to create one that nurtures, protects, and empowers them, and in doing so set a bold example for the rest of the world.





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Protecting every child's human right to grow up free from the threat of sexual exploitation and trafficking.



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