

The Intersection of Human Trafficking, Domestic Violence, and Family Law Matters

Guidance for Attorneys and Advocates

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Agenda

- The Intersection of Domestic Violence and Human Trafficking
- Assisting Human Trafficking Survivors with Family Law Matters
- Case Scenario for Discussion

The Intersection of Domestic Violence and Human Trafficking

Defining Domestic Violence and Human Trafficking

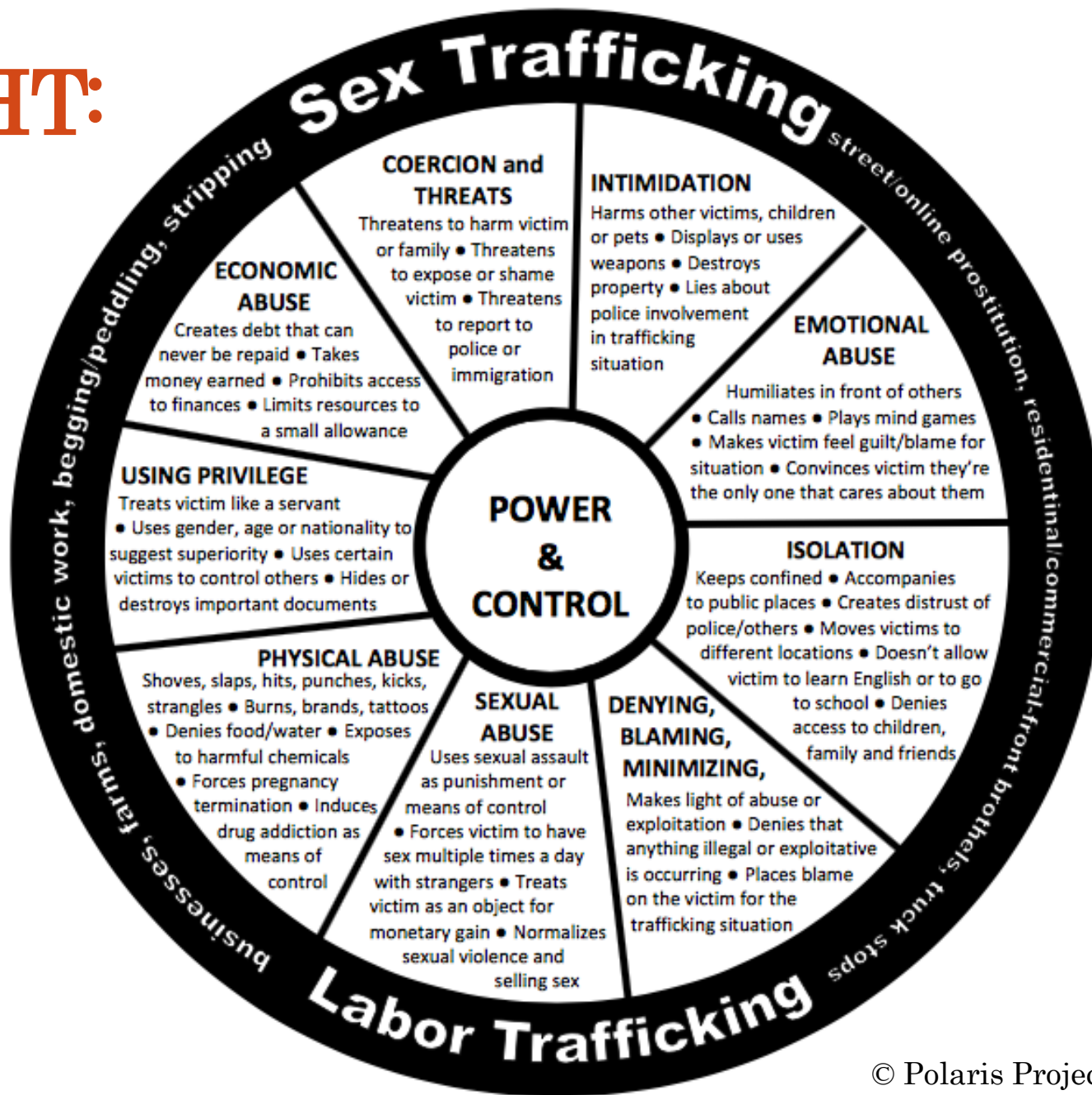
- **Domestic Violence** – A pattern of coercive, controlling behavior that can include, emotional or psychological abuse, sexual abuse, reproductive abuse, physical abuse, or financial abuse to gain or maintain power and control over an intimate partner.
- **Human Trafficking** – “Severe form of trafficking in persons” defined by federal law as...
 - **Sex Trafficking** – A commercial sex act induced by force, fraud, or coercion, or where person induced to perform such act is under 18 years of age.
 - **Labor Trafficking** – The recruitment, harboring, transportation, etc. of a person for labor services through forced, fraud, or coercion for involuntary servitude, peonage, debt bondage, or slavery.

DV:



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HT:



DV and HT: Similarities in Survivors' Experiences

- May experience a wide range of abuses – from physical violence to more subtle forms of coercion
- May be reluctant to report or access help from law enforcement, service providers, or courts
- May not perceive abuser or trafficker as a perpetrator
- May face credibility issues or be told abuse/exploitation is their fault
- May be eligible for help from different legal systems (civil, criminal, immigration)

DV and HT: Complex Dynamics Defy Easy Categorization

- Traffickers may be the victim's spouse or intimate partner – making it difficult to discern between the two forms of violence
- Traffickers often seek out potential victims who have histories of domestic violence and/or sexual abuse
- A history of trafficking may make a survivor more vulnerable to future domestic violence, and vice versa
- Identifying a client as *either* an HT *or* DV survivor may limit services and remedies

Why Is It Important to Screen for HT in DV Cases?

- Survivors of both human trafficking and domestic violence are more likely to identify first as survivors of domestic violence
- Greater number of agencies and practices advertising help for individuals fleeing domestic violence
- Survivors may not be aware that their experiences meet the definition of sex or labor trafficking, and that they can access additional protections and remedies

Red Flags for HT in DV Cases

- Being trafficked to friends by abuser
- Engaging in sex work once in a while at request of abuser
- Arrests/convictions for prostitution or other offenses
- Working at abuser's/relative's home or family business and is unpaid/cannot access wages

Assisting Human Trafficking Survivors with Family Law Matters

Legal Challenges When Representing HT Survivors

- Lack of judicial training in family law courts on human trafficking issues
- Trauma may impact credibility in the courtroom
- Fewer and/or changing state laws protecting trafficking survivors - in Maryland:
 - Recently implemented labor trafficking law
 - Pending changes to vacatur law

Legal Challenges When Representing HT Survivors

- Trafficking survivors often have different safety concerns than DV survivors
- Risks of prolonged contact with trafficker through court processes
- Unexpected outcomes/interactions of different legal systems – criminal, civil, immigration

Accessing Protection Orders in HT Cases

- What is a Protective/Peace Order?
 - Benefits of obtaining a protective/peace order:
 - Separation
 - Enhanced response by police
 - Temporary custody of children
 - Economic resources
 - Barriers to obtaining a protective/peace order:
 - Fear of engaging with courts
 - Increased risk of taking legal action
 - Interaction with criminal case

Custody Cases Involving HT Survivors

- Assessing best interests
- Joint custody
- Constraints on awarding custody/visitation to abusive parent
- Evidentiary issues
- Obtaining child support

Considerations in Divorce Cases Involving HT Survivors

- Grounds
- Property Division
- Alimony

Case Scenario for Discussion

Case Scenario

Dee started dating Keith when she was 18 and he was 25, but after a few months their relationship became controlling and abusive. Keith started telling Dee she was worthless, that she could never support herself on her own, and began hitting and choking her during fights. Dee – a survivor of childhood sexual abuse – became depressed and isolated from her friends and family. Dee and Keith both used heroin and pills, and Dee coped with the increasing violence and abuse through more frequent drug use.

After Keith lost his job, he pressured Dee to make money to support their basic needs and drug use by trading sex. He put up a profile for her on Craigslist and arranged for her to go on “dates” with men who contacted them online. If Keith felt that Dee did not make enough money from the dates he arranged, he would become violent. After two years of being with Keith, Dee became pregnant. During the pregnancy, Keith was not as violent and no longer forced Dee to trade sex, but continued to be controlling and abusive. Dee sought help with her drug use during her pregnancy, and went to an in patient treatment program. While there, she saw information about a local domestic violence shelter. After a particularly violent incident with Keith about a year after the baby was born, Dee decided to call the shelter and seek help leaving Keith.

Dee is now living at the shelter and seeking full legal and physical custody of her year old son. **What additional information would you want to know if you were the attorney representing her in this custody case?**

Questions?

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We'd love to hear from you, so we can improve.



Thank you!

To follow up with our guest speaker, please contact:

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MVLS intake remains OPEN through our dedicated phone lines and website. The physical office is currently closed until April 24th.

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Single Mom Can't Afford A Large Payment

Client is being sued by her former landlord for \$4146.59. She admits she owes some but not all of the debt and is hoping to reduce the amount she has to pay. Court date set for 7/20/18 at 1:30pm.

Location:	Ref. #:	Case Type:
Baltimore County	18-0138741	Debt Collection

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I Admit To The Debt, But Can We Negotiate A Settlement.

Client is being sued for \$933.00 for failing to make payments towards a debt. Client agrees that she owes the debt. There are no judgments entered in the case. Client has paid approximately \$300 toward the debt and would like to work out a settlement for the remaining. Affidavit Judgment Hearing: 7/23/18 at 1:00PM. Trial: 8/5/18 at 9:00AM.

Location:	Ref. #:	Case Type:
Washington	18-0138685	Debt Collection

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You Have Left Me No Other Choice But To File For Rent Escrow.

Client wishes to initiate a rent escrow case after nothing has been done to make repairs. Client has lived in the property since October 2016 and problems in the unit began in December 2017. To date LL, has not tried to resolve the mold issue, flooding, falling attic stairs, and the hole in the ceiling.

Location:	Ref. #:	Case Type:
Baltimore County	18-0138671	Landlord-Tenant

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Landlord Requests The Move, Now Refusing My Security Deposit.

Client filed suit against her previous Landlord for the return of her security deposit and three times the amount. Client only lived in the property for 3

Looking Towards A Fresh Start

Client seeks help with expunging her criminal record.

Here's To New Beginnings!

Client seeks to go over her criminal record with a volunteer and to have the eligible cases expunged from her record.

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