

# Working with Young Trafficking Survivors Involved in the Legal System





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**This document provides best practice guidance for supporting young survivors of trafficking as they navigate the legal system. Most of these tips are broad enough to be used by practitioners across many disciplines, but some may need to be adjusted for your particular role.**

**These suggestions come from frontline practitioners, survivor leaders, and lived experience experts.**

I.

## Practice Trauma-Informed Care

In all interactions, promote safety, choice, collaboration, trustworthiness, and empowerment.<sup>1</sup>

### When Working with Youth, Remember To:

**Provide space** for survivors to be heard. Do not minimize, disregard or blame young people for the experiences they share with you. This happens far too often to survivors and can be retraumatizing and upsetting.

**Be patient** when asking young people to recall or discuss details, as trauma and toxic stress can impact brain function and memory. Only ask for sensitive information when it is truly necessary in order to limit youth needing to describe their experience multiple times.

**Recognize that young people's trauma can impact their behavior**, including the way they interact with providers and system players. Consider that "hostile," "belligerent," or "withdrawn" interactions, laughing during disclosures, engaging in drug or alcohol use, violence, shoplifting, and isolation can be physical and emotional survival strategies.

**Engage in self-care** to protect against burnout and vicarious trauma.

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## Practices to Adopt

**To decrease feelings of isolation, let youth know that they are not alone**, and, if appropriate, talk about working with youth with similar lived experiences. At the same time, understand that each situation is individualized and avoid saying that you can completely understand their experience.

**Provide a grounding or comfort item** for youth to take with them to court or when talking to system players (e.g., stress ball, lucky charm, fidget tool) and advocate for the value of this coping tool with the court as needed.

**Encourage taking breaks and empower youth to ask for breaks**, especially during long meetings, and engage youth in conversations about activities they like (e.g., sports, music, art).

**Make testifying a more comfortable experience** by considering possible accommodations (i.e., limiting re-telling of their experience; closed courtroom; instructing court actors to refrain from staring, laughing, or talking casually to the opposing party).

**Teach and incorporate the [strategic sharing process](#)** with youth in preparation for their testimony.

### THREE PRINCIPLES OF TRAUMA-INFORMED CARE

1. Understand the Prevalence of Trauma and Its Impact on Individuals
2. Recognize the Signs of Trauma
3. Avoid Re-Traumatization and Support the Healing Process

## The Strategic Sharing Process

1. Make sure young people understand the goals of talking about their experience as well as who will be in the room and their role.
2. Address the risks and benefits of talking about the experience.
3. Practice direct testimony and cross-examination.
4. Discuss what details should be shared and how to avoid sharing more than what is needed.
5. Identify possible trauma reminders and develop a safety plan to use if youth feel distressed while testifying.
6. Provide space and emotional support to debrief the experience, including helping them identify and process their feelings.<sup>2</sup>

## II.

### Meet Basic Needs

#### Practices to Adopt

**Ask how young people are doing and if their basic needs are being met** before launching into a case-related conversation. For example, ask questions like: *Do you want anything to eat? How's the new place you're staying? How did you sleep? How are people treating you? Do you need to use the restroom? Are people using your correct pronouns?*

**Provide snacks and clothing**, as needed.

**Connect young people** with services that can help meet their basic needs, including those services to which they are legally entitled due to their status as a victim of human trafficking.

**Embrace their humanity** and do not make them feel like the case is more important than them.

Understand that traffickers often facilitate a connection with youth by meeting an unmet need (i.e., housing, food, perceived love, sense of community). Work with young people to unpack that need and determine how to meet it in another way.

## III.

### Build Rapport

Recognize that youth may not feel comfortable disclosing their experiences to you at the initial meeting.

#### Practices to Adopt

**Ensure youth are connected to a peer support specialist or advocate** as early as possible in the process to address safety concerns and discuss any risks associated with participating in the case.

**Try to keep the same peer or advocate with young people** for the duration of their legal system involvement.

**Connect with them as people** and build trust over time.

**Avoid dynamics that mirror seduction, grooming, dependency, indebtedness, or exploitation.**

**Focus on creating a comfortable space** and follow their lead.

**Consider letting youth draw or write about their experiences** or talk about what happened while doing an activity.

**Do not expect young survivors to express appreciation**—their interactions with providers and legal system players are often mandated, which can feel coercive.

## IV.

### Share Knowledge Clearly and Be Consistent

In an age-appropriate way, explain what trafficking is and that what happened to them is unacceptable and not their fault.

#### Practices to Adopt

**Be transparent about your role**, including any confidentiality limitations. Explain the roles of other members of the team and be clear about what you can and cannot do in your role.

**Establish appropriate boundaries**—ensure that the focus of your work is on the young people you’re working with and be mindful, intentional, and survivor-centered about any potential self-disclosures.

**Do not make promises you cannot keep.** Doing so can violate trust and can be triggering.

**Manage expectations** about the court process and possible outcomes (i.e., not every case will have the desired outcome).

**Inform young people about their rights** and explain every step of the legal process.

**Frequently check for their understanding and comfort level** with moving forward. Ask them to explain the process in their own words to assess understanding. Young people may have many questions about the legal system process—ask what questions they have and address common ones up front (e.g., *Will I be testifying in open court? Will I see my trafficker?*).

**Keep in regular contact** with young people. Don’t just reach out when you need something.

## V.

### Be Mindful of Language

#### Practices to Adopt

**When appropriate, mirror the language** young people use to describe how they identify with their lived experiences (i.e., do not force labels on them), and guide them in reframing their experiences when their chosen language is harmful.

**Do not refer to young people as prostitutes or imply that they “chose” their situation.** [There is no such thing as a ‘child prostitute.’](#)

**Use straightforward, strengths-based language** that humanizes youth. For example, do not refer to young people as victims or to traffickers as exploiters, as that can be disempowering and confusing. Many young people do not identify with these terms, are impacted by trauma bonds, don’t want to be associated with their trafficking experience, or are afraid that their exploiter will harm or kill them for sharing information. Instead, consider referring to them simply as ‘*young people.*’ Also, introduce language related to resilience, tenacity, and strength, and highlight ways young people have demonstrated these attributes.

**Do not use language that assigns blame, shame, or criminality** to youth. Be clear that their trafficking experience is *not their fault!*

Advocate for youth-friendly language in the courtroom so young people can understand the proceedings (i.e., use Plain English, avoid unnecessary legal jargon especially when used without explanations, and make sure forms are easily readable).

## VI.

### Remember Youth Development

#### Practices to Adopt

Treat youth in developmentally-appropriate ways by:

1. [Understanding typical child development stages beyond chronological age](#), including how trauma may impact young people's cognitive, physical, language, and socio-emotional development, and incorporating this understanding into your practice;
2. Considering and responding to young people's individual developmental needs; and
3. Acknowledging cultural factors.<sup>3</sup>

No matter how mature young people present, remember that the brain does not fully develop until age 25 and that the trauma of exploitation can [impact brain development](#).

**Be authentic and honest**—youth can see through disingenuous behavior, including trying to use words that are “cool” or outside your normal language choices.

**Affirm youth's sexual orientation, gender identity, and gender expression.**

**Understand that ‘resistance’ is often a form of self-protection**; explore their resistance and make a plan to increase comfort and safety.<sup>4</sup>

**Provide structured and holistic support** (i.e. comprehensive services that are consistent, predictable, and easily accessible).<sup>5</sup>

**Recognize that the language of the adult survivor movement may not resonate with young people**; follow their lead.

**Remember that youth are more than their trauma**—they are whole people with unique interests and experiences.

**Employ positive youth development strategies** by believing that positive growth and healing from trauma is possible, acknowledging and building upon the strengths young people have used to survive, and partnering with them as they navigate the legal system.<sup>6</sup>





## VII.

### Build Agency

#### Remember:

**Recognize the inherent power dynamics** in your relationship with young people (e.g., adult vs. youth; service provider vs. service recipient; representative of the court/state vs. witness or defendant; citizen vs. undocumented person). Be mindful not to replicate the *power over* dynamics of traffickers and instead work to empower youth by collaborating *with* them.

**Always prioritize young people's best interests** rather than those of the related case.

**Youth are the experts** on their lived experiences.

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#### Practices to Adopt

**Whenever possible, obtain informed consent** for every step of the process, and allow young people to change their minds. Provide space for youth to process their comfort level and the pros and cons of any decision.

**Ask young people what they need** to feel safe(r) when developing safety plans, instead of assuming what is best. If you are not an advocate, be sure to include one in safety planning because they may be able to help identify unanticipated risks and creative safety strategies.

**Include youth in the decision-making process**, as often as possible, and provide opportunities for them to make choices (e.g., *What outfit will make you feel comfortable when testifying? Which topic would you like to talk about first?*).

**Empower youth to use their voices in safe ways.**

**Consider how you can build a case** without the young person's testimony, if possible.



## VIII.

### Provide Support

#### Throughout the Process

**Work with youth to identify supports** they think will work for them at each stage of the process (e.g. testifying, placement in foster care, etc.) and avoid supports that feel coercive.

**Connect youth** to trauma-informed therapy, support groups, substance use treatment, medical care, parenting support, life skills courses, and other resources they request.

**Understand that youth may need assistance with self-sufficiency skills** such as using transportation, accessing services, or ordering and preparing food.

**Validate all feelings**, including those of anger, confusion, fear, anxiety, and ambivalence.

**Highlight strengths** both verbally and in written form (e.g., Post-It note reminder).

**Prepare young people for the adversarial nature of the legal process**, specifically defense's responsibility for poking holes in young people's testimony and the case at hand.

**Teach coping strategies** (e.g., deep breathing, journaling, moving the body) and develop plans to enhance comfort and safety.

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#### Before Court

**Explore possible triggers with young people** and help them learn and practice tools to manage them.

**Provide space for youth to talk** about how they are feeling and ask questions. No question is too small!

**Discuss clothing options** and work with youth to find something that is both comfortable and court-appropriate.

**Make sure young people pack a bag** for overnight stays with enough clothes and toiletries, if they are testifying outside of the community in which they live.

**Work with parents or guardians** to discuss the criminal legal process, answer their questions, and try to quell their anxiety.

*Note: It may be necessary to have a separate advocate for parents or guardians in order to address their own feelings and needs, especially if they are not aligned with their children for some reason. Be sensitive to the fact that parents and other family members may be involved in the trafficking situation as either victims or exploiters. Even if parents or guardians are supporting their child, they may feel extreme guilt, anger at the situation or towards their children and/or anxiety or stress about potential collateral consequences and how to address their children's increased emotional and service needs, and support their children's healing journey.*

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#### After Court

**Continue to be a support** for young people after they testify, within the bounds of your role. Do not make promises you cannot keep about staying connected.

**Help youth identify their strengths** and the ways in which they have been resilient.

**Revise and update safety plans** as needed.

**Offer emotional support.**

**Provide a connection to healing opportunities** (e.g., therapy, support groups) as well as resources for educational and career development.<sup>7</sup>

## IX.

### Prioritize Cultural Humility and Responsivity

Make an effort to understand historical trauma and the complex racial history of the U.S. and incorporate anti-racist and anti-oppressive practices into your life and work. Also, recognize that youth of color and LGBTQIA+ youth are disproportionately impacted by both trafficking and the legal system and may be criminalized for behavior related to their victimization.

#### Practices to Adopt

**Collaborate with advocates from culturally-specific organizations** who share the culture of young people to help build trust and connection.

**Meet language access needs** by providing written documents in age-appropriate Plain English and other common languages in your community, and/or coordinate with court-certified interpreters who are comfortable using language describing trafficking, if available.

**Utilize gender-neutral language on documents and always use young people's self-identified gender pronouns and names.** Consider petitioning the court to use young people's chosen name, especially if they are transgender, genderfluid, or nonbinary, and prepare young people for the possibility of their legal name being used in court.

## X.

### Promote Safety Around Exiting<sup>8</sup>

#### Practices to Adopt

**Meet young people where they are** in terms of their readiness to leave a trafficking situation and what they prioritize as important to them.

**Promote safety as defined by youth,** meet their self-identified needs, and develop strategies to avoid criminalization, health impacts, and further victimization.

**Affirm progress and milestones,** no matter how small!



## XI.

### Encourage Advanced Training for Practitioners

#### Practices to Adopt

**Participate in training** on the dynamics and signs of human trafficking, best practices for intervention, and relevant laws such as [Safe Harbor](#).

**Expand your understanding** of the reasons young people may engage in criminal behavior as a direct result of their trauma and trafficking experience (e.g., selling drugs, recruiting other youth into trafficking) and do not punish youth for these behaviors.

## XII.

### Working with Foreign National Clients

While many of the aforementioned strategies can be utilized with any young survivor of trafficking, foreign national youth require specific support due to the vulnerabilities often associated with their immigration status. Below are some strategies for providing support to foreign national youth survivors of trafficking.

**Immediately connect youth to an immigration attorney with experience working on trafficking cases.** Use the [National Human Trafficking Resource Center Referral Directory](#) to find immigration legal services in your community.

**Link youth to a social worker or advocate with experience working with foreign national human trafficking survivors.**

**Understand potential mistrust of the legal system due to fear of deportation,** which may impact client disclosures, willingness to participate in the legal process, and interactions with advocates and system players.



Again, **be sensitive to the fact that family members may also be involved** in the trafficking situation as either victims or exploiters.

Ensure that, if needed, **court-certified interpretation services are made available** as soon as possible, and collaborate with a culturally-specific organization to provide culturally-responsive services.

Ensure system players and community partners receive training on immigration and are aware of the possible resources and immigration remedies available for trafficking survivors (e.g., Letter of Eligibility for Refugee Benefits, Unaccompanied Minor Refugee Program, Continued Presence, T Visa, U Visa).<sup>9</sup> **Note: This training should only be conducted by an experienced immigration attorney and providers should never give legal or immigration advice to survivors.**

Ask youth what they would like to see happen with their immigration case (e.g., immigration relief, repatriation, reunification with family), provide relevant support, and manage expectations throughout those processes.

## Endnotes

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## Additional Resources

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520 Eighth Avenue  
New York, NY 10018  
p. 646.386.3100  
[innovatingjustice.org](http://innovatingjustice.org)