

A Survey of Child Welfare and Labor Trafficking in California

A White Paper

By

Annie Isabel Fukushima, Ph.D.



January 2020

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Dr. Annie Isabel Fukushima is an Assistant Professor in the Ethnic Studies Division with the School for Cultural & Social Transformation. She is author of *Migrant Crossings: Witnessing Human Trafficking in the U.S.* (Stanford University Press, 2019). Prior to joining the faculty at the University of Utah, she earned her Ph.D. in Ethnic Studies with a Designated Emphasis in Women, Gender, and Sexuality Studies from University of California, Berkeley. Her expertise is nationally recognized; she has served as an expert witness for human trafficking cases in courts in California, Colorado, and Utah, provided expert reports for immigration cases submitted to USCIS, and a consultant for national and local organizations in California and Washington. She has authored multiple community-based studies that focus on: domestic violence, sexual assault, human trafficking, labor, and migration. Her scholarly works on human trafficking, migration, violence, race, gender, and human rights appear in peer-reviewed journals and peer-edited anthologies such as *Human Trafficking Reconsidered: Rethinking the Problem* (2014), *Frontiers: Journal of Women's Studies* (2015), *Documenting Gendered Violence* (2016), *Feminist Formations* (2016), *Gender: War* (2017), *VOCI (Voices): Human Sciences Semi-Annual. Special issue of sexuality* (2018), *Biography* (2019), *The Subject(s) of Human Rights: Crises, Violations, & Asian American Critique* (2019), *Journal of Human Rights & Social Work* (Accepted 2019), and *Journal of Human Rights Practice* (Accepted 2019)

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Executive Summary

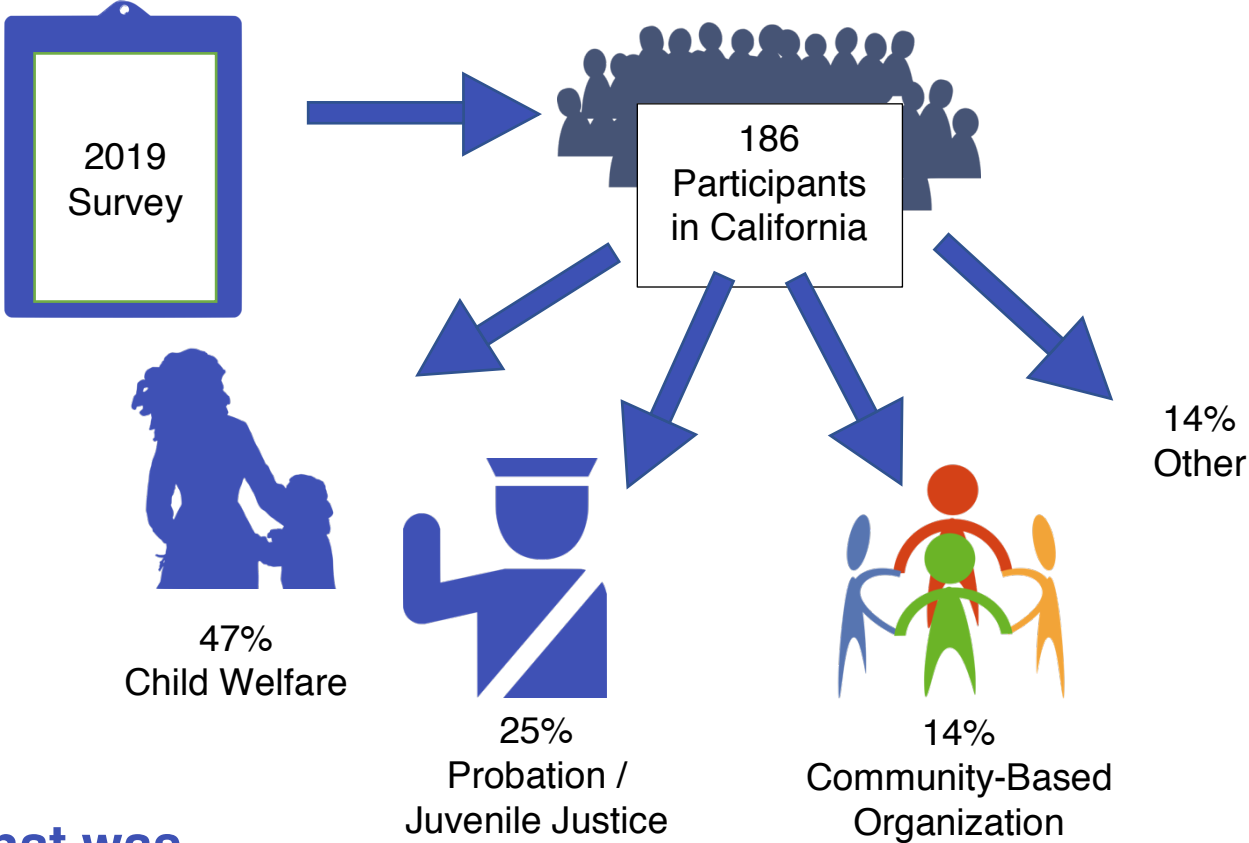
The purpose of this study is to better understand how the welfare system is currently identifying children (under 18-years-old) who experience being labor trafficked for commercial labor – work beyond sexual economies. This study is a survey of individuals working in California, where 186 participants were invited to respond to a questionnaire between September 23, 2019 and November 30, 2019. The majority of those who responded to the survey worked in the child welfare system. This study reveals, child welfare workers, probation officers / juvenile justice system workers, and non-governmental organizations are working with children who have been labor trafficked. What was discovered after conducting a survey: 25% of the participants confirmed working with children who were labor trafficked, 25% did not know if they had worked with children who were labor trafficked, and 50% were providing services to or supporting children who work for pay. Children were informally identified as working in a range of industries including agriculture / farm work, construction, forced commercial sexual economies, forced drug sales, forced human smuggling, forced theft/stealing, housekeeping/domestic work, janitorial, massage parlor/massage, nail/hair salon, pan handling/begging, restaurant work, retail, and other. Based on these preliminary findings, this study recommends the following next steps:

1. There is an immediate need to develop protocols and train child welfare workers on child labor trafficking, similarly to how such professionals are being trained on child sex trafficking.
2. There is a need to deepen an understanding of child welfare and juvenile justice system's responses to child labor and sex trafficking through research; in particular on evidence-based research that may determine promising practices for prevention and early identification of all forms of human trafficking affecting children.
3. It is recommended that California State Agencies and local organizations broaden their awareness raising efforts to encompass education on children's experience with work and the continuum of labor violations and trafficking.
4. Prevention of child labor trafficking is much needed, therefore, more data on children who experience labor exploitation on the continuum of labor violation and trafficking is needed. Statewide data collection systems have been designed to capture prevalence of child sexual exploitation, however, less understood is the range of labor violations, recruitment and industries children may be experiencing commercial exploitation.

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A Survey of Child Welfare and Labor Trafficking in California Infographic, 2019



What was learned....

50%
or
1 in 2
work with
children
who work for
pay



25%
or
1 in 4
work with
children
who were
labor trafficked

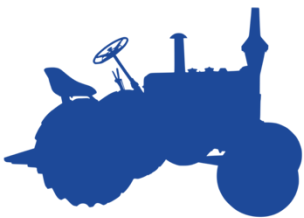


26%
did not know if
they had
worked with
children
who were
labor trafficked

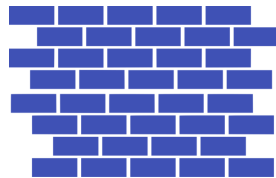


A Survey of Child Welfare and Labor Trafficking in California Infographic continued...

Participants* reported working with children whose “work” included the following:



21%
Agriculture / farm work



14%
Construction



54%
Sexual economies



15%
Drug sales



1%
Human smuggling



17%
Theft / stealing



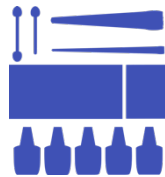
10%
Domestic work /
House keeping



1.5%
Janitorial



1%
Massage /
massage parlor



2%
Nail / hair salon



12%
Pan handling /
begging



34%
Restaurant
work



32%
Retail

6%
Other

*participants could select more than one

Number
of labor trafficking cases they
worked with in **the past 3**
years ranged from
1 to 100



Nearly 2 in 3

Child welfare workers and
community-based workers...

Nearly half (47%)
officers, lawyers, service
providers, or child welfare
workers provided services to or
worked with children who were
defrauded about the terms of
their employment



Nearly 1 in 2

Probation / justice system
workers...

provide services to children or
support children who have been
coerced or controlled by another
person for their labor for their labor

40% of all
respondents
were likely or very likely
to “work with children
who were forced to
cultivate, sell and/or
transport drugs”

26% of the participants said “no” when asked
if they worked with labor trafficked children.
Yet, 45% of these “Nos” said
they have likely or very likely
worked with a child who had
experienced being coerced or
controlled for their labor
(commercial and
noncommercial labor).

INTRODUCTION

Few studies examine how the child welfare system is responding to children who are labor trafficked. The US federal government defines forced labor under the 18 U.S. Code § 1589 as, “Whoever knowingly provides or obtains the labor or services of a person by any one of, or by any combination of, the following means— (1) by means of force, threats of force, physical restraint, or threats of physical restraint to that person or another person; (2) by means of serious harm or threats of serious harm to that person or another person; (3) by means of the abuse or threatened abuse of law or legal process; or (4) by means of any scheme, plan, or pattern intended to cause the person to believe that, if that person did not perform such labor or services, that person or another person would suffer serious harm or physical restraint.” Currently, laws separate trafficking into sex trafficking or labor trafficking. Labor trafficking is understood as occurring in “many situations, including domestic servitude, restaurant work, janitorial work, factory work, migrant agricultural work, and construction.” Although the research on child sexual exploitation, children trafficked into sexual economies, and child abuse and prostitution are dynamic, few studies on child trafficking in the US deepen public understanding of trafficking into commercial labor industries and the child welfare’s response. Additionally, this study recognizes the complexity of current political, intellectual, and ideological debates on whether or not trafficking into sexual economies is a form of labor.

The purpose of this study is to answer: is the welfare system currently identifying children (any person under 18-years-old) who experiences being labor trafficked for commercial labor – work beyond sexual economies? In 2015, the Coalition to Abolish Slavery & Trafficking informally surveyed their networks to determine if child welfare workers were identifying children who are labor trafficked. This informal study found that professionals working with children were encountering youth who fit the legal criteria for labor trafficking. This study presents a summary of the preliminary findings from a survey conducted by Dr. Annie Isabel Fukushima in 2019. Moving forward, the researcher plans to conduct interviews to qualitatively understand child welfare, probation, juvenile justice, and non-governmental workers knowledge of children who are labor trafficked, mechanisms for identification, and responses to labor child labor exploitation. Ultimately the goal is to publish peer-reviewed articles of the study’s findings. The short-term goal of publishing the white paper is to inform policy and practice, and share academic research with a broader audience.

CONTEXT: CALIFORNIA



California has a range of protections for children who work. For example, children under 16 are limited in where they are allowed to work, children under 12 cannot work in any job other than entertainment and are only allowed to do “odd jobs” (i.e., yard work and babysitting), with the exception if the child’s parents or guardians owns, operates or controls the agriculture, horticulture, viticulture or domestic labor. Emancipated minors are able to apply for a permit without parental permission. There are also a variety of jobs that children are not legally authorized to take on, that children are not authorized to take on, that varies by age group. Additionally, children are also limited in the number of hours they may work when school is in session.

Human trafficking occurs in California.¹ Beginning in 2005, the state passed multiple laws to address human trafficking. The history of legislation showcases a statewide commitment to addressing child sex trafficking, while often ignoring labor trafficking. California legislative history prioritizes raising awareness and identification through education. Albeit important, these legislative efforts also show a statewide history of prioritizing a specific form of trafficking, addressing sex trafficking, often leaving absent from such policy efforts training on issues of labor trafficking and labor exploitation.

2005

California passed state-legislation (AB 22) on human trafficking, the **California Trafficking Victims Protection Act**, a state law illuminating California’s efforts to prevent human trafficking.

2011

Abolition of Child Commerce, Exploitation, and Sexual Slavery Act (AB 12) increased fines against a person procuring a minor for sex, making the funds from the fines available to fund programs and services for commercially sexually exploited minors.

¹ See data from the National Human Trafficking Hotline <https://humantraffickinghotline.org/sites/default/files/CA-2018-State-Report.pdf>. Also see the US Department of Health and Human Services, Office on Women’s Health and Administration for Women and Children handout, “California: Efforts to Combat Human Trafficking,” https://www.acf.hhs.gov/sites/default/files/otip/california_profile_efforts_to_combat_human_trafficking.pdf

2012

SB 1133 **Human Trafficking**, authorized specific forfeiture provisions if things of value were used for the purpose of facilitating human trafficking. The forfeited property could be distributed to fund services for minor victims of commercial exploitation. As a means to continue to raise awareness about human trafficking, SB 1193 **Human Trafficking: public postings requirement** required notices with human trafficking to be posted in certain places where survivors are likely to see them.

2013

SB 50, **Crime victims: human trafficking**, included victims of human trafficking within the definition of crimes that are eligible for compensation from the California Crime Victims Fund. SB 114 **Commercially sexually exploited minors**, extended the sunset date for specialized programs for sex trafficked minors in the Los Angeles County.

2014

SB 855 **Committee on Budget and Fiscal Review**. Human Services, led to the funding of counties that elected to “participate in program for the provision of training to county children’s services workers to identify, intervene and provide case management services to children who are victims of commercial sexual exploitation and trafficking.” SB 855 led to an overall statewide endeavor to address child commercial sexual exploitation by creating the **Commercially Sexually Exploited Children’s Program**. The bill further clarified that sex trafficked children were eligible for services through the dependency system, granting them access to services. This same year, Governor Brown vetoed AB 2035 Sexually exploited and trafficked minors, a bipartisan bill that addressed trafficking of all minors in California.

2015

AB 418 Tenancy: termination: victims of violent crime, increased **tenancy rights** to victims of human trafficking where survivors are able to terminate their tenancy with reduced landlord notification time. Additionally, AB 15, **Limitations of actions: human rights abuses**, extended the time period for legal victims of human trafficking to bring civil action against their traffickers. SB 823 **Criminal Procedure: Human Trafficking**, provided increased protections for sex trafficking victims by allowing them to seek vacatur relief for crimes related to their trafficking.

2016

SB 1322, **Commercial sex acts: minors**, ensured minors could not be arrested for prostitution or loitering charges, leaving absent the protection of minors who had committed other crimes related to their trafficking. SB 1064, **Sexually exploited minors**, charged Alameda County and Los Angeles with **creating** pilot programs to respond to the needs of sexually exploited minors. AB 329, **California Healthy Youth Act**, pupil instruction: Sexual health education, required school districts provide comprehensive sexual health and HIV prevention education, including “lessons on sex trafficking.” AB 1702, **Juveniles: dependent children: reunifications services**, authorized California’s child welfare agency to ask the juvenile court to deny reunification services to parents who engaged in sex trafficking or knowingly permitted it, leaving absent, protections for labor trafficked children.

2017

The governor amended California passed the California Healthy Youth Act (AB 1276) to include information on human trafficking as a whole.

2018

AB 2034, **Human trafficking: notice**, required businesses or other establishments that operate in an intercity passenger rail, light rail, or bus station to provide training to new and existing employees who may interact with, or come into contact with victims of sex and labor trafficking. SB 970 **Employment: human trafficking awareness** amended the Fair Employment and Housing Act to require hotels and motels to provide at least 20 minutes of prescribed human trafficking training and education to employees. AB 2992, **Peace officer training: commercial sexual exploitation of children**, required the Commission on Peace Officer Standards and Training to develop a course on commercial sexual exploitation of children and human trafficking.

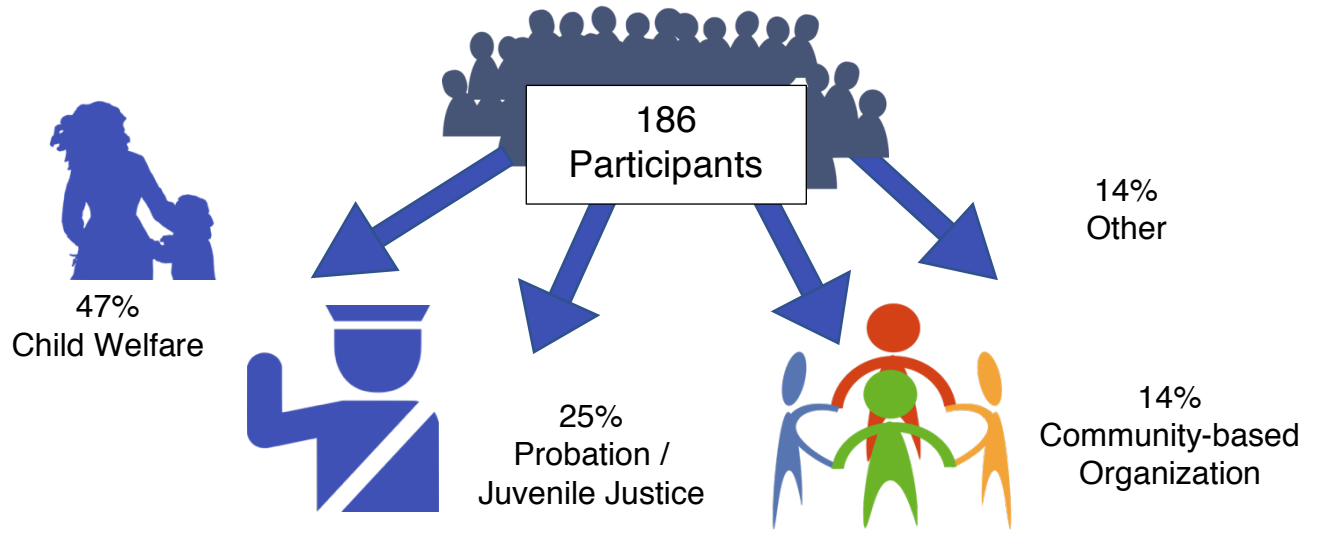
2019

AB 1735 **Evidence: privileges: human trafficking caseworker-victim privilege** expanded privacy right protections for human trafficking survivors and their caseworkers. AB 629 **Crime victims: The California Victim Compensation Board** authorized the California to provide compensation equal to loss of income or support to victims of human trafficking. AB 865 **Resource family: training**, required counties to include training foster families on commercially sexually exploited children, leaving out labor trafficking from mandatory preapproval caregiver training.

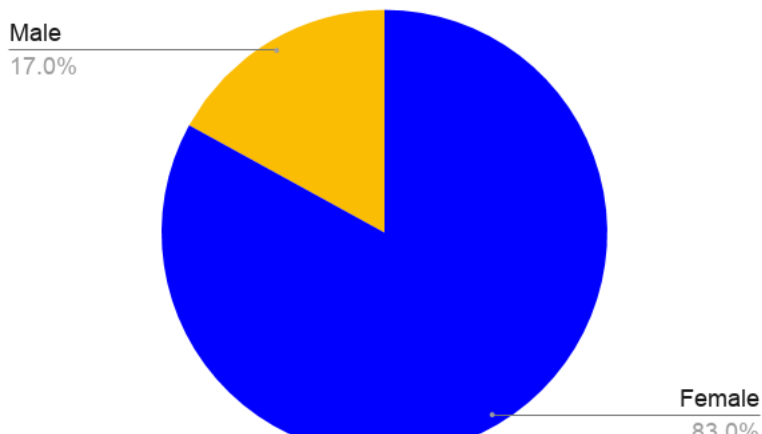
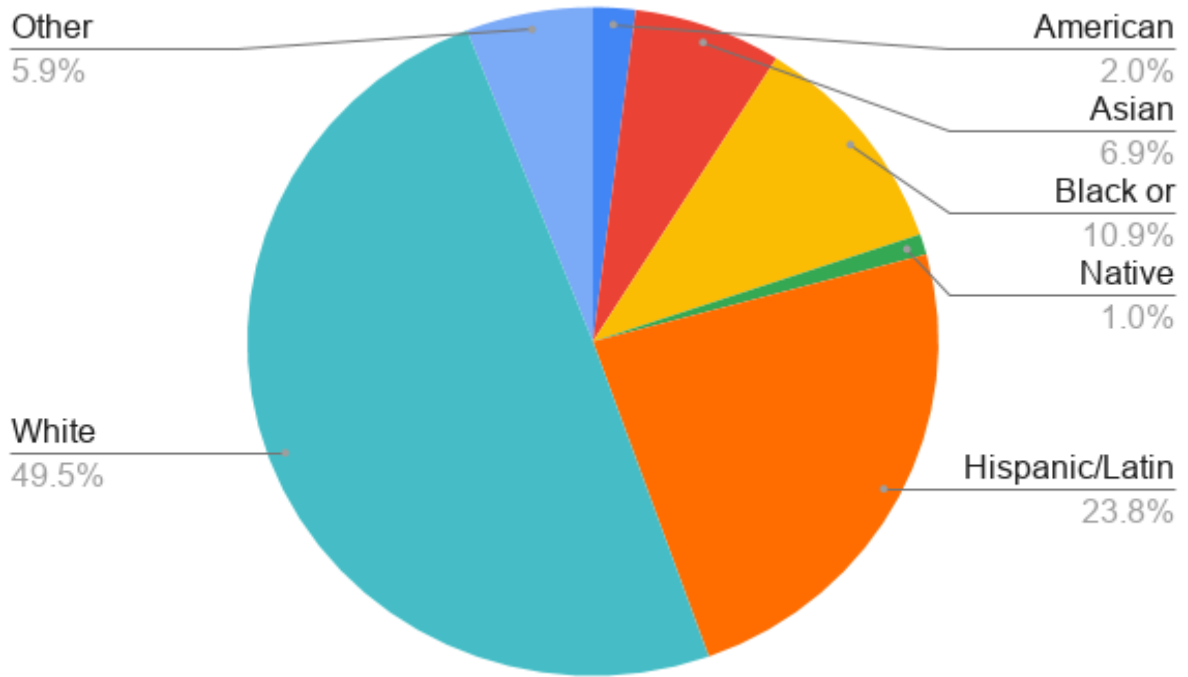
METHOD & ANALYSIS

The goal of this study was to survey California professionals, in particular, child welfare social workers and attorneys, probation officers and justice system workers, and social service providers working with children (any person under the age of 18 years old). The survey instrument was designed in consultation with experts on human trafficking as well as extensive research on in-take questions on labor trafficking. After the pilot survey was designed, it was tested on 39 individuals during the month of August 2019 – these individuals were recruited through a national human trafficking list-services, which comprised of individuals working directly on human trafficking. After reviewing the responses, the survey questionnaire design was finalized with a goal of a completion rate of 10 minutes. The finalized survey instrument was distributed to individuals who re-shared the survey invitation to co-workers and internal list-servs. Lawyers, social workers, child welfare workers, and juvenile justice system workers were invited to participate in the survey. The survey was promoted from September 23, 2019 until November 30, 2019. The survey comprised of 51 questions that were multiple choice, open answer-response, and likert-scale questions. The survey response time was approximately 8 minutes with an 88% response rate. Descriptive statistics were applied to analyze the data collected.

There were **186 participants** in the study. Participants were diverse. A majority of the participants identified as female. A majority of the participants in the study were people working in **child welfare, probation/juvenile justice, or community-based organizations**. Participants role in their organizations were diverse, including administrators (18.48%), advocates (6.52%), case managers (13.59%), educators (3.26%), Executive Directors/ Directors (9.24%), law enforcement (8.15%), lawyers / attorneys (13.59%), a medical provider (0.54%), mental health providers (3.26%), supervisors (23.91%), survivor consultants (1.09%), and other (16.85%). Participants were recruited from California, representing individuals working in **94 different zip codes**.



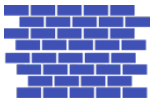
Participant racial identification



FINDINGS



21%
Agriculture /
farm work



14%
Construction



54%
Sexual economies



15%
Drug sales



1%
Human
smuggling



17%
Theft / stealing



10%
Domestic work /
House keeping

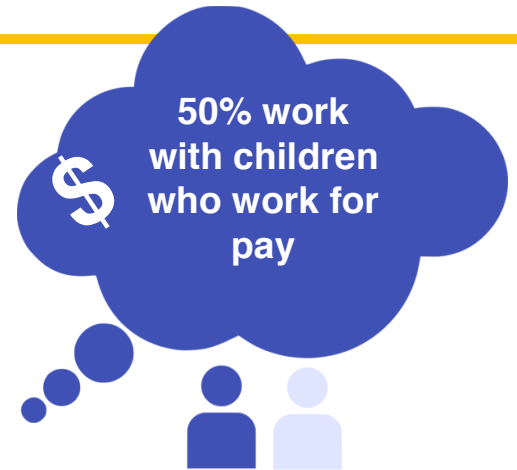


1.5%
Janitorial

Overall, the participants of the study show that child welfare workers, probation officers, and CBOs work with children who work for pay. When asked about working with children who work for pay, nearly 50% of participants said “yes” (n=93), 22% said “no” (n=41), with 8% saying they did not know. More specifically, **80% of probation / juvenile justice workers, 50% of child welfare workers, and 70% of community-based organization workers said “yes” to working with children who worked for pay.**

Participants were asked to check multiple industries children they supported or provided services to reported working in; **children worked in a range of industries** including: agriculture / farm work (n=28; 21%), construction (n=19; 14%), forced commercial sexual economies (n=74; 54%), forced drug sales (n=20; 15%), forced human smuggling (n=1; 1%), forced theft/stealing (n=22; 17%), housekeeping/domestic work (n=13; 10%), janitorial (n=2; 1.5%), massage parlor/massage (n=1; 1%), nail/hair salon (n=3; 2%), pan handling/begging, (n=16; 12%), restaurant work (n=46; 34%), retail (n=43; 32%), and other (n=8; 6%). Other jobs included (exact wording): work in part-time work, as sales associate, selling flowers on the street corner, in industries of vehicle detailing and other entry level jobs.

When asked about labor trafficking, the participants of this study illuminate that **child welfare workers, community-based organizations, and probation / justice system workers are providing services and supporting children who have been labor trafficked.** 25% of the participants reported having worked with children who have been labor trafficked, whereas, 26% stated they did not work with children who had been labor trafficked. And, **26% did**



6%
Other

not know if they had worked with labor trafficked children, and 23% chose not to respond. That is, nearly 1 in 4 professionals working with children did not know if they had been labor trafficked.

The respondents were invited to provide numbers of cases they had identified in the past three years. 63% of all participants who responded, identified working with a range of 1 and 600 human trafficking cases (all forms) in the last three years, with an average of 36 cases. These numbers underscore the need for better mechanisms of tracking and the study's limits, where some participants were reporting on numbers they were identifying directly, some were reporting on numbers for their organization and/or counties, and some were reporting on numbers in ranges. And 25% of respondents identified that the number of labor trafficking cases they worked with ranged from 1 to 100, with an average of 2 cases in the past three years.

Specific human trafficking indicator questions were asked of participants about working with a child who: had been controlled or coerced for their labor, defrauded about their terms of employment, were in debt bondage, were forced to cultivate, sell and/or transport drugs, and forced to steal, sell and/or transport weapons or stolen goods. Nearly **two-thirds of welfare workers (63%), two-thirds of community-based workers (65%), and a little less than half of probation / justice system workers (44%) were likely or very likely to work with a child who has been coerced or controlled by another person for their labor**. Of those who explicitly answered “no” to having worked with children who were labor trafficked, nearly half were very likely or likely to have worked with a child who had experienced being coerced or controlled for their labor (commercial and noncommercial labor) (45%). In addition to force, a central aspect of trafficking is identifying fraud. **Nearly half of respondents (47%) were likely or very likely to work with children who had experienced being defrauded** about the terms of their employment. Another central factor of human trafficking is debt bondage. **24% of the participants had worked with children who were in debt bondage**. In particular, 41% of child welfare workers respondents and 42% of community-based organizations were likely or very likely to work with children who were in debt bondage. In contrast, 30% of probation / juvenile justice workers said they were unlikely or very unlikely to work with children in debt bondage, however, over a third of probation / juvenile justice workers (35%) did not know if they were supporting children who were in debt bondage. The high rates of participants who did not know suggests the need for ongoing education and training.

Recognizing that there may be varying perceptions of what counts as labor trafficking, survey questions included those that would indicate human trafficking, such as when children are forced to participate in criminalized activities including drug sales, theft, and weapon sales. **Half of the respondents said they were likely or very likely to work with children who were forced to cultivate, sell and/or transport drugs and a little less than half (43%) of the respondents asked about working with children who were forced to steal, sell and/or transport weapons or stolen goods, were more**

likely, than not, to see these forms of trafficking. Additionally, although a little less than half, 44% of the respondents who stated “no” to having worked with a child who was labor trafficked, said that they were likely or very likely to work with children who were “forced” to cultivate, sell and/or transport drugs. And likewise, of the same participants who said “no” to working with labor trafficked youth, 40% of these participants were likely or very likely to have worked with children who were forced to steal, sell, and/or transport weapons or stolen goods. The central part of the question that distinguished the question as human trafficking into drug sales, and other informalized and criminalized activities such as theft and weapon sales was the word “force.” The responses suggest that even if professionals working with children are saying that they do not identify children as labor trafficked, they are working with labor trafficked children.

Another central finding: there is a challenge to identifying labor trafficking due to limited screening, protocols, documentation and training on labor trafficking specifically. When asked about screening for labor trafficking, only 44 participants responded to survey questions regarding screening, protocols, documentation, and training. And what was clear was the dearth of information and opportunities. Part of the reason why there may be a disjuncture between whether or not a person was likely to work with or identify child labor trafficking is due to processes of screening and internal protocols regarding addressing children who work and when this work turns into labor exploitation or labor trafficking. Although, 86% of the respondents agreed that their organization had a screening for sex trafficking and commercial sexual exploitation, 50% said their organization did not have screenings for child labor violations and child labor trafficking. And 45% of the participants stated their organization did not have internal protocols for responding to child labor trafficking. Additionally, 41% conveyed that their organization did not have an internal system to document the number of child labor trafficking victims.

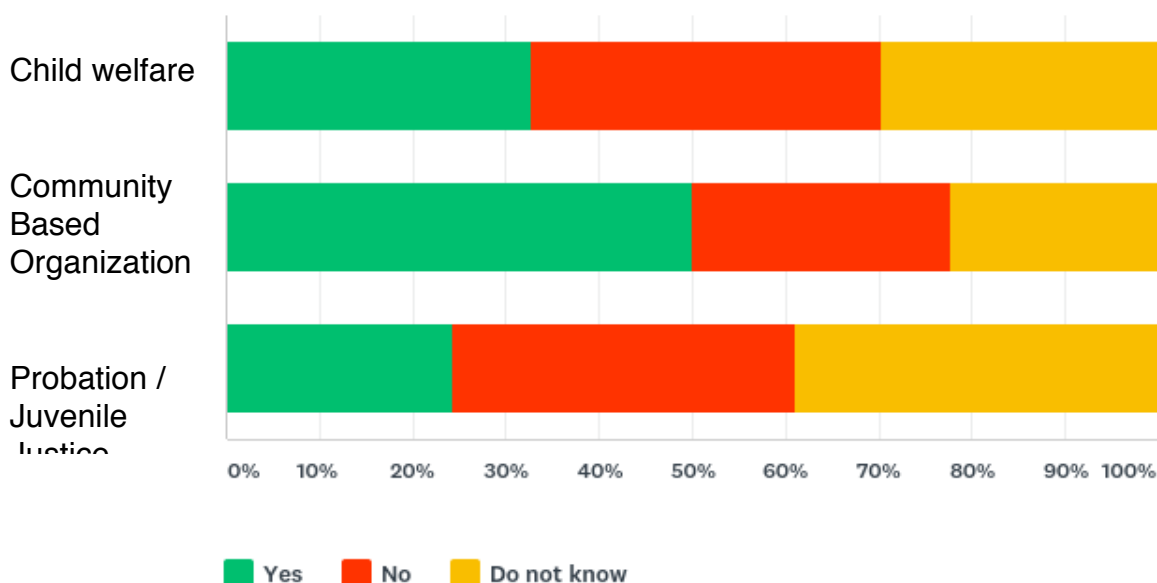


Figure 1: Break down of child welfare workers, community-based workers, and probation/juvenile justice system workers who have worked with children who have. Been labor trafficked.

	Human Trafficking in General n	Human Trafficking in General %	Labor Trafficking n	Labor Trafficking %
Less than 10	64	34	28	15
10 to 25	24	13	8	4
26 to 50	12	6	3	2
51+	17	9	1	1

Table 1: Participants reporting of numbers of human trafficking cases identified (N=186)

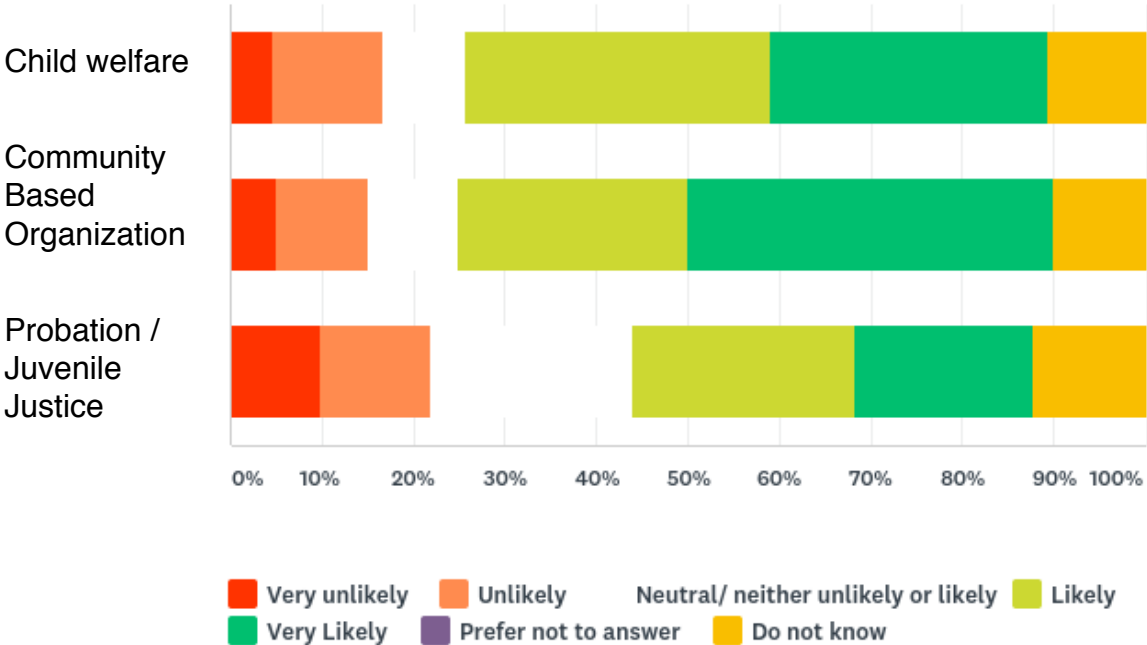


Figure 2: How likely are you to work with children who experienced being coerced or controlled by another person for their labor (commercial and noncommercial labor)? (n=149).

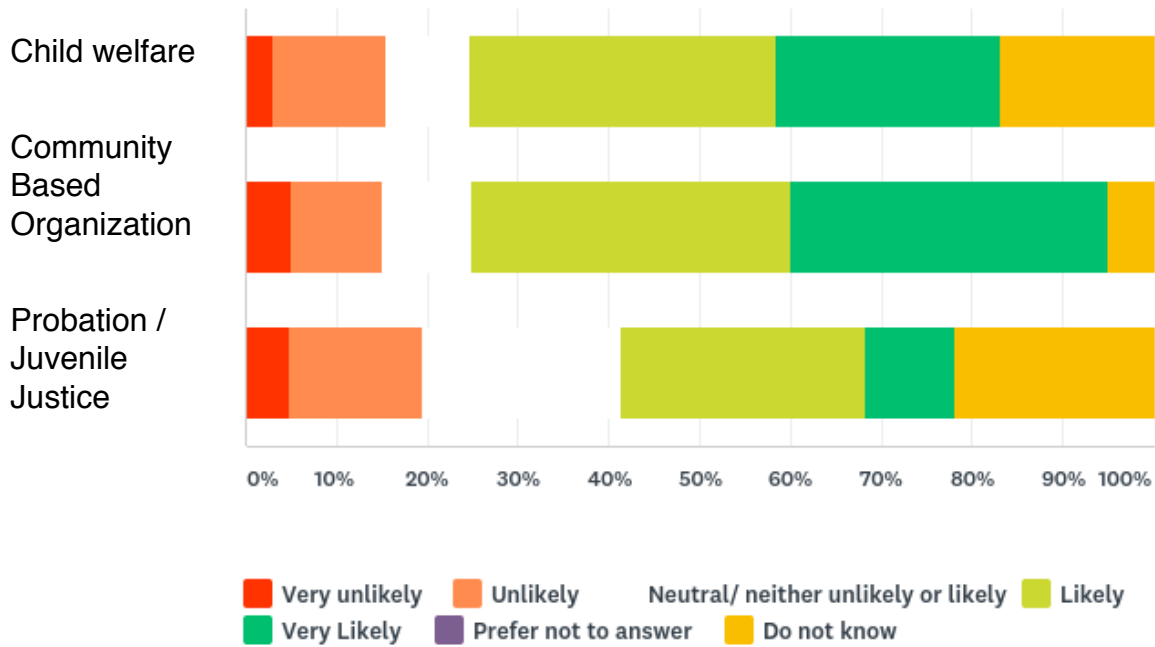


Figure 3: How likely are you to work with children who were defrauded (lied) about the terms of their employment (i.e., work conditions or pay)? (n=148)

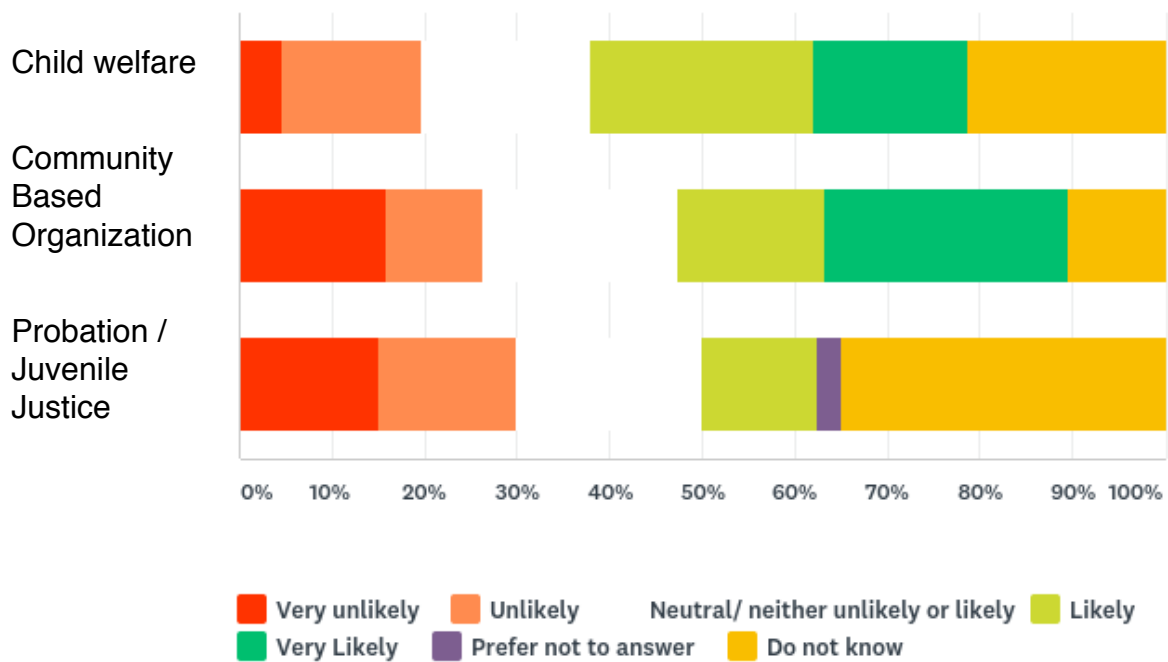


Figure 4: How Likely are you to work with children who are in debt bondage (a person who provides services to pay off money they owe to another person)? (n=147)

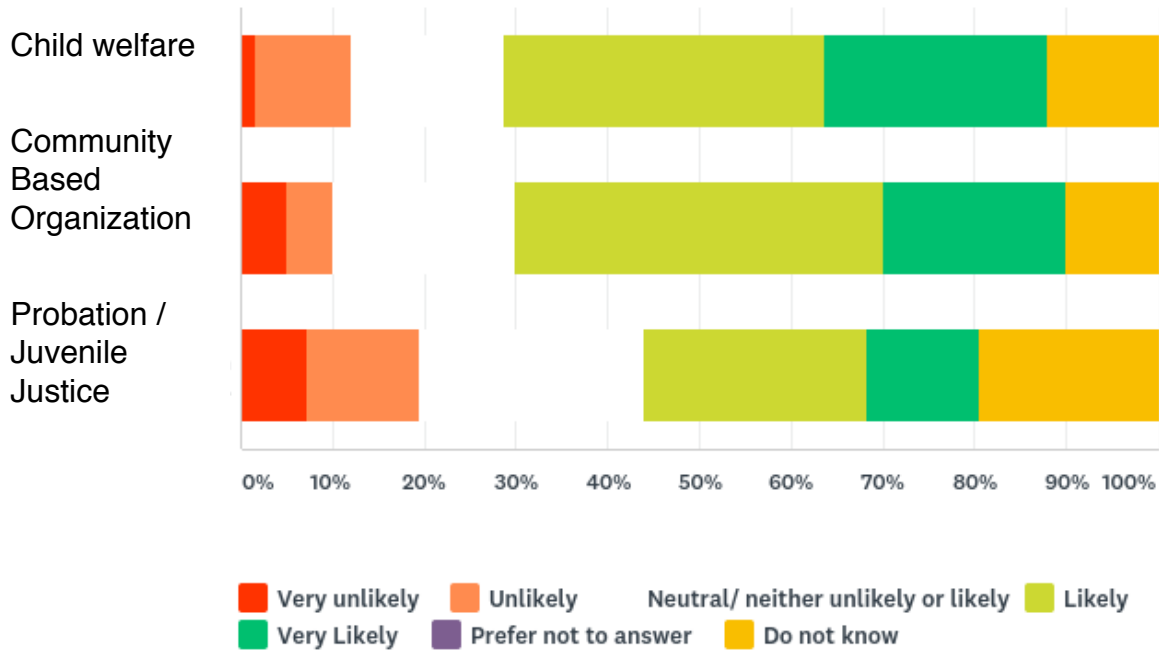


Figure 5: How likely are you to work with children who were forced to cultivate, sell, and/or transport drugs? (n=127)

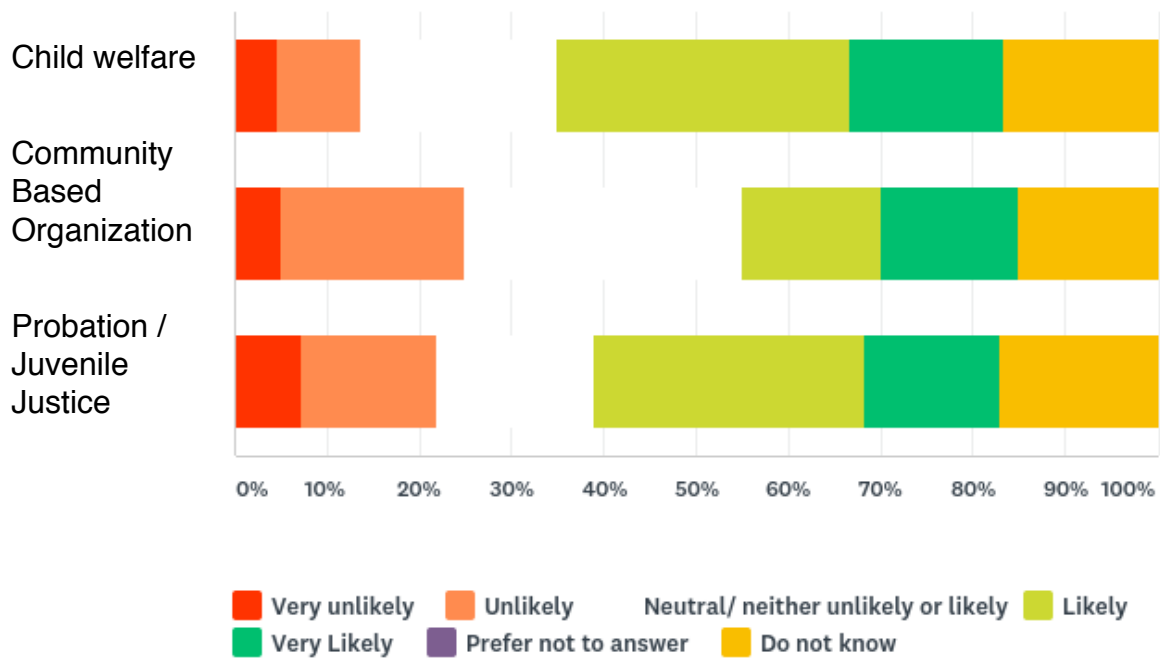


Figure 6: How likely are you to work with children who were forced to steal, sell and/or transport weapons or stolen goods? (n=127)

CONCLUSION & PRELIMINARY RECOMMENDATIONS

This white paper is a summary of a larger study that will continue to investigate responses into child labor trafficking with a particular focus on the child welfare system. Overall, it was found that child labor trafficking is occurring in California, where child welfare workers, probation and justice system workers, and community-based organization, were implicitly (working with labor trafficked children according to common indicator questions) and explicitly identifying child labor trafficking.

Preliminary next steps are as follows:

- 1. There is an immediate need to develop protocols and train child welfare workers on child labor trafficking similarly to how they have been trained on child sex trafficking.** By developing protocols and training child welfare workers on child labor trafficking and labor exploitation, professionals working with children may better respond to the needs of children who work and experience abuse on the spectrum from labor abuse to labor trafficking.
- 2. There is a need to deepen an understanding of child welfare and juvenile justice system responses to child labor trafficking through research; in particular on evidence-based research that may determine promising practices for prevention and early identification of all forms of human trafficking affecting children.** Therefore, the researcher will continue to develop this study by conducting interviews as the next phase. Additionally, the researcher will continue to analyze the data from the surveys. Scholarly peer-reviewed publications are forthcoming.
- 3. It is recommended that local California organizations strengthen their awareness raising efforts to encompass information on children's experience with work and the continuum of labor violations and trafficking.** California passed the California Healthy Youth Act (AB 1276) which required school districts provide comprehensive sexual health and HIV prevention education, including human trafficking broadly. Two years later, the survey of child welfare workers, probation and justice system workers, lawyers, and social service providers suggests there is a need to offer more specialized trainings. It is recommended that California organizations both governmental and non-governmental organizations collaborate to address gaps in trainings regarding labor violations, child labor, and labor trafficking.
- 4. Prevention of child labor trafficking is much needed, therefore, to strategically address labor exploitation, more information and data on children who experience labor exploitation on the continuum of labor violation and trafficking is needed. Statewide data collection systems have been designed to capture prevalence of child sexual exploitation, however, less understood is the range of labor violations, recruitment and industries children may be experiencing.** An evidence-based response is needed, in particular, to respond to the needs of children whose families are part of the

working poor, whose families or themselves are dependent on children laboring, and the cultural context that propels young people to work in hazardous, abusive and/or unsafe conditions. Therefore, it is recommended that organizations include in their lobby efforts, resources and policies that will enable identifying and creating protocols to address labor exploitation and child labor trafficking. Understanding trends in labor trafficking will empower child welfare, probation, juvenile justice workers, community-based organizations and their partners to identify target areas for addressing the needs of children who work and experience human trafficking in all of its forms, including labor trafficking.



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Study Contact: Dr. Annie Isabel Fukushima, 260 Central Campus Drive, Salt Lake City, Utah, 84112.