



## Protecting All Child Victims of Human Trafficking

### CHILD LABOR TRAFFICKING, RISING RISKS AND LACK OF CALIFORNIA COMPLIANCE WITH FEDERAL MANDATES

The exploitation of children in the workforce is a critical and growing social issue in the United States, and the risks have intensified in the current climate of heightened immigration enforcement and expanded federal security under President Trump's administration.

Although recent public attention has focused on labor abuses involving migrant youth, evidence shows that labor trafficking affects a broad spectrum of children who face both individual and structural vulnerabilities. Research indicates that among documented cases, **42% involved U.S. citizens and 58% involved foreign nationals, with the average age of exploitation just 14.**<sup>1</sup> In California, child labor trafficking has risen sharply, mirroring national trends that show a **69% increase in child labor violations between 2018 and 2022.**

Children are exploited across industries—from agriculture, food processing, construction, domestic work, and manufacturing (often for major U.S. corporations)<sup>2</sup> to illicit activities such as drug cultivation, transportation, robbery, extortion, peer recruitment, and fraud.<sup>3</sup> The scope of the problem was made unmistakably clear by a California case, where a Southern California company in 2024 was forced to pay **\$3.8 million in fines and back wages** after investigators found it had employed children as young as 14 in hazardous jobs.<sup>4</sup>

The true prevalence of child labor trafficking is almost certainly far higher than what is documented. Rising poverty, housing insecurity<sup>5</sup>, and the rollback of federal safety-net

<sup>1</sup> Amy Farrell, et. al. *Understanding the Trafficking of Children for the Purposes of Labor in the United States*, Northeastern University (Apr. 17, 2024), available at <https://cssh.northeastern.edu/crj/a-new-study-led-by-director-amy-farrell-sheds-light-on-the-victims-and-perpetrators-of-child-labor-trafficking-in-the-united-states/>

<sup>2</sup> Hannah Dreier, "Alone and Exploited, Migrant children Work Brutal Jobs Across the U.S." *NEW YORK TIMES* (Feb. 25, 2023), available at <https://www.nytimes.com/2023/02/25/us/unaccompanied-migrant-child-workers-exploitation.html#:~:text=New%20York%20Times,Alone%20and%20Exploited%2C%20Migrant%20Children%20Work%20Brutal%20Jobs%20Across%20the,and%20Fruit%20of%20the%20Loom.>

<sup>3</sup> Katherine Kaufka Walts, et. al., "Perpetrators or Victims? The U.S. Response to the Forced Criminality of Children" *The American Bar Association* (August 8, 2023), available at <https://www.americanbar.org/groups/litigation/resources/newsletters/childrens-rights/perpetrators-victims-us-response/>; See also Child Trafficking for Labor in the United States: Overview, *FREEDOM NETWORK USA* (June 2011), available at [http://freedomnetworkusa.org/wp-content/uploads/2012/05/FN\\_Child\\_Trafficking\\_Updated.pdf](http://freedomnetworkusa.org/wp-content/uploads/2012/05/FN_Child_Trafficking_Updated.pdf)

<sup>4</sup> Hannah Dreier, "Migrant Children Were Put to Work, U.S. Ignored Warnings," *NEW YORK TIMES* (Apr. 17, 2023), available at <https://www.nytimes.com/2023/04/17/us/politics/migrant-child-labor-biden.html#:~:text=The%20White%20House%20and%20federal,warnings%20were%20ignored%20or%20missed>

<sup>5</sup> Stephanie L. Canizales, "How Housing Insecurity Drives Latino Immigrant Children's Labor in California", *UCLA* (June 26, 2025), available at <https://latino.ucla.edu/research/how-housing-insecurity-drives-latino-immigrant-childrens-labor-in-ca/>

programs<sup>6</sup> have made youth increasingly vulnerable. Under Trump's expanded ICE raids and immigration enforcement, immigrant children face disproportionate risks, as fear of detention or deportation deters families from reporting abuses and prevents children from accessing protection.

At the same time, the **child welfare system** - the first responders charged with protecting children from violence—still does not consistently recognize labor trafficking as a form of abuse. As a result, children forced to work are routinely misidentified, left without protection, or even punished for their own victimization. California's statutory framework reinforces this gap: by defining "child abuse" to include sex trafficking but not labor trafficking, **the state leaves youth experiencing forced labor unprotected**—even when they are already in contact with the child welfare system.<sup>7</sup>

In January 2025 the U.S. Department of Health and Human Services (HHS)<sup>8</sup> **issued formal guidance** clarifying that the January 2023, amendments to the Child Abuse Prevention and Treatment Act (CAPTA) enacted through the Trafficking Victims Protection Reauthorization Act of 2022 (TVPRA)<sup>9</sup>, **explicitly require states to include labor trafficking** in their definitions of "child abuse and neglect" in order to continue to receive federal funding. Therefore, California is long overdue in updating its statutory definitions to comply with CAPTA.

## LEGISLATIVE HISTORY & EXISTING CALIFORNIA LAW

In 2014, the Department of Social Services (DSS) established and implemented the Commercially Sexually Exploited Children Program (CSEC Program) after recognizing "sex trafficking" as a form of child abuse. The CSEC Program authorized the distribution of funding and resources to counties through an opt-in basis. Counties that elected to participate received funding to establish intervention activities, implement trainings and protocols, and provide critical services for children who were victims or are at risk of becoming victims of sexual exploitation.

In addition to the creation of the CSEC Program, existing law allows a child who has been sexually trafficked and whose parent/guardian failed or was unable to protect the child, to be adjudged as dependent of the juvenile court. Through this existing law, children who fall under these criteria can receive immediate protection and services from the CSEC Program.

The CSEC Program, while successful in addressing commercial sexual exploitation, has unintentionally created a dangerous blind spot by failing to identify minors who are victims

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<sup>6</sup> Joseph Gedeon, "Trump cuts 69 global programs tackling child labor and human trafficking," THE GUARDIAN (Mar. 27, 2025), available at <https://www.theguardian.com/us-news/2025/mar/27/trump-cuts-child-labor-human-trafficking-programs>

<sup>7</sup> Annie Isabel Fukushima, "A Survey of Child Welfare and Labor Trafficking in California," PREVENTING AND ADDRESSING CHILD TRAFFICKING (PACT), (Jan. 2020), available at [https://pact.cfpic.org/wp-content/uploads/2022/02/childwelfare\\_2020\\_whitepaper\\_afukushima-final-2.pdf](https://pact.cfpic.org/wp-content/uploads/2022/02/childwelfare_2020_whitepaper_afukushima-final-2.pdf); Annie Isabel Fukushima. (Oct. 13, 2023) Seeing Rache & Sexuality: Child Welfare & Response to Forced Labor [Slides 1-37]. School for Cultural and Social Transformation. University of Utah. Unpublished online.

<sup>8</sup> U.S. Dep't of Health & Human Servs., Admin. for Children & Families, Federal Requirements for Reporting and Responding to Human Trafficking of Children Program Instruction (Jan. 2025), available at <https://lmu.box.com/s/6yv2p6zlob8tcv7n98ncbtbnkj5u8g92>

<sup>9</sup> Trafficking Victims Protection Reauthorization Act of 2022, Pub. L. No. 117-348, 136 Stat. 6198 (2023).

of labor trafficking. This narrow focus means that many children forced into labor remain **invisible to the system, misclassified as delinquents** or **simply “workers,”** and denied critical services and protections. A 2020 survey found that one-third of child welfare professionals were likely to have encountered cases of labor trafficking, while another third were unsure.<sup>10</sup> This reflects systemic gaps in training and awareness: by teaching responders to equate trafficking solely with sexual exploitation, the program leaves at least half of trafficking victims unidentified, perpetuates cycles of abuse, punishment, and neglect, and jeopardizes California’s compliance with new federal mandates that require labor trafficking to be recognized as child abuse.

## GAPS IN PROTECTION

- California law lacks explicit inclusion of labor trafficking in its child protection statutes.
- Existing programs and trainings focus almost exclusively on sexual exploitation (CSEC), leaving labor-trafficked children, including children forced into other forms of criminality beyond commercial sex, invisible and unserved.
- State efforts and resources remain almost entirely focused on child sexual exploitation (CSEC), leaving child welfare staff, parole officers, and other professionals responsible for child safety without the training needed to recognize labor-trafficked youth. As a result, a quarter of these workers report being unsure how to identify labor trafficking, even though their agencies are already encountering these cases within the populations they serve.<sup>11</sup>



Despite the parallels in power dynamics, underlying vulnerabilities and recruitment schemes for sex and labor trafficking, labor trafficked victims are often unidentified when in contact with county welfare professionals leaving them without critical services and stuck in cycles of abuse and trafficking. **This need to improve identification and protection for children who are being forced to work becomes more salient when accounting for the many adults who report their trafficking victimization began when they were very young.**

California can begin to address this gap in protection first by recognizing child labor trafficking as a form of child abuse, and subsequently expanding upon the model of care developed through the Commercial Sexual Exploitation of Children (CSEC) Program to also serve and support labor trafficked youth.

## FEDERAL GUIDANCE UPDATES IN 2026

In January 2023, amendments were made to the Child Abuse Prevention and Treatment Act (CAPTA) by the Trafficking Victims Protection Reauthorization Act of 2022 (TVPR) which

<sup>10</sup> Annie Isabel Fukushima, “A Survey of Child Welfare and Labor Trafficking in California,” PREVENTING AND ADDRESSING CHILD TRAFFICKING (PACT), (Jan. 2020), available at [https://pact.cfpic.org/wp-content/uploads/2022/02/childwelfare\\_2020\\_whitepaper\\_afukushima-final-2.pdf](https://pact.cfpic.org/wp-content/uploads/2022/02/childwelfare_2020_whitepaper_afukushima-final-2.pdf)

<sup>11</sup> *Id.*

require states to include labor trafficking in their definitions of “child abuse and neglect.”<sup>12</sup>  
**In 2025 federal guidance came out that indicates that:**

- (1) States must certify in its state plan that it “has in effect and is enforcing a State law, or has in effect and is operating a statewide program relating to child abuse and neglect that includes— provisions or procedures for an individual to report known and suspected instances of child abuse and neglect which now includes labor trafficking; and
- (2) These provisions and procedures must include “a state law for mandatory reporting by individuals required to report such instances.”

The Child Abuse Prevention and Treatment Act (CAPTA) is the cornerstone of the nation’s child protection framework, setting the funding, guidance, and standards that shape how states prevent, identify, and respond to child abuse and neglect. Through CAPTA, the federal government provides states with critical resources to prevent, assess, investigate, prosecute, and treat child abuse and neglect.

With the most recent amendments, Congress has made clear that these protections must extend to children exploited through labor trafficking. State definitions of child abuse and neglect are now required to explicitly include labor trafficking in order to remain eligible for CAPTA support.<sup>13</sup>

Given this clear guidance, California should update its definition of child abuse in order to come into compliance with Federal standards, and standards enacted by 14 other states.<sup>14</sup>

## GOALS

This legislation amends Welfare & Institutions Code Sections 16524.6 to 16524.10 to align California with federal requirements and ensure consistent safeguards for all trafficked children. Specifically, it provides:

- **Clarity:** Updates the definition of “child abuse” to explicitly include labor trafficking.
- **Inclusion:** Renames and expands the current CSEC Program to the Trafficked Children Assistance Program (TCAP), ensuring all exploited youth—not only those sexually exploited—receive equal protection, services, and care.
- **Protection:** Requires county child welfare agencies and probation departments, in consultation with the California Department of Education, State Department of Health Care Services, law enforcement, and experienced youth-serving organizations, to

<sup>12</sup> *Program Instruction: Federal Requirements for Reporting and Responding to Human Trafficking of Children*, Jan. 17, 2025.; *See also* DEPARTMENT OF HEALTH AND HUMAN SERVICES, Office of Trafficking in Persons (OTIP), “OTIP Recipient FAQs: Working with Child Welfare” (August 27, 2024), *available at*: <https://www.acf.hhs.gov/otip/faq/otip-recipient-faqs-working-child-welfare>

<sup>13</sup> *See* The Child Abuse Prevention and Treatment Act (CAPTA) § 106(b)(2)(B)(i): A State must certify in its state plan that it “has in effect and is enforcing a State law, or has in effect and is operating a statewide program relating to child abuse and neglect that includes— provisions or procedures for an individual to report known and suspected instances of child abuse and neglect,” which now includes labor trafficking. These provisions and procedures *must include* “a state law for mandatory reporting by individuals required to report such instances.” (emphasis added).; Administration for Children & Families, Office on Trafficking in Persons, *Program Instruction, Requirements for Reporting and Responding to Human Trafficking of Children* (Jan. 17, 2025).

<sup>14</sup> Connecticut, Hawai’i, Illinois, Indiana, Kansas, Kentucky, Pennsylvania, Louisiana, Massachusetts, Mississippi, North Carolina, North Dakota, Texas, and Utah

extend existing policies and procedures to children who are or may be at risk of labor trafficking.

- **Prevention:** Directs the Child Welfare Services Case Management System to begin collecting data on all child trafficking cases by June 1, 2025.



Presently, 14 other states have already enacted similar legislation.<sup>15</sup>

## PROTECTING CHILDREN AND PROTECTING FAMILY UNITY

While the bill expands California’s definition of child abuse to include both sex and labor trafficking, it simultaneously strengthens protections for family unity. The legislation amends existing law to clarify that a child who is a victim of *human trafficking* cannot be removed from their home unless a parent or guardian directly or indirectly participated in the trafficking. By establishing this protective standard, the bill recognizes that victimization often occurs outside the family’s control and that child safety does not require automatic family separation.

This approach reflects a growing movement within child welfare to limit unnecessary removals and keep families intact whenever possible. Many trafficked youth are exploited through external actors, peer networks, or economic vulnerabilities—not parental wrongdoing. By acknowledging this reality, the legislation ensures that children receive needed protection and services without inflicting further harm through family separation, ultimately safeguarding both children’s wellbeing and family stability.

## FISCAL ANALYSIS

**The fiscal impact of this measure is minimal.** Existing funding, infrastructure, and training mechanisms can be readily adapted to include labor trafficking—consistent with the experience of multiple counties that have already expanded their protocols under the current CSEC framework without strain or increased costs.

- **Use of Existing Funds:** DSS currently allocates roughly \$3 million for counties to update trainings and protocols within the CSEC Program, including \$488,649 to the Child and Family Policy Institute’s PACT initiative to provide statewide technical assistance on both sex and labor trafficking.<sup>16</sup>
- **Regularly Updated Trainings:** The CSEC Program initially received \$5 million in one-time funds to build training and protocol materials for identifying U.S. citizen girls vulnerable to sexual exploitation. Over time, these materials have been routinely updated to address emerging trends and better support boys, LGBTQ+ youth, and immigrant or undocumented children. Incorporating labor trafficking guidance can be folded into this regular update cycle.
- **Demonstrated Success in Six Counties:** With PACT’s support, six counties—including Los Angeles County, the largest in the state—have already expanded their

<sup>15</sup> Connecticut, Hawai’i, Illinois, Indiana, Kansas, Kentucky, Pennsylvania, Louisiana, Massachusetts, Mississippi, North Carolina, North Dakota, Texas, and Utah

<sup>16</sup> California Dept. of Social Services, “CSEC Program Allowable Expenditures and Claiming” at Slide 2, available at <https://lmu.app.box.com/file/1519910939726>;

protocols to include labor trafficking using existing resources. LA County completed these updates within approximately six months, and counties such as Sacramento and Tulare now require this training for all social workers.<sup>17</sup>

- **Manageable Caseload Increases:** When California added CSEC to the definition of child abuse in 2014, identification increased gradually—not overwhelmingly. Counties that have expanded their definitions to include labor trafficking report the same. If identification increases in future years, the state could pursue additional budget requests at that time.

Taken together, the evidence shows that California can adopt a more inclusive definition of human trafficking and update its statewide plan using the resources already allocated annually to the CSEC Program. For additional detail, please see our [2024 fiscal analysis here](#).

## CONCLUSION

Despite federal recognition that labor trafficking constitutes child abuse, California’s child welfare system continues to overlook and misidentify these victims, leaving them unprotected and often wrongfully criminalized.

Recognizing labor trafficking as child abuse is essential to comply with CAPTA, preserve federal child protection funding, ensure equal protection for all trafficking victims, and make efficient use of existing resources.

Without a clear statutory definition, vulnerable children remain invisible to the very systems charged with safeguarding them. California must urgently correct this oversight to align with federal law and guarantee protection for all children subjected to human trafficking.

## ABOUT THE SUNITA JAIN ANTI TRAFFICKING INITIATIVE

Sunita Jain Anti-Trafficking Policy Initiative (SJI) is an evidence-based and survivor-informed think tank based out of Loyola Law School. SJI intentionally works towards systemic change by taking an intersectional approach to develop and advocate for policies which prevent human trafficking and support survivors of trafficking.

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<sup>17</sup> These counties include: Sacramento, Tulare, Fresno, San Luis Obispo, Trinity, and Los Angeles. Information regarding using existing resources to expand training and protocols within each of these counties was garnered through meetings with the Human Trafficking Coordinators or County Managers within each county who oversee the CSEC programs in each respective county. Meetings took place from April – May 2024; SJI Conversation with LA County administrator on April 22, 2024.

