



AB 2451 (ELHAWARY) - THE HUMAN TRAFFICKING CHILD PROTECTION ACT

SUMMARY

Led by **Assemblymember Elhawary (D-57)** - AB 2451 will clarify the definition of "child abuse" to be inclusive of both sex and labor trafficking.

In doing so, AB 2451 will align California with Federal standards and standards enacted by 14 other states¹ by providing child victims of labor trafficking with the same model of care and protection within the child welfare system as children subjected to sex trafficking.

PROBLEM

Under existing law, the definition of "human trafficking" includes *both* sex and labor trafficked victims. Yet California only recognizes "sex trafficking as a form of "child abuse," resulting in the lack of procedural services and protections to children subjected to labor trafficking.

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 fourteen years old.**²

Research which has specifically looked at child trafficking in California among runaway and homeless youth – these are, youth who frequently have contact with the child welfare system because of housing instability - found that in cities like Los Angeles, sex and labor trafficking are equally prevalent among this population. In Oakland, labor trafficking was *more* prevalent among unhoused youth than sex trafficking.³



Because California law lacks explicit inclusion of "labor trafficking" in its child protection statutes the following issues exist within the state's current safety net systems for at-risk youth:

- 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 or worse, criminalized for their victimization
- 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.
- A quarter of these workers report being unsure how to identify labor trafficking, even though their agencies are already

¹ Connecticut, Hawai'i, Illinois, Indiana, Kansas, Kentucky, Pennsylvania, Louisiana, Michigan, Missouri, Nebraska, Nevada, New Jersey, New York, North Carolina, North Dakota, Texas, and Utah
 Miami, Laura, P.12 at "Labor and Sex Trafficking Among Homeless Youth: A 10-City Study," Loyola University New Orleans Modern Slavery Research Project (2016), 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/>

² Amy Farrell, et. al. Understanding the Trafficking of Children for the Purpose of Labor in the United States, Northeastern University (Apr. 17, 2024), available at: <https://static1.squarespace.com/static/5887a2a61b631bfbbcb734590/Labor+and+Sex+Trafficking+Among+Homeless+Youth.pdf>

encountering these cases within the populations they serve.⁴

AB 2451 seeks to amend the law so that that all children subjected to all forms of human trafficking are identified and supported by the systems charged with protecting all children from abuse and harm.

SOLUTION

AB 2451 amends the Welfare & Institutions Code Sections 16524.6 to 16524 to better serve youth vulnerable to all forms of human trafficking by:

- Providing **clarity** by explicitly recognizing 'labor trafficking' as a form of 'child abuse'
- Increasing **protection** by ensuring all exploited youth – not only those sexually exploited – received equal protection, services and care
- Promotes **family unity** by requiring a social worker not to separate a victim of human trafficking from their legal guardian as long as the guardian did not put the child in danger.
- Improves **identification of vulnerable youth** across systems by mandating county child welfare agencies and probation departments, to work in consultation with the CA Department of Education, State Department of Health Care Services, law enforcement, and experienced agencies serving children and youth to expand policies and procedures to apply to children who are or will be at risk of being victims of labor trafficking.
- Ensuring future changes are **supported by evidence** by utilizing the Child Welfare Services' Case Management System to collect data on children who are victims of *all* forms of human trafficking no later than June 1, 2027

⁴ 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

⁵ California Dept. of Social Services, "CSEC Program Allowable Expenditures and Claiming" at Slide 2, available at <https://lmu.app.box.com/file/1519910939726>;

ENACTED USING EXISTING FISCAL RESOURCES

AB 2451 can be implemented using **existing funding**⁵, infrastructure, and regularly updated trainings and materials which can be readily adapted to include labor trafficking. This is consistent with the experience of **6 California counties**⁶ that have already expanded their protocols under the current CSEC framework without strain or increased costs.

The successful implementation of these changes within 6 counties – including counties as large and diverse as Los Angeles County - demonstrates 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 the [fiscal analysis with data and evidence](#) from counties that have enacted the proposed changes successfully using existing resources under the CSEC Program.⁷

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 and filling the gaps in human trafficking prevention by focusing its policy advocacy on the intersectionality of 5 pillars: Government Accountability, Racial Justice, Immigrant Justice, Climate Justice and Economic Justice.

CONTACT INFORMATION

Stephanie Richard || Director
Sunita Jain Anti-Trafficking Initiative
Loyola Law School
stephanie.richard@lls.edu



⁶ Sacramento, Tulare, Fresno, San Luis Obispo, Trinity, and Los Angeles

⁷ See Fiscal Analysis with Data for SB 998 (Rubio) (2024) available at <https://www.lls.edu/media/loyolalawschool/academics/clinicexperience/learning/sji/publicationsandreports/FACTSHEET-%20SB%20998%20Implementation%20Costsupdated5-2024.pdf>