



# **Legal Services & Advocacy Collaboration to Support Trafficked Survivors of Domestic Violence/Sexual Assault During COVID-19**

**September 22, 2020**

# About this Zoom Webinar Platform

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- You may listen to audio through the phone or through the computer.
- Please be sure to mute your computer if you are using your phone, and vice versa.
- You may use the chat box for questions and comments. To access the chat box, please click the "chat" icon on the bottom menu of your screen.
- When using the chat box, please be sure to select “All Attendees and Panelists” from the dropdown menu in the bottom left corner of the chat box.
- **Slides and a link to the webinar recording will be emailed to all participants.**



# Credit and Disclaimer

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This webinar is part of a project entitled Building Collaborative Responses to Trafficked Victims of Domestic Violence and Sexual Assault, supported by the Department of Justice, Office on Violence Against Women.

This project is supported by Grant No. 2015-TA-AX-K029, awarded by the Office on Violence Against Women, U.S. Department of Justice. The opinions, findings, conclusions, and recommendations expressed in this publication/program/exhibition are those of the author(s) and do not necessarily reflect the views of the Department of Justice, Office on Violence Against Women.



# Building Collaborative Responses to Trafficked Survivors of Domestic Violence And Sexual Assault

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Futures Without Violence is funded by OVW to provide training and technical assistance to advocates, law enforcement, legal professionals, and others as they build collaborative responses to trafficked victims of domestic violence and sexual assault.

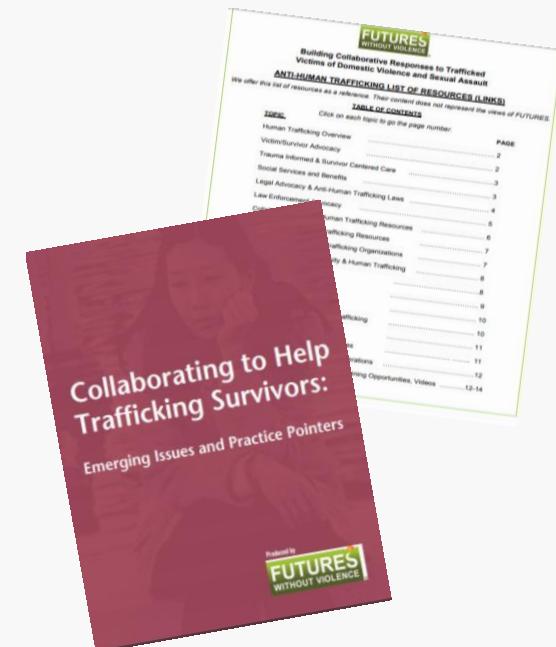
## What we do:

- Host national institutes
- Share resources and adaptable tools
- Host topical webinars (see our [webinar archive](#))
- Provide technical assistance and training by phone & email, virtually, and in-person/on-site

Learn more about how we can support you:

<https://www.futureswithoutviolence.org/human-trafficking/>

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# Welcome and Introduction of Presenters

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Justice at Last



# Learning Objectives

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**As a result of this webinar, you will be better able to:**

1. Recognize how the COVID-19 pandemic has altered delivery services models, and impacted the effectiveness of providing legal services to survivors of human trafficking, domestic violence, and sexual assault.
2. Exchange legal service adaptations and modifications to collaborations with courts, law enforcement, and other stakeholders, to address challenges due to COVID-19.
3. Identify tools and resources in response to the COVID-19 pandemic that build upon collaborative responses to support legal advocacy for survivors of human trafficking, domestic violence, and sexual assault.



# Today's Webinar Agenda

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- Recap of COVID-19 Impact on Domestic Violence, Sexual Assault, and Trafficking Survivors
- Overview of Legal Services for Trafficking Survivors
- Peer Exchange
  - Delivery of Legal Services and Advocacy
  - Working with the Courts, Law Enforcement, and Other Stakeholders
  - Legal Profession Concerns
- Resources
- Evaluation and Closing



# Poll #1:

## What best describes your professional role?

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- DV/SA/Human Trafficking Direct Service Provider
- Domestic Violence Advocacy
- Sexual Assault Advocacy
- Domestic Violence and Sexual Assault Advocacy
- Legal Services Advocate
- Attorney
- Community Based Social Services
- Human Trafficking Task Force or Collaboration Member
- Law Enforcement
- Other



## Poll #2:

### How many years have you been serving human trafficking survivors?

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- >1 year
- 1-3 years
- 4-6 years
- 7 years +

# 4 Ps Paradigm & Framework for Human Trafficking Response

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**Prosecution** through definition of new crimes

**Protection** provided to trafficked persons through immigration relief and other benefits-must show reasonable cooperation with law enforcement

**Prevention** through State Department reporting and overseas funding

**Partnerships** with governmental, non governmental agencies, and public sector at the federal, state, and local level



# Recap on Impact of COVID-19 on DV/SA Survivors

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Loss of employment creating financial instability for survivors

Lack of access to quality healthcare for chronic illnesses

Survivors are often sheltered in place with their abusers

Isolation from family, friends, school, employment, and their other usual support systems

# Recap of COVID-19 & Human Trafficking

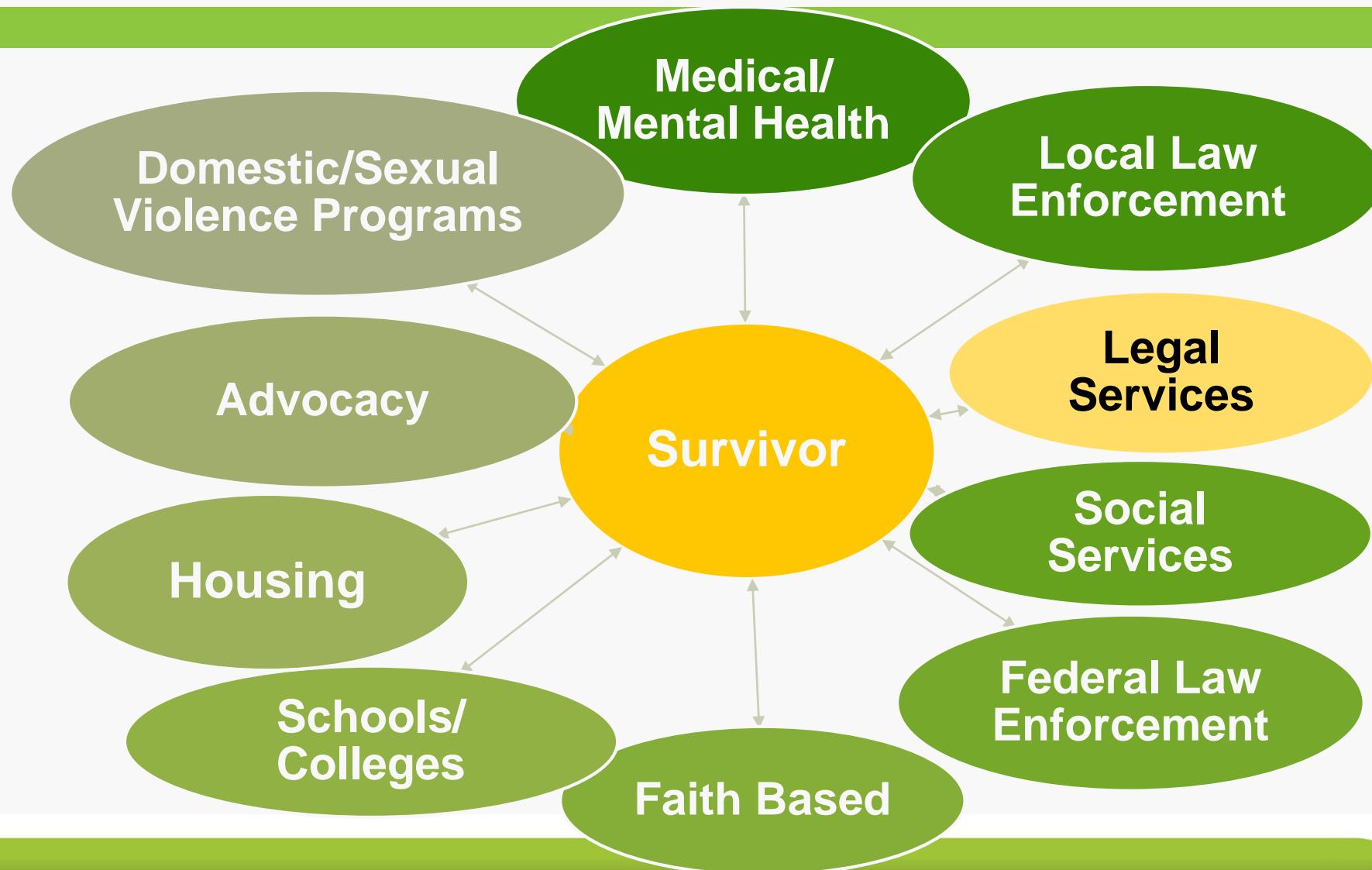
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- Some similar evolving dynamics/challenges as domestic violence
- Essential workers asked to increase risk for themselves
- Economic fallout, increased vulnerability to exploitation (labor and sexual) as people struggle to meet basic needs (housing, food, childcare)
- Anticipate increased domestic violence/HT intersectionality
- Less contact with services, support systems, and schools
- Children in foster care, transient youth, unaccompanied children with fewer support systems at increased risk



# Possible Collaborative Partners to Meet Survivor Needs

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# Legal Advocacy and Collaboration

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- The clients needs should come first
- Client should direct the activities of their legal representative
- Client may require the assistance of several attorneys, such as a victim's rights advocate, immigration attorney, and various civil law practitioners
- Positive and creative relationships with various stakeholders are often the key to successful cases
- Remember confidentiality and privilege concerns when collaborating and working with other stakeholders and service providers

# Human Trafficking Legal Definitions

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Federal definition of “severe forms of trafficking in persons,” 22 USC § 7102(11):

## Labor trafficking:

The *recruitment, harboring, transportation, provision, or obtaining* of a person for *labor or services*, through the use of *force, fraud, or coercion* for the purpose of subjection to *involuntary servitude, peonage, debt bondage, or slavery*.

## Sex trafficking:

1. A *commercial sex act* induced by *force, fraud, or coercion*,
2. Or in which the person induced to perform such act has *not attained 18 years of age*.

State Human Trafficking Laws: <https://www.ncsl.org/research/civil-and-criminal-justice/human-trafficking-enactment-database.aspx>

# Sample Legal Needs of Survivors (1)

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## Civil

- Family
- Probate
- Housing
- Disability Rights
- Public Benefits & Tax
- Employment
- Other Civil Claims
- Protective Orders
- Name & Gender Change

## Criminal

- Criminal Defense
- Victims' Rights
- Financial Recovery (restitution, forfeiture)
- Criminal Protections (immunity & diversion, affirmative defense)
- Vacatur, Sealing & Expungement

# Sample Legal Needs of Survivors (2)

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## Immigration

- Family Petitions
- VAWA-related petitions (e.g. I-751 waiver, VAWA, U visa, T visa)
- Special Immigrant Juvenile Status
- DACA
- TPS
- Asylum
- Removal Defense

## Children & Youth

- Child welfare laws
- Adoption
- Guardianships
- Dependency
- Juvenile Delinquency
- Education
- Advocacy for unaccompanied children

# Peer Exchange & Sharing Collaborative Strategies (1a)

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- **Delivery of Legal Services & Advocacy**
  - How are you collaborating with other partners/agencies to make these adaptations?
- Instructions: Chat your examples and questions now, and will have opportunity to speak afterwards



# Delivery of Legal Services & Advocacy (1)

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## Digital Divide

- Look to creative solutions to permanently build capacity
- Acknowledge inequities and due process concerns

## Language Access

- Interpreting and translating rapidly changing emergency rules and documents
- Indigenous languages
- Accommodations



# Delivery of Legal Services & Advocacy (2)

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## Intakes & New Clients

- Conducting intakes
- Building rapport & trust
- Creating new attorney-client relationships

## Building the Legal Case

- Meeting with clients, witnesses, law enforcement, medical professionals, etc.
- Obtaining signatures and documents
- Gathering evidence

# Working with Clients & Logistics

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## Centering Client Needs

- Mental health and safety concerns
- Preserving confidentiality and privilege
- Maintaining communication and trust
- Trauma-informed, victim-centered, child developmentally appropriate services

## Logistics

- Office safety, closure and reopening policies
- Transportation and child care
- Safety concerns for detained and/or incarcerated clients

# Peer Exchange & Sharing Collaborative Strategies (1b)

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- Delivery of Legal Services & Advocacy
  - How are you collaborating with other partners/agencies to make these adaptations?
- Instructions: Chat to share examples, experiences, and questions



# Peer Exchange & Sharing Collaborative Strategies (2a)

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- Working with the Courts, Law Enforcement, and Other Stakeholders
  - **What are ways you have worked to improve legal advocacy for trafficking survivors in the courts during the pandemic?**
  - **What are the ways you have collaborated with law enforcement and other stakeholders to modify practices to support trafficking survivors?**
  - **Instructions: Chat your examples and questions now, and will have opportunity to speak afterwards**



# Working with the Courts

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## Court Logistics

- Federal, state, and local emergency judicial orders
- Court furloughs and budget cuts
- Updating court closures, reopening, and altered hours
- Case management and docket backlog
- Filing, mailing, and serving documents

## Access to Justice

- Balancing due process and safety concerns
- Technology concerns, including remote & virtual hearings
- Language access
- Privacy and confidentiality during virtual hearings
- Investigation, hearing, jury trial and decision delays

# Working with Law Enforcement and Other Stakeholders

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## Civil and Criminal Law Enforcement

- Identifying survivors
- Multi-survivor cases
- Where/when/how to conduct intakes
- Safety planning

## Access to Services

- Closures and reopening of schools, community centers, etc.
- Coordinating needs (food, clothing, medicine, etc.)
- National, state, and local budget issues
- Coordination for relief funds and extended benefits

# Peer Exchange & Sharing Collaborative Strategies (2b)

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- Working with the Courts, Law Enforcement, and Other Stakeholders
  - **What are ways you have worked to improve legal advocacy for trafficking survivors in the courts during the pandemic?**
  - **What are the ways you have collaborated with law enforcement and other stakeholders to modify practices to support trafficking survivors?**
  - **Instructions: Chat to share examples, experiences, and questions**



# Peer Exchange & Sharing Collaborative Strategies (3a)

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- Legal Profession Concerns
  - How are you addressing your legal professional and ethical obligations, creating and maintaining legal capacity, and managing wellness while serving trafficking survivors during the pandemic?
  - Instructions: Chat your examples and questions now, and will have opportunity to speak afterwards



# Legal Profession Concerns

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## Professional Responsibilities

- Balancing professional and ethical responsibilities with safety concerns
- Diversity, Equity & Inclusion reevaluation and concerns

## Building Capacity

- Delays in bar exams, licensing and new fellows
- Layoffs, financial downturn, and funding concerns
- Managing pro bono attorneys

## Wellness

- Vicarious trauma
- Compassion fatigue
- Burn out

# Peer Exchange & Sharing Collaborative Strategies (3b)

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- **Questions for Legal Profession Concerns**
  - How are you addressing your legal professional and ethical obligations, creating and maintaining legal capacity, and managing wellness while serving trafficking survivors during the pandemic?
- **Instructions: Chat to share examples, experiences, and questions**



# Concluding Points

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- ✓ Maintain commitment to supporting survivors of human trafficking, they have intersections with other abuse and have overlapping needs. DV/SA programs are often the only community resource.
- ✓ Collaboration is key, and your organization is not alone, build and develop collaborations as you adapt and innovate.
- ✓ Resiliency and personal wellness are important for legal service provision, advocacy, and collaboration. Take care of yourself.



# Resources

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## Webinar list of resources: COVID-19, Legal, Advocacy, and Collaboration

- <https://www.futureswithoutviolence.org/ht-legal-advocacy-and-collaboration-webinar-resources-list1/>
- **Court Resources**
  - Law360 “Coronavirus: The Latest Court Closures And Restrictions”:  
<https://www.law360.com/articles/1252836>
  - National Center for State Courts “Coronavirus and the Courts”:  
<https://www.ncsc.org/newsroom/public-health-emergency>
  - ABA Privacy and confidentiality tips during remote hearings:  
<https://www.americanbar.org/groups/litigation/committees/childrens-rights/articles/2020/privacy-and-confidentiality-tips-for-virtual-hearings/>
- Employment Law Resources: Legal Aid at Work: <https://legalaidatwork.org/>

# CAST Human Trafficking Legal Resources

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## Human Trafficking Legal Assistance TA & Resources

<http://casttta.nationbuilder.com/>

- Legal Working Group for legal representatives, weekly call

[https://casttta.nationbuilder.com/legal\\_working\\_group](https://casttta.nationbuilder.com/legal_working_group)

- Social Services Monthly Call for social service providers and multi-disciplinary team members [https://casttta.nationbuilder.com/social\\_services\\_monthly\\_call](https://casttta.nationbuilder.com/social_services_monthly_call)

## Tools: T Visa Assessment for Attorneys, EMP Model

[https://casttta.nationbuilder.com/emp\\_model](https://casttta.nationbuilder.com/emp_model)

## On-Demand E-Learning Course and Webinars

[https://casttta.nationbuilder.com/e\\_learning\\_courses](https://casttta.nationbuilder.com/e_learning_courses)



# COVID-19 Resources

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- Resources on Human Trafficking & DV/SA  
<https://www.futureswithoutviolence.org/covid-19-impact-survivors-human-traffickingdomestic-violencesexual-assault>
- Resources for Protecting your Health:  
<https://www.futureswithoutviolence.org/protecting-your-health/>
- Resources for Kids and Families:  
<https://www.futureswithoutviolence.org/resources+for+kids+and+families>
- Resources for Economic Empowerment Programs:  
[www.futureswithoutviolence.org/human-trafficking/covid-19-economic-resources](https://www.futureswithoutviolence.org/human-trafficking/covid-19-economic-resources)
- Resources for Workplaces:  
<https://www.workplacesrespond.org/page/covid19/>



# Thank you! + Evaluation

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**Please take a moment to complete a short evaluation regarding peer exchange.**

<https://www.surveymonkey.com/r/HTlegalcoleval>



**Additional resources:**

<https://www.futureswithoutviolence.org/organizational-leadership-training/building-collaborative-responses-to-human-trafficking/>

**For questions and resources, please contact Mónica Arenas:**

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