

# LESSONS LEARNED & CONSIDERATIONS

## S.C. Family Court Judges Address Human Trafficking

FROM FEBRUARY 12-14, 2018 THE FOUR UNDERSIGNED SC FAMILY COURT JUDGES PARTICIPATED IN THE NATIONAL COUNCIL OF JUVENILE AND FAMILY COURT JUDGE'S NATIONAL JUDICIAL INSTITUTE ON DOMESTIC CHILD SEX TRAFFICKING (NJDCST) IN ASHEVILLE, NC ALONGSIDE 34 JUDGES FROM 19 STATES. WE RETURN WITH THE FOLLOWING LESSONS LEARNED AND CONSIDERATIONS TO BETTER EQUIP SC TO RESPOND TO HUMAN TRAFFICKING, WITH A PARTICULAR FOCUS ON THE ROLE OF FAMILY COURTS IN OUR STATE. THE S.C. HUMAN TRAFFICKING TASK FORCE LEGAL INNOVATIONS SUBCOMMITTEE ORGANIZED OUR ENGAGEMENT, WHICH WAS MADE POSSIBLE THROUGH THE SUPPORT OF THE SOUTH CAROLINA BAR.

### The Family Court Judge and Role of the Convener



AS FAMILY COURT JUDGES, WE CAN SERVE AS CONVENERS, BRINGING TOGETHER KEY STAKEHOLDERS IN OUR JUDICIAL CIRCUITS – INCLUDING LAW ENFORCEMENT, DJJ, DSS, GALs, SERVICE PROVIDERS, AND REGIONAL AND STATEWIDE HUMAN TRAFFICKING (HT) TASK FORCE LEADERSHIP – TO DISCUSS HOW OUR SYSTEMS ARE RESPONDING TO THE CHALLENGES PRESENTED BY HT, AND WHAT MORE CAN BE DONE.

**CONSIDER:** HOW AND WHEN SHOULD A FAMILY COURT JUDGE CONVENE STAKEHOLDERS IN THEIR RESPECTIVE JUDICIAL CIRCUITS? WHAT QUESTIONS SHOULD BE ASKED AND TO WHOM?

### Screening Tool to Identify Victims



THE NJDCST PROVIDED PARTICIPATING JUDGES A WRITTEN SCREENING TOOL TO HELP IDENTIFY POTENTIAL VICTIMS OF HT AS THEY APPEAR IN OUR COURTROOMS. ALSO, IT IS OUR UNDERSTANDING THAT AGENCIES WITHIN THE SC CHILD WELFARE SYSTEMS HAVE DEVELOPED ADDITIONAL SCREENING TOOLS.

**CONSIDER:** ARE THESE SCREENING TOOLS CONSISTENT? WOULD IDENTIFICATION OF VICTIMS BE MORE EFFECTIVE, AND SYSTEMS BE BETTER ABLE TO COMMUNICATE IF ONE SCREENING TOOL WAS UTILIZED? SHOULD A SCREENING TOOL BE DISTRIBUTED TO THE FAMILY COURT BENCH?

### Engaging Court Leadership



ANY COMPREHENSIVE ENGAGEMENT WITH THIS ISSUE MUST CONSIDER HOW TO ENGAGE LEADERSHIP OF THE STATE JUDICIARY.

**CONSIDER:** HOW SHOULD LEADERSHIP OF THE STATE JUDICIARY ENGAGE WITH THE CHALLENGES HT PRESENTS TO THE COURTS?

### Stay or Go Pilot Project



JUDGE BUCKHANNON, ALONG WITH JUDGES BROMELL HOLMES AND FORSYTHE, LAUNCHED A PILOT PROJECT THAT WILL MAKE AVAILABLE THE NJDCST'S "STAY OR GO" TRAINING TO THE COURTS, LAW ENFORCEMENT, DSS, AND DJJ. THE TRAINING HAS BEEN MODIFIED TO REFLECT SC LAW, AND PROVIDES INSIGHT INTO THE PERSPECTIVE AND DECISION-MAKING PROCESS OF TRAFFICKING VICTIMS AT CRITICAL JUNCTURES IN THEIR LIVES.

**CONSIDER:** EVALUATE THE PILOT PROJECT'S EFFECTIVENESS. CONSIDER ITS APPLICATION IN OTHER JUDICIAL CIRCUITS, AND WHETHER IT SHOULD BE MODIFIED FOR SMALL AND LARGE COUNTIES.

### NJDCST Training in South Carolina



THE FAMILY COURTS OF WISCONSIN, OHIO, AND FLORIDA HAVE HOSTED THE NJDCST FOR STATE-SPECIFIC TRAININGS TO MAKE THESE LESSONS MORE WIDELY AVAILABLE.

**CONSIDER:** SHOULD SC DO THE SAME? ALTERNATIVELY, CONSIDER A SHORTENED VERSION OF THE NJDCST OR ITS STAY & GO TRAINING EXERCISE TO BE PRESENTED AT THE NEXT FAMILY COURT JUDGES CONFERENCE WITH LEADERSHIP FROM THE UNDERSIGNED JUDGES.

### Education and Outreach: SC Family Judges in Schools



ALL OF THE UNDERSIGNED JUDGES ARE WILLING TO SPEAK IN SCHOOLS ON THE REALITY AND RISKS OF HT IN OUR STATE, WHICH MAY BE AN EFFECTIVE STRATEGY TOWARDS PREVENTION AND RAISING AWARENESS.

**CONSIDER:** WHAT IS THE MOST EFFECTIVE AND APPROPRIATE WAY TO ENGAGE SCHOOLS? HOW SHOULD WE REACH OUT TO EDUCATIONAL LEADERSHIP? HOW DO WE TALK ABOUT THE INTERSECTION OF SOCIAL MEDIA / HT?

## Identify Leaders within the Family Court Bench



IN LARGER COUNTIES WITH MULTIPLE FAMILY COURT JUDGES, CONSIDER DESIGNATING ONE JUDGE TO BE ASSIGNED HT CASES FOR A PERIOD OF TIME TO DEVELOP EXPERTISE AND UNIFORMITY IN RESPONDING TO THE UNIQUE CHALLENGES THESE MATTERS PRESENT TO THE COURT.

**CONSIDER:** WHAT WOULD THE DESIGNATION LOOK LIKE? WOULD IT BE A FORMAL ADMINISTRATIVE ORDER, OR WOULD IT BE AN INFORMAL AGREEMENT? WOULD DSS, DJJ, THE COURT, AND GALs HAVE STANDING TO PROPOSE DESIGNATION? SHOULD IT MIRROR DRUG COURT?

## SC Family Court Case Study



IT'S UNCLEAR TO MANY HOW HT MAY PRESENT IN OUR COURTROOMS, IN PART BECAUSE THESE CASES ARE COMPLEX, AND VICTIMS OF HT MAY NOT READILY SELF-IDENTIFY AS VICTIMS. A CASE STUDY OF WHAT THESE CASES MAY LOOK LIKE IN OUR FAMILY COURT SYSTEM MAY HELP THE BENCH KNOW WHAT TO LOOK FOR AND WHAT KIND OF QUESTIONS TO ASK.

**CONSIDER:** WHAT TYPE OF CASES SHOULD BE INCLUDED? WHO WOULD DRAFT THE CASE STUDY, AND HOW WOULD IT BE MADE AVAILABLE TO THE FAMILY BENCH?

## Diversionsary Court Visits



MANY STATES HAVE SPECIALIZED COURTS THAT TAKE INTO CONSIDERATION THE NEEDS OF VICTIM-DEFENDANTS. IF SC CONSIDERS A DIVERSIONARY COURT MODEL, WE SHOULD BUILD UPON WHAT OTHER STATES HAVE LEARNED RATHER THAN START FROM SCRATCH.

**CONSIDER:** VISITING OR CONNECTING WITH DIVERSIONARY COURTS IN NEIGHBORING STATES. WHO SHOULD TAKE PART IN THE VISITS? WHAT INFORMATION WOULD BE USEFUL TO DECISION MAKERS IN SC?

## Peer-to-Peer Judicial Outreach



AUTHENTIC PEER-TO-PEER JUDICIAL OUTREACH IS CRITICAL TO STRENGTHEN THE COURT'S RESPONSE TO THIS ISSUE. WE CAN AND SHOULD SHARE LESSONS LEARNED FROM THE NJDCST WITH OTHER JUDGES AND DEMONSTRATE THE ROLE OF THE JUDGE IN RESPONDING TO HT IN OUR STATE.

**CONSIDER:** HOW SHOULD WE ENGAGE THE JUDICIARY? WHAT TOOLS WOULD BE MOST VALUABLE TO SHARE WITH OUR COLLEAGUES ON THE BENCH?

## Engaging Human Trafficking Task Forces



STATEWIDE AND LOCAL HT TASK FORCES ARE PLAYING INCREASINGLY CRITICAL ROLES IN GUIDING OUR STATE'S RESPONSE TO TRAFFICKING AS STAKEHOLDERS, GOVERNMENT AGENCIES, AND SERVICE PROVIDERS IDENTIFY GAPS, DEVELOP RELATIONSHIPS, AND COORDINATE THEIR RESPECTIVE RESPONSES.

**CONSIDER:** HOW CAN OR SHOULD WE ENGAGE WITH LOCAL HT TASK FORCES ORGANIZED IN OUR JUDICIAL CIRCUITS, OR THE STATEWIDE TASK FORCE?

## South Carolina Lawyer



**CONSIDER:** REDUCING SOME OF THESE LESSONS TO AN ARTICLE FOR SC LAWYER MAGAZINE TO BE AUTHORED BY ONE OF THE UNDERSIGNED OR BY CHAIR OF THE LEGAL INNOVATION SUBCOMMITTEE.

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