

Challenging Child Custody

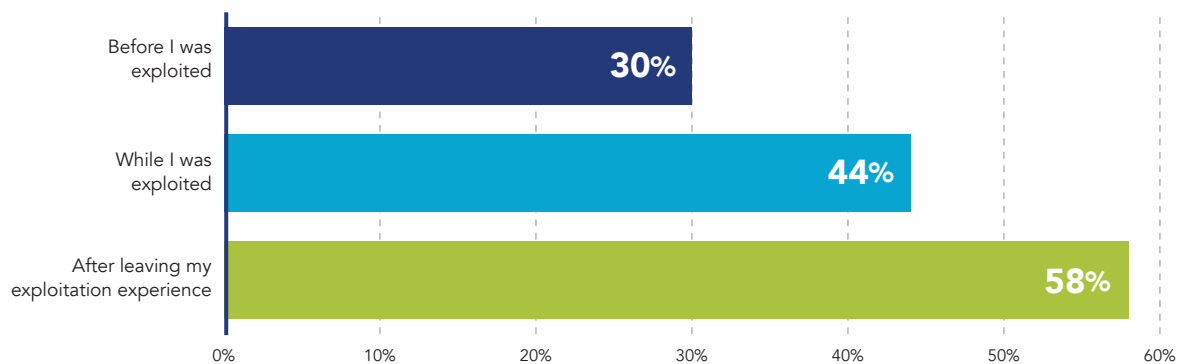
Trafficking Survivors and Their Children¹



The National Survivor Study (NSS)², a recent research study from Polaris, surveyed 457 sex and labor trafficking survivors in the United States on their experiences before and after trafficking. The study found that **many survivors with children have faced challenges with the child welfare system, including losing custody of their children to the state and/or others, including their trafficker.** Policymakers can use this data to improve policies and programs that service survivors and their children, better ensuring a positive family outcome.

- Many NSS survivor respondents (62%) have or had children.
- More than a third (35%) of respondents with children, had children with their trafficker, complicating issues of custody, safety, and ability to rebuild their lives.
- The NSS found that many children of survivor respondents were potentially exposed to trafficking, as **30 percent of survivors reported having children before they were exploited and 44 percent reported having children while they were exploited** (N=255).

Did you have children before, during, or after your exploitation? (N=255)



“Battling my domestic abuser for custody of our child was the most horrific thing I have ever been through. It has bankrupted me financially and emotionally. There is nothing worse than the possibility of not being able to protect your child from further harm. I would relive my trafficking situation a thousand times then go through that again.”

¹ This research brief may be cited as “Polaris (2023). Challenging Child Custody: Trafficking Survivors and Their Children”.

² Polaris (2023). In harm's way: How systems fail human trafficking survivors. Retrieved from <https://polarisproject.org/wp-content/uploads/2023/03/In-Harms-Way-How-Systems-Fail-Human-Trafficking-Survivors-by-Polaris.pdf>.



The data from NSS shows that the family law system does not understand or respond appropriately to survivors of human trafficking.

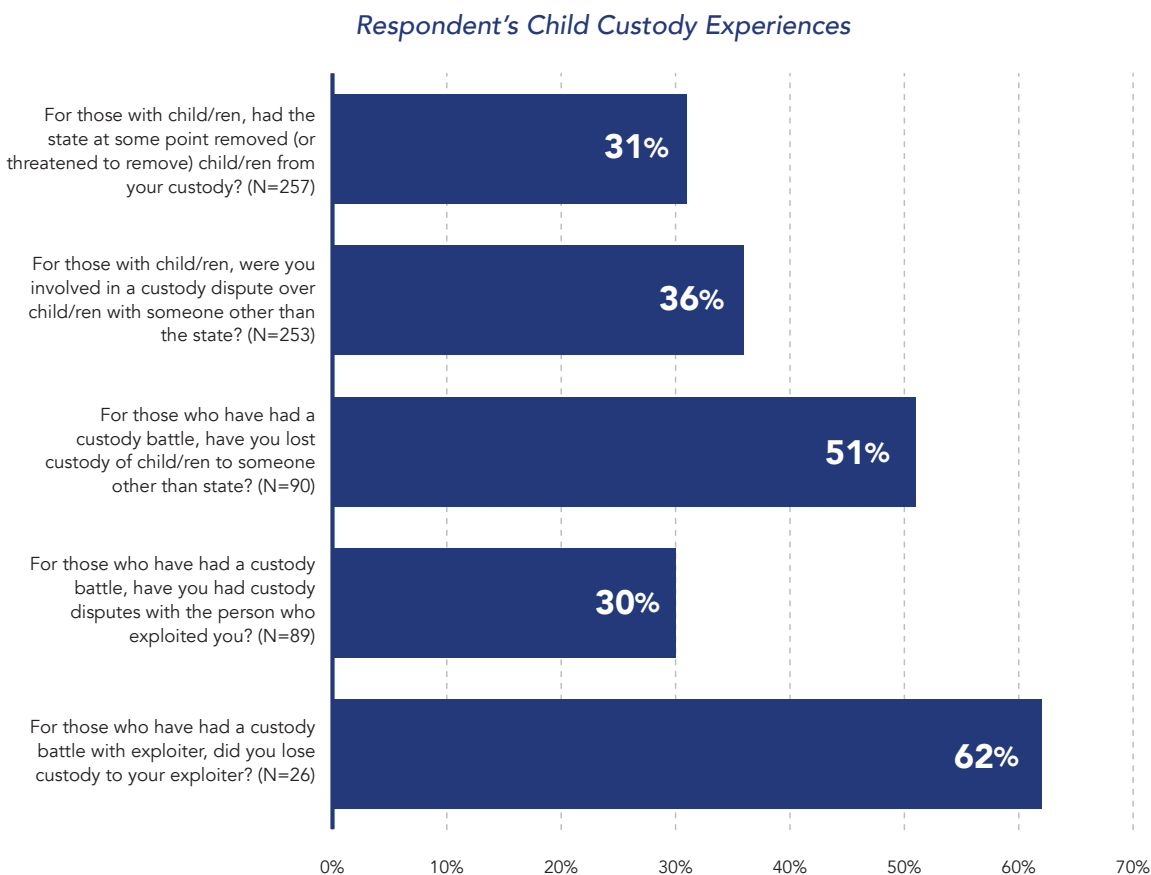
Of those survivor respondents with children:

- 31 percent stated that the state at some point removed or threatened to remove their children from their custody.
- 36 percent had a custody battle with someone other than the state
 - 51 percent of those lost custody

Of those survivor respondents who were engaged in a custody battle with someone other than the state:

- 30 percent had a custody battle with their exploiter
 - Of these, 62 percent lost custody to their exploiter

These results show that survivors regularly lose custody of their children either to others, in some cases to their trafficker. **This is a systemic family law failure** that needs to be addressed.



“Overall, Family Courts and Child Protective Services (CPS) do not have an understanding of how human trafficking can affect a survivor’s experience with obtaining and keeping custody of their children, especially when the other parent is a trafficker.”