Challenging Child Custody

*Trafficking Survivors and Their Children*¹

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).

![Bar Chart: 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.”

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

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."