

**United States Senate Committee on the Judiciary
Subcommittee on Human Rights and the Law
Hearing on “Abuse in Foster Care: A Deeper Look”
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**Statement of Brian Joseph Atkinson
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Chairman Ossoff, Ranking Member Blackburn, and members of the Subcommittee, thank you for the opportunity to testify today.

My name is Brian Atkinson, and I am the staff attorney for the Wilbanks Child Endangerment and Sexual Exploitation Clinic, also known as the CEASE Clinic, at the University of Georgia School of Law. The views I express today are my own and do not represent the University of Georgia or the other committees, teams, or task forces on which I have the privilege to serve. I am testifying today in my personal capacity as the lead attorney at the CEASE Clinic, expert in sex crimes and trafficking against children, and advocate for children in foster care who have been sexually abused, exploited and trafficked. Last month, the Subcommittee heard from the Director of the CEASE Clinic, Emma Hetherington, and I am here today to provide additional context and information based on my experience working with children in foster care.

As CEASE’s Staff Attorney, I provide direct representation to survivors, and also supervise legal fellows and law students in representing child survivors in foster care dependency cases; adult survivors in civil litigation against their abusers; and survivors of trafficking in post-conviction relief cases who have adult criminal convictions as a result of their being trafficked, or while they were being trafficked.

Prior to joining the CEASE Clinic, I was the Chief Assistant District Attorney in Georgia’s Northern Judicial Circuit, where I prosecuted offenses involving child sexual abuse. My responsibilities in that job included serving on multidisciplinary teams to discuss the investigation, prosecution, and response to situations involving child abuse and maltreatment, and supervising ADAs in the circuit prosecuting crimes against women and children.

I have had a firsthand view of how survivors are treated within various legal, social services, and other systems, as well as the barriers survivors face in accessing justice.

While CEASE’s child-clients may at first appear dissimilar to the majority of children in foster care, the reality is that every child in foster care starts on the same path and their final trajectory depends in large part on the State’s response.

Victims of child sex trafficking are 70 to 90% more likely than nonexploited youth to have been victims of child abuse and neglect.¹ And as reported by Rights4Girls and Georgetown Law's Center on Gender Justice & Opportunity, "where children are poorly cared for, the child welfare system inadvertently plays a part in making [children] vulnerable to exploitation."²

Risk factors with the highest correlation to child trafficking include running away, homelessness, sexual abuse, a history of abuse and neglect, and foster care entry.³ What we have seen is a clear path to a heightened risk for trafficking victimization. If a child's caregivers, families, friends, and communities fail to provide for their basic needs—food, shelter, safety, security, love, and belonging—their survival instincts kick in and they seek out another way to have their needs met. And when the State also fails to provide for those needs, children are at a much higher risk of landing straight in the hands of traffickers, buyers, and exploiters.

All of our child-clients experienced early childhood maltreatment, and all but one had prior child protective services involvement.

I would like to share some statistics about our clients.

- 86% of our clients have a history of running away.
- 80% have been detained by the age of 17, with 89% of those detentions occurring following a runaway incident.
- 82% of our clients who have been detained were detained following a suspected incident of child sexual abuse or CSEC.
- 54% have been in 5 or more placements, and 40% in more than 10.
- 80% of our clients have been placed in group homes.
- 34% have been placed in a psychiatric residential treatment facility, or PRTF, or have been hospitalized for an acute psychiatric crisis.

Since I have been at the CEASE Clinic, I have noticed a concerted effort in Georgia to update policies and practices to attempt to better respond to the realities of trafficked youth. However, those efforts have yet to be fully incorporated into regular practice. Most significant is the movement to change the conversation so that these young people can be better identified as victims and survivors and treated as such, rather than criminalized and punished for the abuse

¹ DEVELOPMENT SERVICES GROUP, INC., *Commercial Sexual Exploitation of Children/Sex Trafficking: Literature review*, OFFICE OF JUVENILE JUSTICE AND DELINQUENCY PREVENTION (2014), <https://www.ojjdp.gov/mpg/litreviews/CSECSexTrafficking.pdf> (last visited Nov. 5, 2023), citing MIRIAM GOODMAN & JULIE LAURENCE, *Child Trafficking Victims and the State Courts*, Ch. 4, HUMAN TRAFFICKING AND THE STATE COURTS COLLABORATIVE, https://htcourts.org/wp-content/uploads/2023/01/Ch-4_140725_NACM_Guide_onlineV_v01.pdf (last visited Nov. 5, 2023).

² MALIKA SAADA SAAR, ET AL., *THE SEXUAL ABUSE TO PRISON PIPELINE: THE GIRLS' STORY* (2015), <https://genderjusticeandopportunity.georgetown.edu/wp-content/uploads/2020/06/The-Sexual-Abuse-To-Prison-Pipeline-The-Girls%E2%80%99Story.pdf> (last visited October 23, 2023).

³ BRIAN ATKINSON & EMMA HETHERINGTON, *Child Trafficking*, CHILD WELFARE LAW AND PRACTICE: REPRESENTING CHILDREN, PARENTS, AND AGENCIES IN NEGLECT, ABUSE, AND DEPENDENCY CASES, at 527 (Josh Gupta-Kagan et al. eds., 4th ed. 2023).

they have suffered, and their responses to that abuse. Regrettably, I have not seen a change in how that is impacting the day-to-day treatment of these children.

Specifically, I have observed progress in how we talk about the population, as victims and as survivors. In saying that certain negative behaviors are likely trauma responses and agreeing that victims and survivors should be supported and not blamed for their victimization. But when that conversation shifts from talking about this population generally, to discussing individual children, they are labeled as at fault and are blamed for their victimization.

Within the foster care system, this impedes efforts to secure appropriate placements for youth. The placement applications for my clients emphasize their flaws rather than their strengths. They are described as promiscuous, as prostitutes, as placing themselves in dangerous situations, as children with sexual problems, who are defiant and don't do what they are told and who leave without permission. That is the first piece of paper a placement sees about the child, so while the Georgia Division of Family & Children Services, or DFCS, says it is hard to find placements, it's harder when they are painting misleading pictures of these kids that accentuate their flaws rather than their strengths. This also informs how the placements will treat these kids because they never get a second chance to make a first impression.

The portrayal of these children as being at fault or sharing in the blame for their own abuse or exploitation also hinders their opportunity to seek justice. The State of Georgia has a robust network of child advocacy centers throughout the state available to serve as tools for both DFCS and law enforcement to identify and respond to child abuse. However, when children are not seen as victims, they are less likely to be referred to those organizations when they report abuse or when abuse otherwise becomes suspected. That leads to those instances not being fully understood or investigated which leaves both the foster care system and our community less safe, and denies the opportunity to seek justice for these children.

Another trend that I have noticed is DFCS being reluctant to collaborate with other stakeholders on individual cases, opting instead to ignore or resist attempts at collectively meeting the needs of children in care. I've also seen our clients reach out to DFCS to tell them about their experiences in placements or need for therapeutic and other services, but are met with disbelief, dismissiveness, and often no response at all.

At the end of the day, DFCS is the legal guardian for these children and it is their responsibility to make sure that these kids are given spaces that are physically, emotionally, mentally, and spiritually safe and comfortable. They were removed from their families, which we know is a traumatic event regardless of the child's treatment within the home, but we – the system, courts, DFCS, and others involved, collectively decide that cost of removal is worth the benefit of being within the protective custody of the State. But then they are not protected, but are instead subjected to further harm.

We wouldn't, and don't, put up with similar treatment of children by parents, and we should hold ourselves, the State, to a much higher standard.

Thank you again for the opportunity to testify. I look forward to answering your questions.