

Testimony of District Judge Timothy H. Henderson
Before the Senate Judiciary Committee
Senate Bill 61
Monday, January 28, 2013

Chairman King and Members of the Committee:

My name is Timothy Henderson and I am the Presiding Judge of the Juvenile Department of the Sedgwick County District Court.

Thank you for the opportunity to briefly address this Committee regarding Senate Bill 61. I will defer to Attorney General Schmidt and his highly capable staff to address the law enforcement aspects of this bill. I would like to speak to the needs of the victims of human trafficking.

In one of the meetings of the Human Trafficking Committee, Sedgwick County District Attorney Mark Bennett succinctly summarized the importance of this Bill. To paraphrase Mr. Bennett, no increase in criminal penalties will mean anything if we cannot protect the victim. He, of course, is correct. Therefore, let me describe the child that is a victim of human trafficking that comes before me as a Judge working in Juvenile Court.

The monsters that prey upon our children to traffic them seek out the most vulnerable children. They are looking for those that have run away, live in homes of abuse and neglect, and feel unloved and unwanted. They offer these children what they are most desperate for, "love". They typically will begin by acting as the girl's boyfriend.

They typically will either introduce them to or escalate their use of illegal drugs. After they have fully made the child dependent upon them, they will then begin the exploitation.

When that child comes in contact with law enforcement, they do not view law enforcement as their rescuer. In their mind, they are being taken away from and therefore are protective and defensive of the only one who has shown them affection and "love". Their only desire is to get back to the monster that uses them. That is the dilemma of human trafficking.

Therefore, as a Judge, I have before me a child whom I wish to protect, provide services for, and help them overcome the nightmare of their lives. That same child, however, only wants to get back to the abuser, the pimp, the perpetrator of human trafficking. Currently, the options I have are limited to detention, where the child is safe but re-victimized by being held for prostitution, or to place the child in our child welfare system that does not have the ability to prevent the child from running or being taken from the foster home or group home where the child resides. In the last year, I have had a number of such victims. I have repeatedly attempted to release them from detention and time and time again they have run from placement. Only through good local law enforcement did we stop one child residing in a small community in Kansas who had not only packed her bags and set them outside her bedroom window but the bags of two other girls in foster care that were going to run with her. Two more victims.

Senate Bill 61 begins to address these needs. We literally have spent hours trying to devise a placement that is in compliance with Federal law, provides necessary services for the victims, and keeps the child safe. Is it perfect? Of course not. Many, whom I respect, do not like any sort of restrictions on the freedom of these victims. In an ideal world, we would not need the facility for the victims of human trafficking provided by Senate Bill 61. We could simply love away the pain, trauma, and emotional abuse these children have suffered. Sadly, we do not live in an ideal world.

Until that day comes, Senate Bill 61 is a step in the right direction for a better Kansas, for a better world. This is our day, this is our moment, for if we cannot protect the most vulnerable of Kansans, we do not deserve the positions of trust and honor the citizens of Kansas have bestowed upon us. On behalf of the children that come before me, thank you.