Freedom Network USA

SOME MEASURE OF JUSTICE

POST-CONVICTION RELIEF FOR SURVIVORS OF HUMAN TRAFFICKING

AUGUST 2026

Freedom
Network USA

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Introduction

In 2009, survivors, advocates, and attorneys in New York led the way in passing the first law allowing survivors of human trafficking to seek relief from criminal records connected to their victimization. Since that time, 47 states have enacted similar laws. Even so, many survivors remain unaware that post-conviction relief exists or that it may be an option for them.

We created this survivor guide to help bridge that gap. This guide is intended to serve as a supportive tool to help you better understand what post-conviction relief is, what the process may involve, and how you can begin preparing before deciding whether to connect with an attorney, legal team, or program.

We want to clearly note that every survivor's experience, legal history, and circumstances are different. While we hope this guide answers many questions, it may not address every concern or situation. Instead, we hope it serves as a starting point that offers clarity, direction, and realistic expectations.

If you are reading this guide, you may be a survivor of human trafficking or someone supporting a survivor whose life has been impacted by a criminal record connected to their trafficking experience. We want to begin by acknowledging you and the steps you have taken to be here. Seeking information about post-conviction relief can take courage, especially when past interactions with the criminal legal system may have caused harm, fear, or mistrust.

Many survivors know firsthand how complicated the intersection between trafficking and the legal system can be. You may not need someone to explain the impact of a criminal record. You may already be navigating it. This guide is not meant to revisit or relive those harms. Instead, it is meant to offer clear information about possible legal options that may be available in some circumstances.

We also recognize that re-engaging with the legal system can bring up complex emotions. You are encouraged to move through this guide at your own pace. You may read it all at once, or you may return to different sections when you feel ready.

Thank you for taking the time to read this guide. We hope that this guide provides clarity, respects your lived experience, and supports you as you consider whether pursuing post-conviction relief is right for you at this time.

What is Post-Conviction Relief for Human Trafficking Survivors?

Post-conviction relief is a legal process that changes the status of a past criminal record. The term "post-conviction" simply means that the case has already been resolved, either because the charges were dismissed, the case ended, or a conviction was entered by the court. Post-conviction relief may also be called criminal record relief, reentry relief, or vacatur.

Over the past decade, many states have passed laws allowing survivors to seek post-conviction relief for certain charges connected to their trafficking experience. These laws were shaped by survivor advocacy and recognition that criminal records tied to exploitation should not define a person's future. However, eligibility varies by state, by charge, and by individual circumstances. Post-conviction relief is not available in every case, and outcomes depend on many legal factors.

Post-conviction relief is an umbrella term. Depending on the law that applies to your case, relief may take different forms. In trafficking-related cases, this most often includes vacatur, expungement, or record sealing. However, the name of the process and what it accomplishes can vary by state.

There are three main types of relief for criminal records:

Vacatur is a legal process in which a court sets aside (or undoes) a conviction and declares that it is no longer legally valid. In trafficking related post-conviction relief cases, this means the court recognizes that the conviction was connected to your trafficking experience and should not stand. In some states, a vacated conviction is treated as if it never occurred.

Expungement is a legal process that removes or limits public access to a criminal offense on your record. What expungement means and what it covers varies by state. In some states, the record may still be visible to certain government agencies or must still be disclosed in specific situations.

Sealing is a legal process that restricts public access to a criminal record. The record still exists but is generally not visible to the public. Certain government agencies or licensing bodies may still have access to sealed records.

Post-Conviction Relief for Federal Criminal Records

The Trafficking Survivors Relief Act was signed into law in February of 2026, establishing a pathway for relief from some federal charges and convictions in specific circumstances. This guide was prepared before the passage of that federal law and does not provide detailed guidance regarding federal post-conviction relief. If you believe your case may involve federal charges, we encourage you to consult with a qualified attorney for updated information.

This guide was created to help you understand what post-conviction relief is, what the process may involve, and what to consider before deciding whether to pursue it. It is designed to prepare you with context, realistic expectations, and questions to think about if you choose to explore this option further. It provides a general overview of the post-conviction relief process across different avenues, including private attorneys, legal aid organizations, legal clinics, and nonprofit programs that support survivors of human trafficking. Since laws and procedures vary by state and jurisdiction and organization, specific steps may differ.

We want to be clear that this guide does not determine eligibility, offer legal advice, or guarantee an outcome. Instead, it provides information so that you can make informed decisions about your next steps. If you decide to move forward, a qualified attorney will need to review your specific circumstances in detail to determine your eligibility.

What Qualifies as Human Trafficking for Post-Conviction Relief?

For this guide, we use the federal definition of human trafficking found in the federal Trafficking Victims Protection Act of 2000 (TVPA).[1] This definition is a common starting point because it provides a nationally recognized legal framework. At the same time, it is important to understand that most arrests and criminal charges are for violations of state laws, and therefore post-conviction relief is primarily governed by state law. Each state has its own trafficking statute and its own requirements for trafficking related post-conviction relief. Some states use the definition from the federal law. Others define trafficking more broadly or more narrowly. This means that even though this guide references the federal definition for clarity, your eligibility for relief will ultimately depend on your state's specific statute and how it applies it to your situation.

Additionally, the Trafficking Survivors Relief Act was recently passed, establishing a pathway for relief from some federal charges and convictions in specific circumstances. This guide was prepared before the passage of that federal law and does not provide detailed guidance regarding federal post-conviction relief. If you believe your case may involve federal charges, we encourage you to consult with a qualified attorney for updated information.

Federal law recognizes two primary forms of trafficking: sex trafficking and labor trafficking.

Sex Trafficking

The recruitment, harboring, transportation, provision, obtaining, patronizing, or soliciting of a person for the purpose of a commercial sex act, in which the commercial sex act is induced by force, fraud, or coercion, or in which the person induced to perform such act has not attained 18 years of age.[2]

In practical terms:

- If a person under 18 is involved in a commercial sex act, force, fraud, or coercion does not need to be proven. Minors cannot legally consent.
- If the person is 18 or older, the law requires proof that force, fraud, or coercion was used.
- When an adult chooses to engage in commercial sex acts without force, fraud, or coercion, that is not sex trafficking.

[1] Trafficking Victims Protection Act of 2000, 22 U.S.C. § 7102.

[2] Trafficking Victims Protection Act of 2000, 22 U.S.C. § 7102 (11)(A) and (12).

Labor Trafficking

The recruitment, harboring, transportation, provision, or obtaining of a person for labor or services, through the use of force, fraud, or coercion, for the purpose of subjection to involuntary servitude, peonage, debt bondage, or slavery.[3]

Labor trafficking can occur in many settings and industries. It may involve threats, debt manipulation, document confiscation, abuse of legal status, isolation, or other forms of coercive control. There is no difference between the definitions of adult labor trafficking and child labor trafficking.

But remember, not all survivors will qualify for post-conviction relief under their state's law. For this reason, you should contact a qualified attorney who can assess how your state's statute applies to your specific charges and circumstances. This guide is designed to provide information and preparation. It does not replace individualized legal advice.

Important Legal Clarification

Whether a particular experience meets the legal definition of trafficking is ultimately a legal determination. Terms such as "force," "fraud," "coercion," and "commercial sex act" have specific meanings under the law that may differ from how they are used in everyday language.

You may recognize exploitation or abuse in your experience, and that recognition is valid. At the same time, only a court can determine whether the legal elements required under federal or state law are satisfied for purposes of post-conviction relief for your charges.

[3] Trafficking Victims Protection Act of 2000, 22 U.S.C. § 7102(11)(B).

What are the Common Eligibility Requirements for Post-Conviction Relief?

As discussed in the previous section, each state (and now the federal government) approaches post-conviction relief a bit differently. However, they generally have the same main categories of requirements:

1. The applicant is a survivor of human trafficking.
2. The crime is eligible for relief in the jurisdiction.
3. The crime was connected to the victimization.

The previous section discussed the definition of human trafficking. This section will discuss the second and third requirements.

Which Criminal Charges are Eligible?

State laws are constantly changing, but there are some common approaches that states take. The best approach is to make all charges and convictions eligible for relief. But few states do that. Instead, most states limit eligibility in one of these ways:

No Post-Conviction Options

A few states have no post-conviction relief for survivors of human trafficking.

Post-Conviction Options Solely for Minors

A few states only have post-conviction relief for survivors who were charged as minors.

Prostitution-Related Offenses Only

Many states only allow post-conviction relief for prostitution-related offenses, no matter the age at time of arrest.

Non-Violent Offenses Only

Many states, and the federal Trafficking Survivors Relief Act, only allow post-conviction relief for non-violent offenses. Each state (and the federal criminal code) defines a “violent crime” differently, and it does not always require that there was actual violence involved. It is a legal definition.

Mixed Bag

Some states offer different forms of relief for different crimes. For example, they may allow record sealing for a large range of crimes, but only allow vacatur for a few (these different options are explained elsewhere in this guide). Each state is different and you may be eligible for relief in some states but not others. You may be eligible for full relief for some of your charges or convictions, but no relief for others in the same state.

We want to acknowledge that these different approaches are incredibly frustrating and make it harder to access relief. This patchwork approach forces survivors to rely on a thin network of lawyers who are willing to take these cases. This is also changing over time, as states change their laws. A crime that might not be eligible for relief this year, may become eligible in a few years. While this is hopeful, that all charges may eventually be eligible for relief, it is also stressful and frustrating for the many survivors who are left waiting and hoping.

Your Past Does Not Define You

If you were forced, manipulated, or pressured into committing crimes while being trafficked, you are not to blame. Those actions happened under control, manipulation and threat.

You deserve to be seen, heard, and supported. There are laws and legal options that can help clear charges connected to your trafficking experience. You have the right to ask questions, explore your options, and receive help without judgment.

Healing and justice are possible, and you are not alone on this journey.

There are advocates and attorneys who can walk alongside you through this process.

How are Criminal Charges Connected to a Trafficking Experience?

Generally, relief is only available for charges that are connected to the trafficking experience. This is sometimes referred to as forced criminality (or criminal acts that survivors were forced to commit by the trafficker or the impact of the trafficking experience). However, the type of connection between the trafficking and the criminal acts that is eligible for relief varies by state. Some states require a direct connection between the trafficking and the offense. Others use broader language, such as offenses committed "as a result of" trafficking.

Many laws are designed only to help sex trafficking survivors clear prostitution-related charges that occurred during the trafficking experience. This is the most limited form of eligibility. Increasingly, states are recognizing that trafficking is complex and can involve many different types of charges. Sex trafficking survivors have criminal records other than prostitution-related offenses, and labor trafficking survivors have a range of criminal charges as well. State laws that reflect this change means that more survivors can be recognized for what they experienced and may be eligible for post-conviction record relief.

Because these standards vary, determining whether a charge qualifies for relief requires careful legal analysis by an attorney familiar with your state's statute.

There are two common ways courts and statutes evaluate this connection: direct connection and indirect connection.

Direct Connection to Trafficking Experience

A direct connection refers to situations where the criminal charge occurred because the survivor was being forced, coerced, or controlled by the trafficker at the time the offense took place. In these situations, the trafficker's control is directly tied to the act that led to the charge. The most obvious cases are when the criminal act was a part of the trafficking. In sex trafficking cases, this may include charges such as prostitution-related offenses that occurred while the survivor was actively being exploited. In labor trafficking cases, this may include drug charges while the survivor was trafficked by a drug dealer, or wire fraud charges for a survivor trafficked as part of an online scam.

Other forms of direct connections are where the charges are not related to the trafficking scheme, but occurred while the survivor was being trafficked and resulted from the actions of the traffickers. Examples for both sex and labor trafficking survivors include: being made to steal vehicles or personal property for the trafficker, or being made to get or transport the trafficker's drugs.

The key feature of a direct connection is that the criminal act would not have occurred at that moment but for the trafficker's active force, fraud, or coercion at that time.

Indirect Connection to Trafficking Experience

Some states recognize a broader category of acts with an indirect connection to the trafficking experience. An indirect connection does not require the trafficker to be physically present or give instructions at the time of the offense. Instead, the charge may be connected to the broader circumstances of exploitation, and may even occur after the survivor has left the trafficking situation.

A trafficker may have introduced a survivor to drugs as a method of control, leading to drug-related charges either during or after the trafficking experience. A survivor may have committed theft or other offenses to meet basic survival needs, during or after the trafficking experience, because the trafficker controlled all of the survivor's money. In these situations, the criminal conduct is still tied to the trafficking experience, even if it was not carried out under immediate, visible coercion at that exact moment.

An attorney can determine how your state defines and applies these standards.

In Summary

Whether your criminal charges were directly forced by your trafficker or because you had no other choice due to the trafficking experience, these acts are not a reflection of your character. They reflect the power and control of the trafficker. You deserve understanding and dignity.

This guide is intended to help you understand how the law may view the connection between trafficking and criminal charges. It cannot replace individualized legal advice. Your experience is valid. Determining how it fits within a specific state's legal framework is a process best navigated with a qualified attorney or legal provider.

Am I Ready to Pursue Post-Conviction Relief?

Before exploring the logistics of filing for post-conviction relief, we invite you to pause and reflect on something equally important: your readiness.

Re-engaging with the criminal legal system can be emotionally complex. For many survivors, prior interactions with law enforcement, courts, or attorneys were harmful, frightening, or unjust. Choosing to consider post-conviction relief may bring up mixed emotions, including hope, fear, exhaustion, or anger. Reviewing and discussing the circumstances of your trafficking experience may trigger strong reactions and trauma responses.

Being legally eligible does not automatically mean you feel ready. And being ready does not automatically mean you are eligible. These are two different questions.

There is no required timeline. There is no pressure to move forward before you feel prepared. The questions below are meant to help you reflect on your emotional readiness and current capacity. There are no right or wrong answers.

Take a moment to reflect:

- Am I emotionally ready to share parts of my story, maybe many times, if needed?
- Am I prepared to engage with attorneys or court officials at this time?
- Do I have a support system to help me through this process?
- Can I commit time to meetings, document gathering, or possible court appearances?
- What would help me feel more supported before moving forward?

It is normal to feel unsure. You may decide to move forward now. You may decide to wait. Both are valid choices.

Do I Think I Might Be Eligible for Post-Conviction Relief?

Now that you have reflected on personal readiness, we can explore possible eligibility. Post-conviction relief laws exist in almost all states, but they vary significantly, as we discussed in the previous section.

Each state defines:

- Which charges qualify
- What level of connection must be shown
- Whether certain offenses are excluded
- Whether prior sentences must be completed
- What documentation or evidence is required

Eligibility is a legal determination. Only a qualified attorney can assess your specific case under the relevant state statute.

The questions below are not designed to guarantee eligibility. Instead, they are meant to help you consider whether it may be worth seeking a legal consultation.

You may want to ask yourself:

1. Do I meet the legal definition of a survivor of sex trafficking, labor trafficking, or both?
2. Did my arrest or conviction have a direct or indirect connection to my trafficking experience?
3. Did the arrest or conviction occur in the United States or its territories?
4. Is this related to a past conviction or closed case rather than a current open criminal charge?

If you answered yes to several of these questions, it may be worth speaking with a lawyer to explore your options further. They can help determine if your records are eligible for relief. It is important to note that some states require completion of a sentence before relief can be granted, while others may allow filing even if certain obligations remain. This varies by state.

Answering yes does not guarantee eligibility. Eligibility to apply does not guarantee relief will be granted. Answering no does not automatically disqualify you. These are starting points for conversation, not final determinations.

Could this impact my immigration status?

If you are not a US Citizen, your criminal record may have an impact on your immigration status and future options. The intersections of criminal and immigration law are very complex and can show up in unexpected ways. The criminal and immigration legal systems define things very differently (even common terms like “conviction”), so it is important to have a lawyer review these issues and advise you on your options.

What to Expect When Seeking Post-Conviction Relief

Understanding what the process may involve can help you make an informed decision and avoid unrealistic expectations.

Long Wait Times

The process will take time. In jurisdictions familiar with trafficking related relief, cases may take several months. In others, the process may take a year or longer, depending on court schedules, attorney capacity, and case complexity.

Staff Changes

You may work with different attorneys, legal advocates, or law students over time due to turnover or case transitions. Even if they have your file, you may have to give the same information many times to the team working on your case.

Limited Attorney Experience

Post-conviction relief for trafficking survivors is still evolving in many states. Some attorneys may be handling this type of case for the first time. This does not mean they cannot be strong advocates, but they may be learning aspects of the process alongside you.

Multiple Jurisdictions, Multiple Cases

If you have charges in more than one state or county, you may need separate legal representation in each location. You may have to go through all of the same details, answer all of the same questions, and fill out the same forms for each team. While it would be ideal for all teams to share common information, most lawyers want to go through things from the beginning to make sure that nothing is missed and there are no errors in the information from another team.

Collecting Records and Documentation

You may be asked to complete fingerprinting, request court records, or gather documents to build your case. They may be documents that you already have, or may require a lot of work to find and obtain.

Sharing Your Story

You will likely need to share personal information and details related to your trafficking experience and legal history to create an accurate timeline. You may have to share this information many times with the same people, or different people.

Emotional Impact

Re-engaging with the criminal legal system may bring up difficult emotions. This is normal. It is okay to pause or ask for additional support.

Attorney Fit

You should feel comfortable with your legal provider. Lawyers are humans, each with their own style and personality. Different law offices and programs have different approaches. Some are more trauma-informed than others. It may take more than one consultation to find someone who feels like a good fit.

Law Students

Law students may be present in meetings or calls, especially in clinic or pro bono settings. You should discuss this with the lead attorney if this makes you uncomfortable. Not all legal programs will be a good fit for you.

Who Can Help Me File for Post-Conviction Relief?

If you are ready to move forward, this section outlines the different legal pathways available to pursue post-conviction relief. The options below focus specifically on how you can access legal support or move through the court process. The pathway you choose may depend on your financial situation, location, eligibility requirements, or personal preference.

Available Legal Providers

When seeking post-conviction relief, you may consider one of the following options:

Retain (or hire) a private attorney

- Full cost. You may hire a private criminal defense attorney or post-conviction attorney to represent you. The cost of a private attorney varies, and some private attorneys will offer lower fees depending on your income. Make sure to ask about the fees and payment during the first meeting with a private attorney.
- Pro bono attorney representation. A private attorney may agree to take your case at no cost. These attorneys often volunteer their time and may have limited capacity. In many cases, this is done through a referral from a nonprofit program.

Work with a nonprofit legal provider

- Human trafficking program that assists survivors. Some nonprofit organizations focus specifically on serving survivors of human trafficking and provide direct legal representation or coordinate attorney partnerships for post-conviction relief. These services may be free or low-cost. Make sure to ask about the fees and payment during the first meeting with a nonprofit program.
- Legal aid organization. Legal aid organizations provide free or low-cost legal services, often based on income eligibility and sometimes residency requirements. There is a legal aid office serving every county in the US, but they do not all provide post-conviction relief representation.
- Law school clinic. Some law schools operate legal clinics where supervised law students represent clients. These clinics may not always have strict income or residency requirements, but eligibility varies by program.

Consider General Post-Conviction Relief Remedies

In most states, individuals may qualify for general post-conviction relief regardless of their experience as a trafficking survivor. This is a separate legal pathway that may be available depending on your record and state law. The requirements usually include waiting a certain period of time after the case ended, completing all sentencing requirements, and may require no further criminal records. There are clinics or programs to provide this type of relief in many states, often called Reentry Clinics or programs.

Filing Pro Se

You have the right to represent yourself and file for post-conviction relief (either relief that is specific to survivors or general relief) independently, meaning on your own without an attorney or legal representative. This option requires understanding your state's eligibility requirements, procedural rules, and filing deadlines. If you choose this pathway, reviewing court instructions carefully and seeking limited legal guidance when possible may be helpful.

After selecting the pathway that best fits your situation, the next sections will outline what the legal process may involve. The process is not identical in every program or jurisdiction, but understanding the general stages can help you feel more prepared.

Understanding the Scope of Legal Services

When connecting with lawyers for post-conviction relief, it is important to understand what they can and cannot do for you. Generally, this will be spelled out in an agreement or contract, often called a retainer agreement. The agreement should also include: costs that you are expected to pay and when you have to pay them, what they will do for you, and what they expect from you. It may include a list of who will be working on your case. You can refer back to this agreement if you have questions about their role.

You will also have protection for the information you share with your legal team. Your legal team may include a main lawyer, an assistant or paralegal, a law student, an interpreter, or others. It can be very confusing. If you have any questions about the roles of each person, you should ask.

Everyone working under the supervision of the lawyer is within the attorney-client privilege. This means that all of the information you share with them will be safe from disclosure. They can only share that information if you agree to share the information, for example by including the information in the post-conviction relief application.

Common Legal Team Members

Your legal team may include a main lawyer, an assistant or paralegal, a law student, an interpreter, or others.

Lawyer
Has graduated from law school, passed the state licensing exam (bar exam), and is licensed to give individual legal advice and file cases in the court.

Legal Assistant, Clerk, or Paralegal
Provides legal support and assistance under the supervision of a lawyer. May help prepare documents, gather information, conduct research, but must be supervised by a licensed attorney. This may be the person that you speak to most often, rather than the lawyer.

Law Student
Provides legal support and assistance under the supervision of a lawyer within a program (often called a law clinic) at a law school. May help prepare documents, gather information, conduct research, but must be supervised by a licensed attorney (usually a law school professor). If you work with a law school clinic, you may not meet the supervising attorney. You might only work with the students.

Interpreter
Interpreters can be included in a legal team when they are needed for clear communication between the lawyer and the client. If you have any concerns about the interpreter and their accuracy or confidentiality, please speak with you lawyer about your concerns.

If the legal team needs to share information about you with someone else (or request information about you from someone else), they should ask you to sign a Release of Information (Release). A Release of Information form is often used to gather records for your case or connect with other third party providers with your permission. The Release should define who they are sharing information with and what information is being shared. The Release should have an expiration date. If they need to extend the date, they can ask you to sign an extension. If you change your mind and want them to stop sharing information sooner, you can tell them to stop at any time.

Most attorneys and legal clinics focus specifically on helping with legal aspects of your case, such as preparing documents, filing motions, and appearing in court. While some providers may help connect you to community resources or supportive services, this is not always something they can offer. It is normal to have other needs come up during the process, such as housing instability, job loss, counseling support, or financial support needs, but these are often outside the lawyer's role. Knowing this ahead of time can help you plan for additional support and avoid feeling discouraged if your lawyer is unable to assist with issues beyond their legal scope. You deserve comprehensive support, and it is okay to reach out to other organizations, advocates, or trusted supporters to help you meet your broader needs.

If you are not a US Citizen, you may need to talk with an immigration attorney with expertise in the impact of criminal records on immigration status. The intersections of criminal and immigration law are very complex and can show up in unexpected ways. The criminal and immigration legal systems define things very differently (even common terms like "conviction"), so it is important to have a lawyer review these issues and advise you on your options.

Know Your Rights

Survivors of trafficking have the right to seek post-conviction relief from criminal charges that are connected to their trafficking experience. Many states have laws that allow these charges to be cleared or vacated, and additional legal options like expungement may also be available.

If you believe your charges are tied to your trafficking situation, you have the right to:

- Talk to a lawyer or legal advocate who understands trafficking cases
- Ask questions and fully understand your options
- Be treated with dignity and respect throughout the legal process

Your voice matters, and you have many legal protections.

Working with an Attorney

You are the expert on your experience. Your attorney provides legal expertise. The strongest cases are built through collaboration, combining your experience with your lawyer's expertise as two equally important parts. Historically, lawyers have carried significant power which can be intimidating to (or used to intimidate) a client. However, trauma-informed lawyers are working to change this dynamic using a collaborative or "power with" approach (instead of the old fashioned "power over" approach). A "power with" approach recognizes you as an active partner in your case.

Power With Example: Please review this document and let me know if you are comfortable with the information before we file.
Power Over Example: We have filed this document on your behalf.

If you ever feel unheard or confused, you can ask questions, request clarification, or involve an advocate. You deserve to be treated with respect, dignity, and transparency.

Supporting Your Legal Meetings: Elements to Consider

You should talk with your attorney about your communication preferences, including the form of communication you prefer (email, text, phone call, letter), how often you will hear from them, and how long it will take the attorney to respond to your questions. Understanding your needs and expectations will help the attorney to provide you with honest information. These are key issues that often cause problems in all kinds of relationships, and you have the right to ask about communication. This will help you to find the attorney that is the best fit for you.

Meetings with your legal team might take place via phone, video call, or in person. Because sensitive information may be discussed, it can be helpful to choose a private and secure space when possible, including ensuring that you have child care during the meeting so your children do not hear the discussions around your experience.

If you anticipate needing emotional support during or after the meeting, we encourage you to let your legal team know ahead of time. In some cases, a case manager or advocate may be able to attend with you, but that can impact attorney-client privilege. You may want to schedule a support session with a therapist, case manager, advocate, or friend immediately after your meetings with your legal team. They can support you in processing your emotional reactions and support your mental health during this difficult process.

What are the Steps in Hiring a Lawyer for the Post-Conviction Relief?

Most survivors will work with an attorney to file for post-conviction relief. This section outlines the most common steps in the process while working with an attorney. Legal offices and attorneys can have different approaches, and may not follow this order. They may skip or combine some of these steps. This is meant to give you a general idea of what to expect, but you should ask your attorney about their specific process.

If a survivor files pro se (meaning without an attorney), some of these steps will not apply. Instead, the survivor will need to do their own research to determine the specific requirements where they are filing for relief.

Making Initial Contact

After choosing a legal pathway, the first step is usually making initial contact with the attorney, nonprofit human trafficking program, legal aid organization, or law school clinic you selected. This stage is often a preliminary screening. The purpose is to briefly understand your legal issue and determine whether the provider may be able to assist. There may be a few steps to this process before they decide whether or not to accept your case.

During this stage, you may need to:

- Complete an online or paper application
- Participate in a short phone or video screening
- Share basic information about your charges and location
- Share deadlines or upcoming court dates
- Share your preferred method of communication, including your preferred language

Conflict Check

Before deciding to move forward with your case, you will be asked permission to complete a conflict check. A conflict check is a standard, ethical step attorneys must take to ensure they do not have prior relationships that would prevent them from representing you. They may ask you for any alias or previous names that you have used. They may also ask you for the name and alias of your traffickers. They will be checking to see if they have ever worked for you or your traffickers before. If a conflict exists, the attorney may be unable to take your case. They may attempt to provide alternative referrals, but referrals are not guaranteed.

If You Are Not Accepted for Services

Making initial contact does not guarantee representation. There are several reasons why a lawyer may not be able to take your case. A decision not to move forward does not mean your experience is not valid, and it does not automatically mean you do not qualify for post-conviction relief. The examples listed below are not an exhaustive list. They are simply common reasons representation may not be offered. Other factors not listed here may also apply.

You may not be accepted for services if:

- You fall outside the income limits required by a local legal aid organization.
- You do not meet residency requirements for a particular nonprofit or legal aid office.
- You do not meet the program-specific criteria of a nonprofit human trafficking program.
- A conflict of interest is identified during the conflict check process.
- The charges in your case do not meet the eligibility requirements under the applicable statute.
- The organization is at capacity, or does not have anyone taking post-conviction relief cases.

In some cases, the attorney or organization may explain that while post-conviction relief under a trafficking specific statute may not be available, you may qualify for other legal remedies.

What are Alternative Options to Trafficking-Specific Post-Conviction Relief?

This guide is focused on special post-conviction relief options that are available only to trafficking survivors. Most states also offer general post-conviction relief (which does not depend on a connection between the criminal records and the experience as a trafficking survivor). This is a separate legal pathway that may be available depending on your record and state law. The requirements usually include waiting a certain period of time after the case ended, completing all sentencing requirements, and may require no further criminal records. There are clinics or programs to provide this type of relief in many states, often called Reentry Clinics or programs. There are 3 main types of relief, although they are called different things in different states.

1. General Expungement

A legal process that removes or greatly limits public access to a criminal offense on your record. What expungement means and what it covers varies by state. In some states, the record may still be visible to certain government agencies or must still be disclosed in specific situations.

Eligibility is typically based on factors such as:

- The type of charge
- Whether the case was dismissed or resulted in a conviction
- Whether all terms of the sentence were completed (including time served, fines and fees paid, successfully completing probation)
- How much time has passed since the case was resolved (generally several years after a conviction, but shorter if the case was dismissed)

In many general expungement processes, you are not required to share a detailed personal narrative about the circumstances of the arrest. Instead, you may need to complete a standardized form and confirm that you meet the statutory criteria.

2. General Record Sealing

A legal process that restricts public access to a criminal record. The record still exists but is generally not visible to the public. Certain government agencies or licensing bodies may still have access to sealed records.

Eligibility is typically based on factors such as:

- The type of charge
- The outcome of the case (arrests that do not result in charges and charges that are dismissed are more likely to be sealed, convictions might have more requirements or might not be eligible)
- Completion of sentencing requirements (including time served, fines and fees paid, successfully completing probation)
- The amount of time that has passed (generally several years after a conviction, but shorter if there were no charges or if the charges were dismissed)
- Your age at the time of the arrest or court process (juvenile cases are often easier to seal than adult cases)

A narrative explanation of your life circumstances is often not required, although some jurisdictions may allow additional information to support the request.

3. Automatic Record Clearing

In some jurisdictions, certain arrests or convictions may be automatically cleared or sealed after eligibility criteria are met. This is sometimes called automatic expungement or automatic sealing. Automatic clearing generally does not require you to file a petition.

Instead, the system updates records once:

- The required waiting period has passed
- All court obligations have been satisfied
- No disqualifying new charges exist

Not all states offer automatic clearing, and not all charges qualify.

Other Non-Trafficking-Specific Relief Options

Depending on your state, other options may include:

- Deferred adjudication or diversion-related sealing
- First offender programs
- Set aside statutes
- Nondisclosure
- Pardon applications in limited circumstances

Important to Remember

Trafficking-specific post-conviction relief focuses on the connection between your trafficking experience and your criminal record in addition to general legal criteria. General expungement, sealing, and automatic clearing focus only on whether you meet the general legal criteria established by state law.

If you are unsure which option may apply to you, you can:

- Contact a legal aid organization
- Speak with a private attorney
- Check your state court website for additional information

Even if one pathway is not available, another may be.

What are the Steps in Preparing Your Post-Conviction Relief Application?

If a lawyer agrees to take your case, and you decide to move forward with post-conviction relief, the next phase focuses on formally beginning representation and developing your case. This guide describes the common steps in the post-conviction relief process. However, it is important to understand that the next steps are not identical in every case.

Intake and Case Development

Once you have agreed to move forward with representation, you will typically participate in a more detailed intake or case development meeting. This meeting may occur by phone, video, or in person. During this stage, the legal team conducts a deeper analysis of your case.

They will gather more detailed information about:

- Your arrest history
- The charges connected to your trafficking experience
- The jurisdiction where the charges occurred
- Any previous attempts at record relief

They may also ask about:

- Your life before your trafficking experience
- Your experience as a trafficking survivor and how and when you were able to escape
- How it felt to be arrested
- Your experience during the trial and sentencing, if there was a trial
- Your experience with your sentence, if you were found guilty
- Other challenges you have experienced because of your trafficking experience, such as with your family, job, community, housing, friendships, children, education, or anything else
- Your family and community
- Things that have helped you regain your strength and independence
- Your current job, income, and any debts

Some programs separate consultation and intake into multiple meetings. Others combine them into one. You may want to ask your provider how their process is structured so you know what to expect.

You Are More Than Your Record

No matter what your record says, you are more than what happened to you. The choices you made under the control of a trafficker/s don't define your worth. You survived situations that many can't imagine, and that shows incredible strength.

Clearing your record is not just a legal process; it's a step toward reclaiming your story, your future, and your peace. You deserve understanding, support, and the chance to build the life you desire.

Gathering Initial Documents

You may be asked to gather certain documents before or after the intake meeting. Some offices request documents in advance so they can review them before meeting with you. Others assist in obtaining them after determining initial eligibility.

Documents may include:

- A national or state background check
- Court disposition records from the specific jurisdiction where the charges occurred
- Copies of prior post-conviction relief petitions or orders from states, if you have any

Some of these documents will have a fee. Some nonprofit and legal aid programs have funding available to cover costs associated with obtaining records. You should not assume you must pay these fees on your own. If cost is a concern, ask your legal team.

Reviewing Eligibility

After reviewing your charges and the applicable state statute, the legal team may reassess whether you meet the eligibility requirements for post-conviction relief. They may continue to reassess your eligibility throughout the process as they learn more information about you, your records, and the statute.

Eligibility depends on:

- The specific charges
- The language of the state's statute
- The connection between the trafficking experience and the offense
- Any other statutory limitations or requirements

If you are eligible, the case will move forward into petition preparation. If eligibility is unclear, the attorney may conduct additional legal research or request more documentation.

Affidavit and Petition Preparation

As your case proceeds, you may be asked to share your experience in greater detail to help establish the legal connection between your trafficking experience and the charges. The legal team will usually need to prepare two key documents: an affidavit and a petition. The affidavit is your statement, which is designed to show the judge that you are eligible for relief based on your description of what happened. The purpose of the affidavit is not to retell every detail of your trauma. It is to describe how your experience meets the legal requirements of the relevant statute. The petition is the legal argument that explains how you meet every requirement in the law. It is a very legal document that will reference sections in your affidavit or other evidence.

Your Story Belongs to You

You have the right to set boundaries, ask questions, and participate in shaping how your experience is presented. You are not required to sacrifice your wellbeing in order to move your case forward.

Information shared during intake is used to begin drafting your affidavit. Attorneys have different approaches to preparing affidavits. Some attorneys will draft the affidavit for you, based on what you have shared. Other attorneys will ask you to write out your story and then the attorney will recommend changes to make sure that it clearly addresses the legal elements. In either approach, you will likely be asked follow-up questions to clarify timelines or events in your affidavit.

You may also be asked to share information in your affidavit about different parts of your life in order to help the court understand the full context of your experience. This may include what your life was like before the trafficking occurred, the circumstances that made you vulnerable, what happened during the trafficking experience, and what your life has been like since leaving that situation. Attorneys sometimes gather this information to help demonstrate the connection between the trafficking experience and the charges, and to provide the court with a fuller picture of your journey.

In some cases, attorneys may also ask about steps you have taken to rebuild your life. This could include participation in supportive services, education or job training, recovery programs, community involvement, or other personal accomplishments.

Some survivors also choose to include letters from service providers, mentors, or community members who can speak to their challenges or their growth and progress. This information can be used to convince the judge that you are working hard to rebuild your life and that the legal system should help make this easier for you.

In some cases, attorneys may also ask about challenges that you continue to face because of your trafficking experience and the criminal records that you have. This could include landlords or employers that rejected you, programs that you can not qualify for, challenges with parenting, or any other restrictions or challenges that you face. This information can be used to convince the judge that granting relief is very important.

Not every case requires all of this information, and you should never feel pressured to share more than you are comfortable sharing. However, many legal teams try to gather enough information to clearly explain the circumstances of the charges and the impact that clearing the record could have on your future.

Additional Documentation

Post-conviction relief cases require your legal team to present enough evidence to meet the legal standard outlined in your state’s statute. This refers to the quality and sufficiency of the evidence under the law, and the specific requirements for that state, not simply the amount of documentation provided.

Some states may rely solely on your affidavit as evidence of your eligibility for relief. Other states require additional documentation, and in many states additional documents can help to convince the judge, such as:

- A letter from a human trafficking service provider
- Documentation from any government agency that has recognized you as a trafficking victim
- Documentation from law enforcement, including arrest records (yours or others), witness or victim statements, victim services referrals or other documents
- Letters from community members, employers, teachers, friends, or family describing the connection between the criminal charges and the trafficking experience, or your life before or after trafficking, or other details
- School, medical, employment, or other records for you or your children
- Documentation of problems you have faced as a result of your criminal records, like denied rental or employment applications
- Other documents that address the legal elements or help convince the judge to approve your petition

If you are asked to provide information or documents, your legal team should explain the purpose of the information, what is legally required, and what it should look like. They may have examples that can show you what they want.

You should always understand what your legal team is asking for and why they want it. If you feel uncomfortable with any of their requests, you should tell them. They want to help you as much as possible, but they might not be aware that their help is causing you harm or stress. Ultimately, the application is YOUR APPLICATION, and you can put limits on what you are willing to do or share in this application.

Review Before Filing

Before any petition is filed with the court:

- You should have the opportunity to review the documents
- You can ask questions
- You can request corrections or clarification
- You should ask your attorney to explain any legal language that you do not understand (they may need to use that language for the court, but they should be able to explain that to you)

You should never feel rushed into signing something you do not understand. Take the time to review the materials and ask any questions that you have.

If you are not a US Citizen, you may want to check with an immigration attorney to make sure that there is nothing in the petition that might cause problems with your immigration status. The intersections of criminal and immigration law are very complex and can show up in unexpected ways. The criminal and immigration legal systems define things very differently (even common terms like “conviction”), so it is important to have a lawyer review these issues and advise you on your options.

Possible Prosecutor Interview

Your legal team may contact the prosecutor before the application is filed. The prosecutor will be given an opportunity to support or oppose your application. Most prosecutors prefer to know that the application is coming so that they can think about it in advance. They may want to review the materials and may even want to ask some questions in advance (this is not very common, but it is possible). You should discuss this with your legal team so that you understand what is happening and what to expect. If you are asked to speak with the prosecutor, your legal team should tell you what to expect and what you should be ready to tell the prosecutor. Your lawyer should be with you during the interview and you can ask for a break if you want one at any time.

What Happens Once Your Post-Conviction Relief Application is Filed?

Filing the Petition and Court Review

Once your petition is finalized, it will be filed with the appropriate court. The prosecutor will likely review the petition. In some states, the prosecutor is required to either consent to or oppose the request. If the prosecutor does not consent, and sometimes even if the prosecutor does consent, a hearing may be scheduled. This is a procedural step and does not reflect your worth, the validity of your experience, or the strength of your application. Your attorney will advocate on your behalf during the hearing.

You may be able to attend the hearing by video conference, or you may not need to attend at all (sometimes it is only necessary for the lawyers to attend the hearing). If you do attend, you may be able to (or be required to) testify and answer questions from the prosecutor or the judge.

If a Hearing Is Required

If a hearing is scheduled, your attorney should prepare you in advance. They should explain:

- Who will be present
- Whether you may be asked to speak
- Whether anyone will ask you questions
- What you should do if you don't want to answer questions or get confused or upset
- What the structure of the hearing will look like

Practical Tips for In-person Hearings

If you are asked to attend a hearing in person, consider the following:

- Dress: Ask your legal team for guidance on what to wear. If you need help getting appropriate clothing, they may be able to assist or connect you with a local organization that can assist.
- Travel Needs & Accommodations: Talk with your legal team ahead of time about transportation, lodging, or other logistical support you may need.

Practical Tips for In-person Hearings (Cont.)

- What to Expect in the Courtroom: Your legal team should walk you through the hearing process, including who may be present, what roles different people will play, and how the hearing typically unfolds.
- Role of Your Attorney or Legal Staff: Your attorney will speak on your behalf and advocate for your petition. They may also prepare you for any questions you might be asked.
- Coping Strategies: Court hearings can bring up stress or triggers. Explore strategies with your legal team or outside supports, which may include a case manager, advocate, or therapist.

After a Court Decision

The judge ultimately decides whether relief is granted. Timelines for the decisions (also called rulings) vary widely. In some jurisdictions, decisions may take several months. In others, the process may take a year or longer. Waiting can be emotionally difficult. Staying in communication with your legal team and leaning on supportive individuals during this period can help you manage uncertainty.

Petition Granted

If your petition is granted, the court will issue an order granting relief. Depending on your state, it may take 60 to 90 days, or sometimes longer, for court and state record systems to update and for your records to be changed. You may wish to request a background check after this period to confirm that your record reflects the court's order. Your legal team may need to follow up to make sure that the systems are properly updated. Even after the court records are updated, private background check companies may still have the old records, and news reports may still remain.

You should keep a copy of the court order granting the petition in a safe place. You may also consider keeping a copy of your background check and any records from before the record was cleared, if it is safe for you to do so. In some situations, a background check may show that there were records even if they were cleared. Having a copy of the original record can help clarify what the charges were if questions arise in the future. It may be impossible to get copies of those records in the future. Consider keeping copies in your email or asking a close friend or family member to keep a copy for you, if that is safe.

If you are not a US Citizen, make sure to discuss the impact of the court's decision on your immigration status and future options. The intersections of criminal and immigration law are very complex and can show up in unexpected ways. The criminal and immigration legal systems define things very differently (even common terms like "conviction"), so it is important to have a lawyer review these issues and advise you on your options.

Petition Not Granted

If your petition is denied, your legal team can explain:

- Whether you have the right to appeal
- Whether you may refile at a later time
- Whether alternative forms of relief are available

Even if relief is not granted, this does not erase your progress or resilience. Legal outcomes are based on statutory requirements, not personal worth.

Continuing Your Journey

You have reached the end of this guide. We hope the information shared here has helped you better understand what post-conviction relief is, what it may involve, and what to realistically expect if you decide to explore this option.

As shared at the beginning of this guide, it is not possible to answer every question or address every individual situation. Laws vary by state. Court practices vary by jurisdiction. Outcomes vary depending on the facts of each case. This guide is designed to provide general education so that, if you are referred for post-conviction relief or decide to pursue it on your own, you are entering the process with informed expectations rather than uncertainty or false promises.

Post-conviction relief is not automatic. Being referred to an organization does not guarantee representation. Eligibility depends on many factors, including the type of charges, the state statute, court requirements, and sometimes income or residency criteria. The process may take months or, in some jurisdictions, more than a year. Court backlogs, prosecutorial response, the complexity of your record, and whether additional documentation is required can all affect timing.

If you choose to move forward, it may be helpful to speak directly with an attorney who can review your individual record and advise you on your options. This guide does not provide legal advice and is not a substitute for speaking with a licensed attorney.

Our hope is not to create unrealistic expectations, but to help you feel prepared. Whether you decide to pursue post-conviction relief now, later, or not at all, that decision is yours.

In the sections that follow, you will find:

- Answers to common questions survivors often have about post-conviction relief
- National and local nonprofit organizations that may serve as starting points for legal assistance
- Self care tools and resources
- A glossary of key terms

If you have additional questions about this guide, you may contact the Survivor Reentry Project at Freedom Network USA.
Thank you for your resilience and for taking the time to educate yourself about your options.

Common Questions

Q: Will post-conviction relief impact my options for immigration relief?

It might. In some situations, post-conviction relief applications and decisions can affect immigration cases, including applications for lawful status or citizenship. Timing can also be complicated. In some cases, survivors may need to file for immigration relief before post-conviction relief is complete due to deadlines or eligibility windows. This means decisions are not always about which process to pursue first, but about navigating competing timelines. If you are not a US citizen or have any immigration concerns, it is strongly recommended that you speak with an immigration attorney before filing for post-conviction relief. Your immigration attorney and your post-conviction relief attorney should coordinate to avoid unintended consequences. If you are filing on your own, consider seeking at least a consultation with an immigration attorney before moving forward.

Q: Do fees related to my charges go away if my conviction is cleared?

It depends on the state and the type of relief granted. In some jurisdictions, court fees, fines, or restitution may be vacated along with the conviction, and the money will be returned. In others, financial obligations may be handled separately and may not automatically be eliminated.
Before filing, it is important to ask whether post-conviction relief in your state includes relief from fines and fees, or whether additional steps are required. If you are working with an attorney, they can clarify this. If you are filing on your own, review the statute carefully or seek guidance to understand what financial relief is and is not available.

Q: What if I have an open criminal case?

If you have an open criminal case, that matter must usually be addressed separately. You may need a criminal defense attorney or a public defender. Post-conviction relief typically applies to past arrests and convictions, not pending charges. Contact the local court to ask about requesting a public defender if you do not already have one.

Q: How long does the process typically take?

Every case is different. Some cases may take a few months, while others may take a year or longer.

Factors that may affect timing include:

- The state and specific court handling the petition
- Whether the prosecutor opposes or consents

Factors that may affect timing include (cont.):

- Court backlog or scheduling delays
- The complexity of your record
- Whether additional documentation or verification is required
- How quickly you are able to provide all of the documentation and information required for the petition.

If you have an attorney, they should help you understand the expected timeline. If you are filing on your own, you may need to contact the clerk's office to check on the status of your case and ask about local procedures.

Q: Do I have to press charges against my trafficker?

No. Seeking criminal record relief does not require you to press charges against or cooperate in a case against your trafficker. If someone tells you that it is required, you have the right to ask questions or seek a second opinion. Your safety and comfort matter.

Q: What if I have an active warrant?

An active warrant means that a court has authorized law enforcement to arrest you, usually because of a missed court date, unpaid fines, or an unresolved case. This is important to address before or during the post-conviction relief process. In some cases, an attorney may be able to help resolve or temporarily lift a warrant while pursuing relief. If you are filing on your own, consider contacting the court clerk to understand the nature of the warrant and whether a hearing can be scheduled to address it. Because warrants can carry risk, it is important to seek legal advice whenever possible before taking action.

Q: I was charged with trafficking. Am I eligible for relief?

Eligibility varies by state. Many trafficking-related post-conviction relief statutes are limited to nonviolent offenses that occurred as a result of a person's victimization. In some states, this may exclude trafficking charges. However, laws differ, and this area of law continues to evolve.
If you were charged with trafficking, it is important to have your specific record reviewed by an attorney in the state where the conviction occurred to determine whether any form of relief may be available.

Nonprofit Human Trafficking Programs Offering Record Relief Support

Many nonprofit human trafficking programs across the country provide support to survivors seeking post-conviction relief. Some organizations offer direct legal representation, legal clinics, or referrals to attorneys that can assist with post-conviction relief options. These programs change over time, as they are sadly dependent on funding that is limited. Before reaching out, review each organization's website carefully to understand who they serve and what types of cases they handle. If you are unsure whether you qualify, ask whether they can provide a referral to another organization in your area.

Not every program can accept every case. If you contact a program and are not eligible for services, this does not reflect your worth or the validity of your experience. It simply means that the organization has specific guidelines that determine the cases they can take.

This list is not exhaustive. Programs may change their service areas, eligibility criteria, or funding availability over time.

California

ALIGHT
Geographic Area: Southern California, Colorado, Utah
Services: Legal services for survivors of human trafficking, including record relief in eligible cases
Who They Serve: Survivors of trafficking within their service region
Website: https://alightnet.org/get-help/

San Diego Volunteer Lawyer Program
Geographic Area: San Diego County
Services: Legal clinics and representation, including expungement and record clearing in certain cases
Who They Serve: Low income individuals in San Diego County
Website: https://sdvlp.org/record-relief-for-survivors/

Florida

Justice Restoration Center
Geographic Area: Florida
Services: Legal advocacy and record relief assistance for survivors
Who They Serve: Survivors of human trafficking with eligible convictions under Florida law
Website: https://www.jrcenter.org/

National

Survivor Reentry Project at Freedom Network USA
Geographic Area: National
Services: Post-conviction relief support for survivors of human trafficking
Who They Serve: Survivors seeking to clear criminal records connected to their trafficking experience in multiple states
Website: https://freedomnetworkusa.org/advocacy/survivor-reentry-project/

New Jersey

Volunteer Lawyers for Justice
Geographic Area: New Jersey
Services: Pro bono legal services, including expungement and record clearing
Who They Serve: Income eligible individuals in New Jersey
Website: https://www.vljnj.org/get-help

Oregon

CLEAR Clinic
Geographic Area: Oregon
Services: Criminal record expungement and legal assistance
Who They Serve: Individuals seeking record clearing support
Website: https://clear-clinic.org/services

Wisconsin

Lotus Legal Clinic

Geographic Area: Wisconsin

Services: Legal services for survivors of trafficking and exploitation, including record relief

Who They Serve: Survivors of trafficking and sexual exploitation

Website: https://www.lotuslegal.org/

Additional Post-Conviction Relief Information

Freedom Network USA's Survivor Reentry Project

The Survivor Reentry Project webpage includes resources and information, including a summary of the laws in each US state and territory.

Polaris Project 2023 State Report Cards

Polaris Project published report cards comparing all US state laws on trafficking-specific post-conviction relief. The most recent report is from 2023.

Shared Hope International Just Like Me Report Cards

Shared Hope's Just Like Me Report Cards assess the laws of all 50 states on child and youth sex trafficking, and also provide recommendations.

Self-Care Resources

The following tools and resources were compiled and recommended by the Reframe Health and Justice Virtual Grief Mutual Aid Program:

Tending Grief: Embodied Rituals for Holding Our Sorrow & Growing Cultures of Care in Community by Camille Sapara Barton
A practical guide which offers rituals, reflection prompts and exercises to help process grief.

Young Women's Empowerment Project's Healing in Action Zine
A zine for tips on self-care and community care strategies developed through the Street Youth Rise Up! Campaign.

The Sanar Institute is "dedicated to healing the impact of trauma caused by interpersonal violence through cutting-edge, trauma-specific services, education and support."

- Mini Self-Care Assessment
- Self-Care Sustainability Plan
- Felt Sense Exploration exercise

The Grief House creates and supports community-led offerings that foster the metabolism of grief from all kinds of loss. Portals is a podcast dedicated to "an ongoing exploration of the complexity of being human, through monthly conversations about trust, loss, feelings and perspective."

Our House Grief Support Center offers groups, trainings and resources for people of all ages (adults, teens and children) to process experiences of grief.

Key Terms

Below is a list of terms you may see throughout this guide or hear during the post-conviction relief process. Some terms may vary by state.

Affidavit (also called a Narrative, Declaration, or Personal Statement)

A written statement used in court filings. In post-conviction relief, the affidavit is generally used to explain how your arrests or convictions are connected to your trafficking experience. This document is typically prepared in collaboration with your attorney.

Attorney-Client Privilege

A court rule that protects communications from a client with their attorney. Communications covered by the privilege cannot be disclosed in court without the consent of the client. The privilege has limits, such as when there is another person (not part of the legal team) present at the time of the conversation.

Burden of Proof

The legal standard that must be met to prove your case. Most states use a preponderance of the evidence standard for post-conviction relief, which means that it is more likely than not that you are eligible for relief. Some use the higher standard, beyond a reasonable doubt. The burden of proof is named in the relevant law.

Commercial Sex Act

When something of value is given to or received by any person in exchange for any sex act. This can include money, housing, food, drugs, transportation, or other items of value.

Confidentiality

A lawyer has an ethical duty to keep all information about their client protected, unless the client authorizes a release of information. This duty is broader than attorney-client privilege and includes even the fact that the person is a client of the attorney. This duty lasts even after the case is over, and the client is no longer represented by the attorney. Social workers and other professionals also have confidentiality duties and policies.

Conflict Check

A process completed by an attorney or legal organization to make sure there is no conflict of interest that would prevent them from representing you.

Conviction

A formal finding by a court that a person is guilty of a crime.

Criminal Charge

A formal accusation made by a prosecutor or government authority that someone has committed a crime.

Disposition

The final outcome of a criminal case, such as a dismissal, conviction, deferred adjudication, or other resolution.

Expungement

A legal process that removes or limits public access to a criminal offense on your record. What expungement means and what it covers varies by state. In some states, the record may still be visible to certain government agencies or must still be disclosed in specific situations.

Fees

Court related costs or financial obligations associated with a criminal case.

Fines

Monetary penalties ordered by a court as part of a sentence.

Labor Trafficking

The recruitment, harboring, transportation, provision, or obtaining of a person for labor or services through force, fraud, or coercion, for the purpose of involuntary servitude, debt bondage, or slavery.

Legal Service Provider

A nonprofit organization, legal aid office, law school clinic, or other entity that provides legal services.

Pardon

An act of executive clemency, typically granted by a governor or the President, that forgives a conviction but does not erase it.

Petition (sometimes called a Motion)
A formal written request submitted to a court asking for a specific legal action, such as vacating or sealing a conviction.

Post-Conviction Relief
A legal process that asks a court to review and potentially vacate, dismiss, seal, or otherwise modify a prior conviction or other criminal records.

Pro Bono Attorney
An attorney who provides legal services at no cost to individuals who cannot afford representation.

Release of Information
A signed document that allows the client to give an attorney permission to contact a third party to collect information or documentation or to release information or documentation to a third party.

Restitution
Money ordered by a court to be paid to a victim to compensate for financial losses resulting from a crime.

Retainer Agreement
An agreement or contract between an attorney and a client that outlines services to be provided.

Sealing
A legal process that restricts public access to a criminal record. The record still exists but is generally not visible to the public. Certain government agencies or licensing bodies may still have access.

Sex Trafficking
The recruitment, harboring, transportation, provision, obtaining, patronizing, or soliciting of a person for a commercial sex act through force, fraud, or coercion. It also includes any person under the age of 18 involved in a commercial sex act, regardless of force, fraud, or coercion.

Vacatur
A legal process in which a court sets aside a conviction and declares that it is no longer legally valid. In trafficking related post-conviction relief cases, this means the court recognizes that the conviction was connected to your trafficking experience and should not stand.

Victim, Survivor, Client

Terms used throughout this guide to refer to the trafficked person. Different programs and legal professionals may use different terminology.

Warrant

An official court order authorizing law enforcement to take a specific action, such as arresting a person.