



# OUR CHILDREN UNDER THREAT

## How to Advocate for and Protect Our Most Vulnerable

By Jeannie Santiago



As parents, our worst fear is something awful happening to our children. These very real fears stem from the increased number of headlines of atrocities that we see in the news, personal experience, or our environment. Whether it be from legislation that affects our children or the predatory behaviors we see within the school system, medical industry, or from authorities, the threats are pervasive and alarming. The growing incidents in schools—ranging from sexual assaults and human rights violations to violence—demand our urgent attention and advocacy, especially when schools or authorities are uncooperative.

Protecting your child from unlawful police interactions is another critical area that requires our vigilance and proactive measures. We will also examine the new labor laws affecting working children and how to

safeguard them from employment violations. This guide will review several situations and best practices that parents and caregivers can take to protect and advocate for their children.

In addition, this guide covers essential topics such as child rights, online bullying, disability rights, discrimination against same-sex parents, and gender identity issues. By understanding these challenges and learning proactive measures, you, as a parent, can effectively combat abuse and violations. We will also explore how mediation can be a powerful tool in resolving disputes and injustice.

In this comprehensive guide, you'll find the knowledge and strategies needed to advocate for and protect your children in today's complex and often perilous environment.







## CHILD RIGHTS

### CAPTA

[Children's Bureau \(CB\)](#) | [The Administration for Children and Families \(hhs.gov\)](#).

### IDEA

[A Parent Guide to the Family Educational Rights and Privacy Act \(FERPA\)](#) | [Protecting Student Privacy](#)

### Juvenile Justice

[Resources Archive - Futures Without Violence](#)

### Child Homelessness

[EHCY Fact Sheet \(PDF\)](#), July 27, 2016 ([ed.gov](#)).

### Child Labor Provisions

[19939\\_.pdf \(dol.gov\)](#).

### CHIP

[Medicaid & CHIP coverage](#) | [HealthCare.gov](#)

### Human Trafficking

[Human Trafficking](#) | [Key Legislation](#) ([justice.gov](#)).

### ICWA

[Legislative History](#), [Indian Child Welfare Act of 1978](#), [A Practical Guide to the Indian Child Welfare Act](#), [Native American Rights Fund - A Practical Guide to the Indian Child Welfare Act](#); [Native American Rights Fund](#) ([narf.org](#)).

[www.MyMediator.JeannieSantiago.com](#)



*\*Disclaimer, law varies depending on state and jurisdiction. Please use your discernment and lookup your states laws for your children. The rights I will review are on the federal level. For information about your child's rights, please refer to the "Resource Guide" in this article.*

Federal child rights laws in the United States are designed to protect the welfare, safety, and rights of children across various domains. Under The Equal Protection Clause of the 14th Amendment, children have the same constitutional rights as adults but do not include those not yet born and stipulations, such as, not having the ability to vote if a child is under the age of 18 years old. These laws address issues ranging from child abuse and neglect to education and labor. Here are some key federal child rights laws:

### Child Abuse Prevention and Treatment Act (CAPTA)

CAPTA provides federal funding to states in support of prevention, assessment, investigation, prosecution, and treatment activities related to child abuse and neglect.

*Key Provisions:* Establishes a minimum definition of child abuse and neglect, mandates states to create and enforce laws regarding child protection, and funds research and demonstration projects related to child welfare (i).

### Individuals with Disabilities Education Act (IDEA)

IDEA ensures that children with

disabilities are entitled to a free appropriate public education (FAPE) in the least restrictive environment tailored to their unique needs and are protected under the Rehabilitation Act of 1973. This provision ensures that individuals with disabilities are not denied benefits and can participate in programs that receive federal financial assistance (ii).

*Key Provisions:* Requires the development of an Individualized Education Program (IEP) for each child with a disability, ensuring tailored educational plans and services.

### Family Educational Rights and Privacy Act (FERPA)

FERPA protects the privacy of student education records and grants parents' certain rights regarding amended and disclosure information over their children's education records until the age of 18. Then the right transfers from parent to the "eligible" student (iii). *Key Provisions:* Parents have the right to inspect and review their child's education records, request amendments to inaccurate or misleading records, and have some control over the disclosure of personally identifiable information.

### Juvenile Justice and Delinquency Prevention Act (JJDPA)

JJDPA aims to prevent and address juvenile delinquency and improve the juvenile justice system through "formula grants" to states.

*Key Provisions:* Provides guidelines and funding to states for the improvement of juvenile justice systems related to care and treatment, emphasizing



deinstitutionalization of status offenders, removal of juveniles from adult jails, and reduction of disproportionate minority contact (iv).

**McKinney-Vento Homeless Assistance Act**

This act ensures educational rights and protections for children and youth experiencing homelessness and provides federal funding for homeless shelter programs.

*Key Provisions:* Requires schools to provide immediate enrollment of homeless children and youth, transportation to and from school, and access to the same free, appropriate public education as housed students (v).

**Child Labor Laws (Fair Labor Standards Act - FLSA)**

The FLSA includes provisions to protect children from exploitation in the workforce.

*Key Provisions:* Establishes minimum age requirements for employment, restricts the number of hours children can work, prohibits children from engaging in hazardous occupations, and educational opportunities (vi).

**Children’s Health Insurance Program (CHIP)**

CHIP provides low-cost health coverage to children in families that earn too much money to qualify for Medicaid but not enough to afford private insurance.

*Key Provisions:* Covers routine check-ups, immunizations, doctor visits, prescriptions, dental and vision care, inpatient and outpatient hospital care, laboratory and X-ray services, and emergency services (vii).

**Trafficking Victims Protection Act (TVPA)**

TVPA addresses human trafficking, including the trafficking of children for labor or sexual exploitation.

*Key Provisions:* Provides tools to combat trafficking, including prevention programs, protection for victims, and prosecution of traffickers. Enhances penalties for traffickers and includes provisions for the support and rehabilitation of victims (viii).

**Indian Child Welfare Act (ICWA)**

ICWA seeks to keep Native American children with Native American families by upholding family’s native cultures and community, ensure stability, and integrity.

*Key Provisions:* Establishes standards for the placement of American Indian children in foster and adoptive homes and gives preference to placements with American Indian families (ix).

These federal laws form a comprehensive framework aimed at protecting the rights and well-being of children in various aspects of their lives. By understanding these laws, parents, guardians, and advocates can better ensure the safety and proper development of children in America.



**Case Study: Brackeen v. Haaland**

Brackeen v. Haaland originated in Texas when Chad and Jennifer Brackeen, a non-Native American couple, sought to adopt a Native American child. The child was subject to the ICWA, which prioritizes the placement of Native American children with Native families or tribes. The Brackeens, along with other non-Native families, challenged the constitutionality of ICWA, arguing that it discriminates on the basis of race and oversteps federal authority by infringing on states’ rights to govern family law.

**Legal Arguments**

The plaintiffs argued that:  
Equal Protection Clause Violation: The ICWA's preference for placing Native American children with Native families constitutes racial discrimination. Tenth Amendment Violation: The ICWA unlawfully commandeers state agencies to enforce federal mandates. Nondelegation Doctrine Violation: The ICWA improperly delegates legislative power to Native American tribes.

**Court Decisions**

District Court Ruling (2018): The U.S. District Court for the Northern District of Texas ruled in favor of the plaintiffs, declaring ICWA unconstitutional on several grounds, including equal protection and the Tenth Amendment. Fifth Circuit Court of Appeals (2021): The case was appealed to the Fifth Circuit, which issued a complex, split decision. The court upheld some provisions of ICWA while striking down others, reflecting deep divisions among the judges about the law’s constitutionality. Supreme Court Involvement (2022): The case was appealed to the U.S. Supreme Court, which granted certiorari to review the Fifth Circuit’s decision.

**Implications**

The Brackeen v. Haaland case has significant implications for ICWA and broader issues of tribal sovereignty and the federal government’s role in protecting Native American children. If the Supreme Court were to rule against ICWA, it could dismantle protections that have been in place since 1978 and potentially affect other laws and policies designed to support Native American tribes.

**Current Status**

As of the latest updates, the Supreme Court heard arguments in November 2022, and a decision is expected in the near future. The outcome will be pivotal in determining the future of ICWA and could reshape the landscape of child welfare for Native American children and families.



### Changes in Behavior

Sudden changes in mood, behavior, or habits, such as becoming withdrawn or anxious.

### Reluctance to Use Devices

Hesitation or refusal to use their phone or computer or becoming secretive about their online activities.

### Emotional Distress

Visible signs of distress after using the internet, such as crying or anger.

### Avoidance of Social Situations

Reluctance to attend school or social events.

### Decline in Academic Performance

Falling grades or loss of interest in schoolwork.

*If your child shows signs of severe distress, consider seeking help from a mental health professional.*

## SOCIAL MEDIA & YOUR CHILD

### ONLINE BULLYING

Online bullying, also known as cyberbullying, involves using digital platforms such as social media, messaging apps, and websites to harass, threaten, or embarrass individuals. This type of bullying can include sending mean messages, spreading rumors, posting humiliating images or videos, impersonation, and exclusion from online groups. Unlike traditional bullying, online bullying can occur 24/7 and reach a vast audience quickly.

According to studies cyberbullying has been on the rise with one-fifth of all bullying occurring on social media accounting for 19.2% of bullying. With 59.9% of the 19.2% being between the ages of 14 to 18 years of age and 56.4% being 11 to 13 years old. Making preteen children and teenagers the most effected group of online bullying (x).

While there is no specific federal law that addresses online bullying directly, several federal statutes and initiatives provide protections and resources.

Children's Internet Protection Act (CIPA) requires schools and libraries to implement measures to protect

children from harmful online content.

Children's Online Privacy Protection Act (COPPA) aims to protect the privacy of children under 13 by regulating the collection of personal information by websites and online services.

STOP School Violence Act provides funding for programs designed to prevent school violence, including training for students and staff to recognize and respond to bullying.

Civil Rights Laws, bullying that targets a student based on race, color, national origin, sex, disability, or religion can be addressed under federal civil rights laws.

Online bullying can have severe and lasting effects on the mental health of children and adolescents. Victims often experience increased levels of anxiety and depression, and constant negative feedback and humiliation can severely impact a child's self-esteem. Children may withdraw from social interactions to avoid further bullying and can lead to poor academic performance. In

extreme cases, cyberbullying has been linked to suicidal ideation and attempts.

Many social media platforms have implemented measures to combat online bullying and protect children, such as reporting mechanisms. Platforms like Facebook, Instagram, and Twitter allow users to report abusive content and behavior. These platforms have community guidelines and policies explicitly prohibiting bullying and harassment by utilizing advanced algorithms and human moderators to identify and remove harmful content.

Users can block bullies and use filters to prevent abusive messages from reaching them. Educational resources are also available on platforms that provide tools to inform users about online safety and bullying prevention.



Parents can take several proactive steps to protect their children from online bullying. It is imperative to foster a supportive and open environment where children feel comfortable discussing their online experiences. Parents and guardians should keep an eye on their child’s online interactions and use parental control tools to monitor and limit their internet use.

**CHILD PREDATORS**

Child predators have increasingly turned to social & gaming platforms to exploit and target children. The anonymity and reach provided by these platforms make it easier for predators to initiate contact, groom, and exploit children. Despite the efforts of social media companies to implement safety measures, the sheer volume of users and content makes it challenging to completely eradicate predatory behavior.

Accurate and comprehensive statistics on child predation are difficult to obtain due to the hidden nature of these crimes. However, several studies and reports provide a glimpse into the scope of the problem:

**National Center for Missing & Exploited Children (NCMEC)**  
2020 Report: The NCMEC received 21.7 million reports to its CyberTipline, which included reports of suspected child sexual exploitation and abuse. This marked an increase from previous years, reflecting both heightened reporting and potentially increased incidents. In 2020, there were over 37,000 reports of online enticement, which involves an individual attempting to engage a child in sexual activity through the internet (xi).

**Thorn: Tech & Social Impact Nonprofit**  
2021 Survey: According to Thorn, 1 in 3 internet users aged 10 to 17 reported



receiving unwanted sexual solicitations online. Most of these solicitations occurred on social media platforms (xii).

**Federal Bureau of Investigation (FBI)**  
The FBI highlights that at any given time, there are an estimated 750,000 child predators online, seeking to exploit children through various digital means, including social media (xiii).

**Bark: Parental Control Software**  
2022 Data: Bark’s annual report found that 35.5% of tweens and 52.6% of teens encountered a sexual solicitation or message from someone online they did not know (xiv). To learn more about Bark’s parental control services please visit [Bark — Parental Controls for Families](#) .

Parents should be aware of certain signs that may indicate their child is being targeted by a predator. Secretive behavior by your child regarding their online activities is a cause for concern. Spending an unusually long time online, especially at night, and unexplained gifts or packages arriving at your home is another dedicator. The mentioning of new friends who are much older or unknown to the family or emotional

distress or agitation after using the internet can mean that your child has been targeted.

Some proactive measures parents can take to protect their children is to teach your children about the dangers of interacting with strangers online and the importance of privacy settings. Get familiar with parental controls and monitoring software to keep track of your child's online interactions.

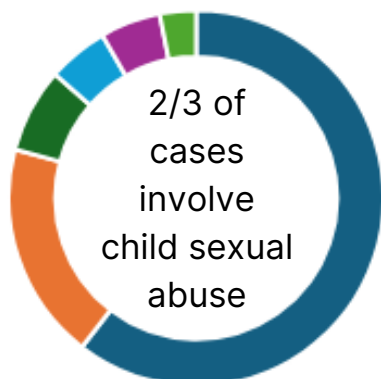
It is important to maintain an open dialogue about their online experiences and encourage them to speak up if they feel uncomfortable. Ensure that you establish rules about internet use, including which sites are permissible and how long they can be online. Also, immediately report any suspicious or predatory behavior to the platform and law enforcement.

Teaching your children about the importance of privacy settings, not sharing personal information with strangers, and how to recognize and report bullying. Promotes kindness, safety, and respect in all online communications. By staying informed and involved, parents can help their children navigate the digital world safely and protect them from the harmful effects of online bullying and sexual exploitation.



# Online Child Predators & Abuse in America

## Types of Abuse



■ Sexual Abuse ■ Physical Abuse ■ Neglect  
■ Witness to Violence ■ Other ■ Drug Endangerment

Source: National Children's Alliance

93.6% of offenders are men

Average offender age is 38

63.8% of offenders had no prior criminal history

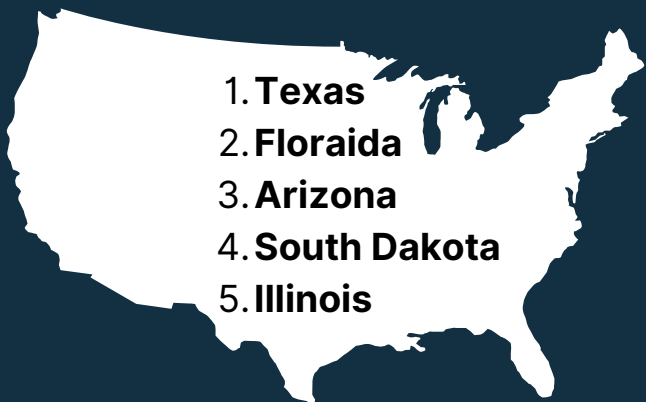
29.3 million online child abuse cases are reported

88% of Trafficking happens online

49% of minors are extorted & exploited online

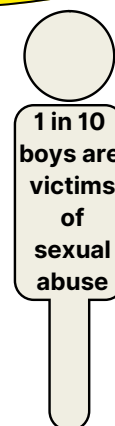
21% of people alleged to have abused a child were abused themselves as a child

## Top 5 states for sexual abuse offenders



Every 9 minutes a new claim of child sexual abuse is reported

77% of abusers are parents



Approx. 90% of perpetrators of child sexual abuse know the child or are family members

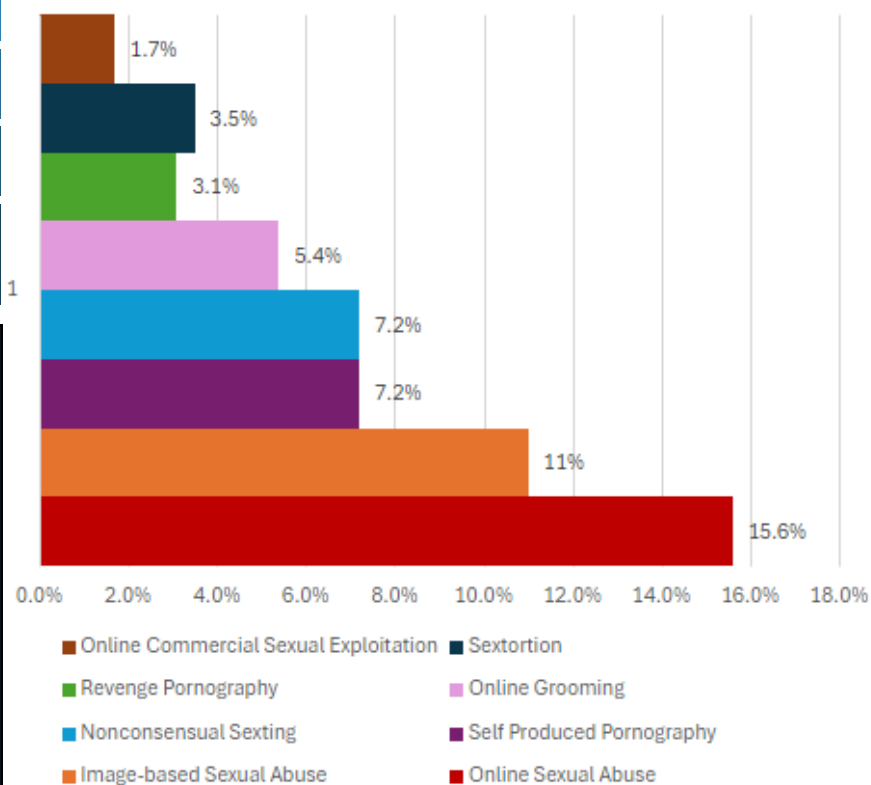
2 out 3 child victims are between the ages of 12 to 17 years old

34% of victims are under the age of 12

66% of victims are between the ages of 12 to 17

82% of victims are female

## Prevalence of online sexual offenses against children in the US



**422% Increase in Online Child Exploitation over the past 15 years (2021)**





## CHILD DISABILITY RIGHTS

Children with disabilities face unique challenges that can impact their educational experiences and daily lives. Despite federal laws designed to protect their rights, disabled children often encounter discrimination and barriers to inclusion. Children with disabilities in the United States have a range of rights designed to ensure they receive appropriate education, care, and protection. These rights are enshrined in various federal laws and regulations, aimed at providing equal opportunities and preventing discrimination. There are several key rights for children with disabilities that parents should be aware of.

### **Right to Free Appropriate Public Education (FAPE)**

The Individuals with Disabilities Education Act (IDEA) ensures that children with disabilities have access to a free appropriate public education (FAPE) tailored to their individual

needs. Schools must develop an Individualized Education Program (IEP) for each child with a disability, outlining specific educational goals and the services required to meet those benchmarks. With the Least Restrictive Environment (LRE), children with disabilities should be educated with their non-disabled peers to the maximum extent appropriate. FAPE also allows parents to have the right to be involved in the development and review of their child's IEP and educational placement.

### **Right to Non-Discrimination**

Section 504 of the Rehabilitation Act of 1973 prohibits discrimination based on disability in programs and activities that receive federal financial assistance. Schools must provide reasonable accommodation to ensure that students with disabilities can participate in educational programs

and activities. Students who do not qualify for an IEP under IDEA may receive accommodation through a 504 Plan.

The Americans with Disabilities Act (ADA), prohibits discrimination against individuals with disabilities in all areas of public life, including schools. Educational establishments must ensure that facilities, programs, and services are accessible to students with disabilities. The ADA also requires schools to provide students with disabilities the same opportunities to participate in extracurricular activities as their non-disabled peers.

### **Right to Privacy**

The Family Educational Rights and Privacy Act (FERPA) protects the privacy of student education records. The FERPA gives parents the right to access and review their child's





services be included in the IEP by the time a student reaches age 16 (or younger if deemed appropriate). Transition services focus on preparing students for post-secondary education, vocational training, employment, and independent living. The transition plans should be tailored to the student's interests, strengths, and needs.

Children with disabilities in the United States are entitled to numerous rights aimed at ensuring they receive a comprehensive, inclusive, and supportive education. By understanding these rights, parents, educators, and advocates can work together to provide the best possible outcomes for disabled children. These legal protections are vital for promoting equality, fostering independence, and enabling children with disabilities to reach their full potential. However, disabled children often encounter a range of difficulties in educational settings and other areas of life.

Scholastic facilities may lack necessary accommodations, such as wheelchair ramps, accessible restrooms, or adaptive technology, making it difficult for disabled children to navigate the physical environment. There is often a shortage of specialized staff, such as special education teachers, aides, and therapists, which can result in insufficient support for disabled students. This also affects students with disabilities regarding behavioral punishments like suspension at more than twice the rate of non-disabled students (xv). Due to questionable penalization, low expectations from teachers, bias, and lack of resources, only 65% of students with disabilities graduate from high school, compared to 84% of their non-disabled peers (xvi).

education records. Schools must have written consent from parents before disclosing personally identifiable information from a student's education records, except in certain permitted situations.

### **Right to Early Intervention Services**

The Individuals with Disabilities Education Act (IDEA) Part C provides early intervention services for infants and toddlers with disabilities (birth to age three). Whereas Individualized Family Service Plan (IFSP) outlines early intervention services tailored to the needs of the child and family. Families are assigned a service coordinator to help them navigate the early intervention system and access services.

### **Right to Safe and Inclusive Environments**

The Safe and Drug-Free Schools and Communities Act aims to create safe and drug-free environments conducive

to learning and bullying prevention. Schools must implement policies and programs to prevent bullying and harassment, including those based on disability. Academic institutions are encouraged to have plans and resources in place to address crises that may affect students, including those with disabilities.

### **Right to Assistive Technology**

The Assistive Technology Act promotes access to assistive technology devices and services for individuals with disabilities. Schools must ensure that students with disabilities have access to necessary assistive technology to support their education. This includes training and support for students, parents, and educators on assistive technology.

### **Right to Transition Services**

The Individuals with Disabilities Education Act (IDEA) Transition Services mandates that transition



## SPECIAL NEEDS SERVICES AVAILABLE FOR PARENTS

There are numerous services and resources available to support parents with special needs children. There are early intervention programs that provide services for infants and toddlers with disabilities to enhance development. [What is "Early Intervention"? | CDC](#) .

Schools are required to provide special education services tailored to the needs of disabled students. Special education services can be found on your local state's .gov site.

Parents can join support groups that can provide parents with emotional support and practical advice from others facing similar challenges. There are online support groups like, [ShareWell | Mental Health Support | Peer Support \(sharewellnow.com\)](#) or in-person support systems found in your local area through [Home - Support for Parents of Children with Disabilities \(p2pusa.org\)](#) .

Respite care services offer temporary relief for caregivers, allowing them to take breaks while ensuring their child's needs are met. To find services in your area, please visit [Exploring Respite Care Options for Special Needs Children](#) .

Legal Advocacy Organizations such as Disability Rights Education and Defense Fund (DREDF) [Home - Disability Rights Education & Defense Fund \(dredf.org\)](#) and the National Disability Rights Network (NDRN) [National Disability Rights Network - P&A - CAP | NDRN](#) provide legal assistance and advocacy for disabled individuals and their families.



Unfortunately, disabled children are at higher risk of bullying and social isolation, which can negatively affect their mental health and academic performance. According to the Student Reports of Bullying: Results from the 2019 School Crime Supplement to the National Crime Victimization Survey, approximately 22% of students with special needs were more susceptible to bullying in comparison to 14% of their nondisabled peers (xvii).

Parents should be vigilant for signs that their disabled child may be experiencing abuse or discrimination. Sudden changes in mood, withdrawal, anxiety, or depression can indicate issues at school. Unexplained injuries or frequent complaints of physical ailments should be investigated. If you notice a drop in academic performance or lack of enthusiasm for school can be

a red flag. As a concern parent, you should document all injuries and meetings with school caregivers and principal, contact advocacy groups or police if the situation calls for it.

Children with disabilities face numerous challenges and discrimination, but there are legal protections and resources available to support them. By understanding their rights, advocating for proper accommodations, and being vigilant for signs of abuse or discrimination, parents can help ensure their children receive the education and care they deserve. Through collective efforts and informed advocacy, we can create a more inclusive and supportive environment for all disabled children.



# GENDER & ORIENTATION

Same-sex parents and transgender children encounter a variety of challenges in the United States, ranging from legal hurdles to social discrimination. Despite some progress in recognizing their rights, they continue to face significant obstacles that affect their daily lives and well-being.

Challenges for Same-Sex Parents vary upon state and circumstances. In some states, same-sex couples still face difficulties in adopting children. Legal battles over second-parent adoption (where one partner adopts the other's biological child) can complicate matters. Some states resist listing both same-sex parents on a child's birth certificate, leading to legal and bureaucratic issues. In cases of divorce or separation, non-biological parents in same-sex relationships may face challenges in gaining custody or visitation rights.

Some of the other challenges are consistent with social stigma and

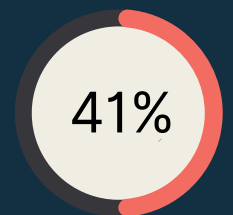
discrimination. Same-sex parents may encounter resistance or discrimination from schools and community members, which can affect their children's social experiences and education. Also, families with same-sex parents can face discrimination in healthcare settings, including difficulty accessing family-related health benefits. Unfortunately, the legal landscape for same-sex parents varies significantly by state, creating uncertainty and inconsistency in their rights and protections.

However, the challenges for transgender children tend to be more complex and, in some cases, deadly. In scholastic settings, transgender children are at a high risk of being bullied and harassed by peers and sometimes by school staff. Often facing difficulties accessing bathrooms and locker rooms that align with their gender identity. Many schools and state athletic associations have restrictive policies that prevent transgender students from

## THE FACTS



The average age of same-sex parents are between 25 to 34 years old, 25.4%



41% of LGBTQ youth considered suicide



In 2021, 42,167 youths were diagnosed with gender dysphoria

[Share of same-sex couples, by age U.S. 2022 | Statista](#)  
[Survey: 41% of LGBTQ young people seriously considered suicide in last year | EdSource](#)  
[Number of transgender children seeking treatment surges in U.S. \(reuters.com\)](#)



participating in sports consistent with their gender identity. Leading to many states like Kansas, Arkansas, Mississippi, Idaho, and North Carolina to create bills that restrict or ban transgender girls from playing in sports with several other Republican ran states following suit (xviii).

Transgender children may face barriers to accessing puberty blockers, hormone therapy, and other gender-affirming healthcare due to legal restrictions or lack of supportive healthcare providers. Many insurance plans do not cover gender-affirming treatments, placing a financial burden on families. Also, the legal processes for changing names and gender markers on identification documents can be cumbersome and vary widely by state.

Due to the number of restrictions, discrimination, and social stigmas, transgender youths account for roughly half of the 41% of LGBTQ+ suicide considerations between the ages of 13- 24. With one suicide attempt every 45 seconds (xix). In 2023, 320 transgender people met their demise through physical assault (xx). 78% of transgender people were executed with a gun, 84% were people of color, and 50% being black transgender women (xxi). In certain states, parents can temporarily or permanently lose custody of their transgender child due to state's laws that regulate gender affirming care heavily (xxii).

There are several rights that protect same-sex parents and transgender children (*Please be advise that laws vary state to state.*) Same-sex parents have the right to marriage. The landmark Supreme Court ruling in *Obergefell v. Hodges* (2015) guarantees the right to marriage for

same-sex couples nationwide, providing many associated parental rights. In many states, same-sex couples have the right to adopt children, although some states still pose legal challenges. Many jurisdictions recognize both parents in a same-sex relationship on birth certificates and grant them equal parental rights.

However, there are laws that allow adoption and foster care agencies to refuse service to same-sex couples based on religious beliefs have been enacted in several states, undermining the rights of same-sex parents. Some states are enacting laws that challenge the parental rights of non-biological parents in same-sex relationships, particularly in cases of separation or divorce.

Transgender children, Under Title IX, schools receiving federal funds are prohibited from discriminating based on sex, which has been interpreted to include gender identity. The Affordable Care Act includes protections against discrimination in healthcare settings based on gender identity. While this varies by state, many places allow transgender individuals to change their legal name and gender marker.

Same-sex parents and transgender children continue to face significant legal, social, and educational challenges in the United States. Despite the progress made in recognizing their rights, new laws and societal attitudes still pose threats to their well-being and equality. It is crucial for advocacy and legal efforts to continue to protect and advance the rights of these vulnerable populations.







Dealing with discriminatory interactions can be challenging for same-sex parents and parents of transgender children. However, there are several strategies and resources available to help navigate these situations effectively. Here are some ways to address and manage discrimination from schools, medical facilities, other children, and other parents.

### **Scholastic Institutions**

Familiarize yourself with federal and state laws that protect against discrimination, such as Title IX, the Individuals with Disabilities Education Act (IDEA), and the Family Educational Rights and Privacy Act (FERPA). Keep detailed records of discriminatory incidents, including dates, times, locations, individuals involved, and the nature of the discrimination. You should work with school administrators to ensure they are aware of and adhere to anti-discrimination policies. Advocate for inclusive policies and practices, such as anti-bullying programs and gender-neutral bathrooms. Also, arrange meetings with teachers, counselors, and administrators to discuss concerns and seek solutions. Be clear about your child's needs and your expectations for a safe and inclusive environment.

Many schools have resources such as guidance counselors, school psychologists, and diversity officers who can provide support and advocacy for your child. If necessary, consider legal action. Organizations such as the ACLU and Lambda Legal can provide legal assistance and representation in cases of discrimination.

### **Medical Facilities**

Choose medical providers known for their LGBTQ+ inclusivity. Use resources like the Human Rights

Campaign's Healthcare Equality Index to find supportive healthcare facilities. Communicate openly with healthcare providers about your family's needs and ensure they understand your child's gender identity or your family's structure. If you encounter discrimination, address it directly with the provider or facility administration. Request training for staff on LGBTQ+ issues if necessary. Lastly, join support groups or networks for LGBTQ+ families to share experiences and get advice on navigating healthcare systems.

### **Other Children and Parents**

When dealing with implicit bias from children and parents, it may be proactive to provide age-appropriate information about same-sex families and gender diversity to your child's peers and their parents. Books, educational materials, and open conversations can foster understanding and acceptance. Also, encourage and model inclusive behavior. Teach your child to stand up for themselves and others in a respectful manner. Connect with other same-sex parents or parents of transgender children. A supportive community can offer advice, share experiences, and provide emotional support. Be active in the school community. Attend parent-teacher meetings, participate in school events, and join parent associations to promote inclusivity and ensure your voice is heard. If your child is being bullied, report it to the school immediately. Insist on a clear plan to address bullying and follow up regularly to ensure it is being implemented.







## RESOURCE GUIDE

### LGBTQ+ Organizations

**PFLAG:** Offers support and resources for parents, families, and allies of LGBTQ+ individuals. [Homepage - PFLAG](#)

**GLAAD:** Provides resources and advocacy for LGBTQ+ rights and representation. [GLAAD](#)

**Human Rights Campaign:** Offers a wealth of resources on LGBTQ+ issues, including healthcare and education. [Human Rights Campaign \(hrc.org\)](#)

### Legal Assistance

**Lambda Legal:** Provides legal representation and advocacy for LGBTQ+ individuals facing discrimination. [Home - Lambda Legal](#)

**ACLU:** Offers legal assistance and advocacy on civil rights issues, including LGBTQ+ rights. [Home | American Civil Liberties Union \(aclu.org\)](#)

### Educational Resources

**Teaching Tolerance:** Provides resources for educators to promote diversity, equity, and inclusion in schools. [Teaching Tolerance | Learning for Justice](#)

**Gender Spectrum:** Offers resources and training for parents, schools, and healthcare providers on gender diversity. [Gender Spectrum](#)

[www.MyMediatorJeannieSantiago.com](#)

While same-sex parents and parents of transgender children may face discriminatory interactions, there are numerous strategies and resources available to address these challenges. By knowing their rights, advocating for inclusivity, and seeking support from organizations and communities, parents can help create a more accepting and supportive environment for their children. Effective communication, legal action when necessary, and active involvement in schools and healthcare settings are crucial steps in ensuring that all children are treated with respect and dignity.







## CHILD LABOR

Federal laws in the United States provide several protections for child labor to ensure the safety, welfare, and educational opportunities for minors. There are primary federal regulations that parents should be aware of if your child is of working age. However, please note, state regulations may differ from federal standards. Please refer to your local child labor regulations provided on your state's .gov site.

### **Fair Labor Standards Act (FLSA)**

The FLSA generally sets 14 as the minimum age for employment in non-agricultural jobs. For agricultural work, children as young as 12 can be employed with parental consent or if the work is performed on a farm where the parent is also employed.

Hours of Work for 14 and 15-year-olds are restricted from working outside of school hours. They may work no more than 3 hours on a school day, 18 hours in a school week,

8 hours on a non-school day, and 40 hours (about 1 and a half days) in a non-school week. Younger teens can only work between 7 a.m. and 7 p.m., except from June 1 through Labor Day, when evening hours are extended to 9 p.m.

16 and 17-year-olds may work unlimited hours, but not in hazardous occupations as defined by the Department of Labor. Minors under 18 are prohibited from working in jobs deemed hazardous by the Secretary of Labor, such as operating heavy machinery, working with hazardous substances, or engaging in heavy physical labor.

### Child Labor Provisions of the FLSA (29 CFR Part 570) (xxiii)

*Subpart C:* This section lists prohibited occupations and conditions for 14 and 15-year-olds.

*Subpart E:* This section outlines hazardous occupations prohibited for all minors under 18.

## The Facts



In Arkansas, Arizona, Florida, New Mexico, Tennessee, Utah, and Washington married children or children that are parents are not considered minors



Work breaks for children are not required in NM, AZ, TX, MS, GA, SC, AR, KS, MO, IN, NE, WY, ID, MT, SD, MN, CT, and VT



State laws in the United States significantly fall short of meeting international child rights standards, with most failing to adequately protect children from issues such as child marriage, hazardous labor, extreme prison sentences, and violent treatment, according to Human Rights Watch.



Mississippi, Wyoming, Oklahoma, Georgia, and Washington have the worst child labor laws in the country.

[Child Labor Map](#) | [US Child Labor](#)  
[US States Fail to Protect Children's Rights](#) | [Human Rights Watch \(hrw.org\)](#)

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## Agricultural Child Labor Laws

The hours and conditions for children of any age can work at any time in any job on a farm owned or operated by their parents. However, children aged 12 and 13-years-old can work outside of school hours with parental consent or if a parent works on the same farm.

Children aged 14 and 15-years of age can perform non-hazardous farm jobs outside school hours. Whereas children 16-years-old or older can perform any farm job, including hazardous work (xxiv).

## Occupational Safety and Health Act (OSHA)

Although OSHA is primarily aimed at ensuring safe working conditions for all employees, it indirectly protects young workers by enforcing standards and regulations that minimize risks in the workplace (xxv).

## Education and Training

The FLSA provides provisions and funds for states regarding work-study programs for students, allowing them to gain work experience while still attending school. Federally approved apprenticeship programs can also allow minors to work under certain conditions if the work is part of an educational or training program (xxvi).

The Department of Labor has ramped up enforcement of child labor laws, particularly targeting industries where violations are prevalent, such as agriculture and food processing. The Wage and Hour Division (WHD) conducts investigations and can impose penalties on employers who violate child labor provisions.

These regulations and enforcement efforts are designed to ensure that

Human Rights Watch gave 20 states a failing "F" grade, and 26 a "D." Not a single state received a "B" or an "A." New Jersey, Ohio, Iowa, and Minnesota were the only states to receive a "C" grade. (HRW.org)

minors are not exploited in the workplace and that their education and development are not compromised by premature or hazardous employment.

Federal laws are designed to protect minors from exploitation and ensure their work does not interfere with their education or endanger their health and safety. However, enforcement and additional protections may vary at the state level, necessitating vigilance and advocacy to maintain robust child labor standards.

There are several traditional and common employment violations and practices to evade detection and lawsuits of child workers within agricultural and private sectors.

## Working Excessive Hours

Employers often require minors to work more hours than legally allowed, especially during school days. For example, minors aged 14 and 15-year-olds are legally restricted to working no more than 3 hours on a school day, but some employers exceed these limits to meet labor demands (xxvii).

## Employment in Hazardous Occupations

Minors under 18 are prohibited from working in hazardous jobs, such as operating heavy machinery or handling toxic substances. Despite regulations, minors have been found working in dangerous environments, such as meat processing plants and construction sites.

## Corporations Found Violating Child Labor Laws

**835** companies employed more than 3,800 children illegally



FOREVER 21



ZARA



AEROPOSTALE



[Top 28 Companies That Use Child Labor Still ! - Wisestep](#)  
[American companies using illegal child labor \(axios.com\)](#)  
[Fast Food Chains That Have Been Caught Violating Child Labor Laws \(mashed.com\)](#)



## Case Study

### Arkansas, Youth Hiring Act of 2023

In 2023, Arkansas revised its child labor laws, which has raised significant concerns given the backdrop of human trafficking and labor violations discovered at major corporations by Hannah Dreier from The New York Times (xxiii). Under the new law signed by Governor Sarah Huckabee Sanders, children under 16 in Arkansas no longer need to obtain permission from the state's Division of Labor to get a job, nor do they need to have their age verified or submit work schedules for approval. This rollback of protections has been criticized for potentially exposing minors to exploitative and dangerous working conditions (xxiv).

The push for this legislative change came in the wake of troubling findings by the U.S. Department of Labor. Earlier investigations revealed that Packers Sanitation Services employed over 100 minors in hazardous conditions, including overnight shifts at meat processing plants owned by major corporations like Tyson Foods and George's Inc. These violations were not only illegal but also highlighted systemic issues within industries relying heavily on immigrant labor, where minors, often unaccompanied migrant children, are particularly vulnerable to exploitation.

Critics argue that weakening child labor protections is "irresponsible" and increases the risk of children being employed in unsafe environments. Federal labor laws remain in place, but the relaxation at the state level makes enforcement more challenging and could lead to more violations (xxv).

This legislative change in Arkansas is part of a broader trend driven by conservative think tanks and industry groups advocating for fewer restrictions on child labor. These efforts are often justified by a need to address labor shortages, but they raise serious ethical and legal concerns, especially given the recent exposure of child labor exploitation (xxvi).

In summary, while the Arkansas government maintains that existing federal protections will suffice, the rollback of state-level safeguards has sparked widespread criticism and fear that it will lead to increased exploitation of vulnerable children.

xxiii [Alone and Exploited, Migrant Children Work Brutal Jobs Across the U.S. - The New York Times \(nytimes.com\)](#)

xxiv [Arkansas Gov. Sanders signs measure rolling back child labor protections \(yahoo.com\)](#)

xxv [Arkansas Gov. Sarah Sanders Just Signed A Law That Will Roll Back Child Labor Protections \(yahoo.com\)](#)

xxvi [Arkansas advocates voice concern as state weakens child labor protections | Facing South](#)

#### Failure to Obtain Work Permits

Employers are required to obtain work permits or age certificates for minors, but many skip this step to bypass regulations. This is particularly common in agriculture and food services, where oversight may be lax (xxviii).

#### Underreporting and Off-the-Books Employment

Companies may pay minors off the books to avoid compliance with minimum wage and hour laws. This practice is prevalent in industries like retail, hospitality, and informal sectors where cash payments are more common.

#### Misclassification of Workers

Classifying minor employees as independent contractors or volunteers to avoid providing legal protections and benefits. This reduces employer liability and bypasses labor laws designed to protect minors.

#### False Documentation

Using fake identification or falsifying work permits to employ minors illegally. This allows employers to claim compliance with age and work-hour regulations when inspected.

#### Intimidation and Coercion

Threatening minors or their families with job loss or other consequences if they report violations. By utilizing a worker's personal disadvantages to discourage whistleblowing, illegal practices are kept hidden.



Nearly half of child laborers — 79 million children — were working under hazardous conditions in 2020 around the world according to WorldVision.org



### **Layering and Outsourcing**

Using subcontractors or staffing agencies to obscure the employment relationship and evade direct responsibility can complicate legal accountability and enforcement actions. Subcontractors may be less scrupulous about following labor laws.

### **Poor Record-Keeping**

Maintaining inadequate or falsified employment records to avoid detection of violations. This makes it difficult for regulators to verify compliance and can delay or derail investigations.

### **Selective Compliance**

Complying with child labor laws only during inspections or audits while violating them at other times. Intermittent adherence can mislead inspectors and minimize the risk of penalties (xxix).

Child labor violations remain a significant issue, with employers employing various tactics to evade

legal repercussions. Vigilant enforcement, coupled with robust legal frameworks, is essential to protect minors from exploitation and ensure their safety and well-being in the workplace. Parents, educators, and community members must remain alert and advocate for stronger protections to combat these unethical practices.

Parents can take several proactive steps to protect their children from child labor law violations. These steps involve understanding the laws, monitoring their child's work environment, and acting when necessary.

Educate your child about their rights at work, including what kinds of work are appropriate for their age and how many hours they can legally work. It is important to maintain open lines of communication with your child about their job. Encourage them to share any concerns or issues they encounter.

A best practice to ensure your child is not violated by an employer is by making periodic visits to your child's workplace to observe the environment and ensure it is safe and compliant with labor laws. Get to know your child's employer and discuss your child's work schedule and duties to ensure they align with legal requirements.

Maintaining a record of your child's work schedule, duties, and any communications with their employer will prove to be valuable if a legal situation arises. This documentation can be useful if you need to report a violation.

If you suspect that your child is being subjected to illegal labor practices, report it to the appropriate state labor agency or the U.S. Department of Labor's Wage and Hour Division (WHD). Contact a local legal aid organization for assistance if you need help navigating the complaint process or if the situation is particularly complex.

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# Resources for Child Labor

## Federal

U.S. Department of Labor's Wage and Hour Division (WHD):

<https://www.dol.gov/agencies/whd>

Toll-Free: 1-866-4US-WAGE

(1-866-487-9243)

## State

State Labor Departments:

Find your state's labor department website for specific information and reporting procedures.

<https://www.dol.gov/agencies/whd/contact/local-offices>

National Consumers League:

Provides resources and information on child labor laws.

<https://nclnet.org/our-work/workers-rights/>

## Legal Aid Organizations:

Local legal aid organizations can offer advice and assistance.

<https://www.lsc.gov/>

Understand California's Child Labor Laws:

Visit the California Department of Industrial Relations website.

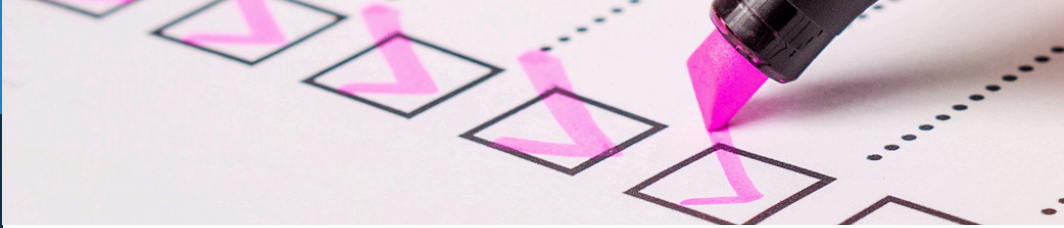
<https://www.dir.ca.gov/>

Report Violations:

Contact the California Division of Labor Standards Enforcement if you suspect a violation.

Phone: (510) 285-2118

By taking these steps, parents can help ensure their children are protected from child labor law violations and work in a safe, legal environment.



## Parent Checklist: Best Practices to Protect Children from Labor Violations

### Understanding the Laws

- ☐ Learn Federal Child Labor Laws: Familiarize yourself with the Fair Labor Standards Act (FLSA) guidelines.
- ☐ Know State-Specific Laws: Research and understand your state's specific child labor laws which may be stricter than federal laws.

### Education and Communication

- ☐ Educate Your Child: Teach your child about their legal rights regarding work hours, types of work, and workplace safety.
- ☐ Discuss Work Expectations: Talk to your child about their job responsibilities and what is considered appropriate work for their age.
- ☐ Encourage Open Communication: Create a safe space for your child to discuss any work-related issues or concerns they might have.

### Monitoring and Documentation

- ☐ Visit the Workplace: Regularly visit your child's workplace to observe the environment and ensure compliance with labor laws.
- ☐ Meet with Employers: Introduce yourself to your child's employer and discuss work schedules and duties to ensure they align with legal requirements.
- ☐ Keep Detailed Records: Maintain a log of your child's work hours, duties, and any communications with their employer.

### Reporting Violations

- ☐ Know Reporting Procedures: Familiarize yourself with how to report labor violations to the appropriate state or federal agency.
- ☐ Document Issues: Keep detailed notes and collect evidence if you suspect any violations (e.g., photos, documents, witness statements).
- ☐ Contact Authorities: Report suspected violations to your state labor department or the U.S. Department of Labor's Wage and Hour Division (WHD).

### Ensuring Work-School Balance

- ☐ Monitor Academic Performance: Ensure your child's job does not negatively impact their school performance or extracurricular activities.
- ☐ Set Limits: Establish clear limits on the number of hours your child can work, especially during the school year.

### Safety and Health

- ☐ Check Safety Conditions: Ensure that the workplace is safe and that your child is not exposed to hazardous conditions.
- ☐ Provide Emergency Contacts: Make sure your child has a list of emergency contacts and knows what to do in case of an emergency at work.

### Legal Resources and Support

- ☐ Find Legal Aid: Identify local legal aid organizations that can offer advice and assistance if needed.
- ☐ Use Government Resources: Utilize resources from the U.S. Department of Labor and state labor departments for information and support.





## WHEN TO TAKE LEGAL ACTION

As a parent, seeing your child face discrimination, harassment, or unfair treatment can be heartbreaking and overwhelming. It's natural to feel a range of emotions, from anger and frustration to guilt and helplessness. It's important to remember that these situations are not your fault, and your proactive steps can make a significant difference in your child's life. Here's a guide to help you know when to prepare and take legal action for your child, addressing specific concerns and how to find the strength to fight for them.

### Gender and Sexual Discrimination

If your child is being treated unfairly due to their gender or sexual orientation, it's crucial to act swiftly. Signs of discrimination might include exclusion from activities, differential treatment by teachers or peers, or derogatory comments. Document these incidents meticulously and contact your school's administration. If the issue is not resolved, seek legal advice to protect your child's rights under Title IX and other relevant laws.

### Disabilities Discrimination

Children with disabilities are entitled

to accommodations and equal opportunities under laws like the Americans with Disabilities Act (ADA) and the Individuals with Disabilities Education Act (IDEA). If your child is being denied these rights, experiences bullying, or is excluded due to their disability, gather documentation of the incidents and any correspondence with the school. Reach out to advocacy groups and legal aid organizations specializing in disability rights for support and guidance.

### Racial Discrimination

Racial discrimination can be particularly damaging and can manifest in various ways, from racial slurs to systemic bias in disciplinary actions. Keep a detailed record of all incidents, including dates, times, and witnesses. Engage with school officials to address the situation, and if necessary, consult with civil rights organizations or legal professionals to ensure your child's rights are upheld.

### Child Labor

If your child is working in conditions that violate labor laws, such as excessive hours, hazardous tasks, or exploitation, it's vital to intervene.

Collect evidence of the violations, including work schedules and any communication with the employer. Contact your state's labor department or the U.S. Department of Labor's Wage and Hour Division to report these violations and seek legal counsel if needed.

### Bullying

Bullying can have severe emotional and psychological effects on children. Whether it's physical, verbal, or cyberbullying, document every incident thoroughly. Communicate with school officials to implement anti-bullying measures and support your child. If the school fails to act, seek legal advice to explore further options, including protective orders or lawsuits against the school for failing to provide a safe environment.

### Social Media

Online harassment and exploitation through social media can be incredibly damaging. Monitor your child's online activity and document any inappropriate interactions or cyberbullying. Contact the platform to report abuse and block offenders. For severe cases, such as threats or exploitation, contact law enforcement.

and consider seeking legal action to protect your child.

Facing these challenges requires immense courage and strength. There are some ways to support yourself and your child through this difficult time. First, acknowledge your emotions. It's natural to feel upset, angry, and even guilty. Allow yourself to feel these emotions but remember that you are not to blame for the actions of others.

If necessary, seek support. Reach out to friends, family, and support groups. Sharing your experiences can provide emotional relief and practical advice. Knowledge is power! Understanding your child's rights and the legal avenues available can empower you to act and give the confidence you need to fight. You are your child's strongest advocate. Stand firm in your resolve to protect them and seek justice.

It is imperative to understand that you will experience many stressful situations. Do not hesitate to seek professional help, such as counseling for your child or yourself and legal advice from attorneys specializing in discrimination and children's rights.

Taking legal action to protect your child from discrimination, bullying, and exploitation is a daunting task, but it is a crucial step in ensuring their safety and well-being. Remember, it's not your fault that these issues have arisen. By acting, you are showing your child the importance of standing up for oneself and seeking justice. Gather your courage and strength, lean on your support system, and fight for your child's rights with determination and love. Your actions today will shape a safer, fairer world for them and others moving forward.

# Children & Civil Mediation

Mediation in child cases is a structured process where a neutral third-party mediator helps parents or guardians resolve disputes involving their children. During mediation sessions, the mediator facilitates communication, helps clarify issues, and works with both parties to explore potential solutions. The goal is to reach a mutually agreeable resolution without the need for a contentious court battle. Mediation is typically less formal than court proceedings, with sessions often held in comfortable, private settings to promote open and honest dialogue.

Mediation offers several advantages. It is generally faster and less expensive than litigation, and it allows parents to maintain greater control over the outcome rather than having a judge make decisions for them. Additionally, mediation can be less adversarial, reducing stress and fostering a cooperative environment that can benefit the child's well-being. However, mediation also has its downsides. It may not be effective if there is a significant power imbalance between the parties or if one parent is unwilling to negotiate in good faith. Additionally, agreements reached in mediation are not legally binding until they are approved by a court, which means there may still be some legal steps required to finalize the arrangement.

Setting realistic expectations is crucial in mediation. Participants should enter the process with an open mind and a willingness to compromise. It's important to understand that while mediation can resolve many issues, it may not solve every problem perfectly or immediately. After successful mediation, the agreed-upon terms are typically drafted into a written agreement. This agreement is then submitted to the court for approval, making it legally binding. If mediation does not result in a resolution, the case may proceed to court, where a judge will make the final decisions. Regardless of the outcome, mediation can provide valuable insights and lay the groundwork for better communication and cooperation between parents moving forward.



*The information provided in this article is for general informational purposes only. While every effort has been made to ensure the accuracy and reliability of the information presented, it is not intended to be a substitute for professional legal advice. As the author is not a lawyer, the content should not be construed as legal counsel.*

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Let's Stay Connected





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