

2013

Statutory Responses to Domestic Minor Sex Trafficking Victims

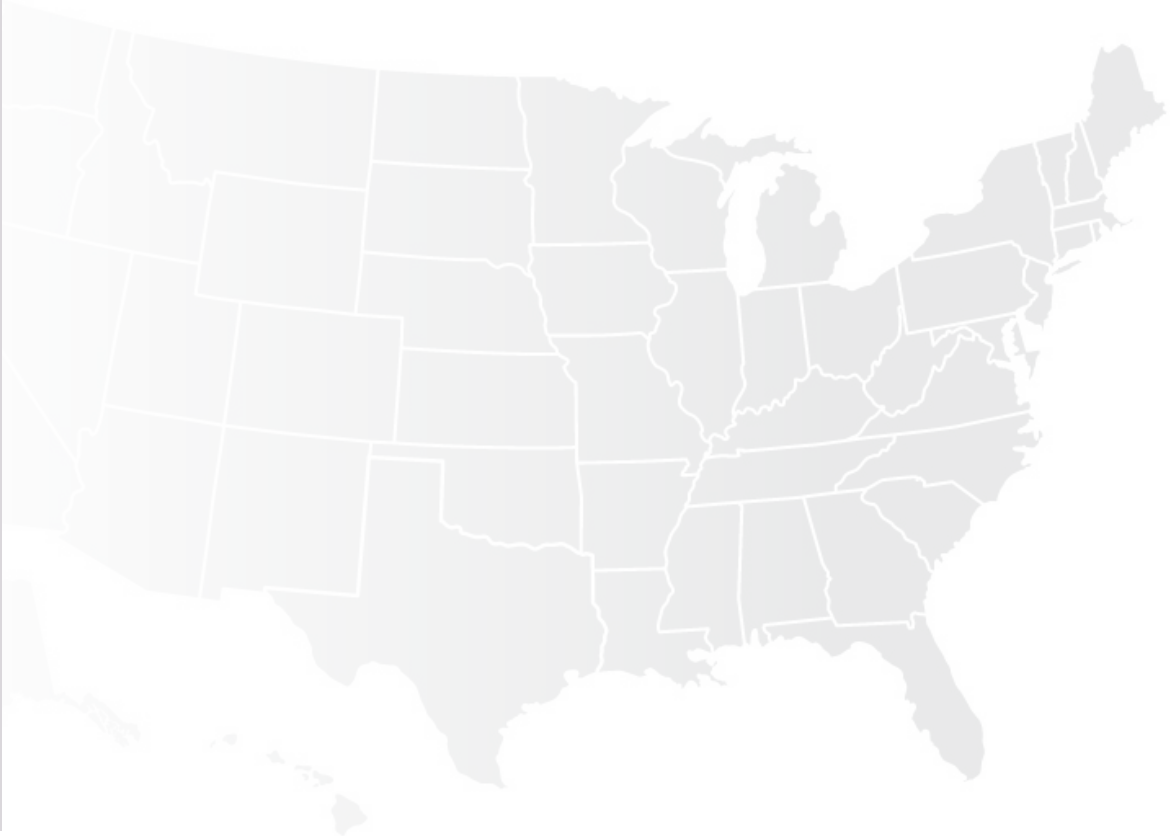


Introduction

In 2011, Shared Hope International released the first annual Protected Innocence Challenge Report Cards that grade the states on the strength of their laws in combatting domestic minor sex trafficking (DMST) and protecting youth who have been victimized. Each state grade is based on an in-depth analysis of the state's laws under the 41 components of the Protected Innocence Challenge Legislative Framework representing six sections: criminalization of domestic minor sex trafficking, criminal provisions addressing demand, criminal provisions for traffickers, criminal provisions for facilitators, protective provisions for the child victims and criminal justice tools for investigation and prosecution. Much of section 5, Protective Provisions for the Child Victims, poses substantial challenges since it requires a thorough analysis of child protection laws, delinquency laws and any laws relating to alternative processes where a victim of DMST may be directed. This section identifies (1) whether a minor victim faces a punitive response, (2) whether there are alternatives to a punitive response through existing statutory systems, and (3) whether a DMST victim can access specialized services and placement through these existing systems. The resulting complexity of this analysis lends itself well to a flowchart comparing these existing systems, and as states look to change current systems to address the problem of domestic minor sex trafficking, the ability to compare these systems across states. These flowcharts are intended to provide an overview of the statutory structure of service and placement responses to DMST victims to contribute to the ongoing conversation regarding promising approaches, pervasive challenges and the need to establish new systems versus changing existing systems.

Charts reflect legislation enacted as of August 1, 2013.

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Area of Law	Protective Provisions for the Child Victims
The Policy Point	Prostitution laws apply only to adults, making minors under 18 specifically immune from this offense.
The Legislative Solution	State human trafficking laws serve the purpose of making the actions of traffickers, buyers and facilitators criminal while protecting the victims. Therefore, it is counterproductive and confusing to retain state statutes that permit prostituted children—trafficking victims—to also be charged and prosecuted for prostitution. Criminal prostitution statutes should be amended to remove any criminal responsibility from child victims of commercial sexual exploitation. Domestic minor sex trafficking victims and prostituted children are the same persons and, as such, they should consistently be treated as victims under every state law.

Select Statute Highlights

The following state laws remove a prostituted child from criminal liability under the prostitution law completely or in part.

Connecticut

Connecticut's statute eliminates the possibility of a sexually exploited minor under 16 being charged with the crime of prostitution. It also presumes 16–17 year olds who may have otherwise been arrested and charged with prostitution are actually victims of trafficking. Specifically, Conn. Gen. Stat. § 53a-82 (Prostitution: Class A misdemeanor) states, "(a) A person sixteen years of age or older is guilty of prostitution when such person engages or agrees or offers to engage in sexual conduct with another person in return for a fee, (b) In any prosecution for an offense under this section [Prostitution: Class A misdemeanor], it shall be an affirmative defense that the actor was a victim of conduct by another person that constitutes (1) a violation of section 53a-192a [Trafficking in persons], as amended by this act, or (2) a criminal violation of 18 U.S.C. Chapter 77 [Peonage, slavery, and trafficking in persons], as amended from time to time. (c) In any prosecution of a person sixteen or seventeen years of age for an offense under this section, there shall be a presumption that the actor was a victim of conduct by another person that constitutes (1) a violation of section 53a-192a [Trafficking in persons], as amended by this act, or (2) a criminal violation of 18 U.S.C. Chapter 77 [Peonage, slavery, and trafficking in persons], as amended from time to time."

Illinois

Illinois law immunizes from prostitution charges any person under the age of 18. Pursuant to 720 Ill. Comp. Stat. Ann. 5/11-14(d) (Prostitution) "if it is determined, after a reasonable detention for investigative purposes, that a person suspected of or charged with a violation of this Section is a person under the age of 18, that person shall be immune from prosecution for a prostitution offense under this Section, and shall be subject to the temporary protective custody provisions of Sections 2-5 and 2-6 of the Juvenile Court Act of 1987 [705 ILCS 405/2-5 and 705 ILCS 405/2-6]. Pursuant to the provisions of Section 2-6 of the Juvenile Court Act of 1987 [705 ILCS 405/2-6], a law enforcement officer who takes a person under 18 years of age into custody under this Section shall immediately report an allegation of a violation of Section 10-9 of this Code [720 ILCS 5/10-9] to the Illinois Department of Children and Family Services State Central Register, which shall commence an initial investigation into child abuse or child neglect within 24 hours pursuant to Section 7.4 of the Abused and Neglected Child Reporting Act [325 ILCS 5/7.4 et seq.]. Furthermore, 720 Ill. Comp. Stat. Ann. 5/11-14.3(a)(2)(C) (Promoting prostitution) also clarifies that an offense for profiting from prostitution by "any means . . . including from a person who patronizes a prostitute . . . does not apply to a person engaged in prostitution who is under 18 years of age. A person cannot be convicted of promoting prostitution under this paragraph (C) if the practice of prostitution underlying the offense consists exclusively of the accused's own acts of prostitution under Section 11-14 of this Code [720 ILCS 5/11-14 [Prostitution]]."

Kentucky

Ky. Rev. Stat. Ann. § 529.120 (Treatment of minor suspected of prostitution offense) provides that “(1) Notwithstanding KRS 529.020 [Prostitution] or 529.080 [Loitering for prostitution purposes], if it is determined after a reasonable period of custody for investigative purposes, that the person suspected of prostitution or loitering for prostitution is under the age of eighteen (18), then the minor shall not be prosecuted for an offense under KRS 529.020 or 529.080. (2) A law enforcement officer who takes a minor into custody under subsection (1) of this section shall immediately make a report to the Cabinet for Health and Family Services pursuant to KRS 620.030 [Duty to report dependency, neglect, abuse, or human trafficking]. Pursuant to KRS 620.040 [Duties of prosecutor, police, and cabinet], the officer may take the minor into protective custody. (3) The Cabinet for Health and Family Services shall commence an investigation into child dependency, neglect, or abuse pursuant to KRS 620.029 [Duties of cabinet relating to children who are victims of human trafficking].”

Minnesota

As of August 1, 2014, a child whose conduct would violate Minn. Stat. Ann. § 609.324, subd. 2, 3 (Patrons; Prostitutes; Housing Individuals engaged in prostitution; Penalties) or § 609.3243 (Loitering with intent to participate in prostitution) if the child were an adult cannot be considered a delinquent child. “Delinquent child” is expressly defined to “not include a child alleged to have engaged in conduct which would, if committed by an adult, violate any federal, state, or local law relating to being hired, offering to be hired, or agreeing to be hired by another individual to engage in sexual penetration or sexual conduct.” Minn. Stat. Ann. § 260B.007, subd. 6(c). As of August 1, 2014, Minn. Stat. Ann. § 260B.007, subd. 16(d) (Juvenile petty offender; juvenile petty offense), also clarifies that a “juvenile petty offense” will not include: “a child alleged to have violated any law relating to being hired, offering to be hired, or agreeing to be hired by another individual to engage in sexual penetration or sexual conduct which, if committed by an adult, would be a misdemeanor.” These provisions effectively make it impossible for minors to be treated as delinquent children for engaging in commercial sex acts. Instead, pursuant to Minn. Stat. Ann. § 260C.007, subd. 6(17), commercially sexually exploited minors can be treated as a child in need of protection or services which will be defined to include “sexually exploited youth” as of August 1, 2014.

Mississippi

Miss. Code Ann. § 97-29-49(4) (Prostitution) provides that “[i]f it is determined that a person suspected of or charged with engaging in prostitution is engaging in those acts as a direct result of being a trafficked person, as defined by Section 97-3-54.4, that person shall be immune from prosecution for prostitution as a juvenile or adult and, if a minor, the provisions of Section 97-3-54.1(4) shall be applicable.” Pursuant to Miss. Code Ann. § 97-3-54.4(p) (Human Trafficking Act; definitions), ‘[t]rafficked person’ means a person subjected to the practices prohibited by this act regardless of whether a perpetrator is identified, apprehended, prosecuted or convicted, and is a term used interchangeably with the terms ‘victim,’ ‘victim of trafficking’ and ‘trafficking victim.’” Since anyone who “causes or attempts to cause a minor to engage in commercial sexual activity . . .” commits an offense under § 97-3-54.1(1)(c) (Human Trafficking Act; prohibited conduct; penalty), any minor who engages in prostitution would qualify as a victim of trafficking and immunity under Miss. Code Ann. § 97-29-49(4).

New York

N.Y. Fam. Ct. Act § 311.4(3) (Substitution of petition or finding) states, “In any proceeding under this article [Juvenile delinquency] based upon an arrest for an act of prostitution, there is a presumption that the respondent meets the criteria as a victim of a severe form of trafficking as defined in section 7105 of title 22 of the United States Code (Trafficking Victims Protection Act of 2000). Upon the motion of the respondent, without the consent of the presentment agency, a petition alleging that the respondent is in need of supervision shall be substituted for the delinquency petition. If, however, the respondent has been previously adjudicated as a juvenile delinquent under this article for an act which would be a crime pursuant to article two hundred thirty [Prostitution offenses] of the penal law, if the respondent was an adult, or expresses a current unwillingness to cooperate with specialized services for sexually exploited youth, continuing with the delinquency proceeding shall be within the court’s discretion. . . .”

North Carolina

N.C. Gen. Stat. § 14-204(c) (Prostitution) states that “[n]otwithstanding any other provision of this section, if it is determined, after a reasonable detention for investigative purposes, that a person suspected of or charged with a violation of this section is a minor, that person shall be immune from prosecution under this section and instead shall be taken into temporary protective custody as an undisciplined juvenile pursuant to Article 19 of Chapter 7B of the General Statutes.

Pursuant to the provisions of G.S. 7B-301 [Duty to report abuse, neglect, dependency, or death due to maltreatment], a law enforcement officer who takes a minor into custody under this section shall immediately report an allegation of a violation of G.S. 14-43.11 [Human Trafficking] and G.S. 14-43.13 [Sexual servitude] to the director of the department of social services in the county where the minor resides or is found, as appropriate, which shall commence an initial investigation into child abuse or child neglect within 24 hours pursuant to G.S. 7B-301 [Duty to report abuse, neglect, dependency, or death due to maltreatment], and G.S. 7B-302 [Assessment by director].”

Tennessee

Tenn. Code Ann. § 39-13-513(d) states, “[n]otwithstanding any provision of this section to the contrary, if it is determined after a reasonable detention for investigative purposes, that a person suspected of or charged with a violation of this section is under eighteen (18) years of age, that person shall be immune from prosecution for prostitution as a juvenile or adult. A law enforcement officer who takes a person under eighteen (18) years of age into custody for a suspected violation of this section shall, upon determination that the person is a minor, provide the minor with the telephone number for the National Human Trafficking Resource Center hotline and release the minor to the custody of a parent or legal guardian.”

Area of Law	Protective Provisions for the Child Victims
The Policy Point	Child victims of sex trafficking or commercial sexual exploitation are provided with a child protection response, including specialized shelter and services, and are not detained in juvenile detention facilities.
The Legislative Solution	Establishing a child protection response is critical to ending the arrest and detention of domestic minor sex trafficking victims and ensuring instead that they are provided crime victim protections, services, and benefits. These victims come to the attention of service providers in various venues and under a variety of circumstances. Without clear statutory mechanisms for ensuring prompt identification of victims followed by appropriate placement and provision of specialized services for sexually exploited youth, victims could face either a punitive response through the criminal justice system that fails to connect them with needed services, or an inadequate child protection response that may allow victims to return to their trafficker or to the conditions which led to their trafficking. A specialized protective response addresses both of these concerns by establishing a process that identifies child sex trafficking victims and directs them into multidisciplinary services and residential placement options that are designed to work in conjunction to break the trauma bond and concomitant cycle of victims returning to their traffickers. Specialized services for child sex trafficking victims should include protective shelters, physical and mental health care, education, and recovery programs. Services should be delivered by trained trauma responders and health care providers. Laws are required to establish and financially support these programs and to treat domestic minor sex trafficking victims at all stages from intervention to restoration.

Select Statute Highlights

The following statutes establish non-punitive, protective processes that identify victims and direct them into multidisciplinary services and residential placement options through a variety of mechanisms, including specific child protective designations that provide an alternative to a punitive response which is separate from or in addition to abuse, neglect, or dependency proceedings.

Florida

Pursuant to Fla. Stat. Ann. § 39.01(15)(g), “Child who is found to be dependent’ means a child who, pursuant to this chapter, is found by the court . . . [t]o have been sexually exploited and to have no parent, legal custodian, or responsible adult relative currently known and capable of providing the necessary and appropriate supervision and care.” Pursuant to Fla. Stat. Ann. § 39.01(67)(g) provides that “sexual abuse of a child for purposes of finding a child to be dependent means one or more of the following acts . . . The sexual exploitation of a child, which includes the act of a child offering to engage in or engaging in prostitution, provided that the child is not under arrest or is not being prosecuted in a delinquency or

criminal proceeding for a violation of any offense in chapter 796 based on such behavior; or allowing, encouraging, or forcing a child to: 1. Solicit for or engage in prostitution; or 2. Engage in a sexual performance, as defined by chapter 827; or 3. Participate in the trade of sex trafficking as provided in s. 796.035 [Buying and selling minors into prostitution].

Under Fla. Stat. Ann. § 39.401(2)(b), when there is probable cause that a child taken into custody and alleged to be dependent has been sexually exploited, “the law enforcement officer shall deliver the child to the department [of Children and Family Services]. The department may place the child in an appropriate short term safe house.” Similarly, pursuant to Fla. Stat. Ann. § 39.401(3), a sexually exploited child may be placed in a short term safe house pending adjudication as a dependent child, and if a child adjudicated dependent is found to be a victim of sexual exploitation, § 39.524 (Safe harbor placement) provides that the child must be assessed for placement in a safe house. Fla. Stat. Ann. § 409.1678(1) (b) (Safe harbor for children who are victims of sexual exploitation) requires that safe houses are secure with staff awake 24 hours a day and some staff or contract personnel specially trained to work with sexually exploited youth. Short-term safe houses must also provide food, clothing, medical care,

counseling, and crisis intervention services. Fla. Stat. Ann. § 409.1678(1)(e). Under Fla. Stat. Ann. § 985.115 (2)(b), if a DMST victim is arrested for a delinquent act, law enforcement has the option of releasing the minor to a safe house as follows: “Unless otherwise ordered by the court . . . a person taking a child into custody shall attempt to release the child . . . to a shelter approved by the department or to an authorized agent or short-term safe house under s. 39.401(2)(b).” Pursuant to Fla. Stat. Ann. § 409.1678(2)(e) (Safe harbor for children who are victims of sexual exploitation), “All of the services in this section may . . . be available to all sexually exploited children whether they are accessed voluntarily, as a condition of probation, through a diversion program, through a [dependency] proceeding . . . or through a referral from a local community-based care or social service agency.”

Kansas

Kan. Stat. Ann. § 38-2231(b) provides that “A law enforcement officer shall take a child under 18 years of age into custody when the officer: . . . (3) reasonably believes the child is a victim of human trafficking, aggravated human trafficking or commercial sexual exploitation of a child.” Pursuant to Kan. Stat. Ann. § 38-2232(b)(2), “When any law enforcement officer takes into custody any child as provided in subsection (b)(3) of K.S.A. 2012 Supp. 38-2231, and amendments thereto, the law enforcement officer shall place the child in protective custody and may deliver the child to a staff secure facility. The law enforcement officer shall contact the department for children and families to begin an assessment to determine safety, placement and treatment needs for the child. Such child shall not be placed in a juvenile detention facility or other secure facility”

Section 6(a)–(c) of Enacted House Bill 2034 provides that “A staff secure facility shall: (1) Not include construction features designed to physically restrict the movements and activities of residents, but shall have a design, structure, interior and exterior environment, and furnishings to promote a safe, comfortable and therapeutic environment for the residents A staff secure facility shall provide the following services to children placed in such facility: (1) Case management; (2) life skills training; (3) health care; (4) mental health counseling; (5) substance abuse screening and treatment; and (6) any other appropriate services Service providers in a staff secure facility shall be trained to counsel and assist victims of human trafficking and sexual exploitation.”

Pursuant to Enacted House Bill 2034, section 5, “[w]henver a child is in custody, as defined in K.S.A. 38–2202 [Definitions], and amendments thereto, and such child has been subjected to human trafficking or aggravated human trafficking, as defined by K.S.A. 21–5426 [Human trafficking; aggravated human trafficking], and amendments thereto, or

commercial sexual exploitation of a child, as defined by section 4, and amendments thereto, or the child committed an act which, if committed by an adult, would constitute a violation of K.S.A. 21–6419 [Selling sexual relations], and amendments thereto, the court shall refer the child to the secretary of the department for children and families for an assessment to determine safety, placement and treatment needs for the child. The secretary shall use a research-based assessment tool to assess such needs and shall make appropriate recommendations to the court.”

Kentucky

Enacted House Bill 3, Section 11 provides, “(1) Notwithstanding Section 12 [Prostitution] or 13 [Loitering for prostitution purposes] of this Act, if it is determined after a reasonable period of custody for investigative purposes, that the person suspected of prostitution or loitering for prostitution is under the age of eighteen (18), then the minor shall not be prosecuted for an offense under Section 12 or 13 of this Act. (2) A law enforcement officer who takes a minor into custody under subsection (1) of this section shall immediately make a report to the Cabinet for Health and Family Services pursuant to Section 2 of this Act. Pursuant to Section 3 of this Act, the officer may take the minor into protective custody. (3) The Cabinet for Health and Family Services shall commence an investigation into child dependency, neglect, or abuse pursuant to Section 1 of this Act.”

Ky. Rev. Stat. Ann. § 620.029(1)(a) (Duties of cabinet relating to children who are victims of human trafficking) states that “[i]n order to provide the most effective treatment for children who are victims of human trafficking, as defined in KRS 529.010, the cabinet shall: (a) Investigate a report alleging a child is a victim of human trafficking pursuant to KRS 620.030(3) [Duties to report dependency, neglect, abuse, or human trafficking]; (b) Provide or ensure the provision of appropriate treatment, housing, and services consistent with the status of the child as a victim of human trafficking; and (c) Proceed in the case in accordance with applicable statutes governing cases involving dependency, neglect, or abuse regardless of whether the person believed to have caused the human trafficking of the child is a parent, guardian, or person exercising custodial control or supervision.”

Ky. Rev. Stat. Ann. § 15A.068(1) (Duties of department if child may be victim of human trafficking; administrative regulations) specifies that “[i]f If, during the course of screening, assessing, or providing services to a child committed to or in the custody of the department, there is reasonable cause to believe that the child is a victim of human trafficking as defined in KRS 529.010 [Definitions], the department shall: (a) File a report with the Cabinet for Health and Family Services pursuant to KRS 620.030 [Duty to report dependency,

neglect, abuse, or human trafficking]; (b) Notify the child's attorney that the child may be a victim of human trafficking; and (c) If the child does not pose a threat to public safety, petition the court to transfer custody from the department to the Cabinet for Health and Family Services. (2) After consultation with agencies serving victims of human trafficking, the department shall promulgate administrative regulations for the treatment of child victims of human trafficking who are committed to or in the custody of the department and pose a threat to public safety but do not qualify to be in the custody of the Cabinet for Health and Family Services under subsection (1)(c) of this section. The administrative regulations shall include provisions for appropriate screening, assessment, placement, treatment, and services for these children, the training of staff, and collaboration with service providers."

Massachusetts

Mass. Gen. Laws ch. 119 § 21 defines "child in need of services" in part, as "a child between the ages of 6 and 17 who . . . is a sexually exploited child." Mass. Gen. Laws ch. 119 § 21 defines a "sexually exploited child" as "any person under the age of 18 who has been subjected to sexual exploitation because such person: (1) is the victim of the crime of sexual servitude pursuant to section 50 of chapter 265 or is the victim of the crime of sex trafficking as defined in 22 United States Code 7105; (2) engages, agrees to engage or offers to engage in sexual conduct with another person in return for a fee, in violation of subsection (a) of section 53A of chapter 272, or in exchange for food, shelter, clothing, education or care; (3) is a victim of the crime, whether or not prosecuted, of inducing a minor into prostitution under by section 4A of chapter 272; or (4) engages in common night walking or common streetwalking under section 53 of chapter 272."

Mass. Gen. Laws ch. 119 § 39K(a)–(c) (Sexually exploited children – child welfare services) states, "(a) Notwithstanding any general or special law to the contrary, the department of children and families, in collaboration with the department of mental health and other appropriate state agencies, shall: (i) provide for the child welfare services needs of sexually exploited children including, but not limited to, services for sexually-exploited children residing in the commonwealth at the time they are taken into custody by law enforcement or are identified by the department as sexually-exploited children, for the duration of any legal or administrative proceeding in which they are either the complaining witness, defendant or the subject child; and (ii) provide appropriate services to a child reasonably believed to be a sexually exploited child in order to safeguard the child's welfare. If a child reasonably believed to be a sexually exploited child declines services or is unable or unwilling to participate in the services offered, the department or any person may file a care and protection petition under section 24. Sexually exploited children shall

have access to an advocate. The advocate or a member of the multidisciplinary service team established under section 51D shall accompany the child to all court appearances and may serve as a liaison between the service providers and the court. (b) The services that shall be provided under this section shall be available to all sexually exploited children, whether they are accessed voluntarily, through a court proceeding under this section or through a referral, which may be made by any person. (c) In determining the need for and capacity of the services that may be provided under this section, the department of children and families shall recognize that sexually exploited youth have separate and distinct service needs according to gender and appropriate services shall be made available while ensuring that an appropriate continuum of services exists."

New York

Under the Safe Harbor Act, sexually exploited children can be placed in a "short-term safe house" or "safe house" both of which are defined in part as "a residential facility operated by an authorized agency . . . including a residential facility operating as part of an approved runaway program . . . or a not-for-profit agency with experience in providing services to sexually exploited youth and approved in accordance with the regulations of the office of children and family services that provides shelter, services and care to sexually exploited children . . ." N.Y. Soc. Serv. Law § 447-a(2), (4). Also in both short term and long term safe housing sexually exploited children will receive services "including food, shelter, clothing, medical care, counseling, crisis intervention" and for long term housing, services will either be provided through "direct provision of services, or through written agreements with other community and public agencies . . ." N.Y. Soc. Serv. Law § 447-a(2),(4).

Pursuant to N.Y. Fam. Ct. Act § 739(a) (Release or detention after filing of petition and prior to order of disposition), upon an initial appearance at a juvenile delinquency proceeding, if the child is a sexually exploited child, "the court may direct the respondent to an available short-term safe house as an alternative to detention." Moreover, N.Y. Fam. Ct. Act § 739(a) notes "the court shall not direct detention [of a sexually exploited minor] unless it finds and states the facts and reasons for so finding that unless the respondent is detained there is a substantial probability that the respondent will not appear in court on the return date and all available alternatives to detention have been exhausted." If the victim is unwilling "to cooperate with specialized services for sexually exploited youth" or has a prior prostitution conviction, the minor will be subject to the delinquency proceedings and could be detained. N.Y. Fam. Ct. Act § 311.4(3).

Vermont

Vt. Stat. Ann. tit.13, § 2652(e) (Human trafficking) states, “If a person who is a victim of human trafficking is under 18 years of age at the time of the offense, the state may treat the person as the subject of a child in need of care or supervision [CHINS] proceeding.” Vt. Stat. Ann. tit. 33, § 5301 (Taking into custody) allows law enforcement to take a CHINS into custody “(1) Pursuant to an order of the family division of the superior court under the provisions of this chapter, (2) By an officer when the officer has reasonable grounds to believe that the child is in immediate danger from his or her surroundings and that removal from the child’s current home is necessary for the child’s protection, (3) By an officer when the officer has reasonable grounds to believe that the child has run away from a custodial parent, a foster parent, a guardian, a custodian, a noncustodial parent lawfully exercising parent-child contact, or care provider.”

Washington

Wash. Rev. Code § 13.32A.030(5)(d) (Definitions—Regulating leave from semi secure facility) defines “child in need of services” (CHINS) as a juvenile who is “sexually exploited.” A “sexually exploited child” is defined as “any person under the age of eighteen who is a victim of the crime of commercial sex abuse of a minor under RCW 9.68A.100, promoting commercial sexual of a minor under RCW 9.68A.100, promoting commercial sexual abuse of a minor under RCW 9.68A.101, or promoting travel for commercial sexual abuse of a minor under RCW 9.68A.102.” Wash. Rev. Code § 13.32A.030(17). A sexually exploited child may be “(1) . . . taken into custody and taken to a crisis residential center established pursuant to RCW 74.13.032 [Crisis residential centers—Establishment—Staff—Duties—Semi-secure facilities—Secure facilities] or may, if the center is unable to provide appropriate treatment, supervision, and structure to the child, be taken at department expense to another crisis residential center, the nearest regional secure crisis residential center, or a secure facility with which it is collocated under RCW 74.13.032. Placement in both locations shall not exceed fifteen consecutive days from the point of intake as provided in RCW 13.32A.130.” Wash. Rev. Code. § 74.15.255 (Licenses for secure or semi-secure crisis residential centers or HOPE centers—Requirement—Access to person trained to work with needs of sexually exploited children) requires each crisis residential center to have a staff member, or “access to a person, who has been trained to work with the needs of sexually exploited children.” Wash. Rev. Code § 74.13.034.

Wash. Rev. Code § 13.32A.179(2) (Out-of-home placement — Disposition hearing — Court order—Dispositional plan—Child subject to contempt proceedings—Dismissal of order at request of department or parent) provides that at a post disposition hearing, “the court may: . . . (d) order an out-of-home placement at the request of the child or the department not to exceed ninety days. (3) The court may only enter an order under subsection (2)(d) of this section if it finds by clear, cogent, and convincing evidence that: . . . (b)(i) the order is in the best interest of the child; and (ii) the parents are unavailable; or (c) the parent’s actions cause an imminent threat to the child’s health or safety.” Wash. Rev. Code §13.32A.180(2) states in part: “[n]o placement made pursuant to this section may be in a secure residence as defined by the federal Juvenile Justice and Delinquency Prevention Act of 1974.”

Identification

Neglected, Uncared for, or Abused Child

Child from Family with Service Needs

Delinquent Child (under 16, immune from prostitution charges)

Initial Custody

Authority for Initial Custody:

The court may:

- Summon parents to appear with child
- Issue an ex parte order giving temporary custody to a suitable agency or person

Placement:

Temporary care and custody may be placed:

- With a person related to the child or youth by blood or marriage, or
- With some other person or suitable agency.

Authority for Initial Custody:

Police may take custody of child reported or believed to be from family with service needs: truant, runaway, beyond control of parents, immoral conduct, 13yo+ engaged in sex.

Placement:

- Transport to home of parents/refer to court
- Hold in protective custody (12hrs)
- Place w. any public or private agency, but not in an adult or juvenile detention facility.

Authority for Initial Custody:

Child arrested on apprehension in the act, on speedy information, or when process appears imperative. If prostitution charge, minors <16 are immune (16-17 presumed DMST victims)

Placement:

- Release to parent/guardian
- Release to own custody
- Placement in a juvenile detention center

Process Following Initial Custody

Where is child referred after initial custody?

The child is referred to the Commissioner of Children and Families to investigate.

When and how does court assume jurisdiction?

A petition filed in the Civil Session of Superior Court by a public official, a child caring institution or agency, or the child or his or her representative.

Where is child referred after initial custody?

Probation officer refers to community-based program/provider or family support center for voluntary services and/or files FWSN petition.

When and how does court assume jurisdiction?

- Complaint filed in Civil Session by public official, child caring institution or agency, or the child or his or her representative.
- Petition filed if voluntary services ineffective.

Where is child referred after initial custody?

Child may be referred to a non-judicial, informal youth service program (if admits alleged facts), or referred to judicial process.

When and how does court assume jurisdiction?

- Complaint filed in Criminal Session of Superior Court alleging delinquent act.
- After investigation, the court can authorize the filing of a delinquency petition.

Trafficking Victims in Connecticut

Placement Process Pending Adjudication/ Investigation

→ When must placement hearing be held after initial custody?

Within 10 days of ex parte order for the child's temporary care and custody

What are the placement options?

Temporary care and custody may be placed:

- With a person related to the child or youth by blood or marriage, or
- With some other person or suitable agency.

→ When must placement hearing be held after initial custody?

Up to 24 hours, excluding weekends/holidays. Hearing w/i 10 days if order of temp. custody.

What are the placement options?

A judge may give temporary custody of the child to a suitable person or agency, not including adult or juvenile detention facilities.

→ When must placement hearing be held after initial custody?

The next business day

What are the placement options?

- Release to parent or guardian
- Assignment to youth services program
- Placement in a juvenile detention center

Adjudication or Referral to Alternate Process

→ Adjudication:

Court determines if abused/neglected/uncared for child w/in 10 days of prelim. hearing

Or Alternate Process

N/A

→ Adjudication:

Must show by clear and convincing evidence that child is from family with service needs.

Or Alternate Process

Prior to adjudication, the court may continue the matter and refer the family to community-based services.

→ Adjudication:

Must show beyond a reasonable doubt that child is delinquent.

Or Alternate Process

The court may order a non-judicial disposition if:

- The alleged facts are admitted
- A competent acceptance of the disposition has been given by the child and his parent

Placement Following Adjudication

→ Dispositional Outcomes

- Commitment to the department
- Guardianship to a public or private agency
- Placement with relative or other person

→ Dispositional Outcomes

N/A

→ Dispositional Outcomes

- Order the child to remain in the home, subject to probation supervision
- Order appropriate school and community services
- Refer to DCF

→ Dispositional Outcomes

- Services may be offered for a reasonable period of up to 6 months, with a 3 month extension.
- If the matter is satisfactorily resolved, petition is dismissed.

→ Dispositional Outcomes

- Commitment to the department
- Juvenile detention center
- Placement in an alternative incarceration program
- Probation

→ Dispositional Outcomes

- Probation not to exceed 180 days
- Other activities that the court determines are practicable, such as work in public buildings or property

Identification

Initial Custody

Process Following Initial Custody

Dependent-neglected child

Authority for Initial Custody:

Custody by law enforcement or agent of the department if probable cause for abuse/neglect, or medical personnel if parent/custodian poses imminent danger to child.

Placement:

- Release to parent/responsible adult/relative
- If sexually exploited, short-term safe house (unless charged with a delinquent offense; then may not be treated as dependent)

Where is child referred after initial custody?

If sexually exploited, LEO must refer to Department; placed in safe house w/ access to services, commence a protective investigation.

When and how does court assume jurisdiction?

An attorney for the department, or other person with knowledge, files a petition with the court. Arraignment hearing must be held.

Child In Need Of Services

Authority for Initial Custody:

May be taken into custody by law enforcement if:

- child is a runaway or truant
- child voluntarily agrees or requests services

Placement:

- Release to parents or school (if truant)
- Shelter placement if parent, guardian, or custodian is unavailable, or to allow time to agree to conditions of release

Where is child referred after initial custody?

Report alleging child is in need of services made to intake office; makes preliminary determination/referral to services

When and how does court assume jurisdiction?

- Representative of the Department or parent/guardian files a petition with the court
- School files a truancy petition

Delinquent child

Authority for Initial Custody:

Taken into custody by law enforcement for:

- Delinquent act/violation of law
- Failing to appear at a hearing
- Violating terms of commitment/probation

Placement:

- Released to parent/guardian
- Shelter or short-term safe house
- Juvenile assessment center
- Nonsecure/home/secure detention

Where is child referred after initial custody?

Released, referred to diversion program, community arbitration, other non-judicial program or assigned juvenile probation officer

When and how does court assume jurisdiction?

State attorney files a delinquency petition.

Trafficking Victims in Florida

Placement Process Pending Adjudication/ Investigation

When must placement hearing be held after initial custody?

Dept. will request shelter hearing be held within 24 hours after the removal of the child.

What are the placement options?

- Release to parent/responsible adult
- Safe house
- Shelter placement if probable cause that child is dependent-neglected or in imminent danger

Adjudication or Referral to Alternate Process

Adjudication:

Court determines whether child is dependent-neglected w/in 30 days of arraignment.

Or Alternate Process

Court may refer the parties to mediation if it is in the best interests of the child.

Placement Following Adjudication

Dispositional Outcomes

- Safe house if the child is 6 or older and a victim of sexual exploitation
- Protective supervision in child's home
- Residential group care (if 11 or older)

Dispositional Outcomes

Non-judicial determination by mediation agreement, if successful.

When must placement hearing be held after initial custody?

Shelter hearing within 24 hours of custody

What are the placement options?

- Release to parents
- Shelter placement if parent, guardian or custodian is unavailable, or to give time for family to agree to conditions

Adjudication:

Court determines whether child is in need of services within 14 days after custody.

Or Alternate Process

N/A

Dispositional Outcomes

- Temporary legal custody of an adult willing to care for the child
- Licensed child care agency
- Community service
- Staff/physically secure facility-90 days

Dispositional Outcomes

N/A

When must placement hearing be held after initial custody?

Within 24 hours after being taken into custody

What are the placement options?

- Release to parent/responsible adult
- Release to short-term safe house
- Secure detention care
- Home detention care
- Nonsecure detention care

Adjudication:

Court determines whether child is delinquent.

Or Alternate Process

- Deferred prosecution program through Neighborhood Restorative Justice Center
- Law enforcement agencies may initiate and conduct diversion programs designed to divert a child from the need for department custody or judicial handling.

Dispositional Outcomes

- Licensed child care agency
- Min. risk non-residential facility
- Juv. sex offender program/facility
- Low/moderate-risk residential placement

Dispositional Outcomes

No petition is filed if the juvenile successfully completes the sanctions imposed by the board of the restorative justice center.

Identification

Initial Custody

Process Following Initial Custody

Abused/Neglected/ Dependent Child

Authority for Initial Custody:

LE/DCFS employee/medical provider if abused/neglected. If suspected of prostitution, protective custody pending referral to DCFS.

Placement:

- Release to parent/guardian
- Placement in foster home
- Placement in shelter facility

Where is child referred after initial custody?

DCFS may do investigation or family assessment. Family services may be offered.

When and how does court assume jurisdiction?

A law enforcement or public officer will file a petition with the court.

Child Requiring Authoritative Intervention

Authority for Initial Custody:

For 6hrs by LE if believed to be runaway, beyond control of parents, truant, involved in elec. dissemination of indecent depictions.

Placement:

Release to parent/guardian; foster care/shelter care; interim crisis intervention services agency; placed with DCFS

Where is child referred after initial custody?

To interim crisis intervention services, or juvenile PO, for possible station adjustment.

When and how does court assume jurisdiction?

If not diverted, any adult may file a petition, or the court may direct the filing of a petition for authoritative intervention.

Addicted Minor

Authority for Initial Custody:

By LEO if an addicted minor, has escaped from court ordered commitment, or found in public and needs medical assistance.

Placement:

Temporary custody: shelter care, licensed foster home, group home, or other institution. May not be placed in detention.

Where is child referred after initial custody?

Station adjustment, referral to community-based services, informal monitoring, or court.

When and how does court assume jurisdiction?

Minor delivered to the court by law enforcement; any adult with knowledge may file a petition.

Child Identified as Delinquent

Authority for Initial Custody:

LE with probable cause for delinquency, but a child suspected of prostitution must be referred to DCFS for abuse investigation.

Placement:

- Release to parent/guardian
- Release to foster care/shelter care
- Detention if age 10+ (up to 40 hours)

Where is child referred after initial custody?

If not DCFS, LEO must notify parent/guardian, decide if station adjustment offered.

When and how does court assume jurisdiction?

If a child is not diverted, the state's attorney will file a petition with the court alleging delinquency.

Trafficking Victims in Illinois

Placement Process Pending Adjudication/ Investigation

→ **When must placement hearing be held after initial custody?**

Temporary custody hearing within 48 hours.

What are the placement options?

- Release to child's parents/guardian
- Placement in shelter care

→ **When must placement hearing be held after initial custody?**

Shelter hearing within 48 hours.

What are the placement options?

- Release to parent/guardian
- Placement in designated shelter facility

→ **When must placement hearing be held after initial custody?**

Within 48 hours (excluding Sat/Sun/holiday).

What are the placement options?

- release to parent/guardian, with DHS evaluation and treatment order
- if necessary, continued temporary custody in shelter care, licensed foster home, group home

→ **When must placement hearing be held after initial custody?**

Shelter or detention hearing within 40 hours.

What are the placement options?

- Release to parent/guardian
- Placement in shelter care facility
- Placement in detention facility

Adjudication or Referral to Alternate Process

→ **Adjudication:**

The court will determine whether a child is abused, neglected, or dependent as alleged.

Or Alternate Process

N/A

→ **Adjudication:**

Court rules on authoritative intervention.

Or Alternate Process

Habitually truant minors and minors involved in electronic dissemination of indecent visual depictions may be adjudicated as in need of supervision.

→ **Adjudication:**

Within 120 days; probable cause standard

Or Alternate Process

Preliminary conference with probation officer for informal adjustment. If eligible, probation officer formulates a non-judicial adjustment plan for treatment and services.

→ **Adjudication:**

The court will determine whether the child has committed the offenses as alleged.

Or Alternate Process

The child may be offered a station adjustment, probation adjustment, or the opportunity to participate in a community mediation program.

Placement Following Adjudication

→ **Dispositional Outcomes**

- Release to parent/guardian or relative
- Custody to probation officer or DCFS
- Emancipation

→ **Dispositional Outcomes**

N/A

→ **Dispositional Outcomes**

- To parent/guardian under supervision
- Commitment to DCFS
- Emancipation

→ **Dispositional Outcomes**

Truant: referral to services; fine, public service, or suspended DL. Indecent depictions: counseling/community service.

→ **Dispositional Outcomes**

Release to family/guardian/relative w. agreement to complete treatment or if nec. for protection of minor, shelter care.

→ **Dispositional Outcomes**

Informal supervision and/or refer to educational, counseling, rehabilitative. or residential treatment programs

→ **Dispositional Outcomes**

- Release to parents (possible supervision)
- Probation or guardianship of DCFS
- Placement in detention facility

→ **Dispositional Outcomes**

If the child meets conditions of the alternative process, the child avoids adjudication and possible detention.

Identification

Child in Need of Care (for abuse and neglect or status offense)

Initial Custody

→ Authority for Initial Custody:

Law enforcement may take custody of a child:

- will be harmed if not immediately removed
- is a confirmed runaway
- is a victim human trafficking or exploitation.

Placement:

- Returned home/placed in a shelter facility
- If child has run away, and will not stay in a shelter, then temporarily in secure detention.
- If child is trafficked, in staff secure facility where child is provided case management and appropriate services by specially trained staff.

Process Following Initial Custody

→ Where is child referred after initial custody?

Law enforcement applies to transfer custody to shelter or child care facility to provide care and supervision.

If a DMST victim, law enforcement officer shall contact the Department to assess safety, placement and treatment needs.

When and how does court assume jurisdiction?

With the filing of a petition by the county or district attorney or another person. If the child is a victim of DMST or CSEC, the court must refer the child to DCF to determine safety, placement and treatment needs.

Juvenile Offender

→ Authority for Initial Custody:

Law enforcement may take custody if:

- An offense is committed in the officer's view
- Officer has probable cause of an offense
- The officer has a warrant

Placement:

- Parents with or without conditions
- Shelter facility or licensed care facility
- Placement in a juvenile detention center, only if certain criteria are met

→ Where is child referred after initial custody?

The officer shall take the child before an intake and assessment worker, or before the court.

When and how does court assume jurisdiction?

Proceedings are commenced by the filing of a complaint by the county or district attorney.

Trafficking Victims in Kansas

Placement Process Pending Adjudication/ Investigation

Adjudication or Referral to Alternate Process

Placement Following Adjudication

→ When must placement hearing be held after initial custody?

Within 72 hours. Court may order temporary custody if the child is:

- dangerous to self or others
- unlikely to be available for proceedings
- at risk of injury to health or welfare
- a victim of human trafficking, CSEC or engaged in prostitution

What are the placement options?

- Parent or legal custodian
- A youth residential facility
- A shelter facility
- A staff secure facility, if the child is a victim of trafficking or exploitation.

→ Adjudication:

A hearing must be held within 60 days of filing a petition.

Or Alternate Process

- Before disposition, the court may convene a conference of people with an interest in the placement of the child.
- The group can make recommendations, which will be considered by the court.

→ Dispositional Outcomes

- Placement with a parent, relative, or other suitable person
- A shelter facility
- A youth residential facility
- A staff secure facility, if DMST victim

→ Dispositional Outcomes

A placement in the child's best interests, as recommended by the conference.

→ When must placement hearing be held after initial custody?

Within 48 hours.

What are the placement options?

- Parents with or without conditions
- Shelter facility or licensed care facility
- Placement in a juvenile detention center if the juvenile: committed a prostitution offense or a felony; has a history of violence or not appearing in court; has prior felony adjudications or has been expelled from non-secure placement

→ Adjudication:

The hearing must be held without delay and charges proved beyond a reasonable doubt. DMST victims may assert an affirmative defense to prostitution charges.

Or Alternate Process

Each county or district attorney may adopt a policy and establish guidelines for an immediate intervention program by which a juvenile may avoid prosecution.

→ Dispositional Outcomes

- Probation
- Community based program
- Counseling or other services
- House arrest
- Confine to juvenile corrections facility

→ Dispositional Outcomes

The child must fulfill the terms set by the immediate intervention program or juvenile offender proceedings will be re-instituted.

Identification

**Dependent - Abused or Neglected
(Cabinet for Health and Family Services)**

**Status Offender
(Cabinet for Health and Family Services)**

**Public Offender
(Department of Juvenile Justice)**

Initial Custody

Authority for Initial Custody:

Protective custody by law enforcement if:
 - danger of imminent injury, sexual abuse
 - child is a victim of human trafficking
 By medical personnel if not safe to release

Placement:

- Relatives
- The Cabinet or other appropriate person or agency.

Authority for Initial Custody:

Custody by law enforcement if habitual runaway or failed to appear in court.

Placement:

- If not DMST,
- Release to parents, or other adult
 - Secure juvenile detention facility
 - Juvenile holding/Non-secure facility

Authority for Initial Custody:

Custody by peace officer if the child committed a public offense, but a DMST victim who commits a prostitution offense must be referred to the Cabinet.

Placement:

- If not prostitution offense:
- Release to parents, or other adult
 - Secure juvenile detention facility,
 - Juvenile holding/non-secure facility

Process Following Initial Custody

Where is child referred after initial custody?

If DMST, LE must immediately report to the Cabinet. The Cabinet must investigate and provide treatment, housing and services.

When and how does court assume jurisdiction?

- Temporary removal hearing, within 72 hours of emergency custody
- Or, within 10 days of filing petition for custody

Where is child referred after initial custody?

Court services worker decides whether to refer to Cabinet, divert, refer to services. If DMST, cannot be charged with a status offense.

When and how does court assume jurisdiction?

A complaint is filed alleging the commission of a status offense.

Where is child referred after initial custody?

If DJJ believes child is trafficking victim, it must file a report with the Cabinet, petition to transfer custody of the child to the Cabinet.

When and how does court assume jurisdiction?

If not a prostitution offense, by filing a complaint alleging that the child committed an offense while under 18.

Trafficking Victims in Kentucky

Placement Process Pending Adjudication/ Investigation

When must placement hearing be held after initial custody?

Request for an emergency custody order within 12 hours if DMST victim.

What are the placement options?

Temporary custody to:

- Relatives
- The Cabinet or other appropriate person or agency.

When must placement hearing be held after initial custody?

within twenty-four (24) hours, exclusive of weekends and holidays

What are the placement options?

If not DMST and not released:

- secure facility for no more than 24 additional hours, then DJJ-approved nonsecure setting until next court appearance.
- for violation of a court order, detained in secure facility for 48 hours pending next court appearance.

When must placement hearing be held after initial custody?

48 hours if juvenile facility, 24 hours if "intermittent holding facility"

What are the placement options?

If not DMST:

- release, if no probable cause or further detention not found necessary.
- detention, if found necessary after considering seriousness of offense, risk of danger to child or community.

Adjudication or Referral to Alternate Process

Adjudication:

Conduct hearing and make disposition within 45 days of child's removal

Or Alternate Process

- An informal adjustment may be made at any time during the proceedings.
- Return to parent, with monitoring/services

Adjudication:

Court determines whether child is a status offender at formal hearing. Right to counsel.

Or Alternate Process

N/A

Adjudication:

Court determines whether child is a public offender at formal hearing, no jury.

Or Alternate Process

An informal adjustment may be made at any time during the proceedings.

Placement Following Adjudication

Dispositional Outcomes

Case permanency plan outlining placement, services, schedules, and proposed actions for long-term custody.

Dispositional Outcomes

- Protective orders
- Removal to the custody of adult relative, other person, or child-caring facility or child placing agency.

Dispositional Outcomes

No secure detention. Release, commit to DJJ or cabinet, a child-caring facility, or child-placing agency, or probation in a home or boarding home.

Dispositional Outcomes

N/A

Dispositional Outcomes

Release, commit to DJJ or cabinet, a child-caring facility, or child-placing agency, or probation in a home or boarding home.

Dispositional Outcomes

If successful, no further action on the petition; child avoids formal adjudication and disposition.

Identification

Child in Need of Care and Protection

Initial Custody

Authority for Initial Custody:

Department may take child into immediate temporary custody if believed to be abused, including a child who is a victim of CSEC or human trafficking.

Placement:

- Release to parent/guardian pending hearing
- Held by Department in protective custody
- Held in hospital until Dept. takes custody

Process Following Initial Custody

Where is child referred after initial custody?

Sexually exploited children receive specialized services. Multidisciplinary teams investigate and recommend a service plan.

When and how does court assume jurisdiction?

When a child is taken into protective custody, the Department must file a care and protection petition on the next court day.

Child in Need of Services

Authority for Initial Custody:

Protective custody by law enforcement if in need of assistance (habitual runaway/truant, beyond control of parent/school, or a sexually exploited child, including DMST/CSEC).

Placement:

- Release to child's parent or guardian
- Placement in a temporary shelter facility
- Placement in foster care or a group home
- Temporary custody of DCF.

Where is child referred after initial custody?

Application for assistance filed immediately; probation officer will investigate. Sexually exploited children receive specialized services.

When and how does court assume jurisdiction?

A child's parent/guardian, or school district files an application for assistance with the court. The court determines whether or not to issue a petition and summons.

Delinquent Child

Authority for Initial Custody:

Custody by law enforcement for violating a law, by-law or ordinance. DMST victims charged with certain prostitution offenses are presumed to be a child in need of services.

Placement:

- Release to parent or guardian
- Detained in police station, detention home, town lockup, or other detention facility
- Detained in any other approved home

Where is child referred after initial custody?

If DMST, petition for care and protection or child in need of services may be filed. Otherwise, referred to delinquency process.

When and how does court assume jurisdiction?

A complaint or indictment alleging delinquency is filed with the court.

Trafficking Victims in Massachusetts

Placement Process Pending Adjudication/ Investigation

→ When must placement hearing be held after initial custody?

A hearing must be held within 72 hours of initial custody.

What are the placement options?

- Release to parent, guardian, or custodian
- Placement with a suitable person
- Placement with a licensed agency providing foster care
- Commit to the Department for placement

→ When must placement hearing be held after initial custody?

The next court day.

What are the placement options?

- Released to parent/guardian
- Foster home
- Temporary custody of DCF.

→ When must placement hearing be held after initial custody?

Arraignment on the next court day.

What are the placement options?

- Release to parent/guardian
- Commitment to Department of Youth Services
- Placement in secure detention facility
- Placement in special foster home

Adjudication or Referral to Alternate Process

→ Adjudication:

The court will determine whether the child is in need of care and protection.

Or Alternate Process

N/A

→ Adjudication:

The juvenile court will determine whether a child is in need of services.

Or Alternate Process

The court may elect to provide the child with informal assistance, and dismiss the application for assistance without issuing a petition.

→ Adjudication:

The juvenile court will determine whether a child is delinquent, as alleged.

Or Alternate Process

A child identified as a sexually exploited child may be diverted from the delinquency process into either the care and protection process, or the child in need of services process. If not diverted, the court may continue w/out a finding and place the child on probation.

Placement Following Adjudication

→ Dispositional Outcomes

- Release child to parent/guardian with supervision
- Transfer custody to a qualified person, licensed agency, or Department
- Order medical and dental care

→ Dispositional Outcomes

N/A

→ Dispositional Outcomes

- Release to parent/guardian with specialized services
- Placement with relative, probation officer, responsible adult, Department

→ Dispositional Outcomes

Referral to public or private organization for various specialized services and avoid formal adjudication.

→ Dispositional Outcomes

- Release to parent/guardian on probation
- Commitment to Department of Youth Services for detention

→ Dispositional Outcomes

If successfully diverted or completes terms of probation, the child will avoid being adjudicated delinquent.

Identification

Initial Custody

Process Following Initial Custody

Child in Need of Protection or Services (Abused/Neglected)

Authority for Initial Custody:

- With an order of the court
- By a police officer if child is found in surroundings/conditions that endangers child's health/welfare (includes CSEC).

Placement:

- Child's parent/guardian, custodian (after family assessment/safety plan)
- shelter or secure detention (least restrictive setting possible, close to child's family)

Where is child referred after initial custody?

The Social Services agency shall conduct an assessment and shall provide recommendations to the court.

When and how does court assume jurisdiction?

"Any reputable person" who has knowledge of a suspected CHINS files a petition with the court.

Child in Need of Protection or Services (Runaway/Truancy)

Authority for Initial Custody:

- By court order;
- By police officer if reason to believe child is a runaway or truant.

Placement:

- A parent, guardian, or other suitable relative
- A shelter care facility

Where is child referred after initial custody?

The Social Services agency shall conduct an assessment and shall provide recommendations to the court.

When and how does court assume jurisdiction?

"Any reputable person" who has knowledge of a suspected CHINS files a petition with the court.

Child Identified as Delinquent (excludes prostitution-related offenses as of 2014)

Authority for Initial Custody:

Custody by law enforcement for committing a delinquent offense or juvenile petty offense, except prostitution-related offenses which are specifically excluded as of 2014.

Placement:

- If not prostitution-related offense:
- Parent, guardian, custodian, or other suitable person;
 - Shelter care or a detention facility

Where is child referred after initial custody?

If not released, must inform parent/guardian, unless placed in shelter care and notification would immediately endanger child.

When and how does court assume jurisdiction?

A petition may be filed by any person with knowledge of the child.

Trafficking Victims in Minnesota

Placement Process Pending Adjudication/ Investigation

When must placement hearing be held after initial custody?

Within 72 hours

What are the placement options?

- Return to parents/guardian
- Non-custodial parent/relative
- Immediate custody for placement of the child in foster care or other social services agency

Adjudication or Referral to Alternate Process

Adjudication:

Hearings conducted without jury, informal manner - Clear and convincing proof standard

Or Alternate Process

Alternative dispute resolution including family group decision making, parallel protection process, and mediation when such alternative dispute resolution is in the best interests of the child

Placement Following Adjudication

Dispositional Outcomes

- Protective supervision with parents, child placing/social services agency,
- If child is at least 16, live independently

Dispositional Outcomes

May be used to resolve part or all of a matter before the court at any point in the proceedings subject to approval by the court.

When must placement hearing be held after initial custody?

Within 72 hours

What are the placement options?

- Return to parents/guardian
- Non-custodial parent/relative
- Immediate custody for placement of the child in foster care or other social services agency

Adjudication:

No jury, informal. For truancy, presumption is against child. Clear and convincing proof.

Or Alternate Process

N/A

Dispositional Outcomes

- Child's home under supervision
- Group foster home placement
- Placement with someone with reputable moral character

Dispositional Outcomes

N/A

When must placement hearing be held after initial custody?

- Within 36 hours if in juvenile facility
- Within 24 hours if in adult facility

What are the placement options?

- Detention continued for eight days
- Parent, guardian, custodian, or other suitable person

Adjudication:

No jury, informal proceeding. Court determines if child is delinquent.

Or Alternate Process

Every county attorney must establish a diversion program for juvenile offenders.

Dispositional Outcomes

- Counseling for child or parents
- Probation
- Custody to foster care, child place agency, county home school, or social services agency

Dispositional Outcomes

- Counseling for child or parents
- Probation
- Foster care, child place agency, county home school, or social services agency

Identification

Initial Custody

Process Following Initial Custody

Child Identified as Abused/Neglected

Authority for Initial Custody:

- LE suspect minor is engaged in prostitution,
- Immediate danger of personal harm,
- Immediate custody is necessary, or
- No reasonable alternative to custody.

Placement:

Least restrictive custody; child's home, foster care.

Where is child referred after initial custody?

If minor suspected of prostitution, LE shall immediately report to DHS, which must commence an investigation.

When and how does court assume jurisdiction?

A petition must be filed within 5 days of the shelter hearing if the child is detained and 10 days if the child is not in continued custody.

Child in Need of Services ("CHINS")

Authority for Initial Custody:

- By law enforcement or department with:
- A warrant
 - Probable cause of danger
 - No alternative to custody

Placement:

- The least restrictive custody should be selected no more than 24 hours unless judge authorizes temporary custody
- Not in adult facilities for more than 6 hours

Where is child referred after initial custody?

Unless the child is immediately released, the person taking the child into custody shall immediately notify the judge or his designee.

When and how does court assume jurisdiction?

Petition must be filed within 5 days from the date of a detention hearing or shelter hearing continuing custody, or in non-custody cases the petition shall be filed w/in 10 days.

Delinquent Child (*Trafficking victims immune from prostitution charges)

Authority for Initial Custody:

Custody by LE on grounds justifying arrest of an adult. When prostitution suspected, HT victims are immune and LE must refer minor victims to DHS.

Placement:

If taken into custody, the least restrictive custody should be selected, and minor cannot be in adult facilities for more than 6 hours.

Where is child referred after initial custody?

If minor HT victim suspected of prostitution, LE shall immediately refer to DHS. In all cases, the Judge shall be immediately notified.

When and how does court assume jurisdiction?

Petition must be filed within 5 days from the date of a detention hearing or shelter hearing continuing custody or in noncustody cases the petition shall be filed w/in 10 days.

Trafficking Victims in Mississippi

Placement Process Pending Adjudication/ Investigation

→ When must placement hearing be held after initial custody?

A child may only be held 24 hours unless a judge authorizes temporary custody.

What are the placement options?

- With any private institution or agency caring for children
- Commit the child to the Department of Mental Health or Department of Human Services or any other public agency to provide for the custody, care and maintenance of such child

Adjudication or Referral to Alternate Process

→ Adjudication:

Within 21 days if child is detained, within 90 days after the filing of the petition if not.

Or Alternate Process

N/A

Placement Following Adjudication

→ Dispositional Outcomes

- Release child w/out further action
- Place in the custody of guardian
- Custody to community organization
- Order services for child

→ Dispositional Outcomes

N/A

→ When must placement hearing be held after initial custody?

A child may only be held 24 hours unless a judge authorizes temporary custody.

What are the placement options?

Child may not be placed in any jail or place of detention of adults by any person or court unless the child is physically segregated from adult inmates. Court may order a child to be placed in custody with any private institution or agency caring for children, Department Mental health/human services.

→ Adjudication:

Within 21 day if child is detained, within 90 days after the filing of the petition if not.

Or Alternate Process

The informal adjustment process may be initiated with an informal adjustment conference conducted by an informal adjustment counselor appointed by the court.

→ Dispositional Outcomes

- placement under youth court supervision; -custody of entity other than a state training school
- DMST may be placed in juvenile detention center

→ Dispositional Outcomes

- Giving counsel and advice to the child and his parent, guardian or custodian
- Referrals for benefits or services
- Temporary placement of the child or supervision by the youth court

→ When must placement hearing be held after initial custody?

A child may only be held 24 hours unless a judge authorizes temporary custody.

What are the placement options?

- Youth court designates available detention or shelter facilities to which children shall be delivered when taken into custody.
- Child can't be placed in detention with adults unless physically segregated.
- Court may order a child to be placed in custody with any private institution or agency.

→ Adjudication:

Within 21 days if child is detained, within 90 days after the filing of the petition if not.

Or Alternate Process

The informal adjustment process may be initiated with an informal adjustment conference conducted by an informal adjustment counselor appointed by the court.

→ Dispositional Outcomes

- DMST immune from prosecution for prostitution as a juvenile or adult
- For other offenders: work program, wilderness training program, juvenile detention center

→ Dispositional Outcomes

- Giving counsel and advice
- Referrals for benefits or services
- Temporary placement of the child or supervision by the youth court

Identification

Initial Custody

Process Following Initial Custody

Abused or Neglected Child

Authority for Initial Custody:

Law enforcement or social services may take into custody if child is in imminent danger.

Placement:

A place approved for such purpose by the local social services department

Where is child referred after initial custody?

Inform the court and make a report of abuse as soon as possible; if CSEC, specialized services and safe house placement available.

When and how does court assume jurisdiction?

A petition shall be filed within three court days from the date of removal.

Person in Need of Supervision

Authority for Initial Custody:

Any peace or police officer can petition for the issuance of a warrant if believed to be PINS, which includes sexually exploited children.

Placement:

- Foster care program
- Family boarding home
- Non-secure detention facility
- Short term safe house

Where is child referred after initial custody?

If CSEC, specialized services and safe house placement.

When and how does court assume jurisdiction?

Peace officer, other state agency, family member or injured party may file a petition. If sexually exploited, child must consent to filing of the petition.

Delinquent

(*over 15 prosecuted as adult)

Authority for Initial Custody:

Officer may take a child under the age of 16 into custody without a warrant under the laws of arrest.

Placement:

- If child under 16, must notify the parents and
- Take child to her parents
 - Take to county family court
 - Take to juvenile detention facility

Where is child referred after initial custody?

Specialized services and safe house placement. May be referred to DSS if assessed by CJS to be trafficking victim.

When and how does court assume jurisdiction?

Agency files petition; on motion, court shall convert to PINS for 1st prostitution, may convert for subsequent prostitution charge.

Trafficking Victims in New York

Placement Process Pending Adjudication/ Investigation

When must placement hearing be held after initial custody?

No later than the next court day after the petition is filed

What are the placement options?

- Foster Care
- Parent or Relative
- Authorized agency
- Remain in own home with or without court supervision

Adjudication or Referral to Alternate Process

Adjudication:

Court determines if a child is dependent, neglected or abused.

Or Alternate Process

N/A

Placement Following Adjudication

Dispositional Outcomes

- Relative or suitable person
- Authorized association/agency
- Safe houses receiving special services

Dispositional Outcomes

N/A

When must placement hearing be held after initial custody?

Within 3 days after filing of petition

What are the placement options?

- Released
- Short term safe house
- Detention

Adjudication:

Court determines if child is person in need of supervision.

Or Alternate Process

Diversion services youth who are at risk of being the subject of a person in need of supervision petition.

Dispositional Outcomes

- Placed on probation
- Placed in home
- Placed in custody of a relative
- Ordered to complete an "education reform program"

Dispositional Outcomes

Services designed to provide an immediate response to families in crisis, utilize appropriate alternatives to detention, including safe houses and services for sexually exploited children

When must placement hearing be held after initial custody?

Within 72 hours

What are the placement options?

- Release of custody
- Removal from home
- Placement with relatives

Adjudication:

If detained, must be within 3 days of initial appearance, if not detained within 90 days

Or Alternate Process

The court may at any time prior to the entering of a finding of delinquency and with the consent of the respondent order that the proceeding be "adjourned in contemplation of dismissal."

Dispositional Outcomes

- Released home
- Referral of local social services
- Placed with relatives
- Supervision
- Safe house/specialized services if CSEC

Dispositional Outcomes

- Alcohol Awareness Program
- Education Reform Program
- Other such terms and conditions as the court deems appropriate

Identification

Initial Custody

Process Following Initial Custody

Abused, Neglected, Dependent

Authority for Initial Custody:

Custody by law enforcement or DSS worker if "reasonable grounds" that child would be injured. LE must report abuse/neglect when minor suspected of prostitution.

Placement:

DSS worker may arrange for the placement, care, supervision, and transportation of the juvenile.

Where is child referred after initial custody?

Assess within 24 hours after receipt of report of abuse or suspected prostitution. Within 72 hours for report of neglect or dependency.

When and how does court assume jurisdiction?

- Petition and motion for review has been filed
- Or an order for non-secure custody has been entered by the court

Undisciplined juvenile

Authority for Initial Custody:

By law enforcement if suspected of or charged with prostitution. Or, if believed to be undisciplined juvenile (runaway, truant, beyond control of parents, unlawful location).

Placement:

- Release to parent
- Release to school
- Detained by law enforcement pending determination.

Where is child referred after initial custody?

If not released, referred to juvenile court counselor.

When and how does court assume jurisdiction?

The court assumes jurisdiction at the filing of the petition with clerk's office or the magistrate.

Delinquent (* 16-17 criminally prosecuted, except prostitution offenses.)

Authority for Initial Custody:

- If charge is prostitution, immune from prosecution; custody as undisciplined juvenile.
- If not charged with prostitution, custody by LEO for committing a delinquent offense.

Placement:

- Release to parent
- Release to school
- Detained by law enforcement pending determination.

Where is child referred after initial custody?

If charge is prostitution, referred to DSS. If other charge and not released, referred to juvenile court counselor.

When and how does court assume jurisdiction?

The court assumes jurisdiction at the filing of the petition.

Trafficking Victims in North Carolina

Placement Process Pending Adjudication/ Investigation

When must placement hearing be held after initial custody?

No juvenile shall be held in nonsecure custody for more than 7 days without a hearing

What are the placement options?

- Licensed foster home or a home otherwise authorized by law to provide such care
- Facility operated by the Department of Social Services
- Any home or facility, including a relative's home approved by the court

Adjudication or Referral to Alternate Process

Adjudication:

- Court determines if allegations can be proven, or petition is dismissed.

Or Alternate Process

N/A

Placement Following Adjudication

Dispositional Outcomes

- Release to parent/guardian
- Supervised by Department of Social Services in juvenile's home

Dispositional Outcomes

N/A

When must placement hearing be held after initial custody?

Within 24 hours if arrested without a warrant or 5 days if detained pursuant to order

What are the placement options?

- A licensed foster home or a home authorized by law
- A facility operated by the Department of Social Services
- Any other home or facility, including a relative's home approved by the court

Adjudication:

- Must be held within a reasonable time
- Allegations are either proven or dismissed

Or Alternate Process

N/A

Dispositional Outcomes

- Supervised at home
- Custody by parent, guardian, relative, placement agency
- Custody of Department of Social Services

Dispositional Outcomes

N/A

When must placement hearing be held after initial custody?

Within 24 hours if arrested without a warrant or 5 days if detained pursuant to order

What are the placement options?

- A licensed foster home or a home authorized by law
- A facility operated by the Department of Social Services
- Any other home or facility, including a relative's home approved by the court

Adjudication:

- Must be held within a reasonable time
- Allegations are either proven or dismissed

Or Alternate Process

N/A

Dispositional Outcomes

- Supervised at home
- Commitment
- Probation
- House arrest
- Treatment programs

Dispositional Outcomes

N/A

Identification

Initial Custody

Process Following Initial Custody

Dependent or Neglected Child

→ **Authority for Initial Custody:**

- Police or department may take custody if:
- A court order authorizes custody
 - Reason to believe child is abused/neglected.

Placement:

- Shelter care, if there's probable cause to believe the child is abused or neglected.

→ **Where is child referred after initial custody?**

To the court, and to a medical facility if child is believed to suffer from a physical condition or illness requiring prompt treatment.

When and how does court assume jurisdiction?

Petition within 2 days of initial custody made by any person.

Unruly Child (truancy, runaway, status offenses)

→ **Authority for Initial Custody:**

- Police may take custody if:
- Court order or under the laws of arrest for an unruly act
 - Reason to believe the child is runaway

Placement:

- A licensed foster home
- Licensed child care agency facility
- A juvenile detention home or center
- Court-designated "suitable place or facility"

→ **Where is child referred after initial custody?**

To the court, and to a medical facility if child is believed to suffer from a physical condition or illness requiring prompt treatment

When and how does court assume jurisdiction?

A petition shall be made promptly and presented to the court.

Delinquent Child (Child cannot be considered delinquent for prostitution)

→ **Authority for Initial Custody:**

By police officer if child committed a delinquent act. If suspected of prostitution, child is immune; must be provided with the NHTRC hotline and released to parent.

Placement:

- A licensed foster home
- Licensed child care agency facility
- A juvenile detention home or center

→ **Where is child referred after initial custody?**

To the court, and to a medical facility if child is believed to suffer from a physical condition or illness requiring prompt treatment

When and how does court assume jurisdiction?

A petition shall be made promptly and presented to the court.

Trafficking Victims in Tennessee

Placement Process Pending Adjudication/ Investigation

→ When must placement hearing be held after initial custody?

Within 72 hours

What are the placement options?

- Foster home
- Child care agency facility

Adjudication or Referral to Alternate Process

→ Adjudication:

Court determines if child is dependent, neglected or abused.

Or Alternate Process

N/A

Placement Following Adjudication

→ Dispositional Outcomes

- Residential treatment placement
- Returned to parent
- Transferred to department of children's services

→ Dispositional Outcomes

N/A

→ When must placement hearing be held after initial custody?

Within 24 hours unless court is closed; then within 72 hours.

What are the placement options?

- Foster home
- Child care agency facility
- Detention home
- Center for delinquent children

→ Adjudication:

Court determines whether child is delinquent/unruly & not neglected/dependent

Or Alternate Process

If the court desires to commit an unruly child to the custody of the department of children's services, it shall, prior to ordering commitment, refer such child to the department's juvenile-family crisis intervention program.

→ Dispositional Outcomes

- Residential treatment placement
- Returned to parent
- Custody to children's services
- Probation, community service or fine

→ Dispositional Outcomes

Court may commit child to the depart. after juvenile-family crisis intervention program certifies to court that no other less drastic measure is appropriate.

→ When must placement hearing be held after initial custody?

Within 72 hours

What are the placement options?

- Foster home
- Child care agency facility
- Detention home
- Center for delinquent children
- Detention facility separate from adults under limited circumstances

→ Adjudication:

Court determines if child is dependent and if delinquent act/unruly conduct happened.

Or Alternate Process

N/A

→ Dispositional Outcomes

- Probation
- Any option avail. to dependent child
- Placement in institution, camp or other facility for delinquent children
- Fine or community service

→ Dispositional Outcomes

N/A

Identification

Initial Custody

Process Following Initial Custody

Child In Need of Care or Supervision

→ **Authority for Initial Custody:**

Custody by law enforcement without a court order if the officer believes the child is in immediate danger and removal is necessary or has reasonable grounds to believe that the child is a runaway. Law enforcement may treat human trafficking victims under 18 as a person in need of care and supervision.

Placement:

- Release to child's parent, guardian, custodian
- Delivered to a location designated by the department.
- If runaway, to a shelter designated to help facilitate reunification.

→ **Where is child referred after initial custody?**

If necessary for child's welfare not to release to parents, the department has the authority to make reasonable decisions concerning the child's immediate placement, safety and welfare.

When and how does court assume jurisdiction?

The state attorney will immediately petition the court for an emergency care order.

Delinquent Child

→ **Authority for Initial Custody:**

By law enforcement if there are reasonable grounds to believe child has committed delinquent act, or for the protection of child and/or society. DMST victims can not be subject to delinquency charges for prostitution offenses committed as a victim of sex trafficking.

Placement:

- If custody take as delinquent child,
- Release the child to parent, guardian, or custodian unless removal is necessary
 - Detention, but child cannot be detained with adults.

→ **Where is child referred after initial custody?**

The state attorney will immediately petition the court for an emergency care order if minor is in custody. A minor charged with prostitution may be referred to DCF for treatment as a child in need of care or supervision.

When and how does court assume jurisdiction?

State attorney files a delinquency petition, however, DMST victims cannot be subject to delinquency petition for prostitution offenses and may be referred to DCF as a child in need of care or supervision.

Trafficking Victims in Vermont

Placement Process Pending Adjudication/ Investigation

Adjudication or Referral to Alternate Process

Placement Following Adjudication

When must placement hearing be held after initial custody?

If runaway, released or emergency care order within 7 days. In all cases, once emergency care order obtained, must hold placement hearing within 72 hours.

What are the placement options?

- Release to parent, guardian, custodian, non-custodial parent
- Placement with a relative or person with significant relationship with child
- Transfer temporary custody to the commissioner of the department for children and families for placement

Adjudication:

The court will determine whether the child is in need of care and supervision. State bears burden of proof by clear and convincing evidence.

Or Alternate Process

N/A

Dispositional Outcomes

- Release to parent, guardian, custodian.
- Transfer legal custody to Department.
- Transfer custody to a relative or other person with significant relationship with child.
- Provide with services as necessary.

Dispositional Outcomes

N/A

When must placement hearing be held after initial custody?

A hearing must be held within 72 hours of issuance of emergency care order.

What are the placement options?

- Release to parent or guardian, with conditions
- Placement with a non-custodial parent or relative
- Transfer temporary custody of the child to the commissioner

Adjudication:

The court determines whether the child is delinquent. DMST victims can assert an affirmative defense that non-prostitution acts were the result of force, fraud or coercion by a sex trafficker. Prostitution acts committed by DMST victims can not be the subject of a delinquency petition.

Or Alternate Process

The state attorney may offer to divert the child, to the extent a local diversion program is available.

Dispositional Outcomes

- Release to parent/guardian on probation
- Placement with relative/suitable person
- Commitment to community justice center

Dispositional Outcomes

If successful, all records will be sealed after 2 years.

Identification

Initial Custody

Process Following Initial Custody

Dependent Child

Authority for Initial Custody:

W/out order by law enforcement if abused or neglected (includes CSEC), or medical personnel if imminent risk to safety.

Placement:

With person or agency that has right to physical custody or in shelter care. Shelter care is mandatory if court ordered temp. custody.

Where is child referred after initial custody?

Referred to the Department or supervising agency for case management.

When and how does court assume jurisdiction?

Any person may file a dependency petition. In some counties, probation officers determine first if a petition is reasonably justifiable.

Child In Need of Services

Authority for Initial Custody:

Law enforcement if truant, beyond control of parent, runaway w. subst. abuse/risk behavior, lacks nec. services, a sexually exploited child.

Placement:

- Release to parent or guardian or shelter care
- Secure crisis residential center or detention facility

Where is child referred after initial custody?

CRC administrator shall immediately convene a multidisciplinary team.

When and how does court assume jurisdiction?

DHS or the child's parents will file a petition alleging that the child is in need of services.

At-Risk Youth

Authority for Initial Custody:

By law enforcement if child violates placement order entered for at-risk youth petition. Not applicable if dependency petition pending.

Placement:

With parent or another placement requested by parent and/or child; secure facility if child violates court order regarding placement.

Where is child referred after initial custody?

Court has special jurisdiction to assist parent in maintaining care, custody, control of child.

When and how does court assume jurisdiction?

Parents may file at-risk youth petition, but not if a dependency petition is pending. If CHINS also filed, merges w/ At-Risk Youth.

Delinquent Child

Authority for Initial Custody:

LE may arrest a child when grounds exist for arresting an adult in similar circumstances, including prostitution offenses.

Placement:

- Release to parent, guardian, responsible adult
- Crisis residential center.
- Held in detention, if necessary.

Where is child referred after initial custody?

Diversion, incl. spec. svcs and safe housing for prostitution charge. Mandatory if 1st offense.

When and how does court assume jurisdiction?

If not 1st prostitution offense, state atty can file petition to commence delinquency proceeding. If filed, court can order diversion.

Trafficking Victims in Washington

Placement Process Pending Adjudication/ Investigation

When must placement hearing be held after initial custody?

Within 72 hours of initial custody.

What are the placement options?

- Release to parent or guardian
- Placement with relative or other suitable person
- Continued shelter care

When must placement hearing be held after initial custody?

Within 72 hours of initial custody.

What are the placement options?

- Release to parent/guardian
- Placement in crisis residential center, foster family home, licensed group home facility, any other suitable residence

When must placement hearing be held after initial custody?

10 days, or 5 days if not in court placement

What are the placement options?

With parent or out-of-home placement. Secure facility if child violated placement order.

When must placement hearing be held after initial custody?

Within 72 hours; diversion considered

What are the placement options?

- Crisis residential center (up to 90 days)
- Continued detention, if necessary
- Release to parent/guardian, responsible adult or the Department

Adjudication or Referral to Alternate Process

Adjudication:

The court determines whether the child is neglected, dependent or abused.

Or Alternate Process

N/A

Adjudication:

Court determines whether child is in need of services as alleged.

Or Alternate Process

If At-Risk Youth petition is also filed, it merges with CHINS petition and case is adjudicated as an At-Risk Youth petition. May also may request family reconciliation services from the department.

Adjudication:

Court determines if child is an at-risk youth.

Or Alternate Process

N/A

Adjudication:

Court determines if child is delinquent. HT is an affirmative defense to prostitution.

Or Alternate Process

The prosecutor may choose to divert the child from adjudication and detention, and into specialized services. Deferred disposition is also available in certain situations.

Placement Following Adjudication

Dispositional Outcomes

- Parent/guardian with supervision
- Relative/other suitable person
- Agency (foster-, shelter-, group care)

Dispositional Outcomes

N/A

Dispositional Outcomes

-Release to parent/guardian with supervision and services, or out-of-home placement, but not in a secure residence.

Dispositional Outcomes

Require regular school attendance, counseling, subst. abuse treatment and/or placement in CRC or staff secure facility.

Dispositional Outcomes

Require regular school attendance, counseling, subst. abuse treatment and/or placement in CRC or staff secure facility.

Dispositional Outcomes

N/A

Dispositional Outcomes

If not diverted, subject to specific sentencing guidelines for detention and restitution.

Dispositional Outcomes

Access to services and avoids delinquency adjudication.

