

**2014**

---

**Statutory Responses to Domestic  
Minor Sex Trafficking Victims**

**California**



*The information and links provided in this document are solely for educational and informational purposes, and do not constitute legal advice. Shared Hope International grants permission for copies of the information in this document to be made, in whole or in part, by not-for-profit organizations and individuals, provided that the use is for educational, informational, noncommercial purposes only, and provided that each copy includes this statement in its entirety and the legend, "Reprinted by permission of Shared Hope International."*

## Identification

## Initial Custody

## Process Following Initial Custody

### Dependent Child

#### → Authority for Initial Custody:

Temporary custody by:

- Law enforcement officer without warrant, if reasonable belief that the child is in immediate danger or needs immediate medical care
- Social worker from a county welfare department under certain circumstances

#### Placement:

- Release to parent/guardian
- Placement with a relative
- Foster care
- Community services program for abused/neglected children

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

- Law enforcement agency must promptly investigate a report of child abuse and deliver a written report to the Department of Justice of its investigation
- A social worker must immediately investigate the circumstances of the child taken into custody

#### When and how does court assume jurisdiction?

- The juvenile court assumes jurisdiction upon verification of child abuse by the intake officer or social worker
- Probation officer, upon determining that the child should remain in custody, must immediately file a petition to the juvenile court

### Ward

#### → Authority for Initial Custody:

A Law enforcement officer may take temporary custody without a warrant if reasonable cause to believe that the child meets the definition of "ward" because:

- The child is ungovernable or habitually truant
- The child violated a criminal law or violated curfew

#### Placement:

- Release with or without written promise by child or parent to appear in juvenile court
- Referral to a public or private agency that provides shelter, counseling, or diversion services
- Referral to a juvenile detention facility by probation officer

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

- If not released, the child must be taken before a probation officer without undue delay
- The probation officer shall immediately investigate the circumstances of the child and determine if continued detention is necessary

#### When and how does court assume jurisdiction?

Juvenile court proceedings to declare a child a ward of the court commence upon the filing of a petition by the probation officer, the district attorney in consultation with the probation officer, or the prosecuting attorney

# Trafficking Victims in California

## Placement Process Pending Adjudication/ Investigation

## Adjudication or Referral to Alternate Process

## Placement Following Adjudication

### When must placement hearing be held after initial custody?

Within the next judicial day upon filing of the petition, or if no petition is filed within 48 hours of initial custody

### What are the placement options?

- Noncustodial parent
- A relative or nonrelative extended family member
- Licensed community care facility
- Foster care
- Youth shelter

### Adjudication:

The juvenile court decides whether the child is a dependent child of the court by clear and convincing evidence

### Or Alternate Process

Runaway Youth and Families in Crisis Project:  
- A three-year pilot project to provide temporary shelter services, transitional living shelter services, and low-cost family crisis resolution services to runaway youth and their working families

### Dispositional Outcomes

- Release to parent/guardian
- Release to appointed legal guardian
- Release to custody of relative
- Terminate parental rights and place the child for adoption
- Place child in foster care, subject to supervision of juvenile court

### Dispositional Outcomes

N/A

### When must placement hearing be held after initial custody?

The next judicial day after the petition is filed, and , if taken into custody without a warrant for a non-violent misdemeanor, not later than 48 hours (excluding non-judicial days) after the child came into custody

### What are the placement options?

- Probation officer
- Release to parent/guardian
- Home supervision
- Juvenile Hall not to exceed 15 judicial days

### Adjudication:

The court may

- Find the child a ward by a preponderance of the evidence if ungovernable or truant
- Find the child a ward by evidence beyond a reasonable doubt if violated criminal law
- Place the child on probation for up to 6 months without finding the child a ward

### Or Alternate Process

The probation officer may, in lieu of filing a petition to declare a minor a ward of the court, delineate specific programs of supervision for the minor for not to exceed six months

### Dispositional Outcomes

- Order the ward to make restitution
- Commit the ward to a sheltered-care facility
- Order the ward and guardian to participate in professional counseling
- Commit the ward to the Department of Corrections and Rehabilitation

### Dispositional Outcomes

- Upon successful completion of the program of supervision, the court shall dismiss the petition
- If the minor fails to complete the program, proceedings on the petition will be reinstated within 12 months of filing.