

2014

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

Colorado



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Identification

Initial Custody

Process Following Initial Custody

Neglected or Dependent Child

→ Authority for Initial Custody:

- Law enforcement may take a child into custody if the child is seriously endangered, abandoned, lost, or a runaway
- Law enforcement, medical personnel, and social services employees may take a child into custody with a court order

Placement:

- Release to parents
- Placement with a responsible adult, preferably a grandparent
- Placement in a shelter facility
- Placement in a temporary holding facility

→ Where is child referred after initial custody?

Notification must be made to the parents and the courts

When and how does court assume jurisdiction?

A referral is made to the court, and the court must have a preliminary investigation made to see if further action is in the child's best interests. Based on the investigation, the court may take no further action, authorize a petition be filed or initiate informal adjustment

Delinquent Child (prostitution may be exempt)

→ Authority for Initial Custody:

- A child may be taken into custody by:
- Law enforcement with a warrant, or upon reasonable belief that the child has committed a delinquent act
 - A probation officer for violations of probation
 - Any adult if the juvenile committed or is committing a delinquent act in the adult's

Placement:

- Release to parent/guardian
- Placed in a temporary holding facility
- Placed in a shelter care facility
- Placed in detention, if physical restriction is required

→ Where is child referred after initial custody?

If custody is taken by an adult who is not in law enforcement, the child must immediately be taken to law enforcement

When and how does court assume jurisdiction?

The district attorney will file a petition alleging delinquency with the court

Trafficking Victims in Colorado

Placement Process Pending Adjudication/ Investigation

Adjudication or Referral to Alternate Process

Placement Following Adjudication

→ When must placement hearing be held after initial custody?

A shelter hearing must be held within 48 hours of temporary custody, unless the child is being held in the temporary custody social services, in which case a hearing must be held within 72 hours

What are the placement options?

- Release to parents
- Placement with grandparents, or other relatives
- Placement in shelter care

→ Adjudication:

The court will determine by a preponderance of the evidence whether a child is neglected or dependent.

Or Alternate Process

The court may make an informal adjustment if:

- The child and parents are informed of their constitutional rights
- Facts are admitted that would establishing prima facie jurisdiction
- Written consent is obtained from the parents and the child if possible

→ Dispositional Outcomes

- Release to parent/guardian
- Placement with a relative
- Release to social services department for placement in foster care
- Services will be provided, including counseling and assistance, if criteria for out-of-home placement are met.

→ Dispositional Outcomes

Whatever the court determines is practicable, but efforts to effect informal adjustment may not extend longer than 6 months

→ When must placement hearing be held after initial custody?

A detention hearing must be held within 48 hours excluding weekends and holidays

What are the placement options?

- Release to parent, guardian, or custodian (with or without bail)
- Placement in a shelter facility
- Placement in a detention facility, but separated from adult offenders
- Placement in a preadjudication service program

→ Adjudication:

- Court rules on allegations of delinquency using the beyond a reasonable doubt standard

- Cannot be legally accountable for "behavior of another constituting an offense if he is a victim of that offense or the offense is so defined that his conduct is inevitably incidental to its commission"

Or Alternate Process

- If it is the first petition, the district attorney may refer the child for restorative justice practices

- The court may make an informal adjustment if the child is informed of his or her constitutional rights, there are sufficient facts to establish jurisdiction, and the right to a speedy trial has been waived

→ Dispositional Outcomes

- Release to parent/guardian
- Placement with a relative or other suitable person
- Placement in department of social services
- Commitment to department of human services
- Confinement in a detention facility

→ Dispositional Outcomes

The juvenile will avoid an adjudication of delinquency and detention, and will instead comply with an agreed-upon plan of services and restitution