

2013

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

Florida



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Identification

Dependent-neglected child (UNLESS charged with delinquent offense)

Child In Need Of Services

Delinquent child

Initial Custody

Authority for Initial Custody:

- By LEO/agent of the department if probable cause for abuse/neglect, or prostitution offense
- By medical personnel if parent/custodian poses imminent danger to the child.

Placement:

- Release to parent/responsible adult/relative
- If sexually exploited, short-term safe house (but if charged with a delinquent offense, safe house placement is discretionary)

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

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

Process Following Initial Custody

Where is child referred after initial custody?

If sexually exploited, LEO must refer to DCF. DCF must assess for placement in specialized safe house, commence 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.

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

Where is child referred after initial custody?

LE report to DCF if sexually exploited. If not DMST, release, refer to diversion/non-judicial program or assign 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 and services will not eliminate the need.

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

May be referred to standard mediation process.

→ 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

Outcome determined by mediator.

→ 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

- Detention
- Child care agency or non-res. 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.