

2014

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

Hawaii



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Identification

Initial Custody

Process Following Initial Custody

Abused-Neglected Child

→ Authority for Initial Custody:

Law enforcement may take a child into initial custody if the child:

- Is subject to imminent harm
- Is without a parent or caregiver

Placement:

Law enforcement transfers protective custody to the Department, who will place child:

- In temporary foster care
- With an approved relative

→ Where is child referred after initial custody?

Within 3 days, the Department must release the child, obtain voluntary foster care placement agreement, or file a petition

When and how does court assume jurisdiction?

The Department will file a petition with the court alleging abuse/neglect by the child's caregiver

Child Identified as Status Offender

→ Authority for Initial Custody:

Law enforcement may take custody if a child into custody if the child is truant, beyond the control of parents/guardian, in violation of curfew, or needs educational services

Placement:

- Release to parent, or other responsible adult
- Referred or delivered to court
- Placed in shelter care
- Placed in a detention facility

→ Where is child referred after initial custody?

- Law enforcement must notify the parent
- The child may be referred to counseling, or receive an informal adjustment

When and how does court assume jurisdiction?

When the court receives a report of a child who is alleged to be a status offender, the court may authorize the filing of a petition

Child Identified as Law Violator

→ Authority for Initial Custody:

Law enforcement may take a child into custody for an alleged violation of any federal, state, or local law

Placement:

- Release to parent, or other responsible adult
- Referred or delivered to court
- Placed in shelter care
- Placed in a detention facility

→ Where is child referred after initial custody?

- Law enforcement must notify the parent
- The child may be referred to counseling, or receive an informal adjustment

When and how does court assume jurisdiction?

When the court receives a report of a child who is alleged to have violated a law, the court may authorize the filing of a petition

Trafficking Victims in Hawaii

Placement Process Pending Adjudication/ Investigation

→ When must placement hearing be held after initial custody?

Within 24 hours of initial custody

What are the placement options?

- Release to a private home with court supervision
- Release to an institution or agency for temporary care and custody

Adjudication or Referral to Alternate Process

→ Adjudication:

The court determines whether the petition is true by a preponderance of the evidence

Or Alternate Process

N/A

Placement Following Adjudication

→ Dispositional Outcomes

- Release to parents or other responsible adult
- Protective supervision at home
- Transfer of custody to a child services agency or institution

→ Dispositional Outcomes

N/A

→ When must placement hearing be held after initial custody?

Within 24 hours of initial custody

What are the placement options?

- Release to parents or other responsible adult
- Placement in foster care
- Placement in shelter care
- Placement in detention facility

→ Adjudication:

The court determines whether the petition is true by a preponderance of the evidence

Or Alternate Process

Diversion is available for status offenders, including informal adjustment, which allows the child to avoid formal adjudication and enter into a separate agreement for services

→ Dispositional Outcomes

- Release to parents or other responsible adult
- Protective supervision at home
- Transfer of custody to a child services agency or institution

→ Dispositional Outcomes

Informal adjustments vary, but may include placement in a non-secure shelter facility and other services, including counseling and mental health care

→ When must placement hearing be held after initial custody?

Within 24 hours of initial custody

What are the placement options?

- Release to parents or other responsible adult
- Placement in foster care
- Placement in shelter care
- Placement in detention facility

→ Adjudication:

The court determines whether the petition is true beyond a reasonable doubt

Or Alternate Process

Diversion is available for children alleged to have violated the law, including informal adjustment, which allows the child to enter into a separate agreement for restitution and services, allowing the child to avoid prosecution

→ Dispositional Outcomes

- Release on probation
- Imposition of a fine
- Transfer custody to a correctional facility or group home

→ Dispositional Outcomes

Informal adjustments vary, but may include community service, shelter placement, and medical or physical examinations