

2013

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

Iowa



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Identification

Child Identified as in Need of Assistance

Initial Custody

→ Authority for Initial Custody:

A child can be taken into custody:

- When a court issues an ex parte order
- Without a court order when the child's well-being is threatened

Placement:

- Return to parents
- Kept in custody in child-care facility or other approved placement

Process Following Initial Custody

→ Where is child referred after initial custody?

The Department of Human Services or other authorized agency or individual conducts preliminary investigation to determine what, if any, further action should be taken

When and how does court assume jurisdiction?

Petition is filed within three days if the child is not returned to parents

Child Identified as Delinquent

→ Authority for Initial Custody:

A child may be taken into custody:

- By order of the court
- Pursuant to laws relating to arrest by a peace officer

Placement:

- Released to parents
- Shelter care
- Detention

NOTE: special criteria apply for placement in shelter care

→ Where is child referred after initial custody?

Intake officer conducts preliminary investigation and can either:

- Dismiss the complaint
- Make an informal adjustment (see alternate process)
- Request the county attorney to file a petition

When and how does court assume jurisdiction?

If the intake officer finds the complaint legally sufficient and that formal adjudication is the appropriate response, the county attorney files a petition

Trafficking Victims in Iowa

Placement Process Pending Adjudication/ Investigation

Adjudication or Referral to Alternate Process

Placement Following Adjudication

When must placement hearing be held after initial custody?

Within 10 days of the date of the temporary removal

What are the placement options?

- Release to parents
- Shelter care facility
- In the custody of a suitable person or agency

Adjudication:

The state must prove the allegations by clear and convincing evidence

Or Alternate Process

N/A

Dispositional Outcomes

Following temporary removal order:

- Suspended judgment
- Return to Parents
- Transfer of Legal Custody

Dispositional Outcomes

N/A

When must placement hearing be held after initial custody?

- Within 48 hours for child placed in child-care facility
- Within 24 hours for child placed in detention

What are the placement options?

- Release to parents
- Shelter care
- Detention

Adjudication:

The state must prove the allegations beyond a reasonable doubt

Or Alternate Process

If child admits the allegations, a child may enter into an informal adjustment agreement

Dispositional Outcomes

- Probation and release to parents
- Special care or services ordered
- Other supervision
- Transfer of legal custody

Dispositional Outcomes

An agreement can provide for referrals to public or private service providers, limitations on driving privileges, a community service, and/or restitution