

2014

Statutory Responses to Domestic Minor Sex Trafficking Victims

Idaho



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Identification

Initial Custody

Process Following Initial Custody

Abused or Neglected Child

→ **Authority for Initial Custody:**

Temporary protective custody may be taken by law enforcement if the child:

- Is endangered in his surroundings and prompt removal is necessary to prevent serious physical or mental injury
- If the child is abandoned

Placement:

- Release to parents or relatives
- Foster care or group home
- Juvenile detention center or to a community-based diversion program
- Specialized shelter care

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

A motion based on a sworn affidavit must be filed with the court

When and how does court assume jurisdiction?

When a petition signed by the prosecutor or deputy attorney general is filed with the court

Delinquent Child

→ **Authority for Initial Custody:**

A child may be taken into custody by law enforcement:

- For delinquent act/violation of law that is a misdemeanor or felony
- If the juvenile has violated any local, state or federal or municipal ordinance

Placement:

- Parents
- Relatives
- Foster care or group home
- Juvenile detention center
- Community-based diversion program - Status offenders shall not be placed in any jail facility, but instead may be placed in juvenile shelter care facilities

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

Fingerprints and photographs are taken of the child and forwarded to the appropriate law enforcement agency and filed with the bureau of criminal identification

When and how does court assume jurisdiction?

When the prosecuting attorney or law enforcement officer files a petition with the court alleging facts relating to the child's violation of law

Trafficking Victims in Idaho

Placement Process Pending Adjudication/ Investigation

Adjudication or Referral to Alternate Process

Placement Following Adjudication

When must placement hearing be held after initial custody?

Within 24 hours, excluding weekends and holidays

What are the placement options?

- Return to parents
- Relatives
- Foster care or group home

Adjudication:

The hearing is to be held within 30 days of the petition being filed

Or Alternate Process

N/A

Dispositional Outcomes

- Return to parents
- Placement with relatives
- Foster care or group home
- Reunification case plan or other permanency plan if parents/relatives can't reunify

Dispositional Outcomes

N/A

When must placement hearing be held after initial custody?

Within 24 hours, excluding weekends and holidays

What are the placement options?

- Parents, relatives
- Foster care or group home
- Juvenile detention center
- Community-based diversion program

Adjudication:

If the child denies the allegations, the court conducts a full evidentiary hearing, in the manner prescribed by the Idaho juvenile rules

Or Alternate Process

The court may decide to make an informal adjustment to the petition

Dispositional Outcomes

- Formal probation not to exceed 3 years
- Detention
- Relaxed detention sentences
- Commit juvenile offender to detention and suspend the sentence on specific probationary conditions

Dispositional Outcomes

- Reprimand of the juvenile offender
- Informal supervision with probation
- Community service work
- Restitution to the victim
- Community-based diversion program