

**2014**

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

**Kansas**



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## Identification

### Child in Need of Care (for abuse and neglect or status offense)

## Initial Custody

### → Authority for Initial Custody:

Law enforcement may take a child into temporary protective custody if the child:

- will be harmed if not immediately removed
- is a confirmed runaway
- is a victim of human trafficking or exploitation.

### Placement:

- Returned home/placed in a shelter facility
- If child has run away, and will not stay in a shelter, then temporarily in secure detention.
- If child is trafficked, in staff secure facility where child is provided case management and appropriate services by specially trained staff.

## Process Following Initial Custody

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

If child is a DMST victim, law enforcement officer must refer the child to the Department for assessment of safety, placement and treatment needs. Otherwise, law enforcement applies to transfer custody to shelter or child care facility to provide care and supervision.

### When and how does court assume jurisdiction?

With the filing of a petition by the county or district attorney or another person. If the child is a victim of DMST or CSEC, the court must refer the child to DCF to determine safety, placement and treatment needs.

### Juvenile Offender

### → Authority for Initial Custody:

Law enforcement may take custody if:

- An offense is committed in the officer's view
- Officer has probable cause of an offense
- The officer has a warrant

### Placement:

- Parents, with or without conditions
- Shelter facility or licensed care facility
- Placement in a juvenile detention center, only if certain criteria are met

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

The officer shall take the child before an intake and assessment worker, or before the court.

### When and how does court assume jurisdiction?

Proceedings are commenced by the filing of a complaint by the county or district attorney.

# Trafficking Victims in Kansas

## Placement Process Pending Adjudication/ Investigation

## Adjudication or Referral to Alternate Process

## Placement Following Adjudication

### When must placement hearing be held after initial custody?

A hearing must be held within 72 hours of initial custody to determine whether the child can continue in temporary custody.

### What are the placement options?

- Parent or legal custodian
- A youth residential facility
- A shelter facility
- A staff secure facility, if the child is a victim of trafficking or exploitation.

### Adjudication:

A hearing must be held within 30 days of filing a petition.

### Or Alternate Process

- Before disposition, the court may convene a conference of people with an interest in the placement of the child.
- The group can make recommendations, which will be followed by the court, unless there is good cause not to follow the recommendations.

### Dispositional Outcomes

- Placement with a parent, relative, or other suitable person
- A shelter facility
- A youth residential facility
- A staff secure facility, if DMST victim

### Dispositional Outcomes

The child will be placed according to the child's best interests, and the recommendations provided by the conference.

### When must placement hearing be held after initial custody?

A hearing must be held within 48 hours of initial custody.

### What are the placement options?

- Parents, or other suitable adult
- Shelter facility or licensed care facility
- Placement in a juvenile detention center if the juvenile: committed a prostitution offense or a felony; has a history of violence or not appearing in court; has prior felony adjudications or has been expelled from non-secure placement

### Adjudication:

The hearing must be held without delay and charges proved beyond a reasonable doubt. DMST victims may assert an affirmative defense to prostitution charges.

### Or Alternate Process

Each county or district attorney may adopt a policy and establish guidelines for an immediate intervention program by which a juvenile may avoid prosecution.

### Dispositional Outcomes

- Probation
- Community based program
- Counseling or other services
- House arrest
- Confinement in juvenile corrections facility

### Dispositional Outcomes

The child must fulfill the terms set by the immediate intervention program or juvenile offender proceedings will be re-instituted.