

**2014**

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

**Kentucky**



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## Identification

**Dependent - Abused or Neglected  
(Cabinet for Health and Family Services)**

**Status Offender  
(Cabinet for Health and Family Services)**

**Public Offender  
(Department of Juvenile Justice)**

## Initial Custody

### Authority for Initial Custody:

Protective custody by law enforcement if:  
 - danger of imminent injury, sexual abuse  
 - child is a victim of human trafficking  
 By medical personnel if not safe to release

### Placement:

- Relatives
- The Cabinet or other appropriate person or agency.

### Authority for Initial Custody:

Custody by peace officer for status offenses:  
 - Habitual runaway/truant  
 - Beyond control of parents/school  
 - Alcohol/tobacco offenses

### Placement:

- If not DMST,
- Release to parents, or other adult
  - Secure juvenile detention facility
  - Juvenile holding/Non-secure facility

### Authority for Initial Custody:

Custody by peace officer if the child committed a public offense, but a DMST victim who commits a prostitution offense must be referred to the Cabinet.

### Placement:

- If not prostitution offense:
- Release to parents, or other adult
  - Secure juvenile detention facility,
  - Juvenile holding/non-secure facility

## Process Following Initial Custody

### Where is child referred after initial custody?

If DMST, LE must immediately report to the Cabinet. The Cabinet must investigate and provide treatment, housing and services.

### When and how does court assume jurisdiction?

- Temporary removal hearing, within 72 hours of emergency custody
- Or, within 10 days of filing petition for custody

### Where is child referred after initial custody?

Court services worker decides whether to refer to Cabinet, divert, refer to services. If DMST, cannot be charged with a status offense.

### When and how does court assume jurisdiction?

A complaint is filed alleging the commission of a status offense.

### Where is child referred after initial custody?

If DJJ believes child is trafficking victim, it must file a report with the Cabinet, petition to transfer custody of the child to the Cabinet.

### When and how does court assume jurisdiction?

If not a prostitution offense, by filing a complaint alleging that the child committed an offense while under 18.

# Trafficking Victims in Kentucky

## Placement Process Pending Adjudication/ Investigation

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

Request for an emergency custody order within 12 hours if DMST victim.

### What are the placement options?

Temporary custody to:

- Relatives
- The Cabinet or other appropriate person or agency.

## Adjudication or Referral to Alternate Process

### → Adjudication:

Conduct hearing and make disposition within 45 days of child's removal

### Or Alternate Process

- An informal adjustment may be made at any time during the proceedings.
- Return to parent, with monitoring/services

## Placement Following Adjudication

### → Dispositional Outcomes

Case permanency plan outlining placement, services, schedules, and proposed actions for long-term custody.

### → Dispositional Outcomes

- Protective orders
- Removal to the custody of adult relative, other person, or child-caring facility or child placing agency.

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

within twenty-four (24) hours, exclusive of weekends and holidays

### What are the placement options?

If not DMST and not released:

- secure facility for no more than 24 additional hours, then DJJ-approved nonsecure setting until next court appearance.
- for violation of a court order, detained in secure facility for 48 hours pending next court appearance.

### → Adjudication:

Court determines whether child is a status offender at formal hearing. Right to counsel.

### Or Alternate Process

N/A

### → Dispositional Outcomes

No secure detention. Release, commit to DJJ or cabinet, a child-caring facility, or child-placing agency, or probation in a home or boarding home.

### → Dispositional Outcomes

N/A

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

48 hours if juvenile facility, 24 hours if "intermittent holding facility"

### What are the placement options?

If not DMST:

- release, if no probable cause or further detention not found necessary.
- detention, if found necessary after considering seriousness of offense, risk of danger to child or community.

### → Adjudication:

Court determines whether child is a public offender at formal hearing, no jury.

### Or Alternate Process

N/A

### → Dispositional Outcomes

Release, commit to DJJ or cabinet, a child-caring facility, or child-placing agency, or probation in a home or boarding home.

### → Dispositional Outcomes

N/A