

**2014**

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

**Louisiana**



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## Identification

## Initial Custody

## Process Following Initial Custody

### Child in Need of Care

#### Authority for Initial Custody:

- Court issues instant order of custody based on verified complaint
- If reasonable grounds, peace or probation officer may take into custody without order

#### Placement:

- Must be immediately placed in custody of a:
- Suitable relative
  - Home of suitable individual of majority age
  - Foster care

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

The department shall promptly notify the parents or caretaker of the nature of the allegations

#### When and how does court assume jurisdiction?

- Court obtains exclusive original jurisdiction once child is alleged to be in need of care
- Grounds include when child is a victim of trafficking of children for sexual purposes

### Child of a Family in Need of Services

#### Authority for Initial Custody:

- Court issues instant order of custody based on verified complaint
- If reasonable grounds, peace or probation officer may take into custody without order

#### Placement:

- Home of a relative of majority age
- Home of suitable adult
- Shelter care facility for juveniles
- Secure detention facility if conditions apply

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

- The officer taking custody must:
- Release to parents or notify parents
  - Submit a report to the district attorney

#### When and how does court assume jurisdiction?

Court obtains exclusive original jurisdiction once child is alleged to be in need of services

### Child Identified as Delinquent

#### Authority for Initial Custody:

- Order based on verified complaint that child is delinquent or violated probation
- Peace/probation officer can take into custody w/o order if probable cause

#### Placement:

- Release to parents, OR
- inform parents and place in juvenile detention center or shelter care facility, depending on the offense

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

If LE or DA identifies child as human trafficking victim, must report to protective service agency.

#### When and how does court assume jurisdiction?

Petition filed if grounds child is delinquent. If prostitution offense, informal adjustment available before/after filing petition; if petition filed, dismissed or left pending informal adjust

# Trafficking Victims in Louisiana

## Placement Process Pending Adjudication/ Investigation

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

Within 3 days after the child's removal or entry into custody

### What are the placement options?

- Return the child to parents
- Place in custody of suitable relative, other suitable individual, or the department

## Adjudication or Referral to Alternate Process

### → Adjudication:

Occurs within 45 days of petition if child is in custody, within 105 days if not

### Or Alternate Process

An informal adjustment agreement suspends the proceedings on the acts alleged in the child in need of care petition. Period of informal adjustment shall not exceed:  
-6 months if child is in custody of DCFS  
-3 months if child is not in custody of DCFS

## Placement Following Adjudication

### → Dispositional Outcomes

- Place the child in custody of a parent, other suitable person, a private or public institution or agency, an institution for the mentally ill
- Grant guardianship to a non-parent

### → Dispositional Outcomes

If any terms of the agreement are violated, case may proceed to an adjudication hearing on the allegations

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

Within 3 days after entry into custody. If held in secure detention facility, within 24 hours

### What are the placement options?

The least restrictive placement:  
- Home of a relative of majority age  
- Home of suitable adult  
- Shelter care facility for juveniles  
- May detain in secure detention facility for up to 24 hrs to arrange for appropriate placement

### → Adjudication:

Occurs within 30 days of petition if child is in custody, within 90 days if not

### Or Alternate Process

- After a preadjudication conference, the child, the child's caretaker, and any service provider may enter into an informal family services plan agreement  
- Agreement is in effect for a maximum of 6 months, but court may extend for up to 6 additional months

### → Dispositional Outcomes

- Mental health exam/treatment
- Services
- Custody of caretaker/suitable person
- Probation, agency or institution custody or combination

### → Dispositional Outcomes

- Agreement suspends proceedings
- If terms are violated, case may proceed to adjudication hearing
- If terms are satisfied, pending complaint/petition is dismissed

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

Within 3 days

### What are the placement options?

- Custody of the Department of Children and Family Services
- Custody of the Department of Public Safety and Corrections (No adult jail)
- If/where available, a safe house providing safe and secure housing and specialized services for sexually exploited children

### → Adjudication:

Occurs within 30 days of petition if child is in custody, within 60 days if not

### Or Alternate Process

-Informal adjustment agreement, which may include specialized services for sexually exploited children if it is the child's 1st prostitution-related offense and child is willing to receive specialized services  
-Alternatively, court may recommend child to participate in pilot program if eligible

### → Dispositional Outcomes

- Child will remain in parents' custody unless child's welfare or public's safety cannot be otherwise protected
- Commitment to Department's custody

### → Dispositional Outcomes

Specialized services including safe and stable housing, mental health services, employment and education training, on-site case mgmt, off-site referrals