

2014

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

Massachusetts



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Identification

Initial Custody

Process Following Initial Custody

Child in Need of Care and Protection

Authority for Initial Custody:

Department may take child into immediate temporary custody if believed to be abused, including a child who is a victim of CSEC or human trafficking.

Placement:

- Release to parent/guardian pending hearing
- Held by Department in protective custody
- Held in hospital until Dept. takes custody

Where is child referred after initial custody?

Sexually exploited children receive specialized services. Multidisciplinary teams investigate and recommend a service plan.

When and how does court assume jurisdiction?

When a child is taken into protective custody, the Department must file a care and protection petition on the next court day.

Child in Need of Services

Authority for Initial Custody:

Protective custody by law enforcement if in need of assistance (habitual runaway/truant, beyond control of parent/school, or a sexually exploited child, including DMST/CSEC).

Placement:

- Release to child's parent or guardian
- Placement in a temporary shelter facility
- Placement in foster care or a group home
- Temporary custody of DCF.

Where is child referred after initial custody?

Application for assistance filed immediately; probation officer will investigate. Sexually exploited children receive specialized services.

When and how does court assume jurisdiction?

A child's parent/guardian, or school district files an application for assistance with the court. The court determines whether or not to issue a petition and summons.

Delinquent Child

Authority for Initial Custody:

Custody by law enforcement for violating a law, by-law or ordinance. DMST victims charged with certain prostitution offenses are presumed to be a child in need of services.

Placement:

- Release to parent or guardian
- Detained in police station, detention home, town lockup, or other detention facility
- Detained in any other approved home

Where is child referred after initial custody?

If DMST, petition for care and protection or child in need of services may be filed. Otherwise, referred to delinquency process.

When and how does court assume jurisdiction?

A complaint or indictment alleging delinquency is filed with the court.

Trafficking Victims in Massachusetts

Placement Process Pending Adjudication/ Investigation

→ When must placement hearing be held after initial custody?

A hearing must be held within 72 hours of initial custody.

What are the placement options?

- Release to parent, guardian, or custodian
- Placement with a suitable person
- Placement with a licensed agency providing foster care
- Commit to the Department for placement

Adjudication or Referral to Alternate Process

→ Adjudication:

The court will determine whether the child is in need of care and protection.

Or Alternate Process

N/A

Placement Following Adjudication

→ Dispositional Outcomes

- Release child to parent/guardian with supervision
- Transfer custody to a qualified person, licensed agency, or Department
- Order medical and dental care

→ Dispositional Outcomes

N/A

→ When must placement hearing be held after initial custody?

The next court day.

What are the placement options?

- Released to parent/guardian
- Foster home
- Temporary custody of DCF.

→ Adjudication:

The juvenile court will determine whether a child is in need of services.

Or Alternate Process

The court may elect to provide the child with informal assistance, and dismiss the application for assistance without issuing a petition.

→ Dispositional Outcomes

- Release to parent/guardian with specialized services
- Placement with relative, probation officer, responsible adult, Department

→ Dispositional Outcomes

Referral to public or private organization for various specialized services and avoid formal adjudication.

→ When must placement hearing be held after initial custody?

Arrest on the next court day.

What are the placement options?

- Release to parent/guardian
- Commitment to Department of Youth Services
- Placement in secure detention facility
- Placement in special foster home

→ Adjudication:

The juvenile court will determine whether a child is delinquent, as alleged.

Or Alternate Process

A child identified as a sexually exploited child may be diverted from the delinquency process into either the care and protection process, or the child in need of services process. If not diverted, the court may continue w/out a finding and place the child on probation.

→ Dispositional Outcomes

- Release to parent/guardian on probation
- Commitment to Department of Youth Services for detention

→ Dispositional Outcomes

If successfully diverted or completes terms of probation, the child will avoid being adjudicated delinquent.