

2014

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

Maryland



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Identification

Initial Custody

Process Following Initial Custody

Child in Need of Assistance (CINA)

Authority for Initial Custody:

- CPS representative and law enforcement with:
- A court order, or
 - Probable cause to believe the child is in serious, immediate danger

Placement:

- Emergency shelter care if:
- Placement is required for child's protection
 - No parent, guardian, relative or other person is able to provide supervision

Where is child referred after initial custody?

- Law enforcement must immediately:
- Notify the parent
 - Notify the local department

When and how does court assume jurisdiction?

The local department must file a petition with the court immediately after taking a child into custody

Child in Need of Supervision

Authority for Initial Custody:

- Law enforcement acting according to:
- Court order
 - Belief the child has run away
 - Reasonable grounds that child is in danger

Placement:

- Shelter care approved by Social Services or Juvenile Services Department
- Private home or shelter care authorized by the court

Where is child referred after initial custody?

Intake officer for the Department of Juvenile Services

When and how does court assume jurisdiction?

- Complaint/citation filed with intake officer
- Intake officer has 25 days to make inquiry
- Intake officer authorizes filing of petition
- States attorney files petition within 30 days

Delinquent Child

Authority for Initial Custody:

- Law enforcement acting according to:
- Court order
 - Laws of arrest
 - Reasonable grounds that child is in danger

Placement:

- In a detention facility
- In community detention
- Emergency shelter care

Where is child referred after initial custody?

Intake officer for the Department of Juvenile Services

When and how does court assume jurisdiction?

- Complaint/citation filed with intake officer
- Intake officer has 25 days to make inquiry
- Intake officer authorizes filing of petition
- States attorney files petition within 30 days

Trafficking Victims in Maryland

Placement Process Pending Adjudication/ Investigation

When must placement hearing be held after initial custody?

A shelter care hearing must be held the next day the court is in session

What are the placement options?

- Shelter care for 30 days, renewable for another 30 days
- Shelter care facility approved by the Department of Health and Mental Hygiene
- Child may NOT be placed in:
 - Detention facility
 - Mental health facility

Adjudication or Referral to Alternate Process

Adjudication:

- Within 30 days if child is detained
- Within 60 days if not detained

Or Alternate Process

N/A

Placement Following Adjudication

Dispositional Outcomes

Placed under appropriate terms with:

- A parent
- A relative or other individual
- A local department, the Department of Health and Mental Hygiene, or both

Dispositional Outcomes

N/A

When must placement hearing be held after initial custody?

The next court day

What are the placement options?

- Continued detention
- Community detention
- Shelter care
- Home
- Services may also be provided, including health care, counseling, education, social work, and drug and alcohol treatment services

Adjudication:

Allegations in the petition must be proved beyond a reasonable doubt

Or Alternate Process

The intake officer may propose informal adjustment after inquiry

Dispositional Outcomes

- Placed on probation
- Ordered to participate in rehabilitative services

Dispositional Outcomes

A child has 90 days to complete the conditions of informal adjustment unless court extends or additional time is necessary for the child to complete a substance abuse treatment program

When must placement hearing be held after initial custody?

The next court day

What are the placement options?

- Shelter care
- Home
- Services may also be provided, including health care, counseling, education, social work, and drug and alcohol treatment services

Adjudication:

Allegations in the petition must be proved by a preponderance of the evidence

Or Alternate Process

The intake officer may propose informal adjustment after inquiry

Dispositional Outcomes

- Placed on probation
- Committed to the custody of the Department of Juvenile Services
- Ordered to participate in rehabilitative services

Dispositional Outcomes

A child has 90 days to complete the conditions of informal adjustment unless court extends or additional time need for child to complete treatment