

2014

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

Michigan



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Identification

Initial Custody

Process Following Initial Custody

Abused/Neglected Child

→ **Authority for Initial Custody:**

Upon receiving a report of suspected abuse/neglect, temporary protective custody may be taken by:

- Family independence agency
- Law enforcement

Placement:

- Release to parent/legal guardian
- Admit to hospital
- Shelter care

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

Within 24 hours of receiving a report of suspected child abuse, the family independence agency will commence a protective investigation or refer the report to the prosecuting attorney and the local law enforcement agency

When and how does court assume jurisdiction?

The family court assumes jurisdiction after a petition for authorization is filed which may occur after a preliminary hearing if the child is not released to her parents

Delinquent Child

→ **Authority for Initial Custody:**

- Law enforcement may arrest without order of court, upon violation of law or ordinance
- Police office, sheriff, deputy sheriff, county agent, or probation officer may take juvenile found violating any law or ordinance; whose surroundings endanger juv's health, morals or welfare; or who is violating a PPO or valid foreign protection order

Placement:

- Detention facility where the child is completely isolated to prevent contact with adult prisoner
- Release to parents/guardian upon promise to bring the child before court on a fixed time

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

- Family division of circuit court
- If minor is 17 and meets conditions of "wayward minor," the case may be transferred to the family division of circuit court.
- After apprehending juvenile, officer must immediately attempt to contact guardian for release, unless exception allows detention

When and how does court assume jurisdiction?

- The family division of circuit court assumes jurisdiction when a petition is filed alleging
- A juvenile under 17 is arrested for an offense;
 - A juvenile under 17 has deserted home without sufficient cause

Trafficking Victims in Michigan

Placement Process Pending Adjudication/ Investigation

Adjudication or Referral to Alternate Process

Placement Following Adjudication

When must placement hearing be held after initial custody?

Within 24 hours after child taken into protective custody, unless child is severely physically injured or sexually abused, then preliminary hearing must commence no longer than 24 hours after agency submits petition or next business day following submission of petition

What are the placement options?

- Home of parent or guardian
- Foster care home
- Child care institution or child-placing agency, or other place of detention.

Adjudication:

- Trial must be held within 6 months after filing of petition
- Adjudication and dispositional hearings may be combined

Or Alternate Process

Court may refer the matter to alternative services

Dispositional Outcomes

- Dismiss the petition with warning
- Return child home under supervision
- Place child with relative
- Placement in private or public institution or agency
- Services

Dispositional Outcomes

Court must release the child

When must placement hearing be held after initial custody?

No more than 24 hours after child has been taken into protective custody

What are the placement options?

- Parent's home
- Suitable place of detention
- Licensed child care institution or child placing agency
- Suitable foster care home subject to the court's supervision

Adjudication:

Court determines on the delinquency charge

Or Alternate Process

- Participating in a voluntary program under the Juvenile Diversion Act in lieu of formal juvenile adjudication
- Training under a juvenile boot camp

Dispositional Outcomes

- warning to the juvenile & parent(s)
- probation
- supervision in the juvenile's own home
- foster care home
- public institution/facility
- conviction & sentence only if in the best interests of the public

Dispositional Outcomes

- Child is released into custody of parent or guardian, investigation discontinued
- Child and parent or guardian agree to work with person or public or private organization that will assist in resolving problem that initiated investigation