

2013

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

Minnesota



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Identification

Initial Custody

Process Following Initial Custody

Child in Need of Protection or Services (Abused/Neglected)

Authority for Initial Custody:

- With an order of the court
- By a police officer if child is found in surroundings/conditions that endangers child's health/welfare (includes CSEC).

Placement:

- Child's parent/guardian, custodian (after family assessment/safety plan)
- shelter or secure detention (least restrictive setting possible, close to child's family)

Where is child referred after initial custody?

The Social Services agency shall conduct an assessment and shall provide recommendations to the court.

When and how does court assume jurisdiction?

"Any reputable person" who has knowledge of a suspected child in need of protection or services files a petition with the court.

Child in Need of Protection or Services (Runaway/Truancy)

Authority for Initial Custody:

- By court order;
- By police officer if reason to believe child is a runaway or truant.

Placement:

- A parent, guardian, or other suitable relative
- A shelter care facility

Where is child referred after initial custody?

The Social Services agency shall conduct an assessment and shall provide recommendations to the court.

When and how does court assume jurisdiction?

"Any reputable person" who has knowledge of a suspected child in need of protection or services files a petition with the court.

Child Identified as Delinquent (excludes prostitution-related offenses as of 2014)

Authority for Initial Custody:

Custody by law enforcement for committing a delinquent offense or juvenile petty offense, except prostitution-related offenses which are specifically excluded as of 2014.

Placement:

- If not prostitution-related offense:
- Parent, guardian, custodian, or other suitable person;
 - Shelter care or a detention facility

Where is child referred after initial custody?

If not released, must inform parent/guardian, unless placed in shelter care and notification would immediately endanger child.

When and how does court assume jurisdiction?

A petition may be filed by any person with knowledge of the child.

Trafficking Victims in Minnesota

Placement Process Pending Adjudication/ Investigation

→ When must placement hearing be held after initial custody?

Within 72 hours

What are the placement options?

- Return to parents/guardian
- Non-custodial parent/relative
- Immediate custody for placement of the child in foster care or other social services agency

→ When must placement hearing be held after initial custody?

Within 72 hours

What are the placement options?

- Return to parents/guardian
- Non-custodial parent/relative
- Immediate custody for placement of the child in foster care or other social services agency

→ When must placement hearing be held after initial custody?

- Within 36 hours if in juvenile facility
- Within 24 hours if in adult facility

What are the placement options?

- Detention continued for eight days
- Parent, guardian, custodian, or other suitable person

Adjudication or Referral to Alternate Process

→ Adjudication:

Hearings conducted without jury, informal manner - Clear and convincing proof standard

Or Alternate Process

Alternative dispute resolution including family group decision making, parallel protection process, and mediation when such alternative dispute resolution is in the best interests of the child

→ Adjudication:

No jury, informal. For truancy, presumption is against child. Clear and convincing proof.

Or Alternate Process

N/A

→ Adjudication:

No jury, informal proceeding. Court determines if child is delinquent.

Or Alternate Process

Every county attorney must establish a diversion program for juvenile offenders.

Placement Following Adjudication

→ Dispositional Outcomes

- Protective supervision with parents, child placing/social services agency,
- If child is at least 16, live independently

→ Dispositional Outcomes

May be used to resolve part or all of a matter before the court at any point in the proceedings subject to approval by the court.

→ Dispositional Outcomes

- Child's home under supervision
- Group foster home placement
- Placement with someone with reputable moral character

→ Dispositional Outcomes

N/A

→ Dispositional Outcomes

- Counseling for child or parents
- Probation
- Custody to foster care, child place agency, county home school, or social services agency

→ Dispositional Outcomes

- Counseling for child or parents
- Probation
- Foster care, child place agency, county home school, or social services agency