

2014

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

Mississippi



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Identification

Initial Custody

Process Following Initial Custody

Child Identified as Abused/Neglected

Authority for Initial Custody:

- LE suspect minor is engaged in prostitution,
- Immediate danger of personal harm,
- Immediate custody is necessary, or
- No reasonable alternative to custody.

Placement:

Least restrictive custody; child's home, foster care.

Where is child referred after initial custody?

If minor suspected of prostitution, LE shall immediately report to DHS, which must commence an investigation.

When and how does court assume jurisdiction?

A petition must be filed within 5 days of the shelter hearing if the child is detained and 10 days if the child is not in continued custody.

Child in Need of Services ("CHINS")

Authority for Initial Custody:

- By law enforcement or department with:
- A warrant
 - Probable cause of danger
 - No alternative to custody

Placement:

- The least restrictive custody should be selected no more than 24 hours unless judge authorizes temporary custody
- Not in adult facilities for more than 6 hours

Where is child referred after initial custody?

Unless the child is immediately released, the person taking the child into custody shall immediately notify the judge or his designee.

When and how does court assume jurisdiction?

Petition must be filed within 5 days from the date of a detention hearing or shelter hearing continuing custody, or in non-custody cases the petition shall be filed w/in 10 days.

Delinquent Child * Trafficking victims immune from prostitution charges

Authority for Initial Custody:

Custody by LE on grounds justifying arrest of an adult. When prostitution suspected, HT victims are immune and LE must refer minor victims to DHS.

Placement:

If taken into custody, the least restrictive custody should be selected, and minor cannot be in adult facilities for more than 6 hours.

Where is child referred after initial custody?

If minor HT victim suspected of prostitution, LE shall immediately refer to DHS. In all cases, the Judge shall be immediately notified.

When and how does court assume jurisdiction?

Petition must be filed within 5 days from the date of a detention hearing or shelter hearing continuing custody or in noncustody cases the petition shall be filed w/in 10 days.

Trafficking Victims in Mississippi

Placement Process Pending Adjudication/ Investigation

→ When must placement hearing be held after initial custody?

A child may only be held 24 hours unless a judge authorizes temporary custody.

What are the placement options?

- With any private institution or agency caring for children
- Commit the child to the Department of Mental Health or Department of Human Services or any other public agency to provide for the custody, care and maintenance of such child

→ When must placement hearing be held after initial custody?

A child may only be held 24 hours unless a judge authorizes temporary custody.

What are the placement options?

Child may not be placed in any jail or place of detention of adults by any person or court unless the child is physically segregated from adult inmates. Court may order a child to be placed in custody with any private institution or agency caring for children, Department Mental health/human services.

→ When must placement hearing be held after initial custody?

A child may only be held 24 hours unless a judge authorizes temporary custody.

What are the placement options?

- Youth court designates available detention or shelter facilities to which children shall be delivered when taken into custody.
- Child can't be placed in detention with adults unless physically segregated.
- Court may order a child to be placed in custody with any private institution or agency.

Adjudication or Referral to Alternate Process

→ Adjudication:

Within 21 days if child is detained, within 90 days after the filing of the petition if not.

Or Alternate Process

N/A

→ Adjudication:

Within 21 day if child is detained, within 90 days after the filing of the petition if not.

Or Alternate Process

The informal adjustment process may be initiated with an informal adjustment conference conducted by an informal adjustment counselor appointed by the court.

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Within 21 days if child is detained, within 90 days after the filing of the petition if not.

Or Alternate Process

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Placement Following Adjudication

→ Dispositional Outcomes

- Release child w/out further action
- Place in the custody of guardian
- Custody to community organization
- Order services for child

→ Dispositional Outcomes

N/A

→ Dispositional Outcomes

- placement under youth court supervision;
- custody of entity other than a state training school
- DMST may be placed in juvenile detention center

→ Dispositional Outcomes

- Giving counsel and advice to the child and his parent, guardian or custodian
- Referrals for benefits or services
- Temporary placement of the child or supervision by the youth court

→ Dispositional Outcomes

- DMST immune from prosecution for prostitution as a juvenile or adult
- For other offenders: work program, wilderness training program, juvenile detention center

→ Dispositional Outcomes

- Giving counsel and advice
- Referrals for benefits or services
- Temporary placement of the child or supervision by the youth court