

2014

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

Montana



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Identification

Initial Custody

Process Following Initial Custody

Youth in Need of Care (Abused/Neglected)

Authority for Initial Custody:

Child protective social worker, peace officer, or county attorney may take custody if there is reason to believe any youth is in immediate or apparent danger of harm

Placement:

- Release to parent
- Placement with a family member
- Shelter care

Where is child referred after initial custody?

Child protective social worker submits an affidavit to county attorney, copy to parents

When and how does court assume jurisdiction?

Upon the filing of a petition by the county attorney, attorney general, or an attorney hired by the county

Youth in Need of Intervention

Authority for Initial Custody:

A youth may be taken into custody by law enforcement if there is:

- A violation of the law
- Court order

Placement:

- Release to a "responsible person" upon written promise to return to court
- Place in shelter care facility

Where is child referred after initial custody?

If the peace officer determines detention is necessary, the juvenile probation officer must be notified immediately

When and how does court assume jurisdiction?

- County attorney may apply for permission to file a petition
- If probable cause, court grants permission, assumes jurisdiction

Delinquent Child

Authority for Initial Custody:

A youth may be taken into custody by law enforcement if there is:

- A violation of the law
- Court order

Placement:

- Shelter care
- Detention

Where is child referred after initial custody?

If the peace officer determines detention is necessary, the juvenile probation officer must be notified immediately

When and how does court assume jurisdiction?

- County attorney may apply for permission to file a petition
- If probable cause, court grants permission, assumes jurisdiction

Trafficking Victims in Montana

Placement Process Pending Adjudication/ Investigation

When must placement hearing be held after initial custody?

Court may order immediate protection or hold a show cause hearing within 20 days

What are the placement options?

- Shelter care facility
- Group home
- Foster family
- Non-custodial parent
- Institution

Adjudication or Referral to Alternate Process

Adjudication:

Court determines if youth is in need of care by a preponderance of evidence

Or Alternate Process

N/A

Placement Following Adjudication

Dispositional Outcomes

- Release to non custodial parent
- Transfer temporary legal custody to relative, the department, or a child placing agency.
- Services from child protective team

Dispositional Outcomes

N/A

When must placement hearing be held after initial custody?

Within 24 hours

What are the placement options?

- Shelter care facility
- Non-secure detention
- Correctional facility

Adjudication:

Court determines if in need of intervention upon proof beyond a reasonable doubt

Or Alternate Process

- Preliminary inquiry, then juvenile probation officer can determine further action
- Informal disposition can provide counseling and treatment that may or may not involve probation
- May enter into consent adjustment to youth and youth's family

Dispositional Outcomes

- Probation and/or house arrest
- Community service
- Placement in out-of-home facility
- Retreat treatment
- Placed in center for up to 10 days

Dispositional Outcomes

Probation, youth care facility, youth rehab, restitution, house arrest, confiscated drivers license, counseling, detention up to 3 days, assessment center up to 10 days, fines.

When must placement hearing be held after initial custody?

Within 24 hours

What are the placement options?

- Shelter care
- Youth assessment facility
- Home arrest
- Detention facility
- Community youth court program

Adjudication:

Court determines if child is delinquent upon proof beyond a reasonable doubt

Or Alternate Process

- Preliminary inquiry, then juvenile probation officer can determine further action
- Informal disposition can provide counseling and treatment that may or may not involve probation
- May enter into consent adjustment to youth and youth's family

Dispositional Outcomes

- Placement in an out-of-home facility state youth correctional facility until 18
- Community service
- Probation and/or house arrest
- Youth assessment center or rehab

Dispositional Outcomes

Probation, youth care facility or rehab, restitution, house arrest, lost drivers license, counseling, temp. detention, temp. assessment center, fines.