

**2014**

---

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

**North Carolina**



*The information and links provided in this document are solely for educational and informational purposes, and do not constitute legal advice. Shared Hope International grants permission for copies of the information in this document to be made, in whole or in part, by not-for-profit organizations and individuals, provided that the use is for educational, informational, noncommercial purposes only, and provided that each copy includes this statement in its entirety and the legend, "Reprinted by permission of Shared Hope International."*

## Identification

**Abused, Neglected,  
Dependent**

## Initial Custody

### Authority for Initial Custody:

Custody by law enforcement or DSS worker if "reasonable grounds" that child would be injured. LE must report abuse/neglect when minor suspected of prostitution.

### Placement:

DSS worker may arrange for the placement, care, supervision, and transportation of the juvenile.

## Process Following Initial Custody

### Where is child referred after initial custody?

Assess within 24 hours after receipt of report of abuse or suspected prostitution. Within 72 hours for report of neglect or dependency.

### When and how does court assume jurisdiction?

- Petition and motion for review has been filed
- Or an order for non-secure custody has been entered by the court

**Undisciplined  
juvenile**

### Authority for Initial Custody:

By law enforcement if suspected of or charged with prostitution. Or, if believed to be undisciplined juvenile (runaway, truant, beyond control of parents, unlawful location).

### Placement:

- Release to parent
- Release to school
- Detained by law enforcement pending determination.

### Where is child referred after initial custody?

If not released, referred to juvenile court counselor.

### When and how does court assume jurisdiction?

The court assumes jurisdiction at the filing of the petition with clerk's office or the magistrate.

**Delinquent**  
\* 16-17 criminally prosecuted, except prostitution offenses.

### Authority for Initial Custody:

- If charge is prostitution, immune from prosecution; custody as undisciplined juvenile.
- If not charged with prostitution, custody by LEO for committing a delinquent offense.

### Placement:

- Release to parent
- Release to school
- Detained by law enforcement pending determination.

### Where is child referred after initial custody?

If charge is prostitution, referred to DSS. If other charge and not released, referred to juvenile court counselor.

### When and how does court assume jurisdiction?

The court assumes jurisdiction at the filing of the petition.

# Trafficking Victims in North Carolina

## Placement Process Pending Adjudication/ Investigation

### When must placement hearing be held after initial custody?

No juvenile shall be held in nonsecure custody for more than 7 days without a hearing

### What are the placement options?

- Licensed foster home or a home otherwise authorized by law to provide such care
- Facility operated by the Department of Social Services
- Any home or facility, including a relative's home approved by the court

## Adjudication or Referral to Alternate Process

### Adjudication:

- Court determines if allegations can be proven, or petition is dismissed.

### Or Alternate Process

N/A

## Placement Following Adjudication

### Dispositional Outcomes

- Release to parent/guardian
- Supervised by Department of Social Services in juvenile's home

### Dispositional Outcomes

N/A

### When must placement hearing be held after initial custody?

Within 24 hours if arrested without a warrant or 5 days if detained pursuant to order

### What are the placement options?

- A licensed foster home or a home authorized by law
- A facility operated by the Department of Social Services
- Any other home or facility, including a relative's home approved by the court

### Adjudication:

- Must be held within a reasonable time
- Allegations are either proven or dismissed

### Or Alternate Process

N/A

### Dispositional Outcomes

- Supervised at home
- Custody by parent, guardian, relative, placement agency
- Custody of Department of Social Services

### Dispositional Outcomes

N/A

### When must placement hearing be held after initial custody?

Within 24 hours if arrested without a warrant or 5 days if detained pursuant to order

### What are the placement options?

- A licensed foster home or a home authorized by law
- A facility operated by the Department of Social Services
- Any other home or facility, including a relative's home approved by the court

### Adjudication:

- Must be held within a reasonable time
- Allegations are either proven or dismissed

### Or Alternate Process

N/A

### Dispositional Outcomes

- Supervised at home
- Commitment
- Probation
- House arrest
- Treatment programs

### Dispositional Outcomes