

2014

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

North Dakota



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Identification

Initial Custody

Process Following Initial Custody

Child Identified as Youth in Need of Care (Abused/Neglected)

→ **Authority for Initial Custody:**

Law Enforcement if there's an order of the court, child is suffering from illness/injury or in danger from surroundings, or director's order. any physician suspecting abuse/neglect

Placement:

Not placed in shelter care prior to hearing on the petition, unless child has no parent guardian, or required to protect person, property of others, or the child.

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

Release child to parent, guardian, or custodian upon promise to bring child before the court when requested, unless shelter care warranted

When and how does court assume jurisdiction?

Reasonable grounds to believe child is suffering from illness, injury, or in immediate danger, removal necessary, or child has run away from parents or guardian.

Child Identified as Deprived

→ **Authority for Initial Custody:**

order of the court, laws of arrest, by law enforcement if child is ill/injured, child is in danger, or child is runaway; or by order of the director

Placement:

Foster home, child welfare agency operated facility, medical facility (not adult detention facility)

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

Release child to parent, guardian, or custodian upon promise to bring child before the court when requested, unless shelter care warranted

When and how does court assume jurisdiction?

Reasonable grounds to believe child is suffering from illness, injury, or in immediate danger, removal necessary, or child has run away from parents or guardian.

Child Identified as Delinquent

→ **Authority for Initial Custody:**

order of the court, laws of arrest, by law enforcement if child is ill/injured, child is in danger, or child is runaway; or by order of the director

Placement:

Foster home, child welfare agency operated facility, medical facility (not adult detention facility), detention home/center for delinquent or unruly children

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

Immediate release unless it appears that the child's detention is warranted or required, if not released then to detention hearing

When and how does court assume jurisdiction?

Following initial custody, jurisdiction exists pursuant to the order of the court or pursuant to the laws of arrest

Trafficking Victims in North Dakota

Placement Process Pending Adjudication/ Investigation

When must placement hearing be held after initial custody?

Not later than 96 hours from initial custody.

What are the placement options?

If a child is brought before the court or delivered to a detention or shelter care facility designated by the court, the director, the intake officer, or other authorized officer of the court shall immediately make an investigation and release the child unless it appears that shelter care is required.

When must placement hearing be held after initial custody?

Not later than 96 hours from initial custody.

What are the placement options?

If a child is brought before the court or delivered to a detention or shelter care facility designated by the court, the director, the intake officer, or other authorized officer of the court shall immediately make an investigation and release the child unless it appears that shelter care is required.

When must placement hearing be held after initial custody?

Not later than 96 hours from initial custody.

What are the placement options?

Licensed foster care home, facility operated by child welfare agency, a detention home or center for delinquent or unruly children, any other suitable facility for the treatment of mental illness, alcoholism, mental illness, drug addiction, or a jail for adults under limited circumstances

Adjudication or Referral to Alternate Process

Adjudication:

Child is not deprived, delinquent, or unruly but is in need of continued foster care.

Or Alternate Process

It is determined to be in the best interest of the child to return home, to have parental rights terminated, to be placed for adoption, to be placed with a fit and willing relative, or to be placed with a legal guardian, establish, by order, some other planned permanent living arrangement.

Adjudication:

Child is found to be a deprived child.

Or Alternate Process

If the court finds that the child is not a deprived child, it shall dismiss the petition.

Adjudication:

Child is adjudicated on proof beyond a reasonable doubt as delinquent.

Or Alternate Process

The child may be ordered for the same disposition as a deprived child or petition may be dismissed and order the child discharged from any detention or other restriction previously ordered in the proceeding.

Placement Following Adjudication

Dispositional Outcomes

Child is placed in continued foster care services and case management for the child's foster care continues.

Dispositional Outcomes

Child is placed in the disposition which is found to be in the best interest of the child.

Dispositional Outcomes

Reside with parents, guardian, fit/willing relative, agency/private organization, direct of county social service board/other public agency, or to be placed for adoption

Dispositional Outcomes

Child is ordered discharged from any detention or other restriction previously ordered in the proceeding.

Dispositional Outcomes

If child is found to be delinquent: place child on probation, commit child to division of juvenile services or another state department for delinquent unruly children, juvenile drug court programe

Dispositional Outcomes

Reside with parents, guardian, fit/willing relative, agency/private organization, director cty. social service board/other public agency, adoption