

2014

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

New Hampshire



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Identification

Initial Custody

Process Following Initial Custody

Abused/Neglected Child

Authority for Initial Custody:

Law enforcement may take a child into custody without a court order if the child is in imminent danger

Placement:

- Release to parent/guardian
- Relative placement
- Foster home or other child protection services placement

Where is child referred after initial custody?

Law enforcement must immediately notify both the child's parent/guardian and the court when a child is taken into custody

When and how does court assume jurisdiction?

A petition alleging abuse/neglect will be filed with the court by a Child Protection Services worker, or a person with knowledge of the abuse or neglect

Child in Need of Services

Authority for Initial Custody:

Law enforcement may take a child into custody if the child:

- Is a runaway
- Is endangered

Placement:

- Release to parent/guardian
- If release is not possible, placement of the child in shelter care, detention bed, or alternative to secure detention

Where is child referred after initial custody?

The department will determine whether to provide voluntary services to the child and the child's family

When and how does court assume jurisdiction?

A petition alleging delinquency will be filed in the court by a parent/guardian, school official, or law enforcement officer

Delinquent Child (not prostitution if direct result of trafficking offense)

Authority for Initial Custody:

Law enforcement may take a child into custody who is violating any law; a minor not considered delinquent when engaging in prostitution as direct result of trafficking

Placement:

- If taken into custody for delinquent offense:
- Release to parent/guardian
 - Secure detention facility

Where is child referred after initial custody?

The arresting officer or prosecutor will screen to determine if the child should be diverted before a petition is filed

When and how does court assume jurisdiction?

Any person may file a delinquency petition, prostitution charges cannot be maintained against a minor as direct result of trafficking

Trafficking Victims in New Hampshire

Placement Process Pending Adjudication/ Investigation

→ When must placement hearing be held after initial custody?

Within 24 hours after initial custody

What are the placement options?

- Release to parent/guardian
- Issue protective orders
- Release to custody of child services for placement in foster home, group home, crisis home, or shelter care facility

Adjudication or Referral to Alternate Process

→ Adjudication:

Hearing to be held within 30 days of petition if child is in custody, 60 days if not

Or Alternate Process

N/A

Placement Following Adjudication

→ Dispositional Outcomes

- Release to parent/guardian, subject to conditions
- Transfer legal custody to a relative or child placing agency
- Issuance of protective orders

→ Dispositional Outcomes

N/A

→ When must placement hearing be held after initial custody?

Within 24 hours (Sundays and holidays excluded) if the child is in custody

What are the placement options?

- Release to parent, guardian, or custodian
- Placement with a relative
- Release to custody of child services for placement in foster home, group home, crisis home, or shelter care facility

→ Adjudication:

The adjudication will be held within 21 days of initial appearance

Or Alternate Process

N/A

→ Dispositional Outcomes

- Release to parent/guardian
- Placement with relative; or in a foster, group, or crisis home, shelter facility
- Community service
- After school programs

→ Dispositional Outcomes

N/A

→ When must placement hearing be held after initial custody?

Within 24 hours (Sundays and holidays excluded) if the child is in custody

What are the placement options?

- Release to parent/guardian
- Placement with relative or friend
- Placement in foster home, group home, crisis home, or shelter facility
- Placement in detention facility, but not with adults

→ Adjudication:

Held within 21 days of initial appearance if child is detained, within 30 if not

Or Alternate Process

If a law enforcement officer or prosecutor determines that a child should be diverted, the child may be offered a diversion plan

→ Dispositional Outcomes

- Release to parent/guardian
- Placement with a relative or friend
- Placed in custody of the Department
- Probation
- Detained in a correctional facility

→ Dispositional Outcomes

- Child will be offered services
- If a child complies with a diversionary plan, he or she may not be adjudicated delinquent and detained