

2014

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

New Mexico



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Identification

Initial Custody

Process Following Initial Custody

Abused or Neglected Child

Authority for Initial Custody:

- By a law enforcement officer if environment child is in imminent risk of abuse, abandoned or in need of emergency medical care
- By medical personnel if injured by abuse

Placement:

- Released to parent, guardian or custodian
- Medical facility
- Shelter care
- Relative or foster care

Where is child referred after initial custody?

Law enforcement should contact the department for an on-site safety assessment, where possible

When and how does court assume jurisdiction?

Upon the filing of a petition endorsed by the children's court attorney

Child of a Family in Need of Court-Ordered Services

Authority for Initial Custody:

Law enforcement without court order if child is a runaway, abandoned, DMST victim, endangered by surroundings, suffering from illness/injury, or with no parental supervision

Placement:

- Community based shelter care facility
- Foster care home
- Licensed child welfare services agency
- Relative

Where is child referred after initial custody?

- If child is not released, must notify parents
- If released, refer to voluntary family services

When and how does court assume jurisdiction?

Upon the filing of a petition endorsed by the children's court attorney

Delinquent Child

Authority for Initial Custody:

- Law enforcement may take custody:
- According to the laws of arrest for a delinquent act
 - Pursuant to a court order

Placement:

- Release to parents/guardians
- Detention facility, if over age 11
- Medical facility, evaluation facility, or another alternative to secure detention

Where is child referred after initial custody?

Law enforcement must give notice to the child's parents and the court within 24 hours

When and how does court assume jurisdiction?

Upon the filing of a petition endorsed by the children's court attorney

Trafficking Victims in New Mexico

Placement Process Pending Adjudication/ Investigation

→ When must placement hearing be held after initial custody?

custody hearing within 10 days of the petition for temporary custody

What are the placement options?

- Return legal custody to child's parents, guardian or custodian
- Temporary custody to department

Adjudication or Referral to Alternate Process

→ Adjudication:

Adjudicatory hearing must occur within 60 days of the petition

Or Alternate Process

Prior to the adjudicatory hearing, all parties to the hearing shall attend a mandatory meeting

Placement Following Adjudication

→ Dispositional Outcomes

- Permit the child to remain with parent or guardian subject to limitations
- Place child under supervision of dept.
- Transfer legal custody of the child
- Treatment plan

→ Dispositional Outcomes

The parties may settle by agreeing on a treatment plan that serves the child's best interests

→ When must placement hearing be held after initial custody?

Protective custody hearing within 10 days, but no sooner than 2 days, of filing petition

What are the placement options?

- Return child to parent, guardian or custodian
- Award custody of child to department

→ Adjudication:

Adjudicatory hearing must occur within 60 days of the petition

Or Alternate Process

N/A

→ Dispositional Outcomes

- Remain with the parent
- Protective supervision
- Transfer legal custody to department, agency, or non-custodial parent
- Services

→ Dispositional Outcomes

N/A

→ When must placement hearing be held after initial custody?

Within 24 hours after filing the petition, excluding weekends or holidays

What are the placement options?

- Return home
- Licensed foster home
- Child welfare services agency
- Shelter care
- Detention facility

→ Adjudication:

Hearing within 30 days of petition if in detention, within 120 days if not

Or Alternate Process

At any time after the filing of the petition and before the entry of a judgment, the court may, suspend the proceedings and continue the child under supervision in the child's own home under terms and conditions negotiated in a consent decree

→ Dispositional Outcomes

- Fines
- Short-term or long-term commitment to facility for care and rehabilitation of delinquent children
- Probation

→ Dispositional Outcomes

- Up to 6 months probation and services
- If the child successfully completes the terms of the decree, petition dismissed with prejudice