

2014

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

New York



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

Initial Custody

Process Following Initial Custody

Abused or Neglected Child

Authority for Initial Custody:

Law enforcement or social services may take into custody if child is in imminent danger.

Placement:

A place approved for such purpose by the local social services department

Where is child referred after initial custody?

Inform the court and make a report of abuse as soon as possible; if CSEC, specialized services and safe house placement available.

When and how does court assume jurisdiction?

A petition shall be filed within three court days from the date of removal.

Person in Need of Supervision

Authority for Initial Custody:

Any peace or police officer can petition for the issuance of a warrant if believed to be PINS, which includes sexually exploited children.

Placement:

- Foster care program
- Family boarding home
- Non-secure detention facility
- Short term safe house

Where is child referred after initial custody?

If CSEC, specialized services and safe house placement.

When and how does court assume jurisdiction?

Peace officer, other state agency, family member or injured party may file a petition. If sexually exploited, child must consent to filing of the petition.

Delinquent

Authority for Initial Custody:

Officer may take a child under the age of 16 into custody without a warrant under the laws of arrest.

Placement:

- If child under 16, must notify the parents and
- Take child to her parents
 - Take to county family court
 - Take to juvenile detention facility

Where is child referred after initial custody?

Specialized services and safe house placement. May be referred to DSS if assessed by CJS to be trafficking victim.

When and how does court assume jurisdiction?

Agency files petition; on motion, court shall convert to PINS for 1st prostitution; court has discretion to allow PINS for older minors

Trafficking Victims in New York

Placement Process Pending Adjudication/ Investigation

→ When must placement hearing be held after initial custody?

No later than the next court day after the petition is filed

What are the placement options?

- Foster Care
- Parent or Relative
- Authorized agency
- Remain in own home with or without court supervision

Adjudication or Referral to Alternate Process

→ Adjudication:

Court determines if a child is dependent, neglected or abused.

Or Alternate Process

N/A

Placement Following Adjudication

→ Dispositional Outcomes

- Relative or suitable person
- Authorized association/agency
- Safe houses receiving special services

→ Dispositional Outcomes

N/A

→ When must placement hearing be held after initial custody?

Within 3 days after filing of petition

What are the placement options?

- Released
- Short term safe house
- Detention

→ Adjudication:

Court determines if child is person in need of supervision.

Or Alternate Process

Diversion services youth who are at risk of being the subject of a person in need of supervision petition.

→ Dispositional Outcomes

- Placed on probation
- Placed in home
- Placed in custody of a relative
- Ordered to complete an "education reform program"

→ Dispositional Outcomes

Services designed to provide an immediate response to families in crisis, utilize appropriate alternatives to detention, including safe houses and services for sexually exploited children

→ When must placement hearing be held after initial custody?

Within 72 hours

What are the placement options?

- Release of custody
- Removal from home
- Placement with relatives

→ Adjudication:

If detained, must be within 3 days of initial appearance, if not detained within 90 days

Or Alternate Process

The court may at any time prior to the entering of a finding of delinquency and with the consent of the respondent order that the proceeding be "adjourned in contemplation of dismissal."

→ Dispositional Outcomes

- Released home
- Referral of local social services
- Placed with relatives
- Supervision
- Safe house/specialized services if CSEC

→ Dispositional Outcomes

- Alcohol Awareness Program
- Education Reform Program
- Other such terms and conditions as the court deems appropriate