

2014

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

Rhode Island



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Identification

Initial Custody

Process Following Initial Custody

Dependent (Abused/Neglected) Child

→ **Authority for Initial Custody:**

Custody may be taken by:

- Department of Children, Youth and Families (DCYF) pursuant to a removal order
- Law enforcement officer without court order if there is imminent danger to the child
- Physician without court order if child has non-accidental injury, malnutrition or sexual abuse symptoms

Placement:

- Protective custody under DCYF for up to 48 hours if without a court order

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

DCFY must apply for temporary custody and, within 30 days of initial custody, consider placing the child with a relative who does not live with the child's parents

When and how does court assume jurisdiction?

Upon petition by DCYF

Delinquent Child

→ **Authority for Initial Custody:**

Police officer or probation counselor may take custody if:

- Child is found violating any law or ordinance
- Child's surroundings are such as to endanger his or her health, morals, or welfare, unless immediate action is taken

Placement:

- Release to parent/guardian upon written promise to bring the child to court at the designated time
- Place with probation counselor
- Place in another detention facility

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

Intake officer should immediately report to the court

When and how does court assume jurisdiction?

Upon report by intake officer and/or DCYF agent

Trafficking Victims in Rhode Island

Placement Process Pending Adjudication/ Investigation

Adjudication or Referral to Alternate Process

Placement Following Adjudication

When must placement hearing be held after initial custody?

Child shall not be detained in protective custody longer than 48 hours without the expressed approval of a justice of the family court

What are the placement options?

- Release to parent/guardian
- Foster care
- Private home, institution, or agency licensed by the DCYF

Adjudication:

Must occur within 30 days of the latest of when:

- The petition is served on the child
- The child is placed in detention

Or Alternate Process

N/A

Dispositional Outcomes

- Release to parent/guardian
- Foster care
- Independent living facility
- If not released to the parent and no foster care ordered, DCYF must institute proceeding within 30 days to free the child for adoption.

Dispositional Outcomes

N/A

When must placement hearing be held after initial custody?

Child may not be detained for more than 24 hours without being referred to family court for consideration

What are the placement options?

- Pending a hearing within 30 days, a child may be held at:
- Training school for youth
 - Custody of DCYF
 - A private home, institution, or agency licensed by DCYF

Adjudication:

Must occur within 30 days of the latest of when:

- The petition is served on the child
- The child is placed in detention

Or Alternate Process

- Prior to a finding that a child is delinquent, court may place petition on file and attach conditions to petition
- Conditions shall be a valid court order

Dispositional Outcomes

- Custody of parent, relative, or DCYF subject to terms decided by the court, including probation, additional supervision, or parental counseling.
- Commitment to training school for youth
- Community restitution

Dispositional Outcomes

If no action is taken on the petition in the period of one year or less, following the filing, the authorization issuing the petition shall be revoked by the clerk and the petition shall be closed