

2014

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

Texas



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Identification

Initial Custody

Process Following Initial Custody

Abused/Neglected Child

→ **Authority for Initial Custody:**

Department of Family and Protective Services, law enforcement, or a juvenile probation officer may take custody if immediate danger to child's health and safety

Placement:

- Release to a child-placing agency
- Release to Department of Family and Protective Services
- "Any other person authorized by law"

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

Department of Family and Protective Services shall make a prompt and thorough investigation of a report of child abuse/neglect

When and how does court assume jurisdiction?

Upon petition by a government entity for temporary restraining order or, in the emergency custody situation, within one day of initial custody

Child in Need of Supervision

→ **Authority for Initial Custody:**

Law enforcement officer upon probable cause to believe child engaged in conduct indicating a need for supervision

Placement:

- Release to parent/guardian
- Detention facility
- Bring child before an officer or official designated by the juvenile board

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

Law enforcement office may dispose the case without referring to juvenile court if certain criteria are met

When and how does court assume jurisdiction?

Juvenile court might exercise concurrent jurisdiction if the child is also abused and/or delinquent

Delinquent Child

→ **Authority for Initial Custody:**

Law enforcement officer may take custody upon probable cause to believe child violated a penal law of the state

Placement:

- Release to parent/guardian
- Detention facility
- Bring child before an officer or official designated by the juvenile board

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

Law enforcement office may dispose the case without referring to juvenile court if certain criteria are met

When and how does court assume jurisdiction?

Juvenile court might exercise concurrent jurisdiction if the child is also abused and/or delinquent.

Trafficking Victims in Texas

Placement Process Pending Adjudication/ Investigation

When must placement hearing be held after initial custody?

Within 24 hours

What are the placement options?

- Return to parents
- Emergency shelter facility for up to 15 days

Adjudication or Referral to Alternate Process

Adjudication:

Must be sufficient evidence to satisfy a person of ordinary prudence of continued danger

Or Alternate Process

N/A

Placement Following Adjudication

Dispositional Outcomes

- Return to parent/other individual
- Adoption
- Conservatorship to a relative
- Other planned, permanent living arrangement

Dispositional Outcomes

N/A

When must placement hearing be held after initial custody?

No later than the second working day after initial custody

What are the placement options?

- Release to parent/guardian
- Foster or shelter care

Adjudication:

Allegations must be proven beyond a reasonable doubt

Or Alternate Process

First offender program available to some children

Dispositional Outcomes

- Probation in the home of child
- Placement with relative, foster home, or a residential treatment facility

Dispositional Outcomes

If the child fails the program, she will be referred to juvenile court or a complaint will be filed with criminal court.

When must placement hearing be held after initial custody?

No later than the second working day after initial custody.

What are the placement options?

- Release to parent/guardian

Research gap

Adjudication:

Allegations must be proven beyond a reasonable doubt

Or Alternate Process

- First offender program available to some children
- A child victim of trafficking may request deferral of adjudication and participate in a trafficked person program.

Dispositional Outcomes

- Probation in the home of child
- Placement with relative, foster home, or a residential treatment facility
- Commitment to secured correctional facility or Texas Juvenile Justice Dept.

Dispositional Outcomes

Once the child satisfactorily completes the trafficked person program, court shall dismiss the case with prejudice and seal the delinquency proceeding record