

2014

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

Utah



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Identification

Initial Custody

Process Following Initial Custody

Abused or Neglected Child

→ **Authority for Initial Custody:**

A peace officer or child welfare worker if:

- There is a warrant or court order
- The parents consent
- There are exigent circumstances which justify proceeding without a warrant

Placement:

- Noncustodial parent, relative or friend
- Shelter care

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

If the child is in protective custody of Division of Children and Family Services (DCFS), division must report to the court:

- Why the child was removed
- Any services to prevent the need for removal
- The need for continued shelter care

When and how does court assume jurisdiction?

When a petition is filed by any interested person

Child Identified as Delinquent

→ **Authority for Initial Custody:**

Peace officer may take custody if the child:

- Violates a law in officer's presence
- Reasonable grounds to believe the child committed an act that = a felony offense
- Child is seriously endangered or seriously endangering others
- Reasonable grounds to believe the child has run away or is truant

Placement:

- Release to parents
- Shelter care
- Secure detention

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

Child taken into custody for "prostitution" or "solicitation" must be referred to DCFS; if 1st referral, no delinquency case and DCFS shall provide services.

-In all other cases, officer must notify the child's parents and file a written report with the Div. of Juvenile Justice Services.

When and how does court assume jurisdiction?

- Proceedings are commenced with the filing of a petition
- A citation is an abbreviated referral filed by the arresting officer and is sufficient to invoke the jurisdiction of the court in lieu of a petition

Trafficking Victims in Utah

Placement Process Pending Adjudication/ Investigation

Adjudication or Referral to Alternate Process

Placement Following Adjudication

When must placement hearing be held after initial custody?

Within 72 hours of the division taking a child into protective custody or removing a child

What are the placement options?

- Relative of the child or a friend of a parent of the child who is able and willing to care for the child
- Shelter care

Adjudication:

The court determines, by clear and convincing evidence, whether the allegations contained in the petition are true

Or Alternate Process

Court shall make determination of whether there are available services that would prevent the need for continued removal

Dispositional Outcomes

- Return to parent or guardian
- Custody to the Division of Child and Family Services
- Custody or guardianship of other individual or entity
- Order protective supervision

Dispositional Outcomes

The child may be returned home with order that services be provided by the division if the court finds that continued removal is unnecessary

When must placement hearing be held after initial custody?

A child may not be held in a shelter facility longer than 48 hours prior to a shelter hearing, excluding weekends and holidays

What are the placement options?

- Return to parents
- Shelter care
- Secure detention

Adjudication:

The court determines whether the child is delinquent by proof beyond a reasonable doubt

Or Alternate Process

- There may be nonjudicial adjustment of the case
- Efforts to effect a nonjudicial adjustment may not extend for more than 90 days without leave of a judge of the court, who may extend the period for an additional 90 days

Dispositional Outcomes

- Probation in child's home
- Custody to relative or other with or without probation or protective supervision
- Commit minor to Division for secure confinement

Dispositional Outcomes

- Payment of fines or restitution
- Completion of compensatory service
- Counseling or treatment
- Restrictions on activities
- Other reasonable actions that are in the interest of the child and the community.