

2014

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

Virginia



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

Dependent-Abused/Neglected

→ Authority for Initial Custody:

Temporary custody may be taken by law enforcement or medical personnel if:

- There is imminent danger to the child's health or life
- There is a court order for the child's custody

Placement:

- Release to such parents, guardian, custodian or other suitable person able and willing to provide supervision
- Shelter care

→ Where is child referred after initial custody?

The court must be notified and an emergency removal order obtained as soon as possible, but no later than within 72 hours

When and how does court assume jurisdiction?

- Upon the filing of a petition by:
- The attorney for the Commonwealth, city or county
 - Designated nonattorney employees of the Department of Social Services
 - Any attorney on behalf of his or her client

Child in Need of Services and or in Need of Supervision

→ Authority for Initial Custody:

May be taken into custody by:

- Law enforcement

Placement:

- Release to parent/responsible adult
- Release child on bail
- Shelter care or detention home
- Place child in jail
- Detain the child for reasonably necessary to administer a breath or blood test to determine alcohol content

→ Where is child referred after initial custody?

- Return child to home
- Release child to parents/responsible adult
- Place child in shelter care

When and how does court assume jurisdiction?

- Upon the filing of a petition by:
- The attorney for the Commonwealth, city or county
 - Designated nonattorney employees of the Department of Social Services

Trafficking Victims in Virginia

Placement Process Pending Adjudication/ Investigation

Adjudication or Referral to Alternate Process

Placement Following Adjudication

→ When must placement hearing be held after initial custody?

No later than 5 business days after the removal of the child

What are the placement options?

- Release to such parents, guardian, custodian
- Shelter care

→ Adjudication:

Court determines whether child is dependent-abused-neglected within 120 days of the filing of the petition

Or Alternate Process

N/A

→ Dispositional Outcomes

- Remain with parents with conditions
- Placement by social services in in suitable family homes, child-caring institutions, residential facilities, or independent living arrangements
- Placement with a relative
-

→ Dispositional Outcomes

N/A

→ When must placement hearing be held after initial custody?

Next day, not to exceed 72 hours

What are the placement options?

- Release to parents/responsible adult
- Detained in secure facility
- Foster home
- Facility licensed by child welfare agency
- Suitable home/place designated by the court and approved by the Department
- Juvenile detention facility

→ Adjudication:

Court determines detention period within 120 days

Or Alternate Process

The Department of Social Services (DSS) has been directed to develop a plan to provide services to human trafficking victims

→ Dispositional Outcomes

- Permit child to remain with parents
- Order parent to participate in treatment program
- Transfer legal custody to relative or child welfare agency
- Placement in residential facilities or independent living arrangement
- Probation or community service

→ Dispositional Outcomes

- Transfer legal custody to relative or child welfare agency
- Require child to participate in public service project
- Place child on probation