

2014

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

Vermont



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Identification

Child in Need of Care or Supervision

Initial Custody

→ Authority for Initial Custody:

Custody by law enforcement without a court order if the officer believes the child is in immediate danger and removal is necessary or has reasonable grounds to believe that the child is a runaway. Law enforcement may treat human trafficking victims under 18 as a person in need of care and supervision.

Placement:

- Release to child's parent, guardian, custodian
- Delivered to a location designated by the department.
- If runaway, to a shelter designated to help facilitate reunification.

Process Following Initial Custody

→ Where is child referred after initial custody?

If necessary for child's welfare not to release to parents, the department has the authority to make reasonable decisions concerning the child's immediate placement, safety and welfare.

When and how does court assume jurisdiction?

The state attorney will immediately petition the court for an emergency care order.

Delinquent Child

→ Authority for Initial Custody:

By law enforcement if there are reasonable grounds to believe child has committed delinquent act, or for the protection of child and/or society. DMST victims can not be subject to delinquency charges for prostitution offenses committed as a victim of sex trafficking.

Placement:

- If custody take as delinquent child,
- Release the child to parent, guardian, or custodian unless removal is necessary
 - Detention, but child cannot be detained with adults.

→ Where is child referred after initial custody?

The state attorney will immediately petition the court for an emergency care order if minor is in custody. A minor charged with prostitution may be referred to DCF for treatment as a child in need of care or supervision.

When and how does court assume jurisdiction?

State attorney files a delinquency petition, however, DMST victims cannot be subject to delinquency petition for prostitution offenses and may be referred to DCF as a child in need of care or supervision.

Trafficking Victims in Vermont

Placement Process Pending Adjudication/ Investigation

Adjudication or Referral to Alternate Process

Placement Following Adjudication

When must placement hearing be held after initial custody?

If runaway, released or emergency care order within 7 days. In all cases, once emergency care order obtained, must hold placement hearing within 72 hours.

What are the placement options?

- Release to parent, guardian, custodian, non-custodial parent
- Placement with a relative or person with significant relationship with child
- Transfer temporary custody to the commissioner of the department for children and families for placement

Adjudication:

The court will determine whether the child is in need of care and supervision. State bears burden of proof by clear and convincing evidence.

Or Alternate Process

N/A

Dispositional Outcomes

- Release to parent, guardian, custodian.
- Transfer legal custody to Department.
- Transfer custody to a relative or other person with significant relationship with child.
- Provide with services as necessary.

Dispositional Outcomes

N/A

When must placement hearing be held after initial custody?

A hearing must be held within 72 hours of issuance of emergency care order.

What are the placement options?

- Release to parent or guardian, with conditions
- Placement with a non-custodial parent or relative
- Transfer temporary custody of the child to the commissioner

Adjudication:

The court determines whether the child is delinquent. DMST victims can assert an affirmative defense that non-prostitution acts were the result of force, fraud or coercion by a sex trafficker. Prostitution acts committed by DMST victims can not be the subject of a delinquency petition.

Or Alternate Process

The state attorney may offer to divert the child, to the extent a local diversion program is available.

Dispositional Outcomes

- Release to parent/guardian on probation
- Placement with relative/suitable person
- Commitment to community justice center

Dispositional Outcomes

If successful, all records will be sealed after 2 years.