

2014

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

Washington



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Identification

Initial Custody

Process Following Initial Custody

Dependent Child

→ **Authority for Initial Custody:**

W/out order by law enforcement if abused or neglected (includes CSEC), or medical personnel if imminent risk to safety.

Placement:

With person or agency that has right to physical custody or in shelter care. Shelter care is mandatory if court ordered temp. custody.

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

Referred to the Department or supervising agency for case management.

When and how does court assume jurisdiction?

Any person may file a dependency petition. In some counties, probation officers determine first if a petition is reasonably justifiable.

Child In Need of Services

→ **Authority for Initial Custody:**

Law enforcement if truant, beyond control of parent, runaway w. subst. abuse/risk behavior, lacks nec. services, a sexually exploited child.

Placement:

- Release to parent or guardian or shelter care
- Secure crisis residential center or detention facility

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

CRC administrator shall immediately convene a multidisciplinary team.

When and how does court assume jurisdiction?

DHS or the child's parents will file a petition alleging that the child is in need of services.

At-Risk Youth

→ **Authority for Initial Custody:**

By law enforcement if child violates placement order entered for at-risk youth petition. Not applicable if dependency petition pending.

Placement:

With parent or another placement requested by parent and/or child; secure facility if child violates court order regarding placement.

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

Court has special jurisdiction to assist parent in maintaining care, custody, control of child.

When and how does court assume jurisdiction?

Parents may file at-risk youth petition, but not if a dependency petition is pending. If CHINS also filed, merges w/ At-Risk Youth.

Delinquent Child

→ **Authority for Initial Custody:**

LE may arrest a child when grounds exist for arresting an adult in similar circumstances, including prostitution offenses.

Placement:

- Release to parent, guardian, responsible adult
- Crisis residential center.
- Held in detention, if necessary.

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

Diversion, incl. spec. svcs and safe housing for prostitution charge. Mandatory if 1st offense.

When and how does court assume jurisdiction?

If not 1st prostitution offense, state atty can file petition to commence delinquency proceeding. If filed, court can order diversion.

Trafficking Victims in Washington

Placement Process Pending Adjudication/ Investigation

When must placement hearing be held after initial custody?

Within 72 hours of initial custody.

What are the placement options?

- Release to parent or guardian
- Placement with relative or other suitable person
- Continued shelter care

When must placement hearing be held after initial custody?

Within 72 hours of initial custody.

What are the placement options?

- Release to parent/guardian
- Placement in crisis residential center, foster family home, licensed group home facility, any other suitable residence

When must placement hearing be held after initial custody?

10 days, or 5 days if not in court placement

What are the placement options?

With parent or out-of-home placement. Secure facility if child violated placement order.

When must placement hearing be held after initial custody?

Within 72 hours; diversion considered

What are the placement options?

- Crisis residential center (up to 90 days)
- Continued detention, if necessary
- Release to parent/guardian, responsible adult or the Department

Adjudication or Referral to Alternate Process

Adjudication:

The court determines whether the child is neglected, dependent or abused.

Or Alternate Process

N/A

Adjudication:

Court determines whether child is in need of services as alleged.

Or Alternate Process

If At-Risk Youth petition is also filed, it merges with CHINS petition and case is adjudicated as an At-Risk Youth petition. May also may request family reconciliation services from the department.

Adjudication:

Court determines if child is an at-risk youth.

Or Alternate Process

N/A

Adjudication:

Court determines if child is delinquent. HT is an affirmative defense to prostitution.

Or Alternate Process

The prosecutor may choose to divert the child from adjudication and detention, and into specialized services. Deferred disposition is also available in certain situations.

Placement Following Adjudication

Dispositional Outcomes

- Parent/guardian with supervision
- Relative/other suitable person
- Agency (foster-, shelter-, group care)

Dispositional Outcomes

N/A

Dispositional Outcomes

-Release to parent/guardian with supervision and services, or out-of-home placement, but not in a secure residence.

Dispositional Outcomes

Require regular school attendance, counseling, subst. abuse treatment and/or placement in CRC or staff secure facility.

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Dispositional Outcomes

N/A

Dispositional Outcomes

If not diverted, subject to specific sentencing guidelines for detention and restitution.

Dispositional Outcomes

Access to services and avoids delinquency adjudication.