

2014

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

Wisconsin



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Identification

Initial Custody

Process Following Initial Custody

Abused/Neglected Child

→ **Authority for Initial Custody:**

- Law enforcement officer pursuant to court order
- County department or a licensed child welfare agency under contract with the department, upon a determination that the child requires immediate protection

Placement:

- Release to parent/guardian
- Release to a "responsible adult" after counseling the child
- Release without adult supervision if child is 15 years of age or older
- Deliver to intake worker

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

- County department or the licensed child welfare agency must initiate a diligent investigation within 24 hours of receiving a report of alleged abuse.
- Court and law enforcement agencies must arrange the child to be interviewed by an intake worker

When and how does court assume jurisdiction?

When a petition for removal/protective custody is filed or, in the emergency situation, within 48 hours of initial custody of the child

Delinquent Child

→ **Authority for Initial Custody:**

- Law enforcement pursuant to an arrest warrant
- Law enforcement pursuant to a removal order by court
- Law enforcement under reasonable belief of violation of federal or state criminal law

Placement:

- Release to parent/guardian
- Licensed foster home
- Licensed group home
- Nonsecure facility operated by a licensed child welfare agency
- Juvenile detention facility if conditions apply

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

Court and law enforcement agencies must arrange the child to be interviewed by an intake worker

When and how does court assume jurisdiction?

When a petition is filed by any person who has knowledge of the facts alleged or is informed of them and believes them to be true

Trafficking Victims in Wisconsin

Placement Process Pending Adjudication/ Investigation

Adjudication or Referral to Alternate Process

Placement Following Adjudication

When must placement hearing be held after initial custody?

Within 48 hours of initial custody

What are the placement options?

- Home of a parent/guardian
- Home of a relative
- A licensed foster home
- A nonsecure facility operated by licensed child welfare agency
- A private or public shelter care facility
- A hospital

Adjudication:

Court determines if child is abused/neglected and continued detention is needed

Or Alternate Process

N/A

Dispositional Outcomes

- Release to parent/guardian with restrictions
- Hospital
- Foster home
- Relative's home
- Other appropriate medical or child welfare facility

Dispositional Outcomes

N/A

When must placement hearing be held after initial custody?

- Placement hearing must be held within 24 hours of initial custody;

What are the placement options?

- Home of a parent/guardian
- Home of a relative
- A licensed foster home
- A licensed group home
- A nonsecure facility
- A private or public shelter care facility
- Juvenile detention facility if conditions apply

Adjudication:

- Court determines if the child is delinquent -
- Plea hearing must be held within 30 days after filing of a petition or issuance of a citation for a juvenile not held in secure custody, or 10 days for a juvenile held in secure custody

Or Alternate Process

- Deferred prosecution agreement
- Consent decree
- If obligations imposed by the agreement are met, no delinquent proceeding petition may be filed or citation issued

Dispositional Outcomes

- Home of parent/relative
- A licensed foster home
- A residential treatment center
- A juvenile detention facility or juvenile portion of county jail
- Type 2 residential care center for children and youth

Dispositional Outcomes

- Counseling
- Alcohol and drug assessment/treatment
- Restitution
- Supervised work program
- Volunteers in probation
- Teen court program