

**2014**

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

**West Virginia**



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## Identification

## Initial Custody

## Process Following Initial Custody

### Dependent-Neglected Child

#### → Authority for Initial Custody:

Emergency custody may be taken by law enforcement or medical personnel:

- With a court order
- If the child is abandoned
- If the child is in need of emergency medical treatment and parents are unable or unwilling to consent
- There is imminent danger to the health, +

#### Placement:

- Release to parent/ responsible adult
- May be housed by the Department or in any authorized child shelter facility

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

Upon receiving a report of known or suspected child abuse or neglect, the Department of Health and Human Resources will investigate the complaint, and, if necessary, initiate the appropriate legal proceedings

#### When and how does court assume jurisdiction?

The Department of Health and Human Resources or a reputable person may present a petition setting forth the facts to the court to file the petition

### Status Offender or Delinquent Child

#### → Authority for Initial Custody:

Child may be taken into custody by law enforcement if:

- Grounds would exist for arrest of an adult
- Imminent danger to health, safety and welfare
- The juvenile has left the care of his or her parents, guardian or custodian without consent

#### Placement:

- Release to parent, guardian or custodian
- Non-secure or staff-secure facility
- Juvenile detention facility, but not if a the child is a status offender

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

Law enforcement must:

- Immediately notify the parents, guardian, custodian, or a close relative
- Take the child before a juvenile referee, judge of the circuit court, or magistrate

#### When and how does court assume jurisdiction?

Proceedings are formally initiated by the filing of a juvenile petition

# Trafficking Victims in West Virginia

## Placement Process Pending Adjudication/ Investigation

## Adjudication or Referral to Alternate Process

## Placement Following Adjudication

### When must placement hearing be held after initial custody?

Within the next two days after being held in custody

### What are the placement options?

- Release to Parents, guardian or custodian
- Foster home, group home or other facility or residence

### Adjudication:

Court determines whether the child is dependent or neglected or abused by clear and convincing evidence

### Or Alternate Process

N/A

### Dispositional Outcomes

- Dismiss the petition
- Return the child home with supervision by the Department
- Temporary custody to the Department
- A comprehensive, individualized service plan with a permanency plan for the child

### Dispositional Outcomes

N/A

### When must placement hearing be held after initial custody?

By the end of the next day the juvenile is taken into custody

### What are the placement options?

- Release to parent, guardian or custodian
- Placed in any foster home, group home or other facility or residence
- Non-secure or staff-secure facility
- Secure detention for certain delinquent offenses

### Adjudication:

Court determines whether the child a status offender by clear and convincing evidence or a delinquent by proof beyond a reasonable doubt

### Or Alternate Process

Before a petition is formally filed with the court, the probation officer or other officer of the court may give counsel and advice to the parties with a view to an informal adjustment if it appears:

- Admitted facts support court's jurisdiction
- Counsel and advice without adjudication would be in best interest of child & public

### Dispositional Outcomes

- Dismiss the petition
- Status offenders must be referred to Department for services
- Refer the youth to community agency or assign a probation officer
- Placement in foster care or commit youth to child welfare agency
- Secure detention if delinquent

### Dispositional Outcomes

The giving of counsel and advice pursuant to this section may not continue longer than six months from the day it is commenced unless extended by the court for an additional period not to exceed six months