

State Maps

Possible Statutory
Responses to Domestic
Minor Sex Trafficking Victims

2014

The following system maps analyze the statutory frameworks in each state that shape the potential responses a juvenile sex trafficking victim may encounter. While the goal of the system maps is to understand the existing systems in each state as they apply to juvenile sex trafficking victims, the maps analyze each statutory process even if a properly identified victim would be directed away from that process (i.e., the delinquency process in states that provide immunity). The reason for this approach is three-fold:

- (1) Analyzing all of the available responses demonstrates which statutory processes have a specialized response for victims of domestic minor sex trafficking and whether juvenile sex trafficking victims are likely to access the protective response under that process;
- (2) Since victims are not always properly identified as victims when they first come to the attention of law enforcement or state agency employees, they may not be directed into a protective response at the outset. Comparing each of the available processes helps identify statutory coordination between agencies to facilitate referral to a protective response regardless of the process into which a victim is initially directed. Indeed, even in states where minor victims of sex trafficking cannot be charged with prostitution, they may be arrested on drug charges or other non-violent crimes as a result of their victimization.
- (3) Similarly, by examining the entire process, we can also compare the process faced by a victim who is properly identified with the process faced by a victim who is not properly identified.

Identification

Initial Custody

Process Following Initial Custody

Dependent

→ Authority for Initial Custody:

A child can be taken into custody:

- Pursuant to a juvenile court order
- By law enforcement if the child is ill, injured, in immediate danger, or ran away

Placement:

- Release to parents, guardian or legal custodian
- Shelter or other care

→ Where is child referred after initial custody?

Notice is given to the juvenile court intake officer, the parent, guardian, or legal custodian, and the Department

When and how does court assume jurisdiction?

A petition may be filed by any person

Child in Need of Supervision

→ Authority for Initial Custody:

A child can be taken into custody:

- Pursuant to a juvenile court order
- By law enforcement if the child is ill, injured, in immediate danger, or ran away

Placement:

- Release to parents, guardian or legal custodian
- Shelter or other care
- Placement designated by the court

→ Where is child referred after initial custody?

Notice is given to the juvenile court intake officer, the parent, guardian, or legal custodian, and the Department

When and how does court assume jurisdiction?

A petition may be filed by any person

Delinquent

→ Authority for Initial Custody:

A child can be taken into custody:

- Pursuant to a juvenile court order
- By law enforcement under laws of arrest, or if the child is in immediate danger

Placement:

- Detention
- Shelter or other care

→ Where is child referred after initial custody?

To a juvenile court intake officer

When and how does court assume jurisdiction?

A petition may be filed by any person

Trafficking Victims in Alabama

Placement Process Pending Adjudication/ Investigation

When must placement hearing be held after initial custody?

Within 72 hours

What are the placement options?

- Release to parents, guardian or legal custodian
- Shelter or other care

Adjudication or Referral to Alternate Process

Adjudication:

The allegations of the petition must be proven by clear and convincing evidence

Or Alternate Process

N/A

Placement Following Adjudication

Dispositional Outcomes

- Return home with conditions
- Transfer custody to Department, a public or private agency, or a relative
- Any other orders court finds appropriate

Dispositional Outcomes

N/A

When must placement hearing be held after initial custody?

Within 72 hours

What are the placement options?

- Release to parents, guardian or legal custodian
- Shelter or other care
- No secure confinement unless the child has violated a valid court order

Adjudication:

Allegations must be proved beyond a reasonable doubt

Or Alternate Process

Proceedings may be suspended pursuant to a consent decree, which may be entered anytime after the filing of the petition and before entry of an adjudication order

Dispositional Outcomes

- Return home with conditions
- Probation
- Temporary custody to Department or to a relative

Dispositional Outcomes

- Supervision for 6 months to 1 year
- If child gets another charge or fails to fulfill the terms of the degree, the proceedings may be reinstated

When must placement hearing be held after initial custody?

Within 72 hours

What are the placement options?

- Continued secure detention
- Continued shelter care

Adjudication:

Allegations must be proved beyond a reasonable doubt

Or Alternate Process

Proceedings may be suspended pursuant to a consent decree, which may be entered anytime after the filing of the petition and before entry of an adjudication order

Dispositional Outcomes

- Return home with conditions
- Probation
- Temporary custody to Department of Youth Services or Human Resources, or to a relative

Dispositional Outcomes

- Supervision for 6 months to 1 year
- If child gets another charge or fails to fulfill the terms of the degree, the proceedings may be reinstated

Identification

Initial Custody

Process Following Initial Custody

Child in Need of Aid (Abused/Neglected)

Authority for Initial Custody:

Department of Health and Social Services may take emergency custody if the caregiver:

- Abandoned or neglected the child
- Physically or sexually harmed the child

Placement:

Placement by the department (details not specified in statute)

Where is child referred after initial custody?

The department must inform the parent and the court within 24 hours.

When and how does court assume jurisdiction?

The department files a petition within court within 24 hours of taking emergency custody

Runaway or Missing Minor

Authority for Initial Custody:

Law enforcement must make reasonable efforts to search for the child, and take him or her into protective custody when found

Placement:

- Return to the parent, unless there's reason to suspect physical or sexual abuse
- Take to a runaway shelter or program
- Take to Department office or facility

Where is child referred after initial custody?

Parents must be notified within 24 hours, and a child in need of aid petition should be filed

When and how does court assume jurisdiction?

The department files a petition within court within 24 hours of taking emergency custody

Delinquent

Authority for Initial Custody:

Law enforcement can take a child into custody under the same terms for arrest of an adult

Placement:

Child may be placed in a juvenile detention facility if necessary to protect the child or the community or to ensure the child appears for future hearings

Where is child referred after initial custody?

Parents and the Department must be notified within 12 hours, and a delinquency petition should be filed

When and how does court assume jurisdiction?

The department files a petition within court

Trafficking Victims in Alaska

Placement Process Pending Adjudication/ Investigation

When must placement hearing be held after initial custody?

Within 48 hours

What are the placement options?

- Return home without conditions
- Return home subject to supervision by the Department
- Commit to the Department for temporary placement

Adjudication or Referral to Alternate Process

Adjudication:

The court must find the child is in need of aid by a preponderance of the evidence

Or Alternate Process

N/A

Placement Following Adjudication

Dispositional Outcomes

- Placement with the department
- Release to a parent or relative with orders for appropriate treatment

Dispositional Outcomes

N/A

When must placement hearing be held after initial custody?

Within 48 hours

What are the placement options?

- Return home without conditions
- Return home subject to supervision by the Department
- Commit to the Department for temporary placement

Adjudication:

The court must find the child is in need of aid by a preponderance of the evidence

Or Alternate Process

- Residence in a Runaway Minor Program Facility, for:
- Up to 45 days without consent of person with custody
 - Another 45 days with consent

Dispositional Outcomes

- Placement with the department
- Release to a parent or relative with orders for appropriate treatment

Dispositional Outcomes

Residence in a Runaway Minor Program Facility

When must placement hearing be held after initial custody?

Within 48 hours

What are the placement options?

- Continued detention
- Release to an appropriate person

Adjudication:

The child is entitled to a public trial and a jury trial

Or Alternate Process

A community dispute resolution center may serve as a center to resolve disputes between minors and victims through mediation services

Dispositional Outcomes

- The Department may place the child in:
- A juvenile correctional school
 - A juvenile work camp
 - A treatment facility
 - A detention home or detention facility

Dispositional Outcomes

The minor and the victim may enter into a written agreement that sets out the settlement of the issues and the future responsibilities of each party

Identification

Initial Custody

Process Following Initial Custody

Dependent Child

Authority for Initial Custody:

Peace officer or child safety worker may take a child into custody to protect him or her from:

- Imminent risk of abuse or neglect
- Serious physical or emotional injury

Placement:

- Return home or place with relative
- Foster care
- Temporary custody, child may not be detained in a police station or lock up

Where is child referred after initial custody?

Immediate examination by a doctor or psychologist

When and how does court assume jurisdiction?

Any interested party may file a petition to commence proceedings

Incorrigible Child

Authority for Initial Custody:

Law enforcement may take custody if there is:

- A court order or a warrant
- Reasonable grounds to believe the child ran away or is incorrigible

Placement:

- A juvenile detention center
- Child may not be detained in a police station or lock up

Where is child referred after initial custody?

To the parent or the juvenile court

When and how does court assume jurisdiction?

Proceedings are commenced when the county attorney files a petition

Delinquent Child

Authority for Initial Custody:

Law enforcement may take custody if there is:

- A court order or a warrant
- Reasonable grounds to believe the child committed a delinquent act

Placement:

- A juvenile detention center
- Child may not be detained in a police station or lock up

Where is child referred after initial custody?

To the parent or the juvenile court

When and how does court assume jurisdiction?

Proceedings are commenced when the county attorney files a petition

Trafficking Victims in Arizona

Placement Process Pending Adjudication/ Investigation

When must placement hearing be held after initial custody?

Not fewer than five days nor more than seven days after the child is taken into custody

What are the placement options?

- Return home or placed with relative
- Placed in the custody of the department
- Child may not be detained in a police station or lock up

Adjudication or Referral to Alternate Process

Adjudication:

The adjudication hearing shall be completed within 90 days after service of the petition

Or Alternate Process

Before a contested dependency case proceeds to adjudication, the court shall hold a settlement conference or pretrial conference or shall order mediation

Placement Following Adjudication

Dispositional Outcomes

- Return home, with court supervision
- Placement with a family member or other suitable person
- Placement in an institution or with a public or private agency

Dispositional Outcomes

Not specified

When must placement hearing be held after initial custody?

Within 48 hours

What are the placement options?

- Continued detention
- Return home

Adjudication:

Must occur within 45 days if the child is detained, or within 60 days if not detained

Or Alternate Process

The county attorney may divert the child to either:
- A community based alternative program, or
- A diversion program administered by the juvenile court

Dispositional Outcomes

- Placement with parent, relative, or other person with probation supervision
- Placement with a private agency or institution

Dispositional Outcomes

- The child enters a contract for reasonable consequences
- The county attorney shall not file a petition if child completes program

When must placement hearing be held after initial custody?

Within 48 hours

What are the placement options?

- Continued detention
- Return home

Adjudication:

Must occur within 45 days if the child is detained, or within 60 days if not detained

Or Alternate Process

The county attorney may divert the child to either:
- A community based alternative program, or
- A diversion program administered by the juvenile court

Dispositional Outcomes

- Placement
- With a parent, relative, or other person with probation supervision
 - With a private agency or institution
 - In a juvenile detention facility

Dispositional Outcomes

- The child enters a contract for reasonable consequences
- The county attorney shall not file a petition if child completes program

Identification

Initial Custody

Process Following Initial Custody

Dependent-Neglected Juvenile

Authority for Initial Custody:

- Child may be taken into custody:
- Pursuant to a court order
 - By law enforcement or the Department if child is in immediate danger

Placement:

- Return home
- Shelter care
- Foster home

Where is child referred after initial custody?

The department, the intake officer of the court, and the custodial parent must be notified right away

When and how does court assume jurisdiction?

With a petition filed with the court. Any adult can file the petition

Family in Need of Services

Authority for Initial Custody:

- Child may be taken into custody:
- Pursuant to a court order
 - By law enforcement or the Department if child is in immediate danger

Placement:

- Return home
- Shelter care

Where is child referred after initial custody?

The department, the intake officer of the court, and the custodial parent must be notified right away

When and how does court assume jurisdiction?

With a petition filed with the court. Any adult or child of the family who is 10 or older can file the petition

Delinquent Juvenile

Authority for Initial Custody:

- Child may be taken into custody if:
- There is a warrant
 - Offense is committed in officer's presence
 - Reasonable cause to believe felony occurred

Placement:

- Juvenile detention
- Release home, with citation for appearance

Where is child referred after initial custody?

Referral made to the juvenile court intake officer

When and how does court assume jurisdiction?

A prosecuting attorney must file the petition within 24 hours of the detention hearing, or within 96 hours of custody

Trafficking Victims in Arkansas

Placement Process Pending Adjudication/ Investigation

→ **When must placement hearing be held after initial custody?**

Within 5 business days

What are the placement options?

- Licensed or approved foster home
- Shelter, facility
- Exempt child welfare agency

Adjudication or Referral to Alternate Process

→ **Adjudication:**

Within 60 days of removal

Or Alternate Process

N/A

Placement Following Adjudication

→ **Dispositional Outcomes**

- Placement by the Department in a foster home, shelter, facility, or licensed child welfare agency
- Placement with a relative or other individual

→ **Dispositional Outcomes**

N/A

→ **When must placement hearing be held after initial custody?**

Within 72 hours, or the next business day after the 72 hours

What are the placement options?

- Return home
- Shelter care

→ **Adjudication:**

Proof by a preponderance of the evidence

Or Alternate Process

- Diversion if:
- In best interests of the child
 - Child admits act
 - Diversion agreement is entered voluntarily

→ **Dispositional Outcomes**

- Family services
- Foster care
- Residential detention with monitoring
- Supervision
- Fines

→ **Dispositional Outcomes**

- Referral to a public or private agency for services not to exceed 6 months
- Other terms not to exceed 9 months
- Dismissal if successfully completed

→ **When must placement hearing be held after initial custody?**

Within 72 hours, or the next business day after the 72 hours

What are the placement options?

- Continued detention
- Release with or without bond

→ **Adjudication:**

Within 14 days of detention hearing if child is detained, proof beyond a reasonable doubt

Or Alternate Process

- Diversion if:
- In best interests of the child
 - Child admits act
 - Diversion agreement is entered voluntarily

→ **Dispositional Outcomes**

- Commitment to Division of Youth Services for treatment, detention, or community-based programs
- Probation
- Electronic monitoring

→ **Dispositional Outcomes**

- Nonjudicial probation
- Education or other services
- Teen court or drug court
- Enrollment in alternative school

Identification

Initial Custody

Process Following Initial Custody

Dependent Child

→ Authority for Initial Custody:

Temporary custody by:

- Law enforcement officer without warrant, if reasonable belief that the child is in immediate danger or needs immediate medical care
- Social worker from a county welfare department under certain circumstances

Placement:

- Release to parent/guardian
- Placement with a relative
- Foster care
- Community services program for abused/neglected children

→ Where is child referred after initial custody?

- Law enforcement agency must promptly investigate a report of child abuse and deliver a written report to the Department of Justice of its investigation
- A social worker must immediately investigate the circumstances of the child taken into custody

When and how does court assume jurisdiction?

- The juvenile court assumes jurisdiction upon verification of child abuse by the intake officer or social worker
- Probation officer, upon determining that the child should remain in custody, must immediately file a petition to the juvenile court

Ward

→ Authority for Initial Custody:

A Law enforcement officer may take temporary custody without a warrant if reasonable cause to believe that the child meets the definition of "ward" because:

- The child is ungovernable or habitually truant
- The child violated a criminal law or violated curfew

Placement:

- Release with or without written promise by child or parent to appear in juvenile court
- Referral to a public or private agency that provides shelter, counseling, or diversion services
- Referral to a juvenile detention facility by probation officer

→ Where is child referred after initial custody?

- If not released, the child must be taken before a probation officer without undue delay
- The probation officer shall immediately investigate the circumstances of the child and determine if continued detention is necessary

When and how does court assume jurisdiction?

Juvenile court proceedings to declare a child a ward of the court commence upon the filing of a petition by the probation officer, the district attorney in consultation with the probation officer, or the prosecuting attorney

Trafficking Victims in California

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 judicial day upon filing of the petition, or if no petition is filed within 48 hours of initial custody

What are the placement options?

- Noncustodial parent
- A relative or nonrelative extended family member
- Licensed community care facility
- Foster care
- Youth shelter

Adjudication:

The juvenile court decides whether the child is a dependent child of the court by clear and convincing evidence

Or Alternate Process

Runaway Youth and Families in Crisis Project:
- A three-year pilot project to provide temporary shelter services, transitional living shelter services, and low-cost family crisis resolution services to runaway youth and their working families

Dispositional Outcomes

- Release to parent/guardian
- Release to appointed legal guardian
- Release to custody of relative
- Terminate parental rights and place the child for adoption
- Place child in foster care, subject to supervision of juvenile court

Dispositional Outcomes

N/A

When must placement hearing be held after initial custody?

The next judicial day after the petition is filed, and , if taken into custody without a warrant for a non-violent misdemeanor, not later than 48 hours (excluding non-judicial days) after the child came into custody

What are the placement options?

- Probation officer
- Release to parent/guardian
- Home supervision
- Juvenile Hall not to exceed 15 judicial days

Adjudication:

The court may
- Find the child a ward by a preponderance of the evidence if ungovernable or truant
- Find the child a ward by evidence beyond a reasonable doubt if violated criminal law
- Place the child on probation for up to 6 months without finding the child a ward

Or Alternate Process

The probation officer may, in lieu of filing a petition to declare a minor a ward of the court, delineate specific programs of supervision for the minor for not to exceed six months

Dispositional Outcomes

- Order the ward to make restitution
- Commit the ward to a sheltered-care facility
- Order the ward and guardian to participate in professional counseling
- Commit the ward to the Department of Corrections and Rehabilitation

Dispositional Outcomes

- Upon successful completion of the program of supervision, the court shall dismiss the petition
- If the minor fails to complete the program, proceedings on the petition will be reinstated within 12 months of filing.

Identification

Initial Custody

Process Following Initial Custody

Neglected or Dependent Child

→ Authority for Initial Custody:

- Law enforcement may take a child into custody if the child is seriously endangered, abandoned, lost, or a runaway
- Law enforcement, medical personnel, and social services employees may take a child into custody with a court order

Placement:

- Release to parents
- Placement with a responsible adult, preferably a grandparent
- Placement in a shelter facility
- Placement in a temporary holding facility

→ Where is child referred after initial custody?

Notification must be made to the parents and the courts

When and how does court assume jurisdiction?

A referral is made to the court, and the court must have a preliminary investigation made to see if further action is in the child's best interests. Based on the investigation, the court may take no further action, authorize a petition be filed or initiate informal adjustment

Delinquent Child (prostitution may be exempt)

→ Authority for Initial Custody:

- A child may be taken into custody by:
- Law enforcement with a warrant, or upon reasonable belief that the child has committed a delinquent act
 - A probation officer for violations of probation
 - Any adult if the juvenile committed or is committing a delinquent act in the adult's

Placement:

- Release to parent/guardian
- Placed in a temporary holding facility
- Placed in a shelter care facility
- Placed in detention, if physical restriction is required

→ Where is child referred after initial custody?

If custody is taken by an adult who is not in law enforcement, the child must immediately be taken to law enforcement

When and how does court assume jurisdiction?

The district attorney will file a petition alleging delinquency with the court

Trafficking Victims in Colorado

Placement Process Pending Adjudication/ Investigation

Adjudication or Referral to Alternate Process

Placement Following Adjudication

→ When must placement hearing be held after initial custody?

A shelter hearing must be held within 48 hours of temporary custody, unless the child is being held in the temporary custody social services, in which case a hearing must be held within 72 hours

What are the placement options?

- Release to parents
- Placement with grandparents, or other relatives
- Placement in shelter care

→ Adjudication:

The court will determine by a preponderance of the evidence whether a child is neglected or dependent.

Or Alternate Process

The court may make an informal adjustment if:

- The child and parents are informed of their constitutional rights
- Facts are admitted that would establishing prima facie jurisdiction
- Written consent is obtained from the parents and the child if possible

→ Dispositional Outcomes

- Release to parent/guardian
- Placement with a relative
- Release to social services department for placement in foster care
- Services will be provided, including counseling and assistance, if criteria for out-of-home placement are met.

→ Dispositional Outcomes

Whatever the court determines is practicable, but efforts to effect informal adjustment may not extend longer than 6 months

→ When must placement hearing be held after initial custody?

A detention hearing must be held within 48 hours excluding weekends and holidays

What are the placement options?

- Release to parent, guardian, or custodian (with or without bail)
- Placement in a shelter facility
- Placement in a detention facility, but separated from adult offenders
- Placement in a preadjudication service program

→ Adjudication:

- Court rules on allegations of delinquency using the beyond a reasonable doubt standard

- Cannot be legally accountable for "behavior of another constituting an offense if he is a victim of that offense or the offense is so defined that his conduct is inevitably incidental to its commission"

Or Alternate Process

- If it is the first petition, the district attorney may refer the child for restorative justice practices

- The court may make an informal adjustment if the child is informed of his or her constitutional rights, there are sufficient facts to establish jurisdiction, and the right to a speedy trial has been waived

→ Dispositional Outcomes

- Release to parent/guardian
- Placement with a relative or other suitable person
- Placement in department of social services
- Commitment to department of human services
- Confinement in a detention facility

→ Dispositional Outcomes

The juvenile will avoid an adjudication of delinquency and detention, and will instead comply with an agreed-upon plan of services and restitution

Identification

Neglected, Uncared for, or Abused Child

Initial Custody

Authority for Initial Custody:

The court may:

- Summon parents to appear with child
- Issue an ex parte order giving temporary custody to a suitable agency or person

Placement:

Temporary care and custody may be placed:

- With a person related to the child or youth by blood or marriage, or
- With some other person or suitable agency.

Process Following Initial Custody

Where is child referred after initial custody?

The child is referred to the Commissioner of Children and Families to investigate.

When and how does court assume jurisdiction?

A petition filed in the Civil Session of Superior Court by a public official, a child caring institution or agency, or the child or his or her representative.

Child from Family with Service Needs

Authority for Initial Custody:

Police may take custody of child reported or believed to be from family with service needs: truant, runaway, beyond control of parents, immoral conduct, 13yo+ engaged in sex.

Placement:

- Transport to home of parents/refer to court
- Hold in protective custody (12hrs)
- Place w. any public or private agency, but not in an adult or juvenile detention facility.

Where is child referred after initial custody?

Probation officer refers to community-based program/provider or family support center for voluntary services and/or files FWSN petition.

When and how does court assume jurisdiction?

- Complaint filed in Civil Session by public official, child caring institution or agency, or the child or his or her representative.
- Petition filed if voluntary services ineffective.

Delinquent Child (under 16, immune from prostitution charges)

Authority for Initial Custody:

Child arrested on apprehension in the act, on speedy information, or when process appears imperative. If prostitution charge, minors <16 are immune (16-17 presumed DMST victims)

Placement:

- Release to parent/guardian
- Release to own custody
- Placement in a juvenile detention center

Where is child referred after initial custody?

LEO must report suspected abuse to DCF if DMST. Otherwise, referral to non-judicial youth service program, or to judicial process.

When and how does court assume jurisdiction?

- Complaint filed in Criminal Session of Superior Court alleging delinquent act.
- After investigation, the court can authorize the filing of a delinquency petition.

Trafficking Victims in Connecticut

Placement Process Pending Adjudication/ Investigation

When must placement hearing be held after initial custody?

Within 10 days of ex parte order for the child's temporary care and custody

What are the placement options?

Temporary care and custody may be placed:

- With a person related to the child or youth by blood or marriage, or
- With some other person or suitable agency.

Adjudication or Referral to Alternate Process

Adjudication:

Court determines if abused/neglected/uncared for child w/in 10 days of prelim. hearing

Or Alternate Process

N/A

Placement Following Adjudication

Dispositional Outcomes

- Commitment to the department
- Guardianship to a public or private agency
- Placement with relative or other person

Dispositional Outcomes

N/A

When must placement hearing be held after initial custody?

If not held immediately, will be held in accordance with date issued on summons.

What are the placement options?

A judge may give temporary custody of the child to a suitable person or agency, not including adult or juvenile detention facilities.

Adjudication:

Must show by clear and convincing evidence that child is from family with service needs.

Or Alternate Process

Prior to adjudication, the court may continue the matter and refer the family to community-based services.

Dispositional Outcomes

- Order the child to remain in the home, subject to probation supervision
- Order appropriate school and community services
- Refer to DCF

Dispositional Outcomes

- Services may be offered for a reasonable period of up to 6 months, with a 3 month extension.
- If the matter is satisfactorily resolved, petition is dismissed.

When must placement hearing be held after initial custody?

The next business day

What are the placement options?

- Release to parent or guardian
- Assignment to youth services program
- Placement in a juvenile detention center

Adjudication:

Must show beyond a reasonable doubt that child is delinquent.

Or Alternate Process

The court may order a non-judicial disposition if:

- The alleged facts are admitted
- A competent acceptance of the disposition has been given by the child and his parent

Dispositional Outcomes

- Commitment to the department
- Juvenile detention center
- Placement in an alternative incarceration program
- Probation

Dispositional Outcomes

- Probation not to exceed 180 days
- Other activities that the court determines are practicable, such as work in public buildings or property

Identification

Initial Custody

Process Following Initial Custody

Dependent, Neglected or Abused

Authority for Initial Custody:

- Officer or a physician who suspect a child is in serious imminent danger may take custody for up to 4 hours.

Placement:

- Hospital or medical facility
- Shelter home, foster home, group home, or private agency home

Where is child referred after initial custody?

- Immediate referral to the Department of Services for Children, Youth and Families
- Parents must be notified

When and how does court assume jurisdiction?

Any person having knowledge of a child who appears to be neglected, dependent or delinquent may file a petition with the Clerk of the Court

Homeless/Runaway Youth

Authority for Initial Custody:

- By peace officer if child believed to be dependent, neglected, or delinquent.

Placement:

- Release to child's custodian
- Shelter home, foster home, group home, or private agency home

Where is child referred after initial custody?

Department of Services for Children, Youth and Their Families

When and how does court assume jurisdiction?

After making every reasonable attempt to locate child's custodian, Department may immediately file a petition for custody.

Delinquent

Authority for Initial Custody:

A peace officer may take into custody a child the officer believes to be delinquent.

Placement:

- Secure detention if only way to guarantee child to attend adjudicatory hearing
- Shelter home, foster home, group home, or private agency home

Where is child referred after initial custody?

- The peace officer shall take the child directly before the court or to a commissioner
- The child's custodian must be notified

When and how does court assume jurisdiction?

Any judge of any court, including justices of the peace and local aldermen, before whom a child is brought by a peace officer should file a petition

Trafficking Victims in Delaware

Placement Process Pending Adjudication/ Investigation

When must placement hearing be held after initial custody?

Not specified.

What are the placement options?

- If temporary emergency protective custody: hospital or medical facility for up to 4 hours
- Child's custodian
- Shelter/foster/group/private agency home placement if custodian unavailable

Adjudication or Referral to Alternate Process

Adjudication:

Court declares child to be dependent, neglected, or abused with evidential support.

Or Alternate Process

N/A

Placement Following Adjudication

Dispositional Outcomes

- Allow child to remain in home
- Protective supervision
- Foster home placement
- Licensed child-placing agency

Dispositional Outcomes

N/A

When must placement hearing be held after initial custody?

Not specified.

What are the placement options?

Department may release child to custodian or immediately file with the Court a petition alleging dependency or neglect.

Adjudication:

Court declares child to be dependent, neglected, or abused with evidential support.

Or Alternate Process

N/A

Dispositional Outcomes

- Allow child to remain in home
- Protective supervision
- Foster home placement
- Licensed child-placing agency

Dispositional Outcomes

N/A

When must placement hearing be held after initial custody?

Detention review with counsel within 14 days of initial detention hearing.

What are the placement options?

- Child may be:
- Released with or without bail
 - Detained in a facility designated by the Department

Adjudication:

An adjudication hearing must be held within 30 days of the child's detention

Or Alternate Process

Probation before judgment/adjudication.

Dispositional Outcomes

- Release child or custody with relative
- Probation or house arrest
- Custody to Department or private institution
- Order treatment/care

Dispositional Outcomes

- Process could include:
- Pecuniary penalty
 - Restitution
 - Community service

Identification

Initial Custody

Process Following Initial Custody

Neglected Child

Authority for Initial Custody:

Any employee of the Agency or law enforcement officer may take custody if:

- There is reason to believe child is endangered
- At request of the Director of Social Services

Placement:

- Release to parent / guardian
- Shelter care
- Medical facility for treatment and/or evaluation

Where is child referred after initial custody?

Complaints are referred to the Director of the Child and Family Services Agency

When and how does court assume jurisdiction?

Petitions initiating judicial action may be signed by any person who has knowledge of the facts alleged

Child in Need of Supervision

Authority for Initial Custody:

Law enforcement may take custody with:

- Reasonable grounds to believe child is a run-away truant or in violation of a court order
- An order from Division of Social Services

Placement:

- Release to parent / guardian
- Detention or shelter care
- Medical facility for treatment and/or evaluation

Where is child referred after initial custody?

Complaints are referred to the Director of Social Services

When and how does court assume jurisdiction?

Petitions may only be signed by the Director of Social Services, a representative of a licensed child caring or social services agency, school officials or law enforcement

Delinquent Child

Authority for Initial Custody:

Law enforcement may take custody:

- With reasonable grounds to believe committed a delinquent act
- If child violated a court order

Placement:

- Released to parent / guardian
- Detention or shelter care
- Medical facility for treatment and/or evaluation

Where is child referred after initial custody?

Complaints are referred to the Director of Social Services

When and how does court assume jurisdiction?

Petitions initiating judicial action may be signed by any person who has knowledge of the facts alleged

Trafficking Victims in District of Columbia

Placement Process Pending Adjudication/ Investigation

When must placement hearing be held after initial custody?

Within 72 hours (excluding Sundays)

What are the placement options?

If in custody, child may only be placed in:

- Foster home
- Group home, youth shelter or other appropriate non-delinquent shelter
- Another facility designed by the Division of Child and Family Services

Adjudication or Referral to Alternate Process

Adjudication:

Held within 45 days of the child being ordered into shelter care

Or Alternate Process

N/A

Placement Following Adjudication

Dispositional Outcomes

- Return to parent with conditions
- Foster care
- Placement with a relative or other individual
- Medical or psychiatric facility

Dispositional Outcomes

N/A

When must placement hearing be held after initial custody?

Not later than the next day (excluding Sundays)

What are the placement options?

- Foster home
- Group home, youth shelter or other appropriate home for allegedly delinquent children or
- Detention home

Adjudication:

Hearings within 30 days if child is in secure setting, within 45 days if in shelter care

Or Alternate Process

N/A

Dispositional Outcomes

- Protective supervision
- Child placement agency
- Custody transfer to public agency for the care of delinquent children

Dispositional Outcomes

N/A

When must placement hearing be held after initial custody?

Not later than the next day (excluding Sundays)

What are the placement options?

- Foster home
- Group home / youth shelter
- Detention home for delinquent children
- Possible placement in adult jail for those 16-18 years whose conduct threatens other youth

Adjudication:

Hearings within 30 days if child is in secure setting, within 45 days if in shelter care

Or Alternate Process

Diversion possible, which will suspend adjudication, if finding of delinquency is not in best interest of child or public

Dispositional Outcomes

- Remain in custody of parent/guardian
- Protective supervision
- Child placement agency

Dispositional Outcomes

Process could include supervised drug testing, parenting classes, and counseling for up to 6 months with possible extension

Identification

Dependent-neglected child (UNLESS charged with delinquent offense)

Initial Custody

Authority for Initial Custody:

- By LEO/agent of the department if probable cause for abuse/neglect, or prostitution offense
- By medical personnel if parent/custodian poses imminent danger to the child.

Placement:

- Release to parent/responsible adult/relative
- If sexually exploited, short-term safe house (but if charged with a delinquent offense, safe house placement is discretionary)

Process Following Initial Custody

Where is child referred after initial custody?

If sexually exploited, LEO must refer to DCF. DCF must assess for placement in specialized safe house, commence protective investigation

When and how does court assume jurisdiction?

An attorney for the department, or other person with knowledge, files a petition with the court. Arraignment hearing must be held.

Child In Need Of Services

Authority for Initial Custody:

- May be taken into custody by law enforcement if:
- child is a runaway or truant
 - child voluntarily agrees or requests services

Placement:

- Release to parents or school (if truant)
- Shelter placement if parent, guardian, or custodian is unavailable, or to allow time to agree to conditions of release

Where is child referred after initial custody?

Report alleging child is in need of services made to intake office; makes preliminary determination/referral to services

When and how does court assume jurisdiction?

- Representative of the Department or parent/guardian files a petition with the court
- School files a truancy petition

Delinquent child

Authority for Initial Custody:

- Taken into custody by law enforcement for:
- Delinquent act/violation of law
 - Failing to appear at a hearing
 - Violating terms of commitment/probation

Placement:

- Released to parent/guardian
- Shelter or short-term safe house
- Juvenile assessment center
- Nonsecure/home/secure detention

Where is child referred after initial custody?

LE report to DCF if sexually exploited. If not DMST, release, refer to diversion/non-judicial program or assign juvenile probation officer

When and how does court assume jurisdiction?

State attorney files a delinquency petition.

Trafficking Victims in Florida

Placement Process Pending Adjudication/ Investigation

When must placement hearing be held after initial custody?

Dept. will request shelter hearing be held within 24 hours after the removal of the child.

What are the placement options?

- Release to parent/responsible adult
- Safe house
- Shelter placement if probable cause that child is dependent-neglected or in imminent danger and services will not eliminate the need.

Adjudication or Referral to Alternate Process

Adjudication:

Court determines whether child is dependent-neglected w/in 30 days of arraignment.

Or Alternate Process

Court may refer the parties to mediation if it is in the best interests of the child.

Placement Following Adjudication

Dispositional Outcomes

- Safe house if the child is 6 or older and a victim of sexual exploitation
- Protective supervision in child's home
- Residential group care (if 11 or older)

Dispositional Outcomes

Non-judicial determination by mediation agreement, if successful.

When must placement hearing be held after initial custody?

Shelter hearing within 24 hours of custody

What are the placement options?

- Release to parents
- Shelter placement if parent, guardian or custodian is unavailable, or to give time for family to agree to conditions

Adjudication:

Court determines whether child is in need of services within 14 days after custody.

Or Alternate Process

May be referred to standard mediation process.

Dispositional Outcomes

- Temporary legal custody of an adult willing to care for the child
- Licensed child care agency
- Community service
- Staff/physically secure facility-90 days

Dispositional Outcomes

Outcome determined by mediator.

When must placement hearing be held after initial custody?

Within 24 hours after being taken into custody

What are the placement options?

- Release to parent/responsible adult
- Release to short-term safe house
- Secure detention care
- Home detention care
- Nonsecure detention care

Adjudication:

Court determines whether child is delinquent.

Or Alternate Process

- Deferred prosecution program through Neighborhood Restorative Justice Center
- Law enforcement agencies may initiate and conduct diversion programs designed to divert a child from the need for department custody or judicial handling.

Dispositional Outcomes

- Detention
- Child care agency or non-res. facility
- Juv. sex offender program/facility
- Low/moderate-risk residential placement

Dispositional Outcomes

No petition is filed if the juvenile successfully completes the sanctions imposed by the board of the restorative justice center.

Identification

Initial Custody

Process Following Initial Custody

Dependent

Authority for Initial Custody:

- Court order
- Protective action by law enforcement or court officer if the child is in imminent danger if he or she remains in the home

Placement:

- With a relative
- Foster care

Where is child referred after initial custody?

- Medical facility, if necessary
- Juvenile court intake officer

When and how does court assume jurisdiction?

Petition filed within 30 days of the preliminary protective hearing

Child in Need of Services

Authority for Initial Custody:

- Court order
- Protective action by law enforcement if the child has run away, or child's welfare is endangered by circumstances

Placement:

- With parent, guardian or legal custodian,
- Foster care
- Secure or nonsecure DJJ placement for up to 24 hours (only if runaway or ungovernable)

Where is child referred after initial custody?

- Medical facility, if necessary,
- Juvenile court intake officer

When and how does court assume jurisdiction?

Petition filed within 30 days of either:

- The complaint
- The child's release from temporary custody

Delinquent

Authority for Initial Custody:

- Law enforcement may take custody:
- With a court order or warrant
 - Pursuant to the laws of arrest
 - If believe child committed a delinquent act

Placement:

- Parent or non-custodial parent
- Foster care or child welfare agency facility
- Home approved by the court
- DJJ facility

Where is child referred after initial custody?

- Medical facility, if necessary,
- Juvenile court intake officer

When and how does court assume jurisdiction?

Petition within

- 5 days if the child remains in temporary custody
- 30 days of complaint or release

Trafficking Victims in Georgia

Placement Process Pending Adjudication/ Investigation

→ When must placement hearing be held after initial custody?

Within 72 hours of the child's entry into temporary custody of the state

What are the placement options?

- Foster care
- Facility operated by a child welfare agency
- Licensed shelter care facility

Adjudication or Referral to Alternate Process

→ Adjudication:

Within 10 days of petition filing if child is in custody, within 60 days if no custody

Or Alternate Process

The court could refer the case to mediation at any time, if appropriate

Placement Following Adjudication

→ Dispositional Outcomes

- Return home
- Placement in state custody
- Placement with a licensed agency
- Orders for services

→ Dispositional Outcomes

Not a separate set of dispositions -- must fit within the options the court is able to order

→ When must placement hearing be held after initial custody?

Within 72 hours if the child is in a DJJ facility, or within 5 days if in foster care

What are the placement options?

- Return home
- Foster care
- Up to 72 hours in a DJJ facility, only if the child ran away or is ungovernable

→ Adjudication:

Within 10 days of petition filing if child is in custody, within 60 days if no custody

Or Alternate Process

Court can refer the child to a community based risk reduction program at the continued custody hearing or before

→ Dispositional Outcomes

- Return home with or without conditions
- Probation and/or community service
- Services and after school programs
- Any dependent disposition above

→ Dispositional Outcomes

Voluntary multidisciplinary family intervention plan

→ When must placement hearing be held after initial custody?

Within 2 days if no warrant, within 5 days if warrant

What are the placement options?

- Parent, non-custodial parent or relative
- Foster care or child welfare agency facility
- Home approved by the court
- Secure or nonsecure DJJ facility

→ Adjudication:

Within 10 days of petition filing if child is in custody, within 30 days if no custody

Or Alternate Process

The child may be referred to informal adjustment

→ Dispositional Outcomes

- Probation and/or community service
- Counseling or other services
- Child may not be committed to a DJJ facility for a misdemeanor unless prior felony history

→ Dispositional Outcomes

The court can use a variety of diversionary options centering around advice and counseling

Identification

Initial Custody

Process Following Initial Custody

Abused-Neglected Child

→ Authority for Initial Custody:

Law enforcement may take a child into initial custody if the child:

- Is subject to imminent harm
- Is without a parent or caregiver

Placement:

Law enforcement transfers protective custody to the Department, who will place child:

- In temporary foster care
- With an approved relative

→ Where is child referred after initial custody?

Within 3 days, the Department must release the child, obtain voluntary foster care placement agreement, or file a petition

When and how does court assume jurisdiction?

The Department will file a petition with the court alleging abuse/neglect by the child's caregiver

Child Identified as Status Offender

→ Authority for Initial Custody:

Law enforcement may take custody if a child into custody if the child is truant, beyond the control of parents/guardian, in violation of curfew, or needs educational services

Placement:

- Release to parent, or other responsible adult
- Referred or delivered to court
- Placed in shelter care
- Placed in a detention facility

→ Where is child referred after initial custody?

- Law enforcement must notify the parent
- The child may be referred to counseling, or receive an informal adjustment

When and how does court assume jurisdiction?

When the court receives a report of a child who is alleged to be a status offender, the court may authorize the filing of a petition

Child Identified as Law Violator

→ Authority for Initial Custody:

Law enforcement may take a child into custody for an alleged violation of any federal, state, or local law

Placement:

- Release to parent, or other responsible adult
- Referred or delivered to court
- Placed in shelter care
- Placed in a detention facility

→ Where is child referred after initial custody?

- Law enforcement must notify the parent
- The child may be referred to counseling, or receive an informal adjustment

When and how does court assume jurisdiction?

When the court receives a report of a child who is alleged to have violated a law, the court may authorize the filing of a petition

Trafficking Victims in Hawaii

Placement Process Pending Adjudication/ Investigation

→ When must placement hearing be held after initial custody?

Within 24 hours of initial custody

What are the placement options?

- Release to a private home with court supervision
- Release to an institution or agency for temporary care and custody

Adjudication or Referral to Alternate Process

→ Adjudication:

The court determines whether the petition is true by a preponderance of the evidence

Or Alternate Process

N/A

Placement Following Adjudication

→ Dispositional Outcomes

- Release to parents or other responsible adult
- Protective supervision at home
- Transfer of custody to a child services agency or institution

→ Dispositional Outcomes

N/A

→ When must placement hearing be held after initial custody?

Within 24 hours of initial custody

What are the placement options?

- Release to parents or other responsible adult
- Placement in foster care
- Placement in shelter care
- Placement in detention facility

→ Adjudication:

The court determines whether the petition is true by a preponderance of the evidence

Or Alternate Process

Diversion is available for status offenders, including informal adjustment, which allows the child to avoid formal adjudication and enter into a separate agreement for services

→ Dispositional Outcomes

- Release to parents or other responsible adult
- Protective supervision at home
- Transfer of custody to a child services agency or institution

→ Dispositional Outcomes

Informal adjustments vary, but may include placement in a non-secure shelter facility and other services, including counseling and mental health care

→ When must placement hearing be held after initial custody?

Within 24 hours of initial custody

What are the placement options?

- Release to parents or other responsible adult
- Placement in foster care
- Placement in shelter care
- Placement in detention facility

→ Adjudication:

The court determines whether the petition is true beyond a reasonable doubt

Or Alternate Process

Diversion is available for children alleged to have violated the law, including informal adjustment, which allows the child to enter into a separate agreement for restitution and services, allowing the child to avoid prosecution

→ Dispositional Outcomes

- Release on probation
- Imposition of a fine
- Transfer custody to a correctional facility or group home

→ Dispositional Outcomes

Informal adjustments vary, but may include community service, shelter placement, and medical or physical examinations

Identification

Initial Custody

Process Following Initial Custody

Abused or Neglected Child

→ Authority for Initial Custody:

Temporary protective custody may be taken by law enforcement if the child:

- Is endangered in his surroundings and prompt removal is necessary to prevent serious physical or mental injury
- If the child is abandoned

Placement:

- Release to parents or relatives
- Foster care or group home
- Juvenile detention center or to a community-based diversion program
- Specialized shelter care

→ Where is child referred after initial custody?

A motion based on a sworn affidavit must be filed with the court

When and how does court assume jurisdiction?

When a petition signed by the prosecutor or deputy attorney general is filed with the court

Delinquent Child

→ Authority for Initial Custody:

A child may be taken into custody by law enforcement:

- For delinquent act/violation of law that is a misdemeanor or felony
- If the juvenile has violated any local, state or federal or municipal ordinance

Placement:

- Parents
- Relatives
- Foster care or group home
- Juvenile detention center
- Community-based diversion program - Status offenders shall not be placed in any jail facility, but instead may be placed in juvenile shelter care facilities

→ Where is child referred after initial custody?

Fingerprints and photographs are taken of the child and forwarded to the appropriate law enforcement agency and filed with the bureau of criminal identification

When and how does court assume jurisdiction?

When the prosecuting attorney or law enforcement officer files a petition with the court alleging facts relating to the child's violation of law

Trafficking Victims in Idaho

Placement Process Pending Adjudication/ Investigation

Adjudication or Referral to Alternate Process

Placement Following Adjudication

→ When must placement hearing be held after initial custody?

Within 24 hours, excluding weekends and holidays

What are the placement options?

- Return to parents
- Relatives
- Foster care or group home

→ Adjudication:

The hearing is to be held within 30 days of the petition being filed

Or Alternate Process

N/A

→ Dispositional Outcomes

- Return to parents
- Placement with relatives
- Foster care or group home
- Reunification case plan or other permanency plan if parents/relatives can't reunify

→ Dispositional Outcomes

N/A

→ When must placement hearing be held after initial custody?

Within 24 hours, excluding weekends and holidays

What are the placement options?

- Parents, relatives
- Foster care or group home
- Juvenile detention center
- Community-based diversion program

→ Adjudication:

If the child denies the allegations, the court conducts a full evidentiary hearing, in the manner prescribed by the Idaho juvenile rules

Or Alternate Process

The court may decide to make an informal adjustment to the petition

→ Dispositional Outcomes

- Formal probation not to exceed 3 years
- Detention
- Relaxed detention sentences
- Commit juvenile offender to detention and suspend the sentence on specific probationary conditions

→ Dispositional Outcomes

- Reprimand of the juvenile offender
- Informal supervision with probation
- Community service work
- Restitution to the victim
- Community-based diversion program

Identification

Initial Custody

Process Following Initial Custody

Abused/Neglected/
Dependent Child

Authority for Initial Custody:

By LE/DCFS employee/medical provider if abused/neglected. If suspected of prostitution, protective custody pending referral to DCFS.

Placement:

- Release to parent/guardian
- Placement in foster home
- Placement in shelter facility

Where is child referred after initial custody?

DCFS may do investigation or family assessment. Family services may be offered.

When and how does court assume jurisdiction?

A law enforcement or public officer will file a petition with the court.

Child Requiring
Authoritative
Intervention

Authority for Initial Custody:

For 6hrs by LE if believed to be runaway, beyond control of parents, or sick and in need of immediate care.

Placement:

Release to parent/guardian; foster care/shelter care; interim crisis intervention services agency; placed with DCFS

Where is child referred after initial custody?

To interim crisis intervention services, or juvenile PO, for possible station adjustment.

When and how does court assume jurisdiction?

If not diverted, any adult may file a petition, or the court may direct the filing of a petition for authoritative intervention.

Addicted Minor

Authority for Initial Custody:

By LEO if an addicted minor, has escaped from court ordered commitment, or found in public and needs medical assistance.

Placement:

Temporary custody: shelter care, licensed foster home, group home, or other institution. May not be placed in detention.

Where is child referred after initial custody?

Station adjustment, referral to community-based services, informal monitoring, or court.

When and how does court assume jurisdiction?

Minor delivered to the court by law enforcement; any adult with knowledge may file a petition.

Child Identified as
Delinquent (immune
from prostitution

Authority for Initial Custody:

LE with probable cause for delinquency, but a child suspected of prostitution must be referred to DCFS for abuse investigation.

Placement:

- Release to parent/guardian
- Release to foster care/shelter care
- Detention if age 10+ (up to 40 hours)

Where is child referred after initial custody?

If not DCFS, LEO must notify parent/guardian, decide if station adjustment offered.

When and how does court assume jurisdiction?

If a child is not diverted, the state's attorney will file a petition with the court alleging delinquency.

Trafficking Victims in Illinois

Placement Process Pending Adjudication/ Investigation

When must placement hearing be held after initial custody?

Temporary custody hearing within 48 hours.

What are the placement options?

- Release to child's parents/guardian
- Placement in shelter care

When must placement hearing be held after initial custody?

Shelter hearing within 48 hours.

What are the placement options?

- Release to parent/guardian
- Placement in designated shelter facility

When must placement hearing be held after initial custody?

Within 48 hours (excluding Sat/Sun/holiday).

What are the placement options?

- release to parent/guardian, with DHS evaluation and treatment order
- if necessary, continued temporary custody in shelter care, licensed foster home, group home

When must placement hearing be held after initial custody?

Shelter or detention hearing within 40 hours.

What are the placement options?

- Release to parent/guardian
- Placement in shelter care facility
- Placement in detention facility

Adjudication or Referral to Alternate Process

Adjudication:

The court will determine whether a child is abused, neglected, or dependent as alleged.

Or Alternate Process

N/A

Adjudication:

Court rules on authoritative intervention.

Or Alternate Process

Habitually truant minors and minors involved in electronic dissemination of indecent visual depictions may be adjudicated as in need of supervision.

Adjudication:

Within 120 days; 10 days if in shelter care; probable cause standard

Or Alternate Process

Preliminary conference with probation officer for informal adjustment. If eligible, probation officer formulates a non-judicial adjustment plan for treatment and services.

Adjudication:

The court will determine whether the child has committed the offenses as alleged.

Or Alternate Process

The child may be offered a station adjustment, probation adjustment, or the opportunity to participate in a community mediation program.

Placement Following Adjudication

Dispositional Outcomes

- Release to parent/guardian or relative
- Custody to probation officer or DCFS
- Emancipation

Dispositional Outcomes

N/A

Dispositional Outcomes

- To parent/guardian under supervision
- Commitment to DCFS
- Emancipation

Dispositional Outcomes

Truant: referral to services; fine, public service, or suspended DL. Indecent depictions: counseling/community service.

Dispositional Outcomes

Release to family/guardian/relative w. agreement to complete treatment or if nec. for protection of minor, shelter care.

Dispositional Outcomes

Informal supervision and/or refer to educational, counseling, rehabilitative, or residential treatment programs

Dispositional Outcomes

- Release to parents (possible supervision)
- Probation or guardianship of DCFS
- Placement in detention facility

Dispositional Outcomes

If the child meets conditions of the alternative process, the child avoids adjudication and possible detention.

Identification

Initial Custody

Process Following Initial Custody

Child in Need of Services (Abused/Neglected)

Authority for Initial Custody:

Law enforcement may take custody if it appears the child's physical or mental condition will be seriously impaired or endangered without immediate action

Placement:

- Release to parents
- Relative
- Placement designated by the juvenile court

Where is child referred after initial custody?

A person taking a child into custody shall immediately make documentation and forward it to the department of child services

When and how does court assume jurisdiction?

Upon filing of a petition by the attorney for the department or prosecuting attorney

Delinquent Child (Status Offense)

Authority for Initial Custody:

Law enforcement may take custody with:

- A court order
- Probable cause to believe the child is a runaway, truant, habitually disobedient, etc.

Placement:

- Return to parents
- Relative
- Shelter care
- Secure detention for up to 24 hours

Where is child referred after initial custody?

Law enforcement must notify the child's parent and an intake officer of the reasons for detention and where the child is held

When and how does court assume jurisdiction?

Upon the filing of a petition by the prosecuting attorney

Delinquent Child (Violation of Law)

Authority for Initial Custody:

Law enforcement may take custody with:

- A court order
- Probable cause to believe the child violated a criminal law

Placement:

- Return to parents
- Relative
- Shelter care
- Secure detention

Where is child referred after initial custody?

Law enforcement must notify the child's parent and an intake officer of the reasons for detention and where the child is held

When and how does court assume jurisdiction?

Upon the filing of a petition by the prosecuting attorney

Trafficking Victims in Indiana

Placement Process Pending Adjudication/ Investigation

→ When must placement hearing be held after initial custody?

Within 48 hours of initial custody, excluding Saturdays, Sundays, and legal holidays

What are the placement options?

- Release to parents
- Relatives given preference
- Shelter care facility in the child's county of residence

Adjudication or Referral to Alternate Process

→ Adjudication:

Hearing shall occur within 60 days of the filing of the petition

Or Alternate Process

After the preliminary inquiry and upon approval by the juvenile court, the intake officer may implement a program of informal adjustment if the officer has probable cause to believe that the child is a child in need of services

Placement Following Adjudication

→ Dispositional Outcomes

- Supervision of the child by the department
- Treatment services
- Place child in another home or shelter care

→ Dispositional Outcomes

A program of informal adjustment may not exceed 6 months, unless extended another 3 months by the juvenile court

→ When must placement hearing be held after initial custody?

Within 48 hours of initial custody, excluding Saturdays, Sundays, and legal holidays

What are the placement options?

- Release to parent/guardian
- Detention in a juvenile facility
- Detention in a secured facility for up to 24 hours

→ Adjudication:

Hearing must be held within 20 days if child is in custody, 60 days if not

Or Alternate Process

After the preliminary inquiry and upon approval by the juvenile court, the intake officer may implement a program of informal adjustment if the officer has probable cause to believe that the child is a delinquent child and the child is not in custody

→ Dispositional Outcomes

- Wardship to the Department
- Probation supervision
- Treatment programs and services

→ Dispositional Outcomes

A program of informal adjustment may not exceed 6 months, unless extended another 3 months by the juvenile court

→ When must placement hearing be held after initial custody?

Within 48 hours of initial custody, excluding Saturdays, Sundays, and legal holidays

What are the placement options?

- Release to parent/guardian
- Detention in a juvenile facility
- Detention in a secured facility

→ Adjudication:

Hearing must be held within 20 days if child is in custody, 60 days if not

Or Alternate Process

After the preliminary inquiry and upon approval by the juvenile court, the intake officer may implement a program of informal adjustment if the officer has probable cause to believe that the child is a delinquent child and the child is not in custody

→ Dispositional Outcomes

- Wardship to the Department
- Juvenile detention facility
- Probation supervision
- Treatment programs and services

→ Dispositional Outcomes

A program of informal adjustment may not exceed 6 months, unless extended another 3 months by the juvenile court

Identification

Child Identified as in Need of Assistance

Initial Custody

→ Authority for Initial Custody:

A child can be taken into custody:

- When a court issues an ex parte order
- Without a court order when the child's well-being is threatened

Placement:

- Return to parents
- Kept in custody in child-care facility or other approved placement

Process Following Initial Custody

→ Where is child referred after initial custody?

The Department of Human Services or other authorized agency or individual conducts preliminary investigation to determine what, if any, further action should be taken

When and how does court assume jurisdiction?

Petition is filed within three days if the child is not returned to parents

Child Identified as Delinquent

→ Authority for Initial Custody:

A child may be taken into custody:

- By order of the court
- Pursuant to laws relating to arrest by a peace officer

Placement:

- Released to parents
- Shelter care
- Detention

NOTE: special criteria apply for placement in shelter care

→ Where is child referred after initial custody?

Intake officer conducts preliminary investigation and can either:

- Dismiss the complaint
- Make an informal adjustment (see alternate process)
- Request the county attorney to file a petition

When and how does court assume jurisdiction?

If the intake officer finds the complaint legally sufficient and that formal adjudication is the appropriate response, the county attorney files a petition

Trafficking Victims in Iowa

Placement Process Pending Adjudication/ Investigation

Adjudication or Referral to Alternate Process

Placement Following Adjudication

When must placement hearing be held after initial custody?

Within 10 days of the date of the temporary removal

What are the placement options?

- Release to parents
- Shelter care facility
- In the custody of a suitable person or agency

Adjudication:

The state must prove the allegations by clear and convincing evidence

Or Alternate Process

N/A

Dispositional Outcomes

Following temporary removal order:

- Suspended judgment
- Return to Parents
- Transfer of Legal Custody

Dispositional Outcomes

N/A

When must placement hearing be held after initial custody?

- Within 48 hours for child placed in child-care facility
- Within 24 hours for child placed in detention

What are the placement options?

- Release to parents
- Shelter care
- Detention

Adjudication:

The state must prove the allegations beyond a reasonable doubt

Or Alternate Process

If child admits the allegations, a child may enter into an informal adjustment agreement

Dispositional Outcomes

- Probation and release to parents
- Special care or services ordered
- Other supervision
- Transfer of legal custody

Dispositional Outcomes

An agreement can provide for referrals to public or private service providers, limitations on driving privileges, a community service, and/or restitution

Identification

Child in Need of Care (for abuse and neglect or status offense)

Initial Custody

→ Authority for Initial Custody:

Law enforcement may take a child into temporary protective custody if the child:

- will be harmed if not immediately removed
- is a confirmed runaway
- is a victim of human trafficking or exploitation.

Placement:

- Returned home/placed in a shelter facility
- If child has run away, and will not stay in a shelter, then temporarily in secure detention.
- If child is trafficked, in staff secure facility where child is provided case management and appropriate services by specially trained staff.

Process Following Initial Custody

→ Where is child referred after initial custody?

If child is a DMST victim, law enforcement officer must refer the child to the Department for assessment of safety, placement and treatment needs. Otherwise, law enforcement applies to transfer custody to shelter or child care facility to provide care and supervision.

When and how does court assume jurisdiction?

With the filing of a petition by the county or district attorney or another person. If the child is a victim of DMST or CSEC, the court must refer the child to DCF to determine safety, placement and treatment needs.

Juvenile Offender

→ Authority for Initial Custody:

Law enforcement may take custody if:

- An offense is committed in the officer's view
- Officer has probable cause of an offense
- The officer has a warrant

Placement:

- Parents, with or without conditions
- Shelter facility or licensed care facility
- Placement in a juvenile detention center, only if certain criteria are met

→ Where is child referred after initial custody?

The officer shall take the child before an intake and assessment worker, or before the court.

When and how does court assume jurisdiction?

Proceedings are commenced by the filing of a complaint by the county or district attorney.

Trafficking Victims in Kansas

Placement Process Pending Adjudication/ Investigation

Adjudication or Referral to Alternate Process

Placement Following Adjudication

When must placement hearing be held after initial custody?

A hearing must be held within 72 hours of initial custody to determine whether the child can continue in temporary custody.

What are the placement options?

- Parent or legal custodian
- A youth residential facility
- A shelter facility
- A staff secure facility, if the child is a victim of trafficking or exploitation.

Adjudication:

A hearing must be held within 30 days of filing a petition.

Or Alternate Process

- Before disposition, the court may convene a conference of people with an interest in the placement of the child.
- The group can make recommendations, which will be followed by the court, unless there is good cause not to follow the recommendations.

Dispositional Outcomes

- Placement with a parent, relative, or other suitable person
- A shelter facility
- A youth residential facility
- A staff secure facility, if DMST victim

Dispositional Outcomes

The child will be placed according to the child's best interests, and the recommendations provided by the conference.

When must placement hearing be held after initial custody?

A hearing must be held within 48 hours of initial custody.

What are the placement options?

- Parents, or other suitable adult
- Shelter facility or licensed care facility
- Placement in a juvenile detention center if the juvenile: committed a prostitution offense or a felony; has a history of violence or not appearing in court; has prior felony adjudications or has been expelled from non-secure placement

Adjudication:

The hearing must be held without delay and charges proved beyond a reasonable doubt. DMST victims may assert an affirmative defense to prostitution charges.

Or Alternate Process

Each county or district attorney may adopt a policy and establish guidelines for an immediate intervention program by which a juvenile may avoid prosecution.

Dispositional Outcomes

- Probation
- Community based program
- Counseling or other services
- House arrest
- Confinement in juvenile corrections facility

Dispositional Outcomes

The child must fulfill the terms set by the immediate intervention program or juvenile offender proceedings will be re-instituted.

Identification

**Dependent - Abused or Neglected
(Cabinet for Health and Family Services)**

**Status Offender
(Cabinet for Health and Family Services)**

**Public Offender
(Department of Juvenile Justice)**

Initial Custody

Authority for Initial Custody:

Protective custody by law enforcement if:
 - danger of imminent injury, sexual abuse
 - child is a victim of human trafficking
 By medical personnel if not safe to release

Placement:

- Relatives
- The Cabinet or other appropriate person or agency.

Authority for Initial Custody:

Custody by peace officer for status offenses:
 - Habitual runaway/truant
 - Beyond control of parents/school
 - Alcohol/tobacco offenses

Placement:

- If not DMST,
- Release to parents, or other adult
 - Secure juvenile detention facility
 - Juvenile holding/Non-secure facility

Authority for Initial Custody:

Custody by peace officer if the child committed a public offense, but a DMST victim who commits a prostitution offense must be referred to the Cabinet.

Placement:

- If not prostitution offense:
- Release to parents, or other adult
 - Secure juvenile detention facility,
 - Juvenile holding/non-secure facility

Process Following Initial Custody

Where is child referred after initial custody?

If DMST, LE must immediately report to the Cabinet. The Cabinet must investigate and provide treatment, housing and services.

When and how does court assume jurisdiction?

- Temporary removal hearing, within 72 hours of emergency custody
- Or, within 10 days of filing petition for custody

Where is child referred after initial custody?

Court services worker decides whether to refer to Cabinet, divert, refer to services. If DMST, cannot be charged with a status offense.

When and how does court assume jurisdiction?

A complaint is filed alleging the commission of a status offense.

Where is child referred after initial custody?

If DJJ believes child is trafficking victim, it must file a report with the Cabinet, petition to transfer custody of the child to the Cabinet.

When and how does court assume jurisdiction?

If not a prostitution offense, by filing a complaint alleging that the child committed an offense while under 18.

Trafficking Victims in Kentucky

Placement Process Pending Adjudication/ Investigation

When must placement hearing be held after initial custody?

Request for an emergency custody order within 12 hours if DMST victim.

What are the placement options?

Temporary custody to:

- Relatives
- The Cabinet or other appropriate person or agency.

Adjudication or Referral to Alternate Process

Adjudication:

Conduct hearing and make disposition within 45 days of child's removal

Or Alternate Process

- An informal adjustment may be made at any time during the proceedings.
- Return to parent, with monitoring/services

Placement Following Adjudication

Dispositional Outcomes

Case permanency plan outlining placement, services, schedules, and proposed actions for long-term custody.

Dispositional Outcomes

- Protective orders
- Removal to the custody of adult relative, other person, or child-caring facility or child placing agency.

When must placement hearing be held after initial custody?

within twenty-four (24) hours, exclusive of weekends and holidays

What are the placement options?

If not DMST and not released:

- secure facility for no more than 24 additional hours, then DJJ-approved nonsecure setting until next court appearance.
- for violation of a court order, detained in secure facility for 48 hours pending next court appearance.

Adjudication:

Court determines whether child is a status offender at formal hearing. Right to counsel.

Or Alternate Process

N/A

Dispositional Outcomes

No secure detention. Release, commit to DJJ or cabinet, a child-caring facility, or child-placing agency, or probation in a home or boarding home.

Dispositional Outcomes

N/A

When must placement hearing be held after initial custody?

48 hours if juvenile facility, 24 hours if "intermittent holding facility"

What are the placement options?

If not DMST:

- release, if no probable cause or further detention not found necessary.
- detention, if found necessary after considering seriousness of offense, risk of danger to child or community.

Adjudication:

Court determines whether child is a public offender at formal hearing, no jury.

Or Alternate Process

N/A

Dispositional Outcomes

Release, commit to DJJ or cabinet, a child-caring facility, or child-placing agency, or probation in a home or boarding home.

Dispositional Outcomes

N/A

Identification

Initial Custody

Process Following Initial Custody

Child in Need of Care

Authority for Initial Custody:

- Court issues instant order of custody based on verified complaint
- If reasonable grounds, peace or probation officer may take into custody without order

Placement:

- Must be immediately placed in custody of a:
- Suitable relative
 - Home of suitable individual of majority age
 - Foster care

Where is child referred after initial custody?

The department shall promptly notify the parents or caretaker of the nature of the allegations

When and how does court assume jurisdiction?

- Court obtains exclusive original jurisdiction once child is alleged to be in need of care
- Grounds include when child is a victim of trafficking of children for sexual purposes

Child of a Family in Need of Services

Authority for Initial Custody:

- Court issues instant order of custody based on verified complaint
- If reasonable grounds, peace or probation officer may take into custody without order

Placement:

- Home of a relative of majority age
- Home of suitable adult
- Shelter care facility for juveniles
- Secure detention facility if conditions apply

Where is child referred after initial custody?

- The officer taking custody must:
- Release to parents or notify parents
 - Submit a report to the district attorney

When and how does court assume jurisdiction?

Court obtains exclusive original jurisdiction once child is alleged to be in need of services

Child Identified as Delinquent

Authority for Initial Custody:

- Order based on verified complaint that child is delinquent or violated probation
- Peace/probation officer can take into custody w/o order if probable cause

Placement:

- Release to parents, OR
- inform parents and place in juvenile detention center or shelter care facility, depending on the offense

Where is child referred after initial custody?

If LE or DA identifies child as human trafficking victim, must report to protective service agency.

When and how does court assume jurisdiction?

Petition filed if grounds child is delinquent. If prostitution offense, informal adjustment available before/after filing petition; if petition filed, dismissed or left pending informal adjust

Trafficking Victims in Louisiana

Placement Process Pending Adjudication/ Investigation

→ When must placement hearing be held after initial custody?

Within 3 days after the child's removal or entry into custody

What are the placement options?

- Return the child to parents
- Place in custody of suitable relative, other suitable individual, or the department

Adjudication or Referral to Alternate Process

→ Adjudication:

Occurs within 45 days of petition if child is in custody, within 105 days if not

Or Alternate Process

An informal adjustment agreement suspends the proceedings on the acts alleged in the child in need of care petition. Period of informal adjustment shall not exceed:
-6 months if child is in custody of DCFS
-3 months if child is not in custody of DCFS

Placement Following Adjudication

→ Dispositional Outcomes

- Place the child in custody of a parent, other suitable person, a private or public institution or agency, an institution for the mentally ill
- Grant guardianship to a non-parent

→ Dispositional Outcomes

If any terms of the agreement are violated, case may proceed to an adjudication hearing on the allegations

→ When must placement hearing be held after initial custody?

Within 3 days after entry into custody. If held in secure detention facility, within 24 hours

What are the placement options?

The least restrictive placement:
- Home of a relative of majority age
- Home of suitable adult
- Shelter care facility for juveniles
- May detain in secure detention facility for up to 24 hrs to arrange for appropriate placement

→ Adjudication:

Occurs within 30 days of petition if child is in custody, within 90 days if not

Or Alternate Process

- After a preadjudication conference, the child, the child's caretaker, and any service provider may enter into an informal family services plan agreement
- Agreement is in effect for a maximum of 6 months, but court may extend for up to 6 additional months

→ Dispositional Outcomes

- Mental health exam/treatment
- Services
- Custody of caretaker/suitable person
- Probation, agency or institution custody or combination

→ Dispositional Outcomes

- Agreement suspends proceedings
- If terms are violated, case may proceed to adjudication hearing
- If terms are satisfied, pending complaint/petition is dismissed

→ When must placement hearing be held after initial custody?

Within 3 days

What are the placement options?

- Custody of the Department of Children and Family Services
- Custody of the Department of Public Safety and Corrections (No adult jail)
- If/where available, a safe house providing safe and secure housing and specialized services for sexually exploited children

→ Adjudication:

Occurs within 30 days of petition if child is in custody, within 60 days if not

Or Alternate Process

-Informal adjustment agreement, which may include specialized services for sexually exploited children if it is the child's 1st prostitution-related offense and child is willing to receive specialized services
-Alternatively, court may recommend child to participate in pilot program if eligible

→ Dispositional Outcomes

- Child will remain in parents' custody unless child's welfare or public's safety cannot be otherwise protected
- Commitment to Department's custody

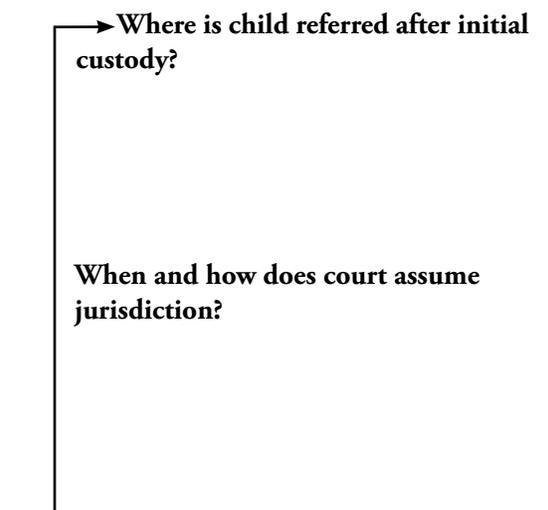
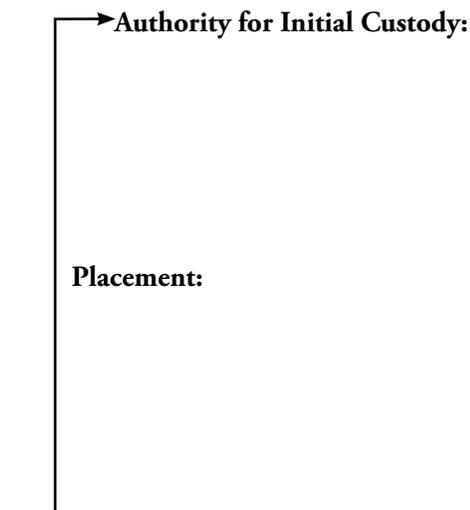
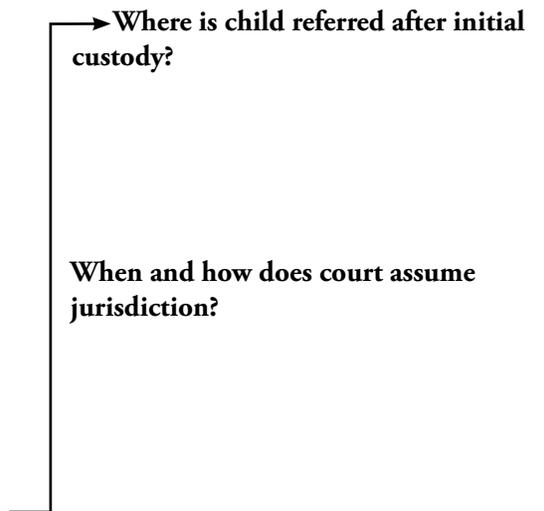
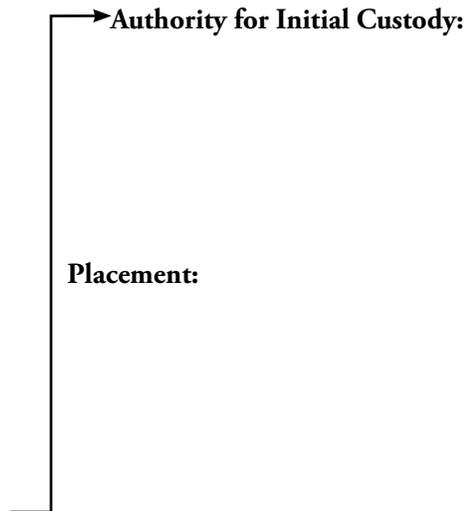
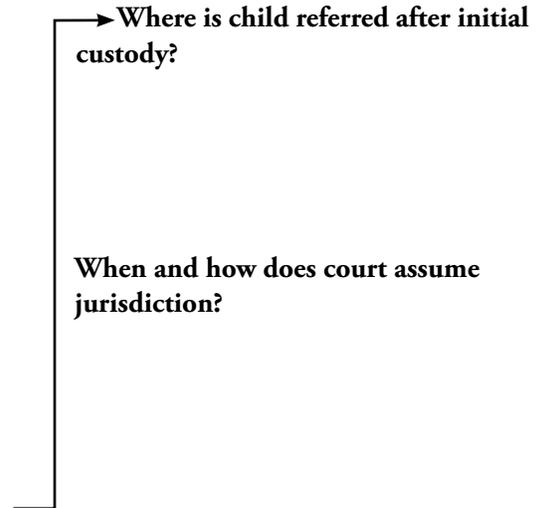
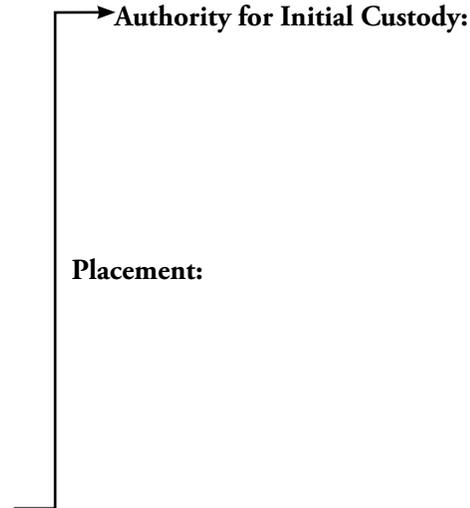
→ Dispositional Outcomes

Specialized services including safe and stable housing, mental health services, employment and education training, on-site case mgmt, off-site referrals

Identification

Initial Custody

Process Following Initial Custody



Trafficking Victims in

Placement Process Pending Adjudication/ Investigation

Adjudication or Referral to Alternate Process

Placement Following Adjudication

→ When must placement hearing be held after initial custody?

What are the placement options?

→ Adjudication:

Or Alternate Process

→ Dispositional Outcomes

→ Dispositional Outcomes

→ When must placement hearing be held after initial custody?

What are the placement options?

→ Adjudication:

Or Alternate Process

→ Dispositional Outcomes

→ Dispositional Outcomes

→ When must placement hearing be held after initial custody?

What are the placement options?

→ Adjudication:

Or Alternate Process

→ Dispositional Outcomes

→ Dispositional Outcomes



Identification

Initial Custody

Process Following Initial Custody

Child in Need of Assistance (CINA)

Authority for Initial Custody:

- CPS representative and law enforcement with:
- A court order, or
 - Probable cause to believe the child is in serious, immediate danger

Placement:

- Emergency shelter care if:
- Placement is required for child's protection
 - No parent, guardian, relative or other person is able to provide supervision

Where is child referred after initial custody?

- Law enforcement must immediately:
- Notify the parent
 - Notify the local department

When and how does court assume jurisdiction?

The local department must file a petition with the court immediately after taking a child into custody

Child in Need of Supervision

Authority for Initial Custody:

- Law enforcement acting according to:
- Court order
 - Belief the child has run away
 - Reasonable grounds that child is in danger

Placement:

- Shelter care approved by Social Services or Juvenile Services Department
- Private home or shelter care authorized by the court

Where is child referred after initial custody?

Intake officer for the Department of Juvenile Services

When and how does court assume jurisdiction?

- Complaint/citation filed with intake officer
- Intake officer has 25 days to make inquiry
- Intake officer authorizes filing of petition
- States attorney files petition within 30 days

Delinquent Child

Authority for Initial Custody:

- Law enforcement acting according to:
- Court order
 - Laws of arrest
 - Reasonable grounds that child is in danger

Placement:

- In a detention facility
- In community detention
- Emergency shelter care

Where is child referred after initial custody?

Intake officer for the Department of Juvenile Services

When and how does court assume jurisdiction?

- Complaint/citation filed with intake officer
- Intake officer has 25 days to make inquiry
- Intake officer authorizes filing of petition
- States attorney files petition within 30 days

Trafficking Victims in Maryland

Placement Process Pending Adjudication/ Investigation

When must placement hearing be held after initial custody?

A shelter care hearing must be held the next day the court is in session

What are the placement options?

- Shelter care for 30 days, renewable for another 30 days
- Shelter care facility approved by the Department of Health and Mental Hygiene
- Child may NOT be placed in:
 - Detention facility
 - Mental health facility

When must placement hearing be held after initial custody?

The next court day

What are the placement options?

- Continued detention
- Community detention
- Shelter care
- Home
- Services may also be provided, including health care, counseling, education, social work, and drug and alcohol treatment services

When must placement hearing be held after initial custody?

The next court day

What are the placement options?

- Shelter care
- Home
- Services may also be provided, including health care, counseling, education, social work, and drug and alcohol treatment services

Adjudication or Referral to Alternate Process

Adjudication:

- Within 30 days if child is detained
- Within 60 days if not detained

Or Alternate Process

N/A

Adjudication:

Allegations in the petition must be proved beyond a reasonable doubt

Or Alternate Process

The intake officer may propose informal adjustment after inquiry

Adjudication:

Allegations in the petition must be proved by a preponderance of the evidence

Or Alternate Process

The intake officer may propose informal adjustment after inquiry

Placement Following Adjudication

Dispositional Outcomes

Placed under appropriate terms with:

- A parent
- A relative or other individual
- A local department, the Department of Health and Mental Hygiene, or both

Dispositional Outcomes

N/A

Dispositional Outcomes

- Placed on probation
- Ordered to participate in rehabilitative services

Dispositional Outcomes

A child has 90 days to complete the conditions of informal adjustment unless court extends or additional time is necessary for the child to complete a substance abuse treatment program

Dispositional Outcomes

- Placed on probation
- Committed to the custody of the Department of Juvenile Services
- Ordered to participate in rehabilitative services

Dispositional Outcomes

A child has 90 days to complete the conditions of informal adjustment unless court extends or additional time need for child to complete treatment

Identification

Initial Custody

Process Following Initial Custody

Child in Need of Care and Protection

Authority for Initial Custody:

Department may take child into immediate temporary custody if believed to be abused, including a child who is a victim of CSEC or human trafficking.

Placement:

- Release to parent/guardian pending hearing
- Held by Department in protective custody
- Held in hospital until Dept. takes custody

Where is child referred after initial custody?

Sexually exploited children receive specialized services. Multidisciplinary teams investigate and recommend a service plan.

When and how does court assume jurisdiction?

When a child is taken into protective custody, the Department must file a care and protection petition on the next court day.

Child in Need of Services

Authority for Initial Custody:

Protective custody by law enforcement if in need of assistance (habitual runaway/truant, beyond control of parent/school, or a sexually exploited child, including DMST/CSEC).

Placement:

- Release to child's parent or guardian
- Placement in a temporary shelter facility
- Placement in foster care or a group home
- Temporary custody of DCF.

Where is child referred after initial custody?

Application for assistance filed immediately; probation officer will investigate. Sexually exploited children receive specialized services.

When and how does court assume jurisdiction?

A child's parent/guardian, or school district files an application for assistance with the court. The court determines whether or not to issue a petition and summons.

Delinquent Child

Authority for Initial Custody:

Custody by law enforcement for violating a law, by-law or ordinance. DMST victims charged with certain prostitution offenses are presumed to be a child in need of services.

Placement:

- Release to parent or guardian
- Detained in police station, detention home, town lockup, or other detention facility
- Detained in any other approved home

Where is child referred after initial custody?

If DMST, petition for care and protection or child in need of services may be filed. Otherwise, referred to delinquency process.

When and how does court assume jurisdiction?

A complaint or indictment alleging delinquency is filed with the court.

Trafficking Victims in Massachusetts

Placement Process Pending Adjudication/ Investigation

→ When must placement hearing be held after initial custody?

A hearing must be held within 72 hours of initial custody.

What are the placement options?

- Release to parent, guardian, or custodian
- Placement with a suitable person
- Placement with a licensed agency providing foster care
- Commit to the Department for placement

Adjudication or Referral to Alternate Process

→ Adjudication:

The court will determine whether the child is in need of care and protection.

Or Alternate Process

N/A

Placement Following Adjudication

→ Dispositional Outcomes

- Release child to parent/guardian with supervision
- Transfer custody to a qualified person, licensed agency, or Department
- Order medical and dental care

→ Dispositional Outcomes

N/A

→ When must placement hearing be held after initial custody?

The next court day.

What are the placement options?

- Released to parent/guardian
- Foster home
- Temporary custody of DCF.

→ Adjudication:

The juvenile court will determine whether a child is in need of services.

Or Alternate Process

The court may elect to provide the child with informal assistance, and dismiss the application for assistance without issuing a petition.

→ Dispositional Outcomes

- Release to parent/guardian with specialized services
- Placement with relative, probation officer, responsible adult, Department

→ Dispositional Outcomes

Referral to public or private organization for various specialized services and avoid formal adjudication.

→ When must placement hearing be held after initial custody?

Arrest on the next court day.

What are the placement options?

- Release to parent/guardian
- Commitment to Department of Youth Services
- Placement in secure detention facility
- Placement in special foster home

→ Adjudication:

The juvenile court will determine whether a child is delinquent, as alleged.

Or Alternate Process

A child identified as a sexually exploited child may be diverted from the delinquency process into either the care and protection process, or the child in need of services process. If not diverted, the court may continue w/out a finding and place the child on probation.

→ Dispositional Outcomes

- Release to parent/guardian on probation
- Commitment to Department of Youth Services for detention

→ Dispositional Outcomes

If successfully diverted or completes terms of probation, the child will avoid being adjudicated delinquent.

Identification

Initial Custody

Process Following Initial Custody

Abused/Neglected Child

→ **Authority for Initial Custody:**

Upon receiving a report of suspected abuse/neglect, temporary protective custody may be taken by:

- Family independence agency
- Law enforcement

Placement:

- Release to parent/legal guardian
- Admit to hospital
- Shelter care

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

Within 24 hours of receiving a report of suspected child abuse, the family independence agency will commence a protective investigation or refer the report to the prosecuting attorney and the local law enforcement agency

When and how does court assume jurisdiction?

The family court assumes jurisdiction after a petition for authorization is filed which may occur after a preliminary hearing if the child is not released to her parents

Delinquent Child

→ **Authority for Initial Custody:**

- Law enforcement may arrest without order of court, upon violation of law or ordinance
- Police office, sheriff, deputy sheriff, county agent, or probation officer may take juvenile found violating any law or ordinance; whose surroundings endanger juv's health, morals or welfare; or who is violating a PPO or valid foreign protection order

Placement:

- Detention facility where the child is completely isolated to prevent contact with adult prisoner
- Release to parents/guardian upon promise to bring the child before court on a fixed time

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

- Family division of circuit court
- If minor is 17 and meets conditions of "wayward minor," the case may be transferred to the family division of circuit court.
- After apprehending juvenile, officer must immediately attempt to contact guardian for release, unless exception allows detention

When and how does court assume jurisdiction?

The family division of circuit court assumes jurisdiction when a petition is filed alleging

- A juvenile under 17 is arrested for an offense;
- A juvenile under 17 has deserted home without sufficient cause

Trafficking Victims in Michigan

Placement Process Pending Adjudication/ Investigation

Adjudication or Referral to Alternate Process

Placement Following Adjudication

When must placement hearing be held after initial custody?

Within 24 hours after child taken into protective custody, unless child is severely physically injured or sexually abused, then preliminary hearing must commence no longer than 24 hours after agency submits petition or next business day following submission of petition

What are the placement options?

- Home of parent or guardian
- Foster care home
- Child care institution or child-placing agency, or other place of detention.

Adjudication:

- Trial must be held within 6 months after filing of petition
- Adjudication and dispositional hearings may be combined

Or Alternate Process

Court may refer the matter to alternative services

Dispositional Outcomes

- Dismiss the petition with warning
- Return child home under supervision
- Place child with relative
- Placement in private or public institution or agency
- Services

Dispositional Outcomes

Court must release the child

When must placement hearing be held after initial custody?

No more than 24 hours after child has been taken into protective custody

What are the placement options?

- Parent's home
- Suitable place of detention
- Licensed child care institution or child placing agency
- Suitable foster care home subject to the court's supervision

Adjudication:

Court determines on the delinquency charge

Or Alternate Process

- Participating in a voluntary program under the Juvenile Diversion Act in lieu of formal juvenile adjudication
- Training under a juvenile boot camp

Dispositional Outcomes

- warning to the juvenile & parent(s)
- probation
- supervision in the juvenile's own home
- foster care home
- public institution/facility
- conviction & sentence only if in the best interests of the public

Dispositional Outcomes

- Child is released into custody of parent of guardian, investigation discontinued
- Child and parent or guardian agree to work with person or public or private organization that will assist in resolving problem that initiated investigation

Identification

Initial Custody

Process Following Initial Custody

Child in Need of Protection or Services (Abused/Neglected)

Authority for Initial Custody:

- With an order of the court
- By a police officer if child is found in surroundings/conditions that endangers child's health/welfare (includes CSEC).

Placement:

- Child's parent/guardian, custodian (after family assessment/safety plan)
- shelter or secure detention (least restrictive setting possible, close to child's family)

Where is child referred after initial custody?

The Social Services agency shall conduct an assessment and shall provide recommendations to the court.

When and how does court assume jurisdiction?

"Any reputable person" who has knowledge of a suspected child in need of protection or services files a petition with the court.

Child in Need of Protection or Services (Runaway/Truancy)

Authority for Initial Custody:

- By court order;
- By police officer if reason to believe child is a runaway or truant.

Placement:

- A parent, guardian, or other suitable relative
- A shelter care facility

Where is child referred after initial custody?

The Social Services agency shall conduct an assessment and shall provide recommendations to the court.

When and how does court assume jurisdiction?

"Any reputable person" who has knowledge of a suspected child in need of protection or services files a petition with the court.

Child Identified as Delinquent (excludes prostitution-related offenses as of 2014)

Authority for Initial Custody:

Custody by law enforcement for committing a delinquent offense or juvenile petty offense, except prostitution-related offenses which are specifically excluded as of 2014.

Placement:

- If not prostitution-related offense:
- Parent, guardian, custodian, or other suitable person;
 - Shelter care or a detention facility

Where is child referred after initial custody?

If not released, must inform parent/guardian, unless placed in shelter care and notification would immediately endanger child.

When and how does court assume jurisdiction?

A petition may be filed by any person with knowledge of the child.

Trafficking Victims in Minnesota

Placement Process Pending Adjudication/ Investigation

→ When must placement hearing be held after initial custody?

Within 72 hours

What are the placement options?

- Return to parents/guardian
- Non-custodial parent/relative
- Immediate custody for placement of the child in foster care or other social services agency

→ When must placement hearing be held after initial custody?

Within 72 hours

What are the placement options?

- Return to parents/guardian
- Non-custodial parent/relative
- Immediate custody for placement of the child in foster care or other social services agency

→ When must placement hearing be held after initial custody?

- Within 36 hours if in juvenile facility
- Within 24 hours if in adult facility

What are the placement options?

- Detention continued for eight days
- Parent, guardian, custodian, or other suitable person

Adjudication or Referral to Alternate Process

→ Adjudication:

Hearings conducted without jury, informal manner - Clear and convincing proof standard

Or Alternate Process

Alternative dispute resolution including family group decision making, parallel protection process, and mediation when such alternative dispute resolution is in the best interests of the child

→ Adjudication:

No jury, informal. For truancy, presumption is against child. Clear and convincing proof.

Or Alternate Process

N/A

→ Adjudication:

No jury, informal proceeding. Court determines if child is delinquent.

Or Alternate Process

Every county attorney must establish a diversion program for juvenile offenders.

Placement Following Adjudication

→ Dispositional Outcomes

- Protective supervision with parents, child placing/social services agency,
- If child is at least 16, live independently

→ Dispositional Outcomes

May be used to resolve part or all of a matter before the court at any point in the proceedings subject to approval by the court.

→ Dispositional Outcomes

- Child's home under supervision
- Group foster home placement
- Placement with someone with reputable moral character

→ Dispositional Outcomes

N/A

→ Dispositional Outcomes

- Counseling for child or parents
- Probation
- Custody to foster care, child place agency, county home school, or social services agency

→ Dispositional Outcomes

- Counseling for child or parents
- Probation
- Foster care, child place agency, county home school, or social services agency

Identification

Initial Custody

Process Following Initial Custody

Child Identified as Abused/Neglected

Authority for Initial Custody:

- LE suspect minor is engaged in prostitution,
- Immediate danger of personal harm,
- Immediate custody is necessary, or
- No reasonable alternative to custody.

Placement:

Least restrictive custody; child's home, foster care.

Where is child referred after initial custody?

If minor suspected of prostitution, LE shall immediately report to DHS, which must commence an investigation.

When and how does court assume jurisdiction?

A petition must be filed within 5 days of the shelter hearing if the child is detained and 10 days if the child is not in continued custody.

Child in Need of Services ("CHINS")

Authority for Initial Custody:

- By law enforcement or department with:
- A warrant
 - Probable cause of danger
 - No alternative to custody

Placement:

- The least restrictive custody should be selected no more than 24 hours unless judge authorizes temporary custody
- Not in adult facilities for more than 6 hours

Where is child referred after initial custody?

Unless the child is immediately released, the person taking the child into custody shall immediately notify the judge or his designee.

When and how does court assume jurisdiction?

Petition must be filed within 5 days from the date of a detention hearing or shelter hearing continuing custody, or in non-custody cases the petition shall be filed w/in 10 days.

Delinquent Child * Trafficking victims immune from prostitution charges

Authority for Initial Custody:

Custody by LE on grounds justifying arrest of an adult. When prostitution suspected, HT victims are immune and LE must refer minor victims to DHS.

Placement:

If taken into custody, the least restrictive custody should be selected, and minor cannot be in adult facilities for more than 6 hours.

Where is child referred after initial custody?

If minor HT victim suspected of prostitution, LE shall immediately refer to DHS. In all cases, the Judge shall be immediately notified.

When and how does court assume jurisdiction?

Petition must be filed within 5 days from the date of a detention hearing or shelter hearing continuing custody or in noncustody cases the petition shall be filed w/in 10 days.

Trafficking Victims in Mississippi

Placement Process Pending Adjudication/ Investigation

When must placement hearing be held after initial custody?

A child may only be held 24 hours unless a judge authorizes temporary custody.

What are the placement options?

- With any private institution or agency caring for children
- Commit the child to the Department of Mental Health or Department of Human Services or any other public agency to provide for the custody, care and maintenance of such child

When must placement hearing be held after initial custody?

A child may only be held 24 hours unless a judge authorizes temporary custody.

What are the placement options?

Child may not be placed in any jail or place of detention of adults by any person or court unless the child is physically segregated from adult inmates. Court may order a child to be placed in custody with any private institution or agency caring for children, Department Mental health/human services.

When must placement hearing be held after initial custody?

A child may only be held 24 hours unless a judge authorizes temporary custody.

What are the placement options?

- Youth court designates available detention or shelter facilities to which children shall be delivered when taken into custody.
- Child can't be placed in detention with adults unless physically segregated.
- Court may order a child to be placed in custody with any private institution or agency.

Adjudication or Referral to Alternate Process

Adjudication:

Within 21 days if child is detained, within 90 days after the filing of the petition if not.

Or Alternate Process

N/A

Adjudication:

Within 21 day if child is detained, within 90 days after the filing of the petition if not.

Or Alternate Process

The informal adjustment process may be initiated with an informal adjustment conference conducted by an informal adjustment counselor appointed by the court.

Adjudication:

Within 21 days if child is detained, within 90 days after the filing of the petition if not.

Or Alternate Process

The informal adjustment process may be initiated with an informal adjustment conference conducted by an informal adjustment counselor appointed by the court.

Placement Following Adjudication

Dispositional Outcomes

- Release child w/out further action
- Place in the custody of guardian
- Custody to community organization
- Order services for child

Dispositional Outcomes

N/A

Dispositional Outcomes

- placement under youth court supervision;
- custody of entity other than a state training school
- DMST may be placed in juvenile detention center

Dispositional Outcomes

- Giving counsel and advice to the child and his parent, guardian or custodian
- Referrals for benefits or services
- Temporary placement of the child or supervision by the youth court

Dispositional Outcomes

- DMST immune from prosecution for prostitution as a juvenile or adult
- For other offenders: work program, wilderness training program, juvenile detention center

Dispositional Outcomes

- Giving counsel and advice
- Referrals for benefits or services
- Temporary placement of the child or supervision by the youth court

Identification

Initial Custody

Process Following Initial Custody

Abused-Neglected Child

Authority for Initial Custody:

Temporary custody may be taken by law enforcement or a physician if the child is in imminent danger of harm because of abuse or neglect

Placement:

- Release to parent/guardian
- Shelter care
- Other suitable custody

Where is child referred after initial custody?

The parents/guardian of the child must be notified, and the child may be referred to the Division for investigation of abuse allegations

When and how does court assume jurisdiction?

When the court receives a report alleging abuse, they will investigate and may order the filing of a petition

Child in Need of Care and Treatment

Authority for Initial Custody:

Law enforcement may take a child into custody when the child's behavior, associations, or environment are injurious to the child's welfare, or the welfare of others

Placement:

- Release to parent/guardian
- Placement in shelter care
- Placement in detention facility
- Placement in other suitable custody

Where is child referred after initial custody?

The juvenile officer of the court will make a risks and needs assessment of the child, and report the assessment to the court

When and how does court assume jurisdiction?

Jurisdiction of the court attaches when a child is taken into custody

Child Identified as Delinquent

Authority for Initial Custody:

Law enforcement may take a child into custody for violating any law or ordinance

Placement:

- Release to parent/guardian
- Placement in detention facility, including shelter care or juvenile detention facility
- Placement in other suitable custody

Where is child referred after initial custody?

The juvenile officer of the court will make a risks and needs assessment of the child, and report the assessment to the court

When and how does court assume jurisdiction?

Jurisdiction of the court attaches when a child is taken into custody

Trafficking Victims in Missouri

Placement Process Pending Adjudication/ Investigation

→ When must placement hearing be held after initial custody?

A protective custody hearing must be held within 3 days of a request for a hearing

What are the placement options?

- Release to parent/guardian
- Placement with grandparents or other relatives
- Foster care
- Shelter care

Adjudication or Referral to Alternate Process

→ Adjudication:

Adjudication hearing will occur no later than 60 days after the child is taken into custody

Or Alternate Process

A child may be identified as a victim of human trafficking, in which case law enforcement must notify the department of social services, which will determine whether the child is eligible for trafficking-specific programs and services

Placement Following Adjudication

→ Dispositional Outcomes

- Release to the parent/guardian, relative, or other suitable person with supervision
- Placement in a family home
- Commitment to child services

→ Dispositional Outcomes

A child identified as a victim of human trafficking may be provided with a wide variety of services, including counseling and training

→ When must placement hearing be held after initial custody?

A detention hearing must be held within 3 days

What are the placement options?

- Release to parent/guardian
- Placement in juvenile detention facility
- Placement in shelter care facility
- Other suitable custody, as ordered by court

→ Adjudication:

The court will determine whether the child is in need of care and treatment as alleged

Or Alternate Process

- A child may be identified as a victim of human trafficking, in which case law enforcement must notify the department of social services, which will determine if child is eligible for trafficking-specific programs
-A child may also be offered an informal adjustment

→ Dispositional Outcomes

- Release to parent/guardian
- Placement with relative, other suitable adult
- Commitment of child to public agency
- Placement of child in a family home

→ Dispositional Outcomes

A child identified as a victim of human trafficking, or offered an informal adjustment may avoid adjudication and be provided with a wide variety of services

→ When must placement hearing be held after initial custody?

A hearing must be held within 3 days of initial custody

What are the placement options?

- Release to parent/guardian
- Placement or continued placement in a detention facility
- Placement or continued placement in shelter care facility
- Other suitable custody, as ordered by court

→ Adjudication:

The court will determine whether the child is delinquent as alleged

Or Alternate Process

- A child may be identified as a victim of human trafficking, in which case law enforcement must notify the department of social services, which will determine if child is eligible for trafficking-specific programs
- A child may also be offered an informal adjustment

→ Dispositional Outcomes

- Release to parent/guardian
- Placement with relative, other suitable adult
- Commitment to public agency
- Placement of child in detention

→ Dispositional Outcomes

A child identified as a victim of human trafficking, or offered an informal adjustment may avoid adjudication and be provided with a variety of services

Identification

Initial Custody

Process Following Initial Custody

Youth in Need of Care (Abused/Neglected)

Authority for Initial Custody:

Child protective social worker, peace officer, or county attorney may take custody if there is reason to believe any youth is in immediate or apparent danger of harm

Placement:

- Release to parent
- Placement with a family member
- Shelter care

Where is child referred after initial custody?

Child protective social worker submits an affidavit to county attorney, copy to parents

When and how does court assume jurisdiction?

Upon the filing of a petition by the county attorney, attorney general, or an attorney hired by the county

Youth in Need of Intervention

Authority for Initial Custody:

A youth may be taken into custody by law enforcement if there is:

- A violation of the law
- Court order

Placement:

- Release to a "responsible person" upon written promise to return to court
- Place in shelter care facility

Where is child referred after initial custody?

If the peace officer determines detention is necessary, the juvenile probation officer must be notified immediately

When and how does court assume jurisdiction?

- County attorney may apply for permission to file a petition
- If probable cause, court grants permission, assumes jurisdiction

Delinquent Child

Authority for Initial Custody:

A youth may be taken into custody by law enforcement if there is:

- A violation of the law
- Court order

Placement:

- Shelter care
- Detention

Where is child referred after initial custody?

If the peace officer determines detention is necessary, the juvenile probation officer must be notified immediately

When and how does court assume jurisdiction?

- County attorney may apply for permission to file a petition
- If probable cause, court grants permission, assumes jurisdiction

Trafficking Victims in Montana

Placement Process Pending Adjudication/ Investigation

When must placement hearing be held after initial custody?

Court may order immediate protection or hold a show cause hearing within 20 days

What are the placement options?

- Shelter care facility
- Group home
- Foster family
- Non-custodial parent
- Institution

Adjudication or Referral to Alternate Process

Adjudication:

Court determines if youth is in need of care by a preponderance of evidence

Or Alternate Process

N/A

Placement Following Adjudication

Dispositional Outcomes

- Release to non custodial parent
- Transfer temporary legal custody to relative, the department, or a child placing agency.
- Services from child protective team

Dispositional Outcomes

N/A

When must placement hearing be held after initial custody?

Within 24 hours

What are the placement options?

- Shelter care facility
- Non-secure detention
- Correctional facility

Adjudication:

Court determines if in need of intervention upon proof beyond a reasonable doubt

Or Alternate Process

- Preliminary inquiry, then juvenile probation officer can determine further action
- Informal disposition can provide counseling and treatment that may or may not involve probation
- May enter into consent adjustment to youth and youth's family

Dispositional Outcomes

- Probation and/or house arrest
- Community service
- Placement in out-of-home facility
- Retreat treatment
- Placed in center for up to 10 days

Dispositional Outcomes

Probation, youth care facility, youth rehab, restitution, house arrest, confiscated drivers license, counseling, detention up to 3 days, assessment center up to 10 days, fines.

When must placement hearing be held after initial custody?

Within 24 hours

What are the placement options?

- Shelter care
- Youth assessment facility
- Home arrest
- Detention facility
- Community youth court program

Adjudication:

Court determines if child is delinquent upon proof beyond a reasonable doubt

Or Alternate Process

- Preliminary inquiry, then juvenile probation officer can determine further action
- Informal disposition can provide counseling and treatment that may or may not involve probation
- May enter into consent adjustment to youth and youth's family

Dispositional Outcomes

- Placement in an out-of-home facility state youth correctional facility until 18
- Community service
- Probation and/or house arrest
- Youth assessment center or rehab

Dispositional Outcomes

Probation, youth care facility or rehab, restitution, house arrest, lost drivers license, counseling, temp. detention, temp. assessment center, fines.

Identification

Initial Custody

Process Following Initial Custody

Child in Need of Assistance (Abused/Neglected)

Authority for Initial Custody:

- By a peace officer without a warrant if:
- Child is endangered by surroundings and immediate removal is necessary for protection
 - Child is suspected of prostitution

Placement:

The least restrictive placement possible, determined by the department.

Where is child referred after initial custody?

To DHHS for temporary placement, and emergency medical or other treatment. Must start investigation w/in 24 hours if DMST.

When and how does court assume jurisdiction?

The county attorney files a petition accompanied by verified affidavit.

Child in Need of Assistance (Status Offenses)

Authority for Initial Custody:

- By a peace officer without a warrant if:
- Child is endangered by surroundings
 - Child has run away or is truant
 - Child is suspected of prostitution

Placement:

- Return home
- The least restrictive placement possible

Where is child referred after initial custody?

If suspected of prostitution, refer to DHHS. Otherwise, referred to the Office of Probation Administration for evaluation.

When and how does court assume jurisdiction?

The county attorney files a petition accompanied by verified affidavit.

Delinquent Child (Minors immune under prostitution law)

Authority for Initial Custody:

- By a peace officer without a warrant if child:
- Is endangered by surroundings
 - Has violated a law (except prostitution law)
 - Has violated probation

Placement:

- If not suspected of prostitution:
- Return home or least restrictive placement
 - Secure or nonsecure detention, if indicated by detention assessment instrument

Where is child referred after initial custody?

If suspected of prostitution, refer to DHHS. Otherwise, refer to Office of Probation Administration for evaluation.

When and how does court assume jurisdiction?

The county attorney files a petition accompanied by verified affidavit.

Trafficking Victims in Nebraska

Placement Process Pending Adjudication/ Investigation

When must placement hearing be held after initial custody?

Within 48 of order of temporary custody, if requested

What are the placement options?

- The temporary custody of a suitable person
- The temporary care and custody of the department
- A proper and accredited charitable institution

Adjudication or Referral to Alternate Process

Adjudication:

Adjudication hearing is to be held no later than 90 days after the petition is filed

Or Alternate Process

N/A

Placement Following Adjudication

Dispositional Outcomes

- Remain in the home under supervision
- Placement in the care and custody of the department
- Commitment to a suitable institution, hospital, or agency

Dispositional Outcomes

N/A

When must placement hearing be held after initial custody?

Within 48 of order of temporary custody, if requested

What are the placement options?

- The temporary custody of a suitable person
- A proper and accredited charitable institution
- A state institution

Adjudication:

Adjudication hearing is to be held no later than 90 days after the petition is filed

Or Alternate Process

The county attorney or city attorney may refer the child to a juvenile pretrial diversion program

Dispositional Outcomes

- Remain in the home under supervision
- Commitment to a suitable institution, hospital, or agency

Dispositional Outcomes

- Community service
- Letter of apology or restitution
- Restrictions on freedom
- Education or services

When must placement hearing be held after initial custody?

Within 48 of order of temporary custody, if requested

What are the placement options?

- The temporary custody of a suitable person
- The temporary care and custody of the department
- A proper and accredited charitable institution
- Secure or nonsecure detention, if indicated by detention assessment instrument

Adjudication:

Adjudication hearing is to be held no later than 90 days after the petition is filed

Or Alternate Process

The county attorney or city attorney may refer the child to a juvenile pretrial diversion program

Dispositional Outcomes

- Probation supervision
- Placement in a suitable family home or institution
- Secure detention if the interests of the child and community require it

Dispositional Outcomes

- Community service
- Letter of apology or restitution
- Restrictions on freedom
- Education or services

Identification

Initial Custody

Process Following Initial Custody

Child In Need of Protection

→ Authority for Initial Custody:

By law enforcement or designee of child welfare services agency if immediate action is necessary to protect the child from injury, abuse or neglect (includes CSEC)

Placement:

- Hospital (if needed)
- Suitable relative
- Foster home
- Licensed Shelter

→ Where is child referred after initial custody?

Child services will investigate the case and determine whether to file a petition

When and how does court assume jurisdiction?

Law enforcement, child services, or the district attorney will file a petition with the court alleging that the child is in need of protection

Child In Need of Supervision

→ Authority for Initial Custody:

By law enforcement if child's conduct indicates need for supervision (runaway, truant, loitering, transmitting or possessing sexually explicit images)

Placement:

- Released to parent or other responsible adult
- Shelter care
- Place of detention designated by the juvenile court

→ Where is child referred after initial custody?

A complaint will be referred to a probation officer who will recommend filing a petition, or offering informal supervision.

When and how does court assume jurisdiction?

Probation officer conducts initial inquiry and makes a recommendation to the district attorney who determines whether to file a petition with the court

Delinquent Child

→ Authority for Initial Custody:

Child may be taken into custody by law enforcement when there is probable cause to believe that the child violated state or local law, ordinances, rules or regulations

Placement:

- Released to parent or other responsible adult
- Placement in a detention facility

→ Where is child referred after initial custody?

A complaint will be referred to a probation officer who will recommend filing a petition, or offering informal supervision

When and how does court assume jurisdiction?

The district attorney will determine whether to file a petition with the court

Trafficking Victims in Nevada

Placement Process Pending Adjudication/ Investigation

→ When must placement hearing be held after initial custody?

A hearing must be held within 72 hours after the removal of the child

What are the placement options?

- Release to parent
- Release to suitable relative
- Release to foster home/shelter care if an out-of-home placement is in the best interests of the child

Adjudication or Referral to Alternate Process

→ Adjudication:

- Held within 30 days of petition
- Preponderance of the evidence standard

Or Alternate Process

If a child is in need of protection, but is not in imminent danger, child welfare services may offer to the parents/guardian a non-binding plan for services

Placement Following Adjudication

→ Dispositional Outcomes

- Release child to parents (with or without supervision)
- Placement with suitable relative
- Placement in shelter care at a licensed facility

→ Dispositional Outcomes

If parents/guardian choose to follow services plan, child services will provide services and may elect not to file a petition with the court

→ When must placement hearing be held after initial custody?

A detention hearing must be held within 24 hours of custody

What are the placement options?

- Release to parent/responsible adult
- Placement in shelter facility
- Placement in detention facility without physical restraining devices or barriers

→ Adjudication:

The court will determine whether the child is in need of supervision within 60 days

Or Alternate Process

The child may be offered informal supervision, which is a voluntary agreement entered into between the child, the child's parents/guardian

→ Dispositional Outcomes

- Release to parents or a responsible adult with supervision
- Placement in public or private institution, but not with correctional care

→ Dispositional Outcomes

If the child completes all conditions of an informal supervision agreement, the petition against the child will be dismissed

→ When must placement hearing be held after initial custody?

A detention hearing must be held within 24 hours

What are the placement options?

- Release to parent/guardian
- Placement in detention facility
- Supervised detention in the child's home

→ Adjudication:

The court must adjudicate and make final disposition within 60 days of the petition

Or Alternate Process

The child may be offered informal supervision, which is a voluntary agreement entered into between the child, the child's parents/guardian

→ Dispositional Outcomes

- Release to parent/responsible adult
- Commitment inside home
- Placement in detention
- Referral to child services, or training programs

→ Dispositional Outcomes

If the child completes all conditions of an informal supervision agreement, which may include services, petition against the child will be dismissed

Identification

Initial Custody

Process Following Initial Custody

Abused/Neglected Child

Authority for Initial Custody:

Law enforcement may take a child into custody without a court order if the child is in imminent danger

Placement:

- Release to parent/guardian
- Relative placement
- Foster home or other child protection services placement

Where is child referred after initial custody?

Law enforcement must immediately notify both the child's parent/guardian and the court when a child is taken into custody

When and how does court assume jurisdiction?

A petition alleging abuse/neglect will be filed with the court by a Child Protection Services worker, or a person with knowledge of the abuse or neglect

Child in Need of Services

Authority for Initial Custody:

Law enforcement may take a child into custody if the child:

- Is a runaway
- Is endangered

Placement:

- Release to parent/guardian
- If release is not possible, placement of the child in shelter care, detention bed, or alternative to secure detention

Where is child referred after initial custody?

The department will determine whether to provide voluntary services to the child and the child's family

When and how does court assume jurisdiction?

A petition alleging delinquency will be filed in the court by a parent/guardian, school official, or law enforcement officer

Delinquent Child (not prostitution if direct result of trafficking offense)

Authority for Initial Custody:

Law enforcement may take a child into custody who is violating any law; a minor not considered delinquent when engaging in prostitution as direct result of trafficking

Placement:

- If taken into custody for delinquent offense:
- Release to parent/guardian
 - Secure detention facility

Where is child referred after initial custody?

The arresting officer or prosecutor will screen to determine if the child should be diverted before a petition is filed

When and how does court assume jurisdiction?

Any person may file a delinquency petition, prostitution charges cannot be maintained against a minor as direct result of trafficking

Trafficking Victims in New Hampshire

Placement Process Pending Adjudication/ Investigation

→ When must placement hearing be held after initial custody?

Within 24 hours after initial custody

What are the placement options?

- Release to parent/guardian
- Issue protective orders
- Release to custody of child services for placement in foster home, group home, crisis home, or shelter care facility

Adjudication or Referral to Alternate Process

→ Adjudication:

Hearing to be held within 30 days of petition if child is in custody, 60 days if not

Or Alternate Process

N/A

Placement Following Adjudication

→ Dispositional Outcomes

- Release to parent/guardian, subject to conditions
- Transfer legal custody to a relative or child placing agency
- Issuance of protective orders

→ Dispositional Outcomes

N/A

→ When must placement hearing be held after initial custody?

Within 24 hours (Sundays and holidays excluded) if the child is in custody

What are the placement options?

- Release to parent, guardian, or custodian
- Placement with a relative
- Release to custody of child services for placement in foster home, group home, crisis home, or shelter care facility

→ Adjudication:

The adjudication will be held within 21 days of initial appearance

Or Alternate Process

N/A

→ Dispositional Outcomes

- Release to parent/guardian
- Placement with relative; or in a foster, group, or crisis home, shelter facility
- Community service
- After school programs

→ Dispositional Outcomes

N/A

→ When must placement hearing be held after initial custody?

Within 24 hours (Sundays and holidays excluded) if the child is in custody

What are the placement options?

- Release to parent/guardian
- Placement with relative or friend
- Placement in foster home, group home, crisis home, or shelter facility
- Placement in detention facility, but not with adults

→ Adjudication:

Held within 21 days of initial appearance if child is detained, within 30 if not

Or Alternate Process

If a law enforcement officer or prosecutor determines that a child should be diverted, the child may be offered a diversion plan

→ Dispositional Outcomes

- Release to parent/guardian
- Placement with a relative or friend
- Placed in custody of the Department
- Probation
- Detained in a correctional facility

→ Dispositional Outcomes

- Child will be offered services
- If a child complies with a diversionary plan, he or she may not be adjudicated delinquent and detained

Identification

Initial Custody

Process Following Initial Custody

Abused or Neglected Child

Authority for Initial Custody:

- By police officer or court designated person if "imminent danger to life, safety, or health"
- By medical staff if serious, non-accidental injuries, which custodian most likely caused

Placement:

- Hospital
- Shelter care or child care institution

Where is child referred after initial custody?

A child is referred to the Division of Child Protection and Permanency, or another entity in the Department of Children and Families

When and how does court assume jurisdiction?

Any person with knowledge of abuse or neglect may file a complaint

Child in Juvenile-Family Crisis

Authority for Initial Custody:

- Law enforcement may take custody when:
- Health and safety of child is seriously in danger and taking the child is necessary
 - Child is absent from home without consent

Placement:

- Parent, relative or responsible adult
- Host shelter
- Resource family or group home
- County shelter care facility

Where is child referred after initial custody?

The Juvenile - Family Crisis Intervention Unit (CSEC included in definition)

When and how does court assume jurisdiction?

When the Juvenile - Family Crisis Intervention unit petitions the court

Delinquent Child

Authority for Initial Custody:

A law enforcement officer may take a child into custody for delinquency, pursuant to laws of arrest

Placement:

- Returned to home
- Detained only if necessary to secure presence at adjudication, or for community/property safety, or for serious crimes

Where is child referred after initial custody?

To Juvenile Justice Commission. DMST to the County Prosecutor's Human Trafficking Liaison.

When and how does court assume jurisdiction?

Once any person with knowledge of the facts files a petition charging the child with a delinquent act

Trafficking Victims in New Jersey

Placement Process Pending Adjudication/ Investigation

→ When must placement hearing be held after initial custody?

By the next court day

What are the placement options?

- Child may be released to a parent or guardian, or other suitable person
- Child may remain in care of DCPP and be placed at suitable facility

Adjudication or Referral to Alternate Process

→ Adjudication:

Safety of child is paramount concern, evaluate whether child's interests require protection

Or Alternate Process

N/A

Placement Following Adjudication

→ Dispositional Outcomes

- If no on-going risk to life, health, or safety, return to parent/guardian
- The child is placed with a permanency plan
- Therapeutic services

→ Dispositional Outcomes

N/A

→ When must placement hearing be held after initial custody?

No later than the morning following detention

What are the placement options?

- Return to family
- Host shelter
- Resource family or group home
- County shelter care facility
- Another suitable family setting.

→ Adjudication:

Court considers unit's claims and recommendations as well as family's evidence

Or Alternate Process

N/A

→ Dispositional Outcomes

- Placed in or out of the home
- Placed under care of DCF or CCF to receive services
- Ordered to academic or vocational training services

→ Dispositional Outcomes

N/A

→ When must placement hearing be held after initial custody?

No later than the morning following detention

What are the placement options?

- Released to a parent or guardian
- Placed on home detention
- Shelter care
- Detention facility

→ Adjudication:

Within 30 days of detention hearing. Human trafficking is an aff. defense to prostitution

Or Alternate Process

- A petition may be informally adjusted
- The determination for informal adjustment will be made by court intake services
- One of the possible criteria for determining whether informal adjustment is appropriate is whether the child is a victim of human trafficking

→ Dispositional Outcomes

- Released to the supervision of a parent
- Placed with a state agency or nonresidential work program
- Probation or incarceration

→ Dispositional Outcomes

The case may be disposed of as a Juvenile-Family Crisis complaint

Identification

Initial Custody

Process Following Initial Custody

Abused or Neglected Child

→ Authority for Initial Custody:

- By a law enforcement officer if environment child is in imminent risk of abuse, abandoned or in need of emergency medical care
- By medical personnel if injured by abuse

Placement:

- Released to parent, guardian or custodian
- Medical facility
- Shelter care
- Relative or foster care

→ Where is child referred after initial custody?

Law enforcement should contact the department for an on-site safety assessment, where possible

When and how does court assume jurisdiction?

Upon the filing of a petition endorsed by the children's court attorney

Child of a Family in Need of Court-Ordered Services

→ Authority for Initial Custody:

Law enforcement without court order if child is a runaway, abandoned, DMST victim, endangered by surroundings, suffering from illness/injury, or with no parental supervision

Placement:

- Community based shelter care facility
- Foster care home
- Licensed child welfare services agency
- Relative

→ Where is child referred after initial custody?

- If child is not released, must notify parents
- If released, refer to voluntary family services

When and how does court assume jurisdiction?

Upon the filing of a petition endorsed by the children's court attorney

Delinquent Child

→ Authority for Initial Custody:

- Law enforcement may take custody:
- According to the laws of arrest for a delinquent act
 - Pursuant to a court order

Placement:

- Release to parents/guardians
- Detention facility, if over age 11
- Medical facility, evaluation facility, or another alternative to secure detention

→ Where is child referred after initial custody?

Law enforcement must give notice to the child's parents and the court within 24 hours

When and how does court assume jurisdiction?

Upon the filing of a petition endorsed by the children's court attorney

Trafficking Victims in New Mexico

Placement Process Pending Adjudication/ Investigation

When must placement hearing be held after initial custody?

custody hearing within 10 days of the petition for temporary custody

What are the placement options?

- Return legal custody to child's parents, guardian or custodian
- Temporary custody to department

Adjudication or Referral to Alternate Process

Adjudication:

Adjudicatory hearing must occur within 60 days of the petition

Or Alternate Process

Prior to the adjudicatory hearing, all parties to the hearing shall attend a mandatory meeting

Placement Following Adjudication

Dispositional Outcomes

- Permit the child to remain with parent or guardian subject to limitations
- Place child under supervision of dept.
- Transfer legal custody of the child
- Treatment plan

Dispositional Outcomes

The parties may settle by agreeing on a treatment plan that serves the child's best interests

When must placement hearing be held after initial custody?

Protective custody hearing within 10 days, but no sooner than 2 days, of filing petition

What are the placement options?

- Return child to parent, guardian or custodian
- Award custody of child to department

Adjudication:

Adjudicatory hearing must occur within 60 days of the petition

Or Alternate Process

N/A

Dispositional Outcomes

- Remain with the parent
- Protective supervision
- Transfer legal custody to department, agency, or non-custodial parent
- Services

Dispositional Outcomes

N/A

When must placement hearing be held after initial custody?

Within 24 hours after filing the petition, excluding weekends or holidays

What are the placement options?

- Return home
- Licensed foster home
- Child welfare services agency
- Shelter care
- Detention facility

Adjudication:

Hearing within 30 days of petition if in detention, within 120 days if not

Or Alternate Process

At any time after the filing of the petition and before the entry of a judgment, the court may, suspend the proceedings and continue the child under supervision in the child's own home under terms and conditions negotiated in a consent decree

Dispositional Outcomes

- Fines
- Short-term or long-term commitment to facility for care and rehabilitation of delinquent children
- Probation

Dispositional Outcomes

- Up to 6 months probation and services
- If the child successfully completes the terms of the decree, petition dismissed with prejudice

Identification

Initial Custody

Process Following Initial Custody

Abused or Neglected Child

Authority for Initial Custody:

Law enforcement or social services may take into custody if child is in imminent danger.

Placement:

A place approved for such purpose by the local social services department

Where is child referred after initial custody?

Inform the court and make a report of abuse as soon as possible; if CSEC, specialized services and safe house placement available.

When and how does court assume jurisdiction?

A petition shall be filed within three court days from the date of removal.

Person in Need of Supervision

Authority for Initial Custody:

Any peace or police officer can petition for the issuance of a warrant if believed to be PINS, which includes sexually exploited children.

Placement:

- Foster care program
- Family boarding home
- Non-secure detention facility
- Short term safe house

Where is child referred after initial custody?

If CSEC, specialized services and safe house placement.

When and how does court assume jurisdiction?

Peace officer, other state agency, family member or injured party may file a petition. If sexually exploited, child must consent to filing of the petition.

Delinquent

Authority for Initial Custody:

Officer may take a child under the age of 16 into custody without a warrant under the laws of arrest.

Placement:

- If child under 16, must notify the parents and
- Take child to her parents
 - Take to county family court
 - Take to juvenile detention facility

Where is child referred after initial custody?

Specialized services and safe house placement. May be referred to DSS if assessed by CJS to be trafficking victim.

When and how does court assume jurisdiction?

Agency files petition; on motion, court shall convert to PINS for 1st prostitution; court has discretion to allow PINS for older minors

Trafficking Victims in New York

Placement Process Pending Adjudication/ Investigation

When must placement hearing be held after initial custody?

No later than the next court day after the petition is filed

What are the placement options?

- Foster Care
- Parent or Relative
- Authorized agency
- Remain in own home with or without court supervision

Adjudication or Referral to Alternate Process

Adjudication:

Court determines if a child is dependent, neglected or abused.

Or Alternate Process

N/A

Placement Following Adjudication

Dispositional Outcomes

- Relative or suitable person
- Authorized association/agency
- Safe houses receiving special services

Dispositional Outcomes

N/A

When must placement hearing be held after initial custody?

Within 3 days after filing of petition

What are the placement options?

- Released
- Short term safe house
- Detention

Adjudication:

Court determines if child is person in need of supervision.

Or Alternate Process

Diversion services youth who are at risk of being the subject of a person in need of supervision petition.

Dispositional Outcomes

- Placed on probation
- Placed in home
- Placed in custody of a relative
- Ordered to complete an "education reform program"

Dispositional Outcomes

Services designed to provide an immediate response to families in crisis, utilize appropriate alternatives to detention, including safe houses and services for sexually exploited children

When must placement hearing be held after initial custody?

Within 72 hours

What are the placement options?

- Release of custody
- Removal from home
- Placement with relatives

Adjudication:

If detained, must be within 3 days of initial appearance, if not detained within 90 days

Or Alternate Process

The court may at any time prior to the entering of a finding of delinquency and with the consent of the respondent order that the proceeding be "adjourned in contemplation of dismissal."

Dispositional Outcomes

- Released home
- Referral of local social services
- Placed with relatives
- Supervision
- Safe house/specialized services if CSEC

Dispositional Outcomes

- Alcohol Awareness Program
- Education Reform Program
- Other such terms and conditions as the court deems appropriate

Identification

Initial Custody

Process Following Initial Custody

Child Identified as Youth in Need of Care (Abused/Neglected)

Authority for Initial Custody:

Law Enforcement if there's an order of the court, child is suffering from illness/injury or in danger from surroundings, or director's order. any physician suspecting abuse/neglect

Placement:

Not placed in shelter care prior to hearing on the petition, unless child has no parent guardian, or required to protect person, property of others, or the child.

Where is child referred after initial custody?

Release child to parent, guardian, or custodian upon promise to bring child before the court when requested, unless shelter care warranted

When and how does court assume jurisdiction?

Reasonable grounds to believe child is suffering from illness, injury, or in immediate danger, removal necessary, or child has run away from parents or guardian.

Child Identified as Deprived

Authority for Initial Custody:

order of the court, laws of arrest, by law enforcement if child is ill/injured, child is in danger, or child is runaway; or by order of the director

Placement:

Foster home, child welfare agency operated facility, medical facility (not adult detention facility)

Where is child referred after initial custody?

Release child to parent, guardian, or custodian upon promise to bring child before the court when requested, unless shelter care warranted

When and how does court assume jurisdiction?

Reasonable grounds to believe child is suffering from illness, injury, or in immediate danger, removal necessary, or child has run away from parents or guardian.

Child Identified as Delinquent

Authority for Initial Custody:

order of the court, laws of arrest, by law enforcement if child is ill/injured, child is in danger, or child is runaway; or by order of the director

Placement:

Foster home, child welfare agency operated facility, medical facility (not adult detention facility), detention home/center for delinquent or unruly children

Where is child referred after initial custody?

Immediate release unless it appears that the child's detention is warranted or required, if not released then to detention hearing

When and how does court assume jurisdiction?

Following initial custody, jurisdiction exists pursuant to the order of the court or pursuant to the laws of arrest

Trafficking Victims in North Dakota

Placement Process Pending Adjudication/ Investigation

When must placement hearing be held after initial custody?

Not later than 96 hours from initial custody.

What are the placement options?

If a child is brought before the court or delivered to a detention or shelter care facility designated by the court, the director, the intake officer, or other authorized officer of the court shall immediately make an investigation and release the child unless it appears that shelter care is required.

When must placement hearing be held after initial custody?

Not later than 96 hours from initial custody.

What are the placement options?

If a child is brought before the court or delivered to a detention or shelter care facility designated by the court, the director, the intake officer, or other authorized officer of the court shall immediately make an investigation and release the child unless it appears that shelter care is required.

When must placement hearing be held after initial custody?

Not later than 96 hours from initial custody.

What are the placement options?

Licensed foster care home, facility operated by child welfare agency, a detention home or center for delinquent or unruly children, any other suitable facility for the treatment of mental illness, alcoholism, mental illness, drug addiction, or a jail for adults under limited circumstances

Adjudication or Referral to Alternate Process

Adjudication:

Child is not deprived, delinquent, or unruly but is in need of continued foster care.

Or Alternate Process

It is determined to be in the best interest of the child to return home, to have parental rights terminated, to be placed for adoption, to be placed with a fit and willing relative, or to be placed with a legal guardian, establish, by order, some other planned permanent living arrangement.

Adjudication:

Child is found to be a deprived child.

Or Alternate Process

If the court finds that the child is not a deprived child, it shall dismiss the petition.

Adjudication:

Child is adjudicated on proof beyond a reasonable doubt as delinquent.

Or Alternate Process

The child may be ordered for the same disposition as a deprived child or petition may be dismissed and order the child discharged from any detention or other restriction previously ordered in the proceeding.

Placement Following Adjudication

Dispositional Outcomes

Child is placed in continued foster care services and case management for the child's foster care continues.

Dispositional Outcomes

Child is placed in the disposition which is found to be in the best interest of the child.

Dispositional Outcomes

Reside with parents, guardian, fit/willing relative, agency/private organization, direct of county social service board/other public agency, or to be placed for adoption

Dispositional Outcomes

Child is ordered discharged from any detention or other restriction previously ordered in the proceeding.

Dispositional Outcomes

If child is found to be delinquent: place child on probation, commit child to division of juvenile services or another state department for delinquent unruly children, juvenile drug court programe

Dispositional Outcomes

Reside with parents, guardian, fit/willing relative, agency/private organization, director cty. social service board/other public agency, adoption

Identification

Initial Custody

Process Following Initial Custody

Abused, Neglected, Dependent

Authority for Initial Custody:

Custody by law enforcement or DSS worker if "reasonable grounds" that child would be injured. LE must report abuse/neglect when minor suspected of prostitution.

Placement:

DSS worker may arrange for the placement, care, supervision, and transportation of the juvenile.

Where is child referred after initial custody?

Assess within 24 hours after receipt of report of abuse or suspected prostitution. Within 72 hours for report of neglect or dependency.

When and how does court assume jurisdiction?

- Petition and motion for review has been filed
- Or an order for non-secure custody has been entered by the court

Undisciplined juvenile

Authority for Initial Custody:

By law enforcement if suspected of or charged with prostitution. Or, if believed to be undisciplined juvenile (runaway, truant, beyond control of parents, unlawful location).

Placement:

- Release to parent
- Release to school
- Detained by law enforcement pending determination.

Where is child referred after initial custody?

If not released, referred to juvenile court counselor.

When and how does court assume jurisdiction?

The court assumes jurisdiction at the filing of the petition with clerk's office or the magistrate.

Delinquent * 16-17 criminally prosecuted, except prostitution offenses.

Authority for Initial Custody:

- If charge is prostitution, immune from prosecution; custody as undisciplined juvenile.
- If not charged with prostitution, custody by LEO for committing a delinquent offense.

Placement:

- Release to parent
- Release to school
- Detained by law enforcement pending determination.

Where is child referred after initial custody?

If charge is prostitution, referred to DSS. If other charge and not released, referred to juvenile court counselor.

When and how does court assume jurisdiction?

The court assumes jurisdiction at the filing of the petition.

Trafficking Victims in North Carolina

Placement Process Pending Adjudication/ Investigation

When must placement hearing be held after initial custody?

No juvenile shall be held in nonsecure custody for more than 7 days without a hearing

What are the placement options?

- Licensed foster home or a home otherwise authorized by law to provide such care
- Facility operated by the Department of Social Services
- Any home or facility, including a relative's home approved by the court

Adjudication or Referral to Alternate Process

Adjudication:

- Court determines if allegations can be proven, or petition is dismissed.

Or Alternate Process

N/A

Placement Following Adjudication

Dispositional Outcomes

- Release to parent/guardian
- Supervised by Department of Social Services in juvenile's home

Dispositional Outcomes

N/A

When must placement hearing be held after initial custody?

Within 24 hours if arrested without a warrant or 5 days if detained pursuant to order

What are the placement options?

- A licensed foster home or a home authorized by law
- A facility operated by the Department of Social Services
- Any other home or facility, including a relative's home approved by the court

Adjudication:

- Must be held within a reasonable time
- Allegations are either proven or dismissed

Or Alternate Process

N/A

Dispositional Outcomes

- Supervised at home
- Custody by parent, guardian, relative, placement agency
- Custody of Department of Social Services

Dispositional Outcomes

N/A

When must placement hearing be held after initial custody?

Within 24 hours if arrested without a warrant or 5 days if detained pursuant to order

What are the placement options?

- A licensed foster home or a home authorized by law
- A facility operated by the Department of Social Services
- Any other home or facility, including a relative's home approved by the court

Adjudication:

- Must be held within a reasonable time
- Allegations are either proven or dismissed

Or Alternate Process

N/A

Dispositional Outcomes

- Supervised at home
- Commitment
- Probation
- House arrest
- Treatment programs

Dispositional Outcomes

Identification

Initial Custody

Process Following Initial Custody

Abused, Neglected or Dependent Child

Authority for Initial Custody:

- Removal is necessary to prevent immediate or threatened physical or emotional harm
- Child is endangered by conduct, conditions or surroundings

Placement:

- Parents preferred (possible protective orders)
 - Shelter care
- NOTE: No authority to place in detention.

Where is child referred after initial custody?

Notice must be given to the parents and to the court

When and how does court assume jurisdiction?

- Any person with knowledge may file a sworn complaint
- If child is taken into custody, complaint must be filed before the end of the next day

Unruly or Runaway Child

Authority for Initial Custody:

By law enforcement or an officer of the court when a complaint has been filed alleging child to be unruly or if there are reasonable grounds to believe that child has run away

Placement:

- Release to parents
- Detention or shelter care if needed to protect the child or others or to keep child from disappearing

Where is child referred after initial custody?

Notice must be given to the parents and to the court

When and how does court assume jurisdiction?

- Any person with knowledge may file a sworn complaint
- If child is taken into custody, complaint must be filed before the end of the next day

Identified as Delinquent

Authority for Initial Custody:

By law enforcement under:

- The laws of arrest
- Reasonable grounds to believe child committed a delinquent act

Placement:

- Release to parents
- Detention/shelter care
- Short-term in adult facility for 3 hours if misdemeanor-level offense, 6 if higher

Where is child referred after initial custody?

Notice must be given to the parents and to the court. Intake or other authorized officer begins investigation

When and how does court assume jurisdiction?

Upon an information filed or an indictment

Trafficking Victims in Ohio

Placement Process Pending Adjudication/ Investigation

→ **When must placement hearing be held after initial custody?**

Not later than 72 hours after placement

What are the placement options?

- Release to parents
- With relatives
- Shelter care

Adjudication or Referral to Alternate Process

→ **Adjudication:**

Must be held within 30 days of when the complaint is filed

Or Alternate Process

N/A

Placement Following Adjudication

→ **Dispositional Outcomes**

- Return to parents
- Temporary custody with relative
- Custody to the child protection agency

→ **Dispositional Outcomes**

N/A

→ **When must placement hearing be held after initial custody?**

Not later than 72 hours after placement

What are the placement options?

- Detention facility for up to 24 hours
- Foster care,
- Child-care facility
- Any other suitable place designated by the court

→ **Adjudication:**

The court determines if the child is a unruly child beyond a reasonable doubt

Or Alternate Process

Available if the court establishes an alternative program

→ **Dispositional Outcomes**

- Place under community control
- Suspend driver's license
- Commit to temporary or permanent custody of the court
- Foster home or child welfare agency

→ **Dispositional Outcomes**

Must not exceed sixty days or until final disposition of the case, which ever comes first

→ **When must placement hearing be held after initial custody?**

Not later than 72 hours after detention

What are the placement options?

- Release to parents,
- Shelter care, OR
- Detention

→ **Adjudication:**

The court determines if the child is a delinquent child within 30 days of complaint

Or Alternate Process

CSEC will normally go through diversion program; complaint will be held in abeyance up to 90 days. The court may make any orders regarding placement, services, supervision, diversion actions, and conditions of abeyance, that court considers in the best interests of the child

→ **Dispositional Outcomes**

- Commit to temporary custody
- Placement in a detention facility
- Place child under community control

→ **Dispositional Outcomes**

Placement, supervision, & trauma-based services or ed. activities. When program is successfully completed, complaint dismissed and record expunged.

Identification

Initial Custody

Process Following Initial Custody

Human Trafficking Victim

Authority for Initial Custody:

If child may be a victim of human trafficking or sexual abuse, law enforcement shall notify/remand custody to Dept. of Human Services

Placement:

- Appropriate housing
- No facilities inappropriate to status as crime victims

Where is child referred after initial custody?

Law enforcement provides victim with hotline number and notice of rights

When and how does court assume jurisdiction?

The case is referred to the court by the Department of Human Services

Deprived (Abused-Neglected) Child

Authority for Initial Custody:

Law enforcement may take a child into initial custody in cases where there is an imminent threat to the child's safety

Placement:

Preference is given to relatives or persons who have a kinship relationship with the child

Where is child referred after initial custody?

The Department will investigate allegations of abuse/neglect

When and how does court assume jurisdiction?

A petition must be filed within 5 days of initial custody, unless the DA finds compelling reason to extend for 15 days

Child in Need of Supervision

Authority for Initial Custody:

Law enforcement may take custody if the child is a runaway, or when the child is endangered by his or her surroundings.

Placement:

- Release to parent or other responsible adult
- Placement in custody of law enforcement
- Trafficking victims are placed in shelter care

Where is child referred after initial custody?

The child will be referred to the court, which will make a preliminary inquiry into the case

When and how does court assume jurisdiction?

A petition must be filed within 5 days of initial custody of a child

Delinquent Child

Authority for Initial Custody:

Law enforcement may take custody when the officer would be able to arrest an adult without a warrant in similar circumstances

Placement:

- Release to parent or other responsible adult
- Placement in custody of law enforcement

Where is child referred after initial custody?

The child will be referred to the court, which will make a preliminary inquiry into the case

When and how does court assume jurisdiction?

A petition must be filed within 5 days of initial custody of a child

Trafficking Victims in Oklahoma

Placement Process Pending Adjudication/ Investigation

When must placement hearing be held after initial custody?

Show cause hearing within 72 hours

What are the placement options?

The child remains in the Department's custody until the investigation is complete for the show-cause hearing (but can't be in custody for more than 72 hours)

Adjudication or Referral to Alternate Process

Adjudication:

The court will determine whether the child is a victim of human trafficking

Or Alternate Process

N/A

Placement Following Adjudication

Dispositional Outcomes

The child will be placed in a designated shelter, and provided with protective, legal, and medical services

Dispositional Outcomes

N/A

When must placement hearing be held after initial custody?

Within 2 days of initial custody

What are the placement options?

- Release to parent/guardian/custodian
- Placement in emergency custody, or continued placement in emergency custody

Adjudication:

The court will determine whether the child is deprived within 90 days of petition

Or Alternate Process

N/A

Dispositional Outcomes

- Placement with parent/relative/guardian under supervision
- Transfer of custody to child welfare

Dispositional Outcomes

N/A

When must placement hearing be held after initial custody?

Within 24 hours of initial custody.

What are the placement options?

- Release to parent, guardian, or other responsible adult
- Shelter care
- Detention

Adjudication:

The court will determine whether the child is in need of supervision as alleged

Or Alternate Process

- Informal adjustment may be offered as an alternative to a petition being filed
- An informal adjustment is a voluntary agreement entered into between the child and the judicial officer

Dispositional Outcomes

- Release to parent, guardian, or responsible adult with supervision
- Transfer custody to Juvenile Affairs

Dispositional Outcomes

An informal adjustment agreement may include programs and services for counseling, treatment, and restitution

When must placement hearing be held after initial custody?

Within 24 hours of initial custody.

What are the placement options?

- Release to parent, guardian, or other responsible adult
- Shelter care
- Detention

Adjudication:

The court will determine whether the child is delinquent as alleged

Or Alternate Process

Several diversionary processes are available, including deferral of delinquency proceedings, alternative diversion programs, and informal adjustments

Dispositional Outcomes

- To parent or responsible adult
- Transfer custody to Juvenile Affairs
- Detention

Dispositional Outcomes

Avoidance of adjudication, and access to treatment, services, and programs for community service and restitution

Identification

Initial Custody

Process Following Initial Custody

Dependent Child

→ Authority for Initial Custody:

Temporary protective custody may be taken by a peace officer, counselor, employee of the Department of Human Services, or any other court authorized person if:

- Child's condition or surroundings reasonably appear to jeopardize child's welfare
- Court has made an order for custody
- It reasonably appears child has run away

Placement:

- Release to parent/responsible adult
- Shelter care

→ Where is child referred after initial custody?

After initial custody, the child is either taken before the court for disposition or taken into detention or shelter and the court is notified

When and how does court assume jurisdiction?

Jurisdiction attaches when a child is taken into custody

Delinquent Child

→ Authority for Initial Custody:

A peace officer or a person authorized by the court may take custody if:

- The child commits an act that would allow for a warrantless arrest if committed by an adult
- Otherwise ordered by the court

Placement:

- Released to a parent or guardian
- Shelter care
- Secure detention

→ Where is child referred after initial custody?

The child must be taken before the court either for disposition or a detention hearing for the court to make the determination if continued detention is warranted

When and how does court assume jurisdiction?

Jurisdiction attaches when a child is taken into custody

Trafficking Victims in Oregon

Placement Process Pending Adjudication/ Investigation

Adjudication or Referral to Alternate Process

Placement Following Adjudication

When must placement hearing be held after initial custody?

A detention/shelter hearing must be held within 24 hours of a child being detained

What are the placement options?

- Released to a parent or guardian
- Shelter care
- Secure detention

Adjudication:

An adjudication must be held within 60 days of the filing of a petition

Or Alternate Process

County juvenile department may refer a youth to an authorized diversion program if the youth is eligible to enter into a formal accountability agreement

Dispositional Outcomes

- Probation
- Child may become a ward of the Department of Human Services
- Department may place the child in a child care center or foster care
- Child may also be released to a relative
- Secure detention

Dispositional Outcomes

- Youth court
- Mediation program
- Crime prevention or chemical substance abuse education program
- Other reform program

When must placement hearing be held after initial custody?

The detention hearing must be held within 36 hours of initial custody

What are the placement options?

The child may be released to a parent or guardian or ordered to remain in shelter care or detention pending adjudication.

Adjudication:

The facts alleged in the petition must be proven beyond a reasonable doubt at the adjudication hearing. If the child is detained the hearing must be held within 28 days unless good cause is shown.

Or Alternate Process

A child may be placed in a diversion program.

Dispositional Outcomes

If the child is adjudicated delinquent, the child may be placed on probation or placed in a detention facility.

Dispositional Outcomes

The diversion program may include youth court, mediation and substance abuse assistance.

Identification

Child Identified as Dependent, Runaway, Abused and Neglected

Initial Custody

→ Authority for Initial Custody:

Law enforcement officer or duly authorized officer if:

- Child is in imminent danger from his/her surroundings
- There are reasonable ground to believe the child has run away from his/her parents or guardian

Placement:

- Department of Public Welfare approved shelter care facility, including hospital, relative's house, foster family home, residential child care facility
- No placement in a jail or other facility intended for adults

Process Following Initial Custody

→ Where is child referred after initial custody?

Law enforcement must:

- Notify parents of child's detention
- Deliver the child to the court of to the detention location designated by the court

When and how does court assume jurisdiction?

The county agency has 48 hours to petition with the court under the Juvenile Act alleging that the child is a dependent child

Child Identified as Delinquent

→ Authority for Initial Custody:

Law enforcement officer or duly authorized officer:

- Pursuant to the laws of arrest
- If child has violated conditions of probation
- If a commercially sexually exploited minor was placed on probation the probation officer may take the minor back into custody

Placement:

- Licensed foster home
- Child welfare agency facility
- Detention home, camp, center or other facility for delinquent children
- Any other suitable place or facility, designated or operated by the court and approved by the Department of Public Welfare

→ Where is child referred after initial custody?

Law enforcement must:

- Notify parents of child's detention
- Deliver the child to the court of to the detention location designated by the court

When and how does court assume jurisdiction?

If the child is not released, a petition must be presented to the court within 24 hours or the next court business day of the admission of the child to detention or shelter care

Trafficking Victims in Pennsylvania

Placement Process Pending Adjudication/ Investigation

Adjudication or Referral to Alternate Process

Placement Following Adjudication

When must placement hearing be held after initial custody?

Within 72 hours of interviewing the subject, the county agency shall have a hearing

What are the placement options?

- Emergency and planned temporary placement services
- Foster family care
- Residential child care

Adjudication:

Clear & convincing evidence is required for dependency ruling

Or Alternate Process

N/A

Dispositional Outcomes

- Returned to parents
- Continued in foster care
- Prepared for transition to independent living, if 16 years of age or older
- Permanency plan
- Visitation schedule
- Child's placement

Dispositional Outcomes

N/A

When must placement hearing be held after initial custody?

-The child's first review shall occur no later than 6 months from the date of placement.
-Subsequent periodic reviews—shall be held no later than 6 months from the date of the previous periodic review.

What are the placement options?

- Returned to parents
- Licensed foster home
- Child welfare agency facility
- Detention home, camp, center or other facility for delinquent children
- A commercially sexually exploited child may not be detained in jail

Adjudication:

Once the court has ruled on the offenses, the court shall conduct a hearing to determine if the juvenile is in need of treatment, supervision, or rehabilitation.

Or Alternate Process

N/A

Dispositional Outcomes

- Any disposition permitted for a dependent child
- Probation
- Committing the child to an institution, youth development center, camp, or other facility for delinquent children

Dispositional Outcomes

N/A

Identification

Dependent (Abused/Neglected) Child

Initial Custody

→ Authority for Initial Custody:

Custody may be taken by:

- Department of Children, Youth and Families (DCYF) pursuant to a removal order
- Law enforcement officer without court order if there is imminent danger to the child
- Physician without court order if child has non-accidental injury, malnutrition or sexual abuse symptoms

Placement:

- Protective custody under DCYF for up to 48 hours if without a court order

Process Following Initial Custody

→ Where is child referred after initial custody?

DCFY must apply for temporary custody and, within 30 days of initial custody, consider placing the child with a relative who does not live with the child's parents

When and how does court assume jurisdiction?

Upon petition by DCYF

Delinquent Child

→ Authority for Initial Custody:

Police officer or probation counselor may take custody if:

- Child is found violating any law or ordinance
- Child's surroundings are such as to endanger his or her health, morals, or welfare, unless immediate action is taken

Placement:

- Release to parent/guardian upon written promise to bring the child to court at the designated time
- Place with probation counselor
- Place in another detention facility

→ Where is child referred after initial custody?

Intake officer should immediately report to the court

When and how does court assume jurisdiction?

Upon report by intake officer and/or DCYF agent

Trafficking Victims in Rhode Island

Placement Process Pending Adjudication/ Investigation

Adjudication or Referral to Alternate Process

Placement Following Adjudication

When must placement hearing be held after initial custody?

Child shall not be detained in protective custody longer than 48 hours without the expressed approval of a justice of the family court

What are the placement options?

- Release to parent/guardian
- Foster care
- Private home, institution, or agency licensed by the DCYF

Adjudication:

Must occur within 30 days of the latest of when:

- The petition is served on the child
- The child is placed in detention

Or Alternate Process

N/A

Dispositional Outcomes

- Release to parent/guardian
- Foster care
- Independent living facility
- If not released to the parent and no foster care ordered, DCYF must institute proceeding within 30 days to free the child for adoption.

Dispositional Outcomes

N/A

When must placement hearing be held after initial custody?

Child may not be detained for more than 24 hours without being referred to family court for consideration

What are the placement options?

- Pending a hearing within 30 days, a child may be held at:
- Training school for youth
 - Custody of DCYF
 - A private home, institution, or agency licensed by DCYF

Adjudication:

Must occur within 30 days of the latest of when:

- The petition is served on the child
- The child is placed in detention

Or Alternate Process

- Prior to a finding that a child is delinquent, court may place petition on file and attach conditions to petition
- Conditions shall be a valid court order

Dispositional Outcomes

- Custody of parent, relative, or DCYF subject to terms decided by the court, including probation, additional supervision, or parental counseling.
- Commitment to training school for youth
- Community restitution

Dispositional Outcomes

If no action is taken on the petition in the period of one year or less, following the filing, the authorization issuing the petition shall be revoked by the clerk and the petition shall be closed

Identification

Initial Custody

Process Following Initial Custody

Abused/Neglected Child

→ **Authority for Initial Custody:**

Law enforcement may take emergency protective custody if:

- By reason of abuse or neglect the child's life, health, or physical safety is in substantial and imminent danger
- Child's parent or guardian has been arrested or child has become lost and child's welfare is threatened due to loss of adult protection and

Placement:

- Return to parents
- Licensed foster home/shelter
- Health care facility if child is in need of emergency medical care

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

- Department of Social Services must conduct a preliminary investigation to determine if probable cause exists to believe the child is abused or neglected and legal custody is needed
- If legal custody is not necessary, the department must return child to parent

When and how does court assume jurisdiction?

The family court assumes jurisdiction at the probable cause hearing brought by the department

Delinquent Child

→ **Authority for Initial Custody:**

Law enforcement may take custody upon finding of violation of criminal code

Placement:

- Nonsecure custody within the law enforcement center
- Release to a parent, a responsible adult, or a responsible agent of a court-approved foster home, group home
- A secure juvenile detention facility only if certain criteria are fulfilled

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

- Arresting officer must immediately notify the Department of Juvenile Justice
- An authorized representative of the department shall review the facts of the case and determine if further detention is warranted

When and how does court assume jurisdiction?

Upon petition by law enforcement officer for a detention hearing

Trafficking Victims in South Carolina

Placement Process Pending Adjudication/ Investigation

Adjudication or Referral to Alternate Process

Placement Following Adjudication

When must placement hearing be held after initial custody?

- A probable cause hearing must be held within 72 hours of initial custody

What are the placement options?

- Return to parents
- Relative placement
- Foster care

Adjudication:

Within 35 days of the petition, the court determines whether a preponderance of evidence supports the allegations

Or Alternate Process

N/A

Dispositional Outcomes

- Court imposes a treatment plan that
- Requires changes of parental behavior and home conditions
 - Outlines services to be provided to the family;
 - Subjects the family to periodical review by the court before the child can be returned

Dispositional Outcomes

N/A

When must placement hearing be held after initial custody?

Within 48 hours from initial custody, if the child is not released to parents

What are the placement options?

- Release to parent
- Temporary care of an appropriate public agency
- Detention in nonsecure facility, including private homes
- Detention in secure facility not to exceed 90 days

Adjudication:

The court shall in its decree make a finding of the facts upon which the court exercises its jurisdiction over the child

Or Alternate Process

Youth Mentor Program:

- As a pretrial diversion option provided by the solicitor; or
- As an optional, disposition alternative imposed by the family court

Dispositional Outcomes

- Place child on probation
- Commit child to private or public institution authorized to care for children
- Commit child to the custody of a suitable person
- Detention
- Dismiss proceeding

Dispositional Outcomes

- Upon satisfactory completion of the program, the juvenile proceeding must be dismissed.
- Failure to complete program will result in sanctions imposed by the family court, including revocation of suspended commitment

Identification

Initial Custody

Process Following Initial Custody

Abused or Neglected Child

Authority for Initial Custody:

Temporary custody may be taken by law enforcement officer or court services officer without court order if child is a runaway, or is endangered by his/her environment

Placement:

- Release to parents
- Foster care
- Shelter as designated by the court

Where is child referred after initial custody?

The state's attorney must be notified of the child's placement

When and how does court assume jurisdiction?

Upon the filing of a petition by the state's attorney

Child in Need of Supervision ("CHINS")

Authority for Initial Custody:

Temporary custody may be taken by law enforcement or court services officer if child:

- Is a runaway or endangered by environment
- Is under the influence of drugs or alcohol

Placement:

- Release to parents, guardian or custodian
- Shelter or detention as designated by the court

Where is child referred after initial custody?

The state's attorney must be notified of the child's placement

When and how does court assume jurisdiction?

Upon the filing of a petition by the state's attorney

Delinquent Child

Authority for Initial Custody:

Law enforcement may take temporary custody if child is:

- Subject to arrest
- Under influence of drugs or alcohol

Placement:

- Release to parents, custodian or guardian
- Detention or temporary care facility for up to thirty days if sight and sound separated from adult prisoners

Where is child referred after initial custody?

The state's attorney must be notified of the child's placement

When and how does court assume jurisdiction?

Upon the filing of a petition by the state's attorney

Trafficking Victims in South Dakota

Placement Process Pending Adjudication/ Investigation

When must placement hearing be held after initial custody?

Within 48 hours

What are the placement options?

- Release to parents, guardian or custodian
- Continue the temporary custody of the child under the terms and conditions for duration and placement that the court requires, including placement of temporary custody of the child with the Department of Social Services, in foster care or shelter

Adjudication or Referral to Alternate Process

Adjudication:

Following an advisory hearing on a petition, clear and convincing evidence standard

Or Alternate Process

N/A

Placement Following Adjudication

Dispositional Outcomes

- Family reunification
- Placement with a fit and willing relative
- Adoption
- Legal guardianship referral

Dispositional Outcomes

N/A

When must placement hearing be held after initial custody?

Within 24 hours of temporary custody

What are the placement options?

- Release to parents, guardian or custodian
- Continue the temporary custody of the child under the terms and conditions for duration and placement that the court requires, including placement of temporary custody of the child with the Department of Social Services, in foster care or shelter

Adjudication:

Following an advisory hearing on a petition, proof beyond a reasonable doubt standard

Or Alternate Process

N/A

Dispositional Outcomes

- Probation or protective supervision
- Supervised work program
- Foster/group home/care center
- Residential treatment / community-based services

Dispositional Outcomes

N/A

When must placement hearing be held after initial custody?

Within 48 hours of temporary custody

What are the placement options?

- Release to parents, guardian or custodian
- Shelter
- Detention

Adjudication:

Following an advisory hearing on a petition, proof beyond a reasonable doubt standard

Or Alternate Process

N/A

Dispositional Outcomes

- Incarceration in detention facility
- Fine, suspension of license
- Supervised probation
- Alternative educational program

Dispositional Outcomes

N/A

Identification

Initial Custody

Process Following Initial Custody

Dependent or Neglected Child

→ **Authority for Initial Custody:**

- Police or department may take custody if :
- A court order authorizes custody
 - Reason to believe child is abused/neglected.

Placement:

- Shelter care, if there's probable cause to believe the child is abused or neglected.

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

To the court, and to a medical facility if child is believed to suffer from a physical condition or illness requiring prompt treatment.

When and how does court assume jurisdiction?

Petition within 2 days of initial custody made by any person.

Unruly Child (truancy, runaway, status offenses)

→ **Authority for Initial Custody:**

- Police may take custody if:
- Court order or under the laws of arrest for an unruly act
 - Reason to believe the child is runaway

Placement:

- A licensed foster home
- Licensed child care agency facility
- A juvenile detention home or center
- Court-designated "suitable place or facility"

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

To the court, and to a medical facility if child is believed to suffer from a physical condition or illness requiring prompt treatment

When and how does court assume jurisdiction?

A petition shall be made promptly and presented to the court.

Delinquent Child (Child cannot be considered delinquent for prostitution)

→ **Authority for Initial Custody:**

By police officer if child committed a delinquent act. If suspected of prostitution, child is immune; must be provided with the NHTRC hotline and released to parent.

Placement:

- A licensed foster home
- Licensed child care agency facility
- A juvenile detention home or center

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

To the court, and to a medical facility if child is believed to suffer from a physical condition or illness requiring prompt treatment

When and how does court assume jurisdiction?

A petition shall be made promptly and presented to the court.

Trafficking Victims in Tennessee

Placement Process Pending Adjudication/ Investigation

→ **When must placement hearing be held after initial custody?**

Within 72 hours

What are the placement options?

- Foster home
- Child care agency facility

Adjudication or Referral to Alternate Process

→ **Adjudication:**

Court determines if child is dependent, neglected or abused.

Or Alternate Process

N/A

Placement Following Adjudication

→ **Dispositional Outcomes**

- Residential treatment placement
- Returned to parent
- Transferred to department of children's services

→ **Dispositional Outcomes**

N/A

→ **When must placement hearing be held after initial custody?**

Within 24 hours unless court is closed; then within 72 hours.

What are the placement options?

- Foster home
- Child care agency facility
- Detention home
- Center for delinquent children

→ **Adjudication:**

Court determines whether child is delinquent/unruly & not neglected/dependent

Or Alternate Process

If the court desires to commit an unruly child to the custody of the department of children's services, it shall, prior to ordering commitment, refer such child to the department's juvenile-family crisis intervention program.

→ **Dispositional Outcomes**

- Residential treatment placement
- Returned to parent
- Custody to children's services
- Probation, community service or fine

→ **Dispositional Outcomes**

Court may commit child to the depart. after juvenile-family crisis intervention program certifies to court that no other less drastic measure is appropriate.

→ **When must placement hearing be held after initial custody?**

Within 72 hours

What are the placement options?

- Foster home
- Child care agency facility
- Detention home
- Center for delinquent children
- Detention facility separate from adults under limited circumstances

→ **Adjudication:**

Court determines if child is dependent and if delinquent act/unruly conduct happened.

Or Alternate Process

N/A

→ **Dispositional Outcomes**

- Probation
- Any option avail. to dependent child
- Placement in institution, camp or other facility for delinquent children
- Fine or community service

→ **Dispositional Outcomes**

N/A

Identification

Initial Custody

Process Following Initial Custody

Abused/Neglected Child

→ **Authority for Initial Custody:**

Department of Family and Protective Services, law enforcement, or a juvenile probation officer may take custody if immediate danger to child's health and safety

Placement:

- Release to a child-placing agency
- Release to Department of Family and Protective Services
- "Any other person authorized by law"

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

Department of Family and Protective Services shall make a prompt and thorough investigation of a report of child abuse/neglect

When and how does court assume jurisdiction?

Upon petition by a government entity for temporary restraining order or, in the emergency custody situation, within one day of initial custody

Child in Need of Supervision

→ **Authority for Initial Custody:**

Law enforcement officer upon probable cause to believe child engaged in conduct indicating a need for supervision

Placement:

- Release to parent/guardian
- Detention facility
- Bring child before an officer or official designated by the juvenile board

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

Law enforcement office may dispose the case without referring to juvenile court if certain criteria are met

When and how does court assume jurisdiction?

Juvenile court might exercise concurrent jurisdiction if the child is also abused and/or delinquent

Delinquent Child

→ **Authority for Initial Custody:**

Law enforcement officer may take custody upon probable cause to believe child violated a penal law of the state

Placement:

- Release to parent/guardian
- Detention facility
- Bring child before an officer or official designated by the juvenile board

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

Law enforcement office may dispose the case without referring to juvenile court if certain criteria are met

When and how does court assume jurisdiction?

Juvenile court might exercise concurrent jurisdiction if the child is also abused and/or delinquent.

Trafficking Victims in Texas

Placement Process Pending Adjudication/ Investigation

When must placement hearing be held after initial custody?

Within 24 hours

What are the placement options?

- Return to parents
- Emergency shelter facility for up to 15 days

Adjudication or Referral to Alternate Process

Adjudication:

Must be sufficient evidence to satisfy a person of ordinary prudence of continued danger

Or Alternate Process

N/A

Placement Following Adjudication

Dispositional Outcomes

- Return to parent/other individual
- Adoption
- Conservatorship to a relative
- Other planned, permanent living arrangement

Dispositional Outcomes

N/A

When must placement hearing be held after initial custody?

No later than the second working day after initial custody

What are the placement options?

- Release to parent/guardian
- Foster or shelter care

Adjudication:

Allegations must be proven beyond a reasonable doubt

Or Alternate Process

First offender program available to some children

Dispositional Outcomes

- Probation in the home of child
- Placement with relative, foster home, or a residential treatment facility

Dispositional Outcomes

If the child fails the program, she will be referred to juvenile court or a complaint will be filed with criminal court.

When must placement hearing be held after initial custody?

No later than the second working day after initial custody.

What are the placement options?

- Release to parent/guardian

Research gap

Adjudication:

Allegations must be proven beyond a reasonable doubt

Or Alternate Process

- First offender program available to some children
- A child victim of trafficking may request deferral of adjudication and participate in a trafficked person program.

Dispositional Outcomes

- Probation in the home of child
- Placement with relative, foster home, or a residential treatment facility
- Commitment to secured correctional facility or Texas Juvenile Justice Dept.

Dispositional Outcomes

Once the child satisfactorily completes the trafficked person program, court shall dismiss the case with prejudice and seal the delinquency proceeding record

Identification

Initial Custody

Process Following Initial Custody

Abused or Neglected Child

→ **Authority for Initial Custody:**

A peace officer or child welfare worker if:

- There is a warrant or court order
- The parents consent
- There are exigent circumstances which justify proceeding without a warrant

Placement:

- Noncustodial parent, relative or friend
- Shelter care

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

If the child is in protective custody of Division of Children and Family Services (DCFS), division must report to the court:

- Why the child was removed
- Any services to prevent the need for removal
- The need for continued shelter care

When and how does court assume jurisdiction?

When a petition is filed by any interested person

Child Identified as Delinquent

→ **Authority for Initial Custody:**

Peace officer may take custody if the child:

- Violates a law in officer's presence
- Reasonable grounds to believe the child committed an act that = a felony offense
- Child is seriously endangered or seriously endangering others
- Reasonable grounds to believe the child has run away or is truant

Placement:

- Release to parents
- Shelter care
- Secure detention

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

Child taken into custody for "prostitution" or "solicitation" must be referred to DCFS; if 1st referral, no delinquency case and DCFS shall provide services.

-In all other cases, officer must notify the child's parents and file a written report with the Div. of Juvenile Justice Services.

When and how does court assume jurisdiction?

- Proceedings are commenced with the filing of a petition
- A citation is an abbreviated referral filed by the arresting officer and is sufficient to invoke the jurisdiction of the court in lieu of a petition

Trafficking Victims in Utah

Placement Process Pending Adjudication/ Investigation

Adjudication or Referral to Alternate Process

Placement Following Adjudication

When must placement hearing be held after initial custody?

Within 72 hours of the division taking a child into protective custody or removing a child

What are the placement options?

- Relative of the child or a friend of a parent of the child who is able and willing to care for the child
- Shelter care

Adjudication:

The court determines, by clear and convincing evidence, whether the allegations contained in the petition are true

Or Alternate Process

Court shall make determination of whether there are available services that would prevent the need for continued removal

Dispositional Outcomes

- Return to parent or guardian
- Custody to the Division of Child and Family Services
- Custody or guardianship of other individual or entity
- Order protective supervision

Dispositional Outcomes

The child may be returned home with order that services be provided by the division if the court finds that continued removal is unnecessary

When must placement hearing be held after initial custody?

A child may not be held in a shelter facility longer than 48 hours prior to a shelter hearing, excluding weekends and holidays

What are the placement options?

- Return to parents
- Shelter care
- Secure detention

Adjudication:

The court determines whether the child is delinquent by proof beyond a reasonable doubt

Or Alternate Process

- There may be nonjudicial adjustment of the case
- Efforts to effect a nonjudicial adjustment may not extend for more than 90 days without leave of a judge of the court, who may extend the period for an additional 90 days

Dispositional Outcomes

- Probation in child's home
- Custody to relative or other with or without probation or protective supervision
- Commit minor to Division for secure confinement

Dispositional Outcomes

- Payment of fines or restitution
- Completion of compensatory service
- Counseling or treatment
- Restrictions on activities
- Other reasonable actions that are in the interest of the child and the community.

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.

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 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

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.

Dispositional Outcomes

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

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.

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

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

Identification

Initial Custody

Process Following Initial Custody

Neglected Child

→ **Authority for Initial Custody:**

- Court may issue an ex parte order, emergency order, or warrant
- Law enforcement may act if child is in need of immediate protection

Placement:

- Foster home
- Approved/certified child care facility
- Non-custodial parent or extended family
- Hospital, if necessary

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

- Attorney General for protective proceedings
- If the child appears to be a trafficking victim, to appropriate services

When and how does court assume jurisdiction?

A petition signed by the District Attorney is filed after a determination that court action is necessary to protect a child's best interests

Child in Need of Supervision

→ **Authority for Initial Custody:**

- Law enforcement can take in if:
- Child is seriously endangered by his or her surroundings or behavior
 - Child has run away

Placement:

- Least restrictive environment possible of:
- Foster home or certified child care facility
 - Temporary holding area of police station
 - Separate detention home or facility

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

District Attorney for review of the need for continued detention or shelter care

When and how does court assume jurisdiction?

A petition signed by the District Attorney is filed after a determination that court action is necessary to protect a child's best interests

Delinquent (does not apply to DMST victim)

→ **Authority for Initial Custody:**

Generally, if detained, the child will be treated as a child in need of supervision

Placement:

Generally, if detained, the child will be treated as a child in need of supervision

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

Generally, if detained, the child will be treated as a child in need of supervision

When and how does court assume jurisdiction?

Generally, if detained, the child will be treated as a child in need of supervision

Trafficking Victims in Wyoming

Placement Process Pending Adjudication/ Investigation

→ When must placement hearing be held after initial custody?

With 48 hours

What are the placement options?

- Foster home
- Approved/certified child care facility
- Non-custodial parent or extended family
- Hospital, if necessary

Adjudication or Referral to Alternate Process

→ Adjudication:

Can be held after the shelter care hearing or within 60 days of the filing of the petition

Or Alternate Process

N/A

Placement Following Adjudication

→ Dispositional Outcomes

- Return to parents without supervision
- Placed under protective supervision
- Transfer legal custody to relative or state agency

→ Dispositional Outcomes

N/A

→ When must placement hearing be held after initial custody?

Within 48 hours

What are the placement options?

- Return home subject to reasonable terms and conditions
- Placement in the legal custody of the Department of Family Services

→ Adjudication:

Within 60 days of the filing of petition and no later than 90 days after filing of petition

Or Alternate Process

- The prosecuting attorney should consider:
- Alternative community programs
 - Mental health counseling services available
 - Family preservation services offered by the department of family services
 - Use of truancy statute enforcement
 - Municipal and circuit court remedies

→ Dispositional Outcomes

- Return home with or without protective supervision
- Temporary legal custody to a relative, other suitable adult
- Placement with a state agency

→ Dispositional Outcomes

N/A

→ When must placement hearing be held after initial custody?

Generally, if detained, the child will be treated as a child in need of supervision

What are the placement options?

Generally, if detained, the child will be treated as a child in need of supervision

→ Adjudication:

Generally, if detained, the child will be treated as a child in need of supervision

Or Alternate Process

Generally, if detained, the child will be treated as a child in need of supervision

→ Dispositional Outcomes

Generally, if detained, the child will be treated as a child in need of supervision

→ Dispositional Outcomes

Generally, if detained, the child will be treated as a child in need of supervision