

January 15, 2014

OUTLINE - Handbook for STAR (“Succeed Through Achievement and Resilience”) Court.

I. Introduction

This Handbook is to provide a description of the Los Angeles County Juvenile STAR court for participants, their families and others interested in its philosophy, goals and procedures.

The STAR court is a collaborative court in session once a week in Dept. 261 of the Los Angeles County Juvenile (Delinquency) court. On its docket are young women¹ who have been arrested and found to have engaged in prostitution, or who have disclosed involvement in prostitution after arrest on other charges. These young women have been arraigned and their cases adjudicated with a finding sustaining the criminal charges in their Petition.²

At the Disposition stage of their case, the youth have an opportunity to voluntarily participate in the STAR court program during their probation. They may do so whether they are returned to live with their parents or in another private living arrangement, or are detained in a probation facility.

Depending on the nature of their offense, any prior sustained Petitions, and how well the youth does on Probation, she may or may not have judgment entered against her at the end of her Probation.

The program’s goal is primarily rehabilitative, and it addresses underlying family or personal issues that precipitated the child’s activities. It does so by providing enhanced services and supervision through partnership with a multi-disciplinary team composed of the youth’s lawyer, the Asst. District Attorney, a probation officer dedicated to supervision of the youth on this docket, and advocates from several community based organizations which work with sex trafficked youth on an on-going basis.

¹ The court’s initial focus has been on girls because they comprise 95% of the youth referred by law enforcement for prostitution related crimes. However, it is recognized that boys too are sexually trafficked.

² They are under court supervision pursuant to California WIC 602, 654, 725(a), or 790 (including those under dual supervision status under WIC 300/654, WIC 300/725(a) and WIC 300/790) and are involved in (or at risk for involvement in) prostitution.

This approach is also to equip the youth with tools to create and sustain a life away from prostitution once the young women are no longer under court or probation supervision.

By so doing, the court works to promote youth and public safety, to reduce recidivism, and to disrupt the pattern leading to increasing criminal activity.

II. STAR Court’s Underlying Philosophy

The youth arrested for involvement in prostitution are domestic minor sex trafficking (“DMST”) victims, (or commercially sex trafficked children (“CSEC,”)) not criminals.

These youth have experienced past and often on-going physical, emotional, and/or sexual abuse that has not been addressed. The unhealed trauma makes it more difficult for the youth to stay in school, to stay out of trouble, and/or to complete probation successfully.

Historically, CSEC youth have been prosecuted criminally in the juvenile court, resulting in detention in juvenile hall, removal from their parents’ homes to group homes, and even detention in county probation camps for up to six months. The criminalization of this behavior further compounds the harm already suffered by the youth, and does not stem the behavior or reduce recidivism.

By offering alternatives to detention and a range of comprehensive services and support through the collaborative court, the STAR court aims to educate and support the young woman’s efforts to move away from exploitation, criminal activity, and further incarceration. The goal is to return her to school, to physical health, and emotional stability so that she can make a productive, healthy, and satisfying life for herself.

III. Eligibility for the STAR court

The Court will supervise interested minors who meet one of the following qualifications:

- under 17 years [???
- likely to testify against his/her trafficker in other court proceedings
- one or more arrests for prostitution, or disclosure of sex trafficking involvement in the course of supervision by probation on unrelated charges
- geographically near the Court and able to participate in services in the Compton , Watts, Willowbrook or Carson areas.

[include something about cost/no cost to parents]

IV. STAR Court supervision

STAR Court proceedings are conducted on Tuesdays, and they go forward as any other delinquency court proceeding. Consistent with the existing juvenile court protocol, each young woman is represented by an attorney. Additional individuals may participate in the Court proceedings at the discretion of the Court and with input from the minor, attorneys and Probation.

Youth technically come under the aegis of the STAR court only at the Disposition stage of their case. If her case is not originally filed in Dept. 261, the case of an otherwise eligible youth may be transferred to Dept. 261 for Disposition after adjudication by another court.

All documentation required by the Court is due by noon on the date prior to the scheduled hearing, unless otherwise specified by the Court.

Girls eligible for STAR Court supervision will have discussed their possible participation in the court's program with their attorney, possibly prior to the adjudication of their case, but in all cases before disposition. The court will also review the program and the criteria for participation in the program with the youth prior to the youth's addition to the docket.

Thereafter, Court appearances for the youth will be scheduled approximately every 3-5 weeks, depending on the circumstances of the case, and the child's progress.

The goal and the work of the STAR Court is to ensure that each minor involved

- has a secure place to live
- is enrolled in a school program that is appropriate for their educational needs
- has appropriate adult support that will be available to the minor after Court supervision has ended
- has access to counseling by professionals who are licensed and experienced in treating trauma victims
- is receiving appropriate medical and dental care
- is aware of the status of any legal proceedings that involve them and is prepared to meaningfully participate in those proceedings
- possesses his/her essential governmental documentation (including birth certificate, Social Security card, state identification or driver's license, immunization records, school transcripts, medical records)
- has a safe and appropriate place to live when Court jurisdiction ends

V. Disposition Hearing

Prior to the disposition hearing, Probation is to submit the following information to the Court:

- A. A Domestic Minor Sex Trafficking (“DMST”) assessment which includes the following:**
 - Child’s history of prostitution, if any, and the history of prostitution in the family. This should include adult cases and out-of -county cases concerning the youth;
 - Any history of sexual or physical abuse;
 - Whether minor’s traffickers and/or customers were arrested and the status of any prosecutions against them;
 - Which police agency arrested minor and, if there are prior arrests, which agencies were involved; Names of detectives or officers involved;
 - Whether minor receives services from any community based organization (“CBO”) to address trafficking issues? If so, name of CBO and any staff members minor may have a relationship with.
- A. DCFS history at any point, even if not current**
- B. Complete school history including enrollment, periods on non-enrollment, grades, attendance, suspensions or disciplinary actions, IEP and date of most recent IEP.**
- C. Any medical issues, including pregnancy**
- D. Any mental health issues**

Information concerning mental health and medical issues should be filed in compliance with HIPAA (i.e. under seal).

- E. Every disposition report shall attach the following:**
 - Copy of minor’s birth certificate and SS card or #
 - Copy of school transcripts and most recent grades.

Immediately before to the disposition hearing, the court will conduct an informal meeting with the Dep. Probation Officer (“DPO”), counsel, therapists, representatives from CBOs, law enforcement and appropriate family members to discuss placement options (where and when) and treatment plan.

The Court will hold the disposition hearing with minor and the representatives listed above.

Probation conditions shall include an indication to minor of consequences for violation, i.e., if AWOL, she may spend time in custody prior to re-placement. The court will determine these consequences with input from the team.

The case plan objectives and expectations will be discussed with the minor; and the court will tell her that her agreement to comply with the plan is a condition to supervision by the STAR court.

A written copy of her conditions of probation will be provided to the minor, DPO and members of treatment team before they leave the court.

Support persons available to the minor will be identified and contact information provided to minor.

Potential visitors for the youth in home, placement or custody setting will be specified after review by the treatment team and court.

VI. Post – Disposition Court Supervision

The first progress hearing is to be scheduled within approximately 4 weeks of disposition. The DPO, counsel, placement representative and appropriate family members are to be present; attendance by law enforcement, educational advocates, and DCFS representatives, if any, is optional.

The Probation Officer shall provide a report to the court concerning the youth's most recent progress and challenges. These reports should be available for review by 8:30 a.m. on the hearing date. A form for these reports will be provided by the Court and/or Probation. Sufficient copies for all team members should be provided.

The Probation Officer should be prepared to address:

- Any safety issues;
- Minor's adjustment to placement and behavioral issues;
- Minor's enrollment and progress at school (including status of IEP implementation);
- Implementation of treatment plan and minor's participation (including minor's progress in substance abuse counseling, Regional Center activities, etc.);
- Any medical issues and treatment;
- Whether there is a change in the young woman's mental health status;

- Whether she is on any medications; if so how she is reacting to them, and if she is taking them consistently.
- Whether additional assessments or services are needed
- Status of investigation of or litigation against her trafficker; any contact by law enforcement to initiate or follow up on that investigation or litigation.
- Whether minor has reported any inappropriate conduct by custodial personnel or anyone else with regular contact with minor at placement, school and/or CBO.
- Status of obtaining government documentation and benefits for minor (i.e. birth certificate, Social Security card, state ID card, SSI benefits)
- Status of family reunification or transitional housing, if appropriate.

Immediately prior to the hearing, the court will meet with the treatment team to discuss minor’s progress and any needs.

Subsequent progress reports will be scheduled every 4 or so weeks for the first 3 months of supervision. If appropriate, DPO, counsel and/or members of the treatment team may request more frequent court contact.

Progress reports will be scheduled for Tuesday mornings, unless the need for more in-depth discussion is anticipated. Generally, post-dispo supervision cases will be conducted in the morning. The afternoon will be reserved for new dispositions or other cases in which more in-depth discussion is anticipated.

Minor will continue be supervised by the treatment team and STAR court for 18 months or until the curriculum has been successfully completed.

[does Probation have a proposed curriculum yet?]

VII. Treatment Team’s Procedures and Operation

A. The Treatment Team

1. Composition

Currently the Treatment team consists of the minor’s counsel, Court [or coordinating probation] officer, case-carrying probation officer, Asst District Attorney, representatives from CAST³, Saving Innocence⁴, Alliance for Children’s Rights⁵, and Public Counsel⁶.

³ CAST is . . .

⁴ Saving Innocence is . . .

⁵ Alliance for Children’s Rights . . .

⁶ Public Counsel . . .

[how did this particular composition come about?]

One or more representatives from the community-based organizations will take on the youth as a client as appropriate.⁷ The court terms these individuals “advocates,” and formally appoints them so that they can have access to records, and to the youth in placement. If attorneys, they are appointed as (co)-counsel on the case.

[attorney-client privilege issues??]

2. Operation

The case-carrying probation officer has primary responsibility for supervising the youth and gathering information about her progress from caregivers, school representatives, therapists, and other service providers.

Any advocate assigned to the case keeps the probation officer informed of the advocate’s contacts with the youth and any pertinent developments in the case.

The treatment team meets Tuesday mornings before the court calls the calendar to review the progress of each youth whose case is to be heard that day. They share any information on the case that has not previously been noted.

B. Program Rules

[Sanctions/incentives? Are there grounds for expulsion from the court’s programs? What happens when a youth AWOLS? Gets re-detained by law enforcement?]

[What is protocol if child’s counsel or DA do not participate? Waivers?]

C. Bench Officer’s Role

[nature of participation? Ex parte issues?]

D. Services

A typical plan

⁷ An advocate may have particular expertise in an area relevant to the youth’s case, ie., education rights, and thus may participate in the case only with respect to that aspect. Another advocate may assume a broader participation.

1. **Counseling**
2. **Education**
3. **Drug Treatment if required**
4. **Incentives**
5. **Services to parents**

VIII. IMMEDIATE NOTIFICATION TO COURT

Members of the team must notify the court immediately (i.e. within 24 hours or on the next court day) if any of the following occur:

- Minor leaves placement without permission;
- Minor is threatened or contacted by her trafficker or someone related to him/her;
- Minor is requested to testify at a court proceeding or deposition (either by request, subpoena or court order);
- Emergency medical or mental health treatment is needed for the child;
- The young woman is arrested or new charges are filed;
- She is picked up on a bench warrant or otherwise found while AWOL;
- The child's placement fails

Notification is to be made by e-mail or fax to Commissioner Pratt and the DPO. A court hearing will be scheduled, if appropriate, within a week to convene the team to discuss the issue.

IX. OTHER COURT POLICIES

A. Minor's appearance / testimony in other criminal actions

Every effort shall be made to inform the minor and the treatment team as soon as it appears minor may be required to testify against his/her trafficker. Then, the following preparations should be made:

- A team member will be designated to support the minor in his/her preparation for testimony and testimony itself.
- The prosecuting DA will be contacted and apprised of the need to prepare the minor for testimony, to preserve minor's testimony at a preliminary hearing, if possible, and to make arrangements to ensure that minor is not shackled during testimony, is able to wear his/her own clothing and that

there is no contact between the trafficker and minor at the courthouse on the day of the proceeding.

- Status of minor's preparation for testimony and any arrangements needed to facilitate truthful and effective testimony will be regularly reviewed at court hearings.
- If additional arrangements need to be made to ensure the minor's safety, the detectives, prosecuting DA and STAR court should be notified immediately.

B. Probation violations/subsequent 602 petitions

If a minor is detained on a new petition, probation violation or bench warrant, Probation is to arrange for minor to be transported to court within statutory timeframes (2 court days from detention), regardless of the day of the week. Further hearings concerning the petition will be scheduled on a STAR court date (Tuesday).

If a new petition or probation violation is filed, and the youth is not detained, that new petition/violation will be addressed on the next scheduled court date for minor, if appropriate.

X. Appendices

[We should attach any forms that are being used by the Court, Probation and/or advocates specifically for the STAR court. I.e., sample Probation Report for Dispo hearing, progress report, sample Probation conditions form, etc. I like the draft Handbook, "Welcome to the STAR Program," that Catherine did for the girls. Since it isn't being used, we could maybe attach it as a "possible" handbook to give to girls. The gift card protocol can be attached. We should discuss if there are other possible attachments.]