



Parent Guidebook

For parents who have a youth detained in a temporary detention or secure treatment facility

DIVISION OF JUVENILE JUSTICE FACILITIES IN ALASKA

Bethel Youth Facility (BYF)

PO Box 1989
Bethel, AK 99559
Phone: 907-543-5200

Fairbanks Youth Facility (FYF)

1502 Wilbur Street
Fairbanks, AK 99701
Phone: 907-451-2150

Johnson Youth Center (JYC)

3252 Hospital Drive
Juneau, AK 99801
Phone: 907-586-9433

Kenai Peninsula Youth Facility (KPYF)

405 Marathon Road
Kenai, AK 99611
Phone: 907-335-3100

Mat-Su Youth Facility (MSYF)

581 Outer Spring Loop Road
Palmer, AK 99645
Phone: 907-746-1630

McLaughlin Youth Center (MYC)

2600 Providence Dr
Anchorage, AK 99508
Phone: 907-261-4399

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LEGAL INFORMATION: DETENTION IN A SECURED FACILITY

Now that your child is in a Division of Juvenile Justice (DJJ) detention facility, you will need to learn more about the court process and understand your child's rights.

You should always contact a lawyer with specific questions you have about your child's legal status. DJJ staff cannot give you or your child legal advice. If you cannot afford a lawyer, one will be appointed to you in court.

WHY WAS MY CHILD DETAINED?

Juvenile Probation Officers (JPO) or Alaska Court System judges may detain a youth if they are considered a:

- Danger to self.
- Danger to others.
- Flight risk.

Detention is usually a short-term placement used to assess an appropriate release plan for the youth. A detained youth must receive a detention hearing within 24 to 48 hours. Release might include back to a parent, Residential Treatment, etc.

While in Detention, youth:

- Attend school.
- Attend groups and educational programs.
- Are provided feedback on their behavior.

YOUR CHILD'S RIGHTS

Your child has basic rights as a resident in DJJ facilities. All youth at DJJ Detention facilities have the right to:

- Eight hours of sleep per night.
- Three meals a day.
- One hour of exercise each day.
- Proper medical and dental care.
- Family contact via phone and in-person visits.
- Opportunity to maintain daily personal hygiene.
- Opportunity to write and receive mail.
- Opportunity to attend religious services and/or contact with a minister, priest, and/or rabbi from a home church.
- Opportunity to contact the youth's attorney and/or probation officer within 24 hours of their request.
- Opportunity to file a grievance through the facility grievance policy.

THE JUVENILE COURT PROCEEDING VS. ADULT COURT

Although there are similarities, the juvenile justice system differs in some ways from the adult criminal system. The juvenile court proceeding attempts to address the interests of the public and the needs of the juvenile and family by considering what skills or competencies your child or you need to help avoid future problems, to protect the safety of the public and/or youth, to hold your child accountable, and to do what is necessary to restore any damage resulting from your child's behavior.

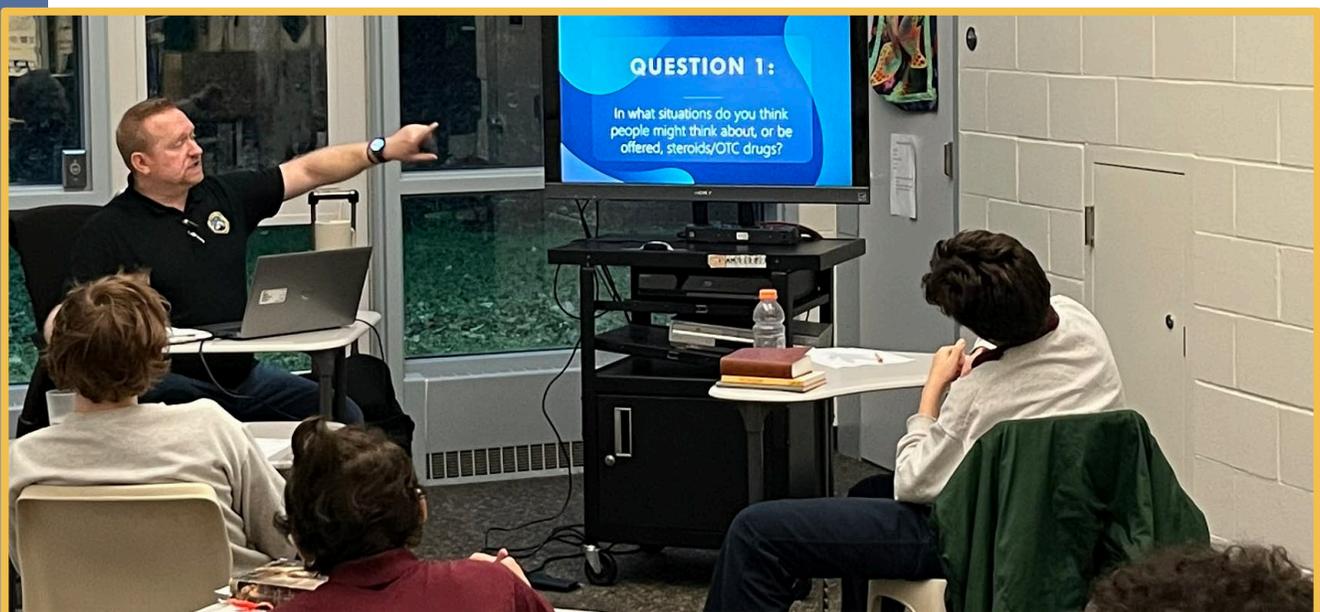
The juvenile justice system for youth is designed for children and youth under age 18 and up to age 19 if already involved in the juvenile system.

Below is terminology used in juvenile court matters that is somewhat different from that of the adult system.

- Offenses are not called crimes; they are called delinquent acts.
- Youth are not called criminals; they are called offenders.
- Youth do not go to jail or prison; they go to detention or secure treatment facilities.
- Juveniles have a right to a trial by jury just like adults.
- In court, youth are not found guilty/convicted or not guilty; they are determined to be delinquent or not delinquent.
- Juvenile court hearings are referred to as adjudication and disposition hearings vs. change of plea/verdict and sentencing hearings.

Other differences between the adult and juvenile justice systems:

- The adult criminal justice system is focused on punishment. The juvenile justice system is focused on restorative justice.
- Probation can be extended under the same case number.
- Youth must go before the court every 30 days if in a detention facility.



You should also be aware of the possible court hearings that may follow your child's detention. These might include:

Detention Hearing: A hearing to discuss the status of the detention and possible release plan and placement. Your child may attend more than one detention hearing.

It is possible during a detention hearing that the judge will decide that your child is no longer a danger to themselves, to others, or is no longer a flight risk. If that happens, your child could be released to you pending future court hearings. If the court finds that your child is still a danger to themselves or others, or that they are a continued flight risk, your child will continue to be detained.

Adjudication/Petition Hearing: This stage in court usually includes presentation of evidence and talking to the youth and witnesses. Your child can admit they are involved in the delinquent act, or the judge will decide whether there is enough evidence to say the alleged act was committed. If your child is adjudicated on one or more of the charges made in the petition, their case will progress to a Disposition hearing.

Disposition Hearing: A hearing where the court determines the most appropriate resolution in the case. The purpose of this hearing is to determine what action will be taken in the case. Possible outcomes could include:

- Probation in your home or out-of-home placements (e.g. foster home, home of a relative, etc.)
- Placement in a group or residential home
- Placement in a drug or alcohol treatment facility
- Secured institutional treatment placement

Your child has the right to have an attorney represent them at all court hearings. Your child has the right to speak to your attorney while they are held in detention. If you want an attorney and cannot afford one, the court will appoint a public defender or another attorney to represent you and your child.

ROLE OF THE JUVENILE PROBATION OFFICER (JPO)

The JPO receives a police or trooper report and decides whether charges will be filed. They also have the authority to detain youth and will schedule a hearing before the judge to decide whether your child will need to stay in detention. The JPO also presents information in court related to the offense your child is being charged with and makes recommendations regarding your child's placement and/or treatment needs.

JPOs are concerned about your child's best interest and the safety of the community and will consider both when making recommendations to the court. When your child is released from Detention, your child will most likely have Conditions of Probation/Conduct to follow, which will include the requirement that the child must meet regularly with the JPO.

ROLE OF THE ATTORNEY

A minor has a right to be represented by a lawyer in any court proceedings. The minor may be eligible to have a lawyer appointed by the court at public expense. The judge will make a determination on eligibility for the appointment of a court-appointed attorney.

Your child's attorney will advise you about your child's case and represent your child in court. It is the attorney's job to protect your child's rights and reach the best possible resolution for your child in court.

Attorneys speak on the child's behalf in court and will help the judge and the JPO understand what your child's wishes are regarding what happens with the case and their placement.

So the attorney can best help, your child should be honest and answer all their questions as best as they can. You need to make sure that the attorney has the information needed to represent your child. Attorneys usually work Monday through Friday from 8 a.m. - 4:30 p.m. Facility staff members will help your child attempt to reach their attorney either through the phone or via email.



RECORDS AND REPORTS

Juvenile records are confidential and only people with a legitimate interest can view them. This can include court personnel, parents or guardians, potential foster parents, and the victims of the delinquent act. After the formal adjudication, records for the youth may be released under specific circumstances to be reviewed by another entity. Entities who could request information usually are the following: the military, employers, or programs required to complete background checks like daycare centers, foster care providers, health clinics, elder homes, etc.

UNDERSTANDING LEGAL RIGHTS: INSTITUTIONAL TREATMENT

****Court-ordered long-term locked treatment in an Alaskan Juvenile Facility****

Understanding your and your child's legal rights is important to help your child succeed with their treatment and reentry plan.

Every youth in a Division of Juvenile Justice (DJJ) facility will be treated fairly and with dignity and respect. This does not mean that your child can do whatever they want. All youth are expected to act appropriately and to treat others with dignity and respect.

Your child has basic rights as a resident in DJJ facilities. It is important for you and your child to understand the difference between rights and privileges. All the extra things your child might experience — like staying up later and watching a movie, radios, passes, and their personal clothes — are privileges that may be earned by making acceptable progress in their treatment. These types of extras are not rights. Treatment is designed to address the youth's substance abuse issues, anger management, mental health, and family therapy needs. A mental health clinician is on-site.

PRISON RAPE ELIMINATION ACT (PREA) INFORMATION

REPORT SEXUAL ABUSE AND HARASSMENT

The Alaska Division of Juvenile Justice has zero tolerance of any form of sexual abuse, sexual assault, sexual harassment, or staff sexual misconduct in our facilities.

Zero tolerance means all allegations, regardless of seriousness, are investigated, documented, and reviewed. This policy applies to all youth, staff, contractors, visitors, volunteers, and any individual who has business with or uses the resources of the Division. All DJJ workers are Mandated Child/Vulnerable Adult Abuse Reporters.

DEFINITIONS AND LAWS

Sexual abuse is any type of sexual contact of the private parts (including touching, grabbing, groping, and penetration) of someone who does not, or cannot, give their consent. This can happen under or over clothing.

Sexual harassment is repeated unwelcome sexual advances, comments, gestures, or visual, verbal, or physical conduct that is obscene or sexual in nature.

Staff sexual misconduct involves any sexual act or contact with a DJJ staff member. This includes verbal or written communications, inappropriate touching, indecent exposure, or other consensual or non-consensual sexual acts.

The Prison Rape Elimination Act of 2003 (PREA) is a federal law established to address the elimination and prevention of sexual assault and sexual harassment, including abuse by facility staff and residents in juvenile justice facilities. The Alaska Division of Juvenile Justice has dedicated policy and procedures to meet PREA standards and requirements. All DJJ facilities are PREA compliant.

WHAT YOU SHOULD KNOW ABOUT SEXUAL ABUSE

- Sexual abuse happens to people of all ages.
- Sexual abuse can happen to males or females.
- Sexual abuse is about power and violence. It is not about love.
- Sexual abuse has nothing to do with sexual orientation. Victims and offenders may be either heterosexual or homosexual.
- Any sexual contact between staff and youth is against the law.
- It is common for survivors of sexual abuse to have feelings of embarrassment, anger, guilt, panic, depression, and fear even several months or years after an attack.

YOUTH RIGHTS

Youth in the care of DJJ have the right to be:

- Free from sexual abuse and sexual harassment from other residents and staff.
- Provided some privacy when changing clothing, showering, or using the bathroom (self-harming behaviors may reduce this privacy).
- Free from fear of punishment or retaliation for reporting sexual abuse or sexual harassment.
- Provided victim services and medical care if they are abused.

DIVISION OF JUVENILE JUSTICE HOTLINE

To report allegations of abuse or harassment, call the PREA Hotline at 1-877-765-2212 or email fcs.djj@alaska.gov.



WORKFORCE INNOVATION & OPPORTUNITY ACT (WIOA)

When a youth is ordered by the court to receive treatment under the supervision of DJJ, a plan is made to help the youth succeed after release from DJJ supervision. This plan for success after release and return to the community is the transition plan.

As a youth moves through treatment and learns more, the interest of the youth is used to build a transition plan. The transition plan can begin after only 30 days of treatment. Support for the youth may be extended beyond the period of supervised treatment and during the youth's transition back into their community. The Workforce Innovation and Opportunity Act (WIOA) program is paid for by the United States Department of Labor. DJJ offers to all WIOA-enrolled youth the 15 parts of the WIOA program:

1. Help a youth graduate from high school or earn a GED and help to keep the youth from becoming a "dropout."
2. Help at an alternative high school that uses a program made to help the youth succeed and provide help when needed.
3. Help the youth get a job during the summer that is part of classroom or on-the-job training.
4. Have work experiences that allow the youth the chance to explore different jobs and work on skills needed for a job that the youth likes.
5. Job training so a youth can get work at a job at the beginning or higher levels.
6. Chance to learn how to be a leader and become more responsible and to make a company more likely to hire the youth.
7. Learn from an adult that is there to help the youth succeed in work and school.
8. Give help to the youth to go to work and training classes. This can be for school or training supplies (books, uniforms, tools, or safety equipment like steel-toe boots).
9. Help for the youth for at least 12 months after the youth finishes schoolwork or job training or gets a job.
10. A guidance counselor to help the youth succeed in school, work, and at home with family and friends.
11. Teach youth to learn how to pay bills, save money, buy a house, and plan for retirement.
12. Learn how to start a business if the youth has an idea to make money and help people who need it.
13. Teach youth about many jobs and help the youth learn what classes or training the youth may need for a job where the youth wants to work. Teach the youth how to look for a job in their town or village that will be easy to get after they learn how to do that job.
14. Classes or meetings that help the youth get ready for college or other training for jobs like a mechanic, electrician, or construction. This can be anything from going to college or going to on-the-job training.
15. Suicide prevention activities that include education to raise awareness among participants about the signs of suicide, ways to help individuals contemplating suicide, and information about local resources available to help prevent suicide.



TRANSITIONAL SERVICES PROGRAM (TSP)

Transitional Services are the planning and services that begin as soon as the youth enters the long-term treatment program in our locked juvenile facilities in Alaska and continue until they are released out to their communities. These services are usually individualized treatment activities designed to help the youth reenter their communities successfully. The Division's transitional services model the national Intensive Aftercare Program. There are four long-term locked facilities in Alaska: McLaughlin Youth Facility in Anchorage, Fairbanks Youth Facility, Bethel Youth Facility, and Johnson Youth Center in Juneau.

WHO IS INVOLVED IN THE TSP

A JPO is usually specialized and trained to case manage the youth's reentry to a community. The other members of the treatment team include facility staff, such as the JPO or reentry case manager, mental health clinician, justice counselors or reentry case worker, and the school transitional coordinator. The team also includes the youth, the youth's parent or guardian, and other community resource partners.

WHAT IS INVOLVED IN THE TSP

When a youth is institutionalized or accepted to the long-term treatment facility, a treatment team is set up for the youth, and an individualized plan is established to ensure the success of the youth's reentry to their community. The team meets monthly to ensure the youth is progressing in treatment goals toward their eventual transition. Before release to the community, the youth is given the opportunity to do different activities in the community and be connected to community resources/services.

FOR PARENTS OR GUARDIANS WHO CANNOT PARTICIPATE IN PERSON

Parent or guardian involvement is crucial in a youth's treatment success. Parents may participate by telephone or video conferencing can be arranged. Visitations can occur via telephone or video conference when requested by the parents or guardians. Parents and guardians can help the treatment team with information or request services on behalf of their youth.

FREQUENTLY ASKED QUESTIONS

What is attorney/client confidentiality?

An obligation on the part of your child's attorney not to tell anyone what your child said without your child's permission.

What happens at an arraignment?

Evidence must be presented to establish probable cause that your child committed an offense, the charges are explained, your child's rights will be explained, and a decision will be made about where your child will live during the court process.

What are four important decisions a judge may make at an arraignment hearing?

Whether to detain a youth, release a youth, dismiss the charges, or review and approve any conditions of release proposed by the probation officer.

What rights does your child have if charged and prosecuted for an offense?

The right to remain silent, must be proven guilty, right to a trial, due process, right to an attorney, right to have a parent/guardian present, right to confront witnesses at trial, right of appeal.

If your child chooses to admit an offense, what rights will they give up?

The right to a trial, the right to be presumed innocent, the right to present a defense of the charges.

Is court a formal or informal proceeding? How should you behave in court?

Formal; dress appropriately, act, and speak in a respectful manner.

What possible dispositions do juveniles face?

b1 - treatment in a secure state facility; b2 - supervised probation, usually at home; b3 - placed in the custody of the state, which will decide where you will live; b4 - pay restitution only; Held in Abeyance.

As the parent, will I have to pay child support if my child is in not in my home?

When youth have been ordered by the court into a secure detention or non-secure temporary custody and the placement lasts longer than 90 days, the JPO is required to provide notice to the Child Support Services Division (CSSD). JPOs are required to provide notice to CSSD for youth who are ordered by the court to the custody of DJJ and placement outside of the home for more than 90 days, youth who are on a b1 order, and youth that are on a b3 order.

Can I call and visit my child while they are in a DJJ facility?

Yes. Each facility has specific visitation guidelines for authorized visitors and what items visitors are allowed to bring to residents while visiting. Typically, authorized visitors include parents or legal guardians, siblings, Guardians ad Litem, JPOs, attorneys, and clergy. A youth may not be forced to visit with anyone, unless they have a court order requiring them to do so.

Will my child have a criminal conviction on their record once they leave the facility?

No. A finding of delinquency is not the same as a conviction; it is called adjudication.

If a job or college application asks if you have ever been convicted of a crime, your child can answer "no." This is also true for private employer and landlord background checks. However, some government entities, such as law enforcement agencies and the military, do have access to juvenile records. As previously stated, some employers and programs can also access juvenile adjudication records for example, health clinics, elder homes, foster care licensing. This can negatively affect the youth's job prospects with these entities.

If your child commits a crime as an adult, the court can consider their juvenile record in deciding how long to sentence your child to prison. If you have any questions about whether your child is required to disclose a juvenile record on a government application or form, you should ask a lawyer for advice.

Will your child's delinquency record be public?

Juvenile delinquency records are confidential, and only people with a legitimate interest can view them. This can include court personnel, parents or guardians, potential foster parents, and the victims of the delinquent act. Evidence and testimony from the juvenile delinquency adjudication cannot be used in any other court case. The fact that your child has a juvenile record can't be used to impeach their testimony in another court case.

COMMON PREA QUESTIONS AND CONCERNS

Does DJJ have rules in place to prevent sexual abuse and harassment?

Yes, every youth who enters a DJJ facility watches a video on how to prevent and report sexual abuse and harassment. Every DJJ staff member receives training and certification on PREA regulations and standards. Every adult (visitor, volunteer, contractor, etc.) that comes into a DJJ facility receives information on PREA and is required to be a mandatory reporter of PREA violations. DJJ also maintains adequate levels of staffing, video monitoring, and surveillance equipment to protect youth against sexual abuse.

If my child has consensual sex with another youth at the facility, is that against the rules?

Yes. There are no sexual relationships or sexual contact of any kind allowed in DJJ facilities, even if both people agree.

If I report sexual abuse or harassment, will anyone believe me?

Yes. If you report abuse, you will be believed and your report will be fully investigated to uncover evidence that proves what happened.

Will the person who abused my child be allowed to have contact with him/her?

No. After a report of abuse is made, the person who abused your child is removed from contact with him/her during the facility's investigation. This does not mean that your child will be released or moved to another facility.

Will the facility punish my child or treat my child differently (retaliate) if I report?

No, your child will not be punished, treated differently or receive any discipline. Your child will be protected from further harm and the case will be investigated. If your child is retaliated against, report it to the facility immediately and it will be investigated.

Will reporting affect my child's juvenile court case, detention, or placement status?

No. Making a report of abuse will not extend your child's stay in detention, lengthen the probation term, or change the current placement status, but it may result in a change in facility.

What if I lie about my child being abused?

All reports of abuse are taken very seriously and investigated thoroughly. Anyone who makes a false report may be charged with a criminal offense.

RESOURCES

Alaska Youth Law Guide - Alaskan Bar Association

<https://alaskabar.org/youth/>

Alaska Court System - Self Help: Juvenile Delinquency

<https://courts.alaska.gov/shc/delinquency/index.htm>

GLOSSARY OF COMMON TERMS AND ACRONYMS USED IN THE JUVENILE JUSTICE SYSTEM

Adjudication: After a petition is filed, the JPO will schedule a court hearing. At this hearing, the judge will talk to the people concerned, look at evidence and evaluation results, and consider the youth's history.

The judge will order an outcome for the case. This may be probation, institutionalization, formal diversion, or holding the charges in abeyance.

Adjust with a Conference: The JPO can decide not to pursue the matter further, but that the juvenile would benefit from community support services. The JPO will determine which services may be the greatest benefit to the juvenile. This can include use of standard assessments.

Adjustment Agreement/Diversion: The management of a juvenile case outside the formal court system. Informal adjustment is often employed with juveniles who do not have a significant history of delinquency, are willing to participate in services, and their current charges are lower level. This requires the agreement of the juvenile and parents. Adjustment can include activities ranging from referring the youth to a diversion program such as Tribal Court or Youth Court to a meeting with the JPO to determine appropriate services, and how to make restorations to the victim.

Delinquency Petition: The JPO can file a petition to the court if they decide there is sufficient evidence that the juvenile committed an offense under DJJ jurisdiction, and there needs to be formal court action to secure a suitable supervision plan. Then the JPO schedules a hearing and notifies all parties. The JPO will also notify the victim of their right to attend all hearings.

The juvenile, and all parents or guardians, are entitled to notice of the action, taking into account education and language differences known to the JPO. If the juvenile's parents or guardians cannot be located or are unwilling to be present and represent the interests of the juvenile, the JPO may attempt to get a Guardian ad Litem appointed by the court prior to the proceedings. If the juvenile is accused of an act that would be a felony if committed by an adult and if an attorney has not been appointed or retained, the JPO will advise the juvenile and the juvenile's parents that the juvenile must consult with an attorney before the right to an attorney can be waived.

Delinquency Referral: When a juvenile is reported to the Division from a law enforcement officer for committing an offense or probation or conduct violation. JPOs receive these reports. The next step is Intake Investigation.

Detention: Juveniles can be briefly held in a detention facility to protect the public, keep the juveniles safe, or to ensure appearance at later justice proceedings.

Dismissed: Charges that are part of a formal petition can be dismissed through the court.

Dismissed at Intake: During the Intake Investigation, if there is not suitable proof to proceed further, the case will be dismissed.

Held in Abeyance: At adjudication, the judge may make a ruling but decide to delay application of a disposition. This is similar to a "suspended" sentence in the adult court system. A disposition requiring supervision or institutionalization will not be carried out if the juvenile fulfills the conditions ordered and does not reoffend during the length of the abeyance.

Informal Probation: The JPO may place the juvenile under informal probation, with consent of the juvenile and parents or guardian. Informal Probation is a contract, and JPOs cannot change it without agreement. It can be withdrawn if the juvenile fails to meet requirements.

The original agreement will be in place for up to six months. It may be extended up to six more months if everyone agrees. Informal Probation can include restitution and community work service, as appropriate. The juvenile and parents or guardians may be referred to other agencies for services as well.

Intake Investigation: A JPO does an intake review and decides how the referral will be handled. This decision is based on the Division's policy, the results of screenings, the juvenile's history, and other factors. Possible next steps are: Delinquency Petition, Dismissal, Adjustment, or Informal Probation.

Probation Supervision: Under probation supervision, a juvenile remains at home or other community-based setting but reports regularly to a JPO. The juvenile will be expected to obey probation conditions established by the court, such as obeying all laws, remaining in school, and abstaining from alcohol and drugs.

Release: A juvenile is released from DJJ supervision after completing the terms of their court order, or after "aging out" upon their 19th birthday. Juveniles may be maintained under DJJ supervision or custody up to their 20th birthday if they agree with this continued supervision or custody and a court grants the extension.

Treatment: After a formal court hearing, a judge may require that the juvenile be placed in a secure DJJ treatment facility or a residential treatment facility. When a youth is placed in a DJJ treatment facility the particular location is decided by the Division's classification committee.

During this time, DJJ is given custody of the juvenile and DJJ staff assume the role of custodian for the juvenile.

The court order may include formal probation supervision after the juvenile is released from treatment. When a youth is placed in a residential treatment facility, placement is determined by the treatment program's application process.

Waived to Adult Court: A juvenile can be moved to the adult criminal justice system. This can happen automatically based on the offense referred, or a JPO may file a waiver. For a JPO to file a waiver, very specific circumstances must be met, and the regional Chief JPO must agree. Cases waived to adult court are prosecuted by the District Attorney.

Withdrawn: The JPO can choose to stop formal proceedings and withdraw the petition during the court process. This is typically in response to new information or activities.