

STATE OF ALASKA

Division of Juvenile Justice



Parent Guidebook

For Parents who have a youth detained in a temporary detention or long-term treatment facility

DJJ Facilities in Alaska

Bethel Youth Facility (BYF)
P.O. Box 1989
Bethel, AK 99559
Phone: (907) 543-5200
Fax: (907) 543-2710

Fairbanks Youth Facility (FYF)
1502 Wilbur Street
Fairbanks, AK 99701
Phone: (907) 451-2150
Fax: (907) 451-5152

Johnson Youth Center (JYC)
3252 Hospital Drive
Juneau, AK 99801
Phone: (907) 586-9433
Fax: (907) 586-2680

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
Fax: (907) 761-7249

McLaughlin Youth Center (MYC)
2600 Providence Dr
Anchorage, AK 99508
Phone: (907) 261-4399
Facility Superintendent Fax: (907) 261-4321

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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 in regards to 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 to be 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 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 (3) meals a day.
- One (1) 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 minister, priest, and/or rabbi from a home church.
- Opportunity to contact the youth's attorney and/or probation officer within twenty-four (24) hours of their request.
- Opportunity to file a grievance through the facility grievance policy.

The Juvenile Court Difference

Although there are similarities, the juvenile justice system differs in some ways from the adult criminal system. The Juvenile Court 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 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.

Below is terminology used in the Juvenile Court 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 secured treatment facilities.
- Juveniles have a right to a trial by jury just like adults.
- The adult criminal justice system is focused on punishment- the juvenile justice system is intended to focus on care, treatment, and supervision.

Other differences between the Adult and Juvenile Justice Systems:

- Adults get tried by a jury; youth meet with a judge with their family, legal representation and other stakeholders.
- In court, youth are not found guilty or not guilty-they are determined to be delinquent or not delinquent.
- The adult criminal justice system is focused on punishment- the juvenile justice system is intended to focus on care, treatment, and supervision.

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, the Judge will decide that your child is no longer a danger to himself/herself, to others, or are 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 as to 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/Trooper report(s) and makes decisions about 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 that your child is being charged with, and recommendations regarding your child's placement and/or treatment needs.

JPO's 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 of 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 8:00 -4:30. 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: Military, employers or programs who have to complete background checks like daycare centers, foster care providers, health clinics, elder homes, etc.

Frequently Asked Questions

Q: What is attorney/client confidentiality?

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

Q: What happens at an arraignment?

A: 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.

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

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

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

A: 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

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

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

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

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

Q: What possible dispositions do juveniles face?

A: 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.

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 he or she wants. 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 which 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.

Common Questions

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, Guardian Ad Litem, probation officer, attorney, and clergy. A youth may not be made 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.

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>

PREA (Prison Rape Elimination Act) Information

Report Sexual Abuse and Harassment

The Alaska Division of Juvenile Justice (DJJ) 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 facilities are PREA compliant.

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, 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.

Common Questions and Concerns

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

A: 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.

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

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

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

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

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

A: 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.

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

A: 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.

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

A: 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.

Q: What if I lie about my child being abused?

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

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.

All DJJ workers are Mandated Child/Vulnerable Adult Abuse Reporters

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 DJJ Juvenile Justice Hotline at:

1-877-765-2212

For more information on PREA, please contact DJJ's PREA Coordinator at 907-261-4573 or email at: hss_djj@alaska.gov

Workforce Innovation & Opportunity Act (WIOA)

1. When a youth is ordered by the court to receive treatment under the supervision of the Division of Juvenile Justice (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.
2. 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 WIOA program is the Workforce Innovation and Opportunity Act program paid for by the United States Department of Labor.. DJJ offers to all WIOA enrolled youth, the 15 parts of the WIOA program:
3. Help a youth graduate from high school or earn a GED and helps to keep the youth from becoming a "drop-out."
4. Help at an alternative high school that uses a program made to help the youth succeed and provide help when needed.
5. Help the youth get a job during the summer that is part of classroom or on the job training.
6. 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.
7. Job training so a youth can get work at a job at the beginning or higher levels.
8. Chance to learn how to be a leader and become more responsible and to make a company more likely to hire the youth.
9. Learn from an adult that is there to help the youth succeed in work and school.
10. 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).
11. Help for the youth for at least 12 months after the youth finishes schoolwork or job training or gets a job.
12. A guidance counselor to help the youth succeed in school, work and at home with family and friends.
13. Teach youth to learn how to pay bills, save money, buy a house and plan for retirement.
14. Learn how to start a business if the youth has an idea to make money and help people who need it.
15. Teach youth about many jobs and help the youth learn what classes or training that 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.
16. Classes or meetings that help the youth get ready to go to 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.
17. 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)

What is Transitional Services Program (TSP):

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

Who is involved in the TSP:

A probation officer is usually specialized and trained to case manage the youth's reentry to a community. The other treatment members comprise of the facility staff which includes the Probation Officer/reentry case manager, Mental Health Clinician, Juvenile

Justice Counselors/reentry case worker and the School Transitional Coordinator, the youth involved, youth's parent or guardian and other community resources 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 his/her community. The team meets monthly to ensure the youth is progressing in treatment goals towards 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's involvement is crucial in their 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/guardians. Parents and guardians can help the treatment team with information or requesting services on behalf of their youth.

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.

Delinquency Petition - The JPO can file a petition to the Court if he or she decides 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 which 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. The Division's Juvenile Probation Officers (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.

Formal Diversion - Instead of pursuing formal judgment after filing a petition with the court system, the JPO may recommend court-ordered participation in a diversion program. The diversion agreement must be signed voluntarily by the juvenile, his or her parents, and, if appropriate, their attorney.

A formal diversion agreement will last no more than 12 months. The juvenile will be assigned to diversion programs as determined by the Probation Office. The JPO will make sure the juvenile is fulfilling the requirements and provide direct supervision of the juvenile.

If the court accepts the diversion agreement, no plea will be recorded, and any further hearings will be delayed. When the juvenile successfully completes the diversion agreement, the JPO will request that the court dismiss the original petition. If the juvenile violates the agreement, the JPO will go forward with a formal hearing, as if the diversion never took place.

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 Adjustment - The management of a juvenile case outside the formal court system. Informal adjustment tends to be used for less-serious offenses by juveniles who do not have a significant history of delinquency. This requires the agreement of the juvenile and parents. Adjustment can include activities ranging from referring the youth to a diversion program to a meeting with the JPO to determine how to make restorations to the victim.

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 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 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 Division policy, the results of screenings, the juvenile’s history, and other factors. Possible next steps are: Delinquency Petition, Dismissal, Informal Adjustment, Informal Probation, or Screening and Service Referral.

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, abstaining from alcohol and other drugs, and others.

Release - A juvenile is released from DJJ supervision after completing the terms of his or her court order, or after “aging out” upon his or her 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.

Screening and Service Referral - 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.

Treatment - After a formal court hearing, a judge may require that the juvenile be 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. Staff assume the role of custodian for the juvenile.

The court order may include formal probation supervision after the juvenile is released from treatment.

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.