

2014

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

Alaska



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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