

FREQUENTLY ASKED LEGAL QUESTIONS ABOUT RUNAWAY YOUTH

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AUTHOR'S NOTE:

The following information is based on the author's experience working with runaway youth in a law enforcement capacity and on the current laws, policies, and procedures used in Hennepin County at the time of this writing (August 2011). The information may change over time.

WHAT DOES IT TAKE TO BE LEGALLY CONSIDERED A RUNAWAY YOUTH?

In Minnesota, a runaway youth is legally defined as "...an unmarried child under the age of 18 years who is absent from the home of a parent or other lawful placement without the consent of the parent, guardian, or lawful custodian," (M.S. 260C.007, Subd. 28).

DO I HAVE TO WAIT 24 HOURS AFTER MY CHILD HAS RUN TO FILE A POLICE REPORT?

Federal Law (SS 5780) prohibits any law enforcement agency within the State from establishing a waiting period before accepting a missing child or runaway child report.

WILL MY CHILD HAVE A POLICE RECORD IF I FILE A RUNAWAY REPORT?

Most police departments keep juvenile records listing all contacts with a particular child. Juvenile records are confidential and cannot be shared with the public. Therefore, a juvenile police record will not affect a child's future employment, college, or military plans. Records may be released to other police agencies, the courts, or county social services agencies. Police departments often destroy the files when the child turns 19 years, the age at which juvenile court jurisdiction ends.

DO POLICE REALLY LOOK FOR A RUNAWAY YOUTH ONCE A REPORT IS FILED?

Once a police runaway report is filed, the youth's name and physical description are entered into a national computer listing the child as a runaway. If the child is located anywhere in the country, the child will likely be taken into custody by police and may be

held until parents can be notified and can make arrangements to have the child returned home. ***It is the parents' responsibility to pay for and arrange the youth's return home if the youth is located at a distance from their home.*** State laws vary regarding where a juvenile runaway can be held. Some states may hold the child in a lockup area while others, like Minnesota, can only use an unlocked shelter facility.

Some police departments have personnel assigned specifically to work on juvenile cases. In those departments, police officers or youth specialists often follow up on leads and attempt to locate juvenile runaways. Unfortunately, due to the large volume of more serious cases, juvenile runaways are often not considered a priority in most police jurisdictions. For specific procedures, contact your local police juvenile officer or police youth specialist.

Parents may wish to contact their runaway child's friends who are often the best source of information about where their child might be. If parents are able to determine the exact location where their child may be, they may give that information to police. If the runaway youth is found, police will take him or her into custody.

I KNOW WHERE MY RUNAWAY CHILD IS. WHAT SHOULD I DO?

If you have located your runaway child, you may go to the location, pick your child up and take him or her home. Once the child is home, you should notify police so the runaway report can be canceled.

If you are afraid your child will run from you or become violent or you will be endangered in some way by attempting to get your child from a known address, notify police and ask for their assistance. Tell police why it may not be safe for you to go alone to get your child.

State law allows officers to take a child into custody when the child has run away from a parent, guardian, or custodian, or when the peace officer reasonably believes the child has run away from a parent, guardian, or custodian.

Unless police officers have reason to believe that a child's immediate health and welfare is at risk, they may **not** enter a premise without the owner's permission to search for a runaway child. A search of property without an owner's consent requires a search warrant, which is not possible to obtain in most runaway cases.

WHAT WILL POLICE DO WITH A RUNAWAY CHILD THEY HAVE IN CUSTODY?

Once police locates a child, the child must either be returned to his or her parents or to another suitable adult such as a relative, a children's shelter, or youth worker from The Point Northwest or The Bridge for Runaway Youth.

I'M AFRAID MY CHILD WILL RUN FORM HOME AGAIN. CAN THE POLICE TAKE HIM OR HER TO A LOCKED SETTING SUCH AS A DETENTION CENTER OR A LOCKED HOSPITAL PROGRAM?

The rules of the Minnesota Department of Corrections do not permit police to place runaway youths in a locked jail. Police may not place a child in a locked hospital setting simply because they have run away from home. If the child is seriously intoxicated or in crisis emotionally when taken into custody, police may take him or her to a detoxification or crisis intervention center where the attending physician or other authorized staff will determine whether or not the child needs to be held temporarily for his or her own safety.

If the child's problems are such that the parents believe the child needs a secure setting for the safety of the child or others the child might harm, parents may be able to arrange to have the child admitted to a locked psychiatric or chemical dependency setting by working with their psychiatrist or other mental health or chemical dependency professional and their insurance company. A chemical dependency unit can hold a child up to 72 hours no matter who brings the child in. A psychiatric unit will not hold a child beyond 12 hours unless a psychiatrist authorizes a 72-hour hold. To inquire about getting a court order for commitment to treatment, parents may contact the Hennepin County Pre-Petition Screening at 612-348-2787.

MY CHILD WANTS TO BE EMANCIPATED (RELEASED FORM PARENTAL CARE AND RESPONSIBILITY). IS THAT POSSIBLE?

There is no legal emancipation procedure for juveniles in the state of Minnesota except marriage. A juvenile 16 or 17 years of age may marry with the consent of his or her parent, guardian (M.S. 517.02), or the court when the marriage license application has been approved by the judge of the juvenile court of the county in which the person lives (M.S. 517.08)). Otherwise, children must reach the age of legal adulthood (18 years) to legally be on their own and released from parental care and responsibility. In reality, there are many older adolescent youths that live independently as if they were emancipated, and in most cases, no one intervenes unless parents file a runaway report or the child goes to authorities for help. In all cases, parents will be responsible for their child's health care needs, and if the child ends up in trouble with police, parents will be called.

Minnesota passed a semi-emancipation law a few years ago. It says that if a child is already under CHIPS (Child in need of Protection or Services) Court jurisdiction and the court believes that the "...child has sufficient maturity and judgment and that if it is in the best interests of the child, the court may order a child 16 years of age or older to be allowed to live independently, either alone or with others as approved by the court under supervision the court considers appropriate ..." (M.S. 260C.201, Subd. 1, 4). However, before this can happen, the county board, after consultation with the court, must specifically authorized this plan for a child.

Parents may **not** transfer their parental rights or duties of a child under age 14 to another except by giving the child up for adoption (M.S. 257.02). Parents may allow a relative to care for a child under the age of 14 years for up to 30 days. After that, there must be some kind of legal authorization for that placement. A parent may transfer legal and physical custody of a child to a relative by a consent decree, which the court must approve (M.S. 257C.07).

A 16 or 17-year old juvenile living independently may be able to get food stamps, and in some cases, general assistance money from Hennepin County Financial Services. To determine financial eligibility, contact the Brookdale Community Service Office, 6125 Shingle Creek Parkway, Brooklyn Center, phone 763-569-3672.

I WANT MY CHILD TO BE PLACED IN A FOSTER HOME. HOW DO I ARRANGE THAT?

All foster placements must be authorized through the Hennepin County Children and Families Division. To inquire about foster placement, parents should call Hennepin County's Front Door intake number – 612-348-4111. Since Hennepin County is trying to decrease out-of-home placements for youth, it is unlikely that a child will be placed in foster care unless he or she is considered abused or neglected.

POLICE NO LONGER ISSUE CITATIONS FOR RUNAWAY:

Hennepin County resources are no longer available to process citations for youth at the juvenile court level. All reports of runaway youth are assigned to the Crystal Police Juvenile Specialist Susan Carstens who will contact parents to talk about resources available. She may be reached at 763-531-1023 or e-mail susan.carstens@ci.crystal.mn.us.

WHAT CAN BE DONE TO THOSE WHO ENCOURAGE A CHILD TO RUN OR WHO HARBOR THE CHILD WHO HAS RUN FROM HOME?

The state law indicates that any person (other than social service agencies or outreach workers who provide services to runaway children), who by act, word, or omission encourages, causes, or contributes to the child's running is guilty of a gross misdemeanor (M.S. 260C.425). To prosecute under this statute, it is necessary to prove that the person knew the youth was a runaway.

WHAT SHOULD I DO IF A CHILD WANTS TO STAY AT MY HOME BUT I SUSPECT HE OR SHE MIGHT BE A RUNAWAY?

Most runaway children seek refuge with families of their friends. If your child has a friend who wants to stay with you, you might check with the child's parents to make sure they have given permission. A child under the age of 14 may stay in your home for up to

30 days and a child 14 years of age or older may stay with you indefinitely with permission of the child's parent(s).

If a child tells you that he or she has been abused or neglected at home or has been thrown out of home and needs a place to stay, you can best assist the child and protect yourself from allegations of contributing or encouraging a child's illegal behavior by calling police. If the child is abused or neglected, the police will need to investigate the allegations and notify Child Protection. Police and Child Protection work together to assess and plan for the child's needs. To discuss concerns about a child's care with Hennepin County Child Protection, call 612-348-3552.

You may also want to encourage any suspected runaway youth to contact The Point Northwest for Runaway Youth at 763-493-3052 or the Bridge for Runaway Youth at 612-377-8800. Youth may seek legal advice and assistance about their rights as minors through the Legal Aid Society Youth Law Project at 612-827-3774.

HOW DO I GET HELP TO STOP MY CHILD'S RUNAWAY BEHAVIOR?

There are a variety of reasons why youth absent themselves from home. The solution depends on the cause. For example:

- **Abuse in the Home.** Some youth leave because the home environment is abusive. Those situations should be reported to the local police or child protection agency.
- **Youth is Abusing Chemicals.** Parents may wish to investigate whether this may be the case by talking with their child's school chemical health specialist, talking to the parents of their child's friends, and searching their child's room for evidence of drug use. This may seem like a violation to the child, but try to remember that when a child has lost the trust of their parents, they have also lost their right to privacy. The child's safety is of utmost importance – that supersedes their perceived right to privacy. A chemical health assessment may be needed for your child. Contact your health care provider to find out where to go for this assessment. If you have no insurance, your child may be eligible for a Rule 25 chemical health assessment. Call Hennepin County Front Door Services at 612-348-4111 to find out where that might be done.
- **Mental Health Issues.** Problems such as depression or bi-polar disorder, or other behavioral diagnoses such as Oppositional Defiant Disorder or Attention Deficit Disorder may underlie the absenting behavior. A mental health assessment may be needed. This might include a psychological evaluation by a psychologist that includes a battery of paper and pencil tests and an interview. It might also include a psychiatric evaluation by a psychiatrist (medical doctor who specializes in mental health) to determine if neurological or other medical problems are evident and whether or not medication might be helpful. Contact your health insurance

provider to find out where this can be done or call Hennepin County's Front Door Services at 612-348-4111 if you have no health insurance. If the situation is an emergency, call 911; you may also call Hennepin County's COPE (Community Outreach for Psychiatric Emergencies) at 612-596-1223.

- **Family Conflict.** General stress in the family may be present when youth frequently absent themselves from home. This can be addressed by individual and family counseling that is usually covered by private health insurance. Contact your health care provider to find out what agency is covered by your health insurance. If you have no insurance, there are several agencies that provide a sliding fee schedule based on income. Hennepin County Family and Children's Mental Health Program will see families who have no insurance (612-596-9438) or call the Front Door for a list of services (612-348-4111).

VOLUNTARY SOCIAL SERVICES RESOURCES AVAILABLE:

***YMCA's POINT NW Program for Runaway & Homeless Youth** - 2304 Jackson St. NE, Minneapolis, 55418; Phone 763-493-3052. This is a 24-hour crisis and information message line. Messages are responded to M – F, 8:00 AM to 8:00 PM, with trained counselors who can arrange to meet with you and your child to attempt to resolve the runaway concerns.

***Bridge for Runaway & Homeless Youth**, 2200 Emerson Avenue South, Minneapolis, MN 55405; Phone 763-377-8800; Website www.bridgeforyouth.org; E-mail info@bridgeforyouth.org. This is a 24-hour hotline, 24-hour walk-in counseling and an emergency shelter for youth. Youth may stay three to five days at the bridge where they will talk with counselors. Parents will be contacted and a family reunification meeting will be scheduled if appropriate. On-going family counseling is available whether or not a youth stays at the Bridge.

***Community Mediation Program, Inc.** located at 9220 Bass Lake Road, Suite 270, New Hope, MN 55428; Phone 763-561-0033 Website www.mediationprogram.com or email staff@mediationprogram.com. A trained mediator will meet with parents and the runaway youth in a neutral and safe setting to attempt to arrive at a solution to the differences that led to the runaway behavior.

***La Oportunidad, Inc. for Latino (Spanish Speaking)**, 2700 E. Lake St, Suite 3200, Minneapolis, MN 55406; Phone 612-872-6165; Website www.oportunidad.org. Children, youth, and parenting programs available to help Latino individuals and families create a strong peaceful community.

***Comunidades Latinas Unidas En Servicio (CLUES)**, 720 East Lake Street, Minneapolis, MN 55407; Phone 612-746-3500; Website www.clues.org. Family, mental health, chemical health, and economic advancement services are available.