

TITLE 6: CRIMES AND CRIMINAL PROCEDURE
DIVISION 5: JUVENILE JUSTICE

§ 5321. Protection of Abused Children: Protective Custody.

(a) A police or law enforcement official, Division of Youth Services worker, or any physician treating a child may take a child into protective custody without the consent of parents, guardian, or others exercising temporary or permanent control over the child when:

(1) The person has reasonable cause to believe that there exists an imminent danger to the child's life or safety;

(2) The parents or guardian are unavailable or have been asked and do not consent to the child's removal from their custody; and

(3) There is not time to apply for a court order.

(b) The person in charge of any hospital or similar medical institution may retain custody of a child reasonably suspected of being a victim of child abuse, when the person believes the facts so warrant, whether or not the parents or other person responsible for the child's welfare request the child's return.

(c) The child shall be placed into the custody and care of the Division of Youth Services who shall place the child in a safe non-custodial environment. No child taken into custody under this provision shall be detained during such protective custody, except in an appropriate facility approved by the Division of Youth Services.

Source: PL 3-18, § 7; amended by PL 3-57, § 4; repealed and reenacted by PL 16-53 § 3 (January 29, 2010), modified.

Commission Comment: The Commission corrected capitalization pursuant to 1 CMC § 3806(f).