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be prima facie evidence of such facts in any proceedings in the courts of the Territory. [L 1929, ch 65, § 25, p 144, effective April 30, 1929; CLA 1933, § 1814.]

CHAPTER 3

JUVENILES

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§ 51-3-1. Purpose of Act. The purpose of this Act is to secure for each child such care and guidance as nearly as possible equivalent to that which should be given by his parents.

The principle is hereby recognized that children under the jurisdiction of the court are wards of the Territory, subject to discipline and entitled to the protection of the Territory, which may intervene to safeguard them from neglect or injury and to enforce the legal obligations due to them and from them. [L 1943, ch 8, § 1, p 67, effective April 1, 1943.]

Repeals and transfer of duties: L 1943, ch 8, § 20, p 74, effective April 1, 1943, provided that "this Act shall supersede and repeal all other laws of the Territory relating to the adjudication of cases of juveniles. Sections 1911 to 1921, both inclusive, Compiled Laws of Alaska, 1933; Chapter 31, Session Laws of Alaska, 1935; Chapter 6 and 12, Extraordinary Session Laws 1937, are specifically repealed. The Board of Children's Guardians and their several duties and responsibilities are hereby abolished. Custody of wards of the Board of Children's Guardians shall be transferred to The Department of Public Welfare, effective April 1, 1943."

Appropriation: L 1943, ch 8, § 21, p 74.

Saving clause: L 1943, ch 8, § 22, p 74.

COLLATERAL REFERENCES

31 Am Jur.785.

§ 51-3-2. **Construction of Act.** The Act shall be liberally construed to accomplish the purpose herein sought. [L 1943, ch 8, § 2, p 67, effective April 1, 1943.]

COLLATERAL REFERENCES

31 Am Jur 786.

§ 51-3-3. **Jurisdiction.** Jurisdiction in cases of children under 18 years of age shall be vested in the Justice Court, which shall have exclusive original jurisdiction in proceedings concerning any child residing in this Territory who (1) has violated any law of the United States or the Territory or any ordinance or regulation of a subdivision of the Territory; (2) by reason of being wayward or habitually disobedient is uncontrolled by his parent, guardian or custodian; (3) is habitually truant from school or home, or habitually so departs himself as to injure or endanger the morals or health of himself or others; (4) is abandoned by his parent, guardian or custodian; (5) lacks proper parental care by reason of the faults, habit or neglect of his parent, guardian or custodian; (6) associates with vagrant, vicious or immoral people, or engages in an occupation or is in a situation dangerous to life or limb or injurious to the health, morals, or welfare of himself or others; (7) is mentally deficient or in need of special care or training provided his parent or guardian consents in writing that such child comes within the provisions of this Act.

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The Justice Court shall also have exclusive jurisdiction in any controversy arising over the custody of a child, and to appoint a guardian of the person and property of any child within its jurisdiction.

Provided, that such jurisdiction provision shall not be applicable in divorce or separate maintenance cases arising in the District Court, but in such cases the District Judge may, if he deems it best for the welfare of a child involved, order the child turned over to the custody of the Welfare Department. In such event the Welfare Department shall receive such support money as is ordered to be paid by the court and use same to carry out suitable arrangements for the child. [L 1943, ch 8, § 3, p 67; am L 1947, ch 21, § 1, p 62.]

CROSS REFERENCES

Waiver of jurisdiction: § 51-3-9.

Retention of jurisdiction after judgment: § 51-3-12.

COLLATERAL REFERENCES

31 Am Jur 788.

§ 51-3-4. **Procedure: Preliminary investigation: Petition.** Whenever any person shall give to the court information that a child comes within the provisions of this Act, the court shall make inquiry

to determine whether the interests of the public or the child require formal proceedings in the case. Such inquiry shall include a preliminary investigation of the home and environmental situation of the child, his previous history, and the circumstances of the condition alleged. The court shall have power to designate a competent person or agency to assist in making the preliminary investigation. If after the completion of such inquiry the court shall determine that further proceedings should be had, it shall order that a petition be filed, alleging briefly the facts which bring said child within the provisions of this Act, and setting forth the name, birthplace, birthdate and residence of the child; the names and residences of his parents, or his legal guardian, and if there be none, the name of the person or persons having custody or control of the child, and the name of the nearest known relative if no parent or guardian can be found. If any of the facts herein required are not known by the petitioner, the petition shall so state. The petition shall be sworn to by the person or persons presenting same. [L 1943, ch 8, § 4, p 68, effective April 1, 1943.]

COLLATERAL REFERENCES

31 Am Jur 800.

§ 51-3-5. Summons: Notice: Subpoenas: Taking child into custody. After a petition has been filed the court shall issue a summons reciting briefly the substance of the petition and requiring the person or persons named therein to appear personally with the child before the court at a time and place designated. If any person so summoned shall be other than the parent or guardian of the child, then the parent or guardian or both shall also be notified of the pendency of the case and of the time and place appointed for a hearing upon said petition, except as hereinafter provided. Subpoenas may be issued requiring the appearance of any person whose testimony, in the opinion of the Court, is deemed necessary.

If it appears that the child is in such condition or surroundings that his welfare requires that his custody be immediately assumed by the court, the justice may cause to be endorsed upon the summons an order that the officer serving the same shall at once take the child into custody. [L 1943, ch 8, § 5, p 68, effective April 1, 1943.]

§ 51-3-6. Service of summons, process or notice. Service of summons, process or notice required by this Act may be made by any suitable person designated by the court. [L 1943, ch 8, § 6, p 69, effective April 1, 1943.]

§ 51-3-7. Order for appearance with child. When it appears to the court that the welfare of the child requires that he be brought

forthwith under the protection of the court, an order may be issued against the parent or guardian, or other person having the custody of the child, requiring said parent or guardian or such other person having custody of the child, to appear before the court at a time designated with said child. [L 1943, ch 8, § 7, p 69, effective April 1, 1943.]

§ 51-3-8. Release of child. Any child taken into custody may, in the discretion of the court, upon the written promise of the parent, guardian or custodian, to bring the child before the court at any time specified by the court, be released; otherwise such child shall be placed in the care of the person designated by the court.

Nothing in this Act shall be construed as forbidding any peace or police officer from immediately taking into custody any child who is found violating any law or ordinance, or who is reasonably believed to be a fugitive from his parents, guardian, or other person having legal care of him, or from justice. In every such case, the officer taking the child into custody shall immediately report the fact to the court, and the case shall then be proceeded with as provided in this Act. [L 1943, ch 8, § 8, p 69, effective April 1, 1943.]

§ 51-3-9. Waiver of jurisdiction. If a child is charged with an offense which, if committed by an adult, would constitute a felony, the court after full investigation may waive the jurisdiction vested in it by this Act, and order such child held to await action by the grand jury; otherwise, the court shall proceed as herein provided. [L 1943, ch 8, § 9, p 70, effective April 1, 1943.]

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CROSS REFERENCES

Jurisdiction of justice court: § 51-3-3.

§ 51-3-10. Hearing and judgment or order. The court may conduct the hearing in an informal manner in chambers or otherwise and may adjourn the hearing from time to time. In the hearing of any case, the public shall be excluded, but for good and sufficient reasons compatible with the best interests of the child, may permit others to be present.

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Proceedings under this Act shall be without jury and the rules of evidence may be relaxed.

If the court shall find the child falls within any of the provisions of this Act, an order shall be duly entered:

- (1) Committing the child to the Territorial Department of Public Welfare; or
- (2) Releasing the child to the care and custody of the parent, guardian, or other suitable person, under the supervision of the Department of Public Welfare.

No adjudication upon the status of any child shall operate to impose any of the civil disabilities imposed by conviction upon a criminal charge, nor shall any child be deemed a criminal by such adjudication, nor shall such adjudication be deemed a conviction, nor shall any child be charged with or convicted of a crime in any court, except as provided in Section 9 of this Act [§ 51-3-9 herein]. The disposition of a child or any evidence given in the court shall not be admissible as evidence against the child in any case or proceedings, nor shall such disposition or evidence operate to disqualify a child in any future civil service examination or appointment in the Territory.

Upon entering an order of commitment the Court shall transmit a copy of its information and findings, together with the order of commitment to the Department of Public Welfare to which the child has been committed. [L 1943, ch 8, § 10, p 70; am L 1945, ch 60, § 1, p 157.]

COLLATERAL REFERENCES

31 Am Jur 793.

§ 51-3-11. Appeal. The Department of Public Welfare or parent, guardian or custodian of the child may appeal from the judgment given by the Justice Court to the District Court within thirty days from the date of entry of the judgment. An appeal is taken by serving a written notice thereof on the adverse party or his attorney and filing the original with the proof of service endorsed thereon, with the Justice, and by giving an undertaking with a surety to the effect that the appellant will pay all costs and disbursements that may be awarded against him on the appeal, but such undertaking shall not stay the judgment appealed from or discharge the child from the custody of the Department unless the court shall so order. [L 1943, ch 8, § 11, p 71.]

§ 51-3-12. Retention of jurisdiction: Stay of execution: Amending, vacating or arresting judgment: New hearing: Release of custody: Duration of Department's control. The court shall retain jurisdiction over the case and may at any time stay execution, modify, set aside, revoke or arrest judgment or grant a new hearing, in the exercise of its powers of protection over the child and for its best interests at any time during his minority. An application for that purpose may be prepared by the Department of Public Welfare or any interested person acting in behalf of the child, or on its own motion on giving reasonable notice to interested parties and Department of Public Welfare. Whenever upon due hearing, the Court shall determine that it is for the best interests of the child that he be released to the care or custody of his parent or

guardian, it shall make its order and judgment accordingly and the child shall thereupon be discharged from the control of the Department of Public Welfare, but no child shall continue under the care, supervision, or control of the Department of Public Welfare beyond his minority. [L 1943, ch 8, § 12, p 71; am L 1945, ch 60, § 2, p 159.]

COLLATERAL REFERENCES

31 Am Jur 799.

§ 51-3-13. Appointment of guardians. Whenever in the course of proceedings instituted under this Act it shall appear to the court that the welfare of a child will be promoted by the appointment of a guardian of his person, the court shall have jurisdiction to make such appointment. The court shall cause a summons to be issued and served upon the parents of such child, if they can be found, in such manner and within such time prior to the hearing as the court may deem reasonable. The court may determine whether the father or mother, or the Department of Public Welfare, or other person shall have the custody and control of the child. If the child is over fourteen (14) years of age, his desires in the matter shall be given consideration by the court. [L 1943, ch 8, § 13, p 72; am L 1945, ch 60, § 3, p 159.]

§ 51-3-14. Support of child. Whenever a child is committed under the provisions of this Act the court may, after giving the parent a reasonable opportunity to be heard, adjudge that such parent shall pay in such manner as the court may direct such sum as will cover in full or in part the support of such child and if such parent shall wilfully fail or refuse to pay such sum, he may be proceeded against as provided by law for cases of family desertion and non-support. [L 1943, ch 8, § 14, p 72, effective April 1, 1943.]

§ 51-3-15. Place of detention: Provision for temporary care. No child under eighteen (18) years of age shall be committed to a jail and no such child shall be detained in a jail pending hearing, or transfer to the custody of the Department of Public Welfare, except for his safety or that of others. A child detained in jail shall be assigned to a room or place apart from adults, if this be possible. Immediate notice of such detention shall be sent to the Department of Public Welfare, who shall as promptly as possible arrange other care for the child.

Whenever any child is committed under the provisions of this Act, the court may provide for his temporary care. [L 1943, ch 8, § 15, p 73; am L 1945, ch 60, § 4, p 160.]

COLLATERAL REFERENCES

31 Am Jur 793.

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§ 51-3-16. Department's duty and power as to care of child. The Department of Public Welfare shall arrange for care of every child committed to its custody by placing him in a foster home or in the care of an agency or institution providing care for children within or outside the Territory of Alaska. The Department may place such child in a suitable family home, with or without compensation and may place any child for whom it has been appointed as guardian, in a home for adoption in accordance with existing law. The Department is authorized to pay such costs of maintenance as may be necessary to assure adequate care of such child, and is also authorized to accept in behalf of the Territory such funds from the Federal Government as may be contributed or granted to assist in carrying out the purposes of this Act, or as may be paid under contract entered into with any Federal department or agency. No child under the care of the Department shall be placed in a family home or institution that does not maintain the standards of care established or required by it. [L 1943, ch 8, § 16, p 73; am L 1945, ch 60, § 5, p 160.]

§ 51-3-17. — Visiting home or institution where child placed: Removal of child: Reports. A representative of the Department shall visit as often as is deemed necessary, every foster home or institution in which any child has been placed, and if not satisfied as to the care given, may remove such child from the foster home or institution and place him elsewhere.

Any person or institution receiving any such child shall submit such reports as to the education, health and welfare of the child and the conditions under which he is living, as may be required by the Department. [L 1943, ch 8, § 17, p 73; am L 1945, ch 60, § 6, p 161.]

§ 51-3-18. Standards of care. The Department of Public Welfare shall establish standards of care and rules and regulations desirable for the welfare of any child under its care. [L 1943, ch 8, § 18, p 74; am L 1945, ch 60, § 7, p 162.]

§ 51-3-19. Payment of costs. To carry this Act into effect, the proper and necessary costs of the court and witnesses and other expenses necessarily incurred in enforcement of this chapter shall be borne by the Department of Public Welfare from funds made available to it under the provisions of this Act. [L 1943, ch 8, § 19, p 74; am L 1945, ch 60, § 8, p 162.]