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Source

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Chapter No.

144

AN ACT

Relating to runaway and missing minors.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF ALASKA:

THE ACT FOLLOWS ON PAGE 1, LINE 8

UNDERLINED MATERIAL INDICATES TEXT THAT IS BEING ADDED TO THE LAW AND BRACKETED MATERIAL IN CAPITAL LETTERS INDICATES DELETIONS FROM THE LAW; COMPLETELY NEW TEXT OR MATERIAL REPEALED AND RE-ENACTED IS IDENTIFIED IN THE INTRODUCTORY LINE OF EACH BILL SECTION.

Approved by the Governor: June 8, 1988
Actual Effective Date: September 6, 1988

AN ACT

Relating to runaway and missing minors.

* Section 1. AS 47.10.141 is amended to read:

Sec. 47.10.141. RUNAWAY AND MISSING MINORS. (a) Upon receiving a written, telephonic, or other request to locate a minor evading the minor's legal custodian or to locate a minor otherwise missing, a law enforcement agency shall make reasonable efforts to locate the minor and shall immediately complete a missing person's report containing information necessary for the identification of the minor. As soon as practicable, but not later than 24 hours after completing the report, the agency shall transmit the report for entry into the Alaska Public Safety Information Network and the National Crime Information Center computer system. As soon as practicable, but not later than 24 hours after the agency learns that the minor has been located, it shall request that the Department of Public Safety and the Federal Bureau of Investigation remove the information from the computer systems.

(b) A peace officer shall take into protective custody a minor described in (a) of this section if the minor is not otherwise subject to arrest or detention. The peace officer shall honor the minor's preference to [EITHER] (1) return the minor to the legal custodian if the legal custodian consents to the return; (2) take the minor to a nearby location agreed to by the minor and the legal custodian; or (3) [(2)] take the minor to an office specified by the Department of Health and Social Services, a program for runaway minors licensed by

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1 the department under AS 47.10.310, or a facility or contract agency of
2 the department. If an office specified by the department, a licensed
3 program for runaway minors, or a facility or contract agency of the
4 department does not exist in the community, the officer shall take the
5 minor to another suitable location and promptly notify the department.
6 A minor under protective custody may not be housed in a jail or other
7 detention facility. Immediately upon taking a minor into protective
8 custody, the officer shall advise the minor orally and in writing of
9 the right to social services under AS 47.10.142(b), and, if known, the
10 officer shall advise the legal custodian that the minor has been taken
11 into protective custody.

12 * Sec. 2. AS 47.10.141 is amended by adding a new subsection to read:

13 (c) A minor may be taken into emergency protective custody by a
14 peace officer and placed into temporary detention in a juvenile de-
15 tention home in the local community if there has been an order issued
16 by a court upon a finding of probable cause that (1) the minor is a
17 runaway in wilful violation of a valid court order issued under AS
18 47.10.080 or 47.10.142(f), (2) the minor's current situation poses a
19 severe and imminent risk to the minor's life or safety, and (3) no
20 reasonable placement alternative exists within the community. For the
21 purposes of this subsection, a risk may not be considered severe and
22 imminent solely because of the general conditions for runaway minors
23 in the community, but shall be assessed in view of the specific behav-
24 ior and situation of the minor. A minor detained under this sub-
25 section shall be brought before a court on the day the minor is de-
26 tained, or if that is not possible, within 24 hours after the de-
27 tention for a hearing to determine the most appropriate placement in
28 the best interests of the minor. A minor taken into emergency protec-
29 tive custody under this subsection may not be detained for more than

1 24 hours, except as provided under AS 47.10.140. Emergency protective
2 custody may not include placement of a minor in a jail or secure
3 facility other than a juvenile detention home, nor may an order for
4 protective custody be enforced against a minor who is residing in a
5 licensed program for runaway minors, as defined in AS 47.10.390.

6 * Sec. 3. AS 47.10.142 is amended by adding a new subsection to read:

7 (f) When a minor is committed to the department for temporary
8 placement under (e) of this section, the court order shall specify the
9 terms, conditions, and duration of placement. The court may require
10 the minor to remain in the placement provided by the department and
11 shall clearly state in the order the consequences of violating the
12 order, including the possibility of detention under AS 47.10.141(c).

13 * Sec. 4. AS 47.10 is amended by adding new sections to read:

14 ARTICLE 5. PROGRAMS FOR RUNAWAY MINORS.

15 Sec. 47.10.300. POWERS AND DUTIES OF THE DEPARTMENT. The de-
16 partment shall

17 (1) review, inspect, and approve or disapprove for licens-
18 ing proposed or established programs for runaway minors to ensure the
19 health and safety of minors in the program;

20 (2) maintain a register of licensed programs for runaway
21 minors;

22 (3) award grants for the establishment or operation of
23 licensed programs for runaway minors;

24 (4) submit to the legislature and governor each January a
25 report on programs for runaway minors in the state;

26 (5) adopt regulations for the administration of AS 47.10.-
27 300 - 47.10.390, including regulations providing for the coordination
28 of services to be provided by licensed programs for runaway minors and
29 by the department.

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Sec. 47.10.310. LICENSING OF PROGRAMS FOR RUNAWAY MINORS. (a)

A person may not operate a program for runaway minors in the state without a license issued under this section. A person who violates this subsection is guilty of a violation.

(b) The department may license a program for runaway minors under AS 47.10.300 - 47.10.390 only if the program

(1) is operated by a corporation organized under AS 10.20 or a municipality; and

(2) meets the requirements of (c) of this section.

(c) A program for runaway minors shall

(1) explain to a minor who seeks assistance from the program the legal rights and responsibilities of runaway minors and the services and assistance provided for runaway minors by the program and by the state or local municipality;

(2) attempt to determine why a minor in the program is a runaway;

(3) provide or help arrange for the provision of services necessary to promote the health and welfare of a minor in the program and, if appropriate, members of the minor's family; services may include, but are not limited to, the provision of food, shelter, clothing, medical care, and individual or family counseling;

(4) promptly inform the department of a minor in the program who claims to be the victim of child abuse or neglect, as defined in AS 47.17.070, or whom an employee of the program has cause to believe has been a victim of child abuse or neglect;

(5) be operated with the goal of reuniting runaway minors with their families, except in cases in which reunification is clearly contrary to the best interest of the minor; and

(6) maintain adequate staffing and accommodations to ensure

1 physical security and to provide crisis services to minors residing in
2 a facility operated by the program; residents under 18 years of age
3 shall be segregated from residents who are 18 years of age or older.

4 (d) A program for runaway minors may provide services for the
5 protection of the health and welfare of a person under 21 years of age
6 who is in need of the services and who is without a place of shelter
7 in which supervision and care of the person are available.

8 Sec. 47.10.320. RESIDENCE IN RUNAWAY MINOR PROGRAM FACILITIES.
9 A runaway minor may maintain residency for a period not exceeding 45
10 days at a facility operated as part of a licensed program for runaway
11 minors. The minor may maintain residency without the consent of the
12 person or agency having custody of the minor, except that if the court
13 has ordered the minor committed to the custody of the department,
14 written consent of the department is required. The residency may be
15 extended for an additional period of 45 days with the written consent
16 of the person or agency having custody of the minor. A minor may not
17 maintain residency beyond the 90th day following admission to a li-
18 censed program for runaway minors without the written consent of the
19 person or agency having custody of the minor and the written consent
20 of the department.

21 Sec. 47.10.330. NOTICE TO MINOR'S LEGAL CUSTODIAN. (a) The
22 director of a program for runaway minors shall make a good faith
23 effort to notify a minor's legal custodian as soon as possible, but in
24 no event more than 48 hours after the minor is admitted to the pro-
25 gram, unless there are compelling circumstances that justify with-
26 holding notice. The notice must describe the minor's physical and
27 emotional condition and the circumstances surrounding the minor's
28 admission to the program.

29 (b) The director of a program for runaway minors shall promptly

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1 notify a minor's legal custodian if the minor is released from the
2 program into the custody of a person other than the legal custodian or
3 a person representing the legal custodian.

4 Sec. 47.10.340. CONFIDENTIALITY OF RECORDS. Records of a li-
5 censed program for runaway minors that identify a minor who has been
6 admitted to or has sought assistance from the program are confidential
7 and are not subject to inspection or copying under AS 09.25.110 -
8 09.25.120, unless

9 (1) after being informed of the minor's right to privacy,
10 the minor consents in writing to the disclosure of the records;

11 (2) the records are relevant to an investigation or pro-
12 ceeding involving child abuse or neglect or a child in need of aid
13 petition; or

14 (3) disclosure of the records is necessary to protect the
15 life or health of the minor.

16 Sec. 47.10.350. IMMUNITY FROM LIABILITY. (a) The officers,
17 directors, and employees of a licensed program for runaway minors are
18 not liable for civil damages as a result of an act or omission in
19 admitting a minor to the program.

20 (b) This section does not preclude liability for civil damages
21 as a result of recklessness or intentional misconduct.

22 Sec. 47.10.360. MUNICIPAL POWERS. Authority to establish and
23 operate a licensed program for runaway minors is granted to munic-
24 ipalities that do not otherwise have that authority.

25 Sec. 47.10.390. DEFINITIONS. In AS 47.10.300 - 47.10.390

26 (1) "licensed program for runaway minors" means a residen-
27 tial or nonresidential program licensed by the department under
28 AS 47.10.310;

29 (2) "runaway minor" means a person under 18 years of age

1 who

2 (A) is habitually absent from home;

3 (B) refuses to accept available care;

4 (C) has no parent, guardian, custodian, or relative
5 able or willing to provide care; or

6 (D) has been physically abandoned by

7 (i) both parents;

8 (ii) the surviving parent; or

9 (iii) one parent if the other parent's rights and
10 responsibilities have been terminated under AS 25.23.180(c)
11 or AS 47.10.080 or voluntarily relinquished.