

CS FOR SPONSOR SUBSTITUTE FOR HOUSE BILL NO. 387(HES)

IN THE LEGISLATURE OF THE STATE OF ALASKA

NINETEENTH LEGISLATURE - SECOND SESSION

BY THE HOUSE HEALTH, EDUCATION AND SOCIAL SERVICES COMMITTEE

Offered: 3/8/96

Referred: Judiciary, Finance

Sponsor(s): REPRESENTATIVES KELLY AND THERRIAULT, Rokeberg, Kohring

A BILL

FOR AN ACT ENTITLED

1 "An Act relating to minors and to offenses committed by minors, and to
2 programs relating to minors; authorizing municipalities to establish curfews for
3 minors by ordinance; relating to enforcement of the compulsory school attendance
4 law; and amending Rules 3(b) and 23(d), Alaska Delinquency Rules."

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

6 * **Section 1.** AS 10.06.961(a) is amended to read:

7 (a) Notwithstanding AS 13.46.085 or the appointment of a guardian of the
8 property of the minor under AS 47.10.010(c), when a minor who is in the custody of
9 this state under AS 47.10.010 - 47.10.142 or AS 47.12 [AS 47.10.010(a)(2)] or of
10 another state under a provision similar to AS 47.10.010 - 47.10.142 or AS 47.12
11 [AS 47.10.010(a)(2)] becomes entitled to receive dividends or other distributions
12 resulting from the ownership of stock or a membership in a corporation organized
13 under this chapter and under 43 U.S.C. 1601 - 1641 (Alaska Native Claims Settlement
14 Act), the corporation paying the dividends or making the other distributions shall retain

1 the dividends and other distributions in an interest bearing account for the benefit of
2 the minor during the state custody.

3 * **Sec. 2.** AS 12.62.900(11) is amended to read:

4 (11) "criminal justice information" means any of the following, other than
5 a court record, a record of traffic offenses maintained for the purpose of regulating
6 drivers' licenses, or a record of a juvenile subject to the jurisdiction of a [THE
7 JUVENILE] court under **AS 47.12** [AS 47.10]:

8 (A) criminal history record information;

9 (B) nonconviction information;

10 (C) correctional treatment information;

11 (D) information relating to a person to be located, whether or not
12 that person is wanted in connection with the commission of a crime;

13 * **Sec. 3.** AS 14.30.030 is repealed and reenacted to read:

14 Sec. 14.30.030. TRUANCY VIOLATIONS. The governing body of a school
15 district, including a regional educational attendance area, shall establish procedures to
16 prevent and reduce truancy, and establish penalties for truancy violations.

17 * **Sec. 4.** AS 14.45.110 is amended by adding a new subsection to read:

18 (c) The person responsible for a religious or other private school shall establish
19 procedures to prevent and reduce truancy, and establish penalties for truancy violations.

20 * **Sec. 5.** AS 22.07.020(a) is amended to read:

21 (a) The court of appeals has appellate jurisdiction in actions and proceedings
22 commenced in the superior court involving:

23 (1) criminal prosecution;

24 (2) post-conviction relief;

25 (3) [CHILDREN'S COURT] matters under **AS 47.12**
26 [AS 47.10.010(a)(1)], including waiver of [CHILDREN'S COURT] jurisdiction over a
27 minor under **AS 47.12.100** [AS 47.10];

28 (4) extradition;

29 (5) habeas corpus;

30 (6) probation and parole; and

31 (7) bail.

32 * **Sec. 6.** AS 22.15.100 is amended to read:

1 Sec. 22.15.100. FUNCTIONS AND POWERS OF DISTRICT JUDGE AND
2 MAGISTRATE. Each district judge and magistrate has the power

3 (1) to issue writs of habeas corpus for the purpose of inquiring into the
4 cause of restraint of liberty, returnable before a judge of the superior court, and the same
5 proceedings shall be had on the writ as if it had been granted by the superior court judge
6 under the laws of the state in such cases;

7 (2) of a notary public;

8 (3) to issue marriage licenses and to solemnize marriages;

9 (4) to issue warrants of arrest, summons, and search warrants according
10 to manner and procedure prescribed by law and the supreme court;

11 (5) to act as an examining judge or magistrate in preliminary
12 examinations in criminal proceedings; to set, receive, and forfeit bail and to order the
13 release of defendants under bail;

14 (6) to act as a referee in matters and actions referred to the judge or
15 magistrate by the superior court, with all powers conferred upon referees by laws;

16 (7) of the superior court in all respects including but not limited to
17 contempts, attendance of witnesses, and bench warrants;

18 (8) to order the temporary detention of a minor, or take other action
19 authorized by law or rules of procedure, in cases arising under AS 47.10.010 - 47.10.142
20 or AS 47.12 [AS 47.10], when the minor is in a condition or surrounding dangerous or
21 injurious to the welfare of the minor or others that requires immediate action; the action
22 may be continued in effect until reviewed by the superior court in accordance with rules
23 of procedure governing these cases;

24 (9) to issue a temporary order for injunctive relief in cases involving
25 domestic violence as provided in AS 25.35.010 and 25.35.020;

26 (10) to review an administrative revocation of a person's driver's license
27 or nonresident privilege to drive, and an administrative refusal to issue an original
28 license, when designated as a hearing officer by the commissioner of public safety and
29 with the consent of the administrative director of the state court system.

30 * **Sec. 7.** AS 29.35 is amended by adding a new section to read:

31 Sec. 29.35.085. CURFEW. A municipality may, by ordinance, provide for a
32 curfew for persons under 18 years of age for whom the disabilities of minority have not

1 been removed for general purposes under AS 09.55.590 and who have not arrived at the
2 age of majority under AS 25.20.020.

3 * **Sec. 8.** AS 36.30.850(b)(11) is amended to read:

4 (11) agreements with providers of services under AS 44.47.250;
5 AS 47.07; AS 47.08; AS 47.10; AS 47.12; AS 47.17; AS 47.24; AS 47.25.195, and
6 47.25.310;

7 * **Sec. 9.** AS 43.23.065(b) is amended to read:

8 (b) An exemption is not available under this section for permanent fund
9 dividends taken to satisfy

10 (1) child support obligations required by court order or decision of the
11 child support enforcement agency under AS 25.27.140 - 25.27.220;

12 (2) court ordered restitution under AS 12.55.045 - 12.55.051, 12.55.100,
13 or AS 47.12.120(b)(4) [AS 47.10.080(b)(4)];

14 (3) claims on defaulted scholarship loans under AS 43.23.067;

15 (4) court ordered fines;

16 (5) writs of execution under AS 09.35 of a judgment that is entered

17 (A) against a minor in a civil action to recover damages and court
18 costs;

19 (B) under AS 34.50.020 against the parent, parents, or legal
20 guardian of an unemancipated minor;

21 (6) a debt owed by an eligible individual to an agency of the state, unless
22 the debt is contested and an appeal is pending, or the time limit for filing an appeal has
23 not expired.

24 * **Sec. 10.** AS 44.21.410(a) is amended to read:

25 (a) The office of public advocacy shall

26 (1) perform the duties of the public guardian under AS 13.26.360 -
27 13.26.410;

28 (2) provide visitors and experts in guardianship proceedings under
29 AS 13.26.131;

30 (3) provide guardian ad litem services to children in child protection
31 actions under AS 47.17.030(e) and to wards and respondents in guardianship proceedings
32 who will suffer financial hardship or become dependent upon a government agency or

1 a private person or agency if the services are not provided at state expense under
2 AS 13.26.112;

3 (4) provide legal representation in guardianship proceedings to
4 respondents who are financially unable to employ attorneys under AS 13.26.106(b), to
5 indigent parties in cases involving child custody in which the opposing party is
6 represented by counsel provided by a public agency, to indigent parents or guardians of
7 a minor respondent in a commitment proceeding concerning the minor under
8 AS 47.30.775;

9 (5) provide legal representation and guardian ad litem services under
10 AS 25.24.310; in cases arising under AS 47.15 (Uniform Interstate Compact on
11 Juveniles); in cases involving petitions to adopt a minor under AS 25.23.125(b) or
12 petitions for the termination of parental rights on grounds set out in AS 25.23.180(c)(3);
13 in cases involving petitions to remove the disabilities of a minor under AS 09.55.590;
14 in children's proceedings under AS 47.10.050(a) **or under AS 47.12.090(a) or (b)**; and
15 in cases involving indigent persons who are entitled to representation under
16 AS 18.85.100 and who cannot be represented by the public defender agency because of
17 a conflict of interests;

18 (6) develop and coordinate a program to recruit, select, train, assign, and
19 supervise volunteer guardians ad litem from local communities to aid in delivering
20 services in cases in which the office of public advocacy is appointed as guardian ad
21 litem;

22 (7) provide guardian ad litem services in proceedings under
23 AS 12.45.046;

24 (8) establish a fee schedule and collect fees for services provided by the
25 office, except as provided in AS 18.85.120 or when imposition or collection of a fee is
26 not in the public interest as defined under regulations adopted by the commissioner of
27 administration;

28 (9) provide visitors and guardians ad litem in proceedings under
29 AS 47.30.839;

30 (10) provide legal representation to indigent parents under
31 AS 14.30.195(e).

32 * **Sec. 11.** AS 44.29.022(a) is amended to read:

1 (a) The commissioner of health and social services may establish by regulation
2 a schedule of reasonable fees for services provided by the Department of Health and
3 Social Services under AS 44.29.020(a)(1) - (8), AS 47.10, AS 47.12, AS 47.30.655 -
4 47.30.910, and AS 47.80.100 - 47.80.170. The fee established for a service may not
5 exceed the actual cost of providing the service. The commissioner may define or
6 establish the "actual cost of providing a service" by regulation. The Department of
7 Health and Social Services shall charge and collect the fees established under this
8 subsection. The department may waive collection of a fee upon a finding that collection
9 is not economically feasible or in the public interest.

10 * **Sec. 12.** AS 44.41.025(c) is amended to read:

11 (c) The department may enter into the Alaska automated fingerprint identification
12 system the fingerprints of a minor whose fingerprints are taken under AS 47.12.210
13 [AS 47.10.097].

14 * **Sec. 13.** AS 44.47.200 is amended to read:

15 Sec. 44.47.200. LEGAL ASSISTANCE AND JUVENILE JUSTICE GRANT
16 FUND. There is created in the department the legal assistance and juvenile justice grant
17 fund. From legislative appropriations to the fund, the department shall make grants

18 (1) to eligible communities and regions for the purpose of enabling them
19 to obtain legal assistance; and

20 (2) to a nonprofit corporation established under AS 47.12.400
21 [AS 47.10.265] to operate as a youth court.

22 * **Sec. 14.** AS 44.47.210(b) is amended to read:

23 (b) Nonprofit corporations proposing to establish and operate youth courts under
24 AS 47.12.400 [AS 47.10.265] may apply to the department for an organizational grant
25 under AS 44.47.200(2). A grant under this subsection must be matched on a dollar-for-
26 dollar basis by the grantee in cash or in kind. The commissioner may waive the match
27 required under this subsection on a showing satisfactory to the commissioner by the
28 prospective applicant that matching funds are not available.

29 * **Sec. 15.** AS 44.47.220(b) is amended to read:

30 (b) Grants made under AS 44.47.200(2) shall be used to defray the costs of
31 organization of youth courts under AS 47.12.400 [AS 47.10.265]. The department shall
32 assure that the grant is spent for necessary organizational assistance and that appropriate

1 accounting procedures are maintained. Grants made under AS 44.47.200(2) and this
2 subsection may not exceed \$5,000. Only one grant may be made to a grantee under
3 authority of this subsection.

4 * **Sec. 16.** AS 47.10.010(a) is amended to read:

5 (a) Proceedings relating to a minor under 18 years of age residing or found in
6 the state are governed by AS 47.10.010 - 47.10.142 [THIS CHAPTER], except as
7 otherwise provided in AS 47.10.010 - 47.10.142 [THIS CHAPTER], when the court
8 finds the minor

9 [(1) TO BE A DELINQUENT MINOR AS A RESULT OF
10 VIOLATING A CRIMINAL LAW OF THE STATE OR A MUNICIPALITY OF THE
11 STATE; OR

12 (2)] to be a child in need of aid as a result of

13 (1) [(A)] the child being habitually absent from home or refusing to
14 accept available care, or having no parent, guardian, custodian, or relative caring or
15 willing to provide care, including physical abandonment by

16 (A) [(i)] both parents,

17 (B) [(ii)] the surviving parent, or

18 (C) [(iii)] one parent if the other parent's rights and
19 responsibilities have been terminated under AS 25.23.180(c) or AS 47.10.080 or
20 voluntarily relinquished;

21 (2) [(B)] the child being in need of medical treatment to cure, alleviate,
22 or prevent substantial physical harm, or in need of treatment for mental harm as
23 evidenced by failure to thrive, severe anxiety, depression, withdrawal, or untoward
24 aggressive behavior or hostility toward others, and the child's parent, guardian, or
25 custodian has knowingly failed to provide the treatment;

26 (3) [(C)] the child having suffered substantial physical harm or if there
27 is an imminent and substantial risk that the child will suffer such harm as a result of the
28 actions done by or conditions created by the child's parent, guardian, or custodian or the
29 failure of the parent, guardian, or custodian adequately to supervise the child;

30 (4) [(D)] the child having been, or being in imminent and substantial
31 danger of being, sexually abused either by the child's parent, guardian, or custodian, or
32 as a result of conditions created by the child's parent, guardian, or custodian, or by the

1 failure of the parent, guardian, or custodian adequately to supervise the child;

2 (5) [(E)] the child committing delinquent acts as a result of pressure,
3 guidance, or approval from the child's parents, guardian, or custodian;

4 (6) [(F)] the child having suffered substantial physical abuse or neglect
5 as a result of conditions created by the child's parent, guardian, or custodian.

6 * **Sec. 17.** AS 47.10.020(a) is amended to read:

7 (a) Whenever circumstances subject a minor to the jurisdiction of AS 47.10.010 -
8 47.10.142, the court shall

9 [(1) PROVIDE, UNDER PROCEDURES ADOPTED BY COURT
10 RULE, THAT, FOR A MINOR WHO IS ALLEGED TO BE A DELINQUENT MINOR
11 UNDER AS 47.10.010(a)(1), A STATE AGENCY SHALL MAKE A PRELIMINARY
12 INQUIRY TO DETERMINE IF ANY ACTION IS APPROPRIATE AND MAY TAKE
13 APPROPRIATE ACTION TO ADJUST OR DISPOSE OF THE MATTER WITHOUT
14 A COURT HEARING; IF, UNDER THIS PARAGRAPH,

15 (A) THE STATE AGENCY MAKES A PRELIMINARY
16 INQUIRY AND TAKES APPROPRIATE ACTION TO ADJUST OR DISPOSE
17 OF THE MATTER WITHOUT A COURT HEARING, THE MINOR MAY
18 NOT BE DETAINED OR TAKEN INTO CUSTODY AS A CONDITION OF
19 THE ADJUSTMENT OR DISPOSITION AND, SUBJECT TO (d) OF THIS
20 SECTION, THE MATTER SHALL BE CLOSED BY THE AGENCY IF THE
21 MINOR SUCCESSFULLY COMPLETES ALL THAT IS REQUIRED OF THE
22 MINOR BY THE AGENCY IN THE ADJUSTMENT OR DISPOSITION; IN
23 A MUNICIPALITY OR MUNICIPALITIES IN WHICH A YOUTH COURT
24 HAS BEEN ESTABLISHED UNDER AS 47.10.265, ADJUSTMENT OR
25 DISPOSITION OF THE MATTER UNDER THIS PARAGRAPH MAY
26 INCLUDE REFERRAL TO THE YOUTH COURT;

27 (B) THE AGENCY CONCLUDES THAT THE MATTER MAY
28 NOT BE ADJUSTED OR DISPOSED OF WITHOUT A COURT HEARING,
29 THE AGENCY MAY FILE A PETITION UNDER (2) OF THIS SUBSECTION
30 SETTING OUT THE FACTS; OR

31 (2)] appoint a competent person or agency to make a preliminary inquiry
32 and report for the information of the court to determine whether the interests of the

1 public or of the minor require that further action be taken; if, under this **subsection**
2 [PARAGRAPH], the court appoints a person or agency to make a preliminary inquiry
3 and to report to it, then upon the receipt of the report, the court may informally adjust
4 or dispose of the matter without a hearing, or it may authorize the person having
5 knowledge of the facts of the case to file with the court a petition setting out the facts;
6 if the court informally adjusts or disposes of the matter, the minor may not be detained
7 or taken into the custody of the court as a condition of the adjustment or disposition, and
8 the matter shall be closed by the court upon adjustment or disposition.

9 * **Sec. 18.** AS 47.10.020(b) is amended to read:

10 (b) The petition and all subsequent pleadings shall be styled as follows: "In the
11 matter of, a minor under 18 years of age." The
12 petition may be executed upon the petitioner's information and belief, and must be
13 verified. It must include the following information:

- 14 (1) the name, address, and occupation of the petitioner, together with the
15 petitioner's relationship to the minor, and the petitioner's interest in the matter;
- 16 (2) the name, age, and address of the minor;
- 17 (3) a brief statement of the facts that bring the minor within
18 **AS 47.10.010 - 47.10.142** [THIS CHAPTER];
- 19 (4) the names and addresses of the minor's parents;
- 20 (5) the name and address of the minor's guardian, or of the person having
21 control or custody of the minor.

22 * **Sec. 19.** AS 47.10.030(b) is amended to read:

23 (b) In all cases under **AS 47.10.010 - 47.10.142**, [THIS CHAPTER] the minor,
24 each parent of the minor, and the guardian of the minor shall be given notice adequate
25 to give actual notice of the proceedings and the possibility of termination of parental
26 rights and responsibilities, taking into account education and language differences that
27 are known or reasonably ascertainable by the petitioner or the department. The notice
28 of the hearing must contain all names by which the minor has been identified. Notice
29 shall be given in the manner appropriate under rules of civil procedure for the service
30 of process in a civil action under Alaska law or in any manner the court by order directs.
31 Proof of the giving of the notice shall be filed with the court before the petition is heard.
32 The court may also subpoena the parent of the minor, or any other person whose

1 testimony may be necessary at the hearing. A subpoena or other process may be served
2 by a person authorized by law to make the service, and where personal service cannot
3 be made, the court may direct that service of process be in a manner appropriate under
4 rules of civil procedure for the service of process in a civil action under Alaska law or
5 in any manner the court directs.

6 * **Sec. 20.** AS 47.10.050(a) is amended to read:

7 (a) Whenever in the course of proceedings instituted under AS 47.10.010 -
8 47.10.142 [THIS CHAPTER] it appears to the court that the welfare of a minor will be
9 promoted by the appointment of an attorney to represent the minor or an attorney or
10 other person to serve as guardian ad litem, the court may make the appointment.
11 Appointment of a guardian ad litem or attorney shall be made under the terms of
12 AS 25.24.310.

13 * **Sec. 21.** AS 47.10.070(a) is amended to read:

14 (a) The court may conduct the hearing on the petition in an informal manner
15 in the courtroom or in chambers. [A HEARING MAY BE HELD BEFORE A YOUNG
16 ADULT ADVISORY PANEL IN ACCORDANCE WITH AS 47.10.075.] The court
17 shall give notice of the hearing to the department and it may send a representative to the
18 hearing. The court shall also transmit a copy of the petition to the department. The
19 representative of the department may also be heard at the hearing. The public shall be
20 excluded from the hearing, but the court, in its discretion, may permit individuals to
21 attend a hearing [,] if their attendance is compatible with the best interests of the minor.
22 [NOTHING IN THIS SECTION MAY BE APPLIED IN SUCH A WAY AS TO DENY
23 A CHILD'S RIGHTS TO A PUBLIC TRIAL AND TO A TRIAL BY JURY.]

24 * **Sec. 22.** AS 47.10.080(a) is amended to read:

25 (a) The court, at the conclusion of the hearing, or thereafter as the circumstances
26 of the case may require, shall find and enter a judgment that the minor is or is not
27 [DELINQUENT OR] a child in need of aid.

28 * **Sec. 23.** AS 47.10.080(c) is amended to read:

29 (c) If the court finds that the minor is a child in need of aid, it shall

30 (1) order the minor committed to the department for placement in an
31 appropriate setting for a period of time not to exceed two years or in any event past the
32 date the minor becomes 19 years of age, except that the department may petition for and

1 the court may grant in a hearing (A) two-year extensions of commitment that do not
2 extend beyond the minor's 19th birthday if the extension is in the best interests of the
3 minor [AND THE PUBLIC]; and (B) an additional one-year period of custody
4 [SUPERVISION] past age 19 if the continued custody [SUPERVISION] is in the best
5 interests of the person and the person consents to it; the department may transfer the
6 minor, in the minor's best interests, from one placement setting to another, and the minor,
7 the minor's parents or guardian, and the minor's attorney are entitled to reasonable notice
8 of the transfer;

9 (2) order the minor released to the minor's parents, guardian, or some
10 other suitable person, and, in appropriate cases, order the parents, guardian, or other
11 person to provide medical or other care and treatment; if the court releases the minor,
12 it shall direct the department to supervise the care and treatment given to the minor, but
13 the court may dispense with the department's supervision if the court finds that the adult
14 to whom the minor is released will adequately care for the minor without supervision;
15 the department's supervision may not exceed two years or in any event extend past the
16 date the minor reaches age 19, except that the department may petition for and the court
17 may grant in a hearing

18 (A) two-year extensions of supervision that do not extend beyond
19 the minor's 19th birthday if the extension is in the best interests of the minor and
20 the public; and

21 (B) an additional one-year period of supervision past age 19 if the
22 continued supervision is in the best interests of the person and the person
23 consents to it; or

24 (3) by order, upon a showing in the adjudication by clear and convincing
25 evidence that there is a child in need of aid under AS 47.10.010(a) [AS 47.10.010(a)(2)]
26 as a result of parental conduct and upon a showing in the disposition by clear and
27 convincing evidence that the parental conduct is likely to continue to exist if there is no
28 termination of parental rights, terminate parental rights and responsibilities of one or both
29 parents and commit the child to the department or to a legally appointed guardian of the
30 person of the child, and the department or guardian shall report annually to the court on
31 efforts being made to find a permanent placement for the child.

32 * **Sec. 24.** AS 47.10.080(e) is amended to read:

1 (e) If the court finds that the minor is not [DELINQUENT OR] a child in need
2 of aid, it shall immediately order the minor released from the department's custody and
3 returned to the minor's parents, guardian, or custodian, and dismiss the case.

4 * **Sec. 25.** AS 47.10.080(f) is amended to read:

5 (f) A minor found to be [DELINQUENT OR] a child in need of aid is a ward
6 of the state while committed to the department or the department has the power to
7 supervise the minor's actions. The court shall review an order made under [(b) OR]
8 (c)(1) or (2) of this section annually, and may review the order more frequently to
9 determine if continued placement [, PROBATION,] or **custody** [SUPERVISION], as it
10 is being provided, is in the best interest of the minor [AND THE PUBLIC]. If annual
11 review under this subsection would arise within 90 days of the hearing required under
12 (l) of this section, the court may postpone review under this subsection until the time set
13 for the hearing. The department, the minor, the minor's parents, guardian, or custodian
14 are entitled, when good cause is shown, to a review on application. If the application
15 is granted, the court shall afford these parties and their counsel reasonable notice in
16 advance of the review and hold a hearing where these parties and their counsel shall be
17 afforded an opportunity to be heard. The minor shall be afforded the opportunity to be
18 present at the review.

19 * **Sec. 26.** AS 47.10.080(g) is amended to read:

20 (g) [AN ADJUDICATION UNDER THIS CHAPTER UPON THE STATUS OF
21 A CHILD MAY NOT OPERATE TO IMPOSE ANY OF THE CIVIL DISABILITIES
22 ORDINARILY IMPOSED BY CONVICTION UPON A CRIMINAL CHARGE, NOR
23 MAY A MINOR AFTERWARD BE CONSIDERED A CRIMINAL BY THE
24 ADJUDICATION, NOR MAY THE ADJUDICATION BE AFTERWARD DEEMED
25 A CONVICTION, NOR MAY A MINOR BE CHARGED WITH OR CONVICTED OF
26 A CRIME IN A COURT, EXCEPT AS PROVIDED IN THIS CHAPTER.] The
27 commitment and placement of a child and evidence given in the court **in a proceeding**
28 **under AS 47.10.010 - 47.10.142** are not admissible as evidence against the minor in a
29 subsequent case or proceedings in any other court [, NOR DOES THE COMMITMENT
30 AND PLACEMENT OR EVIDENCE OPERATE TO DISQUALIFY A MINOR IN A
31 FUTURE CIVIL SERVICE EXAMINATION OR APPOINTMENT IN THE STATE].

32 * **Sec. 27.** AS 47.10.080(i) is amended to read:

1 (i) A minor, the minor's parents or guardian acting on the minor's behalf, or the
2 department may appeal a judgment or order, or the stay, modification, setting aside,
3 revocation, or enlargement of a judgment or order issued by the court under
4 **AS 47.10.010 - 47.10.142** [THIS CHAPTER].

5 * **Sec. 28.** AS 47.10.080(1) is amended to read:

6 (l) Within 18 months after the date a child is initially taken into custody by the
7 department under AS 47.10.142(c) or committed to the custody of the department under
8 [(b)(3),] (c)(1) [,] or [(c)] (3) of this section [,] or AS 47.10.230(c), the court shall hold
9 a hearing to review the placement and services provided and to determine the future
10 status of the minor. The court shall make appropriate written findings, including findings
11 related to the following:

12 (1) whether the child should be returned to the parent;

13 (2) whether the child should remain in out-of-home care for a specified
14 period;

15 (3) whether the child should remain in out-of-home care on a permanent
16 or long-term basis because of special needs or circumstances;

17 (4) whether the child should be placed for adoption or legal guardianship.

18 * **Sec. 29.** AS 47.10.082 is amended to read:

19 Sec. 47.10.082. BEST INTERESTS OF CHILD AND OTHER
20 CONSIDERATIONS. [IN MAKING ITS DISPOSITIONAL ORDER UNDER
21 AS 47.10.080(b) THE COURT SHALL CONSIDER THE BEST INTERESTS OF THE
22 CHILD AND THE PUBLIC.] In making its dispositional order under AS 47.10.080(c),
23 the court shall consider

24 **(1)** the best interests of the child; **and**

25 **(2)** [. IN EITHER CASE THE COURT SHALL CONSIDER ALSO]
26 the ability of the state to take custody and to care for the child to protect the child's best
27 interests under AS 47.10.010 - 47.10.142.

28 * **Sec. 30.** AS 47.10.084(a) is amended to read:

29 (a) When a child is committed under **AS 47.10.080(c)(1)** [AS 47.10.080(b)(1)
30 OR (c)(1)] to the department, [OR] released under **AS 47.10.080(c)(2)**
31 [AS 47.10.080(b)(2) OR (3) OR (c)(2)] to the child's parents, guardian, or other suitable
32 person, **or committed to the department or to a legally appointed guardian of the**

1 person of the child under AS 47.10.080(c)(3), a relationship of legal custody exists.
2 This relationship imposes on the department and its authorized agents or the parents,
3 guardian, or other suitable person the responsibility of physical care and control of the
4 child, the determination of where and with whom the child shall live, the right and duty
5 to protect, train, and discipline the child, and the duty of providing the child with food,
6 shelter, education, and medical care. These obligations are subject to any residual
7 parental rights and responsibilities and rights and responsibilities of a guardian if one has
8 been appointed. When a child is committed to the department and the department places
9 the child with the child's parent, the parent has the responsibility to provide and pay for
10 food, shelter, education, and medical care for the child. When parental rights have been
11 terminated, or there are no living parents and no guardian has been appointed, the
12 responsibilities of legal custody include those in (b) and (c) of this section. The
13 department or person having legal custody of the child may delegate any of the
14 responsibilities under this section, except authority to consent to marriage, adoption, and
15 military enlistment may not be delegated. For purposes of AS 47.10.010 - 47.10.142,
16 [THIS CHAPTER] a person in charge of a placement setting is an agent of the
17 department.

18 * **Sec. 31.** AS 47.10.090(c) is amended to read:

19 (c) Within 30 days of the date of a minor's 18th birthday or, if the court retains
20 jurisdiction of a minor past the minor's 18th birthday, within 30 days of the date on
21 which the court releases jurisdiction over the minor, the court shall order all the court's
22 official records pertaining to that minor in a proceeding under AS 47.10.010 -
23 47.10.142 sealed [, AS WELL AS RECORDS OF ALL DRIVER'S LICENSE
24 PROCEEDINGS UNDER AS 28.15.185, CRIMINAL PROCEEDINGS AGAINST THE
25 MINOR, AND PUNISHMENTS ASSESSED AGAINST THE MINOR]. A person may
26 not use these sealed records for any purpose except that the court may order their use
27 for good cause shown [OR MAY ORDER THEIR USE BY AN OFFICER OF THE
28 COURT IN MAKING A PRESENTENCING REPORT FOR THE COURT. THE
29 PROVISIONS OF THIS SUBSECTION RELATING TO THE SEALING OF
30 RECORDS DO NOT APPLY TO RECORDS OF TRAFFIC OFFENSES].

31 * **Sec. 32.** AS 47.10.090(d) is amended to read:

32 (d) The name or picture of a minor under the jurisdiction of the court may not

1 be made public in connection with the minor's status as a [DELINQUENT CHILD OR
2 A] child in need of aid unless authorized by order of the court.

3 * **Sec. 33.** AS 47.10.090(e) is amended to read:

4 (e) The court's official records under AS 47.10.010 - 47.10.142 [THIS
5 CHAPTER] may be inspected only with the court's permission and only by persons
6 having a legitimate interest in them. [A PERSON WITH A LEGITIMATE INTEREST
7 IN THE INSPECTION OF AN OFFICIAL RECORD MAINTAINED BY THE COURT
8 INCLUDES A VICTIM WHO SUFFERED PHYSICAL INJURY OR WHOSE REAL
9 OR PERSONAL PROPERTY WAS DAMAGED AS A RESULT OF AN OFFENSE
10 THAT WAS THE BASIS OF AN ADJUDICATION OR MODIFICATION OF
11 DISPOSITION. IF THE VICTIM KNOWS THE IDENTITY OF THE MINOR,
12 IDENTIFIES THE MINOR OR THE OFFENSE TO THE COURT, AND CERTIFIES
13 THAT THE INFORMATION IS BEING SOUGHT TO CONSIDER OR SUPPORT A
14 CIVIL ACTION AGAINST THE MINOR OR AGAINST THE MINOR'S PARENTS
15 OR GUARDIANS UNDER AS 34.50.020, THE COURT SHALL, SUBJECT TO
16 AS 12.61.110 AND 12.61.140, ALLOW THE VICTIM TO INSPECT AND USE THE
17 FOLLOWING RECORDS AND INFORMATION IN CONNECTION WITH THE
18 CIVIL ACTION:

19 (1) A PETITION FILED UNDER AS 47.10.010(a)(1) SEEKING TO
20 HAVE THE COURT DECLARE THE MINOR A DELINQUENT;

21 (2) A PETITION FILED UNDER AS 47.10.080 SEEKING TO HAVE
22 THE COURT MODIFY OR REVOKE THE MINOR'S PROBATION;

23 (3) A PETITION FILED UNDER AS 47.10.060 REQUESTING THE
24 COURT TO FIND THAT A MINOR IS NOT AMENABLE TO TREATMENT UNDER
25 THIS CHAPTER AND THAT RESULTS IN CLOSURE OF A CASE UNDER
26 AS 47.10.060(a); AND

27 (4) A COURT JUDGMENT OR ORDER ENTERED UNDER
28 AS 47.10.010 - 47.10.142 THAT DISPOSES OF A PETITION IDENTIFIED IN (1) -
29 (3) OF THIS SUBSECTION.]

30 * **Sec. 34.** AS 47.10.093(a) is amended to read:

31 (a) Except as specified in AS 47.10.092 and (b) - (g) [(b) - (f) AND (h)] of this
32 section, all information and social records pertaining to a minor who is subject to

1 AS 47.10.010 - 47.10.142 [THIS CHAPTER] or AS 47.17 prepared by or in the
2 possession of a federal, state, or municipal agency or employee in the discharge of the
3 agency's or employee's official duty [, INCLUDING DRIVER'S LICENSE ACTIONS
4 UNDER AS 28.15.185,] are privileged and may not be disclosed directly or indirectly
5 to anyone without a court order.

6 * **Sec. 35.** AS 47.10.100(c) is amended to read:

7 (c) If a minor is adjudicated [A DELINQUENT OR] a child in need of aid
8 before the minor's 18th birthday, the court may retain jurisdiction over the minor after
9 the minor's 18th birthday for the purpose of supervising the minor [MINOR'S
10 REHABILITATION], but the court's jurisdiction over the minor under this chapter never
11 extends beyond the minor's 19th birthday, except that the department may apply for and
12 the court may grant an additional one-year period of supervision past age 19 if continued
13 supervision is in the best interests of the person and the person consents to it. The
14 department may retain jurisdiction over a child between the child's 18th and 19th
15 birthdays for the purpose of supervising the child [CHILD'S REHABILITATION], if the
16 child has been placed under the supervision of the department before the child's 18th
17 birthday, except that the department may apply for and the court may grant an additional
18 one-year period of supervision past age 19 if continued supervision is in the best interests
19 of the person and the person consents to it.

20 * **Sec. 36.** AS 47.10.110 is amended to read:

21 Sec. 47.10.110. APPOINTMENT OF GUARDIAN OR CUSTODIAN. When,
22 in the course of a proceeding under AS 47.10.010 - 47.10.142 [THIS CHAPTER], it
23 appears to the court that the welfare of a minor will be promoted by the appointment of
24 a guardian or custodian of the minor's person, the court may make the appointment. The
25 court shall have a summons issued and served upon the parents of the minor, if they can
26 be found, in a manner and within a time before the hearing that the court considers
27 reasonable. The court may determine whether the father, mother, or the department shall
28 have the custody and control of the minor. If the minor is of sufficient age and
29 intelligence to state desires, the court shall consider them.

30 * **Sec. 37.** AS 47.10.120(a) is amended to read:

31 (a) When a child in need of aid [OR A DELINQUENT MINOR] is committed
32 under AS 47.10.010 - 47.10.142 [THIS CHAPTER], the court shall, after giving the

1 parent or legal guardian a reasonable opportunity to be heard, adjudge that the parent or
2 guardian pay to the department in a manner that the court directs a sum [THAT IS
3 BASED ON THE FEE SCHEDULE ADOPTED UNDER AS 44.29.022] to cover in full
4 or in part the maintenance and care of the child or minor. **The support obligation shall**
5 **be calculated under Rule 90.3(i) of the Alaska Rules of Civil Procedure.**

6 * **Sec. 38.** AS 47.10.141(b) is amended to read:

7 (b) A peace officer shall take into protective custody a minor described in (a)
8 of this section if the minor is not otherwise subject to arrest or detention. Unless (c) of
9 this section applies, **when a peace officer takes a minor into protective custody under**
10 **this subsection,**

11 (1) the peace officer shall exercise the officer's discretion **and shall**

12 (A) [AND (1)] return the minor to the **minor's parent or**
13 **guardian** [LEGAL CUSTODIAN] if the **minor and the minor's parent or**
14 **guardian consent** [LEGAL CUSTODIAN CONSENTS] to the return, except
15 that the officer may not use this option if the officer has reasonable cause to
16 **believe** [SUSPECT] that the minor has experienced physical or sexual abuse in
17 the **parent's or guardian's** [LEGAL CUSTODIAN'S] household;

18 (B) [(2)] take the minor to a nearby location agreed to by the
19 minor and the **minor's parent or guardian** [LEGAL CUSTODIAN]; or

20 (C) [(3)] take the minor to

21 (i) an office specified by the Department of Health and
22 Social Services;

23 (ii) [,] a program for runaway minors licensed by the
24 department under AS 47.10.310;

25 (iii) [,] a shelter for runaways that has a permit from the
26 department under AS 47.35.085 that agrees to shelter the minor;

27 (iv) [, OR] a facility or contract agency of the department;

28 **or**

29 (v) **another suitable location and promptly notify the**
30 **department, if** [. IF] an office specified by the department, a licensed
31 program for runaway minors, a shelter for runaways that will accept the
32 minor, or a facility or contract agency of the department does not exist

1 in the community;

2 (2) a [, THE OFFICER SHALL TAKE THE MINOR TO ANOTHER
3 SUITABLE LOCATION AND PROMPTLY NOTIFY THE DEPARTMENT. A] minor
4 under protective custody may not be housed in a jail or other detention facility;

5 (3) the peace officer, immediately [. IMMEDIATELY] upon taking a
6 minor into protective custody, [THE OFFICER] shall

7 (A) advise the minor orally and in writing of the right to social
8 services under AS 47.10.142(b); [,] and

9 (B) [,] if the identity of the minor's parent or guardian is
10 known, [THE OFFICER SHALL] advise the minor's parent or guardian
11 [LEGAL CUSTODIAN] that the minor has been taken into protective custody
12 and that counseling services for the minor's parent or guardian [CUSTODIAN]
13 and the minor's household may be available under AS 47.10.142(b).

14 * **Sec. 39.** AS 47.10.141(c) is amended to read:

15 (c) A minor may be taken into emergency protective custody by a peace officer
16 and placed into temporary detention in a juvenile detention home in the local community
17 if there has been an order issued by a court under a finding of probable cause that (1)
18 the minor is a runaway in wilful violation of a valid court order issued under
19 AS 47.10.080(c)(1), 47.10.142(f), or AS 47.12.120(b)(1) or (3) [AS 47.10.080 OR
20 47.10.142(f)], (2) the minor's current situation poses a severe and imminent risk to the
21 minor's life or safety, and (3) no reasonable placement alternative exists within the
22 community. For the purposes of this subsection, a risk may not be considered severe and
23 imminent solely because of the general conditions for runaway minors in the community,
24 but shall be assessed in view of the specific behavior and situation of the minor. A
25 minor detained under this subsection shall be brought before a court on the day the
26 minor is detained, or if that is not possible, within 24 hours after the detention for a
27 hearing to determine the most appropriate placement in the best interests of the minor.
28 A minor taken into emergency protective custody under this subsection may not be
29 detained for more than 24 hours, except as provided under AS 47.10.140. Emergency
30 protective custody may not include placement of a minor in a jail or secure facility other
31 than a juvenile detention home, nor may an order for protective custody be enforced
32 against a minor who is residing in a licensed program for runaway minors, as defined

1 in AS 47.10.390.

2 * **Sec. 40.** AS 47.10.142(a) is amended to read:

3 (a) The Department of Health and Social Services may take emergency custody
4 of a minor upon discovering any of the following circumstances:

5 (1) the minor has been abandoned;

6 (2) the minor has been grossly neglected by the minor's parents or
7 guardian, as "neglect" is defined in AS 47.17.290, and the department determines that
8 immediate removal from the minor's surroundings is necessary to protect the minor's life
9 or provide immediate necessary medical attention;

10 (3) the minor has been subjected to child abuse or neglect by a person
11 responsible for the minor's welfare, as "child abuse or neglect" is defined in
12 AS 47.17.290, and the department determines that immediate removal from the minor's
13 surroundings is necessary to protect the minor's life or that immediate medical attention
14 is necessary; or

15 (4) the minor has been sexually abused under circumstances listed in
16 AS 47.10.010(a)(4) [AS 47.10.010(a)(2)(D)].

17 * **Sec. 41.** AS 47.10.150 is amended to read:

18 Sec. 47.10.150. GENERAL POWERS OF DEPARTMENT OVER JUVENILE
19 INSTITUTIONS. The department may

20 (1) purchase, lease, or construct buildings or other facilities for the care,
21 detention, rehabilitation, and education of children in need of aid or delinquent minors;

22 (2) adopt plans for construction of juvenile homes, juvenile work camps,
23 juvenile detention facilities, and other juvenile institutions;

24 (3) adopt standards and regulations [UNDER THIS CHAPTER] for the
25 design, construction, repair, maintenance, and operation of all juvenile detention homes,
26 work camps, facilities, and institutions;

27 (4) inspect periodically each juvenile detention home, work camp,
28 facility, or other institution to ensure that the standards and regulations adopted are being
29 maintained;

30 (5) reimburse cities maintaining and operating juvenile detention homes,
31 work camps, and facilities;

32 (6) enter into contracts and arrangements with cities and state and federal

1 agencies to carry out the purposes of AS 47.10.150 - 47.10.220 [THIS CHAPTER];

2 (7) do all acts necessary to carry out the purposes of AS 47.10.150 -
3 47.10.220 [THIS CHAPTER];

4 (8) adopt the regulations necessary to carry out AS 47.10.150 - 47.10.220
5 [THIS CHAPTER];

6 (9) accept donations, gifts, or bequests of money or other property for
7 use in construction of juvenile homes, work camps, institutions, or detention facilities;

8 (10) operate juvenile homes when municipalities are unable to do so;

9 (11) receive, care for, and place in a juvenile detention home, the minor's
10 own home, a foster home, or a correctional school, work camp, or treatment institution
11 all minors committed to its custody under this chapter **and AS 47.12.**

12 * **Sec. 42.** AS 47.10.160(a) is amended to read:

13 (a) The department shall

14 (1) accept all minors committed to the custody of the department and all
15 minors who are involved in a written agreement under AS 47.10.230(c), and provide for
16 the welfare, control, care, custody, and placement of these minors in accordance with this
17 chapter **and AS 47.12;**

18 (2) require and collect statistics on juvenile offenses and offenders in the
19 state;

20 (3) conduct studies and prepare findings and recommendations on the
21 need, number, type, construction, maintenance, and operating costs of juvenile homes,
22 work camps, facilities, and the other institutions, and adopt and submit a plan for
23 construction of the homes, work camps, facilities, and institutions when needed, together
24 with a plan for financing the construction programs;

25 (4) examine, where possible, all facilities, institutions, work camps, and
26 places of juvenile detention in the state and inquire into their methods and the
27 management of juveniles in them.

28 * **Sec. 43.** AS 47.10.220 is amended to read:

29 Sec. 47.10.220. GRANTS-IN-AID. The department may accept grants-in-aid
30 from the federal government or private foundations and may accept other gifts
31 consistent with the purposes of this chapter **and AS 47.12.**

32 * **Sec. 44.** AS 47.10.230(b) is amended to read:

1 (b) The department may pay the costs of maintenance that are necessary to
2 assure adequate care of the child, and may accept funds from the federal government
3 that are granted to assist in carrying out the purposes of this chapter **and AS 47.12**,
4 or that are paid under contract entered into with a federal department or agency. A
5 child under the care of the department may not be placed in a family home or
6 institution that does not maintain adequate standards of care.

7 * **Sec. 45.** AS 47.10.390(2) is amended to read:

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

9 (A) is habitually absent from home;

10 (B) refuses to accept available care;

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

13 (D) has been physically abandoned by

14 (i) both parents;

15 (ii) the surviving parent; or

16 (iii) one parent if the other parent's rights and
17 responsibilities have been terminated under AS 25.23.180(c) or
18 **AS 47.10.080(c)(3)**, [AS 47.10.080] or **have been** voluntarily
19 relinquished.

20 * **Sec. 46.** AS 47.10.440(a) is amended to read:

21 (a) A local panel shall review the case plan of each child in the custody of the
22 department who is in a placement other than the child's own home under
23 **AS 47.10.080(c)(1) or (3)** [AS 47.10.080(b)(3), (c)(1), OR (c)(3)], 47.10.142, [OR]
24 47.10.230(c), **or AS 47.12.120(b)(3)** if the case is under the jurisdiction of a court in
25 the judicial district served by the panel. A local panel may request a local panel in
26 another judicial district to conduct a review and make a report if that local panel is
27 more convenient for the child and other persons involved.

28 * **Sec. 47.** AS 47.10.440(f) is amended to read:

29 (f) During a review under (a) of this section, a local panel shall

30 (1) determine whether the child has a case plan designed to achieve
31 placement in the least restrictive, most family-like setting available in close proximity

1 to the home of the child's parents that is consistent with the best interests of and
2 special needs and circumstances of the child;

3 (2) evaluate the continuing necessity and appropriateness of the child's
4 placement, the extent of the compliance with the child's case plan, and the extent of
5 progress that has been made toward mitigating the causes that necessitated placement
6 away from the child's parents;

7 (3) ascertain the date by which it is likely the child may be returned
8 to the home or placed for adoption or legal guardianship;

9 (4) determine whether there has been compliance with applicable
10 provisions of 25 U.S.C. 1901 - 1963 (Indian Child Welfare Act) and other applicable
11 state and federal laws; and

12 (5) determine whether there has been compliance with court review
13 requirements of AS 47.10.080(f) and (i), [AND] 47.10.142(h), **and AS 47.12.120(d)**
14 **and (g).**

15 * **Sec. 48.** AS 47.10.440(h) is amended to read:

16 (h) The report required under (g) of this section must make advisory
17 recommendations based on the best interests of the child in accordance with
18 AS 47.10.082 and must include notification of the right to request court review under
19 AS 47.10.080(f) **or AS 47.12.120(d), as appropriate.** If the court has scheduled the
20 case for review, the local panel shall submit its report at least 20 days before the
21 hearing.

22 * **Sec. 49.** AS 47.10.460(a) is amended to read:

23 (a) Notwithstanding **AS 47.10.090 and 47.10.093 and AS 47.12.300 and**
24 **47.12.310** [AS 47.10.090], at the request of a local panel, the department, the child's
25 guardian ad litem, and the court shall furnish to the local panel relevant records
26 concerning a child and the child's family who are the subjects of a local panel review.
27 At the conclusion of a review, all copies of records provided to a local panel under
28 this section shall be returned to the staff that serves the local panel or to the agency
29 from which the original copy was obtained unless the panel members need the copies
30 to prepare the reports required under AS 47.10.440(g) - (i). Copies retained for
31 preparation of the reports shall be returned to the staff that serves the local panel or

1 to the originating agency upon completion of the reports. Notwithstanding
2 AS 44.62.310, records and reports of the local panel, testimony before the local panel,
3 and deliberations of the local panel are confidential under AS 47.10.093 and
4 AS 47.12.310 [AS 47.10.090].

5 * **Sec. 50.** AS 47.10.470 is amended to read:

6 Sec. 47.10.470. COURT REVIEW OF REPORT. (a) When a report is
7 admissible under court rules, the court may consider the report of the local panel in
8 its review under AS 47.10.080(f) or AS 47.12.120(d), as appropriate, and at other
9 disposition hearings other than hearings related to delinquency proceedings.

10 (b) The court may refer to the local panel a case called for a special review
11 under AS 47.10.080(f) or AS 47.12.120(d), as appropriate.

12 * **Sec. 51.** AS 47.10.490(2) is amended to read:

13 (2) "out-of-home care provider" means an agency or person, other than
14 the child's legal parents, with whom a child who is in the custody of the state under
15 AS 47.10.080(c)(1) or (3) [AS 47.10.080(b)(3), (c)(1), OR (c)(3)], 47.10.142, [OR]
16 47.10.230(c), or AS 47.12.120(b)(3) is currently placed; in this paragraph, "agency or
17 person" includes a foster parent, a relative other than a parent, a person who has
18 petitioned for adoption of the child, and a residential child care facility;

19 * **Sec. 52.** AS 47.10.990 is amended to read:

20 Sec. 47.10.990. DEFINITIONS. In this chapter, unless the context otherwise
21 requires,

22 (1) "care" or "caring" under AS 47.10.010(a)(1)
23 [AS 47.10.010(a)(2)(A)], 47.10.120(a), and 47.10.230(c) [,] means to provide for the
24 physical, emotional, mental, and social needs of the child;

25 (2) "child in need of aid" means a minor found to be within the
26 jurisdiction of the court under AS 47.10.010(a) [AS 47.10.010(a)(2)];

27 (3) "court" means the superior court of the state;

28 (4) ["CRIME AGAINST A PERSON" MEANS AN OFFENSE SET
29 OUT IN AS 11.41;

30 (5) "delinquent minor" means a minor found to be within the
31 jurisdiction of the court under AS 47.12 [AS 47.10.010(a)(1)];

1 (5) [(6)] "department" means the Department of Health and Social
2 Services;

3 (6) [(7)] "juvenile detention facility" means separate quarters within
4 a city jail used for the detention of delinquent minors;

5 (7) [(8)] "juvenile detention home" or "detention home" is a separate
6 establishment, exclusively devoted to the detention of minors on a short-term basis and
7 not a part of an adult jail;

8 (8) [(9)] "juvenile work camp" means a separate residential
9 establishment, exclusively devoted to the detention of minors, in which the minors who
10 are 16 years of age or older and committed to the custody of the department and
11 placed in the facility may be required to labor on the buildings and grounds or perform
12 any other work or engage in any activities that do not conflict with regulations adopted
13 by the Department of Health and Social Services under this chapter for the care,
14 rehabilitation, education, and discipline of minors in detention;

15 (9) [(10)] "minor" means [IS] a person under 18 years of age;

16 (10) [(11)] "treatment facility" means a hospital, clinic, institution,
17 center, or other health care facility that has been designated by the department for the
18 treatment of juveniles [;

19 (12) "VICTIM" HAS THE MEANING GIVEN IN AS 12.55.185].

20 * **Sec. 53.** AS 47 is amended by adding a new chapter to read:

21 CHAPTER 12. DELINQUENT MINORS.

22 ARTICLE 1. JUVENILE DELINQUENCY.

23 Sec. 47.12.010. PURPOSE OF CHAPTER. The purposes of this chapter are

24 (1) to protect the public and to reform juvenile offenders;

25 (2) to provide that, for the most common of offenses committed by
26 minors, those punishable as misdemeanors, resolution should require some form of
27 sanction, that the form of the sanction should be certain, that the imposition of the
28 sanction should be swift, and that the sanction may take the form of a reasonable claim
29 on the time and talents of the minor who has committed the offense; and

30 (3) to provide that counseling provided to the minor should, if
31 appropriate, include the minor's family or guardian, that the minor's family or guardian
32 has the right to offer suggestions and make recommendations for the correction of the

1 minor's behavior, and that the minor's family or guardian may be asked to participate
2 in supervision of the minor's treatment.

3 Sec. 47.12.020. JURISDICTION. Proceedings relating to a minor under 18
4 years of age residing or found in the state are governed by this chapter, except as
5 otherwise provided in this chapter, when the minor is alleged to be or may be
6 determined by a court to be a delinquent minor as a result of violating a criminal law
7 of the state or a municipality of the state.

8 Sec. 47.12.030. PROVISIONS INAPPLICABLE. (a) When a minor who was
9 at least 16 years of age at the time of the offense is arraigned on a charge for an
10 offense specified in this subsection, this chapter and the Alaska Delinquency Rules do
11 not apply to the offense for which the minor is arraigned or to any additional offenses
12 joinable to it under the applicable rules of court governing criminal procedure. The
13 minor shall be charged, prosecuted, and sentenced in the superior court in the same
14 manner as an adult unless the minor is convicted of some offense other than an offense
15 specified in this subsection, in which event the minor may attempt to prove, by a
16 preponderance of the evidence, that the minor is amenable to treatment under this
17 chapter. If the court finds that the minor is amenable to treatment under this chapter,
18 the minor shall be treated as though the charges had been heard under this chapter, and
19 the court shall order disposition of the charges of which the minor is convicted under
20 AS 47.12.120(b). The provisions of this subsection apply when the minor is arraigned
21 on a charge

22 (1) that is an unclassified felony or a class A felony and the felony is
23 a crime against a person; or

24 (2) of arson in the first degree.

25 (b) When a minor is accused of violating a statute specified in this subsection,
26 other than a statute the violation of which is a felony, this chapter and the Alaska
27 Delinquency Rules do not apply and the minor accused of the offense shall be charged,
28 prosecuted, and sentenced in the district court in the same manner as an adult; if a
29 minor is charged, prosecuted, and sentenced for an offense under this subsection, the
30 minor's parent, guardian, or legal custodian shall be present at all proceedings; the
31 provisions of this paragraph apply when a minor is accused of violating

1 (1) a traffic statute or regulation, or a traffic ordinance or regulation of
2 a municipality;

3 (2) AS 11.76.105, relating to the possession of tobacco by a person
4 under 19 years of age;

5 (3) a fish and game statute or regulation under AS 16;

6 (4) a parks and recreational facilities statute or regulation under
7 AS 41.21; and

8 (5) AS 04.16.050, relating to possession, control, or consumption of
9 alcohol.

10 (c) The provisions of AS 47.12.010 - 47.12.260 and the Alaska Delinquency
11 Rules do not apply to driver's license proceedings under AS 28.15.185; the court shall
12 impose a driver's license revocation under AS 28.15.185 in the same manner as adult
13 driver's license revocations, except that a parent or legal guardian shall be present at
14 all proceedings.

15 Sec. 47.12.040. INVESTIGATION AND PETITION. (a) Whenever
16 circumstances subject a minor to the jurisdiction of this chapter, the court shall

17 (1) provide, under procedures adopted by court rule, that, for a minor
18 who is alleged to be a delinquent minor under AS 47.12.020, a state agency shall make
19 a preliminary inquiry to determine if any action is appropriate and may take
20 appropriate action to adjust the matter without a court hearing; if, under this paragraph,

21 (A) the state agency makes a preliminary inquiry and takes
22 appropriate action to adjust the matter without a court hearing, the minor may
23 not be detained or taken into custody as a condition of the adjustment and,
24 subject to AS 47.12.060, the matter shall be closed by the agency if the minor
25 successfully completes all that is required of the minor by the agency in the
26 adjustment; in a municipality or municipalities in which a youth court has been
27 established under AS 47.12.400, adjustment of the matter under this paragraph
28 may include referral to the youth court;

29 (B) the agency concludes that the matter may not be adjusted
30 without a court hearing, the agency may file a petition under (2) of this
31 subsection setting out the facts; or

1 (2) appoint a competent person or agency to make a preliminary inquiry
2 and report for the information of the court to determine whether the interests of the
3 public or of the minor require that further action be taken; if, under this paragraph, the
4 court appoints a person or agency to make a preliminary inquiry and to report to it,
5 then upon the receipt of the report, the court may informally adjust the matter without
6 a hearing, or it may authorize the person having knowledge of the facts of the case to
7 file with the court a petition setting out the facts; if the court informally adjusts the
8 matter, the minor may not be detained or taken into the custody of the court as a
9 condition of the adjustment, and the matter shall be closed by the court upon
10 adjustment.

11 (b) The petition and all subsequent pleadings shall be styled as follows: "In
12 the matter of, a minor under 18 years of age." The
13 petition may be executed upon the petitioner's information and belief, and must be
14 verified. It must include the following information:

15 (1) the name, address and occupation of the petitioner, together with
16 the petitioner's relationship to the minor, and the petitioner's interest in the matter;

17 (2) the name, age and address of the minor;

18 (3) a brief statement of the facts that bring the minor within this
19 chapter;

20 (4) the names and addresses of the minor's parents;

21 (5) the name and address of the minor's guardian, or of the person
22 having control or custody of the minor.

23 (c) If the petitioner does not know a fact required in this section, the petitioner
24 shall so state in the petition.

25 Sec. 47.12.050. NOTICE TO AND INVOLVEMENT OF PARENT OR
26 GUARDIAN. (a) Except as may be otherwise specifically provided, in all cases
27 under this chapter, the minor, each parent of the minor, and the guardian of the minor
28 are entitled to notice adequate to give actual notice of the proceedings, taking into
29 account education and language differences that are known or reasonably ascertainable
30 by the party giving the notice. The notice must contain all names by which the minor
31 has been identified.

1 (b) Notice shall be given in the manner appropriate under the Alaska Rules of
2 Civil Procedure for the service of process in a civil action under state law or in any
3 manner the court by order directs. Proof of giving of the notice shall be filed with the
4 court before the petition is heard or other proceeding commenced.

5 (c) The court may subpoena the parent or guardian of the minor, or any other
6 person whose testimony may be necessary at the hearing. A subpoena or other process
7 may be served by a person authorized by law to make the service. If personal service
8 cannot be made, the court may direct that service of process be in the manner
9 appropriate under the Alaska Rules of Civil Procedure for the service of process in a
10 civil action under state law or in any manner the court directs.

11 (d) In any proceeding under this chapter, the minor's parent or guardian may
12 be present.

13 Sec. 47.12.060. INFORMAL ACTION BY DEPARTMENT TO ADJUST
14 MATTER. (a) The provisions of this section apply to a minor who is alleged to be
15 a delinquent minor under AS 47.12.020 and for whom an agency has, under applicable
16 court rule, made a preliminary inquiry before taking appropriate action as authorized
17 by AS 47.12.040(a). Following the preliminary inquiry, unless the agency determines
18 that the matter should be dismissed, the agency may take informal action to adjust the
19 matter.

20 (b) When the agency decides that an informal adjustment of a matter should
21 be made, that informal adjustment may not be made without the agreement or consent
22 of the minor and the minor's parents or guardians to the terms and conditions of the
23 adjustment. An informal action to adjust a matter is not successfully completed unless,
24 among other factors that the agency considers, as to the victim of the act of the minor
25 that is the basis of the delinquency allegation, the minor pays restitution in the amount
26 set by the agency or agrees as a term or condition set by the agency to pay the
27 restitution.

28 Sec. 47.12.070. SUMMONS AND CUSTODY OF MINOR. After a petition
29 is filed and after further investigation that the court directs, if the person having
30 custody or control of the minor has not appeared voluntarily, the court shall issue a
31 summons that

1 (1) recites briefly the substance of the petition;

2 (2) directs the person having custody or control of the minor to appear
3 personally in court with the minor at the place and at the time set forth in the
4 summons.

5 Sec. 47.12.080. RELEASE OF MINOR. A minor who is taken into custody
6 may, in the discretion of the court and upon the written promise of the parent,
7 guardian, or custodian to bring the minor before the court at a time specified by the
8 court, be released to the care and custody of the parent, guardian, or custodian. The
9 minor, if not released, shall be detained as provided by AS 47.12.240. The court may
10 determine whether the father or mother or another person shall have the custody and
11 control of the minor for the duration of the proceedings. If the minor is of sufficient
12 age and intelligence to state desires, the court shall give consideration to the minor's
13 desires.

14 Sec. 47.12.090. APPOINTMENT OF ATTORNEY, GUARDIAN AD LITEM,
15 OR GUARDIAN. (a) In all proceedings initiated under a petition for delinquency,
16 a minor shall have the right to be represented by counsel and, if indigent, have counsel
17 appointed by the court. The court shall appoint counsel in such cases unless it makes
18 a finding on the record that the minor has made a voluntary, knowing, and intelligent
19 waiver of the right to counsel and a parent or guardian with whom the minor resides
20 or resided before the filing of the petition concurs with the waiver. In cases in which
21 it has been alleged that the minor has committed an act that would be a felony if
22 committed by an adult, waiver of counsel may not be accepted unless the court is
23 satisfied that the minor has consulted with an attorney before the waiver of counsel.

24 (b) Whenever in the course of proceedings instituted under this chapter it
25 appears to the court that the welfare of a minor will be promoted by the appointment
26 of an attorney to represent the minor or an attorney or other person to serve as
27 guardian ad litem, the court may make the appointment. Appointment of a guardian
28 ad litem or attorney shall be made under the terms of AS 25.24.310.

29 (c) In a controversy concerning custody of a minor under this chapter,

30 (1) the court may appoint a guardian of the person and property of a
31 minor and may order support from either or both parents;

1 (2) custody of the minor may be given to the department, and payment
2 of support money to the department may be ordered.

3 Sec. 47.12.100. WAIVER OF JURISDICTION. (a) If the court finds at a
4 hearing on a petition that there is probable cause for believing that a minor is
5 delinquent and finds that the minor is not amenable to treatment under this chapter, it
6 shall order the case closed. After a case is closed under this subsection, the minor
7 may be prosecuted as an adult.

8 (b) A minor is unamenable to treatment under this chapter if the minor
9 probably cannot be rehabilitated by treatment under this chapter before reaching 20
10 years of age. In determining whether a minor is unamenable to treatment, the court
11 may consider the seriousness of the offense the minor is alleged to have committed,
12 the minor's history of delinquency, the probable cause of the minor's delinquent
13 behavior, and the facilities available to the department for treating the minor.

14 (c) For purposes of making a determination under this section,

15 (1) the standard of proof is by a preponderance of the evidence; and

16 (2) the burden of proof that a minor is not amenable to treatment under
17 this chapter is on the state; however, if the petition filed under AS 47.12.040 seeking
18 to have the court declare a minor a delinquent is based on the minor's alleged
19 commission of an offense that is an unclassified felony or class A felony and that is
20 a crime against a person, the minor

21 (A) is rebuttably presumed not to be amenable to treatment
22 under this chapter; and

23 (B) has the burden of proof of showing that the minor is
24 amenable to treatment under this chapter.

25 Sec. 47.12.110. HEARINGS. (a) The court may conduct the hearing on the
26 petition in an informal manner in the courtroom or in chambers. The court shall give
27 notice of the hearing to the department and it may send a representative to the hearing.
28 The court shall also transmit a copy of the petition to the department. The
29 representative of the department may also be heard at the hearing. The public shall
30 be excluded from the hearing, but the court, in its discretion, may permit individuals
31 to attend a hearing, if their attendance is compatible with the best interests of the

1 minor. Nothing in this section may be applied in such a way as to deny a minor's
2 rights to a public trial and to a trial by jury.

3 (b) Notwithstanding (a) of this section, the victim of an offense that a minor
4 is alleged to have committed, or the designee of the victim, has a right to be present
5 at all hearings held under this section. If the minor is found to have committed the
6 offense, the victim may at the disposition hearing give sworn testimony or make an
7 unsworn oral presentation concerning the offense and its effect on the victim. If there
8 are numerous victims of a minor's offense, the court may limit the number of victims
9 who may give sworn testimony or make an unsworn oral presentation, but the court
10 may not limit the right of a victim to attend a hearing.

11 (c) Unless the minor objects, the court may select a young adult advisory panel
12 to hear the case and advise the court of a recommended judgment and order. The
13 court may consider any of the panel recommendations in making its judgment and
14 order in the case. For purposes of this subsection,

15 (1) the principal of each high school shall submit annually to the court
16 a list of the students enrolled in grades 10, 11, and 12, and the court shall determine
17 the method of selecting the members of each panel; and

18 (2) a student

19 (A) shall be excused from attending school while serving as a
20 panel member;

21 (B) may not serve more than once each year on a panel; and

22 (C) shall be excused from service as a panel member if the
23 student submits a written request to the court indicating the reason for not
24 wishing to serve.

25 Sec. 47.12.120. JUDGMENTS AND ORDERS. (a) The court, at the
26 conclusion of the hearing, or thereafter as the circumstances of the case may require,
27 shall find and enter a judgment that the minor is or is not delinquent.

28 (b) If the court finds that the minor is delinquent, it shall

29 (1) order the minor committed to the department for a period of time
30 not to exceed two years or in any event extend past the day the minor becomes 19
31 years of age, except that the department may petition for and the court may grant in

1 a hearing (A) two-year extensions of commitment that do not extend beyond the
2 minor's 19th birthday if the extension is in the best interests of the minor and the
3 public; and (B) an additional one-year period of supervision past age 19 if continued
4 supervision is in the best interests of the person and the person consents to it; the
5 department shall place the minor in the juvenile facility that the department considers
6 appropriate and that may include a juvenile correctional school, juvenile work camp,
7 treatment facility, detention home, or detention facility; the minor may be released
8 from placement or detention and placed on probation on order of the court and may
9 also be released by the department, in its discretion, under AS 47.10.260;

10 (2) order the minor placed on probation, to be supervised by the
11 department, and released to the minor's parents, guardian, or a suitable person; if the
12 court orders the minor placed on probation, it may specify the terms and conditions
13 of probation; the probation may be for a period of time not to exceed two years and
14 in no event to extend past the day the minor becomes 19 years of age, except that the
15 department may petition for and the court may grant in a hearing

16 (A) two-year extensions of supervision that do not extend
17 beyond the minor's 19th birthday if the extension is in the best interests of the
18 minor and the public; and

19 (B) an additional one-year period of supervision past age 19 if
20 the continued supervision is in the best interests of the person and the person
21 consents to it;

22 (3) order the minor committed to the department and placed on
23 probation, to be supervised by the department, and released to the minor's parents,
24 guardian, other suitable person, or suitable nondetention setting such as a family home,
25 group care facility, or child care facility, whichever the department considers
26 appropriate to implement the treatment plan of the predisposition report; if the court
27 orders the minor placed on probation, it may specify the terms and conditions of
28 probation; the department may transfer the minor, in the minor's best interests, from
29 one of the probationary placement settings listed in this paragraph to another, and the
30 minor, the minor's parents or guardian, and the minor's attorney are entitled to
31 reasonable notice of the transfer; the probation may be for a period of time not to

1 exceed four years and in no event to extend past the day the minor becomes 19 years
2 of age, except that the department may petition for and the court may grant in a
3 hearing

4 (A) two-year extensions of commitment that do not extend
5 beyond the minor's 19th birthday if the extension is in the best interests of the
6 minor and the public; and

7 (B) an additional one-year period of supervision past age 19 if
8 the continued supervision is in the best interests of the person and the person
9 consents to it;

10 (4) order the minor to make suitable restitution in lieu of or in addition
11 to the court's order under (1), (2), or (3) of this subsection; the court may not refuse
12 to make an order of restitution under this paragraph to benefit the victim of the act of
13 the minor that is the basis of the delinquency adjudication;

14 (5) order the minor committed to the department for placement in an
15 adventure based education program established under AS 47.21.020 with conditions
16 the court considers appropriate concerning release upon satisfactory completion of the
17 program or commitment under (1) of this subsection if the program is not satisfactorily
18 completed; or

19 (6) in addition to an order under (1) - (5) of this subsection, if the
20 delinquency finding is based on the minor's violation of AS 11.71.030(a)(3) or
21 11.71.040(a)(4), order the minor to perform 50 hours of community service; for
22 purposes of this paragraph, "community service" includes work

23 (A) on a project identified in AS 33.30.901; or

24 (B) that, on the recommendation of the city council or
25 traditional village council, would benefit persons within the city or village who
26 are elderly or disabled.

27 (c) If the court finds that the minor is not delinquent, it shall immediately
28 order the minor released from the department's custody and returned to the minor's
29 parents, guardian, or custodian, and dismiss the case.

30 (d) A minor found to be delinquent is a ward of the state while committed to
31 the department or the department has the power to supervise the minor's actions. The

1 court shall review an order made under (b) of this section annually, and may review
2 the order more frequently to determine if continued placement, probation, or
3 supervision, as it is being provided, is in the best interest of the minor and the public.
4 If annual review under this subsection would arise within 90 days of the hearing
5 required under this section, the court may postpone review under this subsection until
6 the time set for the hearing. The department, the minor, the minor's parents, guardian,
7 or custodian are entitled, when good cause is shown, to a review on application. If the
8 application is granted, the court shall afford these parties and their counsel reasonable
9 notice in advance of the review and hold a hearing where these parties and their
10 counsel shall be afforded an opportunity to be heard. The minor shall be afforded the
11 opportunity to be present at the review.

12 (e) The department shall pay all court costs incurred in all proceedings in
13 connection with the adjudication of delinquency under this chapter, including hearings
14 that result in the release of the minor.

15 (f) A minor, the minor's parents or guardian acting on the minor's behalf, or
16 the department may appeal a judgment or order, or the stay, modification, setting aside,
17 revocation, or enlargement of a judgment or order issued by the court under this
18 chapter.

19 (g) Within 18 months after the date a minor is committed to the custody of the
20 department under (b)(3) of this section, the court shall hold a hearing to review the
21 placement and services provided and to determine the future status of the minor. The
22 court shall make appropriate written findings, including findings related to the
23 following:

- 24 (1) whether the minor should be returned to the parent;
- 25 (2) whether the minor should remain in out-of-home care for a
26 specified period;
- 27 (3) whether the minor should remain in out-of-home care on a
28 permanent or long-term basis because of special needs or circumstances;
- 29 (4) whether the minor should be placed for adoption or legal
30 guardianship.

31 (h) Within 60 days after the date a minor is removed from the minor's home

1 by the department, the department shall notify the appropriate local citizen out-of-home
2 care review panel established under AS 47.10.420.

3 Sec. 47.12.130. PREDISPOSITION HEARING REPORTS. (a) Before the
4 disposition hearing of a delinquent minor, the department shall submit a predisposition
5 report with a recommended plan of treatment to aid the court in its selection of a
6 disposition, a victim impact statement reporting the information set out in
7 AS 12.55.022, and any further information that the court may request. In preparing
8 the predisposition report, the department shall contact the victim of the minor's offense.

9 (b) The court shall inform the minor, the minor's parents, and the attorneys
10 representing the parties and the guardian ad litem that the predisposition report will be
11 available to them not less than 10 days before the disposition hearing.

12 (c) In this section, "parents" means the natural or adoptive parents, and any
13 legal guardian, relative, or other adult person with whom the minor has resided and
14 who has acted as a parent in providing for the minor for a continuous period of time
15 before this action.

16 Sec. 47.12.140. COURT DISPOSITIONAL ORDER; BEST INTERESTS OF
17 MINOR AND OTHER CONSIDERATIONS. (a) In making its dispositional order
18 under AS 47.12.120(b)(1) - (3) and (5), the court shall

19 (1) consider

20 (A) the best interests of the minor and the public; and

21 (B) the ability of the state to take custody and to care for the
22 minor to protect the minor's best interests under this chapter;

23 (2) consider that the minor's continued delinquent behavior is a danger
24 to the minor; and

25 (3) order the least restrictive alternative disposition for the minor; for
26 purposes of this paragraph, the "least restrictive alternative disposition" means that
27 disposition that is no more restrictive than is, in the judgment of the court, most
28 conducive to the minor's rehabilitation.

29 (b) In making its dispositional order, in addition to the elements of (a)(1) and
30 (2) of this section, the court shall consider

31 (1) the seriousness of the minor's delinquent act;

- 1 (2) the minor's culpability as indicated by the circumstances of the
2 particular case;
- 3 (3) the age of the minor;
- 4 (4) the minor's prior criminal or juvenile record;
- 5 (5) the ability of the minor's parent, guardian, or custodian to control
6 and supervise the minor;
- 7 (6) the success or failure of the minor's previous dispositions or
8 placements; and
- 9 (7) detention is an appropriate consequence for a minor.

10 Sec. 47.12.150. LEGAL CUSTODY, GUARDIANSHIP, AND RESIDUAL
11 PARENTAL RIGHTS AND RESPONSIBILITIES. (a) When a minor is committed
12 under AS 47.12.120(b)(1) or (3) to the department or released under
13 AS 47.12.120(b)(2) to the minor's parents, guardian, or other suitable person, a
14 relationship of legal custody exists. This relationship imposes on the department and
15 its authorized agents or the parents, guardian, or other suitable person the responsibility
16 of physical care and control of the minor, the determination of where and with whom
17 the minor shall live, the right and duty to protect, train, and discipline the minor, and
18 the duty of providing the minor with food, shelter, education, and medical care. These
19 obligations are subject to any residual parental rights and responsibilities and rights and
20 responsibilities of a guardian if one has been appointed. When a minor is committed
21 to the department and the department places the minor with the minor's parent, the
22 parent has the responsibility to provide and pay for food, shelter, education, and
23 medical care for the minor. When parental rights have been terminated, or there are
24 no living parents and a guardian has not been appointed, the responsibilities of legal
25 custody include those in (b) and (c) of this section. The department or person having
26 legal custody of the minor may delegate any of the responsibilities under this section,
27 except authority to consent to marriage, adoption, and military enlistment may not be
28 delegated. For purposes of this chapter, a person in charge of a placement setting is
29 an agent of the department.

30 (b) When a guardian is appointed for the minor, the court shall specify in its
31 order the rights and responsibilities of the guardian. The guardian may be removed

1 only by court order. The rights and responsibilities may include, but are not limited
2 to, having the right and responsibility of reasonable visitation, consenting to marriage,
3 consenting to military enlistment, consenting to major medical treatment, obtaining
4 representation for the minor in legal actions, and making decisions of legal or financial
5 significance concerning the minor.

6 (c) When there has been transfer of legal custody or appointment of a guardian
7 and parental rights have not been terminated by court decree, the parents shall have
8 residual rights and responsibilities. These residual rights and responsibilities of the
9 parent include the right and responsibility of reasonable visitation, consent to adoption,
10 consent to marriage, consent to military enlistment, consent to major medical treatment
11 except in cases of emergency or cases falling under AS 25.20.025, and the
12 responsibility for support, except if by court order any residual right and responsibility
13 has been delegated to a guardian under (b) of this section.

14 Sec. 47.12.160. RETENTION OF JURISDICTION OVER MINOR. (a) The
15 court retains jurisdiction over the case and may at any time stay execution, modify, set
16 aside, revoke, or enlarge a judgment or order, or grant a new hearing, in the exercise
17 of its power of protection over the minor and for the minor's best interest, for a period
18 of time not to exceed the maximum period otherwise permitted by law or in any event
19 extend past the day the minor becomes 19, unless sooner discharged by the court,
20 except that the department may apply for and the court may grant an additional one-
21 year period of supervision past age 19 if continued supervision is in the best interests
22 of the person and the person consents to it. An application for any of these purposes
23 may be made by the parent, guardian, or custodian acting in behalf of the minor, or
24 the court may, on its own motion, and after reasonable notice to interested parties and
25 the appropriate department, take action that it considers appropriate.

26 (b) If the court determines at a rehearing that it is for the best interests of the
27 minor to be released to the care or custody of the minor's parent, guardian, or
28 custodian, it may enter an order to that effect and the minor is discharged from the
29 control of the department.

30 (c) If a minor is adjudicated a delinquent before the minor's 18th birthday, the
31 court may retain jurisdiction over the minor after the minor's 18th birthday for the

1 purpose of supervising the minor's rehabilitation, but the court's jurisdiction over the
2 minor under this chapter never extends beyond the minor's 19th birthday, except that
3 the department may apply for and the court may grant an additional one-year period
4 of supervision past age 19 if continued supervision is in the best interests of the person
5 and the person consents to it. The department may retain jurisdiction over the person
6 between the person's 18th and 19th birthdays for the purpose of supervising the
7 person's rehabilitation, if the person has been placed under the supervision of the
8 department before the person's 18th birthday, except that the department may apply for
9 and the court may grant an additional one-year period of supervision past age 19 if
10 continued supervision is in the best interests of the person and the person consents to
11 it.

12 Sec. 47.12.170. ENFORCEMENT OF RESTITUTION. When restitution is
13 ordered under AS 47.12.120(b)(4), the restitution recipient may enforce payment of the
14 restitution order against the minor under AS 09.35 as if the order were a civil
15 judgment enforceable by execution. This section does not limit the authority of the
16 court to enforce orders of restitution to victims.

17 Sec. 47.12.180. EFFECT OF ADJUDICATION. (a) Except as provided by
18 AS 47.12.170, an adjudication under this chapter upon the status of a minor

19 (1) may not operate to impose any of the civil disabilities ordinarily
20 imposed by conviction upon a criminal charge;

21 (2) does not operate to require that a minor afterward be considered a
22 criminal by the adjudication; and

23 (3) does not operate to require that the adjudication be afterward
24 deemed a conviction, nor may a minor be charged with or convicted of a crime in a
25 court, except as provided in this chapter.

26 (b) The commitment and placement of a minor and evidence given in the court
27 are not admissible as evidence against the minor in a subsequent case or proceedings
28 in any other court, nor does the commitment and placement or evidence operate to
29 disqualify a minor in a future civil service examination or appointment in the state.

30 Sec. 47.12.200. ARREST OF A MINOR. The arrest of a minor other than for
31 a traffic offense is not considered an arrest for any purpose except for the purpose of

1 the disposition of a proceeding arising out of that arrest.

2 Sec. 47.12.210. FINGERPRINTING OF MINORS. (a) A peace officer may
3 fingerprint a minor under the same circumstances as an adult may be fingerprinted.

4 (b) Fingerprint records taken under this section are not subject to
5 AS 47.12.310.

6 Sec. 47.12.220. APPOINTMENT OF GUARDIAN OR CUSTODIAN. When,
7 in the course of a proceeding under this chapter, it appears to the court that the welfare
8 of a minor will be promoted by the appointment of a guardian or custodian of the
9 minor's person, the court may make the appointment. The court shall have a summons
10 issued and served upon the parents of the minor, if they can be found, in a manner and
11 within a time before the hearing that the court considers reasonable. The court may
12 determine whether the father, mother, or the department shall have the custody and
13 control of the minor. If the minor is of sufficient age and intelligence to state desires,
14 the court shall consider them.

15 Sec. 47.12.230. SUPPORT OF MINOR. (a) When a delinquent minor is
16 committed under this chapter, the court shall, after giving the parent or legal guardian
17 a reasonable opportunity to be heard, adjudge that the parent or guardian pay to the
18 department in a manner that the court directs a sum to cover in full or in part the
19 maintenance and care of the minor. The support obligation shall be calculated under
20 Rule 90.3(i) of the Alaska Rules of Civil Procedure.

21 (b) If a parent wilfully fails or refuses to pay the sum fixed, the parent may
22 be proceeded against as provided by law in cases of family desertion and nonsupport.

23 (c) The sum collected from a parent under this section shall be directly
24 credited to the general fund of the state.

25 Sec. 47.12.240. DETENTION OF MINORS. (a) When the court commits a
26 minor to the custody of the department, the department shall arrange to place the
27 minor in a detention home, work camp, or another suitable place that the department
28 designates for that purpose. Except when detention in a correctional facility is
29 authorized by (c) of this section, the minor may not be incarcerated in a correctional
30 facility that houses adult prisoners.

31 (b) When a minor is detained under this chapter, the person having

1 responsibility for the facility in which the minor is detained shall immediately make
2 reasonable attempts to notify the minor's parent, guardian, or custodian of the minor's
3 detention.

4 (c) Notwithstanding (a) of this section, a minor may be incarcerated in a
5 correctional facility

6 (1) if the minor is the subject of a petition filed with the court under
7 this chapter seeking adjudication of the minor as a delinquent minor or if the minor
8 is in official detention pending the filing of that petition; however, detention in a
9 correctional facility under this paragraph may not exceed the lesser of

10 (A) six hours; or

11 (B) the time necessary to arrange the minor's transportation to
12 a juvenile detention home or comparable facility for the detention of minors;

13 (2) if, in response to a petition of delinquency filed under this chapter,
14 the court has entered an order closing the case under AS 47.12.100(a), allowing the
15 minor to be prosecuted as an adult; or

16 (3) if the incarceration constitutes a protective custody detention of the
17 minor that is authorized by AS 47.37.170(b).

18 (d) When a minor is detained under (c)(1) or (3) of this section and
19 incarcerated in a correctional facility, the minor shall be

20 (1) assigned to quarters in the correctional facility that are separate
21 from quarters used to house adult prisoners so that the minor cannot communicate with
22 or view adults who are in official detention;

23 (2) provided admission, health care, hygiene, and food services and
24 recreation and visitation opportunities separate from services and opportunities
25 provided to adults who are in official detention.

26 (e) Notwithstanding the limitation on detention set out in (c)(1) of this section,
27 a minor whose detention is authorized by (c)(1) of this section may be detained in a
28 correctional facility for more than six hours if transportation to a juvenile detention
29 home or comparable facility for the detention of minors is not available. The minor's
30 detention for more than six hours is authorized by this subsection only if the person
31 having responsibility for the facility in which the minor is detained

1 (1) documents the reason that transportation of the minor to a juvenile
2 detention home or comparable facility is not available; and

3 (2) during the minor's detention, after learning that transportation is not
4 available, promptly notifies the appropriate officials or employees of the department
5 and the Alaska Court System of the lack of available transportation.

6 (f) A detention authorized by (e) of this section may not exceed the time
7 necessary to satisfy the requirement of (c)(1)(B) of this section.

8 (g) The provisions of AS 47.37.170(i) apply to a minor incarcerated in a
9 correctional facility when authorized by (c)(3) of this section.

10 (h) In this section,

11 (1) "correctional facility" has the meaning given in AS 33.30.901
12 whether the facility is operated by the state, a municipality, a village, or another entity;

13 (2) "official detention" has the meaning given in AS 11.81.900.

14 Sec. 47.12.250. TEMPORARY DETENTION AND DETENTION HEARING.

15 (a) A peace officer may arrest a minor who violates a law or ordinance in the peace
16 officer's presence, or whom the peace officer reasonably believes is a fugitive from
17 justice. A peace officer may continue a lawful arrest made by a citizen. The peace
18 officer may have the minor detained in a juvenile detention facility if in the opinion
19 of the peace officer making or continuing the arrest it is necessary to do so to protect
20 the minor or the community.

21 (b) A peace officer who has a minor detained under (a) of this section shall
22 immediately, and in no event more than 12 hours later, notify the court and make
23 reasonable efforts to notify the minor's parents or guardian and the department of the
24 officer's action. The department may file with the court a petition alleging delinquency
25 before the detention hearing.

26 (c) The court shall immediately, and in no event more than 48 hours later, hold
27 a hearing at which the minor and the minor's parents or guardian if they can be found
28 shall be present. The court shall determine whether probable cause exists for believing
29 the minor to be delinquent. The court shall inform the minor of the reasons alleged
30 to constitute probable cause and the reasons alleged to authorize the minor's detention.
31 The minor is entitled to counsel and to confrontation of adverse witnesses.

1 (d) If the court finds that probable cause exists, it shall determine whether the
2 minor should be detained pending the hearing on the petition or released. It may
3 either order the minor held in detention or released to the custody of a suitable person
4 pending the hearing on the petition. If the court finds no probable cause, it shall order
5 the minor released and close the case.

6 (e) Except for temporary detention pending a detention hearing, a minor may
7 be detained only by court order.

8 Sec. 47.12.260. **RELEASING MINORS AFTER COMMITMENT.** A minor
9 found to be a juvenile delinquent who by conduct gives sufficient evidence of having
10 reformed may be released at any time under the conditions and regulations that the
11 department considers proper, if it appears to the satisfaction of the department that
12 there is a reasonable probability that the minor will remain at liberty without violating
13 the law.

14 **ARTICLE 2. INFORMATION AND RECORDS.**

15 Sec. 47.12.300. **COURT RECORDS.** (a) The court shall make and keep
16 records of all cases brought before it.

17 (b) The court shall forward a record of adjudication of a violation of an
18 offense listed in AS 28.15.185(a) to the Department of Public Safety if the court
19 imposes a license revocation under AS 28.15.185.

20 (c) The name or picture of a minor under the jurisdiction of the court may not
21 be made public in connection with the minor's status as a delinquent unless authorized
22 by order of the court.

23 (d) Within 30 days of the date of a minor's 18th birthday or, if the court
24 retains jurisdiction of a minor past the minor's 18th birthday, within 30 days of the
25 date on which the court releases jurisdiction over the minor, the court shall order all
26 the court's official records pertaining to that minor in a proceeding under this chapter
27 sealed, as well as records of all driver's license proceedings under AS 28.15.185,
28 criminal proceedings against the minor, and punishments assessed against the minor.
29 A person may not use these sealed records for any purpose except that the court may
30 order their use for good cause shown or may order their use by an officer of the court
31 in making a presentencing report for the court. The provisions of this subsection

1 relating to the sealing of records do not apply to records of traffic offenses.

2 (e) The court's official records under this chapter may be inspected only with
3 the court's permission and only by persons having a legitimate interest in them. A
4 person with a legitimate interest in the inspection of an official record maintained by
5 the court includes a victim who suffered physical injury or whose real or personal
6 property was damaged as a result of an offense that was the basis of an adjudication
7 or modification of disposition. If the victim knows the identity of the minor, identifies
8 the minor or the offense to the court, and certifies that the information is being sought
9 to consider or support a civil action against the minor or against the minor's parents
10 or guardians under AS 34.50.020, the court shall, subject to AS 12.61.110 and
11 12.61.140, allow the victim to inspect and use the following records and information
12 in connection with the civil action:

13 (1) a petition filed under AS 47.12.040(a) seeking to have the court
14 declare the minor a delinquent;

15 (2) a petition filed under AS 47.12.120 seeking to have the court
16 modify or revoke the minor's probation;

17 (3) a petition filed under AS 47.12.100 requesting the court to find that
18 a minor is not amenable to treatment under this chapter and that results in closure of
19 a case under AS 47.12.100(a); and

20 (4) a court judgment or order entered under this chapter that disposes
21 of a petition identified in (1) - (3) of this subsection.

22 (f) A person who has been tried as an adult under AS 47.12.100(a), or the
23 department on the person's behalf, may petition the superior court to seal the records
24 of all criminal proceedings, except traffic offenses, initiated against the person, and all
25 punishments assessed against the person, while the person was a minor. A petition
26 under this subsection may not be filed until five years after the completion of the
27 sentence imposed for the offense for which the person was tried as an adult. If the
28 superior court finds that the punishment assessed against the person has had its
29 intended rehabilitative effect and further finds that the person has fulfilled all orders
30 of the court entered under AS 47.12.120, the superior court shall order the record of
31 proceedings and the record of punishments sealed. Sealing the records restores civil

1 rights removed because of a conviction. A person may not use these sealed records
2 for any purpose except that the court may order their use for good cause shown or may
3 order their use by an officer of the court in making a presentencing report for the
4 court. The court may not, under this subsection, seal records of a criminal proceeding

5 (1) initiated against a person if the court finds that the person has not
6 complied with a court order made under AS 47.12.120; or

7 (2) commenced under AS 47.12.030(a) unless the minor has been
8 acquitted of all offenses with which the minor was charged or unless the most serious
9 offense of which the minor was convicted was not an offense specified in
10 AS 47.12.030(a).

11 Sec. 47.12.310. AGENCY RECORDS. (a) Except as specified in
12 AS 47.12.320 and (b) - (g) of this section, all information and social records pertaining
13 to a minor who is subject to this chapter or AS 47.17 prepared by or in the possession
14 of a federal, state, or municipal agency or employee in the discharge of the agency's
15 or employee's official duty, including driver's license actions under AS 28.15.185, are
16 privileged and may not be disclosed directly or indirectly to anyone without a court
17 order.

18 (b) A state or municipal agency or employee may disclose information
19 regarding a case to

20 (1) a guardian ad litem appointed by the court or to a citizen review
21 panel for permanency planning authorized by AS 47.10.400 or 47.10.420;

22 (2) a person or an agency requested to provide consultation or services
23 for a minor who is subject to the jurisdiction of the court under this chapter;

24 (3) school officials as may be necessary to protect the safety of school
25 students and staff;

26 (4) a governmental agency as may be necessary to obtain that agency's
27 assistance for the department in its investigation or to obtain physical custody of a
28 minor;

29 (5) a state or municipal law enforcement agency as may be necessary
30 for a specific investigation being conducted by that agency or for disclosures by that
31 agency to protect the public safety; and

1 (6) a victim as may be necessary to inform the victim about the
2 disposition or resolution of a case involving a minor.

3 (c) A state or municipal law enforcement agency

4 (1) shall disclose information regarding a case that is needed by the
5 person or agency charged with making a preliminary investigation for the information
6 of the court under this chapter;

7 (2) may disclose to the public information regarding a criminal offense
8 in which a minor is a suspect, victim, or witness if the minor is not identified by the
9 disclosure;

10 (3) may disclose to school officials information regarding a case as may
11 be necessary to protect the safety of school students and staff;

12 (4) may disclose to the public information regarding a case as may be
13 necessary to protect the safety of the public; and

14 (5) may disclose to a victim information, including copies of reports,
15 as necessary for civil litigation or insurance claims pursued by or against the victim.

16 (d) Upon request of a victim, the department shall make every reasonable
17 effort to notify the victim as soon as practicable in writing when a delinquent minor
18 is to be released from placement in a juvenile facility under AS 47.12.120(b)(1). The
19 notice under this subsection must include the expected date of the delinquent minor's
20 release, the geographic area in which the delinquent minor is required to reside, and
21 other pertinent information concerning the delinquent minor's conditions of release that
22 may affect the victim.

23 (e) A person may authorize the department to release information to the
24 military or to a prospective employer about the existence of a delinquency adjudication
25 against that person under this chapter and the offense on which it was based.

26 (f) The department may release to a person with a legitimate interest
27 information relating to minors not subject to the jurisdiction of the court under this
28 chapter. The department shall adopt regulations governing the release of information
29 and identifying a sufficient legitimate interest.

30 (g) The department and affected law enforcement agencies shall work with
31 school districts and private schools to develop procedures for the disclosure of

1 information to school officials under (b)(3) and (c)(3) of this section. The procedures
2 must provide a method for informing the principal or the principal's designee of the
3 school the student attends as soon as it is reasonably practicable.

4 (h) Notwithstanding (c)(3) of this section, a state or municipal law enforcement
5 agency is not required to notify the appropriate school official of a school district or
6 school under (c) of this section if the agency determines that notice would jeopardize
7 an ongoing investigation.

8 (i) In this section, "school" means a public or private elementary or secondary
9 school.

10 (j) A person who discloses confidential information in violation of this section
11 is guilty of a class B misdemeanor.

12 Sec. 47.12.320. PARENTAL RIGHT TO DISCLOSE INFORMATION. (a)
13 Notwithstanding AS 47.12.300 and 47.12.310, a parent or legal guardian of a minor
14 subject to a proceeding under this chapter may disclose confidential or privileged
15 information about the minor, including information that has been lawfully obtained
16 from agency or court files, to the governor, the lieutenant governor, a legislator, the
17 ombudsman appointed under AS 24.55, the attorney general, and the commissioners
18 of health and social services, administration, or public safety, or an employee of these
19 persons, for review or use in their official capacities. A person to whom disclosure
20 is made under this section may not disclose confidential or privileged information
21 about the minor to a person not authorized to receive it.

22 (b) The disclosure right under (a) of this section is in addition to, and not in
23 derogation of, the rights of a parent or legal guardian of a minor.

24 (c) A person who violates a provision of this section is guilty of a
25 misdemeanor and upon conviction is punishable for the violation in the manner
26 authorized under AS 12.55 for a class B misdemeanor.

27 ARTICLE 3. YOUTH COURTS.

28 Sec. 47.12.400. YOUTH COURTS. (a) The department may use youth courts
29 to hear, determine, and dispose of cases involving a minor whose alleged act that
30 brings the minor within the jurisdiction of AS 47.12.010 - 47.12.260 constitutes a
31 violation of a state law that is a misdemeanor or a violation or that constitutes a

1 violation of a municipal ordinance that prescribes a penalty not exceeding the penalties
2 for a class A misdemeanor under state law.

3 (b) Unless otherwise directed by the commissioner, the jurisdiction of a youth
4 court is coextensive with the boundaries of the municipality in which the youth court
5 is located. Only one youth court may be established within the boundaries of a
6 municipality. Nothing in this subsection prohibits two or more municipalities from
7 operating a single youth court for the municipalities by agreement between them.

8 (c) A nonprofit corporation may obtain recognition from the commissioner to
9 serve as a youth court. The corporation may exercise only the powers that are
10 delegated to a youth court by the commissioner, and shall exercise those powers as
11 authorized by the corporation's articles of incorporation and bylaws. The bylaws of
12 the corporation must set out standards and procedures by which the corporation, in its
13 capacity as a youth court,

14 (1) establishes a system by which the minor may be held accountable
15 for the conduct that brings the minor within the jurisdiction of the youth court by
16 being tried, represented, and adjudicated by the minor's peers;

17 (2) guarantees the constitutional rights of the minor that are guaranteed
18 by the state and federal constitutions;

19 (3) may secure jurisdiction over a minor; the youth court may secure
20 jurisdiction over the minor only with the consent of the minor and the agreement of
21 the minor's legal custodian;

22 (4) sets out the process for disposing of matters referred to it for
23 resolution;

24 (5) provides a process for appeal of a verdict or sentence, and defines
25 the basis for appeals;

26 (6) reserves the right to refer to the department, under AS 47.12.060(a),
27 a matter transmitted to the youth court for disposition in which the minor fails, without
28 good cause, to comply with all requirements ordered by the youth court as a part of
29 sentence imposed on the minor; and

30 (7) prepares and delivers a report of the disposition of the matter
31 referred to it for resolution to the commissioner.

1 (d) Subject to the privileges that witnesses have in the courts of this state, the
2 commissioner may compel by subpoena, at a specified time and place, the

3 (1) appearance and sworn testimony of a person who the commissioner
4 reasonably believes may be able to give information relating to a matter before a youth
5 court; and

6 (2) production by a person of a record or object that the commissioner
7 reasonably believes may relate to a matter before a youth court.

8 (e) If a person refuses to comply with a subpoena issued under (d) of this
9 section, the superior court may, upon application of the commissioner, compel
10 obedience by proceedings for contempt in the same manner as in the case of
11 disobedience to the requirements of a subpoena issued by the court or refusal to testify
12 in the court.

13 (f) The commissioner shall make and keep records of all cases referred to a
14 youth court. The records of a youth court proceeding

15 (1) relating to a minor who complies with all requirements ordered by
16 the youth court as a part of sentence imposed on the minor shall be sealed by the
17 commissioner and may not be used for any purpose; and

18 (2) except as to a record described in (1) of this subsection, shall be
19 afforded at least the same protection and are subject to at least the same procedural
20 safeguards in matters relating to access, use, and security as they would be under
21 AS 47.12.310.

22 ARTICLE 4. PROGRAM ADMINISTRATION.

23 Sec. 47.12.800. YOUTH COUNSELORS. (a) The department may employ
24 youth counselors. Youth counselors shall exercise the duties of probation officers and
25 shall prepare preliminary investigations for the information of the court. They shall
26 also carry out other duties in the care and treatment of minors that are consistent with
27 the intent of this chapter.

28 (b) Youth counselors

29 (1) have the powers of a peace officer with respect to the service of
30 process, the making of arrests of minors who violate state or municipal law, and the
31 execution of orders of the court relating to juveniles; and

1 (2) shall assist and advise the courts in the furtherance of the welfare
2 and control of minors under the court's jurisdiction.

3 ARTICLE 5. GENERAL PROVISIONS.

4 Sec. 47.12.990. DEFINITIONS. In this chapter, unless the context otherwise
5 requires,

6 (1) "commissioner" means the commissioner of health and social
7 services;

8 (2) "court" means the superior court of the state;

9 (3) "crime against a person" means an offense set out in AS 11.41;

10 (4) "delinquent minor" means a minor found to be within the
11 jurisdiction of the court under AS 47.12.020;

12 (5) "department" means the Department of Health and Social Services;

13 (6) "juvenile detention facility" means separate quarters within a city
14 jail used for the detention of delinquent minors;

15 (7) "juvenile detention home" or "detention home" is a separate
16 establishment, exclusively devoted to the detention of minors on a short-term basis and
17 not a part of an adult jail;

18 (8) "juvenile work camp" means a separate residential establishment,
19 exclusively devoted to the detention of minors, in which the minors who are 16 years
20 of age or older and committed to the custody of the department and placed in the
21 facility may be required to labor on the buildings and grounds or perform any other
22 work or engage in any activities that do not conflict with regulations adopted by the
23 Department of Health and Social Services under this chapter for the care,
24 rehabilitation, education, and discipline of minors in detention;

25 (9) "minor" means a person under 18 years of age;

26 (10) "peace officer" has the meaning given in AS 11.81.900;

27 (11) "treatment facility" means a hospital, clinic, institution, center, or
28 other health care facility that has been designated by the department for the treatment
29 of juveniles;

30 (12) "victim" has the meaning given in AS 12.55.185.

31 * **Sec. 54.** AS 47.17.290(8) is amended to read:

1 (8) "maltreatment" means an act or omission that results in
2 circumstances in which there is reasonable cause to suspect that a child may be a child
3 in need of aid, as described in AS 47.10.010(a) [AS 47.10.010(a)(2)], except that, for
4 purposes of this chapter, the act or omission need not have been committed by the
5 child's parent, custodian, or guardian;

6 * **Sec. 55.** AS 47.33.010(b) is amended to read:

7 (b) Notwithstanding (a) of this section, this chapter does not apply to

8 (1) a correctional facility;

9 (2) a facility for treatment of alcoholism that is regulated under
10 AS 47.37;

11 (3) an emergency shelter;

12 (4) a medical facility, including a nursing home, licensed under
13 AS 18.20;

14 (5) a program for runaway minors licensed under AS 47.10.310
15 [AS 47.10]; or

16 (6) a maternity home licensed under AS 47.35.

17 * **Sec. 56.** AS 47.33.990(3) is amended to read:

18 (3) "adult" means a person 18 years of age or older who is not a ward
19 of the state under AS 47.10.080(f) or AS 47.12.120(d) [AS 47.10.080];

20 * **Sec. 57.** AS 47.40.011(a) is amended to read:

21 (a) When the department purchases residential services for minors for whom
22 the state has assumed responsibility under AS 47.10 or AS 47.12, the department shall

23 (1) purchase the services only under grants to local governmental units
24 or nonprofit corporations;

25 (2) award grants for a specified number of beds as provided in
26 AS 47.40.041.

27 * **Sec. 58.** AS 47.10.010(b), 47.10.010(d), 47.10.010(e), 47.10.020(d), 47.10.050(b),
28 47.10.060, 47.10.070(b), 47.10.075, 47.10.080(b), 47.10.080(h), 47.10.081(a), 47.10.090(b),
29 47.10.093(d), 47.10.093(e), 47.10.095, 47.10.097, 47.10.130, 47.10.190, 47.10.200, 47.10.210,
30 and 47.10.265 are repealed.

31 * **Sec. 59.** AS 47.12.050(d), added by sec. 53 of this Act, has the effect of amending that

1 provision of Rule 3(b), Alaska Delinquency Rules, declaring that the presence of the minor's
2 parent or guardian is preferred by giving the minor's parent or guardian a right to be present
3 in a court proceeding to which the Alaska Delinquency Rules apply.

4 * **Sec. 60.** Rule 23(d), Alaska Delinquency Rules, is amended to read:

5 (d) ORDER. **The court shall enter** [IN] its disposition order **taking into**
6 **account the considerations set out in AS 47.12.140** [, THE COURT SHALL ORDER
7 THE LEAST RESTRICTIVE ALTERNATIVE DISPOSITION UNDER
8 AS 47.10.080(b) THAT ADDRESSES THE JUVENILE'S TREATMENT NEEDS
9 AND PROTECTS THE PUBLIC].