

CS FOR SPONSOR SUBSTITUTE FOR HOUSE BILL NO. 387(JUD) am

IN THE LEGISLATURE OF THE STATE OF ALASKA

NINETEENTH LEGISLATURE - SECOND SESSION

BY THE HOUSE JUDICIARY COMMITTEE

Amended: 3/28/96

Offered: 3/21/96

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

A BILL

FOR AN ACT ENTITLED

1 "An Act rearranging existing provisions of AS 47.10 into chapters separately
2 addressing the topics of children in need of aid, delinquent minors, and the
3 institutions, facilities, and management, administration, and oversight of programs
4 relating to minors, and conforming references and making other conforming
5 changes due to that rearrangement; amending the manner of determining
6 support obligations for children in need of aid and delinquent minors; amending
7 the purpose of delinquency provisions; amending hearing procedures used in
8 delinquency proceedings; amending provisions relating to enforcement of a
9 restitution order entered against a minor; setting out the considerations to be
10 given by a court in making its dispositional orders for minors adjudicated
11 delinquent; authorizing municipalities to establish curfews for minors by
12 ordinance; relating to enforcement of truancy under the compulsory school

1 attendance law; and amending Rule 23(d), Alaska Delinquency Rules."

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

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

4 (a) Notwithstanding AS 13.46.085 or the appointment of a guardian of the
5 property of the minor under AS 47.10.010(c), when a minor who is in the custody of
6 this state under AS 47.10 or AS 47.12 [AS 47.10.010(a)(2)] or of another state under
7 a provision similar to AS 47.10 or AS 47.12 [AS 47.10.010(a)(2)] becomes entitled
8 to receive dividends or other distributions resulting from the ownership of stock or a
9 membership in a corporation organized under this chapter and under 43 U.S.C. 1601 -
10 1641 (Alaska Native Claims Settlement Act), the corporation paying the dividends or
11 making the other distributions shall retain the dividends and other distributions in an
12 interest bearing account for the benefit of the minor during the state custody.

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

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

18 (A) criminal history record information;

19 (B) nonconviction information;

20 (C) correctional treatment information;

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

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

24 Sec. 14.30.030. PREVENTION AND REDUCTION OF TRUANCY. The
25 governing body of a school district, including a regional educational attendance area,
26 shall establish procedures to prevent and reduce truancy.

27 * Sec. 4. AS 22.07.020(a) is amended to read:

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

30 (1) criminal prosecution;

- 1 (2) post-conviction relief;
- 2 (3) [CHILDREN'S COURT] matters under AS 47.12
- 3 [AS 47.10.010(a)(1)], including waiver of [CHILDREN'S COURT] jurisdiction over
- 4 a minor under AS 47.12.100 [AS 47.10];
- 5 (4) extradition;
- 6 (5) habeas corpus;
- 7 (6) probation and parole; and
- 8 (7) bail.

9 * **Sec. 5.** AS 22.15.100 is amended to read:

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

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

16 (2) of a notary public;

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

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

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

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

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

27 (8) to order the temporary detention of a minor, or take other action
28 authorized by law or rules of procedure, in cases arising under AS 47.10.010 -
29 47.10.142 or AS 47.12 [AS 47.10], when the minor is in a condition or surrounding
30 dangerous or injurious to the welfare of the minor or others that requires immediate
31 action; the action may be continued in effect until reviewed by the superior court in

1 accordance with rules of procedure governing these cases;

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

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

8 * **Sec. 6.** AS 25.27.125(b) is amended to read:

9 (b) The annual estimated balance in the account maintained by the
10 commissioner of administration under AS 37.05.142 may be used by the legislature to
11 make appropriations to the Department of Health and Social Services to carry out the
12 purposes of AS 47.14.100 - 47.14.130 [AS 47.10.230 - 47.10.260] and AS 47.25.310 -
13 47.25.420.

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

15 Sec. 29.35.085. CURFEW. A municipality may, by ordinance, provide for a
16 curfew for persons under 18 years of age for whom the disabilities of minority have
17 not been removed for general purposes under AS 09.55.590 and who have not arrived
18 at the age of majority under AS 25.20.020.

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

20 (11) agreements with providers of services under AS 44.47.250;
21 AS 47.07; AS 47.08; AS 47.10; AS 47.12; AS 47.14; AS 47.17; AS 47.24;
22 AS 47.25.195, and 47.25.310;

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

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

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

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

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

31 (4) court ordered fines;

- 1 (5) writs of execution under AS 09.35 of a judgment that is entered
2 (A) against a minor in a civil action to recover damages and
3 court costs;
4 (B) under AS 34.50.020 against the parent, parents, or legal
5 guardian of an unemancipated minor;
6 (6) a debt owed by an eligible individual to an agency of the state,
7 unless the debt is contested and an appeal is pending, or the time limit for filing an
8 appeal has not expired.

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

- 10 (a) The office of public advocacy shall
11 (1) perform the duties of the public guardian under AS 13.26.360 -
12 13.26.410;
13 (2) provide visitors and experts in guardianship proceedings under
14 AS 13.26.131;
15 (3) provide guardian ad litem services to children in child protection
16 actions under AS 47.17.030(e) and to wards and respondents in guardianship
17 proceedings who will suffer financial hardship or become dependent upon a
18 government agency or a private person or agency if the services are not provided at
19 state expense under AS 13.26.112;
20 (4) provide legal representation in guardianship proceedings to
21 respondents who are financially unable to employ attorneys under AS 13.26.106(b),
22 to indigent parties in cases involving child custody in which the opposing party is
23 represented by counsel provided by a public agency, to indigent parents or guardians
24 of a minor respondent in a commitment proceeding concerning the minor under
25 AS 47.30.775;
26 (5) provide legal representation and guardian ad litem services under
27 AS 25.24.310; in cases arising under AS 47.15 (Uniform Interstate Compact on
28 Juveniles); in cases involving petitions to adopt a minor under AS 25.23.125(b) or
29 petitions for the termination of parental rights on grounds set out in
30 AS 25.23.180(c)(3); in cases involving petitions to remove the disabilities of a minor
31 under AS 09.55.590; in children's proceedings under AS 47.10.050(a) or under

1 AS 47.12.090; and in cases involving indigent persons who are entitled to
2 representation under AS 18.85.100 and who cannot be represented by the public
3 defender agency because of a conflict of interests;

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

8 (7) provide guardian ad litem services in proceedings under
9 AS 12.45.046;

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

14 (9) provide visitors and guardians ad litem in proceedings under
15 AS 47.30.839;

16 (10) provide legal representation to indigent parents under
17 AS 14.30.195(e).

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

19 (a) The commissioner of health and social services may establish by regulation
20 a schedule of reasonable fees for services provided by the Department of Health and
21 Social Services under AS 44.29.020(a)(1) - (8), AS 47.10, AS 47.12, AS 47.14,
22 AS 47.30.655 - 47.30.910, and AS 47.80.100 - 47.80.170. The fee established for a
23 service may not exceed the actual cost of providing the service. The commissioner
24 may define or establish the "actual cost of providing a service" by regulation. The
25 Department of Health and Social Services shall charge and collect the fees established
26 under this subsection. The department may waive collection of a fee upon a finding
27 that collection is not economically feasible or in the public interest.

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

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

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

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

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

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

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

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

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

18 (b) Grants made under AS 44.47.200(2) shall be used to defray the costs of
19 organization of youth courts under AS 47.12.400 [AS 47.10.265]. The department
20 shall assure that the grant is spent for necessary organizational assistance and that
21 appropriate accounting procedures are maintained. Grants made under
22 AS 44.47.200(2) and this subsection may not exceed \$5,000. Only one grant may be
23 made to a grantee under authority of this subsection.

24 * **Sec. 16.** AS 44.66.010(a)(17) is amended to read:

25 (17) Citizens' Review Panel for Permanency Planning under
26 AS 47.14.200 [AS 47.10.400] -- June 30, 1997;

27 * **Sec. 17.** AS 47.10.010(a) is amended to read:

28 (a) Proceedings relating to a minor under 18 years of age residing or found in
29 the state are governed by this chapter, except as otherwise provided in this chapter,
30 when the court finds the minor

31 [(1) TO BE A DELINQUENT MINOR AS A RESULT OF

1 VIOLATING A CRIMINAL LAW OF THE STATE OR A MUNICIPALITY OF THE
2 STATE; OR

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

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

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

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

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

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

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

21 (4) [(D)] the child having been, or being in imminent and substantial
22 danger of being, sexually abused either by the child's parent, guardian, or custodian,
23 or as a result of conditions created by the child's parent, guardian, or custodian, or by
24 the failure of the parent, guardian, or custodian adequately to supervise the child;

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

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

29 * **Sec. 18.** AS 47.10.020(a) is amended to read:

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

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

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

20 (B) THE AGENCY CONCLUDES THAT THE MATTER
21 MAY NOT BE ADJUSTED OR DISPOSED OF WITHOUT A COURT
22 HEARING, THE AGENCY MAY FILE A PETITION UNDER (2) OF THIS
23 SUBSECTION SETTING OUT THE FACTS; OR

24 (2)] appoint a competent person or agency to make a preliminary
25 inquiry and report for the information of the court to determine whether the interests
26 [OF THE PUBLIC OR] of the minor require that further action be taken; if, under this
27 subsection [PARAGRAPH], the court appoints a person or agency to make a
28 preliminary inquiry and to report to it, then upon the receipt of the report, the court
29 may informally adjust [OR DISPOSE OF] the matter without a hearing, or it may
30 authorize the person having knowledge of the facts of the case to file with the court
31 a petition setting out the facts; if the court informally adjusts [OR DISPOSES OF] the

1 matter, the minor may not be detained or taken into the custody of the court as a
2 condition of the adjustment [OR DISPOSITION], and the matter shall be closed by the
3 court upon adjustment [OR DISPOSITION].

4 * **Sec. 19.** AS 47.10.070(a) is amended to read:

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

16 * **Sec. 20.** AS 47.10.080(a) is amended to read:

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

20 * **Sec. 21.** AS 47.10.080(c) is amended to read:

21 (c) If the court finds that the minor is a child in need of aid, it shall
22 (1) order the minor committed to the department for placement in an
23 appropriate setting for a period of time not to exceed two years or in any event past
24 the date the minor becomes 19 years of age, except that the department may petition
25 for and the court may grant in a hearing (A) two-year extensions of commitment that
26 do not extend beyond the minor's 19th birthday if the extension is in the best interests
27 of the minor [AND THE PUBLIC]; and (B) an additional one-year period of
28 supervision past age 19 if the continued supervision is in the best interests of the
29 person and the person consents to it; the department may transfer the minor, in the
30 minor's best interests, from one placement setting to another, and the minor, the
31 minor's parents or guardian, and the minor's attorney are entitled to reasonable notice

1 of the transfer;

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

11 (A) two-year extensions of supervision that do not extend
12 beyond the minor's 19th birthday if the extension is in the best interests of the
13 minor [AND THE PUBLIC]; and

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

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

26 * **Sec. 22.** AS 47.10.080(e) is amended to read:

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

30 * **Sec. 23.** AS 47.10.080(f) is amended to read:

31 (f) A minor found to be [DELINQUENT OR] a child in need of aid is a ward

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

14 * **Sec. 24.** AS 47.10.080(l) is amended to read:

15 (l) Within 18 months after the date a child is initially **removed from the**
16 **child's home** [TAKEN INTO CUSTODY] by the department under AS 47.10.142(c)
17 or committed to the custody of the department under [(b)(3),] (c)(1) [,] or [(c)] (3) of
18 this section [,] or **AS 47.14.100(c)** [AS 47.10.230(c)], the court shall hold a hearing
19 to review the placement and services provided and to determine the future status of the
20 minor. The court shall make appropriate written findings, including findings related
21 to the following:

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

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

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

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

29 * **Sec. 25.** AS 47.10.080(m) is amended to read:

30 (m) Within 60 days after the date a child is removed from the child's home
31 by the department, the department shall notify the appropriate local citizen out-of-home

1 care review panel established under AS 47.14.220 [AS 47.10.420].

2 * **Sec. 26.** AS 47.10.080(n) is amended to read:

3 (n) Within 60 days after a court orders a child committed to the department
4 under (c) of this section and at a review under (f) or (l) of this section, the department
5 shall inform the parties about the local citizen out-of-home care review panel
6 established under AS 47.14.220 [AS 47.10.420].

7 * **Sec. 27.** AS 47.10.082 is amended to read:

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

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

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

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

18 (a) When a child is committed under AS 47.10.080(c)(1) [AS 47.10.080(b)(1)
19 OR (c)(1)] to the department, [OR] released under AS 47.10.080(c)(2)
20 [AS 47.10.080(b)(2) OR (3) OR (c)(2)] to the child's parents, guardian, or other
21 suitable person, **or committed to the department or to a legally appointed guardian**
22 **of the person of the child under AS 47.10.080(c)(3)**, a relationship of legal custody
23 exists. This relationship imposes on the department and its authorized agents or the
24 parents, guardian, or other suitable person the responsibility of physical care and
25 control of the child, the determination of where and with whom the child shall live,
26 the right and duty to protect, train, and discipline the child, and the duty of providing
27 the child with food, shelter, education, and medical care. These obligations are subject
28 to any residual parental rights and responsibilities and rights and responsibilities of a
29 guardian if one has been appointed. When a child is committed to the department and
30 the department places the child with the child's parent, the parent has the responsibility
31 to provide and pay for food, shelter, education, and medical care for the child. When

1 parental rights have been terminated, or there are no living parents and no guardian has
2 been appointed, the responsibilities of legal custody include those in (b) and (c) of this
3 section. The department or person having legal custody of the child may delegate any
4 of the responsibilities under this section, except authority to consent to marriage,
5 adoption, and military enlistment may not be delegated. For purposes of this chapter
6 a person in charge of a placement setting is an agent of the department.

7 * **Sec. 29.** AS 47.10.090(c) is amended to read:

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

21 * **Sec. 30.** AS 47.10.090(d) is amended to read:

22 (d) The name or picture of a minor under the jurisdiction of the court may not
23 be made public in connection with the minor's status as a [DELINQUENT CHILD OR
24 A] child in need of aid unless authorized by order of the court.

25 * **Sec. 31.** AS 47.10.090(e) is amended to read:

26 (e) The court's official records under this chapter may be inspected only with
27 the court's permission and only by persons having a legitimate interest in them. [A
28 PERSON WITH A LEGITIMATE INTEREST IN THE INSPECTION OF AN
29 OFFICIAL RECORD MAINTAINED BY THE COURT INCLUDES A VICTIM
30 WHO SUFFERED PHYSICAL INJURY OR WHOSE REAL OR PERSONAL
31 PROPERTY WAS DAMAGED AS A RESULT OF AN OFFENSE THAT WAS THE

1 BASIS OF AN ADJUDICATION OR MODIFICATION OF DISPOSITION. IF THE
2 VICTIM KNOWS THE IDENTITY OF THE MINOR, IDENTIFIES THE MINOR OR
3 THE OFFENSE TO THE COURT, AND CERTIFIES THAT THE INFORMATION
4 IS BEING SOUGHT TO CONSIDER OR SUPPORT A CIVIL ACTION AGAINST
5 THE MINOR OR AGAINST THE MINOR'S PARENTS OR GUARDIANS UNDER
6 AS 34.50.020, THE COURT SHALL, SUBJECT TO AS 12.61.110 AND 12.61.140,
7 ALLOW THE VICTIM TO INSPECT AND USE THE FOLLOWING RECORDS
8 AND INFORMATION IN CONNECTION WITH THE CIVIL ACTION:

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

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

13 (3) A PETITION FILED UNDER AS 47.10.060 REQUESTING THE
14 COURT TO FIND THAT A MINOR IS NOT AMENABLE TO TREATMENT
15 UNDER THIS CHAPTER AND THAT RESULTS IN CLOSURE OF A CASE
16 UNDER AS 47.10.060(a); AND

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

20 * **Sec. 32.** AS 47.10.093(a) is amended to read:

21 (a) Except as specified in AS 47.10.092 and ~~(b) - (g)~~ [(b) - (f) AND (h)] of
22 this section, all information and social records pertaining to a minor who is subject to
23 this chapter or AS 47.17 prepared by or in the possession of a federal, state, or
24 municipal agency or employee in the discharge of the agency's or employee's official
25 duty [, INCLUDING DRIVER'S LICENSE ACTIONS UNDER AS 28.15.185,] are
26 privileged and may not be disclosed directly or indirectly to anyone without a court
27 order.

28 * **Sec. 33.** AS 47.10.093(b) is amended to read:

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

31 (1) a guardian ad litem appointed by the court or to a citizen review

1 panel for permanency planning authorized by AS 47.14.200 or 47.14.220
2 [AS 47.10.400 or 47.10.420];

3 (2) a person or an agency requested to provide consultation or services
4 for a minor who is subject to the jurisdiction of the court under AS 47.10.010;

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

7 (4) a governmental agency as may be necessary to obtain that agency's
8 assistance for the department in its investigation or to obtain physical custody of a
9 child; **and**

10 (5) a state or municipal law enforcement agency as may be necessary
11 for a specific investigation being conducted by that agency or for disclosures by that
12 agency to protect the public safety[]; AND

13 (6) A VICTIM AS MAY BE NECESSARY TO INFORM THE
14 VICTIM ABOUT THE DISPOSITION OR RESOLUTION OF A CASE INVOLVING
15 A MINOR].

16 * **Sec. 34.** AS 47.10.093(g) is amended to read:

17 (g) The department and affected law enforcement agencies shall work with
18 school districts and private schools to develop procedures for the disclosure of
19 information to school officials under (b)(3) [AND (c)(3)] of this section. The
20 procedures must provide a method for informing the principal or the principal's
21 designee of the school the student attends as soon as it is reasonably practicable.

22 * **Sec. 35.** AS 47.10.100(b) is amended to read:

23 (b) If the court determines at a **hearing authorized by (a) of this section**
24 [REHEARING] that it is for the best interests of the minor to be released to the care
25 or custody of the minor's parent, guardian, or custodian, it may enter an order to that
26 effect and the minor is discharged from the control of the department.

27 * **Sec. 36.** AS 47.10.100(c) is amended to read:

28 (c) If a minor is adjudicated [A DELINQUENT OR] a child in need of aid
29 before the minor's 18th birthday, the court may retain jurisdiction over the minor after
30 the minor's 18th birthday for the purpose of supervising the **minor** [MINOR'S
31 REHABILITATION], but the court's jurisdiction over the minor under this chapter

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

11 * **Sec. 37.** AS 47.10.110 is amended to read:

12 Sec. 47.10.110. APPOINTMENT OF GUARDIAN OR CUSTODIAN. When,
13 in the course of a proceeding under this chapter, it appears to the court that the welfare
14 of a minor will be promoted by the appointment of a guardian or custodian of the
15 minor's person, the court may make the appointment. The court shall have a summons
16 issued and served upon the parents of the minor, if they can be found, in a manner and
17 within a time before the hearing that the court considers reasonable. The court may
18 determine whether the father, mother, **another suitable person**, or the department shall
19 have the custody and control of the minor. If the minor is of sufficient age and
20 intelligence to state desires, the court shall consider them.

21 * **Sec. 38.** AS 47.10.120(a) is amended to read:

22 (a) When a child in need of aid [OR A DELINQUENT MINOR] is committed
23 under this chapter, the court shall, after giving the parent [OR LEGAL GUARDIAN]
24 a reasonable opportunity to be heard, adjudge that the parent [OR GUARDIAN] pay
25 to the department in a manner that the court directs a sum [THAT IS BASED ON
26 THE FEE SCHEDULE ADOPTED UNDER AS 44.29.022] to cover in full or in part
27 the maintenance and care of the child. **The support obligation shall be calculated**
28 **under Rule 90.3(i) of the Alaska Rules of Civil Procedure** [OR MINOR].

29 * **Sec. 39.** AS 47.10.141(b) is amended to read:

30 (b) A peace officer shall take into protective custody a minor described in (a)
31 of this section if the minor is not otherwise subject to arrest or detention. Unless (c)

1 of this section applies, **when a peace officer takes a minor into protective custody**
2 **under this subsection,**

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

4 (A) [AND (1)] return the minor to the **minor's parent or**
5 **guardian** [LEGAL CUSTODIAN] if the **minor and the minor's parent or**
6 **guardian consent** [LEGAL CUSTODIAN CONSENTS] to the return, except
7 that the officer may not use this option if the officer has reasonable cause to
8 suspect that the minor has experienced physical or sexual abuse in the **parent's**
9 **or guardian's** [LEGAL CUSTODIAN'S] household;

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

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

13 (i) an office specified by the Department of Health and
14 Social Services;

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

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

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

21 (v) **another suitable location and promptly notify the**
22 **department, if** [. IF] an office specified by the department, a licensed
23 program for runaway minors, a shelter for runaways that will accept the
24 minor, or a facility or contract agency of the department does not exist
25 in the community;

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

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

31 (A) advise the minor orally and in writing of the right to social

1 services under AS 47.10.142(b); [,] and

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

8 * **Sec. 40.** AS 47.10.141(c) is amended to read:

9 (c) A minor may be taken into emergency protective custody by a peace
10 officer and placed into temporary detention in a juvenile detention home in the local
11 community if there has been an order issued by a court under a finding of probable
12 cause that (1) the minor is a runaway in wilful violation of a valid court order issued
13 under AS 47.10.080(c)(1), 47.10.142(f), AS 47.12.120(b)(1) or (3), or
14 AS 47.12.250(d) [AS 47.10.080 OR 47.10.142(f)], (2) the minor's current situation
15 poses a severe and imminent risk to the minor's life or safety, and (3) no reasonable
16 placement alternative exists within the community. For the purposes of this
17 subsection, a risk may not be considered severe and imminent solely because of the
18 general conditions for runaway minors in the community, but shall be assessed in view
19 of the specific behavior and situation of the minor. A minor detained under this
20 subsection shall be brought before a court on the day the minor is detained, or if that
21 is not possible, within 24 hours after the detention for a hearing to determine the most
22 appropriate placement in the best interests of the minor. A minor taken into
23 emergency protective custody under this subsection may not be detained for more than
24 24 hours, except as provided under AS 47.12.250 [AS 47.10.140]. Emergency
25 protective custody may not include placement of a minor in a jail or secure facility
26 other than a juvenile detention home, nor may an order for protective custody be
27 enforced against a minor who is residing in a licensed program for runaway minors,
28 as defined in AS 47.10.390.

29 * **Sec. 41.** AS 47.10.142(a) is amended to read:

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

- 1 (1) the minor has been abandoned;
- 2 (2) the minor has been grossly neglected by the minor's parents or
3 guardian, as "neglect" is defined in AS 47.17.290, and the department determines that
4 immediate removal from the minor's surroundings is necessary to protect the minor's
5 life or provide immediate necessary medical attention;
- 6 (3) the minor has been subjected to child abuse or neglect by a person
7 responsible for the minor's welfare, as "child abuse or neglect" is defined in
8 AS 47.17.290, and the department determines that immediate removal from the minor's
9 surroundings is necessary to protect the minor's life or that immediate medical
10 attention is necessary; or
- 11 (4) the minor has been sexually abused under circumstances listed in
12 AS 47.10.010(a)(4) [AS 47.10.010(a)(2)(D)].

13 * **Sec. 42.** AS 47.10.142(g) is amended to read:

14 (g) Within 60 days after a court orders a child committed to the department
15 under this section, the department shall inform the parties about the local citizen out-
16 of-home care review panel established under AS 47.14.220 [AS 47.10.420].

17 * **Sec. 43.** AS 47.10.390(2) is amended to read:

- 18 (2) "runaway minor" means a person under 18 years of age who
- 19 (A) is habitually absent from home; ~~or~~
- 20 (B) refuses to accept available care [;
- 21 (C) HAS NO PARENT, GUARDIAN, CUSTODIAN, OR
22 RELATIVE ABLE OR WILLING TO PROVIDE CARE; OR
- 23 (D) HAS BEEN PHYSICALLY ABANDONED BY
- 24 (i) BOTH PARENTS;
- 25 (ii) THE SURVIVING PARENT; OR
- 26 (iii) ONE PARENT IF THE OTHER PARENT'S
27 RIGHTS AND RESPONSIBILITIES HAVE BEEN TERMINATED
28 UNDER AS 25.23.180(c) OR AS 47.10.080 OR VOLUNTARILY
29 RELINQUISHED].

30 * **Sec. 44.** AS 47.10 is amended by adding a new section to read:

31 Sec. 47.10.980. GRANTS-IN-AID. The department may accept grants-in-aid

1 from the federal government or private foundations and may accept other gifts
2 consistent with the purposes of this chapter.

3 * **Sec. 45.** AS 47.10.990 is amended to read:

4 Sec. 47.10.990. DEFINITIONS. In this chapter, unless the context otherwise
5 requires,

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

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

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

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

14 (5) "DELINQUENT MINOR" MEANS A MINOR FOUND TO BE
15 WITHIN THE JURISDICTION OF THE COURT UNDER AS 47.10.010(a)(1);

16 (6) "department" means the Department of Health and Social Services;

17 (5) [(7) "JUVENILE DETENTION FACILITY" MEANS SEPARATE
18 QUARTERS WITHIN A CITY JAIL USED FOR THE DETENTION OF
19 DELINQUENT MINORS;

20 (8) "juvenile detention home" [OR "DETENTION HOME"] is a
21 separate establishment, exclusively devoted to the detention of minors on a short-term
22 basis and not a part of an adult jail;

23 (6) [(9) "JUVENILE WORK CAMP" MEANS A SEPARATE
24 RESIDENTIAL ESTABLISHMENT, EXCLUSIVELY DEVOTED TO THE
25 DETENTION OF MINORS, IN WHICH THE MINORS WHO ARE 16 YEARS OF
26 AGE OR OLDER AND COMMITTED TO THE CUSTODY OF THE
27 DEPARTMENT AND PLACED IN THE FACILITY MAY BE REQUIRED TO
28 LABOR ON THE BUILDINGS AND GROUNDS OR PERFORM ANY OTHER
29 WORK OR ENGAGE IN ANY ACTIVITIES THAT DO NOT CONFLICT WITH
30 REGULATIONS ADOPTED BY THE DEPARTMENT OF HEALTH AND SOCIAL
31 SERVICES UNDER THIS CHAPTER FOR THE CARE, REHABILITATION,

1 EDUCATION, AND DISCIPLINE OF MINORS IN DETENTION;

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

3 (11) "TREATMENT FACILITY" MEANS A HOSPITAL, CLINIC,
4 INSTITUTION, CENTER, OR OTHER HEALTH CARE FACILITY THAT HAS
5 BEEN DESIGNATED BY THE DEPARTMENT FOR THE TREATMENT OF
6 JUVENILES;

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

8 * **Sec. 46.** AS 47 is amended by adding a new chapter to read:

9 CHAPTER 12. DELINQUENT MINORS.

10 ARTICLE 1. JUVENILE DELINQUENCY.

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

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

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

18 (3) to provide that counseling provided to the minor should, if
19 appropriate, include the minor's family or guardian, that the minor's family or guardian
20 has the right to offer suggestions and make recommendations for the correction of the
21 minor's behavior, and that the minor's family or guardian may be asked to participate
22 in supervision of the minor's treatment.

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

28 Sec. 47.12.030. PROVISIONS INAPPLICABLE. (a) When a minor who was
29 at least 16 years of age at the time of the offense is arraigned on a charge for an
30 offense specified in this subsection, this chapter and the Alaska Delinquency Rules do
31 not apply to the offense for which the minor is arraigned or to any additional offenses

1 joinable to it under the applicable rules of court governing criminal procedure. The
2 minor shall be charged, prosecuted, and sentenced in the superior court in the same
3 manner as an adult unless the minor is convicted of some offense other than an offense
4 specified in this subsection, in which event the minor may attempt to prove, by a
5 preponderance of the evidence, that the minor is amenable to treatment under this
6 chapter. If the court finds that the minor is amenable to treatment under this chapter,
7 the minor shall be treated as though the charges had been heard under this chapter, and
8 the court shall order disposition of the charges of which the minor is convicted under
9 AS 47.12.120(b). The provisions of this subsection apply when the minor is arraigned
10 on a charge

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

13 (2) of arson in the first degree.

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

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

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

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

26 (4) a parks and recreational facilities statute or regulation under
27 AS 41.21; and

28 (5) AS 04.16.050, relating to possession, control, or consumption of
29 alcohol.

30 (c) The provisions of AS 47.12.010 - 47.12.260 and the Alaska Delinquency
31 Rules do not apply to driver's license proceedings under AS 28.15.185; the court shall

1 impose a driver's license revocation under AS 28.15.185 in the same manner as adult
2 driver's license revocations, except that a parent or legal guardian shall be present at
3 all proceedings.

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

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

10 (A) the state agency makes a preliminary inquiry and takes
11 appropriate action to adjust the matter without a court hearing, the minor may
12 not be detained or taken into custody as a condition of the adjustment and,
13 subject to AS 47.12.060, the matter shall be closed by the agency if the minor
14 successfully completes all that is required of the minor by the agency in the
15 adjustment; in a municipality or municipalities in which a youth court has been
16 established under AS 47.12.400, adjustment of the matter under this paragraph
17 may include referral to the youth court;

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

21 (2) appoint a competent person or agency to make a preliminary inquiry
22 and report for the information of the court to determine whether the interests of the
23 public or of the minor require that further action be taken; if, under this paragraph, the
24 court appoints a person or agency to make a preliminary inquiry and to report to it,
25 then upon the receipt of the report, the court may informally adjust the matter without
26 a hearing, or it may authorize the person having knowledge of the facts of the case to
27 file with the court a petition setting out the facts; if the court informally adjusts the
28 matter, the minor may not be detained or taken into the custody of the court as a
29 condition of the adjustment, and the matter shall be closed by the court upon
30 adjustment.

31 (b) The petition and all subsequent pleadings shall be styled as follows: "In

1 the matter of, a minor under 18 years of age." The
2 petition may be executed upon the petitioner's information and belief, and must be
3 verified. It must include the following information:

- 4 (1) the name, address and occupation of the petitioner, together with
5 the petitioner's relationship to the minor, and the petitioner's interest in the matter;
- 6 (2) the name, age and address of the minor;
- 7 (3) a brief statement of the facts that bring the minor within this
8 chapter;
- 9 (4) the names and addresses of the minor's parents;
- 10 (5) the name and address of the minor's guardian, or of the person
11 having control or custody of the minor.

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

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

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

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

31 (d) In any proceeding under this chapter, the presence of the minor's parent or

1 guardian is preferred.

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

9 (b) When the agency decides that an informal adjustment of a matter should
10 be made, that informal adjustment may not be made without the agreement or consent
11 of the minor and the minor's parents or guardians to the terms and conditions of the
12 adjustment. An informal action to adjust a matter is not successfully completed unless,
13 among other factors that the agency considers, as to the victim of the act of the minor
14 that is the basis of the delinquency allegation, the minor pays restitution in the amount
15 set by the agency or agrees as a term or condition set by the agency to pay the
16 restitution.

17 Sec. 47.12.070. SUMMONS AND CUSTODY OF MINOR. After a petition
18 is filed and after further investigation that the court directs, if the minor has not
19 appeared voluntarily, the court shall issue a summons that

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

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

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

1 desires.

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

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

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

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

28 (c) For purposes of making a determination under this section,
29 (1) the standard of proof is by a preponderance of the evidence; and
30 (2) the burden of proof that a minor is not amenable to treatment under
31 this chapter is on the state; however, if the petition filed under AS 47.12.040 seeking

1 to have the court declare a minor a delinquent is based on the minor's alleged
2 commission of an offense that is an unclassified felony or class A felony and that is
3 a crime against a person, the minor

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

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

8 Sec. 47.12.110. HEARINGS. (a) The court shall conduct a hearing on the
9 petition. The court shall give notice of the hearing to the department, and the
10 department shall send a representative to the hearing. The representative of the
11 department may also be heard at the hearing. The public shall be excluded from the
12 hearing, but the court, in its discretion, may permit individuals to attend a hearing, if
13 their attendance is compatible with the best interests of the minor. Nothing in this
14 section may be applied in such a way as to deny a minor's rights to a public trial and
15 to a trial by jury.

16 (b) Notwithstanding (a) of this section, the victim of an offense that a minor
17 is alleged to have committed, or the designee of the victim, has a right to be present
18 at all hearings held under this section. If the minor is found to have committed the
19 offense, the victim may at the disposition hearing give sworn testimony or make an
20 unsworn oral presentation concerning the offense and its effect on the victim. If there
21 are numerous victims of a minor's offense, the court may limit the number of victims
22 who may give sworn testimony or make an unsworn oral presentation, but the court
23 may not limit the right of a victim to attend a hearing.

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

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

31 (2) a student

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

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

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

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

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

11 (1) order the minor committed to the department for a period of time
12 not to exceed two years or in any event extend past the day the minor becomes 19
13 years of age, except that the department may petition for and the court may grant in
14 a hearing (A) two-year extensions of commitment that do not extend beyond the
15 minor's 19th birthday if the extension is in the best interests of the minor and the
16 public; and (B) an additional one-year period of supervision past age 19 if continued
17 supervision is in the best interests of the person and the person consents to it; the
18 department shall place the minor in the juvenile facility that the department considers
19 appropriate and that may include a juvenile correctional school, juvenile work camp,
20 treatment facility, detention home, or detention facility; the minor may be released
21 from placement or detention and placed on probation on order of the court and may
22 also be released by the department, in its discretion, under AS 47.12.260;

23 (2) order the minor placed on probation, to be supervised by the
24 department, and released to the minor's parents, guardian, or a suitable person; if the
25 court orders the minor placed on probation, it may specify the terms and conditions
26 of probation; the probation may be for a period of time not to exceed four years and
27 in no event to extend past the day the minor becomes 19 years of age, except that the
28 department may petition for and the court may grant in a hearing

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

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

4 (3) order the minor committed to the custody of the department and
5 placed on probation, to be supervised by the department, and released to the minor's
6 parents, guardian, other suitable person, or suitable nondetention setting such as a
7 family home, group care facility, or child care facility, whichever the department
8 considers appropriate to implement the treatment plan of the predisposition report; if
9 the court orders the minor placed on probation, it may specify the terms and conditions
10 of probation; the department may transfer the minor, in the minor's best interests, from
11 one of the probationary placement settings listed in this paragraph to another, and the
12 minor, the minor's parents or guardian, and the minor's attorney are entitled to
13 reasonable notice of the transfer; the probation may be for a period of time not to
14 exceed four years and in no event to extend past the day the minor becomes 19 years
15 of age, except that the department may petition for and the court may grant in a
16 hearing

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

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

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

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

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

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

6 (B) that, on the recommendation of the city council or
7 traditional village council, would benefit persons within the city or village who
8 are elderly or disabled.

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

12 (d) A minor found to be delinquent is a ward of the state while committed to
13 the department or while the department has the power to supervise the minor's actions.
14 The court shall review an order made under (b) of this section annually, and may
15 review the order more frequently to determine if continued placement, probation, or
16 supervision, as it is being provided, is in the best interest of the minor and the public.
17 If annual review under this subsection would arise within 90 days of the hearing
18 required under (g) of this section, the court may postpone review under this subsection
19 until the time set for the hearing. The department, the minor, the minor's parents,
20 guardian, or custodian are entitled, when good cause is shown, to a review on
21 application. If the application is granted, the court shall afford these parties and their
22 counsel reasonable notice in advance of the review and hold a hearing where these
23 parties and their counsel shall be afforded an opportunity to be heard. The minor shall
24 be afforded the opportunity to be present at the review.

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

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

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

6 (1) whether the minor should be returned to the parent;

7 (2) whether the minor should remain in out-of-home care for a
8 specified period;

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

11 (4) whether the minor should be placed for adoption or legal
12 guardianship.

13 (h) Within 60 days after the date a minor is removed from the minor's home
14 by the department, the department shall notify the appropriate local citizen out-of-home
15 care review panel established under AS 47.14.220.

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

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

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

29 Sec. 47.12.140. COURT DISPOSITIONAL ORDER. (a) In making its
30 dispositional order under AS 47.12.120(b)(1) - (3) and (5), the court shall

31 (1) consider both the best interests of the minor and the interests of the

1 public, and, in doing so, the court shall take into account

2 (A) the seriousness of the minor's delinquent act, and the
3 attitude of the minor and the minor's parents toward that act;

4 (B) the minor's culpability as indicated by the circumstances of
5 the particular case;

6 (C) the age of the minor;

7 (D) the minor's prior criminal or juvenile record, and the
8 success or failure of any previous orders, dispositions, or placements imposed
9 on the minor;

10 (E) the effect of the dispositional order to be imposed in
11 deterring the child from committing other delinquent acts;

12 (F) the need to commit the minor to the department's custody
13 or to detain the minor in an institution or other suitable place in order to
14 prevent further harm to the public;

15 (G) the interest of the public in securing the minor's
16 rehabilitation; and

17 (H) the ability of the state to take custody of and to care for the
18 minor; and

19 (2) order the least restrictive alternative disposition for the minor; for
20 purposes of this paragraph, the "least restrictive alternative disposition" means that
21 disposition that is no more restrictive than is, in the judgment of the court, most
22 conducive to the minor's rehabilitation taking into consideration the interests of the
23 public.

24 Sec. 47.12.150. LEGAL CUSTODY, GUARDIANSHIP, AND RESIDUAL
25 PARENTAL RIGHTS AND RESPONSIBILITIES. (a) When a minor is committed
26 under AS 47.12.120(b)(1) or (3) to the department or released under
27 AS 47.12.120(b)(2) to the minor's parents, guardian, or other suitable person, a
28 relationship of legal custody exists. This relationship imposes on the department and
29 its authorized agents or the parents, guardian, or other suitable person the responsibility
30 of physical care and control of the minor, the determination of where and with whom
31 the minor shall live, the right and duty to protect, train, and discipline the minor, and

1 the duty of providing the minor with food, shelter, education, and medical care. These
2 obligations are subject to any residual parental rights and responsibilities and rights and
3 responsibilities of a guardian if one has been appointed. When a minor is committed
4 to the department and the department places the minor with the minor's parent, the
5 parent has the responsibility to provide and pay for food, shelter, education, and
6 medical care for the minor. When parental rights have been terminated, or there are
7 no living parents and a guardian has not been appointed, the responsibilities of legal
8 custody include those in (b) and (c) of this section. The department or person having
9 legal custody of the minor may delegate any of the responsibilities under this section,
10 except authority to consent to marriage, adoption, and military enlistment may not be
11 delegated. For purposes of this chapter, a person in charge of a placement setting is
12 an agent of the department.

13 (b) When a guardian is appointed for the minor, the court shall specify in its
14 order the rights and responsibilities of the guardian. The guardian may be removed
15 only by court order. The rights and responsibilities may include, but are not limited
16 to, having the right and responsibility of reasonable visitation, consenting to marriage,
17 consenting to military enlistment, consenting to major medical treatment, obtaining
18 representation for the minor in legal actions, and making decisions of legal or financial
19 significance concerning the minor.

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

28 Sec. 47.12.160. RETENTION OF JURISDICTION OVER MINOR. (a) The
29 court retains jurisdiction over the case and may at any time stay execution, modify, set
30 aside, revoke, or enlarge a judgment or order, or grant a new hearing, in the exercise
31 of its power of protection over the minor and for the minor's best interest, for a period

1 of time not to exceed the maximum period otherwise permitted by law or in any event
2 extend past the day the minor becomes 19, unless sooner discharged by the court,
3 except that the department may apply for and the court may grant an additional one-
4 year period of supervision past age 19 if continued supervision is in the best interests
5 of the person and the person consents to it. An application for any of these purposes
6 may be made by the parent, guardian, or custodian acting in behalf of the minor, or
7 the court may, on its own motion, and after reasonable notice to interested parties and
8 the appropriate department, take action that it considers appropriate.

9 (b) If the court determines at a hearing authorized by (a) of this section that
10 it is in the best interests of the minor to be released to the care or custody of the
11 minor's parent, guardian, or custodian, it may enter an order to that effect and the
12 minor is discharged from the control of the department.

13 (c) If a minor is adjudicated a delinquent before the minor's 18th birthday, the
14 court may retain jurisdiction over the minor after the minor's 18th birthday for the
15 purpose of supervising the minor's rehabilitation, but the court's jurisdiction over the
16 minor under this chapter never extends beyond the minor's 19th birthday, except that
17 the department may apply for and the court may grant an additional one-year period
18 of supervision past age 19 if continued supervision is in the best interests of the person
19 and the person consents to it. The department may retain jurisdiction over the person
20 between the person's 18th and 19th birthdays for the purpose of supervising the
21 person's rehabilitation, if the person has been placed under the supervision of the
22 department before the person's 18th birthday, except that the department may apply for
23 and the court may grant an additional one-year period of supervision past age 19 if
24 continued supervision is in the best interests of the person and the person consents to
25 it.

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

31 Sec. 47.12.180. EFFECT OF ADJUDICATION. (a) Except as provided by

1 AS 47.12.170, an adjudication under this chapter upon the status of a minor

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

4 (2) does not operate to permit a minor afterward to be considered a
5 criminal by the adjudication; and

6 (3) does not operate to permit the adjudication to be afterward deemed
7 a conviction, nor may a minor be charged with or convicted of a crime in a court,
8 except as provided in this chapter.

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

13 Sec. 47.12.200. ARREST OF A MINOR. The arrest of a minor other than for
14 a traffic offense is not considered an arrest for any purpose except for the purpose of
15 the disposition of a proceeding arising out of that arrest.

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

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

20 Sec. 47.12.220. APPOINTMENT OF GUARDIAN OR CUSTODIAN. When,
21 in the course of a proceeding under this chapter, it appears to the court that the welfare
22 of a minor will be promoted by the appointment of a guardian or custodian of the
23 minor's person or property, the court may make the appointment. The court shall have
24 a summons issued and served upon the parents of the minor, if they can be found, in
25 a manner and within a time before the hearing that the court considers reasonable.
26 The court may determine whether the father, mother, or the department shall have the
27 custody and control of the minor. If the minor is of sufficient age and intelligence to
28 state desires, the court shall consider them. The court may order either or both parents
29 to pay support for the minor's care to the guardian, custodian, or department.

30 Sec. 47.12.230. SUPPORT OF MINOR. (a) When a delinquent minor is
31 committed under this chapter, the court shall, after giving the parent a reasonable

1 opportunity to be heard, adjudge that the parent pay to the department in a manner that
2 the court directs a sum to cover in full or in part the maintenance and care of the
3 minor. The support obligation shall be calculated under Rule 90.3(i) of the Alaska
4 Rules of Civil Procedure.

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

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

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

15 (b) When a minor is detained under this chapter, the person having
16 responsibility for the facility in which the minor is detained shall immediately make
17 reasonable attempts to notify the minor's parent, guardian, or custodian of the minor's
18 detention.

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

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

25 (A) six hours; or

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

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

31 (3) if the incarceration constitutes a protective custody detention of the

1 minor that is authorized by AS 47.37.170(b).

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

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

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

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

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

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

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

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

25 (h) In this section,

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

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

29 Sec. 47.12.250. TEMPORARY DETENTION AND DETENTION HEARING.

30 (a) A peace officer may arrest a minor who violates a law or ordinance in the peace
31 officer's presence, or whom the peace officer reasonably believes is a fugitive from

1 justice. A peace officer may continue a lawful arrest made by a citizen. The peace
2 officer may have the minor detained in a juvenile detention facility if in the opinion
3 of the peace officer making or continuing the arrest it is necessary to do so to protect
4 the minor or the community.

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

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

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

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

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

29 Sec. 47.12.270. **YOUTH COUNSELORS.** The department may employ youth
30 counselors. Youth counselors shall exercise the duties of probation officers and shall
31 prepare preliminary investigations for the information of the court. They shall also

1 carry out other duties in the care and treatment of minors that are consistent with the
2 intent of this chapter. Youth counselors have the powers of a peace officer with
3 respect to the service of process, the making of arrests of minors who violate state or
4 municipal law, and the execution of orders of the court relating to juveniles, and shall
5 assist and advise the courts in the furtherance of the welfare and control of minors
6 under the court's jurisdiction.

7 ARTICLE 2. INFORMATION AND RECORDS.

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

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

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

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

26 (e) The court's official records under this chapter may be inspected only with
27 the court's permission and only by persons having a legitimate interest in them. A
28 person with a legitimate interest in the inspection of an official record maintained by
29 the court includes a victim who suffered physical injury or whose real or personal
30 property was damaged as a result of an offense that was the basis of an adjudication
31 or modification of disposition. If the victim knows the identity of the minor, identifies

1 the minor or the offense to the court, and certifies that the information is being sought
2 to consider or support a civil action against the minor or against the minor's parents
3 or guardians under AS 34.50.020, the court shall, subject to AS 12.61.110 and
4 12.61.140, allow the victim to inspect and use the following records and information
5 in connection with the civil action:

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

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

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

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

15 (f) A person who has been tried as an adult under AS 47.12.100(a), or the
16 department on the person's behalf, may petition the superior court to seal the records
17 of all criminal proceedings, except traffic offenses, initiated against the person, and all
18 punishments assessed against the person, while the person was a minor. A petition
19 under this subsection may not be filed until five years after the completion of the
20 sentence imposed for the offense for which the person was tried as an adult. If the
21 superior court finds that its order has had its intended rehabilitative effect and further
22 finds that the person has fulfilled all orders of the court entered under AS 47.12.120,
23 the superior court shall order the record of proceedings and the record of punishments
24 sealed. Sealing the records restores civil rights removed because of a conviction. A
25 person may not use these sealed records for any purpose except that the court may
26 order their use for good cause shown or may order their use by an officer of the court
27 in making a presentencing report for the court. The court may not, under this
28 subsection, seal records of a criminal proceeding

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

31 (2) commenced under AS 47.12.030(a) unless the minor has been

1 acquitted of all offenses with which the minor was charged or unless the most serious
2 offense of which the minor was convicted was not an offense specified in
3 AS 47.12.030(a).

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

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

13 (1) a guardian ad litem appointed by the court or to a citizen review
14 panel for permanency planning authorized by AS 47.14.200 - 47.14.220;

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

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

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

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

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

27 (c) A state or municipal law enforcement agency

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

31 (2) may disclose to the public information regarding a criminal offense

1 in which a minor is a suspect, victim, or witness if the minor is not identified by the
2 disclosure;

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

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

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

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

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

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

23 (g) The department and affected law enforcement agencies shall work with
24 school districts and private schools to develop procedures for the disclosure of
25 information to school officials under (b)(3) and (c)(3) of this section. The procedures
26 must provide a method for informing the principal or the principal's designee of the
27 school the student attends as soon as it is reasonably practicable.

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

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

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

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

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

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

20 ARTICLE 3. YOUTH COURTS.

21 Sec. 47.12.400. YOUTH COURTS. (a) The department may use youth courts
22 to hear, determine, and dispose of cases involving a minor whose alleged act that
23 brings the minor within the jurisdiction of AS 47.12.010 - 47.12.260 constitutes a
24 violation of a state law that is a misdemeanor or a violation or that constitutes a
25 violation of a municipal ordinance that prescribes a penalty not exceeding the penalties
26 for a class A misdemeanor under state law.

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

1 (c) A nonprofit corporation may obtain recognition from the commissioner to
2 serve as a youth court. The corporation may exercise only the powers that are
3 delegated to a youth court by the commissioner, and shall exercise those powers as
4 authorized by the corporation's articles of incorporation and bylaws. The bylaws of
5 the corporation must set out standards and procedures by which the corporation, in its
6 capacity as a youth court,

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

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

12 (3) may secure jurisdiction over a minor; the youth court may secure
13 jurisdiction over the minor only with the consent of the minor and the agreement of
14 the minor's legal custodian;

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

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

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

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

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

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

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

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

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

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

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

15 ARTICLE 4. GENERAL PROVISIONS.

16 Sec. 47.12.980. GRANTS-IN-AID. The department may accept grants-in-aid
17 from the federal government or private foundations and may accept other gifts
18 consistent with the purposes of this chapter.

19 Sec. 47.12.990. DEFINITIONS. In this chapter, unless the context otherwise
20 requires,

21 (1) "commissioner" means the commissioner of health and social
22 services;

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

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

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

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

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

30 (7) "juvenile detention home" or "detention home" is a separate
31 establishment, exclusively devoted to the detention of minors on a short-term basis and

1 not a part of an adult jail;

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

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

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

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

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

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

16 CHAPTER 14. JUVENILE PROGRAMS AND INSTITUTIONS.

17 ARTICLE 1. JUVENILE INSTITUTIONS.

18 Sec. 47.14.010. GENERAL POWERS OF DEPARTMENT OVER JUVENILE
19 INSTITUTIONS. The department may

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

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

25 (3) adopt standards and regulations for the design, construction, repair,
26 maintenance, and operation of all juvenile detention homes, work camps, facilities, and
27 institutions;

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

31 (5) reimburse cities maintaining and operating juvenile detention

1 homes, work camps, and facilities;

2 (6) enter into contracts and arrangements with cities and state and
3 federal agencies to carry out the purposes of AS 47.10, AS 47.12, and this chapter;

4 (7) do all acts necessary to carry out the purposes of AS 47.10,
5 AS 47.12, and this chapter;

6 (8) adopt the regulations necessary to carry out AS 47.10, AS 47.12,
7 and this chapter;

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

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

11 (11) receive, care for, and place in a juvenile detention home, the
12 minor's own home, a foster home, or a correctional school, work camp, or treatment
13 institution all minors committed to its custody under AS 47.10, AS 47.12, and this
14 chapter.

15 Sec. 47.14.020. DUTIES OF DEPARTMENT. The department shall

16 (1) accept all minors committed to the custody of the department and
17 all minors who are involved in a written agreement under AS 47.14.100(c), and
18 provide for the welfare, control, care, custody, and placement of these minors in
19 accordance with this chapter;

20 (2) require and collect statistics on juvenile offenses and offenders in
21 the state;

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

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

30 Sec. 47.14.030. USE OF STANDARDIZED FORM BY FACILITIES. For the
31 purpose of collecting statistics, the department shall establish and require state and

1 local agencies that operate a jail or other detention facility to use a standardized form
2 to keep a record and report the admission of a minor. The record shall be limited to
3 the name of the minor admitted, the minor's date of birth, the specific offense for
4 which the minor was admitted, the date and time admitted, the date and time released,
5 the sex of the minor, the ethnic origin of the minor, and other information required by
6 federal law. Except for the notation of the date and time of the minor's release, the
7 record shall be prepared at the time of the minor's admission. Unless otherwise
8 provided by law, information and records obtained under this subsection are
9 confidential and are not public records. They may be disclosed only for the purpose
10 of compiling statistics and in a manner that does not reveal the identity of the minor.

11 Sec. 47.14.040. AUTHORITY TO MAINTAIN AND OPERATE HOME,
12 WORK CAMP, OR FACILITY. (a) A city may maintain and operate a juvenile
13 detention facility, and a city or a nonprofit corporation may maintain and operate a
14 juvenile detention home or a juvenile work camp.

15 (b) The city or nonprofit corporation may receive grants-in-aid from the state
16 for costs of operation of the homes, work camps, or facilities maintained and operated
17 under (a) of this section.

18 Sec. 47.14.050. OPERATION OF HOMES AND FACILITIES. (a) The
19 department shall adopt standards and regulations for the operation of

20 (1) juvenile detention homes and juvenile detention facilities in the
21 state; and

22 (2) juvenile work camps in the state; the regulations adopted under this
23 paragraph must provide a means by which to ensure that a minor who is placed in a
24 work camp

25 (A) is in good physical and mental condition and able to
26 perform the work and engage in the activities that may be required of the
27 minor;

28 (B) does not present a danger to the physical safety of other
29 minors who are placed in the work camp.

30 (b) The department may enter into contracts with cities and other governmental
31 agencies for the detention of juveniles before and after commitment by juvenile

1 authorities. A contract may not be made for longer than one year.

2 ARTICLE 2. CARE OF CHILDREN.

3 Sec. 47.14.100. POWERS AND DUTIES OF DEPARTMENT OVER CARE
4 OF CHILD. (a) Subject to (e) and (f) of this section, the department shall arrange for
5 the care of every child committed to its custody by placing the child in a foster home
6 or in the care of an agency or institution providing care for children inside or outside
7 the state. The department may place a child in a suitable family home, with or without
8 compensation, and may place a child released to it, in writing verified by the parent,
9 or guardian or other person having legal custody, for adoptive purposes, in a home for
10 adoption in accordance with existing law.

11 (b) The department may pay the costs of maintenance that are necessary to
12 assure adequate care of the child, and may accept funds from the federal government
13 that are granted to assist in carrying out the purposes of this chapter, or that are paid
14 under contract entered into with a federal department or agency. A child under the
15 care of the department may not be placed in a family home or institution that does not
16 maintain adequate standards of care.

17 (c) The department may receive, care for, and make appropriate placement of
18 minors accepted for care for a period of up to six months on the basis of an individual
19 voluntary written agreement between the minor's parent, legal guardian, or other
20 person having legal custody and the department. The agreement must include
21 provisions for payment of fees under AS 44.29.022 to the department for the minor's
22 care and treatment. The agreement entered into may not prohibit a minor's parent,
23 legal guardian, or other person who had legal custody from regaining care of the minor
24 at any time.

25 (d) In addition to money paid for the maintenance of foster children under (b)
26 of this section, the department

27 (1) shall pay the costs of caring for physically or mentally handicapped
28 foster children, including the additional costs of medical care, habilitative and
29 rehabilitative treatment, services and equipment, special clothing, and the indirect costs
30 of medical care, including child care and transportation expenses;

31 (2) may pay for respite care; in this paragraph, "respite care" means

1 child care for the purpose of providing

2 (A) temporary relief from the stresses of caring for a foster
3 child who has a physical or mental disability or a physical or mental
4 impairment; in this subparagraph,

5 (i) "physical or mental disability" has the meaning given
6 in AS 18.80.300(12)(A), (B), and (D); and

7 (ii) "physical or mental impairment" has the meaning
8 given in AS 18.80.300; and

9 (B) protection for the child when the foster parent is

10 (i) away from the home because of an emergency and
11 other care is not available for the child; or

12 (ii) on vacation and the child, because of age or
13 infirmity, cannot be placed in any other type of temporary care facility;
14 and

15 (3) may pay a subsidized guardianship payment under AS 25.23.210
16 when a foster child's foster parents or other persons approved by the department
17 become court-appointed legal guardians of the child.

18 (e) A child may not be placed in a foster home or in the care of an agency or
19 institution providing care for children if a blood relative exists who requests custody
20 of the child. However, the department may retain custody of the child and provide for
21 its placement in the same manner as for other children if it makes a determination,
22 supported by clear and convincing evidence, that the custody of the child by the blood
23 relative will result in physical or emotional damage. In making that determination,
24 poverty, including inadequate or crowded housing, on the part of the blood relative,
25 is not considered prima facie evidence that physical or emotional damage to the child
26 will occur. This determination may be appealed to the superior court to hear the
27 matter de novo.

28 (f) If a blood relative of the child specified under (e) of this section exists and
29 agrees that the child should be placed elsewhere, before placement elsewhere, the
30 department shall fully communicate the nature of the placement proceedings to the
31 relative. Communication under this subsection shall be made in the relative's native

1 language, if necessary. Nothing in this subsection or in (e) of this section applies to
2 child placement for adoptive purposes.

3 (g) The department may enter into agreements with Alaska Native villages or
4 Native organizations under 25 U.S.C. 1919 (Indian Child Welfare Act of 1978)
5 respecting the care and custody of Native children and jurisdiction of Native child
6 custody proceedings.

7 (h) The department may not pay for respite care, as defined in (d) of this
8 section, unless the department or the entity that has contracted with the department to
9 provide the respite care requests records under AS 12.62.035(a) for the individual who
10 provides the respite care within 10 business days after the individual is hired to
11 provide respite care and reviews the records within five business days after receiving
12 them.

13 Sec. 47.14.110. DEPARTMENT INSPECTIONS; REPORTS BY FOSTER
14 HOMES AND INSTITUTIONS. (a) A representative of the department shall visit,
15 as often as is considered necessary, every foster home or institution in which a child
16 is placed, and, if not satisfied as to the care given, may remove the child from the
17 foster home or institution and place the child elsewhere.

18 (b) The person or institution receiving a child shall submit the reports the
19 department requires as to the education, health, and welfare of the child and the
20 conditions under which the child is living.

21 Sec. 47.14.120. STANDARDS OF CARE. The department shall establish
22 standards of care and adopt regulations desirable for the welfare of every child under
23 its care.

24 Sec. 47.14.130. PAYMENT OF COSTS. The department shall pay the proper
25 and necessary costs of the court and witnesses and other expenses necessarily incurred
26 in the enforcement of AS 47.14.100 - 47.14.130.

27 ARTICLE 3. CITIZENS' REVIEW PANEL FOR
28 PERMANENCY PLANNING.

29 Sec. 47.14.200. CITIZENS' REVIEW PANEL FOR PERMANENCY
30 PLANNING. (a) There is created in the Department of Administration the Citizens'
31 Review Panel for Permanency Planning. The state panel consists of five voting

1 members appointed by the governor from among present members of local citizen
2 review panels established under AS 47.14.220. The governor shall appoint at least one
3 voting state panel member from each judicial district. The governor may not appoint
4 a person who has committed a felony or violated AS 11.51.130 or a law with
5 substantially similar elements. The panel also includes the following five nonvoting
6 members who serve ex officio or their designees: the commissioner of health and
7 social services, the director of the office of public advocacy, the attorney general, the
8 public defender appointed under AS 18.85.030, and the chief justice of the Alaska
9 Supreme Court.

10 (b) Appointed members of the state panel serve at the pleasure of the governor
11 for staggered terms of three years or until their successors are appointed.

12 (c) The voting members of the state panel shall elect from among the voting
13 members a chair who shall serve for one year. Three voting members of the state
14 panel constitute a quorum for the transaction of business. The panel may not take
15 official action without the affirmative vote of at least three of its members.

16 (d) Members of the state panel are entitled to reimbursement for actual
17 expenses necessary to perform their duties as state panel members. The reimbursement
18 may not exceed the amount of per diem and expenses authorized for boards and
19 commissions under AS 39.20.180.

20 (e) The state panel shall meet twice annually. Meetings may take place
21 telephonically.

22 (f) The state panel may employ a program coordinator who shall serve at the
23 pleasure of the state panel. The program coordinator shall employ staff as necessary
24 to carry out the program coordinator's duties under state panel directives and to
25 provide clerical assistance to local panels.

26 Sec. 47.14.210. DUTIES OF THE STATE PANEL. The state panel shall

27 (1) by regulation adopt policies and procedures to carry out its duties
28 and to govern the performance of the duties of the local panels established under
29 AS 47.14.220;

30 (2) ensure that local panel members receive the minimum level of
31 training necessary to effectively carry out their duties;

1 (3) coordinate and review the activities of the local panels and make
2 recommendations to the governor on appointments to the local panels;

3 (4) prepare a report annually, by the 10th day of each regular session
4 of the legislature, concerning the activities of the state and local panels during the
5 previous fiscal year; the report must include the number of cases reviewed by each
6 local panel, a description of the characteristics of the children whose cases were
7 reviewed by the panels, the number of children reunited with their families, the number
8 of children placed in other permanent homes, and recommendations and justifications
9 for program improvement, including recommendations relating to state agencies and
10 to the panel review system; the report may contain other information on the experience
11 of the local panels; the state panel shall notify the legislature that the report is
12 available.

13 Sec. 47.14.220. APPOINTMENT OF LOCAL PANELS. (a) The governor
14 shall appoint for each judicial district a local citizen out-of-home care review panel
15 composed of five members and two alternates who are residents of the judicial district.
16 Members shall serve three-year terms except that, when a local panel is initially
17 appointed, two members shall be appointed for three-year terms, two members for two-
18 year terms, and one member for a one-year term. Alternates shall be appointed to
19 three-year terms.

20 (b) The governor shall appoint to a local panel persons who have training,
21 experience, special knowledge, or a demonstrated interest in the welfare of children.
22 An out-of-home care provider or a person employed by the court system, the
23 department, the office of public advocacy, the Public Defender Agency, or the
24 Department of Law may not serve as a member or alternate member of a local panel.
25 The governor may not appoint a person who has committed a felony or violated
26 AS 11.51.130 or a law with substantially similar elements.

27 (c) The composition of a local panel must be reasonably representative of the
28 various social, economic, racial, ethnic, and cultural groups of the district from which
29 the members are appointed.

30 (d) If the state panel determines that additional local panels are necessary in
31 a judicial district because of excessively large or complex caseloads for review or

1 because of the demographics of cases, or determines that a local panel is not necessary
2 because of a reduced caseload, the governor may create or dissolve a local panel. The
3 governor may not reduce the number of panels in a judicial district to fewer than one.
4 Appointments to a panel established under this subsection are governed by (a) - (c) of
5 this section.

6 (e) When a person is appointed to serve on a local panel, the person shall
7 swear or affirm to keep confidential all information that comes before the local panel
8 except for nonidentifying case information included in a report to the state panel,
9 information for reports required under AS 47.17, or as required by court order for good
10 cause shown. A local panel member may also share confidential information with
11 other members of the local panel and staff who serve the local panel.

12 Sec. 47.14.230. MEETINGS; EXPENSES. (a) A local panel shall conduct
13 its meetings in the judicial district in which its members reside.

14 (b) The local panel shall elect one of its members to serve as chair for a term
15 of one year.

16 (c) A majority of the members of a local panel constitutes a quorum. A panel
17 may not take official action without the affirmative vote of at least three of its
18 members.

19 (d) A local panel member is not eligible for travel expenses, per diem, or other
20 expenses for service on the local panel unless the state panel requires a local panel
21 member to travel to attend a meeting. If the state panel requires a local panel member
22 to travel to attend a meeting, the local panel member is entitled to reimbursement for
23 actual expenses incurred by the member in attending the meeting, except that the
24 reimbursement may not exceed the amount of per diem and expenses authorized for
25 boards and commissions under AS 39.20.180.

26 Sec. 47.14.240. DUTIES OF LOCAL PANEL. (a) A local panel shall review
27 the case plan of each child in the custody of the department who is in a placement
28 other than the child's own home under AS 47.10.080(c)(1) or (3), 47.10.142,
29 AS 47.12.120(b)(3), or AS 47.14.100(c) if the case is under the jurisdiction of a court
30 in the judicial district served by the panel. A local panel may request a local panel in
31 another judicial district to conduct a review and make a report if that local panel is

1 more convenient for the child and other persons involved.

2 (b) The local panel shall review a case as required under 42 U.S.C. 671 - 675
3 (P.L. 96-272) within 180 days after the day the child is initially removed from the
4 child's home and every six months thereafter. A court review may be substituted for
5 a review required under this subsection if the court review meets the requirements of
6 this subsection.

7 (c) At least 30 days before it begins a review, the local panel shall provide
8 written notice to the following persons that a review will be conducted and that each
9 person notified may participate in the review:

- 10 (1) the department;
- 11 (2) the child or the child's legal representative;
- 12 (3) the child's parents;
- 13 (4) the child's guardian;
- 14 (5) the child's guardian ad litem;
- 15 (6) the child's out-of-home care provider; and
- 16 (7) if the case is governed by 25 U.S.C. 1901 - 1963 (Indian Child
17 Welfare Act),

18 (A) the child's Indian custodian; and

19 (B) the designated representative of the child's Indian tribe if
20 the tribe has intervened in the case.

21 (d) In reviewing a case, the local panel shall consider the case plan and any
22 progress report of the department or the child's guardian ad litem, court records, and
23 other relevant information about the child and the child's family. The local panel shall
24 also provide to the following persons an opportunity to be interviewed by the panel in
25 person or by telephone or to provide written material to the panel:

- 26 (1) the child whose case is being reviewed if the child is 10 years of
27 age or older;
- 28 (2) the parents, custodians, or other relatives of the child;
- 29 (3) the child's out-of-home care provider;
- 30 (4) the child's guardian;
- 31 (5) the child's guardian ad litem;

1 (6) the case worker or social worker assigned to the case;
2 (7) if the case is governed by 25 U.S.C. 1901 - 1963 (Indian Child
3 Welfare Act),
4 (A) the child's Indian custodian; and
5 (B) the designated representative of the child's Indian tribe if
6 the tribe has intervened in the case; and
7 (8) other persons with a close personal knowledge of the case.
8 (e) At the discretion of the child's guardian ad litem, if the child whose case
9 is being reviewed is under 10 years of age, the child may be present at interviews
10 conducted under (d) of this section and during review by the panel, or may be
11 interviewed. At the child's request, a child who is 10 years of age or older shall be
12 allowed to be present at interviews or a review of the local panel that concerns the
13 child's case unless the panel determines that for good cause the child's presence would
14 be contrary to the best interests of the child or there is other good cause for denying
15 the child's request.
16 (f) During a review under (a) of this section, a local panel shall
17 (1) determine whether the child has a case plan designed to achieve
18 placement in the least restrictive, most family-like setting available in close proximity
19 to the home of the child's parents that is consistent with the best interests of and
20 special needs and circumstances of the child;
21 (2) evaluate the continuing necessity and appropriateness of the child's
22 placement, the extent of the compliance with the child's case plan, and the extent of
23 progress that has been made toward mitigating the causes that necessitated placement
24 away from the child's parents;
25 (3) ascertain the date by which it is likely the child may be returned
26 to the home or placed for adoption or legal guardianship;
27 (4) determine whether there has been compliance with applicable
28 provisions of 25 U.S.C. 1901 - 1963 (Indian Child Welfare Act) and other applicable
29 state and federal laws; and
30 (5) determine whether there has been compliance with court review
31 requirements of AS 47.10.080(f) and (l), 47.10.142(h), and AS 47.12.120(d) and (g).

1 (g) The local panel shall within 30 days after reviewing the case submit a
2 written report to the persons listed in (c) of this section.

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

9 (i) The local panel shall report to the state panel information needed by the
10 state panel to prepare the report required under AS 47.14.210.

11 Sec. 47.14.250. COOPERATION WITH STATE AND LOCAL PANELS. The
12 department, Department of Law, public defender, office of public advocacy, and court
13 system shall cooperate with the state panel and the local panels to facilitate timely
14 review of plans for children whose cases are under the jurisdiction of the panels.

15 Sec. 47.14.260. RECORDS: COMMUNICATIONS. (a) Notwithstanding
16 AS 47.10.090, 47.10.093, AS 47.12.300, and 47.12.310, at the request of a local panel,
17 the department, the child's guardian ad litem, and the court shall furnish to the local
18 panel relevant records concerning a child and the child's family who are the subjects
19 of a local panel review. At the conclusion of a review, all copies of records provided
20 to a local panel under this section shall be returned to the staff that serves the local
21 panel or to the agency from which the original copy was obtained unless the panel
22 members need the copies to prepare the reports required under AS 47.14.240(g) - (i).
23 Copies retained for preparation of the reports shall be returned to the staff that serves
24 the local panel or to the originating agency upon completion of the reports.
25 Notwithstanding AS 44.62.310, records and reports of the local panel, testimony before
26 the local panel, and deliberations of the local panel are confidential under
27 AS 47.10.090 and AS 47.12.310.

28 (b) A local panel member may not reveal to another person, other than another
29 member of the local panel or the staff serving the local panel, a communication made
30 to the member while performing the member's duties under AS 47.14.200 - 47.14.299
31 except as required under AS 47.17 or as required by court order for good cause shown.

1 A local panel member may share with the state panel communications made during the
2 local panel member's performance of official duties if the local panel member omits
3 identifying information.

4 (c) A local panel proceeding is not governed by AS 44.62.310.

5 Sec. 47.14.270. COURT REVIEW OF REPORT. (a) When a report is
6 admissible under court rules, the court may consider the report of the local panel in
7 its review under AS 47.10.080(f) or AS 47.12.120(d), as appropriate, and at other
8 disposition hearings other than hearings related to delinquency proceedings.

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

11 Sec. 47.14.280. INDEMNIFICATION OF PANEL MEMBERS. A state panel
12 member and a local panel member shall be indemnified by the state for civil liability
13 for a negligent act or omission of the panel member that occurs in the performance of
14 the member's duties under AS 47.14.200 - 47.14.299 unless the civil liability results
15 from the panel member's violation of

16 (1) AS 47.14.260(b); or

17 (2) the oath or affirmation required under AS 47.14.220(e).

18 Sec. 47.14.299. DEFINITIONS. In AS 47.14.200 - 47.14.299,

19 (1) "local panel" means a local citizen out-of-home care review panel
20 appointed under AS 47.14.220;

21 (2) "out-of-home care provider" means an agency or person, other than
22 the child's legal parents, with whom a child who is in the custody of the state under
23 AS 47.10.080(c)(1) or (3), 47.10.142, AS 47.12.120(b)(3), or AS 47.14.100(c) is
24 currently placed; in this paragraph, "agency or person" includes a foster parent, a
25 relative other than a parent, a person who has petitioned for adoption of the child, and
26 a residential child care facility;

27 (3) "state panel" means the Citizens' Review Panel for Permanency
28 Planning established under AS 47.14.200.

29 ARTICLE 4. GENERAL PROVISIONS.

30 Sec. 47.14.980. GRANTS-IN-AID. The department may accept grants-in-aid
31 from the federal government or private foundations and may accept other gifts

1 consistent with the purposes of this chapter.

2 Sec. 47.14.990. DEFINITIONS. In this chapter, unless the context otherwise
3 requires,

4 (1) "care" or "caring" under AS 47.14.100(c) means to provide for the
5 physical, emotional, mental, and social needs of the child;

6 (2) "child in need of aid" means a minor found to be within the
7 jurisdiction of the court under AS 47.10.010(a);

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

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

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

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

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

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

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

25 (10) "treatment facility" or "treatment institution" means a hospital,
26 clinic, institution, center, or other health care facility that has been designated by the
27 department for the treatment of juveniles.

28 * **Sec. 48.** AS 47.17.290(8) is amended to read:

29 (8) "maltreatment" means an act or omission that results in
30 circumstances in which there is reasonable cause to suspect that a child may be a child
31 in need of aid, as described in AS 47.10.010(a) [AS 47.10.010(a)(2)], except that, for

1 purposes of this chapter, the act or omission need not have been committed by the
2 child's parent, custodian, or guardian;

3 * **Sec. 49.** AS 47.33.010(b) is amended to read:

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

5 (1) a correctional facility;

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

8 (3) an emergency shelter;

9 (4) a medical facility, including a nursing home, licensed under
10 AS 18.20;

11 (5) a program for runaway minors licensed under **AS 47.10.310**
12 [AS 47.10]; or

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

14 * **Sec. 50.** AS 47.33.990(3) is amended to read:

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

17 * **Sec. 51.** AS 47.35.015(c) is amended to read:

18 (c) A person may not operate a residential child care facility without a license
19 issued under this chapter unless that facility is

20 (1) a juvenile facility operated by the state under **AS 47.14.010**
21 [AS 47.10.150];

22 (2) a medical facility licensed by the department under AS 18.20;

23 (3) a recreational camp providing recreational experiences of no more
24 than one month's duration for a child; or

25 (4) exempt from licensure for a reason set out in (b)(6) or (7) of this
26 section.

27 * **Sec. 52.** AS 47.40.011(a) is amended to read:

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

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

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

3 * **Sec. 53.** AS 47.70.020 is amended to read:

4 Sec. 47.70.020. FINANCIAL RESPONSIBILITY. Financial responsibility for
5 a child placed in accordance with the Interstate Compact on the Placement of Children
6 shall be determined in accordance with art. V of the compact. However, in the event
7 of partial or complete default of performance under the compact, the provisions of
8 AS 47.14.100(b) [AS 47.10.230(b)] apply.

9 * **Sec. 54.** AS 47.70.050 is amended to read:

10 Sec. 47.70.050. DELEGATION BY AGREEMENT. Requirements for
11 visitation, inspection, or supervision of children, homes, institutions, or other agencies
12 in another party state which may apply under AS 47.14.110 [AS 47.10.240] shall be
13 considered to be met if performed under an agreement entered into by appropriate
14 officers or agencies of this state or a subdivision of this state as contemplated by art.
15 V(b) of the Interstate Compact on the Placement of Children.

16 * **Sec. 55.** AS 47.10.010(b), 47.10.010(d), 47.10.010(e), 47.10.020(d), 47.10.040,
17 47.10.050(b), 47.10.060, 47.10.070(b), 47.10.075, 47.10.080(b), 47.10.080(g), 47.10.080(h),
18 47.10.081(a), 47.10.090(b), 47.10.093(c)(2), 47.10.093(c)(3), 47.10.093(c)(4), 47.10.093(c)(5),
19 47.10.093(d), 47.10.093(e), 47.10.093(h), 47.10.095, 47.10.097, 47.10.130, 47.10.140,
20 47.10.150, 47.10.160, 47.10.170, 47.10.180, 47.10.190, 47.10.200, 47.10.210, 47.10.220,
21 47.10.230, 47.10.240, 47.10.250, 47.10.260, 47.10.265, 47.10.400, 47.10.410, 47.10.420,
22 47.10.430, 47.10.440, 47.10.450, 47.10.460, 47.10.470, 47.10.480, and 47.10.490 are repealed.

23 * **Sec. 56.** Rule 23(d), Alaska Delinquency Rules, is amended to read:

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