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LEGISLATIVE COUNCIL

1 IN THE SENATE

BY SENATORS BARNES
AND JONES

2 SENATE BILL NO. 7

3 IN THE LEGISLATURE OF THE TERRITORY OF ALASKA

4 TWENTY-SECOND SESSION

5 A BILL

6 For an Act entitled: "An Act relating to the juvenile code;
7 amending sections 51-3-3, 51-3-9, 51-3-10,
8 51-3-15, and 51-3-16, ACLA, 1949."

9 BE IT ENACTED BY THE LEGISLATURE OF THE TERRITORY OF ALASKA:

10 Section 1. That Section 51-3-3, Alaska Compiled Laws
11 Annotated, 1949, be amended so as to read as follows:

12 Sec. 51-3-3. Jurisdiction. Jurisdiction in cases of
13 children under 18 years of age shall be vested in the
14 Justice Court, which shall have exclusive original juris-
15 diction in proceedings concerning any child residing in
16 this Territory who (1) has violated any law of the United
17 States or the Territory [OR ANY ORDINANCE OR REGULATION OF
18 A SUBDIVISION OF THE TERRITORY]; (2) by reason of being
19 wayward or habitually disobedient is uncontrolled by his
20 parent, guardian or custodian; (3) is habitually truant
21 from school or home, or habitually so deports himself as
22 to injure or endanger the morals or health of himself or
23 others; (4) is abandoned by his parent, guardian or cus-
24 todian; (5) lacks proper parental care by reason of the
25 faults, habit or neglect of his parent, guardian or cus-
26 todian; (6) associates with vagrant, vicious or immoral
27 people, or engages in an occupation or is in a situation
28 dangerous to life or limb or injurious to the health,
29 morals, or welfare of himself or others; (7) is mentally

1 deficient or in need of special care or training provided
2 his parent or guardian consents in writing that such child
3 comes within the provisions of this Act; (8) is a full
4 orphan who has no relatives willing and able to assume
5 custody and care; (9) has been released by his parent or
6 parents, or guardian, to the Department of Public Welfare
7 for adoptive purposes.

8 ^{municipal magistrate's}
The ~~(Justice)~~ Court shall have concurrent ~~(original)~~ juris-
9 ^{Justice}
diction with the ~~(municipal magistrate's)~~ court in proceedings
10 concerning any child who has violated any ordinance or regu-
11 lation of the incorporated municipality; Provided, that, in
12 the discretion of any municipal magistrate having jurisdic-
13 tion, the minimum fine or sentence established by ordinance
14 or regulation may be waived if, in the court's opinion, the
15 imposition of such sentence or fine would be more severe
16 than is reasonable and would work an undue hardship on the
17 child; ^(insert amendment # 3)

18 The Justice Court shall also have exclusive jurisdic-
19 tion in any controversy arising over the custody of a
20 child, and to appoint a guardian of the person and property
21 of any child within its jurisdiction. ^{7 1}

22 Provided, that such jurisdiction provision shall not
23 be applicable in divorce or separate maintenance cases
24 arising in the District Court, but in such cases the Dis-
25 trict Judge may, if he deems it best for the welfare of a
26 child involved, order the child turned over to the custody
27 of the Welfare Department. In such event the Welfare De-
28 partment shall receive such support money as is ordered to
29 be paid by the court and use same to carry out suitable

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arrangements for the child.

Sec. 2. That section 51-3-9, Alaska Compiled Laws Annotated, 1949, be amended so as to read as follows:

Sec. 51-3-9. Waiver of jurisdiction. If a child under fourteen years of age is charged with an offense which, if committed by an adult, would constitute a felony, the court after full investigation may waive the jurisdiction vested in it by this Act, and order such child held to await action by the grand jury; otherwise, the court shall proceed as herein provided.

If a child fourteen years of age or older is charged with an offense which, if committed by an adult, would constitute a felony, the court shall determine if there is reasonable ground for the charge; and if any reasonable ground appears, the court ^{may} order the child held to await action by the grand jury, and shall have no jurisdiction for further proceedings in the case unless referred back by the District Court for adjudication under the Juvenile Code. *if said child is held to await to the grand jury*

Sec. 3. That section 51-3-10, Alaska Compiled Laws Annotated, 1949, be amended so as to read as follows:

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

1 any hearing, and shall have the right to appear and be
2 heard.

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

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

7 (1) Committing the child to the Territorial Department
8 of Public Welfare without recommendation, or with recom-
9 mendation for placement in a juvenile detention home, or
10 other placement; or

11 (2) Releasing the child to the care and custody of the
12 parent, guardian, or other suitable person, under the super-
13 vision of the Department of Public Welfare.

14 No adjudication upon the status of any child shall
15 operate to impose any of the civil disabilities imposed by
16 conviction upon a criminal charge, nor shall any child be
17 deemed a criminal by such adjudication, nor shall such
18 adjudication be deemed a conviction, nor shall any child
19 be charged with or convicted of a crime in any court, except
20 as provided in Section 9 of this Act (Sec. 51-3-9 herein).
21 ^{Commitment or placement} The ~~(disposition)~~ of a child or any evidence given in the
22 court shall not be admissible as evidence against the child
23 in any case or proceedings, nor shall such ^{Commitment or placement} ~~(disposition)~~ or
24 evidence operate to disqualify a child in any future civil
25 service examination or appointment in the Territory.

26 Upon entering an order of commitment the Court shall
27 transmit a copy of its information and findings, together
28 with the order of commitment to the Department of Public
29 Welfare to which the child has been committed.

1 Sec. 4. That section 51-3-15, Alaska Compiled Laws Anno-
2 tated, 1949, be amended so as to read as follows:

3 Sec. 51-3-15. Place of detention: Provision for
4 temporary care. No child under eighteen (18) years of age
5 shall be committed to a jail unless assigned to quarters
6 separate and apart so that children detained cannot com-
7 municate with or view adult prisoners convicted of, under
8 arrest for, or charged with crime; and no such child shall
9 be detained in a jail pending hearing, or transfer to the
10 custody of the Department of Public Welfare, except as pro-
11 vided above, and in no case shall a child be committed or
12 detained in jail, except for his safety or that of others.

13 ✓A CHILD DETAINED IN JAIL SHALL BE ASSIGNED TO A ROOM OR
14 PLACE APART FROM ADULTS, IF THIS BE POSSIBLE ✓ Whenever a
15 child is detained in jail or otherwise, his parent or
16 parents, or guardian, and the Department of Public Welfare
17 shall be notified immediately, and the detaining official
18 may request the Department of Public Welfare to arrange
19 other care for the child, in which case said Department
20 ✓IMMEDIATE NOTICE OF SUCH DETENTION SHALL BE SENT TO THE
21 DEPARTMENT OF PUBLIC WELFARE, WHO ✓ shall as promptly as
22 possible arrange other care for the child.

23 Whenever any child is committed under the provisions
24 of this Act, the court may provide for his temporary care.

25 Sec. 5. That Section 51-3-16, Alaska Compiled Laws Anno-
26 tated, 1949, be amended so as to read as follows:

27 Sec. 51-3-16. Department's duty and power as to care
28 of child. The Department of Public Welfare shall arrange
29 for care of every child committed to its custody by placing

1 him in a foster home or in the care of an agency or in-
2 stitution providing care for children within or outside
3 the Territory of Alaska. The Department may place such
4 child in a suitable family home, with or without compensa-
5 tion, and may place any child released to it, in writing
6 verified by the parent or parents, or guardian or other
7 person having legal custody, for adoptive purposes, [FOR
8 WHICH IT HAS BEEN APPOINTED AS GUARDIAN.] in a home for
9 adoption in accordance with existing law. The Department
10 is authorized to pay such costs of maintenance as may be
11 necessary to assure adequate care of such child, and is
12 also authorized to accept in behalf of the Territory such
13 funds from the Federal Government as may be contributed or
14 granted to assist in carrying out the purposes of this
15 Act, or as may be paid under contract entered into with
16 any Federal department or agency. No child under the care
17 of the Department shall be placed in a family home or
18 institution that does not maintain adequate [THE] standards
19 of care [ESTABLISHED OR REQUIRED BY IT].