

1 IN THE SENATE

BY SENATORS McNEES, OWEN,  
COOPER AND MOODY

2 SENATE BILL NO. 86

3 IN THE LEGISLATURE OF THE TERRITORY OF ALASKA

4 TWENTY-THIRD SESSION

5 A BILL

6 For an Act entitled: "An Act establishing jurisdiction over  
7 juveniles in the justices' courts; providing  
8 for procedures for hearings; creating a Board  
9 of Juvenile Institutions; providing for  
10 juvenile detention homes; setting forth duties  
11 of Department of Public Welfare; repealing  
12 Sections 51-3-1 through 51-3-19 ACLA 1949,  
13 Chapter 43 SLA 1955 and Chapter 134 SLA 1955;  
14 authorizing an appropriation and declaring  
15 an emergency."

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

17 ARTICLE I

18 Juvenile Courts

19 Section 1. DEFINITIONS. For the purposes of this Act, words  
20 and phrases shall have the following meaning, unless other mean-  
21 ing is apparent from the context:

22 (a) A "minor" shall be considered any child not having  
23 yet reached his eighteenth birthday.

24 (b) A "juvenile detention home" or "detention home"  
25 shall be a separate establishment, exclusively devoted to the  
26 detention of minors on a short-term basis and not a part of any  
27 adult jail.

28 (c) A "juvenile detention facility" shall mean separate  
29 quarters within a city jail used for the detention of delinquent

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1 juveniles.

2 (d) A "delinquent minor" shall be any minor who the  
3 court shall determine to be within the provisions of subsections  
4 1, 2, 3 or 6 of Section 4 of this Article.

5 (e) A "dependent minor" shall be any minor who the  
6 court shall determine to be within the provisions of subsections  
7 4, 5, 6, 7, 8, or 9 of Section 4 of this Article.

8 (f) "Court" shall mean the justices' courts of the  
9 Territory of Alaska.

10 (g) The singular includes the plural, the plural the  
11 singular, and the masculine the feminine, when consistent with  
12 the intent of the Act.

13 Sec. 2 PURPOSE OF ACT. The purpose of this Act is to se-  
14 cure for each minor such care and guidance as is as nearly as possi-  
15 ble equivalent to that which should be given him by his parents.

16 The principle is hereby recognized that minors under the  
17 jurisdiction of the court are wards of the Territory, subject to  
18 its discipline and entitled to its protection, and that the Terri-  
19 tory may act to safeguard them from neglect or injury and to  
20 enforce the legal obligations due to them and from them.

21 Sec. 3 CONSTRUCTION OF ACT. The Act shall be liberally  
22 construed to accomplish the purpose herein stated.

23 Sec. 4. JURISDICTION. Except as otherwise provided herein,  
24 and subject to the prior jurisdiction of the United States District  
25 Court in Alaska, jurisdiction in cases of minors under eighteen  
26 years of age shall be vested in the justices' courts, which shall  
27 have exclusive original jurisdiction in proceedings concerning  
28 any minor residing or found in this Territory who:

29 (1) has violated any law of the United States or

1 the Territory, or any ordinance or regulation of a  
2 political subdivision of the Territory;

3 (2) by reason of being wayward or habitually disobedient  
4 is uncontrolled by his parent, guardian or custodian;

5 (3) is habitually truant from school or home, or  
6 habitually so conducts himself as to injure or endanger the  
7 morals or health of himself or others;

8 (4) is abandoned by his parent, guardian or custodian;

9 (5) lacks proper parental care by reason of the faults,  
10 habit or neglect of his parent, guardian or custodian;

11 (6) associates with vagrant, vicious or immoral  
12 people, or engages in an occupation or is in a situation  
13 dangerous to life or limb or injurious to the health,  
14 morals, or welfare of himself or others;

15 (7) is a full orphan who has no relatives willing  
16 and able to assume custody and care;

17 (8) has been released by his parent or parents,  
18 or guardian, to the Department of Public Welfare for  
19 adoptive purposes; or

20 (9) is in need of special care or training not  
21 otherwise provided.

22 Provided, that said justice's court may waive jurisdiction  
23 to the city magistrate's court in the case of a minor who has  
24 violated any traffic ordinance or regulation of an incorporated  
25 municipality; Provided further, that when jurisdiction is so  
26 waived to the magistrate's court, the procedure prescribed in  
27 Sections 5 through 10 of this Article need not be followed,  
28 except that a parent, guardian or legal custodian shall be present  
29 at all proceedings in the magistrate's court.

1       The justice's court shall also have exclusive jurisdiction  
2 in any controversy concerning the custody of a minor, except  
3 divorce actions, actions for separate maintenance and actions  
4 under the Uniform Reciprocal Enforcement of Support Act. The  
5 justice's court shall have the power to appoint a guardian of the  
6 person and property of any minor within its jurisdiction and  
7 shall have the power to order support from either parent or from  
8 both. In any of the aforesaid actions cognizable in the District  
9 Court, the District Court may order the minor delivered to the  
10 custody of the Welfare Department, if the Court deems such action  
11 in the best interest of the minor, and in such case the Welfare  
12 Department shall receive such money as the Court may order paid  
13 for the support of the child.

14       Sec. 5. INFORMATION: INVESTIGATION: PETITION. Whenever  
15 any person informs the court of such facts as shall bring a minor  
16 within the purview of this Act, the court shall appoint a com-  
17 petent person or agency to make a preliminary inquiry and report  
18 for the information of the court to determine whether the in-  
19 terests of the public or of the minor require that further action  
20 be taken. Upon the receipt of such report, the court may in-  
21 formally adjust or dispose of the matter without a hearing, or it  
22 may authorize any person having knowledge of the facts of the  
23 case to file with the court a petition setting forth said facts.  
24 Where the court informally adjusts or disposes of the matter, the  
25 minor shall not be detained or taken into the custody of the  
26 court, and the matter shall be closed by the court upon such  
27 adjustment or disposition.

28       The petition and all subsequent pleadings shall be styled as  
29 follows: "In the matter of \_\_\_\_\_, a minor

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

4 (1) The name, address and occupation of the peti-  
5 tioner, together with his relationship to the minor,  
6 if any, and his interest in the matter.

7 (2) The name, age and address of the minor.

8 (3) A brief statement of the facts which bring the  
9 minor within the purview of this Act.

10 (4) The names and addresses of the minor's parents.

11 (5) The name and address of the minor's guardian,  
12 or of the person having control or custody of the minor.

13 If any of the facts herein required are not known by  
14 the petitioner, he shall state in his petition that  
15 such facts are unknown to him.

16 Sec. 6. SUMMONS: NOTICE: SUBPOENAS: CUSTODY OF MINOR.

17 After a petition has been filed and after such further investi-  
18 gation as the court may direct, and if the person or persons  
19 having custody or control of the minor have not appeared volun-  
20 tarily, the court shall issue a summons reciting briefly the  
21 substance of the petition and directing the person or persons  
22 having custody or ~~control~~ of the minor to appear personally in  
23 court with the minor at such place and at such time as may be set  
24 forth in the summons. If any person so summoned shall be other  
25 than the parent or guardian of the minor, the court shall also  
26 give the parent or guardian notice of the place, date and time  
27 of the hearing. The court may also subpoena the parent of the  
28 minor, or any other person whose testimony may be necessary at  
29 the hearing. A summons, subpoena or any other process may be

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1 served by any person authorized under Alaska law to make such  
2 service. Where personal service cannot be effected, the court  
3 may direct that service of process be made by registered mail.

4 If it appears that the minor is in such condition or sur-  
5 roundings that his welfare requires the immediate assumption of  
6 his custody by the court, the court may order, by endorsement  
7 upon the summons, that the officer serving the same shall at  
8 once take the minor into custody and make such temporary place-  
9 ment as the court may direct.

10 Sec. 7. RELEASE OF MINOR. Any minor taken into custody  
11 may, in the discretion of the court and upon the written promise  
12 of the parent, guardian or custodian to bring the minor before  
13 the court at any time specified by the court, be released to  
14 the care and custody of the said parent, guardian or custodian.  
15 Such minor, if not so released, shall be detained as provided  
16 under Section 15 of this Act. The court may determine whether  
17 the father or mother, or any other person, shall have the custody  
18 and control of the minor for the duration of said proceedings.  
19 If the minor is over fourteen (14) years of age, his desires in  
20 the matter shall be given consideration by the court.

21 Sec. 8. APPOINTMENT OF GUARDIAN AD LITEM. Whenever in the  
22 course of proceedings instituted under this Act it shall appear  
23 to the court that the welfare of a minor will be promoted by the  
24 appointment of a guardian ad litem, the court shall have juris-  
25 diction to make such appointment.

26 Sec. 9. WAIVER OF JURISDICTION. If a minor over sixteen  
27 (16) years of age is charged with an offense which, if committed  
28 by an adult, would constitute a felony, the court, after a pre-  
29 liminary hearing, may waive the jurisdiction vested in it by this

1 Act, and order such minor transferred to the jurisdiction of the  
2 District Court to answer the offense charged.

3       Sec. 10. HEARINGS: NOTICE: EXCLUSION OF PUBLIC: JUDGMENTS  
4 AND ORDERS: CONFIDENTIALNESS OF RECORDS: DISCLOSURE OF CHILD'S  
5 NAME: PENALTIES:

6           (1) Hearings. The court may conduct the hearing in an  
7 informal manner in the courtroom or in chambers. All hearings  
8 under this Act shall be without a jury and the usual rules of  
9 evidence shall not apply. The court shall give notice of the  
10 hearing to the Department of Public Welfare and to the Department  
11 of Juvenile Institutions, which departments shall each have the  
12 right to send a representative to the hearing. The court shall  
13 also transmit a copy of the petition to each department. The  
14 representatives of said departments shall also have the right to  
15 be heard at the hearing. The public shall be excluded from all  
16 hearings, but the court, in its discretion, may permit certain  
17 persons to attend a hearing, if such attendance shall be com-  
18 patible with the best interests of the minor.

19           (2) Judgments and Orders. The court, upon the con-  
20 clusion of the hearing, shall make a determination and enter a  
21 judgment either finding that the minor does not fall within the  
22 purview of this Act, or that he falls within a provision or  
23 provisions of Section 4 of this Article. If the minor is found  
24 not to fall within the purview of this Act, the court shall forth-  
25 with order his release from its custody and his return to his  
26 parents, guardian or custodian, and the case shall thereafter be  
27 closed by the court. If the court shall find that the minor  
28 falls within the purview of this Act, the court may enter any one  
29 of the following orders:

1 (a) If the child is found by the court to be a  
2 "delinquent minor" as defined in Section 1(d) of this  
3 Article, the court may commit the minor to the custody of  
4 the Department of Juvenile Institutions for a specified  
5 period, not to exceed three years, and direct his deten-  
6 tion in such juvenile correctional school, detention  
7 home, or detention facility as the Department may  
8 designate.

9 (b) If the child is found by the court to be a  
10 "dependent minor" as defined in Section 1(e) of this  
11 Article, the court may commit the child to the Depart-  
12 ment of Public Welfare for a specified period not ex-  
13 ceeding three years.

14 (c) In every case where the minor is found either  
15 delinquent or dependent, as defined in this Article, the  
16 court may release the minor to the custody of his parents,  
17 guardian or any other suitable person. A delinquent  
18 minor so released shall be subject to the general super-  
19 vision of the Department of Juvenile Institutions, and  
20 a dependent child so released shall be subject to the  
21 general supervision of the Department of Public Welfare.

22 Upon entering an order of commitment, the court shall trans-  
23 mit a copy of its information and findings, together with the  
24 order of commitment, to the appropriate Territorial department.  
25 A report as to the disposition and progress of the case shall be  
26 made to the court committing the minor by the agency or person  
27 to whom the minor is committed, at such times as the court may  
28 require. Either Department may petition the court for final  
29 release of a minor from its custody.

1        No adjudication upon the status of any child shall operate  
2 to impose any of the civil disabilities ordinarily imposed by  
3 conviction upon a criminal charge, nor shall any minor be there-  
4 after deemed a criminal by such adjudication, nor shall such  
5 adjudication be thereafter deemed a conviction, nor shall any  
6 minor be charged with or convicted of a crime in any court, ex-  
7 cept as provided in this Act. The commitment and placement of a  
8 child or any evidence given in the court shall not be admissible  
9 as evidence against the minor in any subsequent case or proceed-  
10 ings in any other court, nor shall such commitment and place-  
11 ment or evidence operate to disqualify a minor in any future  
12 civil service examination or appointment in the Territory.

13        The Department of Juvenile Institutions shall pay all court  
14 costs incurred in all proceedings in connection with the adjudi-  
15 cation of delinquency under this Act, including hearings which  
16 result in the release of the minor.

17        (3) Records. The court shall make and keep records  
18 of all cases brought before it. The court's official records  
19 may be inspected only with the court's permission and only by  
20 persons having a legitimate interest therein. All information  
21 and social records pertaining to a minor and prepared in the dis-  
22 charge of his official duty by any employee of the court or by  
23 a Federal, Territorial or city agency shall be privileged and  
24 shall not be disclosed directly or indirectly to anyone without  
25 the court's permission. Any Territorial or city law enforcement  
26 agency shall be required to disclose any information regarding  
27 such case as shall be required by the person or agency charged  
28 with making a preliminary investigation for the information of  
29 the court.

1           (4) Disclosure of name of or taking picture of minor  
2 The name or picture of any minor under the jurisdiction of the  
3 court shall not be made public by any newspaper, radio, or tele-  
4 vision station in connection with said minor's status as a  
5 delinquent or dependent child, except as authorized by order of  
6 the court. Any person who violates this provision shall be  
7 guilty of a misdemeanor, and upon conviction may be punished by  
8 a fine not exceeding \$500.00 or by imprisonment not exceeding  
9 one year, or by both such fine and imprisonment.

10           Sec. 11. RETENTION OF JURISDICTION: STAY OF EXECUTION:  
11 AMENDING: VACATING OR ARRESTING JUDGMENT: NEW HEARING: RELEASE  
12 OF CUSTODY: DURATION OF DEPARTMENT'S CONTROL. The court shall  
13 retain jurisdiction over the case and may at any time stay exe-  
14 cution, modify, set aside, revoke, or enlarge a judgment or order,  
15 or grant a new hearing, in the exercise of its power of pro-  
16 tection over the minor and for his best interest, until he be-  
17 comes 21 years of age, unless sooner discharged by the court.  
18 An application for any such purpose may be prepared by the  
19 parent, guardian, or custodian acting in behalf of the said  
20 minor, or the court may, on its own motion, and after giving  
21 reasonable notice to interested parties and the appropriate de-  
22 partment, take such action as it may deem appropriate. Upon any  
23 rehearing, if the court shall determine that it is for the best  
24 interests of the said minor that he be released to the care or  
25 custody of his parent, guardian, or custodian, it may enter an  
26 order to that effect and the minor shall thereupon be discharged  
27 from the control of the Department in whose custody he has been  
28 committed.

29           Where a minor has been adjudicated a delinquent or a

1 dependant before his eighteenth birthday, the court may retain  
2 jurisdiction over him after his eighteenth birthday for the pur-  
3 pose of supervising his rehabilitation, but in no case shall the  
4 court's jurisdiction over him under this Act extend beyond his  
5 twenty-first birthday. The Department of Juvenile Institutions  
6 and the Department of Public Welfare may likewise retain juris-  
7 diction over a child between his eighteenth and twenty-first  
8 birthdays for the purpose of supervising his rehabilitation, where  
9 he was adjudicated and committed to the custody of either depart-  
10 ment before his eighteenth birthday.

11       Sec. 12. APPOINTMENT OF GUARDIAN OR CUSTODIAN. Whenever in  
12 the course of a proceeding instituted under this Act it shall  
13 appear to the court that the welfare of a minor will be promoted  
14 by the appointment of a guardian or custodian of his person, the  
15 court shall have jurisdiction to make such appointment. The  
16 court shall cause a summons to be issued and served upon the  
17 parents of such minor, if they can be found, in such manner and  
18 within such time prior to the hearing as the court may deem  
19 reasonable. The court may determine whether the father, mother,  
20 the Department of Public Welfare, or the Department of Juvenile  
21 Institutions shall have the custody and control of the minor. If  
22 the minor is over fourteen (14) years of age, his desires in the  
23 matter shall be given consideration by the court.

24       Sec. 13. SUPPORT OF MINOR. Whenever a minor is committed  
25 under the provisions of this Act the court may, after giving the  
26 parent a reasonable opportunity to be heard, adjudge that such  
27 parent shall pay in such manner as the court may direct such sum  
28 as will cover in full or in part the support of such minor and if  
29 such parent shall wilfully fail or refuse to pay such sum, he

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1 may be proceeded against as provided by law in cases of family  
2 desertion and non-support.

3 Any sum collected from any parent shall be directly credited  
4 or applied to the support of his child and the Department or  
5 agency in whose custody he may be placed is hereby authorized to  
6 receive such support payments.

7 Sec. 14. PLACE OF DETENTION. No minor under eighteen (18)  
8 years of age who is detained pending hearing shall be incarcerated  
9 in a jail unless assigned to separate quarters so that they can-  
10 not communicate with or view adult prisoners convicted of, under  
11 arrest for, or charged with a crime. Whenever a minor is de-  
12 tained pending hearing, his parent or parents, guardian, or  
13 custodian shall be notified immediately.

14 Sec. 15. SAVING POWER OF ARREST. Nothing in this Act shall  
15 be construed as forbidding any peace or police officer from  
16 immediately taking into custody and detaining without process,  
17 subject to the provisions of Section 14, any minor who is found  
18 violating any law or ordinance, or who is reasonably believed  
19 to be a fugitive from justice, or from his parents, guardian, or  
20 other person having legal custody of the minor. In every such  
21 case, the officer taking the minor into custody shall immediately  
22 report the fact to the court. The court shall then confirm in  
23 writing its directive in such cases.

24 ARTICLE II

25 Department of Juvenile Institutions

26 Section 1. BOARD; CREATION; APPOINTMENT; TERMS. There is  
27 hereby created a Board of Juvenile Institutions, which shall be  
28 composed of five members. One member shall be appointed from  
29 each division, and one from the Territory at large. The term of

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1 each member shall be five years. The present members of the Board  
2 of Juvenile Institutions created under Chapter 134, SLA 1955, shall  
3 be the first members of the Board under this Act, and shall serve  
4 for the terms for which they have been duly appointed and confirmed  
5 Vacancies on the Board at the passage of this Act shall be filled  
6 by appointment of the Governor for the periods designated in Sec.  
7 tion 1, Chapter 134, SLA 1955. The members of the Board shall  
8 serve until the expiration of their terms and new appointees shall  
9 serve for the full five-year term. Confirmation of appointments  
10 shall be made in accordance with Chapter 64, SLA 1955.

11       Sec. 2. BOARD: MEETINGS; EXPENSES. Members of the Board  
12 shall receive no salary, but shall be entitled to the amount of  
13 per diem and expenses authorized by general law. The Board shall  
14 meet at such times and places as may be necessary to carry out  
15 the duties imposed by this Act. The Board may adopt rules for  
16 the performance of its functions, and shall elect a chairman and  
17 vice-chairman from its membership.

18       Sec. 3. BOARD: GENERAL POWERS. The Board of Juvenile Insti-  
19 tutions shall have, but not by way of limitation, the following  
20 powers:

21       (a) To supervise all operations of the Department of  
22 Juvenile Institutions

23       (b) To appoint a qualified Director of Juvenile Institu-  
24 tions, who shall be the executive officer and secretary of the  
25 Board; to fix his compensation and set such policies and staffing  
26 procedures as is necessary for the efficient conduct of the work  
27 of the office of the director.

28       (c) To supervise the expenditure of such funds as may  
29 be appropriated.

1 (d) To approve the purchase, lease or construction of  
2 buildings or other juvenile detention facilities as are herein-  
3 after provided for in this Act.

4 (e) To approve, modify or alter the findings and  
5 recommendations of the Director regarding the need, number, type,  
6 construction, maintenance and operating costs of juvenile homes,  
7 juvenile detention facilities, and other juvenile institutions,  
8 and to adopt plans for construction of such homes, facilities  
9 and institutions.

10 (f) To adopt rules, standards and regulations pursuant  
11 to this Act for the design, construction, repair, maintenance and  
12 operation of all juvenile detention homes, facilities, and in-  
13 stitutions in Alaska.

14 (g) To review and approve or disapprove the selection  
15 by the Director of the site, plans, specifications and erection  
16 of buildings for such juvenile detention homes and facilities,  
17 or other such institutions as may be constructed, and to require  
18 the Director to inspect periodically each such juvenile deten-  
19 tion home, facility or other such institution, to insure that the  
20 standards and regulations adopted are being maintained.

21 (h) To reimburse cities maintaining and operating  
22 juvenile detention homes and facilities in accordance with the  
23 provisions hereinafter set forth.

24 (i) To enter into appropriate contracts and arrange-  
25 ments with cities and Territorial and Federal agencies to carry  
26 out the purposes of this Act.

27 (j) To do all other acts necessary to carry out the  
28 purposes of this Act.

29 (k) To delegate to the Director any or all of the above

1 powers it deems necessary for the efficient administration of the  
2 Act.

3 (l) To adopt such rules and regulations as may be  
4 necessary to carry out the provisions of this Act.

5 (m) To accept donations, gifts or bequests of money  
6 or other property to be used in the construction of juvenile  
7 homes or detention facilities.

8 (n) To assume the operation of juvenile homes when  
9 municipalities are unable to continue their operation.

10 (o) To receive, care for, and place in a juvenile  
11 detention home, the minors own home, a foster home, or correctional  
12 school or treatment institution all minors committed to his custody  
13 under this Act.

14 Sec. 4. DIRECTOR: GENERAL POWERS AND DUTIES. The Director  
15 shall be the executive and administrative head of the Department  
16 of Juvenile Institutions, and shall have the power and duty to:

17 (a) Exercise under the general supervision of the  
18 Board the activities of the Department of Juvenile Institutions.

19 (b) Appoint and remove employees, prescribe their  
20 qualifications and duties, and fix their compensation.

21 (c) Organize and administer the Department in  
22 accordance with the provisions of this Act.

23 (d) Delegate and assign to any duly appointed assis-  
24 tant, specialist or employee such duties as may be required of him,

25 (e) Enter into, with the prior approval of the Board,  
26 contracts with any Federal, Territorial or city agencies to  
27 carry out the purposes of this Act.

28 (f) Accept all minors committed to the custody of  
29 the Department of Juvenile Institutions and to provide for the

1 welfare, control, care, custody and placement of such children  
2 in accordance with the provisions of this Act.

3 (g) Require and collect statistics on juvenile  
4 offenses and offenders handled by all municipal and justice  
5 courts in Alaska having juvenile jurisdiction.

6 (h) Do all other acts necessary and within his powers  
7 and duties to carry out the provisions of this Act.

8 (i) Conduct studies and prepare findings and recommenda-  
9 tions to the Board on the need, number, type, construction, main-  
10 tenance and operating costs of juvenile homes, facilities and  
11 such other institutions, and to adopt and submit a plan for con-  
12 struction of such homes, facilities and institutions when needed,  
13 together with a plan for financing such construction programs.

14 (j) Examine, where possible, all facilities, insti-  
15 tutions and places of juvenile detention in Alaska and inquire  
16 into their methods and the management of juveniles therein.

17 Sec. 5. CITIES: POWER TO MAINTAIN AND OPERATE HOME OR  
18 FACILITY. Any incorporated municipality having a population of  
19 1700 or more, according to the last preceding decennial census,  
20 or found by the Board to presently have a population of 1700 or  
21 more, may maintain and operate a juvenile detention home or  
22 facility.

23 Said municipalities are further authorized to receive any  
24 grants-in-aid from the Territorial Government for costs of  
25 operation of such homes or facilities as may be authorized by law.

26 Sec. 6. APPLICATION OF MUNICIPALITIES FOR JUVENILE HOME OR  
27 FACILITY. Any authorized municipality may, by written applica-  
28 tion, request the Board to furnish a juvenile detention home or  
29 contribute to the support of a juvenile detention facility within

1 said municipality or reasonably close thereto. The application  
2 shall be in such form, and shall contain such data and other  
3 information as may be required by the Board.

4       Sec. 7. BOARD: POWER TO PROVIDE HOME OR CONTRIBUTE TO  
5 SUPPORT OF DETENTION FACILITY.

6           (1) Juvenile home. Upon the approval of the applica-  
7 tion of any municipality for such juvenile home, the Board shall  
8 have the power to construct, lease, or purchase such home, or  
9 it may reimburse the municipality for the cost of constructing  
10 such home.

11           (2) Juvenile detention facility. Upon the approval  
12 of the municipality's application for support of a juvenile  
13 detention facility, the Board shall have the power to contract  
14 with the municipality for the payment of monies to support such  
15 facility.

16       No juvenile homes shall be constructed under this Act either  
17 by the Territory, or by the municipality when the Territory will  
18 be requested to reimburse the municipality for such construction,  
19 unless the plans and specifications for such homes shall have  
20 been first approved by the Board of Juvenile Institutions. No  
21 juvenile homes constructed wholly with Territorial funds shall  
22 revert or be transferred to the municipality without just com-  
23 pensation to the Territory.

24       Sec. 8. OPERATION OF HOMES AND FACILITIES.

25           (1) Standards, rules and regulations for operation.  
26 The Board of Juvenile Institutions, through the Director of the  
27 Department, shall promulgate standards, rules and regulations for  
28 the operation of all juvenile detention homes and juvenile  
29 detention facilities in Alaska.

1           (2) Operating contracts; In general. The Board,  
2 through the Director of Juvenile Institutions, may enter into  
3 contracts with municipalities covering operation of juvenile  
4 homes and facilities, but such contracts shall not be made for  
5 a longer period than two years. Such contracts shall cover, but  
6 shall not be limited to, the number and kinds of employees;  
7 salaries, hours of work, qualifications, and working conditions  
8 of employees; and other matters relating to the operation of  
9 said homes and facilities. Such contracts may be cancelled by  
10 the Board of Juvenile Institutions upon thirty days' notice to  
11 the municipality for failure of the municipality to abide by the  
12 rules, regulations and standards adopted by the Board.

13           (3) Contracts with municipalities for care of resi-  
14 dent children. The Board, through the Director, may enter into  
15 a contract with any municipality having a juvenile detention  
16 home or facility to provide for the commitment of resident  
17 juveniles in its home or facility. The Board of Juvenile Insti-  
18 tutions is authorized to pay not more than fifty per cent of the  
19 cost of caring for such resident children in the municipality's  
20 home or facility.

21           (4) Contracts with municipalities having home or  
22 facility to receive non-resident children. The Board, through  
23 the Director of Juvenile Institutions, may enter into a contract  
24 with any municipality having a juvenile detention home or  
25 facility for the commitment in the municipality's home or facility  
26 of children who live outside of said municipality. No contract  
27 shall be made for a period of longer than two years. Every  
28 municipality having a juvenile home or facility shall be required  
29 to receive such non-resident children, when vacancies exist in

1 said home or facility and the receipt of said non-resident child-  
2 ren is not inconsistent with the receiving municipality's needs  
3 for its own juveniles. Where the child committed is a resident  
4 of another municipality, said municipality and the Board shall  
5 each pay fifty per cent of the cost of caring for said child  
6 during his commitment. Where the child is not a resident of  
7 any municipality, the Board shall pay the entire cost of his  
8 care. In no event shall the municipality having detention  
9 facilities pay the cost of caring for non-resident children.

10 (5) Contracts with municipalities not having juvenile  
11 home or detention facility. The Board, through the Director, may  
12 enter into a contract with municipalities not having a juvenile  
13 detention home or facility which provides for the commitment of  
14 resident minors in a home or facility in some other municipality.  
15 Such contract shall not be made for a period longer than two  
16 years. Such municipality not having a juvenile detention home  
17 or facility shall pay fifty per cent of the cost of caring for  
18 said children in a home or facility in some other city.

19 (6) Contracts with municipalities not having juvenile  
20 detention home or facility where minor committed to Board by  
21 city magistrate. The Board, through the Director, may enter  
22 into a contract with any municipality not having a juvenile home  
23 or detention facility to provide for the care, in detention  
24 homes or facilities in other municipalities, of juveniles com-  
25 mitted to the Department by the city magistrate. No contract  
26 shall be made for a longer period than two years. The muni-  
27 cipality having no detention facilities and the Board shall each  
28 bear fifty per cent of the cost of caring for said child during  
29 his commitment in such other city.

1           (7) Contracts with municipality for detention of minor  
2 before commitment. The Board, through the Director, may contract  
3 with any municipality having juvenile detention facilities for  
4 the detention of any minor who is in the custody of the Board  
5 prior to a hearing and adjudication of the said child's status.  
6 No contract shall be made for a longer period than two years,  
7 If the child detained prior to the hearing is a resident of the  
8 municipality in which he is detained, said municipality and the  
9 Board shall each bear fifty per cent of the cost of his care  
10 while so detained. If the child is not a resident of the muni-  
11 cipality in which he is detained, the Board shall pay the cost of  
12 his detention, or, if the child is a resident of another munic-  
13 ipality, the Board and the municipality in which the child resides  
14 shall each pay fifty per cent of the cost of his care prior to  
15 said hearing and adjudication.

16           Sec. 9. CONDITIONS GOVERNING DETENTION. Whenever the court  
17 commits a minor to the custody of the Director, the latter shall  
18 arrange to place such juvenile in a detention home, facility or  
19 such other suitable place as the Director may designate for that  
20 purpose. A juvenile detained in a jail or similar institution  
21 at the request of the Director shall be held in custody in a  
22 room or other place apart and separate from adults.

23           Sec. 10. RELEASING JUVENILES AFTER COMMITMENT. A juvenile  
24 delinquent who has been committed and who by his conduct has  
25 given sufficient evidence that he has reformed, may be released  
26 at any time under such conditions and regulations as the Board of  
27 Juvenile Institutions deems proper, if it shall appear to the  
28 satisfaction of such Board that there is a reasonable probability  
29 that the juvenile will remain at liberty without violating the law.

1           Sec. 11. POWERS AND DUTIES OF PROBATION OFFICERS. The  
2 Board of Juvenile Institutions, through its Director, may employ  
3 youth counsellors who shall exercise the duties of probation  
4 officers and shall prepare preliminary investigations for the  
5 information of the court. They shall also carry out such other  
6 duties in the care and treatment of minors as is consistent with  
7 the intent of this Act.

8           All youth counsellors shall possess all of the powers of a  
9 peace officer with respect to the service of process, the making-  
10 of arrests of minors who have violated Territorial or municipal  
11 law, and the execution of orders of the court relating to  
12 juveniles. Such youth counsellors shall assist and advise the  
13 courts in the furtherance of the welfare and control of any  
14 minor under the court's jurisdiction.

15           Sec. 12. TRANSFER OF CUSTODY BETWEEN DEPARTMENTS. All  
16 minors who are adjudged delinquent within the meaning of this  
17 Act while in the custody of the Department of Public Welfare  
18 shall be transferred to the custody of the Department of  
19 Juvenile Institutions. Upon such transfer, the Department of  
20 Public Welfare shall be relieved of all responsibility for the  
21 minor whose custody has been transferred. The Department of  
22 Public Welfare shall transfer to the Department of Juvenile  
23 Institutions all records pertaining to the minor whose custody  
24 has been transferred.

25           Sec. 13. GRANTS-IN-AID. The Board of Juvenile Institutions  
26 is hereby authorized to accept any grants-in-aid from the Federal  
27 Government, private foundations or gifts consistent with the  
28 purposes of this Act.

29           Sec. 14. MERIT SYSTEM. The Board of Juvenile Institutions

1 is hereby authorized, at its option, to become a member of the  
2 Alaska Merit System or such other merit system as may be necessary  
3 to qualify for special federal funds.

4 ARTICLE III

5 Duties of Department of Public Welfare

6 Section 1. POWERS AND DUTIES WITH RESPECT TO CARE OF CHILD.

7 The Department of Public Welfare shall arrange for care of every  
8 child committed to its custody by placing him in a foster home or  
9 in the care of an agency or institution providing care for children  
10 within or outside the Territory of Alaska. The Department may  
11 place such child in a suitable family home, with or without  
12 compensation, and may place any child released to it, in writing  
13 verified by the parent or parents, or guardian or other person  
14 having legal custody, for adoptive purposes, in a home for adoption  
15 in accordance with existing law. The Department is authorized to  
16 pay such costs of maintenance as may be necessary to assure ade-  
17 quate care of such child, and is also authorized to accept in be-  
18 half of the Territory such funds from the Federal Government  
19 as may be contributed or granted to assist in carrying out the  
20 purpose of this Act, or as may be paid under contract entered into  
21 with any Federal department or agency. No child under the care of  
22 the Department shall be placed in a family home or institution  
23 that does not maintain adequate standards of care.

24 Sec. 2. VISITING HOME OR INSTITUTION WHERE CHILD PLACED:

25 REMOVAL OF CHILD: REPORTS. A representative of the Department  
26 shall visit as often as is deemed necessary, every foster home  
27 or institution in which any child has been placed, and if not  
28 satisfied as to the care given, may remove such child from the  
29 foster home or institution and place him elsewhere.

1 Any person or institution receiving any such child shall sub-  
2 mit such reports as to the education, health and welfare of the  
3 child and the conditions under which he is living, as may be re-  
4 quired by the Department.

5 Sec. 3. STANDARDS OF CARE. The Department of Public Welfare  
6 shall establish standards of care and rules and regulations desir-  
7 able for the welfare of any child under its care.

8 Sec. 4. PAYMENT OF COSTS. To carry this Act into effect,  
9 the proper and necessary costs of the court and witnesses and  
10 other expenses necessarily incurred in enforcement of this article  
11 shall be borne by the Department of Public Welfare from funds made  
12 available to it under the provisions of this Act.

13 ARTICLE IV

14 Appropriations, Repeal and Effective Date

15 Section 1. APPROPRIATION. Funds to carry out the provisions  
16 of this Act shall be provided for in the General Appropriation  
17 Act of the Alaska Legislature.

18 Sec. 2. REPEAL OF CERTAIN LEGISLATION RELATING TO JUVENILES.  
19 Sections 51-3-1 through 51-3-19 ACLA 1949; Chapter 48, SLA 1955;  
20 and Chapter 134, SLA 1956, are hereby repealed.

21 Sec. 3. SEVERABILITY. The fact that any section, subsection,  
22 sentence, clause or phrase in this Act is declared invalid for  
23 any reason shall not affect the remaining portions of this Act.

24 Sec. 4. EMERGENCY. An emergency is hereby declared to exist  
25 and this Act shall be in full force and effect from and after the  
26 date of its passage and approval.

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SB #86 Enrolled as amended