

1 IN THE HOUSE

BY THE RULES COMMITTEE BY REQUEST  
OF THE LEGISLATIVE COUNCIL

2 HOUSE BILL NO. 255

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 FIRST LEGISLATURE - SECOND SESSION

5 A BILL

6 For an Act entitled: "An Act relating to juveniles; amending  
7 Sec. 10(2), Article I, Ch. 145, SLA 1957."

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

9 Section 1. Sec. 10(2), Article I, Ch. 145, SLA 1957 is  
10 amended to read as follows:

11 (2) JUDGMENTS AND ORDERS. The court, upon the  
12 conclusion of the hearing, shall make a determination and  
13 enter a judgment either finding that the minor does not fall  
14 within the purview of this Act, or that he falls within a  
15 provision or provisions of Section 4 of this Article. If  
16 the minor is found not to fall within the purview of this  
17 Act, the court shall forthwith order his release from its  
18 custody and his return to his parents, guardian or custodian,  
19 and the case shall thereafter be closed by the court. If  
20 the court shall find that the minor falls within the purview  
21 of this Act, the court may enter any one of the following  
22 orders:

23 (a) If the child is found by the court to be  
24 a "delinquent minor" as defined in Section 1(d) of this  
25 Article, the court may

26 1. commit the minor to the custody of  
27 the Department of Health and Welfare [JUVENILE  
28 INSTITUTIONS] for a specified period, not to exceed  
29 three years, and direct his detention in such

1 juvenile correctional school, detention home, or  
2 detention facility as the Department may designate;  
3 or

4 2. release the minor to the custody of  
5 his parents, guardian or any other suitable per-  
6 son; provided that said minor so released be sub-  
7 ject to the general supervision of the Department  
8 of Health and Welfare.

9 (b) If the child is found by the court to be  
10 a "dependent minor" as defined in Section 1(e) of this  
11 Article, the court may

12 1. commit the child to the Department  
13 of Health and Welfare [PUBLIC HEALTH] for a speci-  
14 fied period not exceeding three years, or

15 2. release the minor to the custody of  
16 his parents, guardian or any other suitable per-  
17 son; provided that said minor so released be sub-  
18 ject to the general supervision of the Department  
19 of Health and Welfare, or

20 3. by order, terminate parental rights  
21 and responsibilities of one or both parents and  
22 commit the child to the Department of Health and  
23 Welfare or to a legally appointed guardian of the  
24 person of the child; provided that one of the  
25 following conditions exists:

26 1. the parent wishes to relinquish  
27 the child to the Department of Health and  
28 Welfare or to a legally appointed guardian of  
29 the person of the child for adoptive purposes,

1 and the relinquishment is in writing, signed  
2 and acknowledged before the court or duly  
3 authorized representative of the Department and  
4 filed with the court; or

5 ii. the child has been abandoned  
6 by the parent for a period of not less than  
7 six months; or

8 iii. the parent has been judicially  
9 determined to be of unsound mind and the disa-  
10 bility has not been removed or the parent has  
11 been hospitalized for reasons of mental ill-  
12 ness diagnosed as permanent or of long dura-  
13 tion; or

14 iv. the parent has demonstrated by  
15 his conduct that he is unfit to continue to  
16 exercise his parental rights and responsibili-  
17 ties.

18 Such order shall authorize the commis-  
19 sioner of Health and Welfare or his designee, or  
20 the guardian of the person of the child to consent  
21 to the adoption of the child.

22 [(C) IN EVERY CASE WHERE THE MINOR IS FOUND  
23 EITHER DELINQUENT OR DEPENDENT, AS DEFINED IN THIS  
24 ARTICLE, THE COURT MAY RELEASE THE MINOR TO THE CUSTODY  
25 OF HIS PARENTS, GUARDIAN OR ANY OTHER SUITABLE PERSON.  
26 A DELINQUENT MINOR SO RELEASED SHALL BE SUBJECT TO THE  
27 GENERAL SUPERVISION OF THE DEPARTMENT OF JUVENILE  
28 INSTITUTIONS, AND A DEPENDENT CHILD SO RELEASED SHALL BE  
29 SUBJECT TO THE GENERAL SUPERVISION OF THE DEPARTMENT OF

1 PUBLIC WELFARE.]

2 Upon entering an order of commitment, the court  
3 shall transmit a copy of its information and findings, to-  
4 gether with the order of commitment, to the appropriate  
5 state [TERRITORIAL] department. A report as to the disposi-  
6 tion and progress of the case shall be made to the court  
7 committing [COMMITTING] the minor by the agency or person to  
8 whom the minor is committed, at such times as the court may  
9 require. The [EITHER] Department may petition the court for  
10 final release of a minor from its custody.

11 No adjudication upon the status of any child shall  
12 operate to impose any of the civil disabilities ordinarily  
13 imposed by conviction upon a criminal charge, nor shall any  
14 minor be thereafter deemed a criminal by such adjudication,  
15 nor shall such adjudication be thereafter deemed a convic-  
16 tion, nor shall any minor be charged with or convicted of a  
17 crime in any court, except as provided in this Act. The  
18 commitment and placement of a child or any evidence given in  
19 the court shall not be admissible as evidence against the  
20 minor in any subsequent case or proceedings in any other  
21 court, nor shall such commitment and placement or evidence  
22 operate to disqualify a minor in any future civil service  
23 examination or appointment in the state [TERRITORY]. .

24 The Department of Health and Welfare [JUVENILE  
25 INSTITUTIONS] shall pay all court costs incurred in all pro-  
26 ceedings in connection with the adjudication of delinquency  
27 under this Act, including hearings which result in the re-  
28 lease of the minor.

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