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IN THE HOUSE

BY RULES COMMITTEE  
BY REQUEST OF THE GOVERNOR

HOUSE BILL NO. 324

IN THE LEGISLATURE OF THE STATE OF ALASKA

FIRST LEGISLATURE - SECOND SESSION

A BILL

For an Act entitled: "An Act to provide for an Interstate Compact on Juveniles; to permit out-of-State supervision of a delinquent juvenile; to provide for the return to their home-state of runaways; to provide for the return of absconders and escapees; to authorize agreements for the cooperative institutionalization of special types of juveniles; and providing an appropriation of \$1000.00 for the current fiscal year."

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

Section 1. EXECUTION OF COMPACT. The Governor of the State of Alaska is hereby authorized and directed to execute a compact on the behalf of the State of Alaska with any other state or states legally joining therein in the form substantially as follows:

INTERSTATE COMPACT ON JUVENILES

THE CONTRACTING STATES SOLEMNLY AGREE:

ARTICLE I - Findings and Purposes

That juveniles who are not under proper supervision and control, or who have absconded, escaped or run away, are likely to endanger their own health, morals and welfare, and the health, morals and welfare of others. The cooperation of the states party to this compact is therefore

1 necessary to provide for the welfare and protection of  
2 juveniles and of the public with respect to:

3 (1) Cooperative supervision of delinquent juveniles  
4 on probation or parole;

5 (2) The return, from one state to another, of  
6 delinquent juveniles who have escaped or absconded;

7 (3) The return, from one state to another, of  
8 non-delinquent juveniles who have run away from home; and

9 (4) Additional measures for the protection of juven-  
10 iles and of the public, which any two or more of the party  
11 states may find desirable to undertake cooperatively. In  
12 carrying out the provisions of this compact the party  
13 states shall be guided by the non-criminal, reformatory  
14 and protective policies which guide their laws concerning  
15 delinquent, neglected or dependent juveniles generally.

16 It shall be the policy of the states party to this compact  
17 to cooperate and observe their respective responsibilities  
18 for the prompt return and acceptance of juveniles and  
19 delinquent juveniles who become subject to the provisions  
20 of this compact. The provisions of this compact shall be  
21 reasonably and liberally construed to accomplish the  
22 foregoing purposes.

23 ARTICLE II - Existing Rights and Remedies

24 That all remedies and procedures provided by this  
25 compact shall be in addition to and not in substitution  
26 for other rights, remedies and procedures, and shall  
27 not be in derogation of parental rights and responsi-  
28 bilities.



1 application is made, and such other facts as may tend to  
2 show that the juvenile who has run away is endangering  
3 his own welfare or the welfare of others and is not an  
4 emancipated minor. The petition shall be verified by  
5 affidavit, shall be executed in duplicate, and shall be  
6 accompanied by two certified copies of the document or  
7 documents on which the petitioner's entitlement to the  
8 juvenile's custody is based, such as birth certificates,  
9 letters of guardianship, or custody decrees. Such further  
10 affidavits and other documents as may be deemed proper may  
11 be submitted with such petition. The judge of the court  
12 to which this application is made may hold a hearing there-  
13 on to determine whether for the purposes of this compact  
14 the petitioner is entitled to the legal custody of the juve-  
15 nile, whether or not it appears that the juvenile has in  
16 fact run away without consent, whether or not he is an eman-  
17 cipated minor, and whether or not it is in the best interest  
18 of the juvenile to compel his return to the state. If the  
19 judge determines, either with or without a hearing, that  
20 the juvenile should be returned he shall present to the  
21 appropriate court or to the executive authority of the state  
22 where the juvenile is alleged to be located, a written re-  
23 quisition for the return of such juvenile. Such requisition  
24 shall set forth the name and age of the juvenile, the deter-  
25 mination of the court that the juvenile has run away with-  
26 out the consent of a parent, guardian, person or agency enti-  
27 tled to his legal custody, and that it is in the best  
28 interest and for the protection of such juvenile that  
29 he be returned. In the event that a proceeding for the

1 adjudication of the juvenile as a delinquent, neglected  
2 or dependent juvenile is pending in the court at the  
3 time when such juvenile runs away, the court may issue  
4 a requisition for the return of such juvenile upon its  
5 own motion, regardless of the consent of the parent,  
6 guardian, person or agency entitled to legal custody,  
7 reciting therein the nature and circumstances of the  
8 pending proceeding. The requisition shall in every  
9 case be executed in duplicate and shall be signed by  
10 the judge. One copy of the requisition shall be filed  
11 with the compact administrator of the demanding state,  
12 there to remain on file subject to the provisions of  
13 law governing records of such court. Upon the receipt  
14 of a requisition demanding the return of a juvenile who  
15 has run away, the court or the executive authority to  
16 whom the requisition is addressed shall issue an order  
17 to any peace officer or other appropriate person  
18 directing him to take into custody and detain such juve-  
19 nile. Such detention order must substantially recite  
20 the facts necessary to the validity of its issuance here-  
21 under. No juvenile detained upon such order shall be  
22 delivered over to the officer whom the court demanding  
23 him shall have appointed to receive him, unless he shall  
24 first be taken forthwith before a judge of a court in  
25 the state, who shall inform him of the demand made for  
26 his return, and who may appoint counsel or guardian ad  
27 litem for him. If the judge of such court shall find  
28 that the requisition is in order, he shall deliver such  
29 juvenile over to the officer whom the court demanding

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him shall have appointed to receive him. The judge, however, may fix a reasonable time to be allowed for the purpose of testing the legality of the proceeding.

Upon reasonable information that a person is a juvenile who has run away from another state party to this compact without the consent of a parent, guardian, person or agency entitled to his legal custody, such juvenile may be taken into custody without a requisition and brought forthwith before a judge of the appropriate court who may appoint counsel or guardian ad litem for such juvenile and who shall determine after a hearing whether sufficient cause exists to hold the person, subject to the order of the court for his own protection and welfare, for such a time not exceeding ninety days as will enable his return to another state party to this compact pursuant to a requisition for his return from a court of that state. If, at the time when a state seeks the return of a juvenile who has run away, there is pending in the state wherein he is found any criminal charge, or any proceeding to have him adjudicated a delinquent juvenile for an act committed in such state, or if he is suspected of having committed within such state a criminal offense or an act of juvenile delinquency, he shall not be returned without the consent of such state until discharged from prosecution or other form of proceeding, imprisonment, detention or supervision for such offense or juvenile delinquency. The duly accredited officers of any state party to this compact, upon the establishment of

1 their authority and the identity of the juvenile being  
2 returned, shall be permitted to transport such juve-  
3 nile through any and all states party to this compact,  
4 without interference. Upon his return to the state  
5 from which he ran away, the juvenile shall be subject  
6 to such further proceedings as may be appropriate  
7 under the laws of that state.

8 (b) That the state to which a juvenile is returned  
9 under this article shall be responsible for payment of  
10 the transportation costs of such return.

11 (c) That "juvenile" as used in this article means  
12 any person who is a minor under the law of the state of  
13 residence of the parent, guardian, person or agency  
14 entitled to the legal custody of such minor.

15 ARTICLE V - Return of Escapees and Absconders

16 (a) That the appropriate person or authority from  
17 whose probation or parole supervision a delinquent juve-  
18 nile has absconded or from whose institutional custody  
19 he has escaped shall present to the appropriate court  
20 or to the executive authority of the state where the  
21 delinquent juvenile is alleged to be located a written  
22 requisition for the return of such delinquent juvenile.  
23 Such requisition shall state the name and age of the  
24 delinquent juvenile, the particulars of his adjudication  
25 as a delinquent juvenile, the circumstances of the  
26 breach of the terms of his probation or parole or of  
27 his escape from an institution or agency vested with  
28 his legal custody or supervision, and the location of  
29 such delinquent juvenile, if known, at the time the

1 requisition is made. The requisition shall be verified  
2 by affidavit, shall be executed in duplicate, and shall  
3 be accompanied by two certified copies of the judgment,  
4 formal adjudication, or order of commitment which sub-  
5 jects such delinquent juvenile to probation or parole  
6 or to the legal custody of the institution or agency  
7 concerned. Such further affidavits and other docu-  
8 ments as may be deemed proper may be submitted with  
9 such requisition. One copy of the requisition shall  
10 be filed with the compact administrator of the demanding  
11 state, there to remain on file subject to the provi-  
12 sions of law governing records of the appropriate court.  
13 Upon the receipt of a requisition demanding the return  
14 of a delinquent juvenile who has absconded or escaped,  
15 the court or the executive authority to whom the requi-  
16 sition is addressed shall issue an order to any peace  
17 officer or other appropriate person directing him to  
18 take into custody and detain such delinquent juvenile.  
19 Such detention order must substantially recite the facts  
20 necessary to the validity of its issuance hereunder.  
21 No delinquent juvenile detained upon such order shall  
22 be delivered over to the officer whom the appropriate  
23 person or authority demanding him shall have appointed  
24 to receive him, unless he shall first be taken forth-  
25 with before a judge of an appropriate court in the  
26 state, who shall inform him of the demand made for his  
27 return and who may appoint counsel or guardian ad litem  
28 for him. If the judge of such court shall find that the  
29 requisition is in order, he shall deliver such delinquent

1 juvenile over to the officer whom the appropriate per-  
2 son or authority demanding him shall have appointed to  
3 receive him. The judge, however, may fix a reasonable  
4 time to be allowed for the purpose of testing the  
5 legality of the proceeding.

6 Upon reasonable information that a person is a  
7 delinquent juvenile who has absconded while on proba-  
8 tion or parole, or escaped from an institution or  
9 agency vested with his legal custody or supervision  
10 in any state party to this compact, such person may be  
11 taken into custody in any other state party to this  
12 compact without a requisition. But in such event, he  
13 must be taken forthwith before a judge of the appro-  
14 priate court, who may appoint counsel or guardian ad  
15 litem for such person and who shall determine, after a  
16 hearing, whether sufficient cause exists to hold the  
17 person subject to the order of the court for such a  
18 time, not exceeding ninety days, as will enable his  
19 detention under a detention order issued on a requisition  
20 pursuant to this article. If, at the time when a state  
21 seeks the return of a delinquent juvenile who has either  
22 absconded while on probation or parole or escaped from  
23 an institution or agency vested with his legal custody  
24 or supervision there is pending in the state wherein he  
25 is detained any criminal charge or any proceeding to  
26 have him adjudicated a delinquent juvenile for an act  
27 committed in such state, or if he is suspected of having  
28 committed within such state a criminal offense or an  
29 act of juvenile delinquency, he shall not be returned

1 without the consent of such state until discharged  
2 from prosecution or other form of proceeding, imprison-  
3 ment, detention or supervision for such offense or  
4 juvenile delinquency. The duly accredited officers  
5 of any state party to this compact, upon the establish-  
6 ment of their authority and the identity of the delin-  
7 quent juvenile being returned, shall be permitted to  
8 transport such delinquent juvenile through any and all  
9 states party to this compact, without interference.  
10 Upon his return to the state from which he escaped or  
11 absconded, the delinquent juvenile shall be subject to  
12 such further proceedings as may be appropriate under  
13 the laws of that state.

14 (b) That the state to which a delinquent juvenile  
15 is returned under this article shall be responsible for  
16 payment of the transportation costs of such return.

17 ARTICLE VI - Voluntary Return Procedure

18 That any delinquent juvenile who has absconded  
19 while on probation or parole, or escaped from an insti-  
20 tution or agency vested with his legal custody or  
21 supervision in any state party to this compact, and any  
22 juvenile who has run away from any state party to this  
23 compact, who is taken into custody without a requisition  
24 in another state party to this compact under the provi-  
25 sions of article IV (a) or of article V (a), may consent  
26 to his immediate return to the state from which he  
27 absconded, escaped or ran away. Such consent shall be  
28 given by the juvenile or delinquent juvenile and his  
29 counsel or guardian ad litem, if any, by executing or

1 subscribing a writing, in the presence of a judge of  
2 the appropriate court, which states that the juvenile  
3 or delinquent juvenile and his counsel or guardian ad  
4 litem, if any, consent to his return to the demanding  
5 state. Before such consent shall be executed or sub-  
6 scribed, however, the judge, in the presence of counsel  
7 or guardian ad litem, if any, shall inform the juvenile  
8 or delinquent juvenile of his rights under this compact.  
9 When the consent has been duly executed, it shall be  
10 forwarded to and filed with the compact administrator  
11 of the state in which the court is located and the  
12 judge shall direct the officer having the juvenile or  
13 delinquent juvenile in custody to deliver him to the  
14 duly accredited officer or officers of the state de-  
15 manding his return, and shall cause to be delivered to  
16 such officer or officers a copy of the consent. The  
17 court may, however, upon the request of the state to  
18 which the juvenile or delinquent juvenile is being  
19 returned, order him to return unaccompanied to such  
20 state and shall provide him with a copy of such court  
21 order; in such event a copy of the consent shall be  
22 forwarded to the compact administrator of the state to  
23 which said juvenile or delinquent juvenile is ordered  
24 to return.

#### 25 ARTICLE VII

#### 26 Cooperative Supervision of Probationers and Parolees

27 (a) That the duly constituted judicial and adminis-  
28 trative authorities of a state party to this compact  
29 (herein called "sending state") may permit any delinquent

1 juvenile within such state, placed on probation or  
2 parole, to reside in any other state party to this com-  
3 pact (herein called "receiving state") while on proba-  
4 tion or parole, and the receiving state shall accept  
5 such delinquent juvenile, if the parent, guardian or  
6 person entitled to the legal custody of such delinquent  
7 juvenile is residing or undertakes to reside within the  
8 receiving state. Before granting such permission,  
9 opportunity shall be given to the receiving state to  
10 make such investigations as it deems necessary. The  
11 authorities of the sending state shall send to the  
12 authorities of the receiving state copies of pertinent  
13 court orders, social case studies and all other available  
14 information which may be of value to and assist the  
15 receiving state in supervising a probationer or parolee  
16 under this compact. A receiving state, in its discretion,  
17 may agree to accept supervision of a probationer or  
18 parolee in cases where the parent, guardian or person  
19 entitled to the legal custody of the delinquent juvenile  
20 is not a resident of the receiving state, and if so  
21 accepted the sending state may transfer supervision  
22 accordingly.

23 (b) That each receiving state will assume the  
24 duties of visitation and of supervision over any such  
25 delinquent juvenile and in the exercise of those duties  
26 will be governed by the same standards of visitation  
27 and supervision that prevail for its own delinquent  
28 juveniles released on probation or parole.

29 (c) That, after consultation between the appropriate

1 authorities of the sending state and of the receiving  
2 state as to the desirability and necessity of returning  
3 such a delinquent juvenile, the duly accredited officers  
4 of a sending state may enter a receiving state and there  
5 apprehend and retake any such delinquent juvenile on  
6 probation or parole. For that purpose, no formalities  
7 will be required, other than establishing the authority  
8 of the officer and the identity of the delinquent juve--  
9 nile to be retaken and returned. The decision of the  
10 sending state to retake a delinquent juvenile on proba-  
11 tion or parole shall be conclusive upon and not review-  
12 able within the receiving state, but if, at the time the  
13 sending state seeks to retake a delinquent juvenile on  
14 probation or parole, there is pending against him within  
15 the receiving state any criminal charge or any proceeding  
16 to have him adjudicated a delinquent juvenile for any  
17 act committed in such state, or if he is suspected of  
18 having committed within such state a criminal offense  
19 or an act of juvenile delinquency, he shall not be re-  
20 turned without the consent of the receiving state until  
21 discharged from prosecution or other form of proceeding,  
22 imprisonment, detention or supervision for such offense  
23 or juvenile delinquency. The duly accredited officers  
24 of the sending state shall be permitted to transport  
25 delinquent juveniles being so returned through any and  
26 all states party to this compact, without interference.

27 (d) That the sending state shall be responsible  
28 under this article for paying the costs of transporting  
29 any delinquent juvenile to the receiving state or of

1 returning any delinquent juvenile to the sending state.

2 ARTICLE VIII - Responsibility for Costs

3 (a) That the provisions of articles IV (b), V (b)  
4 and VII (d) of this compact shall not be construed to  
5 alter or affect any internal relationship among the  
6 departments, agencies and officers of and in the gov-  
7 ernment of a party state, or between a party state and  
8 its subdivisions, as to the payment of costs, or respon-  
9 sibilities therefor.

10 (b) That nothing in this compact shall be construed  
11 to prevent any party state or subdivision thereof from  
12 asserting any right against any person, agency or other  
13 entity in regard to costs for which such party state or  
14 subdivision thereof may be responsible pursuant to  
15 articles IV (b), V (b) or VII (d) of this compact.

16 ARTICLE IX - Detention Practices

17 That, to every extent possible, it shall be the  
18 policy of states party to this compact that no juvenile  
19 or delinquent juvenile shall be placed or detained in  
20 any prison, jail or lockup nor be detained or transported  
21 in association with criminal, vicious or dissolute  
22 persons.

23 ARTICLE X - Supplementary Agreements.

24 That the duly constituted administrative authori-  
25 ties of a state party to this compact, may enter into  
26 supplementary agreements with any other state or states  
27 party hereto for the cooperative care, treatment and  
28 rehabilitation of delinquent juveniles whenever they  
29 shall find that such agreements will improve the facilities

1 or programs available for such care, treatment and rehabili-  
2 tation. Such care, treatment and rehabilitation may be  
3 provided in an institution located within any state  
4 entering into such supplementary agreement. Such  
5 supplementary agreements shall:

6 (1) Provide the rates to be paid for the  
7 care, treatment and custody of such delinquent juveniles,  
8 taking into consideration the character of facilities,  
9 services and subsistence furnished;

10 (2) Provide that the delinquent juvenile  
11 shall be given a court hearing prior to his being sent  
12 to another state for care, treatment and custody;

13 (3) Provide that the state receiving such a  
14 delinquent juvenile in one of its institutions shall  
15 act solely as agent for the state sending such delinquent  
16 juvenile;

17 (4) Provide that the sending state shall at  
18 all times retain jurisdiction over delinquent juveniles  
19 sent to an institution in another state;

20 (5) Provide for reasonable inspection of such  
21 institutions by the sending state;

22 (6) Provide that the consent of the parent,  
23 guardian, person or agency entitled to the legal custody  
24 of said delinquent juvenile shall be secured prior to  
25 his being sent to another state; and

26 (7) Make provision for such other matters and  
27 details as shall be necessary to protect the rights and  
28 equities of such delinquent juveniles and of the  
29 cooperating states.

ARTICLE XI - Acceptance of Federal and Other Aid

That any state party to this compact may accept any and all donations, gifts and grants of money, equipment and services from the federal or any local government, or any agency thereof and from any person, firm or corporation, for any of the purposes and functions of this compact, and may receive and utilize the same subject to the terms, conditions and regulations governing such donations, gifts and grants.

ARTICLE XII - Compact Administrators

That the governor of each state party to this compact shall designate an officer who, acting jointly with like officers of other party states, shall promulgate rules and regulations to carry out more effectively the terms and provisions of this compact.

ARTICLE XIII - Execution of Compact

That this compact shall become operative immediately upon its execution by any state as between it and any other state or states so executing. When executed it shall have the full force and effect of law within such state, the form of execution to be in accordance with the laws of the executing state.

ARTICLE XIV - Renunciation

That this compact shall continue in force and remain binding upon each executing state until renounced by it. Renunciation of this compact shall be by the same authority which executed it, by sending six months' notice in writing of its intention to withdraw from the compact to the other states party hereto. The duties

1 and obligations of a renouncing state under article  
2 VII hereof shall continue as to parolees and proba-  
3 tioners residing therein at the time of withdrawal  
4 until retaken or finally discharged. Supplementary  
5 agreements entered into under Article X hereof shall  
6 be subject to renunciation as provided by such  
7 supplementary agreements, and shall not be subject  
8 to the six months' renunciation notice of the present  
9 article.

10 ARTICLE XV - Severability

11 That the provisions of this compact shall be  
12 severable and if any phrase, clause, sentence or pro-  
13 vision of this compact is declared to be contrary to  
14 the constitution of any participating state or of the  
15 United States or the applicability thereof to any  
16 government, agency, person or circumstance is held in-  
17 valid, the validity of the remainder of this compact  
18 and the applicability thereof to any government, agency,  
19 person or circumstance shall not be affected thereby.  
20 If this compact shall be held contrary to the constitu-  
21 tion of any state participating therein, the compact  
22 shall remain in full force and effect as to the remaining  
23 states and in full force and effect as to the state  
24 affected as to all severable matters.

25 Sec. 2. JUVENILE COMPACT ADMINISTRATOR. Pursuant to said  
26 compact, the Governor is hereby authorized and empowered to  
27 designate an officer who shall be the compact administrator and  
28 who, acting jointly with like officers of other party states,  
29 shall promulgate rules and regulations to carry out more effec-

1 tively the terms of the compact. Said compact administrator  
2 shall serve subject to the pleasure of the Governor. The compact  
3 administrator is hereby authorized, empowered and directed to  
4 cooperate with all departments, agencies and officers of and in  
5 the government of this state and its subdivisions in facilitating  
6 the proper administration of the compact or of any supplementary  
7 agreement or agreements entered into by this state thereunder.

8       Sec. 3. SUPPLEMENTARY AGREEMENTS. The compact adminis-  
9 trator is hereby authorized and empowered to enter into sup-  
10 plementary agreements with appropriate officials of other states  
11 pursuant to the compact. In the event that such supplementary  
12 agreement shall require or contemplate the use of any institution  
13 or facility of this state or require or contemplate the provision  
14 of any service of this state, said supplementary agreement shall  
15 have no force or effect until approved by the head of the depart-  
16 ment or agency under whose jurisdiction said institution is  
17 operated, or whose department or agency shall be charged with the  
18 rendering of such service.

19       Sec. 4. FINANCIAL ARRANGEMENTS. The compact administrator,  
20 subject to the approval of the Commissioner of Administration,  
21 may make or arrange for any payments necessary to discharge any  
22 financial obligations imposed upon this state by the compact or  
23 by any supplementary agreement entered into thereunder.

24       Sec. 5. FEES. Any judge of this state who appoints counsel  
25 or guardian ad litem pursuant to the provisions of the compact  
26 may be paid as provided in Section 55-3-4, ACLA 1949.

27       Sec. 6. RESPONSIBILITIES OF STATE DEPARTMENTS, AGENCIES  
28 AND OFFICERS. The courts, departments, agencies and officers of  
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1 this state and subdivisions shall enforce this compact and shall  
2 do all things appropriate to the effectuation of its purposes  
3 and intent which may be within their respective jurisdiction.

4 Sec. 7. ADDITIONAL PROCEDURES NOT PRECLUDED. In addition  
5 to any procedures provided in articles IV and VI of the compact  
6 for the return of any runaway juvenile, the particular states,  
7 the juvenile or his parents, the courts, or other legal custodian  
8 involved may agree upon and adopt any plan or procedure legally  
9 authorized under the laws of this state and any other respective  
10 party states for the return of any such runaway juvenile.

11 Sec. 8. SHORT TITLE. This chapter may be cited as the  
12 "Uniform Interstate Compact on Juveniles."

13 Sec. 9. APPROPRIATION. There is hereby appropriated to the  
14 office of the Governor, the sum of \$1000.00 for the balance of  
15 the current fiscal year to pay the expenses incurred by the des-  
16 ignated compact administrator in the administration of the Act.

17 Sec. 10. EFFECTIVE DATE. This Act shall take effect on the  
18 day after its passage and approval or on the day it becomes law  
19 without approval.  
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