

1 IN THE HOUSE

BY RULES COMMITTEE  
BY REQUEST OF THE GOVERNOR

2 HOUSE BILL NO. 324

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 FIRST LEGISLATURE - SECOND SESSION

5 A BILL

6 For an Act entitled: "An Act to provide for an Interstate Com-  
7 pact on Juveniles; to permit out-of-State  
8 supervision of a delinquent juvenile; to  
9 provide for the return to their home-state  
10 of runaways; to provide for the return of  
11 absconders and escapees; to authorize agree-  
12 ments for the cooperative institutionaliza-  
13 tion of special types of juveniles; and  
14 providing for an effective date."

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

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

21 INTERSTATE COMPACT ON JUVENILES

22 THE CONTRACTING STATES SOLEMNLY AGREE:

23 ARTICLE I - Findings and Purposes

24 That juveniles who are not under proper supervision and  
25 control, or who have absconded, escaped or run away, are  
26 likely to endanger their own health, morals and welfare,  
27 and the health, morals and welfare of others. The cooper-  
28 ation of the states party to this compact is therefore  
29 necessary to provide for the welfare and protection of

Juveniles and of the public with respect to:

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

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

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

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

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

#### ARTICLE II - Existing Rights and Remedies

That all remedies and procedures provided by this compact shall be in addition to and not in substitution for other rights, remedies and procedures, and shall not be in derogation of parental rights and responsibilities.

#### ARTICLE III - Definitions

That, for the purposes of this compact, "delinquent

1 juvenile" means any juvenile who has been adjudged de-  
2 linquent and who, at the time the provisions of this  
3 compact are invoked, is still subject to the jurisdiction  
4 of the court that has made such adjudication or to the  
5 jurisdiction or supervision of an agency or institution  
6 pursuant to an order of such court; "probation or parole"  
7 means any kind of conditional release of juveniles author-  
8 ized under the laws of the states party hereto; "court"  
9 means any court having jurisdiction over delinquent,  
10 neglected or dependent children; "state" means any  
11 state or possession of the United States, the District of  
12 Columbia, and the Commonwealth of Puerto Rico; and "residence"  
13 or any variant thereof means a place at which a home or  
14 regular place of abode is maintained.

15 ARTICLE IV - Return of Runaways

16 (a) That the parent, guardian, person or agency  
17 entitled to legal custody of a juvenile who has not been  
18 adjudged delinquent but who has run away without the consent  
19 of such parent, guardian, person or agency may petition  
20 the appropriate court in the demanding state for the issu-  
21 ance of a requisition for his return. The petition shall  
22 state the name and age of the juvenile, the name of the  
23 petitioner and the basis of entitlement to the juvenile's  
24 custody, the circumstances of his running away, his location  
25 if known at the time application is made, and such other  
26 facts as may tend to show that the juvenile who has run  
27 away is endangering his own welfare or the welfare of  
28 others and is not an emancipated minor. The petition shall  
29 be verified by affidavit, shall be executed in duplicate,

and shall be accompanied by two certified copies of the document or documents on which the petitioner's entitlement to the juvenile's custody is based, such as birth certificates, letters of guardianship, or custody decrees. Such further affidavits and other documents as may be deemed proper may be submitted with such petition. The judge of the court to which this application is made may hold a hearing thereon to determine whether for the purposes of this compact the petitioner is entitled to the legal custody of the juvenile, whether or not it appears that the juvenile has in fact run away without consent, whether or not he is an emancipated minor, and whether or not it is in the best interest of the juvenile to compel his return to the state. If the judge determines, either with or without a hearing, that the juvenile should be returned he shall present to the appropriate court or to the executive authority of the state where the juvenile is alleged to be located, a written requisition for the return of such juvenile. Such requisition shall set forth the name and age of the juvenile, the determination of the court that the juvenile has run away without the consent of a parent, guardian, person or agency entitled to his legal custody, and that it is in the best interest and for the protection of such juvenile that he be returned. In the event that a proceeding for the adjudication of the juvenile as a delinquent, neglected or dependent juvenile is pending in the court at the time when such juvenile runs away, the court may issue a requisition for the return of such juvenile upon its own motion, regardless of the consent of the parent, guardian, person or agency

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

26 Upon reasonable information that a person is a juvenile  
27 who has run away from another state party to this compact  
28 without the consent of a parent, guardian, person or agency  
29 entitled to his legal custody, such juvenile may be taken

1 into custody without a requisition and brought forthwith  
2 before a judge of the appropriate court who may appoint  
3 counsel or guardian ad litem for such juvenile and who  
4 shall determine after a hearing whether sufficient cause  
5 exists to hold the person, subject to the order of the court  
6 for his own protection and welfare, for such a time not  
7 exceeding ninety days as will enable his return to another  
8 state party to this compact pursuant to a requisition for  
9 his return from a court of that state. If, at the time  
10 when a state seeks the return of a juvenile who has run  
11 away, there is pending in the state wherein he is found  
12 any criminal charge, or any proceeding to have him adjudi-  
13 cated a delinquent juvenile for an act committed in such  
14 state, or if he is suspected of having committed within  
15 such state a criminal offense or an act of juvenile delin-  
16 quency, he shall not be returned without the consent of  
17 such state until discharged from prosecution or other form  
18 of proceeding, imprisonment, detention or supervision for  
19 such offense or juvenile delinquency. The duly accredited  
20 officers of any state party to this compact, upon the  
21 establishment of their authority and the identity of the  
22 juvenile being returned, shall be permitted to transport  
23 such juvenile through any and all states party to this  
24 compact, without interference. Upon his return to the state  
25 from which he ran away, the juvenile shall be subject to  
26 such further proceedings as may be appropriate under the  
27 laws of that state.

28 (b) That the state to which a juvenile is returned  
29 under this article shall be responsible for payment of

1 the transportation costs of such return.

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

6 ARTICLE V - Return of Escapees and Absconders

7 (a) That the appropriate person or authority from  
8 whose probation or parole supervision a delinquent juvenile  
9 has absconded or from whose institutional custody he has  
10 escaped shall present to the appropriate court or to the  
11 executive authority of the state where the delinquent juven-  
12 ile is alleged to be located a written requisition for the  
13 return of such delinquent juvenile. Such requisition shall  
14 state the name and age of the delinquent juvenile, the  
15 particulars of his adjudication as a delinquent juvenile,  
16 the circumstances of the breach of the terms of his probation  
17 or parole or of his escape from an institution or agency  
18 vested with his legal custody or supervision, and the loca-  
19 tion of such delinquent juvenile, if known, at the time the  
20 requisition is made. The requisition shall be verified by  
21 affidavit, shall be executed in duplicate, and shall be  
22 accompanied by two certified copies of the judgment, formal  
23 adjudication, or order of commitment which subjects such  
24 delinquent juvenile to probation or parole or to the legal  
25 custody of the institution or agency concerned. Such further  
26 affidavits and other documents as may be deemed proper may  
27 be submitted with such requisition. One copy of the re-  
28 quisition shall be filed with the compact administrator of  
29 the demanding state, there to remain on file subject to the

1 provisions of law governing records of the appropriate  
2 court. Upon the receipt of a requisition demanding the  
3 return of a delinquent juvenile who has absconded or escaped,  
4 the court or the executive authority to whom the requisition  
5 is addressed shall issue an order to any peace officer or  
6 other appropriate person directing him to take into custody  
7 and detain such delinquent juvenile. Such detention order  
8 must substantially recite the facts necessary to the validity  
9 of its issuance hereunder. No delinquent juvenile detained  
10 upon such order shall be delivered over to the officer whom  
11 the appropriate person or authority demanding him shall have  
12 appointed to receive him, unless he shall first be taken  
13 forthwith before a judge of an appropriate court in the state  
14 who shall inform him of the demand made for his return and  
15 who may appoint counsel or guardian ad litem for him. If  
16 the judge of such court shall find that the requisition is  
17 in order, he shall deliver such delinquent juvenile over to  
18 the officer whom the appropriate person or authority demand-  
19 ing him shall have appointed to receive him. The judge,  
20 however, may fix a reasonable time to be allowed for the  
21 purpose of testing the legality of the proceeding.

22 Upon reasonable information that a person is a delin-  
23 quent juvenile who has absconded while on probation or parole,  
24 or escaped from an institution or agency vested with his  
25 legal custody or supervision in any state party to this  
26 compact, such person may be taken into custody in any other  
27 state party to this compact without a requisition. But in  
28 such event, he must be taken forthwith before a judge of the  
29 appropriate court, who may appoint counsel or guardian ad

1 litem for such person and who shall determine, after a  
2 hearing, whether sufficient cause exists to hold the person  
3 subject to the order of the court for such a time, not  
4 exceeding ninety days, as will enable his detention under a  
5 detention order issued on a requisition pursuant to this  
6 article. If, at the time when a state seeks the return of  
7 a delinquent juvenile who has either absconded while on  
8 probation or parole or escaped from an institution or agency  
9 vested with his legal custody or supervision there is pending  
10 in the state wherein he is detained any criminal charge or  
11 any proceeding to have him adjudicated a delinquent juvenile  
12 for an act committed in such state, or if he is suspected  
13 of having committed within such state a criminal offense or  
14 an act of juvenile delinquency, he shall not be returned  
15 without the consent of such state until discharged from  
16 prosecution or other form of proceeding, imprisonment,  
17 detention or supervision for such offense or juvenile delin-  
18 quency. The duly accredited officers of any state party to  
19 this compact, upon the establishment of their authority and  
20 the identity of the delinquent juvenile being returned, shall  
21 be permitted to transport such delinquent juvenile through  
22 any and all states party to this compact, without interfer-  
23 ence. Upon his return to the state from which he escaped or  
24 absconded, the delinquent juvenile shall be subject to such  
25 further proceedings as may be appropriate under the laws  
26 of that state.

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

ARTICLE VI - Voluntary Return Procedure

1  
2 That any delinquent juvenile who has absconded  
3 while on probation or parole, or escaped from an insti-  
4 tution or agency vested with his legal custody or  
5 supervision in any state party to this compact, and any  
6 juvenile who has run away from any state party to this  
7 compact, who is taken into custody without a requisition  
8 in another state party to this compact under the provi-  
9 sions of article IV (a) or of article V (a), may consent  
10 to his immediate return to the state from which he  
11 absconded, escaped or run away. Such consent shall be  
12 given by the juvenile or delinquent juvenile and his  
13 counsel or guardian ad litem, if any, by executing or  
14 subscribing a writing, in the presence of a judge of  
15 the appropriate court, which states that the juvenile  
16 or delinquent juvenile and his counsel or guardian ad  
17 litem, if any, consent to his return to the demanding  
18 state. Before such consent shall be executed or subs-  
19 cribed, however, the judge, in the presence of counsel  
20 or guardian ad litem, if any, shall inform the juvenile  
21 or delinquent juvenile of his rights under this compact.  
22 When the consent has been duly executed, it shall be  
23 forwarded to and filed with the compact administrator  
24 of the state in which the court is located and the  
25 judge shall direct the officer having the juvenile or  
26 delinquent juvenile in custody to deliver him to the  
27 duly accredited officer or officers of the state de-  
28 manding his return, and shall cause to be delivered to  
29 such officer or officers a copy of the consent. The

1 court may, however, upon the request of the state to  
2 which the juvenile or delinquent juvenile is being  
3 returned, order him to return unaccompanied to such  
4 state and shall provide him with a copy of such court  
5 order; in such event a copy of the consent shall be  
6 forwarded to the compact administrator of the state to  
7 which said juvenile or delinquent juvenile is ordered  
8 to return.

9 ARTICLE VII

10 Cooperative Supervision of Probationers and Parolees

11 (a) That the duly constituted judicial and adminis-  
12 trative authorities of a state party to this compact  
13 (herein called "sending state") may permit any delinquent  
14 juvenile within such state, placed on probation or  
15 parole, to reside in any other state party to this com-  
16 pact (herein called "receiving state") while on proba-  
17 tion or parole, and the receiving state shall accept  
18 such delinquent juvenile, if the parent, guardian or  
19 person entitled to the legal custody of such delinquent  
20 juvenile is residing or undertakes to reside within the  
21 receiving state. Before granting such permission,  
22 opportunity shall be given to the receiving state to  
23 make such investigations as it deems necessary. The  
24 authorities of the sending state shall send to the  
25 authorities of the receiving state copies of pertinent  
26 court orders, social case studies and all other available  
27 information which may be of value to and assist the  
28 receiving state in supervising a probationer or parolee  
29 under this compact. A receiving state, in its discretion,

1 may agree to accept supervision of a probationer or  
2 parolee in cases where the parent, guardian or person  
3 entitled to the legal custody of the delinquent juvenile  
4 is not a resident of the receiving state, and if so  
5 accepted the sending state may transfer supervision  
6 accordingly.

7 (b) That each receiving state will assume the  
8 duties of visitation and of supervision over any such  
9 delinquent juvenile and in the exercise of those duties  
10 will be governed by the same standards of visitation  
11 and supervision that prevail for its own delinquent  
12 juveniles released on probation or parole.

13 (c) That, after consultation between the appropriate  
14 authorities of the sending state and of the receiving  
15 state as to the desirability and necessity of returning  
16 such a delinquent juvenile, the duly accredited officers  
17 of a sending state may enter a receiving state and there  
18 apprehend and retake any such delinquent juvenile on  
19 probation or parole. For that purpose, no formalities  
20 will be required, other than establishing the authority  
21 of the officer and the identity of the delinquent juve-  
22 nile to be retaken and returned. The decision of the  
23 sending state to retake a delinquent juvenile on proba-  
24 tion or parole shall be conclusive upon and not review-  
25 able within the receiving state, but if, at the time the  
26 sending state seeks to retake a delinquent juvenile on  
27 probation or parole, there is pending against him within  
28 the receiving state any criminal charge or any proceeding  
29 to have him adjudicated a delinquent juvenile for any

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 the receiving 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 the sending state shall be permitted to transport delinquent juveniles being so returned through any and all states party to this compact, without interference.

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

#### ARTICLE VIII - Responsibility for Costs

(a) That the provisions of articles IV (b), V (b) and VII (d) of this compact shall not be construed to alter or affect any internal relationship among the departments, agencies and officers of and in the government of a party state, or between a party state and its subdivisions, as to the payment of costs, or responsibilities therefor.

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

#### ARTICLE IX - Detention Practices

1           That, to every extent possible, it shall be the  
2 policy of states party to this compact that no juvenile  
3 or delinquent juvenile shall be placed or detained in  
4 any prison, jail or lockup nor be detained or transported  
5 in association with criminal, vicious or dissolute  
6 persons.

7                           ARTICLE X - Supplementary Agreements.

8           That the duly constituted administrative authori-  
9 ties of a state party to this compact, may enter into  
10 supplementary agreements with any other state or states  
11 party hereto for the cooperative care, treatment and  
12 rehabilitation of delinquent juveniles whenever they  
13 shall find that such agreements will improve the facilities  
14 or programs available for such care, treatment and rehabili-  
15 tation. Such care, treatment and rehabilitation may be  
16 provided in an institution located within any state  
17 entering into such supplementary agreement. Such  
18 supplementary agreements shall:

19                   (1) Provide the rates to be paid for the  
20 care, treatment and custody of such delinquent juveniles,  
21 taking into consideration the character of facilities,  
22 services and subsistence furnished;

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

26                   (3) Provide that the state receiving such a  
27 delinquent juvenile in one of its institutions shall  
28 act solely as agent for the state sending such delinquent  
29 juvenile;

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

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

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

10 (7) Make provision for such other matters and  
11 details as shall be necessary to protect the rights and  
12 equities of such delinquent juveniles and of the  
13 cooperating states.

14 ARTICLE XI - Acceptance of Federal and Other Aid

15 That any state party to this compact may accept any  
16 and all donations, gifts and grants of money, equipment  
17 and services from the federal or any local government,  
18 or any agency thereof and from any person, firm or  
19 corporation, for any of the purposes and functions of  
20 this compact, and may receive and utilize the same  
21 subject to the terms, conditions and regulations govern-  
22 ing such donations, gifts and grants.

23 ARTICLE XII - Compact Administrators

24 That the governor of each state party to this com-  
25 pact shall designate an officer who, acting jointly  
26 with like officers of other party states, shall pro-  
27 mulgate rules and regulations to carry out more effect-  
28 ively the terms and provisions of this compact.

29 ARTICLE XIII - Execution of Compact

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

7                           ARTICLE XIV - Renunciation

8           That this compact shall continue in force and re-  
9 main binding upon each executing state until renounced  
10 by it. Renunciation of this compact shall be by the  
11 same authority which executed it, by sending six months'  
12 notice in writing of its intention to withdraw from the  
13 compact to the other states party hereto. The duties  
14 and obligations of a renouncing state under article  
15 VII hereof shall continue as to parolees and proba-  
16 tioners residing therein at the time of withdrawal  
17 until retaken or finally discharged. Supplementary  
18 agreements entered into under Article X hereof shall  
19 be subject to renunciation as provided by such  
20 supplementary agreements, and shall not be subject  
21 to the six months' renunciation notice of the present  
22 article.

23                           ARTICLE XV - Severability

24           That the provisions of this compact shall be  
25 severable and if any phrase, clause, sentence or pro-  
26 vision of this compact is declared to be contrary to  
27 the constitution of any participating state or of the  
28 United States or the applicability thereof to any  
29 government, agency, person or circumstance is held in-

1 valid, the validity of the remainder of this compact  
2 and the applicability thereof to any government, agency,  
3 person or circumstance shall not be affected thereby.  
4 If this compact shall be held contrary to the constitu-  
5 tion of any state participating therein, the compact  
6 shall remain in full force and effect as to the remaining  
7 states and in full force and effect as to the state  
8 affected as to all severable matters.

9 Sec. 2. JUVENILE COMPACT ADMINISTRATOR. Pursuant to said  
10 compact, the Governor is hereby authorized and empowered to  
11 designate an officer who shall be the compact administrator and  
12 who, acting jointly with like officers of other party states,  
13 shall promulgate rules and regulations to carry out more effec-  
14 tively the terms of the compact. Said compact administrator  
15 shall serve subject to the pleasure of the Governor. The compact  
16 administrator is hereby authorized, empowered and directed to  
17 cooperate with all departments, agencies and officers of and in  
18 the government of this state and its subdivisions in facilitating  
19 the proper administration of the compact or of any supplementary  
20 agreement or agreements entered into by this state thereunder.

21 Sec. 3. SUPPLEMENTARY AGREEMENTS. The compact adminis-  
22 trator is hereby authorized and empowered to enter into sup-  
23 plementary agreements with appropriate officials of other states  
24 pursuant to the compact. In the event that such supplementary  
25 agreement shall require or contemplate the use of any institution  
26 or facility of this state or require or contemplate the provision  
27 of any service of this state, said supplementary agreement shall  
28 have no force or effect until approved by the head of the depart-  
29 ment or agency under whose jurisdiction said institution is

1 operated, or whose department or agency shall be charged with the  
2 rendering of such service.

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

8       Sec. 5. FEES. Any counsel or guardian ad litem appointed  
9 pursuant to the provisions of this compact may be paid as provided  
10 in Section 55-3-4, ACLA 1949.

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

16       Sec. 7. ADDITIONAL PROCEDURES NOT PRECLUDED. In addition  
17 to any procedures provided in articles IV and VI of the compact  
18 for the return of any runaway juvenile, the particular states,  
19 the juvenile or his parents, the courts, or other legal custodian  
20 involved may agree upon and adopt any plan or procedure legally  
21 authorized under the laws of this state and any other respective  
22 party states for the return of any such runaway juvenile.

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

25       Sec. 9. EFFECTIVE DATE. This Act takes effect on the day  
26 after its passage and approval or on the day it becomes law with-  
27 out such approval.

28  
29 Passed by the House February 29, 1960

HB #324 as amended

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