

Introduced: 1/27/65
Referred: Judiciary and
Health, Welfare and Educa-
tion

1 IN THE HOUSE

BY MESSRS. JOSEPHSON,
RADER AND METCALF

2 HOUSE BILL NO. 33

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 FOURTH LEGISLATURE - FIRST SESSION

5 A BILL

6 For an Act entitled: "An Act relating to jurisdiction of courts
7 in cases concerning delinquent and dependent
8 minors."

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

10 * Section 1. AS 47.10.010(a) is amended to read:

11 (a) The court has jurisdiction in the case of a minor
12 under 18 years of age who resides or is found in the state
13 and who [EXCEPT AS OTHERWISE PROVIDED IN THIS CHAPTER, AND
14 SUBJECT TO THE PRIOR JURISDICTION OF THE SUPERIOR COURT,
15 JURISDICTION IN CASES OF MINORS UNDER 18 YEARS OF AGE IS
16 VESTED IN THE DISTRICT MAGISTRATE COURT. THE DISTRICT MAGIS-
17 TRATE COURT HAS EXCLUSIVE ORIGINAL JURISDICTION IN PROCEED-
18 INGS CONCERNING A MINOR RESIDING OR FOUND IN THE STATE WHO]

19 (1) violates a law of the state, or an ordinance
20 or regulation of a political subdivision of the state;

21 (2) by reason of being wayward or habitually dis-
22 obedient is uncontrolled by his parent, guardian or
23 custodian;

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

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

29 (5) lacks proper parental care by reason of the

1 faults, habit or neglect of his parent, guardian or custodian

2 (6) associates with vagrant, vicious or immoral
3 people, or engages in an occupation or is in a situation
4 dangerous to life or limb or injurious to the health, morals,
5 or welfare of himself or others;

6 (7) is an orphan who has no relatives willing and
7 able to assume custody and care;

8 (8) has been released by his parent or parents, or
9 guardian, to the department for adoptive purposes; or

10 (9) is in need of special care or training not
11 otherwise provided.

12 * Sec. 2. AS 47.10.010(c) is amended to read:

13 (c) The [DISTRICT MAGISTRATE] court has [EXCLUSIVE]
14 jurisdiction in a controversy concerning the custody of a
15 minor [, EXCEPT DIVORCE ACTIONS, ACTIONS FOR SEPARATE MAIN-
16 TENANCE AND ACTIONS UNDER THE UNIFORM RECIPROCAL ENFORCEMENT
17 OF SUPPORT ACT (AS 25.25)]. The [DISTRICT MAGISTRATE] court
18 may appoint a guardian of the person and property of a minor
19 within its jurisdiction and may order support from either
20 parent or from both. The [IN AN ACTION COGNIZABLE IN THE
21 SUPERIOR COURT THE SUPERIOR] court may order the minor
22 delivered to the custody of the Department of Health and
23 Welfare, if the court considers this action in the best
24 interest of the minor, and in that case the department shall
25 receive the money which the court orders paid for the support
26 of the child.

27 * Sec. 3. AS 47.10 is amended by adding a new section to read:

28 Sec. 47.10.013. HEARING OFFICERS. (a) The court may
29 appoint hearing officers to conduct hearings under this

1 chapter and to prepare proposed decisions. The court may
2 appoint a person as hearing officer if that person is quali-
3 fied for appointment as a district magistrate. The court may
4 appoint district and deputy magistrates and hearing officers
5 appointed under the Administrative Procedure Act (AS 44.62)
6 as hearing officers.

7 (b) A hearing officer shall conduct a hearing under the
8 same procedures used by the court in conducting hearings
9 under this chapter.

10 (c) The court may

11 (1) accept a proposed decision prepared by a hear-
12 ing officer; or

13 (2) reject the proposed decision and order the
14 hearing officer to take additional evidence and prepare a new
15 decision; or

16 (3) reject the proposed decision, hear the evi-
17 dence itself, and prepare its own decision.

18 (d) A hearing officer has all powers possessed by the
19 court under this chapter, but is subject to the control of
20 the court, and may not make final decisions or orders.

21 * Sec. 4. AS 47.10.060(a) [✓] is repealed and re-enacted to read:

22 (a) If the court finds at a hearing on a petition that
23 there is probable cause for believing that a minor is de-
24 linquent and finds that the minor is not amenable to treat-
25 ment under this chapter, it shall order the case closed.
26 After a case is closed under this subsection, the minor may
27 be prosecuted as if he were an adult.

28 * Sec. 5. AS 47.10.160(2) [✓] is amended to read:

29 (2) require and collect statistics on juvenile

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offenses and offenders [HANDLED BY ALL DISTRICT MAGISTRATE
COURTS] in Alaska;

* Sec. 6. AS 47.10.290(1) is amended to read:

(1) "court" means the superior court [DISTRICT
MAGISTRATE COURTS] of the state;

* Sec. 7. AS 22.15.030(a)(6), 47.10.060(b), and 47.10.060(c)
are repealed.