

Original sponsor: Health, Education and
Social Services Committee

1 IN THE HOUSE

BY THE HEALTH, EDUCATION AND
SOCIAL SERVICES COMMITTEE

2

CS FOR HOUSE BILL NO. 412 (HESS)

3

IN THE LEGISLATURE OF THE STATE OF ALASKA

4

FIFTEENTH LEGISLATURE - SECOND SESSION

5

A BILL

6 For an Act entitled: "An Act relating to the pre-emancipation services for
7 certain minors."

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

9 * Section 1. AS 47.10.080(b) is amended to read:

10 (b) If the court finds that the minor is delinquent, it shall

11 (1) order the minor committed to the Department of Health
12 and Social Services for a period of time that does not [TO] exceed two
13 years and that does not [OR IN ANY EVENT] extend past the minor's 19th
14 birthday [DAY THE MINOR BECOMES 19], except that the department may
15 petition for and the court may grant in a hearing (A) two-year ex-
16 tensions of commitment that [WHICH] do not extend beyond the minor's
17 [CHILD'S] 19th birthday if the extension is in the best interests of
18 the minor and the public; and (B) an additional one-year period of
19 supervision past the minor's 19th birthday [AGE 19] if continued
20 supervision is in the best interests of the minor or the minor is
21 receiving pre-emancipation services, [PERSON] and the minor [PERSON]
22 consents to the additional period of supervision [IT]; the department
23 shall place the minor in the juvenile facility [WHICH] the department
24 considers appropriate, [AND] which may include a juvenile correctional
25 school, detention home, or detention facility; the minor may be re-
26 leased from placement or detention and placed on probation on order of
27 the court and may also be released by the department, in its dis-
28 cretion, under AS 47.10.200;

29 (2) order the minor placed on probation, to be supervised

1 by the department, and released to the minor's parents, guardian, or a
2 suitable person; if the court orders the minor placed on probation, it
3 may specify the terms and conditions of probation; the probation may
4 be for a period of time that does [,] not [TO] exceed two years and
5 that does not [IN NO EVENT] extend past the minor's 19th birthday [DAY
6 THE MINOR BECOMES 19], except that the department may petition for and
7 the court may grant in a hearing

8 (A) two-year extensions of supervision that [WHICH] do
9 not extend beyond the minor's [CHILD'S] 19th birthday, if the
10 extension is in the best interests of the minor and the public;
11 and

12 (B) an additional one-year period of supervision past
13 the minor's 19th birthday, [AGE 19] if the continued supervision
14 is in the best interests of the minor [PERSON] and the minor
15 [PERSON] consents to it;

16 (3) order the minor committed to the department and placed
17 on probation, to be supervised by the department, and released to the
18 minor's parents, guardian, other suitable person, or suitable non-
19 detention setting such as a family home, group care facility, [OR]
20 child care facility, or supervised independent residence, whichever
21 the department considers appropriate to implement the treatment plan
22 of the predisposition report; if the court orders the minor placed on
23 probation, it may specify the terms and conditions of probation; the
24 department may transfer the minor, in the minor's best interests, from
25 one of the probationary placement settings listed in this paragraph to
26 another, and the minor, the minor's parents or guardian, and the
27 minor's attorney are entitled to reasonable notice of the transfer;
28 the probation may be for a period of time that does not [, NOT TO]
29 exceed two years and that does not [IN NO EVENT] extend past the

1 minor's 19th birthday [DAY THE MINOR BECOMES 19], except that the
2 department may petition for and the court may grant in a hearing

3 (A) two-year extensions of commitment that [WHICH] do
4 not extend beyond the minor's [CHILD'S] 19th birthday, if the
5 extension is in the best interests of the minor and the public;
6 and

7 (B) an additional one-year period of supervision past
8 the minor's 19th birthday, [AGE 19] if the continued supervision
9 is in the best interests of the minor or the minor is receiving
10 pre-emancipation services, [PERSON] and the minor [PERSON] con-
11 sents to the additional period of supervision; [IT; OR]

12 (4) order the minor to make suitable restitution in lieu of
13 or in addition to the court's order under (1), (2) or (3) of this
14 subsection; or [.]

15 (5) order the minor committed to the Department of Health
16 and Social Services for placement in an adventure-based education
17 program established under AS 47.21.020 with conditions the court
18 considers appropriate concerning release upon satisfactory completion
19 of the program or commitment under (1) of this subsection if the
20 program is not satisfactorily completed.

21 * Sec. 2. AS 47.10.080(c) is amended to read:

22 (c) If the court finds that the minor is a child in need of aid,
23 it shall

24 (1) order the minor committed to the department for place-
25 ment in an appropriate setting, which may include a supervised in-
26 dependent residence, for a period of time that does not [TO] exceed
27 two years and that does not extend [OR IN ANY EVENT] past the minor's
28 19th birthday [DATE THE MINOR BECOMES 19 YEARS OF AGE], except that
29 the department may petition for and the court may grant in a hearing

1 (A) two-year extensions of commitment that [WHICH] do not extend
2 beyond the minor's 19th birthday, if the extension is in the best
3 interests of the minor and the public; and (B) an additional one-year
4 period of supervision past the minor's 19th birthday, [AGE 19] if the
5 continued supervision is in the best interests of the minor or the
6 minor is receiving pre-emancipation services, [PERSON] and the minor
7 [PERSON] consents to the additional period of supervision [IT]; the
8 department may transfer the minor, in the minor's best interests, from
9 one placement setting to another, and the minor, the minor's parents
10 or guardian, and the minor's attorney are entitled to reasonable
11 notice of the transfer;

12 (2) order the minor released to the minor's parents, guard-
13 ian, or some other suitable person, and, in appropriate cases, order
14 the parents, guardian, or other person to provide medical or other
15 care and treatment; if the court releases the minor, it shall direct
16 the department to supervise the care and treatment given to the minor,
17 but the court may dispense with the department's supervision if the
18 court finds that the adult to whom the minor is released will ade-
19 quately care for the minor without supervision; the department's
20 supervision may not exceed two years and may not [OR IN ANY EVENT]
21 extend past the minor's 19th birthday [DATE THE MINOR REACHES AGE 19],
22 except that the department may petition for and the court may grant in
23 a hearing

24 (A) two-year extensions of supervision that [WHICH] do
25 not extend beyond the minor's 19th birthday, if the extension is
26 in the best interests of the minor and the public; and

27 (B) an additional one-year period of supervision past
28 the minor's 19th birthday, [AGE 19] if the continued supervision
29 is in the best interests of the minor [PERSON] and the minor

1 [PERSON] consents to it; or

2 (3) by order, upon a showing in the adjudication by clear
3 and convincing evidence that there is a child in need of aid under
4 AS 47.10.010(a)(2) as a result of parental conduct and upon a showing
5 in the disposition by clear and convincing evidence that the parental
6 conduct is likely to continue to exist if there is no termination of
7 parental rights, terminate parental rights and responsibilities of one
8 or both parents and commit the child to the department or to a legally
9 appointed guardian of the person of the child, and the department or
10 guardian shall report annually to the court on efforts being made to
11 find a permanent placement for the child.

12 * Sec. 3. AS 47.10.230 is amended by adding new subsections to read:

13 (h) The department shall provide appropriate pre-emanicipation
14 services to a child 16 years of age or older who has been committed to
15 the custody of the department and who makes a request to receive the
16 services, unless the department finds that pre-emanicipation services
17 are inappropriate for the child. The commissioner shall adopt regu-
18 lations establishing criteria for determining whether pre-emanicipation
19 services are inappropriate for a child. The services may include

20 (1) assistance in completing academic or vocational train-
21 ing designed to make the child employable;

22 (2) assistance in acquiring suitable housing;

23 (3) training in skills needed for independent living;

24 (4) assistance in petitioning for removal of the disabili-
25 ties of minority; and

26 (5) social support and services coordination.

27 (i) The department may award a grant to or contract with a
28 municipality or with an entity incorporated under AS 10.20 to provide
29 pre-emanicipation services under (h) of this section. The commissioner

1 shall adopt regulations establishing criteria for the award of grants
2 under this subsection.