

1 IN THE HOUSE

BY ULMER

2

HOUSE BILL NO. 499

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 financial responsibility for acts  
7 of minors and community work service by minors."

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

9 \* Section 1. AS 47.10.030(a) is amended to read:

10 (a) After a petition is filed and after further investigation  
11 which the court directs, if the person having custody or control of  
12 the minor has not appeared voluntarily, the court shall issue a sum-  
13 mons which

14 (1) recites briefly the substance of the petition;

15 (2) clearly states that at the hearing it is possible that  
16 parental rights and responsibilities may be terminated forever and  
17 that the minor may at the hearing be committed to the Department of  
18 Health and Social Services for possible adoption; [AND]

19 (3) directs the person having custody or control of the  
20 minor to appear personally in court with the minor at the place and at  
21 the time set out [FORTH] in the summons; and

22 (4) states that the minor's parent or guardian may be  
23 ordered to supervise community work service and required to pay resti-  
24 tution in an amount not to exceed \$2,000.

25 \* Sec. 2. AS 47.10.080(b) is amended to read:

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

27 (1) order the minor committed to the Department of Health  
28 and Social Services for a period of time not to exceed two years or in  
29 any event extend past the day the minor becomes 19, except that the

1 department may petition for and the court may grant in a hearing (A)  
2 two-year extensions of commitment which do not extend beyond the  
3 child's 19th birthday if the extension is in the best interests of the  
4 minor and the public; and (B) an additional one-year period of super-  
5 vision past age 19 if continued supervision is in the best interests  
6 of the person and the person consents to it; the department shall  
7 place the minor in the juvenile facility which the department consid-  
8 ers appropriate and which may include a juvenile correctional school,  
9 detention home, or detention facility; the minor may be released from  
10 placement or detention and placed on probation on order of the court  
11 and may also be released by the department, in its discretion, under  
12 AS 47.10.200;

13 (2) order the minor placed on probation, to be supervised  
14 by the department, and released to the minor's parents, guardian, or a  
15 suitable person; if the court orders the minor placed on probation, it  
16 may specify the terms and conditions of probation; the probation may  
17 be for a period of time, not to exceed two years and in no event  
18 extend past the day the minor becomes 19, except that the department  
19 may petition for and the court may grant in a hearing

20 (A) two-year extensions of supervision which do not  
21 extend beyond the child's 19th birthday if the extension is in  
22 the best interests of the minor and the public; and

23 (B) an additional one-year period of supervision past  
24 age 19 if the continued supervision is in the best interests of  
25 the person and the person consents to it;

26 (3) order the minor committed to the department and placed  
27 on probation, to be supervised by the department, and released to the  
28 minor's parents, guardian, other suitable person, or suitable non-  
29 detention setting such as a family home, group care facility, or child

1 care facility, whichever the department considers appropriate to  
2 implement the treatment plan of the predisposition report; if the  
3 court orders the minor placed on probation, it may specify the terms  
4 and conditions of probation; the department may transfer the minor, in  
5 the minor's best interests, from one of the probationary placement  
6 settings listed in this paragraph to another, and the minor, the  
7 minor's parents or guardian, and the minor's attorney are entitled to  
8 reasonable notice of the transfer; the probation may be for a period  
9 of time, not to exceed two years and in no event extend past the day  
10 the minor becomes 19, except that the department may petition for and  
11 the court may grant in a hearing

12 (A) two-year extensions of commitment which do not  
13 extend beyond the child's 19th birthday if the extension is in  
14 the best interests of the minor and the public; and

15 (B) an additional one-year period of supervision past  
16 age 19 if the continued supervision is in the best interests of  
17 the person and the person consents to it; [OR]

18 (4) order the minor to make suitable restitution in lieu of  
19 or in addition to the court's order under (1), (2) or (3) of this  
20 subsection or, upon a showing that the minor is not capable of making  
21 complete restitution, order the minor's parent or guardian to make  
22 restitution in an amount not to exceed \$2,000; [.]

23 (5) order the minor committed to the Department of Health  
24 and Social Services for placement in an adventure-based education  
25 program established under AS 47.21.020 with conditions the court  
26 considers appropriate concerning release upon satisfactory completion  
27 of the program or commitment under (1) of this subsection if the  
28 program is not satisfactorily completed; or

29 (6) order the minor to perform community service in lieu of

1 or in addition to the court's order under (1) - (5) of this sub-  
2 section; the court may also order the minor's parent or guardian to  
3 supervise the community work service under this paragraph and report  
4 to the court or the department on the minor's compliance with the  
5 court's order.

6 \* Sec. 3. AS 47.10.080 is amended by adding a new subsection to read:

7 (1) The court may not

8 (1) order the parent, guardian, or person having legal  
9 custody of a minor to make restitution under (b)(4) of this section if  
10 the minor is a resident of the state, is living separate and apart  
11 from the minor's parents, guardian, or the person having legal  
12 custody, and is capable of self-support and of managing personal  
13 financial affairs;

14 (2) order a state agency, its agents, a person working in  
15 or responsible for the operation of a foster, receiving, or detention  
16 home, or children's institution to make restitution under (b)(4) of  
17 this section for the act of an unemancipated minor in the charge or  
18 custody of the agency or person.