

**SENATE BILL NO. 412**

IN THE LEGISLATURE OF THE STATE OF ALASKA

SEVENTEENTH LEGISLATURE - SECOND SESSION

BY SENATORS FISCHER, Pearce

Introduced: 2/18/92  
Referred: HES, Finance**A BILL****FOR AN ACT ENTITLED**

1 "An Act directing the Department of Health and Social Services to develop a program  
2 under which it would designate 'safe homes' for runaway minors; and providing for an  
3 effective date."

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

5 \* Section 1. LEGISLATIVE FINDINGS; INTENT. (a) The legislature finds that licensed programs  
6 for runaway minors need not be the only sources of government-sanctioned assistance for runaway  
7 minors. There exist many concerned citizens in the state who, with appropriate state oversight and  
8 certain limitations of their liability, would volunteer to assist runaway minors in their own private  
9 residences. It would be in the public interest to encourage properly qualified private citizens to seek  
10 designation of their homes as "safe homes" where runaway minors could seek temporary, short-term  
11 shelter and other care.

12 (b) It is the intent of legislature that the Department of Health and Social Services, in  
13 implementing this Act, develop a system for designating "safe homes" that involves less regulation than  
14 is required for licensed programs for runaways under AS 47.10.310 while still requiring adequate

1 assurances for the health and safety of runaway minors in the homes.

2 \* **Sec. 2.** AS 47.10 is amended by adding new sections to read:

3 **ARTICLE 4A. SAFE HOMES FOR RUNAWAY MINORS.**

4 **Sec. 47.10.392. POWERS AND DUTIES OF DEPARTMENT.** (a) The department shall  
5 adopt regulations under which the owner of a private residence may apply for designation of the  
6 residence as a safe home for runaway minors. The regulations must require adequate evidence  
7 that the home and its residents would provide a healthy and safe environment for a runaway  
8 minor.

9 (b) The department may limit the number and ages of runaway minors that may be  
10 sheltered in a safe home at one time. The department may require inspections of the home,  
11 criminal background checks of its residents, record keeping, and other requirements only to the  
12 extent that they are necessary to ensure the health and safety of a runaway minor in the home.

13 **Sec. 47.10.394. OPERATION OF SAFE HOMES.** (a) The owner of a private residence  
14 may not hold out publicly that the residence is a safe home for runaway minors unless the  
15 residence is designated a safe home under AS 47.10.392 - 47.10.399.

16 (b) A safe home may not shelter a runaway minor for more than seven days unless

17 (1) the minor is the subject of exceptional circumstances, as defined by the  
18 department in regulations; or

19 (2) the department determines that another appropriate setting is not available for  
20 the minor.

21 (c) The owner of a safe home shall promptly inform the department of a runaway minor  
22 in the home who claims to be the victim of child abuse or neglect, as defined in AS 47.17.290,  
23 or whom the owner has reasonable cause to suspect has been a victim of child abuse or neglect.

24 (d) The owner of a safe home shall make good faith efforts to ensure that notice of the  
25 minor's presence in a safe home is given to the minor's legal custodian as soon as possible after  
26 the minor is admitted to the home unless there are compelling circumstances that justify  
27 withholding notice. The notice need not specify the location of the safe home. The owner may  
28 give the notice, or the owner may direct the department to give the notice. If requested by the  
29 owner, the department shall make good faith efforts to give the notice required under this  
30 subsection.

31 **Sec. 47.10.396. CONFIDENTIALITY.** If the department requires record keeping by a

1 safe home, records of the home that identify a runaway minor who has been sheltered in the  
2 home or has sought assistance from the home are confidential and are not subject to inspection  
3 or copying under AS 09.25.110 - 09.25.120 unless

4 (1) after being informed of the minor's right to privacy, the minor consents in  
5 writing to the disclosure of the records;

6 (2) the records are relevant to an investigation or proceeding involving child abuse  
7 or neglect or a child in need of aid petition; or

8 (3) disclosure of the records is necessary to protect the life or health of the minor.

9 Sec. 47.10.398. IMMUNITY FROM LIABILITY. (a) A person in a safe home, or in  
10 a home for which an application to be designated a safe home is being considered by the  
11 department, that is operated in a manner that is consistent with AS 47.10.392 - 47.10.399 and  
12 regulations adopted under those sections is not criminally liable under AS 11.51.130(a)(5) unless  
13 the person aids, induces, causes, or encourages a child under 16 years of age to be repeatedly  
14 absent from school without just cause.

15 (b) Except as provided in (c) of this section, the owner of a safe home, or of a home for  
16 which an application to be designated a safe home is being considered by the department, and  
17 the members of the owner's household other than a runaway minor are not liable for civil  
18 damages as a result of an act or omission

19 (1) in admitting or refusing to admit a runaway minor to the home; or

20 (2) by a runaway minor who is sheltered in the home.

21 (c) The provisions of (b) of this section do not preclude liability for civil damages as a  
22 result of recklessness or intentional misconduct.

23 Sec. 47.10.399. DEFINITIONS. In AS 47.10.392 - 47.10.399,

24 (1) "runaway minor" has the meaning given in AS 47.10.390;

25 (2) "safe home" means a private residence whose owner agrees to shelter, without  
26 compensation, a runaway minor chosen by the owner and that

27 (A) is not licensed under AS 47.35 as a boarding home, foster home,  
28 group home, or institution;

29 (B) is not licensed under AS 47.10.310 as a program for runaway minors;

30 (C) has been designated a safe home under AS 47.10.392 - 47.10.399.

31 \* Sec. 3. AS 47.10.141(b) is amended to read:

1 (b) A peace officer shall take into protective custody a minor described in (a) of this  
2 section if the minor is not otherwise subject to arrest or detention. The peace officer shall honor  
3 the minor's preference to (1) return the minor to the legal custodian if the legal custodian  
4 consents to the return; (2) take the minor to a nearby location agreed to by the minor and the  
5 legal custodian; or (3) take the minor to an office specified by the Department of Health and  
6 Social Services, a program for runaway minors licensed by the department under AS 47.10.310,  
7 a safe home designated by the department under AS 47.10.392 - 47.10.399 that agrees to  
8 shelter the minor, or a facility or contract agency of the department. If an office specified by  
9 the department, a licensed program for runaway minors, a safe home that will accept the minor.  
10 or a facility or contract agency of the department does not exist in the community, the officer  
11 shall take the minor to another suitable location and promptly notify the department. A minor  
12 under protective custody may not be housed in a jail or other detention facility. Immediately  
13 upon taking a minor into protective custody, the officer shall advise the minor orally and in  
14 writing of the right to social services under AS 47.10.142(b), and, if known, the officer shall  
15 advise the legal custodian that the minor has been taken into protective custody.

16 \* Sec. 4. This Act takes effect immediately under AS 01.10.070(c).