

# Juvenile Needs

STATEMENT OF POSITION: The League of Women Voters of Alaska supports policies and services for youth which will develop a coordinated community program for the best treatment of youth, with emphasis on keeping the child in his home community without institutionalization.

The goals are:       -- Coordination of services and cooperation between the multiple agencies serving children  
                      --Recognized emphasis on keeping the child in his home community  
                      --Better and continued training for people working with youth  
                      --Support of group homes; encouragement of foster parent homes  
                      --Emphasis on prevention rather than only crisis treatment, and a family approach to problems

AMPLIFICATION: In 1971 the League of Women Voters of Alaska adopted a study of juvenile needs in Alaska. Assignments were made to each local League to study the treatment facilities and agency services in their areas, as well as the surrounding "bush". The lack of coordination between the agencies became evident almost immediately, and was mentioned in report after report from the Leagues. Although some attempts have been made to encourage better interagency communication, this still looms as the number one priority. It is believed that better use could be made of existing monies through coordination, and that the child would benefit from improved services.

Because removing the child from the community does not prepare him to return to his home, League believes that the juvenile should be kept in his home area, in his own home if possible, and only "sent out" in extreme cases. Local facilities and services must be provided to enable this goal. Larger communities should have group homes to meet the needs of youth who cannot live at home. Foster parent programs, especially in the smaller communities, should be instigated that will train, encourage and provide support to the foster parents.

We recognize that to receive certain specialized care some young people must be sent to centralized treatment centers, but any unnecessary deportations should be avoided.

League believes that all people working with youth should receive continued training, and we encourage in-service training programs, especially in counseling, for teachers, social workers, foster parents, police, counselors, etc. The use of para-professionals is encouraged as a means of stretching professional services to youth. Outside funding and training programs should be made available in the "bush".

Counseling is seen as one means of prevention of juvenile problems. The League encourages counseling at all school levels, and feels that it is especially important to bring help to the family situation, rather than put a band-aid on one child at a time. Expanded youth activities also are seen as prevention measures, and full utilization of school facilities and expanded community activity and recreation programs are supported. Young people should be included in the planning and implementation of youth programs and facilities.

Established 1972  
League of Women Voters of Alaska

COMMITTEE REPORT

4/22/76

SENATE

Mr. President:

Date \_\_\_\_\_

The Committee on Finance has had CSSSSB 572 relating to children's court proceeding under consideration. A Majority of the members of the Committee

- recommends it DO PASS
- recommends it DO NOT PASS
- recommends it DO PASS WITH ATTACHED AMENDMENT(S)
- recommends it BE REPLACED WITH CS FOR \_\_\_\_\_ AND THAT  
CS FOR \_\_\_\_\_ DO PASS
- "and" recommends it BE REFERRED TO THE \_\_\_\_\_  
COMMITTEE
- reports it back WITHOUT RECOMMENDATION
- "other"

Members signing the Majority report:

_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____

Members NOT concurring in the Majority report:

\_\_\_\_\_ recommends:

\_\_\_\_\_ recommends:

\_\_\_\_\_ recommends:

\_\_\_\_\_ recommends:

\_\_\_\_\_ recommends:

\_\_\_\_\_ Chairman

COMMITTEE REPORT

*R*

2-12-76  
~~11-23-76~~

SENATE

Mr. President:

Date 4/13/76

The Committee on Judiciary has had SSB 572 relating to children's court proceeding under consideration. A Majority of the members of the Committee

- ( ) recommends it DO PASS
- ( ) recommends it DO NOT PASS
- ( ) recommends it DO PASS WITH ATTACHED AMENDMENT(S)
- ( ) <sup>and</sup> recommends it BE REPLACED WITH CS FOR SS B 572 AND THAT

*new title*  
*Att. 4*  
*P. 822*

CS FOR \_\_\_\_\_ DO PASS

- ( ) "and" recommends it BE REFERRED TO THE \_\_\_\_\_ COMMITTEE

reports it back WITH <sup>individual</sup> ~~OUT~~ RECOMMENDATION S

- ( ) "other"

Members signing the Majority report:

<u><i>Zigler</i></u>	<u><i>Do Pass</i></u>	_____
<u><i>Tillion</i></u>	<u><i>No Rec.</i></u>	_____
<u><i>Melander</i></u>	<u><i>No Rec.</i></u>	_____
<u><i>Phillips</i></u>	<u><i>No Recommendation</i></u>	_____

Members NOT concurring in the Majority report:

- \_\_\_\_\_ recommends:
- \_\_\_\_\_ recommends:
- \_\_\_\_\_ recommends:
- \_\_\_\_\_ recommends:
- \_\_\_\_\_ recommends:

*Zigler* Chairman

LETTER OF LEGISLATIVE INTENT

The Senate Judiciary committee substitute for SSSB 572 (children's court proceedings) is an attempt to incorporate all the suggested additions and deletions presented to the committee during hearings held on the bill. Hopefully this is the best bill possible--it is not the best possible bill.

During the interim between the First and Second Sessions of the Ninth Legislature, a special task force on revision of the children's code was established under the auspices of the Legislative Council. Although this task force was composed of representatives of every conceivable field dealing with juveniles, the group was apparently never able to meet together all at one time; this is evidenced by the fact that some of the strongest objections to the original bill were voiced by people and agencies represented on the task force. Specific reference is made to members of the judiciary who feel that the bill should deal with the children's code by making substantive, not just procedural, changes.

It is clear to the committee that what is needed is another task force or interim study group of some kind charged with the responsibility of dealing with the substantive aspects of the children's code and making their recommendations known to the First Session of the Tenth Legislature. The present bill is really only a "patch on a patch."

RL + 113 with S.  
Senator Robert H. Ziegler, Sr.  
Chairman  
Senate Judiciary Committee

COMMITTEE REPORT

4/15/76

SENATE

Mr. President:

Date April 21, 1976

The Committee on Rules has had SSSB 572 relating to children's court proceeding under consideration. A Majority of the members of the Committee

- ( ) recommends it DO PASS
- ( ) recommends it DO NOT PASS
- ( ) recommends it DO PASS WITH ATTACHED AMENDMENT(S)
- ( ) recommends it BE REPLACED WITH CS FOR \_\_\_\_\_ AND THAT CS FOR \_\_\_\_\_ DO PASS
- ( ) "and" recommends it BE REFERRED TO THE \_\_\_\_\_ COMMITTEE

( ) reports it back WITHOUT RECOMMENDATION

~~( ) "other"~~ *Calendar April 22*

Members signing the Majority report:

*[Handwritten signatures: J. K. ...]*  
 \_\_\_\_\_  
*[Handwritten signature: Bill Ray]*  
 \_\_\_\_\_  
 \_\_\_\_\_

Members NOT concurring in the Majority report:

- \_\_\_\_\_ recommends:
- \_\_\_\_\_ recommends:
- \_\_\_\_\_ recommends:
- \_\_\_\_\_ recommends:
- \_\_\_\_\_ recommends:

*[Handwritten signature]*  
 \_\_\_\_\_  
*[Handwritten signature]*  
 \_\_\_\_\_  
 Chairman

Original sponsor: Rules Committee by request  
of the Legislative Council  
Children's Code Revision  
Task Force

Offered: 4/15/76  
Referred: Rules

1 IN THE SENATE

BY THE JUDICIARY COMMITTEE

2 CS FOR SPONSOR SUBSTITUTE FOR SENATE BILL NO. 572

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 NINTH LEGISLATURE - SECOND SESSION

5 A BILL

6 For an Act entitled: "An Act relating to children's court proceeding;  
7 changing the court's responsibilities and authority  
8 under Children's Rules 11(a), 12(a) and (b), 15, 21  
9 and 28, and Rule of Civil Procedure 17(b)."

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

11 \* Section 1. AS 09. 65.130(a) is amended to read:

12 (a) The court may, upon the motion of either party or upon its own  
13 motion, appoint an attorney [OR GUARDIAN AD LITEM] to represent the  
14 [INTERESTS OF A] minor [OR DEPENDENT CHILD] with respect to his custody,  
15 support, and visitation or in any other legal proceeding involving his  
16 welfare. When custody, support, or visitation are at issue in a di-  
17 vorce, it is the responsibility of the parties or their counsel to  
18 notify the court that those matters are at issue. Upon notification,  
19 the court shall determine whether the child should have legal repre-  
20 sentation [ASSISTANCE] or other services and shall make a finding on the  
21 record before trial. The court shall enter an order for costs, fees,  
22 and disbursements in favor of the child's attorney [OR GUARDIAN AD  
23 LITEM] and may further order that other services be provided for the  
24 protection of the child.

25 \* Sec. 2. AS 09.65.130 is amended by adding a new subsection to read:

26 (c) Instead of, or in addition to, appointment of an attorney  
27 under (a) of this section, the court may, upon the motion of either  
28 party or upon its own motion, appoint an attorney or other person to  
29 serve as guardian ad litem to represent the best interests of a minor in

1 any legal proceeding involving his welfare. The court shall appoint a  
2 guardian ad litem where, in the opinion of the court, representation of  
3 the child's best interests, to be distinguished from his preferences,  
4 would serve the welfare of the child. The person appointed under (a) of  
5 this section may also be appointed as guardian ad litem under this  
6 subsection. The court in its order appointing a guardian ad litem shall  
7 limit the duration of the appointment of the guardian ad litem to the  
8 pendency of the legal proceeding affecting his interests, and shall  
9 outline the guardian ad litem's responsibilities and limit his authority  
10 to those matters related to his effective representation of the child's  
11 best interests in the pending legal proceeding. The court shall appoint  
12 a guardian ad litem from among persons in the community where the child's  
13 parents or the person having legal custody or guardianship of the child's  
14 person resides. When custody, support, or visitation are at issue in a  
15 divorce, it is the responsibility of the parties or their counsel to  
16 notify the court that these matters are at issue. Upon notification,  
17 the court shall determine if the child's best interests need representa-  
18 tion or if the child needs other services and shall make a finding on  
19 the record before trial. The court shall enter an order for costs,  
20 fees, and disbursements in favor of the child's guardian ad litem and  
21 may further order that other services be provided for the protection of  
22 the child.

23 \* Sec. 3. AS 20.15.100(j) is amended to read:

24 (j) Appointment of an attorney to represent the minor or an  
25 attorney or other person to serve as guardian ad litem [A GUARDIAN AD  
26 LITEM OR ATTORNEY] for a person to be adopted who is a minor shall be  
27 made under the terms of AS 09.65.130.

28 \* Sec. 4. AS 47.10.010(a) is repealed and re-enacted to read:

29 (a) Proceedings relating to a minor under 18 years of age residing

1 or found in the state are governed by this chapter, except as otherwise  
2 provided in this chapter, when the court finds the minor

3 (1) to be a delinquent minor as a result of violating a law  
4 of the state, or an ordinance or regulation of a political subdivision  
5 of the state; or

6 (2) to be a child in need of aid as a result of the child

7 (A) having no caring parent, guardian, custodian or  
8 relative available and willing to care for him;

9 (B) having suffered or being likely to suffer imminent  
10 physical injury, inflicted upon him by other than accidental  
11 means;

12 (C) being in need of medical treatment to cure, allevi-  
13 ate, or prevent his suffering a serious physical injury and his  
14 parents are unwilling to provide the medical treatment;

15 (D) having suffered physical injury or if there is a  
16 substantial risk that the child will suffer imminent physical  
17 injury as a result of conditions created by his parent, guardian or  
18 custodian or the failure of his parent, guardian or custodian  
19 adequately to supervise him;

20 (E) suffering serious emotional damage, evidenced by  
21 failure to thrive, severe anxiety, depression, or withdrawal or  
22 untoward aggressive behavior or hostility toward others, or is in  
23 need of medical treatment to cure, alleviate, or prevent his  
24 suffering that serious emotional damage;

25 (F) having been sexually abused by his parent, guardian,  
26 or custodian or having been sexually abused as a result of failure  
27 on the part of his parent, guardian, or custodian to adequately and  
28 reasonably supervise him;

29 (G) committing delinquent acts as a result of pressure,

1 guidance, or approval from parents, guardian or custodian;

2 (H) being habitually absent from home; or

3 (I) having been released by his parent or parents, or  
4 guardian, to the department for adoptive purposes.

5 \* Sec. 5. AS 47.10.050 is amended to read:

6 Sec. 47.10.050. APPOINTMENT OF GUARDIAN AD LITEM OR ATTORNEY.

7 Whenever in the course of proceedings instituted under this chapter it  
8 appears to the court that the welfare of a minor will be promoted by the  
9 appointment of an attorney to represent the minor or an attorney or  
10 other person to serve as guardian ad litem [A GUARDIAN AD LITEM OR  
11 ATTORNEY], the court may make the appointment. Appointment of a guard-  
12 ian ad litem or attorney shall be made under the terms of AS 09.65.130.

13 \* Sec. 6. AS 47.10.080(a) is amended to read:

14 (a) The court, at the conclusion of the hearing, or thereafter as  
15 the circumstances of the case may require, shall find and enter a judg-  
16 ment that the minor is or is not a delinquent [,] or a child in need of  
17 aid [SUPERVISION, OR DEPENDENT MINOR]. The department shall send a  
18 written treatment plan and statement of goals to the court, the child,  
19 and his parents within 30 days of the adjournment of the minor's dis-  
20 position hearing; if the department fails to send this plan and state-  
21 ment, the court shall hold a hearing under sec. 80(f) of this chapter to  
22 determine if continued supervision or commitment is in the best in-  
23 terests of the minor and may take action it considers appropriate under  
24 sec. 100(a) and (b) of this chapter.

25 \* Sec. 7. AS 47.10.080(b)(1) is amended to read:

26 (1) order the minor committed to the Department of Health and  
27 Social Services for a [AN INDETERMINATE] period of time not to exceed  
28 two years [EXTEND PAST A SPECIFIED DATE] or in any event extend past the  
29 day the minor becomes 19, except that

1           (A) the department may apply for and the court may grant  
2 two-year extensions of supervision which do not extend beyond the  
3 child's 19th birthday, if the extension is in the best interests of  
4 the minor and the public; or

5           (B) the department may apply for and the court may grant  
6 an additional one-year period of supervision past age 19, if con-  
7 tinued supervision is in the best interests of the person and the  
8 person consents to it [PETITION THE COURT FOR CONTINUED SUPERVISION  
9 FOR AN ADDITIONAL ONE-YEAR PERIOD FOR MINORS WHO HAVE NOT RESPONDED  
10 TO TREATMENT]; the department shall place the minor in the juvenile  
11 facility which the department considers appropriate and which may  
12 include a juvenile correctional school, detention home, or deten-  
13 tion facility; the minor may be released from placement or deten-  
14 tion and placed on probation on order of the court and may also be  
15 released by the department, in its discretion, under sec. 200 of  
16 this chapter; or

17 \* Sec. 3. AS 47.10.080(b)(2) is amended to read:

18           (2) order the minor placed on probation, to be supervised by  
19 the department, and release him to his parents, guardian, or a suitable  
20 person; if the court orders the minor placed on probation, it may  
21 specify the terms and conditions of probation; the probation may be for  
22 a [AN INDETERMINATE] period of time, not to exceed two years [EXTEND  
23 PAST A SPECIFIED DATE] and in no event extend past the day the minor  
24 becomes 19, except that

25           (A) the department may apply for and the court may grant  
26 two-year extensions of supervision which do not extend beyond the  
27 child's 19th birthday if the extension is in the best interests of  
28 the minor and the public; or

29           (B) the department may apply for and the court may grant

1 an additional one-year period of supervision past age 19, if con-  
2 tinued supervision is in the best interests of the person and the  
3 person consents to it [PETITION THE COURT FOR CONTINUED SUPERVISION  
4 FOR AN ADDITIONAL ONE-YEAR PERIOD FOR MINORS WHO HAVE NOT RESPONDED  
5 TO TREATMENT].

6 \* Sec. 9. AS 47.10.080(c) is amended to read:

7 (c) If the court finds that the minor is a child in need of aid  
8 [DEPENDENT], it shall

9 (1) order the minor committed to the department for a [AN  
10 INDETERMINATE] period of time not to exceed two years or in any event  
11 past the date the minor becomes 19 years of age, except that

12 (A) the department may apply for and the court may grant  
13 two-year extensions of supervision which do not extend beyond the  
14 child's 19th birthday if the extension is in the best interests of  
15 the minor and the public; or

16 (B) the department may apply for and the court may grant  
17 an additional one-year period of supervision past age 19, if the  
18 continued supervision is in the best interests of the person and  
19 the person consents to it [PETITION THE COURT FOR CONTINUED SUPER-  
20 VISION FOR AN ADDITIONAL ONE-YEAR PERIOD FOR MINORS WHO HAVE NOT  
21 RESPONDED TO TREATMENT];

22 (2) order the minor released to his parents, guardian, or  
23 some other suitable person, and, in appropriate cases, order the parents,  
24 guardian, or other person to provide medical or other care and treat-  
25 ment; if the court releases the minor, it shall direct the department to  
26 supervise the care and treatment given to the minor; the department's  
27 supervision may not exceed two years or in any event extend past the  
28 date the minor reaches age 19 [MAJORITY], except that

29 (A) the department may apply for and the court may grant

1 two-year extensions of supervision which do not extend beyond the  
2 child's 19th birthday if the extension is in the best interests of  
3 the minor and the public; or

4 (B) the department may apply for and the court may grant  
5 an additional one-year period of supervision past age 19, if the  
6 continued supervision is in the best interests of the person and  
7 the person consents to it [PETITION THE COURT FOR CONTINUED SUPER-  
8 VISION FOR AN ADDITIONAL ONE-YEAR PERIOD FOR MINORS WHO HAVE NOT  
9 RESPONDED TO TREATMENT]; or

10 \* Sec. 10. AS 47.10.080(f) is amended to read:

11 (f) A minor found to be delinquent or a child in need of aid  
12 [, A CHILD IN NEED OF SUPERVISION, OR DEPENDENT] is a ward of the state  
13 as long as he is committed to the department or the department has the  
14 power to supervise his actions. The court shall review an order made  
15 under (b) or (c)(1) or (2) [OR (j)] of this section annually, and may  
16 review the order more frequently to determine if continued placement,  
17 probation, or supervision, as it is being provided, is in the best  
18 interest of the minor and the public [, AND TO DETERMINE IF THE MINOR IS  
19 BEING TREATED FAIRLY]. The department, the minor, [OR] the minor's  
20 parents, [OR] guardian, or custodian are [IS] entitled, ~~when good cause~~  
21 is shown, to a review on application. If the application is granted,  
22 the court shall afford these parties and their counsel reasonable notice  
23 in advance of the review and hold a hearing where these parties and  
24 their counsel shall be afforded an opportunity to be heard. The minor  
25 shall be afforded the opportunity to be present at the review.

26 \* Sec. 11. AS 47.10.290(2) is repealed and re-enacted to read:

27 (2) "delinquent minor" means a minor found to be within the  
28 jurisdiction of the court under sec. 10(a)(1) of this chapter.

29 \* Sec. 12. AS 47.10.080(j) and 47.10.290(3) and (7) are repealed.

1 \* Sec. 13. AS 47.10.290 is amended by adding a new paragraph to read:

2 (8) "child in need of aid" means a minor found to be within  
3 the jurisdiction of the court under sec. 10(a)(2) of this chapter.

4 \* Sec. 14. AS 47.10.080(e) is amended to read:

5 (e) If the court finds that the minor is not delinquent or [,] a  
6 child in need of aid [SUPERVISION, OR DEPENDENT], it shall immediately  
7 order his release from its custody and his return to his parents,  
8 guardian, or custodian, and close the case.

9 \* Sec. 15. AS 47.10.085 is amended to read:

10 Sec. 47.10.085. CHILD IN NEED OF AID [DEPENDENT MINOR]; RELIGIOUS  
11 TREATMENT. In a case in which the minor's status as a child in need of  
12 aid [DEPENDENT MINOR] is sought to be based on his need for medical  
13 care, the court may, upon consideration of the health of the minor and  
14 the fact, if it is a fact, that the minor is being provided treatment by  
15 spiritual means through prayer in accordance with the tenets and prac-  
16 tices of a recognized church or religious denomination by an accredited  
17 practitioner of the church or denomination, dismiss the proceedings and  
18 thereby close the matter. This may be done, in the interests of justice  
19 and religious freedom, on the court's own motion or upon the application  
20 of a party to the proceedings, at any stage of the proceedings after  
21 information is given to the court under sec. 20(a) of this chapter.

22 \* Sec. 16. AS 47.10.090(b) is amended to read:

23 (b) The name or picture of a minor under the jurisdiction of the  
24 court may not be made public in connection with the minor's status as a  
25 delinquent [OR DEPENDENT] child or a child in need of aid unless autho-  
26 rized by order of the court, except that the name of a minor who is  
27 found for the second time to have violated a law, which if committed by  
28 an adult would be a felony, shall be made public unless the court, for  
29 good cause, in certain individual cases, enters an order prohibiting the

1 disclosure.

2 \* Sec. 17. AS 47.10.100(a) and (c) are amended to read:

3 (a) The court retains jurisdiction over the case and may at any  
4 time stay execution, modify, set aside, revoke, or enlarge a judgment or  
5 order, or grant a new hearing, in the exercise of its power of pro-  
6 tection over the minor and for his best interest, for a period of time  
7 not to exceed two years or in any event extend past the day the minor  
8 becomes 19 [UNTIL HE BECOMES 19 YEARS OF AGE], unless sooner discharged  
9 by the court, except that the department may apply for and the court may  
10 grant an additional one-year period of supervision past age 19 if con-  
11 tinued supervision is in the best interests of the person and the  
12 person consents to it [PETITION THE COURT FOR CONTINUED SUPERVISION FOR  
13 AN ADDITIONAL ONE-YEAR PERIOD FOR MINORS WHO HAVE NOT RESPONDED TO  
14 TREATMENT]. An application for any of these purposes may be made by the  
15 parent, guardian, or custodian acting in behalf of the minor, or the  
16 court may, on its own motion, and after reasonable notice to interested  
17 parties and the appropriate department, take action which it considers  
18 appropriate.

19 (c) If a minor is adjudicated a delinquent or [,] a child in need  
20 of aid [SUPERVISION, OR A DEPENDENT] before his 18th birthday, the court  
21 may retain jurisdiction over him after his 18th birthday for the purpose  
22 of supervising his rehabilitation, but the court's jurisdiction over him  
23 under this chapter never extends beyond his 19th birthday, except that  
24 the department may apply for and the court may grant an additional one-  
25 year period of supervision past age 19, if continued supervision is in  
26 the best interests of the person and the person consents to it [PETI-  
27 TION THE COURT FOR CONTINUED SUPERVISION FOR AN ADDITIONAL ONE-YEAR  
28 PERIOD FOR MINORS WHO HAVE NOT RESPONDED TO TREATMENT]. The department  
29 may retain jurisdiction over a child between his 18th and 19th birthdays

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1 for the purpose of supervising his rehabilitation, if he is committed to  
2 the custody of the department before his 18th birthday, except that the  
3 department may apply for and the court may grant an additional one-year  
4 period of supervision past age 19, if continued supervision is in the  
5 best interests of the person and the person consents to it [PETITION THE  
6 COURT FOR CONTINUED SUPERVISION FOR AN ADDITIONAL ONE-YEAR PERIOD FOR  
7 MINORS WHO HAVE NOT RESPONDED TO TREATMENT].

8 \* Sec. 18. AS 47.10.120(a) is amended to read:

9 (a) When a child in need of aid [DEPENDENT MINOR] is committed  
10 under this chapter the court may, after giving the parent a reasonable  
11 opportunity to be heard, adjudge that the parent shall pay in a manner  
12 which the court directs a sum which will cover in full or in part the  
13 support of the child in need of aid [DEPENDENT MINOR]. When a delin-  
14 quent minor is committed under this chapter the court shall order that  
15 the parent of the minor pay in a manner which the court directs a sum  
16 which will cover in full or in part the support of the delinquent minor.

17 \* Sec. 19. AS 47.10.142(c) and (d) are amended to read:

18 (c) When a child is taken into custody under (a) or (b) of this  
19 section, the department shall immediately, and in no event more than 12  
20 hours later unless prevented by lack of communication facilities,  
21 notify the parents or the person or persons having custody of the child  
22 and the court of the action and file with the court a petition alleging  
23 that there is a child in need of aid [DEPENDENCY].

24 (d) The court shall immediately, and in no event more than 48  
25 hours after being notified unless prevented by lack of transportation,  
26 hold a hearing at which the minor, if his health permits, and his  
27 parents or guardian, if they can be found, shall be permitted to be  
28 present. The court shall determine whether probable cause exists for  
29 believing the minor to be a child in need of aid [DEPENDENT MINOR], as

1 defined in sec. 290(8) [290(3)] of this chapter. The court shall inform  
2 the minor, and his parents or guardian if they can be found, of the  
3 reasons given as constituting probable cause and the reasons given as  
4 authorizing his temporary placement.

5 \* Sec. 20. AS 47.10.150(1) is amended to read:

6 (1) purchase, lease or construct buildings or other facili-  
7 ties for the care, detention, rehabilitation and education of children  
8 in need of aid [DEPENDENT] or delinquent minors;

9 \* Sec. 21. Section 2 of this Act has the effect of limiting the discre-  
10 tionary authority of the court to appoint a guardian ad litem under Rule  
11 17(5), Alaska Rules of Civil Procedure, and Rules 11(a) and 15, Alaska Rules  
12 of Children's Procedure, by requiring as a condition of appointment that the  
13 court find that the best interests of the child need articulation. Further,  
14 this Act requires limitation of the duration of the appointment, limits the  
15 scope of the guardian ad litem's authority, and establishes the geographical  
16 area from which the guardian ad litem may be selected.

17 \* Sec. 22. Section 10 of this Act has the effect of adding to the court's  
18 responsibilities when holding a review under Rule 28, Alaska Rules of Chil-  
19 dren's Procedure, by requiring the court to hold a hearing upon a showing of  
20 good cause, give notice, and afford an opportunity to be heard.

21 \* Sec. 23. Section 4 of the Act has the effect of changing Children's  
22 Rule 12 by deleting any references to "truant from school," "endanger(ing)  
23 the morals or health," "being wayward or habitually disobedient," or "un-  
24 controlled," and has the effect of substituting the words "child in need of  
25 aid" for the terms "child in need of supervision" and "dependent" where those  
26 two terms appear in the Rules of Children's Procedure.

27 \* Sec. 24. The portions of AS 47.10.080(b) and (c) in secs. 7 - 9 of this  
28 Act which specify the length of commitment to the department are applicable  
29 to those minors committed to the department under former AS 47.10.080(b), (c)

1 and (j) before the effective date of this Act so that the commitment of  
2 minors to the department before the effective date of this Act shall continue,  
3 but may not exceed two years from the effective date of this Act unless two-  
4 year extensions have been granted by the court under this Act. The commit-  
5 ment of minors with pending judicial actions under AS 47.10.010(a) on the  
6 effective date of this Act may not exceed two years unless two-year extensions  
7 have been granted by the court under this Act.  
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ALASKA STATE LEGISLATURE

NINTH... Legislature SECOND. Session

SENATE BILL NO. 572

By THE RULES COMMITTEE BY REQUEST OF THE LEGISLATIVE COUNCIL'S CHILDREN'S CODE REVISION TASK FORCE

"An Act relating to children's court proceeding; adding to the court's responsibilities and delineating its authority under Rule 12(a), Rules of Children's Procedure and Rule 17(b) Rules of Civil Procedure; restricting the court's authority to hold hearings under Rule 21, Alaska Children's Rules; and requiring the court to review judgment at the application of an interested party and to afford notice and an opportunity to be heard at a review held under Rule 23, Alaska Children's Rules."

children's court proceeding

Introduced in the Senate 1/23/76

HISTORY IN THE SENATE

19 76

1 23

Read first time and referred to Committee on Judiciary

415 Reported back with recommendation that replace w/CS 1-de part 3 done re To Rules

422 Read second time and CS adapted advanced

422 Read third time and Referred to Finance

PASS Effective Date  
Yeas Yeas  
Nays Nays  
Absent Absent  
Excused Excused

Reconsideration

PASS Effective Date  
Yeas Yeas  
Nays Nays  
Absent Absent  
Excused Excused

Reported correctly engrossed  
Signed by President  
Sent to House

SECRETARY OF THE SENATE

HISTORY IN THE HOUSE

19

Read first time and referred to Committee on

Reported back with recommendation that

Read second time and

Read third time and

PASS Effective Date  
Yeas Yeas  
Nays Nays  
Absent Absent  
Excused Excused

Reconsideration

PASS Effective Date  
Yeas Yeas  
Nays Nays  
Absent Absent  
Excused Excused

Reported correctly engrossed  
Signed by Speaker  
Returned to Senate

CHIEF CLERK OF THE HOUSE

HISTORY IN THE SENATE

19

Received from House

Reported correctly enrolled

Sent to Governor

..... By Governor

Filed with Lt. Governor

Chapter No. ....

THE LEGISLATURE OF THE STATE OF ALASKA  
FISCAL NOTE

Second Session - Ninth Legislature

I. REQUEST

Bill No. CS for SS for SB 572

Title: An Act relating to Children's Court Proceedings

Requested by: Senate Finance Date: 4/23/76

Return Date Requested: \_\_\_\_\_

Agency: Alaska Court System Program: \_\_\_\_\_

II. FISCAL DETAIL

Budget Request Unit(s) Affected: Alaska Court System

A. EXPENDITURES: (Thousands of dollars)

OBJECT	FY 76	FY 77	FY 78	FY 79	FY 80	FY 81
100 PERSONAL SERVICES						
200 TRAVEL						
300 CONTRACTUAL						
400 COMMODITIES						
500 EQUIPMENT						
600 LAND & STRUCTURES						
700 GRANTS, CLAIMS, ETC.						
TOTAL	-0-	-0-	-0-	-0-	-0-	-0-

B. FUNDING: (Thousands of dollars)

GENERAL FUND						
FEDERAL FUNDS						
OTHER						

C. POSITIONS:

PERMANENT/TEMPORARY	/	/	/	/	/	/
MAN MONTHS (P./T.)	/	/	/	/	/	/

III. ANALYSIS (See Fiscal Note Preparation Instructions, Section III)

The Committee Substitute for Sponsor Substitute for Senate Bill No. 572 revises certain procedures relating to representation of minors by guardians ad litem and the supervision of minors by the Department of Health and Social Services. It appears at this time that this bill will have no fiscal impact on the Alaska Court System. If an unforeseen fiscal impact occurs after the implementation of this bill, the Court System will so advise the Legislature through a request for supplemental appropriations.

IV. ATTACHMENTS

V. DATE: 4/23/76

PREPARED BY: \_\_\_\_\_

*Rick Barrier*  
RICK BARRIER

Original: Legislative Finance  
cc: Budget and Management  
Prime Sponsor (First Legislator Named)

THE LEGISLATURE OF THE STATE OF ALASKA  
FISCAL NOTE

Second Session - Ninth Legislature

I. REQUEST

Bill No. Committee Substitute for SSSB 572  
 Title: An Act relating to Children's Court Proceedings  
 Requested by: Finance Committee Date: April 23, 1976  
 Return Date Requested: April 26, 1976  
 Agency: Health & Social Services Program: Social Services

II. FISCAL DETAIL

Budget Request Unit(s) Affected: Program Services

A. EXPENDITURES: (Thousands of dollars)

OBJECT	FY 76	FY 77	FY 78	FY 79	FY 80	FY 81
100 PERSONAL SERVICES		?				
200 TRAVEL		?				
300 CONTRACTUAL		?				
400 COMMODITIES		?				
500 EQUIPMENT		?				
600 LAND & STRUCTURES						
700 GRANTS, CLAIMS, ETC.						
TOTAL		?				

B. FUNDING: (Thousands of dollars)

GENERAL FUND						
FEDERAL FUNDS						
OTHER						

C. POSITIONS:

PERMANENT/TEMPORARY	/	? /	/	/	/	/
MAN MONTHS (P./T.)	/	? /	/	/	/	/

III. ANALYSIS (See Fiscal Note Preparation Instructions, Section III)

It is not possible to determine with any accuracy the costs that would result from enactment of this bill. The awarding of costs, fees and disbursements, and the court ordering other services be provided a child will undoubtedly require additional funds. The number of children, number and length of legal proceedings and attorneys fees would have to be identified before a realistic determination of fiscal impact could be made.

IV. ATTACHMENTS

V. DATE: April 26, 1976 PREPARED BY: Sam J. Granato, Director, Social Services

Original: Legislative Finance  
 cc: Budget and Management  
 Prime Sponsor (First Legislator Named)

Reviewed by Financial Management: Eugene K. Smith  
 EUGENE K. SMITH, Deputy Director

POSITION PAPER  
ON  
Senate Bill 572

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Another concern is the question of responsibility for payment of preliminary examinations, hospital examination and observation, etc., since this section does not specify the responsible agency. The probable effect of this legislation would be to greatly increase the demand on already overburdened mental health services without additional resources being provided. The 48 hour requirement for preliminary examination is an impossible time frame since mental health services simply do not exist in many parts of the state. This proposed legislation could not be complied with without greatly expanded specialized mental health resources for children.

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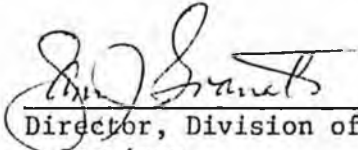
Page 6, line 1. We do not support the concept that the child and his parents be furnished with a statement of the goals of the treatment plan, since these may have to be modified depending upon the institution or the program selected by the Department. It would also mean that the Department would have to submit numerous reports, since the treatment plan may change quite rapidly. Suggest striking the words: "the child and his parents." The court may, at its discretion, provide the child and his parents with a copy of that portion of the court report which deals with the placement and treatment plan as recommended to the court. To do another report subsequent to the disposition hearing would duplicate what has already been filed with the court and cause needless report preparation and necessitate additional staff.

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While not in the present bill, we would strongly recommend that Section 11 (j) (2) of the existing statutes be eliminated. Deletion of this would have the effect of prohibiting the court from placing a child in need of aid under probation supervision. We feel very strongly that probation should be reserved for delinquent children, and the child found in need of aid can be supervised by the Division of Social Services.

Section 12. AS 47.10.080 (f), Page 9, line 2. We recommend that the phrase "should cause be shown" be inserted after the word "review." If not, a child could constantly be requesting a hearing and hearings should only be for cause.

Recommended By:   
Director, Division of Social  
Services

3/18/76  
Date

Concurrence:

*for* *Thomas B. Brant*  
Director, Division of Mental Health

*3/15/76*  
Date

Concurrence:

*Jim H. [unclear]*  
Acting Director, Division of  
Corrections

*3-18-76*  
Date

Approved By:

*Sam M. [unclear]*  
Commissioner, Department of  
Health & Social Services

*3-18-76*  
Date

R E G U L A R U

JAN 20 1976

Developmental

National Association of Coordinators  
of State Programs for the Mentally Retarded, Inc.

2001 Jefferson Davis Highway - Arlington, Virginia 22202 703/910-0700



BULLETIN (76-7)

January 19, 1976

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A federal district court has declared unconstitutional a Pennsylvania statute providing for the commitment of children to mental health and mental retardation facilities and ordered the state to discharge or readmit, under new procedures mandated by the court, over 5,000 juveniles in state operated facilities, within 120 days.

The decision in the case of Bartley, et al. v. Kremens, et al. was originally rendered by the U.S. District Court for Eastern Pennsylvania on July 24, 1975. On November 17 the court filed an order specifying the steps which the state must take to comply with its decision.

Attorneys for the Commonwealth pointed out that the purpose of commitment procedures under the state's Mental Health and Mental Retardation Act were to protect and provide the child with treatment and rehabilitation services, to preserve the family unit, maintain the rights of parents to the custody, care and upbringing of their children, and to protect society. They argued that, since the Act required parents, guardians or persons standing in loco parentis to set the commitment machinery in motion, these persons, in effect, were waiving any due process rights of children being considered for commitment.

After rejecting the Commonwealth's arguments, District Judge Daniel H. Huyett, III laid down the following minimal due process safeguards which must be observed before any person, eighteen years of age or younger, can be admitted to a Pennsylvania mental health or mental retardation facility.

- (a) a probable cause hearing must be held within 72 hours of the date of initial detention;
- (b) a post-commitment hearing must be held within two weeks of the date of initial detention;
- (c) the client must be furnished written notice, including the date, time and place of the post-commitment hearing, and a statement of the grounds for the proposed commitment;

- (d) the client must be afforded the right to legal counsel at all significant stages of the commitment process and, if indigent, the right to the appointment of free counsel;
- (e) the client must have the right to be present at all hearings concerning his or her proposed commitment;
- (f) a decision to commit must be based on "clear and convincing proof" that the individual is in need of institutionalization; and;
- (g) the client must be given the right to confront and cross-examine witnesses against him, to present evidence in his own behalf and to offer testimony of witnesses.

In responding to the state's contention that less rigorous due process safeguards should apply in cases involving civil (or voluntary) commitment, Judge Huyett said:

"It matters not whether the proceedings will be labelled 'civil' or 'criminal' or whether the subject matter be mental instability or juvenile delinquency. It is the likelihood of involuntary incarceration - whether for punishment as an adult for a crime, rehabilitation as a juvenile for delinquency, or treatment and training as a feeble-minded or mental incompetent - which commands observance of the constitutional safeguards of due process.

He concluded by declaring unconstitutional those portions of the state's Mental Health and Mental Retardation Act which fail to adhere to the due process safeguards listed above.

The court's November 17 order directed the Commonwealth to either discharge or recommit all children who were previously admitted to public facilities under the unconstitutional sections of the Act, within 120 days. In addition, within 120 days the state must arrange to have all individuals over eighteen years of age, who were admitted as children, brought before a Commonwealth court, or a similar neutral tribunal, and informed of their right to voluntarily withdraw from the institution. An adult who elects to withdraw must be released immediately unless proper procedures are initiated to have him or her involuntarily committed.

The state also is obligated under the November 17 order to issue, within 30 days, regulations requiring all mental health and mental retardation facilities in the Commonwealth to comply with the court's order and to report to the court within 60 days and again in 150 days on progress made in the implementation of the court's order.

Since the November 17 order was handed down, the U.S. Supreme Court has issued a December 15 stay order upon the petition of attorneys for the Commonwealth. The state argued that it would be impossible to arrange due process hearings within 120 days for the over 5,000 juveniles in Pennsylvania facilities who are affected by the Bartley decision.

The Supreme Court is not expected to take final action in the Bartley case for several months. However, since the high court is expected to affirm the substance of the district court's decision, state officials are currently gearing up to implement the order.

One aspect of the Bartley decision which could prove to be quite controversial is the application of due process safeguards to respite placements - especially in cases where the primary motivation for short term placement is the general well-being of the affected child's family. In specifying due process safeguards, the court made no provision for waiving the requirements in the case of short term or respite placements. Indeed, one of the initial plaintiffs in the case was a 13 year old educably retarded boy who was placed in a state hospital for a one-to-two week period so that other members of his family could go on a vacation.

However, Stanley Meyers, Deputy Secretary for Mental Retardation in the Commonwealth, reports that efforts are underway, in cooperation with the plaintiff's attorney, to provide due process safeguards in respite cases without requiring a court hearing each time a short term placement is contemplated.

State coordinators desiring a copy of the July 24 decision in the Bartley case and the subsequent implementing order may obtain one by writing the Association.

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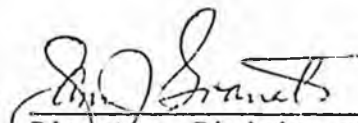
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Director, Division of Social  
Services

3/18/76  
Date

Concurrence: *[Signature]* 3/15/76  
*for* Director, Division of Mental Health Date

Concurrence: *[Signature]* 3-18-76  
Acting Director, Division of Date  
Corrections

Approved By: *[Signature]* 3-18-76  
Commissioner, Department of Date  
Health & Social Services

JAN 20 1976

Developmental

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2001 Jefferson Davis Highway - Arlington, Virginia 22202 703/930 0200



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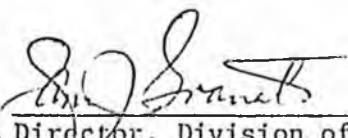
Section 9. AS 47.10.080 (b) (1) (A), Page 6, line 13. Strike "one" and insert "two." A petition for a two-year extension is more realistic in terms of the Department petitioning the court. Annual reports are required.

Section 11. AS 47.10.080 (c) (1) (A), Page 7, line 24. Recommend striking "one" and insert "two." A petition for a two-year extension is more realistic in terms of a very young child in need of aid, who is not adoptable. With a one-year requirement, the Department would be petitioning the courts each year.

While not in the present bill, we would strongly recommend that Section 11 (j) (2) of the existing statutes be eliminated. Deletion of this would have the effect of prohibiting the court from placing a child in need of aid under probation supervision. We feel very strongly that probation should be reserved for delinquent children, and the child found in need of aid can be supervised by the Division of Social Services.

Section 12. AS 47.10.080 (f), Page 9, line 2. We recommend that the phrase "should cause be shown" be inserted after the word "review." If not, a child could constantly be requesting a hearing and hearings should only be for cause.

Recommended By:

  
Director, Division of Social  
Services

3/18/76  
Date

Concurrence: *Henry S. Brink* 3/15/76  
*for* Director, Division of Mental Health Date

Concurrence: *[Signature]* 3-18-76  
Acting Director, Division of Date  
Corrections

Approved By: *[Signature]* 3-18-76  
Commissioner, Department of Date  
Health & Social Services

JAN 20 1976

Developmental

National Association of Coordinators  
of State Programs for the Mentally Retarded, Inc.

2001 Jefferson Davis Highway - Arlington, Virginia 22202 703/920-0700



BULLETIN (76-7)

January 19, 1976

PENNSYLVANIA'S COMMITMENT LAWS DECLARED UNCONSTITUTIONAL

A federal district court has declared unconstitutional a Pennsylvania statute providing for the commitment of children to mental health and mental retardation facilities and ordered the state to discharge or readmit, under new procedures mandated by the court, over 5,000 juveniles in state operated facilities, within 120 days.

The decision in the case of Battley, et al. v. Kremens, et al. was originally rendered by the U.S. District Court for Eastern Pennsylvania on July 24, 1975. On November 17 the court filed an order specifying the steps which the state must take to comply with its decision.

Attorneys for the Commonwealth pointed out that the purpose of commitment procedures under the state's Mental Health and Mental Retardation Act were to protect and provide the child with treatment and rehabilitation services, to preserve the family unit, maintain the rights of parents to the custody, care and upbringing of their children, and to protect society. They argued that, since the Act required parents, guardians or persons standing in loco parentis to set the commitment machinery in motion, these persons, in effect, were waiving any due process rights of children being considered for commitment.

After rejecting the Commonwealth's arguments, District Judge Daniel H. Huyett, III laid down the following minimal due process safeguards which must be observed before any person, eighteen years of age or younger, can be admitted to a Pennsylvania mental health or mental retardation facility.

- (a) a probable cause hearing must be held within 72 hours of the date of initial detention;
- (b) a post-commitment hearing must be held within two weeks of the date of initial detention;
- (c) the client must be furnished written notice, including the date, time and place of the post-commitment hearing, and a statement of the grounds for the proposed commitment;

- (d) the client must be afforded the right to legal counsel at all significant stages of the commitment process and, if indigent, the right to the appointment of free counsel;
- (e) the client must have the right to be present at all hearings concerning his or her proposed commitment;
- (f) a decision to commit must be based on "clear and convincing proof" that the individual is in need of institutionalization; and;
- (g) the client must be given the right to confront and cross-examine witnesses against him, to present evidence in his own behalf and to offer testimony of witnesses.

In responding to the state's contention that less rigorous due process safeguards should apply in cases involving civil (or voluntary) commitment, Judge Huyett said:

"It matters not whether the proceedings will be labelled 'civil' or 'criminal' or whether the subject matter be mental instability or juvenile delinquency. It is the likelihood of involuntary incarceration - whether for punishment as an adult for a crime, rehabilitation as a juvenile for delinquency, or treatment and training as a feeble-minded or mental incompetent - which commands observance of the constitutional safeguards of due process

He concluded by declaring unconstitutional those portions of the state's Mental Health and Mental Retardation Act which fail to adhere to the due process safeguards listed above.

The court's November 17 order directed the Commonwealth to either discharge or recommit all children who were previously admitted to public facilities under the unconstitutional sections of the Act, within 120 days. In addition, within 120 days the state must arrange to have all individuals over eighteen years of age, who were admitted as children, brought before a Commonwealth court, or a similar neutral tribunal, and informed of their right to voluntarily withdraw from the institution. An adult who elects to withdraw must be released immediately unless proper procedures are initiated to have him or her involuntarily committed.

The state also is obligated under the November 17 order to issue, within 30 days, regulations requiring all mental health and mental retardation facilities in the Commonwealth to comply with the court's order and to report to the court within 60 days and again in 150 days on progress made in the implementation of the court's order.

Since the November 17 order was handed down, the U.S. Supreme Court has issued a December 15 stay order upon the petition of attorneys for the Commonwealth. The state argued that it would be impossible to arrange due process hearings within 120 days for the over 5,000 juveniles in Pennsylvania facilities who are affected by the Bartley decision.

The Supreme Court is not expected to take final action in the Bartley case for several months. However, since the high court is expected to affirm the substance of the district court's decision, state officials are currently gearing up to implement the order.

One aspect of the Bartley decision which could prove to be quite controversial is the application of due process safeguards to respite placements - especially in cases where the primary motivation for short term placement is the general well-being of the affected child's family. In specifying due process safeguards, the court made no provision for waiving the requirements in the case of short term or respite placements. Indeed, one of the initial plaintiffs in the case was a 13 year old educably retarded boy who was placed in a state hospital for a one-to-two week period so that other members of his family could go on a vacation.

However, Stanley Meyers, Deputy Secretary for Mental Retardation in the Commonwealth, reports that efforts are underway, in cooperation with the plaintiff's attorney, to provide due process safeguards in respite cases without requiring a court hearing each time a short term placement is contemplated.

State coordinators desiring a copy of the July 24 decision in the Bartley case and the subsequent implementing order may obtain one by writing the Association.

LETTER OF LEGISLATIVE INTENT

The Senate Judiciary committee substitute for SSSB 572 (children's court proceedings) is an attempt to incorporate all the suggested additions and deletions presented to the committee during hearings held on the bill. Hopefully this is the best bill possible--it is not the best possible bill.

During the interim between the First and Second Sessions of the Ninth Legislature, a special task force on revision of the children's code was established under the auspices of the Legislative Council. Although this task force was composed of representatives of every conceivable field dealing with juveniles, the group was apparently never able to meet together all at one time; this is evidenced by the fact that some of the strongest objections to the original bill were voiced by people and agencies represented on the task force. Specific reference is made to members of the judiciary who feel that the bill should deal with the children's code by making substantive, not just procedural, changes.

It is clear to the committee that what is needed is another task force or interim study group of some kind charged with the responsibility of dealing with the substantive aspects of the children's code and making their recommendations known to the First Session of the Tenth Legislature. The present bill is really only a "patch on a patch."

RLT 143 with S.  
Senator Robert H. Ziegler, Sr.  
Chairman  
Senate Judiciary Committee

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RL-142  
Senator Robert H. Ziegler, Sr.  
Chairman  
Senate Judiciary Committee



1 any legal proceeding involving his welfare. The court shall appoint a  
2 guardian ad litem where, in the opinion of the court, representation of  
3 the child's best interests, to be distinguished from his preferences,  
4 would serve the welfare of the child. The person appointed under (a) of  
5 this section may also be appointed as guardian ad litem under this  
6 subsection. The court in its order appointing a guardian ad litem shall  
7 limit the duration of the appointment of the guardian ad litem to the  
8 pendency of the legal proceeding affecting his interests, and shall  
9 outline the guardian ad litem's responsibilities and limit his authority  
10 to those matters related to his effective representation of the child's  
11 best interests in the pending legal proceeding. The court shall appoint  
12 a guardian ad litem from among persons in the community where the child's  
13 parents or the person having legal custody or guardianship of the child's  
14 person resides. When custody, support, or visitation are at issue in a  
15 divorce, it is the responsibility of the parties or their counsel to  
16 notify the court that these matters are at issue. Upon notification,  
17 the court shall determine if the child's best interests need representa-  
18 tion or if the child needs other services and shall make a finding on  
19 the record before trial. The court shall enter an order for costs,  
20 fees, and disbursements in favor of the child's guardian ad litem and  
21 may further order that other services be provided for the protection of  
22 the child.

23 \* Sec. 3. AS 20.15.100(j) is amended to read:

24 (j) Appointment of an attorney to represent the minor or an  
25 attorney or other person to serve as guardian ad litem [A GUARDIAN AD  
26 LITEM OR ATTORNEY] for a person to be adopted who is a minor shall be  
27 made under the terms of AS 09.65.130.

28 \* Sec. 4. AS 47.10.010(a) is repealed and re-enacted to read:

29 (a) Proceedings relating to a minor under 18 years of age residing

1 or found in the state are governed by this chapter, except as otherwise  
2 provided in this chapter, when the court finds the minor

3 (1) to be a delinquent minor as a result of violating a law  
4 of the state, or an ordinance or regulation of a political subdivision  
5 of the state; or

6 (2) to be a child in need of aid as a result of the child

7 (A) having no caring parent, guardian, custodian or  
8 relative available and willing to care for him;

9 (B) having suffered or being likely to suffer imminent  
10 physical injury, inflicted upon him by other than accidental  
11 means;

12 (C) being in need of medical treatment to cure, allevi-  
13 ate, or prevent his suffering a serious physical injury and his  
14 parents are unwilling to provide the medical treatment;

15 (D) having suffered physical injury or if there is a  
16 substantial risk that the child will suffer imminent physical  
17 injury as a result of conditions created by his parent, guardian or  
18 custodian or the failure of his parent, guardian or custodian  
19 adequately to supervise him;

20 (E) suffering serious emotional damage, evidenced by  
21 failure to thrive, severe anxiety, depression, or withdrawal or  
22 untoward aggressive behavior or hostility toward others, or is in  
23 need of medical treatment to cure, alleviate, or prevent his  
24 suffering that serious emotional damage;

25 (F) having been sexually abused by his parent, guardian,  
26 or custodian or having been sexually abused as a result of failure  
27 on the part of his parent, guardian, or custodian to adequately and  
28 reasonably supervise him;

29 (G) committing delinquent acts as a result of pressure,

1 guidance, or approval from parents, guardian or custodian;

2 (H) being habitually absent from home; or

3 (I) having been released by his parent or parents, or  
4 guardian, to the department for adoptive purposes.

5 \* Sec. 5. AS 47.10.050 is amended to read:

6 Sec. 47.10.050. APPOINTMENT OF GUARDIAN AD LITEM OR ATTORNEY.

7 Whenever in the course of proceedings instituted under this chapter it  
8 appears to the court that the welfare of a minor will be promoted by the  
9 appointment of an attorney to represent the minor or an attorney or  
10 other person to serve as guardian ad litem [A GUARDIAN AD LITEM OR  
11 ATTORNEY], the court may make the appointment. Appointment of a guard-  
12 ian ad litem or attorney shall be made under the terms of AS 09.65.130.

13 \* Sec. 6. AS 47.10.080(a) is amended to read:

14 (a) The court, at the conclusion of the hearing, or thereafter as  
15 the circumstances of the case may require, shall find and enter a judg-  
16 ment that the minor is or is not a delinquent [,] or a child in need of  
17 aid [SUPERVISION, OR DEPENDENT MINOR]. The department shall send a  
18 written treatment plan and statement of goals to the court, the child,  
19 and his parents within 30 days of the adjournment of the minor's dis-  
20 position hearing; if the department fails to send this plan and state-  
21 ment, the court shall hold a hearing under sec. 80(f) of this chapter to  
22 determine if continued supervision or commitment is in the best in-  
23 terests of the minor and may take action it considers appropriate under  
24 sec. 100(a) and (b) of this chapter.

25 \* Sec. 7. AS 47.10.080(b)(1) is amended to read:

26 (1) order the minor committed to the Department of Health and  
27 Social Services for a [AN INDETERMINATE] period of time not to exceed  
28 two years [EXTEND PAST A SPECIFIED DATE] or in any event extend past the  
29 day the minor becomes 19, except that

1           (A) the department may apply for and the court may grant  
2 two-year extensions of supervision which do not extend beyond the  
3 child's 19th birthday, if the extension is in the best interests of  
4 the minor and the public; or

5           (B) the department may apply for and the court may grant  
6 an additional one-year period of supervision past age 19, if con-  
7 tinued supervision is in the best interests of the person and the  
8 person consents to it [PETITION THE COURT FOR CONTINUED SUPERVISION  
9 FOR AN ADDITIONAL ONE-YEAR PERIOD FOR MINORS WHO HAVE NOT RESPONDED  
10 TO TREATMENT]; the department shall place the minor in the juvenile  
11 facility which the department considers appropriate and which may  
12 include a juvenile correctional school, detention home, or deten-  
13 tion facility; the minor may be released from placement or deten-  
14 tion and placed on probation on order of the court and may also be  
15 released by the department, in its discretion, under sec. 200 of  
16 this chapter; or

17 \* Sec. 8. AS 47.10.080(b)(2) is amended to read:

18           (2) order the minor placed on probation, to be supervised by  
19 the department, and release him to his parents, guardian, or a suitable  
20 person; if the court orders the minor placed on probation, it may  
21 specify the terms and conditions of probation; the probation may be for  
22 a [AN INDETERMINATE] period of time, not to exceed two years [EXTEND  
23 PAST A SPECIFIED DATE] and in no event extend past the day the minor  
24 becomes 19, except that

25           (A) the department may apply for and the court may grant  
26 two-year extensions of supervision which do not extend beyond the  
27 child's 19th birthday if the extension is in the best interests of  
28 the minor and the public; or

29           (B) the department may apply for and the court may grant

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1 an additional one-year period of supervision past age 19, if con-  
2 tinued supervision is in the best interests of the person and the  
3 person consents to it [PETITION THE COURT FOR CONTINUED SUPERVISION  
4 FOR AN ADDITIONAL ONE-YEAR PERIOD FOR MINORS WHO HAVE NOT RESPONDED  
5 TO TREATMENT].

6 \* Sec. 9. AS 47.10.080(c) is amended to read:

7 (c) If the court finds that the minor is a child in need of aid  
8 [DEPENDENT], it shall

9 (1) order the minor committed to the department for a [AN  
10 INDETERMINATE] period of time not to exceed two years or in any event  
11 past the date the minor becomes 19 years of age, except that

12 (A) the department may apply for and the court may grant  
13 two-year extensions of supervision which do not extend beyond the  
14 child's 19th birthday if the extension is in the best interests of  
15 the minor and the public; or

16 (B) the department may apply for and the court may grant  
17 an additional one-year period of supervision past age 19, if the  
18 continued supervision is in the best interests of the person and  
19 the person consents to it [PETITION THE COURT FOR CONTINUED SUPER-  
20 VISION FOR AN ADDITIONAL ONE-YEAR PERIOD FOR MINORS WHO HAVE NOT  
21 RESPONDED TO TREATMENT];

22 (2) order the minor released to his parents, guardian, or  
23 some other suitable person, and, in appropriate cases, order the parents,  
24 guardian, or other person to provide medical or other care and treat-  
25 ment; if the court releases the minor, it shall direct the department to  
26 supervise the care and treatment given to the minor; the department's  
27 supervision may not exceed two years or in any event extend past the  
28 date the minor reaches age 19 [MAJORITY], except that

29 (A) the department may apply for and the court may grant

1           two-year extensions of supervision which do not extend beyond the  
2           child's 19th birthday if the extension is in the best interests of  
3           the minor and the public; or

4                   (B) the department may apply for and the court may grant  
5           an additional one-year period of supervision past age 19, if the  
6           continued supervision is in the best interests of the person and  
7           the person consents to it [PETITION THE COURT FOR CONTINUED SUPER-  
8           VISION FOR AN ADDITIONAL ONE-YEAR PERIOD FOR MINORS WHO HAVE NOT  
9           RESPONDED TO TREATMENT]; or

10 \* Sec. 10. AS 47.10.080(f) is amended to read:

11           (f) A minor found to be delinquent or a child in need of aid  
12           [, A CHILD IN NEED OF SUPERVISION, OR DEPENDENT] is a ward of the state  
13           as long as he is committed to the department or the department has the  
14           power to supervise his actions. The court shall review an order made  
15           under (b) or (c)(1) or (2) [OR (j)] of this section annually, and may  
16           review the order more frequently to determine if continued placement,  
17           probation, or supervision, as it is being provided, is in the best  
18           interest of the minor and the public [, AND TO DETERMINE IF THE MINOR IS  
19           BEING TREATED FAIRLY]. The department, the minor, [OR] the minor's  
20           parents, [OR] guardian, or custodian are [IS] entitled, when good cause  
21           is shown, to a review on application. If the application is granted,  
22           the court shall afford these parties and their counsel reasonable notice  
23           in advance of the review and hold a hearing where these parties and  
24           their counsel shall be afforded an opportunity to be heard. The minor  
25           shall be afforded the opportunity to be present at the review.

26 \* Sec. 11. AS 47.10.290(2) is repealed and re-enacted to read:

27           (2) "delinquent minor" means a minor found to be within the  
28           jurisdiction of the court under sec. 10(a)(1) of this chapter.

29 \* Sec. 12. AS 47.10.080(j) and 47.10.290(3) and (7) are repealed.

1 \* Sec. 13. AS 47.10.290 is amended by adding a new paragraph to read:

2 (8) "child in need of aid" means a minor found to be within  
3 the jurisdiction of the court under sec. 10(a)(2) of this chapter.

4 \* Sec. 14. AS 47.10.080(e) is amended to read:

5 (e) If the court finds that the minor is not delinquent or [,] a  
6 child in need of aid [SUPERVISION, OR DEPENDENT], it shall immediately  
7 order his release from its custody and his return to his parents,  
8 guardian, or custodian, and close the case.

9 \* Sec. 15. AS 47.10.085 is amended to read:

10 Sec. 47.10.085. CHILD IN NEED OF AID [DEPENDENT MINOR]; RELIGIOUS  
11 TREATMENT. In a case in which the minor's status as a child in need of  
12 aid [DEPENDENT MINOR] is sought to be based on his need for medical  
13 care, the court may, upon consideration of the health of the minor and  
14 the fact, if it is a fact, that the minor is being provided treatment by  
15 spiritual means through prayer in accordance with the tenets and prac-  
16 tices of a recognized church or religious denomination by an accredited  
17 practitioner of the church or denomination, dismiss the proceedings and  
18 thereby close the matter. This may be done, in the interests of justice  
19 and religious freedom, on the court's own motion or upon the application  
20 of a party to the proceedings, at any stage of the proceedings after  
21 information is given to the court under sec. 20(a) of this chapter.

22 \* Sec. 16. AS 47.10.090(b) is amended to read:

23 (b) The name or picture of a minor under the jurisdiction of the  
24 court may not be made public in connection with the minor's status as a  
25 delinquent [DEPENDENT] child or a child in need of aid unless autho-  
26 rized by order of the court, except that the name of a minor who is  
27 found for the second time to have violated a law, which if committed by  
28 an adult would be a felony, shall be made public unless the court, for  
29 good cause, in certain individual cases, enters an order prohibiting the

1 disclosure.

2 \* Sec. 17. AS 47.10.100(a) and (c) are amended to read:

3 (a) The court retains jurisdiction over the case and may at any  
4 time stay execution, modify, set aside, revoke, or enlarge a judgment or  
5 order, or grant a new hearing, in the exercise of its power of pro-  
6 tection over the minor and for his best interest, for a period of time  
7 not to exceed two years or in any event extend past the day the minor  
8 becomes 19 [UNTIL HE BECOMES 19 YEARS OF AGE], unless sooner discharged  
9 by the court, except that the department may apply for and the court may  
10 grant an additional one-year period of supervision past age 19 if con-  
11 tinued supervision is in the best interests of the person and the  
12 person consents to it [PETITION THE COURT FOR CONTINUED SUPERVISION FOR  
13 AN ADDITIONAL ONE-YEAR PERIOD FOR MINORS WHO HAVE NOT RESPONDED TO  
14 TREATMENT]. An application for any of these purposes may be made by the  
15 parent, guardian, or custodian acting in behalf of the minor, or the  
16 court may, on its own motion, and after reasonable notice to interested  
17 parties and the appropriate department, take action which it considers  
18 appropriate.

19 (c) If a minor is adjudicated a delinquent or [,] a child in need  
20 of aid [SUPERVISION, OR A DEPENDENT] before his 18th birthday, the court  
21 may retain jurisdiction over him after his 18th birthday for the purpose  
22 of supervising his rehabilitation, but the court's jurisdiction over him  
23 under this chapter never extends beyond his 19th birthday, except that  
24 the department may apply for and the court may grant an additional one-  
25 year period of supervision past age 19, if continued supervision is in  
26 the best interests of the person and the person consents to it [PETI-  
27 TION THE COURT FOR CONTINUED SUPERVISION FOR AN ADDITIONAL ONE-YEAR  
28 PERIOD FOR MINORS WHO HAVE NOT RESPONDED TO TREATMENT]. The department  
29 may retain jurisdiction over a child between his 18th and 19th birthdays

1 for the purpose of supervising his rehabilitation, if he is committed to  
2 the custody of the department before his 18th birthday, except that the  
3 department may apply for and the court may grant an additional one-year  
4 period of supervision past age 19, if continued supervision is in the  
5 best interests of the person and the person consents to it [PETITION THE  
6 COURT FOR CONTINUED SUPERVISION FOR AN ADDITIONAL ONE-YEAR PERIOD FOR  
7 MINORS WHO HAVE NOT RESPONDED TO TREATMENT].

8 \* Sec. 18. AS 47.10.120(a) is amended to read:

9 (a) When a child in need of aid [DEPENDENT MINOR] is committed  
10 under this chapter the court may, after giving the parent a reasonable  
11 opportunity to be heard, adjudge that the parent shall pay in a manner  
12 which the court directs a sum which will cover in full or in part the  
13 support of the child in need of aid [DEPENDENT MINOR]. When a delin-  
14 quent minor is committed under this chapter the court shall order that  
15 the parent of the minor pay in a manner which the court directs a sum  
16 which will cover in full or in part the support of the delinquent minor.

17 \* Sec. 19. AS 47.10.142(c) and (d) are amended to read:

18 (c) When a child is taken into custody under (a) or (b) of this  
19 section, the department shall immediately, and in no event more than 12  
20 hours later unless prevented by lack of communication facilities,  
21 notify the parents or the person or persons having custody of the child  
22 and the court of the action and file with the court a petition alleging  
23 that there is a child in need of aid [DEPENDENCY].

24 (d) The court shall immediately, and in no event more than 48  
25 hours after being notified unless prevented by lack of transportation,  
26 hold a hearing at which the minor, if his health permits, and his  
27 parents or guardian, if they can be found, shall be permitted to be  
28 present. The court shall determine whether probable cause exists for  
29 believing the minor to be a child in need of aid [DEPENDENT MINOR], as

1 defined in sec. 290(8) [290(3)] of this chapter. The court shall inform  
2 the minor, and his parents or guardian if they can be found, of the  
3 reasons given as constituting probable cause and the reasons given as  
4 authorizing his temporary placement.

5 \* Sec. 20. AS 47.10.150(1) is amended to read:

6 (1) purchase, lease or construct buildings or other facili-  
7 ties for the care, detention, rehabilitation and education of children  
8 in need of aid [DEPENDENT] or delinquent minors;

9 \* Sec. 21. Section 2 of this Act has the effect of limiting the discre-  
10 tionary authority of the court to appoint a guardian ad litem under Rule  
11 17(b), Alaska Rules of Civil Procedure, and Rules 11(a) and 15, Alaska Rules  
12 of Children's Procedure, by requiring as a condition of appointment that the  
13 court find that the best interests of the child need articulation. Further,  
14 this Act requires limitation of the duration of the appointment, limits the  
15 scope of the guardian ad litem's authority, and establishes the geographical  
16 area from which the guardian ad litem may be selected.

17 \* Sec. 22. Section 10 of this Act has the effect of adding to the court's  
18 responsibilities when holding a review under Rule 28, Alaska Rules of Chil-  
19 dren's Procedure, by requiring the court to hold a hearing upon a showing of  
20 good cause, give notice, and afford an opportunity to be heard.

21 \* Sec. 23. Section 4 of the Act has the effect of changing Children's  
22 Rule 12 by deleting any references to "truant from school," "endanger(ing)  
23 the morals or health," "being wayward or habitually disobedient," or "un-  
24 controlled," and has the effect of substituting the words "child in need of  
25 aid" for the terms "child in need of supervision" and "dependent" where those  
26 two terms appear in the Rules of Children's Procedure.

27 \* Sec. 24. The portions of AS 47.10.080(b) and (c) in secs. 7 - 9 of this  
28 Act which specify the length of commitment to the department are applicable  
29 to those minors committed to the department under former AS 47.10.080(b), (c)

1 and (j) before the effective date of this Act so that the commitment of  
2 minors to the department before the effective date of this Act shall continue,  
3 but may not exceed two years from the effective date of this Act unless two-  
4 year extensions have been granted by the court under this Act. The commit-  
5 ment of minors with pending judicial actions under AS 47.10.010(a) on the  
6 effective date of this Act may not exceed two years unless two-year extensions  
7 have been granted by the court under this Act.

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Original sponsor: Rules Committee by request Offered: 4/15/76  
of the Legislative Council Referred: Rules  
Children's Code Revision  
Task Force

1 IN THE SENATE

BY THE JUDICIARY COMMITTEE

2 CS FOR SPONSOR SUBSTITUTE FOR SENATE BILL NO. 572

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 NINTH LEGISLATURE - SECOND SESSION

5 A BILL

6 For an Act entitled: "An Act relating to children's court proceeding;  
7 changing the court's responsibilities and authority  
8 under Children's Rules 11(a), 12(a) and (b), 15, 21  
9 and 28, and Rule of Civil Procedure 17(b)."

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

11 \* Section 1. AS 09. 65.130(a) is amended to read:

12 (a) The court may, upon the motion of either party or upon its own  
13 motion, appoint an attorney [OR GUARDIAN AD LITEM] to represent the  
14 [INTERESTS OF A] minor [OR DEPENDENT CHILD] with respect to his custody,  
15 support, and visitation or in any other legal proceeding involving his  
16 welfare. When custody, support, or visitation are at issue in a di-  
17 vorce, it is the responsibility of the parties or their counsel to  
18 notify the court that those matters are at issue. Upon notification,  
19 the court shall determine whether the child should have legal repre-  
20 sentation [ASSISTANCE] or other services and shall make a finding on the  
21 record before trial. The court shall enter an order for costs, fees,  
22 and disbursements in favor of the child's attorney [OR GUARDIAN AD  
23 LITEM] and may further order that other services be provided for the  
24 protection of the child.

25 \* Sec. 2. AS 09.65.130 is amended by adding a new subsection to read:

26 (c) Instead of, or in addition to, appointment of an attorney  
27 under (a) of this section, the court may, upon the motion of either  
28 party or upon its own motion, appoint an attorney or other person to  
29 serve as guardian ad litem to represent the best interests of a minor in

1 or found in the state are governed by this chapter, except as otherwise  
2 provided in this chapter, when the court finds the minor

3 (1) to be a delinquent minor as a result of violating a law  
4 of the state, or an ordinance or regulation of a political subdivision  
5 of the state; or

6 (2) to be a child in need of aid as a result of the child

7 (A) having no caring parent, guardian, custodian or  
8 relative available and willing to care for him;

9 (B) having suffered or being likely to suffer imminent  
10 physical injury, inflicted upon him by other than accidental  
11 means;

12 (C) being in need of medical treatment to cure, allevi-  
13 ate, or prevent his suffering a serious physical injury and his  
14 parents are unwilling to provide the medical treatment;

15 (D) having suffered physical injury or if there is a  
16 substantial risk that the child will suffer imminent physical  
17 injury as a result of conditions created by his parent, guardian or  
18 custodian or the failure of his parent, guardian or custodian  
19 adequately to supervise him;

20 (E) suffering serious emotional damage, evidenced by  
21 failure to thrive, severe anxiety, depression, or withdrawal or  
22 untoward aggressive behavior or hostility toward others, or is in  
23 need of medical treatment to cure, alleviate, or prevent his  
24 suffering that serious emotional damage;

25 (F) having been sexually abused by his parent, guardian,  
26 or custodian or having been sexually abused as a result of failure  
27 on the part of his parent, guardian, or custodian to adequately and  
28 reasonably supervise him;

29 (G) committing delinquent acts as a result of pressure,

1 guidance, or approval from parents, guardian or custodian;

2 (H) being habitually absent from home; or

3 (I) having been released by his parent or parents, or  
4 guardian, to the department for adoptive purposes.

5 \* Sec. 5. AS 47.10.050 is amended to read:

6 Sec. 47.10.050. APPOINTMENT OF GUARDIAN AD LITEM OR ATTORNEY.

7 Whenever in the course of proceedings instituted under this chapter it  
8 appears to the court that the welfare of a minor will be promoted by the  
9 appointment of an attorney to represent the minor or an attorney or  
10 other person to serve as guardian ad litem [A GUARDIAN AD LITEM OR  
11 ATTORNEY], the court may make the appointment. Appointment of a guard-  
12 ian ad litem or attorney shall be made under the terms of AS 09.65.130.

13 \* Sec. 6. AS 47.10.080(a) is amended to read:

14 (a) The court, at the conclusion of the hearing, or thereafter as  
15 the circumstances of the case may require, shall find and enter a judg-  
16 ment that the minor is or is not a delinquent [,] or a child in need of  
17 aid [SUPERVISION, OR DEPENDENT MINOR]. The department shall send a  
18 written treatment plan and statement of goals to the court, the child,  
19 and his parents within 30 days of the adjournment of the minor's dis-  
20 position hearing; if the department fails to send this plan and state-  
21 ment, the court shall hold a hearing under sec. 80(f) of this chapter to  
22 determine if continued supervision or commitment is in the best in-  
23 terests of the minor and may take action it considers appropriate under  
24 sec. 100(a) and (b) of this chapter.

25 \* Sec. 7. AS 47.10.080(b)(1) is amended to read:

26 (1) order the minor committed to the Department of Health and  
27 Social Services for a [AN INDETERMINATE] period of time not to exceed  
28 two years [EXTEND PAST A SPECIFIED DATE] or in any event extend past the  
29 day the minor becomes 19, except that

1                   (A) the department may apply for and the court may grant  
2 two-year extensions of supervision which do not extend beyond the  
3 child's 19th birthday, if the extension is in the best interests of  
4 the minor and the public; or

5                   (B) the department may apply for and the court may grant  
6 an additional one-year period of supervision past age 19, if con-  
7 tinued supervision is in the best interests of the person and the  
8 person consents to it [PETITION THE COURT FOR CONTINUED SUPERVISION  
9 FOR AN ADDITIONAL ONE-YEAR PERIOD FOR MINORS WHO HAVE NOT RESPONDED  
10 TO TREATMENT]; the department shall place the minor in the juvenile  
11 facility which the department considers appropriate and which may  
12 include a juvenile correctional school, detention home, or deten-  
13 tion facility; the minor may be released from placement or deten-  
14 tion and placed on probation on order of the court and may also be  
15 released by the department, in its discretion, under sec. 200 of  
16 this chapter; or

17 \* Sec. 8. AS 47.10.080(b)(2) is amended to read:

18                   (2) order the minor placed on probation, to be supervised by  
19 the department, and release him to his parents, guardian, or a suitable  
20 person; if the court orders the minor placed on probation, it may  
21 specify the terms and conditions of probation; the probation may be for  
22 a [AN INDETERMINATE] period of time, not to exceed two years [EXTEND  
23 PAST A SPECIFIED DATE] and in no event extend past the day the minor  
24 becomes 19, except that

25                   (A) the department may apply for and the court may grant  
26 two-year extensions of supervision which do not extend beyond the  
27 child's 19th birthday if the extension is in the best interests of  
28 the minor and the public; or

29                   (B) the department may apply for and the court may grant

1           two-year extensions of supervision which do not extend beyond the  
2           child's 19th birthday if the extension is in the best interests of  
3           the minor and the public; or

4                    (B) the department may apply for and the court may grant  
5           an additional one-year period of supervision past age 19, if the  
6           continued supervision is in the best interests of the person and  
7           the person consents to it [PETITION THE COURT FOR CONTINUED SUPER-  
8           VISION FOR AN ADDITIONAL ONE-YEAR PERIOD FOR MINORS WHO HAVE NOT  
9           RESPONDED TO TREATMENT]; or

10 \* Sec. 10. AS 47.10.080(f) is amended to read:

11           (f) A minor found to be delinquent or a child in need of aid  
12           [, A CHILD IN NEED OF SUPERVISION, OR DEPENDENT] is a ward of the state  
13           as long as he is committed to the department or the department has the  
14           power to supervise his actions. The court shall review an order made  
15           under (b) or (c)(1) or (2) [OR (j)] of this section annually, and may  
16           review the order more frequently to determine if continued placement,  
17           probation, or supervision, as it is being provided, is in the best  
18           interest of the minor and the public [, AND TO DETERMINE IF THE MINOR IS  
19           BEING TREATED FAIRLY]. The department, the minor, [OR] the minor's  
20           parents, [OR] guardian, or custodian are [IS] entitled, when good cause  
21           is shown, to a review on application. If the application is granted,  
22           the court shall afford these parties and their counsel reasonable notice  
23           in advance of the review and hold a hearing where these parties and  
24           their counsel shall be afforded an opportunity to be heard. The minor  
25           shall be afforded the opportunity to be present at the review.

26 \* Sec. 11. AS 47.10.290(2) is repealed and re-enacted to read:

27           (2) "delinquent minor" means a minor found to be within the  
28           jurisdiction of the court under sec. 10(a)(1) of this chapter.

29 \* Sec. 12. AS 47.10.080(j) and 47.10.290(3) and (7) are repealed.

1 \* Sec. 13. AS 47.10.290 is amended by adding a new paragraph to read:

2 (8) "child in need of aid" means a minor found to be within  
3 the jurisdiction of the court under sec. 10(a)(2) of this chapter.

4 \* Sec. 14. AS 47.10.080(e) is amended to read:

5 (e) If the court finds that the minor is not delinquent or [,] a  
6 child in need of aid [SUPERVISION, OR DEPENDENT], it shall immediately  
7 order his release from its custody and his return to his parents,  
8 guardian, or custodian, and close the case.

9 \* Sec. 15. AS 47.10.085 is amended to read:

10 Sec. 47.10.085. CHILD IN NEED OF AID [DEPENDENT MINOR]; RELIGIOUS  
11 TREATMENT. In a case in which the minor's status as a child in need of  
12 aid [DEPENDENT MINOR] is sought to be based on his need for medical  
13 care, the court may, upon consideration of the health of the minor and  
14 the fact, if it is a fact, that the minor is being provided treatment by  
15 spiritual means through prayer in accordance with the tenets and prac-  
16 tices of a recognized church or religious denomination by an accredited  
17 practitioner of the church or denomination, dismiss the proceedings and  
18 thereby close the matter. This may be done, in the interests of justice  
19 and religious freedom, on the court's own motion or upon the application  
20 of a party to the proceedings, at any stage of the proceedings after  
21 information is given to the court under sec. 20(a) of this chapter.

22 \* Sec. 16. AS 47.10.090(b) is amended to read:

23 (b) The name or picture of a minor under the jurisdiction of the  
24 court may not be made public in connection with the minor's status as a  
25 delinquent [OR DEPENDENT] child or a child in need of aid unless autho-  
26 rized by order of the court, except that the name of a minor who is  
27 found for the second time to have violated a law, which if committed by  
28 an adult would be a felony, shall be made public unless the court, for  
29 good cause, in certain individual cases, enters an order prohibiting the

1 disclosure.

2 \* Sec. 17. AS 47.10.100(a) and (c) are amended to read:

3 (a) The court retains jurisdiction over the case and may at any  
4 time stay execution, modify, set aside, revoke, or enlarge a judgment or  
5 order, or grant a new hearing, in the exercise of its power of pro-  
6 tection over the minor and for his best interest, for a period of time  
7 not to exceed two years or in any event extend past the day the minor  
8 becomes 19 [UNTIL HE BECOMES 19 YEARS OF AGE], unless sooner discharged  
9 by the court, except that the department may apply for and the court may  
10 grant an additional one-year period of supervision past age 19 if con-  
11 tinued supervision is in the best interests of the person and the  
12 person consents to it [PETITION THE COURT FOR CONTINUED SUPERVISION FOR  
13 AN ADDITIONAL ONE-YEAR PERIOD FOR MINORS WHO HAVE NOT RESPONDED TO  
14 TREATMENT]. An application for any of these purposes may be made by the  
15 parent, guardian, or custodian acting in behalf of the minor, or the  
16 court may, on its own motion, and after reasonable notice to interested  
17 parties and the appropriate department, take action which it considers  
18 appropriate.

19 (c) If a minor is adjudicated a delinquent or [,] a child in need  
20 of aid [SUPERVISION, OR A DEPENDENT] before his 18th birthday, the court  
21 may retain jurisdiction over him after his 18th birthday for the purpose  
22 of supervising his rehabilitation, but the court's jurisdiction over him  
23 under this chapter never extends beyond his 19th birthday, except that  
24 the department may apply for and the court may grant an additional one-  
25 year period of supervision past age 19, if continued supervision is in  
26 the best interests of the person and the person consents to it [PETI-  
27 TION THE COURT FOR CONTINUED SUPERVISION FOR AN ADDITIONAL ONE-YEAR  
28 PERIOD FOR MINORS WHO HAVE NOT RESPONDED TO TREATMENT]. The department  
29 may retain jurisdiction over a child between his 18th and 19th birthdays

1 for the purpose of supervising his rehabilitation, if he is committed to  
2 the custody of the department before his 18th birthday, except that the  
3 department may apply for and the court may grant an additional one-year  
4 period of supervision past age 19, if continued supervision is in the  
5 best interests of the person and the person consents to it [PETITION THE  
6 COURT FOR CONTINUED SUPERVISION FOR AN ADDITIONAL ONE-YEAR PERIOD FOR  
7 MINORS WHO HAVE NOT RESPONDED TO TREATMENT].

8 \* Sec. 18. AS 47.10.120(a) is amended to read:

9 (a) When a child in need of aid [DEPENDENT MINOR] is committed  
10 under this chapter the court may, after giving the parent a reasonable  
11 opportunity to be heard, adjudge that the parent shall pay in a manner  
12 which the court directs a sum which will cover in full or in part the  
13 support of the child in need of aid [DEPENDENT MINOR]. When a delin-  
14 quent minor is committed under this chapter the court shall order that  
15 the parent of the minor pay in a manner which the court directs a sum  
16 which will cover in full or in part the support of the delinquent minor.

17 \* Sec. 19. AS 47.10.142(c) and (d) are amended to read:

18 (c) When a child is taken into custody under (a) or (b) of this  
19 section, the department shall immediately, and in no event more than 12  
20 hours later unless prevented by lack of communication facilities,  
21 notify the parents or the person or persons having custody of the child  
22 and the court of the action and file with the court a petition alleging  
23 that there is a child in need of aid [DEPENDENCY].

24 (d) The court shall immediately, and in no event more than 48  
25 hours after being notified unless prevented by lack of transportation,  
26 hold a hearing at which the minor, if his health permits, and his  
27 parents or guardian, if they can be found, shall be permitted to be  
28 present. The court shall determine whether probable cause exists for  
29 believing the minor to be a child in need of aid [DEPENDENT MINOR], as

1 defined in sec. 290(8) [290(3)] of this chapter. The court shall inform  
2 the minor, and his parents or guardian if they can be found, of the  
3 reasons given as constituting probable cause and the reasons given as  
4 authorizing his temporary placement.

5 \* Sec. 20. AS 47.10.150(1) is amended to read:

6 (1) purchase, lease or construct buildings or other facili-  
7 ties for the care, detention, rehabilitation and education of children  
8 in need of aid [DEPENDENT] or delinquent minors;

9 \* Sec. 21. Section 2 of this Act has the effect of limiting the discre-  
10 tionary authority of the court to appoint a guardian ad litem under Rule  
11 17(b), Alaska Rules of Civil Procedure, and Rules 11(a) and 15, Alaska Rules  
12 of Children's Procedure, by requiring as a condition of appointment that the  
13 court find that the best interests of the child need articulation. Further,  
14 this Act requires limitation of the duration of the appointment, limits the  
15 scope of the guardian ad litem's authority, and establishes the geographical  
16 area from which the guardian ad litem may be selected.

17 \* Sec. 22. Section 10 of this Act has the effect of adding to the court's  
18 responsibilities when holding a review under Rule 28, Alaska Rules of Chil-  
19 dren's Procedure, by requiring the court to hold a hearing upon a showing of  
20 good cause, give notice, and afford an opportunity to be heard.

21 \* Sec. 23. Section 4 of the Act has the effect of changing Children's  
22 Rule 12 by deleting any references to "truant from school," "endanger(ing)  
23 the morals or health," "being wayward or habitually disobedient," or "un-  
24 controlled," and has the effect of substituting the words "child in need of  
25 aid" for the terms "child in need of supervision" and "dependent" where those  
26 two terms appear in the Rules of Children's Procedure.

27 \* Sec. 24. The portions of AS 47.10.080(b) and (c) in secs. 7 - 9 of this  
28 Act which specify the length of commitment to the department are applicable  
29 to those minors committed to the department under former AS 47.10.080(b), (c)

1 and (j) before the effective date of this Act so that the commitment of  
2 minors to the department before the effective date of this Act shall continue,  
3 but may not exceed two years from the effective date of this Act unless two-  
4 year extensions have been granted by the court under this Act. The commit-  
5 ment of minors with pending judicial actions under AS 47.10.010(a) on the  
6 effective date of this Act may not exceed two years unless two-year extensions  
7 have been granted by the court under this Act.

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