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Proposed CS

Amend AS 47.10.010 (a) (2) by adding a new subsection (F) to read:

(F) the child being habitually truant from school, except as provided in AS 14.30.010 (b); however, when a child is found to be in need of aid under this subsection, the court may issue no orders under AS 47.10.080 (c) (1) and (3).

Memo

To: Thelma
From: Don Clockwin
Date: April 16, 1979
Subject: SB & F - Truant Children

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Explanation: As I understand it, the concern is that courts would have the power to terminate parental rights, allow an adoption, or institutionalize a child because ~~that~~ he or she doesn't ~~not~~ go to school, regardless of whether the parent is at fault. My proposed CS would allow a child to ^(determined) be ~~in~~ in need of aid if he or she is habitually truant (except where there is an exception to the mandatory attendance statute) but would not allow a court to order the child institutionalized under AS 47.10.080 (c) (1) or terminate parental rights under AS 47.10.080 (c) (3). Therefore, the court would be allowed in truancy situations only to 1) release the child to "his parents, guardian, or some other suitable person," 2) order that person to

"provide medical or other care or treatment,"
or 3) have the department "supervise the
care and treatment given to the minor..."

These powers, which appear in AS 47.10.
080 (c) (2), would be strong enough to be
the deterrence the school administrators
want yet would not impose the severe
punishments of institutionalization or
termination of parental rights, which the
committee seems to fear.

I hope this helps.