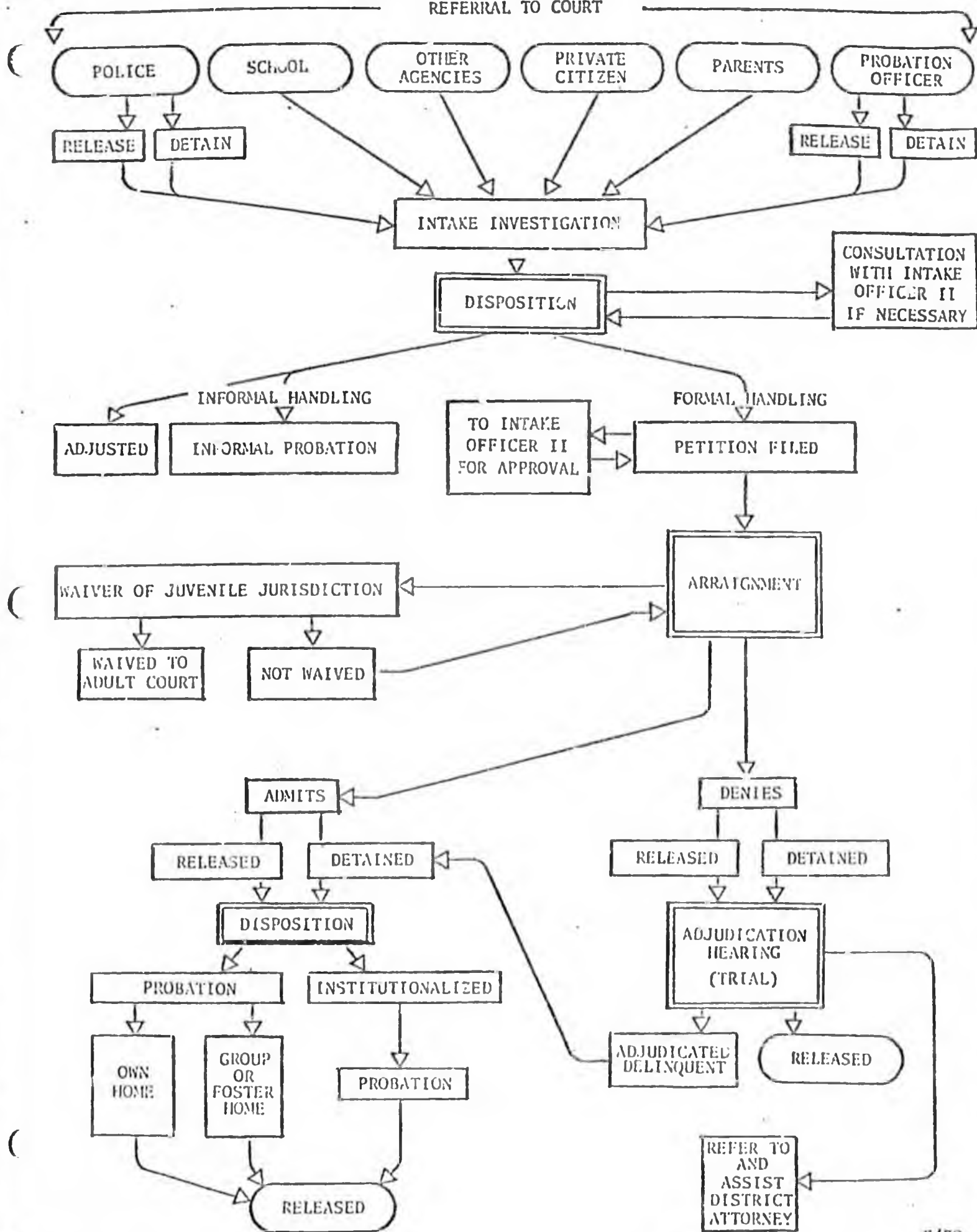


Juvenile
Justice

DELINQUENCY CASES

REFERRAL TO COURT





Alaska State Legislature

House of Representatives

Committee on Judiciary

Official Business

Pouch V
State Capitol
Juneau, Alaska 99811

To: Charlie Parr, Chairman, and Members of the House
Judiciary Committee

From: Margaret W. Berck, Staff

Date: September 13, 1979

Subject: Juvenile Justice

I. INTRODUCTION

The House Judiciary Committee has been assigned the 1980 sunset review of programs provided by the Department of Health and Social Services relating to the confinement of juveniles. In order to properly assess these juvenile programs and facilities, it seems that the committee must first become acquainted with the entire juvenile justice system. This memo is the first in a series on this issue and is intended to provide a preliminary background on juvenile law in Alaska as well as detailed statistics on juvenile placements and costs.

II. BACKGROUND

Alaska law defines a juvenile as a person under 18 years of age. In Alaska two classes of juveniles, alleged delinquents and children in need of aid, are subject to juvenile court jurisdiction. A delinquent juvenile is one who was found to have committed an act that would be considered a crime if committed by an adult. A child in need of aid is one who was found to have committed an offense that would not be

criminal if committed by an adult or is found to be an abused or neglected child. These noncriminal offenses are frequently designated as status offenses and under Alaska law include running away from home or refusing to accept available care. It should be noted that if an Alaskan juvenile is charged with traffic, fish and game, or parks and recreation violations, that would constitute a misdemeanor if committed by an adult, the juvenile is prosecuted in district court as if he or she were an adult.

The statutory distinction between the delinquent and the child in need of aid is significant to determining the remedies the state may impose for such juveniles. The intent of the statute is clear: children in need of aid require protection and delinquent children require correction. In theory the circumstances under which, and the facilities in which, the two groups may be detained prior to court disposition - or after commitment - differ. Children in need of aid are not subject to detention, delinquent children are.¹ Children in need of aid may not be committed to closed correctional facilities but delinquent children may be.²

Furthermore, this distinction is evident at the operational level. Services for delinquent children are provided by the Division of Correction, whereas services for children in need of aid are provided by the Division of Social Service. Both divisions are administered by the Department of Health and Social Services but under separate philosophies, separate regulations, and differing procedures.

¹In practice, a status offender may be subject to detention if no other facilities exist in which to provide temporary care for the child.

²It should be noted, however, that children in need of aid who violate their probation conditions may be incarcerated with delinquents in closed facilities. The result is that a two-time status offender may ultimately be treated in the same fashion as a delinquent. IAM v. State, 547 P2d. 827(1976).

Finally, this distinction is further preserved at the court level. Intake services for delinquent children are furnished by court intake staff in Fairbanks and Anchorage and by the Division of Corrections in the remainder of the state. Intake for children in need of aid is provided by the Division of Social Services in all four court districts.

This distinction is in accord with national trends evidenced in the Juvenile Justice and Delinquency Prevention Act of 1974. This federal act mandates that states participating in the act no longer hold status offenders in detention and correctional facilities.

STATE OF ALASKA

DEPT. OF HEALTH AND SOCIAL SERVICES

OFFICE OF THE COMMISSIONER

JAY S. HAMMOND, GOVERNOR

POUCH H 01 - JUNEAU 99811

AUG 24 1979

Social Services

Ms. Margaret W. Berck
Counsel to House Judiciary
Committee
Alaska State Legislature
House of Representatives
Pouch V
Juneau, Alaska 99811

Dear Ms. Berck:

This is in response to your request for statistical information on juvenile placements made by the Division of Social Services. Information regarding juvenile placements made by the Division of Corrections is being sent to you under separate cover.

The current client information system for the Division of Social Services was introduced in February, 1977. The system was fully operational in July, 1977. Prior to that date the only data which were maintained in a retrievable format were financial data. As a result, prior to July, 1977, the only data available are the total dollars spent on a Budget Request Unit basis. It is not possible to identify the number of children served during Fiscal Years 1976 and 1977.

The information provided below follows the format of your information request as it applies to the Division of Social Services.

1. Total DSS juvenile placements (foster homes, emergency shelters, group homes and institutions, both in-state and out-of-state):

FY 78 - 1904
FY 79 - 2100 (full year estimate)

2. Total costs of DSS juvenile placements:

FY 76* - \$3,635,529.74
FY 77* - \$4,553,004.19
FY 78* - \$6,173,790.46
FY 79** - \$6,385,350.90

*From prior year authorization balances.

**From current year authorization balances as of 06/30/79.

5. The Division of Social Services' authority and responsibility for the placement of children is based on AS 47.10. The Division of Social Services serves abused, neglected, abandoned children or runaways who fall under the statutory category of a "child in need of aid" whereas the Division of Corrections serves delinquent minors (AS 47.10.010).
6. As of August 10, 1979 there are 495 licensed foster homes. The number of beds available totals 1,030.

The differences in foster home data attached to the October 26, 1978 memorandum to which you referred are a result of the way in which the data were presented. On Attachment #5, the data are presented for July, August, and September, 1978. In order to obtain the total unduplicated number of foster homes, it is necessary to add the totals for each month:

July total = 33 homes
August total = 33 homes
September total = 29 homes

The data presented in Attachment #4 represent the number of foster homes licensed and certified by the Department of Health and Social Services. The responsibility for the licensure and certification of foster homes has been delegated to the Division of Social Services. The data provided in Attachment #4 was compiled from the computerized facilities management system. This system, which was implemented in January, 1978, was designed for the collection of licensing data and for the monitoring of the licensing function. Attachment #4 reflects that 17 homes have been licensed for Division of Corrections' use. Some of the homes licensed for use by the Division of Social Services are shared by the Division of Corrections. This may account for some of the difference in the two totals.

7. Total DSS foster care placements (in-state and out-of-state):

FY 78 - 1047
FY 79 - 1180 (full year estimate)

8. Total costs of DSS foster care placements:

FY 76 - \$1,419,513.10
FY 77 - \$1,656,392.55
FY 78 - \$2,094,579.32
FY 79 - \$2,089,642.22

11. The daily costs for Division of Social Services' placements are provided in Attachment #1.

12. The names and locations of all public and private institutions are provided in Attachment #2.

This information is a standard report sent to all Division of Social Services' officers from the facilities management system. It includes the rates (FY 79) and addresses. In discussion with the Quality Control section of this Department, they stated that the rates attached to your request were reasonably accurate.

Under full cost of care, an audit must be performed at the end of each year and the rates adjusted accordingly but always after the year's payments have been made. Not all audits for FY 78 have been finalized; and audits for FY 79 have not begun.

13. Included in Attachment #2 are all out-of-state institutions. Prior to FY 79, all out-of-state institutions were required to formulate an agreement with the Division of Social Services as to services provided and monthly costs. Again, this was just financial data. Due to the agreements signed and the constancy of these agreements, it has taken almost the entire FY 79 year to completely encode these in our current payment information system. Thus, individual institutional rates for FY 76, FY 77, and FY 78 are not available. The cost figure in Attachment #2 would be for FY 79 and the first part of FY 80.

14. & 17.

The non-encoding of the individual institutions into the current payment system also resulted in the Division of Social Services not having an accurate recording system for data retained. Consequently, the number of children placed outside of Alaska in FY 76, FY 77, and FY 78 is not available. For current FY 79 estimates see Attachment #3.

Total Dollars:	FY 76 - \$1,429,513.10
	FY 77 - \$1,656,392.55
	FY 78*- \$429,329.04
	FY79**- \$738,856.42

*Due to transition to billing system and differences in State accounting system.

**Through May, 1979.

We hope that this information is of assistance to you. If you have any further questions, please feel free to contact me again.

Sincerely,



Allen K. Korhonen
Deputy Commissioner

Enclosures

Attachment #1

STATE OF ALASKA
IN-STATE FOSTER HOMES
RATE SCHEDULE
(EFFECTIVE JULY 1, 1975)

	JUNEAU AREA (SE)		KETCHIKAN AREA (SE) ³		SOUTHCENTRAL AREA		NORTHERN AREA ⁴	
	Old Rates	New Rates	Old Rates	New Rates	Old Rates	New Rates	Old Rates	New Rates
5 & (Month) Under (Day)	\$180.00 5.92	\$198.00 6.51	\$176.00 5.79	\$194.00 6.38	\$176.00 5.79	\$194.00 6.38	\$187.00 6.15	\$206.00 6.77
6 Thru (Month) 12 (Day)		240.00 7.89		233.00 7.66		233.00 7.66		248.00 8.15
13 & (Month) Over (Day)	\$255.00 8.33	\$281.00 9.24	\$247.00 8.12	\$272.00 8.94	\$247.00 8.12	\$272.00 8.94	\$263.00 8.65	\$289.00 9.50

NOTES:

1. New rates represent a 10% C.O.L.A. over FY 1975 rates.
2. Monthly rates x (12/365) = Daily Rates.
3. Includes Petersburg, Kake and Wrangell.
4. Includes Bethel.
5. The rate schedule includes a new age grouping, 6 through 12, to more accurately reflect costs for this age group.
6. The above schedule is applicable only to foster parents residing in Alaska. The rates to be paid foster parents residing in the contiguous United States will be the same paid by the city, state, or county Welfare Department in which the foster parent resides.
7. The new rates apply to the geographic location (city or regional area) of the foster parent -- not to the District or Region to which the case is assigned. The mailing address of the foster parent is the determining factor in all questionable cases.
8. Crippled and handicapped children placed in foster homes by the MCH program of division of Public Health are exempt from provisions of above schedule. Foster parents caring for these special category short-term placements will be authorized \$12.00 per day per child without regard to age in the Southeastern and Southcentral regions. The rate of \$15.00 will be paid in the Northern Region.

STATE OF ALASKA
IN-STATE FOSTER HOMES
RATE SCHEDULE
(EFFECTIVE JULY 1, 1976)

	JUNEAU AREA (SE)		KETCHIKAN AREA (SE) ³		SOUTHCENTRAL AREA		NORTHERN AREA ⁴	
	Old Rates	New Rates	Old Rates	New Rates	Old Rates	New Rates	Old Rates	New Rates
5 & (Month) Under (Day)	\$198.00 6.51	\$218.00 7.17	\$194.00 6.38	\$213.00 7.00	\$194.00 6.38	\$213.00 7.00	\$206.00 6.77	\$227.00 7.46
6 Thru (Month) 12 (Day)	\$240.00 7.89	\$264.00 8.70	\$233.00 7.66	\$256.00 8.42	\$233.00 7.66	\$256.00 8.42	\$248.00 8.15	\$273.00 8.98
13 & (Month) Over (Day)	\$281.00 9.24	\$309.00 10.16	\$272.00 8.94	\$299.00 9.83	\$272.00 8.94	\$299.00 9.83	\$289.00 9.50	\$318.00 10.45

Notes:

1. New rates represent a 10% C.O.L.A. over FY 1976 rates.
2. Monthly rates x (12/365) = Daily Rates.
3. Includes Petersburg, Kake and Wrangell.
4. Includes Bethel.
5. The above schedule is applicable only to foster parents residing in Alaska. The rates to be paid foster parents residing in the contiguous United States will be the same paid by the city, state, or county Welfare Department in which the foster parent resides.
6. The new rates apply to the geographic location (city or regional area) of the foster parent -- not to the District or Region to which the case is assigned. The mailing address of the foster parent is the determining factor in all questionable cases.
7. Crippled and handicapped children placed in foster homes by the MCH program of the Division of Public Health are exempt from provisions of the above schedule. Foster parents caring for these special category shortterm placements will be authorized \$13.20 per day per child without regard to age in the Southeastern and Southcentral regions. The rate of \$16.50 will be paid in the Northern Region.

STATE OF ALASKA
IN-STATE FOSTER HOMES
RATE SCHEDULE
(EFFECTIVE JULY 1, 1977)

		JUNEAU AREA (SE)		KETCHIKAN AREA (SE)		SOUTHCENTRAL AREA		NORTHERN AREA ⁵	
		Old Rates	New Rates	Old Rates	New Rates	Old Rates	New Rates	Old Rates	New Rates
5 & Under	(Month) (Day)	\$218.00 7.17	\$228.00 7.50	\$213.00 7.00	\$238.00 7.50	\$213.00 7.00	\$228.00 7.50	\$227.00 7.46	\$250.00 8.22
6 thru 12	(Month) (Day)	\$264.00 8.70	\$274.00 9.00	\$256.00 8.42	\$274.00 9.00	\$256.00 8.42	\$274.00 9.00	\$273.00 8.98	\$300.00 9.86
13 & Over	(Month) (Day)	\$309.00 10.16	\$320.00 10.52	\$299.00 9.83	\$320.00 10.52	\$299.00 9.83	\$320.00 10.52	\$318.00 10.45	\$350.00 11.51

- Notes:
1. New rates represent a 10% C.O.L.A. for Fairbanks and a 7% C.O.L.A. for the remainder of the State over the FY 1977 rate and adjusting Juneau rate to equal Southcentral rate.
 2. Monthly rates x (12/365) = Daily Rates
 3. Includes Bethel.
 4. The above schedule is applicable only to foster parents residing in Alaska. The rates to be paid foster parents residing in the contiguous United States will be the same paid by the city, state, or county Welfare Department in which the foster parent resides.
 5. The new rates apply to the geographic location (city or regional area) of the foster parent -- not to the District or Region to which the case is assigned. The mailing address of the foster parent is the determining factor in all questionable cases.
 6. Crippled and handicapped children placed in foster homes by the MCH program of the Division of Public Health are exempt from provisions of the above schedule. Foster parents caring for this special category short term placements will be authorized \$14.12 per day per child without regard to age in the Southeastern and Southcentral regions. The rate of \$18.15 will be paid in the Northern region.

STATE OF ALASKA
IN-STATE FOSTER HOMES RATE SCHEDULE
EFFECTIVE JULY 1, 1979 - JUNE 30, 1980

	Southeastern Region (Juneau) <u>Old Rates/New Rates</u>		Southern Region (Ketchikan) <u>Old Rates/New Rates</u>		Southcentral Region (Anchorage) <u>Old Rates/New Rates</u>		Northern Region (Fairbanks) <u>Old Rates/New Rates</u>		Northwestern Region (Kotzebue - Barrow) <u>Old Rates/New Rates</u>		Western Region (Sitka) <u>Old Rates/New Rates</u>		
4 & Under	(Month)	\$265.00	\$291.00	\$265.00	\$291.00	\$265.00	\$291.00	\$305.00	\$334.00	\$345.00	\$387.00	\$345.00	\$378.00
	(Day)	8.71	9.56	8.71	9.56	8.71	9.56	10.03	10.99	11.34	12.71	11.34	12.42
5 thru 11	(Month)	\$293.00	\$321.00	\$293.00	\$321.00	\$293.00	\$321.00	\$337.00	\$370.00	\$331.00	\$430.00	\$301.00	\$413.00
	(Day)	9.63	10.57	9.63	10.57	9.63	10.57	11.03	12.15	12.53	14.13	12.53	13.74
12 & Over	(Month)	\$350.00	\$384.00	\$350.00	\$384.00	\$350.00	\$384.00	\$403.00	\$442.00	\$455.00	\$514.00	\$355.00	\$499.00
	(Day)	11.51	12.63	11.51	12.63	11.51	12.63	13.25	14.52	14.96	16.00	14.25	16.42

1. New rates represent implementation of 7 AAC 50.720 (c). Area differentials used as established in the State salary schedule.
2. $\text{Month rates} \times (12/365) = \text{Daily Rates}$.
3. The above schedule is applicable only to foster parents residing in Alaska. The rates to be paid foster parents residing in the contiguous United States will be the same paid by the city, state, or county Welfare Department in which the foster parent resides.
4. The rates apply to the geographic location (city or regional area) of the foster parent -- not to the District or Region to which the case is assigned. The mailing address of the foster parent is the determining factor in all questionable cases.
5. Crippled and handicapped children placed in homes by the MCH program of the Division of Public Health are exempt from provisions of the above schedule. Foster parents caring for this special category short term placements will be authorized \$16.00 per day per child without regard to age in the Southeastern, Southern, and Southcentral regions. The rate of \$21.13 will be paid in the Northern Region.
6. The policy of the Division of Social Services is to use the daily rate only.
7. Emergency Foster Care rates are as follows:

Southeastern	\$15.79	Northern	\$18.15
Southern	\$15.79	Northwestern	\$21.11 (Barrow)
Southcentral	\$15.79	Western	\$20.53

OLD RATES = FY 79
NEW RATES = FY 80

THE FOLLOWING DOCUMENT(S) MAY NOT FILM
LEGIBLY BECAUSE OF POOR QUALITY OF THE
ORIGINAL.

ATTACHMENT # 3

Frederick McGinnis
Deputy Commissioner
Department of Health and
Social Services

April 13, 1979

John R. Pugh *J.R.P.*
Field Director
Division of Social Services

Out-of-State Placements for
Division of Social Services
and Division of Corrections

	<u>Corrections</u>	<u>Social Services</u>	
	<u>Institutional Placements</u>	<u>Institutional Placements</u>	<u>Foster Care</u>
First Judicial	19	16	13
Second Judicial			2
Third Judicial	9	4	25
Fourth Judicial	7	26	20
TOTAL	35	46	60

SE-5
NW
SE
Fbx/B

JRP/gj

THE PRECEDING DOCUMENT(S) MAY NOT FILM
LEGIBLY BECAUSE OF POOR QUALITY OF THE
ORIGINAL.

	<u># Homes</u>		<u>Capacity</u>		<u>TOTAL</u>
<u>Division of Corrections</u>					
Nome	1	X	2	=	2
Fairbanks	1		2		2
"	1		3		3
Anchorage	4		1		4
	7		2		14
	2		3		6
	1		5		5
	<u>17</u>				<u>36</u>
<u>Division of Social Services</u>					
Ketchikan	27	X	1	=	27
	16		2		32
	5		3		15
	2		4		8
	1		5		5
	<u>51</u>				<u>87</u>
Juneau	24	X	1	=	24
	15		2		30
	6		3		18
	4		4		16
	1		5		5
	2		6		12
	<u>52</u>				<u>105</u>
Nome	23	X	1	=	23
	28		2		56
	9		3		27
	5		4		20
	1		5		5
	<u>66</u>				<u>131</u>
Fairbanks	27	X	1	=	27
	22		2		44
	9		3		27
	8		4		32
	2		5		10
	<u>68</u>				<u>140</u>
Anchorage	74	X	1	=	74
	80		2		160
	48		3		144
	18		4		72
	5		5		25
	1		20		20
	<u>326</u>				<u>495</u>
Bethel	14	X	1	=	14
	20		2		40
	7		3		21
	2		4		8
	<u>43</u>				<u>83</u>

TOTAL STATEWIDE

	<u>Homes</u>	<u>Total Capacity</u>
Division of Corrections	17	36
Division of Social Services	<u>606</u>	<u>1,041</u>
	623	1,077

These figures represent the total Foster Homes licensed and certified by the Department of Health and Social Services.

In response to your questions concerning the number of foster homes and beds currently available to the Division of Corrections, the following information is furnished which reflects average number of spaces available by category or by region for the first quarter of FY-79.

<u>NFO (Fairbanks)</u>	<u>Homes</u>	<u>Beds</u>	<u>Total in Placement</u>
July 1978	5	<u>7</u>	5
August 1978	5	<u>7</u>	5
September 1978	5	<u>7</u>	4
<u>SERO (Southeastern)</u>			
July 1978	4	<u>6</u>	4
August 1978	3	<u>5</u>	3
September 1978	3	<u>5</u>	4
<u>SCRD (Anchorage)</u>			
July 1978	21	<u>38</u>	25
August 1978	25	<u>44</u>	21
September 1978	21	<u>40</u>	19

From
 July total = 33
 August total = 33
 September total = 29

Beds: July total = 51
 August total = 56
 September total = 52

STATE OF ALASKA

DEPT. OF HEALTH AND SOCIAL SERVICES

OFFICE OF THE COMMISSIONER

JAY S. HAMMOND, GOVERNOR

POUCH H 01 - JUNEAU 99811

AUG 28 1979

Margaret W. Berck
Counsel to House Judiciary Committee
Alaska State Legislature
House of Representatives
Pouch "V", State Capitol Building
Juneau, Alaska 99811

Corrections

Dear Ms. Berck:

In response to your request for information on juvenile placements, I am enclosing statistical reports provided by the Division of Corrections. In addition, the following are narrative responses to your questions not included in the statistical reports.

1. (Referring to Question #5 of your request)

Juveniles who have been adjudicated delinquent are placed with the Division of Corrections. These youngsters have committed offenses that would be considered criminal if committed by an adult. Those youngsters placed with the Division of Social Services have not committed criminal offenses and/or may be in need of aid because of family problems, i.e. parents unable to provide adequate care, neglectful parents, or serious adjustment problems.

2. (Referring to Question #6 of your request)

The Division of Corrections had 40 foster home spaces as of July 1, 1979. This number refers to the number of spaces, not to the number of foster homes. If only foster homes are considered alone on that date, then 25 foster homes were available in which there was a total licensed space for 40 juveniles.

The other questions relating to juvenile placements in the Division of Corrections are included in the enclosed material. However, if you find you need additional information, we will be happy to provide it for you.

Sincerely yours,



Allen Korhonen
Deputy Commissioner

STATE OF ALASKA
IN-STATE FOSTER HOMES RATE SCHEDULE
EFFECTIVE JULY 1, 1979 - JUNE 30, 1980

		Southeastern Region (Juneau)		Southern Region (Ketchikan)		Southcentral Region (Anchorage)		Northern Region (Fairbanks)		Northwestern Region (Kotzebue - Barrow)		Western Region (Bethel)	
		Old Rates/New Rates		Old Rates/New Rates		Old Rates/New Rates		Old Rates/New Rates		Old Rates/New Rates		Old Rates/New Rates	
4 & Under	(Month) (Day)	\$265.00 8.71	\$291.00 9.56	\$265.00 8.71	\$291.00 9.56	\$265.00 8.71	\$291.00 9.56	\$305.00 10.03	\$334.00 10.99	\$345.00 11.34	\$387.00 12.71	\$345.00 11.34	\$378.00 12.42
5 thru 11	(Month) (Day)	\$293.00 9.63	\$321.00 10.57	\$293.00 9.63	\$321.00 10.57	\$293.00 9.63	\$321.00 10.57	\$337.00 11.08	\$370.00 12.15	\$381.00 12.53	\$430.00 14.13	\$381.00 12.53	\$418.00 13.74
12 & Over	(Month) (Day)	\$350.00 11.51	\$384.00 12.63	\$350.00 11.51	\$384.00 12.63	\$350.00 11.51	\$384.00 12.63	\$403.00 13.25	\$442.00 14.52	\$455.00 14.96	\$514.00 16.89	\$455.00 14.96	\$499.00 16.42

1. New rates represent implementation of 7 AAC 50.720 (c). Area differentials used as established in the State salary schedule.
2. Month rates x (12/365) = Daily Rates.
3. The above schedule is applicable only to foster parents residing in Alaska. The rates to be paid foster parents residing in the contiguous United States will be the same paid by the city, state, or county Welfare Department in which the foster parent resides.
4. The rates apply to the geographic location (city or regional area) of the foster parent -- not to the District or Region to which the case is assigned. The mailing address of the foster parent is the determining factor in all questionable cases.
5. Crippled and handicapped children placed in homes by the MCH program of the Division of Public Health are exempt from provisions of the above schedule. Foster parents caring for this special category short term placements will be authorized \$16.50 per day per child without regard to age in the Southeastern, Southern, and Southcentral regions. The rate of \$21.18 will be paid in the Northern Region.
6. The policy of the Division of Social Services is to use the daily rate only.

Department of Health and Social Services
Full Cost of Care

	<u>Audited Rate</u>	<u>FY 1980</u>
Alaska Children's Services		
Aquarius House	_____	\$ 79.04
Anchorage Receiving Home	_____	91.91
Colletti Group Home	_____	51.77
Jesse Lee Home	_____	92.93
Mary Johnson Home	_____	113.40
North Star Group Home	_____	53.23
Alaska Baptist Family Service	_____	47.59
Alaska Youth Village	_____	64.01
Bethel Group Home	_____	27.50
Booth Memorial Home	_____	101.05
Covenant High School	_____	17.96
Hilltop Home	_____	55.05
Juneau Receiving Home	_____	66.37
Kenai Peninsula Community Care	_____	59.78
Ketchikan's Children's Home	_____	47.87
Kodiak Baptist Mission	_____	22.06
Nome Group Home	_____	79.55
Nome Receiving Home	_____	77.03
North Slope Borough Children's Home	_____	98.14
North Star Children's Home	_____	47.04
Presbyterian Hospitality House	_____	79.62
Sitka Receiving Home	_____	41.75
Turning Point Boy's Ranch	_____	67.48