

HB

19

COMMITTEE REPORT

HOUSE

(7)

1/14/85

Judiciary

FURTHER: Finance

Date:

March 7, 1985

The Committee on Health, Education and Social Services has had HB 19
"An Act relating to runaway minors."

under consideration and recommends:

- do pass do not pass
- do pass with attached amendments(s)
- replace with CS for HB 19 same title
 new title
- and recommends do pass
- AND attaches a "Letter of Intent" New Fiscal Note
- reports it back without recommendation Zero Fiscal Note Attached
- referred to the _____ Committee

MEMBERS SIGNING
DO PASS

MEMBERS HAVING
OTHER RECOMMENDATIONS:

W. K. ...
W. F. ...
R. H. ...
(Vice Chair) ...
...
...
...
...
...
...

W. K. ...
 CHAIRMAN
W. F. ...
...

Original sponsors: Phillips, Goll
and Larson

1 IN THE HOUSE

BY THE HEALTH, EDUCATION AND
SOCIAL SERVICES COMMITTEE

2 CS FOR HOUSE BILL NO. 19 (HESS)

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 FOURTEENTH LEGISLATURE - FIRST SESSION

5 A BILL

6 For an Act entitled: "An Act relating to runaway and missing minors."

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

8 * Section 1. AS 47.10.140(e) is amended to read:

9 (e) Except for temporary detention pending a detention hearing
10 [OR TEMPORARY DETENTION UNDER (f) OF THIS SECTION], a minor may [NOT]
11 be detained only [EXCEPT] by court order.

12 * Sec. 2. AS 47.10 is amended by adding a new section to read:

13 Sec. 47.10.141. RUNAWAY AND MISSING MINORS. (a) Upon receiving
14 a request to locate a minor evading the minor's legal custodian or
15 otherwise missing, a law enforcement agency shall make reasonable
16 efforts to locate the minor and shall immediately complete a missing
17 person's report containing information necessary for the identifica-
18 tion of the minor. As soon as practicable, but not later than 24
19 hours after completing the report, the agency shall transmit the
20 report for entry into the Alaska Public Safety Information Network and
21 the National Crime Information Center computer system. As soon as
22 practicable, but not later than 24 hours after the agency learns that
23 the minor has been located, it shall request that the Department of
24 Public Safety and the Federal Bureau of Investigation remove the
25 information from the computer systems.

26 (b) A peace officer shall take into protective custody a minor
27 described in (a) of this section if the minor is not otherwise subject
28 to arrest or detention. The peace officer shall honor the minor's
29 preference to either (1) return the minor to the legal custodian or

1 (2) take the minor to an office specified by the Department of Health
2 and Social Services or a facility or contract agency of the depart-
3 ment. If an office specified by the department or a facility or
4 contract agency of the department does not exist in the community, the
5 officer shall take the minor to another suitable location and promptly
6 notify the department. A minor under protective custody may not be
7 housed in a jail or other detention facility. Immediately upon taking
8 a minor into protective custody the officer shall advise the minor
9 orally and in writing of the right to social services under AS 47.10.-
10 142(b), and, if known, the officer shall advise the legal custodian
11 that the minor has been taken into protective custody.

12 * Sec. 3. AS 47.10.140(f) and (g) are repealed.
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Alaska State Legislature
House of Representatives
COMMITTEE ON HEALTH, EDUCATION
AND SOCIAL SERVICES

OFFICIAL BUSINESS

POUCH V
JUNEAU, AK 99811
465-3759

MEMORANDUM

TO: ALL HESS COMMITTEE MEMBERS

FROM: NANCY BENNETT, COMMITTEE STAFF

DATE: MARCH 7, 1985

RE: HB 19 - RUNAWAY AND MISSING MINORS

The Subcommittee on HB 19 has prepared a new draft committee substitute for your consideration today. The changes made to the bill are:

Addition of a new section, Section 1, which deletes existing language in AS 47.10.140 which would be in conflict with provisions of this bill regarding detention of minors.

Deletion of language specifying what information will be available to be put into the computer, as recommended by the Department of Public Safety.

Page 1, lines 28-29: Addition of the language honor the minor's preference to, to specify that the choice of home or health and social services is the minor's and not the police officer's.

Page 2, line 5: Changed "may" to "shall" and added the language that the department had to be promptly notified of the location of the minor.

Page 2, lines 6-7: Specifies that a minor in protective custody may not be placed in a jail or detention facility.

Page 2, line 9: Added the language "of the right to".

LEGISLATIVE AFFAIRS AGENC

MEMORANDUM

March 4, 1985

SUBJECT: CSHB 19 (HESS)

TO: Rep. Max Gruenberg
Co-Chairman, House HESS Committee

FROM: Ed Hein, LAA

Enclosed is the draft CS you requested. I have kept to your language as much as possible. Note that in Section 1, 47.10.141(b), I suggest that you consider two changes to the four new criteria for jailing a runaway or missing minor. Your number (1) "emergency" may need to be made more specific or defined in order to avoid potential legal questions over whether a minor was legally placed in jail. Your number (4) approval by DHS might be improved and made more precise if changed to read "approved for the purpose".

EH

1 not exist in the community the officer may take the minor to another
2 suitable location. A minor under protective custody may be housed in
3 a jail or other detention facility only if (1) an emergency exists,
4 (2) another facility is not available; (3) the minor is kept from
5 contact with adults convicted or accused of a crime and from delin-
6 quent minors; and (4) the facility is approved by the Department of
7 Health and Social Services. Immediately upon taking a minor into
8 protective custody the officer shall advise the minor orally and in
9 writing of social services available under AS 47.10.142(b), and, if
10 known, the officer shall advise the legal custodian that the minor has
11 been taken into protective custody.

12 * Sec. 2. AS 47.10.140(f) and (g) are repealed.

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Version #1
Hein
3/4/85✓

Original sponsors: Phillips, Goll
and Larson

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BY THE HEALTH, EDUCATION AND
SOCIAL SERVICES COMMITTEE

2 CS FOR HOUSE BILL NO. 19 (HESS)

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 FOURTEENTH LEGISLATURE - FIRST SESSION

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6 For an Act entitled: "An Act relating to runaway and missing minors."

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

8 * Section 1. AS 47.10 is amended by adding a new section to read:

9 Sec. 47.10.141. RUNAWAY AND MISSING MINORS. (a) Upon receiving
10 a request to locate a minor evading the minor's legal custodian or
11 otherwise missing, a law enforcement agency shall make reasonable
12 efforts to locate the minor and shall immediately complete a missing
13 person's report containing information necessary for the identifica-
14 tion of the minor, including physical description, last known loca-
15 tion, and known associates. As soon as practicable, but not later
16 than 24 hours after completing the report, the agency shall transmit
17 the report for entry into the Alaska Public Safety Information Network
18 and the National Crime Information Center computer system. As soon as
19 practicable, but not later than 24 hours after the agency learns that
20 the minor has been located, it shall request that the Department of
21 Public Safety and the Federal Bureau of Investigation remove the
22 information from the computer systems.

23 (b) A peace officer shall take into protective custody a minor
24 described in (a) of this section if the minor is not otherwise subject
25 to arrest or detention. The peace officer shall either (1) return the
26 minor to the legal custodian or (2) take the minor to an office speci-
27 fied by the Department of Health and Social Services or a facility or
28 contract agency of the department. If an office specified by the
29 department, or a facility or contract agency of the department, does

WASHINGTON STATES

TITLE 13

AND

RELATED STATUTES

13.24.060 Responsibilities of state departments, agencies and officers. The courts, departments, agencies and officers of this state and its subdivisions shall enforce this compact and shall do all things appropriate to the effectuation of its purposes and intent which may be within their respective jurisdictions. [1955 c 284 § 6.]

13.24.900 Short title. This chapter may be cited as the "uniform interstate compact on juveniles." [1955 c 284 § 7.]

Chapter 13.32A

PROCEDURES FOR FAMILIES IN CONFLICT

Sections

- 13.32A.010 Legislative findings and declaration.
- 13.32A.020 Short title.
- 13.32A.030 Definitions—Regulating leave from semi-secure facility.
- 13.32A.040 Family reconciliation services—Request for—Scope.
- 13.32A.050 Officer taking child into custody—When authorized—Maximum time of custody.
- 13.32A.060 Officer taking child into custody—Procedure—Transporting to home or crisis residential center.
- 13.32A.065 Officer taking child into custody—Placing in detention—Detention review hearing—Hearing on contempt.
- 13.32A.070 Officer taking child into custody—Transporting to home other than of parent—Immunity from liability.
- 13.32A.080 Unlawful harboring of a minor—Penalties—Defense—Prosecution of adult for involving child in commission of offense.
- 13.32A.090 Duty to inform parents of child's whereabouts, condition and reconciliation procedure, when—Transportation to child's home or alternative residence, payment.
- 13.32A.100 Family reconciliation services for child in alternative residential placement.
- 13.32A.110 Interstate compact to apply, when.
- 13.32A.120 Alternative residential placement—Agreement to continue—Petition to approve.
- 13.32A.130 Child admitted to crisis residential center—Maximum hours of custody—Reconciliation effort—Information to parents upon retaining custody.
- 13.32A.140 Alternative residential placement—Department to file petition for, when—Procedure.
- 13.32A.150 Alternative residential placement—Petition by child or parent for—Procedure.
- 13.32A.160 Alternative residential placement—Court action upon denial of petition—Child placement.
- 13.32A.170 Alternative residential placement—Fact-finding hearing—Three-month placement disposition plan—Hearing, when—Approval or denial of petition—Alternative residential placement, when.
- 13.32A.180 Alternative residential placement—Contribution to cost of placement—Enforcement of order.
- 13.32A.190 Alternative residential placement—Hearing—Placement disposition plan—Hearing, when—Alternative residential placement, when.
- 13.32A.200 Alternative residential placement—Review of placement—Dispositional order—Time limitation on out-of-home placement—Alternative residential placement, when.
- 13.32A.210 Alternative residential placement—General provisions—Placement.
- 13.32A.220 Alternative residential placement—Contempt—Procedure.

Departmental rules may be promulgated under chapters 13.32A and 13.34 RCW—Repealed by 1979 c 155, § 16. Department of Social and Health Services. Juvenile may be both dependent and an offender. RCW 13.04.300.

13.32A.010 Legislative findings and declaration. The legislature finds that within any group of people there exists a need for guidelines for acceptable behavior and that, presumptively, experience and maturity are better qualifications for establishing guidelines beneficial to and protective of individual members and the group as a whole than are youth and inexperience. The legislature further finds that it is the right and responsibility of adults to establish laws for the benefit and protection of the society; and that, in the same manner, the right and responsibility for establishing reasonable guidelines for the family unit belongs to the adults within that unit. The legislature reaffirms its position stated in RCW 13.34.020 that the family unit is the fundamental resource of American life which should be nurtured and that it should remain intact in the absence of compelling evidence to the contrary. [1979 c 155 § 15.]

Appropriation—Effective date—Severability—1979 c 155: See notes following RCW 13.04.011.

13.32A.020 Short title. This chapter shall be known and may be cited as the Procedures for Families in Conflict. [1979 c 155 § 16.]

Appropriation—Effective date—Severability—1979 c 155: See notes following RCW 13.04.011.

13.32A.030 Definitions—Regulating leave from semi-secure facility. As used in this chapter the following terms have the meanings indicated unless the context clearly requires otherwise:

- (1) "Department" means the department of social and health services;
- (2) "Child," "juvenile," and "youth" mean any individual who is under the chronological age of eighteen years;
- (3) "Parent" means the legal custodian(s) or guardian(s) of a child;

(4) "Semi-secure facility" means any facility, including but not limited to crisis residential centers or specialized foster family homes, operated in a manner to reasonably assure that youth placed there will not run away: *Provided*, That such facility shall not be a secure institution or facility as defined by the federal juvenile justice and delinquency prevention act of 1974 (P.L. 93-415; 42 U.S.C. Sec. 5634 et seq.) and regulations and clarifying instructions promulgated thereunder. Pursuant to rules established by the department, the facility administrator shall establish reasonable hours for residents to come and go from the facility such that no residents are free to come and go at all hours of the day and night. To prevent residents from taking unreasonable actions, the facility administrator, where appropriate, may condition a resident's leaving the facility upon the resident being accompanied by the administrator or the administrator's designee and the resident may be required to notify the administrator or the administrator's designee of any intent to leave, his or her intended destination, and the probable time of his or her return to the center. [1979 c 155 § 17.]

Appropriation—Effective date—Severability—1979 c 155: See notes following RCW 13.04.011.

13.32A.040 Family reconciliation services—Request for—Scope. Families who are in conflict may request family reconciliation services from the department. Such services shall be provided to alleviate personal or family situations which present a serious and imminent threat to the health or stability of the child or family and to maintain families intact wherever possible. Family reconciliation services shall be designed to develop skills and supports within families to resolve family conflicts and may include but are not limited to referral to services for suicide prevention, psychiatric or other medical care, or psychological, welfare, legal, educational, or other social services, as appropriate to the needs of the child and the family. [1981 c 298 § 1; 1979 c 155 § 18.]

Severability—1981 c 298: "If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected." [1981 c 298 § 20.] This applies to RCW 13.32A.040, 13.32A.050, 13.32A.060, 13.32A.065, 13.32A.070, 13.32A.080, 13.32A.090, 13.32A.100, 13.32A.130, 13.32A.140, 13.32A.150, 13.32A.170, 13.32A.175, 13.32A.190, 13.32A.250, 74.13.031, 74.13.034, 74.13.036 and a section, temporary in nature, footnoted to RCW 74.13.036.

Appropriation—Effective date—Severability—1979 c 155: See notes following RCW 13.04.011.

13.32A.050 Officer taking child into custody—When authorized—Maximum time of custody. A law enforcement officer shall take a child into custody:

(1) If a law enforcement agency has been contacted by the parent of the child that the child is absent from parental custody without consent; or

(2) If a law enforcement officer reasonably believes that a child is in circumstances which constitute a danger to the child's physical safety; or

(3) If an agency legally charged with the supervision of a child has notified a law enforcement agency that the child has run away from placement; or

(4) If a law enforcement agency has been notified by the juvenile court that the court finds probable cause exists to believe that the child has violated a court placement order issued pursuant to chapter 13.32A RCW.

Law enforcement custody shall not extend beyond the amount of time reasonably necessary to transport the child to a destination authorized by law and to place the child at that destination. [1981 c 298 § 2; 1979 c 155 § 19.]

Severability—1981 c 298: See note following RCW 13.32A.040.

Appropriation—Effective date—Severability—1979 c 155: See notes following RCW 13.04.011.

13.32A.060 Officer taking child into custody—Procedure—Transporting to home or crisis residential center. (1) An officer taking a child into custody under RCW 13.32A.050 (1) or (2) shall inform the child of the reason for such custody and shall either:

(a) Transport the child to his or her home. The officer releasing a child into the custody of the parent shall inform the parent of the reason for the taking of the child into custody and may inform the child and the parent of

the nature and location of appropriate services available in their community; or

(b) Take the child to a designated crisis residential center or the home of a responsible adult:

(i) If the child evinces fear or distress at the prospect of being returned to his or her home; or

(ii) If the officer believes there is a possibility that the child is experiencing in the home some type of child abuse or neglect, as defined in RCW 26.44.020, as now law or hereafter amended; or

(iii) If it is not practical to transport the child to his or her home; or

(iv) If there is no parent available to accept custody of the child.

(2) An officer taking a child into custody under RCW 13.32A.050 (3) or (4) shall inform the child of the reason for custody, and shall take the child to a designated crisis residential center licensed by the department and established pursuant to chapter 74.13 RCW. However, an officer taking a child into custody under RCW 13.32A.050(4) may place the child in a juvenile detention facility as provided in RCW 13.32A.065. The department shall ensure that all the enforcement authorities are informed on a regular basis as to the location of the designated crisis residential center or centers in their judicial district, where children taken into custody under RCW 13.32A.050 may be taken. [1981 c 298 § 3; 1979 c 155 § 20.]

Severability—1981 c 298: See note following RCW 13.32A.040.

Appropriation—Effective date—Severability—1979 c 155: See notes following RCW 13.04.011.

13.32A.065 Officer taking child into custody—Placing in detention—Detention review hearing—Hearing on contempt. (1) A child may be placed in detention after being taken into custody pursuant to RCW 13.32A.050(4). The court shall hold a detention review hearing within twenty-four hours, excluding Saturdays, Sundays, and holidays. The court shall release the child after twenty-four hours, excluding Saturdays, Sundays, and holidays, unless:

(a) A motion and order to show why the child should not be held in contempt has been filed and served on the child at or before the detention hearing; and

(b) The court believes that the child would not appear at a hearing on contempt.

(2) If the court orders the child to remain in detention, the court shall set the matter for a hearing on contempt within seventy-two hours, excluding Saturdays, Sundays, and holidays. [1981 c 298 § 4.]

Severability—1981 c 298: See note following RCW 13.32A.040.

13.32A.070 Officer taking child into custody—Transporting to home other than of parent—Immunity from liability. An officer taking a child into custody under RCW 13.32A.050 may, at his or her discretion, transport the child to the home of a responsible adult who is other than the child's parent where the officer reasonably believes that the child will be provided with adequate care and supervision and that the child will remain in the custody of such adult until such time as the

department can bring about the child's return home or an alternative residential placement can be agreed to or determined pursuant to this chapter. An officer placing a child with a responsible adult other than his or her parent shall immediately notify the department's local community service office of this fact and of the reason for taking the child into custody.

A law enforcement officer acting reasonably and in good faith pursuant to this chapter in releasing a child to a person other than a parent of such child is immune from civil or criminal liability for such action. A person other than a parent of such child who receives a child pursuant to this chapter and who acts reasonably and in good faith in doing so is immune from civil or criminal liability for the act of receiving such child. Such immunity does not release such person from liability under any other law including the laws regulating licensed child care and prohibiting child abuse. [1981 c 298 § 5; 1979 c 155 § 21.]

Severability—1981 c 298: See note following RCW 13.32A.040.

Appropriation—Effective date—**Severability**—1979 c 155: See notes following RCW 13.04.011.

13.32A.080 Unlawful harboring of a minor—Penalties—Defense—Prosecution of adult for involving child in commission of offense. (1) (a) A person commits the crime of unlawful harboring of a minor if the person provides shelter to a minor without the consent of a parent of the minor and after the person knows that the minor is away from the home of the parent, without the parent's permission, and if the person intentionally:

(i) Fails to release the minor to a law enforcement officer after being requested to do so by the officer; or

(ii) Fails to disclose the location of the minor to a law enforcement officer after being requested to do so by the officer, if the person knows the location of the minor and had either taken the minor to that location or had assisted the minor in reaching that location; or

(iii) Obstructs a law enforcement officer from taking the minor into custody; or

(iv) Assists the minor in avoiding or attempting to avoid the custody of the law enforcement officer.

(b) It is a defense to a prosecution under this section that the defendant had custody of the minor pursuant to a court order.

(2) Harboring a minor is punishable as a misdemeanor if the offender has not been previously convicted under this section and a gross misdemeanor if the offender has been previously convicted under this section.

(3) Any person who provides shelter to a child, absent from home, may notify the department's local community service office of the child's presence.

(4) An adult responsible for involving a child in the commission of an offense may be prosecuted under existing criminal statutes including, but not limited to:

(a) Distribution of a controlled substance to a minor, as defined in RCW 69.50.406;

(b) Promoting prostitution as defined in chapter 9A.88 RCW; and

(c) Complicity of the adult in the crime of a minor, under RCW 9A.08.020. [1981 c 298 § 6; 1979 c 155 § 22.]

Severability—1981 c 298: See note following RCW 13.32A.040.

Appropriation—Effective date—**Severability**—1979 c 155: See notes following RCW 13.04.011.

13.32A.090 Duty to inform parents of child's whereabouts, condition and reconciliation procedure, when—Transportation to child's home or alternative residence, payment. (1) The person in charge of a designated crisis residential center or the department pursuant to RCW 13.32A.070 shall perform the duties under subsection (2) of this section:

(a) Upon admitting a child who has been brought to the center by a law enforcement officer under RCW 13.32A.060;

(b) Upon admitting a child who has run away from home or has requested admittance to the center;

(c) Upon learning from a person under RCW 13.32A.080(2) that the person is providing shelter to a child absent from home; or

(d) Upon learning that a child has been placed with a responsible adult pursuant to RCW 13.32A.070.

(2) When any of the circumstances under subsection (1) of this section are present, the person in charge of a center shall perform the following duties:

(a) Immediately notify the child's parent of the child's whereabouts, physical and emotional condition, and the circumstances surrounding his or her placement;

(b) Initially notify the parent that it is the paramount concern of the family reconciliation service personnel to achieve a reconciliation between the parent and child to reunify the family and inform the parent as to the procedures to be followed under this chapter;

(c) Inform the parent whether a referral to children's protective services has been made and, if so, inform the parent of the standard pursuant to RCW 26.44.020(12) governing child abuse and neglect in this state;

(d) Arrange transportation for the child to the residence of the parent, as soon as practicable, at the latter's expense to the extent of his or her ability to pay, with any unmet transportation expenses to be assumed by the department, when the child and his or her parent agrees to the child's return home;

(e) Arrange transportation for the child to an alternative residential placement which may include a licensed group care facility or foster family when agreed to by the child and parent at the latter's expense to the extent of his or her ability to pay, with any unmet transportation expenses assumed by the department. [1981 c 298 § 7; 1979 c 155 § 23.]

Reviser's note: Reference in subsection (1)(c) of RCW 13.32A.090 to "RCW 13.32A.080(2)" appears to be referring to such RCW subsection prior to its amendment by section 6, chapter 298, Laws of 1981.

Severability—1981 c 298: See note following RCW 13.32A.040.

Appropriation—Effective date—**Severability**—1979 c 155: See notes following RCW 13.04.011.

13.32A.100 Family reconciliation services for child in alternative residential placement. Where a child is placed

in a residence other than that of his or her parent pursuant to RCW 13.32A.090(2)(e), the department shall make available family reconciliation services in order to facilitate the reunification of the family. Any such placement may continue as long as there is agreement by the child and parent. [1981 c 298 § 8; 1979 c 155 § 24.]

Severability—1981 c 298: See note following RCW 13.32A.040.

Appropriation—**Effective date**—**Severability**—1979 c 155: See notes following RCW 13.04.011.

13.32A.110 Interstate compact to apply, when. If a child who has a legal residence outside the state of Washington is admitted to a crisis residential center or is placed by a law enforcement officer with a responsible person other than the child's parent, and the child refuses to return home, the provisions of RCW 13.24.010 shall apply. [1979 c 155 § 25.]

Appropriation—**Effective date**—**Severability**—1979 c 155: See notes following RCW 13.04.011.

Interstate compact on juveniles: Chapter 13.24 RCW.

13.32A.120 Alternative residential placement—Agreement to continue—Petition to approve. (1) Where either a child or the child's parent or the person or facility currently providing shelter to the child notifies the center that such individual or individuals cannot agree to the continuation of an alternative residential placement arrived at pursuant to RCW 13.32A.090(2)(e), the center shall immediately contact the remaining party or parties to the agreement and shall attempt to bring about the child's return home or to an alternative living arrangement agreeable to the child and the parent as soon as practicable.

(2) If a child and his or her parent cannot agree to an alternative residential placement under RCW 13.32A.090(2)(e), either the child or parent may file with the juvenile court a petition to approve an alternative residential placement.

(3) If a child and his or her parent cannot agree to the continuation of an alternative residential placement arrived at under RCW 13.32A.090(2)(e), either the child or parent may file with the juvenile court a petition to approve an alternative residential placement. [1979 c 155 § 26.]

Appropriation—**Effective date**—**Severability**—1979 c 155: See notes following RCW 13.04.011.

13.32A.130 Child admitted to crisis residential center—Maximum hours of custody—Reconciliation effort—Information to parents upon retaining custody. A child admitted to a crisis residential center under this chapter who is not returned to the home of his or her parent or who is not placed in an alternative residential placement under an agreement between the parent and child, shall, except as provided for by RCW 13.32A.140 and 13.32A.160(2), reside in such placement under the rules and regulations established for the center for a period not to exceed seventy-two hours, excluding Saturdays, Sundays, and holidays, from the time of intake, except as otherwise provided by this chapter. Crisis residential center staff shall make a concerted effort to

achieve a reconciliation of the family. If a reconciliation and voluntary return of the child has not been achieved within forty-eight hours, excluding Saturdays, Sundays and holidays, from the time of intake, and if the person in charge of the center does not consider it likely that reconciliation will be achieved within the seventy-two hour period, then the person in charge shall inform the parent and child of (1) the availability of counseling services; (2) the right to file a petition for an alternative residential placement and to obtain assistance in filing the petition; and (3) the right to request a review of such a placement: *Provided*, That at no time shall information regarding a parent's or child's rights be withheld if requested. [1981 c 298 § 9; 1979 c 155 § 27.]

Severability—1981 c 298: See note following RCW 13.32A.040.

Appropriation—**Effective date**—**Severability**—1979 c 155: See notes following RCW 13.04.011.

13.32A.140 Alternative residential placement—Department to file petition for, when—Procedure. The department shall file a petition to approve an alternative residential placement on behalf of a child under any of the following sets of circumstances:

(1) The child has been admitted to a crisis residential center or has been placed with a responsible person other than his or her parent, and:

(a) The parent has been notified that the child was so admitted or placed;

(b) Seventy-two hours, including Saturdays, Sundays, and holidays, have passed since such notification;

(c) No agreement between the parent and the child as to where the child shall live has been reached;

(d) No petition requesting approval of an alternative residential placement has been filed by either the child or parent or legal custodian; and

(e) The child has no suitable place to live other than the home of his or her parent.

(2) The child has been admitted to a crisis residential center and:

(a) Seventy-two hours, including Saturdays, Sundays, and holidays, have passed since such placement;

(b) The staff, after searching with due diligence, have been unable to contact the parent of such child; and

(c) The child has no suitable place to live other than the home of his or her parent.

(3) An agreement between parent and child made pursuant to RCW 13.32A.090(2)(e) or pursuant to RCW 13.32A.120(1) is no longer acceptable to parent or child, and:

(a) The party to whom the arrangement is no longer acceptable has so notified the department;

(b) Seventy-two hours, including Saturdays, Sundays, and holidays, have passed since such notification;

(c) No new agreement between parent and child as to where the child shall live has been reached;

(d) No petition requesting approval of an alternative residential placement has been filed by either the child or the parent; and

(e) The child has no suitable place to live other than the home of his or her parent.

Under the circumstances of subsections (1), (2), or (3) of this section, the child shall remain in a licensed child care facility, including but not limited to a crisis residential center, or in any other suitable residence to be determined by the department until an alternative residential placement petition filed by the department on behalf of the child is reviewed by the juvenile court and is resolved by such court. The department may authorize emergency medical or dental care for a child placed under this section. The state, when the department files a petition for alternative residential placement under this section, shall be represented as provided for in RCW 13.04.093. [1981 c 298 § 10; 1979 c 155 § 28.]

Severability—1981 c 298: See note following RCW 13.32A.040.

Appropriation—Effective date—Severability—1979 c 155: See notes following RCW 13.04.011.

13.32A.150 Alternative residential placement—Petition by child or parent for—Procedure. A child or a child's parent may file with the juvenile court a petition to approve an alternative residential placement for the child outside the parent's home. The department shall, when requested, assist either a parent or child in the filing of the petition. The petition shall only ask that the placement of a child outside the home of his or her parent be approved. The filing of a petition to approve such placement is not dependent upon the court's having obtained any prior jurisdiction over the child or his or her parent, and confers upon the court a special jurisdiction to approve or disapprove an alternative residential placement. [1981 c 298 § 11; 1979 c 155 § 29.]

Severability—1981 c 298: See note following RCW 13.32A.040.

Appropriation—Effective date—Severability—1979 c 155: See notes following RCW 13.04.011.

13.32A.160 Alternative residential placement—Court action upon filing of petition—Child placement. (1) When a proper petition is filed under RCW 13.32A.120, 13.32A.140 or 13.32A.150 the juvenile court shall: (a) Schedule a date for a fact-finding hearing; notify the parent and child of such date; (b) notify the parent of the right to be represented by counsel and, if indigent, to have counsel appointed for him or her by the court; (c) appoint legal counsel for the child; (d) inform the child and his or her parent of the legal consequences of the court approving or disapproving an alternative residential placement petition; and (e) notify all parties of their right to present evidence at the fact-finding hearing.

(2) Upon filing of an alternative residential placement petition, the child may be placed, if not already placed by the department in a crisis residential center, foster family home, group home facility licensed under chapter 74.15 RCW, or any other suitable residence to be determined by the department.

(3) If the child has been placed in a foster family home or group care facility under chapter 74.15 RCW, the child shall remain there, or in any other suitable residence as determined by the department, pending resolution of the alternative residential placement petition by the court. Any placement may be reviewed by the

court within three court days upon the request of the juvenile or the juvenile's parent. [1979 c 155 § 30.]

Appropriation—Effective date—Severability—1979 c 155: See notes following RCW 13.04.011.

13.32A.170 Alternative residential placement—Fact-finding hearing—Three-month placement disposition plan—Hearing, when—Approval or denial of petition—Contempt proceedings, when. (1) The court shall hold a fact-finding hearing to consider a proper petition and may approve or deny alternative residential placement giving due weight to the intent of the legislature that families, absent compelling reasons to the contrary, shall remain together and that parents have the right to place reasonable rules and restrictions upon their children. The court may appoint legal counsel and/or a guardian ad litem to represent the child and advise parents of their right to be represented by legal counsel. The court may approve an order stating that the child shall be placed in a residence other than the home of his or her parent only if it is established by a preponderance of the evidence that:

(a) The petition is not capricious;

(b) The petitioner, if a parent or the child, has made a reasonable effort to resolve the conflict; and

(c) The conflict which exists cannot be resolved by delivery of services to the family during continued placement of the child in the parental home.

The court may not grant a petition filed by the child or the department if it is established that the petition is based only upon a dislike of reasonable rules or reasonable discipline established by the parent.

(2) The order approving out-of-home placement shall direct the department to submit a disposition plan for a three-month placement of the child that is designed to reunite the family and resolve the family conflict. In making the order, the court shall further direct the department to make recommendations, as to which agency or person should have physical custody of the child, as to which parental powers should be awarded to such agency or person, and as to parental visitation rights. The court may direct the department to consider the cultural heritage of the child in making its recommendations.

(3) The hearing to consider the recommendations of the department for a three-month disposition plan shall be set no later than fourteen days after the approval of the court of a petition to approve alternative residential placement. Each party shall be notified of the time and place of such disposition hearing.

(4) If the court approves or denies a petition for an alternative residential placement, a written statement of the reasons shall be filed. If the court denies a petition requesting that a child be placed in a residence other than the home of his or her parent, the court shall enter an order requiring the child to remain at or return to the home of his or her parent.

(5) If the court denies the petition, the court shall impress upon the party filing the petition of the legislative intent to restrict the proceedings to situations where

a family conflict is so great that it cannot be resolved by the provision of in-home services.

(6) A child who fails to comply with a court order directing that the child remain at or return to the home of his or her parent shall be subject to contempt proceedings, as provided in this chapter, but only if the non-compliance occurs within ninety calendar days after the day of the order. [1981 c 298 § 12; 1979 c 155 § 31.]

Severability—1981 c 298: See note following RCW 13.32A.040.

Appropriation—Effective date—**Severability**—1979 c 155: See notes following RCW 13.04.011.

13.32A.175 Alternative residential placement—Contribution to child's support, when—Enforcement of order. In any proceeding in which the court approves an alternative residential placement, the court shall inquire into the ability of parents to contribute to the child's support. If the court finds that the parents are able to contribute to the support of the child, the court shall order them to make such support payments as the court deems equitable. The court may enforce such an order by execution or in any way in which a court of equity may enforce its orders. However, payments shall not be required of a parent who has both opposed the placement and continuously sought reconciliation with, and the return of, the child. [1981 c 298 § 15.]

Severability—1981 c 298: See note following RCW 13.32A.040.

13.32A.180 Three-month placement disposition plan—Hearing—Court order—No placement in secure residence. (1) At a dispositional hearing held to consider the three-month dispositional plan presented by the department the court shall consider all such recommendations included therein. The court, consistent with the stated goal of resolving the family conflict and reuniting the family, may modify such plan and shall make its dispositional order for a three-month out-of-home placement for the child. The court dispositional order shall specify the person or agency with whom the child shall be placed, those parental powers which will be temporarily awarded to such agency or person including but not limited to the right to authorize medical, dental, and optical treatment, and parental visitation rights. Any agency or residence at which the child is placed must, at a minimum, comply with minimum standards for licensed family foster homes.

(2) No placement made pursuant to this section may be in a secure residence as defined by the federal Juvenile Justice and Delinquency Prevention Act of 1974 and clarifying interpretations and regulations promulgated thereunder. [1979 c 155 § 32.]

Appropriation—Effective date—**Severability**—1979 c 155: See notes following RCW 13.04.011.

13.32A.190 Three-month placement dispositional order—Review of in subsequent hearings—Time limitation on out-of-home placement once hearings commence. (1) Upon making a dispositional order under RCW 13.32A.180, the court shall schedule the matter on the calendar for review within three months, advise the parties of the date thereof, appoint legal counsel

and/or a guardian ad litem to represent the child at the review hearing, advise parents of their right to be represented by legal counsel at the review hearing, and notify the parties of their rights to present evidence at the hearing. Where resources are available, the court shall encourage the parent and child to participate in mediation programs for reconciliation of their conflict.

(2) At the review hearing, the court shall approve or disapprove the continuation of the dispositional plan in accordance with the goal of resolving the conflict and reuniting the family which governed the initial approval. The court is authorized to discontinue the placement and order that the child return home if the court has reasonable grounds to believe that the parents have displayed concerted efforts to utilize services and resolve the conflict and the court has reason to believe that the child's refusal to return home is capricious. If out-of-home placement is continued, the court may modify the dispositional plan.

Out-of-home placement may not be continued past one hundred eighty days from the day the review hearing commenced. The court shall order that the child return to the home of the parent at the expiration of the placement. If continued out-of-home placement is disapproved, the court shall enter an order requiring that the child return to the home of the child's parent. [1981 c 298 § 13; 1979 c 155 § 33.]

Severability—1981 c 298: See note following RCW 13.32A.040.

Appropriation—Effective date—**Severability**—1979 c 155: See notes following RCW 13.04.011.

13.32A.200 Hearings under chapter—Time or place—General public excluded. All hearings pursuant to this chapter may be conducted at any time or place within the county of the residence of the parent and such cases shall not be heard in conjunction with the business of any other division of the superior court. The general public shall be excluded from hearings and only such persons who are found by the court to have a direct interest in the case or the work of the court shall be admitted to the proceedings. [1979 c 155 § 34.]

Appropriation—Effective date—**Severability**—1979 c 155: See notes following RCW 13.04.011.

13.32A.250 Failure to comply with order as contempt—Procedure—Motion for—Penalties. (1) Failure by a party to comply with an order entered under this chapter is punishable as contempt.

(2) Contempt under this section is punishable by a fine of up to one hundred dollars and imprisonment for up to seven days, or both.

(3) A child found in contempt under this section shall be imprisoned only in a secure juvenile detention facility operated by or pursuant to a contract with a county.

(4) The procedure in a contempt proceeding held under this section is governed by RCW 7.20.040 through 7.20.080, as now law or hereafter amended.

(5) A motion for contempt may be made by a parent, a child, juvenile court personnel, or by any public agency, organization, or person having custody of the



ALASKA BAR ASSOCIATION

P.O. BOX 279, ANCHORAGE, ALASKA 99510, (907) 272-746

April 5, 1984

FAMILY LAW SECTION

TO: All Members of the House HESS Committee

FROM: The Alaska Bar Association Family Law Section

SUBJECT: HB 631

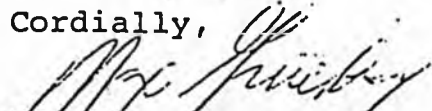
The Family Law Section of the Alaska Bar Association has met to review and consider the impact of several bills presently pending legislative action. Among these is HB 631. Our comments on the bill are addressed as follows:

Section I: This section appears to establish a new jurisdictional category of children who may be delinquent or child-in-need-of-aid but whose conduct renders them subject to possible placement in a juvenile institution. The committee members felt that this section was overly broad and would probably fail constitutional attack as it may be read to allow for the incarceration of nondelinquent status offenders. The Family Law Section members polled on this provision would not support such a measure.

Section II: We do not support the policy behind this section. The Department of Health and Social Services is obligated by statute to provide services for runaway and incorrigible youth even though such youth may not have been abused or neglected. To shift the financial burden of support for these youth to the taxpayers of the state and relieve natural parents of any contribution to that support is inequitable.

Section III: The committee supports this change which would require police agencies to make reasonable efforts to locate and secure custody of runaways.

Cordially,


Max F. Gruenberg, Jr.
Chairman
718 Barrow
Anchorage 99501
276-6844 or 276-6945



ALASKA BAR ASSOCIATION

P.O. BOX 279, ANCHORAGE, ALASKA 99510, (907) 272-7469

FAMILY LAW
SECTION

June 14, 1984

MFG

RECEIVED
JUN 18 1984

The Honorable William Sheffield
Governor
Pouch A
Juneau, AK 99811

GOVERNOR'S OFFICE

Re: HB 631

Dear Governor Sheffield:

On behalf of the Alaska Bar Association's Family Law Section, I urge you ~~concerning~~ concerning runaways. Enclosed please find a letter we sent to the Chairman of the relevant legislative committee earlier this year. As you can see, the problems were not cured. The bill was hastily considered. It criminalizes runaways and mandates the Department of Health and Social Services to provide immediate facilities for them, without full consideration of the fiscal impact.

The bill was considered last week by the membership of the Alaska Bar Association Family Law Section at the Alaska Bar Convention in Anchorage. It was our unanimous feeling that the present version should be vetoed, so that it may be fully considered by the next legislature, redrafted properly with administration support, and reenacted.

Thank you for your consideration of these comments.

Cordially,

MFG
Max F. Gruenberg, Jr.
Chair, Alaska Bar Association
Family Law Section
718 Barrow St.
Anchorage, AK 99501
276-6844 or 276-6945

MFG:sm

Encl.

June 29, 1984

The Honorable Bill Sheffield
Governor
State of Alaska
Pouch A
Juneau, AK 99811

Re: CSHB 631(Jud) am -- runaway
children
Our file: 388-149-84

Dear Governor Sheffield:

At the request of Ray Gillespie on your behalf, we have reviewed CSHB 631(Jud) am. This bill addresses the actions to be taken by public officials who encounter uncooperative runaway children.

Section 1 of the bill would make it "unlawful" for a minor to evade his or her legal custodian. This section would require that peace officers detain runaways and turn them over to the person having legal custody or, if they resist, to the Department of Health and Social Services.

Section 2 of the bill would require that the Department of Health and Social Services take emergency custody and detain all minors who are referred by peace officers and who do not voluntarily accept and participate in social services that the department considers appropriate.

These provisions represent a dramatic departure from present law, which is entirely permissive with respect to the actions of both peace officers and the Department of Health and Social Services.

Under existing statutes it is not a crime to run away. However, habitual absence from home does constitute grounds for adjudication of a minor as a child in need of aid. See AS 47.10.010(a)(2)(A). If a child in need of aid is placed in the custody of the Department of Health and Social Services, that agency cannot institutionalize the minor as it might a minor who has been adjudicated delinquent. Compare AS 47.10.080(c) with AS 47.10.080(b); In the Matter of E.M.D., 490 P.2d 658 (Alaska

1971). However, willful violation of a court order to stay home can lead to a finding of delinquency and institutionalization. In the Matter of L.A.M., 547 P.2d 827 (Alaska 1976).

Against this background, the language of CSHB 631 (Jud) am raises an issue of how runaways are to be treated on other than an emergency basis. On one hand, the provision in sec. 1 of the bill that evading one's legal guardian is "unlawful" implies that running away is to be treated as criminal behavior for which minors can be institutionalized as delinquents. But see AS 11.81.900(9). On the other hand, sec. 2 of the bill clearly contemplates that a hearing will be held on a petition for adjudication of the minor as a child in need of aid. See AS 47.10.142(c) -- (e).

This issue is a pivotal one since children in need of aid cannot be institutionalized in a secure setting. Presumably, once adjudicated, a minor detained under this bill would soon run away -- a cycle that theoretically could be repeated indefinitely. Of course, specific individuals could, as now, be ordered not to run by a court and, as discussed above, be institutionalized for violation of that order.

This bill also raises a constitutional issue. By requiring detention of all runaways located by peace officers, the bill avoids consideration, at least for the initial period of detention, of individual circumstances that may or may not have a bearing on whether detention is appropriate. Since the Department of Health and Social Services is only required to assume custody of runaways who have been detained by peace officers, disposition may well turn on how, and by whom, a runaway is brought to the attention of authorities.

The Alaska Supreme Court was presented the issue of whether institutionalization of runaways is consistent with the constitutional rights to privacy and liberty in L.A.M. v. State, 547 P.2d 827 (Alaska 1976). Although it answered in the affirmative, the court premised its answer on an evaluation of specific circumstances that clearly demonstrated an absence of alternatives to institutionalization in the case before it. It is at least arguable that a report to a peace officer and a disagreement with the Department of Health and Social Services do not rise to this level, even for the limited period of emergency detention addressed by this bill.

We have been informed that the Department of Health and Social Services would confront a number of practical problems if CSHB 631 (Jud) am were to become law. An immediate problem is that there is a severe shortage of juvenile detention facilities.

Honorable Bill Sheffield
388-149-84

June 29, 1984
Page 3

Perhaps recognizing this, the Senate adopted a "Senate Letter of Intent" on June 8, 1984 (1984 S.J., p. 3567), expressing the view that minors should not be detained unless adequate facilities are available. However, the bill is plainly mandatory and, if it becomes law, must be obeyed notwithstanding such an expression of legislative intent. See South Central Health Planning and Development, Inc. v. Commissioner of Administration, 628 P.2d 551 (Alaska 1981).

The agency has also indicated that it stands to lose its current eligibility for funds under the Juvenile Justice and Delinquency Prevention Act, PL 93-415, if this bill were to become law. See 42 U.S.C. § 5633(a)(12)(A). Under that Act, participating states are excluded from placing status offenders in secure detention or correctional facilities.

Finally, this bill would increase the number of child protection cases that require formal action by the Department of Public Safety, the Department of Health and Social Services, the Department of Law, and the Alaska Court System. We are informed that the legislature did not accompany the bill with an appropriation.

The Department of Health and Social Services has recommended that you veto CSHB 631(Jud) am. In light of the foregoing, we are inclined to agree.

Sincerely,

Norman C. Gorsuch
Attorney General

NCG:THR:prm

BILL SHEFFIELD
GOVERNOR



STATE OF ALASKA
OFFICE OF THE GOVERNOR
JUNEAU

388-149-84
July 3, 1984

The Honorable Jalmar Kerttula
President of the Senate
Alaska State Senate
Pouch V
Juneau, AK 99811

Re: CSHB 631 (Jud) am (An
Act relating to runaway
children.)

Dear Senator Kerttula:

I have today vetoed Committee Substitute for House Bill No. 631(Jud) am, pertaining to runaway children.

This bill would have mandated wholesale incarceration of runaway children without regard for individual circumstances or availability of appropriate facilities. It would have mandated a regressive, punitive response to family problems -- problems that are best addressed through positive state and local programs.

This bill would have placed an additional burden on law enforcement and social service agencies, as well as the courts, yet it was not accompanied by an appropriation. In fact, the bill would have made Alaska ineligible to receive federal funds under the Juvenile Justice and Delinquency Prevention Act, P.L. 93-415.

Finally, this bill was inartfully worded. By focusing only on emergency detention, it would have swiftly created revolving doors in the limited facilities that now exist. The mandatory language of the bill went far beyond the discretionary authority contemplated by the Senate in its letter of intent (1984 S.J., p. 3567).

Under existing law, both peace officers and state social workers can take emergency custody of runaways if conditions warrant. Although I recognize that Alaska has a serious runaway problem, wholesale incarceration under CSHB 631 (Jud) am is not the solution.

Sincerely,

A handwritten signature in cursive script, appearing to read "Bill Sheffield".

Bill Sheffield
Governor

POSITION PAPER

HOUSE BILL NO. 19

"An Act relating to runaway minors."

This bill would mandate minimum levels of effort by law enforcement agencies to locate runaways. It would also require the Department of Health and Social Services to contact and investigate the circumstances of runaway youth not detained by police officers, offer them social services, and notify legal custodians of runaways that the youths have been located.

Existing Practice

Under present law police agencies are not required to take any action to locate reported runaways. Law enforcement agencies have discretion to detain runaways for the purpose of either returning them to their parents or legal custodian or taking them to an office of the Department of Health and Social Services. Under this discretionary statute, police agencies may and often do refuse to respond to parental requests unless a court issues an order for detention of a runaway youth. In most instances, parents do not know the procedures required to obtain a court order. They must either seek the aid of an attorney or the Department of Health and Social Services, to whom they are generally referred by police agencies, to obtain these orders. This causes frustration on the part of parents, needless preparation of formal court documents, and unfortunate delays in actions of law enforcement in seeking to locate runaways.

The Department of Health and Social Services is presently mandated to assess the circumstances of runaway minors who request services and those of runaways who are detained by law enforcement, and to provide appropriate services to protect the youths and reunite them with their families. The department may assume emergency custody of runaways who request services or who are detained by police officers, if custody is necessary to protect the youth.

Problems Solved by HB 19

By requiring minimum levels of police response to requests to locate runaways this bill eliminates the discretion of police agencies to refuse such requests or wait until court orders are issued before making attempts to locate the youth. Police are required to act only in response to written requests, a process which may eliminate some nuisance requests and insure that police agencies have at least minimal information before attempting to locate a youth. This provision will also provide clear guidance to parents on initiating efforts to locate runaways.

Implementation Problems

Although HB 19 mandates a minimum level of effort by the police to locate minors, it does not require police action upon locating minors and provides no guidelines for police in exercising their discretion. Police are required only to notify the department of the location and circumstances under which the minor was found.

While such a nonpunitive approach is desirable, inaction by police upon locating runaways may delay or prevent protection of the youths and result in duplicative or wasted efforts by social workers. In practice it is unlikely that runaways will voluntarily remain at locations where they are found by police until a social worker can be contacted and become free to investigate their circumstances. In many if not most cases the social worker's efforts to locate runaways will simply duplicate those of police officers and may be fruitless. In addition, since the social worker does not have authority to enter private dwellings, social worker efforts to contact runaways could end abruptly if they were denied access to the minors. Thus they would be prevented from investigating the condition and living circumstances of the minor, or from offering protective services. Even if a social worker contacts a minor and finds circumstances indicating that emergency custody is warranted, police aid may be required to assume custody when the youth and others present are not fully cooperative.

Suggestions to Strengthen the Bill

HB 19 could be strengthened by minor revisions which would avoid duplicative and wasted efforts, ensure greater protection, and reduce costs of implementation.

The department recommends that police officers be required to assume protective custody of runaway youths upon locating them. Such custody would be for the sole purpose of either returning them to their parent or guardian or taking them to an office of the department where an assessment can be made and services provided. This would insure not only that minimum levels of effort are made by police agencies to locate runaways but also that immediate but nonpunitive protective action occurs. It would also preclude duplicative (and probably wasted) efforts by social workers to relocate runaways.

The amendments to HB 19 proposed below would require police to detain runaways, eliminate ambiguity in existing law concerning detention of runaways in jails or juvenile detention facilities, and would establish minimum levels of effort by police agencies to locate runaways. These minimum efforts would include notifying other law enforcement agencies of information about a runaway.

Although the approach embodied in HB 19 and these suggested amendments to the bill will help to address some aspects of the runaway problem, they must not be viewed as a panacea. The problem is a complex one which requires a range of services such as shelter care for runaways, family counseling and mediation to reunite and strengthen families, and other community-based programs to protect runaways (who are often particularly vulnerable to victimization). It is extremely important to divert non-criminal runaway youth from the justice system and inappropriate institutionalization.

The department recommends that if HB 19 is passed, it be amended as follows:

Sec. 1. AS 47.10.140(f) is amended to read:

(f) A peace officer must [may] detain a minor who is evading the person having the minor's legal custody if the minor is not otherwise subject to arrest under (a) of this section, for the sole purpose of either (1) returning the minor to the person having legal custody or (2) if the minor prefers, taking the minor to an office specified by the Department of Health and Social Services, facility or contract agency of the Department of Health and Social Services where such exists in the community. Immediately upon detaining a minor under this provision, the peace officer shall advise the minor in writing of the right to social services under AS 47.10.142(b), and notify the person having legal custody of the minor that the minor has been located.

Sec. 2. AS 47.10.140(g) is amended to read:

(g) A minor who is detained under (f) of this section may not be detained in a jail or juvenile detention facility. [unless kept out of contact with adult persons convicted or accused of a crime. A minor may not be detained in a jail or other detention facility which has not been approved by the Department of Health and Social Services before detention of the minor].

Sec. 3. AS 47.10 is amended by adding a new section to read:

Section 47.10.141. LOCATING RUNAWAY MINORS. Not later than 24 hours after receiving a written request to locate a minor who is evading the person having legal custody of the minor, a law enforcement agency shall make reasonable efforts to locate the minor and shall provide pertinent information about the minor to the Department of Public Safety and other law enforcement agencies within the state when appropriate. If a peace officer locates the minor the peace officer must detain the minor in accordance with 47.10.140(f).

Position

The department supports the goals of this bill and suggests that it would be strengthened by the proposed amendments. However, the bill would mandate increased services and require additional funds not in the Governor's budget request. The department does not support new services which would be provided at the expense of vital services presently being provided.

RECOMMENDED:

Michael L. Price
Michael L. Price, Director
Division of Family
and Youth Services

DATE:

1/29/85

APPROVED:

John R. Pugh
John R. Pugh, Commissioner
Department of Health
and Social Services

DATE:

1/30/85

STATE OF ALASKA 1985 LEGISLATIVE SESSION
FISCAL NOTE

Revision Date: _____

REQUEST

Bill/Resolution No.: HB No 19
 Title: An Act relating to runaway minors
 Sponsor: Rep. Phillips
 Requestor: _____
 Date of Request: 1/28/85

FISCAL DETAIL

Agency Affected: Health and Social Services
 Program Category Affected: Social Services
 BRU, Program or Subprogram(s) Affected: Social Services BRU, Purchased Services BRU, Juvenile Custody BRU, Northern, Southcentral and Southeastern Regions.

EXPENDITURES/REVENUES: (Thousands of Dollars)

	FY 85	FY 86	FY 87	FY 88	FY 89	FY 90
OPERATING						
100 PERSONAL SERVICES	-0-	182.8	190.1	197.7	205.6	213.8
200 TRAVEL	-0-	7.2	7.5	7.8	8.1	8.4
300 CONTRACTUAL	-0-	23.5	24.4	25.4	26.4	27.5
400 SUPPLIES	-0-	2.0	2.1	2.2	2.3	2.4
500 EQUIPMENT	-0-	7.5				
600 LAND & STRUCTURES						
700 GRANTS, CLAIMS	-0-	100.0	104.0	108.2	112.5	117.0
800 MISCELLANEOUS						
TOTAL OPERATING	-0-	323.0	328.1	341.3	354.9	369.1
CAPITAL	-0-	-0-	-0-	-0-	-0-	-0-
REVENUE	-0-	-0-	-0-	-0-	-0-	-0-

FUNDING: (Thousands of Dollars)

GENERAL FUNDS	-0-	323.0	328.1	341.1	354.9	369.1
FEDERAL FUNDS						
OTHER						
TOTAL	-0-	323.0	328.1	341.1	354.9	369.1

POSITIONS:

FULL-TIME	-0-	3	3	3	3	3
PART-TIME	-0-	2	2	2	2	2
TEMPORARY	-0-	-0-	-0-	-0-	-0-	-0-

ANALYSIS: Attach a separate page if necessary

See attached

Prepared By: Michael L. Price *Michael L. Price* Phone: 465-3170
 Division: Family and Youth Services Date: 1/28/85

Approved by Commissioner: *Jan R. Gj...* Date: *1/30/85* *JCC*
 Agency: _____

Distribution (by Agency preparing fiscal note):

Legislative Finance
 Legislative Sponsor
 Requestor
 Office of Management and Budget

IV. ANALYSIS
A. Assumptions

Passage of this legislation will require additional actions by social workers and in the larger communities, 24 hour availability of social workers to respond to reports of runaways. Since additional police efforts are mandated, it is expected that referrals to DHSS will increase by 25% from the current estimates of 1,250 reports annually in the larger communities, Anchorage, Fairbanks, Juneau and Ketchikan. Additional social workers will be required in each of these communities as well as support functions. It is estimated that one half (160) of the additional referrals to DHSS will require short term care outside their own home pending location of parent/custodian and/or resolution of immediate problems precipitating the child's running away. One half (80) of these children would be placed in residential child care for an average of five days at an average costs of \$150 per day. Eighty children would be placed in foster homes on an emergency basis for an average of five days at a costs of \$23.50 per day. Additional funds would be required to purchase specialized family therapy in an estimated 65 cases for an average of three sessions each at a cost of \$100 per session.

B. Program Summary

New positions required by this legislation will be as follows: 2 new Social Worker III's located in Anchorage, 1 Social Worker III in Fairbanks, and 2 new PPT Social Worker III's, 1 for Juneau and 1 for Ketchikan. PPT workers will be budgeted with an allowance for overtime due to the necessity for being on call.

C. Computations

Personal Services - Social Worker III's PFT	\$134.2
Social Worker III's PPT	48.6
Travel - Social Worker III's PFT 3 @ \$1.8	5.4
Social Worker III's PPT 2 @ \$.9	1.8
Contractual - Social Worker III's PFT 3 @ \$5.5	16.5
Social Worker III's PPT 2 @ \$3.5	7.0
Supplies - Social Worker III's 5 @ \$.4	2.0
Equipment - First year only - Social Worker III's 5 @ \$1.5	7.5
Benefits to Individuals	<u>100.0</u>
Calculations for successive years at 4%.	\$323.0

D. Economic Impact

There will be no substantial impact on the state economy.

E. Impact on Local Governments

There may be an increase in the activities of local police agencies in response to reports of runaways. However, since the "reasonable efforts to locate" mandate is open to broad interpretation by each law enforcement agency, the impact cannot be precisely predicted.

1.	POSITION TITLE	Social Worker III		RP NUMBER	PCN NUMBER	MANC. UNIT	PAGE/LINE	COV.	APPROV.	DISAPT.
2.	TYPE OF POSITION	STAFF POSITIONS	12			CITY	ELECTION DISTRICT	LCC		
3.	COMBINATION LEVEL	ADDITION	2			LOCATION				
4.	TYPE OF EMPLOYMENT				Amount	Fairbanks				
5.	PERSONAL SERVICES		37.4							
6.	Salary		11.4							
7.	Benefits									
8.	Supplemental Benefits									
9.	Fixed Benefits									
10.	TOTAL PERSONAL SERVICES	01			48.8					
11.	Travel	02			1.8					
12.	Contractual	03			5.5					
13.	Commodities	04			.4					
14.	Equipment	05			1.5					
15.	Other									
	TOTAL COST				58.0					
16.	RECEIPT CODE	FUNDING SOURCE								
17.		Federal Receipts	1002							
18.		C. F. Match	1003							
19.		General Funds	1004		58.0					
20.		I-A Receipts	1005							
21.		Program Receipts	1028							
		Other								

JUSTIFICATION

Personal Services calculations based on PAC's Calculations for Contractual, Supplies and Equipment based on FY 86 budget submission.

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AGENCY Health and Social Services
 Social and Economic Assistance
 PROGRAM for the General Population
 BRU Social Services
 COMPONENT Northern Region

FY 86

Page 1 of 5
Revised Date

REQUEST FOR
NEW POSITION

1.	POSITION TITLE Sexual Worker III	STAFF MONTHS 12	RP NUMBER	PCN NUMBER	UNIC. UNIT CGU	PAGE/LINE	COV.	APPROV.	DISJNT.
2.	TYPE OF POSITION PP	ADDITION			LOCATION Anchorage	ELECTION DISTRICT	CC.		
3.	COMPARATION LEVEL								
4.	TYPE OF EXPENDITURE			Amount					
5.	PERSONAL SERVICES		7						
6.	Salary		32.4						
7.	Benefits		10.3						
8.	Supplemental Benefits								
9.	Fixed Benefits								
10.	TOTAL PERSONAL SERVICES			42.7					
11.	Travel			1.8					
12.	Contractual			5.5					
13.	Commodities			.4					
14.	Equipment			1.5					
15.	Other								
16.	TOTAL COST			51.9					
17.	RECEIPT CODE								
18.	FUNDING SOURCE								
19.	Federal Receipts 1002								
20.	C.F. Match 1003								
21.	General Funds 1004			51.9					
22.	I-A Receipts 1005								
23.	Program Receipts 1028								
24.	Other								

JUSTIFICATION
 Personal Services calculations based on PAC's
 Calculations for Contractual, Supplies and Equipment
 based on FY 86 budget submission.

FY 86

AGENCY Health and Social Services
 Social and Economic Assistance
 PROGRAM for the General Population
 BRU Social Services
 COMPONENT Southcentral Region

Page 2 of 5
 Revised Date _____

REQUEST FOR
 NEW POSITION

1.	POSITION TITLE Social Worker III	STAFF NUMBER 12	RP NUMBER 7	PCB NUMBER 3	MANAGE/STIP JGA	UNIC. UNIT CGU	PAGE/LINE ELECTION DISTRICT	COV. CCG	APPROV. CCG	DISAIT
2.	TYPE OF POSITION 13-1	ADDITION			JOB PRIORITY	LOCATION Anchorage				
3.	CONDITIONAL LEVEL				JUSTIFICATION					
4.	TYPE OF EXPENDITURE				PERSONAL SERVICES					
5.	Salary		32.4							
6.	Benefits		10.3							
7.	Supplemental Benefits									
8.	Fired Benefits									
9.	TOTAL PERSONAL SERVICES	UI		42.7						
10.	Travel	02		1.8						
11.	Contractual	03		5.5						
12.	Commodities	04		.4						
13.	Equipment	05		1.5						
14.	Other									
15.	TOTAL COST			51.9						
16.	RECEIPT CODE	FUNDING SOURCE								
17.		Federal Receipts 1002								
18.		C. F. Match 1003								
19.		General Funds 1004		51.9						
20.		I-A Receipts 1005								
21.		Program Receipts 1006								
		Other								

Personal Services calculations based on PAC's Calculations for Contractual, Supplies and Equipment based on FY 86 budget submission.

FY 86

AGENCY Health and Social Services
 Social and Economic Assistance
 PROGRAM for the General Population
 BRU Social Services
 COMPONENT Southcentral Region

Page 3 of 5
 Revised Date

REQUEST FOR NEW POSITION

1.	POSITION TITLE SOCIAL WORKER III	STAFF MONTHS 6	RP NUMBER	PCN NUMBER	UNIV. UNIT GGU	PAGE/LINE	COV.	APPROV.	DISAPT.
2.	TYPE OF POSITION PPT	ADDITION			LOCATION Juneau	ELECTION DISTRICT	LEG.		
3.	CONTRIBUTION LEVEL								
4.	TYPE OF LAPSE/DURE								
5.	PERSONAL SERVICES	7	17.5						
6.	Salary		6.8						
7.	Benefits								
8.	Supplemental Benefits								
9.	Fixed Benefits								
10.	TOTAL PERSONAL SERVICES	UI		24.3					
11.	Travel	02		.9					
12.	Contractual	03		3.5					
13.	Commodities	04		.4					
14.	Equipment	05		1.5					
15.	Other								
	TOTAL COST			30.6					
16.	RECEIPT CODE	FUNDING SOURCE							
17.		Federal Receipts 1002							
18.		G.F. Match 1003							
19.		General Funds 1004		30.6					
20.		I-A Receipts 1005							
21.		Program Receipts 1028							
		Other							

JUSTIFICATION
 Personal Services calculations based on PAC's.
 Calculations for Contractual, Travel, Supplies and Equipment based on FY 86 budget submission.

FY 86

AGENCY Health and Social Services
 Social and Economic Assistance
 PROGRAM for the General Population

Page 4 of 5
 Revised Date

BRU Social Services
 Southeastern Region
 COMPONENT

REQUEST FOR
 NEW POSITION

1.	POSITION TITLE	STAFF MONTHS	RP NUMBER	PC# NUMBER	RANGE/STEP	ORG. UNIT	PAGE/LINE	COV.	APPROV.	DISAPP.
2.	Social Worker III	6			16A	CGU	ELECTION DISTRICT			
3.	PFT				16A	CGU	ELECTION DISTRICT			
4.	TYPE OF EXPENDITURE	ADDITION		Amount	BRU PRIORITY	LOCATION		LEG.		
5.	PERSONAL SERVICES		7			Ketchikan				
6.	Salary		17.5							
7.	Benefits		6.8							
8.	Supplemental Benefits									
9.	Fixed Benefits									
10.	TOTAL PERSONAL SERVICES			24.3						
11.	Travel			.9						
12.	Contractual			3.5						
13.	Commodities			.4						
14.	Equipment			1.5						
15.	Other									
16.	TOTAL COST			30.6						
17.	RECEIPT CODE	FUNDING SOURCE								
18.		Federal Receipts	1002							
19.		G.F. Hatch	1003							
20.		General Funds	1004	30.6						
21.		I-A Receipts	1005							
		Program Receipts	1028							
		Other								

JUSTIFICATION

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FY 86

AGENCY Health and Social Services

Social and Economic Assistance

PROGRAM for the General Population

BRU Social Services

COMPONENT Southeastern Region

Page 5 of 5

Revised Date

REQUEST FOR NEW POSITION