

HCR

4

STATE OF ALASKA
THE LEGISLATURE

POUCH Y - STATE CAPITOL
JUNEAU, ALASKA 99811
907.465.3800

LEGISLATIVE AFFAIRS AGENCY
LEGISLATIVE REFERENCE LIBRARY

May, 1988

Copies of minutes listed below were originally included in this file. The minutes are available on the STAIRS database CMPR. In order to save space copies of minutes have not been left in the files.

Mary Van Nimwegen

H HESS	3-6-87	8:30 a.m.
H HESS	2-11-88	8:30 a.m.



Official Business

COMMITTEE:

HOUSE HESS

DATE: 2-11-88

SIGN-IN

Subject of meeting:

HB 277 Immunization of Minors
 HCR 4 Children's Law Task Force
 HB 332 Burn Injuries
 HB 409 WAMI

NAME	ADDRESS	PHONE	REPRESENTING	DO YOU WANT TO TESTIFY? if yes, which one
CHRIS CUREK		2823	REP. COLLINS	HB 277 ✓
Elizabeth Ward	Box H-26 Juneau	5-3092	HSS	277 yes
John Wynnard	Box FP	284	ALPE	no
Shannon Kohler	Box 1746 Soldotna, AK	262-3825		Yes 277 ✓
David B. Alexander	9601 Prospect Anchorage 99516	316-2147	ASMA	HB @ 1:30... 277 yes
Gayle Horvatski	Box N Juneau 99811	465-4322	DPS	HB 332 yes
CHARLES STEINER Ch. Steiner	1001 Noble FBX AK	452-1611	SELF, NSMA	HB 277 Here @ 1:30 yes
Nina Kieck Kinney	Dept of Public Safety PO Box 11 Juneau 99811	465-4356	Dept. of Public Safety	HCR 4 Available for questions ✓
DAVID JOHNSON	3612 TONGASS AVE KETCHIKAN	225-5146	ALASKA STATE MEDICAL ASSOCIATION	YES HB 332
Commissioner Munsen Yvonne Chase	Box H-05 Juneau	465-3030	DHSS	YES

HOUSE COMMITTEE REPORT

(7)

Judiciary

Date referred: 1/23/87

FURTHER REFERRALS: Finance

DATE: 2-11-88

The Health, Education and Social Services Committee has considered HCR 4

Establishing a Children's Law Task Force.

RECOMMENDS:

- replace with CSHCR 4 (HESS) the same title
- attached amendment(s) a new title
- do pass
- do not pass
- no recommendation
- individual recommendations
- additional referral to the _____ Committee

ADOPTS: _____ letter of intent

ATTACHES NEW FISCAL NOTE(S):

- fiscal impact same as previous fiscal note published _____
- zero fiscal note same as previous zero fiscal note published _____
- zero with analysis

SIGNING DO PASS:

SIGNING OTHER RECOMMENDATIONS:

Roll E. Kelly
Ch. Ellis
Neil Karparg
Bill White
Gene Stanley
Mr. [unclear]
David Dooly

Neil Karparg
 20 - Chairman's signature
Ch. Ellis

FISCAL NOTE

REQUEST:

Revision Date: _____
Title: Establishing a Children's Law Task Force
Sponsor: Rep. Virginia Collins
Requestor: House HESS

Agency Affected: Legislative Affairs Agency
BRU: Legislative Council
Legislative Operating Budget
Components: Session Expenses
Legislative Operating Budget

EXPENDITURES/REVENUES: (Thousands of Dollars)

OPERATING	FY 88	FY 89	FY 90	FY 91	FY 92	FY 93
PERSONAL SERVICES	23.7	11.9	-0-	-0-	-0-	-0-
TRAVEL						
CONTRACTUAL						
SUPPLIES						
EQUIPMENT						
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
TOTAL OPERATING	23.7	11.9	-0-	-0-	-0-	-0-

CAPITAL	-0-	-0-	-0-	-0-	-0-	-0-
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REVENUE	-0-	-0-	-0-	-0-	-0-	-0-
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FUNDING: (Thousands of Dollars)

GENERAL FUND	23.7	11.9	-0-	-0-	-0-	-0-
FEDERAL FUNDS						
OTHER						
TOTAL						

POSITIONS:

FULL-TIME						
PART-TIME						
TEMPORARY						

ANALYSIS : (Attach a separate page if necessary)

No additional funding is requested for a staff person being hired by the task force. Funding will be provided by existing funding under Session Expenses and Legislative Operating Budget. However, travel funds for public members and other legislative task force members is requested - \$23.7.

(Continuation of Page 2)

Prepared by: Pamela A. Stoops, Manager *Pamela Stoops* Phone: 465-3850
Division: Administrative Services Date: 2/10/88

Approved by: Executive Director Warren Endicott *Warren Endicott* Date: 2/10/88
Agency: Legislative Affairs Agency

Distribution (by preparer):

- Legislative Finance
- Legislative Sponsor
- Requestor
- Office of Management and Budget
- Impacted Agency(ies)

CONTINUATION OF FISCAL NOTE ANALYSIS

For Bill/Resolution No. HCR 4

4 trips @ \$352 x 10 members	=	\$ 14,080
3 days per diem (\$80) x		
4 trips x 10 members	=	<u>9,600</u>
		\$ 23,680

The expiration date of the task force is in the middle of FY 89 on January 10, 1989. One half of the travel funding is requested fy FY 89.

It is assumed that contractual services, supplies and equipment funding for the task force will also be provided by existing funding within Session Expenses and Legislative Operating Budget components.

FISCAL NOTE

REQUEST:

Revision Date: _____
Title: Establishing a Children's Law Task Force.
Sponsor: Collins, Phillips, et al.
Requestor: HESS, Judiciary, Finance

Agency Affected: Administration
BRU: Office of Public Advocacy

Components: _____

EXPENDITURES/REVENUES: (Thousands of Dollars)

OPERATING	FY 88	FY 89	FY 90	FY 91	FY 92	FY 93
PERSONAL SERVICES	0	0	0	0	0	0
TRAVEL						
CONTRACTUAL						
SUPPLIES						
EQUIPMENT						
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
TOTAL OPERATING	0	0	0	0	0	0

CAPITAL						
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REVENUE						
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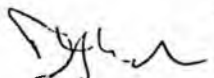
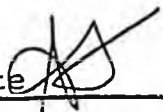
FUNDING: (Thousands of Dollars)

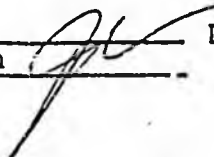
GENERAL FUND	0	0	0	0	0	0
FEDERAL FUNDS						
OTHER						
TOTAL	0	0	0	0	0	0

POSITIONS:

FULL-TIME	0	0	0	0	0	0
PART-TIME						
TEMPORARY						

ANALYSIS : (Attach a separate page if necessary)

Prepared by: Brant McGee, Public Advocate  Phone: 274-1684
Division: Office of Public Advocacy  Date: _____

Approved by Commissioner: John Andrews  Date: 1/27/88
Agency: Department of Administration

Distribution (by preparer):
Legislative Finance
Legislative Sponsor
Requestor
Office of Management and Budget
Impacted Agency(ies)

BILL NO: HCR 4

DATE: March 2, 1987

TITLE: "Establishing a Children's Law Task Force."

CONTACT: Maj. Walter J. Gilmour
Acting Director

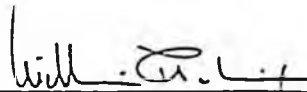
DEPARTMENT OF
PUBLIC SAFETY

This legislation would form a task force that would be charged with reviewing the numerous existing statutes and regulations pertaining to children within the state and issues concerning these children. From this task force, there would result effective and more cohesive state programs, thus better assisting the children in reaching the goals of being safe, healthy and positive members of our society.

The task force created by this piece of legislation would, after review, provide a written report of its findings along with recommendations and proposals such as program and legislation changes that would assist in reaching the above state goals.

~~There is no specific mention of members of law enforcement being part of the task force. Based on the role of law enforcement in dealing with children in multiple state programs, it is recommended that a proposed amendment include positions on the task force for the Alaska State Troopers and other law enforcement members in the state.~~

The Division of Alaska State Troopers is neutral on this legislation.



WILLIAM R. NIX
Acting Commissioner

STATE OF ALASKA 1987 LEGISLATIVE SESSION
FISCAL NOTE

Bill Version: HCR 4
Publish Date: _____

REQUEST
Revision Date: _____
Title: "Establishing a Children's Law
Task Force."
Sponsor: Rep. Collins
Requestor: House HESS

Agency Affected: Public Safety
BRU: Alaska State Troopers

Components: Detachments & CIB

EXPENDITURES/REVENUES: (Thousands of Dollars)

	FY 87	FY 88	FY 89	FY 90	FY 91	FY 92
OPERATING						
PERSONAL SERVICES						
TRAVEL						
CONTRACTUAL						
SUPPLIES						
EQUIPMENT						
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
TOTAL OPERATING	0	0	0	0	0	0

CAPITAL	0	0	0	0	0	0
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REVENUE						
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FUNDING: (Thousands of Dollars)

GENERAL FUNDS	0	0	0	0	0	0
FEDERAL FUNDS						
OTHER						
TOTAL						

POSITIONS:

FULL-TIME	0	0	0	0	0	0
PART-TIME						
TEMPORARY						

ANALYSIS: (Attach a separate page if necessary)

No fiscal impact is anticipated.

Jml
3/2/87 Prepared by: Francis C. Allan
Division: Alaska State Troopers

Phone: 269-5691
Date: 3/02/87

Approved by Commissioner: William R. Nix *WRN*
Agency: Public Safety

Date: 3/2/87

- Distribution (by preparer):
Legislative Finance
Legislative Sponsor
Requestor
Office of Management and Budget
Impacted Agency(ies)
Senate Secretary

POSITION PAPER

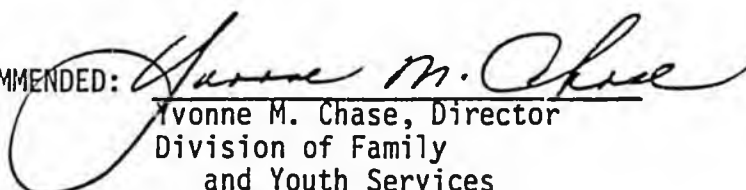
HOUSE CONCURRENT RESOLUTION NO. 4

For a Resolution establishing a Children's Law Task Force.

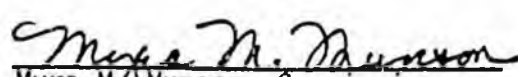
This Resolution would establish a task force to study Alaska statutes and regulations relating to children and the problems of implementing those statutes and regulations. The task force is charged with making recommendations to the Legislature on any changes to the statutes appropriate and necessary to improving the condition of children in the State.

The Department supports the concept of establishing a task force to study the circumstances of Alaska's children. Periodic review and evaluation of statutes, regulations and programs implementing the laws are useful in assessing the effectiveness of policy directions and administrative efforts. A similar task force was an effective mechanism in accomplishing the major revision of Alaska's Children's Code which occurred in 1977.

However, comprehensive and practical evaluations of statutory and administrative effectiveness must include a review of the needs or issues being addressed and of the adequacy of resources devoted to implementing the policies embodied in the laws. For this reason, the Department recommends that the task force also be explicitly charged with assessing the needs of children in the State, the adequacy of current resources available to carry out existing law, and the level of resources necessary to effectively implement any recommended statutory or regulatory changes. With the inclusion of such language, the Department would fully support the resolution.

RECOMMENDED: 
Yvonne M. Chase, Director
Division of Family
and Youth Services

DATE: 2-20-87

APPROVED: 
Myra M. Munson, Commissioner
Department of Health
and Social Services

DATE: 2-24-87

**STATE OF ALASKA 1987 LEGISLATIVE SESSION
FISCAL NOTE**

REQUEST: _____

Bill Version: HCR No. 4
Publish Date: _____

Revision Date: _____

Agency Affected: Health & Social Services

Title: A Resolution Establishing a
Children's Law Task Force.

BRU: Social Services

Sponsor: Collins, et al.

Youth Services

Requestor: _____

Components: _____

EXPENDITURES/REVENUES: (Thousands of Dollars)

OPERATING	FY 87	FY 88	FY 89	FY 90	FY 91	FY 92
PERSONAL SERVICES	-0-	-0-	-0-	-0-	-0-	-0-
TRAVEL						
CONTRACTUAL						
SUPPLIES						
EQUIPMENT						
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
TOTAL OPERATING	-0-	-0-	-0-	-0-	-0-	-0-
CAPITAL	-0-	-0-	-0-	-0-	-0-	-0-
REVENUE	-0-	-0-	-0-	-0-	-0-	-0-

FUNDING: (Thousands of Dollars)

GENERAL FUND	-0-	-0-	-0-	-0-	-0-	-0-
FEDERAL FUNDS						
OTHER						
TOTAL	-0-	-0-	-0-	-0-	-0-	-0-

POSITIONS:

FULL-TIME	-0-	-0-	-0-	-0-	-0-	-0-
PART-TIME						
TEMPORARY						

ANALYSIS : (Attach a separate page if necessary)

Advice from the primary sponsor's aide indicates that these meetings would be held by teleconference. If travel and meetings are involved by staff as Division representatives, a fiscal note will be necessary.

Prepared by: Yvonne M. Chase, Director *YMC*

Phone: 465-3170

Division: Division of Family and Youth Services

Date: 02/19/87

Approved by Commissioner: Myra M. Munson, Commissioner *Myra M. Munson*

Date: 2/6/87

Agency: Department of Health and Social Services

Distribution (by preparer):

- Legislative Finance
- Legislative Sponsor
- Requestor
- Office of Management and Budget
- Impacted Agency(ies)
- Senate Secretary

JEVE COWPER, GOVERNOR

REPLY TO:

1031 W 4th AVENUE
SUITE 200
ANCHORAGE, ALASKA 99501
PHONE: (907) 276-3550

1st NATIONAL CENTER
100 CUSHMAN ST.
SUITE 400
FAIRBANKS, ALASKA 99701
PHONE: (907) 452-1568

P.O. Box K
JUNEAU, ALASKA 99811
PHONE: (907) 465-3600

465-3603

DEPARTMENT OF LAW

OFFICE OF THE ATTORNEY GENERAL

February 23, 1987

The Honorable Virginia Collins
Alaska State Legislature
P.O. Box V
Juneau, AK 99811

Dear Representative Collins:

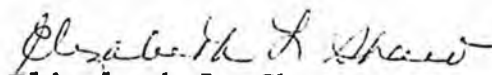
At your request, I have reviewed HCR 4 regarding the establishment of a Children's Law Task Force. The resolution does not present any constitutional or other legal difficulties.

I would point out, however, that because the task force would be concerned with problems with which the police and prosecutors are regularly involved that you may wish to consider the inclusion of representatives of law enforcement on the task force. I would also suggest that the term "correction and probation officers" refers to the title given to persons who work with adult offenders. I believe that the job titles for the equivalent workers with juveniles are different.

If you have any further questions, please feel free to let me know. The Department of Law would be happy to work with the task force in a review of the laws which affect the children and families of Alaska.

Sincerely yours,

GRACE BERG SCHAIBLE
ATTORNEY GENERAL

By: 
Elizabeth L. Shaw
Assistant Attorney General

ELS:bap

cc: B. J. Jordan
Legal Text Editor

Bob Evans
Legislative Liaison



UNIVERSITY OF ALASKA, ANCHORAGE

3211 Providence Drive
Anchorage, Alaska 99508

FEB 23 1987

COLLEGE OF ARTS AND SCIENCES
DEPARTMENT OF SOCIAL WORK

February 23, 1987

TO: Representative Virginia Collins

RE: HCR - 4 - Childrens Law Task Force

Dear Representative Collins:

This letter is to convey my very strongest support for HCR 4 - The Childrens Law Task Force Resolution. It has been nearly ten years since Alaska last conducted an overall review of childrens statutes, and we must once again approach the many problems and issues in the law and in services related to children in as comprehensive a manner as possible.

The approach to children's law and services embodied in HCR 4 is similar to that employed in 1975 and 1976 when I had the privilege of being appointed to the original Children's Code Task Force in Alaska. As the attached article indicates, professionals and lay citizens from around the State, supported by legal and research staff, were appointed jointly by the Governor and the Alaska Legislature to undertake law review and subsequently make recommendations to the Alaska Legislature. This approach enabled many points of view to be heard, many other state's approaches to be considered and Federal laws and/or funding requirements to be reviewed as part of making recommendations.

Your willingness to introduce the resolution to re-establish a law review effort is to be commended. Be assured that I am available to provide information on the previous effort or to assist in any other way I can. Please feel free to share this letter and/or the attached article with other legislators or committees as the resolution is being debated.

Again, my thanks for your efforts.

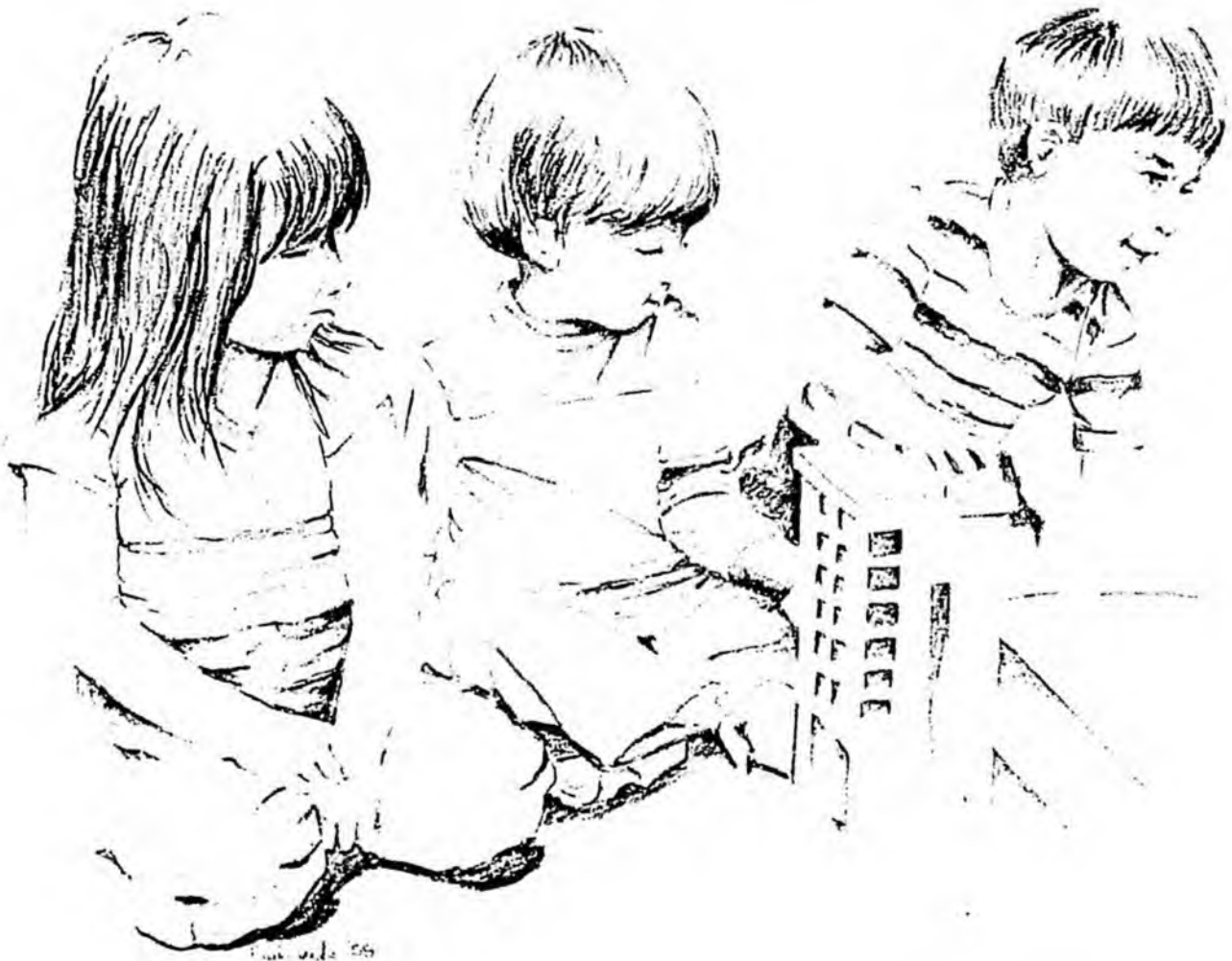
Sincerely,

A handwritten signature in cursive script that reads "Cecilia Kleinkauf".

Cecilia Kleinkauf, ACSW, MSW
Associate Professor and Chair
Department of Social Work, UAA

Our Greatest Natural Resource

Investing in the Future of Alaska's Children



A report of the Governor's Interim Commission on Children and Youth

Uniform Dropout Definition: 82

Uniform definition and reporting standards should be developed and monitored so that dropout statistics are comparable across the state. *Page 93*

Truancy and Suspension: 83

School districts should create local working groups to review truancy and suspension policies. *Page 93*

Multicultural Experiences: 84

Schools should provide more multicultural experiences so students will appreciate their own and other cultures. Elders should more frequently be asked to teach Native languages, survival skills, crafts and history in schools. *Page 94*

BRIDGE TO THE FUTURE

Permanent Commission: 85

The Legislature should establish a permanent Commission on Children and Youth to advocate for continuing support for Alaska's children and youth and to address many other issues we did not cover. *Page 100*



and Youth has learned that Alaska's children need that voice on their behalf. If we are to have equity across generations, children's needs cannot be addressed every 10 years or so with a new Commission or advocacy effort.

We often call children our greatest natural resource, but we don't often back that statement with hard cash.

Ten years from now, Alaska's children still won't be able to vote. Who will speak for them?

This recognition has led the Interim Commission on Children and Youth to the following key recommendation:

Permanent Commission: 85

The Legislature should establish a permanent Commission on Children and Youth to advocate for continuing support for Alaska's children and youth and to address many other issues we did not cover. Other urgent and important issues brought to the Commission that were not addressed because of time constraints deserve the research and discussion we devoted to those issues presented here. These additional issues and our initial work on them are the legacy we pass on.

The Commission would develop a comprehensive service plan for children, youth and family that focuses attention on children and youth and their place on our public policy agenda. This plan would include the full development of an implementation plan for the recommendations in this report. The Commission would also promote prevention efforts aimed at healthy child development and would continue to investigate the important issues this Interim Commission could not adequately pursue. The Commission would also have the following responsibilities:

a. serve as a statewide clearinghouse of model programs and resources for technical assistance,

b. require all departments to identify in the budget process and describe the purposes of the resources they devote to children and youth,

c. prior to each annual legislative session, convene officials and citizen groups to formulate recommendations on proposed legislation or code changes and develop mechanisms to review and coordinate advocacy during the session,

d. advocate for studies and basic data collection on children and youth to fill a distressing amount of gaps in the census data we have on our children. This would also include studies such as the Minnesota Adolescent Health Survey that ask children and youth to tell adults what their perceived needs are so that we can bring an expanded children's voice into the planning process.

If we are to have equity across generations, children's needs cannot be addressed every 10 years or so with a new Commission or advocacy effort.

Washington State and Nebraska, among others, have recently constituted ongoing children's commissions through legislative actions. Their models are available for us to consider.

The critical role of an ongoing Commission would be as a strategic planning nerve center and advocate for children's issues, a place where an opinion can be offered on the impact of government policies on children and families, just as we must prepare environmental impact statements to guide development strategies.

During 1988 and beyond, a permanent Commission will play these roles. In addition, the Governor's Interim Commission on Children and Youth received a federal grant, "Youth 2000," that will enable us to stimulate and

support several pilot projects that put into action some of these recommendations for enhancing youth's economic self-sufficiency.

The critical role of an ongoing Commission would be as a strategic planning nerve center and advocate for children's issues, a place where an opinion can be offered on the impact of government policies on children and families, just as we must prepare environmental impact statements to guide development strategies.

Through these activities, Alaska's children can be assured of having a sounding board at the state level, a body whose principal responsibility would be to ensure quality in children's programs and an ongoing awareness that children's well-being must be high on everyone's public policy agenda. We know that genuine solutions mandate social change. These require committed effort, creativity and innovation to cut across the boundaries that can divide governmental departments from each other, and government from families and community institutions. An ongoing Children's Commission can help bridge these boundaries.

Always, where our children are concerned, we must have a vision. Visions are not always practical, but they represent the best, the ideal we hope for. Apart from our formal recommendations, here are some of the ideals Commission members hoped for our children:

- an adequate income for every Alaskan family to be able to afford shelter, food, care and clothes for children;
- a quality education that instills self-esteem

and love of learning in each child and which respects and honors each child's culture and heritage;

- a redesigned world of parks, playgrounds, and child care development centers for small children who live in the world of giants and see everything from the level of our knees so they can look us in the eye;

- a legal system that ensures that the child victim of sexual assault lives in a safe, warm and loving home and under which the perpetrator suffers the consequences of the crime, rather than the child;

- a requirement all parents and teachers to return to school to learn what it is like to be a child and not be able to have any say in solving problems that directly affect you;

- a provision for free parenting classes for every Alaskan with incentives, such as union hours credit towards benefit eligibility, for attending;

- a change of the attitude and understanding of all people in Alaska toward children: government, for all its power and wisdom, is only a reflection of the public will and until the public perception changes we'll only scratch the surface.

That is a vision filled with wishful thinking. But if Alaskans are truly serious about children being our greatest natural resource, if we are truly serious about investing in their future—and ours—then wishful thinking is exactly where we've got to start.

That is a vision filled with wishful thinking. But if Alaskans are truly serious about children being our greatest natural resource, if we are truly serious about investing in their future—and ours—then wishful thinking is exactly where we've got to start.



STATE OF ALASKA
OFFICE OF THE GOVERNOR

BILL ANALYSIS

DEPARTMENT Public Safety	DIVISION Alaska State Troopers	BILL NUMBER HCR 4	SPONSOR Rep. Collins
SHORT TITLE OF BILL Establishing a Children's Law Task Force			
DEPARTMENT POSITION Neutral			
PREPARED BY Col. Robert E. Jent	DATE 2/10/88	COMMISSIONER'S SIGNATURE Arthur English <i>[Signature]</i>	DATE 2/10/88

SUMMARY

OTHER AGENCIES AFFECTED BY BILL	CONSTITUENT GROUP(S) AFFECTED BY BILL
ORGANIZATIONAL SUPPORT FOR BILL	ORGANIZATIONAL OPPOSITION TO BILL

FISCAL IMPACT: NONE FISCAL NOTE ATTACHED

BACKGROUND/LEGISLATIVE INTENT

This legislation would form a task force that would be charged with reviewing the numerous existing statutes and regulations pertaining to children within the state and issues concerning these children. From this task force, there would result effective and more cohesive state programs, thus better assisting the children in reaching goals of being safe, healthy and positive members of our society.

ANALYSIS OF BILL/PROGRAM EFFECTS

The task force created by this piece of legislation would, after review, provide a written report of its findings along with recommendations and proposals such as program and legislation changes that would assist in reaching the above state goals.

AMENDMENTS PROPOSED

There is no specific mention of members of law enforcement being part of the task force. Based on the role of law enforcement in dealing with children in multiple state programs, it is recommended that a proposed amendment include positions on the task force for the Alaska State Troopers and other law enforcement members in the state.

PLEASE ATTACH A SEPARATE SHEET FOR ADDITIONAL COMMENTS OR ANALYSIS.

FISCAL NOTE

REQUEST

Revision Date: 2/10/88
Title: "Establishing a Children's Law Task Force"
Sponsor: Rep. Collins
Requestor: House HESS

Agency Affected: Public Safety
BRU: Alaska State Troopers
Components: Detachments and CIB

EXPENDITURES/REVENUES: (Thousands of Dollars)

OPERATING	FY88	FY89	FY90	FY91	FY92	FY93
PERSONAL SERVICES						
TRAVEL						
CONTRACTUAL						
SUPPLIES						
EQUIPMENT						
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
TOTAL OPEKATING	0	0	0	0	0	0

CAPITAL	0	0	0	0	0	0
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REVENUE						
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FUNDING: (Thousands of Dollars)

GENERAL FUNDS						
FEDERAL FUNDS						
OTHER						
TOTAL	0	0	0	0	0	0

POSITIONS:

FULL-TIME	0	0	0	0	0	0
PART-TIME						
TEMPORARY						

ANALYSIS: (Attach a separate page if necessary)

No fiscal impact is anticipated.

Prepared by: Francis C. Allan
Division: Alaska State Troopers

Phone: 269-5691
Date: 2/10/88

Approved by Commissioner: Arthur English
Agency: Public Safety

Date: 2/10/88

Distribution: (by preparer):

- Legislative Finance
- Legislative Sponsor
- Requestor
- Office of Management and Budget
- Impacted Agency(ies)

Alaska State Legislature

P. O. BOX V
JUNEAU, ALASKA 99811
(907) 465-2828

DISTRICT 10
2600 Denali; Suite 501
ANCHORAGE, ALASKA 99503
(907) 276-7943



MEMBER
Community and Regional
Affairs


Special Committee
on Telecommunications
Finance Sub-Committee
for Labor

Anchorage Caucus,
House Chair

Representative Virginia M. Collins

M E M O R A N D U M

To: Rep. Niilo Koponen, Co-Chair
Rep. Johnny Ellis, Co-Chair
House Health, Education, and Social Services
Committee

From: Rep. Virginia Collins 

Date: March 5, 1987

Re: HCR 4, Establishing a Children's Law Task Force

During the past several years, new attention has focused on the many problems children in all age groups in today's society face such as child abuse, child sexual assault as well as issues relating to runaways and teenage pregnancies. Do our state agencies take too much or too little action in cases involving children?

As this week's HESS hearings on children's issues have proved, a comprehensive approach to the myriad of problems facing children is needed rather than a piecemeal one.

HCR 4 would establish a Children's Law Task Force to study Alaska laws relating to children and the problems of implementing those laws. Like the 1975 Children's Code Task Force whose members included legislators and those involved with children's issues, the task force would recommend to the legislature changes necessary for improving the condition of children and the administration of laws relating to children.

A plethora of research, studies, reports, and written testimony are available on children's issues providing the Legislature with an invaluable opportunity to effectively address this topic.

THE PRECEDING PAGES WERE TREATED AS
A UNIT IN THE ORIGINAL FILE.

TABLE OF CONTENTS

HCR 4--Establishing a Children's Law Task Force

- I.....Bill, Analysis, Position Papers, and Fiscal Notes
- II.....Legislative Budget & Audit Summary and August 15, 1986 Special Report on the Division of Family and Youth Services
- III.....Ombudsman's September 24, 1986 letter on the number of complaints regarding DFYS and November 20, 1986 Recommendations
- IV.....Minutes from September 23, 1986 Public Hearing on Child Protection Laws
- V.....Articles on Child Protection including Catherine Stadem's February 8-10, 1987 report in the Anchorage Times; Work Plan for the 1975 Legislative Council Task Force on Children's Law Revision and "Alaska's Children's Code" from Child Welfare (1978)
- VI.....The Senate Finance Committee's 1986 Reports--"Running Toward Prison" and "Running Toward Success"
- VII.....Overview of the Division of Family and Youth Services presented by Director Yvonne Chase
- VIII.....Alaska Statute 47.10-.23 (Delinquent Minors and Children in Need of Aid; Child Protection; Child Support Enforcement Agency)

Overview of HCR 4
Establishing a Children's Law Task Force

Objective

HCR 4 would establish a Children's Law Task Force to study Alaska laws relating to children and the problems of implementing those laws. Like the 1975 Children's Code Task Force whose members included legislators and those involved with children's issues, the task force would recommend to the legislature changes necessary for improving the condition of children and the administration of laws relating to children.

Why This Resolution Is Needed

The Division of Family and Youth Services (DFYS) has received heavy criticism for failing to take enough action in cases involving child protection while, at the same time, receiving criticism for taking too much action in others.

The state has wide discretionary authority in instances where child abuse or neglect is suspected. Along with a heightened public awareness of child abuse, this has caused a tremendous workload for DFYS and has contributed to Legislative Budget and Audit's suggestion that DFYS, in conjunction with the legislature, should review statutes governing the agency's responsibilities and duties to determine the extent of the state's role in child protection and to restructure the division's funding and statutes to better provide child protection services at a determined level.

The purpose of the task force would be to make a comprehensive-- rather than a piecemeal--approach to child protection.

What This Resolution Does

The resolution enumerates what issues Alaska children's law addresses, mentions how parents and other concerned parties have expressed concern about those laws and how they are administered, and then states that a comprehensive review of those laws is needed to deal with problems relating to children.

The resolve sections establish a Children's Law Task Force consisting of the chairs of the Senate and House Judiciary Committees and the Health, Education, and Social Services Committees, and persons involved with children's issues who are appointed by the presiding officers of the House and Senate.

The term of the task force would begin on July 1, 1987 and end on January 10, 1989 at which time it would submit a report to the legislature of its findings and recommendations. The Legislative Affairs Agency shall provide administrative and legal support and the task force may hire one staff person.

**STATE OF ALASKA 1987 LEGISLATIVE SESSION
FISCAL NOTE**

REQUEST: _____

Bill Version: HCR 4
Publish Date: _____

Revision Date: _____
Title: Establishing a Children's Law Task Force

Agency Affected: Legislative Affairs Agency
BRU: Legislative Council
 Leadership

Sponsor: Rep. Virginia Collins
Requestor: Rep. Virginia Collins

Components: Session Expenses
 Legislative Leadership

EXPENDITURES/REVENUES: (Thousands of Dollars)

OPERATING	FY 87	FY 88	FY 89	FY 90	FY 91	FY 92
PERSONAL SERVICES						
TRAVEL	-0-	23.7	11.9	-0-	-0-	-0-
CONTRACTUAL						
SUPPLIES						
EQUIPMENT						
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
TOTAL OPERATING	-0-	23.7	11.9	-0-	-0-	-0-

CAPITAL	-0-	-0-	-0-	-0-	-0-	-0-
---------	-----	-----	-----	-----	-----	-----

REVENUE	-0-	-0-	-0-	-0-	-0-	-0-
---------	-----	-----	-----	-----	-----	-----

FUNDING: (Thousands of Dollars)

GENERAL FUND	-0-	23.7	11.9	-0-	-0-	-0-
FEDERAL FUNDS						
OTHER						
TOTAL						

POSITIONS:

FULL-TIME						
PART-TIME						
TEMPORARY						

ANALYSIS : (Attach a separate page if necessary)

No additional funding is requested for a staff person being hired by the task force. Funding will be provided by existing funding under Session Expenses and Legislative Leadership. However, travel funds for public members and other legislative task force members is requested - \$23.7. (Continued on Page 2)

Prepared by: Pamela A. Stoops, Manager Phone: 465-3850
Division: Administrative Services Date: 3/5/87

Approved by: Warren W. Endicott, Executive Director Date: 3/5/87
Agency: Legislative Affairs Agency

- Distribution (by preparer):
- Legislative Finance
 - Legislative Sponsor
 - Requestor
 - Office of Management and Budget
 - Impacted Agency(ies)
 - Senate Secretary

CONTINUATION of FISCAL NOTE ANALYSIS

For Bill/Resolution No. HCR 4

4 trips @\$352 x 10 members	=	\$ 14,080
3 days per diem (\$80) x		
4 trips x 10 members	=	<u>9,600</u>
		\$ 23,680

The expiration date of the task force is in the middle of FY 89 on January 10, 1989.
One half of the travel funding is requested for FY 89.

It is assumed that contractual services, supplies and equipment funding for the task force will also be provided by existing funding within Session Expenses and Legislative Leadership components.

STATE OF ALASKA 1987 LEGISLATIVE SESSION
FISCAL NOTE

Bill Version: HCR 4
Publish Date: _____

REQUEST: _____

Revision Date: _____

Agency Affected: Administration
BRU: Office of Public Advocacy

Title: "An Act establishing a children's law task force..."

Sponsor: Collins, Phillips, et.al.

Components: _____

Requestor: House Judiciary

EXPENDITURES/REVENUES: (Thousands of Dollars)

OPERATING	FY 87	FY 88	FY 89	FY 90	FY 91	FY 92
PERSONAL SERVICES		0	0	0	0	0
TRAVEL						
CONTRACTUAL						
SUPPLIES						
EQUIPMENT						
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
TOTAL OPERATING		0	0	0	0	0
CAPITAL						
REVENUE						

FUNDING: (Thousands of Dollars)

GENERAL FUND		0	0	0	0	0
FEDERAL FUNDS						
OTHER						
TOTAL		0	0	0	0	0

POSITIONS:

FULL-TIME		0	0	0	0	0
PART-TIME						
TEMPORARY						

ANALYSIS : (Attach a separate page if necessary)

Prepared by: Brant McGee, Public Advocate
Division: Office of Public Advocacy

Phone: 274-1684
Date: 2/22/87

Approved by Commissioner: Garrey Peska
Agency: Department of Administration

Date: 2/27/87

Distribution (by preparer):

- Legislative Finance
- Legislative Sponsor
- Requestor
- Office of Management and Budget
- Impacted Agency(ies)
- Senate Secretary

POSITION PAPER

House Concurrent Resolution No. 4
"An Act Establishing a
Children's Law Task Force"

This concurrent resolution would mandate the creation of a Children's Law Task Force composed of agency representatives as well as public members to study current Alaska Statutes and agency operations in order to make reform recommendations.

The resolution would have no immediate impact on Office of Public Advocacy or its programs.

The Office of Public Advocacy supports House Concurrent Resolution No. 4 because it would create a needed forum in which a comprehensive study of laws affecting children and agencies' implementation of such laws could be conducted.

Brant McGee

Brant McGee, Public Advocate
Office of Public Advocacy

2/22/87

Date

Garrey Peska

Commissioner Garrey Peska
Department of Administration

2/27/87

Date

BILL NO: HCR 4

DATE: March 2, 1987

TITLE: "Establishing a Children's
Law Task Force."

CONTACT: Maj. Walter J. Gilmour
Acting Director

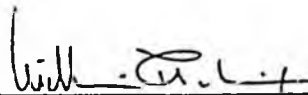
DEPARTMENT OF
PUBLIC SAFETY
/
ALASKA
STATE
TROOPERS

This legislation would form a task force that would be charged with reviewing the numerous existing statutes and regulations pertaining to children within the state and issues concerning these children. From this task force, there would result effective and more cohesive state programs, thus better assisting the children in reaching the goals of being safe, healthy and positive members of our society.

The task force created by this piece of legislation would, after review, provide a written report of its findings along with recommendations and proposals such as program and legislation changes that would assist in reaching the above state goals.

There is no specific mention of members of law enforcement being part of the task force. Based on the role of law enforcement in dealing with children in multiple state programs, it is recommended that a proposed amendment include positions on the task force for the Alaska State Troopers and other law enforcement members in the state.

The Division of Alaska State Troopers is neutral on this legislation.



WILLIAM R. NIX
Acting Commissioner

STATE OF ALASKA 1987 LEGISLATIVE SESSION
FISCAL NOTE

Bill Version: HCR 4
Publish Date: _____

REQUEST
Revision Date: _____
Title: "Establishing a Children's Law
Task Force."
Sponsor: Rep. Collins
Requestor: House HESS

Agency Affected: Public Safety
BRU: Alaska State Troopers
Components: Detachments & CIB

EXPENDITURES/REVENUES: (Thousands of Dollars)

	FY 87	FY 88	FY 89	FY 90	FY 91	FY 92
OPERATING						
PERSONAL SERVICES						
TRAVEL						
CONTRACTUAL						
SUPPLIES						
EQUIPMENT						
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
TOTAL OPERATING	0	0	0	0	0	0

CAPITAL	0	0	0	0	0	0
---------	---	---	---	---	---	---

REVENUE						
---------	--	--	--	--	--	--

FUNDING: (Thousands of Dollars)

GENERAL FUNDS	0	0	0	0	0	0
FEDERAL FUNDS						
OTHER						
TOTAL						

POSITIONS:

FULL-TIME	0	0	0	0	0	0
PART-TIME						
TEMPORARY						

ANALYSIS: (Attach a separate page if necessary)

No fiscal impact is anticipated.

JML
3/2/87 Prepared by: Francis C. Allan
Division: Alaska State Troopers

Phone: 269-5691
Date: 3/02/87

Approved by Commissioner: William R. Nix *W. Nix*
Agency: Public Safety

Date: 3/2/87

Distribution (by preparer):
Legislative Finance
Legislative Sponsor
Requestor
Office of Management and Budget
Impacted Agency(ies)
Senate Secretary



UNIVERSITY OF ALASKA, ANCHORAGE

3211 Providence Drive
Anchorage, Alaska 99508

FEB 21 1987

COLLEGE OF ARTS AND SCIENCES
DEPARTMENT OF SOCIAL WORK

February 23, 1987

TO: Representative Virginia Collins

RE: HCR - 4 - Childrens Law Task Force

Dear Representative Collins:

This letter is to convey my very strongest support for HCR 4 - The Childrens Law Task Force Resolution. It has been nearly ten years since Alaska last conducted an overall review of childrens statutes, and we must once again approach the many problems and issues in the law and in services related to children in as comprehensive a manner as possible.

The approach to children's law and services embodied in HCR 4 is similar to that employed in 1975 and 1976 when I had the privilege of being appointed to the original Children's Code Task Force in Alaska. As the attached article indicates, professionals and lay citizens from around the State, supported by legal and research staff, were appointed jointly by the Govenor and the Alaska Legislature to undertake law review and subsequently make recommendations to the Alaska Legislature. This approach enabled many points of view to be heard, many other state's approaches to be considered and Federal laws and/or funding requirements to be reviewed as part of making recommendations.

Your willingness to introduce the resolution to re-establish a law review effort is to be commended. Be assured that I am avialable to provide information on the previous effort or to assist in any other way I can. Please feel free to share this letter and/or the attached article with other legislators or committees as the resolution is being debated.

Again, my thanks for your efforts.

Sincerely,

A handwritten signature in cursive script that reads "Cecilia Kleinkauf".

Cecilia Kleinkauf, ACSW, MSW
Associate Professor and Chair
Department of Social Work, UAA

STATE OF ALASKA

AUDIT DIVISION
POUCH W
JUNEAU, ALASKA 99811

THE LEGISLATURE

BUDGET AND AUDIT COMMITTEE

February 10, 1986

SUMMARY OF: A Special Follow-Up Review on the Department of Health and Social Services, Division of Family and Youth Services, Intake and Emergency Custody Procedures, (Originally Released October 29, 1984) January 24, 1986.

PURPOSE OF THE REPORT

In accordance with a Legislative Budget and Audit Committee special request and Title 24 of the Alaska Statutes, a follow-up review of our previous report on the Department of Health and Social Services, Division of Family and Youth Services (DFYS) was conducted to determine the nature and extent to which our prior recommendations had been implemented. We focused our review in particular on changes implemented in intake and emergency custody procedures in DFYS's Fairbanks office.

AUDITOR'S COMMENTS AND SUMMARY

In recent years there has developed an increased concern and awareness about child abuse and neglect. In Alaska, the Legislature has toughened laws giving the State wider discretionary authority in instances where child abuse or neglect is suspected. Health care and educational professionals are mandated to report suspected cases of abuse or neglect with children they observe or examine.

This increase in statutory responsibility along with the heightened public awareness has resulted in a tremendous increase in the workload of DFYS. In a report we issued in October 1984, we identified two major obstacles to DFYS's ability to adequately investigate reports of child abuse and neglect - understaffing and insufficient management direction.

As a result of these two factors, we found that children were not consistently receiving services, and parents' rights were at times being ignored.

Since the time of the report both the underlying problems identified have been addressed. Accordingly, the overall performance of DFYS has improved.

A SPECIAL REPORT ON THE
DEPARTMENT OF HEALTH AND SOCIAL SERVICES
DIVISION OF FAMILY AND YOUTH SERVICES .

August 15, 1986

Audit Control Number

06-4261-86-S

Commissioner, Department of
Health and Social Services

John Pugh

Deputy Commissioner, Department
of Health and Social Services

Connie Sipe

PURPOSE AND SCOPE OF THE REPORT

In accordance with a Legislative Budget and Audit Committee special request and Title 24 of the Alaska Statutes, a special review of the Department of Health and Social Services, Division of Family and Youth Services (DFYS) was conducted to determine if the Division's performance is acceptable in terms of economy, efficiency, and effectiveness.

We reviewed the entire range of DFYS activities focusing primarily on juvenile intake, detention and correctional facilities; child protection investigation and case management; and foster parent licensing, training, and support.

The policy and audit approach by the Division of Legislative Audit for performance reviews can best be described as "audit by exception." This methodology focuses audit effort on areas of an auditee's operations that have been identified by a preliminary survey as having a high degree of probability for needing improvements.

Therefore, by design, finite audit resources are used to identify where and how improvement can be made, and little time is devoted to reviewing well-run operations or programs. Consequently, this report highlights those areas needing improvement and does not emphasize those operations and programs that are properly functioning.

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ORGANIZATION AND FUNCTION

Title 47 of the Alaska Statutes charges the Department of Health and Social Services with responsibility for providing a range of services designed to remedy or prevent abuse, neglect and exploitation of children, youth and adults. In addition to protective services for the general population at risk, the Department is responsible for providing care and protection for juveniles committed to their custody by the Superior Court. To meet these statutory responsibilities, the Department created the Division of Family and Youth Services (DFYS) in 1980 by combining the Division of Social Services with the youth section of the Division of Corrections.

DFYS' wide range of activities can be broadly separated in those of Family Services and Youth Services.

Family Services

Social services are provided by 138 line staff working out of 33 field offices across the state. Communities without a field office are served on an itinerant basis by the nearest office. Family Services is supervised out of five regional offices in Nome, Fairbanks, Bethel, Anchorage, and Juneau. Family Services provides protective, information and referral, and family counseling services to their clients.

Protective services are provided to both children and adults when a Report of Harm is received by DFYS. These reports alleging abuse or neglect can be made by anyone, but certain health care and other professionals are statutorily mandated to report suspected harm. Once a report of harm is substantiated, DFYS line staff provide services not only to the victim, but to the victim's family as well.

DFYS' prenatal program funds private organizations to provide socially and economically deprived pregnant women with services such as counseling, foster home and residential care, adoption assistance, parenting skills training, and transportation.

Ways in which DFYS serves their clients include providing or arranging for community-based counseling, foster and residential care, emergency shelter, and homemaker services. DFYS' philosophy emphasizes providing services in the least restrictive manner and attempts to do so as early as possible recognizing that behavior not firmly engrained is easier to modify.

DFYS licenses and monitors foster homes, residential care facilities, day care centers, and homes.

Youth Services

Youth Services is responsible for providing a variety of diversion, intervention and rehabilitation services to juveniles found delinquent by the courts. In its three regions, Youth Services employs over 230 staff who operate Alaska's youth correctional facilities and perform field services throughout the state.

In December 1984, DFYS replaced the court system in Anchorage, Fairbanks, Palmer, and Kenai in deciding whether to seek a judgement against a youth accused of a crime. This gave DFYS statewide responsibility for this intake decision. Court system intake positions were transferred to DFYS when the responsibility changed.

In addition to performing intakes, Youth Services' probation officers make recommendations to the courts for adjudicated youth, and monitor youth on probation, both formal and informal. Services offered to rehabilitate youth on probation include supervision, counseling, advocacy, and arranging for specialized services.

Nonprofit organizations serving troubled youth are funded through preventive youth service grants. Youth Services recruits and licenses foster homes for placement of youth in their care.

Youth Services operates a number of institutional facilities across the state for the detention and treatment of youth in their custody.

McLaughlin Youth Center located in Anchorage, has been in operation since 1968. It is currently a statewide facility and operates the only Closed Treatment Unit in Alaska providing treatment to seriously violent and out-of-control youth in a more restrictive and structured environment. Besides this eight bed unit, MYC operates four 20 bed cottages (three for boys and one for girls) and detention units for both boys and girls. School attendance is part of treatment for all youth without a high school diploma or GED. The school district operates a school within the facility.

Fairbanks Youth Facility has been in operation since 1981. It provides secure long-term treatment for boys and has a capacity of 12. Up to three youths from detention can be included in the treatment program while waiting for bed space to become available. Attendance at the district-operated school within the facility is required of youth in treatment. The facility includes an eight bed detention unit for both boys and girls which often operates beyond capacity. A 20 bed addition is currently being completed to replace the existing detention unit.

Nome Youth Facility is the least restrictive of the State's youth correctional facilities and has been in operation since 1981. It has a nine bed treatment capacity designed to serve male and female delinquent adolescents, especially youth from the Native population. Youth placed in this facility must be able to handle the responsibilities of an open community-based program as all residents are required to attend Nome's public school and hold a job in the community. The facility also houses a three bed detention unit used for both boys and girls.

Johnson Human Services Center in Juneau began operations in 1982. It is purely a detention facility for male and female adolescents. As with all of the detention facilities, youth are housed here pending adjudication, or following adjudication and classification to a correctional facility while awaiting available space. The 16 bed capacity has been exceeded occasionally. All residents are required to attend the school at the facility which is operated by the school district. Appropriations have been made to construct an addition for a long-term treatment program, but construction plans may be postponed or eliminated due to the State's current revenue situation.

Bethel Youth Facility is currently being completed and was scheduled to begin operations during FY 87. However, due again to revenue shortfalls, this facility will remain unopened for the immediate future. The facility is designed to serve both male and female adolescents in an eight bed detention unit and a twelve bed treatment program.

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AUDITOR'S COMMENTS AND SUMMARY

DFYS does not provide services to runaway youths who do not want the agency's help. If a runaway is arrested for a crime they will generally receive the same services as other juvenile offenders. When a runaway receives DFYS services, the agency provides assistance to essentially the same extent that they serve abused/neglected children or juvenile offenders. As discussed in Recommendation No. 1 of this report, DFYS is not consistently providing child protection services to the extent required by statute. However, we found no discernible difference between either the services provided to runaways who wanted them and those provided the rest of the agency's caseload.

DFYS & Runaways

There are two basic ways that youth come into contact with the services provided by DFYS. The first way is the "report of harm" that DFYS receives that a youth, usually a younger child under the age of 12, is being neglected and/or abused. The second way is generally through an arrest by a peace officer who brings the youth to DFYS for further review and process. Arrests usually involve older youth, ages 13-18.

At present, DFYS generally does not become involved with runaway youth unless they are a reported victim of abuse or have been arrested. To the dismay of many parents, the act of running away from home is not a crime. Parents can ask law enforcement agencies to pick-up and locate their children; however, we have been told by DFYS probation officers that this duty generally receives low priority. If runaways are picked up by police DFYS will attempt to arrange a meeting with the parents, offer their services to provide some reconciliation, but the youth can refuse. Generally, until a runaway youth is either arrested for a crime or is reported as being abused or neglected, DFYS does not get involved in providing services, unless requested by the youth.

Youth Services & Runaways

Upon arrest juveniles are brought to DFYS by law enforcement officers for further screening. Using criteria established by DFYS, probation officers review various circumstances involved in the arrest such as: the severity of the offense, the age of the youth, prior record, probation status, and the availability and willingness of the parents to supervise and control the youth. Based on this review, the intake probation officer makes a determination on how the case should be processed. A key aspect in the processing of the case is the detention decision, involving whether the juvenile should be locked up pending further action.

In the vast majority of cases (some 80%) the decision is made not to detain. In our review of a sample of recent detention decisions we found that juveniles who were runaways were slightly more likely to be detained than non-runners for similar offenses. Runners are more often detained because it is sometimes difficult to locate their parents or other relatives, and they are less likely to appear in court for adjudication of their case.

Under DFYS criteria, the primary question that is involved in considering detention is: Is the youth a danger to themselves or others? Danger seems to be assessed as the probability of short-term physical injury rather than the prospect of any long-term physical or emotional harm. For example, if a 15 year old runaway girl is arrested for prostitution, it is likely that DFYS' intake officer would not feel she presented a danger to herself or others, although clearly she is doing long-term harm to herself. By expanding the definition of danger, DFYS probably could develop a basis for detaining more runaways and accordingly make some limited treatment available to them.

The DFYS intake officer would offer to provide the girl agency social services, she may be placed temporarily in an emergency shelter, and an attempt may be made to contact parents or relatives and setup a meeting aimed at reunification. However, if the girl refuses services, does not meet with her parents, is not formally prosecuted, and/or runs away from the emergency shelter, there is little DFYS can legally do. By expanding the definition of danger, DFYS probably could develop a basis for detaining more runaways and accordingly make some limited treatment available to them.

Some argue that runaways should be accorded different treatment as a preventative measure. Advocates argue that runaways develop criminal behavior to survive on the streets, and will grow into adult criminals. They argue runaways should be sought out by DFYS, detained if necessary, and provided appropriate counseling and treatment.

Given the other responsibilities of DFYS, such an approach would appear to us to be very difficult statutorily, logistically, and fiscally. As a practical matter, any such change in approach to runaways would require changes in statutes regarding juvenile criminal activity. Just redefining detention criteria so that more runaways would be locked up would not really provide for better service delivery. As cited in Recommendation No. 4 detention facilities are already overcrowded and, by design, provide limited treatment. Increased funding would be required to expand confinement facilities and provide more extensive treatment.

Social Services & Runaways

DFYS does provide certain services for runaway youth. Runaways are often referred to social workers by policemen, social service agencies, probation officers, or contact the agency directly. These youth do receive services from DFYS to the extent that the agency can provide them, if the youth wants them. For example, in Tok, runaways just coming into the State are sometimes sent to DFYS by troopers. The social worker may do things like: encourage the runners to call home; contact their parents or relatives who may be in the State; refer them DFYS offices in Fairbanks; but, if the runaway refuses to accept services DFYS must accept the youth's decision.

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FINDINGS AND RECOMMENDATIONS

Recommendation No. 1

The Division of Family and Youth Services (DFYS), in conjunction with the Legislature, should review statutes governing the agency's responsibilities and duties. The goals of such a review should be twofold:

- A. The determination of the extent of the State's role in child protection.
- B. Restructure DFYS' funding and statutes to better provide child protection services at the determined level.

DFYS social service offices are struggling to keep up with the reports of neglect and abuse of children, and comply with related statutory investigation requirements. In attempts to meet the 72-hour statutory requirement for initial investigation of child abuse reports, ongoing caseloads suffer. DFYS often must overlook the needs and care of children already in State custody in order to respond to new reports of abuse and neglect.

In Anchorage during April 1986, the number of reports of suspected harm increased by more than 50%. Social workers responsible for ongoing services to children were shifted to assist with the report of harm investigations. Still, many reports could not be investigated in the statutorily required time period.

In Juneau investigations of suspected abuse are typically initiated in a timely fashion, but children already in State custody often receive insufficient services because, out of necessity, investigative social workers must continue to be responsible for case management even after custody is assumed. Our review of Juneau case files indicates that after adjudication of custody, client contact is often infrequent and initiated by the client or care provider (foster parent, counsellor, etc.) rather than the social worker.

DFYS Efforts

These service deficits are not due to lack of effort or commitment by DFYS. Management is continually reallocating tight resources, "robbing Peter to pay Paul," in response to one crisis after another. Social workers typically donate many extra hours in an attempt to maintain some control of their caseloads.

DFYS has attempted various strategies to stretch the service dollar to improve the quantity and quality of services without reducing the groups of people served. More

cost-effective ways of purchasing services from residential care providers; reorganization of personnel structure and responsibilities; and proposals for an improved management information system all are among the strategies tried. Although some strategies have improved the level of services, in most cases funding has tended to follow the crises.

Administratively, DFYS management should continue efforts to improve the effectiveness and efficiency of available resources, by:

1. Upgrading its management information system. As discussed in Recommendation No. 2 of this report, and in previous reports, the current management information at DFYS does not provide adequate support and/or information to management or on-line social workers. (See Recommendation No. 2)
2. Increase the emphasis on home-based and preventative services. Presently, DFYS is in the process of expanding home-based programs, whereby services are provided to families in their homes, in order to protect children in their homes and hopefully avoiding more extensive and long-term intervention on the part of the State.
3. Management should continue to streamline policies in order to free staff time for carrying out their most important mandated functions. As an example, DFYS recently obtained a statutory change allowing day care centers to be licensed biennially rather than annually.

Statutory and Funding Changes

Reflecting a growing public concern, relatively recent changes in both State and Federal laws have significantly increased DFYS' responsibilities. In recent years, statutory changes have 1) required professionals to report all cases of suspected child abuse; 2) mandated duties such as adult protective services, licensing (foster parents, residential and day care) and services to certain runaways, and 3) required increased documentation of certain legal and casework procedures.

Ostensibly intended to better protect children and other vulnerable individuals, these statutes may actually have adversely affected DFYS' ability to adequately provide services to children already in State custody. In addition the rise in the general public's awareness and reporting of child abuse (a national trend), and the dramatic growth in Alaska's population during the past ten years have significantly increased the demand for DFYS services. DFYS budgets have not kept pace with this growth in demand.

However, given the present prospective funding levels, a fundamental reassessment of DFYS' statutory authority and service priorities should take place. For example, consideration could be given to amending statutes, that would:

- A. Reconfigure DFYS appropriations in order to shift funding away from the provision of indirect discretionary programs, over which DFYS exercises little management control, to services that would allow the agency to provide more direct intervention and prevention services.
- B. Allow DFYS to determine which reports require Department of Law review. Presently, all reports of physical and sexual abuse are required to be forwarded to DOL for their review, whether or not the report is substantiated.
- C. Transfer DFYS services not directly related to child protection, such as adult protective services and day care licensing to other state agencies or local governments.

Statutes and funding priorities establish the limits of the State's responsibilities to intervene and protect children. Accordingly, the Legislature will have to play an active role in implementing statutory changes and/or reconfigured budgetary actions in order that the State's responsibilities for child protection are better aligned with the resources allocated for that purpose.

Recommendation No. 2

DFYS should develop a management information system to replace its current computerized payment system.

DFYS' current computer system was created in 1977 in response to Federal Title XX reporting requirements. It has been the subject of recommendations in each of this Division's last three reviews of DFYS. Problems with the system noted in previous audits which still plague DFYS include:

1. Inaccurate information due to time lags prior to data input. While there has been some improvement in timeliness of data entry as a result of on-line capability in a few offices, updating of data on the system remains a low priority. Personnel are generally entering licensing data on-line, however most social workers across the state, including those in the Anchorage Service Unit, are still manually completing forms and sending them to the central office for data entry. Documents filter into Juneau from across the state, creating a serious weakness in input controls.

2. Inability to provide any case management information. DFYS manually collects and maintains a large amount of information on each client. Except for a few items which have been retrofitted as "enhancements" to the current system, the only way to access this information is through time-consuming monthly hand tallies of individual case files.
3. Difficulty in extracting pertinent information maintained on the computer system. DFYS' data processing staff produces several standard reports monthly. Many of these go unused by managers due to lack of timeliness or mistrust of the underlying data. The need for any customized or historical information requires significant programming time.

DFYS' data processing staff has devoted much time and effort toward laying the groundwork for a new management information system. The requirements analysis which was completed in 1984 for SYSMIS (Social and Youth Services Management and Information System) was a major effort of the staff and included input from all DFYS personnel. Funding for this system in DFYS' FY 86 budget request was denied by the Legislature. The following year DFYS scaled down their request to a pilot project known as OVATS (Offender and Victim Automated Tracking System). Based upon the original requirements analysis, this system emphasized tracking of service outcomes and included office automation features. It was not included in the Governor's FY 87 budget request.

The emphasis on obtaining a new management information system has had a negative impact on maintenance of the current system. Production problems arise on a daily basis. Just recently, all programming for management reports was rewritten in a new software version on an emergency basis despite urgings from the Department of Administration for well over a year that users make this conversion. Staff estimated they currently have a 67 man-month backlog of information requests and problem reports concerning the system.

Certainly, the initial costs of a new system appear cost prohibitive in the face of declining oil revenues. However, we believe the cost of continued operation of the existing system justifies continued efforts to implement a new, scaled down version of SYSMIS. Costs of maintaining the current system go beyond retaining three Analyst/Programmers (at over \$150,000 annually), indirect costs such as ineffective use of staff time spent manually gathering and summarizing data; and the low morale and frustration which results. The difficulty in obtaining information has been a major obstacle in obtaining Federal funds under Title IV-E.

Legislative Audit continues to support a better management information system for DFYS. Ending the need for maintaining both an antiquated automated payments system and a manual information system would allow overburdened line staff to devote more time to actual social work. The need for timely, accurate, pertinent information is absolutely critical to the effective management of a division as large, complex, and geographically dispersed as DFYS.

Recommendation No. 3

DFYS should develop standardized foster care procedures and encourage compliance through improved training and supervisory review. In addition, DFYS should continue working toward improved relations with foster parents in order to sustain a more viable foster care program.

Foster care costs have increased by more than two-thirds in the last three years to over \$6.3 million in FY 86. Over the last five years, foster care expenditures have almost doubled while there has been little growth in residential care expenditures making foster care even more important to DFYS' service delivery system. The increasing use of foster care has also resulted in more difficult children being placed in the care of foster parents.

Our current review revealed several areas in foster care which would benefit from increased DFYS commitment:

1. Licensing activities are not in compliance with DFYS procedures due to lack of timeliness.
2. Complaints are not classified and investigated consistently and often are not adequately documented.
3. Augmented rates for specialized foster care are not being equitably administered.
4. Training provided varies across the state and is rarely documented in foster parent files.
5. Foster parents are not fully informed about liability and loss which may result from foster care.
6. Relations between DFYS and foster parents are often less than cooperative.

Many of these deficiencies were identified in a 1983 Legislative Audit report. Management should review the situation in each area and act according to DFYS priorities.

Foster Home Licensing

Besides ensuring some minimum level of safety, the licensing of foster homes is important in order to match the abilities and interests of foster parents with the needs of placements. This theoretical matching of homes and children has been subjugated by the reality that there are not enough slots for all the children needing placement.

Licensing activities are behind, as evidenced by:

1. Over 30% of the homes reviewed were issued licenses which were more than one month retroactively effective.
2. Over half of the homes in our review did not have a home study performed prior to licensing. (The home study is a time-consuming licensing prerequisite to ensure compliance with foster care standards).
3. Of the 75 homes with foster care placements reviewed, more than 60% were either without a current home study or license during the time a child was in the home.
4. As of June 1986, over 25% of foster care licenses have been expired for over one month.

A major factor that contributes to the situation is DFYS licensing priorities. Licensing duty priorities are not conducive to the timely licensing of foster homes. Investigations of complaints is the first priority while processing new foster home applications ranks last in a list of 15. As a result, emergency licensing of foster homes is the rule rather than the exception.

We recommend management reassess licensing duty priorities and personnel practices in order to make the licensing process a more timely and meaningful one. The annual review of licensing files by supervisors, as proposed in DFYS' response to our 1983 audit report, would aid in identifying and correcting current discrepancies in foster home license files. During our file review, only a few Youth Service foster parent files, most notably the Southcentral Region, evidenced any such review.

Complaint Investigations

Licensing complaint investigations have long been a point of contention between foster parents and DFYS. Many foster parents view the process as arbitrary, covert, even vindictive. DFYS views it as necessary for the protection of children, even supportive of the foster home in that compliance is encouraged.

While our review noted problems of inconsistent treatment and poor documentation, overall we found investigations of complaints to be reasonable and fair. The only examples of investigations with questionable motives and dispositions were performed by a Palmer licensing worker no longer employed by DFYS.

Procedures for complaint investigations are outlined in the Community Care Licensing Manual. Despite the statewide applicability of these procedures, our review of complaint investigations found wide variations in how complaints are handled both between and within offices. Investigations often do not result in any constructive resolution. Investigator recommendations for bringing the home into compliance are not consistently made nor implemented by DFYS. Recommended licensing actions are not being taken and are often overridden by placement decisions when they are taken.

Documentation of investigations varied from adequate to non-existent. Evidence that the investigated party had been notified was often missing from the file. Standardizing the use of the Notification of Complaint form would not only improve documentation, but would also alleviate foster parent protests that DFYS never tells them why they are being investigated.

We found only the Southcentral Family Services office maintains a complaint log. We were told at Youth Services in Fairbanks that they had been instructed to discontinue logging of complaints. We feel the information which can be gained from an independent listing of complaints more than offsets the increased paperwork. Accordingly, we recommend all DFYS offices maintain complaint logs similar to that discussed in DFYS' response to our 1983 audit recommendation.

We reiterate our 1983 recommendation that DFYS train licensing personnel in their complaint investigation procedures and conduct supervisory reviews for compliance. DFYS has adequate procedures in place for complaint investigation; now it needs some training and monitoring to achieve adequate implementation of these procedures.

Specialized Foster Care

Our 1983 audit report recommended executive and legislative support for specialized foster care. We continue to support the concept of paying augmented rates to foster parents for providing care to children who would otherwise be in more expensive residential care. While not appropriate for all children, an augmented rates program allows many to be

placed in a less restrictive foster home setting. This lesser restrictive placement, coupled with the cost savings involved, makes specialized foster care in the best interest of both the children and the State.

Augmented rates are not being equitably administered by DFYS. Family Services' Child Protective Service Manual defines augmented rates as "an increased payment which is paid for extra costs incurred in caring for children who have special problems." Interpretations of what constitute extra costs are made by line staff resulting in inequities such as:

1. Different amounts of augmentation for foster children with the same special problems.
2. Some foster parents are compensated for their time, while others are reimbursed only for defined costs.
3. Foster parents who complain the most tend to get the most augmentation. In some cases, the foster parent sets the rate DFYS pays.

Youth Services has their own augmented rates program. Youth are assessed for placement level of difficulty with Level I being standard rate and Level III being the most highly augmented rate. To care for Level II and III youth, foster parents must meet certain training and experience requirements. We found that both youth and foster parents are being consistently assessed across the state, however, the rates paid are not consistent. Payment for a Level III youth in the Northern Region is 250% of the standard rate; while in the Southcentral Region, DFYS pays 300% of the standard rate for a Level III youth.

In order to develop a more equitable augmented rates program, we recommend DFYS initiate changes to both the Family Services and the Youth Services programs. Family Services should update its 1978 criteria to more specifically define which extra costs will be reimbursed as augmented rates. This would reduce the current latitude line staff and foster parents have which results in negotiated augmented rates. Youth Services should make payment for a Level III youth constant across regions. Given Alaska's current revenue picture, we advise bringing the Southcentral Region in line with the Northern Region.

Foster Parent Training

The extent of foster parent training by DFYS varies across Alaska. It ranges from comprehensive, formal programs in Southcentral Alaska to almost nonexistent in other areas of the state. Some areas require attendance at established

foster parent orientation classes prior to licensing, while others use a home visit and an informal review of the regulations as orientation for foster parents.

During FY 86, DFYS contracted with the Alaska Foster Parent Association to provide statewide ongoing training. The contract required DFYS to jointly participate in implementation, however, DFYS did little to facilitate the successful completion of this contract. The training that was provided was geographically limited and of questionable value to some of the purported beneficiaries.

Foster parents who want training have been obtaining it through their local foster parent associations, college classes, and training sponsored by DFYS. In recent years, DFYS has been considering the possibility of requiring a certain amount of training to receive and maintain a foster care license. Those foster parents receiving augmented rates under the Youth Services program are currently required to have a certain amount of training. In our review of foster home license files across the state, we found only Southcentral Youth Services files to reflect a record of training received.

Increased DFYS commitment to foster parent training would not only promote better relations between foster parents and DFYS, but would also provide DFYS with a more qualified pool of foster parents. A multi-media self-study program such as that being developed by Southcentral Youth Services may be a cost-effective method for providing statewide training. Maintaining a record of training received in each foster home file would make it easier for those making placements to match the child's needs with the qualifications of the foster home.

Foster Parent Liability

Liability is currently an extremely volatile issue for foster parents. In 1981, DFYS made efforts to define areas of responsibility for various types of liability or losses resulting from foster care. The Foster Parents' Handbook tells foster parents that they are protected by the State against legal actions for accidental injury to the child and against suit for damages caused to third parties by the child.

In an effort to address foster parents' current concerns over liability, DFYS has contacted the Attorney General's Office and the Division of Risk Management. Discussions with Risk Management confirm that in the absence of gross negligence, foster parents will be protected by the State

for both injury to the child and to third parties. However, this assurance is not echoed in a recent memo from the Attorney General's Office which concludes:

foster parents will generally be shielded from liability for injury to a child where they have attempted, in good faith, to conduct themselves reasonably. There is no insurance protecting a foster parent from the negligence of a child. And, except for the possible protection of AS 34.50.020 there is no protection against suit by third persons against foster parents because of negligent conduct of a child.

The foster care regulations make clear that this liability insurance "will not cover matters for which foster parents are normally expected to have insurance, such as fire insurance for their home." The implication that foster parents' insurance will cover their loss if the foster child burns their home is true only if the act was accidental. As DFYS discovered in their 1981 efforts, deliberate acts by foster children are generally not covered by homeowner's insurance policies.

We recommend that DFYS, in conjunction with the Attorney General and the Division of Risk Management, develop some cohesive guidelines in the area of foster parent liability with regard to third party damages. Once determined, this information should be included in the Foster Parents' Handbook, as should some warning of the limitations of common homeowner's insurance. Foster parents need this information in order to make informed choices in accepting and rejecting placements.

Relations With Foster Parents

In our 1983 audit we noted that DFYS neglected to maintain a cooperative relationship with the foster parent community. In a March 1986 letter to the president of the Alaska Foster Parent Association (AFPA), the director of DFYS states "It would be less than candid of me to not admit that there has been a history of conflict and resentment between AFPA and the division."

The training contract for fiscal year 1986 was a disappointment for both parties. This contract emphasized "joint" responsibility for both DFYS and AFPA, but neither was satisfied with the other's performance. The quality and quantity of training which resulted would likely have increased if DFYS and AFPA had been more cooperative in implementing the terms of the contract.

We feel that the rift between DFYS and AFPA is diminishing. With DFYS' encouragement, there has been an influx of more moderates on the AFPA Board of Directors. DFYS efforts such as the June 1986 Foster Care Working Group encourage foster parent input and interaction with DFYS. With adequate follow through, such efforts could be major steps toward rebuilding a good working relationship.

DFYS needs the different perspective offered by foster parents. Despite their relatively low membership, AFPA is the only statewide organization of foster parents. Given the crucial role that foster care plays in DFYS' service delivery, a better relationship with foster parents in general, and AFPA in particular, will benefit all concerned.

Recommendation No. 4

DFYS should comply with the American Correctional Association (ACA) national standards in order to receive accreditation for its juvenile confinement facilities.

In May the three juvenile confinement facilities which house both detention and treatment programs were reviewed by the American Correctional Association (ACA). DFYS arranged the reviews in order to receive accreditation by the ACA, a national organization of correctional professionals. The review, for which DFYS had been preparing for four years, involved a thorough review of their physical plants; policies and procedures; and general program.

The ACA review committee compared these facilities with national standards developed for detention, training school, and community residential care facilities. To receive accreditation a facility must be in compliance with 100% of the mandatory standards and over 90% of the non-mandatory standards. The review committee's reports for all three of the facilities commented positively on the quality of life within the facilities, especially regarding the communication between staff and residents and the dedicated nature of personnel. Other major ACA findings are presented below:

Detention Overcrowding

The detention units at both McLaughlin Youth Center (MYC) and Fairbanks Youth Facility (FYF) were found to be continually operating over capacity. MYC, with a design capacity of 50, had an average daily population of 68 in FY 85; FYF, with a capacity of 8, had an average daily population during the first four months in 1986 of 12.8 recording highs of over 20 youth. The overcrowding was a major concern of the ACA review committee which they felt needed immediate relief.

FYF is completing a new 20-bed detention addition which is slated to open during FY 87 which should eliminate its overcrowding. MYC has recently contracted an architect to design the remodeling necessary to alleviate its overcrowding.

Fire Safety

Mandatory fire safety standards were not completely met at all three facilities. These were of most concern at MYC and the Nome Youth Facility (NYF). FYF has addressed its fire safety deficiencies, making the necessary changes to achieve compliance. NYF and MYC must complete more extensive physical repairs and renovations to come in compliance with ACA's mandatory standards. Compliance with the fire safety standards is the major obstacle preventing MYC from receiving accreditation.

Training

All facilities were found deficient in the area of training. Although training standards are non-mandatory, we feel the common deficiency is significant. (See Recommendation No. 5) Both MYC and FYF were weak in the training area, and NYF did not meet any of the training standards, which seriously reduced its overall rating. According to DFYS Nome needs additional training funds to achieve full compliance with ACA standards.

Fairbanks Program

The ACA audit committee found that at the Fairbanks facility the detention philosophy dominated and influenced the treatment program resulting in a overly restrictive environment. The accreditation team felt that this environment hindered the youths' development by providing little opportunity for them to try out the new behaviors acquired through treatment. Fairbanks addressed this finding immediately by revising their four step program allowing residents to earn the privilege of participation in supervised activities in the community at an earlier point in treatment.

FYF has completed the improvements necessary to achieve compliance with national standards and will likely receive ACA accreditation by the end of FY 87. MYC and NYF may require additional funding to achieve compliance, therefore, their accreditation does not seem likely in the near future.

Recommendation No. 5

DFYS should take steps to improve and increase training of social workers and personnel working in youth detention facilities.

Since FY 81, DFYS' budget for training personnel has been significantly reduced from more than \$500,000 to less than

\$100,000 for FY 86. Much of the previously larger training budget was the result of Federal monies, which have not been available to DFYS in recent fiscal years. With the reduction in available training funds, it has been more difficult for DFYS to provide the necessary ongoing training that is needed to promote informed and consistent casework decisions. Currently, DFYS primarily provides orientation training for newly hired social workers and specialized training in newly established policy and procedures. For example, over the past year social workers received training in the new emergency custody procedures.

The significant reduction in DFYS' training budget has been largely beyond the control of the division. However, we feel that there are two particular areas where DFYS should make an effort to develop and provide more training: 1) oversight and management skills for supervisors, and 2) individuals working with confined juveniles should receive specialized training.

It was our observation, particularly in the Anchorage area, that social worker supervisors often dealt with their subordinates in a discordant manner. For example, when proposed reorganizational changes were being considered in Anchorage, supervisors elected not to inform the social workers. The workers felt that the supervisors were conspiring against them and that were not treating them as professionals. It is management's prerogative to reconfigure the delivery of services; however, better supervisory skills on the part of middle management could have increased cooperation on the part of social workers.

In the accreditation reviews of DFYS' youth facilities (See Recommendation No. 4) the reviewers cited the lack of specialized training and continuing education opportunities for staff at the facilities. There were also other criticisms that any training that was provided, particularly in the area of health-related situations, was not documented in employee files.

When program funding must be reduced, it is tempting to cut back in training rather than reduce direct service staff. However, in a division that is as widespread as DFYS, training is critical part of the communications needed to maintain uniform casework standards and decision-making in accordance with statutes and division policy.

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DEPT. OF HEALTH AND SOCIAL SERVICES

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December 15, 1986

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Legislative Auditor
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DEC 15 1986

LEGISLATIVE
AUDIT

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Dear Mr. Wilkerson:

Thank you for the opportunity to respond to the preliminary audit report on the Division of Family and Youth Services (DFYS). I believe our agency's perspective on the issues raised in the report will help legislators better understand these issues, their interrelationship, and their relative importance to addressing the statutory goals of the agency.

Although we do not completely agree with the auditors' conclusions and recommendations, we commend them for identifying and focusing on the fundamental issue which influences every aspect of agency performance--resources available to carry out the agency's statutorily defined mission. Given the broad scope of the review of DFYS, it would not have been surprising for the report to focus on a variety of specific problems of lesser importance while overlooking the most basic issue affecting agency services.

We agree with the conclusion implicit throughout the audit report that most of the services deficits and problems attendant to DFYS mandated service activities are related directly or indirectly to insufficient resources available to the agency to carry out its responsibilities.

This has been clearly demonstrated in a variety of inter-agency studies and confirmed by several reviews of DFYS by the Division of Legislative Audit over the past few years. DFYS options for dealing with the limitations of agency resources in a systematic way are presented in the response to recommendation number one of the legislative audit.

For purposes of clarity and ease of understanding, comments concerning specific audit findings and recommendations are organized in accord with the organization of the audit report.

Auditor's Comments and Summary

While we generally agree with auditors' assessment of services provided by DFYS, certain inaccuracies require clarification, and additional explanation is necessary to fully understand issues raised in the report.

It is true that services are generally provided to runaway youth in conjunction with the youth's identification as a victim of abuse or neglect or consequent to an arrest. However, services may be and are provided to runaways who are neither victims of abuse or neglect nor alleged juvenile offenders. DFYS may intervene to provide services to runaway youth on an involuntary basis. DFYS may assume emergency custody or initiate Child in Need of Aid proceedings if a child is ". . . habitually absent from home or refusing to accept available care" DFYS is not required to defer to the refusal of a runaway to accept services, although as a practical matter, if no other reason for intervention exists and the youth is not in danger of immediate or serious harm, DFYS services are generally restricted to short-term attempts at family reconciliation or referral for these or other services. More intrusive interventions rarely occur in such instances because of the pressing need to serve more vulnerable youth.

Runaway youth would be a difficult group to serve adequately even if DFYS had sufficient resources. Most runaways are not readily identifiable as victims of abuse or neglect (although many are victims), and often these youth are not receptive to services. Moreover, their behavior and circumstances do not usually place them in the type of clear or immediate danger of serious harm generally necessary for the assumption of emergency custody or other high levels of agency intervention. Given these facts and DFYS' mandates and resource levels, it is almost inevitable that higher priority will be accorded other more vulnerable youth.

We agree fully with auditors' conclusions that re-criminalization of runaways would not provide better service and would be far more expensive than providing appropriate noncoercive services. It is far more productive to provide preventive and noncoercive intervention services than to address complex and longstanding problems through coercive measures such as detention (although such measures are available under present law with appropriate limitations). Alaska's difficulty has been that needed levels of noncoercive treatment and family reconciliation services have not been available because of lack of resources.

Even appropriate use of judicial intervention, such as court ordered in-home treatment plans or temporary out of home placements for runaways, has not been effectively utilized because resources necessary to initiate court action and carry out treatment have been lacking.

As auditors astutely perceived, simply detaining more runaways would not solve the fundamental systematic resource problem, but would only force shifting of resources from one area of focus to another. Implementing a more coercive approach would undoubtedly require additional detention facilities (already overcrowded), and restrictive services such as detention are far more expensive than noncoercive services. Also, detention of runaways would not address the underlying problems precipitating runaway behavior, and would not eliminate the need for family reconciliation and treatment services.

The criteria used by DFYS' delinquency intake officers in making preliminary detention decisions follow statutory guidance, criteria established in

Alaska's Rules of Court, case law, and nationally established standards. These criteria focus on immediacy of risk and stress physical harm rather than the potential for emotional harm, for several reasons. An assessment of risk of physical harm, difficult though it may be, is generally far easier to make on an objective basis than is risk of emotional harm. This is particularly true when the assessment is made on the basis of limited information, which is generally the case in intake detention decisions. Focusing on objective, factual criteria for assessing risk reduces the possibility for abuse of discretion and overuse of detention. Also, because detention screening occurs prior to a court proceeding, it is appropriate that the focus of the decision be on immediate rather than long-term risk. An assessment of risk on a long-term basis (such as risk of emotional harm) should appropriately be the subject of more complete inquiry made by the court.

Little impact on potential long-term physical or emotional harm is likely to occur from a decision not to detain a youth pending court inquiry if other less restrictive alternatives are utilized. In fact, national standards to this effect were developed as a result of findings that the risk of harm to youth is greater if the youth is detained than if the youth is released on a short-term basis pending court proceedings. (This is particularly true when youth are detained in adult jail facilities, as many are in smaller communities in Alaska.)

DFYS' overall response to runaways is most influenced by two factors: agency resources and statutory mandates. The critical failure in Alaska's approach to runaways has not been in the law or philosophy underlying the law but in the resources devoted to addressing the problem.

Under present economic conditions, additional resources are unlikely to be made available to provide services to runaways and their families at needed levels. However, service improvements can be made through development of better techniques for assessing and prioritizing services for runaways. Well defined criteria for runaways will be developed and implemented as DFYS' intake policies are regularly reviewed, and during the implementation of a new case management system. These screening criteria should provide guidance for assessing the risk of harm presented by the youth's behavior and circumstances, and will establish priorities for intervention ranked with those established in other child protection cases.

Implementation of these criteria will help utilize existing resources more efficiently and effectively. However, it will not alter the fact that expanded services for runaways will require additional resources whether the approach used is coercive, such as incarceration, or more preventive in nature.

As the auditors recognized, assignment of increasingly stringent statutory responsibilities to an agency will not expand or improve services unless the fundamental inadequacy of agency resources is also addressed. Service priorities will be shifted to address more rigorous requirements, but this will occur at the expense of other services. As DFYS' responsibilities have increased in several service areas in response to public policy changes or

perceived problems in service provision, other service areas have suffered. This is manifested clearly in the case of runaway youth and would not be changed simply by requiring use of already overcrowded detention facilities for coercive treatment of runaways.

Recommendation No. 1

The Division of Family and Youth Services (DFYS), in conjunction with the Legislature, should review statutes governing the agency's responsibilities and duties. The goals of such a review should be twofold:

- A. The determination of the extent of the State's role in child protection.
- B. Funding for DFYS to adequately provide child protection services at the determined level.

Response

The division agrees that a DFYS review of statutes governing the agency's responsibilities and duties in conjunction with the Legislature would be a valuable undertaking. Legislators should have a sound understanding of and ownership of those critical statutes, particularly those addressing child protection. Recommendation No. 1 sets the goals for such a review as determining the State's role in child protection and then funding the determined level. It is laudable that auditors are proposing coming to grips with the disparity between child protection mandates and State personnel resources available to meet those mandates. The division will present several options for addressing the limitations of agency resources that recognize declining revenues, as opposed to prematurely considering reducing statutory protection for vulnerable populations.

DFYS Efforts

The audit recognition of DFYS efforts to improve effectiveness and efficiency are appreciated. Certainly DFYS will continue the three management strategies outlined on page 12 of the audit. Legislative support is required to implement all three strategies, i.e., funding support for a management information system (MIS); approval of the consolidation of the Child and Youth Custody and Purchased Services BRU's to allow for the gradual shift of funds from restrictive and costly out-of-home care to services which will make the child's home a safe environment; and support of adequate levels of state office staff to streamline policies, train, and to effect other staff time savings.

Statutory and Funding Changes

As auditors noted, certain changes in Federal and State laws have added responsibilities to and imposed additional administrative requirements on DFYS. The difficulty encountered by the agency in implementing the changes has not been that these responsibilities or accountability measures are

unnecessary, or unreasonable. In fact, we generally support the changes as appropriate to meet the need for protection of vulnerable persons and as prudent means to ensure proper accountability and investigative or casework practice. The problems in carrying out new responsibilities or meeting additional accountability requirements are attributable almost invariably to inadequate State personnel resources.

The "tool" for the delivery of child protective services is not equipment or machinery. Direct personal attention from a qualified professional is the primary agency tool for facilitating improvements in a home environment. People who abuse and neglect their children and the child victim are in need of intervention attention from another individual. This can only occur if the state agency has been staffed with a professional to provide the intervention attention.

DFYS has historically been understaffed to fully meet its responsibilities, but has managed to meet those responsibilities at marginal levels with little public or official interest or attention until recently. Unfortunately, recent increased public awareness, higher expectations, and increased service needs have not resulted in commensurate increases in staff resources, in large part because enhanced public awareness and concern have occurred at a time when total state resources are declining. In the past, even when resources were relatively abundant, other priorities have taken funding precedence over fundamental protective and rehabilitative services provided by DFYS staff. While this pattern has changed somewhat in recent years, obtaining necessary resources in the face of state government contraction and extreme competition among government agencies would require assignment of higher priority to these services by the Legislature than has previously occurred.

DFYS recommends consideration of the following options for addressing the disparity between DFYS statutory mandates and state personnel resources to carry out those mandates:

- Assignment of a high priority to fully fund DFYS statutory mandates as discussed immediately above.
- Reconfigure existing resources through the budget process to allow for increased levels of home-based services. Under a desirable scheme for resource allocation, client needs would be identified and met at the earliest possible time in the least restrictive setting and at the lowest cost. Under a desirable configuration for resource allocation, the greatest amount of resources would be allocated to provide early intervention in the client's own home. The current scheme and configuration is opposite what it should be. If one-half the funding currently allocated to costly care in foster homes and residential child care facilities were redirected to purchase or create agency staff to provide intensive early intervention, home-based and permanency planning services, more children would be protected in their own homes during family crises, fewer children would be removed from their homes, and fewer children and families would progress over time to the most costly

restrictive care and services. Keeping families together is a priority of state and federal statutes; a child should remain in the child's own home if safety can be assured. As mentioned under "DFYS Efforts", consolidation of the Child and Youth Custody and Purchased Services BRU's would allow flexibility to shift funds from more restrictive and costly out of home care to services which will make the child's home a safe environment.

- Divert a significant portion of legislatively designated or competitive preventive services grant funds to create new staff positions within DFYS, thus enabling DFYS to meet statutory mandates. Focus remaining legislatively designated and preventive services grants to better fulfill primary DFYS statutory mandates. In recent years, the Legislature has placed millions of dollars into discretionary community-based social services, including large grants to Anchorage and Fairbanks. Many of these programs are designed to prevent child abuse, neglect, and delinquency, or to enhance the quality of life of "at risk" Alaskans. While well intentioned, these programs are not statutorily mandated, and many do not effectively assist the division in meeting statutory mandates. For example, refocusing of designated and competitively awarded grants on intensive home-based services could free social workers' time to better meet the deficient areas of responsibilities noted in the audit, i.e., investigation of reports of abuse within 72 hours and ongoing case management functions.
- DFYS management will implement a case management system as part of an approach to deal with the limitations of agency resources in a systematic way. This will involve reviewing agency goals and responsibilities, determining resources needed to meet the goals and responsibilities, establishing service priorities and standards, and allocating existing resources among services in keeping with the priorities established and the services' standards. This effort will make it possible for DFYS to clearly inform the administration, legislators, and the public of the service levels which can occur at various levels of funding. Perhaps, most importantly, it will enable DFYS to provide information on the activities and services which cannot be performed. This will help public and official expectations with the reality of funding levels. This effort will provide a firm and rational basis for legislative decisions concerning the agency's statutory responsibilities and the levels of funding provided to carry out those responsibilities. However, prior to implementation of a case management system to provide basic information, major legislative changes would be premature.

DFYS agrees with the audit finding, "DFYS budgets have not kept pace with growth in demand." DFYS also agrees with the need for a "fundamental reassessment...of service priorities" and will accomplish that reassessment through the case management process already begun. DFYS, however, strongly disagrees that a "fundamental reassessment of DFYS' statutory authority... should take place given the prospective funding levels." The primary issue affecting the quality of service delivery within the division is lack of staff resources, not whether the scope of statutory authority is too broad.

Before considering any statutory change that would increase risk to vulnerable Alaskans, and before considering any budget reduction of DFYS staff who are carrying out statutory mandates, redirecting or refocusing non-mandated social services must responsibly be considered as a response to the current revenue crisis. As detailed above, there are at least four options other than "fundamental statutory reassessment" which should be explored.

Following are considerations regarding the specific "examples" for amending statutes that were cited in the audit:

- A. The DFYS strongly supports Recommendation A to reconfigure DFYS appropriations away from the provision of indirect discretionary programs to permit DFYS management control to deliver "direct intervention and prevention services." This recommendation aligns with DFYS options for addressing the disparity between statutory mandates and State personnel resources to carry out those mandates discussed earlier. The DFYS would clarify, however, that funding "primary" prevention programs directed at children who have not been harmed should not take priority over funding intervention and restorative services to children who have been harmed. Other states utilize creative funding mechanisms, such as a children's trust fund, to dedicate resources for primary prevention services. Alaskan constitutional restrictions to such a concept would need to be examined in considering a trust fund approach.
- B. Auditor's Recommendation B would allow DFYS discretion in forwarding copies of physical and sexual abuse reports to the Department of Law for review. The division has not completed any objective analysis of whether or not the requirement to forward all reports of abuse is necessary or appropriate for prosecution purposes, nor has the division discussed the recommendation with the Department of Law. An analysis would more appropriately be left to a disinterested agency.
- C. Auditor's Recommendation C would transfer services not directly related to child protective services, such as adult protective services and day care licensing, to other state agencies or local governments. If day care licensing transfer to another agency were accomplished without transfer of division budget and personnel, the result would substantially decrease division workload and would be favored. However, this recommendation assumes that there are agencies which have the resources, motivation, and administrative capability to assume this function. The reality is that without additional resources, the transfer of responsibilities from one agency to another results in the "robbing Peter to pay Paul" principle. If funding were made available through an increment, current provisions which allow for contracting the investigation responsibilities for day care licensing could be implemented.

The division agrees that adult protective services could be assessed for transfer to another agency, including the initial assessment of harm. Adult services have been separated from services to children, youth, and their families, previously, and so transfer is a possibility. It may be appropriate for the division to retain investigation of elder abuse

because the discipline is similar to child protection and because of the availability of division staff in five social services regional and 34 field offices. After initial assessment, service responsibilities including ongoing case management could be contracted to private agencies if DFYS retained adequate resources to do the initial assessment and investigation. It should be noted that the division does perform investigations on a voluntary basis for adults who are under the age specified in the Elder Abuse Reporting statute. Younger adults who have physical and mental health problems and who are younger than age 65 occasionally require protective services. Without a clear statutory mandate, the division will consider curtailing services to adults younger than age 65.

Recommendation No. 2

The Division of Family and Youth Services should develop a management information system to replace its current computerized payment system.

The Department agrees completely with this recommendation. Development of such a system is essential, not only to effective management, but, more importantly, to effective service delivery.

As auditors noted, much data processing staff time must now be diverted to maintenance of DFYS' outmoded payment system while essential client, service, and case management information must be manually collected by direct service staff. The DFYS management has long recognized that continuation of this approach to information management was untenable. The severe limits and inherent inefficiencies of the existing system, and the need to reduce the amount of time direct service staff spends on activities related to information gathering led to a 1983 review of the division's information needs. Analysis of these needs and of the relative costs and benefits of altering the existing system to meet those needs versus development of a new system showed clearly that development of a new system was the more beneficial and prudent approach. DFYS developed a plan for addressing both short- and long-term needs which called for:

- immediate efforts devoted to maintaining operation of DFYS' payment system (since its failure would have meant complete loss of management data and, because of the magnitude of payments involved, manual payments would be virtually impossible to accomplish);
- making such additional alterations to the existing computerized system as could be readily accomplished to improve its functioning and usefulness, both as a payment system and to provide at least minimal client and service information essential to management decisions and client services;
- development and funding of a comprehensive management information system which would provide a variety of management information essential to division functioning, and accomplish the limited functions of the old payment system.

Based on a system-wide effort to identify information needs, DFYS submitted a capital improvement project (CIP) request in its FY 86 budget request to develop and implement a comprehensive management information system. Although included within the departmental and Governor's budget request, the project was not funded by the Legislature. In FY 87, the division included within its budget request a scaled down capital improvement project to develop and implement an offender and victim automated tracking system, a project of smaller scope than the original project and with a slightly different focus. This project was not included in the Governor's FY 87 budget request.

In its FY 88 budget request, the division is seeking funding for a client tracking and office automation project. This several phase project would ultimately result in development of a complete system for tracking juvenile offenders and victims of child abuse, and standardization and automation of office support functions. It would also increase staff efficiency and productivity.

Development of the new management information system would occur in phases and must be integrated as an essential element of another major division initiative mentioned earlier, development of a comprehensive case management system. Completion of these two initiatives will accomplish many of the recommendations made to DFYS by the Legislative Audit Division and others. For example, review of DFYS' governing statutes, implementation of uniform policies and procedures, and implementation of a monitoring system will all occur as an integral part of these projects.

Because of failure to receive funding for prior capital improvement projects to fund a management information system, DFYS has contracted for a review of past efforts and present needs to ensure that the current CIP addresses shortcomings noted in past projects which influenced funding decisions. DFYS is presently in the process of reviewing a draft report from Wolfe and Associates outlining a recommended approach to meeting the needs for management information system within the guidelines of the FY 88 Capital Improvement Project request.

Unfortunately, deficiencies in the existing system have been compounded by the recent reduction of resources and will make maintenance of the existing system more difficult. Cutbacks in the FY 87 budget require that a key data processing position be held vacant, and changes in the data processing environment will necessitate devoting approximately 90 percent of remaining data processing staff time to language conversions essential to maintain operation of our existing system.

We agree with auditors that the true costs of maintaining the current system extend far beyond data processing staff costs. These more-difficult-to-measure costs include decreased management effectiveness due to lack of essential planning information and ineffective use of direct service staff time. The drain on direct service staff time is compounded over time as decisions are made which directly affect services. For example, when the Sheffield Administration undertook its major child protection initiative,

DFYS staffing requests were held to only thirty-five positions on the basis that implementation of the requested new management information system would free staff time for direct service provision and offset the need for additional staff. However, because the MIS request was not funded and caseloads have increased, staff shortages were exacerbated despite the addition of the 35 positions.

In recognition of DFYS' critical need for a comprehensive management information system and need to capture the maximum federal funds, I have made funding and development of this system a departmental priority. I am also assigning the newly organized Department of Health and Social Services data processing group to aid DFYS staff in their development efforts and will make other department level resources available as necessary to ensure success.

Recommendation No. 3

The Division of Family and Youth Services (DFYS) should develop standardized foster care procedures and encourage compliance through improved training and supervisory review. In addition, DFYS should continue working toward improved relations with foster parents in order to sustain a more viable foster care program.

DFYS generally agrees with auditors' identification of issues to be addressed to improve Alaska's foster care system. Much progress has been made to address problems since the 1983 Legislative Audit on Foster Care. In 1984, a systematic approach to achieving goals was jointly developed by foster parents and DFYS. Nearly one hundred issues in nine categories were identified for research, planning, and resolution. It was the consensus of foster parents and DFYS staff that five years would be needed for resolution of identified issues. There have never been "dedicated" resources for central management staff to oversee administration of the foster care program. State office management and program development staff are limited, comprising less than three percent of the DFYS budget. Despite the staff shortages, in the last year and one half, substantial action was taken to improve the foster care system and relationships with the Alaska Foster Parents Association (AFPA). New actions include:

- ° quarterly meetings with AFPA and state office personnel;
- ° follow-up contact between quarterly meetings on a weekly or more frequent basis;
- ° revision of the policy and procedure manual to include: a copy of case plans for foster parents; two weeks notice, when possible, to foster parents before removing a child from the home; and notification to parents when there are changes in case plans;
- ° adoption of several forms suggested by AFPA;
- ° case plan revisions including suggestions from AFPA:

- notification to all care providers of revisions to policy and procedures;
- consistent standards for parent support payments finalized in regulations;
- grievance procedure readied for promulgation in regulations;
- resolution of late payment issues;
- specialized foster care program being explored and developed including technology dependent infant program, and the Alaska Youth Initiative program;
- initiation of Youth Services specialized foster care program on a pilot basis;
- a new policy to fill vacancies with persons holding an MSW or BSW degree resulting in fifty-two professionals with a Master's degree in Social Work or a closely related field;
- training programs for foster parents provided jointly by AFPA and division staff;
- a comprehensive inventory of all children in DFYS custody in out of home care, information on each child's placement history, and a preliminary analysis; and
- specialized regional positions designated, monitoring procedures drafted, and piloting begun to ensure the systematic review of all children in foster care as required under Public Law 96-272 and Alaska statutes, and, on a limited basis, to perform case file monitoring and licensing file monitoring.

Foster Home Licensing

The DFYS agrees that licensing activities are behind. Here, as well as in Child Protective Services, staff resources have not kept pace with growth. To meet Child Welfare League standards, time devoted to the licensing of foster homes would need to be doubled. The audit correctly notes the importance of the licensing function and the need for additional recruitment efforts. However, with little likelihood of additional revenue and increased field staff to carry out these functions, expectations must be adjusted accordingly. State Office program staff have planned or are working on a number of regulatory and policy improvements to address field staff shortages. The following improvements will be completed or nearly completed this fiscal year:

- finalize licensing regulation changes with the assistance of the Foster Care Working Group, scheduled to submit recommendations in December, 1986;

- reduce the number of licensing criteria to be measured to those critical to ensuring safe and appropriate care in order to reduce staff time necessary for licensing;
- streamline the procedures to make them similar to licensing other facility types to avoid worker confusion;
- revise licensing manual procedures to include a supervisory review of some licensing files each year; and
- prioritize new foster home applications in order to train experienced foster parents for specialized foster care and to meet child placement needs by age range, specialization, and location rather than by new applicant interest.

Complaint Investigations

The DFYS concurs with auditors' conclusion that complaint investigations are generally "reasonable and fair". However, the conclusion that despite the existence of policies and procedures addressing complaint investigations, there are wide variations in how complaints are handled both between and within offices, is disturbing but consistent with DFYS management perception. To improve consistency with limited resources, the following is the division's plan for addressing this problem this fiscal year:

- promulgation of revised licensing regulations, currently described by some as "vague", to provide clear guidance to workers investigating violations of those standards;
- review the findings of the Foster Care Working Group on complaint investigations scheduled for completion in December, 1986, and consider the recommendations for policy adoption;
- require logging complaint receipt date, level of danger, and disposition into the computerized system using the on-line capability (this is currently available, but not mandatory); and
- utilize supervisory staff for orientation and training of new workers in light of inadequate training funds.

Specialized Foster Care

In recognizing the need for specialized foster care, the division developed a Youth Services pilot project. With the implementation of Title IV-E of the Social Security Act (federal Public Law 96-272), it became apparent that the division would need to develop a consistent definition of specialized foster care to ensure federal claiming. We agree with the audit finding that there are inconsistencies and that there should be equitable augmented rates applicable to both the Youth Services and Social Services foster care programs. Revised foster care purchase regulations, with the December, 1986,

recommendations of the Foster Care Working Group, will contain criteria applicable statewide for augmenting foster care rates. Foster care purchase regulation changes are scheduled for completion this fiscal year.

It should be noted that licensing, complaint investigation, and specialized foster care policy improvements are dependent on State Office program development staff. Further, cuts at the management level would result in delays or elimination of policy improvements.

Foster Parent Training

The division has long recognized that foster parents need skills and training in order to care for difficult children, and often, also, to maintain their family life in a positive and fulfilling manner. During FY 86, the division contracted with the AFPA, for the first time, to provide joint statewide training. A national expert provided consultation to foster parents, division foster care specialists, and division management in a special "kick-off" session. In spite of this effort, there were problems--some due to the lack of specific language in the contract, and some due to forces beyond the control of either AFPA or the division; for example, underfunding of child protection positions created in HB 88 resulted in delay of the foster care specialist positions being filled. It was necessary to establish effective new relationships at the regional rather than the state level, both for AFPA and the division. Expectations and goals were, in retrospect, exceptionally high for both AFPA and the division. The division remains committed to teaming with AFPA and is continuing the contract with the expectation that the experience of the first year will allow greater gains. If proposed regulations to require foster parent training are retained through the public hearing process, training of foster parents will be documented annually in each file.

Foster Parent Liability

Participation in a national teleconference on provider liability issues would indicate that the problems in Alaska are highly similar to the problems experienced in other states. The Foster Care Working Group is studying liability issues and will make recommendations to the division. The Division of Risk Management has agreed to provide a written statement to clarify liability coverage for foster parents and is recommending a review of AS 34.50.020 for an assessment of need for statutory clarification. Improvement and clarity of licensing regulations may also clarify some liability issues.

Relations With Foster Parents

The audit recognition of improved relations between the division and AFPA is appreciated. The DFYS and the AFPA continue to be committed to working together for the benefit of children. There have been difficulties, as noted earlier, at specific times, but this is not unusual given the natural tension that occurs in attempting to meet competing interests: child, natural

parent, foster parents, and agency. The fact that the tension is recognized, and there exists an agreement to work together, is positive. Despite major differences on some issues, the two organizations continue to work together on a frequent and planned basis.

Recommendation No. 4

DFYS should comply with the American Correction Association (ACA) national standards in order to receive accreditation for its juvenile confinement facilities.

The division fully agrees. In fact, the process of accreditation of its facilities was initiated unilaterally by DFYS, to evaluate and strengthen detention and treatment services.

It should be noted that meeting these standards does not simply mean that minimum requirements for safety and adequate program services are met. ACA standards require documentation that institutions exceed basic standards. Compliance ensures that the services provided are of high quality and in accordance with nationally recognized and respected indicators.

The division has asked for and has received some capital funding for the costs associated with meeting these standards. The division still intends to meet these standards, within revenue limitations.

The youth services facilities serve only a fraction of the number of youth who enter the system, and the facilities do not function in isolation from other parts of the justice system. It is important to consider the impact of the other parts of the system--the police, courts, intake, diversion, and probation--on the institutions' functioning. Agencies must coordinate to form a sensible, practical scheme of services to meet the two major goals of rehabilitating youth and protecting the community. The long-range goal of DFYS is to achieve accreditation of all aspects of its Youth Services system--intake, community services, and institutions. Accreditation of facilities was the initial step.

The division is aware of other aspects of the Youth Services system which must be addressed before accreditation is feasible. Among these are lack of adequate resources, such as specialized probation staff and community support services. Other factors beyond DFYS control include: 1) lack of control over the numbers of clients entering the system, especially institutions; 2) necessity of addressing unusual and increasing demands made on the system including individual treatment decisions made by the court, meeting federal criteria, serving children requiring specialized treatment, increasing demands from the public to arrest and incarcerate youth offenders and non-offenders such as runaways.

The complexities of treating juvenile offenders, assisting their families, and protecting the community in the context of shrinking social services dollars and multiple agency involvement impact DFYS' ability to provide the high levels of DFYS' institution services necessary to achieve accreditation.

December 15, 1986

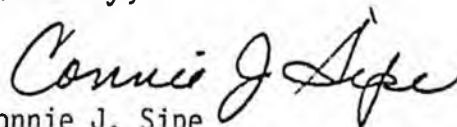
Recommendation No. 5DFYS should take steps to improve and increase training of social workers and personnel working in youth detention facilities.

The division shares the concerns of the audit team regarding the need for adequate funding for training of DFYS staff. With its statutory mandates to provide protective services to children, delinquent youth, and to license facilities, division staff assume responsibility for dealing with sensitive and complex human issues which require unique specialized skills and understanding of complex laws and regulations.

As identified in the interim report, training funds have been drastically reduced, resulting in the ability to provide only orientation and minimal training regarding Alaska statutes and the policies and procedures of the division. Specialized intervention and treatment skills have been deleted from the training plan. With this evident lack of comprehensive training, the state is in a liable position, and more importantly, the quality of services for Alaska's youth and children is compromised.

DFYS has also identified the need to focus more attention on the inclusion of field supervisory staff in planning and training. All supervisors met in a management training session this year. It is recognized that supervisory staff are an essential link to the field's direct delivery of client services. Their inclusion in the overall philosophical direction of the division as expressed in policy and procedure is essential. Additional emphasis will also be made on training of institutional staff to work more adequately with confined juveniles. Meanwhile, training will focus primarily on basic knowledge and skills essential to job functioning. This will be accomplished through limited scheduled training sessions for selected staff groups and through direct supervision.

Sincerely,



Connie J. Sipe
Acting Commissioner

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STATE OF ALASKA

AUDIT DIVISION
POUCH W
JUNEAU, ALASKA 99811-3300

THE LEGISLATURE BUDGET AND AUDIT COMMITTEE

December 15, 1986

Members of the Legislative Budget
and Audit Committee:

We have reviewed the Department of Health and Social Services, Division of Family and Youth Services (DFYS) response to our preliminary report. Our comments follow:

Auditor's Comments and Summary

In his response, the Commissioner indicates that DFYS has the statutory authority to intervene and provide services to runaway youths and that the agency is not required to defer to the refusal of the runaway. It should be emphasized that the report reflects the current DFYS policy and practice regarding service to runaways. Virtually everyone we spoke to during the course of our review, from the Commissioner to the local social worker in Tok, indicated that DFYS intervened in a limited and passive way when dealing with runaway youths who were not per se victims of abuse and neglect.



Gerald L. Wilkerson, CPA
Legislative Auditor
Division of Legislative Audit



SEP 20 1986

State of Alaska

September 24, 1986

Representative Virginia Collins
2600 Denali, Suite 501
Anchorage, Alaska 99503

RE: Complaints against DFYS

Reply to:

3201 C Street, Suite 403
Anchorage, Alaska 99503
(907) 563-3673

P.O. Box WO
Juneau, Alaska 99811
(907) 465-4970

P.O. Box 74358
Fairbanks, Alaska 99707
(907) 452-4001

Dear Representative Collins:

I enjoyed meeting you and your staff yesterday. As I told you, the Ombudsman's office has investigated a number of complaints against DFYS, and the summaries of these complaints are open to the public. In fact, your staff has access to the "OMBD" data base in "STAIRS" and can pull up lists of closed cases such as the one I have enclosed. I would be happy to assist you or your staff in doing stairs searches in our closed cases if you have an interest in doing so.

The Ombudsman's office has received 673 complaints against DFYS since January 1, 1984. Of these, 25 were "fully investigated," meaning the Ombudsman made a finding and recommendation if warranted. I have highlighted the first case to try to make the computer printout a little more comprehensible. One case was particularly significant: F83-1576 (listed as document 10) involved the death of the child, and the Ombudsman determined the agency failed to follow the law. The Ombudsman's investigation was eventually released to the press (not by this office) and received substantial attention.

In my experience, complaints against DFYS child protection services are frequently the most difficult and challenging this office investigates. I think there is a continuing need for a neutral agency to investigate these cases in order to provide a fair and unbiased analysis of the agency's actions, and I am doing my best to insure that the Ombudsman's office fulfills that role.

If you have any questions, please do not hesitate to contact me.

Sincerely,

Robert G. Walton
Acting Ombudsman

RGW1:cm1
enclosure: stairs search

November 20, 1986

Post Office Box
Juneau, Alaska 99802

RE: Ombudsman Complaint J86-0338

Dear :

As I told you by phone, I received a response to my findings and recommendations from the director of the Division of Family and Youth Services, Mike Price. I have discussed the release of information with Mr. Price, the Attorney General's office, and the Director of the Division of Legal Services. This letter contains only the information about the investigation, findings, recommendations, and the agency's response that I am legally permitted to release at this time. Because the division's attorney believes that much of the material in my original report is confidential, and the law is clear that unauthorized release of confidential material is a misdemeanor, I have omitted most of the details.

I have enclosed the pertinent laws governing the release of confidential information for your information; you may wish to consult with an attorney if you want to obtain additional information.

Your allegation, as Ombudsman Assistant Dave Haas received it, was:

The Division of Family and Youth Services performed inefficiently in not thoroughly pursuing allegations of child abuse.

The investigation revealed there were inefficiencies in the way this case was handled by DFYS in four separate areas: mandatory reports, contacting those who reported concerns about this child, internal message handling within the division, and documentation in the file. I therefore found your complaint justified. However I cannot infer from this investigation and finding whether or not the actions DFYS took or the ultimate fate of the child would have been any different if no "inefficiencies" had occurred.

I submitted my findings on this matter to the director along with my findings in another case, in which the division was accused of overreacting to a report of harm. These two cases dramatically point to the challenge the division faces: criticism for failing to take enough action in some cases, criticism for taking too much in others.

November 20, 1986

In an effort to help improve the division's response to reports of concern and harm in the future, I offered recommendations to DFYS, including the following:

1. This investigation substantiates the facts that DFYS social workers have an enormous responsibility and that they are subject to severe criticism for their actions or inactions. My first recommendation is that the division place a high priority on initial and continuing training for social workers. The difficulty and significance of risk assessment in child protection clearly warrants a substantial level of training. I therefore encourage you to refer to this Ombudsman recommendation in your future budget submissions, if you think it is appropriate, to justify a training budget that is adequate.

2. Staff should file both the report of abuse and DOL report whenever required.

The value of the report required by AS 47.17.025 was questioned by several social workers and assistant attorneys general; it may be appropriate for me to bring this statute to the attention of the legislature and suggest a review to see if the requirement is achieving the purpose for which it was intended; I asked for the director's opinion.

3. The division's procedures manual should be clarified in several areas.

My opinion is that the manual has been improved and refined greatly in recent years, but there are several areas where the language and division performance are not consistent.

I recommend the division review the tenor of section 300.05.080 (f) (2)(E) and (F). If this is meant as a guideline, not as a mandate to interview all witnesses, regardless of their expected contribution, the current language should be modified. If it is meant to be a mandate, division staff should be so informed.

I also suggest the division add a guideline that staff normally interview the person who contacts the state about a report of harm as an initial step in the investigation, unless there is valid reason for not doing so (such as non-availability of the person who reported). The division should also add a specific reference to "boyfriends or girlfriends" in section 05.080, as an example of a regular member of a household.

4. The Juneau regional office should ensure that messages involving child abuse are handled in accordance with agency procedures. Also, the office should ensure there is better documentation (ROC notes) regarding calls made and what was said and about unsuccessful attempts to call.

5. The division should take an active role in annually communicating with other pertinent sectors of the community about reporting and investigating child abuse. The responsibility for protecting children is given to DFYS by statute, but in fact this is shared by others, including the families, persons required to report harm, and the public. The significance of the issue clearly warrants a statewide effort to establish and maintain good communication between these parties. I would like your comments on the value and practicality of a statewide forum, or series of forums that involve other agencies and groups in addition to DFYS.

One step might be for DFYS to make a presentation in the near future at the monthly medical meeting in Juneau. The subject should be child protection and abuse, including reporting requirements, standards and practices which might apply to the audience.

In the interests of maintaining a good working relationship with the medical community, medical personnel and others who report child abuse need feedback from the division. They should be recontacted.

We learned DFYS is administering a federal grant for child abuse training in the medical community. I understand this project is to include training at all hospitals in Alaska. As described, this project addresses one of the major conclusions of this investigation--that all sectors of society involved with child abuse need to be trained and reeducated so they can work together as effectively as possible. I strongly endorse this training.

6. The division should provide training in telephone procedures regarding reports of harm.

*

I also offered this statewide perspective of the division's role in preventing child abuse:

The impassioned nature of this complaint dramatically focuses attention on the DFYS role in responding to reports of child abuse. As a neutral reviewer, I have been careful to analyze these complaints as

November 20, 1986

objectively as possible, particularly since the Ombudsman's Office is providing a type of "post-fatality review" that has in some states warranted a special commission. One conclusion I reached during the course of my review of these investigations is that the division's role in preventing child abuse should be put into careful perspective. As you may know, a Mat-Su Physician, Dr. George Brown, recently received an international award for his work in preventing child abuse. I briefly discussed the role of DFYS with him, and he referred me to the booklet "Child Abuse" by Ruth and Henry Kempe. The following, quoted from the chapter entitled "A Community-Wide Approach," seemed particularly relevant to me:

Child abuse . . . is a very widespread problem, and the consciousness is growing that traditional child-protection agencies are simply not equal to it. It is no criticism of them to say that they have neither the funds nor the staff to make the necessary impact. Nor can they possibly bring to bear all the skills this multifaceted problem requires. What is needed, and what is now beginning to be created, is a new and more broadly based approach that will draw more effectively on the resources of the community. . . .

What are the basic ingredients of a community-wide plan? First, there must be recognition that putting the whole burden of responsibility on the social worker will no longer work and that a broadly based team effort--using experts from many disciplines--should take the place of that system. . . .

I am of the opinion that DFYS alone cannot adequately address this major social issue, particularly as the division faces budget constraints and unrelenting workloads. I am considering a press release upon closing this complaint, with the intent of reemphasizing the "shared responsibility" needed to address child abuse. It is my impression that the medical community, school systems, and other related sectors of society could support DFYS better if the communication were better between all groups; if this office can contribute to that, I intend to do so.

Michael Price, director of the division, responded to me on November 17. He stated in part:

This is in response to your . . . preliminary findings and proposed recommendations . . . Before responding to individual findings and recommendations, it is necessary to first set forth the position of the division regarding the

November 20, 1986

fundamental system deficiencies responsible for situations which resulted in the filing of both of these complaints. While the division supports and agrees with specific recommendations in your report, there is a fundamental disagreement with the primary focus of causes contributing to the filing of both complaints. Your report emphasizes policy deficiencies and lack of training in relation to both situations and to inefficient operations systems within the Juneau office as the primary factors contributing to difficulties in service delivery. It is the position of the division that the lack of adequate resources is the major factor contributing to each of these cases, not policy issues or office systems. . . .

The usual clientload in the Juneau office has been averaging over 100 clients per worker, which is far above the standard of 50 clients per worker . . . the most relevant issue in the handling of the case was lack of manpower to enable the existing system to operate efficiently. While the division does plan to make recommended adjustments to policy and procedure and training, such change will not compensate for the failure to provide the proper ratio of staff to clients. Enclosed for your review is a brief comparison study of the agency clientload and staff available in 1983 and 1986. The enclosure shows that in Juneau, the adult and child protective services clientload grew from 373 in January 1983 to 725 in August 1986. This represents a 94% increase in the total clientload and a need for 7.5 additional Social Worker positions to meet a standard of 50 clients per social worker. These numbers were validated by an administrative review of all open client cases on November 5 and 6, 1986. The review resulted in the closure of 25 client cases; the remaining 700 client cases are actively being served.

The division has and is making efforts to carry the message to the public, the Legislature, and the Governor that the ability to carry out this agency's mandate to protect children in Alaska from abuse and neglect is seriously eroded because of inadequate resources. . . .

The division plans to implement recommendations made in relation to this case--others are beyond the ability of the division to unilaterally implement without necessary financial support.

Re: Recommendation #1

November 20, 1986

Response

In the past year, the division assumed responsibility for personnel functions related to recruitment and processing of applications for Social Worker positions in an effort to more quickly and efficiently recruit and hire and to upgrade the entry level requirements for new social worker appointments. The register point system was revised to give additional points to persons with Master of Social Work (MSW) and Bachelor of Social Work (BSW) degrees which has resulted in increased ability to hire persons with formal education in social work. Currently there are 39 social workers with the division who have MSW degrees, and 21 have Master's degrees in a related field. Eleven social workers have BSW degrees, and 54 have BA degrees in a related field. There is one social worker with a doctorate.

However, in addition to formal educational background, training of personnel in agency policy and procedure, state laws, and other issues relevant to Child Protective Services in Alaska is critical to an effective service delivery system. An MSW does not prepare personnel in these areas. In the past few years, funding for training in this division was dropped from one half million dollars to less than \$100,000 excluding the salary and benefits of the remaining staff position designated to coordinate training for the division's more than 500 employees. Training continues to be a priority for the division, and requests for adequate funding of a training component are documented each year. However, adequate levels of funding have not been included in final budget submissions or have not been appropriated at sufficient levels to enable the division to provide a solid training program.

Re: Recommendation #2

Response

Filing of the Report of Abuse with the Department of Law is a legal requirement that will continue to be reinforced with division staff in policy and training. The value of filing this report has also been questioned by a recent preliminary report of the Division of Legislative Audit. With diminishing state resources and the concomitant necessity to review priorities, it may be appropriate to present this issue to the Legislature for review. The division, however, has not completed any objective analysis of whether or not the requirement is

November 20, 1986

necessary to achieve its purpose. Such an analysis would more appropriately be left to a disinterested agency.

Re: Recommendation #3

Response

As recommended, the Intake Manual will be amended to make specific reference to girlfriends and boyfriends as examples of regular household members.

The manual language will clarify expectations with regard to re-interviewing the reporter of abuse or neglect. If the report is made directly to the division, and not through a second party as in the Fairbanks situation, and if the screener accepting the complaint follows current division procedures regarding information which must be ascertained to initiate an investigation, it would be an unnecessary duplication of effort to re-contact the reporter before beginning the investigation. Re-contact certainly should occur if new questions arise as the investigation proceeds. . . .

Re: Recommendation #4

Response

The division has recently completed a two level review of office procedures. As a result of the Regional Review, the following measures will be undertaken to improve weaknesses identified.

1. Reports of Harm

In order to ensure timely reporting to the Department of Law, the Juneau office has instituted a system where need for filing a Report of Harm is noted in the supervisor's intake report log along with the date the reports should actually leave the office. As an additional check, the actual "Report of Child Abuse" is routed through the supervisor. The date of the report is noted in the log and distributed.

2. Messages and Case Information Systems

A new "on-call" or night-intake message distribution policy was initiated in June of this year.

The "on-call" worker not logs all contacts in narrative format and includes the date and the time of the call. These reports or logs are then given to the supervisor the next working day for review. The log notes are then reviewed by the supervisor, and any further needed action is taken.

A review of the case filing system is also underway to ensure more timely filing of messages and other case documents and to ensure ready access to all recent information for staff who might be working with the case.

3. Weekly Intake Planning

The Juneau office has initiated a weekly intake planning session in order to further ensure that various messages and contacts are provided to the appropriate staff. All Reports of Harm are reviewed to ensure appropriate and timely action and efficient communication between workers.

State Office also conducted an extensive review of the Juneau office procedures which will result in broader recommendations for possible redistribution of workload for some positions and methods to enhance communication between the regional and the field offices.

A major finding reconfirmed the need for additional staff resources in the Juneau office. A plan for emergency transfer of an existing Social Worker III position in another part of the state to Juneau is being considered to assist with the workload until a new position can be made permanently available to the Juneau office.

Re: Recommendation #5

Response

In the past several years, the division has taken a very active role in public education. Two years ago

November 20, 1986

the division received a grant which allowed development of a statewide campaign to improve identification and reporting of abuse and neglect by the general public. Sixty thousand brochures were printed and distributed to all professionals required to report. The brochures were designed to address the individual needs of the various professional groups. Television and radio spots were produced and aired, with the goal of increasing public awareness.

The division has also received funding for another year to continue statewide education of medical providers in the identification, diagnosis, and reporting of child abuse and neglect. The training provided this year was very successful, and the division agrees that continued efforts to educate the community about child abuse and neglect are very important. However, these efforts are possible only with continued funding made available specifically for training purposes and, therefore, state and national support is necessary to support such activities.

Re: Recommendation #6

Response

The manual section regarding procedures for receiving a report of harm will be revised to include this recommendation.

I intend to further review the director's response, and give additional consideration to the issue of confidentiality. I will then advise you whether I will close the case or take further action.

If you have any questions, please call me.

Sincerely,



Robert Walton
Acting Ombudsman

RW:jjb

Enclosures: AS 47.17.040
7 AAC 36.020
7 AAC 36.060
21 AAC 20.360

Alaska State Legislature

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Labor and Commerce
State Affairs
Special Committee on
Telecommunications
Finance Sub-Committee

Minority Whip

Representative Virginia M. Collins

October 9, 1986

Steve Cowper
P. O. Box 10-0019
Anchorage, Alaska 99510

Senator Arliss Sturgulewski
4417 Old Seward Highway
Anchorage, Alaska 99503

Dear Mr. Cowper and Senator Sturgulewski:

Recently, I held a public meeting on Child Protection Laws in Alaska. The meeting was held at the Anchorage Legislative Information Office and was attended by over 100 concerned citizens from the Anchorage area as well as officials from the Division of Family and Youth Services and Attorney General's office. The purpose of the meeting was to gather information from DFYS and the general public on the effectiveness of Alaska's Child Protection Laws.

Enclosed for your information is a transcript of the meeting testimony which I think you will find very revealing. After reading the transcript, I'm sure you will agree that Alaska's Child Protection Codes may require a thorough review. That is why I am requesting that you make this issue a major consideration for your administration, in the event you are elected Governor.

Specifically, I am requesting your new administration make it a top priority to re-establish the Children's Code Task Force to review and make recommendations on state statutes, regulations, and policy dealing with runaways, juvenile waivers, housing for juvenile offenders and child sexual assault.

I appreciate your taking the time out of your busy campaign schedule to review this information. I look forward to your thoughtful consideration of my request and plan on contacting you again during the early days of your administration.

Good luck on the campaign trail.

Sincerely,



Representative Virginia Collins

Enclosure

cc: All State Legislators
Public Hearing Attendees:
Sharon Nahoney
Janice Lienhart
Karen Heiman
Joyce Walter
Lorri Boe
Tom Benson
Gladys Thompson
John Liska
Mr. & Mrs. William Cathers
Bob Griswold
Dick Illias
Loyd Walter
John Sivertsen
C. Sivertsen
Julie Taus
Diana Bement
Sue Harris
Catherine Stadem
Rob Wood
Elizabeth Kennedy
Sally Mead
Jeanne Winjum
Sande Csaszar
Maggie Mulhand
Helen Ormsby
Brunhilde Eska
Laurie Anderson
Thelma Langden
Charles Richner

Mr. & Mrs. James Troy
Mary Spellens
F. Millett
John M. Dahlen
Tom Barth
Sandy Ringstead
Joy Daniels
Ella Craig
Rob Walton
Frances Miles
Mrs. Doran Cosby
Andrew Lunn
June Maco
Bill Quinn
Linda Radspinner
Joyce Settler
Robert Sutter
Robert Cole
Mark Riehle
Thel Davis
Rosalie Nadem
S. Keane
Alicia Iden
Lisa McLernan
Brent Gazaway
Janet Kowalski
Jeanne Johnson
Marj Hall
Bruce Melzer
Cecelia Kleinkauf

CHILD PROTECTION LAWS
Public Meeting
September 23, 1986

REPRESENTATIVE VIRGINIA COLLINS opened the public meeting by explaining that during the last two years, she has received a considerable amount of information and complaints about a number of departments. Of all the complaints she has received, most of them seem to focus on child protection laws and problems associated with them. Common among complaints from constituents have been charges that our child protection laws become too involved in families, take children away from the home and disrupt the family and, on the other hand, child protection laws do not allow children to be removed from their families and are kept in situations where they're abused over and over. After looking at all the information, Representative Collins questioned if the State Child Protection Laws are meeting the public's expectations and legislative intent. She went on to question whether DFYS had been given a charge that they cannot meet. She stated she called this meeting with the assistance of DFYS for the purpose of obtaining general public input on the problems confronting Alaskan families and how the system is dealing with them.

PAT KENNEDY, Attorney General's office, provided an overview of the child protection laws. There are several instances in which the State is allowed to intervene in the family in terms of child protection. They include some of the following:

1. When a child is evading the custody of the parent, a runaway.
2. When the child is abandoned by the parents, throw aways or castaways.
3. When the children have no one capable of caring for them, perhaps when a parent is incarcerated, placed in API, or for some other reason disabled.
4. When there is physical abuse either created by the parent or by conditions created by the parent.

5. When there is sexual abuse, either of that child or substantial risk that that child will be endangered from sexual abuse. Sometimes that means if one child in the family is sexually abused, the rest of the children in the family can be taken into custody on the grounds that they might become sexually abused.
6. When a child is not receiving medical care which is necessary for its health or safety.
7. When a child is in danger in some way such as, suffering from neglect, psychological abuse, emotional abuse, etc.

Ms. Kennedy went on to explain that when they take physical custody of a child away from a parent they are required to file a petition in court within 12 hours of taking custody and to go into court within 48 hours of that time to appear before the court and show cause why they should be allowed to continue that custody. The one exception is runaways because since runaways tend to run away for a variety of reasons, some of which are good and some of which are bad, they are allowed to take an extra 48 hours to try and get that child placed back into the family without attempting to go to court to tell them why they need to take physical custody.

There is a right to have an attorney for every parent involved in a child custody proceeding. They may request an attorney be appointed to represent them if they cannot afford one.

In Title 47.17, there was a mandatory guardian ad litem statute passed. If a child has been physically abused, sexually abused, or neglected, that child is entitled to its own guardian ad litem, a person appointed by the court separate from the Department of Health and Social Services and the Public Defender's Office. That person speaks for the best interest of the child.

The court has the authority to do one of three things: (1) keep the child in physical custody up to two years; (2) release the child to a parent, guardian or other person with or without supervision; or (3) terminate parental rights. In order to do that, the state must advise the court and give everybody notice.

The most complaints that she hears from parents are about the runaways because parents say that the state

encourages runaways by taking them in. The Department of Health and Social Services has two charges by statute. One of them is to reunite families but the other one is to make sure the children are safe. If a child is on the streets, it is not safe.

SUE HARRIS, Division of Family and Youth Services gave a brief overview of the services and responsibilities that the Division's Social Workers have. Her Division is responsible to investigate all cases of abused or neglected children and take whatever action is necessary to protect those children. It may be crisis intervention, providing services to the child in the home, or it may be necessary to involve the court and petition for custody to place the child outside the home while they're working with the family so changes can occur so the child can be returned safely. If the child is in immediate danger, then the Social Worker can take immediate custody and follow up with a petition to the court.

Ms. Harris outlined the broad range of duties and responsibilities that confront her Division and Social Workers. Due to their shortage of clerical staff, Social Workers have to do much of their own typing, filing, filling out invoices, etc, which takes their time away from case work. In December of 1985, they opened 140 new child protection cases as compared to 93 cases in December of 1984. In April of this year, they opened 279 new child protection cases compared to 144 the previous April. The number of court cases has also increased proportionately and that is indicative of the number of severe abuse and neglect situations that are reported. Those cases have increased 35% over last year and 65% over 1984. As an example, during the first half of September of this year, they filed 33 new cases with the court as compared to 18 for the full month of September last year. Altogether, they have just over 3,000 open child protection cases in the Anchorage office, approximately 500 licensed facilities, and about 250 adult protection cases, for a total of a little more than 3800 individuals or facilities that they are responsible for in Anchorage. They have two positions that are responsible for taking all of the reports, providing information and referral, crisis intervention with runaways, and out of town support services for youngsters from other areas of the state that are in custody. After hours, they have two workers who are responsible for any emergency coverage between

4:30 p.m. and 8:00 a.m. and 24 hours a day weekends and holidays. They currently have 11 Social Worker positions vacant in the Anchorage office.

One of the problems in Anchorage is that although budget deficits are distributed state-wide, any personnel deficits end up having to be taken out of the Anchorage office. There is an over-extension of supervisors as well as the staff. Each of the Anchorage supervisors is responsible for 9 to 11 staff as compared to the national standard of 1 to 5 for child protection ratios. The staff pressures are enormous. A wrong judgment can mean permanent damage or death of a child.

REPRESENTATIVE COLLINS opened the meeting to public comment.

JANICE ^{L. COLLINS} SIEBART, Victims, testified that her parents were murdered a year and a half ago by a 15 year old girl. Ms. Siebart is very concerned that youngsters are not held accountable. Juveniles think they can kill people and, at the most, get sent to McLaughlin and get out when they're 20. Per the Alaska Supreme Court Statute, the police are not allowed to fingerprint or photograph young people. Yet, over 50% of our burglaries are done by people under 18. When youngsters get into the felonious phase, they have to be accountable.

The Alaska Statute also excludes the public from children's hearings, but when a person does this type of crime, it's very important for the victim to know what's going on and it is equally important for those young people to have to face up to the people they hurt. When our protection doesn't help us and it doesn't help them, it isn't working. Somehow, our laws need to be made so we can have the same rights as the criminal but our justice system somehow gets out of balance in these areas.

She would like to see Alaska have a central runaway screening place. If a runaway child could immediately be counseled with the family, this would really have a positive effect but it's impossible for the Department to do that. If a private group could get together with businessmen, it's a community problem that deserves our support. It would protect the public as well as the young people.

LORRI BOE explained the problems she's having with reporting sexual abuse of her four year old son. He's had to repeat his story to DFYS, to a private therapist, to a court appointed investigating therapist, to the Anchorage Police Department, to DFYS again, and he's still seeing a private therapist. She asked why he has to go through so much, repeat the same thing over and over, and no one will believe him.

PAT KENNEDY, Attorney General's office, responded that when there is sexual or physical abuse, two cases tend to run parallel, a civil case and a criminal case. It's confusing and suggested Ms. Boe should speak with a lawyer about the different kinds of evidence.

LORRI BOE also asked why it has to be such a lengthy process and have so many steps. It took nine months for Anchorage Police Department or anybody to understand.

SALLY MEAD testified that she works with a community based group that is involved in the delivery of services in cases of child abuse and neglect. She stated that there is a tremendous need and that, traditionally, services have been limited. That's part of what is contributing to the problem. She discussed the idea of a continuum of services including not only DFYS, Department of Law or the Police Department, but also provide provision for treatment kinds of services to these families. We need to look at the continuum as a whole; prenatal care for children, pregnant teens, runaway population, life skills, removing children from abusive homes and helping their parents. When we look at just pieces of it, we tend to break up the service delivery system and not have an impact on the whole problem. This is reflected in funding when, as an example, choices are made between child protection or day care assistance. She recommended that we need to look more at comparing services for children to other major areas, i.e., hydroelectric projects, and our priorities need to be looked at on those levels.

She offered a report that was produced through the Municipal Child Abuse Task Force that met over a year and a half period. This report was produced by a committee that was looking at the continuum of services in Anchorage. In terms of actually meeting the need that presently exists in Anchorage, it outlines what it

would take in terms of staff and money to meet the total need.

JOHN LISKA testified that he feels that Social Workers must be open minded in the problems that come before them. He fully recommends that all Social Workers be licensed. Abuse should be more specifically defined in Title 47. The Title should be revised to include what the parents' rights are and what the children's rights are. There should never be a cloud of doubt held over honorable parents that are trying to raise their children right.

He also explained the original intent of the runaway children's bill. He recommended that the legislature screen things out and get to the bottom of the problem before more parents are damaged and it's not their fault.

WILLIAM CATHERS testified that he has a daughter who is "playing the system." She decided that she didn't want to stay with her parents because they were "too rigid" because they made sure she obeyed the rules of the home which were very modest. The state now has temporary custody of their daughter and during that time, they have not received any support from Health & Social Services; in fact, they have worked against them. He doesn't feel that Health & Social Services knows where is daughter is at all times. During the time she was in their home, they knew where she was. He stated that there is a severe problem in our system and it must be dealt with very quickly because the kids have a support group out there that tells them, "I did it this way, here's how you do it." Health and Social Services, as well as the Attorney General's office, "pounce" onto a situation where a child can speak. A child that cannot speak if they have a problem within their home, ends up back in the home to the tune of more abuse.

BOB GRISWOLD, Director of Alaska Children's Services, which provides residential services for children who are brought into state custody, testified that until we find some ways to meet the needs of children in the State of Alaska, we're not in a position to criticize very greatly the Department of Social Services. We are in the face of an epidemic we ought not to have been surprised about. We know enough about the dynamics of

families to know that when the stresses go up, and certainly they go up in economic downturns, then we'll get a lot more cases of abuse. We need to get a shift in the psychology in the legislature in Alaska to where we understand that when economic downturns occur, some programs have to be funded more heavily. He also mentioned that we need a commitment to standards: caseload standards, supervision standards, foster care support standards, residential facility standards, etc. All these standards need to be set and a commitment from the state to follow through on those regardless of what the economic situation is. There has to be a commitment to certain levels of care for children.

LOYD WALTER testified that he feels Social Workers are not doing a proper job. They are separating children from their families and doing it on the basis of the word of willful children. There are cases of abuse that need to be taken care of but they are not looking into these cases properly. They're not following the law as he understands it. It seems to him the Department presumes to impose a type of social order that he doesn't believe is even suggested in the law or is normal to the average citizen. He knows of five different cases where children are not being looked after. He explained how his step-daughter was taken from the home on her complaint that she had been abused. They did not investigate what had happened beyond the child's word for four months. They destroyed a home that could have taken care of this child. He knows four other similar cases and thinks something needs to be done. The law is basically good but it's the application and misdirection by the Department that needs to be fixed.

JOHN SIVERTSEN, attorney, testified that child abuse is the most rarely discovered of crimes and among the least likely to be prosecuted. The survivors of child abuse grow up to inflict society with juvenile crime, drug and alcohol abuse, juvenile prostitution, and even suicide. The situation cannot be remedied until we take a candid look at the problem. First, child abuse cuts across all social, economic, cultural and ethnic lines. Child abusers are not all sick people who require treatment. They probably fall into three categories: (1) parents who are simply inadequate; those who have not learned how to be parents; (2) parents who are, in fact, mentally ill; those whose mental disorders prevent them

from reaching minimal standards of parenting skills; (3) parents who are "evil," who sexually and physically exploit their children for profit and/or pleasure. Finally, child abuse is a crime. It may be a social problem or a mental disorder or a family dysfunction, but it's always a crime. We must stop tolerating these sorts of crimes. There are changes which could be implemented relatively immediately and would not cost an excessive amount of money.

All reported cases of child abuse should be investigated by professionals trained in fact-finding. It's time for Social Workers to learn some of the skills of a criminal investigator. Attorneys representing the government agencies must similarly be trained as prosecutors.

The current system of using the same Social Worker for simultaneously protecting the interest of the child and rehabilitating the parents must be replaced by separate teams. If needed, legislation must be changed.

A child in danger must be protected. Only when the safety of the child is assured can we begin the process of working with the abuser. This could mean removal of the abusive parent from the home and not the removal of the child.

Children have a short life as a child. We can no longer permit the endless cycle of removal, so-called rehabilitation, return to the family, continued abuse, removal, and more rehabilitation, and so on. This process goes on right now until the child either grows up or the parent commits a more serious assault on the child.

We must impose standards of parenting.

Confidentiality of child abuse proceedings must end. All must be held to strict standards and given a chance to reform.

Social Workers should be psychologically screened as are policemen.

We must know our resources and establish amount of tolerance; all people cannot be changed.

THELMA LANGDEN part-time Project Coordinator for the Child and Family Advocacy Project, a special program of Alaska Children's Services located in Anchorage, testified about her concerns that children and families have no one who is an advocate for them nor do they have an ombudsman to whom they can turn who is specifically assigned to be concerned with their problems. The Department of Health and Social Services does not see their role as that of an advocate. The only way they become an advocate is when something occurs as serious as the current situation of child neglect and abuse cases soaring in the last 8-1/2 months. She also pointed out that in the child abuse and neglect report to the Governor in September 1984, the Department of Health and Social Services pointed out very clearly the problems they were experiencing in serving the increased number of cases and the need for additional well-trained staff to respond to the increased need for services. Again, in an addendum to the report in January 1985, it was clearly stated the need for additional staff; 39 additional Social Workers were needed. The Governor's budget request was for 13-1/2 additional Social Workers. This staff increase was based on 50 clients per Social Worker. The recommended standards by the Child Welfare League of America is 20 families per worker; the American Humane Society recommends 20 to 25 child protection cases per worker, so it seems that our case workers in Alaska are expected to carry a very heavy, if not impossible, load.

Another area of concern to her is the preparation of the state budget. Each department prepares and submits to the Governor their budget for the upcoming year. When she served on the State Board of Education, they had the opportunity of reviewing that budget before it went to the Governor but for the interested citizen of the state, the opportunity to review the budgets of the various departments is not possible until very late in the budget preparation process. This past legislative session, the public teleconference held very late in the session on May 4, demonstrated that the public does want to be apprised early on as to the philosophy behind budget decisions and the rationale for cuts to some programs but not others. She feels that Alaskans do not know for sure what the commitment of the Executive and the Legislative branches are to the well-being of children and families. In 1972 an Office of Child Advocacy was created by statute to serve as an advocate of children and families. In 1977, the Legislature chose not to fund the Office so,

consequently, it ceased to function although the statute is still on the books.

She concluded by saying that she is very concerned about the total well-being of Alaskan families and asking what the state's commitment is to our families and children. How do concerned citizens and those involved in caring for troubled children and families get their message across to the appropriate decision-makers.

MARY SPELLENS testified that she is the adopted mother of a child who was severely abused in early infancy. She adopted through DFYS. She stated that she does not believe that DFYS under the way it is currently functioning, should be allowed to place children for adoption. When her child's behavior began to break down very severely, she took him to DFYS since she had adopted him with a subsidy for emotional disturbance and felt they were the logical people to go to for help. She got a very serious diagnosis from DFYS and at that point, the only way out seemed to be residential treatment. Her experience with DFYS was so intolerable that she would not like to see an innocent person put through what she was put through. She felt she was tormented and lied to by them. She returned a call to DFYS on a Friday morning and they said, "We're tired of screwing around with you. We're coming to take that kid away." They were going to take him on Monday morning at 9:00 against her will into a treatment facility that neither his therapist nor she thought would do him any good. She had spent her money over the summer on extra help for her child so by the end of the summer, he was doing pretty well and did not need a residential facility. It turned out, through her contacting lawyers, that they "cannot just come in take your kid." If she hadn't contacted everyone she knew who could help, she could have lost her child. She summarized by saying that her child still has no help; she has a terrible diagnosis and nothing is being done for him; and as far as she can see, nothing will be done unless we get this program called Kaleidoscope because, according to DFYS, although what he needs is relatively simply compared to the \$55,000 a year treatment facility they want to put him into, there's no way to organize it to get it for him. They just can't do anything about it. When Kaleidoscope comes along, that is a program that is supposed to organize services specifically directed at a child. Meanwhile,

without that, she says anybody who adopts a child from the state of Alaska had better have a real deep pocket for lawyers.

THEL DAVIS, Executive Director/Program Director from the Alaska Coalition to Prevent Shoplifting, and Director of the Juvenile Anti-Shoplifting Program, and retired school principal, said that there are three agencies that she would like to commend on the mammoth job that they do: DFYS, Alaska Youth Advocates, and Alaska Juvenile Crime Commission. She commented on what she hears the juveniles telling her what the problem is. They have indicated that when they sense abuse or perceive that there is abuse in their family, they have no safe haven to go to -- no non-threatening place where they and their families can go before the anger reaches the crisis stage. For instance, if a father and a son are having problems talking to each other, before it becomes a real crisis and abuse takes place, there needs to be a safe haven during the daytime where the children can go. This safe haven should not be called any threatening name, it should not have any police or legality connected with it, but it should be a social service center where the child and his/her parents can go and have an opportunity to talk. She feels that there does need to be a runaway shelter that is not threatening.

GLADYS THOMPSON, Social Worker, testified about her concerns with a number of issues. Child protection laws do not protect as long as there is no law in this state which makes running away illegal. Other states do have laws making running away illegal. Alaska seems to be hung up on it being against a person's civil rights to detain him unless he has been adjudged to have committed an illegal act or unless he is in danger to himself or others. It does not address the need for protection of these individuals. Juvenile is defined as psychologically, physiologically, and intellectually immature. It does not address the danger to him from others because of this psychological, physiological and intellectual immaturity. It is time the law be changed. A runaway is frequently an unhappy, emotionally upset, dependent juvenile who is possibly also physically or sexually abused. The juvenile also may be a school dropout or well on the road to becoming one. Often the parents are frantic having tried every avenue available to them, including psychiatric

counseling for the juvenile and the family. But a person who is on the run cannot be treated. He can just run, hide, lie, get sick, and not get proper medical care when he needs it. Sometimes he is lucky and finds one of a string of safe havens on a very temporary basis and he gets some care. Meanwhile, the police have been alerted to the child being missing as parents, friends, and relatives, as well as social service and other agency personnel keep looking for him. When he is found, he may refuse to return home so is placed in an unlocked shelter with caring people who try to reach him. If he is amenable to counseling, half the battle is won. And, if he has a loving, cooperative family, the rehabilitation of the juvenile may work. If he comes to the attention of DHSS, he may be able to be placed in a temporary foster home, a local institution, and receive other services that an agency can provide at a given time but many children and youth cannot be reached in this open environment. They may have come with longstanding and very severe emotional problems. Their families may not be loving and supportive and the youth may have become verbally and physically aggressive as a result. They need time and so do their families in order to heal the emotional wounds with treatment and specialized school programs. In order to do these things, a juvenile must be in a situation he cannot run from. In her opinion, this could be called a prevention rehab center. A facility for dependent and neglected children which would contain locked quiet rooms for temporary isolation when a juvenile becomes overwrought and unmanageable is desperately needed. It could use many of the services now offered at McLaughlin. Prevention is needed so our dependent and neglected children can be treated at least as well as those who have broken the law.

DFYS needs many things: an increased and outgoing visible public effort to obtain new foster parents and the training which these parents receive should be at least modeled on the ways the Youth Services Department trains their foster parents because they can seemingly deal with many more anti-social and aggressively acting out children. They need many more trained Social Workers with lower caseloads, many more trained supervisors, and much more clerical support. At the present time, the Department does not need decentralization at a time when there is understaffing and an austerity program in place. When the size of the staff is sufficient to do intakes, sexual and physical abuse, permanency planning, and ongoing family

case work, then, the agency could definitely go back to some type of home-based program which they have had and was quite successful. Another problem is when things like TASC get unfunded. Even when it was funded, dependent neglected children could not be taken care of there. The only children that were screened there were children who had committed crimes. Therefore, if you suspected that a child was getting into this sort of thing, a parent would have to take the child to a hospital or some other medical facility that was doing UA's.

MARJ HALL, Alaska Juvenile Crime Commission, testified that the primary problem they see is the runaway population. About a year ago, John Walsh, the father of Adam Walsh, was invited to Anchorage to make the problems of children visible and to discuss these problems with the legislature and, at that time, they did get a lot of visibility with the legislature. They looked at a lot of child protection legislation; some of which passed and some of which did not. Some inroads were made but unfortunately, the problems seem to be outrunning the solutions in virtually every field of juvenile problems. John Walsh will be coming back in October to again address the problems of runaways and what happens to our kids and why Anchorage, Alaska, needs to look at this problem not only from the standpoint of protecting children and the runaways but from the standpoint of protecting the public against what happens to runaways when they become street people. According to their research, Anchorage has four times more runaways than the average city of the same size nationally. According to the last survey on drugs in schools in Anchorage, 34% of our juveniles graduating indicated that they had had some use of cocaine. The national average that same year was 12%. Many of the kids that they get fall through the cracks, there's not even a place that they fit into. Because Social Services a lot of times must prioritize those kids that they think they can help, a lot of the other kids that are much farther down the road and much more trouble to society kind of fall through the system until they have committed enough crimes to get involved with McLaughlin or probation.

She hears from a lot of people that we don't have the money to take care of this problem; however, if our roads fall apart, if our libraries fall down, it's not going to make any difference if we haven't solved the

problems of the children at this state. We must look at what our assets and funds are and we must prioritize those funds based on what our real needs are. Our real need in Anchorage is to take care of the problem of drug-addicted, runaway street kids, of exploited and abused children because if we don't, we have nothing left.

REPRESENTATIVE PHILLIPS agreed that we need to make children our priority but the practical problem with the legislature is the concentration. As soon as something gets passed, the legislature gets distracted by other pressing issues.

THOMAS BARTH testified about his problems with DFYS and their failure to check into the living conditions and care of his daughter. They did not thoroughly investigate with individuals as they were court ordered, and they have not provided the medical attention as the court has ordered. He feels there is no check and balance in our current system. There are no follow-ups on complaints though he has supplied the DFYS with names and phone number. They protect the system, not our children.

REPRESENTATIVE COLLINS asked Pat Kennedy of the Attorney General's Office to explain the juvenile confidentiality law.

PAT KENNEDY provided a brief explanation of the confidentiality law. There are two or three parts to it. One is in 47.10 which is the Child In Need of Aid statute, and requires that anytime a child is under the age of 18 and has a court case, all persons to that case are required to keep that case confidential. If the child is a delinquent, at the age of 18 or 19 or whenever they leave the system, that record is sealed and is only open for good cause shown. All parties to a children's proceeding, and that would include the Attorney General's office, the Department of Health and Social Services, the guardian ad litem, and anyone else, are bound by the confidentiality statutes not to talk to someone who is not a party to that action about any part of that action. We can talk about how the process normally works but cannot talk about the facts of the case or about where the case is in the process.

47.17, the reporting statute, does allow release of information to other governmental agencies which have a child protective function, that is, release to police officers, S.I.D., people like that but, in general, they cannot talk even to legislators. However, the child himself has the ability to release information and since there is in most cases in Anchorage at least, a public guardian appointed to represent that child's best interest, it may be possible if that guardian on behalf of the child, waived the confidentiality requirement for the child to a particular person to release some information. To the best of her knowledge, that doesn't happen very often.

CHARLES RICHNER testified that most of the public is not aware that any child, at any time, in any way they want to, can refuse to go to their home. Most people think that if they go to the police and things are alright, the child will come home but that is not the case. A child can stay away from home for no reason for as long as they desire and the state will not only allow it, but will support it. Unless this is changed, he thinks we're fighting an uphill battle in dealing with runaways and children that are having problems with their families. There is no incentive for them to return home.

He also commented that the standards of abuse are treated differently in the private sector and in the public sector. He knows of a person who was charged with two counts of child abuse for having two children with him in a vehicle when they were caught DUI. A measurable risk to the children, there's no doubt about that; however, I think we're throwing our net a little bit wide. In the same state and in the same city, a foster home is providing a place for a 15 year old to smoke. When objection was raised to the court, it was completely ignored. He feels there is significant risk in both instances and if you're going to do one, you must do the other.

He said that although there is talk of a lack of funds, some of the funds are not being spent very wisely. In particular, the clothing allowance for children. His family was available to provide clothing; they gave all the clothing that was at the house for their 15 year old daughter to the foster home but, yet, the minute she was taken into state care, several hundred dollars in the form of a voucher was given to her for her to go

spend in whatever store she chose for clothes. This money could have been used for a much better purpose.

In his case, all parties involved agreed that their daughter and family needed help. They went to counseling that afternoon; their daughter didn't make it to counseling until a month later. The parents offered to provide that but were refused. They were told that it had to go through the court and there was no way they could speed things up. He doesn't see where immediate needs are being met. He feels we're falling short on the details and we're getting bogged down with "this is how we interpret the law so we're going to get you."

JANET KOWALSKI, Director of the Abused Women's Aid in Crisis Program which is a domestic violence agency, testified that she's heard a lot of people talk about putting families back together and she offered some suggestions in terms of making it easier for the kids to return home. She addressed the problems of the parents. Currently, this meeting is focusing on DFYS but there is also input from the correctional facilities here in town, the Public Safety Department, the court system and private nonprofit agencies which provide counseling and referral services. One of the things that is frequently overlooked is that the Division's primary mission is to investigate and monitor cases. They do offer treatment through contracts with private nonprofits but the emphasis on prevention and treatment with the Division is minimal. In terms of staffing and their requirements, they simply investigate and monitor and that leaves some pretty big gaps.

Basically, we have two kinds of parents: offending and non-offending. It's all too easy to focus in on the offenders and say we have these child abuse laws, let's get these people into jail. Is the law to protect the kids, to make families safer, or to remove the offending parent from the home. Looking at current presumptive sentencing laws for child abuse, there is absolutely no incentive built in for treatment. People simply serve their time, get out, and come back home, sometimes to re-offend.

When an offender is put in jail, the family is broken up. When the offender comes out of jail, if the family is put back together, they have not been provided with the skills that they need to improve their behavior.

If the value is in keeping families together, the entire system needs to be looked at.

It is very frustrating for her staff, as a shelter, when they deal with the Division because when things are reported, people may be in the shelter only overnight, so even if the Division calls back the next day, they may not be able to locate a family. As children are focused on, she asks that parents also be focused on to be sure they get the support, especially the non-offending parents, so that as we try to make a system that puts children back with their parents that they're simply not going into the same situation they had before the state began to interfere with the family. She'd like to see more support for programs like the Volunteer Guardian Ad Litem Program that OPA is trying to put together. It's a group of concerned people in the community who are meeting on their lunch hours and putting together a program to provide representation for children in court and currently they're using VISTA volunteers and it's not costing anything.

BOB SUTTER testified that he has two daughters that are part of the system. There are two kinds of kids; those that have offending parents and those with non-offending parents. The non-offending parent has a heavy load put on them by the system. One of his daughters has recovered to a large extent from chemical dependency and the other daughter is very much in the problem right now. The system doesn't recognize this child is having a problem. What happens is when these children get into the system, they lie very well and the system says, "oh, you poor little baby." The system needs to find out and recognize chemical dependency and differentiate between a child who is in an abused home and a child who is an abuser. Legislative action is needed as a priority.

CECILIA KLEINKAUF, Chair of the Department of Social Work at the University of Alaska, Anchorage, testified that she feels the issues being dealt with today fall into two categories. One is issues with the laws and the other issue is with the system. She recommends consideration by the legislature of the reactivation of the Children's Code Task Force. She was a member of that Task Force from 1973 to 1975. The charge given to the Task Force, which was jointly appointed by the

legislature and the Governor's office, was to review all the statutes related to children, to recommend revisions, updates, coordination, etc., in those statutes and that was done. It resulted in, at least partially, what is loosely referred to as a children's code. It's time that that is done again.

She feels Alaska needs badly to establish and maintain caseload standards for the people who work at the Division of Family and Youth Services. She advised the Legislature that a couple of other states have mandated those caseload standards now by court order. Alaska certainly faces that potential way to resolve this issue as well and she would like to see us beat the court to the punch. Standards of training and education for the people who go by the title Social Worker desperately need to be established and maintained. Many of the people who use the professional title Social Worker are not trained Social Workers. The State needs to establish and maintain those standards.

REPRESENTATIVE COLLINS stated she felt pretty overwhelmed. She had worked with several people in her district who were having problems with the system and the child protection laws as they are implemented and her reason for calling the meeting was she thought the problem might be greater. She hoped by having this meeting it would bring out some of these concerns. She is going to send a transcript of today's meeting to Governor Sheffield and also to the two individuals who are running for Governor and try to work with them to perhaps establish a Task Force. She wants to look at the whole issue and deal with it as a whole, not on a piecemeal basis. She agreed with those who had stated that it is more important to provide funding to our social service needs than it is to spend on the libraries. One of her concerns is that whenever times get tough, one of the first places that anybody cuts is social services and that was another reason she wanted to have this public meeting. We've cut back in this area as much as we can and already, to a degree, have wound up harming ourselves and the children we try to protect.

REPRESENTATIVE COLLINS concluded the meeting and thanked everyone for coming.

interview at his office that Soviet observers aboard his vessel never told his crew they were

from the Soviets to take 350 metric tons of tanner crab from Soviet waters, but no permission to

Cutter Midgett in August spent 27 hours aboard the 200-foot Japanese crab boat inspecting its

still being investigated. "There have been no fines levied yet," he said.

crews to stay out of the disputed area until the issue is resolved by the superpowers," Itoh said.

for a more experienced towing company from Anchorage.

She said zoning officer David Brennen had not been assaulted when Rollins allegedly approached Brennen with his outstretched hands as if to encircle Brennen's neck. She argued that Brennen must have been more angry than afraid that day because he never called one of the officers to arrest Rollins.

Assistant District Attorney Rhonda Roberson said Rollins had made his situation "much worse" that day by detonating the simulator.

In seeking a conviction, she relied on the testimony of an expert witness who said the simulator could be lethal and appeared to be in such bad shape it could have misfired before it had been thrown away.

Judge declines case, sends troopers' defamation suit to jury

JUNEAU (AP) — A defamation lawsuit against former KINY radio news director Joe LaRocca by three Alaska state troopers should be decided by a jury, a Juneau Superior Court judge says.

Judge Walter Carpeneti last week denied a motion by LaRocca and the owners of KINY to dismiss the lawsuit.

Carpeneti said that before dismissing the case, he had to weigh the evidence in the best possible

light for the troopers, who charge that LaRocca used "actual malice" on news broadcasts involving the troopers.

"This court concludes that there are genuine issues of fact in dispute from which a reasonable jury could find that Mr. LaRocca published the news stories, or some of them, about the plaintiffs with actual malice," Carpeneti said.

Actual malice is defined by the courts as reckless disregard

for the truth or knowingly publishing a falsehood.

The case involves 23 news reports and updates aired on KINY beginning Thanksgiving Day, 1984, and continuing the next three weeks.

LaRocca told the story of Juneau resident Michael Cobern, who was involved in a traffic accident with a troopers car driven by Robert Cox.

LaRocca said Cobern was cited by the troopers even though

nine witnesses said the automobile accident was caused by Cox. LaRocca also alleged a cover-up of the investigation by several troopers.

Troopers Cox, Sgt. John Murphy and Carl Schramm, all named in the broadcasts, filed a defamation lawsuit against LaRocca the following April. The suit also names KINY owners Ken Wiley, Charles Gray, Earl Reilly and Wallace Christiansen.

In his opinion issued Sept. 16,

Carpeneti said virtually every fact in the case is under dispute. But the judge pointed to claims by the troopers that LaRocca ignored or distorted some facts in his news reports.

"It should go without saying that defendants dispute most of these assertions, and would draw some different inferences," Carpeneti said. "But it is for the jury, and not the court, to resolve such matters."

Family Services overload is a hardship for all concerned

By Catherine Stadem
Times Writer

Neither parents' rights nor children's protection needs are being met by the state of Alaska, citizens who have had dealings with the Division of Family and Youth Services and family court said Tuesday.

An overflow crowd of about 60 attended a public meeting on child abuse coordinated by Rep. Virginia Collins, R-Anchorage. The crowd wedged itself into the Legislative Information Office teleconference room and spilled into adjacent offices. Many people stood in the back of the room during the two-hour meeting.

One of the main problems, said Collins, is that the division may have been given a job it cannot handle.

Collins said she called the meeting because of the many citizen complaints she has received in the last year having to do with child protection.

"We seem to have a schizophrenic approach to these problems," she said. "We either overreact or we don't react enough."

Statistics released recently that show child neglect and abuse cases filed with the court have increased 34 percent over 1985 and 65 percent over 1984. The data was compiled by children's court master William Hitchcock.

Sue Harris, program administrator for the Anchorage region of the Division of Family and Youth Services, told those in attendance that her office is short-

staffed and overwhelmed by the increasing workload.

"We have so little clerical staff, the social workers often have to do their own typing and filing," she said.

Like a double-edged sword, Alaska's child protection laws and agencies may have the effect of destroying parents' rights while protecting children, some testified. Others argued that children's rights should not be secondary to parents' rights.

Tom Barth, a 45-year-old Anchorage crane operator, described his ongoing struggle with the division over the status of his daughter, whom he claims is being continually abused and sexually exploited by her mother and stepfather.

"There is no check and bal-

ance in our current system," he testified. "There are no follow-ups on complaints. I have supplied the DFYS with names and phone numbers, but they chalk it up as me being unstable. They protect the system — not our children."

Other citizens called the "child protection system" uncaring and inefficient.

One young mother, whose 4-year-old son told her he had been sexually abused, complained that there's no coordination between DFYS, the police department and private counseling agencies. She said the child has had to repeat his story over and over again. "Why does he have to go through so much?," she asked. "And nobody will believe him."

The mother said she knows the names of the individuals who have abused the boy, but said the authorities do nothing about it.

Other citizens told stories of teen-age children who seek state protection to avoid normal discipline at home.

Several parents testified that once the state wheels are in motion — for example, if a child claims abuse — the parents' rights are abrogated whether the child is telling the truth or not.

Rep. Randy Phillips, R-Eagle River, drew loud applause when he suggested that the only way the multi-faceted problem could be tackled would be to call a special session of the legislature. A special session, he said, would allow legislators to concentrate on child protection legislation.

John Sivertsen Jr., an attorney who testified as "a concerned citizen," proposed a 10-point plan to improve the state's child protection system.

"The truth is that, for many of our children, the family continues to be the most dangerous place in America," Sivertsen said.

At the end of two hours, Collins said, "I feel pretty overwhelmed." She told the crowd that transcripts of the meeting would be delivered to Gov. Bill Sheffield and gubernatorial candidates Arliss Sturgulowski and Steve Cowper.

She said that citizens unable to testify at Tuesday's meeting could contact her at 276-7943 and she would consider calling an evening meeting.

Anchorage Times
7/24/86

display Saturday at the Anchor- and Art. Sixty-seven of the artist's etchings are on loan from Kunstler Haus in Vienna, Austria. They will be on display until Feb. 22.

Times photo by Douglas Van Reeth

Ball caucus brings big laughs

While the duo, who compose the smallest minority in Senate history, joke about their role in the legislature, it was a bitter pill to swallow when they were first cut out of Senate President Jan Faiks' coalition in December.

"I don't know what their logic was and at this point, I have to settle in and do the best job possible," says Szymanski, a first-term senator who moved up from the House in 1986.

Faiks has declined repeatedly to explain why her 18-member coalition does not include Rodey and Szymanski. "It was a caucus decision," she says.

Some senators have quietly speculated that Rodey was excluded because he was unwilling to cross over and support Sen. Tim Kelly, R-Anchorage, to lead the body at one point during Senate organization.

But there is no explaining Szymanski's position.

"What's new?" Szymanski says, with a shrug of his shoulders.

Despite their outsider status, the two

make the most of their roles as both the verbal — and comical — minority.

"I got any bills you want killed," Szymanski asks a lobbyist hanging around in the Capitol halls. "We'll sponsor them for you."

"That's right, the old kiss of death," Rodey says, referring to the long-standing majority practice of moving minority legislation slowly through the system.

Every morning, Szymanski and Rodey come trudging into the Capitol like two mischievous youths looking for a mud puddle to jump in. Not only are they the entire minority, they're roommates in Juneau.

"It works out great. It's kind of like we're having a caucus meeting 24 hours a day," Szymanski, the minority whip, says. "It's an open meeting, of course."

Minority leader Rodey has his complaints, however.

"He gets this dog before we come down here and it chews up my athletic socks. I expect to be reimbursed," he says.

At which point, Szymanski threatens to
See Caucus, page A-8

Though budget cuts remain inevitable, legislators have gained new breathing room with contract oil prices now \$7 a barrel higher than they were last July and North Slope production up nearly 100,000 barrels a day.

The result is \$50 million worth of more-than-expected income this fiscal year and up to \$425 million more next year.

These brighter prospects have rendered the chances of a state income tax all but dead this year, House and Senate leaders say.

The oil industry, likewise, is almost certain to get the \$139 million worth of tax breaks due it in fiscal 1988.

Barring a sudden change in fortune, \$213 million worth of frozen state construction funds also will be turned loose, a move that would bring \$24 million to Anchorage.

House Speaker Ben Grussendorf, D-Sitka, said there are enough votes in both legislative bodies to put the capital projects on the street and block an income tax. Though many House members still think it's too early to give tax breaks to the oil industry, Grussendorf said a measure delaying them would land in the Senate "dead on arrival."

Senate Finance Committee Co-Chair Don Bennett, a Fairbanks Republican, cautions that the new sense of optimism in the capital is "speculative" because

See Oil, page A-8

Studly box' title

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Index

Alaska Life.....	I-1
Arts/Entertainment.....	I-3
Books.....	D-9
Business.....	F-1
City/State.....	B-1
Classified.....	H-1
Crossword.....	I-3
Dear Abby.....	I-4
Dimension.....	C-1
Editorials.....	C-2
Green Thumb.....	I-2
Horoscope.....	I-6
House of Week.....	I-2
Movies.....	I-6
Obituaries.....	B-2
Outdoors.....	I-1
Sports.....	E-1
Travel.....	I-5
Woodwright.....	I-4

Birthday Game —
page B-2

Social workers carry twice national average case load

This is the first part of a three-part series.

By Catherine Stadem
Times Writer 2/8/87

In the past eight years, the number of children in Alaska receiving child welfare protection services has more than doubled while the staff handling those cases has increased only 67 percent.

Alaska social workers carry twice the national average case load.

Critics call the state's child protection system overburdened and ineffective; supporters say social workers are doing the best they can under the circumstances.

As a result of citizen com-



Protecting our children

plaints, the Division of Family and Youth Services — the agency charged with child protection — will soon be put under a microscope, say two state legislators.

Rep. Virginia Collins, R-Anchorage, and 10 co-sponsors introduced a resolution Jan. 24 proposing the establishment of a

See Child, page A-7.

Child: Welfare workers said lacking in quality, quantity

Continued from page A-1

Children's Law Task Force. Rick Uehling, R-Anchorage, introduced a like resolution in the Senate Jan. 22.

Last fall, Collins took public testimony in Anchorage about the effectiveness of the child protection division. Dozens of people testified about their encounters with the system. Collins' conclusion: "What we need to do is look at children's services as a whole."

If the task force is formed, all statutes and regulations relating to children will be reviewed, she said. She predicted a several-month study and does not expect changes in the laws until 1988.

Legislators are not the only ones who think "the system" is ripe for change.

According to some child protection workers and observers of the system, change hinges on three things: more social workers, better qualified social workers and more accountability.

In Anchorage, about 23 social workers each handle an average of 146 cases — double the national average — at all times, according to Sue Harris, regional program administrator. There are seven open positions in Anchorage.

Harris, a 12-year division employee who began as a social worker, said her agency's major problem is lack of personnel. "If we had what's reasonable in terms of national standards, we'd have twice as many social workers."

A depressed economy does more than create unemployment, Harris said. "When you have people being laid off, when you have economic hard times, the demand for some kinds of services increases rather than decreases. So you get into a double bind in an agency like ours where you have budget reductions and at the same time have an increase in demand for services."

In the eight-year period from fiscal 1978 to 1986, Alaska's child population increased 25 percent and the number getting child protection services increased by 22 percent. This represents an annual average increase of 28 percent, said Frank Hickey, the division's acting director.

While the division struggled to keep pace with the increase since

1978, its staff increased by only 67 percent, Hickey said. Also, during that period, the division was mandated to serve victims of elder abuse, further increasing their load.

Child neglect is the most prevalent reason for child protection services, Hickey said, accounting for 48 percent of the division's work load. Physical abuse cases account for 21 percent, and sexual abuse cases are about 13 percent.

In fiscal 1987, the Department of Health and Social Services budget is about \$31.3 million, which includes \$12 million from the federal government in matching funds. Of that, the division receives \$5 million. And of that, child protective services receive about \$28.7 million, according to Karen Perdue, assistant commissioner of Health and Social Services.

Others familiar with child protection issues say more personnel will not solve the basic problem.

"We used to have a better quality of social worker who understood the importance of family life," said Wayne Anthony Ross, an attorney in private practice with extensive background in family matters.

A Fairbanks critic of the system, Theresa Favero, president of Victims of Child Abuse Laws (VOCAL), also does not think newer, younger social workers are doing their jobs.

"(Some of) our social workers are very young, have never had children, and the ones I have knowledge of have been abused themselves. They are not dedicated so much as they are crusaders."

Social worker supervisor Dolly Coke, in the Anchorage office, is also concerned about the quality of social workers hired by the agency. However, she said she believes educational deficiencies are the root of the problem. "I think it's essential to have people who have gone through basic social work training," she said.

Not all have.

Coke must hire from a state-approved list, compiled by a merit system which scores applicants based on education and experience. This works well, she said. However, this system has only been in effect for about three years. Before the point system, workers without basic education and training may have been hired.

Under the old system, Coke said, "If you were a 45-year-old minister,

you would probably score higher than someone with a brand new master's in social work." Coke prefers hiring only those with a master's degree in social work, or a minimum bachelor's in social work.

As of November, the division employed 139 social workers throughout the state. Of those, 36 have master's degrees in social work; 11 have bachelor's in social work; 75 have other bachelor's or master's; and eight have only a high school diploma.

Once hired into a social worker position — entry level annual salary is about \$26,500 — the employee is generally there to stay, Collins said. "It's almost impossible to fire anybody once they get into the system," she said. "If someone isn't doing a good job now, there's almost no way to get them out."

Critics say accountability is also lacking.

"They (DFYS) have as much power as the IRS. They can do what they want, when they want," Favero said. She would like an overview panel or review board formed for parents and children to bring their complaints.

However, DFYS regional program administrator Sue Harris said the accountability is in place. Oversight from legislators, the state auditor, and the potential for lawsuits is more than enough, she said.

Marge Hall, executive director of the private non-profit Alaska Juvenile Crime Commission, disagrees. "One of the things definitely needed is a control over the programs, accountability."

Hall envisions a commission of professionals who could review DFYS cases "blind." By that she means without the children's identities revealed, which would avoid the statutory mandate to maintain confidentiality.

It is that need to maintain secrecy that gives child protection workers their power, Hall said. "One of the major problems now with all agencies (concerned with children) is 'urfing,'" she said. "urfing" — refusing to share information — is endemic, she asserted.

Monday the series looks at child sexual abuse and examines the mixed messages families get from the criminal courts and social workers.



Times photo by Kim Fowler

Dolly Coke, supervisor, Division of Family and Youth Services, studying case documents. She says she prefers to hire only those with masters degrees.

Family, youth agency can't please all the people all the time

By Catherine Stadem
Times Writer

This is the story of two families whose lives have become entangled with the state's child protection system.

One wants social workers out of its life; the other claims it cannot get the Division of Family and Youth Services to do its job.

Their gripes are typical. It seems that no matter what the Division of Family and Youth Services does or does not do, the agency charged with protecting Alaska's children and families cannot please everyone. The agency is unable to defend itself publicly because of confidentiality rules preventing it from commenting on specific cases.

Maureen Dilley's family was introduced to the state's child protection system about four years ago when one of her children — a 2-year-old daughter — accidentally burned herself with hot water in a bathtub.

"I was under the naive assumption that DFYS would come in and I'd explain," Dilley said. The young mother understood that the hospital where her daughter was treated was obligated to report the child's injury to the state.

Dilley claims the social worker assigned to the case would not listen to her side of the story.

Dilley appeared at a court hearing held to determine if the child had been subjected to abuse. The family had a court-appointed attorney.

"I went to court assuming everything would be fine," she said.

In order not to make waves and to be cooperative with the state apparatus, Dilley agreed to a "treatment plan," which was suggested by DFYS and would entail family counseling. She said she thinks that was her biggest mistake.

"When you agree to a treatment plan, it's like admitting guilt," she said wearily. "Imagine my shock when they told me she was in state custody."

Social workers took the child from the Dilley home. She lived in five foster homes over a two-month period before being reunited with her family.

Dilley felt like she'd been branded as a child abuser. "It's like wearing a scarlet letter," she said.

Now, wiser to the system, but still fighting it periodically, Dilley said she tries to keep calm when social workers call or ap-

Parents' group fights government for family autonomy

By Catherine Stadem
Times Writer

Government intervention in family life is a hotly debated subject in the United States.

A national group called Victims of Child Abuse Laws Inc. (VOCAL) has taken up the battle cry on the side of family autonomy. The organization boasts 6,500 members in 110 chapters nationwide. VOCAL has an active chapter in Fairbanks with about 75 members, said chapter president Theresa Favero.

VOCAL acknowledges many of the laws designed to protect children sprang from sincere motivation and are needed in some instances. But, Favero said, the state often crosses over the boundary between "protection" and "intrusion."

Much of VOCAL's argument is based on a 1985 monograph by Douglas J. Besharov, of the American Enterprise Institute for Public Policy Research, that was published in the Harvard Journal of Law and Public Policy.

Besharov, a lawyer with the Institute and former director of the U.S. National Center on Child Abuse and Neglect, says that society has overreacted to news stories about child abuse and neglect.

"As a result," he writes, "the last 20 years have witnessed a nationwide expansion of child protection programs."

Government agencies, he claims, "have sought to protect all children in possible danger of future maltreatment, as if this were even remotely possible."

pear at her door.

"Once you're in their system, the normal rules of parenthood are suspended," she said. If any of her children forget their galoshes in rainy weather or fall down and get scraped, Dilley said she can expect to hear from a caseworker.

Once branded a neglectful parent, "every one of those events is reported by school nurses to DFYS," Dilley claims.

If it were not so traumatic to the family, it might be funny, she said. One day, her daughter painted red nail polish on her cheeks, then picked at the dried polish until it bled. Someone reported the incident to a social worker, Dilley said.

Another time, her two 9-year-old sons — the result of a blended family — had a fight. One boy told the school nurse his back hurt and explained to the nurse how he had been hurt. It was reported.

Dilley said a social worker interviewed her neighbors and

landlord as a result of that incident.

She finally lost her patience and confronted the caseworker. "Are you planning on going to court with us?" she said she asked. "They said, 'no, but we're concerned.'"

Dilley hired a lawyer who called the division and asked if action was planned against the family. Dilley said he was told no.

Shortly after that, she got a subpoena from the division asking for court-ordered physicals for the boys. She complied. "The physicals (results) came back, 'no abuse,'" she said.

Then there was a court-ordered hearing. Dilley said the agency wanted to call 67 witnesses. The Dilleys were pressured into agreeing to have a "family assessment," which is a report by a psychologist who talks to the parents and the children.

Again, DFYS wanted the family to agree to a treatment plan.

Besharov argues that laws, agency policies and public pronouncements have fostered the idea that children coming in the attention of protection agencies can be protected from future abuse. His thesis is that child protection professionals are so fearful of "letting a child die," they intervene into private family matters far more than necessary. This, he claims, often harms the children and families rather than protecting them.

The system has become overburdened with insubstantial cases, he says, which cripples the bureaucracy and prevents it from responding appropriately — and forcefully — to situations where children are in real danger.

Critics of Alaska's child protection system are saying precisely the same things.

Besharov's thesis is that programs — despite good intentions — set up a self-propagating cycle. When child protection agencies are criticized, "they assert that there should be a further expansion of child protective programs."

Agencies then recommend more frequent and extensive media campaigns to raise public awareness. This in turn increases reporting, which leads to an increase in numbers of unfounded reports.

And so the system perpetuates itself and gets deeper in debt.

Besharov acknowledges that the state has some obligation to protect endangered children. "But in seeking to protect helpless children, it is all too easy to ignore the legitimate rights of parents," he writes.

This time, she and her husband refused. It's currently a standoff, she said.

"I'm not against DFYS per se. We need child protection in the state, God knows," she said. "My basic problem with DFYS is they have too much latitude in what they do."

Dilley — an articulate blue-eyed blonde — has given much thought to improving the system. Her suggestions include: stabilizing funding, having a stricter definition of what constitutes child abuse and holding foster parents accountable for the money they spend on a child. She also thinks anonymous reporting by neighbors — if proven to be unsubstantiated — should make them liable for prosecution.

"I would like to see the system changed so that it works the way it's meant to. You never win with DFYS as it stands now. There's no such thing as a closed case."

Another Anchorage resident has been fighting as hard to get DFYS into his life as the Dilleys

It is accepted in our society that parents have the prime responsibility of caring for their children and have broad discretion in the manner in which they accomplish this, Besharov contends.

Unfortunately, our nation's "social work" response to problems of child abuse and neglect is built on a faulty premise, he asserts.

"Social work, in its purest form, is built upon the client's willing participation in the therapeutic process. If the client refuses to participate, the case is closed."

However, he points out, "in child protective practice" if the parent refuses services or cooperation, then the worker must decide whether the danger to the child is so great that "treatment must be imposed." This can lead to intrusion by the state, culminating in a worst case scenario in termination of parental rights.

Besharov concludes that legal standards — spelling out parental rights and state rights — must be improved. Several Alaska legislators and citizen activists are currently attempting to do that.

But the most important change Besharov recommends is the lowering of expectations about what social workers and judges can accomplish.

By trying to be all things to all children, agencies run a great risk of falling in two areas. First, social workers may intrude on the family's privacy; second, they may overextend themselves and not have time for children who are truly in danger.

have been resisting. Because of the sexual allegations in his case, the 46-year-old longtime Anchorage resident prefers his name not be used to protect his daughter, who will be called "Lisa."

Lisa was 5 years old when Mr. G married her mother. He had known Lisa since infancy and legally adopted her. She is now 11.

His current battle began when Mr. G began divorce proceedings against his wife in 1984 and asked for custody of Lisa. Mrs. G accused her estranged husband of physically abusing Lisa and he was denied custody, although he had visitation rights.

Mr. G said that after the divorce, his daughter confided to him that the man her mother was living with — and eventually married — was sexually abusing her (Lisa).

Mr. G tried to get DFYS and the police involved. The girl was removed from the mother's home temporarily and put in a foster home for a day or two, Mr. G said.

Then, she was returned to her

mother's home. "(Lisa) called me and said, 'he's sticking me in the stomach.'" Mr. G said. He taped that conversation and it was admitted into evidence at a court hearing. An Anchorage police officer testified in court that Lisa's new stepfather had admitted abusing her, Mr. G said.

The state did not prosecute on the grounds of insufficient evidence, although the children's court master ordered that the new stepfather was not to be left alone with the child.

Mr. G had visitation rights and, whenever he saw Lisa, she would tell him that she was being sexually abused. He said he tried to tell DFYS it was a continuing problem, but they would not listen.

"The school nurse turned (a report) in again because of the things Lisa said at school," and DFYS investigated further. However, Lisa would not talk about it to them.

Accusations began to fly back and forth between Lisa's mother and Mr. G. The mother accused Mr. G of physically harming Lisa, and despite Lisa's testimony to the contrary, his parental visitation rights were terminated.

The state had legal custody of Lisa by this time, although she was allowed to live at home with her mother and new stepfather.

The family left Alaska in October 1985, and Mr. G has been trying ever since to get Lisa back to Alaska. The mother eventually separated from the husband who was allegedly abusing Lisa, but Mr. G claims to DFYS his daughter's living conditions remain dangerous.

"I love my daughter and I know I can provide her a better life. And I know my daughter wants to see me."

Mr. G estimates he has spent about \$20,000 on attorneys, investigators and phone calls in the past couple of years. He finally turned for help to Rep. Virginia Collins, R-Anchorage. Collins made some phone calls to the division on his behalf and things started happening.

However, two weeks ago, Mr. G lost the battle. The child — now living in Ohio — was ordered by Ohio social workers to have a psychiatric evaluation. His hopes of getting her away from what he feels is a dangerous environment have dimmed.

"I'll just have to give up," he said Jan. 21 after the final court hearing.

Permanent Fund trustees stay out of

ments over what to do with fund earnings, but they never are shy about enlisting public support for the trust.

Their special meeting in Juneau this week is designed, in part, to draw public attention.

The 530,000-plus Alaskans who get dividends from the fund every year are its constituency, and therefore its best protectors, says Dave Rose, director of the Permanent Fund Corp.

"When you peel it all away, the fund belongs to the people. The legislators, as representatives of the people, should be able to do whatever they want to do if they can justify it to the peo-

ple," Rose said.

Among the ideas legislators are trying to justify this year are:

- Capping Alaskans' fund dividends at \$500 apiece. The 1986 dividend was \$534; next year's payment is expected to be about \$675.

- Making the fund pay back \$442 million loaned or given to it by the state — the interpretations vary — to pay the first dividends. These amounts later were forgiven by an act of the Alaska Legislature. One attorney for the legislature believes the amount could be pulled from dividends.

- Scrapping the practice of

inflation-proofing. Fund directors now plow a portion of its earnings back into its money-making principal to offset the erosion of its buying power.

Some fund defenders say the options are nothing more than thinly disguised raids on the permanent fund.

Sen. Rick Halford, R-Chugiak, said lawmakers could avoid tapping fund earnings by cutting deeper into the state budget, using money from less-popular funds, such as the Railbelt Energy Fund, and by basing their next budget on oil prices that are likely to rise.

"Ideologically, I don't want to

take anyth... nent fund...

But increasingly, he alone.

Other legislators may not be happy about spending fund profits, but they aren't speaking out against the idea, either.

Halford helped spearhead last year's drive to put unspent permanent fund profits back in the corpus of the fund before they could be appropriated for other purposes.

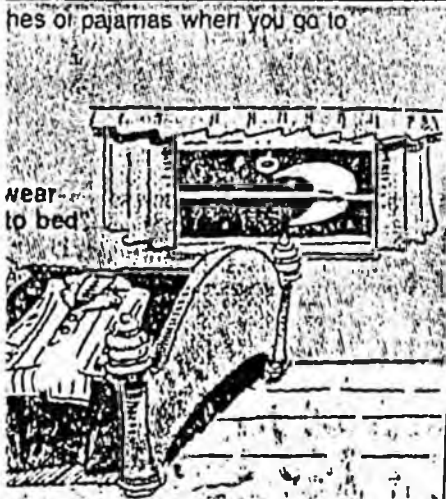
Critics of the plan say the looming deficit has proven them right. Sen. Jack Coghill, R-Nenana, said last year it was foolish to lock away the money when

Releases puzzling

MOSCOW — Newly released political prisoners said they do not know why they and others have been freed in weeks, and hesitated to interpret the leniency as a change in Kremlin policy. Vienna, Austria, Soviet officials today for the first time affirmed that about 50 political prisoners had been pardoned recently by the Supreme Soviet Union's nominally independent.

The officials said the pardons would be reviewed by the Finance Commission. A year might be preferred bringing back a state income tax cap would free millions for government spending. Several lawmakers See Fund, page

REPORTS Public Opinion Highlights



Wear pajamas when you go to bed.

Enforcement, treatment agencies seek solution to family dilemma

This is the second in a series examining Alaska's child protection services.

"The whole reason we're here? It's for kids. But that means it's for families." . . . Sue Harris, regional program administrator for the Division of Family and Youth Services.

"We're for putting the offender (often the father) in jail, for as long as possible." . . . Elizabeth Sheley, assistant district attorney.

By Catherine Stadem 2/9/87 Times Writer One of the primary agencies

- Schools see higher incidence of abuse — page A-5
- 2 families struggle to stay intact — page A-4

charged with protecting Alaska's children, the Division of Family and Youth Services, works, theoretically, to keep the family intact. Another part, the criminal courts, works to keep the family apart. This is the mixed message.



Protecting our children

that can confound families who get involved with the "system." Sue Harris, regional program administrator for the division, said her agency's philosophy is simple: in order to help a child, the family must be helped. See Family, page A-8

Index

Alaska Life.....	B-
Bridge.....	F-
Business.....	B-
City/State.....	B-
Classified.....	E-
Comics.....	F-
Crossword.....	F-1
Dear Abby.....	B-
Editorials.....	A-
Horoscope.....	F-
Movies.....	F-
Sports.....	C-
Time Out.....	F-
TV listings.....	H-

Birthday Game — page B-2

Family treatment

Continued from page A-1

"Punishment is a separate issue from what we're here for," Harris said. "You cannot help the child if you can't help the parents."

Social workers are trained to see children as components of the family unit, Harris said. "The reason you have social service agencies is because children need families. They are a part of their family. They need to be safe and they need to have their needs met. These are two separate things that become intertwined."

Elizabeth Sheley, an assistant district attorney in Anchorage, said the criminal justice system has a much clearer mandate. "With us it's black and white. You break the law, you go to jail."

Alaska's presumptive sentencing laws — predetermined sentences for specific crimes, including child physical and sexual abuse — give fairly inflexible instructions to the courts.

When a family ends up in criminal court fighting charges of intra-family child abuse, the offender generally has a defense attorney. The state's interests are taken up by the district attorney. And often representing the child's interest is a guardian ad litem, appointed by the state.

Jay McCarthy of the Office of Public Advocacy is an attorney with extensive experience as a guardian ad litem. McCarthy thinks social workers usually have workable plans when it comes to sexual abuse cases. But "where those cases get crazy is where they interact with the criminal justice system."

Presumptive sentencing is the culprit, McCarthy said. In some cases the sentence is too much, in others not enough, he said.

Sheley said that if she has any complaint about the system, it's that social workers "don't intervene enough. We find social workers as a class tend to be more trusting of people than we are. I think they need to be a little more suspicious of what people tell them."

Often left out in the cold while all the legal forces tug at it is the fragmented family.

However, the system needn't work the way it does, says attorney Jack Duggan. "I think they should review diversion programs that are being used around the country that accommodate the need to prosecute with the need to keep families together."

Duggan cites the "San Jose" model, an innovative program for handling family sexual abuse cases in California. Officially named the Santa Clara County Child Sexual Abuse Treatment Program, the 10-year-old center remains controversial with those who believe "once a sex offender, always a sex offender."

Instead of treating sex offenders as "the sludge of the earth," the program views the family as an organic system. To keep the family intact, everyone undergoes intensive counseling. The offender must plead guilty, usually to a felony charge. Instead of spending his sentence in jail, he is placed on work furlough, followed by up to five years probation.

Plane downed in Afghanistan

Not every sex offender makes it into the program. Those who are exclusively sexually oriented toward children or are predators, those who lack a sense of guilt, and those who have a history of violence, heavy drug use, prior child sexual abuse charges and long criminal records, are screened out.

The San Jose emphasis is rebuilding the family and dispelling any guilt the child victim may feel. Average length of treatment is a year or more. The father (or offending relative) remains out of the home until professionals deem him ready to return.

"The San Jose Child Sexual Abuse Treatment Program has looked incest in the face — and has returned three out of four families back home, reconstructed and rehabilitated," concluded an independent study of the program by the California Department of Health.

Dolly Coke, a division supervisor with 20 years social work experience, said there is an undercurrent of disagreement in the social work community over the theme "once an abuser, always an abuser."

"I am not a treatment professional, but I share the belief that every problem has an individual solution," Coke said.

"The problem in sexual abuse (cases) is that with presumptive sentencing — taking people out for a minimum of 5 years — most families cannot tolerate that amount of separation. Most families are going to break up because of the stress of it," Coke said.

Speaking personally, and not for the division, Coke said another problem she sees with Alaska's child protection laws is the mandatory reporting system.

"I don't think you can be treated for a problem you can't talk about. And offenders who would be subject to re-arrest and further indictments on further charges — if they talk about it to their therapist who has to report it — that's sort of a Catch 22. And I think that has an incredible impact on the ability to do therapy."

Coke said her personal preference would be an individualized treatment process using a scale that would determine treatability of offenders. Those considered treatable could be handled through "diversion programs" — like the San Jose model. "That would be an option Alaska should look at."

Tuesday: The runaway, a legal dilemma.

Fund: T

Continued from page A-1

against the cap because it reduces permanent interest in the permanent fund.

"The dividend is the first of defense in public interest the permanent fund itself. The only truly equal program state has," Halford said.

It's also argued that an across-the-board cut in dividends, because a tax is proportionate to income.

In the past, fund trustees and managers have come out in favor of dividends because they boost public interest.

But some said trustees staying out of the dividend program because the public interest argument can be applied on both sides.

"There would be a stream of dividends, and I'm not happy with the fund. Then there are also those who say if the fund is used to offset a tax, it is a better incentive for public involvement," Rose said.

Most of the permanent fund arguments are based on how the trust was built and how its ear-

Hostages

Continued from page A-1

son. A six-minute videotape of Steen was delivered early Sunday to a Western news agency by the name of Islamic Jihad for the Liberation of Palestine. The previously unknown group abducted him and the three other educators Jan. 24 from Beirut University College campus.

Reading in a monotone, the weary-looking Steen said, "Our lives are important to America, it must order Israel to release the 400 Palestinians as soon as possible — that is, Monday at a maximum."

Beirut radio stations said two bullet-riddled bodies were found on a street in the capital's Muslim western sector today. Police said later both dead men were Palestinians. Palestinian guerrillas have been fighting Shiite militiamen sporadically since 1985.

The others abducted with Steen are Robert Polhill, 53, originally of New York City; Jesse

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A reminder — all entries (except for the Culinary Food Show) will be accepted only on Wednesday, February 11th, 10:00 a.m. to 8 p.m. at the Eggen Convention Center.

Categories include:

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- Arts and Crafts
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- Banks Embroidery
- Canned and Dried Food
- Ceramics
- Culinary Food Show
- Decorative Painting
- Dolls - Handwoven
- Judged Art - Leather
- Plastics
- Treasures
- Wool Looming-Crafts

Families struggle to survive, to stay intact

By Catherine Stadem
Times Writer

The words "child sex abuse" are like a fire alarm. The bell goes off and people trample one another to escape the danger. Some survive; some don't.

Such is the case for two families that agreed to talk about their experiences with the Division of Family and Youth Services and the legal system.

Members of one family deny the alleged sexual abuse ever happened; members of the other admit it and ask only for compassion. Both have observed the system first hand. Both said it doesn't work.

Both requested their names not be printed to protect their children.

The state is not able to respond to criticism of specific cases because of confidentiality rules.

A few months ago, Mr. and Mrs. K. were chugging along through life, enjoying raising their children and watching them grow.

But all that changed the day their 5-year-old daughter "Kathy" drew a picture of body parts in preschool. The teacher asked her to explain the picture and Kathy identified her circles and lines as "a belly button, an anus and a vagina."

"My daddy touches me there," Kathy told the teacher. The incident was reported to the Division of Family and Youth Services.

That was the beginning of a living nightmare for the young family, Mrs. K. said.

Mr. K. is living in another Alaska city, forbidden by court order to have physical contact with his children. Mrs. K. is trying to keep the family together so the kids won't grow up believing their father is a sex offender. And Kathy has been in and out of foster homes and subjected to numerous interviews and evalua-



Protecting our children

tions.

The situation is ludicrous, Mrs. K. said, because she believes it grew out of hers and her husband's attempts to teach their children proper names for body parts.

"We had read things about children, like 'tell them their body parts; don't let them use slang expressions,'" Mrs. K. said. That's how Kathy came to know the word vagina.

And daddy did touch her there, Mrs. K. explained. He is a seasonal worker, and often cared for Kathy while Mrs. K. was at work. When Kathy contracted a yeast infection around her urethra and vaginal areas — not uncommon in little girls — her father had applied a prescribed ointment.

Mr. K. walked on Oct. 9 for Kathy to walk the short distance home from school. When she didn't arrive, he called the principal, "who told him our daughter was taken by DFYS," Mrs. K. said.

Kathy was returned to her home that afternoon by a social worker. "They said she would not answer questions consistently," Mrs. K. said. They were told that Kathy had been interviewed at the police department. "They said it was very strange that she drew a vagina," the mother said, shaking her head in disbelief.

On reflection, Mrs. K. said she thinks she got off to the wrong start with the agency because of her initial reaction. "We were

pretty angry at how they handled it. We didn't invite them into the house — we talked outside," she said.

At 8:15 that evening, a social worker returned to the house with two police officers. The case worker told Mr. and Mrs. K. that she had talked to her supervisor about the case and they had all decided Kathy would be safer out of the home.

As Mrs. K. remembers her husband tried to pick up, get her dressed and the man pushed him against ... and took the child. It was ... and rainy, the mother recalled. "He (the policeman) started taking her outside in only her pajamas."

Since then, Kathy has been in foster homes several times. The family has been in and out of court, back and forth to child psychologists and therapists.

During one evaluation, Kathy was observed playing with anatomically correct dolls and had a wolf doll lick between the legs of a girl doll. That resulted in the court order forbidding Mr. K. to come in contact with his daughter.

Mrs. K. thinks Kathy demonstrated that behavior because the husky that lives next door often pushes its head between humans' legs to get petted.

But during all this time, Mrs. K. said, the family was cooperating as much as possible with DFYS, thinking the nightmare would eventually end. "We were doing everything they asked us to do."

However, when the state ordered a psychological evaluation, Mrs. K. decided not to use a doctor who was contracted by the state. "We wanted someone impartial."

The child psychologist saw her daughter six times and recommended the father move back in. "When they saw his re-

port, they said he was not good with sexually abused children," Mrs. K. said.

The division reportedly rejected the psychologist's report.

The family said they spent about \$5,000 on attorney and doctor's fees in October alone. "We borrowed lots of money," she said.

"What I don't understand is all the things they've been saying about (Mr. K.). He volunteered for a polygraph test — and passed it. We've been doing everything as soon as we could, to this over with."

The ordeal isn't over. And Mrs. K. has had a lot of time to think about the "system" — how it works, and how it could improve.

Topping her list is more stringent qualifications for social workers. Also, she thinks child interviews should be minimized and all interviews should be videotaped to prove the child has not been asked leading questions. Kathy has been interviewed about 10 times by social workers and police.

Most important, said the woman, 32-year-old with dark circles under her eyes, parents accused of sexual abuse should be considered innocent until proven guilty.

She is full of questions. She said her husband sat the kids down in front of the TV set last September — before all this — and made them watch a children's program about "bad touching."

"Why would he do that if it would get him into trouble?" she asked.

"Our children are our lives. How do we get back together and be a family again?"

The hopes of ever being a united family again are fading fast for Mr. and Mrs. B.

Mr. B., formerly a prominent businessman, is in jail after

pleading guilty to charges of sexually abusing his stepdaughter "Julie."

He doesn't deny what happened. He said he's paying for his crime. But he and his wife said they believe the state isn't fulfilling its purported mission: to keep families together.

"I don't think the system is working," he said in a jailhouse interview. "They want the family unit to be destroyed."

More than a year elapsed between the time he abused Julie and when she told a school nurse about the incident. During that year, Mr. B. had begun to see a counselor because of the deep guilt he felt.

"It was really bothering me and I didn't know what to do about it," he said. He hadn't confided the sexual events to his counselor, but was working up to it. Had he, the counselor would have been obligated by state law to report it to the authorities, despite counselor-client privilege.

Mr. B. had a hard time hiring a lawyer. "My attorney didn't even want to take the case; he said he loses every one (like this)."

Mrs. B. is torn between loyalty to her daughter, to her husband, and to their other children.

"This has been a nine-month nightmare," she said. After six years of marriage, the blended family — including a new baby — seemed to be working well. The stylish and energetic woman describes herself as "your basic middle-class mother of four."

She remembers the day the school called her and said "your daughter is in the school office and has reported sexual abuse." Julie was put in a foster home for six days while the investigation began.

Mr. B. was jailed, but released with the provision he have no contact with Julie. After a few months, Mrs. B. was taking all the children to the state fair and

Mr. B. went along. Someone saw them, reported it, and Mr. B. was jailed for defying the court order; Julie was put in another foster home for three weeks. Her stepfather was jailed.

Mrs. B. carries her own load of guilt. She blames herself for not recognizing that her daughter was troubled. "I saw a movie about 'touching' on Channel 7 and it said to talk to your children," she said. "Julie had a reaction, turned around and walked away. I didn't recognize it."

Now she's frightened that if she shows too much loyalty to her husband, the court will order her daughter be taken out of the home. If she ignores her husband, all the commitment she pledged in marriage goes down the drain.

Not that she has forgiven him. "I hated him — and I have hateful times now," she admitted. "But how can I hate my friend? How can I walk away from a friend?"

Her other problem is trying to help Julie cope with guilt about feeling responsible for her stepfather going to jail. "She loves her dad a great deal," the mother said.

Mr. B. is awaiting sentencing. The family expects he will serve between three and five years, probably in the sexual offender unit at Hilland Mountain Correctional Center in Eagle River, where he will get intensive counseling.

Mrs. B. remains hopeful. "My life has been hell for nine months, but not ruined. I see a hopeful future. We're going to be a healthy, happy family. This is something I want — and I know we can achieve."

Julie, however, has come through the ordeal with a different outlook, according to her mother. "She said to me, 'If I had it to do over (tell), I'd never do it again.'"

Crew member missing after ship explosion

Twenty-five crew members abandoned ship after a fiery explosion on a Japanese fishing vessel about 60 miles northwest of Dutch Harbor Sunday afternoon, the Coast Guard said, and a 20th crew member is missing and believed to have died in the fire that

time to fight the fire," Fulton said. The 25 crew members were picked up by a sister ship, the Fuku Yoshi Maru 8, Fulton said. The crew members are scheduled to be picked up by the Coast Guard cutter Yacona, which this morning was bringing the survi-

will turn around and head out for the Fuku Yoshi Maru 8, Fulton said. Also this morning, the Coast Guard was planning to launch a C-130 aircraft from Kodiak Air Station to help in the search for the crew of a Canadian fishing vessel

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Schools report increase in abuse

By Catherine Stadem
Times Writer

Allegations of intrafamily child abuse — physical and sexual — often originate in the schools.

In the 1985-86 school year in Anchorage, 523 child abuse referrals were made out of an enrollment of 41,772. That shows a distinct rise over 1983-84, when enrollment numbers were similar — 40,427 — and referrals numbered 353, according to Janice Bates, supervisor of health services for the Anchorage school district.

Barbara Seidl, a school nurse veteran of 18 years, said she reports many more cases now than several years ago. Seidl, a nurse at Northwood Elementary, said everyone is more aware of the problem in the last several years because of publicity about child abuse.

The district also mandates classes about abuse for first-, third- and fifth-graders throughout the district. This leads to many reports from children, Seidl said.

Allegations of physical abuse accounted for 21 percent of DFYS's cases in 1986. Many of those were reported by the schools.

Often, it's physical abuse that comes to Seidl's attention. If a child looks unusually bruised, the nurse will talk with the child and visually check the bruising. "If it



Protecting our children

seems to be from abuse, then I may take a picture of it, record it on the health card and report it to the principal and the DFYS."

Reports of child sexual abuse are also on the rise. In fiscal 1978, 5 percent of the cases reported to DFYS were sexual abuse. In fiscal 1988 the number had risen to 15 percent, according to Frank Hickey, the division's acting director in Juneau.

Seidl said she not only thinks sexual abuse reporting is up, but she personally believes its incidence is more frequent. But she said she won't hazard a guess why it may actually be occurring more.

Even though it makes her job more difficult, Seidl is enthusiastic about school programs that teach children they not only have the right to say "no," but that they should report abuse.

Seidl said her working behavior has changed over the years as the result of changes in Alaska's statutes.

"In the past, before the clearly mandated reporting law, social services did not want us to call in incidents that we could not substantiate as actual abuse. Now we have to report."

The reporting law Seidl refers to came into effect about 15 years ago. It requires that "practitioners of the healing arts; school teachers and school administrative staff members; social workers; peace officers, and officers of the Department of Corrections; administrative officers of institutions; licensed day care providers and paid staff; and licensed foster care providers" shall "immediately report" whenever they have "cause to believe that a child has suffered harm as a result of abuse or neglect."

"That takes us off the hook," Seidl said. "We are just doing our duty. And truthfully, in the last two years, I've had some people (parents) who came in so angry I thought they were really going to physically abuse me."

After the school nurse makes a report to either the principal or directly to the division, the child is then interviewed by a social worker — usually at the school — without the parents' knowledge.

If the social worker believes criminal abuse took place, the case is referred to the police department. If the police believe there is enough evidence for

criminal prosecution, the case goes to the district attorney.

From there, prosecutors like assistant district attorney Elizabeth Sheley take over.

Although only about 44 percent of the cases that come to police attention ever reach the district attorney's office, if it's a sexual abuse case, the state often wins, sending the offender to jail: a mandatory eight-year sentence for first-degree sexual abuse (with penetration).

"I've seen some real sad cases, with presumptive sentencing," Seidl said of the problem of families being torn apart. "There's no solution to the dilemma as she sees it. The law says lock up the offender, and this splits the family apart — sometimes irreparably."

And it's the social workers who often get the blame when families disintegrate. The nurse said she thinks social workers are doing the best they can with limited resources.

"Oh Lordy, I think they're trimmed right now down to the bare bones."

With her perspective of 18 years in the Anchorage school district, Seidl said, "While DFYS is not perfect, and the system isn't perfect, I think it's the best method that has been devised so far to protect children. While there are flaws in it, it's better than anything we've ever had."

Youth's body found in yard; police launch investigation

The body of an 18-year-old Anchorage youth, missing for eight days, was discovered Sunday in a backyard by a search party organized by his family.

Sgt. Bill Gifford of the Anchorage Police Department identified the body as that of David Newell.

Gifford said Newell was discovered in a fenced-in backyard not far from a party he had attended.

The cause of death was not immediately known, although

Gifford said it is under investigation.

"I believe friends and relatives were doing a search and found him in the backyard," Gifford said.

He said the area where the body was discovered was brushy, and that the corpse was partially covered with snow.

"He had been at a party and had left there on foot," said Gifford.

He said foul play is not suspected.

Fire damages south Anchorage trailer

Fire caused extensive damage to a trailer home Sunday at the Southwood Manor trailer park at 9499 Brayton Drive, an Anchorage Fire Department spokesman said.

The trailer was completely on fire when firefighters arrived shortly before 2 p.m., the spokes-

man said.

He said it took crews from the Huffman Road and Dimond fire stations 12 minutes to extinguish the blaze.

A fire investigator was attempting to determine the cause. No damage estimate was released by the department.

Anchorage tenor gets 1st place at opera audition

SEATTLE (AP) — Frederick W. Kalt, 30, a tenor from Anchorage, has won first place in the Metropolitan Opera National Council's 1987 Northwest regional auditions.

For winning the contest Satur-

day at the University of Washington, Kalt received \$1,500 in national and regional awards and a trip to New York for the national finals March 15.

The Seattle competition was one of 17 held nationwide.

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Mon.-Sat. 9-3



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Icy fingers

Matt Brown, left, and Susan LaDuke inspect the outside of their recovered home in Eastlake, Ohio, Monday morning after wind-

whipped waves from Lake Erie crashed over a dike and crunched homes in the area Sunday evening. Story, page A-3.

Soviet Union frees 140 people from 'behind barbed wire'

By Carol J. Williams
Associated Press

MOSCOW — The Kremlin said today it has freed about 140 people sentenced for anti-Soviet activity and is reviewing an equal number of cases to leave "fewer people behind bars and behind barbed wire."

Foreign Ministry spokesman Genady Gerasimov announced during a news briefing that prisoners' appeals

for clemency are being reviewed, and that government committees also are considering a "certain softening" of the criminal code.

He said the prisoners were freed by decree of the Supreme Soviet, the nominal parliament, on Feb. 2 and on Monday.

"As you probably know, the Soviet Union has been re-examining a number of cases, especially cases related to

those sentenced on (Article 70) of the Soviet criminal code, concerning anti-Soviet propaganda," Gerasimov said.

During the weekend, dissidents Andrei Sakharov and his wife, Yelena Bonner, reported the early release from prison or camps of more than 40 dissidents. The couple's internal exile in the closed city of Gorky was lifted December.

The releases were hailed by Soviet

dissidents and the West, who nevertheless cited estimates that about 1,500 Soviets remained jailed for their views.

Natan Sharansky, who changed his name from Anatoly B. Shcharansky after being released a year ago, said in an interview published Sunday in The New York Times that he believed the total was 5,000-10,000.

The mass release fits a pattern of gestures by Soviet leader Mikhail S.

pressed housing markets in oil dependent states and weigh Alaska's needs against the others before deciding whether to grant additional certificates to the area, she said.

Anchorage has 1,037 low-income certificates — a fixed number — with 800 people on a waiting list, said Sharon Hower. See Condos, page A-8

Legislators initiate bill to unsnarl runaway laws



Protecting our children

This is the last in a three part series on Alaska's child protection system. 2/10/87

By Catherine Stadem
Times Writer

Alaska runaways have floated in a kind of limbo since the Alaska Supreme Court decided 16 years ago it was not illegal for a juvenile — of any age — to run away from home.

If police find a runaway teenager on the street, they can give the youngster two choices: return home, or be turned over to the Division of Family and Youth Services for emergency shelter. The child may not be incarcerated, said the Supreme Court.

Now — reacting to suggestions from citizen activist groups such as the Alaska Juvenile Crime Commission and Toughlove — some legislators are trying to change the law.

Senator Pat Rodey, D-Anchorage, and 11 others, are sponsoring a bill that would address the problem of the estimated 1,800 runaways on Anchorage streets at any given time.

The bill says that a juvenile must be some place, either at home, in a foster home, or in custody of a state agency, Rodey See Law, page A-8



Pat Rodey, right, and Doran Colbry with sons, John, 13, and Darin, 10, at their Anchorage home.

Son, agencies hold family in suspense

By Catherine Stadem
Times Writer

Doran and Len Colbry knew one of their sons was heading for trouble.

As he reached puberty, problems intensified. "He was like Dr. Jekyll and Mr. Hyde," said the boy's father, Doran.

In fall of 1985, "Tony" — his real name is not used to protect his privacy — was acting like he was taking drugs, his parents said.

When Doran confronted his teen-age son about drugs one night in the kitchen, he said Tony came at him with clenched fists. The father remembers swinging in defense. Tony slipped, hit the refrigerator, and both father and son fell down.

"He got a knot on the back of his head," Doran said.

Tony tore out of the house. "He ran to neighbors and claimed I beat him up," Doran said.

The neighbors called the Division of Family and Youth Services and reported the incident. Another neighbor — an Alaska State Trooper — was called. Tony "kept claiming he feared for his life," his father said.

Doran talked to a social

See Limbo, page A-8

Index

Alaska Life.....	A-4
Bridge.....	D-8
Business.....	B-3
City/State.....	B-1
Classified.....	D-1
Comics.....	D-8
Crossword.....	D-11
Dear Abby.....	A-5
Editorials.....	A-6
Horoscope.....	D-9
Legals.....	E-3
Movies.....	D-3
Obituaries.....	B-2
On The Record.....	E-6
Sports.....	C-1
Time Out.....	D-1
TV listings.....	D-6

Birthday Game —
page B-2

Times photo by Douglas Van Roeth

Law: Children not 'secured' Limbo

Continued from page A-1

said "The bill doesn't criminalize it (running away) per se," he said. "But it does provide for minors to be apprehended by police."

Rodey said if the bill passes, runaway youngsters would be housed in a "secure" shelter, but said he wouldn't use the word "lock-up."

He said a similar bill will be introduced in the House this session and he estimated the Senate bill's chance of passing at 70 percent.

Wayne Anthony Ross is an Anchorage attorney who protested the original "decriminalization" of runaways. "I met with the legislature and tried to convince them it was a dumb law," he said.

Ross, a former assistant attorney general, was a family court standing master (hearing officer) from 1969 to 1973. During that time, he heard 95 percent of the delinquency cases and made recommendations to the judge. He has had a private law practice in Anchorage for 13 years.

The reasoning behind the decriminalization of running away was "obviously, any child who runs away from home, it must be the parents' fault," Ross said. "That's a faulty premise."

That's also the message that Ross thinks may snag DFYS when it is dealing with runaways.

Despite the division's stated goal — reuniting families — Ross said his experience has shown him that "the people in the division do nothing to get the kid to go back home."

But Ross said a decision handed down by a children's court master two weeks ago may have far-reaching effects in curbing the division's prolonged involvement in some runaway — refusal to return home — cases.

In this decision, after a teenage girl spent five months in foster homes, the court recommended the state return the girl to her parents. "I believe that the state must go beyond the child's mere refusal to return home and must be able to conclude that there are legitimate child protective grounds that warrant state custody," the master wrote.

On the other hand, Dolly Coke, a social worker supervisor, defends the division's dealings with teens who refuse to go home.

"We try really hard to, number one, calm the immediate situation, because with most teenagers there's two sides to it," Coke said.

The statute that allows the state to take emergency custody of a child says, among other things, that the child's refusal to go home is reason enough for the state to intervene.

"My feeling is, that's in the statute to allow the department time to investigate and see whether or not there is an abuse situation and whether the child is at risk," Coke said.

If the division determines that the child is not at risk, Coke said, a social worker tells the child to go home or offers to negotiate with the parents to house the child elsewhere. "But we try very hard to keep the parents in control," she asserted.

In reality, however, it may not always work that way, says another critic of the system.

Theresa Favero, state president of Victims of Child Abuse Laws (VOCAL), learned about the system first-hand when her 13-year-old daughter ran away and refused to return home five years ago.

"I think the regulations themselves are part of the problem," she said from Fairbanks. "The regulations are written so broadly that social workers have too much open discretion."

When her daughter ran away, Favero said she thought DFYS was there to help her, but soon felt differently. "I cooperated. I didn't have a thing to hide." Trusting the division "was the biggest mistake of my life," she said. "They're not there to help you. They're not your friend." Favero's daughter, now 18, never returned home.

Division employees observe strict confidentiality and may not speak openly of specific cases.

Speaking hypothetically, Coke said, "more often than not, the parents are as angry as the kids and say, 'I don't want the kid. Keep him.' And when you have a parent refusing to have the child at home, you technically have neglect, if the parent is refusing to provide basic needs."

And so — like a family fight — the argument goes in circles, continually recycling itself to no one's satisfaction.

A major piece of the runaway problem is that people appeal to the state for help with high expectations which the state can't meet, said Office of Public Advocacy attorney Jay McCarthy, who works as a court-appointed guardian for children in the system.

"The system (DFYS) doesn't work with runaways," he said. "If the child is out of control,

nothing can control him."

McCarthy doesn't advocate locking runaways up, but said they need supervision and assessment. "I think the legislature has to decide what authority Health and Social Services (department that oversees DFYS) has in these cases and then back them up."

A mayor's task force studying Anchorage's runaway and homeless youth for the last year recently issued a report containing numerous recommendations.

Although establishment of a runaway shelter was often discussed by the task force, it didn't end up as one of the group's key recommendations, likely because it would be costly and difficult to implement.

What the task force did target was the need for "prevention, intervention and aftercare," said Gail Stol, task force staff member.

Task force recommendations have recently been sent to Mayor Tony Knowles and a summary of its funding to the Anchorage Assembly.

But no amount of recommendations will relieve the problem unless the runaway's legal status is clarified, legislators say.

And while politicians and community activists meet and talk and recommend, social workers continue to cope with increasing case loads and shrinking resources.

Said Sue Harris, regional program administrator with a tired smile. "Yes, we make mistakes. And, yes, people get under stress and may not respond like they should. But I believe in what we do."

Continued from page A-1

worker on the telephone and explained what happened. He said he told the social worker, "I see this coming on as a problem. I think my son's got very bad emotional problems."

Tony ended up returning home that night.

But when Tony went to school the next day, he told a counselor that his father had beaten him and shoved the knot on his head, Doran said. The school called the division, as it is required to do under the state's mandatory reporting law.

As a result, Tony spent about 10 days at an Alaska Youth Advocates group shelter while social workers investigated.

The Colbrys had seen Charter North Hospital television commercials about youths with emotional problems, so they persuaded Tony to try the hospital.

"He was beyond my control," Len said.

After several weeks, the Colbrys tried to get Tony out of Charter North. He refused to return home and the hospital barred the parents from seeing him, the Colbrys said. The hospital told them Tony had filed abuse charges against his parents with the state, Len said.

Tony simply refused to go home.

Tony has been in state custody — in foster homes — for the last year. The most recent court hearing, in December, ordered the youngster to get more psychological evaluations.

His parents feel that they have lost control. At a recent hearing, the court ordered the state to try to return Tony to his home within 120 days. If he continues to refuse, his parents may have no right to force him to come home.

The Colbrys recently almost surrendered to discouragement.

"We were going to completely back out of it all and give him back to the state," Len said. "But (our attorney) said, 'No, no, no. You don't do that.'"

So, while their son is being raised in foster homes, the Colbrys wait to see what will happen next.



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Abused kids: sad victims of our economic troubles

By ROBERT GRISWOLD

In the severe economic climate of Alaska there are sad stories in the news each day. One that is sadder than any seen so far has not yet surfaced. The people of Alaska need to know this story, too.

What makes this story particularly sad is not that these victims of the economic cuts are those who do not have any way of handling their needs by themselves. There are many in that condition. The thing that makes this story sad is that those being hurt are people who have already been terribly wounded through no fault of their own. These people are the abused and neglected children and youth of Alaska who need specialized care and treatment to overcome the trauma they have suffered.

The State of Alaska purchases services for over 200 children and youth from voluntary tax exempt organizations. These services are for emergency shelter and longer term treatment for children who must be placed in state custody to be protected and treated for the hurt they have suffered. These services require



a heavy investment of money if they are to be effective. Costs for different services run between \$20,000 and \$66,000 per year per child in care. For the past four years the legislature has not increased funds for these services. As a result there are children and youth who desperately need care who are dangling in the limbo of waiting lists. A week ago the agencies providing these services were advised by the state that there would be a 12.5 percent reduction in the funds available beginning September 1, 1986. The agencies involved have no responsible way of handling these cuts and so the victims will pay.

Who are these young Alaskans? They aren't numerous — representing less than one in 2,000 of our citizens. They are invisible to the

general public except when they hit the papers as the perpetrators or victims of sensational crimes. They are not "nice" kids, most of them.

But before you write them off you should ask how nice you would be if you had been addicted to drugs before you were out of the womb. Or how nice you would be if you were a girl and your prostitute mother had started selling you before your age had reached double digits. Or how nice you would be if you had been shut in a box by your father, taken to a place where he could shoot holes through the box, and left for dead.

It is easy to shut these kids out of your mind if you don't see them and work with them every day. They have no political power. They don't vote. Their disastrous families won't be getting organized to lobby on their behalf. None of them could afford to fly to Juneau to ask for anything. There is certainly no political risk in saving money on services to this group. Perhaps Alaskans need to ask themselves if government should stand for something more than the balancing of political risks.

There are other risks to consider.

It is easy to shut these kids out of your mind if you don't see them and work with them every day. They have no political power. They don't vote. Their disastrous families won't be getting organized to lobby on their behalf. None of them could afford to fly to Juneau to ask for anything. There is certainly no political risk in saving money on services to this group.

Without proper care these children will get worse. What does getting worse mean? It means hitting the streets and being used up by the time you're 25, it means fading into chronic mental illness, it means having offspring and passing your hurt on to a new generation. The savings to be had from shorting funds to these kids is illusory. If we do not heal them and make them a part of

our community, then we will pay again and again for our neglect. They will see to it. For good or ill these children are our future. Can we really afford to write them off? How big is Alaska?

□ Robert Griswold is executive director of Alaska Children's Services.



Alaska State Legislature

LEGISLATIVE AFFAIRS AGENCY

POUCH Y, STATE CAPITOL
JUNEAU, ALASKA
(907) 465-3800

August 28, 1975

WORK PLAN

Legislative Council Task Force

Children's Law Revision

I. PURPOSE

The purpose of the Task Force is to study the Alaska Statutes dealing with children and to propose revision of the statutes which the Task Force finds in need of change. This study and revision is viewed by the Task Force as the first step in developing a children's code for Alaska.

II. GOALS AND OBJECTIVES

During the period before the legislature reconvenes, the Task Force plans to determine the areas of Alaska law dealing with children which are most in need of review, look critically at Alaska's approach to the treatment of children in these areas, comparing Alaska's approach to that of other states, and to submit legislation to the Council revising the statutes which the Task Force determines to be in need of revision.

III. ASSUMPTIONS

A. Responsibilities. The Legislative Council will provide an attorney who will spend approximately one-third of his/her time on the work of the Task Force, travel expenses and per diem for the attorney, office space for the attorney and researcher, and clerical support for the project. The Office of Child Advocacy is funding a full time research person for the interim period, and travel expenses and per diem for the researcher. The Office of the Governor is providing funds for travel expenses and per diem for the members of the Task Force.

B. Task Force Structure. The Task Force will meet five times during the interim period. The meetings are scheduled for August 14, September 17, October 15, November 19 and December 17. At the September meeting the Task Force will break

down into smaller groups. Each group will deal with one of the priority areas which the Task Force has decided to address. The small groups will study the problem areas in depth and report their findings to the Task Force. The Task Force will then decide whether to adopt the reports of the small groups and to recommend legislation to the Legislative Council.

IV. TASKS

At the August 14, 1975 meeting the Task Force decided to look into the following areas during the interim period:

- (1) update the draft of the Child Law Compilation prepared by the Legislative Affairs Agency in October 1974;
- (2) role of the guardian ad litem in the Alaska Court system;
- (3) the treatment of children classified as dependent, neglected, delinquent and in need of supervision in the Alaska Statutes;
- (4) the treatment of emotionally disturbed children;
- (5) the protection of the property rights of orphaned children in the state, particularly the rights of children under the Alaska Native Claims Settlement Act;
- (6) the scope of the term "care of the child" under AS 47.10.230;
- (7) the adequacy of the statutes dealing with child abuse in the state;
- (8) the treatment of status offenders.

Staff research for the first three areas is scheduled for completion by the September meeting of the Task Force. The remaining research is scheduled for completion by the October meeting. After each meeting a report on the work progress will be prepared for submission to the Legislative Council.

Betsey McGuire, Chairperson
Task Force on the Children's
Law Revision

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by William Meezan, Sanford Katz,
Eva Manoff Russo



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Alaska's Children's Code

CECILIA KLEINKAUF
BETSEY MCGUIRE

Enactment of Alaska's new Children's Code was achieved only after years of struggle involving many professional and public forces. The code is considered a breakthrough in legislation for children.

Termed "a major breakthrough in juvenile legislation" [5:1], Alaska's recently enacted Children's Code is the culmination of years of work in behalf of children, with the evolution from concern to actual statute revision a complicated and exhausting process.

Undertaking extensive juvenile law review rather than settling for a piecemeal approach had obvious advantages, but the practical realities were formidable. In the interests of having others benefit for Alaska's experiences, this paper presents an account of the process and mechanics of the work, as well as the innovative child welfare concepts embodied in the new laws.

Background

Awareness among professionals of the need to revise Alaska's children's laws also entailed awareness of the need to enter the

Cecilia Kleinkauf, M.S.W., ACSW, is Assistant Professor of Social Work, University of Alaska, Anchorage. She represented the Alaska Chapter, NASW, on the Children's Code Task Force, and is legislative lobbyist for the Alaska NASW. Betsey McGuire, M.A., NASW, National Association for the Education of Young Children, is former Executive Director, Alaska Office of Child Advocacy, Office of the Governor. Portions of this paper were presented at the CWLA Northwest Regional Conference at Calgary, Alberta, Canada, in 1977.

legislative area, where such change would take place. In 1969 and 1970 several legislators began to consider with professionals, lay people and Region X staff (HEW) various methods of achieving law reform, and ultimately proposed creation of an Office of Child Advocacy, to carry out such a massive task as one of its many areas of concern. In 1972 this office was created by legislation in the Office of the Governor and charged with responsibilities that included providing "leadership in recommending legislative change which affects the provision of children's and child development services [12]." At the same time, the Alaska Legislative Affairs agency was directed to compile all existing laws pertaining to children to facilitate the review.

Although the Office of Child Advocacy was not funded until October 1973 and did not go into operation until January 1974, other efforts gathered support for the development of the Children's Code. Most notable was the designation in 1973, by both the League of Women Voters (LWV) of Alaska and the Alaska Chapter, National Association of Social Workers (NASW), of the Children's Code as a priority need in Alaska. From 1973 until enactment in 1977, these two groups maintained lobbying efforts for passage of the code.

In 1974 the Office of child Advocacy was functioning well and sponsored conferences on "The Child and the Law" designed to identify areas of concern about existing laws, for professionals and public. The conferences also alerted legislative and governmental leaders to the increasing need and support for both law reform and service improvement. Because of the close interrelationship between legal requirements and service delivery, the Alaska Chapter, NASW, requested of the Legislature that year a comprehensive study of Alaska's child welfare services, for recommendations that would influence future law revision. In response, the Legislative Council contracted with the Child Welfare League of America for a survey of services, the findings of which were presented to the Alaska Legislature early in 1975.

Law Revision Begins

The Legislative Council, by now accepting the need for reform, joined with the Governor's Office of Child Advocacy and interested groups to consider the best approach to law revision. A plan was devised for creation of a Task Force of professionals and citizens

representing broad social, legal and judicial interests who would work together with the legal staff of the Legislative Affairs Agency toward creation of the Children's Code. As the coordinating body, the Office of Child Advocacy provided legal staff, and its executive director served as Task Force chairperson. The Governor's Office also made travel funds available for Task Force members. By June 1975 the work began, with the Task Force stating its intention to "...determine the areas of Alaska law dealing with children which are most in need of review, look critically at Alaska's approach to the treatment of children in these areas, comparing Alaska's approach to that of other states, and to submit legislation to the Legislative Council revising the statutes which the Task Force determines to be in need of revision [6]." A report on these efforts was to be made to the Legislative Council in December 1975.

Although somewhat limited by time constraints (August-December 1975), the Task Force efforts did result in two major recommendations that were introduced in legislation in January 1976. The first was for the clarification and expansion of the "guardian ad litem" concept to provide for the representation of children's best interests as well as their preferences. The requirement that the court specify the duties and authority of the guardian was also included. The second recommendation was for the repeal of Alaska's statutes for both Dependency and Child in Need of Supervision actions, in favor of a new designation, "Child in Need of Aid"—a totally new approach to issues of children before the court.

The legislation was considered throughout the 1976 legislative session, but did not pass. It did, however, give tangible proof that the Task Force approach (when provided with sufficient legal expertise) was a feasible way to accomplish law revision. It also extended efforts to educate legislators about the need for change, and facilitated discussion and consideration of a major public policy shift away from status offenses and away from statutes that tended to place blame as part of the adjudicatory processes.

Supportive Legislation

Two other measures introduced and passed in the 1976 legislative session contributed significantly to the ultimate enactment of Alaska's Children's Code. First and foremost was a Concurrent Resolution (SCR76) directing the Legislative Council to "review the existing laws relating to children specifically and the family in

general and to accomplish any necessary revision to harmonize conflicts, supply omissions, and generally clarify and make complete in one body of law Alaska's family law [5]." This clear directive that statute revision continue was supported by funding in the council's budget for continued legal research for the Task Force.

The second piece of legislation, resulting from a recommendation in the earlier Child Welfare League of America study, established a far-reaching statement of public social policy for children in Alaska that provided a philosophical basis from which later code positions were to emanate.

The purpose of this title as it relates to children is to secure for each child the care and guidance, preferably in his own home, that will serve the moral, emotional, mental and physical welfare of the child and the best interests of the community, to preserve and strengthen the child's family ties whenever possible, removing him from the custody of his parents only as a last resort when his welfare or safety or the protection of the public cannot be adequately safeguarded without removal; and when the child is removed from his family to secure for him adequate custody and care [12].

The Code Is Drafted

Supported clearly by the Legislature and with sufficient funding from Legislative Affairs for full-time legal counsel, the Task Force, with continued support from the Governor's office, resumed work in the spring of 1976, with vastly increased capability for research and statute drafting. The procedure adopted for arriving at recommended changes was for the Task Force to identify, consider and establish priorities for issues of concern together with the staff attorney, then to research possible approaches and to suggest statutory language for various options. The possible revisions were then discussed and agreement reached on how to proceed. Specific language was then drafted and finally voted on the by Task Force. The wide variety of urban and rural, professional and lay opinions represented on the Task Force made this approach the most feasible, as the group was once again working against a year-end deadline if legislation was to be introduced in January. The proposed Children's Code was presented to the Legislative Council in November 1976, and in-

roduced into both the Alaska House of Representatives and the Senate early in 1977.

Lobbying Efforts

The development of recommendations for statute changes was only half the battle; the other half was to have the recommendations become law.

As 1976 was an election year, a good deal of education of legislators had taken place during the fall campaign months by the Alaska League of Women Voters and the Alaska NASW, both of which had focused their candidate review on issues that included the Children's Code.

Once a set of recommendations had been proposed to the council, lobbying efforts intensified. The long years of commitment to children's law revision by such a wide variety of groups and individuals had created broad lobbying support and helped to minimize much of the anticipated opposition.

The interim between the November elections and the January opening of the Legislature was used for informing legislators of the substance of the Task Force recommendations, and for programs of public education.

Lobbying during Alaska's legislative session is both expensive and logistically complicated because Juneau, the capital, is far removed from other population centers and accessible only by air. A variety of efforts was employed, therefore to continue to gather support for the code preceding committee and floor votes. The efforts included committee testimony, letters of support, individual contacts with legislators by LWV and NASW lobbyists, Office of Child Advocacy board members, consultation of the Task Force's attorney with legislative committees and staff, constituent contacts with key legislators and often the arguments of supportive legislators themselves. The children's Code Bill passed the Alaska Legislature in May and was signed into law by the Governor on May 28, 1977. The code became effective on August 26, 1977.

Child Welfare Concepts

Many of the concepts in the new law, while important for clarifying Alaska's statutes, are not significantly new approaches to

children's law. Several, however, are precedent setting and bring the force of law to current theoretical approaches concerning intervention into family life. Underlying the entire code is the belief that such intervention should be limited to instances where the child is suffering harm—actual or imminent—and that such harm should be assessed against specific criteria.

The code's intent was fivefold: "to clarify which children would come under juvenile court jurisdiction; to eliminate overbroad and vague jurisdictional grounds; to specify the Department of Health and Social Services' responsibilities in treating the child and the family; to set out certain guidelines for the court; and to clear up a number of inconsistencies in the present laws [1]."

It is in the approach to court jurisdiction over children and in specifying the Department of Health and Social Services' responsibilities that the significant concepts are found. The most important are the creation of the designation Child in Need of Aid to revise jurisdictional grounds, and the requirement for treatment planning and limitation of state custody to delineate the state's responsibility to children before the court.

Child in Need of Aid

Prior to the new law, Alaska's children were brought under the court's jurisdiction as delinquents (lawbreakers), dependents (neglected, abandoned, etc.) or children in need of supervision (runaways, truants, incorrigibles). Based upon Task Force members' intent to redirect the statute's emphasis away from the necessity for placing blame on the parent and/or child and toward assuring services for the family and child, the new law eliminates the designations Dependent Child and Child in Need of Supervision in favor of the new concept Child in Need of Aid. "It should be noted that this new jurisdictional section reasserts the primacy of the parent and child relationship and obligates the state to find specific evidence of actual or imminent harm before the courts and state agencies can intervene in family life [1:4]." The new law defines Child in Need of Aid as:

(A) the child being habitually absent from his home or refusing to accept available care, or having no parent, guardian, custodian or relative caring or willing to care for him, including physical abandonment by (i) both parents, (ii) the surviving parent, or (iii) one parent if the

other parent's rights and responsibilities have been terminated under Sec. 80 of this chapter or voluntarily relinquished;

(B) the child being in need of medical treatment to cure, alleviate, or prevent his suffering substantial physical harm, or mental harm as evidenced by failure to thrive, severe anxiety, depression, withdrawal, or untoward aggressive behavior or hostility toward others, and his parents are unwilling to provide the medical treatment;

(C) the child having suffered substantial physical harm or if there is an imminent and substantial risk that the child will suffer such harm as a result of the actions done by or conditions created by his parent, guardian or custodian, or by the failure of his parent, guardian or custodian adequately to supervise him;

(D) the child having been sexually abused either by his parent, guardian or custodian, or as a result of conditions created by his parent, guardian, or custodian, or by the failure of his parent, guardian or custodian adequately to supervise him;

(E) the child committing delinquent acts as a result of pressure, guidance or approval from his parents, guardian or custodian [8].

Such behaviorally descriptive standards for the state's intervention on behalf of children resulted from research into the laws of other states, as well as into current literature on children's law [2:3;4]. The philosophy and recommendations of Michael Wald, professor of law at Stanford University, coincided with the Task Force's belief that establishment of objective criteria for measuring specific harms to the child worked to prevent the subjective discretion of social workers and judges from determining custody issues. The elimination of the concept of fault finding and the redirection toward consideration of harm to the child that requires state intervention focuses the court's attention on what is to be done for the child, rather than who is to blame. The new language also eliminates "possible unconstitutionally broad and vague terms and laws" in the old statutes such as "incorrigible" and "wayward" on the part of the child and "false habits" on the part of the parents [7].

Required Treatment Planning

Probably the single most significant issue to virtually all members of the Task Force throughout their deliberations was the

frequent inability of the state to provide services to children and families that improve the situation so that children can be returned home, with the result that many children were "lost in the system" after placement.

Having addressed the jurisdictional statutes to require more specificity for adjudicating a child either delinquent or in need of aid, the Task Force turned its attention to possible statutory methods for assuring that services were delivered. Again with Wald's guidance (4), the Task Force decided to pursue service availability through: 1) the statutes governing the dispositions that could be made of children's cases; 2) the addition of a requirement for the preparation of a treatment plan; 3) the requirement for specific information to be provided in mandatory review hearings concerning the provision of services; and 4) the strengthened guardian ad litem provisions mentioned earlier.

Under Alaska law the courts hear the evidence in support of either a petition in Delinquency or Child in Need of Aid and subsequently dismiss the petition or adjudicate the child. If a child is adjudicated, various dispositions are possible. Under the new code possible dispositions for Delinquency now include: 1) commitment to the Department of Health and Social Services for institutional placement; 2) commitment to the department with probation, either living at home or in a placement facility; 3) department probation supervision with no commitment, or 4) restitution ordered in lieu of or in addition to numbers 1, 2, 3.

Dispositional alternatives for Children in Need of Aid care: 1) commitment to the department for placement (not including a correctional institution); 2) release to parent or guardian under court order to provide care or treatment supervised by the department; or 3) termination of parental rights.

Prior to any dispositional order for either Delinquents or Children in Need of Aid, the Alaska Department of Health and Social Services is now required by law to submit a "predisposition report with a recommended plan of treatment [9] ...which in the case of Child in Need of Aid" ...shall include, but is not limited to the following: 1) a statement of changes in the child's or parent's behavior, which will aid the court in determining that supervision of the family or placement is no longer necessary; 2) if removal from the home is recommended, a description of the reasons the child cannot be protected or rehabilitated adequately in the home, including a description of

any previous efforts to work with the parents and the child in the home and the parent's attitude toward placement of the child; 3) a description of the potential harm to the child that may result from removal from the home and any efforts that can be made to minimize such harm; and 4) any further information that the court may request [10].

It is evident that the reports are intended to be objective and to document the need for removal from the home in order to provide services, but even more importantly, they are required to specify behaviors that the family members must change before the return of the child or the cessation of the state's supervision. These reports are required to be made available to all parties involved 10 days before the dispositional hearing, in order that expectations are clear and that removal of the child is justified. It is hoped that, as far as possible, professionals and parents together will arrive at specifics in the treatment plan.

Additionally, the state is forced to confront the harm to the child resulting from placement and to plan for minimizing it.

Although the old law required at least yearly review hearings concerning children under the jurisdiction of the court, the code substantially strengthened this section in an effort to return children home unless specific and measurable evidence can be provided to support the need for continued placement. The law now requires that the child be returned home at the review hearing unless a preponderance of the evidence shows that the conditions under which the child was adjudicated still exist. "If the child is not returned home, the court shall establish on the record: 1) why the child was removed from the home; 2) what services have been provided to or offered to the parents to facilitate reunion; 3) what services were utilized by the parents to facilitate reunion; 4) the visitation history between the parents and the child; 5) whether additional services are needed to facilitate the return of the child to his parents; 6) when return of the child can be expected." [11]

The reporting of actual services being provided to the child and the family will increase the accountability of the state for children in its care, as well as providing a vehicle for comparing planned services at the time of adjudication with actual ones a year later. The requirement for projecting a date for return of the child to his home also is considered a worthwhile addition.

Limited Custody

The review hearing requires the projection of a date for return of the child to the home, and the state's custody of the child (except where parental rights are severed) is now statutorily limited to 2 years. The elimination of indeterminate commitment represents a significant shift in the state's approach both to delinquent children and to Children in Need of Aid. Nationwide concern over institutionalizing children for periods far exceeding adult commitment for a similar offense was felt strongly in Alaska, and is eased by the new 2-year limitation. The possibility that nondelinquent children removed from their homes will drift indefinitely in a series of foster homes should also be significantly reduced. Extensions of commitment are possible, but they must be petitioned for by the state or the child is released. Even if petitioned for, however, extensions are not automatic. A hearing must be held in which the state demonstrates that the extension is in the child's and the public's best interests, and in no case can the extension last beyond the child's 19th birthday, unless the child himself consents.

Conclusion

Alaska's Children's Code took effect August 26, 1977, and efforts toward its implementation are in an early stage. Work continues toward the passage of revised adoption statutes that were removed from the code and are still pending in the Alaska Legislature. The eventuation of law revision in improved child welfare services, however, is yet to be determined. ☆

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RUNNING TOWARD PRISON

**Who are Alaska's Runaways
and will they fill Tomorrows Prisons?**

This study was prepared at the direction of the Senate Finance Committee for the purpose of assessing runaway and street juveniles as they relate to the adult corrections system. The project coordinator is Marroyce Hall, Consultation Unlimited.
The date of submittal - April 30, 1986 Section 1, June 30, 1986 Section 2.

Running Toward Prison/Running Toward Success

Will Our Runaway Kids Fill Prisons Or Build Alaska's Future?

This study was prepared at the direction of the Senate Finance Committee for the purpose of assessing runaway street juveniles as they relate to the adult corrections system. The project coordinator is Marroyce Hall, Consultation Unlimited.

Copies available through the Senate Finance Committee
or the Alaska Juvenile Crime Commission.

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TABLE OF CONTENTS

Introduction	i
The Problem	1-3
Runaways/Throwaways	3-5
Throwaways	5-6
Throwaways: Product of Families in Trouble	6-7
Educational Behaviors.	7-8
Psychological and Physical Factors	8-10
Profile: Sexually Exploited Child.	10-12
Anchorage Runaways	12-13
Street-A Victim Lifestyle.	13-18
The Native Runaway/Exploited	19
The Runner: To Where	19-21
Street Life Influences	21-22
Aberrant Street Lifestyles	22-26
Anchorage Juvenile Social Drug Scene	26-28
Straight Kids/Street Kids	28-30
National Experts on Juvenile Crime in Alaska	30-31
Conclusion	32
Sources.	33
Outline for Section II of Report	34

INTRODUCTION

Child sexual abuse and exploitation, juvenile delinquency, violence and criminal activity are four serious social problems confronting the United States in the mid-1980's. They meet the criteria for classification as "serious" problems as they are prevalent (involving millions of people); they are severe (incurring many thousands of injuries and deaths as well as sustaining emotional distress); and they are primary (as they interact with other social problems).

U.S. Department of Justice
Office Of Juvenile Justice
And Delinquency Prevention

Is the act of running away a common thread in each of the four areas identified as the most wide-spread and serious of juvenile problems in this decade? Who are these runners? Who are the sexually abused, the delinquent, the violent, and the criminal? How can we help them and how do we protect society from them?

The purpose of this study is to identify causes and behavioral patterns of the juvenile runaway and the street population that lead to criminal activity. Further, to identify ways to prevent the continuing growth of the adult criminal and corrections population.

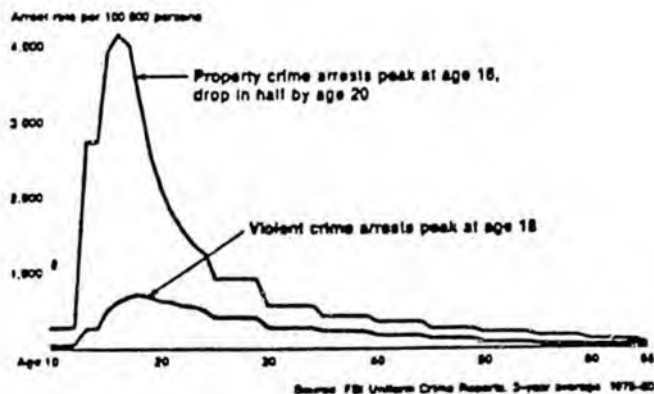
Juvenile crime and runaway information and statistics reflect national data as well as Anchorage and the Third Judicial District. The information gathering base primarily includes years from 1980 through April 1986. Information; 178 case interviews with juveniles and/or parents.

THE PROBLEM: RUNAWAY/JUVENILE CRIME/ADULT CRIMINALS

One million eight hundred thousand juveniles runaway in this country annually. Large numbers of runaways are a fairly recent phenomenon that has evolved primarily from the disintegration of families and the legal ambiguity of parental responsibility and juvenile rights. Further, because the straight community sees little visual evidence of the physical existence of large numbers of runaways they are inclined to believe that they do not exist. Anchorage, like most communities, addresses the problems that runaways create in a piecemill process of individual crimes of burglary, shoplifting, prostitution, robbery, and murder by juveniles as random acts without assessing the factor of the runaway population as it relates to the problem.

Close to half of serious crimes committed in the United States involve youths under the age of 18 and a large percentage of the re-occurring crimes are committed by youthful offenders age 19 to 24 with multiple juvenile arrests. Since 1960, the number of arrests for violent crime by juveniles has risen twice as fast as that for adults.

Serious crime arrests highest in young age groups



Girls are now involved in more violent crime. In one five year period the arrest rate for girls under the age of 18 for serious offenses climbed 40 percent compared to 24 percent for boys.

The Runaway

Technically speaking, any youngster under the legal adult age of his state of residence who, without permission, remains away from his home for a period of 24 hours is considered to be a "runaway." (3)

Most children think about running away. For most, it is no more than the result of a temporary flash of anger aimed at punishing their families. Plans for leaving home, in most cases, are never executed. For some, however, almost 10,000 youths every day, the plans are carried out and they do run away. These figures are staggering, but what is more alarming is society's inability to deal with the problem. (3)

Many factors seem to contribute to this rise in the numbers of runaways. The decade of the sixties ushered in a new attitude of personal freedom and independence. A "do your own thing" attitude formed, personal independence at a very early age grew quite common, and children became highly mobile in many of the nation's communities. Large cities, of course, provide more opportunities for shelter and employment than rural areas, and the age-old expression of an "exciting" urban life brought many youths in search of a new life and anonymity to big cities.

Also, alcohol and drug abuse increasingly create problems within the family structure. Alcohol or drug addicted

parents who are abusive when intoxicated and unable to maintain jobs are relatively common in the runaways's familial history. The director of one runaway shelter has remarked that "these kids are running from something, not to something."

RUNAWAYS/THROWAWAYS AND THE LEGAL SYSTEM

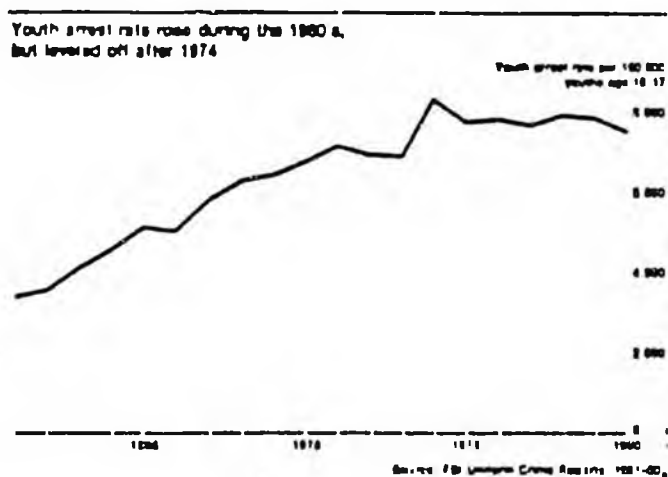
Thirteen states authorize prosecutors to file cases in either the juvenile or criminal courts at their discretion. This procedure, known as concurrent jurisdiction, may be limited to certain offenses or to juveniles of a certain age. Eight of the 13 states provide concurrent jurisdiction options in the trials of youths for serious crimes.

Thirty-one states exclude certain offenses from juvenile court jurisdictions. 20 states exclude only traffic, watercraft, fish, or game violations. The other 11 states exclude serious offenses; 8 also exclude some minor offenses. In Delaware, Indiana, Nevada, and Pennsylvania, persons of any age charged with a capital offense are prosecuted in adult courts.

About 11,000 juveniles were referred to criminal courts in 1978. Most juveniles tried in criminal courts were age 17 and were charged with property offenses. Violent offenses were involved in less than one-fourth of the judicial waivers or concurrent jurisdiction filings.

Juveniles tried as adults have a very high conviction rate, but most receive sentences of probation or fines. More than 90 percent of the judicial waiver or concurrent jurisdiction cases the Hamparian study resulted in guilty verdicts, and

90 percent of the judicial waiver or concurrent jurisdiction cases the Hamparian study resulted in guilty verdicts, and more than half the convictions led to fines or probation. However, juveniles convicted under excluded-offense laws were more likely to be institutionalized. Among the juveniles sentenced to incarceration about 14 percent received sentences that could have lasted, under the most severe circumstances, ten or more years. However, those incarcerated generally received longer sentences than they would have received under a juvenile disposition. However, most youths, like adults, are released from confinement before serving their maximum sentences.



Child In Need Of Aid

The legal system has tried to anticipate such situations as child in need of aid. By law, no child should ever find himself homeless. State-run institutions are designed to function as a safety net for children whose parents have shrugged off their responsibility or a child who has left

states, children can choose to leave home at age 16 (in other states, at age 14 or 18), and the state cannot legally coerce them to return. In Alaska a youth cannot be arrested for running from home or a placement. It is an open secret among social-service professionals that agencies don't consider it a high priority if older children run because their age and sometimes their ingrained street habits make it almost impossible to settle them permanently with a family or in group home.

Younger children usually end up in foster or group homes if their parents turn them over to their state's child-welfare agency when they feel incapable of controlling them. While many care givers and foster parents are concerned about the welfare of the children it is not uncommon for such children to encounter apathy or more abuse within the system. For some of these children transience becomes a way of life and they are in scores of different foster homes or state institutions by the time they reach adolescence. It is this population of children that constitutes a large portion of homeless youths on the street.

THE THROWAWAY (10)

The term "throwaway" denotes a minor who for whatever reasons, is no longer welcome in his home. Runaways are by choice absent from home. Both categories of youth are usually statistically listed as "runaway."

The U.S. Department of Health and Human Services now acknowledges that some 35 percent of youths previously assumed to be runaways are actually throwaways. The National Runaway Switchboard, a hotline for both runaways and throwaways,

reports that calls have more than doubled over the last ten years from throwaways on the street who are desperate for help.

There is no "typical" throwaway, but authorities have been able to draw certain conclusions about the group.

* While the throwaway can be as young as 11, the average age for boys is 17, and 15 for girls. (The population is evenly split between males and females.)

* Throwaways come from all ethnic groups, all fifty states, and usually from both lower- and middle-class families.

* The majority of throwaways come from families in which only one biological parent is present. Divorce has resulted in either a single-parent household or the remarriage of one parent.

* More than half of all throwaways come from households where one or both parents are alcohol and/or drug abusers.

* At least half report having suffered incidents of physical abuse and an increasing number report sexual abuse. Others complain of neglect, of poor or strained communications between family members and of violent clashes over behavior.

THE THROWAWAY: A PRODUCT OF FAMILIES IN TROUBLE

The growing divorce rate has fragmented the traditional family structure in America. Single parents with children struggle to make ends meet, and often the unattended child runs afoul of the law or are victimized by another adult

because his parent or parents are nowhere near to protect him.

Other parents, strapped with mounting bills, caught up in a struggle for survival, ignore their responsibility to their children and simply order the children out of the house. (10)

Strains put on traditional family roles have been combined with many structural changes and malfunctions in governmental and social systems and have resulted in a throwaway/runaway problem that has reached epidemic proportions. (10)

EDUCATIONAL BEHAVIORS: THE RUNAWAY/THROWAWAY (9)

School dropout status is the second most significant predictor of adolescent runaway behavior, as well as one of the highest predictors of alcohol/drug abuse.

School disciplinary problems and crime are also spoken of in the same breath by authorities on juvenile delinquency, students who are disruptive and who cause most disciplinary problems are often the same students who commit crimes. Students experience "progressive maladjustment," starting with unacceptable behavior and ranging from truancy to classroom "nuisance" and disruptive behaviors such as fighting, drug misuse, vandalism, and graduating to serious criminal acts.

The child's behavioral difficulties in school appear to be cumulative if not dealt with at a very early stage. The likelihood of succeeding by intervention decreases as the behavioral difficulties become more acute.

Misconduct in the school, precedes misconduct in the community and the way schools react to school misconduct may determine if it is followed by delinquency.

PSYCHOLOGICAL AND PHYSICAL FACTORS

The most recent and indepth information on this subject is found in the 1986 study by Dr. Ann Burgess on Possible Linkages Between Sexual Abuse and Exploitation of Children and Juvenile Delinquency and Criminal Activity.

The major runaway population reported a very high level of physical abuse (73 percent) and sexual abuse (51 percent) and identified both "unhappy life" and physical and verbal abuse as key reasons for leaving. Secondly, they presented many symptoms of depression, anxiety, self-criticism, somatization and fights among peers, and confusion with their sexual identity. At the same time they report peers admire them, think well of them, believe themselves to be pleasant appearing, happy yet feel alienated and isolated in personal contacts. They also report poor school performance and poor work records and great conflicts with authorities. These findings support our notions that patterns of expectations of this youthful population tend to be inconsistent and not very operable for successful living on their own. In essence they vacillate from feeling good about themselves to feeling terrible. There is little tolerance for the frustration of learning and their ability to evaluate their performance and correct behaviors to occupy their activities. They report little pleasure in their lives on the street or in their lives at home. Family life is reported to be high in conflict, instability and financial stress. This is more the case for those reporting sexual and physical abuse.

All of the runaways tended to find avoidant coping efforts of little use though used frequently. There are gender differences with the sexually abused vs. non-sexually abused populations. Sexually abused females report more delinquent/criminal behavior, feel more confused about sex, express more anger in interpersonal relationships than non-sexually abused females. Male runaways with sexual abuse histories are more avoidant, fearful of adult men, report more absent fathers, are solicited for prostitution, have problems with same sex relationships and tend to report more physical symptoms than non-sexually abused males. Both sexually abused genders report more suicidal ideations. (1)

Life On The Street Exact A Heavy Toll.

* Most throwaways suffer from some psychological disorder -- severe depression, suicidal feelings or antisocial behavior. One study found that 66 percent of the girls and 48 percent of the boys questioned had attempted or seriously considered suicide. (9)

* Street kids are afflicted with a wide variety of physical problems as well; frequent infections, decaying teeth; peptic ulcers, venereal disease, as well as seriously debilitating conditions. (9)

* 70 percent abuse some form of drugs or alcohol. (10)

* They are more sexually active than their peers with homes. One study found that nearly 75 percent had engaged in intercourse and one-third of the girls had been pregnant at least

once. And girls who have a baby often perpetuate the cycle of homelessness and deprivation into the next generation.

Cognitive confusion and unrealistic expectations link the child into repetitive running. When asked about beliefs regarding these events in general, the youths reveal the problems in their linking in that while they feel others control events and they blame others and themselves for event, they also believe the events are unpredictable - a paradox. This confusion between accountability and predicability reflects unrealistic expectations that things should be different and lack of an awareness of actions that can result in change. There is self recrimination and/or disqualification at the same time a disbelief and/or lack of awareness of what actions and behavior can be controlled or changed and what is needed to take control. (1)

Child Prostitution and Pornography

Exactly how many runaways end up in prostitution and/or pornography is difficult to estimate. However, most juvenile prostitutes are runaways and missing from home. Prostitution is the easiest way for street kids to make money. (2)

PROFILE: THE SEXUALLY EXPLOITED CHILD

Girls/boys who are exploited are usually of normal intelligence, 11 - 16 years of age, from a blue collar background with a high degree of racial prejudice in the family. 80 percent will be from a single parent family, the mother is usually divorced, working and either dating or remarried. 94 percent indicate drug usage with 30 percent demonstrating drug dependency (daily use). 90 percent are runaways and

only 18 percent indicate a close/"warm" family setting. 53 percent indicate a hostile/rejecting/"throwaway" relationship by parents. 37 percent became involved in some form of child pornography. The average age of first sexual intercourse for these children was 12 with the greatest frequency between 10 and 13 (lowest was six). (1) (11)

People who make a business of picking up children can spot a runaway as handily as a poker player can win with a straight flush. Once spotted, it is simple for an experienced procurer to approach the child, begin a conversation, buy a sandwich or soft drink, and take the victim home.

Alaska Juvenile Inmate Findings, McLaughlin Youth Center (14)

Only males were surveyed, females are typically higher in most categories of abuse.

* 80 percent of the juveniles responding reported multiple incidents of physical abuse.

* 40 percent of McLaughlin residents acknowledged committing the same kind of physical abuse against others. One-fourth of those who were sexually abused admitted committing such acts later.

* 68 percent reported sexual abuse and 25 percent of the McLaughlin population has been "extremely sexually abused."

* 27 percent of these underage youths said they have had sex for money and the same percentage said they were forced to have sex with someone.

State and Law Enforcement Statistics

According to the statistics from the Division of Family and Youth Services reports of child sexual abuse increased 530 percent from 1980 to 1984. The Anchorage Police Child Sexual Assault Unit handled an average of 52 cases per month in 1985. That average has already increased by approximately 13 percent for the first two months of 1986. Under the Violent Crimes Compensation Program for 1985 sexual assault claims exceeded all other category of claims including homicide and other types of assault. Of the 91 claims filed 67 were for sexual abuse of a minor. (6)

ANCHORAGE RUNAWAYS. HOW MANY ARE THERE? WHO ARE THEY? WHERE DO THEY COME FROM?

Some hitchhike from rural Alaska, some fly in from bush villages, and some boat across to the Kenai Peninsula from places like Kodiak. Most runaways, however, run right here from home to downtown Anchorage. They come from everywhere. They come from every cultural and social background. Some come up from the Lower 48 to Alaska with parents. Others come from average working or middle class homes. Runaways come from families represented in full range of the economic spectrum, from the poorest families to the wealthiest. Any child can fall victim to the street life.

The September 1985 Wasserman Report requested by the Municipality reported statistics on the Anchorage runaway population and the runaway network as follows:

"The Anchorage Police Department recorded 742 run-
aways reported by families in 1984. Unofficial APD
estimates of the total number of cases, reported

and unreported, run as high as 1,500 cases during any single month, although this number would include a significant percentage of youngsters who are over 16 years of age and are 'informally emancipated.' This estimate would probably also include the 1,500 runaway 'street children' who are estimated to the present at any given point in time. It would also be noted that these estimates do not represent numbers of new cases per month, but are likely to contain a large 'static' population of more or less 'permanent' runaways or castaways."

NOTE: The numbers reported for Anchorage are four times the national average for cities of comparable size.

STREET -- A VICTIM LIFESTYLE

Detective Frank Feichtinger, Alaska's nationally recognized law enforcement expert in the field of child exploitation reported some of the problems of juveniles running to street life as follows:

"What has developed in Anchorage and other communities across the nation, is a network of criminal activity of which juveniles play a substantial part. This has developed to the extent that many of our young persons so exposed actually are a part of a subculture existing in the same space but at different times within the mainstream of our society. Criminal activities thrive at night after most law abiding citizens have gone home to families, newspapers, and T.V. This subculture has a set of values and morals that are radically different than those of the main body of our society. Paramount within this set of values is the belief that youth equates to victimization. When a young person in our community is, for whatever reason, out of the home environment and living in the streets, he is subjected to an elaborate system of victimization on the part of adults who use youth to their advantage in the perpetuation of their criminal activities and personal desires.

"A young person finding himself/herself within this position is necessarily forced to first, survive. In order to do this, the youth must engage in activities which adults can support. These activities range from theft to drug usage/sales to prostitution. Adults involved in these activities will promote the involvement of juveniles to the advantage of the adult while at the same time providing for the juvenile, as a minimum, the basic needs of food, clothing and shelter. Juveniles within this community are extensively involved in theft, drugs and prostitution and these activities are promoted and supported by adults within the community. The extent of the problem is largely unseen, even by many persons within the criminal justice system who deal with these juveniles daily as a part of their jobs, because the juvenile does not often talk about depth of involvement to any one, other than his/her peer group and in some cases, not even to them. The system tends to look at each individual act by itself, failing to realize that there is a much greater problem, individually and collectively, lurking below the surface of the individual act.

"As an example of what I previously stated, I would estimate that about 50 percent of all the boys admitted to McLaughlin Youth Center have had some contact with adults of a homosexual nature. I would further estimate that in excess of 25 percent of these have had what could be termed deep involvement with more than one adult. Often, this kind of activity develops in relation to other types of activity including the adult using the juvenile for drug sales and to provide merchandise for fencing operations of small and large scale. It is not surprising then, that when the juvenile so involved is picked up for a property crime or drug related offense, the depth of his involvement is never revealed to those professionals within the system that later deal with him.

"Any juvenile who, for whatever reasons, spends more than a short amount of time living away from home and on the streets will become involved to a greater or lesser degree in the kind of activity I have just described. Since the adult(s) involved

use the juvenile for their purposes, the normal role of adult guidance in the maturing process is severely distorted which in turn perpetuates the problem as the juvenile grows older and changes from being the victim to the user. Over a period of time of involvement in these kinds of activities the youth gradually begins to believe that the only thing that will change his being used to another's advantage is age and that when that age is attained the role can be reversed.

"It is virtually impossible for a young person to survive away from home without becoming involved in these kinds of activities because of the inability of a young persons to legitimately obtain the basic necessities of food, clothing, and shelter. It is further virtually impossible for that young person to steal enough through burglary, robbery, or theft to attain these necessities. As such, the young person in that position, must turn to other more profitable activities. These activities involve drugs and prostitution. The problem is further compounded, in most cases, because of the emotional problems that the youth is experiencing as the result of his necessity to leave the home or to replace the home needs with persons met outside the home and his resultant turn towards drug usage. Drugs are expensive and not within the reach of the average young person through legitimate earnings. Adults desiring use of juveniles for sexual purposes are well aware of the juvenile's problems and will frequently provide either the basic needs of survival, or drugs, or both in return for sexual favors. In many cases, the juvenile can provide sexual favors for a much higher fee than could be obtained through other types of criminal activity. Adults desiring these kind of favors are very perceptive in being able to identify those juveniles that are in a position to which they would be susceptible to such propositions.

"All this exists on a large scale in the Anchorage area. (The extent of this existence increases steadily because of the inability of the criminal justice system and the community to control it estimate that the extent of the problem in Anchorage is proportionately greater than it is in other comparable communities in the United States, again for a variety of reasons.) It is common

knowledge that large scale fencing operations exist within the Anchorage area, as is evidenced by the very small percentage of stolen property from Alaska in other states. The extent of drug sales operations and drug usage among juveniles in the Anchorage area, again, is particularly high. Further, it is virtually impossible for any young person not to be exposed to drugs, and not just marijuana, beginning in junior high school. The extent of juvenile prostitution activities, particularly as it involves males, is also extremely high in the Anchorage area to the degree that virtually all juveniles living out of the home are exposed, many still living at home are exposed.

"There exists, in Anchorage, houses where juveniles on the run can find temporary shelter. These houses are provided either directly or indirectly by an adult. Unfortunately, there are strings attached to the use of the safe house by the juvenile. There have been commercial pornography operations featuring sexual involvement of juveniles in the most perverted kinds of sexual activity operating in the Anchorage area. These operations have been directed by criminal organizations from outside the State of Alaska. There have been commercial prostitution operations within the Anchorage area in which juveniles were the merchandise and in which the fees paid were extremely high. There have been large scale drug operations in which juveniles, many of them going to school and living at home, were involved as the primary pushers. There have been large-scale fencing operations in the Anchorage area in which merchandise stolen by juveniles was fenced by adults to create huge profits.

"The depth of this whole problem is really seen when one realizes what becomes of the juvenile that is involved in these kinds of activities. All young persons growing up need adult guidance and emotional support in order that a moral and value system can develop. If the child receives, for this need, guidance and 'emotional support' from persons that only wish to use him, it is understandable how we are developing a subculture of increasing size within the mainstream of our primary culture, in which the value system is as foreign as one would be from a far Eastern country.

The use of youth for personal gain is as foreign to the basis of our culture as is the crime of murder and yet we are allowing this to exist, and to, in fact, grow within the Anchorage area to a massive degree."

Kids Who Run, Who Are They?

Case Examples:

Danny, age 16. His parents left him in Anchorage when they left the state. They told him that he was old enough to take care of himself. He was left with some money but it soon ran out. He tried to get a job and held on to a few, working at a few fast food restaurants. There was never enough to keep him properly fed and supply his shelter needs. He could not get a job and started panhandling in the downtown Anchorage area. During the winter he often slept under the blower vent of the grill at McDonalds next to the Sunshine Mall. Danny finally found a job working as a street prostitute on the corner of Fourth and D Street.

Shaunna, age 14. Shaunna ran away from a home on the hillside. She joined a group of girls burglarizing neighborhood homes. When arrested she openly admitted to the Alaska State Troopers and her parents that she had no real problems at home and she ran for the fun of it and had no intention of staying home.

Corey, age 15. Corey was caught shoplifting (runaways will often shoplift from stores for money and clothing). Corey ran away from home many times. His parents just did not care anymore nor did they report him as a runaway. He often talked to his parents by telephone and always lied to them

about his true situation. He stayed with friends at first, always staying until his welcome wore out. He was a heavy user of drugs, pills, pot, and often mixing drugs with alcohol. His addiction stopped him from getting or holding a job so he sold drugs to maintain his habit. He was raped by a male adult one evening when he was high on LSD (Lysergic Acid Diethylamide). Corey has since graduated to more daring and sophisticated crimes and has a fascination for guns.

Nicky, age 16. Nicky was discovered performing nude in an Anchorage club. She had been performing since the age of 14. Evidence indicated she was transported to Anchorage by a talent company providing girls for strip bars from outside the state.

Jenny, age 16. Jenny was a native. She was impregnated by a boy in her village. She attempted an abortion and ran away. In Anchorage she was prostituted by a pimp, often beaten, and never left with enough money to return to her village. Jenny stayed strung out on the drugs her pimp supplied for her. She died of an overdose.

Most groups of Alaskan runaway children are typical of the problem nationally. The problems of native kids are the exception due to the additional factors brought about by the cultural clash.

THE NATIVE RUNAWAY/EXPLOITED

Anchorage attracts the native children from villages primarily north and west of the city. The actual numbers of native runaways are hard to determine because the runaway case reporting from the bush areas is sporadic. Runaway native

juveniles have been very much in evidence in a number of cases of exploitation occurring in Anchorage. Some individuals target native youth because of the geographical and cultural displacement and the perception that they would be less likely to complain to authorities because of the lack of sophistication in dealing with the system.

One individual interviewed fit the profile of the native male victim of street exploitation.

James, 13 years old, son of an alcoholic mother moved to Anchorage from a western village. He was befriended at the YMCA by a white adult male in his 40s. The friendship/father figure relationship that the child was seeking evolved into a sexually exploitive relationship involving large numbers of other young males.

The system is seeing an escalation in violent crime among both native boys and girls. Almost one-third of the juvenile males incarcerated in McLaughlin Youth Center in the closed treatment unit are native. The link between native children suffering from sexual exploitation and acting out in a criminal and violent manner is a phenomenon that calls for additional study.

THE RUNNER . . . TO WHERE?

About ten percent of the reported runners remain on the street each year. Only an estimated five percent of the runaway population utilize legitimate shelters provided by communities. The remaining 95 percent rely upon their own cunning and wits to survive. (11)

Alaska's runners rarely hold jobs for long. Idle time is spent hanging around Anchorage malls, video game stores, and all night restaurants. According to street kids, it is easy for those planning to run to hang around these places and make enough connections to disappear for a year and never leave Anchorage.

Actual "habitats" for runners can be broken down into five loosely knit social grouping situations.

The Acquaintance Runner. This runner will often find shelter with a series of friends or family acquaintances until he wears out his welcome. He will usually return home on several occasions until family relationships further disintegrate.

The Solitary Runner. He is often a throwaway, out of the family with few options. He will have little peer support and few resources or skills. Living on the streets the individual will hole up in laundry rooms, stairwells, or all night restaurants.

The Network Runner. "Borderline", anti-social, or criminal young adults share living space with young runners. Reliance creates a loosely knit family replacement structure. Relationships usually last for short periods. Often drugs, sex, jealousy and lack of stability will cause bitter fights, forcing the younger runner to drift toward other similar environments.

Home Runner. This juvenile operates out of the family home at his own convenience, but evidences most of the traits of street life. Societal and family rules are simply ignored

and in some cases the juvenile becomes violent and abusive to the family.

Criminal "Safe" Shelter. (In street language the word "safe" means safety from parents and police.) This refuge is an artificial home environment provided by a criminal adult or adults for the express purpose of ingratiating themselves with the juvenile to involve them in illegal activities.

The Crash Pad. The Alaska crash pad is usually in condemned and deserted buildings with no heat, lights, water, or sanitary facilities. These shelters are commandeered by groups of juveniles involved in criminal activity; burglary, robbery, drug dealing, prostitution, and even murder. The location of several crash pads in different parts of town constitutes a common home for the crash runner.

STREET LIFE INFLUENCES

Drugs and Drug Culture

The impact of drugs and/or alcohol is evidenced in virtually every case and every negative lifestyle involving repeat runners and juvenile criminals. Heavy abusers sustain their drug use virtually to the exclusion of other life activities. The result is a commitment of the individual to a culture that revolves around other users and ways to obtain illegal drugs.

Local law enforcement makes few pretenses at controlling drug use and sale by juveniles due to lack of manpower and the availability of controlled substances. Drugs are so common in schools, public places, and functions that many young

users rarely give a second thought to selling. What better way to keep a supply, make money and friends.

Drug Influences in Anchorage Schools. In 1978 the West High football coach Don Larson made statewide news when he threatened to resign because most of his team was on drugs. A March 15, 1983 Anchorage School District survey reported that 44 percent of a high school age population surveyed regularly used alcohol and 36 percent of the seniors reported some use of cocaine during that year, as compared to 12 percent for the national group. According to experts in juvenile problems and narcotics enforcement it is believed that the juvenile drug usage has escalated sharply since the 1983 Anchorage School District drug survey report to the School Board.

ABERRANT STREET LIFESTYLES

Crime Rings. Adults who use groups of kids for criminal activity; burglary, robbery, prostitution, and drug dealing (covered in the Feichtinger interview).

Punk. While a relatively small group, the most startling affectation are the Punk/Deth Metal/New Wave/Nazi. Kids attracted to this concept want desperately to belong and to be group identified.

The Junior Punks. Groups in the high school system. Street kids estimated that there may be as many as 40 Junior Punks or "Wannabees" in some schools in Anchorage.

Nazi/Punk. Some individuals adopt the Nazi/Punk affectation and the lifestyle becomes all encompassing. For hardcore

attracted to this concept want desperately to belong and to be group identified.

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Nazi/Punk. Some individuals adopt the Nazi/Punk affectation and the lifestyle becomes all encompassing. For hardcore Punks, piercing the body and shaving portions of the hair into grotesquely distinctive designs, painting or cutting skin with symbols is almost a requirement. Chains, whips, spike bracelets and chokers are part of the uniform. Slam dancing and head banging are typical of a "social function" and can get extremely physical and sometimes very painful. Some Punks correspond with neo-nazi groups in Germany. They ritualize Deth Metal and Acid Rock music, particularly recordings that glorify death and pain.

RECORDING ARTIST: Megadeth

Exodus

I am a sniper
Always hit the mark
Paid assassin
Working after dark
Looking through the night
Using infra-red
My target on you
Aimed at your head
\$10,000 up front
\$10,000 when I'm through
And I know just what to do
And ya know I'll do it too
Then I'm coming back for you
Back for you!
I do the "getting rid of"
Don't tell my why
Don't need to hear the truth
Don't need the lies
Now pay me quickly
And now we're through
It brings me great pleasure
To say my next job is you
Don't you know that
Killing is my business
And business is good (repeat)
You'd better believe it

It starts with life, a way to live
I love the sound of pain
The more it hurts the better I feel
The world will fall insane
It comes to me late late at night
When I feel like being cruel
Whip out the chains and get the knife
And slay some innocent fool

Get in our way and we're going to take your life
Kick in your face and rape and murder your wife
Plunder your town your homes they'll burn to the ground
You won't hear a sound until my knife's in your back
The Exodus attack

The filthy sound of death and pain
Brings pleasure that I need
The rotting hide the burning flesh
The smell and I agree
Bloody corpse makes me feel great
Painkiller in my life
Cut bare flesh to the bone
Use a rusty knife

Get in our way and we're going to take your life
Kick in your face and rape and murder your wife
Plunder your town your homes they'll burn to the ground
You won't hear a sound until my knife's in your back
The Exodus attack

involving psychedelic drugs and horror movies, music and rituals dedicated to Satan.

(Satanic/Punk activity is not accepted by hardcore satan worship hierarchies and covens. Satan worshippers go to great lengths to keep their activities secret.)

Although the number of hardcore Punkers are comparatively few, the lifestyle holds appeal for youths who are angry and want to exhibit destructive anti-social behavior. Further, the level of general popularity of soft punk music/video movies and semi-punk/new wave dress indicates that punk is not only tolerated by larger numbers of juveniles but it is acceptable.

Motorcycle Gangs. Gangs attract a small number of runaways nationally but most members are from Alaska. Runaway girls age 12 to 17 are lured into involvement because they perceive the lifestyle to be exciting and powerful. While all groups are not involved, and few actual statistics are available, reports out of Louisville Exploited Children's Unit covering a 33 month period revealed 112 child exploitation cases involving bikers. Locally, young girls interviewed reported they were subjected to intense physical abuse, sexual abuse, and in some cases, prostitution.

Satan Worship. Satan worship, as opposed to satan punk, operates in extreme secrecy. Police and officials often prefer to believe that it does not exist or if it does it is a harmless practice. Because of the secrecy it is hard to evaluate the its impact.

Local juveniles have been involved to the extent that in the past eighteen months 9 known cases have been treated by lengthy hospitalization in psychiatric hospitals in Anchorage. Evidence of involvement is surfacing at McLaughlin Youth Center as well as in local public schools. Rituals reportedly involve animal sacrifice and corpse mutilation.

Dr. Judianne Deussen-Gerber, national expert in runaway and related problems as well as occult activities, expressed concern about the growth of satan worship practices in Alaska due to our proximity to one of the epicenters of the satan worship movement.

Nationally, satan worship has surfaced in a number of communities and the subject has been reported extensively on national television and news magazines. Tom Jarrell, correspondent for ABC news show 20/20 entitled The Devil Worshippers, stated that ritualistic murder has become a specialty for the San Francisco chief medical examiner. According to Agent Ken Lanning, F.B.I. Behavioral Sciences Unit, WA. D.C., close attention is being given to satan worship as a culture that is growing and exhibits a great potential for violence.

Sado/Masochistic Clubs. The sado/masochistic is a fringe group that is few in number but extremely dangerous. Youths involved are at risk physically, psychologically, and emotionally. One group is known to have started in Anchorage and others are suspected. Sado/Masochistic clubs are initiated by adults who are sexually stimulated by sado/masochistic activities and a feeling of power over the victim. Juvenile runaways are at risk because the power factor

is enhanced by the youthfulness of the victim. Also, run-aways have no protection because they are already considered "missing."

ANCHORAGE JUVENILE SOCIAL DRUG SCENE AND "PARTY" STRUCTURE

One interaction between street kids and at-risk straight kids takes place at a social level depending on which group each chooses to relate. Unsanctioned juvenile "parties" are held almost every weekend in Anchorage. Events are advertised by flyers in the malls and places where kids gather. Another unique method initiated by resourceful party-givers involves the use of rented limousines which cruise on the Northern Lights/Benson strip to signal that a party is happening. Kids will follow the limousine to see if they are holding the kind of party they are interested in, depending on how the individual perceives himself in the party "caste" system.

Parties often range in size and can include hundreds of kids. One party two years ago involved so many kids People Mover buses were used by the police to transport them. Adults are sometimes criminally involved and alcohol is in abundance. There is often a drug room set up where each drug supplier will be provided an allotted time to service his customers before relinquishing the room to the next supplier. Parties sometimes get out of control, resulting in destruction of property and police response.

before relinquishing the room to the next supplier. Parties sometimes get out of control, resulting in destruction of property and police response.

PARTY

2307 W. 30th
 8:30 Feb. 28 Friday
 \$200 Door Charge
NO Pres. Sales, Tips
 Cordy for serious buyers
 5 Keys



CONCERT
 PARTY!!

DETH DANGERS SHOW TO TRASH
 THE CRAP (BUTT)!!

Place: HULKAGIN HEIGHT
 3rd LEDGE

DATE: April 1, AND IT'S NO JOKE
 TIME: 11:30

7 KEGS
 LIVE BEER
 \$5.00 AT TAP



MUSICAL
 TENDRIES

PARTY WEED **LINE**

\$200
 FOR GUNS



SATURDAY MARCH 15
 BE ON THE STRIP...

Baby Blue Limosine...

9:00 FOLLOW US
 TO PARTY.

Interview Question:

Please describe the kinds of groups or parties that kids are involved in in Anchorage. Specifically describe those parties that involve illegal activity.

Answer:

Sochs. "The upper class party people. They don't drink too much but they are into cocaine. They listen to contemporary rock music."

Preps. "They are a lightweight bunch of people that are just starting to get into partying, mostly freshmen and sophmores. They crash parties and get wasted and make scenes in front of everybody. They listen to soul music or disco. The preps usuall, smoke a lot of dope and know where to get a lot of it."

Stoners. "This is a hard party gang. They like to get

They listen to heavy metal music and to deth metal music."

Punkers "They like to listen to Deth Metal music and get into the drug scene. . . . They like to do acid and other heavier drugs like mescaline. They get into heavy partying. Some of their parties have stoners but never have they had any sochs or preps."

"The nickname that the Stoners and New Wavers give the Sochs and the Preps is the Wannabees because they really want to be 'partiers."

Group Interview, Juveniles age 14 to 17.5
Interview conducted on 2/15/86

Interaction in these groups can be dangerous for borderline kids because it introduces them to aspects of street and drug life that could make running more appealing.

STRAIGHT KIDS/STREET KIDS

One disturbing factor of the increasing runaway and street population is a growing segment made up of "average" kids from typical family homes where no abuse or hardship is evident or claimed by the runaway. The major influence in these cases is: teenagers perceive that street life gives them a certain freedom. They are free from responsibility, free from parental control, free from the rigors of school attendance. Additionally, many are drawn to the excitement of risk and unacceptable peer influences.

This group of kids has discovered their "right to run." They know that under current state law, parents, law enforcement, and community hands are tied and there is no legal recourse to hold them even for their own protection. The potential for straight/street kids to fall prey to exploitation of

criminal adults is even greater than those kids who are street-wise and through necessity have learned to survive.

The families of straight kids who run are left bewildered, hurt, and angry. Parents of these kids often find themselves caught in a system that offers little help in their attempt to find and return their juveniles homes and to stabilize their lives.

Many of these juveniles who are repeat runners destroy the stability of their families and set run patterns for younger siblings in the family. Their actions create a ripple effect causing changes in behavioral responses between all remaining members of the family. Divorce is not an unusual occurrence following periods where parents have spent their financial and emotional resources vainly searching for a missing child. The fragile family structure often cannot withstand the blame/self guilt/anger syndrome created by a loved child who has deserted his or her family for no apparent reason.

As the numbers of runaways increase, the straight kids/street kids segment of the street population will continue to rise because loss of control and negative peer influences will also increase.

How Many Juveniles Are Involved In Crime

Juveniles ages 12 to 18 in Anchorage loosely translate to the following breakdown:

The number of kids in this age range is approximately 20,000.

87 percent of the teenagers will never runaway or receive more than misdemeanor citations or traffic tickets.

6.5 percent will commit only minor offenses.

5.5 percent are considered borderline "at risk" and will negatively impact the schools, social services, families, and on occasion, law enforcement, (usually property crimes, as well as prostitution.)

1.5 percent remaining include potential hardcore criminals. Individuals in this category will affect and impact the prior 5 percent involving them in criminal activities.

NATIONAL EXPERTS ON JUVENILE CRIME IN ALASKA

John Rabun, Deputy Director of the National Center for Missing and Exploited Children and the national consultant for the Alaska Juvenile Crime Commission views the problem as one of the severest in the nation for cities the size of Anchorage.

"One major indicator of the problem developing in Alaska is the numbers of the runaway reported in Anchorage (nearly four times the national average). "If 742 kids in an isolated setting like Anchorage, Alaska are running from their homes and the reported 1,500 juveniles are living in the streets outside of legal custody, the predictors of their involvement in criminal and anti-social activities typical of street life indicate that Alaska will continue to suffer escalating and compelling social and criminal problems."

F.B.I. Agent Ken Lanning of the F.B.I. Behavioral Sciences Unit stated as follows:

"I strongly recommend that Alaskans as well as those in the Lower 48 address problems experienced by youth early on.

"The profiling of serial murders and rapists reveals psychological abnormalities stemming from negative life factors rooted in child and teen years as one of the predictors of serial murderers, arsonists, and rapists.

"Profile work done by the Bureau has convinced me that if communities do not act to address problems of juveniles we can expect to see a sharp rise in violent crimes as well as those crimes committed by serial murderers and rapists."

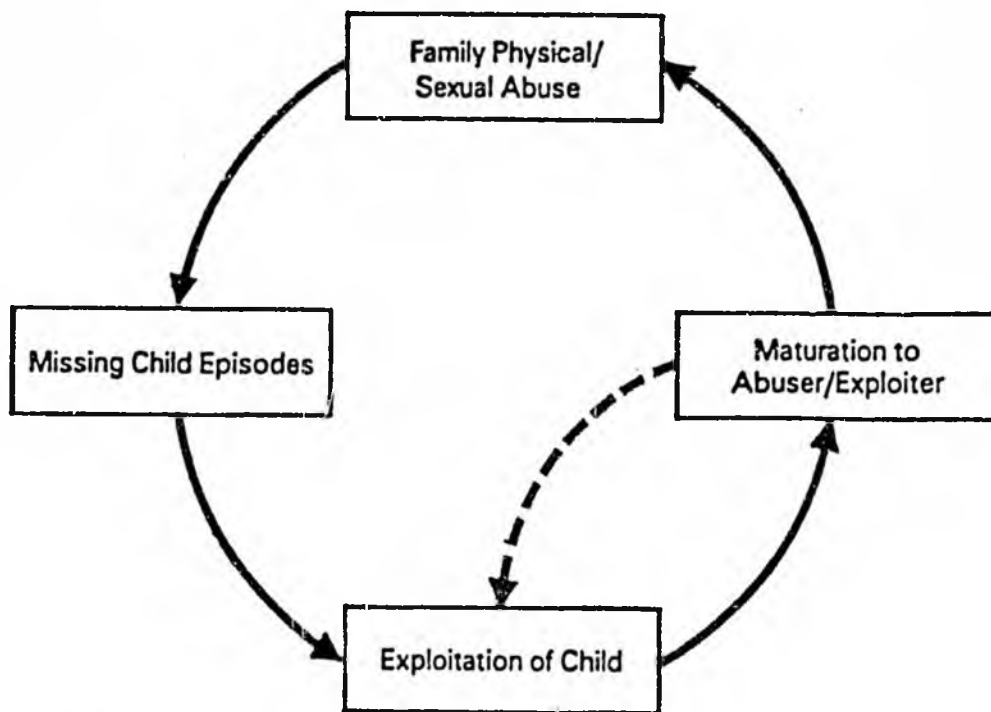
CONCLUSION

Child sexual abuse and exploitation, juvenile delinquency, violence and criminal activity were identified nationally as some of the most serious problems confronting society. The runaway is a national and progressive epidemic that contributes to a kaleidoscope of serious societal problems. The runaway/street juvenile further impacts society by exhibiting those factors intrinsic to much of the prison population. Society is behind the power curve in identifying the scope of the problem, and the projected result, as well as implementing workable preventive measures. Alaska is impacted more heavily than comparative communities outside.

A significant conclusion was drawn by John Walsh, the father of Adam, when he spoke to the Joint Judiciary and Health and Social Services Committees of the Alaska Legislature in Juneau last February.

"Those of you that are parents who love children have a vested interest. Those of you that don't have children and really aren't concerned with children but won't admit it publicly, consider this: 80% of the convicted felons that are in federal prisons by an FBI survey were physically or sexually abused as children. 75% of the violently mental ill in state institutions were physically or sexually assaulted as children. If you want to deal with the problem now you won't have to pay later. Because the 12 year old on the streets of Anchorage tonight, or the sexually or physically abused child in your schools today may become the rapist or murderer in Alaska's future and you'll have to deal that with a larger, much larger appropriation and much bigger cells. So, there is a way to break the chain and that's by protecting children now and stopping and helping the victim. We must stop them from becoming future criminals."

Cycle of Violence



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Unidentified Juveniles

SECTION II OF THIS REPORT; RUNNING TOWARD PRISON WILL
ENCOMPASS:

A PROFILE OF THE NATIONAL ADULT PRISONER

A PROFILE OF ALASKA'S ADULT PRISONER

DIFFERENCES AND COMMONALTIES WITHIN THE TWO GROUPS

PERSPECTIVE OF EXISTING PROBLEMS

RECOMMENDATIONS

Running Toward Prison

Section II

RUNNING TOWARD SUCCESS

Will Our Runaway Kids Fill Our Prisons
or Build Alaska's Future

This study was prepared at the direction of the Senate Finance Committee for the purpose of assessing runaway and street juveniles as they relate to the adult corrections system. The project coordinator is Marroyce Hall, Consultation Unlimited. The date of submittal - April 30, 1986 Section 1, July 30, 1986 Section 2.

Running Toward Prison/Running Toward Success

Will Our Runaway Kids Fill Prisons Or Build Alaska's Future?

This study was prepared at the direction of the Senate Finance Committee for the purpose of assessing runaway street juveniles as they relate to the adult corrections system. The project coordinator is Marroyce Hall, Consultation Unlimited.

Copies available through the Senate Finance Committee
or the Alaska Juvenile Crime Commission.

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T A B L E O F C O N T E N T S

Introduction	i-ii
Are Kids Also Victims Of The System?	1-2
Even Little Kids Can Fall Through The Cracks In The State System	2-3
The "Kiddie Cops," Who Are They And What Makes Them Tick?	3
The Cops On The Street	3-5
The Specialization Of Child Exploitation Police Work . .	5-15
The Adult Criminal Profile	15-19
Alaska Prison Population	20-21
Who Are Alaska's Prisoners?	21-22
What Do Adult Prisoners Say About Their Juvenile Experiences That Led Them To Prison?	22-25
Conclusion	26-27
Recommendations	28-47

INTRODUCTION

Section I of this report, entitled Running Toward Prison, is devoted to identifying the runaway and street population. The segment also reviewed differences in the Alaska runaway population as compared with outside runners. The study also included a base comparative for identifying factors in the runners' lives that put them at-risk for adult prison.

Section II, Running Toward Success will report on the adult Alaskan prisoner and his criminal and anti-social behavior as a teenager. The study will also reveal weaknesses in the juvenile justice system and offer extensive recommendations for positive change.

In order to understand the scope of the problem, a philosophical look at the paradox that is Alaska is the best beginning.

Alaska is a land of extremes; extremes of cold, of dark, of daylight, of desolation; of inordinate beauty and wealth beyond the wildest of dreams.

Drawn by the great riches brought about by major oil discoveries, families and businessmen came to Alaska to build their personal and corporate fortunes. Governmental services also increased drastically due to the influx of the great wealth into public coffers.

The Alaska government has had at its disposal millions/billions of dollars over the past ten years. After all state bills and taxes are paid, enough money is left over to give every man, woman, and child in the state \$500.00 or \$1,000.00 each and still have seven billion extra dollars in a rainy

day account. Shouldn't many of the thorny social problems plaguing less wealthy states be solved with these resources and the financial ability to attract highly skilled people in every field from all over the nation?

In the past ten years just such an experiment evolved. And while much has been positive, disquieting questions have also surfaced.

Why, with all this wealth and promise are so many Alaskan young people so troubled?

Why are the children of Anchorage running four times more frequently than the national average for a city our size?

Why were more than 7,000 Anchorage school kids suspended in a two year period?

Why did Anchorage high school students use cocaine three times more frequently than their national counterparts?

In addition, why does this tiny population of less than half a million people produce a mushrooming prison system that ranks fourth in the nation per capita?

How will they affect the future of Alaska? Are today's children of the streets the people destined to increase the prison population by a projected 500 percent by the year 1990?

Can Alaska reverse the tragedy of Running Toward Prison to Running Toward Success?

Many of Alaska's children are standing at a crossroad. For most, the future offers the very best of times; but for too many, it portends the very worst of times.

had a history of severe physical and sexual abuse as well as drug and alcohol addiction. After a series of unsuccessful placements the state was relieved of responsibility by the court at the request of social services. Because the court upheld the petition to drop guardianship arbitrarily, he now has no legal guardian and a minor cannot legally act on his own behalf nor can any adult act for him. This means that nobody can legally sign him into school, sign for employment, or sign for his medical records. In December, six months after the court release of custodial responsibility, Billy was found under a stairwell living in a box.

**EVEN LITTLE KIDS CAN FALL
THROUGH THE CRACKS IN THE STATE SYSTEM**

Case: Lonny, age 11 was reported on the run and found in a crash pad. Lonny had not attended school in over three months and had been expelled. He had a history of five prior arrests and six prior runaway incidents. This little four foot ten inch runner's parent is drug and alcohol addicted. Physical abuse in the family is suspected. Police turned the youth over to social services. He was again returned home. Two days later he ran again.

Case: Jason, age 11 was found in a crash pad with several young adults involved in sex and alcohol. Police took Jason into custody. He had not attended school for months. Jason's history revealed that he had a prior record for shoplifting and had been living in the streets for three weeks. He was returned home by social services.

The cases listed are a few of the extreme but increasingly typical examples of the breakdown in the "System" that

ARE KIDS ALSO VICTIMS OF THE SYSTEM?

Each year approximately 1,200 youth come into contact with the state and local services system for runaway and troubled youth. There are estimated to be about 300 throwaway youth in Anchorage each year. There are approximately 600 youth annually in Anchorage who are chronic runaways. (27)

Child abuse, alcohol and drug abuse or addiction, and increased numbers of runaways have severely affected the system. Even though significant efforts have been made by the legislature, through additional funding for child abuse programs as well as passage of child protection laws, the problems are out-running the solutions.

The state, by current law, cannot physically control kids. Further, in some cases, kids in serious trouble who will not cooperate or do not have guardians are prioritized down and often "thrown away" by the very system mandated to protect them.

Case: Linda, age 17, had been living on the street since age 13. She was severely drug and alcohol addicted. She was declared a Child in Need of Aid (CINA). While in the custody of the state she was arrested several times and placed in foster homes, McLaughlin, drug rehabilitation, and Alaska Psychiatric Institute. At the time of her last court date she was living with a known drug pusher and had no visible means of support. The court remanded her to her own custody on the petition of social services.

Case: Billy, age 15, had no living relative in the state. He was in the custody of social services as a CINA. Billy

becomes an unwilling accessory to the creation of juvenile offenders and ultimately adult criminals.

THE "KIDDIE COPS," WHO ARE THEY AND WHAT MAKES THEM TICK?

Child exploitation, like any profitable business today, utilizes expertise and technology as tools of the trade. As a result, law enforcement agencies and officials are beginning to identify the need for specialists in the field.

In the Anchorage Police Department for example, there are different but connecting groups of officers who work with kids who are victims and/or kids who commit crimes. These groups consist of street cops, juvenile officers, and detectives working sexual abuse and exploitation cases.

In this report the concerns of Officers Chapman, Warner, Feichtinger, and Lacey are profiled.

THE COPS ON THE STREET

The typical "kiddie cop" (a term used by fellow policemen) is an officer who takes a personal interest in and has a special talent for working with juveniles.

Even though there is often an adversarial relationship between street kids and the police, some kids develop an uncanny intuition about cops who really care about them personally.

Preston Chapman, an A.P.D. patrol officer, is one of the most visible and dedicated examples of kiddie cops in Anchorage.

He is the kind of cop that arrests the kids then spends hundreds of off-duty hours helping them "get their acts together" and work out their problems. In interviews with street kids about their relationships with patrol cops, Officer Chapman's name comes up regularly. They say "he's tough but he's fair . . . and he is everywhere."

In a recent interview with Officer Chapman we invited him to share his perspective and concerns about the problems he encounters nightly with the kids on the street.

"It just seems like there is a whole other world going on with the kids that most people don't suspect.

"It is really hard to pick up kids time after time. You get to know them and can cite their records and the trouble they've been into. You see their crimes get progressively worse. You get so you can almost pick out the ones who will eventually become victims and the kids who will grow up to commit more serious and violent crimes. Far too many of them are just a tragedy waiting to happen."

Sergeant Steve Warner, head of A.P.D.'s Child Sexual Abuse Unit is the ranking expert in incest cases and is credited with more incest arrests and convictions than any other officer in Anchorage. Incest is a form of child exploitation that contributes heavily to runaway and criminal behavior.

"Kids who grow up in incestuous relationships are at-risk for running when they become teenagers. Incest abuse often starts at an early age and is long term, averaging five years. Children are trapped in this abuse until they are old enough to look for options. Usually the only two options open to them are to tell someone about the abuse or to run. Young victims will rarely report directly to police about what has happened and often find it difficult to talk to adults. The child may tell a peer and then the peer will involve an

adult or they run. Incest victims on the street are also more vulnerable to further exploitation."

THE SPECIALIZATION OF CHILD EXPLOITATION POLICE WORK

The 1977 Federal Child Exploitation Act required a direct involvement by the federal government in certain child prostitution and pornography cases as well as training and support for state and local agencies.

In May 1983 twenty-seven experts from across the nation were selected by the F.B.I. to meet at the training facilities at Quantico, Virginia to form the base of expertise. The F.B.I. established a criteria for law enforcement officers chosen for this highly specialized and sensitive field. They stressed the ability to legally define cases of sexual exploitation involving children and interpret evidence into workable cases. Equally important, officers had to be so personally committed that they were capable of sensitive interaction with emotionally damaged children who have been betrayed by adults.

Anchorage Police Officer Frank Feichtinger, one of the original detectives chosen by the F.B.I., is considered a national role model for officers in exploitation case work.

Frank Feichtinger has been a police officer in Anchorage for ten years. He also worked as a Youth Counselor at McLaughlin Youth Center on two occasions. He and his wife Jackie were foster parents for delinquent boys. Feichtinger also participated in a great many activities involving delinquent and neglected children in this community. For the past three years he was assigned to the investigation of cases involving

the sexual abuse of minors. He is recognized as an expert witness in the sexual abuse of children in the Superior Courts in three judicial districts. In addition, Feichtinger has prepared and conducted training for police officers, counselors, university students, citizen groups and district attorneys in the field of exploitation of minors in the state of Alaska. He has also conducted training classes for police investigators and other professionals on the national level. Feichtinger serves as a consultant to the National Center for Missing and Exploited Children. Feichtinger was chosen Alaska Lawman of the Year for 1985. He is a graduate of Rutgers University with a degree in Political Science. Feichtinger also served as a commissioned officer in the United States Army and the Alaska Army National Guard for thirteen years.

John Rabun, Deputy Director of the National Center for Missing and Exploited Children stated "Officer Feichtinger is representational of the F.B.I. criteria of the dedicated, well educated, and committed individuals desperately needed in child exploitation work,"

Officer Feichtinger was requested to provide his perspective on the interaction between agencies in cases involving exploited children and juvenile crime.

"Dear Mrs. Hall:

"You asked if I would note my perception of the problems involving juveniles in the Anchorage area and how I feel about the way in which these problems are currently being addressed. Obviously this is a very broad subject area that could be expounded upon at considerable length. I will try to provide for you my perceptions in brief format. If there is a need to document or explain at greater length cause and effect factors behind these perceptions I am prepared to do so using my personal

experience, studies conducted on a local, state and national level and documented information I have gained in working police cases involving juveniles over the past ten years.

"I do wish to state that the perceptions provided in this letter are my personal views and do not necessarily reflect to any degree the views or position of my current employer, the Anchorage Police Department.

"Anchorage does have a juvenile problem that is of considerable magnitude and to which there is no easy answer. I have many times been asked if the problem with juveniles in Anchorage is less than that experienced by communities of similar size in other places in the United States. In my opinion our problem is of at least as great a magnitude if not greater than other similar communities. The very nature of our population, in that it is more transient with less established community roots, coupled with the fact that most people in Anchorage are from somewhere else, has given our community a greater than normal proportion of broken families, single parent families and families with social problems. Families in this community are often isolated to a greater degree than most other similar sized communities in the United States, and sociologically this means greater problems. My experience is consistent with this conclusion.

"There are many different agencies within our community that deal with children who are having problems. These consist of private organizations that independently or in contact with the State or Municipality deal with children experiencing a wide variety of problems e.g. poor home situations, runaway behavior, drug and alcohol problems and neglect. Public agencies such as the Division of Family and Youth Services, the police, and the Department of Health and Social Services are also tasked with various aspects of the problem. Add to this large number of different organizations the Anchorage School District with some 40,000 plus students and the medical community and you see what appears to be a tremendous apparatus available to help children in the community. There exists, however, a major problem in that communication and direction between this multitude of agencies is almost non-existent. Many factors are at play that cause this problem, not the least of which is professional jealousy, competition for contracts, real or imagined rules of confidentiality and significant

differences in ideologies. Delinquent and problem children are not developed overnight. In almost every case we find a long history of problems starting when the child was very young and continuing to a point where behaviors are exhibited that can no longer be ignored. In almost every case we see repetitive contacts with a magnitude of different agencies, none of which communicated effectively with each other to find an effective long-range solution for the child. Instead, often all that occurs is a band-aid type solution that works for the open wound but does nothing about the situation that would produce the problem to begin with. As such the child often continues on a destructive course until the next - and usually more serious - open wound occurs. Most children will begin their lives as trusting little individuals. As things turn sour in their lives they expect some type of cure to be effected by those persons in their lives whom, by virtue of their adult and official status, are those who can understand and "fix" those complicated things children do not yet understand or comprehend. Each time a child turns to one of these figures, receives at best a band-aid, and then returns to a problem still not solved, that trust is eroded. Take a large pot and put into it large numbers of these type of contacts over a ten year period of a child's developmental life, mix in the influences of other adults who introduce and encourage the child in drug or alcohol use, harmful sexual activity, inflict emotional and physical abuse and essentially victimize the child and then ask why the pot holds a consistently delinquent or problem child that is almost impossible to reach.

"The most important change that needs to take place is to establish a network of communication and effort amongst agencies, public and private, that are charged with dealing with child welfare. This must be done through a formalized and mandated structure that is frequently carefully scrutinized by persons not directly involved in the agencies involved. To do this, the band-aid attitude must change and if this change will not come from within the existing systems it must be forced by persons outside of the system. There exist established programs in other states and on the national level, some of which you are familiar with, that can provide a framework for this kind of cooperation and sharing of resources and expertise.

"There are no inexpensive solutions to the problem of child welfare. In my years in Anchorage I have consistently seen a reluctance on the part of governments, local and state, to spend money for child care and child assistance. There seems to be a pervasive attitude amongst government officials that the problem will go away on its own. It will not. A problem child's difficulties are not solved when they are expelled from school. They are not solved when they are arrested for a crime or put in a shelter for two days where they receive little care and no counselling and then placed back with the family where the problems were caused to begin with. A child's problems with an abusive parent are not over when the parent is charged with a crime. Yet this is the attitude that we, as a community, consistently take. There is very little alternative care available to children of our community and children need to be cared for by someone. The problem doesn't go away because the child is living on the run and therefore not a financial burden to the facility that is supposed to be taking care of him. There needs to be emphasis placed on alternative child care facilities to meet the needs of the hundreds of children in this community that literally have no home. This is not an inexpensive proposition. There also needs to be a capability of agencies to follow the welfare of the children they are dealing with, which means more staff to accomplish this function. Every agency that presently deals with children, public and private, needs to be examined closely to determine (1) Are they doing what they are mandated to do? (2) Do they have the staff to adequately address their mandate? (3) Are they coordinating and dealing with other agencies also involved in the child's welfare? (4) Are they following through with the care that they are providing or at least insuring that some other agency or facility is (example: if a child is expelled from school, is the school checking to determine if the Division of Family and Youth Services is doing anything to find out why this child cannot perform in school)? (5) Do they have adequate capability for child care, i.e. are there enough available foster homes, shelters, beds, etc.? Most importantly, is there a mechanism in place to make sure that children in trouble aren't falling through the cracks of the bureaucratic shuffle? If the answers to all these questions are not satisfactory, and believe me they are not, then the money needs to be spent to give agencies the mandate and capability to carry through their mandate. This will be expensive and probably will not generate the kind of rewards that

constructing a new office building will, but the investment in the future of this state will be far greater than the building of any structure. People do not become obsolete.

"Specifically, the question comes up, what do we need? In my opinion, as a minimum, we need:

"A capability within the public school system to provide services directly or by referral for children who are "problems". Schools will frequently be the first to see a child's problems and if dealt with immediately the solution may be easier. Suspending or expelling a fifth grader who has no parent at home to go to or an abusive or neglectful one who only makes the problem worse is not the answer.

"The Division of Family and Youth Services needs a mandate to care for all children who need care, not those who happen to fall into some kind of neat category. Example: if a non-family member is providing a "crash pad" for 14 year old run-aways, this needs to be a social type responsibility as well as a law enforcement responsibility.

"The Division of Family and Youth Services needs to have adequate alternative homes. If the child's problems cannot be solved within their family, somehow a family must be provided. Forcing the child back into an abusive or neglectful situation because of lack of alternative care facilities only increases the likelihood of more serious problems.

"Alternative child care must be "quality care" that is carefully examined and evaluated. Warehousing only increases problems. Good child care is not cheap because qualified people are needed and qualified caring people don't come free.

"There needs to be a facility where children who need help can go and where they will get it. If a child has run away from home because of abuse, they will not go to the police on their own or to any other official agency. If there was a well publicized government run "home" the child could go to where qualified staff can investigate

the child's problem and then be able to refer the child to the agency that can help in an advocate kind of way, many problems might be addressed sooner and with greater success. This facility needs as a minimum, temporary bedspace.

"Juvenile Probations need enough staff so that they can actively check the situations of their charges. There are innumerable cases where probation officers aren't aware that a child is living in an abusive or harmful situation because they have no capability to physically check on their clientele. Probation's capability must be extended so that effective guidance can be given. Presently we can only monitor a little. Monitoring without direction is almost useless so direction must be provided as well. Probations also needs adequate alternative care facilities. If children cannot make it in their homes because of the nature of the home environment it does no good to send them back there.

"Juvenile corrections must have the capability to detain children charged with serious crimes, at least temporarily. If a child is arrested for a burglary at 3:00 a.m., placing that child in a poorly supervised shelter from which he can freely run is a poor alternative to temporary incarceration. In addition, turning a child loose after a fourth burglary arrest to live in the same placement he was at when committing the burglaries only insures that the child will commit more burglaries. The juvenile corrections system is presently so over-committed that only those children who have committed the most serious and repeated offenses are treated. This is a real smoking gun approach that is counter-productive.

"Police need to be mandated to take a pro-active approach to juvenile problems. The adults in our community that actively victimize children create a multiple of considerable magnitude on the child endangerment scale.

"It is not enough to wait in an office for someone to complain. An active approach to determine what the juvenile crime problems are and then doing something about it is needed. If, when a child runs from home there is no one waiting to further victimize him like a

bunch of vultures descending on a wounded mouse, things would be a lot better. A can-do type approach needs to replace the "its your fault" approach and to do this, positive direction and mandate is needed.

"I hope this will be helpful to you in your efforts to determine the problem involving minors in our community. In my many years as a police officer, and in my countless dealings with minors and young adults who have run afoul of the law I have learned, if nothing else, that there is a long history in each person that leads to their difficulties with the law. If someone had taken the time and money to intervene sooner it would probably have prevented tremendous State expenditure to arrest, try, convict and put in prison this person. If we truly want to cut down our prison populations and save the high cost of this kind of action, we need to spend a little more money earlier in people's lives. Children need adult guidance, support and love and without it they will not nurture and will not develop into the kind of citizens we expect them to be. If they do not receive this support, guidance and love from their families then the community must provide it in a comprehensive sort of way or the end result is greater victimization of the community and higher costly prison populations.

Frank Feichtinger"

The breakdown of the present conditions within the social services, law enforcement, and juvenile justice systems would be more understandable or even expected given the increasing scope of the problem locally and nationally had Alaska's monetary and human resources been less abundant. The frustrations expressed by Officer Feichtinger are timely. Ironically, a great many of these same warnings appear in the following letter written exactly ten years ago by then-Sergeant Wade Lacey of the Anchorage Police Department.

**Municipality
of
Anchorage**



625 C STREET
ANCHORAGE, ALASKA 99501
(907) 264-4123

GEORGE M. SULLIVAN,
MAYOR

ANCHORAGE POLICE DEPARTMENT

July 2, 1976

Marroyce Hall
Chairman
People for Better Education
Anchorage, Alaska

Dear Ms. Hall:

In response to your request for our views on how the present juvenile system is functioning, and what changes we would propose, I am including the following observations and suggestions. These suggestions are not complete but they do provide some insight into the problem that law enforcement agencies face and attempt to cope with.

Status offenders are rapidly becoming a major problem in the Anchorage Area. Many juveniles are living away from home without their parents permission. Because of the present laws, police departments, social agencies and the juvenile courts are helpless to prevent or correct these situations. These juveniles are becoming involved in criminal offenses and placing themselves in positions that are detrimental to their morals and welfare, and yet our "system" is helpless to correct these faults. In the meantime, many parents are attempting to seek assistance from all available agencies but are unable to get any help because of current laws and attitudes. It should be kept in mind that, even though the parents have lost all control over their children, and are unable to obtain needed assistance, the parents are still responsible for their childrens' actions.

I would submit the following suggestions for consideration. Lower the juvenile age from 18 years to 16 years. Juveniles today are much more sophisticated and are committing much more serious offenses than several years ago. A large percentage of our major crimes are being committed by juveniles in the 16-18 year group. If society is going to protect juveniles from being responsible for their own actions, then society owes it to the citizen to protect them from the criminal juvenile offender.

Another alternative would be to provide adequate social services and agencies to identify and work with families as a whole. Too much attention is devoted to the rights and needs of the juvenile and parents are ignored. It is necessary that both the juvenile and parents be considered when counseling or other social therapy is recommended.

People for Better Education

July 2, 1976

Page Two

I would suggest the laws be changed to bring back parental control within the home. Today's attitudes and thinking by many well-meaning groups are weakening the family structure. This trend should be reversed.

Juvenile offenders that commit serious crimes against persons and property should have their names and addresses made public. I believe that society has a right to know who these offenders are. I don't feel, however, that all juvenile offenders should have this information released, the criteria being, should society have to protect itself from a particular type of offender such as a rapist or burglar.

Establish a local ordinance to enable police officers to take CHINS (children in need of supervision) into custody and place them under supervision until subsequent contact by the proper agency. Keep in mind that many run-aways are leaving the foster homes they are now being placed in. I maintain that if a juvenile is going to be counseled and steps taken to place this child in the proper environment, the first step is to ensure that this juvenile will be available for this evaluation. In many instances that is not the case today. There are many more issues that could be addressed, such as the role of the juvenile court, probation officers, institutions, etc.; however, with the emphasis on juvenile diversion and rehabilitation rather than on punishment, deterrents to delinquency behavior are rapidly disappearing.

I strongly feel that one of the primary goals of a police department is to divert juvenile offenders from the court systems. However, without the necessary support from other agencies in the community, this approach is a failure as the attached documents will support.

Many supporting agencies do an excellent job, but fail in their role because of lack of staff and funds. Some are restricted, as are parents, because of some laws pertaining to juveniles. Also, I don't feel that the schools fulfill their responsibilities in the role they play in identifying and preventing problem behavioral patterns. More training and specialization is needed by law enforcement agencies.

The problems are many and I don't feel that there are any certain solutions. It will take community involvement by many citizens before any progress is made toward lowering the juvenile problem we face in Alaska. Politics, money, personnel, attitudes, philosophies - all play roles in the system. There are as many solutions as there are children, and until such time as we begin to do what is in the best interest of each individual child and parent; based on each individual case; our juvenile problem will continue to grow.

Sincerely,

Wade C. Lacey

Sergeant Wade Lacey
Juvenile Bureau
Anchorage Police Department

W1/bh

In the ten years that have passed between the Feichtinger interview and the Lacey letter, the solutions have remained the same and the magnitude of the problem has increased dramatically. (Enclosures to the Lacey letter are appended as Appendix A.)

THE ADULT CRIMINAL PROFILE

To understand the significance of juvenile experiences when evaluating the criminal actions that end in long term incarceration, it is necessary to investigate and profile the arrest background of the adult criminal. (Report to the Nation on Crime and Justice U.S. Department of Justice, Bureau of Statistics). (23)

Who is the "typical" offender?

Most crimes are committed by males ages 18 to 20. Half of all persons arrested for UCR Index Crimes are youths under age 20 and four-fifths are males. (13)

Knowing about offenders' backgrounds tells us about their lives, not necessarily why they commit crime.

While turbulent home life, lack of family ties, and poor education are frequently present in the backgrounds of offenders, these factors may or may not contribute to crime. Some theories suggest that some of these factors are symptoms of maladjustment as a criminal behavior. Clearly, most persons who share these factors in their backgrounds are not criminals.

A high number of offenders come from unstable homes.

Research shows a higher incidence of unstable homes among delinquents than among nondelinquents. State prison inmates are more likely than not to have grown up in a home with only one parent present or to have been raised by relatives or on state care.

A high number of offenders were sexually abused.

Criminal behavior has many antecedents. One variable under study as an antecedent is that of childhood sexual abuse. The data prospectively from a known sexually abused murderer group and retrospectively from a runaway population and sexual murderer group suggest that without intervention, children who are sexually abused are at high risk for long term outcome behaviors of anxiety, fears and phobias, depression, suicide attempts, interpersonal problems, somatic complaints, autoerotic behavior and deviant sexual interests as well as delinquent and criminal behaviors. (17 and 21)

Most offenders are not married.

Among jail and prison inmates --

* About half have never been married and another 20% are divorced or separated.

* 20% are married (vs. 47% of the comparable U.S. population).

Most inmates have dependent children.

More than half have children, almost all of them under age 18. More than a third have three or more children.

The level of education reached by jail and prison inmates is far below the national average.

These data over-represent street criminals as opposed to white-collar criminals; only about 40% of all jail and prison inmates have completed high school.

* Fully 6% of all prisoners have no schooling or only kindergarten. Their rate of incarceration is more than 3 times that of high school dropouts, the group with the next highest incarceration rate.

* College graduates have an extremely low incarceration rate. (6 and 11)

Incarceration rate (per 1,000
U.S. males age 20 - 29)

No school/kindergarten	259
1 - 7 years	83
8th grade	70
9 - 11 years	46
12th grade	11
13 - 15 years	6
16 or more years	1

Relatively few offenders are career criminals.

Many studies have shown that only a small group of any criminal subset is repeat offenders. The Wolfgang Philadelphia studies found that for males born in 1958, 23% of those with one or more arrests could be defined as chronic offenders. The proportion of chronic offenders was higher for nonwhite males (11%) than for white males (4%) and for nonwhite females (2%) than for white females (1%). (28)

Probability of arrest increases with each subsequent arrest.

Long term studies show that once a person is arrested, the likelihood of further arrest increases with each subsequent arrest. Wolfgang's Philadelphia data revealed the following probabilities of rearrest for young men:

*33% of the entire group had one arrest.

*53% with one arrest went on to a second arrest.

*62% of those with two arrests went on to a third.

*71% of those with three arrests went on to a fourth.

Once a youth had gotten beyond the third crime, the likelihood of further criminality remained at about 71%. (28)

Career criminals, though few in number, account for most crime.

Even though chronic repeat offenders (those with five or more arrests by age 18) make up a relatively small proportion of all offenders, they commit a very high proportion of all crimes. The evidence includes data for juveniles and adults, males and females, and for urban and rural areas. In Wolfgang's Philadelphia study, chronic offenders accounted for 23% of all male offenders in the study, but they had committed 61% of all the crimes. Of all crimes by all members of the group studied, chronic offenders committed:

* 61% of all homicides

* 76% of all rapes

* 73% of all robberies

* 65% of all aggravated assaults (28)

Repeat offenders commit a disproportionately large number of street crimes in urban areas.

persons who had four or more arrests in a five year period represented 24% of all arrests during this period.

Repeat criminality is not limited to urban settings.

Polk's study of a nonmetropolitan Pacific Northwest county showed that there is a very high likelihood of adult arrest among boys who have a delinquency charge by age 18. (20)

Chronic violent offenders start out and remain violent.

Violent offenders typically begin their criminal careers by committing violent crimes as juveniles. The 1958 Wolfgang Philadelphia study, for example, shows a high probability of violent recidivism. That is, the more injury-offenses the youths committed, the more likely they were to commit further injury-offenses. For males --

26% of the entire group had one violent offense

34% of this group went on to a second violent offense

43% of the three-time violent offenders went on to a fourth violent offense.

For males, the probability of subsequent offenses continues to increase as the number of offenses rises at least up through six offenses, given five prior offenses. For females who were three-time offenders, the data also show a higher probability of a fourth violent offense, and of a fifth violent offense, given four. (28)

Prior criminal behavior is one of the best predictors of future criminality.

Age at first contact with police (arrest or otherwise) is also very important. Research shows that youths whose first police contact occurred in their early teens had a greater number of future police contacts than those whose first contact was later. (22) Graphic presentation of age-specific arrest appended as Appendix B.

ALASKA PRISON POPULATION

Thus far, this report has dealt with conditions that contribute to criminal and anti-social behavior. The following material will explore Alaska's adult criminal histories and the common linkage between the generational patterns of the two populations.

Alaska, the largest state in the union with the smallest population, ranks fourth in the nation per capita with 2,141 prisoners incarcerated and 2,606 individuals on probation or parole. In addition, almost 200 prisoners are housed outside of the state of Alaska. The Alaska prison population has almost tripled in the past five years.

The average operating cost to the people of Alaska for each prisoner is \$82.49 per day, or \$30,108.85 per year. If capital costs are included that figure rises to approximately \$45,000.00 per year per prisoner.

Four percent of the inmates in adult corrections are still teenagers. Youthful offenders, ages 19 through 24, represent the largest age grouping of prisoners, with 30% of the total prison population in this category. (6)

Violent Offenders Account for 61% of the Alaska Prison Population.

The majority of Alaska's prisoners, 25%, was incarcerated for sexual assault, with 12% for murder, 9% assault, 9% substance abuse, the remainder for property crimes.

60% of Alaska's prisoners are not native to Alaska: 56% were born in other states, 4% in other countries.

ALASKA PRISONER POPULATION

ALASKA POPULATION

WHITE:	<u>54%</u>	<u>77%</u>	
NATIVE	<u>34%</u>	<u>16%</u>	
BLACK:	<u>9%</u>	<u>3.4%</u>	
OTHER:	<u>3%</u>	<u>3.6%</u>	(6)

WHO ARE ALASKA'S PRISONERS?

The study, Running Toward Prison/Running Toward Success, includes background research on adult prisoners in the Third Judicial District.

The Third Judicial District encompasses the corrections facilities in Palmer, Anchorage and Kenai, housing over half of Alaska prisoner population. About one-fourth of the prisoners chose to participate in this study. This sampling totalled 351 individuals currently incarcerated.

We were cautioned by the Department of Corrections that prisoners who were functionally illiterate would not volunteer because they could not read or understand the questions. Further, two additional categories would not be reflected, those prisoners incarcerated pretrial, and Alaskan prisoners currently serving in federal or state prisons outside the State. This population includes many of the multiple and serial murderers and other hardcore long-term prisoners.

57% of the prisoners participating reported that they had run away or left home before the age of 15. The youngest was 8 years old at the time he left home.

60% of these prisoners were involved in severe family problems as juveniles.

72% had delinquency problems in school.

76% stated they had committed criminal acts while still minors.

75% of the prisoners reported they had used alcohol and 61% reported they had used drugs while still teenagers.

The 351 individuals surveyed indicated they were responsible for parenting 240 children.

Almost half of the adult prisoners responding stated they had spent time in state juvenile facilities and/or correctional institutions. Further, those prisoners responding indicated that as juveniles, they had been in state custodial placement or incarceration for a total of 891 times.

WHAT DO ADULT PRISONERS SAY ABOUT THEIR JUVENILE EXPERIENCES THAT LED THEM TO PRISON?

More than 250 responses were received in answer to this question. Answers encompassed the spectrum, including chilling statements like "Kill all the pigs and norks." Most answers, however, appeared to be real attempts to reflect on decisions that ended in prison and to identify that first turn in the road that led to the locked jail cell.

Taken as a whole, their answers provide a mosaic of the real problems that are causing society to grope for new ways to change their patterns.

Most of the responses revealed regret over circumstances in the family. The next highest group targeted the use of alcohol and drugs. Loneliness, lack of self worth, and inappropriate peer groups threaded a pattern through many of the answers.

Some of the replies submitted in response to the question, "What do you believe could have been done when you were a juvenile that would have helped you stay out of prison and become a more productive person?"

"Been pulled from home and put in a foster home. If someone would have believed me when I told police what was happening instead of stepfather. Back then all I needed was someone who cared, someone I could call my friend, someone I could trust to talk to."

"Some kind of love or attention, parents not drinking. Who knows to late now?"

"Maybe visit a prison on the inside, maybe a scary experience would help, a tough prison."

"Not letting me do as I please and punish me when I did wrong. But not physical abuse."

"More exposure to religion at an early age. Better sexual education, from the purely physical to more on the moral values of sexuality."

"I think that having proper sex education and drug and alcohol prevention classes."

"To be able to say my feelings and not stuff them."

"Seek help on being abused. To have known about sexual abuse back then and got some counselling."

"Nothing, as I chose the situations and acts myself."

"Not such an early sexual experience or start. Better communication with parents and friends. Not moving so much or so often. More religious contact. Not having my sisters sexually abused by my dad by either no divorce or

bringing it up to dad that I knew. Having Mom around through puberty."

"Counselling. And by not putting a juvenile in a place where there are older boys that teach the ropes and other bad habits in life."

"Stay out of drinking I've been in jail when I use to drink."

"Learn about the law. Stay out of trouble. Don't deal with drugs & drinking. Also should had keeping going to school and have a good nature life. Also have more skills in something I'm good at working on. Also experience life & nature. Life ain't easy anymore getting worst everyday and different."

Additional responses appended as Appendix C.

(Prisoner responses typed as submitted.)

In reviewing the prisoners' responses in light of recommendations it became evident that changes in the way parents treat children and re-establishing societal expectations of parenting is a necessary long term goal. In the short term, however, we must address the second most frequent cause of crime mentioned . . . juvenile involvement in drugs and alcohol. While alcohol is the most prevalent abused substance and creates a complex problem because of the legal/illegal status, another relatively new and frightening menace, Crack, threatens to eclipse the health problems and criminal activities attributed to alcohol abuse.

CRACK! A CLEAR AND PRESENT DANGER

Crack, a highly addictive form of cocaine, is expected to create an epidemic of health risks and crime nationally. After a four year decline, New York reported a 9.1% increase in crime. Seattle crime rates rose 18.3 percent the first six months this year. Crack is now accounting for one-half

to two-thirds of the cocaine sales in Dallas, Detroit and Philadelphia.

Street kids, high school kids, and drug experts are reporting crack is beginning to show up in Alaska.

Called the drug pusher's dream, crack can be bought by school kids with allowances and lunch money and is more addictive than heroin. (5, 9, and 10)

HOW BAD IS CRACK, REALLY? One drug enforcement officer responded this way: "If I had to choose between my kid doing crack or taking a chance with AIDS I'd have to think about it for a long time."

CONCLUSION

Despite ten years of wealth and prosperity, Alaska is experiencing a significant increase in the population of runaway teenagers and adult criminals. A large percentage of prisoners currently incarcerated as adults were involved in criminal activities as juveniles. A comparison of lifestyles of current runaway and street kids with those of adult prisoners as juveniles substantiate a direct cause and effect correlation between the two populations.

Neglectful parents, poor education, sexual exploitation and anti-social behavior are often common life experiences that lead to juvenile delinquency, violence and adult criminal behavior.

Drugs and alcohol play an ever expanding role in the lives of teenagers as well as criminals. It is difficult for the ordinary citizen to perceive the magnitude of the Alaska drug market. Narcotics enforcement experts estimate the amount of cocaine flowing north to Alaska to be 50 to 100 kilos each month. Using 50 kilos (or 110 pounds) as an example, that amount computes out to one-half million "lines," or more than one "line" each month for every man, woman, and child living in the state of Alaska.

Not only is drug abuse suspected to be higher than the national average, Alaskans rank fourth nationally in alcohol consumption. Widespread substance abuse creates just a few of the problems beginning to seriously effect the case load capabilities of law enforcement, juvenile justice, and social services, as well as the prison system.

While much of this report is devoted to identifying and analyzing reasons why so many of Alaska's youths are in trouble, Section II is optimistically entitled Running Toward Success because there are positive workable solutions.

Alaska is uniquely suited to experiment with solving some of these problems. First, with the exception of the three major cities, the state of Alaska has responsibility for law enforcement. Second, over half the population of the state lives in one city. Third, Alaskans are separated by thousands of miles from the rest of the country.

The solutions are not going to be easy. These problems will not be solved simply by throwing money at them. It is going to require the same single-minded dedication that built the pipeline and rebuilt Alaska after the 1964 earthquake. The protection of kids must become just as important to the future of Alaska as the permanent fund and they must be protected as diligently. This is going to require a united and cohesive private, corporate, and state effort. With that in mind we present our recommendations.

Recommendations

LEGISLATIVE

PROBLEM: Additional priorities and funds are needed to increase pro-active drug enforcement against individuals who deal drugs to juveniles.

PROBLEM: Every year millions of dollars worth of property is seized nationally in drug raids. The funds are forfeited back to the federal government if the state makes no provision to claim it.

RECOMMENDATION: Enact Alaska legislation enabling the use of funds collected from forfeiture of assets of convicted drug dealers to be assigned to a fund to be used specifically for enforcement against traffickers who provide drugs to children and youth.

PROBLEM: Some laws designed for the protection of children are harmful, ambiguous and destructive. For example, juveniles are automatically remanded to adult court if they commit a traffic or game law offense, but they are treated like children if they commit violent or property crimes.

Example: If a juvenile is arrested for killing an animal illegally, he is charged as an adult. If he is arrested for murder his juvenile rights come into play, he will not stand trial (unless waived) or be found guilty of a crime.

RECOMMENDATION: Complete restructuring of juvenile laws to provide balance between protection of the minor, and the right to reasonable protection of the community as well as a realistic deterrent to serious criminal behavior. (11)

RECOMMENDATION: Legislation should be passed to allow for automatic waiver of 16 and 17 year olds with an unclassified felony offenses to be tried as adults. (12)

LEGISLATIVE

PROBLEM: Some cases involving drugs, child prostitution, and exploitation also involve criminal conspiracy, a crime in 49 other states. Alaska is the only state in the union that does not have a conspiracy law.

RECOMMENDATION: Passage of a state criminal conspiracy law that will provide an important tool for Alaska law enforcement in dealing with sophisticated crimes. (2)

PROBLEM: Backlog of child sexual abuse court cases. It does little good for police to arrest an exploiter if the prosecutorial case loads are backed up in the justice system or if there is no room in a jail cell or if there is no treatment for the individual and he comes back into the community a more proficient criminal than when he went into the justice system. (18)

RECOMMENDATION: Prioritize and fund adequate prosecutors and staff and facilities.

PROBLEM: State and local law makers sometimes enact legislation they perceive to be in the best interest of children and families without hearing from those individuals in agencies who actually work hands-on with cases. Information sifted through the brass sometimes bears little resemblance to actual problems in the field. Further, the administration sometimes hand-picks individuals to represent their positions to testify at hearings. A better informational balance is required for law makers to make workable, accountable, and informed decisions.

RECOMMENDATION: Request both positive and negative approaches from people who actually work cases and ensure that state and local employees are free from retribution if they disagree with a problematical approach to problem solving in their fields of expertise.

LEGISLATIVE

PROBLEM: Because juvenile cases* are secret there is no procedural review on handling.

RECOMMENDATION: A professional Board of Review is needed for review of questionable handling of juvenile cases. The board would be comprised of professionals in related fields and appointed by the Governor, the House and Senate and Alaska Chiefs of Police. Cases would be presented blind for procedural review only.

PROBLEM: In most cases juvenile offenders detained for treatment by Division of Family and Youth Services (DFYS) are not required to be evaluated by a psychologist or psychiatrist prior to release. Presently, the staff has the responsibility to approve the release of offenders.

RECOMMENDATION: All juvenile offenders need to have been evaluated and approved for release by a psychological professional trained in predicting dangerous and/or criminal behavior.

PROBLEM: Most institutionalized juvenile offenders have poor post-release placement. Many times the only placement is with their abusive family or a temporary foster home.

RECOMMENDATION: The first year after being released from a placement such as McLaughlin Youth Center (MYC) is the most crucial for continued counseling and monitoring. Use of a post-treatment placement or "half-way house" has been demonstrated to decrease crimes and to integrate the juvenile into the community. (19)

* A case is any situation where a child comes in contact with any public agency because of need.

LEGISLATIVE

PROBLEM: Caseloads for many staff personnel of McLaughlin who apply therapy are so heavy that they cannot effectively administer and provide necessary counseling.

RECOMMENDATION: Additional staffing, particularly with the at-risk juveniles, is essential to curb future criminal behavior.

PROBLEM: Numbers of juvenile offenders detained and institutionalized at MYC increased in 1983. A concomitant increase of assaults, out of control behavior and destruction of state property was recorded.

RECOMMENDATION: A mandatory limit of detained and institutionalized juveniles must be made to ensure the integrity and safety of treatment at MYC. If this is impossible more staffing is needed to increase contact hours. (Experts submitted a study in 1976 identifying the need for a secure detention unit for 100 boys and 20 girls by 1984. There are currently beds for 30 boys and 10 girls.)

PROBLEM: Often hard-core juveniles who have committed felony offenses do not perceive themselves as criminals because society and the legal system give them the message that breaking the law is not CRIME until they reach age 18.
(16)

RECOMMENDATION: Publish the names of juveniles guilty of committing violent or repetitive crimes; rape, assault, murder, and property crimes such as robbery, burglary, and extortion.

RECOMMENDATION: Review workable and appropriate punishment/rehabilitation concepts in other states. (19)

LEGISLATIVE

PROBLEM: The numbers of juveniles who rape and molest have increased. While DFYS has some minor treatment interventions for juvenile molesters and rapists, no treatment programs have been established to decrease these offenses when the adolescents are released from DFYS. (8)

RECOMMENDATION: Establish a comprehensive treatment program. Several programs outside Alaska have clearly demonstrated a significant decrease in molestation and rapes after release. (i.e. The Sex Offender Therapy Program in Snoqualmie, Washington or The Hennepin County Home School In Minnetowka, Minnesota.)

PROBLEM: Juveniles do not take crime seriously. The state's criteria of "the least restrictive environment" is not always the most productive answer.

RECOMMENDATION: Develop sentencing guidelines to set up specific punishments for crimes committed by minors such as those for adult offenders, One state, Washington, has adopted such guidelines. (19)

PROBLEM: Law Enforcement is not presently allowed to fingerprint or photograph youths under age 18. Juveniles arrested on suspicion of murder have no fingerprints or photographs on file.

RECOMMENDATION: Juveniles 13 or older arrested for criminal offenses should be photographed and fingerprinted, limited to official use only. (Hawaii).

LEGISLATIVE

PROBLEM: Inefficient coordination between law enforcement and juvenile parole involving cases of juveniles on probation for serious felony offenses. (14)

RECOMMENDATION: Juveniles on probation should be entered into the Alaska Crime Information Computer (A.C.I.C.) allowing officers to remand the juvenile into custody of health and social services.

LEGISLATIVE/ADMINISTRATIVE

PROBLEM: The juvenile system deals informally with crimes committed by minors. With the exception of the more serious crimes, juveniles are generally not formally arrested by APD. Often, unless a juvenile is spotted in the act of committing a crime, the officer will not actively pursue or arrest a juvenile. This attitude, according to APD personnel was brought about in a large part by the way DFYS handles juveniles. Due to crowded conditions and lack of staffing at MYC, unless a juvenile has been arrested for a major offense he/she are either placed in a non-secure shelter on a temporary basis or placed with relatives or another adult. This perceived revolving door at McLaughlin Youth Center creates an indifferent attitude on the part of many officers resulting in few juvenile arrests. (Legislative Audit, March 1986). (15)

RECOMMENDATION: Realistically address the problem of housing and retaining juveniles in trouble.

RECOMMENDATION: Re-establish strict guidelines on handling crimes committed by juveniles who would be charged as misdemeanor and felony offenses if committed by an adult. Adopt guidelines for uniform reporting.

LEGISLATIVE/ADMINISTRATIVE

PROBLEM: Repetitive behavioral problems are not identified in a cohesive manner. Agencies do not consistently work together to solve juvenile problems early on. If a youth is in trouble with the school, law enforcement, parents, social services, and the community, it is important to find out early if he has a problem, if he is the problem, or both. He will not just go away. He will spend 24 hours every day doing "something" somewhere.

RECOMMENDATION: Adoption of a concept SHODI, Serious Habitual Offender/Drug Involved Program, developed by the Justice Department, Office of Juvenile Justice and Delinquency Prevention.

"SHODI is an excellent instrument for overcoming inter-agency turfing wars and early identification of kids who need help. The juvenile Serious Habitual Offender Drug Involved program (SHO/DI) is a law enforcement information and case management initiative for police schools, probation, prosecutors, social services, and corrections authority. SHODI enables the juvenile justice system to give additional focused attention to juveniles who repeatedly commit serious crimes with particular attention given to providing relevant case information for more informed sentencing dispositions.

"The program is based on the realization that the application of a more systematic approach and data gathering analysis planning and service delivery will increase the effectiveness of the juvenile justice system in dealing with serious juvenile crime. The SHODI approach is therefore a system wide effort to deal with the problem of criminal behavior among juveniles." (24)

PROBLEM: Sexually abused juveniles often act out rage and aggression by acts of criminal behavior against the community. (25)

RECOMMENDATION: Develop and fund adequate treatment programs for re-orienting and rehabilitating street kids who have been sexually abused.

LEGISLATIVE/ADMINISTRATIVE

PROBLEM: Child protection cases are currently prioritized down by agencies because resources for child placement are limited.

RECOMMENDATION: Review current laws addressing Child in Need of Aid and delinquent child statutes. Laws must be strictly enforced and adequate funding and monitoring provided. Wherever the state and local government has reason to be involved. The juveniles must be protected from damage from the very system in place to help them.

PROBLEM: Delinquent youth often commit many criminal offenses before their problems are seriously addressed by the system.

RECOMMENDATION: Children out of control must, at some reasonable point be placed in a corrective and protective environment. No child should be allowed to live in the streets. (24)

PROBLEM: Children under the supervision of welfare parents sometimes receive less than adequate care. Some welfare parents now collect money on children while they run and live in the streets and haven't been in a classroom in years. (For example, of the 2,642 students processed through the court system in 1982, 560 were not attending or registered in any school.)

RECOMMENDATION: Child welfare recipients should receive funds based on at least minimal accountability for the protection, schooling, and welfare of their children.

LEGISLATIVE/ADMINISTRATIVE

PROBLEM: Research indicates that administrators sometimes attempt to subvert or disregard the will and the intent of the law makers if legislation is not popular with them. (While this is a common problem in many government bodies, strict monitoring must be maintained when children and the safety of the public are involved.)

RECOMMENDATION: Strengthen accountability of legislative intent in program implementation.

LEGISLATIVE/ADMINISTRATIVE/COMMUNITY

PROBLEM: Inadequate facilities for child placement and monitoring of group, transitional, and foster care homes.

RECOMMENDATION: Restructure handling of care facilities, prioritize monitoring, additional support care staff and foster parents. Restructure realistic control guidelines for handling of troubled youth in care settings.

LEGISLATIVE/ENFORCEMENT

PROBLEM: Many local police departments do not currently follow standardized investigative guidelines for missing children cases.)

RECOMMENDATION: Adopt missing children investigative guidelines developed by the National Center for Missing and Exploited Children.

LEGISLATIVE/ENFORCEMENT

PROBLEM: Runaway and missing cases are not always reported to other state and local law enforcement agencies.

RECOMMENDATION: Passage of missing persons clearinghouse legislation. (The computerized Missing Persons Information Clearinghouse legislation was introduced but did not pass last session. The bill would require all enforcement agencies to report missing persons to Alaska troopers for computerization.) (1)

RECOMMENDATION: Develop programs for networking within the trooper detachments and municipal police departments to track runaway, missing, or exploited children in addition to sharing information concerning illegal juvenile activities. (In Anchorage, repeat runner information is not currently noted or compiled.) (14)

PROBLEM: According to an extensive study published in the Journal of Juvenile Law, Volume VI entitled "Sexual Psychotherapy and Child Molesters, The Experiment that Fails," the majority of sex offenders will never be "cured." Many others will require long and intensive treatment.

RECOMMENDATION: Continue mandatory sentencing for child molesters. Provide long term intensive treatment as needed. (21)

PROBLEM: Drug/alcohol abuse by Alaska's teens is among the highest in the nation. The ASD survey reported 36 percent of the seniors using cocaine as compared to 12 percent for the national group. (3)

RECOMMENDATION: Adopt a pro-active approach to drug enforcement at the juvenile level. Get the pusher before he gets to the kids. Create juvenile drug enforcement positions in liaison with METRO Drug Unit and the Child Exploitation Law Enforcement Unit.

LEGISLATIVE/ENFORCEMENT

PROBLEM: Sexual abuse has been identified as a significant contributing factor to subsequent delinquent behavior.

RECOMMENDATION: Approach the problem of adults who are exploiting children from a dollar saving perspective. For example, the average male adult abuser will sexually exploit five children in a one year period. Fifty percent of the male juveniles so affected will act out in a violent or delinquent manner. The actual dollar costs saved by arresting the adult male abuser early becomes very evident. (25)

LEGISLATIVE/ENFORCEMENT/COURT

PROBLEM: Only 8 out of 100 persons arrested nationally for offenses against children received prison sentences of more than one year. Cases of adults who sexually exploit children, in some instances, are not prioritized by law enforcement and prosecutors due to the heavy case loads and lack of manpower.

RECOMMENDATION: Prioritize implementation and necessary manpower for statewide Child Exploitation Law Enforcement units and prosecutors.

LEGISLATIVE/ENFORCEMENT/COMMUNITY

PROBLEM: Although eleven percent of the total population of juveniles in Anchorage has been identified as at-risk of running, community members often believe the problem does not exist until they are impacted on a personal level. (27)

RECOMMENDATION: Realize that the community must share the problem because of the far reaching ramifications. A renewed coordinated effort must be developed between the private sector, service organizations, press and government agencies. The leadership must approach the potential for the future protection of children with the same determination they do the protection of the permanent fund for Alaska's future. This change must be inclusive. It will require commitment, money, and a reorganization of the current service structures.

LEGISLATIVE/COURT

PROBLEM: Research indicates that in revolving door juvenile criminal cases inconsistent and subjective disposition of offenses is not unusual. (16)

RECOMMENDATION: "Juvenile offenders should be held accountable by the courts. The primary focus of the juvenile court for the disposition of serious chronic or violent juvenile offenders should be accountability. Dispositions of such offenders should be proportionate to the injury done, and the compatibility of the juvenile and the prior record of any adjudication. The National Council of Juvenile and Family Court Judges recognizes that the principal purpose for the juvenile justice court system is to protect the public. For chronic offenders, violent offenders and juveniles who commit serious crimes, the public is best protected by holding them accountable for crime, restricting their liberty as necessary and assigning consequences appropriate to the injuries done."

LEGISLATION/SCHOOL/COMMUNITY

PROBLEM: The Anchorage School District suspended 733 elementary school and 6,316 high school students for truancy or criminal or disruptive behavior (school years 1984-85 through 1985-86). School anti-social behavior usually precedes serious criminal problems. (4)

PROBLEM: A large percentage of adult and juvenile criminals are illiterate. Education must be a primary goal for at-risk youths.

RECOMMENDATION: Disruptive school behavior and truancy should equate to more school, not less, and certainly not expulsion. One punishment "deterrent" appropriate to any age of individual is a sentence to learn something constructive. A quick look at the student's report card will usually reveal the amount of time and the subject he should be sentenced for inappropriate schoolroom behavior. A Truant And Offender Saturday Classroom Program should be initiated for all ages.

LEGISLATIVE/COURT

PROBLEM: Children out of school - truant, expelled, suspended - spend too much time in the streets and are at risk of becoming runaways. (22)

RECOMMENDATION: Strongly recommend that the community and school district utilize the truancy law and in-district suspension as a means to keep the child off the streets and in school.

LEGISLATIVE/PARENTS

PROBLEM: Although drug abuse experts appearing on the ABC Network, "Good Morning America" reported 25% of all fourth graders in the nation have been offered illegal drugs, families often do not learn about involvement of children in drug and criminal activity until it becomes a lifestyle or the child runs.

RECOMMENDATION: Parents and the community must realize that any youth is susceptible to involvement. Become familiar with and pay attention to behavioral changes. Educate family members on the dangers of street life and drug involvement.

PROBLEM: Straight kids/street kids involvement with illegal drug and alcohol parties.

RECOMMENDATION: Parents must know where their children really are at all times. Know the friends and the parents of the friends and work together to set fair and reasonable guidelines. Pressure local law makers and enforcement officers to put a stop to illegal drug and alcohol parties and to notify parents of children involved.

LEGISLATIVE/PARENTS

PROBLEM: Children on heavy drugs are often physically abusive to family members. Parents are confused about their rights when the juvenile resorts to violent behavior.

RECOMMENDATION: Do not hesitate to call the police if violence occurs.

> If behavioral changes become evident, log changes and action taken.

> Contact school and other adults responsible for your child, requesting information on any behavioral changes out of the home environment.

> Review laws on family violence. It is against the law for juveniles to assault parents, as it is against the law for parents to physically assault juveniles.

PROBLEM: Laws concerning the rights of parents are not realistic in light of the problems created by violent behavior resulting from drug involvement.

RECOMMENDATION: One solution to balancing the right of parents to protect the child against dangerous activities as well as other members of the family in explosive and violent situations lies in fine tuning child and family laws, such as the Domestic Violence law. Action taken by courts and social services should not be counter-productive to the families involved.

ENFORCEMENT/COMMUNITY

PROBLEM: There is a need for the community and police to work more closely together on cases of juvenile runaways.

RECOMMENDATION: Form a community/police partnership runaway prevention project. Adopt the Indianapolis Runaway Plan. In 1982 Indianapolis found all its missing and runaway children. (26)

ENFORCEMENT/COMMUNITY

PROBLEM: Bush native youth run a high risk of sexual exploitation and drug and crime involvement when they run or move to Anchorage.

RECOMMENDATION: Increase bush child safety education and native leadership support of service groups like "The Stranded Rural Alaskans."

RECOMMENDATION: Petition support through RATNet for more prevention programming to the bush communities.

PROBLEM: Shoplifting is the entry level crime for many straight kids as well as street kids.

RECOMMENDATION: Publicize the problem, utilizing public information methods such as the excellent anti-shoplifting media campaign sponsored several years ago by Anchorage business leaders.

RECOMMENDATION: The Juvenile Anti-Shoplifting Program (JASP) should be more widely utilized as a preventive education tool, as well as a first offense diversion program.

PROBLEM: Forty-four percent of Alaska's teenagers surveyed regularly use alcohol.

PROBLEM: In up to 90 percent of the child abuse cases in the state of Alaska alcohol is a significant factor.

PROBLEM: Fifty-five percent of all crime in Alaska has been determined to be alcohol-related. An additional seven percent alcohol and drug related. (7)

RECOMMENDATION: Approach the problem of juvenile drug/alcohol abuse and criminal activity with alcohol involvement from the same perspective as Alaska's approach to drunk driving - a public menace that has been measurably reduced by the cooperation of the public, media, and law makers.

ENFORCEMENT/COMMUNITY

PROBLEM: Runaway kids in the streets learn crime.

RECOMMENDATION: Appropriate curfew laws must be enforced by parents and law enforcement. Children and youth must be kept off the streets after hours for their own safety as well as the safety of the community.

ENFORCEMENT/SCHOOL/COURT

PROBLEM: Some of the reasons for suspension and expulsion include larceny, weapons, possession of dangerous materials, use, and suspected sale of drugs and alcohol.

RECOMMENDATION: Close alliance should be established between the police, courts and schools. The court, school and the police should cooperate in developing and implementing policies to deal with problems of delinquency. There is a pressing need to examine relationships between a student's abilities, inclinations and performance, classroom curriculum, school attendance and delinquency. (24)

ENFORCEMENT/SCHOOL/COMMUNITY

PROBLEM: Drug abuse is on the increase in the juvenile population. Concerned parents, students, and community need tools and directional leadership.

RECOMMENDATION: Adopt model drug abuse projects for schools. (List of organizations appended as Appendix D.)

RECOMMENDATION: Recommend increasing officers in school programs for crime prevention.

Research effectiveness of programs like the Boise, School Resource Officer (each junior and senior high school assigned officers as well as three assigned to prevention in the elementary system).

ENFORCEMENT/COMMUNITY/PARENT

PROBLEM: Juvenile crime is usually progressive, with anti-social behavior often beginning at a very early age. (13 and 19)

RECOMMENDATION: If we are to solve the problem of juveniles Running Toward Prison, prevention must start early while crimes and anti-social behavior are still a big deal to the kid. Give kids as few rules as possible but enforce those rules that we give them. Teach young children to respect the law: "If you do the crime you do the time."

PROBLEM: Lack of coordination in community support systems for organizations concerned about the juvenile crime and runaway problem.

RECOMMENDATION: A task force comprised of representatives from each of the community service organizations, Chamber, Soroptomists, Rotary, etc. The task force would coordinate and network projects for needy juveniles or throwaways as a support group to social services and enforcement agencies. Most of these agencies have been involved with youth and juvenile crime prevention projects and some have expressed need for coordinated action and direction.

ENFORCEMENT/ADMINISTRATIVE

PROBLEM: Lack of cooperation between departments and agencies dealing with children's cases and needs.

RECOMMENDATION: Require sign-off and real participation by appropriate agencies of the Child Sexual Abuse Agreement for Alaska intended to ensure interaction and cooperation on sexual abuse cases requiring coordination among the agencies.

ENFORCEMENT/ADMINISTRATIVE

PROBLEM: Borderline problem kids are often revolving door offenders who become involved in minor illegal activities that grow progressively more serious.

RECOMMENDATION: Develop a municipal Youth Court for small offenses committed by kids (truancy, vandalism, mischief, etc.) Ensure that creative sentencing is appropriate to the lesson society wishes the child to learn. Restitution, special assignments, additional school work, trash detail, grafitti scrubbing, ice chipping, etc. must be carried out to "the letter of the law" and ensure that manpower is available to oversee activities. Additionally, to cut out the pride factor of being busted and being "bad," creative messages on work jackets like "I am working at getting my act together" would help get the point across. Early handling could take the hero worship out of being "bad" and getting arrested. Community organization volunteers could be utilized to work with this project.

The Youth Court For Juvenile Offenders, Terrytown, New York Youth Court is described reported in the F.B.I. Bulletin. (12)

PROBLEM: Institutionalized juvenile offenders have escaped from MYC or other supposedly secure placements, and efforts to apprehend are sometimes ineffective. This includes dangerous and at-risk juveniles.

RECOMMENDATION: DFYS and APD have an ethical and a legal responsibility to apprehend escaped juveniles. Additional staff, planning, and coordination efforts with police are only a few of the possible resources to draw from.

ADMINISTRATIVE

PROBLEM: Comprehensive statistics for juvenile recidivism by DFYS are inadequate or not documented.

RECOMMENDATION: Statistics for all juvenile crimes must be kept to demonstrate the true prevalence of these crimes and to show treatment intervention effectiveness.

PROBLEM: Youth with a history of non-documented violence are often ignored and pushed through the system. Because of the heavy case load, decisions are made at the institutional level to accelerate some youths through the system without regard for the needs of the youth or the safety of the community.

RECOMMENDATION: A complete evaluation of a juvenile's needs must be assessed as well as DFYS' ability to respond to treatment for those needs. DFYS must be held accountable for effective intervention.

SCHOOL/COMMUNITY

PROBLEM: Discipline problems, anti-social school behavior, and truancy are often first indicators of troubled, abused, and delinquent children. In the two school years of 1984-86 the Anchorage School District recorded 6,316 suspensions in high school and 733 in elementary school.

RECOMMENDATION: The impact of school response on delinquency should be researched. Research is necessary to assist in the formulation of court and community policy; truancy enforcement, compulsory school laws, crimes in school, poor education, and frustrated learning experiences. It is vital to know how curriculum tracking or its absence in elementary and secondary schools affects delinquency. Included in the research should be a program of study designed to determine why some schools and some administrators are successful in keeping truancy and serious delinquency low, while others are not.

SCHOOL/COMMUNITY

PROBLEM: Often school administrators, student bodies and parents are concerned about drug and alcohol problems, but lack organization or direction to attack the problem.

RECOMMENDATION: Drug/school programs. Adopt additional drug abuse community programs that have proven successful for other communities, an example is, Atlanta's North Side School Project.

- (1) A Guide for Effective State Laws to Protect Children, Selected State Legislation, National Center for Missing and Exploited Children
- (2) Anchorage Crime Commission Report, 1985
- (3) Anchorage School District Drug Survey, 1983
- (4) Anchorage School District Discipline Report Summary, 1984-1985
- (5) Annual Drug Report 1985, Alaska State Troopers
- (6) Annual Report 1985, Alaska Department of Corrections
- (7) Annual Report to the Legislature 1985, Office of Alcoholism and Drug Abuse, Department of Health and Social Services
- (8) Burgess, Ann Wolbert, "Child Pornography and Sex Rings"
- (9) "Crack, a Dangerous Way to Take an Old Drug", Anchorage Daily News, July 6, 1986
- (10) "Crack Emerges as Drug of Choice", Anchorage Times, June 2, 1986
- (11) Crime in Alaska 1985, Department of Public Safety
- (12) FBI Bulletin, Youth Court for Juvenile Offenders, June, 1986
- (13) Hindelang, MJ, "Variations in Sex-Race-Age Specific Incidence Rates of Offending"
- (14) Illinois State Enforcement Agencies to Recover Children (I-SEARCH), Report 1986
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- (16) Juvenile Rights vs. Society; Achieving a Balance, National Council of Juvenile and Family Court Judges
- (17) Lewis, D.O., "Violent Juvenile Delinquents Psychiatric and Abuse Factors"

- (18) Longoria, Kerry, S.T.A.R., "Case for the Retention of Presumptive Sentencing of Sex Offenders," 1986
- (19) "One More Chance," Rand Corporation for Office of Juvenile Justice
- (20) Polk, K., "Maturation Reform and Rural Delinquency"
- (21) Prager, Irving, "Sexual Psychopathy and Child Molesters: The Experiment Fails"
- (22) Profile of Jail Inmates, Bureau of Statistics, U.S. Department of Justice
- (23) Report to the Nation on Crime and Justice, U.S. Department of Justice, Bureau of Statistics, October 1983
- (24) SHO/DI Program, Serious Habitual Offenders/Drug Involved Program, Office of Juvenile Justice and Delinquency Prevention, U.S. Department of Justice
- (25) Statistical Progression of Sexually Abused Male Juveniles into Criminal Behavior, Alaska Juvenile Crime Commission Report 1984
- (26) "The City that Finds its Missing Children," Readers Digest, April 1984
- (27) Wasserman, Paul, "Runaway and Homeless Youth, Final Assessment, September 1985
- (28) Wolfgang, "Delinquency and Birth Cohort"

Interviews and inquiries included: Experts in field of child delinquency, law enforcement, drug enforcement, child exploitation, education, drug counseling, social services and corrections, as well as teenagers, street kids, and parents.

Interviews and correspondence included in Section II of this study: Officer Chapman, Officer Feichtinger, Sergeant Lacey and Sergeant Warner.

Appendix

CASE HISTORIES OF TEENAGERS 1976 ARE THESE YOUTH FILLING OUR PRISON TODAY?

Male / 17 Years old

Dates / Type Contact

6-15-72 Larceny from Building
 6-14-73 Truant/Runaway
 8-28-73 Truant/Runaway
 9-19-73 Shoplifting
 10-12-73 Suspicious Person
 11-8-73 Burglary
 1-18-74 Extradition for Jurisdiction
 6-29-74 Stolen Vehicle
 8-3-74 Larceny from Auto
 7-15-74 Lost and Found Property
 8-30-74 Burglary
 9-08-74 Burglary
 8-31-74 Burglary
 9-6-74 Burglary
 8-16-74 Larceny from Auto
 8-18-74 Larceny from Auto
 6-25-74 Burglary
 8-12-74 Burglary
 8-12-74 Burglary
 8-15-74 Burglary
 8-8-74 Burglary
 8-1-74 Burglary
 3-7-76 Traffic Violation
 4-30-76 Escape/Wanted Person
 4-21-76 Homicide

Female / 16 years old

Dates / Type Contact

1-13-76 Larceny from Building
 1-13-76 Larceny from Building
 3-30-76 Assault & Battery
 5-10-76 Assault & Battery
 5-10-76 Juvenile Incident
 5-11-76 Assault & Battery

Male / 12 Years old

Dates / Type Contact

9-11-75 Runaway
 9-18-76 Vandalism
 9-30-76 Runaway
 9-30-75 Burglary
 10-30-75 Burglary
 4-29-76 Juvenile Incident

Male / 13 Years Old

Dates / Type Contact

2-3-75 Runaway
 6-19-75 Vandalism
 2-12-75 Larceny
 3-10-76 Burglary
 3-8-76 Larceny
 2-12-76 Larceny

Male / 12 Years old

Dates / Type Contact

8-1-73 Vandalism
 9-3-73 Vandalism
 9-28-74 Shoplifting
 4-14-75 Burglary
 8-28-75 Retention Found Property
 2-4-76 Shoplifting
 2-4-76 Shoplifting
 2-4-76 Shoplifting
 2-4-76 Shoplifting
 3-5-76 Incurable Juvenile
 4-16-76 Larceny/Bike
 4-28-76 Vandalism
 3-31-76 Runaway

Male / 16 Years old

Dates / Type Contact

10-23-72 Truant/Runaway
 9-23-72 Discharge Firearm
 9-19-71 Shoplifting
 9-19-71 Shoplifting
 4-27-73 Larceny from Building
 1-25-74 Burglary
 3-24-74 Burglary
 9-16-74 Possession Narcotics for Sale
 10-18-74 Runaway
 10-15-74 Shoplifting
 2-5-75 Involved Robbery
 4-25-75 Traffic Violation
 5-8-75 Accident with Injury
 5-21-75 Larceny from Building
 12-23-75 Larceny/Auto Accessories
 12-23-75 Burglary
 12-23-75 Larceny/Auto Accessories

Male / 17 Years old

Dates / Type Contact

2-27-75 Traffic Violation
 3-16-76 Burglary
 6-3-75 Embezzlement
 6-3-75 Possession and Sale of Drugs
 10-8-75 Disturbance
 2-4-76 Burglary

Male / 17 Years old

Dates / Type Contact

1-14-76 Vandalism
 3-26-75 Burglary
 7-10-75 Larceny
 2-4-76 Burglary

(Material retyped Verbatim as provided in Sgt. Lxey's letter.)

Male / 16 Years old	Male / 17 Years old
Dates / Type Contact	Dates / Type Contact
11-18-73 Shoplifting	5-7-72 Juvenile Incident
8-13-74 Larceny	7-27-72 Vandalism
10-24-74 Possession & Sale-Drugs	9-24-73 Stolen Vehicle
3-6-75 Larceny from Vehicle	7-28-74 Curfew Violation
3-6-75 Possession & Sale-Drugs	8-15-74 Curfew Violation
3-6-75 Curfew Violation	8-28-74 Burglary
5-30-75 Larceny/Bike	11-29-74 Hit and Run
1-8-75 Larceny from Vehicle	1-4-75 Traffic Violation
11-19-75 Hit & Run/Driver	1-8-75 Larceny from Coin Machine
3-9-76 Larceny from Vehicle	3-6-76 Robbery

Male / 18 Years old	Male / 15 Years old
Dates / Type Contact	Dates / Type Contact
12-7-74 Bombing	8-22-75 Runaway
1-7-75 Larceny from Building	10-3-75 Larceny
1-24-75 Possession & Sale-Drugs	10-3-75 Larceny
1-30-75 Runaway	10-3-75 Larceny
3-31-75 Larceny from Vehicle	10-29-75 Suspicious Person
4-11-75 Traffic Violation	12-26-75 Incurrigible
6-1-75 Minor on Premises	5-5-76 Runaway
6-17-75 Burglary	5-26-76 Assault & Battery
7-2-75 Burglary	4-7-75 Forgery
7-7-75 Burglary	4-25-75 Forgery
9-8-75 Disturbance	10-29-75 Disturbance
9-21-75 Curfew Violation	10-29-75 Disturbance
11-18-75 Shoplifting	11-21-75 Disturbance
11-20-75 Shoplifting	1-6-76 Burglary
1-28-76 Burglary	1-10-76 Disturbance
1-28-76 Larceny from Vehicle	
5-13-76 Disturbance	
5-13-76 Traffic Violation	

Male / 16 Years old	Male / 16 Years old
Dates / Type Contact	Dates / Type Contact
4-23-76 Disturbance	5-12-75 Curfew
4-29-76 Robbery	7-15-74 Drugs
4-30-76 Burglary	8-28-74 Burglary
4-30-76 Burglary	11-29-74 Hit and Run
	12-15-74 False Alarm
	1-8-75 Larceny from Coin Machine
	6-1-75 Stolen Vehicle
	5-7-76 Robbery

Male / 13 Years old	Male / 16 Years old
Dates / Type Contact	Dates / Type Contact
2-75 Runaway	3-75 Family Disturbance
6-75 Vandalism	5-75 Larceny from Building
2-76 Larceny	9-75 Vandalism
3-76 Burglary	9-29-75 Stolen Vehical
2-76 Larceny	1-71 Burglary
2-76 Larceny	4-72 Burglary

(Material retyped Verbatim as provided in Sgt. Lacey's letter.)

Male / 12 Years old	Male / 16 Years old
Dates / Type Contact	Dates / Type Contact
10-31-75 Trespassing	8-22-73 Juvenile Incident
11-17-75 Robbery	10-8-73 Vandalism
11-17-75 Suspicious Person	10-18-73 Arson
3-2-76 Juvenile Incident	7-8-75 Larceny
4-26-76 Burglary	8-29-75 Sale of Drugs
11-25-74 Burglary	11-18-75 Purse Snatching
12-17-74 Larceny	5-12-73 Larceny from Building
4-26-75 Vandalism	5-23-73 Shoplifting
5-5-75 Shoplifting	10-13-73 Disturbance
6-18-75 Larceny	10-12-73 Assault & Battery
7-8-75 Larceny	2-21-76 Burglary
8-18-75 Burglary	3-19-76 Larceny
9-26-75 Juvenile Incident	4-25-76 Suspicious Person
10-26-75 Burglary	6-11-76 Burglary

Male / 17 Years old	Female / 17 Years old
Dates / Type Contact	Dates / Type Incident
10-72 Shoplifting	7-73 Runaway
2-73 Burglary	5-74 Runaway
2-74 Aggravated Assault	8-74 Leaving Scene of Accident
4-74 Larceny from Building	4-75 Runaway
5-74 Accident with Injury(Driver)	5-75 Runaway
11-74 Juvenile Incident	6-75 Runaway
2-75 Assault & Battery	7-75 Runaway
3-75 Disturbance	9-75 Assault & Battery
7-75 Trespassing	6-76 Possession Narcotics for Sale

Male / 16 Years old	Male / 16 Years old
Dates / Type Contact	Dates / Type Contact
7-17-71 Larceny	8-74 Burglary
8-21-73 Larceny/Bike	8-74 Runaway
9-14-73 Juvenile Incident	12-74 Runaway
1-1-74 Vandalism	3-75 Burglary
3-1-74 Larceny from Building	6-75 Burglary
5-21-74 Vandalism	8-75 Accident with Injury(Driver)
2-13-75 Shoplifting	8-75 Stolen Vehicle
2-13-75 Shoplifting	10-75 Larceny/Auto Accessories
2-13-75 Shoplifting	1-76 Suspicious Person
6-19-75 Larceny/Bike	4-76 Juvenile Incident
7-7-75 Burglary	
2-19-76 Larceny from Vehicle	

Male / 16 Years old	Male / 17 Years old
Dates / Type Contact	Dates / Type Contact
7-7-74 Juvenile Incident	3-9-72 Curfew
10-23-74 Aggravated Assault	10-3-76 Larceny
1-2-75 Runaway	3-29-76 Stolen Vehicle
1-6-75 Larceny	3-29-76 Larceny from Vehicle
7-22-75 Shoplifting	4-18-76 Larceny
8-2-75 Stolen Vehicle	4-29-76 Shoplifting
8-2-75 Curfew	5-5-76 Larceny
11-6-75 Burglary	
1-24-76 Burglary	

(Material retyped Verbatim as provided in Sgt. Lacey's letter.)

Male / 15 Years old	Male / 15 Years old
Dates / Type Contact	Dates / Type Contact

10-3-74	Vandalism
8-2-75	Stolen Vehicle
8-2-75	Curfew Violation
9-2-75	Fraud
1-24-76	Burglary

11-12-75	Carrying Concealed Weapon
3-26-76	Possession and Sale-Drugs
4-6-76	Larceny
4-7-76	Burglary
1-22-76	Burglary

Male / 14 Years old	Male / 16 Years old
Dates / Type Contact	Dates / Type Contact

8-5-75	Burglary
3-16-76	Runaway
3-16-76	Burglary
2-D-76	Burglary
4-26-76	Burglary

9-1-74	Larceny
9-15-74	Larceny
9-15-74	Leaving Scene of Accident
10-19-74	Runaway
11-4-75	Burglary

Male / 12 Years old	Male / 12 Years old
Dates / Type Contact	Dates / Type Contact

1-25-75	Shoplifting
4-24-75	Juvenile Incident
5-7-75	Larceny from Building
5-10-75	Shoplifting

7-21-75	Malicious Mischief
7-18-75	Burglary
8-5-75	Burglary
8-7-75	Larceny
8-6-75	Burglary

(Material retyped Verbatim as provided in Sgt. Lacey's letter.)

GRAPHIC PRESENTATION OF AGE-SPECIFIC ARREST RATES, 1965-1983

This appendix was designed to visually represent historical changes in arrest rates for individual age groups. An age-specific arrest rate refers to the annual number of arrests made per 100,000 persons of a prescribed age or ages. In the following three-dimensional graphs, arrest rates are presented on the vertical axis. The two horizontal axes display calendar years 1965-1983 and age. The height of the graphic surface represents the arrest rate. Surface peaks denote the age group and year when arrest rates were highest.

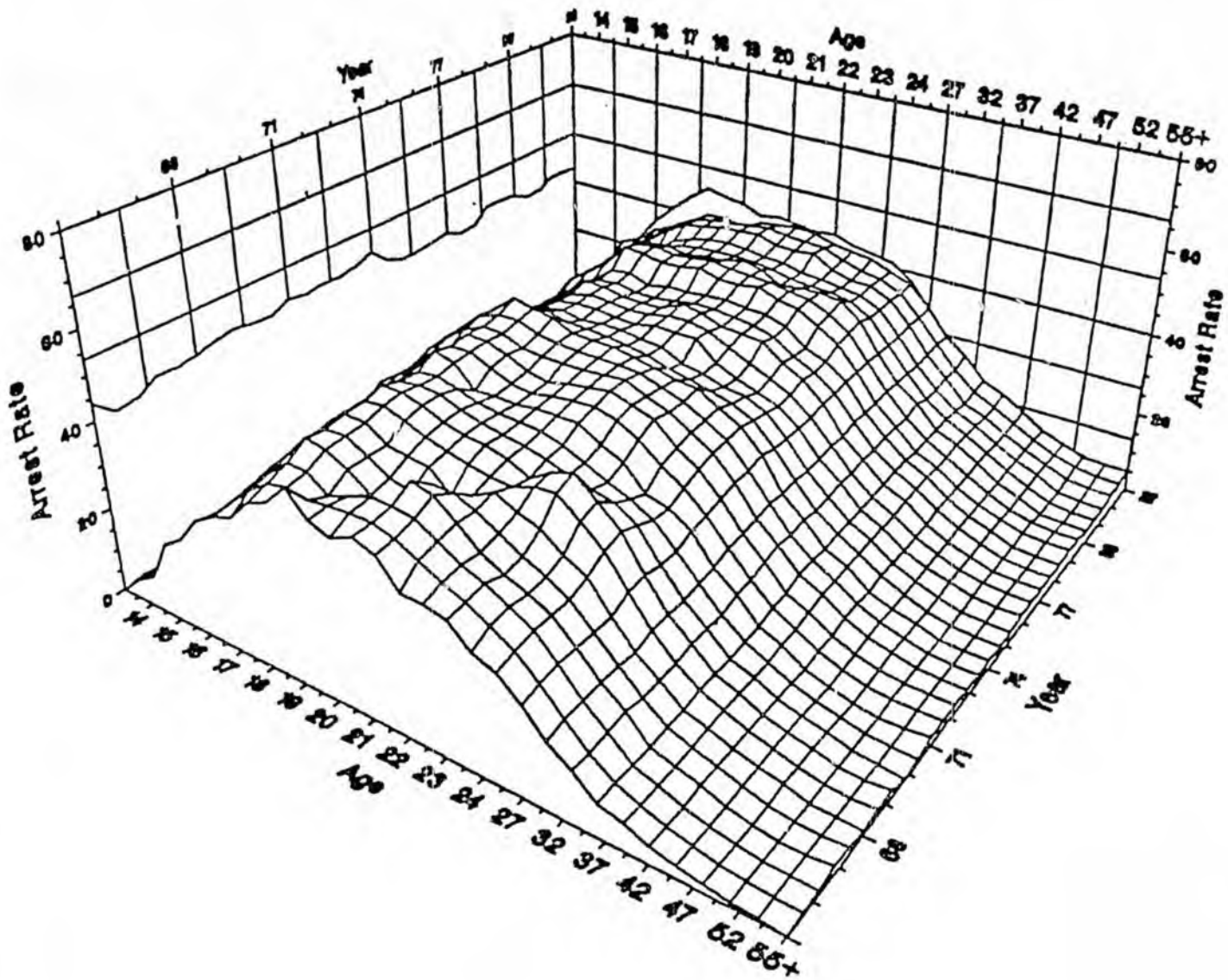
A three-dimensional graph was created for each of the eight Index crimes of murder, forcible rape, robbery, aggravated assault, burglary, larceny-theft, motor vehicle theft, and arson. Since the vertical scale (arrest rate) differs in magnitude from one crime category to another, the

calibration associated with each crime differs. For this reason, when the general appearance of the surfaces of two categories of crime are compared, caution should be exercised in order to avoid false graphic impressions leading to invalid conclusions.

Arrest rate surfaces are projected on two vertical planes: the arrest rate/year plane and the arrest rate/age plane. The first projection describes the historical changes in the height of the peaks and the second indicates the age variations in the arrest rate.

This appendix addresses historical age-specific arrest rates from a graphic perspective. In a separate publication entitled *Age-Specific Arrest Rates, 1965-1983*, the rates used to construct the graphs are presented. Limited copies of this document are available from the national UCR Program.

rape



CORRECTION

**THIS DOCUMENT
HAS BEEN REPHOTOGRAPHED
TO ASSURE LEGIBILITY**

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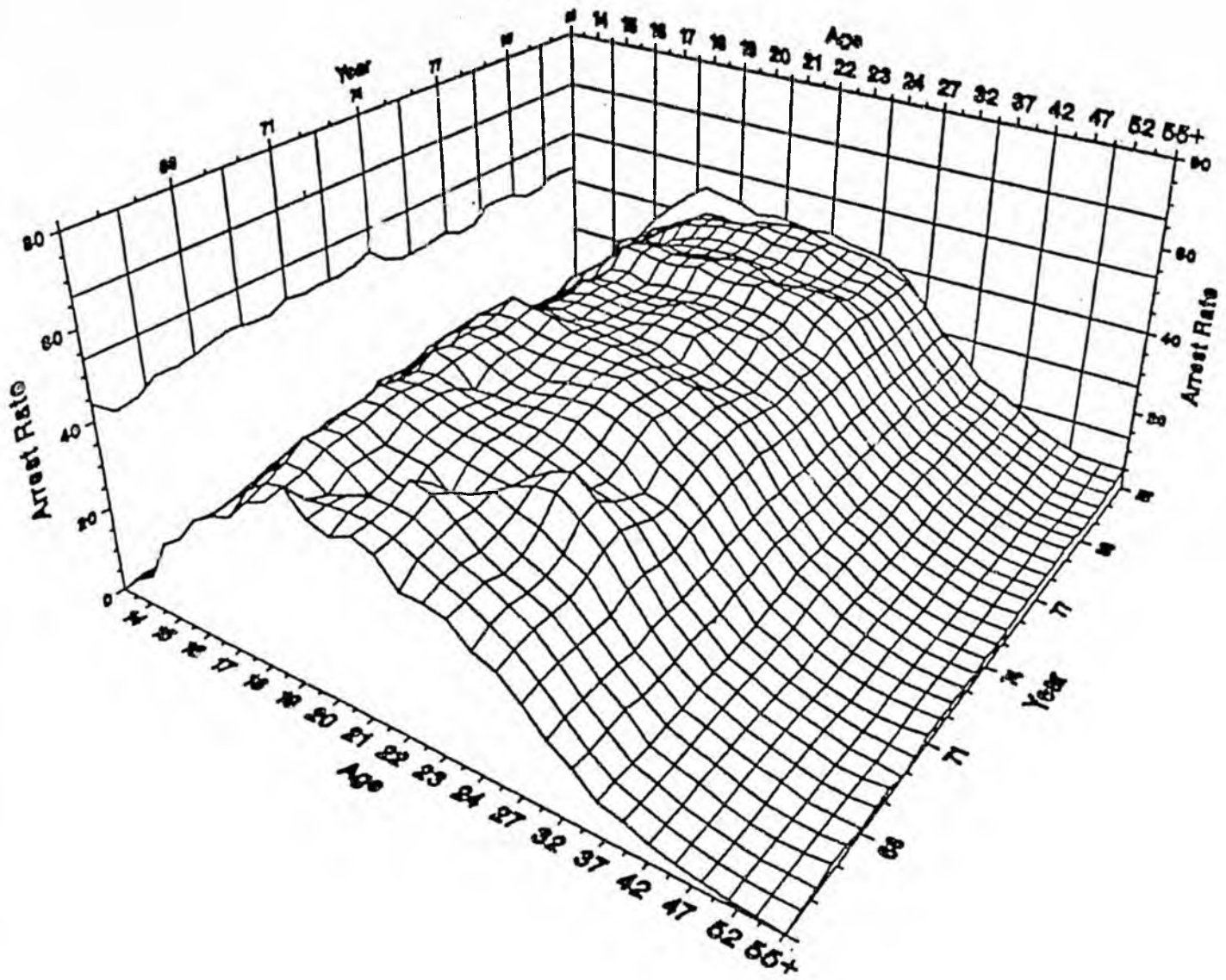
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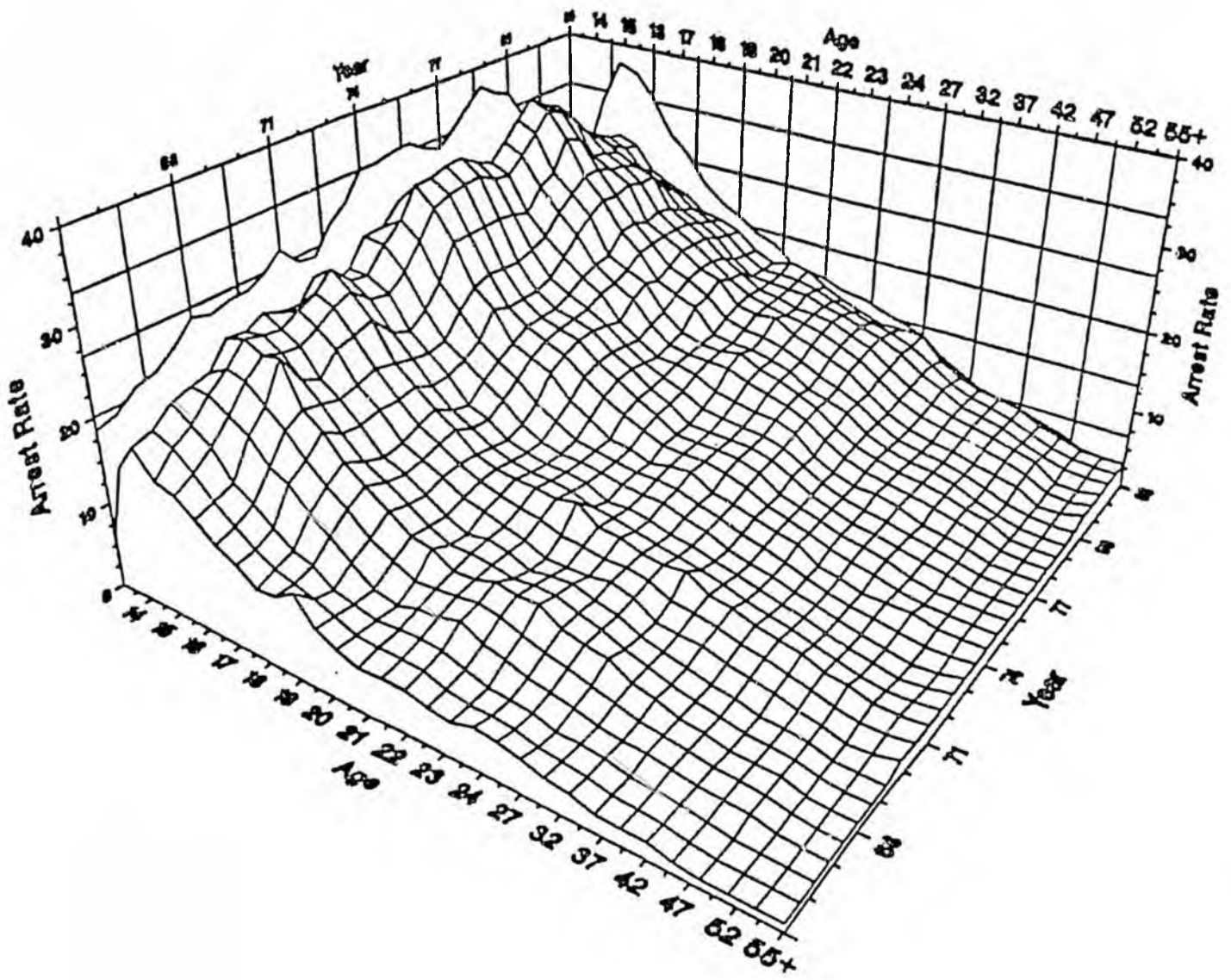
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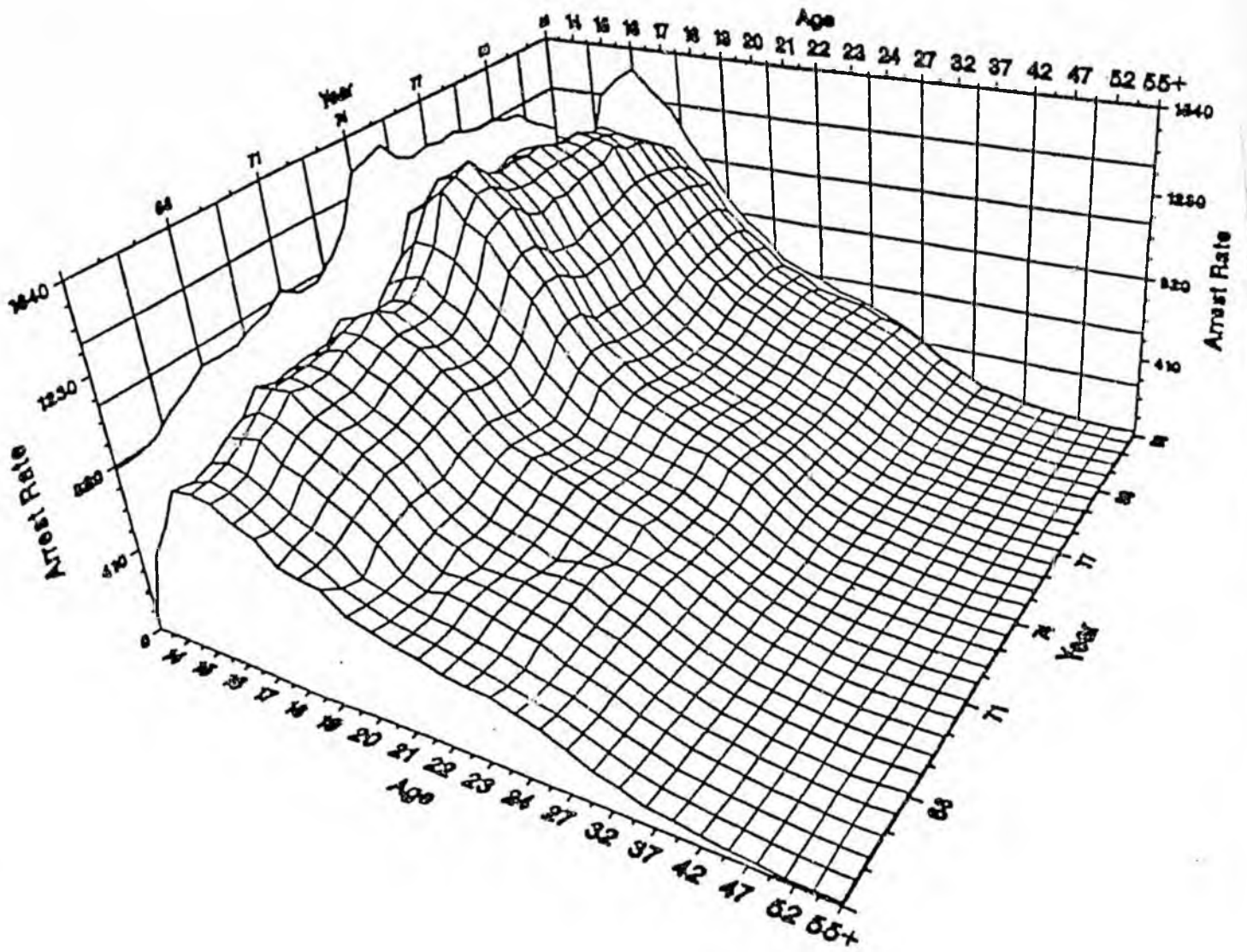
rape



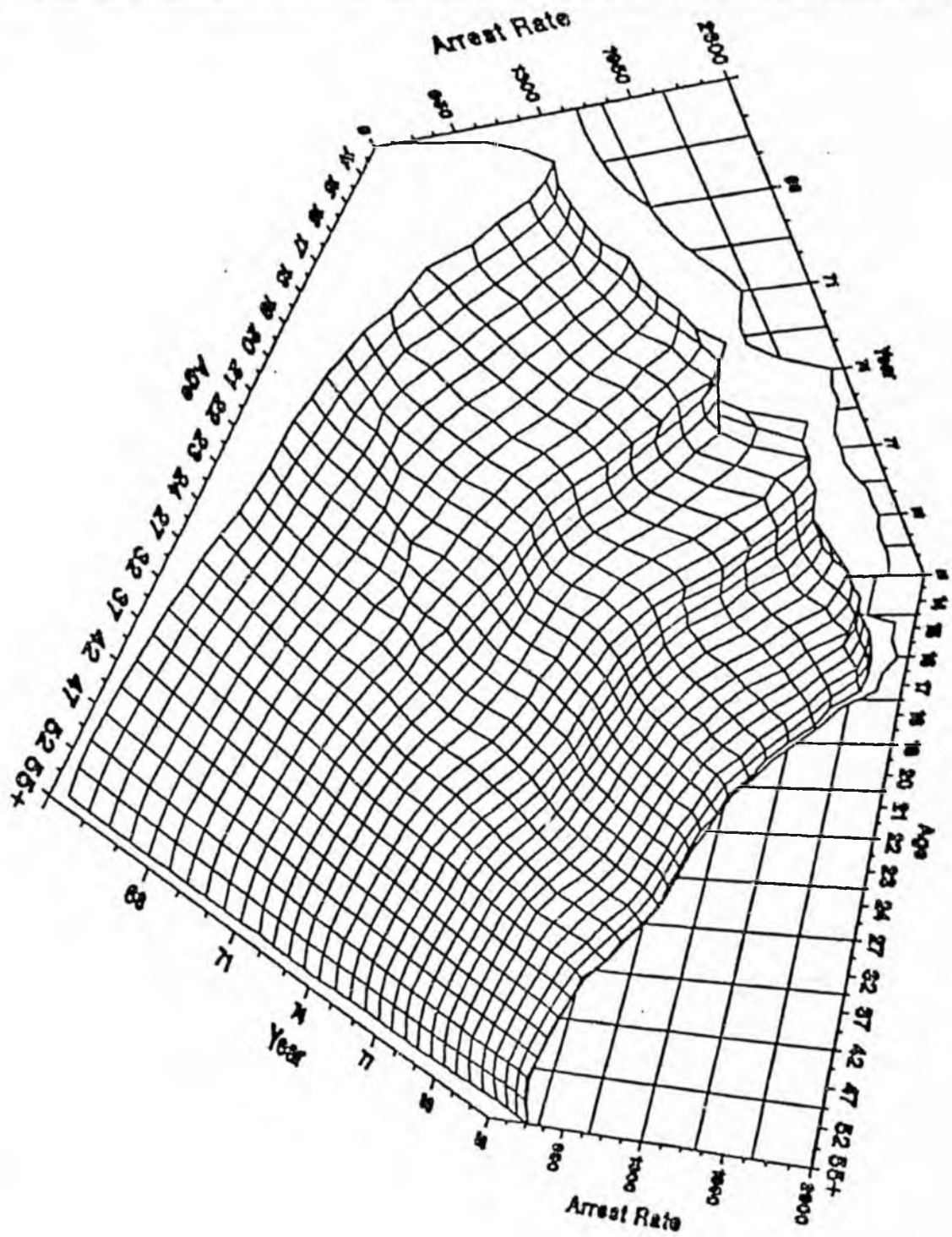
arson



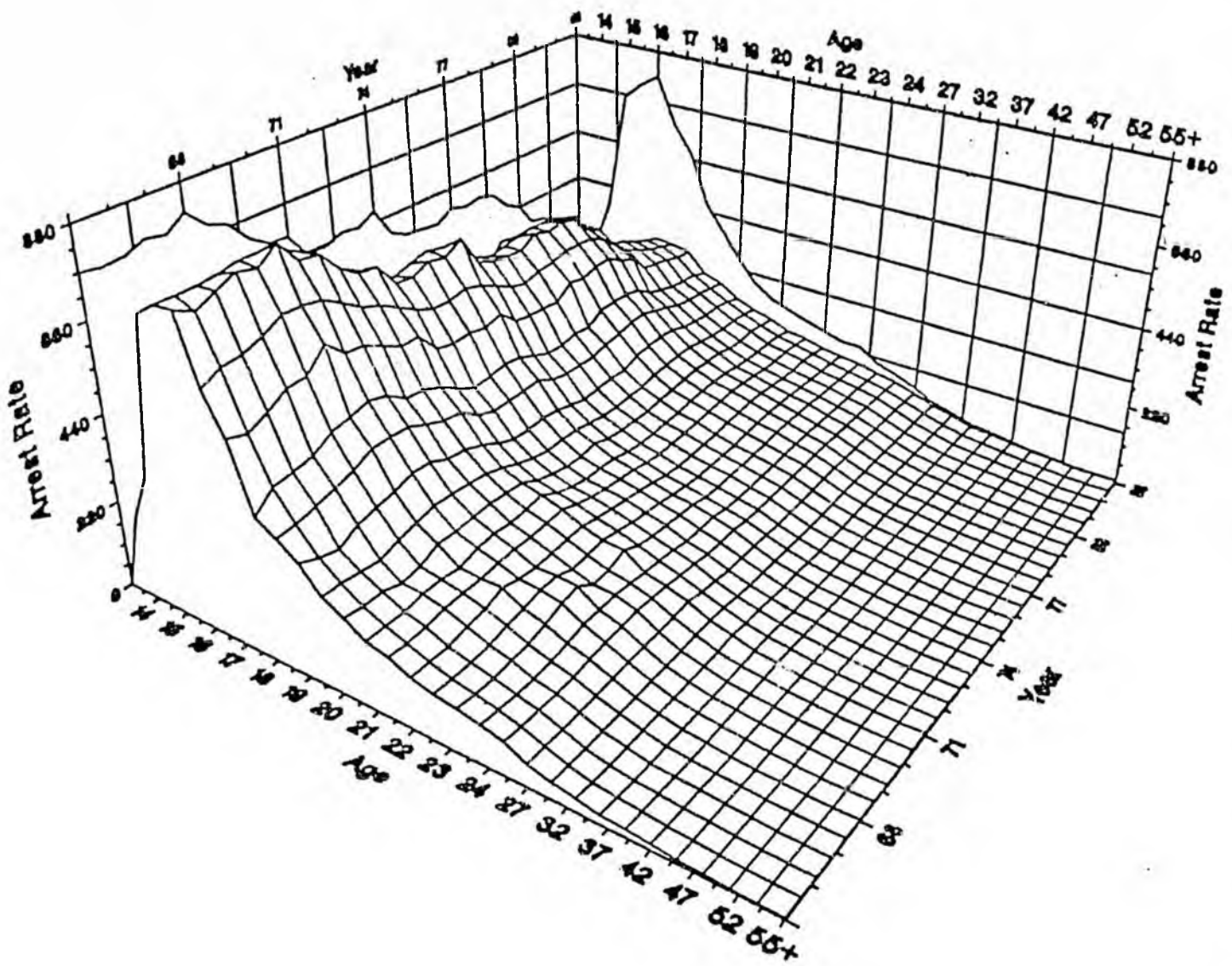
burglary



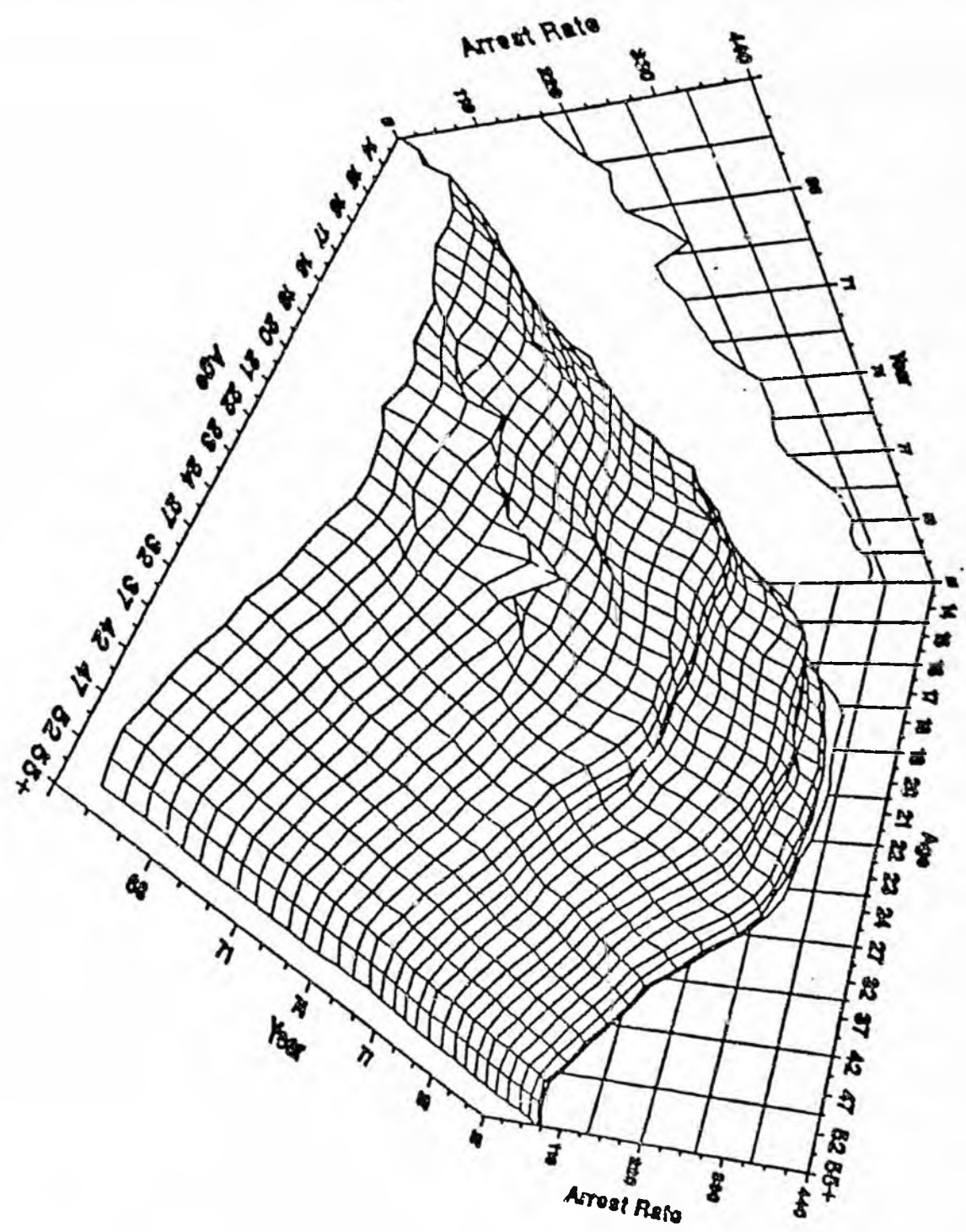
larceny-theft



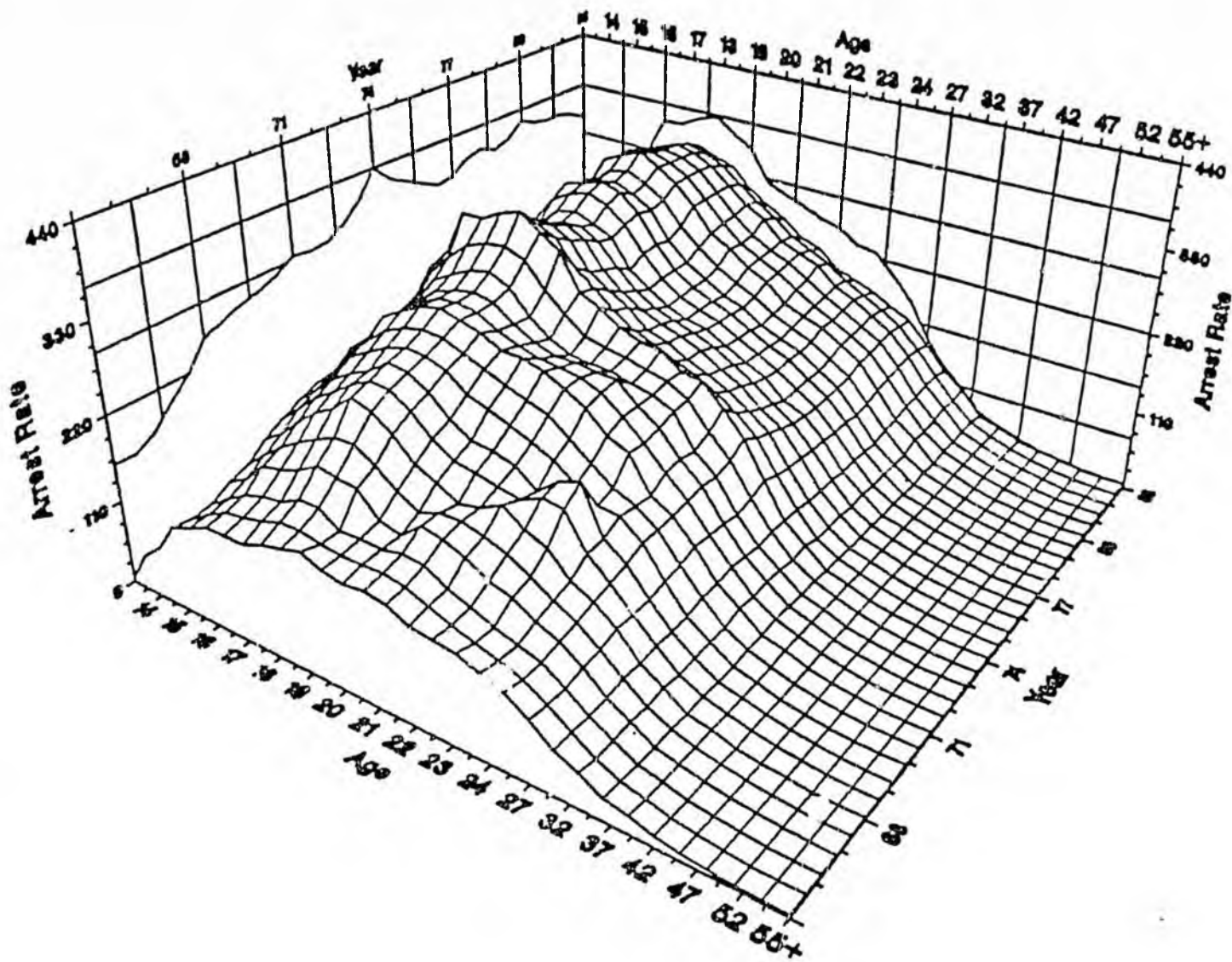
motor vehicle theft



aggravated assault



robbery



"Kill all the pigs and norks".

"Made me become involved with drug & alcohol classes instead of just being locked up and punished. Family therapy for all members, more sincere care from the courts and the state agency I was made to go to. They only wanted to force issues they didn't really care about me. After all if it wasn't for people getting in trouble. Then most of these people, counselors, probation officers, judges, prosecutors, jails, prisons, police, detectives, detention centers, parole officers, law makers, they all would be out of a job if they corrected the problems that the system involves. And we know they don't want to lose..."

"Although I had caring and determined parents, I believe that they lacked the psychological understanding that was needed in giving directions and daling with raising children to be productive citizens."

"Labotomy or death."

"Instill a greater appreciation for one's role as a member of society. Sociology is a teaching tool which can give a youngster an awareness of the systems which humans use to interrelate in a productive and non-violent manner."

"The best thing that would have helped me is to have the State agencies stay the hell of family problems. Public schools are too much like institutions and not education centers. Problem youth have enough pressures to deal with. They don't need added pressures to make them better students. They need positive practiced goals and much encouragement from good leaders Kids are being taught to rat on their own parents. What happened to loyalty to the family and not the state?"

"Don't know."

"I'm confident if I would of stayed away from drugs and followed my parents steps after they became Christians that I would of started a productive life earlier than starting one in jail."

"Shock therapy."

"Well, when I was a juvenile I always wanted help from other people that care and will love me. But living in the ghettos no one did like that. I always wanted a family that understand with care and loving in the house. But that was a wish--as you know wishes don't come true."

"Sell drugs. More prostitution. Sell hot cars, and go to Mexico and spend my money.....".

"By having a mother and father stay married and not get divorst."

"It would have been a great help to understand my feelings and to express myself assertively. I do not believe for a minute that just because I am in jail that I am no longer a productive person. With this type of mentality no wonder society is in the condition it is. There will never be any hope for a human being that has been in prison as there is this type of milstone around his neck. Think rehabilitation not condemnation."

"NOTHING".

"Parents could have been better educated so they could have dealt with me better. It may have helped to have more life skills films in school. Parents don't seem to understand alot of the problems young people go through and they don't know how to instruct children properly so educating parents would probably be the most effective way to nip it in the bud."

"N/A. Had a very nice pre-teen and teen years."

"More intellectual education in the home and additionally of the ways, good & evil of the world & most important, RESPONSIBILITY."

"More education about alcohol driving and its consequences."

"Had a better family life and better parents that wouldn't have dump in to to society alone."

"Been taken away from parent, grandparents, and adopted at young age or good psychiatric help during grade school."

"To be moved into this home with my mother and stepfather and sister. My sister is a very good person so I know that she was raised properly."

"Nothing."

"A good kick in the ass when I got out of line."

"To have a big brother."

"Staying in my family and staying out of drugs and alcohol and not watching television so much."

"Fix your corrupt system, eliminate crooked police officers, and quit making innocent people into criminals."

"N/A, no juvenile problems".

"Stay out of Alaska."

"Someone believe me."

"Don't know."

"I have no idea."

"If I though my answer would help even to some aspects-I would write an article. Sign--A good person in many ways than one

"Medicine, counselling, loving parents."

"Mever been in prison, left school and joined Army Air Corps at 16 yrs. Arrived in Alaska, 8 May 1948 with duffle bag and M1 rifle. Best thing for 17 year olds is join the military- they will grow up."

"McClauplin needs a better program."

"Have it up to adults who care for their community."

"Knowledge, understanding of alcohol & drug abuse, the effects it has on a person. An open line of communication w/family members. The importance of honesty w/oneself and others."

"To have a secure family and a healthy relationship. And to have parents that will guide you and not control you. And to support your decisions on the type of lifestyle that you like."

"Have a closer relationship with parents."

"My mother shouldn't have drank or had us at such a young age."

"Find someone more willing to take time to talk & understand. Better drug & abuse counselling. Listen to see what the kids want, think positive."

"The problem is not a juvenile nature."

"My DWI was directly involved w/my bad marriage & had nothing to do with my parents."

"My circumstances are different than most people in that I was not raised in this country. I came back from Europe when I was 18 with no knowledge of the drug culture. Had I had some experience or education I probably would not have gotten involved."

"Not have so many responsibilities. Have someone to talk to. Not be told how awful a person I was when I did mess up. Not to be allowed to move out of the house so early. Be allowed to be a child."

"Having people to talk to. Someone to depend upon. Having a direction in my life. Knowing I had some support. Basically a friend who would have understand me and what I was going through."

"Talking to people who had been incarcerated or in trouble with drugs or alcohol. If I could have pulled away from peer pressure. I feel alcohol is so socially acceptable that kids feel it's ok to use. I now realize that alcohol is a drug and it also posions your system. I very much want to educate others (especially teenagers) about drugs & alcohol and plan on doing so while incarcerated and when I get out."

"I should have respected my parents for the discipline they imposed instead of becoming rebellious towards them and lawful authorities. Part of this rebellion included taking & using drugs, stealing, cutting school & part taking in acts of vandalism and violence. I wish I had stayed home."

"Have adults believe me and help me instead of telling me that I was a bad girl & should be thankful for the beautiful home I had instead of seeing the hell that was really going on."

"Maybe understanding and having someone I could of talked to. Possibly parents need more communication skills."

"Proper guidance on dealing emotionally with opposite sex. More encouragement to help with assertiveness & self esteem."

"I believe that if I had had an adult that could have recognized that there was something wrong going on with me."

"Me realizing my hardheadedness."

"Nothing. Alaska was too boring and all of my behavior was a product of being angry and wanting to everything I could out of everyone. Without having to give in return. My mistakes weren't forced behavior, it was how I chose to behave. In that frame of mind I could never have become a productive person."

"Nothing could have been done in the frame of mind I was in at the time. Too loaded all the time to realize I needed help."

"I could have been taught why, what, when and how about all of live in general and if I had not been around an alcoholic stepfather. And if I had been treated like a real person."

"More communication, more understanding from parents. From myself-a better understanding of the family structure. Simply more communication."

"Lost communication with family over years, due to deafness at age 18. Father was military pilot, was not home enough, due to missions he flew overseas, though a loving bond persisted in family it was deteriorating through my families severe alcoholism."

"Given me a million dollars, 30 beautiful blondes, and a gigantic sail boat to sail around the world and let no one bother me!"

"To know about dealing with your feeling and how to let them out and show em some way."

"Education on drugs & alcohol usage & effect."

"Mental health counselling."

"If my parents wouldn't have died on me at an early age I would not be a inmate now."

"I'm not sure but the people that I hung around had a lot to do with it."

"Job training."

"It's hard to determine, if I would of had a chance to grow up in a stable family it might of been different. I think if there was an adult that could of seen the problem at a young age, I wouldn't of gotten into so much trouble. If only there was someone around that understood how hard it was growing up in a violent family. It might have been different."

"Just think of anything to do to stay out of trouble."

"Listen to my parents--have better friends--don't use drugs or alcohol."

"My parents could have stayed together or at least handled to separation responsibility. The state could have provided some training andI could have realized what was really happening earlier in my life and taken on more responsibility. I hope this study helps young people of today not suffer similar hardships."

"In my case I do not feel anything could have been done better. I solely am responsible for being here, in spite of all the good in my life."

"Stay away from other persons and never listen to what they tell you to do and to be with my family for the rest of my whole life."

"More interesting parents and spending money."

"By recognizing my problems & admitting them and looking for help."

"Communication, no physical or mental abuse."

"I was raised in a military home, my father tore me down, I felt that there was little that I could do right. My fear was great. I feel open, honest conversation to be the most important tool. Raising a child with high self-esteem."

"If someone was there to communicate with."

"Have more things to do. Not moving around so much. Learn to speak to my parents."

"Believe in myself and get help from my friends or family."

"Had parents who listened, shared their selves with me & who were good role models for me. By the way, I didn't get in any trouble until I started drinking alcohol at age 36."

"A wholesome family life with good communication with mom and dad. Child neglect and viewing violence between parents leaving the feeling this was a "norm.....".

"If my mother could have stayed alive?"

"If my parents would have pay more attention and if there weren't physical & verbal & emotional abuse."

"Received counselling when it was seen our family had a crazy abusive lifestyle so I could have seen earlier my own destructive patterns."

"Have had more counselling and if my parents didn't drink."

"Could have talked with my parents."

"A more structured home life and activities."

"Listen to parents more and stay away from peer pressure."

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PRESENTATION TO THE LEGISLATURE/HOUSE HESS/FEBRUARY 24, 1987

Yvonne M. Chase, Director
Division of Family and Youth Services

The Division of Family and Youth Services is the state agency mandated to provide directly or to arrange, through contract, a wide range of client services which are designed to address neglect, abuse, and exploitation of children, youth, and adults, and delinquent behavior of youth.

The Social Services section of the Division of Family and Youth Services is legally mandated by state statute (47.17) to receive, investigate, and take necessary and appropriate action on reports of harm to children and adults, elder abuse, and detention of juveniles. The goal of the agency's action is to ensure the safety of the child or adult who has been reported to be in danger. Statewide, the division receives approximately 700 reports of harm to children each month. In addition to reports of harm, the agency receives 700 - 900 request per month for other services from individuals, families, agencies, and community members.

Family Services

Once a report of harm is made, the report is investigated to determine three things. First, has abuse or neglect occurred. Second, if so, is there danger of further harm. And, third, what must be done and by whom to prevent further harm to the victim. In the most serious cases in which the parent or caretaker cannot, or will not, assure a child's safety, the child must be removed from the home through emergency custody proceedings. Emergency removals occur in only approximately 10% of the situations report to the agency. Of all the reports of

harm to children received, approximately 1/3 reveal a family who will require ongoing service in order for the child to be protected.

Elder Abuse

The division is also legally mandated to investigate and to offer protection services to elderly person who are reported to have suffered from physical or economic harm by a caretaker.

Division Statistics

The divisions' statistic are divided into three major categories: Social Services, Youth Services, and Community Care Licensing.

For Social Services:

The number of individuals receiving Social Services rose
from 17,002 in FY 85
to 19,310 in FY 86

The number of children receiving Child Protective Services rose
from 7,702 in FY 85
to 9,222 in FY 86

The number of adults receiving Adult Protective Services rose
from 2,209 in FY 85
to 2,213 in FY 86

For Youth Services:

The average monthly client load for probation officers rose from 1,162 in FY 85 to 1,352 in FY 86 and increase of 16.4%.

1,995 individual detention admissions were made in state facilities, a 5.2% increase over FY 85.

163 individual admissions for state institutional treatment facilities, a 22% increase over FY 85.

Community Care Licensing:

The number of day care facilities, residential care facilities, and foster homes licensed by the division dropped from 1,951 to 1,680, a decrease of 14% from the prior year.

Abuse and Neglect

The prevention, intervention, and treatment of child abuse and neglect is a growing concern in Alaska as evidenced by the increase in referrals to the division, and the corresponding increase in identifying the service needs of these victims and families. Since 1978, the number of staff to provide needed services has increased on 66%, while the number of children receiving protective services increased by 222%. This increase in referrals is consistent with national trends: however, Alaska is among the top 10 states with the highest reporting ratio.

Abuse and neglect became a serious administrative concern in 1984 when client loads had grown to an overwhelming degree. Statewide, the division identified the need for 35 additional social workers in order to meet a standard of 50 clients per social worker. The administration and legislature responded to this critical need and 39 line and support positions were allocated to the division of FY 86.

The FY 87 revised budget has resulted in the need to maintain a vacancy rate of 16% in staff positions. The gains made in staff resources in FY 86 were cancelled! With the FY 87 revised budget, statewide client loads for individual social workers now average over 80 clients; and even without the required vacancies, 6.0 positions are now needed to meet the 50 client standard.

The FY 88 Governor's budget reinstates staff resources to the FY 87 authorized level and provides an increase in foster care; it is hoped that these two actions will maintain the essential protection services to prevent further harm to victims. However, preventive youth service funds for grants to private providers have been eliminated. With this level of funding for the Division of Family and Youth Services, the Department of Health and Social Services, other state agencies, and no funding for private providers for child abuse prevention services, long range solutions for the children and families will not occur.

This situation creates a compelling need to develop a rational and consistent basis to determine client loads, and to allocate the existing resources. In the next year, the division is committed to completing a

project for case management which will develop and provide the standard client assessment tools. These tools will assist in the identification of client risk, and what level of service is needed.

Youth Services

Those youths who are determined to require formal intervention are treated in one of three ways, depending on the type of court order:

1. First, they may remain in their own home while being supervised by a probation officer.
2. Second, they may be placed in either a foster home or residential care home while under the supervision of a probation officer.
3. Or third, they may be placed in a state youth facility.

Until 1981, the 41 detention and 92 treatment beds at McLaughlin served the entire state. Since that time, 38 new beds have been put on line -- 20 beds in Fairbanks, 10 in Nome, and 8 in Juneau at the Johnson Center.

There are two separate but related concerns facing Youth Services: resources and facility overcrowding.

Resource limitations are affecting the division in several ways. First and foremost, current year budget reductions are necessitating vacancies in probation officer positions. The Governor's FY 88 budget does not reinstate these reductions, and 15% of all authorized probation positions will remain unfilled next year.

ALASKA LEGISLATURE COMMITTEE FILES 1987-1988 8672

4581 HHS HCR 4 - HJR 35

53

Probation officers are clearly the front line offense to fighting juvenile crime. They initiate intervention services, and they are the key to all levels of intervention efforts. In order to use Youth Services resources most efficiently, there must be a high level of community based probation services to protect the public.

There is serious concern that in reverting back to 1980 levels of service to deal with 1986 caseloads, juvenile crime will start to rise and reverse the downward trend of the last 5 years. It is believed that the reduction in juvenile crime during this period has been largely attributable to increased and improved youth probation services. With reduced levels of services, intervention will not occur with the degree of certainty or timeliness which is essential to effectiveness. Many youth will either slip through the cracks or reoffend before action can be taken.

The average statewide caseload is currently 72% above the nationally recognized standard. Inability to provide adequate probation services will ultimately result in increasing pressures on the already overcrowded youth facilities. This will create additional costs to the public in the form of increased enforcement, increased court processing, and ultimately greater numbers of persons entering the adult prison system.

The second impact of resource reductions is on the youth facilities. As noted, as late as six years ago, there was a single facility to meet all statewide needs. The system growth of 38 beds has somewhat addressed this deficit in services. However, the current need for detention and treatment beds still far exceeds the existing capacity. This has resulted in ongoing court oversight of conditions in the McLaughlin Youth Center, and grand jury investigation of

conditions at the Fairbanks Youth Facility. There is imminent potential for class action litigation similar to the Cleary Prisoner Rights suit in the adult corrections system.

In order to address this serious deficit, the division developed a comprehensive plan which calls for the regionalization of treatment services. As part of this plan the 20 bed Bethel Youth Facility was constructed as was a 20 bed expansion to the Fairbanks Youth Facility. Both of these projects were originally funded this year for seven months only. The funding for Bethel was for the detention component only -- as funds for the treatment program were not included. However, budget cuts necessitated not opening Bethel at all. Current year budget reductions have also resulted in the Nome Facility being reduced to detention services only. Increased costs largely associated with overcrowding have greatly limited our ability to operate within the reduced appropriations for McLaughlin and Fairbanks.

The Governor's FY 88 budget fully funds the Fairbanks Youth Facility -- both the existing operation and the new wing. It also partially restores funds for McLaughlin which were deleted this year. Funding is not included for Bethel or Nome Treatment program. It is our expectation that there will continue to be court oversight because of the overcrowding problem. Court intervention could result in expensive remedies, as could class action litigation.

An addition concern is that services in rural areas will be minimal, and rural youth will be underserved. In some areas, particularly the Western Region, youth will continue to be detained in adult lock ups and jails without statutorily required sight or sound separation from adult prisoners. This deficiency

oners. This deficiency will result in the state losing a quarter of a million dollars annually of Federal Juvenile Justice and Delinquency Prevention funds starting next year.

Departmental Interface

DFYS interfaces with other divisions within DHSS plus with other departments in order to provide the necessary services to parents and children.

- o A single parent may need financial assistance which could be available through a referral to the Division of Public Assistance. A family in a rural community needs periodic assistance in caring for a handicapped child. In such situations, the itinerant public health nurse and the social worker often coordinate a visitation plan to ensure support, guidance, and monitoring for the child.
- o Food stamps, alcohol abuse counseling, and medical assistance are also services which need to be utilized by many of DFYS's clients.
- o The division also works closely with schools in planning for children. A major project, the Alaska Youth Initiative, is a cooperative effort between the Division of Family and Youth Services, Mental Health, and the Department of Education to provide service for those children who have serious treatment needs

We are also involved in a special project the Alaska Youth Initiative, with the Department of Education and the Division of Mental Health. The purpose of this project is to develop shared funding and coordinated services for

Alaska's most disturbed youth by establishment of the Alaskan Youth Initiative (AYI). AYI is a demonstration program to return to Alaska disturbed youth presently in out-of-state placements and to encourage both state and local level multi-agency development and funding of appropriate individualized care programs for these youth. Further out-of-state placement will be discouraged unless necessary. To accomplish this, a limited number of in-state youth who are of similar level of disturbance to those presently in out-of-state placement will be accepted into the AYI. Individualized care programs will be developed for these youth through the same procedures used in developing programs for youth who are in out-of-state placements.

There are a number of serious issues facing the division today, and I would like to briefly familiarize you with these items:

1. There is a lack of foster care resources to keep up with the demand for placements.

As I noted earlier, the number of facilities licensed by the division has decreased in a time when people resources are essential -- because they provide the least restrictive setting for a child who much to located somewhere other than his/her own home. The division is presently unable to provide either the quantity or quality of training and support necessary for foster parents to work as part of the treatment team in assisting a child to work through the abuse and/or neglect and to develop as a positive human being.

The child who is removed from his/her home today is quite different than the child who went into placement 10 - 15 years ago. Today's

child may have been more seriously abused or neglected, and quite often will need intensive supervision and treatment.

(Historical perspective -- foster care nationally was discussed)

Additionally, the monetary stipend to foster parents have not been consistent with the challenge a particular child might bring. Several years ago, augmented foster care was developed as an incentive for foster parents who would take delinquent children. However, the abused and neglected children from the family services section of the division are often equally difficult to care for.

Liability insurance is another serious issue.

The issue of potential property losses to foster parents has been problematic to the department's recruitment and retention efforts and clearly of concern to some foster parents. Mechanisms used by the department to reimburse foster parents for losses suffered as a result of the conduct of children placed in their care have had neither statutory basis nor dedicated funding. These mechanisms have thus been functionally unsatisfactory and, because of funding limitations, potentially insufficient to deal satisfactorily with even a single large property loss (such as destruction of a foster family home by an intentionally set fire).

Unfortunately, the cost is high. The division of Risk Management within the Department of Administration suggested that coverage of the potential property losses of the roughly one thousand licensed foster

parents would cost between \$750,000 and \$1 million annually. This figure is an estimate of premium costs for providing coverage to the structures of foster parent homes only. The estimate is based on an assumed average on typical home value and an average premium costs among various locations within the state. The figure does not include an estimate of the costs of providing coverage for foster parents' personal property or vehicles. Nor does the figure include estimated costs of assessing or establishing values of the property covered or updating these values on a continuing basis as new foster homes are licensed or foster parent drop out of the program. Costs of providing coverage for property "under the lawful control" of foster parents caused by children in care were not considered due to the difficulty of estimating the potential value of such property.

(Use private insurance carrier -- history.)

If we are to use this most valuable resource (foster care), then the system will have to be re-structured so that adequate support is afforded to all members of the treatment team, staff, foster parents, biological parents, and other resource providers.

2. The role of the CPS (investigator) has become more difficult as we prosecute more cases the lines have often become vague between the investigative and the treatment nature of the services we provide.
3. There is a lack of evaluation and treatment resources in the provider community for pre-school children (especially for children under 3 years of age).

4. There has been a continual rise in caseloads, and while you have heard that the Division of Family and Youth Services is understaffed, and that is true when compared to national caseload standards, additional staff is not the only answer.

More resources need to be available within the Department of Health and Social Services so that children and families who require some type of health and social service assistance, but are not an identified part of the population DFYS is mandated to serve, will be provided assistance through other resources.

For a number of children and families, where there is no abuse and neglect, DFYS is still the only resource: an example may be parents who need treatment resources for their child and do not have the ability to pay for these resources.

5. There are generally insufficient treatment resources to handle the volume of referrals. In a time when we are facing a lessening of resources, it is essential that we keep in mind the continuum of services that a child and family may need in order to make the changes that are necessary.
6. Out-of-state institutional placements are still necessary for a small number of Alaska children, for whom sufficient resources to meet their needs do not exist in Alaska. Outside placement present a number of problems: expense -- coordination with the child's family -- and adequate monitoring of the outside facilities is difficult with reduced resources.

7. Juvenile waiver for juveniles continues to be an issue. With regard to the waiver, there continues to be concern when a juvenile is waived to adult status, as to where he or she serves their time/in an adult or juvenile facility . . .
8. I C W A: Requirements and need to implement it is good social work.
9. Runaway Youth: their numbers continue to increase and the ability of the system to respond to their needs and to those of their parents is inadequate. As noted in a recent task force report on runaway youth, the present runaway problem did not develop overnight. It is in many ways a product of an evolutionary process in the juvenile justice system.

In Anchorage alone, it is estimated that at least 6,000 youth are significantly at risk of becoming runaway, castaway, or homeless youth each year. For the system, the consequences of not adequately addressing the problem are:

Increased numbers of runaways.

Increased family stress.

Increased child prostitution.

Increased sexually transmitted diseases in juveniles.

Increased exploitation of juveniles.

Increase in truancy and school suspensions.

Decreased ability of youth to become employed.

Increased demand for mental health, public safety, medical care, and vocational services.

For the Parent:

A growing concern about the whereabouts and safety of their child.

What has worked in other states ??? In many areas, the availability of safe shelters where children could seek counseling in a safe environment has been successful.

At this point, the Division of Family and Youth Services does not have the detention capacity to implement short term detention sentences for youth who commit minor offenses. This would be particularly problematic outside of major population centers where no juvenile detention facilities exist and juveniles are detained in adult jails, some of which do not provide sight and sound separation of juveniles from adult prisoners as required by law.