

S B

79

POSITION PAPER

HOUSE CS FOR CS FOR SENATE BILL NO. 79 (HESS)

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

NATURE AND SCOPE OF THE PROBLEM

The common perception that runaways are simply troublesome or disobedient youth who leave home for adventure is not supported by fact. Most runaways come from severely troubled homes. Others run from families in which parents lack skills in communication, conflict resolution, discipline, and other important parenting skills.

Studies both nationally and in Alaska indicate that youth run away from home in general because of:

- 1) family conflict;
- 2) physical or sexual abuse or neglect;
- 3) alcohol or drug abuse of a parent or the child;
- 4) school problems;
- 5) family instability or dysfunction.

The National Center for Missing and Exploited Children cites one study which found that 40% of runaways were physically abused in their homes and that 70% of female and 40% of male runaways were victims of sexual abuse. An estimated 20-30% of youth who are identified as runaways have actually been forced out of their homes.

There is no definitive data on the numbers of runaway youth in Alaska. The most thorough study to date focused only on the Anchorage area.¹ That study concluded that there are at least 1,200 known runaways in the Anchorage area and estimated that at least 3,600 youths run away or are forced from their homes in that area each year. Based on the Anchorage study, population distribution, and the distribution of runaways served by the Division of Family and Youth Services it can be estimated of that there are probably 2,400 and possibly as many as 7,000 runaways in Alaska each year.

Most youth who leave home without parental permission for at least 24 hours do so only once or twice and most (80%) return home voluntarily within 2-7 days. Only a small percentage become chronic runaways. Chronic runaways and the 20-30% of "runaway" youth who are forced from their homes - the castaways or throwaways - are the youth who are at highest risk of being victimized or committing a crime.

¹ Final Assessment Report, Runaway Support Network Project, Paul Wasserman, 1985.

EFFECTS OF HCSCSSB 79 (HESS)

Key provisions of this bill address several issues related to the problems of runaway and homeless youth and their families. These include:

Reporting

Section 1 would make the reporting of runaway and missing youth easier for parents by requiring police agencies to respond to telephonic as well as written requests to locate these youths. This could increase the usefulness of such reports to law enforcement agencies by making the reports more timely.

Placement of Runaways Taken into Custody

Section 1 makes changes in the placement options available when a runaway is taken into protective custody by a law enforcement agency. It maintains the ability of a youth to choose between returning home and other available placements. However, it requires that a parent consent to the return of a child to the home. This is intended to address parental concerns that they are now required to accept their child's return home and assume responsibility to care for the child even if they believe the child will be beyond their control when the law enforcement officer is no longer present. The Department does not support this provision viewing it as unnecessary, since parents can and do refuse to accept return of their children under present law, and as poor policy, potentially encouraging parents to shift parental responsibilities to the state. However, the Department would not oppose the bill solely because of this provision.

This Section also establishes two additional placement options to which police would be required to take a runaway child in protective custody. These are: 1) a "nearby location" agreed to by the child and parent, and 2) an approved runaway program. The first of these is intended to allow a child to be taken to a safe location (such as the home of a relative or family friend) when both the child and parent agree that the location is suitable and preferable to the child returning home. The second option would allow placement of a child in an approved runaway program defined in other sections of the bill. This allows the child another option beyond an office or contract agency of the Department.

Detention of Runaways

Section 2 would address the problem of protecting runaways who endanger themselves by allowing their temporary detention under certain limited circumstances. Runaways could be detained only by court order and only when: 1) a prior court order has been violated, 2) the youth's circumstances present a severe and imminent danger, and 3) no reasonable alternative to detention exists. Youth detained under these

circumstances could be held in youth facilities only - detention in a jail or other secure facility holding adult prisoners would be prohibited. A runaway detained under the proposed AS 47.10.141(c) must be brought before a court within 48 hours to determine if the youth is in civil contempt of court.

It is the understanding of the Department that it is intended that these youth not be subject to an adjudication of delinquency for contempt of court. In any event, it would be the policy of the Department not to initiate delinquency proceedings on the basis of a contempt of court citation in the absence of another delinquent act.

Development of Innovative Programs for Runaways

The bill would promote the development of innovative programs for runaway and homeless youth in several ways. It would:

1. define a specific type of program for runaway and homeless youth including the general requirements and some specific responsibilities of such programs;
2. establish within the Department of Health and Social Services review, inspection, and approval authority over such programs;
3. exempt from licensure approved runaway programs of the statutorily defined type;
4. immunize officers and employees of these programs from liability for civil damages for admission and release actions but not from reckless or intentional misconduct;
5. authorize the Department to award grants for the establishment and operation of approved programs;

The runaway programs defined by the bill could provide needed alternative placements for runaway youth where these youth could be safely sheltered and receive medical and counseling services while reunification efforts are begun. The mechanism of supporting these services through grants to approved programs has proven effective with other preventive services and is supported by the Department.

DEPARTMENT POSITION

The Department supports this bill as an effective means of addressing many of the troubling problems of runaway youth.

The development of much needed shelter services for runaway and homeless youth would be encouraged by the bill and the utilization of shelter and attendant reunification services by these youth may be increased by its provisions. By allowing youth to reside in approved facilities for 45 days without the consent of custodians, the bill establishes a non-punitive approach for these programs which may be viewed by runaway youth as safer and more attractive than other options. Increased use of

shelter and reunification services would also be encouraged by the provision establishing such facilities as a placement option for runaway youth taken into custody by police.

Importantly, the bill achieves a careful balance in its approach to the use of detention to protect runaways. The bill avoids the damaging and ineffective use of detention as a means of addressing the problems of most runaways by limiting the use of detention to those few chronic runaways whose behavior places them in clear danger. It also avoids the danger of over use of detention by requiring that detention occur only on order of the alternative exists. The bill provides a critical protection for these non-criminal youth by prohibiting their detention in adult jails avoiding the inherent dangers of mixing youths with adult prisoners.

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

DATE: _____

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

DATE: 2-16-88

FISCAL NOTE

REQUEST:

Revision Date: _____
Title: An Act relating to runaway
and missing minors.
Sponsor: Rodey, et al.
Requestor: _____

Agency Affected: Health and Social Services
BRU: Youth Services
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	-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)

N/A

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

Phone: 465-3170
Date: 02-09-88

Approved by Commissioner: Myra M. Munson, Commissioner
Agency: Department of Health and Social Services

Date: 2-16-88

Distribution (by preparer):

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

STATE OF ALASKA
THE LEGISLATURE

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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

House Hess:

February 10, 1988

February 17, 1988

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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)

N/A

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

Phone: 465-3170
Date: 02-09-88

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Agency: Department of Health and Social Services

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A M E N D M E N T

Offered in the House

TO: HCS CSSB 79 (HESS)

Page 3, line 18, after "minors":

Insert "operated by a municipality or by a corporation organized under AS 10.20"

Page 3, line 29, after "under":

Insert "AS 10.05 or"

Delinquency, runaway behavior linked to abuse

By GLENN COLLINS
The New York Times

NEW YORK — A study of adolescent runaways has provided new evidence that physical and sexual abuse are important contributors — not only to chronic runaway behavior, but also to delinquency and emotional difficulties.

The study of 149 youths between the ages of 12 and 20 found that running away was often a symptom of family distress. High levels of conflict and aggression were common in the families of repetitive runaways, as well as a lack of commitment and mutual support.

Frequently the families set impossibly high expectations for children without helping them to be competent or independent.

The research, financed by a grant from the United States Justice Department, were presented at a recent conference in Toronto. Among the findings are these:

- Seventy-three percent of the runaways had been physically beaten, and 43 percent of them cited physical abuse as an important reason for leaving home.

- Seventy-three percent of the girls and 38 percent of the boys reported having been sexually abused. "We believe that the females were more likely than males to have experienced physical and sexual abuse and to encounter subsequent problems subsequent to running away," said the study's principal investigator, Dr. Ann W. Burgess, who is the van Ameringen Professor of Psychiatric Mental Health Nursing at the University of Pennsylvania School of Nursing.

- Sexually abused runaways were more likely to report suicidal feelings and anxiety than those who had not been abused. They were also more likely to be afraid of being alone and to feel as if they were going crazy.

- Younger girls who had been sexually

Youth problems often signal family distress

abused were more likely to have trouble in school, to be engaged in delinquent and criminal activity, to have participated in acts of violence and to have used alcohol and drugs.

- Runaway boys who had been sexually abused were more likely to be withdrawn, to report being depressed, to have difficulty forming and sustaining friendships, with both boys and girls, and they also reported more physical complaints, such as headaches and stomach aches.

"We need to change the way that people look at runaways," said Burgess, who will present the study's findings at the First Annual Symposium on Street Youth, a gathering of experts on homeless youngsters.

"People attach labels to them like 'wayward' or 'delinquent,'" she said. "But often the running away is simply a symptom of other problems that need attention."

She added: "We don't want to romanticize these kids — they are no angels — but they are often the victims of one sort of abuse or another."

The research was conducted as part of an ongoing study of child abuse and criminal behavior financed by the Office of Juvenile Justice and Delinquency Prevention of the Justice Department.

The randomly selected subjects were studied at Under 21, a crisis-intervention shelter in Toronto run by Covenant House, which also has shelters in New York City, Houston and Fort Lauderdale, Fla. Eighty-one percent of the mostly middle-class subjects were white, and all participants were promised anonymity.

Studies have estimated that from 9 to 12 percent of American children between the ages of 12 to 17 run away from home at least

once. "Runaways are commonly perceived as 'Tom Sawyer types' who take off because they're lured by excitement or adventure," said the Rev. Mark David Janus, a chaplain at the University of Connecticut who contributed to the research and served as consultant at Covenant House.

But chronic runaways "are more likely to have been abused and battered," he added. "Remember, Huck Finn left his father because he was beaten, and David Copperfield left home because of his cruel stepfather. This is closer to the truth we see."

Of the runaways, 46 percent came from "intact" families where two birth parents were present; 31 percent came from single-parent families where one birth parent was present, and 23 percent came from stepfamilies where one birth parent plus a stepparent was present.

The research suggested that financial stability was a more important factor in the abuse of runaways than the type of family structure. About 48 percent of the runaways had come from families that had experienced financial difficulty, and runaways from these homes were more likely to report physical or sexual abuse.

Although often "single-parent families are negatively stereotyped in our culture," Burgess said, there was no more abuse in single-parent families than in intact families when they had adequate income.

Often the runaways' families had been highly critical of the youths. Many were "really put down drastically," Burgess said, "and the kids internalized this and often had a very low self-concept."

The researchers found that many of the abused runaways displayed confusion about appropriate nurturing by adults. After run-

ning away, the youths were often vulnerable to pimps and others offering some degree of what the youngsters regarded as protection and affection.

Burgess' collaborators in the study, in addition to Janus, included Judith Wood, Dr. Arlene McCormack, Dr. Carol R. Hartman and Peter Gaccione.

The runaways were asked to complete drawings for the researchers. Some graphically illustrated anxiety or insecurity, as evidenced in broken or indecisive lines, according to Wood, one of the researchers and the director of the Therapeutic Arts Program at the Children's Hospital in Boston.

Other drawings suggested evidence of past sexual trauma or physical abuse. These runaways drew only partial pictures of human bodies or showed only the head, symbolizing the need to avoid confronting the abuse, the researchers said.

Burgess said the research called into question the way runaways are commonly treated by the criminal-justice system. Social and legal agencies often detain runaways with the goal of returning them to their families, "and that may simply set the stage for a repeat runaway episode," Burgess said.

"You can't assume that returning them to the home is a solution," she said, "yet at the same time our foster homes and group homes aren't free from abuse either." She said the evidence suggests that chronic runaways eventually become involved in the criminal-justice system as offenders, "and then they begin to prey on society."

She added: "We can't put our heads in the sand. It's looking more and more as if society pays a high price for failing to attend to the sexually abused child, if we consider the secondary effects such as substance abuse, suicide, delinquency and criminal behavior — plus what it does to them and their families."

Runaway youth: Another view

By Cecilia Kleinkauf

In spite of a number of recent reports and articles on runaway youth in Anchorage, the fact remains that the true extent of the problem is not known. Numerical totals in the thousands, often quoted to reflect the "epidemic" proportions of the problem have not, for the most part, been the result of valid scientific research. Nevertheless, most citizens, law enforcement and human service agency personnel would agree that runaway children exist as a population in need of attention.

The causes of runaway behavior are as individual as each family and each runaway youth, and research is only beginning to provide us with information which reflects patterns of running away in response to family problems, physical or sexual abuse or peer pressure.

"Blame" for the problem has been inaccurately and inappropriately placed by some onto the legislature and the courts — since the statutes which formerly criminalized status offenders (children who are runaways, truant from school or curfew violators) and those which dealt with other dependent and neglected children were revised in 1977. These revisions followed a review of the state's procedures, relevant research findings and federal law which was conducted by the 1975-76 Childrens Code Task Force — a group of citizens and professionals jointly appointed by the legislature and the governor to conduct such a review.

Many of the Task Force's recommendations were based upon the Federal Runaway and Homeless Youth Act — Title III of the Juvenile Justice and Delinquency Prevention Act. This legislation has as its objective the diversion of non-violent, less serious offenders from an already overburdened juvenile justice system, the provision of services to meet the needs of youth during the runaway episode, reuniting the youth and family, encouraging the resolution of family problems, strengthening the family relationship and assisting the youth in deciding upon a future course of action.

Since Alaska complied with the Act's mandate for criminali-

zation of status offenders in 1977, the state has continued to receive federal money. The \$225,000 currently received is being utilized to develop methods to remove (or prevent) youth from being held in adult jails as often occurs in rural Alaska. This right to be held in custody separated from adults derives from children's constitutionally protected right to liberty. Like adults, however, children can be institutionalized if they break the law or are determined to be a danger to themselves or others under Alaska's mental health statutes.

The issue, therefore, is not a need for more restrictive laws but rather a need to provide services to youth and their families which will address family conflicts and also protect youth who are away from home from exploitation. Current Alaska Statutes (A.S. 47.10.141) require that law enforcement agencies "take into protective custody" minors "evading the minor's legal custodian" and either return the child home or take the child to the Alaska Division of Family and Youth Services. DFYS is then required to assess the situation and provide social services or foster home placement. The problems arise with the extreme lack of social work staff to provide ongoing support services or monitoring of the situation or in the fact that many children do not come into contact with law enforcement of DFYS.

A major area of need is the provision of a comprehensive range of services from preventive counseling and support, and parenting classes to emancipation services for older youth. The Runaway Youth Act, for instance, mandates a 24-hour seven-day-a-week youth shelter where children may go to escape situations on the street. Instead, Anchorage has only 22 shelter beds at Alaska Youth and Parent Foundation, 14 of which are contracted for by DFYS and eight of which require parental consent. Most parents of runaway youth list their major concern as the safety of their child, yet Anchorage does not seem able to mobilize to provide the same safety and shelter for homeless youth that it does for its other homeless street-people.

Runaway shelters in other

states which provide safety from the streets are required to notify the child's family of the child's whereabouts as a way of easing a family's concerns and alleviating claims that such shelters encourage running or harbor runaways. Such notification would also be required in any Anchorage shelter as statutes already provide for mandatory parental notice.

Many older youth and their families also need emancipation services as it becomes evident that family reunification is not possible. Rather than incarcerate such youth at high cost to the state as some suggest, legal emancipation accompanied by supportive group homes from which the youth can finish school or become employed and independent are much more productive and cost effective.

Public policy solutions to the runaway problem such as those which deprive youth of their constitutional rights or which seek to have the state punish the youth for the parent will not solve the problem. Instead, support for the services which families need in times of stress will produce a more individualized and positive result.

Cecilia Kleinkauf is an Associate Professor and Department of Social Work Chairperson at the University of Alaska, Anchorage.



Legislative
Information and
Teleconference Networks

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Judith M. Park	9021 Granite Pl.	344-1170	X	
Ann C. Plunkett / ^{Don} Roddy		3561-7618		
Pamela Moravella	Covenant Home 225 Cordova St / Bldg B	272-1255		
Tim Paldani	225 CORDOVA ST Bldg B PUBLIC SOCIAL SERVICES	277-2554	X	
Ronald Brown / ^{Tough} _{Lois}	333 N. FLOWER ST ANCH, AK.	274-1452	X	X
PAUL WASSERMAN <small>MAYORS TASK FORCE</small>	1421 "N" ST. 99501	276-6332	X	
Judith Geil <small>AVPF volunteer</small>	703 W. Tudor Suite 201 ANC AK 99503	688-4883		X

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Hein
01/05/88

Original sponsors: Rodey, Faiks,
Fischer, et al.

1 IN THE SENATE

BY THE HEALTH, EDUCATION AND
SOCIAL SERVICES COMMITTEE

2 HOUSE CS FOR CS FOR SENATE BILL NO. 79 (HESS)

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 FIFTEENTH LEGISLATURE - SECOND SESSION

5 A BILL

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

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

8 * Section 1. AS 47.10.141 is amended to read:

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

22 (b) A peace officer shall take into protective custody a minor
23 described in (a) of this section if the minor is not otherwise subject
24 to arrest or detention. The peace officer shall honor the minor's
25 preference to [EITHER] (1) return the minor to the legal custodian if
26 the legal custodian consents to the return; (2) take the minor to a
27 nearby location agreed to by the minor and the legal custodian; or (3)
28 [(2)] take the minor to an office specified by the Department of
29 Health and Social Services. a program for runaway minors approved by

1 the department under AS 47.10.310, or a facility or contract agency of
2 the department. If an office specified by the department or a facili-
3 ty or contract agency of the department does not exist in the communi-
4 ty, the officer shall take the minor to another suitable location and
5 promptly notify the department. A minor under protective custody may
6 not be housed in a jail or, except as provided in (c) of this section,
7 in a [OTHER] detention facility. Immediately upon taking a minor into
8 protective custody the officer shall advise the minor orally and in
9 writing of the right to social services under AS 47.10.142(b), and, if
10 known, the officer shall advise the legal custodian that the minor has
11 been taken into protective custody.

12 * Sec. 2. AS 47.10.141 is amended by adding a new subsection to read:

13 (c) A minor may be taken into protective custody by a peace
14 officer and placed into temporary detention in a juvenile detention
15 facility if there has been an order issued by a court upon a finding
16 of probable cause that (1) the minor is a runaway in violation of a
17 valid court order issued under AS 47.10.142(f), (2) the minor's cur-
18 rent situation poses a severe and imminent risk to the minor's health
19 or safety, and (3) no reasonable placement alternative exists within
20 the community. For the purposes of this subsection, a risk may not be
21 considered severe and imminent solely because of the general
22 conditions for runaway minors in the community, but shall be assessed
23 in view of the specific behavior and situation of the minor. A minor
24 detained under this subsection shall be brought before a court within
25 48 hours after the detention for a hearing to determine whether the
26 minor is in civil contempt of court under AS 09.50.010(5). Protective
27 custody may not include placement of a minor in a jail or secure
28 facility other than a licensed juvenile detention facility, nor may an
29 order for protective custody be enforced against a minor who is

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residing in an approved program for runaway minors, as defined in AS 47.10.390.

* Sec. 3. AS 47.10.142 is amended by adding a new subsection to read:

(f) When a minor is committed to the department for temporary placement under (e) of this section, the court order shall specify the terms, conditions, and duration of placement. The court shall require the minor to remain in the placement provided by the department and shall clearly state in the order the consequences of violating the order, including the possibility of detention under AS 47.10.141(c).

* Sec. 4. AS 47.10 is amended by adding new sections to read:

ARTICLE 5. PROGRAMS FOR RUNAWAY MINORS.

Sec. 47.10.300. POWERS AND DUTIES OF THE DEPARTMENT. The department shall

(1) review, inspect, and approve or disapprove proposed or established programs for runaway minors;

(2) maintain a register of approved programs for runaway minors;

(3) award grants for the establishment or operation of approved programs for runaway minors;

(4) submit to the legislature and governor each January a report on runaway minors in the state;

(5) adopt regulations for the administration of AS 47.10.-300 - 47.10.390, including regulations providing for the coordination of services to be provided by approved programs for runaway minors and by the department.

Sec. 47.10.310. APPROVAL OF PROGRAMS FOR RUNAWAY MINORS. (a) The department may approve a program for runaway minors under AS 47.-10.300 - 47.10.390 only if the program

(1) is operated by a corporation organized under AS 10.20

1 or a municipality; and

2 (2) meets the requirements of (b) of this section.

3 (b) A program for runaway minors shall

4 (1) explain to a minor who seeks assistance from the pro-
5 gram the legal rights and responsibilities of runaway minors and the
6 services and assistance provided for runaway minors by the program and
7 by the state or local municipality;

8 (2) attempt to determine why a minor in the program is a
9 runaway;

10 (3) provide or help arrange for the provision of services
11 necessary to promote the health and welfare of a minor in the program
12 and, if appropriate, members of the minor's family; services may
13 include, but are not limited to, the provision of food, shelter,
14 clothing, medical care, and individual or family counseling;

15 (4) promptly inform the department of a minor in the pro-
16 gram who claims to be the victim of child abuse or neglect, as defined
17 in AS 47.17.070, or whom the program director reasonably suspects has
18 been a victim of child abuse or neglect;

19 (5) be operated with the goal of reuniting runaway minors
20 with their families, except in cases in which reunification is clearly
21 contrary to the health and welfare of the minor; and

22 (6) maintain adequate staffing and accommodations to ensure
23 physical security and to provide crisis services to minors residing in
24 a facility operated by the program; residents under 18 years of age
25 shall be segregated from residents who are 18 years of age or older.

26 (c) A program for runaway minors may provide services for the
27 protection of the health and welfare of a person under 21 years of age
28 who is in need of the services and who is without a place of shelter
29 in which supervision and care of the person are available.

1 Sec. 47.10.320. RESIDENCE IN RUNAWAY MINOR PROGRAM FACILITIES.

2 A runaway minor may maintain residency for a period not exceeding 45
3 days at a facility operated as part of an approved program for runaway
4 minors. The minor may maintain residency without the consent of the
5 person or agency having custody of the minor, except that if the court
6 has ordered the minor committed to the custody of the department,
7 written consent of the department is required. The residency may be
8 extended for an additional period of 45 days with the written consent
9 of the person or agency having custody of the minor. A minor may not
10 maintain residency beyond the 90th day following admission to an
11 approved program for runaway minors without the written consent of the
12 person or agency having custody of the minor and the written consent
13 of the department.

14 Sec. 47.10.330. NOTICE TO MINOR'S LEGAL CUSTODIAN. (a) The
15 director of an approved program for runaway minors shall make a good
16 faith effort to notify a minor's legal custodian within 72 hours after
17 the minor is admitted to the program, unless there are compelling
18 circumstances that justify withholding notice. The notice must de-
19 scribe the minor's physical and emotional condition and the circum-
20 stances surrounding the minor's admission to the program.

21 (b) The director of an approved program for runaway minors shall
22 promptly notify a minor's legal custodian if the minor is released
23 from the program into the custody of a person other than the legal
24 custodian or a person representing the legal custodian.

25 Sec. 47.10.340. CONFIDENTIALITY OF RECORDS. Records of an
26 approved program for runaway minors that identify a minor who has been
27 admitted to or has sought assistance from the program are confidential
28 and are not subject to inspection or copying under AS 09.25.110 -
29 09.25.120, unless

1 (1) the minor consents in writing to the disclosure of the
2 records;

3 (2) the records are relevant to an investigation or pro-
4 ceeding involving child abuse or neglect or a child in need of aid
5 petition; or

6 (3) disclosure of the records is necessary to protect the
7 life or health of the minor.

8 Sec. 47.10.350. IMMUNITY FROM LIABILITY. (a) The officers,
9 directors, and employees of an approved program for runaway minors are
10 not liable for civil damages as a result of an act or omission in
11 admitting a minor to the program or releasing a minor from the program
12 into the custody of a person other than the minor's legal custodian.

13 (b) This section does not preclude liability for civil damages
14 as a result of reckless or intentional misconduct.

15 Sec. 47.10.360. PROGRAMS EXEMPT FROM LICENSING. An approved
16 program for runaway minors is not subject to licensing or regulation
17 under AS 47.35.

18 Sec. 47.10.370. MUNICIPAL POWERS. Authority to establish and
19 operate an approved program for runaway minors is granted to munic-
20 ipalities that do not otherwise have that authority.

21 Sec. 47.10.390. DEFINITIONS. In AS 47.10.300 - 47.10.390

22 (1) "approved program for runaway minors" means a residen-
23 tial or nonresidential program approved by the department under
24 AS 47.10.310;

25 (2) "runaway minor" means a person under 18 years of age
26 who

27 (A) is habitually absent from home;

28 (B) refuses to accept available care;

29 (C) has no parent, guardian, custodian, or relative

1 able or willing to provide care; or

2 (D) has been physically abandoned by

3 (i) both parents;

4 (ii) the surviving parent; or

5 (iii) one parent if the other parent's rights and
6 responsibilities have been terminated under AS 25.23.180(c)
7 or AS 47.10.080 or voluntarily relinquished.
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Patrick M. Rodey
Senator

Alaska State Legislature

1024 W. 6th Avenue, Suite 325
Anchorage, Alaska 99501
(907) 276-6731



During Session:
Pouch V
Juneau, Alaska 99811
(907) 465-3717

MEMORANDUM

Senate

TO: All Members
House Health, Education and Social Services Committee

FROM: Senator Pat Rodey

DATE: February 5, 1988

RE: SB 79, "An Act relating to runaway and missing minors."

On Wednesday, February 10th, the House HESS Committee is scheduled to hear SB 79. As prime sponsor of SR 79, I am writing in advance to let you know of my satisfaction with the proposed House HESS committee substitute for this bill, and to request your swift action in moving this bill forward.

In its' current form, SB 79 will provide greater flexibility for law enforcement officers dealing with runaways, and allows for temporary detention in very limited cases. The House HESS Committee substitute has added new language requiring the Department of Health and Social Services to review, inspect and approve all private runaway and homeless youth programs.

The Department of Health and Social Services, parent's rights groups, and Covenant House have worked together to develop this bill, and all support its' passage.

I appreciate your consideration and encourage you to call if you have any questions.

WORK DRAFT

WORK DRAFT

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5-0310N ✓
Hein
11/16/87

Original sponsors: Rodey, Faiks,
Fischer, et al.

1 IN THE SENATE

BY THE HEALTH, EDUCATION AND
SOCIAL SERVICES COMMITTEE

2 HOUSE CS FOR CS FOR SENATE BILL NO. 79 (HESS)

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 FIFTEENTH LEGISLATURE - SECOND SESSION

5 A BILL

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

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

8 * Section 1. AS 47.10.141 is amended to read:

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

22 (b) A peace officer shall take into protective custody a minor
23 described in (a) of this section if the minor is not otherwise subject
24 to arrest or detention. The peace officer shall honor the minor's
25 preference to [EITHER] (1) return the minor to the legal custodian if
26 the legal custodian consents to the return; (2) take the minor to a
27 (nearby location) designated by the legal custodian; or (3) [(2)] take
28 the minor to an office specified by the Department of Health and
29 Social Services, a program for runaway minors approved by the

and youth
by whom?
limit request

too vague?

definition?

1 department under AS 47.10.310, or a facility or contract agency of the
 2 department. If an office specified by the department or a facility or
 3 contract agency of the department does not exist in the community, the
 4 officer shall take the minor to another (suitable location) and promptly
 5 notify the department. A minor under protective custody may not be
 6 housed in a jail or other detention facility. Immediately upon taking
 7 a minor into protective custody the officer shall advise the minor
 8 orally and in writing of the right to social services under AS 47.10.-
 9 142(b), and, if known, the officer shall advise the legal custodian
 10 that the minor has been taken into protective custody.

*what if
it's on
abusive
home??*

* Sec. 2. AS 47.10 is amended by adding sections to read:

ARTICLE 5. PROGRAMS FOR RUNAWAY MINORS.

Sec. 47.10.300. POWERS AND DUTIES OF THE DEPARTMENT. The de-
partment shall

(1) review, inspect, and approve or disapprove proposed or
established programs for runaway minors;

(2) maintain a register of approved programs for runaway
minors;

(3) award grants for the establishment or operation of
approved programs for runaway minors;

(4) submit to the legislature and governor each January a
report on runaway minors in the state;

(5) adopt regulations for the administration of AS 47.10.-
300 - 47.10.390, including regulations providing for the coordination
of services to be provided by approved programs for runaway minors and
by the department.

Sec. 47.10.310. APPROVAL OF PROGRAMS FOR RUNAWAY MINORS. (a)
The department may approve a program for runaway minors under AS 47.-
10.300 - 47.10.390 only if the program

are we limiting too much

(1) is operated by a corporation organized under AS 10.20; and

(2) meets the requirements of (b) of this section.

(b) A program for runaway minors shall

(1) explain to a minor who seeks assistance from the program the legal rights and responsibilities of runaway minors and the services and assistance provided for runaway minors by the program and by the state or local municipality;

(2) attempt to determine why a minor in the program is a runaway;

(3) provide or help arrange for the provision of services necessary to promote the health and welfare of a minor in the program and, if appropriate, members of the minor's family; services may include, but are not limited to, the provision of food, shelter, clothing, medical care, and individual or family counseling;

(4) promptly inform the department of a minor in the program who claims to be the victim of child abuse or neglect, as defined in AS 47.17.070, or whom the program director reasonably suspects has been a victim of child abuse or neglect;

(5) be operated with the goal of reuniting runaway minors with their families, except in cases in which reunification is clearly contrary to the health and welfare of the minor; and

(6) maintain adequate staffing and accommodations to ensure physical security and to provide crisis services to minors residing in a facility operated by the program; residents under 16 years of age shall be segregated from residents who are 16 years of age or older.

Covenants regarding

myra effect licensing by DEYS

Sec. 47.10.320. RESIDENCE IN RUNAWAY MINOR PROGRAM FACILITIES. Unless a petition has been filed or is to be filed alleging that a runaway minor is a child in need of aid, the minor may maintain

and/or dept's approval

1 residency for a period not exceeding 30 days at a facility operated as
 2 part of an approved program for runaway minors. The residency may be
 3 extended for an additional period of 30 days with the written consent
 4 of the minor's legal custodian. A minor may not maintain residency
 5 beyond the sixtieth day following admission to an approved program for
 6 runaway minors without the written consent of the minor's legal custo-
 7 dian and the approval of the department.

8 Sec. 47.10.330. NOTICE TO MINOR'S LEGAL CUSTODIAN. (a) The
 9 director of an approved program for runaway minors shall make a good
 10 faith effort to notify a minor's legal custodian within 72 hours after
 11 the minor is admitted to the program, unless there are compelling
 12 circumstances that justify withholding notice. The notice must de-
 13 scribe the minor's physical and emotional condition and the circum-
 14 stances surrounding the minor's admission to the program.

15 (b) The director of an approved program for runaway minors shall
 16 promptly notify a minor's legal custodian if the minor is released
 17 from the program into the custody of a person other than the legal
 18 custodian or a person representing the legal custodian.

19 Sec. 47.10.340. CONFIDENTIALITY OF RECORDS. Records of an
 20 approved program for runaway minors that identify a minor who has been
 21 admitted to or has sought assistance from the program are confidential
 22 and are not subject to inspection or copying under AS 09.25.110 -
 23 09.25.120, unless

24 (1) the minor consents in writing to the disclosure of the
 25 records;

26 (2) the records are relevant to an investigation or pro-
 27 ceeding involving child abuse or neglect or a child in need of aid
 28 petition; or

29 (3) disclosure of the records is necessary to protect the

1 life or health of the minor.

2 Sec. 47.10.350. IMMUNITY FROM LIABILITY. The officers, direc-
3 tors, and employees of an approved program for runaway minors are
4 immune from civil or criminal liability arising from the admission of
5 a minor to the program or the release of a minor from the program into
6 the custody of a person other than the minor's legal custodian.

7 Sec. 47.10.360. PROGRAMS EXEMPT FROM LICENSING. An approved
8 program for runaway minors is not subject to licensing or regulation
9 under AS 47.35.

10 Sec. 47.10.390. DEFINITIONS. In AS 47.10.300 - 47.10.390

11 (1) "approved program for runaway minors" means a residen-
12 tial or nonresidential program approved by the department under
13 AS 47.10.310;

14 (2) "runaway minor" means

15 (A) a person under 18 years of age who is evading the
16 person's legal custodian; or

17 (B) a person under 21 years of age who is in need of
18 services for the protection of health and welfare and who is
19 without a place of shelter in which supervision and care of the
20 person are available.
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COVENANT HOUSE UNDER 21

460 WEST 41 STREET
NEW YORK N Y 10036
(212) 613-0300

THE INSTITUTE FOR YOUTH ADVOCACY

December 10, 1987

Jim Nordlund
Office of Rep. Johnny Ellis
3111 C Street, Suite 455
Anchorage, Alaska 99503

Re: Runaway Legislation

Dear Jim:

As we discussed over the phone, I am enclosing, with some trepidation, some tentative language on protective custody of runaways. The basis for this language is, of course, Senate Bill No. 79, Section 2, but the enclosed proposal includes substantial modifications of the original version.

All of us in this field view secure detention of runaways with a jaundiced eye; it is almost never a treatment strategy of choice. Nevertheless we are all forced to concede that some runaways--an extremely tiny minority, but not an insignificant absolute number--are embarked on a course so clearly self-destructive that all other hopes for them pale beside the need simply to keep them alive. In rare instances, it is impossible to deny that protective custody of short duration and in carefully controlled conditions can be a crucial legal implement.


The enclosed language attempts to recognize the need for the existence of such a remedy and the need to make its use extremely unusual. Such balancing does not lend itself to utter simplicity of language, but I hope the redefined standard is a clear one. Certainly this is an issue which we are all likely to be still struggling over 20 years hence, but perhaps some imperfect but manageable compromise is possible in the interim.

Please don't construe this proposal as an official Covenant House document; I have had no time to allow it to be reviewed carefully by other senior staff here, and Fr. Ritter has not been available to review it either. Still it does suggest, I think, our general view that absolutes on both sides of the secure-detention issue are mistaken, and that our best bet is to allow some leeway for case-by-case consideration of endangered runaways under clear and stringent standards.

Jim Nordlund
December 10, 1987
Page 2

I look forward to talking to you and to the Committee on Monday, and am deeply grateful for your superb work on this matter to date. All best, and thanks.

Yours sincerely,


Gregory A. Loken

Enc.

Protective Custody

Sec. 2. AS 47.10.141 is amended by adding a new subsection to read:

(c) A minor may be taken into protective custody by a peace officer and placed into temporary detention in a juvenile detention facility if there has been an order issued by a court upon a finding of probable cause that: (1) the minor is a runaway in violation of a valid court order issued under AS 47.10.142(f), (2) the minor's current situation poses a severe and imminent risk to the minor's health or safety, and (?) no reasonable placement alternative exists within the community. For the purposes of this subsection, a risk shall not be considered "severe and imminent" based solely on general conditions for runaway minors in the community, but must be assessed in view of the specific behavior and situation of the minor at issue. A minor detained under this subsection shall be brought before a court within 48 hours after the detention for a hearing to determine whether the minor is in civil contempt of court under AS 09.50.010(5). On no account may protective custody include placement of a minor in any jail or secure facility other than a licensed juvenile detention facility, nor may an order for such custody be enforced against a minor currently residing in a duly licensed runaway and homeless youth program.

STATE OF ALASKA
THE LEGISLATURE

POUCH Y - STATE CAPITOL
JUNEAU, ALASKA 99811
907-465-3800

LEGISLATIVE AFFAIRS AGENCY

MEMORANDUM

November 18, 1987

SUBJECT: Sectional analysis of HCS CSSB 79 (HESS)

TO: Representative Johnny Ellis
Co-Chair, House HESS Committee

FROM: Edward H. Hein *E.H.*
Legislative Counsel

Section 1 is the same as section 1 of CSSB 79 (Judiciary) am, with one exception. The HESS Committee version amends AS 47.10.141(b) by allowing a runaway minor who is picked up by police to choose to be taken to a private program for runaways that is approved by the Department of Health and Social Services, rather than to be taken home or to a place designated by the minor's legal custodian or to an office, facility, or contract agency of the department. Secs. 2 and 3 of that version of the bill have been deleted.

Sec. 2 is all new material based in part on the New York Runaway and Homeless Youth Act. This section creates a new Article 5 in AS 47.10 that provides for review, inspection, and approval by the Department of Health and Social Services of private nonprofit residential and nonresidential programs for runaway minors and homeless youth.

Sec. 47.10.300 sets out the duties and powers of the department with respect to these runaway programs. These include approving or disapproving the programs, maintaining a register of approved programs, awarding grants to approved programs, submitting an annual report on runaways to the legislature and the governor, and adopting regulations.

Sec. 47.10.310 sets out the requirements for a program to be approved by the department. A program must be operated by an Alaskan nonprofit corporation; explain to a runaway his or her legal rights and responsibilities as a runaway and explain the services and assistance available from the program, the state, and the local municipality; try to deter-

mine why the minor is a runaway; provide or help obtain various services for runaway minors and, if appropriate, their families; inform the department if child abuse or neglect of the minor is claimed or reasonably suspected; operate with the goal of reuniting the runaway minor and family, unless that is contrary to the minor's health and welfare; and provide physical security and emergency services for residents of the program, and separate minors under 16 from those 16 and older.

Sec. 47.10.320 establishes limits on the duration of a runaway's residency in a program. The limits are 30 days without consent of the legal custodian, 60 days with consent, beyond 60 days with approval of department and the legal custodian's consent.

Sec. 47.10.330 requires the program director to notify a minor's legal custodian within 72 hours after the minor is admitted to the program, unless there are compelling circumstances justifying withholding notice. The legal custodian is also entitled to notice when the minor is released from the program if he or she is released into the custody of someone other than the custodian or the custodian's representative.

Sec. 47.10.340 provides for confidentiality of records that identify particular runaway minors who have been in the program or sought assistance from it. Exceptions are provided for instances in which the minor consents to disclosure of the records, when the records are relevant to an investigation or proceeding involving child abuse or neglect or a child in need of aid petition, and when disclosure is necessary to protect the life or health of the minor.

Sec. 47.10.350 provides complete immunity from civil and criminal liability for officers, directors, and employees of runaway programs with regard to admitting a person to a program or releasing a person from a program into the custody of someone other than the legal custodian or representative.

Sec. 47.10.360 exempts the runaway programs from licensing and regulation under AS 47.35, which is the chapter that provides for departmental licensing of foster homes, boarding homes, and other private institutions for the regular care of children and dependent adults.

Representative Ellis

Page 3

November 18, 1987

Sec. 47.10.390 defines "approved program for runaway minors" as a residential or nonresidential program approved by the department under AS 47.10.310, and defines "runaway minor" as a person under 18 who is evading the person's legal custodian (the traditional concept of a runaway minor) or as a person under 21 who is in need of services for the protection of health and welfare and who is without a place of shelter in which supervision and care of the person is available (based on New York State's concept of "homeless youth").

EHH:mkr
m13/083