

SB

79

POSITION PAPER

COMMITTEE SUBSTITUTE FOR SENATE BILL NO. 79

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

This bill would:

1. clarify the responsibility of police agencies to respond to both telephonic and written requests to locate runaway or missing youth;
2. establish a statutory right of parents to refuse to provide care for a minor who wishes to return home if the minor has run away and been taken into protective custody;
3. require police to transport a minor in protective custody to a location designated by the legal guardian, if the guardian refuses to allow the minor to return home and the minor prefers that location to being taken to an office of the Department;
4. allow the detention of youth committed by the court to temporary custody of the Department, if the youth runs away from a court ordered placement and is endangering his or her own welfare;
5. require courts to set terms and conditions as well as the duration of placements for minors committed to temporary custody of the Department;
6. require courts to order minors assigned to temporary custody of the Department to remain in placements provided by the Department; and
7. require courts to inform minors of the consequences of violating terms and conditions of temporary custody orders.

SCOPE AND NATURE OF THE PROBLEM

There are 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 found that about 1200 runaways receive services annually in the Anchorage area and estimated that at least 3600 youths run away or are forced out of their homes in the Anchorage area each year. No similar study of the numbers of runaways statewide has been done. However, based on this study, population distribution, and the distribution of runaways served by the Division of Family and Youth Services in the state, it is reasonable to estimate that nearly 7000 runaway incidents occur in Alaska each year. However, most runaways return home voluntarily within a short period of time.

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; and 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.

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

The common perception that runaways are simply troublesome or disobedient youth who leave home for adventure or to avoid behavioral restrictions is not borne out. Most runaways come from troubled homes. Others run from families in which parents lack skills in communication, conflict resolution, discipline, and other important parenting skills. And, an estimated 20-30% of youth who are identified as runaways have actually been forced out of their homes.

CURRENT ALASKA LAW AND PRACTICE

Alaska's current law, enacted in 1977 and revised somewhat since, establishes a non-criminal, non-punitive approach to runaways and reflects national policy established with passage of the federal Juvenile Justice and Delinquency Prevention Act of 1974. This policy approach was adopted in response to court rulings that incarceration of runaways and other status offenders imposed criminal sanctions on youth who had committed no criminal act and research findings that criminal treatment and incarceration of status offenders was ineffective.

Under present law (AS 47.10.141) police are required to make "reasonable efforts" to locate runaway or missing minors and to take these minors into protective custody when located if a request is made by the minor's legal custodian. Many police agencies currently require that the request be made in writing. Upon taking a runaway into protective custody, police must honor the minor's preference to return home or be taken to an office, contract facility or location specified by the Department of Health and Social Services. If no such office or agency exists in a community, police must take a minor to another suitable location and notify the Department.

Responding adequately to requests to locate runaways is difficult for police agencies. Specific and reliable information to identify and locate these youth is often lacking and police administrators are reluctant to assign high priority to reports of runaways when most will return home unharmed within a few days.

The Department of Health and Social Services is mandated to assess the circumstances of runaways who request services or are referred by police and is authorized to provide service to protect these youths and reunite them with their families. The Department may assume emergency custody of runaways if necessary and provide care for up to 48 hours pending court proceedings to determine if the minor is a child in need of aid and whether further intervention is necessary.

DEPARTMENT POSITION

Police Response to Requests to Locate Youth

The Department supports the requirement that police respond to telephonic as well as written requests to locate runaway or missing youth. This provision clarifies existing law and eliminates the practice of some police agencies which require that written requests be made. This will make reporting of

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CS for Senate Bill No. 79
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runaways easier for parents and may also make such reports more timely and useful to police in attempting to locate these youth.

Parental Refusal to Accept Return of Child

The Department strongly opposes the granting of a statutory right to parents to abandon, at least temporarily, their parental responsibilities as a means of reinforcing parental authority and control. Granting such a right would serve as a disincentive for parental involvement in resolution of the problems precipitating runaway incidents. It would tend to further alienate youth from their families and would impede efforts to reunite and preserve families. A provision such as proposed would also increase costs of serving these youth. Parental refusal to provide care for the child would force assumption of custody by the Department and would require placement of the child in a foster home or shelter. The Department would also be required to initiate formal court proceedings when custody is assumed in these cases. Such proceedings are expensive and time consuming and represent a level of intrusion into family life which may not otherwise be necessary or desirable and may not contribute to resolution of the problems causing a youth to run away.

The provision of a parental right to refuse to accept willing return of runaways may also eliminate reimbursement under Title IV-E of the Federal Social Security Act for the costs of out of home placements of those minors who would otherwise be eligible. However, this right would not relieve parents of their obligation under AS 47.10.120 to pay for all or a part of the costs of placing their children in out of home care.

Detention of Runaways

The provisions relating to incarceration of runaway youth present a number of problems:

1. Under section 2 of the bill, the court, in order to issue an order for temporary detention, must find that "the minor is a runaway in violation of a valid court order issued under 47.10.142(f) and is posing a clear and present danger to the minor's own welfare." (Emphasis added). We question the propriety of each of the underlined terms.

First, "runaway" is not defined in the bill. If a "runaway" is simply a minor who defies a court order issued under AS 47.10.142(f), we see no need to call the minor a "runaway."

Second, though the bill refers to "valid court order" it gives no insight into when a court order is valid or invalid.

Finally, the term "clear and present danger to the minor's own welfare" seems out of place. "Clear and present danger" is a term used in the law to justify restrictions on free speech. More appropriate language, in this context, might be "imminent and substantial risk of harm to the

Parent's Rights

minor's own welfare", as this language comports with language used elsewhere in the children's code. See 47.10.010(a)(2)(C).

2. We are opposed to pursuing civil contempt of minors who leave assigned placement because we do not believe civil contempt would be effective.

The sanction for civil contempt is incarceration until the contemnor purges himself or herself of the contempt by complying with the court order he or she violated. How will a minor who violates a court order requiring that he or she remain in an assigned placement demonstrate that he or she will remain in that placement? We understand that there has been a suggestion that the minor do so by signing a statement in which the minor agrees to remain in the assigned placement. We do not believe a minor who violates a court order requiring him or her to remain in an assigned placement would feel obliged to comply with an agreement requiring the same.

3. Section 2 of the bill also provides that "temporary detention" does not apply to a minor taken into protective custody in a community that does not have a juvenile detention facility. We believe this would be found to be unconstitutional in violation of a minor's right to equal protection. We see no compelling state interest which justifies the state's differential treatment of minors who live in one of the four communities in which a juvenile detention facility is located (Juneau, Anchorage, Fairbanks or Nome) from minors who live in all other Alaskan communities.
4. Under section 3 of the bill, in every order in which the court commits a minor to the department's temporary custody, the court is required to state the consequences of violating the order, including the "possibility of detention under AS 47.10.141(c)." We are unaware of consequences beside the possibility of detention and, therefore, believe the language is unnecessary.
5. Finally, sections 2 and 3 of the bill only address minors committed to the temporary custody of the Department. The bill does not address minors who have been committed to the custody of the Department for an extended period. See AS 47.10.080(c)(1). The Department opposes detention of child need of aid. However, if the legislature elects to enact this bill, we believe it should do so in a manner which treats all minors committed to the Department, whether they are in temporary custody or custody for an extended period, in the same manner. To do otherwise may be unconstitutional.

Disregarding these problems, however, the Department opposes the provision establishing a mechanism to detain runaways as an expensive and ineffective means of addressing the problems of these youth. Incarceration of runaways was abandoned nationally and in Alaska as an ineffective deterrent, an unproductive intervention, and as inimical to the welfare of children. Incarceration was shown not to prevent youth from running away and it does

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not resolve the problems causing them to run away. It was, however, shown to increase delinquency among runaways.

Though this proposal limits detention to those youth who have been assigned to temporary custody of the Department and subsequently run away from a court ordered placement, the Department opposes it. It would establish a cyclic intervention in which a child who runs away from a temporary placement could be detained for civil contempt until promising to comply with conditions of placement. However, upon release of the child to a subsequent court ordered placement there would be no increase in the ability to prevent the child from running away. The usefulness of detention in these cases is predicated upon its deterrent effect which is of doubtful validity.

Court Established Conditions of Placement

Under section 3 of the bill, the court, upon committing a minor to the Department of Health and Social Services for temporary placement, "shall specify the terms, conditions, and duration of placement." We are opposed to requiring the court to specify the terms and conditions of placement. We believe it is in the best interest of the minor and the public to allow the Department to retain its present ability to meet a minor's changing needs without having to go to court on each occasion. It is quite common for the Department to have one foster home and treatment plan in mind at a temporary custody hearing and to be required to alter the placement and plan as a result of the minor's behavior. In order to accommodate the minor's needs quickly, the Department needs to be able to change a foster home (with notice to the parents, of course,) or alter a treatment plan without having to go to court.

The Department believes existing legal mandates are preferable to those proposed in CS SB 79 to address the problems of runaway minors; however, existing resources are insufficient regardless of the statutory construct. The Department would prefer to devote any additional resources to providing effective non-detention placements and services rather utilizing those resources to increase the capacity of existing detention facilities as would be required by this proposal.

get to root of problem -
parental rights +
responsibilities
least restrictive
setting
Minor also has
responsibilities
Youth Agency

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

DATE: April 10, 1987

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

DATE: April 10, 1987

New Discipline / Fed Statutes

Municipality of Anchorage



P.O. BOX 198660
ANCHORAGE, ALASKA 99519-6650
(907) 264-4111

TONY KNOWLES,
MAYOR

DEPARTMENT OF HEALTH & HUMAN SERVICES

April 15, 1987

Senator Paul Fischer
Senate HESS Committee Members
P.O. Box V
Juneau, Alaska 99811

RE: SB 79

Dear Senator Fischer:

Please consider this to be written testimony related to a hearing to be held this afternoon on SB 79.

The amendments to this bill appear to have resolved many of the concerns I held and heard expressed about the original version of this bill. In fact, these changes appear to substantially follow suggestions made by the Recommendations Implementation Team appointed by Mayor Knowles to assess and implement the recommendations of the Runaway and Homeless Youth Task Force.

Nonetheless, I would suggest that no action be taken at this time.

I make this suggestion for two reasons:

- 1) The complexity of the issues related to runaway and homeless youth, and the serious magnitude of the problems faced by these youth and their families warrants a comprehensive approach, rather than continuing to react on a piece-meal basis to specific problem areas.
- 2) Given this complexity and this bill's potential impact on numerous state departments and budgets, adequate time for review and comment should be given to these departments.

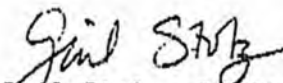
Ever since I became involved in the activities of the Runaway and Homeless Youth Task Force and the Recommendations Implementation Team, I have heard those who have been involved in this area for a longer period of time than I say that this process repeats previous attempts to address and resolve problems related to the issue of runaway and homeless youth in Alaska. They go on to say that one of the problems with earlier attempts has been that the laws would change without an equally well considered and supported change to the services system.

The new version of SB 79 is improved at least partially because it affects a much smaller population. If the goal of this legislation is to largely reduce the number of youth 'living on the streets' of Anchorage and Alaska, then additional mechanisms need to be added. It is my understanding that this is the goal based on conversations I have had with some of the parents who assisted in drafting the original version of SB 79.

For these reasons, I would suggest that the time be taken to develop a comprehensive approach to the entire issue of runaway and homeless youth in Alaska. I will be working with the Implementation Team to achieve just this result, and would encourage you to take the time to allow this Team, the Governor's Interim Commission on Children and Youth, and the Children's Law Task Force (if created) to review the entire situation and the way that this bill would affect it before taking action on this bill.

Additionally, I understand that at least two state departments have issued position papers opposing this bill. It seems likely that more time may be needed by these departments and others to understand this bill's implications and to develop appropriate budget estimates.

Sincerely,


Gail Stolz, Staff
Implementation Team



STATE OF ALASKA
OFFICE OF THE GOVERNOR

BILL ANALYSIS

7/2K1/0229-87/3

DEPARTMENT Administration	DIVISION Public Advocacy Public Defender	BILL NUMBER SB 79	SPONSOR Rodey, Faiks, et al.
DEPARTMENT POSITION Do not support in its present form			
PREPARED BY Brant McGee, Public Advocate	DATE 2/22/87	COMMISSIONER'S SIGNATURE <i>Harry Becke</i>	DATE 2/2/87

SUMMARY

OTHER AGENCIES AFFECTED BY BILL Department of Health and Social Services Department of Law Public Defender Agency	CONSTITUENT GROUP(S) AFFECTED BY BILL Child related organizations including Anchorage Runaway and Homeless Youth Task Force
ORGANIZATIONAL SUPPORT FOR BILL Unknown	ORGANIZATIONAL OPPOSITION TO BILL Unknown

FISCAL IMPACT: NONE FISCAL NOTE ATTACHED

BACKGROUND/LEGISLATIVE INTENT

The purpose of this bill is to authorize detention of runaway minors and mandate 30 days detention for second time runaway minors.

ANALYSIS OF BILL/PROGRAM EFFECTS

Detained children would almost certainly be appointed a guardian ad litem from the Office of Public Advocacy. Legal representation may need to be provided by either the Office of Public Advocacy or the Public Defender Agency. Given that some 1,200 runaway Anchorage youths have contacts with agencies annually, without the attached fiscal note the increases could seriously overload the staff of both agencies.

AMENDMENTS PROPOSED

An amendment to mandate a hearing within 48 hours of detention could allow the Court to make a determination if detention was appropriate where the minor was a chronic runaway and posed a danger to himself or the community.

PLEASE ATTACH A SEPARATE SHEET FOR ADDITIONAL COMMENTS OR ANALYSIS.

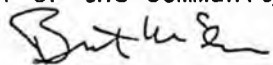
POSITION PAPER
SB 79

"An Act Relating to Runaway Minors"

The bill mandates that law enforcement authorities make reasonable efforts to locate and detain runaway minors. Upon detention, a runaway minor would be returned to the legal custodian or taken into protective custody.

Passage of §2 which provides for mandatory 30-day detention of second-time runaways, will have a serious impact upon already overcrowded State facilities. The Runaway and Homeless Youths Task Force reports that 3,600 to 6,000 Anchorage youths could become runaways each year. Currently, 1,200 youths come into contact with the agencies providing services to runaway and homeless youth annually in Anchorage. The detention of even a fraction of these youths would quickly overwhelm the capacity of McLaughlin Youth Facility. Without approval of the fiscal note, the increase in guardian ad litem appointments and defense appointments by the Public Defender or Office of Public Advocacy would seriously overload the staffs of both agencies.

The department opposes passage of SB 79 in its present form because of the mandatory detention provision. Inclusion of this provision will not provide a long-term solution to the runaway problem because it ignores the necessity of treatment. However, detention may be appropriate after a hearing held within 48 hours to determine if the minor is a chronic runaway who places himself or herself or the community at risk.



Brant McGee, Public Advocate
Office of Public Advocacy

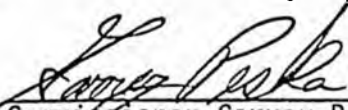
2/27/87

Date



Dana Fabe, Public Defender
Public Defender Agency

Date



Commissioner Garrey Peska
Department of Administration

3/2/87

Date

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

REQUEST: _____

Bill Version: CS SB No. 79

Publish Date: _____

Revision Date: _____

Agency Affected: Health and Social Services

Title: An Act relating to runaway
and missing minors.

BRU: Youth Services

Sponsor: Rodey, et al.

Components: _____

Requestor: _____

EXPENDITURES/REVENUES: (Thousands of Dollars)

OPERATING	FY 87	FY 88	FY 89	FY 90	FY 91	FY 92
PERSONAL SERVICES	-0-	230.6	230.6	230.6	230.6	230.6
TRAVEL		0.5	0.5	0.5	0.6	0.6
CONTRACTUAL		18.0	19.1	20.2	21.4	22.7
SUPPLIES		12.9	13.7	14.5	15.4	16.3
EQUIPMENT		7.8	8.3	8.8	9.3	9.9
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
TOTAL OPERATING	-0-	269.8	272.2	274.6	277.3	280.1

CAPITAL	-0-	760.0	-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		1029.8	272.2	274.6	277.3	280.1
FEDERAL FUNDS						
OTHER						
TOTAL	-0-	1029.8	272.2	274.6	277.3	280.1

POSITIONS:

FULL-TIME	-0-	5.0	5.0	5.0	5.0	5.0
PART-TIME						
TEMPORARY						

ANALYSIS : (Attach a separate page if necessary)

See Attached

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

Phone: 465-3170
Date: 4/15/87

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

Date: 4/15/87

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. SB 79

In an average year, approximately 500 runaways in Anchorage, and an additional 500 runaways statewide are handled by the Division of Family and Youth Services. In addition, statewide averages indicate that approximately 900 runaways are taken into emergency custody annually. Approximately 2/3 of emergency runaways are female and 1/3 are male.

Preliminary analysis also indicates that approximately 180 (or 20%) of the runaway population placed in temporary custody by the Division of Family and Youth Services subsequently run from their temporary placement location. Of this 180, 90 generally occur in Anchorage (60 female, 30 male), and the other 90 occur statewide (again, 60 female and 30 male). Assuming all 180 runaways are eventually taken into emergency custody by police and detained for an average of 10 days, the following scenario can be constructed:

1. McLaughlin Youth Center (MYC) - 600 detention days for girls; 300 detention days for boys.
2. Fairbanks Youth Facility (FYF) - 100 detention days (includes both girls and boys).
3. Juneau Youth Facility - 45 detention days (includes both girls and boys).

ANALYSIS

Given these estimates, additional detention beds would be required as follows:

McLaughlin -

female: $60 \times 10 \text{ days} = 600 \text{ person days} - 365 = 1.6 \text{ average daily population}$
male: $30 \times 10 \text{ days} = 300 \text{ person days} - 365 = .82 \text{ average daily population}$

Fairbanks Youth Facility -

$11 \text{ runaways total} \times 10 \text{ days} = 110 \text{ person days} - 365 = .30 \text{ average daily population}$

Other (Juneau Youth Facility, Nome, Bethel) -

one bed each to accommodate anticipated increase in average daily population.

CAPITAL COSTS - Given the above, a total increase of 7 new detention beds will be required. Average cost of construction per bed is \$100,000 in Anchorage, Fairbanks and Juneau, and \$130,000 per bed in Nome and Bethel. Total CIP cost - \$760,000.

OPERATING COSTS - The Division of Family and Youth Services would realize an increased demand on PFT staff to accommodate the increase in client population. Minimal impact would be an increase in one shift and would translate into four additional Youth Counselor I positions, and one additional Youth Counselor III position. Total position costs is reflected in the personal services line item (\$230.6).

Related travel, contractual, and commodities are prorated on a percentage basis of total increase in staff.

STATE OF ALASKA 1987 LEGISLATIVE SESSION
FISCAL NOTE

REQUEST: _____

Bill Version: SB 79
Publish Date: _____

Revision Date: _____
Title: "An Act relating to runaway minors..."
Sponsor: Rodey, Faks, et. al.
Requestor: Senate Judiciary

Agency Affected: Administration
BRU: Office of Public Advocacy
Components: _____

EXPENDITURES/REVENUES: (Thousands of Dollars)

OPERATING	FY 87	FY 88	FY 89	FY 90	FY 91	FY 92
PERSONAL SERVICES	0	194.6	202.4	210.5	218.9	337.7
TRAVEL		15.0	15.6	15.2	16.8	17.5
CONTRACTUAL		148.9	154.9	161.1	167.5	174.2
SUPPLIES		4.0	4.2	4.4	4.6	4.8
EQUIPMENT		15.0	0	0	0	0
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
TOTAL OPERATING		377.5	377.1	392.2	407.8	424.2

CAPITAL						
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REVENUE						
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FUNDING: (Thousands of Dollars)

GENERAL FUND		377.5	377.1	392.2	407.8	424.2
FEDERAL FUNDS						
OTHER						
TOTAL						

POSITIONS:

FULL-TIME		4.0	4.0	4.0	4.0	4.0
PART-TIME						
TEMPORARY						

ANALYSIS : (Attach a separate page if necessary)

Prepared by: Brant McGee
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

CONTINUATION of FISCAL NOTE ANALYSIS

For Bill/Resolution No. SB 79

PERSONAL SERVICES

Anchorage

2	Associate Attorney II Positions Salary & Benefits $42,446 \times 2 = 104,892$	104.9
1	Legal Secretary - Civil Section Salary & Benefits = 30,184	30.2

Fairbanks

1	Associate Attorney II Salary & Benefits = 59,456	<u>59.5</u>
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	Subtotal Personal Services	194.6
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TRAVEL

Additional travel funds to accommodate caseload increase.	<u>15.0</u>	
		15.0

CONTRACTUAL

Approximately 200 cases in Rural Areas @ 687.56 = 137,512		137.5
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Additional Office Space in Anchorage for 2 Associate Attorney II positions. 380 sq.ft. x 2.50 = 950.00 950.00 x 12 months = 11,400		<u>11.4</u>
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	Subtotal Contractual	148.9
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SUPPLIES

Misc. stationary, library and office supplies for 4 new positions. 1,000 x 4 = 4,000		<u>4.0</u>
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4.0

EQUIPMENT

Office furniture and equipment for 3 professional positions. 3,000 x 3 = 9,000		9.0
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Office furniture and equipment for Legal Secretary position = 6,000		<u>6.0</u>
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	Subtotal Equipment	15.0
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Page 2 of 5	TOTAL	<u>377.5</u>
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Position Title Associate Attorney II		No. of Positions 2	Range/step 19/A	Org. Unit X
Time Status PFT	Staff Months 24.0	Location EBA-Anchorage		Election District 8
Justification				
The Anchorage OPA office presently has 2 associate attorney positions which handle GAL appointments and 2 attorney positions who handle a combined caseload of GAL appointments and other civil litigation matters. Because of the anticipated increase in GAL appointments to runaways under this legislation, OPA estimates that at least 2 additional associate attorneys would be needed to handle the increased workload.				
Type of Expenditure		Amount		
1	2	3		
Salary 40,236 X 2	80,472			
Benefits 12,210 X 2	24,420			
Premium Pay				
Other				
Total Personal Services		104,892		
Travel				
Contractual				
Commodities				
Equipment				
Other				
Total Cost		104,892		
Funding Source for Total Cost				
Federal Receipts 1002				
G. F. Match 1003		104,892		
General Fund 1004				
I-A Receipts 1006				
CIP Receipts 1061				
Other				

**Request For
New Position**

Agency Administration
 DRU Office of Public Advocacy
 Component _____

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 Revised Date _____

FY 88

Position Title Legal Secretary I		No. of Positions 1	Range/Step 10/A	Barg. Unit G
Time Status PFT	Staff Months 12.0	Location EBA-Anchorage		Election District 8
Justification				
The Anchorage civil section presently has one legal secretary who provides clerical support to 4 professional positions, 2 Vista volunteers, and the VGAL program. This one clerical position will not be able to absorb the workload increase which will be created by 2 additional associate attorney positions handling a full GAL caseload. Therefore, an additional Legal Secretary I position will be required to handle clerical support for the 2 associate attorney positions.				
Type of Expenditure		Amount		
1	2	3		
Salary	22,020			
Benefits	8,164			
Premium Pay				
Other				
Total Personal Services		30,184		
Travel				
Contractual				
Commodities				
Equipment				
Other				
Total Cost		30,184		
Funding Source for Total Cost				
Federal Receipts	1002			
G. F. Match	1003			
General Fund	1004	30,184		
I-A Receipts	1006			
CIP Receipts	1061			
Other				

**Request For
New Position**

Agency Administration
 BRU Office of Public Advocacy
 Component _____

Page 4 of 5
 Revised Date _____

FY 88

Position Title Associate Attorney II		No. of Positions 1	Range/Step 19/A	Barg. Unit X
Time Status PFT	Staff Months 12	Location JBA-Fairbanks		Election District 16
Justification				
<p>The Fairbanks OPA office has only one associate attorney position which is devoted to GAL appointments. The one position would not be able to absorb the additional GAL appointments to runaway cases, nor can the other 3 attorney positions absorb the anticipated increase caused by this bill. OPA estimates that at least one additional associate attorney position for the Fairbanks office would be needed to handle the increased workload in GAL appointments.</p>				
Type of Expenditure		Amount		
1	2	3		
Salary	45,972			
Benefits	13,484			
Premium Pay				
Other				
Total Personal Services		59,456		
Travel				
Contractual				
Commodities				
Equipment				
Other				
Total Cost		59,456		
Funding Source for Total Cost				
Federal Receipts	1002			
G. F. Match	1003			
General Fund	1004	59,456		
I-A Receipts	1006			
CIP Receipts	1061			
Other				

**Request For
New Position**

Agency Administration
 BRU Office of Public Advocacy
 Component _____

FY 88

Page 5 of 5
 Revised Date _____

STATE OF ALASKA 1987 LEGISLATIVE SESSION
FISCAL NOTE

REQUEST: _____

Bill Version : CSSB 79
Publish Date : _____

Revision Date: _____
Title: "An Act relating to runaway and
missing minors."
Sponsor: Sen. Rodev. Faikes et al.
Requestor: H&SS Committee

Agency Affected: Department of Law
BRU: Legal Services
Components: Operations

EXPENDITURES/REVENUES: (Thousands of Dollars)

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

CAPITAL						
---------	--	--	--	--	--	--

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

FUNDING: (Thousands of Dollars)

GENERAL FUND		*	*	*	*	*
FEDERAL FUNDS						
OTHER						
TOTAL						

POSITIONS:

FULL-TIME		*	*	*	*	*
PART-TIME						
TEMPORARY						

ANALYSIS : (Attach a separate page if necessary)

Please see attached analysis.

Prepared by: Thomas A. Judson, Deputy Director
Division: Administrative Services

Phone: 465-3672
Date: April 8, 1987

Approved by Commissioner: Grace Berg Schaible, Atty. Gen.
Agency: Department of Law

Date: April 8, 1987

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. CSSB 79

An attorney will need to consult with, and represent in court, the Department of Health and Social Services in its efforts to obtain detention and civil contempt orders. The bill is also likely to result in the need for additional consultation and representation as the department will be required to assume custody of minors whose parents, based on the statutory right conferred upon them in section 1 of the bill, do not consent to the return of a minor to the home.

It is not possible to predict the level of additional activity that this will generate, but there will be some. The Department of Law is facing severe budget reductions in the coming fiscal year. To the extent that this bill results in a substantial body of new legal work, it will be necessary to seek a supplemental appropriation beginning in FY 88.

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

REQUEST: _____ Bill Version: CS SB 79
 Publish Date: _____
 Revision Date: _____ Agency Affected: Alaska Court System
 Title: An act relating to runaway and missing minors BRU: Trial Courts
 Sponsor: Rodey, Faiks, Fischer, ... Components:
 Requestor: _____

EXPENDITURES/REVENUES:		(Thousands of Dollars)				
OPERATING	FY 87	FY 88	FY 89	FY 90	FY 91	FY 92
Personal Services
Travel
Contractual
Supplies
Equipment
Land & Structures
Grants & Claims
TOTAL OPERATING	0.0	0.0	0.0	0.0	0.0	0.0
CAPITAL
REVENUE

FUNDING:		(Thousands of Dollars)				
General Funds	0.0	0.0	0.0	0.0	0.0	0.0
Federal Funds	. . . .	. . . .	. . . .	. . . .	. . . .	. . . .
Other	. . . .	. . . .	. . . .	. . . .	. . . .	. . . .
TOTAL	0.0	0.0	0.0	0.0	0.0	0.0

POSITIONS:	
Full-time	. . . . .
Part-time	. . . . .
Temporary	. . . . .

ANALYSIS: (Attach a separate page if necessary)

No fiscal impact.

Prepared by: Karla Forsythe, General Counsel Phone: 264-8228
 Division: Alaska Court System Date: 4-9-87
 Approved by: *Arthur H. Snowden, II*, Administrative Director Date: 4-9-87
 Agency: Alaska Court System

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

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

REQUEST: _____

Bill Version: SB79
Publish Date: _____

Revision Date: _____
Title: "An Act relating to runaway
minors..."

Agency Affected: Dept. of Administration
BRU: Public Defender Agency

Sponsor: Sen. Rodev, Sen. Faiks
Requestor: Judiciary

Components: Third Judicial District
Fourth Judicial District

EXPENDITURES/REVENUES: (Thousands of Dollars)

OPERATING	FY 87	FY 88	FY 89	FY 90	FY 91	FY 92
PERSONAL SERVICES		238.5	248.0	257.9	268.2	278.9
TRAVEL		-0-				
CONTRACTUAL		15.0	15.6	16.2	16.9	17.6
SUPPLIES		4.5	4.7	4.9	5.1	5.3
EQUIPMENT		6.0				
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
TOTAL OPERATING	-0-	264.0	268.3	279.0	290.2	301.8

CAPITAL						
---------	--	--	--	--	--	--

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

FUNDING: (Thousands of Dollars)

GENERAL FUND	-0-	264.0	268.3	279.0	290.2	301.8
FEDERAL FUNDS						
OTHER						
TOTAL	-0-	264.0	268.3	279.0	290.2	301.8

POSITIONS:

FULL-TIME	-0-	4.0	4.0	4.0	4.0	4.0
PART-TIME						
TEMPORARY						

ANALYSIS : (Attach a separate page if necessary)

See attached analysis

Prepared by: Dana Fabe, Public Defender *DF*
Division: Public Defender Agency

Phone: 279-7541
Date: _____

Approved by Commissioner: [Signature]
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

CONTINUATION of FISCAL NOTE ANALYSIS

For Bill/Resolution No. SB79

This bill would authorize detention of runaway minors and mandate 30 days detention for repeat offenders. Juveniles detained under this act would be entitled to legal representation by either private counsel, the Public Defender Agency or the Office of Public Advocacy. As many as several thousand new cases each year can be expected so the Public Defender Agency is requesting two Attorney III's and a Legal Secretary I for Anchorage and one Attorney III for Fairbanks for a total of 264.0.

BUDGET ANALYSIS

100	Anchorage - Attorney III	66.1	
	Attorney III	66.1	
	Leg. Secty. I	31.5	
	Fairbanks - Attorney III	74.8	238.5
200	Travel		-0-
300	Contractual: Space, phone, etc.		15.0
400	Supplies: Law Library, office, etc.		4.5
500	Equipment: One time		<u>6.0</u>
		Total	264.0

Position Title Attorney III			No. of Positions 1	Range/Step -2A	Barg. Unit PX	Gov.	Approv.	Disapp.
Time Status PFT	Staff Months 12.0	RP Number	Location Fairbanks		Election District 94	Leg.		
Justification								
Type of Expenditure			Amount					
1	2	3						
Salary	56,244							
Benefits	18,551							
Premium Pay								
Other								
Total Personal Services		74,795						
Travel		-0-						
Contractual		5,000						
Commodities		1,500						
Equipment		1,500						
Other								
Total Cost		82,795						
Receipt Code			Funding Source					
			Federal Receipts 1002					
			G. F. Match 1003					
			General Funds 1004 82,795					
			I-A Receipts 1005					
			Program Receipts 1028					
			CIP Receipts 1061					
			Other					
For B&M Use Only Key Number _____								

SB79 would authorize detention of runaway minors and mandate 30 days detention for repeat offenders. Juveniles detained under this act would be entitled to representation so the Public Defender Agency is requesting two Attorney III's and a Legal Secretary I for Anchorage and an Attorney III for Fairbanks.

**Request For
New Position**

Agency Dept. of Administration
 BRU Public Defender Agency
 Component Fourth Judicial District

Page 6 of 6
 Revised Date

FY 87

LEGISLATIVE REQUEST/CONTACT FORM
Division of Family and Youth Services

Date: 2/20 1986 Time 11:10 (a.m.) p.m. Signed Jim Shankis
(Person taking call)
Sen./Rep./Aide who called MARGARET Levitt Aide to SEN. PAUL FISCHER
Telephone number/s 465-3762

Exactly what requested:

VERBAL INFORMATION ONLY, (No follow-up needed)

RE: HB/SB _____

OR RE: PROGRAM AREA (if not related to specific Bill) _____

WRITTEN INFORMATION NECESSARY

RE: HB/SB _____

OR RE: PROGRAM AREA _____

Follow-up needed by ASAP /86 Time _____ a.m./p.m.

Staff to Research Request _____

Specific Information Requested and/or Given CURRENTLY WORKING ON
PROPOSED LEGISLATION RE: RUNAWAYS. ASKED
FOR COPIES OF THE ATTACHED. ADVISED HER
I WOULD START IT THRU CHANNELS
RIGHT AWAY.

Program Statistics Provided: FOR _____ FROM _____ TO _____

Cost Estimates Provided: FOR _____ FROM _____ TO _____

Comments: _____

MEMORANDUM

State of Alaska

TO: RSSM's & RA's

DATE: May 12, 1986

FILE NO: 703

TELEPHONE NO: 465-3170

FROM: Michael L. Price
Director
Division of Family and Youth Services

SUBJECT: Runaways,
AS 47.10.141.(b)

Attached is an Attorney General Opinion relating to the responsibilities and permissible actions of police agencies in carrying out the mandate of AS 47.10.141.(b). This opinion should help eliminate some of the disparity among police agencies in their interpretation of the mandate under this statute.

It is my understanding that some police agencies have refused to take runaways into custody unless a court order was issued mandating that they do so. This refusal to act was based on the belief that "protective custody" as used in AS 47.10.141 was purely voluntary. According to this interpretation, since police could not "arrest" a runaway, they had no basis for physically restraining them in any manner and could only "request" that the youth accompany them to a DHSS office or to the youth's home. This opinion clarifies police authority and responsibility to enforce protective custody of runaways.

Our responsibilities in working with runaway youth remain unchanged. Our efforts will be directed to investigating the circumstances of each child and providing services necessary to protect the child from abuse, neglect or exploitation. Whenever possible, our goal will be to return the child to his or her own home. This opinion should be helpful in eliminating extra work for some of our staff in helping parents obtain court orders to ensure police action to locate runaway youth.

MLP/RW/sa

Attachments

cc: Dave Arnold
YS Administrator

Martha Holmberg
SS Program Officer

Frank Barthel
SS Program Coordinator


all S.W. staff in SERO

MEMORANDUM

State of Alaska

TO: Mike Price, Director
Division of Family and Youth Services
Department of Health and
Social Services

DATE: April 28, 1986
FILE NO:
TELEPHONE NO: 465-4322

FROM: 
Frank N. Gorham
Special Assistant
to the Commissioner
Department of Public Safety

SUBJECT: Attorney General
Opinion 66-3-86-0198

Enclosed is a copy of an Attorney General's opinion related to protective custody of minors as it relates to AS 47.10.141(b), a statute enacted in 1985 regarding runaway or missing minors.

This opinion was requested, in part, as a result of Ombudsman complaint No. J85-0675 involving your department.

It is hoped the opinion will resolve the various questions of the agencies involved in the enforcement of AS 47.10.141(b).

Enclosure: a/s

cc: David W. Haas
Ombudsman Assistant
Ombudsman's Office
Juneau, Alaska

MEMORANDUM

State of Alaska

TO: Honorable Robert Sundberg
Commissioner
Department of Public Safety

DATE: April 22, 1986

FILE NO: 66-3-86-0198

TELEPHONE NO: 465-3603

FROM: Harold M. Brown
Attorney General

SUBJECT: Protective custody
of minors

By: Iris Sokolow Barnett *Iris Barnett*
Assistant Attorney General
Human Services-Juneau

I. QUESTIONS

You have asked the following questions concerning AS 47.10.141(b), the statute enacted during the 1985 legislative session to assist in dealing with runaway and missing minors:

1. Does AS 47.10.141(b) prohibit the state from placing a runaway minor in "a juvenile detention home or some other detention area operated by the Department of Health and Social Services that is not part of an adult jail"?

2. Can a peace officer use force or restraints to require a minor to submit to protective custody?

3. What can a peace officer do when a minor makes clear his or her intention immediately to flee any assigned placement?

Based on the language and legislative history of AS 47.10.141(b), we believe the statute prohibits the state from placing a minor, who is in protective custody, in a locked facility, but permits the use of reasonable force and restraints for the limited purpose of transporting a runaway or missing minor to a Department of Health and Social Services (DHSS) facility or a suitable location in a community that has no DHSS facility. We do not believe the statute authorizes a peace officer to take action to ensure that a minor remain where he or she is placed.

II. DISCUSSION

Alaska Statute 47.10.141(b) provides as follows:

(b) A peace officer shall take into protective custody a minor [who is evading the minor's legal custodian] . . . if the minor is not otherwise subject to arrest or detention. The peace officer shall honor the minor's preference to

either (1) return the minor to the legal custodian or (2) take the minor to an office specified by the Department of Health and Social Services or a facility or contract agency of the department. If an office specified by the department or a facility or contract agency of the department does not exist in the community, the officer shall take the minor to another suitable location and promptly notify the department. A minor under protective custody may not be housed in a jail or other detention facility

A. The state cannot place a runaway minor in a jail or other detention facility.

The primary rule of statutory construction is to ascertain and give effect to the plain meaning of the language used. Shields v. U.S., 698 F.2d 987, cert. denied, 104 S.Ct. 73 (9th Cir. 1983). If the meaning of a statute is plain, it should be enforced as it reads. Horowitz v. Alaska Bar Association, 609 P.2d 39 (Alaska 1980).

The statute at issue here specifically prohibits the state from placing runaway or missing minors who are located by peace officers, but not subject to arrest or detention, in a "jail or other detention facility." A juvenile detention home or other detention facility, whether it be a part of or separate from an adult jail, is a "jail or other detention facility." Therefore, a peace officer who locates a runaway or missing minor cannot place the minor in such a facility.

The clear language of the statute is supported by its legislative history. In 1984, Governor Sheffield vetoed a similar bill because the bill mandated incarceration of runaway and missing minors. The prohibition against detention of such minors was crucial to the enactment of the 1985 statute.

Peace officers cannot place runaway and missing minors in detention facilities created for either juveniles or adults.

B. Peace officers may use reasonable force or restraints when absolutely necessary.

A peace officer may use reasonable force or restraints for the sole purpose of taking physical control of a runaway or missing minor and transporting the minor to a DHSS office or non-detention facility, or a similarly suitable location where there

is no DHSS facility. */ The statute requires a peace officer who locates a runaway or missing minor to transport the minor to a safe place. If the peace officer did not have the authority to use reasonable force or restraints when a minor resisted the peace officer's efforts, the peace officer could not consistently fulfill this statutory duty.

Force or restraints should only be used when absolutely necessary to fulfill the legislative mandate. Peace officers should make their best efforts to convince runaway and missing minors to cooperate such that force and restraints are avoided.

C. A peace officer is only authorized to transport a missing minor to a safe place.

The legislature specifically directed peace officers to locate runaway and missing minors and transport them to their legal guardians, to a DHSS office or non-detention facility, or to a suitable location in a community where the DHSS has no designated facility. The legislature did not authorize peace officers to do more than that.

As discussed above, the legislature specifically precluded peace officers from placing runaway and missing minors in a detention facility. The legislature did so notwithstanding its belief that many of the minors who are located will run again. In a hearing at which the bill that became AS 47.10.141 was discussed, Representative Robin Taylor noted that under the bill neither peace officers nor the DHSS could "put the child in jail or a lock-up situation" and that a minor could "keep running." Protective Custody of Runaway and Missing Minors: Hearing on CSHB 19(Jud) Before the House Judiciary Committee, 13th Alaska Legis., 1st Sess. (Mar. 19, 1985)(statement of Rep. Robin Taylor). Representative Max Gruenberg further acknowledged that the bill did not deal with the problem of minors who run from foster homes. Id.

*/ The statute also authorizes the peace officer to transport the minor to the minor's legal guardian, if the minor prefers. When a minor resists both preferred placements, the legislature recognized that it would be futile to return the minor to his or her legal guardian. Protective Custody of Runaway and Missing Minors: Hearing on CSHB 19(Jud) Before the House Judiciary Committee, 13th Alaska Legis., 1st Sess. (Mar. 19, 1985).

Given the statutory language and legislative history, we conclude that peace officers can only locate runaway and missing minors, and transport them to their legal guardians, a DHSS office or non-detention facility, or a suitable location in a community in which there is no such DHSS office or facility. There is, of course, nothing prohibiting peace officers from making their best efforts to convince minors to remain where they are placed and to accept the state's assistance.

III. CONCLUSION

For the reasons explained above, we conclude that runaway and missing minors located by peace officers cannot be placed in a detention facility of any kind; that peace officers may, when non-physical persuasion fails, use reasonable force or restraints to assume physical control of runaway and missing minors they locate for the purpose of transporting them to a DHSS office or non-detention facility or other suitable location in a community that has no DHSS facility; and that a peace officer cannot do more than transport a located minor to a designated place and encourage the minor to remain in that place.

ISB:jal:ebc

COMMUNIST PARTY
COMMISSIONER'S OFFICE
Juneau, Alaska

APR 23 1986

to obtain that information. If they are intended to reveal whether a minor has consumed alcohol or a controlled substance such that they may be charged with a crime, there must be probable cause to believe a crime has committed before the state can require a search and seizure which may well incriminate the minor.

III. PARENTAL RESPONSIBILITY.

Fourth, we are concerned that the amendments to AS 47.10.141(b) in SB 79, § 1, are inconsistent with the long established principles that a parent is responsible for his or her child, and that a child be removed "from the custody of the parents only as a last resort when the child's welfare ... cannot be safeguarded without removal." AS 25.20.030; AS 47.05.060.

The amendment provides that upon taking into protective custody a minor about whom a request to locate has been made, a police officer "shall honor the minor's preference to (1) return the minor to the legal custodian if the legal custodian consents to the return[.]" By granting a parent a statutory right to refuse to take his or her child into the home, the bill authorizes a parent to abrogate his or her parental responsibilities to the state, whether or not the parent can reasonably be expected to provide an appropriate home for the child. We are concerned that the bill invites a parent to abandon a child with whom the parent is having difficulty.

It is true that under current law, a child with no parent "caring or willing to provide care" may, by court order, be committed to the custody of the Department of Health and Social Services as a "child-in-need-of-aid." AS 47.10.010(a)(2)(A); AS 47.10.080(c). Thus, under existing law, the state may well have custody of a minor whose parent refuses to take him or her into the home. Though the result may be the same, we believe there is a difference between giving a parent a statutory right to reject his or her child at the doorstep, and giving the state a statutory right to obtain custody, and place in foster care, an abandoned child. 9/

9/ Given the state's budgetary crisis, you should be aware that because SB 79 gives a parent an absolute right to refuse to care for a child it exposes the state to a substantial financial burden for foster care. Moreover, it could render the state
(Footnote Continued)

We also question the propriety of according a legal custodian who refuses to take his or her child back into the home the right to suggest an alternative placement for the child whether or not the alternative is appropriate, and whether or not a caregiver at the alternative consents to the arrangement. 10/

IV. MINORS ABOUT WHOM NO REQUEST TO LOCATE HAS BEEN MADE.

Finally, the proposed amendment to 47.10.141(e) in SB 79, § 2, directs a peace officer to take into protective custody a minor he or she has probable cause to believe is evading the minor's legal custodian, and is either "in danger of harm or poses a threat of harm to others" or is "living with a person who is not a legal custodian of the minor." We understand that this provision was intended to respond to the concern that under AS 47.10.141, a peace officer is not authorized to take into protective custody a minor about whom no request to locate has been made even if the minor is obviously in need of assistance. 11/ We are concerned that the proposed language does not remedy this defect and creates problems of its own.

The first requirement, that prior to taking protective custody of a minor about whom no request to locate has been made a peace officer must have probable cause to believe the minor is

(Footnote Continued)

ineligible to receive maximum federal assistance for foster care.

To be eligible to receive federal foster care assistance, a state plan must ensure that "reasonable efforts will be made (A) prior to the placement of a child in foster care, to prevent or eliminate the need for removal of the child from his home, and (B) to make it possible for the child to return to his home." 42 U.S.C. § 672(a)(15). By giving a parent an unqualified right to abandon a child to the state, SB 79 may bring the state plan out of compliance and thereby render the state ineligible to receive federal financial support.

10/ As the peace officer is directed to comply with the minor's "preference," we assume that the legal custodian's suggestion is no more than that.

11/ This is supported by the fact that subsection (b) of AS 47.10.141 directs the peace officer to take protective custody of a minor about whom a request to locate has been made without making the findings required in subsection (e).

Sheila Gaddis 274-6541
Pat O'Brien DJYS -
Russ Wells 3023
Bruce Studman 3125
Gail Stoltz) 264-6508
(Barbara Hulley)
Ben Jewell see note
David W Haas, Ombudsman
Iris Barnett Ast AG. 3103
Claudia Morse see note

586-2511 (rm)
465-2884 (wk)

Ben Jewell w/ Ed. Support

? Juvenacy Law -
Unable to force daughter
to come home but could
go to jail if truant.
16 yrs old.

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

Adopt

①

1 IN THE SENATE

HEALTH, EDUCATION AND SOCIAL
SERVICES COMMITTEE

2 CS FOR SENATE BILL NO. 79 (HESS)

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 FIFTEENTH LEGISLATURE - FIRST SESSION

5 A BILL

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

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

8 * Section 1. AS 47.10.141 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 location designated by the legal custodian; or (3) [(2)] take the
28 minor to an office specified by the Department of Health and Social
29 Services or a facility or contract agency of the department. If an

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

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

12 (c) A minor may be taken into protective custody by a peace
13 officer and placed into temporary detention in a juvenile detention
14 facility if there has been an order issued by a court upon a finding
15 of probable cause that the minor is a runaway in violation of a valid
16 court order issued under AS 47.10.142(f) and is posing a clear and
17 present danger to the minor's own welfare. A minor detained under
18 this subsection shall be brought before a court within 48 hours after
19 the detention for a hearing to determine whether the minor is in civil
20 contempt of court under AS 09.50.010(5). This subsection does not
21 apply to a minor taken into protective custody in a community that
22 does not have a juvenile detention facility. *if the child has previous exp. this*

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

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