

SB

45

HFIN

FILE

HOUSE COMMITTEE REPORT

(11)

Date Referred: February 7, 1994

FURTHER REFERRALS:

Date of Committee Action: 4/16/94

The FINANCE Committee considered:

CSSB 45(RLS)(efd fld)

CS FOR SENATE BILL NO. 45(RLS)(efd fld)

MISC. LAWS RELATING TO MINORS

"An Act relating to persons under 21 years of age; relating to programs for runaway minors; providing for designation of shelters for runaway minors; relating to the detention and incarceration of minors."

RECOMMENDATIONS: HCS CS SB 45 (Fin) | | the same title

be replaced with HCS CS SB 45 (Fin) | | a new title

have attached amendments(s)

do pass

do not pass

no recommendations

individual recommendations

additional referral to the _____ Committee

ADOPTS: _____ letter of Intent

ATTACHES NEW FISCAL NOTE(S): (Dept)

APPROVES PREVIOUS: (Dept/Date)

2 fiscal impact (2) (HES)

fiscal note(s) Court Labor 2/7/94

3 zero fiscal note (HES) (3)

(2) zero fiscal note(s) DOBaw, 2/7/94

SIGNING DO PASS	DP	OTHER RECOMMENDATIONS	DNP	NR	AM
		<u>Paul Larson</u>		X	
		<u>Larry Martin</u>		X	
		<u>Sean Farnell</u>		X	
		<u>Mike Yawan</u>		✓	
		<u>Fay Brown</u>		✓	
		<u>Chris Therman</u>		X	
		<u>Richard Foster</u>		X	

Paul Larson
CHAIRMAN'S SIGNATURE

FISCAL NOTE

No. 44
 Bill Version: HCS CSSB 45
 (H) Publish Date: 2/7/94

STATE OF ALASKA
 1994 LEGISLATIVE SESSION

BILL N

Revision Date: 02/01/94 Dept. Affected: Alaska Court System
 Title: Miscellaneous laws relating to minors BRU: Trial Courts
 Sponsor: Phillips, Halford, Kelly, Miller, Leman, ... Component: _____
 Requestor: _____ COMPONENT SERIAL NO. 768

EXPENDITURE/REVENUES (Thousands of Dollars)

OPERATING EXPENDITURES	FY 96	FY 98	FY 97	FY 98	FY 99	FY 00
PERSONAL SERVICES	18.7	18.7	18.7	18.7	18.7	18.7
TRAVEL						
CONTRACTUAL						
SUPPLIES						
EQUIPMENT	1.4					
LAND & STRUCTURES						
GRANTS & CLAIMS						
TOTAL OPERATING	20.1	18.7	18.7	18.7	18.7	18.7

CAPITAL EXPENDITURES						
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CHANGE IN REVENUES ()						
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FUND SOURCE (Thousands of Dollars)

1002 Federal Receipts						
1004 GF	20.1	18.7	18.7	18.7	18.7	18.7
1005 GF/Program Receipts						
1006 GF/MHTIA						
Other						
TOTAL	20.1	18.7	18.7	18.7	18.7	18.7

POSITIONS

FULL-TIME						
PART-TIME	1.0	1.0	1.0	1.0	1.0	1.0
TEMPORARY						

Estimate of current year (FY 94) cost: None

ANALYSIS: (Attach a separate page if necessary)
 See attached analysis.

Prepared by: C. S. Christensen III, Staff Counsel *CSC* Phone: 284-8228
 Agency: Alaska Court System Date: 02/01/94

Approved by: Arthur H. Snowden, II, Administrative Director *AS* #7 *CSC*
 Agency: Alaska Court System Date: 02/01/94

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**Alaska Court System
 Fiscal Analysis
 CS 98 48 (RULES)**

It is anticipated that this legislation will increase the number of inquiries by the public for information on emancipation of minors. These inquiries typically require 15 minutes of custody investigator time. It is estimated that the legislation will create 150 new inquiries a year in Anchorage. Inquiries in the rest of the state are estimated at 50% of the Anchorage rate, or 75 a year. If 25% of the inquiries progress to the filing of a petition of emancipation, 56 new petitions will be filed. Each petition requires approximately 6 to 10 hours of custody investigator time for interviewing parents, children and others, writing reports and testifying testimony. The investigator will be assigned to Anchorage, but will support the entire state.

Personal Services

	<u>Salary</u>	<u>Benefits</u>	<u>Total</u>
Assistant Custody Investigator, range 18A. Anchorage, PFT - 4 months	\$13,579	\$5,138	\$18,717

Equipment

Desk, chair, computer terminal and filing cabinets

1,400
~~1,400~~

Total First Year Cost

\$20,117

FISCAL NOTE

STATE OF ALASKA
1994 LEGISLATIVE SESSION

BILL NO :

Bill Version: HCS CSSS 43 102
 (H) Publish Date: 2/7/94

Revision Date: _____
 Title: Misc. Laws Relating to Minors
 Sponsor: Senator(a) Phillips, et. al
 Requestor: House Judiciary

Department Affected: Labor
 BRU: Labor Standards & Safety
 Component: _____
Wage & Hour
COMPONENT SERIAL NO. 345

EXPENDITURES/REVENUES:

(Thousands of Dollars)

OPERATING	FY 95	FY 96	FY 97	FY 98	FY 99	FY 00
PERSONAL SERVICES						
TRAVEL						
CONTRACTUAL						
SUPPLIES						
EQUIPMENT						
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
TOTAL OPERATING	0.0	0.0	0.0	0.0	0.0	0.0

CAPITAL						
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REVENUE FUND SOURCE:						
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FUNDING:

(Thousands of Dollars)

1002 Federal Receipts						
1003 GF Match						
1004 GF						
1005 GF/Program Receipt						
1006 GF/MHTIA						
Other						
TOTAL	0.0	0.0	0.0	0.0	0.0	0.0

POSITIONS:

FULL-TIME						
PART-TIME						
TEMPORARY						

Estimate of current year (FY94) impact: \$ None

ANALYSIS: (Attach a separate page if necessary)

Prepared by: Donald G. Study, CSP, Director Phone: 465-6003
 Division: Labor Standards & Safety Date: 1/28/94
 Approved by Commissioner: Charles W. Mahlen
 Agency: Department of Labor Date: 1/28/94

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STATE OF ALASKA
1994 LEGISLATIVE SESSION

FISCAL NOTE

No. 12
Bill Version: HCS CSSB 13
(H) Publish Date: 2 7 94

Revision Date: December 16, 1993
Title: "An Act relating to persons under 21 years of age designating 'shelters'..."
Sponsor: Senator Phillips
Requestor: Governor's Office

Department Affected: Department of Law
BRU: Prosecution, Legal Services
Component: Prosecution - All Legal Services - Operations
COMPONENT SERIAL NO. 0085 through 0090, 0091

EXPENDITURES/REVENUES:

OPERATING	FY 95	FY 96	FY 97	FY 98	FY 99	FY 00
PERSONAL						
TRAVEL						
CONTRACTUAL						
SUPPLIES						
EQUIPMENT						
LAND &						
GRANTS, CLAIMS						
MISCELLANEOUS						
TOTAL OPERATING	-0-	-0-	-0-	-0-	-0-	-0-
CAPITAL						
REVENUE						
FUNDING:						
1002 Federal						
1003 GF Match						
1004 GF						
1005 GF/Program						
1006 GF/MHTIA						
OTHER						
TOTAL	-0-	-0-	-0-	-0-	-0-	-0-
POSITIONS:						
FULL-TIME	-0-	-0-	-0-	-0-	-0-	-0-
PART-TIME						
TEMPORARY						

Estimate of current year (FY94) impact: -0-

ANALYSIS: (Attach a separate page if necessary.)
Please see the attached analysis.

Prepared by: Richard I. Piques, Director Phone: 465-3672
Division: Administrative Services Division Date: December 16, 1993
Approved by Commissioner: Charles E. Cole, Attorney General
Agency: Department of Law Date: December 16, 1993

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FISCAL NOTE

STATE OF ALASKA
1994 LEGISLATIVE SESSION

BILL NO. CSSB 45 (RLS)(efd nd)

ANALYSIS CONTINUATION:

The Rules Committee Substitute for SB 45 amends various statutes to allow concerned citizens to voluntarily assist runaway minors in their private residences. The bill is intended to encourage properly qualified private citizens to seek designation of their homes as "safe homes" where runaway minors could seek temporary, short-term shelter or other care. The bill would require oversight of the safe homes by non-profit corporations which, in turn, would be subject to state permit regulation to insure that the homes meet health and safety standards designed to protect the runaway minor in a safe home.

The Department of Law would be involved in this process to the extent that our department would be required to assist the Department of Health and Social Services adopt regulations required under Section 21. The Department of Law would also be involved in any action requiring the suspension, modification, or denial of a permit to operate a safe home. Historically, Health and Social Services licensure disputes have proven to be time consuming for our department, requiring considerable attorney resources to resolve. However, there is no way to predict the extent to which such disputes may ever occur. Consequently, fiscal impact funds have not been requested.

FISCAL NOTE

STATE OF ALASKA
1994 LEGISLATIVE SESSION

BILL NO. HCSCSSB 45 (JUD)

Revised Date: 03/24/94 Dept. Affected: Health and Social Services
 Title: An Act Relating To Minors, Runaways and EFO: Purchased Services
Detention Component: Delinquency Prevention
 Sponsor: Senator Randy Phillips et al
 Requestor: House (FIN) COMPONENT SERIAL NO. 0248

Expenditures/Revenues: (Thousands of Dollars)

OPERATING	FY95	FY96	FY97	FY98	FY99	FY00
PERSONAL SERVICES						
TRAVEL						
CONTRACTUAL						
SUPPLIES						
EQUIPMENT						
LAND & STRUCTURES						
GRANTS CLAIMS						
MISCELLANEOUS						
TOTAL OPERATING	0.0	0.0	0.0	0.0	0.0	0.0

CAPITAL EXPENDITURES

CHANGES IN REVENUES

FUND SOURCE (Thousands of Dollars)

*002 Federal Receipts						
*003 GF Match						
*004 GF						
*005 GF Program Receipts						
*006 GF/MHTIA						
Other						
TOTAL	0.0	0.0	0.0	0.0	0.0	0.0

POSITIONS:

FULL-TIME	0
PART-TIME	
TEMPORARY	

Estimate of current year (FY94) impact: 0.0

ANALYSIS: (Attach a separate page if necessary)

The department has included these federal receipts in the amended FY95 budget.

(Continued)

Prepared by: Deborah R. Wing, Director Phone: 465-3191
 Division: Division of Family & Youth Services Date: 03/24/94
 Approved by Commissioner: Margaret R. Lowe, M.Ed., Ed.S. Date: 3-24-94
 Agency: Department of Health & Social Services

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ANALYSIS (cont.):**Juvenile Justice and Delinquency Prevention Program**

The intent of this bill is to improve the juvenile justice system in Alaska. Federal standards set out in the Juvenile Justice and Delinquency Prevention Act prohibit the incarceration of juveniles in the same facility with an adult, except under special circumstances.

Alaska has been a participant in the formula grant program offered under the U.S. Department of Justice through the Office of Juvenile Justice and Delinquency Prevention (OJJDP) since 1976 and receives the minimum annual allocation of \$325,000. Acceptance of these funds has obligated the state to improve its juvenile justice system and comply with the requirements of the act.

Since 1989, Alaska has had to seek waivers to receive this formula grant funding because we have been unable to meet the OJJDP standards addressing the removal of youth from adult jails and lockups. On March 2, 1993, the Division received its 1991 federal funding on its third and final waiver request. Accompanying that award was a letter sent to Governor Hickel from John Wilson, Acting Director of the Office of Juvenile Justice and Delinquency prevention, in which he advised that Alaska's eligibility for FY 1992 Formula Grant Funds will almost certainly depend upon Alaska's success in passing legislation that would require the elimination of all incidents of the secure detention of status and nonoffender juveniles in adult jails and lockups. Passage of this legislation would show continued good faith efforts towards meeting the requirements of the JJDP Act and may be a contributing factor for OJJDP to find us eligible to receive future formula grant awards. The amount available in FFY93 and FFY94 is \$343,658, and it is slated to increase to \$600,000, in FFY95.

Alaska has used most of these grant funds to establish ten small Non-Secure Attendant shelter programs serving twelve Alaska communities. These shelters are established for the narrowly defined purpose of providing an alternative for the practice of placing minors in adult jails. In FY93, 440 youth were served under this program who may have otherwise been placed in adult jails or lockups. The Non-Secure Attendant Shelter model has been Alaska's most effective approach in attempting to comply with the jail removal requirement of the JJDP Act.

Without the continuation of this federal funding, the critical basic programs which these Federal funds previously supported would be destroyed and our efforts to meet the requirements of the JJDP Act seriously impeded. Without this grant revenue the department would be forced to cease funding the Non-Secure Attendant Shelter programs and the annual compliance monitoring of jails, detention facilities, correctional facilities and non-secure facilities to insure the mandates of the Act are being met. The only other option would be for legislators to add state general funds to the department budget to continue these programs.

FISCAL NOTE

REQUEST:

Revision Date: Dept: Health and Social Services
 Title: Relating to Minors, Runaways and Detention BRU: Family and Youth Services
 Sponsor: Sen. Phillips Components: Northern Region
 Requestor: House Finance Committee #0255

EXPENDITURES/REVENUES: (THOUSANDS OF DOLLARS)

OPERATING	FY 95	FY 96	FY 97	FY 98	FY 99	FY 00
Personal Services	0.0	0.0	0.0	0.0	0.0	0.0
Travel	0.0	0.0	0.0	0.0	0.0	0.0
Contractual	0.0	0.0	0.0	0.0	0.0	0.0
Supplies	0.0	0.0	0.0	0.0	0.0	0.0
Equipment	0.0	0.0	0.0	0.0	0.0	0.0
Land & Structures	0.0	0.0	0.0	0.0	0.0	0.0
Grants, Claims	0.0	0.0	0.0	0.0	0.0	0.0
Miscellaneous	0.0	0.0	0.0	0.0	0.0	0.0
TOTAL OPERATING	0.0	0.0	0.0	0.0	0.0	0.0

CAPITAL EXPENDITURES						
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CHANGE IN REVENUES						
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FUNDING: (THOUSANDS OF DOLLARS)

1002 Federal Receipts	0.0	0.0	0.0	0.0	0.0	0.0
1003 GF Match	0.0	0.0	0.0	0.0	0.0	0.0
1004 GF	0.0	0.0	0.0	0.0	0.0	0.0
1005 GF/Program Receipts	0.0	0.0	0.0	0.0	0.0	0.0
1006 GF/MHTIA	0.0	0.0	0.0	0.0	0.0	0.0
Other	0.0	0.0	0.0	0.0	0.0	0.0
TOTAL	0.0	0.0	0.0	0.0	0.0	0.0

ESTIMATE OF ANY CURRENT YEAR (FY 94) COST \$

None

POSITIONS:

Full-Time	0	0	0	0	0	0
Part-Time	0	0	0	0	0	0
Temporary	0	0	0	0	0	0

ANALYSIS: (Attach a separate page if necessary)

Prepared By:	Rep. Ron Larson, Co-Chair	465-3878
Division:	Rep. Eileen MacLean, Co-Chair	Phone: 465-4833
Agency:	House Finance Committee	Date: 3/24/94
Approved By:		Date:

FISCAL NOTE

REQUEST:

Revision Date:
Title: Relating to Minors,
Runaways and Detention
Sponsor: Sen. Phillips
Requestor: House Finance Committee

Dept: Health and Social Services
BRU: Family and Youth Services
Components: Southeastern Region
#0258

EXPENDITURES/REVENUES: (THOUSANDS OF DOLLARS)

OPERATING	FY 95	FY 96	FY 97	FY 98	FY 99	FY 00
Personal Services	0.0	0.0	0.0	0.0	0.0	0.0
Travel	0.0	0.0	0.0	0.0	0.0	0.0
Contractual	0.0	0.0	0.0	0.0	0.0	0.0
Supplies	0.0	0.0	0.0	0.0	0.0	0.0
Equipment	0.0	0.0	0.0	0.0	0.0	0.0
Land & Structures	0.0	0.0	0.0	0.0	0.0	0.0
Grants, Claims	0.0	0.0	0.0	0.0	0.0	0.0
Miscellaneous	0.0	0.0	0.0	0.0	0.0	0.0
TOTAL OPERATING	0.0	0.0	0.0	0.0	0.0	0.0

CAPITAL EXPENDITURES						
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CHANGE IN REVENUES						
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FUNDING: (THOUSANDS OF DOLLARS)

1002 Federal Receipts	0.0	0.0	0.0	0.0	0.0	0.0
1003 GF Match	0.0	0.0	0.0	0.0	0.0	0.0
1004 GF	0.0	0.0	0.0	0.0	0.0	0.0
1005 GF/Program Receipts	0.0	0.0	0.0	0.0	0.0	0.0
1006 GF/MHTIA	0.0	0.0	0.0	0.0	0.0	0.0
Other	0.0	0.0	0.0	0.0	0.0	0.0
TOTAL	0.0	0.0	0.0	0.0	0.0	0.0

ESTIMATE OF ANY CURRENT YEAR (FY 04) COST \$

None

POSITIONS:

Full-Time	0	0	0	0	0	0
Part-Time	0	0	0	0	0	0
Temporary	0	0	0	0	0	0

ANALYSIS: (Attach a separate page if necessary)

Prepared By: Rep. Ron Larson, Co-Chair
Rep. Eileen MacLean, Co-Chair
Division: House Finance Committee
Approved By: _____
Agency: _____

465-3878
Phone: 465-4833
Date: 3/24/94

Date: _____

FISCAL NOTE

REQUEST:

Revision Date: Dept: Health and Social Services
 Title: Relating to Minors, Runaways and Detention BRU: Family and Youth Services
 Sponsor: Sen. Phillips Components: Central Office
 Requestor: House Finance Committee #0259

EXPENDITURES/REVENUES: (THOUSANDS OF DOLLARS)

OPERATING	FY 95	FY 96	FY 97	FY 98	FY 99	FY 00
Personal Services	0.0	0.0	0.0	0.0	0.0	0.0
Travel	0.0	0.0	0.0	0.0	0.0	0.0
Contractual	13.5	0.0	0.0	0.0	0.0	0.0
Supplies	0.0	0.0	0.0	0.0	0.0	0.0
Equipment	0.0	0.0	0.0	0.0	0.0	0.0
Land & Structures	0.0	0.0	0.0	0.0	0.0	0.0
Grants, Claims	0.0	0.0	0.0	0.0	0.0	0.0
Miscellaneous	0.0	0.0	0.0	0.0	0.0	0.0
TOTAL OPERATING	13.5	0.0	0.0	0.0	0.0	0.0

CAPITAL EXPENDITURES						
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CHANGE IN REVENUES						
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FUNDING: (THOUSANDS OF DOLLARS)

1002 Federal Receipts	0.0	0.0	0.0	0.0	0.0	0.0
1003 GF Match	13.5	0.0	0.0	0.0	0.0	0.0
1004 GF	0.0	0.0	0.0	0.0	0.0	0.0
1005 GF/Program Receipts	0.0	0.0	0.0	0.0	0.0	0.0
1006 GF/MHTIA	0.0	0.0	0.0	0.0	0.0	0.0
Other	0.0	0.0	0.0	0.0	0.0	0.0
TOTAL	13.5	0.0	0.0	0.0	0.0	0.0

ESTIMATE OF ANY CURRENT YEAR (FY 94) COSTS

0.0

POSITIONS:

Full-Time	0	0	0	0	0	0
Part-Time	0	0	0	0	0	0
Temporary	0	0	0	0	0	0

ANALYSIS: (Attach a separate page if necessary)

The contractual line includes funds for \$100 for contracting an attorney to write shelter regulations, revise existing placement regulations and produce a guidebook, and \$35 for printing guidebook

Prepared By: Rep. Ron Larson, Co-Chair
 Rep. Eileen MacLean, Co-Chair
 Division: House Finance Committee
 Approved By: _____
 Agency: _____

465-3878
 Phone: 465-4833
 Date: 3/24/94

Date: _____

FISCAL NOTE

REQUEST:

Revision Date:
Title: Relating to Minors,
Runaways and Detention
Sponsor: Sen. Phillips
Requestor: House Finance Committee

Dept: Health and Social Services
BRU: Family and Youth Services
Components: #254

EXPENDITURES/REVENUES: (THOUSANDS OF DOLLARS)

OPERATING	FY 95	FY 96	FY 97	FY 98	FY 99	FY 00
Personal Services	51.3	51.3	55.1	56.6	58.4	60.4
Travel	5.0	5.0	5.0	5.0	5.0	5.0
Contractual	0.0	0.0	0.0	0.0	0.0	0.0
Supplies	0.0	0.0	0.0	0.0	0.0	0.0
Equipment	0.0	0.0	0.0	0.0	0.0	0.0
Land & Structures	0.0	0.0	0.0	0.0	0.0	0.0
Grants, Claims	0.0	0.0	0.0	0.0	0.0	0.0
Miscellaneous	0.0	0.0	0.0	0.0	0.0	0.0
TOTAL OPERATING	56.3	56.3	60.1	61.6	63.4	65.4

CAPITAL EXPENDITURES						
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CHANGE IN REVENUES						
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FUNDING: (THOUSANDS OF DOLLARS)

1002 Federal Receipts	0.0	0.0	0.0	0.0	0.0	0.0
1003 GF Match	0.0	0.0	0.0	0.0	0.0	0.0
1004 GF	56.3	56.3	60.1	61.6	63.4	65.4
1005 GF/Program Receipts	0.0	0.0	0.0	0.0	0.0	0.0
1006 GF/MHTIA	0.0	0.0	0.0	0.0	0.0	0.0
Other	0.0	0.0	0.0	0.0	0.0	0.0
TOTAL	56.3	56.3	60.1	61.6	63.4	65.4

ESTIMATE OF ANY CURRENT YEAR (FY 04) COST:

None

POSITIONS:

Full-Time	1	0	0	0	0	0
Part-Time	0	0	0	0	0	0
Temporary	0	0	0	0	0	0

ANALYSIS: (Attach a separate page if necessary)

Prepared By: Rep. Ron Larson, Co-Chair
 Division: Rep. Eileen MacLean, Co-Chair
 House Finance Committee
 Approved By:
 Agency:

465-3878
 Phone: 465-4831
 Date: 3/24/94

Date:

Back-up

STATE OF ALASKA

DEPARTMENT OF HEALTH AND SOCIAL SERVICES

DIVISION OF FAMILY AND YOUTH SERVICES

WALTER J. HICKEL, GOVERNOR

P.O. BOX 110630
JUNEAU, ALASKA 99801-0630
PHONE: (907) 465-3170

April 26, 1993

on file
received
APR 28 1993
BY BRIAN PORTER

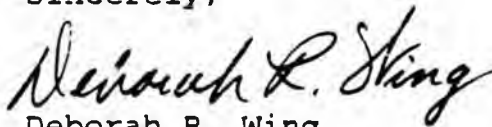
Honorable Brian Porter
Alaska House of Representatives
Room 122, Capitol Bldg
Juneau, AK 99801

Dear Representative Porter:

I am pleased to provide you the Alaska Division of Family and Youth Service's FY 1992 Annual Report on Runaway and Homeless Youth. This report covers activities from October 1991 through November 1992. It describes the core groups established in individual communities and summarizes individual community progress towards dealing with the runaway and homeless youth population.

We hope you find this report informative and a useful reference. We thank you for your interest in and support of the needs of this vulnerable population.

Sincerely,



Deborah R. Wing
Director

STRENGTHENING FAMILIES BY INVOLVING COMMUNITIES

**A Report on Runaway and Homeless Youth
In Alaska**

MARCH 1993



**State of Alaska
Department of Health and Social Services
Division of Family & Youth Services**

Walter J. Hickel
Governor

Theodore A. Mala
Commissioner

Deborah R. Wing
Director

STATE OF ALASKA

DEPARTMENT OF HEALTH AND SOCIAL SERVICES

OFFICE OF THE COMMISSIONER

WALTER J. HICKEL, GOVERNOR

THEODORE A. MALA, COMMISSIONER

P.O. BOX 110601
JUNEAU, ALASKA 99811-0601
PHONE: (907) 465-3030

March 1, 1993

Dear Alaskans:

Did you know that Alaskan youth run away at younger ages and at a greater rate in proportion to their overall population than youth nationally? These are only two of the revelations to surface as a result of the most recent Runaway and Homeless Youth Conference held in Anchorage in October 1992.

This conference gave local communities the opportunity to review and share in a statewide format the progress each had made over the past year in addressing its local runaway and homeless youth problems. Participants found that the overall problems have not changed. The numbers of runaway and homeless youth have either remained the same or in some communities have increased. No community reported a decrease in the runaway or homeless youth population. Participants estimated that, in Alaska, over 4,500 youth run away from home each year and over 1,900 Alaskan adolescents are homeless annually. What can be done to reduce the problems of these youth and alleviate the types of lifestyles in which these young Alaskans find themselves?

Reports from across the state indicate that there is a growing movement within local communities to consolidate efforts and actively pursue solutions to their runaway and homeless youth problems. A detailed description of individual community efforts can be found in the following report.

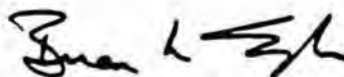
The needs of runaway and homeless youth in Alaska are so great that solutions will require joint efforts between local communities and state agencies, and we look forward to being active participants in this process.

For their participation in this report, we thank the Northwest Network of Runaway and Youth Services consultants, DFYS staff members, all conference presenters, and most of all, the people from the local communities who gave of their time and talents.

Sincerely,



Theodore A. Mala, MD, MPH
Commissioner



Brian Saylor, PhD, MPH
Deputy Commissioner

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Executive Summary

The Division of Family and Youth Services (DFYS), with support from the Department of Education, convened a conference on October 5 and 6, 1992 in Anchorage with a three-fold purpose: to review the progress made on behalf of runaway and homeless youth by communities who attended last year's conference, to introduce participants to the Target Population Planning Model, and to offer conference participants selected workshops related to runaway and homeless youth. The workshops offered were:

- *** Homeless Youth in Rural Alaska
- *** Education Issues on Homeless Youth in Alaska
- *** HIV/AIDS Prevention
- *** Including Youth as Part of the Solution
- *** Building a Network for Youth
- *** Missing and Exploited Children
- *** Strategies for Community Program Development in Alaska

Presenters were from the national, state, and local level and, unlike last year, youth actively participated in this conference as both presenters and participants. Over 85 participants from across the state attended this conference and concluded that runaway and homeless youth remain a serious problem in Alaska. The participants compiled the following estimates:

- *** The number of Alaskan youth who run away from home each year has increased from 3,500 in 1991 to over 4,500 in 1992
- *** Over 1,900 Alaskan adolescents are homeless annually

When the estimated figures on runaway and homeless youth provided by conference participants were compared with national data, the following was concluded:

- *** Alaskan youth run away at a greater rate in proportion to their overall population than youth nationally
- *** Alaska's runaways are younger than runaways nationally
- *** Alaska's youth are homeless at a greater rate in proportion to their overall population than youth nationally

During the conference, participants were grouped into interdisciplinary teams by geographic regions. They found the work group format to be a very effective networking and planning strategy. The team approach yielded concrete information and provided the impetus for groups to move forward in seeking coordinated solutions for the runaway and homeless youth problems. Participants recognized the critical need to involve youth in the process of developing solutions as well as the need for legal clarification on what can be done with runaway and homeless youth who do not want services.

Since the initial conference last year, most communities reported positive movement, either through the establishment of core groups to deal specifically with the concerns of runaway and homeless youth or the revitalization of pre-existing groups dealing with runaway and homeless youth issues. Conference participants noted that, although the issues of runaway and homeless youth must also be addressed at the state level, there remains a critical need for more active local government involvement in finding solutions to the runaway and homeless youth problems in Alaska.

INTRODUCTION

During November and December 1991, the Division of Family and Youth Services convened conferences in Palmer, Kenai, and Kodiak to begin development of a statewide plan to address the issues of runaway and homeless youth in Alaska. With the assistance of Division staff and the Northwest Network of Runaway and Youth Services, professionals and citizens from around the state developed a framework for responding to the serious problem of runaway and homeless youth. The results were published in "Children in Crisis, A Report on Runaway and Homeless Youth in Alaska", submitted by the Department of Health and Social Services to the Governor and Legislature in January 1992.

To facilitate communities' continuing efforts to develop solutions, the Department of Health and Social Services, with support from the Department of Education, held another conference in Anchorage on October 5 and 6, 1992. The purpose of the conference was to review the progress made by communities who attended last year's conference and to offer additional training to participants struggling to address these complex issues surrounding Alaska's runaway and homeless youth populations.

The following nationally recognized definitions for runaway and homeless youth were utilized during both the 1991 and 1992 conferences.

Runaway: Youth who leave home and return at a later date. If the objective is to return the youth to a home environment or group care, then the youth is a runaway.

Homeless: Youth who leave home and do not return or periodically return to destructive home environments. If the objective is preparation for independent living then the youth is homeless. Homeless youth do not have any apparent legal means of financial support.

Alaska Statute 47.10.390 defines a runaway minor as "a person under 18 years of age who:

- (A) is habitually absent from home;
- (B) refuses to accept available care;
- (C) has no parent, guardian, custodian, or relative able or willing to provide care; or
- (D) has been physically abandoned by
 - (i) both parents;
 - (ii) the surviving parent; or
 - (iii) one parent if the other parent's rights and responsibilities have been terminated or voluntarily relinquished."

The definitions for runaway and homeless youth used during the conferences are functionally equivalent to the legal definition for runaway youth contained in Alaska statutes.

THE CONFERENCE

The conference was attended by over 85 participants. Presenters were from the national, state, and local levels, and youth played active roles as both participants and presenters.

Staff from the Northwest Network of Runaway and Youth Services introduced material on the Target Population Planning Model, outlined in more detail later in this report. Participants were divided into interdisciplinary working groups by geographic regions for the purpose of assessing their progress over the past year. They were asked to describe the core group which had developed as a result of last year's conference and describe its activities. Participants were also asked to review the numbers for runaway and homeless youth reported last year and update the numbers for this year. Finally, participants were asked to determine their current needs and goals.

Estimated Numbers of Runaway Youth

Conference participants reviewed the number of youth in their area on the run each day, the number of youth who run away each year, and the total number of runaway incidents per year. An incident is defined as each time a youth runs away. The total number of incidents includes multiple runs by each individual. Many communities reported no changes between 1991 and 1992 figures. In the following table, changes are in bold print.

ESTIMATE COMPARISON OF 1991 AND 1992 DATA

<u>AREA</u>	<u>INCIDENTS/YEAR</u>		<u>YOUTH/YEAR</u>	
	91	92	91	92
Matanuska-Susitna	1,200	1,200+	600	600+
Southeast Alaska	1,500	1,500	300	300
Greater Fairbanks	2,500	2,500+	450	450
Bethel	450	450	150	150
Nome	285	285	100	100
Barrow	300	300	100	100
Anchorage	4,500	4,500	1,500	2,500
Kenai Peninsula	1,825	1,825	250	250
Kodiak	<u>1,095</u>	<u>1,095</u>	<u>60</u>	<u>60+</u>
Totals	13,655	13,655+	3,510	4,510+

Estimated Numbers Of Homeless Youth

Conference participants were asked to review the 1991 homeless figures and note any changes for 1992. Changes between 1991 and 1992 are in bold print.

ESTIMATE COMPARISON OF 1991 AND 1992 DATA

<u>AREA</u>	<u>YOUTH/YEAR</u>	<u>YOUTH/YEAR</u>
	91	92
Matanuska-Susitna	300	300
Anchorage	1,000	1,000
Fairbanks	200	300+
Barrow	10	10
Bethel	50	50
Nome	10	10
Kodiak	30	30
Kenai Peninsula	120	120
Southeast Alaska	<u>100</u>	<u>100</u>
Total	1,820	1,920+

Alaska Data Compared to National Statistics

The population for youth in the United States between the ages of 10 and 17 is reported to be 27,150,810. The National Network of Runaway and Youth Services estimates, based on the latest research, that each year 1 to 1.3 million youth run away from their homes and another 300,000 youth are reported homeless. Based on the above figures, the percentage of youth who run away between the ages of 10 and 17 is 4.8 %. For this same age group, the percentage of homeless youth is 1.1%. Nationally, this yields a runaway rate of 48 per thousand for youth between the ages of 10 and 17 and a homeless rate of 11 per thousand.

In Alaska, the population for youth between the ages of 10 and 17 is reported to be 68,003. Data collected from this conference indicates there are an estimated 4,510 runaways a year and about 1,920 homeless annually. Based on these figures, the percentage of youth who run away between the ages of 10 and 17 is 6.6% and the percentage of homeless is 2.8%. This produces a runaway rate of 66 per thousand for youth between the age of 10 and 17 and a homeless rate of 28 per thousand.

To provide additional comparisons, the figures reported by conference participants were compared to figures compiled from a national survey conducted by the United States General Accounting Office (GAO). GAO figures were based on records of 44,274 youth served from October 1985 through June 1988 in federally funded runaway and homeless youth basic center programs.¹

RUNAWAY and HOMELESS DEMOGRAPHICS

Gender

GAO Report

65 % of runaways were female

Alaska

50% of runaways in the Mat-Su, Kodiak and Anchorage area were female

55% of runaways in the communities of Juneau, Fairbanks, Bethel and Nome were female

66% of runaways on the Kenai Peninsula were female

70% of runaways in Barrow were female

¹ United States General Accounting Office. Homeless & Runaway Youth Receiving Services at Federally Funded Shelters. Washington D.C., GAO, December 1989.

GAO Report	55% of homeless youth were male
Alaska	Statewide, slightly more than 50% of the homeless were male 70% of homeless in Anchorage were male 40% of homeless in Homer and Kodiak were male
	Age
GAO Report	40% of runaways were 16 years old 60% of homeless youth were 16 years old
Alaska	Average age of runaways was 14.5 years 90% of homeless were between 16-21 years old
	Race/Ethnic Origin
GAO Report	Majority of runaway and homeless youth were Caucasian, non-Hispanic.
Alaska	60% of runaway and homeless youth estimated to be Caucasian

Conclusions:

- * **The problems of runaway and homeless youth in Alaska have not significantly changed since last year.**
- * **The numbers of runaway and homeless youth have remained basically constant over the past year, with some community-specific increases.**
- * **No decreases in the numbers of runaways or homeless youth were reported by any community.**
- * **Comparison of Alaska's data to national statistics indicates Alaska's youth run at a greater rate in proportion to their overall population and at a younger age than youth nationally.**
- * **Alaska's youth are homeless at a greater rate in proportion to their overall population than youth nationally.**

COMMUNITY PROGRESS REPORTS

Mat-Su

The Mat-Su community established a formal core group called The Children's Services Task Force to deal only with runaway and homeless youth issues. The group developed a set of by-laws, appointed a Board of Directors, and amassed a general membership of over 40 agencies. The Task Force has been remarkably active and is well supported by its members. The Task Force submitted a grant for Federal Runaway and Homeless Youth funds and developed a plan for a state legislative pilot program. As a result of the Children's Services Task Force's hard work and success, they presented a workshop on "The Strategies for Community Program Development in Alaska" at the October 1992 conference. The goals the Mat-Su conference participants identified for the upcoming year are:

- * Establish a physical shelter with comprehensive services
- * Enhance public relations throughout the community

Anchorage

Anchorage participants who attended the 1991 conference reported the following accomplishments as a result of their attendance at that conference:

- * Completed an updated Agency Resource Manual for the area and the state
- * Met with the Mat-Su Rotary Club
- * Assisted the Mat-Su Community Task Force in preparing a grant

There was an increase in service to runaway youth due to:

- ** 3 additional beds added to the Alaska Youth and Parent Foundation program
- ** Improvements in programs at Covenant House

A core group to address only runaway and homeless youth issues was not established in Anchorage during the past year; however, prior to the conclusion of this conference, the Anchorage participants formed a working group which will determine if enough interest and commitment exists to form a core group. A meeting place and time have been set and a facilitator selected. Areas to be addressed during the upcoming year are:

- * Determine the communities' commitment to addressing runaway and homeless youth issues
- * Establish a core group for runaway and homeless youth if commitment exists
- * Data collection - how to track the number of runaway and homeless youth
- * Consistency of data collection across agencies statewide

Kodiak

After the initial conference last year, participants united to establish a core group that focused specifically on runaway and homeless youth issues. Although more people attended the initial meeting than have remained on the task force, the task force continues to meet monthly and has a diverse representation of community members. Their last meeting included staff from a local senator's office. Kodiak participants concluded that they need to become more formally organized. They plan to write a mission statement and follow the organizational plan that has been so successful in the Mat-Su community. Issues of concern include:

- * Runaways are younger - average age is estimated to be 13
- * Use of cocaine has increased among youth
- * Perceived DFYS practice of picking up youth age 15 and under but not youth age 16 and over

Fairbanks

There is a shelter for runaway and homeless youth in Fairbanks, and participants reported the number of runaways in the Fairbanks area to be about the same as indicated last year. However, the number of youth served at the shelter has increased about 33% over the past year. Fairbanks participants identified the following goals for next year:

- * Establish a task force involving agencies and individual community members
 - ** The Fairbanks Native Association was designated sponsor
 - ** First meeting was scheduled for January 1993
- * Increase community awareness of the runaway and homeless youth problem
- * Compile accurate data
- * Identify all resources

Kenai Peninsula Borough

Homer

There is a diverse core group with representation from area churches, the City Planning Department, and local businesses. The core group meets monthly and is incorporated under Catholic Social Services. A Homeless Coalition also exists.

Kenai/Soldotna

The Kenai Interagency Team and Social Services Task Force has continued to meet regularly this past year. Area legislators remain involved with the runaway and homeless core groups throughout the Kenai Peninsula Borough.

- * The Kenai area continues to see more runaway females than males

Goals for next year are:

- * Acquire a shelter
- * Generate public awareness of the runaway and homeless youth problems
- * Broaden the focus and involvement of the Homeless Coalition

Southeast Alaska

Juneau

There is no core group in Juneau that is concerned only with runaway and homeless youth issues but numerous groups deal in part with them. A multi-disciplinary team meets on a regular basis and reviews broad issues affecting the juvenile population. Their immediate emphasis is on completing a comprehensive service plan for youth. Issues to be addressed include:

- * Seeing more hard drug use, i.e. heroin in the high school
- * Dealing with youth whose parents are addicted to drugs
- * Encountering more gay and lesbian youth
- * Teen health cards distributed with phone numbers of services
- * Health clinic located on site at the Juneau-Douglas High School
- * Runaway shelter continues operation

Ketchikan

There were no participants from Ketchikan at the Runaway Conference held in 1991. During this past year, however, an emergency shelter program has been established in the Ketchikan community which can serve runaway youth. Conference participants identified the following goals for Ketchikan:

- * Consolidate fragmented service groups into a core group
- * Model core group after the Mat-Su Children's Services Task Force
- * Keep the shelter open

Rural Alaska

- * Inhalant abuse has increased

CRITICAL ISSUES AND BARRIERS

Conference participants identified the following common critical issues and barriers that hinder their efforts in providing adequate services to the runaway and homeless youth population:

- Federal runaway and homeless youth funding is based on population
- State per capita allocations are uneven - Alaska has a higher cost per capita for services than other states
- 10% cut in state funding
- Alaska statutes and DFYS policy are unclear regarding runaway and homeless youth - responsibilities are unclear
- Lack of legislative avenues
- Need for public awareness
- Lack of accurate data
- Difficulty in providing service to runaway and homeless youth whose basic needs are going unmet

CONCLUSION

From the information shared at the conference, it is apparent that, over the past year, individual communities have to varying degrees taken action to deal with the runaway and homeless youth issues facing them. It is also clear that additional services for runaway and homeless youth are still needed across the state to address this segment of Alaska's population. Conference participants identified a need for adequate and geographically relevant resources, additional funding allocations, and more shelters. There was a common request from communities for clarification of DFYS policy regarding runaway and homeless youth. Participants were particularly concerned about vulnerable youth who do not receive services and the perceived lack of legal recourse for those youth who refuse services. The overall desire of conference participants was to make the system easier to serve youth in need.

Alaskans must not let the momentum of this grassroots movement wane. Strategies must be continually developed and refined to support the network of people dedicated to improving the plight of runaway and homeless youth.

CONSULTANT RECOMMENDATIONS

In order to have a positive impact on the delivery of services to the runaway and homeless youth population in Alaska, efforts should be focused in the following four areas:

- Development of a statewide data management information system for runaway and homeless youth. This may best be addressed at the state level through cooperative efforts between the Department of Health and Social Services and the Department of Public Safety, which currently enters reports of missing children into a computerized data system.
- Clarification of DFYS policy on runaway and homeless youth.
- Continue community and state planning on runaway and homeless youth needs. A dialogue concerning local service needs and how the state can and does support them should be on-going.
- Need for public education. Myths about why youth run away must be replaced with accurate information and a true representation of the "real life" issues affecting this population.

TARGET POPULATION PLANNING

THE GOAL: To create specific action plans to implement a continuum of care for an identified target population.

A STEP-BY-STEP PLANNING PROCESS

The steps to creating an action plan are:

- 1) **Describe the target population:** It is critical that a description of the affected target population be clearly established before other planning tasks are undertaken. The population description should be detailed as possible; and include specific demographic and social history information.
- 2) **Define desired outcomes:** Desired client outcomes must be established before policies and programs can be developed. In other words: you've got to know where you are going before you can decide how to get there.
- 3) **Develop a continuum of care:** This step states the needs of the target population in light of the desired outcomes. It then defines the types of services, programs and policies that will effectively meet those needs.
- 4) **Examine existing services and policies:** This phase of the process will establish which programs currently serve the target population and the extent to which they assist participants to reach the outcomes established. Current policies and practices that affect the population/problem should also be examined.
- 5) **Develop detailed new program designs and policy changes:** Service needs are the apparent difference between the ideal system and the existing system. In this stage of the process, changes to or enhancement of existing programs will be specified, outlines of new programs developed, changes in policy and practice delineated, and referral and coordination strategies negotiated. Rationales for each change or addition should relate to the needs of the target population.
- 6) **Action plan:** The action plan will detail the steps needed to implement the system of services for the target population. It may include interagency agreements to be finalized, commitments by funders to issue RFP's, an advocacy strategy on behalf of the proposed system, suggestions for ways that policy or practice changes should be achieved, or a list of grant applications to be submitted.

ESSENTIALS OF PLANNING FOR THE NEEDS OF CHILDREN, YOUTH AND FAMILIES

1. Know what the plan is trying to accomplish. Who is the audience for the plan and what are they expecting to do with it?
2. Who is affected by the goals of the plan? Who will have an interest in the plan's implementation? These individuals or groups should be included in the development of the plan.
3. Include all participant groups at the same decision making level whenever possible.
4. Include clients and consumers of service in the planning process where appropriate.
5. Agree to all the planning process before the work begins. Stay with the planned process unless changes are necessary to achieve the goal of the planning process. Agree on where you are going (what the outcome will be) before you determine how to get there (planning the needed services).
6. Use a neutral facilitator. Their role is to guide the group, insuring the established process is followed, allowing the group to fully participate.
7. Consider that facilitators may also provide staff support - doing follow contacts with people not present at meetings; writing draft plans; providing coordination of planning efforts, etc.
8. Delegating staff support functions to one agency or person can make the process run more smoothly.
9. Welcome disagreement, be honest and challenge established ways of doing things. Allow differences to be "put on the table" to prevent sabotaging an open inclusive process.
10. Stay away from planning around concepts-----plan around client needs. Avoid words like "prevention", "intervention", and "treatment". They often have different meanings in different contexts. Describe behaviors to determine service needs.
11. Acknowledge that certain individuals involved in the process have special interests, prerogatives and responsibilities based on their position in their organization.
12. Dedicate time to actively develop trust within the planning group. Trust is a key ingredient in any planning process.

13. Acknowledge that all participants in the planning process are there because they care about the client population, kids. Also acknowledge that everyone has special self-interests.
14. Guide the group from "position based" bargaining in which participants state their "bottom line" outcomes early in the process to concentrating on "issues", i.e.: the concerns that people have and why they have them
15. Establish an agreed upon method to monitor and implement the plan.

PREPARING AND ORGANIZING FOR TARGET POPULATION PLANNING

PREPARATION FOR PLANNING:

An initial core group/team meets to begin planning the process. Their role is:

- *Define the scope of the effort
- *Make decisions regarding the content of the plan or information to be gathered
- *Determine who will:
 - ~define the planning process (individual and/or group)
 - ~facilitate and moderate meetings
 - ~conduct research
 - ~write the final report/plan
- *Approve the final plan and recommendations

PROCESS GUIDELINES:

- *Provide an open forum, anyone can attend and extend invitations to anyone and/or group that provides services or has contact with the target population.
- *Group consensus model - everyone needs to agree on the information and process.
- *Be prepared for additional meetings and work after the initial planning day.
- *Duration: 3-6 months from initial planning meetings to written document.
- *Planning group stays together to oversee the implementation of the action plan/recommendations and to update the plan on a yearly/bi-yearly basis.

THE RESULT:

- Specific plans for the target population that include:
- *Clear definition of who is to be served and why they need services
 - *Outcomes desired for clients receiving services
 - *Description of the elements of a continuum of care for the population being planned for within the context of their community
 - *An assessment of existing services, policies and practices
 - *Identification and prioritization of service gaps
 - *Suggestions and strategies for changes in policies and/or practices
 - *Model program designs for priority services

STRENGTHS OF THIS PLANNING MODEL:

- *Develops a specific plan
- *Participants in the process will feel invested in the plan and will support it's implementation
- *Local and state funding sources will have clear direction in making resource allocations
- *Documentation of needs and the specificity of the plan has credibility with funders, increasing the opportunities for other revenue to assist in the implementation of the plan
- *Program objectives and outcome measures can be defined in the planning process thus making the evaluation of funded programs easier
- *Inclusive nature of the planning process lays the groundwork for successful coordination of services from a variety of programs, agencies and organizations in the community.

WEAKNESSES OF THIS PLANNING MODEL:

- *Those not included in the planning process may not support the implementation of the plan or it's recommendations.
- *Those who desire a more comprehensive plan (i.e., one that addresses the needs of all youth) may be frustrated by an approach that they will view as too limited.
- *It may be difficult to have consensus on which needs and/or problems should be addressed first
- *The planning process may involve a larger time investment than some interested parties are willing to make.

NORTHWEST NETWORK OF RUNAWAY AND YOUTH SERVICES

TARGET POPULATION PLANNING ORGANIZING FOR REPORT WRITING

BACKGROUND:

1. Brief discussion of the history of Homeless Youth in the community/country
 - a. Use data and information from other sources, reports, etc.
 - b. Any anecdotal information you may already have gathered
2. Why the planning group came to do this report/study?
3. Information from the burning issues segment of the planning day.

DEFINITIONS:

1. Include any definitions that are necessary for the readers of this report to understand what you are trying to demonstrate explain, etc.
 - a. Homeless youth definition that was developed.
 - b. Definitions of certain services, etc.

THE PLANNING DAY:

1. Brief description of the planning process and the days activities.
2. The purpose of the planning process:
 - a. To compile a demographic, social history and behavioral description of the communities homeless youth.
 - b. To establish desired outcomes for the communities homeless youth.
 - c. To identify the service needs of homeless youth in the community.
 - d. To identify current services, who is providing them and what the existing capacity of those programs/services are in the community.
 - e. Identify gaps in services for homeless youth and prioritize those gaps for planning strategies.
 - f. Identify strategies for improving the current service system for homeless youth in the community.

POPULATION DESCRIPTION AND DESIRED OUTCOMES:

1. Using the questions and information gathered during the planning day for the description of the population and desired outcomes.
Include:
 - a. Reasons homeless youth leave home
 - b. Where they go
 - c. Behaviors and problems of homeless youth
 - d. Numbers and other demographics
 - e. Desired outcomes

SERVICES NECESSARY TO MEET THE NEEDS OF THE COMMUNITIES HOMELESS YOUTH:

1. Discussion of what the planning group felt the needs were.
 - a. List services
 - b. Describe briefly why those services are important or were chosen
 - c. List the top five services that were chosen as a priority.
2. What program models are going to work best?

CURRENT SERVICES AVAILABLE TO THE COMMUNITIES HOMELESS YOUTH:

1. List of services currently available and what agencies are providing them.
Include:
 - a. capacity of those services?

IDENTIFICATION OF SERVICE GAPS:

1. Discussion of services that do not exist in the community that are important or were a part of the priority.
2. Discussion of services that were identified as not having enough capacity.
 - a. How much more do we need?
3. Discussion of highest priority services (top 5) and why they were chosen.

SUGGESTIONS FOR CHANGE/STRATEGIES:

1. Strategies for service needs.
 - a. local referral and service coordination

2. Strategies for changes in policy and/or practices.
 - a. state laws
 - b. local system changes
 - c. local referral and service coordination.

PARTICIPANTS LIST

AGENCIES REPRESENTED AT CONFERENCE

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Department of Education
National Runaway Switch Board
Matsu Drug Free Schools
Fairbanks Native Association/RCADA
Laural Shelter
Anchorage School District
Central Peninsula Homeless Coalition
Reading is Fundamental Inc./Washington D.C.
Homer High School
Safe Harbor
Partnership for a Health Community/Municipality of Anchorage
Matsu Council Alcoholism Drug Abuse
Parents/Foster Parents
Action for Alaska's Children
U.S. Department of Justice/Washington D.C.
Kodiak School District/Drug Free Schools
Division of Family & Youth Services/Fairbanks/Kodiak/Matsu/Anchorage/Juneau/Ketchikan
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APPENDIX

ALASKA STATUTES

TITLE 47

ALASKA RUNAWAY LAW

Sec. 47.10.141. Runaway and missing minors. (a) Upon receiving a written, telephonic, or other request to locate a minor evading the minor's legal custodian or to locate a minor otherwise missing, a law enforcement agency shall make reasonable efforts to locate the minor and shall immediately complete a missing person's report containing information necessary for the identification of the minor. As soon as practicable, but not later than 24 hours after completing the report, the agency shall transmit the report for entry into the Alaska Public Safety Information Network and the National Crime Information Center computer system. The report shall also be submitted to the missing persons information clearinghouse under AS 18.65.620. As soon as practicable, but not later than 24 hours after the agency learns that the minor has been located, it shall request that the Department of Public Safety and the Federal Bureau of Investigation remove the information from the computer systems.

(b) A peace officer shall take into protective custody a minor described in (a) of this section if the minor is not otherwise subject to arrest or detention. The peace officer shall honor the minor's preference to (1) return the minor to the legal custodian if the legal custodian consents to the return; (2) take the minor to a nearby location agreed to by the minor and the legal custodian; or (3) take the minor to an office specified by the Department of Health and Social Services, a program for runaway minors licensed by the department under AS 47.10.310, or a facility or contract agency of the department. If an office specified by the department, a licensed program for runaway minors, 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. Immediately upon taking a minor into protective custody, the officer shall advise the minor orally and in writing of the right to social services under AS 47.10.142(b), and, if known, the officer shall advise the legal custodian that the minor has been taken into protective custody.

(c) A minor may be taken into emergency protective custody by a peace officer and placed into temporary detention in a juvenile detention home in the local community if there has been an order issued by a court under a finding of probable cause that (1) the minor is a runaway in wilful violation of a valid court order issued under AS 47.10.080 or 47.10.142(f), (2) the minor's current situation poses a severe and imminent risk to the minor's life or safety, and (3) no reasonable placement alternative exists within the community. For

the purposes of this subsection, a risk may not be considered severe and imminent solely because of the general conditions for runaway minors in the community, but shall be assessed in view of the specific behavior and situation of the minor. A minor detained under this subsection shall be brought before a court on the day the minor is detained, or if that is not possible, within 24 hours after the detention for a hearing to determine the most appropriate placement in the best interests of the minor. A minor taken into emergency protective custody under this subsection may not be detained for more than 24 hours, except as provided under AS 47.10.140. Emergency protective custody may not include placement of a minor in a jail or secure facility other than a juvenile detention home, nor may an order for protective custody be enforced against a minor who is residing in a licensed program for runaway minors, as defined in AS 47.10.390.

(d) If, after investigation of a report of a missing minor, a law enforcement agency has reason to believe that the minor is involuntarily absent from the custody of a custodial parent or guardian, the department shall notify the Bureau of Vital Statistics of the disappearance and shall provide the bureau with a description of the minor. The description of the minor must include, if known, the minor's full name, date and place of birth, parent's names, and mother's maiden name. If the Department of Public Safety has reason to believe that the minor, whether born in this state or not, has been enrolled in a specific school or school district in the state, the department shall also notify the last known school or school district attended in the state by the missing minor of the disappearance. When a person who was listed as a missing minor is found, the Department of Public Safety shall notify the Bureau of Vital Statistics and any school or school district previously informed of the person's disappearance.

(e) In this section, "law enforcement agency" has the meaning given in AS 12.36.090. (§ 2 ch 42 SLA 1985; am § 3 ch 72 SLA 1988; am §§ 1, 2 ch 144 SLA 1988; am § 4 ch 202 SLA 1990)

Effect of amendments. — The first 1988 amendment inserted the next-to-last sentence in subsection (a).

The second 1988 amendment inserted "written, telephonic, or other" in the first sentence in subsection (a); in subsection (b), inserted "a licensed program for runaway minors" in the third sentence and, in the second sentence, deleted "either" following "reference to" near the begin-

ning, added "if the legal custodian consents to the return" at the end of paragraph (1), inserted present paragraph (2), and redesignated former paragraph (2) as present paragraph (3) and inserted "a program for runaway minors licensed by the department under AS 47.10.310" therein; and added subsection (c).

The 1990 amendment added subsections (d) and (e).

ALASKA STATUTES

TITLE 47

ALASKA RUNAWAY PROGRAMS

Article 4. Programs for Runaway Minors.

Section	Section
300. Powers and duties of the department	330. Notice to minor's legal custodian
310. Licensing of programs for runaway minors	340. Confidentiality of records
320. Residence in runaway minor program facilities	350. Immunity from liability
	360. Municipal powers
	390. Definitions

Sec. 47.10.280. Purpose of chapter. [Repealed, § 1 ch 152 SLA 1976. For current similar provisions, see AS 47.05.060.]

Sec. 47.10.300. Powers and duties of the department. The department shall

(1) review, inspect, and approve or disapprove for licensing proposed or established programs for runaway minors to ensure the health and safety of minors in the program;

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

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

(4) submit to the legislature and governor each January a report on programs for 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 licensed programs for runaway minors and by the department. (§ 4 ch 144 SLA 1988)

Collateral references. — 42 Am. Jur.
2d, Infants, §§ 14-17.
43 C.J.S., Infants, §§ 9, 10.

Sec. 47.10.310. Licensing of programs for runaway minors.

(a) A person may not operate a program for runaway minors in the state without a license issued under this section. A person who violates this subsection is guilty of a violation.

(b) The department may license 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 or a municipality; and

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

(c) 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 47.17.290, or whom an employee of the program has cause to believe 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 best interest 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 18 years of age shall be segregated from residents who are 18 years of age or older.

(d) A program for runaway minors may provide services for the protection of the health and welfare of a person under 21 years of age who is in need of the services and who is without a place of shelter in which supervision and care of the person are available. (§ 4 ch 144 SLA 1988)

Sec. 47.10.320. Residence in runaway minor program facilities. A runaway minor may maintain residency for a period not exceeding 45 days at a facility operated as part of a licensed program for runaway minors. The minor may maintain residency without the consent of the person or agency having custody of the minor, except that if the court has ordered the minor committed to the custody of the department, written consent of the department is required. The residency may be extended for an additional period of 45 days with the written consent of the person or agency having custody of the minor. A minor may not maintain residency beyond the 90th day following admission to a licensed program for runaway minors without the written consent of the person or agency having custody of the minor and the written consent of the department. (§ 4 ch 144 SLA 1988)

Sec. 47.10.330. Notice to minor's legal custodian. (a) The director of a program for runaway minors shall make a good faith effort to notify a minor's legal custodian as soon as possible, but in no event more than 48 hours after the minor is admitted to the program, unless there are compelling circumstances that justify withholding notice. The notice must describe the minor's physical and emotional condition and the circumstances surrounding the minor's admission to the program.

(b) The director of a program for runaway minors shall promptly notify a minor's legal custodian if the minor is released from the program into the custody of a person other than the legal custodian or a person representing the legal custodian. (§ 4 ch 144 SLA 1988)

Sec. 47.10.340. Confidentiality of records. Records of a licensed program for runaway minors that identify a minor who has been admitted to or has sought assistance from the program are confidential and are not subject to inspection or copying under AS 09.25.110 — 09.25.120, unless

(1) after being informed of the minor's right to privacy, the minor consents in writing to the disclosure of the records;

(2) the records are relevant to an investigation or proceeding involving child abuse or neglect or a child in need of aid petition; or

(3) disclosure of the records is necessary to protect the life or health of the minor. (§ 4 ch 144 SLA 1988)

Sec. 47.10.350. Immunity from liability. (a) The officers, directors, and employees of a licensed program for runaway minors are not liable for civil damages as a result of an act or omission in admitting a minor to the program.

(b) This section does not preclude liability for civil damages as a result of recklessness or intentional misconduct. (§ 4 ch 144 SLA 1988)

Sec. 47.10.360. Municipal powers. Authority to establish and operate a licensed program for runaway minors is granted to municipalities that do not otherwise have that authority. (§ 4 ch 144 SLA 1988)

Sec. 47.10.390. Definitions. In AS 47.10.300 — 47-10.390

(1) "licensed program for runaway minors" means a residential or nonresidential program licensed by the department under AS 47.10.310;

(2) "runaway minor" means a person under 18 years of age who
(A) is habitually absent from home;
(B) refuses to accept available care;
(C) has no parent, guardian, custodian, or relative able or willing to
provide care; or
(D) has been physically abandoned by
(i) both parents;
(ii) the surviving parent; or
(iii) one parent if the other parent's rights and responsibilities have
been terminated under AS 25.23.180(c) or AS 47.10.080 or voluntarily
relinquished. (§ 4 ch 144 SLA 1988)

ALASKA STATUTES

TITLE 18

ALASKA MISSING PERSONS CLEARINGHOUSE

Article 7. Missing Persons Information Clearinghouse.

Section	Section
600. Missing persons information clearinghouse	640. Reports upon finding a missing person
610. Duties of missing persons information clearinghouse	650. Civil penalty
620. Duty of law enforcement agencies	660. Definition
630. Medical and dental records of missing persons	

Sec. 18.65.600. Missing persons information clearinghouse. There is in the Department of Public Safety the missing persons information clearinghouse. (§ 1 ch 72 SLA 1988)

Sec. 18.65.610. Duties of missing persons information clearinghouse. (a) The missing persons information clearinghouse is established as a central repository of information regarding missing persons.

(b) The clearinghouse shall

(1) establish within the state a system and appropriate procedures for communication of information regarding missing persons;

(2) collect, maintain, and disseminate accurate and complete information on missing persons for the purpose of identifying, locating, and returning them;

(3) provide for exchange of information on missing persons within the state;

(4) cooperate with private citizens, local law enforcement agencies, and other state and federal agencies in investigations concerning missing persons;

(5) provide training and assistance to law enforcement agencies to promote effective use of the clearinghouse. (§ 1 ch 72 SLA 1988)

Sec. 18.65.620. Duty of law enforcement agencies. In addition to the requirements of AS 47.10.141 regarding reports of missing minors, a local or state law enforcement agency shall submit to the clearinghouse all missing person reports received by the law enforcement agency that relate to a person who is not located within 48 hours after the first report concerning that person was filed. (§ 1 ch 72 SLA 1988)

Sec. 18.65.630. Medical and dental records of missing persons. (a) When a person files a report of a missing person with a law enforcement agency or with the clearinghouse, a form authorizing the release of medical and dental records to the law enforcement agency and to the clearinghouse shall be supplied to the family, next of kin, or legal guardian of the missing person. The family, next of kin, or legal guardian of the missing person may complete the release form and deliver the release form to the physician or dentist of the missing person. The physician or dentist who receives a release form signed by the family, next of kin, or legal guardian of the missing person shall release to the law enforcement agency and the clearinghouse only that information that is necessary to identify the missing person.

(b) When the family, next of kin, or legal guardian of a missing person cannot be located or does not exist, a law enforcement agency may execute a written declaration stating that an active investigation is being conducted and that medical and dental records are required for the exclusive purpose of furthering the investigation. Notwithstanding AS 09.25.120 and AS 17.30.155, the declaration signed by a peace officer under this subsection is sufficient authority for the physician or dentist to release information necessary to aid in the identification of the missing person. The physician or dentist may only release that information that is necessary to identify the missing person.

(c) Medical and dental records obtained under this section shall be provided to the clearinghouse.

(d) When a missing person is found, the law enforcement agency and the clearinghouse shall destroy all records in their files obtained under this section. (§ 1 ch 72 SLA 1988)

Sec. 18.65.640. Reports upon finding a missing person. A person who has filed a missing person report with the clearinghouse or a law enforcement agency shall immediately notify the clearinghouse or the law enforcement agency when the location of the missing person is determined. (§ 1 ch 72 SLA 1988)

Sec. 18.65.650. Civil penalty. The commissioner of public safety, or a person designated by the commissioner of public safety, may file a civil complaint in the district court to enforce AS 18.65.640. A person who fails to comply with AS 18.65.640 is subject to a civil fine of not more than \$1,000. (§ 1 ch 72 SLA 1988)

Sec. 18.65.660. Definition. In AS 18.65.600 — 18.65.660 "clearinghouse" means the missing persons information clearinghouse established in AS 18.65.600. (§ 1 ch 72 SLA 1988)



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Sectional Analysis

HCS SB 45 (JUD)

Section 1:

Summarizes the general purposes and intent of SB45.

Section 2-7.

These sections amend the code of civil procedure relating to actions to remove the disabilities of minority. Under current law, a minor can get court approval to have the responsibilities and powers of an adult for either general purposes or for a specific purpose. The changes in these sections would allow the legal custodian of a minor to file a petition to remove the disabilities of the minor. Formerly, only the minor could file such a petition.

Requires the court to find that if petitioner is the legal custodian, rather than the minor, the legal custodian and the minor must have been unable to resolve an interpersonal conflict by other means. Also requires the court to consider whether a non custodial parent is willing and able to petition for custody of the child.

Section 8.

The substantive effect of all the changes in this section is to raise from 16 to 18 the age of minors covered by the statute that makes it a crime to contribute to the delinquency of a minor by encouraging the minor to be absent from the custody of parents or other custodians. Exceptions are made for minors for whom the disabilities of minority have been removed and for persons who aid runaway minors by keeping them in a "safe home."

Section 9.

This section is a technical amendment made necessary by the amendments to AS 11.51.130(a) under sec 9 of this bill.

Section 10.

This section, relating to working hours is self-explanatory.

Section 11.

This section provides immunity to the state and to agencies that designate runaway shelters for the acts of a minor in a shelter for runaways..

Section 12.

Substantially revises and extends the key juvenile detention/incarceration provision of current statutory law, AS 47.10.130.

Proposed AS 47.10.130(a) establishes an explicit prohibition against incarceration of a minor in a correctional facility.

Proposed AS 47.10.130(b) carries forward without change language of the current statute assigning responsibility for notification of the minor's parent(s), guardian(s), or custodian(s) of the minor's detention.

Proposed AS 47.10.130(c) sets out three exceptions to the general prohibition against a minor's incarceration in a correctional facility:

- (1) minors adjudicated delinquent or held in official detention pending filing of a delinquency adjudication petition, the incarceration not to exceed six hours or the time necessary to arrange other transportation, whichever is shorter;
- (2) minors held pending prosecution as an adult; and
- (3) minors held in protective custody, that is, held because they are intoxicated or incapacitated by alcohol.

Proposed AS 47.10.130(d) places conditions and limitations on the holding of minors who are placed in correctional facilities under the exceptions of sec. 130(c)(1) (temporary detention pending transportation) or 130(c)(3) (protective custody detention). Those conditions and limitations include assignment to quarters separate from adults and provision of necessary services separate from the services that are provided to adults held in the correctional facility.

Proposed AS 47.10.130(e) recognizes weather related and similar delays beyond the control of the custodian by allowing an extension of the holding of a minor in temporary detention pending transportation beyond the six hour maximum in limited circumstances. At the same time, the subsection imposes specific duties on the person having responsibility for the minor's detention to document the reason for the extension and to advise the pertinent parties of the delay in transportation.

Proposed AS 47.10.130(f) authorizes extension of the holding of the minor in temporary detention pending transportation only so long as necessary to complete the necessary transportation arrangements for the minor.

For minors held in protective custody, proposed AS 47.10.130(g) directs that the parameters of treatment and detention that are set out in AS 47.37.170(i) are made applicable to minors so held.

Section 13.

This section allows a peace officer to take a minor who is in protective custody to a shelter for runaways that agrees to shelter the minor. The officer shall use his/her discretion as to where the minor should be taken. This section also requires the officer to inform the minor's custodian that counseling services may be available through the Department of Health and Social Services.

Section 14.

This section requires the Department of Health and Social Services to offer available counseling services to the custodian of a runaway minor (and to the custodian's household) before the department may take emergency custody of the minor.

Section 15.

Requires that the Department of Health and Social Services, within 12 hours of when they are notified, notify parents or custodian of a child that is in a program for runaway minors or a shelter for runaway minors.

Section 16.

Makes correlative changes to a juvenile detention statute, AS 47.10.190. (relates to section 12)

Section 17.

Requires a program for runaway children to promptly inform the Department of Health and Social Services if a child is evading the custody and supervision of the department, or his/her legal custodian.

Section 18.

Immunity from criminal liability for certain acts for employees of licensed programs for runaway minors.

Section 19.

Requires certificate for "shelters for runaways."

Provides operating and notification requirements for "shelters for runaways."

Provides that the records of shelters for runaways be confidential.

Provides immunity from liability for operators of "shelters for runaways."

Defines "runaway minor" and "shelters for runaways."

Section 20.

This section provides that a person may not represent a home as a "shelter for runaway minors" unless the person has the appropriate permit.

Section 21.

This section directs DHSS to adopt regulations under the which a nonprofit corporation may apply for a license to designate and supervise safe homes for runaway minors. The regulations must include health and safety standards for the homes. Upon notification by a licensed agency, DHSS will provide a permit to the designated homes.

Section 22.

This section requires that an agency may not designate safe homes unless licensed to do so by DHSS.

Section 23.

This section defines "runaway minor" and "shelters for runaways"

Section 24.

This section repeals a notice requirement that is replaced in sections 17 and 15 of the bill.

House CS for CS for SB 45 (JUD)

For An Act Entitled: "An Act relating to persons under 21 years of age; relating to programs for runaway minors; providing for designation of shelters for runaway minors; relating to the detention and incarceration of minors."

Background

HCSCSSB45 (JUD) speaks to a wide range of issues concerning the liberty of minors. This legislation is primarily directed at the problem of runaway children and the practice of confining minors in adult correctional facilities, jails and rural lock-ups.

Early on in statehood the legislature passed a "runaway minor" law that allowed the incarceration of minors in state-operated youth facilities (detention). This practice was based on the belief that society had an obligation to guide and control the behavior of its youth and society had the right to use the means necessary to carry out this responsibility.

Congress enacted legislation known as the Juvenile Justice and Delinquency Prevention Act (JJDP Act) of 1974, which in part prohibits the incarceration of runaway minors and the incarceration of minors in adult correctional facilities. At that time Congress discovered that "locking up" minors caused further emotional/psychological damage to already troubled youth. In addition, the JJDP Act of 1974 made formula grant funds available to states to assist them in meeting the mandates of the Act and improving their state juvenile justice system. Alaska has participated in this Formula Grant program since 1976.

In 1976, Alaska repealed its "runaway law", which brought the practice of "locking up" runaway minors to an end but continued the practice for minors charged with criminal type offenses.

Under current statute AS 47.10.141(b) a peace officer has the authority to take protective custody of a runaway minor and offer the minor a choice of services.

Community and parent groups have become increasingly frustrated with the lack of intervention services offered to runaway minors. The sponsor of this bill brought forward these concerns in an effort to seek solutions.

The department has participated in the process of finding solutions by conducting statewide runaway and homeless youth conferences, and

POSITION PAPER

STATE OF ALASKA ★ DEPARTMENT OF HEALTH & SOCIAL SERVICES

networking with national, state and local agencies.

This bill represents an important step in efforts towards determining long range solutions for the problems of runaway minors and the incarceration of minors in adult correctional facilities.

Analysis/Program Impact

The "runaway problem" in Alaska is a complex family problem which is not completely understood. The department has very limited funds available for services to runaway and homeless minors. The shelter home concept described in this bill would offer a needed safe alternative placement to runaway youth and allow those persons who want to perform a community service some liability protection. These shelters are needed most in smaller rural communities of the state that lack the non-profit services of the larger metropolitan areas.

As to the practice of incarcerating minors in adult correctional facilities, the Juvenile Justice and Delinquency Act of 1974, as amended, calls for its elimination.

Alaska has been a participant in the formula grant program offered under the U.S. Department of Justice through the Office of Juvenile Justice and Delinquency Prevention (OJJDP) since 1976 and receives the minimum annual allocation of \$325,000. Acceptance of these funds has obligated the state to improve its juvenile justice system and comply with the requirements of the Act.

Since 1989, Alaska has had to seek waivers to receive this formula grant funding because we have been unable to meet the OJJDP standards addressing the removal of youth from adult jails and lockups. On March 2, 1993 the Division received its 1991 Federal funding on its third and final waiver request. Accompanying that award was a letter sent to Governor Hickel from John Wilson, Acting Director of the Office of Juvenile Justice and Delinquency Prevention in which he advised " that Alaska's eligibility for FY 1992 Formula Grant Funds will almost certainly depend upon Alaska's success in passing legislation that would require the elimination of all incidents of the secure detention of status and nonoffender juveniles in adult jails and lockups." Passage of this legislation would show continued good faith efforts towards meeting the requirements of the JJDP Act and may be a contributing factor for OJJDP to find us eligible to receive future formula grant awards. The amount available in FFY 93 and FFY 94 is \$343,658 and it is slated to increase to \$600,00 in FFY 95.

Alaska has used most of these grant funds to establish ten small Non-Secure

POSITION PAPER

STATE OF ALASKA ★ DEPARTMENT OF HEALTH & SOCIAL SERVICES

Attendant shelter programs serving twelve Alaska communities. These shelters are established for the narrowly defined purpose of providing an alternative for the practice of placing minors in adult jails. In FY 93, 440 youth were served under this program who may have otherwise been placed in adult jails or lockups. The Non-Secure Attendant shelter model has been Alaska's most effective approach in attempting to comply with the jail removal requirement of the JJDP Act.

Without the continuation of this federal funding the critical basic programs which these Federal funds previously supported would be destroyed and our efforts to meet the requirements of the JJDP Act seriously impeded. Without this grant revenue the department would be forced to cease funding the Non-Secure Attendant Shelter programs and the annual compliance monitoring of jails, detention facilities, correctional facilities and non-secure facilities to insure the mandates of the Act are being met. The only other option would be for legislators to add state general funds to the department budget to continue these programs.

HCSCSSB45 (JUD) prohibits the confinement of youth in adult lock-ups, jails and correctional facilities except under special circumstances. Enactment of this legislation would demonstrate Alaska's intent to meet the requirements of the Juvenile Justice and Delinquency Prevention Act of 1974, as amended.

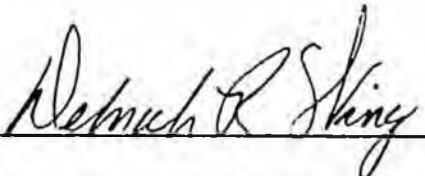
DEPARTMENTS POSITION

The department strongly supports the provisions of this bill that establish shelter homes, and restrict the use of adult correctional facilities for the incarceration of minors.

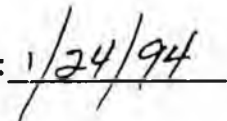
The department stands in a neutral position on the other provision of the bill as they are not clearly within the jurisdictional boundaries of the department.

The enactment of the shelter home provision and the jail removal provision will greatly assist the department in its mission to meet the health and safety needs of Alaska's youth.

Recommended:



Date:



Deborah R. Wing, Director
Division of Family & Youth Services

POSITION PAPER

STATE OF ALASKA ★ DEPARTMENT OF HEALTH & SOCIAL SERVICES

Approved: Margaret R. Lowe Date: 1-25-94

Margaret R. Lowe M. Ed., Ed. S.
Commissioner
Department of Health and Social Services



ALASKA STATE LEGISLATURE

SENATOR RANDY PHILLIPS
SENATE DISTRICT L

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CHAIR
Legislative Budget & Audit
Community & Regional Affairs

VICE-CHAIR
Transportation

MEMBER
Alaska Commission on
Postsecondary Education

Sponsor Statement

TO: Representative Ron Larson, Co-Chair
Representative Eileen MacLean, Co-Chair
House Finance Committee

FROM: Senator Randy Phillips *REP*

DATE: February 7, 1994

RE: HCS for Senate Bill No. 45 (JUD)
"An Act relating to persons under the age of 21; providing for designation of shelters for runaway minors; relating to the detention and incarceration of minors and providing for an effective date."

According to the Alaska Department of Health and Social Services, over 3,500 youth runaway from home each year in Alaska. Many of these youths end up on the streets or in the homes of exploitive adults where they engage in prostitution, drug trafficking and property crimes to support themselves.

Senate Bill 45 was proposed as a means of addressing the growing problem of "runaway" children in Alaska, the inability of parents to deal with these children under existing laws and the inability of the state and local governments to protect these children. Under current law, a runaway minor can choose whether or not to allow a peace officer to return them to their parents. Senate Bill would require the peace officer to return a minor to his/her parents or legal guardian, unless there is evidence that the minor has been abused. Senate Bill 45 changes several statutes relating to persons under the age of 21 as well as providing a mechanism for the licensing of "safe homes".

Senate Bill 45 changes the definition of contributing to the delinquency of a minor. Current statute provides that a person over the age of 19 may not aid, induce, cause or encourage a child under the age of 16 to be absent from the custody of a parent, guardian. Senate Bill 45 would raise that age from 16-18.

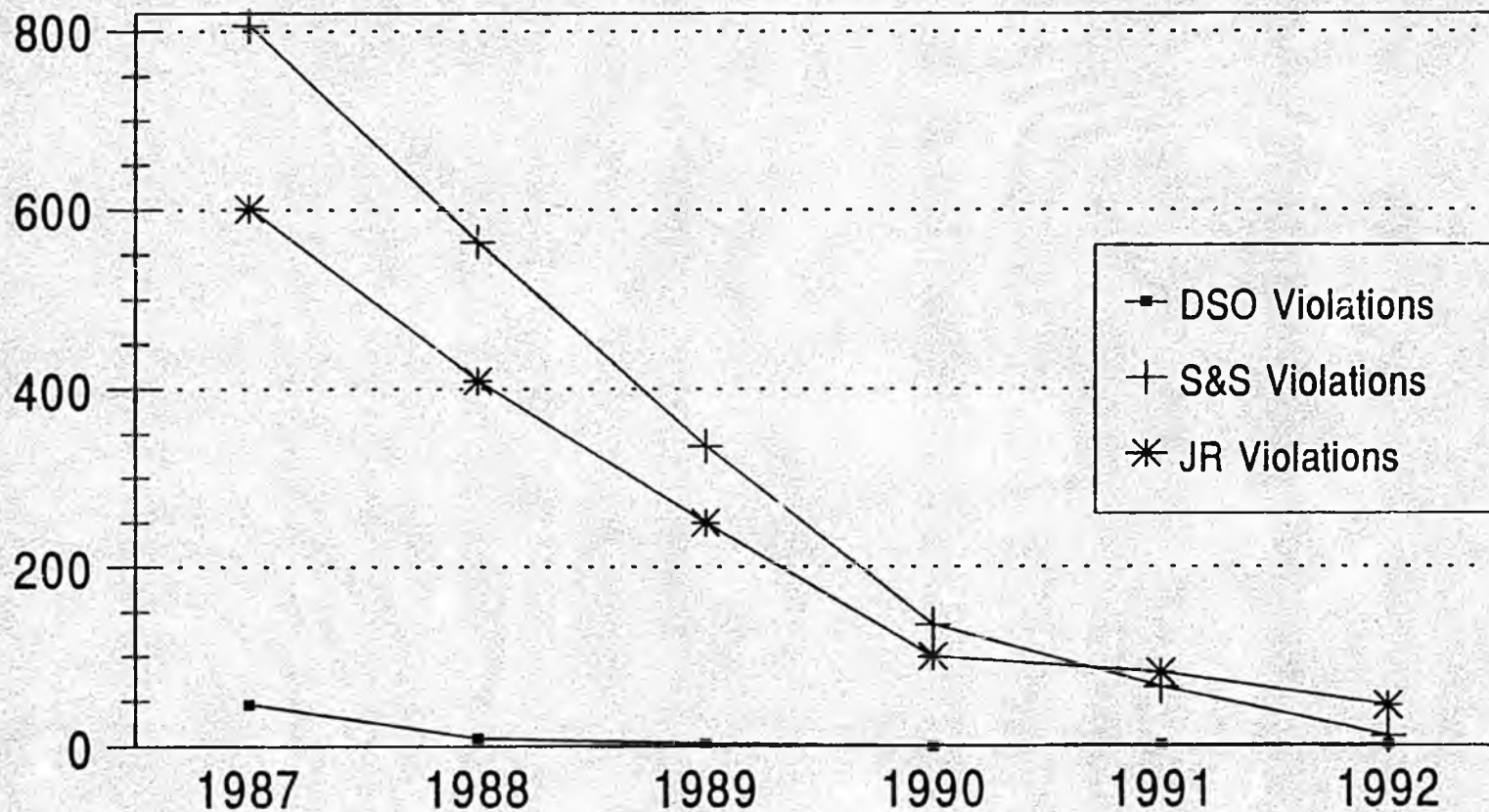
Senate Bill 45 prohibits an unemancipated minor from working after 10:00 pm on school nights or 9:00 pm. if the minor is under the age of 16.

Senate Bill 45 allows the parents of a minor child to file an emancipation petition with the court on behalf of a minor. The purpose of this provision is to allow parents that cannot compel a child to remain in their custody and control, to initiate the process that would make the child solely accountable for his or her actions. It requires that a parent show that they have taken steps to work with their child before a minor can be emancipated. It also allows the court to consider the ability and willingness of a noncustodial parent to petition for custody.

Sections 12 and 16 of the bill bring state law on detention and incarceration of minors into compliance with federal laws. This provision is necessary in order for the State of Alaska to continue to receive federal grant funds for youth shelters.

JJDPA VIOLATIONS

(Source UAA Monitoring Reports)



DSO Violations	46	9	3	0	2	2
S&S Violations	806	564	336	135	65	11
JR Violations	601	409	249	99	81	44



HOUSE CS FOR CS FOR SENATE BILL NO. 45()
IN THE LEGISLATURE OF THE STATE OF ALASKA
EIGHTEENTH LEGISLATURE - SECOND SESSION

BY

Offered:

Referred:

Sponsor(s): SENATORS PHILLIPS, Halford, Kelly, Miller, Leman, Sharp

REPRESENTATIVE Kott

A BILL

FOR AN ACT ENTITLED

1 "An Act relating to persons under 21 years of age; relating to programs for
2 runaway minors; providing for designation of shelters for runaway minors; and
3 relating to the detention and incarceration of minors."

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

5 * Section 1. LEGISLATIVE INTENT AND PURPOSE. (a) It is the intent of the
6 legislature that the Department of Health and Social Services encourage properly qualified
7 private citizens to seek designation of their homes as shelters for runaway and homeless
8 minors.

9 (b) It is the intent of the legislature that nothing in secs. 2 - 7 of this Act be construed
10 to subject an emancipated person to all liabilities of citizens of full age except those provided
11 in the proceeding held for the minor under AS 09.55.590.

12 (c) The purpose of secs. 11 and 15 of this Act is to conform state law and policy
13 relating to the confinement of children to the requirements of 42 U.S.C. 5633(a)(13) and (14)
14 (Juvenile Justice and Delinquency Prevention Act of 1974, as amended), taking into

1 consideration the dislocations that may arise from distance, weather, and lack of means to
2 transport minor children to suitable places for the care and custody of minors.

3 * Sec. 2. AS 09.55.590(a) is amended to read:

4 (a) A minor who is a resident of this state and is at least 16 years of age, who
5 is living separate and apart from the parents or guardian of the minor, capable of
6 sustained self-support and of managing one's own financial affairs, or the legal
7 custodian of such a minor, may petition the superior court to have the disabilities of
8 minority removed for limited or general purposes.

9 * Sec. 3. AS 09.55.590(b) is amended to read:

10 (b) A minor or the legal custodian of a minor may institute a [THIS] petition
11 under this section in the name of the minor.

12 * Sec. 4. AS 09.55.590(c) is amended to read:

13 (c) The petition for removal of disabilities of minority must state [:]
14 (1) the name, age, and residence address of the minor [PETITIONER];
15 (2) the name and address of each living parent;
16 (3) the name and address of the guardian of the person and the
17 guardian of the estate, if any;
18 (4) the reasons why removal would be in the best interest of the minor
19 [CHILD]; and
20 (5) the purposes for which removal is sought.

21 * Sec. 5. AS 09.55.590(d) is amended to read:

22 (d) The person who institutes a petition under this section [PETITIONER]
23 must obtain the consent of each living parent or guardian having control of the person
24 or property of the minor [PETITIONER]. If the person who is to consent to the
25 petition is unavailable or the whereabouts of that person are unknown, or if a parent
26 or guardian unreasonably withholds consent, the court, acting in the best interest of the
27 minor [PETITIONER], may waive this requirement of consent as to that parent or
28 guardian.

29 * Sec. 6. AS 09.55.590(e) is amended to read:

30 (e) The court may appoint an attorney or a guardian ad litem to represent the
31 interests of the minor [PETITIONER] at the hearing. Appointment of an attorney or

1 guardian ad litem shall be made in accordance with AS 25.24.310.

2 * Sec. 7. AS 09.55.590(f) is repealed and reenacted to read:

3 (f) If the petition under this section is filed by a minor, the court may remove
4 the disabilities of minority as requested in the petition if the court finds on the record
5 after a hearing that the minor is a resident of the state, at least 16 years of age, living
6 separate and apart from the parent or guardian of the minor, and capable of sustained
7 self-support and managing the minor's own financial affairs. If the petition under this
8 section is filed by the legal custodian of a minor, the court may remove the disabilities
9 of minority as requested in the petition only if the minor consents on the record to the
10 removal of disabilities and the court, in addition to making the other findings required
11 under this subsection for a petition filed by a minor, makes a finding on the record that
12 there is interpersonal conflict involving the legal custodian and the minor that the
13 custodian and the minor have been unable to resolve satisfactorily through other
14 means; the finding must include a description of the efforts that were made by the
15 legal custodian to resolve the interpersonal conflict before the custodian filed the
16 petition under this section. If the court determines that removal of disabilities is in the
17 best interests of the minor, the court may waive the requirement for the minor's
18 consent that is otherwise imposed under this subsection. In making its decision under
19 this subsection, the court may consider whether a noncustodial parent of the minor is
20 able and willing to petition for custody of the minor.

21 * Sec. 8. AS 11.51.130(a) is amended to read:

22 (a) A person commits the crime of contributing to the delinquency of a minor
23 if, being 19 years of age or older or being under 19 years of age and having the
24 disabilities of minority removed for general purposes under AS 09.55.590, the
25 person aids, induces, causes, or encourages a child

26 (1) [AIDS, INDUCES, CAUSES, OR ENCOURAGES A CHILD]
27 under 18 years of age to do any act prohibited by state law unless the child's
28 disabilities of minority have been removed for general purposes under
29 AS 09.55.590:

30 (2) [REPEALED

31 (3) AIDS, INDUCES, CAUSES, OR ENCOURAGES A CHILD] under

1 18 years of age to enter or remain in the same room in a building where the unlawful
2 sale of a drug occurs unless the child's disabilities of minority have been removed
3 for general purposes under AS 09.55.590;

4 (3) [OR (4) REPEALED

5 (5) AIDS, INDUCES, CAUSES, OR ENCOURAGES A CHILD] under
6 16 years of age to be [ABSENT FROM THE CUSTODY OF A PARENT,
7 GUARDIAN, OR CUSTODIAN OR TO BE] repeatedly absent from school, without
8 just cause; or

9 (4) under 18 years of age to be absent from the custody of a parent,
10 guardian, or custodian without just cause, unless the child's disabilities of
11 minority have been removed for general purposes under AS 09.55.590 or the
12 person has immunity under AS 47.10.350(c) or 47.10.398(a).

13 * Sec. 9. AS 12.62.035(f)(1) is amended to read:

14 (1) "contributing to the delinquency of a minor" means a conviction for
15 a violation or attempted violations of AS 11.51.130(a) [AS 11.51.130(a)(1), (3), OR
16 (5)]; former AS 11.40.130; or the laws of another jurisdiction if the offense would
17 have been a crime in this state under AS 11.51.130(a) [AS 11.51.130(a)(1), (3), OR
18 (5)] or former AS 11.40.130 if committed in the state;

19 * Sec. 10. AS 34.50.020(b) is amended to read:

20 (b) A state agency or its agents, including a person working in or responsible
21 for the operation of a foster, receiving, or detention home, or children's institution, is
22 not liable for the acts of unemancipated minors in its charge or custody. A state
23 agency or an agent of a state agency, including a nonprofit corporation that
24 designates shelters for runaways under AS 47.10.392 - 47.10.399 and employees
25 of or volunteers with that corporation, is not liable for the acts of a minor
26 sheltered in a shelter for runaways, as defined in AS 47.10.399.

27 * Sec. 11. AS 47.10.130 is repealed and reenacted to read:

28 Sec. 47.10.130. DETENTION. (a) A minor may not be incarcerated in a
29 correctional facility that houses adult prisoners.

30 (b) When a minor is detained under this chapter, the person having
31 responsibility for the facility in which the minor is detained shall immediately notify

1 the minor's parent, guardian, or custodian of the minor's detention.

2 (c) Notwithstanding (a) of this section, a minor may be incarcerated in a
3 correctional facility

4 (1) if the minor is the subject of a petition filed with the court under
5 this chapter seeking adjudication of the minor as a delinquent minor or if the minor
6 is in official detention pending the filing of that petition; however, detention in a
7 correctional facility under this paragraph may not exceed the lesser of

8 (A) six hours; or

9 (B) the time necessary to arrange the minor's transportation to
10 a juvenile detention home or comparable facility for the detention of minors;

11 (2) if, in response to a petition of delinquency filed under this chapter,
12 the court has entered an order closing the case under AS 47.10.060(a), allowing the
13 minor to be prosecuted as an adult; or

14 (3) if the incarceration constitutes a protective custody detention of the
15 minor that is authorized by AS 47.37.170(b).

16 (d) When a minor is detained under (c)(1) or (c)(3) of this section and
17 incarcerated in a correctional facility, the minor shall be

18 (1) assigned to quarters in the correctional facility that are separate
19 from quarters used to house adult prisoners so that the minor cannot communicate with
20 or view adults who are in official detention;

21 (2) provided admission, health care, hygiene, and food services and
22 recreation and visitation opportunities separate from services and opportunities
23 provided to adults who are in official detention.

24 (e) Notwithstanding the limitation on detention set out in (c)(1) of this section,
25 a minor whose detention is authorized by (c)(1) of this section may be detained in a
26 correctional facility for more than six hours if transportation to a juvenile detention
27 home or comparable facility for the detention of minors is not available. The minor's
28 detention for more than six hours is authorized by this subsection only if the person
29 having responsibility for the facility in which the minor is detained

30 (1) documents the reason that transportation of the minor to a juvenile
31 detention home or comparable facility is not available; and

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(2) during the minor's detention, after learning that transportation is not available, promptly notifies the appropriate officials or employees of the department and the Alaska court system of the lack of available transportation.

(f) A detention authorized by (e) of this section may not exceed the time necessary to satisfy the requirement of (c)(1)(B) of this section.

(g) The provisions of AS 47.37.170(i) apply to a minor incarcerated in a correctional facility when authorized by (c)(3) of this section.

(h) In this section

(1) "correctional facility" has the meaning given in AS 33.30.901 whether the facility is operated by the state, a municipality, a village, or another entity;

(2) "official detention" has the meaning given in AS 11.81.900.

* Sec. 12. AS 47.10.141(b) is amended to read:

(b) A peace officer shall take into protective custody a minor described in (a) of this section if the minor is not otherwise subject to arrest or detention. Unless (c) of this section applies, the [THE] peace officer shall exercise the officer's discretion and [HONOR THE MINOR'S PREFERENCE TO] (1) return the minor to the legal custodian if the legal custodian consents to the return except that the officer may not use this option if the officer has reasonable cause to suspect that the minor has experienced physical or sexual abuse in the legal custodian's household; or (2) [TAKE THE MINOR TO A NEARBY LOCATION AGREED TO BY THE MINOR AND THE LEGAL CUSTODIAN; OR (3)] take the minor to an office specified by the Department of Health and Social Services, a program for runaway minors licensed by the department under AS 47.10.310, a shelter for runaways that has a permit from the department under AS 47.35.085 that agrees to shelter the minor, or a facility or contract agency of the department. If an office specified by the department, a licensed program for runaway minors, a shelter for runaways that will accept the minor, 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. Immediately upon taking a minor into protective custody, the officer shall advise the minor orally and in writing of the right to social services

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Leave in

1 under AS 47.10.142(b), and, if known, the officer shall advise the legal custodian that
2 the minor has been taken into protective custody and that counseling services for the
3 custodian and the minor's household may be available under AS 47.10.142(b).

4 * Sec. 13. AS 47.10.142(b) is amended to read:

5 (b) The department shall offer available counseling services to the person
6 having legal custody of a minor described in AS 47.10.141 and to the members of
7 the minor's household if it determines that counseling services would be
8 appropriate in the situation [A MINOR WHO HAS LEFT HOME AND IS
9 EVADING THE PERSON HAVING LEGAL CUSTODY OF THE MINOR MAY
10 OBTAIN THE SERVICES OF THE DEPARTMENT. THE DEPARTMENT SHALL
11 ASSESS THE SITUATION AND FURNISH THE MINOR WITH THE SOCIAL
12 SERVICES IT CONSIDERS APPROPRIATE TO PROTECT THE WELL-BEING OF
13 THE MINOR AND TO PRESERVE THE MINOR'S FAMILY LIFE IF
14 PRESERVING IT IS CONSIDERED DESIRABLE UNDER THE
15 CIRCUMSTANCES]. If, after assessing the situation, offering available counseling
16 services to the legal custodian and the minor's household, [CONSIDERING THE
17 WISHES OF THE MINOR,] and furnishing appropriate social services to the minor,
18 the department considers it necessary, the department may take emergency custody of
19 the minor.

20 * Sec. 14. AS 47.10.142(c) is amended to read:

21 (c) When a child is taken into custody under (a) or (b) of this section or when
22 the department is notified of a child's presence in either a program for runaway
23 minors under AS 47.10.300 - 47.10.390 or a shelter for runaway minors under
24 AS 47.10.392 - 47.10.399, the department shall immediately, and in no event more
25 than 12 hours later unless prevented by lack of communication facilities, notify the
26 parents or the person or persons having custody of the child. If the department
27 determines that continued custody is necessary to protect the child, the department
28 shall notify the court of the emergency custody by filing, within 12 hours after custody
29 was assumed, a petition alleging that the child is a child in need of aid. If the
30 department releases the child within 12 hours after taking the child into custody and
31 does not file a child in need of aid petition the department shall, within 12 hours after

1 releasing the child, file with the court a report explaining why the child was taken into
2 custody.

3 * **Sec. 15.** AS 47.10.190 is amended to read:

4 Sec. 47.10.190. CONDITIONS GOVERNING DETENTION. When the court
5 commits a minor to the custody of the department, except when detention in a
6 correctional facility is authorized by AS 47.10.130(c), the department shall arrange
7 to place the juvenile in a detention home work camp, [, FACILITY,] or another
8 suitable place that the department designates for that purpose. [A JUVENILE
9 DETAINED IN A JAIL OR SIMILAR INSTITUTION AT THE REQUEST OF THE
10 DEPARTMENT SHALL BE HELD IN CUSTODY IN A ROOM OR OTHER PLACE
11 APART AND SEPARATE FROM ADULTS.]

12 * **Sec. 16.** AS 47.10.310(c) is amended to read:

13 (c) A program for runaway minors shall

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

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

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

22 (4) promptly inform the department of a minor in the program

23 (A) who claims to be the victim of child abuse or neglect, as
24 defined in AS 47.17.290; [, OR]

25 (B) whom an employee of the program has cause to believe has
26 been a victim of child abuse or neglect; or

27 (C) whom an employee of the program has reason to believe
28 is evading the supervision of the department, the person to whom the
29 department has entrusted supervision, or the minor's legal guardian:

30 (5) be operated with the goal of reuniting runaway minors with their
31 families, except in cases in which reunification is clearly contrary to the best interest

1 of the minor; and

2 (6) maintain adequate staffing and accommodations to ensure physical
3 security and to provide crisis services to minors residing in a facility operated by the
4 program; residents under 18 years of age shall be segregated from residents who are
5 18 years of age or older.

6 * Sec. 17. AS 47.10.350 is amended by adding a new subsection to read:

7 (c) The officers, directors, and employees of a licensed program for runaway
8 minors are not criminally liable under AS 11.51.130(a)(4) for assisting a minor in the
9 program.

10 * Sec. 18. AS 47.10 is amended by adding new sections to read:

11 ARTICLE 4A. SHELTERS FOR RUNAWAY MINORS.

12 Sec. 47.10.392. CERTIFICATE REQUIRED. A private residence may not be
13 held out publicly as a shelter for runaway minors unless the residence

14 (1) is designated a shelter for runaways by a nonprofit corporation that
15 is licensed to make the designation under AS 47.35.085; and

16 (2) has a valid permit from the department signifying that designation.

17 Sec. 47.10.394. OPERATION OF SHELTERS. (a) A shelter for runaways
18 may not shelter a runaway minor for more than seven days unless the department
19 determines that

20 (1) the minor is the subject of exceptional circumstances; or

21 (2) another appropriate setting is not available for the minor.

22 (b) The provider of a shelter for runaways shall promptly, but within 48 hours,
23 inform the department of a runaway minor in the shelter

24 (1) who claims to be the victim of child abuse or neglect, as defined
25 in AS 47.17.290;

26 (2) whom the provider has reasonable cause to suspect has been a
27 victim of child abuse or neglect; or

28 (3) whom the provider has reason to believe is evading the supervision
29 of the department, the person to whom the department has entrusted supervision. or the
30 minor's legal guardian.

31 Sec. 47.10.396. CONFIDENTIALITY. If the department requires record

1 keeping by a shelter for runaways or by a nonprofit corporation that is licensed to
2 designate shelters for runaways, records of the shelter and the nonprofit corporation
3 that identify a runaway minor who has been sheltered in a shelter for runaways or has
4 sought assistance from a shelter for runaways are confidential and are not subject to
5 inspection or copying under AS 09.25.110 - 09.25.120 unless

6 (1) after being informed of the minor's right to privacy, the minor
7 consents in writing to the disclosure of the records;

8 (2) the records are relevant to an investigation or proceeding involving
9 child abuse or neglect or a child in need of aid petition; or

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

12 Sec. 47.10.398. IMMUNITY FROM LIABILITY. (a) A person in a shelter
13 for runaways, or in a home for which an application to be designated a shelter for
14 runaways is being considered by a nonprofit corporation licensed for that purpose by
15 the department, that is operated in a manner that is consistent with AS 47.10.392 -
16 47.10.399 and regulations adopted under those sections is not criminally liable under
17 AS 11.51.130(a)(4).

18 (b) Except as provided in (c) of this section, the provider of a shelter for
19 runaways, or of a home for which an application to be designated a shelter for
20 runaways is being considered by a nonprofit corporation approved for that purpose by
21 the department, that is operated in a manner that is consistent with AS 47.10.392 -
22 47.10.399 and regulations adopted under those sections, and the members of the
23 provider's household, other than a runaway minor, are not liable for civil damages as
24 a result of an act or omission

25 (1) in admitting or refusing to admit a runaway minor to the shelter or
26 home; or

27 (2) by a runaway minor who is sheltered in the shelter or home.

28 (c) The provisions of (b) of this section do not preclude liability for civil
29 damages as a result of recklessness or intentional misconduct.

30 Sec. 47.10.399. DEFINITIONS. In AS 47.10.392 - 47.10.399,

31 (1) "runaway minor" has the meaning given in AS 47.10.390;

1 (2) "shelter for runaways" or "shelter for runaway minors" means a
 2 private residence whose legal occupant agrees to shelter, with or without compensation,
 3 a runaway minor accepted into the residence by the legal occupant and that

4 (A) is not simultaneously licensed under AS 47.10.310 as a
 5 program for runaway minors;

6 (B) has been designated a shelter for runaways by a nonprofit
 7 corporation licensed for that purpose under AS 47.35.085; and

8 (C) has a permit issued by the department under AS 47.35.085.

9 * Sec. 19. AS 47.35.020 is amended to read:

10 Sec. 47.35.020. LICENSE OR PERMIT REQUIRED FOR CERTAIN CARE
 11 FACILITIES. A person may not, without a license or permit to do so,

12 (1) maintain or conduct, for more than 90 days, a boarding home, foster
 13 home, group home, institution, or other place for the regular reception or care of
 14 children under 16 years of age, or a foster home, group home, or institution for the
 15 care of dependent adults; [OR]

16 (2) engage in the business of receiving or caring for children under 14
 17 years of age, with or without compensation, in a nursery in which five or more
 18 children not related by blood or marriage, or legal adoption, to the owner, operator, or
 19 manager of the business are lodged; or

20 (3) hold out publicly that the person's residence is a shelter for
 21 runaway minors.

22 * Sec. 20. AS 47.35 is amended by adding a new section to read:

23 Sec. 47.35.085. SHELTERS FOR RUNAWAY MINORS. (a) The department
 24 shall adopt regulations under which a nonprofit corporation may apply for a license to
 25 designate and supervise shelters for runaway minors.

26 (b) The department shall also adopt regulations setting health and safety
 27 standards for shelters for runaways. The regulations adopted under this subsection
 28 must

29 (1) involve less regulation than is required for programs for runaways
 30 licensed under AS 47.10.310 and foster homes licensed under this chapter;

31 (2) provide that private agencies approved by the department may

1 recruit, evaluate, and monitor the shelters for runaways under procedures established
2 by the department; and

3 (3) require that a nonprofit corporation licensed under (a) of this section
4 inspect the shelters for runaways, perform criminal background checks of its residents,
5 keep records, and meet other requirements only to the extent that they are necessary
6 to reduce the risk to the health and safety of a runaway minor in the shelter.

7 (c) If a nonprofit corporation licensed under (a) of this section certifies to the
8 department that a home meets the standards set under (b) of this section, the
9 department shall issue the home a permit authorizing it to be a shelter for runaway
10 minors. The permit may not be transferred to a different home or owner.

11 (d) Upon notice from a nonprofit corporation licensed under (a) of this section
12 that a shelter for runaways is not in compliance with AS 47.10.392 - 47.10.399 or the
13 regulations of the department adopted under (b) of this section, the department may
14 revoke a permit issued under this subsection or modify it to provisional status. The
15 department shall give written notice of revocation or modification under this subsection
16 at least 30 days before the effective date of the action. However, if the health or well-
17 being of a child is in jeopardy, the revocation or modification action is effective
18 immediately upon the issuance of written notice by the department.

19 * Sec. 21. AS 47.35.100(a) is amended to read:

20 (a) Without a license issued by the department in accordance with its
21 regulations a person may not operate an agency providing any of the following
22 services:

23 (1) the placement of children for foster home care;

24 (2) the placement of children for adoption; [OR]

25 (3) individual and family counseling; or

26 (4) designation and supervision of shelters for runaway minors

27 under AS 47.35.085.

28 * Sec. 22. AS 47.35.900 is amended by adding new paragraphs to read:

29 (7) "runaway minor" has the meaning given in AS 47.10.390;

30 (8) "shelter for runaway minors" or "shelter for runaways" means a
31 private residence whose legal occupant agrees to shelter, with or without compensation,

- 1 a runaway minor accepted into the residence, subject to the limitations imposed under
- 2 this chapter and AS 47.10.392 - 47.10.399.
- 3 * Sec. 23. AS 47.10.330(a) is repealed.



Amendment #1 adopted

2029

8-LS0355Q.1
Lauterbach
3/24/94

AMENDMENT ✓

portion I
adopted

portion II - H&P

BY REPRESENTATIVE HANLEY

(Hanley made
Brown obj)

Portion I
adopted

OFFERED IN THE HOUSE

TO: HCS CSSB 45() Draft 8-LS0355Q

Page 1, line 12:

Delete "and 15"

Insert "and 16"

Page 4, line 31:

After ~~Delete~~ "immediately"

Insert "make reasonable attempts to"

DELETE →
Portion #2

Page 5, line 1, after "detention":

Insert "unless the minor requests that the parent, guardian, or custodian not be notified"

Page 6, after line 11:

Insert a new bill section to read:

** Sec. 12. AS 47.10.140(b) is amended to read:

(b) A peace officer who has a minor detained under (a) of this section shall immediately, and in no event more than 12 hours later, notify the court and make reasonable efforts to notify [,] the minor's parents or guardian, and the department of the officer's action. The department may file with the court a petition alleging delinquency before the detention hearing."

Renumber the following bill sections accordingly.

A M E N D M E N T

OFFERED IN THE HOUSE
TO: HCS CSSB 45(JUD)

BY RE. REPRESENTATIVE BROWN

Page 1, line 12:

Delete "and 16"

Insert "and 17"

Page 8, after line 8:

Insert a new bill section to read:

"* Sec. 16. AS 47.10 is amended by adding a new section to article 1 to read:

Sec. 47.10.145. SERVICES TO EMANCIPATED MINORS. Upon request of a minor whose disabilities of minority have been removed for general purposes under AS 09.55.590, the department shall offer available counseling services, emergency shelter care, medical care, and other services determined appropriate by the department considering the minor's circumstances."

Renumber the following bill sections accordingly.

FISCAL NOTE

STATE OF ALASKA
1994 LEGISLATIVE SESSION

BILL NO. HCSCSSB 45 (JUD)

Revision Date: 02/10/94 Dept. Affected: Health and Social Services
 Title: An Act Relating To Minors, Runaways and Detention BRU: Purchased Services
 Component: Delinquency Prevention
 Sponsor: Senator Randy Phillips et al
 Requestor: House (FIN) COMPONENT SERIAL NO. 0248

Expenditures/Revenues:

(Thousands of Dollars)

OPERATING	FY95	FY96	FY97	FY98	FY99	FY00
PERSONAL SERVICES						
TRAVEL	14.0	15.0	15.0	26.0		
CONTRACTUAL	2.0	2.0	2.0	4.0		
SUPPLIES						
EQUIPMENT						
LAND & STRUCTURES						
GRANTS, CLAIMS	284.0	300.0	300.0	510.0		
MISCELLANEOUS						
TOTAL OPERATING	300.0	317.0	317.0	540.0	0.0	0.0

CAPITAL EXPENDITURES						
----------------------	--	--	--	--	--	--

CHANGES IN REVENUES						
---------------------	--	--	--	--	--	--

FUND SOURCE

(Thousands of Dollars)

1002 Federal Receipts	300.0	317.0	317.0	540.0		
1003 GF Match						
1004 GF						
1005 GF/Program Receipts						
1006 GF/MHTIA						
Other						
TOTAL	300.0	317.0	317.0	540.0	0.0	0.0

POSITIONS:

FULL-TIME	0					
PART-TIME						
TEMPORARY						

Estimate of current year (FY94) impact: 0.0

ANALYSIS: (Attach a separate page if necessary)

The department would realize impact in its Juvenile Justice and Delinquency Prevention formula grant program.

(Continued)

Prepared by: Deborah R. Wing, Director *Deborah R. Wing* Phone: 465-3191
 Division: Division of Family & Youth Services Date: 02/10/94
 Approved by Commissioner: Margaret R. Lowe *Margaret R. Lowe* Date: 2-11/94
 Agency: Department of Health & Social Services

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ANALYSIS (cont.):

Juvenile Justice and Delinquency Prevention Program

The intent of this bill is to improve the juvenile justice system in Alaska. Federal standards set out in the Juvenile Justice and Delinquency Prevention Act prohibit the incarceration of juveniles in the same facility with an adult, except under special circumstances.

Alaska has been a participant in the formula grant program offered under the U.S. Department of Justice through the Office of Juvenile Justice and Delinquency Prevention (OJJDP) since 1976 and receives the minimum annual allocation of \$325,000. Acceptance of these funds has obligated the state to improve its juvenile justice system and comply with the requirements of the act.

Since 1989, Alaska has had to seek waivers to receive this formula grant funding because we have been unable to meet the OJJDP standards addressing the removal of youth from adult jails and lockups. On March 2, 1993, the Division received its 1991 federal funding on its third and final waiver request. Accompanying that award was a letter sent to Governor Hickel from John Wilson, Acting Director of the Office of Juvenile Justice and Delinquency prevention, in which he advised "that Alaska's eligibility for FY 1992 Formula Grant Funds will almost certainly depend upon Alaska's success in passing legislation that would require the elimination of all incidents of the secure detention of status and nonoffender juveniles in adult jails and lockups. Passage of this legislation would show continued good faith efforts towards meeting the requirements of the JJDP Act and may be a contributing factor for OJJDP to find us eligible to receive future formula grant awards. The amount available in FFY93 and FFY94 is \$343,658, and it is slated to increase to \$600,000. In FFY95.

Alaska has used most of these grant funds to establish ten small Non-Secure Attendant shelter programs serving twelve Alaska communities. These shelters are established for the narrowly defined purpose of providing an alternative for the practice of placing minors in adult jails. In FY93, 440 youth were served under this program who may have otherwise been placed in adult jails or lockups. The Non-Secure Attendant Shelter model has been Alaska's most effective approach in attempting to comply with the jail removal requirement of the JJDP Act.

Without the continuation of this federal funding, the critical basic programs which these Federal funds previously supported would be destroyed and our efforts to meet the requirements of the JJDP Act seriously impeded. Without this grant revenue the department would be forced to cease funding the Non-Secure Attendant Shelter programs and the annual compliance monitoring of jails, detention facilities, correctional facilities and non-secure facilities to insure the mandates of the Act are being met. The only other option would be for legislators to add state general funds to the department budget to continue these programs.

In anticipation of passage this session of SB45 and OJJDP quickly awarding the formula grant funds, this fiscal note would give the division authority to receive \$300.0 to purchase services for the remainder of FY95 without causing a disruption to existing services.

FISCAL NOTE

No. 7
 Bill Version HCSCSSB 45 (JUD)
 (H) Publish Date: 2/7/94

STATE OF ALASKA
 1994 LEGISLATIVE SESSION

BILL NO

Revision Date: 01/24/94 Dept. Affected: Health and Social Services
 Title: An Act Relating to Minors, Runaways and Detention BRU: Family & Youth Services
 Component: Northern Region
 Sponsor: Senator Randy Phillips et al
 Requestor: House JUD COMPONENT SERIAL NO. 0255

Expenditures/Revenues:

(Thousands of Dollars)

OPERATING	FY95	FY96	FY97	FY98	FY99	FY00
PERSONAL SERVICES		52.8	54.8	56.2	58.1	60.1
TRAVEL		5.0	5.0	5.0	5.0	5.0
CONTRACTUAL		2.3	2.3	2.3	2.3	2.3
SUPPLIES		1.2	1.2	1.2	1.2	1.2
EQUIPMENT		7.0	1.0	1.0	1.0	1.0
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
TOTAL OPERATING	0.0	68.3	64.1	65.7	67.6	69.6

CAPITAL EXPENDITURES						
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CHANGES IN REVENUES						
---------------------	--	--	--	--	--	--

FUND SOURCE

(Thousands of Dollars)

1002 Federal Receipts						
1003 GF Match						
1004 GF		68.3	64.1	65.7	67.6	69.6
1006 GF/Program Receipts						
1006 GF/MHTIA						
Other						
TOTAL	0.0	68.3	64.1	65.7	67.6	69.6

POSITIONS:

FULL-TIME		1	1	1	1	1
PART-TIME						
TEMPORARY						

Estimate of current year (FY94) impact: 0.0

ANALYSIS: (Attach a separate page if necessary)

The department would realize impact in its Community Care Licensing program and in the Juvenile Justice and Delinquency prevention formula grant program. Attached to this fiscal note are detailed program impact statements and a request for new positions.

Prepared by: Deborah R. Wing, Director *Deborah R. Wing* Phone: 465-3191
 Division: Division of Family & Youth Services Date: 01/24/94
 Approved by Commissioner: Margaret R. Lowe *Margaret R. Lowe* Date: 1-25-94
 Agency: Department of Health & Social Services

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ANALYSIS (cont.):

House CS for CS SB 45 could not be implemented in the Northern, Northwestern and Western areas of the state without a new position. As in other experiences with private agencies, state agency staff must train private agency staff in child care regulations and monitor for compliance to assure the protection of the children in care. In some areas of the state, licensing workers are carrying a facility load of 120 per worker. They are unable to meet current statutory responsibilities without adding another facility type to their responsibilities. In addition, equity for licensees already in the divisions licensing load is warranted.

1.) Position: One Community Care Licensing Specialist is needed in FY96 to extend the shelter homes permit process in the Northern region where individuals and private nonprofit groups have indicated a need for shelter homes for runaway youth.

The position would begin by identifying areas of need and private agencies interested in recruiting and evaluating shelter homes; and by being a licensing trainee in Fairbanks under the supervision of an experienced licensing supervisor. The position would provide training in the new shelter homes concept to both private agency and division staff throughout the region. Division staff would then pick up the support of agencies in their development of shelter homes. Following implementation, the position would carry a mixed licensing and shelter home load.

2.) Other Expenditures: A personal computer is a necessity for each position to gain technological efficiency and to meet the continuing goal of a PC for each division professional.

Position Title Community Care Licensing Specialist I		No. of Positions 1	Range/Step 16A	Bargaining Unit GGU
Time Status Full Time	Staff Months 12.0	Location Fairbanks		Election District 29-34
TYPE of EXPENDITURE		AMOUNT		
Salary		37.9		
Benefits		14.9		
Premium Pay				
Other				
Total Personal Services		52.8		
Travel		5.0		
Contractual		2.3		
Commodities		1.2		
Equipment		7.0		
Other				
Total Cost		68.3		
FUNDING SOURCE for TOTAL COST				
1002	Federal Receipts			
1003	GF Match			
1004	General Fund	68.3		
1005	GF/Program Receipts			
1006	GF/Mental Health Trust			
1007	I/A Receipts			
1061	CIP Receipts			
Other				
<p>Justification</p> <p>A Community Care Licensing Specialist will implement the shelter homes permit process in the Northern Region in the second year, FY96. It would be located in Fairbanks and operate regionwide.</p> <p>HCSCSSB 45 (JUD) would not be implemented without this position. Some workers are carrying 120 homes and residential facilities. The load is such that they are unable to meet current responsibilities and could not add another facility type to their duties.</p> <p>The position will 1) identify communities needing shelter homes and private agencies interested in recruiting and evaluating homes; 2) will train and provide technical support to private agencies staff who are evaluating shelter homes; and 3) will also enforce regulations (including revocation or denial of permit when a child is harmed in the home, when a first time applicant is not in substantial compliance with regulations, or when there is a serious pattern of disregard for regulations). Serious complaints against a provider holding a permit cannot be solely handled by private agency staff. Following implementation, the position would carry a mixed licensing and shelter home load.</p>				

**REQUEST for
NEW POSITION**

AGENCY: Health and Social Services
 BRU: Family & Youth Services
 COMPONENT: Northern Region

Page 3 of 3

Revised Date: 1/21/94

FY96

FISCAL NOTE

No. 10

Bill Version: HCS CSSB 45(JL)

(H) Publish Date: 2/7/94

STATE OF ALASKA
1994 LEGISLATIVE SESSION

BILL NO

Revision Date: 01/24/94 Dept. Affected: Health and Social Services
 Title: An Act Relating to Minors, Runaways and Detention BRU: Family & Youth Services
 Component: Southeastern Region
 Sponsor: Senator Randy Phillips et al
 Requestor: House JUD COMPONENT SERIAL NO. 0258

Expenditures/Revenues:

(Thousands of Dollars)

OPERATING	FY95	FY96	FY97	FY98	FY99	FY00
PERSONAL SERVICES	0.0	0.0	51.3	53.1	55.1	56.6
TRAVEL	0.0	0.0	5.0	5.0	5.0	5.0
CONTRACTUAL	0.0	0.0	3.2	3.2	3.2	3.2
SUPPLIES	0.0	0.0	1.2	1.2	1.2	1.2
EQUIPMENT	0.0	0.0	7.0	1.0	1.0	1.0
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
TOTAL OPERATING	0.0	0.0	67.7	63.5	65.5	67.0

CAPITAL EXPENDITURES						
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CHANGES IN REVENUES						
---------------------	--	--	--	--	--	--

FUND SOURCE

(Thousands of Dollars)

1002 Federal Receipts						
1003 GF Match						
1004 GF	0.0	0.0	67.7	63.5	65.5	67.0
1005 GF/Program Receipts						
1006 GF/MHTIA						
Other						
TOTAL	0.0	0.0	67.7	63.5	65.5	67.0

POSITIONS:

FULL-TIME	0	0	1	1	1	1
PART-TIME						
TEMPORARY						

Estimate of current year (FY94) impact: None

ANALYSIS: (Attach a separate page if necessary)

The department would realize impact in its Community Care Licensing program and in the Juvenile Justice and Delinquency prevention formula grant program. Attached to this fiscal note are detailed program impact statements and a request for new positions.

Prepared by: Deborah R. Wing, Director *Deborah R. Wing*
 Division: Division of Family & Youth Services
 Approved by Commissioner: Margaret R. Lowe, M.Ed., Ed.S. *Margaret R. Lowe*
 Agency: Department of Health & Social Services

Phone: 465-3191
 Date: 01/24/94
 Date: 1-25-94

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ANALYSIS (cont.):

House SC for SB 45 could not be implemented in Southeast Alaska without a new position. As in other experiences with private agencies, state agency staff must train private agency staff in child care regulations and monitor for compliance to assure the protection of the children in care. In some other areas of the state, licensing workers are carrying a facility load of 120 per worker. They are unable to meet current statutory responsibilities without adding another facility type to their responsibilities. In addition, equity for licensees already in the divisions licensing load is warranted.

1.) Position: One Community Care Licensing Specialist is needed in FY97 to extend the shelter homes permit process to the Southeast region where individuals and private nonprofit groups have indicated a need for shelter homes for runaway youth.

The position would begin by identifying areas of need and private agencies interested in recruiting and evaluating shelter homes; and by being a licensing trainee in Juneau under the supervision of an experienced licensing supervisor. The position would provide training in the new shelter homes concept to both private agency and division staff throughout the region. Division staff would then pick up the support of agencies in their development of shelter homes. Following implementation, the position would carry a mixed licensing and shelter home load.

2.) Other Expenditures: A personal computer is a necessity for each position to gain technological efficiency and to meet the continuing goal of a PC for each division professional.

Position Title Community Care Licensing Specialist I		No. of Positions 1	Range/Step 16A	Bargaining Unit GGU
Time Status Full Time	Staff Months 12	Location Juneau		Election District 3&4
TYPE of EXPENDITURE		AMOUNT		
Salary		38.8		
Benefits		14.5		
Premium Pay				
Other				
Total Personal Services		51.3		
Travel		5.0		
Contractual		3.2		
Commodities		1.2		
Equipment		7.0		
Other				
Total Cost		67.7		
FUNDING SOURCE for TOTAL COST				
1002	Federal Receipts			
1003	GF Match			
1004	General Fund	67.7		
1005	GF/Program Receipts			
1006	GF/Mental Health Trust			
1007	I/A Receipts			
1061	CIP Receipts			
Other				
<p>Justification</p> <p>A Community Care Licensing Specialist will implement the shelter homes permit process in the Southeastern Region in the third year, FY97. It would be located in Juneau and operate regionwide.</p> <p>HCSCSSB 45 (JUD) would not be implemented without this position. Some workers are carrying 120 homes and residential facilities. The load is such that they are unable to meet current responsibilities and could not add another facility type to their duties.</p> <p>The position will 1) identify communities needing shelter homes and private agencies interested in recruiting and evaluating homes; 2) will train and provide technical support to private agency staff who are evaluating shelter homes; and 3) will also enforce regulations (including revocation or denial of permit when a child is harmed in the home, when a first time applicant is not in substantial compliance with regulations, or when there is a serious pattern of disregard for regulations). Serious complaints against a provider holding a permit cannot be solely handled by private agency staff. Following implementation, the position would carry a mixed licensing and shelter home load.</p>				

**REQUEST for
NEW POSITION**

AGENCY: Health and Social Services
 BRU: Family & Youth Services
 COMPONENT: Southeastern Region

FY97

Page 3 of 3

Revised Date: 1/21/84

FISCAL NOTE

STATE OF ALASKA
1994 LEGISLATIVE SESSION

No. 9
BILL NO Bill Version: HCS CSSB 45 (JUD)
(H) Publish Date: 2/7/94

Revision Date: 01/24/94 Dept. Affected: Health and Social Services
Title: An Act Relating to Minors, Runaways and Detention BRU: Family & Youth Services
Sponsor: Senator Randy Phillips et al Component: Southcentral Region
Requestor: House JUD COMPONENT SERIAL NO. 254

Expenditures/Revenues:

(Thousands of Dollars)

OPERATING	FY95	FY96	FY97	FY98	FY99	FY00
PERSONAL SERVICES	51.3	53.1	55.1	56.6	58.4	60.4
TRAVEL	5.0	5.0	5.0	5.0	5.0	5.0
CONTRACTUAL	3.2	3.2	3.2	3.2	3.2	3.2
SUPPLIES	1.2	1.2	1.2	1.2	1.2	1.2
EQUIPMENT	7.0	1.0	1.0	1.0	1.0	1.0
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
TOTAL OPERATING	67.7	63.5	65.5	67.0	68.8	70.8

CAPITAL EXPENDITURES						
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CHANGES IN REVENUES						
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FUND SOURCE

(Thousands of Dollars)

1002 Federal Receipts						
1003 GF Match						
1004 GF	67.7	63.5	65.5	67.0	68.8	70.8
1006 GF/Program Receipts						
1009 GF/MHTIA						
Other						
TOTAL	67.7	63.5	65.5	67.0	68.8	70.8

POSITIONS:

FULL-TIME	1	1	1	1	1	1
PART-TIME						
TEMPORARY						

Estimate of current year (FY94) Impact: None

ANALYSIS: (Attach a separate page if necessary)

The department would realize impact in its Community Care Licensing program and in the Juvenile Justice and Delinquency prevention formula grant program. Attached to this fiscal note are detailed program impact statements and a request for new positions.

Prepared by: Deborah R. Wing, Director *Deborah R. Wing* Phone: 465-3191
Division: Division of Family & Youth Services Date: 01/24/94
Approved by Commissioner: Margaret R. Lowe, M.Ed., Ed.S. *Margaret R. Lowe* Date: 1-25-94
Agency: Department of Health & Social Services

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ANALYSIS (cont.):

House SC for SB 45 could not be implemented without new positions. As in other experiences with private agencies, state agency staff must train private agency staff in child care regulations and monitor for compliance to assure the protection of the children in care. In Anchorage and some other areas of the state, licensing workers are carrying a facility load of 120 per worker. They are unable to meet current statutory responsibilities without adding another facility type to their responsibilities. In addition, equity for licensees already in the divisions licensing load is warranted.

1.) Position: One Community Care Licensing Specialist is needed in FY95 to implement the shelter homes permit process in the Southcentral region, as that is the region where individuals and private nonprofit groups have expressed strong interest in implementing the new statutory provisions.

The position would begin by providing research support to the contractor for drafting the regulations; by identifying areas of need and private agencies interested in recruiting and evaluating shelter homes; and by being a licensing trainee in Anchorage under the supervision of an experienced licensing supervisor. Following the promulgation of regulations, the position would assist in the development of implementation materials and provide training in the new shelter homes concept to both private agency and division staff throughout the region. Division staff would then pick up the support of agencies in their development of shelter homes. Following implementation, the position would carry a mixed licensing shelter home load.

2) Other Expenditures: A personal computer is a necessity for each position to gain technological efficiency and to meet the continuing goal of a PC for each division professional.

Position Title Community Care Licensing Specialist		No. of Positions 1	Range/Step 16A	Bargaining Unit GGU
Time Status Full Time	Staff Months 12	Location Anchorage		Election District 9-25
TYPE of EXPENDITURE		AMOUNT	Justification	
Salary		36.8	<p>A Community Care Licensing Specialist will implement the shelter homes permit process in the Southcentral Region. The first year this position will 1) do research to support the contractor for drafting the regulations; 2) will identify communities needing shelter homes and private agencies interested in recruiting and evaluating homes; 3) will be a licensing trainee; and will help develop shelter home materials.</p> <p>HCSCSSB 45 (JUD) would not be implemented without this position. Some workers are carrying 120 homes and residential facilities. The load is such that they are unable to meet current responsibilities and could not add another facility type to their duties.</p> <p>This position will train and provide technical support to private agency staff who are evaluating shelter homes. It will enforce regulations (including revocation or denial of a permit when a child is harmed in the home, when a first applicant is not in substantial compliance with regulations, or when there is a serious pattern of disregard for regulations). Serious complaints against a provider holding a permit cannot be solely handled by private agency staff. Following implementation, the position would carry a mixed licensing and shelter home load.</p>	
Benefits		14.5		
Premium Pay				
Other				
Total Personal Services		51.3		
Travel		5.0		
Contractual		3.2		
Commodities		1.2		
Equipment		7.0		
Other				
Total Cost		67.7		
FUNDING SOURCE for TOTAL COST				
1002	Federal Receipts			
1003	GF Match			
1004	General Fund	67.7		
1005	GF/Program Receipts			
1006	GF/Mental Health Trust			
1007	I/A Receipts			
1061	CIP Receipts			
Other				

**REQUEST for
NEW POSITION**

AGENCY: **Health and Social Services**
 BRU: **Family & Youth Services**
 COMPONENT: **Southcentral Region**

Page 3 of 3
 Revised Date: 1/2-/94

FY95