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Chair
*Legislative Budget and Audit
Community and Regional Affairs*

Vice-Chair
Transportation

Alaska State Legislature

Randy Phillips

State Senator
District L

Session
State Capitol
Juneau, AK 99801
(907) 465-4949

Interim
P.O. Box 142
Eagle River AK 99577
(907) 694-4949

Memorandum

TO: Senator Steve Rieger, Chair
Health, Education and Social Services Committee

FROM: Senator Randy Phillips REP

DATE: March 4, 1993

RE: Sponsor Statement in Support of: Senate Bill No. 45
"An Act relating to persons under the age of 21; providing for designation of 'safe homes' for runaway 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. Senate Bill 45 changes several statutes relating to persons under the age of twentyone 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 raises the age for purchase and possession of firearm from 16 to 21 years of age. Unless the minor has express permission of the minor's parents.

Senate Bill 45 prohibits an unemancipated minor from working without the permission of the minor's legal custodian and 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 makes no change to the standards under which a minor could be emancipated.

This bill is intended as one step in a comprehensive look at statutes that apply to minor children. Thank you for your support in addressing this important issue. I have attached a copy of the report "Children in Crisis, A report on runaway and homeless youth in Alaska" for your information.

FISCAL NOTE

STATE OF ALASKA
1993 LEGISLATIVE SESSION

BILL NO. SB 45

Revision Date: _____ Dept. Affected: Health and Social Services
 Title: An act relating to persons under 21 years of age; providing designation of safe homes for runaway minors BRU: Family & Youth Services
 Component: Central Office, SCRO, NRO & SERO
 Sponsor: Senator Randy Phillips
 Requestor: _____ COMPONENT SERIAL NO. 0259, 0254, 0255 & 0258

Expenditures/Revenues:

(Thousands of Dollars)

OPERATING	FY94	FY95	FY96	FY97	FY98	FY99
PERSONAL SERVICES	38.6	92.5	144.1	157.0	157.0	157.0
TRAVEL	5.0	10.0	12.0	12.0	12.0	12.0
CONTRACTUAL	23.2	6.4	9.6	9.6	9.6	9.6
SUPPLIES	1.2	1.4	1.6	0.6	0.6	0.6
EQUIPMENT	6.0	6.0	6.0	0.0	0.0	0.0
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
TOTAL OPERATING	74.0	116.3	173.3	179.2	179.2	179.2

CAPITAL						
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REVENUE FUND SOURCE						
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FUNDING:

(Thousands of Dollars)

1002 Federal Receipts						
1003 GF Match						
1004 GF	74.0	116.3	173.3	179.2	179.2	179.2
1005 GF/Program Receipts						
1006 GF/MHTIA						
Other						
TOTAL	74.0	116.3	173.3	179.2	179.2	179.2

POSITIONS:

FULL-TIME	1	2	3	3	3	3
PART-TIME						
TEMPORARY						

Estimate of current year (FY93) impact: 0.0

ANALYSIS: (Attach a separate page if necessary)

See attached for Fiscal Note Analysis

Prepared by: Deborah R. Wing, Director *DRW*
 Division: Department of Health & Social Services

Phone: 465-3191
 Date: 01/25/93

Approved by Commissioner: Theodore A. Mala, MD, MPH *[Signature]*
 Agency: Department of Health & Social Services

Date: 1/26/93

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FISCAL NOTE ANALYSIS SB 45

Assumptions:

Assumption: SB 45 would not be implemented without positions. As in other experience with private agencies, state agency staff must train private agency staff and enforce when children are harmed or when there is a pattern of disregard for regulations. 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 division's licensing load is warranted.

Program Summary:

1. Positions: One Community Care Licensing Specialist is needed to implement the safe homes permit process in the Southcentral Region, as that is the region where 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 safe 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 safe 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 safe homes. Following implementation, the position would carry a mixed licensing and safe home load.

In the second year, a position would be needed in Fairbanks to serve the Northern region and a permanent full time position in Juneau to serve southeast in the same manner as described for the Anchorage position.

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.

\$20,000 of the \$23,200 for FY 93 in the contract line is needed to contract with an attorney or an experienced professional to draft the safe home regulations and related legal documents and to adjust the safe home regulation draft following public comment.

Position Title Community Care Licensing Specialist I		No. of Positions 1	Range/Step 16A	Bargaining Unit GGU
Time Status Full Time	Staff Months 9	Location Anchorage		Election District 9-25
TYPE of EXPENDITURE		AMOUNT		
Salary		27.4		
Benefits		11.2		
Premium Pay				
Other				
Total Personal Services		38.6		
Travel		5.0		
Contractual		3.2		
Commodities		1.2		
Equipment		6.0		
Other				
Total Cost		54.0		
FUNDING SOURCE for TOTAL COST				
1002	Federal Receipts			
1003	GF Match			
1004	General Fund	54.0		
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 safe 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 safe homes and private agencies interested in recruiting and evaluating homes; 3) will be a licensing trainee; and will help develop safe home materials.</p> <p>SB 45 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 safe homes. It will also enforce regulations (including revocation or denial of a 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 safe home load.</p>				

**REQUEST for
NEW POSITION**

AGENCY: Health and Social Services

BRU: Family & Youth Services

COMPONENT: Southcentral Region

FY94

Page 1 of 3

Revised Date:

FISCAL NOTE

STATE OF ALASKA
1993 LEGISLATIVE SESSION

BILL NO. SB 45

Revision Date: January 26, 1993
Title: "An Act relating to persons under 21 years of age... designating 'safe homes'..."
Sponsor: Senator Phillips
Requestor: Senate HESS

Department Affected: Department of Law
BRU: Prosecution, Legal Services
Component: Prosecution - All
Legal Services - Operations
COMPONENT SERIAL NO. 0085 through 0090, 0093

EXPENDITURES/REVENUES:

OPERATING	FY 94	FY 95	FY 96	FY 97	FY 98	FY 99
PERSONAL SERVICES						
TRAVEL						
CONTRACTUAL						
SUPPLIES						
EQUIPMENT						
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
TOTAL OPERATING	-0-	-0-	-0-	-0-	-0-	-0-

CAPITAL						
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REVENUE FUND SOURCE:						
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FUNDING:						
1002 Federal Receipts						
1003 GF Match						
1004 GF						
1005 GF/Program Receipts						
1006 GF/MHTIA						
OTHER						
TOTAL	-0-	-0-	-0-	-0-	-0-	-0-

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

Estimate of current year (FY93) impact: -0-

ANALYSIS: (Attach a separate page if necessary.)

Please see the attached analysis.

Richard I. Peques

Prepared by: Richard I. Peques, Director
Division: Administrative Services Division

Phone: 465-3672
Date: January 26, 1993

Approved by Commissioner: Charles E. Cole, Attorney General
Agency: Department of Law

Date: January 26, 1993

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FISCAL NOTE

STATE OF ALASKA
1993 LEGISLATIVE SESSION

BILL NO. SB 45

ANALYSIS (Continued):

This bill amends various statutes to allow concerned citizens to volunteer to 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 and 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 17. 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, often 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.

We also note that Section 9 amends AS 11.61.220(2) to provide that a person commits the crime of misconduct involving weapons in the fifth degree if, being a person under 21 years of age, the person possesses a firearm without the written consent of a parent or guardian. This section would appear to require the written consent of a parent or guardian before members of the National Guard or other armed services, under 21 years of age, could participate in weapons training or close order drill activities when firearms are used.

FISCAL NOTE

STATE OF ALASKA
1993 LEGISLATIVE SESSION

BILL NO : SB 45

Revision Date: _____

Department Affected: Labor

Title: MISC. LAWS RELATING TO MINORS

BRU: Labor Standards & Safety

Sponsor: Senator(s) PHILLIPS, et. all

Component: _____

Requestor: Health, Education & Social Services

Wage & Hour

COMPONENT SERIAL NO. 345

EXPENDITURES/REVENUES:

(Thousands of Dollars)

OPERATING	FY 94	FY 95	FY 96	FY 97	FY 98	FY 99
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 (FY93) impact: \$ None

ANALYSIS: (Attach a separate page if necessary)

Prepared by: Donald Study, Director *Donald Study CSP* Phone: 465-6003
Division: Labor Standards & Safety Date: 3/1/93

Approved by Commissioner: Charles W. Mahlen *Charles W. Mahlen* Date: 3/1/93
Agency: Department of Labor

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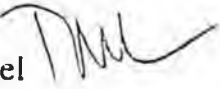
130 Seward Street, Suite 409
Juneau, Alaska 99801-2105

MEMORANDUM

January 14, 1993

SUBJECT: Sectional Summary of SB 45, An Act relating to persons under 21 years of age and providing for designation of "safe homes" for runaway minors (SB 45)

TO: Senator Randy Phillips

FROM: Terri Lauterbach 
Legislative Counsel

This memorandum contains a general sectional summary of SB 45. If you have a specific question about the legal effect of any particular provision of SB 45, please let me know.

Section 1. This section sets out the findings and intent that relate to the "safe homes" sections of the bill (sections 12 - 19).

Secs. 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 this section would allow the legal custodian of a minor to file a petition to remove disabilities of the minor. Formerly, only the minor could file such a petition.

Sec. 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." (See secs. 12 - 19 of the bill for provisions relating to "safe homes.")

Sec. 9. This section raises from 16 to 21 the age at which a person can possess a firearm without the consent of a parent or guardian. It also makes it a crime for a person to give or sell a firearm to a person under 21 without the consent of the

person's parent or guardian. There are no exceptions to the parental consent requirement, e.g., for military service or for employment requiring the use of firearms.

Sec. 10. This section is just a technical amendment made necessary by the amendments to AS 11.51.130(a) under sec. 8 of this bill.

Sec. 11. This section, relating to working hours of minors, is self-explanatory.

Sec. 12. This section provides immunity to the state and to agencies that designate safe homes for the acts of a minor in a safe home.

Sec. 13. This section establishes requirements and immunities relating to persons who operate safe homes for runaway minors.

Sec. 14. This section allows a peace officer to take a minor who is in protective custody to a safe home that agrees to shelter the minor. This section also requires the officer to inform the minor's custodian that counseling services are available through the Department of Health and Social Services.

Sec. 15. This section requires the Department of Health and Social Services to offer counseling services to the custodian of a runaway minor (and to the custodian's household) before the department may take emergency custody of a minor.

Sec. 16. This section provides that a person may not represent a home as a "safe home" for runaways unless the person has the appropriate permit.

Sec. 17. This section directs DHSS to adopt regulations under 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.

Sec. 18. This section requires that an agency may not designate safe homes unless licensed to do so by DHSS.

Sec. 19. This section defines "runaway minor" and "safe home."

Sec. 20. This section gives the bill an immediate effective date.

STATE OF ALASKA

DEPARTMENT OF HEALTH AND SOCIAL SERVICES

DIVISION OF FAMILY AND YOUTH SERVICES

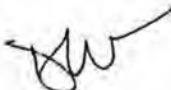
WALTER J. HICKEL, GOVERNOR

X 110630
J. NEAU, ALASKA 99811-0630
PHONE: (907) 465-3170

MEMORANDUM

Date: March 9, 1993

To: Honorable Steve Rieger, Senator
Alaska State Legislature

From: Deborah R. Wing 
Director
Division of Family And Youth Services

Subject: Draft Regulations "Programs for Runaway Minors"

Please find attached a draft copy of the regulations for "Programs for Runaway Minors" that was requested in Senate HESS committee on March 5, 1993.

DRAFT

TITLE 7. HEALTH AND SOCIAL SERVICES

Chapter

CHAPTER 53. SOCIAL SERVICES

7 AAC 53 is amended by adding a new article to read:

ARTICLE 4. PROGRAMS FOR RUNAWAY MINORS

Section

- 410. Applicability and scope
- 420. License required
- 430. Application
- 435. Plan of correction
- 440. Waiver of Requirements
- 450. Provisional license
- 460. Consultation
- 470. Renewal

- 480. Denial, modification, and revocation
- 485. Right to hearing and appeal
- 490. Voluntary modification of license
- 500. Voluntary termination of operations
- 510. License
- 520. Organization and administration
- 530. Changes affecting license
- 540. Insurance and risks
- 550. Reports and records
- 560. Inspection
- 570. Fire and life safety
- 580. Sanitation and environmental protection
- 590. General environmental requirements
- 600. Emergency provisions
- 610. Administrator
- 620. Careprovider qualifications
- 630. Staffing requirements
- 640. Staff orientation, supervision, and training
- 650. Transportation
- 660. Non-discrimination practices
- 670. Admission policies

- 680. Program of care
- 690. Assessment, plan of care, and case records
- 700. Care agreement
- 710. Confidentiality
- 720. Discipline and behavior management
- 730. Nutrition
- 740. Medical and dental care
- 750. Discharge of minors
- 760. Immunity
- 770. Definitions

7 AAC 53.410. APPLICABILITY AND SCOPE. (a) The provisions of 7 AAC 53.410 -- 7 AAC 53.770 apply to runaway minor program facilities located within the State of Alaska.

(b) The licensing of a runaway minor program facility by the division does not require the division or another placement agency to support the facility financially or to place or maintain a minor in the facility. (Eff. / / , Register)

Authority: AS 47.05.010

AS 47.10.300

AS 47.10.310

7 AAC 53.420. LICENSE REQUIRED. A facility must be operated either by a non-profit corporation organized under AS 10.20 or a municipality. Only non-profit corporations organized under AS 10.20 and municipalities that have valid, current licenses issued by the division under 7 AAC 53.410 -- 7 AAC 53.770 may operate, advertise or otherwise represent that they operate a runaway minor program facility. (Eff. / / , Register)

Authority: AS 47.05.010

AS 47.10.300

AS 47.10.310

7 AAC 53.430. APPLICATION. (a) An applicant must apply for a license on a form provided by the division.

(b) Within 60 days after receipt of a completed application, the division

(1) will review the application, confer with the applicant, and inspect the facility for which the application was made; and

(2) if the application is for operation of a facility of six or more minors who are unrelated to the operator, or if the division considers it necessary, will request appropriate authorities to verify compliance with applicable fire safety regulations, environmental health regulations, building codes, zoning ordinances, and other state and municipal requirements.

(c) If the division determines that the facility complies with the requirements of 7 AAC 53.410 -- 7 AAC 53.770, the division will issue a license to the applicant, or the division will modify the existing license of the applicant, as appropriate. If the division determines that the facility does not comply with the requirements of 7 AAC 53.410 -- 7 AAC 53.770, the division will deny the applicant a license or license modification unless the division determines that a provisional license should be issued to the applicant as provided in 7 AAC 53.450.

(d) If the applicant has a current biennial Residential Child Care Facility license for emergency shelter care issued by the department for the physical location where the runaway minor program facility will be operated, the division may, in its discretion, substitute the requirements of sections 7 AAC 50.025 -- 7 AAC 50.045 and 7 AAC 50.053 -- 7 AAC 50.057 for the requirements of sections 7 AAC 53.520, 7 AAC 53.570 -- 7 AAC 53.660 and 7 AAC 53.720 -- 7 AAC 53.740 when requested in writing by the applicant. (Eff. / / , Register)

Authority: AS 47.05.010

AS 47.10.300

AS 47.10.310

7AAC 53.435. PLAN OF CORRECTION. (a) If the division determines that an application under 7 AAC 53.430 or 7 AAC 53.470 is deficient or the applicant fails to meet a requirement of 7 AAC 53.410 -- 7 AAC 53.770, the facility may submit a plan of correction. The plan must be designed to correct the deficiency or meet the requirement which the division determined the

applicant failed to meet.

(b) The division may approve the plan of correction and issue the applicant a license only if the plan is reasonable and specifies a period of time within which to satisfy the requirements of 7 AAC 53.410 -- 7 AAC 53.770.

(c) A facility must meet the requirements of 7 AAC 53.410 -- 7 AAC 53.770 within the time specified in the plan of correction. If a plan of correction accepted by the division under (b) of this section is not effective by the date specified, the division may approve a resubmitted plan with a revised date of completion only if the facility has demonstrated reasonable efforts to carry out the requirements of the plan.

(d) If the facility fails to complete the plan, the division will immediately revoke or modify the license. (Eff. / / ,
Register)

Authority: AS 47.05.010

AS 47.10.300

AS 47.10.310

7 AAC 53.440. WAIVER OF REQUIREMENTS. (a) The director or the director's designee may, with discretion, waive a requirement of 7 AAC 53.410 -- 7 AAC 53.770 if an alternate method of satisfying the purpose of the requirement is established and the well-being of the facility residents is reasonably ensured.

(b) The appropriate municipal or state authority must review a waiver request involving fire safety, environmental health, or other municipal or state requirements within their jurisdiction before the director or the director's designee may allow the waiver.

(c) An applicant for a waiver must apply in writing to the division. The application must state

(1) the requirement for which the waiver is requested;

(2) an explanation of why the requirement cannot be satisfied; and

(3) the applicant's alternative method of meeting the purpose of the requirement.

(d) The division may grant a waiver under this section for the term the license is in effect, or for a shorter period of time. The division may, in its discretion, renew the waiver for successive periods of not longer than the term of a renewed license if it determines that the provisions of (a) -- (c) of this section are satisfied.

(e) The division will answer a waiver request in writing.

(Eff. / / , Register)

Authority: AS 47.05.010

AS 47.10.300

AS 47.10.310

7 AAC 53.450. PROVISIONAL LICENSE. (a) The division will, in its discretion, issue a provisional runaway minor program facility license to a first time applicant, an applicant who is

temporarily unable to comply with a regulation, or an applicant who previously had a license revoked under this article if

(1) the facility is in substantial compliance with the requirements of 7 AAC 53.410 - 7 AAC 53.770;

(2) the non-compliance does not cause an immediate risk to the life, health or safety of resident minors; and

(3) the applicant submits to the division a completed application that is in conformity with the requirements of this article except

(A) those requirements where compliance cannot be determined because the program is not in full operation;

(B) a requirement waived under 7 AAC 53.440 for a period of one year or less;

(C) when the applicant has a plan approved by the division to correct the areas of noncompliance within the

times specified by the provisional license; or

(D) when the noncompliance is caused by practical considerations, including weather and shipping.

(b) The division will approve or deny the request for provisional license in writing.

(c) The division will issue an operator a biennial license only after the operator has been operating under a provisional license for at least one year, and is found to conform to all standards and procedures of 7 AAC 53.410 -- 7 AAC 53.770. (Eff.

/ / , Register)

Authority: AS 47.05.010

AS 47.10.300

AS 47.10.310

7 AAC 53.460. CONSULTATION. The division may, in its discretion, provide consultation to assist an applicant in complying with the requirements of 7 AAC 53.410 -- 7 AAC 53.770.

(Eff. / / , Register)

Authority: AS 47.05.010

AS 47.10.300

AS 47.10.310

7 AAC 53.470. RENEWAL. (a) A licensed facility operator (hereinafter, "operator") who wishes to be relicensed, must apply, as directed by the division, at least 60 days but no more than 120 days before expiration of the existing license.

(b) The division will conduct a review not later than 10 days before expiration of the existing license and will take appropriate action under 7 AAC 53.430(b) and (c).

(c) If the operator applies in compliance with (a) of this section, but the division is unable to complete its review within the period set out in (b) of this section, the division will temporarily extend the existing license for a certain period.

(Eff. / / , Register)

Authority: AS 47.05.010
AS 47.10.300
AS 47.10.310

7 AAC 53.480. DENIAL, MODIFICATION, AND REVOCATION. (a) If the division determines that a facility does not comply with AS 47.10.300 -- 47.10.390, AS 47.35.010 -- 47.35.090, 7 AAC 53.410 - - 7 AAC 53.770, or the terms of the license, it may deny, modify, or revoke the license without the operator's or applicant's consent or agreement.

(b) The division will initiate proceedings to deny, modify, or revoke the license by service of an accusation or statement of issues in accordance with AS 44.62, and will conduct the proceedings in accordance with AS 44.62.330 -- 44.62.650.

(c) If the division determines that the health, safety, or well-being of any minor in the facility is in jeopardy, the division may immediately revoke the license. Otherwise, a denial, revocation, or modification of a license will take effect upon the final administrative action of the department, following

an appeal if applicable.

(d) If a license is denied or revoked, the length of time before the person may reapply, if any, will be stated in the final administrative action of the department. (Eff. / / , Register)

Authority: AS 47.05.010

AS 47.10.300

7 AAC 53.485. RIGHT TO HEARING AND APPEAL. An applicant who has been denied a license or renewal of a license or whose license has been revoked or modified without the applicant's consent may request a hearing before the director or the director's designee under AS 44.02.390. If there is immediate revocation under AS 47.35.050, a hearing, if requested, will be scheduled within 30 days. (Eff. / / , Register)

Authority: AS 47.05.010

AS 47.10.300

7 AAC 53.490. VOLUNTARY MODIFICATION OF LICENSE. (a) An operator may initiate a voluntary license modification by writing the division director. The operator must notify the director of the modification desired, and when the modification could become effective. The director will, in the director's discretion, request additional information, or approve or deny the modification.

(b) The division may initiate a voluntary license modification by contacting the operator. The division must notify the operator of the modification desired, and when the division would allow the modification to become effective. The operator has authority to refuse a license modification sought by the division under this subsection. (Eff. / / , Register)

Authority: AS 47.05.010

AS 47.10.300

AS 47.10.310

7 AAC 53.500. VOLUNTARY TERMINATION OF OPERATIONS. (a) An

operator shall notify the division of any intention to voluntarily terminate operations a minimum of 30 days prior to termination.

(b) The operator has continuing responsibility to ensure that records are kept confidential and minors receive continuous service. The operator must submit to the division for approval a plan designed to ensure confidentiality of records and continuity of service. The operator shall forward all records according to division direction. (Eff. / / , Register)

Authority: AS 47.05.010
AS 47.10.300
AS 47.10.310

7 AAC 53.510. LICENSE. (a) A license issued in accordance with 7 AAC 53.430 or 7 AAC 53.440 will state

(1) the type of facility;

(2) the name of the facility;

(3) the name of the organization or municipality licensed to operate the facility;

(4) the location and mailing address of the facility;

(5) the greatest number of minors who may reside at the facility at any one time;

(6) the ages of minors who may reside at the facility;

(7) if applicable, the facility's authorization to provide more than one type of care and the number of beds in the facility which are designated for the runaway minor program facility;

(8) the period for which the license is in effect; and

(9) other special conditions concerning compliance with 7 AAC 53.410 -- 7 AAC 53.770.

(b) Licenses are not transferrable from one person to another or one location to another.

(c) An operator shall immediately return a revoked license to the division.

(d) All licenses remain the property of the division.

(e) A biennial license issued by the division will be valid for two years from the effective date of the license, unless subsequently revoked or modified.

(f) An operator must display the license in the facility in plain view of the public. (Eff. / / , Register)

Authority: AS 47.05.010

AS 47.10.300

AS 47.10.310

7 AAC 53.520. ORGANIZATION AND ADMINISTRATION. (a) The governing board, if any, of an operator must:

(1) determine policy and implement that policy through an administrator; and

(2) maintain minutes of meetings which must be made available to the division.

(b) The operator must:

(1) provide the division with the name, address, and telephone number of the person and/or registered agent ultimately responsible for operation of the facility or proposed facility and, if the facility is operated by a corporation organized under AS 10.20, the name, address, and telephone number of each member of its board of directors as defined in AS 10.20.720;

(2) provide the division with a description of the land and building in which the facility is located and the name of the owner of the land and building;

(3) designate an administrator who exercises authority

for administration of the facility;

(4) designate an employee to supervise the facility operations for any period during which the administrator is not immediately available;

(5) have written personnel policies and procedures, a copy of which is given to each employee at the time of employment and made continuously available to each employee at the job site, which include

(A) personnel qualifications and job descriptions for all personnel including those who are not careproviders;

(B) terms of employment, including, but not limited to, salaries, sick leave, holidays, vacations, and other benefits offered; and

(C) procedures for annual evaluation and for promotion, dismissal, resignation, and grievance; and

(6) have an operations manual which includes facility policies, procedures, program descriptions, and forms which must be made available to employees and the division upon request.

(c) A facility's practices must conform to its written policies and procedures.

(d) If either the person ultimately responsible for the operation of a facility, the registered agent or the board of directors of a corporate organization and the facility administrator are regularly located 75 miles or more from the facility, the operator must establish a local advisory board which

(1) is available to supervise facility operations in emergencies;

(2) prepares reports and recommendations to be submitted to the person ultimately responsible for the operation of the facility; and

(3) meets a minimum of four times each year.

(e) An operator must immediately remove an officer, administrator, employee, volunteer, resident, or any person under control of the facility from contact with minors when there is reasonable cause to suspect that the person has physically or sexually abused a minor or unlawfully furnished alcohol or a controlled substance to a minor. The operator must immediately inform the division and the nearest law enforcement agency of the action and reasons for the action.

(f) An operator must not allow an employee or volunteer under the influence of alcohol or controlled substances to be in contact with minors unless the controlled substances are taken as prescribed by a licensed physician and do not impair the person's ability to perform assigned duties or job responsibilities.

(g) A facility's practices must conform to its written policies and procedures. (Eff. / / , Register)

Authority: AS 47.05.010

AS 47.10.300

AS 47.10.310

7 AAC 53.530. CHANGES AFFECTING LICENSE. (a) The following changes must be reported by the operator to the division as soon as possible, and no later than 30 days before implementation of the change:

(1) the location of the facility;

(2) the name of the facility;

(3) the administration; and

(4) the services offered such as other types of care provided at the same facility, ages or number of minors served, or expanded, reduced or remodeled space.

(b) The operator must report to the division a change of administrator as soon as possible but no later than one week following change.

(c) The operator must report to the division a change in the facility and/or facility operations caused by fire or other disaster within 24 hours.

(d) If a facility anticipates a program change, or experiences an unanticipated program change, the operator must apply for modification of the existing license under 7 AAC 53.430 and operate as close as reasonably possible to the guidelines given in its existing license until the division acts on the application for modification. (Eff. / / , Register)

Authority: AS 47.05.010

AS 47.10.300

AS 47.10.310

7 AAC 53.540. INSURANCE AND RISKS. (a) An operator must maintain bodily injury liability insurance, including insurance on vehicles used to transport residents, and on high-risk activities, for not less than \$100,000 per resident, and \$300,000 per accident with a company authorized to write insurance

policies in the state. The insurance policies must contain the following endorsement: "if this policy is cancelled or not renewed, the company agrees to give notice to the Division of Family and Youth Services, P.O. Box H-05, Juneau, Alaska 99811-0630, at least 30 days before coverage under the policy ends."

(b) An operator must immediately correct a situation causing an imminent risk to the health or safety of minors when the facility discovers the situation. (Eff. / / , Register)

Authority: AS 47.05.010

AS 47.10.300

AS 47.10.310

7 AAC 53.550. REPORTS AND RECORDS. (a) An operator must document compliance with the requirements of 7 AAC 53.410 -- 7 AAC 53.770 on forms prescribed by the division unless the division has approved, in advance, the use of alternate forms.

(b) An operator must make and retain records for each minor admitted to the facility. The records must contain entries that

are signed and dated, and must be:

- (1) maintained in a uniform and organized manner;
- (2) protected against destruction and damage;
- (3) stored in a manner which insures confidentiality;
- (4) retained for five years after the minor's discharge from the facility;
- (5) available for inspection as the department or division may require; and
- (6) destroyed by burning or shredding if the records are to be destroyed after the required period of retention. (Eff. / / , Reg.)

Authority: AS 47.05.010
AS 47.10.300
AS 47.10.310

AS 47.10.340

7 AAC 53.560. INSPECTION. (a) Before granting a license, the division will inspect the facility to determine if the facility meets the requirements of 7 AAC 53.410 -- 7 AAC 53.770. The division may request an inspection by state or local environmental health officials whenever such an inspection is considered prudent.

(b) License applicants and operators must permit representatives of the division to inspect their facilities, review records, and interview careproviders and minors as necessary to determine compliance with 7 AAC 53.410 -- 7 AAC 53.770.

(c) If the division identifies a facility or location that the division believes is housing runaway minors in violation of law or licensing regulation, the division may refer the matter to a law enforcement agency or may seek an administrative search warrant. A representative of the division may inspect the facility or location, review records, and interview the operator,

careproviders and minors as necessary to determine compliance with 7 AAC 53.410 -- 7 AAC 53.770. (Eff. / / , Register)

Authority: AS 47.05.010

AS 47.10.300

AS 47.10.310

7 AAC 53.570. FIRE AND LIFE SAFETY. (a) A facility housing six or more minors must meet the standards for fire and life safety contained in 13 AAC 50.010 -- 13 AAC 50.080 and 13 AAC 55.010 -- 13 AAC 55.150.

(b) A facility housing fewer than six minors must meet the fire safety standards for a foster home contained in 7 AAC 50.560. (Eff. / / , Register)

Authority: AS 47.05.010

AS 47.10.300

AS 47.10.310

7 AAC 53.580. SANITATION AND ENVIRONMENTAL PROTECTION. (a)

A facility housing six or more minors must satisfy the sanitation and environmental protection requirements contained in 18 AAC 30.800 -- 18 AAC 30.890.

(b) A facility housing fewer than six minors must satisfy the following requirements for sanitation and environmental protection:

(1) the facility must have a water supply, sewage disposal, and refuse control system which satisfies the requirements of the environmental health inspection agency having jurisdiction in the area where the facility is located;

(2) the facility must have the equipment and space necessary for the proper care, storage, refrigeration, and preparation of food;

(3) the facility must be free of hazards which can cause injury;

(4) medicines, cleansers, and other harmful chemicals

must be stored safely and be inaccessible to children under ten years of age; and

(5) firearms and ammunition must not be located on the premises. (Eff. / / , Register)

Authority: AS 47.05.010

AS 47.10.300

AS 47.10.310

7 AAC 53.590. GENERAL ENVIRONMENTAL REQUIREMENTS. (a) A facility must contain space, furniture, and equipment sufficient to provide care for minors and to support facility programs.

(b) A facility must provide each minor with

(1) a bed which is substantially constructed and in good repair;

(2) a clean, nontoxic, fire-resistant mattress and plastic or launderable mattress cover, together with linens and

covers adequate for the season;

(3) space for clothing and personal possessions; and

(4) adequate bath towels, hand towels, wash cloths, and toiletries necessary for customary personal hygiene, including such items as soap, a toothbrush, toothpaste, and shampoo.

(c) A facility must have a meeting space where minors may receive counseling services or visits from clergy, family members and others and be assured of private conversation.

(d) A facility must have appropriate work and storage areas adjacent to the area of use when the following functions are conducted on the premises:

(1) administrative office functions and record storage;

(2) food preparation and serving;

(3) housekeeping services;

(4) laundry;

(5) rest area and meeting space for staff;

(6) storage of program materials; and

(7) repair or maintenance.

(e) Subparagraph (d) of this section does not require that rooms be assigned exclusive to a single function.

(f) A facility must provide sleeping and bathroom areas for live-in staff that are separate from the facilities provided for minors.

(g) A facility must have 24-hour telephone or radiophone service.

(h) A facility must use buildings exclusively for the care of runaway minors except where more than one occupancy or type of

care is authorized by the division. More than one occupancy or type of care may be authorized if

(1) the occupancy of others is consistent with the health, safety, comfort, and well-being of the minors in the facility;

(2) the other users of the building comply with applicable state and municipal fire safety, environmental health, and licensing codes; and

(3) the division reviewed and approved a plan for the separation of the facility's occupants before licensing the facility for multi-use.

(i) A runaway minor program facility may provide shelter and services to homeless persons over seventeen years of age but less than twenty-one years of age when the division has approved the facility's plan to segregate residents who are under age eighteen from residents who are eighteen years of age or older. (Eff. / / , Register)

Authority: AS 47.05.010

AS 47.10.300

AS 47.10.310

7 AAC 53.600. EMERGENCY PROVISIONS. (a) If a minor experiences an illness, accident, seizure, or other emergency requiring medical attention, the operator must provide emergency first aid and promptly refer the minor to medical care. The operator must notify the minor's parent or guardian of a medical emergency as soon as possible but in no event more than 24 hours later. If the minor is in custody of the department or the minor's parent or guardian is unknown, the operator must notify the division instead.

(b) An operator must immediately report to the division incidents involving suicide attempts, cruel or abusive treatment, or serious injury.

(c) An operator must report a minor's unauthorized absence for more than four hours past curfew to the minor's parent,

guardian, or custodian, or to the division, as appropriate in each individual case.

(d) An operator must record the date, time, and circumstances of an emergency under (a) or (b) or an incident under (c) of this section for review by the division.

(e) An operator must immediately report a minor's death to the division and the nearest law enforcement agency.

(f) An operator must require each careprovider of the facility to read and sign a statement clearly defining child abuse and neglect which outlines the careprovider's responsibility to report all incidents of known or suspected child abuse or neglect immediately to the administrator of the facility or to a person designated by the administrator, and to the division.

(g) An operator must post first aid procedures and maintain readily available first aid supplies appropriate to the size of the facility.

(h) An operator must post, adjacent to the facility telephone, a list of emergency telephone numbers including fire, police, licensed health care professional, poison control, hospital or emergency medical clinic, ambulance and the division.

(i) An operator must have at least one employee with a current first aid certificate on duty at all times unless first aid courses are not regularly available in the community in which the facility is located. Certified employees must have training in hypothermia and cardiopulmonary resuscitation. If courses are not regularly available, the operator must enroll one or more employees in the first available first aid course offered in the community to meet this requirement, and the enrolled employees must satisfactorily progress in the course.

(j) An operator must provide a means for transporting minors to emergency services. (Eff. / / , Register)

Authority: AS 47.05.010

AS 47.10.300

AS.47.10.310

7 AAC 53.610. ADMINISTRATOR. (a) A facility must have an administrator who possesses the skills and experience necessary to competently manage program services, records, finances, and personnel appropriate to the nature, size and location of the facility.

(b) The administrator of a facility must be a responsible, mature individual of good character.

(c) An administrator must have experience in the human services field appropriate to the nature, size and location of the facility. An individual who administers a facility which serves 15 or fewer residents must have two years of experience in the human services field. An individual who administers a facility which serves 16 or more residents must have three years of experience in the human services field.

(d) An administrator must also meet the careprovider qualifications in 7 AAC 53.620.

(e) The person ultimately responsible for operation of the facility seeking a license under 7 AAC 53.410 -- 7 AAC 53.770 must provide to the division written verification that before hiring an administrator it has

(1) obtained, reviewed and confirmed the legitimacy of at least three written references, at least two of which were from persons who supervised the administrator in a previous workplace;

(2) verified that the references obtained provide evidence of the administrator's good character and competence to manage the program;

(3) obtained a release from the potential administrator to allow the facility and the division to review child custody records in each state where the administrator lived during the preceding five years and inquired to determine if, as a parent or guardian, the administrator had a child adjudicated as a Child in Need of Aid as a result of the administrator's act or omission;

(4) obtained fingerprints and a release from the potential administrator to allow the facility and the division to review criminal records of the administrator maintained by the Alaska Department of Public Safety and the Federal Bureau of Investigation and submitted the fingerprints to law enforcement authorities to determine if the administrator is under indictment for or has been convicted of a felony or crime described in 7 AAC 53.620(a)(6);

(5) obtained written verification that the administrator has been tested free of active pulmonary tuberculosis before coming into contact with minors in the facility, and at least annually thereafter; and

(6) reviewed the records obtained and verified that the administrator meets the requirements of (a) -- (d) of this section.

(f) The person ultimately responsible for operation of the facility licensed under 7 AAC 53.410 -- 7 AAC 53.770 must annually conduct a review of the administrator's performance.

(g) The facility must retain the records and documents used to verify that the requirements of this section have been met and must make them available to the division for inspection and copying upon request. (Eff. / / , Register)

Authority: AS 47.05.010

AS 47.10.300

AS 47.10.310

7 AAC 53.620. CAREPROVIDER QUALIFICATIONS. (a) A careprovider must

(1) be at least 19 years of age;

(2) provide positive guidance and set clear and consistent limits to foster a minor's ability for self-discipline;

(3) provide support and encouragement to enable family reunification;

(4) model positive interpersonal skills;

(5) be free from physical or mental disease, including alcoholism or drug abuse, which would threaten the health, safety or well-being of minors in the facility;

(6) not be under indictment for or been convicted of a felony or a crime of any classification which involves the elements of assault, sexual assault or misconduct, child abuse or contributing to the delinquency of a minor; and

(7) not have had, as a parent or guardian, a child adjudicated as a child in need of aid within the past five years as a result of the person's act or omission.

(b) A careprovider who has supervisory responsibility for the program and child care, including one who works without a supervisor on the premises, must have a minimum of one year experience in the human services field.

(c) A careprovider must not be allowed to have contact with

minors in a facility licensed under this chapter until the administrator of the facility has verified that the careprovider meets the requirements of (a) and (b) of this section by

(1) obtaining, reviewing and verifying the legitimacy of at least three references from persons unrelated to the careprovider which provide evidence of the person's good character and ability to provide good care for minors;

(2) obtaining verification of the age of the careprovider;

(3) obtaining a release from the careprovider to allow the facility and the division to review child custody records in each state where the careprovider lived during the preceding five years and inquiring to determine if, as a parent or guardian, the careprovider had a child adjudicated as a Child in Need of Aid as a result of the careprovider's act or omission;

(4) obtaining fingerprints and a release from the careprovider to allow the facility and the division to review

criminal records of the careprovider maintained by the Alaska Department of Public Safety and the Federal Bureau of Investigation, and submitting the fingerprints to law enforcement authorities to determine if the careprovider is under indictment for or been convicted of a felony or crime described in (a) (6) of this section; and

(5) obtaining written verification that the careprovider has been tested free of active pulmonary tuberculosis before coming into contact with minors in the facility, and at least annually thereafter, as follows:

(A) a careprovider who has never had a positive tuberculin skin test result must obtain a tuberculin skin test; and

(B) a careprovider who has previously had a positive tuberculin skin test result, or a careprovider whose tuberculin skin test obtained under (1) of this subsection has a positive result

(i) must have a health evaluation by a health care provider to identify symptoms suggesting that tuberculosis disease is present; the health evaluation must also include evaluation for the presence of any of the following risk factors: evidence of inadequately treated past tuberculosis disease, history of close exposure to a case of communicable pulmonary tuberculosis within the previous two years, history of a negative tuberculin test within the previous two years, diabetes mellitus (severe or poorly controlled), diseases associated with severe immunologic deficiencies, immunosuppressive therapy, silicosis, gastrectomy, excessive alcohol intake, or human immunodeficiency virus infection; if symptoms suggesting tuberculosis disease are present, or if any of the risk factors are present, a chest x-ray must be obtained as part of the health evaluation and the health care provider must report the case to the section of epidemiology, division of public health; and

(ii) if the careprovider has previously received

appropriate anti-tuberculin chemotherapy and has no symptoms suggesting that tuberculosis is present, the careprovider need not have further annual tuberculosis evaluation under this subsection.

(d) An operator must annually evaluate each careprovider's performance in writing. The written performance evaluation must include a plan for correcting any deficiencies identified during the evaluation process.

(e) The facility must retain the records and documents used to verify that the requirements of this section have been met and make them available to the division for inspection and copying upon request.

(f) The division may assess compliance with this section by reviewing required records, performance evaluations and, as deemed necessary by the division, through observation of careproviders in the performance of their duties. (Eff. / / , Register)

Authority: AS 47.05.010

AS 47.10.300

AS 47.10.310

7 AAC 53.630. STAFFING REQUIREMENTS. (a) A facility must have a sufficient number of careproviders on duty in the facility to provide for the care and safety of minors and to otherwise meet the requirements of 7 AAC 53.410 -- 7 AAC 53.770.

(b) A careprovider must be on duty in a facility whenever one or more minors are present.

(c) At least one careprovider who is able to read and write the English language must be on duty at a facility at all times.

(d) The on duty staff-to-child ratio in a facility must be as follows:

(1) one careprovider for every six minors in care during waking hours; and

(2) one careprovider for every 12 minors in care during sleeping hours.

(e) A facility must have an emergency back-up staffing plan for periods when only one staff member is on duty.

(f) Only those careproviders who are on duty with the primary responsibility for direct care and supervision of minors may be counted in the ratios required by (d) of this section. Careproviders are not required to be awake to be counted as "on duty" during sleeping hours.

(g) The director or administrator may be counted as a careprovider for the purposes of (d) of this section only if the facility serves 12 or fewer minors and the director or administrator meets the requirements of subsection (f) of this section.

(h) Careproviders who devote time to food preparation and building maintenance may not be counted to meet the ratios required by (d) of this section, unless food preparation and

building maintenance are used as life skills education for minors in care.

(i) A child of a staff member will be counted in the ratio required by (d) of this section if the child resides in the facility.

(j) The division may waive the staff-to-child ratio requirements of this section if it determines that facility layout, electronic monitoring systems, or other circumstances are sufficient to insure the safety and welfare of the residents.

(k) In this section, "sleeping hours" means the hours from eleven p.m. to seven a.m. (Eff. / / , Register)

Authority: AS 47.05.010

AS 47.10.300

AS 47.10.310

7 AAC 53.640. STAFF ORIENTATION, SUPERVISION, AND TRAINING.

(a) A facility must provide orientation for each staff member

regarding

(1) the organization of the facility, administrative procedures, and program approach;

(2) the staff member's duties and responsibilities, including those duties and responsibilities to be carried out in emergencies;

(3) the operational manual and the equipment relevant to assigned duties and responsibilities;

(4) the physical plant layout;

(5) acceptable and prohibited behavior management techniques, including the facility's discipline policies;

(6) crisis management and the appropriate use of passive restraint methods;

(7) emergency and safety procedures;

(8) in-service training opportunities;

(9) the staff member's responsibility under AS 47.17.020 to report suspected child abuse and neglect to the division; and

(10) the requirement under AS 47.10.340 that records identifying a minor who has been admitted to or sought assistance from the facility remain confidential and the procedures for safeguarding of confidential information.

(b) The orientation required in (a) of this section must begin at the time of employment and be completed before the employee is permitted to work with the minors without direct supervision. (Eff. / / , Register)

Authority: AS 47.05.010

AS 47.10.300

AS 47.10.310

7 AAC 53.650. TRANSPORTATION. (a) A vehicle used in

transporting minors must be licensed, insured, and operated in accordance with state law.

(b) A staff member of a facility, or other person acting on behalf of the facility, operating a vehicle for the purpose of transporting minors must be properly licensed to operate that class of vehicle according to state law.

(c) An operator must ensure that there is prudent supervision in a vehicle used by the facility to transport minors including use of seat belts, absence of passenger overloading and prohibiting riding in the back of open pickup trucks and other open vehicles. (Eff. / / , Register)

Authority: AS 47.05.010

AS 47.10.300

AS 47.10.310

7 AAC 53.660. NON-DISCRIMINATION PRACTICES. A facility may not discriminate in the provision of services or in admissions because of race, creed, color, or national origin. (Eff. / /

, Register)

Authority: AS 47.05.010

AS 47.10.300

AS 47.10.310

7 AAC 53.670. ADMISSION POLICIES. (a) A facility must have written admission policies. The written admission policies must include

(1) the criteria and procedures used to determine eligibility for admission and eligibility for other services offered by the facility;

(2) procedures for notifying a minor's parent or guardian of the physical and emotional condition of the minor and the circumstances surrounding the minor's admission to the facility; and

(3) procedures to document the notifications required by this subsection.

(b) A facility may accept only those persons who meet the eligibility criteria outlined in the admissions policies and for whom the facility has an operational program.

(c) A facility may not knowingly admit

(1) a person who is not in the age range specified on the facility's license;

(2) more minors into care than the number specified on the facility's license;

(3) a child who is younger than ten years of age except in a facility licensed to provide emergency shelter care for young children;

(4) a person who requires continuous nursing services or continuous medical care; or

(5) a person who has been determined through a

psychiatric or psychological evaluation to be a danger to the person or others, unless:

(A) the admission is for less than six hours;

(B) is necessary to prevent harm to the person;

(C) no reasonable alternative exists to provide adequate protection for the person under the circumstances;

(D) the physical plant and staffing patterns are sufficient to prevent harm to the person or others; and

(E) the department is immediately notified of the admission.

(d) Upon a minor's admission to the facility, careproviders of the facility must

(1) immediately inform the minor seeking assistance of the minor's legal rights and responsibilities under AS

47.10.141 -- 47.10.142 and AS 47.10.300 -- 47.10.390 and of the services and assistance available for runaway minors from the program and from state and municipal governments;

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

(3) notify the minor's parent or guardian of the minor's physical and emotional condition and the circumstances surrounding the minor's admission to the program as soon as possible but no later than 48 hours after the admission, unless

(A) there is reason to believe that the minor has been physically or sexually abused by the minor's parent or guardian and the division is notified immediately; or

(B) there is reason to believe that notifying the minor's parent or guardian would endanger the life or safety of the minor or the staff of the facility and the division is notified immediately; or

(C) the minor will not divulge the name of the

minor's parent or guardian or the parent or guardian cannot be reached after a good faith effort and the division is notified within 48 hours;

(4) compare the minor's name to the list of names, provided by the Department of Public Safety, of minors who are runaways, missing, or for whom there is an order to take custody, and determine if the minor is listed; if the minor is listed, the facility must immediately inform the appropriate law enforcement agency of the minor's whereabouts;

(5) notify the division, within 24 hours, of the whereabouts of a minor who has been reported by the division to be in the custody of the department or if the facility knows there is an order for the department or a law enforcement agency to take custody of the minor; and

(6) obtain, within 48 hours, the written consent of the division for minors in the custody of the department to remain in residence in the facility.

(e) The division may notify facilities of runaway minors who are in the custody of the department or for whom there is an order directing the department or a law enforcement agency to take custody. (Eff. / / , Register)

Authority: AS 47.05.010

AS 47.10.300

AS 47.10.310

AS 47.10.330

7 AAC 53.680. PROGRAM OF CARE. (a) A facility must have a written program of care, describing how it provides services to runaway minors.

(b) A facility's program of care must include procedures for

(1) explaining to a runaway minor the minor's legal rights and options of service and assistance available from the program and state and municipal governments;

(2) determining why a minor is a runaway;

(3) assessing the services required to meet the needs of the minor and the minor's family, if appropriate;

(4) establishing reunification of runaways with their families as a primary goal, except in cases in which reunification is clearly contrary to the best interests of the minor;

(5) identifying minors for whom reunification is not an appropriate goal and working with the department to develop plans to provide for the care and safety of these minors;

(6) identifying the symptoms of child abuse and neglect and immediately reporting identified cases to the division in conformance with AS 47.17 and AS 47.10.310(c) when there is reasonable cause to suspect that a runaway minor has been abused or neglected or when a minor claims that to be the case;

(7) identifying the symptoms of alcohol and drug abuse or dependence and making referrals to treatment resources, as

appropriate;

(8) providing or assisting in arranging for necessary services including food, shelter, clothing, medical care, and individual and family counseling;

(9) providing for visitation and other forms of communication by the minor with the minor's family and significant others; and

(10) restricting a minor's involvement in an activity related to fund raising or publicity for a facility without the prior written consent of the minor and the minor's parent or guardian; the facility must also receive the approval of the court if the minor is in state custody. (Eff. / / , Register)

Authority: AS 47.05.010

AS 47.10.300

AS 47.10.310

7 AAC 53.690. ASSESSMENT, PLAN OF CARE, AND CASE RECORDS.

(a) For minors, including minors in department custody, expected to remain in the facility no more than 45 days, the facility must, within ten days of the minor's admission, complete an assessment of the minor and the minor's circumstances which shall include

(1) observations of the minor while in the facility;

(2) a meeting of staff, the minor, the minor's parent or guardian, and other concerned individuals, as available;

(3) a review of any written materials which have been supplied by persons listed in (2) of this subsection; and

(4) a review of

(A) the reasons for the minor's admission to the facility and the minor's circumstances at the time of admission;

(B) the minor's significant history, including education, health, professional evaluations, and any medication or special treatments the minor may need; and

(C) the minor's family circumstances including the needs and strengths of the family and the likelihood of successful reunification.

(b) Upon completion of the assessment, facility careproviders must prepare a plan of care based on the assessment which shall include

(1) the findings of the assessment;

(2) the goals to be achieved or worked toward for the minor and the minor's family including reunification with the family or development of an alternative plan;

(3) strategies for fostering positive family relationships for the minor and his or her family regardless of whether reunification is the goal of the plan;

(4) a description of the services to be provided by the facility, the child's parents, guardian, or agency having custody and, if appropriate, the department;

(5) plans for family involvement as appropriate and desired by the minor;

(6) plans for religious participation as appropriate and desired by the minor;

(7) plans for education as appropriate; and

(8) discharge plans, which should include the planned date of discharge and designate the person or agency to whom the minor is expected to be discharged.

(c) The facility shall establish a record for each child admitted to the facility. The record shall include the assessment and the plan of care, along with other relevant documents. The format and the records shall be subject to

division review. (Eff. / / , Register)

Authority: AS 47.05.010

AS 47.10.300

AS 47.10.310

AS 47.10.340

7 AAC 53.700. CARE AGREEMENT. (a) An agreement between a facility and a parent or guardian of the minor which provides for placement of the minor in a facility for more than 45 days must

(1) be executed in writing;

(2) specify the period of the agreement;

(3) include by reference or attachment the consent of the parent or guardian to emergency medical and surgical care of the minor, and the plan of care developed for the minor;

(4) specify the arrangements for safekeeping personal funds of the minor in excess of \$100.00, and an allowance for the

minor as appropriate;

(5) specify the nature and frequency of reports to, and meetings involving, the minor's parent(s) or guardian, the agency having custody of the child, and the department, as appropriate;

(6) provide for notification of the child's parent, guardian, agency having custody of the child, or department, as appropriate, in the event of unauthorized absences, medical or dental problems, or any significant events regarding the minor;

(7) delineate financial responsibilities of the parties;

(8) be approved by the department in writing if it provides for residency of the minor in the facility for more than 90 days; and

(9) be retained in the minor's record.

(b) An agreement between a facility and the department, authorizing the facility to provide more than 45 days of care to

a minor for whom the department has custody must, in addition to the requirements of (a) of this section, provide authorization to care for the child as required by policy, regulations, or statutes.

(c) All parties to an agreement executed pursuant to (a) or (b) of this section shall be provided with a copy of the agreement when it is executed.

(d) An amendment to the care agreement, including a change in the plan of care, must be written and signed by the parties to the placement agreement. The facility must deliver copies of the amendment to the parties involved. (Eff. / / , Register)

Authority: AS 47.05.010

AS 47.10.300

AS 47.10.310

AS 47.10.320

7 AAC 53.710. CONFIDENTIALITY. A facility may not allow records identifying a minor who has sought assistance from or

been admitted to the facility to be inspected or copied unless

(1) the minor has, after receiving effective written notice of the minor's right to privacy, given written consent to the disclosure of the records;

(2) the division has determined the records to be relevant to an investigation of child abuse or neglect or a child in need of aid proceeding, and the division has made a written request to the facility for the records;

(3) disclosure of the records is necessary to protect the life or health of the minor and the disclosure is made only to a health care provider, law enforcement agency or the division; or

(4) disclosure of the records is required by 7 AAC 53.580(b), 7 AAC 53.690(c), or 7 AAC 53.740(d). (Eff. / / ; Register)

Authority: AS 47.05.010

AS 47.10.300

AS 47.10.310

AS 47.10.340

7 AAC 53.720. DISCIPLINE AND BEHAVIOR MANAGEMENT. (a) A facility must have a written description of the methods of behavior management used by the facility. The description must identify acceptable and unacceptable youth behavior. The methods must include provisions for positive responses to acceptable behavior and appropriate response to unacceptable behavior. The facility must deliver and explain the description to a minor upon the minor's admission to the facility.

(b) Discipline or control must be appropriate to the minor's age and development level. A minor in care may not be

(1) subjected to unusual, severe, cruel, capricious, or humiliating punishment;

(2) subjected to verbal abuse or derogatory remarks by the staff;

(3) deprived of meals, water, clothing, mail, family contacts, or contacts with the minor's guardian or custodian as a method of discipline;

(4) disciplined by shaking or by striking with a hand or object;

(5) physically restrained except for use of a non-violent crisis intervention technique which does not include use of mechanical restraints and which is necessary to protect the minor from inflicting injury on him or herself, others, or property;

(6) confined in a locked room for any reason;

(7) subjected to discipline administered by another minor;

(8) denied treatment equal to that given to the children of staff members when the staff members' children are on the premises; or

(9) denied participation in religious activities or required to participate in religious activities.

(c) A facility may not coerce or otherwise require a minor to make written or oral public statements regarding the minor's background, condition of dependency, destitution, or neglect, or the minor's acknowledgement of gratitude to the facility. (Eff.

/ / , Register)

Authority: AS 47.05.010 .

AS 47.10.300

AS 47.10.310

7 AAC 53.730. NUTRITION. (a) A facility must provide plentiful, nutritious food in comfortable surroundings. Minors and staff may be periodically involved in meal planning and preparation.

(b) A facility must ensure that, on a daily basis, each minor is provided with three nutritious, attractively prepared meals in a quality and quantity which meet the 1980, 9th edition

Recommended Dietary Allowances established by the National Academy of Sciences.

(c) A facility must

(1) routinely serve breakfast and dinner on-site and not more than 15 hours apart;

(2) routinely serve lunch on-site except to the extent that lunch is provided in an approved program away from the facility;

(3) offer snacks of nourishing quality between meals;

(4) provide a special diet for a minor when prescribed by a licensed health care professional;

(5) use recipes which provide food that is appropriate to the habits, preferences, and physical abilities of the residents, including wild game and traditional Alaskan Native foods, where appropriate and available in a form which is sanitary and

healthful; and

(6) keep on file for one year menus reflecting actual meals served.

(d) A facility may not deny a meal to a minor admitted to the facility except in accordance with a physician's order.

(e) A facility may not force-feed a minor or otherwise coerce a minor to eat against the minor's will except by order of a physician.

(f) A facility must provide substantially similar meals to careproviders and residents. (Eff. / / , Register)

Authority: AS 47.05.010

AS 47.10.300

AS 47.10.310

7 AAC 53.740. MEDICAL AND DENTAL CARE. (a) It is the responsibility of a facility to maintain and promote the health

of minors in care. The responsibility established in this subsection includes the prevention of illness and the provision of or help in arranging for the provision of routine and emergency medical, dental, and visual care.

(b) A facility must have clear written policies and procedures governing the care of minor acute illnesses, actions to be taken in the event of medical emergencies, and the use and administration of medication to minors. These policies and procedures must be distributed to the facility's careproviders and must include

(1) procedures for verifying any medication a minor is taking and the minor's drug allergies;

(2) the names and telephone numbers of health personnel who can assist in medical emergencies;

(3) the conditions under which careproviders monitor the taking of medications;

(4) procedures for documenting the taking of medication by minors; and

(5) procedures for documenting medication errors and drug reactions and for notifying a licensed health care professional regarding medication errors and drug reactions.

(c) A facility must maintain a health record for each admitted minor which shall document

(1) referrals for examination and care of the minor;

(2) medical, dental and visual examinations and care provided to the minor including a record of specific illnesses and medical emergencies; and

(3) a record of medications prescribed and administered to the minor at the facility.

(d) Upon request, the facility must provide a copy or summary of the minor's health record to the minor or the minor's

parent or guardian, except for any portion that is protected by law from disclosure without the minor's consent.

(e) A facility must keep medication in locked storage unless needed by a minor for frequent or emergency use.

(f) A facility must have policies and procedures to ensure that minors admitted to the facility are screened, assessed and treated for communicable diseases. (Eff. / / , Register)

Authority: AS 47.05.010

AS 47.10.300

AS 47.10.310

7 AAC 53.750. DISCHARGE OF MINORS. (a) A facility must have written discharge policies and procedures.

(b) A facility must discharge a runaway minor to the minor's parent or guardian after 45 days if the minor's parent or guardian has not consented in writing to the minor's residence at the program facility for a period exceeding 45 days.

(c) A facility must discharge a runaway minor to the minor's parent or guardian after 90 days if the minor's parent or guardian or the division has not consented in writing to the minor's residence at the program facility for a period exceeding 90 days.

(d) A facility must compile a discharge summary within five days of the date of a minor's discharge. The discharge summary must include the circumstances of the discharge, a summary of services provided, progress in achieving the goals established in the plan of care, assessed needs which remain unmet, and the name, address, telephone number, and relationship of the person or program to whom the child is discharged, if known.

(e) The facility must provide the written discharge summary on minors who are in the custody of the department to the department within five days of discharge.

(f) A facility must notify a minor's parent or guardian within 24 hours if the minor is released from the program into

the custody of a person other than the parent or guardian or a person representing the parent or guardian, unless unable to do so because the custodian is unknown or cannot be reached, in which case the facility must notify the division. (Eff. / / , Register)

Authority: AS 47.05.010
AS 47.10.310
AS 47.10.330

7 AAC 53.760. IMMUNITY FROM LIABILITY. The officers, directors, administrators, careproviders, staff and other employees of a licensed runaway minor program facility are not liable for civil damages as a result of an act or omission in the admission of a minor to the facility or to a facility program. (Eff. / / , Register)

Authority: AS 47.05.010
AS 47.10.300
AS 47.10.310
AS 47.10.350

7 AAC 53.770. DEFINITIONS. In 7 AAC 53.410 - 7 AAC 53.770:

(1) "administrator" means the individual designated by the legal entity or person with overall responsibility for the facility to administer the facility's program and includes a "director" as identified in AS 47.10.330;

(2) "careprovider" means an employee, volunteer, or other person working in a facility whose duties include care and supervision of minors;

(3) "child abuse or neglect" has the same meaning as in AS 47.17.070;

(4) "child in need of aid" means a child who has been adjudicated as a child in need of aid under AS 47.10.010 or as a dependent child under a similar statute in another state or jurisdiction;

(5) "department" means the Alaska Department of Health

and Social Services;

(6) "director" means the director of the division of family and youth services in the Alaska Department of Health and Social Services;

(7) "division" means the division of family and youth services in the Alaska Department of Health and Social Services;

(8) "facility" means a runaway minor program facility or a proposed runaway minor program facility and includes directors, administrators, staff and other employees as appropriate in the context;

(9) "guardian" means an individual who is appointed by the court to manage the affairs of another person;

(10) "human service field" means an area of endeavor in social services, juvenile corrections, education, mental health, and health care;

(11) "operator" means the entity licensed to operate a runaway minor program facility and includes the administrator, careproviders and staff, as appropriate to the context;

(12) "person" means a natural person, corporation, association, organization, or governmental agency;

(13) "reasonable cause to suspect" means cause, based on all the facts and circumstances known, that would lead a reasonable person to believe that his/her suspicions are or may be valid;

(14) "runaway minor" means a person under 18 years of age who

(A) is habitually absent from home; or

(B) refuses to accept available care; or

(C) has no parent, guardian, custodian, or adult relative willing and able 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;

(15) "runaway minor program facility" means a place, operated by someone licensed by the division, which provides 24-hour care for one or more runaway minors who are not related by blood, marriage, or legal adoption to the operator;

(16) "staff" or "staff member" means the directors, administrators, careproviders, maintenance employees, and other persons regularly working at the facility;

(17) "vehicle" means a self-propelled device for conveying persons or property, including automobiles, motorcycles, snow machines, all-terrain vehicles, airplanes, construction equipment, sailboats, and other vessels. (Eff. / / , Register)

Authority: AS 47.05.010

AS 47.10.300

AS 47.10.310



Alaska State Legislature

Senator Randy Phillips

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Sectional Analysis

CS SB 45

Section 1:

Summarizes the general purposes of sections 13 and 17 of the bill, citing both the requirements of the pertinent federal Act and conditions specific to the state.

Section 2.

This section sets out the findings and intent that relate to the "safe homes" sections of the bill. *(one change from original, changed "protect" to "reduce the risk to")* Change requested by DHSS

Section 3-8.

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.

Section 9.

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 10.

This section is a technical amendment made necessary by the amendments to AS 11.51.130(a) under sec 8 of this bill.

Section 11

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

Section 12.

This section provides immunity to the state and to agencies that designate safe homes for the acts of a minor in a safe home.

Section 13. (Senator Duncan Amendment)

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 14

This section establishes requirements and immunities relating to persons who operate safe homes for runaway minors.

Two changes from original, AS 47.10.394(b)(3) new and AS 47.10.394(c) added 48 hour notice requirement. Changes requested by Senator Ellis

Section 15.

This section allows a peace officer to take a minor who is in protective custody to a safe home that agrees to shelter the minor. This section also requires the officer to inform the minor's custodian that counseling services are available through the Department of Health and Social Services.

Section 16.

This section requires the Department of Health and Social Services to offer 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 17. (Senator Duncan's Amendment)

Makes correlative changes to a juvenile detention statute, AS 47.10.190. (relates to section 13)

Section 18.

This section provides that a person may not represent a home as a "safe home" for runaways unless the person has the appropriate permit.

Section 19.

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.

One change from original, AS 47.35.085(b)(2) new wording, Change requested by DHSS

Section 20.

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

Section 21.

This section defines "runaway minor" and "safe home."

Section 22.

This section gives the bill an immediate effective date.

Note: Former bill section 9 which relates to possession and purchase of a firearm by persons under age 21 has been deleted from the bill.

WALTER J. HICKEL, GOVERNOR

DEPARTMENT OF HEALTH AND
SOCIAL SERVICES

DIVISION OF FAMILY AND YOUTH SERVICES

P.O. BOX 110630
JUNEAU, ALASKA 99811-0630
PHONE: (907) 465-3170

Honorable Steve Rieger, Senator
Alaska State Legislature
State Capitol
Juneau, Alaska

March 17, 1993

RE: SB 45 Information Request

Dear Senator Rieger,

The following information is provided as requested during the hearing before the Senate HESS committee for SB 45 on 3/5/93.

1. Can the Department create Safe Homes without a statutory change?

The department believes that authority under AS 47.10. and AS 47.35 could permit the creation of safe homes. The department finds existing statutory language ambiguous and out dated. and we would feel much more comfortable with explicit authority to crate such homes.

2. What is a safe home, what are the other safe home programs?

The department is aware of two programs in the Municipality of Anchorage that are known as "Safe Homes". One program which was sponsored by CARRS grocery served minors 16 and older who were runaways from home. It is not known if this program is still in existence. The second is a program sponsored by the Municipality of Anchorage School District for school children. These homes are available if a child needs help while on the way to or from school.

Both programs are not licensed by the department.

3. If the bill language were changed to homeless rather than runaway what impact would result?

The department has adopted the national definitions for the terms of "runaway" or "homeless" minor. This adoption avoids confusion by assuring that everyone understands the meaning of the terms. The federal grant programs also have adopted the

RIEGER/WING
SB45
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page 2

definitions of these terms and expects that applicants use the same definitions. The definitions are as follows:

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

The combined definitions for runaway and homeless youth that has been adopted by the department are functionally equivalent to the statutory definition for runaway youth contained in the Alaska Statutes.

4. What are the resources available now for runaway and homeless youth?

This is best described in the department's policy on runaway and homeless youth. A portion of that policy reads as follows;

Runaway children not in the custody of the department who are detained by a law enforcement officer and request DFYS services, or who individually present themselves and request DFYS services, will be assessed for services. This assessment will be done either by a DFYS worker or by referral to a contract agency providing services for runaways.

The worker will assess the needs of referred adolescents and provide services as appropriate and necessary. The worker may assume Emergency Custody if appropriate. The worker will not assume Emergency Custody solely on the basis of either the minor's refusal to return home or the parent's refusal to provide care.

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The department has alternatives for a youth that meet the assessment criteria. Unfortunately these alternatives are not available in all communities across the state.

1. There are foster homes available for children where child protection or delinquency issues are present.
2. There are foster homes available for emergency services.
3. There are informal arrangements between families who are friends that provide temporary shelter.

Thank you for the opportunity to assist the committee in its consideration of SB 45.

Sincerely yours,

for *Randall Hines, acting*
Deborah R. Wing
Director
Division of Family and Youth Services

cc. Senator Randy Phillips



U.S. Department of Justice

Office of Justice Programs

*Office of Juvenile Justice and
Delinquency Prevention*

Office of the Administrator

Washington, D.C. 20531

March 2, 1993

The Honorable Walter J. Hickel
Governor of Alaska
Box A
Juneau, Alaska 99811

Dear Governor Hickel:

I am pleased to inform you that I have granted a waiver of termination and approved Alaska's Juvenile Justice and Delinquency Prevention 1991 Comprehensive Plan. The award of \$325,000 in Formula Grant funds is to implement the State's plan, pursuant to the provisions of the Juvenile Justice and Delinquency Prevention Act of 1974, as amended, 42 U.S.C. 5601 et seq., as amended by the Juvenile Justice and Delinquency Prevention Amendments of 1992, (Public Law 102-586). This represents Alaska's 1991 entitlement under this Act.

Please be 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.

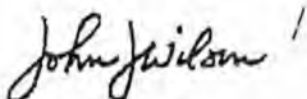
Alaska has reduced the number of status and nonoffender juveniles securely detained in adult jails and lockups to 27 during the period January 1, 1990 to December 31, 1992. However, the Office of Juvenile Justice and Delinquency Prevention Formula Grants regulation requires, as a condition for waiving the termination of funding sanction for noncompliance, that a State has removed all such juveniles from secure detention in adult jails and lockups. This standard can be met by demonstrating zero violations, or through enactment of a State law that prohibits this practice.

In view of: (1) Alaska's substantial progress toward full compliance; (2) the dedicated efforts of the Division of Family and Youth Services, the Governor's State Advisory Group and the Legislature to enact legislation during the 1992 legislative session, and the commitment to secure passage of this legislation in the 1993 session; and (3) your support for achieving the goal of removing all juveniles from adult jails and lockups as evidenced by your Executive Proclamation of October 8, 1992, I have determined to grant a third, and final waiver of termination to Alaska. This will provide continued funding to programs supporting the jail removal effort and an opportunity to enact needed State legislation during the 1993 legislative session.

The OJJDP stands ready to assist you in any way that we can, including technical assistance with the drafting of legislation, in achieving the important national goal of removing juveniles from adult jails and lockups.

If you have any questions concerning this award, please feel free to contact this Office. Concurrent with this letter, we are transmitting the award document to the Division of Family and Youth Services, which administers the Formula Grant funds.

Sincerely,



John J. Wilson
Acting Administrator

from DHSS

BRIEFING PAPER
FOR

AMENDMENT TO SB 45
"An Act relating to the detention and incarceration of minors."

Since 1976, Alaska has received formula grants from the U.S. Department of Justice under the Juvenile Justice and Delinquency Prevention (JJDP) Act. Funds are allocated annually among the states on the basis of relative population of children under age eighteen. Alaska 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 which calls for:

Deinstitutionalization - a termination of the practice of securely detaining non-offenders or status offenders;

Separation - complete separation of juvenile offenders from adult prisoners when housed in the same secure facility;

Jail Removal - termination of the practice of holding any juvenile in an adult jail or lockup facility; and

Annual Monitoring - regular inspection of facilities which detain children along with collection, analysis and reporting of admission or booking data to assess compliance.

These requirements were to be achieved incrementally with deinstitutionalization to be achieved within three years of submission of the state's first grant application.

Separation and jail removal were to be achieved by December 1985, but subsequent extensions allowed exceptions to full compliance until December 1988.

Since 1989, Alaska has had to seek waivers to receive this formula grant funding because we have been unable to meet the OJJDP standard addressing the removal of youth from adult jails and lockups. On March 2, 1993 the Division received approval of its third and final waiver and was awarded \$325,000 of Federal 1991 formula grant funds.

In the fall of 1992 the Act was re-authorized and provides for a "floating" minimum state allocation of \$343,658, an increase from previous years.

Of utmost concern to the Division is the recent verbal advisement from the Office of Juvenile Justice and Delinquency Prevention indicating Alaska's eligibility to receive 1992 Federal Formula grant funds will depend on passage of jail removal legislation this session. Without this grant revenue of \$343,658 annually, it would be necessary to use

state general funds to continue funding ten (10) Non-Secure Attendant Shelter programs serving twelve (12) communities.

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. In FY 92 it cost approximately \$171,150 to provide alternative placement to 472 youth who may have otherwise been placed in adult jails or lockups. Please see attached graph reflecting the reduction in mandate violations since 1987.

The proposed amendment to SB 45 would prohibit the confinement of youth in adult lockups, jails and correctional facilities except under special situations. These special situations are:

1. Juveniles may be held for a criminal offense for up to six (6) hours pending transport to a juvenile facility.
2. Juveniles may be held longer if transportation to a juvenile facility is not possible.
3. Juveniles may be held under protective custody as authorized in AS 47.37.170(b).
4. Juveniles may be held if they have been waived to adult jurisdiction.

In all cases juveniles held under this amendment would be kept separate from all adult prisoners by both sight and sound, unless the minor has been waived.

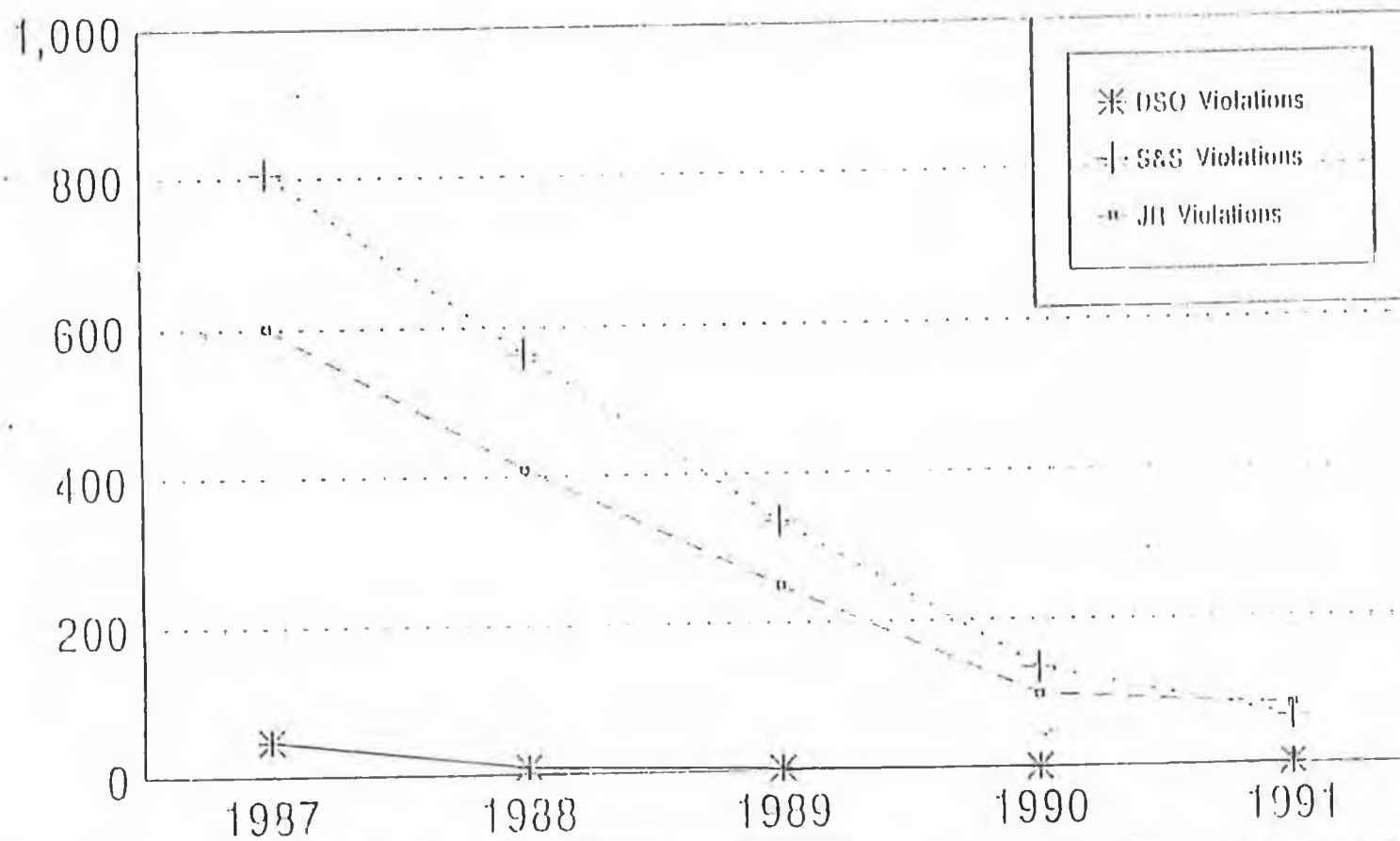
Enactment of this legislation would demonstrate Alaska's intent to meet the requirements of the Juvenile Justice and Delinquency Prevention Act of 1974, as amended and enable us to apply for further Juvenile Justice and Delinquency Prevention formula grant funding.

Passage of this legislation does not adversely affect the juvenile waiver legislation that is currently before the Legislature. The JJDP Act does not apply to juveniles who have been waived to adult criminal court for processing. Waived juveniles represent a "swing" group, who may be placed with either adult offenders or other juveniles.

Attachment

JJDPA VIOLATIONS

(Source UAA Monitoring Reports)



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

NON-SECURE ATTENDANT CARE SHELTERS
FY 92

<u>LOCATION</u>	<u>EXPENDED</u>	<u>YOUTH SERVED</u>
Dillingham	\$15,000	84
Fairbanks	\$10,000	39
Juneau	\$20,000	33
Kenai/Seward/Homer	\$48,150	203
Ketchikan	\$24,200	58
Kodiak	\$ 5,546	2
Manitlag	\$11,929	13
North Slope Borough	\$ 6,250	21
Petersburg	\$ 3,403	2
Sitka	\$10,204	15
Valdez	\$11,612	10
Wrangell	<u>\$ 4,855</u>	<u>2</u>
Total	\$171,150	472

Policy Number: 89-1301
Date: April 1989
Issue: Separation
Policy:

OJJDP discourages the placement of any youth in a facility which can be used for the detention and confinement of adult criminal offenders. However, minimal and acceptable separation for monitoring purposes of Section 223(a)(13) means that juvenile offenders and adult criminal offenders cannot see each other and no conversation is possible. This is commonly referred to as "sight and sound" separation and must be accomplished in the areas which include, but are not limited to admissions, sleeping, toilet and shower, dining, recreational, educational, vocational, transportation, health care and other areas as appropriate. This separation may be established through architectural design or time phasing the use of an area to prohibit simultaneous use by juveniles and adults.

Separation from adult offenders includes trustees.

A juvenile who has been transferred or waived or is otherwise under the jurisdiction of a criminal court does not have to be separated from adult criminal offenders pursuant to the requirements of Section 223(a)(13). Such juveniles may also, however, be incarcerated with other juveniles who are under the jurisdiction of a juvenile court?

This is because Section 223(a)(13) prohibits regular contact in institutions between two specific groups or categories of persons. The first is juveniles alleged to be or found to be delinquent, status offenders, and nonoffenders. The second is adult persons incarcerated because they have been convicted of a crime or are waiting trial on criminal charges.

Juveniles waived or transferred to criminal court are members of neither group or category subject to the Section 223(a)(13) prohibition. Therefore, such juveniles may be detained or confined in institutions where they have regular contact with either group or category covered by the prohibition. They are a "swing group" of individuals who can be placed with whomever the legislature or courts deem appropriate.

For purposes of monitoring compliance with Section 223(a)(13), separation is not required in nonsecure, community-based programs or facilities.

References:

Section 223(a)(13), JJDP Act.

Section 31.303, Formula Grants Regulation, Federal Register, June 1985.

Legal Opinion No. 77-9, December 1, 1976.

"LAW ENFORCEMENT CUSTODY OF JUVENILES"
VIDEO TRAINING GUIDE

December, 1990

Prepared for

U.S. Department of Justice
Office of Juvenile Justice and Delinquency Prevention

This video training guide was prepared under U.S. Department of Justice Contract No. OJP-88-C-006, by Community Research Associates, Champaign, Illinois in conjunction with the U.S. Department of Justice, Office of Juvenile Justice and Delinquency Prevention.

The Assistant Attorney General, Office of Justice Programs, coordinates the criminal and juvenile justice activities of the following program Offices and Bureaus: National Institute of Justice, Bureau of Justice Statistics, Bureau of Justice Assistance, Office of Juvenile Justice and Delinquency Prevention and Office of Victims of Crime.

- ▶ No regular contact with adult offenders is allowed, thus separation from adult offenders must be maintained at all times. This means that juvenile offenders and adult offenders cannot see each other and no conversation is possible (i.e., sight and sound separation). Separation may be accomplished through time phasing the use of an area to prohibit simultaneous use by juveniles and adults.
- ▶ Records must be maintained to document the length of time a juvenile is held in secure custody. (This may be critical in the event of a lawsuit.)
- ▶ The six hour period for securely holding accused delinquent offenders is limited to temporary holding for the purposes of identification, processing, release to parents or guardian or transfer to juvenile court officials or to a juvenile facility. Any such holding of juveniles should be limited to absolute minimum time necessary to complete this action, not to exceed six (6) hours but in no case overnight.
- ▶ Written departmental policies and procedures for handling delinquent offenders should be developed and followed.

What If's

1. Q. If one of the offenders is an adult, can they be jointly transported from the arrest scene to the station and still meet the separation requirement?

A. If a juvenile and adult are arrested in the joint commission of a crime, they should be transported separately, if possible. If separate transportation is not available and they must be transported together, it is not a violation of the requirement to separate juvenile and adult offenders. However, upon arrival at the station, sight and sound separation must occur during all phases of booking and interviewing if these functions occur in a secure area.

2. Q. Can the juvenile being temporarily detained be held in a juvenile holding area with a juvenile being tried as an adult or must they be separated?

A. A juvenile who has been transferred or waived or is otherwise under the jurisdiction of a criminal court does not have to be separated from other juveniles.

3. Q. If a juvenile is handcuffed to a cuffing rail while being processed, is then uncuffed for interviewing and is later placed in the juvenile holding area, when does the six (6) hour clock start and stop?

Jail Removal

The intent of the jail removal legislation is to achieve complete removal of all juveniles from adult jails and lockups. Current requirements call for the following:

Status Offenders and Nonoffenders--These juveniles, who are not charged with an act which would be unlawful for an adult, should never be held in secure custody at a jail or lockup.

Delinquent Offenders--These juveniles, charged with an act which would be unlawful for an adult, should never be held in secure custody for more than six hours.

Waived Felony Offenders--These juveniles, once officially charged in criminal court with a felony offense, are not included in JJDP Act requirements.

Waived Non-Felony Offenders--These juveniles, waived or direct filed to criminal court for processing but not charged with a criminal felony, should never be held in secure custody for more than six hours.

* Separation of Juveniles from Adults

The intent of the federal legislation is to provide full removal of juveniles from adult jails and lockups. If full removal is not achieved, the legislation requires that any juvenile held in secure custody be completely separated from adult offenders at the facility. Juveniles should not be able to see or communicate with adult offenders. Through physical design and/or time phasing, as complete a separation as possible should be achieved, with no more than haphazard or accidental contact permitted. This level of separation applies to all activities at the facility, including: reception, housing, dining, recreation, education, vocation/work, visiting, medical/dental or segregation.

Currently, this legislation does not apply to juveniles who have been waived to adult criminal court for processing. Waived juveniles represent a "swing" group, who may be placed with either adult offenders or other juveniles.

Deinstitutionalization of Status Offenders and Nonoffenders

The intent of the deinstitutionalization requirements is to remove all status and non-offenders from secure facilities. This not only includes removal from adult jails and lockups but from juvenile detention and correctional facilities as well. An exception to this requirement allows accused status offenders and nonoffenders to be held for no more than 24 hours for the purposes of identification, investigation, release to parents or transfer to a nonsecure program. In addition, an exception has been made for status offenders accused of violation of a valid court order or adjudicated for such.

STATE OF ALASKA

Executive Proclamation
by
Walter J. Hickel, Governor

Confining children in adult facilities such as jails and lock-ups is not in the best interest of Alaska's children or of the State of Alaska.

In 1990, as many as 135 youth were held in adult facilities. The State of Alaska recognizes this treatment does not provide the necessary attention, programming, and educational services to juveniles.

The federal Juvenile Justice Delinquency Prevention Act mandates:

separating youth from adults by sight and sound when both are detained in the same jail, lock-up, or other correctional facility;

eliminating the practice of detaining youth charged with status offenses; and,

eliminating the practice of detaining youth in any adult jail, lock-up, or correctional facility.

NOW, THEREFORE, I, Walter J. Hickel, Governor of the State of Alaska, do hereby direct the Department of Health and Social Services to work towards the elimination of the practice of placing juveniles in adult lock-up facilities and jails, the development of more appropriate placement, and elimination of the practice of holding status offenders in adult jails and lock-up facilities.

DATED: October 3, 1992

Done by —



Walter J. Hickel
Walter J. Hickel, Governor
who has also authorized the seal
of the State of Alaska
to be affixed to this proclamation.



NATIONAL RIFLE ASSOCIATION OF AMERICA
INSTITUTE FOR LEGISLATIVE ACTION
565 CAPITOL MALL, SUITE 465
SACRAMENTO, CA 95814
(916) 448-2465

March 16, 1993

The Honorable Steve Rieger, Chairman
Senate Committee on Health, Education
& Social Services
State Capitol, Room 516
Juneau, AK 99801

Dear Senator Rieger:

The purpose of this letter is to express the opposition of the National Rifle Association to Section 9, of Senate Bill 45. As amended, paragraph (3) of subdivision (a) of Section 11.61.220 could constitute a virtual gun ban for most persons under 21 years of age. Additionally, although it is vaguely drafted, paragraph 6 appears to be in clear conflict with federal law and also leads to a de facto gun ban for those under 21 years of age.

While we support the overall concept of SB 45, we would have to actively oppose the bill with the current amended language in Section 9. If we can be of further assistance, please feel free to call upon me.

Sincerely,

Brian Judy
State Liaison

BJ:add

Post-It™ brand fax transmittal memo 7671 # of pages: 1	
TO: HESS	From Anch
CC: TC	Co.
Dept.	Phone #
Fax #	Fax #



ALASKA

POSITION PAPER: Senate Bill 45
 By Senators: PHILLIPS, Halford, Kelly, Miller, Leman, Sharp

Covenant House Alaska, a 40-bed runaway crisis center providing food, clothing, shelter, medical care, counseling and referral and advocacy for youth and families cannot support this bill. Covenant House Alaska feels there are fundamental flaws with this legislation, including the fact that miscellaneous laws relating to minors are being proposed in conflict with existing laws and regulations and that this legislation, as written, offers a vehicle for anyone to accept runaway youth into their home -- further placing hundreds of youth at risk for physical, sexual, mental and/or emotional abuse.

It is the position of Covenant House Alaska that:

1. the existing Runaway Statute adequately meets the needs of homeless and runaway youth without conflicting with existing laws;
2. a vehicle does exist for interested and qualified parties to operate a safe home, even in the most rural areas.

The vehicle -- regulations which accompanied the Runaway Legislation (AS 47.10) -- if the Dept. of Health and Social Services would approve and implement the regulations which have been in limbo since 1990, safe homes would be legal and more importantly, safe, for youth in every community.

3. In addition, the bill states no purpose for existence of the safe homes. The current act (47.10.310) for runaway shelters states that the program "(c) (2) attempt to determine why a minor in the program is a runaway;" and "(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." At the very least, safe homes should be committed to and able to accomplish these goals.

Without the above stipulations, I fear that abuses of safe homes will occur.

Covenant House Alaska has identified the following specific concerns as the basis for the formation of our opinion.

March 5, 1993

Section 14. pg. 7. line 28. regarding social services and counseling.

If the Division of Family and Youth Services deems that the youth is not a child in need of aid, contrary to this legislation, there is no fiscal note which supports social services nor counseling services for the minor, the custodian and the minor's household. All supportive services, family mediation and family reunification and related costs are currently being borne by the runaway shelters without reimbursement.

Section 16. pg 8. line 16. regarding a person without a license or permit not conducting, for more than 90 days a boarding home, foster home . . .

Does this mean anyone can maintain and conduct a boarding home, foster home . . . for less than 90 days?

Obviously, there are fundamental problems with this legislation and any form of this bill is not in the best interest of youth, families or the community. Homeless and Runaway youth come with a maze of complex problems that are, most often, not the fault of their own. Admittedly runaway youth are a difficult population to work with and need special attention and services, but regulations which prevent family reunification and further destroy the youth's chances of re-entering society's mainstream are not the answer to the problem.

Covenant House Alaska continues to be willing to work in a collaborative effort on any legislation that is intended to better meet the needs of youth and their families. It is Covenant House Alaska's position that the original regulations must be adopted and that agencies and individuals work with the Dept. of Health and Social Services to offer an appropriate means for well prepared citizens to participate in sheltering homeless and runaway youth.

Section 1. pg 1. (a) line 9. regarding " . . . properly qualified private citizens . . . "

There is no definition of "properly qualified private citizens," nor any identification of who sets the qualifications. Covenant House Alaska works with Alaska's most troubled youth who are runaways and homeless -- based on experience, it is the position of Covenant House Alaska that individuals must have extensive training and/or intensive supervision when working with this challenging population.

Section 1. pg 1. (b) line 12. allows "interested non-profit corporations" to approve safe homes.

The burden of licensure turns to non-profits who may not be qualified. Recognizing that there are many types of non-profits and that allowing "any interested non-profit" who may or may not have experience in working with homeless/runaway youth places youth at the hands of well meaning but possibly ill-prepared organizations/people. A criteria, to include experience, expertise and appropriateness of the agency licensing, must be developed before non-profits are given green lights to approve "concerned citizens" as safe homes.

Section 1. (b) pg. 2. line 1. this legislation calls for "less regulation than is required for licensed programs for runaways under AS 47.10."

Why would we want or require any less for our youth because of where they live or the type of services they can access? It is the State's responsibility to ensure the safety of youth, not put them at further risk. It is the recommendation of Covenant House Alaska that the regulations for runaway shelters be adopted and that interested persons or agencies use the flexibility of the regulations to offer safe homes through an appropriate means. These regulations offer waivers for many of the requirements without jeopardizing the critical aspects of working with this population.

Sections 2-7 in general terms, allow parents to divorce their children.

It is the position of Covenant House Alaska that parents divorcing children will not help the situation of runaways, the broken family, nor the youth. It appears that the only purpose for this language is to remove the parents' financial responsibility for the actions of their youth. Covenant House Alaska does not believe this is in the best interest of youth since further abandonment contributes to the disintegration of youth's connectedness to mainstream society and places additional burden on the community.

Section 8 (a) pg. 3 (4) lines 23-26. Contradicts AS 47.10 and SB 45 and could be interpreted that existing runaway shelters and

safe homes are "aiding, inducing, causing, or encouraging" youth "to be absent from the custody of parents . . ." by offering food, clothing, shelter, etc.

The immunity from liability clause referenced on line 26 is currently being challenged in the State of Alaska Court and has not yet been upheld since the Dept. of Health & Social Services has failed to approve and implement the regulations which accompanied AS 47.10. If this bill were passed, no shelter nor safe home would be immune from liability based on the current challenge of the immunity clause.

Section 11. (f) pg 4. line 31. "a minor..." what age is this describing - under 21? If so, it seems unrealistic to expect a 20 year old to get written permission to work. This contradicts existing child labor laws and would place an unnecessary hardship on youth who are living independently, are self-sufficient, and are determined by the State of Alaska to be adults at age 18.

Section 13. pg 5 (b) line 27. This language holds the provider of a safe home to the same standard as a professional when reporting child abuse and neglect.

If the criteria defining a qualified provider do not hold the provider to a professional standard, how can we expect them to be educated in determining reasonable cause, etc.? Providers must have formal education, experience and supervision as earlier referenced.

Section 13. (c) pg 5 line 31 pg 6 line 2. AS 47.10 holds an agency to notifying youth's parents of their whereabouts within 48 hours.

SB 45 requires the safe home only make a "good faith effort . . . as soon as possible."

It is Covenant House Alaska experience that parents and youth are most responsive to family reunification efforts when notification is made within the first 24 hours after a youth has left home. No parent should have to suffer days of agonizing distress when their child has, in fact, been safe. The language of AS 47.10 is the most reasonable for notification purposes and Covenant House Alaska cannot support a relaxation of the reporting requirements.

Section 13. pg 6. line 19. immunity from liability

Again, immunity from liability has become a false sense of security for agencies since the Dept. of Health & Social Services has never implemented the regulations; therefore challengers have made a case that there is no immunity since there are no regulations. The Dept. of Health & Social Services must approve and implement regulations which accompany AS 47.10.

CATHOLIC SOCIAL SERVICES

225 CORDOVA STREET, BLDG. B.

ANCHORAGE, ALASKA 99501

(907) 277-2554

TESTIMONY STATEMENT

TO: SENATE HESS COMMITTEE
Senators RIEGER, Sharp, Leman, Miller, Duncan, Ellis, Salo

FROM: Jim Caldarola, Executive Director
Catholic Social Services

RE: Senate Bill 45
By PHILLIPS, Halford, Kelly, Miller, Leman, Sharp

Catholic Social Services is a multi-service agency serving the homeless and hungry, troubled teens, the developmentally disabled, pregnant women and girls, immigrants and refugees, and just people in despair who need temporary help.

In responding to SB45, we cite Children in Crisis, A report on Runaway and Homeless Youth, that was published a year ago. To take a quote from the introductory letter, "It is clear that the time has come for improved service to these lost, but not forgotten children and their families." It is our opinion that SB45 does not provide for that improved service; rather its tendency is to put our youth and our communities in jeopardy.

A first important point of discomfort we have with this bill is that some of the issues--most pointedly immunity of liability while operating safe homes--are predicated on adoption of certain regulations by the Department of Health and Human Services. In fact, DHHS has failed to approve and implement the regulations which have been in existence since 1990. If the regulations were approved, safe homes would be legal and safe for youth in every community and most of this legislation would be unnecessary. The main issue of a safe homes bill is to keep volunteers immune from liability.

Other flaws with SB45 are:

1. the bill presents two separate issues neither of which help runaway or homeless youth:

a. one that gives parents a right to "divorce" their child, an action that will not help runaways or resolve the family's problem, but only remove the parent's responsibility for the youth.

b. secondly, this bill tries to set up a safe home system for runaway and homeless youth, without stating a purpose for the existence of safe homes, nor providing specific and important safe guards for the youth.



2. Our understanding is there is no fiscal note attached to this bill, but CSS feels it is unrealistic of the bill's sponsors to expect a safe homes program to cost nothing. Who will pay for the licensing, fingerprinting, background checks, and recordkeeping of safe homes, as denoted on Page 9, line 6? Who will pay for and provide supportive and counseling services to a youth in a safe home?

3. The possibility of endangering homeless youth with less than stringent safeguards is due to:

a. no definition of "properly qualified citizen". Pg. 1, line 9.

b. no specification of a youth or human services organization to approve safe homes but only allowing "interested non-profit corporations". (Pg. 1, line 12)

c. a person without a license or permit may not conduct, for more than 90 days a boarding home, foster home, etc. Pg. 8, line 16. Does this mean someone without a license could do so for 89 days or less?

Senators Rieger, Sharp, Leman, Miller, Duncan, Ellis and Salo, if we have misinterpreted any of the issues in SB45, we would be happy to sit down and discuss them with the bill's sponsor. However, we have never been contacted by Sen. Phillips office for input. I implore you to contact the DHHS Commissioner to ask the status of the runaway regulations, which, if adopted would be a vehicle under which safe homes could be operated in rural communities legally and safely.

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A United Way Agency

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TELECOPY COVER SHEET
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TO: Senate HESS CMTE FAX: _____ PHONE: _____

FROM: FBX WIO PHONE: 2-4448

INSTRUCTIONS: _____

written testimony for S. HESS tele
3-5-93 1:30 pm on SB 45

RECEIVED: Date _____ Time _____

SENT: Date 3/5 Time 2:03 pm

DISPOSAL OF ORIGINAL: Discard _____ Hold for Pickup Y

NUMBER OF PAGES: 3 (Not counting cover sheet)

SENT BY: Christi Shields



Alaska State Legislature

Please enter into the record my testimony to the Senate Health Education + Social Services
committee name
committee on SB45 - laws for minors, dated 3-5-93
bill/subject

see attached (2 pages)

Signed: _____

Patty Pastor
Testifier

Representing (Optional)

516 Broad Avenue Fairbanks, AK

Address

452-2125

Phone No.

I have struggled with my teen-agers, both as a single-parent as well as being re-married. In the last three years, after trying most parenting techniques and exhausting every resource available to a parent in two states - I am convinced that our greatest enemy to being effective with our kids is the direction the laws have taken. In an effort to be fair, we are putting the kids in the drivers' seats of our homes & schools by taking away adult authority and giving children too much freedom without responsibility. Yes, we need safe homes for kids in trouble & who are being abused. Yes, we need to free those who would volunteer their homes, from the fear of lawsuits & liability. Yes, we need to create viable alternatives to paid foster care with all the cuts we have in spending. But I would ask two things. Can we effectively monitor these new homes with our current shortage of personnel? Can we be absolutely certain that by creating new alternatives for children to run to that we are not actually encouraging them ~~to run~~ to run?

The Senate Bill No. 45 being proposed defines early emancipation and it defines who is willfully misleading a minor and what will happen to such a person. ~~is~~ ^{think} is good.

I would like to see more legislative introduced to control a child who wants adult privileges without its responsibility. As a survivor of domestic violence, I told my children that I was not in a position to protect them from the consequences of their behavior, nor would I - that I would not play rescuer. But I would give them the tools to help themselves, if they were willing to try. ~~But when~~ friends and family fail the only thing we have left is the strong arm of the law. I seriously question

a system that penalizes a child for running away & missing more than ten days of school but will control him. My son ran several times. For three months I begged police to pick him up. He was given a low priority even though he was sighted. A youngster with a yen for running will run unless FORCED to stop. Right now we cannot detain a child against his will for more than a few hours.

The Bible has a lot to say about the heart of a child, as well as the adult's authority. I really do feel two words are key words - authority & balance. (authority for the kids to respect us with guidelines to give the kids security).

We really need your help to create policies that will give teeth to back up our words to our kids. Even foster parents who, at times, stand in for us parents in crisis cannot control our kids. The law workers can only throw up their hands. The laws have no teeth. Please, please reverse the trend towards permissiveness & strengthen the laws.

Also, if possible can we see a bill introduced to monitor separated & divorced parents from blue-ticketing children without prior knowledge or consent to each other. This can wreak havoc & heartbreak in everyone's lives, and be counterproductive for the child.

Thank you.