

**HB**

**387**

# FISCAL NOTE

STATE OF ALASKA  
1996 LEGISLATIVE SESSION

BILL NO. HB 387

Revision Date: \_\_\_\_\_ Dept. Affected: corrections  
 Title: An act relating to minors... BRU: \_\_\_\_\_  
 Component: \_\_\_\_\_  
 Sponsor: Rep. Kelly  
 Requester: House HESS COMPONENT SERIAL NO. \_\_\_\_\_

**Expenditures/Revenues** (Thousands of Dollars)

OPERATING EXPENDITURES	FY 97	FY 98	FY 99	FY 00	FY 01	FY 02
PERSONAL SERVICES						
TRAVEL						
CONTRACTUAL						
SUPPLIES						
EQUIPMENT						
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
<b>TOTAL OPERATING</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>

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

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

Estimate of any current year (FY96) cost: \$ 0.0

**POSITIONS**

FULL-TIME						
PART-TIME						
TEMPORARY						

**ANALYSIS:** (Attach a separate page if necessary)

This bill has no fiscal impact on the Department of Corrections.

Prepared by: Jerry Shriner  
 Division: Office of the Commissioner  
 Approved by Commissioner: Margaret M. Pugh Margaret Pugh  
 Agency: Department of Corrections

Phone: 465-4652  
 Date: 1/30/96  
 Date: 1/30/96

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# FISCAL NOTE

**STATE OF ALASKA**  
**1996 LEGISLATIVE SESSION**

**BILL NO: SSHB 387**

Revision Date: January 29, 1996  
 Title: Juvenile Code Revision  
 Sponsor: Representative Kelly  
 Requestor: H HES

Dept. Affected: Public Safety  
 BRU: Alaska State Troopers  
 Component: Detachments  
 COMPONENT SERIAL NO. 0799

**EXPENDITURES/REVENUES: (Thousands of Dollars) (inflation not included)**

OPERATING	FY 97	FY 98	FY 99	FY 00	FY 01	FY 02
PERSONAL SERVICES						
TRAVEL						
CONTRACTUAL						
SUPPLIES						
EQUIPMENT						
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
<b>TOTAL OPERATING</b>	*	*	*	*	*	*

<b>CAPITAL</b>	*	*	*	*	*	*
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CHANGE IN REVENUES ( ) Revenue Code						
--	--	--	--	--	--	--

**FUNDING: (Thousands of Dollars)**

1002 Federal Receipts						
1003 GF Match						
1004 GF						
1005 GF/Program						
1006 GF/MHTIA						
Other						
<b>TOTAL</b>						

Estimate of current year (FY 95) impact: \$ \_\_\_\_\_

**POSITIONS:**

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

**ANALYSIS: (Attach a separate page if necessary.)**

See Attached.

Prepared By: Lt. Dan Lowden Phone: 465-5505  
 Division: Alaska State Troopers Date: January 29, 1996  
 Approved by Commissioner: *Ronald L. Otte* Date: 1/29/96  
 Agency: Ronald L. Otte, Department of Public Safety

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# FISCAL NOTE

STATE OF ALASKA  
1996 LEGISLATIVE SESSION

BILL NO: SSHB 387

Revision Date: January 29, 1996

Dept. Affected: Public Safety

## ANALYSIS CONTINUED:

The sections of this bill that will have fiscal impact on the Division of Alaska State Troopers include:

A provision in the bill that would automatically waive juveniles accused of certain crimes to adult court. The division estimates that in 1995 there were one hundred and forty (140) juveniles arrested for offenses that fit the criteria of this bill. Troopers rarely have to attend court on a juvenile matter, once these offenders are waived to superior court the troopers will have to testify in court or at a grand jury. Some cases will require little or no time in court while others will require many hours. An estimate of one hour per case is be used for this fiscal note. It was further assumed that one third of those offenses were investigated by troopers assigned to day shift and would testify in court during their shift.  $47 \text{ offenses} \times \text{one hour} \times \$39 = \$1,833$ . Two thirds of the offenses would be investigated by swing and graveyard shift troopers who would have to testify on their off time at an overtime rate and by contract for a minimum of three hours.  $93 \text{ offenses} \times \text{three hours} \times \$49 = \$13,671$ . Note: these two hourly rates for a trooper are based on an estimated average, other factors such as shift deferential, seniority, and geographic differential all have an effect on the actual trooper costs. Total court time cost estimate \$15,504.

A provision of this bill would have citations issued to runways, curfew violators, and truants. To print 2,000 citation books, there are about 1,100 police officers in the state, and the bill requires that the citation contain certain information, would cost about \$4,816 base on a recent printing of traffic citations. In 1995 there were about 221 runaways contacted by the troopers, the other 663 returned home on their own. It was estimated that it would take an addition ten minutes to issue a citation to those 221 runaways.  $221 \times 10 = 2,210$  minutes.  $2,210 \text{ minutes} \div 60 = 36.8$  hours.  $37 \text{ hours} \times \$39 = \$1,443$ . It can not be estimated how many of the 663 runaways that return home would be cited at the request of the parents. To cite any of these 663 runaways would require more time than ten minutes. It also can not be estimate how many truancy cases the troopers would have to respond to and investigate.

The number of juvenile sex offenders who do not successfully complete their treatment programs and would have to register with the sex offender registration program.

# FISCAL NOTE

STATE OF ALASKA  
1996 LEGISLATIVE SESSION

BILL NO: SSHB 387

Revision Date: January 29, 1996  
Title: Juvenile Code Revision  
Sponsor: Representative Kelly  
Requestor: H.HES

Dept. Affected: Public Safety  
BRU: Alaska State Troopers  
Component: Detachments  
COMPONENT SERIAL NO. 0799

**EXPENDITURES/REVENUES: (Thousands of Dollars) (inflation not included)**

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LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
TOTAL OPERATING	*	*	*	*	*	*

CAPITAL	*	*	*	*	*	*
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**FUNDING: (Thousands of Dollars)**

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TOTAL						

Estimate of current year (FY 95) impact: \$ \_\_\_\_\_

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

ANALYSIS: (Attach a separate page if necessary.)

See Attached.

Prepared By: Lt. Dan Lowden Phone: 465-5505  
Division: Alaska State Troopers Date: January 29, 1996  
Approved by Commissioner: *Ronald L. Otte* Date: 1/29/96  
Agency: Ronald L. Otte, Department of Public Safety

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STATE OF ALASKA

BILL NO: SSHB 387

1996 LEGISLATIVE SESSION

Revision Date: January 29, 1996

Dept. Affected: Public Safety

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A provision in the bill that would automatically waive juveniles accused of certain crimes to adult court. The division estimates that in 1995 there were one hundred and forty (140) juveniles arrested for offenses that fit the criteria of this bill. Troopers rarely have to attend court on a juvenile matter, once these offenders are waived to superior court the troopers will have to testify in court or at a grand jury. Some cases will require little or no time in court while others will require many hours. An estimate of one hour per case is be used for this fiscal note. It was further assumed that one third of those offenses were investigated by troopers assigned to day shift and would testify in court during their shift.  $47 \text{ offenses} \times \text{one hour} \times \$39 = \$1,833$ . Two thirds of the offenses would be investigated by swing and graveyard shift troopers who would have to testify on their off time at an overtime rate and by contract for a minimum of three hours.  $93 \text{ offenses} \times \text{three hours} \times \$49 = \$13,671$ . Note: these two hourly rates for a trooper are based on an estimated average, other factors such as shift deferential, seniority, and geographic differential all have an effect on the actual trooper costs. Total court time cost estimate \$15,504.

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The number of juvenile sex offenders who do not successfully complete their treatment programs and would have to register with the sex offender registration program.

Numerous issues related to determining the population of juvenile sex offenders required to register, the collection and release of specific information relating to sex offenses permitted in 12.63.020(b)(1) and 13 AAC 09.050, juveniles waived to adult court, and the sealing of court records described in 47.12.170 must be addressed.

We offer the following scenarios for implementation of the amendment to 12.63.010(a):

1. Establish a "Juvenile Sex Offender" Registry. Since DHSS has access to all information relating to the juvenile, the offense, treatment status and court rulings, it would be appropriate for DHSS to maintain this registry.

Fiscal Impact on DPS: \$0

Public Impact: Individuals desiring to inquire regarding sex offenders would have to query two registers to compile a list of registered sex offenders in a given area.

2. Eliminate the provisions of the bill requiring certain minors to register as sex offenders. Continue the current practice of requiring sex offender registration only for adults or juveniles waived to adult status.

Fiscal Impact: None

Operational Impact: This would eliminate confusion about which aspects of a juvenile's record are open to the public vs. confidential, which aspects are subject to sealing, which offenses count towards multiple convictions for future registration purposes, and would eliminate the need to transmit information from the juvenile records system or court to DPS. In theory, a juvenile who is not amenable to treatment under Title 47 may be waived to adult status [see proposed AS 47.12.080.] Waiver to adult status would automatically take care of the sex offender registration obligation under current AS 12.63.

3. Require the DHSS or the court to submit necessary documentation to DPS for those subjects required to register. Amend proposed AS 12.47.100(I) by adding another sentence at the end of that subsection:

Either:

When a minor is ordered to register, the department shall forward to the Department of Public Safety the information described in AS 12.63.010 or in regulations adopted by the Department of Public Safety to implement the provisions of AS 12.63.

or:

A court that orders a minor to register shall forward to the Department of Public Safety the information described in AS 12.63.010 or in regulations adopted by the Department of Public Safety to implement the provisions of AS 12.63.

If the bill does not explicitly require either the court, or DHSS, to provide this information to DPS, we will have no way to enter the information in the registry, since we don't have access to juvenile records. We are required to maintain a registry of offenders who are required to register, so we cannot wait until the minor registers to get this information; if the minor fails to register, we will have no way of knowing about that violation unless we receive this information at the time of the court order.

Fiscal impact on computer programming: APSIN/SOR registry software changes Estimated cost \$30,000. This provides funding to add special juvenile flagging to APSIN, to implement requirement to seal records under certain circumstances, to retain the sealed records for in cases of a subsequent conviction, to modify the APSIN and SORCR databases, to establish logical link between APSIN criminal history records and a juvenile's requirement to register, to modify the APSIN to SORCR download process, to revise SORCR software, and to develop programs for statistical purposes.

Operational impact: Increased workload for court ordered juvenile sex offenders. SOF to receive, from DFYS, an estimate of the number of minors who fail to complete required offender treatment each year, in order to estimate the additional volume of work expected.

Besides the broader aspects of change that may result from the passage of this bill, there are a number of detailed observations and questions that are worth cataloging at this time. Should this bill go forward, a discussion at the level of detail necessary to address the items below will be an absolute necessity. Where we had specific suggestions for how we would like the issue resolved, we've included them immediately below the question.

- Who will inform the Department of Public Safety of a juvenile's requirement to register under the Sex Offender Registration Law?  
DPS recommends that the Commissioner of the Department of Health and Social Services carry the responsibility of notifying both the offender and the Department of Public Safety of the juvenile's duty to register. It is critical that the bill designate this responsibility.
- Does the sealing of a waived juvenile's record for a sex offense, pursuant to 47.12.170(f) re: individual of the duty to register under 12.63.010? Do  
case sealed  
not register
- If an individual has been convicted of a sex offense while a juvenile, and subsequently is convicted as an adult, is the individual required to register as a Sex Offender for life, or for 15 years after 'unconditional discharge' (current law) for the adult conviction?
- We have identified the following considerations regarding implementation of the registration of juvenile sex offenders:
  - \* Depending on the answer to questions concerning the registration of juvenile sex offenders, the fiscal impact will vary.
  - \* Current SOR software will not maintain the "S" (Should Register) flag for an individual without an identifiable sex offense conviction in APSIN.
  - \* We will need to store a juvenile specific flag for persons whose obligation to register occurred while the subject was a juvenile, and continued into adulthood.
  - \* We believe that it is incumbent upon the State to maintain information relating to juvenile sex offenders who 'should' register. This information is relatively readily available, unlike those sex offenders with out of state convictions.
  - \* Failure to maintain a file of those juvenile sex offenders required to register unnecessarily withholds information available to law enforcement officers, and could negatively impact criminal investigations. This could have two possible results 1) a review of the APSIN record provides law enforcement with misleading information or 2) because the information is not available for all individuals required to register, the veracity of the APSIN data for all records becomes suspect.

- Sec 47.12.320(e) - Action on Community Service Citation: Currently, bench warrants are not issued for juveniles failing to appear in court. Will failure to appear under this section result in a bench warrant being issued?

If so, software and operational changes must be implemented to collect this information.

- If the Department of Public Safety or the Department of Law is going to pursue legislation to change the "unconditional discharge date" language in AS 12.62 and AS 12.63, we should make sure that any changes are consistently reflected in this bill as well. ?

- Sec. 3. AS 11.61.300 and 11.61.310 - Curfew and School Truancy: Will information relating to citations issued pursuant to these additions be maintained in APSIN's Infraction file, as are the violations/infractions covered under AS 47.12.020(b)(1-5)?

If so, a mechanism must be developed to report this information to the Central Repository entry. ✓

The focus of our comments are limited to record keeping policy, systems and procedural issues. Juvenile record keeping issues are of significant interest to Administrative Services. Our interest is on behalf of the Department in support of statewide law enforcement and our goal to deliver relevant information to law enforcement.

Due to the significant scope and issues associated with this bill, it is recommended that a more comprehensive look at juvenile record keeping be taken. Given that the juvenile code is being opened up, including broader access to previously confidential juvenile information, it may be appropriate to examine all facets of juvenile record keeping.

# FISCAL NOTE

STATE OF ALASKA  
1996 LEGISLATIVE SESSION

BILL NO: SSHB 387

Revision Date: January 29, 1996 Dept. Affected: Public Safety  
 Title: Juvenile Code Revision BRU: Alaska State Troopers  
 Component: Detachments  
 Sponsor: Representative Kelly  
 Requestor: H.HES COMPONENT SERIAL NO. 0799

**EXPENDITURES/REVENUES: (Thousands of Dollars) (inflation not included)**

OPERATING	FY 97	FY 98	FY 99	FY 00	FY 01	FY 02
PERSONAL SERVICES						
TRAVEL						
CONTRACTUAL						
SUPPLIES						
EQUIPMENT						
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
<b>TOTAL OPERATING</b>	*	*	*	*	*	*

CAPITAL	*	*	*	*	*	*
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CHANGE IN REVENUES ( ) Revenue Code						
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**FUNDING: (Thousands of Dollars)**

1002 Federal Receipts						
1003 GF Match						
1004 GF						
1005 GF/Program						
1006 GF/MHTIA						
Other						
<b>TOTAL</b>						


Estimate of current year (FY 95) impact: \$ \_\_\_\_\_

**POSITIONS:**

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

ANALYSIS: (Attach a separate page if necessary.)

See Attached.

Prepared By: Lt. Dan Lowden Phone: 465-5505  
 Division: Alaska State Troopers Date: January 29, 1996  
 Approved by Commissioner:  Date: 1/29/96  
 Agency: Ronald L. Otte, Department of Public Safety

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# FISCAL NOTE

STATE OF ALASKA  
1996 LEGISLATIVE SESSION

BILL NO: SSHB 387

Revision Date: January 29, 1996

Dept. Affected: Public Safety

## ANALYSIS CONTINUED:

The sections of this bill that will have fiscal impact on the Division of Alaska State Troopers include:

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The number of juvenile sex offenders who do not successfully complete their treatment programs and would have to register with the sex offender registration program.

# FISCAL NOTE

**STATE OF ALASKA**  
**1996 LEGISLATIVE SESSION**

**BILL NO: SSB 387**

Revision Date: \_\_\_\_\_ Dept. Affected: Public Safety  
 Title: An Act relating to minors and to offenses BRU: Statewide  
           committed by minors..... Component: Alaska Criminal Records and Identification  
 Sponsor: Representative Kelly  
 Requestor: H. HES COMPONENT SERIAL NO. 1190

**EXPENDITURES/REVENUES: (Thousands of Dollars) (inflation not included)**

OPERATING	FY 97	FY 98	FY 99	FY 00	FY 01	FY 02
PERSONAL SERVICES						
TRAVEL						
CONTRACTUAL						
SUPPLIES						
EQUIPMENT						
LAND & STRUCTURES						
GRANTS CLAIMS						
MISCELLANEOUS						
<b>TOTAL OPERATING</b>	.	.	.	.	.	.

CAPITAL EXPENDITURES	.	.	.	.	.	.
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CHANGE IN REVENUES ( )						
Revenue Code						

**FUNDING: (Thousands of Dollars)**

1002 Federal Receipts						
1003 GF Match						
1004 GF						
1005 GF/Program Receipts						
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<b>TOTAL</b>	.	.	.	.	.	.

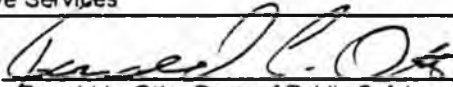
Estimate of current year (FY 96) impact: \$ \_\_\_\_\_

**POSITIONS:**

FULL-TIME						
PART-TIME						
TEMPORARY						

**ANALYSIS: (Attach a separate page if necessary.)**

An asterisked fiscal note is submitted at this time. There are several interpretational issues that need to be sorted out before an accurate fiscal note can be prepared. The attached analysis provides a discussion of the issues and options for addressing those issues. When it is decided which of these alternatives is preferable, the Division of Administrative Services will provide an updated fiscal note.

Prepared By: Ken Bischoff Phone: 465-4336  
 Division: Administrative Services Date: January 29, 1996  
 Approved by Commissioner:  Date: 1/29/96  
 Agency: Ronald L. Otte, Dept. of Public Safety

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Revision Date: \_\_\_\_\_ Dept. Affected: Public Safety

ANALYSIS CONTINUED:

AS 12.62 - CRIMINAL JUSTICE INFORMATION SYSTEMS SECURITY AND PRIVACY

Section 2 amends the definition of criminal justice information, presumably intending to preserve the status quo: records pertaining to minors whose cases are handled in adult court are included in the definition. However, the language change is confusing. We suggest the following change, with the provision that it be reviewed by the Department of Law.

AS 12.62.900(11) is amended to read:

(11) "criminal justice information" means any of the following for an adult or juvenile charged, prosecuted, or sentenced in the same manner as an adult, other than a court record or a record of traffic offenses maintained for the purpose of regulating driver's licenses [OR A RECORD OF A JUVENILE SUBJECT TO THE JURISDICTION OF A COURT UNDER as 47.12]: (etc.)

The Department of Law should examine this issue, to be sure that we will continue to be able to maintain criminal history records for juveniles waived to adult status under AS 47.12.080, or handled in adult court under AS 47.12.015.

Also of note, are possible technical changes which will have to be made in the AS 12.62 regulations if a rewrite of Title 47 is underway this year. The regulations now refer to current Title 47 sections in describing which juvenile arrests, fingerprints, and charges must be reported to the repository. Perhaps we can describe this in words rather than using statutory references, so the regulations won't have to be amended if/when the statute references change.

JUVENILE SEX OFFENDER REGISTRATION

Sections 3- 5. amend existing law to include the registration of certain juvenile sex offenders. An adjudicated juvenile must register as a sex offender only if he/she:

- 1) fails to successfully complete the treatment plan AND
- 2) is ordered by the court to register AND
- 3) is either over 19 years old OR
- 4) the date of extended treatment has passed.

See 47.12.100(1); 12.63.100(2); and 12.63.010(a)(4) A-B)

Because of today's juvenile confidentiality practices, the Department of Public Safety does not have routine access to routine conviction and treatment information. There is no language (that we see) in this bill for lessening existing juvenile confidentiality protections.

Additionally, to accurately and completely quantify fiscal and operational impacts of this bill, it will be necessary to determine the number of juveniles expected to be subject to registration.

Numerous issues related to determining the population of juvenile sex offenders required to register, the collection and release of specific information relating to sex offenses permitted in 12.63.020(b)(1) and 13 AAC 09.050, juveniles waived to adult court, and the sealing of court records described in 47.12.170 must be addressed.

We offer the following scenarios for implementation of the amendment to 12.63.010(a):

1. Establish a "Juvenile Sex Offender" Registry. Since DHSS has access to all information relating to the juvenile, the offense, treatment status and court rulings, it would be appropriate for DHSS to maintain this registry.

Fiscal Impact on DPS: \$0

Public Impact: Individuals desiring to inquire regarding sex offenders would have to query two registers to compile a list of registered sex offenders in a given area.

2. Eliminate the provisions of the bill requiring certain minors to register as sex offenders. Continue the current practice of requiring sex offender registration only for adults or juveniles waived to adult status.

Fiscal Impact: None

Operational Impact: This would eliminate confusion about which aspects of a juvenile's record are open to the public vs. confidential, which aspects are subject to sealing, which offenses count towards multiple convictions for future registration purposes, and would eliminate the need to transmit information from the juvenile records system or court to DPS. In theory, a juvenile who is not amenable to treatment under Title 47 may be waived to adult status [see proposed AS 47.12.080.] Waiver to adult status would automatically take care of the sex offender registration obligation under current AS 12.63.

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**Operational impact:** Increased workload for court ordered juvenile sex offenders. SOR will need to receive, from DFYS, an estimate of the number of minors who fail to complete required sex offender treatment each year, in order to estimate the additional volume of work expected.

Besides the broader aspects of change that may result from the passage of this bill, there are a number of detailed observations and questions that are worth cataloging at this time. Should this bill go forward, a discussion at the level of detail necessary to address the items below will be an absolute necessity. Where we had specific suggestions for how we would like the issue resolved, we've included them immediately below the question.

- Who will inform the Department of Public Safety of a juvenile's requirement to register under the Sex Offender Registration Law?  
DPS recommends that the Commissioner of the Department of Health and Social Services carry the responsibility of notifying both the offender and the Department of Public Safety of the juvenile's duty to register. It is critical that the bill designate this responsibility.
- Does the sealing of a waived juvenile's record for a sex offense, pursuant to 47.12.170(f) relieve the individual of the duty to register under 12.63.010?
- If an individual has been convicted of a sex offense while a juvenile, and subsequently is convicted as an adult, is the individual required to register as a Sex Offender for life, or for 15 years after 'unconditional discharge' (current law) for the adult conviction?
- We have identified the following considerations regarding implementation of the registration of juvenile sex offenders:
  - \* Depending on the answer to questions concerning the registration of juvenile sex offenders, the fiscal impact will vary.
  - \* Current SOR software will not maintain the "S" (Should Register) flag for an individual without an identifiable sex offense conviction in APSIN.
  - \* We will need to store a juvenile specific flag for persons whose obligation to register occurred while the subject was a juvenile, and continued into adulthood.
  - \* We believe that it is incumbent upon the State to maintain information relating to juvenile sex offenders who 'should' register. This information is relatively readily available, unlike those sex offenders with out of state convictions.
  - \* Failure to maintain a file of those juvenile sex offenders required to register unnecessarily withholds information available to law enforcement officers, and could negatively impact criminal investigations. This could have two possible results 1) a review of the APSIN record provides law enforcement with misleading information or 2) because the information is not available for all individuals required to register, the veracity of the APSIN data for all records becomes suspect.

- **Sec 47.12.320(e) - Action on Community Service Citation:** Currently, bench warrants are not issued for juveniles failing to appear in court. Will failure to appear under this section result in a bench warrant being issued?

If so, software and operational changes must be implemented to collect this information.

- If the Department of Public Safety or the Department of Law is going to pursue legislation to eliminate the "unconditional discharge date" language in AS 12.62 and AS 12.63, we should make sure such changes are consistently reflected in this bill as well.
- **Sec. 3. AS 11.61.300 and 11.61.310 - Curfew and School Truancy:** Will information relating to citations issued pursuant to these additions be maintained in APSIN's Infraction file, as are those violations/infractions covered under AS 47.12.020(b)(1-5)?

If so, a mechanism must be developed to report this information to the Central Repository for data entry.

The focus of our comments are limited to record keeping policy, systems and procedural issues. Juvenile record keeping issues are of significant interest to Administrative Services. Our interest is on behalf of the Department in support of statewide law enforcement and our goal to deliver relevant information to law enforcement.

Due to the significant scope and issues associated with this bill, it is recommended that a more comprehensive look at juvenile record keeping be taken. Given that the juvenile code is being opened up, including broader access to previously confidential juvenile information, it may be appropriate to examine all facets of juvenile record keeping.

9-LS1276R  
Chenoweth  
2/27/96

**CS FOR SPONSOR SUBSTITUTE FOR HOUSE BILL NO. 387( )**

**IN THE LEGISLATURE OF THE STATE OF ALASKA**

**NINETEENTH LEGISLATURE - SECOND SESSION**

**BY**

**Offered:  
Referred:**

**Sponsor(s): REPRESENTATIVES KELLY AND THERRIAULT, Rokeberg, Kohring**

**A BILL**

**FOR AN ACT ENTITLED**

1 "An Act relating to minors and to offenses committed by minors, and to  
2 programs relating to minors; authorizing municipalities to establish curfews for  
3 minors by ordinance; amending the means by which the compulsory school  
4 attendance law is enforced; and amending Rules 3(b) and 23(d), Alaska  
5 Delinquency Rules."

6 **BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF ALASKA:**

7 \* Section 1. AS 10.06.961(a) is amended to read:

8 (a) Notwithstanding AS 13.46.085 or the appointment of a guardian of the  
9 property of the minor under AS 47.10.010(c), when a minor who is in the custody of  
10 this state under AS 47.10.010 - 47.10.142 or AS 47.12 [AS 47.10.010(a)(2)] or of  
11 another state under a provision similar to AS 47.10.010 - 47.10.142 or AS 47.12  
12 [AS 47.10.010(a)(2)] becomes entitled to receive dividends or other distributions  
13 resulting from the ownership of stock or a membership in a corporation organized

1 under this chapter and under 43 U.S.C. 1601 - 1641 (Alaska Native Claims Settlement  
2 Act), the corporation paying the dividends or making the other distributions shall retain  
3 the dividends and other distributions in an interest bearing account for the benefit of  
4 the minor during the state custody.

5 \* Sec. 2. AS 12.62.900(11) is amended to read:

6 (11) "criminal justice information" means any of the following, other than  
7 a court record, a record of traffic offenses maintained for the purpose of regulating  
8 drivers' licenses, or a record of a juvenile subject to the jurisdiction of a [THE  
9 JUVENILE] court under AS 47.12 [AS 47.10]:

10 (A) criminal history record information;

11 (B) nonconviction information;

12 (C) correctional treatment information;

13 (D) information relating to a person to be located, whether or not  
14 that person is wanted in connection with the commission of a crime;

15 \* Sec. 3. AS 12.63.010(a) is amended to read:

16 (a) A sex offender who is physically present in the state shall register as provided  
17 in this section. The sex offender shall register within

18 (1) seven days of release from an in-state correctional facility;

19 (2) seven days of conviction for a sex offense if the sex offender is not  
20 sentenced to a term of incarceration; [OR]

21 (3) 14 days of becoming physically present in the state, except the sex  
22 offender shall register within seven days of becoming physically present in the state if  
23 the sex offender

24 (A) is a probationer or parolee being supervised by the state as  
25 the receiving state under AS 33.36.110 - 33.36.120; or

26 (B) has been released from an out-of-state correctional facility  
27 where the sex offender was serving a term of incarceration for a sex offense  
28 conviction in this state; or

29 (4) seven days of the later date set out in this paragraph if sex  
30 offender registration is required under AS 47.12.100(i):

31 (A) the offender's 19th birthday; or

32 (B) the date on which an extended commitment of a minor

1                   under AS 47.12.100(b)(1) - (3) expires.

2       \* Sec. 4. AS 12.63.020(a) is amended to read:

3                   (a) The duty of a sex offender to comply with the requirements of AS 12.63.010  
4                   for each sex offense

5                               (1) continues for the lifetime of a sex offender convicted of two or more  
6                   sex offenses;

7                               (2) ends 15 years following the sex offender's unconditional discharge  
8                   from a conviction for a single sex offense or following the sex offender's duty to first  
9                   register where the registration was required under AS 12.63.010(a)(4).

10       \* Sec. 5. AS 12.63.100(2) is amended to read:

11                   (2) "sex offender" means

12                               (A) a person convicted of a sex offense in this state or another  
13                   jurisdiction regardless of whether the conviction occurred before, after, or on  
14                   August 10, 1994; or

15                               (B) a person who is a minor and who a court finds,

16                                       (i) under AS 47.12.100(a), is a delinquent on the basis  
17                   of the minor's commission of a sex offense; and

18                                       (ii) under AS 47.12.100(i), is required by the court to  
19                   register as a sex offender;

20       \* Sec. 6. AS 14.30.030 is repealed and reenacted to read:

21                   Sec. 14.30.030. TRUANCY VIOLATIONS. The governing body of a school  
22                   district, including a regional educational attendance area, shall

23                               (1) file with the district court a complaint against every person who is  
24                   responsible for a child enrolled at a school in the district and who has apparently violated  
25                   AS 14.30.010; and

26                               (2) establish procedures to prevent and reduce truancy, and establish  
27                   penalties for truancy violations.

28       \* Sec. 7. AS 14.45.110 is amended by adding a new subsection to read:

29                   (c) The person responsible for a religious or other private school shall

30                               (1) file with the district court a complaint against every person who is  
31                   responsible for a child enrolled at the school and who has apparently violated  
32                   AS 14.30.010; and

1 (2) establish procedures to prevent and reduce truancy, and establish  
2 penalties for truancy violations.

3 \* Sec. 8. AS 22.07.020(a) is amended to read:

4 (a) The court of appeals has appellate jurisdiction in actions and proceedings  
5 commenced in the superior court involving:

6 (1) criminal prosecution;

7 (2) post-conviction relief;

8 (3) [CHILDREN'S COURT] matters under AS 47.12  
9 [AS 47.10.010(a)(1)], including waiver of [CHILDREN'S COURT] jurisdiction over a  
10 minor under AS 47.12.080 [AS 47.10];

11 (4) extradition;

12 (5) habeas corpus;

13 (6) probation and parole; and

14 (7) bail.

15 \* Sec. 9. AS 22.15.100 is amended to read:

16 Sec. 22.15.100. FUNCTIONS AND POWERS OF DISTRICT JUDGE AND  
17 MAGISTRATE. Each district judge and magistrate has the power

18 (1) to issue writs of habeas corpus for the purpose of inquiring into the  
19 cause of restraint of liberty, returnable before a judge of the superior court, and the same  
20 proceedings shall be had on the writ as if it had been granted by the superior court judge  
21 under the laws of the state in such cases;

22 (2) of a notary public;

23 (3) to issue marriage licenses and to solemnize marriages;

24 (4) to issue warrants of arrest, summons, and search warrants according  
25 to manner and procedure prescribed by law and the supreme court;

26 (5) to act as an examining judge or magistrate in preliminary  
27 examinations in criminal proceedings; to set, receive, and forfeit bail and to order the  
28 release of defendants under bail;

29 (6) to act as a referee in matters and actions referred to the judge or  
30 magistrate by the superior court, with all powers conferred upon referees by laws;

31 (7) of the superior court in all respects including but not limited to  
32 contempts, attendance of witnesses, and bench warrants;

1 (8) to order the temporary detention of a minor, or take other action  
2 authorized by law or rules of procedure, in cases arising under AS 47.10.010 - 47.10.142  
3 or AS 47.12 [AS 47.10], when the minor is in a condition or surrounding dangerous or  
4 injurious to the welfare of the minor or others that requires immediate action; the action  
5 may be continued in effect until reviewed by the superior court in accordance with rules  
6 of procedure governing these cases;

7 (9) to issue a temporary order for injunctive relief in cases involving  
8 domestic violence as provided in AS 25.35.010 and 25.35.020;

9 (10) to review an administrative revocation of a person's driver's license  
10 or nonresident privilege to drive, and an administrative refusal to issue an original  
11 license, when designated as a hearing officer by the commissioner of public safety and  
12 with the consent of the administrative director of the state court system.

13 \* Sec. 10. AS 29.35 is amended by adding a new section to read:

14 Sec. 29.35.085. CURFEW. A municipality may, by ordinance, provide for a  
15 curfew for persons under 18 years of age for whom the disabilities of minority have not  
16 been removed for general purposes under AS 09.55.590 and who have not arrived at the  
17 age of majority under AS 25.20.020.

18 \* Sec. 11. AS 36.30.850(b)(11) is amended to read:

19 (11) agreements with providers of services under AS 44.47.250;  
20 AS 47.07; AS 47.08; AS 47.10; AS 47.12; AS 47.17; AS 47.24; AS 47.25.195, and  
21 47.25.310;

22 \* Sec. 12. AS 43.23.065(b) is amended to read:

23 (b) An exemption is not available under this section for permanent fund  
24 dividends taken to satisfy

25 (1) child support obligations required by court order or decision of the  
26 child support enforcement agency under AS 25.27.140 - 25.27.220;

27 (2) court ordered restitution under AS 12.55.045 - 12.55.051, 12.55.100,  
28 or AS 47.12.100(b)(4) [AS 47.10.080(b)(4)];

29 (3) claims on defaulted scholarship loans under AS 43.23.067;

30 (4) court ordered fines;

31 (5) writs of execution under AS 09.35 of a judgment that is entered

32 (A) against a minor in a civil action to recover damages and court

1 costs;

2 (B) under AS 34.50.020 against the parent, parents, or legal  
3 guardian of an unemancipated minor;

4 (6) a debt owed by an eligible individual to an agency of the state, unless  
5 the debt is contested and an appeal is pending, or the time limit for filing an appeal has  
6 not expired.

7 \* Sec. 13. AS 44.21.410(a) is amended to read:

8 (a) The office of public advocacy shall

9 (1) perform the duties of the public guardian under AS 13.26.360 -  
10 13.26.410;

11 (2) provide visitors and experts in guardianship proceedings under  
12 AS 13.26.131;

13 (3) provide guardian ad litem services to children in child protection  
14 actions under AS 47.17.030(e) and to wards and respondents in guardianship proceedings  
15 who will suffer financial hardship or become dependent upon a government agency or  
16 a private person or agency if the services are not provided at state expense under  
17 AS 13.26.112;

18 (4) provide legal representation in guardianship proceedings to  
19 respondents who are financially unable to employ attorneys under AS 13.26.106(b), to  
20 indigent parties in cases involving child custody in which the opposing party is  
21 represented by counsel provided by a public agency, to indigent parents or guardians of  
22 a minor respondent in a commitment proceeding concerning the minor under  
23 AS 47.30.775;

24 (5) provide legal representation and guardian ad litem services under  
25 AS 25.24.310; in cases arising under AS 47.15 (Uniform Interstate Compact on  
26 Juveniles); in cases involving petitions to adopt a minor under AS 25.23.125(b) or  
27 petitions for the termination of parental rights on grounds set out in AS 25.23.180(c)(3);  
28 in cases involving petitions to remove the disabilities of a minor under AS 09.55.590;  
29 in children's proceedings under AS 47.10.050(a) or under AS 47.12.070; and in cases  
30 involving indigent persons who are entitled to representation under AS 18.85.100 and  
31 who cannot be represented by the public defender agency because of a conflict of  
32 interests;

1 (6) develop and coordinate a program to recruit, select, train, assign, and  
2 supervise volunteer guardians ad litem from local communities to aid in delivering  
3 services in cases in which the office of public advocacy is appointed as guardian ad  
4 litem;

5 (7) provide guardian ad litem services in proceedings under  
6 AS 12.45.046;

7 (8) establish a fee schedule and collect fees for services provided by the  
8 office, except as provided in AS 18.85.120 or when imposition or collection of a fee is  
9 not in the public interest as defined under regulations adopted by the commissioner of  
10 administration;

11 (9) provide visitors and guardians ad litem in proceedings under  
12 AS 47.30.839;

13 (10) provide legal representation to indigent parents under  
14 AS 14.30.195(e).

15 \* Sec. 14. AS 44.29.022(a) is amended to read:

16 (a) The commissioner of health and social services may establish by regulation  
17 a schedule of reasonable fees for services provided by the Department of Health and  
18 Social Services under AS 44.29.020(a)(1) - (8), AS 47.10, AS 47.12, AS 47.30.655 -  
19 47.30.910, and AS 47.80.100 - 47.80.170. The fee established for a service may not  
20 exceed the actual cost of providing the service. The commissioner may define or  
21 establish the "actual cost of providing a service" by regulation. The Department of  
22 Health and Social Services shall charge and collect the fees established under this  
23 subsection. The department may waive collection of a fee upon a finding that collection  
24 is not economically feasible or in the public interest.

25 \* Sec. 15. AS 44.41.025(c) is amended to read:

26 (c) The department may enter into the Alaska automated fingerprint identification  
27 system the fingerprints of a minor whose fingerprints are taken under AS 47.12.210  
28 [AS 47.10.097].

29 \* Sec. 16. AS 44.47.200 is amended to read:

30 Sec. 44.47.200. LEGAL ASSISTANCE AND JUVENILE JUSTICE GRANT  
31 FUND. There is created in the department the legal assistance and juvenile justice grant  
32 fund. From legislative appropriations to the fund, the department shall make grants

1 (1) to eligible communities and regions for the purpose of enabling them  
2 to obtain legal assistance; and

3 (2) to a nonprofit corporation established under AS 47.12.400  
4 [AS 47.10.265] to operate as a youth court.

5 \* Sec. 17. AS 44.47.210(b) is amended to read:

6 (b) Nonprofit corporations proposing to establish and operate youth courts under  
7 AS 47.12.400 [AS 47.10.265] may apply to the department for an organizational grant  
8 under AS 44.47.200(2). A grant under this subsection must be matched on a dollar-for-  
9 dollar basis by the grantee in cash or in kind. The commissioner may waive the match  
10 required under this subsection on a showing satisfactory to the commissioner by the  
11 prospective applicant that matching funds are not available.

12 \* Sec. 18. AS 44.47.220(b) is amended to read:

13 (b) Grants made under AS 44.47.200(2) shall be used to defray the costs of  
14 organization of youth courts under AS 47.12.400 [AS 47.10.265]. The department shall  
15 assure that the grant is spent for necessary organizational assistance and that appropriate  
16 accounting procedures are maintained. Grants made under AS 44.47.200(2) and this  
17 subsection may not exceed \$5,000. Only one grant may be made to a grantee under  
18 authority of this subsection.

19 \* Sec. 19. AS 47.05.060 is amended to read:

20 Sec. 47.05.060. PURPOSE AND POLICY RELATING TO CHILDREN. The  
21 purposes [PURPOSE] of AS 47.10 [THIS TITLE] as that chapter [IT] relates to  
22 children are

23 (1) [IS] to secure for each child the care and guidance, preferably in the  
24 child's own home, that will serve the moral, emotional, mental, and physical welfare of  
25 the child and the best interests of the community;

26 (2) to preserve and strengthen the child's family ties unless efforts to  
27 preserve and strengthen the ties are likely to result in physical or emotional damage to  
28 the child, removing the child from the custody of the parents only as a last resort when  
29 the child's welfare or safety [OR THE PROTECTION OF THE PUBLIC] cannot be  
30 adequately safeguarded without removal; and

31 (3) [,] when the child is removed from the family, to secure for the child  
32 adequate custody and care and adequate planning for permanent placement of the child.

1 \* Sec. 20. AS 47.05.060 is amended by adding a new subsection to read:

2 (b) The purposes of AS 47.12 as that chapter relates to children are

3 (1) to affirm that the purpose of that chapter includes protection of the  
4 public and reformation of the offender;

5 (2) to provide that, for the most common of offenses committed by  
6 minors, those punishable as misdemeanors or as noncriminal offenses, resolution should  
7 require some form of sanction, that the form of the sanction should be certain, that the  
8 imposition of the sanction should be swift, and that the sanction may take the form of  
9 a reasonable claim on the time and talents of the minor who has committed the offense;  
10 and

11 (3) to provide that counseling provided to the minor should include the  
12 minor's family or guardian, that the minor's family or guardian has the right to offer  
13 suggestions and make recommendations for the correction of the minor's behavior, and  
14 that the minor's family or guardian may be asked to participate in supervision of the  
15 minor's treatment.

16 \* Sec. 21. AS 47.10.010(a) is amended to read:

17 (a) Proceedings relating to a minor under 18 years of age residing or found in  
18 the state are governed by AS 47.10.010 - 47.10.142 [THIS CHAPTER], except as  
19 otherwise provided in AS 47.10.010 - 47.10.142 [THIS CHAPTER], when the court  
20 finds the minor

21 [(1) TO BE A DELINQUENT MINOR AS A RESULT OF  
22 VIOLATING A CRIMINAL LAW OF THE STATE OR A MUNICIPALITY OF THE  
23 STATE; OR

24 (2)] to be a child in need of aid as a result of

25 (1) [(A)] the child being habitually absent from home or refusing to  
26 accept available care, or having no parent, guardian, custodian, or relative caring or  
27 willing to provide care, including physical abandonment by

28 (A) [(i)] both parents,

29 (B) [(ii)] the surviving parent, or

30 (C) [(iii)] one parent if the other parent's rights and  
31 responsibilities have been terminated under AS 25.23.180(c) or AS 47.10.080 or  
32 voluntarily relinquished;

1           (2) [(B)] the child being in need of medical treatment to cure, alleviate,  
2 or prevent substantial physical harm, or in need of treatment for mental harm as  
3 evidenced by failure to thrive, severe anxiety, depression, withdrawal, or untoward  
4 aggressive behavior or hostility toward others, and the child's parent, guardian, or  
5 custodian has knowingly failed to provide the treatment;

6           (3) [(C)] the child having suffered substantial physical harm or if there  
7 is an imminent and substantial risk that the child will suffer such harm as a result of the  
8 actions done by or conditions created by the child's parent, guardian, or custodian or the  
9 failure of the parent, guardian, or custodian adequately to supervise the child;

10          (4) [(D)] the child having been, or being in imminent and substantial  
11 danger of being, sexually abused either by the child's parent, guardian, or custodian, or  
12 as a result of conditions created by the child's parent, guardian, or custodian, or by the  
13 failure of the parent, guardian, or custodian adequately to supervise the child;

14          (5) [(E)] the child committing delinquent acts as a result of pressure,  
15 guidance, or approval from the child's parents, guardian, or custodian;

16          (6) [(F)] the child having suffered substantial physical abuse or neglect  
17 as a result of conditions created by the child's parent, guardian, or custodian.

18 \* Sec. 22. AS 47.10.020(a) is amended to read:

19           (a) Whenever circumstances subject a minor to the jurisdiction of AS 47.10.010 -  
20 47.10.142, the court shall

21           [(1) PROVIDE, UNDER PROCEDURES ADOPTED BY COURT  
22 RULE, THAT, FOR A MINOR WHO IS ALLEGED TO BE A DELINQUENT MINOR  
23 UNDER AS 47.10.010(a)(1), A STATE AGENCY SHALL MAKE A PRELIMINARY  
24 INQUIRY TO DETERMINE IF ANY ACTION IS APPROPRIATE AND MAY TAKE  
25 APPROPRIATE ACTION TO ADJUST OR DISPOSE OF THE MATTER WITHOUT  
26 A COURT HEARING; IF, UNDER THIS PARAGRAPH,

27           (A) THE STATE AGENCY MAKES A PRELIMINARY  
28 INQUIRY AND TAKES APPROPRIATE ACTION TO ADJUST OR DISPOSE  
29 OF THE MATTER. WITHOUT A COURT HEARING, THE MINOR MAY  
30 NOT BE DETAINED OR TAKEN INTO CUSTODY AS A CONDITION OF  
31 THE ADJUSTMENT OR DISPOSITION AND, SUBJECT TO (d) OF THIS  
32 SECTION, THE MATTER SHALL BE CLOSED BY THE AGENCY IF THE

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MINOR SUCCESSFULLY COMPLETES ALL THAT IS REQUIRED OF THE MINOR BY THE AGENCY IN THE ADJUSTMENT OR DISPOSITION; IN A MUNICIPALITY OR MUNICIPALITIES IN WHICH A YOUTH COURT HAS BEEN ESTABLISHED UNDER AS 47.10.265, ADJUSTMENT OR DISPOSITION OF THE MATTER UNDER THIS PARAGRAPH MAY INCLUDE REFERRAL TO THE YOUTH COURT;

(B) THE AGENCY CONCLUDES THAT THE MATTER MAY NOT BE ADJUSTED OR DISPOSED OF WITHOUT A COURT HEARING, THE AGENCY MAY FILE A PETITION UNDER (2) OF THIS SUBSECTION SETTING OUT THE FACTS; OR

(2)] appoint a competent person or agency to make a preliminary inquiry and report for the information of the court to determine whether the interests of the public or of the minor require that further action be taken; if, under this subsection [PARAGRAPH], the court appoints a person or agency to make a preliminary inquiry and to report to it, then upon the receipt of the report, the court may informally adjust or dispose of the matter without a hearing, or it may authorize the person having knowledge of the facts of the case to file with the court a petition setting out the facts; if the court informally adjusts or disposes of the matter, the minor may not be detained or taken into the custody of the court as a condition of the adjustment or disposition, and the matter shall be closed by the court upon adjustment or disposition.

\* Sec. 23. AS 47.10.020(b) is amended to read:

(b) The petition and all subsequent pleadings shall be styled as follows: "In the matter of . . . . ., a minor under 18 years of age." The petition may be executed upon the petitioner's information and belief, and must be verified. It must include the following information:

(1) the name, address, and occupation of the petitioner, together with the petitioner's relationship to the minor, and the petitioner's interest in the matter;

(2) the name, age, and address of the minor;

(3) a brief statement of the facts that bring the minor within AS 47.10.010 - 47.10.142 [THIS CHAPTER];

(4) the names and addresses of the minor's parents;

(5) the name and address of the minor's guardian, or of the person having

1 control or custody of the minor.

2 \* Sec. 24. AS 47.10.030(b) is amended to read:

3 (b) In all cases under AS 47.10.010 - 47.10.142, [THIS CHAPTER] the minor,  
4 each parent of the minor, and the guardian of the minor shall be given notice adequate  
5 to give actual notice of the proceedings and the possibility of termination of parental  
6 rights and responsibilities, taking into account education and language differences that  
7 are known or reasonably ascertainable by the petitioner or the department. The notice  
8 of the hearing must contain all names by which the minor has been identified. Notice  
9 shall be given in the manner appropriate under rules of civil procedure for the service  
10 of process in a civil action under Alaska law or in any manner the court by order directs.  
11 Proof of the giving of the notice shall be filed with the court before the petition is heard.  
12 The court may also subpoena the parent of the minor, or any other person whose  
13 testimony may be necessary at the hearing. A subpoena or other process may be served  
14 by a person authorized by law to make the service, and where personal service cannot  
15 be made, the court may direct that service of process be in a manner appropriate under  
16 rules of civil procedure for the service of process in a civil action under Alaska law or  
17 in any manner the court directs.

18 \* Sec. 25. AS 47.10.050(a) is amended to read:

19 (a) Whenever in the course of proceedings instituted under AS 47.10.010 -  
20 47.10.142 [THIS CHAPTER] it appears to the court that the welfare of a minor will be  
21 promoted by the appointment of an attorney to represent the minor or an attorney or  
22 other person to serve as guardian ad litem, the court may make the appointment.  
23 Appointment of a guardian ad litem or attorney shall be made under the terms of  
24 AS 25.24.310.

25 \* Sec. 26. AS 47.10.070(a) is amended to read:

26 (a) The court may conduct the hearing on the petition in an informal manner  
27 in the courtroom or in chambers. [A HEARING MAY BE HELD BEFORE A YOUNG  
28 ADULT ADVISORY PANEL IN ACCORDANCE WITH AS 47.10.075.] The court  
29 shall give notice of the hearing to the department and it may send a representative to the  
30 hearing. The court shall also transmit a copy of the petition to the department. The  
31 representative of the department may also be heard at the hearing. The public shall be  
32 excluded from the hearing, but the court, in its discretion, may permit individuals to

1 attend a hearing [,] if their attendance is compatible with the best interests of the minor.  
2 [NOTHING IN THIS SECTION MAY BE APPLIED IN SUCH A WAY AS TO DENY  
3 A CHILD'S RIGHTS TO A PUBLIC TRIAL AND TO A TRIAL BY JURY.]

4 \* Sec. 27. AS 47.10.080(a) is amended to read:

5 (a) The court, at the conclusion of the hearing, or thereafter as the circumstances  
6 of the case may require, shall find and enter a judgment that the minor is or is not  
7 [DELINQUENT OR] a child in need of aid.

8 \* Sec. 28. AS 47.10.080(c) is amended to read:

9 (c) If the court finds that the minor is a child in need of aid, it shall

10 (1) order the minor committed to the department for placement in an  
11 appropriate setting for a period of time not to exceed two years or in any event past the  
12 date the minor becomes 19 years of age, except that the department may petition for and  
13 the court may grant in a hearing (A) two-year extensions of commitment that do not  
14 extend beyond the minor's 19th birthday if the extension is in the best interests of the  
15 minor [AND THE PUBLIC]; and (B) an additional one-year period of custody  
16 [SUPERVISION] past age 19 if the continued custody [SUPERVISION] is in the best  
17 interests of the person and the person consents to it; the department may transfer the  
18 minor, in the minor's best interests, from one placement setting to another, and the minor,  
19 the minor's parents or guardian, and the minor's attorney are entitled to reasonable notice  
20 of the transfer;

21 (2) order the minor released to the minor's parents, guardian, or some  
22 other suitable person, and, in appropriate cases, order the parents, guardian, or other  
23 person to provide medical or other care and treatment; if the court releases the minor,  
24 it shall direct the department to supervise the care and treatment given to the minor, but  
25 the court may dispense with the department's supervision if the court finds that the adult  
26 to whom the minor is released will adequately care for the minor without supervision;  
27 the department's supervision may not exceed two years or in any event extend past the  
28 date the minor reaches age 19, except that the department may petition for and the court  
29 may grant in a hearing

30 (A) two-year extensions of supervision that do not extend beyond  
31 the minor's 19th birthday if the extension is in the best interests of the minor and  
32 the public; and

1 (B) an additional one-year period of supervision past age 19 if the  
2 continued supervision is in the best interests of the person and the person  
3 consents to it; or

4 (3) by order, upon a showing in the adjudication by clear and convincing  
5 evidence that there is a child in need of aid under AS 47.10.010(a) [AS 47.10.010(a)(2)]  
6 as a result of parental conduct and upon a showing in the disposition by clear and  
7 convincing evidence that the parental conduct is likely to continue to exist if there is no  
8 termination of parental rights, terminate parental rights and responsibilities of one or both  
9 parents and commit the child to the department or to a legally appointed guardian of the  
10 person of the child, and the department or guardian shall report annually to the court on  
11 efforts being made to find a permanent placement for the child.

12 \* Sec. 29. AS 47.10.080(e) is amended to read:

13 (e) If the court finds that the minor is not [DELINQUENT OR] a child in need  
14 of aid, it shall immediately order the minor released from the department's custody and  
15 returned to the minor's parents, guardian, or custodian, and dismiss the case.

16 \* Sec. 30. AS 47.10.080(f) is amended to read:

17 (f) A minor found to be [DELINQUENT OR] a child in need of aid is a ward  
18 of the state while committed to the department or the department has the power to  
19 supervise the minor's actions. The court shall review an order made under [(b) OR]  
20 (c)(1) or (2) of this section annually, and may review the order more frequently to  
21 determine if continued placement [, PROBATION,] or custody [SUPERVISION], as it  
22 is being provided, is in the best interest of the minor [AND THE PUBLIC]. If annual  
23 review under this subsection would arise within 90 days of the hearing required under  
24 (l) of this section, the court may postpone review under this subsection until the time set  
25 for the hearing. The department, the minor, the minor's parents, guardian, or custodian  
26 are entitled, when good cause is shown, to a review on application. If the application  
27 is granted, the court shall afford these parties and their counsel reasonable notice in  
28 advance of the review and hold a hearing where these parties and their counsel shall be  
29 afforded an opportunity to be heard. The minor shall be afforded the opportunity to be  
30 present at the review.

31 \* Sec. 31. AS 47.10.080(g) is amended to read:

32 (g) [AN ADJUDICATION UNDER THIS CHAPTER UPON THE STATUS OF

1 A CHILD MAY NOT OPERATE TO IMPOSE ANY OF THE CIVIL DISABILITIES  
2 ORDINARILY IMPOSED BY CONVICTION UPON A CRIMINAL CHARGE, NOR  
3 MAY A MINOR AFTERWARD BE CONSIDERED A CRIMINAL BY THE  
4 ADJUDICATION, NOR MAY THE ADJUDICATION BE AFTERWARD DEEMED  
5 A CONVICTION, NOR MAY A MINOR BE CHARGED WITH OR CONVICTED OF  
6 A CRIME IN A COURT, EXCEPT AS PROVIDED IN THIS CHAPTER.] The  
7 commitment and placement of a child and evidence given in the court in a proceeding  
8 under AS 47.10.010 - 47.10.142 are not admissible as evidence against the minor in a  
9 subsequent case or proceedings in any other court [, NOR DOES THE COMMITMENT  
10 AND PLACEMENT OR EVIDENCE OPERATE TO DISQUALIFY A MINOR IN A  
11 FUTURE CIVIL SERVICE EXAMINATION OR APPOINTMENT IN THE STATE].

12 \* Sec. 32. AS 47.10.080(i) is amended to read:

13 (i) A minor, the minor's parents or guardian acting on the minor's behalf, or the  
14 department may appeal a judgment or order, or the stay, modification, setting aside,  
15 revocation, or enlargement of a judgment or order issued by the court under  
16 AS 47.10.010 - 47.10.142 [THIS CHAPTER].

17 \* Sec. 33. AS 47.10.080(l) is amended to read:

18 (l) Within 18 months after the date a child is initially taken into custody by the  
19 department under AS 47.10.142(c) or committed to the custody of the department under  
20 [(b)(3),] (c)(1) [,] or [(c)] (3) of this section [,] or AS 47.10.230(c), the court shall hold  
21 a hearing to review the placement and services provided and to determine the future  
22 status of the minor. The court shall make appropriate written findings, including findings  
23 related to the following:

- 24 (1) whether the child should be returned to the parent;
- 25 (2) whether the child should remain in out-of-home care for a specified  
26 period;
- 27 (3) whether the child should remain in out-of-home care on a permanent  
28 or long-term basis because of special needs or circumstances;
- 29 (4) whether the child should be placed for adoption or legal guardianship.

30 \* Sec. 34. AS 47.10.082 is amended to read:

31 Sec. 47.10.082. BEST INTERESTS OF CHILD AND OTHER  
32 CONSIDERATIONS. [IN MAKING ITS DISPOSITIONAL ORDER UNDER

1 AS 47.10.080(b) THE COURT SHALL CONSIDER THE BEST INTERESTS OF THE  
2 CHILD AND THE PUBLIC.] In making its dispositional order under AS 47.10.080(c),  
3 the court shall consider

4 (1) the best interests of the child; and

5 (2) [. IN EITHER CASE THE COURT SHALL CONSIDER ALSO]  
6 the ability of the state to take custody and to care for the child to protect the child's best  
7 interests under AS 47.10.010 - 47.10.142.

8 \* Sec. 35. AS 47.10.084(a) is amended to read:

9 (a) When a child is committed under AS 47.10.080(c)(1) [AS 47.10.080(b)(1)  
10 OR (c)(1)] to the department, [OR] released under AS 47.10.080(c)(2)  
11 [AS 47.10.080(b)(2) OR (3) OR (c)(2)] to the child's parents, guardian, or other suitable  
12 person, or committed to the department or to a legally appointed guardian of the  
13 person of the child under AS 47.10.080(c)(3), a relationship of legal custody exists.

14 This relationship imposes on the department and its authorized agents or the parents,  
15 guardian, or other suitable person the responsibility of physical care and control of the  
16 child, the determination of where and with whom the child shall live, the right and duty  
17 to protect, train, and discipline the child, and the duty of providing the child with food,  
18 shelter, education, and medical care. These obligations are subject to any residual  
19 parental rights and responsibilities and rights and responsibilities of a guardian if one has  
20 been appointed. When a child is committed to the department and the department places  
21 the child with the child's parent, the parent has the responsibility to provide and pay for  
22 food, shelter, education, and medical care for the child. When parental rights have been  
23 terminated, or there are no living parents and no guardian has been appointed, the  
24 responsibilities of legal custody include those in (b) and (c) of this section. The  
25 department or person having legal custody of the child may delegate any of the  
26 responsibilities under this section, except authority to consent to marriage, adoption, and  
27 military enlistment may not be delegated. For purposes of AS 47.10.010 - 47.10.142,  
28 [THIS CHAPTER] a person in charge of a placement setting is an agent of the  
29 department.

30 \* Sec. 36. AS 47.10.090(c) is amended to read:

31 (c) Within 30 days of the date of a minor's 18th birthday or, if the court retains  
32 jurisdiction of a minor past the minor's 18th birthday, within 30 days of the date on

1 which the court releases jurisdiction over the minor, the court shall order all the court's  
2 official records pertaining to that minor in a proceeding under AS 47.10.010 -  
3 47.10.142 sealed [, AS WELL AS RECORDS OF ALL DRIVER'S LICENSE  
4 PROCEEDINGS UNDER AS 28.15.185, CRIMINAL PROCEEDINGS AGAINST THE  
5 MINOR, AND PUNISHMENTS ASSESSED AGAINST THE MINOR]. A person may  
6 not use these sealed records for any purpose except that the court may order their use  
7 for good cause shown [OR MAY ORDER THEIR USE BY AN OFFICER OF THE  
8 COURT IN MAKING A PRESENTENCING REPORT FOR THE COURT. THE  
9 PROVISIONS OF THIS SUBSECTION RELATING TO THE SEALING OF  
10 RECORDS DO NOT APPLY TO RECORDS OF TRAFFIC OFFENSES].

11 \* Sec. 37. AS 47.10.090(d) is amended to read:

12 (d) The name or picture of a minor under the jurisdiction of the court may not  
13 be made public in connection with the minor's status as a [DELINQUENT CHILD OR  
14 A] child in need of aid unless authorized by order of the court.

15 \* Sec. 38. AS 47.10.090(e) is amended to read:

16 (e) The court's official records under AS 47.10.010 - 47.10.142 [THIS  
17 CHAPTER] may be inspected only with the court's permission and only by persons  
18 having a legitimate interest in them. [A PERSON WITH A LEGITIMATE INTEREST  
19 IN THE INSPECTION OF AN OFFICIAL RECORD MAINTAINED BY THE COURT  
20 INCLUDES A VICTIM WHO SUFFERED PHYSICAL INJURY OR WHOSE REAL  
21 OR PERSONAL PROPERTY WAS DAMAGED AS A RESULT OF AN OFFENSE  
22 THAT WAS THE BASIS OF AN ADJUDICATION OR MODIFICATION OF  
23 DISPOSITION. IF THE VICTIM KNOWS THE IDENTITY OF THE MINOR,  
24 IDENTIFIES THE MINOR OR THE OFFENSE TO THE COURT, AND CERTIFIES  
25 THAT THE INFORMATION IS BEING SOUGHT TO CONSIDER OR SUPPORT A  
26 CIVIL ACTION AGAINST THE MINOR OR AGAINST THE MINOR'S PARENTS  
27 OR GUARDIANS UNDER AS 34.50.020, THE COURT SHALL, SUBJECT TO  
28 AS 12.61.110 AND 12.61.140, ALLOW THE VICTIM TO INSPECT AND USE THE  
29 FOLLOWING RECORDS AND INFORMATION IN CONNECTION WITH THE  
30 CIVIL ACTION:

31 (1) A PETITION FILED UNDER AS 47.10.010(a)(1) SEEKING TO  
32 HAVE THE COURT DECLARE THE MINOR A DELINQUENT;

1 (2) A PETITION FILED UNDER AS 47.10.080 SEEKING TO HAVE  
2 THE COURT MODIFY OR REVOKE THE MINOR'S PROBATION;

3 (3) A PETITION FILED UNDER AS 47.10.060 REQUESTING THE  
4 COURT TO FIND THAT A MINOR IS NOT AMENABLE TO TREATMENT UNDER  
5 THIS CHAPTER AND THAT RESULTS IN CLOSURE OF A CASE UNDER  
6 AS 47.10.060(a); AND

7 (4) A COURT JUDGMENT OR ORDER ENTERED UNDER  
8 AS 47.10.010 - 47.10.142 THAT DISPOSES OF A PETITION IDENTIFIED IN (1) -  
9 (3) OF THIS SUBSECTION.]

10 \* Sec. 39. AS 47.10.093(a) is amended to read:

11 (a) Except as specified in AS 47.10.092 and (b) - (g) [(b) - (f) AND (h)] of this  
12 section, all information and social records pertaining to a minor who is subject to  
13 AS 47.10.010 - 47.10.142 [THIS CHAPTER] or AS 47.17 prepared by or in the  
14 possession of a federal, state, or municipal agency or employee in the discharge of the  
15 agency's or employee's official duty [, INCLUDING DRIVER'S LICENSE ACTIONS  
16 UNDER AS 28.15.185,] are privileged and may not be disclosed directly or indirectly  
17 to anyone without a court order.

18 \* Sec. 40. AS 47.10.100(c) is amended to read:

19 (c) If a minor is adjudicated [A DELINQUENT OR] a child in need of aid  
20 before the minor's 18th birthday, the court may retain jurisdiction over the minor after  
21 the minor's 18th birthday for the purpose of supervising the minor [MINOR'S  
22 REHABILITATION], but the court's jurisdiction over the minor under this chapter never  
23 extends beyond the minor's 19th birthday, except that the department may apply for and  
24 the court may grant an additional one-year period of supervision past age 19 if continued  
25 supervision is in the best interests of the person and the person consents to it. The  
26 department may retain jurisdiction over a child between the child's 18th and 19th  
27 birthdays for the purpose of supervising the child [CHILD'S REHABILITATION], if the  
28 child has been placed under the supervision of the department before the child's 18th  
29 birthday, except that the department may apply for and the court may grant an additional  
30 one-year period of supervision past age 19 if continued supervision is in the best interests  
31 of the person and the person consents to it.

32 \* Sec. 41. AS 47.10.110 is amended to read:

1           Sec. 47.10.110. APPOINTMENT OF GUARDIAN OR CUSTODIAN. When,  
2 in the course of a proceeding under AS 47.10.010 - 47.10.142 [THIS CHAPTER], it  
3 appears to the court that the welfare of a minor will be promoted by the appointment of  
4 a guardian or custodian of the minor's person, the court may make the appointment. The  
5 court shall have a summons issued and served upon the parents of the minor, if they can  
6 be found, in a manner and within a time before the hearing that the court considers  
7 reasonable. The court may determine whether the father, mother, or the department shall  
8 have the custody and control of the minor. If the minor is of sufficient age and  
9 intelligence to state desires, the court shall consider them.

10 \* Sec. 42. AS 47.10.120(a) is amended to read:

11           (a) When a child in need of aid [OR A DELINQUENT MINOR] is committed  
12 under AS 47.10.010 - 47.10.142 [THIS CHAPTER], the court shall, after giving the  
13 parent or legal guardian a reasonable opportunity to be heard, adjudge that the parent or  
14 guardian pay to the department in a manner that the court directs a sum [THAT IS  
15 BASED ON THE FEE SCHEDULE ADOPTED UNDER AS 44.29.022] to cover in full  
16 or in part the maintenance and care of the child or minor. The support obligation shall  
17 be calculated under Rule 90.3(i) of the Alaska Rules of Civil Procedure.

18 \* Sec. 43. AS 47.10.141(b) is amended to read:

19           (b) A peace officer shall take into protective custody a minor described in (a)  
20 of this section if the minor is not otherwise subject to arrest or detention. Unless (c) of  
21 this section applies, when a peace officer takes a minor into protective custody under  
22 this subsection,

23           (1) the peace officer shall exercise the officer's discretion and shall

24           (A) [AND (1)] return the minor to the minor's parent or  
25 guardian [LEGAL CUSTODIAN] if the minor and the minor's parent or  
26 guardian consent [LEGAL CUSTODIAN CONSENTS] to the return, except  
27 that the officer may not use this option if the officer has reasonable cause to  
28 believe [SUSPECT] that the minor has experienced physical or sexual abuse in  
29 the parent's or guardian's [LEGAL CUSTODIAN'S] household;

30           (B) [(2)] take the minor to a nearby location agreed to by the  
31 minor and the minor's parent or guardian [LEGAL CUSTODIAN]; or

32           (C) [(3)] take the minor to

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(i) an office specified by the Department of Health and Social Services;

(ii) [,] a program for runaway minors licensed by the department under AS 47.10.310;

(iii) [,] a shelter for runaways that has a permit from the department under AS 47.35.085 that agrees to shelter the minor;

(iv) [, OR] a facility or contract agency of the department;

or

(v) another suitable location and promptly notify the department, if [ . IF] an office specified by the department, a licensed program for runaway minors, a shelter for runaways that will accept the minor, or a facility or contract agency of the department does not exist in the community;

(2) a [ , THE OFFICER SHALL TAKE THE MINOR TO ANOTHER SUITABLE LOCATION AND PROMPTLY NOTIFY THE DEPARTMENT. A] minor under protective custody may not be housed in a jail or other detention facility;

(3) the peace officer, immediately [ . IMMEDIATELY] upon taking a minor into protective custody, [THE OFFICER] shall

(A) advise the minor orally and in writing of the right to social services under AS 47.10.142(b); [,] and

(B) [,] if the identity of the minor's parent or guardian is known, [THE OFFICER SHALL] advise the minor's parent or guardian [LEGAL CUSTODIAN] that the minor has been taken into protective custody and that counseling services for the minor's parent or guardian [CUSTODIAN] and the minor's household may be available under AS 47.10.142(b).

\* Sec. 44. AS 47.10.141(c) is amended to read:

(c) A minor may be taken into emergency protective custody by a peace officer and placed into temporary detention in a juvenile detention home in the local community if there has been an order issued by a court under a finding of probable cause that (1) the minor is a runaway in wilful violation of a valid court order issued under AS 47.10.080(c)(1), 47.10.142(f), or AS 47.12.100(b)(1) or (3) [AS 47.10.080 OR 47.10.142(f)], (2) the minor's current situation poses a severe and imminent risk to the

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minor's life or safety, and (3) no reasonable placement alternative exists within the community. For purposes of this subsection, a risk may not be considered severe and imminent solely because of the general conditions for runaway minors in the community, but shall be assessed in view of the specific behavior and situation of the minor. A minor detained under this subsection shall be brought before a court on the day the minor is detained, or if that is not possible, within 24 hours after the detention for a hearing to determine the most appropriate placement in the best interests of the minor. A minor taken into emergency protective custody under this subsection may not be detained for more than 24 hours, except as provided under AS 47.10.140. Emergency protective custody may not include placement of a minor in a jail or secure facility other than a juvenile detention home, nor may an order for protective custody be enforced against a minor who is residing in a licensed program for runaway minors, as defined in AS 47.10.390.

\* Sec. 45. AS 47.10.142(a) is amended to read:

(a) The Department of Health and Social Services may take emergency custody of a minor upon discovering any of the following circumstances:

(1) the minor has been abandoned;

(2) the minor has been grossly neglected by the minor's parents or guardian, as "neglect" is defined in AS 47.17.290, and the department determines that immediate removal from the minor's surroundings is necessary to protect the minor's life or provide immediate necessary medical attention;

(3) the minor has been subjected to child abuse or neglect by a person responsible for the minor's welfare, as "child abuse or neglect" is defined in AS 47.17.290, and the department determines that immediate removal from the minor's surroundings is necessary to protect the minor's life or that immediate medical attention is necessary: or

(4) the minor has been sexually abused under circumstances listed in AS 47.10.010(a)(4) [AS 47.10.010(a)(2)(D)].

\* Sec. 46. AS 47.10.150 is amended to read:

Sec. 47.10.150. GENERAL POWERS OF DEPARTMENT OVER JUVENILE INSTITUTIONS. The department may

(1) purchase, lease, or construct buildings or other facilities for the care,

- 1 detention, rehabilitation, and education of children in need of aid or delinquent minors;
- 2 (2) adopt plans for construction of juvenile homes, juvenile work camps,
- 3 juvenile detention facilities, and other juvenile institutions;
- 4 (3) adopt standards and regulations [UNDER THIS CHAPTER] for the
- 5 design, construction, repair, maintenance, and operation of all juvenile detention homes,
- 6 work camps, facilities, and institutions;
- 7 (4) inspect periodically each juvenile detention home, work camp,
- 8 facility, or other institution to ensure that the standards and regulations adopted are being
- 9 maintained;
- 10 (5) reimburse cities maintaining and operating juvenile detention homes,
- 11 work camps, and facilities;
- 12 (6) enter into contracts and arrangements with cities and state and federal
- 13 agencies to carry out the purposes of AS 47.10.150 - 47.10.220 [THIS CHAPTER];
- 14 (7) do all acts necessary to carry out the purposes of AS 47.10.150 -
- 15 47.10.220 [THIS CHAPTER];
- 16 (8) adopt the regulations necessary to carry out AS 47.10.150 - 47.10.220
- 17 [THIS CHAPTER];
- 18 (9) accept donations, gifts, or bequests of money or other property for
- 19 use in construction of juvenile homes, work camps, institutions, or detention facilities;
- 20 (10) operate juvenile homes when municipalities are unable to do so;
- 21 (11) receive, care for, and place in a juvenile detention home, the minor's
- 22 own home, a foster home, or a correctional school, work camp, or treatment institution
- 23 all minors committed to its custody under this chapter and AS 47.12.

24 \* Sec. 47. AS 47.10.160(a) is amended to read:

25 (a) The department shall

26 (1) accept all minors committed to the custody of the department and all  
27 minors who are involved in a written agreement under AS 47.10.230(c), and provide for  
28 the welfare, control, care, custody, and placement of these minors in accordance with this  
29 chapter and AS 47.12;

30 (2) require and collect statistics on juvenile offenses and offenders in the  
31 state;

32 (3) conduct studies and prepare findings and recommendations on the

1 need, number, type, construction, maintenance, and operating costs of juvenile homes,  
2 work camps, facilities, and the other institutions, and adopt and submit a plan for  
3 construction of the homes, work camps, facilities, and institutions when needed, together  
4 with a plan for financing the construction programs;

5 (4) examine, where possible, all facilities, institutions, work camps, and  
6 places of juvenile detention in the state and inquire into their methods and the  
7 management of juveniles in them.

8 \* Sec. 48. AS 47.10.190 is amended to read:

9 Sec. 47.10.190. DETENTION OF MINORS. When the court commits a minor  
10 to the custody of the department, except when detention in a correctional facility is  
11 authorized by AS 47.12.240(c) [AS 47.10.130(c)], the department shall arrange to place  
12 the juvenile in a detention home, work camp, or another suitable place that the  
13 department designates for that purpose.

14 \* Sec. 49. AS 47.10.210 is amended to read:

15 Sec. 47.10.210. YOUTH COUNSELORS. The department may employ youth  
16 counselors. Youth counselors shall exercise the duties of probation officers and shall  
17 prepare preliminary investigations for the information of the court. They shall also  
18 carry out other duties in the care and treatment of minors that [WHICH] are consistent  
19 with the intent of this chapter and AS 47.12. Youth counselors have the powers of  
20 a peace officer with respect to the service of process, the making of arrests of minors  
21 who violate state or municipal law, and the execution of orders of the court relating  
22 to juveniles. The youth counselors shall assist and advise the courts in the furtherance  
23 of the welfare and control of minors under the court's jurisdiction.

24 \* Sec. 50. AS 47.10.220 is amended to read:

25 Sec. 47.10.220. GRANTS-IN-AID. The department may accept grants-in-aid  
26 from the federal government or private foundations and may accept other gifts  
27 consistent with the purposes of this chapter and AS 47.12.

28 \* Sec. 51. AS 47.10.230(b) is amended to read:

29 (b) The department may pay the costs of maintenance that are necessary to  
30 assure adequate care of the child, and may accept funds from the federal government  
31 that are granted to assist in carrying out the purposes of this chapter and AS 47.12,  
32 or that are paid under contract entered into with a federal department or agency. A

1 child under the care of the department may not be placed in a family home or  
2 institution that does not maintain adequate standards of care.

3 \* Sec. 52. AS 47.10.390(2) is amended to read:

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

5 (A) is habitually absent from home;

6 (B) refuses to accept available care;

7 (C) has no parent, guardian, custodian, or relative able or  
8 willing to provide care; or

9 (D) has been physically abandoned by

10 (i) both parents;

11 (ii) the surviving parent; or

12 (iii) one parent if the other parent's rights and  
13 responsibilities have been terminated under AS 25.23.180(c) or  
14 AS 47.10.080(c)(3), [AS 47.10.080] or have been voluntarily  
15 relinquished.

16 \* Sec. 53. AS 47.10.440(a) is amended to read:

17 (a) A local panel shall review the case plan of each child in the custody of the  
18 department who is in a placement other than the child's own home under  
19 AS 47.10.080(c)(1) or (3) [AS 47.10.080(b)(3), (c)(1), OR (c)(3)], 47.10.142, [OR]  
20 47.10.230(c), or AS 47.12.100(b)(3) if the case is under the jurisdiction of a court in  
21 the judicial district served by the panel. A local panel may request a local panel in  
22 another judicial district to conduct a review and make a report if that local panel is  
23 more convenient for the child and other persons involved.

24 \* Sec. 54. AS 47.10.440(f) is amended to read:

25 (f) During a review under (a) of this section, a local panel shall

26 (1) determine whether the child has a case plan designed to achieve  
27 placement in the least restrictive, most family-like setting available in close proximity  
28 to the home of the child's parents that is consistent with the best interests of and  
29 special needs and circumstances of the child;

30 (2) evaluate the continuing necessity and appropriateness of the child's  
31 placement, the extent of the compliance with the child's case plan, and the extent of

1 progress that has been made toward mitigating the causes that necessitated placement  
2 away from the child's parents;

3 (3) ascertain the date by which it is likely the child may be returned  
4 to the home or placed for adoption or legal guardianship;

5 (4) determine whether there has been compliance with applicable  
6 provisions of 25 U.S.C. 1901 - 1963 (Indian Child Welfare Act) and other applicable  
7 state and federal laws; and

8 (5) determine whether there has been compliance with court review  
9 requirements of AS 47.10.080(f) and (l), [AND] 47.10.142(h), and AS 47.12.100(d)  
10 and (g).

11 \* Sec. 55. AS 47.10.440(h) is amended to read:

12 (h) The report required under (g) of this section must make advisory  
13 recommendations based on the best interests of the child in accordance with  
14 AS 47.10.082 and must include notification of the right to request court review under  
15 AS 47.10.080(f) or AS 47.12.100(d), as appropriate. If the court has scheduled the  
16 case for review, the local panel shall submit its report at least 20 days before the  
17 hearing.

18 \* Sec. 56. AS 47.10.460(a) is amended to read:

19 (a) Notwithstanding AS 47.10.090 and 47.10.093 and AS 47.12.170 and  
20 47.12.180 [AS 47.10.090], at the request of a local panel, the department, the child's  
21 guardian ad litem, and the court shall furnish to the local panel relevant records  
22 concerning a child and the child's family who are the subjects of a local panel review.  
23 At the conclusion of a review, all copies of records provided to a local panel under  
24 this section shall be returned to the staff that serves the local panel or to the agency  
25 from which the original copy was obtained unless the panel members need the copies  
26 to prepare the reports required under AS 47.10.440(g) - (i). Copies retained for  
27 preparation of the reports shall be returned to the staff that serves the local panel or  
28 to the originating agency upon completion of the reports. Notwithstanding  
29 AS 44.62.310, records and reports of the local panel, testimony before the local panel,  
30 and deliberations of the local panel are confidential under AS 47.10.093 and  
31 AS 47.12.180 [AS 47.10.090].

1 \* Sec. 57. AS 47.10.470 is amended to read:

2 Sec. 47.10.470. COURT REVIEW OF REPORT. (a) When a report is  
3 admissible under court rules, the court may consider the report of the local panel in  
4 its review under AS 47.10.080(f) or AS 47.12.100(d), as appropriate, and at other  
5 disposition hearings other than hearings related to delinquency proceedings.

6 (b) The court may refer to the local panel a case called for a special review  
7 under AS 47.10.080(f) or AS 47.12.100(d), as appropriate.

8 \* Sec. 58. AS 47.10.490(2) is amended to read:

9 (2) "out-of-home care provider" means an agency or person, other than  
10 the child's legal parents, with whom a child who is in the custody of the state under  
11 AS 47.10.080(c)(1) or (3) [AS 47.10.080(b)(3), (c)(1), OR (c)(3)], 47.10.142, [OR]  
12 47.10.230(c), or AS 47.12.100(b)(3) is currently placed; in this paragraph, "agency or  
13 person" includes a foster parent, a relative other than a parent, a person who has  
14 petitioned for adoption of the child, and a residential child care facility;

15 \* Sec. 59. AS 47.10.990 is amended to read:

16 Sec. 47.10.990. DEFINITIONS. In this chapter, unless the context otherwise  
17 requires,

18 (i) "care" or "caring" under AS 47.10.010(a)(1)  
19 [AS 47.10.010(a)(2)(A)], 47.10.120(a), and 47.10.230(c) [,] means to provide for the  
20 physical, emotional, mental, and social needs of the child;

21 (2) "child in need of aid" means a minor found to be within the  
22 jurisdiction of the court under AS 47.10.010(a) [AS 47.10.010(a)(2)];

23 (3) "court" means the superior court of the state;

24 (4) ["CRIME AGAINST A PERSON" MEANS AN OFFENSE SET  
25 OUT IN AS 11.41;

26 (5) "delinquent minor" means a minor found to be within the  
27 jurisdiction of the court under AS 47.12 [AS 47.10.010(a)(1)];

28 (5) [(6)] "department" means the Department of Health and Social  
29 Services;

30 (6) [(7)] "juvenile detention facility" means separate quarters within  
31 a city jail used for the detention of delinquent minors;

1           (7) [(8)] "juvenile detention home" or "detention home" is a separate  
2 establishment, exclusively devoted to the detention of minors on a short-term basis and  
3 not a part of an adult jail;

4           (8) [(9)] "juvenile work camp" means a separate residential  
5 establishment, exclusively devoted to the detention of minors, in which the minors who  
6 are 16 years of age or older and committed to the custody of the department and  
7 placed in the facility may be required to labor on the buildings and grounds or perform  
8 any other work or engage in any activities that do not conflict with regulations adopted  
9 by the Department of Health and Social Services under this chapter for the care,  
10 rehabilitation, education, and discipline of minors in detention;

11           (9) [(10)] "minor" means [IS] a person under 18 years of age;

12           (10) [(11)] "treatment facility" means a hospital, clinic, institution,  
13 center, or other health care facility that has been designated by the department for the  
14 treatment of juveniles [;

15           (12) "VICTIM" HAS THE MEANING GIVEN IN AS 12.55.185].

16 \* Sec. 60. AS 47 is amended by adding a new chapter to read:

17           CHAPTER 12. DELINQUENT MINORS.

18           ARTICLE 1. JUVENILE DELINQUENCY.

19           Sec. 47.12.010. JURISDICTION. Proceedings relating to a minor under 18  
20 years of age residing or found in the state are governed by this chapter, except as  
21 otherwise provided in this chapter, when the minor is alleged to be or may be  
22 determined by a court to be a delinquent minor as a result of violating a criminal law  
23 of the state or a municipality of the state.

24           Sec. 47.12.015. PROVISIONS INAPPLICABLE. (a) When a minor who was  
25 at least 16 years of age at the time of the offense is arraigned on a charge for an  
26 offense specified in this subsection, this chapter and the Alaska Delinquency Rules do  
27 not apply to the offense for which the minor is arraigned or to any additional offenses  
28 joinable to it under the applicable rules of court governing criminal procedure. The  
29 minor shall be charged, prosecuted, and sentenced in the superior court in the same  
30 manner as an adult unless the minor is convicted of some offense other than an offense  
31 specified in this subsection, in which event the minor may attempt to prove, by a

1 preponderance of the evidence, that the minor is amenable to treatment under this  
2 chapter. If the court finds that the minor is amenable to treatment under this chapter,  
3 the minor shall be treated as though the charges had been heard under this chapter, and  
4 the court shall order disposition of the charges of which the minor is convicted under  
5 AS 47.12.100(b). The provisions of this subsection apply when the minor is arraigned  
6 on a charge

7 (1) that is an unclassified felony or a class A felony and the felony is  
8 a crime against a person; or

9 (2) of arson in the first degree.

10 (b) When a minor is accused of violating a statute specified in this subsection,  
11 other than a statute the violation of which is a felony, this chapter and the Alaska  
12 Delinquency Rules do not apply and the minor accused of the offense shall be charged,  
13 prosecuted, and sentenced in the district court in the same manner as an adult; if a  
14 minor is charged, prosecuted, and sentenced for an offense under this subsection, the  
15 minor's parent, guardian, or legal custodian shall be present at all proceedings; the  
16 provisions of this paragraph apply when a minor is accused of violating

17 (1) a traffic statute or regulation, or a traffic ordinance or regulation of  
18 a municipality;

19 (2) AS 11.76.105, relating to the possession of tobacco by a person  
20 under 19 years of age;

21 (3) a fish and game statute or regulation under AS 16;

22 (4) a parks and recreational facilities statute or regulation under  
23 AS 41.21; and

24 (5) AS 04.16.050, relating to possession, control, or consumption of  
25 alcohol.

26 (c) The provisions of AS 47.12.010 - 47.12.250 and the Alaska Delinquency  
27 Rules do not apply to driver's license proceedings under AS 28.15.185; the court shall  
28 impose a driver's license revocation under AS 28.15.185 in the same manner as adult  
29 driver's license revocations, except that a parent or legal guardian shall be present at  
30 all proceedings.

31 Sec. 47.12.020. INVESTIGATION AND PETITION. (a) Whenever

circumstances subject a minor to the jurisdiction of this chapter, the court shall

(1) provide, under procedures adopted by court rule, that, for a minor who is alleged to be a delinquent minor under AS 47.12.010, a state agency shall make a preliminary inquiry to determine if any action is appropriate and may take appropriate action to adjust the matter without a court hearing; if, under this paragraph,

(A) the state agency makes a preliminary inquiry and takes appropriate action to adjust the matter without a court hearing, the minor may not be detained or taken into custody as a condition of the adjustment and, subject to (d) of this section, the matter shall be closed by the agency if the minor successfully completes all that is required of the minor by the agency in the adjustment; in a municipality or municipalities in which a youth court has been established under AS 47.12.400, adjustment of the matter under this paragraph may include referral to the youth court;

(B) the agency concludes that the matter may not be adjusted without a court hearing, the agency may file a petition under (2) of this subsection setting out the facts; or

(2) appoint a competent person or agency to make a preliminary inquiry and report for the information of the court to determine whether the interests of the public or of the minor require that further action be taken; if, under this paragraph, the court appoints a person or agency to make a preliminary inquiry and to report to it, then upon the receipt of the report, the court may informally adjust the matter without a hearing, or it may authorize the person having knowledge of the facts of the case to file with the court a petition setting out the facts; if the court informally adjusts the matter, the minor may not be detained or taken into the custody of the court as a condition of the adjustment, and the matter shall be closed by the court upon adjustment.

(b) The petition and all subsequent pleadings shall be styled as follows: "In the matter of . . . . ., a minor under 18 years of age." The petition may be executed upon the petitioner's information and belief, and must be verified. It must include the following information:

(1) the name, address and occupation of the petitioner, together with

1 the petitioner's relationship to the minor, and the petitioner's interest in the matter;

2 (2) the name, age and address of the minor;

3 (3) a brief statement of the facts that bring the minor within this  
4 chapter;

5 (4) the names and addresses of the minor's parents;

6 (5) the name and address of the minor's guardian, or of the person  
7 having control or custody of the minor.

8 (c) If the petitioner does not know a fact required in this section, the petitioner  
9 shall so state in the petition.

10 Sec. 47.12.030. NOTICE TO AND INVOLVEMENT OF PARENT OR  
11 GUARDIAN. (a) Except as may be otherwise specifically provided, in all cases  
12 under this chapter, the minor, each parent of the minor, and the guardian of the minor  
13 are entitled to notice adequate to give actual notice of the proceedings, taking into  
14 account education and language differences that are known or reasonably ascertainable  
15 by the party giving the notice. The notice must contain all names by which the minor  
16 has been identified.

17 (b) Notice shall be given in the manner appropriate under the Alaska Rules of  
18 Civil Procedure for the service of process in a civil action under state law or in any  
19 manner the court by order directs. Proof of giving of the notice shall be filed with the  
20 court before the petition is heard or other proceeding commenced.

21 (c) The court may subpoena the parent or guardian of the minor, or any other  
22 person whose testimony may be necessary at the hearing. A subpoena or other process  
23 may be served by a person authorized by law to make the service. If personal service  
24 cannot be made, the court may direct that service of process be in the manner  
25 appropriate under the Alaska Rules of Civil Procedure for the service of process in a  
26 civil action under state law or in any manner the court directs.

27 (d) In any proceeding under this chapter, the minor's parent or guardian may  
28 be present.

29 Sec. 47.12.040. INFORMAL ACTION BY DEPARTMENT TO ADJUST  
30 MATTER. (a) The provisions of this section apply to a minor who is alleged to be  
31 a delinquent minor under AS 47.12.010 and for whom an agency has, under applicable

1 court rule, made a preliminary inquiry before taking appropriate action as authorized  
2 by AS 47.12.020(a). Following the preliminary inquiry, unless the agency determines  
3 that the matter should be dismissed, the agency may take informal action to adjust the  
4 matter.

5 (b) When the agency decides that an informal adjustment of a matter should  
6 be made, that informal adjustment may not be made without the agreement or consent  
7 of the minor and the minor's parents or guardians to the terms and conditions of the  
8 adjustment. An informal action to adjust a matter is not successfully completed unless,  
9 among other factors that the agency considers, as to the victim of the act of the minor  
10 that is the basis of the delinquency allegation, the minor pays restitution in the amount  
11 set by the agency or agrees as a term or condition set by the agency to pay the  
12 restitution.

13 Sec. 47.12.050. SUMMONS AND CUSTODY OF MINOR. After a petition  
14 is filed and after further investigation that the court directs, if the person having  
15 custody or control of the minor has not appeared voluntarily, the court shall issue a  
16 summons that

17 (1) recites briefly the substance of the petition;

18 (2) directs the person having custody or control of the minor to appear  
19 personally in court with the minor at the place and at the time set forth in the  
20 summons.

21 Sec. 47.12.060. RELEASE OF MINOR. A minor who is taken into custody  
22 may, in the discretion of the court and upon the written promise of the parent,  
23 guardian, or custodian to bring the minor before the court at a time specified by the  
24 court, be released to the care and custody of the parent, guardian, or custodian. The  
25 minor, if not released, shall be detained as provided by AS 47.12.240. The court may  
26 determine whether the father or mother or another person shall have the custody and  
27 control of the minor for the duration of the proceedings. If the minor is of sufficient  
28 age and intelligence to state desires, the court shall give consideration to the minor's  
29 desires.

30 Sec. 47.12.070. APPOINTMENT OF ATTORNEY, GUARDIAN AD LITEM,  
31 OR GUARDIAN. (a) In all proceedings initiated under a petition for delinquency, a

1 minor shall have the right to be represented by counsel and, if indigent, have counsel  
2 appointed by the court. The court shall appoint counsel in such cases unless it makes  
3 a finding on the record that the minor has made a voluntary, knowing, and intelligent  
4 waiver of the right to counsel and a parent or guardian with whom the minor resides  
5 or resided before the filing of the petition concurs with the waiver. In cases in which  
6 it has been alleged that the minor has committed an act that would be a felony if  
7 committed by an adult, waiver of counsel may not be accepted unless the court is  
8 satisfied that the minor has consulted with an attorney before the waiver of counsel.

9 (b) Whenever in the course of proceedings instituted under this chapter it  
10 appears to the court that the welfare of a minor will be promoted by the appointment  
11 of an attorney to represent the minor or an attorney or other person to serve as  
12 guardian ad litem, the court may make the appointment. Appointment of a guardian  
13 ad litem or attorney shall be made under the terms of AS 25.24.310.

14 (c) In a controversy concerning custody of a minor under this chapter,

15 (1) the court may appoint a guardian of the person and property of a  
16 minor and may order support from either or both parents;

17 (2) custody of the minor may be given to the department, and payment  
18 of support money to the department may be ordered.

19 Sec. 47.12.080. WAIVER OF JURISDICTION. (a) If the court finds at a  
20 hearing on a petition that there is probable cause for believing that a minor is  
21 delinquent and finds that the minor is not amenable to treatment under this chapter, it  
22 shall order the case closed. After a case is closed under this subsection, the minor  
23 may be prosecuted as an adult.

24 (b) A minor is unamenable to treatment under this chapter if the minor  
25 probably cannot be rehabilitated by treatment under this chapter before reaching 20  
26 years of age. In determining whether a minor is unamenable to treatment, the court  
27 may consider the seriousness of the offense the minor is alleged to have committed,  
28 the minor's history of delinquency, the probable cause of the minor's delinquent  
29 behavior, and the facilities available to the department for treating the minor.

30 (c) For purposes of making a determination under this section,

31 (1) the standard of proof is by a preponderance of the evidence; and

1 (2) the burden of proof that a minor is not amenable to treatment under  
2 this chapter is on the state; however, if the petition filed under AS 47.12.020 seeking  
3 to have the court declare a minor a delinquent is based on the minor's alleged  
4 commission of an offense that is an unclassified felony or class A felony and that is  
5 a crime against a person, the minor

6 (A) is rebuttably presumed not to be amenable to treatment  
7 under this chapter; and

8 (B) has the burden of proof of showing that the minor is  
9 amenable to treatment under this chapter.

10 Sec. 47.12.090. HEARINGS. (a) The court may conduct the hearing on the  
11 petition in an informal manner in the courtroom or in chambers. The court shall give  
12 notice of the hearing to the department and it may send a representative to the hearing.  
13 The court shall also transmit a copy of the petition to the department. The  
14 representative of the department may also be heard at the hearing. The public shall  
15 be excluded from the hearing, but the court, in its discretion, may permit individuals  
16 to attend a hearing, if their attendance is compatible with the best interests of the  
17 minor. Nothing in this section may be applied in such a way as to deny a minor's  
18 rights to a public trial and to a trial by jury.

19 (b) Notwithstanding (a) of this section, the victim of an offense that a minor  
20 is alleged to have committed, or the designee of the victim, has a right to be present  
21 at all hearings held under this section. If the minor is found to have committed the  
22 offense, the victim may at the disposition hearing give sworn testimony or make an  
23 unsworn oral presentation concerning the offense and its effect on the victim. If there  
24 are numerous victims of a minor's offense, the court may limit the number of victims  
25 who may give sworn testimony or make an unsworn oral presentation, but the court  
26 may not limit the right of a victim to attend a hearing.

27 (c) Unless the minor objects, the court may select a young adult advisory panel  
28 to hear the case and advise the court of a recommended judgment and order. The  
29 court may consider any of the panel recommendations in making its judgment and  
30 order in the case. For purposes of this subsection,

31 (1) the principal of each high school shall submit annually to the court

1 a list of the students enrolled in grades 10, 11, and 12, and the court shall determine  
2 the method of selecting the members of each panel; and

3 (2) a student

4 (A) shall be excused from attending school while serving as a  
5 panel member;

6 (B) may not serve more than once each year on a panel; and

7 (C) shall be excused from service as a panel member if the  
8 student submits a written request to the court indicating the reason for not  
9 wishing to serve.

10 Sec. 47.12.100. JUDGMENTS AND ORDERS. (a) The court, at the  
11 conclusion of the hearing, or thereafter as the circumstances of the case may require,  
12 shall find and enter a judgment that the minor is or is not delinquent.

13 (b) If the court finds that the minor is delinquent, it shall

14 (1) order the minor committed to the department for a period of time  
15 not to exceed two years or in any event extend past the day the minor becomes 19  
16 years of age, except that the department may petition for and the court may grant in  
17 a hearing (A) two-year extensions of commitment that do not extend beyond the  
18 minor's 19th birthday if the extension is in the best interests of the minor and the  
19 public; and (B) an additional one-year period of supervision past age 19 if continued  
20 supervision is in the best interests of the person and the person consents to it; the  
21 department shall place the minor in the juvenile facility that the department considers  
22 appropriate and that may include a juvenile correctional school, juvenile work camp,  
23 treatment facility, detention home, or detention facility; the minor may be released  
24 from placement or detention and placed on probation on order of the court and may  
25 also be released by the department, in its discretion, under AS 47.10.200;

26 (2) order the minor placed on probation, to be supervised by the  
27 department, and released to the minor's parents, guardian, or a suitable person; if the  
28 court orders the minor placed on probation, it may specify the terms and conditions  
29 of probation; the probation may be for a period of time not to exceed two years and  
30 in no event to extend past the day the minor becomes 19 years of age, except that the  
31 department may petition for and the court may grant in a hearing

1 (A) two-year extensions of supervision that do not extend  
2 beyond the minor's 19th birthday if the extension is in the best interests of the  
3 minor and the public; and

4 (B) an additional one-year period of supervision past age 19 if  
5 the continued supervision is in the best interests of the person and the person  
6 consents to it;

7 (3) order the minor committed to the department and placed on  
8 probation, to be supervised by the department, and released to the minor's parents,  
9 guardian, other suitable person, or suitable nondetention setting such as a family home,  
10 group care facility, or child care facility, whichever the department considers  
11 appropriate to implement the treatment plan of the predisposition report; if the court  
12 orders the minor placed on probation, it may specify the terms and conditions of  
13 probation; the department may transfer the minor, in the minor's best interests, from  
14 one of the probationary placement settings listed in this paragraph to another, and the  
15 minor, the minor's parents or guardian, and the minor's attorney are entitled to  
16 reasonable notice of the transfer; the probation may be for a period of time not to  
17 exceed four years and in no event to extend past the day the minor becomes 19 years  
18 of age, except that the department may petition for and the court may grant in a  
19 hearing

20 (A) two-year extensions of commitment that do not extend  
21 beyond the minor's 19th birthday if the extension is in the best interests of the  
22 minor and the public; and

23 (B) an additional one-year period of supervision past age 19 if  
24 the continued supervision is in the best interests of the person and the person  
25 consents to it;

26 (4) order the minor to make suitable restitution in lieu of or in addition  
27 to the court's order under (1), (2), or (3) of this subsection; the court may not refuse  
28 to make an order of restitution under this paragraph to benefit the victim of the act of  
29 the minor that is the basis of the delinquency adjudication;

30 (5) order the minor committed to the department for placement in an  
31 adventure based education program established under AS 47.21.020 with conditions

1 the court considers appropriate concerning release upon satisfactory completion of the  
2 program or commitment under (1) of this subsection if the program is not satisfactorily  
3 completed; or

4 (6) in addition to an order under (1) - (5) of this subsection, if the  
5 delinquency finding is based on the minor's violation of AS 11.71.030(a)(3) or  
6 11.71.040(a)(4), order the minor to perform 50 hours of community service; for  
7 purposes of this paragraph, "community service" includes work

8 (A) on a project identified in AS 33.30.901; or

9 (B) that, on the recommendation of the city council or  
10 traditional village council, would benefit persons within the city or village who  
11 are elderly or disabled.

12 (c) If the court finds that the minor is not delinquent, it shall immediately  
13 order the minor released from the department's custody and returned to the minor's  
14 parents, guardian, or custodian, and dismiss the case.

15 (d) A minor found to be delinquent is a ward of the state while committed to  
16 the department or the department has the power to supervise the minor's actions. The  
17 court shall review an order made under (b) of this section annually, and may review  
18 the order more frequently to determine if continued placement, probation, or  
19 supervision, as it is being provided, is in the best interest of the minor and the public.  
20 If annual review under this subsection would arise within 90 days of the hearing  
21 required under this section, the court may postpone review under this subsection until  
22 the time set for the hearing. The department, the minor, the minor's parents, guardian,  
23 or custodian are entitled, when good cause is shown, to a review on application. If the  
24 application is granted, the court shall afford these parties and their counsel reasonable  
25 notice in advance of the review and hold a hearing where these parties and their  
26 counsel shall be afforded an opportunity to be heard. The minor shall be afforded the  
27 opportunity to be present at the review.

28 (e) The department shall pay all court costs incurred in all proceedings in  
29 connection with the adjudication of delinquency under this chapter, including hearings  
30 that result in the release of the minor.

31 (f) A minor, the minor's parents or guardian acting on the minor's behalf, or

1 the department may appeal a judgment or order, or the stay, modification, setting aside,  
2 revocation, or enlargement of a judgment or order issued by the court under this  
3 chapter.

4 (g) Within 18 months after the date a minor is committed to the custody of the  
5 department under (b)(3) of this section, the court shall hold a hearing to review the  
6 placement and services provided and to determine the future status of the minor. The  
7 court shall make appropriate written findings, including findings related to the  
8 following:

9 (1) whether the minor should be returned to the parent;

10 (2) whether the minor should remain in out-of-home care for a  
11 specified period;

12 (3) whether the minor should remain in out-of-home care on a  
13 permanent or long-term basis because of special needs or circumstances;

14 (4) whether the minor should be placed for adoption or legal  
15 guardianship.

16 (h) Within 60 days after the date a minor is removed from the minor's home  
17 by the department, the department shall notify the appropriate local citizen out-of-home  
18 care review panel established under AS 47.10.420.

19 (i) For a minor committed under (b)(1) - (3) of this section on the basis of the  
20 minor's commission of a sex offense, as that term is defined by AS 12.63.100, the  
21 court shall, after giving notice to the minor, the minor's parent, guardian, or custodian,  
22 and the department and its counsel, hold a hearing to determine whether the minor has  
23 completed all requirements of the recommended plan of treatment set out in the  
24 predisposition hearing report. The court shall hold the hearing not less than 30 days  
25 nor more than 60 days before the date that supervision of the minor is scheduled to  
26 terminate. If, by a preponderance of the evidence, the court finds that the minor has  
27 knowingly failed to participate in the recommended plan of treatment provided by the  
28 department, the court shall require the minor to register as a sex offender under  
29 AS 12.63.010 - 12.63.100.

30 Sec. 47.12.110. PREDISPOSITION HEARING REPORTS. (a) Before the  
31 disposition hearing of a delinquent minor, the department shall submit a predisposition

1 report with a recommended plan of treatment to aid the court in its selection of a  
2 disposition, a victim impact statement reporting the information set out in  
3 AS 12.55.022, and any further information that the court may request. In preparing  
4 the predisposition report, the department shall contact the victim of the minor's offense.

5 (b) The court shall inform the minor, the minor's parents, and the attorneys  
6 representing the parties and the guardian ad litem that the predisposition report will be  
7 available to them not less than 10 days before the disposition hearing.

8 (c) In this section, "parents" means the natural or adoptive parents, and any  
9 legal guardian, relative, or other adult person with whom the minor has resided and  
10 who has acted as a parent in providing for the minor for a continuous period of time  
11 before this action.

12 Sec. 47.12.120. COURT DISPOSITIONAL ORDER; BEST INTERESTS OF  
13 MINOR AND OTHER CONSIDERATIONS. (a) In making its dispositional order  
14 under AS 47.12.100(b)(1) - (3) and (5), the court shall

15 (1) consider

16 (A) the best interests of the minor and the public; and

17 (B) the ability of the state to take custody and to care for the

18 minor to protect the minor's best interests under this chapter;

19 (2) consider that the minor's continued delinquent behavior is a danger  
20 to the minor; and

21 (3) order the least restrictive alternative disposition for the minor; for  
22 purposes of this paragraph, the "least restrictive alternative disposition" means that  
23 disposition that is no more restrictive than is, in the judgment of the court, most  
24 conducive to the minor's rehabilitation.

25 (b) In making its dispositional order, in addition to the elements of (a)(1) and  
26 (2) of this section, the court shall consider

27 (1) the seriousness of the minor's delinquent act;

28 (2) the minor's culpability as indicated by the circumstances of the  
29 particular case;

30 (3) the age of the minor;

31 (4) the minor's prior criminal or juvenile record;

1 (5) the ability of the minor's parent, guardian, or custodian to control  
2 and supervise the minor;

3 (6) the success or failure of the minor's previous dispositions or  
4 placements; and

5 (7) detention is an appropriate consequence for a minor.

6 Sec. 47.12.130. LEGAL CUSTODY, GUARDIANSHIP, AND RESIDUAL  
7 PARENTAL RIGHTS AND RESPONSIBILITIES. (a) When a minor is committed  
8 under AS 47.12.100(b)(1) or (b)(3) to the department or released under  
9 AS 47.12.100(b)(2) to the minor's parents, guardian, or other suitable person, a  
10 relationship of legal custody exists. This relationship imposes on the department and  
11 its authorized agents or the parents, guardian, or other suitable person the responsibility  
12 of physical care and control of the minor, the determination of where and with whom  
13 the minor shall live, the right and duty to protect, train, and discipline the minor, and  
14 the duty of providing the minor with food, shelter, education, and medical care. These  
15 obligations are subject to any residual parental rights and responsibilities and rights and  
16 responsibilities of a guardian if one has been appointed. When a minor is committed  
17 to the department and the department places the minor with the minor's parent, the  
18 parent has the responsibility to provide and pay for food, shelter, education, and  
19 medical care for the minor. When parental rights have been terminated, or there are  
20 no living parents and a guardian has not been appointed, the responsibilities of legal  
21 custody include those in (b) and (c) of this section. The department or person having  
22 legal custody of the minor may delegate any of the responsibilities under this section,  
23 except authority to consent to marriage, adoption, and military enlistment may not be  
24 delegated. For purposes of this chapter, a person in charge of a placement setting is  
25 an agent of the department.

26 (b) When a guardian is appointed for the minor, the court shall specify in its  
27 order the rights and responsibilities of the guardian. The guardian may be removed  
28 only by court order. The rights and responsibilities may include, but are not limited  
29 to, having the right and responsibility of reasonable visitation, consenting to marriage,  
30 consenting to military enlistment, consenting to major medical treatment, obtaining  
31 representation for the minor in legal actions, and making decisions of legal or financial

1 significance concerning the minor.

2 (c) When there has been transfer of legal custody or appointment of a guardian  
3 and parental rights have not been terminated by court decree, the parents shall have  
4 residual rights and responsibilities. These residual rights and responsibilities of the  
5 parent include the right and responsibility of reasonable visitation, consent to adoption,  
6 consent to marriage, consent to military enlistment, consent to major medical treatment  
7 except in cases of emergency or cases falling under AS 25.20.025, and the  
8 responsibility for support, except if by court order any residual right and responsibility  
9 has been delegated to a guardian under (b) of this section.

10 Sec. 47.12.140. RETENTION OF JURISDICTION OVER MINOR. (a) The  
11 court retains jurisdiction over the case and may at any time stay execution, modify, set  
12 aside, revoke, or enlarge a judgment or order, or grant a new hearing, in the exercise  
13 of its power of protection over the minor and for the minor's best interest, for a period  
14 of time not to exceed the maximum period otherwise permitted by law or in any event  
15 extend past the day the minor becomes 19, unless sooner discharged by the court,  
16 except that the department may apply for and the court may grant an additional one-  
17 year period of supervision past age 19 if continued supervision is in the best interests  
18 of the person and the person consents to it. An application for any of these purposes  
19 may be made by the parent, guardian, or custodian acting in behalf of the minor, or  
20 the court may, on its own motion, and after reasonable notice to interested parties and  
21 the appropriate department, take action that it considers appropriate.

22 (b) If the court determines at a rehearing that it is for the best interests of the  
23 minor to be released to the care or custody of the minor's parent, guardian, or  
24 custodian, it may enter an order to that effect and the minor is discharged from the  
25 control of the department.

26 (c) If a minor is adjudicated a delinquent before the minor's 18th birthday, the  
27 court may retain jurisdiction over the minor after the minor's 18th birthday for the  
28 purpose of supervising the minor's rehabilitation, but the court's jurisdiction over the  
29 minor under this chapter never extends beyond the minor's 19th birthday, except that  
30 the department may apply for and the court may grant an additional one-year period  
31 of supervision past age 19 if continued supervision is in the best interests of the person

1 and the person consents to it. The department may retain jurisdiction over the person  
2 between the person's 18th and 19th birthdays for the purpose of supervising the  
3 person's rehabilitation, if the person has been placed under the supervision of the  
4 department before the person's 18th birthday, except that the department may apply for  
5 and the court may grant an additional one-year period of supervision past age 19 if  
6 continued supervision is in the best interests of the person and the person consents to  
7 it.

8 Sec. 47.12.150. ENFORCEMENT OF RESTITUTION. When restitution is  
9 ordered under AS 47.12.100(b)(4), the restitution recipient may enforce payment of the  
10 restitution order against the minor under AS 09.35 as if the order were a civil  
11 judgment enforceable by execution. This section does not limit the authority of the  
12 court to enforce orders of restitution to victims.

13 Sec. 47.12.160. EFFECT OF ADJUDICATION. (a) Except as provided by  
14 AS 12.63.010 - 12.63.100 and AS 47.12.150, an adjudication under this chapter upon  
15 the status of a minor

16 (1) may not operate to impose any of the civil disabilities ordinarily  
17 imposed by conviction upon a criminal charge;

18 (2) does not operate to require that a minor afterward be considered a  
19 criminal by the adjudication; and

20 (3) does not operate to require that the adjudication be afterward  
21 deemed a conviction, nor may a minor be charged with or convicted of a crime in a  
22 court, except as provided in this chapter.

23 (b) The commitment and placement of a minor and evidence given in the court  
24 are not admissible as evidence against the minor in a subsequent case or proceedings  
25 in any other court, nor does the commitment and placement or evidence operate to  
26 disqualify a minor in a future civil service examination or appointment in the state.

27 Sec. 47.12.170. COURT RECORDS. (a) The court shall make and keep  
28 records of all cases brought before it.

29 (b) The court shall forward a record of adjudication of a violation of an  
30 offense listed in AS 28.15.185(a) to the Department of Public Safety if the court  
31 imposes a license revocation under AS 28.15.185.

1 (c) The name or picture of a minor under the jurisdiction of the court may not  
2 be made public in connection with the minor's status as a delinquent unless authorized  
3 by order of the court.

4 (d) Within 30 days of the date of a minor's 18th birthday or, if the court  
5 retains jurisdiction of a minor past the minor's 18th birthday, within 30 days of the  
6 date on which the court releases jurisdiction over the minor, the court shall order all  
7 the court's official records pertaining to that minor in a proceeding under this chapter  
8 sealed, as well as records of all driver's license proceedings under AS 28.15.185,  
9 criminal proceedings against the minor, and punishments assessed against the minor.  
10 A person may not use these sealed records for any purpose except that the court may  
11 order their use for good cause shown or may order their use by an officer of the court  
12 in making a presentencing report for the court. The provisions of this subsection  
13 relating to the sealing of records do not apply to records of traffic offenses.

14 (e) The court's official records under this chapter may be inspected only with  
15 the court's permission and only by persons having a legitimate interest in them. A  
16 person with a legitimate interest in the inspection of an official record maintained by  
17 the court includes a victim who suffered physical injury or whose real or personal  
18 property was damaged as a result of an offense that was the basis of an adjudication  
19 or modification of disposition. If the victim knows the identity of the minor, identifies  
20 the minor or the offense to the court, and certifies that the information is being sought  
21 to consider or support a civil action against the minor or against the minor's parents  
22 or guardians under AS 34.50.020, the court shall, subject to AS 12.61.110 and  
23 12.61.140, allow the victim to inspect and use the following records and information  
24 in connection with the civil action:

25 (1) a petition filed under AS 47.12.020(a)(2) seeking to have the court  
26 declare the minor a delinquent;

27 (2) a petition filed under AS 47.12.100 seeking to have the court  
28 modify or revoke the minor's probation;

29 (3) a petition filed under AS 47.12.080 requesting the court to find that  
30 a minor is not amenable to treatment under this chapter and that results in closure of  
31 a case under AS 47.12.080(a); and

1 (4) a court judgment or order entered under this chapter that disposes  
2 of a petition identified in (1) - (3) of this subsection.

3 (f) A person who has been tried as an adult under AS 47.12.080, or the  
4 department on the person's behalf, may petition the superior court to seal the records  
5 of all criminal proceedings, except traffic offenses, initiated against the person, and all  
6 punishments assessed against the person, while the person was a minor. A petition  
7 under this subsection may not be filed until five years after the completion of the  
8 sentence imposed for the offense for which the person was tried as an adult. If the  
9 superior court finds that the punishment assessed against the person has had its  
10 intended rehabilitative effect and further finds that the person has fulfilled all orders  
11 of the court entered under AS 47.12.100, the superior court shall order the record of  
12 proceedings and the record of punishments sealed. Sealing the records restores civil  
13 rights removed because of a conviction. A person may not use these sealed records  
14 for any purpose except that the court may order their use for good cause shown or may  
15 order their use by an officer of the court in making a presentencing report for the  
16 court. The court may not, under this subsection, seal records of a criminal proceeding

17 (1) initiated against a person if the court finds that the person has not  
18 complied with a court order made under AS 47.12.100; or

19 (2) commenced under AS 47.12.015(a) unless the minor has been  
20 acquitted of all offenses with which the minor was charged or unless the most serious  
21 offense of which the minor was convicted was not an offense specified in  
22 AS 47.10.015(a).

23 Sec. 47.12.180. AGENCY RECORDS. (a) Except as specified in  
24 AS 47.12.190 and (b) - (g) of this section, all information and social records pertaining  
25 to a minor who is subject to this chapter or AS 47.17 prepared by or in the possession  
26 of a federal, state, or municipal agency or employee in the discharge of the agency's  
27 or employee's official duty, including driver's license actions under AS 28.15.185, are  
28 privileged and may not be disclosed directly or indirectly to anyone without a court  
29 order.

30 (b) A state or municipal agency or employee may disclose information  
31 regarding a case to

1 (1) a guardian ad litem appointed by the court or to a citizen review  
2 panel for permanency planning authorized by AS 47.10.400 or 47.10.420;

3 (2) a person or an agency requested to provide consultation or services  
4 for a minor who is subject to the jurisdiction of the court under this chapter;

5 (3) school officials as may be necessary to protect the safety of school  
6 students and staff;

7 (4) a governmental agency as may be necessary to obtain that agency's  
8 assistance for the department in its investigation or to obtain physical custody of a  
9 minor;

10 (5) a state or municipal law enforcement agency as may be necessary  
11 for a specific investigation being conducted by that agency or for disclosures by that  
12 agency to protect the public safety; and

13 (6) a victim as may be necessary to inform the victim about the  
14 disposition or resolution of a case involving a minor.

15 (c) A state or municipal law enforcement agency

16 (1) shall disclose information regarding a case that is needed by the  
17 person or agency charged with making a preliminary investigation for the information  
18 of the court under this chapter;

19 (2) may disclose to the public information regarding a criminal offense  
20 in which a minor is a suspect, victim, or witness if the minor is not identified by the  
21 disclosure;

22 (3) may disclose to school officials information regarding a case as may  
23 be necessary to protect the safety of school students and staff;

24 (4) may disclose to the public information regarding a case as may be  
25 necessary to protect the safety of the public; and

26 (5) may disclose to a victim information, including copies of reports,  
27 as necessary for civil litigation or insurance claims pursued by or against the victim.

28 (d) Upon request of a victim, the department shall make every reasonable  
29 effort to notify the victim as soon as practicable in writing when a delinquent minor  
30 is to be released from placement in a juvenile facility under AS 47.12.100(b)(1). The  
31 notice under this subsection must include the expected date of the delinquent minor's

1 release, the geographic area in which the delinquent minor is required to reside, and  
2 other pertinent information concerning the delinquent minor's conditions of release that  
3 may affect the victim.

4 (e) A person may authorize the department to release information to the  
5 military or to a prospective employer about the existence of a delinquency adjudication  
6 against that person under this chapter and the offense on which it was based.

7 (f) The department may release to a person with a legitimate interest  
8 information relating to minors not subject to the jurisdiction of the court under this  
9 chapter. The department shall adopt regulations governing the release of information  
10 and identifying a sufficient legitimate interest.

11 (g) The department and affected law enforcement agencies shall work with  
12 school districts and private schools to develop procedures for the disclosure of  
13 information to school officials under (b)(3) and (c)(3) of this section. The procedures  
14 must provide a method for informing the principal or the principal's designee of the  
15 school the student attends as soon as it is reasonably practicable.

16 (h) Notwithstanding (c)(3) of this section, a state or municipal law enforcement  
17 agency is not required to notify the appropriate school official of a school district or  
18 school under (c) of this section if the agency determines that notice would jeopardize  
19 an ongoing investigation.

20 (i) In this section, "school" means a public or private elementary or secondary  
21 school.

22 (j) A person who discloses confidential information in violation of this section  
23 is guilty of a class B misdemeanor.

24 Sec. 47.12.190. PARENTAL RIGHT TO DISCLOSE INFORMATION. (a)  
25 Notwithstanding AS 47.12.170 and 47.12.180, a parent or legal guardian of a minor  
26 subject to a proceeding under this chapter may disclose confidential or privileged  
27 information about the minor, including information that has been lawfully obtained  
28 from agency or court files, to the governor, the lieutenant governor, a legislator, the  
29 ombudsman appointed under AS 24.55, the attorney general, and the commissioners  
30 of health and social services, administration, or public safety, or an employee of these  
31 persons, for review or use in their official capacities. A person to whom disclosure

1 is made under this section may not disclose confidential or privileged information  
2 about the minor to a person not authorized to receive it.

3 (b) The disclosure right under (a) of this section is in addition to, and not in  
4 derogation of, the rights of a parent or legal guardian of a minor.

5 (c) A person who violates a provision of this section is guilty of a  
6 misdemeanor and upon conviction is punishable for the violation in the manner  
7 authorized under AS 12.55 for a class B misdemeanor.

8 Sec. 47.12.200. ARREST OF A MINOR. The arrest of a minor other than for  
9 a traffic offense is not considered an arrest for any purpose except for the purpose of  
10 the disposition of a proceeding arising out of that arrest.

11 Sec. 47.12.210. FINGERPRINTING OF MINORS. (a) A peace officer may  
12 fingerprint a minor under the same circumstances as an adult may be fingerprinted.

13 (b) Fingerprint records taken under this section are not subject to  
14 AS 47.12.180.

15 Sec. 47.12.220. APPOINTMENT OF GUARDIAN OR CUSTODIAN. When,  
16 in the course of a proceeding under this chapter, it appears to the court that the welfare  
17 of a minor will be promoted by the appointment of a guardian or custodian of the  
18 minor's person, the court may make the appointment. The court shall have a summons  
19 issued and served upon the parents of the minor, if they can be found, in a manner and  
20 within a time before the hearing that the court considers reasonable. The court may  
21 determine whether the father, mother, or the department shall have the custody and  
22 control of the minor. If the minor is of sufficient age and intelligence to state desires,  
23 the court shall consider them.

24 Sec. 47.12.230. SUPPORT OF MINOR. (a) When a delinquent minor is  
25 committed under this chapter, the court shall, after giving the parent or legal guardian  
26 a reasonable opportunity to be heard, adjudge that the parent or guardian pay to the  
27 department in a manner that the court directs a sum to cover in full or in part the  
28 maintenance and care of the minor. The support obligation shall be calculated under  
29 Rule 90.3(i) of the Alaska Rules of Civil Procedure.

30 (b) If a parent wilfully fails or refuses to pay the sum fixed, the parent may  
31 be proceeded against as provided by law in cases of family desertion and nonsupport.

1 (c) The sum collected from a parent under this section shall be directly  
2 credited to the general fund of the state.

3 Sec. 47.12.240. DETENTION. (a) A minor may not be incarcerated in a  
4 correctional facility that houses adult prisoners.

5 (b) When a minor is detained under this chapter, the person having  
6 responsibility for the facility in which the minor is detained shall immediately make  
7 reasonable attempts to notify the minor's parent, guardian, or custodian of the minor's  
8 detention.

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

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

15 (A) six hours; or

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

18 (2) if, in response to a petition of delinquency filed under this chapter,  
19 the court has entered an order closing the case under AS 47.12.080(a), allowing the  
20 minor to be prosecuted as an adult; or

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

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

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

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

31 (e) Notwithstanding the limitation on detention set out in (c)(1) of this section,

1 a minor whose detention is authorized by (c)(1) of this section may be detained in a  
2 correctional facility for more than six hours if transportation to a juvenile detention  
3 home or comparable facility for the detention of minors is not available. The minor's  
4 detention for more than six hours is authorized by this subsection only if the person  
5 having responsibility for the facility in which the minor is detained

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

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

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

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

15 (h) In this section,

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

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

19 Sec. 47.12.250. TEMPORARY DETENTION AND DETENTION HEARING.

20 (a) A peace officer may arrest a minor who violates a law or ordinance in the peace  
21 officer's presence, or whom the peace officer reasonably believes is a fugitive from  
22 justice. A peace officer may continue a lawful arrest made by a citizen. The peace  
23 officer may have the minor detained in a juvenile detention facility if in the opinion  
24 of the peace officer making or continuing the arrest it is necessary to do so to protect  
25 the minor or the commu.

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

31 (c) The court shall immediately, and in no event more than 48 hours later, hold

1 a hearing at which the minor and the minor's parents or guardian if they can be found  
2 shall be present. The court shall determine whether probable cause exists for believing  
3 the minor to be delinquent. The court shall inform the minor of the reasons alleged  
4 to constitute probable cause and the reasons alleged to authorize the minor's detention.  
5 The minor is entitled to counsel and to confrontation of adverse witnesses.

6 (d) If the court finds that probable cause exists, it shall determine whether the  
7 minor should be detained pending the hearing on the petition or released. It may  
8 either order the minor held in detention or released to the custody of a suitable person  
9 pending the hearing on the petition. If the court finds no probable cause, it shall order  
10 the minor released and close the case.

11 (e) Except for temporary detention pending a detention hearing, a minor may  
12 be detained only by court order.

## 13 ARTICLE 2. YOUTH COURTS.

14 Sec. 47.12.400. YOUTH COURTS. (a) The department may use youth courts  
15 to hear, determine, and dispose of cases involving a minor whose alleged act that  
16 brings the minor within the jurisdiction of AS 47.12.010 - 47.12.250 constitutes a  
17 violation of a state law that is a misdemeanor or a violation or that constitutes a  
18 violation of a municipal ordinance that prescribes a penalty not exceeding the penalties  
19 for a class A misdemeanor under state law.

20 (b) Unless otherwise directed by the commissioner, the jurisdiction of a youth  
21 court is coextensive with the boundaries of the municipality in which the youth court  
22 is located. Only one youth court may be established within the boundaries of a  
23 municipality. Nothing in this subsection prohibits two or more municipalities from  
24 operating a single youth court for the municipalities by agreement between them.

25 (c) A nonprofit corporation may obtain recognition from the commissioner to  
26 serve as a youth court. The corporation may exercise only the powers that are  
27 delegated to a youth court by the commissioner, and shall exercise those powers as  
28 authorized by the corporation's articles of incorporation and bylaws. The bylaws of  
29 the corporation must set out standards and procedures by which the corporation, in its  
30 capacity as a youth court,

31 (1) establishes a system by which the minor may be held accountable

1 for the conduct that brings the minor within the jurisdiction of the youth court by  
2 being tried, represented, and adjudicated by the minor's peers;

3 (2) guarantees the constitutional rights of the minor that are guaranteed  
4 by the state and federal constitutions;

5 (3) may secure jurisdiction over a minor; the youth court may secure  
6 jurisdiction over the minor only with the consent of the minor and the agreement of  
7 the minor's legal custodian;

8 (4) sets out the process for disposing of matters referred to it for  
9 resolution;

10 (5) provides a process for appeal of a verdict or sentence, and defines  
11 the basis for appeals;

12 (6) reserves the right to refer to the department, under AS 47.12.040(a),  
13 a matter transmitted to the youth court for disposition in which the minor fails, without  
14 good cause, to comply with all requirements ordered by the youth court as a part of  
15 sentence imposed on the minor; and

16 (7) prepares and delivers a report of the disposition of the matter  
17 referred to it for resolution to the commissioner.

18 (d) Subject to the privileges that witnesses have in the courts of this state, the  
19 commissioner may compel by subpoena, at a specified time and place, the

20 (1) appearance and sworn testimony of a person who the commissioner  
21 reasonably believes may be able to give information relating to a matter before a youth  
22 court; and

23 (2) production by a person of a record or object that the commissioner  
24 reasonably believes may relate to a matter before a youth court.

25 (e) If a person refuses to comply with a subpoena issued under (d) of this  
26 section, the superior court may, upon application of the commissioner, compel  
27 obedience by proceedings for contempt in the same manner as in the case of  
28 disobedience to the requirements of a subpoena issued by the court or refusal to testify  
29 in the court.

30 (f) The commissioner shall make and keep records of all cases referred to a  
31 youth court. The records of a youth court proceeding

1 (1) relating to a minor who complies with all requirements ordered by  
2 the youth court as a part of sentence imposed on the minor shall be sealed by the  
3 commissioner and may not be used for any purpose; and

4 (2) except as to a record described in (1) of this subsection, shall be  
5 afforded at least the same protection and are subject to at least the same procedural  
6 safeguards in matters relating to access, use, and security as they would be under  
7 AS 47.12.180.

### 8 ARTICLE 3. GENERAL PROVISIONS.

9 Sec. 47.12.990. DEFINITIONS. In this chapter, unless the context otherwise  
10 requires,

11 (1) "commissioner" means the commissioner of health and social  
12 services;

13 (2) "court" means the superior court of the state;

14 (3) "crime against a person" means an offense set out in AS 11.41;

15 (4) "delinquent minor" means a minor found to be within the  
16 jurisdiction of the court under AS 47.12.010;

17 (5) "department" means the Department of Health and Social Services;

18 (6) "juvenile detention facility" means separate quarters within a city  
19 jail used for the detention of delinquent minors;

20 (7) "juvenile detention home" or "detention home" is a separate  
21 establishment, exclusively devoted to the detention of minors on a short-term basis and  
22 not a part of an adult jail;

23 (8) "juvenile work camp" means a separate residential establishment,  
24 exclusively devoted to the detention of minors, in which the minors who are 16 years  
25 of age or older and committed to the custody of the department and placed in the  
26 facility may be required to labor on the buildings and grounds or perform any other  
27 work or engage in any activities that do not conflict with regulations adopted by the  
28 Department of Health and Social Services under this chapter for the care,  
29 rehabilitation, education, and discipline of minors in detention;

30 (9) "minor" means a person under 18 years of age;

31 (10) "peace officer" has the meaning given in AS 11.81.900;

1 (11) "treatment facility" means a hospital, clinic, institution, center, or  
2 other health care facility that has been designated by the department for the treatment  
3 of juveniles;

4 (12) "victim" has the meaning given in AS 12.55.185.

5 \* Sec. 61. AS 47.17.290(8) is amended to read:

6 (8) "maltreatment" means an act or omission that results in  
7 circumstances in which there is reasonable cause to suspect that a child may be a child  
8 in need of aid, as described in AS 47.10.010(a) [AS 47.10.010(a)(2)], except that, for  
9 purposes of this chapter, the act or omission need not have been committed by the  
10 child's parent, custodian, or guardian;

11 \* Sec. 62. AS 47.33.010(b) is amended to read:

12 (b) Notwithstanding (a) of this section, this chapter does not apply to

13 (1) a correctional facility;

14 (2) a facility for treatment of alcoholism that is regulated under  
15 AS 47.37;

16 (3) an emergency shelter;

17 (4) a medical facility, including a nursing home, licensed under  
18 AS 18.20;

19 (5) a program for runaway minors licensed under AS 47.10.310  
20 [AS 47.10]; or

21 (6) a maternity home licensed under AS 47.35.

22 \* Sec. 63. AS 47.33.990(3) is amended to read:

23 (3) "adult" means a person 18 years of age or older who is not a ward  
24 of the state under AS 47.10.080(f) or AS 47.12.100(d) [AS 47.10.080];

25 \* Sec. 64. AS 47.40.011(a) is amended to read:

26 (a) When the department purchases residential services for minors for whom  
27 the state has assumed responsibility under AS 47.10 or AS 47.12, the department shall

28 (1) purchase the services only under grants to local governmental units  
29 or nonprofit corporations;

30 (2) award grants for a specified number of beds as provided in  
31 AS 47.40.041.

1 \* Sec. 65. AS 47.10.010(b), 47.10.010(d), 47.10.010(e), 47.10.020(d), 47.10.050(b),  
2 47.10.060, 47.10.070(b), 47.10.075, 47.10.080(b), 47.10.080(h), 47.10.081(a), 47.10.090(b),  
3 47.10.093(d), 47.10.093(e), 47.10.095, 47.10.097, 47.10.120, and 47.10.265 are repealed.

4 \* Sec. 66. AS 47.12.030(d), added by sec. 60 of this Act, has the effect of amending that  
5 provision of Rule 3(b), Alaska Delinquency Rules, declaring that the presence of the minor's  
6 parent or guardian is preferred by giving the minor's parent or guardian a right to be present  
7 in a court proceeding to which the Alaska Delinquency Rules apply.

8 \* Sec. 67. Rule 23(d), Alaska Delinquency Rules, is amended to read:

9 (d) ORDER. The court shall enter [IN] its disposition order taking into  
10 account the provisions of AS 47.12.120 [, THE COURT SHALL ORDER THE  
11 LEAST RESTRICTIVE ALTERNATIVE DISPOSITION UNDER AS 47.10.080(b)  
12 THAT ADDRESSES THE JUVENILE'S TREATMENT NEEDS AND PROTECTS  
13 THE PUBLIC].

Amendment R.1

**Amendment**

Offered in the House

for CSSS HB 387

- 1 Page 2, Sec. 3 and page 3, Secs 4 & 5. Delete all material.
- 2 Page 37, lines 19 - 29. Delete all material.

This amendment removes the discussion of sex offenders from HB 387

Conceptual Amendment R.3

Amendment

Offered in the House

For CSSS HB 387

- 1 Page 8, Section 19. Delete all material.
- 2 Page 9, Section 20. Move this section to AS 47.12.010.

At the request of the Department of Health and Social Services.

This amendment moves the delinquency policy into the new section AS 47.12.

Amendment R.4

**Amendment**

Offered in the House

For CSSS HB 387

- 1 Page 3, lines 23 - 25. Delete all material.
- 2 Page 3, lines 30 - 32. Delete all material.

This removes the unfunded mandate requiring local school districts to prosecute parents. It allows school districts to set their own policy and allocate their own resources for attacking truancy violations.

Conceptual Amendment R.5

**Amendment**

Offered in the House

For CSSS HB 387

- 1 Page 23, Sec. 48. Move to AS 47.12.240.
- 2 Page 23, Sec. 49. Move to AS 47.12.260.

Technical amendment. At request of the Department of Health and Social Services.

# Alaska State Legislature

REPRESENTATIVE  
PETER KELLY

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House of Representatives

While in Juneau  
State Capitol  
Juneau, Alaska  
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House District 31

## Sectional

### CSSSHB 387 Juvenile Delinquency Code

LS1276/R, 2/28/96

**Sections 1 & 2.** Technical numbering, including the new juvenile code **AS 47.12.**

**Section 3, 4, 5.** Technical adjustment to the sex offender language to accommodate changes in AS 47.12.100(i), (see page 37). These changes allow the court to order a juvenile to register as a sex offender.

**Sections 6, 7.** Truancy. Eliminates the burdensome and unworkable process by which individuals who violate the truancy laws must be investigated and prosecuted. Authorizes District School Boards to establish truancy policy and penalties.

**Sections 8, 9.** Technical numbering

**Section 10.** Allows municipalities to establish a curfew for minors.

**Sections 11, 12, 13, 14, 15, 16, 17, 18.** Technical numbering.

**Section 19.** AS 47.05. The policy for children in need of aid.

**Section 20.** Establishes new policy for delinquency.

AS 47.05.060(b)(1) Protection of the public and reformation of the offender.

(2) Resolution should require some form of sanction,  
the form of the sanction should be certain,  
the sanction should be swift, and  
the sanction may take the form of a reasonable claim on the time and  
talents of the minor who has committed the offense.

(3) Counseling provided to the minor must include the minor's family or  
guardian,  
the family has the right to offer suggestions and make recommendations for the  
correction of the minor's behavior, and  
the minor's family or guardian may be asked to participate in supervision  
of the minor's treatment.

**Section 21.** The existing code AS 47.10, deleting the language appropriate to the delinquency code, AS 47.12. (Change = reinsertion of habitually absent or refusing to accept available care back into the definition of a child in need of aid.)

**Sections 22, 23, 24, 25, 26, 27, 28, 29, 30, 31, 32, 33, 34, 35, 36, 37, 38, 39, 40, 41, 42, 43, 44, 45, 46, 47, 48, 49, 50, 51, 52, 53, 54, 55, 56, 57, 58, 59.** The existing code for minors (AS 47.10) with portions [deleted] for incorporation into the new juvenile delinquency code (as 47.12). Many sections are just technical renumbering of code.

**Section 42.** Added Civil rule 90.3 for calculation of parents obligations. At request of D.O.L.

**Section 43.** Changed the standard when a police officer is exercising his discretion to return a runaway home or take him to a shelter from reasonable cause to [suspect] to reasonable cause to believe. At request of D.O.L.

### **Section 60. Alaska's new chapter for "Delinquent Minors."**

Page 27, Article 1. Establishes a separate code for delinquent minors. AS 47.12 includes all of the portions of AS 47.10 that addressed delinquent minors. Much of the language in this section is identical to the language previously in AS 47.10, and will be familiar to those who work with delinquents under the existing code. The split allows clarification of the manner in which juvenile delinquents are to be treated differently than abused children.

Page 30, lines 27 & 28. AS 47.12.030(d) grants a parent or guardian the right to be present in a court proceeding.

Page 32, lines 14 - 18. AS 47.12.070(c) includes the language from AS 47.10.010(c).

Page 35. AS 47.12.100(b)(3) extends the probation from two years to **four** years, up to the minor's 19th birthday.

Page 37, lines 19 - 29. AS 47.12.100(i) a minor convicted of a sex offense, who knowingly fails to participate in treatment, can be registered by the court as a sex offender.

Page 38, lines 12 - 31, & page 39, lines 1 - 5. AS 47.12.120 Court policy for delinquent minors:

(a) In making its dispositional order . . . the court shall

(1) consider: (A) The best interests of the minor and the public

(B) The ability of the state to take custody and to care for the minor.

(2) Consider that the minor's continued delinquent behavior is a danger to the minor.

(3) Order the least restrictive alternative disposition for the minor.

(b)(1) The least restrictive disposition for the minor, meaning the disposition that is, in the judgment of the court no more restrictive than is most conducive to the minor's rehabilitation.

- (2) in making its dispositional order the court shall consider:
- (A) The seriousness of the minor's delinquent act.
  - (B) The minor's culpability.
  - (C) The age of the minor.
  - (D) The minor's prior criminal or juvenile record.
  - (E) The ability of the minor's parent or custodian to control and supervise.
  - (F) The success or failure of the minor's previous dispositions or placements.
  - (G) Detention is an appropriate consequence for a minor.

Page 41, AS 47.12.150. Breaks the age 19 barrier for restitution. If a minor has failed to complete restitution by age 19 the restitution is enforceable as a civil judgment.

Page 46, line 7. Clarify that an official who violates the confidentiality of a minor is guilty of a class B misdemeanor. At request of D.O.L.

Page 46, lines 28 & 29. Inserts the Civil Rule 90.3 calculation for parental support of a minor in state custody. At request of D.O.L.

**Sections 61, 62, 63, 64.** Technical numbering.

**Section 65.** Repeals the portions of AS 47.10 that dealt solely with delinquents. These sections have been carried over into the new 47.12. The following table lists the new section numbers for each of the sections repealed from AS 47.10.

Old Statute number	New Statute number (version R)
47.10.010(b)	47.12.015(b)
47.10.010(d)	47.12.015(c)
47.10.010(e)	47.12.015(a)
47.10.020(d)	47.12.040(a)
47.10.050(b)	47.12.070(a)
47.10.060	47.12.080
47.10.070(b)	47.12.090(b)
47.10.075	47.12.090(c)
47.10.080(b)	47.12.100(b)
47.10.080(h)	47.12.100(e)
47.10.081(a)	47.12.110(a)
47.10.090(b)	47.12.170(b)
47.10.093(d)	47.12.180(d)
47.10.093(e)	47.12.180(e)
47.10.095	47.12.200
47.10.097	47.12.210
47.10.130	47.12.240
47.10.265	47.12.400

**Sections 66 & 67.** Court

rule modifications.

9-LS12760 ✓  
Chenoweth  
2/19/96

CS FOR SPONSOR SUBSTITUTE FOR HOUSE BILL NO. 387( )

IN THE LEGISLATURE OF THE STATE OF ALASKA

NINETEENTH LEGISLATURE - SECOND SESSION

BY

Offered:  
Referred:

Sponsor(s): REPRESENTATIVES KELLY AND THERRIAULT, Rokeberg, Kohring

A BILL

FOR AN ACT ENTITLED

1 "An Act relating to minors and to offenses committed by minors, and to  
2 programs relating to minors; relating to the use of citations for offenses when the  
3 offenses are committed by minors, and authorizing disposition of those offenses by  
4 citations that require performance of community service in lieu of a court  
5 appearance; establishing a curfew for minors, and authorizing municipalities to  
6 establish curfews by ordinance; relating to the detention of minors, defining certain  
7 conduct by minors as violations, and amending the criminal jurisdiction of the  
8 district court to provide for the disposition of certain offenses involving minors;  
9 amending the definition of the offense of custodial interference in the second  
10 degree as it relates to interferences with the custody of a minor; and amending  
11 the compulsory school attendance law and the means by which it is enforced; and  
12 amending Rules 3(b) and 23(d), Alaska Delinquency Rules."

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

2 \* Section 1. AS 10.06.961(a) is amended to read:

3 (a) Notwithstanding AS 13.46.085 or the appointment of a guardian of the  
4 property of the minor under AS 47.10.010(c), when a minor who is in the custody of  
5 this state under AS 47.10.010 - 47.10.142 or AS 47.12 [AS 47.10.010(a)(2)] or of  
6 another state under a provision similar to AS 47.10.010 - 47.10.142 or AS 47.12  
7 [AS 47.10.010(a)(2)] becomes entitled to receive dividends or other distributions  
8 resulting from the ownership of stock or a membership in a corporation organized  
9 under this chapter and under 43 U.S.C. 1601 - 1641 (Alaska Native Claims Settlement  
10 Act), the corporation paying the dividends or making the other distributions shall retain  
11 the dividends and other distributions in an interest bearing account for the benefit of  
12 the minor during the state custody.

13 \* Sec. 2. AS 11.41.330(a) is amended to read:

14 Sec. 11.41.330. CUSTODIAL INTERFERENCE IN THE SECOND DEGREE.

15 (a) A person commits the crime of custodial interference in the second degree if,

16 (1) being [A RELATIVE OF A CHILD UNDER 18 YEARS OF AGE  
17 OR] a relative of an incompetent person and knowing that the person has no legal right  
18 to do so, the person takes, entices, or keeps that [CHILD OR] incompetent person from  
19 a lawful custodian with intent to hold the [CHILD OR] incompetent person for a  
20 protracted period; or

21 (2) knowing that the person has no legal right to do so, the person  
22 takes, entices, or keeps a child under 18 years of age from a lawful custodian with  
23 intent to hold the child for a protracted period.

24 \* Sec. 3. AS 12.62.900(11) is amended to read:

25 (11) "criminal justice information" means any of the following, other than  
26 a court record, a record of traffic offenses maintained for the purpose of regulating  
27 drivers' licenses, or a record of a juvenile subject to the jurisdiction of a [THE  
28 JUVENILE] court under AS 47.12 [AS 47.10]:

29 (A) criminal history record information;

30 (B) nonconviction information;

31 (C) correctional treatment information;

1 (D) information relating to a person to be located, whether or not  
2 that person is wanted in connection with the commission of a crime;

3 \* Sec. 4. AS 12.63.010(a) is amended to read:

4 (a) A sex offender who is physically present in the state shall register as provided  
5 in this section. The sex offender shall register within

6 (1) seven days of release from an in-state correctional facility;

7 (2) seven days of conviction for a sex offense if the sex offender is not  
8 sentenced to a term of incarceration; [OR]

9 (3) 14 days of becoming physically present in the state, except the sex  
10 offender shall register within seven days of becoming physically present in the state if  
11 the sex offender

12 (A) is a probationer or parolee being supervised by the state as  
13 the receiving state under AS 33.36.110 - 33.36.120; or

14 (B) has been released from an out-of-state correctional facility  
15 where the sex offender was serving a term of incarceration for a sex offense  
16 conviction in this state; or

17 (4) seven days of the later date set out in this paragraph if sex  
18 offender registration is required under AS 47.12.100(i):

19 (A) the offender's 19th birthday; or

20 (B) the date on which an extended commitment of a minor  
21 under AS 47.12.100(b)(1) - (3) expires.

22 \* Sec. 5. AS 12.63.020(a) is amended to read:

23 (a) The duty of a sex offender to comply with the requirements of AS 12.63.010  
24 for each sex offense

25 (1) continues for the lifetime of a sex offender convicted of two or more  
26 sex offenses;

27 (2) ends 15 years following the sex offender's unconditional discharge  
28 from a conviction for a single sex offense or following the sex offender's duty to first  
29 register where the registration was required under AS 12.63.010(a)(4).

30 \* Sec. 6. AS 12.63.100(2) is amended to read:

31 (2) "sex offender" means

32 (A) a person convicted of a sex offense in this state or another

1 jurisdiction regardless of whether the conviction occurred before, after, or on  
2 August 10, 1994; or

3 (B) a person who is a minor and who a court finds,

4 (i) under AS 47.12.100(a), is a delinquent on the basis  
5 of the minor's commission of a sex offense; and

6 (ii) under AS 47.12.100(i), has not completed the  
7 treatment plan of the minor's predisposition report and is required  
8 by the court to register as a sex offender;

9 \* Sec. 7. AS 14.30.010 is amended to read:

10 Sec. 14.30.010. WHEN ATTENDANCE COMPULSORY. (a) Every child  
11 between seven and 16 years of age shall attend school at the public school in the district  
12 in which the child resides during each school term. [EVERY PARENT, GUARDIAN  
13 OR OTHER PERSON HAVING THE RESPONSIBILITY FOR OR CONTROL OF A  
14 CHILD BETWEEN SEVEN AND 16 YEARS OF AGE SHALL MAINTAIN THE  
15 CHILD IN ATTENDANCE AT A PUBLIC SCHOOL IN THE DISTRICT IN WHICH  
16 THE CHILD RESIDES DURING THE ENTIRE SCHOOL TERM, EXCEPT  
17 AS PROVIDED IN (b) OF THIS SECTION.]

18 (b) Every parent, guardian, or other person having the responsibility for or  
19 control of a child who is required, under (a) of this section, to attend school shall  
20 maintain the child in attendance at a public school in the district in which the child  
21 resides during the entire school term.

22 (c) This section does not apply if a child

23 (1) is provided an academic education comparable to that offered by the  
24 public schools in the area, either by

25 (A) attendance at a private school in which the teachers are  
26 certificated according to AS 14.20.020;

27 (B) tutoring by personnel certificated according to AS 14.20.020;

28 or

29 (C) attendance at an educational program operated in compliance  
30 with AS 14.45.100 - 14.45.200 by a religious or other private school;

31 (2) attends a school operated by the federal government;

32 (3) has a physical or mental condition that a competent medical authority

1 determines will make attendance impractical;

2 (4) is in the custody of a court or law enforcement authorities;

3 (5) is temporarily ill or injured;

4 (6) has been suspended or denied admittance according to AS 14.30.045;

5 (7) resides more than two miles from either a public school or a route  
6 on which transportation is provided by the school authorities, except that this subsection  
7 does not apply if the child resides within two miles of a federal or private school that  
8 the child is eligible and able to attend;

9 (8) is excused by action of the school board of the district at a regular  
10 meeting or by the district superintendent subject to approval by the school board of the  
11 district at the next regular meeting;

12 (9) has completed the 12th grade;

13 (10) is enrolled in

14 (A) the state boarding school established under AS 14.16; or

15 (B) a full-time program of correspondence study approved by the  
16 department; in those school districts providing an approved correspondence study  
17 program, a student may be enrolled either in the district correspondence program  
18 or in the centralized correspondence study program;

19 (11) is equally well-served by an educational experience approved by the  
20 school board as serving the child's educational interests despite an absence from school,  
21 the request for excuse is made in writing by the child's parents or guardian, and  
22 approved by the principal or administrator of the school that the child attends.

23 \* Sec. 8. AS 14.30 is amended by adding a new section to read:

24 Sec. 14.30.015. SCHOOL TRUANCY; VIOLATION OF COMPULSORY  
25 ATTENDANCE REQUIREMENT BY CHILD. (a) A child who, under  
26 AS 14.30.010(a), is required to attend school and who is not excused from attendance  
27 at the school for a reason set out in AS 14.30.010(c), who knowingly fails to attend  
28 school without the prior permission of the child's parent, guardian, or other person  
29 having the responsibility for or control of the child, or of the principal or administrator  
30 of the school that the child attends, commits truancy. Each day of the child's absence  
31 from school is a separate violation.

32 (b) Truancy under this section is punishable by the principal or administrator of

1 the school that the child attends by the child's performing community service or service  
2 by the child in the school or on school grounds as follows:

- 3 (1) for the child's first violation, six hours;
- 4 (2) for the child's second violation, 10 hours;
- 5 (3) for the child's third and subsequent violations, 16 hours.

6 \* Sec. 9. AS 14.30.020 is amended to read:

7 Sec. 14.30.020. VIOLATION OF COMPULSORY ATTENDANCE  
 8 REQUIREMENT BY PERSON RESPONSIBLE FOR CHILD [VIOLATIONS]. A  
 9 person described in AS 14.30.010(b) who knowingly fails to comply with  
 10 AS 14.30.010(b) [AS 14.30.010] is guilty of a violation. Each five days of unlawful  
 11 absence under AS 14.30.010 is a separate violation.

12 \* Sec. 10. AS 14.30.030 is amended to read:

13 Sec. 14.30.030. REPORT OF VIOLATIONS AND PROCEDURES. The chief  
 14 administrative officer of a district school or regional educational attendance area shall  
 15 [REPORT ALL APPARENT VIOLATIONS OF AS 14.30.010 TO THE GOVERNING  
 16 BODY OF THE DISTRICT. THE GOVERNING BODY SHALL, ON RECEIVING  
 17 THE REPORT OR ON THE COMPLAINT OF ANY PERSON, PROVIDE FOR A  
 18 FULL AND IMPARTIAL INVESTIGATION OF ALL CHARGES OF VIOLATION.  
 19 IN PRIVATE OR FEDERAL SCHOOLS, THE CHIEF ADMINISTRATIVE OFFICER  
 20 SHALL MAKE A FULL AND IMPARTIAL INVESTIGATION OF ALL APPARENT  
 21 VIOLATIONS. IF IT REASONABLY APPEARS UPON INVESTIGATION THAT A  
 22 PERSON HAS VIOLATED AS 14.30.010, THE GOVERNING BODY OF A  
 23 DISTRICT SCHOOL OR REGIONAL EDUCATIONAL ATTENDANCE AREA, OR  
 24 THE CHIEF ADMINISTRATIVE OFFICER OF A PRIVATE OR FEDERAL  
 25 SCHOOL, SHALL MAKE AND] file with the district court a complaint against every  
 26 [THE] person who has apparently violated AS 14.30.010(b) [,] charging the violation.

27 \* Sec. 11. AS 14.30.186(e) is amended to read:

28 (e) Exceptional children being educated as provided under AS 14.30.010(c)  
 29 [AS 14.30.010(b)] may receive special education and related services as provided under  
 30 AS 14.30.180 - 14.30.350. The exceptional child of a parent who elects to educate the  
 31 child as allowed under AS 14.30.010(c) [AS 14.30.010(b)] may not be compelled to  
 32 receive the special education and related services provided under AS 14.30.180 -

1 14.30.350.

2 \* Sec. 12. AS 14.30.340(b) is amended to read:

3 (b) If a physician certifies in writing, and if the child's individualized education  
4 program team then determines that a child's bodily, mental, or emotional condition does  
5 not permit attendance at a school and the child's parents do not elect to teach the child  
6 at home as permitted under AS 14.30.010(c) [AS 14.30.010(b)], the school district in  
7 which the child is located shall enroll the child in public school and provide the child  
8 with special education and related services in conformance with an individualized  
9 education program under AS 14.30.278 at the child's home or at a medical treatment  
10 facility.

11 \* Sec. 13. AS 22.07.020(a) is amended to read:

12 (a) The court of appeals has appellate jurisdiction in actions and proceedings  
13 commenced in the superior court involving:

14 (1) criminal prosecution;

15 (2) post-conviction relief;

16 (3) [CHILDREN'S COURT] matters under AS 47.12  
17 [AS 47.10.010(a)(1)], including waiver of [CHILDREN'S COURT] jurisdiction over a  
18 minor under AS 47.12.080 [AS 47.10];

19 (4) extradition;

20 (5) habeas corpus;

21 (6) probation and parole; and

22 (7) bail.

23 \* Sec. 14. AS 22.15.100 is amended to read:

24 Sec. 22.15.100. FUNCTIONS AND POWERS OF DISTRICT JUDGE AND  
25 MAGISTRATE. Each district judge and magistrate has the power

26 (1) to issue writs of habeas corpus for the purpose of inquiring into the  
27 cause of restraint of liberty, returnable before a judge of the superior court, and the same  
28 proceedings shall be had on the writ as if it had been granted by the superior court judge  
29 under the laws of the state in such cases;

30 (2) of a notary public;

31 (3) to issue marriage licenses and to solemnize marriages;

32 (4) to issue warrants of arrest, summons, and search warrants according

1 to manner and procedure prescribed by law and the supreme court;

2 (5) to act as an examining judge or magistrate in preliminary  
3 examinations in criminal proceedings; to set, receive, and forfeit bail and to order the  
4 release of defendants under bail;

5 (6) to act as a referee in matters and actions referred to the judge or  
6 magistrate by the superior court, with all powers conferred upon referees by laws;

7 (7) of the superior court in all respects including but not limited to  
8 contempts, attendance of witnesses, and bench warrants;

9 (8) to order the temporary detention of a minor, or take other action  
10 authorized by law or rules of procedure, in cases arising under AS 47.10.010 - 47.10.142  
11 or AS 47.12 [AS 47.10], when the minor is in a condition or surrounding dangerous or  
12 injurious to the welfare of the minor or others that requires immediate action; the action  
13 may be continued in effect until reviewed by the superior court in accordance with rules  
14 of procedure governing these cases;

15 (9) to issue a temporary order for injunctive relief in cases involving  
16 domestic violence as provided in AS 25.35.010 and 25.35.020;

17 (10) to review an administrative revocation of a person's driver's license  
18 or nonresident privilege to drive, and an administrative refusal to issue an original  
19 license, when designated as a hearing officer by the commissioner of public safety and  
20 with the consent of the administrative director of the state court system.

21 \* Sec. 15. AS 29.35 is amended by adding a new section to read:

22 Sec. 29.35.085. CURFEW. A municipality may, by ordinance, provide for a  
23 curfew for persons under 18 years of age for whom the disabilities of minority have not  
24 been removed for general purposes under AS 09.55.590 and who have not arrived at the  
25 age of majority under AS 25.20.020.

26 \* Sec. 16. AS 36.30.850(b)(11) is amended to read:

27 (11) agreements with providers of services under AS 44.47.250;  
28 AS 47.07; AS 47.08; AS 47.10; AS 47.12; AS 47.17; AS 47.24; AS 47.25.195, and  
29 47.25.310;

30 \* Sec. 17. AS 43.23.065(b) is amended to read:

31 (b) An exemption is not available under this section for permanent fund  
32 dividends taken to satisfy

1 (1) child support obligations required by court order or decision of the  
2 child support enforcement agency under AS 25.27.140 - 25.27.220;

3 (2) court ordered restitution under AS 12.55.045 - 12.55.051, 12.55.100,  
4 or AS 47.12.100(b)(4) [AS 47.10.080(b)(4)];

5 (3) claims on defaulted scholarship loans under AS 43.23.067;

6 (4) court ordered fines;

7 (5) writs of execution under AS 09.35 of a judgment that is entered

8 (A) against a minor in a civil action to recover damages and court  
9 costs;

10 (B) under AS 34.50.020 against the parent, parents, or legal  
11 guardian of an unemancipated minor;

12 (6) a debt owed by an eligible individual to an agency of the state, unless  
13 the debt is contested and an appeal is pending, or the time limit for filing an appeal has  
14 not expired.

15 \* Sec. 18. AS 44.21.410(a) is amended to read:

16 (a) The office of public advocacy shall

17 (1) perform the duties of the public guardian under AS 13.26.360 -  
18 13.26.410;

19 (2) provide visitors and experts in guardianship proceedings under  
20 AS 13.26.131;

21 (3) provide guardian ad litem services to children in child protection  
22 actions under AS 47.17.030(e) and to wards and respondents in guardianship proceedings  
23 who will suffer financial hardship or become dependent upon a government agency or  
24 a private person or agency if the services are not provided at state expense under  
25 AS 13.26.112;

26 (4) provide legal representation in guardianship proceedings to  
27 respondents who are financially unable to employ attorneys under AS 13.26.106(b), to  
28 indigent parties in cases involving child custody in which the opposing party is  
29 represented by counsel provided by a public agency, to indigent parents or guardians of  
30 a minor respondent in a commitment proceeding concerning the minor under  
31 AS 47.30.775;

32 (5) provide legal representation and guardian ad litem services under

1 AS 25.24.310; in cases arising under AS 47.15 (Uniform Interstate Compact on  
2 Juveniles); in cases involving petitions to adopt a minor under AS 25.23.125(b) or  
3 petitions for the termination of parental rights on grounds set out in AS 25.23.180(c)(3);  
4 in cases involving petitions to remove the disabilities of a minor under AS 09.55.590;  
5 in children's proceedings under AS 47.10.050(a) or under AS 47.12.070; and in cases  
6 involving indigent persons who are entitled to representation under AS 18.85.100 and  
7 who cannot be represented by the public defender agency because of a conflict of  
8 interests;

9 (6) develop and coordinate a program to recruit, select, train, assign, and  
10 supervise volunteer guardians ad litem from local communities to aid in delivering  
11 services in cases in which the office of public advocacy is appointed as guardian ad  
12 litem;

13 (7) provide guardian ad litem services in proceedings under  
14 AS 12.45.046;

15 (8) establish a fee schedule and collect fees for services provided by the  
16 office, except as provided in AS 18.85.120 or when imposition or collection of a fee is  
17 not in the public interest as defined under regulations adopted by the commissioner of  
18 administration;

19 (9) provide visitors and guardians ad litem in proceedings under  
20 AS 47.30.839;

21 (10) provide legal representation to indigent parents under  
22 AS 14.30.195(e).

23 \* Sec. 19. AS 44.29.022(a) is amended to read:

24 (a) The commissioner of health and social services may establish by regulation  
25 a schedule of reasonable fees for services provided by the Department of Health and  
26 Social Services under AS 44.29.020(a)(1) - (8), AS 47.10, AS 47.12, AS 47.30.655 -  
27 47.30.910, and AS 47.80.100 - 47.80.170. The fee established for a service may not  
28 exceed the actual cost of providing the service. The commissioner may define or  
29 establish the "actual cost of providing a service" by regulation. The Department of  
30 Health and Social Services shall charge and collect the fees established under this  
31 subsection. The department may waive collection of a fee upon a finding that collection  
32 is not economically feasible or in the public interest.

1 \* Sec. 20. AS 44.41.025(c) is amended to read:

2 (c) The department may enter into the Alaska automated fingerprint identification  
3 system the fingerprints of a minor whose fingerprints are taken under AS 47.12.210  
4 [AS 47.10.097].

5 \* Sec. 21. AS 44.47.200 is amended to read:

6 Sec. 44.47.200. LEGAL ASSISTANCE AND JUVENILE JUSTICE GRANT  
7 FUND. There is created in the department the legal assistance and juvenile justice grant  
8 fund. From legislative appropriations to the fund, the department shall make grants

9 (1) to eligible communities and regions for the purpose of enabling them  
10 to obtain legal assistance; and

11 (2) to a nonprofit corporation established under AS 47.12.500  
12 [AS 47.10.265] to operate as a youth court.

13 \* Sec. 22. AS 44.47.210(b) is amended to read:

14 (b) Nonprofit corporations proposing to establish and operate youth courts under  
15 AS 47.12.500 [AS 47.10.265] may apply to the department for an organizational grant  
16 under AS 44.47.200(2). A grant under this subsection must be matched on a dollar-for-  
17 dollar basis by the grantee in cash or in kind. The commissioner may waive the match  
18 required under this subsection on a showing satisfactory to the commissioner by the  
19 prospective applicant that matching funds are not available.

20 \* Sec. 23. AS 44.47.220(b) is amended to read:

21 (b) Grants made under AS 44.47.200(2) shall be used to defray the costs of  
22 organization of youth courts under AS 47.12.500 [AS 47.10.265]. The department shall  
23 assure that the grant is spent for necessary organizational assistance and that appropriate  
24 accounting procedures are maintained. Grants made under AS 44.47.200(2) and this  
25 subsection may not exceed \$5,000. Only one grant may be made to a grantee under  
26 authority of this subsection.

27 \* Sec. 24. AS 47.05.060 is amended to read:

28 Sec. 47.05.060. PURPOSE AND POLICY RELATING TO CHILDREN. The  
29 purposes [PURPOSE] of AS 47.10 [THIS TITLE] as that chapter [IT] relates to  
30 children are

31 (1) [IS] to secure for each child the care and guidance, preferably in the  
32 child's own home, that will serve the moral, emotional, mental, and physical welfare of

1 the child and the best interests of the community;

2 (2) to preserve and strengthen the child's family ties unless efforts to  
3 preserve and strengthen the ties are likely to result in physical or emotional damage to  
4 the child, removing the child from the custody of the parents only as a last resort when  
5 the child's welfare or safety [OR THE PROTECTION OF THE PUBLIC] cannot be  
6 adequately safeguarded without removal; and

7 (3) [,] when the child is removed from the family, to secure for the child  
8 adequate custody and care and adequate planning for permanent placement of the child.

9 \* Sec. 25. AS 47.05.060 is amended by adding a new subsection to read:

10 (b) The purposes of AS 47.12 as that chapter relates to children are

11 (1) to affirm that the purpose of that chapter includes protection of the  
12 public and reformation of the offender;

13 (2) to provide that, for the most common of offenses committed by  
14 minors, those punishable as misdemeanors or as noncriminal offenses, resolution should  
15 require some form of sanction, that the form of the sanction should be certain, that the  
16 imposition of the sanction should be swift, and that the sanction may take the form of  
17 a reasonable claim on the time and talents of the minor who has committed the offense;  
18 and

19 (3) to provide that counseling provided to the minor must include the  
20 minor's family or guardian, that the minor's family or guardian has the right to offer  
21 suggestions and make recommendations for the correction of the minor's behavior, and  
22 that the minor's family or guardian may be asked to participate in supervision of the  
23 minor's treatment.

24 \* Sec. 26. AS 47.10.010(a) is amended to read:

25 (a) Proceedings relating to a minor under 18 years of age residing or found in  
26 the state are governed by AS 47.10.010 - 47.10.142 [THIS CHAPTER], except as  
27 otherwise provided in AS 47.10.010 - 47.10.142 [THIS CHAPTER], when the court  
28 finds the minor

29 [(1) TO BE A DELINQUENT MINOR AS A RESULT OF  
30 VIOLATING A CRIMINAL LAW OF THE STATE OR A MUNICIPALITY OF THE  
31 STATE; OR

32 (2)] to be a child in need of aid as a result of

1                    (1) [(A)] the child being habitually absent from home or refusing to  
2 accept available care, or having no parent, guardian, custodian, or relative caring or  
3 willing to provide care, including physical abandonment by

4                    (A) [(i)] both parents,

5                    (B) [(ii)] the surviving parent, or

6                    (C) [(iii)] one parent if the other parent's rights and  
7 responsibilities have been terminated under AS 25.23.180(c) or AS 47.10.080 or  
8 voluntarily relinquished;

9                    (2) [(B)] the child being in need of medical treatment to cure, alleviate,  
10 or prevent substantial physical harm, or in need of treatment for mental harm as  
11 evidenced by failure to thrive, severe anxiety, depression, withdrawal, or untoward  
12 aggressive behavior or hostility toward others, and the child's parent, guardian, or  
13 custodian has knowingly failed to provide the treatment;

14                    (3) [(C)] the child having suffered substantial physical harm or if there  
15 is an imminent and substantial risk that the child will suffer such harm as a result of the  
16 actions done by or conditions created by the child's parent, guardian, or custodian or the  
17 failure of the parent, guardian, or custodian adequately to supervise the child;

18                    (4) [(D)] the child having been, or being in imminent and substantial  
19 danger of being, sexually abused either by the child's parent, guardian, or custodian, or  
20 as a result of conditions created by the child's parent, guardian, or custodian, or by the  
21 failure of the parent, guardian, or custodian adequately to supervise the child;

22                    (5) [(E)] the child committing delinquent acts as a result of pressure,  
23 guidance, or approval from the child's parents, guardian, or custodian;

24                    (6) [(F)] the child having suffered substantial physical abuse or neglect  
25 as a result of conditions created by the child's parent, guardian, or custodian.

26 \* Sec. 27. AS 47.10.020(a) is amended to read:

27                    (a) Whenever circumstances subject a minor to the jurisdiction of AS 47.10.010 -  
28 47.10.142, the court shall

29                    [(1) PROVIDE, UNDER PROCEDURES ADOPTED BY COURT  
30 RULE, THAT, FOR A MINOR WHO IS ALLEGED TO BE A DELINQUENT MINOR  
31 UNDER AS 47.10.010(a)(1), A STATE AGENCY SHALL MAKE A PRELIMINARY  
32 INQUIRY TO DETERMINE IF ANY ACTION IS APPROPRIATE AND MAY TAKE

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APPROPRIATE ACTION TO ADJUST OR DISPOSE OF THE MATTER WITHOUT A COURT HEARING; IF, UNDER THIS PARAGRAPH,

(A) THE STATE AGENCY MAKES A PRELIMINARY INQUIRY AND TAKES APPROPRIATE ACTION TO ADJUST OR DISPOSE OF THE MATTER WITHOUT A COURT HEARING, THE MINOR MAY NOT BE DETAINED OR TAKEN INTO CUSTODY AS A CONDITION OF THE ADJUSTMENT OR DISPOSITION AND, SUBJECT TO (d) OF THIS SECTION, THE MATTER SHALL BE CLOSED BY THE AGENCY IF THE MINOR SUCCESSFULLY COMPLETES ALL THAT IS REQUIRED OF THE MINOR BY THE AGENCY IN THE ADJUSTMENT OR DISPOSITION; IN A MUNICIPALITY OR MUNICIPALITIES IN WHICH A YOUTH COURT HAS BEEN ESTABLISHED UNDER AS 47.10.265, ADJUSTMENT OR DISPOSITION OF THE MATTER UNDER THIS PARAGRAPH MAY INCLUDE REFERRAL TO THE YOUTH COURT;

(B) THE AGENCY CONCLUDES THAT THE MATTER MAY NOT BE ADJUSTED OR DISPOSED OF WITHOUT A COURT HEARING, THE AGENCY MAY FILE A PETITION UNDER (2) OF THIS SUBSECTION SETTING OUT THE FACTS; OR

(2)] appoint a competent person or agency to make a preliminary inquiry and report for the information of the court to determine whether the interests of the public or of the minor require that further action be taken; if, under this subsection [PARAGRAPH], the court appoints a person or agency to make a preliminary inquiry and to report to it, then upon the receipt of the report, the court may informally adjust or dispose of the matter without a hearing, or it may authorize the person having knowledge of the facts of the case to file with the court a petition setting out the facts; if the court informally adjusts or disposes of the matter, the minor may not be detained or taken into the custody of the court as a condition of the adjustment or disposition, and the matter shall be closed by the court upon adjustment or disposition.

\* Sec. 28. AS 47.10.020(b) is amended to read:

(b) The petition and all subsequent pleadings shall be styled as follows: "In the matter of . . . . ., a minor under 18 years of age." The petition may be executed upon the petitioner's information and belief, and must be

1 verified. It must include the following information:

2 (1) the name, address, and occupation of the petitioner, together with the  
3 petitioner's relationship to the minor, and the petitioner's interest in the matter;

4 (2) the name, age, and address of the minor;

5 (3) a brief statement of the facts that bring the minor within  
6 AS 47.10.010 - 47.10.142 [THIS CHAPTER];

7 (4) the names and addresses of the minor's parents;

8 (5) the name and address of the minor's guardian, or of the person having  
9 control or custody of the minor.

10 \* Sec. 29. AS 47.10.030(b) is amended to read:

11 (b) In all cases under AS 47.10.010 - 47.10.142, [THIS CHAPTER] the minor,  
12 each parent of the minor, and the guardian of the minor shall be given notice adequate  
13 to give actual notice of the proceedings and the possibility of termination of parental  
14 rights and responsibilities, taking into account education and language differences that  
15 are known or reasonably ascertainable by the petitioner or the department. The notice  
16 of the hearing must contain all names by which the minor has been identified. Notice  
17 shall be given in the manner appropriate under rules of civil procedure for the service  
18 of process in a civil action under Alaska law or in any manner the court by order directs.  
19 Proof of the giving of the notice shall be filed with the court before the petition is heard.  
20 The court may also subpoena the parent of the minor, or any other person whose  
21 testimony may be necessary at the hearing. A subpoena or other process may be served  
22 by a person authorized by law to make the service, and where personal service cannot  
23 be made, the court may direct that service of process be in a manner appropriate under  
24 rules of civil procedure for the service of process in a civil action under Alaska law or  
25 in any manner the court directs.

26 \* Sec. 30. AS 47.10.050(a) is amended to read:

27 (a) Whenever in the course of proceedings instituted under AS 47.10.010 -  
28 47.10.142 [THIS CHAPTER] it appears to the court that the welfare of a minor will be  
29 promoted by the appointment of an attorney to represent the minor or an attorney or  
30 other person to serve as guardian ad litem, the court may make the appointment.  
31 Appointment of a guardian ad litem or attorney shall be made under the terms of  
32 AS 25.24.310.

1 \* Sec. 31. AS 47.10.070(a) is amended to read:

2 (a) The court may conduct the hearing on the petition in an informal manner  
3 in the courtroom or in chambers. [A HEARING MAY BE HELD BEFORE A YOUNG  
4 ADULT ADVISORY PANEL IN ACCORDANCE WITH AS 47.10.075.] The court  
5 shall give notice of the hearing to the department and it may send a representative to the  
6 hearing. The court shall also transmit a copy of the petition to the department. The  
7 representative of the department may also be heard at the hearing. The public shall be  
8 excluded from the hearing, but the court, in its discretion, may permit individuals to  
9 attend a hearing [,] if their attendance is compatible with the best interests of the minor.  
10 [NOTHING IN THIS SECTION MAY BE APPLIED IN SUCH A WAY AS TO DENY  
11 A CHILD'S RIGHTS TO A PUBLIC TRIAL AND TO A TRIAL BY JURY.]

12 \* Sec. 32. AS 47.10.080(a) is amended to read:

13 (a) The court, at the conclusion of the hearing, or thereafter as the circumstances  
14 of the case may require, shall find and enter a judgment that the minor is or is not  
15 [DELINQUENT OR] a child in need of aid.

16 \* Sec. 33. AS 47.10.080(c) is amended to read:

17 (c) If the court finds that the minor is a child in need of aid, it shall

18 (1) order the minor committed to the department for placement in an  
19 appropriate setting for a period of time not to exceed two years or in any event past the  
20 date the minor becomes 19 years of age, except that the department may petition for and  
21 the court may grant in a hearing (A) two-year extensions of commitment that do not  
22 extend beyond the minor's 19th birthday if the extension is in the best interests of the  
23 minor [AND THE PUBLIC]; and (B) an additional one-year period of custody  
24 [SUPERVISION] past age 19 if the continued custody [SUPERVISION] is in the best  
25 interests of the person and the person consents to it; the department may transfer the  
26 minor, in the minor's best interests, from one placement setting to another, and the minor,  
27 the minor's parents or guardian, and the minor's attorney are entitled to reasonable notice  
28 of the transfer;

29 (2) order the minor released to the minor's parents, guardian, or some  
30 other suitable person, and, in appropriate cases, order the parents, guardian, or other  
31 person to provide medical or other care and treatment; if the court releases the minor,  
32 it shall direct the department to supervise the care and treatment given to the minor, but

1 the court may dispense with the department's supervision if the court finds that the adult  
2 to whom the minor is released will adequately care for the minor without supervision;  
3 the department's supervision may not exceed two years or in any event extend past the  
4 date the minor reaches age 19, except that the department may petition for and the court  
5 may grant in a hearing

6 (A) two-year extensions of supervision that do not extend beyond  
7 the minor's 19th birthday if the extension is in the best interests of the minor and  
8 the public; and

9 (B) an additional one-year period of supervision past age 19 if the  
10 continued supervision is in the best interests of the person and the person  
11 consents to it; or

12 (3) by order, upon a showing in the adjudication by clear and convincing  
13 evidence that there is a child in need of aid under AS 47.10.010(a) [AS 47.10.010(a)(2)]  
14 as a result of parental conduct and upon a showing in the disposition by clear and  
15 convincing evidence that the parental conduct is likely to continue to exist if there is no  
16 termination of parental rights, terminate parental rights and responsibilities of one or both  
17 parents and commit the child to the department or to a legally appointed guardian of the  
18 person of the child, and the department or guardian shall report annually to the court on  
19 efforts being made to find a permanent placement for the child.

20 \* Sec. 34. AS 47.10.080(e) is amended to read:

21 (e) If the court finds that the minor is not [DELINQUENT OR] a child in need  
22 of aid, it shall immediately order the minor released from the department's custody and  
23 returned to the minor's parents, guardian, or custodian, and dismiss the case.

24 \* Sec. 35. AS 47.10.080(f) is amended to read:

25 (f) A minor found to be [DELINQUENT OR] a child in need of aid is a ward  
26 of the state while committed to the department or the department has the power to  
27 supervise the minor's actions. The court shall review an order made under [(b) OR]  
28 (c)(1) or (2) of this section annually, and may review the order more frequently to  
29 determine if continued placement [, PROBATION,] or custody [SUPERVISION], as it  
30 is being provided, is in the best interest of the minor [AND THE PUBLIC]. If annual  
31 review under this subsection would arise within 90 days of the hearing, required under  
32 (l) of this section, the court may postpone review under this subsection until the time set

1 for the hearing. The department, the minor, the minor's parents, guardian, or custodian  
2 are entitled, when good cause is shown, to a review on application. If the application  
3 is granted, the court shall afford these parties and their counsel reasonable notice in  
4 advance of the review and hold a hearing where these parties and their counsel shall be  
5 afforded an opportunity to be heard. The minor shall be afforded the opportunity to be  
6 present at the review.

7 \* Sec. 36. AS 47.10.080(g) is amended to read:

8 (g) [AN ADJUDICATION UNDER THIS CHAPTER UPON THE STATUS OF  
9 A CHILD MAY NOT OPERATE TO IMPOSE ANY OF THE CIVIL DISABILITIES  
10 ORDINARILY IMPOSED BY CONVICTION UPON A CRIMINAL CHARGE, NOR  
11 MAY A MINOR AFTERWARD BE CONSIDERED A CRIMINAL BY THE  
12 ADJUDICATION, NOR MAY THE ADJUDICATION BE AFTERWARD DEEMED  
13 A CONVICTION, NOR MAY A MINOR BE CHARGED WITH OR CONVICTED OF  
14 A CRIME IN A COURT, EXCEPT AS PROVIDED IN THIS CHAPTER.] The  
15 commitment and placement of a child and evidence given in the court in a proceeding  
16 under AS 47.10.010 - 47.10.142 are not admissible as evidence against the minor in a  
17 subsequent case or proceedings in any other court [, NOR DOES THE COMMITMENT  
18 AND PLACEMENT OR EVIDENCE OPERATE TO DISQUALIFY A MINOR IN A  
19 FUTURE CIVIL SERVICE EXAMINATION OR APPOINTMENT IN THE STATE].

20 \* Sec. 37. AS 47.10.080(i) is amended to read:

21 (i) A minor, the minor's parents or guardian acting on the minor's behalf, or the  
22 department may appeal a judgment or order, or the stay, modification, setting aside,  
23 revocation, or enlargement of a judgment or order issued by the court under  
24 AS 47.10.010 - 47.10.142 [THIS CHAPTER].

25 \* Sec. 38. AS 47.10.080(l) is amended to read:

26 (l) Within 18 months after the date a child is initially taken into custody by the  
27 department under AS 47.10.142(c) or committed to the custody of the department under  
28 [(b)(3),] (c)(1) [,] or [(c)] (3) of this section [,] or AS 47.10.230(c), the court shall hold  
29 a hearing to review the placement and services provided and to determine the future  
30 status of the minor. The court shall make appropriate written findings, including findings  
31 related to the following:

32 (1) whether the child should be returned to the parent;

- 1 (2) whether the child should remain in out-of-home care for a specified  
 2 period;
- 3 (3) whether the child should remain in out-of-home care on a permanent  
 4 or long-term basis because of special needs or circumstances;
- 5 (4) whether the child should be placed for adoption or legal guardianship.

6 \* Sec. 39. AS 47.10.082 is amended to read:

7 Sec. 47.10.082. BEST INTERESTS OF CHILD AND OTHER  
 8 CONSIDERATIONS. [IN MAKING ITS DISPOSITIONAL ORDER UNDER  
 9 AS 47.10.080(b) THE COURT SHALL CONSIDER THE BEST INTERESTS OF THE  
 10 CHILD AND THE PUBLIC.] In making its dispositional order under AS 47.10.080(c),  
 11 the court shall consider

12 (1) the best interests of the child; and

13 (2) [. IN EITHER CASE THE COURT SHALL CONSIDER ALSO]  
 14 the ability of the state to take custody and to care for the child to protect the child's best  
 15 interests under AS 47.10.010 - 47.10.142.

16 \* Sec. 40. AS 47.10.084(a) is amended to read:

17 (a) When a child is committed under AS 47.10.080(c)(1) [AS 47.10.080(b)(1)  
 18 OR (c)(1)] to the department, [OR] released under AS 47.10.080(c)(2)  
 19 [AS 47.10.080(b)(2) OR (3) OR (c)(2)] to the child's parents, guardian, or other suitable  
 20 person, or committed to the department or to a legally appointed guardian of the  
 21 person of the child under AS 47.10.080(c)(3), a relationship of legal custody exists.  
 22 This relationship imposes on the department and its authorized agents or the parents,  
 23 guardian, or other suitable person the responsibility of physical care and control of the  
 24 child, the determination of where and with whom the child shall live, the right and duty  
 25 to protect, train, and discipline the child, and the duty of providing the child with food,  
 26 shelter, education, and medical care. These obligations are subject to any residual  
 27 parental rights and responsibilities and rights and responsibilities of a guardian if one has  
 28 been appointed. When a child is committed to the department and the department places  
 29 the child with the child's parent, the parent has the responsibility to provide and pay for  
 30 food, shelter, education, and medical care for the child. When parental rights have been  
 31 terminated, or there are no living parents and no guardian has been appointed, the  
 32 responsibilities of legal custody include those in (b) and (c) of this section. The

1 department or person having legal custody of the child may delegate any of the  
2 responsibilities under this section, except authority to consent to marriage, adoption, and  
3 military enlistment may not be delegated. For purposes of AS 47.10.010 - 47.10.142,  
4 [THIS CHAPTER] a person in charge of a placement setting is an agent of the  
5 department.

6 \* Sec. 41. AS 47.10.090(c) is amended to read:

7 (c) Within 30 days of the date of a minor's 18th birthday or, if the court retains  
8 jurisdiction of a minor past the minor's 18th birthday, within 30 days of the date on  
9 which the court releases jurisdiction over the minor, the court shall order all the court's  
10 official records pertaining to that minor in a proceeding under AS 47.10.010 -  
11 47.10.142 sealed [, AS WELL AS RECORDS OF ALL DRIVER'S LICENSE  
12 PROCEEDINGS UNDER AS 28.15.185, CRIMINAL PROCEEDINGS AGAINST THE  
13 MINOR, AND PUNISHMENTS ASSESSED AGAINST THE MINOR]. A person may  
14 not use these sealed records for any purpose except that the court may order their use  
15 for good cause shown [OR MAY ORDER THEIR USE BY AN OFFICER OF THE  
16 COURT IN MAKING A PRESENTENCING REPORT FOR THE COURT. THE  
17 PROVISIONS OF THIS SUBSECTION RELATING TO THE SEALING OF  
18 RECORDS DO NOT APPLY TO RECORDS OF TRAFFIC OFFENSES].

19 \* Sec. 42. AS 47.10.090(d) is amended to read:

20 (d) The name or picture of a minor under the jurisdiction of the court may not  
21 be made public in connection with the minor's status as a [DELINQUENT CHILD OR  
22 A] child in need of aid unless authorized by order of the court.

23 \* Sec. 43. AS 47.10.090(e) is amended to read:

24 (e) The court's official records under AS 47.10.010 - 47.10.142 [THIS  
25 CHAPTER] may be inspected only with the court's permission and only by persons  
26 having a legitimate interest in them. [A PERSON WITH A LEGITIMATE INTEREST  
27 IN THE INSPECTION OF AN OFFICIAL RECORD MAINTAINED BY THE COURT  
28 INCLUDES A VICTIM WHO SUFFERED PHYSICAL INJURY OR WHOSE REAL  
29 OR PERSONAL PROPERTY WAS DAMAGED AS A RESULT OF AN OFFENSE  
30 THAT WAS THE BASIS OF AN ADJUDICATION OR MODIFICATION OF  
31 DISPOSITION. IF THE VICTIM KNOWS THE IDENTITY OF THE MINOR,  
32 IDENTIFIES THE MINOR OR THE OFFENSE TO THE COURT, AND CERTIFIES

1 THAT THE INFORMATION IS BEING SOUGHT TO CONSIDER OR SUPPORT A  
2 CIVIL ACTION AGAINST THE MINOR OR AGAINST THE MINOR'S PARENTS  
3 OR GUARDIANS UNDER AS 34.50.020, THE COURT SHALL, SUBJECT TO  
4 AS 12.61.110 AND 12.61.140, ALLOW THE VICTIM TO INSPECT AND USE THE  
5 FOLLOWING RECORDS AND INFORMATION IN CONNECTION WITH THE  
6 CIVIL ACTION:

7 (1) A PETITION FILED UNDER AS 47.10.010(a)(1) SEEKING TO  
8 HAVE THE COURT DECLARE THE MINOR A DELINQUENT;

9 (2) A PETITION FILED UNDER AS 47.10.080 SEEKING TO HAVE  
10 THE COURT MODIFY OR REVOKE THE MINOR'S PROBATION;

11 (3) A PETITION FILED UNDER AS 47.10.060 REQUESTING THE  
12 COURT TO FIND THAT A MINOR IS NOT AMENABLE TO TREATMENT UNDER  
13 THIS CHAPTER AND THAT RESULTS IN CLOSURE OF A CASE UNDER  
14 AS 47.10.060(a); AND

15 (4) A COURT JUDGMENT OR ORDER ENTERED UNDER  
16 AS 47.10.010 - 47.10.142 THAT DISPOSES OF A PETITION IDENTIFIED IN (1) -  
17 (3) OF THIS SUBSECTION.]

18 \* Sec. 44. AS 47.10.093(a) is amended to read:

19 (a) Except as specified in AS 47.10.092 and (b) - (g) [(b) - (f) AND (h)] of this  
20 section, all information and social records pertaining to a minor who is subject to  
21 AS 47.10.010 - 47.10.142 [THIS CHAPTER] or AS 47.17 prepared by or in the  
22 possession of a federal, state, or municipal agency or employee in the discharge of the  
23 agency's or employee's official duty [, INCLUDING DRIVER'S LICENSE ACTIONS  
24 UNDER AS 28.15.185,] are privileged and may not be disclosed directly or indirectly  
25 to anyone without a court order.

26 \* Sec. 45. AS 47.10.100(c) is amended to read:

27 (c) If a minor is adjudicated [A DELINQUENT OR] a child in need of aid  
28 before the minor's 18th birthday, the court may retain jurisdiction over the minor after  
29 the minor's 18th birthday for the purpose of supervising the minor [MINOR'S  
30 REHABILITATION], but the court's jurisdiction over the minor under this chapter never  
31 extends beyond the minor's 19th birthday, except that the department may apply for and  
32 the court may grant an additional one-year period of supervision past age 19 if continued

1 supervision is in the best interests of the person and the person consents to it. The  
2 department may retain jurisdiction over a child between the child's 18th and 19th  
3 birthdays for the purpose of supervising the child [CHILD'S REHABILITATION], if the  
4 child has been placed under the supervision of the department before the child's 18th  
5 birthday, except that the department may apply for and the court may grant an additional  
6 one-year period of supervision past age 19 if continued supervision is in the best interests  
7 of the person and the person consents to it.

8 \* Sec. 46. AS 47.10.110 is amended to read:

9 Sec. 47.10.110. APPOINTMENT OF GUARDIAN OR CUSTODIAN. When,  
10 in the course of a proceeding under AS 47.10.010 - 47.10.142 [THIS CHAPTER], it  
11 appears to the court that the welfare of a minor will be promoted by the appointment of  
12 a guardian or custodian of the minor's person, the court may make the appointment. The  
13 court shall have a summons issued and served upon the parents of the minor, if they can  
14 be found, in a manner and within a time before the hearing that the court considers  
15 reasonable. The court may determine whether the father, mother, or the department shall  
16 have the custody and control of the minor. If the minor is of sufficient age and  
17 intelligence to state desires, the court shall consider them.

18 \* Sec. 47. AS 47.10.120(a) is amended to read:

19 (a) When a child in need of aid [OR A DELINQUENT MINOR] is committed  
20 under AS 47.10.010 - 47.10.142 [THIS CHAPTER], the court shall, after giving the  
21 parent or legal guardian a reasonable opportunity to be heard, adjudge that the parent or  
22 guardian pay to the department in a manner that the court directs a sum [THAT IS  
23 BASED ON THE FEE SCHEDULE ADOPTED UNDER AS 44.29.022] to cover in full  
24 or in part the maintenance and care of the child or minor. Unless the support  
25 obligation is calculated under Rule 90.3(i) of the Alaska Rules of Civil Procedure,  
26 the sum required to be paid must be based on the fee schedule adopted under  
27 AS 44.29.022.

28 \* Sec. 48. AS 47.10.141(b) is amended to read:

29 (b) A peace officer shall take into protective custody a minor described in (a)  
30 of this section if the minor is not otherwise subject to arrest or detention. Unless (c) of  
31 this section applies, when a peace officer takes a minor into protective custody under  
32 this subsection,

1           **(1)** the peace officer shall exercise the officer's discretion **and shall**

2                   **(A)** [AND (1)] return the minor to the **minor's parent or**  
 3           **guardian** [LEGAL CUSTODIAN] if the **minor and the minor's parent or**  
 4           **guardian consent** [LEGAL CUSTODIAN CONSENTS] to the return, except  
 5           that the officer may not use this option if the officer has reasonable cause to  
 6           **believe** [SUSPECT] that the minor has experienced physical or sexual abuse in  
 7           the **parent's or guardian's** [LEGAL CUSTODIAN'S] household;

8                   **(B)** [(2)] take the minor to a nearby location agreed to by the  
 9           minor and the **minor's parent or guardian** [LEGAL CUSTODIAN]; or

10                  **(C)** [(3)] take the minor to

11                    **(i)** an office specified by the Department of Health and  
 12           Social Services;

13                    **(ii)** [,] a program for runaway minors licensed by the  
 14           department under AS 47.10.310;

15                    **(iii)** [,] a shelter for runaways that has a permit from the  
 16           department under AS 47.35.085 that agrees to shelter the minor;

17                    **(iv)** [, OR] a facility or contract agency of the department;

18           **or**

19                    **(v) another suitable location and promptly notify the**  
 20           **department, if** [. IF] an office specified by the department, a licensed  
 21           program for runaway minors, a shelter for runaways that will accept the  
 22           minor, or a facility or contract agency of the department does not exist  
 23           in the community;

24           **(2)** a [, THE OFFICER SHALL TAKE THE MINOR TO ANOTHER  
 25           SUITABLE LOCATION AND PROMPTLY NOTIFY THE DEPARTMENT. A] minor  
 26           under protective custody may not be housed in a jail or other detention facility;

27           **(3) the peace officer, immediately** [. IMMEDIATELY] upon taking a  
 28           minor into protective custody, [THE OFFICER] shall

29                    **(A)** advise the minor orally and in writing of the right to social  
 30           services under AS 47.10.142(b); [,] and

31                    **(B)** [,] if **the identity of the minor's parent or guardian is**  
 32           known, [THE OFFICER SHALL] advise the **minor's parent or guardian**

1 [LEGAL CUSTODIAN] that the minor has been taken into protective custody  
2 and that counseling services for the minor's parent or guardian [CUSTODIAN]  
3 and the minor's household may be available under AS 47.10.142(b);

4 (4) except when the minor is returned to the minor's parent or  
5 guardian under (1)(A) of this subsection, the peace officer may advise the person  
6 responsible for the facility in which the minor is placed that the minor was found  
7 in an environment that, the officer has reason to believe, is a danger to the minor,  
8 that the minor might refuse to accept available care, and that, for the minor's  
9 protection, the person responsible for the facility should consider that providing  
10 temporary security for the minor might be in the minor's best interest.

11 \* Sec. 49. AS 47.10.141(c) is amended to read:

12 (c) A peace officer may detain and take a minor [MAY BE TAKEN] into  
13 emergency protective custody under the circumstances described in and subject to the  
14 limitations imposed by this subsection [BY A PEACE OFFICER AND PLACED  
15 INTO TEMPORARY DETENTION IN A JUVENILE DETENTION HOME IN THE  
16 LOCAL COMMUNITY IF THERE HAS BEEN AN ORDER ISSUED BY A COURT  
17 UNDER A FINDING OF PROBABLE CAUSE THAT (1) THE MINOR IS A  
18 RUNAWAY IN WILFUL VIOLATION OF A VALID COURT ORDER ISSUED  
19 UNDER AS 47.10.080 OR 47.10.142(f), (2) THE MINOR'S CURRENT SITUATION  
20 POSES A SEVERE AND IMMINENT RISK TO THE MINOR'S LIFE OR SAFETY,  
21 AND (3) NO REASONABLE PLACEMENT ALTERNATIVE EXISTS WITHIN THE  
22 COMMUNITY. FOR THE PURPOSES OF THIS SUBSECTION, A RISK MAY NOT  
23 BE CONSIDERED SEVERE AND IMMINENT SOLELY BECAUSE OF THE  
24 GENERAL CONDITIONS FOR RUNAWAY MINORS IN THE COMMUNITY, BUT  
25 SHALL BE ASSESSED IN VIEW OF THE SPECIFIC BEHAVIOR AND SITUATION  
26 OF THE MINOR]. A minor

27 (1) may be detained by a peace officer under this subsection

28 (A) when the peace officer reasonably believes that the minor  
29 is a runaway in wilful violation of a valid court order entered

30 (i) under AS 47.10.080(c)(1) or AS 47.12.100(b)(1) or

31 (3) committing the minor to the custody of the department and  
32 placed by the department in a juvenile correctional facility, juvenile

1 work camp, treatment facility, group care facility, detention home,  
 2 detention facility, or similar juvenile facility, or a facility providing  
 3 out-of-home care to the minor; or

4 (ii) under AS 47.10.142(f); or

5 (B) when a court has entered an order based on a finding of  
 6 probable cause that

7 (i) the minor is a runaway in wilful violation of a valid  
 8 court order entered under AS 47.10.080, other than an order entered  
 9 under AS 47.10.080(c)(1), 47.10.142(f), or AS 47.12.100(b)(1) or (3);

10 (ii) the minor's current situation poses a severe and  
 11 imminent risk to the minor's life or safety; however, a risk may not  
 12 be considered severe and imminent solely because of the general  
 13 conditions of runaway minors in the community, but shall be assessed  
 14 in view of the specific behavior and situation of the minor; and

15 (iii) a reasonable placement alternative for the minor  
 16 does not exist in the community;

17 (2) detained under this subsection shall be brought before a court on the  
 18 day the minor is detained, or, if that is not possible, within 24 hours after the detention,  
 19 for a hearing to determine the most appropriate placement in the best interests of the  
 20 minor;

21 (3) detained [. A MINOR TAKEN INTO EMERGENCY PROTECTIVE  
 22 CUSTODY] under this subsection may not be detained for more than 24 hours, except  
 23 as provided under AS 47.10.140;

24 (4) detained and placed in emergency [. EMERGENCY] protective  
 25 custody under this subsection may not be placed [INCLUDE PLACEMENT OF A  
 26 MINOR] in a jail and may not be placed in a [OR SECURE] facility other than a  
 27 juvenile detention home or a shelter for runaways described in AS 47.10.392 -  
 28 47.10.399 that is a secure shelter [, NOR MAY AN ORDER FOR PROTECTIVE  
 29 CUSTODY BE ENFORCED AGAINST A MINOR WHO IS RESIDING IN A  
 30 LICENSED PROGRAM FOR RUNAWAY MINORS, AS DEFINED IN AS 47.10.390].

31 \* Sec. 50. AS 47.10.142(a) is amended to read:

32 (a) The Department of Health and Social Services may take emergency custody

1 of a minor upon discovering any of the following circumstances:

2 (1) the minor has been abandoned;

3 (2) the minor has been grossly neglected by the minor's parents or  
4 guardian, as "neglect" is defined in AS 47.17.290, and the department determines that  
5 immediate removal from the minor's surroundings is necessary to protect the minor's life  
6 or provide immediate necessary medical attention;

7 (3) the minor has been subjected to child abuse or neglect by a person  
8 responsible for the minor's welfare, as "child abuse or neglect" is defined in  
9 AS 47.17.290, and the department determines that immediate removal from the minor's  
10 surroundings is necessary to protect the minor's life or that immediate medical attention  
11 is necessary; or

12 (4) the minor has been sexually abused under circumstances listed in  
13 AS 47.10.010(a)(4) [AS 47.10.010(a)(2)(D)].

14 \* Sec. 51. AS 47.10.150 is amended to read:

15 Sec. 47.10.150. GENERAL POWERS OF DEPARTMENT OVER JUVENILE  
16 INSTITUTIONS. The department may

17 (1) purchase, lease, or construct buildings or other facilities for the care,  
18 detention, rehabilitation, and education of children in need of aid or delinquent minors;

19 (2) adopt plans for construction of juvenile homes, juvenile work camps,  
20 juvenile detention facilities, and other juvenile institutions;

21 (3) adopt standards and regulations [UNDER THIS CHAPTER] for the  
22 design, construction, repair, maintenance, and operation of all juvenile detention homes,  
23 work camps, facilities, and institutions;

24 (4) inspect periodically each juvenile detention home, work camp,  
25 facility, or other institution to ensure that the standards and regulations adopted are being  
26 maintained,

27 (5) reimburse cities maintaining and operating juvenile detention homes,  
28 work camps, and facilities;

29 (6) enter into contracts and arrangements with cities and state and federal  
30 agencies to carry out the purposes of AS 47.10.150 - 47.10.220 [THIS CHAPTER];

31 (7) do all acts necessary to carry out the purposes of AS 47.10.150 -  
32 47.10.220 [THIS CHAPTER];

- 1 (8) adopt the regulations necessary to carry out AS 47.10.150 - 47.10.220  
2 [THIS CHAPTER];
- 3 (9) accept donations, gifts, or bequests of money or other property for  
4 use in construction of juvenile homes, work camps, institutions, or detention facilities;
- 5 (10) operate juvenile homes when municipalities are unable to do so;
- 6 (11) receive, care for, and place in a juvenile detention home, the minor's  
7 own home, a foster home, or a correctional school, work camp, or treatment institution  
8 all minors committed to its custody under this chapter and AS 47.12.

9 \* Sec. 52. AS 47.10.160(a) is amended to read:

10 (a) The department shall

11 (1) accept all minors committed to the custody of the department and all  
12 minors who are involved in a written agreement under AS 47.10.230(c), and provide for  
13 the welfare, control, care, custody, and placement of these minors in accordance with this  
14 chapter and AS 47.12;

15 (2) require and collect statistics on juvenile offenses and offenders in the  
16 state;

17 (3) conduct studies and prepare findings and recommendations on the  
18 need, number, type, construction, maintenance, and operating costs of juvenile homes,  
19 work camps, facilities, and the other institutions, and adopt and submit a plan for  
20 construction of the homes, work camps, facilities, and institutions when needed, together  
21 with a plan for financing the construction programs;

22 (4) examine, where possible, all facilities, institutions, work camps, and  
23 places of juvenile detention in the state and inquire into their methods and the  
24 management of juveniles in them.

25 \* Sec. 53. AS 47.10.170 is amended to read:

26 Sec. 47.10.170. AUTHORITY TO MAINTAIN AND OPERATE HOME,  
27 WORK CAMP, OR FACILITY. (a) A city or corporation may maintain and operate  
28 a juvenile detention facility, [AND A CITY OR A NONPROFIT CORPORATION MAY  
29 MAINTAIN AND OPERATE] a juvenile detention home, or a juvenile work camp.

30 (b) The city or [NONPROFIT] corporation may enter into contracts and  
31 receive grants-in-aid from the state for costs of operation of the homes, work camps, or  
32 facilities maintained and operated under (a) of this section.

1 \* Sec. 54. AS 47.10.190 is amended to read:

2 Sec. 47.10.190. DETENTION OF MINORS. When the court commits a minor  
3 to the custody of the department, except when detention in a correctional facility is  
4 authorized by AS 47.12.240(c) [AS 47.10.130(c)], the department shall arrange to place  
5 the juvenile in a detention home, work camp, or another suitable place that the  
6 department designates for that purpose.

7 \* Sec. 55. AS 47.10.210 is amended to read:

8 Sec. 47.10.210. YOUTH COUNSELORS. The department may employ youth  
9 counselors. Youth counselors shall exercise the duties of probation officers and shall  
10 prepare preliminary investigations for the information of the court. They shall also  
11 carry out other duties in the care and treatment of minors that [WHICH] are consistent  
12 with the intent of this chapter and AS 47.12. Youth counselors have the powers of  
13 a peace officer with respect to the service of process, the making of arrests of minors  
14 who violate state or municipal law, and the execution of orders of the court relating  
15 to juveniles. The youth counselors shall assist and advise the courts in the furtherance  
16 of the welfare and control of minors under the court's jurisdiction.

17 \* Sec. 56. AS 47.10.220 is amended to read:

18 Sec. 47.10.220. GRANTS-IN-AID. The department may accept grants-in-aid  
19 from the federal government or private foundations and may accept other gifts  
20 consistent with the purposes of this chapter and AS 47.12.

21 \* Sec. 57. AS 47.10.230(b) is amended to read:

22 (b) The department may pay the costs of maintenance that are necessary to  
23 assure adequate care of the child, and may accept funds from the federal government  
24 that are granted to assist in carrying out the purposes of this chapter and AS 47.12,  
25 or that are paid under contract entered into with a federal department or agency. A  
26 child under the care of the department may not be placed in a family home or  
27 institution that does not maintain adequate standards of care.

28 \* Sec. 58. AS 47.10.390(2) is amended to read:

- 29 (2) "runaway minor" means a person under 18 years of age who  
30 (A) is habitually absent from home;  
31 (B) refuses to accept available care;

1 (C) has no parent, guardian, custodian, or relative able or  
2 willing to provide care; or

3 (D) has been physically abandoned by

4 (i) both parents;

5 (ii) the surviving parent; or

6 (iii) one parent if the other parent's rights and  
7 responsibilities have been terminated under AS 25.23.180(c) or  
8 AS 47.10.080(c)(3), [AS 47.10.080] or have been voluntarily  
9 relinquished.

10 \* Sec. 59. AS 47.10.394(b) is amended to read:

11 (b) The provider of a shelter for runaways shall

12 (1) immediately notify the court of a referral to the shelter of a  
13 minor when, under AS 47.10.141(b), the minor is brought to the shelter by a law  
14 enforcement officer and the law enforcement officer has advised the shelter  
15 operator that, for the minor's protection, the minor should be placed in  
16 temporary security at the shelter;

17 (2) promptly, but within 48 hours, inform the department of a runaway  
18 minor in the shelter

19 (A) [(1)] who claims to be the victim of child abuse or neglect,  
20 as defined in AS 47.17.290;

21 (B) [(2)] whom the provider has reasonable cause to suspect has  
22 been a victim of child abuse or neglect; or

23 (C) [(3)] whom the provider has reason to believe is evading  
24 the supervision of the department, the person to whom the department has  
25 entrusted supervision, or the minor's legal guardian.

26 \* Sec. 60. AS 47.10 is amended by adding a new section to read:

27 Sec. 47.10.395. SHELTER SECURITY. To maintain the security of the  
28 shelter, a shelter for runaways may be equipped with common key-operated deadbolt  
29 door locks or similar door locking mechanisms and with window alarms.

30 \* Sec. 61. AS 47.10.440(a) is amended to read:

31 (a) A local panel shall review the case plan of each child in the custody of the

1 department who is in a placement other than the child's own home under  
2 AS 47.10.080(c)(1) or (3) [AS 47.10.080(b)(3), (c)(1), OR (c)(3)], 47.10.142, [OR]  
3 47.10.230(c), or AS 47.12.100(b)(3) if the case is under the jurisdiction of a court in  
4 the judicial district served by the panel. A local panel may request a local panel in  
5 another judicial district to conduct a review and make a report if that local panel is  
6 more convenient for the child and other persons involved.

7 \* Sec. 62. AS 47.10.440(f) is amended to read:

8 (f) During a review under (a) of this section, a local panel shall

9 (1) determine whether the child has a case plan designed to achieve  
10 placement in the least restrictive, most family-like setting available in close proximity  
11 to the home of the child's parents that is consistent with the best interests of and  
12 special needs and circumstances of the child;

13 (2) evaluate the continuing necessity and appropriateness of the child's  
14 placement, the extent of the compliance with the child's case plan, and the extent of  
15 progress that has been made toward mitigating the causes that necessitated placement  
16 away from the child's parents;

17 (3) ascertain the date by which it is likely the child may be returned  
18 to the home or placed for adoption or legal guardianship;

19 (4) determine whether there has been compliance with applicable  
20 provisions of 25 U.S.C. 1901 - 1963 (Indian Child Welfare Act) and other applicable  
21 state and federal laws; and

22 (5) determine whether there has been compliance with court review  
23 requirements of AS 47.10.080(f) and (l), [AND] 47.10.142(h), and AS 47.12.100(d)  
24 and (g).

25 \* Sec. 63. AS 47.10.440(h) is amended to read:

26 (h) The report required under (g) of this section must make advisory  
27 recommendations based on the best interests of the child in accordance with  
28 AS 47.10.082 and must include notification of the right to request court review under  
29 AS 47.10.080(f) or AS 47.12.100(j), as appropriate. If the court has scheduled the  
30 case for review, the local panel shall submit its report at least 20 days before the  
31 hearing.

1 \* Sec. 64. AS 47.10.460(a) is amended to read:

2 (a) Notwithstanding AS 47.10.090 and 47.10.093 and AS 47.12.170 and  
3 47.12.180 [AS 47.10.090], at the request of a local panel, the department, the child's  
4 guardian ad litem, and the court shall furnish to the local panel relevant records  
5 concerning a child and the child's family who are the subjects of a local panel review.  
6 At the conclusion of a review, all copies of records provided to a local panel under  
7 this section shall be returned to the staff that serves the local panel or to the agency  
8 from which the original copy was obtained unless the panel members need the copies  
9 to prepare the reports required under AS 47.10.440(g) - (i). Copies retained for  
10 preparation of the reports shall be returned to the staff that serves the local panel or  
11 to the originating agency upon completion of the reports. Notwithstanding  
12 AS 44.62.310, records and reports of the local panel, testimony before the local panel,  
13 and deliberations of the local panel are confidential under AS 47.10.093 and  
14 AS 47.12.180 [AS 47.10.090].

15 \* Sec. 65. AS 47.10.470 is amended to read:

16 Sec. 47.10.470. COURT REVIEW OF REPORT. (a) When a report is  
17 admissible under court rules, the court may consider the report of the local panel in  
18 its review under AS 47.10.080(f) or AS 47.12.100(d), as appropriate, and at other  
19 disposition hearings other than hearings related to delinquency proceedings.

20 (b) The court may refer to the local panel a case called for a special review  
21 under AS 47.10.080(f) or AS 47.12.100(d), as appropriate.

22 \* Sec. 66. AS 47.10.490(2) is amended to read:

23 (2) "out-of-home care provider" means an agency or person, other than  
24 the child's legal parents, with whom a child who is in the custody of the state under  
25 AS 47.10.080(c)(1) or (3) [AS 47.10.080(b)(3), (c)(1), OR (c)(3)], 47.10.142, [OR]  
26 47.10.230(c), or AS 47.12.100(b)(3) is currently placed; in this paragraph, "agency or  
27 person" includes a foster parent, a relative other than a parent, a person who has  
28 petitioned for adoption of the child, and a residential child care facility;

29 \* Sec. 67. AS 47.10.990 is amended to read:

30 Sec. 47.10.990. DEFINITIONS. In this chapter, unless the context otherwise  
31 requires,

1 (1) "care" or "caring" under AS 47.10.010(a)(1)  
2 [AS 47.10.010(a)(2)(A)], 47.10.120(a), and 47.10.230(c) [,] means to provide for the  
3 physical, emotional, mental, and social needs of the child;

4 (2) "child in need of aid" means a minor found to be within the  
5 jurisdiction of the court under AS 47.10.010(a) [AS 47.10.010(a)(2)];

6 (3) "court" means the superior court of the state;

7 (4) ["CRIME AGAINST A PERSON" MEANS AN OFFENSE SET  
8 OUT IN AS 11.41;

9 (5) "delinquent minor" means a minor found to be within the  
10 jurisdiction of the court under AS 47.12 [AS 47.10.010(a)(1)];

11 (5) [(6)] "department" means the Department of Health and Social  
12 Services;

13 (6) [(7)] "juvenile detention facility" means separate quarters within  
14 a city jail used for the detention of delinquent minors;

15 (7) [(8)] "juvenile detention home" or "detention home" is a separate  
16 establishment, exclusively devoted to the detention of minors on a short-term basis and  
17 not a part of an adult jail;

18 (8) [(9)] "juvenile work camp" means a separate residential  
19 establishment, exclusively devoted to the detention of minors, in which the minors who  
20 are 16 years of age or older and committed to the custody of the department and  
21 placed in the facility may be required to labor on the buildings and grounds or perform  
22 any other work or engage in any activities that do not conflict with regulations adopted  
23 by the Department of Health and Social Services under this chapter for the care,  
24 rehabilitation, education, and discipline of minors in detention;

25 (9) [(10)] "minor" means [IS] a person under 18 years of age;

26 (10) [(11)] "treatment facility" means a hospital, clinic, institution,  
27 center, or other health care facility that has been designated by the department for the  
28 treatment of juveniles [;

29 (12) "VICTIM" HAS THE MEANING GIVEN IN AS 12.55.185].

30 \* Sec. 68. AS 47 is amended by adding a new chapter to read:

31 CHAPTER 12. DELINQUENT MINORS.

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## ARTICLE 1. JUVENILE DELINQUENCY.

Sec. 47.12.010. JURISDICTION. Proceedings relating to a minor under 18 years of age residing or found in the state are governed by this chapter, except as otherwise provided in this chapter, when the minor is alleged to be or may be determined by a court to be a delinquent minor as a result of

(1) violating a criminal law of the state or a municipality of the state;  
or

(2) the minor engaging in conduct that is a noncriminal offense punishable as a violation under AS 47.12.300 - 47.12.320.

Sec. 47.12.015. PROVISIONS INAPPLICABLE. (a) When a minor who was at least 16 years of age at the time of the offense is arraigned on a charge for an offense specified in this subsection, this chapter and the Alaska Delinquency Rules do not apply to the offense for which the minor is arraigned or to any additional offenses joinable to it under the applicable rules of court governing criminal procedure. The minor shall be charged, prosecuted, and sentenced in the superior court in the same manner as an adult unless the minor is convicted of some offense other than an offense specified in this subsection, in which event the minor may attempt to prove, by a preponderance of the evidence, that the minor is amenable to treatment under this chapter. If the court finds that the minor is amenable to treatment under this chapter, the minor shall be treated as though the charges had been heard under this chapter, and the court shall order disposition of the charges of which the minor is convicted under AS 47.12.100(b). The provisions of this subsection apply when the minor is arraigned on a charge

(1) that is an unclassified felony or a class A felony and the felony is a crime against a person; or

(2) of arson in the first degree.

(b) When a minor is accused of violating a statute specified in this subsection, other than a statute the violation of which is a felony, this chapter and the Alaska Delinquency Rules do not apply and the minor accused of the offense shall be charged, prosecuted, and sentenced in the district court in the same manner as an adult; if a minor is charged, prosecuted, and sentenced for an offense under this subsection, the

1 minor's parent, guardian, or legal custodian shall be present at all proceedings; the  
2 provisions of this paragraph apply when a minor is accused of violating

3 (1) a traffic statute or regulation, or a traffic ordinance or regulation of  
4 a municipality;

5 (2) AS 11.76.105, relating to the possession of tobacco by a person  
6 under 19 years of age;

7 (3) a fish and game statute or regulation under AS 16;

8 (4) a parks and recreational facilities statute or regulation under  
9 AS 41.21; and

10 (5) AS 04.16.050, relating to possession, control, or consumption of  
11 alcohol.

12 (c) The provisions of AS 47.12.010 - 47.12.250 and the Alaska Delinquency  
13 Rules do not apply to

14 (1) matters determined under AS 47.12.400 - 47.12.430; and

15 (2) driver's license proceedings under AS 28.15.185; the court shall  
16 impose a driver's license revocation under AS 28.15.185 in the same manner as adult  
17 driver's license revocations, except that a parent or legal guardian shall be present at  
18 all proceedings.

19 Sec. 47.12.020. INVESTIGATION AND PETITION. (a) Whenever  
20 circumstances subject a minor to the jurisdiction of this chapter, the court shall

21 (1) provide, under procedures adopted by court rule, that, for a minor  
22 who is alleged to be a delinquent minor under AS 47.12.010, a state agency shall make  
23 a preliminary inquiry to determine if any action is appropriate and may take  
24 appropriate action to adjust the matter without a court hearing; if, under this paragraph,

25 (A) the state agency makes a preliminary inquiry and takes  
26 appropriate action to adjust the matter without a court hearing, the minor may  
27 not be detained or taken into custody as a condition of the adjustment and,  
28 subject to (d) of this section, the matter shall be closed by the agency if the  
29 minor successfully completes all that is required of the minor by the agency in  
30 the adjustment; in a municipality or municipalities in which a youth court has  
31 been established under AS 47.12.500, adjustment of the matter under this

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paragraph may include referral to the youth court; in a municipality or municipalities in which a community intervention court has been established under AS 47.12.550, adjustment of the matter under this paragraph shall include referral to the community intervention court;

(B) the agency concludes that the matter may not be adjusted of without a court hearing, the agency may file a petition under (2) of this subsection setting out the facts; or

(2) appoint a competent person or agency to make a preliminary inquiry and report for the information of the court to determine whether the interests of the public or of the minor require that further action be taken; if, under this paragraph, the court appoints a person or agency to make a preliminary inquiry and to report to it, then upon the receipt of the report, the court may informally adjust the matter without a hearing, or it may authorize the person having knowledge of the facts of the case to file with the court a petition setting out the facts; if the court informally adjusts the matter, the minor may not be detained or taken into the custody of the court as a condition of the adjustment, and the matter shall be closed by the court upon adjustment.

(b) The petition and all subsequent pleadings shall be styled as follows: "In the matter of . . . . ., a minor under 18 years of age." The petition may be executed upon the petitioner's information and belief, and must be verified. It must include the following information:

- (1) the name, address and occupation of the petitioner, together with the petitioner's relationship to the minor, and the petitioner's interest in the matter;
- (2) the name, age and address of the minor;
- (3) a brief statement of the facts that bring the minor within this chapter;
- (4) the names and addresses of the minor's parents;
- (5) the name and address of the minor's guardian, or of the person having control or custody of the minor.

(c) If the petitioner does not know a fact required in this section, the petitioner shall so state in the petition.

1           Sec. 47.12.030. NOTICE TO AND INVOLVEMENT OF PARENT OR  
2 GUARDIAN. (a) Except as may be otherwise specifically provided, in all cases  
3 under this chapter, the minor, each parent of the minor, and the guardian of the minor  
4 are entitled to notice adequate to give actual notice of the proceedings, taking into  
5 account education and language differences that are known or reasonably ascertainable  
6 by the party giving the notice. The notice must contain all names by which the minor  
7 has been identified.

8           (b) Notice shall be given in the manner appropriate under rules of civil  
9 procedure for the service of process in a civil action under state law or in any manner  
10 the court by order directs. Proof of giving of the notice shall be filed with the court  
11 before the petition is heard or other proceeding commenced.

12           (c) The court may subpoena the parent or guardian of the minor, or any other  
13 person whose testimony may be necessary at the hearing. A subpoena or other process  
14 may be served by a person authorized by law to make the service. If personal service  
15 cannot be made, the court may direct that service of process be in the manner  
16 appropriate under rules of civil procedure for the service of process in a civil action  
17 under state law or in any manner the court directs.

18           (d) In any proceeding under this chapter, the minor's parent or guardian may  
19 be present.

20           Sec. 47.12.040. INFORMAL ACTION BY DEPARTMENT TO ADJUST  
21 MATTER. (a) The provisions of this section apply to a minor who is alleged to be  
22 a delinquent minor under AS 47.12.010 and for whom an agency has, under applicable  
23 court rule, made a preliminary inquiry before taking appropriate action as authorized  
24 by AS 47.12.020(a). Following the preliminary inquiry, unless the agency determines  
25 that the matter should be dismissed, the agency may take informal action to adjust the  
26 matter.

27           (b) When the agency decides that an informal adjustment of a matter should  
28 be made, that informal adjustment may not be made without the agreement or consent  
29 of the minor and the minor's parents or guardians to the terms and conditions of the  
30 adjustment. An informal action to adjust a matter is not successfully completed unless,  
31 among other factors that the agency considers, as to the victim of the act of the minor

1 that is the basis of the delinquency allegation, the minor pays restitution in the amount  
2 set by the agency or agrees as a term or condition set by the agency to pay the  
3 restitution.

4 Sec. 47.12.050. SUMMONS AND CUSTODY OF MINOR. After a petition  
5 is filed and after further investigation that the court directs, if the person having  
6 custody or control of the minor has not appeared voluntarily, the court shall issue a  
7 summons that

8 (1) recites briefly the substance of the petition;

9 (2) directs the person having custody or control of the minor to appear  
10 personally in court with the minor at the place and at the time set forth in the  
11 summons.

12 Sec. 47.12.060. RELEASE OF MINOR. A minor who is taken into custody  
13 may, in the discretion of the court and upon the written promise of the parent,  
14 guardian, or custodian to bring the minor before the court at a time specified by the  
15 court, be released to the care and custody of the parent, guardian, or custodian. The  
16 minor, if not released, shall be detained as provided by AS 47.12.240. The court may  
17 determine whether the father or mother or another person shall have the custody and  
18 control of the minor for the duration of the proceedings. If the minor is of sufficient  
19 age and intelligence to state desires, the court shall give consideration to the minor's  
20 desires.

21 Sec. 47.12.070. APPOINTMENT OF ATTORNEY, GUARDIAN AD LITEM,  
22 OR GUARDIAN. (a) In all proceedings initiated under a petition for delinquency, a  
23 minor shall have the right to be represented by counsel and, if indigent, have counsel  
24 appointed by the court. The court shall appoint counsel in such cases unless it makes  
25 a finding on the record that the minor has made a voluntary, knowing, and intelligent  
26 waiver of the right to counsel and a parent or guardian with whom the minor resides  
27 or resided before the filing of the petition concurs with the waiver. In cases in which  
28 it has been alleged that the minor has committed an act that would be a felony if  
29 committed by an adult, waiver of counsel may not be accepted unless the court is  
30 satisfied that the minor has consulted with an attorney before the waiver of counsel.

31 (b) Whenever in the course of proceedings instituted under this chapter it

1 appears to the court that the welfare of a minor will be promoted by the appointment  
2 of an attorney to represent the minor or an attorney or other person to serve as  
3 guardian ad litem, the court may make the appointment. Appointment of a guardian  
4 ad litem or attorney shall be made under the terms of AS 25.24.310.

5 (c) In a controversy concerning custody of a minor under this chapter,

6 (1) the court may appoint a guardian of the person and property of a  
7 minor and may order support from either or both parents;

8 (2) custody of the minor may be given to the department, and payment  
9 of support money to the department may be ordered.

10 Sec. 47.12.080. WAIVER OF JURISDICTION. (a) If the court finds at a  
11 hearing on a petition that there is probable cause for believing that a minor is  
12 delinquent and finds that the minor is not amenable to treatment under this chapter, it  
13 shall order the case closed. After a case is closed under this subsection, the minor  
14 may be prosecuted as an adult.

15 (b) A minor is unamenable to treatment under this chapter if the minor  
16 probably cannot be rehabilitated by treatment under this chapter before reaching 20  
17 years of age. In determining whether a minor is unamenable to treatment, the court  
18 may consider the seriousness of the offense the minor is alleged to have committed,  
19 the minor's history of delinquency, the probable cause of the minor's delinquent  
20 behavior, and the facilities available to the department for treating the minor.

21 (c) For purposes of making a determination under this section,

22 (1) the standard of proof is by a preponderance of the evidence; and

23 (2) the burden of proof that a minor is not amenable to treatment under  
24 this chapter is on the state; however, if the petition filed under AS 47.12.020 seeking  
25 to have the court declare a minor a delinquent is based on the minor's alleged  
26 commission of an offense that is an unclassified felony or class A felony and that is  
27 a crime against a person, the minor

28 (A) is rebuttably presumed not to be amenable to treatment  
29 under this chapter; and

30 (B) has the burden of proof of showing that the minor is  
31 amenable to treatment under this chapter.

1           Sec. 47.12.090. HEARINGS. (a) The court may conduct the hearing on the  
2 petition in an informal manner in the courtroom or in chambers. The court shall give  
3 notice of the hearing to the department and it may send a representative to the hearing.  
4 The court shall also transmit a copy of the petition to the department. The  
5 representative of the department may also be heard at the hearing. The public shall  
6 be excluded from the hearing, but the court, in its discretion, may permit individuals  
7 to attend a hearing, if their attendance is compatible with the best interests of the  
8 minor. Nothing in this section may be applied in such a way as to deny a minor's  
9 rights to a public trial and to a trial by jury.

10           (b) Notwithstanding (a) of this section, the victim of an offense that a minor  
11 is alleged to have committed, or the designee of the victim, has a right to be present  
12 at all hearings held under this section. If the minor is found to have committed the  
13 offense, the victim may at the disposition hearing give sworn testimony or make an  
14 unsworn oral presentation concerning the offense and its effect on the victim. If there  
15 are numerous victims of a minor's offense, the court may limit the number of victims  
16 who may give sworn testimony or make an unsworn oral presentation, but the court  
17 may not limit the right of a victim to attend a hearing.

18           (c) Unless the minor objects, the court may select a young adult advisory panel  
19 to hear the case and advise the court of a recommended judgment and order. The  
20 court may consider any of the panel recommendations in making its judgment and  
21 order in the case. For purposes of this subsection,

22           (1) the principal of each high school shall submit annually to the court  
23 a list of the students enrolled in grades 10, 11, and 12, and the court shall determine  
24 the method of selecting the members of each panel; and

25           (2) a student

26                   (A) shall be excused from attending school while serving as a  
27 panel member;

28                   (B) may not serve more than once each year on a panel; and

29                   (C) shall be excused from service as a panel member if the  
30 student submits a written request to the court indicating the reason for not  
31 wishing to serve.

1           Sec. 47.12.100. JUDGMENTS AND ORDERS. (a) The court, at the  
2 conclusion of the hearing, or thereafter as the circumstances of the case may require,  
3 shall find and enter a judgment that the minor is or is not delinquent.

4           (b) If the court finds that the minor is delinquent, it shall

5           (1) order the minor committed to the department for a period of time  
6 not to exceed four years or in any event extend past the day the minor becomes 19  
7 years of age, except that the department may petition for and the court may grant in  
8 a hearing (A) four-year extensions of commitment that do not extend beyond the  
9 minor's 19th birthday if the extension is in the best interests of the minor and the  
10 public; and (B) an additional one-year period of supervision past age 19 if continued  
11 supervision is in the best interests of the person and the person consents to it; the  
12 department shall place the minor in the juvenile facility that the department considers  
13 appropriate and that may include a juvenile correctional school, juvenile work camp,  
14 treatment facility, detention home, or detention facility; the minor may be released  
15 from placement or detention and placed on probation on order of the court and may  
16 also be released by the department, in its discretion, under AS 47.10.200;

17           (2) order the minor placed on probation, to be supervised by the  
18 department, and released to the minor's parents, guardian, or a suitable person; if the  
19 court orders the minor placed on probation, it may specify the terms and conditions  
20 of probation; the probation may be for a period of time not to exceed four years and  
21 in no event to extend past the day the minor becomes 19 years of age, except that the  
22 department may petition for and the court may grant in a hearing

23           (A) four-year extensions of supervision that do not extend  
24 beyond the minor's 19th birthday if the extension is in the best interests of the  
25 minor and the public; and

26           (B) an additional one-year period of supervision past age 19 if  
27 the continued supervision is in the best interests of the person and the person  
28 consents to it;

29           (3) order the minor committed to the department and placed on  
30 probation, to be supervised by the department, and released to the minor's parents,  
31 guardian, other suitable person, or suitable nondetention setting such as a family home,

1 group care facility, or child care facility, whichever the department considers  
2 appropriate to implement the treatment plan of the predisposition report; if the court  
3 orders the minor placed on probation, it may specify the terms and conditions of  
4 probation; the department may transfer the minor, in the minor's best interests, from  
5 one of the probationary placement settings listed in this paragraph to another, and the  
6 minor, the minor's parents or guardian, and the minor's attorney are entitled to  
7 reasonable notice of the transfer; the probation may be for a period of time not to  
8 exceed four years and in no event to extend past the day the minor becomes 19 years  
9 of age, except that the department may petition for and the court may grant in a  
10 hearing

11 (A) four-year extensions of commitment that do not extend  
12 beyond the minor's 19th birthday if the extension is in the best interests of the  
13 minor and the public; and

14 (B) an additional one-year period of supervision past age 19 if  
15 the continued supervision is in the best interests of the person and the person  
16 consents to it;

17 (4) order the minor to make suitable restitution in lieu of or in addition  
18 to the court's order under (1), (2), or (3) of this subsection; the court may not refuse  
19 to make an order of restitution under this paragraph to benefit the victim of the act of  
20 the minor that is the basis of the delinquency adjudication;

21 (5) order the minor committed to the department for placement in an  
22 adventure based education program established under AS 47.21.020 with conditions  
23 the court considers appropriate concerning release upon satisfactory completion of the  
24 program or commitment under (1) of this subsection if the program is not satisfactorily  
25 completed; or

26 (6) in addition to an order under (1) - (5) of this subsection, if the  
27 delinquency finding is based on the minor's violation of AS 11.71.030(a)(3) or  
28 11.71.040(a)(4), order the minor to perform 50 hours of community service; for  
29 purposes of this paragraph, "community service" includes work

30 (A) on a project identified in AS 33.30.901; or

31 (B) that, on the recommendation of the city council or

1 traditional village council, would benefit persons within the city or village who  
2 are elderly or disabled.

3 (c) If the court finds that the minor is not delinquent, it shall immediately  
4 order the minor released from the department's custody and returned to the minor's  
5 parents, guardian, or custodian, and dismiss the case.

6 (d) A minor found to be delinquent is a ward of the state while committed to  
7 the department or the department has the power to supervise the minor's actions. The  
8 court shall review an order made under (b) of this section annually, and may review  
9 the order more frequently to determine if continued placement, probation, or  
10 supervision, as it is being provided, is in the best interest of the minor and the public.  
11 If annual review under this subsection would arise within 90 days of the hearing  
12 required under this section, the court may postpone review under this subsection until  
13 the time set for the hearing. The department, the minor, the minor's parents, guardian,  
14 or custodian are entitled, when good cause is shown, to a review on application. If the  
15 application is granted, the court shall afford these parties and their counsel reasonable  
16 notice in advance of the review and hold a hearing where these parties and their  
17 counsel shall be afforded an opportunity to be heard. The minor shall be afforded the  
18 opportunity to be present at the review.

19 (e) The department shall pay all court costs incurred in all proceedings in  
20 connection with the adjudication of delinquency under this chapter, including hearings  
21 that result in the release of the minor.

22 (f) A minor, the minor's parents or guardian acting on the minor's behalf, or  
23 the department may appeal a judgment or order, or the stay, modification, setting aside,  
24 revocation, or enlargement of a judgment or order issued by the court under this  
25 chapter.

26 (g) Within 18 months after the date a minor is committed to the custody of the  
27 department under (b)(3) of this section, the court shall hold a hearing to review the  
28 placement and services provided and to determine the future status of the minor. The  
29 court shall make appropriate written findings, including findings related to the  
30 following:

31 (1) whether the minor should be returned to the parent;

1 (2) whether the minor should remain in out-of-home care for a  
2 specified period;

3 (3) whether the minor should remain in out-of-home care on a  
4 permanent or long-term basis because of special needs or circumstances;

5 (4) whether the minor should be placed for adoption or legal  
6 guardianship.

7 (h) Within 60 days after the date a minor is removed from the minor's home  
8 by the department, the department shall notify the appropriate local citizen out-of-home  
9 care review panel established under AS 47.10.420.

10 (i) For a minor committed under (b)(1) - (3) of this section on the basis of the  
11 minor's commission of a sex offense, as that term is defined by AS 12.63.100, the  
12 court shall, after giving notice to the minor, the minor's parent, guardian, or custodian,  
13 and the department and its counsel, hold a hearing to determine whether the minor has  
14 completed all requirements of the recommended plan of treatment set out in the  
15 predisposition hearing report. The court shall hold the hearing not less than 30 days  
16 nor more than 60 days before the date that supervision of the minor is scheduled to  
17 terminate. If, by a preponderance of the evidence, the court finds that the minor has  
18 failed to participate in the recommended plan of treatment set out in the predisposition  
19 report or has not completed all requirements of the recommended plan of treatment set  
20 out in the predisposition report, the court may require the minor to register as a sex  
21 offender under AS 12.63.010 - 12.63.100.

22 Sec. 47.12.110. PREDISPOSITION HEARING REPORTS. (a) Before the  
23 disposition hearing of a delinquent minor, the department shall submit a predisposition  
24 report with a recommended plan of treatment to aid the court in its selection of a  
25 disposition, a victim impact statement reporting the information set out in  
26 AS 12.55.022, and any further information that the court may request. In preparing  
27 the predisposition report, the department shall contact the victim of the minor's offense.

28 (b) The court shall inform the minor, the minor's parents, and the attorneys  
29 representing the parties and the guardian ad litem that the predisposition report will be  
30 available to them not less than 10 days before the disposition hearing.

31 (c) In this section, "parents" means the natural or adoptive parents, and any

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legal guardian, relative, or other adult person with whom the minor has resided and who has acted as a parent in providing for the minor for a continuous period of time before this action.

Sec. 47.12.120. COURT DISPOSITIONAL ORDER; BEST INTERESTS OF MINOR AND OTHER CONSIDERATIONS. (a) In making its dispositional order under AS 47.12.100(b)(1) - (3) and (5), the court shall

- (1) consider
  - (A) the best interests of the minor and the public; and
  - (B) the ability of the state to take custody and to care for the minor to protect the minor's best interests under this chapter;
- (2) consider that the minor's continued delinquent behavior is a danger to the minor; and
- (3) order the least restrictive alternative disposition for the minor.

(b) For purposes of (a)(3) of this section,

- (1) the "least restrictive alternative disposition" means that disposition that is no more restrictive than is, in the judgment of the court, most conducive to the minor's rehabilitation; and
- (2) in making its dispositional order, in addition to the elements of (a)(1) and (2) of this section, the court shall consider
  - (A) the seriousness of the minor's delinquent act;
  - (B) the minor's culpability as indicated by the circumstances of the particular case;
  - (C) the age of the minor;
  - (D) the minor's prior criminal or juvenile record;
  - (E) the ability of the minor's parent, guardian, or custodian to control and supervise the minor;
  - (F) the success or failure of the minor's previous dispositions or placements; and
  - (G) detention is an appropriate consequence for a minor.

Sec. 47.12.130. LEGAL CUSTODY, GUARDIANSHIP, AND RESIDUAL PARENTAL RIGHTS AND RESPONSIBILITIES. (a) When a minor is committed

1 under AS 47.12.100(b)(1) or (b)(3) to the department or released under  
2 AS 47.12.100(b)(2) to the minor's parents, guardian, or other suitable person, a  
3 relationship of legal custody exists. This relationship imposes on the department and  
4 its authorized agents or the parents, guardian, or other suitable person the responsibility  
5 of physical care and control of the minor, the determination of where and with whom  
6 the minor shall live, the right and duty to protect, train, and discipline the minor, and  
7 the duty of providing the minor with food, shelter, education, and medical care. These  
8 obligations are subject to any residual parental rights and responsibilities and rights and  
9 responsibilities of a guardian if one has been appointed. When a minor is committed  
10 to the department and the department places the minor with the minor's parent, the  
11 parent has the responsibility to provide and pay for food, shelter, education, and  
12 medical care for the minor. When parental rights have been terminated, or there are  
13 no living parents and a guardian has not been appointed, the responsibilities of legal  
14 custody include those in (b) and (c) of this section. The department or person having  
15 legal custody of the minor may delegate any of the responsibilities under this section,  
16 except authority to consent to marriage, adoption, and military enlistment may not be  
17 delegated. For purposes of this chapter, a person in charge of a placement setting is  
18 an agent of the department.

19 (b) When a guardian is appointed for the minor, the court shall specify in its  
20 order the rights and responsibilities of the guardian. The guardian may be removed  
21 only by court order. The rights and responsibilities may include, but are not limited  
22 to, having the right and responsibility of reasonable visitation, consenting to marriage,  
23 consenting to military enlistment, consenting to major medical treatment, obtaining  
24 representation for the minor in legal actions, and making decisions of legal or financial  
25 significance concerning the minor.

26 (c) When there has been transfer of legal custody or appointment of a guardian  
27 and parental rights have not been terminated by court decree, the parents shall have  
28 residual rights and responsibilities. These residual rights and responsibilities of the  
29 parent include the right and responsibility of reasonable visitation, consent to adoption,  
30 consent to marriage, consent to military enlistment, consent to major medical treatment  
31 except in cases of emergency or cases falling under AS 25.20.025, and the

1 responsibility for support, except if by court order any residual right and responsibility  
2 has been delegated to a guardian under (b) of this section.

3 Sec. 47.12.140. RETENTION OF JURISDICTION OVER MINOR. (a) The  
4 court retains jurisdiction over the case and may at any time stay execution, modify, set  
5 aside, revoke, or enlarge a judgment or order, or grant a new hearing, in the exercise  
6 of its power of protection over the minor and for the minor's best interest, for a period  
7 of time not to exceed the maximum period otherwise permitted by law or in any event  
8 extend past the day the minor becomes 19, unless sooner discharged by the court,  
9 except that the department may apply for and the court may grant an additional one-  
10 year period of supervision past age 19 if continued supervision is in the best interests  
11 of the person and the person consents to it. An applicatio.. for any of these purposes  
12 may be made by the parent, guardian, or custodian acting in behalf of the minor, or  
13 the court may, on its own motion, and after reasonable notice to interested parties and  
14 the appropriate department, take action that it considers appropriate.

15 (b) If the court determines at a rehearing that it is for the best interests of the  
16 minor to be released to the care or custody of the minor's parent, guardian, or  
17 custodian, it may enter an order to that effect and the minor is discharged from the  
18 control of the department.

19 (c) If a minor is adjudicated a delinquent before the minor's 18th birthday, the  
20 court may retain jurisdiction over the minor after the minor's 18th birthday for the  
21 purpose of supervising the minor's rehabilitation, but the court's jurisdiction over the  
22 minor under this chapter never extends beyond the minor's 19th birthday, except that  
23 the department may apply for and the court may grant an additional one-year period  
24 of supervision past age 19 if continued supervision is in the best interests of the person  
25 and the person consents to it. The department may retain jurisdiction over the person  
26 between the person's 18th and 19th birthdays for the purpose of supervising the  
27 person's rehabilitation, if the person has been placed under the supervision of the  
28 department before the person's 18th birthday, except that the department may apply for  
29 and the court may grant an additional one-year period of supervision past age 19 if  
30 continued supervision is in the best interests of the person and the person consents to  
31 it.

1           Sec. 47.12.150. ENFORCEMENT OF RESTITUTION. When restitution is  
2 ordered under AS 47.12.100(b)(4), the restitution recipient may enforce payment of the  
3 restitution order against the minor under AS 09.35 as if the order were a civil  
4 judgment enforceable by execution. This section does not limit the authority of the  
5 court to enforce orders of restitution to victims.

6           Sec. 47.12.160. EFFECT OF ADJUDICATION. (a) Except as provided by  
7 AS 12.63.010 - 12.63.100 and AS 47.12.150, an adjudication under this chapter upon  
8 the status of a minor

9                   (1) may not operate to impose any of the civil disabilities ordinarily  
10 imposed by conviction upon a criminal charge;

11                   (2) does not operate to require that a minor afterward be considered a  
12 criminal by the adjudication; and

13                   (3) does not operate to require that the adjudication be afterward  
14 deemed a conviction, nor may a minor be charged with or convicted of a crime in a  
15 court, except as provided in this chapter.

16                   (b) The commitment and placement of a minor and evidence given in the court  
17 are not admissible as evidence against the minor in a subsequent case or proceedings  
18 in any other court, nor does the commitment and placement or evidence operate to  
19 disqualify a minor in a future civil service examination or appointment in the state.

20           Sec. 47.12.170. COURT RECORDS. (a) The court shall make and keep  
21 records of all cases brought before it.

22                   (b) The court shall forward a record of adjudication of a violation of an  
23 offense listed in AS 28.15.185(a) to the Department of Public Safety if the court  
24 imposes a license revocation under AS 28.15.185.

25                   (c) The name or picture of a minor under the jurisdiction of the court may not  
26 be made public in connection with the minor's status as a delinquent unless authorized  
27 by order of the court.

28                   (d) Within 30 days of the date of a minor's 18th birthday or, if the court  
29 retains jurisdiction of a minor past the minor's 18th birthday, within 30 days of the  
30 date on which the court releases jurisdiction over the minor, the court shall order all  
31 the court's official records pertaining to that minor in a proceeding under this chapter

1 sealed, as well as records of all driver's license proceedings under AS 28.15.185,  
2 criminal proceedings against the minor, and punishments assessed against the minor.  
3 A person may not use these sealed records for any purpose except that the court may  
4 order their use for good cause shown or may order their use by an officer of the court  
5 in making a presentencing report for the court. The provisions of this subsection  
6 relating to the sealing of records do not apply to records of traffic offenses.

7 (e) The court's official records under this chapter may be inspected only with  
8 the court's permission and only by persons having a legitimate interest in them. A  
9 person with a legitimate interest in the inspection of an official record maintained by  
10 the court includes a victim who suffered physical injury or whose real or personal  
11 property was damaged as a result of an offense that was the basis of an adjudication  
12 or modification of disposition. If the victim knows the identity of the minor, identifies  
13 the minor or the offense to the court, and certifies that the information is being sought  
14 to consider or support a civil action against the minor or against the minor's parents  
15 or guardians under AS 34.50.020, the court shall, subject to AS 12.61.110 and  
16 12.61.140, allow the victim to inspect and use the following records and information  
17 in connection with the civil action:

18 (1) a petition filed under AS 47.12.020(a)(2) seeking to have the court  
19 declare the minor a delinquent;

20 (2) a petition filed under AS 47.12.100 seeking to have the court  
21 modify or revoke the minor's probation;

22 (3) a petition filed under AS 47.12.080 requesting the court to find that  
23 a minor is not amenable to treatment under this chapter and that results in closure of  
24 a case under AS 47.12.080(a); and

25 (4) a court judgment or order entered under this chapter that disposes  
26 of a petition identified in (1) - (3) of this subsection.

27 (f) A person who has been tried as an adult under AS 47.12.080, or the  
28 department on the person's behalf, may petition the superior court to seal the records  
29 of all criminal proceedings, except traffic offenses, initiated against the person, and all  
30 punishments assessed against the person, while the person was a minor. A petition  
31 under this subsection may not be filed until five years after the completion of the

1 sentence imposed for the offense for which the person was tried as an adult. If the  
2 superior court finds that the punishment assessed against the person has had its  
3 intended rehabilitative effect and further finds that the person has fulfilled all orders  
4 of the court entered under AS 47.12.100, the superior court shall order the record of  
5 proceedings and the record of punishments sealed. Sealing the records restores civil  
6 rights removed because of a conviction. A person may not use these sealed records  
7 for any purpose except that the court may order their use for good cause shown or may  
8 order their use by an officer of the court in making a presentencing report for the  
9 court. The court may not, under this subsection, seal records of a criminal proceeding

10 (1) initiated against a person if the court finds that the person has not  
11 complied with a court order made under AS 47.12.100; or

12 (2) commenced under AS 47.12.015(a) unless the minor has been  
13 acquitted of all offenses with which the minor was charged or unless the most serious  
14 offense of which the minor was convicted was not an offense specified in  
15 AS 47.10.015(a).

16 Sec. 47.12.180. AGENCY RECORDS. (a) Except as specified in  
17 AS 47.12.190 and (b) - (g) of this section, all information and social records pertaining  
18 to a minor who is subject to this chapter or AS 47.17 prepared by or in the possession  
19 of a federal, state, or municipal agency or employee in the discharge of the agency's  
20 or employee's official duty, including a person's license actions under AS 28.15.185, are  
21 privileged and may not be disclosed directly or indirectly to anyone without a court  
22 order.

23 (b) A state or municipal agency or employee may disclose information  
24 regarding a case to

25 (1) a guardian ad litem appointed by the court or to a citizen review  
26 panel for permanency planning authorized by AS 47.10.400 or 47.10.420;

27 (2) a person or an agency requested to provide consultation or services  
28 for a minor who is subject to the jurisdiction of the court under this chapter;

29 (3) school officials as may be necessary to protect the safety of school  
30 students and staff;

31 (4) a governmental agency as may be necessary to obtain that agency's

1 assistance for the department in its investigation or to obtain physical custody of a  
2 minor;

3 (5) a state or municipal law enforcement agency as may be necessary  
4 for a specific investigation being conducted by that agency or for disclosures by that  
5 agency to protect the public safety; and

6 (6) a victim as may be necessary to inform the victim about the  
7 disposition or resolution of a case involving a minor.

8 (c) A state or municipal law enforcement agency

9 (1) shall disclose information regarding a case that is needed by the  
10 person or agency charged with making a preliminary investigation for the information  
11 of the court under this chapter;

12 (2) may disclose to the public information regarding a criminal offense  
13 in which a minor is a suspect, victim, or witness if the minor is not identified by the  
14 disclosure;

15 (3) may disclose to school officials information regarding a case as may  
16 be necessary to protect the safety of school students and staff;

17 (4) may disclose to the public information regarding a case as may be  
18 necessary to protect the safety of the public; and

19 (5) may disclose to a victim information, including copies of reports,  
20 as necessary for civil litigation or insurance claims pursued by or against the victim.

21 (d) Upon request of a victim, the department shall make every reasonable  
22 effort to notify the victim as soon as practicable in writing when a delinquent minor  
23 is to be released from placement in a juvenile facility under AS 47.12.100(b)(1). The  
24 notice under this subsection must include the expected date of the delinquent minor's  
25 release, the geographic area in which the delinquent minor is required to reside, and  
26 other pertinent information concerning the delinquent minor's conditions of release that  
27 may affect the victim.

28 (e) A person may authorize the department to release information to the  
29 military or to a prospective employer about the existence of a delinquency adjudication  
30 against that person under this chapter and the offense on which it was based.

31 (f) The department may release to a person with a legitimate interest

1 information relating to minors not subject to the jurisdiction of the court under this  
2 chapter. The department shall adopt regulations governing the release of information  
3 and identifying a sufficient legitimate interest.

4 (g) The department and affected law enforcement agencies shall work with  
5 school districts and private schools to develop procedures for the disclosure of  
6 information to school officials under (b)(3) and (c)(3) of this section. The procedures  
7 must provide a method for informing the principal or the principal's designee of the  
8 school the student attends as soon as it is reasonably practicable.

9 (h) Notwithstanding (c)(3) of this section, a state or municipal law enforcement  
10 agency is not required to notify the appropriate school official of a school district or  
11 school under (c) of this section if the agency determines that notice would jeopardize  
12 an ongoing investigation.

13 (i) In this section, "school" means a public or private elementary or secondary  
14 school.

15 (j) A person who discloses confidential information in violation of this section  
16 is guilty of a class B misdemeanor.

17 Sec. 47.12.190. PARENTAL RIGHT TO DISCLOSE INFORMATION. (a)  
18 Notwithstanding AS 47.12.170 and 47.12.180, a parent or legal guardian of a minor  
19 subject to a proceeding under this chapter may disclose confidential or privileged  
20 information about the minor, including information that has been lawfully obtained  
21 from agency or court files, to the governor, the lieutenant governor, a legislator, the  
22 ombudsman appointed under AS 24.55, the attorney general, and the commissioners  
23 of health and social services, administration, or public safety, or an employee of these  
24 persons, for review or use in their official capacities. A person to whom disclosure  
25 is made under this section may not disclose confidential or privileged information  
26 about the minor to a person not authorized to receive it.

27 (b) The disclosure right under (a) of this section is in addition to, and not in  
28 derogation of, the rights of a parent or legal guardian of a minor.

29 (c) A person who violates a provision of this section is guilty of a  
30 misdemeanor and upon conviction is punishable for the violation in the manner  
31 authorized under AS 12.55 for a class B misdemeanor.

1           Sec. 47.12.200. ARREST OF A MINOR. The arrest of a minor other than for  
2 a traffic offense is not considered an arrest for any purpose except for the purpose of  
3 the disposition of a proceeding arising out of that arrest.

4           Sec. 47.12.210. FINGERPRINTING OF MINORS. (a) A peace officer may  
5 fingerprint a minor under the same circumstances as an adult may be fingerprinted.

6           (b) Fingerprint records taken under this section are not subject to  
7 AS 47.12.180.

8           Sec. 47.12.220. APPOINTMENT OF GUARDIAN OR CUSTODIAN. When,  
9 in the course of a proceeding under this chapter, it appears to the court that the welfare  
10 of a minor will be promoted by the appointment of a guardian or custodian of the  
11 minor's person, the court may make the appointment. The court shall have a summons  
12 issued and served upon the parents of the minor, if they can be found, in a manner and  
13 within a time before the hearing that the court considers reasonable. The court may  
14 determine whether the father, mother, or the department shall have the custody and  
15 control of the minor. If the minor is of sufficient age and intelligence to state desires,  
16 the court shall consider them.

17           Sec. 47.12.230. SUPPORT OF MINOR. (a) When a delinquent minor is  
18 committed under this chapter, the court shall, after giving the parent or legal guardian  
19 a reasonable opportunity to be heard, adjudge that the parent or guardian pay to the  
20 department in a manner that the court directs a sum to cover in full or in part the  
21 maintenance and care of the minor. Unless the support obligation is calculated under  
22 Rule 90.3(i) of the Alaska Rules of Civil Procedure, the sum required to be paid must  
23 be based on the fee schedules adopted under AS 44.29.022.

24           (b) If a parent wilfully fails or refuses to pay the sum fixed, the parent may  
25 be proceeded against as provided by law in cases of family desertion and nonsupport.

26           (c) The sum collected from a parent under this section shall be directly  
27 credited to the general fund of the state.

28           Sec. 47.12.240. DETENTION. (a) A minor may not be incarcerated in a  
29 correctional facility that houses adult prisoners.

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

1 reasonable attempts to notify the minor's parent, guardian, or custodian of the minor's  
2 detention.

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

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

9 (A) six hours; or

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

12 (2) if, in response to a petition of delinquency filed under this chapter,  
13 the court has entered an order closing the case under AS 47.12.080(a), allowing the  
14 minor to be prosecuted as an adult; or

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

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

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

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

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

31 (1) documents the reason that transportation of the minor to a juvenile

1 detention home or comparable facility is not available; and

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

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

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

9 (h) In this section,

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

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

13 **Sec. 47.12.250. TEMPORARY DETENTION AND DETENTION HEARING.**

14 (a) A peace officer may arrest a minor who violates a law or ordinance in the peace  
15 officer's presence, or whom the peace officer reasonably believes is a fugitive from  
16 justice. A peace officer may continue a lawful arrest made by a citizen. The peace  
17 officer may have the minor detained in a juvenile detention facility if in the opinion  
18 of the peace officer making or continuing the arrest it is necessary to do so to protect  
19 the minor or the community. A person having responsibility for the juvenile detention  
20 facility may not unreasonably refuse to detain the minor in the juvenile detention  
21 facility at the request of the peace officer making or continuing the arrest.

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

27 (c) The court shall immediately, and in no event more than 48 hours later, hold  
28 a hearing at which the minor and the minor's parents or guardian if they can be found  
29 shall be present. The court shall determine whether probable cause exists for believing  
30 the minor to be delinquent. The court shall inform the minor of the reasons alleged  
31 to constitute probable cause and the reasons alleged to authorize the minor's detention.

1 The minor is entitled to counsel and to confrontation of adverse witnesses.

2 (d) If the court finds that probable cause exists, it shall determine whether the  
3 minor should be detained pending the hearing on the petition or released. It may  
4 either order the minor held in detention or released to the custody of a suitable person  
5 pending the hearing on the petition. If the court finds no probable cause, it shall order  
6 the minor released and close the case.

7 (e) Except for temporary detention pending a detention hearing, a minor may  
8 be detained only by court order.

9 ARTICLE 2. NONCRIMINAL OFFENSES.

10 Sec. 47.12.300. EVADING LEGAL CUSTODY. (a) A person under 18 years  
11 of age for whom the disabilities of minority have not been removed for general  
12 purposes under AS 09.55.590 and who has not arrived at the age of majority under  
13 AS 25.20.020 may not, without the consent of the person's parent or guardian,

14 (1) leave and be absent from the custody of the person's parent or  
15 guardian; or

16 (2) refuse to accept available care provided by the person's parent or  
17 guardian.

18 (b) Evading legal custody under this section is a violation punishable under  
19 AS 47.12.400 - 47.12.430.

20 Sec. 47.12.310. EVADING PLACEMENT. (a) A person under 18 years of  
21 age for whom the disabilities of minority have not been removed for general purposes  
22 under AS 09.55.590 and who has not arrived at the age of majority under  
23 AS 25.20.020 may not, while placed under a statute specified in this subsection other  
24 than in circumstances that constitute official detention, refuse to accept available care  
25 by leaving the placement without prior permission of the person's caretaker; the  
26 provisions of this subsection apply to a person

27 (1) held in protective custody under AS 47.10.141(b) or in emergency  
28 protective custody under AS 47.10.141(c); or

29 (2) taken into emergency custody under AS 47.10.142.

30 (b) Evading placement under this section is a violation punishable under  
31 AS 47.12.400 - 47.12.430.

1           Sec. 47.12.320. CURFEW. (a) A person under 18 years of age for whom the  
2 disabilities of minority have not been removed for general purposes under  
3 AS 09.55.590 and who has not arrived at the age of majority under AS 25.20.020 may  
4 not be in a place of amusement or entertainment or in a public place in the state, either  
5 on foot or in a propelled vehicle, between the hours of 11:00 p.m. and 5:00 a.m. of the  
6 following day.

7           (b) It is an affirmative defense to a violation under this section that the person  
8 was

9                     (1) accompanied by the person's parent or guardian;

10                    (2) on an errand at the written direction of the person's parent or  
11 guardian, without detour or stop;

12                    (3) involved in an emergency;

13                    (4) engaged in an employment activity, or going to or returning from  
14 an employment activity, without detour or stop;

15                    (5) attending, going to, or returning home from, without detour or stop,  
16 a school, religious, or other recreational activity supervised by adults and sponsored  
17 by a municipality, school district, civic organization, or another similar entity that takes  
18 responsibility for the minor;

19                    (6) returning from a place of public entertainment, such as a movie,  
20 play, or sporting event, without detour or stop; or

21                    (7) in a place of amusement or entertainment or in a public place, if  
22 the place of amusement or entertainment or public place is in a municipality that has  
23 adopted an ordinance establishing a curfew and the person's presence does not  
24 constitute a violation of the municipality's curfew ordinance.

25           (c) Curfew violation under this section is a violation punishable under  
26 AS 47.12.400 - 47.12.430.

### 27           ARTICLE 3. COMMUNITY SERVICE CITATIONS.

28           Sec. 47.12.400. COMMUNITY SERVICE CITATIONS. A peace officer may  
29 issue a citation under AS 12.25.180 to a minor, except that the citation shall be for an  
30 amount of community service as set out in AS 47.12.430.

31           Sec. 47.12.410. ISSUANCE OF COMMUNITY SERVICE CITATION. (a)

1 A community service citation must indicate the number of hours of community service  
2 applicable to the offense, the procedure a minor must follow in responding to the  
3 citation, and a statement that, if the minor fails to successfully complete the  
4 community service requirement, the minor must appear in court.

5 (b) The minor to whom a citation is issued shall sign at least one copy of the  
6 written citation prepared by the peace officer, and the officer shall deliver a copy of  
7 the citation to the minor.

8 Sec. 47.12.420. ACTION ON COMMUNITY SERVICE CITATION. (a) A  
9 minor who receives a citation for which community service must be performed may  
10 mail or personally deliver to the clerk of the court with appropriate jurisdiction, or to  
11 the clerk of the municipality that issued the citation, the affidavit of completion of the  
12 service, signed by the minor's parent or guardian, the minor, and the community  
13 service administrator not later than 30 days after receiving the citation.

14 (b) When proof of performance of community service has been filed with the  
15 court or municipality, a judgment shall be entered. Filing proof of performance of  
16 community service is a complete satisfaction for the violation. The clerk of the court  
17 or clerk of the municipality accepting the form indicating proof of performance of  
18 community service shall provide the minor with a receipt stating that fact, if requested.

19 (c) A citation issued under AS 47.12.410 shall be considered a summons for  
20 a misdemeanor if a minor is cited for an offense for which community service must  
21 be performed and the minor

22 (1) fails to appear in court to answer the citation; or

23 (2) fails to successfully complete the community service requirement  
24 within the time allowed by (a) of this section.

25 (d) If a minor cited for an offense for which community service must be  
26 performed appears in court in response to the summons and is found guilty, the penalty  
27 imposed for the offense may not exceed the value of the number of hours of  
28 community service required to be performed for the offense, as applicable.

29 (e) The court shall sentence a minor convicted under (c) of this section by a  
30 fine of not more than \$300. However, the court may suspend the imposition of a fine  
31 when the minor presents to the court a plan in which the minor's parent, guardian, or

1 older family member agrees to supervise the minor's performance of community  
2 service. This plan must include the location, task to be accomplished, and time needed  
3 to accomplish the proposed task. The court shall calculate the number of hours of  
4 community service under AS 12.55.055(c).

5 Sec. 47.12.430. SCHEDULE. For the purposes of AS 47.12.400 - 47.12.420,  
6 the required number of hours of community service for an offense or for noncriminal  
7 conduct for which community service is authorized is as follows:

8 (1) concealment of merchandise under AS 11.46.220

9 (A) first citation -- 10 hours;

10 (B) second citation -- 15 hours;

11 (C) third and subsequent citations -- 25 hours each;

12 (2) criminal mischief in the third degree under AS 11.46.484(a)(1) or

13 (4) - (7)

14 (A) first citation -- 20 hours;

15 (B) second citation -- 25 hours;

16 (C) third and subsequent citations -- 50 hours each;

17 (3) criminal mischief in the fourth degree under AS 11.46.486

18 (A) first citation -- 15 hours;

19 (B) second citation -- 20 hours;

20 (C) third and subsequent citations -- 35 hours each;

21 (4) disorderly conduct under AS 11.61.110

22 (A) first citation -- 10 hours;

23 (B) second citation -- 15 hours;

24 (C) third and subsequent citations -- 25 hours each;

25 (5) evading legal custody under AS 47.12.300 or evading placement  
26 under AS 47.12.310

27 (A) first citation -- 4 hours;

28 (B) second citation -- 6 hours;

29 (C) third and subsequent citations -- 10 hours each;

30 (6) violation of AS 47.12.320 or an ordinance of a municipality that  
31 establishes a curfew

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(A) first citation -- 6 hours;

(B) second citation -- 10 hours;

(C) third and subsequent citations -- 16 hours each;

(7) violation of a municipal ordinance for which the municipality authorizes use of community service citations -- the number of hours of service required by the municipal ordinance;

(8) the commission of a violation or infraction other than conduct described in (1) - (6) of this section that is punishable as a violation or infraction -- a number of hours determined under AS 12.55.055(c).

#### ARTICLE 4. YOUTH COURTS.

Sec. 47.12.500. YOUTH COURTS. (a) The department may use youth courts to hear, determine, and dispose of cases involving a minor whose alleged act that brings the minor within the jurisdiction of AS 47.12.010 - 47.12.250 constitutes a violation of a state law that is a misdemeanor or a violation or that constitutes a violation of a municipal ordinance that prescribes a penalty not exceeding the penalties for a class A misdemeanor under state law.

(b) Unless otherwise directed by the commissioner, the jurisdiction of a youth court is coextensive with the boundaries of the municipality in which the youth court is located. Only one youth court may be established within the boundaries of a municipality. Nothing in this subsection prohibits two or more municipalities from operating a single youth court for the municipalities by agreement between them.

(c) A nonprofit corporation may obtain recognition from the commissioner to serve as a youth court. The corporation may exercise only the powers that are delegated to a youth court by the commissioner, and shall exercise those powers as authorized by the corporation's articles of incorporation and bylaws. The bylaws of the corporation must set out standards and procedures by which the corporation, in its capacity as a youth court,

(1) establishes a system by which the minor may be held accountable for the conduct that brings the minor within the jurisdiction of the youth court by being tried, represented, and adjudicated by the minor's peers;

(2) guarantees the constitutional rights of the minor that are guaranteed

1 by the state and federal constitutions;

2 (3) may secure jurisdiction over a minor; the youth court may secure  
3 jurisdiction over the minor only with the consent of the minor and the agreement of  
4 the minor's legal custodian;

5 (4) sets out the process for disposing of matters referred to it for  
6 resolution;

7 (5) provides a process for appeal of a verdict or sentence, and defines  
8 the basis for appeals;

9 (6) reserves the right to refer to the department, under AS 47.12.040(a),  
10 a matter transmitted to the youth court for disposition in which the minor fails, without  
11 good cause, to comply with all requirements ordered by the youth court as a part of  
12 sentence imposed on the minor; and

13 (7) prepares and delivers a report of the disposition of the matter  
14 referred to it for resolution to the commissioner.

15 (d) Subject to the privileges that witnesses have in the courts of this state, the  
16 commissioner may compel by subpoena, at a specified time and place, the

17 (1) appearance and sworn testimony of a person who the commissioner  
18 reasonably believes may be able to give information relating to a matter before a youth  
19 court; and

20 (2) production by a person of a record or object that the commissioner  
21 reasonably believes may relate to a matter before a youth court.

22 (e) If a person refuses to comply with a subpoena issued under (d) of this  
23 section, the superior court may, upon application of the commissioner, compel  
24 obedience by proceedings for contempt in the same manner as in the case of  
25 disobedience to the requirements of a subpoena issued by the court or refusal to testify  
26 in the court.

27 (f) The commissioner shall make and keep records of all cases referred to a  
28 youth court. The records of a youth court proceeding

29 (1) relating to a minor who complies with all requirements ordered by  
30 the youth court as a part of sentence imposed on the minor shall be sealed by the  
31 commissioner and may not be used for any purpose; and

1 (2) except as to a record described in (1) of this subsection, shall be  
2 afforded at least the same protection and are subject to at least the same procedural  
3 safeguards in matters relating to access, use, and security as they would be under  
4 AS 47.12.180.

5 ARTICLE 5. COMMUNITY INTERVENTION COURTS.

6 Sec. 47.12.550. COMMUNITY INTERVENTION COURTS. (a) In a  
7 municipality or combination of municipalities in which a community intervention court  
8 is established, the community intervention court may hear, determine, and dispose of  
9 cases involving a minor whose alleged act that brings the minor within the jurisdiction  
10 of AS 47.12.010 - 47.12.250 constitutes a violation of a state law that is a  
11 misdemeanor or a violation or that constitutes a violation of a municipal ordinance that  
12 prescribes a penalty not exceeding the penalties for an offense that is a class A  
13 misdemeanor under state law.

14 (b) The jurisdiction of a community intervention court is coextensive with the  
15 boundaries of the municipality or combination of municipalities in which the court is  
16 located. Nothing in this subsection prohibits two or more municipalities from  
17 operating a single community intervention court for the municipalities by agreement  
18 between them.

19 (c) A community intervention court may exercise only the powers that are  
20 required of it by this section and the powers that are set out in the ordinance  
21 establishing it.

22 (d) A community intervention court shall adjust or dispose of a matter  
23 involving a minor that has been referred to it. To adjust or dispose of a matter, the  
24 court and the minor shall enter into an agreement that sets out all requirements set by  
25 the court as a part of its adjustment or disposition to which the minor agrees. To that  
26 end, the court and the minor may agree that the minor

27 (1) perform community service;

28 (2) make suitable restitution;

29 (3) obtain counseling or treatment when the circumstances described  
30 in AS 47.12.560 indicate the need for counseling or treatment, or when the court and  
31 the minor agree that counseling or treatment is otherwise appropriate.

1 (e) The ordinance establishing the community intervention court must set out  
2 standards and procedures by which the court,

3 (1) establishes a system by which the minor may be held accountable  
4 for the conduct that brings the minor within the jurisdiction of the court;

5 (2) guarantees the constitutional rights of the minor that are guaranteed  
6 by the state and federal constitutions;

7 (3) may secure jurisdiction over a minor; unless otherwise provided by  
8 law, the court may secure jurisdiction over the minor only with the consent of the  
9 minor and the agreement of the minor's legal custodian;

10 (4) sets out the process for disposing of matters referred to it for  
11 resolution;

12 (5) provides a process for appeal of a verdict or sentence, and defines  
13 the basis for appeals;

14 (6) reserves the right to refer to the department, under AS 47.12.040(a),  
15 a matter transmitted to the court for disposition in which the minor fails, without good  
16 cause, to comply with all requirements ordered by the court as a part of sentence  
17 imposed on the minor; and

18 (7) prepares and delivers a report of the disposition of the matter  
19 referred to it for resolution to the commissioner.

20 (f) Subject to the privileges that witnesses have in the courts of this state, the  
21 community intervention court may compel by subpoena, at a specified time and place,  
22 the

23 (1) appearance and sworn testimony of a person who the court  
24 reasonably believes may be able to give information relating to a matter before it; and

25 (2) production by a person of a record or object that the court  
26 reasonably believes may relate to a matter before it.

27 (g) If a person refuses to comply with a subpoena issued under (f) of this  
28 section, the superior court may, upon application of the presiding official of the  
29 community intervention court, compel obedience by proceedings for contempt in the  
30 same manner as in the case of disobedience to the requirements of a subpoena issued  
31 by the superior court or refusal to testify in the superior court.

1 (h) The community intervention court shall make and keep records of all cases  
2 referred to it. The records of a court proceeding

3 (1) relating to a minor who complies with all requirements ordered by  
4 the community intervention court as a part of sentence imposed on the minor shall be  
5 sealed by the commissioner and may not be used for any purpose; and

6 (2) except as to a record described in (1) of this subsection, shall be  
7 afforded at least the same protection and are subject to at least the same procedural  
8 safeguards in matters relating to access, use, and security as they would be under  
9 AS 47.12.180.

10 (i) A community intervention court may establish a fee schedule and impose  
11 and collect fees to defray the expenses of operation of the court.

12 Sec. 47.12.560. COUNSELING AND TREATMENT. (a) A community  
13 intervention court may require a minor to obtain and engage in counseling or  
14 treatment. If it determines that counseling or treatment services would be appropriate  
15 to the situation, the community intervention court may require one or more members  
16 of the minor's family or household to accompany the minor in counseling or treatment.

17 (b) For the purposes of identifying minors who are habitual violators and  
18 providing a means to reform that habitual conduct, in addition to other penalties that  
19 may be imposed by law, for an offense or for noncriminal conduct described in this  
20 subsection, a community intervention court shall require a minor and the minor's  
21 family to obtain and engage in appropriate family counseling or treatment whenever  
22 the minor obtains, within any consecutive 24-month period, 24 or more points as a  
23 result of offenses committed during the period. Notice of each assessment of points  
24 may be given, but notice shall be given to the minor by first class mail when the point  
25 accumulation reaches 18. For purposes of this subsection, points to be accumulated  
26 are as follows:

27 (1) concealment of merchandise under AS 11.46.220

28 (A) first citation -- 4 points;

29 (B) second citation -- 20 points;

30 (C) third and subsequent citations -- 30 points each;

31 (2) criminal mischief in the third degree under AS 11.46.484(b) -- 4

1 points;

2 (3) criminal mischief in the fourth degree under AS 11.46.486

3 (A) first citation -- 4 points;

4 (B) second citation -- 6 points;

5 (C) third and subsequent citations -- 10 points each;

6 (4) disorderly conduct under AS 11.61.110

7 (A) first citation -- 4 points;

8 (B) second citation -- 6 points;

9 (C) third and subsequent citations -- 10 points each;

10 (5) violation of a municipal ordinance for which the municipality  
11 authorizes use of community service citations -- a number of points equal to the  
12 number of hours of service required by the municipal ordinance;

13 (6) the commission of a violation or infraction other than conduct  
14 described in AS 47.12.430(1) - (6) that is punishable as a violation or infraction -- a  
15 number of points equal to the maximum amount of the fine for the violation or  
16 infraction divided by 25.

17 (c) When counseling or treatment is required by this section, the parent or  
18 guardian of the minor has the right to choose and may exercise the choice of obtaining  
19 counseling or treatment from any source without limitation, including counseling or  
20 treatment from or in accordance with the tenets of a church or religious denomination.

21 Sec. 47.12.599. DEFINITION. In AS 47.12.550 - 47.12.599, "court" means  
22 a community intervention court.

### 23 ARTICLE 6. ADMINISTRATION.

24 Sec. 47.12.800. COMMUNITY SERVICE ADMINISTRATORS. (a) The  
25 department may employ community service administrators and may contract with  
26 municipalities or with profit or nonprofit corporations or other entities for the services  
27 of community service administrators. Community service administrators shall

28 (1) implement AS 47.12.400 - 47.12.430 by

29 (A) developing sites at which a minor may perform community  
30 services;

31 (B) training volunteer work supervisors; and

1 (C) maintaining records; and

2 (2) assist and advise the courts and the department in the furtherance  
3 of the welfare and control of minors under the jurisdiction of the court or the  
4 department.

5 (b) The department or a contractor of the department, as appropriate, may  
6 establish a fee schedule and impose and collect fees

7 (1) to defray the expenses of the duties imposed by (a) of this section  
8 on community service administrators;

9 (2) to defray the costs of safety materials, gloves, applicable  
10 transportation costs, training materials, and other related costs associated with the  
11 duties imposed under (a) of this section.

12 ARTICLE 7. GENERAL PROVISIONS.

13 Sec. 47.12.990. DEFINITIONS. In this chapter, unless the context otherwise  
14 requires,

15 (1) "commissioner" means the commissioner of health and social  
16 services;

17 (2) "court" means the superior court of the state;

18 (3) "crime against a person" means an offense set out in AS 11.41;

19 (4) "delinquent minor" means a minor found to be within the  
20 jurisdiction of the court under AS 47.12.010;

21 (5) "department" means the Department of Health and Social Services;

22 (6) "juvenile detention facility" means separate quarters within a city  
23 jail used for the detention of delinquent minors;

24 (7) "juvenile detention home" or "detention home" is a separate  
25 establishment, exclusively devoted to the detention of minors on a short-term basis and  
26 not a part of an adult jail;

27 (8) "juvenile work camp" means a separate residential establishment,  
28 exclusively devoted to the detention of minors, in which the minors who are 16 years  
29 of age or older and committed to the custody of the department and placed in the  
30 facility may be required to labor on the buildings and grounds or perform any other  
31 work or engage in any activities that do not conflict with regulations adopted by the

1 Department of Health and Social Services under this chapter for the care,  
2 rehabilitation, education, and discipline of minors in detention;

3 (9) "minor" means a person under 18 years of age;

4 (10) "peace officer" has the meaning given in AS 11.81.900;

5 (11) "treatment facility" means a hospital, clinic, institution, center, or  
6 other health care facility that has been designated by the department for the treatment  
7 of juveniles;

8 (12) "victim" has the meaning given in AS 12.55.185.

9 \* Sec. 69. AS 47.17.290(8) is amended to read:

10 (8) "maltreatment" means an act or omission that results in  
11 circumstances in which there is reasonable cause to suspect that a child may be a child  
12 in need of aid, as described in AS 47.10.010(a) [AS 47.10.010(a)(2)], except that, for  
13 purposes of this chapter, the act or omission need not have been committed by the  
14 child's parent, custodian, or guardian;

15 \* Sec. 70. AS 47.33.010(b) is amended to read:

16 (b) Notwithstanding (a) of this section, this chapter does not apply to

17 (1) a correctional facility;

18 (2) a facility for treatment of alcoholism that is regulated under  
19 AS 47.37;

20 (3) an emergency shelter;

21 (4) a medical facility, including a nursing home, licensed under  
22 AS 18.20;

23 (5) a program for runaway minors licensed under AS 47.10.310  
24 [AS 47.10]; or

25 (6) a maternity home licensed under AS 47.35.

26 \* Sec. 71. AS 47.33.990(3) is amended to read:

27 (3) "adult" means a person 18 years of age or older who is not a ward  
28 of the court [STATE] under AS 47.10.080(f) or AS 47.12.100(d) [AS 47.10.080];

29 \* Sec. 72. AS 47.40.011(a) is amended to read:

30 (a) When the department purchases residential services for minors for whom  
31 the state has assumed responsibility under AS 47.10 or AS 47.12, the department shall

1 (1) purchase the services only under grants to local governmental units  
2 or [NONPROFIT] corporations;

3 (2) award grants for a specified number of beds as provided in  
4 AS 47.40.041.

5 \* Sec. 73. AS 47.10.010(b), 47.10.010(d), 47.10.010(e), 47.10.020(d), 47.10.050(b),  
6 47.10.060, 47.10.070(b), 47.10.075, 47.10.080(b), 47.10.080(h), 47.10.081(a), 47.10.090(b),  
7 47.10.093(d), 47.10.093(e), 47.10.095, 47.10.097, 47.10.130, 47.10.265; and AS 47.40.091(3)  
8 are repealed.

9 \* Sec. 74. AS 47.12.030(d), added by sec. 68 of this Act, has the effect of amending that  
10 provision of Rule 3(b), Alaska Delinquency Rules, declaring that the presence of the minor's  
11 parent or guardian is preferred by giving the minor's parent or guardian a right to be present  
12 in a proceeding before a court to which the Alaska Delinquency Rules apply.

13 \* Sec. 75. Rule 23(d), Alaska Delinquency Rules, is amended to read:

14 (d) ORDER. The court shall enter [IN] its disposition order taking into  
15 account the provisions of AS 47.12.120 [, THE COURT SHALL ORDER THE  
16 LEAST RESTRICTIVE ALTERNATIVE DISPOSITION UNDER AS 47.10.080(b)  
17 THAT ADDRESSES THE JUVENILE'S TREATMENT NEEDS AND PROTECTS  
18 THE PUBLIC].

# Alaska State Legislature

REPRESENTATIVE  
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House District 31

## House Of Representatives

### Sponsor Statement

#### HB 387

Juvenile Crime is a growing cancer. This bill tackles the problem, not at the more serious front-page headline gathering felony level, but with the first offense, the least serious offense, and hopefully at the most correctable stage in a potential criminal's career.

My legislation takes four initial steps.

- 1) It provides immediate consequences to first time offenders, the consequences graduate in seriousness with recidivism, and entry level pre-criminal behavior is not added to the burden of the existing criminal justice system.
- 2) It streamlines the juvenile code, separating the criminal system from the larger issue of the state's response for children who have been abused or neglected.
- 3) It gives communities the ability to create community courts with elected or appointed members to deal with minor issues like truancy, curfew, and runaways quickly and without a criminal record.
- 4) Hard core offenders who "blow-off" the community court system are identified for attention by the courts and professionals who work with troubled youth.

The Bill takes the existing juvenile code and splits it into two sections, one for dealing with children-in-need-of-aid and a new section of code to deal with criminal acts committed by children. Children-in-need-of-aid remain under AS 47.10, delinquent acts are addressed under AS 47.12.

The new delinquency code provides the court system guidance in handling delinquent kids in three key areas: 1) least restrictive custody; 2) danger to self and others; and 3) conditions for registering juvenile sex offenders. Most of the practices established for dealing with delinquent children in the new Title 47.12, will be familiar to juvenile justice workers. New practices include a citation mechanism so that police can give juveniles immediate consequences when they are caught in the act, and a "community court" to involve local resources in dealing with juvenile crime.

The goal of this legislation is to give kids immediate, graduated, and sure consequences for actions that are criminal in nature, or lead to criminal behavior, without further burdening the juvenile justice system.

Sponsor Statement  
Page 2.

Courts, prosecutors, public defenders, and police are saturated with the complex system we now have. I am adding a new, volunteer, community court to review, track, and adjudicate the community service hours attached to the citations.

The legislation is designed to divert children away from the resource intensive justice system early in their criminal careers. It will take several repeat offenses, failure to appear, failure to complete assigned work, or the commission of a more serious act to receive the attention of the courts, prosecutors, and public defenders.

This legislation does not use detention as the solution for juvenile crime, not just because it is expensive, but also because kids whose idle hands got them in trouble will gain little productive knowledge from sitting in a place where they are prohibited from doing anything. Community service, in contrast, requires the development of rudimentary work skills. Skills like showing up, dressing properly, working at the assigned task for a given number of hours, and facing the consequence of dismissal because one's behavior is inappropriate, all contribute to a young person's ability to become a productive citizen.

The police officer citation gives youth the ability to admit their guilt, enter a community work program for a set number of hours (one or two Saturdays), and leave with the satisfaction of a job well done, or at least of having earned their way out of trouble. The citation concept also gives kids the ability to say no to their peers - "Hey, look what you got me into last time, I'll not go with you again!!!" The citation provides the individuals most likely to interface with pre-criminal juveniles the tools they need to redirect a child's life away from a life of crime, without labeling them a criminal. If they know a police officer has the ability to eliminate a few of their weekends, troubled youth will gain a new found respect for the badge.

Community service does not come without a cost. Successful community service programs, including the one in Anchorage, require adequate administration. Records will need to be kept of time worked, repeat citations, and points accrued. Volunteer community service supervisors must be trained. Community service work sites must be coordinated and assignments communicated to the workers.

Community service brings the larger community into the lives of our troubled youth. Community members can volunteer to be a part of the solution.

This legislation does not solve the problem of the hundreds and hundreds of kids now committing serious burglaries, robbery, drug sales, prostitution, rapes, and murder.

# Alaska State Legislature

REPRESENTATIVE  
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House District 31

## House Of Representatives

### Sectional

### CSSSHB 387 Juvenile Delinquency Code

LS1276\O, 2/19/93

**Section 1.** Technical numbering, including the new juvenile code AS 47.12.

**Section 2.** Custodial interference, making it a class A misdemeanor to knowingly take, entice or keep a child from the child's lawful parent or custodian. This amends the custodial interference to include those who knowingly harbor runaways.

**Section 3, 4, 5, 6.** Technical adjustment to the sex offender language to accommodate changes in AS 47.12.100(i), (see page 43). These changes allow the court to order a juvenile to register as a sex offender after he turns 19.

**Sections 7, 8, 9, 10, 11, 12.** Truancy. **Section 8** provides the principle or administrator a schedule of community service for children who are truant. 1st offense = 6 hours; 2nd offense = 10 hours; third offense = 16 hours. **Section 10** eliminates the burdensome and unworkable process by which individuals who violate the truancy laws must be investigated and prosecuted.

**Sections 13, 14.** Technical numbering

**Section 15.** Allows municipalities to establish a curfew for minors.

**Sections 16, 17, 18, 19, 20, 21, 22, 23.** Technical numbering.

**Section 24.** AS 47.10. The existing policy, now limited to children in need of aid.

**Section 25.** Establishes policy for the new delinquency code, AS 47.12.  
AS 47.05.060(b)(1) Protection of the public and reformation of the offender.

- (2) Resolution should require some form of sanction,
  - the form of the sanction should be certain,
  - the sanction should be swift, and
  - the sanction may take the form of a reasonable claim on the time and talents of the minor who has committed the offense.

(3) Counseling provided to the minor must include the minor's family or guardian,  
the family has the right to offer suggestions and make recommendations for the correction of the minor's behavior, and  
the minor's family or guardian may be asked to participate in supervision of the minor's treatment.

**Section 26.** The existing code AS 47.10, deleting the language appropriate to the delinquency code, AS 47.12. (Change = reinsertion of habitually absent or refusing to accept available care back into the definition of a child in need of aid.)

**Sections 27, 28, 29, 30, 31, 32, 33, 34, 36, 37, 38, 39, 40, 41, 42, 43, 44, 45, 46, \* 51, 52, \* 54, 55, 56, 57, 58, \* 61, 62, 63, 64, 65, 66, 67.** The existing code for minors (AS 47.10) with portions [deleted] for incorporation into the new juvenile delinquency code (as 47.12). Many sections are just technical renumbering of code.

**Section 47.** Ward of court v. state, returned to original language. Added Civil rule 90.3 for calculation of parents obligations, at suggestion of D.O.L.

**Section 48.** Changed the standard to reasonable cause to believe, instead of reasonable cause to [suspect], when a police officer is exercising his discretion to return a runaway home or take him to a shelter. At request of D.O.L.

New (b)(4) "the peace officer may advise the person responsible for the facility in which the minor is placed that the minor was found in an environment that, the officer has reason to believe, is a danger to the minor, that the minor might refuse to accept available care, and that, for the minor's protection, the person responsible for the facility should consider that providing temporary security for the minor might be in the minor's best interest."

**Sections 49, 50, .** Runaways. Language corrections needed.

**Section 53.** Expands the options available to the department when contracting out services. 1) This change would allow an entity like Norton Sound Health Corp. (a non-profit) to be able to operate a juvenile detention facility in a community based setting, especially Nome or Kotzebue, rather than shipping kids hundreds of miles from away. 2) Small foster home providers could expand into juvenile detention home treatment - community based care - services, without taking on the added cost of a non-profit board or executive director.

**Section 59. Runaway shelters.** When a police officer has successfully responded to a runaway call-out, and the runaway has given him reasons to believe that abuse has occurred at home, thus preventing the officer from taking the minor home, yet the police officer has reason to believe the minor is likely to return to a hazardous environment on the streets, the police officer may advise the shelter operator that the minor needs secure care. The shelter operator may provide the court, as well as the department, notice of a temporary secure placement.

**Section 60. Runaway shelters.** Provides that a shelter operator may install common door locks and alarms to provide temporary security for a minor.

**Section 68. Alaska's new chapter for "Delinquent Minors."**

The Delinquency code sets out that a delinquent is one who violates the criminal laws of the State, is habitually absent from home, refuses to accept available care (i.e. leaves a runaway shelter), or violates curfew.

Page 33, Article 1. Establishes a separate code for delinquent minors. AS 47.12 includes all of the portions of AS 47.10 that addressed delinquent minors. Much of the language in this section is identical to the language previously in AS 47.10, and will be familiar to those who work with delinquents under the existing code. The split allows clarification of the manner in which juvenile delinquents are to be treated differently than abused children.

Page 33, lines 2 - 9. Delinquents are defined as minors who violate the criminal laws of Alaska, and the violations set out in Article 2, namely being habitually absent from home, refusing to accept available care, or violating curfew.

Page 35, lines 1-4. Allows the department to refer a minor to the community intervention court for informal disposition, if established by a community.

Page 36, lines 18 & 19. AS 47.12.030(d) grants a parent or guardian the right to be present in a court proceeding.

Page 38, lines 5 - 9. AS 47.12.070(c) includes the language from AS 47.10.010(c).

Page 39, lines 18 on. AS 47.12.090(c) Young adult advisory panel. Never used, should be repealed.

Page 40 & 41. AS 47.12.100(b)(2) and (b)(3) extends the courts jurisdiction over a minor from two years to four years, up to the minor's 19th birthday.

Page 42. AS 47.12.100(d) ward of the court v. ward of the state. Returned to original language = state.

Page 43, lines 17 - 21. AS 47.12.100(i) a minor who fails to complete sex offender treatment may be registered by the court as a sex offender.

Page 44, lines 11 - 29. AS 47.12.120 Court policy for delinquent minors:

(a) In making its dispositional order . . . the court shall

(1) consider: (A) The best interests of the minor and the public

(B) The ability of the state to take custody and to care for the minor.

(2) Consider that the minor's continued delinquent behavior is a danger to the minor.

(3) Order the least restrictive alternative disposition for the minor.

(b)(1) The least restrictive disposition for the minor, meaning the disposition that is, in the judgment of the court no more restrictive than is most conducive to the minor's rehabilitation.

(2) in making its dispositional order the court shall consider:

(A) The seriousness of the minor's delinquent act.

(B) The minor's culpability.

(C) The age of the minor.

(D) The minor's prior criminal or juvenile record.

(E) The ability of the minor's parent or custodian to control and supervise.

(F) The success or failure of the minor's previous dispositions or placements.

(G) Detention is an appropriate consequence for a minor.

Page 47, AS 47.12.150. Breaks the age 19 barrier for restitution. If a minor has failed to complete restitution by age 19 the restitution is enforceable as a civil judgment.

Page 51, line 16. Clarify that an official who violates the confidentiality of a minor is guilty of a class B misdemeanor.

Page 52, lines 21 - 23. Inserts the Civil Rule 90.3 calculation for parental support of a minor in state custody.

Page 54, lines 19 - 21. AS 47.12.250 adds the language: "A person having the responsibility for the juvenile detention facility may not unreasonably refuse to detain the minor in the juvenile detention facility at the request of the peace officer making or continuing the arrest." The language is problematic, and needs correction, but it pinpoints the situation facing police officers who now arrest juveniles only to find the DFYS refuses to accept the juvenile they have legally placed under arrest.

Pages 55 - 56, Article 2. Adds evading legal custody, and curfew, to the definition of delinquent behavior. These "non criminal offenses" are violations, subject to citations and community service, but not jail terms.

Pages 56 - 59, Article 3. Allows an officer to issue community service citations for the types of offenses minors are most likely to commit. The citations are enacted much like traffic tickets, and individual may refuse to accept the citation, in which case the juvenile code applies.

Page 57, lines 29 - 31, and page 58, lines 1 - 4. AS 47.12.420(e) A minor who fails to appear in court, or who fails to complete the assigned service may be fined up to \$300, or the court may accept a plan in which the minor's parents agree to supervise the completion of the community service.

Pages 61 - 64, Article 5. Establishes "community intervention courts" to involve local communities, and bring local resources into the solution of problems related to delinquent youth. These courts may assign community service, restitution, and family counseling. The courts may also require parents to participate in the minors treatment or counseling (page 63, lines 20 & 21).

Page 64 - 65, Article 6. Lists the tasks for community service administrators. Community service administrators are needed to make the community service work in many communities. Community service administrators may charge nominal fees to offenders for the privilege of performing community service.

**Sections 69, 70, 71.** Technical numbering.

**Section 72.** Expands the department's options when purchasing residential services to any corporation, not just "non-profit" corporations.

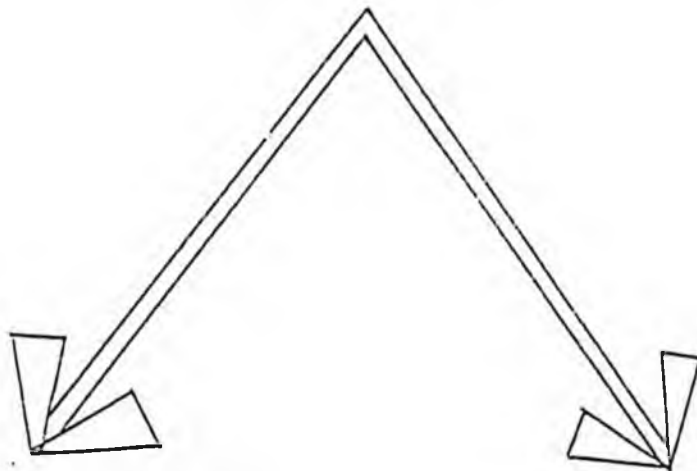
**Section 73.** Repeals the portions of AS 47.10 that dealt solely with delinquents. These sections have been carried over into the new 47.12. The following table lists the new section numbers for each of the sections repealed from AS 47.10.

Old Statute number	New Statute number (version M)
47.10.010(b)	47.12.015(b)
47.10.010(d)	47.12.015(c)(2)
47.10.010(e)	47.12.015(a)
47.10.020(d)	47.12.020(a)
47.10.050(b)	47.12.070(a)
47.10.060	47.12.080
47.10.070(b)	47.12.090(b)
47.10.075	47.12.090(c)
47.10.080(b)	47.12.100(b)
47.10.080(h)	47.12.100(e)
47.10.081(a)	47.12.110
47.10.090(b)	47.12.170(b)
47.10.093(d)	47.12.180(d)
47.10.093(e)	47.12.180(e)
47.10.095	47.12.200
47.10.097	47.12.210
47.10.130	47.12.240
47.10.265	47.12.500

**Sections 74 and 75.** Court rule modifications.

Child In Need of Aid  
&  
Delinquent

AS 47.10



Child In Need of Aid

Delinquent

AS 47.10

AS 47.12

Departmental Policy  
AS 47.05.060(b)

- (1) Protection of the public and reformation of the offender.
- (2) Resolution should require some form of sanction, the form of the sanction should be certain, the sanction should be swift, and the sanction may take the form of a reasonable claim on the time and talents of the minor who has committed the offense.
- (3) Counseling provided to the minor must include the minor's family or guardian, the family has the right to offer suggestions and make recommendations for the correction of the minor's behavior, and the minor's family or guardian may be asked to participate in supervision of the minor's treatment.

Court Policy  
AS 47.12.120

(a) In making its dispositional order . . . the court shall (1) consider:

(A) The best interests of the minor and the public

(B) the ability of the state to take custody and to care for the minor.

(2) Order the least restrictive alternative disposition for the minor.

(b)(1) The least restrictive disposition for the minor, meaning the disposition that is, in the judgment of the court, no more restrictive than is most conducive to the minor's rehabilitation.

(2) in making its dispositional order the court shall consider:

(A) The seriousness of the minor's delinquent act.

(B) The minor's culpability.

(C) The age of the minor.

(D) The minor's prior criminal or juvenile record.

(E) The ability of the minor's parent or custodian to control and supervise the minor.

(F) The success or failure of the minor's previous dispositions or placements.

# Give the kids some guardrails again

## Juvenile laws need toughening

It was the ultimate winter weekend for a 6-year-old Fairbanks kid. A storm had moved through town covering it in a thick white blanket. A Chinook wind raised temperatures making conditions perfect for mass production of high-quality snowballs. Several of the Kelly kids hid in Mr. Green's front yard on Noble Street. Our hearts pounded as mismatched gloves held snowballs at the ready. The school bus headed our way presented a target too tempting to resist—so we didn't.

My brother fired a perfect strike, and we scattered wildly at the sight of flashing brake lights. We escaped to the safety of our home and thought the incident behind us until we heard the knock at the door—it was the police. My brother was taken outside to talk to the officer and I became hysterical at the thought of him going to jail. What other option could there be. He had done wrong and was caught.

I couldn't know it at the time but my horrified reaction represented a great victory of civilization over anarchy. Through the institutions of family, church and community, my Western culture had taught me the law was a faithful friend and a frightening foe. My uncontrollable sobs proved I was a good student and had passed the test. I feared the law and as a result society had nothing to fear from me.

Our institutions were still in-

Rep. Pete Kelly  
Guest Opinion



lact in the Fairbanks of 1962—particularly as they related to youth. A partnership had been struck between my father and society. He was in control of his seven kids when they were in his sight and the law was when they were not. This partnership worked well until some time in the late '70s when we changed the way we viewed juvenile law. The state, in response to federal mandates, wrenched the responsibility of youth crime away from the courts and turned it over to a morass of bureaucracy. In essence, society backed out of its tacit partnership with parents, leaving them with all the responsibility and virtually no back-up.

No longer did youth have to fear the badge nor the black robe of the court. Indeed, they were absolved of responsibility as a youth criminal was viewed by the law in the same way as a child who had been abused. Slowly, our kids lost their fear of the law as they realized that, for many crimes, punishment was nonexistent. Gone were the consequences. Gone the well-defined limits on behavior previously provided by prosecutors and police.

I'll never forget the fear and humiliation on my brother's face as he stood before the policeman so many years ago. Would we

Our institutions were still intact in the Fairbanks of 1962—particularly as they related to youth. A partnership had been struck between my father and society. He was in control of his seven kids when they were in his sight and the law was when they were not. This partnership worked well until some time in the late '70s when we changed the way we viewed juvenile law.

ever elicit that reaction from youth today? I think not. They live in a world of peers who break into homes to rape and stab pregnant women. They are friends of friends of the young men who killed Cara Zastrow. They live in a world without guardrails, deprived by the system of valuable limits on their behavior. They have learned there is nothing the police can do to them and many times they are right.

While the overwhelming majority of youth are fine people, there is a nagging concern about the extent and nature of youth crime. It grows more frequent and more violent and its spread must be curbed.

I have spent 10 months creating legislation to address this problem. It punishes the lesser crimes, now left unpunished, that embolden our youth and lead to more serious crimes. Its key points are to:

- provide immediate consequences to bad behavior
- return responsibility for children to families and communities

- create intervention courts with members elected from the community

- distinguish between youth who commit crimes and those who have been abused

- punish first offenses of lower level crimes

This legislation will not end juvenile crime. It cannot protect kids from a popular culture that replaces the virtues of honor, bravery, and chastity with the anemic values of open-mindedness, diversity and Earth worship. It cannot restore the family culture of 1962 nor silence an education system that spells responsibility C-O-N-D-O-M. It is, however, something more than just a Band-aid, but admittedly less than a cure. For the cure will not be found in law, but in the tears of a 6-year-old who had learned the difference between right and wrong. With hope, this legislation will be part of that education.

Rep. Peter Kelly, a Republican, represents District 31, Downtown Fairbanks, and is the sponsor of HB 307, rewriting the juvenile crime code in Alaska.

Saturday, Jan 27th 1996.

# Young killers confound courts

The Associated Press

CHICAGO — The children, barely as tall as the judge's bench, stand in court as convicted killers.

Because a 5-year-old wouldn't steal candy for them, they dangled him out a 14th-story window and dropped him to his death.

Now, the wrenching question facing a judge this week is whether these youngsters — now 12 and 13 — should be locked up in jail with other criminals or placed in a treatment center.

It's an issue other states face as well, as the face of crime grows younger and meaner, and courts are left to sort the fates of children who commit grown-up offenses.

"You ask cops, you ask the courts — people are seeing more and more of these kids," Jess McDonald, the head of Illinois' child welfare agency, said.

Crime statistics back him up. Between 1990 and 1994, the latest year figures were available, the FBI reported the arrests of children 14 and under for murder and non-negligent manslaughter increased from 283 to 379.

Under a new Illinois law, the Department of Children and Family Services may transfer youngsters ages 10 to 13 to the state's corrections department. But when it did so with these two boys, juvenile court Judge Carol Kelly balked, saying flatly she did not believe the welfare department's contention that none of its facilities were appropriate.

For a week, Kelly has heard testimony from bureaucrats and experts on what to do with the boys. That hearing was scheduled to continue Monday.

At their trial last fall, the boys were sentenced to indefinite state custody. Kelly has said the boys will be confined for no more than 10 years.

The two boys were 11 and 12 when they dropped Eric Morse to his death on Oct. 13, 1994, at a public housing project. Prosecutors said the boys were angry because Eric had gotten them in trouble with their mothers and wouldn't steal candy for them.

By all accounts, the two boys did not lead storybook lives. They grew up poor, in a hard-luck pocket of South Side Chicago. Both are of limited intelligence and had numerous run-ins with police.

But experts are mixed on what should happen to them. If placed in the care of corrections, the boys likely would be sent to a locked institution with a highly structured environment, strict rules and an emphasis on vocational education. Psychiatric treatment would be extremely limited.

"They are warehoused," said Dan Macallair, director of a San Francisco-based prison reform group. He said juvenile corrections facilities are "violent, they're gang-ridden."

"If the goal is to make these kids less likely to do violent acts in the future, you don't put them in a juvenile prison," said Macallair, associate director of the Center on Juvenile and Criminal Justice. "All juvenile prisons do is punish and alienate."

A residential treatment facility also is likely to be locked. But it would offer more opportunity for the intensive treatment for the boys, something a psychologist testified this week is crucial if they are to be rehabilitated. The boys would be sent to an out-of-state home, since Illinois does not have such locked facilities.

McDonald, from Illinois' child welfare agency, said he is comfortable with placing the boys in a corrections facility.

"These are the kind of kids we need to see in a secure setting," McDonald said. "If we had put them in a residential facility and they had run away, everyone would be lining up to kill us all."

But others say children who commit serious crimes should get the best treatment possible, if only to ensure they don't err again when they are released.

"We are clearly bent on a system of viciousness toward kids that get in trouble," Jerome Miller, who runs Washington, D.C.'s child welfare agency. "It has nothing to do with what's decent and humane."

# Juvenile justice is a disaster

The entire juvenile justice system is terribly broken. At the period of time when youngsters are most vulnerable and need adult support, firmness and guidance, they are given increased autonomy.

Juveniles seldom have consequences for their criminal actions and the word is out. For this reason older criminals use children to courier illegal activities. Yet, parents are responsible for the child's actions until they are 18.

As parents of a runaway child, we were horrified to discover our child had complete freedom of

LaRue  
Near

Guest Opinion



The current runaway statute must be changed. A runaway child must be immediately pursued, picked up and returned home.

movement and we had no rights at all.

Why did our 14-year-old child, an athlete, honor student and talented musician, choose to reject friends, family, and the values we tried to instill?

We are not sure, but our child began to associate with children that had problems such as truancy, running away, drugs and criminal activities. These students made it perfectly clear to our child, "If you don't like the rules at home you can leave. The system is easy to manipulate: shout abuse and you can go to a foster home. Too many rules there? Ask to move, or run, and you will be placed in another. Commit a misdemeanor crime, nothing happens to you."

In December 1994 our child, rather than face the consequences for breaking a rule (truancy), told the teacher she would be beaten if she went home (untrue).

She told the counselor she was running away. The school informed us that the child needed time out in a mutually accepted place and that if we physically forced our child to go home it would be considered assault. This child got the message!

As a result of the state undermining parental authority, our child has repeatedly refused to come home. The child, now a chronic runaway, has lived in many situations: some chosen by us, some by the state and many by people encouraging her delinquency.

Law enforcement people consider runaways a low priority and seldom pursue them. Our beautiful child, now 15, is a street person.

We are a stable family. A parent was always home with the children.

In trying to help this child, we have spent a fortune on lawyers, doctors, hospitals, psychiatrists, psychologists and counselors.

We have petitioned the state for help and had many court hearings. "Our hands are tied" (because of the laws), is the answer we get, over and over. At this point it seems hopeless.

The current runaway statute must be changed. A runaway child must be immediately pursued, picked up and returned home.

If the child claims abuse, take them to a secure place and examine them for bruises.

If there is truly abuse, place them in a foster home where they must remain. Make shelters like Family Focus secure, rather than a revolving door.

Children should not be allowed to run to the streets, for their own safety. It will not take long for word to get out that running away is no longer fun.

Children are our states' greatest natural resource and we are losing many.

Please call or write our legislators to get this statute changed.

LaRue Near, a life-long Fairbanksan and retired primary schoolteacher, is a member of a group of Fairbanks parents concerned about runaways.

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■ Police report	B-2
■ Events	B-3
■ People	B-4

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Rod Boyce, City Editor; 456-6661 (Ext. 275)

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Dermot  
Cole



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## Section B

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Monday, January 15, 1996

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■ ■ ■  
**THERE HAVE BEEN** several ads and letters to the editor recently about the problem of runaway children in the Fairbanks area.

There definitely is a problem, a complicated one that defies easy answers.

In Fairbanks, there are 30 to 50 runaways on the street at any given time, according to a recent report in the Fairbanks Native Association newsletter.

FNA operates Family Focus, which is a state sanctioned temporary shelter for runaway children ages 10 to 18. It was founded in 1979.

When police pick up a runaway, in most cases, they either take the child to Family Focus or contact the parents. Some of the children are leaving abusive homes. Others are rebelling against their parents.

The law gives the runaway child the power to decide where to go.

"The kids at Family Focus are free to leave whenever they choose, but can remain at the shelter for up to 14 days," the FNA newsletter said. "Parents are notified that their teen is at the shelter but it is up to the teen when he or she will return home."

On the streets the children can be exposed to all sorts of dangers. And those who are abused should not be forced to go to homes where they will be hurt.

What about the rebellious ones? If the law was changed to give parents the authority to require that the child come home with them or to require that the child stay at a place like Family Focus, the matter of enforcement would come up. If the child refused to cooperate, would there be any alternatives other than jail?

A meeting of citizens who are concerned about runaways will be Tuesday Feb. 6 at 6:30 p.m. at the Noel Wien Public Library auditorium.

FAIRBANKS DAILY NEWS - NINE

Dermot Cole's column

■ ■ ■

**DEPARTMENT OF CORRECTIONS:** Lt. James "Scooter" Welch, a veteran member of the Fairbanks Police Department, called to remind me that a revision in state law as of August 1994 changed the handling of runaway cases to some extent.

Welch said that the law now specifies that a police officer use discretion in determining placement of a runaway minor. That means that an officer can take a minor to Family Focus, to the parents or to some other location. In the past it was left up to the child to decide.

If the child refuses to go home, however, there is not much that the police can do about it because running away is not against the law and the police can't require that a child go home.

■ ■ ■

**THE WELLER SCHOOL** Imaginarium, a hands-on science exposition, is this Saturday from 10 a.m. to 3 p.m. It is open to the public. Cost is \$4 per family.

**Dermot Cole's phone number is 456-6661, Ext. 368.**

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B-4  
B-7

# Local

Section  
B

3-6661 (Ext. 275)

Friday, September 29, 1995

## North Pole parents warned about gangs

By WENDY HOWER  
Staff Writer

**NORTH POLE**—Red and blue bandannas flash gang colors in school hallways. Wanna-be gang members beat each other up. In a gang initiation, a student's skin is cut and bleeds enough to soak a red bandanna.

Scenes from inner-city Los Angeles? No, it's the beginnings of a gang culture in North Pole High School, according to Principal Dan McDaniel. Recently, he said, one student tried to burn another's bandanna in school.

"The drugs are coming back," McDaniel said. "Parents, you've got to know where your kids are."

This sobering message was delivered to about 40 parents, students, school board members and school district staffers Thur-

sday night at a North Pole Middle School forum entitled, "Youth Violence and Crime Awareness." Law enforcement officers, school officials and state lawmakers made up the nine-member panel.

It's not just the tough-looking kids in baggy pants, long hair and leather jackets causing problems. It's also the preppie kids with straight A's, McDaniel said. "You cannot tell by the way they're dressed what they're doing."

A recent increase in student violence is showing up on the police blotter, said North Pole Police Chief Alan Ownby, a panelist. North Pole police arrested 88 juveniles last year for assaults, vandalism, thefts, drug and alcohol abuse and other offenses, he said. That's more than twice the number of arrests in 1993, he said.

Children must be held accountable for

criminal acts, he said. "We need to shut them down before they really get started."

Panelist Patsy Cathey, new assistant principal at North Pole High School, said she saw similar pre-gang activity five years ago in Oklahoma. Now her former school district has banned lockers, mandated clear plastic book bags and bought handheld metal-detection wands. "A lot of the problems are society's problems that carry over into the school."

Kids join gangs because they are looking for love and acceptance, said panelist George Riley, safety coordinator for the Fairbanks North Star Borough's risk management department. Parents must get involved, he said. "These kids need a caring environment, and a caring environment includes discipline."

Ten-year-old Dustin Takao, who at-

tended the forum with his parents and older brother, said he has seen violence at Ticasuk Brown Elementary School. "A whole bunch of fights are at my school, too."

His brother, Lucas, 15, said he had not heard about gangs as a sophomore at North Pole High School. "I can't believe that, like, they're doing that here. I didn't think this place was big enough."

Sitting behind them, a mother of two who declined to give her name said she worries about violence in the schools. Her middle-school-aged child was the victim of harassment from other students early in the year, she said. "Kids are kids. I don't care if they're in Alaska or L.A."

State Rep. Pete Kelly, R-Fairbanks, said he would like to see police issue tickets for  
See GANGS, Page B-3

LOCAL B-3

### GANGS: North Pole

Continued from Page B-1  
community service to juvenile offenders. He favors legislation that would punish juveniles for running away and skipping school. And he would like the state to fund a truant officer for the schools, he said.

"All kids, I feel, are at risk," said North Pole police officer Jeff Deutsch, who works in North Pole schools. "Some higher than others."

Deutsch and other panelists

described ways that parents can help keep their children out of trouble:

■ Know what your children are doing, where they go and who their friends are.

■ Teach your children to report violent behavior at school—it's not "snitching."

■ Watch for symptoms—bruises, soreness, torn clothes, drop in grades, lost lunch money.

■ Tell your children not to fight to solve conflicts.

B-2  
B-3  
B-4

# Local

Section  
B

661 (Ext. 275)

Thursday, September 21, 1994

## Three teens arrested following robbery attempt

KAREN AHO  
Staff Writer

A 16-year-old boy was arrested and charged as an adult Wednesday for allegedly attacking and robbing a man in a supermarket parking lot with two other teens early that morning.

Mitchell L. Forzley, of North Pole, is the second Fairbanks juvenile to be charged as an adult since a law went into effect in September 1994 that automatically waives juveniles 16 and over charged with violent felony offenses to adult status. In the past, those under 18 were

prosecuted as juveniles unless the district attorney won a waiver from a judge to try them as adults.

Forzley is accused of attacking Robert J. Hojnacki shortly before 1 a.m. as Hojnacki got inside his car in the Shopper's Forum parking lot. According to

statements Hojnacki made to police, Forzley told Hojnacki as he and another teen hit him that he saw him in the Super Valu check-out line and knew he had a wad of cash.

The second teen is identified. See TEENS, Page 1.

### TEENS: Arrests made after incident

Continued from Page B-1

charging documents as Leonard D. Roach, of Fairbanks. Police said that Roach, 17, was arrested at 1:45 a.m. on Lacey Street downtown after Hojnacki spotted his three attackers from a police car.

Roach, who is accused of repeatedly hitting Hojnacki and kicking him in the face, was charged as a juvenile and booked at Fairbanks Youth Facility, said Fairbanks Police Sgt. Brad Johnson. Court documents, however, list Roach as 19 and charge him as an adult. Roach was not registered as an inmate at Fairbanks Correctional Center on Wednesday, according to booking officers.

Hojnacki told police he pulled his wallet out and gave the teens his money when they dragged him from the car and he saw Roach slip brass knuckles on. Police said they found a pair of brass knuckles in the bed of a pickup truck next to where

Roach was apprehended and that Roach admitted to putting them on during the attack.

Hojnacki was treated for a laceration to the head at Fairbanks Memorial Hospital and released. The Fairbanks police shift commander on duty Wednesday evening did not know how much cash Hojnacki had on him.

Forzley turned himself over to police Wednesday and was booked at FCC on an adult charge, police said.

The third teen, described in court documents only as "Paul," was not in custody Wednesday. Hojnacki told police that "Paul" watched the attack from outside the car and fled with Forzley and Roach.

# Local

Wednesday, October 11, 1986

## Juveniles held for shooting

By MICHAEL DREW  
Staff Writer

A gun stolen in May, passed around by several juveniles, and later traded for drugs, was used in the shooting of a 12-year-old boy last week.

With one juvenile already charged in the shooting, Fairbanks police arrested three more juveniles Monday in connection with the incident. The three were charged with felony theft and tampering with evidence, another felony.

Anthony R. Ladd, 17, was arrested Friday on charges of assault and weapons misconduct.

Police say Ladd pointed the loaded .46 caliber handgun at the 12-year-old boy Thursday afternoon when the gun went off and hit the boy in the chest.

Police Detective Paul Keller said the three additional arrests came as a result of the weapon used in the shooting. Keller said the pistol had been stolen in May from Sporting Arms Repair and Sales.

Keller said six juveniles have been in possession of the weapon since it was stolen. He said a 14-year-old boy stole the gun, then gave it to an 11 year old.

The 11-year-old then hid the gun in the woods behind the Bentley Mall and later told a 15-year-old of the gun's whereabouts, Keller said. He said a third juvenile found the gun and sold it to a 17-year-old boy for "crystal meth" methamphetamine.

The 17-year-old took the gun to 647 11th Ave., where it was later used in the shooting of the 12-year-old, Keller said.

By DAVID GERMAIN  
Associated Press Writer

JUNEAU—No matter which side wins a court fight over Alaska's fishing quotas, the lawsuit may cripple a Pacific Salmon Treaty between the United States and Canada, a state fishing official said Tuesday.

Alaska has argued all along that treaty negotiators should resolve such disputes, not the courts. But a federal judge in Seattle put Southeast Alaska's chinook salmon fishery on hold this summer and is expected to rule today on whether to continue the fishing ban.

David Benton, deputy state commissioner of fish and game, said quarrels over salmon quotas are complex issues that should be

left to fishing experts rather than judges.

Benton, a member of the Pacific Salmon Commission that enforces the 1985 treaty, testified in U.S. District Court in Seattle last week over the lawsuit that was filed by tribal groups in Washington and Oregon, along with Canada, which sued to stop chinook fishing off Alaska's southeast coast.

"What you could see is the unraveling of the Pacific Salmon Treaty before your eyes," Benton said of the court hearing. "That process relies on consensus. The court process is really damaging the treaty in the long run."

A mediator is scheduled to begin arbitration in October on

the chinook dispute and other treaty disagreements.

Officials in Canada, Washington and Oregon reduced their chinook limits this year to help rebuild dwindling salmon stocks along the British Columbia coast.

Alaska rejected requests to drastically lower its own chinook quotas of 230,000 fish this year, saying the reduction would harm the region's commercial fishing industry while doing little to revive the British Columbia spawning stocks.

U.S. District Court Barbara Rothstein said last week she would try to rule in the case by Wednesday. Which ever side loses will almost certainly appeal the decision, meaning the court case could drag on for months.

"That do in the fishi communities much pleas think we're haul."

Rothstein straining or August for fishermen. last Wednes untarily a fishery clos sues her rul

If the d Alaska, chi almost cert the 1995 through S known how opens Oct. the chinook place, Bente

## Elmendorf cracks down on juvenile crime

The Associated Press

ANCHORAGE—As Anchorage crapples with soaring juvenile crime, one part of town is handling it with all the sternness of a court-martial.

Elmendorf Air Force Base has made fighting juvenile crime a priority for the past four years. And the base's 1,500 or so teenagers seem to be getting the message that even small offenses, from violating curfew to shoplifting, can mean serious trouble.

"If you go downtown and steal candy from a store, it's no big deal," Keysha Walcott, 14, said. "But if you steal candy on the base, you get in a whole bunch of trouble."

Walcott has a friend who was caught shoplifting in the base's convenience store. He couldn't go back to the store for a year and

ended up doing community service. She offers this advice for kids thinking of mischief on base: "Don't."

While juvenile crime on the base has gone up and down since 1991, the level is nowhere near the city's. In 1994, there were 101 juvenile arrests on base, a small rise from the 89 arrests in 1992. Most of the crimes were small. The most common offense is shoplifting. The most serious offense in the last four years occurred when a boy was caught in 1991 driving a stolen car with a concealed weapon.

Curfew is strictly enforced, said Airman 1st Class Steven Gregg, who serves as a base policeman.

Compare that to what's happened in Anchorage: In 1994, 2,966 youths were arrested—double the number in 1990. Nine were arrested for murder or manslaughter, 10 for sex offenses and 28 for robbery.

In town, kids who commit relatively minor crimes like shoplifting or vandalism are returned to their parents and given a far-away date to meet with a juvenile probation officer. Some receive no punishment at all.

On Elmendorf, a juvenile court system has been in place since 1991, and officials say it's effective. Even small offenses on base are dealt with promptly according to Col. Greg Gonyea, who oversees non-military activities on base. Kids caught committing crimes on base will find themselves standing in front of something called the Juvenile Corrections Board with their parents—and their parents' boss—within a matter of days.

The board meets in a conference room about once a month.

1995  
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# Census team in Fairbanks

Staff report

Representatives of the U.S. Census Bureau are in Fairbanks to gather information on school enrollment so educational programs and facilities can be started.

Through next Tuesday census bureau employees will visit 65 Fairbanks households and will call about 25 more for phone interviews.

The bureau does monthly employment surveys and this month will ask school enrollment questions, said Jolynn Lambert, a survey statistician for the bureau.

Lambert said the information has been requested by the Bureau of Labor Statistics and the National Center for Educational Statistics.

"Information will be used to provide educational programs and school facilities across the state," Lambert said. "It's the only source of enrollment data in the nation."

## LOCAL IN BRIEF

Staff reports

### Program aimed at shoplifters

A daylong seminar for children who have been arrested for shoplifting will be held Saturday.

Sponsored by the Juveniles Against Shoplifting Program, the meeting will be held from 10:30 a.m. to 4 p.m. at the Carol Brice Center on Gillam Way. Cost is \$25.

Most youth attending are referred by police and juvenile authorities, said program director Evon Aldrich, while others are referred to the program by store managers after being caught shoplifting.

"We have a real success rate," she said. "We talk of crime, alcohol and drugs, and why they shouldn't shoplift."

"We try to get to them so they won't do it again."

In addition to shoplifters, she said, the program accepts youths who may be getting into trouble but have not been arrested.

Parents are welcome to sign up their children for the seminar, but parents are not allowed to attend, Aldrich said, because children talk more freely without parents present.

Certified counselors will lead the seminar.

### Flu vaccination clinics scheduled

The Fairbanks Regional Public Health Center will hold flu vaccination clinics at two locations next week.

The first clinic will be Oct. 24 at the Breadline, on Second Avenue, from 11 a.m. to 1 p.m., with the other is scheduled for 11 a.m. to 1 p.m. Oct. 26 at the Fairbanks Rescue Mission on Gaffney Road.

There is a \$10 fee per vaccination for adults, and Medicare assignments will be accepted. For information, call 452-1776.

### Kastelic named to APBC board

Gov. Tony Knowles wanted some experience for the Alaska Public Broadcasting Commission and he got some with Patty Kastelic, director of human resources for the University of Alaska and a former APBC board member.

Kastelic, a board member from 1988 to 1993, will be part of the nine-member board that's re-

sponsible for administering grants for radio and four stations in Alaska.

"In choosing on the APBC, I'll combination of and management deal with the ch broadcasting, an tantly, a first standing of the broadcasting Knowles said in statement.

Also named to Michelle Abrams, assistant technical Alaska Public B. Michael Burns, president and CEO of Alaska; John neau, a private at- tive volunteer television in Ju Kernes of Home media consultant and Brad Reeves, manager of Kotzeb

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## FORUM / LETTERS

# Alaska's youth crime laws need to grow up

The recent slaying of Chansy Phlanchantharath has left many Anchorage residents disgusted, myself included. His death added one more item to Anchorage's long list of youth crimes.

Look at the statistics. A report published in January by the Mayor's Crime Task Force, titled "The Mayor's Community Action Plan on Crime," stated that in 1990, teens 13-17 years of age committed 1,384 "juvenile acts." Three years later, in 1993, police performed 2,935 "youth probation referrals."

Obviously, we teens should act more responsibly, but before that can happen, Alaska's youth crime laws need to grow up.

Teens' attitudes are becoming more immature. Crime is seen as fun, as something to do, as a way to get revenge.

The Anchorage Police Department hasn't been able to do much to stop this alarming trend.

"Most enforcement models currently in place are based on programs developed in the 1960s and '70s," the CAP report stated.



AMANDA THOMPSON



"Analysis of these practices ... revealed that they do not generally have significant effect. Consequently, new enforcement and intervention strategies must be developed."

The CAP report recommended a bunch of new strategies, mostly plans for benevolent prevention programs, like the Midnight Sun Basketball League at Clark Junior High. Nice ideas that work for some; but not all youths get

enough incentive to stay out of trouble through warm fuzzy things.

You can see this any time you baby-sit a couple of children. Tell the child to clean up his dishes and then, as a reward, he can watch Power Rangers. Your chances are 80/50 that he'll clean up. Why? He can usually find something else to do that's just as fun as the Mighty Morphs.

If he finds some other form of entertainment, the policy needs to change. Tell him at the next cleanup activity to tidy up or else he'll receive a punishment. Stick to your guns, and he'll most likely do it.

Likewise, the way the police and courts deal with teens should get tougher, more grown-up.

The terminology used with youth crime needs to grow up. Still wondering what the phrases "juvenile acts" and "youth probation referrals" mean? If a person under 18 robs a convenience store, for example, they perform a "juvenile act." (Act? That sounds to me like something done in a circus. A crime is a crime.)

Police don't arrest peo-

ple younger than 18. They perform "youth probation referrals." (And I thought Service High was a safe school since I had never heard of a student being arrested).

Euphemisms like these tell teens that what they did was really less than a crime. Wimpy words reduce the wrongness to a baby food-like consistency, especially when coupled with Alaska State Statute 09.25.120.

The law states, "Every person has a right to inspect a public record in the state ... except ... (2) records pertaining to juveniles unless disclosure is authorized by law." Teens age 13 to 17 don't need this special right. Erasing it off the books would help reduce Alaska's youth crime rate by numerous ways.

It will help us teens realize that youths do get caught and punished. A lot of youths do stupid things because they think they'll get off clean. They hear rumors of others who get sent to McLaughlin Youth Center, but seeing troublemakers on the front page would make the conse-

*Teens' attitudes are becoming more immature. Crime is seen as fun, as something to do, as a way to get revenge.*

quences of crime real.

Risk of public embarrassment to themselves and their families would give teens another incentive to stay clean.

The state's youth-probation agency is starting to recognize the need for the policies to grow up. They are looking into beefing up security measures so they can deal with the teens who act more like dangerous adults than naughty children.

Teens are acting more like adults because we are physically more adult than ever before. Restaurants have known this for a long time. They make youths more than 13 years of age eat off the adult menu. More scientific proof of this fact is being manifested as the average age of puberty continues to plummet. Making laws that deal

with more adult teens in a more adult manner will help our mental and social capabilities catch up with our equipment.

Will these measures stunt efforts at rehabilitation? Not so long as churches, families and especially teens ourselves take the responsibility of helping troubled young adults return to making the most of their lives.

Nobody wants to see youth crime get worse. The laws that deal with youth crime need to grow up. Open the records and throw out the euphemisms, then stand back and watch the behavior of Anchorage's teens grow up. Better yet, watch potential young victims, like Chansy was, get a chance to grow up.

□ Amanda Thompson is a student at Service High School.



**CANDY**  
Chocolate still  
tops with kids  
LOCAL • B-1

Steelers 24, Jaguars 7  
Colts 17, Jets 10  
Browns 29, Bengals 26, OT  
Cowboys 28, Atlanta 13  
Eagles 20, Rams 9  
Panthers 20, Patriots 17, OT

Lions 24, Packers 16  
Dolphins 23, Bills 6  
Cards 20, Seahawks 14, OT  
Oilers 19, Buccaneers 7  
Giants 24, Redskins 15  
Saints 11, 49ers 7



SPORTS • C-1-3

**HUSKERS**  
Nebraska knocks  
Seminoles from No. 1  
SPORTS • C-1

**MONDAY**  
  
Mostly cloudy with  
a shower or two  
High 40 Low 26  
Page A-2



# Daily News-Miner



The Voice of Interior Alaska

OL. XCIII, No. 293

FAIRBANKS, ALASKA, MONDAY, OCTOBER 30, 1995

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24 Pages

## Accused teen no stranger to trouble

Juvenile justice system  
sees same kids often

By KAREN AHO  
Staff Writer

Fourteen months before 16-year-old Paul Daniel Shewfelt was jailed on attempted murder and rape charges in Fairbanks, he lit a bomb in the entryway of a sleeping family's home in the village of Fort Yukon.

Shrapnel from the 2 a.m. blast traveled across the street and into a bedroom where an 83-year-old man lay sleeping. Where the bomb was set, it tore apart the front door.

At Paul Daniel's disposition hearing one month later, the juvenile court's equivalent of a sentencing, Superior Court Judge Ralph Beistline verbally denounced

the act.

"This could have been a murder case. There were two young children in the living room when the bomb was set off. It is a miracle they were not hurt or killed," Beistline wrote in court documents dated in May.

"This was a despicable crime," he continued. "How big a bang was justified? None! Society will not tolerate this behavior."

Beistline sentenced Paul Daniel to two years probation, the maximum allowed under law, and 100 hours community service. Paul Daniel had spent less than a week in youth jail immediately following the August 1994 bombing.

Confidentiality laws prevent officials from discussing Paul Daniel's or any other juvenile offender's case. Anyone, including family, who releases confidential juvenile

court documents, such as those quoted in this article, may be subject to a \$5,000 fine and one year in prison.

Nonetheless, those familiar with the juvenile justice system express little surprise at Paul Daniel's sketchy last year as a child ward of the state. And few balk at his family's contentions that he violated many of his probation conditions without re-buke.

"Kids get a dozen chances before there's any consequences, it's very frustrating," said Jim Thomas, a juvenile probation supervisor in Fairbanks.

Early Oct. 15, a 22-year-old woman rooming with Paul Daniel's cousin was stabbed 19 times with a 16-inch knife and raped, police say. They arrested Paul Daniel less than two hours later asleep in his room a few blocks away, his clothes reportedly covered with bloodstains.

"There's not a question a crime was committed and he did it, in my mind," said his father, Paul Shewfelt Sr. "The question is, his state of mind."

■ ■ ■

The bomb incident was not Paul Daniel's first brush with the law.

In May 1994, he and another teen broke into the Fort Yukon school, stole a fire extinguisher, and used it to vandalize the same home he would later bomb.

According to a report from his probation officer, Paul Daniel dumped garbage and discharged the extinguisher on the family's porch. He then threw the extinguisher through their window, in all causing about \$600 damage.

Meanwhile, the school flooded, presumably after Paul Daniel opened a water line, causing an estimated \$3,000 damage. Both

See TEEN, Page A-7



**TROUBLED YOUTH**—Paul Daniel Shewfelt, shown in this 1994 photo at age 15, is accused of raping and stabbing a woman.

# TEEN: Juvenile justice system sees many teen offenders more than once

Continued from Page A-1

teens ran away from the Yukon River village for three weeks after police confronted them.

Upon his return, Paul Daniel continued to live in the village with an aunt, one of five homes he would be shuttled among in a three-year period.

Three months later he was arrested for lighting the pipe bomb, made by two other teens, on the doorstep of a white family that had reportedly been issuing racial slurs.

Paul Daniel spent a few days at Fairbanks Youth Facility and was slapped with eight criminal charges: second-degree attempted murder, first-degree arson, criminal possession of explosives, third-degree misconduct involving weapons, three counts of criminal mischief, and disorderly conduct.

He pleaded out to two charges: criminal possession of explosives and misconduct involving weapons. Judge Ralph Bestline placed him under legal care of the state Department of Health and Social Services, put him on probation for two years, and ordered he work 100 hours of community service.

Due to confidentiality requirements, Bestline would not discuss Paul Daniel's case. But speaking in general, he said Alaska law requires that judges impose the "least restrictive alternative" to jail time in juvenile cases.

The court must show the minor is a serious danger to himself or others, or at serious risk of skipping his court hearings, before he can be incarcerated.

"You can't even put them in custody for a short period of time if there's a least restrictive alternative," Bestline said. "Frequently that involves counseling and probation."

For the most part the system works, say judges and probation officers.

At the heart of juvenile justice is the philosophy that children should be reha-

bilitated, not punished. Proceedings remain confidential in the hope the minor is not permanently judged for his presumably singular and correctable behavior. And monitored freedom seeks to teach him how to behave appropriately under real-life conditions. Incarceration, it is argued, would only relegate him to the relative ease of a regimented life-style.

"Then where is he when he gets out?" Thomas said. "Once you've institutionalized a minor, that's the last recourse you can take."

"I'd say 95 percent of the kids under institutional order are repeat offenders. Most of the kids have had a number of chances."

The system has literally been built on that philosophy. The Fairbanks Youth Facility, intended to serve the Fairbanks North Star Borough and outlying communities as far away as Tok and Fort Yukon, has just 20 beds for long-term imprisonment and another 20 for 48-hour detention. Two days is the longest a juvenile can be held under arrest.

■ ■ ■

Paul Daniel fulfilled his 100 hours of court-ordered community service by helping out at the World Eskimo-Indian Olympics this summer, a job his father said he enjoyed.

But Paul Shewfelt Sr. said his son failed to comply with the conditions of probation set in May. He and other family members said Paul Daniel repeatedly broke his court-ordered curfew, was caught and even arrested for drinking alcohol, and avoided any mental health counseling, all without official reprimand from the department of juvenile probation.

Due to confidentiality, the News-Miner is unable to confirm the family's assertions with either mental health or juvenile authorities.

When asked if he sought help for his

son, Paul Shewfelt Sr. did not answer. In fact, Shewfelt himself has refused to undergo court-ordered counseling in his own criminal case.

In March, Shewfelt completed a four-year jail term for the 1991 rape of his brother's girlfriend at a drunken party in Fort Yukon. Throughout, he has staunchly refused to undergo sexual-offender treatment on the basis that counselors require their clients to admit guilt, an act that he said would hurt his case for an appeal.

He tells other inmates, and his son, to look to the Bible for counseling, not to psychologists.

As to Paul Daniel's counseling, Juvenile probation's Jim Thomas, speaking again in general terms, said he was unaware of any family complaints that had not been resolved at the probationary level.

"I would feel comfortable saying that if the court ordered counseling, the probation officer would make extensive efforts to ensure that the counseling had been done," Thomas said. "And if not, it would be caught at the three-month audit."

Two Fairbanks supervisors conduct quarterly reviews of officers' cases. There are currently eight juvenile probation officers, each averaging about 26 cases. Officers are responsible for everything from screening police reports and writing lengthy court reports, to bi-monthly client checks. Furthermore, they are encouraged to correct violations on their own before further burdening the court system.

"The court doesn't want us to bring kids back," Thomas said. "It's incumbent on us to try to solve these problems out of court."

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In late July, Paul Daniel was put in emergency foster care with an aunt, Bertha Carroll, a Frontier Flying atten-

dant who works evenings and lives with her 21-year-old daughter.

She said a probation officer checked her home for working smoke detectors when she assumed custody, but she does not remember learning about Paul Daniel's probation conditions.

In August, Paul Daniel bumped into his old girlfriend at a Native youth leadership conference at the University of Alaska Fairbanks. When she had broken up with him the spring before he had stopped attending classes at North Pole High School and his grades dropped from Bs to Fs.

His father had tried to counsel him. "You can't make someone love you," he told his crying son, who had just turned 18.

Two days after seeing her again, he went to her house in North Pole and stabbed himself in the chest with a steak knife under his armpit.

He was in Fairbanks Memorial Hospital for three days, during which time he received counseling for a suicide attempt.

He left the hospital with a blank notepad covered by a counselor's unfulfilled instructions to write an autobiography and stuffed with a folded drawing from his 7-year-old sister with a blue heart and the words "I LEVUU."

According to Paul Daniel and his family, when he returned twice in September and October for follow-up psychological counseling, he was turned away for administrative reasons. One time the last name on his guardian's signature did not match his own.

"Anyway, because of lack of communication, the counseling never materialized," Paul Shewfelt Sr. said.

It seemed to depress Paul Daniel, said his aunt, but he didn't talk about it. "He just kept everything to himself," Bertha Carroll said.

\*\*\*\*\*

Fairbanks Police say Paul Daniel knew who the victim of the Oct. 15 murder attempt was, but had never met her. She and Bertha Carroll's daughter had moved into a ground-floor apartment on Adams drive about a week before the attack, Carroll said.

Paul Daniel's family said he was intoxicated that night and has no recollection of events.

Police detective Paul Keller said the young woman's attacker did not break into the apartment. Police had originally said he did.

Sometime before 1:30 a.m. the woman, five months pregnant, was stabbed 19 times, police said. Surgeons had to work on 11 of the wounds.

In an interview last week with KTUV Channel 11, she said she consciously held her breath in an attempt to play dead so the stabbing would stop. "There was a part where I thought I was going to die," she said. Then she lay breathless as her assailant raped her.

Police are not disclosing how she freed herself, but a neighbor reportedly heard her screams and saw an assailant matching Paul Daniel's description flee from the area.

"She's a strong girl," detective Keller said. "I'm proud of her."

"It's only by the grace of God she's alive."

The victim has since been released from the hospital, and the fetus is unharmed. Her identity has been protected because she is the victim of a sex crime.

Paul Daniel has been indicted on first-degree attempted murder, first-degree sexual assault and first-degree assault. He is being held in a cell in segregation at Fairbanks Correctional Center on \$100,000 bail.

The only conversation he granted the News-Miner was a response to how things were in jail. "Lonely," he replied.

# Local

## Section B

Friday, August 18, 1995

### Parents call for rights to curb kids

By KATE RIPLEY  
Staff Writer

Rep. Pete Kelly said he wanted to hear from the public about juvenile crime before heading back to Juncoau in January for another legislative session.

What he found at the Southside Community Center on Thursday night was a group of angry parents who claim the courts, state social workers and the criminal justice system take away their ability—and right—to properly raise their children.

"The first thing you need to do is get the full deck of cards on the table, and that's parental rights," said Scott Calder, sounding what became a familiar theme throughout the evening meeting, which drew about 25 people. "The relationship between children and government, that's the biggest problem we have."

Kelly passed out a list of ideas for cracking down on youth who commit crimes. The current system has nearly no consequences for children who break the law, he said.

"If they need counseling, fine, let's give them counseling. But we need to tell them, 'If you step out of line, we're going to punish you,'" the Republican said.

Calder shouted back, "Let the parents do that."

Lavada Napier said state social workers have made parents into criminals for simply wanting to spank their children when they do bad things. Another woman complained that she can't keep her child at home; her daughter keeps running away and police say there's nothing they can do about it.

Elizabeth Kraska, a youth counselor, said parents need to find out why children are committing crimes in the first place.

"Kids are not born thieves, and shoplifters and murderers ... something happened along the way," she said. "People are so angry with how kids are nowadays, but nobody knows how they got that way."

The sometimes excitable crowd grew hushed when one woman spoke: Cheryl Austin, whose 22-year-old son, Tim Ryals, was killed last month during an apartment fire on College Road. Authorities have since announced they believe two 12-year-old kids started the fire.

Austin said it's time for parents to stop blaming the system and look toward themselves.

"My son gave his life to see the other ... residents and my daughter-in-law safely escape that building," she said, her voice hoarse. "I don't know anything about the two 12-year-olds that killed my son."

Some days, Austin said, she feels like dragging the arsonists onto the streets for a public punishment. Other days, she feels some compassion.

"I'm caught in a horrible pendulum, back and forth," she said. "But this goes back to the parents. The kids have more rights than we do ... We've got to put the burden back on parents."

Afterward, Kelly said the meeting provided feedback on a difficult issue that needs more fleshing out.

"The problem with a meeting like that is keeping it focused," he said. "I really wanted to get solutions, not complaints."

Kelly has drafted legislation for "community service ticketing," where youthful misdemeanants are required to pick up trash or perform some other helpful task. Kelly also supports removing criminal matters from the Division of Family and Youth Services, enforcing curfew and truancy laws as well as establishing a "boot camp" for youthful



State Rep. Pete Kelly

SEARCHING FOR ANSWERS—State Rep. Pete Kelly asks for solutions to juvenile and minor crime during an open house Thursday night at the Southside Community Center. Kelly presented some legislative ideas concerning crime to parents and service providers with the hopes of finding some answers. Kelly has drafted legislation that he thinks will help to combat crime by youthful offenders.

Steven Grunstein Peter  
Guardians of Family Rights  
Juneau, Chapter #1, Scarecrow Parents  
P.O. Box 32604  
Juneau, Ak. #99803

Dear Editor,

Parents are you tired of the state telling you how to raise your kids? Parents are you frustrated with the system and the way it has you tied up by taking your authority away from you? Sick of the juvenile probation dept. ? Do you think that they should send the dept. officers home with out pay because, they don't do any thing but talk about how they can't do anything with these kids until they get violent and dangerous. Has it occurred to anybody in the state house and senate that by passing all of the juvenile laws they passed in 1994, the only ones it helps are the ones who work in D.F.Y.S. or Tongass Anger Management or the safe houses. Now don't get me wrong, the juveniles need such services, but for the most part the state has made the parents SCARECROWS, and the kids know it.

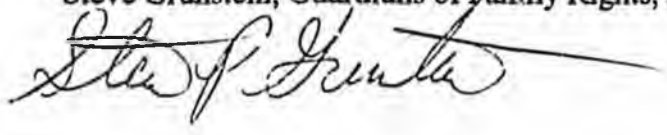
Have you got a out of control teenager at home? Have you ever been told, "You can't do anything to me I'm a minor I'll have you tossed into jail if you ain't careful?" Have you ever had a teen under 16 years old, decide that they didn't want to go to school, or come home? What do you do? You can't physically drag them to school that's abuse. But, if they don't go to school you are held totally responsible maybe even jailed. Hay you ever been told well all we have to do is sit back and wait till this kid gets on probation, just to find that informal probation is a joke. Even if they are on informal probation its OK for the teenagers to continue to steal and joyride and not go home or to school because they know that the probation officer ain't gonna go up in front of the judge, until the stack of paper work is three feet thick or the teen gets violent.

Did you know that there is a law on the books in Alaska that states a juvenile can't get locked up except for one of three reasons. One, the teen is dangerous to him/herself. Two, the teen is dangerous to others. Three, the teen does not appear in court. What a joke! If joy riding on a icy night ain't dangerous to others then what is? Do you realize that you as parents have been reduced to being more than a SCARECROW? Do you know that you have no authority to get a U.A. on a child doesn't agree, even if you know the teen is using drugs. Just try!

Then when your teen is hospitalized for a drug overdose the DFYS do-gooders want to know how this could happen? Aren't you being a good parent? Don't you know what your child is doing? But, did any employee from DFYS check with the police to see that you already reported your child missing or a run-away? Meanwhile back in the emergency room you request that they do a rape check on your teenage daughter and they say that they can't, "SHE HAS RIGHTS."

Isn't it strange that all you have to do is provide food, shelter, and a bed for a teenager and the state will be happy. Don't you find it strange that a teenager can go to bed with anybody they want to, steal, be disrespectful, or run away and nothing really happens other than an informal probation? If you think it's bad now then don't call your senator or representative and watch the new wave of laws the so-called experts are trying to pass. Where do these people come from? Of the ten I have met only one has children. The other nine knew it all from a book. Lets get real and give the parents back the rights that these "So Called EXPERTS have gotten removed all in the name of Abuse"!!! Let parents raise their children not the state. For information call 488-9328

Steve Grunstein, Guardians of Family Rights, Juneau



To the Editor,

For centuries, parents raised their children, not the state. Are we just custodians because of state bureaucratic regulations? To fathom this phenomena one must realize the state is pushing the concept of "Government Owned Children."

DFYS fosters the opinion, the child isn't incorrigible, rather their alleged misconduct is due to parental failures. For instance, if parental commands are in conflict with their standards, parent rules are considered unreasonable. An example of unreasonable in Adjudication 4.31 is, "an 8 p.m. curfew on Saturday night for a 16-year-old child or refusal to allow the child to participate in extracurricular activities." (p.167)

What if the child is on restriction, or isn't trustworthy? No matter, guess who is blamed for their unhappiness? Therefore, if your child runs away it's justifiable because home rules are not standard. In short, we must raise willful children by state standards, not time proven ones. Standards that now put the child in control.

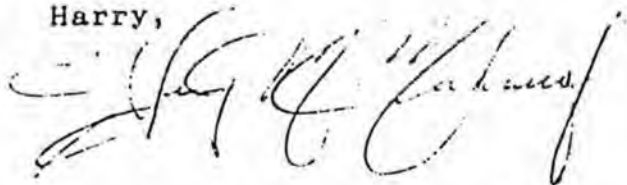
How is one to raise a disobedient child to become responsible and productive? When seemingly harsh consequences and chastisement is removed by the agency, children become fearless, because they have nothing to fear. But, alack alas, mother state has spoken and we, the mere custodians, must obey her. I THINK NOT.

As children become more ungovernable we need to correct their unacceptable behavior. It is our task and duty to God, child, and society to see that they become productive and responsible, not self-centered misfits.

In recent findings by the "Family Law Review Task Force," DFYS staff took custody of children unnecessarily and justified their actions with additional minor charges. "Thus a parent can lose custody of a child based on DFYS' accusations, but must prove innocence rather than the state proving guilt. DFYS. . . may be violating the constitutional rights of the parent, including the right for the accused to face the accuser.

I, as a concerned parent believe, if a law or regulation is in conflict with our parental rights, remove, challenge or replace it.

Harry,

A handwritten signature in cursive script, appearing to read "Harry B. Niehaus".

P.S. For the Independent only. My telephone number is 488-9328

Harry B. Niehaus  
PO Box 55455  
North Pole, Ak.

## What Can I Do?

Dear Editor,

November 6, 1993

Throughout America, citizens are screaming about our youth being out of control. To most common sense parents this can be corrected if liberal bureaucrats step back and look at what they are doing.

Children who break the law, need to face its consequences, instead of being declared a child in need of aid. The least restrictive method applied by social agencies does not work. Children prepare for real life by being held accountable and learning responsibility.

Parents are frustrated by endless laws and regulations that impede productive disciplining. You can't holler at your child this is emotional abuse. Patches or old clothes are an out, this can be viewed as neglect. Even one's low economic standards is used as evidence of neglect. Heaven forbid! don't leave Sally alone to play in the front yard, this is neglectful. Try taking your child to the dentist to have a tooth pulled, you'll be suspected of abuse, as I was. Of course school counselors were too busy to ask why the tooth was missing and phone the dentist. Instead, they call DFYS. And if Johnny isn't happy all the time, he must be depressed and counselors call the state police.

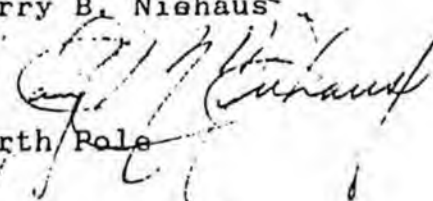
Laugh if you wish, but these things have happened to me and others in our own community. It's at the point where parents are afraid to take their children to the doctors. They're afraid of being accused of abuse. Doctors perceive that children will receive inadequate attention because of this fear of agency abuse.

Harry B. Niehaus

Our children are over protected. Social workers need to use logic and common sense and less pop-psychology. They're suffering from what I call, "The Alice In Wonderland Syndrome."

What can we do to eliminate abuse of the family's right to prepare their progeny for adulthood, without being stimated every time we try to do something for their own good? Join a group that supports the repeal of many Child In Need Of Aid Laws. Children have their Civil Rights, rights that are now superior to ours. These rights need to be brought in line with ours. Advocate returning to just the Criminal Justice System, that equally protects everybody's rights.

Harry B. Niehaus

  
North Pole

Harry B. Niehaus  
P.O Box 55455  
North Pole, Alaska  
#99705  
488-9328

Harry B. Niehaus

## Runaways

For a few children:

Today's culture fails to set limits on a disruptive child's behavior.

No distinction between freedoms and "wilding."

Parents have lost control.

Problem:

1) Runaway shelters are available for those children who are abused by their parents, but form an attractive nuisance to those children who are flaunting their parents.

2) Police are required to expend considerable effort to find and secure runaways, but they are foiled when it is the child who is attracted to and desires to continue life on the streets.

3) Without means of support, these children are quickly picked up by older fagins who employ them in prostitution, drug rings, burglary rings, and other criminal activities.

Solution:

1) For those children who have been picked up by police, the officer must be able to recommend that a shelter operator provide the child with adequate protection to prevent the minor's fleeing back onto the streets.

2) The shelter operator needs to be authorized to contact the court and provide notice for a 48 hr secure environment to begin.

4) The shelter must have the option of installing simple double key deadbolts that prevent a child unauthorized exit from the shelter. Jail like security is not needed.

3) Lacking clear and convincing evidence of abuse, the parent must be able to come and pick-up the minor for return to home.

# Alaska State Legislature

REPRESENTATIVE  
PETER KELLY

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## House Of Representatives

### Sponsor Statement

#### HB 387

Juvenile Crime is a growing cancer. This bill tackles the problem, not at the more serious front-page headline gathering felony level, but with the first offense, the least serious offense, and hopefully at the most correctable stage in a potential criminal's career.

My legislation takes four initial steps.

- 1) It provides immediate consequences to first time offenders, the consequences graduate in seriousness with recidivism, and entry level pre-criminal behavior is not added to the burden of the existing criminal justice system.
- 2) It streamlines the juvenile code, separating the criminal system from the larger issue of the state's response for children who have been abused or neglected.
- 3) It gives communities the ability to create community courts with elected or appointed members to deal with minor issues like truancy, curfew, and runaways quickly and without a criminal record.
- 4) Hard core offenders who "blow-off" the community court system are identified for attention by the courts and professionals who work with troubled youth.

The Bill takes the existing juvenile code and splits it into two sections, one for dealing with children-in-need-of-aid and a new section of code to deal with criminal acts committed by children. Children-in-need-of-aid remain under AS 47.10, delinquent acts are addressed under AS 47.12.

The new delinquency code provides the court system guidance in handling delinquent kids in three key areas: 1) least restrictive custody; 2) danger to self and others; and 3) conditions for registering juvenile sex offenders. Most of the practices established for dealing with delinquent children in the new Title 47.12, will be familiar to juvenile justice workers. New practices include a citation mechanism so that police can give juveniles immediate consequences when they are caught in the act, and a "community court" to involve local resources in dealing with juvenile crime.

The goal of this legislation is to give kids immediate, graduated, and sure consequences for actions that are criminal in nature, or lead to criminal behavior, without further burdening the juvenile justice system.

Sponsor Statement  
Page 2.

Courts, prosecutors, public defenders, and police are saturated with the complex system we now have. I am adding a new, volunteer, community court to review, track, and adjudicate the community service hours attached to the citations.

The legislation is designed to divert children away from the resource intensive justice system early in their criminal careers. It will take several repeat offenses, failure to appear, failure to complete assigned work, or the commission of a more serious act to receive the attention of the courts, prosecutors, and public defenders.

This legislation does not use detention as the solution for juvenile crime, not just because it is expensive, but also because kids whose idle hands got them in trouble will gain little productive knowledge from sitting in a place where they are prohibited from doing anything. Community service, in contrast, requires the development of rudimentary work skills. Skills like showing up, dressing properly, working at the assigned task for a given number of hours, and facing the consequence of dismissal because one's behavior is inappropriate, all contribute to a young persons ability to become a productive citizen.

The police officer citation gives youth the ability to admit their guilt, enter a community work program for a set number of hours (one or two Saturdays), and leave with the satisfaction of a job well done, or at least of having earned their way out of trouble. The citation concept also gives kids the ability to say no to their peers - "Hey, look what you got me into last time, I'll not go with you again!!!" The citation provides the individuals most likely to interface with pre-criminal juveniles the tools they need to redirect a child's life away from a life of crime, without labeling them a criminal. If they know a police officer has the ability to eliminate a few of their weekends, troubled youth will gain a new found respect for the badge.

Community service does not come without a cost. Successful community service programs, including the one in Anchorage, require adequate administration. Records will need to be kept of time worked, repeat citations, and points accrued. Volunteer community service supervisors must be trained. Community service work sites must be coordinated and assignments communicated to the workers.

Community service brings the larger community into the lives of our troubled youth. Community members can volunteer to be a part of the solution.

This legislation does not solve the problem of the hundreds and hundreds of kids now committing serious burglaries, robbery, drug sales, prostitution, rapes, and murder.