

HB

387

HOUSE COMMITTEE REPORT

referred to Committee: March 8, 1996

FURTHER REFERRALS:

Finance

of Committee Action: 3/20/96

JUDICIARY Committee considered:

SSHB 387

SUBSTITUTE FOR HOUSE BILL NO. 387

JUVENILE CODE REVISION

act relating to minors and to offenses committed by minors, and to programs relating to minors; relating to the citations for offenses when the offenses are committed by minors, and authorizing disposition of those offenses that require performance of community service in lieu of a court appearance; establishing a curfew for minors, and authorizing municipalities to establish curfews by ordinance; relating to the detention of minors, defining the conduct by minors as violations, and amending the criminal jurisdiction of the district court to provide for the citation of certain offenses involving minors; and amending Rules 3(b) and 23(d), Alaska Delinquency Rules."

recommends it be replaced by the following committee substitute CSHB 387 (JUD) [] the same title [] a new title

additional referral to _____ Committee attached amendment(s)

OPTIONS: _____ Letter of Intent

ATTACHES NEW FISCAL NOTE(S): (Dept) APPROVES PREVIOUS: (Dept/Date)

_____ fiscal note(s) [] fiscal note(s) _____

[] zero fiscal note(s) P.S. [] zero fiscal note(s) Corrections 3/8/96
MISS 3/8/96

SIGNING WITH RECOMMENDATIONS

	DP	DNP	NR	AM
<u>Brian Foster</u>	✓			
<u>Alley</u>	✓			
<u>Barry Davis</u>	✓			
<u>Joseph King</u>	✓			
<u>Don Bunde</u>	✓			
<u>Steve J. [unclear]</u>	✓			
<u>David Imbel</u>			X	

CHAIR'S SIGNATURE

Brian Foster

9-LS1276\W.
Chenoweth
3/19/96

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 children in need of aid and delinquent minors and to
2 offenses committed by minors, and to institutions, facilities, and programs relating
3 to minors; authorizing municipalities to establish curfews for minors by ordinance;
4 and relating to enforcement of the compulsory school attendance law; and
5 amending Rule 23(d), Alaska 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 or AS 47.12 [AS 47.10.010(a)(2)] or of another state under
11 a provision similar to AS 47.10 or AS 47.12 [AS 47.10.010(a)(2)] becomes entitled
12 to receive dividends or other distributions resulting from the ownership of stock or a
13 membership in a corporation organized under this chapter and under 43 U.S.C. 1601 -

1 1641 (Alaska Native Claims Settlement Act), the corporation paying the dividends or
2 making the other distributions shall retain the dividends and other distributions in an
3 interest bearing account for the benefit of the minor during the state custody.

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

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

9 (A) criminal history record information;

10 (B) nonconviction information;

11 (C) correctional treatment information;

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

14 * Sec. 3. AS 14.30.030 is repealed and reenacted to read:

15 Sec. 14.30.030. PREVENTION AND REDUCTION OF TRUANCY. The
16 governing body of a school district, including a regional educational attendance area,
17 shall establish procedures to prevent and reduce truancy.

18 * Sec. 4. AS 22.07.020(a) is amended to read:

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

21 (1) criminal prosecution;

22 (2) post-conviction relief;

23 (3) [CHILDREN'S COURT] matters under AS 47.12
24 [AS 47.10.010(a)(1)], including waiver of [CHILDREN'S COURT] jurisdiction over
25 a minor under AS 47.12.100 [AS 47.10];

26 (4) extradition;

27 (5) habeas corpus;

28 (6) probation and parole; and

29 (7) bail.

30 * Sec. 5. AS 22.15.100 is amended to read:

31 Sec. 22.15.100. FUNCTIONS AND POWERS OF DISTRICT JUDGE AND

1 MAGISTRATE. Each district judge and magistrate has the power

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

6 (2) of a notary public;

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

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

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

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

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

17 (8) to order the temporary detention of a minor, or take other action
18 authorized by law or rules of procedure, in cases arising under AS 47.10.010 -
19 47.10.142 or AS 47.12 [AS 47.10], when the minor is in a condition or surrounding
20 dangerous or injurious to the welfare of the minor or others that requires immediate
21 action; the action may be continued in effect until reviewed by the superior court in
22 accordance with rules of procedure governing these cases;

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

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

29 * Sec. 6. AS 25.27.125(b) is amended to read:

30 (b) The annual estimated balance in the account maintained by the
31 commissioner of administration under AS 37.05.142 may be used by the legislature to

1 make appropriations to the Department of Health and Social Services to carry out the
2 purposes of AS 47.14.100 - 47.14.130 [AS 47.10.230 - 47.10.260] and AS 47.25.310 -
3 47.25.420.

4 * Sec. 7. AS 29.35 is amended by adding a new section to read:

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

9 * Sec. 8. AS 36.30.850(b)(11) is amended to read:

10 (11) agreements with providers of services under AS 44.47.250;
11 AS 47.07; AS 47.08; AS 47.10; AS 47.12; AS 47.14; AS 47.17; AS 47.24;
12 AS 47.25.195, and 47.25.310;

13 * Sec. 9. AS 43.23.065(b) is amended to read:

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

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

18 (2) court ordered restitution under AS 12.55.045 - 12.55.051, 12.55.100,
19 or AS 47.12.120(b)(4) [AS 47.10.080(b)(4)];

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

21 (4) court ordered fines;

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

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

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

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

30 * Sec. 10. AS 44.21.410(a) is amended to read:

31 (a) The office of public advocacy shall

- 1 (1) perform the duties of the public guardian under AS 13.26.360 -
2 13.26.410;
- 3 (2) provide visitors and experts in guardianship proceedings under
4 AS 13.26.131;
- 5 (3) provide guardian ad litem services to children in child protection
6 actions under AS 47.17.030(e) and to wards and respondents in guardianship
7 proceedings who will suffer financial hardship or become dependent upon a
8 government agency or a private person or agency if the services are not provided at
9 state expense under AS 13.26.112;
- 10 (4) provide legal representation in guardianship proceedings to
11 respondents who are financially unable to employ attorneys under AS 13.26.106(b),
12 to indigent parties in cases involving child custody in which the opposing party is
13 represented by counsel provided by a public agency, to indigent parents or guardians
14 of a minor respondent in a commitment proceeding concerning the minor under
15 AS 47.30.775;
- 16 (5) provide legal representation and guardian ad litem services under
17 AS 25.24.310; in cases arising under AS 47.15 (Uniform Interstate Compact on
18 Juveniles); in cases involving petitions to adopt a minor under AS 25.23.125(b) or
19 petitions for the termination of parental rights on grounds set out in
20 AS 25.23.180(c)(3); in cases involving petitions to remove the disabilities of a minor
21 under AS 09.55.590; in children's proceedings under AS 47.10.050(a) or under
22 AS 47.12.090(a) or (b); and in cases involving indigent persons who are entitled to
23 representation under AS 18.85.100 and who cannot be represented by the public
24 defender agency because of a conflict of interests;
- 25 (6) develop and coordinate a program to recruit, select, train, assign,
26 and supervise volunteer guardians ad litem from local communities to aid in delivering
27 services in cases in which the office of public advocacy is appointed as guardian ad
28 litem;
- 29 (7) provide guardian ad litem services in proceedings under
30 AS 12.45.046;
- 31 (8) establish a fee schedule and collect fees for services provided by

1 the office, except as provided in AS 18.85.120 or when imposition or collection of a
2 fee is not in the public interest as defined under regulations adopted by the
3 commissioner of administration;

4 (9) provide visitors and guardians ad litem in proceedings under
5 AS 47.30.839;

6 (10) provide legal representation to indigent parents under
7 AS 14.30.195(e).

8 * Sec. 11. AS 44.29.022(a) is amended to read:

9 (a) The commissioner of health and social services may establish by regulation
10 a schedule of reasonable fees for services provided by the Department of Health and
11 Social Services under AS 44.29.020(a)(1) - (8), AS 47.10, AS 47.12. AS 47.14.
12 AS 47.30.655 - 47.30.910, and AS 47.80.100 - 47.80.170. The fee established for a
13 service may not exceed the actual cost of providing the service. The commissioner
14 may define or establish the "actual cost of providing a service" by regulation. The
15 Department of Health and Social Services shall charge and collect the fees established
16 under this subsection. The department may waive collection of a fee upon a finding
17 that collection is not economically feasible or in the public interest.

18 * Sec. 12. AS 44.41.025(c) is amended to read:

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

22 * Sec. 13. AS 44.47.200 is amended to read:

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

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

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

31 * Sec. 14. AS 44.47.210(b) is amended to read:

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

7 * Sec. 15. AS 44.47.220(b) is amended to read:

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

14 * Sec. 16. AS 44.66.010(a)(17) is amended to read:

15 (17) Citizens' Review Panel for Permanency Planning under
16 AS 47.14.200 [AS 47.10.400] -- June 30, 1997;

17 * Sec. 17. AS 47.10.010(a) is amended to read:

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

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

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

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

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

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

31 (C) [(iii)] one parent if the other parent's rights and

1 responsibilities have been terminated under AS 25.23.180(c) or AS 47.10.080
2 or voluntarily relinquished;

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

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

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

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

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

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

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

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

29 (A) THE STATE AGENCY MAKES A PRELIMINARY
30 INQUIRY AND TAKES APPROPRIATE ACTION TO ADJUST OR
31 DISPOSE OF THE MATTER WITHOUT A COURT HEARING, THE

1 MINOR MAY NOT BE DETAINED OR TAKEN INTO CUSTODY AS A
 2 CONDITION OF THE ADJUSTMENT OR DISPOSITION AND, SUBJECT
 3 TO (d) OF THIS SECTION, THE MATTER SHALL BE CLOSED BY THE
 4 AGENCY IF THE MINOR SUCCESSFULLY COMPLETES ALL THAT IS
 5 REQUIRED OF THE MINOR BY THE AGENCY IN THE ADJUSTMENT
 6 OR DISPOSITION; IN A MUNICIPALITY OR MUNICIPALITIES IN
 7 WHICH A YOUTH COURT HAS BEEN ESTABLISHED UNDER
 8 AS 47.10.265, ADJUSTMENT OR DISPOSITION OF THE MATTER
 9 UNDER THIS PARAGRAPH MAY INCLUDE REFERRAL TO THE YOUTH
 10 COURT;

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

15 (2)] appoint a competent person or agency to make a preliminary
 16 inquiry and report for the information of the court to determine whether the interests
 17 of the public or of the minor require that further action be taken; if, under this
 18 subsection [PARAGRAPH], the court appoints a person or agency to make a
 19 preliminary inquiry and to report to it, then upon the receipt of the report, the court
 20 may informally adjust [OR DISPOSE OF] the matter without a hearing, or it may
 21 authorize the person having knowledge of the facts of the case to file with the court
 22 a petition setting out the facts; if the court informally adjusts [OR DISPOSES OF] the
 23 matter, the minor may not be detained or taken into the custody of the court as a
 24 condition of the adjustment [OR DISPOSITION], and the matter shall be closed by the
 25 court upon adjustment [OR DISPOSITION].

26 * Sec. 19. AS 47.10.020(b) is amended to read:

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

31 (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

4 AS 47.10.010 - 47.10.142 [THIS 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 * Sec. 20. AS 47.10.030(b) is amended to read:

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

24 * Sec. 21. AS 47.10.050(a) is amended to read:

25 (a) Whenever in the course of proceedings instituted under AS 47.10.010 -
26 47.10.142 [THIS CHAPTER] it appears to the court that the welfare of a minor will
27 be promoted by the appointment of an attorney to represent the minor or an attorney
28 or other person to serve as guardian ad litem, the court may make the appointment.
29 Appointment of a guardian ad litem or attorney shall be made under the terms of
30 AS 25.24.310.

31 * Sec. 22. AS 47.10.070(a) is amended to read:

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29
30
31

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

* Sec. 23. AS 47.10.080(a) is amended to read:

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

* Sec. 24. AS 47.10.080(c) is amended to read:

(c) If the court finds that the minor is a child in need of aid, it shall
(1) order the minor committed to the department for placement in an appropriate setting for a period of time not to exceed two years or in any event past the date the minor becomes 19 years of age, except that the department may petition for and the court may grant in a hearing (A) two-year extensions of commitment that do not extend beyond the minor's 19th birthday if the extension is in the best interests of the minor [AND THE PUBLIC]; and (B) an additional one-year period of supervision past age 19 if the continued supervision is in the best interests of the person and the person consents to it; the department may transfer the minor, in the minor's best interests, from one placement setting to another, and the minor, the minor's parents or guardian, and the minor's attorney are entitled to reasonable notice of the transfer;
(2) order the minor released to the minor's parents, guardian, or some other suitable person, and, in appropriate cases, order the parents, guardian, or other person to provide medical or other care and treatment; if the court releases the minor,

1 it shall direct the department to supervise the care and treatment given to the minor,
2 but the court may dispense with the department's supervision if the court finds that the
3 adult to whom the minor is released will adequately care for the minor without
4 supervision; the department's supervision may not exceed two years or in any event
5 extend past the date the minor reaches age 19, except that the department may petition
6 for and the court may grant in a hearing

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

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

13 (3) by order, upon a showing in the adjudication by clear and
14 convincing evidence that there is a child in need of aid under AS 47.10.010(a)
15 [AS 47.10.010(a)(2)] as a result of parental conduct and upon a showing in the
16 disposition by clear and convincing evidence that the parental conduct is likely to
17 continue to exist if there is no termination of parental rights, terminate parental rights
18 and responsibilities of one or both parents and commit the child to the department or
19 to a legally appointed guardian of the person of the child, and the department or
20 guardian shall report annually to the court on efforts being made to find a permanent
21 placement for the child.

22 * Sec. 25. AS 47.10.080(e) is amended to read:

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

26 * Sec. 26. AS 47.10.080(f) is amended to read:

27 (f) A minor found to be [DELINQUENT OR] a child in need of aid is a ward
28 of the state while committed to the department or the department has the power to
29 supervise the minor's actions. The court shall review an order made under [(b) OR]
30 (c)(1) or (2) of this section annually, and may review the order more frequently to
31 determine if continued placement [, PROBATION,] or supervision, as it is being

1 provided, is in the best interest of the minor [AND THE PUBLIC]. If annual review
2 under this subsection would arise within 90 days of the hearing required under (l) of
3 this section, the court may postpone review under this subsection until the time set for
4 the hearing. The department, the minor, the minor's parents, guardian, or custodian are
5 entitled, when good cause is shown, to a review on application. If the application is
6 granted, the court shall afford these parties and their counsel reasonable notice in
7 advance of the review and hold a hearing where these parties and their counsel shall
8 be afforded an opportunity to be heard. The minor shall be afforded the opportunity
9 to be present at the review.

10 * Sec. 27. AS 47.10.080(i) is amended to read:

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

15 * Sec. 28. AS 47.10.080(l) is amended to read:

16 (l) Within 18 months after the date a child is initially removed from the
17 child's home [TAKEN INTO CUSTODY] by the department under AS 47.10.142(c)
18 or committed to the custody of the department under [(b)(3),] (c)(1) [,] or [(c)] (3) of
19 this section [,] or AS 47.14.100(c) [AS 47.10.230(c)], the court shall hold a hearing
20 to review the placement and services provided and to determine the future status of the
21 minor. The court shall make appropriate written findings, including findings related
22 to the following:

23 (1) whether the child should be returned to the parent;

24 (2) whether the child should remain in out-of-home care for a specified
25 period;

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

28 (4) whether the child should be placed for adoption or legal
29 guardianship.

30 * Sec. 29. AS 47.10.080(m) is amended to read:

31 (m) Within 60 days after the date a child is removed from the child's home

1 by the department, the department shall notify the appropriate local citizen out-of-home
2 care review panel established under AS 47.14.220 [AS 47.10.420].

3 * Sec. 30. AS 47.10.080(n) is amended to read:

4 (n) Within 60 days after a court orders a child committed to the department
5 under (c) of this section and at a review under (f) or (l) of this section, the department
6 shall inform the parties about the local citizen out-of-home care review panel
7 established under AS 47.14.220 [AS 47.10.420].

8 * Sec. 31. AS 47.10.082 is amended to read:

9 Sec. 47.10.082. BEST INTERESTS OF CHILD AND OTHER
10 CONSIDERATIONS. [IN MAKING ITS DISPOSITIONAL ORDER UNDER
11 AS 47.10.080(b) THE COURT SHALL CONSIDER THE BEST INTERESTS OF
12 THE CHILD AND THE PUBLIC.] In making its dispositional order under
13 AS 47.10.080(c), the court shall consider

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

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

18 * Sec. 32. AS 47.10.084(a) is amended to read:

19 (a) When a child is committed under AS 47.10.080(c)(1) [AS 47.10.080(b)(1)
20 OR (c)(1)] to the department, [OR] released under AS 47.10.080(c)(2)
21 [AS 47.10.080(b)(2) OR (3) OR (c)(2)] to the child's parents, guardian, or other
22 suitable person, or committed to the department or to a legally appointed guardian
23 of the person of the child under AS 47.10.080(c)(3), a relationship of legal custody
24 exists. This relationship imposes on the department and its authorized agents or the
25 parents, guardian, or other suitable person the responsibility of physical care and
26 control of the child, the determination of where and with whom the child shall live,
27 the right and duty to protect, train, and discipline the child, and the duty of providing
28 the child with food, shelter, education, and medical care. These obligations are subject
29 to any residual parental rights and responsibilities and rights and responsibilities of a
30 guardian if one has been appointed. When a child is committed to the department and
31 the department places the child with the child's parent, the parent has the responsibility

1 to provide and pay for food, shelter, education, and medical care for the child. When
2 parental rights have been terminated, or there are no living parents and no guardian has
3 been appointed, the responsibilities of legal custody include those in (b) and (c) of this
4 section. The department or person having legal custody of the child may delegate any
5 of the responsibilities under this section, except authority to consent to marriage,
6 adoption, and military enlistment may not be delegated. For purposes of AS 47.10.010
7 - 47.10.142, [THIS CHAPTER] a person in charge of a placement setting is an agent
8 of the department.

9 * Sec. 33. AS 47.10.090(c) is amended to read:

10 (c) Within 30 days of the date of a minor's 18th birthday or, if the court
11 retains jurisdiction of a minor past the minor's 18th birthday, within 30 days of the
12 date on which the court releases jurisdiction over the minor, the court shall order all
13 the court's official records pertaining to that minor in a proceeding under
14 AS 47.10.010 - 47.10.142 sealed [, AS WELL AS RECORDS OF ALL DRIVER'S
15 LICENSE PROCEEDINGS UNDER AS 28.15.185, CRIMINAL PROCEEDINGS
16 AGAINST THE MINOR, AND PUNISHMENTS ASSESSED AGAINST THE
17 MINOR]. A person may not use these sealed records for any purpose except that the
18 court may order their use for good cause shown [OR MAY ORDER THEIR USE BY
19 AN OFFICER OF THE COURT IN MAKING A PRESENTENCING REPORT FOR
20 THE COURT. THE PROVISIONS OF THIS SUBSECTION RELATING TO THE
21 SEALING OF RECORDS DO NOT APPLY TO RECORDS OF TRAFFIC
22 OFFENSES].

23 * Sec. 34. AS 47.10.090(d) is amended to read:

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

27 * Sec. 35. AS 47.10.090(e) is amended to read:

28 (e) The court's official records under AS 47.10.010 - 47.10.142 [THIS
29 CHAPTER] may be inspected only with the court's permission and only by persons
30 having a legitimate interest in them. [A PERSON WITH A LEGITIMATE
31 INTEREST IN THE INSPECTION OF AN OFFICIAL RECORD MAINTAINED BY

1 THE COURT INCLUDES A VICTIM WHO SUFFERED PHYSICAL INJURY OR
2 WHOSE REAL OR PERSONAL PROPERTY WAS DAMAGED AS A RESULT OF
3 AN OFFENSE THAT WAS THE BASIS OF AN ADJUDICATION OR
4 MODIFICATION OF DISPOSITION. IF THE VICTIM KNOWS THE IDENTITY
5 OF THE MINOR, IDENTIFIES THE MINOR OR THE OFFENSE TO THE COURT,
6 AND CERTIFIES THAT THE INFORMATION IS BEING SOUGHT TO CONSIDER
7 OR SUPPORT A CIVIL ACTION AGAINST THE MINOR OR AGAINST THE
8 MINOR'S PARENTS OR GUARDIANS UNDER AS 34.50.020, THE COURT
9 SHALL, SUBJECT TO AS 12.61.110 AND 12.61.140, ALLOW THE VICTIM TO
10 INSPECT AND USE THE FOLLOWING RECORDS AND INFORMATION IN
11 CONNECTION WITH THE CIVIL ACTION:

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

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

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

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

23 * Sec. 36. AS 47.10.093(a) is amended to read:

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

31 * Sec. 37. AS 47.10.093(b) is amended to read:

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

3 (1) a guardian ad litem appointed by the court or to a citizen review
4 panel for permanency planning authorized by AS 47.14.200 or 47.14.220
5 [AS 47.10.400 or 47.10.420];

6 (2) a person or an agency requested to provide consultation or services
7 for a minor who is subject to the jurisdiction of the court under AS 47.10.010;

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

10 (4) a governmental agency as may be necessary to obtain that agency's
11 assistance for the department in its investigation or to obtain physical custody of a
12 child;

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

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

18 * Sec. 38. AS 47.10.093(g) is amended to read:

19 (g) The department and affected law enforcement agencies shall work with
20 school districts and private schools to develop procedures for the disclosure of
21 information to school officials under (b)(3) [AND (c)(3)] of this section. The
22 procedures must provide a method for informing the principal or the principal's
23 designee of the school the student attends as soon as it is reasonably practicable.

24 * Sec. 39. AS 47.10.100(b) is amended to read:

25 (b) If the court determines at a hearing authorized by (a) of this section
26 [REHEARING] that it is for the best interests of the minor to be released to the care
27 or custody of the minor's parent, guardian, or custodian, it may enter an order to that
28 effect and the minor is discharged from the control of the department.

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

30 (c) If a minor is adjudicated [A DELINQUENT OR] a child in need of aid
31 before the minor's 18th birthday, the court may retain jurisdiction over the minor after

1 the minor's 18th birthday for the purpose of supervising the minor [MINOR'S
2 REHABILITATION], but the court's jurisdiction over the minor under this chapter
3 never extends beyond the minor's 19th birthday, except that the department may apply
4 for and the court may grant an additional one-year period of supervision past age 19
5 if continued supervision is in the best interests of the person and the person consents
6 to it. The department may retain jurisdiction over a child between the child's 18th and
7 19th birthdays for the purpose of supervising the child [CHILD'S
8 REHABILITATION], if the child has been placed under the supervision of the
9 department before the child's 18th birthday, except that the department may apply for
10 and the court may grant an additional one-year period of supervision past age 19 if
11 continued supervision is in the best interests of the person and the person consents to
12 it.

13 * Sec. 41. AS 47.10.110 is amended to read:

14 Sec. 47.10.110. APPOINTMENT OF GUARDIAN OR CUSTODIAN. When,
15 in the course of a proceeding under AS 47.10.010 - 47.10.142 [THIS CHAPTER], it
16 appears to the court that the welfare of a minor will be promoted by the appointment
17 of a guardian or custodian of the minor's person, the court may make the appointment.
18 The court shall have a summons issued and served upon the parents of the minor, if
19 they can be found, in a manner and within a time before the hearing that the court
20 considers reasonable. The court may determine whether the father, mother, another
21 suitable person, or the department shall have the custody and control of the minor.
22 If the minor is of sufficient age and intelligence to state desires, the court shall
23 consider them.

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

25 (a) When a child in need of aid [OR A DELINQUENT MINOR] is committed
26 under AS 47.10.010 - 47.10.142 [THIS CHAPTER], the court shall, after giving the
27 parent [OR LEGAL GUARDIAN] a reasonable opportunity to be heard, adjudge that
28 the parent [OR GUARDIAN] pay to the department in a manner that the court directs
29 a sum [THAT IS BASED ON THE FEE SCHEDULE ADOPTED UNDER
30 AS 44.29.022] to cover in full or in part the maintenance and care of the child. The
31 support obligation shall be calculated under Rule 90.3(i) of the Alaska Rules of

1 Civil Procedure [OR MINOR].

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

3 (b) A peace officer shall take into protective custody a minor described in (a)
4 of this section if the minor is not otherwise subject to arrest or detention. Unless (c)
5 of this section applies, when a peace officer takes a minor into protective custody
6 under this subsection,7 (1) the peace officer shall exercise the officer's discretion and shall8 (A) [AND (1)] return the minor to the minor's parent or
9 guardian [LEGAL CUSTODIAN] if the minor and the minor's parent or
10 guardian consent [LEGAL CUSTODIAN CONSENTS] to the return, except
11 that the officer may not use this option if the officer has reasonable cause to
12 suspect that the minor has experienced physical or sexual abuse in the parent's
13 or guardian's [LEGAL CUSTODIAN'S] household;14 (B) [(2)] take the minor to a nearby location agreed to by the
15 minor and the minor's parent or guardian [LEGAL CUSTODIAN]; or

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

17 (i) an office specified by the Department of Health and
18 Social Services;19 (ii) [,] a program for runaway minors licensed by the
20 department under AS 47.10.310;21 (iii) [,] a shelter for runaways that has a permit from the
22 department under AS 47.35.085 that agrees to shelter the minor;23 (iv) [, OR] a facility or contract agency of the
24 department; or25 (v) another suitable location and promptly notify the
26 department, if [. IF] an office specified by the department, a licensed
27 program for runaway minors, a shelter for runaways that will accept the
28 minor, or a facility or contract agency of the department does not exist
29 in the community;30 (2) a [, THE OFFICER SHALL TAKE THE MINOR TO ANOTHER
31 SUITABLE LOCATION AND PROMPTLY NOTIFY THE DEPARTMENT. A]

1 minor under protective custody may not be housed in a jail or other detention facility;
2 (3) the peace officer, immediately [. IMMEDIATELY] upon taking
3 a minor into protective custody, [THE OFFICER] shall

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

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

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

13 (c) A minor may be taken into emergency protective custody by a peace
14 officer and placed into temporary detention in a juvenile detention home in the local
15 community if there has been an order issued by a court under a finding of probable
16 cause that (1) the minor is a runaway in wilful violation of a valid court order issued
17 under AS 47.10.080(c)(1), 47.10.142(f), AS 47.12.120(b)(1) or (3), or
18 AS 47.12.250(d) [AS 47.10.080 OR 47.10.142(f)], (2) the minor's current situation
19 poses a severe and imminent risk to the minor's life or safety, and (3) no reasonable
20 placement alternative exists within the community. For the purposes of this
21 subsection, a risk may not be considered severe and imminent solely because of the
22 general conditions for runaway minors in the community, but shall be assessed in view
23 of the specific behavior and situation of the minor. A minor detained under this
24 subsection shall be brought before a court on the day the minor is detained, or if that
25 is not possible, within 24 hours after the detention for a hearing to determine the most
26 appropriate placement in the best interests of the minor. A minor taken into
27 emergency protective custody under this subsection may not be detained for more than
28 24 hours, except as provided under AS 47.12.250 [AS 47.10.140]. Emergency
29 protective custody may not include placement of a minor in a jail or secure facility
30 other than a juvenile detention home, nor may an order for protective custody be
31 enforced against a minor who is residing in a licensed program for runaway minors,

1 as defined in AS 47.10.390.

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

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

5 (1) the minor has been abandoned;

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

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

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

17 * Sec. 46. AS 47.10.142(g) is amended to read:

18 (g) Within 60 days after a court orders a child committed to the department
19 under this section, the department shall inform the parties about the local citizen out-
20 of-home care review panel established under AS 47.14.220 [AS 47.10.420].

21 * Sec. 47. AS 47.10.390(2) is amended to read:

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

23 (A) is habitually absent from home; or

24 (B) refuses to accept available care [;

25 (C) HAS NO PARENT, GUARDIAN, CUSTODIAN, OR
26 RELATIVE ABLE OR WILLING TO PROVIDE CARE; OR

27 (D) HAS BEEN PHYSICALLY ABANDONED BY

28 (i) BOTH PARENTS;

29 (ii) THE SURVIVING PARENT; OR

30 (iii) ONE PARENT IF THE OTHER PARENT'S
31 RIGHTS AND RESPONSIBILITIES HAVE BEEN TERMINATED

1 UNDER AS 25.23.180(c) OR AS 47.10.080 OR VOLUNTARILY
2 RELINQUISHED].

3 * Sec. 48. AS 47.10 is amended by adding a new section to read:

4 Sec. 47.10.980. GRANTS-IN-AID. The department may accept grants-in-aid
5 from the federal government or private foundations and may accept other gifts
6 consistent with the purposes of this chapter.

7 * Sec. 49. AS 47.10.990 is amended to read:

8 Sec. 47.10.990. DEFINITIONS. In this chapter, unless the context otherwise
9 requires,

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

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

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

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

18 (5) "DELINQUENT MINOR" MEANS A MINOR FOUND TO BE
19 WITHIN THE JURISDICTION OF THE COURT UNDER AS 47.10.010(a)(1);

20 (6) "department" means the Department of Health and Social Services;

21 (5) [(7) "JUVENILE DETENTION FACILITY" MEANS SEPARATE
22 QUARTERS WITHIN A CITY JAIL USED FOR THE DETENTION OF
23 DELINQUENT MINORS;

24 (8) "juvenile detention home" [OR "DETENTION HOME"] is a
25 separate establishment, exclusively devoted to the detention of minors on a short-term
26 basis and not a part of an adult jail;

27 (6) [(9) "JUVENILE WORK CAMP" MEANS A SEPARATE
28 RESIDENTIAL ESTABLISHMENT, EXCLUSIVELY DEVOTED TO THE
29 DETENTION OF MINORS, IN WHICH THE MINORS WHO ARE 16 YEARS OF
30 AGE OR OLDER AND COMMITTED TO THE CUSTODY OF THE
31 DEPARTMENT AND PLACED IN THE FACILITY MAY BE REQUIRED TO

1 LABOR ON THE BUILDINGS AND GROUNDS OR PERFORM ANY OTHER
 2 WORK OR ENGAGE IN ANY ACTIVITIES THAT DO NOT CONFLICT WITH
 3 REGULATIONS ADOPTED BY THE DEPARTMENT OF HEALTH AND SOCIAL
 4 SERVICES UNDER THIS CHAPTER FOR THE CARE, REHABILITATION,
 5 EDUCATION, AND DISCIPLINE OF MINORS IN DETENTION;

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

7 (11) "TREATMENT FACILITY" MEANS A HOSPITAL, CLINIC,
 8 INSTITUTION, CENTER, OR OTHER HEALTH CARE FACILITY THAT HAS
 9 BEEN DESIGNATED BY THE DEPARTMENT FOR THE TREATMENT OF
 10 JUVENILES;

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

12 * Sec. 50. AS 47 is amended by adding a new chapter to read:

13 CHAPTER 12. DELINQUENT MINORS.

14 ARTICLE 1. JUVENILE DELINQUENCY.

15 Sec. 47.12.010. PURPOSE OF CHAPTER. The purposes of this chapter are

16 (1) to protect the public and to reform juvenile offenders;

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

22 (3) to provide that counseling provided to the minor should, if
 23 appropriate, include the minor's family or guardian, that the minor's family or guardian
 24 has the right to offer suggestions and make recommendations for the correction of the
 25 minor's behavior, and that the minor's family or guardian may be asked to participate
 26 in supervision of the minor's treatment.

27 Sec. 47.12.020. JURISDICTION. Proceedings relating to a minor under 18
 28 years of age residing or found in the state are governed by this chapter, except as
 29 otherwise provided in this chapter, when the minor is alleged to be or may be
 30 determined by a court to be a delinquent minor as a result of violating a criminal law
 31 of the state or a municipality of the state.

1 Sec. 47.12.030. PROVISIONS INAPPLICABLE. (a) When a minor who was
2 at least 16 years of age at the time of the offense is arraigned on a charge for an
3 offense specified in this subsection, this chapter and the Alaska Delinquency Rules do
4 not apply to the offense for which the minor is arraigned or to any additional offenses
5 joinable to it under the applicable rules of court governing criminal procedure. The
6 minor shall be charged, prosecuted, and sentenced in the superior court in the same
7 manner as an adult unless the minor is convicted of some offense other than an offense
8 specified in this subsection, in which event the minor may attempt to prove, by a
9 preponderance of the evidence, that the minor is amenable to treatment under this
10 chapter. If the court finds that the minor is amenable to treatment under this chapter,
11 the minor shall be treated as though the charges had been heard under this chapter, and
12 the court shall order disposition of the charges of which the minor is convicted under
13 AS 47.12.120(b). The provisions of this subsection apply when the minor is arraigned
14 on a charge

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

17 (2) of arson in the first degree.

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

25 (1) a traffic statute or regulation, or a traffic ordinance or regulation of
26 a municipality;

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

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

30 (4) a parks and recreational facilities statute or regulation under
31 AS 41.21; and

1 (5) AS 04.16.050, relating to possession, control, or consumption of
2 alcohol.

3 (c) The provisions of AS 47.12.010 - 47.12.260 and the Alaska Delinquency
4 Rules do not apply to driver's license proceedings under AS 28.15.185; the court shall
5 impose a driver's license revocation under AS 28.15.185 in the same manner as adult
6 driver's license revocations, except that a parent or legal guardian shall be present at
7 all proceedings.

8 Sec. 47.12.040. INVESTIGATION AND PETITION. (a) Whenever
9 circumstances subject a minor to the jurisdiction of this chapter, the court shall

10 (1) provide, under procedures adopted by court rule, that, for a minor
11 who is alleged to be a delinquent minor under AS 47.12.020, a state agency shall make
12 a preliminary inquiry to determine if any action is appropriate and may take
13 appropriate action to adjust the matter without a court hearing; if, under this paragraph,

14 (A) the state agency makes a preliminary inquiry and takes
15 appropriate action to adjust the matter without a court hearing, the minor may
16 not be detained or taken into custody as a condition of the adjustment and,
17 subject to AS 47.12.060, the matter shall be closed by the agency if the minor
18 successfully completes all that is required of the minor by the agency in the
19 adjustment; in a municipality or municipalities in which a youth court has been
20 established under AS 47.12.400, adjustment of the matter under this paragraph
21 may include referral to the youth court;

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

25 (2) appoint a competent person or agency to make a preliminary inquiry
26 and report for the information of the court to determine whether the interests of the
27 public or of the minor require that further action be taken; if, under this paragraph, the
28 court appoints a person or agency to make a preliminary inquiry and to report to it,
29 then upon the receipt of the report, the court may informally adjust the matter without
30 a hearing, or it may authorize the person having knowledge of the facts of the case to
31 file with the court a petition setting out the facts; if the court informally adjusts the

1 matter, the minor may not be detained or taken into the custody of the court as a
2 condition of the adjustment, and the matter shall be closed by the court upon
3 adjustment.

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

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

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

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

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

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

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

18 Sec. 47.12.050. NOTICE TO AND INVOLVEMENT OF PARENT OR
19 GUARDIAN. (a) Except as may be otherwise specifically provided, in all cases
20 under this chapter, the minor, each parent of the minor, and the guardian of the minor
21 are entitled to notice adequate to give actual notice of the proceedings, taking into
22 account education and language differences that are known or reasonably ascertainable
23 by the party giving the notice. The notice must contain all names by which the minor
24 has been identified.

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

29 (c) The court may subpoena the parent or guardian of the minor, or any other
30 person whose testimony may be necessary at the hearing. A subpoena or other process
31 may be served by a person authorized by law to make the service. If personal service

1 cannot be made, the court may direct that service of process be in the manner
2 appropriate under the Alaska Rules of Civil Procedure for the service of process in a
3 civil action under state law or in any manner the court directs.

4 (d) In any proceeding under this chapter, the presence of the minor's parent or
5 guardian is preferred.

6 Sec. 47.12.060. INFORMAL ACTION BY DEPARTMENT TO ADJUST
7 MATTER. (a) The provisions of this section apply to a minor who is alleged to be
8 a delinquent minor under AS 47.12.020 and for whom an agency has, under applicable
9 court rule, made a preliminary inquiry before taking appropriate action as authorized
10 by AS 47.12.040(a). Following the preliminary inquiry, unless the agency determines
11 that the matter should be dismissed, the agency may take informal action to adjust the
12 matter.

13 (b) When the agency decides that an informal adjustment of a matter should
14 be made, that informal adjustment may not be made without the agreement or consent
15 of the minor and the minor's parents or guardians to the terms and conditions of the
16 adjustment. An informal action to adjust a matter is not successfully completed unless,
17 among other factors that the agency considers, as to the victim of the act of the minor
18 that is the basis of the delinquency allegation, the minor pays restitution in the amount
19 set by the agency or agrees as a term or condition set by the agency to pay the
20 restitution.

21 Sec. 47.12.070. SUMMONS AND CUSTODY OF MINOR. After a petition
22 is filed and after further investigation that the court directs, if the minor has not
23 appeared voluntarily, the court shall issue a summons that

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

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

28 Sec. 47.12.080. RELEASE OF MINOR. A minor who is taken into custody
29 may, in the discretion of the court and upon the written promise of the parent,
30 guardian, or custodian to bring the minor before the court at a time specified by the
31 court, be released to the care and custody of the parent, guardian, or custodian. The

1 minor, if not released, shall be detained as provided by AS 47.12.240. The court may
2 determine whether the father or mother or another person shall have the custody and
3 control of the minor for the duration of the proceedings. If the minor is of sufficient
4 age and intelligence to state desires, the court shall give consideration to the minor's
5 desires.

6 Sec. 47.12.090. APPOINTMENT OF ATTORNEY, GUARDIAN AD LITEM,
7 OR GUARDIAN. (a) In all proceedings initiated under a petition for delinquency,
8 a minor shall have the right to be represented by counsel and, if indigent, have counsel
9 appointed by the court. The court shall appoint counsel in such cases unless it makes
10 a finding on the record that the minor has made a voluntary, knowing, and intelligent
11 waiver of the right to counsel and a parent or guardian with whom the minor resides
12 or resided before the filing of the petition concurs with the waiver. In cases in which
13 it has been alleged that the minor has committed an act that would be a felony if
14 committed by an adult, waiver of counsel may not be accepted unless the court is
15 satisfied that the minor has consulted with an attorney before the waiver of counsel.

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

21 Sec. 47.12.100. WAIVER OF JURISDICTION. (a) If the court finds at a
22 hearing on a petition that there is probable cause for believing that a minor is
23 delinquent and finds that the minor is not amenable to treatment under this chapter, it
24 shall order the case closed. After a case is closed under this subsection, the minor
25 may be prosecuted as an adult.

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

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

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

3 (2) the burden of proof that a minor is not amenable to treatment under
4 this chapter is on the state; however, if the petition filed under AS 47.12.040 seeking
5 to have the court declare a minor a delinquent is based on the minor's alleged
6 commission of an offense that is an unclassified felony or class A felony and that is
7 a crime against a person, the minor

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

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

12 Sec. 47.12.110. HEARINGS. (a) The court shall conduct a hearing on the
13 petition. The court shall give notice of the hearing to the department, and the
14 department shall send a representative to the hearing. The representative of the
15 department may also be heard at the hearing. The public shall be excluded from the
16 hearing, but the court, in its discretion, may permit individuals to attend a hearing, if
17 their attendance is compatible with the best interests of the minor. Nothing in this
18 section may be applied in such a way as to deny a minor's rights to a public trial and
19 to a trial by jury.

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

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

1 (1) the principal of each high school shall submit annually to the court
2 a list of the students enrolled in grades 10, 11, and 12, and the court shall determine
3 the method of selecting the members of each panel; and

4 (2) a student

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

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

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

11 Sec. 47.12.120. JUDGMENTS AND ORDERS. (a) The court, at the
12 conclusion of the hearing, or thereafter as the circumstances of the case may require,
13 shall find and enter a judgment that the minor is or is not delinquent.

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

15 (1) order the minor committed to the department for a period of time
16 not to exceed two years or in any event extend past the day the minor becomes 19
17 years of age, except that the department may petition for and the court may grant in
18 a hearing (A) two-year extensions of commitment that do not extend beyond the
19 minor's 19th birthday if the extension is in the best interests of the minor and the
20 public; and (B) an additional one-year period of supervision past age 19 if continued
21 supervision is in the best interests of the person and the person consents to it; the
22 department shall place the minor in the juvenile facility that the department considers
23 appropriate and that may include a juvenile correctional school, juvenile work camp,
24 treatment facility, detention home, or detention facility; the minor may be released
25 from placement or detention and placed on probation on order of the court and may
26 also be released by the department, in its discretion, under AS 47.12.260;

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

1 department may petition for and the court may grant in a hearing

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

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

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

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

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

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

31 (5) order the minor committed to the department for placement in an

1 adventure based education program established under AS 47.21.020 with conditions
2 the court considers appropriate concerning release upon satisfactory completion of the
3 program or commitment under (1) of this subsection if the program is not satisfactorily
4 completed; or

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

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

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

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

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

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

1 (f) A minor, the minor's parents or guardian acting on the minor's behalf, or
2 the department may appeal a judgment or order, or the stay, modification, setting aside,
3 revocation, or enlargement of a judgment or order issued by the court under this
4 chapter.

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

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

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

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

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

17 (h) Within 60 days after the date a minor is removed from the minor's home
18 by the department, the department shall notify the appropriate local citizen out-of-home
19 care review panel established under AS 47.14.220.

20 Sec. 47.12.130. PREDISPOSITION HEARING REPORTS. (a) Before the
21 disposition hearing of a delinquent minor, the department shall submit a predisposition
22 report with a recommended plan of treatment to aid the court in its selection of a
23 disposition, a victim impact statement reporting the information set out in
24 AS 12.55.022, and any further information that the court may request. In preparing
25 the predisposition report, the department shall contact the victim of the minor's offense.

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

29 (c) In this section, "parents" means the natural or adoptive parents, and any
30 legal guardian, relative, or other adult person with whom the minor has resided and
31 who has acted as a parent in providing for the minor for a continuous period of time

1 before this action.

2 Sec. 47.12.140. COURT DISPOSITIONAL ORDER. (a) In making its
3 dispositional order under AS 47.12.120(b)(1) - (3) and (5), the court shall

4 (1) consider both the best interests of the minor and the interests of the
5 public, and, in doing so, the court shall take into account

6 (A) the seriousness of the minor's delinquent act, and the
7 attitude of the minor and the minor's parents toward that act;

8 (B) the minor's culpability as indicated by the circumstances of
9 the particular case;

10 (C) the age of the minor;

11 (D) the minor's prior criminal or juvenile record, and the
12 success or failure of any previous orders, dispositions, or placements imposed
13 on the minor;

14 (E) the effect of the dispositional order to be imposed in
15 deterring the child from committing other delinquent acts;

16 (F) the need to commit the minor to the department's custody
17 or to detain the minor in an institution or other suitable place in order to
18 prevent further harm to the public;

19 (G) the interest of the public in securing the minor's
20 rehabilitation; and

21 (H) the ability of the state to take custody of and to care for the
22 minor; and

23 (2) order the least restrictive alternative disposition for the minor; for
24 purposes of this paragraph, the "least restrictive alternative disposition" means that
25 disposition that is no more restrictive than is, in the judgment of the court, most
26 conducive to the minor's rehabilitation taking into consideration the interests of the
27 public.

28 Sec. 47.12.150. LEGAL CUSTODY, GUARDIANSHIP, AND RESIDUAL
29 PARENTAL RIGHTS AND RESPONSIBILITIES. (a) When a minor is committed
30 under AS 47.12.120(b)(1) or (3) to the department or released under
31 AS 47.12.120(b)(2) to the minor's parents, guardian, or other suitable person, a

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

17 (b) When a guardian is appointed for the minor, the court shall specify in its
18 order the rights and responsibilities of the guardian. The guardian may be removed
19 only by court order. The rights and responsibilities may include, but are not limited
20 to, having the right and responsibility of reasonable visitation, consenting to marriage,
21 consenting to military enlistment, consenting to major medical treatment, obtaining
22 representation for the minor in legal actions, and making decisions of legal or financial
23 significance concerning the minor.

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

1 Sec. 47.12.160. RETENTION OF JURISDICTION OVER MINOR. (a) The
2 court retains jurisdiction over the case and may at any time stay execution, modify, set
3 aside, revoke, or enlarge a judgment or order, or grant a new hearing, in the exercise
4 of its power of protection over the minor and for the minor's best interest, for a period
5 of time not to exceed the maximum period otherwise permitted by law or in any event
6 extend past the day the minor becomes 19, unless sooner discharged by the court,
7 except that the department may apply for and the court may grant an additional one-
8 year period of supervision past age 19 if continued supervision is in the best interests
9 of the person and the person consents to it. An application for any of these purposes
10 may be made by the parent, guardian, or custodian acting in behalf of the minor, or
11 the court may, on its own motion, and after reasonable notice to interested parties and
12 the appropriate department, take action that it considers appropriate.

13 (b) If the court determines at a hearing authorized by (a) of this section that
14 it is for the best interests of the minor to be released to the care or custody of the
15 minor's parent, guardian, or custodian, it may enter an order to that effect and the
16 minor is discharged from the control of the department.

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

30 Sec. 47.12.170. ENFORCEMENT OF RESTITUTION. When restitution is
31 ordered under AS 47.12.120(b)(4), the restitution recipient may enforce payment of the

1 restitution order against the minor under AS 09.35 as if the order were a civil
2 judgment enforceable by execution. This section does not limit the authority of the
3 court to enforce orders of restitution to victims.

4 Sec. 47.12.180. EFFECT OF ADJUDICATION. (a) Except as provided by
5 AS 47.12.170, an adjudication under this chapter upon the status of a minor

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

8 (2) does not operate to permit a minor afterward to be considered a
9 criminal by the adjudication; and

10 (3) does not operate to permit the adjudication to be afterward deemed
11 a conviction, nor may a minor be charged with or convicted of a crime in a court,
12 except as provided in this chapter.

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

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

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

22 (b) Fingerprint records taken under this section are not subject to
23 AS 47.12.310.

24 Sec. 47.12.220. APPOINTMENT OF GUARDIAN OR CUSTODIAN. When,
25 in the course of a proceeding under this chapter, it appears to the court that the welfare
26 of a minor will be promoted by the appointment of a guardian or custodian of the
27 minor's person or property, the court may make the appointment. The court shall have
28 a summons issued and served upon the parents of the minor, if they can be found, in
29 a manner and within a time before the hearing that the court considers reasonable.
30 The court may determine whether the father, mother, or the department shall have the
31 custody and control of the minor. If the minor is of sufficient age and intelligence to

1 state desires, the court shall consider them. The court may order either or both parents
2 to pay support for the minor's care to the guardian, custodian, or department.

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

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

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

13 Sec. 47.12.240. DETENTION OF MINORS. (a) When the court commits a
14 minor to the custody of the department, the department shall arrange to place the
15 minor in a detention home, work camp, or another suitable place that the department
16 designates for that purpose. Except when detention in a correctional facility is
17 authorized by (c) of this section, the minor may not be incarcerated in a correctional
18 facility that houses adult prisoners.

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

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

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

29 (A) six hours; or

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

1 (2) if, in response to a petition of delinquency filed under this chapter,
2 the court has entered an order closing the case under AS 47.12.100(a), allowing the
3 minor to be prosecuted as an adult; or

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

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

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

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

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

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

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

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

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

29 (h) In this section,

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

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

2 Sec. 47.12.250. TEMPORARY DETENTION AND DETENTION HEARING.

3 (a) A peace officer may arrest a minor who violates a law or ordinance in the peace
4 officer's presence, or whom the peace officer reasonably believes is a fugitive from
5 justice. A peace officer may continue a lawful arrest made by a citizen. The peace
6 officer may have the minor detained in a juvenile detention facility if in the opinion
7 of the peace officer making or continuing the arrest it is necessary to do so to protect
8 the minor or the community.

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

14 (c) The court shall immediately, and in no event more than 48 hours later, hold
15 a hearing at which the minor and the minor's parents or guardian if they can be found
16 shall be present. The court shall determine whether probable cause exists for believing
17 the minor to be delinquent. The court shall inform the minor of the reasons alleged
18 to constitute probable cause and the reasons alleged to authorize the minor's detention.
19 The minor is entitled to counsel and to confrontation of adverse witnesses.

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

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

27 Sec. 47.12.260. RELEASING MINORS AFTER COMMITMENT. A minor
28 found to be a juvenile delinquent who by conduct gives sufficient evidence of having
29 reformed may be released at any time under the conditions and regulations that the
30 department considers proper, if it appears to the satisfaction of the department that
31 there is a reasonable probability that the minor will remain at liberty without violating

1 the law.

2 Sec. 47.12.270. YOUTH COUNSELORS. The department may employ youth
3 counselors. Youth counselors shall exercise the duties of probation officers and shall
4 prepare preliminary investigations for the information of the court. They shall also
5 carry out other duties in the care and treatment of minors that are consistent with the
6 intent of this chapter. Youth counselors have the powers of a peace officer with
7 respect to the service of process, the making of arrests of minors who violate state or
8 municipal law, and the execution of orders of the court relating to juveniles, and shall
9 assist and advise the courts in the furtherance of the welfare and control of minors
10 under the court's jurisdiction.

11 ARTICLE 2. INFORMATION AND RECORDS.

12 Sec. 47.12.300. COURT RECORDS. (a) The court shall make and keep
13 records of all cases brought before it.

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

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

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

30 (e) The court's official records under this chapter may be inspected only with
31 the court's permission and only by persons having a legitimate interest in them. A

1 person with a legitimate interest in the inspection of an official record maintained by
2 the court includes a victim who suffered physical injury or whose real or personal
3 property was damaged as a result of an offense that was the basis of an adjudication
4 or modification of disposition. If the victim knows the identity of the minor, identifies
5 the minor or the offense to the court, and certifies that the information is being sought
6 to consider or support a civil action against the minor or against the minor's parents
7 or guardians under AS 34.50.020, the court shall, subject to AS 12.61.110 and
8 12.61.140, allow the victim to inspect and use the following records and information
9 in connection with the civil action:

10 (1) a petition filed under AS 47.12.040(a) seeking to have the court
11 declare the minor a delinquent;

12 (2) a petition filed under AS 47.12.120 seeking to have the court
13 modify or revoke the minor's probation;

14 (3) a petition filed under AS 47.12.100 requesting the court to find that
15 a minor is not amenable to treatment under this chapter and that results in closure of
16 a case under AS 47.12.100(a); and

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

19 (f) A person who has been tried as an adult under AS 47.12.100(a), or the
20 department on the person's behalf, may petition the superior court to seal the records
21 of all criminal proceedings, except traffic offenses, initiated against the person, and all
22 punishments assessed against the person, while the person was a minor. A petition
23 under this subsection may not be filed until five years after the completion of the
24 sentence imposed for the offense for which the person was tried as an adult. If the
25 superior court finds that its order has had its intended rehabilitative effect and further
26 finds that the person has fulfilled all orders of the court entered under AS 47.12.120,
27 the superior court shall order the record of proceedings and the record of punishments
28 sealed. Sealing the records restores civil rights removed because of a conviction. A
29 person may not use these sealed records for any purpose except that the court may
30 order their use for good cause shown or may order their use by an officer of the court
31 in making a presentencing report for the court. The court may not, under this

1 subsection, seal records of a criminal proceeding

2 (1) initiated against a person if the court finds that the person has not
3 complied with a court order made under AS 47.12.120; or

4 (2) commenced under AS 47.12.030(a) unless the minor has been
5 acquitted of all offenses with which the minor was charged or unless the most serious
6 offense of which the minor was convicted was not an offense specified in
7 AS 47.12.030(a).

8 Sec. 47.12.310. AGENCY RECORDS. (a) Except as specified in
9 AS 47.12.320 and (b) - (g) of this section, all information and social records pertaining
10 to a minor who is subject to this chapter or AS 47.17 prepared by or in the possession
11 of a federal, state, or municipal agency or employee in the discharge of the agency's
12 or employee's official duty, including driver's license actions under AS 28.15.185, are
13 privileged and may not be disclosed directly or indirectly to anyone without a court
14 order.

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

17 (1) a guardian ad litem appointed by the court or to a citizen review
18 panel for permanency planning authorized by AS 47.14.200 - 47.14.220;

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

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

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

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

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

31 (c) A state or municipal law enforcement agency

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

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

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

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

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

13 (d) Upon request of a victim, the department shall make every reasonable
14 effort to notify the victim as soon as practicable in writing when a delinquent minor
15 is to be released from placement in a juvenile facility under AS 47.12.120(b)(1). The
16 notice under this subsection must include the expected date of the delinquent minor's
17 release, the geographic area in which the delinquent minor is required to reside, and
18 other pertinent information concerning the delinquent minor's conditions of release that
19 may affect the victim.

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

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

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

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

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

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

9 Sec. 47.12.320. PARENTAL RIGHT TO DISCLOSE INFORMATION. (a)
10 Notwithstanding AS 47.12.300 and 47.12.310, a parent or legal guardian of a minor
11 subject to a proceeding under this chapter may disclose confidential or privileged
12 information about the minor, including information that has been lawfully obtained
13 from agency or court files, to the governor, the lieutenant governor, a legislator, the
14 ombudsman appointed under AS 24.55, the attorney general, and the commissioners
15 of health and social services, administration, or public safety, or an employee of these
16 persons, for review or use in their official capacities. A person to whom disclosure
17 is made under this section may not disclose confidential or privileged information
18 about the minor to a person not authorized to receive it.

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

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

24 ARTICLE 3. YOUTH COURTS.

25 Sec. 47.12.400. YOUTH COURTS. (a) The department may use youth courts
26 to hear, determine, and dispose of cases involving a minor whose alleged act that
27 brings the minor within the jurisdiction of AS 47.12.010 - 47.12.260 constitutes a
28 violation of a state law that is a misdemeanor or a violation or that constitutes a
29 violation of a municipal ordinance that prescribes a penalty not exceeding the penalties
30 for a class A misdemeanor under state law.

31 (b) Unless otherwise directed by the commissioner, the jurisdiction of a youth

1 court is coextensive with the boundaries of the municipality in which the youth court
2 is located. Only one youth court may be established within the boundaries of a
3 municipality. Nothing in this subsection prohibits two or more municipalities from
4 operating a single youth court for the municipalities by agreement between them.

5 (c) A nonprofit corporation may obtain recognition from the commissioner to
6 serve as a youth court. The corporation may exercise only the powers that are
7 delegated to a youth court by the commissioner, and shall exercise those powers as
8 authorized by the corporation's articles of incorporation and bylaws. The bylaws of
9 the corporation must set out standards and procedures by which the corporation, in its
10 capacity as a youth court,

11 (1) establishes a system by which the minor may be held accountable
12 for the conduct that brings the minor within the jurisdiction of the youth court by
13 being tried, represented, and adjudicated by the minor's peers;

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

16 (3) may secure jurisdiction over a minor; the youth court may secure
17 jurisdiction over the minor only with the consent of the minor and the agreement of
18 the minor's legal custodian;

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

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

23 (6) reserves the right to refer to the department, under AS 47.12.060(a),
24 a matter transmitted to the youth court for disposition in which the minor fails, without
25 good cause, to comply with all requirements ordered by the youth court as a part of
26 sentence imposed on the minor; and

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

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

31 (1) appearance and sworn testimony of a person who the commissioner

1 reasonably believes may be able to give information relating to a matter before a youth
2 court; and

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

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

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

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

15 (2) except as to a record described in (1) of this subsection, shall be
16 afforded at least the same protection and are subject to at least the same procedural
17 safeguards in matters relating to access, use, and security as they would be under
18 AS 47.12.310.

19 ARTICLE 4. GENERAL PROVISIONS.

20 Sec. 47.12.980. GRANTS-IN-AID. The department may accept grants-in-aid
21 from the federal government or private foundations and may accept other gifts
22 consistent with the purposes of this chapter.

23 Sec. 47.12.990. DEFINITIONS. In this chapter, unless the context otherwise
24 requires,

25 (1) "commissioner" means the commissioner of health and social
26 services;

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

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

29 (4) "delinquent minor" means a minor found to be within the
30 jurisdiction of the court under AS 47.12.020;

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

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

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

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

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

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

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

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

19 * Sec. 51. AS 47 is amended by adding a new chapter to read:

20 CHAPTER 14. JUVENILE PROGRAMS AND INSTITUTIONS.

21 ARTICLE 1. JUVENILE INSTITUTIONS.

22 Sec. 47.14.010. GENERAL POWERS OF DEPARTMENT OVER JUVENILE
23 INSTITUTIONS. The department may

24 (1) purchase, lease, or construct buildings or other facilities for the
25 care, detention, rehabilitation, and education of children in need of aid or delinquent
26 minors;

27 (2) adopt plans for construction of juvenile homes, juvenile work
28 camps, juvenile detention facilities, and other juvenile institutions;

29 (3) adopt standards and regulations for the design, construction, repair,
30 maintenance, and operation of all juvenile detention homes, work camps, facilities, and
31 institutions;

1 (4) inspect periodically each juvenile detention home, work camp,
2 facility, or other institution to ensure that the standards and regulations adopted are
3 being maintained;

4 (5) reimburse cities maintaining and operating juvenile detention
5 homes, work camps, and facilities;

6 (6) enter into contracts and arrangements with cities and state and
7 federal agencies to carry out the purposes of AS 47.10, AS 47.12, and this chapter;

8 (7) do all acts necessary to carry out the purposes of AS 47.10,
9 AS 47.12, and this chapter;

10 (8) adopt the regulations necessary to carry out AS 47.10, AS 47.12,
11 and this chapter;

12 (9) accept donations, gifts, or bequests of money or other property for
13 use in construction of juvenile homes, work camps, institutions, or detention facilities;

14 (10) operate juvenile homes when municipalities are unable to do so;

15 (11) receive, care for, and place in a juvenile detention home, the
16 minor's own home, a foster home, or a correctional school, work camp, or treatment
17 institution all minors committed to its custody under AS 47.10, AS 47.12, and this
18 chapter.

19 Sec. 47.14.020. DUTIES OF DEPARTMENT. The department shall

20 (1) accept all minors committed to the custody of the department and
21 all minors who are involved in a written agreement under AS 47.14.100(c), and
22 provide for the welfare, control, care, custody, and placement of these minors in
23 accordance with this chapter;

24 (2) require and collect statistics on juvenile offenses and offenders in
25 the state;

26 (3) conduct studies and prepare findings and recommendations on the
27 need, number, type, construction, maintenance, and operating costs of juvenile homes,
28 work camps, facilities, and the other institutions, and adopt and submit a plan for
29 construction of the homes, work camps, facilities, and institutions when needed,
30 together with a plan for financing the construction programs;

31 (4) examine, where possible, all facilities, institutions, work camps, and

1 places of juvenile detention in the state and inquire into their methods and the
2 management of juveniles in them.

3 Sec. 47.14.030. USE OF STANDARDIZED FORM BY FACILITIES. For the
4 purpose of collecting statistics, the department shall establish and require state and
5 local agencies that operate a jail or other detention facility to use a standardized form
6 to keep a record and report the admission of a minor. The record shall be limited to
7 the name of the minor admitted, the minor's date of birth, the specific offense for
8 which the minor was admitted, the date and time admitted, the date and time released,
9 the sex of the minor, the ethnic origin of the minor, and other information required by
10 federal law. Except for the notation of the date and time of the minor's release, the
11 record shall be prepared at the time of the minor's admission. Unless otherwise
12 provided by law, information and records obtained under this subsection are
13 confidential and are not public records. They may be disclosed only for the purpose
14 of compiling statistics and in a manner that does not reveal the identity of the minor.

15 Sec. 47.14.040. AUTHORITY TO MAINTAIN AND OPERATE HOME,
16 WORK CAMP, OR FACILITY. (a) A city may maintain and operate a juvenile
17 detention facility, and a city or a nonprofit corporation may maintain and operate a
18 juvenile detention home or a juvenile work camp.

19 (b) The city or nonprofit corporation may receive grants-in-aid from the state
20 for costs of operation of the homes, work camps, or facilities maintained and operated
21 under (a) of this section.

22 Sec. 47.14.050. OPERATION OF HOMES AND FACILITIES. (a) The
23 department shall adopt standards and regulations for the operation of

24 (1) juvenile detention homes and juvenile detention facilities in the
25 state; and

26 (2) juvenile work camps in the state; the regulations adopted under this
27 paragraph must provide a means by which to ensure that a minor who is placed in a
28 work camp

29 (A) is in good physical and mental condition and able to
30 perform the work and engage in the activities that may be required of the
31 minor;

1 (B) Does not present a danger to the physical safety of other
2 minors who are placed in the work camp.

3 (b) The department may enter into contracts with cities and other governmental
4 agencies for the detention of juveniles before and after commitment by juvenile
5 authorities. A contract may not be made for longer than one year.

6 ARTICLE 2. CARE OF CHILDREN.

7 Sec. 47.14.100. POWERS AND DUTIES OF DEPARTMENT OVER CARE
8 OF CHILD. (a) Subject to (e) and (f) of this section, the department shall arrange for
9 the care of every child committed to its custody by placing the child in a foster home
10 or in the care of an agency or institution providing care for children inside or outside
11 the state. The department may place a child in a suitable family home, with or without
12 compensation, and may place a child released to it, in writing verified by the parent,
13 or guardian or other person having legal custody, for adoptive purposes, in a home for
14 adoption in accordance with existing law.

15 (b) The department may pay the costs of maintenance that are necessary to
16 assure adequate care of the child, and may accept funds from the federal government
17 that are granted to assist in carrying out the purposes of this chapter, or that are paid
18 under contract entered into with a federal department or agency. A child under the
19 care of the department may not be placed in a family home or institution that does not
20 maintain adequate standards of care.

21 (c) The department may receive, care for, and make appropriate placement of
22 minors accepted for care for a period of up to six months on the basis of an individual
23 voluntary written agreement between the minor's parent, legal guardian, or other
24 person having legal custody and the department. The agreement must include
25 provisions for payment of fees under AS 44.29.022 to the department for the minor's
26 care and treatment. The agreement entered into may not prohibit a minor's parent,
27 legal guardian, or other person who had legal custody from regaining care of the minor
28 at any time.

29 (d) In addition to money paid for the maintenance of foster children under (b)
30 of this section, the department

31 (1) shall pay the costs of caring for physically or mentally handicapped

1 foster children, including the additional costs of medical care, habilitative and
2 rehabilitative treatment, services and equipment, special clothing, and the indirect costs
3 of medical care, including child care and transportation expenses;

4 (2) may pay for respite care; in this paragraph, "respite care" means
5 child care for the purpose of providing

6 (A) temporary relief from the stresses of caring for a foster
7 child who has a physical or mental disability or a physical or mental
8 impairment; in this subparagraph,

9 (i) "physical or mental disability" has the meaning given
10 in AS 18.80.300(12)(A), (B), and (D); and

11 (ii) "physical or mental impairment" has the meaning
12 given in AS 18.80.300; and

13 (B) protection for the child when the foster parent is

14 (i) away from the home because of an emergency and
15 other care is not available for the child; or

16 (ii) on vacation and the child, because of age or
17 infirmity, cannot be placed in any other type of temporary care facility;
18 and

19 (3) may pay a subsidized guardianship payment under AS 25.23.210
20 when a foster child's foster parents or other persons approved by the department
21 become court-appointed legal guardians of the child.

22 (e) A child may not be placed in a foster home or in the care of an agency or
23 institution providing care for children if a blood relative exists who requests custody
24 of the child. However, the department may retain custody of the child and provide for
25 its placement in the same manner as for other children if it makes a determination,
26 supported by clear and convincing evidence, that the custody of the child by the blood
27 relative will result in physical or emotional damage. In making that determination,
28 poverty, including inadequate or crowded housing, on the part of the blood relative,
29 is not considered prima facie evidence that physical or emotional damage to the child
30 will occur. This determination may be appealed to the superior court to hear the
31 matter de novo.

1 (f) If a blood relative of the child specified under (e) of this section exists and
2 agrees that the child should be placed elsewhere, before placement elsewhere, the
3 department shall fully communicate the nature of the placement proceedings to the
4 relative. Communication under this subsection shall be made in the relative's native
5 language, if necessary. Nothing in this subsection or in (e) of this section applies to
6 child placement for adoptive purposes.

7 (g) The department may enter into agreements with Alaska Native villages or
8 Native organizations under 25 U.S.C. 1919 (Indian Child Welfare Act of 1978)
9 respecting the care and custody of Native children and jurisdiction of Native child
10 custody proceedings.

11 (h) The department may not pay for respite care, as defined in (d) of this
12 section, unless the department or the entity that has contracted with the department to
13 provide the respite care requests records under AS 12.62.035(a) for the individual who
14 provides the respite care within 10 business days after the individual is hired to
15 provide respite care and reviews the records within five business days after receiving
16 them.

17 Sec. 47.14.110. DEPARTMENT INSPECTIONS; REPORTS BY FOSTER
18 HOMES AND INSTITUTIONS. (a) A representative of the department shall visit,
19 as often as is considered necessary, every foster home or institution in which a child
20 is placed, and, if not satisfied as to the care given, may remove the child from the
21 foster home or institution and place the child elsewhere.

22 (b) The person or institution receiving a child shall submit the reports the
23 department requires as to the education, health, and welfare of the child and the
24 conditions under which the child is living.

25 Sec. 47.14.120. STANDARDS OF CARE. The department shall establish
26 standards of care and adopt regulations desirable for the welfare of every child under
27 its care.

28 Sec. 47.14.130. PAYMENT OF COSTS. The department shall pay the proper
29 and necessary costs of the court and witnesses and other expenses necessarily incurred
30 in the enforcement of AS 47.14.100 - 47.14.130.

31 ARTICLE 3. CITIZENS' REVIEW PANEL FOR

PERMANENCY PLANNING.

1
2 Sec. 47.14.200. CITIZENS' REVIEW PANEL FOR PERMANENCY
3 PLANNING. (a) There is created in the Department of Administration the Citizens'
4 Review Panel for Permanency Planning. The state panel consists of five voting
5 members appointed by the governor from among present members of local citizen
6 review panels established under AS 47.14.220. The governor shall appoint at least one
7 voting state panel member from each judicial district. The governor may not appoint
8 a person who has committed a felony or violated AS 11.51.130 or a law with
9 substantially similar elements. The panel also includes the following five nonvoting
10 members who serve ex officio or their designees: the commissioner of health and
11 social services, the director of the office of public advocacy, the attorney general, the
12 public defender appointed under AS 18.85.030, and the chief justice of the Alaska
13 Supreme Court.

14 (b) Appointed members of the state panel serve at the pleasure of the governor
15 for staggered terms of three years or until their successors are appointed.

16 (c) The voting members of the state panel shall elect from among the voting
17 members a chair who shall serve for one year. Three voting members of the state
18 panel constitute a quorum for the transaction of business. The panel may not take
19 official action without the affirmative vote of at least three of its members.

20 (d) Members of the state panel are entitled to reimbursement for actual
21 expenses necessary to perform their duties as state panel members. The reimbursement
22 may not exceed the amount of per diem and expenses authorized for boards and
23 commissions under AS 39.20.180.

24 (e) The state panel shall meet twice annually. Meetings may take place
25 telephonically.

26 (f) The state panel may employ a program coordinator who shall serve at the
27 pleasure of the state panel. The program coordinator shall employ staff as necessary
28 to carry out the program coordinator's duties under state panel directives and to
29 provide clerical assistance to local panels.

30 Sec. 47.14.210. DUTIES OF THE STATE PANEL. The state panel shall

31 (1) by regulation adopt policies and procedures to carry out its duties

1 and to govern the performance of the duties of the local panels established under
2 AS 47.14.220;

3 (2) ensure that local panel members receive the minimum level of
4 training necessary to effectively carry out their duties;

5 (3) coordinate and review the activities of the local panels and make
6 recommendations to the governor on appointments to the local panels;

7 (4) prepare a report annually, by the 10th day of each regular session
8 of the legislature, concerning the activities of the state and local panels during the
9 previous fiscal year; the report must include the number of cases reviewed by each
10 local panel, a description of the characteristics of the children whose cases were
11 reviewed by the panels, the number of children reunited with their families, the number
12 of children placed in other permanent homes, and recommendations and justifications
13 for program improvement, including recommendations relating to state agencies and
14 to the panel review system; the report may contain other information on the experience
15 of the local panels; the state panel shall notify the legislature that the report is
16 available.

17 Sec. 47.14.220. APPOINTMENT OF LOCAL PANELS. (a) The governor
18 shall appoint for each judicial district a local citizen out-of-home care review panel
19 composed of five members and two alternates who are residents of the judicial district.
20 Members shall serve three-year terms except that, when a local panel is initially
21 appointed, two members shall be appointed for three-year terms, two members for two-
22 year terms, and one member for a one-year term. Alternates shall be appointed to
23 three-year terms.

24 (b) The governor shall appoint to a local panel persons who have training,
25 experience, special knowledge, or a demonstrated interest in the welfare of children.
26 An out-of-home care provider or a person employed by the court system, the
27 department, the office of public advocacy, the Public Defender Agency, or the
28 Department of Law may not serve as a member or alternate member of a local panel.
29 The governor may not appoint a person who has committed a felony or violated
30 AS 11.51.130 or a law with substantially similar elements.

31 (c) The composition of a local panel must be reasonably representative of the

1 various social, economic, racial, ethnic, and cultural groups of the district from which
2 the members are appointed.

3 (d) If the state panel determines that additional local panels are necessary in
4 a judicial district because of excessively large or complex caseloads for review or
5 because of the demographics of cases, or determines that a local panel is not necessary
6 because of a reduced caseload, the governor may create or dissolve a local panel. The
7 governor may not reduce the number of panels in a judicial district to fewer than one.
8 Appointments to a panel established under this subsection are governed by (a) - (c) of
9 this section.

10 (e) When a person is appointed to serve on a local panel, the person shall
11 swear or affirm to keep confidential all information that comes before the local panel
12 except for nonidentifying case information included in a report to the state panel,
13 information for reports required under AS 47.17, or as required by court order for good
14 cause shown. A local panel member may also share confidential information with
15 other members of the local panel and staff who serve the local panel.

16 Sec. 47.14.230. MEETINGS; EXPENSES. (a) A local panel shall conduct
17 its meetings in the judicial district in which its members reside.

18 (b) The local panel shall elect one of its members to serve as chair for a term
19 of one year.

20 (c) A majority of the members of a local panel constitutes a quorum. A panel
21 may not take official action without the affirmative vote of at least three of its
22 members.

23 (d) A local panel member is not eligible for travel expenses, per diem, or other
24 expenses for service on the local panel unless the state panel requires a local panel
25 member to travel to attend a meeting. If the state panel requires a local panel member
26 to travel to attend a meeting, the local panel member is entitled to reimbursement for
27 actual expenses incurred by the member in attending the meeting, except that the
28 reimbursement may not exceed the amount of per diem and expenses authorized for
29 boards and commissions under AS 39.20.180.

30 Sec. 47.14.240. DUTIES OF LOCAL PANEL. (a) A local panel shall review
31 the case plan of each child in the custody of the department who is in a placement

1 other than the child's own home under AS 47.10.080(c)(1) or (3), 47.10.142,
2 AS 47.12.120(b)(3), or AS 47.14.100(c) if the case is under the jurisdiction of a court
3 in the judicial district served by the panel. A local panel may request a local panel in
4 another judicial district to conduct a review and make a report if that local panel is
5 more convenient for the child and other persons involved.

6 (b) The local panel shall review a case as required under 42 U.S.C. 671 - 675
7 (P.L. 96-272) within 180 days after the day the child is initially removed from the
8 child's home and every six months thereafter. A court review may be substituted for
9 a review required under this subsection if the court review meets the requirements of
10 this subsection.

11 (c) At least 30 days before it begins a review, the local panel shall provide
12 written notice to the following persons that a review will be conducted and that each
13 person notified may participate in the review:

- 14 (1) the department;
- 15 (2) the child or the child's legal representative;
- 16 (3) the child's parents;
- 17 (4) the child's guardian;
- 18 (5) the child's guardian ad litem;
- 19 (6) the child's out-of-home care provider; and
- 20 (7) if the case is governed by 25 U.S.C. 1901 - 1963 (Indian Child

21 Welfare Act),

22 (A) the child's Indian custodian; and

23 (B) the designated representative of the child's Indian tribe if
24 the tribe has intervened in the case.

25 (d) In reviewing a case, the local panel shall consider the case plan and any
26 progress report of the department or the child's guardian ad litem, court records, and
27 other relevant information about the child and the child's family. The local panel shall
28 also provide to the following persons an opportunity to be interviewed by the panel in
29 person or by telephone or to provide written material to the panel:

30 (1) the child whose case is being reviewed if the child is 10 years of
31 age or older;

- 1 (2) the parents, custodians, or other relatives of the child;
- 2 (3) the child's out-of-home care provider;
- 3 (4) the child's guardian;
- 4 (5) the child's guardian ad litem;
- 5 (6) the case worker or social worker assigned to the case;
- 6 (7) if the case is governed by 25 U.S.C. 1901 - 1963 (Indian Child
- 7 Welfare Act),

8 (A) the child's Indian custodian; and

9 (B) the designated representative of the child's Indian tribe if
10 the tribe has intervened in the case; and

11 (8) other persons with a close personal knowledge of the case.

12 (e) At the discretion of the child's guardian ad litem, if the child whose case
13 is being reviewed is under 10 years of age, the child may be present at interviews
14 conducted under (d) of this section and during review by the panel, or may be
15 interviewed. At the child's request, a child who is 10 years of age or older shall be
16 allowed to be present at interviews or a review of the local panel that concerns the
17 child's case unless the panel determines that for good cause the child's presence would
18 be contrary to the best interests of the child or there is other good cause for denying
19 the child's request.

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

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

25 (2) evaluate the continuing necessity and appropriateness of the child's
26 placement, the extent of the compliance with the child's case plan, and the extent of
27 progress that has been made toward mitigating the causes that necessitated placement
28 away from the child's parents;

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

31 (4) determine whether there has been compliance with applicable

1 provisions of 25 U.S.C. 1901 - 1963 (Indian Child Welfare Act) and other applicable
2 state and federal laws; and

3 (5) determine whether there has been compliance with court review
4 requirements of AS 47.10.080(f) and (l), 47.10.142(h), and AS 47.12.120(d) and (g).

5 (g) The local panel shall within 30 days after reviewing the case submit a
6 written report to the persons listed in (c) of this section.

7 (h) The report required under (g) of this section must make advisory
8 recommendations based on the best interests of the child in accordance with
9 AS 47.10.082 and must include notification of the right to request court review under
10 AS 47.10.080(f) or AS 47.12.120(d), as appropriate. If the court has scheduled the
11 case for review, the local panel shall submit its report at least 20 days before the
12 hearing.

13 (i) The local panel shall report to the state panel information needed by the
14 state panel to prepare the report required under AS 47.14.210.

15 Sec. 47.14.250. COOPERATION WITH STATE AND LOCAL PANELS. The
16 department, Department of Law, public defender, office of public advocacy, and court
17 system shall cooperate with the state panel and the local panels to facilitate timely
18 review of plans for children whose cases are under the jurisdiction of the panels.

19 Sec. 47.14.260. RECORDS: COMMUNICATIONS. (a) Notwithstanding
20 AS 47.10.090, 47.10.093, AS 47.12.300, and 47.12.310, at the request of a local panel,
21 the department, the child's guardian ad litem, and the court shall furnish to the local
22 panel relevant records concerning a child and the child's family who are the subjects
23 of a local panel review. At the conclusion of a review, all copies of records provided
24 to a local panel under this section shall be returned to the staff that serves the local
25 panel or to the agency from which the original copy was obtained unless the panel
26 members need the copies to prepare the reports required under AS 47.14.240(g) - (i).
27 Copies retained for preparation of the reports shall be returned to the staff that serves
28 the local panel or to the originating agency upon completion of the reports.
29 Notwithstanding AS 44.62.310, records and reports of the local panel, testimony before
30 the local panel, and deliberations of the local panel are confidential under
31 AS 47.10.090 and AS 47.12.310.

1 (b) A local panel member may not reveal to another person, other than another
2 member of the local panel or the staff serving the local panel, a communication made
3 to the member while performing the member's duties under AS 47.14.200 - 47.14.299
4 except as required under AS 47.17 or as required by court order for good cause shown.
5 A local panel member may share with the state panel communications made during the
6 local panel member's performance of official duties if the local panel member omits
7 identifying information.

8 (c) A local panel proceeding is not governed by AS 44.62.310.

9 Sec. 47.14.270. COURT REVIEW OF REPORT. (a) When a report is
10 admissible under court rules, the court may consider the report of the local panel in
11 its review under AS 47.10.080(f) or AS 47.12.120(d), as appropriate, and at other
12 disposition hearings other than hearings related to delinquency proceedings.

13 (b) The court may refer to the local panel a case called for a special
14 review under AS 47.10.080(f) or AS 47.12.120(d), as appropriate.

15 Sec. 47.14.280. INDEMNIFICATION OF PANEL MEMBERS. A state panel
16 member and a local panel member shall be indemnified by the state for civil liability
17 for a negligent act or omission of the panel member that occurs in the performance of
18 the member's duties under AS 47.14.200 - 47.14.299 unless the civil liability results
19 from the panel member's violation of

20 (1) AS 47.14.260(b); or

21 (2) the oath or affirmation required under AS 47.14.220(e).

22 Sec. 47.14.299. DEFINITIONS. In AS 47.14.200 - 47.14.299,

23 (1) "local panel" means a local citizen out-of-home care review panel
24 appointed under AS 47.14.220;

25 (2) "out-of-home care provider" means an agency or person, other than
26 the child's legal parents, with whom a child who is in the custody of the state under
27 AS 47.10.080(c)(1) or (3), 47.10.142, AS 47.12.120(b)(3), or AS 47.14.100(c) is
28 currently placed; in this paragraph, "agency or person" includes a foster parent, a
29 relative other than a parent, a person who has petitioned for adoption of the child, and
30 a residential child care facility;

31 (3) "state panel" means the Citizens' Review Panel for Permanency

1 Planning established under AS 47.14.200.

2 ARTICLE 4. GENERAL PROVISIONS.

3 Sec. 47.14.980. GRANTS-IN-AID. The department may accept grants-in-aid
4 from the federal government or private foundations and may accept other gifts
5 consistent with the purposes of this chapter.

6 Sec. 47.14.990. DEFINITIONS. In this chapter, unless the context otherwise
7 requires,

8 (1) "care" or "caring" under AS 47.14.100(c) means to provide for the
9 physical, emotional, mental, and social needs of the child;

10 (2) "child in need of aid" means a minor found to be within the
11 jurisdiction of the court under AS 47.10.010(a);

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

13 (4) "delinquent minor" means a minor found to be within the
14 jurisdiction of the court under AS 47.12.020;

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

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

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

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

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

29 (10) "treatment facility" or "treatment institution" means a hospital,
30 clinic, institution, center, or other health care facility that has been designated by the
31 department for the treatment of juveniles.

1 * Sec. 52. AS 47.17.290(8) is amended to read:

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

7 * Sec. 53. AS 47.33.010(b) is amended to read:

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

9 (1) a correctional facility;

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

12 (3) an emergency shelter;

13 (4) a medical facility, including a nursing home, licensed under
14 AS 18.20;

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

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

18 * Sec. 54. AS 47.33.990(3) is amended to read:

19 (3) "adult" means a person 18 years of age or older who is not a ward
20 of the state under AS 47.10.080(f) or AS 47.12.120(d) [AS 47.10.080];

21 * Sec. 55. AS 47.35.015(c) is amended to read:

22 (c) A person may not operate a residential child care facility without a license
23 issued under this chapter unless that facility is

24 (1) a juvenile facility operated by the state under AS 47.14.010
25 [AS 47.10.150];

26 (2) a medical facility licensed by the department under AS 18.20;

27 (3) a recreational camp providing recreational experiences of no more
28 than one month's duration for a child; or

29 (4) exempt from licensure for a reason set out in (b)(6) or (7) of this
30 section.

31 * Sec. 56. AS 47.40.011(a) is amended to read:

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

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

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

7 * Sec. 57. AS 47.70.020 is amended to read:

8 Sec. 47.70.020. FINANCIAL RESPONSIBILITY. Financial responsibility for
9 a child placed in accordance with the Interstate Compact on the Placement of Children
10 shall be determined in accordance with art. V of the compact. However, in the event
11 of partial or complete default of performance under the compact, the provisions of
12 AS 47.14.100(b) [AS 47.10.230(b)] apply.

13 * Sec. 58. AS 47.70.050 is amended to read:

14 Sec. 47.70.050. DELEGATION BY AGREEMENT. Requirements for
15 visitation, inspection, or supervision of children, homes, institutions, or other agencies
16 in another party state which may apply under AS 47.14.110 [AS 47.10.240] shall be
17 considered to be met if performed under an agreement entered into by appropriate
18 officers or agencies of this state or a subdivision of this state as contemplated by art.
19 V(b) of the Interstate Compact on the Placement of Children.

20 * Sec. 59. AS 47.10.010(b), 47.10.010(d), 47.10.010(e), 47.10.020(d), 47.10.040,
21 47.10.050(b), 47.10.060, 47.10.070(b), 47.10.075, 47.10.080(b), 47.10.080(g), 47.10.080(h),
22 47.10.081(a), 47.10.090(b), 47.10.093(c)(2), 47.10.093(c)(3), 47.10.093(c)(4), 47.10.093(c)(5),
23 47.10.093(d), 47.10.093(e), 47.10.093(h), 47.10.095, 47.10.097, 47.10.130, 47.10.140,
24 47.10.150, 47.10.160, 47.10.170, 47.10.180, 47.10.190, 47.10.200, 47.10.210, 47.10.220,
25 47.10.230, 47.10.240, 47.10.250, 47.10.260, 47.10.265, 47.10.400, 47.10.410, 47.10.420,
26 47.10.430, 47.10.440, 47.10.450, 47.10.460, 47.10.470, 47.10.480, and 47.10.490 are repealed.

27 * Sec. 60. Rule 23(d), Alaska Delinquency Rules, is amended to read:

28 (d) ORDER. The court shall enter [IN] its disposition order taking into
29 account the considerations set out in AS 47.12.140 [, THE COURT SHALL ORDER
30 THE LEAST RESTRICTIVE ALTERNATIVE DISPOSITION UNDER
31 AS 47.10.080(b) THAT ADDRESSES THE JUVENILE'S TREATMENT NEEDS

1

AND PROTECTS THE PUBLIC].

FISCAL NOTE

STATE OF ALASKA
1996 LEGISLATIVE SESSION

BILL NO: CSS3HB 387(HES)

Revision Date: March 18, 1996 Dept. Affected: Public Safety
 Title: Juvenile Code Revision BRU: Alaska State Troopers
 Component: Detachments
 Sponsor: Representative Kelly
 Requestor: H. Judiciary COMPONENT SERIAL NO. 0799

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

	FY 97	FY 98	FY 99	FY 00	FY 01	FY 02
OPERATING						
PERSONAL SERVICES						
TRAVEL						
CONTRACTUAL						
SUPPLIES						
EQUIPMENT						
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
TOTAL OPERATING	-0-	-0-	-0-	-0-	-0-	-0-
CAPITAL						
CHANGE IN REVENUES () Revenue Code						

FUNDING: (Thousands of Dollars)

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

Estimate of current year (FY 96) 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.)

The current version of this bill will not have a fiscal impact on the Division of Alaska State Troopers.

Prepared By: Lt. Dan Lowden Phone: 465-5505
 Division: Alaska State Troopers Date: March 18, 1996
 Approved by Commissioner: *Ronald L. Otte* Date: 3/19/96
 Agency: Ronald L. Otte, Department of Public Safety

PREPARER TO PROVIDE ALL DISTRIBUTION COPIES TO GOVERNOR'S LEGISLATIVE OFFICE

For further distribution information call the Governor's Legislative Office

Alaska State Legislature

REPRESENTATIVE
PETER KELLY

Mailing Address:
119 N. Cushman, Suite 203
Fairbanks, Alaska 99701
(907) 456-8161



Write in Juneau
State Capitol
Juneau, Alaska
99801-1182
(907) 465-2327

House District 31

House Of Representatives

Sectional

CSSSHB 387 Juvenile Delinquency Code

LS1276W, 3/19/98

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

Section 3. Truancy. Authorizes District School Boards to establish truancy policy.

Sections 4, 5, 6. Technical numbering

Section 7. Allows municipalities to establish a curfew for minors.

Sections 8, 9, 10, 11, 12, 13, 14, 15, 16. Technical numbering.

Section 17. The existing code AS 47.10, deleting the language appropriate to the delinquency code, AS 47.12.

Sections 18, 19, 20, 21, 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. 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 suggestion of D.O.L.

Section 47. Deletes orphans. Inapplicable, and at request of D.O.L.

Section 50, page 23. New chapter for "Delinquent Minors."

Page 23, Article 1. Establishes a separate code for delinquent minors.

Page 23, AS 47.10.010. Establishes policy for the new delinquency code.

- (1) Protect the public and reform juvenile offenders.
- (2) Resolution should require some form of sanction, the form of the sanction should be certain, 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 should, if appropriate, 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.

Page 27, lines 4 & 5. AS 47.12.030(d) the presence of the minor's parent or guardian is preferred in a court proceeding.

Page 30. AS 47.12.100(b)(2) & (3) extends probation for a minor from two years to four years, up to the minor's 19th birthday.

Page 32, lines 29 -31. Existing code. Requires the department to pay all court costs in all proceedings in connection with the adjudication of delinquency.

Page 34. AS 47.12.140 Court Disposition. (a) In making its dispositional order the court shall:

(1) Consider the best interests of the minor and the public, and in doing so the court shall take into account:

- (A) The seriousness of the minor's delinquent act and the attitude of the minor and the minor's parent toward that act;
- (B) The minor's culpability;
- (C) The age of the minor;
- (D) The minor's prior criminal or juvenile record and the success or failure of any previous orders, dispositions, or placements.;
- (E) the effect of the dispositional order to be imposed in deterring the child from committing other delinquent acts;
- (F) the need to commit the minor to the department's custody or to detain the minor in an institution or other suitable place in order to prevent further harm to the public;
- (G) the interest of the public in securing the minor's rehabilitation;
- (H) the ability of the state to take custody of and to care for the minor; and

(2) Order the least restrictive alternative disposition for the minor; for the purposes of this paragraph, 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.

Page 36, AS 47.12.170. 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 37, line 27, AS 47.12.220. The word "property" has been added. This protects a minor's property while detained, in foster care or otherwise out of home.

Page 38, lines 7 & 8, AS 47.12.230. Inserts the Civil Rule 90.3 calculation for parental support of a minor in state custody. Request of D.O.L.

Page 45, line 23, AS 47.12.320. Clarify that an official who violates the confidentiality of a minor is guilty of a class B misdemeanor. Request of D.O.L.

Section 51. Page 48. A new chapter for juvenile programs and institutions. Existing language reorganized at the request of D.O.L. and H.S.S.

Sections 52, 53, 54, 55, 56, 57, 58. Technical numbering.

Section 59. 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 W)
47.10.010(b)	47.12.030(b)
47.10.010(d)	47.12.030(c)
47.10.010(e)	47.12.030(a)
47.10.020(d)	47.12.060(a)
47.10.040	47.12.080
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(g)	47.12.180(a) & (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(c)(2), (3), (4), & (5)	47.12.310(c)(2), (3), (4), & (5)
47.10.093(d)	47.12.310(d)
47.10.093(e)	47.12.310(e)
47.10.093(h)	47.12.310(h)
47.10.095	47.12.200
47.10.097	47.12.210
47.10.130	47.12.240
47.10.140	47.12.250
47.10.265	47.12.400
47.10.150	47.14.010
47.10.160	47.14.020 & .030
47.10.170	47.14.040
47.10.180	47.14.050

Sectional CSSS HB 387W
Page 4.

Old Statute Number

47.10.190

47.10.200

47.10.210

47.10.220

47.10.230

47.10.240

47.10.250

47.10.260

New Statute Number (version W)

47.12.240(a)

47.12.260

47.12.270

47.10.980, 47.12.980, 47.14.980

47.14.100

47.14.110

47.14.120

47.14.130

Section 60. Court rule modifications.

Alaska State Legislature

REPRESENTATIVE
PETER KELLY

Mailing Address:
119 N. Cushman, Suite 203
Fairbanks, Alaska 99701
(907) 456-8161



While in Juneau
State Capitol
Juneau, Alaska
99801-1182
(907) 465-2327

House District 31

House Of Representatives

Sponsor Statement

HB 387

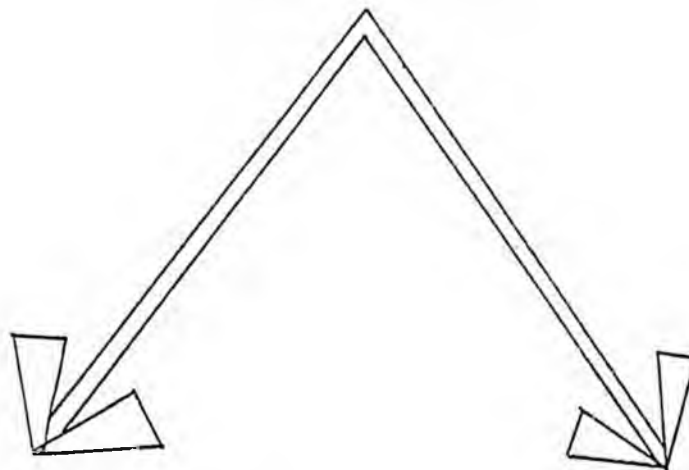
HB 387 takes the existing juvenile code and splits it into two sections, one for dealing with abused children and a new section of code to deal with criminal acts committed by children. Children-in-need-of-aid remain under AS 47.10, delinquent acts are addressed under AS 47.12. HB 387 provides a new policy section for the separate delinquency code, and a more complete set of parameters for judges to consider once a minor has been found to be delinquent. The new section for dealing with delinquent children will be familiar to juvenile justice workers.

HB 387 streamlines the existing truancy code, and authorizes municipalities to establish curfew.

This version of the bill no longer includes community service citations, community courts, entry level consequences for juvenile delinquents, or runaway language.

Child In Need of Aid
&
Delinquent

AS 47.10



Child In Need of Aid

Delinquent

AS 47.10

AS 47.12

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.

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 50/50 that he'll clean up. Why? He can usually find something else to do that's just as fun as the Mighty Morphins.

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.

FISCAL NOTE

STATE OF ALASKA
1996 LEGISLATIVE SESSION

BILL NO: CSSSHB 387(HES)

Revision Date: _____
 Title: Juvenile Code Revision
 Sponsor: Representative Kelly
 Requestor: House HESS

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						
TOTAL OPERATING	*	*	*	*	*	*

CAPITAL	*	*	*	*	*	*
----------------	---	---	---	---	---	---

CHANGE IN REVENUES () Revenue Code						
--	--	--	--	--	--	--

FUNDING: (Thousands of Dollars)

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

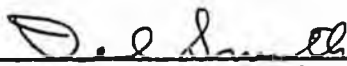
Estimate of current year (FY 95) impact: \$ _____

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.)

Subject to change after more in depth review of the changes to the bill.

Prepared By: Lt. Dan Lowden
 Division: Alaska State Troopers
 Approved by Commissioner: 
 Agency: Ronald L. Otte, Department: of Public Safety

Phone: 465-5505
 Date: March 7, 1996
 Date: 3-17-96

PREPARER TO PROVIDE ALL DISTRIBUTION COPIES TO GOVERNOR'S LEGISLATIVE OFFICE
 For further distribution information call the Governor's Legislative Office

FISCAL NOTE

STATE OF ALASKA
1996 LEGISLATIVE SESSION

BILL NO. CSHB387 (HES)

Revision Date: _____
 Title: Juvenile Code Revisions
 Sponsor: Representative Kelly
 Requestor: House (HES)

Dept. Affected: Health and Social Services
 BRU: Family and Youth Services
 Component: DFYS Central Office
 COMPONENT SERIAL NO. 259
 See also (SN#): _____

Expenditures/Revenues:

(Thousands of Dollars)

OPERATING	FY97	FY98	FY99	FY00	FY01	FY02
PERSONAL SERVICES						
TRAVEL						
CONTRACTUAL						
SUPPLIES						
EQUIPMENT						
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
TOTAL OPERATING	0.0	0.0	0.0	0.0	0.0	0.0

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

CHANGES IN REVENUES ()						
-------------------------	--	--	--	--	--	--

FUND SOURCE

(Thousands of Dollars)

FUND SOURCE	FY97	FY98	FY99	FY00	FY01	FY02
1002 Federal Receipts						
1003 GF Match						
1004 GF						
1005 GF/Program Receipts						
1006 GF/MHTIA						
Other (please specify)						
TOTAL	0.0	0.0	0.0	0.0	0.0	0.0

POSITIONS:

POSITIONS	FY97	FY98	FY99	FY00	FY01	FY02
FULL-TIME						
PART-TIME						
TEMPORARY						

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

ANALYSIS: (Attach a separate page if necessary)

There would be no fiscal impact to the Division if this bill were to become law.

S/1/96
 Prepared by: *Katherine D. Little*
 Division: for L. Diane Worley, Director
 Family & Youth Services
 Approved by Commissioner: *Karen Perdue*
 Agency: Karen Perdue, Commissioner
 Department of Health & Social Services

Phone: 465-3191
 Date: 03/01/96
 Date: 3/5/96

PREPARER TO PROVIDE ALL DISTRIBUTION COPIES TO GOVERNOR'S LEGISLATIVE OFFICE
 For further distribution information, call the Governor's Legislative Office

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						
TOTAL OPERATING	0.0	0.0	0.0	0.0	0.0	0.0

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

CHANGE IN REVENUES ()						
------------------------	--	--	--	--	--	--

FUND SOURCE (Thousands of Dollars)

FUND SOURCE	FY 97	FY 98	FY 99	FY 00	FY 01	FY 02
1002 Federal Receipts						
1003 GF Match						
1004 GF						
1005 GF/Program Receipts						
1006 GF/MHTIA						
Other						
TOTAL	0.0	0.0	0.0	0.0	0.0	0.0

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

POSITIONS

POSITIONS	FY 97	FY 98	FY 99	FY 00	FY 01	FY 02
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 Phone: 465-4652
 Division: Office of the Commissioner Date: 1/30/96
 Approved by Commissioner: Marqaret H. Pugh Marqaret Pugh Date: 1/30/96
 Agency: Department of Corrections

PREPARER TO PROVIDE ALL DISTRIBUTION COPIES TO GOVERNOR'S LEGISLATIVE OFFICE
 For further distribution information, call the Governor's Legislative Office

(7)

HOUSE COMMITTEE REPORT

Date Referred to Committee: January 19, 1996

FURTHER REFERRALS:

Judiciary
Finance

Date of Committee Action: 2/29/96

The HEALTH, EDUCATION AND SOCIAL SERVICES Committee considered:

SSHB 387

SPONSOR SUBSTITUTE FOR HOUSE BILL NO. 387

JUVENILE CODE REVISION

"An Act relating to minors and to offenses committed by minors, and to programs relating to minors; relating to the use of citations for offenses when the offenses are committed by minors, and authorizing disposition of those offenses by citations that require performance of community service in lieu of a court appearance; establishing a curfew for minors, and authorizing municipalities to establish curfews by ordinance; relating to the detention of minors, defining certain conduct by minors as violations, and amending the criminal jurisdiction of the district court to provide for the disposition of certain offenses involving minors; and amending Rules 3(b) and 23(d), Alaska Delinquency Rules."

recommends it be replaced with the following committee substitute CS SS HB 387 (HES) the same title a new title

additional referral to _____ Committee
 attached amendment(s)

ADOPTS: _____ Letter of Intent

ATTACHES NEW FISCAL NOTE(S): (Dept)

APPROVES PREVIOUS: (Dept/Date)

fiscal note(s) Public Safety

fiscal note(s) _____

zero fiscal note(s) Corrections, H+SS

zero fiscal note(s) _____

SIGNING WITH RECOMMENDATIONS	DP	DNP	NR	AM
<i>[Signature]</i>			<input checked="" type="checkbox"/>	
<i>[Signature]</i>	<input checked="" type="checkbox"/>			
<i>[Signature]</i>			<input checked="" type="checkbox"/>	
<i>[Signature]</i>			<input checked="" type="checkbox"/>	
<i>[Signature]</i>			<input checked="" type="checkbox"/>	

CHAIR'S SIGNATURE *[Signature]*