

**SB**

**289**

**SFIN**

**FILE**

# LEGAL SERVICES

DIVISION OF LEGAL AND RESEARCH SERVICES  
LEGISLATIVE AFFAIRS AGENCY  
STATE OF ALASKA

(907) 465-3867 or 465-2450  
FAX (907) 465-2029  
Mail Stop 3101

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

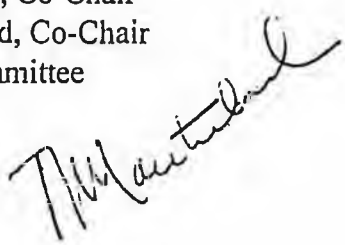
## MEMORANDUM

March 28, 1996

**SUBJECT:** Runaways (CSSB 289(FIN))

**TO:** Senator Steve Frank, Co-Chair  
Senator Rick Halford, Co-Chair  
Senate Finance Committee

**FROM:** Terri Lauterbach  
Legislative Counsel



Enclosed is the CS you requested for this bill.

There is one change that I wish to bring to your attention. In Senator Rieger's amendment, he requested the addition of a new definition for "juvenile secure facility." The place where he requested that it be added was as a new paragraph (3) in AS 47.10.141(e). However, definitions there only apply to AS 47.10.141, and "juvenile secure facility" is used only in AS 47.10.140. Therefore, I have added the definition in AS 47.10.140(a).

If this is not consistent with the committee's intent in passing Senator Rieger's amendment, please give me further instructions for drafting.

TML:klb  
96-238.klb

Enclosure

03/12/96 LEGISLATIVE TELECONFERENCE NETWORK SYSTEM LTN1150  
09:01:25 PARTICIPANT LIST (ALL PARTICIPANTS) BY:FBX  
TCN:60511 SCHEDULED FOR:03/12/96 09:00 TO 11:00 FOR:FBX

PUBLIC HEARING SENATE FINANCE

LOCATION: ~~FAIRBANKS~~  
~~SB 289~~ ~~MR.~~ ~~AL~~ ~~NEAR~~ ~~TESTIFY~~  
~~SB 289~~ ~~MS~~ ~~CAROL~~ ~~GORDON~~ ~~TESTIFY~~  
~~SB 289~~ ~~MS~~ ~~LORI~~ ~~BAGES~~ ~~TESTIFY~~  
~~SB 289~~ ~~MS~~ ~~FLORENCE~~ ~~LOUGKS~~ ~~FBKS NATIVE ASSOC~~ ~~TESTIFY~~  
~~SB 289~~ ~~MS~~ ~~JUDY~~ ~~SCHLEIFER~~ ~~TESTIFY~~  
SB 289 MS. DANIA BROWN

Title 2 OJJDP \$

Grantee List for FY '96 (FORMULA GRANT FUNDS)

<u>GRANTEE</u>	<u>SERVICE</u>	<u>AMOUNT</u>
(1) Alaska Youth & Parent Foundation	Electronic Monitoring	\$52,000.
(2) Conum. Dispute Resolution Ctr.	Victim Offender/Mediation	\$28,000.
(3) Fairbanks Native Association	Electronic Monitoring	\$30,000.
(4) AK Coalition to Prevent Shoplifting	Diversion	\$15,000.
(5) Nome Community Ctr.	Diversion	<u>\$15,000.</u>
	<i>SUBTOTAL</i>	<i>\$140,000</i>
(6) Juneau Youth Services	Non-secure shelter	\$12,000.
(7) Youth Advocates of Sitka	Non-secure shelter	\$12,000.
(8) City of Dillingham	Non-secure shelter	\$12,000.
(9) Kenai Peninsula Comm. Care Ctr.	Non-secure shelter	\$45,000.
(10) Fairbanks Native Assoc.	Non-secure shelter	\$12,000.
(11) Residential Youth Care	Non-secure shelter	\$20,000
(12) North Slope Borough DHSS	Non-secure shelter	\$12,000.
(13) City of Valdez	Non-secure shelter	\$ 8,000.
(14) Kodiak Youth Services Ctr	Non-secure shelter	<u>\$ 6,000</u>
	<i>SUBTOTAL</i>	<i>\$139,000</i>
AVCP	IPT	\$12,101.
BBNA	IPT	\$ 5,013.
KANA	IPT	\$ 4,052.
Kawerak	IPT	\$ 6,270.
Chugachmiut	IPT	\$ 3,856.
TCC	IPT	\$ 5,151.
T&H	IPT	\$ 5,249.
Metlakatla	IPT	<u>\$ 4,367.</u>
	<i>SUBTOTAL:</i>	<i>\$46,059</i>

450  
545  
↓

Title V Program Funds

City of Kodiak/ Kodiak Youth Services Network	\$25,000
City & Borough of Juneau/Seven Circles Coalition	\$25,000
City & Borough of Sitka/Sitka Alliance for Health	<u>\$25,000</u>
	<i>SUBTOTAL:</i>
	<i>\$75,000</i>

**TOTAL GRANT AMOUNT: \$400,059**

# LEGAL SERVICES

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Juneau, Alaska 99801-2105

## MEMORANDUM

March 25, 1996

**SUBJECT:** Detention of Runaways (Work Order No. 9-LS1635\M.3)

**TO:** Senator Steve Frank  
Attn: Alli Gordon

**FROM:** Terri Lauterbach *TLauterbach*  
Legislative Counsel

Enclosed is a draft amendment intended to address your concern that there be a "consequence" for a runaway minor who leaves a semi-secure facility without permission. As I understand your latest request, you want the minor to be detained in a secure facility for a "cooling-off" period and to give time for DHSS to file either a CINA or delinquency petition, but you do not want long-term incarceration.

Therefore, what this amendment would do is allow a peace officer to pick up a runaway who has left a semi-secure place and temporarily detain that runaway pending a detention hearing under AS 47.10.140. If there are no other reasons for detaining the minor (CINA petition or delinquency petition based on violating other laws), the minor would be released at the detention hearing.

The amendment does not allow the leaving of the facility to be a basis for a delinquency petition; there would have to be other violations. The required notice to DHSS would allow the department to determine whether it wants to file a CINA petition, although there wouldn't necessarily be much time for the determination.

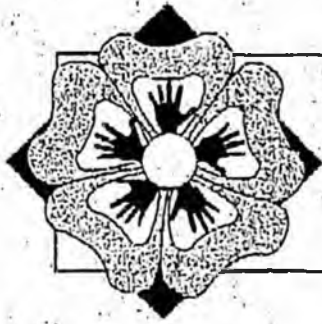
I cannot say with any certainty whether this detention, even though temporary, would be found to be constitutional. I understand that you have been given a memo by the Department of Law on the due process rights of juveniles. I would add to their discussion that the Alaska Supreme Court has said that incarceration, when applied to children, is a taking of liberty under the 14th amendment, regardless of benevolent-sounding labels. *RLR v. State*, 487 P.2d 27 (Alaska 1971). So, this detention, even though short and for the laudable purposes of providing a "cooling off" period and time for DHSS to act, may very well still be unconstitutional.

If you adopt this amendment, your "Findings" amendment should also be expanded to provide support for the necessity of this temporary detention.

Please let me know if I can be of further assistance.

TML:klb  
96-220.klb

Enclosure

**F • N • A****Fairbanks Native Association**

To: Allie Gordon  
From: Florence A. Loucks, Youth Services Director *FAL*  
Date: March 25, 1996

Sorry that I was unable to get this information to you at a sooner date but I did want to provide some statistics for you.

All Runaway Programs which receive federal funding must complete the Management Information System data collection forms. I have attached a copy of the report which addresses the problems which were identified for FY95. Hopefully, this information will be helpful for you.

Please call me at (907) 455-4725 if you have any questions.

Senate Bill No.289 provides some protective factors for runaway Youth which do not currently exist. We feel that these new protective factors will make a difference in providing services for our runaway and homeless youth.

Section 1 of the Bill makes provisions for the prosecution of individuals who " aids, induces, encourages or causes a youth to be absent from the custody of the parent, guardian or custodian". This provision of the Bill will enable parents, law enforcement officers and the Division of Family and Youth Services to prosecute those individuals who are contributing to the runaway behavior of youth.

It is anticipated that, if the source of undesirable and exploitative alternatives for runaway and homeless youth can be eliminated and/or minimized, the result will be that youth will either utilize approved, licensed Shelters, relative homes or return to their home.

Throughout the hearing the comment has often been made that runaway youth " come in the front door and leave by the back door" at the Family Focus Shelter in Fairbanks. The youth who exhibit this behavior are those youth who have an alternative place to stay, which usually is not in their best interests.

Section 2 of the Bill makes provisions for the runaway youth to be placed under " protective custody" by the law enforcement officers. The current policy is that the Shelter must inform each youth of his/her rights , one of which is that they have the right to leave the Shelter. Under current law, the parents are informed if the youth leaves the Shelter, but law enforcement is not.

Under 289, the youth is placed under protective custody; thus, while staff would not physically restrain a youth from leaving, they would be able to inform the youth that he/she was under protective custody and if they leave the Shelter that the Shelter would immediately notify Law Enforcement. It is anticipated that this would be a deterrent for many youth.

The provision of Semi-Secure Care for runaway youth provides a higher level of care for runaway youth than the current system . Staff would be able to report the immediate departure of the youth to Law enforcement and Law Enforcement could follow up immediately.

\* RHY MIS Report \*  
Youth Problems Identified

Report Generated By: Fairbanks Native Association  
This report is based on 327 Youth and 506 Intakes.

Intake Date : 01/01/1995 to 12/31/1995  
Program Status: All  
Birth Date : All  
Youth's Gender: All  
Race/Ethnicity: All  
Language : All

Post-It <sup>®</sup> Fax Note	7671	Date	3/23/96	# of Pages	5
To	Florence	From	KENT		
Co./Dept.	GRAF	Co.	Family Focus		
Phone #	455 4725	Phone #	452 5502		
Fax #	455 4730	Fax #	452-5550		

\* RHY MIS Report \*  
Youth Problems Identified

Problem	# of Females	# of Males	%
<b>A. Household Dynamics (Total # of Youth: 135)</b>			
Relationship with Father Figure	36	43	59
Relationship with Mother Figure	44	51	70
Relationship with Parent's Partner	3	2	4
Relationship between Parent Figures	2	3	4
Relationship with Spouse/Partner	1	0	1
Relationship with Foster/Group Home Mem	3	0	2
Relationship with Other Household Membe	9	4	10
No Parental Figure	3	1	3
Youth Unsupervised	6	5	8
Divorced Family	17	19	27
Blended Family	13	20	24
Youth Wants to Live with Other Parent	5	9	10
Other	6	2	6
<b>B. Housing Issues (Total # of Youth: 124)</b>			
Youth Homeless	8	7	12
Family Homeless	0	0	0
Youth Rejected from Homeless Shelter	0	0	0
Custody Change	4	1	4
Chose to Leave Previous Residence	40	45	69
Forced to Leave Previous Residence	13	27	32
Legally Evicted from Previous Residence	1	3	3
Other	0	3	2
<b>C. School/Education Issues (Total # of Youth: 95)</b>			
Bad Grades	22	28	53
Illiteracy	0	0	0
Learning Disability	1	7	8
Cannot Get Along with Teachers	4	4	8
Poor School Attendance/Truancy	17	17	36
Dropped Out	7	3	11
Suspended	3	9	13
Expelled	2	5	7
Other	15	21	38

Problem	# of Females	# of Males	
<b>D. Psychological Issues (Total # of Youth: 92)</b>			
Youth Depressed	32	18	54
Youth Suicidal	9	4	14
Poor Self Image	21	14	38
Youth's Sexuality/Behavior	9	1	11
Youth's Sexual Orientation	2	3	5
Parent Figure's Sexuality/Behavior	0	0	0
Parent Figure's Sexual Orientation	0	1	1
Searching for Biological Parent	2	7	10
Racial/Ethnic Identity	1	4	5
Loss and Grief Issues of Youth	16	18	37
Abandonment	14	11	27
Suicidal Friend(s) of Youth	5	6	12
Suicidal Family Member(s)	2	3	5
Witnessed Violent Crime	0	7	8
Crime Victim	7	0	8
Mental Problem of Family Member	6	3	10
Other	2	11	14
<b>E. Health Issues (Total # of Youth: 35)</b>			
Youth Has/Suspects Sexually Transmitted	5	0	14
Youth Has/Suspects HIV/AIDS Infection	1	0	3
Family Planning/Pregnancy	6	1	20
Eating Disorder	9	0	26
Youth Physically Challenged	0	0	0
Youth Not Appropriately Using Medicatio	3	2	14
Health Problem of Family Member	8	5	37
Other Chronic Health Problem of Youth	3	3	17
Other Current Health Problem of Youth	2	5	20
<b>F. Youth Having Trouble Getting Services (Total # of Youth: 25)</b>			
Child Protective Services	3	2	20
Social Services	1	9	40
Alcohol and Other Drug Treatment Progra	2	0	8
Day Care	0	0	0
Education Program	1	2	12
Other	2	6	32

G. Physical Abuse/Assault (Total # of Youth: 61)			
By Father Figure	15	16	51
By Mother Figure	12	8	33
By Parent's Partner	3	2	8
By Spouse/Partner	0	0	0
By Foster/Group Home Member	0	0	0
By Other Household Member	0	0	0
By Other Non-Household Member	2	1	5
Domestic Violence	2	3	8
Youth Assaulting Other	5	15	33

H. Sexual Abuse/Assault (Total # of Youth: 14)			
By Father Figure	3	0	21
By Mother Figure	1	0	7
By Parent's Partner	1	0	7
By Spouse/Partner	1	0	7
By Foster/Group Home Member	0	0	0
By Other Household Member	3	0	21
By Other Non-Household Member	5	1	43
Youth Assaulting Other	4	0	29

I. Emotional Abuse (Total # of Youth: 72)			
By Father Figure	21	12	46
By Mother Figure	27	19	64
By Parent's Partner	2	3	7
By Spouse/Partner	2	0	3
By Foster/Group Home Member	0	0	0
By Other Household Member	4	4	11
By Other Non-Household Member	3	2	7
Youth Abusing Household Member	2	7	13

J. Alcohol and Other Drug Abuse (Total # of Youth: 53)			
Substance Abuse by Household Member	18	16	64
Substance Abuse by Spouse/Partner	2	1	6
Substance Abuse by Youth	15	15	57

March 25, 1996

Page: 4

\* RHY MIS Report \*  
 Youth Problems Identified

Problem	# of Females	# of Males	%
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K. Socialization Issues (Total # of Youth: 78)

Gang Involvement by Youth	1	24	36
Cult Involvement	0	10	14
Survival Sex	0	0	0
Prostitution	3	0	4
Selling Drugs	0	0	0
Other	0	1	1
	0	2	3

L. Neglect (Total # of Youth: 39)

By Father Figure	13	8	54
By Mother Figure	16	14	77
By Parent's Partner	1	0	3
By Spouse/Partner	0	0	0
By Foster/Group Home Member	2	0	5
By Other Household Member	1	0	3
Youth Neglecting Child	0	0	0
Youth Neglecting Spouse/Partner	0	0	0

M. Involvement with Justice System (Total # of Youth: 50)

Youth Charged with Misdemeanor	9	19	56
Youth Charged with Felony	3	6	18
Alcohol or Other Drug Possession/Distri	1	3	8
Drug Possession/Distribution (Parent Fi	0	0	0
Youth on Probation/Suspended Sentence	2	8	20
Youth on Parole	0	3	6
Youth in Need of Supervision	6	9	30
Household Member	0	1	2
Spouse/Partner	1	0	2
Immigration/Naturalization	0	0	0
Other	1	4	10

N. Unemployment (Total # of Youth: 66)

Father Figure	3	8	17
Mother Figure	11	13	36
Parent's Partner	1	0	2
Spouse/Partner	1	0	2
Youth Unemployment	26	32	88
Other	1	0	2

# 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

March 18, 1996

### Memorandum

To: Senator Steve Frank, Co-Chair, Senate Finance Committee  
& Sponsor, HB 289.

From: Representative Pete Kelly 

Re: SB 289, Findings & Intent.

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Having reviewed the Attorney General's letter to you on possible HB 289 findings language, and seeing that the Attorney General has not proposed any findings or intent language. I am offering the following to assist in the effort to draft such language:

SB 289  
Findings & Intent:

The legislature finds that minors who refuse available care are in danger of serious harm. The US Department of Justice, Office of Juvenile Justice and Delinquency Prevention reports that runaways that "have no secure place to stay, or a history of six or more runaway incidents were all associated with some form of victimization" (National Center for Juvenile Justice, '95). Minors who are not provided with adequately secure alternatives while in State care are becoming victims of predatory crime, or enticed to commit criminal acts.

Runaway shelters in the State of Alaska are intended to provide aid to minors facing trauma or confusion, but not as a diversion from parental responsibility, nor as an enabling alternative from which a life of crime can be initiated.

Furthermore: It is state policy to enhance and support the authority of a responsible parent or guardian to control their children. It is vitally important that nothing in state law be interpreted as precluding a parent from using all available resources to prevent or prohibit their child from becoming a victim of predatory crime or engaging in criminal activities.

TO: SENATOR STEVE FRANK

ATTN: ALLI GORDON

FAX # 465-4714

I HOPE THIS WILL BE HELPFULL  
I WASN'T SURE HOW OR WHAT  
TO WRITE. I DON'T KNOW MUCH  
AT ALL ABOUT BILL'S ETC AND  
WANT TO LEARN BUT FOR NOW  
PLEASE BEAR WITH THE  
BEGINNER. I SURE HAVE  
SOME HARD LUCK WITH  
THE RUNAWAY SUBJECT AND  
I WANT TO HELP TO SENE.  
I WAS BORN AND RAISED IN  
ANCH AND ITS HORRIBLE TO  
SAY THE LEAST. TEACH ME  
AND ILL HELP HOWEVER  
I CAN.  
THANKS.

VALERIE HOBBS

ANCH. 243-0011

FAX 248-9894

MARCH 13, 1996.

A MOTHERS PLEA FOR HELP!!!

I'VE EXHAUSTED ALMOST EVERY WAY I KNOW TO HELP MY CHILD. I COME TO YOU TO TRY TO MAKE ANOTHERS BURDEN SMALLER.

MY 14 YEAR OLD DAUGHTER IS A BEAUTIFUL GIRL. SHE WANTS TO MODEL AND IS CURRENTLY ENROLLED IN CLASSES. SHE IS AN 'A' STUDENT WHEN SHE SIMPLY CHOOSES. HOWEVER - A SEXUAL ABUSE PAST, (THAT A.P.D. BLEW OFF) AND WHO KNOWS MAYBE A SINGLE FAMILY HOME WHERE MOM'S NO TOUGH DISCIPLINARIAN, HAS MY YOUNG LADY VERY CONFUSED).

SHE'S DISCOVERED THAT SHE CAN EXERCISE HER RIGHT 'TO DO WHAT SHE WANTS TO DO'. SHE CAN LEAVE HOME WHENEVER. THE MOOD HITS AND THERE'S NOTHING ANYONE CAN SAY OR DO.

JESS STARTED LAST SUMMER BY SNEAKING OUT OF THE HOUSE IN THE NIGHT. I WOULD USUALLY AWAKE TO FIND HER GONE AND PROCEED TO CALL ALL HER FRIENDS DISTURBING PARENTS AND WHATEVER IT TOOK TIL I WOULD FIND HER AND BRING HER HOME.

AFTER A FEW OF THESE AND THE FRIENDS CHANGING IT WAS GETTING HARDER FOR ME TO FIND JESS. SHE WOULD MEET GUYS ON THE STREET THAT WOULD PULL UP AND ASK FOR HER NUMBER, SHE'D GIVE IT OUT AND NEXT THING I KNOW SHE'S SNEAKING OUT WITH THEM. I TURNED TO THE AUTHORITIES FOR HELP AND ALL I GOT WAS 'IT'S NOT ILLEGAL FOR A CHILD TO RUN AWAY' NO HELP!

TO SNEAK OUT SOON WAS NOT GOOD ENOUGH, IT TURNED INTO GOING OUT TO A MOVIE AND NOT COMING HOME FOR A DAY OR TWO, THAT WAS MORE FUN AND WHAT JESS KEPT DOING. I WOULD ALWAYS CALL A REPORT HER A RUNAWAY

ALWAYS WITH THE RESPONSE  
THAT 'ITS NOT ILLEGAL FOR  
A CHILD TO RUN AWAY' AND  
ALWAYS I SHUTTER AT THE  
HORRIBLE POSSIBILITIES. NO HELP!!

MEANWHILE MOM PULLS  
TOGETHER THE FAMILY AND  
WE CLING TO OUR HEAVENLY  
FATHER. AND YET AGAIN  
SHE WOULD LEAVE HOME AND  
NOT COME BACK UNTIL I  
FOUND HER

ON JAN 22<sup>ND</sup> AFTER 6 WEEKS  
OF MEETING WITH A COUNSELOR  
JESS HAD BEEN GONE 3 DAYS.  
I HAD CONDUCTED MY NORMAL  
DICK TRACEY TO FIND OUT JESS  
WAS WITH AN OLDER GUY  
WHO HAD BEEN SELLING DRUGS.  
SHE'D MET HIM ALONG SIDE  
THE ROAD. . AFTER MUCH STRESS  
THE COUNSELOR ADMITTED  
JESS INTO NORTH STAR HOSPITAL

TWO WEEKS WENT BY AND MY  
INSURANCE RAN OUT AND SHE  
WAS DISCHARGED, NOT 24 HOURS  
HAD PASSED AND SHE WAS  
IN PROVIDENCE E.R. FOR A  
DRUG OVERDOSE SUICIDE ATTEMPT.  
SHE WAS ADMITTED AND

THEN SPENT 2 WEEKS IN  
THE DISCOVERY PROGRAM.  
SHE AWALKED OF BROKE OUT  
OF NORTH STAR AND PROVIDENCE  
SHE MET A VERY STREET  
WISE 12 YR OLD GIRL IN  
NORTH STAR WHO HAS TAUGHT  
HER MUCH

FIVE DAYS AFTER BEING DISCHARGED  
FROM DISCOVERY SHE RAN  
WITH HER 12 YR OLD FRIEND  
THEY HAVE BOUNCED FROM  
SPENARD MOTEL TO TUDOR  
MOTEL TO OTHERS I'M NOT SURE  
OF. THEY EAT AT BURGER KING  
FOR FREE AS WELL AS TACO BELL  
AND HAVE SOMEONE A ZACKS  
TO PROVIDE DESSERT.

MARCH 6th JESS brought her  
street gang to our home and  
broke in. They stole a stereo  
all jewelry Boys and pryed  
the safe out of the floor.  
The Boys were OLDER - 18/19  
there were 2 girls Jess and  
the 12 YR OLD. The boys packed  
guns.

JESS has learned more on the  
street in 2 weeks than most  
WILL EVER. LEARN. THE SYSTEM

THINKS. I HAVE A SHY  
AND VERY NERVEY LITTLE GIRL  
THAT HAS TASTED THE  
GROSEST KIND OF CHILD HOOD  
I'M SURE IF IT WASN'T  
EASY TO RUN AWAY THINGS  
WOULD BE ALOT DIFFERENT.

I LOCATED HER AND CALLED  
A.P.D. TO PICKED HER UP  
I MADE CALLS AND  
ARRANGEMENTS WITH MCLAUGHLIN  
AND PROVIDENCE TO EITHER  
ONE TAKE HER. A.P.D. TOOK  
HER TO COVENANT HOUSE SHE  
WALKED RIGHT OUT THE DOOR  
BACK TO THE GANG. NO HELP!!

5 DAYS LATER I LOCATED HER  
AGAIN AFTER WE HAD PRESSED  
CHARGES AND THERE WAS  
A WARRANT, WE FINALLY  
GOT A HOLD OF HER AT THE  
MALL. A FRIEND CALLED ME  
AND TOLD ME SHE WAS  
THERE. I ASKED HER TO  
NONEY SECURITY. A POLICE  
OFFICER AND THE SECURITY  
OFFICER SAID 'ITS NOT ILLEGAL  
TO RUNAWAY' SHE... BUGGED..  
THEM TIL THEY CHECKED THINGS  
OUT AND TOOK HER TO MYC.

I NEEDED HELP AND THERE  
WASN'T A BLOCK. THE SYSTEM  
LOOKS TO BE TEACHING OUR  
CHILDREN THEY CAN DO  
WHATEVER THEY WANT AND  
THUS WE WILL HAVE ADULTS  
THAT WILL DO WHATEVER  
THEY WANT

THE POLICE TOLD ME THE  
HAD BIG THINGS HAPPENING THAT  
REQUIRED THEIR TIME. WELL -  
DON'T YOU THINK WE ARE  
MAKING A FUTURE FOR US  
ALL THAT WILL BE OUT OF  
CONTROL BY ALLOWING THE  
CHILDREN TO BE OUT OF CONTROL.

WE MUST CHANGE THE SYSTEM  
KIDS CAN'T RUN WILD  
PARENT HAVE LITTLE LEFT  
FOR DISCIPLINE THE LAWS  
OF THE LAND THEN MUST  
CHANGE AND MAKE SOME  
CONSEQUENCES.

HELLO IS ANYONE THERE ??!!

HEARTBROKEN  
FRUSTRATED

AND WANTING A BETTER ANCHORAGE  
KIDS ALLOWED TO RUN = FAMILY BREAKDOWN  
FAMILY BREAKDOWN = HELL



**Have you seen Jessica?  
aka Crystal or Milkweed  
Please call 243-0011**

**or  
Notify Anchorage Police  
she is 5'8", 120 lbs., age 14**

Al Near  
PO Box 80847  
Fairbanks, AK 99708  
March 18, 1996

Senator Steve Frank  
Room 518 Alaska State Capitol  
Juneau, AK 99801-1182

Dear Steve:

During the Finance Committee discussion of SB259 last week the question of wording was raised again regarding the act of contributing to delinquency. Ann Carpinetti (spelling ?) maintained that to remove the "knowledge or" language of Section 1. AS 11.51.130(a), (3) and (4) as it appeared briefly in version K of the bill would somehow place in danger those kids who are truly being abused. That's ludicrous. If persons giving shelter to children who they believe to be in such danger notify the authorities as provided under subparagraphs (A) and (B) of the bill, that argument washes away. If the law were to say "...without the knowledge or permission..." as she suggests, it would be worse than the present law. Then all that would be necessary for harborers to prove would be that the parents knew that the child was with them...ridiculous! Most parents of runaways I've consulted have *known* where their kid was. The problem...how to get them back!

Also during that hearing it was asserted that the "just cause" language is perfectly suitable. Moreover, Ms Carpinetti stated that she was unaware of any problems prosecuting cases because of this. That could be the result of the dearth of "contributing" cases tried in recent years. My inquiries locally have revealed only one case (4FA-S94-2827CR) which involved a child sent to *relatives* in Fairbanks. They didn't wish to return the child and this complex case was finally dismissed...not an example of harboring runaways. Right now, however, there are two cases dealing specifically with the issue.

Both of these cases involve runaways being harbored and, I modestly suggest, arose in response to parents of runaways bringing pressure to bear on the local law enforcement agencies. Accompanying this letter are copies of the official complaints. In one of these, my daughter was the juvenile victim. Neither of these cases has been heard, but the Jacob G. Mears trial is set for April 23, 1996. Amanda Smith failed to appear for arraignment and an arrest warrant is pending. It will be interesting to see how these cases are handled, but I doubt that either of these parties will receive any significant consequences. Smith, who has been influencing our daughter for almost a year, continues to have daily contact with her.

The accompanying copy of LaRue's guest editorial in the 1/8/96 News-Miner fits right in with what we've all been saying and Dermot Coles' piece describes my impressions. The excerpt from the Police Report of the 3/14/96 News-Miner dramatically highlights yet another danger of having no security in the runaway shelters.



11-13-10

Dermot  
Cole



## Dad's view of runaway problems

I COULD HEAR the heart-break in his voice and see it in his eyes.

When he was growing up, the term "runaway" meant a speeding train running out of control. He never knew anyone who had run away from home.

But that was then.

He has lived here a long time and he wants nothing more for his child than a secure future.

The child, mired in the confusion of the most rebellious years, but not yet old enough for a driver's license, has run away several times from home and from a series of foster homes to stay in crashpad apartments.

The father stopped by to talk with me the other day, frustrated with the pain of watching his loved one slip away and the fear of what the future holds. His story was similar to that of another parent who wrote a letter to the editor last week.

He seems to be a sensible person who has the welfare of his child uppermost in mind. I think he must worry about the child during every waking moment.

He said he knew nothing about runaways and the law before his child got into trouble a year ago. He had always assumed that these nightmares happened only to parents who neglected and abused their children.

Now he thinks differently. He dropped off a letter saying that parents who strive to instill traditional values in their children encounter roadblocks in the "permissive laws designed to guarantee children's personal freedoms without the responsibilities that should come with them."

"Parental authority has been effectively eliminated," he said.

Federal legislation in the 1970s was designed to keep juveniles out of contact with adult offenders, he said.

The father said he can't argue with a goal like that. Kids who run away are not hardened criminals and should not be lumped together with adults who are.

But, he added, the laws also require the "least restrictive alternatives" for juveniles in custody and he believes that is part of the problem.

"The thinking behind these laws seems to be that kids who run away are fleeing abusive homes and must not be further injured by a justice system that treats them like criminals. This completely overlooks the merely rebellious kids who, on the advice of their trusted peers, can and do abuse these laws and manipulate the system."

IT DOESN'T TAKE LONG for rebellious teen-agers to learn how the system works, he said.

"They know that enforcement agencies do not aggressively pursue runaways or the people giving them 'safe' haven. What's more, the authorities, on the rare occasion when they actually pick up a runaway, just drop them off at a shelter such as Family Focus. Of course the child is free to leave the shelter at any time."

The father thinks the Legislature needs to strengthen the legal authority of parents.

"It should be clearly stipulated that a runaway who is unwilling to go home must be placed in a secure facility. Yes, secure, but separate from adult facilities and staffed with personnel trained to evaluate each individual case and determine a course of action."

On top of that, the state needs to go after those who contribute to the delinquency of minors, he said. His child has been sheltered by people who are no strangers to the police blotter.

"Kids must understand that the act of running away will result in tangible consequences. The deterrent effect of a secure setting will greatly influence potential runaways. No longer will their wayward peers be telling our children how cool it is to run away."

The words in his letter were drained of emotion and pain, but it was all there in the sound of his voice and the look in his eyes.

Dermot Cole is a News-Miner columnist.

(over)

FEB 23 1996

Clerk of the Trial Courts

FAIRBANKS POLICE DEPARTMENT  
ATN 10135394 No 31588

COMPLAINT AND NOTICE TO APPEAR  
4th Judicial District, Fairbanks, Alaska

C96-237

CITY OF FAIRBANKS  
STATE OF ALASKA LI DOCKET NO. F

vs.  
Amanda Smith  
Plaintiff  
Defendant

The undersigned, being duly sworn, upon his/her oath deposes and says:  
That on MO the 15 day of Jan, 19 96 within  
FAIRBANKS, in the Fourth Judicial District.

NAME Smith Amanda J  
(LAST) (FIRST) (M.I.)

Res. Add 913 G. Moore Dr Phone         
Mail Add same State AK  
Birthdate 2-6-75 Age 20 SSN 574-66-1807  
Ht. 65 Wt. 140 Eyes Haz Hr. 6:30 Sex F Race W  
D.L. 6453399 STATE AK CLASS D

Place of Emp.        Phone         
Did, willfully and unlawfully commit the offense of Contributing to the  
Delinquency of a Minor

In violation of:  
Alaska State Statute 11.51.130(a)(4)

City of Fairbanks Ord. ( )       

To wit: Smith unlawfully aids induces causes or  
encourages a child under 16 to be absent from  
the custody of a parent or guardian or custodian  
or to be repeatedly absent from school, to-wit: allowed  
S.M. to stay at Smith's residence while S.M.  
was listed as a runaway. This complaint is based  
on the statements of Smith that she knew S.M.  
was a runaway and she was letting S.M. stay  
at her home. S.M. was found by Jenkes  
as she was staying with Smith.

SWORN TO AND SUBSCRIBED  
THIS 20th DAY OF February  
19 96

[Signature]  
(SIGNATURE OF COMPLAINANT)  
Marie Jenkes  
(COMPLAINANTS NAME)

NOTARIAL PUBLIC  
My Commission Expires        (BADGE NO.) 306

Witnessed and appearing with me before me at the District Court, Fourth Judicial District,  
605 Barnette Street, Fairbanks, Alaska on the        day  
of        19        at        a.m.        p.m.

SIGNED [Signature]

4FA-596-592 CR.

# Juvenile justice is a disaster

The entire juvenile justice system is terribly broken. At the period of time when youngsters are most vulnerable and need adult support, firmness and guidance, they are given increased autonomy.

Juveniles seldom have consequences for their criminal actions and the word is out. For this reason older criminals use children to courier illegal activities. Yet, parents are responsible for the child's actions until they are 18.

As parents of a runaway child, we were horrified to discover our child had complete freedom of

LaRue  
Near

Guest Opinion



The current runaway statute must be changed. A runaway child must be immediately pursued, picked up and returned home.

movement and we had no rights at all.

Why did our 14-year-old child, an athlete, honor student and talented musician, choose to reject friends, family, and the values we tried to instill?

We are not sure, but our child began to associate with children that had problems such as truancy, running away, drugs and criminal activities. These students made it perfectly clear to our child, "If you don't like the rules at home you can leave. The system is easy to manipulate: shout abuse and you can go to a foster home. Too many rules there? Ask to move, or run, and you will be placed in another. Commit a misdemeanor crime, nothing happens to you."

In December 1994 our child, rather than face the consequences for breaking a rule (truancy), told the teacher she would be beaten if she went home (untrue).

She told the counselor she was running away. The school informed us that the child needed time out in a mutually accepted place and that if we physically forced our child to go home it would be considered assault. This child got the message!

As a result of the state undermining parental authority, our child has repeatedly refused to come home. The child, now a chronic runaway, has lived in many situations: some chosen by us, some by the state and many by people encouraging her delinquency.

Law enforcement people consider runaways a low priority and seldom pursue them. Our beautiful child, now 15, is a street person.

We are a stable family. A parent was always home with the children.

In trying to help this child, we have spent a fortune on lawyers, doctors, hospitals, psychiatrists, psychologists and counselors.

We have petitioned the state for help and had many court hearings. "Our hands are tied" (because of the laws), is the answer we get, over and over. At this point it seems hopeless.

The current runaway statute must be changed. A runaway child must be immediately pursued, picked up and returned home.

If the child claims abuse, take them to a secure place and examine them for bruises.

If there is truly abuse, place them in a foster home where they must remain. Make shelters like Family Focus secure, rather than a revolving door.

Children should not be allowed to run to the streets, for their own safety. It will not take long for word to get out that running away is no longer fun.

Children are our states' greatest natural resource and we are losing many.

Please call or write our legislators to get this statute changed.

LaRue Near, a life-long Fairbanksan and retired primary schoolteacher, is a member of a group of Fairbanks parents concerned about runaways.



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## Police report

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# Man arrested for burglary, trespassing

Justin T. Rider, 18, of Rickert Street, was arrested Tuesday on charges of burglary and trespassing.

Rickert is accused of stealing jewelry, electronic equipment and compact discs from Janet McCormick's home in North Pole on Monday and Tuesday, and of burglarizing Interior Alaska Fish Processors on Monday night.

Rickert also refused to leave Family Focus on March 6, and instead ran past an employee and convinced a 13-year-old girl staying at the runaway shelter to go with him, according to the charging documents.

Rickert used to live at McCormick's residence but was evicted, and he was recently fired from Interior Alaska Fish Processors, the documents said.

Magistrate Kathy Bachelder on Wednesday set Rider's bail at \$5,500.

3-19-96

JFC

TONY KNOWLES, GOVERNOR

**DEPARTMENT OF LAW**

OFFICE OF THE ATTORNEY GENERAL

P.O. BOX 110300  
JUNEAU, ALASKA 99811-0300  
PHONE: (907) 465-3600  
FAX: (907) 465-2075

March 18, 1996

The Honorable Rick Halford, Co-Chair  
Senate Finance Committee  
State Capitol-Room 508  
Juneau, AK 99801

The Honorable Steve Frank, Co-Chair  
Senate Finance Committee  
State Capitol-Room 518  
Juneau, AK 99801

Re: Senate Bill 289

Dear Senators Halford and Frank:

I have been asked to respond to your request of March 12, 1996, for a proposed findings and purpose section for Senate Bill 289. Thank you for enclosing a verbatim account of Senator Halford's comments during the Finance Committee meeting held on March 7, 1996, regarding the issue.

After reading the transcript, it appears to me that you have made two different requests. One is for an analysis of what the courts have said about the constitutional rights of a minor with regard to confinement. The second is to draft a proposed findings and purpose section that says essentially that "the problem is epidemic, that we find it to be a threat to both the public health and safety and the individual health and safety of the person" and to incorporate terms that the courts "use to allow us the maximum amount of control in this area."

I have provided a review of Alaska case law in this area which I hope you will find helpful. However, I was unable to draft a findings and purpose section as I do not believe I have the necessary information to do so. It is my experience that a findings and purpose section generally sets out the intent of the legislature in promulgating a bill and often includes factual information regarding the scope of the problem being addressed. The Department of Law does not maintain information concerning the types of children that are running away or their numbers. This information may be available through the Department of Health and Social Services, or such organizations such as the Covenant House in Anchorage or Juneau Youth Services.

In response to your first request, the following is an analysis of Alaska law regarding the confinement of non-delinquent minors and an identification of the constitutional protections that are generally accorded to minors who are subject to incarceration. The Alaska

cases that concern the confinement of juveniles who have not been adjudicated to be delinquent minors are minimal and are generally limited to an interpretation of existing statutes.

For example, in *In re D.E.D.*, 490 P.2d 658 (Alaska 1971), the Alaska Supreme Court found that the superior court had exceeded its authority in ordering the institutionalization of a minor who was found to be a child in need of supervision (aid). The court found that even though the statute authorized commitment of a child in need of supervision (aid) to the department of health and social services, the statute contemplated that only delinquent children, i.e., children accused of violations of law, would be committed to institutions. The *D.E.D.* court rejected the state's contention that the trial court's order of incarceration was sustainable in light of the legislature's broad policy declaration to the effect that protection of children is the paramount purpose governing its enactment of laws pertaining to children's courts and institutions. *Id.* at 660.

There is currently a provision under AS 47.10.142(c) that allows a minor who has been found to be a child in need of aid to be detained in a juvenile detention home in the local community for a period of up to 24 hours if certain conditions are met. Those conditions include the issuance of a court order that there is probable cause that (1) the minor is a runaway in wilful violation of a valid court order issued under AS 47.10.080 or 47.10.142(f) (child in need of aid statutes), (2) the minor's current situation poses a severe and imminent risk to the minor's life or safety, and (3) no reasonable placement alternative exists in the community. A minor detained under this section must be brought before the court on the date the minor is detained or, if that is not possible, within 24 hours after detention.

In *L.A.M. v. State*, 547 P.2d 827 (Alaska 1976), a 14-year-old chronic runaway who had been adjudicated a child in need of supervision (aid) was ordered by the court not to leave her foster home without contacting her psychiatrist, her social worker, or her mother. L.A.M. repeatedly ran away in defiance of this order and was ultimately charged with criminal contempt for her violation of the court order, adjudicated a delinquent for the contempt, and placed on probation. After L.A.M. ran away again in violation of the terms of her probation, her probation was revoked, and she was ultimately incarcerated at the McLaughlin Youth Center as a delinquent child. L.A.M. was therefore detained under the delinquency statutes as opposed to the child in need of aid statutes.

On appeal, the Alaska Supreme Court upheld the superior court's ruling. It identified the elements of contempt in the case as the existence of (1) a valid order directing the child to do or refrain from doing something and the court's jurisdiction to enter that order; (2) the child's notice of that order with sufficient time to comply with it and in most cases, (3) the child's ability to comply with the order; and (4) the child's willful failure to comply with the order.

Other than the above two cases, I have not found any Alaska cases that discuss incarceration of status offenders (juveniles who commit an act that would not be a crime if the juvenile was an adult, e.g., runaways). However, it is noteworthy that the Alaska Supreme Court

Honorable Rick Halford, Co-Chair  
and Honorable Steve Frank, Co-Chair

March 18, 1996  
Page 3

cases have strictly construed delinquency statutes to insure that juveniles' constitutional rights are protected. The United States and Alaska constitutions provide that no person shall be deprived of liberty "without due process of law." U.S. Const. amend. V; U.S. Const. amend. XIV, § 1; Alaska Const. art. I, § 7.

In R.L.R. v. State, 487 P.2d 27, 32 (Alaska 1971), the Alaska Supreme Court found that a juvenile is entitled to a jury trial for "any offense a direct penalty for which may be incarceration in a jail or penal institution." The court entered its finding even though it acknowledged that not all other states have accorded the right of jury trial to delinquents. The court also recognized that when a juvenile is charged for misconduct for which he may be incarcerated in an institution, regardless of the labels of the adjudication and institution, the child is entitled to notice of charges, counsel, confrontation and cross-examination, and the privilege against self-incrimination. Id. at 31. In re Gault, 387 U.S. 1, 21-27 (1967).

Thus, any scheme which contemplates confinement or incarceration of juveniles would have to insure that the minor's constitutional rights are protected. An additional right of juveniles that has been recognized by courts in other jurisdictions is the right of a minor who is incarcerated for a status offense to be housed separately from delinquents.

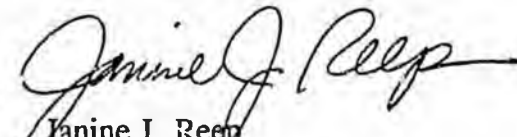
The trend in other states, however, is not to confine status offenders. In 1974, Congress passed the Juvenile Justice and Delinquency Prevention Act, 42 U.S.C. §§ 5601-5639 (1976), conditioning block grants to the state on compliance with the Act's requirement of the deinstitutionalization of status offenders. As a result, nearly every state in the union has enacted such laws.

I hope this information is helpful to you. Please let me know if I can be of any further assistance.

Sincerely,

BRUCE M. BOTELHO  
ATTORNEY GENERAL

By:

  
Janine J. Reep  
Assistant Attorney General

JJR:pao

cc: Chrystal Smith, Legal Administrator  
Deborah Behr, Legislation Attorney  
Pai Pourchot, Governor's Legislative Liaison

3-1996  
Distributed

9-LS1635M.1  
Lauterbach  
3/19/96  
No  
action  
taken.

A M E N D M E N T

OFFERED IN THE SENATE

BY SENATOR FRANK

TO: CSSB 289( ); draft version "M"

1 Page 1, after line 3:

2 Insert a new bill section to read:

3 **\*\* Section 1. FINDINGS; PURPOSE.** (a) The legislature finds that

4 (1) the number of runaway minors in this state is a significant problem that  
5 is a threat to the public health and safety as well as to the individual health and safety of the  
6 minors who, because of their runaway status, are without the care and protection of their  
7 families;

8 (2) many adults who aid runaway minors do not always serve the best  
9 interests of the minors, particularly when they encourage them to be absent from school and  
10 to remain away from the custody of their parents, and current laws have been largely  
11 unenforceable against these adults because of the broadly worded exceptions they contain;

12 (3) even many licensed facilities for runaway minors have been unable to  
13 serve their intended purpose of protecting the minors and facilitating family reunification  
14 because they lack the security measures that would keep the minors in the facilities long  
15 enough to assess their needs and the needs of their families; and

16 (4) in most circumstances, runaway minors would be best cared for by their  
17 parents and other family members.

18 (b) The purpose of this Act is to address the problem of runaway minors by  
19 tightening up the laws designed to penalize adults who aid the minors in inappropriate ways  
20 so that those laws are more enforceable, require facilities for runaway minors to be more  
21 secure, and require facilities for runaway minors to more promptly assess the minors' needs  
22 and notify the minors' parents of their presence in the facility. The legislature hopes, through  
23 this Act, to better fulfill its responsibility to protect runaway minors and to meet its goal of  
24 returning them as quickly as possible to the custody and control of their parents in all  
25 appropriate circumstances."

- 1 Page 1, line 4:
- 2 Delete "Section 1."
- 3 Insert "Sec. 2."
  
- 4 Renumber the following bill sections accordingly.

# SENATE FINANCE COMMITTEE REPORT

R/O  
3/28/96

DATE: 3/6/96

DATE TURNED INTO OFFICE: 4/3/96

The Finance Committee considered SENATE BILL NO. 289

Relating to runaway minors and their families or legal custodians.

and recommends:

be replaced with \_\_\_\_\_ CS SB 289 ( FIN )

adopt previous \_\_\_\_\_ CS \_\_\_\_\_ ( \_\_\_\_\_ )

attached amendment(s)

adopt Letter of Intent by \_\_\_\_\_ Committee

further referral to the \_\_\_\_\_ Committee

**Senate Bill:**  
 same title  
 new title  
**House Bill:**  
 same title  
 technical change  
 new: SCR# \_\_\_\_\_

SIGNING DO PASS	DP	OTHER RECOMMENDATIONS	NR	DNP	AM
<i>Steve Keri</i>		<i>David Dwyer</i>	✓		
<i>Bill E. Allen</i>	✓	<i>Paul T. Zhanoff</i>	✓		
<i>Bob Thayer</i>	✓				
Co-Chair: <i>Steve Keri</i>	✓	Co-Chair:			
Co-Chair: <i>Bill E. Allen</i>	✓	Co-Chair:			

**NEW FISCAL NOTE(S):**

Department                      Date    Zero    Fiscal

Public Safety	3/18/96	∅	
Dept of Law	3/5/96	✗	146.5
DOA (PDA)	4/3/96	∅	
DOA (OPA)	4/3/96	∅	
5-DIPLSS	4/3/96		✓
Courts	4/8/96		21.7

**PREVIOUS FISCAL NOTE(S):\***

Department                      Date    Zero    Fiscal


APPROPRIATION -- no fiscal note

\*include fiscal notes accompanying Governor's bill

# A F A X

Alaska State Legislatu

Phoned  
and faxed  
to legal  
10:40 am

Date: 3/23/96

To: Legal Services - Attn: Peggy

Fax #: 2029 Phone #: 2450

From: Kathy - Senate Finance

Phone #: 2618

Re: Final CSSB 289 (Fin) - Please combine  
work draft 9-L51635\M with Amendment  
9L51635\M.3 and Amendment 9L51635.M.4  
together with the attached Rieger  
Amendment to Amendment 9L51635\M.3  
to produce a final CSSB 289 (Fin) and  
return to Room 520.

Following this page, please find 1 page(s). If this does not reach you in full, please inform us ASAP.



THANK YOU

CSSB 289 (Fix)

Amendment to: 9-LS1635\M.3

SFC 3/28/96 . ~~Amend #2~~  
Sen Rieger adopted 3/28/96

Amendment To Amendment #2

By Rieger

Page 1, Line 11:

delete "shall" and insert "may"

Page 1, Line 12

delete "detention" and insert "secure"

Add the following to the amendment:

Page 3, following line 21, insert:

(3) "juvenile secure facility" means

operated according to standards that may

be established by the department in regulations

that are designed to require a level of security

that will reasonably ensure that a minor will

not be able to leave without permission.

A M E N D M E N T

OFFERED IN THE SENATE

BY SENATOR FRANK

TO: CSSB 289( ); draft version M

1 Page 1, line 2, following "custodians":

2 Insert "; and amending Rule 7, Alaska Delinquency Rules"

3 Page 2, following line 14:

4 Insert new bill sections to read:

5 "\* Sec. 2. AS 47.10.140(a) is amended to read:

6 (a) A peace officer may arrest a minor who violates a law or ordinance in the  
7 officer's presence, or whom the officer reasonably believes is a fugitive from justice,  
8 or whom the officer reasonably believes has violated AS 47.10.141(g). A peace  
9 officer may continue a lawful arrest made by a citizen. The officer may have the  
10 minor detained in a juvenile detention facility if in the officer's opinion it is necessary  
11 to do so to protect the minor or the community. The officer shall have the minor  
12 detained in a juvenile detention facility if the arrest was made at least in part  
13 because the officer reasonably believed the minor had violated AS 47.10.141(g).

14 \* Sec. 3. AS 47.10.140(b) is amended to read:

15 (b) A peace officer who has a minor detained under (a) of this section shall  
16 immediately, and in no event more than 12 hours later, notify the court and make  
17 reasonable efforts to notify the minor's parents or guardian, and the department of the  
18 officer's action. The department may file with the court a petition alleging  
19 delinquency or alleging that the minor is a child in need of aid before the detention  
20 hearing.

21 \* Sec. 4. AS 47.10.140(c) is amended to read:

22 (c) The court shall immediately, and in no event more than 48 hours later,  
23 hold a hearing at which the minor and the minor's parents or guardian if they can be  
24 found shall be present. The court shall determine whether probable cause exists for

1 believing the minor to be delinquent or a child in need of aid. The court shall  
 2 inform the minor of the reasons alleged to constitute probable cause and the reasons  
 3 alleged to authorize the minor's detention. The minor is entitled to counsel and to  
 4 confrontation of adverse witnesses.

5 \* Sec. 5. AS 47.10.140(d) is amended to read:

6 (d) If the court finds that probable cause exists for believing the minor to  
 7 be a delinquent or for believing that the minor is a child in need of aid, the  
 8 court [ , IT] shall determine whether the minor should be detained pending the hearing  
 9 on the delinquency or child-in-need-of-aid petition or released. It may either order  
 10 the minor held in detention or released to the custody of the department or other  
 11 [A] suitable person pending the hearing on the petition. If the court finds no probable  
 12 cause for believing the minor to be a delinquent or for believing that the minor  
 13 is a child in need of aid, it shall order the minor released to the minor's legal  
 14 custodian and close the case. If the court orders release of a minor who was  
 15 arrested under (a) of this section based on an alleged violation of AS 47.10.141(g),  
 16 the court shall advise the minor and the minor's legal custodian of available  
 17 mediation services and of the right to social services under AS 47.10.142(b)."

18 Renumber the following bill sections accordingly.

19 Page 3, line 16, following ".":

20 Insert "If the officer takes the minor to a semi-secure office, program, shelter, or  
 21 other facility under (3) of this subsection, the officer shall also advise the minor and, if  
 22 known, the minor's legal custodian, that the minor will be in violation of (g) of this  
 23 section and subject to arrest and temporary detention under AS 47.10.140 if the minor  
 24 leaves the office, program, shelter, or other facility without permission either from the  
 25 minor's legal custodian or from an appropriate employee or administrator of the office,  
 26 program, shelter, or other facility, unless the minor, upon leaving the office, program,  
 27 shelter, or other facility, promptly returns to the immediate presence of the minor's  
 28 legal custodian or to the legal custodian's residence."

29 Page 3, line 2+:

1 Delete "a new subsection"

2 Insert "new subsections"

3 Page 4, following line 1:

4 Insert new subsections to read:

5 "(g) A minor who has been taken by a peace officer to a semi-secure office,  
6 program, shelter, or facility under (b)(3) of this section may not leave the office,  
7 program, shelter, or facility without permission either from the minor's legal custodian  
8 or from an appropriate employee or administrator of the office, program, shelter, or  
9 other facility, unless the minor, upon leaving the office, program, shelter, or facility  
10 promptly returns to the immediate presence of the minor's legal custodian or to the  
11 legal custodian's residence. Violation of this subsection is grounds for arrest and  
12 temporary detention under AS 47.10.140(a) but may not be the sole grounds for a  
13 delinquency petition or for proceedings under any other law.

14 (h) An office, program, shelter, or facility that a minor has allegedly left in  
15 violation of (g) of this section shall immediately notify the department and the nearest  
16 law enforcement agency of the identity of the minor and the alleged violation."

17 Page 5, following line 11:

18 Insert a new bill section to read:

19 "\* Sec. 12. AS 47.10.140, as amended by secs. 2 - 5 of this Act, and AS 47.10.141(g),  
20 added by sec. 8 of this Act, have the effect of amending Rule 7, Alaska Delinquency Rules,  
21 by authorizing arrest of a juvenile without a warrant if the juvenile has allegedly violated  
22 AS 47.10.141(g)."

Adopted 3/28/96

9-LS1635M.4  
Lauterbach  
3/26/96

SENATE FINANCE  
COMMITTEE

Amendment Number: 1  
Bill Number: SB 289  
Sponsor: \_\_\_\_\_ Date: 3/26/96  
Logged In By: JS

A M E N D M E N T

OFFERED IN THE SENATE

BY SENATOR FRANK

TO: CSSB 289( ); draft version "M"

1 Page 1, after line 3:

2 Insert a new bill section to read:

3 **\*\* Section 1. FINDINGS; PURPOSE.** (a) The legislature finds that

4 (1) the number of runaway minors in this state is a significant problem that

5 is a threat to the public health and safety as well as to the individual health and safety of the

6 minors who, because of their runaway status, are without the care and protection of their

7 families;

8 (2) some adults who harbor runaway minors do not serve the best interests

9 of the minors, particularly when they encourage them to be absent from school and to remain

10 away from the custody of their parents, and current laws have been largely unenforceable

11 against these adults because of the broadly worded exceptions they contain;

12 (3) even many licensed facilities for runaway minors have been unable to

13 serve their intended purpose of protecting the minors and facilitating family reunification

14 because they lack the security measures that would keep the minors in the facilities long

15 enough to assess their needs and the needs of their families;

16 (4) a short period of secure detention before a court hearing for a runaway

17 minor who has previously fled from a licensed runaway program would enable the

18 Department of Health and Social Services to better protect and assist the minor while

19 imposing only a very limited loss of liberty; and

20 (5) in most circumstances, runaway minors would be best cared for by their

21 parents and other family members.

22 (b) The purpose of this Act is to address the problem of runaway minors by

23 tightening up the laws designed to penalize the adults who inappropriately harbor runaways

24 so that those laws are more enforceable, to require facilities for runaway minors to be more

25 secure, and to require facilities for runaway minors to more promptly assess the minors'

1 needs and notify the minors' parents of their presence in the facility. It is also the purpose  
2 of this Act to authorize temporary secure detention of a minor who has previously left a  
3 semi-secure program without permission. The legislature intends, through this Act, to better  
4 fulfill its responsibility to protect runaway minors and to meet its goal of returning them as  
5 quickly as possible to the custody and control of their parents in all appropriate  
6 circumstances."

7 Page 1, line 4:

8 Delete "Section 1."

9 Insert "Sec. 2."

10 Renumber the following bill sections accordingly.

3-12-96

WORK DRAFT

WORK DRAFT

WORK DRAFT

9-LS1635M  
Lauterbach  
3/7/96

SF  
moved  
Adopted

3/28/96 moved &  
R/O

CS FOR SENATE BILL NO. 289( )  
IN THE LEGISLATURE OF THE STATE OF ALASKA  
NINETEENTH LEGISLATURE - SECOND SESSION

BY

Offered:  
Referred:

Sponsor(s): SENATORS FRANK, Miller, Phillips, Halford, Green, Taylor

A BILL

FOR AN ACT ENTITLED

1 "An Act relating to runaways, other minors, and their families or legal  
2 custodians."

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

4 \* Section 1. AS 11.51.130(a) is amended to read:

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

9 (1) under 18 years of age to do any act prohibited by state law unless  
10 the child's disabilities of minority have been removed for general purposes under  
11 AS 09.55.590;

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

1 (3) under 16 years of age to be repeatedly absent from school, without  
2 the permission of the child's parent, guardian, or custodian [JUST CAUSE]; or

3 (4) under 18 years of age to be absent from the custody of a parent,  
4 guardian, or custodian without <sup>knowledge and (color)</sup> the permission of the parent, guardian, or custodian  
5 [JUST CAUSE], unless the child's disabilities of minority have been removed for  
6 general purposes under AS 09.55.590 or the person has immunity under AS 47.10.350  
7 or 47.10.398(a); it is an affirmative defense to a prosecution under this paragraph  
8 that, at the time of the alleged offense, the defendant

9 (A) reasonably believed that the child was in danger of  
10 physical injury or in need of temporary shelter; and

11 (B) within 12 hours after taking the actions comprising the  
12 alleged offense, notified a peace officer, a law enforcement agency, or the  
13 Department of Health and Social Services of the name of the child and the  
14 child's location.

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

16 (b) A peace officer shall take into protective custody a minor described in (a)  
17 of this section if the minor is not otherwise subject to arrest or detention. Unless (c)  
18 of this section applies, the peace officer shall [EXERCISE THE OFFICER'S  
19 DISCRETION AND] (1) return the minor to the legal custodian at the legal  
20 custodian's residence if the legal custodian consents to the return except that the  
21 officer may not use this option if the officer has reasonable cause to believe  
22 [SUSPECT] that the minor has experienced physical or sexual abuse in the legal  
23 custodian's household; (2) take the minor to a nearby location agreed to by [THE  
24 MINOR AND] the legal custodian if the legal custodian does not consent to return  
25 of the minor under (1) of this subsection or the officer is precluded from using  
26 that option because of a reasonable cause to believe that the minor has  
27 experienced physical or sexual abuse in the legal custodian's household; or (3) if  
28 disposition of the minor is not made under (1) or (2) of this subsection, take the  
29 minor to an office specified by the Department of Health and Social Services, a  
30 program for runaway minors licensed by the department under AS 47.10.310, a shelter  
31 for runaways that has a permit from the department under AS 47.35.085 that agrees

1 to shelter the minor, or a facility or contract agency of the department. If the peace  
2 officer plans to take the minor to an office, program, shelter, or facility under (3)  
3 of this subsection, the peace officer shall give the highest priority to taking the  
4 minor to an office, program, shelter, or facility that is semi-secure. If an office  
5 specified by the department, a licensed program for runaway minors, a shelter for  
6 runaways that will accept the minor, or a facility or contract agency of the department  
7 does not exist in the community, the officer shall take the minor to another suitable  
8 location and promptly notify the department. A minor under protective custody may  
9 not be housed in a jail or other detention facility but may be housed in a semi-secure  
10 portion of an office, program, shelter, or other facility under (3) of this  
11 subsection. Immediately upon taking a minor into protective custody, the officer shall  
12 advise the minor of available mediation services and [ORALLY AND IN WRITING]  
13 of the right to social services under AS 47.10.142(b), and, if known, the officer shall  
14 advise the legal custodian that the minor has been taken into protective custody and  
15 that counseling services for the custodian and the minor's household may be available  
16 under AS 47.10.142(b).

17 \* Sec. 3. AS 47.10.141(e) is amended to read:

18 (e) In this section,

19 (1) "law enforcement agency" has the meaning given in AS 12.36.090;

20 (2) "semi-secure" means operated according to standards that may  
21 be established by the department in regulations that are designed to require a  
22 level of security that will reasonably ensure that, if a minor leaves without  
23 permission, the minor's act of leaving will be immediately noticed.

24 \* Sec. 4. AS 47.10.141 is amended by adding a new subsection to read:

25 (f) In the absence of gross negligence or intentional misconduct, an office,  
26 program, shelter, or facility, or an employee of an office, program, shelter, or facility,  
27 to which a minor is taken by a peace officer for semi-secure custody is not subject to  
28 civil or criminal liability based on the minor's leaving the office, program, shelter, or  
29 facility without permission unless the office, program, shelter, or facility is not in  
30 compliance with the department's regulations that set standards for semi-security and  
31 the lack of compliance was a material factor in the minor's being able to leave without

1 permission.

2 \* Sec. 5. AS 47.10.310(c) is amended to read:

3 (c) A program for runaway minors shall

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

7 (2) upon admission of a minor to the program, attempt to determine  
8 why the [A] minor [IN THE PROGRAM] is a runaway and what services may be  
9 necessary or appropriate for reuniting the minor with the minor's family;

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

14 (4) within one state working day after admission of a minor to the  
15 program [PROMPTLY] inform the department of a minor in the program

16 (A) who claims to be the victim of child abuse or neglect, as  
17 defined in AS 47.17.290;

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

20 (C) whom an employee of the program has reason to believe is  
21 evading the supervision of the department, the person to whom the department  
22 has entrusted supervision, or the minor's legal guardian;

23 (5) be operated with the goal of reuniting runaway minors with their  
24 families, except in cases in which reunification is clearly contrary to the best interest  
25 of the minor; and

26 (6) maintain adequate staffing and accommodations to ensure physical  
27 security and to provide crisis services to minors residing in a facility operated by the  
28 program; a program shall maintain semi-secure portions of its facilities in a  
29 proportion that meets regulations established by the department; residents under  
30 18 years of age shall be segregated from residents who are 18 years of age or older.

31 \* Sec. 6. AS 47.10.390 is amended by adding a new paragraph to read:

1 (3) "semi-secure" has the meaning given in AS 47.10.141(e).

2 \* Sec. 7. AS 47.10.394(b) is amended to read:

3 (b) The provider of a shelter for runaways shall promptly, but within one state  
4 working day [48 HOURS], inform the department of a runaway minor in the shelter

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

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

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

**THE FOLLOWING PAGES MAY  
NOT FILM LEGIBLY BECAUSE OF  
THE POOR QUALITY OF THE ORIGINAL**



Bambi's medals + stuff



5 Gold medals MVP-B.Ball  
5 Silver Highest Scorer  
1 Bronze 1 Honor Roll B.Ball  
3 First Place 2 bbons 2 Beauty

From Cris Tyree

3-13-96

P.O. # 990455

378-6515

Wasilla AK 99687

To: Senate Finance Committee

Senator Steve Frank

State Capitol

Juneau, AK 99801-1182

to kids

Sony

letter to enclose

you can say

Enclosed is a picture of one of my two daughters. Isn't she beautiful? Her older sister is beautiful too. Please return pictures.

Let me tell you about both of them.

Tia loves children. She is real patient, considers them as individuals, and knows how to love with hugs, kisses and kind words. She can tease and make them laugh. She has a soft beautiful quality of charm and charisma that just melts people's hearts. She's always there as a friend, but to be an honest friend, thoughtful. She's a big help with her brother, around the house with chores, etc. She's always tried to see the bright side of life, but at 15 1/2, she learned from school, she had rights, if she wasn't happy at home, she could leave and no one would miss her at home. Then she learned more from new friends.

Now, Bambi, the one you have a picture of and also whose trophies I also have included picture wise in this letter. Bambi was always happy, chirpy, go-go, as a little girl. She was different in that kids and chores were not her thing!! Sports were. Every sport she participated in she received a medal, ribbon, trophy, honor for!! Anything!! Plus she was always from K to now, 9<sup>th</sup> grade, she's been an honor student. The majority of teachers and peers have always loved her!! But, when Tia ran away, Bambi was crushed. So at 12 years old she decides to run-away.

I cried and pleaded to everyone, anyone, please make my girls come home!! No one could make them come home!! It was like no one cared.

When Tia left, she left to go to a dance in Anchorage (lure of the big city). She had planned on coming back, but do you know what happened? Some men held her hostage in Anchorage in their house, raped her (and she had been a virgin) then let her go after a few days!! She was afraid to tell us!! Afraid because we had "told her" so!! So instead of coming home, she stayed, trusted someone else. They hooked her on crack, where she ended up prostituting for money for the crack. She manages to pick herself up but

Continues being used and threatened!!

In the meantime Bambi is angry because we've moved from her home of 10 years, Tia has left since our move, girls are jealous of her. Start trouble for her because she's pretty and athletic and all the boys like her, so she starts getting into trouble.

One thing after another, which leads to now, both girls under Federal arrest for 11 (eleven) pounds of cocaine. They were being used by a man (42) that was a threat to them, a man I personally went to Trooper Patterson about before the arrest, trying to get my daughter out of there, so now we have to pay for all of this mess!!!

Why should I have to pay for the "No Run Away Law"? A law that gave children the idea to go, act like an adult, but not think like an adult?

Why should I pay when Trooper Patterson could have gotten my daughter out of there before this bust? When I went to him in person about this man that had control of her and her sister?

Please change the laws, for our children's sakes. Have age limit, too, to leave home. Let facilities be built

so these young lives aren't corrupted  
by pimps, drug dealers, gang members.  
Please make it to where our children  
are made to come home or go to safe  
house with trained staff or counselors.  
Please put monies ~~to~~ into education or  
training or after school programs. For  
their sakes and future.

For US as a society. Children are  
a natural resource, too. We'll get back  
what we put forth into them.

Thank You,

Cris Lynch



AL

Post-It™ brand fax transmittal memo 7671 # of pages <u>2</u>	
To: <u>Sen. Frank</u>	From: <u>Fbx L10</u>
Co.	Co.
Dept.	Phone #
Fax #	Fax #

CURE

PLEASE ENTER INTO THE RECORD MY TESTIMONY TO THE Senate Finance  
 COMMITTEE ON SB 289 COMMITTEE NAME  
 DATED 3/12/96  
 BILL/SUBJECT

1 of 2

I strongly urge passage with the following suggestions,

- Under Sec. 3, pg. 3, line 23 - states "minor's act of leaving will be immediately noticed." I think they must be stopped before they disappear into the underground.
- Section 5, pg. 4, line 2' - states "evading the supervision of the department..." - I think the "parent or legal guardian" must always be considered the first authority of supervision over a minor unless prior circumstances have caused the department to have legal supervision ordered by the state. Please put parent or legal guardian first on this list, this should also apply to Sec. 7, pg. 5, line 10.

SIGNED Lori L. Backes / Lori L. Backes  
 TESTIFIER  
Self  
 REPRESENTING (OPTIONAL)  
1608 Scenic Cp. Fairbanks, 99709  
 ADDRESS/PHONE NUMBER



# ALASKA STATE LEGISLATURE

PLEASE ENTER INTO THE RECORD MY TESTIMONY TO THE

Senate Finance  
COMMITTEE NAME

COMMITTEE ON

SB 289

DATED

3/12/96

BILL/SUBJECT

2 of 2

Finally, I urge you to maintain the change in Sec. 2, pg. 2, line 18 - the term "officer's discretion" should be deleted. It is well described in this bill that the first + primary course of action must be to return this minor to their parent unless a "reasonable belief of abuse" is present.

SIGNED

Lori L. Backes / Lori L. Backes

TESTIFIER

Self

REPRESENTING (OPTIONAL)

1608 Scenic Cp. Fairbanks, 99709

ADDRESS/PHONE NUMBER

STEVE FRANK

119 N. Cushman, Rm. 213  
Fairbanks, Alaska 99701  
(907) 452-3421

# Alaska State Legislature



## Senate

MAR 06 1996

While in Juneau  
P.O. Box V  
Juneau, Alaska 99811  
(907) 465-3709  
Capitol Rm. 417

TO: / Senator Rick Halford, Co-Chair  
Senate Finance Committee

FROM: Senator Steve Frank, Co-Chair  
Senate Finance Committee

RE: Hearing Request - CS SB 289 (JUD)

DATE: March 6, 1996

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I am writing to request a hearing for CS SB 289 (JUD), "An Act relating to runaway minors and their families or legal custodians" in the Senate Finance Committee at your earliest possible convenience.

This legislation would strengthen current law, closing a loophole regarding contributing to the delinquency of a minor and strives to give parents more authority over their runaway children. It also promotes the idea of semi-securing runaway shelters to limit the "revolving door" effect that currently exists.

I introduced this legislation to address the growing concern among parents for the safety of their runaway children. It is a significant problem in our communities that I feel needs serious consideration.

Thank you for your consideration.

STEVE FRANK

119 N. Cushman. Rm. 213  
Fairbanks, Alaska 99701  
(907) 452-3421

# Alaska State Legislature



White in Juneau  
P.O. Box V  
Juneau, Alaska 99801  
(907) 465-3700  
Capitol Rm. 417

## Senate

### SPONSOR STATEMENT

CS SB 289 "An Act relating to runaway minors and their families or legal custodians."

I introduced this legislation to address the growing concern among parents for the safety of their runaway children. It is a significant problem in our communities that I feel needs serious consideration.

CS SB 289 will strengthen the language within AS 11.51.130 regarding to contributing to the delinquency of a minor. By discouraging people from housing runaways, it will force these children to take advantage of available services that will be able to assess the child's situation and begin the process of reconciliation with their family.

This legislation will also make clear that a police officer's first course of action, after picking up a runaway, is to take that child back to his or her parents unless the officer believes that there has been abuse to the minor. If the parent will not accept the child, then the second course of action will be to take the minor to a place agreed to by the parent. If this cannot be accomplished either, then the police officer must take the child to a semi-secure shelter for assessment of the child's situation and determination of the course of action that is in the best interest of the child.

I feel this legislation is an important step in dealing with this continuing problem and I would appreciate your support.

Thank you for your consideration.



**LOST  
BY THE  
STATE  
OF  
ALASKA**

**Sarah  
McNear**

5'11" - 130 lbs.  
15 years old

If you have information,  
please call Sarah's parents at

**479-4090**

or the Alaska State Troopers at 451-5100.

111 Herald-Examiner

Dear Legislator, Governor, President...

The runaway youth problem is reaching epidemic proportions in America today. More and more it's touching the lives of average middle class families that are trying to instill traditional values, but encounter roadblocks set in their way by permissive laws designed to guarantee children's personal freedoms. The trouble is, there's nothing in place to teach them the responsibilities that come with these freedoms.

To begin with, the moral fabric of our nation is unravelling. One has only to judge television content, stories considered newsworthy by the media or the messages delivered to young people through their popular music and the cinema to realize how far we've declined. Kids are continuously bombarded by the tobacco, alcohol, clothing and entertainment industries with the following advice concerning drugs, sex, violence, irresponsibility and disrespect for others (including parents)....*just do it!!!* AND, the peer pressure is relentless. Add to this a set of laws that effectively eliminate parental authority and the stage is set.

Federal legislation dating back 21 years seems to be where it all begins. The Juvenile Justice and Delinquency Prevention Act (PL 93-415) was passed in 1974. The law seeks to keep juveniles out of contact with adult offenders...can't be housed in the same correctional facilities. The law also requires the use of the least restrictive alternatives possible for juveniles in custody. To achieve these mandates at the state level, federal funds for juvenile programs are contingent upon compliance. This amounts to \$600,000 for Alaska and our laws do indeed fulfill the stated objectives of federal legislation. Please refer to Alaska Statute Sec. 47.10.141. titled "Runaway and missing minors".

The thinking behind these laws seems to be: Kids who run away are fleeing abusive homes and must not be further injured by a justice system that treats them like criminals. This philosophy completely overlooks the merely rebellious kids who, on advice of their trusted peers, can *and do* abuse these laws and *manipulate* the system. The influence of peers should not be underestimated. Their interpretation of law is not based upon a careful reading of the statutes, but rather upon how the laws are *actually* administered. They know that law enforcement agencies do NOT aggressively pursue runaways or the people giving them "safe" haven. So, both the character of the laws AND their application fail to protect our sons and daughters.

What to do?!....CHANGE THE LAWS! Moreover, the laws must be vigorously enforced. Reference existing statute Sec. 47.10.141. again: The law should clearly stipulate that a runaway who is unwilling to go home or to a mutually agreed upon location shall be placed in a *secure* facility. Such detention centers for runaway and missing minors shall be separate from adult facilities and should be staffed with personnel trained to evaluate each individual case and determine a course of action. Enforcement?...Even the current law says "...a law enforcement agency shall make reasonable efforts to locate the minor..." This requirement must be fulfilled! Likewise for Alaska Statute Sec.11.51.130, titled "Contributing to the Delinquency of a minor", *and* the truancy law *and* the statutory rape law. The statutes are worthless if law enforcement authorities won't apply them.

One can look at how other jurisdictions are addressing the problem. For example, Washington has new legislation dealing with runaways, but we must keep our goal clearly in sight....Kids must understand that the act of running away from their legal guardian will result in tangible consequences. The deterrent effect of a lock-up approach will greatly influence *potential* runaways. No longer will wayward peers be able to inculcate susceptible kids with the notion that they can run away with *impunity*. The word will get around quickly on the play ground and the majority of these wannabes won't take that initial step.

■ Police report

B-2

■ Events

B-3

■ People

B-4

Rod Boyce, City Editor; 456-6661 (Ext. 275)

Dermot  
Cole



## Section B

Monday, January 15, 1996

■ ■ ■  
**THERE HAVE BEEN** several ads and letters to the editor recently about the problem of runaway children in the Fairbanks area.

There definitely is a problem, a complicated one that defies easy answers.

In Fairbanks, there are 30 to 50 runaways on the street at any given time, according to a recent report in the Fairbanks Native Association newsletter.

FNA operates Family Focus, which is a state sanctioned temporary shelter for runaway children ages 10 to 18. It was founded in 1979.

When police pick up a runaway, in most cases, they either take the child to Family Focus or contact the parents. Some of the children are leaving abusive homes. Others are rebelling against their parents.

The law gives the runaway child the power to decide where to go.

"The kids at Family Focus are free to leave whenever they choose, but can remain at the shelter for up to 14 days," the FNA newsletter said. "Parents are notified that their teen is at the shelter but it is up to the teen when he or she will return

On the streets the children can be exposed to all sorts of dangers. And those who are abused should not be forced to go to homes where they will be hurt.

What about the rebellious ones? If the law was changed to give parents the authority to require that the child come home with them or to require that the child stay at a place like Family Focus, the matter of enforcement would come up. If the child refused to cooperate, would there be any alternatives other than jail?

A meeting of citizens who are concerned about runaways will be Tuesday Feb. 6 at 6:30 p.m. at the Noel Wien Public Library auditorium.

1-24-96

1990 Weston Drive  
Fairbanks, AK 99709  
January 22, 1996

Senator Steve Frank  
State Capitol  
Juneau, AK 99801

Dear Senator <sup>Steve</sup> Frank:

The enclosed article from the January 8 issue of the Fairbanks Daily News-Miner presents a first-hand account of the serious problems in the treatment of runaways in our state. I am increasingly dismayed at the number of these stories from "normal," loving families. Please consider support for legislation that will

- 1) require proper evaluation of a child's claim of abuse in a home situation. This should recognize the authority of parents or guardians to properly discipline their child, and require reasonable proof of abuse before the child is removed from the home. This does not preclude an intermediate, brief placement in a facility specifically designed to hold and retain children during an evaluation or cooling-off period.
- 2) limit the definition of abuse to reasonable standards (not, for example, "I wasn't allowed to go to my class party because I was grounded").
- 3) require an abused child to be placed in a facility with the requirement and authority to restrict the activities of the child for his or her safety — not, as Mrs. Near states, a revolving door back to the streets, drug dealers, and pimps.
- 4) combine responsibility for the child's action with the authority to direct them. The current system makes the parent responsible while removing all ability to set, much less enforce, the rules.

Thank you for your consideration of this very important issue. I wish success to all of us who are concerned about our children.

Sincerely

*Joan Osterkamp*  
Joan Osterkamp

Fairbanks Daily  
News-Miner  
11/8/96

# 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.

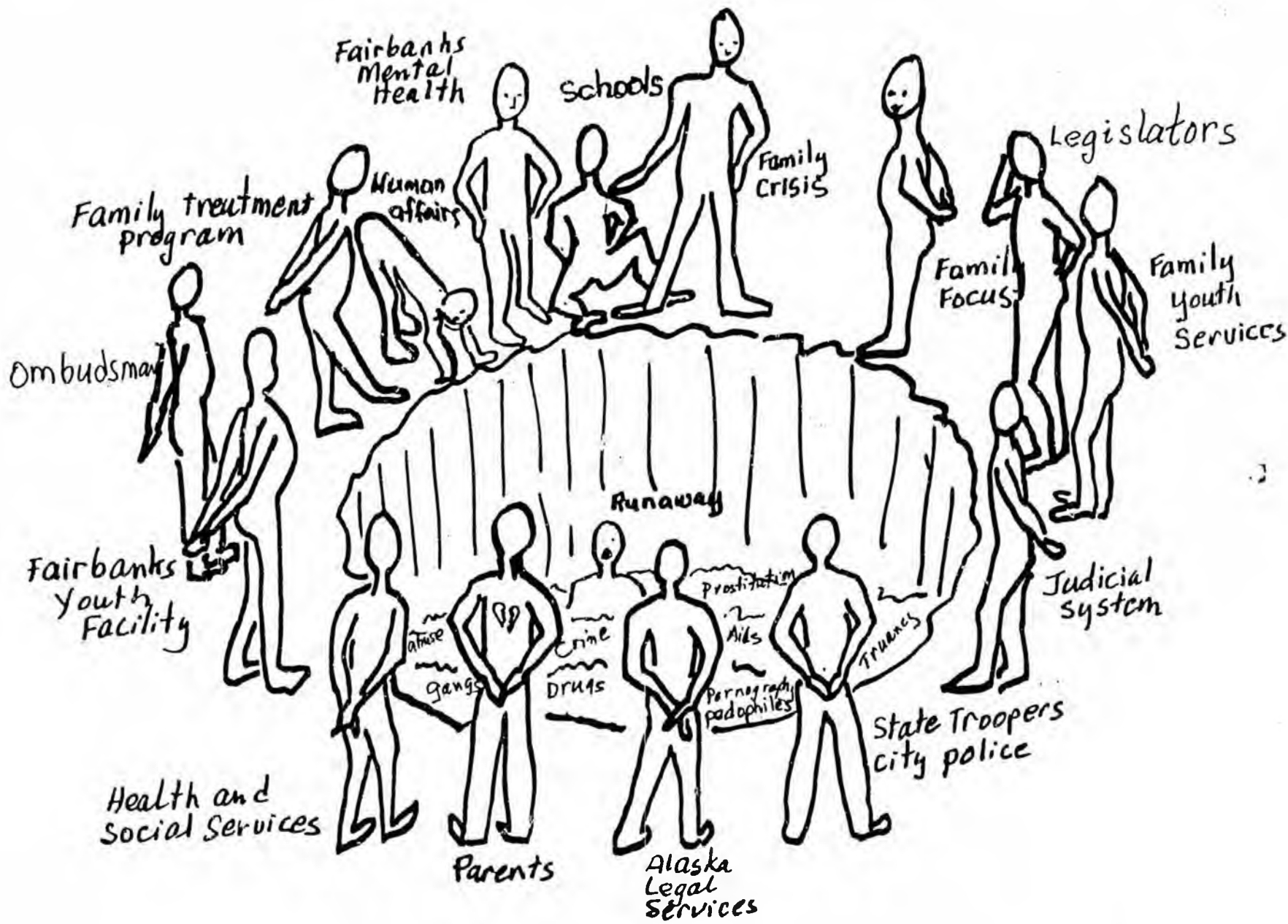
If there is truly abuse, place them in a foster home where they must remain. Make shelters like Family Focus secure, rather than a revolving door.

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 state's greatest natural resource and we are losing many.

Please call or write our legislators to get this statute changed.

LaRue Near, a life-long Fairbankser and retired primary schoolteacher, is a member of a group of Fairbanks parents concerned about runaways.



"Our hands are tied"

810 Ballaine Rd.  
Fairbanks, AK 99709-6606

22 March 1995

Representative Gail Phillips, Speaker  
Alaska State House  
State Capitol - Room 208  
Juneau, AK 99801-1182

Dear Speaker Phillips,

In recent months we have become acquainted with the inadequacy of AS 47.10.141, The Runaways and Missing Minors Law, through the painful experience of friends whose daughter has run away repeatedly. Despite the continuous efforts of the parents to keep their 14-year old daughter protected, they have found that the existing system allows runaways almost total freedom. Even when the child was picked up by police, she was able to regain freedom almost immediately.

While it is extremely important that children not be returned to abusive homes, it is equally important that a child's claims of abuse be quickly and thoroughly checked, and a substitute home be provided for the child's protection if they are substantiated, and the child be returned home if the claims are found to be false.

In addition we urge you to see that truancy laws are enforced so that children do not skip school without consequence.

Thank you for considering our concerns.

Sincerely,

*Sue M. Dean*      *Frederick C. Dean*

Sue M. Dean and Frederick C. Dean

# Powerless parents look for help

By LIN GALE  
Staff Writer

The phone rang at Rosemary Donnelly's house at 2 a.m.

It was city police, calling to say they had her 14-year-old son at the station.

"What do you want us to do with him?" the officer asked.

Donnelly asked if they would bring him home but the boy refused to return.

"He says he doesn't want to come home, and he doesn't have to come," Donnelly said Tuesday night while relaying the story to a dozen people gathered at the Noel Wien Library.

Donnelly, a clerk at the state courthouse, has spent a lot of sleepless nights since her son began running away in September. Tired of feeling powerless, she is trying to organize people concerned about runaways to lobby for legislation that would give parents more control over rebellious teens.

The law says parents and police have no authority to force runaways to return home. Instead, police can bring the youths to the runaway shelter Family Focus, where they can leave whenever they choose.

The current law was passed in the late 1970s to protect runaways

who were sexually and physically abused at home.

Unfortunately, Donnelly said, it has left parents powerless over their runaway children.

Among changes parents in the group want is a law that would require runaways either to be returned home or be put into supervised shelters they would not be allowed to leave; disclosure to parents of their children's drug and alcohol treatment records; more aggressive reporting of truancy by school authorities; and increased prosecution of adults who harbor runaways and supply them with drugs and alcohol.

FDNM, Wed. Jan 18, 1995.

## stopping runaways

Without such help, parents have had to take drastic steps to try and control their teens.

April Rodgers' son's problems began with chronic truancy from school.

Desperate, Rodgers accompanied him to school for a week and a half. She sat by him through every class during that time.

"He would try and ditch me in the hallway," Rodgers said.

Another mother of a runaway teen supplied information to police that led to her daughter's arrest on a drug offense.

The girl was placed on probation, which finally gave her mother

some control. Anytime she ran away after that she was thrown into Fairbanks Youth Facility, at her mother's request, for violating probation.

Scared at seeing her son acting and looking like "a bum off the Chicago streets," Donnelly said she had him committed into Alaska Psychiatric Institute, in Anchorage, for an evaluation.

The 10 days he was there were the easiest on her since he first ran away, she said, because she knew he was off the streets.

"Basically, there is nothing we can do with these kids," Donnelly said.

Al Near  
PO Box 80847  
Fairbanks AK 99708  
March 9, 1996

Senator Steve Frank  
Room 518 Alaska State Capitol  
Juneau AK 99801-1182

Dear Steve:

Thank you for introducing SB289. I wholeheartedly support what I see as its primary goals.....strengthening the laws that deal with runaway minors and those persons who would contribute to their delinquency.

Our sad experiences with these issues began over a year ago when our daughter refused to come home from school after we attempted to impose grounding sanctions in response to her cutting classes. I was informed by the school counselor that I could try to persuade our child to return, but that *I could face serious consequences* if I attempted any physical solution such as putting her in the car and driving her home. I ended up negotiating with her through the vice principal and the counselor. In the end...my daughter had her way. She went home with a classmate for the weekend; thereby avoiding any consequences for her actions. I went home with hat-in-hand.

That was a dark December day in 1994. Since then she has been in a dozen or more foster settings from which she either ran away or was asked to leave and still...no consequences!!! She has lived on the streets for up to 6 weeks at a stretch. When she has been picked up as a runaway, she refuses to go home, so she's delivered to our local youth shelter. There it has been a revolving door and she soon returns to the unsavory situation from which the peace officer had just rescued her...still no consequences!!! Throughout this nightmare we sought help from law enforcement and were repeatedly told that runaways are a low priority because they will not stay at the shelter. Attempts to deal with the various adults who harbored and otherwise contributed to her delinquency were also fruitless.

Here's an attractive, intelligent and talented 15 year old girl who held the world in her hands before she was pulled into a negative peer group. She was destined for college and a responsible, productive future. Now? I doubt that she'll even finish high school and she has herself predicted that she'll likely end up in jail. But, as she's quick to point out, she'll be with her friends.

How can something like this happen? Before this happened to us I had assumed such problems could always be traced to serious inadequacies of the family. Well, my wife and I have enjoyed a 32 year loving partnership, our son is a well liked 19 year old college student and our daughter had all the same opportunities. Moreover...our's is not an isolated case! During this past year we've met families from all walks of life who have similar stories. One continuing theme that runs through all these cases is an absence of accountability for the wayward youths. When a child refuses to follow the standards of behavior set forth by family and society and sees that our legal system also refuses to uphold them...what should we expect????

The earliest intervention is what's needed. Clearly, had my daughter been turned around and sent home when she first began experimenting with *the system*, she might have been saved. But, after scores of episodes to which the system responded by rewarding her misadventures with ever greater freedom, what are the odds that she can ever be turned around? We need to be there with appropriate consequences at the beginning. If our *susceptible* youth heard from their peers that running away would result in negative consequences, many of these "wannabes" would never take that first ~~step~~.

This brings me to SB289. It's headed in the right direction, but it doesn't quite get all the way there. Draft version "M" is before me and I'm concerned about what it doesn't say. Upon reading to the end of line 23 on page 3, everyone I've talked with asks...*and then what?* It's fine that the shelter personnel are immediately aware that the minor has left, but *what is anyone going to do about it??* I suggest that such an act justifies more than a "semi-secure" response. The minor should know that, if he or she runs away from the "semi-secure" shelter, they will graduate up to a secure setting. Better yet, they should be prevented from leaving in the first place. It may cost more and we might lose some federal grant money and on and on and on...but, the bottom line...are we willing to do what's right for our kids? It's been often said that young people represent our most precious asset. Let's *show them we care* by revising our laws to close the "accountability gap". Let's set and maintain reasonable boundaries for them.

Respectfully yours,



Al Near

Post-It™ brand fax transmittal memo 7671		# of pages >	
To	Alli Gordon	From	AL Near
Co.	For Senate Fin	Co.	479-4090
Dept.	Hearing	Phone #	
Fax #		Fax #	



Official Business


# Alaska State Senate

## Senate Finance Committee

Mail Stop 3100  
State Capitol  
Juneau, Alaska 99801-1182

### MEMORANDUM

TO: Senator Drue Pearce, President  
Alaska State Senate

FROM: Senator Rick Halford, Co-Chair  
Senate Finance Committee 

DATE: March 5, 1996

SUBJECT: SB 289, Fiscal Note(s) WITHOUT a Finance Committee Referral

---

A positive fiscal note has been issued by the Department of Health & Social Services for SB 289, Misc. Laws Relating to Runaway Minors, which is currently in the Senate Rules committee.

Please add a referral to the Senate Finance committee.

Thank you.

Attachment(s)

cc: Senator Mike Miller, Chairman  
Senate Rules Committee  
Attn.: Mary Gore

Sen. Frank

RH/lb

BILL: SB 289

SHORT TITLE: MISC. LAWS RELATING TO RUNAWAY MINORS

BILL VERSION:

SPONSOR(S): SENATOR(S) FRANK, MILLER, R. PHILLIPS, HALFORD, GREEN, TAYLOR

CURRENT STATUS: (S) RLS

STATUS DATE: 02/29/96

HEARING: (S) RLS MAR 06 00:00 AM FAHRENKAMP RM 203

TITLE: "AN ACT RELATING TO RUNAWAY MINORS AND THEIR FAMILIES OR LEGAL CUSTODIANS."

02/12/96	2382	(S)	READ THE FIRST TIME - REFERRAL(S)
02/12/96	2382	(S)	JUDICIARY
02/28/96	2578	(S)	COSPONSOR(S): GREEN, TAYLOR
02/29/96	2597	(S)	JUD RPT CS 3DP 1NR SAME TITLE
02/29/96	2597	(S)	INDETERMINATE FISCAL NOTE SB & CS (DPS)
02/29/96	2597	(S)	ZERO FISCAL NOTES SB & CS (ADM-2, LAW)
02/29/96	2597	(S)	REFERRED TO RULES

Senate Finance Committee

To: Larry Stevens

From: Jerry

Date: 5 March 1996

Subject: Bill Number: SB 289 Version: \_\_\_\_\_

Fiscal Note WITHOUT a Senate Finance Committee Referral

Title: Misc. Laws Relating to Runaway Minors

Referrals: \_\_\_\_\_

Sponsor(s): Frank

Department: \_\_\_\_\_

BRU: \_\_\_\_\_

Component: \_\_\_\_\_

Comments: \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

Attachments:

- Fiscal Note(s)
- Bill History from BASIS

BILL: SB 289

SHORT TITLE: MISC. LAWS RELATING TO RUNAWAY MINORS

BILL VERSION:

SPONSOR(S): SENATOR(S) FRANK, MILLER, R. PHILLIPS, HALFORD, GREEN, TAYLOR

CURRENT STATUS: (S) RLS

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02/12/96	2382	(S)	READ THE FIRST TIME - REFERRAL(S)
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02/29/96	2597	(S)	JUD RPT CS 3DP 1NR SAME TITLE
02/29/96	2597	(S)	INDETERMINATE FISCAL NOTE SB & CS (DPS)
02/29/96	2597	(S)	ZERO FISCAL NOTES SB & CS (ADM-2, LAW)
02/29/96	2597	(S)	REFERRED TO RULES

# FISCAL NOTE

*2/20/96  
copy to Perry  
copy to Hille*

STATE OF ALASKA  
1996 LEGISLATIVE SESSION

BILL NO: SB 289

Revision Date: \_\_\_\_\_ Dept. Affected: Public Safety  
 Title: Miscellaneous laws relating to runaway minors BRU: Alaska State Troopers  
 Component: Detachments  
 Sponsor: Senator Frank  
 Requestor: S. Judiciary COMPONENT SERIAL NO. 0799

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

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

**FUNDING: (Thousands of Dollars)**

1002 Federal Receipts						
1003 GF Match						
1004 GF						
1005 GF/Program						
1006 GF/MHTIA						
Other						
<b>TOTAL</b>	-0-	-0-	-0-	-0-	-0-	-0-

56287

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.)**

This bill will have an inestimable fiscal impact on the Division of Alaska State Troopers. The bill requires that peace officers return runaway minors to their guardian at the guardian's residence or place of employment. This eliminates any flexibility in returning the minor and in some cases will require more of the officers time to transport the minor to those locations, especially if those locations are in different cities. The bill also requires that if a peace officer is going to take the minor to a shelter that the officer must select a specific type of shelter first, again increasing the transport time.

Prepared By: Lt. Dan Lowden Phone: 465-5505  
 Division: Alaska State Troopers Date: February 26, 1996  
 Approved by Commissioner: *Ronald L. Otte* Date: 2/26/96  
 Agency: Ronald L. Otte, Department of Public Safety

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BILL: SB 289

SHORT TITLE: MISC. LAWS RELATING TO RUNAWAY MINORS

BILL VERSION:

SPONSOR(S): SENATOR(S) FRANK, MILLER, R. PHILLIPS, HALFORD

CURRENT STATUS: (S) JUD

STATUS DATE: 02/12/96

HEARING: (S) JUD FEB 26 01:30 PM BELTZ ROOM 211

TELECONFERENCE

TITLE: "AN ACT RELATING TO RUNAWAY MINORS AND THEIR FAMILIES OR LEGAL CUSTODIANS."

02/12/96

2382

(S)

READ THE FIRST TIME - REFERRAL(S)

02/12/96

2382

(S)

JUDICIARY

# SENATE COMMITTEE REPORT

## First Committee of Referral

DATE: 2/12/96

FURTHER: *rule*

Date of 5-Day Notice: 2-22-96  
(in accordance with Uniform Rule 23)

DATE TURNED INTO OFFICE: 2-29-96

The Judiciary Committee considered SB 289

Relating to runaway minors and their families or legal custodians.

and recommends:

- be replaced with CS SB 289 (JOD)
- adopt previous CS (        )
- attached amendment(s)
- adopt Letter of Intent by          Committee
- further referral to the          Committee

- Senate Bill:**
- same title
  - new title
- House Bill:**
- same title
  - technical title
  - new: SCR#

SIGNING DO PASS	DP	OTHER RECOMMENDATIONS	NR	DNP	AM
<i>Julien Green</i>	<input checked="" type="checkbox"/>	<i>Al Adams</i>	<input checked="" type="checkbox"/>		
<i>Mike Miller</i>	<input checked="" type="checkbox"/>				
<i>Christi Taylor</i>	<input checked="" type="checkbox"/>				
<b>CHAIR:</b>		<b>CHAIR:</b>			

**NEW FISCAL NOTE(S):**

Department	Date	Zero	Fiscal
<i>Public Defender</i>	<i>2/28</i>	<input checked="" type="checkbox"/>	
<i>Office of Public Allocation</i>	<i>2/28</i>	<input checked="" type="checkbox"/>	
<i>Public Safety</i>	<i>2/26</i>	<input checked="" type="checkbox"/>	
<i>Law Civil Division</i>	<i>2/26</i>	<input checked="" type="checkbox"/>	

**PREVIOUS FISCAL NOTE(S):\***

Department	Date	Zero	Fiscal

SB  
-  
E-  
CS

APPROPRIATION -- no fiscal note

\*include fiscal notes accompanying Governor's bill

# FISCAL NOTE

*Updated # 3*

STATE OF ALASKA  
1996 LEGISLATIVE SESSION

BILL NO: SB 289

Revision Date: \_\_\_\_\_ Dept. Affected: Public Safety  
 Title: Miscellaneous laws relating to runaway minors BRU: Alaska State Troopers  
 Component: Detachments  
 Sponsor: Senator Frank  
 Requestor: S. FIN COMPONENT SERIAL NO. 0799

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

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

**FUNDING: (Thousands of Dollars)**

1002 Federal Receipts						
1003 GF Match						
1004 GF						
1005 GF/Program						
1006 GF/MHTIA						
Other						
<b>TOTAL</b>	-0-	-0-	-0-	-0-	-0-	-0-

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.)**

This bill will have an inestimable fiscal impact on the Division of Alaska State Troopers. The bill requires that peace officers return runaway minors to their guardian at the guardian's residence or place of employment. This eliminates any flexibility in returning the minor and in some cases will require more of the officers time to transport the minor to those locations, especially if those locations are in different cities. The bill also requires that if a peace officer is going to take the minor to a shelter that the officer must select a specific type of shelter first, again increasing the transport time.

Prepared By: Lt. Dan Lowden Phone: 465-5505  
 Division: Alaska State Troopers Date: March 8, 1996  
 Approved by Commissioner: *Ronald L. Otte* Date: *3/8/96*  
 Agency: Ronald L. Otte, Department of Public Safety

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# FISCAL NOTE

REPORTED OUTSIDE  
SFC 3/28/96

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

**BILL NO: CSSB 289(JUD)**

Revision Date: March 18, 1996 Dept. Affected: Public Safety  
 Title: Miscellaneous laws relating to runaway minors BRU: Alaska State Troopers  
 Component: Detachments  
 Sponsor: Senator Frank  
 Requestor: S. Finance COMPONENT SERIAL NO. 0799

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

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

**FUNDING: (Thousands of Dollars)**

1002 Federal Receipts						
1003 GF Match						
1004 GF						
1005 GF/Program						
1006 GF/MHTIA						
Other						
<b>TOTAL</b>	-0-	-0-	-0-	-0-	-0-	-0-

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.)**

This bill will have an inestimable fiscal impact on the Division of Alaska State Troopers. The bill requires that peace officers return runaway minors to their guardian at the guardian's residence. This eliminates any flexibility in returning the minor and in some cases will require more of the officers time to transport the minor to those locations. The bill also requires that if a peace officer is going to take the minor to a shelter that the officer must select a specific type of shelter first, again increasing the transport time.

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

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# FISCAL NOTE

STATE OF ALASKA  
1996 LEGISLATIVE SESSION

BILL NO. CSSB 289 (FIN)

Revision Date: \_\_\_\_\_  
Title: Runaway Minors  
Sponsor: Senator Frank  
Requestor: Senate Finance Committee

Dept. Affected: Alaska Court System  
BRU: Trial Courts  
Component: \_\_\_\_\_  
COMPONENT SERIAL NO. 768

Expenditures/Revenues (Thousands of Dollars)

OPERATING EXPENDITURES	FY 97	FY 98	FY 99	FY 00	FY 01	FY 02
PERSONAL SERVICES	21.7	21.7	21.7	21.7	21.7	21.7
TRAVEL						
CONTRACTUAL						
SUPPLIES						
EQUIPMENT						
LAND & STRUCTURES						
GRANTS & CLAIMS						
MISCELLANEOUS						
<b>TOTAL OPERATING</b>	<b>21.7</b>	<b>21.7</b>	<b>21.7</b>	<b>21.7</b>	<b>21.7</b>	<b>21.7</b>

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

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

Fund Source (Thousands of Dollars)

1002 Federal Receipts						
1003 GF Match						
1004 GF	21.7	21.7	21.7	21.7	21.7	21.7
1005 GF/Program Receipts						
1037 GF/Mental Health						
Other						
<b>TOTAL</b>	<b>21.7</b>	<b>21.7</b>	<b>21.7</b>	<b>21.7</b>	<b>21.7</b>	<b>21.7</b>

Estimate of any current year (FY 96) cost: None

Positions

Full-Time						
Part-Time	2.0	2.0	2.0	2.0	2.0	2.0
Temporary						

ANALYSIS: (Attach a separate page if necessary)

See attached fiscal analysis.

Prepared by: C. S. Christensen III, Staff Counsel *CSC*  
Agency: Alaska Court System  
Approved by: Arthur H. Snowden, II, Administrative Director *AS* *CSC*  
Agency: Alaska Court System

Phone: 264-8228  
Date: 04/08/96  
Date: 04/08/96

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Alaska Court System

Fiscal Analysis

CSSB 289 (FIN)

Analysis

The Department of Law has estimated that the Senate Finance CS for SB 289 will necessitate preliminary detention hearings approximately 380 times per year, in order to determine if a runaway juvenile is a child in need of aid. The hearings must be held within 60 hours of the time of detention. Cases will vary in complexity and in the number of hearings which must be held. This note assumes that the average case will require one hour of judicial and in-court time for disposition.

Personal Services

<u>Position</u>	<u>Salary</u>	<u>Benefits</u>	<u>Total</u>
Standing Master, range 24A, PPT, 2.3 months, Anchorage/statewide	\$11,889	\$3,155	\$15,044
In-Court Clerk, range 12A, PPT, 2.3 months, Anchorage/statewide	5,283	1,402	<u>6,685</u>
	Total Estimated Cost		<u><u>\$21,729</u></u>

# FISCAL NOTE

STATE OF ALASKA  
1996 LEGISLATIVE SESSION

BILL NO. CSSB 289 ( )

Revision Date: \_\_\_\_\_ Dept. Affected: Department of Law  
 Title: "An Act relating to runaway minors and their BRU: Civil Division  
families or legal custodians." Component: General Legal Services  
 Sponsor: Senator Frank  
 Requester: Senate Judiciary Committee COMPONENT SERIAL NO. 2087

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

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

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

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

**FUND SOURCE** (Thousands of Dollars)

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

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

**POSITIONS**

FULL-TIME	0.0	0.0	0.0	0.0	0.0	0.0
PART-TIME						
TEMPORARY						

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

Provisions relating to secure (and perhaps semi-secure) placement of juveniles will probably be determined to be unconstitutional in that there are no due process protections built in for juveniles who will be deprived of their freedom when placed in a secure facility. The statute merely sets out a requirement that secure placements are to be given the highest priority for placement of a runaway if a peace officer is unable to return a child to a parent or take the child to an agreed upon location. Secure placement is defined as having locking doors, windows, or a secure perimeter, and designed to prevent a minor from leaving without permission. There are no standards to determine whether secure placement is justified--i.e., commission of a delinquent act or showing that the child is in specific danger, no provisions for court review, or review by anyone, and no time limits on how long secure placement can last. This bill will have no fiscal impact on the Department of Law.

Prepared by: Richard J. Pegues, Director  
 Division: Administrative Services Division  
 Approved by Commissioner: Bruce M. Botelho, Attorney General  
 Agency: Department of Law

Phone: 465-3672  
 Date: 2/26/96  
 Date: 2/26/96

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# FISCAL NOTE

STATE OF ALASKA  
1996 LEGISLATIVE SESSION

BILL NO. CSSB 289 - (FIN)

Revision Date: 4/2/96 Dept. Affected: Department of Law  
 Title: "An Act relating to runaways, other minors, and their families or legal custodians..." BRU: Criminal Division/Civil Division  
 Sponsor: Senator Frank Component: Criminal Division/General Legal Services  
 Requester: Senate Finance Committee COMPONENT SERIAL NO. 2085/2087

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

OPERATING EXPENDITURES	FY 97	FY 98	FY 99	FY 00	FY 01	FY 02
PERSONAL SERVICES	115.2	115.2	115.2	115.2	115.2	115.2
TRAVEL	2.5	2.5	2.5	2.5	2.5	2.5
CONTRACTUAL	18.7	18.7	18.7	18.7	18.7	18.7
SUPPLIES	3.6	3.6	3.6	3.6	3.6	3.6
EQUIPMENT	6.5	1.0	1.0	1.0	1.0	1.0
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
<b>TOTAL OPERATING</b>	<b>146.5</b>	<b>141.0</b>	<b>141.0</b>	<b>141.0</b>	<b>141.0</b>	<b>141.0</b>

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

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

**FUND SOURCE** (Thousands of Dollars)

1002 Federal Receipts	1.0	1.0	1.0	1.0	1.0	1.0
1003 GF Match						
1004 GF	146.5	141.0	141.0	141.0	141.0	141.0
1005 GF/Program Receipts						
1006 GF/MHTIA						
Other						
<b>TOTAL</b>	<b>146.5</b>	<b>141.0</b>	<b>141.0</b>	<b>141.0</b>	<b>141.0</b>	<b>141.0</b>

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

**POSITIONS**

FULL-TIME	0.0	0.0	0.0	0.0	0.0	0.0
PART-TIME						
TEMPORARY						

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

The Senate Finance Committee substitute for SB 289 amends the state's contributing to the delinquency of a minor statute (AS 11.51.130), the state's juvenile delinquency statute (AS 47.10.140), and the state's runaway and missing minor statute (AS 47.10.141) to clarify just cause in the former statute, and to provide that a runaway minor taken into protective custody shall be taken to a semi-secure facility, under the latter statute, if the runaway minor cannot be returned to the legal custodian. The bill also provides that a runaway who has been taken to a semi-secure facility, and runs away from such a facility can be arrested and detained in a secure facility pending disposition by the juvenile court. A preliminary hearing must be provided within 60 hours from being detained (up to 12 hours to notify the court and up to 48 hours to hold the hearing.) If the court then finds probable cause to believe that the runaway is a child in need of aid, it can continue detention pending a hearing on the petition for adjudication of child in need of aid, which could be a matter of months and would certainly be a matter of weeks. At the end of the hearing, if the minor is not detained, the court could place the runaway in the temporary custody of any suitable adult, including a parent or the Department of Health and Social Services.

Prepared by: Richard I. Peques, Director Phone: 465-3672  
 Division: Administrative Services Division Date: 4/2/96  
 Approved by Commissioner: Bruce M. Botelho, Attorney General Date: 4/2/96  
 Agency: Department of Law

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## FISCAL NOTE

STATE OF ALASKA  
1996 LEGISLATIVE SESSION

BILL NO. CSSB 289 (FIN)

### ANALYSIS CONTINUATION:

According to information provided by the Department of Health and Social Services, about 380 runaways residing in runaway shelters run away from those shelters each year. It is this latter group of runaways who would be subject to arrest and detention in secure facilities, and for whom detention hearings must be held. The Department of Law's lawyers may spend as little as one hour on a simple, straightforward case, or many hours on a case where a minor has become determined to be on his or her own, or has become habituated to freedom of the street, making resolution of the matter lengthy and complex. In this latter instance, numerous hearings can occur over a period of several months.

It is our view, given the wide difference in effort needed by individual cases, that the average effort required to handle this caseload will be approximately five hours per case. As a consequence, it will be necessary to add one Attorney IV. This position should be added in Anchorage because the largest number of children's cases occur in Southcentral Alaska. It should be stressed that the department's Anchorage Human Services attorneys, who would be handling these cases, are already handling an extreme caseload, which now averages over 200 child protection cases per attorney. The department simply could not implement the bill's provisions without this additional help.

Last, we also note that the department advised the Senate Finance Committee during Assistant Attorney General Rebecca Snow's teleconference testimony of March 28, that the bill creates the potential for constitutional attack on equal protection grounds. Our concern in this regard still remains. Two or three months of attorney time may be required to resolve this issue, if the bill's provisions are challenged.

The Department of Law's costs, shown on the cover page, are based on the department's attorney hourly cost rate method, and represent the annual costs for an Attorney IV (SR24), including standard overheads for clerical assistance, space, communications, supplies, library, equipment, and timekeeping. In addition, \$7,500 (\$2,500 in travel and \$5,000 for witnesses) has been added for out-of-pocket case costs, and \$6,500 has been included for new position equipment.

# FISCAL NOTE

No. 4  
 Bill Version: SB 289(JUD)  
 (S) Publish Date: 2-29-96

STATE OF ALASKA  
 1996 LEGISLATIVE SESSION

Revision Date: \_\_\_\_\_ Dept. Affected: Department of Law  
 Title: "An Act relating to runaway minors and their BRU: Civil Division  
families or legal custodians." Component: General Legal Services  
 Sponsor: Senator Frank  
 Requester: Senate Judiciary Committee COMPONENT SERIAL NO. 2087

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

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

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

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						
<b>TOTAL</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>

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

**POSITIONS**

POSITIONS	FY 97	FY 98	FY 99	FY 00	FY 01	FY 02
FULL-TIME	0.0	0.0	0.0	0.0	0.0	0.0
PART-TIME						
TEMPORARY						

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

Provisions relating to secure (and perhaps semi-secure) placement of juveniles will probably be determined to be unconstitutional in that there are no due process protections built in for juveniles who will be deprived of their freedom when placed in a secure facility. The statute merely sets out a requirement that secure placements are to be given the highest priority for placement of a runaway if a peace officer is unable to return a child to a parent or take the child to an agreed upon location. Secure placement is defined as having locking doors, windows, or a secure perimeter, and designed to prevent a minor from leaving without permission. There are no standards to determine whether secure placement is justified--i.e., commission of a delinquent act or showing that the child is in specific danger, no provisions for court review, or review by anyone, and no time limits on how long secure placement can last. This bill will have no fiscal impact on the Department of Law.

Prepared by: Richard I. Pegues, Director  
 Division: Administrative Services Division  
 Approved by Commissioner: Bruce M. Botelho, Attorney General  
 Agency: Department of Law

Phone: 465-3672  
 Date: 2/26/96  
 Date: 2/26/96

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# FISCAL NOTE

STATE OF ALASKA  
1996 LEGISLATIVE SESSION

BILL NO. CSSB 289 (JUD)

Revision Date: <u>3/5/96</u>	Dept. Affected: <u>Department of Law</u>
Title: <u>"An Act relating to runaway minors and their families or legal guardians."</u>	BRU: <u>Criminal Division/Civil Division</u>
Sponsor: <u>Senator Frank</u>	Component: <u>Criminal Division/General Legal Services</u>
Requester: <u>Senator Frank</u>	COMPONENT SERIAL NO. <u>2085/2087</u>

**Expenditures/Revenues**

(Thousands of Dollars)

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

CAPITAL EXPENDITURES						
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CHANGE IN REVENUES ( )						
------------------------	--	--	--	--	--	--

**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						
<b>TOTAL</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>

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

**POSITIONS**

POSITIONS	FY 97	FY 98	FY 99	FY 00	FY 01	FY 02
FULL-TIME	0.0	0.0	0.0	0.0	0.0	0.0
PART-TIME						
TEMPORARY						

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

The Senate Judiciary Committee substitute for SB 289 amends the state's contributing to the delinquency of a minor statute (AS 11.51.130) and the state's runaway and missing minor statute (AS 47.10.141) to clarify just cause in the former statute, and to provide that a runaway minor taken into protective custody shall be taken to a semi-secure facility, under the latter statute, if the runaway minor cannot be returned to the legal custodian. The bill will not have a fiscal impact for the Department of Law.

*Richard I. Peques*

Prepared by: <u>Richard I. Peques, Director</u>	Phone: <u>465-3672</u>
Division: <u>Administrative Services/Division</u>	Date: <u>3/5/96</u>
Approved by Commissioner: <u><i>Richard I. Peques</i> / Bruce M. Botelho, Attorney General</u>	Date: <u>3/5/96</u>
Agency: <u>Department of Law</u>	

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# FISCAL NOTE

No. 3

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

**BILL NO:** \_\_\_\_\_

Bill Version: CS5B289(J.I)

(S) Publish Date: 2-29-96

Revision Date: \_\_\_\_\_ Dept. Affected: Public Safety  
 Title: Miscellaneous laws relating to runaway minors BRU: Alaska State Troopers  
 Component: Detachments  
 Sponsor: Senator Frank  
 Requestor: S. Judiciary COMPONENT SERIAL NO. 2799

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

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

**FUNDING: (Thousands of Dollars)**

1002 Federal Receipts						
1003 GF Match						
1004 GF						
1005 GF/Program						
1006 GF/MHTIA						
Other						
<b>TOTAL</b>	-0-	-0-	-0-	-0-	-0-	-0-

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.)**

This bill will have an inestimable fiscal impact on the Division of Alaska State Troopers. The bill requires that peace officers return runaway minors to their guardian at the guardian's residence or place of employment. This eliminates any flexibility in returning the minor and in some cases will require more of the officers time to transport the minor to those locations, especially if those locations are in different cities. The bill also requires that if a peace officer is going to take the minor to a shelter that the officer must select a specific type of shelter first, again increasing the transport time.

Prepared By: Lt. Dan Lowden Phone: 465-5505  
 Division: Alaska State Troopers Date: February 26, 1996  
 Approved by Commissioner: *Ronald L. Otte* Date: 2/26/96  
 Agency: Ronald L. Otte, Department of Public Safety

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# FISCAL NOTE

STATE OF ALASKA  
1996 LEGISLATIVE SESSION

BILL NO. SB 289

Revision Date: \_\_\_\_\_  
Title: "An Act relating to runaway minors and their families or legal custodians."  
Sponsor: Sen. Frank  
Requestor: (S) JUD

Dept. Affected: Administration  
BRU: Public Defender Agency  
Component: Public Defender Agency  
COMPONENT SERIAL NO. 1631

**EXPENDITURES/REVENUES:** (Thousands of Dollars)

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

<b>CAPITAL EXPENDITURES</b>	0	0	0	0	0	0
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<b>CHANGE IN REVENUES ( )</b>	0	0	0	0	0	0
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**FUND SOURCE:** (Thousands of Dollars)

1002 Federal Receipts						
1003 GF Match						
1004 GF						
1005 GF/Program Receipts						
1037 GF/Mental Health						
OTHER						
<b>TOTAL</b>	0.0	0.0	0.0	0.0	0.0	0.0

Estimate of any current year (FY 96) cost: \$ -0-

**POSITIONS:**

FULL-TIME						
PART-TIME						
TEMPORARY						

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

There is no fiscal impact to the Public Defender Agency.

Prepared by: John Salemi, Director  
Division: Public Defender Agency

Phone: 264-4400  
Date: \_\_\_\_\_

Approved by Commissioner: Mark Boyer  
Agency: Department of Administration

Date: 2/15/96

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# FISCAL NOTE

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

No. 1  
 Bill Version: CS SB 289/JUD  
 (S) Publish Date: 2-29-96

Revision Date: \_\_\_\_\_  
 Title: "An Act relating to runaway minors and their families or legal custodians."  
 Sponsor: Sen. Frank  
 Requestor: (S) JUD

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

COMPONENT SERIAL NO. 1631

**EXPENDITURES/REVENUES:** (Thousands of Dollars)

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

<b>CAPITAL EXPENDITURES</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>
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<b>CHANGE IN REVENUES ( )</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>
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**FUND SOURCE:** (Thousands of Dollars)

1002 Federal Receipts						
1003 GF Match						
1004 GF						
1005 GF/Program Receipts						
1037 GF/Mental Health						
OTHER						
<b>TOTAL</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>

Estimate of any current year (FY 96) cost: \$ -0-

**POSITIONS:**

FULL-TIME						
PART-TIME						
TEMPORARY						

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

There is no fiscal impact to the Public Defender Agency.

Prepared by: John Salemi, Director  
 Division: Public Defender Agency

Phone: 264-4400  
 Date: \_\_\_\_\_

Approved by Commissioner: Mark Boyer  
 Agency: Department of Administration

Date: 3/1/96

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# FISCAL NOTE

STATE OF ALASKA  
1996 LEGISLATIVE SESSION

BILL NO. SB 289

Revision Date: \_\_\_\_\_  
Title: "An Act relating to runaway minors and their families  
or legal custodians."  
Sponsor: Sen. Frank  
Requestor: (S) JUD

Dept. Affected: Administration  
BRU: Office of Public Advocacy  
Component: Office of Public Advocacy

COMPONENT SERIAL NO. 43

**EXPENDITURES/REVENUES:** (Thousands of Dollars)

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

<b>CAPITAL EXPENDITURES</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>
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<b>CHANGE IN REVENUES ( )</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>
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**FUND SOURCE:** (Thousands of Dollars)

1002 Federal Receipts						
1003 GF Match						
1004 GF						
1005 GF/Program Receipts						
1037 GF/Mental Health						
OTHER						
<b>TOTAL</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>

Estimate of any current year (FY 96) cost: \$ -0-

**POSITIONS:**

FULL-TIME						
PART-TIME						
TEMPORARY						

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

There is no fiscal impact to the Office of Public Advocacy.

Prepared by: Brant McGee, Public Advocate  
Division: Office of Public Advocacy

Phone: 274-1684  
Date: \_\_\_\_\_

Approved by Commissioner: Mark Bover  
Agency: Department of Administration

Date: 2/27/96

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# FISCAL NOTE

STATE OF ALASKA  
1996 LEGISLATIVE SESSION

REPORTED OUT OF  
SFC No. 2 3/28/96  
Bill Version: CS SB289(JUD)  
(S) Publish Date: 2-29-96

Revision Date: \_\_\_\_\_  
Title: "An Act relating to runaway minors and their families or legal custodians."  
Sponsor: Sen. Frank  
Requestor: (S) JUD

Dept. Affected: Administration  
BRU: Office of Public Advocacy  
Component: Office of Public Advocacy  
COMPONENT SERIAL NO. 43

**EXPENDITURES/REVENUES:** (Thousands of Dollars)

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

<b>CAPITAL EXPENDITURES</b>	0	0	0	0	0	0
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<b>CHANGE IN REVENUES ( )</b>	0	0	0	0	0	0
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**FUND SOURCE:** (Thousands of Dollars)

1002 Federal Receipts						
1003 GF Match						
1004 GF						
1005 GF/Program Receipts						
1037 GF/Mental Health						
OTHER						
<b>TOTAL</b>	0.0	0.0	0.0	0.0	0.0	0.0

Estimate of any current year (FY 96) cost: \$ -0-

**POSITIONS:**

FULL-TIME						
PART-TIME						
TEMPORARY						

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

There is no fiscal impact to the Office of Public Advocacy.

Prepared by: Brant McGee, Public Advocate  
Division: Office of Public Advocacy

Phone: 274-1684  
Date: \_\_\_\_\_

Approved by Commissioner: Mark Boyer  
Agency: Department of Administration

Date: 3/28/96

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# FISCAL NOTE

STATE OF ALASKA  
1996 LEGISLATIVE SESSION

BILL NO. CSSB 289 (JUD)

Revision Date: 3/5/96 Dept. Affected: Department of Law  
 Title: "An Act relating to runaway minors and their families or legal guardians." BRU: Criminal Division/Civil Division  
 Sponsor: Senator Frank Component: Criminal Division/General Legal Services  
 Requester: Senator Frank COMPONENT SERIAL NO. 2085/2087

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

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

**FUND SOURCE** (Thousands of Dollars)

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

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

**POSITIONS**

FULL-TIME	0.0	0.0	0.0	0.0	0.0	0.0
PART-TIME						
TEMPORARY						

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

The Senate Judiciary Committee substitute for SB 289 amends the state's contributing to the delinquency of a minor statute (AS 11.51.130) and the state's runaway and missing minor statute (AS 47.10.141) to clarify just cause in the former statute, and to provide that a runaway minor taken into protective custody shall be taken to a semi-secure facility, under the latter statute, if the runaway minor cannot be returned to the legal custodian. The bill will not have a fiscal impact for the Department of Law.

Prepared by: Richard I. Pegues, Director Phone: 465-3672  
 Division: Administrative Services/Division Date: 3/5/96  
 Approved by Commissioner: Bruce M. Botelho, Attorney General Date: 3/5/96  
 Agency: Department of Law

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# FISCAL NOTE

STATE OF ALASKA  
1996 LEGISLATIVE SESSION

BILL NO. CSSB289(FIN)

Revision Date: \_\_\_\_\_  
 Title: An Act relating to runaway minors and their families or legal custodians.  
 Sponsor: Sen. Frank  
 Requestor: (S)FIN

Dept. Affected: Administration  
 BRU: Public Defender Agency  
 Component: Public Defender Agency  
 COMPONENT SERIAL NO. 1631

**EXPENDITURES/REVENUES:** (Thousands of Dollars)

OPERATING EXPENDITURES	FY 97	FY 98	FY 99	FY 00	FY 01	FY 02
PERSONAL SERVICES	0	0	0	0	0	0
TRAVEL						
CONTRACTUAL						
SUPPLIES						
EQUIPMENT						
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
<b>TOTAL OPERATING</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>

CAPITAL EXPENDITURES	0	0	0	0	0	0
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CHANGE IN REVENUES ( )	0	0	0	0	0	0
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**FUND SOURCE:** (Thousands of Dollars)

1002 Federal Receipts						
1003 GF Match						
1004 GF						
1005 GF/Program Receipts						
1037 GF/Mental Health						
OTHER						
<b>TOTAL</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>

Estimate of any current year (FY 96) cost: \$ -0-

**POSITIONS:**

FULL-TIME						
PART-TIME						
TEMPORARY						

**ANALYSIS:** (Attach a separate page if necessary.)  
 There is no fiscal impact to the Public Defender Agency.

Prepared by: John Salemi, Director  
 Division: Public Defender Agency

Phone: (907)264-4400  
 Date: \_\_\_\_\_

Approved by Commissioner: Mark Boyer *M. Boyer*  
 Agency: Department of Administration

Date: 4/3/96

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# FISCAL NOTE

STATE OF ALASKA  
1996 LEGISLATIVE SESSION

BILL NO. CSSB 289(FIN)

Revision Date: \_\_\_\_\_

Department Affected: Administration

Title: "An Act relating to runaways, other minors, and their families or legal custodians..."

BRU: Public Defender Agency

Component: Public Defender Agency

Sponsor: Senator Frank

Requestor: Senate Finance

COMPONENT SERIAL NO. 1631

**EXPENDITURES/REVENUES:**

(Thousands of Dollars)

OPERATING EXPENDITURES	FY 97	FY 98	FY 99	FY 00	FY 01	FY 02
PERSONAL SERVICES	83.6	83.6	83.6	83.6	83.6	83.6
TRAVEL	2.0	2.0	2.0	2.0	2.0	2.0
CONTRACTUAL	15.0	15.0	15.0	15.0	15.0	15.0
SUPPLIES	3.6	3.6	3.6	3.6	3.6	3.6
EQUIPMENT	6.5	-0-	-0-	1.0	1.0	1.0
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
<b>TOTAL OPERATING</b>	<b>110.7</b>	<b>104.2</b>	<b>104.2</b>	<b>105.2</b>	<b>105.2</b>	<b>105.2</b>

CAPITAL EXPENDITURES						
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CHANGE IN REVENUES ( )						
------------------------	--	--	--	--	--	--

**FUND SOURCE:**

(Thousands of Dollars)

1002 Federal Receipts						
1003 GF Match						
1004 GF	110.7	104.2	104.2	105.2	105.2	105.2
1005 GF/Program Receipts						
1037 GF/Mental Health						
OTHER						
<b>TOTAL</b>	<b>110.7</b>	<b>104.2</b>	<b>104.2</b>	<b>105.2</b>	<b>105.2</b>	<b>105.2</b>

Estimate of any current year (FY 96) cost: \$ 0

**POSITIONS:**

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

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

See attached.

Prepared by: John B. Salemi, Director  
Division: Public Defender Agency

Phone: 264-4412  
Date: \_\_\_\_\_

Approved by Commissioner: Mark Boyer *MB*  
Agency: Department of Administration

Date: 4/5/96

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## FISCAL NOTE

STATE OF ALASKA  
1996 LEGISLATIVE SESSION

BILL NO. CSSB 289(FIN)

### ANALYSIS: (continued)

This bill amends the state's contributing to the delinquency of a minor statute as well as the juvenile delinquency statute, and the state's runaway and missing minor statute.

The portion of the bill which will have a fiscal impact on the Public Defender Agency relates to the treatment of runaways who have been apprehended by law enforcement authorities. The bill provides that a runaway who has been taken to a semi-secure facility, and runs away from such facility can be arrested and detained in a facility pending disposition by the juvenile court. A hearing must be held within 60 hours from the time of the detention.

The child will be entitled to a defense lawyer for said hearing and any follow up hearings if the court decides that the runaway is a child in need of aid.

Based on information received from the Department of Law and Department of Health and Social Services, "about 380 runaways residing in runaway shelters run away from those shelters each year." See DOL fiscal note dated 4/2/96. The Public Defender assumes that all the runaways will be indigent for purposes of receiving public counsel legal services. Assuming the Public Defender is appointed to represent between 300 and 400 runaways per year, and assuming most runaways will be detained in Anchorage, additional resources will be needed for the Anchorage Public Defender office.

Currently the Anchorage Public Defender office has three lawyers doing Child in Need of Aid cases and one lawyer handling all of the juvenile delinquency cases filed in Anchorage. Each of these lawyers carries an oppressive caseload rivaling that of the caseload mentioned in the Department of Law's fiscal note. In order to provide legal services to the new category of detained runaways, an additional lawyer will be needed for the family law section of the Anchorage Public Defender office.

This request is consistent with the request made by the Department of Law, wherein they ask for an additional Attorney IV position for Anchorage. Like the Department of Law, the PD finds it necessary to add one Attorney IV to existing staff.

# FISCAL NOTE

STATE OF ALASKA  
1996 LEGISLATIVE SESSION

BILL NO. CSSB289(FIN)

Revision Date: \_\_\_\_\_  
 Title: An Act relating to runaway minors and their families or legal custodians.  
 Sponsor: Sen. Frank  
 Requestor: (S)FIN

Dept. Affected: Administration  
 BRU: Office of Public Advocacy  
 Component: Office of Public Advocacy  
 COMPONENT SERIAL NO. 43

**EXPENDITURES/REVENUES:** (Thousands of Dollars)

OPERATING EXPENDITURES	FY 97	FY 98	FY 99	FY 00	FY 01	FY 02
PERSONAL SERVICES	0	0	0	0	0	0
TRAVEL						
CONTRACTUAL						
SUPPLIES						
EQUIPMENT						
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
<b>TOTAL OPERATING</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>

CAPITAL EXPENDITURES	0	0	0	0	0	0
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CHANGE IN REVENUES ( )	0	0	0	0	0	0
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**FUND SOURCE:** (Thousands of Dollars)

1002 Federal Receipts						
1003 GF Match						
1004 GF						
1005 GF/Program Receipts						
1037 GF/Mental Health						
OTHER						
<b>TOTAL</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>

Estimate of any current year (FY 96) cost: \$ -0-

**POSITIONS:**

FULL-TIME						
PART-TIME						
TEMPORARY						

**ANALYSIS:** (Attach a separate page if necessary.)  
 There is no fiscal impact to the Office of Public Advocacy.

Prepared by: Brant McGee, Public Advocate  
 Division: Office of Public Advocacy

Phone: (907)274-1684  
 Date: \_\_\_\_\_

Approved by Commissioner: Mark Boyer *MB*  
 Agency: Department of Administration

Date: 4/3/96

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# FISCAL NOTE

STATE OF ALASKA  
1996 LEGISLATIVE SESSION

BILL NO. CSSB289 (JUD)

Revision Date: \_\_\_\_\_  
 Title: An Act Relating to Runaway Minors and  
 their Families or Legal Custodians  
 Sponsor: Senator Frank  
 Requestor: Senate (JUD)

Dept. Affected: Health and Social Services  
 BRU: Purchased Services  
 Component: Residential Child Care  
 COMPONENT SERIAL NO. 253  
 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	170.0					
MISCELLANEOUS						
<b>TOTAL OPERATING</b>	<b>170.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>

CAPITAL EXPENDITURES						
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CHANGES IN REVENUES ( )						
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**FUND SOURCE**

(Thousands of Dollars)

FUND SOURCE	FY97	FY98	FY99	FY00	FY01	FY02
1002 Federal Receipts						
1003 GF Match						
1004 GF	170.0					
1005 GF/Program Receipts						
1006 GF/MHTIA						
Other (please specify)						
<b>TOTAL</b>	<b>170.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>

**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)

This bill directs a peace officer to deliver a runaway minor to a semi-secure facility, if possible. It further provides that the Department develop regulations for semi-secure care. It will result in the Division administering grants for one time costs of installing hardware for semi-secure care. The Division has not had time to do an accurate estimate of cost of installation of semi-secure hardware (door and window alarms) of the six shelters that the Division believes would be involved. However, we have a recent shelter of six beds that has recently had a semi-secure alarm installed which cost \$12,000. Therefore, if we project that to the six shelters which have eighty-five beds, the cost would be approximately \$170,000. This does not mean, however, that all six facilities would choose to become semi-secure. A few of these six shelters which do not have alarms already feel that they are semi-secure based on their staffing patterns. In other words, there is 24 hour staff checking rooms and/or staff sitting at a desk at the door.

Prepared by: *[Signature]* Diane Worley, Director  
 Division: Family & Youth Services  
 Approved by Commissioner: *[Signature]* Karen Replogle, Commissioner  
 Agency: Department of Health & Social Services

Phone: 465-3191  
 Date: 02/28/96  
 Date: 2/28/96

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# FISCAL NOTE

STATE OF ALASKA  
1996 LEGISLATIVE SESSION

BILL NO. CSSB219(FIN)

Revision Date: \_\_\_\_\_  
 Title: An Act Relating to Runaway Minors and  
their Families or Legal Custodians  
 Sponsor: Senator Frank  
 Requestor: Senate (FIN)

Dept. Affected: Health and Social Services  
 BRU: Purchased Services  
 Component: Residential Child Care  
 COMPONENT SERIAL NO. 253  
 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	1,630.0	1,460.0	1,460.0	1,460.0	1,460.0	1,460.0
MISCELLANEOUS						
<b>TOTAL OPERATING</b>	<b>1,630.0</b>	<b>1,460.0</b>	<b>1,460.0</b>	<b>1,460.0</b>	<b>1,460.0</b>	<b>1,460.0</b>

CAPITAL EXPENDITURES						
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CHANGES IN REVENUES ( )						
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**FUND SOURCE**

(Thousands of Dollars)

1002 Federal Receipts						
1003 GF Match						
1004 GF	1,630.0	1,460.0	1,460.0	1,460.0	1,460.0	1,460.0
1005 GF/Program Receipts						
1006 GF/MHTIA						
Other (please specify)						
<b>TOTAL</b>	<b>1,630.0</b>	<b>1,460.0</b>	<b>1,460.0</b>	<b>1,460.0</b>	<b>1,460.0</b>	<b>1,460.0</b>

**POSITIONS:**

FULL-TIME						
PART-TIME						
TEMPORARY						

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

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

This bill directs a peace officer to deliver a runaway minor to a semi-secure facility, if possible. It further provides that the Department develop regulations for semi-secure care. It will result in the Division administering grants for one time costs of installing hardware for semi-secure care. The Division has not had time to do an accurate estimate of cost of installation of semi-secure hardware (door and window alarms) of the six shelters that the Division believes would be involved. However, we have a recent shelter of six beds that has recently had a semi-secure alarm installed which cost \$12,000. Therefore, if we project that to the six shelters which have eighty-five beds, the cost would be approximately \$170,000. A few of these six shelters might choose not to purchase the hardware because they feel that they are semi-secure based on their staffing patterns.

(Continued)

4/13/96  
 Prepared by: [Signature] L. Diane Worley, Director  
 Division: Family & Youth Services  
 Approved by Commissioner: [Signature] Karen Perdue, Commissioner  
 Agency: Department of Health & Social Services

Phone: 465-3191  
 Date: 04/02/96  
 Date: 4/13/96

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**ANALYSIS (cont.):**

This bill mandates that if a runaway taken to a semi-secure facility runs, the minor will be arrested in violation of AS 47.10.141(g) and detained in juvenile secure facilities developed through grants from DFYS. The current overcrowding in the DFYS youth facilities will lead to situations in which minors in violation of 47.10.141(g) will be denied admittance to those detention facilities when no "juvenile secure facilities" exist.

A 1992 conference on runaways estimated that over 4,500 Alaskan youth ran away from home during that year. We have attempted to narrow the scope of this fiscal note by contacting runaway shelters to see how many runaways those programs served during FY95 and how many of those youth "ran" from the shelters. From those responses, we estimate that at least 380 youth will be subject to AS 47.10.141(g).

We then estimate a need for 20 beds in "juvenile secure facilities", 5 each in Juneau and Fairbanks, and 10 in Anchorage. Currently, semi-secure facilities with a 1:4 staff-client ratio, 24 hour awake staff, and no electronic security aids cost \$155.00 per bed. We anticipate that upgrading facilities to include alarm systems and meet fire marshall requirements, as well as an increased staff ration of 1:3, will cost \$200.0 per bed per day.

The cost of Grants for 20 beds x \$200/day x 365 days = \$1,460,000.00.

CS SB 289(FIN)

This fiscal note is based on the following assumptions:

- 1) The current shelter programs for runaway minors will continue to provide shelter services;
- 2) There will be some semi-secure facilities as specified in Sec. 10, AS 47.10.310(c)(6);
- 3) Minors arrested in violation of AS 47.10.141(g) will be detained in juvenile secure facilities developed through grants from Division of Family and Youth Services; and
- 4) The current overcrowding in the DFYS youth facilities will lead to situations in which minors in violation of 47.10.141(g) will be denied admittance to those detention facilities even when no "juvenile secure facilities" exist.

A 1992 conference on runaways estimated that over 4,500 Alaskan youth ran away from home during that year. We have attempted to narrow the scope of this fiscal note by contacting runaway shelters to see how many runaways those programs served during FY 95 and how many of those youth "ran" from the shelters. From those responses, we estimate that at least 380 youth will be subject to AS 47.10.141(g).

We then estimate a need for 20 beds in "juvenile secure facilities", 5 each in Juneau and Fairbanks, and 10 in Anchorage. Currently, semi-secure facilities with a 1:4 staff-client ratio, 24 hour awake staff, and no electronic security aids cost \$155.00 per bed. We anticipate that upgrading facilities to include alarm systems and meet fire marshall requirements, as well as an increased staff ratio of 1:3, will cost \$200.00 per bed per day.

We also anticipate a need for additional social work staff to conduct in-depth investigations of this group of runaways in order to decide whether the minors are released to parents or petitioned into court. An investigation of abuse or neglect requires, on average, 5.7 hours to complete. A social worker has, on average, 1,350 hours per year, after deductions for personal and sick leave, training, meetings, and miscellaneous paperwork requirements, to conduct investigations. The increase in the number of investigations required by this bill results in the need for 1.6 additional social workers just to complete the investigations. Since many of those youth may require social work time for court involvement and placement the need for a total of 3 additional workers is a conservative estimate.

This bill requires the department to develop regulations which must ensure the confinement of minors and ensure that the facilities meet physical and program standards for providing safe and effective care of those minors.

Finally, the confinement of non-criminal youth in secure facilities will result in the loss of up to \$600.0 in federal funds from the Office of Juvenile Justice and Delinquency Prevention.

# FISCAL NOTE

STATE OF ALASKA  
1996 LEGISLATIVE SESSION

BILL NO. CSSB239(FIN)

Revision Date: \_\_\_\_\_  
 Title: An Act Relating to Runaway Minors and  
 their Families or Legal Custodians  
 Sponsor: Senator Frank  
 Requestor: Senate (FIN)

Dept. Affected: Health and Social Services  
 BRU: Purchased Services  
 Component: Delinquency Prevention  
 COMPONENT SERIAL NO. 248  
 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				600.0	600.0	600.0
MISCELLANEOUS						
<b>TOTAL OPERATING</b>	0.0	0.0	0.0	600.0	600.0	600.0

CAPITAL EXPENDITURES						
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CHANGES IN REVENUES ( )						
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**FUND SOURCE**

(Thousands of Dollars)

FUND SOURCE	FY97	FY98	FY99	FY00	FY01	FY02
1002 Federal Receipts	(200.0)	(400.0)	(600.0)			
1003 GF Match						
1004 GF	200.0	400.0	600.0	600.0	600.0	600.0
1005 GF/Program Receipts						
1008 GF/MHTIA						
Other (please specify)						
<b>TOTAL</b>	0.0	0.0	0.0	600.0	600.0	600.0

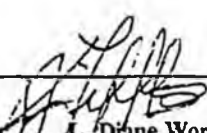

**POSITIONS:**

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)

This bill directs a peace officer to deliver a runaway minor to a semi-secure facility, if possible. This bill mandates that if a runaway taken to a semi-secure facility runs, the minor will be arrested in violation of AS 47.10.141(g) and detained in juvenile secure facilities developed through grants from DFYS. If this bill were to become law, the Division of Family & Youth Services would be in violation of the Office of Juvenile Justice and Delinquency Prevention laws which do not allow runaways to be in secure lock up and could lose as much as \$600.0 in Federal Delinquency Prevention Grants.

  
 Prepared by: L. Diane Worley, Director  
 Division: Family & Youth Services  
  
 Approved by Commissioner: Karen Perdue, Commissioner  
 Agency: Department of Health & Social Services

Phone: 465-3191  
 Date: 04/02/96  
 Date: 4/3/96

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CS SB 289(FIN)

This fiscal note is based on the following assumptions:

- 1) The current shelter programs for runaway minors will continue to provide shelter services;
- 2) There will be some semi-secure facilities as specified in Sec.10, AS 47.10.310(c)(6);
- 3) Minors arrested in violation of AS 47.10.141(g) will be detained in juvenile secure facilities developed through grants from Division of Family and Youth Services; and
- 4) The current overcrowding in the DFYS youth facilities will lead to situations in which minors in violation of 47.10.141(g) will be denied admittance to those detention facilities even when no "juvenile secure facilities" exist.

A 1992 conference on runaways estimated that over 4,500 Alaskan youth ran away from home during that year. We have attempted to narrow the scope of this fiscal note by contacting runaway shelters to see how many runaways these programs served during FY 95 and how many of those youth "ran" from the shelters. From those responses, we estimate that at least 380 youth will be subject to AS 47.10.141(g).

We then estimate a need for 20 beds in "juvenile secure facilities", 5 each in Juneau and Fairbanks, and 10 in Anchorage. Currently, semi-secure facilities with a 1:4 staff-client ratio, 24 hour awake staff, and no electronic security aids cost \$155.00 per bed. We anticipate that upgrading facilities to include alarm systems and meet fire marshall requirements, as well as an increased staff ratio of 1:3, will cost \$200.00 per bed per day.

We also anticipate a need for additional social work staff to conduct in-depth investigations of this group of runaways in order to decide whether the minors are released to parents or petitioned into court. An investigation of abuse or neglect requires, on average, 5.7 hours to complete. A social worker has, on average, 1,350 hours per year, after deductions for personal and sick leave, training, meetings, and miscellaneous paperwork requirements, to conduct investigations. The increase in the number of investigations required by this bill results in the need for 1.6 additional social workers just to complete the investigations. Since many of those youth may require social work time for court involvement and placement, the need for a total of 3 additional workers is a conservative estimate.

This bill requires the department to develop regulations which must ensure the confinement of minors and ensure that the facilities meet physical and program standards for providing safe and effective care of those minors.

Finally, the confinement of non-criminal youth in secure facilities will result in the loss of up to \$600.0 in federal funds from the Office of Juvenile Justice and Delinquency Prevention.

# FISCAL NOTE

STATE OF ALASKA  
1996 LEGISLATIVE SESSION

BILL NO. CSSB289(FIN)

Revision Date: \_\_\_\_\_  
 Title: An Act Relating to Runaway Minors and  
 their Families or Legal Custodians  
 Sponsor: Senator Frank  
 Requestor: Senate (FIN)

Dept. Affected: Health and Social Services  
 BRU: Family and Youth Services  
 Component: Southcentral Region  
 COMPONENT SERIAL NO. 254  
 See also (SN#): \_\_\_\_\_

**Expenditures/Revenues:**

(Thousands of Dollars)

OPERATING	FY97	FY98	FY99	FY00	FY01	FY02
PERSONAL SERVICES	163.8	163.8	163.8	163.8	163.8	163.8
TRAVEL						
CONTRACTUAL						
SUPPLIES						
EQUIPMENT						
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
<b>TOTAL OPERATING</b>	<b>163.8</b>	<b>163.8</b>	<b>163.8</b>	<b>163.8</b>	<b>163.8</b>	<b>163.8</b>

CAPITAL EXPENDITURES						
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CHANGES IN REVENUES ( )						
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**FUND SOURCE**

(Thousands of Dollars)

1002 Federal Receipts						
1003 GF Match						
1004 GF	163.8	163.8	163.8	163.8	163.8	163.8
1005 GF/Program Receipts						
1006 GF/MHTIA						
Other (please specify)						
<b>TOTAL</b>	<b>163.8</b>	<b>163.8</b>	<b>163.8</b>	<b>163.8</b>	<b>163.8</b>	<b>163.8</b>

**POSITIONS:**

FULL-TIME	2	2	2	2	2	2
PART-TIME						
TEMPORARY						

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

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

This bill directs a peace officer to arrest a minor in violation of AS 47.10.141(g) if that minor has run from a semi-secure facility for runaways. DFYS estimates that at least 380 youth will be subject to AS 47.10.141(g). DFYS anticipates a need for two additional Social Workers III's in the Southcentral Region to conduct in-depth investigations of this group of runaways in order to decide whether the minors are released to parents or petitioned into court. An investigation of abuse or neglect requires, on average, 5.7 hours to complete. A social worker has, on average, 1,350 hours per year, after deductions for personal and sick leave, training, meetings and miscellaneous paperwork requirements, to conduct investigations. The increase in the number of investigations required by this bill results in the need for one and one third social workers just to complete investigations. Since many of those youth may require social work time for court involvement and placement, the need for a total of two additional workers is a conservative estimate.

4/3/96  
 Prepared by: L. Diane Worley, Director  
 Division: Family & Youth Services  
 Approved by Commissioner: Karen Perdue, Commissioner  
 Agency: Department of Health & Social Services

Phone: 465-3191  
 Date: 04/02/96  
 Date: 4/3/96

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CS SB 289(FIN)

This fiscal note is based on the following assumptions:

- 1) The current shelter programs for runaway minors will continue to provide shelter services;
- 2) There will be some semi-secure facilities as specified in Sec.10, AS 47.10.310(c)(6);
- 3) Minors arrested in violation of AS 47.10.141(g) will be detained in juvenile secure facilities developed through grants from Division of Family and Youth Services; and
- 4) The current overcrowding in the DFYS youth facilities will lead to situations in which minors in violation of 47.10.141(g) will be denied admittance to those detention facilities even when no "juvenile secure facilities" exist.

A 1992 conference on runaways estimated that over 4,500 Alaskan youth ran away from home during that year. We have attempted to narrow the scope of this fiscal note by contacting runaway shelters to see how many runaways those programs served during FY 95 and how many of those youth "ran" from the shelters. From those responses, we estimate that at least 380 youth will be subject to AS 47.10.141(g).

We then estimate a need for 20 beds in "juvenile secure facilities", 5 each in Juneau and Fairbanks, and 10 in Anchorage. Currently, semi-secure facilities with a 1:4 staff-client ratio, 24 hour awake staff, and no electronic security aids cost \$155.00 per bed. We anticipate that upgrading facilities to include alarm systems and meet fire marshall requirements, as well as an increased staff ratio of 1:3, will cost \$200.00 per bed per day.

We also anticipate a need for additional social work staff to conduct in-depth investigations of this group of runaways in order to decide whether the minors are released to parents or petitioned into court. An investigation of abuse or neglect requires, on average, 5.7 hours to complete. A social worker has, on average, 1,350 hours per year, after deductions for personal and sick leave, training, meetings, and miscellaneous paperwork requirements, to conduct investigations. The increase in the number of investigations required by this bill results in the need for 1.6 additional social workers just to complete the investigations. Since many of those youth may require social work time for court involvement and placement, the need for a total of 3 additional workers is a conservative estimate.

This bill requires the department to develop regulations which must ensure the confinement of minors and ensure that the facilities meet physical and program standards for providing safe and effective care of those minors.

Finally, the confinement of non-criminal youth in secure facilities will result in the loss of up to \$600.0 in federal funds from the Office of Juvenile Justice and Delinquency Prevention.

# FISCAL NOTE

STATE OF ALASKA  
1996 LEGISLATIVE SESSION

BILL NO. CSSB289(FIN)

Revision Date: \_\_\_\_\_ Dept. Affected: Health and Social Services  
 Title: An Act Relating to Runaway Minors and BRU: Family and Youth Services  
their Families or Legal Custodians  
 Sponsor: Senator Frank Component: Northern Region  
 Requestor: Senate (FIN) COMPONENT SERIAL NO. 255  
 See also (SN#): \_\_\_\_\_

**Expenditures/Revenues:**

(Thousands of Dollars)

OPERATING	FY97	FY98	FY99	FY00	FY01	FY02
PERSONAL SERVICES	81.9	81.9	81.9	81.9	81.9	81.9
TRAVEL						
CONTRACTUAL						
SUPPLIES						
EQUIPMENT						
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
<b>TOTAL OPERATING</b>	<b>81.9</b>	<b>81.9</b>	<b>81.9</b>	<b>81.9</b>	<b>81.9</b>	<b>81.9</b>

CAPITAL EXPENDITURES						
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CHANGES IN REVENUES ( )						
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**FUND SOURCE**

(Thousands of Dollars)

FUND SOURCE	FY97	FY98	FY99	FY00	FY01	FY02
1002 Federal Receipts						
1003 GF Match						
1004 GF	81.9	81.9	81.9	81.9	81.9	81.9
1005 GF/Program Receipts						
1006 GF/MHTIA						
Other (please specify)						
<b>TOTAL</b>	<b>81.9</b>	<b>81.9</b>	<b>81.9</b>	<b>81.9</b>	<b>81.9</b>	<b>81.9</b>

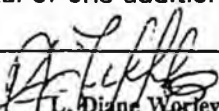
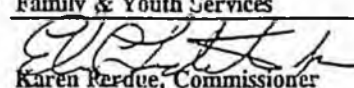
**POSITIONS:**

POSITIONS	FY97	FY98	FY99	FY00	FY01	FY02
FULL-TIME	1	1	1	1	1	1
PART-TIME						
TEMPORARY						

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

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

This bill directs a peace officer to arrest a minor in violation of AS 47.10.141(g) if that minor has run from a semi-secure facility for runaways. DFYS estimates that at least 380 youth will be subject to AS 47.10.141(g). DFYS anticipates a need for one additional Social Workers III in Fairbanks to conduct in-depth investigations of this group of runaways in order to decide whether the minors are released to parents or petitioned into court. An investigation of abuse or neglect requires, on average, 5.7 hours to complete. A social worker has, on average, 1,350 hours per year, after deductions for personal and sick leave, training, meetings and miscellaneous paperwork requirements, to conduct investigations. The increase in the number of investigations required by this bill results in the need for two- third's social worker just to complete investigations. Since many of those youth may require social work time for court involvement and placement, the need for a total of one additional worker is a conservative estimate.

Prepared by:  L. Diane Worley, Director  
 Division: Family & Youth Services  
 Approved by Commissioner:  Karen Perdue, Commissioner  
 Agency: Department of Health & Social Services

Phone: 465-3191  
 Date: 04/02/96  
 Date: 4/3/96

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CS SB 289(FIN)

This fiscal note is based on the following assumptions:

- 1) The current shelter programs for runaway minors will continue to provide shelter services;
- 2) There will be some semi-secure facilities as specified in Sec. 10, AS 47.10.310(c)(6);
- 3) Minors arrested in violation of AS 47.10.141(g) will be detained in juvenile secure facilities developed through grants from Division of Family and Youth Services; and
- 4) The current overcrowding in the DFYS youth facilities will lead to situations in which minors in violation of 47.10.141(g) will be denied admittance to those detention facilities even when no "juvenile secure facilities" exist.

A 1992 conference on runaways estimated that over 4,500 Alaskan youth ran away from home during that year. We have attempted to narrow the scope of this fiscal note by contacting runaway shelters to see how many runaways those programs served during FY 95 and how many of those youth "ran" from the shelters. From those responses, we estimate that at least 380 youth will be subject to AS 47.10.141(g).

We then estimate a need for 20 beds in "juvenile secure facilities", 5 each in Juneau and Fairbanks, and 10 in Anchorage. Currently, semi-secure facilities with a 1:4 staff-client ratio, 24 hour awake staff, and no electronic security aids cost \$155.00 per bed. We anticipate that upgrading facilities to include alarm systems and meet fire marshall requirements, as well as an increased staff ratio of 1:3, will cost \$200.00 per bed per day.

We also anticipate a need for additional social work staff to conduct in-depth investigations of this group of runaways in order to decide whether the minors are released to parents or petitioned into court. An investigation of abuse or neglect requires, on average, 5.7 hours to complete. A social worker has, on average, 1,350 hours per year, after deductions for personal and sick leave, training, meetings, and miscellaneous paperwork requirements, to conduct investigations. The increase in the number of investigations required by this bill results in the need for 1.6 additional social workers just to complete the investigations. Since many of those youth may require social work time for court involvement and placement, the need for a total of 3 additional workers is a conservative estimate.

This bill requires the department to develop regulations which must ensure the confinement of minors and ensure that the facilities meet physical and program standards for providing safe and effective care of those minors.

Finally, the confinement of non-criminal youth in secure facilities will result in the loss of up to \$600.0 in federal funds from the Office of Juvenile Justice and Delinquency Prevention.

# FISCAL NOTE

STATE OF ALASKA  
1996 LEGISLATIVE SESSION

BILL NO. CSSB289(FIN)

Revision Date: \_\_\_\_\_  
 Title: An Act Relating to Runaway Minors and  
 their Families or Legal Custodians  
 Sponsor: Senator Frank  
 Requestor: Senate (FIN)

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	3.5					
CONTRACTUAL	20.0					
SUPPLIES	1.5					
EQUIPMENT						
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
<b>TOTAL OPERATING</b>	<b>25.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>

CAPITAL EXPENDITURES						
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CHANGES IN REVENUES ( )						
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**FUND SOURCE**

(Thousands of Dollars)

FUND SOURCE	FY97	FY98	FY99	FY00	FY01	FY02
1002 Federal Receipts						
1003 GF Match						
1004 GF	25.0					
1005 GF/Program Receipts						
1006 GF/MHTIA						
Other (please specify)						
<b>TOTAL</b>	<b>25.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>

**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)

This bill directs a peace officer to deliver a runaway minor to a semi-secure facility, if possible. This bill mandates that if a runaway taken to a semi-secure facility runs from that facility, the minor will be arrested in violation of AS 47.10.141(g) and detained in juvenile secure facilities developed through grants from DFYS. It further provides that the Dept. develop regulations regarding semi-secure and "juvenile secure facilities". The current overcrowding in the DFYS youth facilities will lead to situations in which minors in violation of 47.10.141(g) will be denied admittance to those detention facilities when no "juvenile secure facilities" exist. We estimate that at least 380 youth will be subject to AS 47.10.141(g).

A contractor would be hired to develop regulations for semi-secure and secure care for runaways. The cost would be approximately \$150.00 x 133 hours to develop these regulations. The cost for travel to Public Hearings is estimated at \$3500.00 and supply cost for copying is estimated at \$1,500.00.

Prepared by: *[Signature]* L. Diane Worley, Director  
 Division: Family & Youth Services  
 Approved by Commissioner: *[Signature]* Karen Perdue, Commissioner  
 Agency: Department of Health & Social Services

Phone: 465-3191  
 Date: 04/02/96  
 Date: 4/3/96

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CS SB 289(FIN)

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La Rue Near  
P.O. Box 80847  
Fairbanks, AK 99708  
March 18, 1996

Senator Steve Frank  
Room 518 Alaska State Capitol  
Juneau, AK 99801-1182

Dear Senator Frank:

The runaway youth problem is reaching epidemic proportions in Alaska today. More and more it's touching the lives of average middle class families who are trying to instill traditional values, but encounter roadblocks set in their way by laws designed to protect abused and neglected children. These laws are being exploited by rebellious kids who are challenging authority. Kids who, in an earlier time would have been held accountable for their misdeeds, can now exercise adult personal *freedoms* unencumbered by personal *responsibility*.

Federal legislation beginning in the mid 1970s recognized the importance of not treating abused and neglected kids like criminals. Laws flowing from this philosophy require "least restrictive" settings for juveniles in custody. To achieve these mandates at the state level, certain federal funds for juvenile programs are contingent upon compliance. For example, detention of juveniles for running away would put \$150,000 of grant money at risk under one of these.

The thinking behind these laws seems to be: Kids who run away are fleeing abusive homes and must not be further injured by a justice system that treats them like criminals. This approach completely overlooks the merely rebellious kids who, on advice of their trusted peers, can and *do* exploit these laws and manipulate the system. Their interpretation of law is not based upon a careful reading of the statutes, but rather upon how the laws are *actually* administered. They know that law enforcement agencies do NOT aggressively pursue runaways or the people who harbor them.

**SB289** addresses some of these deficiencies, but falls short when dealing with the issue of runaways who refuse to remain in the shelters. Kids must learn that running away from authority is not an option. If juveniles run away from a "semi-secure" facility they should be placed in a *secure* one. Early intervention is the key to saving these children. Law enforcement professionals concur that the first hours are the most dangerous. No one would advocate letting 3 year olds play in the traffic. Let's stop permitting our young teens to run in the streets.

Sincerely,

*La Rue Near*  
La Rue Near

*Enclosures (3)*



Official Business

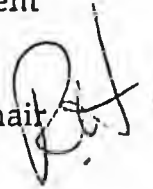
# Alaska State Senate

## Senate Finance Committee

Mail Stop 3100  
State Capitol  
Juneau, Alaska 99801-1182

### MEMORANDUM

TO: Senator Drue Pearce, President  
Alaska State Senate

FROM: Senator Rick Halford, Co-Chair  
Senate Finance Committee 

DATE: March 5, 1996

SUBJECT: SB 289, Fiscal Note(s) WITHOUT a Finance Committee Referral

---

A positive fiscal note has been issued by the Department of Health & Social Services for SB 289, Misc. Laws Relating to Runaway Minors, which is currently in the Senate Rules committee.

Please add a referral to the Senate Finance committee.

Thank you.

Attachment(s)

cc: Senator Mike Miller, Chairman  
Senate Rules Committee  
Attn.: Mary Gore

Sen. Frank

RH/lb

BILL: SB 289

SHORT TITLE: MISC. LAWS RELATING TO RUNAWAY MINORS

BILL VERSION:

SPONSOR(S): SENATOR(S) FRANK, MILLER, R. PHILLIPS, HALFORD, GREEN, TAYLOR

CURRENT STATUS: (S) RLS

STATUS DATE: 02/29/96

HEARING: (S) RLS MAR 06 00:00 AM FAHRENKAMP RM 203

TITLE: "AN ACT RELATING TO RUNAWAY MINORS AND THEIR FAMILIES OR LEGAL CUSTODIANS."

02/12/96	2382	(S)	READ THE FIRST TIME - REFERRAL(S)
02/12/96	2382	(S)	JUDICIARY
02/28/96	2578	(S)	COSPONSOR(S): GREEN, TAYLOR
02/29/96	2597	(S)	JUD RPT CS 3DP 1NR SAME TITLE
02/29/96	2597	(S)	INDETERMINATE FISCAL NOTE SB & CS (DPS)
02/29/96	2597	(S)	ZERO FISCAL NOTES SB & CS (ADM-2, LAW)
02/29/96	2597	(S)	REFERRED TO RULES