

**HB**

**202**

SENATE CS FOR CS FOR HOUSE BILL NO. 202(JUD)

IN THE LEGISLATURE OF THE STATE OF ALASKA

NINETEENTH LEGISLATURE - SECOND SESSION

BY THE SENATE JUDICIARY COMMITTEE

Offered:

Referred:

Sponsor(s): HOUSE RULES COMMITTEE BY REQUEST OF THE GOVERNOR

A BILL

FOR AN ACT ENTITLED

1 "An Act relating to the participation and accountability of parents and  
2 guardians and the enforcement of restitution orders entered in juvenile  
3 delinquency proceedings; relating to claims on permanent fund dividends for  
4 certain court-ordered treatment in juvenile delinquency proceedings; and  
5 amending Alaska Delinquency Rules 3(b) and 8(b); and providing for an  
6 effective date."

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

8 • Section 1. AS 43.23 is amended by adding a new section to read:

9           Sec. 43.23.066. CLAIMS ON REIMBURSEMENT FOR COURT-ORDERED  
10 TREATMENT. (a) AS 09.38 does not apply to permanent fund dividends taken under  
11 AS 47.10.079(c). Notwithstanding AS 09.35, execution on a dividend claimed under  
12 AS 47.10.079(c) is accomplished by delivering a certified claim to the department  
13 containing the following information:

1 (1) the name and social security number of the individual whose  
2 dividend is being claimed;

3 (2) the amount the individual owes on the reimbursement claim; and

4 (3) a statement that

5 (A) the Department of Health and Social Services has notified  
6 the individual that future permanent fund dividends of the individual will be  
7 taken to satisfy the reimbursement claim;

8 (B) the individual was notified of the right to request a hearing  
9 and allowed 30 days after the date of the notice described in (A) of this  
10 paragraph to request the Department of Health and Social Services to hold a  
11 hearing on the reimbursement claim;

12 (C) the reimbursement claim has not been contested, or, if  
13 contested, that the issue has been resolved in favor of the Department of Health  
14 and Social Services; and

15 (D) if the reimbursement claim has been contested and resolved  
16 in favor of the Department of Health and Social Services, no appeal is pending,  
17 the time limit for filing an appeal has expired, or the appeal has been resolved  
18 in favor of the Department of Health and Social Services.

19 (b) The Department of Health and Social Services shall notify the individual  
20 if a dividend is claimed under (a) of this section. The notice shall be sent to the  
21 address provided in the individual's permanent fund dividend application and must  
22 provide the following information:

23 (1) the amount of the reimbursement claim;

24 (2) notice that the permanent fund dividend, or that portion of the  
25 permanent fund dividend that does not exceed the amount of the reimbursement claim,  
26 shall be paid to the Department of Health and Social Services; and

27 (3) notification that the individual has a right to request a hearing and  
28 has 30 days after the date the notice is mailed in which to file with the Department of  
29 Health and Social Services an objection to the dividend claim if a mistake has been  
30 made.

31 (c) AS 44.62.330 - 44.62.630 apply to a hearing requested by an individual

1 under (b)(3) of this section.

2 \* Sec. 2. AS 47.10 is amended by adding a new section to read:

3 Sec. 47.10.079. PARENTAL OR GUARDIAN ACCOUNTABILITY AND  
4 PARTICIPATION. (a) The parent or guardian of a minor who is alleged to be a  
5 delinquent under AS 47.10.010(a)(1) or found to be a delinquent under  
6 AS 47.10.080(b) shall attend each hearing held during the delinquency proceedings  
7 unless the court excuses the parent or guardian from attendance for good cause.

8 (b) If a minor is found to be a delinquent under AS 47.10.080(b), the court  
9 may order that the minor's parent or guardian

10 (1) personally participate in treatment reasonably available in the  
11 parent's or guardian's location as specified in a plan set out in the court order;

12 (2) notify the department if the minor violates a term or condition of  
13 the court order; and

14 (3) comply with any other conditions set out in the court order.

15 (c) If a court orders a minor's parent or guardian to participate in treatment  
16 under (b) of this section, the court also shall order the parent or guardian to use any  
17 available insurance or another resource to cover the treatment, or to pay for the  
18 treatment if other coverage is unavailable. If the court determines that the parent or  
19 guardian is unable to pay for the treatment due to indigence and the department pays  
20 for the treatment, the department may seek reimbursement only from the indigent  
21 parent or guardian's permanent fund dividend.

22 (d) The permanent fund dividend of an indigent parent or guardian  
23 participating in treatment ordered under (b) of this section may be taken under  
24 AS 43.23.065(b)(6) and 43.23.066 to satisfy the balance due on a reimbursement claim  
25 by the department under (c) of this section.

26 (e) If a parent or guardian fails to attend hearing as required in (a) of this  
27 section, the court shall hold the hearing without the attendance of the parent or  
28 guardian.

29 \* Sec. 3. AS 47.10.080(b) is amended to read:

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

31 (1) order the minor committed to the department for a period of time

1 not to exceed two years or in any event extend past the day the minor becomes 19,  
2 except that the department may petition for and the court may grant in a hearing (A)  
3 two-year extensions of commitment that do not extend beyond the child's 19th  
4 birthday if the extension is in the best interests of the minor and the public; and (B)  
5 an additional one-year period of supervision past age 19 if continued supervision is in  
6 the best interests of the person and the person consents to it; the department shall place  
7 the minor in the juvenile facility that the department considers appropriate and that  
8 may include a juvenile correctional school, juvenile work camp, treatment facility,  
9 detention home, or detention facility; the minor may be released from placement or  
10 detention and placed on probation on order of the court and may also be released by  
11 the department, in its discretion, under AS 47.10.200;

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

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

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

24 (3) order the minor committed to the department and placed on  
25 probation, to be supervised by the department, and released to the minor's parents,  
26 guardian, other suitable person, or suitable nondetention setting such as a family home,  
27 group care facility, or child care facility, whichever the department considers  
28 appropriate to implement the treatment plan of the predisposition report; if the court  
29 orders the minor placed on probation, it may specify the terms and conditions of  
30 probation; the department may transfer the minor, in the minor's best interests, from  
31 one of the probationary placement settings listed in this paragraph to another, and the

1 minor, the minor's parents or guardian, and the minor's attorney are entitled to  
2 reasonable notice of the transfer; the probation may be for a period of time, not to  
3 exceed two years and in no event extend past the day the minor becomes 19, except  
4 that the department may petition for and the court may grant in a hearing

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

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

11 (4) order the minor and the minor's parent to make suitable  
12 restitution in lieu of or in addition to the court's order under (1), (2), or (3) of this  
13 subsection; under this paragraph,

14 (A) except as provided in (B) of this paragraph, the court  
15 may not refuse to make an order of restitution [UNDER THIS PARAGRAPH]  
16 to benefit the victim of the act of the minor that is the basis of the delinquency  
17 adjudication; and

18 (B) the court may not order payment of restitution by the  
19 parent of a minor who is a runaway or missing minor for an act of the  
20 minor that was committed by the minor after the parent has made a  
21 report to a law enforcement agency, as authorized by AS 47.10.131(a), that  
22 the minor has run away or is missing; for purposes of this subparagraph,  
23 "runaway or missing minor" means a minor who a parent reasonably  
24 believes is absent from the minor's residence for the purpose of evading  
25 the parent or who is otherwise missing from the minor's usual place of  
26 abode without the consent of the parent;

27 (5) order the minor committed to the department for placement in an  
28 adventure based education program established under AS 47.21.020 with conditions  
29 the court considers appropriate concerning release upon satisfactory completion of the  
30 program or commitment under (1) of this subsection if the program is not satisfactorily  
31 completed; [OR]

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

5 (A) defined as community service under AS 33.30.901; or

6 (B) that, on the recommendation of the city council or  
7 traditional village council, would benefit persons within the city or village who  
8 are elderly or disabled; or

9 (7) in addition to an order under (1) - (6) of this subsection, order  
10 the minor's parent or guardian to comply with orders made under AS 47.10.079,  
11 including participation in treatment under AS 47.10.079(b)(1).

12 \* Sec. 4. AS 47.10 is amended by adding a new section to read:

13 Sec. 47.10.086. ENFORCEMENT OF RESTITUTION. A person who is a  
14 recipient of a restitution order involving a minor found delinquent under AS 47.10.080  
15 may enforce an order for restitution under AS 47.10.080 against the minor and the  
16 minor's parent under AS 09.35 as if the order were a civil judgment enforceable by  
17 execution. This section does not limit the authority of the court to otherwise enforce  
18 orders of payment for restitution. An order of restitution enforced under this section  
19 does not limit under other law the civil liability of the minor or the minor's parent as  
20 a result of the delinquent conduct.

21 \* Sec. 5. Rule 3(b), Alaska Delinquency Rules, is amended to read:

22 (b) PRESENCE OF JUVENILE AND OTHER PARTIES. The presence of  
23 the juvenile is required unless the juvenile:

24 (1) waives the right to be present and the juvenile's presence is excused  
25 by the court; or

26 (2) engages in conduct which justifies exclusion from the courtroom.  
27 The presence of the parent or guardian is required [PREFERRED, BUT NOT  
28 REQUIRED] unless excused by the court for good cause [SO ORDERS].

29 \* Sec. 6. Rule 8(b), Alaska Delinquency Rules, is amended to read:

30 (b) SUMMONS. Upon the filing of a petition for adjudication, the court shall  
31 set a time for the arraignment on petition and shall, if the juvenile is not in custody,

1 issue a summons to be served with the petition compelling the attendance of the  
2 juvenile. The court shall [MAY] issue a summons compelling the attendance of the  
3 juvenile's parents or guardian at the hearing. If the summons and petition are not  
4 contained in one document, the petition must be attached to and incorporated by  
5 reference into the summons. The summons must contain a statement advising the  
6 parties of their right to counsel.

7 \* Sec. 7. Sections 5 and 6 of this Act take effect only if those sections receive the two-  
8 thirds majority vote of each house required by art. IV, sec. 15, Constitution of the State of  
9 Alaska.

10 \* Sec. 8. Sections 1 - 4 of this Act take effect only if secs. 5 and 6 of this Act take effect.

11 \* Sec. 9. If this Act takes effect, it takes effect immediately under AS 01.10.070(c).

# FISCAL NOTE

STATE OF ALASKA  
1995 LEGISLATIVE SESSION

No. 1  
Bill Version: HB 202  
(H) Publish Date: 2/27/95

Revision Date: \_\_\_\_\_  
Title: "An Act relating to parental and guardian participation and accountability and the enforcement of..."  
Sponsor: Governor  
Requestor: \_\_\_\_\_

Department Affected: Administration  
BRU: Office of Public Advocacy  
Component: Office of Public Advocacy

COMPONENT SERIAL NO. 43

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

OPERATING EXPENDITURES	FY 96	FY 97	FY 98	FY 99	FY 00	FY 01
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
<b>CHANGE IN REVENUES ( )</b>	0	0	0	0	0	0

**FUND SOURCE:** (Thousands of Dollars)

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

Estimate of any current year (FY 95) cost: \$ -0-

**POSITIONS:**

FULL-TIME						
PART-TIME						
TEMPORARY						

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

There is no fiscal impact.

Prepared by: Brant McGee  
Division: Office of Public Advocacy

Phone: 274-1684  
Date: 2-17-95

Approved by Commissioner: Mark Boyan  
Agency: Department of Administration

Date: 2-17-95

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FISCAL NOTE

No. 2

Bill Version: HR

(H) Publish Date: 11-17-95

STATE OF ALASKA  
1995 LEGISLATIVE SESSION

Revision Date: \_\_\_\_\_  
Title: An Act relating to the participation and accountability of parents and the enforcement of restitution orders entered in juvenile proceedings.  
Sponsor: \_\_\_\_\_  
Requestor: \_\_\_\_\_

Department Affected: Administration  
BRU: Public Defender Agency  
Component: Public Defender Agency

COMPONENT SERIAL NO. 1631

EXPENDITURES/REVENUES:

(Thousands of Dollars)

OPERATING EXPENDITURES	FY 96	FY 97	FY 98	FY 99	FY 00	FY 01
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

CAPITAL EXPENDITURES	0.0	0.0	0.0	0.0	0.0	0.0
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CHANGE IN REVENUES ( )	0.0	0.0	0.0	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						
1006 GF/MHTIA						
OTHER						
<b>TOTAL</b>	0.0	0.0	0.0	0.0	0.0	0.0

Estimate of any current year (FY 95) cost: \$ 0

POSITIONS:

FULL-TIME						
PART-TIME						
TEMPORARY						

ANALYSIS: (Attach a separate page if necessary)

No fiscal impact.

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

Phone: (907) 264-4412  
Date: 2-17-95

Approved by Commissioner: Mark Royer  
Agency: Department of Administration

Date: 2-17-95

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STATE OF ALASKA  
1995 LEGISLATIVE SESSION

No. 3  
Bill Version: HB 202  
(H) Publish Date: 2/27/95

Revision Date: \_\_\_\_\_  
Title: Parental and Guardian participation & accountability  
and enforcement of restitution in Juvenile Proceedings  
Sponsor: Governor  
Requestor: Governor

Dept. Affected: Health and Social Services  
BRU: Family and Youth Services  
Component: Southeastern Region  
COMPONENT SERIAL NO. 25H  
See also (SN#): 254,255

Expenditures/Revenues:

	(Thousands of Dollars)					
OPERATING	FY96	FY97	FY98	FY99	FY00	FY01
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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CHANGES IN REVENUES

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FUND SOURCE

	(Thousands of Dollars)					
1002 Federal Receipts						
1003 GF Match						
1004 GF						
1005 GF/Program Receipts						
1006 GF/MHTIA						
Other (please specify)						
<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>

POSITIONS:

FULL-TIME						
PART-TIME						
TEMPORARY						

Estimate of any current year (FY95) cost: 0.0

ANALYSIS: (Attach a separate page if necessary)

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

Prepared by: Kathy Tibbles, Acting Director  
Division: Family & Youth Services  
Approved by Commissioner: Karen Perdue, Commissioner  
Agency: Department of Health & Social Services

Phone: 465-3191  
Date: 02/17/95  
Date: 2/17/95

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STATE OF ALASKA  
1995 LEGISLATIVE SESSION

No. 2  
Bill Version: HB 202  
(H) Publish Date: 2/27/95

Revision Date: \_\_\_\_\_  
Title: Parental and Guardian participation & accountability  
and enforcement of restitution in Juvenile Proceedings  
Sponsor: Governor  
Requestor: Governor

Dept. Affected: Health and Social Services  
BRU: Family and Youth Services  
Component: Northern Region  
COMPONENT SERIAL NO. 255  
See also (SN#): 254,258

Expenditures/Revenues:

(Thousands of Dollars)

OPERATING	FY96	FY97	FY98	FY99	FY00	FY01
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

CHANGES IN REVENUES

FUND SOURCE

(Thousands of Dollars)

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

POSITIONS:

FULL-TIME						
PART-TIME						
TEMPORARY						

Estimate of any current year (FY95) cost: 30.0

ANALYSIS: (Attach a separate page if necessary)

There would be no fiscal impact for the Department if this bill were to become law

Prepared by: Kathy Tibbles, Acting Director  
Division: Family & Youth Services

Phone: 465-3191  
Date: 02/17/95

Approved by Commissioner: Karen Petkun, Commissioner  
Agency: Department of Health & Social Services

Date: 2/17/95

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# FISCAL NOTE

No. 5  
 Bill Version: HB 292  
 (H) Publish Date: 2/17/95

STATE OF ALASKA  
 1995 LEGISLATIVE SESSION

Revision Date: \_\_\_\_\_ Dept. Affected: Department of Law  
 Title: ...relating to the participation and accountability BRU: Legal Services  
of parents and guardians in juvenile delinquency proceedings... Component: Operations  
 Sponsor: Rules by Request of the Governor  
 Requester: Office of the Governor/OMB COMPONENT SERIAL NO. 0093

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

OPERATING EXPENDITURES	FY 96	FY 97	FY 98	FY 99	FY 00	FY 01
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

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

FUND SOURCE	FY 96	FY 97	FY 98	FY 99	FY 00	FY 01
1002 Federal Receipts						
1003 GF Match						
1004 GF						
1005 GF/Program Receipts						
1006 GF/MHTIA						
Other						
<b>TOTAL</b>	0.0	0.0	0.0	0.0	0.0	0.0

Estimate of any current year (FY95) cost: \$ 0.0

**POSITIONS**

POSITIONS	FY 96	FY 97	FY 98	FY 99	FY 00	FY 01
FULL-TIME	0.0	0.0	0.0	0.0	0.0	0.0
PART-TIME						
TEMPORARY						

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

This bill amends the statutes governing orders in delinquency proceedings to authorize the court to require that parents or guardians of juvenile offenders personally participate in treatment when appropriate, to require attendance of these persons at hearings that concern their children, and to require that parents be responsible for payment of restitution for harm caused by their children. The bill also specifies that the recipient of such a restitution order may enforce payment under the civil code as if the order were a civil judgment. Although the bill will require that the department's attorneys prepare summonses for parents and guardians to attend juvenile proceedings, this additional work is more a matter of organization than added cost. Currently, some parents voluntarily attend these proceedings and some do not. Parents who ignore a summons or fail to participate in court-ordered treatment would be subject to a contempt citation; the department may be called upon to initiate contempt proceedings in these circumstances. At this point in time, we do not anticipate a substantial additional burden handling contempt actions because of the sanctions the court could impose against a parent or guardian who ignored a court order.

Prepared by: Richard I. Pegues, Director Phone: 465-3672  
 Division: Administrative Services Division Date: 2/17/95  
 Approved by Commissioner: Bruce M. Botelho, Attorney General Date: 2/17/95  
 Agency: Department of Law

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FISCAL NOTE

STATE OF ALASKA  
1995 LEGISLATIVE SESSION

No.         
Bill Version:         
(H) Publish Date:       

Revision Date:                       
Title: Juvenile Delinquency Proceedings  
Sponsor:                               
Requestor: Governor

Department Affected: Revenue  
BRU: Child Support Enforcement Division  
Component: Child Support Division

COMPONENT SERIAL NO. 111

EXPENDITURES/REVENUES: (Thousands of Dollars)

OPERATING EXPENDITURES	FY 96	FY 97	FY 98	FY 99	FY 00	FY 01
PERSONAL SERVICES						
TRAVEL						
CONTRACTUAL						
SUPPLIES						
EQUIPMENT						
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
<b>TOTAL OPERATING</b>	<b>00</b>	<b>00</b>	<b>00</b>	<b>00</b>	<b>00</b>	<b>00</b>
<b>CAPITAL EXPENDITURES</b>	<b>00</b>	<b>00</b>	<b>00</b>	<b>00</b>	<b>00</b>	<b>00</b>
<b>CHANGE IN REVENUES ( )</b>	<b>00</b>	<b>00</b>	<b>00</b>	<b>00</b>	<b>00</b>	<b>00</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>00</b>	<b>00</b>	<b>00</b>	<b>00</b>	<b>00</b>	<b>00</b>

Estimate of any current year (FY 95) cost: \$ 0.0

POSITIONS:

FULL-TIME						
PART-TIME						
TEMPORARY						

ANALYSIS: (Attach a separate page if necessary.)

Prepared by: Glenda Straube  
Division: Child Support Enforcement Division

Phone: 269-6801  
Date: February 17, 1995

Approved by Commissioner: Deborah Vogt, Deputy  
Agency: Department of Revenue

465-2302  
Date: February 17, 1995

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# FISCAL NOTE

STATE OF ALASKA  
1995 LEGISLATIVE SESSION

BILL NO. HB 202

Revision Date: \_\_\_\_\_ Dept. Affected: Alaska Court System  
 Title: An Act relating to participation and BRU: Trial Courts  
accountability of parents and guardians... Components: \_\_\_\_\_  
 Sponsor: House Rules by request of Governor  
 Requestor: \_\_\_\_\_ COMPONENT SERIAL NO. 788

EXPENDITURES/REVENUES (Thousands of Dollars)

OPERATING EXPENDITURES	FY 96	FY 97	FY 98	FY 99	FY 00	FY 01
PERSONAL SERVICES	5.0	5.0	5.0	5.0	5.0	5.0
TRAVEL						
CONTRACTUAL						
SUPPLIES						
EQUIPMENT						
LAND & STRUCTURES						
GRANTS & CLAIMS						
TOTAL OPERATING	5.0	5.0	5.0	5.0	5.0	5.0

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

1002 Federal Receipts						
1003 GF Match						
1004 GF	5.0	5.0	5.0	5.0	5.0	5.0
1005 GF/Program Receipts						
1008 GF/MHTIA						
Other						
TOTAL	5.0	5.0	5.0	5.0	5.0	5.0

POSITIONS

FULL-TIME						
PART-TIME						
TEMPORARY						

Estimate of current year (FY 95) cost: 3 None

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

Prepared by: C. S. Christenson III, Staff Counsel *CS* Phone: 254-8223  
 Agency: Alaska Court System Date: 04/10/95

Approved by: Arthur H. Snowden, II, Administrative Director *AS*  
 Agency: Alaska Court System Date: 04/10/95

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

Alaska Court SystemFiscal AnalysisHB 202Personal Services

Overtime for clerical staff

\$5,000

During FY 94, 1,113 delinquency petitions were filed statewide. This legislation will require serving a summons on each parent in every delinquency case. Thus, 2,226 additional summonses must be issued. Also notices of all subsequent hearings will have to be sent to the parents. This legislation will also authorize issuance of writs of execution to enforce restitution orders against both parent and the child. In order to issue these writs, clerical staff will have to set up new (non-confidential) case files, answer questions from victims about execution procedure, research files, accept payments, and disburse payments to victims. This fiscal note does not include funding for an expected increase in length in disposition hearings to address issues of parental treatment and restitution orders.

TONY KNOWLES  
GOVERNOR



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HB 202

February 27, 1995

The Honorable Gail Phillips  
Speaker of the House  
Alaska State Legislature  
State Capitol  
Juneau, AK 99801-1182

Dear Speaker Phillips:

Under the authority of art. III, sec. 18, of the Alaska Constitution, I am transmitting a bill relating to parental participation and accountability, and the enforcement of restitution orders, in juvenile delinquency proceedings. This bill amends the statutes governing orders in delinquency proceedings to authorize the court to require that parents or guardians of juvenile offenders personally participate in treatment when appropriate, to require attendance of those persons at hearings that concern their children, and to require that parents be responsible for payment of restitution for harm caused by their children. The bill also specifies that the recipient of such a restitution order may enforce payment under the civil code, AS 09.35, as if the order were a civil judgment.

This bill is intended to increase the effectiveness of the juvenile justice system by increasing parental or guardian involvement and responsibility. Juvenile courts currently lack authority to compel parents or guardians to engage in treatment even though the parent's or guardian's behavior may be associated with the juvenile's delinquent behavior. The bill not only requires parental or guardian participation in treatment, but also contains a provision that makes the parent or guardian responsible for covering the cost of that treatment, either through using insurance or other such resource, or paying for the treatment. Under certain circumstances, if the Department of Health and Social Services pays for the treatment, that department may claim the parent's or guardian's permanent fund dividend in reimbursement. It is intended that the provisions in this bill will be enforceable by the contempt powers of the court under AS 09.50.

The provision in sec. 4 of the bill, which will allow enforcement of a restitution order under the civil code, parallels a provision that already exists in AS 12.55.051 of the criminal code for restitution orders entered in adult cases. This will simplify the process

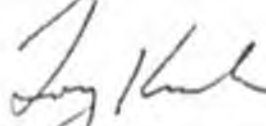
SUPPORTING DOCUMENTS

The Honorable Gail Phillips  
February 27, 1995  
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for collection under such a restitution order. A victim of a crime perpetrated by a juvenile will be able to seek recovery under a restitution order even after the juvenile reaches age 18 and the juvenile court typically would no longer have jurisdiction over that person.

I urge your favorable action on this bill.

Sincerely,

A handwritten signature in cursive script, appearing to read "Tony Knowles".

Tony Knowles  
Governor

CSHB 202(HES)  
PARENTAL PARTICIPATION IN DELINQUENCY HEARINGS  
AND ACCOUNTABILITY FOR DELINQUENTS  
SECTIONAL ANALYSIS

Section one establishes the procedure for making a claim on the permanent fund dividend of a parent ordered by the court in a juvenile delinquency proceeding to pay for treatment for the parent. The procedure is the same as that adopted by the legislature for making a claim on the permanent fund dividend to recover for overpayment of public assistance (Chapter 35, SLA 1995). It is also similar to the procedure for claiming a permanent fund dividend of a person for failure to repay a scholarship loan.

Section two requires the parent of a minor alleged to be or found delinquent to attend each hearing of the delinquency proceedings, absent an excuse from the court for good cause.

If the minor is found to be delinquent, Section two also gives the court the ability to order the parent to personally participate in treatment if it is reasonably available in the area where the parent resides, to order the parent to notify the Department of Health and Social Services if the minor violates a provision of the court order, and provides that the parent must pay for treatment services if able to do so. If the parent is found to be indigent by the court, the department may seek reimbursement only from the permanent fund dividend of the parent, under the procedures described in Section 1.

Section three amends the statute addressing the court's authority in delinquency cases to allow the court to order the minor's parent to make restitution to the victim of the minor's delinquent act, except that the court may not order the parent to pay restitution for the act of a runaway or missing child if the parent had reported to the police under AS 47.10.141(a) that the child had run away or was missing.

Section four specifically gives the victim of a minor's act of delinquency the power to enforce an order of restitution against the minor or the minor's parents as a civil order enforceable by execution. This is similar to the power of a victim of a crime committed by an adult.

Section five amends Rule 3(b), Alaska Delinquency Rules, to reflect the provision in the bill which requires parents to attend the delinquency hearings of their children, absent an excuse from the court for good cause.

Section six amends Rule 8(b), Alaska Delinquency Rules, to require the court to issue a summons to parents of a minor involved in delinquency proceedings to attend the proceedings.

Section seven provides that sections five and six, which amend court rules, must pass by a two-thirds majority vote.

Section eight provides that the substantive provisions of the bill take effect only if the court rule changes take effect.

Section nine provides for an immediate effective date.

A M E N D M E N T

*Chanowitz*

TO: CSHB 202 (HES)

Page ~~2~~, after line 25:

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Insert the following

"(c) If a parent or guardian fails to attend the hearing as required in (a) of this section, the court shall hold the hearing without the attendance of the parent or guardian."