HB

6

FISCAL NOTE

STATE OF ALASKA
1997 LEGISLATIVE SESSION

BILL NO. HB6

Revision Date:
Title: Relating to the disclosure of information relating to certai minors
Sponsor: Representative Kelly
Requestor: House (HES)

Dept. Affected: Health and Social Services
BRU: Family and Youth Services
Component: Foster Care
COMPONENT SERIAL NO. 252
See also (SN#): 253,254,255,258,259,264,2134

Expenditures/Revenues: (Thousands of Dollars)

OPERATING	FY98	FY99	FY00	FY01	FY02	FY03
PERSONAL SERVICES						
TRAVEL						
CONTRACTUAL						
SUPPLIES						
EQUIPMENT						
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
TOTAL OPERATING	0.0	0.0	0.0	0.0	0.0	0.0
CAPITAL EXPENDITURES						
CHANGES IN REVENUES ( )						

FUND SOURCE (Thousands of Dollars)

1002 Federal Receipts	(18.6)					
1003 GF Match						
1004 GF	18.6					
1005 GF/Program Receipts						
1037 GF/Mental Health						
Other (please specify)						
TOTAL	0.0	0.0	0.0	0.0	0.0	0.0

POSITIONS:

FULL-TIME						
PART-TIME						
TEMPORARY						

Estimate of any current year (FY97) cost: $0.0

ANALYSIS: (Attach a separate page if necessary)

The Division of Family and Youth Services currently receives approximately $7.5 M in federal funds as reimbursement for foster care and administrative services provided to Children in Need of Aid (CINA) and Delinquents. Federal law prohibits disclosure of information regarding DFYS clients except in certain circumstances. In order to disclose information on juvenile offenders as described in this bill and still minimize the loss of federal funds, the division must revise the organizational and financial structure of the agency to clearly separate costs and services associated with juvenile offenders from those associated with CINA's and must discontinue claiming federal reimbursement for those costs and services. This restructuring will preserve the majority of federal receipts but will still result in some reductions which must be replaced by general funds. This fiscal note reflects the costs associated with that restructuring and the reduction in federal claims.

In addition to the ability to disclose information, the division will be able to improve the consistency, coordination, and quality of services provided to communities and offenders by more clearly focusing the leadership provided to the youth corrections section. Loss of Federal Funds: ($18.6)

Prepared by: L. Diane Worley, Director Phone 465-3191
Division: Family & Youth Services Date 01/17/97

5/22/97

Approved by Commissioner: Karen Perdue, Commissioner Date: 1/22/97
Agency: Department of Health & Social Services

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FISCAL NOTE

STATE OF ALASKA
1997 LEGISLATIVE SESSION

BILL NO. HB6

Revision Date:
Title: Relating to the disclosure of information relating to certain minors
Sponsor: Representative Kelly
Requestor: House (HES)

Dept. Affected: Health and Social Services
BRU: Family and Youth Services
Component: Residential Child Care
COMPONENT SERIAL NO. 253
See also (SN#): 252,254,255,258,259,264,2134

Expenditures/Revenues: (Thousands of Dollars)

OPERATING	FY98	FY99	FY00	FY01	FY02	FY03
PERSONAL SERVICES						
TRAVEL						
CONTRACTUAL						
SUPPLIES						
EQUIPMENT						
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
TOTAL OPERATING	0.0	0.0	0.0	0.0	0.0	0.0
CAPITAL EXPENDITURES						
CHANGES IN REVENUES ( )						

FUND SOURCE (Thousands of Dollars)

1002 Federal Receipts	(284.1)					
1003 GF Match						
1004 GF	284.1					
1005 GF/Program Receipts						
1037 GF/Mental Health						
Other (please specify)						
TOTAL	0.0	0.0	0.0	0.0	0.0	0.0

POSITIONS:

FULL-TIME						
PART-TIME						
TEMPORARY						

Estimate of any current year (FY97) cost: $0.0

ANALYSIS: (Attach a separate page if necessary)

The Division of Family and Youth Services currently receives approximately $7.5 M in federal funds as reimbursement for foster care and administrative services provided to Children in Need of Aid (CINA) and Delinquents. Federal law prohibits disclosure of information regarding DFYS clients except in certain circumstances. In order to disclose information on juvenile offenders as described in this bill and still minimize the loss of federal funds, the division must revise the organizational and financial structure of the agency to clearly separate costs and services associated with juvenile offenders from those associated with CINA's and must discontinue claiming federal reimbursement for those costs and services. This restructuring will preserve the majority of federal receipts but will still result in some reductions which must be replaced by general funds. This fiscal note reflects the costs associated with that restructuring and the reduction in federal claims.

In addition to the ability to disclose information, the division will be able to improve the consistency, coordination, and quality of services provided to communities and offenders by more clearly focusing the leadership provided to the youth corrections section. Loss of Federal Funds: ($284.1)

Prepared by: L. Diane Worley, Director — Phone: 465-3191
Division: Family & Youth Services — Date: 01/17/97

Approved by Commissioner: Karen Perdue, Commissioner — Date: 1/22/97
Agency: Department of Health & Social Services

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FISCAL NOTE

STATE OF ALASKA **BILL NO.** HB6

1997 LEGISLATIVE SESSION

Revision Date:
Title: Relating to the disclosure of information relating to certain minors
Sponsor: Representative Kelly
Requestor: House (HES)

Dept. Affected: Health and Social Services
BRU: Family and Youth Services
Component: Southcentral Region
COMPONENT SERIAL NO. 254
See also (SN#): 252,253,255,258,259,264,2134

Expenditures/Revenues: (Thousands of Dollars)

OPERATING	FY98	FY99	FY00	FY01	FY02	FY03
PERSONAL SERVICES	(18.4)					
TRAVEL						
CONTRACTUAL						
SUPPLIES						
EQUIPMENT						
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
TOTAL OPERATING	(18.4)	0.0	0.0	0.0	0.0	0.0
CAPITAL EXPENDITURES						
CHANGES IN REVENUES ( )						

FUND SOURCE (Thousands of Dollars)

1002 Federal Receipts	(157.5)					
1003 GF Match						
1004 GF	139.1					
1005 GF/Program Receipts						
1037 GF/Mental Health						
Other (please specify)						
TOTAL	(18.4)	0.0	0.0	0.0	0.0	0.0

POSITIONS:

FULL-TIME						
PART-TIME						
TEMPORARY						

Estimate of any current year (FY97) cost: $0.0

ANALYSIS: (Attach a separate page if necessary)

The Division of Family and Youth Services currently receives approximately $7.5 M in federal funds as reimbursement for foster care and administrative services provided to Children in Need of Aid (CINA) and Delinquents. Federal law prohibits disclosure of information regarding DFYS clients except in certain circumstances. In order to disclose information on juvenile offenders as described in this bill and still minimize the loss of federal funds, the division must revise the organizational and financial structure of the agency to clearly separate costs and services associated with juvenile offenders from those associated with CINA's and must discontinue claiming federal reimbursement for those costs and services. This restructuring will preserve the majority of federal receipts but will still result in some reductions which must be replaced by general funds. This fiscal note reflects the costs associated with that restructuring and the reduction in federal claims.

In addition to the ability to disclose information, the division will be able to improve the consistency, coordination, and quality of services provided to communities and offenders by more clearly focusing the leadership provided to the youth corrections section

5/22/97

Prepared by: L. Diane Worley, Director
Division: Family & Youth Services
Phone: 465-3191
Date: 01/17/97

Approved by Commissioner: Karen Perdue, Commissioner
Agency: Department of Health & Social Services
Date: 1/22/97

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ANALYSIS (cont.):

Loss of Federal Funds:	($157.5)
Change in positions:	
PCN 06-3482 Regional Administrator, Renge 23 is deleted	($92.2)
New PCN Social Worker V, Renge 21	$73.8
Total	($18.4)

FISCAL NOTE

STATE OF ALASKA
1997 LEGISLATIVE SESSION

BILL NO. HB6

Revision Date:
Dept. Affected: Health and Social Services
Title: Relating to the disclosure of information relating to certain minors
BRU: Family and Youth Services
Component: Northern Region
Sponsor: Representative Kelly
COMPONENT SERIAL NO. 255
Requestor: House (HES)
See also (SN#): 252,253,254,258,259,264,2134,

Expenditures/Revenues: (Thousands of Dollars)

OPERATING	FY98	FY99	FY00	FY01	FY02	FY03
PERSONAL SERVICES	(212.2)					
TRAVEL						
CONTRACTUAL						
SUPPLIES						
EQUIPMENT						
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
TOTAL OPERATING	(212.2)	0.0	0.0	0.0	0.0	0.0
CAPITAL EXPENDITURES						
CHANGES IN REVENUES ( )						

FUND SOURCE (Thousands of Dollars)

1002 Federal Receipts	(113.8)					
1003 GF Match						
1004 GF	(98.4)					
1005 GF/Program Receipts						
1037 GF/Mental Health						
Other (please specify)						
TOTAL	(212.2)	0.0	0.0	0.0	0.0	0.0

POSITIONS:

FULL-TIME	-2					
PART-TIME						
TEMPORARY						

Estimate of any current year (FY97) cost: $0.0

ANALYSIS: (Attach a separate page if necessary)

The Division of Family and Youth Services currently receives approximately $7.5 M in federal funds as reimbursement for foster care and administrative services provided to Children in Need of Aid (CINA) and Delinquents. Federal law prohibits disclosure of information regarding DFYS clients except in certain circumstances. In order to disclose information on juvenile offenders as described in this bill and still minimize the loss of federal funds, the division must revise the organizational and financial structure of the agency to clearly separate costs and services associated with juvenile offenders from those associated with CINA's and must discontinue claiming federal reimbursement for those costs and services. This restructuring will preserve the majority of federal receipts but will still result in some reductions which must be replaced by general funds. This fiscal note reflects the costs associated with that restructuring and the reduction in federal claims.

In addition to the ability to disclose information, the division will be able to improve the consistency, coordination, and quality of services provided to communities and offenders by more clearly focusing the leadership provided to the youth corrections section

Prepared by: L. Diane Worley, Director
Phone: 907 465-3191
Division: Family & Youth Services
Date: 01/17/97

1/22/97

Approved by Commissioner: Karen Perdue, Commissioner
Date: 1/22/97
Agency: Department of Health & Social Services

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ANALYSIS (cont.):

Loss of Federal Funds:	($113.8)
Change in positions:	
Delete Regional Administrator PCN 06-3218	($99.9)
Delete Social Worker V in Bethel PCN 06-3201	($91.1)
Delete Social Worker V in Nome PCN 06-3089	($98.3)
New PCN Social Worker V in Fairbanks	$77.1
Total	($212.2)

FISCAL NOTE

STATE OF ALASKA
1997 LEGISLATIVE SESSION

BILL NO. HB6

Revision Date:
Title: Relating to the disclosure of information relating to certain minors
Sponsor: Representative Kelly
Requestor: House (HES)

Dept. Affected: Health and Social Services
BRU: Family and Youth Services
Component: Southeastern Region
COMPONENT SERIAL NO. 258
See also (SN#): 252,253,254,255,259,264,2134

Expenditures/Revenues: (Thousands of Dollars)

OPERATING	FY98	FY99	FY00	FY01	FY02	FY03
PERSONAL SERVICES	(8.8)					
TRAVEL						
CONTRACTUAL						
SUPPLIES						
EQUIPMENT						
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
TOTAL OPERATING	(8.8)	0.0	0.0	0.0	0.0	0.0
CAPITAL EXPENDITURES						
CHANGES IN REVENUES ( )						

FUND SOURCE (Thousands of Dollars)

1002 Federal Receipts	(44.2)					
1003 GF Match						
1004 GF	35.4					
1005 GF/Program Receipts						
1037 GF/Mental Health						
Other (please specify)						
TOTAL	(8.8)	0.0	0.0	0.0	0.0	0.0

POSITIONS:

FULL-TIME						
PART-TIME						
TEMPORARY						

Estimate of any current year (FY97) cost: $0.0

ANALYSIS: (Attach a separate page if necessary)

The Division of Family and Youth Services currently receives approximately $7.5 M in federal funds as reimbursement for foster care and administrative services provided to Children in Need of Aid (CINA) and Delinquents. Federal law prohibits disclosure of information regarding DFYS clients except in certain circumstances. In order to disclose information on juvenile offenders as described in this bill and still minimize the loss of federal funds, the division must revise the organizational and financial structure of the agency to clearly separate costs and services associated with juvenile offenders from those associated with CINA's and must discontinue claiming federal reimbursement for those costs and services. This restructuring will preserve the majority of federal receipts but will still result in some reductions which must be replaced by general funds. This fiscal note reflects the costs associated with that restructuring and the reduction in federal claims.

In addition to the ability to disclose information, the division will be able to improve the consistency, coordination, and quality of services provided to communities and offenders by more clearly focusing the leadership provided to the youth corrections section.

1/22/97
Prepared by: L. Diane Worley, Director
Division: Family & Youth Services
Phone: 465-3191
Date: 01/17/97

Approved by Commissioner: Karen Forrade, Commissioner
Agency: Department of Health & Social Services
Date: 1/22/97

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ANALYSIS (cont.):

Loss of Federal Funds:	($44.2)
Change in positins:	
PCN 06-3482 Regional Administrator, Range 23 is deleted	(82.6)
New PCN Social Worker V, Range 21 is added	$73.8
Total	($8.8)

FISCAL NOTE

STATE OF ALASKA
1997 LEGISLATIVE SESSION

BILL NO. HB6

Revision Date:
Title: Relating to the disclosure of information relating to certain minors
Sponsor: Representative Kelly
Requestor: House (HES)

Dept. Affected: Health and Social Services
BRU: Family and Youth Services
Component: DFYS Central Office
COMPONENT SERIAL NO. 259
See also (SN#): 252,253,255,258,264,2134

Expenditures/Revenues: (Thousands of Dollars)

OPERATING	FY98	FY99	FY00	FY01	FY02	FY03
PERSONAL SERVICES	120.6					
TRAVEL						
CONTRACTUAL						
SUPPLIES						
EQUIPMENT						
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
TOTAL OPERATING	120.6	0.0	0.0	0.0	0.0	0.0
CAPITAL EXPENDITURES						
CHANGES IN REVENUES ( )						

FUND SOURCE (Thousands of Dollars)

1002 Federal Receipts	(80.0)					
1003 GF Match						
1004 GF	200.6					
1005 GF/Program Receipts						
1037 GF/Mental Health						
Other (please specify)						
TOTAL	120.6	0.0	0.0	0.0	0.0	0.0

POSITIONS:

FULL-TIME	2					
PART-TIME						
TEMPORARY						

Estimate of any current year (FY97) cost: 80.0

ANALYSIS: (Attach a separate page if necessary)

The Division of Family and Youth Services currently receives approximately $7.5 M in federal funds as reimbursement for foster care and administrative services provided to Children in Need of Aid (CINA) and Delinquents. Federal law prohibits disclosure of information regarding DFYS clients except in certain circumstances. In order to disclose information on juvenile offenders as described in this bill and still minimize the loss of federal funds, the division must revise the organizational and financial structure of the agency to clearly separate costs and services associated with juvenile offenders from those associated with CINA's and must discontinue claiming federal reimbursement for those costs and services. This restructuring will preserve the majority of federal receipts but will still result in some reductions which must be replaced by general funds. This fiscal note reflects the costs associated with that restructuring and the reduction in federal claims.

In addition to the ability to disclose information, the division will be able to improve the consistency, coordination, and quality of services provided to communities and offenders by more clearly focusing the leadership provided to the youth corrections section

Prepared by: L. Diane Worley, Director — Phone: 465-3191
Division: Family & Youth Services — Date: 01/17/97

Approved by Commissioner: Karen Perdue, Commissioner — Date: 1/22/97
Agency: Department of Health & Social Services

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ANALYSIS (cont.):

Loss of Federal Funds:	($80.0)
Change in positions:	
New PCN Administrative Clerk II Range 8	$37.3
New PCN CPS (FS) Admin Officer Range 23	$83.3
Total	$120.6

FISCAL NOTE

STATE OF ALASKA
1997 LEGISLATIVE SESSION

BILL NO. HB6

Revision Date:
Title: Relating to the disclosure of information relating to certain minors
Sponsor: Representative Kelly
Requestor: House (HES)

Dept. Affected: Health and Social Services
BRU: Family and Youth Services
Component: McLaughlin Youth Center
COMPONENT SERIAL NO. 264
See also (SN#): 252,253,254,255,258,259,2134

Expenditures/Revenues: (Thousands of Dollars)

OPERATING	FY98	FY99	FY00	FY01	FY02	FY03
PERSONAL SERVICES			(24.1)			
TRAVEL						
CONTRACTUAL						
SUPPLIES						
EQUIPMENT						
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
TOTAL OPERATING	0.0	0.0	(24.1)	0.0	0.0	0.0
CAPITAL EXPENDITURES						
CHANGES IN REVENUES ( )						

FUND SOURCE (Thousands of Dollars)

1002 Federal Receipts						
1003 GF Match						
1004 GF			(24.1)			
1005 GF/Program Receipts						
1037 GF/Mental Health						
Other (please specify)						
TOTAL	0.0	0.0	(24.1)	0.0	0.0	0.0

POSITIONS:

FULL-TIME						
PART-TIME						
TEMPORARY						

Estimate of any current year (FY97) cost: 80.0

ANALYSIS: (Attach a separate page if necessary)

The Division of Family and Youth Services currently receives approximately $7.5 M in federal funds as reimbursement for foster care and administrative services provided to Children in Need of Aid (CINA) and Delinquents. Federal law prohibits disclosure of information regarding DFYS clients except in certain circumstances. In order to disclose information on juvenile offenders as described in this bill and still minimize the loss of federal funds, the division must revise the organizational and financial structure of the agency to clearly separate costs and services associated with juvenile offenders from those associated with CINA's and must discontinue claiming federal reimbursement for those costs and services. This restructuring will preserve the majority of federal receipts but will still result in some reductions which must be replaced by general funds. This fiscal note reflects the costs associated with that restructuring and the reduction in federal claims.

In addition to the ability to disclose information, the division will be able to improve the consistency, coordination, and quality of services provided to communities and offenders by more clearly focusing the leadership provided to the youth corrections section

Prepared by: L. Diane Worley, Director — Phone: 465-3191
Division: Family & Youth Services — Date: 01/17/97

5/22/97

Approved by Commissioner: Karen Perdue, Commissioner — Date: 1/22/97
Agency: Department of Health & Social Services

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ANALYSIS (cont.):

Change in position:	
Superintendent II PCN 06-3483 R 21 will be down graded to a R 20.	(693.5)
	669.4
Total savings due to downgrade	(24.1)

FISCAL NOTE

STATE OF ALASKA
1997 LEGISLATIVE SESSION

BILL NO. HB6

Revision Date:
Title: Relating to the disclosure of information relating to certain minors
Sponsor: Representative Kelly
Requestor: House (HES)

Dept. Affected: Health and Social Services
BRU: Family & Youth Services
Component: Probation Services
COMPONENT SERIAL NO. 2134
See also (SN#): 252,253,254,255,258,259,264

Expenditures/Revenues: (Thousands of Dollars)

OPERATING	FY98	FY99	FY00	FY01	FY02	FY03
PERSONAL SERVICES	482.6					
TRAVEL						
CONTRACTUAL						
SUPPLIES						
EQUIPMENT						
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
TOTAL OPERATING	482.6	0.0	0.0	0.0	0.0	0.0
CAPITAL EXPENDITURES						
CHANGES IN REVENUES						

FUND SOURCE (Thousands of Dollars)

1002 Federal Receipts						
1003 GF Match						
1004 GF	482.6					
1005 GF/Program Receipts						
1037 GF/Mental Health						
Other (please specify)						
TOTAL	482.6	0.0	0.0	0.0	0.0	0.0

POSITIONS:

FULL-TIME	9					
PART-TIME						
TEMPORARY						

Estimate of any current year (FY97) cost: 80.0

ANALYSIS: (Attach a separate page if necessary)

The Division of Family and Youth Services currently receives approximately $7.5 M in federal funds as reimbursement for foster care and administrative services provided to Children in Need of Aid (CINA) and Delinquents. Federal law prohibits disclosure of information regarding DFYS clients except in certain circumstances. In order to disclose information on juvenile offenders as described in this bill and still minimize the loss of federal funds, the division must revise the organizational and financial structure of the agency to clearly separate costs and services associated with juvenile offenders from those associated with CINA's and must discontinue claiming federal reimbursement for those costs and services. This restructuring will preserve the majority of federal receipts but will still result in some reductions which must be replaced by general funds. This fiscal note reflects the costs associated with that restructuring and the reduction in federal claims.

In addition to the ability to disclose information, the division will be able to improve the consistency, coordination, and quality of services provided to communities and offenders by more clearly focusing the leadership provided to the youth corrections section.

1/22/97 Prepared by: L. Diane Worley, Director — Phone: 465-3191
Division: Division of Family & Youth Svcs — Date: 01/17/97

Approved by Commissioner: Karen Perdue, Commissioner — Date: 1/22/97
Agency: Department of Health & Social Services

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ANALYSIS (cont.):

Change in positions:

New position Youth Superintendent III Renge 21	$73.8
NEW Chief Probation Officer Renge 23	$83.9
New (3) Administretive Clerk II Renge 8	$112.0
New (3) Administretive Assistent I Renge 13	$138.6
New Juvenile Probation Officer V Renge 21	$74.3
Total	$482.6

FISCAL NOTE

STATE OF ALASKA **BILL NO: HB 6**

1997 LEGISLATIVE SESSION

Revision Date: _____ Dept. Affected: Public Safety

Title: Release of information about minors BRU: Alaska State Troopers

_____ Component: Detachments

Sponsor: Representative Kelly

Requestor: H.HESS **COMPONENT SERIAL NO.** 0799

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

OPERATING	FY 98	FY 99	FY 00	FY 01	FY 02	FY 03
PERSONAL SERVICES						
TRAVEL						
CONTRACTUAL						
SUPPLIES						
EQUIPMENT						
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
TOTAL OPERATING	-0-	-0-	-0-	-0-	-0-	-0-
CAPITAL	-0-	-0-	-0-	-0-	-0-	-0-
CHANGE IN REVENUES ( ) 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						
TOTAL	-0-	-0-	-0-	-0-	-0-	-0-

Estimate of current year (FY 97) 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 not have a fiscal impact on the Division of Alaska State Troopers

Prepared By: Lt Dan Lowden Phone: 269-5412

Division: Alaska State Troopers Date: January 15, 1997

Approved by Commissioner: Date: 1/22/97

Agency: Ronald L. Otte, Department of Public

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FISCAL NOTE

STATE OF ALASKA
1997 LEGISLATIVE SESSION

BILL NO. HB 6

Revision Date:
Title: "An Act relating to the disclosure of information relating to certain minors."
Sponsor: Representative Kelly
Requester: House HESS Committee

Dept. Affected: Department of Law
BRU: Criminal Division/Civil Division
Component: Criminal Division/General Legal Services
COMPONENT SERIAL NO. 2085/2087

Expenditures/Revenues (Thousands of Dollars)

OPERATING EXPENDITURES	FY 98	FY 99	FY 00	FY 01	FY 02	FY 03
PERSONAL SERVICES						
TRAVEL						
CONTRACTUAL						
SUPPLIES						
EQUIPMENT						
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
TOTAL OPERATING	0.0	0.0	0.0	0.0	0.0	0.0
CAPITAL EXPENDITURES						
CHANGE IN REVENUES ( )						

FUND SOURCE (Thousands of Dollars)

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

Estimate of any current year (FY97) 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)

This bill amends Article 2 of AS 47.12, relating to information and records concerning delinquent minors. The bill would require public disclosure of information pertaining to a juvenile offender if the offense is a felony, or a misdemeanor and the minor has previously been arrested or adjudicated a delinquent based on the minor's previous commission of an offense that was, at the time of its commission, punishable as a felony or as a misdemeanor. The bill would also permit disclosure of the arrest record of a minor to school officials, and to a teacher employed in a school; and, information about the arrest of a minor or an investigation of a case involving a minor to a victim and the victim's insurance company. The bill would permit a parent or legal guardian of a minor subject to AS 47.12 to disclose to the public confidential and privileged information about the minor.

Passage of this legislation would have no fiscal impact on the Department of Law.

Prepared by: Joan M. Kasson — Phone: 465-5370
Division: Administrative Services Division — Date: 1/24/97

Approved by Commissioner: Bruce M. Botelho, Attorney General — Date: 1/24/97
Agency: Department of Law

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FISCAL NOTE

STATE OF ALASKA
1997 LEGISLATIVE SESSION

BILL NO. HB 6

Revision Date:
Title: "An Act amending laws relating to the disclosure of information relating to certain minors"

Sponsor: Representative Kelly
Requestor: (H) HES

Department Affected: Administration

BRU: Public Defender Agency
Component: Public Defender Agency

COMPONENT SERIAL NO. 1631

EXPENDITURES/REVENUES: (Thousands of Dollars)

OPERATING EXPENDITURES	FY 98	FY 99	FY 00	FY 01	FY 02	FY 03
PERSONAL SERVICES						
TRAVEL						
CONTRACTUAL						
SUPPLIES						
EQUIPMENT						
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
TOTAL OPERATING	0.0	0.0	0.0	0.0	0.0	0.0
CAPITAL EXPENDITURES	0.0	0.0	0.0	0.0	0.0	0.0
CHANGE IN REVENUES ( )	0.0	0.0	0.0	0.0	0.0	0.0

FUND SOURCE: (Thousands of Dollars)

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

Estimate of any current year (FY 97) cost: $ 0.0

POSITIONS:

FULL-TIME						
PART-TIME						
TEMPORARY						

ANALYSIS: (Attach a separate page if necessary)

The old rehabilitative system of juvenile justice was designed to treat minors and protect them from the stigma of youthful indiscretion by having confidential proceedings and records. This bill eliminates any confidentiality and requires courts after adjudication, law enforcement after arrest, and the Department of Health and Social Services if the matter is adjusted informally to provide the name of the minor, the name of the parents or guardian, the offense and the disposition to the public, if the offense is a felony or a misdemeanor with a previous arrest, adjustment or adjudication. A victim or victim's insurance company is entitled to the same information no matter what the offense. It also allows parents to disclose previously confidential records and proceedings to the public and permits teachers to get arrest records for any minors in school. There is no fiscal impact on the Public Defender Agency.

Prepared by: Barbara K. Brink, Acting Director
Division: Public Defender Agency
Phone: (907) 264-4414
Date:

Approved by Commissioner: Mark Boyer
Agency: Department of Administration
Date: 1/21/97

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HOUSE COMMITTEE REPORT

(7)

Date Referred to Committee: January 13, 1997 **FURTHER REFERRALS:** **Judiciary**

Date of Committee Action: 1/28/97

The HEALTH, EDUCATION AND SOCIAL SERVICES Committee considered: **HB 6**

HOUSE BILL NO. 6 **RELEASE OF INFORMATION ABOUT MINORS**

"An Act amending laws relating to the disclosure of information relating to certain minors."

recommends it be replaced with the following committee substitute CS HB 6 (HES) [ ] the same title [X] a new title

[X] additional referral to Finance Committee
[ ] attached amendment(s)

ADOPTS: _____ Letter of Intent

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

[X] fiscal note(s) ① H+SS [ ] fiscal note(s) _____

[X] zero fiscal note(s) Public Safety, ② H+SS, Admin, Law [ ] zero fiscal note(s) _____

SIGNING WITH RECOMMENDATIONS	DP	DNP	NR	AM
Frank Bruno	✓			
[illegible]	✓			
Con Bunde	✓			
[illegible]			✓	
[illegible]			✓	
Brian Porter	✓			
[illegible]				✓

CHAIR'S SIGNATURE Con Bunde _____

CS FOR HOUSE BILL NO. 6(HES)

IN THE LEGISLATURE OF THE STATE OF ALASKA

TWENTIETH LEGISLATURE - FIRST SESSION

BY THE HOUSE HEALTH, EDUCATION AND SOCIAL SERVICES COMMITTEE

Offered:
Referred:

Sponsor(s): REPRESENTATIVES KELLY, Therriault, Vezey, Ogan, Dyson, Phillips, Ryan

A BILL

FOR AN ACT ENTITLED

"An Act relating to minors and amending laws relating to the disclosure of information relating to certain minors."

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

* Section 1. AS 47.12.300(c) is amended to read:

(c) Except when disclosure of the name of a minor is authorized by AS 47.12.310(b), the [THE] name or picture of a minor under the jurisdiction of the court may not be made public in connection with the minor's status as a delinquent unless authorized by order of the court.

* Sec. 2. AS 47.12.300(f) if amended to read:

(f) A person who has been tried as an adult under AS 47.12.100(a) or a person whose records were made public under AS 47.12.315, or the department on the person's behalf, may petition the superior court to seal the records of all criminal proceedings, except traffic offenses, initiated against the person, and all punishments assessed against the person, while the person was a minor. A petition under this

subsection may not be filed until five years after the completion of the sentence imposed for the offense for which the person was tried as an adult. If the superior court finds that its order has had its intended rehabilitative effect and further finds that the person has fulfilled all orders of the court entered under AS 47.12.120, the superior court shall order the record of proceedings and the record of punishments sealed. Sealing the records restores civil rights removed because of a conviction. A person may not use these sealed records for any purpose except that the court may order their use for good cause shown or may order their use by an officer of the court in making a presentencing report for the court. The court may not, under this subsection, seal records of a criminal proceeding

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

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

* **Sec. 3.** AS 47.12.310(a) is amended to read:

(a) Except as specified in <u>AS 47.12.315, 47.12.320,</u> [AS 47.12.320] and (b) - (g) of this section, all information and social records pertaining to a minor who is subject to this chapter or AS 47.17 prepared by or in the possession of a federal, state, or municipal agency or employee in the discharge of the agency's or employee's official duty, including driver's license actions under AS 28.15.185, are privileged and may not be disclosed directly or indirectly to anyone without a court order.

* **Sec. 4.** AS 47.12.310(d) is amended to read:

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

* Sec. 5. AS 47.12 is amended by adding a new section to read:

Sec. 47.12.315. Public disclosure of information in agency records relating to certain minors. (a) Notwithstanding AS 47.12.310, when an agency takes action under AS 47.12.040(a)(1) to adjust a matter, or when under AS 47.12.040(a)(2) the court directs the agency to adjust the matter, the agency shall disclose to the public the name of a minor, the name or names of the parent, parents, or guardian of the minor, the action required by the agency to be taken by the minor under AS 47.12.060 to adjust the matter, and information about the offense exclusive of information that identifies the victim of the offense, if exercise of agency jurisdiction is based on the minor's alleged commission of an offense that is

(1) a felony; or

(2) a misdemeanor when the agency has previously taken action under AS 47.12.040(a) affecting the minor based on the minor's alleged previous commission of an offense that was, at the time of the minor's alleged commission of the previous offense, punishable as a felony or as a misdemeanor; for purposes of this paragraph, a previous commission of an offense must have occurred after August 31, 1997.

(b) The Department of Health and Social Services shall publicly disclose the name of a minor, the name or names of the minor's parent, parents, or guardian, the offense, and the information contained in the court's dispositional order when the court has adjudicated the minor a delinquent based on the minor's commission of an offense punishable as

(1) a felony; or

(2) a misdemeanor when the minor has previously been adjudicated a delinquent based on the minor's previous commission of an offense that was, at the time of its commission, punishable as a felony or as a misdemeanor; for purposes of this paragraph, a previous commission of an offense must have occurred after August 31, 1997.

LEGAL SERVICES

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

(907) 465-3867 or 465-2450
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130 Seward Street, Suite 409
Juneau, Alaska 99801-2105

MEMORANDUM January 29, 1997

SUBJECT: CSHB 6(HES), relating to the disclosure of information about minors (Work Order No. 20-LS0063\K)

TO: Representative Con Bunde, Chair
House Health, Education & Social Services Committee
ATTN: Lynne Smith

FROM: Jack Chenoweth
Legislative Counsel

A word about the last amendment adopted by the committee.

Note, please, that I've deleted reference within it to "AS 47.12.305" because that provision, part of Representative Kelly's original bill, is deleted by the committee's adoption of amendment #1.

Further, the amendment, limited as it is to "records . . . made public under . . . AS 47.12.315," really doesn't seem meaningful. First, AS 47.12.315 does not authorize disclosures of a record--only information within it. Second, this is an amendment to the provision in current law directing the court to order records sealed, probably limited to records as to which the court has custody, but the subject of AS 47.12.315 is the public disclosure of information contained within agency records. In the context of AS 47.12.300(f), the subsection being amended, how can a court be responsive when the standard involves a court's finding that "its order (that is, the court's order) has had its intended rehabilitative effect" when what is taking place under AS 47.12.315 is the agency's "adjustment" of the matter, either on its own initiative or in response to a court-ordered transfer of the matter to the department, something that almost always occurs without a rehabilitative order signed by a judge? Third, AS 47.12.300(f), the section being amended, concerns itself with a minor's court records arising as a result of trial of a minor as an adult--a minor who was a defendant in a criminal trial--and all of the following references in AS 47.12.300(f) speak to that criminal proceeding. AS 47.12.315, on the other hand, touches only on agency action when the minor is not tried as an adult in a criminal proceeding and the Department of Health and Social Services has the obligation to address the matter.

Beyond that, even if this change could somehow be deemed meaningful, might not a court order directing the sealing of "records" under this new amendment, which can only in context

be understood to mean "agency records," allow someone to contend that the court order sealing the record precludes any later use of the record by the department or by other executive branch agency personnel (such as law enforcement personnel)? Does not the last sentence of existing AS 47.12.310(a) already provide protection against disclosure (except as the legislature has determined by law to authorize disclosure) of agency records?

JBC:glc
97-028.glc

Enclosure

adopt

0-LS0063\H.2
Chenoweth
1/27/97

AMENDMENT #1

OFFERED IN THE HOUSE BY REPRESENTATIVE KELLY

TO: Draft CSHB 6( ) ("H" Version)

Page 2, line 16:

Delete "The [UPON REQUEST OF A VICTIM, THE]"

Insert "Upon request of a victim, the"

adopt

0-LS0063\H.1
Chenoweth
1/27/97

AMENDMENT #2

OFFERED IN THE HOUSE BY REPRESENTATIVE KELLY

TO: Draft CSHB 6( ) ("H" Version)

Page 1, line 5

Delete "required by AS 47.12.305"

Insert "disclosure of the name of a minor is authorized by AS 47.12.310(b)"

Page 1, line 8, through page 2, line 7:

Delete all material.

Renumber the following bill sections accordingly.

Page 2, line 25, following "minors.":

Insert "(a)"

Page 3, lines 7 and 8:

Delete "may have been alleged to have occurred before, on or after the effective date of this section."

Insert "must have occurred after August 31, 1997.

(b) The Department of Health and Social Services shall publicly disclose the name of a minor, the name or names of the minor's parent, parents, or guardian, the offense, and the information contained in the court's dispositional order when the court has adjudicated the minor a delinquent based on the minor's commission of an offense punishable as

(1) a felony; or

(2) a misdemeanor when the minor has previously been adjudicated a delinquent based on the minor's previous commission of an offense that was, at the time of its commission, punishable as a felony or as a misdemeanor; for purposes of

this paragraph, a previous commission of an offense must have occurred after August 31, 1997."

adopt

0-LS0063\H.3
Chenoweth
1/27/97

AMENDMENT #3

OFFERED IN THE HOUSE BY REPRESENTATIVE KELLY

TO: Draft CSHB 6( ) ("H" Version)

Page 3, lines 9 - 23:

Delete all material.

adopt

PROVISION TO SEAL RECORDS

This amendment would allow juveniles whose records have been made public to petititon the court to have those records sealed five years after the offense if the juvenile has committed no new offenses and done all the court ordered them to do.

This is a carrot for the kid, encouraging good behavior.

It's within the court's discretion whether to seal the records or not; the court gets to look at the kid and all of the circumstances.

AMENDMENT #4

OFFERED IN THE HOUSE BY: REPRESENTATIVE KEMPLEN

TO: CSHB 6( ) ("H" Version)

Page 2, line 23:

Add a new section 5 to read: "AS 47.12.300(f) is amended to read:

A person who has been tried as an adult under AS 47.12.100(a) **or a person whose records were made public under AS 47.12.305 or AS 47.12.315**, or the department on the person's behalf, may petition the superior court to seal the records of all criminal proceedings, except traffic offenses, initiated against the person, and all punishments assessed against the person, while the person was a minor. A petition under this subsection may not be filed until five years after the completion of the sentence imposed for the offense for which the person was tried as an adult or five years after a disposition was entered for an offense the records of which were made public under (c) of this section. If the superior court finds that its order has had its intended rehabilitative effect and further finds that the person has fulfilled all orders of the court entered under AS 47.12.120, the superior court shall order the record of proceedings and the record of punishments sealed. Sealing the records restores civil rights removed because of a conviction. A person may not use these sealed records for any purpose except that the court may order their use for good cause shown or may order their use by an officer of the court in making a presentencing report for the court. The court may not, under this subsection, seal records of a criminal proceeding

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

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

Alaska State Legislature

REPRESENTATIVE
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House District 31

House Of Representatives

Sectional

CS HB 6

Section 1. References to new language in Section 2.

Section 2. COURT RECORDS, releases:
1) Minor's name, parents, the offense, and outcome of the court dispositional order.
FOR:
2) Felony offenses and repeat misdemeanors.
Note: 1st misdemeanor remains confidential.

Section 3. Technical numbering.

Section 4. Allows the department to notify victims via the telephone, not just in writing.
Note: This was requested by victims, and reflects their concern about the load on case workers, and the difficulty of communication at present.

Section 5. AGENCY RECORDS, releases:
1) Name of minor, parents, outcome of agency action, offense w/o victim information.
FOR:
2) Felony offenses, and repeat misdemeanors.
Note: 1st misdemeanor remains confidential.

Sections 6 and 7. Removes language made moot by this bill.

Alaska State Legislature

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House Of Representatives

Sponsor Statement

HCR 4 and HB 6

Release of criminal information about minors.

HCR 4 gives the Department of Health and Social Services legislative directive to restructure the Division of Family and Youth Services. This restructuring will split the records relating to child abuse from the records of criminal acts committed by a minor.

The split of staff and personnel protects the agency from the loss of most of the federal funds received for out-of-home placement. Over $7 million in federal funds is expended each year for out-of-home placement of abused children. The separation protects these funds.

Getting kids out of dysfunctional homes is an important option for breaking the cycle of violence with kids who commit criminal acts. Foster care is a valuable component of the juvenile justice system.

I believe a portion of the fiscal note attached replaces the federal funds with state dollars, it assumes that federal funds will be lost once records are released for delinquent children. A smaller portion of the fiscal note effectuates the organizational restructuring. The experts form the Department of Health and Social Services are far better able to explain these details.

HB 6 Builds upon HCR 4. It provides for the release of information about the outcome of agency actions when a child admits guilt and agrees to a restitution plan; as well as the outcome of agency court records when a child is found delinquent.

The disclosure of the outcome of agency and court actions is limited in two ways in this bill. First the bill focuses on repeat offenders - NOT first time misdemeanants. Secondly the bill releases only a given set of information about the minor - NOT the complete file, psychological report, family background investigation, previous child abuse, etc.

The focus on repeat offenders recognizes that the vast majority of kids who are caught committing a criminal act do so only once. They wake up, say "Hey, this isn't me!!" and are never seen again inside the criminal justice system.

Repeat offenders, however need more attention than the current system is able to provide. To prevent them from developing a habit or lifestyle of crime, they need additional community involvement. The concept of confidentiality developed to protect kids from being labeled criminals. Unfortunately, confidentiality is used by a few kids as cover for their criminal actions. They are able to commit serious crimes, then walk about masked from their elders and their peers. This invisibility, can act to reinforce their sense of invincibility. Judges are telling me that they use confidentiality to build a following, not unlike "Billy the Kid" or Jesse James phenomenon. This braggadocio and "see what I can do" fuels their desire to live outside society's rules.

Kids need clear limits. Negative attention has its own role in defining limits to civil behavior. I do not believe that community knowledge of a minors criminal acts is harmful. I believe it allows the community to interact naturally to help heal the wounds and troubles of youth today. Certainly it helps other children say, "No" when they are pressured to join a peer in a criminal act.

Kids do dumb things. Even dumber is to get caught. But dumbest of all is to catch a kid committing a crime, and then ignore it. The professionals are not ignoring the kid, but you and I are kept ignorant of these acts, and of the needs of our troubled youth by the existing confidentiality system.

0-LS0063\H
Chenoweth
1/21/97

CS FOR HOUSE BILL NO. 6( )

IN THE LEGISLATURE OF THE STATE OF ALASKA

TWENTIETH LEGISLATURE - FIRST SESSION

BY

Offered:
Referred:

Sponsor(s): REPRESENTATIVES KELLY, Therriault, Vezey, Ogan, Dyson, Phillips

A BILL

FOR AN ACT ENTITLED

"An Act relating to minors and amending laws relating to the disclosure of information relating to certain minors."

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

• Section 1. AS 47.12.300(c) is amended to read:

(c) Except when required by AS 47.12.305, the [THE] name or picture of a minor under the jurisdiction of the court may not be made public in connection with the minor's status as a delinquent unless authorized by order of the court.

• Sec. 2. AS 47.12 is amended by adding a new section to read:

Sec. 47.12.305. Public disclosure of information in court record relating to minor adjudicated delinquent. (a) The court shall publicly disclose the name of a minor, the name or names of the minor's parent, parents, or guardian, the offense, and the court's dispositional order when the court has adjudicated the minor a delinquent based on the minor's commission of an offense punishable as

(1) a felony; or

(2) a misdemeanor when the minor has previously been adjudicated a delinquent based on the minor's previous commission of an offense that was, at the time of its commission, punishable as a felony or as a misdemeanor; for purposes of this paragraph, a previous commission of an offense may have occurred before, on, or after the effective date of this subsection.

(b) The court may publicly disclose information in a record maintained by the court as may be necessary to protect the safety of the public.

* **Sec. 3.** AS 47.12.310(a) is amended to read:

(a) Except as specified in AS 47.12.315, 47.12.320, [AS 47.12.320] and (b) - (g) of this section, all information and social records pertaining to a minor who is subject to this chapter or AS 47.17 prepared by or in the possession of a federal, state, or municipal agency or employee in the discharge of the agency's or employee's official duty, including driver's license actions under AS 28.15.185, are privileged and may not be disclosed directly or indirectly to anyone without a court order.

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(d) The [UPON REQUEST OF A VICTIM, THE] department shall make every reasonable effort to notify the victim as soon as practicable, by telephone or in writing, when a delinquent minor is to be released from placement in a juvenile facility under AS 47.12.120(b)(1). The notice under this subsection must include the expected date of the delinquent minor's release, the geographic area in which the delinquent minor is required to reside, and other pertinent information concerning the delinquent minor's conditions of release that may affect the victim.

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alleged commission of an offense that is

(1) a felony; or

(2) a misdemeanor when the agency has previously taken action under AS 47.12.040(a) affecting the minor based on the minor's alleged previous commission of an offense that was, at the time of the minor's alleged commission of the previous offense, punishable as a felony or as a misdemeanor; for purposes of this paragraph, a previous commission of an offense may have been alleged to have occurred before, on or after the effective date of this section.

* **Sec. 6.** AS 47.12.320(a) is amended to read:

(a) Notwithstanding AS 47.12.300 and 47.12.310, a parent or legal guardian of a minor subject to a proceeding under this chapter may disclose <u>to the public</u> confidential or privileged information about the minor [, INCLUDING INFORMATION THAT HAS BEEN LAWFULLY OBTAINED FROM AGENCY OR COURT FILES, TO THE GOVERNOR, THE LIEUTENANT GOVERNOR, A LEGISLATOR, THE OMBUDSMAN APPOINTED UNDER AS 24.55, THE ATTORNEY GENERAL, AND THE COMMISSIONERS OF HEALTH AND SOCIAL SERVICES, ADMINISTRATION, OR PUBLIC SAFETY, OR AN EMPLOYEE OF THESE PERSONS, FOR REVIEW OR USE IN THEIR OFFICIAL CAPACITIES. A PERSON TO WHOM DISCLOSURE IS MADE UNDER THIS SECTION MAY NOT DISCLOSE CONFIDENTIAL OR PRIVILEGED INFORMATION ABOUT THE MINOR TO A PERSON NOT AUTHORIZED TO RECEIVE IT].

* **Sec. 7.** AS 47.12.320(c) is repealed.

State Responses to Serious and Violent Juvenile Crime

Research Report

Patricia Torbet
Richard Gable
Hunter Hurst IV
Imogene Montgomery
Linda Szymanski
Douglas Thomas

National Center for Juvenile Justice

Shay Bilchik, Administrator
Office of Juvenile Justice and Delinquency Prevention

July 1996

Chapter 5

Confidentiality of Juvenile Court Records and Proceedings

Trend: Traditional confidentiality provisions are being revised in favor of more open proceedings and records.

Along with the changes discussed in previous chapters—jurisdictional authority, sentencing, and correctional options—come significant changes in how the juvenile justice system treats information about juvenile offenders, and particularly serious and violent juvenile offenders.

Issues relating to confidentiality of juvenile court proceedings and their records have existed for decades. A system that rehabilitates and protects minors from the stigma of youthful indiscretions was not a problem when those indiscretions were of a minor nature. However, as juvenile crime became more serious, community protection and the public's right to know began to displace confidentiality as a bedrock principle.

Moreover, law enforcement, child welfare, schools, and other youth-serving agencies see the same subset of juveniles under juvenile court jurisdiction. Accordingly, the need to share information across systems is apparent. As a result, we have seen a concerted effort to promote information-sharing partnerships among juvenile courts, probation departments, law enforcement, prosecutors, schools, and youth-serving agencies (see Search Group, 1982; and Rapp, Stevens, and Clontz, 1989). The rationale for sharing information among system actors with a "need to know" is a better coordinated and more efficient service delivery system that avoids duplication of services and better utilizes shrinking resources.

The fundamental issue with respect to sharing juvenile records and opening proceedings is balancing the need to protect a juvenile's right to privacy with the need to assure the community's safety and provide needed services and supervision. Figure 7 illustrates the dynamic tension generated by trying to balance these competing positions.

Recently, significant activity has occurred among State legislatures with respect to confidentiality issues. Analysis of statutes enacted from 1992 through 1995 reveals several distinct trends in the disclosure, use, and destruction of juvenile records and the openness of juvenile court proceedings. These trends represent a definitive shift in the use and management of information, with notable impact on juvenile justice processing—particularly as it relates to juvenile records and proceedings.

Juvenile Court Proceedings

Traditionally, juvenile court proceedings have been informal and distinguished from the criminal court hearing by exclusion of the general public. The model Standard Juvenile Court Act of 1959 stated that:

> The privacy of the hearing contributes to a casework relationship, and avoidance of the spectacle of a public criminal trial is especially advantageous in children's cases. This hearing should have the character of a conference, not of a trial. . . . The hearing is private, not secret . . . the reference to persons who have "a direct interest in the work of the Court" includes newspaper reporters who should be permitted, indeed, encouraged to attend hearings, with the understanding that they will not disclose the names or other identifying data of the participants (NCCD, 1959).

One commentator reviewing the U.S. Supreme Court decisions on the matter of confidentiality suggested that "while the Court has required procedural reform which has resulted in a general tendency to equate a juvenile and a criminal procedure . . . it has continued to shield perhaps the most paternalistic of all the juvenile court's procedures [the public trial]" (Hurst, 1985). Another commentator

Figure 7

Opening Juvenile Court Records and Proceedings Generates Dynamic Tension

Protect the Juvenile	vs.	Protect the Community
Right to Privacy	vs.	Right to Know
Separate and Distinct Juvenile Justice System	vs.	One System for Criminal Justice

noted that the U.S. Supreme Court has never proclaimed a constitutional right of confidentiality for alleged delinquents, and the trend in cases that have gone before the Court on this issue makes it unlikely that one will be crafted, despite the Court's long-time acceptance of confidentiality as a part of the juvenile justice rehabilitative model (Martin, 1995).

In response to the debate over confidentiality as a part of juvenile proceedings, the National Council of Juvenile and Family Court Judges (NCJFCJ) recently declared that:

> Traditional notions of secrecy and confidentiality should be re-examined and relaxed to promote public confidence in the court's work. The public has a right to know how courts deal with children and families. The court should be open to the media, interested professionals and students and, when appropriate, the public, in order to hold itself accountable, educate others, and encourage greater community participation (NCJFCJ, 1995, p. 3).

Since 1992, State legislatures have increasingly called for a presumption of open proceedings and the release of juvenile offenders' names. (See figure 9 at the end of the chapter for a list of States that passed legislation from 1992 through 1995 addressing juvenile court records and proceedings.)

Public Juvenile Hearings

Many States passed laws that either open juvenile court hearings to the public generally or for specified violent or other serious crimes. In addition, some statutes set age restrictions. From 1992 through 1995, 10 States passed legislation that modified or created statutes that open juvenile proceedings (see figure 9). In all, 22 States require or permit open juvenile court hearings of cases involving either juveniles charged with violent or other serious offenses or juveniles who are repeat offenders (see figure 8).

Release/Publication of Juvenile's Name

While many States permitted access to juvenile court proceedings, many prohibited publishing a juvenile's name unless the juvenile was charged with a violent or other serious offense. However, since 1992 several States have passed legislation that gives the general public and/or media access to the name and address of a minor adjudicated delinquent for specified serious or violent crimes; in some cases, this also applies to repeat offenders. In all, 39 States now permit the release of a juvenile's name and/or picture to the media or general public under certain conditions.

Juvenile Court Records

There are two types of juvenile court records: legal and social. Legal records include court petitions, complaints, motions, transcripts of testimony, findings, orders, decrees, and other information introduced and accepted as evidence. Social records typically include documents and reports received or prepared by the probation officer or other designated authority, which have been requested by a juvenile court inquiring into the past behavior, family background, and personality of an alleged or adjudicated juvenile delinquent (Vereb, 1980). These records track the outcomes of intake proceedings, preliminary hearings, detention hearings, arraignments, adjudication and disposition hearings, reviews, and social investigations as well as the juvenile's conduct and progress as to the court's orders. In addition to these court records, juveniles are the subjects of law enforcement records, including fingerprints, photographs, offense reports, and investigation reports. Juveniles are also the subjects of education records, records of psychological or psychiatric examinations, and medical records.

With respect to serious and violent juvenile offenders, State legislatures have made changes to juvenile court records in the following areas: access to or disclosure of information, use of information, and the sealing or expungement of records.

Disclosure of Juvenile Court Records

Formerly private, juvenile court records are increasingly available to a wide variety of people. The "need to know" argument requires proper disclosure of information among youth-serving agencies. Many States open juvenile court records to school officials or require that schools be notified when a juvenile is taken into custody for all crimes of violence or crimes in which a deadly weapon is used. Legislatures also require that victims be given notice of activities such as release, escape, or the setting of hearing dates. Some States lowered the age for which juvenile court records may be made publicly available. Descriptions of information-sharing statutes follow.

Information-Sharing Statutes in California, Florida, and Virginia

California

In 1995, the legislature reaffirmed its belief that juvenile court records, in general, should be confidential. However, they did provide for a limited exception to juvenile court record confidentiality to promote more effective communication among juvenile courts, law enforcement agencies, and schools to ensure rehabilitation of juvenile offenders

Figure 8

Summary of Current Confidentiality Provisions Relating to Serious and Violent Juvenile Offenders, 1995

State	Open hearing	Release of name	Release of court record[1]	Fingerprinting	Photographing	Offender registration	Statewide repository[2]	Seal/expunge records prohibited
Alabama			✓	✓	✓		✓	
Alaska		✓	✓	✓		✓	✓	
Arizona	✓	✓	✓	✓	✓	✓		
Arkansas		✓	✓	✓	✓		✓	
California	✓	✓	✓	✓	✓	✓	✓	✓
Colorado	✓	✓	✓	✓	✓	✓	✓	✓
Connecticut			✓	✓	✓			
Delaware	✓	✓	✓	✓	✓	✓	✓	✓
District of Columbia			✓	✓	✓			
Florida	✓	✓	✓	✓	✓	✓	✓	
Georgia	✓	✓	✓	✓	✓		✓	✓
Hawaii			✓	✓	✓		✓	
Idaho		✓	✓	✓	✓		✓	
Illinois		✓	✓	✓	✓	✓	✓	
Indiana	✓	✓	✓	✓	✓		✓	
Iowa	✓	✓	✓	✓	✓	✓	✓	
Kansas	✓	✓	✓	✓	✓	✓	✓	
Kentucky				✓	✓		✓	✓
Louisiana	✓	✓	✓	✓	✓		✓	
Maine	✓	✓	✓			✓	✓	
Maryland			✓	✓	✓		✓	
Massachusetts	✓	✓	✓	✓	✓		✓	
Michigan		✓	✓	✓	✓	✓	✓	✓
Minnesota	✓	✓	✓	✓	✓	✓	✓	✓
Mississippi		✓	✓	✓	✓	✓		
Missouri	✓	✓	✓	✓	✓		✓	
Montana	✓	✓	✓	✓	✓	✓	✓	✓
Nebraska		✓	✓	✓			✓	
Nevada	✓	✓		✓	✓		✓	✓
New Hampshire		✓	✓					
New Jersey		✓	✓	✓	✓	✓	✓	
New Mexico	✓			✓	✓		✓	
New York				✓	✓		✓	
North Carolina			✓	✓	✓			✓

(Continued)

Figure 8 (continued)

Summary of Current Confidentiality Provisions Relating to Serious and Violent Juvenile Offenders, 1995

State	Open hearing	Release of name	Release of court record[1]	Fingerprinting	Photographing	Offender registration	Statewide repository[2]	Seal/expunge records prohibited
North Dakota		X	X	X	X		X	
Ohio				X	X	X	X	
Oklahoma	X	X	X	X	X		X	X
Oregon		X	X	X	X	X	X	X
Pennsylvania	X	X	X	X	X	X	X	
Rhode Island		X	X			X	X	
South Carolina		X	X	X	X		X	X
South Dakota		X	X	X	X		X	X
Tennessee		X	X	X	X	X	X	
Texas	X		X	X	X	X	X	X
Utah	X	X	X	X	X	X	X	
Vermont				X	X		X	
Virginia		X	X	X	X	X	X	
Washington	X	X	X	X	X	X	X	X
West Virginia		X	X	X				X
Wisconsin		X	X			X	X	
Wyoming		X	X	X	X		X	X

Legend: X indicates the provision(s) allowed by each State as of the end of the 1995 legislative session.

Table notes:

[1] In this category, X indicates a provision for juvenile court records to be specifically released to at least one of the following parties: the public, the victim(s), the school(s), the prosecutor, law enforcement, or social agency; however, all States allow records to be released to any party who can show a legitimate interest, typically by court order.

[2] In this category, X indicates a provision for fingerprints to be part of a separate juvenile or adult criminal history repository.

Source: Szymanski, Linda. *Special Analysis of the Automated Juvenile Law Archive*. National Center for Juvenile Justice, 1996.

as well as to lessen the potential for drug use, violence, and other forms of delinquency (Sec. 827, W & I Code). Another section of the legislation pertains to disclosure to schools of juvenile court records involving serious acts of violence (Sec. 828.1), stipulating that dissemination be as limited as possible and be consistent with the need to work with a student in an appropriate fashion and the need to protect school staff and students.

Section 827 allows the following individuals to have access to juvenile court records:

- Court personnel.
- District attorney.
- City attorney or city prosecutor.
- Minor's parent(s) and attorney(s).
- Judges, referees, and other hearing officers.
- Probation officers.
- Law enforcement officers.
- School superintendent.
- Child protection agencies.

- Members of child's multidisciplinary teams.
- Persons or agencies providing treatment or supervision of the minor.
- Any other person designated by the court order.

Information must not be disseminated by the receiving agencies to other than those identified above, nor may any of the information be made attachments to any other documents without judicial approval, unless used in connection with and in the course of a criminal investigation.

The superintendent of the public school district in which the minor is enrolled will receive written notice (juvenile's name, offense, and disposition only) that a minor has been found by a court to have committed any felony or misdemeanor involving curfew, gambling, alcohol, drugs, tobacco products, carrying of weapons, assault or battery, larceny, vandalism, or graffiti. The superintendent shall transmit the notice to the principal, who shall then pass it on to any school counselor, teacher, or administrator for the purpose of rehabilitating the minor and protecting students and staff. Intentional violation of the confidentiality provisions of this section constitutes a misdemeanor punishable by a fine not to exceed $500. Any information received from the court must be kept in a separate confidential file at the school until the minor graduates from high school, is released from juvenile court jurisdiction, or reaches age 18, whichever occurs first, when the record must be destroyed.

Section 828 pertains to disclosure of information gathered by law enforcement as well as release of descriptive information about minor escapees. Any information gathered by law enforcement relating to taking a minor into custody may be disclosed to another law enforcement agency, including school police or security department, or any person or agency that has legitimate need for the information for purposes of official disposition of a case. When a minor escapes from a secure detention facility, the law enforcement agency shall release the name of, and any descriptive information about, the minor to a person who specifically requests this information. The information may be released without request if the information is either necessary to assist in recapturing the minor or necessary to protect the public from substantial physical harm.

Florida

Among other sweeping juvenile justice reforms in 1994, Florida passed legislation enhancing information sharing. For example, fingerprints of juveniles charged with or adjudicated for a felony and certain misdemeanors must be submitted to the Department of Law Enforcement, which is required to maintain criminal history records of juveniles until age 24 (or age 26 if the juvenile has been classified as a serious habitual offender (SHO)).

To help track mobile violent offenders, the legislation required the Department of Juvenile Justice to notify the sheriff when a juvenile adjudicated for a violent misdemeanor or felony is relocated. The legislation also removed age restrictions for the release for publication of the names, addresses, and photographs of juveniles charged with felony offenses or those adjudicated for three or more misdemeanors.

The 1994 reform also requires arresting authorities to notify school superintendents in all cases in which a juvenile is taken into custody for a felony offense or crime of violence. The school superintendent must notify the child's immediate classroom teacher(s).

In 1995, Florida passed legislation requiring the Department of Juvenile Justice to develop a new statewide juvenile justice information system and appropriated $8.2 million to fund the effort for hardware and staff support. The legislation also established an information-sharing workgroup of the Departments of Education, Juvenile Justice, and Law Enforcement to develop and implement a statewide system for sharing information with school districts, State and local law enforcement agencies, service providers, clerks of the circuit court, and the Departments of Education and Juvenile Justice. Information sharing targets (1) juveniles involved in the juvenile justice system, (2) juveniles tried as adults and found guilty of felonies, and (3) students with serious school discipline problems.

Virginia

According to a 1996 Virginia Commission on Youth report, one of the most active areas of legislative reform in the State in recent years has been confidentiality of juvenile records maintained by courts, schools, and police. The legislation (1) expanded access to juvenile court records by schools and the circuit court, (2) provided for the sharing of records among local law enforcement agencies, (3) gave notice to victims of court dispositions and release dates for some juvenile offenders, (4) allowed public notice for dispositions of violent crime and juvenile escapees, (5) required fingerprints of juveniles ages 14 or older who are charged with a felony, and (6) warranted disclosure of juvenile court records to limit firearms ownership eligibility.

The legislation also required certain juvenile offenders to register with authorities to protect victims or the general public. For example, 1994 legislation states that under special conditions in which the victim is physically helpless or mentally incapacitated, jailers must notify the

State police upon release of an offender, and the offender is responsible for registering with the State police. The State police are also required to maintain a registry for sex offenders separate and apart from all other record systems.

Despite these reforms, which are spread throughout the juvenile code, the report states that many inconsistencies exist about who can receive what type of information. This has caused confusion among service providers, as well as practical problems, given the limited automation capacity of the majority of juvenile courts. The commission recommends a comprehensive study by the legislature, law enforcement, judiciary, and relevant public agencies of current statutory provisions with regard to confidentiality and release of information resulting in a coherent policy for the Commonwealth (Virginia Commission on Youth, 1996).

Notice to Schools

A subset of the disclosure issue is notification rights of both schools and victims (Chapter 6 of this report discusses victims). This represents another area of increased openness of juvenile court information. A typical statute requires that the school district be notified when a juvenile is taken into custody for a delinquent act involving a crime of violence or in which a deadly weapon was used. From 1992 through 1995, several States enacted or modified their statutes with respect to notice to schools (see figure 9). (Legislation giving broader juvenile court records access to schools is included in the earlier section on disclosure.)

Use of the Records

One of the most significant issues with regard to juvenile court and law enforcement records is the effective use of those records. Aside from disclosing or sharing information across systems for the purpose of better coordinating services, legislatures have made provision in four other areas of juvenile record use: centralized repositories/fingerprinting and photographing, targeting serious habitual offenders, criminal court use of defendant's juvenile record, and registration laws.

Centralized Repository of Juvenile Record Histories/Fingerprinting and Photographing

Statewide central repositories of criminal history records have existed for at least two decades. Central repositories can include adult records only, adult records separate from juvenile records, or adult and juvenile records combined. Centralized databases facilitate and support law enforcement operations. Police argue that juveniles mirror adults in their mobility; hence, juvenile records should be a part of adult criminal record databases because they are essential for conducting statewide record checks. Those advocating separate databases for juvenile records argue that once the distinction is lost between adult and juvenile records, it will also be lost in practice. Furthermore, it is argued that if juvenile records are not criminal records, they should not be used as such.

As of 1994, 27 States enacted laws authorizing establishment of a central record repository to hold juvenile arrest and/or court disposition records from throughout the State; 4 of these States (Hawaii, Mississippi, Oklahoma, and Virginia) authorize a separate juvenile record center (Miller, 1995). Even when not available to the public, juvenile court records can become part of the State criminal recordkeeping system. In some States, a juvenile tried as an adult may have his criminal history record stored in the central repository. Fingerprints most often serve as the basis of the record. Forty-four States provide for a separate juvenile or adult criminal history repository, again usually based on fingerprints (see figure 8).

Proponents of fingerprinting argue that fingerprinting ensures accuracy in identifying a specific individual as the subject of a court disposition or arrest report (Miller, 1995). Forty-six States and the District of Columbia allow police to fingerprint juveniles who have been arrested, usually juveniles who have reached a specific age or have been arrested for felony offenses; four States (Maine, New Hampshire, Rhode Island, and Wisconsin) make no mention of fingerprinting juveniles in their statutes or court rules. Forty-three States and the District of Columbia allow photographing of juveniles (mug shots for criminal history files) under certain circumstances (see figure 8).

Since 1992, quite a few States have expanded the conditions under which a juvenile may be fingerprinted or photographed. Many States also increased the ways that this information can be used (see figure 9).

Targeting Serious Habitual Offenders by Sharing Information

One of the most widespread areas of change has occurred in State and local jurisdiction efforts to target, for the purpose of swift certain action, juvenile offenders who are the most serious, chronic, and violent, as well as youth at risk for such behaviors. While the emphasis in the past has been to "lock, nail, and jail" these offenders, the change has been in the direction of multiagency collaboration, information sharing, intervention and prevention strategies, and focusing attention and resources on this small but dangerous population. These efforts most frequently fall under the Serious Habitual Offender Comprehensive Action Program

(SHOCAP) model that was originated and developed by the Office of Juvenile Justice and Delinquency Prevention (OJJDP). Descriptions of programs operating in California, Florida, Illinois, and Virginia follow.

California

The legislature established SHOCAP in the late 1980's and has one of the oldest operating programs in Oxnard. In targeting SHO's, the legislature supported increased efforts by the juvenile justice system to identify these offenders early in their careers and to work cooperatively to investigate and record their activities, prosecute them aggressively, sentence them appropriately, and supervise them intensively. The legislature also supported increased efforts to gather and disseminate data to allow for more informed decisions by all juvenile justice system agencies.

Section 503 of the California Welfare and Institutions Code stipulates policies for each of the participating agencies: law enforcement, district attorney, probation, and school district. Section 504 stipulates that juvenile court judges shall authorize the inspection of court, probation, protective services, district attorney, school, and law enforcement records by the law enforcement agency charged with compiling SHOCAP data in the format used by all participating agencies.

Law enforcement agencies take the lead in gathering data on identified SHO's, compiling the data into a usable format for all participating agencies, and updating and disseminating data to the agencies. In several counties, the District Attorney's Office/Juvenile Division is the lead agency in coordinating the countywide program.

Another program in California that takes interagency sharing to new levels is the Tri-Agency Resource Gang Enforcement Team (TARGET), operating in seven locations throughout Orange County. The model involves colocating multiagency (i.e., police, probation, and prosecutor) resources at a police facility, increasing both the frequency and quality of interagency communication and cooperation in attacking identified gang problems. The program recently expanded to include Federal Alcohol, Tobacco, and Firearms agents. The city of Santa Ana operates three versions of the program: STOP (Street Terrorist Offender Project); STOP II, which added the school district as a partner; and Short STOP, a gang prevention program for at-risk juveniles (1994 annual reports of STOP and Gang Unit & Multi-Agency Resource Gang Enforcement Teams).

Florida

In 1990, the legislature enabled local jurisdictions to maintain a central identification file on juvenile SHO's and those at risk of becoming SHO's. The file should contain, but is not limited to, pertinent school records (including information on behavior, attendance, and achievement) and pertinent information on delinquency and dependency matters maintained by law enforcement, the State attorney, and case management agencies. In its first-year report, the Department of Juvenile Justice announced partnership efforts with law enforcement, education, and local communities to concentrate services at SHOCAP sites in three counties; implement efforts for the SHOCAP system in eight other counties; and revitalize efforts in two other counties, one being Dade County (Miami). Current SHOCAP efforts feature intensive crime prevention efforts along with the SHOCAP mainstays of surveillance and information sharing among juvenile justice agencies.

In addition to local central file systems maintained by sheriffs, since 1990 the Department of Juvenile Justice has been mandated to develop a system to assess the problems of juvenile SHO's and provide a special program of 9 to 12 months of intensive secure residential treatment followed by a minimum of 9 months of aftercare. Each provider is required to keep a central file for the SHO's, which may contain information collected from local justice authorities in addition to the treatment record. The treatment record is confidential.

Illinois

In 1992, legislation created SHOCAP, enabling the juvenile justice system, schools, and social service agencies to make more informed decisions about juveniles who repeatedly commit serious delinquent acts. The same legislation adds a section stating that nothing in the Abused and Neglected Child Reporting Act and the Juvenile Court Act prevents the sharing or disclosing of information or records of juveniles, subject to the provisions of SHOCAP when that information is used to assist in the early identification and treatment of habitual juvenile offenders.

Virginia

In 1993, the legislature authorized any county or city in the Commonwealth to, by action of their governing body, establish a SHOCAP enabling juvenile and criminal justice systems, schools, and social service agencies to make more informed decisions about juveniles who repeatedly commit serious crimes. The legislature also established boundaries for information sharing and protections from civil or criminal liability for legitimate participants in the local programs. The Department of Criminal Justice Services is required to issue statewide SHOCAP guidelines and provide technical assistance to local jurisdictions implementing SHOCAP systems.

Criminal Court Use of Defendants' Juvenile Records

Every State provides for prosecutor and/or court access to juvenile records of adult defendants at some point in the judicial process (Miller, 1995). However, according to the National Institute of Justice study, only 24 States provide for structured consideration of defendants' juvenile records in setting sentences, such as using the juvenile record to calculate a criminal history score. Considerable variation exists in the method for calculating the juvenile history score and in the weight accorded juvenile dispositions in adult criminal history scores (Miller, 1995).

Registration

Since 1992, 17 States amended adult criminal registration laws to include juvenile registration for specific offenses. One group of laws requires the registration of sexually violent offenders. Another allows the collection of blood and saliva specimens for DNA purposes from juvenile offenders adjudicated for unlawful sex offenses and murder. In some States, these DNA records either are not sealed or are automatically made a part of the adult system. In California, juvenile arson offenders must also register. In all, 25 States require juvenile registration for specific offenses as of 1995 (see figure 8).

Sealing/Expungement of Juvenile Court Records

Most legislatures have made provisions for disposing of a juvenile's legal or social record. Generally, these provisions characterize a number of issues regarding what can be done with juvenile court records. Statutes stipulate the method(s) of record disposition (e.g., sealing, expunging, or destroying) and the conditions that must be met, usually providing for the sealing of records for a given time period and then, at the expiration of that time, the destruction of those records. In some cases, the statute interchangeably uses terms that have inherently different meanings. For example, the terms "expunge" and "seal" are sometimes used interchangeably although the common meaning of "expunge" is to destroy or erase information and the common meaning of "seal" is to conceal but not destroy information (Vereb, 1980).

The most common provision provides that the record be sealed within a given period of time after the court's jurisdiction has expired or the program of commitment has been completed. After a record is sealed, it will typically be destroyed when an additional period of time has lapsed. The usual procedure for record expungement or sealing requires a petition by the record's subject or a motion of the court with notice and hearing requirements. In some States, sealing is automatic with the passage of time and compliance with specified conditions, for example if the juvenile does not commit a subsequent offense.

Statutes also address the procedures for disposing of juvenile court records. Typically, the statute reflects whether the record subject (the juvenile) or the court initiates the process, whether interested parties are to be notified, whether a hearing is necessary on the matter, or whether the disposition occurs without the intervention of some moving party (Vereb, 1980). Statutes also stipulate the effect of sealing or expunging the record. Traditionally, provisions allowed all references of the proceeding to be removed from official agency files or permitted the juvenile to respond in the negative on future applications as to whether he was ever convicted of any crime. Some statutes also vacate the original order and findings. In effect, proceedings are treated as if they never occurred, and the court, law enforcement, and all other agencies are permitted to reply to inquiries that no record exists (Hurst, 1985).

Since 1992, some States that allow the sealing of juvenile court records after a number of years have increased the number of years that must pass before sealing is allowed. In other States, if a juvenile has committed a violent or other serious felony, his or her juvenile record cannot be sealed or expunged.

A few States have enacted laws that permit/require juvenile court records to be kept beyond the juvenile's age of majority. In Florida, for example, the criminal history record of a minor classified as a serious or habitual juvenile offender must be retained for 5 years after the offender reaches age 21. Minnesota recently increased the age for which juvenile court records must be kept (from age 23 to 28). Virginia passed a joint resolution in 1995 to study the retention of juvenile records and develop recommendations for the 1996 legislative session that balance the need to use juvenile records for sentencing with a policy for protecting the confidentiality of those records as much as possible. As of 1995, 25 States had statutes or court rules that either increase the number of years for which a serious and violent offender's record must remain open or prohibit sealing or expungement of the record (see figure 8).

Considerations With Respect to Confidentiality Provisions

Confidentiality provisions protect the majority of juvenile offenders whose nonserious cases are dismissed or who never come before the court a second time. However, State legislators are opening the doors and records of juvenile courts to restore public confidence in the juvenile justice

system and to send the message to juveniles who commit violent or other serious offenses that such behavior will not be tolerated and that the juvenile justice system will not protect them from that indiscretion. Effective and efficient administration of juvenile and criminal justice requires that it be that way. Along with such changes come some concerns surrounding record quality and disclosure.

Quality of Records

Few would dispute that the quality and completeness of juvenile and adult criminal records vary considerably between States and even within States. Most juvenile codes provide police with little guidance on whether to create an arrest record, and virtually no guidance on what to include in those records (Hurst, 1985). Moreover, although juvenile codes prescribe the contents of legal and social records, many do not address the subject of record quality. (For a discussion of record quality, see "Model Statute on Juvenile and Family Court Records," NCJFCJ, 1980; "Open vs Confidential Records," BJS/Search Group, 1988; and "Data Quality of Criminal History Records," Search Group, Inc., 1985.) Furthermore, when juvenile records become part of a central repository, violation of privacy issues becomes paramount, considering that most juveniles who come in contact with the juvenile justice system do so only once. Certainly for these juveniles, an inaccurate record is worse than no record.

Disclosure

One of the major issues with regard to disclosure of records is less of philosophy than of management: Who is entitled to receive what type of record, at what stage of the proceedings, to achieve what end? (Hurst, 1985). The larger argument with respect to open hearings and public records is not around the need to know, but whether open government requires such actions. With respect to sharing information, a coordinated plan for using the information makes the release or disclosure of information more productive.

A related concern centers on the reporting of pre-adjudicatory (e.g., arrest) information without a subsequent requirement to report the outcome of the adjudication hearing. Although arrest information may be vital to law enforcement and school officials, its retention without a parallel recording of the outcome of the hearing can result in unfair and damaging assumptions about the behavior of the juvenile.

Open Proceedings

Many juvenile court practitioners have serious reservations about opening proceedings to the public and the media, fearing a circus atmosphere and an onslaught of curious spectators in already crowded courtrooms. In fact, there are indications from several States that such situations have not occurred. The more likely scenario is that the public and the media will lose interest in all but sensational cases. Nevertheless, concerns remain with respect to open hearings. Certainly the need for courtroom security should be paramount when the public is allowed access to juvenile proceedings, particularly access to hearings involving gang members. Second, juvenile court judges should have the authority to close those proceedings they deem necessary to protect either the victim (e.g., cases involving sexual assaults or when the victim fears retaliation) or the offender (e.g., cases involving mentally incompetent juveniles).

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VOLUME I

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ENCOURAGEMENT OF STATES TO ADOPT SIMPLE CIVIL PROCESS FOR VOLUNTARILY ACKNOWLEDGING PATERNITY AND A CIVIL PROCEDURE FOR ESTABLISHING PATERNITY IN CONTESTED CASES

SEC. 468. [42 U.S.C. 668] In the administration of the child support enforcement program under this part, each State is encouraged to establish and implement a simple civil process for voluntarily acknowledging paternity and a civil procedure for establishing paternity in contested cases.

COLLECTION AND REPORTING OF CHILD SUPPORT ENFORCEMENT DATA

SEC. 469. [42 U.S.C. 669] (a) The Secretary of Health and Human Services shall collect and maintain, on a fiscal year basis, up-to-date statistics, by State, with respect to each of the services specified in subsection (b) (separately stated in the case of each such service for families receiving aid under plans approved under part A and for families not receiving such aid), on—

(1) the number of cases in the child support enforcement agency caseload under part D which need the service involved; and

(2) the number of such cases in which the service has actually been provided.

(b) The services referred to in subsection (a) are—

(1) paternity determination;

(2) location of an absent parent for the purpose of establishing a child support obligation;

(3) establishment of a child support obligation; and

(4) location of an absent parent for the purpose of enforcing or modifying an established child support obligation.

(c) For purposes of subsection (a), a service has actually been provided when the task described in such service has been accomplished.

PART E—FEDERAL PAYMENTS FOR FOSTER CARE AND ADOPTION ASSISTANCE[107]

PURPOSE; APPROPRIATION[107]

SEC. 470. [42 U.S.C. 670] For the purpose of enabling each State to provide, in appropriate cases, foster care and transitional independent living programs for children who otherwise would be eligible for assistance under the State's plan approved under part A and adoption assistance for children with special needs, there are authorized to be appropriated for each fiscal year (commencing with the fiscal year which begins October 1, 1980) such sums as may be necessary to carry out the provisions of this part. The sums made available under this section shall be used for making payments to States which have submitted, and had approved by the Secretary, State plans under this part.

STATE PLAN FOR FOSTER CARE AND ADOPTION ASSISTANCE

[107] See Vol. II, P.L. 99-177, §356, with respect to treatment of foster care and adoption assistance programs.

[107] See Vol. II, P.L. 100-485, §§201 and 301, with respect to a study and report on assistance.

SEC. 471. [42 U.S.C. 671] (a) In order for a State to be eligible for payments under this part, it shall have a plan approved by the Secretary which—

(1) provides for foster care maintenance payments in accordance with section 472 and for adoption assistance in accordance with section 473;

(2) provides that the State agency responsible for administering the program authorized by part B of this title shall administer, or supervise the administration of, the program authorized by this part;

(3) provides that the plan shall be in effect in all political subdivisions of the State, and, if administered by them, be mandatory upon them;

(4) provides that the State shall assure that the programs at the local level assisted under this part will be coordinated with the programs at the State or local level assisted under parts A and B of this title, under title XX of this Act, and under any other appropriate provision of Federal law;

(5) provides that the State will, in the administration of its programs under this part, use such methods relating to the establishment and maintenance of personnel standards on a merit basis as are found by the Secretary to be necessary for the proper and efficient operation of the programs, except that the Secretary shall exercise no authority with respect to the selection, tenure of office, or compensation of any individual employed in accordance with such methods;

(6) provides that the State agency referred to in paragraph (2) (hereinafter in this part referred to as the "State agency") will make such reports, in such form and containing such information as the Secretary may from time to time require, and comply with such provisions as the Secretary may from time to time find necessary to assure the correctness and verification of such reports;

(7) provides that the State agency will monitor and conduct periodic evaluations of activities carried out under this part;

(8) provides safeguards which restrict the use of or disclosure of information concerning individuals assisted under the State plan to purposes directly connected with (A) the administration of the plan of the State approved under this part, the plan or program of the State under part A, B, or D of this title (including activities under part F)[108] or under title I, V, X, XIV, XVI (as in effect in Puerto Rico, Guam, and the Virgin Islands), XIX, or XX, or the supplemental security income program established by title XVI, (B) any investigation, prosecution, or criminal or civil proceeding, conducted in connection with the administration of any such plan or program, (C) the administration of any other Federal or federally assisted program which provides assistance, in cash or in kind, or services, directly to individuals on the basis of need,[109] (D) any audit or similar activity conducted in connec-

[108] P.L. 100-485, §302(a)(1), struck out "C, or D of this title" and substituted "or D of this title (including activities under part F)". For the effective date, see Vol. II, P.L. 100-485, §§302(e) and (b)(1).

[109] P.L. 101-508, §5050(b)(2)(A), struck out "and".

ENCOURAGEMENT OF STATES TO ADOPT SIMPLE CIVIL PROCESS FOR VOLUNTARILY ACKNOWLEDGING PATERNITY AND A CIVIL PROCEDURE FOR ESTABLISHING PATERNITY IN CONTESTED CASES

SEC. 468. [42 U.S.C. 668] In the administration of the child support enforcement program under this part, each State is encouraged to establish and implement a simple civil process for voluntarily acknowledging paternity and a civil procedure for establishing paternity in contested cases.

COLLECTION AND REPORTING OF CHILD SUPPORT ENFORCEMENT DATA

SEC. 469. [42 U.S.C. 669] (a) The Secretary of Health and Human Services shall collect and maintain, on a fiscal year basis, up-to-date statistics, by State, with respect to each of the services specified in subsection (b) (separately stated in the case of each such service for families receiving aid under plans approved under part A and for families not receiving such aid), on—

(1) the number of cases in the child support enforcement agency caseload under part D which need the service involved; and

(2) the number of such cases in which the service has actually been provided.

(b) The services referred to in subsection (a) are—

(1) paternity determination;

(2) location of an absent parent for the purpose of establishing a child support obligation;

(3) establishment of a child support obligation; and

(4) location of an absent parent for the purpose of enforcing or modifying an established child support obligation.

(c) For purposes of subsection (a)(2), a service has actually been provided when the task described by the service has been accomplished.

PART E—FEDERAL PAYMENTS FOR FOSTER CARE AND ADOPTION ASSISTANCE[197]

PURPOSE; APPROPRIATION[197]

SEC. 470. [42 U.S.C. 670] For the purpose of enabling each State to provide, in appropriate cases, foster care and transitional independent living programs for children who otherwise would be eligible for assistance under the State's plan approved under part A and adoption assistance for children with special needs, there are authorized to be appropriated for each fiscal year (commencing with the fiscal year which begins October 1, 1980) such sums as may be necessary to carry out the provisions of this part. The sums made available under this section shall be used for making payments to States which have submitted, and had approved by the Secretary, State plans under this part.

STATE PLAN FOR FOSTER CARE AND ADOPTION ASSISTANCE

[197] See Vol. II, P.L. 99-177, §256, with respect to treatment of foster care and adoption assistance programs.

[197] See Vol. II, P.L. 100-690, §§201 and 501, with respect to a study and report on assistance.

SEC. 471. [42 U.S.C. 671] (a) In order for a State to be eligible for payments under this part, it shall have a plan approved by the Secretary which—

(1) provides for foster care maintenance payments in accordance with section 472 and for adoption assistance in accordance with section 473;

(2) provides that the State agency responsible for administering the program authorized by part B of this title shall administer, or supervise the administration of, the program authorized by this part;

(3) provides that the plan shall be in effect in all political subdivisions of the State, and, if administered by them, be mandatory upon them;

(4) provides that the State shall assure that the programs at the local level assisted under this part will be coordinated with the programs at the State or local level assisted under parts A and B of this title, under title XX of this Act, and under any other appropriate provision of Federal law;

(5) provides that the State will, in the administration of its programs under this part, use such methods relating to the establishment and maintenance of personnel standards on a merit basis as are found by the Secretary to be necessary for the proper and efficient operation of the programs, except that the Secretary shall exercise no authority with respect to the selection, tenure of office, or compensation of any individual employed in accordance with such methods;

(6) provides that the State agency referred to in paragraph (2) (hereinafter in this part referred to as the "State agency") will make such reports, in such form and containing such information as the Secretary may from time to time require, and comply with such provisions as the Secretary may from time to time find necessary to assure the correctness and verification of such reports;

(7) provides that the State agency will monitor and conduct periodic evaluations of activities carried out under this part;

(8) provides safeguards which restrict the use of or disclosure of information concerning individuals assisted under the State plan to purposes directly connected with (A) the administration of the plan of the State approved under this part, the plan or program of the State under part A, B, or D of this title (including activities under part F)[198] or under title I, V, X, XIV, XVI (as in effect in Puerto Rico, Guam, and the Virgin Islands), XIX, or XX, or the supplemental security income program established by title XVI, (B) any investigation, prosecution, or criminal or civil proceeding, conducted in connection with the administration of any such plan or program, (C) the administration of any other Federal or federally assisted program which provides assistance, in cash or in kind, or services, directly to individuals on the basis of need,[198] (D) any audit or similar activity conducted in connec-

[198] P.L. 100-485, §202(c)(1), struck out "C, or D of this title" and substituted "or D of this title (including activities under part F)". For the effective date, see Vol. II, P.L. 100-485, §204(a) and (b)(1).

[198] P.L. 101-508, §5054(b)(2)(A), struck out "and".

tion with the administration of any such plan or program by any governmental agency which is authorized by law to conduct such audit or activity, and (E) reporting and providing information pursuant to paragraph (9) to appropriate authorities with respect to known or suspected child abuse or neglect[196]; and the safeguards so provided shall prohibit disclosure, to any committee or legislative body (other than an agency referred to in clause (D) with respect to an activity referred to in such clause), of any information which identifies by name or address any such applicant or recipient; except that nothing contained herein shall preclude a State from providing standards which restrict disclosures to purposes more limited than those specified herein, or which, in the case of adoptions, prevent disclosure entirely;

(9) provides that the State agency will—

(A) report to an appropriate agency or official, known or suspected instances of physical or mental injury, sexual abuse or exploitation, or negligent treatment or maltreatment of a child receiving aid under part B or this part under circumstances which indicate that the child's health or welfare is threatened thereby; and

(B) provide such information with respect to a situation described in subparagraph (A) as the State agency may have;[197]

(10) provides for the establishment or designation of a State authority or authorities which shall be responsible for establishing and maintaining standards for foster family homes and child care institutions which are reasonably in accord with recommended standards of national organizations concerned with standards for such institutions or homes, including standards related to admission policies, safety, sanitation, and protection of civil rights, and provides that the standards so established shall be applied by the State to any foster family home or child care institution receiving funds under this part or part B of this title;

(11) provides for periodic review of the standards referred to in the preceding paragraph and amounts paid as foster care maintenance payments and adoption assistance to assure their continuing appropriateness;

(12) provides for granting an opportunity for a fair hearing before the State agency to any individual whose claim for benefits available pursuant to this part is denied or is not acted upon with reasonable promptness;

(13) provides that the State shall arrange for a periodic and independently conducted audit of the programs assisted under this part and part B of this title, which shall be conducted no less frequently than once every three years;

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[196] P.L. [illegible], § 203(b)(2)(B), added "," and subparagraph (E) applicable to benefits for months beginning on or after May 1, 1981.

[197] P.L. [illegible], § 203(b)(1), amended paragraph (9) in its entirety, applicable to benefits for months beginning on or after May 1, 1981. Until then, paragraph (9) read as follows:

"(9) provides that where any agency of the State has reason to believe that the home or institution in which a child resides whose care is being paid for in whole or in part with funds provided under this part or part B of this title is unsuitable for the child because of the neglect, abuse, or exploitation of such child, it shall bring such condition to the attention of the appropriate court or law enforcement agency;".

THE GOVERNOR'S CONFERENCE ON YOUTH AND JUSTICE

INCREASE ACCESS TO INFORMATION RELATING TO JUVENILES

PROBLEM: *Access to juvenile offender information is limited now both because it is intermingled with information in Child in Need of Aid (CINA) cases and because of the long-standing belief that children should not be stigmatized for life for actions they take before they are adults.*

The proceedings in CINA cases and those in juvenile offender cases should be as dissimilar as their aims. The existing strict rules of confidentiality and the standard of "in the best interest of the child" make sense in CINA cases, but there is a community-protection issue that comes into the equation in juvenile offender cases and creates a need for greater public access to juvenile offender information.

SOLUTION: First, it is appropriate to separate CINA and delinquency regulations, policies, procedures, proceedings, and records. Then, the confidentiality laws and regulations should be modified as follows to allow access to more juvenile offender information:

- For those who are 15 years of age and older and who are charged with a felony offense against the person or, after having been previously adjudicated a delinquent for a felony offense, are charged with burglary in the first degree:

  (1) All court records should be open to the public except for predisposition reports, psychiatric and psychological reports, and other documents that the court orders to be kept confidential because the release of the documents could be harmful to the juvenile; and

  (2) After a minor has been found to have committed the charged offense, all court proceedings should be

open to the public except as ordered by the court in the court's discretion.

- For those juveniles who are subject to the dual sentencing procedure recommended in this report, after a decision has been made by the district attorney to seek dual sentencing, all proceedings and court records in the case should be open to the public except as ordered by the court and except for predisposition reports, psychiatric and psychological reports, and other documents that the court orders be kept confidential because the release of the documents could be harmful to the juvenile.

- In court proceedings involving minors that are opened under this recommendation, videotaping or taking still photographs at the hearings should not be allowed.

- In cases in which the proceedings or records are not open to the public under this recommendation, it is nonetheless permissible for investigative, arrest, and disposition information to be released to the public so long as the minor's name is not released.

- Victims should continue to be given access to juvenile proceedings and juvenile records, including records from cases handled informally by DFYS.

- Although not normally subject to public disclosure, information from DFYS juvenile delinquency files about specific individuals may be provided to parents or guardians and agencies such as child protection service workers, police, prosecutors, schools, treatment providers, adult probation officers, and similar professionals working with children and youth. Limited information from CINA files may also be made available to these professionals, consistent with regulations regarding the release of this information adopted by the Commissioner of Health and

Social Services. It may be necessary to amend certain laws and regulations relating to schools and treatment providers to enable the community justice action teams to function effectively.

- In cases not involving dual sentencing (discussed *infra*), if records or proceedings have been opened to the public under this recommendation, the records may be sealed by the court if the person is at least 18 years of age, if five years have passed since the date of the disposition, and if the person has not committed a subsequent criminal offense and has successfully completed probation, including completing all recommended treatment.

THOUGHTS ON CONFIDENTIALITY OF JUVENILE DELINQUENCY PROCEEDINGS FROM AROUND THE STATE:

Anchorage: Report the incident, but not the juvenile's name (unless gang-related).

Bethel: Don't publish names; it would give the kid a bad reputation and negative attention.

Fairbanks: Names in the paper may create a "hero" syndrome.

Juneau: Do not publish names, it stigmatizes the child. Schools and social service agencies should be given information on a need-to-know basis. May be good idea to publish outcomes, but not identity of offenders, to help establish accountability. But if the child is a repeat offender, the situation is different – also may depend on the nature of the offense. Need to establish safeguards for victims. Opening proceedings may need to be decided on a case-by-case basis. There was some feeling that publicizing offenses and offenders' names may enhance "tough-guy" reputation and impart status.

Ketchikan: Too much is hidden now, but unfettered disclosure would create problems with labeling and racial discrimination.

Kotzebue: Serious offenses and older kids should be made public.

Nome: Want reporting of outcome; whether name should be reported depends on seriousness of offense, age of offender, and whether this is a repeat offender. Problem in small towns is that people know of incident already, but mostly through rumors. Competing concerns: accept personal responsibility by being known v. not a public matter, concern about what young children will think when they read it in the paper, desire to avoid sensationa. m.

Cecilia Kleinkauf, M.S.W.

ATTORNEY AT LAW

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January 23, 1997

Representative Con Bunde, Chair
House Health, Education & Social Services Committee
Room 104 State Capitol
Juneau, AK 99801

Dear Representative Bunde and Members of the Committee

I am writing to comment on HB 6 for today's hearing, since I will be unable to attend the Committee's teleconference next week

HB 6, relating to disclosure of information relating to minors, makes public the name of a minor, and the minor's parents, when the court has adjudicated the minor as delinquent for a felony offense, or for a misdemeanor, when the minor has previously been adjudicated a delinquent for a felony offense. While I can agree that the public may need to know the identity of certain violent minors, I believe HB 6's language making such identities public goes too far by authorizing release of every name. Rather than making all such adjudicated minors' names public, I believe that the Bill should require the court to specifically order the release of the identity as part of the adjudicatory order, if the court believes it is in the best interests of the community to do so. In that way, the interests of a minor, who may have committed a violent act, but who might not be a repeat offender, or may have been responding to physical or sexual abuse or even be a developmentally disabled individual, could be protected by the court.

I understand that what was Section 4 in the original draft has already been eliminated in the version of the Bill that will be heard today. I certainly agree that releasing the identity of a minor and the minor's parents when the minor has only been arrested, provides no protection for the minor in the event the court finds no probable cause for the delinquency petition. I urge you to keep such language out of the Bill.

The sections of the Bill permitting the release of names to teachers, as well as principals in the schools also needs to be addressed, unless it, too, has already been deleted. While I believe a teacher's having this knowledge might well contribute to help for such minors, I believe that the opposite might also be true. Rather than prohibit teachers from having such information, however, I believe that HB6 should require that the release to teachers should be by the principal of the school, based on the principal's belief that it is in the minor's best interests, and include a specific plan for assisting the minor. I would also urge the Committee to amend the language to provide that only adjudications, and not arrests, be revealed.

Section 8 of the Bill also needs amending. Again, I believe the language should provide that the court should specifically authorize release of the minor's identity when directing an agency to adjust a matter, only if the court finds it to be in the best interest

of the community Otherwise, the very value of diversion programs or victim/offender mediation programs, which are such an important part of agency adjustments, are compromised. In my opinion, a minor's identity should not be revealed any matter in which the court does not adjudicate a minor delinquent, since agency adjustments are the cases in which the court believes that is in the minor's best interests that some alternative to court action be substituted

I would be happy to discuss my concerns further, either with you or with staff of the Committee I regret that I cannot attend the hearing in person or by teleconference I do wish to be informed of the Committee's action on HB 6, so that I can continue to provide my comments on the issue throughout the legislative process

Thank you for the opportunity to comment

Sincerely,

Cecilia Kleinkauf

Cecilia "Pudge" Kleinkauf, JD, M.S.W

NATIONAL ASSOCIATION OF SOCIAL WORKERS
ALASKA CHAPTER

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Testimony Regarding

HB 6 - RELEASE OF INFORMATION ABOUT MINORS

Before the
HEALTH, EDUCATION AND SOCIAL SERVICES COMMITTEE
ALASKA HOUSE OF REPRESENTATIVES
January 23, 1997

Presented by
Angela M. Salerno, ACSW
Executive Director,
National Association of Social Workers Alaska Chapter

ADDITIONAL TESTIMONY

NATIONAL ASSOCIATION OF SOCIAL WORKERS
ALASKA CHAPTER

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The National Association of Social Workers (NASW) is the world's largest organization of professional social workers. NASW's 155,000 members nationwide and 460 in Alaska work in a wide range of settings at all levels in the public and private sectors. Professional social workers focus on vulnerable populations and promote state and federal policies which enhance the lives of the people we serve.

Thank you for the opportunity to address the Committee on HB 6 - Release of Information About Minors.

NASW opposes HB 6 and does not recommend its passage. These proposed amendments to the Alaska Children's Code represent a dramatic and fundamental change to the state's juvenile justice system. Because the basic function of the juvenile system is rehabilitation as well as accountability, juvenile arrest and court proceedings have traditionally remained closed to the public. This offers the youth protection from labeling, and lifelong community sanction for acts committed before adulthood. The juvenile system places an emphasis on the youthful offenders eventual reintegration and reentry into society.

Juvenile crime is a great concern in the towns and villages of Alaska. The popular media have reported on the worst of a complex problem, distorting the facts that most young people who come in contact with the juvenile justice system do so only once, and that most violent juvenile offenses are committed by a small group of chronic, serious offenders (Governor's Conference on Youth and Justice, 1996). In Alaska some react to horror stories by calling for tougher measures to fight juvenile crime. This is due in part to some of the publics misperceptions about the current system.

Nothing happens to juveniles who commit crimes

The confidentiality of juvenile cases, combined with the emphasis on rehabilitation, may lead to the impression that no sanctions, punishment or measures to hold the juvenile responsible are now in place. In fact, those who deal with juvenile offenders - the courts and probation officers - have a number of choices or dispositions: waiver to adult courts for the most serious offenses, adjudication and probation, or in more severe cases, institutionalization in long-term detention and treatment facilities. For minor offenses, informal adjustments such as restitution, prevention and treatment programs, or victim-offender mediation are routinely and effectively ordered.

Releasing the names of juvenile offenders will deter them from future crime. Only swift and severe punishment will be effective.

The goal of the juvenile system is to help youths in trouble become law-abiding citizens. Removing the protection that confidentiality provides kids will result in labeling, ostracization from the community and a greater chance that the youth will be unemployable and more likely to resort to further crime.

HB 6 proposes suspension of confidentiality even before a minor is adjudicated, and creates a "guilty before being found guilty" situation. This bill would allow the release of confidential information upon a minor's **arrest** for an alleged felony or second misdemeanor or felony. Once the minor's name is released, available to the press, the media will try the case, and even if insufficient evidence is brought forth and the case is dismissed, those youth will bear the damage of being labeled.

HB 6 proposes to suspend confidentiality when a probation officer decides not to adjudicate, but to **adjust** the case informally. Adjustment is often chosen for non-violent offenses that do not present life threatening dangers to public safety. Case adjustment offers the opportunity for competency building and socialization in non-violent youth offenders.

and perhaps the opportunity to guide the youth away from further crime. Probation officers can require payment ofrestitution, family counseling, community work service or completion of a variety of diversion and treatment programs. The officer can also refer the victim and offender to voluntary mediation - a tool of "restorative justice." Restorative justice, a fairly new philosophical framework for dealing with juvenile crime, identifies crime as harm done to both victims and the community. It prioritizes restoration as a goal of the justice process. Through efforts to mend and strengthen the social fabric of communities, it is more concerned with "making things right" than with fixing blame or meting punishment. Dramatically different from retributive justice - the prevailing system which concentrates on legal infringement, penalties, and deterrence - restorative justice is nevertheless a powerful tool for addressing crime in an effective way. According to the Alaska Judicial Council, the department resolves most juvenile cases through adjustment, and a large majority of juveniles whose cases are adjusted do not return to the juvenile system. By releasing the names and circumstances around case adjustments we may negate the role of treatment, diversion, prevention and restorative justice in the community.

We've been trying this for 20 years and it doesn't work

The past twenty years have seen dramatic changes in the make-up of our communities and an overall worsening of many social problems. Some of the factors relating to increased juvenile crime include:

- the sheer number of young people in Alaska - between 1980 and 1990, the nation as a whole experienced a 1% increase in its juvenile population. During the same time period Alaska's juvenile population increased 40%. (National Council on Crime and Delinquency). In 1990, youth between the ages of 0-19 made up 33.8% of Alaska's population (US Census Bureau).
- poverty is closely liked to juvenile crime. Each year in Alaska 24,701 children receive public assistance. (State of Alaska, Child Health Planning Work Group). Since 1974, poverty rates gave been higher for juveniles than for the elderly (OJJDP).
- abused juveniles are more likely to commit crimes. Each year in Alaska 3,575 cases of child abuse are **verified.** The state of Alaska receives over 15,000 child abuse and neglect reports each year. (State of Alaska, Child Health Planning Work Group)
- many juvenile offenders live with single parents. Each year in Alaska, 31,705 children are living in single parent households. (State of Alaska, Child Health Planning Work Group).
- 1,900 Alaskan adolescents are homeless annually (Alaska DHSS).
- nearly 25% of Alaska's ninth graders do not graduate from high school four years later.

The problem of juvenile crime and the factors that are at work in causing it are complex, and troubling to the community. NASW supports a balanced and restorative approach to juvenile justice - one that promotes public safety, holds offenders accountable to victims, and provides competency development and socialization for offenders so they can reintegrate into society and become productive Alaskans. We recommend community-based programs of restorative justice, education and ongoing prevention. Breaching the confidentiality of minors will not get us where we want to go, and could in fact seriously backfire on us, creating criminals where now none exist.

Thank you, and I'll be available to the Committee anytime to answer questions.

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NASW Alaska Policy Statement

Strengthening families and providing family support are priorities of the social work profession. Services designed to enhance family functioning should be provided in the spirit of respect for the integrity of the individual.

Juvenile Justice and Delinquency Prevention

The National Association of Social Workers (NASW) recommends that the following seven priority actions be considered to prevent juvenile crime and strengthen the juvenile justice system:

1. Adopt the recommendations of the Governor's Conference on Youth and Justice which emphasize prevention facilitated through neighborhood, business, city and state intervention.. Local jurisdictions should determine what proportion of youths are nonserious and nonchronic offenders who can be managed in the community without compromising public safety. Each jurisdiction should explore the potential for reallocating resources from the current large i stitutions to smaller, more focused, and community-based treatment facilities. For those youth who have committed crimes, NASW supports the Governor's Conference recommendation for a system of dual sentencing allowing serious offenders the option of remaining in the juvenile system.

2. Sanctions for non-violent offenders should be based on the concept of community-based restorative justice. Amend Alaska statute to authorize the establishment of community dispute resolution centers to facilitate mediation and resolution of disputes between juvenile offenders and their victims.

3. Develop quality, responsive juvenile court systems which pay greater attention to and provide for the due process rights of juveniles accused of delinquent acts. Placements out of the community should be limited to only those cases deemed most severe.

4. Retain in law confidentiality protections for all juvenile offenders.

5. Develop systems of collaboration among the various juvenile justice agencies. Jointly develop and agree on common goals, share responsibility and funding for obtaining these goals, and work together to achieve them, using the skills, resources, and expertise of each of the agency partners.

6. Promote the use of school social workers as primary providers of delinquency prevention services.

7. Develop quality treatment programs which include:

- Treatment services emphasizing working with the entire family, rather than just the identified at-risk youth.
- Developmentally appropriate substance abuse treatment.
- A new and holistic approach to the placement and treatment of children and youth.
- The development and funding of ethnic and culturally appropriate programs.
- An emphasis on services and placements which meet the urgent needs of the youth over institutional needs.
- Juvenile justice administrators who examine all their options and are willing to seek solutions which break the mold of their existing treatment systems and structures.
- New and diverse programs that focus on the individual needs of youths and that meet the requirements of public safety.
- The state's dual commitment to determining priorities and holding the providers of treatment services accountable for the results of their efforts.

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ALASKA CHAPTER

Proposed Amendments to
HB 6 - DISCLOSURE OF INFORMATION RELATING TO CERTAIN JUVENILES

1. **Inclusion of an age limit; suggested limit: 16 years of age or older.**
   This amendment would allow the courts and probation officers to release information about older juveniles only.

Rationale
Very young children have the greatest potential for rehabilitation.

2. **Deletion of provisions which allow the juvenile court or probation officers to release information about juveniles who have been adjudicated for a second misdemeanor.**
   Only those juveniles adjudicated of serious offenses would subject to release of information.

Rationale
Misdemeanor violations include many non-violent and non-serious crimes such as loitering, etc. Releasing information on these juveniles is unnecessary and potentially damaging to efforts to rehabilitate and reintegrate them into society.

3. **Before the courts or probation officers can release information about juveniles, the court must review and approve the order.**
   The court must determine that there exists no valid reason to protect the minor from suspension of confidentiality.

Rationale
This provision would protect those minors who experience developmental disabilities, mental illness or other serious impairments.

4. **Insertion of provisions which require those juveniles subject to release of information to have a "Case Plan" developed and included in their file.**
   The case plan would include measures for offender accountability (restitution, victim-offender mediation etc.), treatment ordered, responsibilities of the parties involved and timelines for completion.

Rationale
Juvenile offenders require assistance which makes them accountable to their victims, and which offers socialization skill and professional treatment leading to rehabilitation and reintegration into society. A case plan would ensure that all responsible parties, including the offender and victim, participate in the juveniles rehabilitation.

1/23/97

Alaska State Legislature

REPRESENTATIVE
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House District 31

House Of Representatives

Sponsor Statement

HB 6

Release of Information about Minors

The first misdemeanor act of a minor remains confidential while subsequent criminal acts and felony criminal acts are removed from the cover of confidentiality. This legislation will allow the free flow of information about minors who commit repeat or serious offenses. Communities will no longer be precluded from providing the guidance, attention, and assistance troubled youth require.

STATE OFFICE
ALASKA PEACE OFFICERS ASSOCIATION

PO Box 240100 Anchorage, Alaska 99524-0100 Phone (907) 277-0515 Fax (907) 272 5355

January 17, 1997

Representative Pete Kelly
Alaska State Legislature
State Capitol (MS 3100)
Juneau, Alaska 99801-1182

Dear Representative Kelly,

On behalf of the Alaska Peace Officers Association, I would like to thank you for co-sponsoring House Bill 6 related to amending laws relating to the disclosure of information relating to certain minors. At a recent meeting of the APOA State Board, we decided to unanimously support this legislation. We believe that names of minors committing offenses as set out in your proposed bill should not be kept confidential. Instead, they should be held fully accountable for their actions and the public should have the right to know.

We do feel that you should add language on line 10 of page 2 to read "..... arrested or charged" instead of simply "arrested".

We encourage you to call on us when there are hearings on this bill, so that we may testify about the need for this legislation. If you need assistance as you shepherd this bill through the legislative process, please call me at 451-5316, or our business manager, Joseph Young at 277-0515.

Sincerely,

Michael Corkill
APOA State President

SUPPORT

HB 6 / HCR 4

LETTERS

I'm sorry

Dec. 18, 1996

To the editor:

Today I turn 17. My cellmate wished me a happy birthday, but my outlook is still considerably less than jovial. Not only am I sad because I'll probably be spending the next 30 years of my life in prison, but I am ashamed of all the evil, rotten, and downright horrible things I have done to people.

I ripped off countless upstanding citizens, vandalized cars, garages and yards, and shot probably the finest member of the Alaska State Troopers.

I will say that I'm sorry to all those who I wronged. I will take responsibility for my actions. I will take this opportunity to make a public apology to Sargent Roberts and his family who went through a terrible ordeal because of my stupidity and cruelty. I will say that I am not proud of anything that I have done, and that I never brag to any of the sick inmates here who commend me for my "bravery." Finally, I will get down on my knees every night for the rest of my life and thank God that I didn't kill that man.

That is all I can do. If that doesn't make anyone feel better, maybe the knowledge that the best years of my life belong to the state of Alaska will console them. I don't know.

What I do know is that something must be done about juvenile crime. There is probably one stoned kid in every classroom at West Valley during any given period. (I know, I was one of them.) Vandalism is out of control. Kids love to brag about how much damage they caused and theft and burglary have become more and more common.

More police would help. Stiffer penalties for first-time offenders are a must, extra youth activities might do some good, but the most important thing is families.

Talk to your kids. Find out where they are going and what they are doing. Do anything but please don't let them end up like me.

Please.

David J. Knutson
Fairbanks Correctional Center

Teen held in connection with church vandalism

Nora Gaines/News Miner

CHARGES READ—James Campbell Jr., 20, listens to the magistrate at his arraignment in the FCC Tuesday afternoon. A teen-ager was also charged in a church vandalism.

By KAREN AHO
Staff Writer

Police rounded out a church vandalism case Tuesday when they arrested a teen-age suspect apparently hiding out in a friend's Fairview Manor apartment.

The 17-year-old boy was booked at Fairbanks Youth Facility on felony burglary and criminal mischief charges. Fairbanks police detectives said he admitted during an interview last week to breaking into the Church of Jesus Christ of Latter Day Saints on Oct. 5 with a friend and destroying more than $20,000 in furniture and equipment.

The friend, 20-year-old James Steven Campbell Jr., was arrested Monday evening on felony charges. He was being held Tuesday at Fairbanks Correctional Center on $50,000 cash-only bail.

The pair told detectives they broke into the Cowles Street church with a crowbar to look for cash, then destroyed property "for fun."

But Detective Paul Keller doubts money was the incentive.

"I don't think we'll ever hear a true explanation for why they vandalized the church," Keller said. "We have some motive answers, but I don't think we have true motive answers."

Both Campbell and the 17-year-old were awaiting sentencing on an April burglary conviction, police said. They and two other teens broke into the Third Street Wendy's and the College Road Taco Bell and the Bakery restaurants on April 19. Nothing was taken from the restaurants and damage was minimal, according to the police report.

The juveniles' cases, as well as the existence of any other charges, are by law sealed and confidential.

Adult court records, however, show Campbell was arrested earlier in April on a shoplifting charge and again in June for casting someone's boat into the Chena River.

The state dismissed the shoplifting charge after Campbell pleaded out to the restaurant burglaries. In that case, he took a $3.59 package of wurst from the College Road Safeway because he said he didn't have any money, according to charging documents.

Campbell doesn't have a current resident address, according to court documents. Police said they located him on the streets.

"I'm pretty sure he was living from place to place," Keller said.

Officials at the Mormon church had originally reported more than $100,000 in damages in the Oct. 5 vandalism. But volunteer labor donated by more than 100 citizens lowered the cost to materials only, or about $23,000.

HB6/ HCR 4

Kimberly Miller
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Representative Con Bunde
State Capitol, Room 108
Juneau, AK 99801-1182

Dear Rep. Bunde:

I am writing you to express my strong opposition to HB 6, Release of Information About Juveniles. I am adamantly opposed HB 6 for several reasons:

- This bill would breach confidentiality for juvenile offenders, which would completely change the premise of our current juvenile justice system. Confidentiality is extremely necessary in our juvenile justice system in order to protect juveniles and their families. Confidentiality is needed to allow for effective rehabilitation and prevention of future crimes.

- Breaching confidentiality will result in the stigmatization and labeling of juvenile offenders that will negate rehabilitation efforts, erect barriers to future educational and employment opportunities, and most likely lead to future criminal activity as a result.

- HB 6 would take the juvenile justice system in a dangerous and unproven direction. There is no proof that this measure will have the effect of either preventing or deterring criminal activity. Instead of this unproven and dangerous measure the juvenile justice system should utilize additional treatment resources and programs of "restorative justice" such as victim-offender mediation that provides both accountability for the youths actions and rehabilitation for the juvenile offender.

Our juvenile justice system is based on prevention and rehabilitation measures, which is the only real solution to the problem of juvenile crime. Efforts to reduce poverty for Alaska's children and families, and prevent child abuse and neglect would substantially support efforts made to reduce juvenile crime. These three areas of concern for Alaska's children are all interrelated and need to be addressed in a manner that supports prevention efforts.

Sincerely,

Kimberly Miller, MSW

Part of Barbara Brink's testimony

dog" role. In those rare instances where the press believes it is necessary to publish the juvenile's name, the West Virginia law, like the statutes of other States, permits the juvenile court judge to allow publication. The juvenile court judge, unlike the press, is capable of determining whether publishing the name of the particular young person will have a deleterious effect on his chances for rehabilitation and adjustment to society's norms.[1]

Without providing for punishment of such unauthorized publications it will be virtually impossible for a State to ensure the anonymity of its juvenile offenders. Even if the juvenile court's proceedings and records are closed to the public, the press still will be able to obtain the child's name in the same manner as it was acquired in this case. *Ante*, at 99; Tr. of Oral Arg. 34. Thus, the Court's reference to effective alternatives for accomplishing the State's goals is a mere chimera. The fact that other States do not punish publication of the names of juvenile offenders, while relevant,

[1] The Court relies on *Davis* v. *Alaska*, 415 U. S. 308 (1974). *Ante*, at 104. But *Davis*, which presented a clash between the interests of the State in affording anonymity to juvenile offenders and the defendant's Sixth Amendment right of confrontation, does not control the disposition of this case. In *Davis*, where the defendant's liberty was at stake, the Court stated that "[s]erious damage to the strength of the State's case would have been a real possibility had petitioner been allowed to pursue this line of inquiry [related to the juvenile offender's record]." 415 U. S., at 319. The State also could have protected the youth from exposure by not using him to make out its case. *Id.*, at 320. By contrast, in this case the State took every step that was in its power to protect the juvenile's name, and the minimal interference with the freedom of the press caused by the ban on publication of the youth's name can hardly be compared with the possible deprivation of liberty involved in *Davis*. Because in each case we must carefully balance the interest of the State in pursuing its policy against the magnitude of the encroachment on the liberty of speech and of the press that the policy represents, it will not do simply to say, as the Court does, that the "important rights created by the First Amendment must be considered along with the rights of defendants guaranteed by the Sixth Amendment." *Ante*, at 104.

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Copy of Rehnquist decision read in part by Barbara Brink

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certainly is not determinative of the requirements of the Constitution.

Although I disagree with the Court that a state statute punishing publication of the identity of a juvenile offender can never serve an interest of the "highest order" and thus pass muster under the First Amendment, I agree with the Court that West Virginia's statute "does not accomplish its stated purpose." *Ante*, at 105. The West Virginia statute prohibits only newspapers from printing the names of youths charged in juvenile proceedings. Electronic media and other forms of publication can announce the young person's name with impunity. In fact, in this case three radio stations broadcast the alleged assailant's name before it was published by the Charleston Daily Mail. *Ante*, at 99. This statute thus largely fails to achieve its purpose.[1] It is difficult to take very seriously West Virginia's asserted need to preserve the anonymity of its youthful offenders when it permits other, equally, if not more, effective means of mass communication to distribute this information without fear of punishment. See *Branzburg* v. *Hayes*, 408 U. S., at 700; *Bates* v. *Little Rock*, 361 U. S. 516, 525 (1960). I, therefore, join in the Court's judgment striking down the West Virginia law. But for the reasons previously stated, I think that a generally effective ban on publication that applied to all forms of mass communication, electronic and print media alike, would be constitutional.

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[1] I believe that an obvious failure of a state statute to achieve its purpose is entitled to considerable weight in the balancing process that is employed in deciding issues arising under the First and Fourteenth Amendment protections accorded freedom of expression. But for the reasons stated in my dissent in *Trimble* v. *Gordon*, 430 U. S. 762, 777 (1977), I think a similar inquiry into whether a statute "accomplishes its purpose" is illusory when the statute is challenged on the basis of the Equal Protection Clause of the Fourteenth Amendment.

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the juvenile justice system and handicap the youths' prospects for adjustment in society and acceptance by the public. E. Eldefonso, Law Enforcement and the Youthful Offender 166 (3d ed. 1978). This exposure brings undue embarrassment to the families of youthful offenders and may cause the juvenile to lose employment opportunities or provide the hardcore delinquent the kind of attention he seeks, thereby encouraging him to commit further antisocial acts. *Davis v. Alaska*, *supra*, at 319. Such publicity also renders nugatory States' expungement laws, for a potential employer or any other person can retrieve the information the States seek to "bury" simply by visiting the morgue of the local newspaper. The resultant widespread dissemination of a juvenile offender's name, therefore, may defeat the beneficent and rehabilitative purposes of a State's juvenile court system.[4]

By contrast, a prohibition against publication of the names of youthful offenders represents only a minimal interference with freedom of the press. West Virginia's statute, like similar laws in other States, prohibits publication only of the name of the young person. See W. Va. Code § 49-7-3 (1976). The press is free to describe the details of the offense and inform the community of the proceedings against the juvenile. It is difficult to understand how publication of the youth's name is in any way necessary to performance of the press' "watch-

[4] That publicity may have a harmful impact on the rehabilitation of a juvenile offender is not mere hypothesis. Recently, two clinical psychologists conducted an investigation into the effects of publicity on a juvenile. They concluded that publicity "placed additional stress on [the juvenile] during a difficult period of adjustment in the community, and it interfered with his adjustment at various points when he was otherwise proceeding adequately." Howard, Crimo, & Neema, Publicity and Juvenile Court Proceedings, 11 Clearinghouse Rev. 203, 210 (1977). Publication of the youth's name and picture also led to confrontations between the juvenile and his peers while he was in detention. *Ibid.* While this study obviously is not controlling, it does indicate that the concerns that prompted enactment of state laws prohibiting publication of the names of juvenile offenders are not without empirical support.

The Court does not depart from these principles today. See *ante*, at 103–104. Instead, it concludes that the asserted state interest is not sufficient to justify punishment of publication of truthful, lawfully obtained information about a matter of public significance. *Ante*, at 104. So valued is the liberty of speech and of the press that there is a tendency in cases such as this to accept virtually any contention supported by a claim of interference with speech or the press. See *Jones* v. *Opelika*, 316 U. S. 584, 595 (1942). I would resist that temptation. In my view, a State's interest in preserving the anonymity of its juvenile offenders—an interest that I consider to be, in the words of the Court, of the "highest order"—far outweighs any minimal interference with freedom of the press that a ban on publication of the youths' names entails.

It is a hallmark of our juvenile justice system in the United States that virtually from its inception at the end of the last century its proceedings have been conducted outside of the public's full gaze and the youths brought before our juvenile courts have been shielded from publicity. See H. Lou, Juvenile Courts in the United States 131–133 (1927); Geis, Publicity and Juvenile Court Proceedings, 30 Rocky Mt. L. Rev. 101, 102, 116 (1958). This insistence on confidentiality is born of a tender concern for the welfare of the child, to hide his youthful errors and "'bury them in the graveyard of the forgotten past.'" *In re Gault*, 387 U. S. 1, 24–25 (1967). The prohibition of publication of a juvenile's name is designed to protect the young person from the stigma of his misconduct and is rooted in the principle that a court concerned with juvenile affairs serves as a rehabilitative and protective agency of the State. National Advisory Committee on Criminal Justice Standards and Goals, Juvenile Justice and Delinquency Prevention, Standard 6.13, pp. 224–225 (1976); see *Davis* v. *Alaska*, 415 U. S. 308, 319 (1974); *Kent* v. *United States*, 383 U. S. 541, 554–555 (1966). Publication of the names of juvenile offenders may seriously impair the rehabilitative goals of