

HB

6

(7)

Date Referred to Committee: January 31, 1997

FURTHER REFERRALS:

Finance

Date of Committee Action: 2/19/97

The JUDICIARY 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 (JUD)

the same title
 a new title

additional referral to _____ Committee

attached amendment(s)

ADOPTS: _____ Letter of Intent

ATTACHES NEW FISCAL NOTE(S): (Dept)

APPROVES PREVIOUS: (Dept/Date)

[7] fiscal note(s) HSS/DFYS; SC, SE, NORTH, [] fiscal note(s) _____

PROBA., RES. CC., Mc LAUGHLIN & CENTRAL

[2] zero fiscal note(s) PUB. SAFETY, HSS -

FOSTER CARE

[2] zero fiscal note(s) ADMIN. PUB. DEF. & LAW,

SIGNING WITH RECOMMENDATIONS	DP	DNP	NR	AM
<i>[Signature]</i> RICE BERG				✓
<i>[Signature]</i> PORTER	✓			
<i>[Signature]</i> GREEN	✓			
<i>[Signature]</i> JAMES			✓	
<i>[Signature]</i> BERKOWITZ			✓	
<i>[Signature]</i> CROFT				✓
<i>[Signature]</i> BUNDE	✓			

CHAIR'S SIGNATURE

[Signature]

The table below summarizes the fiscal notes for DFYS components which will be impacted if HB 6 passes. The loss of federal IVE revenue will be caused by the disclosure of information from DFYS juvenile delinquency records because DFYS will not be able to claim those particular funds once information from those records is no longer confidential. The restructuring costs are related to the need to administratively separate the youth corrections programs from the child protection programs, including the associated costs, to prevent the additional loss of funds currently claimed for child protection clients.

Total Costs due to Loss of IVE Revenue and Restructuring						
	IVE Revenue			Cost of	Total Cost	Total Cost
	Loss	PCN#	Position	Restructure	of Restructure	
Southeast		06-3482	Delete Regional Admin.	(\$82,600.00)		
		new	SW V	\$73,800.00		
	\$44,200				(\$8,800.00)	\$35,400
Southcentral		06-3482	Delete Regional Admin.	(\$92,200.00)		
		new	SW V	\$73,800.00		
	\$157,500				(\$18,400.00)	\$139,100
Northern		06-3218	Delete Reg. Admin.	(\$99,900.00)		
		06-3201	Delete SW V/Bethel	(\$91,100.00)		
		06-3089	Delete SW V/Nome	(\$98,300.00)		
		new	SW V / Fairbanks	\$77,100.00		
	\$113,800				(\$212,200.00)	(\$98,400)
Central Office		new	Admin Clerk II	\$37,300.00		
		new	CPS Admin Officer	\$83,300.00		
	\$80,000				\$120,600.00	\$200,600
Probation Serv.		new	Youth Supt. II	\$73,800.00		
		new	Chief Prob. Officer	\$83,900.00		
		new	3 Admin Clerk II	\$112,000.00		
		new	3 Admin. Assts.	\$138,600.00		
		new	Juvenile Prob. Off V	\$74,300.00	\$482,600.00	\$482,600
McLaughlin YC		06-3483	downgrade Supt. II	(\$24,100.00)	(\$24,100)	(\$24,100)
Foster Care	\$18,600					\$18,600
Residential Care	\$284,100					\$284,100
Total	\$698,200				\$339,700	\$1,037,900

Fiscal notes are developed on each bill as if that were the only bill to become law. There has been no attempt to duplicate costs across these bills but to accurately represent the cost associated by each bill on its own merits.

The fiscal notes for HG 6 reflect the costs for both the loss of funds and the restructuring because, standing alone, passage of this bill will result in both occurrences.

The fiscal note for HCR 4 currently reflects 0 fiscal impact because the original bill only addressed the separation of records. Since DFYS already maintains separate records for child protection cases and delinquency cases, the bill would have no impact since it does not mandate the disclosure of information. If the proposed CS is adopted, the department will submit a fiscal note reflecting only the cost of restructuring the Division of Family & Youth Services.

HB 3 carries a 0 fiscal note because the information to be disclosed does not come from DFYS records.

FISCAL NOTE

STATE OF ALASKA
1997 LEGISLATIVE SESSION

BILL NO. CS HB 6(HES)

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: Northern Region
 COMPONENT SERIAL NO. 255
 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)	(212.2)	(212.2)	(212.2)	(212.2)	(212.2)
TRAVEL						
CONTRACTUAL						
SUPPLIES						
EQUIPMENT						
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
TOTAL OPERATING	(212.2)	(212.2)	(212.2)	(212.2)	(212.2)	(212.2)

CAPITAL EXPENDITURES						
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CHANGES IN REVENUES ()						
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FUND SOURCE

(Thousands of Dollars)

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

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
 Division: Family & Youth Services
 Approved by Commissioner: Karen Perdue, Commissioner
 Agency: Department of Health & Social Services

Phone: 907 465-3191
 Date: 02/10/97
 Date: 2/12/97

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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. CS HB 6(HES)

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)	(18.4)	(18.4)	(18.4)	(18.4)	(18.4)
TRAVEL						
CONTRACTUAL						
SUPPLIES						
EQUIPMENT						
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
TOTAL OPERATING	(18.4)	(18.4)	(18.4)	(18.4)	(18.4)	(18.4)

CAPITAL EXPENDITURES						
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CHANGES IN REVENUES	()					
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FUND SOURCE

(Thousands of Dollars)

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

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



Approved by Commissioner:
 Agency:

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

Phone: 465-3191
 Date: 02/10/97

Date: 2/12/97

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ANALYSIS (cont.):

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

FISCAL NOTE

STATE OF ALASKA
1997 LEGISLATIVE SESSION

BILL NO. CS HB 6(HES)

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)	(8.8)	(8.8)	(8.8)	(8.8)	(8.8)
TRAVEL						
CONTRACTUAL						
SUPPLIES						
EQUIPMENT						
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
TOTAL OPERATING	(8.8)	(8.8)	(8.8)	(8.8)	(8.8)	(8.8)

CAPITAL EXPENDITURES						
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CHANGES IN REVENUES ()						
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FUND SOURCE

(Thousands of Dollars)

FUND SOURCE	FY98	FY99	FY00	FY01	FY02	FY03
1002 Federal Receipts	(44.2)	(44.2)	(44.2)	(44.2)	(44.2)	(44.2)
1003 GF Match						
1004 GF	35.4	35.4	35.4	35.4	35.4	35.4
1005 GF/Program Receipts						
1037 GF/Mental Health						
Other (please specify)						
TOTAL	(8.8)	(8.8)	(8.8)	(8.8)	(8.8)	(8.8)

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

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

Phone: 465-3191
 Date: 02/10/97
 Date: 2/12/97

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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. CS HB 6(HES)

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	489.8	497.2	504.6	512.2	519.9
TRAVEL						
CONTRACTUAL						
SUPPLIES						
EQUIPMENT						
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
TOTAL OPERATING	482.6	489.8	497.2	504.6	512.2	519.9

CAPITAL EXPENDITURES						
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CHANGES IN REVENUES ()						
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FUND SOURCE

(Thousands of Dollars)

FUND SOURCE	FY98	FY99	FY00	FY01	FY02	FY03
1002 Federal Receipts						
1003 GF Match						
1004 GF	482.6	489.8	497.2	504.6	512.2	519.9
1005 GF/Program Receipts						
1037 GF/Mental Health						
Other (please specify)						
TOTAL	482.6	489.8	497.2	504.6	512.2	519.9

POSITIONS:

FULL-TIME	9					
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
 Division: Division of Family & Youth Svcs
 Approved by Commissioner: Karen Perdue, Commissioner
 Agency: Department of Health & Social Services

Phone: 465-3191
 Date: 02/10/97

Date: 2/12/97

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ANALYSIS (cont.):

Change in positions:

New position Youth Superintendent III Range 21	\$73.8
NEW Chief Probation Officer Range 23	\$83.9
New (3) Administrative Clerk II Range 8	\$112.0
New (3) Administrative Assistant I Range 13	\$138.6
New Juvenile Probation Officer V Range 21	\$74.3
Total*	\$482.6

* FY 99 through FY 03 figures include a 1.5% per year COLA.

FISCAL NOTE

STATE OF ALASKA
1997 LEGISLATIVE SESSION

BILL NO. CS HB 6(HES)

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)	(24.1)	(24.1)	(24.1)
TRAVEL						
CONTRACTUAL						
SUPPLIES						
EQUIPMENT						
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
TOTAL OPERATING	0.0	0.0	(24.1)	(24.1)	(24.1)	(24.1)

CAPITAL EXPENDITURES						
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CHANGES IN REVENUES ()						
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FUND SOURCE

(Thousands of Dollars)

FUND SOURCE	FY98	FY99	FY00	FY01	FY02	FY03
1002 Federal Receipts						
1003 GF Match						
1004 GF			(24.1)	(24.1)	(24.1)	(24.1)
1005 GF/Program Receipts						
1037 GF/Mental Health						
Other (please specify)						
TOTAL	0.0	0.0	(24.1)	(24.1)	(24.1)	(24.1)

POSITIONS:

POSITIONS	FY98	FY99	FY00	FY01	FY02	FY03
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

Prepared by: L. Diane Worley, Director Phone: 465-3191
 Division: Family & Youth Services Date: 02/10/97
 Approved by Commissioner: Karen Perdue, Commissioner Date: 2/12/97
 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.

(\$93.5)

\$69.4

Total savings due to downgrade

(24.1)

FISCAL NOTE

STATE OF ALASKA
1997 LEGISLATIVE SESSION

BILL NO. CS HB 6(HES)

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						
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CHANGES IN REVENUES ()						
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FUND SOURCE

(Thousands of Dollars)

1002 Federal Receipts	(284.1)	(284.1)	(284.1)	(284.1)	(284.1)	(284.1)
1003 GF Match						
1004 GF	284.1	284.1	284.1	284.1	284.1	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
 Division: Family & Youth Services

Phone: 465-3191
 Date: 02/10/97

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

Date: 2/12/97

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FISCAL NOTE

STATE OF ALASKA
1997 LEGISLATIVE SESSION

BILL NO. CS HB 6(HES)

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: 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						
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CHANGES IN REVENUES ()						
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FUND SOURCE

(Thousands of Dollars)

FUND SOURCE	FY98	FY99	FY00	FY01	FY02	FY03
1002 Federal Receipts	(18.6)	(18.6)	(18.6)	(18.6)	(18.6)	(18.6)
1003 GF Match						
1004 GF	18.6	18.6	18.6	18.6	18.6	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)

Signature
2/11/97

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

Phone: 465-3191
 Date: 02/10/97
 Date: 2/12/97

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FISCAL NOTE

STATE OF ALASKA
1997 LEGISLATIVE SESSION

BILL NO: CSHB 6(HES)

Revision Date: 02/17/97 Dept. Affected: Public Safety
 Title: Release of Juvenile Information BRU: Alaska State Troopers
 Component: Detachments
 Sponsor: Rep. Kelly
 Requestor: House Judiciary 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 ()	-0-	-0-	-0-	-0-	-0-	-0-
Revenue Code						

FUNDING: (Thousands of Dollars)

1002 Federal Receipts						
1003 GF Match						
1004 GF						
1005 GF/Program						
1006 GF/MHTIA						
Other						
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 would not have significant fiscal impact on AST.

Prepared By: Capt. Ted M. Bachman Phone: 269-5650
 Division: Alaska State Troopers Date: 02/17/97
 Approved by Commissioner: Ronald L. Otte Date: 2/18/97
 Agency: Department of Public Safety

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CS FOR HOUSE BILL NO. 6(JUD)

IN THE LEGISLATURE OF THE STATE OF ALASKA

TWENTIETH LEGISLATURE - FIRST SESSION

BY THE HOUSE JUDICIARY COMMITTEE

**Offered:
Referred:**

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

A BILL

FOR AN ACT ENTITLED

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

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

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

5 (c) Except when disclosure of the name of a minor is authorized or
6 required by this chapter, the [THE] name or picture of a minor under the jurisdiction
7 of the court may not be made public in connection with the minor's status as a
8 delinquent unless authorized by order of the court.

9 * Sec. 2. AS 47.12.310(a) is amended to read:

10 (a) Except as specified in AS 47.12.315, 47.12.320, [AS 47.12.320] and (b) -
11 (g) of this section, all information and social records pertaining to a minor who is
12 subject to this chapter or AS 47.17 prepared by or in the possession of a federal, state,
13 or municipal agency or employee in the discharge of the agency's or employee's
14 official duty, including driver's license actions under AS 28.15.185, are privileged and

1 may not be disclosed directly or indirectly to anyone without a court order.

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

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

10 * Sec. 4. AS 47.12 is amended by adding a new section to read:

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

19 (1) the minor's alleged commission of an offense, and the minor has
20 failed, without good cause,

21 (A) to comply with the terms of a restitution plan or order
22 entered against the minor in a previous criminal sentence, adjudication of
23 delinquency, or informal adjustment following a preliminary inquiry;

24 (B) to engage in a rehabilitation program ordered by a court or
25 required by a facility or juvenile probation officer; or

26 (C) to comply with a court ordered or probation officer required
27 placement plan; or

28 (2) the minor's alleged commission of

29 (A) a crime against a person that is punishable as a felony;

30 (B) a crime in which the minor employed a deadly weapon, as
31 that term is defined in AS 11.81.900(b), in committing the crime

1 (C) arson under AS 11.46.400 - 11.46.410;

2 (D) burglary under AS 11.46.300 - 11.46.310;

3 (E) distribution of child pornography under AS 11.61.125;

4 (F) promoting prostitution in the first degree under
5 AS 11.66.110; or

6 (G) misconduct involving a controlled substance under
7 AS 11.71 involving the delivery of a controlled substance or the possession of
8 a controlled substance with intent to deliver, other than an offense under
9 AS 11.71.050.

10 (b) The department shall publicly disclose the name of a minor, the name or
11 names of the minor's parent, parents, or guardian, and the alleged offense, and, when
12 available, the outcome of proceedings before the court if, under AS 47.12.040(a)(1)(B)
13 or AS 47.12.040(a)(2), the department files with the court a petition seeking
14 adjudication of the minor as a delinquent based on

15 (1) the minor's alleged commission of an offense, and the minor has
16 failed, without good cause,

17 (A) to comply with the terms of a restitution plan or order
18 entered against the minor in a previous criminal sentence, adjudication of
19 delinquency, or informal adjustment following a preliminary inquiry;

20 (B) to engage in a rehabilitation program ordered by a court or
21 required by a facility or juvenile probation officer; or

22 (C) to comply with a court ordered or probation officer required
23 placement plan;

24 (2) the minor's alleged commission of

25 (A) a crime against a person that is punishable as a felony;

26 (B) a crime in which the minor employed a deadly weapon, as
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31 (F) promoting prostitution in the first degree under

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2 (G) misconduct involving a controlled substance under
3 AS 11.71 involving the delivery of a controlled substance or the possession of
4 a controlled substance with intent to deliver, other than an offense under
5 AS 11.17.050; or

6 (3) the minor's alleged commission of a felony and the minor was 16
7 years of age or older at the time of commission of the offense when the minor has
8 previously been convicted or adjudicated a delinquent minor based on the minor's
9 commission of an offense that is a felony.

10 (c) If, under AS 47.12.060(a), the agency determines that a matter should be
11 dismissed or if, under AS 47.12.120(c), the court finds that a minor is not delinquent
12 and dismisses the case against the minor, the minor may request the department to
13 disclose information about the matter or the case to the public. If the minor makes a
14 request under this subsection, the department shall disclose to the public information
15 about the disposition of the matter or case under AS 47.12.060(a) or 47.12.120(c), as
16 appropriate, exclusive of information that identifies the victim of the alleged offense.

17 (d) When required by this section to disclose information,

18 (1) the department or other agency may not disclose the name of an
19 out-of-home care provider, as that term is defined in AS 47.14.299, with whom the
20 minor was living at the time the minor was alleged to have committed the offense if
21 the minor had been placed in out-of-home care with that provider on other than a
22 permanent or long-term basis;

23 (2) if the department or other agency maintains the information to be
24 disclosed by electronic means that can be recovered from a computer data base, the
25 department or agency may disclose the information in that medium.

26 (e) The authority to release information under this section is limited to five
27 years from the date the department or other agency is first required or authorized to
28 make the disclosure, but this limitation operates only if the department or other agency
29 determines that the minor

30 (1) has good cause for not complying with restitution payments or has
31 made all restitution payments required of the minor by AS 47.12.060(b) or

1
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47.12.120(b)(4); and

(2) has not committed any other crime punishable as a felony during the five-year period.

Alaska State Legislature



House of Representatives
House Judiciary Committee

State Capitol, Room 120
Juneau, Alaska 99801-1182
(907) 465-4990

MEMORANDUM

Date: February 19, 1997
To: Jack Chenoweth, Legislative Legal Services
Fax: 465-2029
From: Lisa Kirsch, House Judiciary Committee
Re: HB 3 and HB 6

Please make amendments one, four and six as set out on the attached page to the work draft CSHB 6() (0-LS0063\T).

Please make the same amendments to CSHB 3() (0-LS0041\F), where applicable.

Call if you have any questions (4990).

Thanks for your assistance.

AMENDMENT/ #1

Adopted 2/19/97

BY REPRESENTATIVE CROFT

OFFERED IN HOUSE JUDICIARY

TO: CSHB 6 () work draft dated 2/19/97

Page 4, line 12 after "the public":

Delete "the name of the minor, the name or names of the parent, parents, or guardian of the minor, information about the offense alleged to have been committed by the minor, and"

AMENDMENT/ #4

*Adopted
2/19/97*

BY REPRESENTATIVE CROFT

OFFERED IN HOUSE JUDICIARY

TO: CSHB 6 () work draft dated 2/19/97

Page 4, line 31 following "(1) has":

Insert "good cause for not complying with restitution payments or has"

02/19/97

AMENDMENT

#6

OFFERED IN THE HOUSE

BY: Representative Berkowitz

TO: CSHB 6 (version T dated 2/19/97)

Page 3, line 8: *# p.4 line 3*
Section 4

Following "deliver" INSERT: "other than an offense under AS 11.71.050"

Alaska State Legislature

REPRESENTATIVE
PETER KELLY

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

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

House District 31

House Of Representatives

February 19, 1997

Memorandum

To: Representative Joe Green, Chair
House Judiciary Committee

From: Representative Pete Kelly

Regarding: New CS CS HB 6, version 0-LS0063\T

+++++

Version T differs from the previous draft of HB 6 in several ways:

Sections 1, 2, 3. Remain unchanged.

Page 2, line 15. (1) the minor has failed **without good cause**

Note: the intent of this language is to make it clearly that it is the minor's actions, or lack of actions that cause the minor's name to be released, not the availability of treatment programs, etc.

Page 2, line 17. (A) The word "**previous**" has been added to make it clear that this is from a prior offense.

Page 2, lines 23 - 31. (2) Release of information about minors who commit of serious crimes is limited to **felony crimes**, not misdemeanors.

Page 3, line 8. "Intent to **deliver**" the reference to manufacturing has been removed.

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Page 3, line 14 to page 4, line 3. Same changes as noted above.

Page 4, lines 4 to 7. Release occurs after the minor is 16, and has committed any prior **felony**. The age 16 factor does not apply to the serious crimes, or failure to complete restitution.

CS CS HB 6, version T
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Page 4, lines 8 to 17. New part (c), allows a minor to have his records released if the case is dismissed. This section goes to the issue of the minor being found innocent and enables the minor to clear his or her name.

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Page 4, line 27 to page 5, line 3. The department may only release information about a minor for five years, however this limit only applies if the minor maintains a clean record.

0-LS0063VT
Chenoweth
2/19/97

465 2397

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, Ryan

A BILL

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13 or municipal agency or employee in the discharge of the agency's or employee's
14 official duty, including driver's license actions under AS 28.15.185, are privileged and

10 L10 2/19/97

0-LS0063\T
Chenoweth
2/19/97

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, Ryan

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18 identifies the victim of the offense, if exercise of agency jurisdiction is based on

19 (1) the minor's alleged commission of an offense, and the minor has
→ 20 failed, without good cause,

21 (A) to comply with the terms of a restitution plan or order
→ 22 entered against the minor in a previous criminal sentence, adjudication of
23 delinquency, or informal adjustment following a preliminary inquiry;

24 (B) to engage in a rehabilitation program ordered by a court or
25 required by a facility or juvenile probation officer; or

26 (C) to comply with a court ordered or probation officer required
27 placement plan; or

28 (2) the minor's alleged commission of

→ 29 (A) a crime against a person that is punishable as a felony;

30 (B) a crime in which the minor employed a deadly weapon, as
31 that term is defined in AS 11.81.900(b), in committing the crime;

Draft Amendment #2

Draft Amendment #3

Adopted Bank Amend #6

OK in Final 2/20

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- (C) arson under AS 11.46.400 - 11.46.410;
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 - (E) distribution of child pornography under AS 11.61.125;
 - (F) promoting prostitution in the first degree under AS 11.66.110; or
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 - (F) promoting prostitution in the first degree under AS 11.66.110; or

1 (G) misconduct involving a controlled substance under
2 AS 11.71 involving the delivery of a controlled substance or the possession of
3 a controlled substance with intent to deliver; or [redacted]

4 (3) the minor's alleged commission of a felony and the minor was 16
5 years of age or older at the time of commission of the offense when the minor has
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7 commission of an offense that is a felony.

8 (c) If, under AS 47.12.060(a), the agency determines that a matter should be
9 dismissed or if, under AS 47.12.120(c), the court finds that a minor is not delinquent
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11 disclose information about the matter or the case to the public. If the minor makes a
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20 out-of-home care provider, as that term is defined in AS 47.14.299, with whom the
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22 the minor had been placed in out-of-home care with that provider on other than a
23 permanent or long-term basis;

24 (2) if the department or other agency maintains the information to be
25 disclosed by electronic means that can be recovered from a computer data base, the
26 department or agency may disclose the information in that medium.

27 (e) The authority to release information under this section is limited to five
28 years from the date the department or other agency is first required or authorized to
29 make the disclosure, but this limitation operates only if the department or other agency
30 determines that the minor

31 (1) has made all restitution payments required of the minor by AS

*Strike Amendment #6
Adopted*

*Craft
A#1
Delete
Adopted*

*OK in
Final
2/20*

*OK in
Final
2/20*

*Craft
Amendment
#4*

*OK in
Final
2/20*

- 1 47.12.060(b) or 47.12.120(b)(4); and
2 (2) has not committed any other crime punishable as a felony during
3 the five-year period.

REPRESENTATIVE

PETER KELLY

Mailing Address

119 N. Cushman, Suite 203
Fairbanks, Alaska 99701

(907) 456-8161

Alaska State Legislature



House Of Representatives

February 19, 1997

Memorandum

To: Representative Joe Green, Chair
House Judiciary Committee

From: Representative Pete Kelly

Regarding: New CS HB 6, version 0-LS0063VT
+++++

Version T differs from the previous draft of HB 6 in several ways:

Sections 1, 2, 3. Remain unchanged.

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Note: the intent of this language is to make it clearly that it is the minor's actions,
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of treatment programs, etc.

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Page 4, lines 4 to 7. Release occurs after the minor is 16, and has committed any prior
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White in Alaska
State Capital
Juneau, Alaska
99801-1182
(907) 465-2327
House District 31

Kirson

CS CS HB 6, version T
Page 2.

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Page 4, line 27 to page 5, line 3. The department may only release information about a minor for five years, however this limit only applies if the minor maintains a clean record.

AMENDMENT #1

Adopted 2/19/97

BY REPRESENTATIVE CROFT

OFFERED IN HOUSE JUDICIARY

TO: CSHB 6 () work draft dated 2/19/97

Page 4, line 12 after "the public":

Delete "the name of the minor, the name or names of the parent, parents, or guardian of the minor, information about the offense alleged to have been committed by the minor, and"

AMENDMENT/ #2

fails 2/19/97

BY REPRESENTATIVE CROFT

OFFERED IN HOUSE JUDICIARY

TO: CSHB 6 () work draft dated 2/19/97

Page 3, line 1:

Delete "- 11.46.410"

Page 3, line 2:

Delete "- 11.46.310"

Page 3, line 27:

Delete "- 11.46.410"

Page 3, line 28:

Delete "- 11.46.310"

AMENDMENT/ #3

BY REI RESENTATIVE CROFT

OFFERED IN HOUSE JUDICIARY

TO: CSHB 6 () work draft dated 2/19/97

Page 3, line 6 through line 8:
Delete all material.

Failed
2/19/95

AMENDMENT/ #4

*Adopted
2/19/97*

BY REPRESENTATIVE CROFT

OFFERED IN HOUSE JUDICIARY

TO: CSHB 6 () work draft dated 2/19/97

Page 4, line 31 following "(1) has":

Insert "good cause for not complying with restitution payments or has"

AMENDMENT/ #5

BY REPRESENTATIVE CROFT

OFFERED IN HOUSE JUDICIARY

TO: CSHB 6 () work draft dated 2/19/97

Page 3, line 12 following "the":

Delete "department files with the court a petition seeking adjudication of the minor as"

Insert "court adjudicates the minor"

Page 3, line 14 following "minor's":

Delete "alleged"

Page 3, line 23 following "minor's":

Delete "alleged"

Page 4, line 4 following "minor's":

Delete "alleged"

failed
2/19/97

02/19/97

AMENDMENT

#6

OFFERED IN THE HOUSE

BY: Representative Berkowitz

TO: CSHB 6 (version T dated 2/19/97)

Page 3, line 8:
Section 4

p4 line 3

Following "deliver" INSERT:

"other than an offense under AS 11.71.050"

Adopted 2/19/97

STATE OF ALASKA

TONY KNOWLES, GOVERNOR

DEPARTMENT OF HEALTH AND SOCIAL SERVICES

DIVISION OF FAMILY AND YOUTH SERVICES

P.O. BOX 110630
JUNEAU, ALASKA 99811-0630
PHONE: (907) 465-3170

February 18, 1997

The Honorable Joseph Green, Chair
House Judiciary Committee
Alaska House of Representatives
State Capitol
Juneau, AK 99801-1182

Dear Chairman Green:

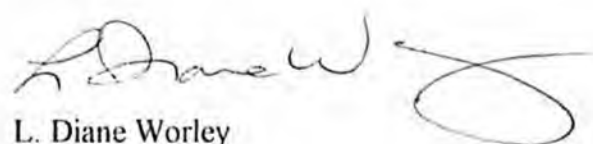
I welcome this opportunity to respond to some of the questions raised in your committee or in the subcommittee on HB 6, HCR 4, and HB 3. Several questions concerned fiscal notes, and I hope that the attachment will answer those questions.

Other questions raised were about what happens to a child's eligibility for IVE federal funds if the child moves from Family Services as a Child In Need Of Aid (CINA) to youth corrections as a delinquent and his or her name and other information is disclosed to the public. One question was about the child's status if they returned to the CINA system. The answer relates back to the source of the information. As long as the information disclosed does not come from the child welfare agency records, IVE funding is not jeopardized.

During a subcommittee hearing on HB 6, Representative Croft asked for the number of delinquency petitions filed but not adjudicated, and the number of times juveniles who were petitioned were determined "not guilty". According to our data, petitions were filed on 2,334 delinquency referrals in FY 96. Of those, 1,390 were adjudicated, with 149 held in abeyance. 511 were either dismissed, withdrawn or waived to adult court. We are not able to tell how many of those 511 were dismissed or withdrawn because the juvenile was found "not guilty" or whether there was insufficient evidence to support a finding of delinquency.

I hope that I have adequately addressed the questions raised by the members of your committee. If not, I would be happy to provide additional information if it is available.

Sincerely,



L. Diane Worley
Director

FY 96 DFYS STATISTICS ON PETITIONS FOR DELINQUENCY

Petitions Filed	2,334	
Held in Abeyance	149	6.38%
Waived to Adult	10	0.43%
Withdrawn by DFYS	4	0.17%
Dismissed by Court	497	21.29%
Adjudicated Guilty	1,390	59.55%
Decision Pending	284	12.17%
	2,334	100.00%

Alaska State Legislature



House of Representatives House Judiciary Committee

State Capitol, Room 120
Juneau, Alaska 99801-1182
(907) 465-4990

Chairman: Representative Joe Green
Vice-Chairman: Representative Con Bunde

Representative Ethan Berkowitz
Representative Eric Croft
Representative Jeannette James
Representative Brian Porter
Representative Norman Rokeberg

AGENDA

Wednesday, February 19, 1997
1:00 p.m.

***+HB 58 Civil Liability--Tort Reform**

**+ Report of Subcommittee on
HB 3, HB 6 and HCR 4**

Please note: Teleconferences today are listen only.

DATE: Wednesday, February 19, 1997

TO: Representative Joe Green
Chairman Judiciary Committee
907-465-4316/fax

FROM: Karen Miller
10021 Crest View Lane
Eagle River, AK 99577
907-694-2710/phone

RE: HB 3

I would like to take this opportunity to encourage you to carefully consider the consequences of HB 3. I strongly disagree with its provisions regarding the treatment of juvenile offenders.

Sincerely,
Karen Miller

0-LS0063AR
Chenoweth
2/18/97

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, Ryan

A BILL

FOR AN ACT ENTITLED

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

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

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

5 (c) Except when disclosure of the name of a minor is authorized or
6 required by this chapter, the [THE] name or picture of a minor under the jurisdiction
7 of the court may not be made public in connection with the minor's status as a
8 delinquent unless authorized by order of the court.

9 * Sec. 2. AS 47.12.310(a) is amended to read:

10 (a) Except as specified in AS 47.12.315, 47.12.320, [AS 47.12.320] and (b) -
11 (g) of this section, all information and social records pertaining to a minor who is
12 subject to this chapter or AS 47.17 prepared by or in the possession of a federal, state,
13 or municipal agency or employee in the discharge of the agency's or employee's
14 official duty, including driver's license actions under AS 28.15.185, are privileged and

1 may not be disclosed directly or indirectly to anyone without a court order.

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

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

10 * Sec. 4. AS 47.12 is amended by adding a new section to read:

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

19 (1) the minor's alleged commission of an offense, and the minor has
20 failed, without good cause,

21 (A) to comply with the terms of a restitution plan or order
22 entered against the minor in a previous criminal sentence, adjudication of
23 delinquency, or informal adjustment following a preliminary inquiry;

24 (B) to engage in a rehabilitation program ordered by a court or
25 required by a facility or juvenile probation officer; or

26 (C) to comply with a court ordered or probation officer required
27 placement plan; or

28 (2) the minor's alleged commission of

29 (A) a crime against a person that is punishable as a felony;

30 (B) a crime in which the minor employed a deadly weapon, as
31 that term is defined in AS 11.81.900(b), in committing the crime;

- 1 (C) arson under AS 11.46.400 - 11.46.410;
2 (D) burglary under AS 11.46.300 - 11.46.310;
3 (E) distribution of child pornography under AS 11.61.125;
4 (F) promoting prostitution in the first degree under
5 AS 11.66.110; or
6 (G) misconduct involving a controlled substance under
7 AS 11.71 involving the delivery of a controlled substance or the possession of
8 a controlled substance with intent to deliver.

9 (b) The department shall publicly disclose the name of a minor, the name or
10 names of the minor's parent, parents, or guardian, and the alleged offense, and, when
11 available, the outcome of proceedings before the court if, under AS 47.12.040(a)(1)(B)
12 or AS 47.12.040(a)(2), the department files with the court a petition seeking
13 adjudication of the minor as a delinquent based on

14 (1) the minor's alleged commission of an offense, and the minor has
15 failed, without good cause,

16 (A) to comply with the terms of a restitution plan or order
17 entered against the minor in a previous criminal sentence, adjudication of
18 delinquency, or informal adjustment following a preliminary inquiry;

19 (B) to engage in a rehabilitation program ordered by a court or
20 required by a facility or juvenile probation officer; or

21 (C) to comply with a court ordered or probation officer required
22 placement plan;

23 (2) the minor's alleged commission of

24 (A) a crime against a person that is punishable as a felony;

25 (B) a crime in which the minor employed a deadly weapon, as
26 that term is defined in AS 11.81.900(b), in committing the crime;

27 (C) arson under AS 11.46.400 - 11.46.410;

28 (D) burglary under AS 11.46.300 - 11.46.310;

29 (E) distribution of child pornography under AS 11.61.125;

30 (F) promoting prostitution in the first degree under
31 AS 11.66.110; or

1 (G) misconduct involving a controlled substance under
2 AS 11.71 involving the delivery of a controlled substance or the possession of
3 a controlled substance with intent to deliver; or

4 (3) the minor's alleged commission of a felony and the minor was 16
5 years of age or older at the time of commission of the offense when the minor has
6 previously been convicted or adjudicated a delinquent minor based on the minor's
7 commission of an offense that is a felony.

8 (c) When, under AS 47.12.120(c), the court finds that a minor is not
9 delinquent and dismisses the case against the minor, the minor may request the
10 department to disclose information about the case to the public. If the minor makes
11 a request under this subsection, the department shall disclose to the public the name
12 of the minor, the name or names of the parent, parents, or guardian of the minor,
13 information about the offense alleged to have been committed by the minor, and
14 information about the disposition of the case under AS 47.12.120(c), exclusive of
15 information that identifies the victim of the alleged offense.

16 (d) When required by this section to disclose information,

17 (1) the department or other agency may not disclose the name of an
18 out-of-home care provider, as that term is defined in AS 47.14.299, with whom the
19 minor was living at the time the minor was alleged to have committed the offense if
20 the minor had been placed in out-of-home care with that provider on other than a
21 permanent or long-term basis;

22 (2) if the department or other agency maintains the information to be
23 disclosed by electronic means that can be recovered from a computer data base, the
24 department or agency may disclose the information in that medium; the authority to
25 release information under this paragraph is limited to five years from the date the
26 department or other agency is first required or authorized to make the disclosure, but
27 this limitation operates only if the department or other agency determines that the
28 minor

29 (A) has made all restitution payments required of the minor by
30 AS 47.12.060(b) or 47.12.120(b)(4); and

31 (B) has not committed any other crime punishable as a felony

1

during the five-year period.

LEGISLATIVE INFORMATION OFFICE
119 N. CUSHMAN, SUITE 101
FAIRBANKS, AK 99701
452-4448

*Lisa
for an file*

DATE: 2/11/97

Please accept the enclosed original(s) of written
testimony for the

House L+C teleconference scheduled on

2/10/97. A copy of this testimony was
transmitted to your committee via fax.

Thank you,

Fly L10



ALASKA STATE LEGISLATURE

PLEASE ENTER INTO THE RECORD MY TESTIMONY TO THE HOUSE JUDICIARY
 COMMITTEE ON HB6 HCR4 DATED 2-10-97
COMMITTEE NAME
BILL/SUBJECT

I HEREBY SUBMIT FOR YOUR CONSIDERATION A COURTESY COPY OF SOME MATERIAL RELATING TO THE SUBJECTS YOU ARE NOW CONSIDERING.

INDEED "PANDORA'S BOX" IS FULL OF MANY HORRORS WHICH I HAVE SEEN, INCLUDING THE FEW MENTIONED IN THE ATTACHED DOCUMENT

SIGNED

TESTIFIER

SELF, CONCERNED PARENTS FOR REFORM

REPRESENTING (OPTIONAL)

P.O. 75011 FBKS AK 99707

ADDRESS/PHONE NUMBER

(907) 474-0174

SCOTT TRAFFORD CALDER
P.O. Box 75011
Fairbanks, Alaska 99707
(907) 474-0174

February 4th, 1997

STATE OF ALASKA DEPARTMENT OF REVENUE
Child Support Enforcement Division (C.S.E.D.)
P.O. Box 103440
Anchorage, Alaska 99510-3440
(907) 269-6659

REQUEST FOR REVIEW

I hereby request a review of C.S.E.D. actions and intended actions, and request full discovery of all records, based upon the following facts:

1) The department has provided a defective "NOTICE OF INTENT TO SUSPEND OR DENY THE ISSUANCE OR RENEWAL OF DRIVER'S LICENSE", which does not reference any reason other than "Our records show" to support the claim that a valid assertion of an alleged debt exists.

2) The records of the department show that Scott T. Calder, entered the C.S.E.D. office in Fairbanks, Alaska, for assistance to receive child support payments from the mother, one Jody Buckingham, of the child, one David B. Calder, on or about August 5th, 1992. Scott T. Calder sought the services of the department at that time, to obtain relief, and was sent away by staff who said "You may as well not bother to submit an application for services because we won't help you".

3) The child, David B. Calder, who had been in the sole physical custody of Scott T. Calder from May 24th, 1989 to April 9th, 1993 (about four years), and was afterward illegally and unethically maintained in the custody of the State Of Alaska, should have benefitted from support from the mother during that time. However, Jody Buckingham has never paid any amount of child support to Scott T. Calder, for David Calder, having promised to do so at the time she sent the child to live with his father who is now the preferred target of C.S.E.D.

4) Records of the Alaska Departments of Health and Social Services, Administration, Revenue, Law, The Office of Public Advocacy, Public Defender Agency, The Office of The Governor, The Alaska Legislature, The Ombudsman's Office, The Federal Social Security Administration, Family Centered Services of Alaska, Fairbanks Community Mental Health Center, Fairbanks North Star Borough School District, Fairbanks Counseling and Adoption, The Superior Court of Alaska For the Fourth Judicial District, The U.S. Attorney's Office, and other persons and agencies, clearly show that David B. Calder, had been subjected to approximately seven years of physical abuse in the State of Maryland, prior to residing with Scott T. Calder in 1989.

5) The child, detained by authorities after his father had reported him as a runaway minor, assaultive, and truant from school, was endangered in an irresponsible foster home, protracting an otherwise temporary emergency by withholding minimum necessary services: intervening with school officials to correct neglect on their part, support existing nurture and guidance provided by Scott Calder to his son, and help to obtain child support payments from the mother to the father of David Calder. David Calder was rewarded for and aided in misconduct.

6) On or about May 11th, 1993, Scott T. Calder applied a second time for child support from the mother. Twenty-three months afterward, when the father had complained about drug experiments being performed on his child, the financial statement from that application was misrepresented by Karla Taylor Welch and Hazel Straub as a reason to claim, in effect, that Scott Calder should pay for his son to be abused, and for "authorities" to collude in child abuse, fraud, evidence and witness tampering, obstruction of justice, misappropriation of public funds.

7) Based upon discriminatory and prejudicial treatment of the father, on or about September 5th, 1993, the Alaska Department of Health and Social Services Division of Family and Youth Services (D.H.S.S./D.F.Y.S.) completed application for payments to ITSELF, from a federally funded Supplemental Security Income (S.S.I.) account, fraudulently created in the name of "DFYS for David Calder". The child was used to supply the State of Alaska with monetary proceeds, based upon the claim by the State of Alaska, that he had either "a behavior disorder" or "a drug problem", when in fact, the state had repeatedly encouraged delinquent behavior in the child, and had failed to offer any treatment whatsoever which would have been proper, given existing, known facts. Furthermore, the state engaged in custodial interference by refusing to uphold responsible actions of the parent Scott Calder whose authority should not have been questioned, by ignoring barriers to the child's education which were properly addressed by Scott Calder, and by refusing to assist in obtaining child support payments from the child's mother to the child's father.

8) The two previous child support applications requesting support from the mother were rejected without due process, and exploitation of the child substituted for "care", instead.

9) The State of Alaska, its agents, contractors, employees, by fraud and arbitrary and capricious exercise of power under color of law, created and used as an instrument of violence against Scott T. Calder, a "Childrens' Proceedings Support Order", punitively. This was an attempt to silence the truth about improper drug experiments performed on the child, denial of due process, unethical legal practices, gross negligence and other misconduct by the state, its agents, contractors and employees. Instead of acting to ensure that school district employees cooperated with the child's father, that the child's mother paid any amount of child support to the child's father, and that the child was told clearly to obey his father's correct

instructions to attend school and refrain from habitually dishonorable behavior, the state did the opposite of these things.

10) Richard Cline, an employ e of Family Treatment Homes, under the supervision of Janice Lorenzen and Sarah McConnell and Doug Pomeroy, as contractors to D.F.Y.S./D.H.S.S. knowingly provided cigarettes to David Calder by offering an allowance of money with which the child was to purchase the tobacco from the foster parent and then allowed to consume it on the premises of the specialized foster home at Anderson Apartments in Fairbanks, Alaska. According to Ms. Lorenzen it was thought that this would develop a trusting relationship between Mr. Cline and David Calder, even though the child was only fourteen years of age and in need of help to return home to his own loving father.

Mr. Cline, an agent of the state, provided the tobacco.

Scott Calder complained about this practice to Ms. Lorenzen, who stated, as did Mr Cline, that the child would have been expected to steal cigarettes anyway, were they not provided at program expense, and the practice of providing the tobacco to the minor would serve to "keep him from getting into more trouble". Mr. Calder knew, and stated, that this would have the opposite effect, which it has. Numerous similar errors in judgement were made by so-called "experts" and "authorities", that resulted in severe torment, and in destruction of familial bonds.

11) David Calder was released from approximately three and a half years of state-sponsored custody, to his father, in August, 1996, after being locked in a building for over a year. It was the boy's continued cooperation with official misconduct that resulted in his continued custody by the state. The child was indoctrinated that his father's continued objections were meaningless, leaving the child to understand that he could find unconditional attention for misconduct and be immune from discipline by his father, just as the boy's captors were immune from the truth. This was a political imprisonment of both David Calder and Scott Calder.

12) Scott Calder took every opportunity to communicate with each and every, or any, employee and agent of the State of Alaska, to provide important information about his son's true needs, and to address each particular error and violation committed by state agents et al. against both father and son, to no avail. This continued from April 9th, 1993 to August 1996, and afterward up to the present time at which point it is clear that the child will not benefit from having his father, who is the child's main source of support, lose his driver's license.

13) David Calder and Scott Calder have both been permanently scarred by improper, unethical, unlawful, dishonest, and unconscionable conduct of state officials and their designees. These violations of Alaska Statutes, federal laws, The Constitution of The United States of America and international

accords on human rights entitle the Calder Family to monetary, equitable, and other relief [A.S.18.80.200, A.S.18.80.210, and A.S.22.10.020 (i)] in addition to child support payments from Ms. Buckingham for the period, May 25th, 1989 to May 25th, 1997, NOT further sanctions, harassment, and assaults against David Calder and Scott Calder.

14) The Alaska Legislature, In a Special Act, created in the Department of Administration The Citizens' Review Panel For Permanency Planning, under A.S. 47.10.400 (et seq.), AND required that the Department of Health and Social Services, the Department of Law, the Office of Public Advocacy, The Public Defender Agency, and The Alaska Court System cooperate with local out-of-home-care external citizen review panels, and the state panel, to facilitate the timely reviews of children in the custody of the state, under A.S. 47.10.450. No reviews of these cases, one of which is that of David Calder and his family, have been performed in compliance with Public Law 96-272 as required by state law in the Fourth Judicial District. Rather, fraudulent exercises supervised by Mr. Gary Neubauer and others, to accomplish false conclusions, self-serving to those employees involved have been substituted improperly.

15) Governor Tony Knowles has knowingly been in violation of A.S. 47.10.420, requiring him to appoint a local panel in the Fourth Judicial District (Fairbanks), for the entire period of time during which he has held office. Former Governor Hickel was also similarly in violation of this law.

Governor Knowles has requested the Twentieth Alaska Legislature, in Senate Bill 73 introduced January 30th, 1997, to pass laws to discontinue effective external reviews of cases like that of David Calder by local citizens. This is an attempt to conceal, and to limit, liability and culpability of The State of Alaska for its wrongful civil and criminal acts against its citizens, as in this instant case.

16) David Calder currently resides with his father, Scott T. Calder. Continuing attacks by the Department of Revenue based upon specific neglect to resolve this matter, by, among others, April Moore, Evelyn Hadfield, and Glenda Strube of C.S.E.D., and by personnel of other departments, have resulted in the present situation, and in continuing injury to the family.

17) Scott T. Calder has had an excellent driving record in Alaska for over nineteen years, operates a properly registered vehicle, is properly insured, is an excellent and safe operator of a motor vehicle, has not been involved in any collisions, regularly offers aid and assistance while driving to others in need including police officers, and is not a criminal.

18) The history of abuses communicated to the child, David B. Calder, by persons residing in the State of Maryland known to Jody Buckingham and as disclosed to mandated reporters within the State of Alaska and observed by Elizabeth K. Zehe, L.C.S.W. (State of Maryland), compounded by further abuses and incompetent acts of numerous persons employed under, and benefitting by, public trust and funds, describes an invariable pattern of

regularity in a defective product of government, present in Alaska. Additionally, this condition was known by the Alaska Legislature to be in existence and formally treated in law prior to 1990. That this condition, once it had been addressed formally by the legislature, could be preserved and maintained as a matter of discretionary abuse, preferred by people receiving money in return for efforts to deprive David Calder, Scott Calder, and others, of their lives, liberty, and pursuits of happiness, using public funds, constitutes crime against humanity.

19) The Department of Law entered into improper and secret negotiations with Jody L. Buckingham by contacting her December 24th, 1996 to inform her of its intention to relieve her of some of her financial obligations to pay child support in exchange for her agreement to be silent about pertinent matters neglected by state employees. This further prejudicial assault on justice and against Scott Calder and David Calder was, pro forma, made worse by automatic court order, given no service of any document to parties prior to the signed order.

20) Employees, agents, contractors, elected and appointed state government officials and their colleagues, of the State of Alaska, have routinely abused their discretion, quasijudicial immunity, judicial immunity, respected status, and ethical codes, within the departments of Health and Social Services, Education, Administration, Revenue, Law, Public Safety, and the Alaska Court System, by engaging in fraud, collusion in child abuse, child abuse, bodily assault with drugs, malicious prosecution, wrongful imprisonment, and other crimes and torts against the members of the Calder Family and The People of the State of Alaska and the United States of America.

21) Copies of this request for review, and other reports and documents pertaining to this matter, will exist forever, and will continue to be forwarded to the appropriate parties and agencies.

22) Any failure by persons having official duty, ability, knowledge, or opportunity, to present complete apologies and relief for the atrocities committed against David Calder and Scott Calder, and The People, may result in civil and criminal liability, including possible prosecution for the crime of genocide, as well as in formal proceedings against said persons.

23) Scott Calder must be able to continue to legally operate a motor vehicle to participate in employment, transportation of household supplies, transporting his son to and from school and other appointments, and will be severely injured by unfairly revoking his established right to possess a driver's license.

24) Because of the more than forty months of invasive harm delivered to Scott Calder and David Calder by the State of Alaska as described here and elsewhere, including seizures of Permanent Fund Dividend checks, the Calder Family is without the resources to pay approximately \$11,000.00 to C.S.E.D., even if Scott Calder wanted to appease and submit to the extortion demands of C.S.E.D. in a false belief that this would somehow resolve this matter.

25) This document is a request for review, and is therefore

not intended to be exhaustive of all facts to be included during the review itself.

26) Previous requests, motions, and petitions for review have been refused, or subsequent decisions thereon falsified.

27) During the period April 1993 to March 1995, Scott Calder had no knowledge, notice, information or advisement, that the State of Alaska intended to request any payments from him for any reason. During the period March 1995 to August 1996, official communications specifically disregarded each of the numerous acts of official misconduct reported to proper authorities by Scott Calder, including drug experiments performed on the child, by Dr. Dean Ackley, Hazel Straub, Sonia Masurek, Geoffrey Wildridge, and Judge Richard Savell.

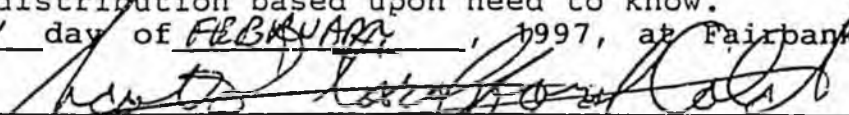
28) Additional evidence and testimony is available.

29) Scott Calder has been denied access to a redress of grievances directly by Steve Emerson (D.F.Y.S.) and numerous other state employees, as well as by the inability of ordinary citizens to withstand assaults, prejudice, discrimination, and arbitrary and capricious exercise of power by state agents expending effectively unlimited public resources. The indigent father of David Calder, Scott Calder, has been continuously harassed, defamed, and disadvantaged by those to whom he appealed for modest and appropriate help on behalf of his son. This has resulted in continuing and manifest injustice.

Copies of this document will be served upon the following:
Attorney General's Office,
Department of Health and Social Services,
Division of Family and Youth Services,
Child Support Enforcement Division;

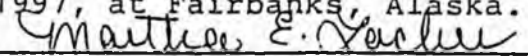
Courtesy copies also provided to:
STATE OF ALASKA, P.D.O., O.P.A., F.Y.F., Ombudsman's Office,
Governor's Office, Legislature, Superior Court For the 4th
Judicial District;
UNITED STATES OF AMERICA, Senator Ted Stevens, Senator Frank
Murkowski, Congressman Don Young, Social Security Administration,
U.S. Attorney's Office, F.B.I., President of The United States
of America The Honourable William Clinton;
OTHER AGENCIES AND INDIVIDUALS, F.N.S.B.S.D., F.N.S.B., Fairbanks
Community Mental Health Center, Family Treatment Homes, Fairbanks
Counselling and Adoption, Family Centered Services of Alaska,
Disability Law Center, Alaska Legal Services, A.C.L.U., Alaska
Bar Association, Citizens' Commission on Human Rights, Rutherford
Institute, General distribution based upon need to know.

DATED this 6th day of FEBRUARY, 1997, at Fairbanks,
Alaska.



Scott Trafford Calder, In Propria Persona Patris

SIGNED and sworn to before me, this 6th day of Feb,
1997, at Fairbanks, Alaska.



NOTARY PUBLIC OF ALASKA

9/28/99
My Commission Expires



ALASKA STATE LEGISLATURE

PLEASE ENTER INTO THE RECORD MY TESTIMONY TO THE JUDICIARY
COMMITTEE ON HB3 and HB6 DATED 2/10/97
BILL/SUBJECT COMMITTEE NAME

SEE ATTACHED COMMENTS IN SUPPORT OF HB3 and
HB6.

SIGNED Al Near
TESTIFIER

SELF
REPRESENTING (OPTIONAL)

PO BOX 80847 FAIRBANKS / 479-4090
ADDRESS/PHONE NUMBER

September 6, 1996...Observations of Al Near: Parent and 35 year resident of Fairbanks

D.K. Shoots J.R.

Sorry, nothing to do with DALLAS. No, this cryptic note I'd scribbled atop the Thursday Aug 29, 1996 page of my calendar book. Sadly, this entry marks the "Coming of Age" for another juvenile in our dysfunctional justice system.

Prior to Aug 29th, sixteen year old David Knutson could only be referred to as D.K. in the proceedings dealing with his "alleged" involvement in a neighborhood crime wave this Spring and Summer. The general public was not allowed to know the true identity of this delinquent because of his *special status*...he was a juvenile.

D.K.'s Court hearings came and went throughout the summer following his first apprehension on June 19th. Not even the victims were allowed into the courtroom as the case against him was developing because these were *closed proceedings* conducted in strictest confidence to "protect" D.K.. Nor were the victims allowed a presence when he was released from detention. In fact, only the court and his parents knew when and under what terms this troubled youth was let out.

Finally though, in the early morning hours of Aug 29th, D.K. became a man. By pumping a few rounds into Trooper John Roberts, he transcended juvenile status and became an adult by the name of David Knutson. Oh! and what a marvelous future the adult world now holds for him!

How is it that our legal system provides such a gateway to adulthood for D.K.? Because, when dealing with juvenile offenders special standards apply... "least restrictive alternatives", "confidentially", etc. etc.. Application of these *special* standards for juveniles is a recipe for failure!

Take a kid who's already predisposed to misadventures...D.K...and ignore the warning signs like his absence from home all night and the appearance of property belonging to someone else. Then, after he gets caught, hide the legal process from the public. Overlook subtle cries for help such as irrational acts of violence toward others...This will help assure a higher level of violence next time. Finally, deliver a stern lecture from the bench and return him to society. He'll take care of the rest. Now he's free to ratchet up to "legal" adulthood with a gun or other weapon and finally become David Knutson...young man with no future.

The recipe really works. Scanning recent editions of the News-Miner reveals several other *success* stories. On June 13th D.W. (17) achieved adult status with a knife and became Deamont Wade. P.S. (also 17) made the grade a few days earlier and emerged as Paul Shewfelt by attempting to rape and murder a pregnant woman. And this is just one week in June! It doesn't take a ballistic expert to realize that we have a problem. It's like an accelerated development program for career criminals drawn from a pool of susceptible kids. When are we going to wake up and deal with youth crime responsibly? Kids are begging for guidelines and boundaries when they strike out against society. We must demonstrate our maturity by responding with appropriate and immediate consequences. Blind adherence to the outdated notion that confidentiality and least restrictive alternatives are in the best interest of our wayward youth must be re-examined!



ALASKA STATE LEGISLATURE

PLEASE ENTER INTO THE RECORD MY TESTIMONY TO THE House Judiciary
 COMMITTEE ON Moving The Capital COMMITTEE NAME
HB 3 NB 6 DATED 2-10-47
 BILL/SUBJECT

Greetings!

Having spent two afternoons (Feb. 7 & 10) trying to testify on HB 3 & NB 6, --- and having been totally shut out both days because state ~~been~~ bureaucrats were allowed unlimited testimony, --- you have provided some excellent reasons to Move The Capitol! Bureaucrats should not be allowed to testify at the expense of private citizens. They have plenty of other channels to get into to you.

I hope on Wednesday, Feb. 12, ~~we~~ I will have time to share my testimony with you. No one pays me to waste this time!

SIGNED Cam Carlson (GMA)
 TESTIFIER

Self
 REPRESENTING (OPTIONAL)
PO Box 80234
College Alaska 99708 907-479-2348
 ADDRESS/PHONE NUMBER

1743 Willow Street
Fairbanks, AK 99709
February 10, 1997

Re: HB 6

I am very supportive of this bill
and believe that it's a positive step
forward in regards to curtailing our
state's accelerating juvenile crime rate!

We must make minors accountable for
their actions. This bill is generous in it's
written, that a minor would need to be
found guilty twice before his/her name
is disclosed to the public.

Robin Randall

Post-It [®] Fax Note	7671	Date	2/10/97	# of pages	1
To	LID.	From	Robin Randall		
Co./Dept.	Fran	Co.			
Phone #	456-4448	Phone #	479-7940		
Fax #	456-3346	Fax #			

1834 Red Fox Dr.
Fairbanks, AK 99709
Feb. 11, 1997

Pete Kelley,

We are writing to express our support of H.B. 6. We believe that passage of this bill will serve as a deterrent for those teens who commit a second misdemeanor or first time felony.

We also believe the public has the right to know which teens are serious or repeat offenders.

Sincerely,

Bill and Donna Brewer

2/10/97

TO: Representative Green , Chair
House Judiciary Committee

FROM: Joan Foote
P.O. Box 80809
Fairbanks, AK 99708

Thank you for holding a teleconference on HB6. I am sorry my schedule will not allow me to deliver my comments in person.

I encourage you and your committee to support and promote HB6, which removes confidentiality from the juvenile justice system in a tiered manor.

I consider myself a concerned citizen with no special expertise. However after watching our local community be terrorized by juveniles and after listening to presentations and input by judges, intake officers, probate officers, Department of Family and Youth Service agents, lawyers and even adults with past juvenile delinquent records in our community study group, I am left with the following five impressions:

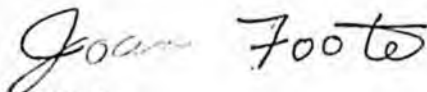
- 1) The juvenile judicial system needs help.
- 2) No infraction of the law is too minor to be overlooked. All infractions must have corrective consequences that make an impact.
- 3) The consequences must be timely, the sooner the better. Not next month, or next year.
- 4) The entire judicial process must be open, at least for repeat offenders.
 - Give the offender one (or at most 2) chances where the offense and consequence are kept confidential.
 - If additional offenses occur, confidentiality serves no healthy purpose. The offender needs to realize his/her actions are not OK by the entire community. Victims and other community members need to when the system IS working and when it IS NOT working. This cannot be done when the proceedings occur in a vacuum.
- 5) The community must be willing to get involved.


Some feel confidentiality protects the future job chances of an ex juvenile delinquent. I feel that employers would be impressed when they know someone has overcome past problems or is working very hard toward that goal. Likewise the realization that the community is behind the positive development of an ex delinquent should give him the added impetus to make a greater effort.

Both HB6 and HB3 address the confidentiality problems. PLEASE SUPPORT THESE MEASURES.

Thank you for your time.

Sincerely,


Joan Foote

PHONE MESSAGE		DATE <u>2/12</u>	TIME <u>3:30</u> A.M. P.M.
FOR	<u>Lisa Kathy Tibbles</u>		<input type="checkbox"/> URGENT
M			<input checked="" type="checkbox"/> PHONED
OF			<input checked="" type="checkbox"/> RETURNED YOUR CALL
PHONE ()	<u>3023</u>	EXT.	<input checked="" type="checkbox"/> PLEASE CALL BACK
<input type="checkbox"/> FAX	<input type="checkbox"/> MOBILE	<input type="checkbox"/> PAGER ()	<input type="checkbox"/> WILL CALL AGAIN
MESSAGE			<input type="checkbox"/> WAS IN
			<input type="checkbox"/> WANTS TO SEE YOU
		SIGNED <u>KT</u>	

0-LS0063L
Chenoweth
2/12/97

Post-It® Fax Note	7671	Date	2/12/97	# of pages	▶
To	Kathy Tibbles	From	Lisa Rirsch		
Co./Dept.	DFYS	Co.	House Jud.		
Phone #	465 3023	Phone #	465 4920		
Fax #	" 3327	Fax #	" 4316		

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, Ryan

A BILL

FOR AN ACT ENTITLED

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

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

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

5 (c) Except when disclosure of the name of a minor is authorized or
6 required by this chapter, the [THE] name or picture of a minor under the jurisdiction
7 of the court may not be made public in connection with the minor's status as a
8 delinquent unless authorized by order of the court.

9 * Sec. 2. AS 47.12.310(a) is amended to read:

10 (a) Except as specified in AS 47.12.314, 47.12.320, [AS 47.12.320] and (b) -
11 (g) of this section, all information and social records pertaining to a minor who is
12 subject to this chapter or AS 47.17 prepared by or in the possession of a federal, state,
13 or municipal agency or employee in the discharge of the agency's or employee's
14 official duty, including driver's license actions under AS 28.15.185, are privileged and

1 may not be disclosed directly or indirectly to anyone without a court order.

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

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

10 * Sec. 4. AS 47.12 is amended by adding a new section to read:

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

19 (1) the minor's alleged commission of

20 (A) a crime against a person

21 (i) that is punishable as a felony; or

22 (ii) that is punishable as a misdemeanor and the minor

23 caused physical injury to a person;

24 (B) a crime in which the minor employed a dangerous
25 instrument, as that term is defined in AS 11.81.900(b), in committing the
26 crime;

27 (C) arson under AS 11.46.400 - 11.46.410;

28 (D) burglary under AS 11.46.300 - 11.46.310;

29 (E) distribution of child pornography under AS 11.61.125;

30 (F) promoting prostitution in the first degree under
31 AS 11.66.110; or

1 (G) misconduct involving a controlled substance under
2 AS 11.71 involving the manufacture or delivery of a controlled substance or
3 the possession of a controlled substance with intent to manufacture or deliver;
4 or

5 (2) the minor's alleged commission of an offense that is a
6 misdemeanor, and the minor has previously failed

7 (A) to comply with the terms of a restitution plan or order;

8 (B) to engage in a rehabilitation program ordered by a court or
9 required by a facility or juvenile probation officer; or

10 (C) to comply with a court ordered or probation officer required
11 placement plan.

12 (b) The department shall publicly disclose the name of a minor, the name or
13 names of the minor's parent, parents, or guardian, the offense, and the information
14 contained in the court's dispositional order when the court has adjudicated the minor
15 a delinquent based on

16 (1) the minor's alleged commission of a felony and the minor was 16
17 years of age or older at the time of commission of the offense;

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12 or other agency maintains the information to be disclosed by electronic means that can
13 be recovered from a computer data base, the department or agency may disclose the
14 information in that medium. The authority to release information under this subsection
15 is limited to five years from the date of addition of the information to the computer
16 data base.

Volume 1
Number 1
August, 1996



DFYS

Alaska Dept. of Health and Social Services
Division of Family and Youth Services
P.O. Box 110630
Juneau, Alaska 99811-0630
VOICE: 907-465-3170
(FAX) 907-465-3397
EMAIL: DFYS@HEALTH.STATE.AK.US

Tony Knowles
Governor

Karen Percue
Commissioner

L. Diane Norrey
Director

Patty Ware
Juvenile Probation Officer III / Author

Roger P. Withington
Research Analyst III / Author

The mission of the Division of Family and Youth Services is to protect children at risk of abuse and neglect and to rehabilitate juvenile offenders while providing community protection.

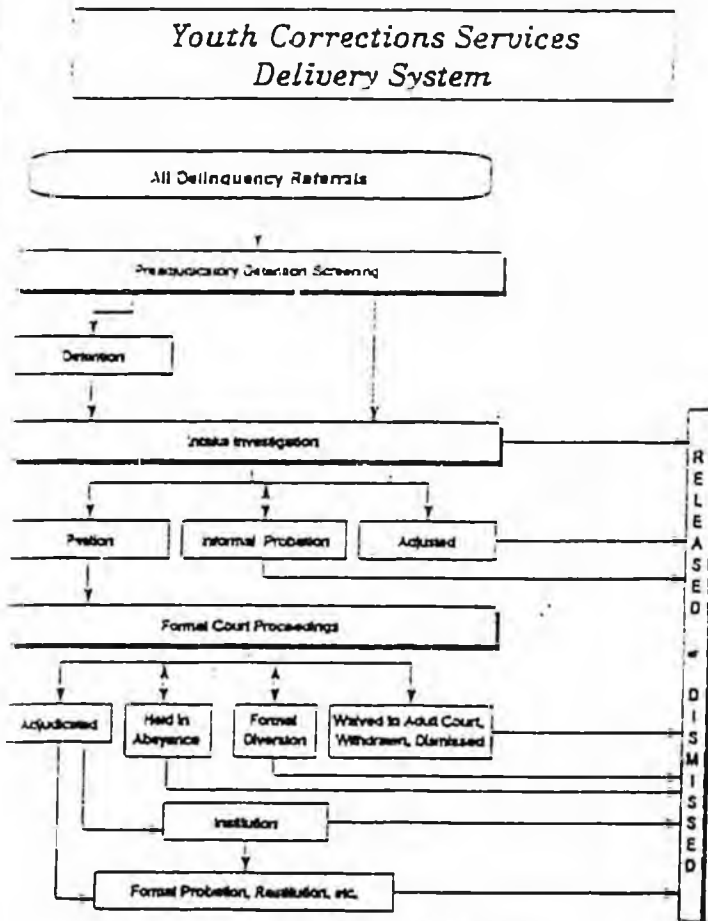
ALASKA'S JUVENILE JUSTICE SYSTEM

DFYS reduces or prevents delinquency by meeting the needs of juvenile offenders in a manner consistent with protection of the public. To accomplish this DFYS provides the following services:

- Juvenile delinquency prevention
- Screening referrals
- Short-term detention of preadjudicated youth
- Investigation of alleged offenses
- Identification of each youth's and family's strengths and needs
- Legal intervention
- Informal and formal probation
- Out-of-home placement
- Long-term confinement/treatment for adjudicated offenders

Figure 1 illustrates the DFYS portion of Alaska's juvenile justice system.

Figure 1



As Figure 1 illustrates, there are four principal decision points in the DFYS youth corrections delivery system: referral, preadjudicatory

A delinquency referral is the juvenile's initial point of entry into the DFYS youth corrections delivery system. A referral is a law enforcement report to DFYS of criminal conduct on the part of a juvenile.

Preadjudicatory detention screening is the process of determining if preadjudicatory detention is appropriate for those youth for whom it has been requested as part of the law enforcement referral. There are five possible outcomes in the detention screening process: Detention, Released, Emergency Placement, Attendant Care Shelter, and Not Requested. During the analysis period, 18.5% of all referrals were accompanied by a request for detention.

Once DFYS receives a referral that includes a request for detention, DFYS performs a detention determination. The detention determination considers a number of factors in determining if detention is in the juvenile's and community's best interest. Some examples are: severity of the offense, imminent harm to the juvenile or community, a history of violent conduct on the part of the juvenile, and whether or not the crime contains elements of serious physical harm. DFYS determined that secure Detention was appropriate for 77.5% of these referrals.

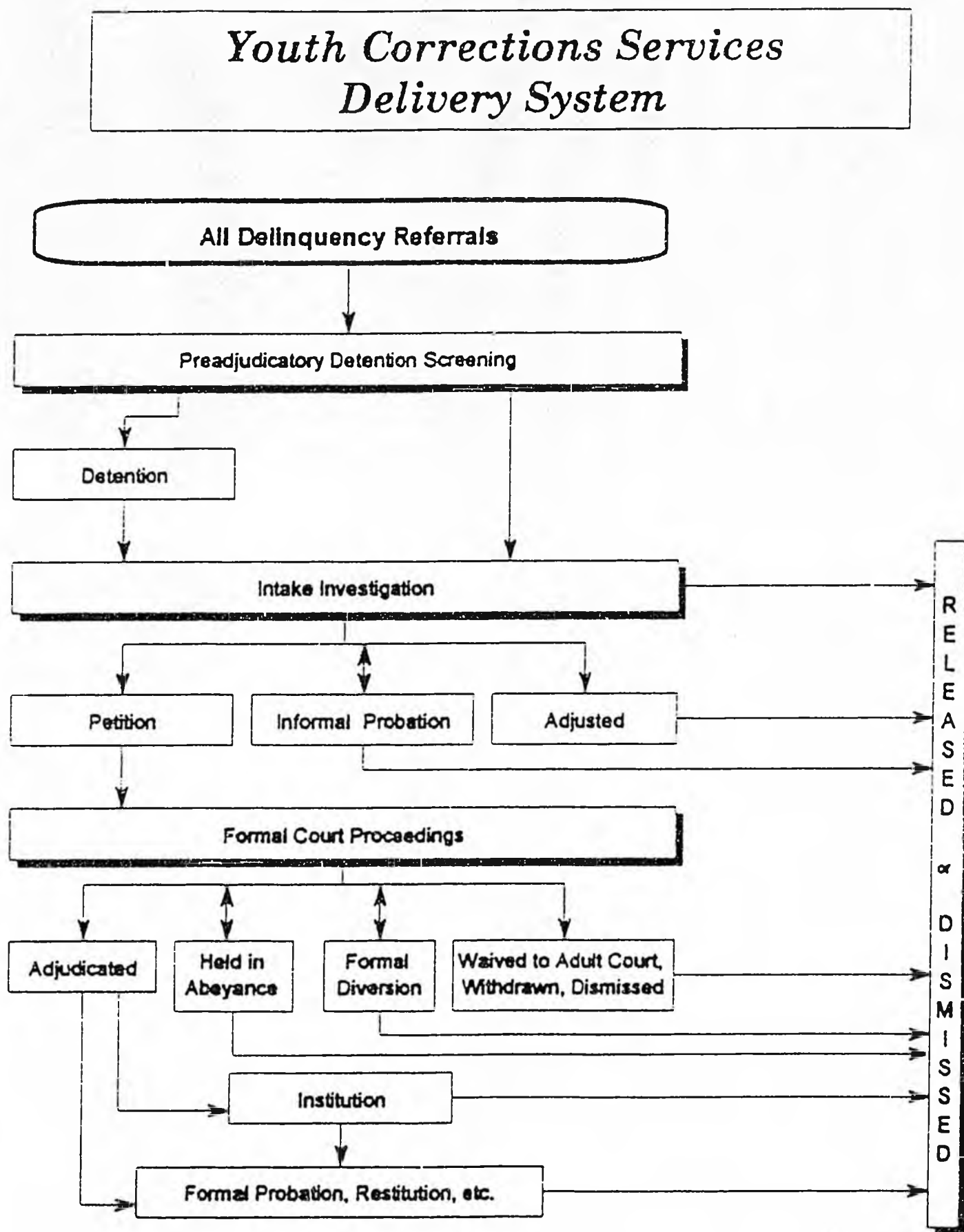
The purpose of the intake investigation is to determine if the referral is legally sufficient to support the filing of a court petition. If DFYS determines that sufficiency exists, the agency gathers information to determine the type of action that would best serve both the juvenile and the public. There are six possible investigation outcomes: In Process, Adjusted, Dismissed, Detention Screen Only, Informal Probation, and Petition.

Court proceedings result from DFYS filing a formal petition for adjudication of a juvenile. Each referral that resulted in an investigation outcome of Petition will have a court proceedings decision. The seven possible court proceeding decisions are: In Process, Dismissed, Diverted, Held in Abeyance, Adjudicated, Withdrawn, and Waived.

Although it is not specifically delineated in Figure 1, youth corrections supervision plays a very large role in the DFYS youth corrections delivery system, thus, we have included these records in this analysis.

Supervision of a juvenile is established as a result of a formal probation agreement, diversion agreement, acceptance of interstate supervision, a court disposition order, or an order for probation without adjudication. This analysis compares the initial supervision level that was assigned to the juvenile for each supervision episode that occurred during the analysis period. There are seven possible supervision levels: Maximum Probation, Medium Probation, Minimum Probation, Informal Probation, Residential Care, Correctional Institution, and Out-of-State Institution.

Figure 1



*Adopted 2/12/97
as working doc.* 0-LS0063L
Chenoweth
2/12/97

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, Ryan

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6 misdemeanor, and the minor has previously failed

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15 is limited to five years from the date of addition of the information to the computer
16 data base.

A M E N D M E N T

OFFERED IN THE HOUSE

TO: CSHB 6(HES)

1 Page 1, line 9, through page 2, line 16:

2 Delete all material.

3 Renumber the following bill sections accordingly.

4 Page 3, lines 2 - 27

5 Delete all material and insert:

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

15 (1) the minor's alleged commission of an offense that is a felony;

16 (2) the minor's alleged commission of an offense that is a
17 misdemeanor, and the minor has previously failed

18 (A) to comply with the terms of a restitution plan or order;

19 (B) to engage in a rehabilitation program ordered by a court
20 or required by a facility or juvenile probation officer; or

21 (C) to comply with a court ordered or probation officer
22 required placement plan; or

23 (3) the minor's arrest for commission of an offense and the minor has

1 previously been arrested twice for the commission of offenses that were, at the time
2 of the minor's alleged commission of the offenses, punishable as misdemeanors, or
3 the minor has previously been arrested for the commission of an offense that was, at
4 the time of the minor's alleged commission of the offense, punishable as a felony; for
5 purposes of this paragraph, a previous commission of an offense must have occurred
6 after August 31, 1997.

7 (b) The department shall publicly disclose the name of a minor, the name or
8 names of the minor's parent, parents, or guardian, the offense, and the information
9 contained in the court's dispositional order when the court has adjudicated the minor
10 a delinquent based on

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27 be recovered from a computer data base, the department or agency may disclose the
28 information in that medium. The authority to release information under this
29 subsection is limited to five years from the date of addition of the information to the
30 computer data base."

Alaska State Legislature

REPRESENTATIVE
PETER KELLY

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



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

House District 31

House Of Representatives

January 28, 1997

Memorandum

To: Representative Joe Green, Chairman
House Judiciary Committee

From: Representative Pete Kelly

A handwritten signature in black ink, appearing to read "Pete Kelly", written over the printed name.

Regarding: Hearing request for House Bill 6.

=====

Please schedule a hearing for HB 6 at your earliest convenience. House Bill 6 provides that the names of juvenile offenders who have committed **felony** crimes, or **repeat** misdemeanors, may be released by DFYS.

Please note in the attached Memorandum from Jack Chenoweth, Legislative Counsel, that one of the amendments offered in House HESS Committee (now Sect. 2 of the bill) does not work. I am working on a solution for this problem.

I believe opposition has narrowed to a discussion of a few issues: 1) how many misdemeanors must a minor commit before release of information (two strikes v. three strikes); 2) how information will be released - I am interested in discussion on creating a HESS "homepage" for juvenile offenders; 3) who releases information.

Hess prefers that the court system release information because they are structured to handle the public, the Court System and I prefer DFYS release information because they are the only ones who have the records.

Teleconference request: Fairbanks will want to testify on this bill. I would also appreciate an off site link to 1st Sgt. Mike Corkill, President APOA, so that he may testify, pending emergencies, from his office. Sgt. Corkill's phone number is 451-5316.

Alaska State Legislature

k

REPRESENTATIVE

PETER KELLY

Mailing Address:

119 N. Cushman, Suite 203

Fairbanks, Alaska 99701

(907) 456-8161



While in Juneau

State Capitol

Juneau, Alaska

99801-1182

(907) 465-2327

House District 31

House Of Representatives

Sectional

HB 6

Section 1. Technical reference.

Section 2. Sealing court records after five years. This section was offered as an amendment to allow minors to petition the court to have their records sealed after five years. Unfortunately, the section only applies to court records, and the bill releases records from DFYS.

Section 3. Technical numbering.

Section 4. Allows the department to notify victims via the telephone, not just in writing.

Section 5. HESS releases outcome of agency and court adjudication. This release is limited to:

1) Name of minor, parents, outcome of agency/court action, offense w/o victim information.

FOR:

2) Felony offenses, and repeat misdemeanors.

Note: 1st misdemeanor remains confidential.

LEGAL SERVICES

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

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


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

MEMORANDUM

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

Representative Con Bunde, Chair

January 29, 1997

Page 2

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

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

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7 court may not be made public in connection with the minor's status as a delinquent
8 unless authorized by order of the court.

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

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

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

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

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

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

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

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

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

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

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

11 (1) a felony; or

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

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

22 (1) a felony; or

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

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 a new title

additional referral to Finance Committee
 attached amendment(s)

ADOPTS: _____ Letter of Intent

ATTACHES NEW FISCAL NOTE(S): (Dept) H+SS APPROVES PREVIOUS: (Dept/Date) _____
 fiscal note(s) H+SS fiscal note(s) _____

zero fiscal note(s) Public Safety, H+SS, Admin, Law zero fiscal note(s) _____

SIGNING WITH RECOMMENDATIONS	DP	DNP	NR	AM
<i>Frank Brown</i>	✓			
<i>Carl Brundage</i>	✓			
<i>Robert B. ...</i>	✓			
<i>Robert B. ...</i>			✓	
<i>Robert B. ...</i>			✓	
<i>Robert B. ...</i>	✓			
<i>Robert B. ...</i>				✓

CHAIR'S SIGNATURE *Carl Brundage*

adopt

PROVISION TO SEAL RECORDS

This amendment would allow juveniles whose records have been made public to petition 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.

adopt

A M E N D M E N T #1

OFFERED IN THE HOUSE

BY REPRESENTATIVE KELLY

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

- 1 Page 2, line 16:
- 2 Delete "The [UPON REQUEST OF A VICTIM, THE]"
- 3 Insert "Upon request of a victim, the"

adopt

A M E N D M E N T #2

OFFERED IN THE HOUSE

BY REPRESENTATIVE KELLY

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

1 Page 1, line 5

2 Delete "required by AS 47.12.305"

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

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

5 Delete all material.

6 Renumber the following bill sections accordingly.

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

8 Insert "(a)"

9 Page 3, lines 7 and 8:

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

12 Insert "must have occurred after August 31, 1997."

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

18 (1) a felony; or

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

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

adopt

0-LS0063VH.3
Chenoweth
1/27/97

AMENDMENT #3

OFFERED IN THE HOUSE

BY REPRESENTATIVE KELLY

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

- 1 Page 3, lines 9 - 23:
- 2 Delete all material.

AMENDMENT

#4

BY: KEMPLER

OFFERED IN THE HOUSE

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

1 Page 2, line 23:

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

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

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

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

Alaska State Legislature

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House District 31

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 from 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.

Sponsor statement
Page 2.

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.

Alaska State Legislature



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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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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.

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

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

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

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

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

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

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

14 (1) a felony; or

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

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

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

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

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

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

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

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

1 alleged commission of an offense that is

2 (1) a felony; or

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

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

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

23 * 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 engorgement 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	Photo-graphing	Offender registration	Statewide repository ²	Seal/expunge records prohibited
Alabama			x	x	x		x	
Alaska		x	x	x		x	x	
Arizona	x	x	x	x	x	x		
Arkansas		x	x	x	x		x	
California	x	x	x	x	x	x	x	x
Colorado	x	x	x	x	x	x	x	x
Connecticut			x	x	x			
Delaware	x	x	x	x	x	x	x	x
District of Columbia			x	x	x			
Florida	x	x	x	x	x	x	x	
Georgia	x	x	x	x	x		x	x
Hawaii			x	x	x		x	
Idaho		x	x	x	x		x	
Illinois		x	x	x	x	x	x	
Indiana	x	x	x	x	x		x	
Iowa	x	x	x	x	x	x	x	
Kansas	x	x	x	x	x	x	x	
Kentucky				x	x		x	x
Louisiana	x	x	x	x	x		x	
Maine	x	x	x			x	x	
Maryland			x	x	x		x	
Massachusetts	x	x	x	x	x		x	
Michigan		x	x	x	x	x	x	x
Minnesota	x	x	x	x	x	x	x	x
Mississippi		x	x	x	x	x		
Missouri	x	x	x	x	x		x	
Montana	x	x	x	x	x	x	x	x
Nebraska		x	x	x			x	
Nevada	x	x		x	x		x	x
New Hampshire		x	x					
New Jersey		x	x	x	x	x	x	
New Mexico	x			x	x		x	
New York				x	x		x	
North Carolina			x	x	x			x

(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 "tail, 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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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 ASSISTANCE¹⁹³

PURPOSE: APPROPRIATION¹⁹³

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

¹⁹³See Vol. II, P.L. 99-177, §256, with respect to treatment of foster care and adoption assistance programs.

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 173;

(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)¹⁹⁴ 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,¹⁹⁵ (D) any audit or similar activity conducted in connection with such program.

¹⁹⁴P.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).

¹⁹⁵P.L. 101-508, §5054(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.

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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 ASSISTANCE¹⁹²

PURPOSE: APPROPRIATION¹⁹³

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

¹⁹²See Vol. II, P.L. 99-177, §256, with respect to treatment of foster care and adoption assistance programs.

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)¹⁹⁴ 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,¹⁹⁵ (D) any audit or similar activity conducted in connection with such program.

¹⁹⁴P.L. 100-486, §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. 100-486, §204(a) and (b)(1).

¹⁹⁵P.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 neglect¹⁰⁶; 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;¹⁰⁷

(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;

¹⁰⁶P.L. 101-508, §505(b)(2)(B), added "and" and subparagraph (E), applicable to benefits for months beginning on or after May 1, 1991.

¹⁰⁷P.L. 101-508, §505(b)(1), amended paragraph (9) in its entirety, applicable to benefits for months beginning on or after May 1, 1991. 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:"



ALASKA CHAPTER

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 public's 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 of restitution, 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 linked 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 have 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.



NATIONAL ASSOCIATION OF SOCIAL WORKERS ALASKA CHAPTER

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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 institutions 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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**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.

THE
GOVERNOR'S
CONFERENCE
ON
YOUTH
AND
JUSTICE

What the State Can Do

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

What the State Can Do

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

What the State Can Do

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.

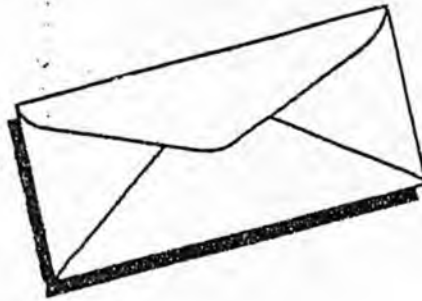
Fairbanks: Names in the paper may create a "hero" syndrome.

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 vs. not a public matter, concern about what young children will think when they read it in the paper, desire to avoid sensationalism.



LETTERS

I'm sorry

Dec. 16, 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 up-standing 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 Gruner/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.

Cecilia Kleinkauf, M.S.W.

ATTORNEY AT LAW

P.O. Box 243963 • Anchorage, Alaska 99524-3963 • (907) ~~561~~²⁷⁴⁻⁷¹¹³-7113

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.


House Health, Education & Social Services Committee
HB 6
January 23, 1997
page 2

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 "Pudge" Klein Kauf, JD, M.S.W.

Kimberly Miller
3151 Norm Circle
Anchorage, AK 99507
(907) 583-6934

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

STATE OFFICE
ALASKA PEACE OFFICERS ASSOCIATION

P.O. Box 240106 Anchorage, Alaska 99524-0106 Phone (907) 277-0515 Fax (907) 272-5355



January 17, 1997

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Craig
Pres. Prince of Wales Chapter

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 18 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

February 7, 1997

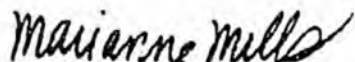
Dear Representative Green,

I urge you to oppose CSHB 6 relating to the release of information about juveniles. I am deeply concerned that breaching confidentiality will result in labeling and "self-fulfilling prophecies", turning youth into criminals instead of rehabilitating them. Obstacles to future employment, military service, and educational opportunities may result if their identities and records are released. This will only serve to push them toward a lifetime of crime.

Instead, please encourage the courts and probation officers to use innovative programs such as victim-offender mediation and youth courts which have proven effectiveness. In addition, express your support for efforts which prevent child abuse and promote literacy--two major factors related to juvenile crime.

Thank you for your thoughtful consideration of my request.

Sincerely,



Marianne Mills
Regional Representative
National Association of
Social Workers

02/08/97

To: Con Bunde

From: Karen Largent
17420 Mountainside Village Dr.
Anchorage, AK 99518

I am writing to encourage you to carefully consider the harm inherent in CSHB 6 (Release of Information About Juveniles).

We are all concerned about juvenile and adult crime.

We all want to see strong, healthy families where there is parental responsibility, and the passing and integration of values in their children.

This Bill does not serve those purposes. It works against them.

This exploitation of families has at best the punitive and humiliating quality of a public flogging.

It assumes no motivation, effort, or will on the parts of these families to find solutions to their problems. Indeed, this would serve to squash any of that and merely add to the burdens already facing these parents and children.

This is a violation not only of confidentiality, but of decency.

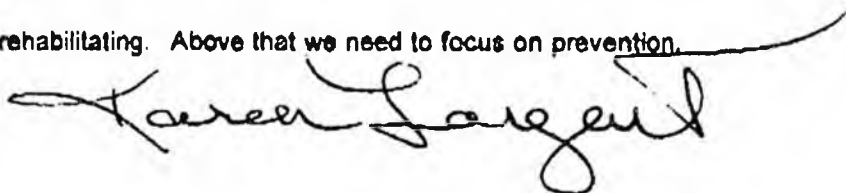
To further think that these acts would be proposed when there has not even been an adjudication of delinquency.

This labeling and stigmatization will carry it's harmful impact way into a child's future.

This is not the direction we need to be heading, not the community environment in which we want to live.

We need measures that are restorative, rehabilitating. Above that we need to focus on prevention.

cc: Joe Green
Jeanette James
Brian Porter
Norman Rokeberg
Ethan Berkowitz
Eric Croft

A handwritten signature in black ink, appearing to read "Karen Largent". The signature is written in a cursive, flowing style with a long horizontal line extending to the right from the end of the name.

RECEIVED
FEB 12 1997

Kimberly Miller
3320 Nowell Ave. #4
Juneau, AK 99801

Representative Joseph Green
State Capital
Juneau, AK 99801-1182

Dear Rep. Green:

I am writing to express my strong opposition to HB 3 and HB 6, both concerning Release of Information About Juveniles. I attended the House Judiciary Committee meeting on Feb. 7, and would like to respond to information and testimony from that meeting, as well as outline my opposition to HB 3 and HB 6.

I feel that HB 3 and HB 6 would result in the rehabilitative and preventative nature of our juvenile justice system being severely compromised. 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.

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 and youth courts that provide both accountability for the youths actions and rehabilitation for the juvenile offender.

During the meeting on Feb. 7 a number of issues were raised that concerned me. Your comment that disclosure to the public does not mean that the juvenile is guilty, and thus you feel that this is how the public would view the information is problematic for me. I have serious concerns about the assumption that the public would not automatically convict that youth in their minds and react to the disclosure as if the juvenile had actually been found guilty. The issue that Representative Bunde raised regarding the subjectivity of the decision of when and what to disclose by each law enforcement jurisdiction is of concern due to the potential for discrimination to individuals and specific groups of juveniles. I share Representative Croft's concerns regarding what type of information would be released about parents, and the possibility of deterring prospective foster and adoptive parents.

I see HB 3 and HB 6 as a dangerous and unproductive direction to proceed in the effort to improve our juvenile justice system. The potential to improve the system, and thus reach a larger number of troubled youth is welcomed by all in the human service field, but we must proceed by utilizing effective interventions that target early intervention and rehabilitative efforts.

Sincerely,
Kimberly Miller, MSW

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
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CHANGE IN REVENUES ()	0.0	0.0	0.0	0.0	0.0	0.0
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FUND SOURCE: (Thousands of Dollars)

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

Estimate of an 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: 1/27/97

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FISCAL NOTE

**STATE OF ALASKA
1997 LEGISLATIVE SESSION**

BILL NO. HB 6

Revision Date: _____ Dept. Affected: Department of Law
 Title: "An Act relating to the disclosure of information
relating to certain minors." BRU: Criminal Division/Civil Division
 Sponsor: Representative Kelly Component: Criminal Division/General Legal Services
 Requester: House HESS Committee COMPONENT SERIAL NO. 2086/2087

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

FUND SOURCE (Thousands of Dollars)

FUND SOURCE	FY 98	FY 99	FY 00	FY 01	FY 02	FY 03
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

POSITIONS	FY 98	FY 99	FY 00	FY 01	FY 02	FY 03
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 *Joan M. Kasson*
 Division: Administrative Services Division
 Approved by Commissioner: Bruce M. Botelho, Attorney General *Bruce Botelho for*
 Agency: Department of Law

Phone: 465-5370
 Date: 1/24/97
 Date: 1/24/97

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

FUND SOURCE

(Thousands of Dollars)

FUND SOURCE	FY98	FY99	FY00	FY01	FY02	FY03
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:

POSITIONS	FY98	FY99	FY00	FY01	FY02	FY03
FULL-TIME	9					
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: Division of Family & Youth Svcs
 Approved by Commissioner: Karen Perdue, Commissioner
 Agency: Department of Health & Social Services

Phone: 465-3191
 Date: 01/17/97
 Date: 1/22/97

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ANALYSIS (cont.):

Change in positions:

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

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: 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						
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CHANGES IN REVENUES ()						
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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

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

Phone: 465-3191
 Date: 01/17/97
 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: 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						
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CHANGES IN REVENUES ()						
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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 *L. Diane Worley* Phone: 465-3191
 Division: Family & Youth Services Date: 01/17/97
 Approved by Commissioner: Karen Perdue, Commissioner *Karen Perdue* Date: 1/22/97
 Agency: Department of Health & Social Services

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ANALYSIS (cont.):

Loss of Federal Funds: (\$157.5)

Change in positions:

PCN 08-3482 Regional Administrator, Range 23 is deleted (\$92.2)

New PCN Social Worker V, Range 21 \$73.8

Total (\$18.4)

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						
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CHANGES IN REVENUES ()						
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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: \$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

5/12/97

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

Phone: 465-3191
Date: 01/17/97
Date: 1/22/97

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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: Northern Region
 COMPONENT SERIAL NO. 255
 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						
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CHANGES IN REVENUES ()						
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FUND SOURCE

(Thousands of Dollars)

FUND SOURCE	FY98	FY99	FY00	FY01	FY02	FY03
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:

POSITIONS	FY98	FY99	FY00	FY01	FY02	FY03
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 *Diane Worley* Phone: 907 465-3191
 Division: Family & Youth Services Date: 01/17/97
 Approved by Commissioner: Karen Perdue, Commissioner *Karen Perdue* 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 08-3218 (\$99.9)

Delete Social Worker V in Bethel PCN 08-3201 (\$91.1)

Delete Social Worker V in Nome PCN 08-3089 (\$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 miners
 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						
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CHANGES IN REVENUES ()						
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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)

S/1/22/97

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

Phone: 465-3191
 Date: 01/17/97
 Date: 1/22/97

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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						
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CHANGES IN REVENUES ()						
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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-T.ME						
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
 Division: Family & Youth Services
 Approved by Commissioner: Karen Perdue, Commissioner
 Agency: Department of Health & Social Services

Phone: 465-3191
 Date: 01/17/97
 Date: 1/22/97

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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: 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)

FUND SOURCE	FY98	FY99	FY00	FY01	FY02	FY03
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:

POSITIONS	FY98	FY99	FY00	FY01	FY02	FY03
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

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.):

Change in position:	
Superintendent II PCN 08-3483 R 21 will be down graded to a R 20.	(\$93.5)
	<u>\$69.4</u>
<u>Total savings due to downgrade</u>	(24.1)

FISCAL NOTE

STATE OF ALASKA
1997 LEGISLATIVE SESSION

BILL NO: HB 6

Revision Date: _____
 Title: Release of information about minors.
 Sponsor: Representative Kelly
 Requestor: H.HESS

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

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

	FY 98	FY 99	FY 00	FY 01	FY 02	FY 03
OPERATING						
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: *Dee Smith* Date: 1/22/97
 Agency: Ronald L. Otte, Department of Public

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Re HB3 & 6

Fri Feb 7

McLaughlin youth center wants speaker
on HB6

Have class - Students like to listen in

Cathy Barnett

or Judy Regan

@ 563 8082



TELECOPY COVER SHEET

Fairbanks Legislative Information Office

Office - (907) 452-4448

Fax - (907) 456-3346

TO: Christie Rep Joe House FAX: _____ PHONE: _____

FROM: Fax 210 PHONE: _____

INSTRUCTIONS: Scott Calder missing pages of written testimony plus other. Thanks!

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Office - (907) 452-4448

Fax - (907) 456-3346

TO: HOUSE JUDICIARY FAX: _____ PHONE: _____

FROM: FBX LIO PHONE: 452-4448

INSTRUCTIONS: WRITTEN TESTIMONY FOR HB 6 & HB 3

HEARD ON 2/10 @ 1:00 P.M.

RECEIVED: Date _____ Time _____

SENT: Date 2/10/97 Time _____

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NUMBER OF PAGES: 10 (Not counting cover sheet)

SENT BY: Fras



ALASKA STATE LEGISLATURE

PLEASE ENTER INTO THE RECORD MY TESTIMONY TO THE Judiciary
 COMMITTEE ON House Bill #3 DATED 2-10-97
 BILL/SUBJECT COMMITTEE NAME

As a student at Austin E. Lathrop High School in Fairbanks I strongly disagree with the motives behind House Bill #3. Not only is this Bill a violation of the rights of minors, it discredits our judicial system. As a student I know that the way to teach is not to shame or humiliate but instead to guide and encourage. Thus far the Alaska judicial system has attempted to do just that - to punish delinquent minors but also to give them another chance when they become adults. This Bill takes that power away from the judicial system and gives it to a less objective public who are more likely to disregard the facts and are apt to jump to conclusions.

This Bill also gives too much power to police officers. The Bill reads that the police may choose whether or not to release the information. I don't like the possibility of potential corruption that is a result of the word "may". We must not pass ambiguous laws that put policemen in the position to play favorites.

The third objection I have to this Bill is that the information is released only upon arrest and not adjudication. If the minor has not been proven guilty of the crime, what right does the public have to know?

I do not understand how this Bill will solve any of the problems facing our state. I believe that House Bill #3 will instead exaggerate problems, create tensions and plant suspicion in the community. This legislature is not willing to ostracize the youth in our communities. We must be more willing to include and not exclude our youth. These delinquent minors already feel that the world is against them - please, don't prove them right.

SIGNED Annie L. Bell

TESTIFIER

AP Government and English Literature

REPRESENTING (OPTIONAL)

2290 Patterson Lane North Pole, Alaska 99701

ADDRESS/PHONE NUMBER

1-(907) 488-2877

HB6...TELECONFERENCE...JUDICIARY...February 12, 1997

As a recent victim of juvenile crime, I've seen first hand just how ineffectively our justice system handles this growing problem. The delinquents in this case were apprehended, but it took the presence of a dozen victims at the courthouse to keep these young offenders in custody. *Then*, we were shut out of subsequent hearings because of the "disclosure" laws.

Why?...Because the court petitions did not include our names as victims until weeks later...after these young people had been released. The terms and date of release were "confidential". One of these minors continued to burglarize and vandalize until he was caught again, but this time he shot and nearly killed the arresting officer. Only then did we learn that he was no longer in the Youth Facility.

What happened here? We had a kid who, for whatever reasons, was predisposed to criminal activities. He got caught now and then, but we hid the legal process from the public...even the victims in this case! The court released him again which only served to increase his contempt for authority. Criminal activity was resumed...even escalated...until...he went *too far*!

THIS IS NOT AN ISOLATED EVENT! In June alone there were two other cases in the news of juveniles who attempted murder here in Fairbanks. We can only speculate how extensive their criminal activities may have been before we promoted them to adult status.

Kids are screaming for guidelines when they strike out against society. It's our duty to respond with appropriate consequences. Absolute protection of confidentiality is **not** in the best interest of our wayward youth. The tiered approach to disclosure in **HB6** is a good start.

Post-It™ brand fax transmittal memo 7671		# of pages ▶
To	HOUSE JUDICIARY	FROM
Co.		AL NEAR
Dept.		Phone #
Fax #		Fax #

Marilyn J. Drew
4725 Villanova Drive
Fairbanks, Alaska 99709-3220

February 12, 1997

Representative Joe Green
Chair, House Judiciary Committee
State Capitol
Juneau, AK 99801-1182

RE: Support for HB 6

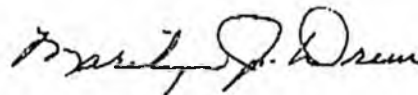
Dear Representative Green:

I am writing to express my support for HB 6 regarding the release of information about minors. Disclosure is an important element for dealing with juvenile crime.

The knowledge of who the offenders are is important not only for my protection, but to shine a light on a system that is obviously flawed.

I commend HB 6 to you and press for your assistance in passing this important piece of legislation.

Sincerely,



Marilyn J. Drew

cc: Representative Con Bunde
Representative Jeannette James
Representative Brian Porter
Representative Ethan Berkowitz
Representative Eric Croft

Michael J. Kirk

P.O. Box 20844
Juneau, Alaska 99802

February 12, 1997

Testimony to the House Judiciary Committee on House Bill 3, regarding disclosures of information about certain minors

Thank you for the opportunity to comment on this important bill.

I am a retired teacher. For decades my life's work has been teaching and guiding our young people, hopefully including helping them to become responsible adults.

I am deeply troubled by the trend toward lack of responsible behavior by youth and by the failure of their parents and the important adults in their lives to take on their own responsibility for shaping the behavior of their children. Ethical behavior and responsibility do not suddenly arrive when a person attains the age of eighteen or twenty-one. It is a gradual process, starting just after birth, slightly different for each individual. But in every case it is shaped, in part, by the attitudes of parents, and secondarily by the attitude of others in the community, including schools and the law enforcement system. Children are eager and impatient at each age or developmental state to assume the tasks and lessons we are willing to help them learn.

The primary responsibility for imbuing our youth with a sense of right and wrong must be in the home. We must -- through our laws and through our community attitudes -- make the parents the responsible parties along with the youths themselves.

Not every parent is equally equipped for this task. It is vital that parents who need help and guidance can go to a social services agency or school counselor for expert advice and assistance, and if they have that opportunity and are still unable or unwilling to take responsibility for their guiding their children's behavior and ethical education, sterner measures, such as institutionalization of the children, must be considered. *But the focus must be on the parents as the ones with the duty to teach responsible behavior to children.*

We need simple, understandable rules, at home and in the schools, which every parent and every child can understand and must agree to. They must also understand the consequences of failure. Responsibility is a prerequisite for freedom; license is not freedom, but irresponsibility.

I have attached one simple set of amendments to House Bill 3 which I believe would go a long way toward reasserting a community standard of responsibility for juvenile behavior. Essentially, *I suggest giving state agencies involved in juvenile justice the option of making delinquent behavior public and insuring that both the offending children and their parents must face community standards, not hide from them.*

Thank you for your serious and careful consideration.

Michael J. Kirk

HOUSE BILL NO. 3 (relating to disclosures of information about certain minors)

AMENDMENT NO. ____

Page 1, line 4:

(c) A state or municipal [law enforcement] agency

Page 1, line 8:

(2) shall, unless the agency determines that in the circumstances of the specific case the prejudice to the minor outweigh the interests of the public, [may] disclose to the public upon request but may not report to

Page 2, l. 7:

(3) shall [may] disclose to school officials information regarding a case as may

Page 2, l. 9:

(4) shall [may] disclose to the public information regarding a case as may be

Page 2, l. 11:

(5) shall [may] disclose to a victim information regarding the minor's arrest,

Justification: *In the present law and in the current version of HB 3, the authority to release certain types of information on juvenile offenders is purely discretionary, i.e., the agency "may" disclose but is not obligated to disclose. ["May" is used to grant discretionary authority and "shall" is used to require a particular action; see Legislative Drafting Manual, Ch. 2.] No standards are given for exercise of the discretion, so the agency is left with complete discretion and no standards for its exercise. ♦ This amendment makes disclosure mandatory unless the agency affirmatively finds that the prejudice to the minor of disclosure outweighs the public interest in the circumstances of a particular case. ♦ In addition, the change to page 1, line four, makes this disclosure policy applicable to all state agencies, including the Department of Health and Social Services, the Department of Law, and the Department of Corrections, in addition to police agencies.*

##	BILL #	SHORT TITLE	STATUS	DATE
1	HB x 3	DISCLOSURES RE FELONY ARRESTS OF MINORS	(H) JUD	1/13/97
2	HB x 5	CRIMINAL PROSECUTION OF MINORS	(H) JUD	1/13/97
3	HB x 6	RELEASE OF INFORMATION ABOUT MINORS	(H) JUD	1/31/97
4	HB x 12	IMMUNITY FOR EQUINE ACTIVITIES	(H) JUD	1/13/97
5	HB x 22	CIVIL LIABILITY FOR BOOTLEGGERS	(H) JUD	1/13/97
6	HB x 30	CIVIL LIABILITY FOR SKATEBOARDING	(H) JUD	1/31/97
7	HB x 57	CRUELTY TO ANIMALS	(H) JUD	1/13/97
8	HB x 58	CIVIL LIABILITY	(H) JUD	1/13/97
9	HB x 69	ROPHYPNOL AS SCHEDULE I-A DRUG	(H) JUD	1/15/97
10	HB x 74	"NO FRILLS" PRISON ACT	(H) JUD	1/16/97
11	HB x 91	EXTEND BOARD OF PAROLE	(H) JUD	1/29/97
12	HCR x 3	URGING REGIONAL DIVERSITY SUPREME COURT	(H) JUD	1/13/97
13	HCR x 4	SEPARATE RECORDS FOR DELINQUENTS & CINA	(H) JUD	2/03/97

E0 99

Meloy
Brink

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02/03/97

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L357

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T/C DATE: 02/07/97 TIME: 13:00 to 15:00

STATUS: 1 REQUESTED

SPONSOR: HJUD HOUSE JUDICIARY

CHAIRS: REP GREEN

PURPOSE: PUB PUBLIC-HEARING

LEGISLATIVE

1ST ITEM: HB 3 DISCLOSURES RE FELONY ARRESTS OF MINORS

2 ITEMS ON AGENDA

CONTACT: LISA KIRSCH

TEL: (907)465-4990

MODERATOR: ZZZ

LOCATION STAFF

CHAIRING SITE: JUNEAU

CAPITOL

ROOM: CAP120

PRINTER: L900

PARTICIPATING LIOS: 3 VOLUNTEER SITES: 0 OFFNETS: 1

SPONSOR REMARKS(PUBLIC): TESTIMONY ALLOWED: Y 3 MINUTE LIMIT:

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LAST UPDATED BY: LIOCJEB

REQUESTED ON: 02/03/97

ON: 02/03/97

ON: 02/03/97

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Sgt. Conkill

(800) 478-7612

~~28.05.033~~

Sst Conkill

800 478 7612

HB 57 Poppy

Roger Gillespie

Ray Wilkovic Assoc

463 3275

Comm.

director DFYS

in Fbks

for HB 3 & 6