

HB

45

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Copies of minutes listed below were originally included in this file. The minutes are available on the legislative computer database. In order to save space copies of minutes have not been left in the files.

Mary Pagenkopf

Senate Rules Committee 3/12/97 10:50 am

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 5, 1997

Memorandum

To: Senator Tim Kelly, Chair
Senate Rules Committee

From: Representative Pete Kelly *Pete*

Regarding: Floor scheduling for HB 45

=====

Please schedule House Bill 45 for floor action at your earliest convenience.

House Bill 45 corrects a problem that occurred when my bill from last year, revising the juvenile code HB 387, and Senator Frank's bill, changing the runaway statutes SB 289, were merged. The language that resulted required a police officer to return a runaway minor to his parents - but only with the consent of the minor. HB 45 **deletes** the language requiring a police officer to obtain the **consent of a minor** before he is returned home.

It does not make sense for the state to give a runaway minor, by definition an individual who chooses to live on the streets and is refusing available care, the power to override his parents decision.

I have filed HB 45 to fix this problem.

The bill has generated very little controversy. The National Association of Social Workers have requested a change beyond the scope of this bill. They have requested an amendment deleting the word "believe" and inserting "suspect" in AS 47.10.141(b)(1)(A). This change would substantially weaken the efforts of Senator Frank's SB 289 in the previous legislature.

The National Association of Social Workers also misinterpret the role of the police officer in AS 47.10.141. The police officer has been called, by the family, to seek and find a missing child. Once found the police officer is directed, by AS 47.10.141, to return the minor to his or her home. The police officer still has the requirement to report any suspicion of abuse to the proper authorities under AS 47.17. Police officer's are not trained to split apart families on the basis of the merest suspicion of child abuse, this takes trained social workers, responding to a police report. Nor is it appropriate for a police officer to release a minor to the dangers of the streets, without solid reasons to act upon.

Alaska State Legislature

REPRESENTATIVE
PETER KELLY

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



White in Juneau
State Capitol
Juneau, Alaska
99801-1150
907/465-2327

House District 3

House Of Representatives

Sponsor Statement

HB 45

Runaway and missing children

HB 45 provides a technical correction that occurred when my comprehensive re-write of the juvenile code was combined with Senator Steve Frank's legislation on runaway's following the last legislative session. When these two bills were combined a core piece of Senator Frank's legislation was lost. The reviser of bill needs this legislation to fix the problem.

This bill returns to a parent or guardian the decision to allow an unemancipated minor to remain on the street or to require the minor to return home. A runaway minor should not have the right of refusal as to where the minor should live. This decision should lie with the minor's parent, legal guardian, or in remote cases, a peace officer.

When you read the paper and learn of juveniles committing crime, vandalism, or living on the streets, you may ask yourself: "Where were these kids parents?" When you drive home late at night and see teens or younger children out on the street it is not just the parents who are at fault. Please remember that State law gives these children veto power over their parent's decision for the minor's return home.

We all agree that it is not in a minor's best interest for the minor to be "habitually absent from home or refusing to accept available care" (AS 47.10.010(a)(1)). It was not intentional for our statutes to read that a minor who has run away from home, must first consent to her or his return to that home. HB 45 corrects this problem.

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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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 sponsoring House Bill 45 relating to runaway and missing minors. At a recent meeting of the APOA State Board, we decided to unanimously support this legislation. We believe that a runaway minor should not have the right of refusal or choice as to where the minor should live. We feel this decision should lie with the minor's parent, legal guardian or, in remote cases, a peace officer.

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,

A handwritten signature in black ink, appearing to read "Michael Corkill".

Michael Corkill
APOA State President



TELECOPY COVER SHEET

Fairbanks Legislative Information Office

Office - (907) 452-4448

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TO: House HESS FAX: _____ PHONE: _____

FROM: FBX LIO PHONE: _____

INSTRUCTIONS: Written Testimony for HB45 teleconferenced
on 2/13 @ 3:00 PM.

RECEIVED: Date _____ Time _____

SENT: Date 2/14/97 Time _____

DISPOSAL OF ORIGINAL: Discard _____ Hold for Pickup _____

NUMBER OF PAGES: 5 (Not counting cover sheet)

SENT BY: Flem

Comments on HB45:

Kim Wood
PO Box 56152
North Pole, AK 99705

Upon reading HB45 I was taken back to April 23, 1996, when our daughter "decided" that she didn't want to live with us anymore and would rather "live her own life" at age 13. That was the day I summoned the police to pick her up off the street because she said she was not coming home. When she was taken to the police station, she said she was not going home with us. We then asked the police what we could do and we were told "nothing." They then transported her to Family Focus. That was all they said they could do. Never once did the police tell our daughter that she had to go home with us, so she really felt like she had the upper hand and we felt she did too. She got what she wanted, to do what she wanted, when she wanted. I'm sure she probably laughed inside all the way to Family Focus, while we were crying at home. I might add here that there was never any question of physical, mental, or sexual abuse, just a child who got it in her head that she could do what she wanted and there was nothing we could do about it. The sad thing is that she was right, until we found out about Teen Help.

How helpless we felt that day and the days that followed until we were given the number of Teen Help. The day after I called them, an escort team was on their way to Fairbanks to take our daughter to a residential treatment facility where we could all begin to sort through what was wrong and begin the healing process. To date things are going well and our daughter is in a safe, secure environment, where together we are all working on the issues that ultimately led to April 23, 1996.

Every day I see in the paper where another adolescent is either missing, or assaulting their parents, etc. It makes me angry that there is nothing in our own state, much less our own community that can provide assistance to our children who are definitely crying out for help.

I would venture to say that most of the kids on the street are not from abusive homes, but rather they know that there is nothing their parents can do to make them be responsible for the bad choices they have made, and that if not checked, will eventually ruin their lives, like ending up in jail for the rest of their life for shooting a police officer in the chest. And actions that affect the lives of others in the community by way of stealing, vandalism, etc. How sad that our state thinks it's more important to give grants to start charter schools for "gifted" children when the money could be better used to establish facilities to help our kids at risk. And yes, I do mean help. If you could talk to the kids in the program that our daughter is in, you would find that they are now thankful that their parents are

making the emotional and monetary sacrifice they are making to ensure that their son or daughter is receiving the help they need

One thing I noticed in the bill, (4) (B) "that counseling services for the minor's parent or guardian and the minor's household may be available under AS 47.10.142(B)." This is a good place to start, too bad it was never offered to my family. We were on our own in finding counseling and it would have been helpful if someone would have assisted us. When your family is falling apart, you feel like you are all alone in the world, and there was nowhere to turn for us. I can only hope that our state government will take a serious look at this issue and take action soon. The problem is not getting better, and will not go away on its own. It's too late for my family, but not for countless others in our community that are now or will in the future go through this tragedy.

Respectfully,

Kim M. Wood 2/13/97

HB45...TELECONFERENCE...HESS...February 13, 1997

by Al Near

HB45 seeks to correct a technical error that occurred when SB289 was written into AS 47.10.141(B). I support this correction.

Despite our best efforts, the runaway youth problem continues to plague us. Responsible parents who are trying to instill traditional values encounter legal roadblocks. If a kid chooses to leave home (runaway), there's very little a parent can do to prevent it, and kids know this! Laws designed to protect abused and neglected children are easily exploited by rebellious kids who are challenging authority. Young people who, in an earlier time would have been held accountable for their misdeeds, can now exercise adult freedoms unencumbered by responsibility.

Alaska desperately needs the option of secure treatment facilities for our rebellious runaways. At present, families have few choices when their son or daughter runs. If pleading with them to come home doesn't work...then what? A growing number of Alaskan families are sending them to programs "Outside". Facilities in Utah, Idaho and Montana can maintain a secure environment for rehabilitation programs and their success rates are impressive...over 80%! The cost is high too...\$100 a day and up, but over a dozen families in Fairbanks alone have children in just one of these programs today.

Why can't we have this option *in Alaska*? It seems that mandates flowing from Federal legislation of the 70s may be the reason. To ensure so called "least restrictive" settings for juveniles in custody here, certain Federal funds for juvenile programs are contingent upon compliance. For example, detention of juveniles who run away from home would place a portion of this grant money at risk. It's assumed that kids who run away are fleeing abusive homes. This completely overlooks the merely rebellious ones...kids who would exploit these laws and manipulate the system. Kids who know that law enforcement agencies do NOT aggressively pursue runaways or the people who harbor them.

I urge you and the administration to consider lifting the ban against secure placement for habitual runaways.



How times have changed

Public school teachers rank the top disciplinary problems



1940

- Talking out of turn
- Chewing gum
- Making noise
- Running in the halls
- Cutting in line
- Dress-code violations
- Littering

1990

- Drug abuse
- Alcohol abuse
- Pregnancy
- Suicide
- Rape
- Robbery
- Assault



TEEN HELP

1-800-355-8336

ID #

In the next 24 hours . . .

(Based on national averages)

- 1,439 Teens will attempt suicide
- 2,795 Teenage girls will become pregnant
- 9,506 Teens will take their first drink of alcohol or use of drugs
- 3,561 Teens will run away

Truancy and violence by teens have increased tremendously. Teens now account for over a fourth of all Sexually Transmitted Diseases and over fifty percent of all teens use alcohol or drugs.

More teens than ever before are in need of help. Even the best of homes are being affected by this nationwide problem.

Teen Help . . .

has resources or can refer parents to resources such as:

- Parent Support Groups
- Parent and Teen Retreats
- Adolescent Counselors
- Short Term Crisis Centers
- Treatment Programs
- Schools, Camps, other Alternatives

For more information . . .

Call TEEN HELP

1-800-355-8336

WARNING SIGNS OF RUNAWAY CHILDREN

It is apparent that children with runaway tendencies manifest similar behaviors. The following list was compiled by parents of runaway children in the Fairbanks area. Those contributing the information all agree that it is far more than coincidental that many behaviors are similar, but they are puzzled as to what moves a child in that direction.

We hope this this information will alert other parents to a potential runaway problem before it happens.

- Dishonesty (lying, cheating, stealing).
- Lack of conscience.
- Poor school performance.
- Disruptive and/or disinterested in class.
- Disinterest in extra-curricular or other organized activities.
- Friendships with inferiors or hanging around with the bad elements.
- Inability to see the consequences of any given action.
- Drops out of family activities.
- Disavows family values.
- Manipulates others.
- Poor judgment and decision-making skills.
- Will do anything for peer acceptance.
- Gang attire and music preferences.
- Severe mood shifts.
- Bored and unable to entertain self – relies on peers, TV and others.
- Impulsive behavior – self damaging and harmful (i.e., drugs, shoplifting, sex, etc.)
- Low self-esteem.
- No sense of identity.
- Frequent and inappropriate display of anger.
- Unstable and intense friendships of short duration.
- Threats of suicide.
- Self mutilation.
- Avoidance of responsibilities by running or consequences of actions.
- Consistently truant.
- Destructive to property of self and others.
- Never admits to fault.
- Exhibits paranoid behavior.
- Continues to maintain relationship with boyfriend/girlfriend as forbidden by parents.
- Unrealistic use or money. Unable to hang on to money. Does not know value.

FISCAL NOTE

STATE OF ALASKA
1997 LEGISLATIVE SESSION

BILL NO. HB45

Revision Date: _____
Title: Relating to Runaway and Missing 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#): _____

Expenditures/Revenues:

(Thousands of Dollars)

OPERATING	FY98	FY99	FY00	FY01	FY02	FY03
PERSONAL SERVICES						
TRAVEL						
CONTRACTUAL						
SUPPLIES						
EQUIPMENT						
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
TOTAL OPERATING	0.0	0.0	0.0	0.0	0.0	0.0

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

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

FUND SOURCE

(Thousands of Dollars)

1002 Federal Receipts						
1003 GF Match						
1004 GF						
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)

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

5/2/97

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

Phone: 465-3191
Date: 02/07/97
Date: 2/12/97

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FISCAL NOTE

NO. _____
 Bill Version: CSHB 45 (HES)
 (H) Publish Date: 2/14/97

STATE OF ALASKA
1997 LEGISLATIVE SESSION

BILL NO: _____

Effective Date: _____ Dept. Affected: Public Safety
 Title: Runaway and missing minors. BRU: Alaska State Troopers
 Component: Detachments
 Sponsor: Representative Kelly
 Requestor: H.HESS COMPONENT SERIAL NO. 0799

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

	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 ()	-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 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 10, 1997
 Approved by Commissioner: *Ronald L. Otte* Date: 2/12/97
 Agency: Ronald L. Otte, Department of Public

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FISCAL NOTE

2B Senate

STATE OF ALASKA
1997 LEGISLATIVE SESSION

BILL NO:

Bill Version: CSHB 45(HES)
NOT Published-Identical to: 2

Revision Date: 03/04/97 Dept. Affected: Public Safety
Title: Runaway Juveniles BRU: Alaska State Troopers
Component: Detachments
Sponsor: Rep. Kelly
Requestor: S.HESS 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-
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 MHTA						
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 any significant fiscal impact on AST.

Prepared By Capt. Ted M. Bachman Phone 269-5650
Division Alaska State Troopers Date 03/04/97
Approved by Commissioner: Ronald L. Otte Date 3/4/97
Agency Department of Public Safety

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STATE OF ALASKA
1997 LEGISLATIVE SESSION

FISCAL NOTE

NO. _____
Bill Version: CSHB 45 (HES)
(H) Publish Date: 2/14/97

Revision Date: _____
Title: Relating to Runaway and Missing Minors
Sponsor: Representative Kelly
Requestor: House (HES)

Dept. Affected: Health and Social Services
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Component: DFYS Central Office
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See also (SN#): _____

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(Thousands of Dollars)

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TRAVEL						
CONTRACTUAL						
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EQUIPMENT						
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
TOTAL OPERATING	0.0	0.0	0.0	0.0	0.0	0.0

CAPITAL EXPENDITURES

CHANGES IN REVENUES ()

FUND SOURCE

(Thousands of Dollars)

1002 Federal Receipts						
1003 GF Match						
1004 GF						
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)

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

5/20/97

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

Phone: 465-3191
Date: 02/07/97
Date: 2/12/97

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