

ALASKA LEGISLATURE COMMITTEE BILL FILES - 1987 - 1988 8879

SB 79 cont., CSSB 79 36 36

1 location designated by the legal custodian; or (3) [(2)] take the  
2 minor to an office specified by the Department of Health and Social  
3 Services or a facility or contract agency of the department. If an  
4 office specified by the department or a facility or contract agency of  
5 the department does not exist in the community, the officer shall take  
6 the minor to another suitable location and promptly notify the depart-  
7 ment. Except as provided in (c) of this section, a [A] minor under  
8 protective custody may not be housed in a jail or other detention  
9 facility. Immediately upon taking a minor into protective custody the  
10 officer shall advise the minor orally and in writing of the right to  
11 social services under AS 47.10.142(b), and, if known, the officer  
12 shall advise the legal custodian that the minor has been taken into  
13 protective custody.

14 \* Sec. 2. AS 47.10.141 is amended by adding new subsections to read:

15 (c) A minor who is taken into protective custody by a peace  
16 officer while the minor was evading the minor's legal custodian shall  
17 be placed in a juvenile detention facility approved by the department  
18 for a period of 30 days after being taken into custody if the minor  
19 was previously taken into protective custody by a peace officer in the  
20 state while the minor was evading the minor's legal custodian. Before  
21 the minor is placed in detention, the peace officer who took the minor  
22 into protective custody shall comply with the requirements of (d) of  
23 this section.

24 (d) As soon as practicable after taking into custody a minor who  
25 is evading the minor's legal custodian, a peace officer shall ac-  
26 company the minor to a location specified by the department for an  
27 examination of the minor. The department shall adopt regulations that  
28 specify the appropriate tests and analyses to be administered to the  
29 minor to detect evidence of alcohol, drug, physical, or sexual abuse.

1           (e) A peace officer shall take a minor into protective custody  
2 if the peace officer has probable cause to believe that the minor is  
3 evading the minor's legal custodian and

4           (1) is in danger of harm or poses a threat of harm to  
5 others; or

6           (2) is living with a person who is not a legal custodian of  
7 the minor.

POSITION PAPER  
CSSB 79 (HESS)

This bill mandates the efforts of law enforcement agencies in locating runaway minors. The revised subsection (c) now also mandates the detention of the minor if the minor is a runaway in violation of a valid court order under subsection (f) and is posing a clear and present danger to the minor's own welfare.

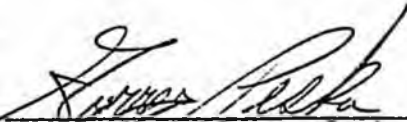
The revised subsection (c) is a great improvement over previous language requiring a thirty-day detention of a second-time runaway. However, the current bill could result in the detention of first-time runaways because a standard order would be issued pursuant to subsection (f) listing the consequences of violation. Thus, a finding of violation of a court order would be easily made if the minor left the placement. Many, if not most, cases would involve a finding of "clear and present danger" because most children would present a danger to themselves if not living in a safe environment.

If the primary purpose of the bill is to provide for the detention of chronic runaways, then language requiring a finding under subsection (c) that the child had exhibited previous runaway behavior would assure that detention would be used only for repeat runaways.

The Office of Public Advocacy would support CSSB 79 (HESS) if the statute expressly targeted the limited population of chronic runaways.

\_\_\_\_\_  
Brant McGee, Director  
Office of Public Advocacy

\_\_\_\_\_  
Date

  
\_\_\_\_\_  
Commissioner Garrey Peska  
Department of Administration

4/17/87  
Date

RECEIVED  
APR 20 1987

LEGISLATIVE FINANCE

SENATE COMMITTEE REPORT

FURTHER: FINANCE

DATE TURNED INTO OFFICE 5/7/85

Mr. President:

JUDICIARY

Committee considered SB 79

~~relating~~ runaway minors

and recommended:

replace with CS FOR SB 79 (Gen) )  same title  
 or adopt \_\_\_\_\_ CS FOR \_\_\_\_\_ )  new title

attached amendment(s) and

do pass

do not pass

no recommendation

individual recommendations

further referral to \_\_\_\_\_

letter of intent adopted \_\_\_\_\_

Committee  attached or  adopted fiscal note(s)

new  updated or  previous  
 zero  fiscal impact

MEMBERS SIGNING DO PASS

Pat Rader

OTHER RECOMMENDATIONS

Don DeMow - No Rec.  
Celine Stuplishki No Rec

Kittling No Rec  
Chairman signature and recommendation

Committee Backup Attached

SENATE COMMITTEE REPORT

FIRST COMMITTEE OF REFERRAL

Date of 4/1/87 5-DAY NOTICE  
IN ACCORDANCE WITH UNIFORM RULE 23

FURTHER: JUDICIARY  
*Finance*

\*\*FISCAL NOTE(S) ATTACHED 3 \*\*  
IN ACCORDANCE WITH AS 24.08.035  
(see below)

1/22/87  
Mr. President:

DATE TURNED INTO OFFICE 4/16/87

HESS Committee considered SB 79

relating to runaway minors.

and recommended:

- replace with CS SB 79 (HESS)  same title
- attached amendment(s) and  new title
- do pass
- do not pass
- no recommendation
- individual recommendations
- further referral to \_\_\_\_\_
- letter of intent adopted and attached

\*\* Committee  attached or  adopted fiscal note(s)  
 zero 2  fiscal impact 1

MEMBERS SIGNING DO PASS

OTHER RECOMMENDATIONS

2 Paul Hulse  
(Not the total answer)

3 Paul Josephson (No Rec.)

1 Paul Hulse, Do Pass  
Chairman signature and recommendation

Committee Backup Attached

C S S B

7 9

**HOUSE COMMITTEE REPORT**

(11)

Date referred: 4/22/88

FURTHER REFERRALS:

DATE: 5/4/88

The Finance Committee has considered CSSR 79 (Jud) am

"An Act relating to runaway and missing minors."

**RECOMMENDS:**

- replace with HCS CS SB 79 (Fin.)  the same title
- attached amendment(s)  a new title
- do pass
- do not pass
- no recommendation
- individual recommendations
- additional referri l to the \_\_\_\_\_ Committee

**ADOPTS:**  \_\_\_\_\_ letter of intent

**ATTACHES NEW FISCAL NOTE(S):**

- fiscal impact Courts
- zero fiscal notes House Finance  
Dept. Law  
Public Safety  
Public Defenders  
(Admin)
- zero with analysis
- same as previous fiscal note published \_\_\_\_\_
- same as previous zero fiscal note published 4/22/88

**SIGNING DO PASS:**

**SIGNING OTHER RECOMMENDATIONS:**

LARSON <u>Ronald L. Larson</u>	ADAMS <u>Cel Adams - no rec</u>
SWACK <u>C. Swack</u>	PURCHOT <u>Pat Purchase - no rec</u>
<u>[Signature]</u>	GOLL <u>Peter Goll - no rec</u>
RIEGER <u>Steve Rieger</u>	BOYER <u>Nancy Boyer - no rec</u>
FRANK <u>Frank</u>	WALLIS <u>Kay Wallis</u>
DAVIS <u>Mike Davis</u>	BROWN <u>Ted Brown</u>

Cel Adams

Chairman's signature

STATE OF ALASKA  
1988 LEGISLATIVE SESSION

BILL VERSION HCS CSSB 79( -)  
PUBLISH DATE: HOUSE 4/22/88

FISCAL NOTE

REQUEST:

Revision Date: \_\_\_\_\_  
Title: "An Act relating to runaway and missing minors."  
Sponsor: Rodey, Faiks, Fischer, et al.  
Requestor: \_\_\_\_\_

Agency Affected: Health & Social Services  
BRU: \_\_\_\_\_  
Components: \_\_\_\_\_

381

EXPENDITURES/REVENUES: (Thousands of Dollars)

OPERATING	FY 88	FY 89	FY 90	FY 91	FY 92	FY 93
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-
REVENUE	-0-	-0-	-0-	-0-	-0-	-0-

FUNDING: (Thousands of Dollars)

GENERAL FUND						
FEDERAL FUNDS						
OTHER						
TOTAL						

POSITIONS:

FULL-TIME						
PART-TIME						
TEMPORARY						

ANALYSIS : (Attach a separate page if necessary)

N/A

Prepared by: Yvonne M. Chase, ACSW, Director  
Division: Family & Youth Services

Phone: 465-3170  
Date: 4-20-88

Approved by Commissioner: Myra M. Timson  
Agency: Department of Health & Social Services

Date: 4-20-88

- Distribution (by preparer):
- Legislative Finance
  - Legislative Sponsor
  - Requestor
  - Office of Management and Budget
  - Impacted Agency(ies)

STATE OF ALASKA 1988 LEGISLATIVE SESSION  
FISCAL NOTE

REQUEST: Bill Version: HCS CS SB 79 (FIN)  
Publish Date: 05/03/88

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Revision Date: 05/03/88 Agency Affected: Alaska Court System  
Title: An act relating to runaway and missing minors BRU: Trial Courts  
Sponsor: Rodey, Faiks, Fischer, ... Components:  
Requestor: House Finance

EXPENDITURES/REVENUES:	(Thousands of Dollars)					
OPERATING	FY 88	FY 89	FY 90	FY 91	FY 92	FY 93
Personal Services	. . . .	. . . .	. . . .	. . . .	. . . .	. . . .
Travel	. . . .	. . . .	. . . .	. . . .	. . . .	. . . .
Contractual	. . . .	9.0	9.0	9.0	9.0	9.0
Supplies	. . . .	. . . .	. . . .	. . . .	. . . .	. . . .
Equipment	. . . .	. . . .	. . . .	. . . .	. . . .	. . . .
Land & Structures	. . . .	. . . .	. . . .	. . . .	. . . .	. . . .
Grants & Claims	. . . .	. . . .	. . . .	. . . .	. . . .	. . . .
TOTAL OPERATING	0.0	9.0	9.0	9.0	9.0	9.0

CAPITAL . . . . .

REVENUE . . . . .

FUNDING:	(Thousands of Dollars)					
General Funds	0.0	9.0	9.0	9.0	9.0	9.0
Federal Funds	. . . .	. . . .	. . . .	. . . .	. . . .	. . . .
Other	. . . .	. . . .	. . . .	. . . .	. . . .	. . . .
TOTAL	0.0	9.0	9.0	9.0	9.0	9.0

POSITIONS:

Full-time	. . . .	. . . .	. . . .	. . . .	. . . .	. . . .
Part-time	. . . .	. . . .	. . . .	. . . .	. . . .	. . . .
Temporary	. . . .	. . . .	. . . .	. . . .	. . . .	. . . .

ANALYSIS: (Attach a separate page if necessary)

See attached analysis.

Prepared by: *Jan Strandberg*  
Jan Strandberg, General Counsel Phone: 264-8228  
Division: Alaska Court System Date: 05/03/88

Approved by: *Arthur P. Snowden, II*  
Arthur P. Snowden, II, Administrative Director Date: 05/03/88  
Agency: Alaska Court System

- Distribution (by preparer):
- Legislative Finance
  - Legislative Sponsor
  - Requestor
  - Office of Management & Budget
  - Impacted Agency(ies)
  - Senate Secretary

ALASKA COURT SYSTEM

Fiscal Analysis

HCS for CSSB 79 (FIN)

This bill will require court hearings before a minor can be placed in a juvenile detention facility as well as hearings to determine the most appropriate placement in the best interests of the minor. Based on an approximate hearing time of 30 minutes each and on a population of 180 per year (as estimated in DHSS' position paper), this bill will increase court time by 90 hours. Because the impact does not warrant the addition of a permanent master, the court system intends to contract state-wide for special master's services based on an average cost of \$100 per hour.

STATE OF ALASKA  
1988 LEGISLATIVE SESSION

BILL VERSION: HCS CS SB 79 (FIN)  
PUBLISH DATE: \_\_\_\_\_

FISCAL NOTE

REQUEST:

Revision Date: \_\_\_\_\_  
Title: Relating to runaway and missing minors.  
Sponsor: Rodey, Faiks, et. al.  
Requestor: House Finance Committee

Agency Affected: Administration  
BRU: Office of Public Advocacy  
Components: \_\_\_\_\_

EXPENDITURES/REVENUES: (Thousands of Dollars)

OPERATING	FY 88	FY 89	FY 90	FY 91	FY 92	FY 93
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
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REVENUE	0	0	0	0	0	0
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FUNDING: (Thousands of Dollars)

GENERAL FUND						
FEDERAL FUNDS						
OTHER						
TOTAL	0	0	0	0	0	0

POSITIONS:

FULL TIME						
PART-TIME						
TEMPORARY						

ANALYSIS : (Attach a separate page if necessary)

Prepared by: Al Adams, Chair <sup>ADA</sup> Phone: 465-3706  
Division: House Finance Committee Date: 5/3/88

Approved by Commissioner: \_\_\_\_\_ Date: \_\_\_\_\_  
Agency: \_\_\_\_\_

Distribution (by preparer):  
Legislative Finance  
Legislative Sponsor  
Requestor  
Office of Management and Budget  
Impacted Agency(ies)

FISCAL NOTE

REQUEST

Revision Date: 3/16/88  
Title: "An Act relating to runaway and missing minors."  
Sponsor: Sen. Rodey  
Requestor: House Judiciary

Agency Affected: Public Safety  
BRU: Alaska State Troopers  
Components: Detachments

EXPENDITURES/REVENUES: (Thousands of Dollars)

OPERATING	FY88	FY89	FY90	FY91	FY92	FY93
PERSONAL SERVICES						
TRAVEL						
CONTRACTUAL						
SUPPLIES						
EQUIPMENT						
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
TOTAL OPERATING	0	0	0	0	0	0

CAPITAL						
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REVENUE						
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FUNDING: (Thousands of Dollars)

GENERAL FUNDS						
FEDERAL FUNDS						
OTHER						
TOTAL	0	0	0	0	0	0

POSITIONS:

FULL-TIME	0	0	0	0	0	0
PART-TIME						
TEMPORARY						

ANALYSIS: (Attach a separate page if necessary)

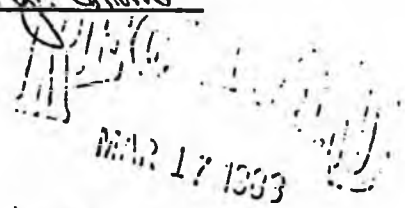
Prepared by: Francis C. Allan  
Division: Alaska State Troopers

Phone: 269-5691  
Date: 3/16/88

Approved by Commissioner: *Gayle H. ...*  
Agency: Public Safety

Date: 3-16-88

Distribution: (by preparer):  
Legislative Finance  
Legislative Sponsor  
Requestor  
Office of Management and Budget  
Impacted Agency(ies)



FISCAL NOTE

REQUEST:

Revision Date: April 25, 1988  
Title: "An Act relating to runaway and missing minors."  
Sponsor: House Judiciary  
Requestor: House Finance

Agency Affected: Department of Law  
BRU: Legal Services  
Components: Operations

EXPENDITURES/REVENUES: (Thousands of Dollars)

OPERATING	FY 88	FY 89	FY 90	FY 91	FY 92	FY 93
PERSONAL SERVICES						
TRAVEL						
CONTRACTUAL						
SUPPLIES						
EQUIPMENT						
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
TOTAL OPERATING		-0-	-0-	-0-	-0-	-0-

CAPITAL						
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REVENUE						
---------	--	--	--	--	--	--

FUNDING: (Thousands of Dollars)

GENERAL FUND		-0-	-0-	-0-	-0-	-0-
FEDERAL FUNDS						
OTHER						
TOTAL						

POSITIONS:

FULL-TIME		-0-	-0-	-0-	-0-	-0-
PART-TIME						
TEMPORARY						

ANALYSIS : (Attach a separate page if necessary)

Please see the attached analysis.

Prepared by: Richard I. Pegues, Director Phone: 465-3672  
Division: Administrative Services Date: April 25, 1988

Approved by Commissioner: Grace Berg (Schaible) Date: April 25, 1988  
Agency: Department of Law

Distribution (by preparer):

- Legislative Finance
- Legislative Sponsor
- Requestor
- Office of Management and Budget
- Impacted Agency(ies)

**RECEIVED**  
APR 26 1988

LEGISLATIVE FINANCE

# CONTINUATION of FISCAL NOTE ANALYSIS

For Bill/Resolution No. HCCSSB 79 (Jud.)

The House Committee Substitute for CSSB 79 (Jud.) amends AS 47.10 by changing existing law and adding new sections and subsections that provide for the detention of runaway minors, and that provide for the establishment of programs for runaway minors.

The Department of Law is primarily concerned with Section 3, which provides that a juvenile detained under this section is entitled to a detention hearing within 24 hours of being detained. At that hearing the state must show that the minor's current situation poses a severe and imminent risk to the minor's health or safety and that no reasonable placement alternative exists within the community. The hearing is specifically to determine if the minor is in civil contempt of court. Each of these detained minors will already be in the legal custody of the Department of Health and Social Services and DHSS will have obtained a temporary placement order with a provision in it which stated that the minor must stay in the department's arranged placement and if he or she does not he or she may be found in civil contempt of court.

The statute apparently assumes that as the minor will be held in civil contempt that there will be no requirement for a jury trial. However, this may not be a valid assumption given the uncertain, or indefinite period of detention provided for by the bill. In civil contempt the contemnor holds the keys to the cell in his or her hand. In this case it will be difficult to tell when the child is actually in a position to use those keys to open the doors. Will it be sufficient for the minor to say that he or she will not run away? Will there need to be a clearance from the Department of Health and Social Services? Will the State be able to keep the child in a detention setting indefinitely? What subsequent hearings will be required? Based upon these considerations, it appears that there will have to be multiple hearings regarding the child's detention.

The Division of Family and Youth Services, in its separate fiscal note analysis, concludes that it will not experience a fiscal impact because the court ordered detention provided by the bill will be used in only those cases involving the few chronic runaways in clear danger to themselves. A judge may not view what situation constitutes a severe and imminent risk to a minor's health or safety quite so narrowly when faced with determining the disposition of a thirteen-year-old or fourteen-year-old runaway who has been found alone on the streets.

Up until the present, the Division of Family and Youth Services has not had a means to detain runaways if they decide to run again. For instance, a child is picked up, placed in a foster home, and runs away again the next day. Running away is a status offense and children cannot be found delinquent and detained based upon that behavior. If there is a means to detain children it is likely that children

## CONTINUATION of FISCAL NOTE ANALYSIS

For Bill/Resolution No. HCCSSB 79 (Jud.)

who may well have been considered unreachable previously will now warrant an attempt at detention as a means of dealing with them. Certainly there will be parents who will strongly urge the DFYS to use this option on behalf of the child who refuses to stay at home or in a foster home setting. The fact that this alternative is being created is because there are children who cannot be served with the current legal remedies available to DFYS.

For these reasons, the Department of Law believes the number of runaways who will be subject to court ordered detention may be substantially greater than a few chronic runaways. There is, however, no realistic or accurate way to determine the number of hearings that may be required by the bill and, consequently, fiscal note costs cannot be predicted at this time. The attorneys in the Department of Law who would be responsible for preparing for and attending court hearings for runaways are already shouldering extreme caseloads. To the extent that DFYS may find it necessary to request court ordered detention for more than a few chronic runaways, the Department of Law would have to seek and receive a supplemental appropriation before any additional runaway caseload could be handled.

It should also be noted that at detention hearings the child as well as the child's parents may need legal counsel, because the child will be deprived of his or her liberty, while at the same time the state is taking legal and physical custody from the child's parents. The parents and child's interests may well be dissimilar and the court will need to appoint an additional attorney to represent the child (in addition to the non-attorney guardian ad litem). Any significant number of runaway hearings may have a fiscal impact on the Office of Public Advocacy and the court system, in addition to the Department of Law.

FISCAL NOTE

REQUEST:

Revision Date: \_\_\_\_\_  
Title: "An Act relating to runaway minors..."  
Sponsor: Senator Rodey  
Requestor: Senate Finance

Agency Affected: Dept. of Administration  
BRU: Public Defender Agency  
Components: Third Judicial District

EXPENDITURES/REVENUES: (Thousands of D

OPERATING	FY 88	FY 89	FY 90	FY 91	FY 92	FY 93
PERSONAL SERVICES						
TRAVEL						
CONTRACTUAL						
SUPPLIES						
EQUIPMENT						
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
TOTAL OPERATING		-0-	-0-	-0-	-0-	-0-
CAPITAL						
REVENUE						

FUNDING: (Thousands of Dollars)

GENERAL FUND		-0-	-0-	-0-	-0-	-0-
FEDERAL FUNDS						
OTHER						
TOTAL		-0-	-0-	-0-	-0-	-0-

POSITIONS:

FULL-TIME		-0-	-0-	-0-	-0-	-0-
PART-TIME						
TEMPORARY						

ANALYSIS : (Attach a separate page if necessary)

(See attachment)

Prepared by: Dana Fabe, Public Defender  
Division: Public Defender Agency

Phone: 279-7541  
Date: May 3, 1988

Approved by Commissioner: John Andrews  
Agency: Department of Administration

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

Distribution (by preparer):

Legislative Finance  
Legislative Sponsor  
Requestor  
Office of Management and Budget  
Impacted Agency(ies)

D R A F T

CONTINUATION of FISCAL NOTE ANALYSIS

For Bill/Resolution No. HCS CSSB 79 (Finance)

The House Finance Committee's substitute for this bill eliminates use of contempt powers to place juveniles in detention facilities if they are in violation of a placement order. While runaways may be "incarcerated" in a detention facility under limited circumstances, they must be brought to court the same day for release within a period not to exceed 24 hours. With the elimination of potential contempt hearings and continued detention, any additional hearings resulting from this bill will not require an increase in our staff.

D R A F T

Original sponsors: Rodey, Faiks,  
Fischer, et al.

1 IN THE SENATE

BY THE FINANCE COMMITTEE

2 HOUSE CS FOR CS FOR SENATE BILL NO. 79 (Finance)

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 FIFTEENTH LEGISLATURE - SECOND SESSION

5 A BILL

6 For an Act entitled: "An Act relating to runaway and missing minors."

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

8 \* Section 1. AS 47.10.141 is amended to read:

9 Sec. 47.10.141. RUNAWAY AND MISSING MINORS. (a) Upon receiving  
10 a written, telephonic, or other request to locate a minor evading the  
11 minor's legal custodian or to locate a minor otherwise missing, a law  
12 enforcement agency shall make reasonable efforts to locate the minor  
13 and shall immediately complete a missing person's report containing  
14 information necessary for the identification of the minor. As soon as  
15 practicable, but not later than 24 hours after completing the report,  
16 the agency shall transmit the report for entry into the Alaska Public  
17 Safety Information Network and the National Crime Information Center  
18 computer system. As soon as practicable, but not later than 24 hours  
19 after the agency learns that the minor has been located, it shall  
20 request that the Department of Public Safety and the Federal Bureau of  
21 Investigation remove the information from the computer systems.

22 (b) A peace officer shall take into protective custody a minor  
23 described in (a) of this section if the minor is not otherwise subject  
24 to arrest or detention. The peace officer shall honor the minor's  
25 preference to [EITHER] (1) return the minor to the legal custodian if  
26 the legal custodian consents to the return; (2) take the minor to a  
27 nearby location agreed to by the minor and the legal custodian; or (3)  
28 [(2)] take the minor to an office specified by the Department of  
29 Health and Social Services, a program for runaway minors licensed by

1 the department under AS 47.10.310, or a facility or contract agency of  
2 the department. If an office specified by the department, a licensed  
3 program for runaway minors, or a facility or contract agency of the  
4 department does not exist in the community, the officer shall take the  
5 minor to another suitable location and promptly notify the department.  
6 A minor under protective custody may not be housed in a jail or other  
7 detention facility. Immediately upon taking a minor into protective  
8 custody, the officer shall advise the minor orally and in writing of  
9 the right to social services under AS 47.10.142(b), and, if known, the  
10 officer shall advise the legal custodian that the minor has been taken  
11 into protective custody.

12 \* Sec. 2. AS 47.10.141 is amended by adding a new subsection to read:

13 (c) A minor may be taken into emergency protective custody by a  
14 peace officer and placed into temporary detention in a juvenile de-  
15 tention home in the local community if there has been an order issued  
16 by a court upon a finding of probable cause that (1) the minor is a  
17 runaway in wilful violation of a valid court order issued under AS  
18 47.10.080 or 47.10.142(f), (2) the minor's current situation poses a  
19 severe and imminent risk to the minor's life or safety, and (3) no  
20 reasonable placement alternative exists within the community. For the  
21 purposes of this subsection, a risk may not be considered severe and  
22 imminent solely because of the general conditions for runaway minors  
23 in the community, but shall be assessed in view of the specific behav-  
24 ior and situation of the minor. A minor detained under this sub-  
25 section shall be brought before a court on the day the minor is de-  
26 tained, or if that is not possible, within 24 hours after the de-  
27 tention for a hearing to determine the most appropriate placement in  
28 the best interests of the minor. A minor taken into emergency protec-  
29 tive custody under this subsection may not be detained for more than

1 24 hours, except as provided under AS 47.10.140. Emergency protective  
2 custody may not include placement of a minor in a jail or secure  
3 facility other than a juvenile detention home, nor may an order for  
4 protective custody be enforced against a minor who is residing in a  
5 licensed program for runaway minors, as defined in AS 47.10.390.

6 \* Sec. 3. AS 47.10.142 is amended by adding a new subsection to read:

7 (f) When a minor is committed to the department for temporary  
8 placement under (e) of this section, the court order shall specify the  
9 terms, conditions, and duration of placement. The court may require  
10 the minor to remain in the placement provided by the department and  
11 shall clearly state in the order the consequences of violating the  
12 order, including the possibility of detention under AS 47.10.141(c).

13 \* Sec. 4. AS 47.10 is amended by adding new sections to read:

14 ARTICLE 5. PROGRAMS FOR RUNAWAY MINORS.

15 Sec. 47.10.300. POWERS AND DUTIES OF THE DEPARTMENT. The de-  
16 partment shall

17 (1) review, inspect, and approve or disapprove for licens-  
18 ing proposed or established programs for runaway minors to ensure the  
19 health and safety of minors in the program;

20 (2) maintain a register of licensed programs for runaway  
21 minors;

22 (3) award grants for the establishment or operation of  
23 licensed programs for runaway minors;

24 (4) submit to the legislature and governor each January a  
25 report on programs for runaway minors in the state;

26 (5) adopt regulations for the administration of AS 47.10.-  
27 300 - 47.10.390, including regulations providing for the coordination  
28 of services to be provided by licensed programs for runaway minors and  
29 by the department.

1           Sec. 47.10.310. LICENSING OF PROGRAMS FOR RUNAWAY MINORS. (a)  
2 A person may not operate a program for runaway minors in the state  
3 without a license issued under this section. A person who violates  
4 this subsection is guilty of a violation.

5           (b) The department may license a program for runaway minors  
6 under AS 47.10.300 - 47.10.390 only if the program

7                 (1) is operated by a corporation organized under AS 10.20  
8 or a municipality; and

9                 (2) meets the requirements of (c) of this section.

10           (c) A program for runaway minors shall

11                 (1) explain to a minor who seeks assistance from the pro-  
12 gram the legal rights and responsibilities of runaway minors and the  
13 services and assistance provided for runaway minors by the program and  
14 by the state or local municipality;

15                 (2) attempt to determine why a minor in the program is a  
16 runaway;

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

22                 (4) promptly inform the department of a minor in the pro-  
23 gram who claims to be the victim of child abuse or neglect, as defined  
24 in AS 47.17.070, or whom an employee of the program has cause to  
25 believe has been a victim of child abuse or neglect;

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

29                 (6) maintain adequate staffing and accommodations to ensure

1 physical security and to provide crisis services to minors residing in  
2 a facility operated by the program; residents under 18 years of age  
3 shall be segregated from residents who are 18 years of age or older.

4 (d) A program for runaway minors may provide services for the  
5 protection of the health and welfare of a person under 21 years of age  
6 who is in need of the services and who is without a place of shelter  
7 in which supervision and care of the person are available.

8 Sec. 47.10.320. RESIDENCE IN RUNAWAY MINOR PROGRAM FACILITIES.  
9 A runaway minor may maintain residency for a period not exceeding 45  
10 days at a facility operated as part of a licensed program for runaway  
11 minors. The minor may maintain residency without the consent of the  
12 person or agency having custody of the minor, except that if the court  
13 has ordered the minor committed to the custody of the department,  
14 written consent of the department is required. The residency may be  
15 extended for an additional period of 45 days with the written consent  
16 of the person or agency having custody of the minor. A minor may not  
17 maintain residency beyond the 90th day following admission to a li-  
18 censed program for runaway minors without the written consent of the  
19 person or agency having custody of the minor and the written consent  
20 of the department.

21 Sec. 47.10.330. NOTICE TO MINOR'S LEGAL CUSTODIAN. (a) The  
22 director of a program for runaway minors shall make a good faith  
23 effort to notify a minor's legal custodian as soon as possible, but in  
24 no event more than 48 hours after the minor is admitted to the pro-  
25 gram, unless there are compelling circumstances that justify with-  
26 holding notice. The notice must describe the minor's physical and  
27 emotional condition and the circumstances surrounding the minor's  
28 admission to the program.

29 (b) The director of a program for runaway minors shall promptly

1 notify a minor's legal custodian if the minor is released from the  
2 program into the custody of a person other than the legal custodian or  
3 a person representing the legal custodian.

4 Sec. 47.10.340. CONFIDENTIALITY OF RECORDS. Records of a li-  
5 censed program for runaway minors that identify a minor who has been  
6 admitted to or has sought assistance from the program are confidential  
7 and are not subject to inspection or copying under AS 09.25.110 -  
8 09.25.120, unless

9 (1) after being informed of the minor's right to privacy,  
10 the minor consents in writing to the disclosure of the records;

11 (2) the records are relevant to an investigation or pro-  
12 ceeding involving child abuse or neglect or a child in need of aid  
13 petition; or

14 (3) disclosure of the records is necessary to protect the  
15 life or health of the minor.

16 Sec. 47.10.350. IMMUNITY FROM LIABILITY. (a) The officers,  
17 directors, and employees of a licensed program for runaway minors are  
18 not liable for civil damages as a result of an act or omission in  
19 admitting a minor to the program.

20 (b) This section does not preclude liability for civil damages  
21 as a result of recklessness or intentional misconduct.

22 Sec. 47.10.360. MUNICIPAL POWERS. Authority to establish and  
23 operate a licensed program for runaway minors is granted to munic-  
24 ipalities that do not otherwise have that authority.

25 Sec. 47.10.390. DEFINITIONS. In AS 47.10.300 - 47.10.390

26 (1) "licensed program for runaway minors" means a residen-  
27 tial or nonresidential program licensed by the department under  
28 AS 47.10.310;

29 (2) "runaway minor" means a person under 18 years of age

1 who

2 (A) is habitually absent from home;

3 (B) refuses to accept available care;

4 (C) has no parent, guardian, custodian, or relative  
5 able or willing to provide care; or

6 (D) has been physically abandoned by

7 (i) both parents;

8 (ii) the surviving parent; or

9 (iii) one parent if the other parent's rights and  
10 responsibilities have been terminated under AS 25.23.180(c)  
11 or AS 47.10.080 or voluntarily relinquished.

FISCAL NOTE

REQUEST:

Revision Date: April 25, 1988  
Title: "An Act relating to runaway and missing minors."  
Sponsor: House Judiciary  
Requestor: House Finance

Agency Affected: Department of Law  
BRU: Legal Services  
Components: Operations

EXPENDITURES/REVENUES: (Thousands of Dollars)

OPERATING	FY 88	FY 89	FY 90	FY 91	FY 92	FY 93
PERSONAL SERVICES						
TRAVEL						
CONTRACTUAL						
SUPPLIES						
EQUIPMENT						
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
TOTAL OPERATING		-0-	-0-	-0-	-0-	-0-

CAPITAL						
---------	--	--	--	--	--	--

REVENUE						
---------	--	--	--	--	--	--

FUNDING: (Thousands of Dollars)

GENERAL FUND		-0-	-0-	-0-	-0-	-0-
FEDERAL FUNDS						
OTHER						
TOTAL						

POSITIONS:

FULL-TIME		-0-	-0-	-0-	-0-	-0-
PART-TIME						
TEMPORARY						

ANALYSIS : (Attach a separate page if necessary)

Please see the attached analysis.

Prepared by: Richard I. Pegues, Director Phone: 465-3672  
Division: Administrative Services Date: April 25, 1988  
Approved by Commissioner: Richard I. Pegues Date: April 25, 1988  
Agency: Grace Berg (Schaible, Atty. Gen.)  
Department of Law

Distribution (by preparer):

- Legislative Finance
- Legislative Sponsor
- Requestor
- Office of Management and Budget
- Impacted Agency(ies)

# CONTINUATION of FISCAL NOTE ANALYSIS

For Bill/Resolution No. HCCSSB 79 (Jud.)

The House Committee Substitute for CSSB 79 (Jud.) amends AS 47.10 by changing existing law and adding new sections and subsections that provide for the detention of runaway minors, and that provide for the establishment of programs for runaway minors.

The Department of Law is primarily concerned with Section 3, which provides that a juvenile detained under this section is entitled to a detention hearing within 24 hours of being detained. At that hearing the state must show that the minor's current situation poses a severe and imminent risk to the minor's health or safety and that no reasonable placement alternative exists within the community. The hearing is specifically to determine if the minor is in civil contempt of court. Each of these detained minors will already be in the legal custody of the Department of Health and Social Services and DHSS will have obtained a temporary placement order with a provision in it which stated that the minor must stay in the department's arranged placement and if he or she does not he or she may be found in civil contempt of court.

The statute apparently assumes that as the minor will be held in civil contempt that there will be no requirement for a jury trial. However, this may not be a valid assumption given the uncertain, or indefinite period of detention provided for by the bill. In civil contempt the contemnor holds the keys to the cell in his or her hand. In this case it will be difficult to tell when the child is actually in a position to use those keys to open the doors. Will it be sufficient for the minor to say that he or she will not run away? Will there need to be a clearance from the Department of Health and Social Services? Will the State be able to keep the child in a detention setting indefinitely? What subsequent hearings will be required? Based upon these considerations, it appears that there will have to be multiple hearings regarding the child's detention.

The Division of Family and Youth Services, in its separate fiscal note analysis, concludes that it will not experience a fiscal impact because the court ordered detention provided by the bill will be used in only those cases involving the few chronic runaways in clear danger to themselves. A judge may not view what situation constitutes a severe and imminent risk to a minor's health or safety quite so narrowly when faced with determining the disposition of a thirteen-year-old or fourteen-year-old runaway who has been found alone on the streets.

Up until the present, the Division of Family and Youth Services has not had a means to detain runaways if they decide to run again. For instance, a child is picked up, placed in a foster home, and runs away again the next day. Running away is a status offense and children cannot be found delinquent and detained based upon that behavior. If there is a means to detain children it is likely that children

## CONTINUATION of FISCAL NOTE ANALYSIS

For Bill/Resolution No. HCCSSB 79 (Jud.)

who may well have been considered unreachable previously will now warrant an attempt at detention as a means of dealing with them. Certainly there will be parents who will strongly urge the DFYS to use this option on behalf of the child who refuses to stay at home or in a foster home setting. The fact that this alternative is being created is because there are children who cannot be served with the current legal remedies available to DFYS.

For these reasons, the Department of Law believes the number of runaways who will be subject to court ordered detention may be substantially greater than a few chronic runaways. There is, however, no realistic or accurate way to determine the number of hearings that may be required by the bill and, consequently, fiscal note costs cannot be predicted at this time. The attorneys in the Department of Law who would be responsible for preparing for and attending court hearings for runaways are already shouldering extreme caseloads. To the extent that DFYS may find it necessary to request court ordered detention for more than a few chronic runaways, the Department of Law would have to seek and receive a supplemental appropriation before any additional runaway caseload could be handled.

It should also be noted that at detention hearings the child as well as the child's parents may need legal counsel, because the child will be deprived of his or her liberty, while at the same time the state is taking legal and physical custody from the child's parents. The parents and child's interests may well be dissimilar and the court will need to appoint an additional attorney to represent the child (in addition to the non-attorney guardian ad litem). Any significant number of runaway hearings may have a fiscal impact on the Office of Public Advocacy and the court system, in addition to the Department of Law.

STATE OF ALASKA  
1988 LEGISLATIVE SESSION

BILL VERSION HCS CSSB 79( )  
PUBLISH DATE HOUSE 4/22/88

FISCAL NOTE

REQUEST:

Revision Date: \_\_\_\_\_  
Title: "An Act relating to runaway and missing minors."  
Sponsor: Rodey, Faiks, Fischer, et al.  
Requestor: \_\_\_\_\_

Agency Affected: Health & Social Services  
BRU: \_\_\_\_\_  
Components: \_\_\_\_\_

381

EXPENDITURES/REVENUES: (Thousands of Dollars)

OPERATING	FY 88	FY 89	FY 90	FY 91	FY 92	FY 93
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-
REVENUE	-0-	-0-	-0-	-0-	-0-	-0-

FUNDING: (Thousands of Dollars)

GENERAL FUND						
FEDERAL FUNDS						
OTHER						
TOTAL						

POSITIONS:

FULL-TIME						
PART-TIME						
TEMPORARY						

ANALYSIS : (Attach a separate page if necessary)

N/A

Prepared by: Yvonne M. Chase, ACSW, Director  
Division: Family & Youth Services

Phone: 465-3170  
Date: 4-20-88

Approved by Commissioner: Myra M. Munson  
Agency: Department of Health & Social Services

Date: 4-20-88

Distribution (by preparer):  
Legislative Finance  
Legislative Sponsor  
Requestor  
Office of Management and Budget  
Impacted Agency(ies)

FISCAL NOTE

REQUEST

Revision Date: 3/16/88  
Title: "An Act relating to runaway and missing minors."  
Sponsor: Sen. Rodey  
Requestor: House Judiciary

Agency Affected: Public Safety  
BRU: Alaska State Troopers  
Components: Detachments

EXPENDITURES/REVENUES: (Thousands of Dollars)

OPERATING	FY88	FY89	FY90	FY91	FY92	FY93
PERSONAL SERVICES						
TRAVEL						
CONTRACTUAL						
SUPPLIES						
EQUIPMENT						
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
TOTAL OPERATING	0	0	0	0	0	0

CAPITAL						
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REVENUE						
---------	--	--	--	--	--	--

FUNDING: (Thousands of Dollars)

GENERAL FUNDS						
FEDERAL FUNDS						
OTHER						
TOTAL	0	0	0	0	0	0

POSITIONS:

FULL-TIME	0	0	0	0	0	0
PART-TIME						
TEMPORARY						

ANALYSIS: (Attach a separate page if necessary)

Prepared by: Francis C. Allan  
Division: Alaska State Troopers

Phone: 269-5691  
Date: 3/16/88

Approved by Commissioner: *Francis C. Allan*  
Agency: Public Safety

Date: 3-16-88

Distribution: (by preparer):  
Legislative Finance  
Legislative Sponsor  
Requestor  
Office of Management and Budget  
Impacted Agency(ies)

*Stamp: MAR 17 1988*

**FISCAL NOTE**

**REQUEST:**

Revision Date: \_\_\_\_\_  
Title: Relating to runaway and missing minors.  
Sponsor: Rodey, Faiks, et al.  
Requestor: House Finance Committee

Agency Affected: Administration  
BRU: Office of Public Advocacy  
Components: \_\_\_\_\_

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

OPERATING	FY 88	FY 89	FY 90	FY 91	FY 92	FY 93
PERSONAL SERVICES						
TRAVEL						
CONTRACTUAL						
SUPPLIES						
EQUIPMENT						
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
<b>TOTAL OPERATING</b>	0	0	0	0	0	0

<b>CAPITAL</b>	0	0	0	0	0	0
----------------	---	---	---	---	---	---

<b>REVENUE</b>	0	0	0	0	0	0
----------------	---	---	---	---	---	---

**FUNDING: (Thousands of Dollars)**

GENERAL FUND						
FEDERAL FUNDS						
OTHER						
<b>TOTAL</b>	0	0	0	0	0	0

**POSITIONS:**

FULL-TIME						
PART-TIME						
TEMPORARY						

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

Prepared by: Al Adams, Chair <sup>APA</sup> Phone: 465-3706  
Division: House Finance Committee Date: 5/3/88

Approved by Commissioner: \_\_\_\_\_ Date: \_\_\_\_\_  
Agency: \_\_\_\_\_

Distribution (by preparer):  
Legislative Finance  
Legislative Sponsor  
Requestor  
Office of Management and Budget  
Impacted Agency(ies)

STATE OF ALASKA  
1988 LEGISLATIVE SESSION

.. BILL VERSION House CS CS SB 79  
PUBLISH DATE: \_\_\_\_\_

FISCAL NOTE

REQUEST:

Revision Date: \_\_\_\_\_  
Title: "An Act relating to runaway  
minors..."  
Sponsor: Senator Rodev  
Requestor: Senate Finance

Agency Affected: Dept. of Administration  
BRU: Public Defender Agency  
Components: Third Judicial District

EXPENDITURES/REVENUES: (Thousands of Dollars)

OPERATING	FY 88	FY 89	FY 90	FY 91	FY 92	FY 93
PERSONAL SERVICES		172.8	179.7	186.9	194.4	202.2
TRAVEL		-0-	-0-	-0-	-0-	-0-
CONTRACTUAL		10.0	10.4	10.8	11.2	11.6
SUPPLIES		3.0	3.1	3.2	3.3	3.4
EQUIPMENT		4.5				
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
TOTAL OPERATING		190.3	193.2	200.9	208.9	217.2
CAPITAL						
REVENUE						

FUNDING: (Thousands of Dollars)

GENERAL FUND		190.3	193.2	200.9	208.9	217.2
FEDERAL FUNDS						
OTHER						
TOTAL		190.3	193.2	200.9	208.9	217.2

POSITIONS:

FULL-TIME		3.0	3.0	3.0	3.0	3.0
PART-TIME						
TEMPORARY						

ANALYSIS : (Attach a separate page if necessary)

(See attached)

Prepared by: Dana Fabe, Public Defender  
Division: Public Defender Agency

Phone: 279-7541  
Date: 4/22/88

Approved by Commissioner: John Andrews  
Agency: Department of Administration

Date: 4/26/88

Distribution (by preparer):  
Legislative Finance  
Legislative Sponsor  
Requestor  
Office of Management and Budget  
Impacted Agency(ies)

**RECEIVED**

APR 27 1988

LEGISLATIVE FINANCE

## CONTINUATION of FISCAL NOTE ANALYSIS

For Bill/Resolution No. House CS CS SB 79 (Judiciary)

The House Committee Substitute for this bill continues to authorize peace officers to place runaway minors into juvenile detention facilities if they are in violation of a court Child in Need of Aid placement order. In fact, the Committee Substitute broadens the class of Child in Need of Aid hearings in which detention is permitted. This law differs drastically from the current law which does not permit runaways to be "incarcerated" in a detention facility. Under the CS, the runaway has a right to a hearing within 24 hours. Each runaway will have a right to an attorney at this hearing which will amount to a criminal contempt proceeding for violation of the court order. Criminal contempt proceedings require a jury trial prior to the use of detention as a penalty and many of these juvenile runaways will qualify for full 12-person jury trials in Superior Court. The Committee Substitute drops the mischaracterization of the contempt proceeding as "civil," thus more accurately reflecting the criminal nature of the proceeding and all of the criminal procedure safeguards which must be implemented. In fact, the Committee Substitute specifically indicates that an attorney must be appointed in each of these cases. The Public Defender Agency will be providing representation in virtually all of these cases.

In Anchorage alone, it has been estimated that there are as many as 1200 runaway minors. Even if only a small percentage of these minors qualify for juvenile detention under this bill, each case will involve numerous additional court hearings and the possibility of a full jury trial, as noted above. Based on the expectation that the vast majority of these cases will be concentrated in Anchorage and Fairbanks, the Public Defender Agency is requesting an Attorney III and a Legal Secretary I for Anchorage and an Attorney III for Fairbanks for a total of 190.3.

### BUDGET ANALYSIS

100	Anchorage - Attorney III	66.0	
	Legal Secty I	32.4	
	Fairbanks - Attorney III	74.4	172.8
200	Travel		-0-
300	Contractual: Space, phone, etc.		10.0
400	Supplies: Law library, office, etc.		3.0
500	Equipment: One time		<u>4.5</u>
	TOTAL		190.3

Position Title <b>Attorney III</b>		No. of Positions <b>1</b>	Range/Step <b>22A</b>	Barg. Unit <b>PX</b>
Time Status <b>PFT</b>	Staff Months <b>12.0</b>	Location <b>Anchorage</b>		Election District <b>92</b>
		Justification		
Type of Expenditure		Amount		
1	2	3		
Salary	49,140			
Benefits	16,834			
Premium Pay				
Other				
Total Personal Services		65,974		
Travel		-0-		
Contractual		5,000		
Commodities		1,000		
Equipment		1,500		
Other				
Total Cost		73,474		
Funding Source for Total Cost				
Federal Receipts	1002			
G. F. Match	1003			
General Fund	1004	73,474		
GF Program Receipts	1005			
Other				
<p>CS CS SB 79 would authorize detention of runaway minors and mandate detention for repeat offenders. Juveniles detained under this act would be entitled to representation so the Public Defender Agency is requesting an Attorney III and a Legal Secretary I for Anchorage and an Attorney III for Fairbanks.</p>				

**Request For  
New Position**

Agency Dept. of Administration  
 BRU Public Defender Agency  
 Component Third Judicial District

**FY 89**

Page 3 of 5  
 Revised Date 4/22/88

Position Title <b>Legal Secretary I</b>		No. of Positions <b>1</b>	Range/Step <b>1JA</b>	Barg. Unit <b>GGU</b>	
Time Status <b>PFT</b>	Staff Months <b>12.0</b>	Location <b>Anchorage</b>		Election District <b>92</b>	
Type of Expenditure		Justification			
		<p>CS CS SB 79 would authorize detention of runaway minors and mandate detention for repeat offenders. Juveniles detained under this act would be entitled to representation so the Public Defender Agency is requesting an Attorney III and a Legal Secretary I for Anchorage and an Attorney III for Fairbanks.</p>			
<b>1</b>	<b>2</b>				<b>3</b>
Salary	22,020				
Benefits	10,339				
Premium Pay					
Other					
<b>Total Personal Services</b>					<b>32,359</b>
Travel					-0-
Contractual					-0-
Commodities					1,000
Equipment					1,500
Other					
<b>Total Cost</b>					<b>34,859</b>
Funding Source for Total Cost					
Federal Receipts	1002				
G. F. Match	1003				
General Fund	1004		<b>34,859</b>		
GF Program Receipts	1005				
Other					

**Request For  
New Position**

Agency Dept. of Administration  
 BRU Public Defender Agency  
 Component Third Judicial District

Page 4 of 5  
 Revised Date 4/22/88

**FY 89**

Position Title <b>Attorney III</b>		No. of Positions <b>1</b>	Range/Step <b>22A</b>	Barg. Unit <b>PX</b>
Time Status <b>PFT</b>	Staff Months <b>12.0</b>	Location <b>Fairbanks</b>		Election District <b>94</b>
		Justification		
Type of Expenditure		Amount		
1	2	3		
Salary	56,244			
Benefits	18,129			
Premium Pay				
Other				
Total Personal Services		74,373		
Travel		-0-		
Contractual		-0-		
Commodities		5,000		
Equipment		1,000		
Other		1,500		
Total Cost		81,873		
Funding Source for Total Cost				
Federal Receipts	1002			
G. F. Match	1003			
General Fund	1004	81,873		
GF Program Receipts	1005			
Other				
		CS CS SB 79 would authorize detention of runaway minors and mandate detention for repeat offenders. Juveniles detained under this act would be entitled to representation so the Public Defender Agency is requesting an Attorney III and a Legal Secretary I for Anchorage and an Attorney III for Fairbanks.		

**Request For  
New Position**

Agency Dept. of Administration  
 BRU Public Defender Agency  
 Component Third Judicial District

Page 5 of 5  
 Revised Date 4/22/83

**FY 89**

**FISCAL NOTE**

**REQUEST:**

Revision Date: \_\_\_\_\_  
Title: "An Act relating to runaway minors..."  
Sponsor: Senator Rodey  
Requestor: Senate Finance

Agency Affected: Dept. of Administration  
BRU: Public Defender Agency  
Components: Third Judicial District

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

OPERATING	FY 88	FY 89	FY 90	FY 91	FY 92	FY 93
PERSONAL SERVICES						
TRAVEL						
CONTRACTUAL						
SUPPLIES						
EQUIPMENT						
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
<b>TOTAL OPERATING</b>		-0-	-0-	-0-	-0-	-0-

CAPITAL						
---------	--	--	--	--	--	--

REVENUE						
---------	--	--	--	--	--	--

**FUNDING: (Thousands of Dollars)**

GENERAL FUND		-0-	-0-	-0-	-0-	-0-
FEDERAL FUNDS						
OTHER						
<b>TOTAL</b>		-0-	-0-	-0-	-0-	-0-

**POSITIONS:**

FULL-TIME		-0-	-0-	-0-	-0-	-0-
PART-TIME						
TEMPORARY						

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

(See attachment)

Prepared by: Dana Fabe, Public Defender  
Division: Public Defender Agency

Phone: 279-7541  
Date: May 3, 1988

Approved by Commissioner: John Andrews  
Agency: Department of Administration

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

Distribution (by preparer):  
Legislative Finance  
Legislative Sponsor  
Requestor  
Office of Management and Budget  
Impacted Agency(ies)

**D R A F T**

## CONTINUATION of FISCAL NOTE ANALYSIS

For Bill/Resolution No. HCS CSSB 79 (Finance)

The House Finance Committee's substitute for this bill eliminates use of contempt powers to place juveniles in detention facilities if they are in violation of a placement order. While runaways may be "incarcerated" in a detention facility under limited circumstances, they must be brought to court the same day for release within a period not to exceed 24 hours. With the elimination of potential contempt hearings and continued detention, any additional hearings resulting from this bill will not require an increase in our staff.

D R A F T

4/30/88  
H (Fin)

FISCAL NOTE

REQUEST:

Revision Date: 4/28/88  
Title: "An Act relating to runaway and missing minors."  
Sponsor: Rodev, Faiks, et. al.  
Requestor: Judiciary, Finance

Agency Affected: Administration  
BRU: Office of Public Advocacy  
Components: \_\_\_\_\_

EXPENDITURES/REVENUES: (Thousands of Dollars)

OPERATING	FY 88	FY 89	FY 90	FY 91	FY 92	FY 93
PERSONAL SERVICES	0	55.0	57.2	59.5	61.9	64.4
TRAVEL		0	0	0	0	0
CONTRACTUAL		5.7	5.2	6.1	6.3	6.5
SUPPLIES		1.0	1.4	1.5	1.6	1.7
EQUIPMENT		3.0	0	0	0	0
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
TOTAL OPERATING	0	64.7	64.5	67.1	69.8	72.6

CAPITAL						
---------	--	--	--	--	--	--

REVENUE						
---------	--	--	--	--	--	--

FUNDING: (Thousands of Dollars)

GENERAL FUND	0	64.7	64.5	67.1	69.8	72.6
FEDERAL FUNDS						
OTHER						
TOTAL	0	64.7	64.5	67.1	69.8	72.6

POSITIONS:

FULL-TIME	0	1.0	1.0	1.0	1.0	1.0
PART-TIME						
TEMPORARY						

ANALYSIS : (Attach a separate page if necessary)

Prepared by: Brant McGee, Public Advocate Phone: 274-1684  
Division: Office of Public Advocacy Date: 4/28/88

Approved by Commissioner: John Andrews Date: 4-28-88  
Agency: Department of Administration

Distribution (by preparer):  
Legislative Finance  
Legislative Sponsor  
Requestor  
Office of Management and Budget  
Impacted Agency(ies)

RECEIVED

APR 29 1988

page 1 of 4

LEGISLATIVE FINANCE

# CONTINUATION of FISCAL NOTE ANALYSIS

For Bill/Resolution No. HCSCSSB 79 (Judiciary)

The bill's primary fiscal impact will be in Anchorage where the largest concentration of runaways is located. The Office of Public Advocacy will require an additional Associate Attorney II position in order to provide guardian ad litem representation in runaway cases. There is no question but that a court will appoint a guardian ad litem in each case where a determination on the issue of whether the minor's current situation "poses a severe and imminent risk to the minor's health or safety" is required.

An Associate Attorney II position is warranted as a far less costly alternative to a new attorney position. While a significant number of such guardian ad litem appointments will require staff attorney consultation and representation, OPA will maintain its policy of using non-attorney guardians ad litem whenever possible. Anchorage OPA staff attorneys currently maintain an active caseload of 120 cases, some of which will undoubtedly have to be absorbed by the new associate attorney position in order to enable current staff attorneys to devote time to the several hearings that will be required in each case authorized under the bill.

The guardian ad litem representation required under by bill will be far more time intensive than that under current law. Current Office of Public Advocacy staff in Anchorage simply cannot absorb the additional workload contemplated by this bill without overwhelming already strained resources devoted to the representation of abused and neglected children in Child in Need of Aid and custody cases.

Though it is clear that the Office of Public Advocacy will incur additional contractual costs under this bill because conflicts of interest will give rise to the need for OPA payments to private attorneys for both parents and children, there is no formula by which these costs can be projected. It is for this reason that no additional contractual funds are requested at this time.

## PERSONAL SERVICES

### Anchorage

1 Associate Attorney II Position	
Salary & Benefits 55,016	<u>55.0</u>

Subtotal Personal Services	55.0
----------------------------	------

CONTINUATION of FISCAL NOTE ANALYSIS

For Bill/Resolution No. HCSCSSB 79 (Judiciary)

CONTRACTUAL

Additional Office Space in Anchorage for  
2 Associate Attorney II Positions  
190 sq.ft. x 2.50 = 475.00  
475.00 x 12 months = 5,700

5.7

Subtotal Contractual

5.7

SUPPLIES

Misc. Stationary, Library and Office Supplies  
for 4 New Positions  
1,000 x 1 = 1,000

1.0

EQUIPMENT

Office Furniture and Equipment for 1  
Professional Position  
3,000 x 1 = 3,000

3.0

Subtotal Equipment

3.0

TOTAL

64.7

Position Title <b>Associate Attorney II</b>		No. of Positions <b>1</b>	Range/Step <b>19/A</b>	Barg. Unit <b>X</b>
Time Status <b>PFT</b>	Staff Months <b>12.0</b>	Location <b>EBA-Anchorage</b>		Election District <b>8</b>
Type of Expenditure		Amount		
<b>1</b>	<b>2</b>	<b>3</b>		
Salary	<b>40,236</b>			
Benefits	<b>14,780</b>			
Premium Pay				
Other				
<b>Total Personal Services</b>		<b>55,016</b>		
Travel				
Contractual				
Commodities				
Equipment				
Other				
<b>Total Cost</b>		<b>55,016</b>		
Funding Source for Total Cost				
Federal Receipts	1002			
G. F. Match	1003			
General Fund	1004	<b>55,016</b>		
GF Program Receipts	1005			
Other				
<b>Justification</b> The Anchorage OPA office presently has 2 associate attorney positions which handle GAL appointments and 2 attorney positions who handle a combined caseload of GAL appointments and other civil litigation matters. Because of the anticipated increase in GAL appointments to runaways under this legislation, OPA estimates that at least 1 additional associate attorney would be needed to handle the increased workload.				

**Request For  
New Position**

Agency Administration  
 DRU Office of Public Advocacy  
 Component Office of Public Advocacy

**FY 89**

Page 4 of 4  
 Revised Date 4/28/88

HESS versions

STATE OF ALASKA  
1988 LEGISLATIVE SESSION

BILL VERSION: CSCSSB 79 (HES)  
PUBLISH DATE: 1/5/88

FISCAL NOTE

REQUEST:

Revision Date: 1/21/88  
Title: "An Act relating to runaway  
and missing minors."  
Sponsor: Rodey, Faiks, et al.  
Requestor: Judiciary, Finance

Agency Affected: Administration  
BRU: Office of Public Advocacy  
Components: \_\_\_\_\_

EXPENDITURES/REVENUES: (Thousands of Dollars)

OPERATING	FY 88	FY 89	FY 90	FY 91	FY 92	FY 93
PERSONAL SERVICES	0	204.5	212.7	221.2	230.0	239.2
TRAVEL		15.0	15.6	16.2	16.8	17.5
CONTRACTUAL		148.9	154.9	161.1	167.5	174.2
SUPPLIES		4.0	4.2	4.4	4.6	4.8
EQUIPMENT		15.0	0	0	0	0
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
TOTAL OPERATING	0	387.4	387.4	402.9	418.9	435.7

CAPITAL						
---------	--	--	--	--	--	--

REVENUE						
---------	--	--	--	--	--	--

FUNDING: (Thousands of Dollars)

GENERAL FUND	0	387.4	387.4	402.9	418.9	435.7
FEDERAL FUNDS						
OTHER						
TOTAL	0	387.4	387.4	402.9	418.9	435.7

POSITIONS:

FULL-TIME	0	4.0	4.0	4.0	4.0	4.0
PART-TIME						
TEMPORARY						

ANALYSIS : (Attach a separate page if necessary)

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Prepared by: Brant McGee  
Division: Office of Public Advocacy

Phone: 274-1684  
Date: 1/20/88

Approved by Commissioner: John Andrews  
Agency: Department of Administration

Date: 2/1/88

- Distribution (by preparer):
- Legislative Finance
  - Legislative Sponsor
  - Requestor
  - Office of Management and Budget
  - Impacted Agency(ies)

# CONTINUATION of FISCAL NOTE ANALYSIS

For Bill/Resolution No. CSCSSB 79

PERSONAL SERVICES

Anchorage

2	Associate Attorney II Positions Salary & Benefits $55,016 \times 2 = 110,032$	110.0
1	Legal Secretary - Civil Section Salary & Benefits = 32,363	32.2

Fairbanks

1	Associate Attorney II Salary & Benefits = 62,150	62.2
---	-----------------------------------------------------	------

	Subtotal Personal Services	204.5
--	----------------------------	-------

TRAVEL

Additional travel funds to accommodate caseload increase.		15.0
-----------------------------------------------------------	--	------

15.0

CONTRACTUAL

Approximately 200 cases in Rural Areas @ 687.56 = 137,512		137.5
--------------------------------------------------------------	--	-------

Additional Office Space in Anchorage for 2 Associate Attorney II positions. 380 sq.ft. x 2.50 = 950.00 950.00 x 12 months = 11,400		11.4
---------------------------------------------------------------------------------------------------------------------------------------------	--	------

	Subtotal Contractual	148.9
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SUPPLIES

Misc. stationary, library and office supplies for 4 new positions. 1,000 x 4 = 4,000		4.0
--------------------------------------------------------------------------------------------	--	-----

4.0

EQUIPMENT

Office furniture and equipment for 3 professional positions. 3,000 x 3 = 9,000		9.0
--------------------------------------------------------------------------------------	--	-----

Office furniture and equipment for Legal Secretary position = 6,000		6.0
------------------------------------------------------------------------	--	-----

	Subtotal Equipment	15.0
--	--------------------	------

Page 2 of 5	TOTAL	387.4
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Position Title <b>Associate Attorney II</b>		No. of Positions <b>2</b>	Range/Step <b>19/A</b>	Barg. Unit <b>X</b>
Time Status <b>PFT</b>	Staff Months <b>24</b>	Location <b>EBA-Anchorage</b>		Election District <b>8</b>
Type of Expenditure		Amount		
1	2	3		
Salary 40,236 X 2	80,472			
Benefits 14,780 X 2	29,560			
Premium Pay				
Other				
Total Personal Services		<b>110,032</b>		
Travel				
Contractual				
Commodities				
Equipment				
Other				
Total Cost		<b>110,032</b>		
Funding Source for Total Cost				
Federal Receipts 1002				
G. F. Match 1003				
General Fund 1004		<b>110,032</b>		
GF Program Receipts 1005				
Other				
<b>Justification</b> The Anchorage OPA office presently has 2 associate attorney positions which handle GAL appointments and 2 attorney positions who handle a combined caseload of GAL appointments and other civil litigation matters. Because of the anticipated increase in GAL appointments to runaways under this legislation, OPA estimates that at least 2 additional associate attorneys would be needed to handle the increased workload.				

**Request For  
New Position**

Agency Administration  
BRU Office of Public Advocacy  
Component \_\_\_\_\_

Page 3 of 5  
Revised Date \_\_\_\_\_

**FY 89**

Position Title <b>Legal Secretary I</b>		No. of Positions <b>1</b>	Range/Step <b>10/A</b>	Barg. Unit <b>G</b>
Time Status <b>PFT</b>	Staff Months <b>12</b>	Location <b>EBA-Anchorage</b>		Election District <b>8</b>
Type of Expenditure		Amount		
1	2	3		
Salary	<b>22,020</b>			
Benefits	<b>10,343</b>			
Premium Pay				
Other				
<b>Total Personal Services</b>		<b>32,363</b>		
Travel				
Contractual				
Commodities				
Equipment				
Other				
<b>Total Cost</b>		<b>32,363</b>		
Funding Source for Total Cost				
Federal Receipts	1002			
G. F. Match	1003			
General Fund	1004	<b>32,363</b>		
GF Program Receipts	1005			
Other				
Justification				
<p>The Anchorage civil section presently has one legal secretary who provides clerical support to 4 professional positions, 2 Vista volunteers, and the VGAL program. This one clerical position will not be able to absorb the workload increase which will be created by 2 additional associate attorney positions handling a full GAL caseload. Therefore, an additional Legal Secretary I position will be required to handle clerical support for the 2 associate attorney positions.</p>				

**Request For  
New Position**

Agency Administration  
 BRU Office of Public Advocacy  
 Component \_\_\_\_\_

Page 4 of 5  
 Revised Date \_\_\_\_\_

**FY 89**

Position Title <b>Associate Attorney II</b>		No. of Positions <b>1</b>	Range/Step <b>19/A</b>	Org. Unit <b>X</b>
Time Status <b>PT</b>	Staff Months <b>12</b>	Location <b>JBA-Fairbanks</b>		Election District <b>16</b>
Type of Expenditure		Amount		
1	2	3		
Salary	<b>45,972</b>			
Benefits	<b>16,178</b>			
Premium Pay				
Other				
<b>Total Personal Services</b>		<b>62,150</b>		
Travel				
Contractual				
Commodities				
Equipment				
Other				
<b>Total Cost</b>		<b>62,150</b>		
Funding Source for Total Cost				
Federal Receipts	1002			
G. E. Match	1003			
General Fund	1004	<b>62,150</b>		
GF Program Receipts	1005			
Other				
Justification				
<p>The Fairbanks OPA office has only one associate attorney position which is devoted to GAL appointments. This one positions would not be able to absorb the additional GAL appointments to runaway cases, nor can the other 3 attorney positions absorb the anticipated increase caused by this bill. OPA estimates that at least one additional associate attorney position for the Fairbanks office would be needed to handle the increased workload in GAL appointments.</p>				

**Request For  
New Position**

Agency Administration  
 BRU Office of Public Advocacy  
 Component \_\_\_\_\_

Page 5 of 5  
 Revised Date \_\_\_\_\_

**FY 89**

H 2/28/88  
no HFC journal

STATE OF ALASKA 1988 LEGISLATIVE SESSION  
FISCAL NOTE

Bill Version: CS SB 79  
Publish Date:  
REQUEST: \_\_\_\_\_  
Revision Date: 1/20/88 Agency Affected: Alaska Court System  
Title: An act relating to runaway and missing minors BRU: Trial Courts  
Sponsor: Rodey, Faiks, Fischer, ... Components:  
Requestor:

EXPENDITURES/REVENUES: (Thousands of Dollars)						
OPERATING	FY 88	FY 89	FY 90	FY 91	FY 92	FY 93
Personal Services	. . . .	. . . .	. . . .	. . . .	. . . .	. . . .
Travel	. . . .	. . . .	. . . .	. . . .	. . . .	. . . .
Contractual	. . . .	9.0	9.0	9.0	9.0	9.0
Supplies	. . . .	. . . .	. . . .	. . . .	. . . .	. . . .
Equipment	. . . .	. . . .	. . . .	. . . .	. . . .	. . . .
Land & Structures	. . . .	. . . .	. . . .	. . . .	. . . .	. . . .
Grants & Claims	. . . .	. . . .	. . . .	. . . .	. . . .	. . . .
<b>TOTAL OPERATING</b>	<b>0.0</b>	<b>9.0</b>	<b>9.0</b>	<b>9.0</b>	<b>9.0</b>	<b>9.0</b>
<b>CAPITAL</b>	. . . .	. . . .	. . . .	. . . .	. . . .	. . . .
<b>REVENUE</b>	. . . .	. . . .	. . . .	. . . .	. . . .	. . . .

FUNDING: (Thousands of Dollars)						
General Funds	0.0	9.0	9.0	9.0	9.0	9.0
Federal Funds	. . . .	. . . .	. . . .	. . . .	. . . .	. . . .
Other	. . . .	. . . .	. . . .	. . . .	. . . .	. . . .
<b>TOTAL</b>	<b>0.0</b>	<b>9.0</b>	<b>9.0</b>	<b>9.0</b>	<b>9.0</b>	<b>9.0</b>

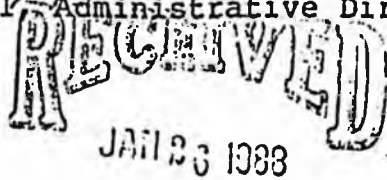
POSITIONS:						
Full-time	. . . .	. . . .	. . . .	. . . .	. . . .	. . . .
Part-time	. . . .	. . . .	. . . .	. . . .	. . . .	. . . .
Temporary	. . . .	. . . .	. . . .	. . . .	. . . .	. . . .

ANALYSIS: (Attach a separate page if necessary)

See attached analysis.

Prepared by: *Jan Strandberg* Jan Strandberg, General Counsel Phone: 264-8228  
Division: Alaska Court System Date: 1/20/88  
Approved by: *Stephanie Cole, for* Arthur H. Snowden, II, Administrative Director Date: 1/20/88  
Agency: Alaska Court System

- Distribution (by preparer):
- Legislative Finance
- Legislative Sponsor
- Requestor
- Office of Management & Budget
- Impacted Agency(ies)
- Senate Secretary



LEGISLATIVE FINANCE

Fiscal Analysis: HCS for CSSB 79

This bill will require court hearings before a minor can be placed in a juvenile detention facility as well as hearings to determine if a minor is in civil contempt. Based on an approximate hearing time of 30 minutes each and on a population of 180 per year (as estimated in DHSS' position paper), this bill will increase court time by 90 hours. Because the impact does not warrant the addition of a permanent master, the court system intends to contract state-wide for special master's services based on an average of \$100 per hour.

FISCAL NOTE

REQUEST

Revision Date: 3/16/88  
Title: "An Act relating to runaway and missing minors."  
Sponsor: Sen. Rodey  
Requestor: House Judiciary

Agency Affected: Public Safety  
BRU: Alaska State Troopers  
Components: Detachments

EXPENDITURES/REVENUES: (Thousands of Dollars)

OPERATING	FY88	FY89	FY90	FY91	FY92	FY93
PERSONAL SERVICES						
TRAVEL						
CONTRACTUAL						
SUPPLIES						
EQUIPMENT						
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
TOTAL OPERATING	0	0	0	0	0	0

CAPITAL						
---------	--	--	--	--	--	--

REVENUE						
---------	--	--	--	--	--	--

FUNDING: (Thousands of Dollars)

GENERAL FUNDS						
FEDERAL FUNDS						
OTHER						
TOTAL	0	0	0	0	0	0

POSITIONS:

FULL-TIME	0	0	0	0	0	0
PART-TIME						
TEMPORARY						

ANALYSIS: (Attach a separate page if necessary)

Prepared by: Francis C. Allan  
Division: Alaska State Troopers

Phone: 269-5691  
Date: 3/16/88

Approved by Commissioner: [Signature]  
Agency: Public Safety

Date: 3-16-88

Distribution: (by preparer):  
Legislative Finance  
Legislative Sponsor  
Requestor  
Office of Management and Budget  
Impacted Agency(ies)

MAR 17 1988  
LEGISLATIVE COUNCIL

5679

STATE OF ALASKA  
THE LEGISLATURE

POUCH Y - STATE CAPITOL  
JUNEAU, ALASKA 99811  
907-465-3800

LEGISLATIVE AFFAIRS AGENCY

MEMORANDUM

May 2, 1988

SUBJECT: Custodian's consent for runaway minor to  
return home (HCS CSSB 79 (Finance)  
(5-0310J, 5/3/88 draft))

TO: Representative Peter Goll

FROM: Edward H. Hein *EHH*  
Legislative Counsel

You have asked that I explain how your latest proposed House Finance CS for SB 79 (5-0310J, 5/3/88 draft) addresses the issue of requiring a legal custodian's consent before a runaway minor has a right to be returned home by a peace officer who has picked up the minor. As I have explained, your earlier version (5-0310Z, 5/2/88 draft) would have allowed the minor to demand that the peace officer take him home and release him there. If the legal custodian refused to take the minor in, the minor would be back out on the street.

Your latest proposed House Finance CS (5-0310J, 5/3/88 draft) circumvents the whole problem by eliminating the minor's option of demanding to be taken home. (See page 1, lines 25 - 26) Under this version, the minor may choose from among the same three other options provided in other versions of the bill, including the House Judiciary CS.

Note that under any version of the bill, the legal custodian remains liable for the support and care of the runaway until the minor becomes an adult or until the custodian is relieved of that responsibility by a court.

cc: Representative Al Adams

EHH:lmb  
G3/055

STATE OF ALASKA  
THE LEGISLATURE

POUCH Y - STATE CAPITOL  
JUNEAU, ALASKA 99811  
907-465-3800

LEGISLATIVE AFFAIRS AGENCY

MEMORANDUM

May 3, 1988

SUBJECT: Comparative sectional analysis  
of HCS CSSB 79(Judiciary) and  
HCS CSSB 79 (Finance)(5-0310J, 5/3/88 draft)

TO: Representative Pat Fourchot  
Chairman, Finance Subcommittee on SB 79

FROM: Edward H. Hein *EHS*  
Legislative Counsel

You have asked for a comparative sectional analysis of two versions of SB 79: the House Judiciary Committee substitute and a proposed House Finance Committee substitute (5-0310J, 5/3/88 draft).

Section 1 of the Judiciary CS provides that a runaway is entitled to the representation by legal counsel in a contempt proceeding under AS 47.10.141(c). This provision is absent from the Finance CS because that version no longer requires the hearing under AS 47.10.141(c) to be a contempt hearing.

Sec. 2 of the Judiciary CS amends AS 47.10.141(a) by specifying that law enforcement agencies must make reasonable efforts to locate a minor who is reported missing regardless of whether the request to locate is made in person, in writing, over the telephone, or otherwise. Section 1 of the Finance CS is identical with respect to subsection (a).

Both versions amend AS 47.10.141(b) by expanding and qualifying the options a runaway minor has when picked up by police. Under the Judiciary CS the minor may choose to be returned to his legal custodian, but only if the custodian consents; to be taken to a nearby location agreed upon between the custodian and the minor; or to be taken to an office, facility or contract agency of the Department of Health and Social Services, or to a licensed program for runaway minors. Under the Finance CS the minor's option to

Representative Pat Pourchot  
Page 2  
May 2, 1988

be returned to the legal custodian is eliminated; the other options are the same as in the Judiciary CS.

Sec. 3 of the Judiciary CS and Sec. 2 of the Finance CS add a new subsection (c) to AS 47.10.141 that provides requirements and a procedure for detaining a minor who has run away from a court-ordered placement. Under both versions, before the minor is placed in protective custody and detained, the court must make a probable cause finding that the minor wilfully violated the previous placement order, that there is no reasonable placement alternative to a detention home in the community, and that the minor's health and safety (Judiciary) or life and safety (Finance) are at risk. In the Judiciary CS the minor must be brought before a court for a contempt hearing within 24 hours after being detained. In the Finance CS the minor must be brought before a court on the same day he is detained, if possible, but not more than 24 hours later. The hearing in the Finance CS is not necessarily for contempt; the judge instead decides the most appropriate placement in the best interests of the minor. Under the Finance CS a contempt citation is still possible, but the court would also have a full range of other options for dealing with the minor. The Finance CS states specifically what is already implicit in the law -- that the minor may not be detained more than 24 hours, except as provided under AS 47.10.140, which relates to detention hearings on delinquency petitions.

Sec. 4 of the Judiciary CS and Sec. 3 of the Finance CS require the court, when issuing a temporary placement order under AS 47.10.142 (emergency custody), to specify the terms, conditions, and duration of placement. The Judiciary CS requires the court also to require the minor to remain in the placement provided by the department; the Finance CS says the court "may" require the minor to remain in the placement. Both versions require the court to clearly warn the minor in the order of the possible consequences of violating the placement order, including possible detention.

The remaining sections of both bills are identical.

EHH:gc  
WKG3:054

STATE OF ALASKA  
THE LEGISLATURE

POUCH Y - STATE CAPITOL  
JUNEAU, ALASKA 99811  
907-465-3800

LEGISLATIVE AFFAIRS AGENCY

MEMORANDUM

May 3, 1988

SUBJECT: Effect of requiring custodian's consent for runaway minor to return home (HCS CSSB 79( ))

TO: Representative Pat Pourchot

FROM: Edward H. Hein *EH*  
Legislative Counsel

You have asked what is the difference in legal effect between two proposed versions of HCS CSSB 79( ), with respect to the requirements under Sec. 47.10.141(b).

Under Senator Rodey's version (5-03100, 5/2/88 draft), a peace officer who picks up a runaway minor must take the minor home if the minor wants to go home, but only if the legal custodian also consents to allowing the minor back. Thus, the peace officer must determine whether the custodian consents and, presumably, if the custodian does not consent, then the peace officer could not drop the minor off at home. The minor would have to choose from among the other options: another location agreed to by the minor and the custodian, an office of the Department of Health and Social Services, a licensed program for runaway minors, or a facility or contract agency of the department.

Under Representative Goll's version (5-03102, 5/2/88 draft), the legal custodian's consent is not required. The minor can demand to be taken home and the police would have to release the minor there. If the legal custodian refused to take the minor in, the minor would be back out on the street. The custodian, however, would still be legally liable for the support of the minor until the minor becomes an adult or until the custodian is relieved of that responsibility by a court.

If you have further questions about this matter, feel free to contact me at your convenience.

EHH:bb  
b5/087

Patrick M. Rodey  
Senator

# Alaska State Legislature




3111 C. St., Suite 510  
Anchorage, Alaska 99503  
(907) 561-7618

During Session:  
P.O. Box V  
Juneau, Alaska 99811  
(907) 465-3793

## MEMORANDUM

## Senate

TO: All Members, House Finance Committee

FROM: Senator Pat Rodey 

DATE: May 2, 1988

RE: SB 79, "An Act relating to runaway and missing minors."

It has been proposed that the committee delete language in SB 79 which requires the parent's consent to return a runaway minor to their home. I would like to explain why this provision is crucial and must remain in the bill.

SB 79 is very much a children's protection bill, geared toward helping those children who are truly "throwaways" or "castaways", or running away from an abusive home situation. However, when we draft legislation to help those children, we must be careful not to undercut those parents who have not and do not wish to abandon their children. Instead, we need to empower those families with the ability to work toward a resolution of family tensions.

Many kids who run away are also into drugs and alcohol. It is important that parents not be forced to become enablers in their child's addiction. To support the drug-related behavior would be harmful to both the child and the family, and goes against everything we know about co-dependent and enabling behavior.

It is a typical pattern for runaways who are also into drugs to miss enough school so that they are suspended, to refuse to work, and to steal from their home to support their drug habit. They will be gone 3-4 days at a time, and then return home when they are hungry, to clean up, get some sleep, and leave again.

Parents who have decided not to support this type of behavior, or other unacceptable behavior such as violence in the home, need to be able to tell their children that they have to give up these behaviors and get appropriate help if they wish to live at home. In the alternative, they may not continue to live at home if they wish to continue these unacceptable behaviors.

This proposal allows the home to be used as a "carrot", a technique used successfully by parent's support groups throughout the country. Parents of troubled teenagers in Alaska need to know that they can legally exercise their option as parents to control the behavior which occurs in their home. Police officers need to know that they can legally honor the parent's choice in this situation.

## SECTIONAL ANALYSIS

### HOUSE CS FOR CS FOR SENATE BILL 79 (JUDICIARY)

For an Act entitled: "An Act relating to runaway and missing minors."

Section 1 AS 47.10.141 (c) is amended to clarify the child's right to an attorney in a contempt hearing under AS 47.10.141 (c).

Section 2 AS 47.10.141 (a) is amended to require law enforcement agencies to accept any form of request to locate missing minors.

AS 47.10.141 (b) is amended to provide that a minor shall be returned to the legal custodian only if the custodian consents to the minor's return to the home, and allows the minor and custodian to agree to a location other than the home.

Section 3 AS 47.10.141 is amended by adding a new subsection.

Section (c) allows a minor to be taken into protective custody and placed into temporary detention in a juvenile detention home if there has been an order issued by a court upon a finding of probable cause that

- (1) the minor is a runaway in wilful violation of a valid court order,
- (2) the minor's current situation poses a severe and imminent risk to the minor's health or safety, and
- (3) no reasonable placement alternative exists within the community.

A risk may not be considered severe and imminent solely because of the general conditions for runaway minors in the community, but shall be assessed in view of the specific behavior and situation of the minor.

The minor must be brought before a court within 24 hours after detention for a hearing to determine whether the minor is in contempt of court, and may be subject to further detention to cure the contempt.

A minor may not be placed in a jail or secure facility other than a juvenile detention home, nor may an order for protective custody be enforced against a minor who is residing in a licensed program for runaway minors.

Section 4 AS 47.10.142 is amended by adding a new subsection.

Section (f) clarifies the court's responsibility to clearly inform a minor of the consequences of violating their court-ordered placement, including the possibility of detention.

Section 5 creates a new Article 5 in AS 47.10 that provides for review, inspection and licensure by the Department of Health and Social Services of residential and nonresidential programs for runaway minors.

Sec. 47.10.300 sets out the duties and powers of the department with respect to runaway programs. These include approving or disapproving the programs, maintaining a register of licensed programs, awarding grants to licensed programs, submitting an annual report on runaways, and adopting regulations.

Sec. 47.10.310 sets out the requirements for a program to be licensed by the department. A program must be operated by an Alaskan nonprofit corporation or municipality; explain to a runaway his or her legal rights and responsibilities and the services and assistance available from the program, state, and local municipality; try to determine why the minor is a runaway; provide or help arrange services for runaway minors and, if appropriate, their families; inform the department if child abuse or neglect of the minor is claimed or reasonably suspected; operate with the goal of reuniting the runaway minor and family, unless that is clearly contrary to the best interest of the minor; and provide physical security and crisis services for residents of the program, and separate minors under 18 from residents 18 and older.

Sec. 41.10.320 establishes limits on the duration of a runaway's residency in a program. The limits are 45 days without consent of the legal custodian, 90 days with consent, beyond 90 days with consent of both the legal custodian and the department.

Sec. 41.10.330 requires the program director to notify a minors legal custodian as soon as possible, but in no event more than 48 hours after the minor is admitted to the program, unless there are compelling circumstances justifying withholding notice. The legal custodian is also entitled to notice when the minor is released from the program if he or she is released into the custody of someone other than the custodian or the custodian's representative.

Sec. 41.10.340 provides for confidentiality of records that identify particular runaway minors who have been in the program or sought assistance from it. Exceptions are provided for instances in which the minor consents to disclosure of the records, when the records are relevant to an investigation or proceeding involving child abuse or neglect or a child in need of aid petition, and when the disclosure is necessary to protect the life or health of the minor.

Sec. 41.10.350 provides immunity from civil liability for officers, directors and employees of a licensed runaway program with regard to admitting a minor to the program, unless the damages are a result of recklessness or intentional misconduct.

Sec. 41.10.360 grants authority to establish and operate licensed runaway programs to municipalities that do not otherwise have that authority.

Sec. 41.10.390 defines "licensed program for runaway minors" and "runaway minor".

Patrick M. Rodey  
Senator

# Alaska State Legislature



3111 C. St., Suite 510  
Anchorage, Alaska 99503  
(907) 561-7618

During Session:  
P.O. Box V  
Juneau, Alaska 99811  
(907) 465-3793

MEMORANDUM

Senate

TO: All Members  
House Finance Committee

FROM: Senator Pat Rodey *Pat*

DATE: April 28, 1988

RE: SB 79, "An Act relating to runaway and missing minors."

We have all heard the story many times: runaway and homeless youth present enormous problems for themselves, their families, and our communities as a whole. Runaway youths are much more likely to be exposed to exploitive situations, to abuse or deal drugs and alcohol, or to get in trouble with the law for committing illegal acts. The community must deal with an increased incidence of child prostitution and higher levels of drug involvement and crime.

Senate Bill 79 is one attempt to encourage a positive response to the plight of children on the streets.

- We have attempted to provide greater flexibility for law enforcement officers, parents and children by allowing the child and the parent to choose a temporary "neutral" location, such as a neighbor or relative's home, when a runaway child has been picked up by a police officer. Police approve of this provision because it more clearly defines their options. Families approve because it allows them greater opportunity to solve family problems outside of the state legal system. Under no circumstance, however, is a child forced to return home if they do not wish; the minor's preference is honored.

- We have attempted to encourage Covenant House and other existing runaway programs, and have developed program licensing language to promote the innovative development of new runaway programs in smaller communities throughout the state.

- We have attempted to meet the crisis needs of those few chronic runaways who are in severe danger without intervention by the state. By exempting from protective custody those minors who are residing in licensed runaway programs, we hope to encourage runaway youth to seek out these programs and look for assistance on their own. We believe this bill represents a reasonable, balanced, effort to allow secure detention.

There are those who strongly oppose any detention of runaways, regardless of the surrounding circumstances. However, as Covenant House's Greg Loken has stated, "Purity of concern for the rights of children and adolescents should not obscure the fact that a few, a very few, are simply so out of control that some coercion is necessary if they are to have any real hope of survival, let alone happiness."

Commission Myra Munson has agreed that, "...this bill avoids the damaging and ineffective use of detention as a means of addressing the problems of most runaways by limiting the use of detention to those few chronic runaways whose behavior places them in clear danger. It also avoids the danger of over use of detention by requiring that detention occur only if no other alternative exists."

Many others have expressed support for Senate Bill 79, including:

Department of Public Safety  
Office of Public Advocacy  
Public Defender  
Bill Hitchcock, Children's Court Master, Anchorage  
Alaska Foster Parents Association  
Alaska Chapter, National Association of Social Workers  
Alaska Juvenile Crime Commission  
Child Advocacy Network (representing 60 children's service agencies)  
Victims for Justice  
Mothers Against Drunk Drivers  
Tough Love

Senate Bill 79 is not a perfect solution to Alaska's runaway problems; it is however, an important step in the right direction. I urge your support of this legislation and stand ready to answer any questions you may have.

BILL NO: HCS CSSB 79 (HESS)

DATE: March 16, 1988

TITLE: An Act relating to  
runaway and missing  
minors.

CONTACT: Col. Robert E. Jent  
269-5641

DEPARTMENT OF  
PUBLIC SAFETY  
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There is a need to have a solution for protecting minors other than to arrest and detain them. Society simply cannot allow runaway minors to seek shelter on the streets. These youngsters often commit criminal acts simply to survive, and they frequently become victims of crimes themselves.

This bill allows law enforcement to act in a preventative manner on behalf of the community and those reported minors who are avoiding legal custodial control, or are considered missing from their normal custodial situation, by requiring the minor to go to an appropriate housing facility and ultimately address the issues underlying the "running".

The Department supports this bill.

  
\_\_\_\_\_  
Arthur English  
Commissioner

# STATE OF ALASKA

DEPT. OF HEALTH AND SOCIAL SERVICES

OFFICE OF THE COMMISSIONER

STEVE COWPER, GOVERNOR

P.O. BOX H  
JUNEAU, ALASKA 99811-0601  
PHONE: (907) 465-3030

April 8, 1988

The Honorable John Sund  
Alaska State Legislature  
P.O. Box V  
Juneau, Alaska 99811

Dear Representative Sund:

John Hartle of your staff asked the department to explain why SB 79 was drafted to exclude runaway programs from licensure or regulation under AS 47.35. As you know, this provision of law grants the department the authority to license and supervise private residential care facilities and foster homes for children and dependent adults, and child care centers and homes for children.

This exclusion was to promote the innovative development of runaway programs. We do not believe it is desirable to require runaway programs to conform to regulations which were written to regulate facilities providing services which are fundamentally different than the services runaway facilities and programs will provide. Exempting licensure under AS 47.35 was an attempt by the department to affirmatively recognize this difference.

The DHSS does not intend that this exclusion from AS 47.35 means runaway programs are exempt from DHSS regulation. This legislation requires the DHSS to adopt regulations necessary to implement the bill. These regulations, as adopted by the DHSS, would impose strict but appropriate health and safety licensure standards upon runaway programs. The department intends that these licensing regulations will be just as stringent in protecting children in runaway programs as current regulations are in protecting children in other types of facilities. If this intent is not clear from the current version of the bill, the department would support changes suggested by the committee to clarify the department's regulatory responsibility toward runaway programs.

Should you have additional questions regarding this matter, please do not hesitate to contact me.

Sincerely,

  
Myra M. Munson  
Commissioner

STATE OF ALASKA  
THE LEGISLATURE

POUCH Y STATE CAPITOL  
JUNEAU ALASKA 99811  
907 465 3810

LEGISLATIVE AFFAIRS AGENCY

MEMORANDUM

April 11, 1988

SUBJECT: Confidentiality of runaway minor program records HCS CSSB 79 (Judiciary)

TO: Representative John Sund, Chairman  
House Judiciary Committee

FROM: Edward H. Hein *EHA*  
Legislative Counsel

In connection with the latest draft of HCS CSSB 79 (Judiciary), your assistant, John Hartle, asked what records pertaining to a minor and held by a program for runaway minors could be obtained by police.

Under proposed Sec. 47.10.340, records that identify a minor who has been admitted to a runaway program or who has sought assistance from a program are confidential. They may be obtained under any of three circumstances: (1) if the minor consents, after being told of the right to confidentiality; (2) if the records are relevant to an investigation or proceeding involving child abuse, neglect, or a child in need of aid petition; or (3) if disclosure is necessary to protect the life or health of the minor.

Presumably, police could obtain these records under any of the three exceptions to confidentiality. With regard to number (2), it is not clear whether the minor would need to be the victim of abuse or neglect, or whether the minor could be a suspected abuser of another minor, in order to trigger this exception. Perhaps it would be appropriate to limit (2) to cases in which the minor is a victim. This would be in keeping with the philosophy inherent in all three exceptions, that confidential records are to be disclosed only for the benefit of the minor. Exception (3) is very broad. It is not clear what police would have to show to obtain records under that exception. Presumably, there would have to be some showing of imminent danger to the minor's life or health, but that is not stated.

Representative John Sund  
Page 2  
April 11, 1988

With respect to the kinds of records at issue, Greg Lokan, attorney for Covenant House in New York, told me that they maintain full records on minors admitted to their programs. These include, among others, admission records; assessment records, including long conversations with minors about their background and problems; case records on all contacts made concerning a minor; meal records; and statistical records. Greg said that the confidentiality section is crucial to the bill because the runaways must feel free to talk to counselors without fear that what they say will be turned over to authorities. He asked that he be informed if any substantial changes are made to this section.

If you have further questions about this matter, feel free to contact me at your convenience.

EHH:gc  
WKG2:107

# The Fairbanks Child Sexual Abuse Task Force

1423 Peger Road  
Fairbanks AK 99709

March 17, 1988

**House Judiciary Committee Members:**

Representatives Sund, Ulmer, Cotten, Gruenberg, Navarre, Barnes, and Taylor

**Interior Delegation Members:**

Representatives Boyer, Davis, Frank, Koponen, Miller, Shultz  
Senators Coghill, Fahrenkamp, Fanning  
P.O. Box V  
Juneau, AK 99811

Re: House CS for CS for Senate Bill 79

Dear Legislators,

We are writing on behalf of the Fairbanks Child Sexual Abuse Task Force, a coalition of agencies, organizations and associations involved in prevention and treatment of child sexual abuse. The CSATF wants to express its views on the current version of Senate Bill 79.

The bill as it is currently worded is a great improvement over the original version, but it creates several problems which we wish to bring to your attention.

First and foremost, this bill leaves unaddressed what we regard as the most crying need in this area, that of more funding for treatment programs for runaways. Without a substantial commitment on the part of the state to fill that need, the bill is more of a placebo than a solution.

Second: the bill leaves unclear what is to happen after the court holds its 48-hour hearing under the new AS 47.10.141. It is a little confusing in referring to "civil contempt of court under AS 09.50.010(5)" in that the Supreme Court has regarded that statutory subdivision as providing for criminal contempt rather than civil contempt, L.A.M. v. State, 547 P.2d 827, 832 (Alaska 1976), while AS 09.50.050 is the civil contempt section. It is also confusing in that the only remedy generally available for violations of AS 09.50.010(5) is a fine, under AS 09.50.020. Also, our group had questions about whether the protections of the Indian Child Welfare Act would apply to these hearings.

Third: it is unclear whether new AS 47.10.142(f), providing that the court commitment order is to specify the terms, conditions and duration of placement, is intended to overrule prior case law interpreting the existing statute to mean that the Division, not the court, is to make specific placement decisions. See B.A.M. v. State, 528 P.2d 437 (Alaska 1974).

Fourth: the bill makes no provision for an attorney for the child being taken into detention under a court order. It would appear that the child is facing a loss of liberty and accordingly should be entitled to an appointed attorney as a matter of due process. It is possible that an attorney has been already appointed in the pre-existing child-in-need case that is a prerequisite under the new statute; but it is more likely that the child has had a Guardian ad Litem appointed, not an attorney. These roles are substantially different, and a GAL would not fulfill the constitutional requirement that a child facing the potential deprivation of liberty under the new statute be given the right to counsel, including appointed counsel if necessary.

There are a couple of miscellaneous points we would like to bring to your attention: regarding the language on page 4, lines 21-22 providing that the program is to maintain adequate staffing and accommodations to ensure physical security and provide crisis services, it should be made clear that this refers to security in the sense of sufficient staff to keep the residents secure from danger, not sufficient staff to keep the residents securely held as in a detention facility. Also, our group felt that the language on page 4, line 20 should be changed from "contrary to the health and welfare of the minor" to "contrary to the best interests of the minor".

Thank you for your consideration.

Sincerely,

*Theresa Tanoury*

Theresa Tanoury  
Coordinator  
452-1342

*Ruth Lister*

Ruth Lister  
Chair  
452-2293



# UNIVERSITY OF ALASKA, ANCHORAGE

3211 Providence Drive  
Anchorage, Alaska 99508

MAR 04 1988

COLLEGE OF ARTS AND SCIENCES  
DEPARTMENT OF SOCIAL WORK

February 29, 1988

Representative John Sund, Chair  
House Judiciary Committee  
Pouch V  
Juneau, Alaska 99811

*put in SB 79 file.*

Re:CSSB79-Runaway Minors

Dear Representative Sund,

This letter is intended to advise you of my support for the provisions in CSSB79 which will enable the Department of Health & Social Services to facilitate the development of programs and services for runaway minors.

At the same time I am also concerned about Sec. 2 of the Bill and its potential for violation of the constitutional rights of minors adjudicated Child In Need of Aid under AS 47.10.080. At present, incarceration in McLaughlin Youth Center is not one of the dispositional alternatives possible for a Child In Need of Aid because the child has not broken the law and therefore cannot be deprived of her/his constitutional right to liberty. Yet, Sec.2 of CSSB 79 would appear to permit such an alternative if the child violates a court order which requires that he/she remain in the placement ordered by the Department of Health & Social Services. To provide for institutionalizing children adjudicated delinquent who violate a court order not to run away is already permitted under present statutes, but to do so for children who have not broken the law would be a mistake in my opinion. I realize that CSSB 79 intends that such an alternative would only be utilized in the most extreme cases where "no reasonable placement alternative" exists, but the constitutionality still seems questionable.

I believe that the House Judiciary Committee should consider amending CSSB79 to limit the provisions of Sec. 2 to only those minors who have been adjudicated delinquent or eliminate it altogether.

If the Committee decides to retain Sec. 2 it would also seem advisable that the statute delineate the possible consequences of a contempt of court finding so that minors can be made aware of actions that the court may take while at the same time providing guidance for the court in these situations.


Sec. 3 of the Bill also raises some concerns about situations where the minor might have had good reason to run from a Department arranged placement. Nor does it require that consideration be given to such possibility before the court holds the minor in contempt. I would urge the Committee to consider amending CSSB 79 to require such consideration and make it part of the court record in a contempt hearing.

I would very much appreciate notification regarding future hearings on

CSSB 79 so that I could give testimony on these issues. The portions of the Bill which support the development of runaway shelters and other runaway services is badly needed in Alaska and should proceed to final passage as rapidly as possible.

Thank you for your consideration of my concerns regarding CSSB 79 and the issue of runaway minors.

Sincerely,

  
Cecilia "Pudge" Kleinkauf, MSW, ACSW  
Associate Professor and Chair  
Department of Social Work

COVENANT HOUSE  UNDER 21

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(212) 613-0300

THE INSTITUTE FOR YOUTH ADVOCACY

Statement on Senate Bill No. 79

Before the Judiciary Committee

Alaska House of Representatives

March 22, 1988

Gregory A. Loken  
Executive Director

Statement on Senate Bill No. 79

Mr. Chairman and Members of the Committee, I am very grateful for this opportunity to appear before you on behalf of Covenant House and the Institute for Youth Advocacy. My name is Gregory Loken, and I am executive director of the Institute and senior staff attorney at Covenant House New York. It is an honor to be in Alaska for the first time, especially at a moment when you are considering legislation, Senate Bill No. 79, of the highest importance to vulnerable children and their families.

Covenant House is the largest private organization in North America serving homeless and runaway children. Founded officially in 1972 by Fr. Bruce Ritter, a Franciscan priest, Covenant House annually provides crisis and long-term help to over 20,000 children and teenagers in New York City, Houston, Toronto, Fort Lauderdale, New Orleans, Guatemala, Panama and Honduras. Separated at least temporarily, but often permanently, from their families, these children and adolescents are forced into a desperate struggle for survival on the street, pushed into petty crime, prostitution, panhandling, and despair. The crisis shelters of the agency operate on an "open-intake" basis: no child or teenager is ever turned away on the first visit, and only serious misconduct or refusal to make use of proffered services limits repeat visits.

It was with great pride, but with also the deepest sense of challenge, that Covenant House determined this past year to accept the invitation of public officials, religious leaders, and private citizens to open a program in Anchorage. Brenda Moscarella, the project director responsible for launching the program in collaboration with Catholic Social Services, is here today, ready to discuss with you, as interest and time permits, the specific nature of our Anchorage program and the background of need to which it is addressed. As a friend and colleague of Brenda's for many years, I can only imagine your state to be already happier and saner for her presence.

The Institute for Youth Advocacy, my own branch of Covenant House, was established in 1982 to fight for homeless and runaway children in professional, legislative, and judicial forums throughout the country. Particularly concerned about the exploitation of street kids in prostitution and pornography, the Institute played a key role in passage of the federal Child Protection Act of 1984 and Child Abuse Victims Rights Act of 1986--both designed to launch a strong federal attack on the sexual exploitation of the young. Our battle to protect children on the street has involved, too, strong support for expansion of the federal network of runaway and homeless youth shelters under Title III of the Juvenile Justice and Delinquency Prevention Act of 1974. Perhaps most crucially, though, we have attempted to bring attention to the crying need for careful,

comprehensive state legislation addressing the plight of homeless and runaway children and the frequent desperation of their parents.

Senate Bill No. 79, before you today, seems to me a luminous example of such legislation, and I urge you to give it searching, and favorable, consideration. In three important ways it seems to me an exemplary bill that could easily serve as a model for the rest of the country. First, it appears to provide clear guidance to law enforcement officials in an area of their responsibility often left inexcusably murky in the past. Second, it contains a thoughtful, if necessarily imperfect, approach to the intractable problem of "secure detention" for runaways. Finally, it establishes a vitally important framework for development of runaway and homeless youth programs throughout Alaska--programs that will meet the crisis needs of kids while reunifying and strengthening families. While you can assess far better than I the bill's impact from a specifically local perspective, it seems to me a remarkably well-balanced answer to problems that have frustrated legislators in every state in the Union.

1. Procedures for Peace Officers. Law enforcement officers are routinely given an overwhelmingly enormous range of responsibility with only the sketchiest, and sometimes self-contradictory, guidance to carry it out. Thus the apprehension of juvenile "status offenders" is an extraordinarily time-consuming and often thankless task that

is exacerbated in most states by the failure to give police officers any reasonable means of placing or handling the youths once they are in custody. Current Alaska law [AS 47.10.141(b)] already seems somewhat clearer than average in this last respect, providing for delivery of status offenders to their parents or to the Department of Health and Social Services. Yet Senate Bill No. 79 offers even more useful guidance, especially in situations where relations between parent and child are tense but not hopeless. Thus Section 1 of the bill would require that parental wishes be respected regarding a return home, and would allow for the often important alternative of placement in the home of a friend or relative that both parent and child can agree on. And in communities with approved programs for runaway and homeless children, peace officers would have yet another significant option currently not spelled out in law. As an attorney at Covenant House New York for the past eight years, I have the deepest admiration for the policemen and -women who struggle daily to help kids on the street, and I know my friends in the New York Police Department would welcome in their own work the clear and comprehensive language of this section.

2. Protective Custody. Probably the most wrenching issue for youth advocates over the past decade has been the extent to which secure detention should play a role in helping "status offenders". I have never been an admirer of detention of juveniles, and even less of the specific forms

such detention has taken in the past--from the most outrageously abusive and corrupt "reform schools" to the most perilous adult jails. And at Covenant House we have consistently supported the goals of the federal Juvenile Justice and Delinquency Prevention Act to remove juveniles from jail and otherwise reduce to an absolute minimum the number of children in secure detention for whatever cause.

Yet there are, in our experience, worse things than secure detention. It is worse for a 13- or 14-year-old girl to be selling herself on the street so that her pimp won't beat her or withhold her heroin. It is worse for an emotionally disturbed or mentally handicapped youth, whose parents have permanently exiled him from the house, to be forced to commit a crime before he can receive intensive help. Purity of concern for the rights of children and adolescents should not obscure the tragic fact that a few, a very few, are simply so out of control that some coercion is necessary if they are to have any real hope of survival, let alone happiness.

Section 2 of the Senate Bill No. 79 deserves your most careful review, both because of the long history of abusive detention of runaways in this country, and because it seems a reasonable, delicately balanced effort to allow secure detention only when strictly necessary, and only in licensed juvenile detention facilities. From New York it is impossible to assess whether the language perfectly suits the nature of your own institutions--particularly your

judiciary--but it seems a careful attempt to address all the competing interests and concerns. And, again, it offers an opportunity for Alaska to shape national policy in this area, for I do believe it strikes a balance that has eluded legislators in many other states.

3. Runaway and Homeless Youth Programs. The greatest virtue of Senate Bill No. 79, however, appears to lie in its effort to encourage a positive response to the plight of children on the street through establishment of state-approved and monitored runaway and homeless youth programs. Such programs exist in all fifty states, largely through funding under the federal Runaway and Homeless Youth Act, but nearly all of them operate without adequate state statutory authorization or state supervision. Section 4 of the bill before you would place Alaska alongside New York as the only states with a clear framework for operating these critically important programs.

That framework would include crucial protections for children and parents alike. Thus the Department of Health and Social Services would be given the authority to monitor and approve runaway and homeless youth programs to insure the quality of their services, and children who used the programs would be assured that their records there would be confidential. (Because of the stigma attached to even the briefest period on the street, and the fear runaways so often have of public humiliation on returning home, the assurance of confidentiality is an indispensable part of

successful efforts to reach and help them.) Parents would be guaranteed rapid notification of their children's presence in such a program, and would know that the services provided there are aimed at "the goal of reuniting runaway minors with their families." Both parents and children would benefit from the full range of services authorized by the bill.

Runaway and homeless youth programs would benefit, too, of course, and Covenant House makes no secret of its strong interest in passage of this section of the bill. Because runaway services have developed only recently, it is as yet extremely unclear in the law how they fit into traditional common-law and statutory structures. It is by no means certain that any substantial help can be offered to a homeless or runaway child without incurring risk of legal liability and, in some states, even criminal prosecution. Parental consent to giving such assistance is frequently unavailable in precisely those cases where the need for assistance is most critical. Section 4, which closely resembles New York statutory provisions that have worked exceedingly well for over a decade, again strikes a balance between crisis intervention and the longer-term need for family reunification. It is of the greatest importance in encouraging community groups to open and operate runaway and homeless youth programs--by removing their worst fears of legal conflict and crushing insurance bills.

Covenant House is, of course, itself committed to establishing its Alaskan program whatever the legislative resolution of these important issues. The need in Anchorage simply too great to wait. But we applaud the efforts of the sponsors of Senate Bill No. 79 to produce legislation of real merit and sensitivity. Homeless and runaway children do not vote, and their voices are rarely heard. You and your fellow legislators have made an effort to listen, and for that we at Covenant House are deeply grateful.

Please know that we stand ready to offer any assistance in our power during your deliberations, and that we will strive our utmost to justify the faith and good wishes the people of Alaska have already so generously extended our own efforts on behalf of vulnerable kids. Those kids deserve faith, they deserve good will, and they deserve a chance to escape the street. Thank you for lending their needs your Committee's valuable time, and for your serious consideration of this worthy legislation.



# Alaska State Legislature

Please enter into the record my testimony to the House Judiciary  
 committee name  
 committee on SB 79, dated March 22, 1988  
 bill/subject

The Alaska Chapter of National Association of Social Workers (NASW) supports SB 79 in its present version. We support the provision of detaining runaway minors in a secure home or facility, if needed. We believe that at the time of detainment, the minor will have legal advocacy to protect his/her rights.

Signed: Marsha Schneider, Executive Director  
 Testifier  
NASW  
 Representing (Optional)  
PO Box 10430 Fairbanks 99710  
 Address  
457-5914  
 Phone No.