

ALASKA LEGISLATURE

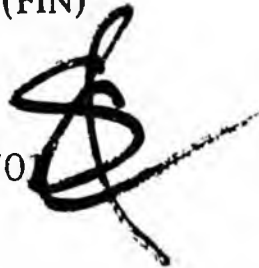
1565

HOUSE and SENATE FINANCE COMMITTEE FILES, 1995-1996

Date: April 5, 1996  
To: Senator Steve Frank  
RE: Senate Bill No. 289(FIN)  
FROM: Michael Ream  
520 11th Ave  
Fairbanks, AK 99701

Senate Bill No. 289(FIN) will enable parents to regain control of their runaway children. It will ensure that runaways are kept in an environment that is safe for them. Senate Bill No. 289(FIN) will allow agencies the opportunity to accurately evaluate the needs of the children and families which will increase the chances for families to be reunited. It is important that adults who harbor runaways receive a strong message that there may be legal consequences for this behavior. This is an important bill and I encourage you to support it.

Date: April 5, 1996  
To: Senator Steve Frank  
RE: Senate Bill No. 289(FIN)  
FROM: Shelly Carlson  
520 11th Ave  
Fairbanks, AK 99701



Senate Bill No. 289(FIN) will enable parents to regain control of their runaway children. It will ensure that runaways are kept in an environment that is safe for them. Senate Bill No. 289(FIN) will allow agencies the opportunity to accurately evaluate the needs of the children and families which will increase the chances for families to be reunited. It is important that adults who harbor runaways receive a strong message that there may be legal consequences for this behavior. **This is an important bill and I encourage you to support it.**

1-24-96

1990 Weston Drive  
Fairbanks, AK 99709  
January 22, 1996

Senator Steve Frank  
State Capitol  
Juneau, AK 99801

Dear Senator <sup>Steve</sup> Frank:

The enclosed article from the January 8 issue of the Fairbanks Daily News-Miner presents a first-hand account of the serious problems in the treatment of runaways in our state. I am increasingly dismayed at the number of these stories from "normal," loving families. Please consider support for legislation that will

- 1) require proper evaluation of a child's claim of abuse in a home situation. This should recognize the authority of parents or guardians to properly discipline their child, and require reasonable proof of abuse before the child is removed from the home. This does not preclude an intermediate, brief placement in a facility specifically designed to hold and retain children during an evaluation or cooling-off period.
- 2) limit the definition of abuse to reasonable standards (not, for example, "I wasn't allowed to go to my class party because I was grounded").
- 3) require an abused child to be placed in a facility with the requirement and authority to restrict the activities of the child for his or her safety -- not, as Mrs. Near states, a revolving door back to the streets, drug dealers, and pimps.
- 4) combine responsibility for the child's actions with the authority to direct them. The current system makes the parent responsible while removing all ability to set, much less enforce, the rules.

Thank you for your consideration of this very important issue. I wish success to all of us who are concerned about our children.

Sincerely

  
Joan Osterkamp

Ed and Marge Waldo  
P O Box 58429  
Fairbanks AK 99711-0429

Aug 19, 1995

Rep Pete Kelly  
119 N Cushman, Suite 203  
Fairbanks AK 99701

DIS 32 (R)

RE: Runaway Children

Dear Rep Kelly:

We were greatly heartened to see that someone in our Legislature is at last paying attention to the issue of runaways. We're sorry we didn't attend your session the other evening, but by the time we found out about it, we already had a commitment we couldn't break.

We are interested primarily because we have a son who ran away just before his 16th birthday, and has since been a runaway for 11 of the past 15 months. His time away has introduced him to alcohol and drug use, sexually-transmitted disease, expulsion from school, hospital emergency rooms and criminal behavior (criminal trespass, shoplifting, driving without a license [or any training], breaking and entering, and completely trashing the apartment of a minor with whom he was staying).

He's also started a promising career as a con man; in the past seven months, he has convinced more than twenty families to take him in because "I just want to go to school and find a job." To date, no job and he didn't even pass P.E. last year. In short, due to the complete lack of any authority to control and assist our son in making healthy life choices, the State is setting itself up to support him throughout his adult life, whether it be on welfare or in prison. It would be a lot cheaper, and healthier, to spend a little money in massive intervention at an early stage.

The Daily News-Miner quoted Elizabeth Kraska, an alleged youth counselor, as saying "...nobody knows how they got that way." Any sophomore psychology student can tell you that aside from love, what children need most is firm and consistent limits. What any fourth grader in the FNSB school district can tell you is that the State doesn't allow parents to set limits on their children's behavior. The State has decided that children have the right to live on the streets if they don't like their parents rules. Most parents would bend any rule to prevent their children from living on the streets. Thus, there are no limits.

Potential solution:

1) Make running away illegal!!! Make the consequences real!!! Let's set some firm limits. If a child runs away once and refuses to go home, a mandatory two week stay at a runaway shelter like Family Focus with mandatory daily reconciliation meetings between the family and the child. If the child runs away a second time, a mandatory two week stay in a setting such as a boot camp or the Fairbanks Youth Facility with mandatory daily reconciliation meetings.

The third time and further times, progressively longer stays in boot camp or the Youth Facility with individual counseling for the child and whatever family counseling the family has the time and inclination to attend. There's no point in punishing the whole family because their child is recalcitrant. (Naturally, all bets are off if enough evidence of child abuse is available to convince a grand jury that the child had good reason to run away.) Expensive? Only to the short-sighted.

2) Make harboring a runaway for more than 24 hours a type of kidnapping. Some will want to argue that if the child is in another home voluntarily, that it cannot be kidnapping. We're no lawyers, just parents, and the way we see it, it doesn't matter where the child wants to be. What matters is where the parents have voluntarily allowed the child to be. What parent doesn't have a curfew? But any child who doesn't like the curfew, or any other rule, can simply run away. By allowing other adults to take in runaways with impunity, the State has again removed parents' ability to set any limits at all on their children's behavior.

Our son has stayed in many homes without our permission, or even our knowledge. Most of these people have meant well, intending to give our son some "space" from parents who "don't understand him." In reality, they have the audacity to think that after knowing him a few hours, they know more about what is best for him than we do. The end result is that they have allowed him to avoid facing up to the consequences of his decisions and actions, and are helping to create another citizen who sees nothing wrong with being supported by complete strangers (read: taxpayers). They are also supporting him in the belief that his problems are not of his own making. They're all someone else's fault.

We supported Rep Therriault's bill to make parents more responsible for their children. However, responsibility cannot be divorced from authority. Give us back the authority to raise our children responsibly. And give us the tools to go after those who would prevent us from doing the job which we do out of love and in the best interests of our children.

Sincerely,

Ed + Mary

810 Ballaine Rd.  
Fairbanks, AK 99709-6606

22 March 1995

Representative Gail Phillips, Speaker  
Alaska State House  
State Capitol - Room 208  
Juneau, AK 99801-1182

Dear Speaker Phillips,

In recent months we have become acquainted with the inadequacy of AS 47.10.141, The Runaways and Missing Minors Law, through the painful experience of friends whose daughter has run away repeatedly. Despite the continuous efforts of the parents to keep their 14-year old daughter protected, they have found that the existing system allows runaways almost total freedom. Even when the child was picked up by police, she was able to regain freedom almost immediately.

While it is extremely important that children not be returned to abusive homes, it is equally important that a child's claims of abuse be quickly and thoroughly checked, and a substitute home be provided for the child's protection if they are substantiated, and the child be returned home if the claims are found to be false.

In addition we urge you to see that truancy laws are enforced so that children do not skip school without consequence.

Thank you for considering our concerns.

Sincerely,

*Sue M. Dean*      *Frederick C. Dean*

Sue M. Dean and Frederick C. Dean

Fairbanks Daily  
News-Miner  
11/8/96

# Juvenile justice is a disaster

The entire juvenile justice system is terribly broken. At the period of time when youngsters are most vulnerable and need adult support, firmness and guidance, they are given increased autonomy.

Juveniles seldom have consequences for their criminal actions and the word is out. For this reason older criminals use children to courier illegal activities. Yet, parents are responsible for the child's actions until they are 18.

As parents of a runaway child, we were horrified to discover our child had complete freedom of

In December 1994 our child, rather than face the consequences for breaking a rule (truancy), told the teacher she would be beaten if she went home (untrue).

She told the counselor she was running away. The school informed us that the child needed time out in a mutually accepted place and that if we physically forced our child to go home it would be considered assault. This child got the message!

As a result of the state undermining parental authority, our child has repeatedly refused to come home. The child, now a chronic runaway, has lived in many situations: some chosen by us, some by the state and many by people encouraging her delinquency.

Law enforcement people consider runaways a low priority and seldom pursue them. Our beautiful child, now 15, is a street person.

We are a stable family. A parent was always home with the children.

In trying to help this child, we have spent a fortune on lawyers, doctors, hospitals, psychiatrists, psychologists and counselors.

We have petitioned the state for help and had many court hearings. "Our hands are tied" (because of the laws), is the answer we get, over and over. At this point it seems hopeless.

The current runaway statute must be changed. A runaway child must be immediately pursued, picked up and returned home.

If the child claims abuse, take them to a secure place and examine them for bruises.

If there is truly abuse, place them in a foster home where they must remain. Make shelters like Family Focus secure, rather than a revolving door.

Children should not be allowed to run to the streets, for their own safety. It will not take long for word to get out that running away is no longer fun.

Children are our states greatest natural resource and we are losing many.

Please call or write our legislators to get this statute changed.

LaRue Naar, a life-long Fairbanksian and retired primary schoolteacher, is a member of a group of Fairbanks parents concerned about runaways.

LaRue Naar  
Guest Opinion



The current runaway statute must be changed. A runaway child must be immediately pursued, picked up and returned home.

movement and we had no rights at all.

Why did our 14-year-old child, an athlete, honor student and talented musician, choose to reject friends, family, and the values we tried to instill?

We are not sure, but our child began to associate with children that had problems such as truancy, running away, drugs and criminal activities. These students made it perfectly clear to our child, "If you don't like the rules at home you can leave. The system is easy to manipulate: shout abuse and you can go to a foster home. Too many rules there? Ask to move, or run, and you will be placed in another. Commit a misdemeanor crime, nothing happens to you."

11-15-10  
Dermot  
Cole



## Dad's view of runaway problems

I COULD HEAR the heart-break in his voice and see it in his eyes.

When he was growing up, the term "runaway" meant a speeding train running out of control. He never knew anyone who had run away from home.

But that was then.

He has lived here a long time and he wants nothing more for his child than a secure future.

The child, mired in the confusion of the most rebellious years, but not yet old enough for a driver's license, has run away several times from home and from a series of foster homes to stay in crashpad apartments.

The father stopped by to talk with me the other day, frustrated with the pain of watching his loved one slip away and the fear of what the future holds. His story was similar to that of another parent who wrote a letter to the editor last week.

He seems to be a sensible person who has the welfare of his child uppermost in mind. I think he must worry about the child during every waking moment.

He said he knew nothing about runaways and the law before his child got into trouble a year ago. He had always assumed that these nightmares happened only to parents who neglected and abused their children.

Now he thinks differently. He dropped off a letter saying that parents who strive to instill traditional values in their children encounter roadblocks in the "permissive laws designed to guarantee children's personal freedoms without the responsibilities that should come with them."

"Parental authority has been effectively eliminated," he said.

Federal legislation in the 1970s was designed to keep juveniles out of contact with adult offenders, he said.

The father said he can't argue with a goal like that. Kids who run away are not hardened criminals and should not be lumped together with adults who are.

But, he added, the laws also require the "least restrictive alternatives" for juveniles in custody and he believes that is part of the problem.

"The thinking behind these laws seems to be that kids who run away are fleeing abusive homes and must not be further injured by a justice system that treats them like criminals. This completely overlooks the merely rebellious kids who, on the advice of their trusted peers, can and do abuse these laws and manipulate the system."

IT DOESN'T TAKE LONG for rebellious teen-agers to learn how the system works, he said.

"They know that enforcement agencies do not aggressively pursue runaways or the people giving them 'safe' haven. What's more, the authorities, on the rare occasion when they actually pick up a runaway, just drop them off at a shelter such as Family Focus. Of course the child is free to leave the shelter at any time."

The father thinks the Legislature needs to strengthen the legal authority of parents.

"It should be clearly stipulated that a runaway who is unwilling to go home must be placed in a secure facility. Yes, secure, but separate from adult facilities and staffed with personnel trained to evaluate each individual case and determine a course of action."

On top of that, the state needs to go after those who contribute to the delinquency of minors, he said. His child has been sheltered by people who are no strangers to the police blotter.

"Kids must understand that the act of running away will result in tangible consequences. The deterrent effect of a secure setting will greatly influence potential runaways. No longer will their wayward peers be telling our children how cool it is to run away."

The words in his letter were drained of emotion and pain, but it was all there in the sound of his voice and the look in his eyes.

Dermot Cole is a News-Winter columnist.

(over)

# Powerless parents look for help

By LIN GALE  
Staff Writer

The phone rang at Rosemary Donnelly's house at 2 a.m.

It was city police, calling to say they had her 14-year-old son at the station.

"What do you want us to do with him?" the officer asked.

Donnelly asked if they would bring him home but the boy refused to return.

"He says he doesn't want to come home, and he doesn't have to come," Donnelly said Tuesday night while relaying the story to a dozen people gathered at the Noel Wien Library.

Donnelly, a clerk at the state courthouse, has spent a lot of sleepless nights since her son began running away in September. Tired of feeling powerless, she is trying to organize people concerned about runaways to lobby for legislation that would give parents more control over rebellious teens.

The law says parents and police have no authority to force runaways to return home. Instead, police can bring the youths to the runaway shelter Family Focus, where they can leave whenever they choose.

The current law was passed in the late 1970s to protect runaways

who were sexually and physically abused at home.

Unfortunately, Donnelly said, it has left parents powerless over their runaway children.

Among changes parents in the group want is a law that would require runaways either to be returned home or be put into supervised shelters they would not be allowed to leave; disclosure to parents of their children's drug and alcohol treatment records; more aggressive reporting of truancy by school authorities; and increased prosecution of adults who harbor runaways and supply them with drugs and alcohol.

F D N M , Wed. Jan 18, 1995.

## stopping runaways

Without such help, parents have had to take drastic steps to try and control their teens.

April Rodgers' son's problems began with chronic truancy from school.

Desperate, Rodgers accompanied him to school for a week and a half. She sat by him through every class during that time.

"He would try and ditch me in the hallway," Rodgers said.

Another mother of a runaway teen supplied information to police that led to her daughter's arrest on a drug offense.

The girl was placed on probation, which finally gave her mother

some control. Anytime she ran away after that she was thrown into Fairbanks Youth Facility, at her mother's request, for violating probation.

Scared at seeing her son acting and looking like "a bum off the Chicago streets," Donnelly said she had him committed into Alaska Psychiatric Institute, in Anchorage, for an evaluation.

The 10 days he was there were the easiest on her since he first ran away, she said, because she knew he was off the streets.

"Basically, there is nothing we can do with these kids," Donnelly said.

■ Police report

B-2

■ Events

B-3

■ People

B-4

Rod Boyce, City Editor; 456-6661 (Ext. 275)

Dermot  
Cole



## Section B

Monday, January 15, 1996

■ ■ ■  
THERE HAVE BEEN several ads and letters to the editor recently about the problem of runaway children in the Fairbanks area.

There definitely is a problem, a complicated one that defies easy answers.

In Fairbanks, there are 30 to 50 runaways on the street at any given time, according to a recent report in the Fairbanks Native Association newsletter.

FNA operates Family Focus, which is a state sanctioned temporary shelter for runaway children ages 10 to 18. It was founded in 1979.

When police pick up a runaway, in most cases, they either take the child to Family Focus or contact the parents. Some of the children are leaving abusive homes. Others are rebelling against their parents.

The law gives the runaway child the power to decide where to go.

"The kids at Family Focus are free to leave whenever they choose, but can remain at the shelter for up to 14 days," the FNA newsletter said. "Parents are notified that their teen is at the shelter but it is up to the teen when he or she will return

On the streets the children can be exposed to all sorts of dangers. And those who are abused should not be forced to go to homes where they will be hurt.

What about the rebellious ones? If the law was changed to give parents the authority to require that the child come home with them or to require that the child stay at a place like Family Focus, the matter of enforcement would come up. If the child refused to cooperate, would there be any alternatives other than jail?

A meeting of citizens who are concerned about runaways will be Tuesday Feb. 6 at 6:30 p.m. at the Noel Wien Public Library auditorium.



---

Matthew A. Johnson, Psy.D., LCSW, NCAC II  
Anchor Counseling and Testing Services (ACTS)  
1011 Kodiak St.  
Fairbanks, Alaska 99709  
(907) 455-4114 Fax (907) 455-4224

---

April 29, 1996

Dear Representative Hanley,

I have been asked by some parents in support of Senate Bill No. 289(FIN) to write you a letter as a witness and to express my professional and personal support of the bill.

I am a licensed psychologist, a licensed clinical social worker, a state and nationally certified addictions counselor, and I operate a private practice in Fairbanks, Alaska. I have worked with adolescents in the mental health field for the past 15-years. I have never seen a worse problem with runaway teens and how they are handled by the "the system" than I have observed in the communities of Fairbanks and North Pole, Alaska! Senate Bill No. 289(FIN) appears to be a major step in the right direction. For years, parents in the Fairbanks/ North Pole area have felt helpless while their teens have been running away and living on the streets and/or in the homes of individuals with "questionable character."

It is a terrible mistake to automatically assume that all teens runaway from home because they are all being physically and/or sexually abused by their parents/guardians. I have encountered numerous children in therapy who have run away from home (and keep running away from home) because their parents wanted them at home and in bed by 10:00 p.m. on a school night. I can cite numerous examples of teens simply defying their parents over rules which are reasonable and nonabusive (e.g., don't drink alcohol, don't use drugs, do your homework, do your weekly chores, don't swear, treat your parents and siblings with respect, follow the rules at school, don't shop lift, etc.).

The problem with "the system" (e.g., some DFYS employees, some counselors in the community, some agencies in the community, and some judges in the state court system) is multifaceted:

1. There is an automatic assumption made by some professionals in "the system" that the teens are running away because they are being abused. I have seen many parents treated as guilty until proven innocent. Sometimes they have been intimidated by "the system" to go along with "the system's" agenda rather than attempt in vain to prove their innocence (i.e., "We have not abused our child!"). If

they continue to try and prove their innocence to "the system", they are sometimes threatened with lengthy involvement with "the system", and/or expensive court cost, and/or labeled by "the system" as bad parents or "right-wingers" (the label was stated to me by a DFYS employee here in Fairbanks). As a result, the child is left to run on the streets or is placed in a foster care system which they also run away from and are left to run away on the streets.

2. Last Fall, I witnessed a court proceeding in which the state attorney and DFYS employee told the judge that they didn't know what to do with an adolescent who continued to runaway from their foster care placement. They recommended that the adolescent be turned over to the custody of the parents; however, the adolescent's psychologist testified via the phone that the parents were rigid and unwilling to work with their adolescent in therapy because they refused to allow the adolescent to invite their friends over for dinner and to "hang out" in their home (the adolescent's friends were known criminals and/or engaged in selling drugs!!! What parent in their right mind would even consider to compromise with their adolescent and allow them to invite these individuals with questionable character into the home!!!! Yet these parents were labeled by the adolescent's psychologist as being rigid for the above reason. I worked with these parents and their expectations were reasonable and did not extend beyond the norm for other parents). The judge ordered that the adolescent remain in the custody of DFYS and remain in the foster home. Then the judge threatened the adolescent with going to the Fairbanks Youth Facility if the adolescent ever chose to runaway again. The adolescent ran away again and the judge did not follow through with the threat (i.e., the judge's bark was worse than their bite and most adolescents and their parents know this to be true of the judge.). The end result was that the adolescent's rights were elevated above the parents' rights to exercise authority and control over their child. As a consequence, "the system" enabled the child to remain on the streets.

3. Most adolescents that I have encountered in therapy don't runaway because of abuse, instead, they runaway because they are defiant, rebellious, oppositional, manipulative, and just want to do what they want to do without an adult in a position of authority telling them what to do (e.g., parents, teachers, counselors, etc.). As a result, the only clinical diagnosis the adolescent can receive in outpatient treatment is one of Oppositional Defiant Disorder or Conduct Disorder. Therefore, they cannot be admitted into inpatient treatment centers such as Charter North Hospital, North Star Hospital, and/or Providence Hospital because insurance companies will not reimburse for these diagnoses.

Although I can cite more examples than listed above, the above shall suffice for now.

At present, when an adolescent runs away from their parents' home and/or a state appointed foster home and/or the Family Focus Shelter (by the way I 100% enthusiastically support the Family Focus Shelter!) in Fairbanks because of being rebellious and oppositional to authority and rules, there is nothing that can be done for the child...even the above judge kept the adolescent going through the same revolving door in "the system" without a solution by not following through on the threat to lock up the child. If we don't lock up repeat runaway offenders, then we are leaving them to the mercy of the streets...and I have a problem with that!!! The state laws need teeth and the ability to protect Alaska's children even if it means locking them up to provide them with the help that they don't want to receive.

#### The Solution(s):

1. As previously mentioned, Senate Bill No. 289(FIN) is a step in the right direction. We need locked facilities around the state of Alaska to keep repeat runaway offenders off the streets; however, this is not enough.
2. The state of Alaska needs to finance locked treatment facilities that utilize a strict behavioral modification program to confront the inappropriate attitudes and behaviors of the runaway adolescents. Group therapies need to be provided as well to address therapeutic issues (e.g., abuse, chemical dependency, etc.). Insurance companies are no longer allowing adolescents with Oppositional Defiant Disorders and Conduct Disorders to receive treatment in the inpatient treatment settings. The cost for parents to send their children to private locked long-term residential treatment facilities in the Lower 48 states is astronomical. Parents should be able to place their children in local long-term facilities (6-12 months of treatment) without having to place their children in the custody of the State of Alaska and DPYS. Contracts could be made between the State of Alaska and Charter North, Providence, and/or North Star to provide such services, thus, eliminating the expense of building and maintaining such facilities.
3. The Alaska legislature should not only pass Senate Bill No. 289(FIN), but it should make sure that it allocates enough funds to make the law enforceable. The law without the financial support to make it a reality and enforce it would be an act of legislative irresponsibility and another example of "the system" enabling runaway adolescents.
4. The Alaska legislature should strongly consider passing more legislation that protects the rights of parents and their ability to discipline their children without the fear of "the system" intervening when it is not needed. Also, there should be more burden of proof placed on the state of Alaska and DPYS to prove that the alleged abuse occurred rather than the parents being placed in a position where they are assumed guilty until proven innocent...and then being intimidated out of trying to prove

themselves innocent. In many cases, the parents are abused by "the system" by being inappropriately labeled (e.g., "abuser," "bad parents," and "right-wingers.") while their children are enabled to remain on the streets as runaways simply because they are tired of adults telling them what to do.

Thank you for your time and effort in resolving the problems that many loving and caring parents are facing when they interact with "the system" while trying to help their runaway children.

If you have any questions about the content of this letter, please feel free to call me at home (455-4884) or at my private practice (455-4114) or fax a message to me at (455-4224).

Sincerely,

*Matthew A. Johnson, Psy.D., LCSW, NCAC II*

Matthew A. Johnson, Psy.D., LCSW, NCAC II  
Licensed Psychologist, Licensed Clinical Social Worker,  
National Certified Addictions Counselor.

*Discussed 4/29/96  
NOT adopted*

9-LS1635D  
Lauterbach  
4/27/96

HOUSE CS FOR CS FOR SENATE BILL NO. 289( )  
IN THE LEGISLATURE OF THE STATE OF ALASKA  
NINETEENTH LEGISLATURE - SECOND SESSION

BY

Offered:  
Referred:

Sponsor(s): SENATORS FRANK, Miller, Phillips, Halford, Green, Taylor, Leman, Kelly, Torgerson,  
Hoffman, Pearce, Rieger

REPRESENTATIVES Kelly, Therriault

A BILL

FOR AN ACT ENTITLED

1 "An Act relating to runaways, other minors, and their families or legal  
2 custodians."

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

4 \* Section 1. FINDINGS; PURPOSE. (a) The legislature finds that

5 (1) the number of runaway minors in this state is a significant problem that  
6 is a threat to the public health and safety as well as to the individual health and safety of the  
7 minors who, because of their runaway status, are without the care and protection of their  
8 families;

9 (2) some adults who harbor runaway minors do not serve the best interests of  
10 the minors, particularly when they encourage them to be absent from school and to remain  
11 away from the custody of their parents, and current laws have been largely unenforceable  
12 against these adults because of the broadly worded exceptions they contain;

13 (3) even many licensed facilities for runaway minors have been unable to serve  
14 their intended purpose of protecting the minors and facilitating family reunification because

1 they lack the security measures that would keep the minors in the facilities long enough to  
2 assess their needs and the needs of their families;

3 (4) emergency state custody of a runaway minor who has previously fled from  
4 a licensed runaway program would enable the Department of Health and Social Services to  
5 better protect and assist the minor; and

6 (5) in most circumstances, runaway minors would be best cared for by their  
7 parents and other family members.

8 (b) The purpose of this Act is to address the problem of runaway minors by tightening  
9 up the laws designed to penalize the adults who inappropriately harbor runaways so that those  
10 laws are more enforceable, to require facilities for runaway minors to be more secure, and to  
11 require facilities for runaway minors to more promptly assess the minors' needs and notify  
12 the minors' parents of their presence in the facility. ~~It is also the purpose of this Act to~~  
13 ~~require the Department of Health and Social Services to take emergency custody of a minor~~  
14 ~~who has previously left a semi-secure program without permission.~~ The legislature intends,  
15 through this Act, to better fulfill its responsibility to protect runaway minors and to meet its  
16 goal of returning them as quickly as possible to the custody and control of their parents in all  
17 appropriate circumstances.

18 \* Sec. 2. AS 11.51.130(a) is amended to read:

19 (a) A person commits the crime of contributing to the delinquency of a minor  
20 if, being 19 years of age or older or being under 19 years of age and having the  
21 disabilities of minority removed for general purposes under AS 09.55.590, the person  
22 aids, induces, causes, or encourages a child

23 (1) under 18 years of age to do any act prohibited by state law unless  
24 the child's disabilities of minority have been removed for general purposes under  
25 AS 09.55.590;

26 (2) under 18 years of age to enter or remain in the same room in a  
27 building where the unlawful sale of a drug occurs unless the child's disabilities of  
28 minority have been removed for general purposes under AS 09.55.590;

29 (3) under 16 years of age to be repeatedly absent from school, without  
30 just cause; or

31 (4) under 18 years of age to be absent from the custody of a parent,

proposed  
for  
deletion

1 guardian, or custodian without the permission of the parent, guardian, or custodian  
2 [JUST CAUSE], unless the child's disabilities of minority have been removed for  
3 general purposes under AS 09.55.590 or the person has immunity under AS 47.10.350  
4 or 47.10.398(a); it is an affirmative defense to a prosecution under this paragraph  
5 that, at the time of the alleged offense, the defendant

6 (A) reasonably believed that the child was in danger of  
7 physical injury or in need of temporary shelter; and

8 (B) within 12 hours after taking the actions comprising the  
9 alleged offense, notified a peace officer, a law enforcement agency, or the  
10 Department of Health and Social Services of the name of the child and the  
11 child's location.

12 \* Sec. 3. AS 47.10.141(b) is amended to read:

13 (b) A peace officer shall take into protective custody a minor described in (a)  
14 of this section if the minor is not otherwise subject to arrest or detention. Unless (c)  
15 of this section applies, the peace officer shall [EXERCISE THE OFFICER'S  
16 DISCRETION AND] (1) return the minor to the legal custodian at the legal  
17 custodian's residence if the legal custodian consents to the return except that the  
18 officer may not use this option if the officer has reasonable cause to believe  
19 [SUSPECT] that the minor has experienced physical or sexual abuse in the legal  
20 custodian's household; (2) take the minor to a nearby location agreed to by [THE  
21 MINOR AND] the legal custodian if the legal custodian does not consent to return  
22 of the minor under (1) of this subsection or the officer is precluded from using  
23 that option because of a reasonable cause to believe that the minor has  
24 experienced physical or sexual abuse in the legal custodian's household; or (3) if  
25 disposition of the minor is not made under (1) or (2) of this subsection, take the  
26 minor to an office specified by the Department of Health and Social Services, a  
27 program for runaway minors licensed by the department under AS 47.10.310, a shelter  
28 for runaways that has a permit from the department under AS 47.35.085 that agrees  
29 to shelter the minor, or a facility or contract agency of the department. If the peace  
30 officer plans to take the minor to an office, program, shelter, or facility under (3)  
31 of this subsection, the peace officer shall give the highest priority to taking the

1 minor to an office, program, shelter, or facility that is semi-secure. If an office  
2 specified by the department, a licensed program for runaway minors, a shelter for  
3 runaways that will accept the minor, or a facility or contract agency of the department  
4 does not exist in the community, the officer shall take the minor to another suitable  
5 location and promptly notify the department. A minor under protective custody may  
6 not be housed in a jail or other detention facility but may be housed in a semi-secure  
7 portion of an office, program, shelter, or other facility under (3) of this  
8 subsection. Immediately upon taking a minor into protective custody, the officer shall  
9 advise the minor of available mediation services and [ORALLY AND IN WRITING]  
10 of the right to social services under AS 47.10.142(b), and, if known, the officer shall  
11 advise the legal custodian that the minor has been taken into protective custody and  
12 that counseling services for the custodian and the minor's household may be available  
13 under AS 47.10.142(b).

14 \* Sec. 4. AS 47.10.141(c) is amended to read:

15 (c) A minor may be taken into emergency protective custody by a peace  
16 officer and placed into temporary detention in a juvenile detention home in the local  
17 community if there has been an order issued by a court under a finding of probable  
18 cause that (1) the minor is a runaway in wilful violation of a valid court order issued  
19 under AS 47.10.080 or 47.10.142(f), (2) the minor's current situation poses a severe  
20 and imminent risk to the minor's life or safety, and (3) no reasonable placement  
21 alternative exists within the community. [FOR THE PURPOSES OF THIS  
22 SUBSECTION, A RISK MAY NOT BE CONSIDERED SEVERE AND IMMINENT  
23 SOLELY BECAUSE OF THE GENERAL CONDITIONS FOR RUNAWAY MINORS  
24 IN THE COMMUNITY, BUT SHALL BE ASSESSED IN VIEW OF THE SPECIFIC  
25 BEHAVIOR AND SITUATION OF THE MINOR.] A minor detained under this  
26 subsection shall be brought before a court on the day the minor is detained, or if that  
27 is not possible, within 24 hours after the detention for a hearing to determine the most  
28 appropriate placement in the best interests of the minor. A minor taken into  
29 emergency protective custody under this subsection may not be detained for more than  
30 24 hours, except as provided under AS 47.10.140. Emergency protective custody may  
31 not include placement of a minor in a jail or secure facility other than a juvenile

1 detention home, nor may an order for protective custody be enforced against a minor  
2 who is residing in a licensed program for runaway minors, as defined in AS 47.10.390.

3 \* Sec. 5. AS 47.10.141(e) is amended to read:

4 (e) In this section,

5 (1) "law enforcement agency" has the meaning given in AS 12.36.090;

6 (2) "semi-secure" means operated according to standards that may  
7 be established by the department in regulations that are designed to require a  
8 level of security that will reasonably ensure that, if a minor leaves without  
9 permission, the minor's act of leaving will be immediately noticed.

10 \* Sec. 6. AS 47.10.141 is amended by adding new subsections to read:

11 (f) In the absence of gross negligence or intentional misconduct, an office,  
12 program, shelter, or facility, or an employee of an office, program, shelter, or facility,  
13 to which a minor is taken by a peace officer for semi-secure custody is not subject to  
14 civil or criminal liability based on the minor's leaving the office, program, shelter, or  
15 facility without permission unless the office, program, shelter, or facility is not in  
16 compliance with the department's regulations that set standards for semi-security and  
17 the lack of compliance was a material factor in the minor's being able to leave without  
18 permission.

19 (g) If a minor, without permission, leaves the semi-secure portion of an office,  
20 program, shelter, or facility to which the minor was taken by a peace officer under  
21 (b)(3) of this section, the office, program, shelter, or facility shall immediately notify  
22 the department and the nearest law enforcement agency of the identity of the minor  
23 and the minor's absence. If the same minor is again taken into protective custody  
24 under (b) of this section and the peace officer knows that the minor has previously  
25 been reported under this subsection as missing from a semi-secure placement, the  
26 peace officer, in addition to taking the appropriate action under (b) of this section,  
27 shall report the circumstances and the identity of the minor to the department. Within  
28 two state working days after receiving this report, the department shall file a petition  
29 alleging that the minor is a child in need of aid under AS 47.10.010(a)(2)(A) and the  
30 court shall proceed under AS 47.10.142(d).

31 \* Sec. 7. AS 47.10.142(f) is amended to read:

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28  
29  
30  
31

(f) When a minor is committed to the department for temporary placement under (e) of this section, the court order shall specify the terms, conditions, and duration of placement. The court shall [MAY] require the minor to remain in the placement provided by the department and shall clearly state in the order the consequences of violating the order, including the possibility of detention under AS 47.10.141(c). If the court orders the minor returned to the custody of the minor's parents or guardian under (e) of this section after a hearing that was held because of a petition filed under AS 47.10.141(g), the court shall specify the terms and conditions that must be followed by the minor, regardless of whether the court finds that probable cause exists for finding the minor to be a child in need of aid; the court shall also require the minor to remain in the custody of the parents or guardian and shall clearly state in the order the consequences of violating the order, including the possibility of detention under AS 47.10.141(c).

\* Sec. 8. AS 47.10.310(c) is amended to read:

(c) A program for runaway minors shall

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

(2) upon admission of a minor to the program, attempt to determine why the [A] minor [IN THE PROGRAM] is a runaway and what services may be necessary or appropriate for reuniting the minor with the minor's family;

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

(4) within one state working day after admission of a minor to the program [PROMPTLY] inform the department of a minor in the program

(A) who claims to be the victim of child abuse or neglect, as defined in AS 47.17.290;

(B) whom an employee of the program has cause to believe has been a victim of child abuse or neglect; or

1 (C) whom an employee of the program has reason to believe is  
2 evading the supervision of the department, the person to whom the department  
3 has entrusted supervision, or the minor's legal guardian;

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

7 (6) maintain adequate staffing and accommodations to ensure physical  
8 security and to provide crisis services to minors residing in a facility operated by the  
9 program; a program that, as determined by the department, regularly receives  
10 state money in an amount that exceeds one-fourth of the program's costs shall  
11 maintain semi-secure portions of its facilities in a proportion that meets  
12 regulations established by the department; residents under 18 years of age shall be  
13 segregated from residents who are 18 years of age or older.

14 \* Sec. 9. AS 47.10.390 is amended by adding a new paragraph to read:

15 (3) "semi-secure" has the meaning given in AS 47.10.141(e).

16 \* Sec. 10. AS 47.10.394(b) is amended to read:

17 (b) The provider of a shelter for runaways shall promptly, but within one state  
18 working day [48 HOURS], inform the department of a runaway minor in the shelter

19 (1) who claims to be the victim of child abuse or neglect, as defined  
20 in AS 47.17.290;

21 (2) whom the provider has reasonable cause to suspect has been a  
22 victim of child abuse or neglect; or

23 (3) whom the provider has reason to believe is evading the supervision  
24 of the department, the person to whom the department has entrusted supervision, or the  
25 minor's legal guardian.

9-LS1635J  
Lauterbach  
5/2/96

pg 5 line 31  
amended -

**HOUSE CS FOR CS FOR SENATE BILL NO. 289( )**  
**IN THE LEGISLATURE OF THE STATE OF ALASKA**  
**NINETEENTH LEGISLATURE - SECOND SESSION**

**BY**

**Offered:**  
**Referred:**

**Sponsor(s): SENATORS FRANK, Miller, Phillips, Halford, Green, Taylor, Leman, Kelly, Torgerson, Hoffman, Pearce, Rieger**

**REPRESENTATIVES Kelly, Therriault**

**A BILL**

**FOR AN ACT ENTITLED**

1 **"An Act relating to runaways, other minors, and their families or legal**  
2 **custodians."**

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

4 **\* Section 1. FINDINGS; PURPOSE. (a) The legislature finds that**

5 (1) the number of runaway minors in this state is a significant problem that  
6 is a threat to the public health and safety as well as to the individual health and safety of the  
7 minors who, because of their runaway status, are without the care and protection of their  
8 families;

9 (2) some adults who harbor runaway minors do not serve the best interests of  
10 the minors, particularly when they encourage them to remain away from the custody of their  
11 parents, and the current law that prohibits adults from encouraging minors to remain away  
12 from their parents has been largely unenforceable against these adults because of the broadly  
13 worded exception it contains;

14 (3) even many licensed facilities for runaway minors have been unable to serve

1 their intended purpose of protecting the minors and facilitating family reunification because  
2 they lack the security measures that would keep the minors in the facilities long enough to  
3 assess their needs and the needs of their families;

4 (4) in most circumstances, runaway minors would be best cared for by their  
5 parents and other family members.

6 (b) The purpose of this Act is to address the problem of runaway minors by tightening  
7 up the law designed to penalize the adults who inappropriately harbor runaways so that the  
8 law is more enforceable, to require facilities for runaway minors to be more secure, and to  
9 require facilities for runaway minors to more promptly assess the minors' needs and notify the  
10 minors' parents of their presence in the facility. The legislature intends, through this Act, to  
11 better fulfill its responsibility to protect runaway minors and to meet its goal of returning them  
12 as quickly as possible to the custody and control of their parents in all appropriate  
13 circumstances.

14 \* Sec. 2. AS 11.51.130(a) is amended to read:

15 (a) A person commits the crime of contributing to the delinquency of a minor  
16 if, being 19 years of age or older or being under 19 years of age and having the  
17 disabilities of minority removed for general purposes under AS 09.55.590, the person  
18 aids, induces, causes, or encourages a child

19 (1) under 18 years of age to do any act prohibited by state law unless  
20 the child's disabilities of minority have been removed for general purposes under  
21 AS 09.55.590;

22 (2) under 18 years of age to enter or remain in the same room in a  
23 building where the unlawful sale of a drug occurs unless the child's disabilities of  
24 minority have been removed for general purposes under AS 09.55.590;

25 (3) under 16 years of age to be repeatedly absent from school, without  
26 just cause; or

27 (4) under 18 years of age to be absent from the custody of a parent,  
28 guardian, or custodian without the permission of the parent, guardian, or custodian  
29 or without the knowledge of the parent, guardian, or custodian [JUST CAUSE],  
30 unless the child's disabilities of minority have been removed for general purposes  
31 under AS 09.55.590 or the person has immunity under AS 47.10.350 or 47.10.398(a);

1 it is an affirmative defense to a prosecution under this paragraph that, at the time  
2 of the alleged offense, the defendant

3 (A) reasonably believed that the child was in danger of  
4 physical injury or in need of temporary shelter; and

5 (B) within 12 hours after taking the actions comprising the  
6 alleged offense, notified a peace officer, a law enforcement agency, or the  
7 Department of Health and Social Services of the name of the child and the  
8 child's location.

9 \* Sec. 3. AS 47.10.141(b) is amended to read:

10 (b) A peace officer shall take into protective custody a minor described in (a)  
11 of this section if the minor is not otherwise subject to arrest or detention. Unless (c)  
12 of this section applies, the peace officer shall [EXERCISE THE OFFICER'S  
13 DISCRETION AND] (1) return the minor to the legal custodian at the legal  
14 custodian's residence if the residence is in the same community where the minor  
15 was found and if the legal custodian consents to the return except that the officer may  
16 not use this option if the officer has reasonable cause to believe [SUSPECT] that the  
17 minor has experienced physical or sexual abuse in the legal custodian's household; (2)  
18 take the minor to a nearby location agreed to by [THE MINOR AND] the legal  
19 custodian if the legal custodian does not consent to return of the minor under (1)  
20 of this subsection and the officer does not have reasonable cause to believe that  
21 the minor has experienced physical or sexual abuse in the legal custodian's  
22 household; or (3) if disposition of the minor is not made under (1) or (2) of this  
23 subsection, take the minor to an office specified by the Department of Health and  
24 Social Services, a program for runaway minors licensed by the department under  
25 AS 47.10.310, a shelter for runaways that has a permit from the department under  
26 AS 47.35.085 that agrees to shelter the minor, or a facility or contract agency of the  
27 department. If the peace officer plans to take the minor to an office, program,  
28 shelter, or facility under (3) of this subsection, the peace officer shall give the  
29 highest priority to taking the minor to an office, program, shelter, or facility that  
30 is semi-secure. If an office specified by the department, a licensed program for  
31 runaway minors, a shelter for runaways that will accept the minor, or a facility or

1 contract agency of the department does not exist in the community, the officer shall  
2 take the minor to another suitable location and promptly notify the department. A  
3 minor under protective custody may not be housed in a jail or other detention facility  
4 but may be housed in a semi-secure portion of an office, program, shelter, or  
5 other facility under (3) of this subsection. Immediately upon taking a minor into  
6 protective custody, the officer shall advise the minor of available mediation services  
7 and [ORALLY AND IN WRITING] of the right to social services under  
8 AS 47.10.142(b), and, if known, the officer shall advise the legal custodian that the  
9 minor has been taken into protective custody and that counseling services for the  
10 custodian and the minor's household may be available under AS 47.10.142(b).

11 \* Sec. 4. AS 47.10.141(c) is amended to read:

12 (c) A minor may be taken into emergency protective custody by a peace  
13 officer and placed into temporary detention in a juvenile detention home in the local  
14 community if there has been an order issued by a court under a finding of probable  
15 cause that (1) the minor is a runaway in wilful violation of a valid court order issued  
16 under AS 47.10.080 or 47.10.142(f), (2) the minor's current situation poses a severe  
17 and imminent risk to the minor's life or safety, and (3) no reasonable placement  
18 alternative exists within the community. [FOR THE PURPOSES OF THIS  
19 SUBSECTION, A RISK MAY NOT BE CONSIDERED SEVERE AND IMMINENT  
20 SOLELY BECAUSE OF THE GENERAL CONDITIONS FOR RUNAWAY MINORS  
21 IN THE COMMUNITY, BUT SHALL BE ASSESSED IN VIEW OF THE SPECIFIC  
22 BEHAVIOR AND SITUATION OF THE MINOR.] A minor detained under this  
23 subsection shall be brought before a court on the day the minor is detained, or if that  
24 is not possible, within 24 hours after the detention for a hearing to determine the most  
25 appropriate placement in the best interests of the minor. A minor taken into  
26 emergency protective custody under this subsection may not be detained for more than  
27 24 hours, except as provided under AS 47.10.140. Emergency protective custody may  
28 not include placement of a minor in a jail or secure facility other than a juvenile  
29 detention home, nor may an order for protective custody be enforced against a minor  
30 who is residing in a licensed program for runaway minors, as defined in AS 47.10.390.

31 \* Sec. 5. AS 47.10.141(e) is amended to read:

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28  
29  
30  
31

(e) In this section,

(1) "law enforcement agency" has the meaning given in AS 12.36.090;

(2) "semi-secure" means operated according to standards that may be established by the department in regulations that are designed to require a level of security that will reasonably ensure that, if a minor leaves without permission, the minor's act of leaving will be immediately noticed.

\* Sec. 6. AS 47.10.141 is amended by adding new subsections to read:

(f) In the absence of gross negligence or intentional misconduct, an office, program, shelter, or facility, or an employee of an office, program, shelter, or facility, to which a minor is taken by a peace officer for semi-secure custody is not subject to civil or criminal liability based on the minor's leaving the office, program, shelter, or facility without permission unless the office, program, shelter, or facility is not in compliance with the department's regulations that set standards for semi-security and the lack of compliance was a material factor in the minor's being able to leave without permission.

(g) If a minor, without permission, leaves the semi-secure portion of an office, program, shelter, or facility to which the minor was taken by a peace officer under (b)(3) of this section, the office, program, shelter, or facility shall immediately notify the department and the nearest law enforcement agency of the identity of the minor and the minor's absence. If the same minor is again taken into protective custody under (b) of this section and the peace officer knows that the minor has previously been reported under this subsection as missing from a semi-secure placement, the peace officer, in addition to taking the appropriate action under (b) of this section, shall report the circumstances and the identity of the minor to the department. Within 48 hours after receiving this report, the department shall determine whether to file a petition alleging that the minor is a child in need of aid under AS 47.10.010(a)(2)(A). If the department decides not to file a petition alleging that the minor is a child in need of aid, the department shall, within seven state working days after receiving the report from the peace officer under this subsection, send to the minor's parents or guardian, as applicable, written notice of its determination not to proceed with the petition including the [factual findings] on which the determination was based. If the

*[Handwritten mark]*

*[ reasons ]*

*[Handwritten mark]*

1 department is unable to obtain a reasonably reliable address for a parent or guardian,  
2 the department shall keep a copy of the notice on file and, notwithstanding  
3 AS 47.10.093, release the notice to the minor's parent or guardian on request of the  
4 parent or guardian. If the department files a petition alleging that the minor is a child  
5 in need of aid, the court shall proceed under AS 47.10.142(d).

6 (h) If the department files a petition alleging the minor is a child in need of  
7 aid under AS 47.10.010(a)(2)(A) because the minor is habitually absent from home or  
8 refuses available care, the minor's parent or guardian shall attend each hearing held  
9 during the child-in-need-of-aid proceedings unless the court excuses the parent or  
10 guardian from attendance for good cause. If the minor is found to be a child in need  
11 of aid, the court may order that the minor's parent or guardian

12 (1) personally participate in treatment reasonably available in the parent  
13 or guardian's community as specified in a plan set out in the court order; and

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

15 (i) If the court orders a minor's parent or guardian to participate in the  
16 treatment under (h) of this section, the court may also order the parent or guardian to  
17 use available insurance or another resource to cover the treatment, or to pay for the  
18 treatment if other coverage is unavailable.

19 (j) If the parent or guardian fails to attend a hearing as required by the court  
20 under (h) of this section, the hearing shall proceed without the presence of the parent.

21 \* Sec. 7. AS 47.10.142(f) is amended to read:

22 (f) When a minor is committed to the department for temporary placement  
23 under (e) of this section, the court order shall specify the terms, conditions, and  
24 duration of placement. If the court orders the minor returned to the custody of the  
25 minor's parents or guardian under (e) of this section after a hearing held on a  
26 petition filed under AS 47.10.141(g), the court shall specify the terms and  
27 conditions that must be followed by the minor and the minor's parents or  
28 guardian. The court shall [MAY] require the minor to remain in the placement  
29 provided by the department and shall clearly state in the order the consequences of  
30 violating the order, including [THE POSSIBILITY OF] detention under  
31 AS 47.10.141(c).

1 \* Sec. 8. AS 47.10.310(c) is amended to read:

2 (c) A program for runaway minors shall

3 (1) explain to a minor who seeks assistance from the program the legal  
4 rights and responsibilities of runaway minors and the services and assistance provided  
5 for runaway minors by the program and by the state or local municipality;

6 (2) upon admission of a minor to the program, attempt to determine  
7 why the [A] minor [IN THE PROGRAM] is a runaway and what services may be  
8 necessary or appropriate for reuniting the minor with the minor's family;

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

13 (4) within one state working day after admission of a minor to the  
14 program [PROMPTLY] inform the department of a minor in the program

15 (A) who claims to be the victim of child abuse or neglect, as  
16 defined in AS 47.17.290;

17 (B) whom an employee of the program has cause to believe has  
18 been a victim of child abuse or neglect; or

19 (C) whom an employee of the program has reason to believe is  
20 evading the supervision of the department, the person to whom the department  
21 has entrusted supervision, or the minor's legal guardian;

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

25 (6) maintain adequate staffing and accommodations to ensure physical  
26 security and to provide crisis services to minors residing in a facility operated by the  
27 program; a program that, as determined by the department, regularly receives  
28 state money in an amount that exceeds one-fourth of the program's costs shall  
29 maintain semi-secure portions of its facilities in a proportion that meets  
30 regulations established by the department; residents under 18 years of age shall be  
31 segregated from residents who are 18 years of age or older.

1 \* **Sec. 9.** AS 47.10.390 is amended by adding a new paragraph to read:

2 (3) "semi-secure" has the meaning given in AS 47.10.141(e).

3 \* **Sec. 10.** AS 47.10.394(b) is amended to read:

4 (b) The provider of a shelter for runaways shall promptly, but within one state  
5 working day [48 HOURS], inform the department of a runaway minor in the shelter

6 (1) who claims to be the victim of child abuse or neglect, as defined  
7 in AS 47.17.290;

8 (2) whom the provider has reasonable cause to suspect has been a  
9 victim of child abuse or neglect; or

10 (3) whom the provider has reason to believe is evading the supervision  
11 of the department, the person to whom the department has entrusted supervision, or the  
12 minor's legal guardian.

AMENDMENT

OFFERED IN THE HOUSE

TO: HCS CSSB 289( ) Version D

1 Page 3, line 18, following "cause to":

2 Delete "believe"

3 Insert "suspect"

4 Page 3, line 23, following "cause to":

5 Delete "believe"

6 Insert "suspect"

Brown

AMENDMENT

OFFERED IN THE HOUSE

TO: HCS CSSB 289( ) Version D

- 1 Page 2, line 13, before "the Department":
- 2 Delete "require"
- 3 Insert "allow"

*Brown*

AMENDMENT

OFFERED IN THE HOUSE

TO: HCS CSSB 289( ) Version D

1 Page 4, line 14 through page 5, line 2:

2 Delete all material

*Brown*

AMENDMENT

OFFERED IN THE HOUSE

TO: HCS CSSB 289( ) Version D

*Brown*

1 Page 5, line 28, following "department":

2 Delete "shall"

3 Insert "may"

AMENDMENT

OFFERED IN THE HOUSE

TO: HCS CSSB 289( ) Version D

Brown

1 Page 7, line 9, following "program;":

2 Delete "a program that, as determined by the department,  
3 regularly receives state money in an amount that exceeds one-  
4 fourth of the program's costs shall maintain semi-secure  
5 portions of its facilities in a proportion that meets regulations  
6 established by the department;"

A M E N D M E N T

OFFERED IN THE HOUSE

BY REPRESENTATIVE KELLY

TO: HCS CSSB 289( ), draft version "D" dated 4/27/96

1 Page 2, lines 29 - 30:

2 Delete ", without just cause"

3 Insert "when the child's attendance is compulsory under AS 14.30.010 [,

4 WITHOUT JUST CAUSE]"

A M E N D M E N T

OFFERED IN THE HOUSE

BY REPRESENTATIVE KELLY

TO: HCS CSSB 289( ), draft version "D"  
dated 4/27/96

- 1 Page 3, line 1, following "custodian":
- 2 Insert "or without the knowledge of the parent, guardian, or custodian"

A M E N D M E N T

OFFERED IN THE HOUSE

BY REPRESENTATIVE KELLY

TO: HCS CSSB 289( ), draft version "D" dated 4/27/96

1 Page 6, line 3, following "placement.":

2       Insert "If the terms and conditions of the court order specify that the minor must  
3 be put in a secure placement, the department may contract for placement of the minor  
4 in a community-based residential secure juvenile facility."

A M E N D M E N T

OFFERED IN THE HOUSE

TO: HCS CSSB 289( ), draft version "D" dated 4/27/96

1 Page 1, line 10:

2 Delete "be absent from school and to"

3 Page 1, line 11:

4 Delete "current laws have"

5 Insert "the current law that prohibits adults from encouraging minors to remain away  
6 from their parents has"

7 Page 1, line 12:

8 Delete "exceptions they contain"

9 Insert "exception it contains"

10 Page 2, lines 3 - 5:

11 Delete all material.

12 Renumber the following paragraph accordingly.

13 Page 2, line 9:

14 Delete "laws"

15 Insert "law"

16 Page 2, lines 9 - 10:

17 Delete "those laws are"

18 Insert "the law is"

1 Page 2, lines 12 - 14:

2 Delete "It is also the purpose of this Act to require the Department of Health and  
3 Social Services to take emergency custody of a minor who has previously left a semi-secure  
4 program without permission."

AMENDMENT

OFFERED IN THE HOUSE

TO: HCS CSSB 289( ), draft version "D" dated 4/27/96

- 1 Page 6, line 5:
- 2 Delete "the possibility of"
- 3 Insert "[THE POSSIBILITY OF]"
  
- 4 Page 6, line 13:
- 5 Delete "the possibility of"

A M E N D M E N T

OFFERED IN THE HOUSE

TO: HCS CSSB 289( ), draft version "D" dated 4/27/96

- 1 Page 6, line 9, following "minor":
- 2 Insert "and the minor's parents or guardian"

# FISCAL NOTE

Work Draft 5/2/96 Version J

STATE OF ALASKA  
1996 LEGISLATIVE SESSION

BILL NO. HCSCSSB 289( )

Revision Date:	<u>5/2/96</u>	Dept. Affected:	<u>Department of Law</u>
Title:	<u>"An Act relating to runaways, other minors, and their families or legal custodians..."</u>	BRU:	<u>Criminal Division/Civil Division</u>
Sponsor:	<u>Senator Frank</u>	Component:	<u>Criminal Division/General Legal</u>
Requester:	<u>Senator Frank</u>	COMPONENT SERIAL NO.:	<u>2085.2087</u>

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

OPERATING EXPENDITURES	FY 97	FY 98	FY 99	FY 00	FY 01	FY 02
PERSONAL SERVICES	57.6	57.6	57.6	57.6	57.6	57.6
TRAVEL	1.3	1.3	1.3	1.3	1.3	1.3
CONTRACTUAL	9.3	9.3	9.3	9.3	9.3	9.3
SUPPLIES	1.8	1.8	1.8	1.8	1.8	1.8
EQUIPMENT	6.5	0.5	0.5	0.5	0.5	0.5
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
<b>TOTAL OPERATING</b>	<b>76.5</b>	<b>70.5</b>	<b>70.5</b>	<b>70.5</b>	<b>70.5</b>	<b>70.5</b>

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

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

**FUND SOURCE** (Thousands of Dollars)

1002 Federal Receipts						
1003 GF Match						
1004 GF	76.5	70.5	70.5	70.5	70.5	70.5
1005 GF/Program Receipts						
1006 GF/MHTIA						
Other						
<b>TOTAL</b>	<b>76.5</b>	<b>70.5</b>	<b>70.5</b>	<b>70.5</b>	<b>70.5</b>	<b>70.5</b>

Estimate of any current year (FY96) cost: \$ 0.0

**POSITIONS**

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

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

The new version of SB 289, making child-in-need-of-aid placement petitions for repeat runaways discretionary on the part of DHSS/DFYS, will reduce the number of petitions (and subsequent hearings) to about 150 per year. Based upon this reduction in the anticipated new workload, the Department of Law's fiscal impact statement should be reduced from one full-time attorney to one part-time attorney in the Civil Division's child protection section in Anchorage.

*Richard I. Pegues*

Prepared by: Richard I. Pegues, Director  
 Division: Administrative Services Division  
 Approved by Commissioner: *Bruce M. Botelho* / Bruce M. Botelho, Attorney General  
 Agency: Department of Law

Phone: 465-3672  
 Date: 5/2/96  
 Date: 5/2/96

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

For further distribution information, call the Governor's Legislative Office

# FISCAL NOTE

STATE OF ALASKA  
1996 LEGISLATIVE SESSION

BILL NO. HCS CSSB 289 (FIN)

Revision Date: 05/02/96

Dept. Affected: Alaska Court System

Title: Runaway Minors

BRU: Trial Courts

Component: \_\_\_\_\_

Sponsor: Senator Frank

Requestor: Senate Finance Committee

COMPONENT SERIAL NO. 768

**Expenditures/Revenues**

(Thousands of Dollars)

OPERATING EXPENDITURES	FY 97	FY 98	FY 99	FY 00	FY 01	FY 02
PERSONAL SERVICES	8.6	8.6	8.6	8.6	8.6	8.6
TRAVEL						
CONTRACTUAL						
SUPPLIES						
EQUIPMENT						
LAND & STRUCTURES						
GRANTS & CLAIMS						
MISCELLANEOUS						
<b>TOTAL OPERATING</b>	<b>8.6</b>	<b>8.6</b>	<b>8.6</b>	<b>8.6</b>	<b>8.6</b>	<b>8.6</b>

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

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

**Fund Source**

(Thousands of Dollars)

1002 Federal Receipts						
1003 GF Match						
1004 GF	8.6	8.6	8.6	8.6	8.6	8.6
1005 GF/Program Receipts						
1037 GF/Mental Health						
Other						
<b>TOTAL</b>	<b>8.6</b>	<b>8.6</b>	<b>8.6</b>	<b>8.6</b>	<b>8.6</b>	<b>8.6</b>

Estimate of any current year (FY 96) cost: None

**Positions**

Full-Time						
Part-Time	2.0	2.0	2.0	2.0	2.0	2.0
Temporary						

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

See attached fiscal analysis.

Prepared by: C. S. Christensen III, Staff Counsel

Agency: Alaska Court System

Phone: 264-8228

Date: 05/02/96

Approved by: Arthur H. Snowden, II, Administrative Director

Agency: Alaska Court System

Date: 05/02/96

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

Alaska Court System  
Fiscal Analysis  
HCS CSSB 289 (FIN)

Analysis

HCS CSSB 289 (FIN) authorizes DFYS to file a CINA petition with the court on a minor who runs away a second time from a semi-secure shelter. Approximately 300 times a year, a minor would be subject to the provisions of this legislation; DYFS estimates that it will file CINA petitions in one-half of those cases. Each case will vary in complexity, and many cases will require multiple hearings. This note assumes that the average case will require one hour of judicial time and in-court time for disposition.

Personal Services

<u>Position</u>	<u>Salary</u>	<u>Benefits</u>	<u>Total</u>
Standing Master, range 24A, PPT, 1 month, Anchorage/statewide	\$4,893	\$1,246	\$5,938
In-Court Clerk, range 12A, PPT, 1 month, Anchorage/statewide	2,085	553	<u>2,639</u>
	<b>Total Estimated Cost</b>		<b><u>\$8,577</u></b>

# FISCAL NOTE

STATE OF ALASKA  
1996 LEGISLATIVE SESSION

BILL NO. HCSCSSB239(FIN)

Revision Date: \_\_\_\_\_  
 Title: An Act Relating to Runaway Minors and  
their Families or Legal Custodians  
 Sponsor: Senator Frank  
 Requestor: House (FIN)

Dept. Affected: Health and Social Services  
 BRU: Purchased Services  
 Component: Residential Child Care  
 COMPONENT SERIAL NO. 253  
 See also (SN#): \_\_\_\_\_

**Expenditures/Revenues:**

(Thousands of Dollars)

OPERATING	FY97	FY98	FY99	FY00	FY01	FY02
PERSONAL SERVICES						
TRAVEL						
CONTRACTUAL						
SUPPLIES						
EQUIPMENT						
LAND & STRUCTURES						
GRANTS, CLAIMS	170.0					
MISCELLANEOUS						
<b>TOTAL OPERATING</b>	<b>170.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>

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

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

**FUND SOURCE**

(Thousands of Dollars)

1002 Federal Receipts						
1003 GF Match						
1004 GF	170.0					
1005 GF/Program Receipts						
1006 GF/MHTIA						
Other (please specify)						
<b>TOTAL</b>	<b>170.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>

**POSITIONS:**

FULL-TIME						
PART-TIME						
TEMPORARY						

Estimate of any current year (FY98) cost: \$0.0

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

This bill directs a peace officer to deliver a runaway minor to a semi-secure facility, if possible. It further provides that the Department develop regulations for semi-secure care. It will result in the Division administering grants for one time costs of installing hardware for semi-secure care. The Division has not had time to do an accurate estimate of cost of installation of semi-secure hardware (door and window alarms) of the six shelters that the Division believes would be involved. However, we have a recent shelter of six beds that has recently had a semi-secure alarm installed which cost \$12,000. Therefore, if we project that to the six shelters which have eighty-five beds, the cost would be approximately \$170,000. A few of these six shelters might choose not to purchase the hardware because they feel that they are semi-secure based on their staffing patterns.

*5/2/96*

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

Phone: 463-3191  
 Date: 05/02/96

Date: 5/2/96

PREPARER TO PROVIDE ALL DISTRIBUTION COPIES TO GOVERNOR'S LEGISLATIVE OFFICE  
 For further distribution information, call the Governor's Legislative Office

# FISCAL NOTE

STATE OF ALASKA  
1996 LEGISLATIVE SESSION

BILL NO. HCSCSSB289(FIN)

Revision Date: \_\_\_\_\_  
 Title: An Act Relating to Runaway Minors and  
their Families or Legal Custodians  
 Sponsor: Senator Frank  
 Requestor: House (FIN)

Dept. Affected: Health and Social Services  
 BRU: Family and Youth Services  
 Component: Southcentral Region  
 COMPONENT SERIAL NO. 254  
 See also (SN#): \_\_\_\_\_

**Expenditures/Revenues:**

(Thousands of Dollars)

OPERATING	FY97	FY98	FY99	FY00	FY01	FY02
PERSONAL SERVICES	81.9	81.9	81.9	81.9	81.9	81.9
TRAVEL						
CONTRACTUAL						
SUPPLIES						
EQUIPMENT						
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
<b>TOTAL OPERATING</b>	<b>81.9</b>	<b>81.9</b>	<b>81.9</b>	<b>81.9</b>	<b>81.9</b>	<b>81.9</b>

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

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

**FUND SOURCE**

(Thousands of Dollars)

FUND SOURCE	FY97	FY98	FY99	FY00	FY01	FY02
1002 Federal Receipts						
1003 GF Match						
1004 GF	81.9	81.9	81.9	81.9	81.9	81.9
1005 GF/Program Receipts						
1006 GF/MHTIA						
Other (please specify)						
<b>TOTAL</b>	<b>81.9</b>	<b>81.9</b>	<b>81.9</b>	<b>81.9</b>	<b>81.9</b>	<b>81.9</b>

**POSITIONS:**

POSITIONS:	FY97	FY98	FY99	FY00	FY01	FY02
FULL-TIME	1	1	1	1	1	1
PART-TIME						
TEMPORARY						

Estimate of any current year (FY96) cost:                     \$0.0

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

DFYS acknowledges the need to provide earlier and more intensive intervention with runaway minors and their families, and the division is willing to make every effort to reunite runaways with their families or to petition the court for assistance. However, all available resources are now devoted to victims of abuse and neglect who are not able to extricate themselves from their dangerous situations. If the division is allowed to establish a new social work position in both Fairbanks and Anchorage, DFYS will dedicate those positions to addressing the requirements and the intent of SB 289.

Prepared by: L. Diane Worley, Director *L. Diane Worley* Phone: 465-3191  
 Division: Family & Youth Services Date: 05/02/96  
 Approved by Commissioner: Karen Perdue, Commissioner Date: 5/2/96  
 Agency: Department of Health & Social Services

PREPARER TO PROVIDE ALL DISTRIBUTION COPIES TO GOVERNOR'S LEGISLATIVE OFFICE  
 For further distribution information, call the Governor's Legislative Office

# FISCAL NOTE

STATE OF ALASKA  
1996 LEGISLATIVE SESSION

BILL NO. HCSCSB289(FIN)

Revision Date: \_\_\_\_\_  
 Title: An Act Relating to Runaway Minors and  
 their Families or Legal Custodians  
 Sponsor: Senator Frank  
 Requestor: House (FIN)

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

**Expenditures/Revenues:**

(Thousands of Dollars)

OPERATING	FY97	FY98	FY99	FY00	FY01	FY02
PERSONAL SERVICES	81.9	81.9	81.9	81.9	81.9	81.9
TRAVEL						
CONTRACTUAL						
SUPPLIES						
EQUIPMENT						
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
<b>TOTAL OPERATING</b>	<b>81.9</b>	<b>81.9</b>	<b>81.9</b>	<b>81.9</b>	<b>81.9</b>	<b>81.9</b>

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

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

**FUND SOURCE**

(Thousands of Dollars)

FUND SOURCE	FY97	FY98	FY99	FY00	FY01	FY02
1002 Federal Receipts						
1003 GF Match						
1004 GF	81.9	81.9	81.9	81.9	81.9	81.9
1005 GF/Program Receipts						
1006 GF/MHTIA						
Other (please specify)						
<b>TOTAL</b>	<b>81.9</b>	<b>81.9</b>	<b>81.9</b>	<b>81.9</b>	<b>81.9</b>	<b>81.9</b>

**POSITIONS:**

POSITIONS:	FY97	FY98	FY99	FY00	FY01	FY02
FULL-TIME	1	1	1	1	1	1
PART-TIME						
TEMPORARY						

Estimate of any current year (FY96) cost:                     \$0.0                    

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

DFYS acknowledges the need to provide earlier and more intensive intervention with runaway minors and their families, and the division is willing to make every effort to reunite runaways with their families or to petition the court for assistance. However, all available resources are now devoted to victims of abuse and neglect who are not able to extricate themselves from their dangerous situations. If the division is allowed to establish a new social work position in both Fairbanks and Anchorage, DFYS will dedicate those positions to addressing the requirements and the intent of SB 289.

*S 5/2/96*

Prepared by: L. Diane Worley, Director  
 Division: Family & Youth Services

Phone: 465-3191  
 Date: 05/02/96

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

Date: 5/2/96

**PREPARER TO PROVIDE ALL DISTRIBUTION COPIES TO GOVERNOR'S LEGISLATIVE OFFICE**  
 For further distribution information, call the Governor's Legislative Office

# FISCAL NOTE

**STATE OF ALASKA**  
**1996 LEGISLATIVE SESSION**

**BILL NO. HCSCSSB 289 (FIN)**

Revision Date: \_\_\_\_\_  
 Title: "An Act relating to runaways, other minors, and their families or legal custodians..."  
 Sponsor: Senator Frank  
 Requestor: (H) FIN

Dept. Affected: Administration  
 BRU: Public Defender Agency  
 Component: Public Defender Agency  
 COMPONENT SERIAL NO. 1631

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

OPERATING EXPENDITURES	FY 97	FY 98	FY 99	FY 00	FY 01	FY 02
PERSONAL SERVICES	41.8	41.8	41.8	41.8	41.8	41.8
TRAVEL	1.0	1.0	1.0	1.0	1.0	1.0
CONTRACTUAL	7.5	7.5	7.5	7.5	7.5	7.5
SUPPLIES	1.8	1.8	1.8	1.8	1.8	1.8
EQUIPMENT	3.0	-0-	-0-	1.0	1.0	1.0
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
<b>TOTAL OPERATING</b>	<b>55.1</b>	<b>52.1</b>	<b>52.1</b>	<b>53.1</b>	<b>53.1</b>	<b>53.1</b>

CAPITAL EXPENDITURES	0	0	0	0	0	0
----------------------	---	---	---	---	---	---

CHANGE IN REVENUES ( )	0	0	0	0	0	0
------------------------	---	---	---	---	---	---

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

1002 Federal Receipts						
1003 GF Match						
1004 GF	55.1	52.1	52.1	53.1	53.1	53.1
1005 GF/Program Receipts						
1037 GF/Mental Health						
OTHER						
<b>TOTAL</b>	<b>55.1</b>	<b>52.1</b>	<b>52.1</b>	<b>53.1</b>	<b>53.1</b>	<b>53.1</b>

Estimate of any current year (FY 96) cost: \$ -0-

**POSITIONS:**

FULL-TIME						
PART-TIME	.5	.5	.5	.5	.5	.5
TEMPORARY						

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

Based on information received from the Alaska Court System, Department of Law, DHSS/DFHY, the Public Defender anticipates having to absorb an additional 150 cases if this bill becomes law. The Public Defender will be appointed by the court to represent the runaway. Most cases will be sited in Anchorage. Therefore, a one-half time lawyer will be added to the Anchorage family law section of the PD. This is consistent with the approach being taken by the Department of Law.

Prepared by: John Salerni, Director  
 Division: Public Defender Agency

Phone: 264-4400  
 Date: \_\_\_\_\_

Approved by Commissioner: Mark Boyer *M. Boyer*  
 Agency: Department of Administration

Date: 5/2/96

PREPARER TO PROVIDE ALL DISTRIBUTION COPIES TO GOVERNOR'S LEGISLATIVE OFFICE  
 For further distribution information, call the Governor's Legislative Office

**SB**

**289**

**SFIN**

**FILE**

# LEGAL SERVICES

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

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

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

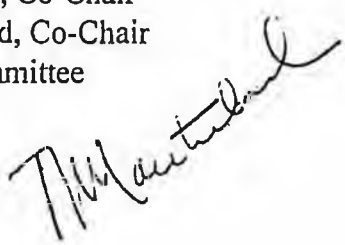
## MEMORANDUM

March 28, 1996

**SUBJECT:** Runaways (CSSB 289(FIN))

**TO:** Senator Steve Frank, Co-Chair  
Senator Rick Halford, Co-Chair  
Senate Finance Committee

**FROM:** Terri Lauterbach  
Legislative Counsel



Enclosed is the CS you requested for this bill.

There is one change that I wish to bring to your attention. In Senator Rieger's amendment, he requested the addition of a new definition for "juvenile secure facility." The place where he requested that it be added was as a new paragraph (3) in AS 47.10.141(e). However, definitions there only apply to AS 47.10.141, and "juvenile secure facility" is used only in AS 47.10.140. Therefore, I have added the definition in AS 47.10.140(a).

If this is not consistent with the committee's intent in passing Senator Rieger's amendment, please give me further instructions for drafting.

TML:klb  
96-238.klb

Enclosure

03/12/96 LEGISLATIVE TELECONFERENCE NETWORK SYSTEM LTN1150  
09:01:25 PARTICIPANT LIST (ALL PARTICIPANTS) BY:FBX  
TCN:60511 SCHEDULED FOR:03/12/96 09:00 TO 11:00 FOR:FBX

PUBLIC HEARING SENATE FINANCE

LOCATION: ~~FAIRBANKS~~  
~~SB 289~~ ~~MR.~~ ~~AL~~ ~~NEAR~~ ~~TESTIFY~~  
~~SB 289~~ ~~MS~~ ~~CAROL~~ ~~GORDON~~ ~~TESTIFY~~  
~~SB 289~~ ~~MS~~ ~~LORI~~ ~~BAGES~~ ~~TESTIFY~~  
~~SB 289~~ ~~MS~~ ~~FLORENCE~~ ~~LOUGKS~~ ~~FBKS NATIVE ASSOC~~ ~~TESTIFY~~  
~~SB 289~~ ~~MS~~ ~~JUDY~~ ~~SCHLEIFER~~ ~~TESTIFY~~  
SB 289 MS. DANIA BROWN

Title 2 OJJDP \$

Grantee List for FY '96 (FORMULA GRANT FUNDS)

450  
545  
↓

<u>GRANTEE</u>	<u>SERVICE</u>	<u>AMOUNT</u>
(1) Alaska Youth & Parent Foundation	Electronic Monitoring	\$52,000.
(2) Conum. Dispute Resolution Ctr.	Victim Offender/Mediation	\$28,000.
(3) Fairbanks Native Association	Electronic Monitoring	\$30,000.
(4) AK Coalition to Prevent Shoplifting	Diversion	\$15,000.
(5) Nome Community Ctr.	Diversion	<u>\$15,000.</u>
	<i>SUBTOTAL</i>	<i>\$140,000</i>
(6) Juneau Youth Services	Non-secure shelter	\$12,000.
(7) Youth Advocates of Sitka	Non-secure shelter	\$12,000.
(8) City of Dillingham	Non-secure shelter	\$12,000.
(9) Kenai Peninsula Comm. Care Ctr.	Non-secure shelter	\$45,000.
(10) Fairbanks Native Assoc.	Non-secure shelter	\$12,000.
(11) Residential Youth Care	Non-secure shelter	\$20,000
(12) North Slope Borough DHSS	Non-secure shelter	\$12,000.
(13) City of Valdez	Non-secure shelter	\$ 8,000.
(14) Kodiak Youth Services Ctr	Non-secure shelter	<u>\$ 6,000</u>
	<i>SUBTOTAL</i>	<i>\$139,000</i>
AVCP	IPT	\$12,101.
BBNA	IPT	\$ 5,013.
KANA	IPT	\$ 4,052.
Kawerak	IPT	\$ 6,270.
Chugachmiut	IPT	\$ 3,856.
TCC	IPT	\$ 5,151.
T&H	IPT	\$ 5,249.
Metlakatla	IPT	<u>\$ 4,367.</u>
	<i>SUBTOTAL:</i>	<i>\$46,059</i>

Title V Program Funds

City of Kodiak/ Kodiak Youth Services Network	\$25,000
City & Borough of Juneau/Seven Circles Coalition	\$25,000
City & Corough of Sitka/Sitka Alliance for Health	<u>\$25,000</u>
	<i>SUBTOTAL:</i>
	<i>\$75,000</i>

**TOTAL GRANT AMOUNT: \$400,059**

# LEGAL SERVICES

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

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

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

## MEMORANDUM

March 25, 1996

**SUBJECT:** Detention of Runaways (Work Order No. 9-LS1635\M.3)

**TO:** Senator Steve Frank  
Attn: Alli Gordon

**FROM:** Terri Lauterbach *TLauterbach*  
Legislative Counsel

Enclosed is a draft amendment intended to address your concern that there be a "consequence" for a runaway minor who leaves a semi-secure facility without permission. As I understand your latest request, you want the minor to be detained in a secure facility for a "cooling-off" period and to give time for DHSS to file either a CINA or delinquency petition, but you do not want long-term incarceration.

Therefore, what this amendment would do is allow a peace officer to pick up a runaway who has left a semi-secure place and temporarily detain that runaway pending a detention hearing under AS 47.10.140. If there are no other reasons for detaining the minor (CINA petition or delinquency petition based on violating other laws), the minor would be released at the detention hearing.

The amendment does not allow the leaving of the facility to be a basis for a delinquency petition; there would have to be other violations. The required notice to DHSS would allow the department to determine whether it wants to file a CINA petition, although there wouldn't necessarily be much time for the determination.

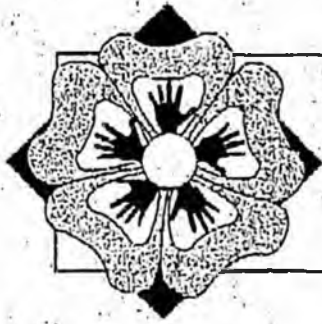
I cannot say with any certainty whether this detention, even though temporary, would be found to be constitutional. I understand that you have been given a memo by the Department of Law on the due process rights of juveniles. I would add to their discussion that the Alaska Supreme Court has said that incarceration, when applied to children, is a taking of liberty under the 14th amendment, regardless of benevolent-sounding labels. *RLR v. State*, 487 P.2d 27 (Alaska 1971). So, this detention, even though short and for the laudable purposes of providing a "cooling off" period and time for DHSS to act, may very well still be unconstitutional.

If you adopt this amendment, your "Findings" amendment should also be expanded to provide support for the necessity of this temporary detention.

Please let me know if I can be of further assistance.

TML:klb  
96-220.klb

Enclosure

**F • N • A****Fairbanks Native Association**

To: Allie Gordon  
From: Florence A. Loucks, Youth Services Director *FAL*  
Date: March 25, 1996

Sorry that I was unable to get this information to you at a sooner date but I did want to provide some statistics for you.

All Runaway Programs which receive federal funding must complete the Management Information System data collection forms. I have attached a copy of the report which addresses the problems which were identified for FY95. Hopefully, this information will be helpful for you.

Please call me at (907) 455-4725 if you have any questions.

Senate Bill No.289 provides some protective factors for runaway Youth which do not currently exist. We feel that these new protective factors will make a difference in providing services for our runaway and homeless youth.

Section 1 of the Bill makes provisions for the prosecution of individuals who " aids, induces, encourages or causes a youth to be absent from the custody of the parent, guardian or custodian". This provision of the Bill will enable parents, law enforcement officers and the Division of Family and Youth Services to prosecute those individuals who are contributing to the runaway behavior of youth.

It is anticipated that, if the source of undesirable and exploitative alternatives for runaway and homeless youth can be eliminated and/or minimized, the result will be that youth will either utilize approved, licensed Shelters, relative homes or return to their home.

Throughout the hearing the comment has often been made that runaway youth " come in the front door and leave by the back door" at the Family Focus Shelter in Fairbanks. The youth who exhibit this behavior are those youth who have an alternative place to stay, which usually is not in their best interests.

Section 2 of the Bill makes provisions for the runaway youth to be placed under " protective custody" by the law enforcement officers. The current policy is that the Shelter must inform each youth of his/her rights , one of which is that they have the right to leave the Shelter. Under current law, the parents are informed if the youth leaves the Shelter, but law enforcement is not.

Under 289, the youth is placed under protective custody; thus, while staff would not physically restrain a youth from leaving, they would be able to inform the youth that he/she was under protective custody and if they leave the Shelter that the Shelter would immediately notify Law Enforcement. It is anticipated that this would be a deterrent for many youth.

The provision of Semi-Secure Care for runaway youth provides a higher level of care for runaway youth than the current system . Staff would be able to report the immediate departure of the youth to Law enforcement and Law Enforcement could follow up immediately.

\* RHY MIS Report \*  
Youth Problems Identified

Report Generated By: Fairbanks Native Association  
This report is based on 327 Youth and 506 Intakes.

Intake Date : 01/01/1995 to 12/31/1995  
Program Status: All  
Birth Date : All  
Youth's Gender: All  
Race/Ethnicity: All  
Language : All

Post-It <sup>®</sup> Fax Note	7671	Date	3/23/96	# of Pages	5
To	Florence	From	KENT		
Co./Dept.	GRAF	Co.	Family Focus		
Phone #	455 4725	Phone #	452 5502		
Fax #	455 4730	Fax #	452-5550		

\* RHY MIS Report \*  
Youth Problems Identified

Problem	# of Females	# of Males	%
<b>A. Household Dynamics (Total # of Youth: 135)</b>			
Relationship with Father Figure	36	43	59
Relationship with Mother Figure	44	51	70
Relationship with Parent's Partner	3	2	4
Relationship between Parent Figures	2	3	4
Relationship with Spouse/Partner	1	0	1
Relationship with Foster/Group Home Mem	3	0	2
Relationship with Other Household Membe	9	4	10
No Parental Figure	3	1	3
Youth Unsupervised	6	5	8
Divorced Family	17	19	27
Blended Family	13	20	24
Youth Wants to Live with Other Parent	5	9	10
Other	6	2	6
<b>B. Housing Issues (Total # of Youth: 124)</b>			
Youth Homeless	8	7	12
Family Homeless	0	0	0
Youth Rejected from Homeless Shelter	0	0	0
Custody Change	4	1	4
Chose to Leave Previous Residence	40	45	69
Forced to Leave Previous Residence	13	27	32
Legally Evicted from Previous Residence	1	3	3
Other	0	3	2
<b>C. School/Education Issues (Total # of Youth: 95)</b>			
Bad Grades	22	28	53
Illiteracy	0	0	0
Learning Disability	1	7	8
Cannot Get Along with Teachers	4	4	8
Poor School Attendance/Truancy	17	17	36
Dropped Out	7	3	11
Suspended	3	9	13
Expelled	2	5	7
Other	15	21	38

Problem	# of Females	# of Males	
<b>D. Psychological Issues (Total # of Youth: 92)</b>			
Youth Depressed	32	18	54
Youth Suicidal	9	4	14
Poor Self Image	21	14	38
Youth's Sexuality/Behavior	9	1	11
Youth's Sexual Orientation	2	3	5
Parent Figure's Sexuality/Behavior	0	0	0
Parent Figure's Sexual Orientation	0	1	1
Searching for Biological Parent	2	7	10
Racial/Ethnic Identity	1	4	5
Loss and Grief Issues of Youth	16	18	37
Abandonment	14	11	27
Suicidal Friend(s) of Youth	5	6	12
Suicidal Family Member(s)	2	3	5
Witnessed Violent Crime	0	7	8
Crime Victim	7	0	8
Mental Problem of Family Member	6	3	10
Other	2	11	14
<b>E. Health Issues (Total # of Youth: 35)</b>			
Youth Has/Suspects Sexually Transmitted	5	0	14
Youth Has/Suspects HIV/AIDS Infection	1	0	3
Family Planning/Pregnancy	6	1	20
Eating Disorder	9	0	26
Youth Physically Challenged	0	0	0
Youth Not Appropriately Using Medicatio	3	2	14
Health Problem of Family Member	8	5	37
Other Chronic Health Problem of Youth	3	3	17
Other Current Health Problem of Youth	2	5	20
<b>F. Youth Having Trouble Getting Services (Total # of Youth: 25)</b>			
Child Protective Services	3	2	20
Social Services	1	9	40
Alcohol and Other Drug Treatment Progra	2	0	8
Day Care	0	0	0
Education Program	1	2	12
Other	2	6	32

G. Physical Abuse/Assault (Total # of Youth: 61)			
By Father Figure	15	16	51
By Mother Figure	12	8	33
By Parent's Partner	3	2	8
By Spouse/Partner	0	0	0
By Foster/Group Home Member	0	0	0
By Other Household Member	0	0	0
By Other Non-Household Member	2	1	5
Domestic Violence	2	3	8
Youth Assaulting Other	5	15	33

H. Sexual Abuse/Assault (Total # of Youth: 14)			
By Father Figure	3	0	21
By Mother Figure	1	0	7
By Parent's Partner	1	0	7
By Spouse/Partner	1	0	7
By Foster/Group Home Member	0	0	0
By Other Household Member	3	0	21
By Other Non-Household Member	5	1	43
Youth Assaulting Other	4	0	29

I. Emotional Abuse (Total # of Youth: 72)			
By Father Figure	21	12	46
By Mother Figure	27	19	64
By Parent's Partner	2	3	7
By Spouse/Partner	2	0	3
By Foster/Group Home Member	0	0	0
By Other Household Member	4	4	11
By Other Non-Household Member	3	2	7
Youth Abusing Household Member	2	7	13

J. Alcohol and Other Drug Abuse (Total # of Youth: 53)			
Substance Abuse by Household Member	18	16	64
Substance Abuse by Spouse/Partner	2	1	6
Substance Abuse by Youth	15	15	57

March 25, 1996

Page: 4

\* RHY MIS Report \*  
 Youth Problems Identified

Problem	# of Females	# of Males	%
K. Socialization Issues (Total # of Youth: 78)			

Gang Involvement by Youth	1	24	36
Cult Involvement	0	10	14
Survival Sex	0	0	0
Prostitution	3	0	4
Selling Drugs	0	0	0
Other	0	1	1
	0	2	3

L. Neglect (Total # of Youth: 39)

By Father Figure	13	8	54
By Mother Figure	16	14	77
By Parent's Partner	1	0	3
By Spouse/Partner	0	0	0
By Foster/Group Home Member	2	0	5
By Other Household Member	1	0	3
Youth Neglecting Child	0	0	0
Youth Neglecting Spouse/Partner	0	0	0

M. Involvement with Justice System (Total # of Youth: 50)

Youth Charged with Misdemeanor	9	19	56
Youth Charged with Felony	3	6	18
Alcohol or Other Drug Possession/Distri	1	3	8
Drug Possession/Distribution (Parent Fi	0	0	0
Youth on Probation/Suspended Sentence	2	8	20
Youth on Parole	0	3	6
Youth in Need of Supervision	6	9	30
Household Member	0	1	2
Spouse/Partner	1	0	2
Immigration/Naturalization	0	0	0
Other	1	4	10

N. Unemployment (Total # of Youth: 66)

Father Figure	3	8	17
Mother Figure	11	13	36
Parent's Partner	1	0	2
Spouse/Partner	1	0	2
Youth Unemployment	26	32	88
Other	1	0	2

# Alaska State Legislature

REPRESENTATIVE  
PETER KELLY

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



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

House District 31

## House Of Representatives

March 18, 1996

### Memorandum

To: Senator Steve Frank, Co-Chair, Senate Finance Committee  
& Sponsor, HB 289.

From: Representative Pete Kelly 

Re: SB 289, Findings & Intent.

---

Having reviewed the Attorney General's letter to you on possible HB 289 findings language, and seeing that the Attorney General has not proposed any findings or intent language. I am offering the following to assist in the effort to draft such language:

SB 289  
Findings & Intent:

The legislature finds that minors who refuse available care are in danger of serious harm. The US Department of Justice, Office of Juvenile Justice and Delinquency Prevention reports that runaways that "have no secure place to stay, or a history of six or more runaway incidents were all associated with some form of victimization" (National Center for Juvenile Justice, '95). Minors who are not provided with adequately secure alternatives while in State care are becoming victims of predatory crime, or enticed to commit criminal acts.

Runaway shelters in the State of Alaska are intended to provide aid to minors facing trauma or confusion, but not as a diversion from parental responsibility, nor as an enabling alternative from which a life of crime can be initiated.

Furthermore: It is state policy to enhance and support the authority of a responsible parent or guardian to control their children. It is vitally important that nothing in state law be interpreted as precluding a parent from using all available resources to prevent or prohibit their child from becoming a victim of predatory crime or engaging in criminal activities.

TO: SENATOR STEVE FRANK

ATTN: ALLI GORDON

FAX # 465-4714

I HOPE THIS WILL BE HELPFULL  
I WASN'T SURE HOW OR WHAT  
TO WRITE. I DON'T KNOW MUCH  
AT ALL ABOUT BILL'S ETC AND  
WANT TO LEARN BUT FOR NOW  
PLEASE BEAR WITH THE  
BEGINNER. I SURE HAVE  
SOME HARD LUCK WITH  
THE RUNAWAY SUBJECT AND  
I WANT TO HELP TO SENE.  
I WAS BORN AND RAISED IN  
ANCH AND ITS HORRIBLE TO  
SAY THE LEAST. TEACH ME  
AND ILL HELP HOWEVER  
I CAN.  
THANKS.

VALERIE HOBBS

ANCH. 243-0011

FAX 248-9894

MARCH 13, 1996.

A MOTHERS PLEA FOR HELP!!!

I'VE EXHAUSTED ALMOST EVERY WAY I KNOW TO HELP MY CHILD. I COME TO YOU TO TRY TO MAKE ANOTHERS BURDEN SMALLER.

MY 14 YEAR OLD DAUGHTER IS A BEAUTIFUL GIRL. SHE WANTS TO MODEL AND IS CURRENTLY ENROLLED IN CLASSES. SHE IS AN 'A' STUDENT WHEN SHE SIMPLY CHOOSES. HOWEVER - A SEXUAL ABUSE PAST, (THAT A.P.D. BLEW OFF) AND WHO KNOWS MAYBE A SINGLE FAMILY HOME WHERE MOM'S NO TOUGH DISCIPLINARIAN, HAS MY YOUNG LADY VERY CONFUSED.

SHE'S DISCOVERED THAT SHE CAN EXERCISE HER RIGHT 'TO DO WHAT SHE WANTS TO DO'. SHE CAN LEAVE HOME WHENEVER. THE MOOD HITS AND THERE'S NOTHING ANYONE CAN SAY OR DO.

JESS STARTED LAST SUMMER BY SNEAKING OUT OF THE HOUSE IN THE NIGHT. I WOULD USUALLY AWAKE TO FIND HER GONE AND PROCEED TO CALL ALL HER FRIENDS DISTURBING PARENTS AND WHATEVER IT TOOK TIL I WOULD FIND HER AND BRING HER HOME.

AFTER A FEW OF THESE AND THE FRIENDS CHANGING IT WAS GETTING HARDER FOR ME TO FIND JESS. SHE WOULD MEET GUYS ON THE STREET THAT WOULD PULL UP AND ASK FOR HER NUMBER, SHE'D GIVE IT OUT AND NEXT THING I KNOW SHE'S SNEAKING OUT WITH THEM. I TURNED TO THE AUTHORITIES FOR HELP AND ALL I GOT WAS 'IT'S NOT ILLEGAL FOR A CHILD TO RUN AWAY' NO HELP!

TO SNEAK OUT SOON WAS NOT GOOD ENOUGH, IT TURNED INTO GOING OUT TO A MOVIE AND NOT COMING HOME FOR A DAY OR TWO, THAT WAS MORE FUN AND WHAT JESS KEPT DOING. I WOULD ALWAYS CALL A REPORT HER A RUNAWAY

ALWAYS WITH THE RESPONSE  
THAT 'ITS NOT ILLEGAL FOR  
A CHILD TO RUN AWAY' AND  
ALWAYS I SHUTTER AT THE  
HORRIBLE POSSIBILITIES. NO HELP!!

MEANWHILE MOM PULLS  
TOGETHER THE FAMILY AND  
WE CLING TO OUR HEAVENLY  
FATHER. AND YET AGAIN  
SHE WOULD LEAVE HOME AND  
NOT COME BACK UNTIL I  
FOUND HER

ON JAN 22<sup>ND</sup> AFTER 6 WEEKS  
OF MEETING WITH A COUNSELOR  
JESS HAD BEEN GONE 3 DAYS.  
I HAD CONDUCTED MY NORMAL  
DICK TRACY TO FIND OUT JESS  
WAS WITH AN OLDER GUY  
WHO HAD BEEN SELLING DRUGS.  
SHE'D MET HIM ALONG SIDE  
THE ROAD. . AFTER MUCH STRESS  
THE COUNSELOR ADMITTED  
JESS INTO NORTH STAR HOSPITAL

TWO WEEKS WENT BY AND MY  
INSURANCE RAN OUT AND SHE  
WAS DISCHARGED, NOT 24 HOURS  
HAD PASSED AND SHE WAS  
IN PROVIDENCE E.R. FOR A  
DRUG OVERDOSE SUICIDE ATTEMPT.  
SHE WAS ADMITTED AND

THEN SPENT 2 WEEKS IN  
THE DISCOVERY PROGRAM.  
SHE AWALKED OF BROKE OUT  
OF NORTH STAR AND PROVIDENCE  
SHE MET A VERY STREET  
WISE 12 YR OLD GIRL IN  
NORTH STAR WHO HAS TAUGHT  
HER MUCH

FIVE DAYS AFTER BEING DISCHARGED  
FROM DISCOVERY SHE RAN  
WITH HER 12 YR OLD FRIEND  
THEY HAVE BOUNCED FROM  
SPENARD MOTEL TO TUDOR  
MOTEL TO OTHERS I'M NOT SURE  
OF. THEY EAT AT BURGER KING  
FOR FREE AS WELL AS TACO BELL  
AND HAVE SOMEONE A ZACKS  
TO PROVIDE DESSERT.

MARCH 6th JESS brought her  
street gang to our home and  
broke in. They stole a stereo  
all jewelry Boys and pryed  
the safe out of the floor.  
The Boys were OLDER - 18/19  
there were 2 girls Jess and  
the 12 yr old. The boys packed  
guns.

JESS has learned more on the  
street in 2 weeks than most  
WILL EVER. LEARN. THE SYSTEM

THINKS. I HAVE A SHY  
AND VERY NERVEY LITTLE GIRL  
THAT HAS TASTED THE  
GROSEST KIND OF CHILD HOOD  
I'M SURE IF IT WASN'T  
EASY TO RUN AWAY THINGS  
WOULD BE ALOT DIFFERENT.

I LOCATED HER AND CALLED  
A.P.D. TO PICKED HER UP  
I MADE CALLS AND  
ARRANGEMENTS WITH MCLAUGHLIN  
AND PROVIDENCE TO EITHER  
ONE TAKE HER. A.P.D. TOOK  
HER TO COVENANT HOUSE SHE  
WALKED RIGHT OUT THE DOOR  
BACK TO THE GANG. NO HELP!!

5 DAYS LATER I LOCATED HER  
AGAIN AFTER WE HAD PRESSED  
CHARGES AND THERE WAS  
A WARRANT, WE FINALLY  
GOT A HOLD OF HER AT THE  
MALL. A FRIEND CALLED ME  
AND TOLD ME SHE WAS  
THERE. I ASKED HER TO  
NONEY SECURITY. A POLICE  
OFFICER AND THE SECURITY  
OFFICER SAID 'ITS NOT ILLEGAL  
TO RUNAWAY' SHE... BUGGED..  
THEM TIL THEY CHECKED THINGS  
OUT AND TOOK HER TO MYC.

I NEEDED HELP AND THERE  
WASN'T A BLOCK. THE SYSTEM  
LOOKS TO BE TEACHING OUR  
CHILDREN THEY CAN DO  
WHATEVER THEY WANT AND  
THUS WE WILL HAVE ADULTS  
THAT WILL DO WHATEVER  
THEY WANT

THE POLICE TOLD ME THE  
HAD BIG THINGS HAPPENING THAT  
REQUIRED THEIR TIME. WELL -  
DON'T YOU THINK WE ARE  
MAKING A FUTURE FOR US  
ALL THAT WILL BE OUT OF  
CONTROL BY ALLOWING THE  
CHILDREN TO BE OUT OF CONTROL.

WE MUST CHANGE THE SYSTEM  
KIDS CAN'T RUN WILD  
PARENT HAVE LITTLE LEFT  
FOR DISCIPLINE THE LAWS  
OF THE LAND THEN MUST  
CHANGE AND MAKE SOME  
CONSEQUENCES.

HELLO IS ANYONE THERE ??!!

HEARTBROKEN  
FRUSTRATED

AND WANTING A BETTER ANCHORAGE  
KIDS ALLOWED TO RUN = FAMILY BREAKDOWN  
FAMILY BREAKDOWN = HELL



**Have you seen Jessica?  
aka Crystal or Milkweed  
Please call 243-0011**

**or  
Notify Anchorage Police  
she is 5'8", 120 lbs., age 14**

Al Near  
PO Box 80847  
Fairbanks, AK 99708  
March 18, 1996

Senator Steve Frank  
Room 518 Alaska State Capitol  
Juneau, AK 99801-1182

Dear Steve:

During the Finance Committee discussion of SB259 last week the question of wording was raised again regarding the act of contributing to delinquency. Ann Carpinetti (spelling ?) maintained that to remove the "knowledge or" language of Section 1. AS 11.51.130(a), (3) and (4) as it appeared briefly in version K of the bill would somehow place in danger those kids who are truly being abused. That's ludicrous. If persons giving shelter to children who they believe to be in such danger notify the authorities as provided under subparagraphs (A) and (B) of the bill, that argument washes away. If the law were to say "...without the knowledge or permission..." as she suggests, it would be worse than the present law. Then all that would be necessary for harborers to prove would be that the parents knew that the child was with them...ridiculous! Most parents of runaways I've consulted have *known* where their kid was. The problem...how to get them back!

Also during that hearing it was asserted that the "just cause" language is perfectly suitable. Moreover, Ms Carpinetti stated that she was unaware of any problems prosecuting cases because of this. That could be the result of the dearth of "contributing" cases tried in recent years. My inquiries locally have revealed only one case (4FA-S94-2827CR) which involved a child sent to *relatives* in Fairbanks. They didn't wish to return the child and this complex case was finally dismissed...not an example of harboring runaways. Right now, however, there are two cases dealing specifically with the issue.

Both of these cases involve runaways being harbored and, I modestly suggest, arose in response to parents of runaways bringing pressure to bear on the local law enforcement agencies. Accompanying this letter are copies of the official complaints. In one of these, my daughter was the juvenile victim. Neither of these cases has been heard, but the Jacob G. Mears trial is set for April 23, 1996. Amanda Smith failed to appear for arraignment and an arrest warrant is pending. It will be interesting to see how these cases are handled, but I doubt that either of these parties will receive any significant consequences. Smith, who has been influencing our daughter for almost a year, continues to have daily contact with her.

The accompanying copy of LaRue's guest editorial in the 1/8/96 News-Miner fits right in with what we've all been saying and Dermot Coles' piece describes my impressions. The excerpt from the Police Report of the 3/14/96 News-Miner dramatically highlights yet another danger of having no security in the runaway shelters.



11-13-10

Dermot  
Cole



## Dad's view of runaway problems

I COULD HEAR the heart-break in his voice and see it in his eyes.

When he was growing up, the term "runaway" meant a speeding train running out of control. He never knew anyone who had run away from home.

But that was then.

He has lived here a long time and he wants nothing more for his child than a secure future.

The child, mired in the confusion of the most rebellious years, but not yet old enough for a driver's license, has run away several times from home and from a series of foster homes to stay in crashpad apartments.

The father stopped by to talk with me the other day, frustrated with the pain of watching his loved one slip away and the fear of what the future holds. His story was similar to that of another parent who wrote a letter to the editor last week.

He seems to be a sensible person who has the welfare of his child uppermost in mind. I think he must worry about the child during every waking moment.

He said he knew nothing about runaways and the law before his child got into trouble a year ago. He had always assumed that these nightmares happened only to parents who neglected and abused their children.

Now he thinks differently. He dropped off a letter saying that parents who strive to instill traditional values in their children encounter roadblocks in the "permissive laws designed to guarantee children's personal freedoms without the responsibilities that should come with them."

"Parental authority has been effectively eliminated," he said.

Federal legislation in the 1970s was designed to keep juveniles out of contact with adult offenders, he said.

The father said he can't argue with a goal like that. Kids who run away are not hardened criminals and should not be lumped together with adults who are.

But, he added, the laws also require the "least restrictive alternatives" for juveniles in custody and he believes that is part of the problem.

"The thinking behind these laws seems to be that kids who run away are fleeing abusive homes and must not be further injured by a justice system that treats them like criminals. This completely overlooks the merely rebellious kids who, on the advice of their trusted peers, can and do abuse these laws and manipulate the system."

IT DOESN'T TAKE LONG for rebellious teen-agers to learn how the system works, he said.

"They know that enforcement agencies do not aggressively pursue runaways or the people giving them 'safe' haven. What's more, the authorities, on the rare occasion when they actually pick up a runaway, just drop them off at a shelter such as Family Focus. Of course the child is free to leave the shelter at any time."

The father thinks the Legislature needs to strengthen the legal authority of parents.

"It should be clearly stipulated that a runaway who is unwilling to go home must be placed in a secure facility. Yes, secure, but separate from adult facilities and staffed with personnel trained to evaluate each individual case and determine a course of action."

On top of that, the state needs to go after those who contribute to the delinquency of minors, he said. His child has been sheltered by people who are no strangers to the police blotter.

"Kids must understand that the act of running away will result in tangible consequences. The deterrent effect of a secure setting will greatly influence potential runaways. No longer will their wayward peers be telling our children how cool it is to run away."

The words in his letter were drained of emotion and pain, but it was all there in the sound of his voice and the look in his eyes.

Dermot Cole is a News-Miner columnist.

(over)

FEB 23 1996

Clerk of the Trial Courts

FAIRBANKS POLICE DEPARTMENT  
ATN 10135394 No 31588

COMPLAINT AND NOTICE TO APPEAR  
4th Judicial District, Fairbanks, Alaska

C96-237

CITY OF FAIRBANKS  
STATE OF ALASKA LI DOCKET NO. F

vs.  
Amanda Smith  
Plaintiff  
Defendant

The undersigned, being duly sworn, upon his/her oath deposes and says:  
That on MO the 15 day of Jan, 19 96 within  
FAIRBANKS, in the Fourth Judicial District.

NAME Smith Amanda J  
(LAST) (FIRST) (M.I.)

Res. Add 913 G. Moore Dr Phone         
Mail Add same State AK  
Birthdate 2-6-75 Age 20 SSN 574-66-1807  
Ht. 65 Wt. 140 Eyes Haz Hr. 6:00 Sex F Race W  
D.L. 6453399 STATE AK CLASS D

Place of Emp.        Phone         
Did, willfully and unlawfully commit the offense of Contributing to the Delinquency of a Minor

In violation of:  
Alaska State Statute 11.51.130(a)(4)

City of Fairbanks Ord. ( )       

To wit: Smith unlawfully aids induces causes or encourages a child under 16 to be absent from the custody of a parent or guardian or custodian or to be repeatedly absent from school, to-wit: allowed S.M. to stay at Smith's residence while S.M. was listed as a runaway. This complaint is based on the statements of Smith that she knew S.M. was a runaway and she was letting S.M. stay at her home. S.M. was found by Jenkes as she was staying with Smith.

SWORN TO AND SUBSCRIBED  
THIS 20th DAY OF February  
19 96

[Signature]  
(SIGNATURE OF COMPLAINANT)  
Eric Jenkes  
(COMPLAINANTS NAME)

My Commission Expires        (BADGE NO.) 306

Witnessed and appearing before me at the District Court, Fourth Judicial District,  
605 Barnette Street, Fairbanks, Alaska on the        day  
of        19        at        a.m.        p.m.

SIGNED [Signature]

4FA-596-592 CR.

# Juvenile justice is a disaster

The entire juvenile justice system is terribly broken. At the period of time when youngsters are most vulnerable and need adult support, firmness and guidance, they are given increased autonomy.

Juveniles seldom have consequences for their criminal actions and the word is out. For this reason older criminals use children to courier illegal activities. Yet, parents are responsible for the child's actions until they are 18.

As parents of a runaway child, we were horrified to discover our child had complete freedom of

LaRue  
Near

Guest Opinion



The current runaway statute must be changed. A runaway child must be immediately pursued, picked up and returned home.

movement and we had no rights at all.

Why did our 14-year-old child, an athlete, honor student and talented musician, choose to reject friends, family, and the values we tried to instill?

We are not sure, but our child began to associate with children that had problems such as truancy, running away, drugs and criminal activities. These students made it perfectly clear to our child, "If you don't like the rules at home you can leave. The system is easy to manipulate: shout abuse and you can go to a foster home. Too many rules there? Ask to move, or run, and you will be placed in another. Commit a misdemeanor crime, nothing happens to you."

In December 1994 our child, rather than face the consequences for breaking a rule (truancy), told the teacher she would be beaten if she went home (untrue).

She told the counselor she was running away. The school informed us that the child needed time out in a mutually accepted place and that if we physically forced our child to go home it would be considered assault. This child got the message!

As a result of the state undermining parental authority, our child has repeatedly refused to come home. The child, now a chronic runaway, has lived in many situations: some chosen by us, some by the state and many by people encouraging her delinquency.

Law enforcement people consider runaways a low priority and seldom pursue them. Our beautiful child, now 15, is a street person.

We are a stable family. A parent was always home with the children.

In trying to help this child, we have spent a fortune on lawyers, doctors, hospitals, psychiatrists, psychologists and counselors.

We have petitioned the state for help and had many court hearings. "Our hands are tied" (because of the laws), is the answer we get, over and over. At this point it seems hopeless.

The current runaway statute must be changed. A runaway child must be immediately pursued, picked up and returned home.

If the child claims abuse, take them to a secure place and examine them for bruises.

If there is truly abuse, place them in a foster home where they must remain. Make shelters like Family Focus secure, rather than a revolving door.

Children should not be allowed to run to the streets, for their own safety. It will not take long for word to get out that running away is no longer fun.

Children are our states' greatest natural resource and we are losing many.

Please call or write our legislators to get this statute changed.

LaRue Near, a life-long Fairbanksan and retired primary schoolteacher, is a member of a group of Fairbanks parents concerned about runaways.

FAIRBANKS POLICE DEPARTMENT

No 31980

101135988

FILED in the Trial Courts  
State of Alaska, Fourth District

JAN 13 1996

COMPLAINT AND NOTICE TO APPEAR  
4th Judicial District, Fairbanks, Alaska

CC  
203

By \_\_\_\_\_ Deputy

CITY OF FAIRBANKS  
STATE OF ALASKA

1  
12

DOCKET  
NO. F

vs.

Plaintiff

Jacob G. Mears  
Defendant

The undersigned, being duly sworn, upon his/her oath deposes and says:  
That on Sa the 13 day of Jan 19 96 within  
FAIRBANKS, in the Fourth Judicial District.

NAME Mears (LAST) Jacob (FIRST) G (M.I.)

Res. Adn. 760 Hamilton ST. #4 Phone none

Mail Add. same State AK

Birthdate 3-27-73 Age 22 SSN 409-39-4716

Ht. 73 Wt. 190 Eyes brn Hr. brn Sex M Race W

D.L. 6480721 STATE AK CLASS ID

Place of Emp. none Phone \_\_\_\_\_

Did willfully and unlawfully commit the offense of CONTRIBUTING TO  
DELEQUENCY OF MINOR

In violation of:  
Alaska State Statute (X) 11.51.130 (a)(4)

City of Fairbanks Ord. I | \_\_\_\_\_

To wit: Jacob Mears being 19 years of age, co-wit:  
22 years of age did unlawfully allow a person  
under 18 years of age to be absent from parent  
guardian, without just cause. Further based  
upon Officer Brown take four runaway juveniles  
from the Defendants residence on 1-11-96 and  
the Defendant was advsied he would be charged  
in the future and on 1-13-96, two more runaway  
juveniles were found at his residence, one of  
which was one of the same runaways from two  
days previous

SWORN TO AND SUBSCRIBED  
THIS 13<sup>th</sup> DAY OF Jan 1996  
19 96

Leonard C. Brown  
(SIGNATURE OF COMPLAINANT)

Leonard C. Brown  
(COMPLAINANTS NAME)

NOTARY PUBLIC  
My Commission Expires: 6-5-95 322 (BADGE NO)

Without admitting guilt, I promise to appear in the District Court, Fourth Judicial District,  
604 Barnette Street, Fairbanks, Alaska on the \_\_\_\_\_ day  
of \_\_\_\_\_, 19 \_\_\_\_\_ at \_\_\_\_\_ a.m. \_\_\_\_\_ p.m.

SIGNED Booked

4FA-596-185 Cr.

---

## Police report

---

# Man arrested for burglary, trespassing

Justin T. Rider, 18, of Rickert Street, was arrested Tuesday on charges of burglary and trespassing.

Rickert is accused of stealing jewelry, electronic equipment and compact discs from Janet McCormick's home in North Pole on Monday and Tuesday, and of burglarizing Interior Alaska Fish Processors on Monday night.

Rickert also refused to leave Family Focus on March 6, and instead ran past an employee and convinced a 13-year-old girl staying at the runaway shelter to go with him, according to the charging documents.

Rickert used to live at McCormick's residence but was evicted, and he was recently fired from Interior Alaska Fish Processors, the documents said.

Magistrate Kathy Bachelder on Wednesday set Rider's bail at \$5,500.

3-19-96

JFC

TONY KNOWLES, GOVERNOR

**DEPARTMENT OF LAW**

OFFICE OF THE ATTORNEY GENERAL

P.O. BOX 110300  
JUNEAU, ALASKA 99811-0300  
PHONE: (907) 465-3600  
FAX: (907) 465-2075

March 18, 1996

The Honorable Rick Halford, Co-Chair  
Senate Finance Committee  
State Capitol-Room 508  
Juneau, AK 99801

The Honorable Steve Frank, Co-Chair  
Senate Finance Committee  
State Capitol-Room 518  
Juneau, AK 99801

Re: Senate Bill 289

Dear Senators Halford and Frank:

I have been asked to respond to your request of March 12, 1996, for a proposed findings and purpose section for Senate Bill 289. Thank you for enclosing a verbatim account of Senator Halford's comments during the Finance Committee meeting held on March 7, 1996, regarding the issue.

After reading the transcript, it appears to me that you have made two different requests. One is for an analysis of what the courts have said about the constitutional rights of a minor with regard to confinement. The second is to draft a proposed findings and purpose section that says essentially that "the problem is epidemic, that we find it to be a threat to both the public health and safety and the individual health and safety of the person" and to incorporate terms that the courts "use to allow us the maximum amount of control in this area."

I have provided a review of Alaska case law in this area which I hope you will find helpful. However, I was unable to draft a findings and purpose section as I do not believe I have the necessary information to do so. It is my experience that a findings and purpose section generally sets out the intent of the legislature in promulgating a bill and often includes factual information regarding the scope of the problem being addressed. The Department of Law does not maintain information concerning the types of children that are running away or their numbers. This information may be available through the Department of Health and Social Services, or such organizations such as the Covenant House in Anchorage or Juneau Youth Services.

In response to your first request, the following is an analysis of Alaska law regarding the confinement of non-delinquent minors and an identification of the constitutional protections that are generally accorded to minors who are subject to incarceration. The Alaska

cases that concern the confinement of juveniles who have not been adjudicated to be delinquent minors are minimal and are generally limited to an interpretation of existing statutes.

For example, in *In re D.E.D.*, 490 P.2d 658 (Alaska 1971), the Alaska Supreme Court found that the superior court had exceeded its authority in ordering the institutionalization of a minor who was found to be a child in need of supervision (aid). The court found that even though the statute authorized commitment of a child in need of supervision (aid) to the department of health and social services, the statute contemplated that only delinquent children, i.e., children accused of violations of law, would be committed to institutions. The *D.E.D.* court rejected the state's contention that the trial court's order of incarceration was sustainable in light of the legislature's broad policy declaration to the effect that protection of children is the paramount purpose governing its enactment of laws pertaining to children's courts and institutions. *Id.* at 660.

There is currently a provision under AS 47.10.142(c) that allows a minor who has been found to be a child in need of aid to be detained in a juvenile detention home in the local community for a period of up to 24 hours if certain conditions are met. Those conditions include the issuance of a court order that there is probable cause that (1) the minor is a runaway in wilful violation of a valid court order issued under AS 47.10.080 or 47.10.142(f) (child in need of aid statutes), (2) the minor's current situation poses a severe and imminent risk to the minor's life or safety, and (3) no reasonable placement alternative exists in the community. A minor detained under this section must be brought before the court on the date the minor is detained or, if that is not possible, within 24 hours after detention.

In *L.A.M. v. State*, 547 P.2d 827 (Alaska 1976), a 14-year-old chronic runaway who had been adjudicated a child in need of supervision (aid) was ordered by the court not to leave her foster home without contacting her psychiatrist, her social worker, or her mother. L.A.M. repeatedly ran away in defiance of this order and was ultimately charged with criminal contempt for her violation of the court order, adjudicated a delinquent for the contempt, and placed on probation. After L.A.M. ran away again in violation of the terms of her probation, her probation was revoked, and she was ultimately incarcerated at the McLaughlin Youth Center as a delinquent child. L.A.M. was therefore detained under the delinquency statutes as opposed to the child in need of aid statutes.

On appeal, the Alaska Supreme Court upheld the superior court's ruling. It identified the elements of contempt in the case as the existence of (1) a valid order directing the child to do or refrain from doing something and the court's jurisdiction to enter that order; (2) the child's notice of that order with sufficient time to comply with it and in most cases, (3) the child's ability to comply with the order; and (4) the child's willful failure to comply with the order.

Other than the above two cases, I have not found any Alaska cases that discuss incarceration of status offenders (juveniles who commit an act that would not be a crime if the juvenile was an adult, e.g., runaways). However, it is noteworthy that the Alaska Supreme Court

Honorable Rick Halford, Co-Chair  
and Honorable Steve Frank, Co-Chair

March 18, 1996  
Page 3

cases have strictly construed delinquency statutes to insure that juveniles' constitutional rights are protected. The United States and Alaska constitutions provide that no person shall be deprived of liberty "without due process of law." U.S. Const. amend. V; U.S. Const. amend. XIV, § 1; Alaska Const. art. I, § 7.

In R.L.R. v. State, 487 P.2d 27, 32 (Alaska 1971), the Alaska Supreme Court found that a juvenile is entitled to a jury trial for "any offense a direct penalty for which may be incarceration in a jail or penal institution." The court entered its finding even though it acknowledged that not all other states have accorded the right of jury trial to delinquents. The court also recognized that when a juvenile is charged for misconduct for which he may be incarcerated in an institution, regardless of the labels of the adjudication and institution, the child is entitled to notice of charges, counsel, confrontation and cross-examination, and the privilege against self-incrimination. Id. at 31. In re Gault, 387 U.S. 1, 21-27 (1967).

Thus, any scheme which contemplates confinement or incarceration of juveniles would have to insure that the minor's constitutional rights are protected. An additional right of juveniles that has been recognized by courts in other jurisdictions is the right of a minor who is incarcerated for a status offense to be housed separately from delinquents.

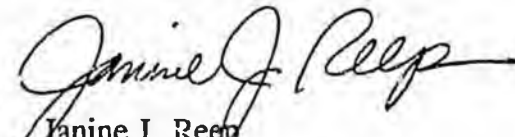
The trend in other states, however, is not to confine status offenders. In 1974, Congress passed the Juvenile Justice and Delinquency Prevention Act, 42 U.S.C. §§ 5601-5639 (1976), conditioning block grants to the state on compliance with the Act's requirement of the deinstitutionalization of status offenders. As a result, nearly every state in the union has enacted such laws.

I hope this information is helpful to you. Please let me know if I can be of any further assistance.

Sincerely,

BRUCE M. BOTELHO  
ATTORNEY GENERAL

By:

  
Janine J. Reep  
Assistant Attorney General

JJR:pao

cc: Chrystal Smith, Legal Administrator  
Deborah Behr, Legislation Attorney  
Pai Pourchot, Governor's Legislative Liaison

3-1996  
Distributed

9-LS1635M.1  
Lauterbach  
3/19/96  
No  
action  
taken.

A M E N D M E N T

OFFERED IN THE SENATE

BY SENATOR FRANK

TO: CSSB 289( ); draft version "M"

1 Page 1, after line 3:

2 Insert a new bill section to read:

3 **\*\* Section 1. FINDINGS; PURPOSE.** (a) The legislature finds that

4 (1) the number of runaway minors in this state is a significant problem that  
5 is a threat to the public health and safety as well as to the individual health and safety of the  
6 minors who, because of their runaway status, are without the care and protection of their  
7 families;

8 (2) many adults who aid runaway minors do not always serve the best  
9 interests of the minors, particularly when they encourage them to be absent from school and  
10 to remain away from the custody of their parents, and current laws have been largely  
11 unenforceable against these adults because of the broadly worded exceptions they contain;

12 (3) even many licensed facilities for runaway minors have been unable to  
13 serve their intended purpose of protecting the minors and facilitating family reunification  
14 because they lack the security measures that would keep the minors in the facilities long  
15 enough to assess their needs and the needs of their families; and

16 (4) in most circumstances, runaway minors would be best cared for by their  
17 parents and other family members.

18 (b) The purpose of this Act is to address the problem of runaway minors by  
19 tightening up the laws designed to penalize adults who aid the minors in inappropriate ways  
20 so that those laws are more enforceable, require facilities for runaway minors to be more  
21 secure, and require facilities for runaway minors to more promptly assess the minors' needs  
22 and notify the minors' parents of their presence in the facility. The legislature hopes, through  
23 this Act, to better fulfill its responsibility to protect runaway minors and to meet its goal of  
24 returning them as quickly as possible to the custody and control of their parents in all  
25 appropriate circumstances."

- 1 Page 1, line 4:
- 2 Delete "Section 1."
- 3 Insert "Sec. 2."
  
- 4 Renumber the following bill sections accordingly.

# SENATE FINANCE COMMITTEE REPORT

R/0  
3/28/96

DATE: 3/6/96

DATE TURNED INTO OFFICE: 4/3/96

The Finance Committee considered SENATE BILL NO. 289

Relating to runaway minors and their families or legal custodians.

and recommends:

be replaced with \_\_\_\_\_ CS SB 289 ( FIN )

adopt previous \_\_\_\_\_ CS \_\_\_\_\_ ( \_\_\_\_\_ )

attached amendment(s)

adopt Letter of Intent by \_\_\_\_\_ Committee

further referral to the \_\_\_\_\_ Committee

**Senate Bill:**  
 same title  
 new title  
**House Bill:**  
 same title  
 technical change  
 new: SCR# \_\_\_\_\_

SIGNING DO PASS	DP	OTHER RECOMMENDATIONS	NR	DNP	AM
<i>Steve Keri</i>		<i>David Dwyer</i>	✓		
<i>Bill E. Allen</i>	✓	<i>Paul T. Zhanoff</i>	✓		
<i>Bob Thayer</i>	✓				
Co-Chair: <i>Steve Keri</i>	✓	Co-Chair:			
Co-Chair: <i>Bill E. Allen</i>	✓	Co-Chair:			

**NEW FISCAL NOTE(S):**

Department                      Date    Zero    Fiscal

Public Safety	3/18/96	∅	
Dept of Law	3/5/96	✗	146.5
DOA (PDA)	4/3/96	∅	
DOA (OPA)	4/3/96	∅	
5-DIPLSS	4/3/96		✓
Courts	4/8/96		21.7

**PREVIOUS FISCAL NOTE(S):\***

Department                      Date    Zero    Fiscal


APPROPRIATION -- no fiscal note

\*include fiscal notes accompanying Governor's bill

# A F A X

Alaska State Legislatu

Phoned  
and faxed  
to legal  
10:40 am

Date: 3/23/96

To: Legal Services - Attn: Peggy

Fax #: 2029 Phone #: 2450

From: Kathy - Senate Finance

Phone #: 2618

Re: Final CSSB 289 (Fin) - Please combine  
work draft 9-L51635\M with Amendment  
9L51635\M.3 and Amendment 9L51635.M.4  
together with the attached Rieger  
Amendment to Amendment 9L51635\M.3  
to produce a final CSSB 289 (Fin) and  
return to Room 520.

Following this page, please find 1 page(s). If this does not reach you in full, please inform us ASAP.



THANK YOU

CSSB 289 (Fix)

Amendment to: 9-L51635\M.3

SFC 3/28/96 . ~~Amend #2~~  
Sen Rieger adopted 3/28/96

Amendment To Amendment #2

By Rieger

Page 1, Line 11:

delete "shall" and insert "may"

Page 1, Line 12

delete "detention" and insert "secure"

Add the following to the amendment:

Page 3, following line 21, insert:

(3) "juvenile secure facility" means

operated according to standards that may

be established by the department in regulations

that are designed to require a level of security

that will reasonably ensure that a minor will

not be able to leave without permission.