

**ALASKA LEGISLATURE**

**1608**

**HOUSE and SENATE FINANCE COMMITTEE FILES, ( ) 1997-1998**

# FISCAL NOTE

**STATE OF ALASKA**  
**1997 LEGISLATIVE SESSION**

Bill Version: CSHB 6(JLD)  
 (H) Publish Date: 2/21/97

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

Dapt. Affected: Health and Social Services  
 BRU: Family and Youth Services  
 Component: McLaughlin Youth Center  
 COMPONENT SERIAL NO. 264  
 See also (SN#): 252,253,254,255,258,259,3134

**Expenditures/Revenues:**

(Thousands of Dollars)

| OPERATING              | FY98       | FY99       | FY00          | FY01          | FY02          | FY03          |
|------------------------|------------|------------|---------------|---------------|---------------|---------------|
| PERSONAL SERVICES      |            |            | (24.1)        | (24.1)        | (24.1)        | (24.1)        |
| TRAVEL                 |            |            |               |               |               |               |
| CONTRACTUAL            |            |            |               |               |               |               |
| SUPPLIES               |            |            |               |               |               |               |
| EQUIPMENT              |            |            |               |               |               |               |
| LAND & STRUCTURES      |            |            |               |               |               |               |
| GRANTS, CLAIMS         |            |            |               |               |               |               |
| MISCELLANEOUS          |            |            |               |               |               |               |
| <b>TOTAL OPERATING</b> | <b>0.0</b> | <b>0.0</b> | <b>(24.1)</b> | <b>(24.1)</b> | <b>(24.1)</b> | <b>(24.1)</b> |

|                      |  |  |  |  |  |  |
|----------------------|--|--|--|--|--|--|
| CAPITAL EXPENDITURES |  |  |  |  |  |  |
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|-------------------------|--|--|--|--|--|--|
| CHANGES IN REVENUES ( ) |  |  |  |  |  |  |
|-------------------------|--|--|--|--|--|--|

**FUND SOURCE**

(Thousands of Dollars)

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

**POSITIONS:**

|           |  |  |  |  |  |  |
|-----------|--|--|--|--|--|--|
| FULL-TIME |  |  |  |  |  |  |
| PART-TIME |  |  |  |  |  |  |
| TEMPORARY |  |  |  |  |  |  |

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

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

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

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



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

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

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

Date: 2/12/97

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**ANALYSIS (cont.):**

Change in position:

Superintendent II PCN 06-3483 R 21 will be down graded to a R 20.

(\$93.5)

\$69.4

Total savings due to downgrade

(24.1)

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

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

Expenditures/Revenues: (Thousands of Dollars)

| OPERATING              | FY98       | FY99       | FY00       | FY01       | FY02       | FY03       |
|------------------------|------------|------------|------------|------------|------------|------------|
| PERSONAL SERVICES      |            |            |            |            |            |            |
| TRAVEL                 |            |            |            |            |            |            |
| CONTRACTUAL            |            |            |            |            |            |            |
| SUPPLIES               |            |            |            |            |            |            |
| EQUIPMENT              |            |            |            |            |            |            |
| LAND & STRUCTURES      |            |            |            |            |            |            |
| GRANTS, CLAIMS         |            |            |            |            |            |            |
| MISCELLANEOUS          |            |            |            |            |            |            |
| <b>TOTAL OPERATING</b> | <b>0.0</b> | <b>0.0</b> | <b>0.0</b> | <b>0.0</b> | <b>0.0</b> | <b>0.0</b> |

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| CAPITAL EXPENDITURES |  |  |  |  |  |  |
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|---------------------|--|--|--|--|--|--|
| CHANGES IN REVENUES |  |  |  |  |  |  |
|---------------------|--|--|--|--|--|--|

FUND SOURCE (Thousands of Dollars)

|                          | FY98       | FY99       | FY00       | FY01       | FY02       | FY03       |
|--------------------------|------------|------------|------------|------------|------------|------------|
| 1002 Federal Receipts    | (18.6)     | (18.6)     | (18.6)     | (18.6)     | (18.6)     | (18.6)     |
| 1003 GF Match            |            |            |            |            |            |            |
| 1004 GF                  | 18.6       | 18.6       | 18.6       | 18.6       | 18.6       | 18.6       |
| 1005 GF/Program Receipts |            |            |            |            |            |            |
| 1037 GF/Mental Health    |            |            |            |            |            |            |
| Other (please specify)   |            |            |            |            |            |            |
| <b>TOTAL</b>             | <b>0.0</b> | <b>0.0</b> | <b>0.0</b> | <b>0.0</b> | <b>0.0</b> | <b>0.0</b> |

POSITIONS:

|           | FY98 | FY99 | FY00 | FY01 | FY02 | FY03 |
|-----------|------|------|------|------|------|------|
| FULL-TIME |      |      |      |      |      |      |
| PART-TIME |      |      |      |      |      |      |
| TEMPORARY |      |      |      |      |      |      |

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

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

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

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

Loss of Federal Funds: (\$15.6)

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

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

Dept. Affected: Health and Social Services  
 BRU: Family and Youth Services  
 Component: Residential Child Care  
 COMPONENT SERIAL NO. 233  
 See also (SN#): 252,254,255,258,259,264,2134

**Expenditures/Revenues:**

(Thousands of Dollars)

| OPERATING              | FY98       | FY99       | FY00       | FY01       | FY02       | FY03       |
|------------------------|------------|------------|------------|------------|------------|------------|
| PERSONAL SERVICES      |            |            |            |            |            |            |
| TRAVEL                 |            |            |            |            |            |            |
| CONTRACTUAL            |            |            |            |            |            |            |
| SUPPLIES               |            |            |            |            |            |            |
| EQUIPMENT              |            |            |            |            |            |            |
| LAND & STRUCTURES      |            |            |            |            |            |            |
| GRANTS, CLAIMS         |            |            |            |            |            |            |
| MISCELLANEOUS          |            |            |            |            |            |            |
| <b>TOTAL OPERATING</b> | <b>0.0</b> | <b>0.0</b> | <b>0.0</b> | <b>0.0</b> | <b>0.0</b> | <b>0.0</b> |

|                             |  |  |  |  |  |  |
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| <b>CAPITAL EXPENDITURES</b> |  |  |  |  |  |  |
|-----------------------------|--|--|--|--|--|--|

|                                |  |  |  |  |  |  |
|--------------------------------|--|--|--|--|--|--|
| <b>CHANGES IN REVENUES</b> ( ) |  |  |  |  |  |  |
|--------------------------------|--|--|--|--|--|--|

**FUND SOURCE**

(Thousands of Dollars)

|                          | FY98       | FY99       | FY00       | FY01       | FY02       | FY03       |
|--------------------------|------------|------------|------------|------------|------------|------------|
| 1002 Federal Receipts    | (284.1)    | (284.1)    | (284.1)    | (284.1)    | (284.1)    | (284.1)    |
| 1003 GF Match            |            |            |            |            |            |            |
| 1004 GF                  | 284.1      | 284.1      | 284.1      | 284.1      | 284.1      | 284.1      |
| 1005 GF/Program Receipts |            |            |            |            |            |            |
| 1037 GF/Mental Health    |            |            |            |            |            |            |
| Other (please specify)   |            |            |            |            |            |            |
| <b>TOTAL</b>             | <b>0.0</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 (FY97) cost: \$0.0

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

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

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

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

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# FISCAL NOTE

No. 13  
 Bill Version: CSHB 6(JLD)  
 (H) Publish Date: 2/21/97

STATE OF ALASKA  
 1997 LEGISLATIVE SESSION

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

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

**Expenditures/Revenues:**

(Thousands of Dollars)

| OPERATING              | FY98         | FY99         | FY00         | FY01         | FY02         | FY03         |
|------------------------|--------------|--------------|--------------|--------------|--------------|--------------|
| PERSONAL SERVICES      | 120.6        | 122.4        | 124.2        | 126.1        | 128.0        | 129.9        |
| TRAVEL                 |              |              |              |              |              |              |
| CONTRACTUAL            |              |              |              |              |              |              |
| SUPPLIES               |              |              |              |              |              |              |
| EQUIPMENT              |              |              |              |              |              |              |
| LAND & STRUCTURES      |              |              |              |              |              |              |
| GRANTS, CLAIMS         |              |              |              |              |              |              |
| MISCELLANEOUS          |              |              |              |              |              |              |
| <b>TOTAL OPERATING</b> | <b>120.6</b> | <b>122.4</b> | <b>124.2</b> | <b>126.1</b> | <b>128.0</b> | <b>129.9</b> |

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| CAPITAL EXPENDITURES |  |  |  |  |  |  |
|----------------------|--|--|--|--|--|--|

|                     |  |  |  |  |  |  |
|---------------------|--|--|--|--|--|--|
| CHANGES IN REVENUES |  |  |  |  |  |  |
|---------------------|--|--|--|--|--|--|

**FUND SOURCE**

(Thousands of Dollars)

| FUND SOURCE              | FY98         | FY99         | FY00         | FY01         | FY02         | FY03         |
|--------------------------|--------------|--------------|--------------|--------------|--------------|--------------|
| 1002 Federal Receipts    | (80.0)       | (80.0)       | (80.0)       | (80.0)       | (80.0)       | (80.0)       |
| 1003 GF Match            |              |              |              |              |              |              |
| 1004 GF                  | 200.8        | 202.4        | 204.2        | 206.1        | 208.0        | 209.9        |
| 1005 GF/Program Receipts |              |              |              |              |              |              |
| 1037 GF/Mental Health    |              |              |              |              |              |              |
| Other (please specify)   |              |              |              |              |              |              |
| <b>TOTAL</b>             | <b>120.6</b> | <b>122.4</b> | <b>124.2</b> | <b>126.1</b> | <b>128.0</b> | <b>123.9</b> |

**POSITIONS:**

|           |   |  |  |  |  |  |
|-----------|---|--|--|--|--|--|
| FULL-TIME | 2 |  |  |  |  |  |
| PART-TIME |   |  |  |  |  |  |
| TEMPORARY |   |  |  |  |  |  |

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

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

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

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

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

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**ANALYSIS (cont.):**

|   |         |
|---|---------|
| Loss of Federal Funds:                  | (480.0) |
| Change in positions:                    |         |
| New PCN Administrative Clerk II Range 8 | 437.3   |
| New PCN CPS (FS) Admin Officer Range 23 | 183.3   |
| Total                                   | 4120.6  |

**FISCAL NOTE**

**STATE OF ALASKA**  
**1997 LEGISLATIVE SESSION**

No. 16  
 Bill Version: CSHB 6(JUD)  
 (H) Publish Date: 2/21/97

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

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

**Expenditures/Revenues:**

(Thousands of Dollars)

| OPERATING              | FY98           | FY99           | FY00           | FY01           | FY02           | FY03           |
|------------------------|----------------|----------------|----------------|----------------|----------------|----------------|
| PERSONAL SERVICES      | (212.2)        | (212.2)        | (212.2)        | (212.2)        | (212.2)        | (212.2)        |
| TRAVEL                 |                |                |                |                |                |                |
| CONTRACTUAL            |                |                |                |                |                |                |
| SUPPLIES               |                |                |                |                |                |                |
| EQUIPMENT              |                |                |                |                |                |                |
| LAND & STRUCTURES      |                |                |                |                |                |                |
| GRANTS, CLAIMS         |                |                |                |                |                |                |
| MISCELLANEOUS          |                |                |                |                |                |                |
| <b>TOTAL OPERATING</b> | <b>(212.2)</b> | <b>(212.2)</b> | <b>(212.2)</b> | <b>(212.2)</b> | <b>(212.2)</b> | <b>(212.2)</b> |

|                             |  |  |  |  |  |  |
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| <b>CAPITAL EXPENDITURES</b> |  |  |  |  |  |  |
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| <b>CHANGES IN REVENUES</b> |  |  |  |  |  |  |
|----------------------------|--|--|--|--|--|--|

**FUND SOURCE**

(Thousands of Dollars)

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

**POSITIONS:**

|           |    |  |  |  |  |  |
|-----------|----|--|--|--|--|--|
| FULL-TIME | -2 |  |  |  |  |  |
| PART-TIME |    |  |  |  |  |  |
| TEMPORARY |    |  |  |  |  |  |

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

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

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

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

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

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

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

Date: 2/12/97

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(Rev 10/96/fnote.xls/DAB\_OHSS)

**ANALYSIS (cont.):**

Loss of Federal Funds: (\$113.8)

**Change in positions:**

|  |           |
|--|-----------|
| Delete Regional Administrator PCN 06-3218    | (\$99.9)  |
| Delete Social Worker V in Bethel PCN 06-3201 | (\$91.1)  |
| Delete Social Worker V in Nome PCN 06-3089   | (\$98.3)  |
| New PCN Social Worker V in Fairbanks         | \$77.1    |
| Total  | (\$212.2) |

# FISCAL NOTE

No. 17  
 Bill Version: CSHB 6(JUD)  
 (H) Publish Date: 2/21/97

**STATE OF ALASKA**  
**1997 LEGISLATIVE SESSION**

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

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

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

| OPERATING              | FY98          | FY99          | FY00          | FY01          | FY02          | FY03          |
|------------------------|---------------|---------------|---------------|---------------|---------------|---------------|
| PERSONAL SERVICES      | (18.4)        | (18.4)        | (18.4)        | (18.4)        | (18.4)        | (18.4)        |
| TRAVEL                 |               |               |               |               |               |               |
| CONTRACTUAL            |               |               |               |               |               |               |
| SUPPLIES               |               |               |               |               |               |               |
| EQUIPMENT              |               |               |               |               |               |               |
| LAND & STRUCTURES      |               |               |               |               |               |               |
| GRANTS, CLAIMS         |               |               |               |               |               |               |
| MISCELLANEOUS          |               |               |               |               |               |               |
| <b>TOTAL OPERATING</b> | <b>(18.4)</b> | <b>(18.4)</b> | <b>(18.4)</b> | <b>(18.4)</b> | <b>(18.4)</b> | <b>(18.4)</b> |

|                      |  |  |  |  |  |  |
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| CAPITAL EXPENDITURES |  |  |  |  |  |  |
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|                     |  |  |  |  |  |  |
|---------------------|--|--|--|--|--|--|
| CHANGES IN REVENUES |  |  |  |  |  |  |
|---------------------|--|--|--|--|--|--|

**FUND SOURCE** (Thousands of Dollars)

| FUND SOURCE              | FY98          | FY99          | FY00          | FY01          | FY02          | FY03          |
|--------------------------|---------------|---------------|---------------|---------------|---------------|---------------|
| 1002 Federal Receipts    | (157.5)       | (157.5)       | (157.5)       | (157.5)       | (157.5)       | (157.5)       |
| 1003 GF Match            |               |               |               |               |               |               |
| 1004 GF                  | 139.1         | 139.1         | 139.1         | 139.1         | 139.1         | 139.1         |
| 1005 GF/Program Receipts |               |               |               |               |               |               |
| 1037 GF/Mental Health    |               |               |               |               |               |               |
| Other (please specify)   |               |               |               |               |               |               |
| <b>TOTAL</b>             | <b>(18.4)</b> | <b>(18.4)</b> | <b>(18.4)</b> | <b>(18.4)</b> | <b>(18.4)</b> | <b>(18.4)</b> |

**POSITIONS:**

| POSITIONS | FY98 | FY99 | FY00 | FY01 | FY02 | FY03 |
|-----------|------|------|------|------|------|------|
| FULL-TIME |      |      |      |      |      |      |
| PART-TIME |      |      |      |      |      |      |
| TEMPORARY |      |      |      |      |      |      |

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

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

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

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

Prepared by: L. Diane Worley, Director Phone: 465-3191  
 Division: Family & Youth Services Date: 02/10/97

Approved by Commissioner: Karen Perdue, Commissioner Date: 2/12/97  
 Agency: Department of Health & Social Services

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**ANALYSIS (cont.):**

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

# FISCAL NOTE

No. 18  
 Bill Version: CSHB 6(JUD)  
 (H) Publish Date: 2/21/97

STATE OF ALASKA  
 1997 LEGISLATIVE SESSION

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

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

**Expenditures/Revenues:**

(Thousands of Dollars)

| OPERATING              | FY98         | FY99         | FY00         | FY01         | FY02         | FY03         |
|------------------------|--------------|--------------|--------------|--------------|--------------|--------------|
| PERSONAL SERVICES      | (8.8)        | (8.8)        | (8.8)        | (8.8)        | (8.8)        | (8.8)        |
| TRAVEL                 |              |              |              |              |              |              |
| CONTRACTUAL            |              |              |              |              |              |              |
| SUPPLIES               |              |              |              |              |              |              |
| EQUIPMENT              |              |              |              |              |              |              |
| LAND & STRUCTURES      |              |              |              |              |              |              |
| GRANTS, CLAIMS         |              |              |              |              |              |              |
| MISCELLANEOUS          |              |              |              |              |              |              |
| <b>TOTAL OPERATING</b> | <b>(8.8)</b> | <b>(8.8)</b> | <b>(8.8)</b> | <b>(8.8)</b> | <b>(8.8)</b> | <b>(8.8)</b> |

|                      |  |  |  |  |  |  |
|----------------------|--|--|--|--|--|--|
| CAPITAL EXPENDITURES |  |  |  |  |  |  |
|----------------------|--|--|--|--|--|--|

|                     |  |  |  |  |  |  |
|---------------------|--|--|--|--|--|--|
| CHANGES IN REVENUES |  |  |  |  |  |  |
|---------------------|--|--|--|--|--|--|

**FUND SOURCE**

(Thousands of Dollars)

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

**POSITIONS:**

|           |  |  |  |  |  |  |
|-----------|--|--|--|--|--|--|
| FULL-TIME |  |  |  |  |  |  |
| PART-TIME |  |  |  |  |  |  |
| TEMPORARY |  |  |  |  |  |  |

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

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

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

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

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

Phone: 464-3191  
 Date: 02/10/97  
 Date: 2/12/97

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**ANALYSIS (cont.):**

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

# FISCAL NOTE

NO. 13  
 Bill Version: CSHB 6(JUD)  
 (H) Publish Date: 2/21/97

STATE OF ALASKA  
 1997 LEGISLATIVE SESSION

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

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

**Expenditures/Revenues:**

(Thousands of Dollars)

| OPERATING              | FY98         | FY99         | FY00         | FY01         | FY02         | FY03         |
|------------------------|--------------|--------------|--------------|--------------|--------------|--------------|
| PERSONAL SERVICES      | 482.6        | 489.8        | 497.2        | 504.6        | 512.2        | 519.9        |
| TRAVEL                 |              |              |              |              |              |              |
| CONTRACTUAL            |              |              |              |              |              |              |
| SUPPLIES               |              |              |              |              |              |              |
| EQUIPMENT              |              |              |              |              |              |              |
| LAND & STRUCTURES      |              |              |              |              |              |              |
| GRANTS, CLAIMS         |              |              |              |              |              |              |
| MISCELLANEOUS          |              |              |              |              |              |              |
| <b>TOTAL OPERATING</b> | <b>482.6</b> | <b>489.8</b> | <b>497.2</b> | <b>504.6</b> | <b>512.2</b> | <b>519.9</b> |

|                      |  |  |  |  |  |  |
|----------------------|--|--|--|--|--|--|
| CAPITAL EXPENDITURES |  |  |  |  |  |  |
|----------------------|--|--|--|--|--|--|

|                     |  |  |  |  |  |  |
|---------------------|--|--|--|--|--|--|
| CHANGES IN REVENUES |  |  |  |  |  |  |
|---------------------|--|--|--|--|--|--|

**FUND SOURCE**

(Thousands of Dollars)

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

**POSITIONS:**

| POSITIONS | FY98 | FY99 | FY00 | FY01 | FY02 | FY03 |
|-----------|------|------|------|------|------|------|
| FULL-TIME | 9    |      |      |      |      |      |
| PART-TIME |      |      |      |      |      |      |
| TEMPORARY |      |      |      |      |      |      |

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

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

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

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

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

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

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**ANALYSIS (cont.):**

## Change in positions:

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

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

HB 6  
2/21/97

Submitted with Fiscal Notes  
Numbers 12-19

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

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

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

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

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

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

CS FOR HOUSE BILL NO. 6(FIN)

IN THE LEGISLATURE OF THE STATE OF ALASKA

TWENTIETH LEGISLATURE - FIRST SESSION

BY THE HOUSE FINANCE COMMITTEE

Offered:

Referred:

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

A BILL

FOR AN ACT ENTITLED

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

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

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

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

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

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

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

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

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

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

11 **Sec. 47.12.315. Public disclosure of information in agency records relating**  
12 **to certain minors.** (a) Notwithstanding AS 47.12.310, when an agency takes action  
13 under AS 47.12.040(a)(1) to adjust a matter, or when under AS 47.12.040(a)(2) the  
14 court directs the agency to adjust the matter, the agency

15 (1) shall disclose to the public the name of a minor, the name or names  
16 of the parent, parents, or guardian of the minor, the action required by the agency to  
17 be taken by the minor under AS 47.12.060 to adjust the matter, and information about  
18 the offense exclusive of information that identifies the victim of the offense, if exercise  
19 of agency jurisdiction is based on the minor's alleged commission of

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

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

23 (C) arson under AS 11.46.400 - 11.46.410;

24 (D) burglary under AS 11.46.300, but only if the minor has  
25 previously been arrested for or has been previously alleged to have committed  
26 a burglary under AS 11.46.300;

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

28 (F) promoting prostitution in the first degree under  
29 AS 11.66.110; or

30 (G) misconduct involving a controlled substance under  
31 AS 11.71 involving the delivery of a controlled substance or the possession of

1 a controlled substance with intent to deliver, other than an offense under  
2 AS 11.71.040 or 11.71.050; and

3 (2) may disclose to the public the name of a minor, the name or names  
4 of the parent, parents, or guardian of the minor, the action required by the agency to  
5 be taken by the minor under AS 47.12.060 to adjust the matter, and information about  
6 the offense exclusive of information that identifies the victim of the offense if the  
7 minor has knowingly failed to comply with all terms and conditions required of the  
8 minor by the agency to adjust the matter under AS 47.12.060(b).

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

14 (1) the minor's alleged commission of an offense, and the minor has  
15 knowingly failed to comply with all the terms and conditions required of the minor by  
16 the department or imposed on the minor in a court order entered under  
17 AS 47.12.040(a)(2) or 47.12.120;

18 (2) the minor's alleged commission of

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

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

22 (C) arson under AS 11.46.400 - 11.46.410;

23 (D) burglary under AS 11.46.300;

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

25 (F) promoting prostitution in the first degree under  
26 AS 11.66.110; or

27 (G) misconduct involving a controlled substance under  
28 AS 11.71 involving the delivery of a controlled substance or the possession of  
29 a controlled substance with intent to deliver, other than an offense under  
30 AS 11.71.040 or 11.71.050; or

31 (3) the minor's alleged commission of a felony and the minor was 16

1 years of age or older at the time of commission of the offense when the minor has  
2 previously been convicted or adjudicated a delinquent minor based on the minor's  
3 commission of an offense that is a felony.

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

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

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

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

20 (e) The department or an agency may not release information about a minor  
21 under this section if the offense allegedly committed by the minor on which the  
22 information is based occurred before August 1, 1997. The authority to release  
23 information under this section is limited to five years from the date the department or  
24 other agency is first required or authorized to make the disclosure. However, the  
25 limitation of this section does not apply if the department or other agency determines  
26 that during the five-year period the minor

27 (1) has knowingly failed to make all restitution payments required of  
28 the minor by AS 47.12.060(b) or 47.12.120(b)(4); or

29 (2) has committed a crime punishable as a felony.

*Withdrawn*  
A M E N D M E N T

OFFERED IN THE HOUSE

BY REPRESENTATIVE KELLY

TO: CSHB 6(JUD)

- 1 Page 4, line 26, following "(e)":
- 2       Insert "The department or an agency may not release information about a minor under
- 3 this section if the offense allegedly committed by the minor on which the information is
- 4 based occurred before August 1, 1997."

*Withdrawn*  
**AMENDMENT**

OFFERED IN THE HOUSE  
TO: CSHB 6(JUD)

BY REPRESENTATIVE KELLY

1 Page 2, line 20:

2 Delete "failed, without good cause,"

3 Insert "knowingly failed"

4 Page 2, line 24, following "program":

5 Insert "that was available to the minor and that was"

6 Page 3, line 16:

7 Delete "failed, without good cause,"

8 Insert "knowingly failed"

9 Page 3, line 20, following "program":

10 Insert "that was available to the minor and that was"

11 Page 4, line 26, through page 5, line 3:

12 Delete all material and insert:

13 "(e) The authority to release information under this section is limited to five  
14 years from the date the department or other agency is first required or authorized to  
15 make the disclosure. However, the limitation of this section does not apply if the  
16 department or other agency determines that during the five-year period the minor

17 (1) has knowingly failed to make all restitution payments required of  
18 the minor by AS 47.12.060(b) or 47.12.120(b)(4); or

19 (2) has committed a crime punishable as a felony."

*withdrawn*

AMENDMENT

OFFERED IN THE HOUSE

BY REPRESENTATIVE KELLY

TO: CSHB 6(JUD)

1 Page 2, line 19, following "and":

2       Insert ", with regard to a previous criminal sentence, adjudication of delinquency, or  
3 informal adjustment following a preliminary inquiry,"

4 Page 2, lines 22 - 23:

5       Delete "in a previous criminal sentence, adjudication of delinquency, or informal  
6 adjustment following a preliminary inquiry"

7 Page 3, line 15, following "and":

8       Insert ", with regard to a previous criminal sentence, adjudication of delinquency, or  
9 informal adjustment following a preliminary inquiry,"

10 Page 3, lines 18 - 19:

11       Delete "in a previous criminal sentence, adjudication of delinquency, or informal  
12 adjustment following a preliminary inquiry"

adopted N/D 3/20/97

#4

A M E N D M E N T

OFFERED IN THE HOUSE

BY REPRESENTATIVE KELLY

TO: CSHB 6(JUD)

1 Page 2, line 14, following the second occurrence of "agency":

2 Insert "(1)"

3 Page 2, lines 19 - 27:

4 Delete all material.

5 Page 2, line 28:

6 Delete "(2)"

7 Page 3, line 2, following "under":

8 Delete "AS 11.46.300 - 11.46.310"

9 Insert "AS 11.46.300, but only if the minor has previously been arrested for or has  
10 been previously alleged to have committed a burglary under AS 11.46.300"

11 Page 3, line 9:

12 Delete "AS 11.71.050"

13 Insert "AS 11.71.040 or 11.71.050; and

14 (2) may disclose to the public the name of a minor, the name or names  
15 of the parent, parents, or guardian of the minor, the action required by the agency to  
16 be taken by the minor under AS 47.12.060 to adjust the matter, and information about  
17 the offense exclusive of information that identifies the victim of the offense if the  
18 minor has knowingly failed to comply with all terms and conditions required of the  
19 minor by the agency to adjust the matter under AS 47.12.060(b)."

20 Page 3, lines 16 - 23:

1 Delete all material.

2 Insert "knowingly failed to comply with all the terms and conditions required of the  
3 minor by the department or imposed on the minor in a court order entered under  
4 AS 47.12.040(a)(2) or 47.12.120;"

5 Page 3, line 29:

6 Delete "AS 11.46.290 - 11.46.310"

7 Insert "AS 11.46.300"

8 Page 4, line 5:

9 Delete "AS 11.17.050"

10 Insert "AS 11.71.040 or 11.71.050"

11 Page 4, line 26, through page 5, line 3:

12 Delete all material and insert:

13 "(e) The department or an agency may not release information about a minor  
14 under this section if the offense allegedly committed by the minor on which the  
15 information is based occurred before August 1, 1997. The authority to release  
16 information under this section is limited to five years from the date the department  
17 or other agency is first required or authorized to make the disclosure. However, the  
18 limitation of this section does not apply if the department or other agency determines  
19 that during the five-year period the minor

20 (1) has knowingly failed to make all restitution payments required of  
21 the minor by AS 47.12.060(b) or 47.12.120(b)(4); or

22 (2) has committed a crime punishable as a felony."

Failed 4-5

3/20/97

#5

**AMENDMENT**

OFFERED IN THE HOUSE

TO: CSHB 6(JUD)

1 Page 1, following line 3:

2 Insert new bill sections to read:

3 **\*\* Section 1.** AS 47.12.040(a) is amended to read:

4 (a) Whenever circumstances subject a minor to the jurisdiction of this chapter,  
5 the court shall

6 (1) provide, under procedures adopted by court rule, that, for a minor  
7 who is alleged to be a delinquent minor under AS 47.12.020, a state agency shall make  
8 a preliminary inquiry to determine if any action is appropriate and may take appropriate  
9 action to adjust the matter without a court hearing; if, under this paragraph,

10 (A) the state agency makes a preliminary inquiry and takes  
11 appropriate action to adjust the matter without a court hearing, the minor may  
12 not be detained or taken into custody as a condition of the adjustment, and,  
13 subject to AS 47.12.060, the matter shall be closed by the agency if the minor  
14 successfully completes all that is required of the minor by the agency in the  
15 adjustment; in a municipality or municipalities in which a youth court has been  
16 established under AS 47.12.400, adjustment of the matter under this paragraph  
17 may include referral to the youth court;

18 (B) the matter involves the minor's alleged commission of an  
19 offense described in (d) of this section, the agency shall file a petition under  
20 (2) of this subsection setting out the facts;

21 (C) except when the matter involves a minor's alleged  
22 commission of an offense described in (d) of this section, the agency  
23 concludes that the matter may not be adjusted without a court hearing, the  
24 agency may file a petition under (2) of this subsection setting out the facts; or

25 (2) appoint a competent person or agency to make a preliminary inquiry

1 and report for the information of the court to determine whether the interests of the  
 2 public or of the minor require that further action be taken; if, under this paragraph, the  
 3 court appoints a person or an agency to make a preliminary inquiry and to report to it,  
 4 then upon the receipt of the report,

5 (A) if the matter involves the minor's alleged commission of  
 6 an offense described in (d) of this section, the person or agency having  
 7 knowledge of the facts shall file with the court a petition seeking the minor's  
 8 adjudication as a delinquent and setting out the facts of the case:

9 (B) except as provided in (A) of this paragraph, the court may

10 (i) informally adjust the matter without a hearing [, OR  
 11 IT MAY AUTHORIZE THE PERSON HAVING KNOWLEDGE OF  
 12 THE FACTS OF THE CASE TO FILE WITH THE COURT A  
 13 PETITION SETTING OUT THE FACTS]; if the court informally  
 14 adjusts the matter, the minor may not be detained or taken into the  
 15 custody of the court as a condition of the adjustment, and the matter shall  
 16 be closed by the court upon adjustment; or

17 (ii) authorize the person or agency having knowledge  
 18 of the facts of the case to file with the court a petition seeking the  
 19 minor's adjudication as a delinquent and setting out the facts of the  
 20 case.

21 \* Sec. 2. AS 47.12.040 is amended by adding a new subsection to read:

22 (d) The provisions of (a)(1)(B) and (a)(2)(A) of this section apply and a petition  
 23 shall be filed with the court seeking the minor's adjudication as a delinquent and setting  
 24 out the facts of the case if the matter is based on

25 (1) the minor's alleged commission of

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

27 (B) a crime that is punishable as a felony in which the minor  
 28 employed a deadly weapon, as that term is defined in AS 11.81.900(b), in  
 29 committing the crime;

30 (C) arson under AS 11.46.400 - 11.46.410;

31 (D) burglary under AS 11.46.300, but only if the minor has

1 previously been arrested for or has been previously alleged to have committed  
2 a burglary under AS 11.46.300;

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

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

6 (G) misconduct involving a controlled substance under AS 11.71  
7 involving the delivery of a controlled substance or the possession of a controlled  
8 substance with intent to deliver, other than an offense under AS 11.71.040  
9 or 11.71.050; or

10 (2) the minor's alleged commission of a felony and the minor was 16  
11 years of age or older at the time of commission of the offense when the minor has  
12 previously been convicted or adjudicated a delinquent minor based on the minor's  
13 commission of an offense that is a felony."

14 Page 1, line 4:

15 Delete "Section 1."

16 Insert "Sec. 3."

17 Renumber the following bill sections accordingly.

18 Page 2, line 12, following "minor." through page 4, line 16:

19 Delete all material and insert:

20 "(a) When, based on a petition seeking adjudication of a minor as a delinquent  
21 filed under AS 47.12.040(a)(1)(B) or (a)(2)(A) because of the minor's alleged  
22 commission of an offense described in AS 47.12.040(d), the court finds that the minor  
23 is delinquent and enters a judgment adjudicating the minor a delinquent, the department  
24 shall publicly disclose

25 (1) the name of the minor;

26 (2) the name or names of the minor's parent, parents, or guardian;

27 (3) the offense alleged to have been committed by the minor exclusive  
28 of information that identifies the victim of the offense; and

29 (4) the outcome of the proceedings on the petition seeking the minor's

1 adjudication as a delinquent.

2 (b) When, based on a preliminary inquiry, a state agency takes appropriate  
3 action under AS 47.12.060(b) to adjust a matter without a court hearing and, as part of  
4 that informal action, the minor knowingly fails to comply with all terms and conditions  
5 required of the minor by the agency to adjust the matter, the agency may publicly  
6 disclose

7 (1) the name of a minor;

8 (2) the name or names of the minor's parent, parents, or guardian;

9 (3) the action required by the agency to be taken by the minor under  
10 AS 47.12.060 to adjust the matter; and

11 (4) information about the offense exclusive of information that identifies  
12 the victim of the offense."

13 Reletter the following subsections accordingly.

14 Page 4, line 26, through page 5, line 3:

15 Delete all material and insert:

16 "(d) The department or an agency may not release information about a minor  
17 under this section if the offense allegedly committed by the minor on which the  
18 information is based occurred before August 1, 1997. The authority to release  
19 information under this section is limited to five years from the date the department or  
20 other agency is first required or authorized to make the disclosure. However, the  
21 limitation of this section does not apply if the department or other agency determines  
22 that during the five-year period the minor

23 (1) has knowingly failed to make all restitution payments required of the  
24 minor by AS 47.12.060(b) or 47.12.120(b)(4); or

25 (2) has committed a crime punishable as a felony."

withdrawn 3/20/97

#6

AMENDMENT

OFFERED IN THE HOUSE

TO: CSHB 6(JUD)

1 Page 2, line 27:

2 Delete "or"

3 Page 2, line 28, through page 3, line 9:

4 Delete all material and insert:

5 "(2) the minor's alleged commission of a crime against a person that is  
6 punishable as a felony; or

7 (3) the minor's alleged commission of an offense set out in this paragraph  
8 and the minor was at least 16 years of age at the time of the alleged commission of the  
9 offense:

10 (A) a crime in which the minor employed a deadly weapon, as  
11 that term is defined in AS 11.81.900(b), in committing the crime;

12 (B) arson under AS 11.46.400;

13 (C) burglary under AS 11.46.300, but only if the minor has  
14 previously been arrested for or has been previously alleged to have committed  
15 a burglary under AS 11.46.300;

16 (D) distribution of child pornography under AS 11.61.125;

17 (E) promoting prostitution in the first degree under  
18 AS 11.66.110;

19 (F) misconduct involving a controlled substance under  
20 AS 11.71.010 - 11.71.030; or

21 (G) an offense that is punishable as a felony and the minor has  
22 previously been convicted or adjudicated a delinquent based on the minor's  
23 commission of an offense that is a felony."

1 Page 3, line 21:

2 Delete the second "or"

3 Page 3, line 24, through page 4, line 9:

4 Delete all material and insert:

5 "(2) the minor's alleged commission of a crime against a person that is  
6 punishable as a felony; or

7 (3) the minor's alleged commission of an offense set out in this paragraph  
8 and the minor was at least 16 years of age at the time of the alleged commission of the  
9 offense:

10 (A) a crime in which the minor employed a deadly weapon, as  
11 that term is defined in AS 11.81.900(b), in committing the crime;

12 (B) arson under AS 11.46.400;

13 (C) burglary under AS 11.46.300, but only if the minor has  
14 previously been arrested for or has been previously alleged to have committed  
15 a burglary under AS 11.46.300;

16 (D) distribution of child pornography under AS 11.61.125;

17 (E) promoting prostitution in the first degree under  
18 AS 11.66.110;

19 (F) misconduct involving a controlled substance under  
20 AS 11.71.010 - 11.71.030; or

21 (G) an offense that is punishable as a felony and the minor has  
22 previously been convicted or adjudicated a delinquent based on the minor's  
23 commission of an offense that is a felony."

Failed 4-6

3/20/97

#7

**AMENDMENT**

*Terry Martin*

OFFERED IN THE HOUSE

TO: CSHB 6(JUD ) ("X" Version)

1 Page 3, lines 12 through 13:

2 Delete "AS 47.12.040(a)(1)(B) or AS 47.12.040(a)(2), the department files with the court  
3 a petition seeking adjudication of the minor as"

4 Insert "AS 47.12.120, the court enters a judgment that the minor is"

*Failed 4/6  
J. DAVIES  
emotional amendment  
the grant D/  
discrim to disclose the name  
in those cases D/ has recommend  
incarceration*

Failed 4/6 3/20/97

#8

**AMENDMENT**

*Larry Martin*

OFFERED IN THE HOUSE

TO: CSHB 6(JUD ) ("X" Version)

1 Page 5, line 4:

2 Insert a new subsection to read:

3 " (e) When the department files with the court a petition seeking adjudication of a  
4 minor as a delinquent based on the minor's alleged commission of an offense set out in (b)  
5 Davis of this section, the prosecuting attorney <sup>shall</sup> [may] seek an order of the court authorizing the  
6 disclosure of the name of the minor and additional information deemed necessary to  
7 protect the safety of the public. The court shall authorize the disclosure if the court finds  
8 that the disclosure is necessary to protect the public safety or that there are other  
9 compelling reasons justifying the disclosure.

*If the court does NOT authorize disclosure, & the minor is ultimately an adjudicated delinquent, the court should*

*Based on an offense disclosure.*

law 4/6

3/30/97

#9

**AMENDMENT**

Rep Davies

OFFERED IN THE HOUSE

TO: CSHB 6(JUD ) ("X" Version)

1 Page 2, line 14, following "matter,":

2 Insert "and the minor was at least 16 years of age at the time of the alleged offense,"

3 Page 3, line 10. t the beginning of the sentence,

4 Insert "For a minor who was at least 16 years of age at the time of the alleged offense"

Failed 4/6 3/30/97

#10

AMENDMENT

Grossendorfer

OFFERED IN THE HOUSE

TO: CSHB 6(JUD ) ("X" Version)

- 1 Page 2, line 12, to page 3, line 9:
- 2 Delete all material and reletter remaining paragraphs accordingly.

STATE OF ALASKA

3/20/97

TONY KNOWLES, GOVERNOR

**DEPARTMENT OF HEALTH AND  
SOCIAL SERVICES**

*DIVISION OF FAMILY AND YOUTH SERVICES*

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

March 18, 1997

The Honorable Gene Therriault, Chair  
House Finance Committee  
Alaska State House of Representatives  
State Capitol  
Juneau, Alaska 99801-1182

Re: HB 6, HCR 4

Dear Representative Therriault:

Several questions have been raised by members of your committee pertaining to the loss of federal funds anticipated with the passage of HB 6 and HCR 4. The questions include what percentage of minors in foster care who are eligible for IV-E funds are delinquents; how many delinquent youth in foster care would be impacted by HB 6, and whether the restructuring proposed by the Division of Family and Youth Services (DFYS) could be altered to separate delinquents affected by HB 6 to further minimize the loss of federal funds. With your patience, I believe that those questions can most easily be answered if I first provide some background regarding this federal program.

Title IV-E of the Social Security Act was preceded by the AFDC-Foster Care program which reimbursed states for foster care payments for children who were removed from AFDC homes. The reimbursement was based on the fact that the federal government would have paid for the child's care through AFDC and so should also share the costs with the state when the state provided foster care. Reimbursement was based on the state Medicaid reimbursement rate which is 50% for Alaska.

Congress then became concerned that too many children were being removed from their homes unnecessarily and then languished in foster care for years. Consequently, Congress enacted Title IV-E which retained the provisions for reimbursing states a percentage of costs expended to care for children from AFDC homes but added many new requirements intended to protect children from getting "lost" in the system. For example, states are required to make reasonable efforts to prevent removal of a child and are then required to make efforts to reunite the family. If that is not possible, states are required to make efforts to place the child in an alternate permanent placement such as an adoptive home.

states are required to make reasonable efforts to prevent removal of a child and are then required to make efforts to reunite the family. If that is not possible, states are required to make efforts to place the child in an alternate permanent placement such as an adoptive home.

Because Congress recognized that this law placed additional administrative burdens on states, the **50% reimbursement for out-of-home care (both foster care and residential care) costs for AFDC children was retained as "maintenance" federal financial participation (FFP) for children determined to be IV-E eligible, and a new method for claiming "administrative" costs was instituted.**

Briefly, the **administrative claim** to receive the federal reimbursement for some of the additional work required by IV-E is determined by taking 1) the division's cost pool (composed of the salaries of staff providing the required services to clients--currently both social workers and probation officers-- with a portion of the support services provided by managers, state office, Commissioner's office, etc.), times 2) the percentage of staff time expended in "allowable activities" to provide the required services as determined by a monthly time study, times 3) the percentage of clients in out-of-home care who are IV-E eligible.

The division's administrative claim exceeds the maintenance reimbursement. For instance, the maintenance FFP for delinquents is estimated at \$302.7 and the administrative FFP at \$395.5 for FY 98.

In order for a child to be IV-E eligible and, therefore, qualified for maintenance payments and included in the administrative claim percentage, the child must be under the responsibility of the State IV-E agency which is currently the entire DFYS. One of 17 broad requirements that states must meet in order to qualify for any funds under Title IV-E is maintaining confidentiality of information regarding all children and youth under the responsibility of the IV-E agency.

Consequently, delinquents whose names and other information will be disclosed to the public must be removed from the responsibility of the IV-E agency. We have been told by staff from the US Department of Health and Human Services, Administration for Children and Families (ACF) that we need not completely separate services to delinquents from DFYS, requiring the establishment of an entire administrative structure, but may separate them administratively below the level of division director with separate administrators and budgets. The DFYS fiscal notes for HB 6 and HCR 4 outline our proposal for that restructuring.

Now I will attempt to address the questions that have been raised. I regret that I cannot tell you how many youth will be impacted by HB 6 because of the limitations of our current data system which do not allow accurate tracking from foster care placement records to the records containing the final charge for which a minor was adjudicated. However, a review of both our payment system and our client data system tells us that

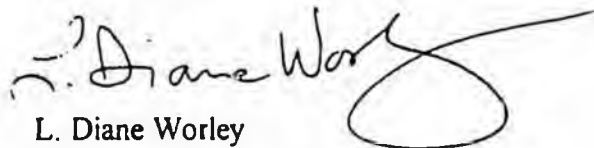
there were 156 delinquents in out-of home care at the beginning of February, 1997, and that 45 delinquents, roughly 29%, who were in care during that month were IV-E eligible. We also found that 472 children in need of aid in out-of-home care were IV-E eligible, so IV-E delinquents comprised slightly less than 9% of the division's IV-E population for that month.

It has been suggested that, in order to reduce the projected \$700.0 loss in federal funds, we somehow separate juveniles who would be subject to public disclosure from those who commit offenses where disclosure is not required. Perhaps I should first clarify that we may not simply omit those youth from our claims but that disclosure of information on any client in the IV-E agency would make us ineligible to claim any IV-E funds. Youth subject to disclosure must be separated administratively from the IV-E agency.

That said, it is difficult for me to envision an administrative structure which would retain some delinquents in the IV-E agency and serve those who would be subject to HB 6 in a separate agency. All IV-E receipts are based on minors in out-of-home care and in the custody of the designated agency. Delinquents who are in custody and placement under DFYS are frequently the more serious offenders for whom disclosure of information is anticipated and who therefore could not be served by the IV-E agency, so it is doubtful that our savings in IV-E would offset the costs of trying to serve delinquent youth in two separate sections. Separating youth who commit disclosable offenses from those who do not would be extremely difficult administratively, and serving delinquents by two separate entities would require some duplication of the administrative structure so that each entity contained both probation officers and management staff which would increase the cost of restructuring.

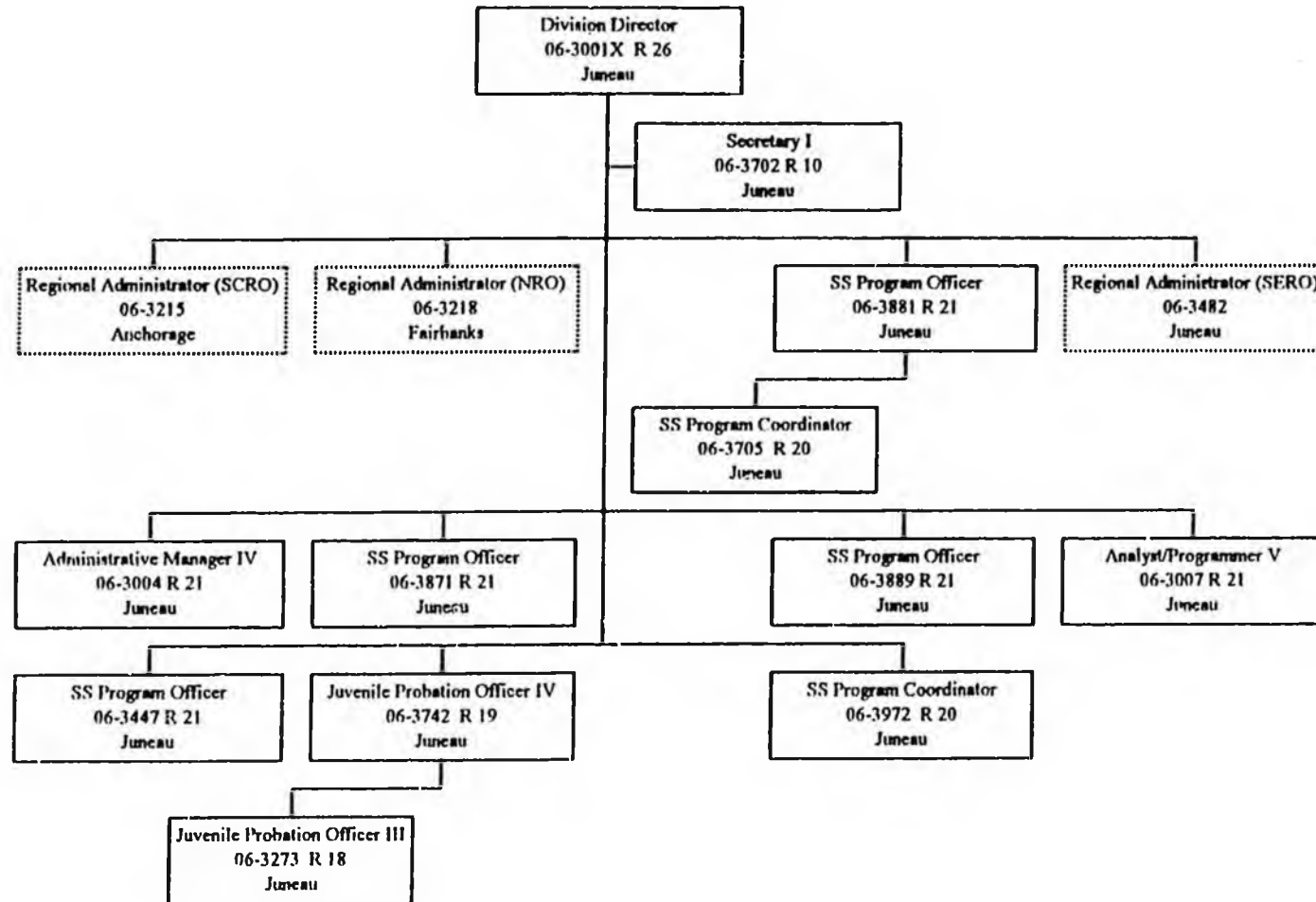
I am certainly open to considering any possibilities for reducing the loss of federal funds. I also welcome any additional questions the committee may have.

Sincerely,

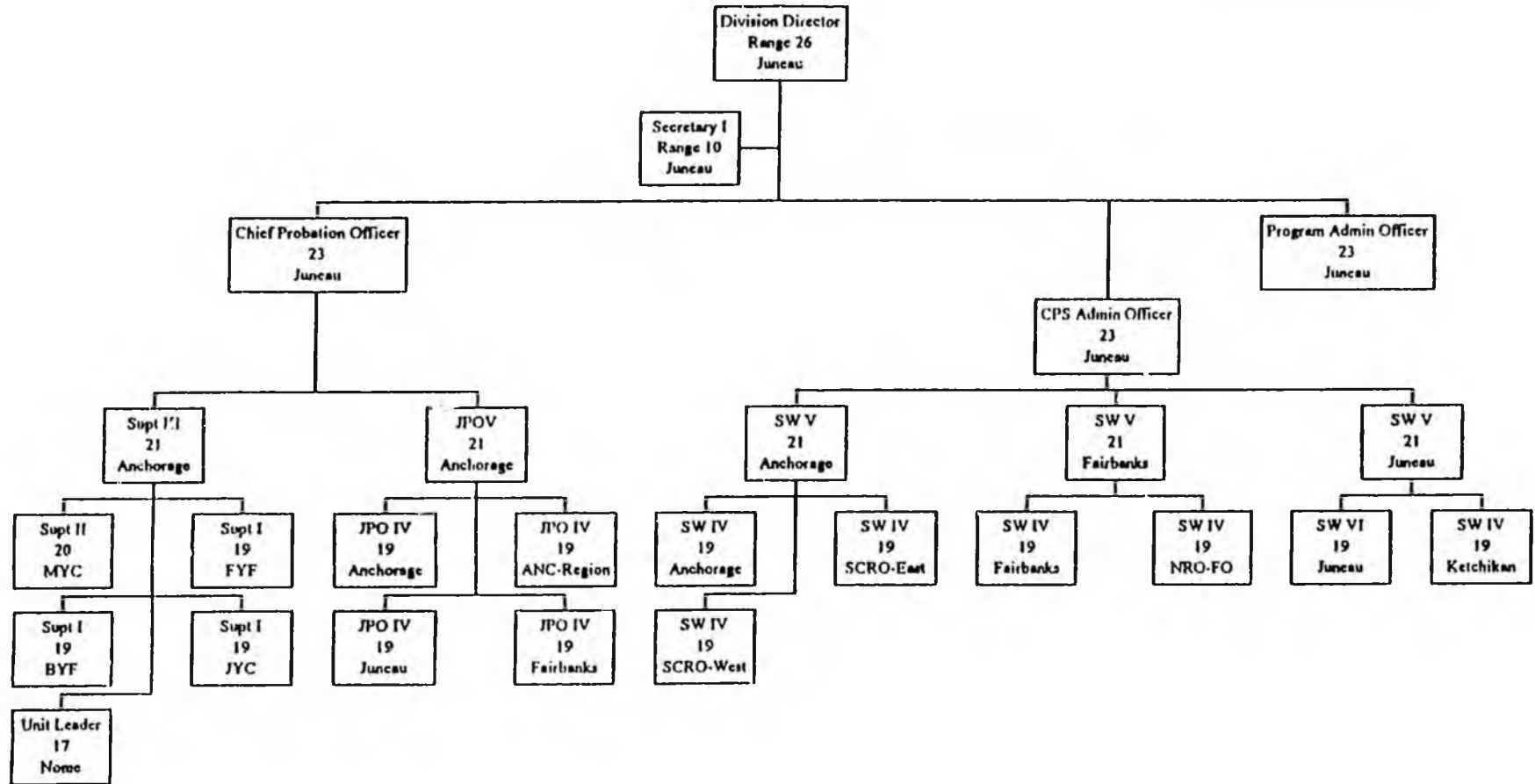
A handwritten signature in black ink, appearing to read "L. Diane Worley". The signature is fluid and cursive, with a large loop at the end.

L. Diane Worley  
Director

**DEPARTMENT OF HEALTH & SOCIAL SERVICES**  
**Family & Youth Services BRU**  
**Central Office/ #259**  
**July 24, 1996**



Department of Health and Social Services  
 Division of Family and Youth Services



# 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  
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House District 31

## House Of Representatives

### Sponsor Statement House Bill 6

Disclosure of information about criminal acts by minors.

House Bill 6 will allow the free flow of information about minors who commit repeat or serious offenses. Communities will no longer be precluded from providing the guidance, attention, and assistance troubled youth require.

The release of information by DFYS occurs in two areas of dealing with a minor: 1) when a minor is informally adjusted - i.e. assigned consequences without going to court - and 2) during the formal court adjudication of delinquency. Approximately 75 - 85% of all minors who commit crimes are informally adjusted by DFYS, and approximately 15 - 25% are petitioned to juvenile court.

This legislation provides for the disclosure of specific information to the public about a crime committed by a juvenile. The Department of Health and Social Services, Division of Youth and Family Services, shall release the name of the minor, the minor's parent(s), the action required of the minor, and the nature of the offense exclusive of information about the victim.

In the informal adjustment process, DFYS releases the name of a minor if:

- 1) The minor fails to comply with the agreed restitution, rehabilitation or placement plan.
- 2) the minor commits a serious felony including:
  - A) a crime against a person
  - B) use of a deadly weapon
  - C) arson
  - D) burglary
  - E) distribution of child pornography
  - F) promoting prostitution
  - G) delivering a controlled substance.

(b) For those cases where the department finds that the informal adjustment is inappropriate and determines it is necessary to file a petition to bring the minor before juvenile court for formal adjudication, the department releases information about the minor if:

Sponsor Statement, HB 6 (JUD)  
Page 2.

1) The minor fails to comply with the agreed restitution, rehabilitation or placement plan.

2) The minor commits a serious felony including:

- A) a crime against a person
- B) use of a deadly weapon
- C) arson
- D) burglary
- E) distribution of child pornography
- F) promoting prostitution
- G) delivering a controlled substance.

or

3) The minor commits a second felony, and is 16 years of age or older.

(c) HB 6 also provides that the department shall disclose information about a dismissed case against a minor, or the minor was not found delinquent, if the minor requests the information be revealed. At present the department cannot release information about a minor's innocence.

(d) (1) Disclosure of a temporary foster parent's name is precluded.  
(2) Provides that the department may use electronic means to provide the disclosure - i.e. via a home page.

(e) Sets a limit of five years for the disclosure by the department, if the minor keeps a clean record.

# Alaska State Legislature

REPRESENTATIVE  
PETER KELLY  
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House District 31

## House Of Representatives

### Sectional

### CS for HB 6(JUD)

Disclosure of information relating to delinquent minors.

This legislation provides for the disclosure of specific information to the public about a crime committed by a juvenile.

Sections 1, & 2. Provide technical references in collateral statutes.

Section 3. Allows the department to use a simple telephone call to meet their obligation of informing a crime victim about the release of a minor from custody. Minor's are frequently released from custody following an arrest, victims need to be informed.

Section 4. New section AS 47.12.315

(a) When the Department of Health and Social Services, Division of Youth and Family Services, takes action to **adjust** a criminal matter about a minor, the department **shall** release the **name of the minor**, the **minor's parent(s)**, the **action required of the minor**, and the **nature of the offense** exclusive of information about the victim.

In the **informal adjustment** process, DFYS releases the name of a minor if:

- 1) The minor fails to comply with the agreed
  - A) restitution,
  - B) rehabilitation or
  - C) placement plan.

or:

- 2) the minor commits a serious felony including:
  - A) a crime against a person
  - B) use of a deadly weapon
  - C) arson
  - D) burglary
  - E) distribution of child pornography
  - F) promoting prostitution
  - G) delivering a controlled substance.

(b) For those cases where the department finds that the informal adjustment is inappropriate and determines it is necessary to **file a petition** to bring the minor before juvenile court for formal adjudication, the department releases information about the minor if:

1) The minor fails to comply with the agreed restitution, rehabilitation or placement plan.

2) The minor commits a serious felony including:

- A) a crime against a person
- B) use of a deadly weapon
- C) arson
- D) burglary
- E) distribution of child pornography
- F) promoting prostitution
- G) delivering a controlled substance.

or

3) The minor commits a second felony, and is 16 years of age or older.

(c) HB 6 also provides that the department shall disclose information about a dismissed case against a minor, or the minor was not found delinquent, if the minor requests the information be revealed. At present the department cannot release information about a minor's innocence.

(d) (1) Disclosure of a temporary foster parent's name is precluded.  
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House District 31

## House Of Representatives

### Discussion Paper

First a word about the Juvenile Justice System in Alaska:

The Youth Corrections Section of the Division of Family and Youth Services within the Department of Health and Social Services, is authorized to act on behalf of the **court** to charge, investigate and either informally settle the matter out of court, or to file formal charges and bring a minor before the court.

The system has several points at which the release of information is being discussed before this committee. HB 6 does **not** act upon the point of "**arrest**" or "**charging**" of a minor. HB 6 is silent at the "**who the sherrif thinks done it**" phase.

**HB 6** acts deeper in the system to **reveal the outcome** or consequences following a criminal act by a minor. Not only "**who done it**" but also "**what we're gonna do about it**," as well as "**who didn't do it**."

HB 6 addresses the **85% of all actions that are informally adjusted** by the probation officers in DFYS, as well as the **15% DFYS brings before the court** for formal adjudication as delinquent.

Key words in HB 6, Section 4 are (a) **adjust**, and (b) **adjudication**.

**Adjust**, or **adjustment** is the word that describes the **informal handling of a case by DFYS**. A case is adjusted when a minor admits guilt and consents to the outcome or consequences for his actions. Consequences do **not include jail** time. One form of adjustment includes dismissal of the case for lack of evidence. If the arrest of the minor is not revealed there may not be a need to release information about the dismissal of the case.

**Adjudication** of a minor as a delinquent is a **court** function. DFYS has filed a petition in court and prosecuted the minor. DFYS has the records of these cases and is able, therefore, to release the information. Outcomes from this action can include **jail** or detention. One form of adjudication includes dismissal of the case or finding the minor innocent.

Volume 1  
Number 1  
August, 1996



# DFYS

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Division of Family and Youth Services  
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Tony Knowles  
Governor

Karen Percue  
Commissioner

L. Diane Woney  
Director

Patty Ware  
Juvenile Probation Officer III / Author

Roger P. Wittington  
Research Analyst III / Author

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

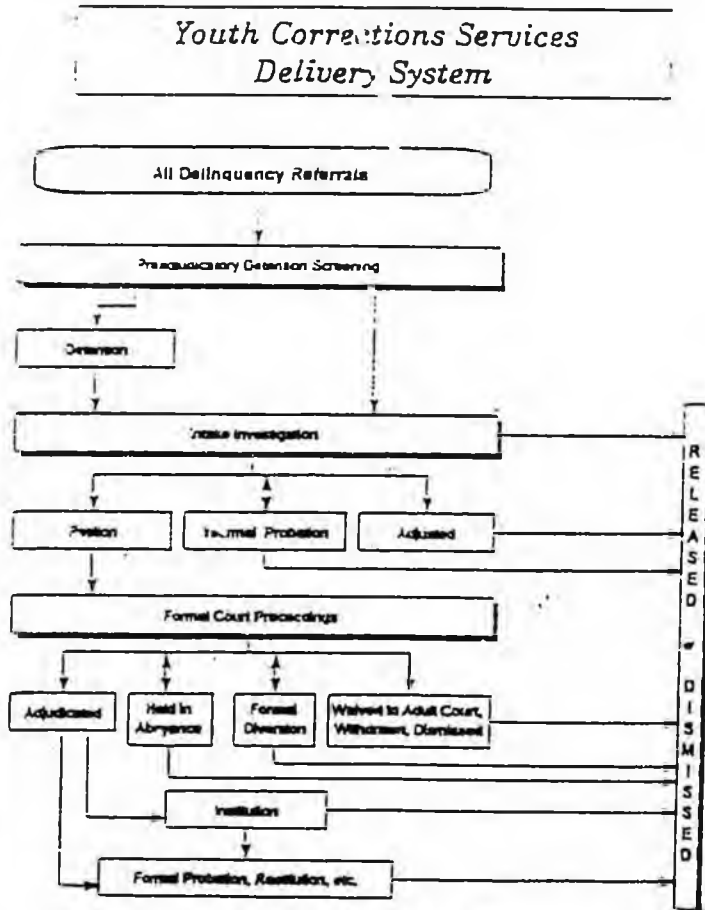
## ALASKA'S JUVENILE JUSTICE SYSTEM

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

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

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

Figure 1



As Figure 1 illustrates, there are four principal decision points in the DFYS youth corrections delivery system: referral, preadjudicatory detention screening, intake investigation, and court proceedings.

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

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

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

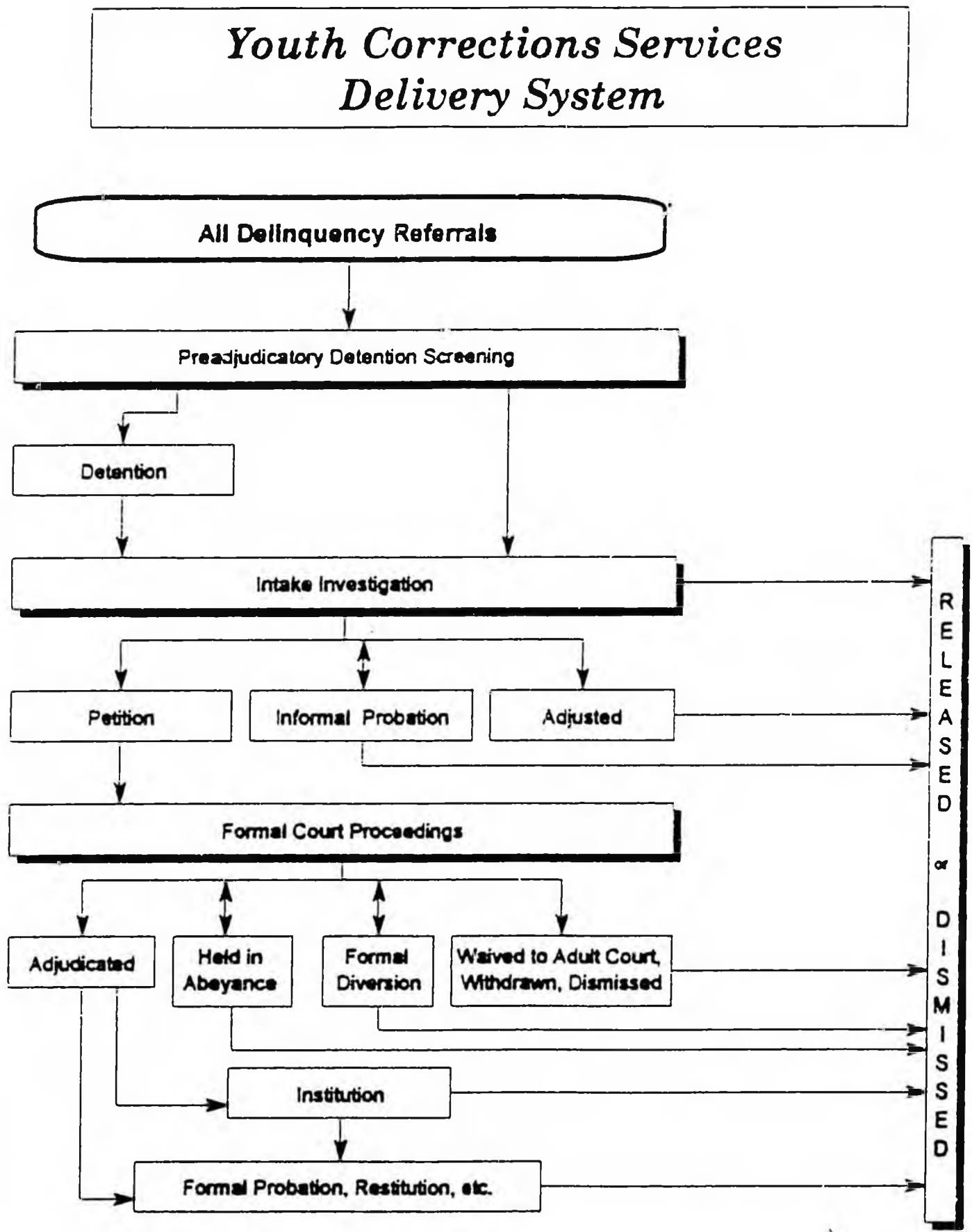
The purpose of the intake investigation is to determine if the referral is legally sufficient to support the filing of a court petition. If DFYS determines that sufficiency exists, the agency gathers information to determine the type of action that would best serve both the juvenile and the public. There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

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

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

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

Figure 1



# State Responses to Serious and Violent Juvenile Crime

## **Research Report**

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# Chapter 5

## Confidentiality of Juvenile Court Records and Proceedings

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

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

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

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

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

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

### Juvenile Court Proceedings

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

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

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

Figure 7

### Opening Juvenile Court Records and Proceedings Generates Dynamic Tension

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

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

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

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

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

### Public Juvenile Hearings

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

### Release/Publication of Juvenile's Name

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

## Juvenile Court Records

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

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

### Disclosure of Juvenile Court Records

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

## Information-Sharing Statutes in California, Florida, and Virginia

### California

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

Figure 8

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

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

(Continued)

Figure 8 (continued)

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

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

Legend: X indicates the provisions allowed by each State as of the end of the 1995 legislative session.

Table notes:

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

<sup>2</sup> In this category, X indicates a provision for fingerprints to be part of a separate juvenile or adult criminal history repository.

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

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

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

- Court personnel.

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

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

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

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

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

### Florida

Among other sweeping juvenile justice reforms in 1994, Florida passed legislation enhancing information sharing. For example, fingerprints of juveniles charged with or adjudicated for a felony and certain misdemeanors must be submitted to the Department of Law Enforcement, which is required to maintain criminal history records of juveniles

until age 24 (or age 26 if the juvenile has been classified as a serious habitual offender (SHO)).

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

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

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

### Virginia

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

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

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

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

### Notice to Schools

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

### Use of the Records

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

### Centralized Repository of Juvenile Record Histories/Fingerprinting and Photographing

Statewide central repositories of criminal history records have existed for at least two decades. Central repositories can include adult records only, adult records separate from juvenile records, or adult and juvenile records combined. Centralized databases facilitate and support law enforcement operations. Police argue that juveniles mirror adults in

their mobility; hence, juvenile records should be a part of adult criminal record databases because they are essential for conducting statewide record checks. Those advocating separate databases for juvenile records argue that once the distinction is lost between adult and juvenile records, it will also be lost in practice. Furthermore, it is argued that if juvenile records are not criminal records, they should not be used as such.

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

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

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

### Targeting Serious Habitual Offenders by Sharing Information

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

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

### California

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

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

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

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

### Florida

In 1990, the legislature enabled local jurisdictions to maintain a central identification file on juvenile SHO's and

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

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

### Illinois

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

### Virginia

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

## **Criminal Court Use of Defendants' Juvenile Records**

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

### **Registration**

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

## **Sealing/Expungement of Juvenile Court Records**

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

The most common provision provides that the record be sealed within a given period of time after the court's jurisdiction has expired or the program of commitment has been completed. After a record is sealed, it will typically be destroyed when an additional period of time has lapsed. The usual procedure for record expungement or sealing requires a petition by the record's subject or a motion of

the court with notice and hearing requirements. In some States, sealing is automatic with the passage of time and compliance with specified conditions, for example if the juvenile does not commit a subsequent offense.

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

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

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

## **Considerations With Respect to Confidentiality Provisions**

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

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

### Quality of Records

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

### Disclosure

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

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

### Open Proceedings

Many juvenile court practitioners have serious reservations about opening proceedings to the public and the media, fearing a circus atmosphere and an onslaught of curious spectators in already crowded courtrooms. In fact, there are

indications from several States that such situations have not occurred. The more likely scenario is that the public and the media will lose interest in all but sensational cases. Nevertheless, concerns remain with respect to open hearings. Certainly the need for courtroom security should be paramount when the public is allowed access to juvenile proceedings, particularly access to hearings involving gang members. Second, juvenile court judges should have the authority to close those proceedings they deem necessary to protect either the victim (e.g., cases involving sexual assaults or when the victim fears retaliation) or the offender (e.g., cases involving mentally incompetent juveniles).

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103d CONGRESS  
1st Session

COMMITTEE PRINT

WMCP:  
103-5

**COMPILATION**  
OF THE  
**SOCIAL SECURITY LAWS**

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INCLUDING THE SOCIAL SECURITY ACT,  
AS AMENDED, AND RELATED ENACTMENTS  
THROUGH JANUARY 1, 1993

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VOLUME 1

PRINTED FOR THE USE OF THE  
COMMITTEE ON WAYS AND MEANS BY ITS STAFF

---

U.S. GOVERNMENT PRINTING OFFICE

63-813

WASHINGTON : 1993

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

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

COLLECTION AND REPORTING OF CHILD SUPPORT ENFORCEMENT DATA

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

- (1) the number of cases in the child support enforcement agency caseload under part D which need the service involved; and
  - (2) the number of such cases in which the service has actually been provided.
- (b) The services referred to in subsection (a) are—
- (1) paternity determination;
  - (2) location of an absent parent for the purpose of establishing a child support obligation;
  - (3) establishment of a child support obligation; and
  - (4) location of an absent parent for the purpose of enforcing or modifying an established child support obligation.
- (c) For purposes of subsection (a)(2), a service has actually been provided when the task described by the service has been accomplished.

PART E—FEDERAL PAYMENTS FOR FOSTER CARE AND ADOPTION ASSISTANCE<sup>192</sup>

PURPOSE: APPROPRIATION<sup>193</sup>

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

STATE PLAN FOR FOSTER CARE AND ADOPTION ASSISTANCE

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

<sup>193</sup>See Vol. II, P.L. 100-606, §§201 and 301, with respect to a study and report on assistance.

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

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

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

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

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

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

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

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

(8) provides safeguards which restrict the use of or disclosure of information concerning individuals assisted under the State plan to purposes directly connected with (A) the administration of the plan of the State approved under this part, the plan or program of the State under part A, B, or D of this title (including activities under part F)<sup>194</sup> or under title I, V, X, XIV, XVI (as in effect in Puerto Rico, Guam, and the Virgin Islands), XIX, or XX, or the supplemental security income program established by title XVI, (B) any investigation, prosecution, or criminal or civil proceeding, conducted in connection with the administration of any such plan or program, (C) the administration of any other Federal or federally assisted program which provides assistance in cash or in kind, or services, directly to individuals on the basis of need,<sup>195</sup> (D) any audit or similar activity conducted in connec-

<sup>194</sup>P.L. 100-485, §202(c)(1), struck out "C, or D of this title" and substituted "or D of this title including activities under part F". For the effective date, see Vol. II, P.L. 100-485, §204(a) and (b)(1).

<sup>195</sup>P.L. 101-508, §5054(b)(2)(A), struck out "and".

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

(9) provides that the State agency will—

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

(B) provide such information with respect to a situation described in subparagraph (A) as the State agency may have;<sup>197</sup>

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

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

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

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

<sup>196</sup>P.L. 101-508, §505(b)(2)(B), added "and" and subparagraph (E), applicable to benefits for months beginning on or after May 1, 1991.

<sup>197</sup>P.L. 101-508, §505(b)(1), amended paragraph (9) in its entirety, applicable to benefits for months beginning on or after May 1, 1991. Until then, paragraph (9) read as follows:

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

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

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

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

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

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

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

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# Trooper shot on bike path; boy, 16, charged with attempted murder



More Crime/News-Mines

**CHARGED**—David Knutson, 16, is charged as an adult with attempted murder in the shooting of Alaska State Trooper J. R. Roberts early Thursday morning.

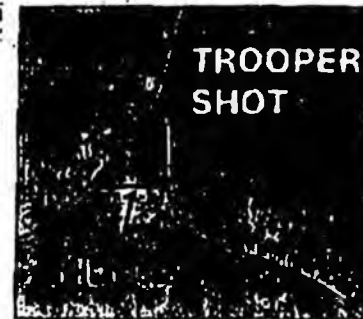
By KAREN AHO  
Staff Writer

An Alaska State Trooper was shot on a Ballaine Road bike path early Thursday by a 16-year-old boy he was about to arrest on burglary charges, authorities say.

John "J.R." Roberts, 59, was shot three times with a .22-caliber semi-automatic handgun after asking the teen to place his hands on the patrol car, troopers said.

David J. Knutson, who had already given his photo ID to Roberts, instead pulled a stolen .22 from his back pocket and fired several rounds at Roberts from close range, troopers said.

Knutson was charged with attempted murder and felony assault in adult court Thursday after surrendering at the scene. He was being held on \$500,000 bail at Fairbanks Youth Facility.



Dave Brunner/News-Mines

Roberts was listed in satisfactory condition at Fairbanks Memorial Hospital. He was shot twice in the upper leg and once in the upper chest. A fourth bullet hit the two-way radio strapped to his belt. He was wearing a bullet-proof vest.

"There's a very good chance, barring any infection, he'll be released tomorrow," trooper spo-

keasman Mike Corkill said Thursday.

Two other 16-year-old boys believed to have been with Knutson earlier in the morning were arrested later Thursday on burglary charges. Their names were not released because they were not prosecuted as juveniles.

The three troopers on the mid-night-to-8 a.m. shift Thursday had been investigating burglary reports in west Farmers Loop and Golden-sam Valley most of the morning.

The Ballaine Road area has been particularly hard hit by thieves and vandals this summer, troopers have said, and several teens have been repeatedly arrested and released by juvenile authorities.

The events that preceded Thursday's shooting began with



JOHN "J.R." ROBERTS

a 2:38 a.m. report to troopers of an abandoned truck on Grenac Road, off Farmers Loop. A caller said he saw young men run away from a 1981 Chevrolet pickup that had apparently been torched and had belongings scattered nearby.

Amid the varied goods, troopers found a radio receiver inscribed with the name Mark McNay, a state Department of See TROOPER, Page A-8

## TROOPER: Shot

Continued from Page A-1

Fish and Game biologist who lives several miles away on Inclination Drive.

Troopers called McNay at 4:30 a.m.

"They wanted to know if I had my radio," McNay said. "I said, 'Yeah, it's in my truck.' They said, 'Can you check?' I looked outside and my truck was gone."

McNay also discovered that his garage had been broken into and a .22-caliber handgun, .22-caliber rifle, ammunition, bow and arrows, spotting scope and a propane torch had been stolen. A .44-caliber magnum handgun, two radio receivers and a video camera were in the Ford Ranger from a field trip.

Trooper Gary Cook drove out to investigate shortly after 5 a.m. As he approached McNay's driveway, Cook noticed headlights suspiciously dim on a side street as he passed by, Corkill said.

Cook took a right on the street, Stevens Avenue, and went up the driveway near where the truck, now unlighted, was parked. Inside the house, resident Jock Irons had recently been awakened by his dog barking.

Irons had just told his dog to quiet down when he said he heard a man's voice outside yell: "Don't run or I'll shoot your ass."

Troopers said Cook had surprised some boys carrying goods from Irons' garage. Irons said two large speakers and two cases of home-brewed beer were taken.

The boys dropped the goods and fled into the woods. Cook radioed the suspects' descriptions to the other troopers on duty.

Roberts, a 15-year-trooper and commander of the night shift,

spotted boys matching that description walking along the bike-path near Trics Avenue, about a mile away, a short time later.

He had taken an ID from Knutson and asked the other boy to remove his baseball cap so he could see his face and hair, when he asked the pair to put their hands on the patrol car, troopers said.

Roberts was shot at 5:53 a.m. His weapon was not fired, troopers said. Corkill said he didn't know whether Roberts drew his gun. Hit by a bullet, Roberts' two-way radio failed to work. He made it to his patrol car and radioed for help.

Troopers said Knutson walked out of the woods when other troopers arrived, and that he showed officers where the .22 and .44 handguns were stashed.

Troopers used a helicopter and about a half-dozen patrol cars in a morning search for the second suspect. A second 16-year-old was contacted at his home on Viewpointe Drive at 10:15 a.m. and was arrested without incident, troopers said.

A third 16-year-old, reportedly not present during the shooting, was arrested Thursday afternoon.

Roberts has been stationed all 16 years in Fairbanks. Among troopers, he is known as the "big guy" who can diffuse a tense situation by his mere presence, and as the quiet man who earns respect even from the dozens of drunken drivers he arrests.

Roberts is well-known outside the law-enforcement community as well. He plays basketball on a city recreation league and has coached youth basketball. He and his wife, Verna, have two children.

## Youth gets 30 years for attack

By LIN GALE  
Staff Writer

Jennifer Maguire has little doubt that if she had not played dead early Oct. 15, she would be.

Early that morning, 16-year-old Paul Daniel Shewfelt walked into Maguire's apartment, and choked, beat, and stabbed the 22-year-old woman 19 times. He slit her throat and, while she lay motionless on the floor, five months pregnant, ripped off her clothes and raped her.

"What happened to me is everybody's worst nightmare," Maguire said Friday at her attacker's sentencing. Maguire gave the News-Miner permission to use her name and photograph.

Superior Court Judge Richard Savell sentenced Shewfelt, now 17, to 30 years in jail, the maximum allowed under terms of his plea agreement. Shewfelt in February pleaded no contest to at-



Maguire/News-Miner

**DAY IN COURT**—Assistant Public Defender Paul Canarsky, left, sits next to his client, Paul Daniel Shewfelt, 17, in Fairbanks Superior Court Friday morning.

ttempted murder in exchange for the state dropping rape and assault charges. He will be eligible for parole in 10 years.

Maguire, now 23 and a secretary at the Tanana Chiefs Conference, bears a 12-inch scar that runs across her throat and up to

See ATTACK, Page A-12

# ATTACK

Continued from Page A-1  
her right eye. The wound is one of a dozen that mar her arm, back, stomach and side. Her unborn child was not injured in the attack.

In a tear-filled statement, Maguire urged the judge to hand Shewfelt the maximum 30-year term. Maguire said that no matter what sentence her assailant received, it could not be as harsh as the punishment he inflicted on her.

"I have a life sentence to bear in this scarred and beaten-up body," she said. "I just turned 23 years old. I don't deserve having to live with these scars."

According to authorities, Shewfelt spent the hours leading up to the attack drinking beer at a friend's house. Around midnight, he called the apartment on Adams Drive that Maguire shared with his cousin, Maguire, who did not know him, told Shewfelt his cousin was not home.

Shewfelt stole a 10-inch butcher's knife from his friend's kitchen, and, knowing Maguire was alone, walked over to her apartment, the prosecutor said.

Maguire said he asked her if she had a lighter or matches, and she told him no and asked him to leave. He reeled around and began choking and punching her.

They fell to the floor and in the struggle Maguire escaped, ran to her bedroom, and tried to shut herself in. Shewfelt blocked the door with his arm, then forced it open and attacked her again, this time stabbing Maguire in her back so deep it punctured her lung. He then dragged the woman into the living room and slit her throat.

At that point, his victim said she decided to play dead. As she lay frozen, Shewfelt pulled off her clothes and raped her, authorities said.

Afterward, Shewfelt got up and walked into the kitchen, and Maguire ran from the apartment screaming for help. Another resident of the apartment building, Bret Helgerson, heard her cries and came outside. He told the judge that Shewfelt was still lurking nearby.

"He was hiding around the corner waiting for her," Helgerson said.

Helgerson brought the wounded woman into his apartment. Police followed a bloody trail to South Kebuk Avenue, where Shewfelt was staying with his aunt, and found him in his underwear. The teen had a cut on his hand, and had already run his clothes through the washing machine, according to police.

Assistant Public Defender Paul Canarsky requested a 15-year jail sentence for Shewfelt, saying the teen committed the crime in an alcohol-induced stupor, and that he was young enough to be rehabilitated. Shewfelt chose to enter the plea agreement rather than go to trial because he wanted to face up to his crime, the lawyer said.

"He could still grow up, could still mature, could still become a better person," Canarsky said.

Shewfelt, bound in ankle and wrist shackles, stood and briefly addressed the judge: "I just want to say sorry to everyone that I've hurt." He asked for the judge's mercy.

The prosecutor argued that the teen-ager should spend a long time in jail because, if not for the victim's will, Shewfelt would have committed first-degree murder.

"Through the intervention of luck, fate and one brave neighbor, Ms. Maguire did not die," Assistant District Attorney Pat Doogan said.

The judge agreed. Savell said he was convinced that Shewfelt intended to kill her.

"There is no doubt in this court's mind that this was a premeditated and callous act unaccompanied by fear, regret, or concern for the victim," the judge said. "It was the interference that changed the result, nothing that Mr. Shewfelt did or didn't do."

Additionally, Savell rejected the defense's contention that the crime was committed in an alcoholic blackout. He noted that Shewfelt had the wherewithal to call his victim before going over, and to attempt to cover up the crime by washing his clothes and lying to police.

The judge said he was also troubled by a psychiatrist's failure to determine why Shewfelt so brutally attacked the woman. "Without insight on how it happened, the court is without insight on how to prevent it."

# Student pleads no contest to attempted murder

By LIN GALE  
Staff Writer

A Lathrop High School student arrested in March for a knife attack on a cab driver pleaded no contest Thursday to attempted murder.

Deamont Wade, 17, entered the plea agreement in exchange for the state dropping robbery and first-degree assault charges. The deal, approved by Superior Court Judge Jay Hodges, includes a sentencing cap of 30 years in jail. Attempted murder is punishable by up to 99 years imprisonment.

Wade, who has been in Fairbanks Correctional Center since the attack, was ordered held without bail until sentencing, set for Nov. 12.

Wade's public defender, Paul Canaraky, said the crime was a robbery that went awry rather than a murder attempt, but they decided to accept the state's offer instead of risking a longer jail term.

"You can never predict what's going to happen at trial, and this agreement protects him from a sentence in excess of 90 years," the lawyer said.

The attack occurred about 2 a.m. March 3 when Fairbanks Taxi driver Charlie Moran picked up Wade, then a 16-year-old Lathrop sophomore, on Second Avenue to give him a ride to Ambassador Apartments on Fifth Avenue, according to police

and the victim.

Police said Wade lunged at the 55-year-old cab driver with a 7-inch combat knife, stabbing him in the throat, face and chest. Moran grabbed the knife to stop the attack and the blade broke off in his hand. Wade fled with \$40, police said.

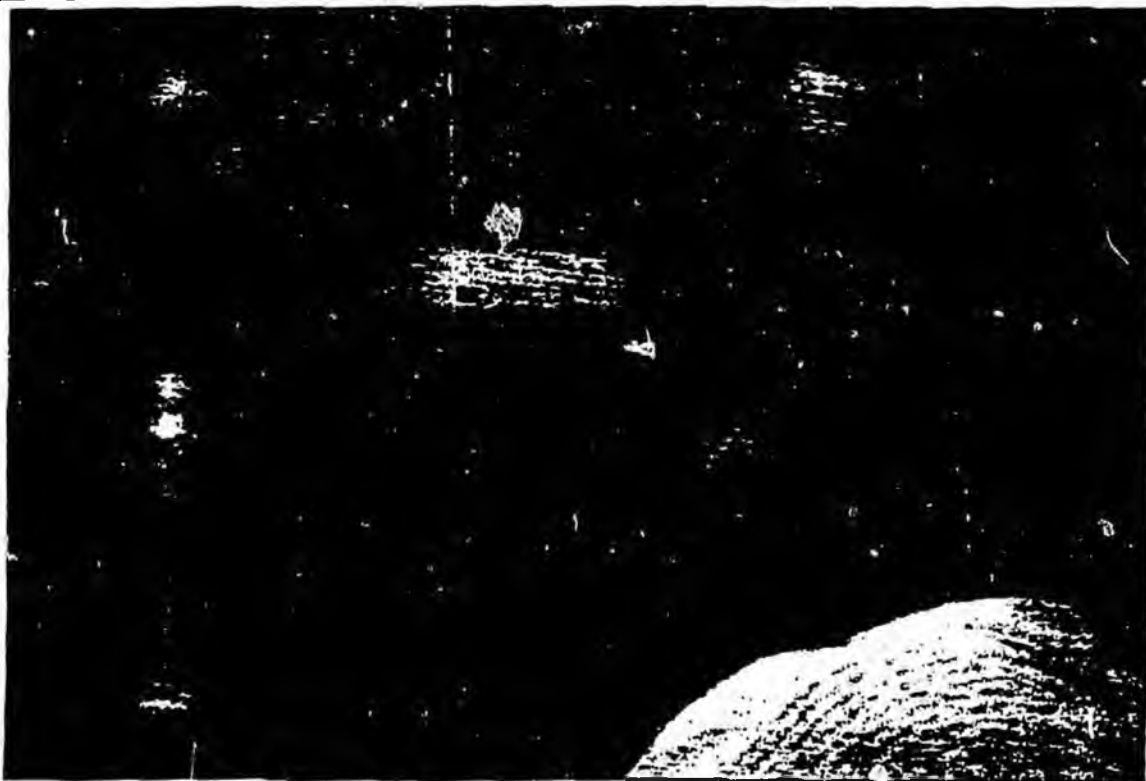
Moran said he tried to drive himself to the hospital, realized he would not make it, and drove into a snowbank to get attention.

"He just kept going for the jugular ... and screaming, 'I'm going to kill you man,'" the victim said in an interview shortly after the stabbing.

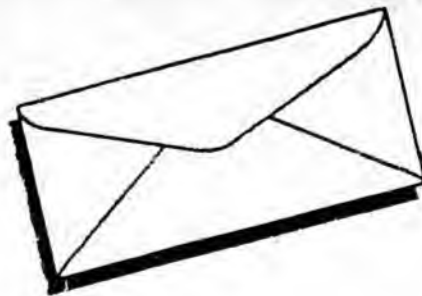
At the time, police said it appeared Wade set out to hurt someone, and that robbery was an "afterthought."

As the result of a similar plea agreement also negotiated by Canaraky, 17-year-old Paul Daniel Shewfelt was sentenced last week to 30 years in jail for the attempted murder of a 22-year-old pregnant woman in February. Shewfelt, who was 16 at the time, pleaded no contest to attempted murder in return for a 30-year sentencing cap and the dropping of rape and assault charges. He will be eligible for parole in 10 years.

Friday, June 14, 1996



Deamont Wade, 17, waits at his change of plea hearing at the State Courthouse Thursday afternoon while Superior Court Judge Jay Hodges reviews the case notes. Ben Grossman photo



# LETTERS

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## I'm sorry

Dec. 18, 1996

To the editor:

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

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

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

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

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

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

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

Please.

David J. Knutson  
Fairbanks Correctional Center

Thomas J. Hallinan  
1617 Wolverine Lane  
Fairbanks, Ak 99709  
25 January, 1997

Representative Pete Kelly  
FAX (907) 465-5241

Dear Mr. Kelly,

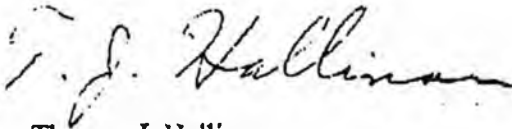
Last summer, I was the victim of a juvenile crime. In the weeks and months following this, I came to realize that our system for handling juvenile offenses is working poorly and that a major source of the problems is the strict confidentiality required in juvenile proceedings. While well-intentioned, the confidentiality requirements do not serve the interests of either the general public or of the troubled youth. There are several reasons for the failure of this approach:

- 1) There is a widespread perception that youth are not punished and that they can get away with anything in Alaska. While this perception is probably incorrect, the existence of this public perception has real effects. First, it convinces the small percentage of youth who are inclined toward criminal activity that they can engage in these activities with impunity. Second, it causes the public to clamor for more restrictive laws and more severe punishment, curbing the discretionary authority of youth officials and of judges to deal with individual situations.
- 2) When there is a rash of juvenile crime, and the identity of the perpetrators is kept secret, it leaves the community suspicious of all youth. This is an unfair burden placed on the vast majority of youth who are good citizens.
- 3) I believe that fear of public exposure is an effective deterrent to those youth who are basically good, but who may be lead astray by "friends".
- 4) The secrecy requirements unnecessarily burden the law-enforcement and judicial systems. Secrecy complicates the affairs of all who must deal with the youthful offenders, including police officers, youth-facility employees, teachers and other school officials. Often these individuals make decisions with too little information available. e.g. When cases go to a formal hearing, the judge does not get to see the report of the arresting officer and teachers are rarely informed that there are youthful offenders in their classes.

5) It is a well-attested fact that government does not work well in secrecy. Secrecy requirements result in poor communication within government with resulting inefficiency. They also result in complacency and sometimes outright incompetence. They deprive government of the continuous infusion of new ideas from the public. They deprive the public of information necessary to assess the functioning of its government. This is why secrecy in government is usually restricted to matters vital to the national security or to on-going criminal investigations.

For these reasons, I enthusiastically support the new approach embodied in HB6. This will be a breath of fresh air for the juvenile justice system.

Sincerely yours,



Thomas J. Hallinan

STATE OFFICE  
**ALASKA PEACE OFFICERS ASSOCIATION**

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



January 17, 1997

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Anchorage

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Pres. First City Chapter

James See, Member  
Craig  
Pres. Prince of Wales Chapter

Representative Pete Kelly  
Alaska State Legislature  
State Capitol (MS 3100)  
Juneau, Alaska 99801-1132

Dear Representative Kelly,

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

We do feel that you should add language on line 18 of page 2 to read "..... arrested or charged" instead of simply "arrested".

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

Sincerely,

A handwritten signature in black ink, appearing to read "Michael", written over a horizontal line.

Michael Corkill  
APOA State President



NATIONAL ASSOCIATION OF SOCIAL WORKERS  
ALASKA CHAPTER

525 Main Street, Juneau AK 99801  
586-4438 1-800-478-6279 Fax: 586-4439  
naswak@alaska.net

Testimony Regarding

CSHB 6(Jud): RELEASE OF INFORMATION ABOUT MINORS

Before the  
FINANCE COMMITTEE  
ALASKA HOUSE OF REPRESENTATIVES  
March 6, 1997

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



## NATIONAL ASSOCIATION OF SOCIAL WORKERS ALASKA CHAPTER

525 Main Street, Juneau AK 99801  
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*The National Association of Social Workers (NASW) is the world's largest organization of professional social workers. NASW's 155,000 members nationwide and 460 in Alaska work in a wide range of settings at all levels in the public and private sectors. Professional social workers focus on vulnerable populations and promote state and federal policies which enhance the lives of the people we serve.*

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

**NASW opposes HB 6 and does not recommend its passage.** These proposed amendments to the Alaska Children's Code represent a dramatic and fundamental change to the state's juvenile justice system. Since its inception, the basic mission of the juvenile court has been rehabilitation as well as accountability. Confidentiality of juvenile records was part of a progressive reform movement intended to make the treatment of juvenile offenders more effective and humane. The first juvenile court, created by the social worker, Jane Addams, was designed to be a civil rather than a criminal court, and the accused were to be defined less by their offenses than by their youth. Children were thought to be still susceptible to rehabilitation, and the judges were to act informally, serving like doctors, to dispense the right treatment for the offender, rather than punishment. As a result, for the past century, juvenile arrest and court proceedings have remained closed to the public. This offers the youth protection from negative labeling and lifelong community sanction for acts committed before adulthood. The juvenile system places an emphasis on the youthful offenders eventual reintegration and reentry into society.

**The cost of this measure to the State of Alaska is over \$1 million annually.** Federal law requires that states which receive Title IV-E (foster care) keep confidential the names of all juveniles in their jurisdiction. Costs to separate the records of CINA and delinquency, additional staffing needed to operate the new system, as well as the annual loss of \$700,000 (the amount spent each year for foster placements for youthful offenders) is money better spent on prevention programs which have a real chance of significantly lowering the cost of juvenile crime.

**This is a radical and untested measure for which we have no data to predict outcomes.** Breach of confidentiality laws became popular approximately five years ago as a get tough, quick fix response to community concerns about juvenile crime. Supporters claim the measure will improve public safety and deter crime. There is no research or reliable data to support these claims.

**Research done at the University of Florida has shown that popular "get tough" measures fail in dealing with juvenile crime.** Appearing in the April 1996 issue of the *Journal of Crime and Delinquency*, the study found that youths tried as adults commit new crimes at a higher rate than their counterparts who stay in juvenile courts. This finding is significant to the debate on HB 6 because releasing the names of juvenile offenders treats them as de facto adults. Without the protection of confidentiality, youth are more likely to "graduate" into more serious criminal activity.

**Alaska is already "tough on juvenile crime."** It is a misperception that "nothing happens" to juveniles who commit crimes. The confidentiality of juvenile cases, combined with the emphasis on rehabilitation, may lead to the impression that no sanctions, punishment or measures to hold the juvenile responsible are now in place. In fact Alaska ranks second in the nation for the percentage of its juveniles who are locked up, and second in the length of time that juveniles are locked up. Those who deal with juvenile offenders - the courts and probation officers - have a number of choices or dispositions: waiver to adult courts for the most serious offenses, adjudication and probation, or in more severe cases, institutionalization in long-term detention and treatment facilities. For minor offenses, informal adjustments such as restitution, prevention and treatment programs, or victim-offender mediation are routinely and effectively ordered. **Due to funding deficits, these programs are not available to all who would benefit.**

**Releasing the names of juvenile offenders and their parents will not deter the youth from future crime.** This type of sanction will not have the intended outcome. Those youth engaged in ongoing criminal activity may see disclosure as a "badge of honor." More impressionable youth may internalize the label, compromising efforts at rehabilitation. Breaching confidentiality will definitely result in a public record that will damage the youth in attempts to find employment, enter college, rent an apartment or borrow money to purchase a home or start a small business. This measure will restrict the youth's future success, almost ensuring the youth will resort to further criminal activity. Further, releasing the names of parents could impact their future employability as well as social standing in the community. Some parents who must endure the pressure of widespread publicity could become even less involved in their children's lives, and further disrupt the life of the family.

**HB 6 proposes suspension of confidentiality even before a minor is adjudicated, and creates a "guilty before being found guilty" situation.** HB 6 would allow the release of confidential information when DFYS informally adjusts a case, or simply petitions for adjudication. Before guilt has been admitted or proven the minor's name is released. Even if insufficient evidence is brought forth and the case is dismissed, those youth will bear the damage of being labeled.

**HB 6 proposes to suspend confidentiality when a probation officer decides not to adjudicate, but to adjust the case informally.** Adjustment is often chosen for non-violent offenses that do not present life threatening dangers to public safety. Case adjustment offers the opportunity for competency building and socialization in non-violent youth offenders, and perhaps the opportunity to guide the youth away from further crime. Probation officers can require payment of restitution, family counseling, community work service or completion of a variety of diversion and treatment programs. The officer can also refer the victim and offender to voluntary mediation - a tool of "restorative justice." According to the Alaska Judicial Council, the department resolves most juvenile cases through adjustment, and a large majority of juveniles whose cases are adjusted do not return to the juvenile system. By releasing the names and circumstances around case adjustments we may negate the role of treatment, diversion, prevention and restorative justice in the community.

**HB 6 provides no mechanism to assist the community in providing what the sponsor statement refers to as the "guidance, attention, and assistance troubled youth require."** Supporters claim this bill will result in the youth receiving help and attention from the community. Yet no community agencies, committees, or informal groups are charged with the responsibility of providing this help. There must exist a clear linkage between the troubled youth and the community - some adult or group of adults willing to establish a relationship with the youth, and who are able to successfully confront the youth with his or her wrongdoing. Without this assignment of responsibility, we abandon our role in rehabilitation, and look only to punishment and retribution.

**Juvenile crime is closely associated with societal problems beyond the youth's control. Breaching confidentiality will not address the real problems behind juvenile crime.** The past twenty years have seen dramatic changes in the make-up of our communities and an overall worsening of many social problems. Some of the factors contributing to increased juvenile crime include:

- **the sheer number of young people in Alaska** - between 1980 and 1990, the nation as a whole experienced a 1% increase in its juvenile population. During the same time period Alaska's juvenile population increased 40%. (National Council on Crime and Delinquency). In 1990, youth between the ages of 0-19 made up 33.8% of Alaska's population (US Census Bureau).
- **poverty, and its proven link to juvenile crime.** Each year in Alaska 24,701 children receive public assistance. (State of Alaska, Child Health Planning Work Group). Since 1974, poverty rates have been higher for juveniles than for the elderly (OJJDP).
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- **juvenile offenders are more likely to live with single parents.** Each year in Alaska, 31,705 children are living in single parent households. (State of Alaska, Child Health Planning Work Group).
- **1,900 Alaskan adolescents are homeless annually** (Alaska DHSS).

**NASW supports a balanced and restorative approach to juvenile justice.** Restorative justice, a fairly new philosophical framework for dealing with juvenile crime, identifies crime as harm done to both victims and the community. It prioritizes restoration as a goal of the justice process. Through efforts to mend and strengthen the social fabric of communities, it is more concerned with "making things right" than with fixing blame or meting punishment. Dramatically different from retributive justice - the prevailing system which concentrates on legal infringement, penalties, and deterrence - restorative justice is nevertheless a powerful tool for addressing crime in an effective way.

The problem of juvenile crime and the factors that are at work in causing it are complex, and troubling to the community. NASW supports a comprehensive, balanced and restorative approach to juvenile justice - one that promotes public safety, holds offenders accountable to victims, and provides competency development and socialization for offenders so they can reintegrate into society and become productive Alaskans. We recommend community-based programs of restorative justice, especially the development of community response groups charged with responsibility for confronting juvenile offenders in their neighborhoods. We urge the state to promote a variety of ongoing prevention measures such as recreational and civic opportunities for youth and their families. Breaching the confidentiality of minors will not get us where we want to go, and could in fact seriously backfire on us, creating criminals where now none exist.

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



# League of Women Voters of Alaska

2806 John St. Apt. #2  
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## TESTIMONY OF THE LEAGUE OF WOMEN VOTERS RE: CS HB 6.

The Alaska League of Women Voters oppose the passage of CS HB 6, An act that would disclose information about certain minors, including the name of the parent, parents, or guardian of the minor guilty of an offense. Passage of CSHB 6 is a step backwards for the juvenile justice system. The juvenile justice system is designed to promote the youths rehabilitation and reintegration into society. CSHB 6 will do just the opposite.

Breaching the confidentiality of juvenile offenders represents a dramatic and fundamental change in the juvenile justice system. Confidentiality provides youthful offenders the protections needed to rehabilitate them and prevent future crime.

Breaching confidentiality will result in labeling and stigmatization, create obstacles to the youth's employment, military service, education and a host of other career opportunities.

Instead the unproven and risky amendments proposed by CSHB 6, the courts and probation officers should utilize additional treatment resources and programs of "restorative justice" such as victim-offender mediation and youth courts which provide accountability and rehabilitation.

Prevention is the only real solution to the problem of juvenile crime, and the only real protection for victims. Society needs to attack the problems of poverty and child abuse which are closely linked to juvenile crime.

**Testimony concerning HB 6 - Release of Information About Minors**

**March 20, 1997**

**By Laura Rorem**

**9151 Parkwood Drive, Juneau, Alaska 99801**

**789-1647**

My name is Laura Rorem. I am the parent of two adopted children, ages 21 and 24 who have suffered from brain disorders their entire lives. One lives with the reality of a mental illness and the other with the reality of Fetal Alcohol Effects. I am also a member of the Alaska Mental Health Board. My husband is a Lutheran pastor in Juneau and is also heavily involved in mental health issues in the community. I am here today wearing my hat as a family member and an advocate for children of all ages who suffer from brain disorders and their families. I am not speaking on behalf of the AMHB, as the board has not taken an official position on this bill yet.

I wish to thank you for this opportunity to address the committee on how HB 6 will adversely affect this special population of people and their families.

Brain disorders are no fault diseases that affect behavior, thinking processes, mood, judgement, reason, and decision, to name only a few symptoms. They are caused by biochemical and/or structural abnormalities in the brain. Weakness of will, and bad parenting are not to blame. These illnesses **are not caused** by problems in living, bad environment, abuse or neglect. These diseases are grossly misunderstood, and treatment for them is sporadic, haphazard, difficult to access, and blame oriented.

Imagine for a moment the public response to heart disease treatment if it were delivered in the same way as it is to those with brain diseases. First--a bureaucratic--red-tape cluster of community cardiac health centers requiring those with heart disease or their parents to present medical, legal just cause, which is difficult to obtain, for hospitalization or treatment if a cardiac breakdown occurs. Then once a month--if that--doctors see the patient for 15 minutes at the center and of course it is up to the cardiac patient to get there on their own--even if it means walking for miles. A cardiac episode requiring hospitalization specifies stabilization and discharge in 5 or 10 days, unless the patient is ruled a criminal (having somehow wound up in jail overnight along the way). Meanwhile at the state cardiac hospital, criminal patients are housed on the same grounds as everyone else. At the same time, the parents are trying desperately to get quick and appropriate treatment for their child's life threatening disease, only to be blamed for causing their child's heart disease or being told repeatedly by the cardiac treatment center that "We have to wait until your child commits a crime first before we can help him." Then when the child finally commits a crime, in spite of parental efforts to prevent it, their child's name and their name is published for all to see. This is done even though appropriate intervention was repeatedly denied by the care system that was suppose to be there to help them. The public shame of their child's heart disease would increase.

A child with heart disease is not apt to commit a crime without treatment--he is apt to die. A

brain disease is also life threatening without appropriate treatment. There is also the possibility the child may commit some kind of crime along the way. This occurs, not because the child is bad, but because a child with a brain disorder has a diseased organ of decision, reason, and judgement. It is not uncommon for these children to end up in the juvenile justice system because their parents have been unable to find, and therefore they have not received, appropriate treatment for their disease.

Children and adults with brain disorders are good people, but their brains are diseased. They are often incapable of making the distinction between right and wrong or unable to understand consequences--no matter how hard they try to stay on track, and their parents try to teach them right from wrong.

We are good parents with good children. We begged for help for years without getting any--instead we were offered blame and the runaround. That would not happen if our child had heart disease, leukemia, CP, or diabetes. We did everything we could, only to be repeatedly told, "you have to wait until he commits a crime first." Our children do not want to commit a crime, and as parents, we go above and beyond the call of duty to prevent it. But there are times their brains would explode and he or she would run away trying to get away from the pain in their brain and end up doing something wrong because of it. To prevent them from committing a crime, and as a last resort, we finally hospitalized them out of state--six months for one and two years for the other. If they had committed a crime and our child's name and ours would have been published, it would not have served as a detriment, nor would it have brought about intervention. Instead our child, and we, would have been further ostracized and blamed, publicly humiliated and our lives would have been further destroyed. No one would have cared to help us. It would have brought punishment rather than treatment. It would have violated our right to privacy concerning our child's disease.

Being ostracized only isolates more and accentuates the possibility of more negative activities. It only adds more pain and suffering to an already painful, devastating, misunderstood disease. What is needed is a process of appropriate intervention and treatment that seeks to restore dignity. My children are adults now. HB 6 will not affect us, but it will adversely affect all children with brain disorders and their parents. It will unjustly punish them for having a disease of their brain. Disclosure of arrest is not evidence that a crime has even been committed. Often times it is the first clue that a child even has a brain disorder and becomes an opportunity for intervention and treatment.

Another point I wish to make. In 1991, we discovered that our son was in the early stages of self medicating his brain disorder with marijuana. He was 15 at the time. We sought professional early intervention from several agencies in Juneau, as well as the school. No one would help us, but they were willing to give us advice. With that advice, we approached our son with love and concern to address the issue of his substance abuse. He was calm at the time. Just as we said, "We love you, we need to talk to you, we need you to listen," he pulled a knife on us. Upon further advisement, we were told to have him arrested, which we did. He was arrested for felony assault III. He was never adjudicated, but was put on informal probation. As a result, we were finally able to get him down to Seattle for a thorough Neuropsychological exam--

something we had tried to do for years but had not been able to accomplish before. HB 6 would have prevented us from calling the police to have him arrested as a means to get the much needed help we were seeking. It would prevent other parents from doing the same today. Sadly, it would not have come to a situation of us needing to have our son arrested if the service system had intervened when we had pleaded for them to earlier.

My testimony reflects not only my reality. It also reflects a painful reality shared by more people than you realize throughout Alaska. There is a universal fear among parents of children of brain disorders that the prison system and court system will become the treatment their child receives, rather than appropriate early intervention and treatment that can, in many cases, result in a vulnerable, fragile child growing up to be a productive and respected member of society. Please don't further diminish the lives of many caring and loving Alaskan parents and their children, who live daily with a no fault illness for which they will receive further blame and humiliation by disclosing their names publicly.

Thank you for listening and consideration.



**ALASKA CHAPTER**

NATIONAL ASSOCIATION OF SOCIAL WORKERS  
ALASKA CHAPTER

525 Main Street, Juneau AK 99801  
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Testimony Regarding

CSHB 6(Jud): RELEASE OF INFORMATION ABOUT MINORS

Before the  
FINANCE COMMITTEE  
ALASKA HOUSE OF REPRESENTATIVES  
March 6, 1997

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



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**The cost of this measure to the State of Alaska is over \$1 million annually.** Federal law requires that states which receive Title IV-E (foster care) funds keep confidential the names of all juveniles in their jurisdiction. Costs to separate the records of CINA and delinquent youth, additional staffing needed to operate the new system, as well as the annual loss of \$700,000 (the amount spent each year for foster placements for youthful offenders) is money better spent on prevention programs which have a real chance of significantly lowering the cost of juvenile crime.

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- **1,900 Alaskan adolescents are homeless annually** (Alaska DHSS).

**NASW supports a balanced and restorative approach to juvenile justice.** Restorative justice, a fairly new philosophical framework for dealing with juvenile crime, identifies crime as harm done to both victims and the community. It prioritizes restoration as a goal of the justice process. Through efforts to mend and strengthen the social fabric of communities, it is more concerned with "making things right" than with fixing blame or meting punishment. Dramatically different from retributive justice - the prevailing system which concentrates on legal infringement, penalties, and deterrence - restorative justice is nevertheless a powerful tool for addressing crime in an effective way.

The problem of juvenile crime and the factors that are at work in causing it are complex, and troubling to the community. NASW supports a comprehensive, balanced and restorative approach to juvenile justice - one that promotes public safety, holds offenders accountable to victims, and provides competency development and socialization for offenders so they can reintegrate into society and become productive Alaskans. We recommend community-based programs of restorative justice, especially the development of community response groups charged with responsibility for confronting juvenile offenders in their neighborhoods. We urge the state to promote a variety of ongoing prevention measures such as recreational and civic opportunities for youth and their families. Breaching the confidentiality of minors will not get us where we want to go, and could in fact seriously backfire on us, creating criminals where now none exist.

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

Thank you for giving me the opportunity to testify today on HB 6.

Under current law, all juvenile records are confidential. As I understand it, HB 6 would dramatically change this. As a citizen and member of the Juneau community, a parent of two young children, and professional who on occasion works with troubled youth and their families, I am concerned that HB 6 goes too far.

HB 6 requires the state to publish the names of juveniles who are being prosecuted for certain felony offenses. Included are all of the dangerous felonies such as assault, sexual assault, sexual abuse of a minor, and arson. From a public safety standpoint, it is understandable that the legislature thinks the public should know about these offenses particularly if there is a significant possibility that a juvenile may re-offend. Has the legislature in drafting HB 6 actually looked at how many youth that commit dangerous felony's re-offend?

Included in the felony offenses are burglaries and drug offenses, which I believe often may be one time errors which our youth may make. Often times these offenses are committed with a group of friends. Has the legislature looked at how many of these youthful offenders go on to re-offend?

Public identification of youthful offenders will increase community visibility and most likely will increase social sanctions and shunning of youth who have been identified. It also will most likely limit positive opportunities for these youth such as employment, military service, and educational opportunities. Making it more difficult for youth to engage in positive activities appears to me to be very unwise. If our youth who have already violated our laws find that they have less opportunity to engage in socially acceptable activities, we will most likely see an increase in juvenile delinquency as a result of public disclosure for the lessor serious juvenile offenses. Thus by not differentiating those youth who have committed felonies who are less likely to re-offend and whose offenses are of a lessor threat to community safety from those youth who are more likely to re-offend and offenses make our community a less safe place to live, HB 6 may actually make our communities less safe rather than promoting greater community safety.

Finally, I am concerned about the financial cost to the State. I understand

that public disclosure of Juvenile records would put the State out of step with the Federal Government, and that as a result the State stands to lose Federal funds. I also understand that State Departments may have to reorganize or reconfigure as a result of HB 6 which would result in greater administrative costs. Finally, if we see an increase in juvenile offenses as a result of SB 6 I would anticipate increased demands upon law enforcement and court systems.

Again, I would like to thank you for giving me the opportunity to testify today on HB 6. I would be happy to answer any questions which you may have regarding my testimony.

## State by State Summary Public Disclosure of Juvenile Records

The National Center for Juvenile Justice (NCJJ) conducted a search of all state statutes to identify under what conditions juvenile delinquency records are made available to the general public. This research found twenty-eight states release specified information from juvenile court records and nine states allow limited access to informal diversion information to specified groups. NCJJ's review of the statutes found that no state currently authorizes release of informal diversion information to the general public.

Juvenile Court Records disclosure to the public is authorized by state statute as follows:

|    | Disclosure<br>Mandatory | Disclosure<br>Permissive | Rel/Selected<br>Ct. Records | Rel/Selected<br>Offender Info | Offense<br>restriction** | Minim.<br>Age | Release Point<br>Not Stated | Release When<br>Petitioned | Release Following<br>Adjudication |
|----|-------------------------|--------------------------|-----------------------------|-------------------------------|--------------------------|---------------|-----------------------------|----------------------------|-----------------------------------|
| CO | X                       |                          |                             | X                             | B,E,H                    | None          |                             |                            | X                                 |
| DE | X                       |                          | X                           |                               | B,I                      | 13            | X                           |                            |                                   |
| GA | X                       |                          | X                           |                               | B,E,I                    | None          |                             |                            | X                                 |
| ID | X                       |                          | X                           |                               | A                        | None          |                             | X                          |                                   |
| IL | X                       |                          |                             | X                             | B,D                      | 13            |                             |                            | X                                 |
| IN | X                       |                          | X                           |                               | B,C                      | None          |                             | X                          |                                   |
| IA | X                       |                          | X                           |                               | A                        | None          | X                           |                            |                                   |
| KS | X                       |                          | X                           |                               | C                        | None          | X                           |                            |                                   |
| LA |                         | X                        |                             | X                             | F                        | None          |                             | X-following PC             |                                   |
| ME | X                       |                          | X                           |                               | B,E,I                    | None          |                             | X                          |                                   |
| MA | X                       |                          | X                           | X                             | G,H                      | None          |                             | X-following indictment     |                                   |
| MI | X                       |                          | X                           |                               | A                        | None          | X                           |                            |                                   |
| MS | X                       |                          |                             | X                             | F                        | None          | X                           |                            |                                   |
| MO | X                       |                          | X                           |                               | B                        | None          |                             |                            | X                                 |
| NE |                         | X                        | X                           |                               | A                        | None          | X                           |                            |                                   |
| NJ | X                       |                          |                             | X                             | B                        | None          |                             | X-w/arrest warrant         | X                                 |
| ND |                         | X                        |                             | X                             | F                        | None          |                             |                            | X                                 |
| OK | X                       |                          | X                           |                               | B,E,F,H                  | None          |                             | X                          |                                   |
| OR | X                       |                          | X                           | X                             | A                        | None          | X                           |                            |                                   |
| RI | X                       |                          |                             | X                             | H                        | None          |                             |                            | Waiver/Adult                      |
| SC | X                       |                          |                             | X                             | B,H                      | None          |                             |                            | X                                 |
| TN | X                       |                          | X                           |                               | D                        | 14            | X                           |                            |                                   |
| UT |                         | X                        | X                           |                               | D                        | 16            |                             | X                          |                                   |
| VA | X                       |                          | X                           |                               | D                        | 14            | X                           |                            |                                   |
| WA | X                       |                          | X                           |                               | A                        | None          | X                           |                            |                                   |
| WV | X                       |                          | X                           |                               | H                        | None          |                             |                            | Waived/Adult                      |
| WI | X                       |                          | X                           |                               | F                        | None          |                             |                            | X                                 |
| WY |                         | X                        | X                           |                               | J                        | None          | X                           |                            |                                   |

- \*\*A. no restrictions  
 B. specified misdemeanor or felony  
 C. any offense, specified age  
 D. specified felony, specified age

- E. Any offense, w/prior adjudication(s)  
 F. specified felony, w/prior adjudication(s)  
 G. specified age, w/prior adjudications,  
 specified offense

- H. waiver case  
 I. hearings designated as open to the public  
 J. court finding to deter re-offense or protect public