

ALASKA LEGISLATURE COMMITTEE FILES 1987-1988 8672

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I appreciate your taking the time out of your busy campaign schedule to review this information. I look forward to your thoughtful consideration of my request and plan on contacting you again during the early days of your administration.

Good luck on the campaign trail.

Sincerely,



Representative Virginia Collins

Enclosure

cc: All State Legislators  
Public Hearing Attendees:  
Sharon Nahoney  
Janice Lienhart  
Karen Heiman  
Joyce Walter  
Lorri Boe  
Tom Benson  
Gladys Thompson  
John Liska  
Mr. & Mrs. William Cathers  
Bob Griswold  
Dick Illias  
Loyd Walter  
John Sivertsen  
C. Sivertsen  
Julie Taus  
Diana Bement  
Sue Harris  
Catherine Stadem  
Rob Wood  
Elizabeth Kennedy  
Sally Mead  
Jeanne Winjum  
Sande Csaszar  
Maggie Mulhand  
Helen Ormsby  
Brunhilde Eska  
Laurie Anderson  
Thelma Langden  
Charles Richner

Mr. & Mrs. James Troy  
Mary Spellens  
F. Millett  
John M. Dahlen  
Tom Barth  
Sandy Ringstead  
Joy Daniels  
Ella Craig  
Rob Walton  
Frances Miles  
Mrs. Doran Cosby  
Andrew Lunn  
June Maco  
Bill Quinn  
Linda Radspinner  
Joyce Settler  
Robert Sutter  
Robert Cole  
Mark Riehle  
Thel Davis  
Rosalie Nadem  
S. Keane  
Alicia Iden  
Lisa McLernan  
Brent Gazaway  
Janet Kowalski  
Jeanne Johnson  
Marj Hall  
Bruce Melzer  
Cecelia Kleinkauf

CHILD PROTECTION LAWS  
Public Meeting  
September 23, 1986

REPRESENTATIVE VIRGINIA COLLINS opened the public meeting by explaining that during the last two years, she has received a considerable amount of information and complaints about a number of departments. Of all the complaints she has received, most of them seem to focus on child protection laws and problems associated with them. Common among complaints from constituents have been charges that our child protection laws become too involved in families, take children away from the home and disrupt the family and, on the other hand, child protection laws do not allow children to be removed from their families and are kept in situations where they're abused over and over. After looking at all the information, Representative Collins questioned if the State Child Protection Laws are meeting the public's expectations and legislative intent. She went on to question whether DFYS had been given a charge that they cannot meet. She stated she called this meeting with the assistance of DFYS for the purpose of obtaining general public input on the problems confronting Alaskan families and how the system is dealing with them.

PAT KENNEDY, Attorney General's office, provided an overview of the child protection laws. There are several instances in which the State is allowed to intervene in the family in terms of child protection. They include some of the following:

1. When a child is evading the custody of the parent, a runaway.
2. When the child is abandoned by the parents, throw aways or castaways.
3. When the children have no one capable of caring for them, perhaps when a parent is incarcerated, placed in API, or for some other reason disabled.
4. When there is physical abuse either created by the parent or by conditions created by the parent.

5. When there is sexual abuse, either of that child or substantial risk that that child will be endangered from sexual abuse. Sometimes that means if one child in the family is sexually abused, the rest of the children in the family can be taken into custody on the grounds that they might become sexually abused.
6. When a child is not receiving medical care which is necessary for its health or safety.
7. When a child is in danger in some way such as, suffering from neglect, psychological abuse, emotional abuse, etc.

Ms. Kennedy went on to explain that when they take physical custody of a child away from a parent they are required to file a petition in court within 12 hours of taking custody and to go into court within 48 hours of that time to appear before the court and show cause why they should be allowed to continue that custody. The one exception is runaways because since runaways tend to run away for a variety of reasons, some of which are good and some of which are bad, they are allowed to take an extra 48 hours to try and get that child placed back into the family without attempting to go to court to tell them why they need to take physical custody.

There is a right to have an attorney for every parent involved in a child custody proceeding. They may request an attorney be appointed to represent them if they cannot afford one.

In Title 47.17, there was a mandatory guardian ad litem statute passed. If a child has been physically abused, sexually abused, or neglected, that child is entitled to its own guardian ad litem, a person appointed by the court separate from the Department of Health and Social Services and the Public Defender's Office. That person speaks for the best interest of the child.

The court has the authority to do one of three things: (1) keep the child in physical custody up to two years; (2) release the child to a parent, guardian or other person with or without supervision; or (3) terminate parental rights. In order to do that, the state must advise the court and give everybody notice.

The most complaints that she hears from parents are about the runaways because parents say that the state

encourages runaways by taking them in. The Department of Health and Social Services has two charges by statute. One of them is to reunite families but the other one is to make sure the children are safe. If a child is on the streets, it is not safe.

SUE HARRIS, Division of Family and Youth Services gave a brief overview of the services and responsibilities that the Division's Social Workers have. Her Division is responsible to investigate all cases of abused or neglected children and take whatever action is necessary to protect those children. It may be crisis intervention, providing services to the child in the home, or it may be necessary to involve the court and petition for custody to place the child outside the home while they're working with the family so changes can occur so the child can be returned safely. If the child is in immediate danger, then the Social Worker can take immediate custody and follow up with a petition to the court.

Ms. Harris outlined the broad range of duties and responsibilities that confront her Division and Social Workers. Due to their shortage of clerical staff, Social Workers have to do much of their own typing, filing, filling out invoices, etc, which takes their time away from case work. In December of 1985, they opened 140 new child protection cases as compared to 93 cases in December of 1984. In April of this year, they opened 279 new child protection cases compared to 144 the previous April. The number of court cases has also increased proportionately and that is indicative of the number of severe abuse and neglect situations that are reported. Those cases have increased 35% over last year and 65% over 1984. As an example, during the first half of September of this year, they filed 33 new cases with the court as compared to 18 for the full month of September last year. Altogether, they have just over 3,000 open child protection cases in the Anchorage office, approximately 500 licensed facilities, and about 250 adult protection cases, for a total of a little more than 3800 individuals or facilities that they are responsible for in Anchorage. They have two positions that are responsible for taking all of the reports, providing information and referral, crisis intervention with runaways, and out of town support services for youngsters from other areas of the state that are in custody. After hours, they have two workers who are responsible for any emergency coverage between

4:30 p.m. and 8:00 a.m. and 24 hours a day weekends and holidays. They currently have 11 Social Worker positions vacant in the Anchorage office.

One of the problems in Anchorage is that although budget deficits are distributed state-wide, any personnel deficits end up having to be taken out of the Anchorage office. There is an over-extension of supervisors as well as the staff. Each of the Anchorage supervisors is responsible for 9 to 11 staff as compared to the national standard of 1 to 5 for child protection ratios. The staff pressures are enormous. A wrong judgment can mean permanent damage or death of a child.

REPRESENTATIVE COLLINS opened the meeting to public comment.

JANICE <sup>L. COLLINS</sup> SIEBART, Victims, testified that her parents were murdered a year and a half ago by a 15 year old girl. Ms. Siebart is very concerned that youngsters are not held accountable. Juveniles think they can kill people and, at the most, get sent to McLaughlin and get out when they're 20. Per the Alaska Supreme Court Statute, the police are not allowed to fingerprint or photograph young people. Yet, over 50% of our burglaries are done by people under 18. When youngsters get into the felonious phase, they have to be accountable.

The Alaska Statute also excludes the public from children's hearings, but when a person does this type of crime, it's very important for the victim to know what's going on and it is equally important for those young people to have to face up to the people they hurt. When our protection doesn't help us and it doesn't help them, it isn't working. Somehow, our laws need to be made so we can have the same rights as the criminal but our justice system somehow gets out of balance in these areas.

She would like to see Alaska have a central runaway screening place. If a runaway child could immediately be counseled with the family, this would really have a positive effect but it's impossible for the Department to do that. If a private group could get together with businessmen, it's a community problem that deserves our support. It would protect the public as well as the young people.

LORRI BOE explained the problems she's having with reporting sexual abuse of her four year old son. He's had to repeat his story to DFYS, to a private therapist, to a court appointed investigating therapist, to the Anchorage Police Department, to DFYS again, and he's still seeing a private therapist. She asked why he has to go through so much, repeat the same thing over and over, and no one will believe him.

PAT KENNEDY, Attorney General's office, responded that when there is sexual or physical abuse, two cases tend to run parallel, a civil case and a criminal case. It's confusing and suggested Ms. Boe should speak with a lawyer about the different kinds of evidence.

LORRI BOE also asked why it has to be such a lengthy process and have so many steps. It took nine months for Anchorage Police Department or anybody to understand.

SALLY MEAD testified that she works with a community based group that is involved in the delivery of services in cases of child abuse and neglect. She stated that there is a tremendous need and that, traditionally, services have been limited. That's part of what is contributing to the problem. She discussed the idea of a continuum of services including not only DFYS, Department of Law or the Police Department, but also provide provision for treatment kinds of services to these families. We need to look at the continuum as a whole; prenatal care for children, pregnant teens, runaway population, life skills, removing children from abusive homes and helping their parents. When we look at just pieces of it, we tend to break up the service delivery system and not have an impact on the whole problem. This is reflected in funding when, as an example, choices are made between child protection or day care assistance. She recommended that we need to look more at comparing services for children to other major areas, i.e., hydroelectric projects, and our priorities need to be looked at on those levels.

She offered a report that was produced through the Municipal Child Abuse Task Force that met over a year and a half period. This report was produced by a committee that was looking at the continuum of services in Anchorage. In terms of actually meeting the need that presently exists in Anchorage, it outlines what it

would take in terms of staff and money to meet the total need.

JOHN LISKA testified that he feels that Social Workers must be open minded in the problems that come before them. He fully recommends that all Social Workers be licensed. Abuse should be more specifically defined in Title 47. The Title should be revised to include what the parents' rights are and what the children's rights are. There should never be a cloud of doubt held over honorable parents that are trying to raise their children right.

He also explained the original intent of the runaway children's bill. He recommended that the legislature screen things out and get to the bottom of the problem before more parents are damaged and it's not their fault.

WILLIAM CATHERS testified that he has a daughter who is "playing the system." She decided that she didn't want to stay with her parents because they were "too rigid" because they made sure she obeyed the rules of the home which were very modest. The state now has temporary custody of their daughter and during that time, they have not received any support from Health & Social Services; in fact, they have worked against them. He doesn't feel that Health & Social Services knows where is daughter is at all times. During the time she was in their home, they knew where she was. He stated that there is a severe problem in our system and it must be dealt with very quickly because the kids have a support group out there that tells them, "I did it this way, here's how you do it." Health and Social Services, as well as the Attorney General's office, "pounce" onto a situation where a child can speak. A child that cannot speak if they have a problem within their home, ends up back in the home to the tune of more abuse.

BOB GRISWOLD, Director of Alaska Children's Services, which provides residential services for children who are brought into state custody, testified that until we find some ways to meet the needs of children in the State of Alaska, we're not in a position to criticize very greatly the Department of Social Services. We are in the face of an epidemic we ought not to have been surprised about. We know enough about the dynamics of

families to know that when the stresses go up, and certainly they go up in economic downturns, then we'll get a lot more cases of abuse. We need to get a shift in the psychology in the legislature in Alaska to where we understand that when economic downturns occur, some programs have to be funded more heavily. He also mentioned that we need a commitment to standards: caseload standards, supervision standards, foster care support standards, residential facility standards, etc. All these standards need to be set and a commitment from the state to follow through on those regardless of what the economic situation is. There has to be a commitment to certain levels of care for children.

LOYD WALTER testified that he feels Social Workers are not doing a proper job. They are separating children from their families and doing it on the basis of the word of willful children. There are cases of abuse that need to be taken care of but they are not looking into these cases properly. They're not following the law as he understands it. It seems to him the Department presumes to impose a type of social order that he doesn't believe is even suggested in the law or is normal to the average citizen. He knows of five different cases where children are not being looked after. He explained how his step-daughter was taken from the home on her complaint that she had been abused. They did not investigate what had happened beyond the child's word for four months. They destroyed a home that could have taken care of this child. He knows four other similar cases and thinks something needs to be done. The law is basically good but it's the application and misdirection by the Department that needs to be fixed.

JOHN SIVERTSEN, attorney, testified that child abuse is the most rarely discovered of crimes and among the least likely to be prosecuted. The survivors of child abuse grow up to inflict society with juvenile crime, drug and alcohol abuse, juvenile prostitution, and even suicide. The situation cannot be remedied until we take a candid look at the problem. First, child abuse cuts across all social, economic, cultural and ethnic lines. Child abusers are not all sick people who require treatment. They probably fall into three categories: (1) parents who are simply inadequate; those who have not learned how to be parents; (2) parents who are, in fact, mentally ill; those whose mental disorders prevent them

from reaching minimal standards of parenting skills; (3) parents who are "evil," who sexually and physically exploit their children for profit and/or pleasure. Finally, child abuse is a crime. It may be a social problem or a mental disorder or a family dysfunction, but it's always a crime. We must stop tolerating these sorts of crimes. There are changes which could be implemented relatively immediately and would not cost an excessive amount of money.

All reported cases of child abuse should be investigated by professionals trained in fact-finding. It's time for Social Workers to learn some of the skills of a criminal investigator. Attorneys representing the government agencies must similarly be trained as prosecutors.

The current system of using the same Social Worker for simultaneously protecting the interest of the child and rehabilitating the parents must be replaced by separate teams. If needed, legislation must be changed.

A child in danger must be protected. Only when the safety of the child is assured can we begin the process of working with the abuser. This could mean removal of the abusive parent from the home and not the removal of the child.

Children have a short life as a child. We can no longer permit the endless cycle of removal, so-called rehabilitation, return to the family, continued abuse, removal, and more rehabilitation, and so on. This process goes on right now until the child either grows up or the parent commits a more serious assault on the child.

We must impose standards of parenting.

Confidentiality of child abuse proceedings must end. All must be held to strict standards and given a chance to reform.

Social Workers should be psychologically screened as are policemen.

We must know our resources and establish amount of tolerance; all people cannot be changed.

THELMA LANGDEN part-time Project Coordinator for the Child and Family Advocacy Project, a special program of Alaska Children's Services located in Anchorage, testified about her concerns that children and families have no one who is an advocate for them nor do they have an ombudsman to whom they can turn who is specifically assigned to be concerned with their problems. The Department of Health and Social Services does not see their role as that of an advocate. The only way they become an advocate is when something occurs as serious as the current situation of child neglect and abuse cases soaring in the last 8-1/2 months. She also pointed out that in the child abuse and neglect report to the Governor in September 1984, the Department of Health and Social Services pointed out very clearly the problems they were experiencing in serving the increased number of cases and the need for additional well-trained staff to respond to the increased need for services. Again, in an addendum to the report in January 1985, it was clearly stated the need for additional staff; 39 additional Social Workers were needed. The Governor's budget request was for 13-1/2 additional Social Workers. This staff increase was based on 50 clients per Social Worker. The recommended standards by the Child Welfare League of America is 20 families per worker; the American Humane Society recommends 20 to 25 child protection cases per worker, so it seems that our case workers in Alaska are expected to carry a very heavy, if not impossible, load.

Another area of concern to her is the preparation of the state budget. Each department prepares and submits to the Governor their budget for the upcoming year. When she served on the State Board of Education, they had the opportunity of reviewing that budget before it went to the Governor but for the interested citizen of the state, the opportunity to review the budgets of the various departments is not possible until very late in the budget preparation process. This past legislative session, the public teleconference held very late in the session on May 4, demonstrated that the public does want to be apprised early on as to the philosophy behind budget decisions and the rationale for cuts to some programs but not others. She feels that Alaskans do not know for sure what the commitment of the Executive and the Legislative branches are to the well-being of children and families. In 1972 an Office of Child Advocacy was created by statute to serve as an advocate of children and families. In 1977, the Legislature chose not to fund the Office so,

consequently, it ceased to function although the statute is still on the books.

She concluded by saying that she is very concerned about the total well-being of Alaskan families and asking what the state's commitment is to our families and children. How do concerned citizens and those involved in caring for troubled children and families get their message across to the appropriate decision-makers.

MARY SPELLENS testified that she is the adopted mother of a child who was severely abused in early infancy. She adopted through DFYS. She stated that she does not believe that DFYS under the way it is currently functioning, should be allowed to place children for adoption. When her child's behavior began to break down very severely, she took him to DFYS since she had adopted him with a subsidy for emotional disturbance and felt they were the logical people to go to for help. She got a very serious diagnosis from DFYS and at that point, the only way out seemed to be residential treatment. Her experience with DFYS was so intolerable that she would not like to see an innocent person put through what she was put through. She felt she was tormented and lied to by them. She returned a call to DFYS on a Friday morning and they said, "We're tired of screwing around with you. We're coming to take that kid away." They were going to take him on Monday morning at 9:00 against her will into a treatment facility that neither his therapist nor she thought would do him any good. She had spent her money over the summer on extra help for her child so by the end of the summer, he was doing pretty well and did not need a residential facility. It turned out, through her contacting lawyers, that they "cannot just come in take your kid." If she hadn't contacted everyone she knew who could help, she could have lost her child. She summarized by saying that her child still has no help; she has a terrible diagnosis and nothing is being done for him; and as far as she can see, nothing will be done unless we get this program called Kaleidoscope because, according to DFYS, although what he needs is relatively simply compared to the \$55,000 a year treatment facility they want to put him into, there's no way to organize it to get it for him. They just can't do anything about it. When Kaleidoscope comes along, that is a program that is supposed to organize services specifically directed at a child. Meanwhile,

without that, she says anybody who adopts a child from the state of Alaska had better have a real deep pocket for lawyers.

THEL DAVIS, Executive Director/Program Director from the Alaska Coalition to Prevent Shoplifting, and Director of the Juvenile Anti-Shoplifting Program, and retired school principal, said that there are three agencies that she would like to commend on the mammoth job that they do: DFYS, Alaska Youth Advocates, and Alaska Juvenile Crime Commission. She commented on what she hears the juveniles telling her what the problem is. They have indicated that when they sense abuse or perceive that there is abuse in their family, they have no safe haven to go to -- no non-threatening place where they and their families can go before the anger reaches the crisis stage. For instance, if a father and a son are having problems talking to each other, before it becomes a real crisis and abuse takes place, there needs to be a safe haven during the daytime where the children can go. This safe haven should not be called any threatening name, it should not have any police or legality connected with it, but it should be a social service center where the child and his/her parents can go and have an opportunity to talk. She feels that there does need to be a runaway shelter that is not threatening.

GLADYS THOMPSON, Social Worker, testified about her concerns with a number of issues. Child protection laws do not protect as long as there is no law in this state which makes running away illegal. Other states do have laws making running away illegal. Alaska seems to be hung up on it being against a person's civil rights to detain him unless he has been adjudged to have committed an illegal act or unless he is in danger to himself or others. It does not address the need for protection of these individuals. Juvenile is defined as psychologically, physiologically, and intellectually immature. It does not address the danger to him from others because of this psychological, physiological and intellectual immaturity. It is time the law be changed. A runaway is frequently an unhappy, emotionally upset, dependent juvenile who is possibly also physically or sexually abused. The juvenile also may be a school dropout or well on the road to becoming one. Often the parents are frantic having tried every avenue available to them, including psychiatric

counseling for the juvenile and the family. But a person who is on the run cannot be treated. He can just run, hide, lie, get sick, and not get proper medical care when he needs it. Sometimes he is lucky and finds one of a string of safe havens on a very temporary basis and he gets some care. Meanwhile, the police have been alerted to the child being missing as parents, friends, and relatives, as well as social service and other agency personnel keep looking for him. When he is found, he may refuse to return home so is placed in an unlocked shelter with caring people who try to reach him. If he is amenable to counseling, half the battle is won. And, if he has a loving, cooperative family, the rehabilitation of the juvenile may work. If he comes to the attention of DHSS, he may be able to be placed in a temporary foster home, a local institution, and receive other services that an agency can provide at a given time but many children and youth cannot be reached in this open environment. They may have come with longstanding and very severe emotional problems. Their families may not be loving and supportive and the youth may have become verbally and physically aggressive as a result. They need time and so do their families in order to heal the emotional wounds with treatment and specialized school programs. In order to do these things, a juvenile must be in a situation he cannot run from. In her opinion, this could be called a prevention rehab center. A facility for dependent and neglected children which would contain locked quiet rooms for temporary isolation when a juvenile becomes overwrought and unmanageable is desperately needed. It could use many of the services now offered at McLaughlin. Prevention is needed so our dependent and neglected children can be treated at least as well as those who have broken the law.

DFYS needs many things: an increased and outgoing visible public effort to obtain new foster parents and the training which these parents receive should be at least modeled on the ways the Youth Services Department trains their foster parents because they can seemingly deal with many more anti-social and aggressively acting out children. They need many more trained Social Workers with lower caseloads, many more trained supervisors, and much more clerical support. At the present time, the Department does not need decentralization at a time when there is understaffing and an austerity program in place. When the size of the staff is sufficient to do intakes, sexual and physical abuse, permanency planning, and ongoing family

case work, then, the agency could definitely go back to some type of home-based program which they have had and was quite successful. Another problem is when things like TASC get unfunded. Even when it was funded, dependent neglected children could not be taken care of there. The only children that were screened there were children who had committed crimes. Therefore, if you suspected that a child was getting into this sort of thing, a parent would have to take the child to a hospital or some other medical facility that was doing UA's.

MARJ HALL, Alaska Juvenile Crime Commission, testified that the primary problem they see is the runaway population. About a year ago, John Walsh, the father of Adam Walsh, was invited to Anchorage to make the problems of children visible and to discuss these problems with the legislature and, at that time, they did get a lot of visibility with the legislature. They looked at a lot of child protection legislation; some of which passed and some of which did not. Some inroads were made but unfortunately, the problems seem to be outrunning the solutions in virtually every field of juvenile problems. John Walsh will be coming back in October to again address the problems of runaways and what happens to our kids and why Anchorage, Alaska, needs to look at this problem not only from the standpoint of protecting children and the runaways but from the standpoint of protecting the public against what happens to runaways when they become street people. According to their research, Anchorage has four times more runaways than the average city of the same size nationally. According to the last survey on drugs in schools in Anchorage, 34% of our juveniles graduating indicated that they had had some use of cocaine. The national average that same year was 12%. Many of the kids that they get fall through the cracks, there's not even a place that they fit into. Because Social Services a lot of times must prioritize those kids that they think they can help, a lot of the other kids that are much farther down the road and much more trouble to society kind of fall through the system until they have committed enough crimes to get involved with McLaughlin or probation.

She hears from a lot of people that we don't have the money to take care of this problem; however, if our roads fall apart, if our libraries fall down, it's not going to make any difference if we haven't solved the

problems of the children at this state. We must look at what our assets and funds are and we must prioritize those funds based on what our real needs are. Our real need in Anchorage is to take care of the problem of drug-addicted, runaway street kids, of exploited and abused children because if we don't, we have nothing left.

REPRESENTATIVE PHILLIPS agreed that we need to make children our priority but the practical problem with the legislature is the concentration. As soon as something gets passed, the legislature gets distracted by other pressing issues.

THOMAS BARTH testified about his problems with DFYS and their failure to check into the living conditions and care of his daughter. They did not thoroughly investigate with individuals as they were court ordered, and they have not provided the medical attention as the court has ordered. He feels there is no check and balance in our current system. There are no follow-ups on complaints though he has supplied the DFYS with names and phone number. They protect the system, not our children.

REPRESENTATIVE COLLINS asked Pat Kennedy of the Attorney General's Office to explain the juvenile confidentiality law.

PAT KENNEDY provided a brief explanation of the confidentiality law. There are two or three parts to it. One is in 47.10 which is the Child In Need of Aid statute, and requires that anytime a child is under the age of 18 and has a court case, all persons to that case are required to keep that case confidential. If the child is a delinquent, at the age of 18 or 19 or whenever they leave the system, that record is sealed and is only open for good cause shown. All parties to a children's proceeding, and that would include the Attorney General's office, the Department of Health and Social Services, the guardian ad litem, and anyone else, are bound by the confidentiality statutes not to talk to someone who is not a party to that action about any part of that action. We can talk about how the process normally works but cannot talk about the facts of the case or about where the case is in the process.

47.17, the reporting statute, does allow release of information to other governmental agencies which have a child protective function, that is, release to police officers, S.I.D., people like that but, in general, they cannot talk even to legislators. However, the child himself has the ability to release information and since there is in most cases in Anchorage at least, a public guardian appointed to represent that child's best interest, it may be possible if that guardian on behalf of the child, waived the confidentiality requirement for the child to a particular person to release some information. To the best of her knowledge, that doesn't happen very often.

CHARLES RICHNER testified that most of the public is not aware that any child, at any time, in any way they want to, can refuse to go to their home. Most people think that if they go to the police and things are alright, the child will come home but that is not the case. A child can stay away from home for no reason for as long as they desire and the state will not only allow it, but will support it. Unless this is changed, he thinks we're fighting an uphill battle in dealing with runaways and children that are having problems with their families. There is no incentive for them to return home.

He also commented that the standards of abuse are treated differently in the private sector and in the public sector. He knows of a person who was charged with two counts of child abuse for having two children with him in a vehicle when they were caught DUI. A measurable risk to the children, there's no doubt about that; however, I think we're throwing our net a little bit wide. In the same state and in the same city, a foster home is providing a place for a 15 year old to smoke. When objection was raised to the court, it was completely ignored. He feels there is significant risk in both instances and if you're going to do one, you must do the other.

He said that although there is talk of a lack of funds, some of the funds are not being spent very wisely. In particular, the clothing allowance for children. His family was available to provide clothing; they gave all the clothing that was at the house for their 15 year old daughter to the foster home but, yet, the minute she was taken into state care, several hundred dollars in the form of a voucher was given to her for her to go

spend in whatever store she chose for clothes. This money could have been used for a much better purpose.

In his case, all parties involved agreed that their daughter and family needed help. They went to counseling that afternoon; their daughter didn't make it to counseling until a month later. The parents offered to provide that but were refused. They were told that it had to go through the court and there was no way they could speed things up. He doesn't see where immediate needs are being met. He feels we're falling short on the details and we're getting bogged down with "this is how we interpret the law so we're going to get you."

JANET KOWALSKI, Director of the Abused Women's Aid in Crisis Program which is a domestic violence agency, testified that she's heard a lot of people talk about putting families back together and she offered some suggestions in terms of making it easier for the kids to return home. She addressed the problems of the parents. Currently, this meeting is focusing on DFYS but there is also input from the correctional facilities here in town, the Public Safety Department, the court system and private nonprofit agencies which provide counseling and referral services. One of the things that is frequently overlooked is that the Division's primary mission is to investigate and monitor cases. They do offer treatment through contracts with private nonprofits but the emphasis on prevention and treatment with the Division is minimal. In terms of staffing and their requirements, they simply investigate and monitor and that leaves some pretty big gaps.

Basically, we have two kinds of parents: offending and non-offending. It's all too easy to focus in on the offenders and say we have these child abuse laws, let's get these people into jail. Is the law to protect the kids, to make families safer, or to remove the offending parent from the home. Looking at current presumptive sentencing laws for child abuse, there is absolutely no incentive built in for treatment. People simply serve their time, get out, and come back home, sometimes to re-offend.

When an offender is put in jail, the family is broken up. When the offender comes out of jail, if the family is put back together, they have not been provided with the skills that they need to improve their behavior.

If the value is in keeping families together, the entire system needs to be looked at.

It is very frustrating for her staff, as a shelter, when they deal with the Division because when things are reported, people may be in the shelter only overnight, so even if the Division calls back the next day, they may not be able to locate a family. As children are focused on, she asks that parents also be focused on to be sure they get the support, especially the non-offending parents, so that as we try to make a system that puts children back with their parents that they're simply not going into the same situation they had before the state began to interfere with the family. She'd like to see more support for programs like the Volunteer Guardian Ad Litem Program that OPA is trying to put together. It's a group of concerned people in the community who are meeting on their lunch hours and putting together a program to provide representation for children in court and currently they're using VISTA volunteers and it's not costing anything.

BOB SUTTER testified that he has two daughters that are part of the system. There are two kinds of kids; those that have offending parents and those with non-offending parents. The non-offending parent has a heavy load put on them by the system. One of his daughters has recovered to a large extent from chemical dependency and the other daughter is very much in the problem right now. The system doesn't recognize this child is having a problem. What happens is when these children get into the system, they lie very well and the system says, "oh, you poor little baby." The system needs to find out and recognize chemical dependency and differentiate between a child who is in an abused home and a child who is an abuser. Legislative action is needed as a priority.

CECILIA KLEINKAUF, Chair of the Department of Social Work at the University of Alaska, Anchorage, testified that she feels the issues being dealt with today fall into two categories. One is issues with the laws and the other issue is with the system. She recommends consideration by the legislature of the reactivation of the Children's Code Task Force. She was a member of that Task Force from 1973 to 1975. The charge given to the Task Force, which was jointly appointed by the

legislature and the Governor's office, was to review all the statutes related to children, to recommend revisions, updates, coordination, etc., in those statutes and that was done. It resulted in, at least partially, what is loosely referred to as a children's code. It's time that that is done again.

She feels Alaska needs badly to establish and maintain caseload standards for the people who work at the Division of Family and Youth Services. She advised the Legislature that a couple of other states have mandated those caseload standards now by court order. Alaska certainly faces that potential way to resolve this issue as well and she would like to see us beat the court to the punch. Standards of training and education for the people who go by the title Social Worker desperately need to be established and maintained. Many of the people who use the professional title Social Worker are not trained Social Workers. The State needs to establish and maintain those standards.

REPRESENTATIVE COLLINS stated she felt pretty overwhelmed. She had worked with several people in her district who were having problems with the system and the child protection laws as they are implemented and her reason for calling the meeting was she thought the problem might be greater. She hoped by having this meeting it would bring out some of these concerns. She is going to send a transcript of today's meeting to Governor Sheffield and also to the two individuals who are running for Governor and try to work with them to perhaps establish a Task Force. She wants to look at the whole issue and deal with it as a whole, not on a piecemeal basis. She agreed with those who had stated that it is more important to provide funding to our social service needs than it is to spend on the libraries. One of her concerns is that whenever times get tough, one of the first places that anybody cuts is social services and that was another reason she wanted to have this public meeting. We've cut back in this area as much as we can and already, to a degree, have wound up harming ourselves and the children we try to protect.

REPRESENTATIVE COLLINS concluded the meeting and thanked everyone for coming.

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from the Soviets to take 350 metric tons of tanner crab from Soviet waters, but no permission to

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## Family Services overload is a hardship for all concerned

By Catherine Stadem  
Times Writer

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"We seem to have a schizophrenic approach to these problems," she said. "We either overreact or we don't react enough."

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staffed and overwhelmed by the increasing workload.

"We have so little clerical staff, the social workers often have to do their own typing and filing," she said.

Like a double-edged sword, Alaska's child protection laws and agencies may have the effect of destroying parents' rights while protecting children, some testified. Others argued that children's rights should not be secondary to parents' rights.

Tom Barth, a 45-year-old Anchorage crane operator, described his ongoing struggle with the division over the status of his daughter, whom he claims is being continually abused and sexually exploited by her mother and stepfather.

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ance in our current system," he testified. "There are no follow-ups on complaints. I have supplied the DFYS with names and phone numbers, but they chalk it up as me being unstable. They protect the system — not our children."

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John Sivertsen Jr., an attorney who testified as "a concerned citizen," proposed a 10-point plan to improve the state's child protection system.

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# **CORRECTION**

**THIS DOCUMENT  
HAS BEEN REPHOTOGRAPHED  
TO ASSURE LEGIBILITY**

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Anchorage Times  
7/24/86

display Saturday at the Anchor- and Art. Sixty-seven of the artist's etchings are on loan from Kunstler Haus in Vienna, Austria. They will be on display until Feb. 22.

Times photo by Douglas Van Reeth

## Ball caucus brings big laughs

While the duo, who compose the smallest minority in Senate history, joke about their role in the legislature, it was a bitter pill to swallow when they were first cut out of Senate President Jan Faiks' coalition in December.

"I don't know what their logic was and at this point, I have to settle in and do the best job possible," says Szymanski, a first-term senator who moved up from the House in 1986.

Faiks has declined repeatedly to explain why her 18-member coalition does not include Rodey and Szymanski. "It was a caucus decision," she says.

Some senators have quietly speculated that Rodey was excluded because he was unwilling to cross over and support Sen. Tim Kelly, R-Anchorage, to lead the body at one point during Senate organization.

But there is no explaining Szymanski's position.

"What's new?" Szymanski says, with a shrug of his shoulders.

Despite their outsider status, the two

make the most of their roles as both the verbal — and comical — minority.

"I got any bills you want killed," Szymanski asks a lobbyist hanging around in the Capitol halls. "We'll sponsor them for you."

"That's right, the old kiss of death," Rodey says, referring to the long-standing majority practice of moving minority legislation slowly through the system.

Every morning, Szymanski and Rodey come trudging into the Capitol like two mischievous youths looking for a mud puddle to jump in. Not only are they the entire minority, they're roommates in Juneau.

"It works out great. It's kind of like we're having a caucus meeting 24 hours a day," Szymanski, the minority whip, says. "It's an open meeting, of course."

Minority leader Rodey has his complaints, however.

"He gets this dog before we come down here and it chews up my athletic socks. I expect to be reimbursed," he says.

At which point, Szymanski threatens to  
See Caucus, page A-8

Though budget cuts remain inevitable, legislators have gained new breathing room with contract oil prices now \$7 a barrel higher than they were last July and North Slope production up nearly 100,000 barrels a day.

The result is \$50 million worth of more-than-expected income this fiscal year and up to \$425 million more next year.

These brighter prospects have rendered the chances of a state income tax all but dead this year, House and Senate leaders say.

The oil industry, likewise, is almost certain to get the \$139 million worth of tax breaks due it in fiscal 1988.

Barring a sudden change in fortune, \$213 million worth of frozen state construction funds also will be turned loose, a move that would bring \$24 million to Anchorage.

House Speaker Ben Grussendorf, D-Sitka, said there are enough votes in both legislative bodies to put the capital projects on the street and block an income tax. Though many House members still think it's too early to give tax breaks to the oil industry, Grussendorf said a measure delaying them would land in the Senate "dead on arrival."

Senate Finance Committee Co-Chair Don Bennett, a Fairbanks Republican, cautions that the new sense of optimism in the capital is "speculative" because

See Oil, page A-8

## Studly Box' title

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## Social workers carry twice national average case load

This is the first part of a three-part series.

By Catherine Stadem  
Times Writer 2/8/87

In the past eight years, the number of children in Alaska receiving child welfare protection services has more than doubled while the staff handling those cases has increased only 67 percent.

Alaska social workers carry twice the national average case load.

Critics call the state's child protection system overburdened and ineffective; supporters say social workers are doing the best they can under the circumstances.

As a result of citizen com-



## Protecting our children

plaints, the Division of Family and Youth Services — the agency charged with child protection — will soon be put under a microscope, say two state legislators.

Rep. Virginia Collins, R-Anchorage, and 10 co-sponsors introduced a resolution Jan. 24 proposing the establishment of a

See Child, page A-7.

# Child: Welfare workers said lacking in quality, quantity

Continued from page A-1

Children's Law Task Force. Rick Uehling, R-Anchorage, introduced a like resolution in the Senate Jan. 22.

Last fall, Collins took public testimony in Anchorage about the effectiveness of the child protection division. Dozens of people testified about their encounters with the system. Collins' conclusion: "What we need to do is look at children's services as a whole."

If the task force is formed, all statutes and regulations relating to children will be reviewed, she said. She predicted a several-month study and does not expect changes in the laws until 1988.

Legislators are not the only ones who think "the system" is ripe for change.

According to some child protection workers and observers of the system, change hinges on three things: more social workers, better qualified social workers and more accountability.

In Anchorage, about 23 social workers each handle an average of 146 cases — double the national average — at all times, according to Sue Harris, regional program administrator. There are seven open positions in Anchorage.

Harris, a 12-year division employee who began as a social worker, said her agency's major problem is lack of personnel. "If we had what's reasonable in terms of national standards, we'd have twice as many social workers."

A depressed economy does more than create unemployment, Harris said. "When you have people being laid off, when you have economic hard times, the demand for some kinds of services increases rather than decreases. So you get into a double bind in an agency like ours where you have budget reductions and at the same time have an increase in demand for services."

In the eight-year period from fiscal 1978 to 1986, Alaska's child population increased 25 percent and the number getting child protection services increased by 22 percent. This represents an annual average increase of 28 percent, said Frank Hickey, the division's acting director.

While the division struggled to keep pace with the increase since

1978, its staff increased by only 67 percent, Hickey said. Also, during that period, the division was mandated to serve victims of elder abuse, further increasing their load.

Child neglect is the most prevalent reason for child protection services, Hickey said, accounting for 48 percent of the division's work load. Physical abuse cases account for 21 percent, and sexual abuse cases are about 13 percent.

In fiscal 1987, the Department of Health and Social Services budget is about \$31.3 million, which includes \$12 million from the federal government in matching funds. Of that, the division receives \$3 million. And of that, child protective services receive about \$28.7 million, according to Karen Perdue, assistant commissioner of Health and Social Services.

Others familiar with child protection issues say more personnel will not solve the basic problem.

"We used to have a better quality of social worker who understood the importance of family life," said Wayne Anthony Ross, an attorney in private practice with extensive background in family matters.

A Fairbanks critic of the system, Theresa Favero, president of Victims of Child Abuse Laws (VOCAL), also does not think newer, younger social workers are doing their jobs.

"(Some of) our social workers are very young, have never had children, and the ones I have knowledge of have been abused themselves. They are not dedicated so much as they are crusaders."

Social worker supervisor Dolly Coke, in the Anchorage office, is also concerned about the quality of social workers hired by the agency. However, she said she believes educational deficiencies are the root of the problem. "I think it's essential to have people who have gone through basic social work training," she said.

Not all have.

Coke must hire from a state-approved list, compiled by a merit system which scores applicants based on education and experience. This works well, she said. However, this system has only been in effect for about three years. Before the point system, workers without basic education and training may have been hired.

Under the old system, Coke said, "If you were a 45-year-old minister,

you would probably score higher than someone with a brand new master's in social work." Coke prefers hiring only those with a master's degree in social work, or a minimum bachelor's in social work.

As of November, the division employed 139 social workers throughout the state. Of those, 36 have master's degrees in social work; 11 have bachelor's in social work; 75 have other bachelor's or master's; and eight have only a high school diploma.

Once hired into a social worker position — entry level annual salary is about \$26,500 — the employee is generally there to stay, Collins said. "It's almost impossible to fire anybody once they get into the system," she said. "If someone isn't doing a good job now, there's almost no way to get them out."

Critics say accountability is also lacking.

"They (DFYS) have as much power as the IRS. They can do what they want, when they want," Favero said. She would like an overview panel or review board formed for parents and children to bring their complaints.

However, DFYS regional program administrator Sue Harris said the accountability is in place. Oversight from legislators, the state auditor, and the potential for lawsuits is more than enough, she said.

Marge Hall, executive director of the private non-profit Alaska Juvenile Crime Commission, disagrees. "One of the things definitely needed is a control over the programs, accountability."

Hall envisions a commission of professionals who could review DFYS cases "blind." By that she means without the children's identities revealed, which would avoid the statutory mandate to maintain confidentiality.

It is that need to maintain secrecy that gives child protection workers their power, Hall said. "One of the major problems now with all agencies (concerned with children) is 'urfing,'" she said. "urfing" — refusing to share information — is endemic, she asserted.

Monday the series looks at child sexual abuse and examines the mixed messages families get from the criminal courts and social workers.



Times photo by Kim Fowler

Dolly Coke, supervisor, Division of Family and Youth Services, studying case documents. She says she prefers to hire only those with masters degrees.

# Family, youth agency can't please all the people all the time

By Catherine Stadem  
Times Writer

This is the story of two families whose lives have become entangled with the state's child protection system.

One wants social workers out of its life; the other claims it cannot get the Division of Family and Youth Services to do its job.

Their gripes are typical. It seems that no matter what the Division of Family and Youth Services does or does not do, the agency charged with protecting Alaska's children and families cannot please everyone. The agency is unable to defend itself publicly because of confidentiality rules preventing it from commenting on specific cases.

Maureen Dilley's family was introduced to the state's child protection system about four years ago when one of her children — a 2-year-old daughter — accidentally burned herself with hot water in a bathtub.

"I was under the naive assumption that DFYS would come in and I'd explain," Dilley said. The young mother understood that the hospital where her daughter was treated was obligated to report the child's injury to the state.

Dilley claims the social worker assigned to the case would not listen to her side of the story.

Dilley appeared at a court hearing held to determine if the child had been subjected to abuse. The family had a court-appointed attorney.

"I went to court assuming everything would be fine," she said.

In order not to make waves and to be cooperative with the state apparatus, Dilley agreed to a "treatment plan," which was suggested by DFYS and would entail family counseling. She said she thinks that was her biggest mistake.

"When you agree to a treatment plan, it's like admitting guilt," she said wearily. "Imagine my shock when they told me she was in state custody."

Social workers took the child from the Dilley home. She lived in five foster homes over a two-month period before being reunited with her family.

Dilley felt like she'd been branded as a child abuser. "It's like wearing a scarlet letter," she said.

Now, wiser to the system, but still fighting it periodically, Dilley said she tries to keep calm when social workers call or ap-

## Parents' group fights government for family autonomy

By Catherine Stadem  
Times Writer

Government intervention in family life is a hotly debated subject in the United States.

A national group called Victims of Child Abuse Laws Inc. (VOCAL) has taken up the battle cry on the side of family autonomy. The organization boasts 6,500 members in 110 chapters nationwide. VOCAL has an active chapter in Fairbanks with about 75 members, said chapter president Theresa Favero.

VOCAL acknowledges many of the laws designed to protect children sprang from sincere motivation and are needed in some instances. But, Favero said, the state often crosses over the boundary between "protection" and "intrusion."

Much of VOCAL's argument is based on a 1985 monograph by Douglas J. Besharov, of the American Enterprise Institute for Public Policy Research, that was published in the Harvard Journal of Law and Public Policy.

Besharov, a lawyer with the Institute and former director of the U.S. National Center on Child Abuse and Neglect, says that society has overreacted to news stories about child abuse and neglect.

"As a result," he writes, "the last 20 years have witnessed a nationwide expansion of child protection programs."

Government agencies, he claims, "have sought to protect all children in possible danger of future maltreatment, as if this were even remotely possible."

pear at her door.

"Once you're in their system, the normal rules of parenthood are suspended," she said. If any of her children forget their galoshes in rainy weather or fall down and get scraped, Dilley said she can expect to hear from a caseworker.

Once branded a neglectful parent, "every one of those events is reported by school nurses to DFYS," Dilley claims.

If it were not so traumatic to the family, it might be funny, she said. One day, her daughter painted red nail polish on her cheeks, then picked at the dried polish until it bled. Someone reported the incident to a social worker, Dilley said.

Another time, her two 9-year-old sons — the result of a blended family — had a fight. One boy told the school nurse his back hurt and explained to the nurse how he had been hurt. It was reported.

Dilley said a social worker interviewed her neighbors and

landlord as a result of that incident.

She finally lost her patience and confronted the caseworker. "Are you planning on going to court with us?" she said she asked. "They said, 'no, but we're concerned.'"

Dilley hired a lawyer who called the division and asked if action was planned against the family. Dilley said he was told no.

Shortly after that, she got a subpoena from the division asking for court-ordered physicals for the boys. She complied. "The physicals (results) came back, 'no abuse,'" she said.

Then there was a court-ordered hearing. Dilley said the agency wanted to call 67 witnesses. The Dilleys were pressured into agreeing to have a "family assessment," which is a report by a psychologist who talks to the parents and the children.

Again, DFYS wanted the family to agree to a treatment plan.

Besharov argues that laws, agency policies and public pronouncements have fostered the idea that children coming in the attention of protection agencies can be protected from future abuse. His thesis is that child protection professionals are so fearful of "letting a child die," they intervene into private family matters far more than necessary. This, he claims, often harms the children and families rather than protecting them.

The system has become overburdened with insubstantial cases, he says, which cripples the bureaucracy and prevents it from responding appropriately — and forcefully — to situations where children are in real danger.

Critics of Alaska's child protection system are saying precisely the same things.

Besharov's thesis is that programs — despite good intentions — set up a self-propagating cycle. When child protection agencies are criticized, "they assert that there should be a further expansion of child protective programs."

Agencies then recommend more frequent and extensive media campaigns to raise public awareness. This in turn increases reporting, which leads to an increase in numbers of unfounded reports.

And so the system perpetuates itself and gets deeper in debt.

Besharov acknowledges that the state has some obligation to protect endangered children. "But in seeking to protect helpless children, it is all too easy to ignore the legitimate rights of parents," he writes.

This time, she and her husband refused. It's currently a standoff, she said.

"I'm not against DFYS per se. We need child protection in the state, God knows," she said. "My basic problem with DFYS is they have too much latitude in what they do."

Dilley — an articulate blue-eyed blonde — has given much thought to improving the system. Her suggestions include: stabilizing funding, having a stricter definition of what constitutes child abuse and holding foster parents accountable for the money they spend on a child. She also thinks anonymous reporting by neighbors — if proven to be unsubstantiated — should make them liable for prosecution.

"I would like to see the system changed so that it works the way it's meant to. You never win with DFYS as it stands now. There's no such thing as a closed case."

Another Anchorage resident has been fighting as hard to get DFYS into his life as the Dilleys

It is accepted in our society that parents have the prime responsibility of caring for their children and have broad discretion in the manner in which they accomplish this, Besharov contends.

Unfortunately, our nation's "social work" response to problems of child abuse and neglect is built on a faulty premise, he asserts.

"Social work, in its purest form, is built upon the client's willing participation in the therapeutic process. If the client refuses to participate, the case is closed."

However, he points out, "in child protective practice" if the parent refuses services or cooperation, then the worker must decide whether the danger to the child is so great that "treatment must be imposed." This can lead to intrusion by the state, culminating in a worst case scenario in termination of parental rights.

Besharov concludes that legal standards — spelling out parental rights and state rights — must be improved. Several Alaska legislators and citizen activists are currently attempting to do that.

But the most important change Besharov recommends is the lowering of expectations about what social workers and judges can accomplish.

By trying to be all things to all children, agencies run a great risk of falling in two areas. First, social workers may intrude on the family's privacy; second, they may overextend themselves and not have time for children who are truly in danger.

have been resisting. Because of the sexual allegations in his case, the 46-year-old longtime Anchorage resident prefers his name not be used to protect his daughter, who will be called "Lisa."

Lisa was 5 years old when Mr. G married her mother. He had known Lisa since infancy and legally adopted her. She is now 11.

His current battle began when Mr. G began divorce proceedings against his wife in 1984 and asked for custody of Lisa. Mrs. G accused her estranged husband of physically abusing Lisa and he was denied custody, although he had visitation rights.

Mr. G said that after the divorce, his daughter confided to him that the man her mother was living with — and eventually married — was sexually abusing her (Lisa).

Mr. G tried to get DFYS and the police involved. The girl was removed from the mother's home temporarily and put in a foster home for a day or two, Mr. G said.

Then, she was returned to her

mother's home. "(Lisa) called me and said, 'he's sticking me in the stomach.'" Mr. G said. He taped that conversation and it was admitted into evidence at a court hearing. An Anchorage police officer testified in court that Lisa's new stepfather had admitted abusing her, Mr. G said.

The state did not prosecute on the grounds of insufficient evidence, although the children's court master ordered that the new stepfather was not to be left alone with the child.

Mr. G had visitation rights and, whenever he saw Lisa, she would tell him that she was being sexually abused. He said he tried to tell DFYS it was a continuing problem, but they would not listen.

"The school nurse turned (a report) in again because of the things Lisa said at school," and DFYS investigated further. However, Lisa would not talk about it to them.

Accusations began to fly back and forth between Lisa's mother and Mr. G. The mother accused Mr. G of physically harming Lisa, and despite Lisa's testimony to the contrary, his parental visitation rights were terminated.

The state had legal custody of Lisa by this time, although she was allowed to live at home with her mother and new stepfather.

The family left Alaska in October 1985, and Mr. G has been trying ever since to get Lisa back to Alaska. The mother eventually separated from the husband who was allegedly abusing Lisa, but Mr. G claims to DFYS his daughter's living conditions remain dangerous.

"I love my daughter and I know I can provide her a better life. And I know my daughter wants to see me."

Mr. G estimates he has spent about \$20,000 on attorneys, investigators and phone calls in the past couple of years. He finally turned for help to Rep. Virginia Collins, R-Anchorage. Collins made some phone calls to the division on his behalf and things started happening.

However, two weeks ago, Mr. G lost the battle. The child — now living in Ohio — was ordered by Ohio social workers to have a psychiatric evaluation. His hopes of getting her away from what he feels is a dangerous environment have dimmed.

"I'll just have to give up," he said Jan. 21 after the final court hearing.

# Permanent Fund trustees stay out of

ments over what to do with fund earnings, but they never are shy about enlisting public support for the trust.

Their special meeting in Juneau this week is designed, in part, to draw public attention.

The 530,000-plus Alaskans who get dividends from the fund every year are its constituency, and therefore its best protectors, says Dave Rose, director of the Permanent Fund Corp.

"When you peel it all away, the fund belongs to the people. The legislators, as representatives of the people, should be able to do whatever they want to do if they can justify it to the peo-

ple," Rose said.

Among the ideas legislators are trying to justify this year are:

- Capping Alaskans' fund dividends at \$500 apiece. The 1986 dividend was \$534; next year's payment is expected to be about \$675.

- Making the fund pay back \$442 million loaned or given to it by the state — the interpretations vary — to pay the first dividends. These amounts later were forgiven by an act of the Alaska Legislature. One attorney for the legislature believes the amount could be pulled from dividends.

- Scrapping the practice of

inflation-proofing. Fund directors now plow a portion of its earnings back into its money-making principal to offset the erosion of its buying power.

Some fund defenders say the options are nothing more than thinly disguised raids on the permanent fund.

Sen. Rick Halford, R-Chugiak, said lawmakers could avoid tapping fund earnings by cutting deeper into the state budget, using money from less-popular funds, such as the Railbelt Energy Fund, and by basing their next budget on oil prices that are likely to rise.

"Ideologically, I don't want to

take anyth... nent fund...

But increasingly, he alone.

Other legislators may not be happy about spending fund profits, but they aren't speaking out against the idea, either.

Halford helped spearhead last year's drive to put unspent permanent fund profits back in the corpus of the fund before they could be appropriated for other purposes.

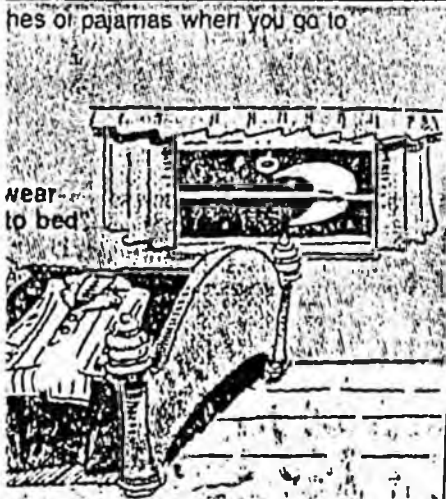
Critics of the plan say the looming deficit has proven them right. Sen. Jack Coghill, R-Nenana, said last year it was foolish to lock away the money when

## Releases puzzling

MOSCOW — Newly released political prisoners said they do not know why they and others have been freed in weeks, and hesitated to interpret the leniency as a change in Kremlin policy. Vienna, Austria, Soviet capital today for the first time since the first time confirmed that about 50 political prisoners had been pardoned recently by the Supreme Court of the Soviet Union's nominal president. The officials said the pardons would be reviewed by the Ministry of Finance. Congress suggested a cap on dividends, a year might be preferable bringing back a state income tax cap would free millions of dollars for government spending. Several lawmakers

See Fund, page

## REPORTS Public Opinion Highlights



Wear pajamas when you go to bed. S. British population by Cambridge Reports, Cambridge, MA. Photo Reports, Inc. Distributed by King Features Syndicate

# Enforcement, treatment agencies seek solution to family dilemma

This is the second in a series examining Alaska's child protection services.

"The whole reason we're here? It's for kids. But that means it's for families." . . . Sue Harris, regional program administrator for the Division of Family and Youth Services.

"We're for putting the offender (often the father) in jail, for as long as possible." . . . Elizabeth Sheley, assistant district attorney.

By Catherine Stadem 2/9/87 Times Writer One of the primary agencies

- Schools see higher incidence of abuse — page A-5
- 2 families struggle to stay intact — page A-4

charged with protecting Alaska's children, the Division of Family and Youth Services, works, theoretically, to keep the family intact. Another part, the criminal courts, works to keep the family apart. This is the mixed message.



## Protecting our children

that can confound families who get involved with the "system." Sue Harris, regional program administrator for the division, said her agency's philosophy is simple: in order to help a child, the family must be helped. See Family, page A-8

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# Family treatment

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"Punishment is a separate issue from what we're here for," Harris said. "You cannot help the child if you can't help the parents."

Social workers are trained to see children as components of the family unit, Harris said. "The reason you have social service agencies is because children need families. They are a part of their family. They need to be safe and they need to have their needs met. These are two separate things that become intertwined."

Elizabeth Sheley, an assistant district attorney in Anchorage, said the criminal justice system has a much clearer mandate. "With us it's black and white. You break the law, you go to jail."

Alaska's presumptive sentencing laws — predetermined sentences for specific crimes, including child physical and sexual abuse — give fairly inflexible instructions to the courts.

When a family ends up in criminal court fighting charges of intra-family child abuse, the offender generally has a defense attorney. The state's interests are taken up by the district attorney. And often representing the child's interest is a guardian ad litem, appointed by the state.

Jay McCarthy of the Office of Public Advocacy is an attorney with extensive experience as a guardian ad litem. McCarthy thinks social workers usually have workable plans when it comes to sexual abuse cases. But "where those cases get crazy is where they interact with the criminal justice system."

Presumptive sentencing is the culprit, McCarthy said. In some cases the sentence is too much, in others not enough, he said.

Sheley said that if she has any complaint about the system, it's that social workers "don't intervene enough. We find social workers as a class tend to be more trusting of people than we are. I think they need to be a little more suspicious of what people tell them."

Often left out in the cold while all the legal forces tug at it is the fragmented family.

However, the system needn't work the way it does, says attorney Jack Duggan. "I think they should review diversion programs that are being used around the country that accommodate the need to prosecute with the need to keep families together."

Duggan cites the "San Jose" model, an innovative program for handling family sexual abuse cases in California. Officially named the Santa Clara County Child Sexual Abuse Treatment Program, the 10-year-old center remains controversial with those who believe "once a sex offender, always a sex offender."

Instead of treating sex offenders as "the sludge of the earth," the program views the family as an organic system. To keep the family intact, everyone undergoes intensive counseling. The offender must plead guilty, usually to a felony charge. Instead of spending his sentence in jail, he is placed on work furlough, followed by up to five years probation.

## Plane downed in Afghanistan

Not every sex offender makes it into the program. Those who are exclusively sexually oriented toward children or are predators, those who lack a sense of guilt, and those who have a history of violence, heavy drug use, prior child sexual abuse charges and long criminal records, are screened out.

The San Jose emphasis is rebuilding the family and dispelling any guilt the child victim may feel. Average length of treatment is a year or more. The father (or offending relative) remains out of the home until professionals deem him ready to return.

"The San Jose Child Sexual Abuse Treatment Program has looked incest in the face — and has returned three out of four families back home, reconstructed and rehabilitated," concluded an independent study of the program by the California Department of Health.

Dolly Coke, a division supervisor with 20 years social work experience, said there is an undercurrent of disagreement in the social work community over the theme "once an abuser, always an abuser."

"I am not a treatment professional, but I share the belief that every problem has an individual solution," Coke said.

"The problem in sexual abuse (cases) is that with presumptive sentencing — taking people out for a minimum of 5 years — most families cannot tolerate that amount of separation. Most families are going to break up because of the stress of it," Coke said.

Speaking personally, and not for the division, Coke said another problem she sees with Alaska's child protection laws is the mandatory reporting system.

"I don't think you can be treated for a problem you can't talk about. And offenders who would be subject to re-arrest and further indictments on further charges — if they talk about it to their therapist who has to report it — that's sort of a Catch 22. And I think that has an incredible impact on the ability to do therapy."

Coke said her personal preference would be an individualized treatment process using a scale that would determine treatability of offenders. Those considered treatable could be handled through "diversion programs" — like the San Jose model. "That would be an option Alaska should look at."

Tuesday: The runaway, a legal dilemma.

# Fund: T

Continued from page A-1

against the cap because it reduces permanent interest in the permanent fund.

"The dividend is the first of defense in public interest the permanent fund itself. The only truly equal program state has," Halford said.

It's also argued that an across-the-board cut in dividends, because a tax is proportionate to income.

In the past, fund trustees and managers have come out in favor of dividends because they boost public interest.

But some said trustees staying out of the dividend program because the public interest argument can be applied on both sides.

"There would be a stream of dividends, and I'm not happy with the fund. Then there are also those who say if the fund is used to offset a tax, it is a better incentive for public involvement," Rose said.

Most of the permanent fund arguments are based on how the trust was built and how its ear-

# Hostages

Continued from page A-1

son. A six-minute videotape of Steen was delivered early Sunday to a Western news agency in the name of Islamic Jihad for the Liberation of Palestine. The previously unknown group abducted him and the three other educators Jan. 24 from Beirut University College campus.

Reading in a monotone, the weary-looking Steen said, "Our lives are important to America, it must order Israel to release the 400 Palestinians as soon as possible — that is, Monday at a maximum."

Beirut radio stations said two bullet-riddled bodies were found on a street in the capital's Muslim western sector today. Police said later both dead men were Palestinians. Palestinian guerrillas have been fighting Shiite militiamen sporadically since 1985.

The others abducted with Steen are Robert Polhill, 53, originally of New York City; Jesse

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A reminder — all entries (except for the Culinary Food Show, will be accepted only on Wednesday, February 11th, 10:00 a.m. to 8 p.m. at the Eggen Convention Center.

Categories include:

- Alaskan Arts
- Arts and Crafts
- Art Glass - Baking
- Banks Embroidery
- Canned and Dried Food
- Ceramics
- Culinary Food Show
- Decorative Painting
- Dolls - Handwoven
- Judged Art - Leather
- Plastics
- Treasures
- Wares Unusual-Ceramics

# Families struggle to survive, to stay intact

By Catherine Stadem  
Times Writer

The words "child sex abuse" are like a fire alarm. The bell goes off and people trample one another to escape the danger. Some survive; some don't.

Such is the case for two families that agreed to talk about their experiences with the Division of Family and Youth Services and the legal system.

Members of one family deny the alleged sexual abuse ever happened; members of the other admit it and ask only for compassion. Both have observed the system first hand. Both said it doesn't work.

Both requested their names not be printed to protect their children.

The state is not able to respond to criticism of specific cases because of confidentiality rules.

A few months ago, Mr. and Mrs. K. were chugging along through life, enjoying raising their children and watching them grow.

But all that changed the day their 5-year-old daughter "Kathy" drew a picture of body parts in preschool. The teacher asked her to explain the picture and Kathy identified her circles and lines as "a belly button, an anus and a vagina."

"My daddy touches me there," Kathy told the teacher. The incident was reported to the Division of Family and Youth Services.

That was the beginning of a living nightmare for the young family, Mrs. K. said.

Mr. K. is living in another Alaska city, forbidden by court order to have physical contact with his children. Mrs. K. is trying to keep the family together so the kids won't grow up believing their father is a sex offender. And Kathy has been in and out of foster homes and subjected to numerous interviews and evalua-



Protecting our children

tions.

The situation is ludicrous, Mrs. K. said, because she believes it grew out of hers and her husband's attempts to teach their children proper names for body parts.

"We had read things about children, like 'tell them their body parts; don't let them use slang expressions,'" Mrs. K. said. That's how Kathy came to know the word vagina.

And daddy did touch her there, Mrs. K. explained. He is a seasonal worker, and often cared for Kathy while Mrs. K. was at work. When Kathy contracted a yeast infection around her urethra and vaginal areas — not uncommon in little girls — her father had applied a prescribed ointment.

Mr. K. walked on Oct. 9 for Kathy to walk the short distance home from school. When she didn't arrive, he called the principal, "who told him our daughter was taken by DFYS," Mrs. K. said.

Kathy was returned to her home that afternoon by a social worker. "They said she would not answer questions consistently," Mrs. K. said. They were told that Kathy had been interviewed at the police department. "They said it was very strange that she drew a vagina," the mother said, shaking her head in disbelief.

On reflection, Mrs. K. said she thinks she got off to the wrong start with the agency because of her initial reaction. "We were

pretty angry at how they handled it. We didn't invite them into the house — we talked outside," she said.

At 8:15 that evening, a social worker returned to the house with two police officers. The case worker told Mr. and Mrs. K. that she had talked to her supervisor about the case and they had all decided Kathy would be safer out of the home.

As Mrs. K. remembers her husband tried to pick up, get her dressed and the man pushed him against ... and took the child. It was ... and rainy, the mother recalled. "He (the policeman) started taking her outside in only her pajamas."

Since then, Kathy has been in foster homes several times. The family has been in and out of court, back and forth to child psychologists and therapists.

During one evaluation, Kathy was observed playing with anatomically correct dolls and had a wolf doll lick between the legs of a girl doll. That resulted in the court order forbidding Mr. K. to come in contact with his daughter.

Mrs. K. thinks Kathy demonstrated that behavior because the husky that lives next door often pushes its head between humans' legs to get petted.

But during all this time, Mrs. K. said, the family was cooperating as much as possible with DFYS, thinking the nightmare would eventually end. "We were doing everything they asked us to do."

However, when the state ordered a psychological evaluation, Mrs. K. decided not to use a doctor who was contracted by the state. "We wanted someone impartial."

The child psychologist saw her daughter six times and recommended the father move back in. "When they saw his re-

port, they said he was not good with sexually abused children," Mrs. K. said.

The division reportedly rejected the psychologist's report.

The family said they spent about \$5,000 on attorney and doctor's fees in October alone. "We borrowed lots of money," she said.

"What I don't understand is all the things they've been saying about (Mr. K.). He volunteered for a polygraph test — and passed it. We've been doing everything as soon as we could, to this over with."

The ordeal isn't over. And Mrs. K. has had a lot of time to think about the "system" — how it works, and how it could improve.

Topping her list is more stringent qualifications for social workers. Also, she thinks child interviews should be minimized and all interviews should be videotaped to prove the child has not been asked leading questions. Kathy has been interviewed about 10 times by social workers and police.

Most important, said the woman, 32-year-old with dark circles under her eyes, parents accused of sexual abuse should be considered innocent until proven guilty.

She is full of questions. She said her husband sat the kids down in front of the TV set last September — before all this — and made them watch a children's program about "bad touching."

"Why would he do that if it would get him into trouble?" she asked.

"Our children are our lives. How do we get back together and be a family again?"

The hopes of ever being a united family again are fading fast for Mr. and Mrs. B.

Mr. B., formerly a prominent businessman, is in jail after

pleading guilty to charges of sexually abusing his stepdaughter "Julie."

He doesn't deny what happened. He said he's paying for his crime. But he and his wife said they believe the state isn't fulfilling its purported mission: to keep families together.

"I don't think the system is working," he said in a jailhouse interview. "They want the family unit to be destroyed."

More than a year elapsed between the time he abused Julie and when she told a school nurse about the incident. During that year, Mr. B. had begun to see a counselor because of the deep guilt he felt.

"It was really bothering me and I didn't know what to do about it," he said. He hadn't confided the sexual events to his counselor, but was working up to it. Had he, the counselor would have been obligated by state law to report it to the authorities, despite counselor-client privilege.

Mr. B. had a hard time hiring a lawyer. "My attorney didn't even want to take the case; he said he loses every one (like this)."

Mrs. B. is torn between loyalty to her daughter, to her husband, and to their other children.

"This has been a nine-month nightmare," she said. After six years of marriage, the blended family — including a new baby — seemed to be working well. The stylish and energetic woman describes herself as "your basic middle-class mother of four."

She remembers the day the school called her and said "your daughter is in the school office and has reported sexual abuse." Julie was put in a foster home for six days while the investigation began.

Mr. B. was jailed, but released with the provision he have no contact with Julie. After a few months, Mrs. B. was taking all the children to the state fair and

Mr. B. went along. Someone saw them, reported it, and Mr. B. was jailed for defying the court order; Julie was put in another foster home for three weeks. Her stepfather was jailed.

Mrs. B. carries her own load of guilt. She blames herself for not recognizing that her daughter was troubled. "I saw a movie about 'touching' on Channel 7 and it said to talk to your children," she said. "Julie had a reaction, turned around and walked away. I didn't recognize it."

Now she's frightened that if she shows too much loyalty to her husband, the court will order her daughter be taken out of the home. If she ignores her husband, all the commitment she pledged in marriage goes down the drain.

Not that she has forgiven him. "I hated him — and I have hateful times now," she admitted. "But how can I hate my friend? How can I walk away from a friend?"

Her other problem is trying to help Julie cope with guilt about feeling responsible for her stepfather going to jail. "She loves her dad a great deal," the mother said.

Mr. B. is awaiting sentencing. The family expects he will serve between three and five years, probably in the sexual offender unit at Hilland Mountain Correctional Center in Eagle River, where he will get intensive counseling.

Mrs. B. remains hopeful. "My life has been hell for nine months, but not ruined. I see a hopeful future. We're going to be a healthy, happy family. This is something I want — and I know we can achieve."

Julie, however, has come through the ordeal with a different outlook, according to her mother. "She said to me, 'If I had it to do over (tell), I'd never do it again.'"

## Crew member missing after ship explosion

Twenty-five crew members abandoned ship after a fiery explosion on a Japanese fishing vessel about 60 miles northwest of Dutch Harbor Sunday afternoon, the Coast Guard said. A 20th crew member is missing and believed to have died in the fire that

time to fight the fire," Fulton said. The 25 crew members were picked up by a sister ship, the Fuku Yoshi Maru 8, Fulton said. The crew members are scheduled to be picked up by the Coast Guard cutter Yacona, which this morning was bringing the survi-

will turn around and head out for the Fuku Yoshi Maru 8, Fulton said. Also this morning, the Coast Guard was planning to launch a C-130 aircraft from Kodiak Air Station to help in the search for the crew of a Canadian fishing vessel

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# Schools report increase in abuse

By Catherine Stadem  
Times Writer

Allegations of intrafamily child abuse — physical and sexual — often originate in the schools.

In the 1985-86 school year in Anchorage, 523 child abuse referrals were made out of an enrollment of 41,772. That shows a distinct rise over 1983-84, when enrollment numbers were similar — 40,427 — and referrals numbered 353, according to Janice Bates, supervisor of health services for the Anchorage school district.

Barbara Seidl, a school nurse veteran of 18 years, said she reports many more cases now than several years ago. Seidl, a nurse at Northwood Elementary, said everyone is more aware of the problem in the last several years because of publicity about child abuse.

The district also mandates classes about abuse for first-, third- and fifth-graders throughout the district. This leads to many reports from children, Seidl said.

Allegations of physical abuse accounted for 21 percent of DFYS's cases in 1986. Many of those were reported by the schools.

Often, it's physical abuse that comes to Seidl's attention. If a child looks unusually bruised, the nurse will talk with the child and visually check the bruising. "If it



Protecting our children

seems to be from abuse, then I may take a picture of it, record it on the health card and report it to the principal and the DFYS."

Reports of child sexual abuse are also on the rise. In fiscal 1978, 5 percent of the cases reported to DFYS were sexual abuse. In fiscal 1988 the number had risen to 15 percent, according to Frank Hickey, the division's acting director in Juneau.

Seidl said she not only thinks sexual abuse reporting is up, but she personally believes its incidence is more frequent. But she said she won't hazard a guess why it may actually be occurring more.

Even though it makes her job more difficult, Seidl is enthusiastic about school programs that teach children they not only have the right to say "no," but that they should report abuse.

Seidl said her working behavior has changed over the years as the result of changes in Alaska's statutes.

"In the past, before the clearly mandated reporting law, social services did not want us to call in incidents that we could not substantiate as actual abuse. Now we have to report."

The reporting law Seidl refers to came into effect about 15 years ago. It requires that "practitioners of the healing arts; school teachers and school administrative staff members; social workers; peace officers, and officers of the Department of Corrections; administrative officers of institutions; licensed day care providers and paid staff; and licensed foster care providers" shall "immediately report" whenever they have "cause to believe that a child has suffered harm as a result of abuse or neglect."

"That takes us off the hook," Seidl said. "We are just doing our duty. And truthfully, in the last two years, I've had some people (parents) who came in so angry I thought they were really going to physically abuse me."

After the school nurse makes a report to either the principal or directly to the division, the child is then interviewed by a social worker — usually at the school — without the parents' knowledge.

If the social worker believes criminal abuse took place, the case is referred to the police department. If the police believe there is enough evidence for

criminal prosecution, the case goes to the district attorney.

From there, prosecutors like assistant district attorney Elizabeth Sheley take over.

Although only about 44 percent of the cases that come to police attention ever reach the district attorney's office, if it's a sexual abuse case, the state often wins, sending the offender to jail: a mandatory eight-year sentence for first-degree sexual abuse (with penetration).

"I've seen some real sad cases, with presumptive sentencing," Seidl said of the problem of families being torn apart. "There's no solution to the dilemma as she sees it. The law says lock up the offender, and this splits the family apart — sometimes irreparably."

And it's the social workers who often get the blame when families disintegrate. The nurse said she thinks social workers are doing the best they can with limited resources.

"Oh Lordy, I think they're trimmed right now down to the bare bones."

With her perspective of 18 years in the Anchorage school district, Seidl said, "While DFYS is not perfect, and the system isn't perfect, I think it's the best method that has been devised so far to protect children. While there are flaws in it, it's better than anything we've ever had."

# Youth's body found in yard; police launch investigation

The body of an 18-year-old Anchorage youth, missing for eight days, was discovered Sunday in a backyard by a search party organized by his family.

Sgt. Bill Gifford of the Anchorage Police Department identified the body as that of David Newell.

Gifford said Newell was discovered in a fenced-in backyard not far from a party he had attended.

The cause of death was not immediately known, although

Gifford said it is under investigation.

"I believe friends and relatives were doing a search and found him in the backyard," Gifford said.

He said the area where the body was discovered was brushy, and that the corpse was partially covered with snow.

"He had been at a party and had left there on foot," said Gifford.

He said foul play is not suspected.

# Fire damages south Anchorage trailer

Fire caused extensive damage to a trailer home Sunday at the Southwood Manor trailer park at 9499 Brayton Drive, an Anchorage Fire Department spokesman said.

The trailer was completely on fire when firefighters arrived shortly before 2 p.m., the spokes-

man said.

He said it took crews from the Huffman Road and Dimond fire stations 12 minutes to extinguish the blaze.

A fire investigator was attempting to determine the cause. No damage estimate was released by the department.

# Anchorage tenor gets 1st place at opera audition

SEATTLE (AP) — Frederick W. Kalt, 30, a tenor from Anchorage, has won first place in the Metropolitan Opera National Council's 1987 Northwest regional auditions.

For winning the contest Satur-

day at the University of Washington, Kalt received \$1,500 in national and regional awards and a trip to New York for the national finals March 15.

The Seattle competition was one of 17 held nationwide.

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## Icy fingers

Matt Brown, left, and Susan LaDuke inspect the outside of their recovered home in Eastlake, Ohio, Monday morning after wind-

whipped waves from Lake Erie crashed over a dike and crunched homes in the area Sunday evening. Story, page A-3.

Associated Press

# Soviet Union frees 140 people from 'behind barbed wire'

By Carol J. Williams  
Associated Press

MOSCOW — The Kremlin said today it has freed about 140 people sentenced for anti-Soviet activity and is reviewing an equal number of cases to leave "fewer people behind bars and behind barbed wire."

Foreign Ministry spokesman Genady Gerasimov announced during a news briefing that prisoners' appeals

for clemency are being reviewed, and that government committees also are considering a "certain softening" of the criminal code.

He said the prisoners were freed by decree of the Supreme Soviet, the nominal parliament, on Feb. 2 and on Monday.

"As you probably know, the Soviet Union has been re-examining a number of cases, especially cases related to

those sentenced on (Article 70) of the Soviet criminal code, concerning anti-Soviet propaganda," Gerasimov said.

During the weekend, dissidents Andrei Sakharov and his wife, Yelena Bonner, reported the early release from prison or camps of more than 40 dissidents. The couple's internal exile in the closed city of Gorky was lifted December.

The releases were hailed by Soviet

dissidents and the West, who nevertheless cited estimates that about 1,500 Soviets remained jailed for their views.

Natan Sharansky, who changed his name from Anatoly B. Shcharansky after being released a year ago, said in an interview published Sunday in The New York Times that he believed the total was 5,000-10,000.

The mass release fits a pattern of gestures by Soviet leader Mikhail S.

pressed housing markets in oil dependent states and weigh Alaska's needs against the others before deciding whether to grant additional certificates to the area, she said.

Anchorage has 1,037 low-income certificates — a fixed number — with 800 people on a waiting list, said Sharon Hower. See Condos, page A-8

## Legislators initiate bill to unsnarl runaway laws



### Protecting our children

This is the last in a three part series on Alaska's child protection system. 2/10/87

By Catherine Stadem  
Times Writer

Alaska runaways have floated in a kind of limbo since the Alaska Supreme Court decided 16 years ago it was not illegal for a juvenile — of any age — to run away from home.

If police find a runaway teenager on the street, they can give the youngster two choices: return home, or be turned over to the Division of Family and Youth Services for emergency shelter. The child may not be incarcerated, said the Supreme Court.

Now — reacting to suggestions from citizen activist groups such as the Alaska Juvenile Crime Commission and Toughlove — some legislators are trying to change the law.

Senator Pat Rodey, D-Anchorage, and 11 others, are sponsoring a bill that would address the problem of the estimated 1,800 runaways on Anchorage streets at any given time.

The bill says that a juvenile must be some place, either at home, in a foster home, or in custody of a state agency, Rodey See Law, page A-8



Pat Rodey, right, and Doran Colbry with sons, John, 13, and Darin, 10, at their Anchorage home.

## Son, agencies hold family in suspense

By Catherine Stadem  
Times Writer

Doran and Len Colbry knew one of their sons was heading for trouble.

As he reached puberty, problems intensified. "He was like Dr. Jekyll and Mr. Hyde," said the boy's father, Doran.

In fall of 1985, "Tony" — his real name is not used to protect his privacy — was acting like he was taking drugs, his parents said.

When Doran confronted his teen-age son about drugs one night in the kitchen, he said Tony came at him with clenched fists. The father remembers swinging in defense. Tony slipped, hit the refrigerator, and both father and son fell down.

"He got a knot on the back of his head," Doran said.

Tony tore out of the house. "He ran to neighbors and claimed I beat him up," Doran said.

The neighbors called the Division of Family and Youth Services and reported the incident. Another neighbor — an Alaska State Trooper — was called. Tony "kept claiming he feared for his life," his father said.

Doran talked to a social

See Limbo, page A-8

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page B-2

Times photo by Douglas Van Roeth

# Law: Children not 'secured' Limbo

Continued from page A-1

said "The bill doesn't criminalize it (running away) per se," he said. "But it does provide for minors to be apprehended by police."

Rodey said if the bill passes, runaway youngsters would be housed in a "secure" shelter, but said he wouldn't use the word "lock-up."

He said a similar bill will be introduced in the House this session and he estimated the Senate bill's chance of passing at 70 percent.

Wayne Anthony Ross is an Anchorage attorney who protested the original "decriminalization" of runaways. "I met with the legislature and tried to convince them it was a dumb law," he said.

Ross, a former assistant attorney general, was a family court standing master (hearing officer) from 1969 to 1973. During that time, he heard 95 percent of the delinquency cases and made recommendations to the judge. He has had a private law practice in Anchorage for 13 years.

The reasoning behind the decriminalization of running away was "obviously, any child who runs away from home, it must be the parents' fault," Ross said. "That's a faulty premise."

That's also the message that Ross thinks may snag DFYS when it is dealing with runaways.

Despite the division's stated goal — reuniting families — Ross said his experience has shown him that "the people in the division do nothing to get the kid to go back home."

But Ross said a decision handed down by a children's court master two weeks ago may have far-reaching effects in curbing the division's prolonged involvement in some runaway — refusal to return home — cases.

In this decision, after a teenage girl spent five months in foster homes, the court recommended the state return the girl to her parents. "I believe that the state must go beyond the child's mere refusal to return home and must be able to conclude that there are legitimate child protective grounds that warrant state custody," the master wrote.

On the other hand, Dolly Coke, a social worker supervisor, defends the division's dealings with teens who refuse to go home.

"We try really hard to, number one, calm the immediate situation, because with most teenagers there's two sides to it," Coke said.

The statute that allows the state to take emergency custody of a child says, among other things, that the child's refusal to go home is reason enough for the state to intervene.

"My feeling is, that's in the statute to allow the department time to investigate and see whether or not there is an abuse situation and whether the child is at risk," Coke said.

If the division determines that the child is not at risk, Coke said, a social worker tells the child to go home or offers to negotiate with the parents to house the child elsewhere. "But we try very hard to keep the parents in control," she asserted.

In reality, however, it may not always work that way, says another critic of the system.

Theresa Favero, state president of Victims of Child Abuse Laws (VOCAL), learned about the system first-hand when her 13-year-old daughter ran away and refused to return home five years ago.

"I think the regulations themselves are part of the problem," she said from Fairbanks. "The regulations are written so broadly that social workers have too much open discretion."

When her daughter ran away, Favero said she thought DFYS was there to help her, but soon felt differently. "I cooperated. I didn't have a thing to hide." Trusting the division "was the biggest mistake of my life," she said. "They're not there to help you. They're not your friend." Favero's daughter, now 18, never returned home.

Division employees observe strict confidentiality and may not speak openly of specific cases.

Speaking hypothetically, Coke said, "more often than not, the parents are as angry as the kids and say, 'I don't want the kid. Keep him.' And when you have a parent refusing to have the child at home, you technically have neglect, if the parent is refusing to provide basic needs."

And so — like a family fight — the argument goes in circles, continually recycling itself to no one's satisfaction.

A major piece of the runaway problem is that people appeal to the state for help with high expectations which the state can't meet, said Office of Public Advocacy attorney Jay McCarthy, who works as a court-appointed guardian for children in the system.

"The system (DFYS) doesn't work with runaways," he said. "If the child is out of control,

nothing can control him."

McCarthy doesn't advocate locking runaways up, but said they need supervision and assessment. "I think the legislature has to decide what authority Health and Social Services (department that oversees DFYS) has in these cases and then back them up."

A mayor's task force studying Anchorage's runaway and homeless youth for the last year recently issued a report containing numerous recommendations.

Although establishment of a runaway shelter was often discussed by the task force, it didn't end up as one of the group's key recommendations, likely because it would be costly and difficult to implement.

What the task force did target was the need for "prevention, intervention and aftercare," said Gail Stol, task force staff member.

Task force recommendations have recently been sent to Mayor Tony Knowles and a summary of its funding to the Anchorage Assembly.

But no amount of recommendations will relieve the problem unless the runaway's legal status is clarified, legislators say.

And while politicians and community activists meet and talk and recommend, social workers continue to cope with increasing case loads and shrinking resources.

Said Sue Harris, regional program administrator with a tired smile. "Yes, we make mistakes. And, yes, people get under stress and may not respond like they should. But I believe in what we do."

Continued from page A-1

worker on the telephone and explained what happened. He said he told the social worker, "I see this coming on as a problem. I think my son's got very bad emotional problems."

Tony ended up returning home that night.

But when Tony went to school the next day, he told a counselor that his father had beaten him and shoved the knot on his head, Doran said. The school called the division, as it is required to do under the state's mandatory reporting law.

As a result, Tony spent about 10 days at an Alaska Youth Advocates group shelter while social workers investigated.

The Colbrys had seen Charter North Hospital television commercials about youths with emotional problems, so they persuaded Tony to try the hospital.

"He was beyond my control," Len said.

After several weeks, the Colbrys tried to get Tony out of Charter North. He refused to return home and the hospital barred the parents from seeing him, the Colbrys said. The hospital told them Tony had filed abuse charges against his parents with the state, Len said.

Tony simply refused to go home.

Tony has been in state custody — in foster homes — for the last year. The most recent court hearing, in December, ordered the youngster to get more psychological evaluations.

His parents feel that they have lost control. At a recent hearing, the court ordered the state to try to return Tony to his home within 120 days. If he continues to refuse, his parents may have no right to force him to come home.

The Colbrys recently almost surrendered to discouragement.

"We were going to completely back out of it all and give him back to the state," Len said. "But (our attorney) said, 'No, no, no. You don't do that.'"

So, while their son is being raised in foster homes, the Colbrys wait to see what will happen next.



DR. JAMES C. FALCONE  
O.D., M.D., F.I.C.C.

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UP TO

# Abused kids: sad victims of our economic troubles

By ROBERT GRISWOLD

In the severe economic climate of Alaska there are sad stories in the news each day. One that is sadder than any seen so far has not yet surfaced. The people of Alaska need to know this story, too.

What makes this story particularly sad is not that these victims of the economic cuts are those who do not have any way of handling their needs by themselves. There are many in that condition. The thing that makes this story sad is that those being hurt are people who have already been terribly wounded through no fault of their own. These people are the abused and neglected children and youth of Alaska who need specialized care and treatment to overcome the trauma they have suffered.

The State of Alaska purchases services for over 200 children and youth from voluntary tax exempt organizations. These services are for emergency shelter and longer term treatment for children who must be placed in state custody to be protected and treated for the hurt they have suffered. These services require



a heavy investment of money if they are to be effective. Costs for different services run between \$20,000 and \$66,000 per year per child in care. For the past four years the legislature has not increased funds for these services. As a result there are children and youth who desperately need care who are dangling in the limbo of waiting lists. A week ago the agencies providing these services were advised by the state that there would be a 12.5 percent reduction in the funds available beginning September 1, 1986. The agencies involved have no responsible way of handling these cuts and so the victims will pay.

Who are these young Alaskans? They aren't numerous — representing less than one in 2,000 of our citizens. They are invisible to the

general public except when they hit the papers as the perpetrators or victims of sensational crimes. They are not "nice" kids, most of them.

But before you write them off you should ask how nice you would be if you had been addicted to drugs before you were out of the womb. Or how nice you would be if you were a girl and your prostitute mother had started selling you before your age had reached double digits. Or how nice you would be if you had been shut in a box by your father, taken to a place where he could shoot holes through the box, and left for dead.

It is easy to shut these kids out of your mind if you don't see them and work with them every day. They have no political power. They don't vote. Their disastrous families won't be getting organized to lobby on their behalf. None of them could afford to fly to Juneau to ask for anything. There is certainly no political risk in saving money on services to this group. Perhaps Alaskans need to ask themselves if government should stand for something more than the balancing of political risks.

There are other risks to consider.

*It is easy to shut these kids out of your mind if you don't see them and work with them every day. They have no political power. They don't vote. Their disastrous families won't be getting organized to lobby on their behalf. None of them could afford to fly to Juneau to ask for anything. There is certainly no political risk in saving money on services to this group.*

Without proper care these children will get worse. What does getting worse mean? It means hitting the streets and being used up by the time you're 25, it means fading into chronic mental illness, it means having offspring and passing your hurt on to a new generation. The savings to be had from shorting funds to these kids is illusory. If we do not heal them and make them a part of

our community, then we will pay again and again for our neglect. They will see to it. For good or ill these children are our future. Can we really afford to write them off? How big is Alaska?

□ Robert Griswold is executive director of Alaska Children's Services.



# Alaska State Legislature

LEGISLATIVE AFFAIRS AGENCY

POUCH Y, STATE CAPITOL  
JUNEAU, ALASKA  
(907) 465-3800

August 28, 1975

## WORK PLAN

Legislative Council Task Force

Children's Law Revision

### I. PURPOSE

The purpose of the Task Force is to study the Alaska Statutes dealing with children and to propose revision of the statutes which the Task Force finds in need of change. This study and revision is viewed by the Task Force as the first step in developing a children's code for Alaska.

### II. GOALS AND OBJECTIVES

During the period before the legislature reconvenes, the Task Force plans to determine the areas of Alaska law dealing with children which are most in need of review, look critically at Alaska's approach to the treatment of children in these areas, comparing Alaska's approach to that of other states, and to submit legislation to the Council revising the statutes which the Task Force determines to be in need of revision.

### III. ASSUMPTIONS

A. Responsibilities. The Legislative Council will provide an attorney who will spend approximately one-third of his/her time on the work of the Task Force, travel expenses and per diem for the attorney, office space for the attorney and researcher, and clerical support for the project. The Office of Child Advocacy is funding a full time research person for the interim period, and travel expenses and per diem for the researcher. The Office of the Governor is providing funds for travel expenses and per diem for the members of the Task Force.

B. Task Force Structure. The Task Force will meet five times during the interim period. The meetings are scheduled for August 14, September 17, October 15, November 19 and December 17. At the September meeting the Task Force will break

down into smaller groups. Each group will deal with one of the priority areas which the Task Force has decided to address. The small groups will study the problem areas in depth and report their findings to the Task Force. The Task Force will then decide whether to adopt the reports of the small groups and to recommend legislation to the Legislative Council.

#### IV. TASKS

At the August 14, 1975 meeting the Task Force decided to look into the following areas during the interim period:

- (1) update the draft of the Child Law Compilation prepared by the Legislative Affairs Agency in October 1974;
- (2) role of the guardian ad litem in the Alaska Court system;
- (3) the treatment of children classified as dependent, neglected, delinquent and in need of supervision in the Alaska Statutes;
- (4) the treatment of emotionally disturbed children;
- (5) the protection of the property rights of orphaned children in the state, particularly the rights of children under the Alaska Native Claims Settlement Act;
- (6) the scope of the term "care of the child" under AS 47.10.230;
- (7) the adequacy of the statutes dealing with child abuse in the state;
- (8) the treatment of status offenders.

Staff research for the first three areas is scheduled for completion by the September meeting of the Task Force. The remaining research is scheduled for completion by the October meeting. After each meeting a report on the work progress will be prepared for submission to the Legislative Council.

---

Betsey McGuire, Chairperson  
Task Force on the Children's  
Law Revision

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## Alaska's Children's Code

CECILIA KLEINKAUF  
BETSEY MCGUIRE

*Enactment of Alaska's new Children's Code was achieved only after years of struggle involving many professional and public forces. The code is considered a breakthrough in legislation for children.*

Termed "a major breakthrough in juvenile legislation" [5:1], Alaska's recently enacted Children's Code is the culmination of years of work in behalf of children, with the evolution from concern to actual statute revision a complicated and exhausting process.

Undertaking extensive juvenile law review rather than settling for a piecemeal approach had obvious advantages, but the practical realities were formidable. In the interests of having others benefit for Alaska's experiences, this paper presents an account of the process and mechanics of the work, as well as the innovative child welfare concepts embodied in the new laws.

### Background

Awareness among professionals of the need to revise Alaska's children's laws also entailed awareness of the need to enter the

*Cecilia Kleinkauf, M.S.W., ACSW, is Assistant Professor of Social Work, University of Alaska, Anchorage. She represented the Alaska Chapter, NASW, on the Children's Code Task Force, and is legislative lobbyist for the Alaska NASW. Betsey McGuire, M.A., NASW, National Association for the Education of Young Children, is former Executive Director, Alaska Office of Child Advocacy, Office of the Governor. Portions of this paper were presented at the CWLA Northwest Regional Conference at Calgary, Alberta, Canada, in 1977.*

legislative area, where such change would take place. In 1969 and 1970 several legislators began to consider with professionals, lay people and Region X staff (HEW) various methods of achieving law reform, and ultimately proposed creation of an Office of Child Advocacy, to carry out such a massive task as one of its many areas of concern. In 1972 this office was created by legislation in the Office of the Governor and charged with responsibilities that included providing "leadership in recommending legislative change which affects the provision of children's and child development services [12]." At the same time, the Alaska Legislative Affairs agency was directed to compile all existing laws pertaining to children to facilitate the review.

Although the Office of Child Advocacy was not funded until October 1973 and did not go into operation until January 1974, other efforts gathered support for the development of the Children's Code. Most notable was the designation in 1973, by both the League of Women Voters (LWV) of Alaska and the Alaska Chapter, National Association of Social Workers (NASW), of the Children's Code as a priority need in Alaska. From 1973 until enactment in 1977, these two groups maintained lobbying efforts for passage of the code.

In 1974 the Office of child Advocacy was functioning well and sponsored conferences on "The Child and the Law" designed to identify areas of concern about existing laws, for professionals and public. The conferences also alerted legislative and governmental leaders to the increasing need and support for both law reform and service improvement. Because of the close interrelationship between legal requirements and service delivery, the Alaska Chapter, NASW, requested of the Legislature that year a comprehensive study of Alaska's child welfare services, for recommendations that would influence future law revision. In response, the Legislative Council contracted with the Child Welfare League of America for a survey of services, the findings of which were presented to the Alaska Legislature early in 1975.

#### Law Revision Begins

The Legislative Council, by now accepting the need for reform, joined with the Governor's Office of Child Advocacy and interested groups to consider the best approach to law revision. A plan was devised for creation of a Task Force of professionals and citizens

representing broad social, legal and judicial interests who would work together with the legal staff of the Legislative Affairs Agency toward creation of the Children's Code. As the coordinating body, the Office of Child Advocacy provided legal staff, and its executive director served as Task Force chairperson. The Governor's Office also made travel funds available for Task Force members. By June 1975 the work began, with the Task Force stating its intention to "...determine the areas of Alaska law dealing with children which are most in need of review, look critically at Alaska's approach to the treatment of children in these areas, comparing Alaska's approach to that of other states, and to submit legislation to the Legislative Council revising the statutes which the Task Force determines to be in need of revision [6]." A report on these efforts was to be made to the Legislative Council in December 1975.

Although somewhat limited by time constraints (August-December 1975), the Task Force efforts did result in two major recommendations that were introduced in legislation in January 1976. The first was for the clarification and expansion of the "guardian ad litem" concept to provide for the representation of children's best interests as well as their preferences. The requirement that the court specify the duties and authority of the guardian was also included. The second recommendation was for the repeal of Alaska's statutes for both Dependency and Child in Need of Supervision actions, in favor of a new designation, "Child in Need of Aid"—a totally new approach to issues of children before the court.

The legislation was considered throughout the 1976 legislative session, but did not pass. It did, however, give tangible proof that the Task Force approach (when provided with sufficient legal expertise) was a feasible way to accomplish law revision. It also extended efforts to educate legislators about the need for change, and facilitated discussion and consideration of a major public policy shift away from status offenses and away from statutes that tended to place blame as part of the adjudicatory processes.

#### Supportive Legislation

Two other measures introduced and passed in the 1976 legislative session contributed significantly to the ultimate enactment of Alaska's Children's Code. First and foremost was a Concurrent Resolution (SCR76) directing the Legislative Council to "review the existing laws relating to children specifically and the family in

general and to accomplish any necessary revision to harmonize conflicts, supply omissions, and generally clarify and make complete in one body of law Alaska's family law [5]." This clear directive that statute revision continue was supported by funding in the council's budget for continued legal research for the Task Force.

The second piece of legislation, resulting from a recommendation in the earlier Child Welfare League of America study, established a far-reaching statement of public social policy for children in Alaska that provided a philosophical basis from which later code positions were to emanate.

The purpose of this title as it relates to children is to secure for each child the care and guidance, preferably in his own home, that will serve the moral, emotional, mental and physical welfare of the child and the best interests of the community, to preserve and strengthen the child's family ties whenever possible, removing him from the custody of his parents only as a last resort when his welfare or safety or the protection of the public cannot be adequately safeguarded without removal; and when the child is removed from his family to secure for him adequate custody and care [12].

#### The Code Is Drafted

Supported clearly by the Legislature and with sufficient funding from Legislative Affairs for full-time legal counsel, the Task Force, with continued support from the Governor's office, resumed work in the spring of 1976, with vastly increased capability for research and statute drafting. The procedure adopted for arriving at recommended changes was for the Task Force to identify, consider and establish priorities for issues of concern together with the staff attorney, then to research possible approaches and to suggest statutory language for various options. The possible revisions were then discussed and agreement reached on how to proceed. Specific language was then drafted and finally voted on the by Task Force. The wide variety of urban and rural, professional and lay opinions represented on the Task Force made this approach the most feasible, as the group was once again working against a year-end deadline if legislation was to be introduced in January. The proposed Children's Code was presented to the Legislative Council in November 1976, and in-

troduced into both the Alaska House of Representatives and the Senate early in 1977.

#### Lobbying Efforts

The development of recommendations for statute changes was only half the battle; the other half was to have the recommendations become law.

As 1976 was an election year, a good deal of education of legislators had taken place during the fall campaign months by the Alaska League of Women Voters and the Alaska NASW, both of which had focused their candidate review on issues that included the Children's Code.

Once a set of recommendations had been proposed to the council, lobbying efforts intensified. The long years of commitment to children's law revision by such a wide variety of groups and individuals had created broad lobbying support and helped to minimize much of the anticipated opposition.

The interim between the November elections and the January opening of the Legislature was used for informing legislators of the substance of the Task Force recommendations, and for programs of public education.

Lobbying during Alaska's legislative session is both expensive and logistically complicated because Juneau, the capital, is far removed from other population centers and accessible only by air. A variety of efforts was employed, therefore to continue to gather support for the code preceding committee and floor votes. The efforts included committee testimony, letters of support, individual contacts with legislators by LWV and NASW lobbyists, Office of Child Advocacy board members, consultation of the Task Force's attorney with legislative committees and staff, constituent contacts with key legislators and often the arguments of supportive legislators themselves. The children's Code Bill passed the Alaska Legislature in May and was signed into law by the Governor on May 28, 1977. The code became effective on August 26, 1977.

#### Child Welfare Concepts

Many of the concepts in the new law, while important for clarifying Alaska's statutes, are not significantly new approaches to

children's law. Several, however, are precedent setting and bring the force of law to current theoretical approaches concerning intervention into family life. Underlying the entire code is the belief that such intervention should be limited to instances where the child is suffering harm—actual or imminent—and that such harm should be assessed against specific criteria.

The code's intent was fivefold: "to clarify which children would come under juvenile court jurisdiction; to eliminate overbroad and vague jurisdictional grounds; to specify the Department of Health and Social Services' responsibilities in treating the child and the family; to set out certain guidelines for the court; and to clear up a number of inconsistencies in the present laws [1]."

It is in the approach to court jurisdiction over children and in specifying the Department of Health and Social Services' responsibilities that the significant concepts are found. The most important are the creation of the designation Child in Need of Aid to revise jurisdictional grounds, and the requirement for treatment planning and limitation of state custody to delineate the state's responsibility to children before the court.

#### Child in Need of Aid

Prior to the new law, Alaska's children were brought under the court's jurisdiction as delinquents (lawbreakers), dependents (neglected, abandoned, etc.) or children in need of supervision (runaways, truants, incorrigibles). Based upon Task Force members' intent to redirect the statute's emphasis away from the necessity for placing blame on the parent and/or child and toward assuring services for the family and child, the new law eliminates the designations Dependent Child and Child in Need of Supervision in favor of the new concept Child in Need of Aid. "It should be noted that this new jurisdictional section reasserts the primacy of the parent and child relationship and obligates the state to find specific evidence of actual or imminent harm before the courts and state agencies can intervene in family life [1:4]." The new law defines Child in Need of Aid as:

(A) the child being habitually absent from his home or refusing to accept available care, or having no parent, guardian, custodian or relative caring or willing to care for him, including physical abandonment by (i) both parents, (ii) the surviving parent, or (iii) one parent if the

other parent's rights and responsibilities have been terminated under Sec. 80 of this chapter or voluntarily relinquished;

(B) the child being in need of medical treatment to cure, alleviate, or prevent his suffering substantial physical harm, or mental harm as evidenced by failure to thrive, severe anxiety, depression, withdrawal, or untoward aggressive behavior or hostility toward others, and his parents are unwilling to provide the medical treatment;

(C) the child having suffered substantial physical harm or if there is an imminent and substantial risk that the child will suffer such harm as a result of the actions done by or conditions created by his parent, guardian or custodian, or by the failure of his parent, guardian or custodian adequately to supervise him;

(D) the child having been sexually abused either by his parent, guardian or custodian, or as a result of conditions created by his parent, guardian, or custodian, or by the failure of his parent, guardian or custodian adequately to supervise him;

(E) the child committing delinquent acts as a result of pressure, guidance or approval from his parents, guardian or custodian [8].

Such behaviorally descriptive standards for the state's intervention on behalf of children resulted from research into the laws of other states, as well as into current literature on children's law [2:3;4]. The philosophy and recommendations of Michael Wald, professor of law at Stanford University, coincided with the Task Force's belief that establishment of objective criteria for measuring specific harms to the child worked to prevent the subjective discretion of social workers and judges from determining custody issues. The elimination of the concept of fault finding and the redirection toward consideration of harm to the child that requires state intervention focuses the court's attention on what is to be done for the child, rather than who is to blame. The new language also eliminates "possible unconstitutionally broad and vague terms and laws" in the old statutes such as "incorrigible" and "wayward" on the part of the child and "false habits" on the part of the parents [7].

#### Required Treatment Planning

Probably the single most significant issue to virtually all members of the Task Force throughout their deliberations was the

frequent inability of the state to provide services to children and families that improve the situation so that children can be returned home, with the result that many children were "lost in the system" after placement.

Having addressed the jurisdictional statutes to require more specificity for adjudicating a child either delinquent or in need of aid, the Task Force turned its attention to possible statutory methods for assuring that services were delivered. Again with Wald's guidance (4), the Task Force decided to pursue service availability through: 1) the statutes governing the dispositions that could be made of children's cases; 2) the addition of a requirement for the preparation of a treatment plan; 3) the requirement for specific information to be provided in mandatory review hearings concerning the provision of services; and 4) the strengthened guardian ad litem provisions mentioned earlier.

Under Alaska law the courts hear the evidence in support of either a petition in Delinquency or Child in Need of Aid and subsequently dismiss the petition or adjudicate the child. If a child is adjudicated, various dispositions are possible. Under the new code possible dispositions for Delinquency now include: 1) commitment to the Department of Health and Social Services for institutional placement; 2) commitment to the department with probation, either living at home or in a placement facility; 3) department probation supervision with no commitment, or 4) restitution ordered in lieu of or in addition to numbers 1, 2, 3.

Dispositional alternatives for Children in Need of Aid care: 1) commitment to the department for placement (not including a correctional institution); 2) release to parent or guardian under court order to provide care or treatment supervised by the department; or 3) termination of parental rights.

Prior to any dispositional order for either Delinquents or Children in Need of Aid, the Alaska Department of Health and Social Services is now required by law to submit a "predisposition report with a recommended plan of treatment [9] ...which in the case of Child in Need of Aid" ...shall include, but is not limited to the following: 1) a statement of changes in the child's or parent's behavior, which will aid the court in determining that supervision of the family or placement is no longer necessary; 2) if removal from the home is recommended, a description of the reasons the child cannot be protected or rehabilitated adequately in the home, including a description of

any previous efforts to work with the parents and the child in the home and the parent's attitude toward placement of the child; 3) a description of the potential harm to the child that may result from removal from the home and any efforts that can be made to minimize such harm; and 4) any further information that the court may request [10].

It is evident that the reports are intended to be objective and to document the need for removal from the home in order to provide services, but even more importantly, they are required to specify behaviors that the family members must change before the return of the child or the cessation of the state's supervision. These reports are required to be made available to all parties involved 10 days before the dispositional hearing, in order that expectations are clear and that removal of the child is justified. It is hoped that, as far as possible, professionals and parents together will arrive at specifics in the treatment plan.

Additionally, the state is forced to confront the harm to the child resulting from placement and to plan for minimizing it.

Although the old law required at least yearly review hearings concerning children under the jurisdiction of the court, the code substantially strengthened this section in an effort to return children home unless specific and measurable evidence can be provided to support the need for continued placement. The law now requires that the child be returned home at the review hearing unless a preponderance of the evidence shows that the conditions under which the child was adjudicated still exist. "If the child is not returned home, the court shall establish on the record: 1) why the child was removed from the home; 2) what services have been provided to or offered to the parents to facilitate reunion; 3) what services were utilized by the parents to facilitate reunion; 4) the visitation history between the parents and the child; 5) whether additional services are needed to facilitate the return of the child to his parents; 6) when return of the child can be expected." [11]

The reporting of actual services being provided to the child and the family will increase the accountability of the state for children in its care, as well as providing a vehicle for comparing planned services at the time of adjudication with actual ones a year later. The requirement for projecting a date for return of the child to his home also is considered a worthwhile addition.

### Limited Custody

The review hearing requires the projection of a date for return of the child to the home, and the state's custody of the child (except where parental rights are severed) is now statutorily limited to 2 years. The elimination of indeterminate commitment represents a significant shift in the state's approach both to delinquent children and to Children in Need of Aid. Nationwide concern over institutionalizing children for periods far exceeding adult commitment for a similar offense was felt strongly in Alaska, and is eased by the new 2-year limitation. The possibility that nondelinquent children removed from their homes will drift indefinitely in a series of foster homes should also be significantly reduced. Extensions of commitment are possible, but they must be petitioned for by the state or the child is released. Even if petitioned for, however, extensions are not automatic. A hearing must be held in which the state demonstrates that the extension is in the child's and the public's best interests, and in no case can the extension last beyond the child's 19th birthday, unless the child himself consents.

### Conclusion

Alaska's Children's Code took effect August 26, 1977, and efforts toward its implementation are in an early stage. Work continues toward the passage of revised adoption statutes that were removed from the code and are still pending in the Alaska Legislature. The eventuation of law revision in improved child welfare services, however, is yet to be determined. ☆

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# **RUNNING TOWARD PRISON**

**Who are Alaska's Runaways  
and will they fill Tomorrows Prisons?**

This study was prepared at the direction of the Senate Finance Committee for the purpose of assessing runaway and street juveniles as they relate to the adult corrections system. The project coordinator is Marroyce Hall, Consultation Unlimited.  
The date of submittal - April 30, 1986 Section 1, June 30, 1986 Section 2.

## **Running Toward Prison/Running Toward Success**

# **Will Our Runaway Kids Fill Prisons Or Build Alaska's Future?**

This study was prepared at the direction of the Senate Finance Committee for the purpose of assessing runaway street juveniles as they relate to the adult corrections system. The project coordinator is Marroyce Hall, Consultation Unlimited.

Copies available through the Senate Finance Committee  
or the Alaska Juvenile Crime Commission.

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## INTRODUCTION

Child sexual abuse and exploitation, juvenile delinquency, violence and criminal activity are four serious social problems confronting the United States in the mid-1980's. They meet the criteria for classification as "serious" problems as they are prevalent (involving millions of people); they are severe (incurring many thousands of injuries and deaths as well as sustaining emotional distress); and they are primary (as they interact with other social problems).

U.S. Department of Justice  
Office Of Juvenile Justice  
And Delinquency Prevention

Is the act of running away a common thread in each of the four areas identified as the most wide-spread and serious of juvenile problems in this decade? Who are these runners? Who are the sexually abused, the delinquent, the violent, and the criminal? How can we help them and how do we protect society from them?

The purpose of this study is to identify causes and behavioral patterns of the juvenile runaway and the street population that lead to criminal activity. Further, to identify ways to prevent the continuing growth of the adult criminal and corrections population.

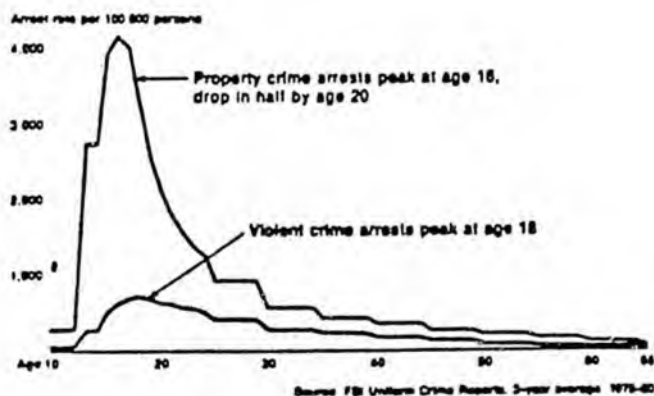
Juvenile crime and runaway information and statistics reflect national data as well as Anchorage and the Third Judicial District. The information gathering base primarily includes years from 1980 through April 1986. Information; 178 case interviews with juveniles and/or parents.

## THE PROBLEM: RUNAWAY/JUVENILE CRIME/ADULT CRIMINALS

One million eight hundred thousand juveniles runaway in this country annually. Large numbers of runaways are a fairly recent phenomenon that has evolved primarily from the disintegration of families and the legal ambiguity of parental responsibility and juvenile rights. Further, because the straight community sees little visual evidence of the physical existence of large numbers of runaways they are inclined to believe that they do not exist. Anchorage, like most communities, addresses the problems that runaways create in a piecemill process of individual crimes of burglary, shoplifting, prostitution, robbery, and murder by juveniles as random acts without assessing the factor of the runaway population as it relates to the problem.

Close to half of serious crimes committed in the United States involve youths under the age of 18 and a large percentage of the re-occurring crimes are committed by youthful offenders age 19 to 24 with multiple juvenile arrests. Since 1960, the number of arrests for violent crime by juveniles has risen twice as fast as that for adults.

Serious crime arrests highest in young age groups



Girls are now involved in more violent crime. In one five year period the arrest rate for girls under the age of 18 for serious offenses climbed 40 percent compared to 24 percent for boys.

### The Runaway

Technically speaking, any youngster under the legal adult age of his state of residence who, without permission, remains away from his home for a period of 24 hours is considered to be a "runaway." (3)

Most children think about running away. For most, it is no more than the result of a temporary flash of anger aimed at punishing their families. Plans for leaving home, in most cases, are never executed. For some, however, almost 10,000 youths every day, the plans are carried out and they do run away. These figures are staggering, but what is more alarming is society's inability to deal with the problem. (3)

Many factors seem to contribute to this rise in the numbers of runaways. The decade of the sixties ushered in a new attitude of personal freedom and independence. A "do your own thing" attitude formed, personal independence at a very early age grew quite common, and children became highly mobile in many of the nation's communities. Large cities, of course, provide more opportunities for shelter and employment than rural areas, and the age-old expression of an "exciting" urban life brought many youths in search of a new life and anonymity to big cities.

Also, alcohol and drug abuse increasingly create problems within the family structure. Alcohol or drug addicted

parents who are abusive when intoxicated and unable to maintain jobs are relatively common in the runaways's familial history. The director of one runaway shelter has remarked that "these kids are running from something, not to something."

### RUNAWAYS/THROWAWAYS AND THE LEGAL SYSTEM

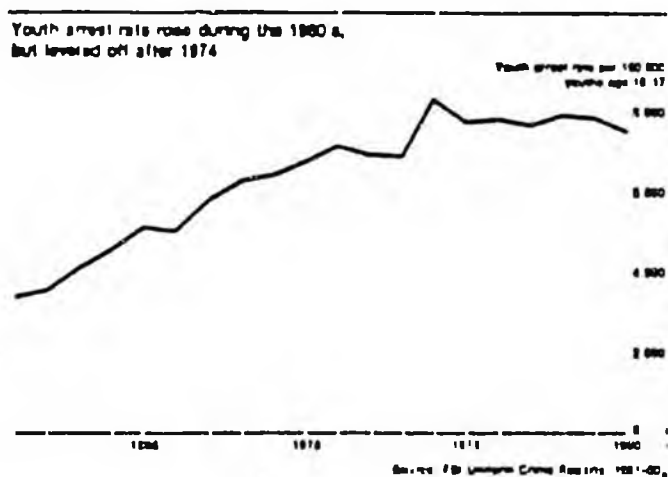
Thirteen states authorize prosecutors to file cases in either the juvenile or criminal courts at their discretion. This procedure, known as concurrent jurisdiction, may be limited to certain offenses or to juveniles of a certain age. Eight of the 13 states provide concurrent jurisdiction options in the trials of youths for serious crimes.

Thirty-one states exclude certain offenses from juvenile court jurisdictions. 20 states exclude only traffic, watercraft, fish, or game violations. The other 11 states exclude serious offenses; 8 also exclude some minor offenses. In Delaware, Indiana, Nevada, and Pennsylvania, persons of any age charged with a capital offense are prosecuted in adult courts.

About 11,000 juveniles were referred to criminal courts in 1978. Most juveniles tried in criminal courts were age 17 and were charged with property offenses. Violent offenses were involved in less than one-fourth of the judicial waivers or concurrent jurisdiction filings.

Juveniles tried as adults have a very high conviction rate, but most receive sentences of probation or fines. More than 90 percent of the judicial waiver or concurrent jurisdiction cases the Hamparian study resulted in guilty verdicts, and

90 percent of the judicial waiver or concurrent jurisdiction cases the Hamparian study resulted in guilty verdicts, and more than half the convictions led to fines or probation. However, juveniles convicted under excluded-offense laws were more likely to be institutionalized. Among the juveniles sentenced to incarceration about 14 percent received sentences that could have lasted, under the most severe circumstances, ten or more years. However, those incarcerated generally received longer sentences than they would have received under a juvenile disposition. However, most youths, like adults, are released from confinement before serving their maximum sentences.



### Child In Need Of Aid

The legal system has tried to anticipate such situations as child in need of aid. By law, no child should ever find himself homeless. State-run institutions are designed to function as a safety net for children whose parents have shrugged off their responsibility or a child who has left

states, children can choose to leave home at age 16 (in other states, at age 14 or 18), and the state cannot legally coerce them to return. In Alaska a youth cannot be arrested for running from home or a placement. It is an open secret among social-service professionals that agencies don't consider it a high priority if older children run because their age and sometimes their ingrained street habits make it almost impossible to settle them permanently with a family or in group home.

Younger children usually end up in foster or group homes if their parents turn them over to their state's child-welfare agency when they feel incapable of controlling them. While many care givers and foster parents are concerned about the welfare of the children it is not uncommon for such children to encounter apathy or more abuse within the system. For some of these children transience becomes a way of life and they are in scores of different foster homes or state institutions by the time they reach adolescence. It is this population of children that constitutes a large portion of homeless youths on the street.

#### THE THROWAWAY (10)

The term "throwaway" denotes a minor who for whatever reasons, is no longer welcome in his home. Runaways are by choice absent from home. Both categories of youth are usually statistically listed as "runaway."

The U.S. Department of Health and Human Services now acknowledges that some 35 percent of youths previously assumed to be runaways are actually throwaways. The National Runaway Switchboard, a hotline for both runaways and throwaways,

reports that calls have more than doubled over the last ten years from throwaways on the street who are desperate for help.

There is no "typical" throwaway, but authorities have been able to draw certain conclusions about the group.

\* While the throwaway can be as young as 11, the average age for boys is 17, and 15 for girls. (The population is evenly split between males and females.)

\* Throwaways come from all ethnic groups, all fifty states, and usually from both lower- and middle-class families.

\* The majority of throwaways come from families in which only one biological parent is present. Divorce has resulted in either a single-parent household or the remarriage of one parent.

\* More than half of all throwaways come from households where one or both parents are alcohol and/or drug abusers.

\* At least half report having suffered incidents of physical abuse and an increasing number report sexual abuse. Others complain of neglect, of poor or strained communications between family members and of violent clashes over behavior.

#### **THE THROWAWAY: A PRODUCT OF FAMILIES IN TROUBLE**

The growing divorce rate has fragmented the traditional family structure in America. Single parents with children struggle to make ends meet, and often the unattended child runs afoul of the law or are victimized by another adult

because his parent or parents are nowhere near to protect him.

Other parents, strapped with mounting bills, caught up in a struggle for survival, ignore their responsibility to their children and simply order the children out of the house. (10)

Strains put on traditional family roles have been combined with many structural changes and malfunctions in governmental and social systems and have resulted in a throwaway/runaway problem that has reached epidemic proportions. (10)

#### **EDUCATIONAL BEHAVIORS: THE RUNAWAY/THROWAWAY (9)**

School dropout status is the second most significant predictor of adolescent runaway behavior, as well as one of the highest predictors of alcohol/drug abuse.

School disciplinary problems and crime are also spoken of in the same breath by authorities on juvenile delinquency, students who are disruptive and who cause most disciplinary problems are often the same students who commit crimes. Students experience "progressive maladjustment," starting with unacceptable behavior and ranging from truancy to classroom "nuisance" and disruptive behaviors such as fighting, drug misuse, vandalism, and graduating to serious criminal acts.

The child's behavioral difficulties in school appear to be cumulative if not dealt with at a very early stage. The likelihood of succeeding by intervention decreases as the behavioral difficulties become more acute.

Misconduct in the school, precedes misconduct in the community and the way schools react to school misconduct may determine if it is followed by delinquency.

### PSYCHOLOGICAL AND PHYSICAL FACTORS

The most recent and indepth information on this subject is found in the 1986 study by Dr. Ann Burgess on Possible Linkages Between Sexual Abuse and Exploitation of Children and Juvenile Delinquency and Criminal Activity.

The major runaway population reported a very high level of physical abuse (73 percent) and sexual abuse (51 percent) and identified both "unhappy life" and physical and verbal abuse as key reasons for leaving. Secondly, they presented many symptoms of depression, anxiety, self-criticism, somatization and fights among peers, and confusion with their sexual identity. At the same time they report peers admire them, think well of them, believe themselves to be pleasant appearing, happy yet feel alienated and isolated in personal contacts. They also report poor school performance and poor work records and great conflicts with authorities. These findings support our notions that patterns of expectations of this youthful population tend to be inconsistent and not very operable for successful living on their own. In essence they vacillate from feeling good about themselves to feeling terrible. There is little tolerance for the frustration of learning and their ability to evaluate their performance and correct behaviors to occupy their activities. They report little pleasure in their lives on the street or in their lives at home. Family life is reported to be high in conflict, instability and financial stress. This is more the case for those reporting sexual and physical abuse.

All of the runaways tended to find avoidant coping efforts of little use though used frequently. There are gender differences with the sexually abused vs. non-sexually abused populations. Sexually abused females report more delinquent/criminal behavior, feel more confused about sex, express more anger in interpersonal relationships than non-sexually abused females. Male runaways with sexual abuse histories are more avoidant, fearful of adult men, report more absent fathers, are solicited for prostitution, have problems with same sex relationships and tend to report more physical symptoms than non-sexually abused males. Both sexually abused genders report more suicidal ideations. (1)

Life On The Street Exact A Heavy Toll.

\* Most throwaways suffer from some psychological disorder -- severe depression, suicidal feelings or antisocial behavior. One study found that 66 percent of the girls and 48 percent of the boys questioned had attempted or seriously considered suicide. (9)

\* Street kids are afflicted with a wide variety of physical problems as well; frequent infections, decaying teeth; peptic ulcers, venereal disease, as well as seriously debilitating conditions. (9)

\* 70 percent abuse some form of drugs or alcohol. (10)

\* They are more sexually active than their peers with homes. One study found that nearly 75 percent had engaged in intercourse and one-third of the girls had been pregnant at least

# **CORRECTION**

**THIS DOCUMENT  
HAS BEEN REPHOTOGRAPHED  
TO ASSURE LEGIBILITY**

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\* They are more sexually active than their peers with homes. One study found that nearly 75 percent had engaged in intercourse and one-third of the girls had been pregnant at least

once. And girls who have a baby often perpetuate the cycle of homelessness and deprivation into the next generation.

Cognitive confusion and unrealistic expectations link the child into repetitive running. When asked about beliefs regarding these events in general, the youths reveal the problems in their linking in that while they feel others control events and they blame others and themselves for event, they also believe the events are unpredictable - a paradox. This confusion between accountability and predicability reflects unrealistic expectations that things should be different and lack of an awareness of actions that can result in change. There is self recrimination and/or disqualification at the same time a disbelief and/or lack of awareness of what actions and behavior can be controlled or changed and what is needed to take control. (1)

#### Child Prostitution and Pornography

Exactly how many runaways end up in prostitution and/or pornography is difficult to estimate. However, most juvenile prostitutes are runaways and missing from home. Prostitution is the easiest way for street kids to make money. (2)

#### **PROFILE: THE SEXUALLY EXPLOITED CHILD**

Girls/boys who are exploited are usually of normal intelligence, 11 - 16 years of age, from a blue collar background with a high degree of racial prejudice in the family. 80 percent will be from a single parent family, the mother is usually divorced, working and either dating or remarried. 94 percent indicate drug usage with 30 percent demonstrating drug dependency (daily use). 90 percent are runaways and

only 18 percent indicate a close/"warm" family setting. 53 percent indicate a hostile/rejecting/"throwaway" relationship by parents. 37 percent became involved in some form of child pornography. The average age of first sexual intercourse for these children was 12 with the greatest frequency between 10 and 13 (lowest was six). (1) (11)

People who make a business of picking up children can spot a runaway as handily as a poker player can win with a straight flush. Once spotted, it is simple for an experienced procurer to approach the child, begin a conversation, buy a sandwich or soft drink, and take the victim home.

Alaska Juvenile Inmate Findings, McLaughlin Youth Center (14)

Only males were surveyed, females are typically higher in most categories of abuse.

\* 80 percent of the juveniles responding reported multiple incidents of physical abuse.

\* 40 percent of McLaughlin residents acknowledged committing the same kind of physical abuse against others. One-fourth of those who were sexually abused admitted committing such acts later.

\* 68 percent reported sexual abuse and 25 percent of the McLaughlin population has been "extremely sexually abused."

\* 27 percent of these underage youths said they have had sex for money and the same percentage said they were forced to have sex with someone.

## State and Law Enforcement Statistics

According to the statistics from the Division of Family and Youth Services reports of child sexual abuse increased 530 percent from 1980 to 1984. The Anchorage Police Child Sexual Assault Unit handled an average of 52 cases per month in 1985. That average has already increased by approximately 13 percent for the first two months of 1986. Under the Violent Crimes Compensation Program for 1985 sexual assault claims exceeded all other category of claims including homicide and other types of assault. Of the 91 claims filed 67 were for sexual abuse of a minor. (6)

### **ANCHORAGE RUNAWAYS. HOW MANY ARE THERE? WHO ARE THEY? WHERE DO THEY COME FROM?**

Some hitchhike from rural Alaska, some fly in from bush villages, and some boat across to the Kenai Peninsula from places like Kodiak. Most runaways, however, run right here from home to downtown Anchorage. They come from everywhere. They come from every cultural and social background. Some come up from the Lower 48 to Alaska with parents. Others come from average working or middle class homes. Runaways come from families represented in full range of the economic spectrum, from the poorest families to the wealthiest. Any child can fall victim to the street life.

The September 1985 Wasserman Report requested by the Municipality reported statistics on the Anchorage runaway population and the runaway network as follows:

"The Anchorage Police Department recorded 742 run-  
aways reported by families in 1984. Unofficial APD  
estimates of the total number of cases, reported

and unreported, run as high as 1,500 cases during any single month, although this number would include a significant percentage of youngsters who are over 16 years of age and are 'informally emancipated.' This estimate would probably also include the 1,500 runaway 'street children' who are estimated to the present at any given point in time. It would also be noted that these estimates do not represent numbers of new cases per month, but are likely to contain a large 'static' population of more or less 'permanent' runaways or castaways."

NOTE: The numbers reported for Anchorage are four times the national average for cities of comparable size.

### **STREET -- A VICTIM LIFESTYLE**

Detective Frank Feichtinger, Alaska's nationally recognized law enforcement expert in the field of child exploitation reported some of the problems of juveniles running to street life as follows:

"What has developed in Anchorage and other communities across the nation, is a network of criminal activity of which juveniles play a substantial part. This has developed to the extent that many of our young persons so exposed actually are a part of a subculture existing in the same space but at different times within the mainstream of our society. Criminal activities thrive at night after most law abiding citizens have gone home to families, newspapers, and T.V. This subculture has a set of values and morals that are radically different than those of the main body of our society. Paramount within this set of values is the belief that youth equates to victimization. When a young person in our community is, for whatever reason, out of the home environment and living in the streets, he is subjected to an elaborate system of victimization on the part of adults who use youth to their advantage in the perpetuation of their criminal activities and personal desires.

"A young person finding himself/herself within this position is necessarily forced to first, survive. In order to do this, the youth must engage in activities which adults can support. These activities range from theft to drug usage/sales to prostitution. Adults involved in these activities will promote the involvement of juveniles to the advantage of the adult while at the same time providing for the juvenile, as a minimum, the basic needs of food, clothing and shelter. Juveniles within this community are extensively involved in theft, drugs and prostitution and these activities are promoted and supported by adults within the community. The extent of the problem is largely unseen, even by many persons within the criminal justice system who deal with these juveniles daily as a part of their jobs, because the juvenile does not often talk about depth of involvement to any one, other than his/her peer group and in some cases, not even to them. The system tends to look at each individual act by itself, failing to realize that there is a much greater problem, individually and collectively, lurking below the surface of the individual act.

"As an example of what I previously stated, I would estimate that about 50 percent of all the boys admitted to McLaughlin Youth Center have had some contact with adults of a homosexual nature. I would further estimate that in excess of 25 percent of these have had what could be termed deep involvement with more than one adult. Often, this kind of activity develops in relation to other types of activity including the adult using the juvenile for drug sales and to provide merchandise for fencing operations of small and large scale. It is not surprising then, that when the juvenile so involved is picked up for a property crime or drug related offense, the depth of his involvement is never revealed to those professionals within the system that later deal with him.

"Any juvenile who, for whatever reasons, spends more than a short amount of time living away from home and on the streets will become involved to a greater or lesser degree in the kind of activity I have just described. Since the adult(s) involved

use the juvenile for their purposes, the normal role of adult guidance in the maturing process is severely distorted which in turn perpetuates the problem as the juvenile grows older and changes from being the victim to the user. Over a period of time of involvement in these kinds of activities the youth gradually begins to believe that the only thing that will change his being used to another's advantage is age and that when that age is attained the role can be reversed.

"It is virtually impossible for a young person to survive away from home without becoming involved in these kinds of activities because of the inability of a young persons to legitimately obtain the basic necessities of food, clothing, and shelter. It is further virtually impossible for that young person to steal enough through burglary, robbery, or theft to attain these necessities. As such, the young person in that position, must turn to other more profitable activities. These activities involve drugs and prostitution. The problem is further compounded, in most cases, because of the emotional problems that the youth is experiencing as the result of his necessity to leave the home or to replace the home needs with persons met outside the home and his resultant turn towards drug usage. Drugs are expensive and not within the reach of the average young person through legitimate earnings. Adults desiring use of juveniles for sexual purposes are well aware of the juvenile's problems and will frequently provide either the basic needs of survival, or drugs, or both in return for sexual favors. In many cases, the juvenile can provide sexual favors for a much higher fee than could be obtained through other types of criminal activity. Adults desiring these kind of favors are very perceptive in being able to identify those juveniles that are in a position to which they would be susceptible to such propositions.

"All this exists on a large scale in the Anchorage area. (The extent of this existence increases steadily because of the inability of the criminal justice system and the community to control it estimate that the extent of the problem in Anchorage is proportionately greater than it is in other comparable communities in the United States, again for a variety of reasons.) It is common

knowledge that large scale fencing operations exist within the Anchorage area, as is evidenced by the very small percentage of stolen property from Alaska in other states. The extent of drug sales operations and drug usage among juveniles in the Anchorage area, again, is particularly high. Further, it is virtually impossible for any young person not to be exposed to drugs, and not just marijuana, beginning in junior high school. The extent of juvenile prostitution activities, particularly as it involves males, is also extremely high in the Anchorage area to the degree that virtually all juveniles living out of the home are exposed, many still living at home are exposed.

"There exists, in Anchorage, houses where juveniles on the run can find temporary shelter. These houses are provided either directly or indirectly by an adult. Unfortunately, there are strings attached to the use of the safe house by the juvenile. There have been commercial pornography operations featuring sexual involvement of juveniles in the most perverted kinds of sexual activity operating in the Anchorage area. These operations have been directed by criminal organizations from outside the State of Alaska. There have been commercial prostitution operations within the Anchorage area in which juveniles were the merchandise and in which the fees paid were extremely high. There have been large scale drug operations in which juveniles, many of them going to school and living at home, were involved as the primary pushers. There have been large-scale fencing operations in the Anchorage area in which merchandise stolen by juveniles was fenced by adults to create huge profits.

"The depth of this whole problem is really seen when one realizes what becomes of the juvenile that is involved in these kinds of activities. All young persons growing up need adult guidance and emotional support in order that a moral and value system can develop. If the child receives, for this need, guidance and 'emotional support' from persons that only wish to use him, it is understandable how we are developing a subculture of increasing size within the mainstream of our primary culture, in which the value system is as foreign as one would be from a far Eastern country.

The use of youth for personal gain is as foreign to the basis of our culture as is the crime of murder and yet we are allowing this to exist, and to, in fact, grow within the Anchorage area to a massive degree."

### Kids Who Run, Who Are They?

#### Case Examples:

Danny, age 16. His parents left him in Anchorage when they left the state. They told him that he was old enough to take care of himself. He was left with some money but it soon ran out. He tried to get a job and held on to a few, working at a few fast food restaurants. There was never enough to keep him properly fed and supply his shelter needs. He could not get a job and started panhandling in the downtown Anchorage area. During the winter he often slept under the blower vent of the grill at McDonalds next to the Sunshine Mall. Danny finally found a job working as a street prostitute on the corner of Fourth and D Street.

Shaunna, age 14. Shaunna ran away from a home on the hillside. She joined a group of girls burglarizing neighborhood homes. When arrested she openly admitted to the Alaska State Troopers and her parents that she had no real problems at home and she ran for the fun of it and had no intention of staying home.

Corey, age 15. Corey was caught shoplifting (runaways will often shoplift from stores for money and clothing). Corey ran away from home many times. His parents just did not care anymore nor did they report him as a runaway. He often talked to his parents by telephone and always lied to them

about his true situation. He stayed with friends at first, always staying until his welcome wore out. He was a heavy user of drugs, pills, pot, and often mixing drugs with alcohol. His addiction stopped him from getting or holding a job so he sold drugs to maintain his habit. He was raped by a male adult one evening when he was high on LSD (Lysergic Acid Diethylamide). Corey has since graduated to more daring and sophisticated crimes and has a fascination for guns.

Nicky, age 16. Nicky was discovered performing nude in an Anchorage club. She had been performing since the age of 14. Evidence indicated she was transported to Anchorage by a talent company providing girls for strip bars from outside the state.

Jenny, age 16. Jenny was a native. She was impregnated by a boy in her village. She attempted an abortion and ran away. In Anchorage she was prostituted by a pimp, often beaten, and never left with enough money to return to her village. Jenny stayed strung out on the drugs her pimp supplied for her. She died of an overdose.

Most groups of Alaskan runaway children are typical of the problem nationally. The problems of native kids are the exception due to the additional factors brought about by the cultural clash.

#### **THE NATIVE RUNAWAY/EXPLOITED**

Anchorage attracts the native children from villages primarily north and west of the city. The actual numbers of native runaways are hard to determine because the runaway case reporting from the bush areas is sporadic. Runaway native

juveniles have been very much in evidence in a number of cases of exploitation occurring in Anchorage. Some individuals target native youth because of the geographical and cultural displacement and the perception that they would be less likely to complain to authorities because of the lack of sophistication in dealing with the system.

One individual interviewed fit the profile of the native male victim of street exploitation.

James, 13 years old, son of an alcoholic mother moved to Anchorage from a western village. He was befriended at the YMCA by a white adult male in his 40s. The friendship/father figure relationship that the child was seeking evolved into a sexually exploitive relationship involving large numbers of other young males.

The system is seeing an escalation in violent crime among both native boys and girls. Almost one-third of the juvenile males incarcerated in McLaughlin Youth Center in the closed treatment unit are native. The link between native children suffering from sexual exploitation and acting out in a criminal and violent manner is a phenomenon that calls for additional study.

#### **THE RUNNER . . . TO WHERE?**

About ten percent of the reported runners remain on the street each year. Only an estimated five percent of the runaway population utilize legitimate shelters provided by communities. The remaining 95 percent rely upon their own cunning and wits to survive. (11)

Alaska's runners rarely hold jobs for long. Idle time is spent hanging around Anchorage malls, video game stores, and all night restaurants. According to street kids, it is easy for those planning to run to hang around these places and make enough connections to disappear for a year and never leave Anchorage.

Actual "habitats" for runners can be broken down into five loosely knit social grouping situations.

The Acquaintance Runner. This runner will often find shelter with a series of friends or family acquaintances until he wears out his welcome. He will usually return home on several occasions until family relationships further disintegrate.

The Solitary Runner. He is often a throwaway, out of the family with few options. He will have little peer support and few resources or skills. Living on the streets the individual will hole up in laundry rooms, stairwells, or all night restaurants.

The Network Runner. "Borderline", anti-social, or criminal young adults share living space with young runners. Reliance creates a loosely knit family replacement structure. Relationships usually last for short periods. Often drugs, sex, jealousy and lack of stability will cause bitter fights, forcing the younger runner to drift toward other similar environments.

Home Runner. This juvenile operates out of the family home at his own convenience, but evidences most of the traits of street life. Societal and family rules are simply ignored

and in some cases the juvenile becomes violent and abusive to the family.

Criminal "Safe" Shelter. (In street language the word "safe" means safety from parents and police.) This refuge is an artificial home environment provided by a criminal adult or adults for the express purpose of ingratiating themselves with the juvenile to involve them in illegal activities.

The Crash Pad. The Alaska crash pad is usually in condemned and deserted buildings with no heat, lights, water, or sanitary facilities. These shelters are commandeered by groups of juveniles involved in criminal activity; burglary, robbery, drug dealing, prostitution, and even murder. The location of several crash pads in different parts of town constitutes a common home for the crash runner.

### **STREET LIFE INFLUENCES**

#### Drugs and Drug Culture

The impact of drugs and/or alcohol is evidenced in virtually every case and every negative lifestyle involving repeat runners and juvenile criminals. Heavy abusers sustain their drug use virtually to the exclusion of other life activities. The result is a commitment of the individual to a culture that revolves around other users and ways to obtain illegal drugs.

Local law enforcement makes few pretenses at controlling drug use and sale by juveniles due to lack of manpower and the availability of controlled substances. Drugs are so common in schools, public places, and functions that many young

users rarely give a second thought to selling. What better way to keep a supply, make money and friends.

Drug Influences in Anchorage Schools. In 1978 the West High football coach Don Larson made statewide news when he threatened to resign because most of his team was on drugs. A March 15, 1983 Anchorage School District survey reported that 44 percent of a high school age population surveyed regularly used alcohol and 36 percent of the seniors reported some use of cocaine during that year, as compared to 12 percent for the national group. According to experts in juvenile problems and narcotics enforcement it is believed that the juvenile drug usage has escalated sharply since the 1983 Anchorage School District drug survey report to the School Board.

#### **ABERRANT STREET LIFESTYLES**

Crime Rings. Adults who use groups of kids for criminal activity; burglary, robbery, prostitution, and drug dealing (covered in the Feichtinger interview).

Punk. While a relatively small group, the most startling affectation are the Punk/Deth Metal/New Wave/Nazi. Kids attracted to this concept want desperately to belong and to be group identified.

The Junior Punks. Groups in the high school system. Street kids estimated that there may be as many as 40 Junior Punks or "Wannabees" in some schools in Anchorage.

Nazi/Punk. Some individuals adopt the Nazi/Punk affectation and the lifestyle becomes all encompassing. For hardcore

attracted to this concept want desperately to belong and to be group identified.

The Junior Punks. Groups in the high school system. Street kids estimated that there may be as many as 40 Junior Punks or "Wannabees" in some schools in Anchorage.

Nazi/Punk. Some individuals adopt the Nazi/Punk affectation and the lifestyle becomes all encompassing. For hardcore Punks, piercing the body and shaving portions of the hair into grotesquely distinctive designs, painting or cutting skin with symbols is almost a requirement. Chains, whips, spike bracelets and chokers are part of the uniform. Slam dancing and head banging are typical of a "social function" and can get extremely physical and sometimes very painful. Some Punks correspond with neo-nazi groups in Germany. They ritualize Deth Metal and Acid Rock music, particularly recordings that glorify death and pain.

RECORDING ARTIST: Megadeth

Exodus

I am a sniper  
Always hit the mark  
Paid assassin  
Working after dark  
Looking through the night  
Using infra-red  
My target on you  
Aimed at your head  
\$10,000 up front  
\$10,000 when I'm through  
And I know just what to do  
And ya know I'll do it too  
Then I'm coming back for you  
Back for you!  
I do the "getting rid of"  
Don't tell me why  
Don't need to hear the truth  
Don't need the lies  
Now pay me quickly  
And now we're through  
It brings me great pleasure  
To say my next job is you  
Don't you know that  
Killing is my business  
And business is good (repeat)  
You'd better believe it

It starts with life, a way to live  
I love the sound of pain  
The more it hurts the better I feel  
The world will fall insane  
It comes to me late late at night  
When I feel like being cruel  
Whip out the chains and get the knife  
And slay some innocent fool

Get in our way and we're going to take your life  
Kick in your face and rape and murder your wife  
Plunder your town your homes they'll burn to the ground  
You won't hear a sound until my knife's in your back  
The Exodus attack

The filthy sound of death and pain  
Brings pleasure that I need  
The rotting hide the burning flesh  
The smell and I agree  
Bloody corpse makes me feel great  
Painkiller in my life  
Cut bare flesh to the bone  
Use a rusty knife

Get in our way and we're going to take your life  
Kick in your face and rape and murder your wife  
Plunder your town your homes they'll burn to the ground  
You won't hear a sound until my knife's in your back  
The Exodus attack

involving psychedelic drugs and horror movies, music and rituals dedicated to Satan.

(Satanic/Punk activity is not accepted by hardcore satan worship hierarchies and covens. Satan worshippers go to great lengths to keep their activities secret.)

Although the number of hardcore Punkers are comparatively few, the lifestyle holds appeal for youths who are angry and want to exhibit destructive anti-social behavior. Further, the level of general popularity of soft punk music/video movies and semi-punk/new wave dress indicates that punk is not only tolerated by larger numbers of juveniles but it is acceptable.

Motorcycle Gangs. Gangs attract a small number of runaways nationally but most members are from Alaska. Runaway girls age 12 to 17 are lured into involvement because they perceive the lifestyle to be exciting and powerful. While all groups are not involved, and few actual statistics are available, reports out of Louisville Exploited Children's Unit covering a 33 month period revealed 112 child exploitation cases involving bikers. Locally, young girls interviewed reported they were subjected to intense physical abuse, sexual abuse, and in some cases, prostitution.

Satan Worship. Satan worship, as opposed to satan punk, operates in extreme secrecy. Police and officials often prefer to believe that it does not exist or if it does it is a harmless practice. Because of the secrecy it is hard to evaluate the its impact.

Local juveniles have been involved to the extent that in the past eighteen months 9 known cases have been treated by lengthy hospitalization in psychiatric hospitals in Anchorage. Evidence of involvement is surfacing at McLaughlin Youth Center as well as in local public schools. Rituals reportedly involve animal sacrifice and corpse mutilation.

Dr. Judianne Deussen-Gerber, national expert in runaway and related problems as well as occult activities, expressed concern about the growth of satan worship practices in Alaska due to our proximity to one of the epicenters of the satan worship movement.

Nationally, satan worship has surfaced in a number of communities and the subject has been reported extensively on national television and news magazines. Tom Jarrell, correspondent for ABC news show 20/20 entitled The Devil Worshipers, stated that ritualistic murder has become a specialty for the San Francisco chief medical examiner. According to Agent Ken Lanning, F.B.I. Behavioral Sciences Unit, WA. D.C., close attention is being given to satan worship as a culture that is growing and exhibits a great potential for violence.

Sado/Masochistic Clubs. The sado/masochistic is a fringe group that is few in number but extremely dangerous. Youths involved are at risk physically, psychologically, and emotionally. One group is known to have started in Anchorage and others are suspected. Sado/Masochistic clubs are initiated by adults who are sexually stimulated by sado/masochistic activities and a feeling of power over the victim. Juvenile runaways are at risk because the power factor

is enhanced by the youthfulness of the victim. Also, run-aways have no protection because they are already considered "missing."

#### **ANCHORAGE JUVENILE SOCIAL DRUG SCENE AND "PARTY" STRUCTURE**

One interaction between street kids and at-risk straight kids takes place at a social level depending on which group each chooses to relate. Unsanctioned juvenile "parties" are held almost every weekend in Anchorage. Events are advertised by flyers in the malls and places where kids gather. Another unique method initiated by resourceful party-givers involves the use of rented limousines which cruise on the Northern Lights/Benson strip to signal that a party is happening. Kids will follow the limousine to see if they are holding the kind of party they are interested in, depending on how the individual perceives himself in the party "caste" system.

Parties often range in size and can include hundreds of kids. One party two years ago involved so many kids People Mover buses were used by the police to transport them. Adults are sometimes criminally involved and alcohol is in abundance. There is often a drug room set up where each drug supplier will be provided an allotted time to service his customers before relinquishing the room to the next supplier. Parties sometimes get out of control, resulting in destruction of property and police response.

before relinquishing the room to the next supplier. Parties sometimes get out of control, resulting in destruction of property and police response.

**PARTY**

2307 W. 30<sup>th</sup>  
 8.30 Feb. 28 Friday  
 \$200 Door Charge  
NO Pres. Sales, Tips  
 Cordy for serious buyers  
 5 Keys



CONCERT  
 PARTY!!

DETH DANGERS SHOW TO TRASH  
 THE CRAP (BUTT)!!

Place: HULKAGIN HEIGHT  
 3<sup>rd</sup> LEDGE

DATE: April 1, AND IT'S NO JOKE  
 TIME: 11:30

7 KEGS  
 LIVE BEER  
 \$5.00 AT TAP



MUSICAL  
 TENDRIES

**PARTY** WEED **LINE**

\$200  
 FOR GUNS



SATURDAY MARCH 15  
 BE ON THE STRIP...

Baby Blue Limosine...

9:00 FOLLOW US  
 TO PARTY.

Interview Question:

Please describe the kinds of groups or parties that kids are involved in in Anchorage. Specifically describe those parties that involve illegal activity.

Answer:

Sochs. "The upper class party people. They don't drink too much but they are into cocaine. They listen to contemporary rock music."

Preps. "They are a lightweight bunch of people that are just starting to get into partying, mostly freshmen and sophmores. They crash parties and get wasted and make scenes in front of everybody. They listen to soul music or disco. The preps usuall, smoke a lot of dope and know where to get a lot of it."

Stoners. "This is a hard party gang. They like to get

They listen to heavy metal music and to deth metal music."

Punkers "They like to listen to Deth Metal music and get into the drug scene. . . . They like to do acid and other heavier drugs like mescaline. They get into heavy partying. Some of their parties have stoners but never have they had any sochs or preps."

"The nickname that the Stoners and New Wavers give the Sochs and the Preps is the Wannabees because they really want to be 'partiers."

Group Interview, Juveniles age 14 to 17.5  
Interview conducted on 2/15/86

Interaction in these groups can be dangerous for borderline kids because it introduces them to aspects of street and drug life that could make running more appealing.

#### STRAIGHT KIDS/STREET KIDS

One disturbing factor of the increasing runaway and street population is a growing segment made up of "average" kids from typical family homes where no abuse or hardship is evident or claimed by the runaway. The major influence in these cases is: teenagers perceive that street life gives them a certain freedom. They are free from responsibility, free from parental control, free from the rigors of school attendance. Additionally, many are drawn to the excitement of risk and unacceptable peer influences.

This group of kids has discovered their "right to run." They know that under current state law, parents, law enforcement, and community hands are tied and there is no legal recourse to hold them even for their own protection. The potential for straight/street kids to fall prey to exploitation of

criminal adults is even greater than those kids who are street-wise and through necessity have learned to survive.

The families of straight kids who run are left bewildered, hurt, and angry. Parents of these kids often find themselves caught in a system that offers little help in their attempt to find and return their juveniles homes and to stabilize their lives.

Many of these juveniles who are repeat runners destroy the stability of their families and set run patterns for younger siblings in the family. Their actions create a ripple effect causing changes in behavioral responses between all remaining members of the family. Divorce is not an unusual occurrence following periods where parents have spent their financial and emotional resources vainly searching for a missing child. The fragile family structure often cannot withstand the blame/self guilt/anger syndrome created by a loved child who has deserted his or her family for no apparent reason.

As the numbers of runaways increase, the straight kids/street kids segment of the street population will continue to rise because loss of control and negative peer influences will also increase.

#### How Many Juveniles Are Involved In Crime

Juveniles ages 12 to 18 in Anchorage loosely translate to the following breakdown:

The number of kids in this age range is approximately 20,000.

87 percent of the teenagers will never runaway or receive more than misdemeanor citations or traffic tickets.

6.5 percent will commit only minor offenses.

5.5 percent are considered borderline "at risk" and will negatively impact the schools, social services, families, and on occasion, law enforcement, (usually property crimes, as well as prostitution.)

1.5 percent remaining include potential hardcore criminals. Individuals in this category will affect and impact the prior 5 percent involving them in criminal activities.

#### **NATIONAL EXPERTS ON JUVENILE CRIME IN ALASKA**

John Rabun, Deputy Director of the National Center for Missing and Exploited Children and the national consultant for the Alaska Juvenile Crime Commission views the problem as one of the severest in the nation for cities the size of Anchorage.

"One major indicator of the problem developing in Alaska is the numbers of the runaway reported in Anchorage (nearly four times the national average). "If 742 kids in an isolated setting like Anchorage, Alaska are running from their homes and the reported 1,500 juveniles are living in the streets outside of legal custody, the predictors of their involvement in criminal and anti-social activities typical of street life indicate that Alaska will continue to suffer escalating and compelling social and criminal problems."

F.B.I. Agent Ken Lanning of the F.B.I. Behavioral Sciences Unit stated as follows:

"I strongly recommend that Alaskans as well as those in the Lower 48 address problems experienced by youth early on.

"The profiling of serial murders and rapists reveals psychological abnormalities stemming from negative life factors rooted in child and teen years as one of the predictors of serial murderers, arsonists, and rapists.

"Profile work done by the Bureau has convinced me that if communities do not act to address problems of juveniles we can expect to see a sharp rise in violent crimes as well as those crimes committed by serial murderers and rapists."

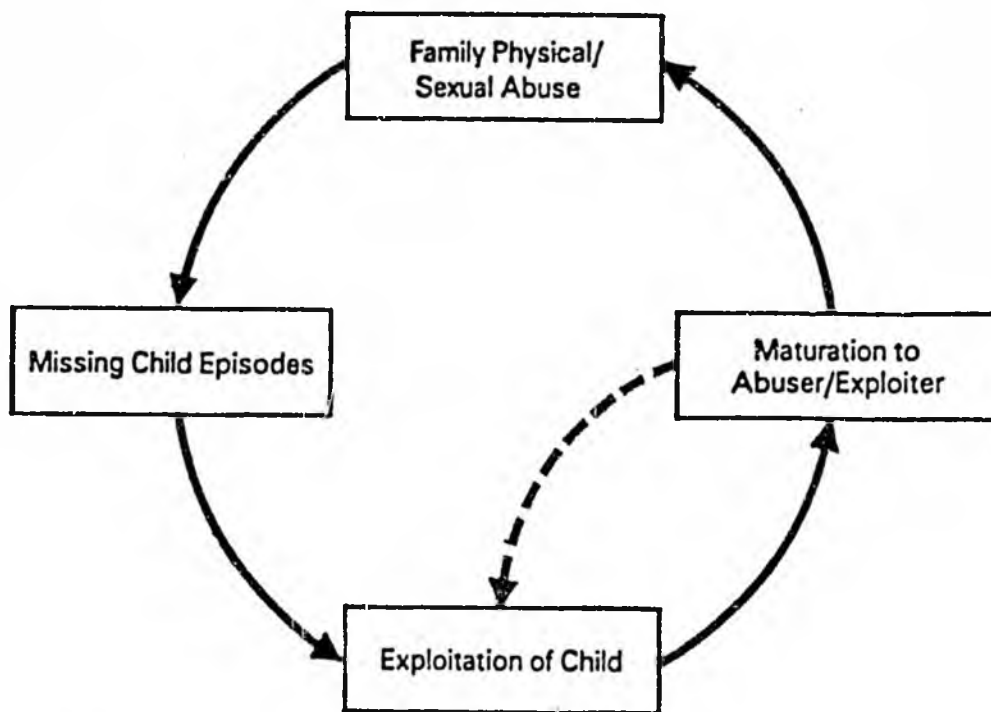
## CONCLUSION

Child sexual abuse and exploitation, juvenile delinquency, violence and criminal activity were identified nationally as some of the most serious problems confronting society. The runaway is a national and progressive epidemic that contributes to a kaleidoscope of serious societal problems. The runaway/street juvenile further impacts society by exhibiting those factors intrinsic to much of the prison population. Society is behind the power curve in identifying the scope of the problem, and the projected result, as well as implementing workable preventive measures. Alaska is impacted more heavily than comparative communities outside.

A significant conclusion was drawn by John Walsh, the father of Adam, when he spoke to the Joint Judiciary and Health and Social Services Committees of the Alaska Legislature in Juneau last February.

"Those of you that are parents who love children have a vested interest. Those of you that don't have children and really aren't concerned with children but won't admit it publicly, consider this: 80% of the convicted felons that are in federal prisons by an FBI survey were physically or sexually abused as children. 75% of the violently mental ill in state institutions were physically or sexually assaulted as children. If you want to deal with the problem now you won't have to pay later. Because the 12 year old on the streets of Anchorage tonight, or the sexually or physically abused child in your schools today may become the rapist or murderer in Alaska's future and you'll have to deal that with a larger, much larger appropriation and much bigger cells. So, there is a way to break the chain and that's by protecting children now and stopping and helping the victim. We must stop them from becoming future criminals."

## Cycle of Violence



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SECTION II OF THIS REPORT; RUNNING TOWARD PRISON WILL  
ENCOMPASS:

A PROFILE OF THE NATIONAL ADULT PRISONER

A PROFILE OF ALASKA'S ADULT PRISONER

DIFFERENCES AND COMMONALTIES WITHIN THE TWO GROUPS

PERSPECTIVE OF EXISTING PROBLEMS

RECOMMENDATIONS



# Running Toward Prison

## Section II

# RUNNING TOWARD SUCCESS

Will Our Runaway Kids Fill Our Prisons  
or Build Alaska's Future

This study was prepared at the direction of the Senate Finance Committee for the purpose of assessing runaway and street juveniles as they relate to the adult corrections system. The project coordinator is Marroyce Hall, Consultation Unlimited. The date of submittal - April 30, 1986 Section 1, July 30, 1986 Section 2.

## Running Toward Prison/Running Toward Success

# Will Our Runaway Kids Fill Prisons Or Build Alaska's Future?

This study was prepared at the direction of the Senate Finance Committee for the purpose of assessing runaway street juveniles as they relate to the adult corrections system. The project coordinator is Marroyce Hall, Consultation Unlimited.

Copies available through the Senate Finance Committee  
or the Alaska Juvenile Crime Commission.

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