

ALSTON LIGHTS - 1967-1968 7/98

527 SHEETS 2

648

## NORTH STAR HOME

The North Star Home is a longer term coed residential facility for adolescents located on the Alaska Highway in Dot Lake (population 90), approximately 50 miles from the towns of Tok and Delta Junction. The capacity is seven beds. The home is a nonprofit agency sponsored by the Far North Missionary Fellowship. Youth are placed at the facility by both Family Services and Youth Services. Some youth are placed here from other facilities because of its location and ability to be virtually "run-away proof". The program structure is based on the family teaching model.

### **Governance**

The North Star Home is guided by two bodies: an off-site governing board and a local advisory group. All board members must be active church members. Both boards have by-laws; the governing board has committees, while the local advisory board does not. Rotating membership is provided for on the governing board. The local board, which is appointed by the governing board, consists of six residents. Members of the governing board were not interviewed, and the relationship between the local and governing boards was not clarified. The local board minutes were available for one year and contained minimal content. The minutes reflected the board's concern about specific grant items, staff resignations, and insurance issues.

The local advisory group provides general oversight to the Home, but are not involved in program issues or program planning. They

are responsible for evaluating the director. Personnel and policy changes go through the board, which does all hiring of personnel.

Generally, the level of board activity varies with the activities at the Home. Board members reported being very active in the remodeling project.

Board members have received no formal training, but stated they would be interested if such training were available.

#### **Administration**

The Executive Director was on vacation at the time of the review and therefore was not interviewed. The Program Director, who also serves as one of the teaching parents was interviewed regarding both administrative and program issues. The roles and responsibilities of the Program Director as compared to those of Executive Director were not clearly articulated; however it appears that the Program Director makes many decisions. Both the Executive Director, who has held his position for four years, and the Program Director are former ministers who have raised their own families. However neither has had any specific training for their jobs prior to coming to Dot Lake.

Two couples serve as teaching parents, alternating their responsibilities on a rotation basis of one week on, one week off. When not in the house, they live in a trailer located on the premises so they never really get away. One of these teachers is the Program Director as discussed above. Both couples were hired

within the last year.

All personnel are Caucasian, and none were especially trained for their jobs, however periodic on-the-job training in the teaching parent model is provided by the trainer from the Kodiak Mental Health Center who has significant experience in training in this modality. The Program Director conducts training sessions once a month presenting specific components of the family teaching model using a specialized program manual which is widely available regarding this treatment modality. The counselor at the Tok Mental Health Center also does some training on specific topics, such as abuse or suicide. The extensive training program outlined in the grant application is implemented primarily by the Program Director using the teaching parent manual.

The personnel files were in order, with documentation of training. Since the teaching parents had been hired in the past year, there were no evaluations. There is a personnel manual, but no agency program manual.

Awareness of cultural heritages is limited since the child care staff is from "outside" and have lived in Alaska for less than a year. The strong religious orientation of the program limits teaching residents about normal adolescent socialization, values clarification and the ability to make informed decisions. Many of the residents have been sexually active prior to their arrival, so this aspect of their development must be addressed.

The physical facility and equipment are appropriate. The

building was clean and generally in good repair except for work needed due to water damage.

Staff families take up more than half of the sleeping space in the house, and all rooms for the staff were furnished much better than were the rooms for the residents. (Staff children lived on the premises.) Also, there is no separate space for counseling, personal visits, etc. Appearance suggests that this is a staff home with visiting residents.

The facility has a valid license and applicable inspection reports were in order.

### **Service Quality**

Overall, services were somewhat above average and the program is most appropriate for youth who can function within a structured environment. The home had the aura of a welcoming family, complete with the smell of fresh-baked bread. Residents divide their time between school, chores, study time, and family meetings. The program is behaviorally oriented and youth who encounter problems are confronted immediately, and the issues are discussed with them. The family teaching model supports the premise that treatment includes the positive role modeling by teaching parents, who draw in part on their life experiences. It was observed that the almost twenty-year age difference between the two couples presents some problems with consistency of reactions. In particular, since each couple is in residence for one week at a time, the differing life experience repertoire and

different skill levels in dealing with adolescents may make the program somewhat inconsistent. The older couple is in effect "on call" virtually all of the time, even in the off weeks. In addition, there are quite different personal family demands for the two couples, one of which has an infant and a preschooler.

Counselors from the Tok Mental Health Center come on a regular basis, but few, if any, service resources are used from Fairbanks. In addition, the distance makes it difficult to have active and continuing contact from the referring agency (located in Fairbanks). To the extent that distance permits, services from Tok and Fairbanks are used. The distance also makes continuing contact with families difficult, since most youth in placement come from distant areas.

The behavioral management and modification program described in the grant application appears to be in place. The purchased counseling, dental and medical services to supplement staff efforts, and staff skills in problem-solving and interpersonal relations were also evident. Cooperation of the school in providing tutoring was validated in interviews with school officials. Residents stay in the program longer than projected: often at least a year, with many staying for 18 months.

Residents who are quite active in school activities, makeup a major part of the school (14 of the school population of 32 are residents or staff children).

The summer program includes a CETA grant in which the residents are being taught carpentry and building skills. This training

program is benefitting both the residents by providing vocational training, and the facility in that significant improvements are being made. (The youth had finished a deck just before the reviewers arrived, and proudly showed off their handiwork.)

The case records were generally complete as to content, but could be better organized. They were fairly lengthy and, although there were case plans, there was no specific documentation of the services provided and the goals being attained. Records generally evidence minimal or no family involvement in the planning. The records were judged to reflect quality service.

For the coming program year, the Program Director plans to evaluate the progress of the residents using the ACCESS system developed at the University of Kansas. Under this system, staff will be able to monitor closely each resident's efforts toward fulfilling the elements of the caseplan. The agency is to be commended for identifying this need and determining a means to address it.

## **Relationships**

### Community Leaders

The community leaders were very positive toward the program. There is some feeling, however, that the large number of special education students from the facility impact the tenor of the school. There are, however, the benefits of the entitlements which these residents "bring" to the school system. At the same time, the residents frequently have emotional and behavioral

problems which influence the "flavor" of the school.

Since all staff are active in church-related activities, the church is a focal point of many resident activities. All residents attend church regularly and take an active part in other church activities. Adequate attention to differing religious preferences or cultural values appears to be missing.

#### Referring Agencies

Referring agency staff cite good communication (which is done mostly by telephone). The relationships between the staff and the agencies providing outside services were generally quite positive.

#### Among Staff and Between Staff and Residents

Relationships among staff are very positive, and there is a good working relationship between the teaching parent couples.

Residents seemed generally satisfied with the program. They understand the system, know why they are there, and apparently all participate in all aspects of the program. Reviewers were told that more than one former resident discharged to less restrictive setting had "acted out" in an attempt to be placed back at the facility. In general, the residents acted like members of a family, each doing assigned chores, and generally being as sociable as are most adolescents when parents have guests.

## CONCLUSIONS

### Strengths

- Dedicated staff, good bonding with residents.
- Active seeking to improve the program.
- Well-respected program by the referring agencies and community groups.
- Good physical facility with attention to upgrading.
- Good summer program.
- Implementation of process for assessing residents' progress toward fulfilling case plan goals and objectives.

### Weaknesses

- Youths stay relatively long periods of time, much longer than described in proposal.
- Strong religious orientation which does not take into account individual religious preferences.
- Limited recognition of "typical" teenage development that is not a part of the church's teaching (socialization including dances and peer activities and the prior sexual activity of the residents).
- Little participation in culturally appropriate activities for native residents.
- Greatly differing ages of the two teaching couples leads to inconsistencies in style.
- Potential for staff burnout since the trailers where the families live in the "off" week are a few yards away so staff can never really get away.
- Insufficient individual attention by the staff
- Lack of a specific program and procedure manual. (The generic family teaching model program manual is not sufficient.)

### Recommendations

In summary, the program is generally quite good, and the staff is actively seeking to improve it. The program is more appro-

priate for youth with sufficient internal control to respond to the structure of the program, and to learn to deal with people as they are confronted with the consequences of their behavior. The following recommendations and suggestions are provided for the consideration of North Star Home.

- Evaluate reasons for longer than planned stays.
- Implement staff training in cultural heritage, normal adolescent socialization, values clarification, decision-making skills. Consider working with the public health nurse and develop other resources to provide training on normal adolescent development and socialization.
- Develop program/procedure manual which is specific to the facility rather than the generic family teaching model. The specific caseplan and referral processes required by the state should be included.
- Caseplans should have specific and measurable goals so that the new assessment process can be implemented, and resident progress can be evaluated more readily.
- Provide the local advisory board with training in the functions and duties of an advisory board.
- Clarify the roles of Executive Director and Program Director as well as those of each of the two teaching couples.
- Clarify roles and responsibilities of the two boards, addressing such issues as their interaction and sharing of concerns and coordination of functions.
- Explore the possibility of an aftercare program to assist with the transition to the resident's home community.
- Develop a program to prepare residents for independent living.
- Develop, with DFYS, a process to stay in closer contact with the residents' families to promote a prompter return home. Perhaps scrapbooks, encouraged letter writing, and telephone calls will help this process.

## NOME RECEIVING HOME

The Nome Receiving Home is a non-profit agency established by local persons to meet a perceived community need. The Home provides emergency shelter. The facility has the capacity for six children of either sex, from infancy through adolescence.

The Home serves the Northern Region, although most of the residents are from Nome and the surrounding villages rather than Fairbanks and environs, which are in the same region. The residents are placed at the Receiving Home by Youth Services, by Family Services and by Kawerak, the native association.

Initially, the Home was an almost entirely volunteer operation with meager funds. Currently, the entire funding for the program comes from the DFYS grant. The proposal on which the grant is based describes a program of services which is both more extensive and sophisticated than is in place.

### **Governance**

The board is a governing body composed of seven members. Currently there is a full roster, including one native member. An election among all adults in Nome selects the board members. The first by-laws were approved in March 1986 although the facility has been in operation for several years. The by-laws provide for rotating board membership. Only an Executive Committee is provided for, thus the board conducts its business as a "committee of the whole". The new by-laws provide for six board meetings per

year, however, the board has met five times so far in 1986, after having met only twice in 1985 and three times in 1984. The attendance level has also improved with an average of five per meeting.

Review of the board minutes indicates that the board has focused some of its attention on such program issues as the grant proposal and unmet community needs. They view their primary role as providing a channel for community input. Although there has not been any formal planning, the members are deeply concerned about the discrepancy between the funding level and the expectations for program variety and complexity expected from the Division.

With regard to training, new members are given an orientation and copies of agency by-laws, other documents and some program materials. No interest in additional training was expressed.

The board members interviewed indicated that the board has made some effort to evaluate the director, first when she was employed and subsequently as an aspect of the licensing review. They used a standardized form someone made available to them but found it not satisfactory for a social agency. No plan for improving the process has been developed. The director's personnel file does not document the evaluation reported by the board as having been conducted.

#### **Administration**

The director has administered the facility for three years. She has a Master's Degree in Educational Psychology and Guidance but

no residential child care experience. The staff consists of houseparents who work 48 hours on and 48 hours off. This staffing pattern is not appropriate for the care of many of the types children requiring emergency care. They frequently need attention at night and their needs are best served by awake night staff. In addition, there is an activities director who functions as the school coordinator, supervises the residents study and plans recreational opportunities for residents. The personnel files indicate that staff have minimum qualifications for their assignments with no residential or clinical experience. Local resources and classes have been used to provide some in-service training which staff feel generally meets their needs.

Further review of the personnel files reveals performance evaluations are generally current except for that of the director. In-service training is not well documented and the date of employment and employment agreements were not found in most files.

The facility is appropriate for the program. It is quite new, was in good repair and clean. The equipment is minimal and more appropriate for younger residents than for adolescents. The facility has a provisional license. An extensive health survey was conducted in March 1985 but suggested corrective action is not documented. Fire drill logs reflect insufficient number of drills and insufficient variation in the times when they are conducted.

### **Service Quality**

This facility makes no claim to being a treatment facility nor should it. The program is minimally acceptable for the short term care of children without significant behavior and emotional problems. Children, especially younger ones, are the best population for this facility: children who can respond to a homelike, casual atmosphere. Even for this age group there must be knowledge of appropriate child development and programming for the children. The program reflects limited understanding of the dynamics of child and family intervention. Its program provides a safe place for children in an emergency until alternative plans for their care can be developed. There is essentially no programming for children beyond supervised studying and recreation activities and therefore is inappropriate for extended care. The slowness of the referring agencies to make alternate plans for the residents has a negative impact on the whole program. The proposal, on which the funding is based, as well as the program manual describe a treatment program, but it is not in place. Community resources to supplement staff skills for older youth are sparse. The Infant Learning Program and Head Start have been used for the youngest residents. The mix of ages that may occur among residents in an emergency, short-term facility makes sound programming extremely difficult for staff with minimum training and support. Staff skills, facility equipment and case records suggest that the youngest children are best served in this facility.

Although most residents are native, minimal efforts have been made to create a program which supports the childrens' heritage. Children do participate in native community activities and Kawerak

assists with planning and providing services for some children.

The case records reviewed generally did not contain essential documentation regarding goals and case plans. There was little evidence of involvement with families or visiting plans. One or two of the records contained plans and assessments of the child which appeared inappropriate and not supported by the dynamics presented.

Utilization rates vary widely. It is difficult to determine whether this is a reflection of the need or of the perception of the referring agencies of the ability of the facility to provide appropriate care... very likely it is a combination of several factors.

## **Relationships**

### Community Leaders

The relationship with community leaders is acceptable. The director has lived in the community for a number of years and is generally known and involved in community affairs. The facility does not formally utilize many community resources on a regular basis, thus working protocols have not been developed.

### Referring Agencies

The working relationship between the Receiving Home and the referring agencies varies from functional to strained. Case conferences are conducted regularly with Kawerk when children referred by that organization are in residence. There are less

formal, but frequent meetings, with DFYS personnel regarding their children, generally initiated by the referring agencies as their planning proceeds. Protocols to guide the sharing of information, case planning and service delivery processes between DFYS and the Receiving Home have not been developed to meet the needs of either organization. Vacancies are reported daily to the referring agencies.

#### Among Staff and Between Staff and Residents

Observation of interaction among staff was insufficient and therefore a quality judgement cannot be made. Staff interviewed feel they get the support they need to do their jobs.

There were two girls (one latency age and one a young teen) in residence at the time of the review. The relationship between them and the director was friendly, laced with fun, humor and comradie. There was little interaction with the child care worker on duty and the activities person was off duty at the time. The residents....left to their own devices during the review visit, were well-behaved but obviously bored and restless. Both had been in care more than two months.

### **CONCLUSIONS**

#### Strengths

- Caring staff.
- Good physical facility including recently filled level space for outdoor activities.
- Increasingly active board.
- Community support for the program as a resource to meet local needs.

- New van, recently acquired through a transportation grant.
- Good working relationship with Kawerak.

### Weaknesses

- Lack of training in understanding child and family dynamics and in implementing an appropriate program and services for the types of children who require shelter services, especially in light of the extended stay many experienced.
- Strained relationship with DFYS.
- Skimpy recreational and play equipment for the range of ages served (currently best for younger children).
- Insufficient attention to native heritage of residents.
- Dependence on state grant for financial support.

### **Recommendations**

In summary, this agency has an interested board, community support and a good facility. The staff lack sufficient skill and knowledge to provide services beyond "tender loving care" and shelter. With children staying longer, both emergency placements and projected longer term placements, there is an urgent need to strengthen and expand the program of services. The following recommendations and suggestions are provided for the consideration of the Nome Receiving Home.

- Explore and implement small-scale fund-raising to supplement current resources. Local events, as well as local service organizations which make grants for specific purposes offer possibilities. Supplemental grant programs (such as that through which the van was acquired) offer other possibilities. The board should take an active role in planning and implementing fund-development activities.
- Seek and utilize all possible resources to institute some treatment components into the program. This is critical if the facility is going to continue to have emergency shelter children for extended periods and to be modified to a longer

term program for a portion of the capacity, as is under consideration.

- Develop and implement a comprehensive training plan. Maximum use should be made of persons in the community with knowledge and skills. Borrowing state library and DFYS training materials are a potential source of enrichment. Consideration should be given to working with other community agencies to bring in consultants for training. Community elders can be involved in varied ways: tradition-sharing, teaching, recreation, "foster grandparents", and etc.
- Upgrade the position of activities director to that of treatment coordinator. This could be a part-time position. The incumbent in the treatment coordinator position should have the experience and demonstrated skill to work closely with the referring agencies, to understand the dynamics of each child and family situation and to individualize the services for each child.
- Modify the personnel manual and the program manual so that they accurately reflect agency policy and procedures. Currently, they reflect a theoretical ideal rather than real program content and expectations.
- As a consequence of refining the program manual and strengthening the program, improve the case records with regard to both content and format.
- Conduct fire drills at varied times of the day and night.

## PRESBYTERIAN HOSPITALITY HOUSE

The Presbyterian Hospitality House, located in Fairbanks, is a non-profit residential treatment center affiliated with the United Presbyterian Church. The facility has the capacity for 24 adolescents. Twenty bed spaces are funded under the Division grant.

### **Governance**

Hospitality House is governed by a board of twelve persons. The board currently has a full complement. The membership has no native representation at the present time although there has been some in the past.

The board is principally involved in finances, review of program and crisis resolution. The board functions through a committee structure. Attendance at board meetings is good. The board does not engage in any planning but rather sees the agency as being reactive to state mandates.

The board has had some training. Many members have experience on other boards. There is a board manual. Occasional presentations concerning program components and site visits to the facility enhance their understanding of the program. The members did not express interest in additional training.

The board evaluates the director annually. The process uses a form completed anonymously by each board member. Members supplement their own observations in determining executive performance

with information that comes to their attention regarding how the agency is viewed by the community.

### **Administration**

The Executive Director has been in his position for less than a year. Although he has no treatment, clinical or residential care experience, other staff have degrees in psychology, criminal justice and social work at the bachelor's level. Essentially none have experience in residential care for the population served. The assistant director, the teacher, both program directors and the day treatment coordinator, as well as the office staff report directly to the executive director. This span of authority may make it difficult for the director to devote sufficient time to working with the board, with the community and in planning tasks...,all critical functions. Service quality would benefit from the establishment of a position of clinical director to design and implement the treatment program. Such a position should be filled with a person possessing professional credentials and demonstrated skill.

The issue of unclear lines of authority and responsibility were raised in a number of quarters. A number of staff are uncertain about who their supervisor is. This contributes to poor morale which is exacerbated by lack of training and clarity of expectations.

A review of the personnel files reveals current performance evaluations. Less than half of the records reviewed documented any staff training beyond experience and education when employed.

There is no planned staff development program and very little training has been provided. This deficit is particularly problematic in view of the high percentage of new personnel. The least well trained personnel were least critical of the training available to them.

High staff turnover is reported to have slowed down somewhat during the past year, perhaps due to salary increases. The salaries are reported to remain at levels too low to be competitive; in addition the agency provides health benefits only for the individual and no pension plan. With these constraints, it is difficult to attract and retain qualified staff. As a result, most of the staff is quite new to the program.

The physical facility is appropriate for the program although there is a lot of evidence of destructive behavior and the need for repairs and refurbishing. Equipment and space are adequate. The facility has a valid license and other inspection reports are in order.

### **Service Quality**

The service quality is deemed barely average, primarily because of the low level of staff training, staff turnover, and failure to utilize community resources to the maximum. The use of contract consultants is viewed as a positive aspect of the program. The program does not demonstrate adequate awareness of the cultural backgrounds and needs of the residents. Question was raised regarding the use of the "point system" in an excessively disci-

plinary mode, rather than as a positive treatment tool. The strong religious emphasis in the program is viewed as inappropriate in that it fails to respect the cultural and religious heritage of the residents.

Review of the case records showed average work with insufficient attention to family involvement. Case records contain good documentation of past history, necessary legal documents and case plans. They are extremely scant regarding specific things being done to implement the case plans or in documenting what other resources and services are utilized.

## **Relationships**

### Community Leaders

The agency is viewed as not especially open to community interaction and cooperation but rather as attempting to "be all things to all residents". The working relationship between the school and Hospitality House seems to have problems; the nature of which is not clear to the reviewers, but which nevertheless seem to have a negative effect on the program.

### Referring Agencies

The working relationship between the referring agencies and Hospitality House is strained and adversarial. There are issues of service quality, communication and feedback on treatment. The result is less than maximum use of the available bedspace by the referring agencies. The DFYS Placement Committee and a recently developed joint Task Force for Interface are endeavoring to work

on the relationship and to develop workable interagency protocols. The tendency of the facility to "accept essentially all referrals" in order to demonstrate a willingness to cooperate, coupled with a marginal ability to individualize the treatment, is often followed by a high number of unplanned discharges, a practice which is viewed as a detrimental cycle.

#### Among Staff and Between Staff and Residents

While relationships among staff appear satisfactory, morale is low, exacerbated by low salaries, inadequate training for the program expectations and unclear lines of authority and responsibilities. Relationship between administration and other staff is somewhat strained. Observed interaction between staff and residents appeared acceptable. Residents exhibited a high degree of reticence to talk to the reviewers. Those who did indicate that they knew why they were there and what they have to do in order to leave, they expressed mixed understanding regarding the clarity and fairness of the discipline. They understand the "house rules".

### **CONCLUSIONS**

#### Strengths

- Caring staff.
- Nurturing environment.
- Stabilized fiscal conditions following a period of instability.
- Good board attendance and committee structure.

### Weaknesses

- Low educational level of staff.
- Lack of in-service training.
- High staff turnover (albeit reduced).
- Treatment program is rigid and at the same time fragile.
- Case records' content is scant.
- Poor working relationship with the referring agencies.

### **Recommendations**

In summary, the Hospitality House program is not living up to its potential and thus is not as effective a treatment resource as it could be. The need for quality residential treatment service is so great that this is most unfortunate. The interest of the board and staff must be supplemented with expertise and training which will ensure the agency an esteemed place in the community of agencies. The following recommendations and suggestions are presented for the agency's consideration.

- Decide on a treatment model and implement it with sufficient resources (including skill). The model should be appropriate for the types of youth requiring care, involve parents and use community resources to supplement agency staff.
- Develop and implement a plan for the board to gain a more accurate and thorough understanding of the program and the needs of children requiring residential care. It is critical to the agency's future to resolve the issues with the referring agencies that prevent full utilization of the program.
- Implement a comprehensive staff training program. Community resources, professionals in the community, state library and DFYS training materials which can be borrowed should be used.
- Work more closely with the community of agencies to implement a comprehensive treatment program. Develop formal working relationships to ensure specialized therapeutic intervention for those residents who could benefit.

**D. SOUTHERN REGION**

## KETCHIKAN CHILDREN'S HOMES

The Ketchikan Children's Homes (KCH) is a non-profit organization providing residential services for adolescent boys and girls. Three separate buildings are used to house different components of the program. Two residential homes, located at different ends of town, contain the Teen I (girls) and Teen II (boys) programs. Teen I has a capacity for nine girls, and Teen II for seven boys. The third building, adjacent to Teen II, houses the administrative offices. The Day Treatment program, which operated during the school year, was located in this building.

### **Governance**

The KCH by-laws provide for an eleven member governing board. Currently there are seven members. Members serve for two years or until their successors are elected. The by-laws do not formally provide for any committees, although several committees are functioning: Personnel, Financial, and Physical Plant. Review of the board minutes indicated that meetings were generally well-attended.

The board is responsible for evaluating the director and overseeing the budget. One board member has responsibility for signing the checks. Although they pass on each expenditure, the budget had been overspent by January. The board expressed concern about the high budget for the number of youth actually served and they question whether the services could be delivered in a more cost-effective way.

The board minutes do not reflect board involvement in any policy decisions. Action regarding fiscal matters and support of the policy decisions of the director were documented. One example of a policy change implemented in the past year or so was the transition from a group home model of care to a treatment facility. Personnel grievances as well as other personnel matters were discussed in the minutes.

There has been no formal board training in the past year, even though there have been several new board members. Board members receive the magazine Board and Administrator. They expressed interest in formal training concerning appropriate board roles and responsibilities. In general, the board seems aware of the issues, including finances and the problems related to building costs.

### **Administration**

The program outlined in the funding proposal has three components: a boys' residential home, a girls' residential home, and a day treatment program. There is a treatment coordinator for each program, who all report to the Executive Director. Both residential treatment coordinators spend considerable time performing a variety of administrative tasks, and thus, their time for caseplanning and treatment and providing necessary supervision and support for the child care workers is greatly reduced.

The Executive Director has been with the agency since 1982. Until September 1983, when he was promoted to his current position, he served as a counselor at the children's home. He has a Bachelor

of Science and a M.S. in counseling/psychology.

The staff roster lists 21 people, most full time. Of this complement, the position of treatment coordinator at the girls' home is currently vacant. The part-time child care staff are not reflected clearly on the organization chart. The day treatment program is staffed with a treatment coordinator, and two persons who are shared half-time with the residential home.

Personnel policies have recently been developed, although they have not been officially implemented. They are written in a very legalistic style and are quite detailed. Review of the document reveals that the policies are rather punitive in tone. They address some aspects such as attitudes which are difficult to regulate. Regulation is better applied to behavior. It was noted that the confidential nature of case information was not addressed.

Some of the staff at the Teen I program had specific training for their jobs, while others had received differing kinds of in-service training. Staff indicated that they receive insufficient training, and the training that has been provided was too brief and not relevant.

Most of the staff at Teen II had been hired quite recently; all are relatively young - in their twenties, and represent a variety of backgrounds and experience. The treatment coordinator for the boys home was hired in February, and has a Master's in psychology and one and one-half years of residential experience.

Recently she started an excellent drug abuse program for the residents. There are two levels of child care workers: II and III. The three Level III workers do the treatment plans and deliver most of the treatment. These three staff members at Teen II have little experience with youth and none in residential care. There are four Level II workers, one whom does the cooking a. general house management and three who cover nights and weekends.

There is a program manual, detailing the components of the treatment program. It is very complete, and clearly describes the many facets of the treatment program.

The physical facilities are appropriate for the program and are adequately equipped. The girls' facility was clean and basically in good repair but "battered" in appearance. This facility has no sanitation clearance. This facility has a new institutional sprinkler system.

The boys' facility was not in good repair and was quite dirty. This facility also has an institutional sprinkler system.

Both facilities have valid licenses.

The third building, presumably for the day treatment program, is not fully utilized. Staff offices and storage are on the second floor.

Fire drills are not conducted regularly.

## Service Quality

### The Residential Treatment Program

Overall, the quality of service is judged to be poor to fair. The concept of an in-house educational program, as outlined in the proposal is good; however it does not appear to be in operation. Group sessions and special activities were described in the proposal, but no evidence of these program components were noted.

The residential treatment coordinators are responsible for case-planning as well as supervising child care workers. The Treatment Coordinator for Teen I (who had recently resigned) served as the therapist to all resident girls and signed off on all the treatment plans for the girls. Most staff at Teen I had been together for some time, and were observed to be among the most mature of the staff. With the vacancy in the lead position at the home, service quality has declined. Strengths of Teen I included the teamwork of the line workers, the program outline and networking with local area sources.

The case records show little evidence of case planning or treatment monitoring.

Some of the problems observed are not under the control of the staff, as is the situation frequently when youth must wait long periods of time for court procedures.

## The Day Treatment Program

The Day Treatment Program appears to be based on the school year with little on-going program during the summer, although the staff complement remains the same throughout the year. During the school year, the Day Treatment Coordinator monitors youth in school, attends child study team staffings, and provides support for youth at school. The program also includes weekly meetings with the youth and the parents. The day treatment program started in January of 1985 and lasted until August. At that time, it was a school-based program that served five youth in the community (own home) and three in foster homes. Last year, the summer program consisted of some correspondence courses and recreation including nature activities and training in basic skills. In September, 1985 it changed to a Proctor Program Model, based on a program in Pendleton, Oregon which emphasizes maintenance of the youth in community schools.

The Day Treatment Coordinator is currently working with six youth, all residents, who form a crew and work 20 hours per week, for which they are paid from a Youth Employment Grant (50%) and the staff budget (unclear whether day treatment or residential). In addition, the coordinator is helping the day treatment youth find jobs, and is continuing to meet with them and their families weekly. No structured day treatment program was observed.

## **Relationships**

### Community Leaders

Reports from differing sources yielded highly inconsistent per-

ceptions of the quality of the program as well as how functional its relationships are with other people and agencies.

The relationship between the KCH staff and the spouse abuse program is very good. During the school year, a member of the spouse abuse program and a teen home staff member co-lead a teen incest group which is well-received, a program reportedly benefiting the residents greatly.

There is little on-going interaction between KCH and the Ketchikan Indian Council unless there is an Indian child in placement. There were native youth in placement, but none of Indian descent. Some community leaders view the group home as a residence rather than a treatment facility. In general, they think the line staff have good skills, but feel that there is no clinical leadership and no solid treatment plans.

The mental health center has a DFYS grant and is responsible for providing all counseling services to the residents. In addition to services at the mental health center, however, other counseling services are also used on occasion, despite the fact that the budget appears to very limited for this purpose. There appears to be a real lack of clarity with regard to the plans for the resident's therapy. This suggests that there may be some problems concerning authority, responsibility and the lines of communication. There are differing perceptions by the staff and the service delivery persons about the responsibilities for case planning.

Most school personnel were gone for the summer. Those interviewed reported relatively few contacts with program staff. School staff are more familiar with the day treatment coordinator since he is in the school much of the time. Most of the youth at the homes and in the day treatment program are special education students. Staffings are held for these students to develop Individual Educational Plans, to which the KCH staff are invited; reportedly some, but not all, attend. Communication from the KCH staff to the school was reported to be sporadic and poor. For example, the KTH staff does not let the school know when the residents will be out of school for court proceedings or other kinds of activities.

A member of the police department and a youth services person (not probation) reported that their agencies are in contact with the facility at least weekly, usually to discuss specific cases. The police report many incidents of runaways, vandalism, and assaults. The high incidence of running may be due to the location of one of the homes, which makes running fairly easy. Community leaders identify strengths of the program: close contact with the high school, a willingness to help youth, and the hiring of some qualified people. Concern was expressed regarding direct supervision of residents since weapons have been found, three arson incidents reported, and other similar problems. There is no detention facility in Ketchikan, thus a number of youthful offenders are sent to the home.

### Referring Agencies

The child care workers feel they get very good intake packets from the referring agencies. Most residents were referred from Youth Services. Juvenile probation staff report daily contact with KCH staff as well as the day treatment program. They report they are involved in case planning and meet with the staff each week. Concern was expressed that the staff does not adequately inform the referring agency regarding vacancies, policy and procedural changes. Although the program has improved, serious questions prevail regarding governance, hiring policies, poor staff morale, issues of service quality and resident safety. In general, the facility has a poor public image and relations with the community are strained.

### Among Staff and Between Staff and Residents

Relationships among staff were mixed. Staff at one facility were very pleased with the program, the training they received, the supervision provided, and the way the home and program were being run. Staff at the other home were at the opposite end of the spectrum. Major differences between these two staffs may be attributable to the length of time they have been at the agency. The more satisfied staff are all relatively new.

Relationships between the staff and the residents were also uneven. There seemed to be a problem of role definition, in that the child care workers served as both disciplinarians as well as therapists. The residents expressed frustration, and felt they

did not have anyone to talk with. They also were bored, and felt the system to be very punitive. In general, they knew why they were there, although they expressed that they did not get to see enough of their probation officer. They don't think the discipline is fair, and reported they can't have money to buy things. The boys mentioned problems of confidentiality. The girls feel the point system is too hard, and there are feelings of bitterness. Two of the girls who had been there over a year were still on Phase I.

## **CONCLUSIONS**

### Strengths

- Interested and caring staff.
- Some qualified staff.
- Interested and concerned board.
- Good relationships with Spouse Abuse Program.
- Frequent contact with Youth Services and Police.
- Day Treatment Program maintains close contact with schools.
- Good proposed treatment program.

### Weaknesses

- Low staff morale.
- Lack of supervision of residents.
- Lack of caseplanning, treatment and case monitoring.
- Staff roles and responsibilities are not clearly defined.
- Unclear summer day treatment program.
- Dirty facility at Teen I home.

## Recommendations

In summary, the resources and people interested in developing a good program exist, but the lack of coordinated administration seriously impedes the process. The agency has the basic capacity to develop and provide treatment services. Teen II now has the staff in place to begin the team effort, but the staff turnover at Teen I is problematic.

The following suggestions and recommendations are presented for the consideration of Ketchikan Children's Homes.

- Improve communication between administration and all personnel.
- Review the personnel policies recently developed to ensure that areas, such as attitude, which are difficult to regulate are refined. Include a section covering issues of confidentiality. Include job descriptions covering roles and responsibilities, and clearly defined hiring and firing procedures.
- Develop and implement a training program. The objectives should include increasing staff understanding of the dynamics of child and family functioning and the development of skills in constructive intervention. Local persons with skill and knowledge in these areas and the use of materials borrowed from the state library and DFYS training resources can support training. Self-training and sharing with other staff through the planned use of reading and taped materials followed by staff discussions is an excellent training format to supplement more formal opportunities.
- Develop on-going board training and orientation for new members.
- Clean the boys' facility and ensure continued attention to cleanliness. Residents should not have full responsibility for cleanliness. Involvement of residents in such activities should be for the purpose of teaching skills and pride rather than facility maintenance.
- Develop and implement procedures for caseplanning and the delivery of treatment services.
- Improve the level of direct supervision of residents.

- Conduct fire drills at differing times, including those times when residents are asleep and during meals.
- Work to improve the agency's public image within the community.

## MILLER HOUSE

Miller House (previously Juneau Receiving Home) is a non-profit community residential facility for adolescent youth of either sex. The residential program has a capacity of 12 beds, 11 of which are funded by the DFYS grant (including three to be available for emergency placement). The day treatment program serving five children, is located in a separate location, is included in the grant. The residential program was initially developed by the community and the building, now owned by the agency, was a publicly-owned facility. The Miller House residents are referred by both Family Services and Youth Services.

### **Governance**

The board of directors have governing authority. The by-laws have conflicting sections regarding the provision of the board complement (11 or 12). There are currently 11 members, two of which are natives. The by-laws do not establish a committee structure, therefore agency business is conducted as a "committee of the whole". Staggered terms are provided for, but there is no provision for a hiatus between the specified number of terms a member may serve.

The involvement, on the board, of persons whose children have been in the program offers the potential for valuable perspective and insight. It is inappropriate, however, and a conflict of interest, for parents of children currently in care to be on the

board.

The board ordinarily meets monthly. Review of the board minutes reflects poor attendance...often no quorum or barely so. Many Board decisions, including confirmation of the executive's appointment, are not well documented. Very little attention to program issues is reflected in the minutes. Some board meeting agendas were filed but there were no minutes...leaving the question of whether a meeting was actually held or just an indication of poor recordkeeping.

The board has established agency goals and objective. They are currently involved in examining the program to ensure that it meets objectives. They are presently exploring options for expansion. The board has some funds which they plan to use for capital improvements, apparently accumulated over time from unexpended operation funds.

The board has hired an outside consultant to evaluate the executive director in accord with agency goals and objectives. Board members interviewed expressed no concern regarding such delegation of board responsibilities. Twice in the past year they have purchased program evaluation from the Acting Director.

The board members have had some training. Relevant materials are made available to new members and the person who "sponsored" them for membership assumes the responsibility of assisting the new person to understand their role and responsibility. They try to send a representative to the statewide child care association

meeting which they see as a form of training. Interest in training regarding orientation to state services, organization and objectives was expressed.

### **Administration**

The executive director has been in his position just one year. He has educational qualifications in social service at the Master's level and in criminology as well as residential experience. During his tenure, major program and organizational changes have been made. In addition to the executive director, there is a clinical director with an MSW and considerable experience. Most staff have a bachelor level education and three have masters degrees.

Review of the personnel policies and files reflect generally acceptable practices. Reported staff training was not well documented in personnel files.

After experiencing a high level of staff turnover, the rate has slowed down considerably. The shift on dependence of full-time employees instead of the previous heavy dependence on part-time personnel, together with increased attention to careful selection is seen as responsible for the improvement.

Although not well documented in personnel files, significant staff training was reported to enable staff to implement the newly established positive peer culture program model. The executive was able to secure the volunteer services of an outside consultant/trainer for this. Semi-monthly in-service training of

staff using video and taped materials has been instituted.

The physical facility is appropriate for the program. It is an attractive facility however private space is limited. New construction for offices and residents is in the planning stages. Changes will provide separate spaces for males and females. Recreation equipment appears sparse.

The day treatment program was being conducted in the residential facility during the summer thus the downtown space normally used was not toured.

The facility has a valid license. Fire inspection report was in order but the last sanitation clearance was June 1984. Frequency and format of fire drills are adequate to meet requirements.

## **Service Quality**

### Residential Program

The positive peer culture program model is just now being implemented so the reviewers were unable to assess quality. The potential is high for a quality program based on staff training and the clarity of direction which has been established.

The agency policy of keeping in touch with children after discharge and enabling them to continue attending group meetings, when appropriate, is viewed as a desirable program element.

Although the facility generally enjoys a reputation for having some native staff, additional attention to supporting the heritage of residents is seen as needed. Native foods, crafts.

language and traditions need to be integrated into the program.

Review of the case records reflects quality ranging from average to unacceptable. So little information regarding families and child treatment plans was recorded that the degree of consistency between child and family problems/dynamics and the treatment being provided to the child could not be determined. None of the records reviewed contained fully executed placement agreements.

#### Day Treatment

The day treatment component of the program is assessed to provide acceptable quality care for five children who are enabled to remain in their own homes. Occasionally children in the residential program are integrated into the day treatment program if they are unable to be maintained in the community schools. The day treatment staff works closely with parents and community resources to ensure a coordinated day program. The state correspondence school program provides the educational materials and structure for this component. Although this arrangement has been satisfactory in the past, some difficulties have recently been experienced in securing materials in a timely manner.

The day treatment program is ordinarily conducted in space located close to the center of town. The residential facility is located at some distance from downtown Juneau. During the site visit, the day treatment program was using the residential facility because the residents were away on holiday.

## **Relationships**

### Community Leaders

The relationship with the community is viewed as functional. The contacts tend to be formal and case-specific. The program is viewed as having made great strides both in quality and its ability to work well with the community.

### Referring Agencies

Strong support was expressed for the positive changes in program and interagency cooperation which have occurred during the past year at Miller House. Appropriate information sharing and feedback are viewed as acceptable. Some concern was expressed regarding adequacy and timeliness of school reports.

### Among Staff and Between Staff and Residents

Little of these relationships were observed because most staff and residents were away on holiday. The relationships in the day treatment program appeared appropriate. No concern about such relationships were expressed by any of the community and referring agency persons interviewed.

## **CONCLUSIONS**

### Strengths

- High motivation to provide a quality program.
- Follow-up and aftercare efforts.
- Clear treatment modality.

- Interested board.
- Community support.
- Good facility.

#### Weaknesses

- Communication between facility and referring agencies which needs continued attention.
- Poor quality case records.
- Insufficient work with parents (except for day treatment where parents are actively involved).
- Inadequate recordkeeping of board minutes.
- Poor board attendance.

#### **Recommendations**

In summary, the program is viewed as acceptable for the population served. An entirely new treatment modality is just being implemented. The potential is great for a high quality service and optimism is reflected by the community of agencies with whom the Miller House interacts. The following recommendations and suggestions are presented for consideration by Miller House.

- Assess the reasons for the limited board involvement and develop a plan to remedy.
- Ensure that the board members do not have a conflict of interest.
- Work with DFYS to develop and implement an appropriate case recordkeeping system, attention to include both format and content.
- Develop and implement a program of activities directed toward ensuring appropriate attention to heritage issues.
- Clarify the school relationships and ensure that all needed educational resources are available for the residents. Make adequate and timely reports regarding education services.

- Monitor the implementation of the new program modality to ensure that, in the effort to maintain the "purity" of the treatment model, appropriate use of other techniques and skills are not avoided.

## SITKA RECEIVING HOME

The Sitka Receiving Home is a five-bed coed residential facility providing both emergency and longer term care. The home is located in a residential section of Sitka approximately five miles from the center of town. Youth are referred from both Family Services and Youth Services.

### **Governance**

The by-laws provide for five board members on the governing board; however, there are actually eight members currently serving, and a perception that there is a vacancy for a ninth. Seven of the members are Caucasian, and one is of native heritage. The range of community representation on the board is very good: the board president is the magistrate, and an attorney serves as the acting board president in her absence. The by-laws do not make provision for any committees. In addition to the governing board, there is also an advisory board, consisting of approximately 15 members. It is not clear exactly how the responsibilities of these two boards are divided.

In addition to meeting monthly to attend to program and policy issues, the advisory board also meets annually for the purpose of appointing the governing board members.

Individual board members are very active. For example, one of the board members worked on a daily basis with the general contractor who built the home, another was instrumental in designing the achievement level system for the program, and another attends the weekly case staffings. Board member involvement in such

case-specific activities as case conferences is not considered a desirable practice and should be avoided. As a group, the board commissioned an evaluation of the program, and is currently in the process of recruiting and hiring a director. The board did not, however, evaluate the former director who had resigned the week before the reviewers visited.

The board appeared knowledgeable and active, including their observation that staff were placed under considerable stress and were vulnerable to "burnout" under the houseparent model being used, as well as other problems with the structure of the program. These concerns resulted in the board contracting for an evaluation which contains specific recommendations for changes.

Some of the board members had some training through a Business and Professional Women's workshop. Several serve on other boards and no interest was expressed in more training. The board noted that a strength of the program was its board and the program's low profile in the community. Board members felt that the state does not provide enough money to run a good program, and stated that the community supported the spouse abuse program but appeared unwilling to support another social service program.

### **Administration**

The program model on which DFYS funding is predicated projected a structure consisting of a full-time houseparent, with part-time caretakers and a relief house parent, available as needed. A half-time director was projected. This model was not in place at the time of the review.

The treatment coordinator had resigned the week previous to the review... The Director had also resigned her position, but was still employed, with responsibilities for grant writing and other administrative duties. The current organization consists of an Acting Director, an Administrator (the former Director) both of whom report directly to the Board, and five child care shift workers.

The Acting Director was a part-time child care worker (with other full-time employment) until to the first week of June. At the time of the reorganization, he was the only employee with previous child care experience. He's had two and one-half years experience as a foster care supervisor and two years as a child treatment worker. The Administrator has a BA in business administration and previously served as the Director for two and one-half years. The five child care workers had no prior experience in child care prior to their hiring in 1985, and since then, the only in-service training has been CPR training. They reported that they had never seen a job description.

The physical facility and equipment are appropriate for the program. The facility was clean and in good repair. Outdoor recreational space is inadequate. The facility has a provisional license. Other relevant inspections were in order. Fire drills are not conducted regularly.

#### **Service Quality**

The proposed program is a structured living experience with

planned involvement in the community, as well as individual, group, and family therapy. Live-in houseparents were to provide the structure. The proposal initially stated that the facility was not a treatment facility, but there was an addendum that described a treatment program based on the live-in parent model. The described program included an emancipation program with education, employment, counseling, and an Achievement Level system. Components of this program, in particular the Achievement Level system, are being implemented by the shift child care workers. The other components appear not to be in place at the present time.

Due to the current flux in staffing and programming, an assessment of services at this time is premature. Staffing issues and service quality are intertwined. At the present time, the staff is handicapped by a lack of training and the limited supervision provided. In general, staff are concerned about children and are interested in in-service training.

Child care staff are receptive to and eager for the new program and anticipate that stable staffing will result in improved services for residents. However, since the child care workers have such limited training, carefully planned in-service programs will be required.

On occasion, residents ride in staff cars or visit staff homes, a practice which has the potential to create issues of liability.

Due to a lack of funds, recreation is limited, There is quite a bit of camping, and some use is made of other community recre-

ational facilities.

Case records do not contain up-to-date caseplans. Weekly staffings regarding specific children were not consistently reported in case records. Staffings generally do not include referring agencies. In general, the families were not involved in the planning. Based on the case records, service quality was judged from average to unacceptable.

## **Relationships**

### Community Leaders

School personnel were unavailable at the time of the site visit so no evaluation was made regarding the relationship with the school.

The just-resigned treatment director had been a part of a community roundtable which consisted of monthly meetings with all community agencies. The staff uses what services they know about, and helps residents participate in community activities as they are available. There is no active outreach/networking.

### Referring Agencies.

The relationship between the facility and referring agencies is problematic. Although a process for intake, caseplanning and case monitoring has been established, it does not appear to function effectively. It was reported that staff are slow to deliver the planned services and there is a need for an increase in the level and timeliness of feedback and information regarding vacancies and admission decisions. Both referring agen-

cies and facility staff report problems with decisions about types of residents suitable for the facility. Apparently Youth Services clients, regardless of presenting problem, are placed, whereas only those Family Services clients perceived to "fit" are placed at the facility.

Weekly staffings are held, but the social workers and probation officers often do not attend. Referring agency staff report little relationship between the caseplan and the daily living activities in the Receiving Home.

Poor communication was reported among potential service providers. Although the facility reports that it makes significant use of community services, and provided a long list of community services they used, referring agencies report that very limited use is made of community resources, and that little outreach or networking effort is made.

#### Among Staff and Between Staff and Residents

It was difficult to assess staff relations since the new organizational structure had been in place for such a short time. In general, staff view the changes as positive.

Residents reported a lack of privacy, and a feeling of always being watched. They knew why they were there, but they were not sure how to "earn" their way out. They felt the staff was capricious in the use of the points. They were never sure how they were doing. They reported inconsistencies between staff members in assigning points. They do not see their worker regularly. The

residents reported they did all the cleaning and cooking and the staff did nothing except supervise. Placing full responsibility for such tasks on residents is inappropriate. They should be involved, as a means of teaching skill and pride, but not as a means to ensure maintenance and meal preparation. Residents felt that staff were punitive and arbitrary, and the best way to get points was to get to know each staff member and learn what they could get away with, indicating that an inconsistent reward structure was in place.

## CONCLUSIONS

### Strengths

- Staff motivation to learn and improve program; openness to change.
- Involved, knowledgeable and active board.
- Good physical facilities.

### Weaknesses

- Insufficient outdoor recreational space.
- Families are generally not involved in planning.
- Questionable and inconsistent use of point system and work assignments for residents.
- Lack of community linkages, networking and outreach.
- Level of staff experience and training.
- Relationships between referring agencies and facility and lack of regular contact with workers.
- Proposed program and organizational structure not in place; serious gaps in current structure.

## Recommendations

In summary, Sitka Receiving Home has experienced a great deal of change, both in terms of programming and in staff, over the last few months. The staff is interested and concerned, but without clear program goals they operate at a disadvantage. The development of clarified program goals, a restructuring and strengthening of the organizational structure, and intensive in-service efforts will work to ensure quality services for the youth at Sitka.

The following recommendations are presented for the consideration of Sitka Receiving Home.

- Recruit and hire a new director experienced in children's residential care.
- Conduct a needs-assessment of the community to determine where program gaps exist, and work to develop a program addressed to those needs.
- Identify, in conjunction with DFYS, intake criteria, what behaviors are acceptable and unacceptable. Such criteria should be clear and specific.
- Improve procedures and communication with referring agencies regarding case decisions, case planning and feedback.
- Improve the process for intake, caseplanning and case monitoring.
- Plan regular worker-resident visits.
- Include families in the planning process and encourage family visits.
- Evaluate the use of points, time-out, seclusion and resident work assignments..
- Develop and implement a training program. The objectives should include staff understanding of the dynamics of child and family functioning and the development of skills in constructive intervention. Local persons with skill and knowledge in these areas and the use of materials borrowed

from the state library and DFYS training resources can support training. Self-training and sharing with other staff through the planned use of reading and taped materials, followed by staff discussions is an excellent training format to supplement more formal opportunities.

- Improve the case recordkeeping system.

X



# *The State of the Alaskan Child*

---

A DATA BOOK PREPARED BY THE CHILD AND FAMILY ADVOCACY PROJECT  
A PROGRAM OF ALASKA CHILDREN'S SERVICES,  
4600 ABBOTT ROAD ANCHORAGE, ALASKA 99507

# CHILD AND FAMILY ADVOCACY PROJECT DATABOOK

## CHILDREN AND FAMILIES

Children in Poverty  
Single Parent Families  
Mothers Alone  
Working Mothers  
Child Care  
Head Start  
Day Care Assistance Programs  
Children and Divorce  
Children in Out-of-Home Care

## CHILDREN AND YOUTH AT RISK

Runaways  
Abused and Neglected Children  
Emotionally Disturbed Children and Youth  
Juveniles - Arrests/Detention/Treatment  
Adolescent Pregnancies



---

1986

*The State of the  
Alaskan Child*

**WHAT IS A CHILD? "A CHILD IS A PERSON WHO IS GOING TO CARRY ON WHAT YOU HAVE STARTED... THE FATE OF HUMANITY IS IN HIS HANDS."**

ABRAHAM LINCOLN

## CHILDREN AND FAMILIES

**CHILDREN:** (Alaska's estimated total population 521,000)

- 30% of our population.
- 100% of our future.

There were 102,014 students enrolled in Alaska's Public schools during the 1984-85 School Year.

Approximately 73,000 children 6 yrs and under.

Source: 2 and 13

## CHILDREN IN POVERTY

**CHILDREN ARE THE POOREST AGE GROUP IN AMERICA**

- 25% of all children under 6 years of age are victims of poverty in this nation.
- 20% of all children are victims of poverty.

Each year more parents of young children fall victims of poverty despite more mothers entering the labor force. A recent national study found families with children are receiving less of the economic pie than was true a decade ago.

Health problems are an inevitable outcome of poverty, often resulting in physically fragile, vulnerable children. Lack of access to prenatal care, a high infant mortality and difficulties getting out-patient medical care are only a few of the health care problems experienced by low income families.

The monthly level of assistance for one adult with one child is \$657.00. For one adult with four children \$906.00.

Source: 3 11 12 14 and 16





## **SINGLE-PARENT FAMILIES**

### ***SINGLE PARENTS HAVE AN INCOME FAR BELOW TWO-PARENT FAMILIES***

- 11% of ALASKA's families are headed by one parent.
- Persons in families headed by women accounted for 20% of Alaska's poverty population in 1980 compared to 17% in 1970.
- Less than 30% of the single parents receive any child support payments.
- 23% of its single fathers have responsibility for their children who are 6 years old or younger.
- In FY83, 8,585 children received AFDC.
- In FY85, 10,899 children received AFDC.

Too many children live in single-parent households. If that parent is a mother under the age of 25, it is almost a guarantee of a lifetime in poverty.

Source: 1, 3, 4 and 12

## **MOTHERS ALONE**

### ***ALASKA WOMEN EARN 58 CENTS FOR EVERY DOLLAR A MAN EARNS***

- 60% OF ALASKA'S SINGLE MOTHERS WHO HAVE CHILDREN UNDER SIX YEARS OF AGE, ARE IN THE LABOR FORCE.
- In 1980, over 25% of Alaska families headed by women were in poverty. In rural Alaska, more than one of every three families headed by women fell below the poverty level.

The proportion of women who head households in Alaska has doubled since 1960. Mothers alone in our State frequently suffer more stress than their counterparts in the lower 48 because they lack an adequate support system. Often these mothers have no immediate family living close enough to call on for help and they have not developed a system of friends to fill this need.

Source 1 and 3

## WORKING MOTHERS

### *ALASKA HAS A HIGHER PERCENTAGE OF WORKING MOTHERS THAN ANY OTHER STATE*

- 46% of married women in Alaska who have children under six years of age are in the labor force.
- 43% of the jobs in Alaska are held by women.

The financial contribution of working wives is significant; two earner married couple families had median incomes 30 percent higher than those in which the husband alone worked.

Source: Land 3



## DAY CARE

### *THERE ARE SHORTAGES OF CHILD CARE SPACES IN ALASKA*

- The actual number of children in care is not known.
- The actual number of children needing care is not known.
- In January 1980, the total number of child care facilities licensed in 16 communities was 358 with a total of 4,525 spaces.
- In June, 1985, the total number of child care facilities licensed in 33 communities was 949 with a total of 12,908 spaces.
- In Alaska, family child care homes having four or fewer unrelated children in care are not required to be licensed. Private arrangements for in home care is not regulated.
- Religious preschools and private preschools associated with an elementary program are exempt from licensing.
- Nationally, only 10% of facilities caring for children are licensed.

As Alaska's young population has grown, and the profile of its families and work force have changed, where mothers are employed as wage earners, so has the demand for child care expanded. Acutely needed are infant care, before/after care of the school age child, for the mildly sick child, night time and weekend care.

Source 1



## HEADSTART

*"FOR EVERY \$1 INVESTED IN HEAD START, \$7 ARE RETURNED IN REDUCED PUBLIC EXPENDITURES AND INCREASED PUBLIC RECEIPTS"*

- 1,700 economically disadvantaged young children will be served in FY86 at 66 sites in Alaska.
- Only 20% of the number of children and families who are income eligible will be served.
- 1,981 children and their income eligible families have been identified as requesting Head Start programs or where children were on waiting lists for existing programs.

Head Start, a program for early intervention in the life of the low income child has had significant, positive long term effects. Head Start children are less likely to end up pregnant as teens or on welfare, and more likely to enter vocational school, college, or the workforce.

Source: 1 and 12

## DAY CARE ASSISTANCE PROGRAM

*MOST PEOPLE DON'T WANT A HANDOUT; THEY JUST WANT AN OPPORTUNITY TO MAKE IT ON THEIR OWN. AS THESE PERSONS ENTER THE WORK FORCE, ADEQUATE DAY CARE FOR THEIR CHILDREN IS A PARAMOUNT CONCERN.*

- Nearly 2,200 parents in 33 communities were assisted in October, 1985. Over 3,100 children had licensed, supervised care under this Program.
- During FY85, 84.6% of the families participating were single-parent families. During the first quarter of FY86, this increased to 88.6%.
- From July, 1980 til July, 1984 there was a 283% growth in the number of families being aided by this program.

The Day Care Assistance Program assists low and moderate income families who are working, training, working and training, in off-setting the high cost of child care (average cost \$340 per month).

Source: 1

## CHILDREN AND DIVORCE

*IT IS ESTIMATED THAT HALF OF ALL CHILDREN BORN TODAY WILL SPEND PART OF THEIR CHILDHOOD IN A SINGLE-PARENT FAMILY*

- In Alaska, seven marriages out of every ten end in divorce. This compares to the national average of five out of ten marriages.

Source 4 and 5

"Most divorces are harmful to children. 50% of the time the kids school grades go down - 20% of the time kids school grades go up".

M. Scott Peck, M.D.

## CHILDREN IN OUT-OF-HOME CARE *WHEN FAMILIES FAIL, SOCIETY BECOMES THE PARENT.*

- The records of 1,033 children in out-of-home care were reviewed in December, 1985 by the Division of Family and Youth Services.
  - 769 or 85% were Protective Services cases.
  - 134 or 15% were Youth Protective Services cases (Probation/ Corrections).
  - Additional field research was needed on 130.
- There were 1,107 children in foster care in FY85.
- There were 387 children in residential care in FY85.

Well trained personnel are crucial to effective intervention, professional investigation and well thoughtout case management plans. In January, 1985 it was estimated that 39 additional social workers were needed to handle the client case load. This is based on 50 clients per social worker. Recommended standards: Child Welfare League of America child protection: 20 families/worker.

Training funds were reduced significantly two years ago and are extremely limited. Training is currently being targeted to orient new staff and to support supervisors.

Funding for youngsters in residential care had not increased in three years. On September 1, 1986, grant funds to private providers were cut 12.5% thus reducing the number of available placements for youngsters needing this type of care.

Source 6





## CHILDREN AND YOUTH AT RISK

*At least 15% of all American teenagers between the ages of 16 and 19 are unlikely to become productive adults because they are already "disconnected" from society as a result of drug abuse, delinquency, pregnancy, unemployment and dropping out of school.*

Source: 17

## RUNAWAYS

*"ONE MAJOR INDICATOR OF THE PROBLEM DEVELOPING IN ALASKA IS THE NUMBERS OF THE RUNAWAY REPORTED IN ANCHORAGE (NEARLY FOUR TIMES THE NATIONAL AVERAGE)."*

- In Anchorage alone, there are approximately 1,200 known runaways, castaways and homeless youth who annually come in contact with at least one community agency.
- There are an estimated three to five times as many actual runaways and castaways who do not receive any services.
- Statewide statistics are not available on runaways.

A study of adolescent runaways has provided new evidence that physical and sexual abuse are important contributors not only to chronic runaway behavior, but also to delinquency and emotional difficulties.

The 1985-86 Legislature appropriated \$30,000 to the Department of Health and Social Services to further study the Runaway problem in the State. The funds were awarded to the Inter-Departmental team, comprised of senior staff from the Department of Education, the Division of Family and Youth Services, and the Division of Mental Health and Developmental Disabilities. This group will examine, among other things, ways to train staff in residential facilities how to handle runaways.

Source: 7, 8 and 19

## ABUSED AND NEGLECTED CHILDREN

*"WHILE ABUSIVE PARENTS MAY SIMULTANEOUSLY LOVE AND HATE THEIR CHILDREN, NEGLECTFUL PARENTS HAVE LITTLE OR NO FEELING FOR THEM... THESE PARENTS ARE EMOTIONALLY ABSENT."*

*Avis Brenner*

Total number of children served in FY85 was 7,702 as compared with 6,439 in FY83 - An increase of 10% per year average:

	<u>FY 1983</u>	<u>FY 1985</u>
Physical abuse	1,447	1,750
Sexual abuse	613	1,192
Neglect	3,511	3,701
Other Problems	868	1,059

It is estimated that only one in seven cases is reported. Neglect was by far the most frequently reported type of maltreatment.

Source 9

## EMOTIONALLY DISTURBED CHILDREN AND YOUTH

*"MENTAL ILLNESS IS THE NUMBER ONE HEALTH PROBLEM AFFLICTING CHILDREN AND ADOLESCENTS TODAY."*

- It is estimated that there are 700-750 youngsters in Alaska who are moderately to severely disturbed with very few services available to them.
- Alaska has placed at least 100 children and adolescents a year away from their home communities.
- 35 youth are currently out of State because of lack of appropriate facilities in State.

The Department of Health and Social Services and the Department of Education have begun THE ALASKA YOUTH INITIATIVE to create the necessary new programs in Alaska to ensure that severely mentally ill, abused, delinquent and behavior disordered youth will receive the necessary social services and treatment in their own communities.

Source 8 and 18





**JUVENILES  
ARRESTS/DETENTION/TREATMENT  
IN A 6 YEAR PERIOD (1980 THRU 85),  
ALASKA EXPERIENCED A 99%  
INCREASE IN YOUTH ADMITTED  
TO YOUTH SERVICES TREATMENT  
FACILITIES.**

Indices of juvenile crime indicate continued decreases for the year 1980-84.

	ARRESTS	INTAKE
In 1980	5,569	5,857
In 1984	5,250	6,318

Intakes exceed arrests because in small communities cases are referred to Youth Services that are not always arrest cases.

- Jan. thru Dec. 1980, 847 youth were under probation supervision.
- Jan. thru Dec. 1985, 1,448 youth were under probation supervision.
- This is a 71% change.

**YOUTH SERVICES DETENTION  
CENTERS**

- Jan. thru Dec. 1980, 1,198 youth admitted to detention facilities.
- Jan. thru Dec. 1985, 1,995 youth admitted to detention facilities.
- This is a 67% increase - State facilities in Anchorage, Fairbanks and Juneau.

**YOUTH SERVICES TREATMENT  
FACILITIES**

- Jan. thru Dec. 1980, 86 youth were admitted to treatment facilities.
- Jan. thru Dec. 1985, 171 youth were admitted to treatment facilities.

State treatment facilities located in Anchorage, Fairbanks and Nome.

Source: 10

**ADOLESCENT PREGNANCIES  
ONE OF THE COMPLICATED  
TRAGEDIES OF OUR TIME, IS  
CHILDREN HAVING CHILDREN.**

- 1,747 babies were born to teenage mothers in Alaska in 1984.

"Helping to prevent pregnancies among young teens, and reducing the social and economic risks for teenage parents and their children, remains a very serious challenge to this nation, our State and our communities."

"Regardless of one's political philosophy, the prospect of one million teenage pregnancies, 400,000 abortions, and one-half million births each year, nearly fifty-five percent of which will be births to unmarried teens, is chilling. The human and fiscal costs to all are unacceptable."

Source: 14 and 15

## EDUCATION

*"MEN EXIST FOR THE SAKE OF ONE ANOTHER. TEACH THEM OR BEAR WITH THEM."*

*Marcus Aurelius*

- 755 school-age wards of the State provided instructional programs.
- 400 severely handicapped students provided instructional programs.
- 1,200 students in Alaskan Correctional and Detention Institutions received vocational education, post secondary education, special education or high school completion programs.
- 9,500 students received bilingual/bicultural programs in more than 100 different languages in 32 school districts.
- 4,000 academically talented and intellectually gifted students received "special" programs.
- 11,344 handicapped children and young people were provided with "special" programs.
- 3,885 migrant students received "special" programs with emphasis on improving basic skills in 23 school districts.
- 35,867 meals were served daily in Alaska Public Schools.
- 43% of meals served were served free or at reduced rates.

Source: 20



## ADOLESCENT SUICIDES

*MOST EXPERTS BELIEVE THE ACTUAL SUICIDE RATE IS FAR HIGHER THAN REPORTED AND THAT MANY OF ALASKA'S ACCIDENTAL DEATHS ARE SUICIDES.*

- Over the past two decades, the suicide rate in the U.S. as a whole has averaged 10 to 12 per 100,000.

### Estimated rates for suicide in Alaska 1984

	Age Group	Suicide deaths	Rates per 100,000 pop.
Entire Population	15-19 yrs.	10	24.0
White males	15-19 yrs.	5	31.4
White females	15-19 yrs.	1	7.4
Native males	15-19 yrs.	2	47.0
Native females	15-19 yrs.	2	49.4

- The number of suicide attempts in rural Alaska is twice as high as in urban areas.

Source: 21



## WHAT CAN YOU DO?

The problems cited in this report may seem overpowering. It may seem that there is little that one person can do. But there is MUCH that can be done individually as well as in cooperation with others.

As an individual, you can help by:

- volunteering in a day care center, school, or local advocacy group.
- becoming a foster or adoptive parent.
- serving as a friend to youth in trouble with the law.
- keeping children's needs before the assemblymen and local administration, the school board and school administration, and your state legislators and state administration as well as our congressional representatives.
- be willing to be a part of a "telephone tree" to communicate with the decision makers at all levels of government.
- giving financial or volunteer support to agencies in the community that work with children, youth and families.
- becoming a "block parent" for children home alone after school; or volunteer as a "Safe Home" if this program is available in your community.
- becoming a "Big Brother" or "Big Sister" to a child from a single parent family.

As part of an organization, you can have even greater effect on issues involving groups of children. There are several state organizations that advocate for special groups of children. The Child and Family Advocacy Project advocates for the needs of poor and troubled families and children who are neglected, physically and sexually abused, runaways and mentally/emotionally disturbed children - youngsters who are often "wards of the State."

On the local level you can also join child advocacy groups. There are a number of local groups that serve as advocates for particular groups of children.

Whatever issue or group you select for your personal priority, your involvement will be invaluable. With many voices speaking for children, we will be heard. With many hands helping, we will make a difference.

Why not begin right now by calling 907 - 248-0834?

**THELMA P. LANGDON,**  
Project Coordinator

## SOURCES

1. Alaska Department of Community and Regional Affairs - Division of Community Development - Child Care Programs Report - December, 1985
2. Alaska Department of Education - Directory 1986
3. Alaska Women's Commission - Alaska Women: A Databook - June, 1984
4. The State of the Child in North Carolina - March, 1984
5. Anchorage Human Services Coalition Factsheet - October, 1985
6. Alaska Department of Health and Social Services - Division of Youth and Family Services - A Profile of Children in Out of Home Care - August, 1986
7. Runaway Support Network Project Report - Anchorage, Alaska - September, 1985
8. Alaska Department of Health and Social Services - Division of Mental Health and Developmental Disabilities - Alaskan Youth Initiative - Summer, 1986
9. Alaska Department of Health and Social Services - Division of Family and Youth Services
10. Alaska Department of Health and Social Services - Division of Family and Youth Services - Child Protective Services System Report - January, 1986
11. The Association for Children in New Jersey - ACNJ in Action - 1985
12. Children's Defense Fund - A Children's Survival Bill
13. Alaska Department of Labor - Demographic Unit
14. Alaska Department of Health and Social Services / Division of Planning and Division of Public Assistance
15. U.S. House of Representatives - Select Committee on Children, Youth, and Families Report - 1986 (58-9570)
16. Alaska Department of Health and Social Services - Division of Public Assistance - Cash, Food and Medical Assistance
17. Education Commission of the States - Business Subcommittee Report - October, 1985
18. "As Advocates We Can Make It Happen" - Paper by Christina K. Young, Akron, Ohio - September, 1985
19. Running Toward Prison - Consultation Unlimited, Marroyce Hall, Anchorage, Alaska - April 30, 1986
20. Alaska Report of Performance - FY85
21. Dept. of Health & Social Services - Division of Mental Health and Developmental Disabilities - Exchange



## WHAT IS THE CHILD AND FAMILY ADVOCACY PROJECT?

The Child and Family Advocacy Project is a special program of Alaska Children's Services (ACS), designed to build a broad-based Statewide network of concerned individuals, community organizations and congregations to speak out on behalf of the needs of dependent children and their families.

The activities of the Project will be devoted to improving the systems and institutions that serve troubled children and families of Alaska while working to prevent more children from entering these same systems.

- Increase interest for children's issues
- Disseminate written educational information
- Monitor child welfare agencies, legislation, judicial and administrative policy-making activities
- Sponsor workshops, seminars and conferences

A Citizens' Advisory Committee of eight persons from a variety of backgrounds and disciplines work with the CFA Project Coordinator to determine policy and monitor the project. Members of this committee include:

Barbara Block	Alan Gaddie
Thelma Buchholdt	Carolyn Lyons
Darlene Chapman	Gail H. Rowland
Thomas H. Dahl	Stanley Summers

The Child and Family Advocacy Project is underwritten by private funding including support from Alaska Children's Services, (a United Way Agency,) and grants from the Alaska Christian Conference, national and regional program units of the American Lutheran Church, American Baptist Churches, the United Methodist Church, American Lutheran Church Women, and the Christian Women's Fellowship (Disciples of Christ).

The Child and Family Advocacy Project hopes to become a non-profit organization before the end of 1987, with dues paying membership of individuals concerned and willing to speak out on behalf of children. Currently contributions are being accepted to finance the activities of the Project. They can be sent to: Alaska Children's Services - 4600 Abbott Rd., Anchorage, Alaska 99507

**CHILD ADVOCATES ARE IMPERATIVE TO KEEP WHAT LITTLE POLITICAL MOMENTUM IS NOW STARTED. CHILDREN ARE VOICELESS AND POWERLESS. YOUR VOICE CAN MAKE A DIFFERENCE. A UNIFIED VOICE IS CRITICAL.**

Consultation  
Municipality of Anchorage  
Department of Health and Human Services Staff

Alaska Department of Health and Social Services  
Division of Family and Youth Services Staff  
Division of Mental Health and Developmental Disabilities Staff

Alaska Department of Community and Regional Affairs  
Division of Community Development Staff

Department of Education  
Division of Educational Program Support Staff

Alaska Children's Services  
Director of Public Affairs and Development

Design  
JEANNE DAVIS

Photography  
CLARK MISHLER  
WALTER L. HAYS

XI

§ 47.08.140

7.08.140  
l a catastrophic  
010 — 47.08.140  
AS 47.08.010 —

e total medical  
committee deter-  
o pay based on  
47.08.060;  
which results in  
ot to exceed 12  
nent have been

committee, created

reatment which

ood or marriage

onverted to

ion incurred in  
ysician, includ-  
transportation  
sary, or living  
community to  
from the appli-

at liquid assets;  
, or a dwelling  
uidings or an  
nvenient use of

cist, dentist, or  
clinic, skilled  
ntenance orga-  
S 47.08.050 to

dical expenses  
he applicant or  
ederal medical  
yment-related  
compensation,  
of the United  
wards in legal

§ 47.10.010 WELFARE, SOCIAL SERVICES AND INSTITUTIONS § 47.10.010

## Chapter 10. Delinquent Minors and Children in Need of Aid.

### Article

1. Children's Proceedings (§§ 47.10.010 — 47.10.142)
2. Juvenile Institutions (§§ 47.10.150 — 47.10.220)
3. Care of Children (§§ 47.10.230 — 47.10.260)
4. General Provisions (§§ 47.10.270 — 47.10.290)

### NOTES TO DECISIONS

Cited in Flores v. Flores, Sup. Ct. Op.  
No. 1875 (File No. 3832), 598 P.2d 893  
(1979).

### Article 1. Children's Proceedings.

#### Section

10. Jurisdiction
20. Investigation and petition
30. Summons and custody of minor
40. Release of minor
50. Appointment of guardian ad litem or attorney
60. Waiver of jurisdiction
70. Hearings
75. Young adult advisory panels
80. Judgments and orders
81. Predisposition hearing reports
82. Best interests of the child
83. Review hearing information
84. Legal custody, guardianship, and residual parental rights and responsibilities

#### Section

85. Child in need of aid; religious treatment
90. Records
95. Arrest of a minor
100. Retention of jurisdiction over minor
110. Appointment of guardian or custodian
120. Support of minor
130. Detention
140. Temporary detention and detention hearing
142. Emergency custody and temporary placement hearing

**Sec. 47.10.010. Jurisdiction.** (a) Proceedings relating to a minor under 18 years of age residing or found in the state are governed by this chapter, except as otherwise provided in this chapter, when the court finds the minor

(1) to be a delinquent minor as a result of violating a criminal law of the state or of a municipality of the state; or

(2) to be a child in need of aid as a result of

(A) the child being habitually absent from home or refusing to accept available care, or having no parent, guardian, custodian or relative caring or willing to provide care, 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 AS 47.10.080 or voluntarily relinquished;



**Former AS 17.12.110(d)(4) not in conflict.** — Former AS 17.12.110(d)(4), which provided that a person who, while under the age of 18, possesses, controls or uses any amount of marijuana was, upon conviction, guilty of a misdemeanor punishable by a fine of not more than \$1000, was not in conflict with paragraph (a)(1) of this section and AS 47.10.080(b)(1). *M.O.W. v. State*, Ct. App. Op. No. 95 (File No. 4846), 645 P.2d 1229 (1982).

**State may interfere with certain conduct of children in need of aid.** — Conduct of children alleged to be in need of supervision [see now children alleged to be in need of aid], such as running away from home and foster home placement, may constitutionally be interfered with by the state. *L.A.M. v. State*, Sup. Ct. Op. No. 1249 (File No. 2221), 547 P.2d 827 (1976).

**Interests to be protected by legislation regarding children in need of aid.** — See *L.A.M. v. State*, Sup. Ct. Op. No. 1249 (File No. 2221), 547 P.2d 827 (1976).

**Means chosen by the state to protect children are closely and substantially related to an appropriate government interest.** *L.A.M. v. State*, Sup. Ct. Op. No. 1249 (File No. 2221), 547 P.2d 827 (1976).

**The purpose of the supervision or treatment contemplated by the creation of the child in need of supervision [see now child in need of aid], and its predecessor noncriminal delinquency was reintegration of the child into her family and resumption of parental custody including parental control.** *L.A.M. v. State*, Sup. Ct. Op. No. 1249 (File No. 2221), 547 P.2d 827 (1976).

**The discretion allotted a parent in the administration of punishment is not unlimited. Clearly it does not extend to punishment regularly causing the "substantial physical harm" which under subsection (a)(2)(C) determines that a child is in need of aid.** In re D.C., Sup. Ct. Op. No. 1862 (File No. 3840), 596 P.2d 22 (1979).

**A minor who has been adjudged a child in need of supervision [now child in need of aid] cannot be institutionalized under the Children's Code.** In re A Minor Child, Sup. Ct. Op. No. 737 (File No. 1524), 490 P.2d 658 (1971).

**The Department of Health and Social Services does not possess the authority to institutionalize any minor, including one who has been declared a child in need of supervision [see now child in need of aid], who has been committed to its custody. It is unreasonable to construe Alaska children's statutes in a manner which would**

**result in the grant to the Department of Health and Social Services of broader powers of commitment than possessed by the trial court.** In re A Minor Child, Sup. Ct. Op. No. 737 (File No. 1524), 490 P.2d 658 (1971).

**Requisites to determination of delinquency.** — Before a juvenile can be determined delinquent in a proceeding which could result in commitment to an institution, thus curtailing his freedom, certain requisites must be met. First, written notice of the charges must be given to the juvenile and his parents sufficiently in advance of the proceedings to allow preparation to meet the charges. Second, the child and his parents must be apprised of the right to counsel, including appointed counsel in case of indigency. Third, the child may exercise his privilege against self-incrimination. Lastly, absent a valid confession, the determination of delinquency cannot be sustained in the absence of sworn testimony, which is subject to cross-examination. *E.J. v. State*, Sup. Ct. Op. No. 628 (File No. 1144), 471 P.2d 367 (1970).

**Minor properly declared delinquent.** — Where the lower court determined that a minor would not abide by any orders it entered regarding her supervision under former subsection (j) of AS 47.10.080, this behavior constituted willful criminal contempt of the court's authority; were she an adult, her actions would be characterized as a "crime" under Alaska statutes. She was, therefore, properly declared a delinquent and subject to those sanctions available for the correction of a delinquent minor's behavior. *L.A.M. v. State*, Sup. Ct. Op. No. 1249 (File No. 2221), 547 P.2d 827 (1976).

**Where the parents' interests are hostile to the child's, the parents may not select the child's attorney.** *Wagstaff v. Superior Court, Family Court Div.*, Sup. Ct. Op. No. 1144 (File No. 2208), 535 P.2d 1220 (1975).

**Then the child may retain the attorney of his choice or, in the alternative, ask the court to appoint an attorney for him.** *Wagstaff v. Superior Court, Family Court Div.*, Sup. Ct. Op. No. 1144 (File No. 2208), 535 P.2d 1220 (1975).

**And court must respect choice.** — If the child has retained counsel, the court must respect the child's choice. *Wagstaff v. Superior Court, Family Court Div.*, Sup. Ct. Op. No. 1144 (File No. 2208), 535 P.2d 1220 (1975).

**The required standard of proof has been increased from "a preponderance of**

§ 47.10.010

e, alleviate,  
videnced by  
r untoward  
ld's parents

r if there is  
such harm  
the child's  
guardian or

the child's  
created by  
ure of the  
child;

f pressure,  
custodian;  
neglect as  
ardian or

regu-  
munic-  
or a parks  
AS 41.21,  
procedure  
ed, except  
at all pro-  
ne statute  
l facilities  
sentenced

court may  
may order  
be given  
nt of sup-  
145 SLA  
m § 1 ch  
1977; am

ch (2)(F) to

7, ch. 110,  
h. 69, SLA  
ts jurisdic-  
rior court  
and magis-

§ 47.10.010 WELFARE, SOCIAL SERVICES AND INSTITUTIONS § 47.10.010

Section 32, ch. 63, SLA 1977, provides:  
"Section 7 of this Act has the effect of  
changing Children's Rule 12 by deleting  
any references to 'Truant from school,'  
'endangering) the morals or health,'  
'being wayward or habitually disobedient,'

or 'uncontrolled,' and has the effect of  
substituting the words 'child in need of aid'  
for the terms 'child in need of supervision'  
and 'dependent' where those two terms  
appear in Rules of Children's Procedure."

NOTES TO DECISIONS

**Applicability of 1977 amendment.** —  
All cases pending at the time of the enact-  
ment of the new children's statute by the  
1977 acts are entitled to hearing under the  
new, rather than the old, standards. In re  
J.M., Sup. Ct. Op. No. 1548 (File Nos.  
3219, 3229), 573 P.2d 1376 (1978).

In order to provide guidance to the supe-  
rior court for the administration of juve-  
nile justice, children adjudged dependent  
under the standards of former subsection  
(a)(5) of this section prior to its repeal in  
1977 are entitled, on request, to a disposi-  
tional hearing under the standards of the  
newly-enacted subsection (a)(2)(C) of this  
section. In re J.M., Sup. Ct. Op. No. 1548  
(File Nos. 3219, 3229), 573 P.2d 1376  
(1978).

Children adjudged dependent under  
former (a)(5) of this section are entitled on  
request to an adjudicative hearing under  
the standards of subsection (a)(2)(C). In re  
C.L.T., Sup. Ct. Op. No. 1866 (File No.  
3607), 597 P.2d 581 (1979).

Rehabilitation, rather than punish-  
ment, is the express purpose of juve-  
nile jurisdiction. Mere confinement  
without treatment does not contribute to  
the goal of rehabilitation; such confine-  
ment constitutes cruel and unusual pun-  
ishment. Rust v. State, Sup. Ct. Op. No.  
1668 (File No. 3172), 582 P.2d 134 (1978).

Principal precept behind children's  
court concept is that a person under 18  
years of age does not have mature judg-  
ment and may not fully realize the conse-  
quences of his acts, and that therefore he  
should not generally have to bear the  
stigma of a criminal conviction for the rest  
of his life. In re P.H., Sup. Ct. Op. No. 857  
(File No. 1538), 504 P.2d 837 (1972).

A child "in need of aid" appears to  
be the functional equivalent of a  
"dependent" child under this section as  
it existed prior to its 1977 amendment. In  
re C.L.T., Sup. Ct. Op. No. 1866 (File No.  
3607), 597 P.2d 518 (1979).

The phrase "under 18 years of age"  
refers to the age of the accused person at  
the time of the alleged offense. In re P.H.,  
Sup. Ct. Op. No. 857 (File No. 1538), 504  
P.2d 837 (1972).

**Jurisdiction dependent upon age of  
offender at time of act.** — Juvenile juris-  
diction of the superior court in delin-  
quency proceedings is dependent upon the  
age of the offender at the time of the delin-  
quent acts. Henson v. State, Sup. Ct. Op.  
No. 1590 (File No. 3024), 576 P.2d 1352  
(1978).

Child is exempt from criminal pros-  
ecution until children's court waives  
jurisdiction. — From the moment a child  
commits an offense he is exempt from  
criminal prosecution until the children's  
court properly waives its jurisdiction. In re  
P.H., Sup. Ct. Op. No. 857 (File No. 1538),  
504 P.2d 837 (1972).

Deferring action against child until  
18th birthday would frustrate purpose  
of juvenile courts. — To allow officials  
charged with the execution of the law to  
prosecute a child offender as a criminal  
merely by deferring action until the child's  
18th birthday would frustrate the purpose  
of juvenile courts. In re P.H., Sup. Ct. Op.  
No. 857 (File No. 1538), 504 P.2d 837  
(1972).

Serious constitutional issues would  
arise if the nature of the proceedings  
against a child offender were to depend on  
the arbitrary decision of law-enforcement  
officials. In re P.H., Sup. Ct. Op. No. 857  
(File No. 1538), 504 P.2d 837 (1972).

When person over or under certain  
age. — With respect to penal statutes,  
whether a person is over or under a certain  
age depends upon whether he has reached  
the particular anniversary of his birthday  
or not. State v. Linn, Sup. Ct. Op. No. 47  
(File No. 122), 363 P.2d 361 (1961).

"Delinquent" status depends not upon  
a criminal conviction but upon proof that  
the juvenile committed acts which would  
have been criminal if committed by an  
adult. Rust v. State, Sup. Ct. Op. No. 1668  
(File No. 3172), 582 P.2d 134 (1978).

One who committed a crime when 18  
years of age could be criminally prose-  
cuted, as an adult, when he had been  
previously adjudged a delinquent minor  
and the court had retained supervisory  
jurisdiction over him until age 19. Henson  
v. State, Sup. Ct. Op. No. 1590 (File No.  
3024), 576 P.2d 1352 (1978).

**Sec. 47.10.020. Investigation and petition.** (a) Whenever a person informs the court of the facts which bring a minor within this chapter, the court shall appoint a competent person or agency to make a preliminary inquiry and report for the information of the court to determine whether the interests of the public or of the minor require that further action be taken. Upon the receipt of the report, the court may informally adjust or dispose of the matter without a hearing, or it may authorize the person having knowledge of the facts of the case to file with the court a petition setting out the facts. Where the court informally adjusts or disposes of the matter the minor may not be detained or taken into the custody of the court and the matter shall be closed by the court upon adjustment or disposition.

(b) The petition and all subsequent proceedings shall be styled as follows: "In the matter of . . . . ., a minor under 18 years of age." The petition may be executed upon the petitioner's information and belief, and shall be verified. It shall include the following information:

- (1) the name, address and occupation of the petitioner, together with the petitioner's relationship to the minor, and the petitioner's interest in the matter;
- (2) the name, age and address of the minor;
- (3) a brief statement of the facts which bring the minor within this chapter;
- (4) the names and addresses of the minor's parents;
- (5) the name and address of the minor's guardian, or of the person having control or custody of the minor.

(c) If the petitioner does not know a fact required in this section, the petitioner shall so state in the petition. (§ 5 art I ch 145 SLA 1957)

**Cross references.** — For the preliminary inquiry referred to in (a) of this section, see Children's Rule 4, Alaska Rules of Court. As to the petition, see Children's Rule 8.

NOTES TO DECISIONS

**Distinctions between this section and AS 25.24.310.** — See *Granato v. Occhipinti*, Sup. Ct. Op. No. 1962 (File No. 3756), 602 P.2d 442 (1979). Cited in *M.O.W. v. State*, Ct. App. Op. No. 95 (File No. 4846), 645 P.2d 1229 (1982).

**Collateral references.** — 42 Am. Jur. 2d, *Infants*, §§ 14 to 17, 20, 22 et seq.; 47 Am. Jur. 2d, *Juvenile Courts and Delinquent and Dependent Children*, §§ 13 to 33. 43 C.J.S., *Infants*, §§ 6, 93 et seq.

**Sec. 47.10.030. Summons and custody of minor.** (a) After a petition is filed and after further investigation which the court directs, if

§ 47.10.010

Department of  
of broader  
assessed by  
Child. Sup.  
490 P.2d

n of delin-  
n be deter-  
ding which  
an institu-  
m, certain  
t. written  
iven to the  
ciently in  
allow prep-  
econd, the  
pprised of  
appointed  
Third, the  
ge against  
nt a valid  
of delin-  
te absence  
subject to  
Sup. Ct.  
: 367

inquent.  
ined that  
orders it  
on under  
080, this  
ninal con-  
re she an  
acterized  
utes. She  
d a delin-  
ons avail-  
elinquent  
Sup. Ct.  
P.2d 827

ests are  
nts may  
Wagstaff  
Div., Sup.  
335 P.2d

re attor-  
rmative,  
rney for  
Family  
File No.

ce. — If  
re court  
estaff v.  
v. Sup.  
335 P.2d

ance of

§ 47.10.010 WELFARE, SOCIAL SERVICES AND INSTITUTIONS § 47.10.010

the evidence" to "beyond a reasonable doubt" in the adjudicatory stages of at least those delinquency proceedings in which a child is charged with an act that would be a crime if committed by an adult. E.J. v. State, Sup. Ct. Op. No. 628 (File No. 1144), 471 P.2d 367 (1970).

**Privilege against self-incrimination.** — See E.L.L. v. State, Sup. Ct. Op. No. 1540 (File No. 3374), 572 P.2d 786 (1977) (decided prior to the 1977 amendment to this section).

**Violation of former law relating to purchase of intoxicating liquors by minors.** — See Purdy v. United States, 16 Alaska 173, 146 F. Supp. 762 (D. Alaska 1956).

**Prosecution for joyriding.** — Subsection (b) of this section and former AS 28.35.010(d) demonstrated a clear legislative intent to exclude from the coverage and requirements of the juvenile code those cases involving alleged misdemeanor violations of Alaska's "joyriding" statute by persons under 18 years of age. State v. G.L.P., Sup. Ct. Op. No. 1786 (File No. 2978), 590 P.2d 65 (1979).

One under 18 years of age could be charged, prosecuted and sentenced in the district court, as an adult, for a misdemeanor violation of Alaska's "joyriding" statute, former AS 28.35.010(a), before there had been an order by the superior court waiving the latter court's juvenile jurisdiction. State v. G.L.P., Sup. Ct. Op. No. 1786 (File No. 2978), 590 P.2d 65 (1979).

**Termination of parental rights due to abandonment.** — In proceeding to terminate parental rights, although trial judge orally stated that he considered involuntary incarceration to constitute abandonment, where written findings of

fact, submitted by state and signed by court, referred to parent's voluntary absence from October of 1980 to June of 1981 as the relevant conscious disregard of parental obligations, there was no reversible error. Nada A. v. State, Sup. Ct. Op. No. 2632 (File Nos. 6546, 6693), 660 P.2d 436 (1983).

**There is no statute authorizing awards of attorney's fees in child in need of aid proceedings, nor has any rule or order authorizing such an award been promulgated.** Cooper v. State, Sup. Ct. Op. No. 2453 (File Nos. 4906, 4970), 638 P.2d 174 (1981).

**Appeal after serving sentence.** — If there remain collateral legal disabilities apart from the sentence, an appeal is not mooted even though the sentence has been served. E.J. v. State, Sup. Ct. Op. No. 628 (File No. 1144), 471 P.2d 367 (1970).

Applied in In re S.D., Sup. Ct. Op. No. 1255 (File No. 2530), 549 P.2d 1190 (1976).

Quoted in In re P.N., Sup. Ct. Op. No. 1127 (File No. 2191), 533 P.2d 13 (1975); R.D.S.M. v. Intake Officer, Sup. Ct. Op. No. 1449 (File No. 321), 565 P.2d 855 (1977); N.P.A. v. State, Sup. Ct. Op. No. 2005 (File No. 4618), 604 P.2d 599 (1979); E.A. v. State, Sup. Ct. Op. No. 2289 (File Nos. 4687, 4870), 623 P.2d 1210 (1981).

Stated in D.R.C. v. State, Ct. App. Op. No. 94 (File No. 4905), 646 P.2d 252 (1982).

Cited in Granato v. Occhipinti, Sup. Ct. Op. No. 1962 (File No. 3756), 602 P.2d 442 (1979); P.S. v. State, Ct. App. Op. No. 194 (File No. 6870), 655 P.2d 1319 (1982); State v. R.H., Ct. App. Op. No. 375 (File No. 7768), P.2d (1984); Brower v. State, Ct. App. Op. No. 381 (File No. 7816), P.2d (1984).

**Collateral references.** — 27 Am. Jur., Infants, §§ 101 to 112; 31 Am. Jur., Juvenile Courts and Delinquents, Dependent and Neglected Children, §§ 13 to 50.

43 C.J.S., Infants, §§ 6, 93 et seq.

Another court's jurisdiction over a child as affected by assumption of jurisdiction by juvenile court, 11 ALR 147; 78 ALR 317; 146 ALR 1153.

Vagrancy of minors, 14 ALR 1507.

Constitutionality of statute which, for reformatory purposes, deprives parent of custody or control of child, 60 ALR 1342.

**Power of juvenile court to exercise continuing jurisdiction over infant delinquent or offender,** 76 ALR 657.

**Marriage as affecting jurisdiction of juvenile court over delinquents or dependents,** 14 ALR2d 336.

**Homicide by juvenile as within jurisdiction of juvenile court,** 48 ALR2d 662.

**Age of child at time of alleged offense or delinquency, or at time legal proceedings are commenced, as criterion of jurisdiction of juvenile court,** 89 ALR2d 506.

State, Sup. Ct. Op. No. 706 (File No. 1156), 487 P.2d 27 (1971); John Doe v. State, Sup. Ct. Op. No. 707 (File No. 1240), 487 P.2d 47 (1971).

And it must set forth the alleged misconduct with particularity. RLR v. State, Sup. Ct. Op. No. 706 (File No. 1156), 487 P.2d 27 (1971).

One day's notice was insufficient to afford a reasonable time to prepare. John Doe v. State, Sup. Ct. Op. No. 707 (File No. 1240), 487 P.2d 47 (1971).

Waiving defects in process. — While some authorities hold that infants, even when represented by counsel, cannot waive defects in process and consent to jurisdiction over the person, such a rule unreasonably restricts the strategic

choices open to a child represented by counsel. A no-waiver rule could be used as a delaying tactic by an unprepared prosecutor when process was not entirely correct. A child represented by competent counsel is about as fit as an adult to waive this sort of objection, which is usually beyond the ken of adult laymen as well as children. RLR v. State, Sup. Ct. Op. No. 706 (File No. 1156), 487 P.2d 27 (1971).

Defect in process was waived by child's failure to raise it below. RLR v. State, Sup. Ct. Op. No. 706 (File No. 1156), 487 P.2d 27 (1971).

Cited in M.O.W. v. State, Ct. App. Op. No. 95 (File No. 4846), 645 P.2d 1229 (1982).

Collateral references. — Notice to parent, and hearing, before commitment of delinquent, dependent, or neglected children, 76 ALR 247.

Right to and appointment of counsel in

juvenile court proceedings, 60 ALR2d 691.

Right of juvenile court defendant to be represented during court proceedings by parent, 11 ALR4th 719.

**Sec. 47.10.040. Release of minor.** A minor who is taken into custody may, in the discretion of the court and upon the written promise of the parent, guardian, or custodian to bring the minor before the court at a time specified by the court, be released to the care and custody of the parent, guardian, or custodian. The minor, if not released, shall be detained as provided by AS 47.10.140. The court may determine whether the father or mother or another person shall have the custody and control of the minor for the duration of the proceedings. If the minor is of sufficient age and intelligence to state desires, the court shall give consideration to the minor's desires. (§ 7 art I ch 145 SLA 1957; am § 10 ch 63 SLA 1977)

Cross references. — For temporary custody, see Children's Rule 5, Alaska Rules of Court.

#### NOTES TO DECISIONS

A child has the right to remain free pending an adjudication that the child is delinquent, dependent, or in need of supervision [now delinquent or in need of aid], where the facts supporting the petition involve an act which, if committed by an adult, would be a crime, and where the court has been given reasonable assurance that the child will appear at future court proceedings. If the facts produced at the

inquiry show that the child cannot return or remain at home, every effort must be made to place the child in a situation where his freedom will not be curtailed. Only if there is clearly no alternative available may the child be committed to a detention facility and deprived of his freedom. John Doe v. State, Sup. Ct. Op. No. 707 (File No. 1240), 487 P.2d 47 (1971).

7.10.030

r a per-  
hin this  
to make  
court to  
require  
re court  
ng, or it  
case to  
re court  
not be  
shall be

yled as  
r under  
tioner's  
de the

er with  
nterest

in this

person

on, the  
1957)

ildren's

pp. Op.  
d 1229

13 to

pp.

§ 47.10.030 WELFARE, SOCIAL SERVICES AND INSTITUTIONS § 47.10.030

the person having custody or control of the minor has not appeared voluntarily, the court shall issue a summons which (1) recites briefly the substance of the petition; (2) clearly states that at the hearing it is possible that parental rights and responsibilities may be terminated forever and that the minor may at the hearing be committed to the Department of Health and Social Services for possible adoption; and (3) directs the person having custody or control of the minor to appear personally in court with the minor at the place and at the time set forth in the summons.

(b) In all cases under this chapter the minor, each parent of the minor and the guardian of the minor shall be given notice adequate to give actual notice of the proceedings and the possibility of termination of parental rights and responsibilities, taking into account education and language differences which are known or reasonably ascertainable by the petitioner or the department. The notice of the hearing shall contain all names by which the minor has been identified. Notice shall be given in the manner appropriate under rules of civil procedure for the service of process in a civil action under Alaska law or in any manner the court by order directs. Proof of the giving of the notice shall be filed with the court before the petition is heard. The court may also subpoena the parent of the minor, or any other person whose testimony may be necessary at the hearing. A subpoena or other process may be served by a person authorized by law to make the service, and where personal service cannot be made, the court may direct that service of process be in a manner appropriate under rules of civil procedure for the service of process in a civil action under Alaska law or in any manner the court directs.

(c) If the minor is in such condition or surroundings that the minor's welfare requires the immediate assumption of custody by the court, the court may order, by endorsement upon the summons, that the officer serving the summons shall at once take the minor into custody and make the temporary placement of the minor which the court directs. (§ 6 art I ch 145 SLA 1957; am § 1 ch 110 SLA 1960; am § 6 ch 104 SLA 1971; am § 9 ch 63 SLA 1977)

NOTES TO DECISIONS

Editor's notes. — RLR v. State, Sup. Ct. Op. No. 706 (File No. 1156), 487 P.2d 27 (1971) and John Doe v. State, Sup. Ct. Op. No. 707 (File No. 1240), 487 P.2d 47 (1971), cited below, were decided prior to the 1977 amendment to this section, which rewrote subsection (b).

The child and his parents must receive notice which would be deemed adequate in a civil or criminal proceeding. These requirements suggest that Alaska civil and criminal rules should be

looked to for techniques of service on children. RLR v. State, Sup. Ct. Op. No. 706 (File No. 1156), 487 P.2d 27 (1971).

Personal service upon the child is required. John Doe v. State, Sup. Ct. Op. No. 707 (File No. 1240), 487 P.2d 47 (1971).

Notice, to comply with due process requirements, must be given sufficiently in advance of scheduled court proceedings so that reasonable opportunity to prepare will be afforded. RLR v.

**Sec. 47.10.060. Waiver of jurisdiction.** (a) If the court finds at a hearing on a petition that there is probable cause for believing that a minor is delinquent and finds that the minor is not amenable to treatment under this chapter, it shall order the case closed. After a case is closed under this subsection, the minor may be prosecuted as an adult.

(b) *[Repealed, § 8 ch 110 SLA 1967.]*

(c) *[Repealed, § 8 ch 110 SLA 1967.]*

(d) A minor is unamenable to treatment under this chapter if the minor probably cannot be rehabilitated by treatment under this chapter before reaching 20 years of age. In determining whether a minor is unamenable to treatment, the court may consider the seriousness of the offense the minor is alleged to have committed, the minor's history of delinquency, the probable cause of the minor's delinquent behavior, and the facilities available to the division of youth and adult authority for treating the minor.

(e) A person who has been tried as an adult under this section, or the Department of Health and Social Services on the person's behalf, may petition the superior court to seal the records of all criminal proceedings, except traffic offenses, initiated against the person, and all punishments assessed against the person, while the person was a minor. A petition under this subsection may not be filed until five years after the completion of the sentence imposed for the offense for which the person was tried as an adult. If the superior court finds that the punishment assessed against the person has had its intended rehabilitative effect, the superior court shall order the record of proceedings and the record of punishments sealed. Sealing the records restores civil rights removed because of a conviction. A person may not use these sealed records for any purpose except that the court may order their use for good cause shown or may order their use by an officer of the court in making a presentencing report for the court. (§ 9 art I ch 145 SLA 1957; am § 1 ch 118 SLA 1962; am §§ 3, 8 ch 110 SLA 1967; am § 6 ch 104 SLA 1971; am § 13 ch 63 SLA 1977)

**Cross references.** — For hearings before the juvenile court, see AS 47.10.070. See also, Children's Rule 3, Alaska Rules of Court.

#### NOTES TO DECISIONS

**Non-criminal treatment of child offenders is to be rule.** — The statutory framework for dealing with child offenders contemplates that non-criminal treatment is to be the rule and adult criminal disposition the exception. In re P.H., Sup. Ct. Op. No. 857 (File No. 1538), 504 P.2d 837 (1972).

Section provides means to determine amenability to treatment available for

**child offenders.** — The waiver procedure set out in this section and in Rule of Children's Procedure 3 provides the means by which the children's court judge determines, prior to adjudicating the delinquency petition, that an accused child is not a suitable subject for the treatment available for child offenders. In re P.H., Sup. Ct. Op. No. 857 (File No. 1538), 504 P.2d 837 (1972).

by  
as  
ros-  
rely  
ent  
ive  
ally  
las  
No.  
l.  
ld's  
up.  
2d

Op.  
129

11.  
be  
by

to  
3-  
re  
d  
it  
y  
e  
s.  
e  
5

§ 47.10.050 WELFARE, SOCIAL SERVICES AND INSTITUTIONS § 47.10.050

Cited in *M.O.W. v. State*, Ct. App. Op. No. 95 (File No. 4846), 645 P.2d 1229 (1982).

**Sec. 47.10.050. Appointment of guardian ad litem or attorney.**

(a) Whenever in the course of proceedings instituted under this chapter it appears to the court that the welfare of a minor will be promoted by the appointment of an attorney to represent the minor or an attorney or other person to serve as guardian ad litem, the court may make the appointment. Appointment of a guardian ad litem or attorney shall be made under the terms of AS 25.24.310.

(b) In all proceedings initiated under a petition for delinquency, a minor shall have the right to be represented by counsel and if indigent have counsel appointed by the court. The court shall appoint counsel in such cases unless it makes a finding on the record that the minor has made a voluntary, knowing, and intelligent waiver of the right to counsel and a parent or guardian with whom the child resides or resided before the filing of the petition concurs with the waiver. In cases in which it has been alleged that the minor has committed an act which would be a felony if committed by an adult, waiver of counsel shall not be accepted unless the court is satisfied that the minor has consulted with an attorney before the waiver of counsel. (§ 8 art I ch 145 SLA 1957; am § 5 ch 167 SLA 1975; am §§ 11, 12 ch 63 SLA 1977)

Editor's notes. — Section 33, ch. 63, SLA 1977, provides: "Section 12 of this Act has the effect of adding to the court's responsibilities under Rules 14 and 15, Alaska Rules of Children's Procedure, by requiring the court to appoint counsel for an indigent minor unless the minor has

made a voluntary, knowing and intelligent waiver, and in certain cases of delinquency where there has been a waiver of counsel to appoint counsel for the minor unless the court is satisfied that the minor consulted with an attorney before his waiver of counsel."

NOTES TO DECISIONS

Under Rule of Children's Procedure 12(c)(3), the presence of the guardian ad litem is required at a child hearing. In re C.L.T., Sup. Ct. Op. No. 1866 (File No. 3607), 597 P.2d 518 (1979).

Failure to conduct hearing in presence of child's counsel and guardian ad litem held harmless error. — See

In re C.L.T., Sup. Ct. Op. No. 1866 (File No. 3607), 597 P.2d 518 (1979).

Cited in *RLR v. State*, Sup. Ct. Op. No. 706 (File No. 1156), 487 P.2d 27 (1971); *Cooper v. State*, Sup. Ct. Op. No. 2453 (File Nos. 4906, 4970), 638 P.2d 174 (1981); *M.O.W. v. State*, Ct. App. Op. No. 95 (File No. 4846), 645 P.2d 1229 (1982).

Collateral references. — 39 Am. Jur. 2d, Guardian and Ward, § 17; 42 Am. Jur. 2d, Infants, § 173 et seq.

39 C.J.S., Guardian and Ward, §§ 20 to 29; 43 C.J.S., Infants, § 222 et seq.

Recognition of foreign guardian as next friend or guardian ad litem, 94 ALR2d 211.

Who is minor's next of kin for guardianship purposes, 63 ALR3d 813.

**Waiver decision without testimony of psychologist or psychiatrist.** — A waiver of juvenile jurisdiction decision can be made without the testimony of a psychologist or psychiatrist, since such testimony is germane to at most two of the four factors set out in subsection (d) of this section, and not all four of those facts need be determined adversely to the youth to warrant waiver of juvenile jurisdiction. In re J.R., Sup. Ct. Op. No. 2165 (File No. 5194), 616 P.2d 865 (1980).

There is no conflict between subsection (d) and AS 47.10.080(b)(1). In re F.S., Sup. Ct. Op. No. 1756 (File No. 4015), 586 P.2d 607 (1978).

The inconsistency between subsection (d) of this section and 47.10.080(b)(1) that existed prior to the 1977 amendments to these sections has been eliminated in that subsection (d) now provides that the determinative age is 20 and AS 47.10.080(b)(1) provides that the maximum limitation of confinement of minors is to the age of 20. In re F.S., Sup. Ct. Op. No. 1756 (File No. 4015), 586 P.2d 607 (1978).

**Factors to be considered in judging seriousness of alleged offense.** — In judging the seriousness of the alleged offense, the children's court judge may consider not only the type of crime charged but also the circumstances surrounding its commission, the factors leading to delinquency, history of delinquency, and facilities available for rehabilitation. In re P.H., Sup. Ct. Op. No. 857 (File No. 1538), 504 P.2d 837 (1972).

The amenability decision rests in the sound discretion of the children's court judge. In re P.H., Sup. Ct. Op. No. 857 (File No. 1538), 504 P.2d 837 (1972); In re F.S., Sup. Ct. Op. No. 1756 (File No. 4015), 586 P.2d 607 (1978).

But the latitude afforded him is not unbounded. The proper exercise of that discretion must be predicated not only upon procedural regularity sufficient to satisfy the basic requirements of due process but also on a full inquiry into the amenability issue. In re P.H., Sup. Ct. Op. No. 857 (File No. 1538), 504 P.2d 837 (1972).

The trial court must make an evidentiary record and make written findings of fact, as required by Children's Rule 5(b), as to each of these four factors enunciated in subsection (d). In re F.S., Sup. Ct. Op. No. 1756 (File No. 4015), 586 P.2d 607 (1978).

These findings must be supported by substantial evidence. In re F.S., Sup. Ct.

Op. No. 1756 (File No. 4015), 586 P.2d 607 (1978).

Substantial evidence must be presented before jurisdiction may be waived. D.H. v. State, Sup. Ct. Op. No. 1396 (File No. 2837), 561 P.2d 294 (1977).

Based on these findings, the trial court, within its sound discretion, must make a decision as to the minor's amenability to treatment. In re F.S., Sup. Ct. Op. No. 1756 (File No. 4015), 586 P.2d 607 (1978).

**Factors to be considered in determining amenability.** — Subsection (d) of this section suggests four factors which may be considered by the court when inquiring into the amenability issue: (1) the seriousness of the offense; (2) the delinquency of the minor; (3) the probable cause of the delinquent behavior; and (4) the facilities available for the treating of the minor. J.W.H. v. State, Sup. Ct. Op. No. 1708 (File No. 3812), 583 P.2d 227 (1978).

All four factors listed in subsection (d) need not be resolved against the child to justify waiver. Nor is there value in requiring the children's court to make an arithmetic calculation as to the weight to be given each factor. In re P.H., Sup. Ct. Op. No. 857 (File No. 1538), 504 P.2d 837 (1972).

But there must be a thorough examination of the child, his background and alternative strategies of rehabilitation short of adult criminal treatment. Lacking such an examination, the children's court has no evidentiary basis for the decision. In re P.H., Sup. Ct. Op. No. 857 (File No. 1538), 504 P.2d 837 (1972); D.H. v. State, Sup. Ct. Op. No. 1396 (File No. 2837), 561 P.2d 294 (1977).

Though the standards for determining amenability to treatment through the children's court lack explicit definition, it is clear from the statute that the court in most cases must go beyond the circumstances surrounding the alleged delinquent acts and the age of the child. In re P.H., Sup. Ct. Op. No. 857 (File No. 1538), 504 P.2d 837 (1972).

Even though the children's court may have independent knowledge concerning children's treatment programs and facilities, it is necessary to make the existence and evaluation of such programs a part of the waiver proceedings to enable proper review by the supreme court. In re P.H., Sup. Ct. Op. No. 857 (File No. 1538), 504 P.2d 837 (1972).

At a waiver hearing there must be a thorough examination of (1) the probable

§ 47.10.060

rt finds at a  
aving that a  
menable to  
After a case  
cuted as an

apter if the  
r this chap-  
r a minor is  
riousness of  
or's history  
it behavior,  
t authority

tion, or the  
ehalf, may  
riminal pro-  
on, and all  
was a  
ive years  
for which  
s that the  
intended  
rd of pro-  
e records  
n may not  
ourt may  
an officer  
§ 9 art I  
LA 1967;

aska Rules

procedure  
of Chil-  
means by  
re deter-  
ne delin-  
child is  
reatment  
re P.H.  
1974

§ 47.10.060 WELFARE, SOCIAL SERVICES AND INSTITUTIONS § 47.10.060

The court's authority to impose a penal sentence on a juvenile is limited under the strict procedures of subsections (a) and (d) and Children's Rule 3. B.A.M. v. State, Sup. Ct. Op. No. 1104 (File No. 2144), 528 P.2d 437 (1974).

A minor may move to waive children's court jurisdiction pursuant to subsection (a). M.O.W. v. State, Ct. App. Op. No. 95 (File No. 4846), 645 P.2d 1229 (1982).

A minor under the age of 18 cannot "elect" to be tried as an adult. M.O.W. v. State, Ct. App. Op. No. 95 (File No. 4846), 645 P.2d 1229 (1982).

Where no waiver hearing has been conducted, the court has no authority to sentence a delinquent child as an adult. B.A.M. v. State, Sup. Ct. Op. No. 1104 (File No. 2144), 528 P.2d 437 (1974).

Before treating a juvenile as an adult, the court must first conduct a waiver hearing. B.A.M. v. State, Sup. Ct. Op. No. 1104 (File No. 2144), 528 P.2d 437 (1974).

Option available to prosecution absent waiver. — A proceeding in children's court, which is limited to the dispositions set forth in AS 47.10.080(b), is the only option available to the prosecution absent waiver under subsection (a) of this section, and the standards established in subsection (a) are sufficiently clear to prevent arbitrary enforcement. M.O.W. v. State, Ct. App. Op. No. 95 (File No. 4846), 645 P.2d 1229 (1982).

But hearing is not criminal in nature. — A waiver hearing is not criminal in nature and is dispositional, rather than adjudicatory. N.P.A. v. State, Sup. Ct. Op. No. 2005 (File No. 4618), 604 P.2d 599 (1979).

And right to attend may be waived. — Although a minor had a constitutional right to attend her waiver hearing, she waived that right when she voluntarily failed to appear at the hearing by refusing to waive extradition from another state. N.P.A. v. State, Sup. Ct. Op. No. 2005 (File No. 4618), 604 P.2d 599 (1979).

Findings necessary to justify waiver. — To justify waiver, the children's court judge must find, on sufficient evidence, that probable cause is established at the hearing for believing that the child committed the act with which he was charged in the petition and which if committed by an adult would constitute a crime and the child is not amenable to the treatment provided under this article. In re P.H., Sup. Ct. Op. No. 857 (File No. 1538), 504 P.2d 837 (1972).

As a prerequisite to criminal prosecution, the children's court must find not only that the child is properly accused but also that he would not be receptive to the rehabilitative programs available to the court. In re P.H., Sup. Ct. Op. No. 857 (File No. 1538), 504 P.2d 837 (1972).

The inability to predicate a plan for a defendant during the short time remaining before his 19th birthday coupled with the obvious need of treatment as disclosed by the record may be sufficient to justify a waiver to adult jurisdiction. In re P.H., Sup. Ct. Op. No. 857 (File No. 1538), 504 P.2d 837 (1972).

The court may close out the case as a juvenile matter only upon finding cause to believe that the minor is delinquent and that the minor is not amenable to treatment. B.A.M. v. State, Sup. Ct. Op. No. 1104 (File No. 2144), 528 P.2d 437 (1974).

A court must find that there is probable cause to believe that the minor is delinquent and that the minor is not amenable to treatment before jurisdiction may be waived. In re J.H.B., Sup. Ct. No. 1626 (File No. 2947), 578 P.2d 146 (1978).

Subsection (d) is clear on its face that age 20 is the proper age for determining whether a minor is amenable to treatment. In re F.S., Sup. Ct. Op. No. 1756 (File No. 4015), 586 P.2d 607 (1978).

The 1977 amendments of this section and 47.10.080 show that it is the legislature's intent that age 20 is the age to be used in determining the amenability issue. In re F.S., Sup. Ct. Op. No. 1756 (File No. 4015), 586 P.2d 607 (1978).

Binding consent to treatment. — In order to give effect of the legislature's intent that a court may consider treatment until age 20 in determining waiver of juvenile jurisdiction, it is necessary that the judge be able to evaluate at the time of the waiver hearing whether the juvenile will in fact be available for treatment. It is not possible for the judge to know this unless the child can give binding consent at the time of the hearing. State v. F.L.A., Sup. Ct. Op. No. 2041 (File No. 4333), 608 P.2d 12 (1980).

The portion of the opinion in In re F.S., Sup. Ct. Op. No. 1756 (File No. 4015), 586 P.2d 607 (1978) that held that a minor in a waiver hearing could not give a binding advance consent to treatment beyond age 19 was mistaken. State v. F.L.A., Sup. Ct. Op. No. 2041 (File No. 4333), 608 P.2d 12 (1980).

**Prosecution for joyriding.** — One under 18 years of age could be charged, prosecuted and sentenced in the district court, as an adult, for a misdemeanor violation of Alaska's "joyriding" statute, former AS 28.35.010(a), before there had been an order by the superior court waiving the latter court's juvenile jurisdiction. *State v. G.L.R.*, Sup. Ct. Op. No. 1786 (File No. 2978), 590 P.2d 65 (1979).

Applied in *State v. Jensen*, Ct. App. Op.

No. 126 (File No. 5879), 650 P.2d 422 (1982).

Quoted in *Henson v. State*, Sup. Ct. Op. No. 1590 (File No. 3024), 576 P.2d 1352 (1978).

Cited in *E.L.L. v. State*, Sup. Ct. Op. No. 1540 (File No. 3374), 572 P.2d 787 (1977); *State v. R.H.*, Ct. App. Op. No. 375 (File No. 7768), P.2d (1984); *Brower v. State*, Ct. App. Op. No. 381 (File No. 7816), P.2d (1984).

**Sec. 47.10.070. Hearings.** The court may conduct the hearing in an informal manner in the courtroom or in chambers. A hearing may be held before a young adult advisory panel in accordance with AS 47.10.075. The court shall give notice of the hearing to the department and it may send a representative to the hearing. The court shall also transmit a copy of the petition to the department. The representative of the department may also be heard at the hearing. The public shall be excluded from the hearing, but the court, in its discretion, may permit individuals to attend a hearing, if their attendance is compatible with the best interests of the minor. Nothing in this section may be applied in such a way as to deny a child's rights to a public trial and to a trial by jury. (§ 10(1) art I ch 145 SLA 1957; am § 1 ch 49 SLA 1966; am § 53 ch 71 SLA 1972)

**Cross references.** — For waiver hearings, see AS 47.10.060.

**Editor's notes.** — *John Doe v. State*, Sup. Ct. Op. No. 707 (File No. 1240), 487

P.2d 47 (1971) and *RLR v. State*, Sup. Ct. Op. No. 706 (File No. 1156), 487 P.2d 27 (1971), cited below, were decided prior to the 1972 amendment to this section.

#### NOTES TO DECISIONS

**Constitutionality.** — See *In re Gault*, 387 U.S. 1, 87 Sup. Ct. 1428, 18 L. Ed. 2d 527 (1967), discussing due process requirements in juvenile delinquency proceedings.

**Constitutional requirements apply to children.** *RLR v. State*, Sup. Ct. Op. No. 706 (File No. 1156), 487 P.2d 27 (1971).

Hence, states must afford juveniles due process of law in delinquency proceedings that might result in the child's incarceration, and accordingly juveniles must be afforded the right to be represented by counsel, must be given proper and timely notice, must be given the right of confrontation and cross-examination of witnesses, and afforded the privilege against self-incrimination. *John Doe v. State*, Sup. Ct. Op. No. 707 (File No. 1240), 487 P.2d 47 (1971).

While the U.S. Supreme Court has not

held that children must be afforded due process rights in the pre-adjudication stages of the juvenile process, the Alaska supreme court believes that due process safeguards are necessary not only at the adjudicative hearing, but at any stage which may result in deprivation of the child's liberty. *John Doe v. State*, Sup. Ct. Op. No. 707 (File No. 1240), 487 P.2d 47 (1971).

The extension to children of fundamental constitutional rights does not mean a total substitution of the adult criminal model for the present children's court system. *John Doe v. State*, Sup. Ct. Op. No. 707 (File No. 1240), 487 P.2d 47 (1971).

The problems of pre-adjudication treatment of juveniles are unique to the juvenile process; hence, what is held with regard to the procedural requirements at

presented  
D.H. v.  
File No.

the trial  
cretion,  
minor's  
S., Sup.  
556 P.2d

red in  
bsection  
r factors  
he court  
ity issue:  
(2) the  
probable  
(4)  
eating of  
Ct. Op.  
P.2d 227

bsection  
the  
ere  
art to  
as to the  
re P.H.,  
33S), 504

h exam-  
ground  
rehabili-  
tment.  
the chil-  
basis for  
Op. No.  
7 (1972);  
396 (File

ermining  
the chil-  
on, it is  
court in  
circum-  
d delin-  
id. In re  
o. 1538),

urt may  
cerning  
s and  
the exis-  
grams a  
enable  
rt. In re  
o. 1538),

t  
rofile

§ 47.10.060 WELFARE, SOCIAL SERVICES AND INSTITUTIONS § 47.10.060

cause for believing that the child committed the act with which he was charged and (2) the amenability of the child to juvenile treatment. R.J.C. v. State, Sup. Ct. Op. No. 1022 (File No. 2038), 520 P.2d 806 (1974).

In the absence of such an examination there is no evidentiary basis for a waiver decision. R.J.C. v. State, Sup. Ct. Op. No. 1022 (File No. 2038), 520 P.2d 806 (1974); J.W.H. v. State, Sup. Ct. Op. No. 1708 (File No. 3812), 583 P.2d 227 (1978).

The record must disclose the existence and evaluation of the available children's treatment programs in all future cases in order to establish the validity of the hearing. R.J.C. v. State, Sup. Ct. Op. No. 1022 (File No. 2038), 520 P.2d 806 (1974).

The constitutional prerequisites for a valid waiver of juvenile court treatment are reflected in Rule of Children's Procedure 3 which guarantees the child a hearing before the children's court judge after adequate notice thereof, counsel at the hearing who has had access to records and reports relevant to issues before the court, and a statement of reasons accompanying the waiver order. In re P.H., Sup. Ct. Op. No. 857 (File No. 1538), 504 P.2d 837 (1972).

Compliance with Rule of Children's Procedure 3(h) is essential to insure that the waiver hearing is not a "mere ritual" and to provide a meaningful basis for review. R.J.C. v. State, Sup. Ct. Op. No. 1022 (File No. 2038), 520 P.2d 806 (1974).

The waiver hearing is a critically important stage in criminal proceedings against a child. In re P.H., Sup. Ct. Op. No. 857 (File No. 1538), 504 P.2d 837 (1972).

At stake at a child's waiver hearing is the statutory promise of special rehabilitative treatment in lieu of the harsher sanction of criminal conviction. Because the consequences of waiver are great, the hearing must measure up to the essentials of due process and fair treatment. In re P.H., Sup. Ct. Op. No. 857 (File No. 1538), 504 P.2d 837 (1972).

The investigation at a waiver hearing cannot be a mere ritual. In re P.H., Sup. Ct. Op. No. 857 (File No. 1538), 504 P.2d 837 (1972).

There must be a hearing which measures up to the essential of due process and fair treatment. R.J.C. v. State, Sup. Ct. Op. No. 1022 (File No. 2038), 520 P.2d 806 (1974); J.W.H. v. State, Sup. Ct. Op. No. 1708 (File No. 3812), 583 P.2d 227 (1978).

The right of confrontation applies to children's proceedings in which the child is charged with misconduct for which he may be incarcerated. In re P.H., Sup. Ct. Op. No. 857 (File No. 1538), 504 P.2d 837 (1972).

Waiver without hearing is denial of due process. — To waive children's court jurisdiction without a hearing or opportunity for adversary presentation is a denial of fair process. In re P.H., Sup. Ct. Op. No. 857 (File No. 1538), 504 P.2d 837 (1972).

As is waiver without substantial evidence of unamenability to treatment. — To waive children's court jurisdiction without substantial evidence having been presented that the child is unamenable to juvenile rehabilitation programs is denial of fair process. In re P.H., Sup. Ct. Op. No. 857 (File No. 1538), 504 P.2d 837 (1972).

The proper standard of proof as to the amenability of a minor to treatment is the "preponderance of the evidence" standard. In re F.S., Sup. Ct. Op. No. 1756 (File No. 4015), 586 P.2d 607 (1978).

Probable cause determination cannot be based on hearsay testimony. — The probable cause determination of a court at a waiver hearing concerning juveniles cannot be based upon hearsay testimony. In re P.H., Sup. Ct. Op. No. 857 (File No. 1538), 504 P.2d 837 (1972).

Exclusion of testimony held proper. — Although proffered testimony was relevant to the amenability issue, the superior court did not abuse its discretion in excluding it because its prejudicial impact outweighed its probative value. In re F.S., Sup. Ct. Op. No. 1756 (File No. 4015), 586 P.2d 607 (1978).

Insufficient evidence. — Where the court had little information concerning the probable cause of the minor's delinquent behavior, it was aware only of the nature of the offenses, of the fact that the minor was apparently not in need of funds, and of his statement that he regarded the commission of the crimes as a game, this information was insufficient to satisfy the requirements of this subsection. D.H. v. State, Sup. Ct. Op. No. 1396 (File No. 2837), 561 P.2d 294 (1977).

Waiver hearing did not comply with the standards set forth in this section and Rule of Children's Procedure 3. R.J.C. v. State, Sup. Ct. Op. No. 1022 (File No. 2038), 520 P.2d 806 (1974).

Trial court's conclusion that minor was amenable to treatment was abuse of discretion. — See In re F.S., Sup. Ct. Op. No. 1756 (File No. 4015), 586 P.2d 607 (1978).

Right to reasonable time to prepare for trial. — It is unquestionable that the right to the assistance of counsel of necessity includes the concomitant right to have a reasonable time in which to prepare for trial. *John Doe v. State*, Sup. Ct. Op. No. 707 (File No. 1240), 487 P.2d 47 (1971).

While an adult defendant in a criminal case must be brought to trial within a reasonable time, due process requires that he may not be brought to trial too soon. He must be given a reasonable time to consult with his counsel and to prepare his defense. *John Doe v. State*, Sup. Ct. Op. No. 707 (File No. 1240), 487 P.2d 47 (1971).

This section provides for the exclusion of the public from children's hearings. *RLR v. State*, Sup. Ct. Op. No. 706 (File No. 1156), 487 P.2d 27 (1971).

But such provision involves only persons whose presence is not desired by child. — The area of discretion in the rule, where the court may refuse to open the hearing, involves persons whose presence is not desired by the child. *RLR v. State*, Sup. Ct. Op. No. 706 (File No. 1156), 487 P.2d 27 (1971).

It is an abuse of discretion for the court to refuse admittance to individuals whose presence is favored by the child, except in special circumstances such as the unavailability of a courtroom sufficiently large to hold all the individuals whose presence is sought. *RLR v. State*, Sup. Ct. Op. No. 706 (File No. 1156), 487 P.2d 27 (1971).

If the child or his guardian ad litem

wants the press, friends, or others to be free to attend, then the hearing must be open to them. *RLR v. State*, Sup. Ct. Op. No. 706 (File No. 1156), 487 P.2d 27 (1971).

As children are guaranteed the right to a public trial by the Alaska Constitution. *RLR v. State*, Sup. Ct. Op. No. 706 (File No. 1156), 487 P.2d 27 (1971).

Due process requires that children have the right to a public trial by jury where they are charged with acts which would be a crime if committed by an adult. *John Doe v. State*, Sup. Ct. Op. No. 707 (File No. 1240), 487 P.2d 47 (1971).

The fundamental constitutional right of public trial by jury must be afforded children in delinquency adjudication proceedings, in spite of the possible interference with the benevolent motives of the children's court system which have, in the past, justified denial of those rights. *John Doe v. State*, Sup. Ct. Op. No. 707 (File No. 1240), 487 P.2d 47 (1971).

The reasons for the constitutional guarantees of public trial apply as much to juvenile delinquency proceedings as to adult criminal proceedings. *RLR v. State*, Sup. Ct. Op. No. 706 (File No. 1156), 487 P.2d 27 (1971).

Delinquency must be proved beyond a reasonable doubt under the due process clause of the 14th amendment. *RLR v. State*, Sup. Ct. Op. No. 706 (File No. 1156), 487 P.2d 27 (1971).

Cited in *In re P.N.*, Sup. Ct. Op. No. 1127 (File No. 2191), 533 P.2d 13 (1975); *M.O.W. v. State*, Ct. App. Op. No. 95 (File No. 4846), 645 P.2d 1229 (1982).

Collateral references. — Power of juvenile court to require testimony by children, 151 ALR 1229.

Applicability of rules of evidence in

juvenile delinquency proceedings, 43 ALR2d 1128.

Degree of proof in juvenile delinquency proceedings, 43 ALR2d 1138.

**Sec. 47.10.075. Young adult advisory panels.** (a) Unless the minor objects, the court may select a young adult advisory panel to hear the case and advise the court of a recommended judgment and order. The court may consider any of the panel recommendations in making its judgment and order in the case.

(b) The principal of each high school shall submit annually to the court a list of the students enrolled in grades 10, 11 and 12. The court shall determine the method of selecting the members of each panel.

(c) A student shall be excused from attending school while serving as a panel member. A student may not serve more than once each year on a panel.

§ 47.10.070

650 P.2d 422

State, Sup. Ct. Op. No. 576 P.2d 1352

Sup. Ct. Op. No. 787 (1977); Sup. Ct. Op. No. 375 (File No. 1984); Brower v. State, Sup. Ct. Op. No. 7816,

hearing in an... hearing may be... with AS... department... shall also... representative... public shall... cretion, may... is compat-... section may... and... LA 1966;

State, Sup. Ct. Op. No. 487 P.2d 27 decided prior to this section.

Children are afforded due process of law in the adjudication process, the Alaska Constitution guarantees the right to due process not only at the trial stage but at any stage of the litigation of the case. State, Sup. Ct. Op. No. 487 P.2d 47

Children of all ages are afforded the same constitutional rights as adults. State, Sup. Ct. Op. No. 487 P.2d 47

Adjudication is unique to the juvenile court system and is different from the trial process in that it is conducted in a non-adversary manner.

§ 47.10.070 WELFARE, SOCIAL SERVICES AND INSTITUTIONS § 47.10.070

the adjudicatory stage has no necessary applicability to other steps of the juvenile process. John Doe v. State, Sup. Ct. Op. No. 707 (File No. 1240), 487 P.2d 47 (1971).

Due process standards must be observed at a detention inquiry since it may result in the deprivation of the child's liberty. Due process requires at the very least that detention orders be based on competent, sworn testimony, that the child have the right to be represented by counsel at the detention inquiry, and that the detention order state with particularity the facts supporting it. John Doe v. State, Sup. Ct. Op. No. 707 (File No. 1240), 487 P.2d 47 (1971).

Incarceration, when applied to children, is a taking of liberty under the 14th amendment, regardless of benevolent-sounding labels. RLR v. State, Sup. Ct. Op. No. 706 (File No. 1156), 487 P.2d 27 (1971).

The due process clause of the 14th amendment applies when a child is charged with misconduct for which he may be incarcerated in an institution, regardless of the labels of the adjudication and institution, so the child is entitled to notice of charges, counsel, confrontation and cross-examination, and the privilege against self-incrimination. RLR v. State, Sup. Ct. Op. No. 706 (File No. 1156), 487 P.2d 27 (1971).

The right to grand jury indictment is not so fundamental that due process is offended by alternate methods for instituting children's proceedings where the child is charged with having violated a criminal statute. John Doe v. State, Sup. Ct. Op. No. 707 (File No. 1240), 487 P.2d 47 (1971).

Children who are charged with acts which would be chargeable only by grand jury indictment, if committed by an adult, need not be indicted by a grand jury. John Doe v. State, Sup. Ct. Op. No. 707 (File No. 1240), 487 P.2d 47 (1971).

Children are constitutionally entitled to jury trial in the adjudicative stage of a delinquency proceeding. However, due to the uniqueness of some facets of the procedures governing children's court proceedings and the potential damage which may accrue to the child by a public trial, the child should first consult with his counsel and his parents or guardian when appropriate, and then affirmatively assert the right to a trial by jury before it is finally granted. RLR v. State, Sup. Ct. Op. No. 706 (File No. 1156), 487 P.2d 27 (1971). But see McKeiver v.

Pennsylvania, 403 U.S. 528, 91 S. Ct. 1976, 29 L. Ed. 2d 647 (1971), in which it was held that trial by jury in the juvenile court's adjudicative stage is not a constitutional requirement.

Whenever a child in a delinquency proceeding is charged with acts which would be a crime, subject to incarceration if committed by an adult, Alaska Const., art. I, § 11, guarantees him the right to jury trial. To the extent In re White, Sup. Ct. Op. No. 507 (File No. 1013), 445 P.2d 813 (1968) [subsequently overruled, in re G.K., Sup. Ct. Op. No. 796 (File Nos. 1627, 1654, 1674), 497 P.2d 914 (1972)] is inconsistent with this opinion, it is overruled. RLR v. State, Sup. Ct. Op. No. 706 (File No. 1156), 487 P.2d 27 (1971).

The purposes of the right to jury trial, such as protection against the corrupt or overzealous prosecutor and against the compliant, biased, or eccentric judge, apply as much in children's cases as in adults' cases. RLR v. State, Sup. Ct. Op. No. 706 (File No. 1156), 487 P.2d 27 (1971).

If the child waives jury trial, the state may not require it, but jury trial shall be provided only on demand. RLR v. State, Sup. Ct. Op. No. 706 (File No. 1156), 487 P.2d 27 (1971).

The Hammonds test of waiver [Hammonds v. State, Sup. Ct. Op. No. 483 (File No. 828), 442 P.2d 39 (1968)], applies to infants as well as adults. The consequences of application will differ for infants, because some decisions can be "knowingly and intelligently" made only by persons of fuller knowledge and maturity. An infant not advised by an attorney could make few knowledgeable and intelligent decisions about whether to waive rights in judicial proceedings. On the other hand, in areas where an adult ordinarily delegates to his attorney decision-making authority, as in deciding whether to object to introduction of evidence, the competence of the attorney rather than of the client generally determines whether waivers satisfy the Hammonds criteria. RLR v. State, Sup. Ct. Op. No. 706 (File No. 1156), 487 P.2d 27 (1971).

The right to counsel extends to children charged with delinquency. RLR v. State, Sup. Ct. Op. No. 706 (File No. 1156), 487 P.2d 27 (1971).

A juvenile must be afforded the right to be represented by counsel at the delinquency proceeding, and a denial of that right violates due process. John Doe v. State, Sup. Ct. Op. No. 707 (File No. 1240), 487 P.2d 47 (1971).