

ALASKA LEGISLATURE COMMITTEE FILES 1987-1988 8672

5328 SJUD SB 515 - SCR 8

900

Original sponsor: Rules by Request/House Members  
of the Joint Committee on  
Economic Recovery

1 IN THE HOUSE

BY THE LABOR AND  
COMMERCE COMMITTEE

2

CS FOR HOUSE BILL NO. 549 (L&C)

3

IN THE LEGISLATURE OF THE STATE OF ALASKA

4

FIFTEENTH LEGISLATURE - SECOND SESSION

5

A BILL

6

For an Act entitled: "An Act relating to notice requirements in the use of  
7 a deed of trust; and providing for an effective  
8 date."

9

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

10

\* Section 1. AS 34.20 is amended by adding a new section to read:

11

Sec. 34.20.132. NOTICE OF OTHER REMEDIES. (a) When a lender

12

uses a note as evidence of an obligation secured by a deed of trust,

13

the note must affirmatively advise the trustor or borrower and any

14

other party bound by the note if the beneficiary or lender wants the

15

option to bring suit directly on the note to collect an amount owing

16

under the note without first foreclosing the deed of trust. This

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option must be stated in writing within the note or as a separate

18

document. If a note executed after the effective date of this Act

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fails to contain the notice specified in this section, the debt

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secured by the deed of trust may be foreclosed under AS 09.45.170 -

21

09.45.220 or AS 34.20.070 - 34.20.135.

22

(b) If the beneficiary or lender wishes to collect an amount

23

owing under the note without first foreclosing the deed of trust, the

24

following language is sufficient in the note:

25

The trustor or borrower is personally obligated and fully

26

liable for the amount due under the note. The security

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available to the beneficiary or lender is not limited to

28

the property identified in the deed of trust and the bene-

29

ficiary or lender has the right to sue on the note and

345

STATE OF ALASKA  
1988 LEGISLATIVE SESSION

BILL VERSION: CSHB 549 (L&C)  
PUBLISH DATE: HOUSE 4/15/88

FISCAL NOTE

REQUEST:

Revision Date: \_\_\_\_\_ Agency Affected: Commerce & Econ. Dev.  
 Title: An Act relating to notice BRU: \_\_\_\_\_  
requirements on use of a deed of trust  
 Sponsor: Rules Committee Components: Banking  
 Requester: \_\_\_\_\_

EXPENDITURE / REVENUES : (Thousands of Dollars)

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

CAPITAL	-0-	-0-	-0-	-0-	-0-	-0-
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REVENUE	-0-	-0-	-0-	-0-	-0-	-0-
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FUNDING: (Thousands of dollars)

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

POSITIONS:

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

ANALYSIS: (Attach a separate page if necessary.)

Prepared by: Lawrence P. Carroll, Acting Director  
 Division: Banking, Securities & Corporations  
 Approved by Commissioner: J. Anthony Smith  
 Agency: Department of Commerce & Economic Development

Phone: 465-2521  
 Date: 4/11/88  
 Date: 4/12/88

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

1 IN THE HOUSE

BY THE RULES COMMITTEE BY REQUEST  
OF THE HOUSE MEMBERS OF THE JOINT  
COMMITTEE ON ECONOMIC RECOVERY

2

HOUSE BILL NO. 549

3

IN THE LEGISLATURE OF THE STATE OF ALASKA

4

FIFTEENTH LEGISLATURE - SECOND SESSION

5

A BILL

6 For an Act entitled: "An Act relating to notice requirements on the use of  
7 a deed of trust; and providing for an effective  
8 date."

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

10 \* Section 1. AS 34.20 is amended by adding a new section to read:

11 Sec. 34.20.132. NOTICE OF OTHER REMEDIES. When a lender uses a  
12 note as evidence of an obligation secured by a deed of trust, the note  
13 must affirmatively advise the trustor and any other party bound by the  
14 note, in writing within the note, of the security, recourse, and other  
15 remedies, if any, available to the beneficiary. If it is intended to  
16 permit the beneficiary to bring suit to collect an amount owing on the  
17 obligation without foreclosing the deed of trust, this intent must be  
18 stated in writing in the note. A beneficiary may not use a remedy not  
19 specifically and clearly stated on a note executed after the effective  
20 date of this Act. If a note executed after the effective date of this  
21 Act fails to contain the notice required by this section, the debt  
22 secured by the deed of trust may be foreclosed only under AS 34.20.-  
23 070 - 34.20.135, a deficiency judgment may not be entered, and no  
24 other action may be taken nor judgment entered against the trustor,  
25 surety, or guarantor on the obligation secured by the note.

26 \* Sec. 2. This Act takes effect immediately under AS 01.10.070(c).

SB-515

APR 16 1988

STATE OF ALASKA  
THE LEGISLATURE  
LEGISLATIVE AFFAIRS AGENCY

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

MEMORANDUM

April 16, 1988

SUBJECT: Changes in current CSSB 305(Judiciary)  
TO: Senator Jay Kerttula  
Chair, Senate Judiciary Committee  
FROM: Theresa L. Bannister <sup>TB</sup>  
Legislative Counsel

This memo accompanies a new version of CSSB 305(Judiciary) containing two changes requested by John Abbott. The first change rewrites AS 34.21.080(d) to clarify that the secured creditor must exhaust the collateral by judicial foreclosure before obtaining a money judgment for the debt against the debtor. The second change repeals AS 09.45.200; the section was repealed in SB 307, but the repeal was incorrectly deleted from the 4-9-83 committee substitute.

If I may be of further assistance, please advise.

Enclosure

TLB:bb  
b5/007

5-1200E:  
Bannister  
4/15/88

APP 1 - 226

Original sponsor: Rules/Legislative Council

1 IN THE SENATE

BY THE JUDICIARY COMMITTEE

2 CS FOR SENATE BILL NO. 305 (Judiciary)

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 FIFTEENTH LEGISLATURE - SECOND SESSION

5 A BILL

6 For an Act entitled: "An Act relating to security interests in real prop-  
7 erty; and providing for an effective date."

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

9 \* Section 1. PURPOSES AND INTENT. (a) A purpose of this Act is to  
10 provide relief to ~~home~~ loan debtors from the effects of the state's severe  
11 economic depression.

12 (b) The legislature declares its intention to

13 (1) retroactively apply AS 34.21.080 relating to the remedies of  
14 a secured party, AS 34.21.330 relating to attorney fees, and AS 34.21.-  
15 210 - 34.21.290 relating to the right of redemption, added by sec. 2 of  
16 this Act, to foreclosure proceedings that are in progress when this Act  
17 takes effect, unless the collateral has been sold under AS 34.20.070 before  
18 the effective date of this Act, or unless a judgment has been entered in a  
19 judicial foreclosure action or breach of contract action before the effec-  
20 tive date of this Act;

21 (2) modify the common law relating to real property security  
22 interests that was established in Moening v. Alaska Mutual Bank, Op. No.  
23 3274 (Alaska, February 26, 1988), and in Conrad v. Counsellors Investment  
24 Co., Op. No. 3275 (Alaska, February 26, 1988).

25 \* Sec. 2. AS 34 is amended by adding a new chapter to read:

26 CHAPTER 21. SECURITY INTERESTS IN REAL PROPERTY.

27 Sec. 34.21.010. POLICY AND SCOPE. (a) This chapter applies to  
28 a transaction, regardless of its form, that is intended or that ap-  
29 pears under all the circumstances to be intended to create a security

1 interest in real property in the state.

2 (b) Each provision of this chapter with regard to rights, obli-  
3 gations, and remedies applies whether title to collateral is in the  
4 secured party, the debtor, or a third party.

5 (c) If a lease is intended as security to the lessor, the les-  
6 sor's interest is a security interest. If a seller's retention of  
7 legal title to real property after the buyer enters into possession is  
8 intended as security, the seller's interest is a security interest.  
9 Whether a transaction is intended as security is to be determined by  
10 the facts of each case; however, the inclusion in a lease of an option  
11 to purchase at a price reasonable in the circumstances at the time of  
12 contracting does not of itself indicate the lease is intended to  
13 create a security interest.

14 Sec. 34.21.020. TRANSACTIONS EXCLUDED. This chapter does not  
15 apply to a lien created by statute or rule of law.

16 Sec. 34.21.030. COLLATERAL NOT OWNED BY DEBTOR. Unless other-  
17 wise agreed, if a secured party knows that collateral is owned by a  
18 person who is not the debtor, the owner of the collateral is entitled  
19 to receive from the secured party any surplus under AS 34.21.320(c),  
20 is not liable for the debt or for a deficiency after judicial foreclo-  
21 sure, and has the same right as the debtor to

22 (1) receive and object to a secured party's notice of  
23 intent to sell the collateral;

24 (2) cure a default under AS 34.21.180;

25 (3) obtain injunctive or other relief under AS 34.21.340;

26 (4) recover losses under AS 34.21.340;

27 (5) receive statements under AS 34.21.040; and

28 (6) redeem the property under AS 34.21.210 - 34.21.290.

29 Sec. 34.21.040. REQUEST FOR STATEMENT OF ACCOUNT. (a) A debtor

1 or the holder of a subordinate security interest in the collateral may  
2 request a statement of account between the debtor and secured party as  
3 of a specified date. If the debtor makes payments to the secured  
4 party's agent, the debtor or the holder of the subordinate security  
5 interest shall make the request of the agent; if the debtor makes  
6 payments directly to the secured party, the debtor shall make the  
7 request of the secured party. A person receiving a written request  
8 shall comply with it within 15 days after receipt by sending a written  
9 statement of account that includes the principal amount due, accrued  
10 interest, other sums due, and the interest rate in effect, including  
11 the rate per day for the current interest period, and that indicates  
12 the status of an escrow account held by the secured party or the  
13 secured party's agent for receiving payments in connection with the  
14 loan. If the debtor has requested a statement of account from the  
15 secured party's agent and does not receive it within 20 days, the  
16 debtor may request it from the secured party. The secured party or  
17 the secured party's agent for receiving payments who without reason-  
18 able excuse fails to comply with a written request within 15 days  
19 after receiving it is liable to the person requesting the statement of  
20 account for

21 (1) all damage caused to that person because of failure to  
22 comply; and

23 (2) \$250 without proof of actual damages.

24 (b) If at the time the request for a statement of account is  
25 received the person receiving it no longer has an interest in the  
26 obligation or collateral either as secured party or as agent for  
27 receiving payments, that person shall, within 15 days after receipt of  
28 the request, disclose the name and address of a successor in interest  
29 known to that person, and that person is liable for a loss caused to

the debtor as a result of failure to disclose.

(c) Subject to (d) of this section, a debtor is entitled to request a statement of account once every six months without charge. The secured party may charge a fee not exceeding \$20 for each additional statement furnished.

(d) If a secured party without request provides annually or more frequently a statement of account containing the information specified in (a) of this section, the secured party may charge a fee not exceeding \$20 for a statement requested as of a date within 21 days before or after the date of a periodic statement of account.

(e) If a purchaser or other interested party relies in good faith on a statement of account provided under this section, the secured party may not claim a security interest larger than that shown in the statement of account.

Sec. 34.21.050. ALIENABILITY OF DEBTOR'S RIGHTS. A debtor's rights in collateral may be voluntarily or involuntarily transferred by way of sale, creation of a security interest, attachment, levy or other judicial process, notwithstanding a provision in the security agreement prohibiting a transfer or making a transfer a default.

Sec. 34.21.060. NOTIFICATION OF ASSIGNMENT. (a) A debtor is authorized to pay an assignor of the security agreement until the debtor receives notice that the security agreement has been assigned and that payment is to be made to someone other than the assignor. A notice that does not reasonably identify the rights assigned is ineffective.

(b) If requested by the debtor, the assignee shall, within 30 days after the request, furnish reasonable proof that the assignment has been made. Until the assignee does so the debtor may pay the assignor.

1           Sec. 34.21.070. RELEASE OF SECURITY INTEREST. (a) A document  
2 that releases a security interest evidenced by a recorded security  
3 agreement must contain the recording information for that security  
4 agreement.

5           (b) When there is no outstanding secured obligation and no  
6 commitment to make advances, incur or fulfill obligations, or other-  
7 wise give value under a security agreement the secured party or the  
8 secured party's agent shall within 15 days after receiving a written  
9 demand by the debtor send the debtor a document legally sufficient to  
10 release the security interest.

11           (c) If the secured party or the secured party's agent fails  
12 without good cause to send a document to the debtor as required under  
13 (b) of this section, the secured party is liable to the debtor or the  
14 debtor's successor in interest for the greater of

- 15           (1) \$500 without proof of actual damages; and  
16           (2) all damage the debtor or the debtor's successor in  
17 interest sustains by reason of the failure.

18           Sec. 34.21.080. REMEDIES OF SECURED PARTY. (a) If a debtor is  
19 in default under a security agreement, the secured party may

20           (1) bring a civil action that seeks to recover judgment on  
21 the secured debt and to foreclose on the collateral;

22           (2) bring a civil action to foreclose on the collateral;

23           (3) foreclose on the collateral under AS 34.21.090 - 34.-  
24 21.190.

25           (b) If the debtor has filed for bankruptcy, the secured party  
26 may, in addition to the remedies listed in (a) of this section, file a  
27 claim in the debtor's bankruptcy as a secured or unsecured creditor.

28           (c) If collateral is sold under AS 34.21.190, the secured party  
29 shall withdraw a claim filed under AS 34.21.190 if this section, the court

1 shall dismiss an action filed under (a)(1) or (2) of this section in  
2 accordance with the rules of court, and, if judgment has been entered  
3 in an action filed under (a)(1) or (2) of this section, the secured  
4 party shall file a satisfaction of judgment.

5 (d) A secured party may not recover a money judgment against  
6 the debtor until the secured party has foreclosed judicially on the  
7 collateral and the proceeds of the sale have been applied to reduc-  
8 tion of the debt.

9 (e) After a sale of collateral under AS 34.21.190, another  
10 action or proceeding may not be taken or judgment entered against the  
11 former debtor, or against the former debtor's surety or guarantor on  
12 the obligation secured by the security agreement for a deficiency.

13 Sec. 34.21.090. REQUIREMENTS FOR SUMMARY FORECLOSURE. Before  
14 the foreclosure procedures under AS 34.21.090 - 34.21.500 may be used,

15 (1) the security agreement must confer a power of sale upon  
16 the secured party or another person;

17 (2) a default must occur under the security agreement, if  
18 under the terms of the security agreement the default makes the power  
19 of sale operative; and

20 (3) the security agreement must be recorded in the record-  
21 ing district in which the collateral being foreclosed is located.

22 Sec. 34.21.100. PROCEDURE BEFORE SALE. The procedures that must  
23 be followed before collateral may be sold under a power of sale, and  
24 the minimum time periods before the procedures may be taken are estab-  
25 lished by AS 34.21.110 - 34.21.150. The content of notices required  
26 by those sections is set out in AS 34.21.160 - 34.21.170.

27 Sec. 34.21.110. TRANSMITTING NOTICE OF DEFAULT. Not less than  
28 30 days after a default the secured party or other person having a  
29 power of sale shall cause a written notice of default that meets the

1 requirements of AS 34.21.160 to be transmitted by first class certi-  
2 fied mail, return receipt requested, to the debtor, to the successor  
3 in interest of the debtor if known to the secured party, and to all  
4 persons actually occupying the collateral whose names are known to the  
5 secured party. Due diligence shall be exercised to determine the  
6 address of the debtor, or of the debtor's successor in interest, that  
7 is most likely to give the debtor notice.

8 Sec. 34.21.120. RECORDING NOTICE OF INTENT TO SELL. Not less  
9 than 30 days after transmittal of the notice of default the secured  
10 party or other person having the power of sale shall record a notice  
11 of intent to sell the collateral that meets the requirements of AS 34.  
12 21.170. The collateral may not be sold within 60 days following the  
13 recording of the notice of intent to sell.

14 Sec. 34.21.130. TRANSMITTING, POSTING, AND PUBLISHING NOTICE OF  
15 INTENT TO SELL. After recording the notice of intent to sell, and not  
16 less than 45 days before the sale, the secured party or other person  
17 having the power of sale shall

18 (1) after exercising due diligence to determine the address  
19 that is most likely to give the person notice, transmit a copy of the  
20 notice of intent to sell by first class certified mail, return receipt  
21 requested, to

22 (A) each person who has an interest in or lien or  
23 claim of lien against the collateral or a part of it, if the  
24 interest, lien or claim is of record at the time the notice of  
25 intent to sell is recorded;

26 (B) each person who is the attorney of record in a  
27 pending court action to foreclose a lien or other encumbrance on  
28 all or a part of the collateral, if a lis pendens showing the  
29 existence of the action is of record on the date the notice of

1 intent to sell is recorded;

2 (2) if the state has a recorded lien on the collateral,  
3 transmit to the attorney general by first class certified mail, return  
4 receipt requested, the notice of intent to sell and so much of the  
5 following information as is shown of record regarding each of the  
6 recorded state liens that is inferior in priority to the interest of  
7 the secured party:

8 (A) the nature of the lien;

9 (B) the amount shown on the lien document;

10 (C) the agency of state government that appears to  
11 have caused the lien to be filed; and

12 (D) the recording information for the lien;

13 (3) post in a conspicuous place on the collateral a copy of  
14 the notice of intent to sell; and

15 (4) publish the first of three publications of the notice  
16 of intent to sell, the publications to be made once a week for three  
17 successive weeks in a newspaper of general circulation published in  
18 the municipality in which the collateral is located, or if none is  
19 published there, in a newspaper of general circulation published in  
20 the state senate election district where the collateral is located, or  
21 if none is published there, in a newspaper of general circulation  
22 published in the judicial district where the collateral is located.

23 Sec. 34.21.140. TRANSMITTING FURTHER INFORMATION ABOUT SALE.  
24 Unless the information required by this section has been included in  
25 the notice of intent to sell, not less than 10 days before the time of  
26 public sale or if there is to be a private sale or other disposition  
27 of the collateral, not less than 10 days before entering into a con-  
28 tract of sale or otherwise disposing of the collateral, the secured  
29 party or other person having the power of sale shall transmit by first

1 class certified mail, return receipt requested, a written notice of  
2 the time and place of a public sale or of the time after which a  
3 private sale or other intended disposition is to be made to a

4 (1) person who has asked the secured party or other person  
5 having the power of sale in writing for the notice and has provided an  
6 address to which the notice is to be mailed; and

7 (2) person to whom a notice of intent to sell was sent  
8 under AS 34.21.130.

9 Sec. 34.21.150. MANNER OF TRANSMITTING NOTICE. Wherever in  
10 AS 34.21.110 - 34.21.150 transmittal of a notice by mail is required,  
11 the notice may instead be served in the manner provided for service of  
12 summons and complaint in a civil action or may be delivered person-  
13 ally.

14 Sec. 34.21.160. CONTENT OF NOTICE OF DEFAULT. A notice of  
15 default must include

16 (1) a description of the collateral;  
17 (2) the recording information for the security agreement;  
18 (3) a statement that the secured party declares the debtor  
19 to be in default and the nature of the default;

20 (4) if the default is failure to make payments, a statement  
21 of the amount in arrears on the date of the notice;

22 (5) a statement of the fees and costs, in addition to any  
23 amount in arrears, that the debtor is obliged to pay to reinstate the  
24 security agreement and an estimate of additional fees and costs antic-  
25 ipated before a foreclosure sale;

26 (6) a statement that failure to cure the default and fail-  
27 ure to pay fees and costs within 30 days after the date of transmittal  
28 and posting of the notice of default may lead to the recording of a  
29 notice of intent to sell, and that the collateral may be sold at a

1 date not less than 60 days after the recording of the notice of intent  
2 to sell;

3 (7) a statement that the effect of the recording of a  
4 notice of intent to sell will be

5 (A) to increase the fees and costs; and

6 (B) to advertise the debtor's property for sale;

7 (8) a statement that the effect of a failure to cure the  
8 default within 60 days after the recording of a notice of intent to  
9 sell will be to deprive the debtor and those who hold by, through or  
10 under the debtor of all their interest in the collateral, except for  
11 the right to

12 (A) stop the sale under AS 34.21.180(d) by curing the  
13 default and paying the entire remaining indebtedness and certain  
14 expenses;

15 (B) enjoin or object to sale under AS 34.21.340;

16 (C) receive surplus proceeds under AS 34.21.320(c);

17 and

18 (D) redeem the collateral under AS 34.21.210 - 34.21.-  
19 290 after the sale; and

20 (9) a statement that the debtor or the debtor's successor  
21 in interest has recourse to the courts to contest the default.

22 Sec. 34.21.170. CONTENT OF NOTICE OF INTENT TO SELL. A notice  
23 of intent to sell shall be in substantially the following form:

24 NOTICE OF INTENT TO SELL

25 I

26 Notice is given that the undersigned intends to sell the following  
27 property:

28 (set out legal description of collateral to be sold)

29 II

1 (If the time and place of a public sale are known, set them out here.  
 2 If a private sale or other disposition is intended, set out here the  
 3 intention and the time after which the private sale or disposition is  
 4 to be made. If the time and manner of disposition of the property are  
 5 not fixed at the time of recording of this notice, insert the follow-  
 6 ing.) The date of sale will be not earlier than ....., 19....  
 7 The property will be advertised for sale in a way that is commercially  
 8 reasonable for the specific property, will be sold in one or more  
 9 parcels by public or private proceedings and may be sold by one or  
 10 more contracts. At least 10 days written notice of the time and place  
 11 of a public sale or of the time after which a private sale or other  
 12 intended disposition of the property is to be made will be provided to  
 13 any person who asks the undersigned in writing for such a notice and  
 14 provides a mailing address, and to any person to whom this notice of  
 15 intent to sell is sent under AS 34.21.130(1).

16 III

17 Authority to sell the property in the event of default is contained in  
 18 a (insert title of security agreement) executed by ....., debtor,  
 19 to secure an obligation to ....., secured party, dated .....,  
 20 19.., and recorded in the records of the ..... Recording District,  
 21 ..... Judicial District, State of Alaska, in book ..... at page  
 22 .....

23 IV

24 (ALTERNATIVE A: If the default is failure to pay money, set out that  
 25 the default is failure to pay when due the following amounts: (lis-  
 26 ting the amounts in arrears)).

27 (ALTERNATIVE B: If default is for other than failure to pay money,  
 28 set out the particulars).

29 A written notice of default was transmitted to the debtor or the

debtor's successor in interest at the following address:

.....  
.....  
.....

on the ..... day of ....., 19.., proof of which is in the possession of the undersigned.

V

The sale will be terminated if at any time before the ..... day of ....., 19.., (insert the date 61 days after the date of recording of the notice of intent to sell) the default as set out above is cured and all fees and costs are paid. The sale will be terminated if at any later time before the sale the entire principal and interest plus all fees and costs are paid.

VI

As of the date of recording of this notice there is owing on the obligation secured by the security agreement \$....., together with interest on \$..... from the ..... day of ....., 19.., at the rate of ..... percent per ....., and the following accrued fees and costs that the debtor is obliged to pay to cure the default:

(set out fees and costs)

It is estimated that additional fees and costs totaling \$..... will accrue before a foreclosure sale. The property described in paragraph I of this notice will be sold to satisfy the above amounts owing plus the expenses of sale and other accrued fees and costs.

VII

Failure to cure the default alleged in this notice before ....., 19.. (insert the date 61 days after the date of recording of the notice of intent to sell) will deprive the debtor and those who hold by, through or under the debtor of all their interest in the

1 collateral, except the right to stop the sale by curing any default  
 2 under AS 34.21.180(d) and paying the entire indebtedness and certain  
 3 expenses, the right to enjoin or object to sale under AS 34.21.340,  
 4 the right to receive surplus proceeds under AS 34.21.320(c), and the  
 5 right to redeem the collateral under AS 34.21.210 - 34.21.290 after  
 6 the sale.

VIII

7 A person having an objection to the sale on any ground will be afford-  
 8 ed an opportunity to be heard as to the objection if the person brings  
 9 a lawsuit to restrain the sale under AS 34.21.340. Failure to bring a  
 10 lawsuit may result in a waiver of any ground for invalidating the  
 11 sale.

IX

12 The person whose name and address are set out below will provide in  
 13 writing to anyone requesting it a statement of all fees and costs due  
 14 at any time before the sale.

X

15 The effect of the sale will be to deprive the debtor and all those who  
 16 hold by, through or under the debtor of all their interest in the  
 17 above-described property, unless the debtor redeems the collateral  
 18 under AS 34.21.210 - 34.21.290 after the sale.

21 (signed).....

22 .....

23 Address.....

24 .....

25 Phone.....

26 STATE OF ALASKA )

27 : ss.

28 \_\_\_\_\_ JUDICIAL DISTRICT )

29

The foregoing instrument was acknowledged before me this (DATE) by (NAME OF PERSON WHO ACKNOWLEDGED).

.....  
NOTARY PUBLIC in and for the State  
of Alaska. My commission expires .....

(SEAL)

Sec. 34.21.180. CURING DEFAULT BEFORE SALE; EXTINCTION OF DEBTOR'S RIGHT TO CURE. (a) Subject to (b) of this section, the debtor, the debtor's successor in interest; or a holder of an interest inferior in priority to that being foreclosed may cause a discontinuance of sale proceedings by curing the default, which, if the default is failure to pay, shall be by paying to the secured party or other person having the power of sale

(1) all amounts then due under the terms of the security agreement and the obligation secured by it, other than amounts which would not be due if default had not occurred; and

(2) the expenses actually incurred by the secured party or other person having the power of sale in enforcing the provisions of the security agreement and the obligation secured by it, including the attorney fees allowed under AS 34.21.330 and court costs incurred because of the default.

(b) The cure described in (a) of this section must be made within 60 days following the recording of the notice of intent to sell, or within 45 days following the first publication and completion of posting and transmittal of the notice of intent to sell, whichever is the later time.

(c) Notwithstanding (a) and (b) of this section, if under the same security agreement notice of intent to sell has been recorded two or more times previously because of default by the debtor, the secured

1 party or other person having the power of sale may refuse the cure of  
2 the default under (a) of this section and continue with the sale.

3 (d) At any time before the secured party or other person having  
4 the power of sale has sold or entered into a contract to sell the  
5 collateral, the debtor, the debtor's successor in interest or a holder  
6 of an interest inferior in priority to that being foreclosed may cause  
7 a discontinuance of the sale proceedings by curing the default and  
8 paying the entire principal debt and accrued interest, and all other  
9 expenses as defined in (a)(2) of this section incurred as of the date  
10 of payment.

11 (e) If the default is cured, the sale proceedings shall be dis-  
12 continued. If the default is cured under (a) of this section, the  
13 security agreement is reinstated and the obligation remains as though  
14 acceleration had not taken place. If the default is cured by the  
15 holder of an interest inferior in priority to that being foreclosed,  
16 the security interest of that holder includes all payments made to  
17 cure, including attorney fees allowed under AS 34.21.330 and reason-  
18 able costs. If the interest held in the collateral by the person who  
19 cured the default is security for an interest-bearing obligation, the  
20 cost to cure default bears interest at the rate of that obligation;  
21 otherwise the cost to cure default bears interest at the same rate as  
22 an unpaid judgment of a state court.

23 (f) If the default is cured and the obligation and security  
24 agreement reinstated under this section, the secured party or other  
25 person having the power of sale shall promptly cause to be recorded a  
26 notice of discontinuance of the sale. The notice must contain the  
27 recording information of the security agreement and the notice of  
28 intent to sell, and a statement that the sale has been discontinued.

29 (g) The passage of time within which a default may be cured

1 under (a) of this section extinguishes all rights held in the collat-  
2 eral by the debtor, the debtor's successor in interest, all persons  
3 who were sent a notice of intent to sell under AS 34.21.130, and all  
4 holders of unrecorded junior encumbrances, except the right

- 5 (1) to cure the default under (d) of this section;  
6 (2) to seek an injunction under AS 34.21.340;  
7 (3) to receive surplus proceeds under AS 34.21.320(c); and  
8 (4) to redeem the collateral under AS 34.21.210 - 34.21.290

9 after the sale.

10 (h) To the extent cure of a default requires payment of money,  
11 the secured party may require payment in cash, by cashier's check on a  
12 bank in the judicial district where the sale is held, or by postal  
13 money order.

14 Sec. 34.21.190. MANNER OF SALE. (a) If a default has not been  
15 cured under AS 34.21.180, the secured party or other person having the  
16 power of sale may sell the collateral in its existing condition or  
17 following a commercially reasonable preparation.

18 (b) After the time for cure under AS 34.21.180(a) has expired  
19 and until the default is cured under AS 34.21.180(d) or the collateral  
20 is sold, the secured party or other person having the power of sale  
21 may take possession of the collateral in order to protect it or to  
22 prepare it for sale.

23 (c) After the notice of intent to sell the collateral has been  
24 recorded for 30 days, the secured party has a right of access to the  
25 collateral to show it to prospective purchasers.

26 (d) The sale of the collateral may be by public or private pro-  
27 ceedings and may be made by way of one or more private contracts.  
28 Sale may be as a whole or in parcels and at any time and place and on  
29 any terms, but every aspect of the sale, including the method, manner,

1 time, place and terms, must be commercially reasonable.

2 (e) The fact that a better price could have been obtained by a  
3 sale of the collateral at different times or in a different method  
4 from that selected by the secured party or other person having the  
5 power of sale is not of itself sufficient to establish that sale was  
6 not made in a commercially reasonable manner. If the collateral is  
7 sold in the usual manner in a recognized market for it, is sold at the  
8 price current in that market at the time of the sale, or is otherwise  
9 sold in conformity with reasonable commercial practices among dealers  
10 in the type of property sold, the sale is in a commercially reasonable  
11 manner.

12 (f) A sale of the collateral that has been approved in a judi-  
13 cial proceeding or by a creditor's committee convened under 11 U.S.C.  
14 705 or 11 U.S.C. 1102 (Bankruptcy Code) is conclusively considered  
15 commercially reasonable, but this subsection does not imply that  
16 judicial approval must be obtained nor does it imply that a sale not  
17 approved by a creditor's committee is not commercially reasonable.

18 Sec. 34.21.200. PURCHASE OF COLLATERAL BY LIENHOLDER. (a) If  
19 the sale of collateral is at public auction, the secured party who is  
20 foreclosing under this chapter may bid at the sale and set off the  
21 amount of that secured party's interest, including attorney fees  
22 allowed under AS 34.21.330 and costs, against the bid. The secured  
23 party may not be a purchaser at a negotiated sale.

24 (b) At a sale under AS 34.21.190 the holder of a perfected lien  
25 against the collateral who is not foreclosing under this chapter may  
26 purchase the collateral and set off against the purchase price the  
27 amount of the lien. At the time of purchasing under this subsection  
28 or before, the lien holder must pay off or otherwise secure the re-  
29 lease of superior liens against the collateral.

1           Sec. 34.21.210. RIGHT OF REDEMPTION. A sale of collateral by  
2 summary procedure under this chapter is subject to redemption. The  
3 person conducting the sale shall give to the purchaser a certificate  
4 of the sale that contains

- 5                   (1) a particular description of the collateral sold;  
6                   (2) the price bid for each distinct lot or parcel;  
7                   (3) the entire price paid; and  
8                   (4) a statement that the property is subject to redemption.

9           Sec. 34.21.220. REDEMPTION. Collateral subject to redemption  
10 under AS 34.21.210 may be redeemed by the following persons or their  
11 successors in interest:

- 12                   (1) the debtor; and  
13                   (2) a creditor having a lien by judgment or security  
14 interest on all or part of the collateral if the lien is subsequent in  
15 time to the security interest for which the collateral was sold.

16           Sec. 34.21.230. REDEMPTION BY LIEN CREDITOR FROM PURCHASER. A  
17 lien creditor may redeem the collateral under AS 34.21.210 within 60  
18 days after the sale by paying the amount of the purchase money, inter-  
19 est on the purchase money at the rate of 10.5 percent a year from the  
20 date of the sale, and the amount of taxes that the purchaser has paid  
21 for the collateral since the sale. If the purchaser is also a credi-  
22 tor having a lien prior to that of the redemptioner, the redemptioner  
23 shall also pay the amount of the purchaser's lien with the interest  
24 allowed under AS 45.45.010(a).

25           Sec. 34.21.240. SUBSEQUENT REDEMPTIONS. The collateral may be  
26 redeemed from the previous redemptioner within 60 days after the last  
27 redemption by paying the sum paid on the last redemption, interest at  
28 eight percent a year from the date of the last redemption, the taxes  
29 on the collateral that the last redemptioner has paid as part of or

1 after redeeming, and the amount of the liens held by the last redemp-  
2 tioner that are prior in time to the lien of the last redemptioner. A  
3 lien creditor may not redeem the property from the debtor who has  
4 redeemed under AS 34.21.250.

5 Sec. 34.21.250. REDEMPTION BY DEBTOR. The debtor or the debt-  
6 or's successor in interest may redeem the collateral by paying within  
7 12 months of the sale the amount of the purchase money, interest at  
8 the rate of 10.5 percent, and the taxes that the purchaser or last  
9 redemptioner paid for the collateral under AS 09.35.230 or 09.35.240.

10 Sec. 34.21.260. PROCEDURE FOR REDEMPTION. (a) Redemption is  
11 made by paying the required sum to the seller. Upon a redemption, the  
12 seller shall give the person redeeming a certificate of redemption  
13 containing the sum paid on redemption, the name of the person from  
14 whom the collateral was redeemed, and the date of the redemption. The  
15 seller shall immediately give notice of the redemption to the party  
16 from whom the collateral was redeemed.

17 (b) To redeem collateral, a debtor or redemptioner shall submit  
18 to the seller

19 (1) a copy of the recorded security agreement or judgment  
20 lien on which the debtor or redemptioner bases the right to redeem;

21 (2) a copy of an assignment that is necessary to establish  
22 that the person is the successor in interest to the holder of the  
23 security agreement or judgment lien provided under (1) of this sub-  
24 section, verified by the affidavit of the holder or the agent of the  
25 holder; and

26 (3) an affidavit by the holder of the security interest or  
27 judgment or by the agent of the holder showing the amount then actual-  
28 ly due under the security agreement or the judgment lien.

29 Sec. 34.21.270. PRIORITY OF REDEMPTION. If more than one person

1 applies to the seller at the same time to redeem, the debtor may  
2 redeem first, if the debtor is among the applicants, and the person  
3 having the earliest recorded lien may redeem first, if the debtor is  
4 not among the applicants.

5 Sec. 34.21.280. REFUSAL TO PERMIT REDEMPTION. A person's right  
6 to redeem is not prejudiced by the refusal of the seller to allow the  
7 redemption.

8 Sec. 34.21.290. RIGHTS OF PURCHASER AND REDEMPTIONER. The  
9 purchaser, from the time of sale until a resale or a redemption, or a  
10 redemptioner, from the time of redemption until another redemption, is  
11 entitled to the possession of the collateral purchased or redeemed as  
12 against the debtor or other person claiming by, through, or under the  
13 debtor. Where the collateral is in the possession of a tenant, the  
14 purchaser or redemptioner is entitled to receive the rents of the  
15 collateral or the value of the use and occupation of the collateral.

16 Sec. 34.21.300. PROCEDURE AFTER SALE. After a sale of the  
17 collateral by summary procedure under this chapter and receipt of the  
18 purchase price, the secured party or other person having the power of  
19 sale shall deed the collateral to the purchaser subject to the right  
20 of redemption provided under this chapter. The deed shall include or  
21 have attached to it a sworn statement reciting

22 (1) the recording information of the security agreement  
23 that was foreclosed;

24 (2) the date and recording information of the recorded  
25 notice of intent to sell;

26 (3) the actual consideration for the conveyance;

27 (4) the facts indicating the manner in which the notices  
28 required under AS 34.21.110 - 34.21.140 were given;

29 (5) the time and place of publication of the notice of

1 intent to sell; and

2 (6) the time, place and manner of sale.

3 Sec. 34.21.310. EFFECT OF SALE. (a) Subject to the right of  
4 redemption under AS 34.21.210 - 34.21.290, a sale of collateral under  
5 this chapter transfers all title and interest the debtor had in the  
6 collateral at the time the security agreement was executed, together  
7 with all title or interest the debtor may have acquired before the  
8 sale.

9 (b) A sworn statement complying with AS 34.21.300 and asserting  
10 that all requirements of law have been complied with is prima facie  
11 evidence of compliance with those requirements.

12 Sec. 34.21.320. DISPOSITION OF PROCEEDS OF SALE. (a) The  
13 secured party or other person with power of sale shall apply the  
14 proceeds of the sale of the collateral in the following order to

15 (1) the reasonable expenses of retaking, holding, preparing  
16 for sale and selling the collateral, the attorney fees allowed under  
17 AS 34.21.330, and the reasonable legal expenses incurred by the se-  
18 cured party or other person with power of sale;

19 (2) the satisfaction of the indebtedness secured;

20 (3) the satisfaction of indebtedness secured by a recorded  
21 subordinate security interest or recorded lien on the collateral.

22 (b) If requested by the secured party or other person having the  
23 power of sale, the holder of a recorded subordinate security interest  
24 or recorded lien must furnish to the secured party or other person  
25 having the power of sale reasonable proof of interest in the collater-  
26 al.

27 (c) The secured party or other person having the power of sale  
28 shall account to the debtor who owns or has rights in the collateral  
29 for the proceeds of sale and pay the debtor any surplus after applying

1 the proceeds under (a) of this section.

2 Sec. 34.21.330. ATTORNEY FEES. (a) The attorney fees that must  
3 be paid under AS 34.21.180 by the debtor to cure the default before  
4 the sale of the collateral may not exceed the sum of

5 (1) \$250 for the first \$100,000 of the amount due under the  
6 terms of the security agreement at the time of the cure; plus

7 (2) .15 percent of the amount that exceeds \$100,000 and  
8 that is due under the terms of the security agreement at the time of  
9 the cure.

10 (b) The attorney fees that are included in the set-off under  
11 AS 34.21.200 may not exceed the sum of (a)(1) and (2) of this section.

12 (c) The attorney fees that are considered a reasonable expense  
13 under AS 34.21.320 of retaking, holding, preparing for sale and sell-  
14 ing the collateral may not exceed the sum of (a)(1) and (2) of this  
15 section.

16 (d) In this section, "amount due" does not include attorney  
17 fees.

18 Sec. 34.21.340. SECURED PARTY'S LIABILITY FOR FAILURE TO COMPLY,  
19 ENJOINING SALE. If it is established that the secured party or other  
20 person having the power of sale is not proceeding under AS 34.21.090 -  
21 34.21.360, a sale of collateral may be ordered or restrained on appro-  
22 priate terms and conditions. If the sale has occurred, the debtor or  
23 a person entitled to a copy of notice of intent to sell under AS 34.-  
24 21.130 or a person whose subordinate security interest or lien has  
25 been recorded before the distribution of proceeds of sale may recover  
26 from the secured party or other person having the power of sale a loss  
27 caused by a failure to comply with AS 34.21.090 - 34.21.360.

28 Sec. 34.21.350. GENERAL VALIDITY OF SECURITY AGREEMENT. Unless  
29 it conflicts with a provision of law, a security agreement is

1 effective between the parties according to its terms. Nothing in this  
2 chapter validates a charge or practice that is illegal under a statute  
3 or regulation for debtor protection including those statutes and  
4 regulations governing usury and small loans. Nothing in this chapter  
5 extends the application of the statute or regulation for debtor pro-  
6 tection to a transaction not otherwise subject to it.

7 Sec. 34.21.360. WAIVER OF RIGHTS. To the extent that they give  
8 rights to the debtor and impose duties on the secured party or other  
9 person having the power of sale, the provisions of this chapter may  
10 not be waived or varied.

11 Sec. 34.21.500. DEFINITIONS. In this chapter, unless the con-  
12 text requires otherwise,

13 (1) "collateral" means the real property subject to a  
14 security interest;

15 (2) "debtor" means the person who owes payment or other  
16 performance of the obligation secured, whether or not the person owns  
17 or has rights in the collateral; if the debtor and the owner of the  
18 collateral are not the same person, the term "debtor" means the owner  
19 of the collateral in any provision of this chapter dealing with the  
20 collateral, the obligor in any provision dealing with the obligation,  
21 and may include both when the context requires it;

22 (3) "real property" includes an interest in real property;

23 (4) "recording information" means the information (book and  
24 page, document number, electronic retrieval code, or other specific  
25 information) needed to find a document in the public records;

26 (5) "redemptioner" means a creditor who is allowed to  
27 redeem collateral under AS 34.21.220(2) and who redeems collateral  
28 sold by summary procedure under this chapter;

29 (6) "secured party" means a lender, seller, beneficiary or

1 other person or governmental agency for whose benefit there is a  
2 security interest, including a receiver, trustee in bankruptcy, or  
3 person to whom a security agreement is sold;

4 (7) "security agreement" means an agreement that creates or  
5 provides for a security interest in real property, and includes a  
6 lease if the lease was intended to create a security interest;

7 (8) "security interest" means a consensual interest in real  
8 property that secures payment or performance of an obligation.

9 \* Sec. 3. AS 06.05.175 is amended by adding a new subsection to read:

10 (d) It is not a violation of this section to provide a statement  
11 of account to a debtor or the holder of a subordinate security inter-  
12 est under AS 34.21.040.

13 \* Sec. 4. AS 09.45.170 is amended to read:

14 Sec. 09.45.170. JUDGMENT ON FORECLOSURE OF LIEN. A person  
15 having a lien upon real property, other than that of a judgment,  
16 whether created by security agreement [MORTGAGE] or otherwise, to  
17 secure a debt or other obligation may bring an action to foreclose the  
18 lien. In the action, the court may direct the sale of the encumbered  
19 property or a portion of it and the application of the proceeds of the  
20 sale to the payment of costs, expenses of sale, and the amount due the  
21 plaintiff. The court [JUDGMENT] shall also determine the personal  
22 liability of a defendant for the payment of the debt secured by the  
23 lien and enter the determination in the judgment [BE ENTERED ACCORD-  
24 INGLY].

25 \* Sec. 5. AS 09.45.170 is amended by adding a new subsection to read:

26 (b) In this section, "security agreement" means an agreement  
27 that creates or provides for a security interest in real property; in  
28 this subsection, "security interest" has the meaning given in AS 34.-  
29 21.500.

1 \* Sec. 6. AS 09.45.200, AS 34.20.010, 34.20.020, 34.20.030, 34.20.040,  
2 34.20,050, 34.20,060, 34.20,070, 34.20,080, 34.20,090, 34.20.100, 34.20.-  
3 110, 34.20.120, 34.20.130, and 34.20.135 are repealed.

4 \* Sec. 7. TRANSITIONAL PROVISIONS. (a) A security agreement as de-  
5 fined in AS 34.21.500, as enacted in sec. 2 of this Act, that is entered  
6 into before the effective date of this Act, including rights, duties, and  
7 interests under it, continues in effect and may be terminated or enforced  
8 under a law amended or repealed by this Act as though the law had not been  
9 amended or repealed.

10 (b) A person foreclosing a deed of trust executed before the effec-  
11 tive date of this Act, may elect to foreclose under AS 34.21, added by  
12 sec. 2 of this Act, or under the law in effect when the deed of trust was  
13 entered into.

14 (c) Notwithstanding (a) of this section, a person foreclosing a  
15 security agreement other than a deed of trust shall foreclose under the law  
16 in effect when the security agreement was entered into.

17 (d) Notwithstanding the other provisions of (a) - (c) of this section  
18 to the contrary,

19 (1) AS 34.21.080, 34.21.210 - 34.21.290, and 34.21.330, added by  
20 sec. 2 of this Act, apply to security agreement foreclosure proceedings  
21 that are in progress during, or that begin after, the effective date of  
22 this Act, unless the collateral has been sold before the effective date of  
23 this Act under AS 34.20.070, repealed by sec. 6 of this Act, or unless a  
24 judgment has been entered before the effective date of this Act in a judi-  
25 cial foreclosure action or judicial action for breach of contract arising  
26 out of the security agreement; and

27 (2) AS 34.21.080 also applies retroactively to the cases that  
28 were the subject of *Moening v. Alaska Mutual Bank*, Op. No. 3274 (Alaska,  
29 February 26, 1988) and *Conrad v. Counsellors Investment Co.* Op. No. 3275

1 (Alaska, February 26, 1988) and to the cases subsequently decided in this  
2 state under the authority of either of the cases.

3 \* Sec. 8. This Act takes effect immediately under AS 01.10.070(c).  
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STATE OF ALASKA 1987 LEGISLATIVE SESSION  
FISCAL NOTE

Bill Version: SB 515  
Publish Date: April 21, 1988

REQUEST: \_\_\_\_\_

Revision Date: \_\_\_\_\_  
Title: Foreclosure of deed of trust

Agency Affected: \_\_\_\_\_  
BRU: \_\_\_\_\_

Sponsor: Senate Judiciary  
Requestor: \_\_\_\_\_

Components: \_\_\_\_\_

EXPENDITURES/REVENUES: (Thousands of Dollars)

OPERATING	FY 87	FY 88	FY 89	FY 90	FY 91	FY 92
PERSONAL SERVICES						
TRAVEL						
CONTRACTUAL						
SU. LIES						
EQUIPMENT						
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
TOTAL OPERATING	0	0	0	0	0	0
CAPITAL	0	0	0	0	0	0
REVENUE	0	0	0	0	0	0

FUNDING: (Thousands of Dollars)

GENERAL FUND						
FEDERAL FUNDS						
OTHER						
TOTAL						

POSITIONS:

FULL-TIME						
PART-TIME						
TEMPORARY						

ANALYSIS : (Attach a separate page if necessary)

Prepared by: Senate Judiciary Committee  
Division: \_\_\_\_\_

Phone: 465-3717  
Date: April 21, 1988

Approved by ~~XXXXXXXXXX~~: Senator Jay Kerttula  
Agency: Senate Judiciary Committee

Date: April 21, 1988

Distribution (by preparer):

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

SCR

2

SENATE COMMITTEE REPORT

FURTHER:

FINANCE

DATE TURNED INTO OFFICE \_\_\_\_\_

Mr. President:

JUDICIARY Committee considered SCR 2

Establishing a Children's Law Task Force.

and recommended:

replace with \_\_\_\_\_ CS FOR \_\_\_\_\_ )  same title  
 or adopt \_\_\_\_\_ CS FOR \_\_\_\_\_ )  new title

attached amendment(s) and

do pass

do not pass

no recommendation

individual recommendations

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

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

Committee  attached or  adopted fiscal note(s) *No action fiscal note*  
 new  updated or  previous  
 zero  fiscal impact

MEMBERS SIGNING DO PASS

OTHER RECOMMENDATIONS

*Keith Rodery*  
*Rich Halford*  
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\_\_\_\_\_

*Keith* *No Recommendation*  
Chairman signature and recommendation

Committee Backup Attached

SENATE COMMITTEE REPORT

FIRST COMMITTEE OF REFERRAL

Date of waived 2/27/87 5-DAY NOTICE  
IN ACCORDANCE WITH UNIFORM RULE 23

FURTHER: JUDICIARY  
FINANCE

\*\*FISCAL NOTE(S) ATTACHED 4 \*\*  
IN ACCORDANCE WITH AS 24.08.035  
(see below)

1/22/87

DATE TURNED INTO OFFICE 2/4/85

Mr. President:

HESS

Committee considered

SCR 2

Establishing a Children's Law Task Force.

and recommended:

replace with CS \_\_\_\_\_  same title

attached amendment(s) and  new title

do pass

do not pass

no recommendation

individual recommendations

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

letter of intent adopted and attached

\*\* Committee  attached or  adopted fiscal note(s)  
3  zero /  fiscal impact and 3 yrs

MEMBERS SIGNING DO PASS

OTHER RECOMMENDATIONS

Richard Hales  
Joe Josephson

Carla Frick De Pau  
Chairman signature and recommendation

Committee Backup Attached

**STATE OF ALASKA 1987 LEGISLATIVE SESSION  
FISCAL NOTE**

**REQUEST:** \_\_\_\_\_  
 Revision Date: \_\_\_\_\_  
 Title: Establishing a Children's Law  
Task Force  
 Sponsor: Senator Hebling  
 Requestor: Senate HESS

Bill Version: SCR 2  
 Publish Date: 3-5-87

Agency Affected: Legislative Affairs Agency  
 BRU: Legislative Council  
Leadership  
 Components: Session Expenses  
Legislative Leadership

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

OPERATING	FY 87	FY 88	FY 89	FY 90	FY 91	FY 92
PERSONAL SERVICES						
TRAVEL	-0-	23.7	11.9	-0-	-0-	-0-
CONTRACTUAL						
SUPPLIES						
EQUIPMENT						
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
TOTAL OPERATING	-0-	23.7	11.9	-0-	-0-	-0-
CAPITAL	-0-	-0-	-0-	-0-	-0-	-0-
REVENUE	-0-	-0-	-0-	-0-	-0-	-0-

**FUNDING: (Thousands of Dollars)**

GENERAL FUND	-0-	23.7	11.9	-0-	-0-	-0-
FEDERAL FUNDS						
OTHER						
TOTAL						

**POSITIONS:**

FULL-TIME						
PART-TIME						
TEMPORARY						

**ANALYSIS :**

No additional funding is requested for a staff person being hired by the task force. Funding will be provided by existing funding under Session Expense and Legislative Leadership. However, travel funds for public

Prepared by: Pamela A. Stoops, Manager Phone: 465-3850  
 Division: Administrative Services Date: 3/2/87  
 Approved by: Warren W. Endicott Date: 3/2/87  
 Agency: Legislative Affairs Agency

**Distribution (by preparer):**

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

# CONTINUATION of FISCAL NOTE ANALYSIS

For Bill/Resolution No. SCR 2

members and other legislative task force members is requested - \$23.7.

4 trips @ 352 x 10 members	=	14,080
3 days per diem (\$80) x		
4 trips x 10 members	=	<u>9,600</u>
		23,680

The expiration date of the task force is in the middle of FY 89 on January 10, 1989. One half of the travel funding is requested for FY 89.

It is assumed that contractual services, supplies and equipment funding for the task force will also be provided by existing funding within Session Expenses and Legislative Leadership components.

STATE OF ALASKA 1987 LEGISLATIVE SESSION  
FISCAL NOTE

REQUEST: \_\_\_\_\_

Bill Version: SCR 2  
Publish Date: 3-5-87

Revision Date: \_\_\_\_\_  
Title: "An Act establishing a children's law task force..."  
Sponsor: Jehling, Faiks, et.al.  
Requestor: Senate Judiciary

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

EXPENDITURES/REVENUES: (Thousands of Dollars)

OPERATING	FY 87	FY 88	FY 89	FY 90	FY 91	FY 92
PERSONAL SERVICES		0	0	0	0	0
TRAVEL						
CONTRACTUAL						
SUPPLIES						
EQUIPMENT						
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
TOTAL OPERATING		0	0	0	0	0
CAPITAL						
REVENUE						

FUNDING: (Thousands of Dollars)

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

POSITIONS:

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

ANALYSIS :

*Boyer*

Prepared by: Brant McGee, Public Advocate  
Division: Office of Public Advocacy

Approved by Commissioner: Garrey Peska  
Agency: Department of Administration

Phone: 274-1684  
Date: 2/22/87  
Date: 2/27/87

Distribution (by preparer):

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

STATE OF ALASKA 1987 LEGISLATIVE SESSION  
FISCAL NOTE

Bill Version: SCR 2

Publish Date: 3-5-87

REQUEST

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

Title: "Establishing a Children's Law Task Force."

Sponsor: Rep. Uehling

Requestor: Senate HESS

Agency Affected: Public Safety

BRU: Alaska State Troopers

Components: Detachments & CIB

EXPENDITURES/REVENUES: (Thousands of Dollars)

	FY 87	FY 88	FY 89	FY 90	FY 91	FY 92
OPERATING						
PERSONAL SERVICES						
TRAVEL						
CONTRACTUAL						
SUPPLIES						
EQUIPMENT						
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
TOTAL OPERATING	0	0	0	0	0	0

CAPITAL	0	0	0	0	0	0
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REVENUE						
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FUNDING: (Thousands of Dollars)

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

POSITIONS:

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

ANALYSIS:

No fiscal impact is anticipated.

JAR  
3/17/87

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

Phone: 269-5691  
Date: 2/17/87

Approved by Commissioner: William R. Nix  
Agency: Public Safety

Date: 3/2/87

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

**STATE OF ALASKA 1987 LEGISLATIVE SESSION  
FISCAL NOTE**

REQUEST: \_\_\_\_\_  
 Revision Date: \_\_\_\_\_  
 Title: A Resolution Establishing a  
Children's Law Task Force.  
 Sponsor: Uehling, et al.  
 Requestor: \_\_\_\_\_

Bill Version: SCR No. 2  
 Publish Date: 3-5-87

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

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

OPERATING	FY 87	FY 88	FY 89	FY 90	FY 91	FY 92
PERSONAL SERVICES	-0-	-0-	-0-	-0-	-0-	-0-
TRAVEL						
CONTRACTUAL						
SUPPLIES						
EQUIPMENT						
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
TOTAL OPERATING	-0-	-0-	-0-	-0-	-0-	-0-
CAPITAL	-0-	-0-	-0-	-0-	-0-	-0-
REVENUE	-0-	-0-	-0-	-0-	-0-	-0-

**FUNDING: (Thousands of Dollars)**

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

**POSITIONS:**

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

**ANALYSIS :**

Legislative staff have indicated that travel funds will be provided by the Legislature for task force participants as necessary.

Prepared by: Yvonne M. Chase, Director <sup>YMC</sup> Phone: 465-3170  
 Division: Division of Family and Youth Services Date: 2/27/87  
 Approved by Commissioner: Mara M. Munson, Commissioner <sup>PPB</sup> Date: 3/2/87  
 Agency: Department of Health and Social Services

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



Official Business

# Alaska State Legislature

## Senate

SENATOR RICK UEHLING

P.O. BOX V  
State Capitol  
Juneau, Alaska 99811

Senate Finance  
Committee

TO: Senator Paul Fischer, Chair  
Senate Committee on Health, Education and Social Services

From: Senator Rick Uehling

Subject: SCR 2 "Establishing a Children's Law Task Force"

Date: February 27, 1987

I have asked staff to provide the following background and analysis of SCR 2, "Establishing a Children's Law Task Force."

The Background

SCR 2 would establish a Children's Law Task Force to review current Alaska laws and regulations relating to children. Like the 1975 Children's Code Task Force, the Children's Law Task Force will report back to the Legislature necessary changes to the State's current laws and regulations and the way they are implemented.

During the past several years new attention has been focused on the many problems of children in all age groups in today's society. Issues such as child abuse and child sexual assault have been in the forefront of the media and received Legislative attention. Meanwhile, new issues seem to arise continually: How should runaways be treated? How should our foster parent's program be run? How should we respond to rising teenage pregnancies? Are our State agencies taking too much or too little action in child abuse cases? Are we providing adequate health and medical benefits for the children of low income parents?

The Legislature is continually being asked to help address the answers to these questions. With representation from those with backgrounds of involvement with children and children's issues, the Task Force will be able to take a comprehensive holistic approach to the many problems and issues surrounding the State's current Children's laws.

One note, there is presently a large amount of material and research specific to Alaska available on the subject and this presents the Legislature with an invaluable opportunity to take advantage of this material and research while it is still current.

The Analysis

The resolution enumerates what issues Children's law addresses, mentions how parents and other concerned parties have expressed concern about those laws and how they are administered, and then states that a comprehensive review of those laws is needed to determine how the State may best address those issues and create an environment that fosters the development of children into responsible, healthy and productive citizens.

The resolve section establishes a Children's Law Task Force consisting of the Chairs of the Senate and House Judiciary and Health, Education and Social Services Committees and other persons involved with the children's issues who are appointed by the the President of the Senate and the Speaker of the House.

The term of the Task Force would begin on July 1, 1987 and end on on January 10, 1989, at which time it would submit a report to the Legislature of its findings and recommendations. The Legislative Affairs Agency shall provide administrative and legal support and the Task Force would be allowed to hire one staff person.

*1 - WASHINGTON TASK  
OF PEOPLE'S  
FORCE UP TO  
PRESIDENT & SPEAKER*

MAR 2 1987

POSITION PAPER

SENATE CONCURRENT RESOLUTION NO. 2

For a Resolution establishing a Children's Law Task Force.

This Resolution would establish a task force to study Alaska statutes and regulations relating to children and the problems of implementing those statutes and regulations. The task force is charged with making recommendations to the Legislature on any changes to the statutes appropriate and necessary to improving the condition of children in the State.

The Department supports the concept of establishing a task force to study the circumstances of Alaska's children. Periodic review and evaluation of statutes, regulations and programs implementing the laws are useful in assessing the effectiveness of policy directions and administrative efforts. A similar task force was an effective mechanism in accomplishing the major revision of Alaska's Children's Code which occurred in 1977.

However, comprehensive and practical evaluations of statutory and administrative effectiveness must include a review of the needs or issues being addressed and of the adequacy of resources devoted to implementing the policies embodied in the laws. For this reason, the Department recommends that the task force also be explicitly charged with assessing the needs of children in the State, the adequacy of current resources available to carry out existing law, and the level of resources necessary to effectively implement any recommended statutory or regulatory changes. With the inclusion of such language, the Department would fully support the resolution.

RECOMMENDED:

*Ivonne Chase*  
Ivonne M. Chase, Director  
Division of Family  
and Youth Services

DATE:

February 27, 1987

APPROVED:

*Blanche Beane*  
Myra M. Munson, Commissioner  
Department of Health  
and Social Services

DATE:

March 2, 1987

BILL NO: SCR 2

DATE: Feb 17, 1987

TITLE: "Establishing a Children's Law Task Force."

CONTACT: Maj. Walter J. Gilmour  
Acting Director

DEPARTMENT OF  
PUBLIC SAFETY

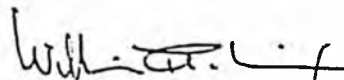
ALASKA STATE TROOPERS

This legislation would form a task force that would be charged with reviewing the numerous existing statutes and regulations pertaining to children within the state and issues concerning these children. From this task force, there would result effective and more cohesive state programs, thus better assisting the children in reaching the goals of being safe, healthy and positive members of our society.

The task force created by this piece of legislation would, after review, provide a written report of its findings along with recommendations and proposals such as program and legislation changes that would assist in reaching the above state goals.

There is no specific mention of members of law enforcement being part of the task force. Based on the role of law enforcement in dealing with children in multiple state programs, it is recommended that a proposed amendment include positions on the task force for the Alaska State Troopers and other law enforcement members in the state.

The Division of Alaska State Troopers is neutral on this legislation.



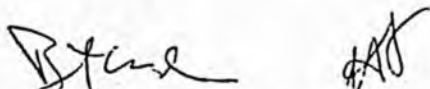
WILLIAM R. NIX  
Acting Commissioner

POSITION PAPER  
Senate Concurrent Resolution No. 2  
"An Act Establishing a  
Children's Law Task Force"

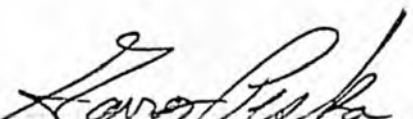
This concurrent resolution would mandate the creation of a Children's Law Task Force composed of agency representatives as well as public members to study current Alaska Statutes and agency operations in order to make reform recommendations.

The resolution would have no immediate impact on Office of Public Advocacy or its programs.

The Office of Public Advocacy supports House Concurrent Resolution No. 4 because it would create a needed forum in which a comprehensive study of laws affecting children and agencies' implementation of such laws could be conducted.

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

2/22/87  
\_\_\_\_\_  
Date

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

2/27/87  
\_\_\_\_\_  
Date



# UNIVERSITY OF ALASKA, ANCHORAGE

3211 Providence Drive  
Anchorage, Alaska 99508

COLLEGE OF ARTS AND SCIENCES  
DEPARTMENT OF SOCIAL WORK

February 25, 1987

Senator Rick Uehling  
Pouch V  
Juneau, Alaska 99811

MAR 2 1987

RE: SCR - 2 - Childrens Law Task Force

Dear Senator Rick Uehling:

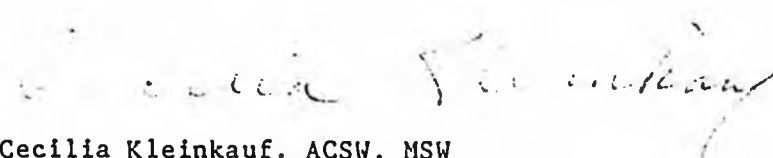
This letter is to convey my very strongest support for SCR 2 - The Childrens Law Task Force Resolution. It has been nearly ten years since Alaska last conducted an overall review of childrens statutes, and we must once again approach the many problems and issues in the law and in services related to children in as comprehensive a manner as possible.

The approach to children's law and services embodied in SCR 2 is similar to that employed in 1975 and 1976 when I had the privilege of being appointed to the original Children's Code Task Force in Alaska. As the attached article indicates, professionals and lay citizens from around the State, supported by legal and research staff, were appointed jointly by the Governor and the Alaska Legislature to undertake law review and subsequently make recommendations to the Alaska Legislature. This approach enabled many points of view to be heard, many other state's approaches to be considered and Federal laws and/or funding requirements to be reviewed as part of making recommendations.

Your willingness to introduce the resolution to re-establish a law review effort is to be commended. Be assured that I am available to provide information on the previous effort or to assist in any other way I can. Please feel free to share this letter and/or the attached article with other legislators or committees as the resolution is being debated.

Again, my thanks for your efforts.

Sincerely,

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

# MEMORANDUM

# State of Alaska

TO: The Honorable Steve Cowper  
Governor  
State of Alaska

DATE: March 2, 1981

FILE NO: 465-4700 (DC&RA)  
465-2800 (DOE)  
465-3030 (DH&SS)

TELEPHONE NO:

THRU:

SUBJECT: Creation of the  
Governor's Task  
Force on Children  
and Youth

FROM:

*David G. Hoffman*  
David G. Hoffman, Commissioner  
Department of Community and Regional Affairs

*Marshall L. Lind*  
Marshall L. Lind, Commissioner  
Department of Education

*Myra M. Munson*  
Myra M. Munson, Commissioner  
Department of Health and Social Services

We are writing to propose the establishment of a task force whose purpose would be to recommend a first class child care system and undertake a comprehensive analysis of the state of children and youth in Alaska.

We are struck by the considerable interest in children that we currently see reflected in both the public and private sectors of our State. We urge the creation of this statewide task force now, in order to capture this broad based interest. The appointment of this task force is timely because:

- ° the economics of child care is a key component to building a strong Alaska, because, as you have pointed out, "there are social and economic problems which can be directly attributed to a lack of adequate, quality child care in the State."
- ° a number of bills before the Legislature right now are specifically related to children and youth, including two resolutions pending in both houses regarding the formation of a "Children's Law Task Force" that would review the myriad statutes and regulations pertaining to issues involving children;
- ° members of the House Committee on Health, Education and Social Services (HESS), together with Representative Peter Goll, recently held a well-attended meeting regarding "gaps and overlaps" in the State's human services delivery system;

- ° beginning this week, the House HESS Committee will spend an entire week focused on Services for Children and Youth in Alaska, taking testimony from the staff of four departments and many private, non-profit human services provider agencies;
- ° an increasing number of parents, educators, health care and social service providers, and policy makers have become demonstrably concerned about early childhood health and education issues, because of the crucial importance of these early years and the favorable long-term outcomes of investing in high quality early childhood programs;
- ° other groups of parents, educators, human services providers, and policy makers are focused on issues surrounding the large number of children and youth on the run in Alaska;
- ° many parents, private agencies, and others involved with children have expressed concern that Alaska's statutes and regulations regarding children, and the State agencies that administer those laws and regulations, have failed to deal adequately with many of the problems that face children and parents in today's complex society; and
- ° finally, of course, there are many very real, abiding budget issues being raised almost hour by hour, issues which serve only to further arouse justifiable concerns over the ability of the State to meet even basic nurturing and protective services for its most vulnerable citizens.

Although these diverse issues and interest groups certainly speak to some of the more critical children's concerns, they do little to help us channel our talents and energies towards a comprehensive analysis of the array of problems related to the care and education of our children and youth. Additionally, the splintering that too often results from this undirected concern can ultimately be detrimental to the best interests of children. We do not find this to be the best environment in which to forge good, objective public policy regarding the true needs of our children and youth.

The formation of a statewide task force, however, would serve as a vehicle to focus on the current status of children and youth (ages 0-18) in Alaska. This group will

- °develop a plan for a first class child care system;
- °provide a forum to address much needed statutory and regulatory reforms;
- °pay special attention to the health and appropriate educational needs of our young children;
- °address the problems of our delinquents and runaways;
- °conduct a children's "census;" and
- °address the gaps and overlaps in programs serving our children.

More importantly, however, this group will keep all these issues in context, because it will look at all these issues together, not separately: a holistic view, if you will, of the state of our children and youth, and the systems and programs by and through which we serve -- or do not serve -- them.

Attached to this memorandum is the formal proposal for you to consider. We believe the charge to this working group (tentatively called the "Governor's Task Force on Children and Youth") should be specific; it's lifetime should be relatively short: portions of its work must be accomplished between now and January of next year, the rest by January of 1989. We believe that the task force must be representative of interest groups from early childhood through adolescence, but it should not be too large a group; we believe it must be "blue ribbon," in order to garner the support and credibility necessary to make its processes consensual and its work product practical.

Because children are powerless, children need powerful friends. The question must be asked: has Alaska kept its best and brightest resource -- its children and youth -- at the top of its priorities? We ask you, as the Chief Executive of this State, to affirm your commitment to children by announcing the formation of the task force.

Attachment

A PROPOSAL FOR  
A GOVERNOR'S TASK FORCE ON CHILDREN AND YOUTH

GOAL

The goal of the Governor's Task Force on Children and Youth is to place children and youth higher on the public policy agenda of the State of Alaska and to ensure a high-quality, responsive, accessible system for all children, youth, and families in Alaska.

A LIST OF POTENTIAL OBJECTIVES  
OF THE TASK FORCE

- 1) To produce a comprehensive plan for child care and a coherent State policy for children and youth.
- 2) To determine what the State of Alaska believes are the basic needs of children and youth.
- 3) To produce an accurate, detailed inventory of all services and programs provided to children and youth in this State. The inventory should identify all existing State, municipal, non-profit, corporate, religious, and private programs and services for our children and youth.
- 4) To collect all available statistics from the various public and private providers of children's services, in order to assess the physical and emotional health of our children and their financial well-being. In addition, to report on trends in such areas as the growth in the number of "latchkey" children, the costs of raising a child, the cost of poverty, etc.
- 5) To conduct, after an analysis of the data gathered, a detailed and information-specific census of Alaskan children (ages 0 - 18) for use in evaluating the adequacy of public and private services.
- 6) To analyze and make recommendations concerning the status of both public and private interagency cooperation and coordination in Alaska; further, to focus on the role these agencies should play in the unified delivery of services to our children.
- 7) To review those State and municipal laws and regulations relating to children and recommend appropriate changes where the conflicts between existing laws force inequitable treatment or lack of accountability.
- 8) To consider the State as a model employer for working families.

## TASK FORCE MEMBERSHIP

The task force should be broadly composed to represent legislators, child care professionals, educators, health professionals, parents, business and labor leaders, clergy, and the Departments of Community and Regional Affairs, Education, Health and Social Services, and Public Safety. The Task Force should have no more than 15 members.

## BUDGET

We believe that support for this effort must come from both the public and private sectors. Clearly, the State departments are willing to bear their expenses in support of the task force. We suggest that one of the group's first tasks must be to seek funding of its efforts. We believe funding is necessary for 1) travel expenses, including hearings in urban and rural Alaska; 2) contractual services for data collection, audio conferencing, assistance in conducting the census, and facilitating the workings of the task force itself; and 3) publication of the findings and recommendations of the task force.

To assist the task force in its work, the Alaska Department of Education has received a two-year, \$125,000 technical (i.e., non-cash) assistance grant from the National Association of State Boards of Education.

## TIMELINE

The objectives of this task force are critical. We need much of the information to be collected and analyzed before being ready to go forward in developing coherent policy. The charge of this task force has both short and long term goals. A portion of the task force's work should be accomplished by January 1, 1988, particularly the data collection and analysis, the census, a review of pertinent laws and regulations, and a plan for a child care system. Recognizing that other portions of the task, however, will require more time, research, and deliberation, we recommend that it fully complete its tasks no later than January 1, 1989.

# Alaska's Children's Code

CECILIA KLEINKAUF  
BETSEY McGUIRE

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

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

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

## Background

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

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

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

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

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

#### Law Revision Begins

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

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

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

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

#### Supportive Legislation

Two other measures introduced and passed in the 1976 legislative session contributed significantly to the ultimate enactment of Alaska's Children's Code. First and foremost was a Concurrent Resolution (SCR75) directing the Legislative Council to "review the existing laws relating to children specifically and the family in

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

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

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

### The Code Is Drafted

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

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

### Lobbying Efforts

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

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

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

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

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

### Child Welfare Concepts

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

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

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

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

#### Child in Need of Aid

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

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

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

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

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

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

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

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

#### Required Treatment Planning

Probably the single most significant issue to virtually all

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

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

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

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

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

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

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

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

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

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

### Limited Custody

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

### Conclusion

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

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*(Address requests for a reprint to Cecilia Kleinkauf, 4201 McInnes I. chorage, AK 99504.)*



# *The State of the Alaskan Child*

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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  
Juvenciles - Arrests/ Detention/ Treatment  
Adolescent Pregnancies



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1986

*The State of the  
Alaskan Child*



## **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



## 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

# **CORRECTION**

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



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1986

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*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: Land 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





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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 1 and 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



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Source: 1 and 12

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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 1,197 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.*

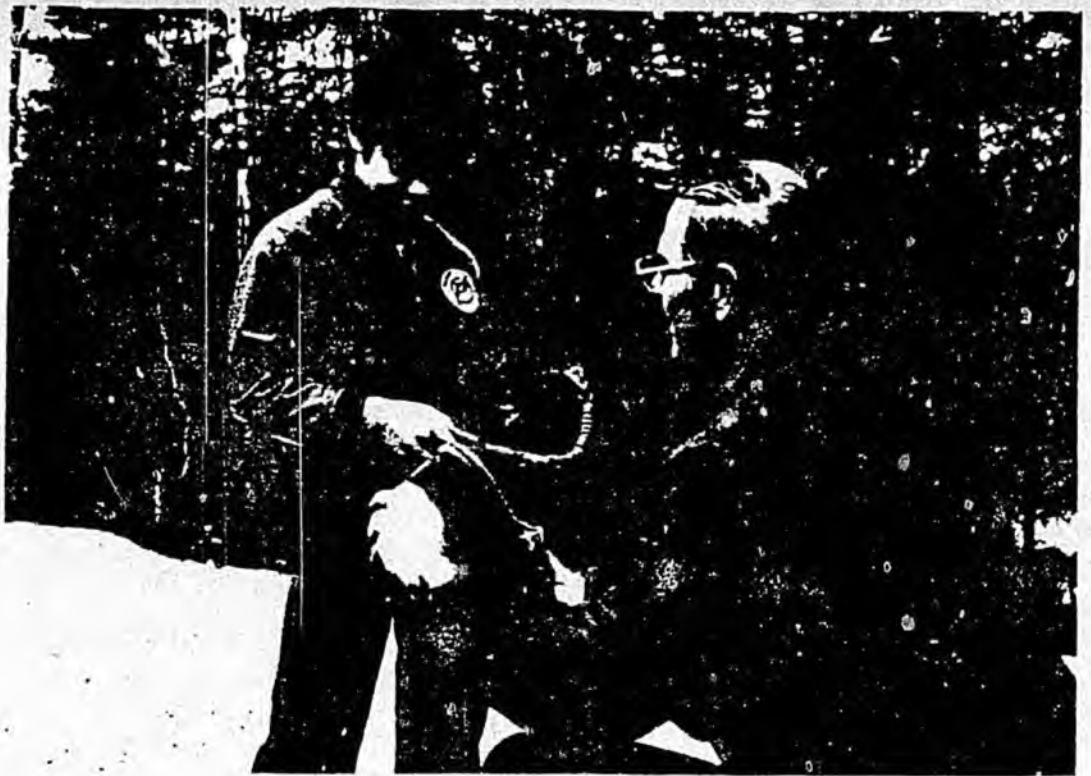
- Over the past two decades, the suicide rate in the U.S. as a whole has averaged 10 to 12 per 100,000.

### 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

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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 (58-957 0)
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

SCR

8

**STATE OF ALASKA 1987 LEGISLATIVE SESSION  
FISCAL NOTE**

Revision Date: SCR 8  
3-17-87

**REQUEST**

Bill/Resolution No. : SCR 8  
 Title : Enforcement of laws against the  
unauthorized practice of architecture  
 Sponsor : Sen. Faiks  
 Requestor : \_\_\_\_\_  
 Date of Request : \_\_\_\_\_

**FISCAL DETAIL**

Agency Affected : Department of Law  
 BRU : Legal Services-Operations  
 Components : \_\_\_\_\_

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

OPERATING	FY 87	FY 88	FY 89	FY 90	FY 91	FY 92
PERSONAL SERVICES						
TRAVEL						
CONTRACTUAL						
SUPPLIES						
EQUIPMENT						
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
TOTAL OPERATING	-0-	-0-	-0-	-0-	-0-	-0-
CAPITAL	-0--	-0-	-0-	-0-	-0-	-0-
REVENUE	-0-	-0-	-0-	-0-	-0-	-0-

**FUNDING : (Thousands of Dollars)**

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

**POSITIONS :**

FULL-TIME						
PART-TIME						
TEMPORARY						

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

Prepared by: Mark K. Johnson, Counsel Phone: 465-3822  
 Division: Senate Labor & Commerce Committee Date: 3-17-87

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

Distribution (by Agency preparing fiscal note):

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

# Alaska State Legislature

APR - 6 1987

PRESIDENT  
907-465-3755

JAN FAIKS  
POST OFFICE BOX V  
JUNEAU, ALASKA 99811

Senate

April 3, 1987

*Robt*

## MEMORANDUM

TO: Senator Jay Kerttula, Chairman  
Senate Judiciary Committee

FROM: Senator Jan Faiks  
President of the Senate

SUBJECT: Committee Hearings on Senate Concurrent  
Resolution 8, Relating to enforcement of laws  
against the unauthorized practice of  
architecture.

Senate Concurrent Resolution 8 has been referred to your committee for consideration.

The purpose of this resolution is to request that the Governor direct the Department of Law to allocate more resources to enforcement of licensing requirements for architects and to vigorously prosecute cases involving the unlawful practice of architecture. I would recommend that the language of this resolution be expanded to include the regulation of engineers and land surveyors, since these three professions are administered by the same board within the Division of Occupational Licensing.

This resolution was passed out of the Labor and Commerce Committee, its first committee of referral, on March 17, 1987.

I would appreciate the committee's consideration of this resolution at its earliest convenience. Should you or the committee members need additional information, please let me know.

Thank you.

OUT OF SESSION

6060 YUKON DRIVE ANCHORAGE, ALASKA 99516 907-274-6611



**STATE OF ALASKA 1987 LEGISLATIVE SESSION  
FISCAL NOTE**

*SCR 8*

Revision Date: 3-17-87

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

OPERATING	FY 87	FY 88	FY 89	FY 90	FY 91	FY 92
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GRANTS, CLAIMS						
MISCELLANEOUS						
<b>TOTAL OPERATING</b>	-0-	-0-	-0-	-0-	-0-	-0-

<b>CAPITAL</b>	-0-	-0-	-0-	-0-	-0-	-0-
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<b>REVENUE</b>	-0-	-0-	-0-	-0-	-0-	-0-
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**FUNDING : (Thousands of Dollars)**

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

**POSITIONS :**

FULL-TIME						
PART-TIME						
TEMPORARY						

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

Prepared by: *Mark K. Johnson*  
 Mark K. Johnson, Counsel Phone: 465-3822  
 Division: Senate Labor & Commerce Committee Date: 3-17-87

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

Distribution (by Agency preparing fiscal note):

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