

ALASKA LEGISLATURE COMMITTEE FILES 1993-1994 8672

7905

HOUSE JUDICIARY

170

HJR

60

(7)

Date Referred: February 28, 1994

FURTHER REFERRALS:

Judiciary

Date of Committee Action: 3-8-94

The STATE AFFAIRS Committee considered:

HJR 60

HOUSE JOINT RESOLUTION NO. 60

AMEND US CONSTT. TO LIMIT FED. COURTS

Relating to an amendment to the Constitution of the United States prohibiting federal courts from ordering a state or a political subdivision of a state to increase or impose taxes.

RECOMMENDATIONS:

be replaced with _____ [] the same title

[] a new title

[] have attached amendments(s)

[✓] do pass

[] do not pass

[] no recommendations

[] individual recommendations

[] additional referral to the _____ Committee

ADOPTS: _____ letter of Intent

ATTACHES NEW FISCAL NOTE(S): (Dept)

APPROVES PREVIOUS: (Dept/Date)

[] fiscal impact _____

[] fiscal note(s) _____

[✓] zero fiscal note Elections

[] zero fiscal note(s) _____

SIGNING DO PASS	DP	OTHER RECOMMENDATIONS	DNP	NR	AM
<i>Al Veary</i>	X				
<i>Pat Hill</i>	X				
<i>Jim Sandus</i>	X				
<i>Larry L. Davis</i>	✓				
<i>Timothy Olberg</i>	✓				
<i>Betty D. Davis</i>	X				

Al Veary
CHAIRMAN'S SIGNATURE

FISCAL NOTE

STATE OF ALASKA
1994 LEGISLATIVE SESSION

BILL NO. HJR 60

Revision Date: _____
Title: Amendment to the U.S. Constitution:
RE: To Limit Federal Courts
Sponsor: State Affairs
Requestor: _____

Department Affected: Office of the Governor
BRU: Division of Elections
Component: Operations
COMPONENT SERIAL NO. 21

EXPENDITURES/REVENUES:

OPERATING	FY 95	FY 96	FY 97	FY 98	FY 99	FY 00
PERSONAL	0	0	0	0	0	0
TRAVEL	0	0	0	0	0	0
CONTRACTUAL	0	0	0	0	0	0
SUPPLIES	0	0	0	0	0	0
EQUIPMENT	0	0	0	0	0	0
LAND &	0	0	0	0	0	0
GRANTS,	0	0	0	0	0	0
MISCELLANEOUS	0	0	0	0	0	0
TOTAL	0	0	0	0	0	0

CAPITAL	0	0	0	0	0	0
---------	---	---	---	---	---	---

REVENUE						
---------	--	--	--	--	--	--

FUNDING:

1002 Federal	0	0	0	0	0	0
1003 GF Match	0	0	0	0	0	0
1004 GF	0	0	0	0	0	0
1005 GF/Program	0	0	0	0	0	0
1006 GF/MHTIA	0	0	0	0	0	0
OTHER	0	0	0	0	0	0
TOTAL	0	0	0	0	0	0

POSITIONS:

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

Estimate of current year (FY94) impact: 0

ANALYSIS: (Attach a separate page if necessary.)

Prepared by: Joseph L. Swanson, Director
Division: Division of Elections

Phone: 465-4611

Date: 3/7/94

Approved by Commissioner: John B. Coghill, Lieutenant Governor
Agency: Office of the Governor

Date: 3/7/94

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**LEGISLATIVE AFFAIRS AGENCY
STATE OF ALASKA**

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FAX (907) 465-2029
Mail Stop 3101

FEB 17 1994

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

MEMORANDUM

February 17, 1994

SUBJECT: Amendment to the United States Constitution (8-LS1764)

TO: Representative Al Vezey, Chair
House State Affairs Committee

FROM: Tamara Brandt Cook
Director *TBC*

Here is a draft resolution requesting the United States Congress to propose an amendment to the Constitution to prohibit federal courts from ordering states or political subdivisions to impose or increase taxes. Under Article V of the U.S. Constitution Congress may propose amendments. Additionally, upon application of the legislatures of two thirds of the states, Congress is required to call a convention for the purpose of considering amendments. This latter method has never been used and there is considerable debate about whether a convention may be limited to consideration of only a specific amendment or whether, having called a convention, any amendment may be considered. Because of this uncertainty, I have not in this draft included a request that a convention be called for the limited purpose of considering a specific amendment relating to court ordered taxation.

TBC:pl
94-136.plm

Enclosure

*Rec'd
2/24/94*

Legal Svc. Memo 2-17-94

The Madison Forum

17 East Glenwood Lane - St. Louis, Missouri 63122

February 8, 1994

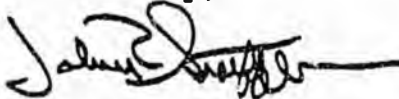
Mandates! Directives! That's all we seem to hear from our federal brethren in Washington, D.C. States have recognized the burden these mandates and directives have created at the state level. Unlike the feds the states can't print money to cover their debts. Patrick Henry put it this way, "(Y)our rich, smug, fine, fat, federal officers - the number of collectors of taxes and excises - will outnumber anything from the states. Who can cope with the excise man and the tax man?"

But when an order to levy taxes is mandated by a federal court, how are you to respond to such an order? How do states begin to question or even reject the orders of the federal courts when even the United States Supreme Court upholds as constitutional a lower federal court order to levy a direct tax increase upon the citizens of a city? How do you respond to what we believe is a violation of not only the Constitution of that state, but as we also believe the Constitution of the United States?

With this in mind Missouri State Senator Walt Mueller and I visited a federal judge in his office, and in the capacity of an elected state official and as a private citizen posed that very question. We were notified that such action was part of an ongoing case and as such, he would not discuss it. We were then directed to leave. This action by the judge was not unexpected, but it was felt that his orders needed to be questioned. We felt it was a legitimate question to pose inasmuch as the Constitution of the United States is quite clear in that the judiciary has never been granted the power to tax.

When a federal judge claims that he cannot discuss judicial directives which violate the constitution of a state with a member of the legislative branch of government, something is drastically wrong. So what does one do when the judiciary mandates direct taxes and Congress refuses to challenge the federal court's usurpation of Article I powers as they pertain to taxation? Our answer is to rein in the power that the judiciary has usurped by asking other states to join our call for an amendment to the Constitution that will put a stop to this judicial grab for power. Action must be taken now. We need your help and active support of this proposed amendment.

Sincerely,



John R. Stoeffler
Chairman, The Madison Forum



RECEIVED

FEB 14 1994

Ans'd.....

BILL SKAGGS

February 8, 1994

Honorable Ramona Barnes
Speaker of the House
State Capitol Building
Juneau, Alaska 99801

Dear Representative Barnes:

As you know, Missouri House and Senate passed a concurrent resolution petitioning Congress to propose ratification by the legislators of three-fourths of the state to restrict the Supreme Court or any inferior court of the United States to levy or increase taxes.

Not every state has begun their regular legislative session, but for those of us who have, it's a busy and exciting time.

Twenty-six states have responded to our call to propose a change in our federal constitution which reads:

"Neither the Supreme Court nor any inferior court of the United States shall have the power to instruct or order a state or political subdivision thereof, or an official of such state or political subdivision, to levy or increase taxes."

Federal mandates under the Clean Air Act are just one example of an ongoing and growing squeeze being placed upon the states by the federal government. These mandates have caused fear, anger and resentment among our citizens and our commercial and industrial community. Mandates, dictated by Washington, are putting additional strains on an already tight state budget.

Page 2

To further compound this assault on state revenues the federal district court, with the blessing of the United States Supreme Court, continues to order property tax increases "ad infinitum" to correct what Supreme Court Justice Kennedy rightly referred to as an issue which is properly "part of a legitimate political debate over . . . spending priorities" and not a Constitutional command. In his dissenting opinion to this usurpation of legislative authority by the federal courts Justice Kennedy noted, "This . . . begins a process that over time could threaten the fundamental alteration of the form of government our Constitution embodies."

The Constitution does not allow, nor do we need, judicial intervention requiring tax increases as solutions to potentially serious problems.

You're busy, I know, but in order to be of help to all those working for passage of a concurrent resolution, we are asking you to send us an update of your progress. Just return the enclosed questionnaire at your earliest convenience.

Sincerely,



Bill Skaggs

BS:ya

Enclosure

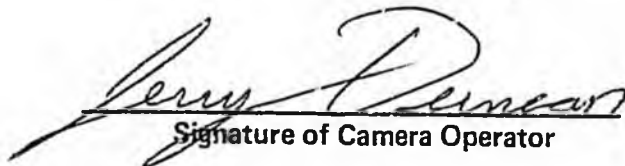


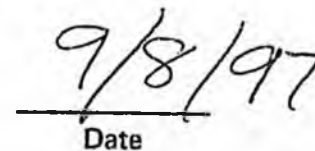
RECORDS



CERTIFICATION

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Signature of Camera Operator


Date

S B

2 4

FISCAL NOTE

STATE OF ALASKA
1994 LEGISLATIVE SESSION

BILL NO. SB 24

Revision Date: February 5, 1994 Dept. Affected: Corrections
 Title: An Act extending the maximum BRU: A11
period of probation Component: A11
 Sponsor: Sen. Donley
 Requestor: Senate Finance COMPONENT SERIAL NO. 694-1884

Expenditures/Revenues

(Thousands of Dollars)

OPERATING EXPENDITURES	FY 95	FY 96	FY 97	FY 98	FY 99	FY 00
PERSONAL SERVICES						
TRAVEL						
CONTRACTUAL						
SUPPLIES						
EQUIPMENT						
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS	*	*	*	*	*	*
TOTAL OPERATING	*	*	*	*	*	*

CAPITAL EXPENDITURES	*	*	*	*	*	*
----------------------	---	---	---	---	---	---

CHANGE IN REVENUES ()	0	0	0	0	0	0
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FUND SOURCE

(Thousands of Dollars)

1002 Federal Receipts						
1003 GF Match						
1004-GF	*	*	*	*	*	*
1005 GF/Program Receipts						
1006 GF/MHTIA						
Other						
TOTAL	*	*	*	*	*	*

Estimate of any current year (FY94) cost: \$ 0

POSITIONS

FULL-TIME						
PART-TIME						
TEMPORARY						

ANALYSIS: (Attach a separate page if necessary)

The bill will result in increased expenses for probation services and may impact incarcerated populations, but specific dollar impact cannot be predicted. Please see the attached fiscal analysis.

Prepared by: Diane Schenker, Special Assistant Phone: 465-4643/786-2147
 Division: Office of the Commissioner Date: 2/5/94
 Approved by Commissioners: J. Frank Prewitt, Jr. Date: 2/8/94
 Agency: Department of Corrections

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The bill would extend the maximum period of probation from five years to ten years.

Assumptions

1. The bill will probably not effect probation caseloads until five years after it goes into effect. However, offenders now receiving less than the maximum five years might begin receiving longer periods of probation right away as a sort of "inflationary" effect. For example, an offender who would receive two and a half years of probation under current law is being given half of the maximum time; a court might give the same offender five years under the new law to reflect the seriousness of the offense.
2. Probation Officers are currently carrying caseloads averaging 75-80 offenders. Larger caseloads would dilute the effectiveness of supervision and defeat the purpose of extending the period of supervision. Additional probation-days cannot be absorbed without additional resources. The department's liability for inadequate supervision of probationers has been set forth in court decisions such as Neokok.
3. Salary, benefits, and insurance for a beginning Probation Officer II are estimated to be approximately \$52,243 per year.
4. A longer period of probation supervision may increase the likelihood of the court imposing probation as an alternative to incarceration. However, the longer an offender is on probation, the greater the chances the offender may be caught violating his or her conditions and being returned to prison. Therefore, the bill may reduce or increase prison populations.

Operating Expenses

It is not possible to estimate a dollar figure. Increases in Community Corrections personnel costs are inevitable, probably beginning five years after the change goes into effect. There may be increases in operating costs for prisons, due to more violators being placed in prison. That increase may be offset by use of probation as an alternative to incarceration.

FISCAL NOTE

STATE OF ALASKA
1994 LEGISLATIVE SESSION

BILL NO: SB 24

Revision Date: _____ Dept. Affected: Public Safety
 Title: "An Act extending the maximum period of probation" BRU: Alaska State Troopers
 Sponsor: Senator Donley Component: _____
 Requestor: S. JUD COMPONENT SERIAL NO. 799

EXPENDITURES/REVENUES: (Thousands of Dollars) (inflation not included)

OPERATING	FY 95	FY 96	FY 97	FY 98	FY 99	FY 00
PERSONAL SERVICES						
TRAVEL						
CONTRACTUAL						
SUPPLIES						
EQUIPMENT						
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
TOTAL OPERATING	-0-	-0-	-0-	-0-	-0-	-0-
CAPITAL EXPENDITURES	-0-	-0-	-0-	-0-	-0-	-0-
CHANGE IN REVENUES ()	-0-	-0-	-0-	-0-	-0-	-0-
<small>Revenue Code</small>						

FUNDING: (Thousands of Dollars)


1002 Federal Receipts						
1003 GF Match						
1004 GF						
1005 GF/Program Receipts						
1006 GF/MHTIA						
Other						
TOTAL	-0-	-0-	-0-	-0-	-0-	-0-

Estimate of current year (FY 94) impact: \$ _____

POSITIONS:

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

ANALYSIS: (Attach a separate page if necessary.)
 No fiscal impact upon the Alaska State Troopers is anticipated.

Prepared By: Jee Ann Lucas Phone: 465-4322
 Division: Commissioner's Office Date: 2/1/94
 Approved by Commissioner:  Date: 2/1/94
 Agency: Richard L. Burton, Dept. of Public Safety

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FISCAL NOTE

STATE OF ALASKA
1994 LEGISLATIVE SESSION

BILL NO. SB 24

Revision Date: December 15, 1993
 Title: "An Act extending the maximum period of probation after conviction."
 Sponsor: Senator Donlevy
 Requestor: Governor's Office

Department Affected: Department of Law
 BRU: Prosecution
 Component: Criminal Justice Litigation
 COMPONENT SERIAL NO. 0093

EXPENDITURES/REVENUES:

OPERATING	FY 95	FY 96	FY 97	FY 98	FY 99	FY 00
PERSONAL						
TRAVEL						
CONTRACTUAL						
SUPPLIES						
EQUIPMENT						
LAND &						
GRANTS, CLAIMS						
MISCELLANEOUS						
TOTAL OPERATING	-0-	-0-	-0-	-0-	-0-	-0-

CAPITAL						
---------	--	--	--	--	--	--

REVENUE						
---------	--	--	--	--	--	--

FUNDING:

1002 Federal						
1003 GF Match						
1004 GF						
1005 GF/Program						
1006 GF/MHTIA						
OTHER						
TOTAL	-0-	-0-	-0-	-0-	-0-	-0-

POSITIONS:

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

Estimate of current year (FY94) impact: -0-

ANALYSIS: (Attach a separate page if necessary.)

This bill amends AS 12.55.090(c) to extend the maximum period of probation after conviction to ten years from five years. This is a sentencing provision that may have some impact on Probation and Parole, but will not have an impact on the Department of Law.

Prepared by: Richard I. Peques, Director
 Division: Administrative Services Division

Phone: 465-3672
 Date: December 15, 1993

Approved by Commissioner: Charles E. Cole, Attorney General
 Agency: Department of Law

Date: December 15, 1993

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Official Business

Alaska State Legislature

Senator Dave Donley

State Capitol
Juneau, AK 99801-1182

SPONSOR STATEMENT

Senate Bill 24

Extending the Maximum Period of Probation After Conviction to Ten Years

Senate Bill 24 extends the maximum period of probation from five to ten years. This change was recommended by the Sentencing Commission.

Governor Hickel has included the bill as a part of his anti-crime package (see attached). Passage of SB 24 would give our law enforcement officials an effective tool for keeping track of criminals and preventing recidivism after they have left the state prison system. As far as I am aware, there is no opposition to SB 24.

DD/mf

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LEGISLATIVE AFFAIRS AGENCY STATE OF ALASKA

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

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

MEMORANDUM

February 2, 1993

SUBJECT: Sectional Summary of SB 24 (Work Order No. 18-LS0304\A)

TO: Senator Dave Donley
Attn: Max

FROM: Jerry Luckhaupt *JEL*
Legislative Counsel

You have requested a sectional summary of the above-described bill. As a preliminary matter, note that a sectional summary of a bill should not be considered an authoritative interpretation of the bill - the bill itself is the best statement of its contents.

Section 1 of the bill extends the maximum period of probation from five years to 10 years.

Section 2 of the bill provides an applicability provision.

GPL:gc
93-092.glc

THE GOVERNOR'S ANTI-CRIME PACKAGE

The following is taken from page 7 of Governor Hickel's Jan. 12, 1994 anti-crime package sectional analysis.

Increase Probation from 5 to 10 Years -- Among other benefits, this simple proposal would help protect Alaska's children and others from family violence. For example, right now many convicted child abusers or molesters finish serving their prison sentences while their own young children (who are most at risk from repeat violence) are still children. Because current law limits probation to only five years, the courts only have a maximum of five years of "control" over a released felon.

We can't lock all these offenders up forever. But by simply extending the allowable period of probation to up to 10 years for all felony offenses, we can give the courts the tool they need to "hang a hammer" over the head of released child abusers for a long, long time -- long enough for most of their kids to grow up and become safe, independent adults -- and do so without the more expensive costs of full-time incarceration. In property crimes cases, extending probation can also be revenue positive by increasing the State's ability to collect restitution.

Proposals like this have been pending in the legislature during the past several years. It is generally supported by both prosecutors and defense lawyers, and should be acted upon this Session.

STATE OF ALASKA

DEPARTMENT OF LAW

CRIMINAL DIVISION

WALTER J. HICKEL, GOVERNOR

PLEASE REPLY TO:

CRIMINAL DIVISION CENTRAL OFFICE
P. O. BOX 110300 - STATE CAPITOL
JUNEAU, ALASKA 99811-0300
PHONE: (907) 465-3428

OFFICE OF SPECIAL PROSECUTIONS
AND APPEALS
1031 W. 4TH AVENUE, SUITE 318
ANCHORAGE, ALASKA 99501-5993
PHONE: (907) 279-7424

January 19, 1993

The Honorable Dave Donley
Alaska State Legislature
P.O. Box V
Juneau, Alaska 99811

Re: SB 24 ("An Act Extending the Maximum Period of Probation After Conviction")

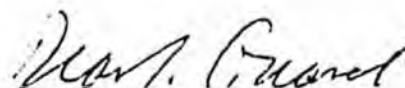
Dear Senator Donley:

By this letter, we wish to express our support for SB 24, "An Act Extending the Maximum Period of Probation After Conviction." Particularly for some offenses, such as sexual assaults and sexual abuse of minors, extended periods of supervision may reduce the number of new offenses committed by the defendant. Generally speaking, the costs associated with supervising a person on probation are less than the costs associated with new offenses. As a class, sex offenders in particular are difficult to treat and may reoffend years after release from incarceration.

Thank you for the opportunity to comment on this bill. If you have any further questions that we may be able to answer, please do not hesitate to call upon us.

Very truly yours,

CHARLES E. COLE
ATTORNEY GENERAL

By: 
Dean J. Guaheli
Assistant Attorney General

MOK/sf

BILL NO: SB 24

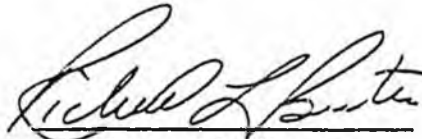
DATE: January 19, 1993

TITLE: An Act Extending the
Maximum Period of
Probation

CONTACT: C.E. Swackhammer
Deputy Commissioner

SB 24 extends, from five to ten years, the maximum period of probation to which a convicted criminal defendant can be sentenced. There may be situations in which the court wishes to continue probation supervision of an offender for longer than the five-year period now allowed by law. This bill would allow the courts the flexibility to fashion a sentence which best fits a particular offense or defendant.

The Department of Public Safety supports this bill.



Richard L. Burton
Commissioner

Alaska Association Chiefs of Police



January 25, 1993

Senator Dave Donley
State Capitol
Juneau, Alaska 99801-1182

Dear Senator Donley:

I am writing to express the support of the Alaska Association of Chiefs of Police for Senate Bill 24. Existing law only allows for imposition of five years of probation. We support extending this to ten years as proposed in your bill.

Probation can be an excellent tool in protecting the public. We submit, however, that judges under current law are too limited and should be given the ability to require persons convicted of serious crimes to be monitored and supervised for longer periods of time when necessary.

If we can be of any assistance in the passage of your bill, please let me know.

Very truly yours,

A handwritten signature in cursive script, which appears to read "Ronald L. Otte", is written over a horizontal line.

Ronald L. Otte
President

RLO/lp

ALASKA NETWORK ON DOMESTIC VIOLENCE AND SEXUAL ASSAULT

419 6th Street, No. 116 • Juneau, Alaska 99801 • (907) 586-3650

Abused Women's Aid in Crisis (AWAIC); Advocates for Victims of Violence (AVV);
Aiding Women in Abuse and Rape Emergencies (AWARE);
Alaska Women's Resource Center (AWRC); Arctic Women in Crisis (AWIC);
Bering Sea Women's Group (BSWG); Emmonak Women's Shelter;
Kodiak Women's Resource & Crisis Center (KWRC);
Morikoaq Regional Women's Crisis Program; Parent Aid Family Support Center;
Safe & Fear-Free Environment (SAFE); Seward Life Action Council (SLAC);
Sitka Against Family Violence (SAFV); South Peninsula Women's Services (SPWS);
Standing Together Against Rape (STAR);
Tongass Community Counseling Center; Tundra Women's Coalition (TWC);
Unalaska Against Sexual Assault & Family Violence (USAFV);
Valley Women's Resource Center (VWRC);
Women in Crisis Counseling & Assistance (WCCA);
Women in Safe Homes (WSH); Women's Resource & Crisis Center (WRCC)

SENATE BILL 24

The Alaska Network on Domestic Violence supports Senate Bill 24, which provides judges with the ability to order probation for up to ten years after an offense. The Network is a non-profit coalition of 22 organizations throughout Alaska which work with victims of domestic violence and sexual assault.

Alaska has a very high rate of violent crime, including one of the highest rates of assault and sexual assault in the nation. These crimes in Alaska are on the increase. Reported rapes in Alaska rose 91% from 1989 to 1991 (277 in 1989 to 530 in 1991). The number of assaults per one thousand persons has increased over 57% in the last five years.

National studies have shown that sex offenders have 80-90% rates of recidivism, and that the risk of reoffending does not diminish over time. Current probation limits are insufficient and counterproductive in keeping track of this group of offenders, who need to be monitored over a long period of time. Senate Bill 24 would give judges greater flexibility in tailoring appropriate sentences.

ALASKA PEACE OFFICERS ASSOCIATION



State and Anchorage Offices: • 1441 West Northern Lights Blvd., Suite M • Anchorage, Alaska
Mailing Address: P.O. Box 240106 • Anchorage, Alaska 99524-0106 • Office (907) 277-0515 • Fax (907) 272-53

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January 25, 1993

Senator Dave Donley
Alaska State Legislature
Capitol, Room 11
P.O. Box V (MS 3100)
Juneau, Alaska 99801

Dear Senator Donley:

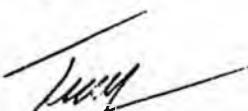
On behalf of the Alaska Peace Officers Association, I welcome you to the Alaska State Legislature.

In the next month, we will be sending a copy of our position paper to you. Our position paper contains information on legislation we are interested in. We would be happy to be a resource to you on criminal justice issues. Please do not hesitate to contact me directly.

We will be in Juneau in late February or early March to hold a board meeting. We will be meeting with legislators while we are in Juneau.

Please feel free to call on us about any criminal justice concerns.

Very truly yours,


Terry L. Marquart
President

S B

4 5

8-LS0355V
Lauterbach
1/12/94

HOUSE CS FOR CS FOR SENATE BILL NO. 45(JUD)
IN THE LEGISLATURE OF THE STATE OF ALASKA
EIGHTEENTH LEGISLATURE - SECOND SESSION

BY THE HOUSE JUDICIARY COMMITTEE

Offered:
Referred:

Sponsor(s): SENATORS PHILLIPS, Halfora, Kelly, Miller, Leman, Sharp

REPRESENTATIVE Kott

A BILL

FOR AN ACT ENTITLED

1 "An Act relating to persons under 21 years of age; relating to programs for
2 runaway minors; providing for designation of shelters for runaway minors; relating
3 to the detention and incarceration of minors."

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

5 * Section 1. PURPOSE OF SECS. 13 AND 17. The purpose of secs. 13 and 17 of this
6 Act is to improve the state's juvenile justice system by

7 (1) ending, with minor exceptions, the practice of allowing the confinement
8 of children in adult correctional facilities, jails, prisons, and rural lock-ups, however operated,
9 based on evidence that the practice often leads to aggravated emotional problems and
10 depression in, and suicide attempts by, the children who are confined;

11 (2) conforming state law and policy relating to the confinement of children to
12 the requirements of 42 U.S.C. 5633(a)(13) and (14) (Juvenile Justice and Delinquency
13 Prevention Act of 1974, as amended), taking into consideration the dislocations that may arise
14 from distance, weather, and lack of means to transport minor children to suitable places for

1 the care and custody of minors.

2 * Sec. 2. SHELTERS FOR RUNAWAYS; LEGISLATIVE FINDINGS; INTENT. (a) The
3 legislature finds that licensed programs for runaway minors need not be the only sources of
4 government-encouraged assistance for runaway minors. There exist many concerned citizens
5 in the state who, with appropriate oversight and certain limitations of their liability, would
6 volunteer to assist runaway minors in their private residences. It would be in the public
7 interest to encourage properly qualified private citizens to seek designation of their homes as
8 shelters for runaways where runaway minors could seek temporary, short-term shelter and
9 other care.

10 (b) It is the intent of legislature that the Department of Health and Social Services,
11 in implementing secs. 21 - 24 of this Act, adopt regulations under which interested nonprofit
12 corporations could be approved by the department for the purpose of designating shelters for
13 runaways. Oversight of the shelters by the nonprofit corporations and the state should
14 involve less regulation than is required for licensed programs for runaways under
15 AS 47.10.310 while still requiring the shelters to meet health and safety standards designed
16 to reduce the risk to the runaway minors in the shelters.

17 * Sec. 3. AS 09.55.590(a) is amended to read:

18 (a) A minor who is a resident of this state and is at least 16 years of age, who
19 is living separate and apart from the parents or guardian of the minor, capable of
20 self-support and of managing one's own financial affairs, or the legal custodian of
21 such a minor, may petition the superior court to have the disabilities of minority
22 removed for limited or general purposes.

23 * Sec. 4. AS 09.55.590(b) is amended to read:

24 (b) A minor or the legal custodian of a minor may institute a [THIS] petition
25 under this section in the name of the minor.

26 * Sec. 5. AS 09.55.590(c) is amended to read:

27 (c) The petition for removal of disabilities of minority must state [:]

28 (1) the name, age, and residence address of the minor [PETITIONER];

29 (2) the name and address of each living parent;

30 (3) the name and address of the guardian of the person and the
31 guardian of the estate, if any;

1 (4) the reasons why removal would be in the best interest of the minor
2 [CHILD]; and

3 (5) the purposes for which removal is sought.

4 * Sec. 6. AS 09.55.590(d) is amended to read:

5 (d) The person who institutes a petition under this section [PETITIONER]
6 must obtain the consent of each living parent or guardian having control of the person
7 or property of the minor [PETITIONER]. If the person who is to consent to the
8 petition is unavailable or the whereabouts of that person are unknown, or if a parent
9 or guardian unreasonably withholds consent, the court, acting in the best interest of the
10 minor [PETITIONER], may waive this requirement of consent as to that parent or
11 guardian.

12 * Sec. 7. AS 09.55.590(e) is amended to read:

13 (e) The court may appoint an attorney or a guardian ad litem to represent the
14 interests of the minor [PETITIONER] at the hearing. Appointment of an attorney or
15 guardian ad litem shall be made in accordance with AS 25.24.310.

16 * Sec. 8. AS 09.55.590(f) is repealed and reenacted to read:

17 (f) If the petition under this section is filed by a minor, the court may remove
18 the disabilities of minority as requested in the petition if the court finds on the record
19 after a hearing that the minor is a resident of the state, at least 16 years of age, living
20 separate and apart from the parent or guardian of the minor, and capable of self-
21 support and managing the minor's own financial affairs. If the petition under this
22 section is filed by the legal custodian of a minor, the court may remove the disabilities
23 of minority as requested in the petition only if the court, in addition to making the
24 other findings required under this subsection for a petition filed by a minor, makes a
25 finding on the record that there is interpersonal conflict involving the legal custodian
26 and the minor that the custodian and the minor have been unable to resolve
27 satisfactorily through other means; the finding must include a description of the efforts
28 that were made by the legal custodian to resolve the interpersonal conflict before the
29 custodian filed the petition under this section. In making its decision under this
30 subsection, the court may consider whether a noncustodial parent of the minor is able
31 and willing to petition for custody of the minor.

1 * Sec. 9. AS 11.51.130(a) is amended to read:

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

6 (1) [AIDS, INDUCES, CAUSES, OR ENCOURAGES A CHILD]
7 under 18 years of age to do any act prohibited by state law unless the child's
8 disabilities of minority have been removed for general purposes under
9 AS 09.55.590;

10 (2) [REPEALED

11 (3) AIDS, INDUCES, CAUSES, OR ENCOURAGES A CHILD] under
12 18 years of age to enter or remain in the same room in a building where the unlawful
13 sale of a drug occurs unless the child's disabilities of minority have been removed
14 for general purposes under AS 09.55.590;

15 (3) [OR (4) REPEALED

16 (5) AIDS, INDUCES, CAUSES, OR ENCOURAGES A CHILD] under
17 16 years of age to be [ABSENT FROM THE CUSTODY OF A PARENT,
18 GUARDIAN, OR CUSTODIAN OR TO BE] repeatedly absent from school, without
19 just cause; or

20 (4) under 18 years of age to be absent from the custody of a parent,
21 guardian, or custodian without just cause, unless the child's disabilities of
22 minority have been removed for general purposes under AS 09.55.590 or the
23 person has immunity under AS 47.10.350(c) or 47.10.398(a).

24 * Sec. 10. AS 12.62.035(f)(1) is amended to read:

25 (1) "contributing to the delinquency of a minor" means a conviction for
26 a violation or attempted violations of AS 11.51.130(a) [AS 11.51.130(a)(1), (3), OR
27 (5)]; former AS 11.40.130; or the laws of another jurisdiction if the offense would
28 have been a crime in this state under AS 11.51.130(a) [AS 11.51.130(a)(1), (3), OR
29 (5)] or former AS 11.40.130 if committed in the state;

30 * Sec. 11. AS 23.10.350 is amended by adding a new subsection to read:

31 (f) A minor for whom the disabilities of minority have not been removed for

1 general purposes under AS 09.55.590 may not be employed or allowed to work
2 without the written permission of the minor's legal custodian. Regardless of whether
3 the minor's legal custodian has given permission, a minor for whom the disabilities of
4 minority have not been removed for general purposes under AS 09.55.590 may not be
5 employed or allowed to work after 10:00 p.m. on the night before the minor's school
6 is in session unless the minor has graduated from secondary school or its equivalent;
7 however, a minor under 16 years of age may not be employed to work after 9:00 p.m.,
8 as provided in AS 23.10.340.

9 * Sec. 12. AS 34.50.020(b) is amended to read:

10 (b) A state agency or its agents, including a person working in or responsible
11 for the operation of a foster, receiving, or detention home, or children's institution, is
12 not liable for the acts of unemancipated minors in its charge or custody. A state
13 agency or an agent of a state agency, including a nonprofit corporation that
14 designates shelters for runaways under AS 47.10.392 - 47.10.399 and employees
15 of or volunteers with that corporation, is not liable for the acts of a minor
16 sheltered in a shelter for runaways, as defined in AS 47.10.399.

17 * Sec. 13. AS 47.10.130 is repealed and reenacted to read:

18 Sec. 47.10.130. DETENTION. (a) A minor may not be incarcerated in a
19 correctional facility that houses adult prisoners.

20 (b) When a minor is detained under this chapter, the person having
21 responsibility for the facility in which the minor is detained shall immediately notify
22 the minor's parent, guardian, or custodian of the minor's detention.

23 (c) Notwithstanding (a) of this section, a minor may be incarcerated in a
24 correctional facility

25 (1) if the minor is the subject of a petition filed with the court under
26 this chapter seeking adjudication of the minor as a delinquent minor or if the minor
27 is in official detention pending the filing of that petition; however, detention in a
28 correctional facility under this paragraph may not exceed the lesser of

29 (A) six hours; or

30 (B) the time necessary to arrange the minor's transportation to
31 a juvenile detention home or comparable facility for the detention of minors;

1 (2) if, in response to a petition of delinquency filed under this chapter,
2 the court has entered an order closing the case under AS 47.10.060(a), allowing the
3 minor to be prosecuted as an adult; or

4 (3) if the incarceration constitutes a protective custody detention of the
5 minor that is authorized by AS 47.37.170(b).

6 (d) When a minor is detained under (c)(1) or (c)(3) of this section and
7 incarcerated in a correctional facility, the minor shall be

8 (1) assigned to quarters in the correctional facility that are separate
9 from quarters used to house adult prisoners so that the minor cannot communicate with
10 or view adults who are in official detention;

11 (2) provided admission, health care, hygiene, and food services and
12 recreation and visitation opportunities separate from services and opportunities
13 provided to adults who are in official detention.

14 (e) Notwithstanding the limitation on detention set out in (c)(1) of this section,
15 a minor whose detention is authorized by (c)(1) of this section may be detained in a
16 correctional facility for more than six hours if transportation to a juvenile detention
17 home or comparable facility for the detention of minors is not available. The minor's
18 detention for more than six hours is authorized by this subsection only if the person
19 having responsibility for the facility in which the minor is detained

20 (1) documents the reason that transportation of the minor to a juvenile
21 detention home or comparable facility is not available; and

22 (2) during the minor's detention, after learning that transportation is not
23 available, promptly notifies the appropriate officials or employees of the department
24 and the Alaska court system of the lack of available transportation.

25 (f) A detention authorized by (e) of this section may not exceed the time
26 necessary to satisfy the requirement of (c)(1)(B) of this section.

27 (g) The provisions of AS 47.37.170(i) apply to a minor incarcerated in a
28 correctional facility when authorized by (c)(3) of this section.

29 (h) In this section

30 (1) "correctional facility" has the meaning given in AS 33.30.901
31 whether the facility is operated by the state, a municipality, a village, or another entity;

1 (2) "official detention" has the meaning given in AS 11.81.900.

2 * Sec. 14. AS 47.10.141(b) is amended to read:

3 (b) A peace officer shall take into protective custody a minor described in (a)
4 of this section if the minor is not otherwise subject to arrest or detention. Unless (c)
5 of this section applies, the [THE] peace officer shall exercise the officer's discretion
6 and [HONOR THE MINOR'S PREFERENCE TO] (1) return the minor to the legal
7 custodian if the legal custodian consents to the return; or (2) [TAKE THE MINOR TO
8 A NEARBY LOCATION AGREED TO BY THE MINOR AND THE LEGAL
9 CUSTODIAN; OR (3)] take the minor to an office specified by the Department of
10 Health and Social Services, a program for runaway minors licensed by the department
11 under AS 47.10.310, a shelter for runaways that has a permit from the department
12 under AS 47.35.085 that agrees to shelter the minor, or a facility or contract agency
13 of the department. If an office specified by the department, a licensed program for
14 runaway minors, a shelter for runaways that will accept the minor, or a facility or
15 contract agency of the department does not exist in the community, the officer shall
16 take the minor to another suitable location and promptly notify the department. A
17 minor under protective custody may not be housed in a jail or other detention facility.
18 Immediately upon taking a minor into protective custody, the officer shall advise the
19 minor orally and in writing of the right to social services under AS 47.10.142(b), and,
20 if known, the officer shall advise the legal custodian that the minor has been taken into
21 protective custody and that counseling services for the custodian and the minor's
22 household are available under AS 47.10.142(b).

23 * Sec. 15. AS 47.10.142(b) is amended to read:

24 (b) The department shall offer counseling services to the person having
25 legal custody of a minor described in AS 47.10.141 and to the members of the
26 minor's household if it determines that counseling services would be appropriate
27 in the situation [A MINOR WHO HAS LEFT HOME AND IS EVADING THE
28 PERSON HAVING LEGAL CUSTODY OF THE MINOR MAY OBTAIN THE
29 SERVICES OF THE DEPARTMENT. THE DEPARTMENT SHALL ASSESS THE
30 SITUATION AND FURNISH THE MINOR WITH THE SOCIAL SERVICES IT
31 CONSIDERS APPROPRIATE TO PROTECT THE WELL-BEING OF THE MINOR

1 AND TO PRESERVE THE MINOR'S FAMILY LIFE IF PRESERVING IT IS
2 CONSIDERED DESIRABLE UNDER THE CIRCUMSTANCES]. If, after assessing
3 the situation, offering counseling services to the legal custodian and the minor's
4 household, [CONSIDERING THE WISHES OF THE MINOR,] and furnishing
5 appropriate social services to the minor, the department considers it necessary, the
6 department may take emergency custody of the minor.

7 * Sec. 16. AS 47.10.142(c) is amended to read:

8 (c) When a child is taken into custody under (a) or (b) of this section or when
9 the department is notified of a child's presence in either a program for runaway
10 minors under AS 47.10.300 - 47.10.390 or a shelter for runaway minors under
11 AS 47.10.392 - 47.10.399, the department shall immediately, and in no event more
12 than 12 hours later unless prevented by lack of communication facilities, notify the
13 parents or the person or persons having custody of the child. If the department
14 determines that continued custody is necessary to protect the child, the department
15 shall notify the court of the emergency custody by filing, within 12 hours after custody
16 was assumed, a petition alleging that the child is a child in need of aid. If the
17 department releases the child within 12 hours after taking the child into custody and
18 does not file a child in need of aid petition the department shall, within 12 hours after
19 releasing the child, file with the court a report explaining why the child was taken into
20 custody.

21 * Sec. 17. AS 47.10.190 is amended to read:

22 Sec. 47.10.190. CONDITIONS GOVERNING DETENTION. When the court
23 commits a minor to the custody of the department, except when detention in a
24 correctional facility is authorized by AS 47.10.130(c), the department shall arrange
25 to place the juvenile in a detention home work camp, [, FACILITY,] or another
26 suitable place that the department designates for that purpose. [A JUVENILE
27 DETAINED IN A JAIL OR SIMILAR INSTITUTION AT THE REQUEST OF THE
28 DEPARTMENT SHALL BE HELD IN CUSTODY IN A ROOM OR OTHER PLACE
29 APART AND SEPARATE FROM ADULTS.]

30 * Sec. 18. AS 47.10.310(c) is amended to read:

31 (c) A program for runaway minors shall

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

4 (2) attempt to determine why a minor in the program is a runaway;

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

9 (4) promptly inform the department of a minor in the program

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

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

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

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

20 (6) maintain adequate staffing and accommodations to ensure physical
21 security and to provide crisis services to minors residing in a facility operated by the
22 program; residents under 18 years of age shall be segregated from residents who are
23 18 years of age or older.

24 * Sec. 19. AS 47.10.350 is amended by adding a new subsection to read:

25 (c) The officers, directors, and employees of a licensed program for runaway
26 minors are not criminally liable under AS 11.51.130(a)(4) for assisting a minor in the
27 program.

28 * Sec. 20. AS 47.10 is amended by adding new sections to read:

29 ARTICLE 4A. SHELTERS FOR RUNAWAY MINORS.

30 Sec. 47.10.392. CERTIFICATE REQUIRED. A private residence may not be
31 held out publicly as a shelter for runaway minors unless the residence

1 (1) is designated a shelter for runaways by a nonprofit corporation that
2 is licensed to make the designation under AS 47.35.085; and

3 (2) has a valid permit from the department signifying that designation.

4 Sec. 47.10.394. OPERATION OF SHELTERS. (a) A shelter for runaways
5 may not shelter a runaway minor for more than seven days unless the department
6 determines that

7 (1) the minor is the subject of exceptional circumstances; or

8 (2) another appropriate setting is not available for the minor.

9 (b) The provider of a shelter for runaways shall promptly, but within 48 hours,
10 inform the department of a runaway minor in the shelter

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

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

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

18 Sec. 47.10.396. CONFIDENTIALITY. If the department requires record
19 keeping by a shelter for runaways or by a nonprofit corporation that is licensed to
20 designate shelters for runaways, records of the shelter and the nonprofit corporation
21 that identify a runaway minor who has been sheltered in a shelter for runaways or has
22 sought assistance from a shelter for runaways are confidential and are not subject to
23 inspection or copying under AS 09.25.110 - 09.25.120 unless

24 (1) after being informed of the minor's right to privacy, the minor
25 consents in writing to the disclosure of the records;

26 (2) the records are relevant to an investigation or proceeding involving
27 child abuse or neglect or a child in need of aid petition; or

28 (3) disclosure of the records is necessary to protect the life or health
29 of the minor.

30 Sec. 47.10.398. IMMUNITY FROM LIABILITY. (a) A person in a shelter
31 for runaways, or in a home for which an application to be designated a shelter for

1 runaways is being considered by a nonprofit corporation licensed for that purpose by
2 the department, that is operated in a manner that is consistent with AS 47.10.392 -
3 47.10.399 and regulations adopted under those sections is not criminally liable under
4 AS 11.51.130(a)(4).

5 (b) Except as provided in (c) of this section, the provider of a shelter for
6 runaways, or of a home for which an application to be designated a shelter for
7 runaways is being considered by a nonprofit corporation approved for that purpose by
8 the department, and the members of the provider's household, other than a runaway
9 minor, are not liable for civil damages as a result of an act or omission

10 (1) in admitting or refusing to admit a runaway minor to the shelter or
11 home; or

12 (2) by a runaway minor who is sheltered in the shelter or home.

13 (c) The provisions of (b) of this section do not preclude liability for civil
14 damages as a result of recklessness or intentional misconduct.

15 Sec. 47.10.399. DEFINITIONS. In AS 47.10.392 - 47.10.399,

16 (1) "runaway minor" has the meaning given in AS 47.10.390;

17 (2) "shelter for runaways" or "shelter for runaway minors" means a
18 private residence whose legal occupant agrees to shelter, with or without compensation,
19 a runaway minor accepted into the residence by the legal occupant and that

20 (A) is not simultaneously licensed under AS 47.10.310 as a
21 program for runaway minors;

22 (B) has been designated a shelter for runaways by a nonprofit
23 corporation licensed for that purpose under AS 47.35.085; and

24 (C) has a permit issued by the department under AS 47.35.085.

25 * Sec. 21. AS 47.35.020 is amended to read:

26 Sec. 47.35.020. LICENSE OR PERMIT REQUIRED FOR CERTAIN CARE
27 FACILITIES. A person may not, without a license or permit to do so,

28 (1) maintain or conduct, for more than 90 days, a boarding home, foster
29 home, group home, institution, or other place for the regular reception or care of
30 children under 16 years of age, or a foster home, group home, or institution for the
31 care of dependent adults; [OR]

1 (2) engage in the business of receiving or caring for children under 14
2 years of age, with or without compensation, in a nursery in which five or more
3 children not related by blood or marriage, or legal adoption, to the owner, operator, or
4 manager of the business are lodged; or

5 (3) hold out publicly that the person's residence is a shelter for
6 runaway minors.

7 * Sec. 22. AS 47.35 is amended by adding a new section to read:

8 Sec. 47.35.085. SHELTERS FOR RUNAWAY MINORS. (a) The department
9 shall adopt regulations under which a nonprofit corporation may apply for a license to
10 designate and supervise shelters for runaway minors.

11 (b) The department shall also adopt regulations setting health and safety
12 standards for shelters for runaways. The regulations adopted under this subsection
13 must

14 (1) involve less regulation than is required for programs for runaways
15 licensed under AS 47.10.310 and foster homes licensed under this chapter;

16 (2) provide that private agencies approved by the department may
17 recruit, evaluate, and monitor the shelters for runaways under procedures established
18 by the department; and

19 (3) require that a nonprofit corporation licensed under (a) of this section
20 inspect the shelters for runaways, perform criminal background checks of its residents,
21 keep records, and meet other requirements only to the extent that they are necessary
22 to reduce the risk to the health and safety of a runaway minor in the shelter.

23 (c) If a person licensed under (a) of this section certifies to the department that
24 a home meets the standards set under (b) of this section, the department shall issue the
25 home a permit authorizing it to be a shelter for runaway minors. The permit may not
26 be transferred to a different home or owner.

27 (d) Upon notice from a person licensed under (a) of this section that a shelter
28 for runaways is not in compliance with AS 47.10.392 - 47.10.399 or the regulations
29 of the department adopted under (b) of this section, the department may revoke a
30 permit issued under this subsection or modify it to provisional status. The department
31 shall give written notice of revocation or modification under this subsection at least

1 30 days before the effective date of the action. However, if the health or well-being
2 of a child is in jeopardy, the revocation or modification action is effective immediately
3 upon the issuance of written notice by the department.

4 * Sec. 23. AS 47.35.100(a) is amended to read:

5 (a) Without a license issued by the department in accordance with its
6 regulations a person may not operate an agency providing any of the following
7 services:

8 (1) the placement of children for foster home care;

9 (2) the placement of children for adoption; [OR]

10 (3) individual and family counseling; or

11 (4) designation and supervision of shelters for runaway minors

12 under AS 47.35.085.

13 * Sec. 24. AS 47.35.900 is amended by adding new paragraphs to read:

14 (7) "runaway minor" has the meaning given in AS 47.10.390;

15 (8) "shelter for runaway minors" or "shelter for runaways" means a
16 private residence whose legal occupant agrees to shelter, with or without compensation,
17 a runaway minor accepted into the residence, subject to the limitations imposed under
18 this chapter and AS 47.10.392 - 47.10.399.

19 * Sec. 25. AS 47.10.330(a) is repealed.

STATE OF ALASKA

DEPARTMENT OF HEALTH AND SOCIAL SERVICES

DIVISION OF FAMILY AND YOUTH SERVICES

WALTER J. HICKEL, GOVERNOR

P.O. BOX 110630
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PHONE: (907) 465-3170

April 26, 1993

on file
received
APR 28 1993
REP BRIAN PORTER

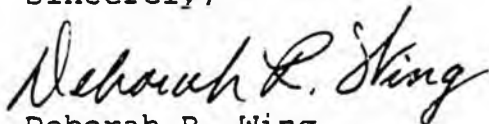
Honorable Brian Porter
Alaska House of Representatives
Room 122, Capitol Bldg
Juneau, AK 99801

Dear Representative Porter:

I am pleased to provide you the Alaska Division of Family and Youth Service's FY 1992 Annual Report on Runaway and Homeless Youth. This report covers activities from October 1991 through November 1992. It describes the core groups established in individual communities and summarizes individual community progress towards dealing with the runaway and homeless youth population.

We hope you find this report informative and a useful reference. We thank you for your interest in and support of the needs of this vulnerable population.

Sincerely,



Deborah R. Wing
Director

STRENGTHENING FAMILIES BY INVOLVING COMMUNITIES

**A Report on Runaway and Homeless Youth
In Alaska**

MARCH 1993



**State of Alaska
Department of Health and Social Services
Division of Family & Youth Services**

Walter J. Hickel
Governor

Theodore A. Mala
Commissioner

Deborah R. Wing
Director

STATE OF ALASKA

DEPARTMENT OF HEALTH AND SOCIAL SERVICES

OFFICE OF THE COMMISSIONER

WALTER J. HICKEL, GOVERNOR

THEODORE A. MALA, COMMISSIONER

P O BOX 110601
JUNEAU, ALASKA 99811-0601
PHONE: (907) 465-3030

March 1, 1993

Dear Alaskans:

Did you know that Alaskan youth run away at younger ages and at a greater rate in proportion to their overall population than youth nationally? These are only two of the revelations to surface as a result of the most recent Runaway and Homeless Youth Conference held in Anchorage in October 1992.

This conference gave local communities the opportunity to review and share in a statewide format the progress each had made over the past year in addressing its local runaway and homeless youth problems. Participants found that the overall problems have not changed. The numbers of runaway and homeless youth have either remained the same or in some communities have increased. No community reported a decrease in the runaway or homeless youth population. Participants estimated that, in Alaska, over 4,500 youth run away from home each year and over 1,900 Alaskan adolescents are homeless annually. What can be done to reduce the problems of these youth and alleviate the types of lifestyles in which these young Alaskans find themselves?

Reports from across the state indicate that there is a growing movement within local communities to consolidate efforts and actively pursue solutions to their runaway and homeless youth problems. A detailed description of individual community efforts can be found in the following report.

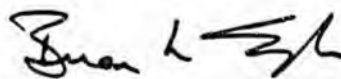
The needs of runaway and homeless youth in Alaska are so great that solutions will require joint efforts between local communities and state agencies, and we look forward to being active participants in this process.

For their participation in this report, we thank the Northwest Network of Runaway and Youth Services consultants, DFYS staff members, all conference presenters, and most of all, the people from the local communities who gave of their time and talents.

Sincerely,



Theodore A. Mala, MD, MPH
Commissioner



Brian Saylor, PhD, MPH
Deputy Commissioner

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Executive Summary

The Division of Family and Youth Services (DFYS), with support from the Department of Education, convened a conference on October 5 and 6, 1992 in Anchorage with a three-fold purpose: to review the progress made on behalf of runaway and homeless youth by communities who attended last year's conference, to introduce participants to the Target Population Planning Model, and to offer conference participants selected workshops related to runaway and homeless youth. The workshops offered were:

- *** Homeless Youth in Rural Alaska
- *** Education Issues on Homeless Youth in Alaska
- *** HIV/AIDS Prevention
- *** Including Youth as Part of the Solution
- *** Building a Network for Youth
- *** Missing and Exploited Children
- *** Strategies for Community Program Development in Alaska

Presenters were from the national, state, and local level and, unlike last year, youth actively participated in this conference as both presenters and participants. Over 85 participants from across the state attended this conference and concluded that runaway and homeless youth remain a serious problem in Alaska. The participants compiled the following estimates:

- *** The number of Alaskan youth who run away from home each year has increased from 3,500 in 1991 to over 4,500 in 1992
- *** Over 1,900 Alaskan adolescents are homeless annually

When the estimated figures on runaway and homeless youth provided by conference participants were compared with national data, the following was concluded:

- *** Alaskan youth run away at a greater rate in proportion to their overall population than youth nationally
- *** Alaska's runaways are younger than runaways nationally
- *** Alaska's youth are homeless at a greater rate in proportion to their overall population than youth nationally

During the conference, participants were grouped into interdisciplinary teams by geographic regions. They found the work group format to be a very effective networking and planning strategy. The team approach yielded concrete information and provided the impetus for groups to move forward in seeking coordinated solutions for the runaway and homeless youth problems. Participants recognized the critical need to involve youth in the process of developing solutions as well as the need for legal clarification on what can be done with runaway and homeless youth who do not want services.

Since the initial conference last year, most communities reported positive movement, either through the establishment of core groups to deal specifically with the concerns of runaway and homeless youth or the revitalization of pre-existing groups dealing with runaway and homeless youth issues. Conference participants noted that, although the issues of runaway and homeless youth must also be addressed at the state level, there remains a critical need for more active local government involvement in finding solutions to the runaway and homeless youth problems in Alaska.

INTRODUCTION

During November and December 1991, the Division of Family and Youth Services convened conferences in Palmer, Kenai, and Kodiak to begin development of a statewide plan to address the issues of runaway and homeless youth in Alaska. With the assistance of Division staff and the Northwest Network of Runaway and Youth Services, professionals and citizens from around the state developed a framework for responding to the serious problem of runaway and homeless youth. The results were published in "Children in Crisis, A Report on Runaway and Homeless Youth in Alaska", submitted by the Department of Health and Social Services to the Governor and Legislature in January 1992.

To facilitate communities' continuing efforts to develop solutions, the Department of Health and Social Services, with support from the Department of Education, held another conference in Anchorage on October 5 and 6, 1992. The purpose of the conference was to review the progress made by communities who attended last year's conference and to offer additional training to participants struggling to address these complex issues surrounding Alaska's runaway and homeless youth populations.

The following nationally recognized definitions for runaway and homeless youth were utilized during both the 1991 and 1992 conferences.

Runaway: Youth who leave home and return at a later date. If the objective is to return the youth to a home environment or group care, then the youth is a runaway.

Homeless: Youth who leave home and do not return or periodically return to destructive home environments. If the objective is preparation for independent living then the youth is homeless. Homeless youth do not have any apparent legal means of financial support.

Alaska Statute 47.10.390 defines a runaway minor as "a person under 18 years of age who:

- (A) is habitually absent from home;
- (B) refuses to accept available care;
- (C) has no parent, guardian, custodian, or relative able or willing to provide care; or
- (D) has been physically abandoned by
 - (i) both parents;
 - (ii) the surviving parent; or
 - (iii) one parent if the other parent's rights and responsibilities have been terminated or voluntarily relinquished."

The definitions for runaway and homeless youth used during the conferences are functionally equivalent to the legal definition for runaway youth contained in Alaska statutes.

THE CONFERENCE

The conference was attended by over 85 participants. Presenters were from the national, state, and local levels, and youth played active roles as both participants and presenters.

Staff from the Northwest Network of Runaway and Youth Services introduced material on the Target Population Planning Model, outlined in more detail later in this report. Participants were divided into interdisciplinary working groups by geographic regions for the purpose of assessing their progress over the past year. They were asked to describe the core group which had developed as a result of last year's conference and describe its activities. Participants were also asked to review the numbers for runaway and homeless youth reported last year and update the numbers for this year. Finally, participants were asked to determine their current needs and goals.

Estimated Numbers of Runaway Youth

Conference participants reviewed the number of youth in their area on the run each day, the number of youth who run away each year, and the total number of runaway incidents per year. An incident is defined as each time a youth runs away. The total number of incidents includes multiple runs by each individual. Many communities reported no changes between 1991 and 1992 figures. In the following table, changes are in bold print.

ESTIMATE COMPARISON OF 1991 AND 1992 DATA

<u>AREA</u>	<u>INCIDENTS/YEAR</u>		<u>YOUTH/YEAR</u>	
	91	92	91	92
Matanuska-Susitna	1,200	1,200+	600	600+
Southeast Alaska	1,500	1,500	300	300
Greater Fairbanks	2,500	2,500+	450	450
Bethel	450	450	150	150
Nome	285	285	100	100
Barrow	300	300	100	100
Anchorage	4,500	4,500	1,500	2,500
Kenai Peninsula	1,825	1,825	250	250
Kodiak	<u>1,095</u>	<u>1,095</u>	<u>60</u>	<u>60+</u>
Totals	13,655	13,655+	3,510	4,510+

Estimated Numbers Of Homeless Youth

Conference participants were asked to review the 1991 homeless figures and note any changes for 1992. Changes between 1991 and 1992 are in bold print.

ESTIMATE COMPARISON OF 1991 AND 1992 DATA

<u>AREA</u>	<u>YOUTH/YEAR</u>	
	91	92
Matanuska-Susitna	300	300
Anchorage	1,000	1,000
Fairbanks	200	300+
Barrow	10	10
Bethel	50	50
Nome	10	10
Kodiak	30	30
Kenai Peninsula	120	120
Southeast Alaska	<u>100</u>	<u>100</u>
Total	1,820	1,920+

Alaska Data Compared to National Statistics

The population for youth in the United States between the ages of 10 and 17 is reported to be 27,150,810. The National Network of Runaway and Youth Services estimates, based on the latest research, that each year 1 to 1.3 million youth run away from their homes and another 300,000 youth are reported homeless. Based on the above figures, the percentage of youth who run away between the ages of 10 and 17 is 4.8%. For this same age group, the percentage of homeless youth is 1.1%. Nationally, this yields a runaway rate of 48 per thousand for youth between the ages of 10 and 17 and a homeless rate of 11 per thousand.

In Alaska, the population for youth between the ages of 10 and 17 is reported to be 68,003. Data collected from this conference indicates there are an estimated 4,510 runaways a year and about 1,920 homeless annually. Based on these figures, the percentage of youth who run away between the ages of 10 and 17 is 6.6% and the percentage of homeless is 2.8%. This produces a runaway rate of 66 per thousand for youth between the age of 10 and 17 and a homeless rate of 28 per thousand.

To provide additional comparisons, the figures reported by conference participants were compared to figures compiled from a national survey conducted by the United States General Accounting Office (GAO). GAO figures were based on records of 44,274 youth served from October 1985 through June 1988 in federally funded runaway and homeless youth basic center programs.¹

RUNAWAY and HOMELESS DEMOGRAPHICS

Gender

GAO Report

65 % of runaways were female

Alaska

50% of runaways in the Mat-Su, Kodiak and Anchorage area were female

55% of runaways in the communities of Juneau, Fairbanks, Bethel and Nome were female

66% of runaways on the Kenai Peninsula were female

70% of runaways in Barrow were female

¹ United States General Accounting Office. Homeless & Runaway Youth Receiving Services at Federally Funded Shelters. Washington D.C., GAO, December 1989.

GAO Report	55% of homeless youth were male
Alaska	Statewide, slightly more than 50% of the homeless were male 70% of homeless in Anchorage were male 40% of homeless in Homer and Kodiak were male
	Age
GAO Report	40% of runaways were 16 years old 60% of homeless youth were 16 years old
Alaska	Average age of runaways was 14.5 years 90% of homeless were between 16-21 years old
	Race/Ethnic Origin
GAO Report	Majority of runaway and homeless youth were Caucasian, non-Hispanic.
Alaska	60% of runaway and homeless youth estimated to be Caucasian

Conclusions:

- * **The problems of runaway and homeless youth in Alaska have not significantly changed since last year.**
- * **The numbers of runaway and homeless youth have remained basically constant over the past year, with some community-specific increases.**
- * **No decreases in the numbers of runaways or homeless youth were reported by any community.**
- * **Comparison of Alaska's data to national statistics indicates Alaska's youth run at a greater rate in proportion to their overall population and at a younger age than youth nationally.**
- * **Alaska's youth are homeless at a greater rate in proportion to their overall population than youth nationally.**

COMMUNITY PROGRESS REPORTS

Mat-Su

The Mat-Su community established a formal core group called The Children's Services Task Force to deal only with runaway and homeless youth issues. The group developed a set of by-laws, appointed a Board of Directors, and amassed a general membership of over 40 agencies. The Task Force has been remarkably active and is well supported by its members. The Task Force submitted a grant for Federal Runaway and Homeless Youth funds and developed a plan for a state legislative pilot program. As a result of the Children's Services Task Force's hard work and success, they presented a workshop on "The Strategies for Community Program Development in Alaska" at the October 1992 conference. The goals the Mat-Su conference participants identified for the upcoming year are:

- * Establish a physical shelter with comprehensive services
- * Enhance public relations throughout the community

Anchorage

Anchorage participants who attended the 1991 conference reported the following accomplishments as a result of their attendance at that conference:

- * Completed an updated Agency Resource Manual for the area and the state
- * Met with the Mat-Su Rotary Club
- * Assisted the Mat-Su Community Task Force in preparing a grant

There was an increase in service to runaway youth due to:

- ** 3 additional beds added to the Alaska Youth and Parent Foundation program
- ** Improvements in programs at Covenant House

A core group to address only runaway and homeless youth issues was not established in Anchorage during the past year; however, prior to the conclusion of this conference, the Anchorage participants formed a working group which will determine if enough interest and commitment exists to form a core group. A meeting place and time have been set and a facilitator selected. Areas to be addressed during the upcoming year are:

- * Determine the communities' commitment to addressing runaway and homeless youth issues
- * Establish a core group for runaway and homeless youth if commitment exists
- * Data collection - how to track the number of runaway and homeless youth
- * Consistency of data collection across agencies statewide

Kodiak

After the initial conference last year, participants united to establish a core group that focused specifically on runaway and homeless youth issues. Although more people attended the initial meeting than have remained on the task force, the task force continues to meet monthly and has a diverse representation of community members. Their last meeting included staff from a local senator's office. Kodiak participants concluded that they need to become more formally organized. They plan to write a mission statement and follow the organizational plan that has been so successful in the Mat-Su community. Issues of concern include:

- * Runaways are younger - average age is estimated to be 13
- * Use of cocaine has increased among youth
- * Perceived DFYS practice of picking up youth age 15 and under but not youth age 16 and over

Fairbanks

There is a shelter for runaway and homeless youth in Fairbanks, and participants reported the number of runaways in the Fairbanks area to be about the same as indicated last year. However, the number of youth served at the shelter has increased about 33% over the past year. Fairbanks participants identified the following goals for next year:

- * Establish a task force involving agencies and individual community members
 - ** The Fairbanks Native Association was designated sponsor
 - ** First meeting was scheduled for January 1993
- * Increase community awareness of the runaway and homeless youth problem
- * Compile accurate data
- * Identify all resources

Kenai Peninsula Borough

Homer

There is a diverse core group with representation from area churches, the City Planning Department, and local businesses. The core group meets monthly and is incorporated under Catholic Social Services. A Homeless Coalition also exists.

Kenai/Soldotna

The Kenai Interagency Team and Social Services Task Force has continued to meet regularly this past year. Area legislators remain involved with the runaway and homeless core groups throughout the Kenai Peninsula Borough.

- * The Kenai area continues to see more runaway females than males

Goals for next year are:

- * Acquire a shelter
- * Generate public awareness of the runaway and homeless youth problems
- * Broaden the focus and involvement of the Homeless Coalition

Southeast Alaska

Juneau

There is no core group in Juneau that is concerned only with runaway and homeless youth issues but numerous groups deal in part with them. A multi-disciplinary team meets on a regular basis and reviews broad issues affecting the juvenile population. Their immediate emphasis is on completing a comprehensive service plan for youth. Issues to be addressed include:

- * Seeing more hard drug use, i.e. heroin in the high school
- * Dealing with youth whose parents are addicted to drugs
- * Encountering more gay and lesbian youth
- * Teen health cards distributed with phone numbers of services
- * Health clinic located on site at the Juneau-Douglas High School
- * Runaway shelter continues operation

Ketchikan

There were no participants from Ketchikan at the Runaway Conference held in 1991. During this past year, however, an emergency shelter program has been established in the Ketchikan community which can serve runaway youth. Conference participants identified the following goals for Ketchikan:

- * Consolidate fragmented service groups into a core group
- * Model core group after the Mat-Su Children's Services Task Force
- * Keep the shelter open

Rural Alaska

- * Inhalant abuse has increased

CRITICAL ISSUES AND BARRIERS

Conference participants identified the following common critical issues and barriers that hinder their efforts in providing adequate services to the runaway and homeless youth population:

- * Federal runaway and homeless youth funding is based on population
- * State per capita allocations are uneven - Alaska has a higher cost per capita for services than other states
- * 10% cut in state funding
- * Alaska statutes and DFYS policy are unclear regarding runaway and homeless youth - responsibilities are unclear
- * Lack of legislative avenues
- * Need for public awareness
- * Lack of accurate data
- * Difficulty in providing service to runaway and homeless youth whose basic needs are going unmet

CONCLUSION

From the information shared at the conference, it is apparent that, over the past year, individual communities have to varying degrees taken action to deal with the runaway and homeless youth issues facing them. It is also clear that additional services for runaway and homeless youth are still needed across the state to address this segment of Alaska's population. Conference participants identified a need for adequate and geographically relevant resources, additional funding allocations, and more shelters. There was a common request from communities for clarification of DFYS policy regarding runaway and homeless youth. Participants were particularly concerned about vulnerable youth who do not receive services and the perceived lack of legal recourse for those youth who refuse services. The overall desire of conference participants was to make the system easier to serve youth in need.

Alaskans must not let the momentum of this grassroots movement wane. Strategies must be continually developed and refined to support the network of people dedicated to improving the plight of runaway and homeless youth.

CONSULTANT RECOMMENDATIONS

In order to have a positive impact on the delivery of services to the runaway and homeless youth population in Alaska, efforts should be focused in the following four areas:

- * Development of a statewide data management information system for runaway and homeless youth. This may best be addressed at the state level through cooperative efforts between the Department of Health and Social Services and the Department of Public Safety, which currently enters reports of missing children into a computerized data system.
- * Clarification of DFYS policy on runaway and homeless youth.
- * Continue community and state planning on runaway and homeless youth needs. A dialogue concerning local service needs and how the state can and does support them should be on-going.
- * Need for public education. Myths about why youth run away must be replaced with accurate information and a true representation of the "real life" issues affecting this population.

TARGET POPULATION PLANNING

THE GOAL: To create specific action plans to implement a continuum of care for an identified target population.

A STEP-BY-STEP PLANNING PROCESS

The steps to creating an action plan are:

- 1) **Describe the target population:** It is critical that a description of the affected target population be clearly established before other planning tasks are undertaken. The population description should be detailed as possible; and include specific demographic and social history information.
- 2) **Define desired outcomes:** Desired client outcomes must be established before policies and programs can be developed. In other words: you've got to know where you are going before you can decide how to get there.
- 3) **Develop a continuum of care:** This step states the needs of the target population in light of the desired outcomes. It then defines the types of services, programs and policies that will effectively meet those needs.
- 4) **Examine existing services and policies:** This phase of the process will establish which programs currently serve the target population and the extent to which they assist participants to reach the outcomes established. Current policies and practices that affect the population/problem should also be examined.
- 5) **Develop detailed new program designs and policy changes:** Service needs are the apparent difference between the ideal system and the existing system. In this stage of the process, changes to or enhancement of existing programs will be specified, outlines of new programs developed, changes in policy and practice delineated, and referral and coordination strategies negotiated. Rationales for each change or addition should relate to the needs of the target population.
- 6) **Action plan:** The action plan will detail the steps needed to implement the system of services for the target population. It may include interagency agreements to be finalized, commitments by funders to issue RFP's, an advocacy strategy on behalf of the proposed system, suggestions for ways that policy or practice changes should be achieved, or a list of grant applications to be submitted.

ESSENTIALS OF PLANNING FOR THE NEEDS OF CHILDREN, YOUTH AND FAMILIES

1. Know what the plan is trying to accomplish. Who is the audience for the plan and what are they expecting to do with it?
2. Who is affected by the goals of the plan? Who will have an interest in the plan's implementation? These individuals or groups should be included in the development of the plan.
3. Include all participant groups at the same decision making level whenever possible.
4. Include clients and consumers of service in the planning process where appropriate.
5. Agree to all the planning process before the work begins. Stay with the planned process unless changes are necessary to achieve the goal of the planning process. Agree on where you are going (what the outcome will be) before you determine how to get there (planning the needed services).
6. Use a neutral facilitator. Their role is to guide the group, insuring the established process is followed, allowing the group to fully participate.
7. Consider that facilitators may also provide staff support - doing follow contacts with people not present at meetings; writing draft plans; providing coordination of planning efforts, etc.
8. Delegating staff support functions to one agency or person can make the process run more smoothly.
9. Welcome disagreement, be honest and challenge established ways of doing things. Allow differences to be "put on the table" to prevent sabotaging an open inclusive process.
10. Stay away from planning around concepts-----plan around client needs. Avoid words like "prevention", "intervention", and "treatment". They often have different meanings in different contexts. Describe behaviors to determine service needs.
11. Acknowledge that certain individuals involved in the process have special interests, prerogatives and responsibilities based on their position in their organization.
12. Dedicate time to actively develop trust within the planning group. Trust is a key ingredient in any planning process.

13. Acknowledge that all participants in the planning process are there because they care about the client population, kids. Also acknowledge that everyone has special self-interests.
14. Guide the group from "position based" bargaining in which participants state their "bottom line" outcomes early in the process to concentrating on "issues", i.e.: the concerns that people have and why they have them.
15. Establish an agreed upon method to monitor and implement the plan.

PREPARING AND ORGANIZING FOR TARGET POPULATION PLANNING

PREPARATION FOR PLANNING:

An initial core group/team meets to begin planning the process. Their role is:

- *Define the scope of the effort
- *Make decisions regarding the content of the plan or information to be gathered
- *Determine who will:
 - ~define the planning process (individual and/or group)
 - ~facilitate and moderate meetings
 - ~conduct research
 - ~write the final report/plan
- *Approve the final plan and recommendations

PROCESS GUIDELINES:

- *Provide an open forum, anyone can attend and extend invitations to anyone and/or group that provides services or has contact with the target population.
- *Group consensus model - everyone needs to agree on the information and process.
- *Be prepared for additional meetings and work after the initial planning day.
- *Duration: 3-6 months from initial planning meetings to written document.
- *Planning group stays together to oversee the implementation of the action plan/recommendations and to update the plan on a yearly/bi-yearly basis.

THE RESULT:

- Specific plans for the target population that include:
- *Clear definition of who is to be served and why they need services
 - *Outcomes desired for clients receiving services
 - *Description of the elements of a continuum of care for the population being planned for within the context of their community
 - *An assessment of existing services, policies and practices
 - *Identification and prioritization of service gaps
 - *Suggestions and strategies for changes in policies and/or practices
 - *Model program designs for priority services

STRENGTHS OF THIS PLANNING MODEL:

- *Develops a specific plan
- *Participants in the process will feel invested in the plan and will support it's implementation
- *Local and state funding sources will have clear direction in making resource allocations
- *Documentation of needs and the specificity of the plan has credibility with funders, increasing the opportunities for other revenue to assist in the implementation of the plan
- *Program objectives and outcome measures can be defined in the planning process thus making the evaluation of funded programs easier
- *Inclusive nature of the planning process lays the groundwork for successful coordination of services from a variety of programs, agencies and organizations in the community.

WEAKNESSES OF THIS PLANNING MODEL:

- *Those not included in the planning process may not support the implementation of the plan or it's recommendations.
- *Those who desire a more comprehensive plan (i.e., one that addresses the needs of all youth) may be frustrated by an approach that they will view as too limited.
- *It may be difficult to have consensus on which needs and/or problems should be addressed first
- *The planning process may involve a larger time investment than some interested parties are willing to make.

NORTHWEST NETWORK OF RUNAWAY AND YOUTH SERVICES

TARGET POPULATION PLANNING ORGANIZING FOR REPORT WRITING

BACKGROUND:

1. Brief discussion of the history of Homeless Youth in the community/country
 - a. Use data and information from other sources, reports, etc.
 - b. Any anecdotal information you may already have gathered
2. Why the planning group came to do this report/study?
3. Information from the burning issues segment of the planning day.

DEFINITIONS:

1. Include any definitions that are necessary for the readers of this report to understand what you are trying to demonstrate explain, etc.
 - a. Homeless youth definition that was developed.
 - b. Definitions of certain services, etc.

THE PLANNING DAY:

1. Brief description of the planning process and the days activities.
2. The purpose of the planning process:
 - a. To compile a demographic, social history and behavioral description of the communities homeless youth.
 - b. To establish desired outcomes for the communities homeless youth.
 - c. To identify the service needs of homeless youth in the community.
 - d. To identify current services, who is providing them and what the existing capacity of those programs/services are in the community.
 - e. Identify gaps in services for homeless youth and prioritize those gaps for planning strategies.
 - f. Identify strategies for improving the current service system for homeless youth in the community.

POPULATION DESCRIPTION AND DESIRED OUTCOMES:

1. Using the questions and information gathered during the planning day for the description of the population and desired outcomes.
Include:
 - a. Reasons homeless youth leave home
 - b. Where they go
 - c. Behaviors and problems of homeless youth
 - d. Numbers and other demographics
 - e. Desired outcomes

SERVICES NECESSARY TO MEET THE NEEDS OF THE COMMUNITIES HOMELESS YOUTH:

1. Discussion of what the planning group felt the needs were.
 - a. List services
 - b. Describe briefly why those services are important or were chosen
 - c. List the top five services that were chosen as a priority.
2. What program models are going to work best?

CURRENT SERVICES AVAILABLE TO THE COMMUNITIES HOMELESS YOUTH:

1. List of services currently available and what agencies are providing them.
Include:
 - a. capacity of those services?

IDENTIFICATION OF SERVICE GAPS:

1. Discussion of services that do not exist in the community that are important or were a part of the priority.
2. Discussion of services that were identified as not having enough capacity.
 - a. How much more do we need?
3. Discussion of highest priority services (top 5) and why they were chosen.

SUGGESTIONS FOR CHANGE/STRATEGIES:

1. Strategies for service needs.
 - a. local referral and service coordination

2. Strategies for changes in policy and/or practices.
 - a. state laws
 - b. local system changes
 - c. local referral and service coordination.

PARTICIPANTS LIST

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Municipality of Anchorage/Health & Social Services
Alaska Youth & Parent Foundation/Independent Living Program
Department of Education
National Runaway Switch Board
Matsu Drug Free Schools
Fairbanks Native Association/RCADA
Laural Shelter
Anchorage School District
Central Peninsula Homeless Coalition
Reading is Fundamental Inc./Washington D.C.
Homer High School
Safe Harbor
Partnership for a Health Community/Municipality of Anchorage
Matsu Council Alcoholism Drug Abuse
Parents/Foster Parents
Action for Alaska's Children
U.S. Department of Justice/Washington D.C.
Kodiak School District/Drug Free Schools
Division of Family & Youth Services/Fairbanks/Kodiak/Matsu/Anchorage/Juneau/Ketchikan
Department of Health & Social Services/Public Health/Epidemiology
Matsu Alternative Schools
Covenant House/Anchorage
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APPENDIX

ALASKA STATUTES

TITLE 47

ALASKA RUNAWAY LAW

Sec. 47.10.141. Runaway and missing minors. (a) Upon receiving a written, telephonic, or other request to locate a minor evading the minor's legal custodian or to locate a minor otherwise missing, a law enforcement agency shall make reasonable efforts to locate the minor and shall immediately complete a missing person's report containing information necessary for the identification of the minor. As soon as practicable, but not later than 24 hours after completing the report, the agency shall transmit the report for entry into the Alaska Public Safety Information Network and the National Crime Information Center computer system. The report shall also be submitted to the missing persons information clearinghouse under AS 18.65.620. As soon as practicable, but not later than 24 hours after the agency learns that the minor has been located, it shall request that the Department of Public Safety and the Federal Bureau of Investigation remove the information from the computer systems.

(b) A peace officer shall take into protective custody a minor described in (a) of this section if the minor is not otherwise subject to arrest or detention. The peace officer shall honor the minor's preference to (1) return the minor to the legal custodian if the legal custodian consents to the return; (2) take the minor to a nearby location agreed to by the minor and the legal custodian; or (3) take the minor to an office specified by the Department of Health and Social Services, a program for runaway minors licensed by the department under AS 47.10.310, or a facility or contract agency of the department. If an office specified by the department, a licensed program for runaway minors, or a facility or contract agency of the department does not exist in the community, the officer shall take the minor to another suitable location and promptly notify the department. A minor under protective custody may not be housed in a jail or other detention facility. Immediately upon taking a minor into protective custody, the officer shall advise the minor orally and in writing of the right to social services under AS 47.10.142(b), and, if known, the officer shall advise the legal custodian that the minor has been taken into protective custody.

(c) A minor may be taken into emergency protective custody by a peace officer and placed into temporary detention in a juvenile detention home in the local community if there has been an order issued by a court under a finding of probable cause that (1) the minor is a runaway in wilful violation of a valid court order issued under AS 47.10.080 or 47.10.142(f), (2) the minor's current situation poses a severe and imminent risk to the minor's life or safety, and (3) no reasonable placement alternative exists within the community. For

the purposes of this subsection, a risk may not be considered severe and imminent solely because of the general conditions for runaway minors in the community, but shall be assessed in view of the specific behavior and situation of the minor. A minor detained under this subsection shall be brought before a court on the day the minor is detained, or if that is not possible, within 24 hours after the detention for a hearing to determine the most appropriate placement in the best interests of the minor. A minor taken into emergency protective custody under this subsection may not be detained for more than 24 hours, except as provided under AS 47.10.140. Emergency protective custody may not include placement of a minor in a jail or secure facility other than a juvenile detention home, nor may an order for protective custody be enforced against a minor who is residing in a licensed program for runaway minors, as defined in AS 47.10.390.

(d) If, after investigation of a report of a missing minor, a law enforcement agency has reason to believe that the minor is involuntarily absent from the custody of a custodial parent or guardian, the department shall notify the Bureau of Vital Statistics of the disappearance and shall provide the bureau with a description of the minor. The description of the minor must include, if known, the minor's full name, date and place of birth, parent's names, and mother's maiden name. If the Department of Public Safety has reason to believe that the minor, whether born in this state or not, has been enrolled in a specific school or school district in the state, the department shall also notify the last known school or school district attended in the state by the missing minor of the disappearance. When a person who was listed as a missing minor is found, the Department of Public Safety shall notify the Bureau of Vital Statistics and any school or school district previously informed of the person's disappearance.

(e) In this section, "law enforcement agency" has the meaning given in AS 12.36.090. (§ 2 ch 42 SLA 1985; am § 3 ch 72 SLA 1988; am §§ 1, 2 ch 144 SLA 1988; am § 4 ch 202 SLA 1990)

Effect of amendments. — The first 1988 amendment inserted the next-to-last sentence in subsection (a).

The second 1988 amendment inserted "written, telephonic, or other" in the first sentence in subsection (a); in subsection (b), inserted "a licensed program for runaway minors" in the third sentence and, in the second sentence, deleted "either" following "reference to" near the begin-

ning, added "if the legal custodian consents to the return" at the end of paragraph (1), inserted present paragraph (2), and redesignated former paragraph (2) as present paragraph (3) and inserted "a program for runaway minors licensed by the department under AS 47.10.310" therein; and added subsection (c).

The 1990 amendment added subsections (d) and (e).

ALASKA STATUTES

TITLE 47

ALASKA RUNAWAY PROGRAMS

Article 4. Programs for Runaway Minors.

Section	Section
300. Powers and duties of the department	330. Notice to minor's legal custodian
310. Licensing of programs for runaway minors	340. Confidentiality of records
320. Residence in runaway minor program facilities	350. Immunity from liability
	360. Municipal powers
	390. Definitions

Sec. 47.10.280. Purpose of chapter. [Repealed, § 1 ch 152 SLA 1976. For current similar provisions, see AS 47.05.060.]

Sec. 47.10.300. Powers and duties of the department. The department shall

- (1) review, inspect, and approve or disapprove for licensing proposed or established programs for runaway minors to ensure the health and safety of minors in the program;
- (2) maintain a register of licensed programs for runaway minors;
- (3) award grants for the establishment or operation of licensed programs for runaway minors;
- (4) submit to the legislature and governor each January a report on programs for runaway minors in the state;
- (5) adopt regulations for the administration of AS 47.10.300 — 47.10.390, including regulations providing for the coordination of services to be provided by licensed programs for runaway minors and by the department. (§ 4 ch 144 SLA 1988)

Collateral references. — 42 Am. Jur.
2d, Infants, §§ 14-17.
43 C.J.S., Infants, §§ 9, 10.

Sec. 47.10.310. Licensing of programs for runaway minors.

(a) A person may not operate a program for runaway minors in the state without a license issued under this section. A person who violates this subsection is guilty of a violation.

(b) The department may license a program for runaway minors under AS 47.10.300 — 47.10.390 only if the program

(1) is operated by a corporation organized under AS 10.20 or a municipality; and

(2) meets the requirements of (c) of this section.

(c) A program for runaway minors shall

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

(2) attempt to determine why a minor in the program is a runaway;

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

(4) promptly inform the department of a minor in the program who claims to be the victim of child abuse or neglect, as defined in AS 47.17.290, or whom an employee of the program has cause to believe has been a victim of child abuse or neglect;

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

(6) maintain adequate staffing and accommodations to ensure physical security and to provide crisis services to minors residing in a facility operated by the program; residents under 18 years of age shall be segregated from residents who are 18 years of age or older.

(d) A program for runaway minors may provide services for the protection of the health and welfare of a person under 21 years of age who is in need of the services and who is without a place of shelter in which supervision and care of the person are available. (§ 4 ch 144 SLA 1988)

Sec. 47.10.320. Residence in runaway minor program facilities. A runaway minor may maintain residency for a period not exceeding 45 days at a facility operated as part of a licensed program for runaway minors. The minor may maintain residency without the consent of the person or agency having custody of the minor, except that if the court has ordered the minor committed to the custody of the department, written consent of the department is required. The residency may be extended for an additional period of 45 days with the written consent of the person or agency having custody of the minor. A minor may not maintain residency beyond the 90th day following admission to a licensed program for runaway minors without the written consent of the person or agency having custody of the minor and the written consent of the department. (§ 4 ch 144 SLA 1988)

Sec. 47.10.330. Notice to minor's legal custodian. (a) The director of a program for runaway minors shall make a good faith effort to notify a minor's legal custodian as soon as possible, but in no event more than 48 hours after the minor is admitted to the program, unless there are compelling circumstances that justify withholding notice. The notice must describe the minor's physical and emotional condition and the circumstances surrounding the minor's admission to the program.

(b) The director of a program for runaway minors shall promptly notify a minor's legal custodian if the minor is released from the program into the custody of a person other than the legal custodian or a person representing the legal custodian. (§ 4 ch 144 SLA 1988)

Sec. 47.10.340. Confidentiality of records. Records of a licensed program for runaway minors that identify a minor who has been admitted to or has sought assistance from the program are confidential and are not subject to inspection or copying under AS 09.25.110 — 09.25.120, unless

(1) after being informed of the minor's right to privacy, the minor consents in writing to the disclosure of the records;

(2) the records are relevant to an investigation or proceeding involving child abuse or neglect or a child in need of aid petition; or

(3) disclosure of the records is necessary to protect the life or health of the minor. (§ 4 ch 144 SLA 1988)

Sec. 47.10.350. Immunity from liability. (a) The officers, directors, and employees of a licensed program for runaway minors are not liable for civil damages as a result of an act or omission in admitting a minor to the program.

(b) This section does not preclude liability for civil damages as a result of recklessness or intentional misconduct. (§ 4 ch 144 SLA 1988)

Sec. 47.10.360. Municipal powers. Authority to establish and operate a licensed program for runaway minors is granted to municipalities that do not otherwise have that authority. (§ 4 ch 144 SLA 1988)

Sec. 47.10.390. Definitions. In AS 47.10.300 — 47.10.390

(1) "licensed program for runaway minors" means a residential or nonresidential program licensed by the department under AS 47.10.310;