

ALASKA LEGISLATURE COMMITTEE FILES 1995-1996 8672

8558 HOUSE HEALTH EDUCATION & SOCIAL SERVICES

HB

373

FISCAL NOTE

STATE OF ALASKA
1996 LEGISLATIVE SESSION

BILL NO. HB 373

Revision Date: February 28, 1996
Title: An Act relating to educational benefits for family members of deceased members of the armed services
Sponsor: Representatives Martin, Barnes, Mulder
Requestor:

Department Affected: University of Alaska
BRU: All
Component: All

COMPONENT SERIAL NO.

EXPENDITURES/REVENUES: (Thousands of Dollars)

OPERATING	FY97	FY98	FY99	FY00	FY01	FY02
PERSONAL SERVICES						
TRAVEL						
CONTRACTUAL						
SUPPLIES						
EQUIPMENT						
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS	13.6	13.6	13.6	13.6	13.6	13.6
TOTAL OPERATING	13.6	13.6	13.6	13.6	13.6	13.6

CAPITAL						
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REVENUE FD SOURCE						
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FUNDING: (Thousands of Dollars)	FY97	FY98	FY99	FY00	FY01	FY02
1002 FEDERAL FUNDS						
1003 GF MATCH						
1004 GENERAL FUND	13.6	13.6	13.6	13.6	13.6	13.6
1006 GF/MHTIA						
OTHER						
TOTAL FUNDING	13.6	13.6	13.6	13.6	13.6	13.6

POSITIONS:	FY97	FY98	FY99	FY00	FY01	FY02
FULL-TIME						
PART-TIME						
TEMPORARY						

Estimate of current year impact: None

ANALYSIS: (Attach a separate page if necessary.)

This bill provides a \$200/month stipend and waives tuition, dorm and other fees for qualifying persons while enrolled at the University of Alaska. The estimated cost of these provisions for one full-time student per year is approximately \$6,800 in FY96 dollars. Based on our history of persons receiving benefits under the existing legislation, we have included a fiscal note to fully cover two students/year. In the event of a catastrophic loss that significantly increases the number of persons qualifying for and ultimately utilizing these benefits, the university will seek supplemental funding from the legislature.

Prepared by: Marylou Burton
Division: Statewide Budget Office

Phone: 463-3086
Date: 2-28-96

Approved by: Marylou Burton, Director
Agency: Statewide Budget Office

Date: 2-28-96

Distribution (by preparer): Legislative Finance, Legislative Sponsor, Requestor, OMB, & Impacted Agency(ies).

(7)

HOUSE COMMITTEE REPORT

Date Referred to Committee: January 8, 1996

FURTHER REFERRALS:

Finance

Date of Committee Action: 2/27/96

The HEALTH, EDUCATION AND SOCIAL SERVICES Committee considered:

HB 373

HOUSE BILL NO. 373

EDUC FOR FAMILY OF DECEASED MILITARY

"An Act relating to educational benefits for family members of deceased members of the armed services."

recommends it be replaced with the following committee substitute _____ the same title a new title

additional referral to _____ Committee
 attached amendment(s)

ADOPTS: _____ Letter of Intent

ATTACHES NEW FISCAL NOTE(S): (Dept)

APPROVES PREVIOUS: (Dept/Date)

fiscal note(s) University

fiscal note(s) _____

zero fiscal note(s) _____

zero fiscal note(s) _____

SIGNING WITH RECOMMENDATIONS	DP	DNP	NR	AM
<i>[Signature]</i>	<input checked="" type="checkbox"/>			
<i>[Signature]</i>	<input checked="" type="checkbox"/>			
<i>[Signature]</i>			<input checked="" type="checkbox"/>	
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<i>[Signature]</i>			<input checked="" type="checkbox"/>	

CHAIR'S SIGNATURE *[Signature]*

REPRESENTATIVE
TERRY MARTIN
CHAIRMAN
BUDGET & AUDIT COMMITTEE
MEMBER
HOUSE FINANCE COMMITTEE

Alaska State Legislature



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SPONSOR STATEMENT HB373

Educational benefits for family members of deceased members of the Armed Forces

On September 22, 1995 the United States Air Force AWACS Yukla 27 crashed at Elmendorf Air Force Base, killing all 24 crew members. The tragedy spurred an overview of current statutes addressing tuition and dorm waivers for the victims' family members in state supported educational institutions.

This legislation is directed towards surviving dependents of all Alaska military residents enlisted in branches of the Armed Services, including the Alaska National Guard and the Alaska Naval Militia, that were killed in the line of duty. Specifically, HB373 adds a new subsection to the existing provision by entitling the spouse or dependent child of a victim to a waiver of room charges through student housing and to a stipend of \$200 per month for each month of enrollment.

In light of the dedication and great risk faced by members of the military, this small "benefit" is most appropriate in assisting victims' families when a horrible event like that of the Yukla 27 disaster arises.



 UNIVERSITY OF ALASKA

TO: Tom Anderson, Legislative Aide
Office of Representative Terry Martin

FROM: Wendy Redman, Vice President
UA University Relations

W. Redman

DATE: February 19, 1996

RE: UAA Athletic Scholarships

As we discussed last week, UAA has a variety of athletic scholarships; some include tuition and fees, and others include room, board and books. The typical "full-ride" athletic scholarship would look like this:

TYPICAL YEARLY "FULL-RIDE" ATHLETIC SCHOLARSHIP

Tuition ¹	\$ 1,992.0
Fees	\$ 160.0
Room/Board ²	\$ 6,310.0
Books ³	\$ 400.0
TOTAL	\$ 8,862.0

¹ Tuition is calculated at FY97 rates

² Room/Board is calculated at \$2,800 Fall Semester and \$3510 Spring Semester

³ Book stipend of \$200/semester is provided

The difference in the average annual numbers included on the fiscal note and as outlined above are the result of different assumptions. The fiscal note assumes a 15 credit student, where the athletic scholarships assumes a 12 credit student. The athletic scholarship provides for board and books, while the fiscal note provides for a \$200/month stipend for all costs other than tuition and room charges.

§ 26.05.010 **MILITARY AFFAIRS AND VETERANS** § 26.05.030

Section	Section
310. Military courts for the Alaska militia	326. Appeal from court-martial convictions
320. General court-martial	330. Expenses of military courts
322. Special court-martial	340. Miscellaneous provisions
324. Summary court-martial	350. Short title

Sec. 26.05.010. Alaska militia established. (a) The militia of the state consists of all able-bodied citizens of the United States and all other able-bodied persons who have declared their intention to become citizens of the United States, who reside in the state, who are at least 17 years of age, and who are eligible for military service under the laws of the United States or this state.

(b) The militia is divided into two classes:

(1) the organized militia, consisting of the Alaska National Guard, the Alaska Naval Militia, and the Alaska State Militia, and

(2) the unorganized militia, consisting of all qualified persons available for service but not serving in the organized militia.

(c) The adjutant general may, by regulation, prescribe the maximum age for eligibility in the militia. (§ 2 ch 150 SLA 1955; am § 1 ch 44 SLA 1968; am § 1 ch 141 SLA 1972; am § 1 ch 5 SLA 1987)

Collateral references. — 53 Am. Jur. 2d, Military, and Civil Defense, § 1 et seq.; 54 Am. Jur. 2d, Military, and Civil Defense, § 149 et seq.
57 C.J.S., Militia, § 1 et seq.
Members of militia as entitled to benefit of war legislation in nature of moratory statute. 137 ALR 1400; 147 ALR 1311.
Validity and construction of state statutes requiring employers to compensate employees for absences occasioned by military service. 8 ALR4th 704.

Sec. 26.05.020. Exemption from military service. The following are exempt from militia service: persons exempt by the laws of the United States, judges of the courts of the state, and members and officers of the state legislature. (§ 3 ch 150 SLA 1955)

Sec. 26.05.030. Composition of organized militia. (a) The Alaska National Guard consists of

(1) members of the militia who have voluntarily enlisted and who, upon original enlistment, are organized, armed, equipped, and federally recognized according to the laws of the United States; and

(2) commissioned officers and warrant officers who are citizens of the United States, having the qualifications prescribed by federal law and regulations, and who are appointed and commissioned or warranted by the governor.

(b) Former members of the regular Army, Navy or Marine Corps under 64 years of age may enlist in the Alaska Militia

(c) The Alaska Naval Militia consists of units authorized by the governor, organized, equipped, trained, and administered as prescribed by state and federal law and regulation, and manned by personnel who are

(1) members of the United States Naval Reserve or the United States Marine Corps Reserve and

(2) enlisted, appointed, commissioned, or warranted under the laws and regulations of the United States.

(d) The Alaska State Militia consists of units authorized by the governor, and manned by volunteer personnel qualifying under state law and regulation. All State Militia personnel shall be

(1) appointed, commissioned, or warranted, and assigned by the governor or the adjutant general as the governor's designee;

(2) subject to serve on state active duty at the call and by order of the governor.

(e) [Repealed, § 102 ch 127 SLA 1974.] (§ 4 ch 150 SLA 1955; am § 2 ch 44 SLA 1968; am § 13 ch 141 SLA 1972; am § 102 ch 127 SLA 1974)

Sec. 26.05.040. Ratification and confirmation of existing military forces. [Repealed, § 38 ch 30 SLA 1992.]

Sec. 26.05.050. Authority for organization. The governor as commander in chief may organize units in communities so requesting and specifically provide for organization of at least two scout battalions in the western and northwestern coastal areas and northern Arctic regions of the state, in accordance with special authority of the United States Department of Defense. (§ 6 ch 150 SLA 1955)

Sec. 26.05.060. Control of Alaska National Guard and Alaska Naval Militia. The governor as ex officio commander of the militia of the state has command of the Alaska National Guard and the Alaska Naval Militia while they are not in active federal service. The governor may adopt necessary regulations for them not inconsistent with 48 U.S.C. 473 — 479. Except as otherwise prescribed by those sections, the Alaska National Guard and the Alaska Naval Militia and their members are subject to all federal laws and regulations relating to the National Guard and Naval Militia of the several states and territories and of the United States. (§ 7 ch 150 SLA 1955; am § 1 ch 34 SLA 1973)

Editor's notes. — With regard to 48 U.S.C. 473 — 479, cited in this section, page 11732 of the 1970 edition of the United States Code contains the following: "Sections 21 — 488f of this title, applicable to the Territory of Alaska, are omitted from this title since the scope of this title limits it to general and permanent laws applicable to Territories and In-

sular Possessions, and Alaska was admitted into the Union as a State on January 3, 1959. See the notes following the heading of this chapter.

"Many of the provisions encompassed by former sections 21 — 488f of this title were enacted by the Legislature of the State of Alaska on February 19, 1963, as part of the Alaska Statutes."

HB

384

STATE OF ALASKA
96 LEGISLATIVE SESSION

No. 1
Bill Version: CSHB 384 (STA)
(r) Publish Date: 2/21/96

Revision Date: _____
Title: An Act relating to payment requirements for retention
of the Pioneers' Home
Sponsor: Rep. Rokeberg
Requestor: (H) STA

Dept. Affected: Administration
BRU: Senior Services
Component: Pioneers' Homes
COMPONENT SERIAL NO. 1950

EXPENDITURES/REVENUES: (Thousands of Dollars)

OPERATING EXPENDITURES	FY 97	FY 98	FY 99	FY 00	FY 01	FY 02
PERSONAL SERVICES						
TRAVEL						
CONTRACTUAL						
SUPPLIES						
EQUIPMENT						
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
TOTAL OPERATING	0.0	0.0	0.0	0.0	0.0	0.0
CAPITAL EXPENDITURES	0	0	0	0	0	0
CHANGE IN REVENUES ()	0	0	0	0	0	0

FUND SOURCE: (Thousands of Dollars)

1002 Federal Receipts						
1003 GF Match						
1004 GF						
1005 GF/Program Receipts						
1037 GF/Mental Health						
OTHER						
TOTAL	0.0	0.0	0.0	0.0	0.0	0.0

Estimate of any current year (FY 96) cost: \$ -0-

POSITIONS:

FULL-TIME						
PART-TIME						
TEMPORARY						

ANALYSIS: (Attach a separate page if necessary.)

This bill does not change the current practice of the Pioneers' Homes and will have no fiscal impact on the department. The bill intends to hold harmless any resident of a Pioneers' Home who is unable to pay the monthly rate charged by the Department of Administration. Anticipating that the proposed annual rate increases leading to full costs of care charges by FY 03, this bill seeks to assure the present residents that they will not be evicted from the Pioneers' Homes due to financial inability to pay present and future rates. This bill does not change the Pioneers' Homes present practice regarding this issue. At the current time, 86 of the 600 residents of the Homes are not able to pay the full amount of current rates. This results in approximately \$400,000 per year of rate charges that are not being collected, and for which a bill may be sent to the resident's estate. (Continued)

Prepared by: Connie Sipe, Director
Division: Senior Services

Phone: 563-5654
Date: _____

Approved by Commissioner: Mark Bover
Agency: Department of Administration

Date: 2-14-96

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ANALYSIS: (continued)

The bill gives specific statutory assurance to residents that the historic policy of the Homes, namely to keep all residents regardless of ability to pay, will continue.

From 1913 until 1990, indigent applicants to the Pioneers' Homes were given priority of admission over nonindigent applicants. The Pioneers' Homes system was based on assisting the indigent first. In 1990, the legislature withdrew the indigent preference for placement. Because of the low monthly rates, few residents admitted as nonindigent became indigent due to paying the established rates. At present, about 12 percent of residents are unable to pay the entire monthly rate. No resident has ever been asked to leave a Pioneers' Home due to inability to pay monthly charges.

The department has always read the provision in AS 47.55.020(c) as setting a clear mandate that residents would not be discharged for inability to pay full charges. AS 47.55.020(c) states, "*The Department of Administration may pay to a resident without funds the sum of \$100 per month.*" This part of the statute implies that a resident unable to pay charges is not only assured continued residence in a Pioneers' Home, but is also assured a minimum of \$100 spending money each month. Based on AS 47.55.020(c) and the Pioneers' Homes history of caring for the indigent, maintaining residents in the Homes who are unable to pay full charges has been an ongoing, established practice. The bill's effect will be to clarify and solidify this practice, thus giving additional assurance to residents and future applicants.

(7)

HOUSE COMMITTEE REPORT

Date Referred to Committee: February 21, 1996

FURTHER REFERRALS:

Finance

Date of Committee Action: 3/28/96

The HEALTH, EDUCATION AND SOCIAL SERVICES Committee considered:

HB 384

HOUSE BILL NO. 384

PIONEERS' HOME - INABILITY TO PAY

"An Act relating to payment requirements for retention in the Pioneers' Home; and providing for an effective date."

recommends it be replaced with the following committee substitute CS HB 384 (HES) [X] the same title [] a new title

[] additional referral to _____ Committee [] attached amendment(s)

ADOPTS: _____ Letter of Intent

ATTACHES NEW FISCAL NOTE(S): (Dept) APPROVES PREVIOUS: (Dept/Date) [] fiscal note(s) [] fiscal note(s)

[] zero fiscal note(s) [X] zero fiscal note(s) Admin 2/21/96

Table with 5 columns: SIGNING WITH RECOMMENDATIONS, DP, DNP, NR, AM. Contains handwritten signatures and checkmarks.

CHAIR'S SIGNATURE Car Berde

LEGAL SERVICES

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LEGISLATIVE AFFAIRS AGENCY
STATE OF ALASKA

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MEMORANDUM

March 29, 1996

SUBJECT: Pioneers' Home (CSHB 384(HES))

TO: Representative Con Bunde, Co-Chair
Representative Cynthia Toohey, Co-Chair
House HESS Committee

FROM: Terri Lauterbach *TLauterbach*
Legislative Counsel

Enclosed is the HES CS you requested for HB 384.

I wish to alert you to the fact that the new language adopted by the HESS committee might preclude the state from evicting a resident in the following type of situation (just to pick one hypothetical): a person incapable of paying the whole rate refuses to pay anything at all. Under the bill, that person could not be evicted because his/her income was insufficient to pay the monthly rate.

If you wish to change the CS, let me know, and I will suggest an approach or two.

TML:glc:klb
96-194.glc

Enclosure

CS FOR HOUSE BILL NO. 384(HES)
IN THE LEGISLATURE OF THE STATE OF ALASKA
NINETEENTH LEGISLATURE - SECOND SESSION

BY THE HOUSE HEALTH, EDUCATION AND SOCIAL SERVICES COMMITTEE

Offered:
Referred:

Sponsor(s): REPRESENTATIVE ROKEBERG

A BILL

FOR AN ACT ENTITLED

1 "An Act relating to payment requirements for retention in the Pioneers' Home;
2 and providing for an effective date."

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

4 * Section 1. AS 47.55.020(b) is amended to read:

5 (b) Every person admitted to the Pioneers' Home who receives income from any
6 source in excess of \$100 per month may be required by the Department of
7 Administration to pay the excess to the department immediately upon receipt of the
8 money in payment, or part payment, of the cost of the person's care. However, the
9 department may not require in any month the payment of an amount greater than the
10 monthly rate set under AS 47.55.030(b) except to satisfy an indebtedness incurred under
11 AS 47.55.070. The department may not evict a person from the Pioneers' Home if
12 the income and assets of the person are insufficient to pay the monthly rate set
13 under AS 47.55.030(b).

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

A M E N D M E N T

AMENDMENT TO CSHB 384 (STA)

BY REPRESENTATIVE ROKEBERG

1 Page 1, line 12, after "evict";

2 Delete all material

3 Insert "a person from the Pioneers' Home if the income and assets of the

4 person are insufficient to pay the monthly rate set under AS 47.55.030(b).

Pioneers' Home residents fear rate boosts

By DOUGLAS FISCHER
Fairbanks Daily News-Miner

FAIRBANKS — Residents of Alaska's Pioneers' Homes are facing the possibility of hefty rent increases. And they are scared.

Administrators hope to bring revenues in line with costs at the state-supported housing system for Alaska's senior citizens. But residents fear the price hikes will drive healthy adults into cheaper housing and turn the system into an Alzheimer's patient ward.

The Pioneers' Home Advisory Board, anticipating drastic budget cuts, has recommended that the state raise rents to cover the full cost of care.

Proposed rate hikes would increase a basic room's rent from \$735 a



month now to \$934 in July and \$2,129 by 2003. Comprehensive service — the most expensive — would run from \$1,100 now to \$6,448 in 2003.

Currently, residents pay about 17 percent of the system's operational costs, which run about \$30 million a year. State funds and some private grants pick up the rest.

First established in the 1920s, Pioneers' Homes offer residential and nursing

care to those over 65 who have lived in Alaska for at least a year. The homes are located in Fairbanks, Sitka, Juneau, Ketchikan, Palmer and Anchorage.

The 600-bed system has seen considerable threats from legislators wielding the budget ax, said Eileen Montano, administrator of the Fairbanks home.

"We have to look at future funding cuts," she said.

"A lot of people aren't able to take care of the increase," said Delmore Schmidt, grand president of the Grand Igloo, which represents the 8,000 Pioneers of Alaska members. "It destroys the original intent of the Pioneers' Home, to provide a place for those who couldn't afford anything else."

The Grand Igloo has a

committee working with legislators to find some relief, he said, but the future looks bleak for now.

"I don't see anything now that we could count on or anything that we like," Schmidt said.

Arthur Japson, a Fairbanks Pioneers' Home resident, said adding \$2,400 a year every year to his rent bill will force him out.

"We could probably take the next year's (increase). But it's the next one, and the next one after that," said Japson. "They'll wipe me out."

"Most of us come here so we won't be a pain in the butt to our relatives."

Mary Nichols, another Fairbanks Pioneers' Home resident, said, "(Legislators) will defeat their own purpose. If we can't afford

to pay, the state will pick up the tab, and they'll end up worse than before."

Indeed, the state already picks up the tab for 10 percent to 15 percent of the residents in the Fairbanks home, Montano said.

And in a letter to Gov. Tony Knowles, advisory board chairman Amos "Joe" Alter recommended that "in no event should any individual be either denied entry to or discharged from a Pioneers' Home due to inability to pay."

Both Japson and Nichols are afraid the proposed increases will transform their residence into a state-run nursing home, as more residents with Alzheimer's disease and related disor-

ders move in. Spiraling costs will force adults who just want a clean apartment into cheaper housing, they figure.

The fear is not unfounded.

Of the 98 residents in the Fairbanks home, 64 need some form of assistance, ranging from an occasional bath to round-the-clock nursing care, Montano said. Of the almost 100 people on the waiting list, most have Alzheimer's or a similar disorder.

Asked where she'd go if she couldn't afford the Pioneers' Home, Nichols shrugged.

"I'll go to pieces, I guess. I don't have any family ... I hope those fellows in Juneau remember this when they get older."

ALASKA STATE LEGISLATURE

House of Representatives

COMMITTEE ASSIGNMENTS:

OIL & GAS, CHAIRMAN
LABOR & COMMERCE, VICE CHAIRMAN
ADMINISTRATIVE REGULATION REVIEW, VICE CHAIRMAN
HEALTH, EDUCATION & SOCIAL SERVICES, MEMBER
ECONOMIC DEVELOPMENT, MEMBER



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Representative Norman Rokeberg

Sponsor Statement HB 384

"An act relating to payment requirements for retention in the Pioneers' Home; and providing for an effective date"

HB 384 gives statutory protection to what has been the standard policy since the beginning of the Pioneers' Homes in Alaska -- that residents who cannot pay are not evicted. HB 384 will provide a statutory safety net that prevents the state from evicting residents.

Currently, 86 of the 600 residents in the states' six Homes cannot pay the full rent. Since significant annual rate increases have been proposed by the governor, many of the residents are living in fear of the consequences if they cannot afford the proposed rates.

Many of the residents are living on Social Security and the Longevity Bonus, which, for many, totals no more than \$1,000 a month. The residents are frightened and scared that they will be evicted, even though it has been a long-standing unwritten policy that no resident will be evicted based on an inability to pay.

In addition, in a memo to the Speaker of the House issued at the beginning of the session, the Ombudsman recommended to the legislature that state agencies "unwritten policies" be set out either in statute, regulation or in department policy procedure manuals."

I believe it is crucial to the peace of mind of the elderly residents that this unwritten policy become state policy. I urge your support in this matter.

LEGAL SERVICES

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MEMORANDUM

February 26, 1996

FEB 26 1996

SUBJECT: Potential Constitutionality Problem in CSHB 384(STA)
(Work Order No. 9-LS1450\G)

TO: Representative Cynthia Toohey
Representative Con Bunde
Co-Chairs, House HESS Committee

FROM: Terri Lauterbach 
Legislative Counsel

CSHB 384(STA), which has been referred to your committee, includes the addition of a phrase on page 1, line 12, that makes the non-eviction policy applicable only to residents admitted to the Pioneers' Home before the effective date of the Act.

The purpose of this memorandum is to alert you that this change raises an equal protection issue that could cause the law to be overturned if its constitutionality is challenged.

The change divides Pioneers' Homes residents into two groups: those admitted before the effective date of the Act and those admitted after the effective date of the Act. An indigent person in one group could be evicted for nonpayment while an equally poor person in the other group could not be evicted. To support the constitutionality of treating one of these people differently from the other, the state will need to be able to demonstrate that there is a fair and substantial relation between the classification based on the date of the person's admission to the Home and a legitimate governmental objective. The question faced in court, if there's a challenge to this law, would be the following: What legitimate governmental objective is served by a non-eviction policy that affects residents differently based on the date they were admitted to the facility?

I think a court would have a hard time being convinced that there is a legitimate governmental objective served by this classification since, under AS 47.55.030(a), current residents have signed contracts under which they agreed to pay the rates set under law. What would be the state's objective in releasing these people from their contracts while enforcing the contracts against new admittees to the Home?

TML:klb
96-129.klb

(d) [Repealed, § 28 ch 90 SLA 1991.] (§ 51-2-13 ACLA 1949; am § 1 ch 158 SLA 1955; am § 1 ch 118 SLA 1957; am § 1 ch 89 SLA 1961; am § 1 ch 63 SLA 1965; am E.O. No. 30 (1968); am §§ 1, 2 ch 7 SLA 1971; am § 3 ch 11 SLA 1979; am §§ 1, 2 ch 155 SLA 1984; am § 2 ch 35 SLA 1990; am § 28 ch 90 SLA 1991)

Revisor's notes. — Formerly AS 47.25.020. Renumbered in 1990. amendment, effective July 3, 1991, repealed subsection (d).

Effect of amendments. — The 1991

Sec. 47.55.030. Admission on payment. (a) A person eligible for admission under AS 47.55.020 may on application be admitted to the home upon the person's agreement to pay to the state each month an amount the Department of Administration considers sufficient to compensate the state for the cost of care and support of the person at the home. When this agreement is entered into the Department of Administration may require security for the payments.

(b) The Department of Administration shall adopt regulations establishing a monthly rate for the compensation a resident is to be charged under (a) of this section. The rate charged need not fully compensate the state for the cost of care and support. The commissioner of administration shall review the rate each year.

(c) The Department of Administration shall provide to all residents of the Pioneers' Home written notice of any proposed change in the rate charged for care and support of persons at the home. Notice under this section shall be given not less than 60 days before a change is adopted. The notice must include the time, date, and place of a hearing to be held by the Department of Administration under (d) of this section. The department may not change the rate charged more than once in a fiscal year.

(d) Not less than 30 days before a proposed rate change is adopted, the Department of Administration shall conduct a hearing at which interested persons shall be given the opportunity to submit written or oral testimony, statements, arguments or contentions relating to the proposed rate change. The department shall consider all relevant matter presented to it before adopting a rate change.

(e) [Repealed, § 28 ch 90 SLA 1991.] (§ 51-2-14 ACLA 1949; am § 2 ch 89 SLA 1961; am E.O. No. 30 (1968); am § 3 ch 155 SLA 1984; am § 94 ch 138 SLA 1986; am § 3 ch 35 SLA 1990; am § 28 ch 90 SLA 1991)

Revisor's notes. — Formerly AS 47.25.030. Renumbered in 1990. amendment, effective July 3, 1991, repealed subsection (e).

Effect of amendments. — The 1991

Advisory Board Fiscal Plan

It is proposed that the present four levels of care be changed to five levels of care with the addition of ADRD Unit level of care. Further, it is proposed that the present Residential level of care receive a name change to Coordinated Services.

Level of Care	Estimated Monthly Cost	Present Monthly Charge	Difference	FY97 Monthly Increase (1/7 of difference).	FY97 Rate
Coordinated Services	\$2129	\$ 735	\$1470	\$ 210	\$ 945
Basic Assisted Living	\$3862	\$ 860	\$3002	\$ 428	\$1288
Enhanced Assisted Living	\$5079	\$ 965	\$4114	\$ 588	\$1533
ADRD Unit	\$5262	\$ 965	\$4297	\$ 614	\$1579
Nursing	\$6448	\$1100	\$5348	\$ 764	\$1864



State of Alaska
ombudsman
A Legislative Service Agency

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(800) 478-4970
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January 25, 1996

The Honorable Gail Phillips, Speaker
House of Representatives
Alaska Legislature
State Capitol, House Chamber
Juneau, Alaska 99811

RE: 1996 Legislative Recommendations

Dear Madam Speaker:

Pursuant to AS 24.55.200, on the basis of recommendations contained in investigative reports of recent fully investigated complaints, the Office of the Ombudsman recommends that the 19th Alaska Legislature, Second Session, consider legislation making changes in the Alaska Statutes. For 1996, two new areas, we believe, merit your favorable consideration:

(1) **Alaska Commission on Judicial Conduct.** In an investigation into the Commission's procedure for handling judicial misconduct complaints concluded in 1994, the Ombudsman recommended that to enhance its responsiveness and improve communications with complainants and the public, the Commission seek a statutory change in the confidentiality provisions to allow public notice of dismissal or informal resolution of complaints against judges that the Commission publicly acknowledges, and an explanation of the basis for the Commission's decision. Although the Commission's statute allows public notice of an investigation, it does not currently allow notice of dismissal without the consent of the accused judge. Regrettably, the Commission rejected the Ombudsman's recommendation and declined to seek the recommended legislation. The Commission executive director expressed the view that, under its current statute, the Commission could advise anyone inquiring that the publicly acknowledged complaint(s) had been fully investigated and that the complaints were now closed. It is the Commission's position that the accused judge is the party in interest and must decide whether publicity regarding the results of the investigation is appropriate. The Ombudsman believes, however, that the public has a legitimate interest in the resolution of judicial misconduct complaints the Commission publicly acknowledges. The Commission's current interpretation of its statute to allow acknowledgment of investigation and closure may change over time, and, in any case, that interpretation would not provide as much information as is contemplated by the Ombudsman's recommended statutory revision. The Ombudsman still believes that if the publicly acknowledged complaint does not result in public formal charges, the public well may not learn what became of the complaint because the statute does not allow public notice of dismissal or of informal complaint resolution unless the accused judge consents. Consequently, the public well may get no closure on complaints that become public. The Ombudsman is firmly persuaded that such a revision would increase public confidence in the judicial disciplinary process when judicial misconduct charges become public. Accordingly, the Ombudsman is referring to the Alaska Legislature the recommendation that the confidentiality provisions of the statute governing the Commission be amended to allow public notice of dismissal or informal resolution of publicly acknowledged complaints against judges. (Ombudsman Complaints A090-1215, F090-0776, A091-0603, A091-1302, Alaska Commission on Judicial Conduct.)

(2) **DFYS Accountability regarding Initial Interviews with Children who are Subjects of Child Abuse Reports.** The Legislature has under consideration House Bill 348 that would require videotaping of interviews with children who are subjects of child abuse reports. In an investigation of alleged abuse of discretion by Division of Family & Youth Services staff in interviewing a child and thereafter taking that child into emergency custody, the Ombudsman initially recommended that when children are interviewed with no other persons present but DFYS employees and the interviewee(s), the interviews either should be audio recorded, or, when possible, video recorded. DFYS proposed a modified recommendation that further research into this subject be conducted; the Ombudsman believed that a promise to "do more research" would not be convincing. In a compromise recommendation, DFYS agreed to conduct a study analyzing the effect of audio/video recording on the state's child protective services by the time the Legislature convened its 1996 session; accordingly, the Ombudsman modified its recommendation. The Ombudsman still believes the audio/videotaping of DFYS staff's initial child interviews has merit. However, the Legislature should obtain and carefully review the DFYS study of this issue -- "Mandatory Videotaping in the Investigation of Child Abuse and Neglect: An Impact Study for the State of Alaska," prepared by the National Child Welfare Resource Center for Organizational Improvement, Edmund S. Muskie Institute of Public Affairs, University of Southern Maine -- as it further considers HB 348. (Ombudsman Complaint A093-6593, Division of Family & Youth Services.)

We reaffirm several 1995 legislative recommendations that we believe still merit your favorable consideration:

(1) **Procurement Practices.** As in 1995, we again urge the Legislature to revisit this subject. Procurement practices, particularly small procurements, continue to be troubling problems the Ombudsman is asked to examine. On the basis of a formal investigation conducted by this office, the Ombudsman recommends that a training and certification program for state employees performing the procurement function be enacted. Also, that legislation should strengthen the position of Chief Procurement Officer. The Ombudsman believes that position should oversee, supervise, monitor, audit, and train staff in the procurement function, not merely provide procurement services or serve as Deputy Director, Division of General Services (DGS) in the Department of Administration. In short, we believe the Chief Procurement Officer position should involve a level of "separateness" from the DGS; that is not currently the case. (Ombudsman Complaint J093-1475, Department of Education.)

(2) **Public Records Act (AS 09.25.120).** The Legislature should review the subject matter of this statute and consider if legislation should be enacted clarifying whether the public will have access to reports of criminal investigations where no prosecution occurs. (Ombudsman Complaint J092-1562, Department of Public Safety; see also, Opinion of the Attorney General, Public Release of Police Records, File 663-93-0339; Opinion No. 1, Nov. 25, 1994.)

(3) **Abatement of Electrical Hazards.** Legislation should be enacted modifying AS 18.60.630 granting inspectors authority to issue orders to abate electrical hazards discovered during an inspection that pose an immediate danger to life or safety. (Ombudsman Complaint A091-2030, Division of Labor Standards & Safety, Department of Labor.)

X ——— (4) **Agency Policies and Procedures.** The Legislature should insist, either by enacting a statute or adopting a resolution, that state agencies "unwritten policies" be set out either in statute, regulation or in department policy and procedures manuals so that affected members of the public are informed of the policies and procedures that apply to them when dealing with a state agency. As a veteran state employee recently observed, "An 'unwritten policy' isn't worth the paper it isn't written on." We concur. Perhaps this topic usefully might be examined by the Legislature's Administrative Regulation Review Committee in a legislative oversight hearing. (Ombudsman Complaints: J093-2030, Department of Environmental Conservation; A092-0128, Anchorage Pioneers Home, Division of Senior Services, Department of Administration; A093-4506, Division of Oil & Gas, Department of Natural Resources; A094-0668, Alaska Public Utilities Commission.)

HB
384

TONY KNOWLES, GOVERNOR

DEPARTMENT OF ADMINISTRATION

DIVISION OF SENIOR SERVICES

December 15, 1994

P.O. BOX 110211
JUNEAU, AK 99811
FAX: (907)

LONGEVITY BOND PHONE: (907) RAM

PIONEERS' HOMES PHONE: (907) JJ

Dear Pioneers' Home Resident:

During October 1994, public hearings were held at each of the Pioneers' Homes regarding proposed new rates for each level of care in the Homes. The proposal also included the addition of a new level of care, Enhanced Assisted Living. In addition to public hearings, the rate proposal was extensively advertised throughout the state. The increased rates were approved as proposed.

Former Deputy Commissioner Roberiey Waldron and I thank you for your oral and written testimony which included very favorable comments regarding the services provided by each Pioneers' Home. We understand that some residents will find it financially difficult to meet this added expense.

The new rates will be effective beginning February 1, 1995. If you have income or assets, you must pay the rate charged. If you do not have sufficient income or assets, please talk to the social worker or a business office staff member for assistance. No one who is unable to pay the full rate will be asked to leave the Home or be discriminated against in any way.

Beginning February 1, 1995, the charge for care in the Pioneers' Homes will be:

Residential	\$735.00
Basic Assisted Living	\$860.00
Enhanced Assisted Living	\$965.00
Skilled Nursing	\$1100.00

If you have any questions or concerns, please contact your Home Administrator or Jim Kohn, Deputy Director at 465-4400.

Sincerely,

Connie J. Sipe
Director

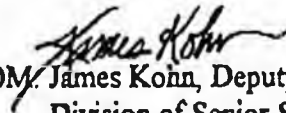
I have circled your new rate. Residents who move to the new Special Care unit who need more assistance than Basic Assisted Living can provide will be charged the Enhanced Assisted Living rate when that occurs. If you have any questions, please feel free to call upon me.

MEMORANDUM

State of Alaska
Department of Administration

TO: Representative Norman Rokeberg

DATE: March 13, 1996

FROM:  James Kohn, Deputy Director
Division of Senior Services

TEL: 465-2159

SUBJECT: Pioneers' Homes Rate Increases

In October 1995 the Pioneers' Home Advisory Board proposed to the governor a rate increase plan of seven years duration which would bring rates to the cost of care by FY2003. The Administration's FY97 budget for the Pioneers' Homes assumes a rate increase equal to one seventh of the difference of the estimated cost of care minus the present rate. An estimation of the FY97 rate increase and the seven year plan, based on level of care, is expressed in the following chart.

Level of Care	Estimated Monthly Cost	Present Monthly Charge	Difference	Annual Monthly Increase	Estimated						
					FY97 Rate	FY98 Rate	FY99 Rate	FY00 Rate	FY01 Rate	FY02 Rate	FY03 Rate
Coordinated Services	\$2,129	\$735	\$1,394	\$199	\$934	\$1,153	\$1,332	\$1,532	\$1,731	\$1,930	\$2,129
Basic Assisted Living	\$3,862	\$860	\$3,002	\$429	\$1,289	\$1,718	\$2,147	\$2,575	\$3,004	\$3,433	\$3,862
Enhanced Assisted Living	\$5,079	\$965	\$4,114	\$588	\$1,553	\$2,140	\$2,728	\$3,316	\$3,904	\$4,491	\$5,079
ADRD Unit	\$5,252	\$965	\$4,287	\$614	\$1,579	\$2,193	\$2,807	\$3,420	\$4,034	\$4,648	\$5,262
Nursing/Comprehensive	\$6,448	\$1,100	\$5,348	\$764	\$1,864	\$2,628	\$3,392	\$4,156	\$4,920	\$5,684	\$6,448

Our calculations, as based on the U.S. Census on Alaska Income by Age Group, 1989, indicates that annual revenues from the rate increases will be in the range of \$750.0 to \$2,500.0. It is estimated that revenues in the initial year of the plan (FY97) will increase by approximately \$2,500.0. Each year thereafter revenues will increase at a slower rate. In the final year of the plan, revenues will increase by about \$750.0. At that time, FY2003, overall revenues should be around \$15,000.0. Present revenues for FY96 will be slightly in excess of \$5,000.0. Therefore, over seven years, revenues should increase by almost \$10,000.0

HB 384
See Page 3

Pioneers' Homes
Assisted Living Contract

This agreement is entered into by and between the Pioneers Homes and :

on _____

Home address and phone number here

Services

The parties in the contract agree as follows: The Pioneers' Home will provide (check one):

1. Coordinated services as follows:

- Private or semi-private room;
- Three meals daily, served in the dining room;
- Opportunities for recreation and social interaction;
- General housekeeping services - (Periodic heavy cleaning);
- Infirmary services - (See Infirmary Services);
- Emergency assistance.

2. Basic assisted living services as follows:

- Private or semi-private room;
- Three meals daily, served in the dining room;
- General Housekeeping services based on need, e.g., personal laundry, changing linen;
- Infirmary services - (See Infirmary Services);
- Emergency assistance;
- Assistance with activities of daily living (ADLs) and or instrumental activities of daily living (IADLs);
- Organized activity programs;
- Nursing clinics to assist with intermittent health care needs, if indicated in the resident's assisted living plan;
- Physical therapy, based on individual need and available resources, if indicated in the resident's assisted living plan;
- Medication administration or assistance with self-administration of medication, if indicated in the resident's assisted living plan.

3. Enhanced assisted living services. Services available in the Enhanced Assisted Living level of care may include the above Assisted Living services and one or more of the following, as specifically indicated in the assisted living plan:
- Intensive assistance with activities of daily living;
 - Assistance with mobility for the non-ambulatory;
 - Specially structured social, recreational and therapeutic programs for the resident with mental or physical impairments;
 - 24-hour general supervision for the resident with safety needs.

Infirmiry Services

Each of the Pioneers' Homes has a small number of beds within the skilled nursing section designated as infirmiry beds. These beds accommodate residents within the assisted living sections who require short-term, round-the-clock nursing observation, assessment or intervention because of a change in health status. A resident from the assisted living or residential levels of care might use an infirmiry bed when he or she is acutely ill, or has taken a fall and requires continuous observation. These beds are assigned depending upon availability and need. The decision to place a resident in an infirmiry bed is based upon nursing/medical assessment of a resident's condition. A resident may use an infirmiry bed for up to 45 continuous days. Length of stay in the infirmiry is determined by medical or nursing assessment.

- If an infirmiry bed is not available, other arrangements may need to be made by the resident and his/her family to provide for the resident's health needs.
- An infirmiry bed is not intended to be a substitute for necessary hospital care.

The interdisciplinary care team will advise the administrator of each Home of any unresolved level of care needs. The Home administrator has final authority to determine the initial placement and when a resident should move to another level or area of care. The need for acute care and care not normally provided by the Homes may necessitate transferring or discharging a resident to another facility. If possible and consistent with the needs of residents, 30-day advance written notices will be given by the Home administrator; however, residents requiring emergency treatment will be transferred immediately.

A Pioneers' Home will make every reasonable effort to provide the proper level of care to residents who require the same or different level of care after being admitted. However, all levels and types of care may not be equally available at each Home. Availability and levels of geriatric care will be based on the funding, facilities, and staff available at each home (2 AAC 41.080(b)).

Rates-

The monthly rates are as follows:

- ☐ 1. Coordinated Services-\$735.00
- ☐ 2. Basic Assisted Living-\$860.00
- ☐ 3. Enhanced Assisted Living-\$965.00

Monthly Rental Due Date-Rental fees are to be paid on or before the _____ day of each month, beginning on _____ 19____. If payment is mailed, it must be postmarked before the _____ day of the month.

Rights-Please refer to and review the Residents' Rights Booklet.

Rules-Please refer to and review the attached listing of Home rules, including that the resident shall notify the Home of any absence from the premises for overnight or longer.

Termination of Contract-

- a. **Termination by Resident**-The resident shall give the Home written notice of intent to terminate the contract at least 30 days prior to the day rent is due for the month in which the termination occurs.
- b. **Termination by Home**-The Home will not terminate a residential services contract with a resident of the home against the resident's will, except
 - 1. for medical reasons;
 - 2. for engaging in a documented pattern of conduct that is harmful to the resident, other residents, or staff of the home;
 - 3. for violation of the terms of the residential services contract, including failure to pay costs incurred under the contract;
 - 4. when emergency transfer out of the home is ordered by the resident's physician;
 - 5. when the home is closing; or
 - 6. when the home can no longer provide or arrange for services in accordance with the resident's needs and the resident's assisted living plan.

At least 30 days before terminating the residential services contract with a resident, the Home shall provide written notice of the proposed contract termination to the resident or the resident's representative, and to the resident's service coordinator, if any.

The notice must state the following:

1. The basis for the termination
2. The resident's right to contest the termination in the manner provided in the contract, which must include an offer by the home to participate in a case conference.

Case conference- Before terminating the residential services contract with a resident, the assisted living home shall participate in a case conference if requested by the resident or the resident's representative. The case conference must include the resident, the resident's representative, if any, the resident's advocate, if any, the resident's service coordinator, if any, the home administrator, and appropriate care providers who may discuss the appropriateness of the contract termination.

If a home terminates the resident's services contract with a resident under this section, the home shall cooperate with the resident, the resident's service coordinator, if any, and the resident's representative, if any, in making arrangements to relocate the resident.

Advance Rent-

Under AS 47.33.030, an advance payment to an assisted living home may only be made as 1- security for performance of the residential services contract or 2-As advance rent for the immediately following rental period. The business office will provide receipts for any advance rent paid. The Home will also refund on a prorated basis, the rent for any part of the month that a resident was no longer in residence at the Home if termination of contract or death occurs.

This Contract shall be interpreted in accordance with the laws of the State of Alaska, and all provisions of the Assisted Living Homes Act of Alaska, which are incorporated within.

Administrator or Representative

Date

Resident or Resident's Representative

Date

Original to: Resident file Copies to: Resident and Representative, if any

tics to exempt seniors from having to pay property taxes on the first \$150,000 of their homes' assessed value. But the state has steadily contributed less toward the program, requiring the municipalities to foot the bill. Today, the state pays

executive director.

"I think [the tax exemption] really does help people, but it would be hard to get a direct cause and effect identified on that issue," Demmert says. However, when all the programs for seniors begin to be

ment it has been."

Demmert says her office receives many calls and letters from people out of state, who are scouting for a retirement location. "They're asking what benefits are available as a part of their research and

But on the other hand, I also know, working here, that we clearly do have to figure out some way to save."

Lee Carman, president of the Fairbanks Chapter of the American Association of Retired Persons (AARP), says he

consensus from seniors, it is certain that the governor's proposals won't just slide through the legislature, Carman says.

"I don't know whether the legislature's going to give him anything or not," Carman says. "They like to fight politics."

Pioneers' Home bill allows those unable to pay to stay

by David Washburn

Senior Voice staff

Rep. Norm Rokeberg (R-Anchorage) has introduced a bill that would forbid the state from evicting Pioneers' Homes residents who cannot afford to pay their rent.

Rokeberg says he sponsored the bill, HB 384, because Pioneers' Homes residents and their families are worried about the state's plan to increase rates at the Homes over the next seven years.

Last fall, the Pioneers'

Home Advisory Board recommended the increases because current rates do not cover the costs of the program. Operating the six Pioneers' Homes costs the state over \$30 million a year. Funds generated from the residents' rent pays for approximately 15 percent of the costs; the state subsidizes the rest.

Rokeberg says he learned during hearings on the increases that there is no statute specifically protecting resi-

dents from being evicted for inability to pay full rent.

"It's clearly not been the policy of the state to expel anybody, and I understand that," Rokeberg says. However, a clearly-worded law would help put residents'

minds at ease, he says.

State officials agree current laws are not worded as clearly as they could be, but emphasize that HB 384 simply enacts into law what is already standard policy.

"It's always been the prac-

tice to not throw anybody out for not being able to pay," says Jim Kohn, deputy director of the Division of Senior Services.

Kohn says there are 603 seniors currently living in the Homes, about 70 of whom cannot pay the full rent.



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State of Alaska Alaska Commission on Aging Legislative Teleconference Meeting Sites

The Alaska Commission on Aging will begin weekly Legislative Subcommittee meetings on Tuesday, February 6, 1996, and will continue throughout the legislative session. Meetings are scheduled for Tuesdays from 10:00 a.m. till 11:00 a.m.

Public sites include:


- Anchorage** Division of Senior Services Office, 3601 C Street, Suite 310, Anchorage, AK 99503.
- Fairbanks** North Star Council on Aging, 1424 Moore Street, Fairbanks, AK 99701.
- Juneau** Alaska Commission on Aging, State Office Building, Room 757, Juneau, AK 99811.
- Kodiak** Kodiak Senior Center, 302 Erskine Ave., Kodiak, AK 99615.
- Mat-Su** Mat-Su Legislative Information Center, 600 E. Railroad Ave., Wasilla, AK 99654.
- Nome** XYZ Senior Center, 95 Hunter Way, Nome, AK 99762.
- Sitka** Center for Community, 700 Katlian, Suite B, Sitka, AK 99836.

Anyone requiring special devices and equipment to participate in the meet-



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SUNDAY



Mostly sunny
and cold
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Page A-2

IRBANKS

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voice of Interior Alaska

S, ALASKA, SUNDAY, MARCH 17, 1996

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Rent may rise for pioneers

Board proposes hefty increases

By DOUGLAS FISCHER
Staff Writer

Pioneers' home residents are staring at some hefty rent increases, and they are scared.

Administrators hope to bring revenues in line with costs at the state-supported housing system for Alaska's senior citizens, but residents fear the proposed price spikes will drive healthy adults into cheaper housing and turn the venerable system into an Alzheimer's patient ward.

The Pioneers' Home Advisory Board, anticipating drastic budget cuts, has recommended that the state raise rents to cover the full cost of care. The Legislature must approve the increases.

Under the proposed plan, residents would see annual rent increases anywhere from \$200 to \$760—depending on the level of care—starting in July and running through at least 2003.

Currently, residents pay about 17 percent of the system's operational costs, which run about \$30 million a year—not including capital improvements—for the state's six seniors' homes. State funds and some private grants

pick up the rest.

First established in the 1920s, pioneers' homes offer residential and nursing care to those over 65 who have lived in Alaska for at least a year. The homes are located in Fairbanks, Sitka, Juneau, Ketchikan, Palmer and Anchorage.

The 600-bed system has seen considerable threats from legislators wielding the budget ax, said Eileen Montano, administrator of the Fairbanks home.

"We have to look at future funding cuts," she said, citing a recent preliminary funding report from Juneau that placed no cash in the system's money column. The final report, however, had the homes back in and funded.

Proposed rate hikes, which would ramp up a basic room's rent from \$735 a month now to \$934 in July and \$2,129 by 2003, have many residents reaching for the Mylanta. Comprehensive service—the most expensive—would run from a monthly \$1,100 now to \$6,448 in 2003.

"A lot of people aren't able to
See PIONEERS', Page A-7



IRISH

Continued from Page A-1

much it, apart from the men and some of the women drowning the shamrock that night at the pub."

It's about the same in Northern Ireland, says Carmol Burdock, a native of County Antrim. Burdock smiles when she recalls her first American St. Patrick's Day not long after she came to Texas in 1971. She went to Mass at a local church with several other Irish-Americans.

"We couldn't help but laugh," she said. "Everyone had on green pants, green shoes, green socks, green hats. But not one of the Irish had a green thing among them. We were so out of it."

The actual St. Patrick lived during the fifth century. Scholars are forever bickering about whether he was actually two different men named Patrick. Born in western Britain, he was captured at age 16 and sold into slavery in Ireland. He turned to religion during captivity, and after his escape to Gaul at age 22 he vowed to become a priest.

PIONEERS': Proposed rent increases

Continued from Page A-1

take care of the increase," said Delmore Schmidt, grand president of the Grand Igloo, which represents the 8,000 Pioneers of Alaska members. "It destroys the original intent of the pioneers' home—to provide a place for those who couldn't afford anything else."

The Grand Igloo has a committee working with legislators to find some relief, he said, but the future looks bleak—for now.

"I don't see anything now that we could count on or anything that we like," Schmidt said.

Arthur Japson, a Fairbanks Pioneers' Home resident, said adding \$2,400 a year—every year—to his rent bill will force him out.

"We could probably take the next year's (increase). But it's the next one, and the next one, and the next one after that," said Japson. "They'll wipe me out."

"Most of us come here so we won't be a pain in the butt to our relatives."

Mary Nichols, another Fairbanks Pioneers' Home resident, said, "(Legislators) will defeat their own purpose. If we can't afford to pay, the state will pick up the tab, and they'll end up worse than before."

Indeed, the state already picks up the tab for 10 percent to 15 percent of the residents in the Fairbanks home, Montano said.

And in a letter to Gov. Tony Knowles, advisory board chairman Amos "Joe" Alter recommended—in the same paragraph as the proposed rent increases—that "in no event should any individual be either denied entry to or discharged from a Pioneers' Home due to inability to pay."

Both Japson and Nichols are afraid the proposed increases will transform their residence into a

state-run nursing home, as more residents with Alzheimer's disease and related disorders move in. Spiralling costs will force adults who just want a clean apartment into cheaper housing, they figure.

The fear is not unfounded.

Of the 98 residents in the Fairbanks home, 64 need some form of assistance—ranging from an occasional bath to round-the-clock nursing care, Montano said. Of the almost 100 people on the waiting list, most have Alzheimer's or a similar disorder.

Asked where she'd go if she couldn't afford the pioneers' home, Nichols shrugged.

"I'll go to pieces, I guess. I don't have any family. I hope those fellows in Juneau remember this when they get older."



HOT TOPIC—Fairbanks Pioneers' Home residents Author Jeppesen, middle, and others met Friday to discuss proposed rent increases.

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FEB 13 1996

DEPARTMENT OF ADMINISTRATION

DIVISION OF PIONEERS' BENEFITS

P.O. BOX 110211
JUNEAU, ALASKA 99811-0211
PHONE: (907) 465-4400

February 7, 1996

Representative Norman Rokeberg
State Capital
Juneau, Alaska 99801-1182

Dear Representative Rokeberg:

On behalf of the Residents of the Anchorage Pioneers' Home I wish to give their support to HB 384, "An act relating to payment requirements for retention in the Pioneers' Home". Resident Council President, Mr. John Gibbons, presented HB 384 to the Resident Council at their February 5, 1996 meeting and received a 100% vote to support passage of this legislation.

Speaking for myself, as Administrator of the Anchorage Pioneers' Home, I am very much aware of the need for the Administration to address the issue of Pioneer Home Resident rents being more in line with the cost the of the services they receive. I am also aware that it has always been the historical practice that a persons income or ability to pay the full cost of care has never been consideration for admission or continued stay at the Homes.

It is always important to remember and related to others in the Legislature that a Pioneer Home is not just a facility for Senior Alaskans but the "Home" of Senior Alaskans and with passage of HB 384 our Residents will be provided a peace of mind so important in maintaining a healthy outlook for the future.

I congratulate you on your sponsorship of HB 384. Please free to call upon Mr. Gibbons or myself if we can be of any assistance in support of your bill.

Sincerely,



John Vowell

ANCHORAGE PIONEERS' HOME
923 WEST ELEVENTH AVENUE
ANCHORAGE, ALASKA 99501-4399
PHONE: (907) 276-3414

FAIRBANKS PIONEERS' HOME
2221 EAGAN AVENUE
FAIRBANKS, ALASKA 99701-5797
PHONE: (907) 456-4372

JUNEAU PIONEERS' HOME
4675 GLACIER HIGHWAY
JUNEAU, ALASKA 99801-9518
PHONE: (907) 780-6422

KETCHIKAN PIONEERS' HOME
141 BRYANT STREET
KETCHIKAN, ALASKA 99901-5575
PHONE: (907) 225-4111

PALMER PIONEERS' HOME
250 EAST FIREWEED
PALMER, ALASKA 99645-6638
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SITKA PIONEERS' HOME
120 KATLIAN STREET
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FEB 19 1996

ALASKA STATE LEGISLATIVE COMMITTEE

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Rupert Andrews
9416 Long Run Drive
Juneau, AK 99801
(907) 789-7422

February 15, 1996

Representative Norman Rokeberg
House of Representatives
State Capitol
Juneau AK 99801-1182

Dear Representative Rokeberg,

Thank you for your letter of February 10, 1996. Upon reading your bill, HB 384, the executive committee of the Alaska State Legislative Committee of the American Association of Retired Persons supports this piece of legislation. When a resident of the Alaska Pioneers' Homes has income which is less than the cost of the home, there is always a concern that they will have to leave. This piece of legislation if passed will alleviate some of that concern.

Thank you for your support of the Seniors in Alaska. If we can be of further assistance to you please let me know.

Sincerely,

Barbara Rich, Chair
Alaska State Legislative Committee

Eugene C. Smith
923 West 11th Avenue
Anchorage, Alaska 99501
274-7411

FEB 15 1996

February 13, 1996

Representative Norm Rokeberg
State House
State Capitol
Juneau, Alaska 99811

Dear Norm,

Recently we have been informed through the news media that our Governor, Tony Knowles, is planning to increase the rental cost to those pioneers who reside in the Pioneer Homes in Alaska. This has brought considerable concern to many residents including my wife and I.

My wife was born here in Anchorage when it was still mostly a tent city, and I have been here since 1932. We have resided here since that time and only recently - in May - we moved into the Anchorage Pioneer Home. We raised 3 fine boys, who in turn married and raised their families. My wife and I are now the proud Grandma and Grandpa of 9 Grandchildren and 17 Great Grandchildren.

I am not trying to brag about my family, nor am I trying to tell you how to balance the State Budget, or what you should do as Legislators - mainly because I can't or don't know. I just want to give you some of the thoughts of an 85 year old man and some of the history of Alaska as I have seen it.

When I came to Alaska, and after looking around a bit, I was puzzled by the lack of older persons. Everyone called it a "young man's country". Suddenly it came to me. In Anchorage, the main employment was the Alaska Railroad and they had a retirement program. Everyone knew when he or she would retire and their homes were quietly sold as of their date of retirement. The old timers headed for warmer climates where rents, groceries, etc. were much less than in Alaska and where their retirement and savings would go further. They also took their wisdom and knowledge with them. This became a land with very little or no knowledge of what happened 40 years ago.

This country also needed population! It needed people who would help build our country - open up land and be able to farm

and raise produce. Do you remember the steamship days, when if you were lucky a ship came in weekly? How about the condition of the fruit and vegetables which had been harvested 20 days earlier?

The partial answer to that came in 1935 when the "colonists" came to settle in the Matanuska Valley and build farms. It brought a "shot in the arm" to the economy - more people, more jobs, roads, etc, etc.

Later on the Legislature gave us the Longevity Bonus which helped keep the older persons in Alaska. It was "seed money" - \$250.00 added to what that person had, was worth \$1,500 to \$2,000 per month to the local economy. And was not overlooked by the stores in the state.

now many of the older people living in Alaska are residents of the Pioneer Homes. They range in age from the late 60's through the 90's and even 100 years. They don't work anymore - and they don't have salaries. Some have retirements, some have savings put away - which are not finite. Some can't even afford the present services. I cannot say how many, as this is a personal thing.

Please remember that these people in their working years didn't make thirty - forty - or 50 thousand dollars a year. They maybe made \$500 to \$1,000 per month and as a result couldn't have set aside a big savings account.

However, and this boils down to what I want to ask you. Do you want the State of Alaska to put the burden of maintaining the Pioneer Homes on the backs of these old persons?

They have paid taxes all their working years. They have paid their dues.

I sincerely hope that you will give this letter, for what it's worth, your thoughtful consideration.

Thank you.

Sincerely,

Eugene C. Smith

Eugene C. Smith
Ingaborg E. Smith

Ingaborg E. Smith

PIONEERS' HOME ADVISORY BOARD

Amos "Joe" Alber, Chair

P.O. Box 110211
Juneau, AK 99811-0211



October 9, 1995

The Honorable Tony Knowles
Governor, State of Alaska
P.O. Box 110001
Juneau, AK 99811-0001

Dear Governor Knowles:

Your Pioneers' Homes Advisory Board has completed the 1995 annual visit to each of the six homes in the State system. We have listened to comments from home residents, family members, the public, legislators, and operational staff. This letter summarizes comments and discussions resulting from the visits and includes those recommendations considered a matter of state policy. More detailed comment and recommendations are included in the enclosed copies of our letters to Commissioner of Administration, Mark Boyer, and Division of Senior Services administrators.

We compliment you and your staff on the outstanding accomplishments we found. Resident need is being matched with the level of care required to meet that need. Alaska Pioneers' Homes are on the forefront of long term care for the elderly. Our state homes are a model for the nation. Individual physical, mental and social needs are given priority in the system as well as economic needs. This has been accomplished even with budget reductions each of the past several years, little or no money for long neglected maintenance of the facilities, and significant reductions in staff levels. The 600 bed Pioneers' Homes system, approximately half of the long term care beds in the state, is the only Alaskan alternative for families who must deal with family members with Alzheimer's or related dementia. We found great appreciation expressed by residents and family members for the vital service the homes provide.

Alaska is at a crossroads in determining the future of long term care for the elderly, particularly those persons suffering from Alzheimer's and related dementia. This is not a problem of just persons in Pioneers' Homes, just the elderly, just the poor, or the rich. It is now or potentially a problem of every Alaskan regardless of age or station. The root of the problem and the object of public policy development is who pays for long term care. Long term and short term action must be taken as we Alaskans seek to close the budget gap and at the same time act as responsible, caring citizens. Public policy should recognize both the pluses and minuses individually and for the state as a whole in determining the future of Pioneers' Homes. Jobs, economy, social structure, family values, fiscal impact, as well as long term health care, are all affected by our decisions.

Following are our conclusions and recommendations:

1. The current level of quality care cannot be sustained with further reductions in personnel and budget. The greatest operational cost for the system is personal services.

Robert Gore, Vice Chair
Donald M. Hoover, Member
Dan Pittman, Member

Valle Byrdson, Member
Robert Kallenberg, Member

John Dapovich, Member
Emilia Odeacher, Member

October 9, 1995 letter to Governor Knowles

Page 2

Due to neglected maintenance budgets many health and safety items need immediate attention to protect the state against potential liability claims. The highest priority needs should be addressed as soon as possible and supplemental funding should be provided.

2. Alternatives should be found for recovering the full cost of care. Studies should be initiated as soon as possible to identify specifics of potential trust fund, insurance or other mechanisms for defining the risk pool characteristics, premiums needed, benefits, potential fund sources, and projected relationships of such proposals to long term care provided in the private sector. Threats of Medicare and Medicaid funding reductions, the latter being the principal source of revenue for long term care in the private sector, could place additional stress upon the currently overloaded Pioneers' Homes.

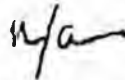
3. Potential funding proposals received during hearings in the several homes included (a) require all residents to pay full cost of care with the understanding no person would be discharged from a home for inability to bear such costs; (b) make a legislative appropriation from the Permanent Fund Reserve Account sufficient to establish an actuarially sound payment system and sustain such system through co-payments by the state and residents, state appropriations to be made annually from the Permanent Fund Reserve Account; (c) discontinue admission to a Pioneer Home in simple residential status and fund the program from Mental Health Fund sources.

4. We recommend full cost of care be recovered by the year 2003. While alternatives for long term care financing are being defined more clearly, we recommend current rates be increased annually for each level of care by an amount equal to the difference between the present rates and the estimated full cost of care divided by the number of years remaining until 2003. In no event should any individual either be denied entry to or discharged from a Pioneers' Home due to inability to pay. Increased funds generated through rate increases should be retained by the Pioneers' Homes.

5. Additional positions should be established to provide the assisted living services which would be necessary if all currently unoccupied residential beds were filled.

We thank you for your deep commitment to the Pioneers' Homes and for the privilege of advising you on the conditions surrounding the System. Members of the Board will be available and would like to personally meet with you to discuss the above recommendations further.

Sincerely yours,



Amos J. "Joe" Alter, Chair
Pioneers' Homes Advisory Board

Enclosures: Letters to Commission Boyer,
Director, Division of Senior Services, Sipc,
Deputy Director, Kohn

THE RESIDENT COUNCIL
SITKA PIONEERS' HOME

120 Katlian
Sitka, AK 99835
747-6398

JAN 6 1965

Representative Norman Rokeberg
State Capitol
Juneau, AK 99801-1182

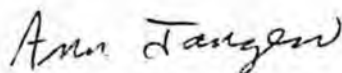
Dear Representative Rokeberg :

We have just received a copy of House Bill No. 384, which carries your name. On behalf of the residents here in Sitka, I want to thank you for this.

The anxiety level at the Home continues to be high as we approach the Legislative session. Just knowing that this bill is possible helps.

Thank you again for your sensitivity to the situation in which many of us find ourselves.

Sincerely yours,



Ann Janzen, Secretary

HB

387

FISCAL NOTE

STATE OF ALASKA
1996 LEGISLATIVE SESSION

BILL NO. HB 387

Revision Date: _____ Dept. Affected: corrections
 Title: An act relating to minors... BRU: _____
 Component: _____
 Sponsor: Rep. Kelly
 Requester: House HESS COMPONENT SERIAL NO. _____

Expenditures/Revenues (Thousands of Dollars)

OPERATING EXPENDITURES	FY 97	FY 98	FY 99	FY 00	FY 01	FY 02
PERSONAL SERVICES						
TRAVEL						
CONTRACTUAL						
SUPPLIES						
EQUIPMENT						
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
TOTAL OPERATING	0.0	0.0	0.0	0.0	0.0	0.0

CAPITAL EXPENDITURES						
----------------------	--	--	--	--	--	--

CHANGE IN REVENUES ()						
------------------------	--	--	--	--	--	--

FUND SOURCE (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	0.0	0.0	0.0

Estimate of any current year (FY96) cost: \$ 0.0

POSITIONS

FULL-TIME						
PART-TIME						
TEMPORARY						

ANALYSIS: (Attach a separate page if necessary)

This bill has no fiscal impact on the Department of Corrections.

Prepared by: Jerry Shriner
 Division: Office of the Commissioner
 Approved by Commissioner: Margaret M. Pugh Margaret Pugh
 Agency: Department of Corrections

Phone: 465-4652
 Date: 1/30/96
 Date: 1/30/96

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FISCAL NOTE

STATE OF ALASKA
1996 LEGISLATIVE SESSION

BILL NO: SSHB 387

Revision Date: January 29, 1996
 Title: Juvenile Code Revision
 Sponsor: Representative Kelly
 Requestor: H HES

Dept. Affected: Public Safety
 BRU: Alaska State Troopers
 Component: Detachments
 COMPONENT SERIAL NO. 0799

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

OPERATING	FY 97	FY 98	FY 99	FY 00	FY 01	FY 02
PERSONAL SERVICES						
TRAVEL						
CONTRACTUAL						
SUPPLIES						
EQUIPMENT						
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
TOTAL OPERATING	*	*	*	*	*	*

CAPITAL	*	*	*	*	*	*
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CHANGE IN REVENUES () Revenue Code						
--	--	--	--	--	--	--

FUNDING: (Thousands of Dollars)

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

Estimate of current year (FY 95) 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.)

See Attached.

Prepared By: Lt. Dan Lowden Phone: 465-5505
 Division: Alaska State Troopers Date: January 29, 1996
 Approved by Commissioner: *Ronald L. Otte* Date: 1/29/96
 Agency: Ronald L. Otte, Department of Public Safety

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FISCAL NOTE

STATE OF ALASKA
1996 LEGISLATIVE SESSION

BILL NO: SSHB 387

Revision Date: January 29, 1996

Dept. Affected: Public Safety

ANALYSIS CONTINUED:

The sections of this bill that will have fiscal impact on the Division of Alaska State Troopers include:

A provision in the bill that would automatically waive juveniles accused of certain crimes to adult court. The division estimates that in 1995 there were one hundred and forty (140) juveniles arrested for offenses that fit the criteria of this bill. Troopers rarely have to attend court on a juvenile matter, once these offenders are waived to superior court the troopers will have to testify in court or at a grand jury. Some cases will require little or no time in court while others will require many hours. An estimate of one hour per case is be used for this fiscal note. It was further assumed that one third of those offenses were investigated by troopers assigned to day shift and would testify in court during their shift. $47 \text{ offenses} \times \text{one hour} \times \$39 = \$1,833$. Two thirds of the offenses would be investigated by swing and graveyard shift troopers who would have to testify on their off time at an overtime rate and by contract for a minimum of three hours. $93 \text{ offenses} \times \text{three hours} \times \$49 = \$13,671$. Note: these two hourly rates for a trooper are based on an estimated average, other factors such as shift deferential, seniority, and geographic differential all have an effect on the actual trooper costs. Total court time cost estimate \$15,504.

A provision of this bill would have citations issued to runways, curfew violators, and truants. To print 2,000 citation books, there are about 1,100 police officers in the state, and the bill requires that the citation contain certain information, would cost about \$4,816 base on a recent printing of traffic citations. In 1995 there were about 221 runaways contacted by the troopers, the other 663 returned home on their own. It was estimated that it would take an addition ten minutes to issue a citation to those 221 runaways. $221 \times 10 = 2,210$ minutes. $2,210$ minutes divided by $60 = 36.8$ hours. 37 hours time $\$39 = \$1,443$. It can not be estimated how many of the 663 runaways that return home would be cited at the request of the parents. To cite any of these 663 runaways would require more time than ten minutes. It also can not be estimate how many truancy cases the troopers would have to respond to and investigate.

The number of juvenile sex offenders who do not successfully complete their treatment programs and would have to register with the sex offender registration program.

FISCAL NOTE

STATE OF ALASKA
1996 LEGISLATIVE SESSION

BILL NO: SSHB 387

Revision Date: January 29, 1996
Title: Juvenile Code Revision
Sponsor: Representative Kelly
Requestor: H.HES

Dept. Affected: Public Safety
BRU: Alaska State Troopers
Component: Detachments
COMPONENT SERIAL NO. 0799

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

OPERATING	FY 97	FY 98	FY 99	FY 00	FY 01	FY 02
PERSONAL SERVICES						
TRAVEL						
CONTRACTUAL						
SUPPLIES						
EQUIPMENT						
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
TOTAL OPERATING	*	*	*	*	*	*

CAPITAL	*	*	*	*	*	*
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CHANGE IN REVENUES () Revenue Code						
--	--	--	--	--	--	--

FUNDING: (Thousands of Dollars)

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

Estimate of current year (FY 95) 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.)

See Attached.

Prepared By: Lt. Dan Lowden Phone: 465-5505
Division: Alaska State Troopers Date: January 29, 1996
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The number of juvenile sex offenders who do not successfully complete their treatment programs and would have to register with the sex offender registration program.

Numerous issues related to determining the population of juvenile sex offenders required to register, the collection and release of specific information relating to sex offenses permitted in 12.63.020(b)(1) and 13 AAC 09.050, juveniles waived to adult court, and the sealing of court records described in 47.12.170 must be addressed.

We offer the following scenarios for implementation of the amendment to 12.63.010(a):

1. Establish a "Juvenile Sex Offender" Registry. Since DHSS has access to all information relating to the juvenile, the offense, treatment status and court rulings, it would be appropriate for DHSS to maintain this registry.

Fiscal Impact on DPS: \$0

Public Impact: Individuals desiring to inquire regarding sex offenders would have to query two registers to compile a list of registered sex offenders in a given area.

2. Eliminate the provisions of the bill requiring certain minors to register as sex offenders. Continue the current practice of requiring sex offender registration only for adults or juveniles waived to adult status.

Fiscal Impact: None

Operational Impact: This would eliminate confusion about which aspects of a juvenile's record are open to the public vs. confidential, which aspects are subject to sealing, which offenses count towards multiple convictions for future registration purposes, and would eliminate the need to transmit information from the juvenile records system or court to DPS. In theory, a juvenile who is not amenable to treatment under Title 47 may be waived to adult status [see proposed AS 47.12.080.] Waiver to adult status would automatically take care of the sex offender registration obligation under current AS 12.63.

3. Require the DHSS or the court to submit necessary documentation to DPS for those subjects required to register. Amend proposed AS 12.47.100(I) by adding another sentence at the end of that subsection:

Either:

When a minor is ordered to register, the department shall forward to the Department of Public Safety the information described in AS 12.63.010 or in regulations adopted by the Department of Public Safety to implement the provisions of AS 12.63.

or:

A court that orders a minor to register shall forward to the Department of Public Safety the information described in AS 12.63.010 or in regulations adopted by the Department of Public Safety to implement the provisions of AS 12.63.

If the bill does not explicitly require either the court, or DHSS, to provide this information to DPS, we will have no way to enter the information in the registry, since we don't have access to juvenile records. We are required to maintain a registry of offenders who are required to register, so we cannot wait until the minor registers to get this information; if the minor fails to register, we will have no way of knowing about that violation unless we receive this information at the time of the court order.

Fiscal impact on computer programming: APSIN/SOR registry software changes Estimated cost \$30,000. This provides funding to add special juvenile flagging to APSIN, to implement requirement to seal records under certain circumstances, to retain the sealed records for in cases of a subsequent conviction, to modify the APSIN and SORCR databases, to establish logical link between APSIN criminal history records and a juvenile's requirement to register, to modify the APSIN to SORCR download process, to revise SORCR software, and to develop programs for statistical purposes.

Operational impact: Increased workload for court ordered juvenile sex offenders. SOF to receive, from DFYS, an estimate of the number of minors who fail to complete required offender treatment each year, in order to estimate the additional volume of work expected.

Besides the broader aspects of change that may result from the passage of this bill, there are a number of detailed observations and questions that are worth cataloging at this time. Should this bill go forward, a discussion at the level of detail necessary to address the items below will be an absolute necessity. Where we had specific suggestions for how we would like the issue resolved, we've included them immediately below the question.

- Who will inform the Department of Public Safety of a juvenile's requirement to register under the Sex Offender Registration Law?
DPS recommends that the Commissioner of the Department of Health and Social Services carry the responsibility of notifying both the offender and the Department of Public Safety of the juvenile's duty to register. It is critical that the bill designate this responsibility.
- Does the sealing of a waived juvenile's record for a sex offense, pursuant to 47.12.170(f) re: individual of the duty to register under 12.63.010? Do
case sealed
not registered
- If an individual has been convicted of a sex offense while a juvenile, and subsequently is convicted as an adult, is the individual required to register as a Sex Offender for life, or for 15 years after 'unconditional discharge' (current law) for the adult conviction?
- We have identified the following considerations regarding implementation of the registration of juvenile sex offenders:
 - * Depending on the answer to questions concerning the registration of juvenile sex offenders, the fiscal impact will vary.
 - * Current SOR software will not maintain the "S" (Should Register) flag for an individual without an identifiable sex offense conviction in APSIN.
 - * We will need to store a juvenile specific flag for persons whose obligation to register occurred while the subject was a juvenile, and continued into adulthood.
 - * We believe that it is incumbent upon the State to maintain information relating to juvenile sex offenders who 'should' register. This information is relatively readily available, unlike those sex offenders with out of state convictions.
 - * Failure to maintain a file of those juvenile sex offenders required to register unnecessarily withholds information available to law enforcement officers, and could negatively impact criminal investigations. This could have two possible results 1) a review of the APSIN record provides law enforcement with misleading information or 2) because the information is not available for all individuals required to register, the veracity of the APSIN data for all records becomes suspect.

- Sec 47.12.320(e) - Action on Community Service Citation: Currently, bench warrants are not issued for juveniles failing to appear in court. Will failure to appear under this section result in a bench warrant being issued?

If so, software and operational changes must be implemented to collect this information.

- If the Department of Public Safety or the Department of Law is going to pursue legislation to change the "unconditional discharge date" language in AS 12.62 and AS 12.63, we should make sure that any changes are consistently reflected in this bill as well. ?

- Sec. 3. AS 11.61.300 and 11.61.310 - Curfew and School Truancy: Will information relating to citations issued pursuant to these additions be maintained in APSIN's Infraction file, as are the violations/infractions covered under AS 47.12.020(b)(1-5)?

If so, a mechanism must be developed to report this information to the Central Repository entry. ✓

The focus of our comments are limited to record keeping policy, systems and procedural issues. Juvenile record keeping issues are of significant interest to Administrative Services. Our interest is on behalf of the Department in support of statewide law enforcement and our goal to deliver relevant information to law enforcement.

Due to the significant scope and issues associated with this bill, it is recommended that a more comprehensive look at juvenile record keeping be taken. Given that the juvenile code is being opened up, including broader access to previously confidential juvenile information, it may be appropriate to examine all facets of juvenile record keeping.

FISCAL NOTE

STATE OF ALASKA
1996 LEGISLATIVE SESSION

BILL NO: SSHB 387

Revision Date: January 29, 1996 Dept. Affected: Public Safety
 Title: Juvenile Code Revision BRU: Alaska State Troopers
 Component: Detachments
 Sponsor: Representative Kelly
 Requestor: H.HES COMPONENT SERIAL NO. 0799

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

OPERATING	FY 97	FY 98	FY 99	FY 00	FY 01	FY 02
PERSONAL SERVICES						
TRAVEL						
CONTRACTUAL						
SUPPLIES						
EQUIPMENT						
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
TOTAL OPERATING	*	*	*	*	*	*

CAPITAL	*	*	*	*	*	*
---------	---	---	---	---	---	---

CHANGE IN REVENUES () Revenue Code						
--	--	--	--	--	--	--

FUNDING: (Thousands of Dollars)

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


Estimate of current year (FY 95) 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.)

See Attached.

Prepared By: Lt. Dan Lowden Phone: 465-5505
 Division: Alaska State Troopers Date: January 29, 1996
 Approved by Commissioner:  Date: 1/29/96
 Agency: Ronald L. Otte, Department of Public Safety

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FISCAL NOTE

STATE OF ALASKA
1996 LEGISLATIVE SESSION

BILL NO: SSHB 387

Revision Date: January 29, 1996

Dept. Affected: Public Safety

ANALYSIS CONTINUED:

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STATE OF ALASKA
1996 LEGISLATIVE SESSION

BILL NO: SSB 387

Revision Date: _____ Dept. Affected: Public Safety
 Title: An Act relating to minors and to offenses BRU: Statewide
committed by minors..... Component: Alaska Criminal Records and Identification
 Sponsor: Representative Kelly
 Requestor: H. HES COMPONENT SERIAL NO. 1190

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

OPERATING	FY 97	FY 98	FY 99	FY 00	FY 01	FY 02
PERSONAL SERVICES						
TRAVEL						
CONTRACTUAL						
SUPPLIES						
EQUIPMENT						
LAND & STRUCTURES						
GRANTS CLAIMS						
MISCELLANEOUS						
TOTAL OPERATING

CAPITAL EXPENDITURES
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CHANGE IN REVENUES ()						
Revenue Code						

FUNDING: (Thousands of Dollars)

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

Estimate of current year (FY 96) impact: \$ _____

POSITIONS:

FULL-TIME						
PART-TIME						
TEMPORARY						

ANALYSIS: (Attach a separate page if necessary.)

An asterisked fiscal note is submitted at this time. There are several interpretational issues that need to be sorted out before an accurate fiscal note can be prepared. The attached analysis provides a discussion of the issues and options for addressing those issues. When it is decided which of these alternatives is preferable, the Division of Administrative Services will provide an updated fiscal note.

Prepared By: Ken Bischoff Phone: 465-4336
 Division: Administrative Services Date: January 29, 1996
 Approved by Commissioner: Ronald L. Otte Date: 1/29/96
 Agency: Ronald L. Otte, Dept. of Public Safety

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Revision Date: _____ Dept. Affected: Public Safety

ANALYSIS CONTINUED:

AS 12.62 - CRIMINAL JUSTICE INFORMATION SYSTEMS SECURITY AND PRIVACY

Section 2 amends the definition of criminal justice information, presumably intending to preserve the status quo: records pertaining to minors whose cases are handled in adult court are included in the definition. However, the language change is confusing. We suggest the following change, with the provision that it be reviewed by the Department of Law.

AS 12.62.900(11) is amended to read:

(11) "criminal justice information" means any of the following for an adult or juvenile charged, prosecuted, or sentenced in the same manner as an adult, other than a court record or a record of traffic offenses maintained for the purpose of regulating driver's licenses [OR A RECORD OF A JUVENILE SUBJECT TO THE JURISDICTION OF A COURT UNDER as 47.12]: (etc.)

The Department of Law should examine this issue, to be sure that we will continue to be able to maintain criminal history records for juveniles waived to adult status under AS 47.12.080, or handled in adult court under AS 47.12.015.

Also of note, are possible technical changes which will have to be made in the AS 12.62 regulations if a rewrite of Title 47 is underway this year. The regulations now refer to current Title 47 sections in describing which juvenile arrests, fingerprints, and charges must be reported to the repository. Perhaps we can describe this in words rather than using statutory references, so the regulations won't have to be amended if/when the statute references change.

JUVENILE SEX OFFENDER REGISTRATION

Sections 3- 5. amend existing law to include the registration of certain juvenile sex offenders. An adjudicated juvenile must register as a sex offender only if he/she:

- 1) fails to successfully complete the treatment plan AND
- 2) is ordered by the court to register AND
- 3) is either over 19 years old OR
- 4) the date of extended treatment has passed.

See 47.12.100(1); 12.63.100(2); and 12.63.010(a)(4) A-B)

Because of today's juvenile confidentiality practices, the Department of Public Safety does not have routine access to routine conviction and treatment information. There is no language (that we see) in this bill for lessening existing juvenile confidentiality protections.

Additionally, to accurately and completely quantify fiscal and operational impacts of this bill, it will be necessary to determine the number of juveniles expected to be subject to registration.

Numerous issues related to determining the population of juvenile sex offenders required to register, the collection and release of specific information relating to sex offenses permitted in 12.63.020(b)(1) and 13 AAC 09.050, juveniles waived to adult court, and the sealing of court records described in 47.12.170 must be addressed.

We offer the following scenarios for implementation of the amendment to 12.63.010(a):

1. Establish a "Juvenile Sex Offender" Registry. Since DHSS has access to all information relating to the juvenile, the offense, treatment status and court rulings, it would be appropriate for DHSS to maintain this registry.

Fiscal Impact on DPS: \$0

Public Impact: Individuals desiring to inquire regarding sex offenders would have to query two registers to compile a list of registered sex offenders in a given area.

2. Eliminate the provisions of the bill requiring certain minors to register as sex offenders. Continue the current practice of requiring sex offender registration only for adults or juveniles waived to adult status.

Fiscal Impact: None

Operational Impact: This would eliminate confusion about which aspects of a juvenile's record are open to the public vs. confidential, which aspects are subject to sealing, which offenses count towards multiple convictions for future registration purposes, and would eliminate the need to transmit information from the juvenile records system or court to DPS. In theory, a juvenile who is not amenable to treatment under Title 47 may be waived to adult status [see proposed AS 47.12.080.] Waiver to adult status would automatically take care of the sex offender registration obligation under current AS 12.63.

3. Require the DHSS or the court to submit necessary documentation to DPS for those subjects required to register. Amend proposed AS 12.47.100(l) by adding another sentence at the end of that subsection:

Either:

When a minor is ordered to register, the department shall forward to the Department of Public Safety the information described in AS 12.63.010 or in regulations adopted by the Department of Public Safety to implement the provisions of AS 12.63.

or:

A court that orders a minor to register shall forward to the Department of Public Safety the information described in AS 12.63.010 or in regulations adopted by the Department of Public Safety to implement the provisions of AS 12.63.

If the bill does not explicitly require either the court, or DHSS, to provide this information to DPS, we will have no way to enter the information in the registry, since we don't have access to juvenile records. We are required to maintain a registry of offenders who are required to register, so we cannot wait until the minor registers to get this information; if the minor fails to register, we will have no way of knowing about that violation unless we receive this information at the time of the court order.

Fiscal impact on computer programming: APSIN/SOR registry software changes *Estimated cost \$30,000*. This provides funding to add special juvenile flagging to APSIN, to implement the requirement to seal records under certain circumstances, to retain the sealed records for availability in cases of a subsequent conviction, to modify the APSIN and SORCR databases, to sever the logical link between APSIN criminal history records and a juvenile's requirement to register, to modify the APSIN to SORCR download process, to revise SORCR software, and to develop batch programs for statistical purposes.

Operational impact: Increased workload for court ordered juvenile sex offenders. SOR will need to receive, from DFYS, an estimate of the number of minors who fail to complete required sex offender treatment each year, in order to estimate the additional volume of work expected.

Besides the broader aspects of change that may result from the passage of this bill, there are a number of detailed observations and questions that are worth cataloging at this time. Should this bill go forward, a discussion at the level of detail necessary to address the items below will be an absolute necessity. Where we had specific suggestions for how we would like the issue resolved, we've included them immediately below the question.

- Who will inform the Department of Public Safety of a juvenile's requirement to register under the Sex Offender Registration Law?
DPS recommends that the Commissioner of the Department of Health and Social Services carry the responsibility of notifying both the offender and the Department of Public Safety of the juvenile's duty to register. It is critical that the bill designate this responsibility.
- Does the sealing of a waived juvenile's record for a sex offense, pursuant to 47.12.170(f) relieve the individual of the duty to register under 12.63.010?
- If an individual has been convicted of a sex offense while a juvenile, and subsequently is convicted as an adult, is the individual required to register as a Sex Offender for life, or for 15 years after 'unconditional discharge' (current law) for the adult conviction?
- We have identified the following considerations regarding implementation of the registration of juvenile sex offenders:
 - * Depending on the answer to questions concerning the registration of juvenile sex offenders, the fiscal impact will vary.
 - * Current SOR software will not maintain the "S" (Should Register) flag for an individual without an identifiable sex offense conviction in APSIN.
 - * We will need to store a juvenile specific flag for persons whose obligation to register occurred while the subject was a juvenile, and continued into adulthood.
 - * We believe that it is incumbent upon the State to maintain information relating to juvenile sex offenders who 'should' register. This information is relatively readily available, unlike those sex offenders with out of state convictions.
 - * Failure to maintain a file of those juvenile sex offenders required to register unnecessarily withholds information available to law enforcement officers, and could negatively impact criminal investigations. This could have two possible results 1) a review of the APSIN record provides law enforcement with misleading information or 2) because the information is not available for all individuals required to register, the veracity of the APSIN data for all records becomes suspect.

- **Sec 47.12.320(e) - Action on Community Service Citation:** Currently, bench warrants are not issued for juveniles failing to appear in court. Will failure to appear under this section result in a bench warrant being issued?

If so, software and operational changes must be implemented to collect this information.

- If the Department of Public Safety or the Department of Law is going to pursue legislation to eliminate the "unconditional discharge date" language in AS 12.62 and AS 12.63, we should make sure such changes are consistently reflected in this bill as well.
- **Sec. 3. AS 11.61.300 and 11.61.310 - Curfew and School Truancy:** Will information relating to citations issued pursuant to these additions be maintained in APSIN's Infraction file, as are those violations/infractions covered under AS 47.12.020(b)(1-5)?

If so, a mechanism must be developed to report this information to the Central Repository for data entry.

The focus of our comments are limited to record keeping policy, systems and procedural issues. Juvenile record keeping issues are of significant interest to Administrative Services. Our interest is on behalf of the Department in support of statewide law enforcement and our goal to deliver relevant information to law enforcement.

Due to the significant scope and issues associated with this bill, it is recommended that a more comprehensive look at juvenile record keeping be taken. Given that the juvenile code is being opened up, including broader access to previously confidential juvenile information, it may be appropriate to examine all facets of juvenile record keeping.

9-LS1276R
Chenoweth
2/27/96

CS FOR SPONSOR SUBSTITUTE FOR HOUSE BILL NO. 387()

IN THE LEGISLATURE OF THE STATE OF ALASKA

NINETEENTH LEGISLATURE - SECOND SESSION

BY

**Offered:
Referred:**

Sponsor(s): REPRESENTATIVES KELLY AND THERRIAULT, Rokeberg, Kohring

A BILL

FOR AN ACT ENTITLED

1 "An Act relating to minors and to offenses committed by minors, and to
2 programs relating to minors; authorizing municipalities to establish curfews for
3 minors by ordinance; amending the means by which the compulsory school
4 attendance law is enforced; and amending Rules 3(b) and 23(d), Alaska
5 Delinquency Rules."

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

7 * Section 1. AS 10.06.961(a) is amended to read:

8 (a) Notwithstanding AS 13.46.085 or the appointment of a guardian of the
9 property of the minor under AS 47.10.010(c), when a minor who is in the custody of
10 this state under AS 47.10.010 - 47.10.142 or AS 47.12 [AS 47.10.010(a)(2)] or of
11 another state under a provision similar to AS 47.10.010 - 47.10.142 or AS 47.12
12 [AS 47.10.010(a)(2)] becomes entitled to receive dividends or other distributions
13 resulting from the ownership of stock or a membership in a corporation organized

1 under this chapter and under 43 U.S.C. 1601 - 1641 (Alaska Native Claims Settlement
2 Act), the corporation paying the dividends or making the other distributions shall retain
3 the dividends and other distributions in an interest bearing account for the benefit of
4 the minor during the state custody.

5 * Sec. 2. AS 12.62.900(11) is amended to read:

6 (11) "criminal justice information" means any of the following, other than
7 a court record, a record of traffic offenses maintained for the purpose of regulating
8 drivers' licenses, or a record of a juvenile subject to the jurisdiction of a [THE
9 JUVENILE] court under AS 47.12 [AS 47.10]:

10 (A) criminal history record information;

11 (B) nonconviction information;

12 (C) correctional treatment information;

13 (D) information relating to a person to be located, whether or not
14 that person is wanted in connection with the commission of a crime;

15 * Sec. 3. AS 12.63.010(a) is amended to read:

16 (a) A sex offender who is physically present in the state shall register as provided
17 in this section. The sex offender shall register within

18 (1) seven days of release from an in-state correctional facility;

19 (2) seven days of conviction for a sex offense if the sex offender is not
20 sentenced to a term of incarceration; [OR]

21 (3) 14 days of becoming physically present in the state, except the sex
22 offender shall register within seven days of becoming physically present in the state if
23 the sex offender

24 (A) is a probationer or parolee being supervised by the state as
25 the receiving state under AS 33.36.110 - 33.36.120; or

26 (B) has been released from an out-of-state correctional facility
27 where the sex offender was serving a term of incarceration for a sex offense
28 conviction in this state; or

29 (4) seven days of the later date set out in this paragraph if sex
30 offender registration is required under AS 47.12.100(i):

31 (A) the offender's 19th birthday; or

32 (B) the date on which an extended commitment of a minor

1 under AS 47.12.100(b)(1) - (3) expires.

2 * Sec. 4. AS 12.63.020(a) is amended to read:

3 (a) The duty of a sex offender to comply with the requirements of AS 12.63.010
4 for each sex offense

5 (1) continues for the lifetime of a sex offender convicted of two or more
6 sex offenses;

7 (2) ends 15 years following the sex offender's unconditional discharge
8 from a conviction for a single sex offense or following the sex offender's duty to first
9 register where the registration was required under AS 12.63.010(a)(4).

10 * Sec. 5. AS 12.63.100(2) is amended to read:

11 (2) "sex offender" means

12 (A) a person convicted of a sex offense in this state or another
13 jurisdiction regardless of whether the conviction occurred before, after, or on
14 August 10, 1994; or

15 (B) a person who is a minor and who a court finds,

16 (i) under AS 47.12.100(a), is a delinquent on the basis
17 of the minor's commission of a sex offense; and

18 (ii) under AS 47.12.100(i), is required by the court to
19 register as a sex offender;

20 * Sec. 6. AS 14.30.030 is repealed and reenacted to read:

21 Sec. 14.30.030. TRUANCY VIOLATIONS. The governing body of a school
22 district, including a regional educational attendance area, shall

23 (1) file with the district court a complaint against every person who is
24 responsible for a child enrolled at a school in the district and who has apparently violated
25 AS 14.30.010; and

26 (2) establish procedures to prevent and reduce truancy, and establish
27 penalties for truancy violations.

28 * Sec. 7. AS 14.45.110 is amended by adding a new subsection to read:

29 (c) The person responsible for a religious or other private school shall

30 (1) file with the district court a complaint against every person who is
31 responsible for a child enrolled at the school and who has apparently violated
32 AS 14.30.010; and

1 (2) establish procedures to prevent and reduce truancy, and establish
2 penalties for truancy violations.

3 * Sec. 8. AS 22.07.020(a) is amended to read:

4 (a) The court of appeals has appellate jurisdiction in actions and proceedings
5 commenced in the superior court involving:

6 (1) criminal prosecution;

7 (2) post-conviction relief;

8 (3) [CHILDREN'S COURT] matters under AS 47.12
9 [AS 47.10.010(a)(1)], including waiver of [CHILDREN'S COURT] jurisdiction over a
10 minor under AS 47.12.080 [AS 47.10];

11 (4) extradition;

12 (5) habeas corpus;

13 (6) probation and parole; and

14 (7) bail.

15 * Sec. 9. AS 22.15.100 is amended to read:

16 Sec. 22.15.100. FUNCTIONS AND POWERS OF DISTRICT JUDGE AND
17 MAGISTRATE. Each district judge and magistrate has the power

18 (1) to issue writs of habeas corpus for the purpose of inquiring into the
19 cause of restraint of liberty, returnable before a judge of the superior court, and the same
20 proceedings shall be had on the writ as if it had been granted by the superior court judge
21 under the laws of the state in such cases;

22 (2) of a notary public;

23 (3) to issue marriage licenses and to solemnize marriages;

24 (4) to issue warrants of arrest, summons, and search warrants according
25 to manner and procedure prescribed by law and the supreme court;

26 (5) to act as an examining judge or magistrate in preliminary
27 examinations in criminal proceedings; to set, receive, and forfeit bail and to order the
28 release of defendants under bail;

29 (6) to act as a referee in matters and actions referred to the judge or
30 magistrate by the superior court, with all powers conferred upon referees by laws;

31 (7) of the superior court in all respects including but not limited to
32 contempts, attendance of witnesses, and bench warrants;

1 (8) to order the temporary detention of a minor, or take other action
2 authorized by law or rules of procedure, in cases arising under AS 47.10.010 - 47.10.142
3 or AS 47.12 [AS 47.10], when the minor is in a condition or surrounding dangerous or
4 injurious to the welfare of the minor or others that requires immediate action; the action
5 may be continued in effect until reviewed by the superior court in accordance with rules
6 of procedure governing these cases;

7 (9) to issue a temporary order for injunctive relief in cases involving
8 domestic violence as provided in AS 25.35.010 and 25.35.020;

9 (10) to review an administrative revocation of a person's driver's license
10 or nonresident privilege to drive, and an administrative refusal to issue an original
11 license, when designated as a hearing officer by the commissioner of public safety and
12 with the consent of the administrative director of the state court system.

13 * Sec. 10. AS 29.35 is amended by adding a new section to read:

14 Sec. 29.35.085. CURFEW. A municipality may, by ordinance, provide for a
15 curfew for persons under 18 years of age for whom the disabilities of minority have not
16 been removed for general purposes under AS 09.55.590 and who have not arrived at the
17 age of majority under AS 25.20.020.

18 * Sec. 11. AS 36.30.850(b)(11) is amended to read:

19 (11) agreements with providers of services under AS 44.47.250;
20 AS 47.07; AS 47.08; AS 47.10; AS 47.12; AS 47.17; AS 47.24; AS 47.25.195, and
21 47.25.310;

22 * Sec. 12. AS 43.23.065(b) is amended to read:

23 (b) An exemption is not available under this section for permanent fund
24 dividends taken to satisfy

25 (1) child support obligations required by court order or decision of the
26 child support enforcement agency under AS 25.27.140 - 25.27.220;

27 (2) court ordered restitution under AS 12.55.045 - 12.55.051, 12.55.100,
28 or AS 47.12.100(b)(4) [AS 47.10.080(b)(4)];

29 (3) claims on defaulted scholarship loans under AS 43.23.067;

30 (4) court ordered fines;

31 (5) writs of execution under AS 09.35 of a judgment that is entered

32 (A) against a minor in a civil action to recover damages and court

1 costs;

2 (B) under AS 34.50.020 against the parent, parents, or legal
3 guardian of an unemancipated minor;

4 (6) a debt owed by an eligible individual to an agency of the state, unless
5 the debt is contested and an appeal is pending, or the time limit for filing an appeal has
6 not expired.

7 * Sec. 13. AS 44.21.410(a) is amended to read:

8 (a) The office of public advocacy shall

9 (1) perform the duties of the public guardian under AS 13.26.360 -
10 13.26.410;

11 (2) provide visitors and experts in guardianship proceedings under
12 AS 13.26.131;

13 (3) provide guardian ad litem services to children in child protection
14 actions under AS 47.17.030(e) and to wards and respondents in guardianship proceedings
15 who will suffer financial hardship or become dependent upon a government agency or
16 a private person or agency if the services are not provided at state expense under
17 AS 13.26.112;

18 (4) provide legal representation in guardianship proceedings to
19 respondents who are financially unable to employ attorneys under AS 13.26.106(b), to
20 indigent parties in cases involving child custody in which the opposing party is
21 represented by counsel provided by a public agency, to indigent parents or guardians of
22 a minor respondent in a commitment proceeding concerning the minor under
23 AS 47.30.775;

24 (5) provide legal representation and guardian ad litem services under
25 AS 25.24.310; in cases arising under AS 47.15 (Uniform Interstate Compact on
26 Juveniles); in cases involving petitions to adopt a minor under AS 25.23.125(b) or
27 petitions for the termination of parental rights on grounds set out in AS 25.23.180(c)(3);
28 in cases involving petitions to remove the disabilities of a minor under AS 09.55.590;
29 in children's proceedings under AS 47.10.050(a) or under AS 47.12.070; and in cases
30 involving indigent persons who are entitled to representation under AS 18.85.100 and
31 who cannot be represented by the public defender agency because of a conflict of
32 interests;

1 (6) develop and coordinate a program to recruit, select, train, assign, and
2 supervise volunteer guardians ad litem from local communities to aid in delivering
3 services in cases in which the office of public advocacy is appointed as guardian ad
4 litem;

5 (7) provide guardian ad litem services in proceedings under
6 AS 12.45.046;

7 (8) establish a fee schedule and collect fees for services provided by the
8 office, except as provided in AS 18.85.120 or when imposition or collection of a fee is
9 not in the public interest as defined under regulations adopted by the commissioner of
10 administration;

11 (9) provide visitors and guardians ad litem in proceedings under
12 AS 47.30.839;

13 (10) provide legal representation to indigent parents under
14 AS 14.30.195(e).

15 * Sec. 14. AS 44.29.022(a) is amended to read:

16 (a) The commissioner of health and social services may establish by regulation
17 a schedule of reasonable fees for services provided by the Department of Health and
18 Social Services under AS 44.29.020(a)(1) - (8), AS 47.10, AS 47.12, AS 47.30.655 -
19 47.30.910, and AS 47.80.100 - 47.80.170. The fee established for a service may not
20 exceed the actual cost of providing the service. The commissioner may define or
21 establish the "actual cost of providing a service" by regulation. The Department of
22 Health and Social Services shall charge and collect the fees established under this
23 subsection. The department may waive collection of a fee upon a finding that collection
24 is not economically feasible or in the public interest.

25 * Sec. 15. AS 44.41.025(c) is amended to read:

26 (c) The department may enter into the Alaska automated fingerprint identification
27 system the fingerprints of a minor whose fingerprints are taken under AS 47.12.210
28 [AS 47.10.097].

29 * Sec. 16. AS 44.47.200 is amended to read:

30 Sec. 44.47.200. LEGAL ASSISTANCE AND JUVENILE JUSTICE GRANT
31 FUND. There is created in the department the legal assistance and juvenile justice grant
32 fund. From legislative appropriations to the fund, the department shall make grants

1 (1) to eligible communities and regions for the purpose of enabling them
2 to obtain legal assistance; and

3 (2) to a nonprofit corporation established under AS 47.12.400
4 [AS 47.10.265] to operate as a youth court.

5 * Sec. 17. AS 44.47.210(b) is amended to read:

6 (b) Nonprofit corporations proposing to establish and operate youth courts under
7 AS 47.12.400 [AS 47.10.265] may apply to the department for an organizational grant
8 under AS 44.47.200(2). A grant under this subsection must be matched on a dollar-for-
9 dollar basis by the grantee in cash or in kind. The commissioner may waive the match
10 required under this subsection on a showing satisfactory to the commissioner by the
11 prospective applicant that matching funds are not available.

12 * Sec. 18. AS 44.47.220(b) is amended to read:

13 (b) Grants made under AS 44.47.200(2) shall be used to defray the costs of
14 organization of youth courts under AS 47.12.400 [AS 47.10.265]. The department shall
15 assure that the grant is spent for necessary organizational assistance and that appropriate
16 accounting procedures are maintained. Grants made under AS 44.47.200(2) and this
17 subsection may not exceed \$5,000. Only one grant may be made to a grantee under
18 authority of this subsection.

19 * Sec. 19. AS 47.05.060 is amended to read:

20 Sec. 47.05.060. PURPOSE AND POLICY RELATING TO CHILDREN. The
21 purposes [PURPOSE] of AS 47.10 [THIS TITLE] as that chapter [IT] relates to
22 children are

23 (1) [IS] to secure for each child the care and guidance, preferably in the
24 child's own home, that will serve the moral, emotional, mental, and physical welfare of
25 the child and the best interests of the community;

26 (2) to preserve and strengthen the child's family ties unless efforts to
27 preserve and strengthen the ties are likely to result in physical or emotional damage to
28 the child, removing the child from the custody of the parents only as a last resort when
29 the child's welfare or safety [OR THE PROTECTION OF THE PUBLIC] cannot be
30 adequately safeguarded without removal; and

31 (3) [,] when the child is removed from the family, to secure for the child
32 adequate custody and care and adequate planning for permanent placement of the child.

1 * Sec. 20. AS 47.05.060 is amended by adding a new subsection to read:

2 (b) The purposes of AS 47.12 as that chapter relates to children are

3 (1) to affirm that the purpose of that chapter includes protection of the
4 public and reformation of the offender;

5 (2) to provide that, for the most common of offenses committed by
6 minors, those punishable as misdemeanors or as noncriminal offenses, resolution should
7 require some form of sanction, that the form of the sanction should be certain, that the
8 imposition of the sanction should be swift, and that the sanction may take the form of
9 a reasonable claim on the time and talents of the minor who has committed the offense;
10 and

11 (3) to provide that counseling provided to the minor should include the
12 minor's family or guardian, that the minor's family or guardian has the right to offer
13 suggestions and make recommendations for the correction of the minor's behavior, and
14 that the minor's family or guardian may be asked to participate in supervision of the
15 minor's treatment.

16 * Sec. 21. AS 47.10.010(a) is amended to read:

17 (a) Proceedings relating to a minor under 18 years of age residing or found in
18 the state are governed by AS 47.10.010 - 47.10.142 [THIS CHAPTER], except as
19 otherwise provided in AS 47.10.010 - 47.10.142 [THIS CHAPTER], when the court
20 finds the minor

21 [(1) TO BE A DELINQUENT MINOR AS A RESULT OF
22 VIOLATING A CRIMINAL LAW OF THE STATE OR A MUNICIPALITY OF THE
23 STATE; OR

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

25 (1) [(A)] the child being habitually absent from home or refusing to
26 accept available care, or having no parent, guardian, custodian, or relative caring or
27 willing to provide care, including physical abandonment by

28 (A) [(i)] both parents,

29 (B) [(ii)] the surviving parent, or

30 (C) [(iii)] one parent if the other parent's rights and
31 responsibilities have been terminated under AS 25.23.180(c) or AS 47.10.080 or
32 voluntarily relinquished;

1 (2) [(B)] the child being in need of medical treatment to cure, alleviate,
2 or prevent substantial physical harm, or in need of treatment for mental harm as
3 evidenced by failure to thrive, severe anxiety, depression, withdrawal, or untoward
4 aggressive behavior or hostility toward others, and the child's parent, guardian, or
5 custodian has knowingly failed to provide the treatment;

6 (3) [(C)] the child having suffered substantial physical harm or if there
7 is an imminent and substantial risk that the child will suffer such harm as a result of the
8 actions done by or conditions created by the child's parent, guardian, or custodian or the
9 failure of the parent, guardian, or custodian adequately to supervise the child;

10 (4) [(D)] the child having been, or being in imminent and substantial
11 danger of being, sexually abused either by the child's parent, guardian, or custodian, or
12 as a result of conditions created by the child's parent, guardian, or custodian, or by the
13 failure of the parent, guardian, or custodian adequately to supervise the child;

14 (5) [(E)] the child committing delinquent acts as a result of pressure,
15 guidance, or approval from the child's parents, guardian, or custodian;

16 (6) [(F)] the child having suffered substantial physical abuse or neglect
17 as a result of conditions created by the child's parent, guardian, or custodian.

18 * Sec. 22. AS 47.10.020(a) is amended to read:

19 (a) Whenever circumstances subject a minor to the jurisdiction of AS 47.10.010 -
20 47.10.142, the court shall

21 [(1) PROVIDE, UNDER PROCEDURES ADOPTED BY COURT
22 RULE, THAT, FOR A MINOR WHO IS ALLEGED TO BE A DELINQUENT MINOR
23 UNDER AS 47.10.010(a)(1), A STATE AGENCY SHALL MAKE A PRELIMINARY
24 INQUIRY TO DETERMINE IF ANY ACTION IS APPROPRIATE AND MAY TAKE
25 APPROPRIATE ACTION TO ADJUST OR DISPOSE OF THE MATTER WITHOUT
26 A COURT HEARING; IF, UNDER THIS PARAGRAPH,

27 (A) THE STATE AGENCY MAKES A PRELIMINARY
28 INQUIRY AND TAKES APPROPRIATE ACTION TO ADJUST OR DISPOSE
29 OF THE MATTER. WITHOUT A COURT HEARING, THE MINOR MAY
30 NOT BE DETAINED OR TAKEN INTO CUSTODY AS A CONDITION OF
31 THE ADJUSTMENT OR DISPOSITION AND, SUBJECT TO (d) OF THIS
32 SECTION, THE MATTER SHALL BE CLOSED BY THE AGENCY IF THE

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MINOR SUCCESSFULLY COMPLETES ALL THAT IS REQUIRED OF THE MINOR BY THE AGENCY IN THE ADJUSTMENT OR DISPOSITION; IN A MUNICIPALITY OR MUNICIPALITIES IN WHICH A YOUTH COURT HAS BEEN ESTABLISHED UNDER AS 47.10.265, ADJUSTMENT OR DISPOSITION OF THE MATTER UNDER THIS PARAGRAPH MAY INCLUDE REFERRAL TO THE YOUTH COURT;

(B) THE AGENCY CONCLUDES THAT THE MATTER MAY NOT BE ADJUSTED OR DISPOSED OF WITHOUT A COURT HEARING, THE AGENCY MAY FILE A PETITION UNDER (2) OF THIS SUBSECTION SETTING OUT THE FACTS; OR

(2)] appoint a competent person or agency to make a preliminary inquiry and report for the information of the court to determine whether the interests of the public or of the minor require that further action be taken; if, under this subsection [PARAGRAPH], the court appoints a person or agency to make a preliminary inquiry and to report to it, then upon the receipt of the report, the court may informally adjust or dispose of the matter without a hearing, or it may authorize the person having knowledge of the facts of the case to file with the court a petition setting out the facts; if the court informally adjusts or disposes of the matter, the minor may not be detained or taken into the custody of the court as a condition of the adjustment or disposition, and the matter shall be closed by the court upon adjustment or disposition.

* Sec. 23. AS 47.10.020(b) is amended to read:

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

(1) the name, address, and occupation of the petitioner, together with the petitioner's relationship to the minor, and the petitioner's interest in the matter;

(2) the name, age, and address of the minor;

(3) a brief statement of the facts that bring the minor within AS 47.10.010 - 47.10.142 [THIS CHAPTER];

(4) the names and addresses of the minor's parents;

(5) the name and address of the minor's guardian, or of the person having

1 control or custody of the minor.

2 * Sec. 24. AS 47.10.030(b) is amended to read:

3 (b) In all cases under AS 47.10.010 - 47.10.142, [THIS CHAPTER] the minor,
4 each parent of the minor, and the guardian of the minor shall be given notice adequate
5 to give actual notice of the proceedings and the possibility of termination of parental
6 rights and responsibilities, taking into account education and language differences that
7 are known or reasonably ascertainable by the petitioner or the department. The notice
8 of the hearing must contain all names by which the minor has been identified. Notice
9 shall be given in the manner appropriate under rules of civil procedure for the service
10 of process in a civil action under Alaska law or in any manner the court by order directs.
11 Proof of the giving of the notice shall be filed with the court before the petition is heard.
12 The court may also subpoena the parent of the minor, or any other person whose
13 testimony may be necessary at the hearing. A subpoena or other process may be served
14 by a person authorized by law to make the service, and where personal service cannot
15 be made, the court may direct that service of process be in a manner appropriate under
16 rules of civil procedure for the service of process in a civil action under Alaska law or
17 in any manner the court directs.

18 * Sec. 25. AS 47.10.050(a) is amended to read:

19 (a) Whenever in the course of proceedings instituted under AS 47.10.010 -
20 47.10.142 [THIS CHAPTER] it appears to the court that the welfare of a minor will be
21 promoted by the appointment of an attorney to represent the minor or an attorney or
22 other person to serve as guardian ad litem, the court may make the appointment.
23 Appointment of a guardian ad litem or attorney shall be made under the terms of
24 AS 25.24.310.

25 * Sec. 26. AS 47.10.070(a) is amended to read:

26 (a) The court may conduct the hearing on the petition in an informal manner
27 in the courtroom or in chambers. [A HEARING MAY BE HELD BEFORE A YOUNG
28 ADULT ADVISORY PANEL IN ACCORDANCE WITH AS 47.10.075.] The court
29 shall give notice of the hearing to the department and it may send a representative to the
30 hearing. The court shall also transmit a copy of the petition to the department. The
31 representative of the department may also be heard at the hearing. The public shall be
32 excluded from the hearing, but the court, in its discretion, may permit individuals to

1 attend a hearing [,] if their attendance is compatible with the best interests of the minor.
2 [NOTHING IN THIS SECTION MAY BE APPLIED IN SUCH A WAY AS TO DENY
3 A CHILD'S RIGHTS TO A PUBLIC TRIAL AND TO A TRIAL BY JURY.]

4 * Sec. 27. AS 47.10.080(a) is amended to read:

5 (a) The court, at the conclusion of the hearing, or thereafter as the circumstances
6 of the case may require, shall find and enter a judgment that the minor is or is not
7 [DELINQUENT OR] a child in need of aid.

8 * Sec. 28. AS 47.10.080(c) is amended to read:

9 (c) If the court finds that the minor is a child in need of aid, it shall

10 (1) order the minor committed to the department for placement in an
11 appropriate setting for a period of time not to exceed two years or in any event past the
12 date the minor becomes 19 years of age, except that the department may petition for and
13 the court may grant in a hearing (A) two-year extensions of commitment that do not
14 extend beyond the minor's 19th birthday if the extension is in the best interests of the
15 minor [AND THE PUBLIC]; and (B) an additional one-year period of custody
16 [SUPERVISION] past age 19 if the continued custody [SUPERVISION] is in the best
17 interests of the person and the person consents to it; the department may transfer the
18 minor, in the minor's best interests, from one placement setting to another, and the minor,
19 the minor's parents or guardian, and the minor's attorney are entitled to reasonable notice
20 of the transfer;

21 (2) order the minor released to the minor's parents, guardian, or some
22 other suitable person, and, in appropriate cases, order the parents, guardian, or other
23 person to provide medical or other care and treatment; if the court releases the minor,
24 it shall direct the department to supervise the care and treatment given to the minor, but
25 the court may dispense with the department's supervision if the court finds that the adult
26 to whom the minor is released will adequately care for the minor without supervision;
27 the department's supervision may not exceed two years or in any event extend past the
28 date the minor reaches age 19, except that the department may petition for and the court
29 may grant in a hearing

30 (A) two-year extensions of supervision that do not extend beyond
31 the minor's 19th birthday if the extension is in the best interests of the minor and
32 the public; and

1 (B) an additional one-year period of supervision past age 19 if the
2 continued supervision is in the best interests of the person and the person
3 consents to it; or

4 (3) by order, upon a showing in the adjudication by clear and convincing
5 evidence that there is a child in need of aid under AS 47.10.010(a) [AS 47.10.010(a)(2)]
6 as a result of parental conduct and upon a showing in the disposition by clear and
7 convincing evidence that the parental conduct is likely to continue to exist if there is no
8 termination of parental rights, terminate parental rights and responsibilities of one or both
9 parents and commit the child to the department or to a legally appointed guardian of the
10 person of the child, and the department or guardian shall report annually to the court on
11 efforts being made to find a permanent placement for the child.

12 * Sec. 29. AS 47.10.080(e) is amended to read:

13 (e) If the court finds that the minor is not [DELINQUENT OR] a child in need
14 of aid, it shall immediately order the minor released from the department's custody and
15 returned to the minor's parents, guardian, or custodian, and dismiss the case.

16 * Sec. 30. AS 47.10.080(f) is amended to read:

17 (f) A minor found to be [DELINQUENT OR] a child in need of aid is a ward
18 of the state while committed to the department or the department has the power to
19 supervise the minor's actions. The court shall review an order made under [(b) OR]
20 (c)(1) or (2) of this section annually, and may review the order more frequently to
21 determine if continued placement [, PROBATION,] or custody [SUPERVISION], as it
22 is being provided, is in the best interest of the minor [AND THE PUBLIC]. If annual
23 review under this subsection would arise within 90 days of the hearing required under
24 (l) of this section, the court may postpone review under this subsection until the time set
25 for the hearing. The department, the minor, the minor's parents, guardian, or custodian
26 are entitled, when good cause is shown, to a review on application. If the application
27 is granted, the court shall afford these parties and their counsel reasonable notice in
28 advance of the review and hold a hearing where these parties and their counsel shall be
29 afforded an opportunity to be heard. The minor shall be afforded the opportunity to be
30 present at the review.

31 * Sec. 31. AS 47.10.080(g) is amended to read:

32 (g) [AN ADJUDICATION UNDER THIS CHAPTER UPON THE STATUS OF

1 A CHILD MAY NOT OPERATE TO IMPOSE ANY OF THE CIVIL DISABILITIES
2 ORDINARILY IMPOSED BY CONVICTION UPON A CRIMINAL CHARGE, NOR
3 MAY A MINOR AFTERWARD BE CONSIDERED A CRIMINAL BY THE
4 ADJUDICATION, NOR MAY THE ADJUDICATION BE AFTERWARD DEEMED
5 A CONVICTION, NOR MAY A MINOR BE CHARGED WITH OR CONVICTED OF
6 A CRIME IN A COURT, EXCEPT AS PROVIDED IN THIS CHAPTER.] The
7 commitment and placement of a child and evidence given in the court in a proceeding
8 under AS 47.10.010 - 47.10.142 are not admissible as evidence against the minor in a
9 subsequent case or proceedings in any other court [, NOR DOES THE COMMITMENT
10 AND PLACEMENT OR EVIDENCE OPERATE TO DISQUALIFY A MINOR IN A
11 FUTURE CIVIL SERVICE EXAMINATION OR APPOINTMENT IN THE STATE].

12 * Sec. 32. AS 47.10.080(i) is amended to read:

13 (i) A minor, the minor's parents or guardian acting on the minor's behalf, or the
14 department may appeal a judgment or order, or the stay, modification, setting aside,
15 revocation, or enlargement of a judgment or order issued by the court under
16 AS 47.10.010 - 47.10.142 [THIS CHAPTER].

17 * Sec. 33. AS 47.10.080(l) is amended to read:

18 (l) Within 18 months after the date a child is initially taken into custody by the
19 department under AS 47.10.142(c) or committed to the custody of the department under
20 [(b)(3),] (c)(1) [,] or [(c)] (3) of this section [,] or AS 47.10.230(c), the court shall hold
21 a hearing to review the placement and services provided and to determine the future
22 status of the minor. The court shall make appropriate written findings, including findings
23 related to the following:

- 24 (1) whether the child should be returned to the parent;
- 25 (2) whether the child should remain in out-of-home care for a specified
26 period;
- 27 (3) whether the child should remain in out-of-home care on a permanent
28 or long-term basis because of special needs or circumstances;
- 29 (4) whether the child should be placed for adoption or legal guardianship.

30 * Sec. 34. AS 47.10.082 is amended to read:

31 Sec. 47.10.082. BEST INTERESTS OF CHILD AND OTHER
32 CONSIDERATIONS. [IN MAKING ITS DISPOSITIONAL ORDER UNDER

1 AS 47.10.080(b) THE COURT SHALL CONSIDER THE BEST INTERESTS OF THE
2 CHILD AND THE PUBLIC.] In making its dispositional order under AS 47.10.080(c),
3 the court shall consider

4 (1) the best interests of the child; and

5 (2) [. IN EITHER CASE THE COURT SHALL CONSIDER ALSO]
6 the ability of the state to take custody and to care for the child to protect the child's best
7 interests under AS 47.10.010 - 47.10.142.

8 * Sec. 35. AS 47.10.084(a) is amended to read:

9 (a) When a child is committed under AS 47.10.080(c)(1) [AS 47.10.080(b)(1)
10 OR (c)(1)] to the department, [OR] released under AS 47.10.080(c)(2)
11 [AS 47.10.080(b)(2) OR (3) OR (c)(2)] to the child's parents, guardian, or other suitable
12 person, or committed to the department or to a legally appointed guardian of the
13 person of the child under AS 47.10.080(c)(3), a relationship of legal custody exists.

14 This relationship imposes on the department and its authorized agents or the parents,
15 guardian, or other suitable person the responsibility of physical care and control of the
16 child, the determination of where and with whom the child shall live, the right and duty
17 to protect, train, and discipline the child, and the duty of providing the child with food,
18 shelter, education, and medical care. These obligations are subject to any residual
19 parental rights and responsibilities and rights and responsibilities of a guardian if one has
20 been appointed. When a child is committed to the department and the department places
21 the child with the child's parent, the parent has the responsibility to provide and pay for
22 food, shelter, education, and medical care for the child. When parental rights have been
23 terminated, or there are no living parents and no guardian has been appointed, the
24 responsibilities of legal custody include those in (b) and (c) of this section. The
25 department or person having legal custody of the child may delegate any of the
26 responsibilities under this section, except authority to consent to marriage, adoption, and
27 military enlistment may not be delegated. For purposes of AS 47.10.010 - 47.10.142,
28 [THIS CHAPTER] a person in charge of a placement setting is an agent of the
29 department.

30 * Sec. 36. AS 47.10.090(c) is amended to read:

31 (c) Within 30 days of the date of a minor's 18th birthday or, if the court retains
32 jurisdiction of a minor past the minor's 18th birthday, within 30 days of the date on

1 which the court releases jurisdiction over the minor, the court shall order all the court's
2 official records pertaining to that minor in a proceeding under AS 47.10.010 -
3 47.10.142 sealed [, AS WELL AS RECORDS OF ALL DRIVER'S LICENSE
4 PROCEEDINGS UNDER AS 28.15.185, CRIMINAL PROCEEDINGS AGAINST THE
5 MINOR, AND PUNISHMENTS ASSESSED AGAINST THE MINOR]. A person may
6 not use these sealed records for any purpose except that the court may order their use
7 for good cause shown [OR MAY ORDER THEIR USE BY AN OFFICER OF THE
8 COURT IN MAKING A PRESENTENCING REPORT FOR THE COURT. THE
9 PROVISIONS OF THIS SUBSECTION RELATING TO THE SEALING OF
10 RECORDS DO NOT APPLY TO RECORDS OF TRAFFIC OFFENSES].

11 * Sec. 37. AS 47.10.090(d) is amended to read:

12 (d) The name or picture of a minor under the jurisdiction of the court may not
13 be made public in connection with the minor's status as a [DELINQUENT CHILD OR
14 A] child in need of aid unless authorized by order of the court.

15 * Sec. 38. AS 47.10.090(e) is amended to read:

16 (e) The court's official records under AS 47.10.010 - 47.10.142 [THIS
17 CHAPTER] may be inspected only with the court's permission and only by persons
18 having a legitimate interest in them. [A PERSON WITH A LEGITIMATE INTEREST
19 IN THE INSPECTION OF AN OFFICIAL RECORD MAINTAINED BY THE COURT
20 INCLUDES A VICTIM WHO SUFFERED PHYSICAL INJURY OR WHOSE REAL
21 OR PERSONAL PROPERTY WAS DAMAGED AS A RESULT OF AN OFFENSE
22 THAT WAS THE BASIS OF AN ADJUDICATION OR MODIFICATION OF
23 DISPOSITION. IF THE VICTIM KNOWS THE IDENTITY OF THE MINOR,
24 IDENTIFIES THE MINOR OR THE OFFENSE TO THE COURT, AND CERTIFIES
25 THAT THE INFORMATION IS BEING SOUGHT TO CONSIDER OR SUPPORT A
26 CIVIL ACTION AGAINST THE MINOR OR AGAINST THE MINOR'S PARENTS
27 OR GUARDIANS UNDER AS 34.50.020, THE COURT SHALL, SUBJECT TO
28 AS 12.61.110 AND 12.61.140, ALLOW THE VICTIM TO INSPECT AND USE THE
29 FOLLOWING RECORDS AND INFORMATION IN CONNECTION WITH THE
30 CIVIL ACTION:

31 (1) A PETITION FILED UNDER AS 47.10.010(a)(1) SEEKING TO
32 HAVE THE COURT DECLARE THE MINOR A DELINQUENT;

1 (2) A PETITION FILED UNDER AS 47.10.080 SEEKING TO HAVE
2 THE COURT MODIFY OR REVOKE THE MINOR'S PROBATION;

3 (3) A PETITION FILED UNDER AS 47.10.060 REQUESTING THE
4 COURT TO FIND THAT A MINOR IS NOT AMENABLE TO TREATMENT UNDER
5 THIS CHAPTER AND THAT RESULTS IN CLOSURE OF A CASE UNDER
6 AS 47.10.060(a); AND

7 (4) A COURT JUDGMENT OR ORDER ENTERED UNDER
8 AS 47.10.010 - 47.10.142 THAT DISPOSES OF A PETITION IDENTIFIED IN (1) -
9 (3) OF THIS SUBSECTION.]

10 * Sec. 39. AS 47.10.093(a) is amended to read:

11 (a) Except as specified in AS 47.10.092 and (b) - (g) [(b) - (f) AND (h)] of this
12 section, all information and social records pertaining to a minor who is subject to
13 AS 47.10.010 - 47.10.142 [THIS CHAPTER] or AS 47.17 prepared by or in the
14 possession of a federal, state, or municipal agency or employee in the discharge of the
15 agency's or employee's official duty [, INCLUDING DRIVER'S LICENSE ACTIONS
16 UNDER AS 28.15.185,] are privileged and may not be disclosed directly or indirectly
17 to anyone without a court order.

18 * Sec. 40. AS 47.10.100(c) is amended to read:

19 (c) If a minor is adjudicated [A DELINQUENT OR] a child in need of aid
20 before the minor's 18th birthday, the court may retain jurisdiction over the minor after
21 the minor's 18th birthday for the purpose of supervising the minor [MINOR'S
22 REHABILITATION], but the court's jurisdiction over the minor under this chapter never
23 extends beyond the minor's 19th birthday, except that the department may apply for and
24 the court may grant an additional one-year period of supervision past age 19 if continued
25 supervision is in the best interests of the person and the person consents to it. The
26 department may retain jurisdiction over a child between the child's 18th and 19th
27 birthdays for the purpose of supervising the child [CHILD'S REHABILITATION], if the
28 child has been placed under the supervision of the department before the child's 18th
29 birthday, except that the department may apply for and the court may grant an additional
30 one-year period of supervision past age 19 if continued supervision is in the best interests
31 of the person and the person consents to it.

32 * Sec. 41. AS 47.10.110 is amended to read:

1 Sec. 47.10.110. APPOINTMENT OF GUARDIAN OR CUSTODIAN. When,
2 in the course of a proceeding under AS 47.10.010 - 47.10.142 [THIS CHAPTER], it
3 appears to the court that the welfare of a minor will be promoted by the appointment of
4 a guardian or custodian of the minor's person, the court may make the appointment. The
5 court shall have a summons issued and served upon the parents of the minor, if they can
6 be found, in a manner and within a time before the hearing that the court considers
7 reasonable. The court may determine whether the father, mother, or the department shall
8 have the custody and control of the minor. If the minor is of sufficient age and
9 intelligence to state desires, the court shall consider them.

10 * Sec. 42. AS 47.10.120(a) is amended to read:

11 (a) When a child in need of aid [OR A DELINQUENT MINOR] is committed
12 under AS 47.10.010 - 47.10.142 [THIS CHAPTER], the court shall, after giving the
13 parent or legal guardian a reasonable opportunity to be heard, adjudge that the parent or
14 guardian pay to the department in a manner that the court directs a sum [THAT IS
15 BASED ON THE FEE SCHEDULE ADOPTED UNDER AS 44.29.022] to cover in full
16 or in part the maintenance and care of the child or minor. The support obligation shall
17 be calculated under Rule 90.3(i) of the Alaska Rules of Civil Procedure.

18 * Sec. 43. AS 47.10.141(b) is amended to read:

19 (b) A peace officer shall take into protective custody a minor described in (a)
20 of this section if the minor is not otherwise subject to arrest or detention. Unless (c) of
21 this section applies, when a peace officer takes a minor into protective custody under
22 this subsection,

23 (1) the peace officer shall exercise the officer's discretion and shall

24 (A) [AND (1)] return the minor to the minor's parent or
25 guardian [LEGAL CUSTODIAN] if the minor and the minor's parent or
26 guardian consent [LEGAL CUSTODIAN CONSENTS] to the return, except
27 that the officer may not use this option if the officer has reasonable cause to
28 believe [SUSPECT] that the minor has experienced physical or sexual abuse in
29 the parent's or guardian's [LEGAL CUSTODIAN'S] household;

30 (B) [(2)] take the minor to a nearby location agreed to by the
31 minor and the minor's parent or guardian [LEGAL CUSTODIAN]; or

32 (C) [(3)] take the minor to

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(i) an office specified by the Department of Health and Social Services;

(ii) [,] a program for runaway minors licensed by the department under AS 47.10.310;

(iii) [,] a shelter for runaways that has a permit from the department under AS 47.35.085 that agrees to shelter the minor;

(iv) [, OR] a facility or contract agency of the department;

or

(v) another suitable location and promptly notify the department, if [. IF] an office specified by the department, a licensed program for runaway minors, a shelter for runaways that will accept the minor, or a facility or contract agency of the department does not exist in the community;

(2) a [, 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;

(3) the peace officer, immediately [. IMMEDIATELY] upon taking a minor into protective custody, [THE OFFICER] shall

(A) advise the minor orally and in writing of the right to social services under AS 47.10.142(b); [,] and

(B) [,] if the identity of the minor's parent or guardian is known, [THE OFFICER SHALL] advise the minor's parent or guardian [LEGAL CUSTODIAN] that the minor has been taken into protective custody and that counseling services for the minor's parent or guardian [CUSTODIAN] and the minor's household may be available under AS 47.10.142(b).

* Sec. 44. AS 47.10.141(c) is amended to read:

(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(c)(1), 47.10.142(f), or AS 47.12.100(b)(1) or (3) [AS 47.10.080 OR 47.10.142(f)], (2) the minor's current situation poses a severe and imminent risk to the

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minor's life or safety, and (3) no reasonable placement alternative exists within the community. For 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.

* Sec. 45. AS 47.10.142(a) is amended to read:

(a) The Department of Health and Social Services may take emergency custody of a minor upon discovering any of the following circumstances:

(1) the minor has been abandoned;

(2) the minor has been grossly neglected by the minor's parents or guardian, as "neglect" is defined in AS 47.17.290, and the department determines that immediate removal from the minor's surroundings is necessary to protect the minor's life or provide immediate necessary medical attention;

(3) the minor has been subjected to child abuse or neglect by a person responsible for the minor's welfare, as "child abuse or neglect" is defined in AS 47.17.290, and the department determines that immediate removal from the minor's surroundings is necessary to protect the minor's life or that immediate medical attention is necessary: or

(4) the minor has been sexually abused under circumstances listed in AS 47.10.010(a)(4) [AS 47.10.010(a)(2)(D)].

* Sec. 46. AS 47.10.150 is amended to read:

Sec. 47.10.150. GENERAL POWERS OF DEPARTMENT OVER JUVENILE INSTITUTIONS. The department may

(1) purchase, lease, or construct buildings or other facilities for the care,

- 1 detention, rehabilitation, and education of children in need of aid or delinquent minors;
- 2 (2) adopt plans for construction of juvenile homes, juvenile work camps,
- 3 juvenile detention facilities, and other juvenile institutions;
- 4 (3) adopt standards and regulations [UNDER THIS CHAPTER] for the
- 5 design, construction, repair, maintenance, and operation of all juvenile detention homes,
- 6 work camps, facilities, and institutions;
- 7 (4) inspect periodically each juvenile detention home, work camp,
- 8 facility, or other institution to ensure that the standards and regulations adopted are being
- 9 maintained;
- 10 (5) reimburse cities maintaining and operating juvenile detention homes,
- 11 work camps, and facilities;
- 12 (6) enter into contracts and arrangements with cities and state and federal
- 13 agencies to carry out the purposes of AS 47.10.150 - 47.10.220 [THIS CHAPTER];
- 14 (7) do all acts necessary to carry out the purposes of AS 47.10.150 -
- 15 47.10.220 [THIS CHAPTER];
- 16 (8) adopt the regulations necessary to carry out AS 47.10.150 - 47.10.220
- 17 [THIS CHAPTER];
- 18 (9) accept donations, gifts, or bequests of money or other property for
- 19 use in construction of juvenile homes, work camps, institutions, or detention facilities;
- 20 (10) operate juvenile homes when municipalities are unable to do so;
- 21 (11) receive, care for, and place in a juvenile detention home, the minor's
- 22 own home, a foster home, or a correctional school, work camp, or treatment institution
- 23 all minors committed to its custody under this chapter and AS 47.12.

24 * Sec. 47. AS 47.10.160(a) is amended to read:

25 (a) The department shall

26 (1) accept all minors committed to the custody of the department and all

27 minors who are involved in a written agreement under AS 47.10.230(c), and provide for

28 the welfare, control, care, custody, and placement of these minors in accordance with this

29 chapter and AS 47.12;

30 (2) require and collect statistics on juvenile offenses and offenders in the

31 state;

32 (3) conduct studies and prepare findings and recommendations on the

1 need, number, type, construction, maintenance, and operating costs of juvenile homes,
2 work camps, facilities, and the other institutions, and adopt and submit a plan for
3 construction of the homes, work camps, facilities, and institutions when needed, together
4 with a plan for financing the construction programs;

5 (4) examine, where possible, all facilities, institutions, work camps, and
6 places of juvenile detention in the state and inquire into their methods and the
7 management of juveniles in them.

8 * Sec. 48. AS 47.10.190 is amended to read:

9 Sec. 47.10.190. DETENTION OF MINORS. When the court commits a minor
10 to the custody of the department, except when detention in a correctional facility is
11 authorized by AS 47.12.240(c) [AS 47.10.130(c)], the department shall arrange to place
12 the juvenile in a detention home, work camp, or another suitable place that the
13 department designates for that purpose.

14 * Sec. 49. AS 47.10.210 is amended to read:

15 Sec. 47.10.210. YOUTH COUNSELORS. The department may employ youth
16 counselors. Youth counselors shall exercise the duties of probation officers and shall
17 prepare preliminary investigations for the information of the court. They shall also
18 carry out other duties in the care and treatment of minors that [WHICH] are consistent
19 with the intent of this chapter and AS 47.12. Youth counselors have the powers of
20 a peace officer with respect to the service of process, the making of arrests of minors
21 who violate state or municipal law, and the execution of orders of the court relating
22 to juveniles. The youth counselors shall assist and advise the courts in the furtherance
23 of the welfare and control of minors under the court's jurisdiction.

24 * Sec. 50. AS 47.10.220 is amended to read:

25 Sec. 47.10.220. GRANTS-IN-AID. The department may accept grants-in-aid
26 from the federal government or private foundations and may accept other gifts
27 consistent with the purposes of this chapter and AS 47.12.

28 * Sec. 51. AS 47.10.230(b) is amended to read:

29 (b) The department may pay the costs of maintenance that are necessary to
30 assure adequate care of the child, and may accept funds from the federal government
31 that are granted to assist in carrying out the purposes of this chapter and AS 47.12,
32 or that are paid under contract entered into with a federal department or agency. A

1 child under the care of the department may not be placed in a family home or
2 institution that does not maintain adequate standards of care.

3 * Sec. 52. AS 47.10.390(2) is amended to read:

4 (2) "runaway minor" means a person under 18 years of age who

5 (A) is habitually absent from home;

6 (B) refuses to accept available care;

7 (C) has no parent, guardian, custodian, or relative able or
8 willing to provide care; or

9 (D) has been physically abandoned by

10 (i) both parents;

11 (ii) the surviving parent; or

12 (iii) one parent if the other parent's rights and
13 responsibilities have been terminated under AS 25.23.180(c) or
14 AS 47.10.080(c)(3), [AS 47.10.080] or have been voluntarily
15 relinquished.

16 * Sec. 53. AS 47.10.440(a) is amended to read:

17 (a) A local panel shall review the case plan of each child in the custody of the
18 department who is in a placement other than the child's own home under
19 AS 47.10.080(c)(1) or (3) [AS 47.10.080(b)(3), (c)(1), OR (c)(3)], 47.10.142, [OR]
20 47.10.230(c), or AS 47.12.100(b)(3) if the case is under the jurisdiction of a court in
21 the judicial district served by the panel. A local panel may request a local panel in
22 another judicial district to conduct a review and make a report if that local panel is
23 more convenient for the child and other persons involved.

24 * Sec. 54. AS 47.10.440(f) is amended to read:

25 (f) During a review under (a) of this section, a local panel shall

26 (1) determine whether the child has a case plan designed to achieve
27 placement in the least restrictive, most family-like setting available in close proximity
28 to the home of the child's parents that is consistent with the best interests of and
29 special needs and circumstances of the child;

30 (2) evaluate the continuing necessity and appropriateness of the child's
31 placement, the extent of the compliance with the child's case plan, and the extent of

1 progress that has been made toward mitigating the causes that necessitated placement
2 away from the child's parents;

3 (3) ascertain the date by which it is likely the child may be returned
4 to the home or placed for adoption or legal guardianship;

5 (4) determine whether there has been compliance with applicable
6 provisions of 25 U.S.C. 1901 - 1963 (Indian Child Welfare Act) and other applicable
7 state and federal laws; and

8 (5) determine whether there has been compliance with court review
9 requirements of AS 47.10.080(f) and (l), [AND] 47.10.142(h), and AS 47.12.100(d)
10 and (g).

11 * Sec. 55. AS 47.10.440(h) is amended to read:

12 (h) The report required under (g) of this section must make advisory
13 recommendations based on the best interests of the child in accordance with
14 AS 47.10.082 and must include notification of the right to request court review under
15 AS 47.10.080(f) or AS 47.12.100(d), as appropriate. If the court has scheduled the
16 case for review, the local panel shall submit its report at least 20 days before the
17 hearing.

18 * Sec. 56. AS 47.10.460(a) is amended to read:

19 (a) Notwithstanding AS 47.10.090 and 47.10.093 and AS 47.12.170 and
20 47.12.180 [AS 47.10.090], at the request of a local panel, the department, the child's
21 guardian ad litem, and the court shall furnish to the local panel relevant records
22 concerning a child and the child's family who are the subjects of a local panel review.
23 At the conclusion of a review, all copies of records provided to a local panel under
24 this section shall be returned to the staff that serves the local panel or to the agency
25 from which the original copy was obtained unless the panel members need the copies
26 to prepare the reports required under AS 47.10.440(g) - (i). Copies retained for
27 preparation of the reports shall be returned to the staff that serves the local panel or
28 to the originating agency upon completion of the reports. Notwithstanding
29 AS 44.62.310, records and reports of the local panel, testimony before the local panel,
30 and deliberations of the local panel are confidential under AS 47.10.093 and
31 AS 47.12.180 [AS 47.10.090].

1 * Sec. 57. AS 47.10.470 is amended to read:

2 Sec. 47.10.470. COURT REVIEW OF REPORT. (a) When a report is
3 admissible under court rules, the court may consider the report of the local panel in
4 its review under AS 47.10.080(f) or AS 47.12.100(d), as appropriate, and at other
5 disposition hearings other than hearings related to delinquency proceedings.

6 (b) The court may refer to the local panel a case called for a special review
7 under AS 47.10.080(f) or AS 47.12.100(d), as appropriate.

8 * Sec. 58. AS 47.10.490(2) is amended to read:

9 (2) "out-of-home care provider" means an agency or person, other than
10 the child's legal parents, with whom a child who is in the custody of the state under
11 AS 47.10.080(c)(1) or (3) [AS 47.10.080(b)(3), (c)(1), OR (c)(3)], 47.10.142, [OR]
12 47.10.230(c), or AS 47.12.100(b)(3) is currently placed; in this paragraph, "agency or
13 person" includes a foster parent, a relative other than a parent, a person who has
14 petitioned for adoption of the child, and a residential child care facility;

15 * Sec. 59. AS 47.10.990 is amended to read:

16 Sec. 47.10.990. DEFINITIONS. In this chapter, unless the context otherwise
17 requires,

18 (i) "care" or "caring" under AS 47.10.010(a)(1)
19 [AS 47.10.010(a)(2)(A)], 47.10.120(a), and 47.10.230(c) [,] means to provide for the
20 physical, emotional, mental, and social needs of the child;

21 (2) "child in need of aid" means a minor found to be within the
22 jurisdiction of the court under AS 47.10.010(a) [AS 47.10.010(a)(2)];

23 (3) "court" means the superior court of the state;

24 (4) ["CRIME AGAINST A PERSON" MEANS AN OFFENSE SET
25 OUT IN AS 11.41;

26 (5) "delinquent minor" means a minor found to be within the
27 jurisdiction of the court under AS 47.12 [AS 47.10.010(a)(1)];

28 (5) [(6)] "department" means the Department of Health and Social
29 Services;

30 (6) [(7)] "juvenile detention facility" means separate quarters within
31 a city jail used for the detention of delinquent minors;

1 (7) [(8)] "juvenile detention home" or "detention home" is a separate
2 establishment, exclusively devoted to the detention of minors on a short-term basis and
3 not a part of an adult jail;

4 (8) [(9)] "juvenile work camp" means a separate residential
5 establishment, exclusively devoted to the detention of minors, in which the minors who
6 are 16 years of age or older and committed to the custody of the department and
7 placed in the facility may be required to labor on the buildings and grounds or perform
8 any other work or engage in any activities that do not conflict with regulations adopted
9 by the Department of Health and Social Services under this chapter for the care,
10 rehabilitation, education, and discipline of minors in detention;

11 (9) [(10)] "minor" means [IS] a person under 18 years of age;

12 (10) [(11)] "treatment facility" means a hospital, clinic, institution,
13 center, or other health care facility that has been designated by the department for the
14 treatment of juveniles [;

15 (12) "VICTIM" HAS THE MEANING GIVEN IN AS 12.55.185].

16 * Sec. 60. AS 47 is amended by adding a new chapter to read:

17 CHAPTER 12. DELINQUENT MINORS.

18 ARTICLE 1. JUVENILE DELINQUENCY.

19 Sec. 47.12.010. JURISDICTION. Proceedings relating to a minor under 18
20 years of age residing or found in the state are governed by this chapter, except as
21 otherwise provided in this chapter, when the minor is alleged to be or may be
22 determined by a court to be a delinquent minor as a result of violating a criminal law
23 of the state or a municipality of the state.

24 Sec. 47.12.015. PROVISIONS INAPPLICABLE. (a) When a minor who was
25 at least 16 years of age at the time of the offense is arraigned on a charge for an
26 offense specified in this subsection, this chapter and the Alaska Delinquency Rules do
27 not apply to the offense for which the minor is arraigned or to any additional offenses
28 joinable to it under the applicable rules of court governing criminal procedure. The
29 minor shall be charged, prosecuted, and sentenced in the superior court in the same
30 manner as an adult unless the minor is convicted of some offense other than an offense
31 specified in this subsection, in which event the minor may attempt to prove, by a

1 preponderance of the evidence, that the minor is amenable to treatment under this
2 chapter. If the court finds that the minor is amenable to treatment under this chapter,
3 the minor shall be treated as though the charges had been heard under this chapter, and
4 the court shall order disposition of the charges of which the minor is convicted under
5 AS 47.12.100(b). The provisions of this subsection apply when the minor is arraigned
6 on a charge

7 (1) that is an unclassified felony or a class A felony and the felony is
8 a crime against a person; or

9 (2) of arson in the first degree.

10 (b) When a minor is accused of violating a statute specified in this subsection,
11 other than a statute the violation of which is a felony, this chapter and the Alaska
12 Delinquency Rules do not apply and the minor accused of the offense shall be charged,
13 prosecuted, and sentenced in the district court in the same manner as an adult; if a
14 minor is charged, prosecuted, and sentenced for an offense under this subsection, the
15 minor's parent, guardian, or legal custodian shall be present at all proceedings; the
16 provisions of this paragraph apply when a minor is accused of violating

17 (1) a traffic statute or regulation, or a traffic ordinance or regulation of
18 a municipality;

19 (2) AS 11.76.105, relating to the possession of tobacco by a person
20 under 19 years of age;

21 (3) a fish and game statute or regulation under AS 16;

22 (4) a parks and recreational facilities statute or regulation under
23 AS 41.21; and

24 (5) AS 04.16.050, relating to possession, control, or consumption of
25 alcohol.

26 (c) The provisions of AS 47.12.010 - 47.12.250 and the Alaska Delinquency
27 Rules do not apply to driver's license proceedings under AS 28.15.185; the court shall
28 impose a driver's license revocation under AS 28.15.185 in the same manner as adult
29 driver's license revocations, except that a parent or legal guardian shall be present at
30 all proceedings.

31 Sec. 47.12.020. INVESTIGATION AND PETITION. (a) Whenever

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circumstances subject a minor to the jurisdiction of this chapter, the court shall

(1) provide, under procedures adopted by court rule, that, for a minor who is alleged to be a delinquent minor under AS 47.12.010, a state agency shall make a preliminary inquiry to determine if any action is appropriate and may take appropriate action to adjust the matter without a court hearing; if, under this paragraph,

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

(B) the agency concludes that the matter may not be adjusted without a court hearing, the agency may file a petition under (2) of this subsection setting out the facts; or

(2) appoint a competent person or agency to make a preliminary inquiry and report for the information of the court to determine whether the interests of the public or of the minor require that further action be taken; if, under this paragraph, the court appoints a person or agency to make a preliminary inquiry and to report to it, then upon the receipt of the report, the court may informally adjust the matter without a hearing, or it may authorize the person having knowledge of the facts of the case to file with the court a petition setting out the facts; if the court informally adjusts the matter, the minor may not be detained or taken into the custody of the court as a condition of the adjustment, and the matter shall be closed by the court upon adjustment.

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

(1) the name, address and occupation of the petitioner, together with

1 the petitioner's relationship to the minor, and the petitioner's interest in the matter;

2 (2) the name, age and address of the minor;

3 (3) a brief statement of the facts that bring the minor within this
4 chapter;

5 (4) the names and addresses of the minor's parents;

6 (5) the name and address of the minor's guardian, or of the person
7 having control or custody of the minor.

8 (c) If the petitioner does not know a fact required in this section, the petitioner
9 shall so state in the petition.

10 Sec. 47.12.030. NOTICE TO AND INVOLVEMENT OF PARENT OR
11 GUARDIAN. (a) Except as may be otherwise specifically provided, in all cases
12 under this chapter, the minor, each parent of the minor, and the guardian of the minor
13 are entitled to notice adequate to give actual notice of the proceedings, taking into
14 account education and language differences that are known or reasonably ascertainable
15 by the party giving the notice. The notice must contain all names by which the minor
16 has been identified.

17 (b) Notice shall be given in the manner appropriate under the Alaska Rules of
18 Civil Procedure for the service of process in a civil action under state law or in any
19 manner the court by order directs. Proof of giving of the notice shall be filed with the
20 court before the petition is heard or other proceeding commenced.

21 (c) The court may subpoena the parent or guardian of the minor, or any other
22 person whose testimony may be necessary at the hearing. A subpoena or other process
23 may be served by a person authorized by law to make the service. If personal service
24 cannot be made, the court may direct that service of process be in the manner
25 appropriate under the Alaska Rules of Civil Procedure for the service of process in a
26 civil action under state law or in any manner the court directs.

27 (d) In any proceeding under this chapter, the minor's parent or guardian may
28 be present.

29 Sec. 47.12.040. INFORMAL ACTION BY DEPARTMENT TO ADJUST
30 MATTER. (a) The provisions of this section apply to a minor who is alleged to be
31 a delinquent minor under AS 47.12.010 and for whom an agency has, under applicable

1 court rule, made a preliminary inquiry before taking appropriate action as authorized
2 by AS 47.12.020(a). Following the preliminary inquiry, unless the agency determines
3 that the matter should be dismissed, the agency may take informal action to adjust the
4 matter.

5 (b) When the agency decides that an informal adjustment of a matter should
6 be made, that informal adjustment may not be made without the agreement or consent
7 of the minor and the minor's parents or guardians to the terms and conditions of the
8 adjustment. An informal action to adjust a matter is not successfully completed unless,
9 among other factors that the agency considers, as to the victim of the act of the minor
10 that is the basis of the delinquency allegation, the minor pays restitution in the amount
11 set by the agency or agrees as a term or condition set by the agency to pay the
12 restitution.

13 Sec. 47.12.050. SUMMONS AND CUSTODY OF MINOR. After a petition
14 is filed and after further investigation that the court directs, if the person having
15 custody or control of the minor has not appeared voluntarily, the court shall issue a
16 summons that

17 (1) recites briefly the substance of the petition;

18 (2) directs the person having custody or control of the minor to appear
19 personally in court with the minor at the place and at the time set forth in the
20 summons.

21 Sec. 47.12.060. RELEASE OF MINOR. A minor who is taken into custody
22 may, in the discretion of the court and upon the written promise of the parent,
23 guardian, or custodian to bring the minor before the court at a time specified by the
24 court, be released to the care and custody of the parent, guardian, or custodian. The
25 minor, if not released, shall be detained as provided by AS 47.12.240. The court may
26 determine whether the father or mother or another person shall have the custody and
27 control of the minor for the duration of the proceedings. If the minor is of sufficient
28 age and intelligence to state desires, the court shall give consideration to the minor's
29 desires.

30 Sec. 47.12.070. APPOINTMENT OF ATTORNEY, GUARDIAN AD LITEM,
31 OR GUARDIAN. (a) In all proceedings initiated under a petition for delinquency, a

1 minor shall have the right to be represented by counsel and, if indigent, have counsel
2 appointed by the court. The court shall appoint counsel in such cases unless it makes
3 a finding on the record that the minor has made a voluntary, knowing, and intelligent
4 waiver of the right to counsel and a parent or guardian with whom the minor resides
5 or resided before the filing of the petition concurs with the waiver. In cases in which
6 it has been alleged that the minor has committed an act that would be a felony if
7 committed by an adult, waiver of counsel may not be accepted unless the court is
8 satisfied that the minor has consulted with an attorney before the waiver of counsel.

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

14 (c) In a controversy concerning custody of a minor under this chapter,

15 (1) the court may appoint a guardian of the person and property of a
16 minor and may order support from either or both parents;

17 (2) custody of the minor may be given to the department, and payment
18 of support money to the department may be ordered.

19 Sec. 47.12.080. WAIVER OF JURISDICTION. (a) If the court finds at a
20 hearing on a petition that there is probable cause for believing that a minor is
21 delinquent and finds that the minor is not amenable to treatment under this chapter, it
22 shall order the case closed. After a case is closed under this subsection, the minor
23 may be prosecuted as an adult.

24 (b) A minor is unamenable to treatment under this chapter if the minor
25 probably cannot be rehabilitated by treatment under this chapter before reaching 20
26 years of age. In determining whether a minor is unamenable to treatment, the court
27 may consider the seriousness of the offense the minor is alleged to have committed,
28 the minor's history of delinquency, the probable cause of the minor's delinquent
29 behavior, and the facilities available to the department for treating the minor.

30 (c) For purposes of making a determination under this section,

31 (1) the standard of proof is by a preponderance of the evidence; and