

ALASKA LEGISLATURE COMMITTEE FILES 1995-1996 8672

8559 HOUSE HEALTH EDUCATION & SOCIAL SERVICES

1 (2) the burden of proof that a minor is not amenable to treatment under
2 this chapter is on the state; however, if the petition filed under AS 47.12.020 seeking
3 to have the court declare a minor a delinquent is based on the minor's alleged
4 commission of an offense that is an unclassified felony or class A felony and that is
5 a crime against a person, the minor

6 (A) is rebuttably presumed not to be amenable to treatment
7 under this chapter; and

8 (B) has the burden of proof of showing that the minor is
9 amenable to treatment under this chapter.

10 Sec. 47.12.090. HEARINGS. (a) The court may conduct the hearing on the
11 petition in an informal manner in the courtroom or in chambers. The court shall give
12 notice of the hearing to the department and it may send a representative to the hearing.
13 The court shall also transmit a copy of the petition to the department. The
14 representative of the department may also be heard at the hearing. The public shall
15 be excluded from the hearing, but the court, in its discretion, may permit individuals
16 to attend a hearing, if their attendance is compatible with the best interests of the
17 minor. Nothing in this section may be applied in such a way as to deny a minor's
18 rights to a public trial and to a trial by jury.

19 (b) Notwithstanding (a) of this section, the victim of an offense that a minor
20 is alleged to have committed, or the designee of the victim, has a right to be present
21 at all hearings held under this section. If the minor is found to have committed the
22 offense, the victim may at the disposition hearing give sworn testimony or make an
23 unsworn oral presentation concerning the offense and its effect on the victim. If there
24 are numerous victims of a minor's offense, the court may limit the number of victims
25 who may give sworn testimony or make an unsworn oral presentation, but the court
26 may not limit the right of a victim to attend a hearing.

27 (c) Unless the minor objects, the court may select a young adult advisory panel
28 to hear the case and advise the court of a recommended judgment and order. The
29 court may consider any of the panel recommendations in making its judgment and
30 order in the case. For purposes of this subsection,

31 (1) the principal of each high school shall submit annually to the court

1 a list of the students enrolled in grades 10, 11, and 12, and the court shall determine
2 the method of selecting the members of each panel; and

3 (2) a student

4 (A) shall be excused from attending school while serving as a
5 panel member;

6 (B) may not serve more than once each year on a panel; and

7 (C) shall be excused from service as a panel member if the
8 student submits a written request to the court indicating the reason for not
9 wishing to serve.

10 Sec. 47.12.100. JUDGMENTS AND ORDERS. (a) The court, at the
11 conclusion of the hearing, or thereafter as the circumstances of the case may require,
12 shall find and enter a judgment that the minor is or is not delinquent.

13 (b) If the court finds that the minor is delinquent, it shall

14 (1) order the minor committed to the department for a period of time
15 not to exceed two years or in any event extend past the day the minor becomes 19
16 years of age, except that the department may petition for and the court may grant in
17 a hearing (A) two-year extensions of commitment that do not extend beyond the
18 minor's 19th birthday if the extension is in the best interests of the minor and the
19 public; and (B) an additional one-year period of supervision past age 19 if continued
20 supervision is in the best interests of the person and the person consents to it; the
21 department shall place the minor in the juvenile facility that the department considers
22 appropriate and that may include a juvenile correctional school, juvenile work camp,
23 treatment facility, detention home, or detention facility; the minor may be released
24 from placement or detention and placed on probation on order of the court and may
25 also be released by the department, in its discretion, under AS 47.10.200;

26 (2) order the minor placed on probation, to be supervised by the
27 department, and released to the minor's parents, guardian, or a suitable person; if the
28 court orders the minor placed on probation, it may specify the terms and conditions
29 of probation; the probation may be for a period of time not to exceed two years and
30 in no event to extend past the day the minor becomes 19 years of age, except that the
31 department may petition for and the court may grant in a hearing

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

4 (B) an additional one-year period of supervision past age 19 if
5 the continued supervision is in the best interests of the person and the person
6 consents to it;

7 (3) order the minor committed to the department and placed on
8 probation, to be supervised by the department, and released to the minor's parents,
9 guardian, other suitable person, or suitable nondetention setting such as a family home,
10 group care facility, or child care facility, whichever the department considers
11 appropriate to implement the treatment plan of the predisposition report; if the court
12 orders the minor placed on probation, it may specify the terms and conditions of
13 probation; the department may transfer the minor, in the minor's best interests, from
14 one of the probationary placement settings listed in this paragraph to another, and the
15 minor, the minor's parents or guardian, and the minor's attorney are entitled to
16 reasonable notice of the transfer; the probation may be for a period of time not to
17 exceed four years and in no event to extend past the day the minor becomes 19 years
18 of age, except that the department may petition for and the court may grant in a
19 hearing

20 (A) two-year extensions of commitment that do not extend
21 beyond the minor's 19th birthday if the extension is in the best interests of the
22 minor and the public; and

23 (B) an additional one-year period of supervision past age 19 if
24 the continued supervision is in the best interests of the person and the person
25 consents to it;

26 (4) order the minor to make suitable restitution in lieu of or in addition
27 to the court's order under (1), (2), or (3) of this subsection; the court may not refuse
28 to make an order of restitution under this paragraph to benefit the victim of the act of
29 the minor that is the basis of the delinquency adjudication;

30 (5) order the minor committed to the department for placement in an
31 adventure based education program established under AS 47.21.020 with conditions

1 the court considers appropriate concerning release upon satisfactory completion of the
2 program or commitment under (1) of this subsection if the program is not satisfactorily
3 completed; or

4 (6) in addition to an order under (1) - (5) of this subsection, if the
5 delinquency finding is based on the minor's violation of AS 11.71.030(a)(3) or
6 11.71.040(a)(4), order the minor to perform 50 hours of community service; for
7 purposes of this paragraph, "community service" includes work

8 (A) on a project identified in AS 33.30.901; or

9 (B) that, on the recommendation of the city council or
10 traditional village council, would benefit persons within the city or village who
11 are elderly or disabled.

12 (c) If the court finds that the minor is not delinquent, it shall immediately
13 order the minor released from the department's custody and returned to the minor's
14 parents, guardian, or custodian, and dismiss the case.

15 (d) A minor found to be delinquent is a ward of the state while committed to
16 the department or the department has the power to supervise the minor's actions. The
17 court shall review an order made under (b) of this section annually, and may review
18 the order more frequently to determine if continued placement, probation, or
19 supervision, as it is being provided, is in the best interest of the minor and the public.
20 If annual review under this subsection would arise within 90 days of the hearing
21 required under this section, the court may postpone review under this subsection until
22 the time set for the hearing. The department, the minor, the minor's parents, guardian,
23 or custodian are entitled, when good cause is shown, to a review on application. If the
24 application is granted, the court shall afford these parties and their counsel reasonable
25 notice in advance of the review and hold a hearing where these parties and their
26 counsel shall be afforded an opportunity to be heard. The minor shall be afforded the
27 opportunity to be present at the review.

28 (e) The department shall pay all court costs incurred in all proceedings in
29 connection with the adjudication of delinquency under this chapter, including hearings
30 that result in the release of the minor.

31 (f) A minor, the minor's parents or guardian acting on the minor's behalf, or

1 the department may appeal a judgment or order, or the stay, modification, setting aside,
2 revocation, or enlargement of a judgment or order issued by the court under this
3 chapter.

4 (g) Within 18 months after the date a minor is committed to the custody of the
5 department under (b)(3) of this section, the court shall hold a hearing to review the
6 placement and services provided and to determine the future status of the minor. The
7 court shall make appropriate written findings, including findings related to the
8 following:

9 (1) whether the minor should be returned to the parent;

10 (2) whether the minor should remain in out-of-home care for a
11 specified period;

12 (3) whether the minor should remain in out-of-home care on a
13 permanent or long-term basis because of special needs or circumstances;

14 (4) whether the minor should be placed for adoption or legal
15 guardianship.

16 (h) Within 60 days after the date a minor is removed from the minor's home
17 by the department, the department shall notify the appropriate local citizen out-of-home
18 care review panel established under AS 47.10.420.

19 (i) For a minor committed under (b)(1) - (3) of this section on the basis of the
20 minor's commission of a sex offense, as that term is defined by AS 12.63.100, the
21 court shall, after giving notice to the minor, the minor's parent, guardian, or custodian,
22 and the department and its counsel, hold a hearing to determine whether the minor has
23 completed all requirements of the recommended plan of treatment set out in the
24 predisposition hearing report. The court shall hold the hearing not less than 30 days
25 nor more than 60 days before the date that supervision of the minor is scheduled to
26 terminate. If, by a preponderance of the evidence, the court finds that the minor has
27 knowingly failed to participate in the recommended plan of treatment provided by the
28 department, the court shall require the minor to register as a sex offender under
29 AS 12.63.010 - 12.63.100.

30 Sec. 47.12.110. PREDISPOSITION HEARING REPORTS. (a) Before the
31 disposition hearing of a delinquent minor, the department shall submit a predisposition

1 report with a recommended plan of treatment to aid the court in its selection of a
2 disposition, a victim impact statement reporting the information set out in
3 AS 12.55.022, and any further information that the court may request. In preparing
4 the predisposition report, the department shall contact the victim of the minor's offense.

5 (b) The court shall inform the minor, the minor's parents, and the attorneys
6 representing the parties and the guardian ad litem that the predisposition report will be
7 available to them not less than 10 days before the disposition hearing.

8 (c) In this section, "parents" means the natural or adoptive parents, and any
9 legal guardian, relative, or other adult person with whom the minor has resided and
10 who has acted as a parent in providing for the minor for a continuous period of time
11 before this action.

12 Sec. 47.12.120. COURT DISPOSITIONAL ORDER; BEST INTERESTS OF
13 MINOR AND OTHER CONSIDERATIONS. (a) In making its dispositional order
14 under AS 47.12.100(b)(1) - (3) and (5), the court shall

15 (1) consider

16 (A) the best interests of the minor and the public; and

17 (B) the ability of the state to take custody and to care for the
18 minor to protect the minor's best interests under this chapter;

19 (2) consider that the minor's continued delinquent behavior is a danger
20 to the minor; and

21 (3) order the least restrictive alternative disposition for the minor; for
22 purposes of this paragraph, the "least restrictive alternative disposition" means that
23 disposition that is no more restrictive than is, in the judgment of the court, most
24 conducive to the minor's rehabilitation.

25 (b) In making its dispositional order, in addition to the elements of (a)(1) and
26 (2) of this section, the court shall consider

27 (1) the seriousness of the minor's delinquent act;

28 (2) the minor's culpability as indicated by the circumstances of the
29 particular case;

30 (3) the age of the minor;

31 (4) the minor's prior criminal or juvenile record;

1 (5) the ability of the minor's parent, guardian, or custodian to control
2 and supervise the minor;

3 (6) the success or failure of the minor's previous dispositions or
4 placements; and

5 (7) detention is an appropriate consequence for a minor.

6 Sec. 47.12.130. LEGAL CUSTODY, GUARDIANSHIP, AND RESIDUAL
7 PARENTAL RIGHTS AND RESPONSIBILITIES. (a) When a minor is committed
8 under AS 47.12.100(b)(1) or (b)(3) to the department or released under
9 AS 47.12.100(b)(2) to the minor's parents, guardian, or other suitable person, a
10 relationship of legal custody exists. This relationship imposes on the department and
11 its authorized agents or the parents, guardian, or other suitable person the responsibility
12 of physical care and control of the minor, the determination of where and with whom
13 the minor shall live, the right and duty to protect, train, and discipline the minor, and
14 the duty of providing the minor with food, shelter, education, and medical care. These
15 obligations are subject to any residual parental rights and responsibilities and rights and
16 responsibilities of a guardian if one has been appointed. When a minor is committed
17 to the department and the department places the minor with the minor's parent, the
18 parent has the responsibility to provide and pay for food, shelter, education, and
19 medical care for the minor. When parental rights have been terminated, or there are
20 no living parents and a guardian has not been appointed, the responsibilities of legal
21 custody include those in (b) and (c) of this section. The department or person having
22 legal custody of the minor may delegate any of the responsibilities under this section,
23 except authority to consent to marriage, adoption, and military enlistment may not be
24 delegated. For purposes of this chapter, a person in charge of a placement setting is
25 an agent of the department.

26 (b) When a guardian is appointed for the minor, the court shall specify in its
27 order the rights and responsibilities of the guardian. The guardian may be removed
28 only by court order. The rights and responsibilities may include, but are not limited
29 to, having the right and responsibility of reasonable visitation, consenting to marriage,
30 consenting to military enlistment, consenting to major medical treatment, obtaining
31 representation for the minor in legal actions, and making decisions of legal or financial

1 significance concerning the minor.

2 (c) When there has been transfer of legal custody or appointment of a guardian
3 and parental rights have not been terminated by court decree, the parents shall have
4 residual rights and responsibilities. These residual rights and responsibilities of the
5 parent include the right and responsibility of reasonable visitation, consent to adoption,
6 consent to marriage, consent to military enlistment, consent to major medical treatment
7 except in cases of emergency or cases falling under AS 25.20.025, and the
8 responsibility for support, except if by court order any residual right and responsibility
9 has been delegated to a guardian under (b) of this section.

10 Sec. 47.12.140. RETENTION OF JURISDICTION OVER MINOR. (a) The
11 court retains jurisdiction over the case and may at any time stay execution, modify, set
12 aside, revoke, or enlarge a judgment or order, or grant a new hearing, in the exercise
13 of its power of protection over the minor and for the minor's best interest, for a period
14 of time not to exceed the maximum period otherwise permitted by law or in any event
15 extend past the day the minor becomes 19, unless sooner discharged by the court,
16 except that the department may apply for and the court may grant an additional one-
17 year period of supervision past age 19 if continued supervision is in the best interests
18 of the person and the person consents to it. An application for any of these purposes
19 may be made by the parent, guardian, or custodian acting in behalf of the minor, or
20 the court may, on its own motion, and after reasonable notice to interested parties and
21 the appropriate department, take action that it considers appropriate.

22 (b) If the court determines at a rehearing that it is for the best interests of the
23 minor to be released to the care or custody of the minor's parent, guardian, or
24 custodian, it may enter an order to that effect and the minor is discharged from the
25 control of the department.

26 (c) If a minor is adjudicated a delinquent before the minor's 18th birthday, the
27 court may retain jurisdiction over the minor after the minor's 18th birthday for the
28 purpose of supervising the minor's rehabilitation, but the court's jurisdiction over the
29 minor under this chapter never extends beyond the minor's 19th birthday, except that
30 the department may apply for and the court may grant an additional one-year period
31 of supervision past age 19 if continued supervision is in the best interests of the person

1 and the person consents to it. The department may retain jurisdiction over the person
2 between the person's 18th and 19th birthdays for the purpose of supervising the
3 person's rehabilitation, if the person has been placed under the supervision of the
4 department before the person's 18th birthday, except that the department may apply for
5 and the court may grant an additional one-year period of supervision past age 19 if
6 continued supervision is in the best interests of the person and the person consents to
7 it.

8 Sec. 47.12.150. ENFORCEMENT OF RESTITUTION. When restitution is
9 ordered under AS 47.12.100(b)(4), the restitution recipient may enforce payment of the
10 restitution order against the minor under AS 09.35 as if the order were a civil
11 judgment enforceable by execution. This section does not limit the authority of the
12 court to enforce orders of restitution to victims.

13 Sec. 47.12.160. EFFECT OF ADJUDICATION. (a) Except as provided by
14 AS 12.63.010 - 12.63.100 and AS 47.12.150, an adjudication under this chapter upon
15 the status of a minor

16 (1) may not operate to impose any of the civil disabilities ordinarily
17 imposed by conviction upon a criminal charge;

18 (2) does not operate to require that a minor afterward be considered a
19 criminal by the adjudication; and

20 (3) does not operate to require that the adjudication be afterward
21 deemed a conviction, nor may a minor be charged with or convicted of a crime in a
22 court, except as provided in this chapter.

23 (b) The commitment and placement of a minor and evidence given in the court
24 are not admissible as evidence against the minor in a subsequent case or proceedings
25 in any other court, nor does the commitment and placement or evidence operate to
26 disqualify a minor in a future civil service examination or appointment in the state.

27 Sec. 47.12.170. COURT RECORDS. (a) The court shall make and keep
28 records of all cases brought before it.

29 (b) The court shall forward a record of adjudication of a violation of an
30 offense listed in AS 28.15.185(a) to the Department of Public Safety if the court
31 imposes a license revocation under AS 28.15.185.

1 (c) The name or picture of a minor under the jurisdiction of the court may not
2 be made public in connection with the minor's status as a delinquent unless authorized
3 by order of the court.

4 (d) Within 30 days of the date of a minor's 18th birthday or, if the court
5 retains jurisdiction of a minor past the minor's 18th birthday, within 30 days of the
6 date on which the court releases jurisdiction over the minor, the court shall order all
7 the court's official records pertaining to that minor in a proceeding under this chapter
8 sealed, as well as records of all driver's license proceedings under AS 28.15.185,
9 criminal proceedings against the minor, and punishments assessed against the minor.
10 A person may not use these sealed records for any purpose except that the court may
11 order their use for good cause shown or may order their use by an officer of the court
12 in making a presentencing report for the court. The provisions of this subsection
13 relating to the sealing of records do not apply to records of traffic offenses.

14 (e) The court's official records under this chapter may be inspected only with
15 the court's permission and only by persons having a legitimate interest in them. A
16 person with a legitimate interest in the inspection of an official record maintained by
17 the court includes a victim who suffered physical injury or whose real or personal
18 property was damaged as a result of an offense that was the basis of an adjudication
19 or modification of disposition. If the victim knows the identity of the minor, identifies
20 the minor or the offense to the court, and certifies that the information is being sought
21 to consider or support a civil action against the minor or against the minor's parents
22 or guardians under AS 34.50.020, the court shall, subject to AS 12.61.110 and
23 12.61.140, allow the victim to inspect and use the following records and information
24 in connection with the civil action:

25 (1) a petition filed under AS 47.12.020(a)(2) seeking to have the court
26 declare the minor a delinquent;

27 (2) a petition filed under AS 47.12.100 seeking to have the court
28 modify or revoke the minor's probation;

29 (3) a petition filed under AS 47.12.080 requesting the court to find that
30 a minor is not amenable to treatment under this chapter and that results in closure of
31 a case under AS 47.12.080(a); and

1 (4) a court judgment or order entered under this chapter that disposes
2 of a petition identified in (1) - (3) of this subsection.

3 (f) A person who has been tried as an adult under AS 47.12.080, or the
4 department on the person's behalf, may petition the superior court to seal the records
5 of all criminal proceedings, except traffic offenses, initiated against the person, and all
6 punishments assessed against the person, while the person was a minor. A petition
7 under this subsection may not be filed until five years after the completion of the
8 sentence imposed for the offense for which the person was tried as an adult. If the
9 superior court finds that the punishment assessed against the person has had its
10 intended rehabilitative effect and further finds that the person has fulfilled all orders
11 of the court entered under AS 47.12.100, the superior court shall order the record of
12 proceedings and the record of punishments sealed. Sealing the records restores civil
13 rights removed because of a conviction. A person may not use these sealed records
14 for any purpose except that the court may order their use for good cause shown or may
15 order their use by an officer of the court in making a presentencing report for the
16 court. The court may not, under this subsection, seal records of a criminal proceeding

17 (1) initiated against a person if the court finds that the person has not
18 complied with a court order made under AS 47.12.100; or

19 (2) commenced under AS 47.12.015(a) unless the minor has been
20 acquitted of all offenses with which the minor was charged or unless the most serious
21 offense of which the minor was convicted was not an offense specified in
22 AS 47.10.015(a).

23 Sec. 47.12.180. AGENCY RECORDS. (a) Except as specified in
24 AS 47.12.190 and (b) - (g) of this section, all information and social records pertaining
25 to a minor who is subject to this chapter or AS 47.17 prepared by or in the possession
26 of a federal, state, or municipal agency or employee in the discharge of the agency's
27 or employee's official duty, including driver's license actions under AS 28.15.185, are
28 privileged and may not be disclosed directly or indirectly to anyone without a court
29 order.

30 (b) A state or municipal agency or employee may disclose information
31 regarding a case to

1 (1) a guardian ad litem appointed by the court or to a citizen review
2 panel for permanency planning authorized by AS 47.10.400 or 47.10.420;

3 (2) a person or an agency requested to provide consultation or services
4 for a minor who is subject to the jurisdiction of the court under this chapter;

5 (3) school officials as may be necessary to protect the safety of school
6 students and staff;

7 (4) a governmental agency as may be necessary to obtain that agency's
8 assistance for the department in its investigation or to obtain physical custody of a
9 minor;

10 (5) a state or municipal law enforcement agency as may be necessary
11 for a specific investigation being conducted by that agency or for disclosures by that
12 agency to protect the public safety; and

13 (6) a victim as may be necessary to inform the victim about the
14 disposition or resolution of a case involving a minor.

15 (c) A state or municipal law enforcement agency

16 (1) shall disclose information regarding a case that is needed by the
17 person or agency charged with making a preliminary investigation for the information
18 of the court under this chapter;

19 (2) may disclose to the public information regarding a criminal offense
20 in which a minor is a suspect, victim, or witness if the minor is not identified by the
21 disclosure;

22 (3) may disclose to school officials information regarding a case as may
23 be necessary to protect the safety of school students and staff;

24 (4) may disclose to the public information regarding a case as may be
25 necessary to protect the safety of the public; and

26 (5) may disclose to a victim information, including copies of reports,
27 as necessary for civil litigation or insurance claims pursued by or against the victim.

28 (d) Upon request of a victim, the department shall make every reasonable
29 effort to notify the victim as soon as practicable in writing when a delinquent minor
30 is to be released from placement in a juvenile facility under AS 47.12.100(b)(1). The
31 notice under this subsection must include the expected date of the delinquent minor's

1 release, the geographic area in which the delinquent minor is required to reside, and
2 other pertinent information concerning the delinquent minor's conditions of release that
3 may affect the victim.

4 (e) A person may authorize the department to release information to the
5 military or to a prospective employer about the existence of a delinquency adjudication
6 against that person under this chapter and the offense on which it was based.

7 (f) The department may release to a person with a legitimate interest
8 information relating to minors not subject to the jurisdiction of the court under this
9 chapter. The department shall adopt regulations governing the release of information
10 and identifying a sufficient legitimate interest.

11 (g) The department and affected law enforcement agencies shall work with
12 school districts and private schools to develop procedures for the disclosure of
13 information to school officials under (b)(3) and (c)(3) of this section. The procedures
14 must provide a method for informing the principal or the principal's designee of the
15 school the student attends as soon as it is reasonably practicable.

16 (h) Notwithstanding (c)(3) of this section, a state or municipal law enforcement
17 agency is not required to notify the appropriate school official of a school district or
18 school under (c) of this section if the agency determines that notice would jeopardize
19 an ongoing investigation.

20 (i) In this section, "school" means a public or private elementary or secondary
21 school.

22 (j) A person who discloses confidential information in violation of this section
23 is guilty of a class B misdemeanor.

24 Sec. 47.12.190. PARENTAL RIGHT TO DISCLOSE INFORMATION. (a)
25 Notwithstanding AS 47.12.170 and 47.12.180, a parent or legal guardian of a minor
26 subject to a proceeding under this chapter may disclose confidential or privileged
27 information about the minor, including information that has been lawfully obtained
28 from agency or court files, to the governor, the lieutenant governor, a legislator, the
29 ombudsman appointed under AS 24.55, the attorney general, and the commissioners
30 of health and social services, administration, or public safety, or an employee of these
31 persons, for review or use in their official capacities. A person to whom disclosure

1 is made under this section may not disclose confidential or privileged information
2 about the minor to a person not authorized to receive it.

3 (b) The disclosure right under (a) of this section is in addition to, and not in
4 derogation of, the rights of a parent or legal guardian of a minor.

5 (c) A person who violates a provision of this section is guilty of a
6 misdemeanor and upon conviction is punishable for the violation in the manner
7 authorized under AS 12.55 for a class B misdemeanor.

8 Sec. 47.12.200. ARREST OF A MINOR. The arrest of a minor other than for
9 a traffic offense is not considered an arrest for any purpose except for the purpose of
10 the disposition of a proceeding arising out of that arrest.

11 Sec. 47.12.210. FINGERPRINTING OF MINORS. (a) A peace officer may
12 fingerprint a minor under the same circumstances as an adult may be fingerprinted.

13 (b) Fingerprint records taken under this section are not subject to
14 AS 47.12.180.

15 Sec. 47.12.220. APPOINTMENT OF GUARDIAN OR CUSTODIAN. When,
16 in the course of a proceeding under this chapter, it appears to the court that the welfare
17 of a minor will be promoted by the appointment of a guardian or custodian of the
18 minor's person, the court may make the appointment. The court shall have a summons
19 issued and served upon the parents of the minor, if they can be found, in a manner and
20 within a time before the hearing that the court considers reasonable. The court may
21 determine whether the father, mother, or the department shall have the custody and
22 control of the minor. If the minor is of sufficient age and intelligence to state desires,
23 the court shall consider them.

24 Sec. 47.12.230. SUPPORT OF MINOR. (a) When a delinquent minor is
25 committed under this chapter, the court shall, after giving the parent or legal guardian
26 a reasonable opportunity to be heard, adjudge that the parent or guardian pay to the
27 department in a manner that the court directs a sum to cover in full or in part the
28 maintenance and care of the minor. The support obligation shall be calculated under
29 Rule 90.3(i) of the Alaska Rules of Civil Procedure.

30 (b) If a parent wilfully fails or refuses to pay the sum fixed, the parent may
31 be proceeded against as provided by law in cases of family desertion and nonsupport.

1 (c) The sum collected from a parent under this section shall be directly
2 credited to the general fund of the state.

3 Sec. 47.12.240. DETENTION. (a) A minor may not be incarcerated in a
4 correctional facility that houses adult prisoners.

5 (b) When a minor is detained under this chapter, the person having
6 responsibility for the facility in which the minor is detained shall immediately make
7 reasonable attempts to notify the minor's parent, guardian, or custodian of the minor's
8 detention.

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

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

15 (A) six hours; or

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

18 (2) if, in response to a petition of delinquency filed under this chapter,
19 the court has entered an order closing the case under AS 47.12.080(a), allowing the
20 minor to be prosecuted as an adult; or

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

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

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

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

31 (e) Notwithstanding the limitation on detention set out in (c)(1) of this section,

1 a minor whose detention is authorized by (c)(1) of this section may be detained in a
2 correctional facility for more than six hours if transportation to a juvenile detention
3 home or comparable facility for the detention of minors is not available. The minor's
4 detention for more than six hours is authorized by this subsection only if the person
5 having responsibility for the facility in which the minor is detained

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

8 (2) during the minor's detention, after learning that transportation is not
9 available, promptly notifies the appropriate officials or employees of the department
10 and the Alaska Court System of the lack of available transportation.

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

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

15 (h) In this section,

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

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

19 Sec. 47.12.250. TEMPORARY DETENTION AND DETENTION HEARING.

20 (a) A peace officer may arrest a minor who violates a law or ordinance in the peace
21 officer's presence, or whom the peace officer reasonably believes is a fugitive from
22 justice. A peace officer may continue a lawful arrest made by a citizen. The peace
23 officer may have the minor detained in a juvenile detention facility if in the opinion
24 of the peace officer making or continuing the arrest it is necessary to do so to protect
25 the minor or the commu.

26 (b) A peace officer who has a minor detained under (a) of this section shall
27 immediately, and in no event more than 12 hours later, notify the court and make
28 reasonable efforts to notify the minor's parents or guardian and the department of the
29 officer's action. The department may file with the court a petition alleging delinquency
30 before the detention hearing.

31 (c) The court shall immediately, and in no event more than 48 hours later, hold

1 a hearing at which the minor and the minor's parents or guardian if they can be found
2 shall be present. The court shall determine whether probable cause exists for believing
3 the minor to be delinquent. The court shall inform the minor of the reasons alleged
4 to constitute probable cause and the reasons alleged to authorize the minor's detention.
5 The minor is entitled to counsel and to confrontation of adverse witnesses.

6 (d) If the court finds that probable cause exists, it shall determine whether the
7 minor should be detained pending the hearing on the petition or released. It may
8 either order the minor held in detention or released to the custody of a suitable person
9 pending the hearing on the petition. If the court finds no probable cause, it shall order
10 the minor released and close the case.

11 (e) Except for temporary detention pending a detention hearing, a minor may
12 be detained only by court order.

13 ARTICLE 2. YOUTH COURTS.

14 Sec. 47.12.400. YOUTH COURTS. (a) The department may use youth courts
15 to hear, determine, and dispose of cases involving a minor whose alleged act that
16 brings the minor within the jurisdiction of AS 47.12.010 - 47.12.250 constitutes a
17 violation of a state law that is a misdemeanor or a violation or that constitutes a
18 violation of a municipal ordinance that prescribes a penalty not exceeding the penalties
19 for a class A misdemeanor under state law.

20 (b) Unless otherwise directed by the commissioner, the jurisdiction of a youth
21 court is coextensive with the boundaries of the municipality in which the youth court
22 is located. Only one youth court may be established within the boundaries of a
23 municipality. Nothing in this subsection prohibits two or more municipalities from
24 operating a single youth court for the municipalities by agreement between them.

25 (c) A nonprofit corporation may obtain recognition from the commissioner to
26 serve as a youth court. The corporation may exercise only the powers that are
27 delegated to a youth court by the commissioner, and shall exercise those powers as
28 authorized by the corporation's articles of incorporation and bylaws. The bylaws of
29 the corporation must set out standards and procedures by which the corporation, in its
30 capacity as a youth court,

31 (1) establishes a system by which the minor may be held accountable

1 for the conduct that brings the minor within the jurisdiction of the youth court by
2 being tried, represented, and adjudicated by the minor's peers;

3 (2) guarantees the constitutional rights of the minor that are guaranteed
4 by the state and federal constitutions;

5 (3) may secure jurisdiction over a minor; the youth court may secure
6 jurisdiction over the minor only with the consent of the minor and the agreement of
7 the minor's legal custodian;

8 (4) sets out the process for disposing of matters referred to it for
9 resolution;

10 (5) provides a process for appeal of a verdict or sentence, and defines
11 the basis for appeals;

12 (6) reserves the right to refer to the department, under AS 47.12.040(a),
13 a matter transmitted to the youth court for disposition in which the minor fails, without
14 good cause, to comply with all requirements ordered by the youth court as a part of
15 sentence imposed on the minor; and

16 (7) prepares and delivers a report of the disposition of the matter
17 referred to it for resolution to the commissioner.

18 (d) Subject to the privileges that witnesses have in the courts of this state, the
19 commissioner may compel by subpoena, at a specified time and place, the

20 (1) appearance and sworn testimony of a person who the commissioner
21 reasonably believes may be able to give information relating to a matter before a youth
22 court; and

23 (2) production by a person of a record or object that the commissioner
24 reasonably believes may relate to a matter before a youth court.

25 (e) If a person refuses to comply with a subpoena issued under (d) of this
26 section, the superior court may, upon application of the commissioner, compel
27 obedience by proceedings for contempt in the same manner as in the case of
28 disobedience to the requirements of a subpoena issued by the court or refusal to testify
29 in the court.

30 (f) The commissioner shall make and keep records of all cases referred to a
31 youth court. The records of a youth court proceeding

1 (1) relating to a minor who complies with all requirements ordered by
2 the youth court as a part of sentence imposed on the minor shall be sealed by the
3 commissioner and may not be used for any purpose; and

4 (2) except as to a record described in (1) of this subsection, shall be
5 afforded at least the same protection and are subject to at least the same procedural
6 safeguards in matters relating to access, use, and security as they would be under
7 AS 47.12.180.

8 ARTICLE 3. GENERAL PROVISIONS.

9 Sec. 47.12.990. DEFINITIONS. In this chapter, unless the context otherwise
10 requires,

11 (1) "commissioner" means the commissioner of health and social
12 services;

13 (2) "court" means the superior court of the state;

14 (3) "crime against a person" means an offense set out in AS 11.41;

15 (4) "delinquent minor" means a minor found to be within the
16 jurisdiction of the court under AS 47.12.010;

17 (5) "department" means the Department of Health and Social Services;

18 (6) "juvenile detention facility" means separate quarters within a city
19 jail used for the detention of delinquent minors;

20 (7) "juvenile detention home" or "detention home" is a separate
21 establishment, exclusively devoted to the detention of minors on a short-term basis and
22 not a part of an adult jail;

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

30 (9) "minor" means a person under 18 years of age;

31 (10) "peace officer" has the meaning given in AS 11.81.900;

1 (11) "treatment facility" means a hospital, clinic, institution, center, or
2 other health care facility that has been designated by the department for the treatment
3 of juveniles;

4 (12) "victim" has the meaning given in AS 12.55.185.

5 * Sec. 61. AS 47.17.290(8) is amended to read:

6 (8) "maltreatment" means an act or omission that results in
7 circumstances in which there is reasonable cause to suspect that a child may be a child
8 in need of aid, as described in AS 47.10.010(a) [AS 47.10.010(a)(2)], except that, for
9 purposes of this chapter, the act or omission need not have been committed by the
10 child's parent, custodian, or guardian;

11 * Sec. 62. AS 47.33.010(b) is amended to read:

12 (b) Notwithstanding (a) of this section, this chapter does not apply to

13 (1) a correctional facility;

14 (2) a facility for treatment of alcoholism that is regulated under
15 AS 47.37;

16 (3) an emergency shelter;

17 (4) a medical facility, including a nursing home, licensed under
18 AS 18.20;

19 (5) a program for runaway minors licensed under AS 47.10.310
20 [AS 47.10]; or

21 (6) a maternity home licensed under AS 47.35.

22 * Sec. 63. AS 47.33.990(3) is amended to read:

23 (3) "adult" means a person 18 years of age or older who is not a ward
24 of the state under AS 47.10.080(f) or AS 47.12.100(d) [AS 47.10.080];

25 * Sec. 64. AS 47.40.011(a) is amended to read:

26 (a) When the department purchases residential services for minors for whom
27 the state has assumed responsibility under AS 47.10 or AS 47.12, the department shall

28 (1) purchase the services only under grants to local governmental units
29 or nonprofit corporations;

30 (2) award grants for a specified number of beds as provided in
31 AS 47.40.041.

1 * Sec. 65. AS 47.10.010(b), 47.10.010(d), 47.10.010(e), 47.10.020(d), 47.10.050(b),
2 47.10.060, 47.10.070(b), 47.10.075, 47.10.080(b), 47.10.080(h), 47.10.081(a), 47.10.090(b),
3 47.10.093(d), 47.10.093(e), 47.10.095, 47.10.097, 47.10.120, and 47.10.265 are repealed.

4 * Sec. 66. AS 47.12.030(d), added by sec. 60 of this Act, has the effect of amending that
5 provision of Rule 3(b), Alaska Delinquency Rules, declaring that the presence of the minor's
6 parent or guardian is preferred by giving the minor's parent or guardian a right to be present
7 in a court proceeding to which the Alaska Delinquency Rules apply.

8 * Sec. 67. Rule 23(d), Alaska Delinquency Rules, is amended to read:

9 (d) ORDER. The court shall enter [IN] its disposition order taking into
10 account the provisions of AS 47.12.120 [, THE COURT SHALL ORDER THE
11 LEAST RESTRICTIVE ALTERNATIVE DISPOSITION UNDER AS 47.10.080(b)
12 THAT ADDRESSES THE JUVENILE'S TREATMENT NEEDS AND PROTECTS
13 THE PUBLIC].

Amendment R.1

Amendment

Offered in the House

for CSSS HB 387

- 1 Page 2, Sec. 3 and page 3, Secs 4 & 5. Delete all material.
- 2 Page 37, lines 19 - 29. Delete all material.

This amendment removes the discussion of sex offenders from HB 387

Conceptual Amendment R.3

Amendment

Offered in the House

For CSSS HB 387

- 1 Page 8, Section 19. Delete all material.
- 2 Page 9, Section 20. Move this section to AS 47.12.010.

At the request of the Department of Health and Social Services.

This amendment moves the delinquency policy into the new section AS 47.12.

Amendment R.4

Amendment

Offered in the House

For CSSS HB 387

- 1 Page 3, lines 23 - 25. Delete all material.
- 2 Page 3, lines 30 - 32. Delete all material.

This removes the unfunded mandate requiring local school districts to prosecute parents. It allows school districts to set their own policy and allocate their own resources for attacking truancy violations.

Conceptual Amendment R.5

Amendment

Offered in the House

For CSSS HB 387

- 1 Page 23, Sec. 48. Move to AS 47.12.240.
- 2 Page 23, Sec. 49. Move to AS 47.12.260.

Technical amendment. At request of the Department of Health and Social Services.

Alaska State Legislature

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House of Representatives

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House District 31

Sectional

CSSSHB 387 Juvenile Delinquency Code

LS1276/R, 2/28/96

Sections 1 & 2. Technical numbering, including the new juvenile code **AS 47.12.**

Section 3, 4, 5. Technical adjustment to the sex offender language to accommodate changes in AS 47.12.100(i), (see page 37). These changes allow the court to order a juvenile to register as a sex offender.

Sections 6, 7. Truancy. Eliminates the burdensome and unworkable process by which individuals who violate the truancy laws must be investigated and prosecuted. Authorizes District School Boards to establish truancy policy and penalties.

Sections 8, 9. Technical numbering

Section 10. Allows municipalities to establish a curfew for minors.

Sections 11, 12, 13, 14, 15, 16, 17, 18. Technical numbering.

Section 19. AS 47.05. The policy for children in need of aid.

Section 20. Establishes new policy for delinquency.

AS 47.05.060(b)(1) Protection of the public and reformation of the offender.

(2) Resolution should require some form of sanction,
the form of the sanction should be certain,
the sanction should be swift, and
the sanction may take the form of a reasonable claim on the time and talents of the minor who has committed the offense.

(3) Counseling provided to the minor must include the minor's family or guardian,
the family has the right to offer suggestions and make recommendations for the correction of the minor's behavior, and
the minor's family or guardian may be asked to participate in supervision of the minor's treatment.

Section 21. The existing code AS 47.10, deleting the language appropriate to the delinquency code, AS 47.12. (Change = reinsertion of habitually absent or refusing to accept available care back into the definition of a child in need of aid.)

Sections 22, 23, 24, 25, 26, 27, 28, 29, 30, 31, 32, 33, 34, 35, 36, 37, 38, 39, 40, 41, 42, 43, 44, 45, 46, 47, 48, 49, 50, 51, 52, 53, 54, 55, 56, 57, 58, 59. The existing code for minors (AS 47.10) with portions [deleted] for incorporation into the new juvenile delinquency code (as 47.12). Many sections are just technical renumbering of code.

Section 42. Added Civil rule 90.3 for calculation of parents obligations. At request of D.O.L.

Section 43. Changed the standard when a police officer is exercising his discretion to return a runaway home or take him to a shelter from reasonable cause to [suspect] to reasonable cause to believe. At request of D.O.L.

Section 60. Alaska's new chapter for "Delinquent Minors."

Page 27, Article 1. Establishes a separate code for delinquent minors. AS 47.12 includes all of the portions of AS 47.10 that addressed delinquent minors. Much of the language in this section is identical to the language previously in AS 47.10, and will be familiar to those who work with delinquents under the existing code. The split allows clarification of the manner in which juvenile delinquents are to be treated differently than abused children.

Page 30, lines 27 & 28. AS 47.12.030(d) grants a parent or guardian the right to be present in a court proceeding.

Page 32, lines 14 - 18. AS 47.12.070(c) includes the language from AS 47.10.010(c).

Page 35. AS 47.12.100(b)(3) extends the probation from two years to **four** years, up to the minor's 19th birthday.

Page 37, lines 19 - 29. AS 47.12.100(i) a minor convicted of a sex offense, who knowingly fails to participate in treatment, can be registered by the court as a sex offender.

Page 38, lines 12 - 31, & page 39, lines 1 - 5. AS 47.12.120 Court policy for delinquent minors:

(a) In making its dispositional order . . . the court shall

(1) consider: (A) The best interests of the minor and the public

(B) The ability of the state to take custody and to care for the minor.

(2) Consider that the minor's continued delinquent behavior is a danger to the minor.

(3) Order the least restrictive alternative disposition for the minor.

(b)(1) The least restrictive disposition for the minor, meaning the disposition that is, in the judgment of the court no more restrictive than is most conducive to the minor's rehabilitation.

- (2) in making its dispositional order the court shall consider:
- (A) The seriousness of the minor's delinquent act.
 - (B) The minor's culpability.
 - (C) The age of the minor.
 - (D) The minor's prior criminal or juvenile record.
 - (E) The ability of the minor's parent or custodian to control and supervise.
 - (F) The success or failure of the minor's previous dispositions or placements.
 - (G) Detention is an appropriate consequence for a minor.

Page 41, AS 47.12.150. Breaks the age 19 barrier for restitution. If a minor has failed to complete restitution by age 19 the restitution is enforceable as a civil judgment.

Page 46, line 7. Clarify that an official who violates the confidentiality of a minor is guilty of a class B misdemeanor. At request of D.O.L.

Page 46, lines 28 & 29. Inserts the Civil Rule 90.3 calculation for parental support of a minor in state custody. At request of D.O.L.

Sections 61, 62, 63, 64. Technical numbering.

Section 65. Repeals the portions of AS 47.10 that dealt solely with delinquents. These sections have been carried over into the new 47.12. The following table lists the new section numbers for each of the sections repealed from AS 47.10.

Old Statute number	New Statute number (version R)
47.10.010(b)	47.12.015(b)
47.10.010(d)	47.12.015(c)
47.10.010(e)	47.12.015(a)
47.10.020(d)	47.12.040(a)
47.10.050(b)	47.12.070(a)
47.10.060	47.12.080
47.10.070(b)	47.12.090(b)
47.10.075	47.12.090(c)
47.10.080(b)	47.12.100(b)
47.10.080(h)	47.12.100(e)
47.10.081(a)	47.12.110(a)
47.10.090(b)	47.12.170(b)
47.10.093(d)	47.12.180(d)
47.10.093(e)	47.12.180(e)
47.10.095	47.12.200
47.10.097	47.12.210
47.10.130	47.12.240
47.10.265	47.12.400

Sections 66 & 67. Court

rule modifications.

9-LS12760 ✓
Chenoweth
2/19/96

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; relating to the use of citations for offenses when the
3 offenses are committed by minors, and authorizing disposition of those offenses by
4 citations that require performance of community service in lieu of a court
5 appearance; establishing a curfew for minors, and authorizing municipalities to
6 establish curfews by ordinance; relating to the detention of minors, defining certain
7 conduct by minors as violations, and amending the criminal jurisdiction of the
8 district court to provide for the disposition of certain offenses involving minors;
9 amending the definition of the offense of custodial interference in the second
10 degree as it relates to interferences with the custody of a minor; and amending
11 the compulsory school attendance law and the means by which it is enforced; and
12 amending Rules 3(b) and 23(d), Alaska Delinquency Rules."

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

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

3 (a) Notwithstanding AS 13.46.085 or the appointment of a guardian of the
4 property of the minor under AS 47.10.010(c), when a minor who is in the custody of
5 this state under AS 47.10.010 - 47.10.142 or AS 47.12 [AS 47.10.010(a)(2)] or of
6 another state under a provision similar to AS 47.10.010 - 47.10.142 or AS 47.12
7 [AS 47.10.010(a)(2)] becomes entitled to receive dividends or other distributions
8 resulting from the ownership of stock or a membership in a corporation organized
9 under this chapter and under 43 U.S.C. 1601 - 1641 (Alaska Native Claims Settlement
10 Act), the corporation paying the dividends or making the other distributions shall retain
11 the dividends and other distributions in an interest bearing account for the benefit of
12 the minor during the state custody.

13 * Sec. 2. AS 11.41.330(a) is amended to read:

14 Sec. 11.41.330. CUSTODIAL INTERFERENCE IN THE SECOND DEGREE.

15 (a) A person commits the crime of custodial interference in the second degree if,

16 (1) being [A RELATIVE OF A CHILD UNDER 18 YEARS OF AGE
17 OR] a relative of an incompetent person and knowing that the person has no legal right
18 to do so, the person takes, entices, or keeps that [CHILD OR] incompetent person from
19 a lawful custodian with intent to hold the [CHILD OR] incompetent person for a
20 protracted period; or

21 (2) knowing that the person has no legal right to do so, the person
22 takes, entices, or keeps a child under 18 years of age from a lawful custodian with
23 intent to hold the child for a protracted period.

24 * Sec. 3. AS 12.62.900(11) is amended to read:

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

29 (A) criminal history record information;

30 (B) nonconviction information;

31 (C) correctional treatment information;

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

3 * Sec. 4. AS 12.63.010(a) is amended to read:

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

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

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

9 (3) 14 days of becoming physically present in the state, except the sex
10 offender shall register within seven days of becoming physically present in the state if
11 the sex offender

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

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

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

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

20 (B) the date on which an extended commitment of a minor
21 under AS 47.12.100(b)(1) - (3) expires.

22 * Sec. 5. AS 12.63.020(a) is amended to read:

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

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

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

30 * Sec. 6. AS 12.63.100(2) is amended to read:

31 (2) "sex offender" means

32 (A) a person convicted of a sex offense in this state or another

1 jurisdiction regardless of whether the conviction occurred before, after, or on
2 August 10, 1994; or

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

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

6 (ii) under AS 47.12.100(i), has not completed the
7 treatment plan of the minor's predisposition report and is required
8 by the court to register as a sex offender;

9 * Sec. 7. AS 14.30.010 is amended to read:

10 Sec. 14.30.010. WHEN ATTENDANCE COMPULSORY. (a) Every child
11 between seven and 16 years of age shall attend school at the public school in the district
12 in which the child resides during each school term. [EVERY PARENT, GUARDIAN
13 OR OTHER PERSON HAVING THE RESPONSIBILITY FOR OR CONTROL OF A
14 CHILD BETWEEN SEVEN AND 16 YEARS OF AGE SHALL MAINTAIN THE
15 CHILD IN ATTENDANCE AT A PUBLIC SCHOOL IN THE DISTRICT IN WHICH
16 THE CHILD RESIDES DURING THE ENTIRE SCHOOL TERM, EXCEPT
17 AS PROVIDED IN (b) OF THIS SECTION.]

18 (b) Every parent, guardian, or other person having the responsibility for or
19 control of a child who is required, under (a) of this section, to attend school shall
20 maintain the child in attendance at a public school in the district in which the child
21 resides during the entire school term.

22 (c) This section does not apply if a child

23 (1) is provided an academic education comparable to that offered by the
24 public schools in the area, either by

25 (A) attendance at a private school in which the teachers are
26 certificated according to AS 14.20.020;

27 (B) tutoring by personnel certificated according to AS 14.20.020;

28 or

29 (C) attendance at an educational program operated in compliance
30 with AS 14.45.100 - 14.45.200 by a religious or other private school;

31 (2) attends a school operated by the federal government;

32 (3) has a physical or mental condition that a competent medical authority

1 determines will make attendance impractical;

2 (4) is in the custody of a court or law enforcement authorities;

3 (5) is temporarily ill or injured;

4 (6) has been suspended or denied admittance according to AS 14.30.045;

5 (7) resides more than two miles from either a public school or a route
6 on which transportation is provided by the school authorities, except that this subsection
7 does not apply if the child resides within two miles of a federal or private school that
8 the child is eligible and able to attend;

9 (8) is excused by action of the school board of the district at a regular
10 meeting or by the district superintendent subject to approval by the school board of the
11 district at the next regular meeting;

12 (9) has completed the 12th grade;

13 (10) is enrolled in

14 (A) the state boarding school established under AS 14.16; or

15 (B) a full-time program of correspondence study approved by the
16 department; in those school districts providing an approved correspondence study
17 program, a student may be enrolled either in the district correspondence program
18 or in the centralized correspondence study program;

19 (11) is equally well-served by an educational experience approved by the
20 school board as serving the child's educational interests despite an absence from school,
21 the request for excuse is made in writing by the child's parents or guardian, and
22 approved by the principal or administrator of the school that the child attends.

23 * Sec. 8. AS 14.30 is amended by adding a new section to read:

24 Sec. 14.30.015. SCHOOL TRUANCY; VIOLATION OF COMPULSORY
25 ATTENDANCE REQUIREMENT BY CHILD. (a) A child who, under
26 AS 14.30.010(a), is required to attend school and who is not excused from attendance
27 at the school for a reason set out in AS 14.30.010(c), who knowingly fails to attend
28 school without the prior permission of the child's parent, guardian, or other person
29 having the responsibility for or control of the child, or of the principal or administrator
30 of the school that the child attends, commits truancy. Each day of the child's absence
31 from school is a separate violation.

32 (b) Truancy under this section is punishable by the principal or administrator of

1 the school that the child attends by the child's performing community service or service
2 by the child in the school or on school grounds as follows:

- 3 (1) for the child's first violation, six hours;
4 (2) for the child's second violation, 10 hours;
5 (3) for the child's third and subsequent violations, 16 hours.

6 * Sec. 9. AS 14.30.020 is amended to read:

7 Sec. 14.30.020. VIOLATION OF COMPULSORY ATTENDANCE
8 REQUIREMENT BY PERSON RESPONSIBLE FOR CHILD [VIOLATIONS]. A
9 person described in AS 14.30.010(b) who knowingly fails to comply with
10 AS 14.30.010(b) [AS 14.30.010] is guilty of a violation. Each five days of unlawful
11 absence under AS 14.30.010 is a separate violation.

12 * Sec. 10. AS 14.30.030 is amended to read:

13 Sec. 14.30.030. REPORT OF VIOLATIONS AND PROCEDURES. The chief
14 administrative officer of a district school or regional educational attendance area shall
15 [REPORT ALL APPARENT VIOLATIONS OF AS 14.30.010 TO THE GOVERNING
16 BODY OF THE DISTRICT. THE GOVERNING BODY SHALL, ON RECEIVING
17 THE REPORT OR ON THE COMPLAINT OF ANY PERSON, PROVIDE FOR A
18 FULL AND IMPARTIAL INVESTIGATION OF ALL CHARGES OF VIOLATION.
19 IN PRIVATE OR FEDERAL SCHOOLS, THE CHIEF ADMINISTRATIVE OFFICER
20 SHALL MAKE A FULL AND IMPARTIAL INVESTIGATION OF ALL APPARENT
21 VIOLATIONS. IF IT REASONABLY APPEARS UPON INVESTIGATION THAT A
22 PERSON HAS VIOLATED AS 14.30.010, THE GOVERNING BODY OF A
23 DISTRICT SCHOOL OR REGIONAL EDUCATIONAL ATTENDANCE AREA, OR
24 THE CHIEF ADMINISTRATIVE OFFICER OF A PRIVATE OR FEDERAL
25 SCHOOL, SHALL MAKE AND] file with the district court a complaint against every
26 [THE] person who has apparently violated AS 14.30.010(b) [,] charging the violation.

27 * Sec. 11. AS 14.30.186(e) is amended to read:

28 (e) Exceptional children being educated as provided under AS 14.30.010(c)
29 [AS 14.30.010(b)] may receive special education and related services as provided under
30 AS 14.30.180 - 14.30.350. The exceptional child of a parent who elects to educate the
31 child as allowed under AS 14.30.010(c) [AS 14.30.010(b)] may not be compelled to
32 receive the special education and related services provided under AS 14.30.180 -

1 14.30.350.

2 * Sec. 12. AS 14.30.340(b) is amended to read:

3 (b) If a physician certifies in writing, and if the child's individualized education
4 program team then determines that a child's bodily, mental, or emotional condition does
5 not permit attendance at a school and the child's parents do not elect to teach the child
6 at home as permitted under AS 14.30.010(c) [AS 14.30.010(b)], the school district in
7 which the child is located shall enroll the child in public school and provide the child
8 with special education and related services in conformance with an individualized
9 education program under AS 14.30.278 at the child's home or at a medical treatment
10 facility.

11 * Sec. 13. AS 22.07.020(a) is amended to read:

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

14 (1) criminal prosecution;

15 (2) post-conviction relief;

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

19 (4) extradition;

20 (5) habeas corpus;

21 (6) probation and parole; and

22 (7) bail.

23 * Sec. 14. AS 22.15.100 is amended to read:

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

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

30 (2) of a notary public;

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

32 (4) to issue warrants of arrest, summons, and search warrants according

1 to manner and procedure prescribed by law and the supreme court;

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

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

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

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

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

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

21 * Sec. 15. AS 29.35 is amended by adding a new section to read:

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

26 * Sec. 16. AS 36.30.850(b)(11) is amended to read:

27 (11) agreements with providers of services under AS 44.47.250;
28 AS 47.07; AS 47.08; AS 47.10; AS 47.12; AS 47.17; AS 47.24; AS 47.25.195, and
29 47.25.310;

30 * Sec. 17. AS 43.23.065(b) is amended to read:

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

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

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

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

6 (4) court ordered fines;

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

8 (A) against a minor in a civil action to recover damages and court
9 costs;

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

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

15 * Sec. 18. AS 44.21.410(a) is amended to read:

16 (a) The office of public advocacy shall

17 (1) perform the duties of the public guardian under AS 13.26.360 -
18 13.26.410;

19 (2) provide visitors and experts in guardianship proceedings under
20 AS 13.26.131;

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

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

32 (5) provide legal representation and guardian ad litem services under

1 AS 25.24.310; in cases arising under AS 47.15 (Uniform Interstate Compact on
2 Juveniles); in cases involving petitions to adopt a minor under AS 25.23.125(b) or
3 petitions for the termination of parental rights on grounds set out in AS 25.23.180(c)(3);
4 in cases involving petitions to remove the disabilities of a minor under AS 09.55.590;
5 in children's proceedings under AS 47.10.050(a) or under AS 47.12.070; and in cases
6 involving indigent persons who are entitled to representation under AS 18.85.100 and
7 who cannot be represented by the public defender agency because of a conflict of
8 interests;

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

13 (7) provide guardian ad litem services in proceedings under
14 AS 12.45.046;

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

19 (9) provide visitors and guardians ad litem in proceedings under
20 AS 47.30.839;

21 (10) provide legal representation to indigent parents under
22 AS 14.30.195(e).

23 * Sec. 19. AS 44.29.022(a) is amended to read:

24 (a) The commissioner of health and social services may establish by regulation
25 a schedule of reasonable fees for services provided by the Department of Health and
26 Social Services under AS 44.29.020(a)(1) - (8), AS 47.10, AS 47.12, AS 47.30.655 -
27 47.30.910, and AS 47.80.100 - 47.80.170. The fee established for a service may not
28 exceed the actual cost of providing the service. The commissioner may define or
29 establish the "actual cost of providing a service" by regulation. The Department of
30 Health and Social Services shall charge and collect the fees established under this
31 subsection. The department may waive collection of a fee upon a finding that collection
32 is not economically feasible or in the public interest.

1 * Sec. 20. AS 44.41.025(c) is amended to read:

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

5 * Sec. 21. AS 44.47.200 is amended to read:

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

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

11 (2) to a nonprofit corporation established under AS 47.12.500
12 [AS 47.10.265] to operate as a youth court.

13 * Sec. 22. AS 44.47.210(b) is amended to read:

14 (b) Nonprofit corporations proposing to establish and operate youth courts under
15 AS 47.12.500 [AS 47.10.265] may apply to the department for an organizational grant
16 under AS 44.47.200(2). A grant under this subsection must be matched on a dollar-for-
17 dollar basis by the grantee in cash or in kind. The commissioner may waive the match
18 required under this subsection on a showing satisfactory to the commissioner by the
19 prospective applicant that matching funds are not available.

20 * Sec. 23. AS 44.47.220(b) is amended to read:

21 (b) Grants made under AS 44.47.200(2) shall be used to defray the costs of
22 organization of youth courts under AS 47.12.500 [AS 47.10.265]. The department shall
23 assure that the grant is spent for necessary organizational assistance and that appropriate
24 accounting procedures are maintained. Grants made under AS 44.47.200(2) and this
25 subsection may not exceed \$5,000. Only one grant may be made to a grantee under
26 authority of this subsection.

27 * Sec. 24. AS 47.05.060 is amended to read:

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

31 (1) [IS] to secure for each child the care and guidance, preferably in the
32 child's own home, that will serve the moral, emotional, mental, and physical welfare of

1 the child and the best interests of the community;

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

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

9 * Sec. 25. AS 47.05.060 is amended by adding a new subsection to read:

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

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

13 (2) to provide that, for the most common of offenses committed by
14 minors, those punishable as misdemeanors or as noncriminal offenses, resolution should
15 require some form of sanction, that the form of the sanction should be certain, that the
16 imposition of the sanction should be swift, and that the sanction may take the form of
17 a reasonable claim on the time and talents of the minor who has committed the offense;
18 and

19 (3) to provide that counseling provided to the minor must include the
20 minor's family or guardian, that the minor's family or guardian has the right to offer
21 suggestions and make recommendations for the correction of the minor's behavior, and
22 that the minor's family or guardian may be asked to participate in supervision of the
23 minor's treatment.

24 * Sec. 26. AS 47.10.010(a) is amended to read:

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

29 [(1) TO BE A DELINQUENT MINOR AS A RESULT OF
30 VIOLATING A CRIMINAL LAW OF THE STATE OR A MUNICIPALITY OF THE
31 STATE; OR

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

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

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

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

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

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

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

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

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

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

26 * Sec. 27. AS 47.10.020(a) is amended to read:

27 (a) Whenever circumstances subject a minor to the jurisdiction of AS 47.10.010 -
28 47.10.142, the court shall

29 (1) PROVIDE, UNDER PROCEDURES ADOPTED BY COURT
30 RULE, THAT, FOR A MINOR WHO IS ALLEGED TO BE A DELINQUENT MINOR
31 UNDER AS 47.10.010(a)(1), A STATE AGENCY SHALL MAKE A PRELIMINARY
32 INQUIRY TO DETERMINE IF ANY ACTION IS APPROPRIATE AND MAY TAKE

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APPROPRIATE ACTION TO ADJUST OR DISPOSE OF THE MATTER WITHOUT A COURT HEARING; IF, UNDER THIS PARAGRAPH,

(A) THE STATE AGENCY MAKES A PRELIMINARY INQUIRY AND TAKES APPROPRIATE ACTION TO ADJUST OR DISPOSE OF THE MATTER WITHOUT A COURT HEARING, THE MINOR MAY NOT BE DETAINED OR TAKEN INTO CUSTODY AS A CONDITION OF THE ADJUSTMENT OR DISPOSITION 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 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. 28. 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

1 verified. It must include the following information:

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

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

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

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

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

10 * Sec. 29. AS 47.10.030(b) is amended to read:

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

26 * Sec. 30. AS 47.10.050(a) is amended to read:

27 (a) Whenever in the course of proceedings instituted under AS 47.10.010 -
28 47.10.142 [THIS CHAPTER] it appears to the court that the welfare of a minor will be
29 promoted by the appointment of an attorney to represent the minor or an attorney or
30 other person to serve as guardian ad litem, the court may make the appointment.
31 Appointment of a guardian ad litem or attorney shall be made under the terms of
32 AS 25.24.310.

1 * Sec. 31. AS 47.10.070(a) is amended to read:

2 (a) The court may conduct the hearing on the petition in an informal manner
3 in the courtroom or in chambers. [A HEARING MAY BE HELD BEFORE A YOUNG
4 ADULT ADVISORY PANEL IN ACCORDANCE WITH AS 47.10.075.] The court
5 shall give notice of the hearing to the department and it may send a representative to the
6 hearing. The court shall also transmit a copy of the petition to the department. The
7 representative of the department may also be heard at the hearing. The public shall be
8 excluded from the hearing, but the court, in its discretion, may permit individuals to
9 attend a hearing [,] if their attendance is compatible with the best interests of the minor.
10 [NOTHING IN THIS SECTION MAY BE APPLIED IN SUCH A WAY AS TO DENY
11 A CHILD'S RIGHTS TO A PUBLIC TRIAL AND TO A TRIAL BY JURY.]

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

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

16 * Sec. 33. AS 47.10.080(c) is amended to read:

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

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

29 (2) order the minor released to the minor's parents, guardian, or some
30 other suitable person, and, in appropriate cases, order the parents, guardian, or other
31 person to provide medical or other care and treatment; if the court releases the minor,
32 it shall direct the department to supervise the care and treatment given to the minor, but

1 the court may dispense with the department's supervision if the court finds that the adult
2 to whom the minor is released will adequately care for the minor without supervision;
3 the department's supervision may not exceed two years or in any event extend past the
4 date the minor reaches age 19, except that the department may petition for and the court
5 may grant in a hearing

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

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

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

20 * Sec. 34. AS 47.10.080(e) is amended to read:

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

24 * Sec. 35. AS 47.10.080(f) is amended to read:

25 (f) A minor found to be [DELINQUENT OR] a child in need of aid is a ward
26 of the state while committed to the department or the department has the power to
27 supervise the minor's actions. The court shall review an order made under [(b) OR]
28 (c)(1) or (2) of this section annually, and may review the order more frequently to
29 determine if continued placement [, PROBATION,] or custody [SUPERVISION], as it
30 is being provided, is in the best interest of the minor [AND THE PUBLIC]. If annual
31 review under this subsection would arise within 90 days of the hearing required under
32 (l) of this section, the court may postpone review under this subsection until the time set

1 for the hearing. The department, the minor, the minor's parents, guardian, or custodian
2 are entitled, when good cause is shown, to a review on application. If the application
3 is granted, the court shall afford these parties and their counsel reasonable notice in
4 advance of the review and hold a hearing where these parties and their counsel shall be
5 afforded an opportunity to be heard. The minor shall be afforded the opportunity to be
6 present at the review.

7 * Sec. 36. AS 47.10.080(g) is amended to read:

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

20 * Sec. 37. AS 47.10.080(i) is amended to read:

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

25 * Sec. 38. AS 47.10.080(l) is amended to read:

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

32 (1) whether the child should be returned to the parent;

- 1 (2) whether the child should remain in out-of-home care for a specified
 2 period;
- 3 (3) whether the child should remain in out-of-home care on a permanent
 4 or long-term basis because of special needs or circumstances;
- 5 (4) whether the child should be placed for adoption or legal guardianship.

6 * Sec. 39. AS 47.10.082 is amended to read:

7 Sec. 47.10.082. BEST INTERESTS OF CHILD AND OTHER
 8 CONSIDERATIONS. [IN MAKING ITS DISPOSITIONAL ORDER UNDER
 9 AS 47.10.080(b) THE COURT SHALL CONSIDER THE BEST INTERESTS OF THE
 10 CHILD AND THE PUBLIC.] In making its dispositional order under AS 47.10.080(c),
 11 the court shall consider

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

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

16 * Sec. 40. AS 47.10.084(a) is amended to read:

17 (a) When a child is committed under AS 47.10.080(c)(1) [AS 47.10.080(b)(1)
 18 OR (c)(1)] to the department, [OR] released under AS 47.10.080(c)(2)
 19 [AS 47.10.080(b)(2) OR (3) OR (c)(2)] to the child's parents, guardian, or other suitable
 20 person, or committed to the department or to a legally appointed guardian of the
 21 person of the child under AS 47.10.080(c)(3), a relationship of legal custody exists.
 22 This relationship imposes on the department and its authorized agents or the parents,
 23 guardian, or other suitable person the responsibility of physical care and control of the
 24 child, the determination of where and with whom the child shall live, the right and duty
 25 to protect, train, and discipline the child, and the duty of providing the child with food,
 26 shelter, education, and medical care. These obligations are subject to any residual
 27 parental rights and responsibilities and rights and responsibilities of a guardian if one has
 28 been appointed. When a child is committed to the department and the department places
 29 the child with the child's parent, the parent has the responsibility to provide and pay for
 30 food, shelter, education, and medical care for the child. When parental rights have been
 31 terminated, or there are no living parents and no guardian has been appointed, the
 32 responsibilities of legal custody include those in (b) and (c) of this section. The

1 department or person having legal custody of the child may delegate any of the
2 responsibilities under this section, except authority to consent to marriage, adoption, and
3 military enlistment may not be delegated. For purposes of AS 47.10.010 - 47.10.142,
4 [THIS CHAPTER] a person in charge of a placement setting is an agent of the
5 department.

6 * Sec. 41. AS 47.10.090(c) is amended to read:

7 (c) Within 30 days of the date of a minor's 18th birthday or, if the court retains
8 jurisdiction of a minor past the minor's 18th birthday, within 30 days of the date on
9 which the court releases jurisdiction over the minor, the court shall order all the court's
10 official records pertaining to that minor in a proceeding under AS 47.10.010 -
11 47.10.142 sealed [, AS WELL AS RECORDS OF ALL DRIVER'S LICENSE
12 PROCEEDINGS UNDER AS 28.15.185, CRIMINAL PROCEEDINGS AGAINST THE
13 MINOR, AND PUNISHMENTS ASSESSED AGAINST THE MINOR]. A person may
14 not use these sealed records for any purpose except that the court may order their use
15 for good cause shown [OR MAY ORDER THEIR USE BY AN OFFICER OF THE
16 COURT IN MAKING A PRESENTENCING REPORT FOR THE COURT. THE
17 PROVISIONS OF THIS SUBSECTION RELATING TO THE SEALING OF
18 RECORDS DO NOT APPLY TO RECORDS OF TRAFFIC OFFENSES].

19 * Sec. 42. AS 47.10.090(d) is amended to read:

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

23 * Sec. 43. AS 47.10.090(e) is amended to read:

24 (e) The court's official records under AS 47.10.010 - 47.10.142 [THIS
25 CHAPTER] may be inspected only with the court's permission and only by persons
26 having a legitimate interest in them. [A PERSON WITH A LEGITIMATE INTEREST
27 IN THE INSPECTION OF AN OFFICIAL RECORD MAINTAINED BY THE COURT
28 INCLUDES A VICTIM WHO SUFFERED PHYSICAL INJURY OR WHOSE REAL
29 OR PERSONAL PROPERTY WAS DAMAGED AS A RESULT OF AN OFFENSE
30 THAT WAS THE BASIS OF AN ADJUDICATION OR MODIFICATION OF
31 DISPOSITION. IF THE VICTIM KNOWS THE IDENTITY OF THE MINOR,
32 IDENTIFIES THE MINOR OR THE OFFENSE TO THE COURT, AND CERTIFIES

1 THAT THE INFORMATION IS BEING SOUGHT TO CONSIDER OR SUPPORT A
2 CIVIL ACTION AGAINST THE MINOR OR AGAINST THE MINOR'S PARENTS
3 OR GUARDIANS UNDER AS 34.50.020, THE COURT SHALL, SUBJECT TO
4 AS 12.61.110 AND 12.61.140, ALLOW THE VICTIM TO INSPECT AND USE THE
5 FOLLOWING RECORDS AND INFORMATION IN CONNECTION WITH THE
6 CIVIL ACTION:

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

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

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

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

18 * Sec. 44. AS 47.10.093(a) is amended to read:

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

26 * Sec. 45. AS 47.10.100(c) is amended to read:

27 (c) If a minor is adjudicated [A DELINQUENT OR] a child in need of aid
28 before the minor's 18th birthday, the court may retain jurisdiction over the minor after
29 the minor's 18th birthday for the purpose of supervising the minor [MINOR'S
30 REHABILITATION], but the court's jurisdiction over the minor under this chapter never
31 extends beyond the minor's 19th birthday, except that the department may apply for and
32 the court may grant an additional one-year period of supervision past age 19 if continued

1 supervision is in the best interests of the person and the person consents to it. The
2 department may retain jurisdiction over a child between the child's 18th and 19th
3 birthdays for the purpose of supervising the child [CHILD'S REHABILITATION], if the
4 child has been placed under the supervision of the department before the child's 18th
5 birthday, except that the department may apply for and the court may grant an additional
6 one-year period of supervision past age 19 if continued supervision is in the best interests
7 of the person and the person consents to it.

8 * Sec. 46. AS 47.10.110 is amended to read:

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

18 * Sec. 47. AS 47.10.120(a) is amended to read:

19 (a) When a child in need of aid [OR A DELINQUENT MINOR] is committed
20 under AS 47.10.010 - 47.10.142 [THIS CHAPTER], the court shall, after giving the
21 parent or legal guardian a reasonable opportunity to be heard, adjudge that the parent or
22 guardian pay to the department in a manner that the court directs a sum [THAT IS
23 BASED ON THE FEE SCHEDULE ADOPTED UNDER AS 44.29.022] to cover in full
24 or in part the maintenance and care of the child or minor. Unless the support
25 obligation is calculated under Rule 90.3(i) of the Alaska Rules of Civil Procedure,
26 the sum required to be paid must be based on the fee schedule adopted under
27 AS 44.29.022.

28 * Sec. 48. AS 47.10.141(b) is amended to read:

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

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

2 **(A)** [AND (1)] return the minor to the **minor's parent or**
 3 **guardian** [LEGAL CUSTODIAN] if the **minor and the minor's parent or**
 4 **guardian consent** [LEGAL CUSTODIAN CONSENTS] to the return, except
 5 that the officer may not use this option if the officer has reasonable cause to
 6 **believe** [SUSPECT] that the minor has experienced physical or sexual abuse in
 7 the **parent's or guardian's** [LEGAL CUSTODIAN'S] household;

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

10 **(C)** [(3)] take the minor to

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

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

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

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

18 **or**

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

24 **(2)** a [, THE OFFICER SHALL TAKE THE MINOR TO ANOTHER
 25 SUITABLE LOCATION AND PROMPTLY NOTIFY THE DEPARTMENT. A] minor
 26 under protective custody may not be housed in a jail or other detention facility;

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

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

31 **(B)** [,] if **the identity of the minor's parent or guardian is**
 32 known, [THE OFFICER SHALL] advise the **minor's parent or guardian**

1 [LEGAL CUSTODIAN] that the minor has been taken into protective custody
2 and that counseling services for the minor's parent or guardian [CUSTODIAN]
3 and the minor's household may be available under AS 47.10.142(b);

4 (4) except when the minor is returned to the minor's parent or
5 guardian under (1)(A) of this subsection, the peace officer may advise the person
6 responsible for the facility in which the minor is placed that the minor was found
7 in an environment that, the officer has reason to believe, is a danger to the minor,
8 that the minor might refuse to accept available care, and that, for the minor's
9 protection, the person responsible for the facility should consider that providing
10 temporary security for the minor might be in the minor's best interest.

11 * Sec. 49. AS 47.10.141(c) is amended to read:

12 (c) A peace officer may detain and take a minor [MAY BE TAKEN] into
13 emergency protective custody under the circumstances described in and subject to the
14 limitations imposed by this subsection [BY A PEACE OFFICER AND PLACED
15 INTO TEMPORARY DETENTION IN A JUVENILE DETENTION HOME IN THE
16 LOCAL COMMUNITY IF THERE HAS BEEN AN ORDER ISSUED BY A COURT
17 UNDER A FINDING OF PROBABLE CAUSE THAT (1) THE MINOR IS A
18 RUNAWAY IN WILFUL VIOLATION OF A VALID COURT ORDER ISSUED
19 UNDER AS 47.10.080 OR 47.10.142(f), (2) THE MINOR'S CURRENT SITUATION
20 POSES A SEVERE AND IMMINENT RISK TO THE MINOR'S LIFE OR SAFETY,
21 AND (3) NO REASONABLE PLACEMENT ALTERNATIVE EXISTS WITHIN THE
22 COMMUNITY. FOR THE PURPOSES OF THIS SUBSECTION, A RISK MAY NOT
23 BE CONSIDERED SEVERE AND IMMINENT SOLELY BECAUSE OF THE
24 GENERAL CONDITIONS FOR RUNAWAY MINORS IN THE COMMUNITY, BUT
25 SHALL BE ASSESSED IN VIEW OF THE SPECIFIC BEHAVIOR AND SITUATION
26 OF THE MINOR]. A minor

27 (1) may be detained by a peace officer under this subsection

28 (A) when the peace officer reasonably believes that the minor
29 is a runaway in wilful violation of a valid court order entered

30 (i) under AS 47.10.080(c)(1) or AS 47.12.100(b)(1) or
31 (3) committing the minor to the custody of the department and
32 placed by the department in a juvenile correctional facility, juvenile

1 work camp, treatment facility, group care facility, detention home,
 2 detention facility, or similar juvenile facility, or a facility providing
 3 out-of-home care to the minor; or

4 (ii) under AS 47.10.142(f); or

5 (B) when a court has entered an order based on a finding of
 6 probable cause that

7 (i) the minor is a runaway in wilful violation of a valid
 8 court order entered under AS 47.10.080, other than an order entered
 9 under AS 47.10.080(c)(1), 47.10.142(f), or AS 47.12.100(b)(1) or (3);

10 (ii) the minor's current situation poses a severe and
 11 imminent risk to the minor's life or safety; however, a risk may not
 12 be considered severe and imminent solely because of the general
 13 conditions of runaway minors in the community, but shall be assessed
 14 in view of the specific behavior and situation of the minor; and

15 (iii) a reasonable placement alternative for the minor
 16 does not exist in the community;

17 (2) detained under this subsection shall be brought before a court on the
 18 day the minor is detained, or, if that is not possible, within 24 hours after the detention,
 19 for a hearing to determine the most appropriate placement in the best interests of the
 20 minor;

21 (3) detained [. A MINOR TAKEN INTO EMERGENCY PROTECTIVE
 22 CUSTODY] under this subsection may not be detained for more than 24 hours, except
 23 as provided under AS 47.10.140;

24 (4) detained and placed in emergency [. EMERGENCY] protective
 25 custody under this subsection may not be placed [INCLUDE PLACEMENT OF A
 26 MINOR] in a jail and may not be placed in a [OR SECURE] facility other than a
 27 juvenile detention home or a shelter for runaways described in AS 47.10.392 -
 28 47.10.399 that is a secure shelter [, NOR MAY AN ORDER FOR PROTECTIVE
 29 CUSTODY BE ENFORCED AGAINST A MINOR WHO IS RESIDING IN A
 30 LICENSED PROGRAM FOR RUNAWAY MINORS, AS DEFINED IN AS 47.10.390].

31 * Sec. 50. AS 47.10.142(a) is amended to read:

32 (a) The Department of Health and Social Services may take emergency custody

1 of a minor upon discovering any of the following circumstances:

2 (1) the minor has been abandoned;

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

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

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

14 * Sec. 51. AS 47.10.150 is amended to read:

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

17 (1) purchase, lease, or construct buildings or other facilities for the care,
18 detention, rehabilitation, and education of children in need of aid or delinquent minors;

19 (2) adopt plans for construction of juvenile homes, juvenile work camps,
20 juvenile detention facilities, and other juvenile institutions;

21 (3) adopt standards and regulations [UNDER THIS CHAPTER] for the
22 design, construction, repair, maintenance, and operation of all juvenile detention homes,
23 work camps, facilities, and institutions;

24 (4) inspect periodically each juvenile detention home, work camp,
25 facility, or other institution to ensure that the standards and regulations adopted are being
26 maintained,

27 (5) reimburse cities maintaining and operating juvenile detention homes,
28 work camps, and facilities;

29 (6) enter into contracts and arrangements with cities and state and federal
30 agencies to carry out the purposes of AS 47.10.150 - 47.10.220 [THIS CHAPTER];

31 (7) do all acts necessary to carry out the purposes of AS 47.10.150 -
32 47.10.220 [THIS CHAPTER];

- 1 (8) adopt the regulations necessary to carry out AS 47.10.150 - 47.10.220
2 [THIS CHAPTER];
- 3 (9) accept donations, gifts, or bequests of money or other property for
4 use in construction of juvenile homes, work camps, institutions, or detention facilities;
- 5 (10) operate juvenile homes when municipalities are unable to do so;
- 6 (11) receive, care for, and place in a juvenile detention home, the minor's
7 own home, a foster home, or a correctional school, work camp, or treatment institution
8 all minors committed to its custody under this chapter and AS 47.12.

9 * Sec. 52. AS 47.10.160(a) is amended to read:

10 (a) The department shall

11 (1) accept all minors committed to the custody of the department and all
12 minors who are involved in a written agreement under AS 47.10.230(c), and provide for
13 the welfare, control, care, custody, and placement of these minors in accordance with this
14 chapter and AS 47.12;

15 (2) require and collect statistics on juvenile offenses and offenders in the
16 state;

17 (3) conduct studies and prepare findings and recommendations on the
18 need, number, type, construction, maintenance, and operating costs of juvenile homes,
19 work camps, facilities, and the other institutions, and adopt and submit a plan for
20 construction of the homes, work camps, facilities, and institutions when needed, together
21 with a plan for financing the construction programs;

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

25 * Sec. 53. AS 47.10.170 is amended to read:

26 Sec. 47.10.170. AUTHORITY TO MAINTAIN AND OPERATE HOME,
27 WORK CAMP, OR FACILITY. (a) A city or corporation may maintain and operate
28 a juvenile detention facility, [AND A CITY OR A NONPROFIT CORPORATION MAY
29 MAINTAIN AND OPERATE] a juvenile detention home, or a juvenile work camp.

30 (b) The city or [NONPROFIT] corporation may enter into contracts and
31 receive grants-in-aid from the state for costs of operation of the homes, work camps, or
32 facilities maintained and operated under (a) of this section.

1 * Sec. 54. AS 47.10.190 is amended to read:

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

7 * Sec. 55. AS 47.10.210 is amended to read:

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

17 * Sec. 56. AS 47.10.220 is amended to read:

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

21 * Sec. 57. AS 47.10.230(b) is amended to read:

22 (b) The department may pay the costs of maintenance that are necessary to
23 assure adequate care of the child, and may accept funds from the federal government
24 that are granted to assist in carrying out the purposes of this chapter and AS 47.12,
25 or that are paid under contract entered into with a federal department or agency. A
26 child under the care of the department may not be placed in a family home or
27 institution that does not maintain adequate standards of care.

28 * Sec. 58. AS 47.10.390(2) is amended to read:

- 29 (2) "runaway minor" means a person under 18 years of age who
30 (A) is habitually absent from home;
31 (B) refuses to accept available care;

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

3 (D) has been physically abandoned by

4 (i) both parents;

5 (ii) the surviving parent; or

6 (iii) one parent if the other parent's rights and
7 responsibilities have been terminated under AS 25.23.180(c) or
8 AS 47.10.080(c)(3), [AS 47.10.080] or have been voluntarily
9 relinquished.

10 * Sec. 59. AS 47.10.394(b) is amended to read:

11 (b) The provider of a shelter for runaways shall

12 (1) immediately notify the court of a referral to the shelter of a
13 minor when, under AS 47.10.141(b), the minor is brought to the shelter by a law
14 enforcement officer and the law enforcement officer has advised the shelter
15 operator that, for the minor's protection, the minor should be placed in
16 temporary security at the shelter;

17 (2) promptly, but within 48 hours, inform the department of a runaway
18 minor in the shelter

19 (A) [(1)] who claims to be the victim of child abuse or neglect,
20 as defined in AS 47.17.290;

21 (B) [(2)] whom the provider has reasonable cause to suspect has
22 been a victim of child abuse or neglect; or

23 (C) [(3)] whom the provider has reason to believe is evading
24 the supervision of the department, the person to whom the department has
25 entrusted supervision, or the minor's legal guardian.

26 * Sec. 60. AS 47.10 is amended by adding a new section to read:

27 Sec. 47.10.395. SHELTER SECURITY. To maintain the security of the
28 shelter, a shelter for runaways may be equipped with common key-operated deadbolt
29 door locks or similar door locking mechanisms and with window alarms.

30 * Sec. 61. AS 47.10.440(a) is amended to read:

31 (a) A local panel shall review the case plan of each child in the custody of the

1 department who is in a placement other than the child's own home under
2 AS 47.10.080(c)(1) or (3) [AS 47.10.080(b)(3), (c)(1), OR (c)(3)], 47.10.142, [OR]
3 47.10.230(c). or AS 47.12.100(b)(3) if the case is under the jurisdiction of a court in
4 the judicial district served by the panel. A local panel may request a local panel in
5 another judicial district to conduct a review and make a report if that local panel is
6 more convenient for the child and other persons involved.

7 * Sec. 62. AS 47.10.440(f) is amended to read:

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

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

13 (2) evaluate the continuing necessity and appropriateness of the child's
14 placement, the extent of the compliance with the child's case plan, and the extent of
15 progress that has been made toward mitigating the causes that necessitated placement
16 away from the child's parents;

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

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

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

25 * Sec. 63. AS 47.10.440(h) is amended to read:

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

1 * Sec. 64. AS 47.10.460(a) is amended to read:

2 (a) Notwithstanding AS 47.10.090 and 47.10.093 and AS 47.12.170 and
3 47.12.180 [AS 47.10.090], at the request of a local panel, the department, the child's
4 guardian ad litem, and the court shall furnish to the local panel relevant records
5 concerning a child and the child's family who are the subjects of a local panel review.
6 At the conclusion of a review, all copies of records provided to a local panel under
7 this section shall be returned to the staff that serves the local panel or to the agency
8 from which the original copy was obtained unless the panel members need the copies
9 to prepare the reports required under AS 47.10.440(g) - (i). Copies retained for
10 preparation of the reports shall be returned to the staff that serves the local panel or
11 to the originating agency upon completion of the reports. Notwithstanding
12 AS 44.62.310, records and reports of the local panel, testimony before the local panel,
13 and deliberations of the local panel are confidential under AS 47.10.093 and
14 AS 47.12.180 [AS 47.10.090].

15 * Sec. 65. AS 47.10.470 is amended to read:

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

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

22 * Sec. 66. AS 47.10.490(2) is amended to read:

23 (2) "out-of-home care provider" means an agency or person, other than
24 the child's legal parents, with whom a child who is in the custody of the state under
25 AS 47.10.080(c)(1) or (3) [AS 47.10.080(b)(3), (c)(1), OR (c)(3)], 47.10.142, [OR]
26 47.10.230(c), or AS 47.12.100(b)(3) is currently placed; in this paragraph, "agency or
27 person" includes a foster parent, a relative other than a parent, a person who has
28 petitioned for adoption of the child, and a residential child care facility;

29 * Sec. 67. AS 47.10.990 is amended to read:

30 Sec. 47.10.990. DEFINITIONS. In this chapter, unless the context otherwise
31 requires,

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

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

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

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

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

11 (5) [(6)] "department" means the Department of Health and Social
12 Services;

13 (6) [(7)] "juvenile detention facility" means separate quarters within
14 a city jail used for the detention of delinquent minors;

15 (7) [(8)] "juvenile detention home" or "detention home" is a separate
16 establishment, exclusively devoted to the detention of minors on a short-term basis and
17 not a part of an adult jail;

18 (8) [(9)] "juvenile work camp" means a separate residential
19 establishment, exclusively devoted to the detention of minors, in which the minors who
20 are 16 years of age or older and committed to the custody of the department and
21 placed in the facility may be required to labor on the buildings and grounds or perform
22 any other work or engage in any activities that do not conflict with regulations adopted
23 by the Department of Health and Social Services under this chapter for the care,
24 rehabilitation, education, and discipline of minors in detention;

25 (9) [(10)] "minor" means [IS] a person under 18 years of age;

26 (10) [(11)] "treatment facility" means a hospital, clinic, institution,
27 center, or other health care facility that has been designated by the department for the
28 treatment of juveniles [;

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

30 * Sec. 68. AS 47 is amended by adding a new chapter to read:

31 CHAPTER 12. DELINQUENT MINORS.

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ARTICLE 1. JUVENILE DELINQUENCY.

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

(1) violating a criminal law of the state or a municipality of the state;
or

(2) the minor engaging in conduct that is a noncriminal offense punishable as a violation under AS 47.12.300 - 47.12.320.

Sec. 47.12.015. PROVISIONS INAPPLICABLE. (a) When a minor who was at least 16 years of age at the time of the offense is arraigned on a charge for an offense specified in this subsection, this chapter and the Alaska Delinquency Rules do not apply to the offense for which the minor is arraigned or to any additional offenses joinable to it under the applicable rules of court governing criminal procedure. The minor shall be charged, prosecuted, and sentenced in the superior court in the same manner as an adult unless the minor is convicted of some offense other than an offense specified in this subsection, in which event the minor may attempt to prove, by a preponderance of the evidence, that the minor is amenable to treatment under this chapter. If the court finds that the minor is amenable to treatment under this chapter, the minor shall be treated as though the charges had been heard under this chapter, and the court shall order disposition of the charges of which the minor is convicted under AS 47.12.100(b). The provisions of this subsection apply when the minor is arraigned on a charge

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

(2) of arson in the first degree.

(b) When a minor is accused of violating a statute specified in this subsection, other than a statute the violation of which is a felony, this chapter and the Alaska Delinquency Rules do not apply and the minor accused of the offense shall be charged, prosecuted, and sentenced in the district court in the same manner as an adult; if a minor is charged, prosecuted, and sentenced for an offense under this subsection, the

1 minor's parent, guardian, or legal custodian shall be present at all proceedings; the
2 provisions of this paragraph apply when a minor is accused of violating

3 (1) a traffic statute or regulation, or a traffic ordinance or regulation of
4 a municipality;

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

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

8 (4) a parks and recreational facilities statute or regulation under
9 AS 41.21; and

10 (5) AS 04.16.050, relating to possession, control, or consumption of
11 alcohol.

12 (c) The provisions of AS 47.12.010 - 47.12.250 and the Alaska Delinquency
13 Rules do not apply to

14 (1) matters determined under AS 47.12.400 - 47.12.430; and

15 (2) driver's license proceedings under AS 28.15.185; the court shall
16 impose a driver's license revocation under AS 28.15.185 in the same manner as adult
17 driver's license revocations, except that a parent or legal guardian shall be present at
18 all proceedings.

19 Sec. 47.12.020. INVESTIGATION AND PETITION. (a) Whenever
20 circumstances subject a minor to the jurisdiction of this chapter, the court shall

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

25 (A) the state agency makes a preliminary inquiry and takes
26 appropriate action to adjust the matter without a court hearing, the minor may
27 not be detained or taken into custody as a condition of the adjustment and,
28 subject to (d) of this section, the matter shall be closed by the agency if the
29 minor successfully completes all that is required of the minor by the agency in
30 the adjustment; in a municipality or municipalities in which a youth court has
31 been established under AS 47.12.500, adjustment of the matter under this

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paragraph may include referral to the youth court; in a municipality or municipalities in which a community intervention court has been established under AS 47.12.550, adjustment of the matter under this paragraph shall include referral to the community intervention court;

(B) the agency concludes that the matter may not be adjusted 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 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 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 this chapter;
- (4) the names and addresses of the minor's parents;
- (5) the name and address of the minor's guardian, or of the person having control or custody of the minor.

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

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

8 (b) Notice shall be given in the manner appropriate under rules of civil
9 procedure for the service of process in a civil action under state law or in any manner
10 the court by order directs. Proof of giving of the notice shall be filed with the court
11 before the petition is heard or other proceeding commenced.

12 (c) The court may subpoena the parent or guardian of the minor, or any other
13 person whose testimony may be necessary at the hearing. A subpoena or other process
14 may be served by a person authorized by law to make the service. If personal service
15 cannot be made, the court may direct that service of process be in the manner
16 appropriate under rules of civil procedure for the service of process in a civil action
17 under state law or in any manner the court directs.

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

20 Sec. 47.12.040. INFORMAL ACTION BY DEPARTMENT TO ADJUST
21 MATTER. (a) The provisions of this section apply to a minor who is alleged to be
22 a delinquent minor under AS 47.12.010 and for whom an agency has, under applicable
23 court rule, made a preliminary inquiry before taking appropriate action as authorized
24 by AS 47.12.020(a). Following the preliminary inquiry, unless the agency determines
25 that the matter should be dismissed, the agency may take informal action to adjust the
26 matter.

27 (b) When the agency decides that an informal adjustment of a matter should
28 be made, that informal adjustment may not be made without the agreement or consent
29 of the minor and the minor's parents or guardians to the terms and conditions of the
30 adjustment. An informal action to adjust a matter is not successfully completed unless,
31 among other factors that the agency considers, as to the victim of the act of the minor

1 that is the basis of the delinquency allegation, the minor pays restitution in the amount
2 set by the agency or agrees as a term or condition set by the agency to pay the
3 restitution.

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

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

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

12 Sec. 47.12.060. RELEASE OF MINOR. A minor who is taken into custody
13 may, in the discretion of the court and upon the written promise of the parent,
14 guardian, or custodian to bring the minor before the court at a time specified by the
15 court, be released to the care and custody of the parent, guardian, or custodian. The
16 minor, if not released, shall be detained as provided by AS 47.12.240. The court may
17 determine whether the father or mother or another person shall have the custody and
18 control of the minor for the duration of the proceedings. If the minor is of sufficient
19 age and intelligence to state desires, the court shall give consideration to the minor's
20 desires.

21 Sec. 47.12.070. APPOINTMENT OF ATTORNEY, GUARDIAN AD LITEM,
22 OR GUARDIAN. (a) In all proceedings initiated under a petition for delinquency, a
23 minor shall have the right to be represented by counsel and, if indigent, have counsel
24 appointed by the court. The court shall appoint counsel in such cases unless it makes
25 a finding on the record that the minor has made a voluntary, knowing, and intelligent
26 waiver of the right to counsel and a parent or guardian with whom the minor resides
27 or resided before the filing of the petition concurs with the waiver. In cases in which
28 it has been alleged that the minor has committed an act that would be a felony if
29 committed by an adult, waiver of counsel may not be accepted unless the court is
30 satisfied that the minor has consulted with an attorney before the waiver of counsel.

31 (b) Whenever in the course of proceedings instituted under this chapter it

1 appears to the court that the welfare of a minor will be promoted by the appointment
2 of an attorney to represent the minor or an attorney or other person to serve as
3 guardian ad litem, the court may make the appointment. Appointment of a guardian
4 ad litem or attorney shall be made under the terms of AS 25.24.310.

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

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

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

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

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

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

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

23 (2) the burden of proof that a minor is not amenable to treatment under
24 this chapter is on the state; however, if the petition filed under AS 47.12.020 seeking
25 to have the court declare a minor a delinquent is based on the minor's alleged
26 commission of an offense that is an unclassified felony or class A felony and that is
27 a crime against a person, the minor

28 (A) is rebuttably presumed not to be amenable to treatment
29 under this chapter; and

30 (B) has the burden of proof of showing that the minor is
31 amenable to treatment under this chapter.

1 Sec. 47.12.090. HEARINGS. (a) The court may conduct the hearing on the
2 petition in an informal manner in the courtroom or in chambers. The court shall give
3 notice of the hearing to the department and it may send a representative to the hearing.
4 The court shall also transmit a copy of the petition to the department. The
5 representative of the department may also be heard at the hearing. The public shall
6 be excluded from the hearing, but the court, in its discretion, may permit individuals
7 to attend a hearing, if their attendance is compatible with the best interests of the
8 minor. Nothing in this section may be applied in such a way as to deny a minor's
9 rights to a public trial and to a trial by jury.

10 (b) Notwithstanding (a) of this section, the victim of an offense that a minor
11 is alleged to have committed, or the designee of the victim, has a right to be present
12 at all hearings held under this section. If the minor is found to have committed the
13 offense, the victim may at the disposition hearing give sworn testimony or make an
14 unsworn oral presentation concerning the offense and its effect on the victim. If there
15 are numerous victims of a minor's offense, the court may limit the number of victims
16 who may give sworn testimony or make an unsworn oral presentation, but the court
17 may not limit the right of a victim to attend a hearing.

18 (c) Unless the minor objects, the court may select a young adult advisory panel
19 to hear the case and advise the court of a recommended judgment and order. The
20 court may consider any of the panel recommendations in making its judgment and
21 order in the case. For purposes of this subsection,

22 (1) the principal of each high school shall submit annually to the court
23 a list of the students enrolled in grades 10, 11, and 12, and the court shall determine
24 the method of selecting the members of each panel; and

25 (2) a student

26 (A) shall be excused from attending school while serving as a
27 panel member;

28 (B) may not serve more than once each year on a panel; and

29 (C) shall be excused from service as a panel member if the
30 student submits a written request to the court indicating the reason for not
31 wishing to serve.

1 Sec. 47.12.100. JUDGMENTS AND ORDERS. (a) The court, at the
2 conclusion of the hearing, or thereafter as the circumstances of the case may require,
3 shall find and enter a judgment that the minor is or is not delinquent.

4 (b) If the court finds that the minor is delinquent, it shall

5 (1) order the minor committed to the department for a period of time
6 not to exceed four years or in any event extend past the day the minor becomes 19
7 years of age, except that the department may petition for and the court may grant in
8 a hearing (A) four-year extensions of commitment that do not extend beyond the
9 minor's 19th birthday if the extension is in the best interests of the minor and the
10 public; and (B) an additional one-year period of supervision past age 19 if continued
11 supervision is in the best interests of the person and the person consents to it; the
12 department shall place the minor in the juvenile facility that the department considers
13 appropriate and that may include a juvenile correctional school, juvenile work camp,
14 treatment facility, detention home, or detention facility; the minor may be released
15 from placement or detention and placed on probation on order of the court and may
16 also be released by the department, in its discretion, under AS 47.10.200;

17 (2) order the minor placed on probation, to be supervised by the
18 department, and released to the minor's parents, guardian, or a suitable person; if the
19 court orders the minor placed on probation, it may specify the terms and conditions
20 of probation; the probation may be for a period of time not to exceed four years and
21 in no event to extend past the day the minor becomes 19 years of age, except that the
22 department may petition for and the court may grant in a hearing

23 (A) four-year extensions of supervision that do not extend
24 beyond the minor's 19th birthday if the extension is in the best interests of the
25 minor and the public; and

26 (B) an additional one-year period of supervision past age 19 if
27 the continued supervision is in the best interests of the person and the person
28 consents to it;

29 (3) order the minor committed to the department and placed on
30 probation, to be supervised by the department, and released to the minor's parents,
31 guardian, other suitable person, or suitable nondetention setting such as a family home,

1 group care facility, or child care facility, whichever the department considers
2 appropriate to implement the treatment plan of the predisposition report; if the court
3 orders the minor placed on probation, it may specify the terms and conditions of
4 probation; the department may transfer the minor, in the minor's best interests, from
5 one of the probationary placement settings listed in this paragraph to another, and the
6 minor, the minor's parents or guardian, and the minor's attorney are entitled to
7 reasonable notice of the transfer; the probation may be for a period of time not to
8 exceed four years and in no event to extend past the day the minor becomes 19 years
9 of age, except that the department may petition for and the court may grant in a
10 hearing

11 (A) four-year extensions of commitment that do not extend
12 beyond the minor's 19th birthday if the extension is in the best interests of the
13 minor and the public; and

14 (B) an additional one-year period of supervision past age 19 if
15 the continued supervision is in the best interests of the person and the person
16 consents to it;

17 (4) order the minor to make suitable restitution in lieu of or in addition
18 to the court's order under (1), (2), or (3) of this subsection; the court may not refuse
19 to make an order of restitution under this paragraph to benefit the victim of the act of
20 the minor that is the basis of the delinquency adjudication;

21 (5) order the minor committed to the department for placement in an
22 adventure based education program established under AS 47.21.020 with conditions
23 the court considers appropriate concerning release upon satisfactory completion of the
24 program or commitment under (1) of this subsection if the program is not satisfactorily
25 completed; or

26 (6) in addition to an order under (1) - (5) of this subsection, if the
27 delinquency finding is based on the minor's violation of AS 11.71.030(a)(3) or
28 11.71.040(a)(4), order the minor to perform 50 hours of community service; for
29 purposes of this paragraph, "community service" includes work

30 (A) on a project identified in AS 33.30.901; or

31 (B) that, on the recommendation of the city council or

1 traditional village council, would benefit persons within the city or village who
2 are elderly or disabled.

3 (c) If the court finds that the minor is not delinquent, it shall immediately
4 order the minor released from the department's custody and returned to the minor's
5 parents, guardian, or custodian, and dismiss the case.

6 (d) A minor found to be delinquent is a ward of the state while committed to
7 the department or the department has the power to supervise the minor's actions. The
8 court shall review an order made under (b) of this section annually, and may review
9 the order more frequently to determine if continued placement, probation, or
10 supervision, as it is being provided, is in the best interest of the minor and the public.
11 If annual review under this subsection would arise within 90 days of the hearing
12 required under this section, the court may postpone review under this subsection until
13 the time set for the hearing. The department, the minor, the minor's parents, guardian,
14 or custodian are entitled, when good cause is shown, to a review on application. If the
15 application is granted, the court shall afford these parties and their counsel reasonable
16 notice in advance of the review and hold a hearing where these parties and their
17 counsel shall be afforded an opportunity to be heard. The minor shall be afforded the
18 opportunity to be present at the review.

19 (e) The department shall pay all court costs incurred in all proceedings in
20 connection with the adjudication of delinquency under this chapter, including hearings
21 that result in the release of the minor.

22 (f) A minor, the minor's parents or guardian acting on the minor's behalf, or
23 the department may appeal a judgment or order, or the stay, modification, setting aside,
24 revocation, or enlargement of a judgment or order issued by the court under this
25 chapter.

26 (g) Within 18 months after the date a minor is committed to the custody of the
27 department under (b)(3) of this section, the court shall hold a hearing to review the
28 placement and services provided and to determine the future status of the minor. The
29 court shall make appropriate written findings, including findings related to the
30 following:

31 (1) whether the minor should be returned to the parent;

1 (2) whether the minor should remain in out-of-home care for a
2 specified period;

3 (3) whether the minor should remain in out-of-home care on a
4 permanent or long-term basis because of special needs or circumstances;

5 (4) whether the minor should be placed for adoption or legal
6 guardianship.

7 (h) Within 60 days after the date a minor is removed from the minor's home
8 by the department, the department shall notify the appropriate local citizen out-of-home
9 care review panel established under AS 47.10.420.

10 (i) For a minor committed under (b)(1) - (3) of this section on the basis of the
11 minor's commission of a sex offense, as that term is defined by AS 12.63.100, the
12 court shall, after giving notice to the minor, the minor's parent, guardian, or custodian,
13 and the department and its counsel, hold a hearing to determine whether the minor has
14 completed all requirements of the recommended plan of treatment set out in the
15 predisposition hearing report. The court shall hold the hearing not less than 30 days
16 nor more than 60 days before the date that supervision of the minor is scheduled to
17 terminate. If, by a preponderance of the evidence, the court finds that the minor has
18 failed to participate in the recommended plan of treatment set out in the predisposition
19 report or has not completed all requirements of the recommended plan of treatment set
20 out in the predisposition report, the court may require the minor to register as a sex
21 offender under AS 12.63.010 - 12.63.100.

22 Sec. 47.12.110. PREDISPOSITION HEARING REPORTS. (a) Before the
23 disposition hearing of a delinquent minor, the department shall submit a predisposition
24 report with a recommended plan of treatment to aid the court in its selection of a
25 disposition, a victim impact statement reporting the information set out in
26 AS 12.55.022, and any further information that the court may request. In preparing
27 the predisposition report, the department shall contact the victim of the minor's offense.

28 (b) The court shall inform the minor, the minor's parents, and the attorneys
29 representing the parties and the guardian ad litem that the predisposition report will be
30 available to them not less than 10 days before the disposition hearing.

31 (c) In this section, "parents" means the natural or adoptive parents, and any

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legal guardian, relative, or other adult person with whom the minor has resided and who has acted as a parent in providing for the minor for a continuous period of time before this action.

Sec. 47.12.120. COURT DISPOSITIONAL ORDER; BEST INTERESTS OF MINOR AND OTHER CONSIDERATIONS. (a) In making its dispositional order under AS 47.12.100(b)(1) - (3) and (5), the court shall

- (1) consider
 - (A) the best interests of the minor and the public; and
 - (B) the ability of the state to take custody and to care for the minor to protect the minor's best interests under this chapter;
- (2) consider that the minor's continued delinquent behavior is a danger to the minor; and
- (3) order the least restrictive alternative disposition for the minor.

(b) For purposes of (a)(3) of this section,

- (1) the "least restrictive alternative disposition" means that disposition that is no more restrictive than is, in the judgment of the court, most conducive to the minor's rehabilitation; and
- (2) in making its dispositional order, in addition to the elements of (a)(1) and (2) of this section, the court shall consider
 - (A) the seriousness of the minor's delinquent act;
 - (B) the minor's culpability as indicated by the circumstances of the particular case;
 - (C) the age of the minor;
 - (D) the minor's prior criminal or juvenile record;
 - (E) the ability of the minor's parent, guardian, or custodian to control and supervise the minor;
 - (F) the success or failure of the minor's previous dispositions or placements; and
 - (G) detention is an appropriate consequence for a minor.

Sec. 47.12.130. LEGAL CUSTODY, GUARDIANSHIP, AND RESIDUAL PARENTAL RIGHTS AND RESPONSIBILITIES. (a) When a minor is committed

1 under AS 47.12.100(b)(1) or (b)(3) to the department or released under
2 AS 47.12.100(b)(2) to the minor's parents, guardian, or other suitable person, a
3 relationship of legal custody exists. This relationship imposes on the department and
4 its authorized agents or the parents, guardian, or other suitable person the responsibility
5 of physical care and control of the minor, the determination of where and with whom
6 the minor shall live, the right and duty to protect, train, and discipline the minor, and
7 the duty of providing the minor with food, shelter, education, and medical care. These
8 obligations are subject to any residual parental rights and responsibilities and rights and
9 responsibilities of a guardian if one has been appointed. When a minor is committed
10 to the department and the department places the minor with the minor's parent, the
11 parent has the responsibility to provide and pay for food, shelter, education, and
12 medical care for the minor. When parental rights have been terminated, or there are
13 no living parents and a guardian has not been appointed, the responsibilities of legal
14 custody include those in (b) and (c) of this section. The department or person having
15 legal custody of the minor may delegate any of the responsibilities under this section,
16 except authority to consent to marriage, adoption, and military enlistment may not be
17 delegated. For purposes of this chapter, a person in charge of a placement setting is
18 an agent of the department.

19 (b) When a guardian is appointed for the minor, the court shall specify in its
20 order the rights and responsibilities of the guardian. The guardian may be removed
21 only by court order. The rights and responsibilities may include, but are not limited
22 to, having the right and responsibility of reasonable visitation, consenting to marriage,
23 consenting to military enlistment, consenting to major medical treatment, obtaining
24 representation for the minor in legal actions, and making decisions of legal or financial
25 significance concerning the minor.

26 (c) When there has been transfer of legal custody or appointment of a guardian
27 and parental rights have not been terminated by court decree, the parents shall have
28 residual rights and responsibilities. These residual rights and responsibilities of the
29 parent include the right and responsibility of reasonable visitation, consent to adoption,
30 consent to marriage, consent to military enlistment, consent to major medical treatment
31 except in cases of emergency or cases falling under AS 25.20.025, and the

1 responsibility for support, except if by court order any residual right and responsibility
2 has been delegated to a guardian under (b) of this section.

3 Sec. 47.12.140. RETENTION OF JURISDICTION OVER MINOR. (a) The
4 court retains jurisdiction over the case and may at any time stay execution, modify, set
5 aside, revoke, or enlarge a judgment or order, or grant a new hearing, in the exercise
6 of its power of protection over the minor and for the minor's best interest, for a period
7 of time not to exceed the maximum period otherwise permitted by law or in any event
8 extend past the day the minor becomes 19, unless sooner discharged by the court,
9 except that the department may apply for and the court may grant an additional one-
10 year period of supervision past age 19 if continued supervision is in the best interests
11 of the person and the person consents to it. An applicatio.. for any of these purposes
12 may be made by the parent, guardian, or custodian acting in behalf of the minor, or
13 the court may, on its own motion, and after reasonable notice to interested parties and
14 the appropriate department, take action that it considers appropriate.

15 (b) If the court determines at a rehearing that it is for the best interests of the
16 minor to be released to the care or custody of the minor's parent, guardian, or
17 custodian, it may enter an order to that effect and the minor is discharged from the
18 control of the department.

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

1 Sec. 47.12.150. ENFORCEMENT OF RESTITUTION. When restitution is
2 ordered under AS 47.12.100(b)(4), the restitution recipient may enforce payment of the
3 restitution order against the minor under AS 09.35 as if the order were a civil
4 judgment enforceable by execution. This section does not limit the authority of the
5 court to enforce orders of restitution to victims.

6 Sec. 47.12.160. EFFECT OF ADJUDICATION. (a) Except as provided by
7 AS 12.63.010 - 12.63.100 and AS 47.12.150, an adjudication under this chapter upon
8 the status of a minor

9 (1) may not operate to impose any of the civil disabilities ordinarily
10 imposed by conviction upon a criminal charge;

11 (2) does not operate to require that a minor afterward be considered a
12 criminal by the adjudication; and

13 (3) does not operate to require that the adjudication be afterward
14 deemed a conviction, nor may a minor be charged with or convicted of a crime in a
15 court, except as provided in this chapter.

16 (b) The commitment and placement of a minor and evidence given in the court
17 are not admissible as evidence against the minor in a subsequent case or proceedings
18 in any other court, nor does the commitment and placement or evidence operate to
19 disqualify a minor in a future civil service examination or appointment in the state.

20 Sec. 47.12.170. COURT RECORDS. (a) The court shall make and keep
21 records of all cases brought before it.

22 (b) The court shall forward a record of adjudication of a violation of an
23 offense listed in AS 28.15.185(a) to the Department of Public Safety if the court
24 imposes a license revocation under AS 28.15.185.

25 (c) The name or picture of a minor under the jurisdiction of the court may not
26 be made public in connection with the minor's status as a delinquent unless authorized
27 by order of the court.

28 (d) Within 30 days of the date of a minor's 18th birthday or, if the court
29 retains jurisdiction of a minor past the minor's 18th birthday, within 30 days of the
30 date on which the court releases jurisdiction over the minor, the court shall order all
31 the court's official records pertaining to that minor in a proceeding under this chapter

1 sealed, as well as records of all driver's license proceedings under AS 28.15.185,
2 criminal proceedings against the minor, and punishments assessed against the minor.
3 A person may not use these sealed records for any purpose except that the court may
4 order their use for good cause shown or may order their use by an officer of the court
5 in making a presentencing report for the court. The provisions of this subsection
6 relating to the sealing of records do not apply to records of traffic offenses.

7 (e) The court's official records under this chapter may be inspected only with
8 the court's permission and only by persons having a legitimate interest in them. A
9 person with a legitimate interest in the inspection of an official record maintained by
10 the court includes a victim who suffered physical injury or whose real or personal
11 property was damaged as a result of an offense that was the basis of an adjudication
12 or modification of disposition. If the victim knows the identity of the minor, identifies
13 the minor or the offense to the court, and certifies that the information is being sought
14 to consider or support a civil action against the minor or against the minor's parents
15 or guardians under AS 34.50.020, the court shall, subject to AS 12.61.110 and
16 12.61.140, allow the victim to inspect and use the following records and information
17 in connection with the civil action:

18 (1) a petition filed under AS 47.12.020(a)(2) seeking to have the court
19 declare the minor a delinquent;

20 (2) a petition filed under AS 47.12.100 seeking to have the court
21 modify or revoke the minor's probation;

22 (3) a petition filed under AS 47.12.080 requesting the court to find that
23 a minor is not amenable to treatment under this chapter and that results in closure of
24 a case under AS 47.12.080(a); and

25 (4) a court judgment or order entered under this chapter that disposes
26 of a petition identified in (1) - (3) of this subsection.

27 (f) A person who has been tried as an adult under AS 47.12.080, or the
28 department on the person's behalf, may petition the superior court to seal the records
29 of all criminal proceedings, except traffic offenses, initiated against the person, and all
30 punishments assessed against the person, while the person was a minor. A petition
31 under this subsection may not be filed until five years after the completion of the

1 sentence imposed for the offense for which the person was tried as an adult. If the
2 superior court finds that the punishment assessed against the person has had its
3 intended rehabilitative effect and further finds that the person has fulfilled all orders
4 of the court entered under AS 47.12.100, the superior court shall order the record of
5 proceedings and the record of punishments sealed. Sealing the records restores civil
6 rights removed because of a conviction. A person may not use these sealed records
7 for any purpose except that the court may order their use for good cause shown or may
8 order their use by an officer of the court in making a presentencing report for the
9 court. The court may not, under this subsection, seal records of a criminal proceeding

10 (1) initiated against a person if the court finds that the person has not
11 complied with a court order made under AS 47.12.100; or

12 (2) commenced under AS 47.12.015(a) unless the minor has been
13 acquitted of all offenses with which the minor was charged or unless the most serious
14 offense of which the minor was convicted was not an offense specified in
15 AS 47.10.015(a).

16 Sec. 47.12.180. AGENCY RECORDS. (a) Except as specified in
17 AS 47.12.190 and (b) - (g) of this section, all information and social records pertaining
18 to a minor who is subject to this chapter or AS 47.17 prepared by or in the possession
19 of a federal, state, or municipal agency or employee in the discharge of the agency's
20 or employee's official duty, including a driver's license actions under AS 28.15.185, are
21 privileged and may not be disclosed directly or indirectly to anyone without a court
22 order.

23 (b) A state or municipal agency or employee may disclose information
24 regarding a case to

25 (1) a guardian ad litem appointed by the court or to a citizen review
26 panel for permanency planning authorized by AS 47.10.400 or 47.10.420;

27 (2) a person or an agency requested to provide consultation or services
28 for a minor who is subject to the jurisdiction of the court under this chapter;

29 (3) school officials as may be necessary to protect the safety of school
30 students and staff;

31 (4) a governmental agency as may be necessary to obtain that agency's

1 assistance for the department in its investigation or to obtain physical custody of a
2 minor;

3 (5) a state or municipal law enforcement agency as may be necessary
4 for a specific investigation being conducted by that agency or for disclosures by that
5 agency to protect the public safety; and

6 (6) a victim as may be necessary to inform the victim about the
7 disposition or resolution of a case involving a minor.

8 (c) A state or municipal law enforcement agency

9 (1) shall disclose information regarding a case that is needed by the
10 person or agency charged with making a preliminary investigation for the information
11 of the court under this chapter;

12 (2) may disclose to the public information regarding a criminal offense
13 in which a minor is a suspect, victim, or witness if the minor is not identified by the
14 disclosure;

15 (3) may disclose to school officials information regarding a case as may
16 be necessary to protect the safety of school students and staff;

17 (4) may disclose to the public information regarding a case as may be
18 necessary to protect the safety of the public; and

19 (5) may disclose to a victim information, including copies of reports,
20 as necessary for civil litigation or insurance claims pursued by or against the victim.

21 (d) Upon request of a victim, the department shall make every reasonable
22 effort to notify the victim as soon as practicable in writing when a delinquent minor
23 is to be released from placement in a juvenile facility under AS 47.12.100(b)(1). The
24 notice under this subsection must include the expected date of the delinquent minor's
25 release, the geographic area in which the delinquent minor is required to reside, and
26 other pertinent information concerning the delinquent minor's conditions of release that
27 may affect the victim.

28 (e) A person may authorize the department to release information to the
29 military or to a prospective employer about the existence of a delinquency adjudication
30 against that person under this chapter and the offense on which it was based.

31 (f) The department may release to a person with a legitimate interest

1 information relating to minors not subject to the jurisdiction of the court under this
2 chapter. The department shall adopt regulations governing the release of information
3 and identifying a sufficient legitimate interest.

4 (g) The department and affected law enforcement agencies shall work with
5 school districts and private schools to develop procedures for the disclosure of
6 information to school officials under (b)(3) and (c)(3) of this section. The procedures
7 must provide a method for informing the principal or the principal's designee of the
8 school the student attends as soon as it is reasonably practicable.

9 (h) Notwithstanding (c)(3) of this section, a state or municipal law enforcement
10 agency is not required to notify the appropriate school official of a school district or
11 school under (c) of this section if the agency determines that notice would jeopardize
12 an ongoing investigation.

13 (i) In this section, "school" means a public or private elementary or secondary
14 school.

15 (j) A person who discloses confidential information in violation of this section
16 is guilty of a class B misdemeanor.

17 Sec. 47.12.190. PARENTAL RIGHT TO DISCLOSE INFORMATION. (a)
18 Notwithstanding AS 47.12.170 and 47.12.180, a parent or legal guardian of a minor
19 subject to a proceeding under this chapter may disclose confidential or privileged
20 information about the minor, including information that has been lawfully obtained
21 from agency or court files, to the governor, the lieutenant governor, a legislator, the
22 ombudsman appointed under AS 24.55, the attorney general, and the commissioners
23 of health and social services, administration, or public safety, or an employee of these
24 persons, for review or use in their official capacities. A person to whom disclosure
25 is made under this section may not disclose confidential or privileged information
26 about the minor to a person not authorized to receive it.

27 (b) The disclosure right under (a) of this section is in addition to, and not in
28 derogation of, the rights of a parent or legal guardian of a minor.

29 (c) A person who violates a provision of this section is guilty of a
30 misdemeanor and upon conviction is punishable for the violation in the manner
31 authorized under AS 12.55 for a class B misdemeanor.

1 Sec. 47.12.200. ARREST OF A MINOR. The arrest of a minor other than for
2 a traffic offense is not considered an arrest for any purpose except for the purpose of
3 the disposition of a proceeding arising out of that arrest.

4 Sec. 47.12.210. FINGERPRINTING OF MINORS. (a) A peace officer may
5 fingerprint a minor under the same circumstances as an adult may be fingerprinted.

6 (b) Fingerprint records taken under this section are not subject to
7 AS 47.12.180.

8 Sec. 47.12.220. APPOINTMENT OF GUARDIAN OR CUSTODIAN. When,
9 in the course of a proceeding under this chapter, it appears to the court that the welfare
10 of a minor will be promoted by the appointment of a guardian or custodian of the
11 minor's person, the court may make the appointment. The court shall have a summons
12 issued and served upon the parents of the minor, if they can be found, in a manner and
13 within a time before the hearing that the court considers reasonable. The court may
14 determine whether the father, mother, or the department shall have the custody and
15 control of the minor. If the minor is of sufficient age and intelligence to state desires,
16 the court shall consider them.

17 Sec. 47.12.230. SUPPORT OF MINOR. (a) When a delinquent minor is
18 committed under this chapter, the court shall, after giving the parent or legal guardian
19 a reasonable opportunity to be heard, adjudge that the parent or guardian pay to the
20 department in a manner that the court directs a sum to cover in full or in part the
21 maintenance and care of the minor. Unless the support obligation is calculated under
22 Rule 90.3(i) of the Alaska Rules of Civil Procedure, the sum required to be paid must
23 be based on the fee schedules adopted under AS 44.29.022.

24 (b) If a parent wilfully fails or refuses to pay the sum fixed, the parent may
25 be proceeded against as provided by law in cases of family desertion and nonsupport.

26 (c) The sum collected from a parent under this section shall be directly
27 credited to the general fund of the state.

28 Sec. 47.12.240. DETENTION. (a) A minor may not be incarcerated in a
29 correctional facility that houses adult prisoners.

30 (b) When a minor is detained under this chapter, the person having
31 responsibility for the facility in which the minor is detained shall immediately make

1 reasonable attempts to notify the minor's parent, guardian, or custodian of the minor's
2 detention.

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

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

9 (A) six hours; or

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

12 (2) if, in response to a petition of delinquency filed under this chapter,
13 the court has entered an order closing the case under AS 47.12.080(a), allowing the
14 minor to be prosecuted as an adult; or

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

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

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

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

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

31 (1) documents the reason that transportation of the minor to a juvenile

1 detention home or comparable facility is not available; and

2 (2) during the minor's detention, after learning that transportation is not
3 available, promptly notifies the appropriate officials or employees of the department
4 and the Alaska Court System of the lack of available transportation.

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

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

9 (h) In this section,

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

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

13 **Sec. 47.12.250. TEMPORARY DETENTION AND DETENTION HEARING.**

14 (a) A peace officer may arrest a minor who violates a law or ordinance in the peace
15 officer's presence, or whom the peace officer reasonably believes is a fugitive from
16 justice. A peace officer may continue a lawful arrest made by a citizen. The peace
17 officer may have the minor detained in a juvenile detention facility if in the opinion
18 of the peace officer making or continuing the arrest it is necessary to do so to protect
19 the minor or the community. A person having responsibility for the juvenile detention
20 facility may not unreasonably refuse to detain the minor in the juvenile detention
21 facility at the request of the peace officer making or continuing the arrest.

22 (b) A peace officer who has a minor detained under (a) of this section shall
23 immediately, and in no event more than 12 hours later, notify the court and make
24 reasonable efforts to notify the minor's parents or guardian and the department of the
25 officer's action. The department may file with the court a petition alleging delinquency
26 before the detention hearing.

27 (c) The court shall immediately, and in no event more than 48 hours later, hold
28 a hearing at which the minor and the minor's parents or guardian if they can be found
29 shall be present. The court shall determine whether probable cause exists for believing
30 the minor to be delinquent. The court shall inform the minor of the reasons alleged
31 to constitute probable cause and the reasons alleged to authorize the minor's detention.

1 The minor is entitled to counsel and to confrontation of adverse witnesses.

2 (d) If the court finds that probable cause exists, it shall determine whether the
3 minor should be detained pending the hearing on the petition or released. It may
4 either order the minor held in detention or released to the custody of a suitable person
5 pending the hearing on the petition. If the court finds no probable cause, it shall order
6 the minor released and close the case.

7 (e) Except for temporary detention pending a detention hearing, a minor may
8 be detained only by court order.

9 ARTICLE 2. NONCRIMINAL OFFENSES.

10 Sec. 47.12.300. EVADING LEGAL CUSTODY. (a) A person under 18 years
11 of age for whom the disabilities of minority have not been removed for general
12 purposes under AS 09.55.590 and who has not arrived at the age of majority under
13 AS 25.20.020 may not, without the consent of the person's parent or guardian,

14 (1) leave and be absent from the custody of the person's parent or
15 guardian; or

16 (2) refuse to accept available care provided by the person's parent or
17 guardian.

18 (b) Evading legal custody under this section is a violation punishable under
19 AS 47.12.400 - 47.12.430.

20 Sec. 47.12.310. EVADING PLACEMENT. (a) A person under 18 years of
21 age for whom the disabilities of minority have not been removed for general purposes
22 under AS 09.55.590 and who has not arrived at the age of majority under
23 AS 25.20.020 may not, while placed under a statute specified in this subsection other
24 than in circumstances that constitute official detention, refuse to accept available care
25 by leaving the placement without prior permission of the person's caretaker; the
26 provisions of this subsection apply to a person

27 (1) held in protective custody under AS 47.10.141(b) or in emergency
28 protective custody under AS 47.10.141(c); or

29 (2) taken into emergency custody under AS 47.10.142.

30 (b) Evading placement under this section is a violation punishable under
31 AS 47.12.400 - 47.12.430.

1 Sec. 47.12.320. CURFEW. (a) A person under 18 years of age for whom the
2 disabilities of minority have not been removed for general purposes under
3 AS 09.55.590 and who has not arrived at the age of majority under AS 25.20.020 may
4 not be in a place of amusement or entertainment or in a public place in the state, either
5 on foot or in a propelled vehicle, between the hours of 11:00 p.m. and 5:00 a.m. of the
6 following day.

7 (b) It is an affirmative defense to a violation under this section that the person
8 was

9 (1) accompanied by the person's parent or guardian;

10 (2) on an errand at the written direction of the person's parent or
11 guardian, without detour or stop;

12 (3) involved in an emergency;

13 (4) engaged in an employment activity, or going to or returning from
14 an employment activity, without detour or stop;

15 (5) attending, going to, or returning home from, without detour or stop,
16 a school, religious, or other recreational activity supervised by adults and sponsored
17 by a municipality, school district, civic organization, or another similar entity that takes
18 responsibility for the minor;

19 (6) returning from a place of public entertainment, such as a movie,
20 play, or sporting event, without detour or stop; or

21 (7) in a place of amusement or entertainment or in a public place, if
22 the place of amusement or entertainment or public place is in a municipality that has
23 adopted an ordinance establishing a curfew and the person's presence does not
24 constitute a violation of the municipality's curfew ordinance.

25 (c) Curfew violation under this section is a violation punishable under
26 AS 47.12.400 - 47.12.430.

27 ARTICLE 3. COMMUNITY SERVICE CITATIONS.

28 Sec. 47.12.400. COMMUNITY SERVICE CITATIONS. A peace officer may
29 issue a citation under AS 12.25.180 to a minor, except that the citation shall be for an
30 amount of community service as set out in AS 47.12.430.

31 Sec. 47.12.410. ISSUANCE OF COMMUNITY SERVICE CITATION. (a)

1 A community service citation must indicate the number of hours of community service
2 applicable to the offense, the procedure a minor must follow in responding to the
3 citation, and a statement that, if the minor fails to successfully complete the
4 community service requirement, the minor must appear in court.

5 (b) The minor to whom a citation is issued shall sign at least one copy of the
6 written citation prepared by the peace officer, and the officer shall deliver a copy of
7 the citation to the minor.

8 Sec. 47.12.420. ACTION ON COMMUNITY SERVICE CITATION. (a) A
9 minor who receives a citation for which community service must be performed may
10 mail or personally deliver to the clerk of the court with appropriate jurisdiction, or to
11 the clerk of the municipality that issued the citation, the affidavit of completion of the
12 service, signed by the minor's parent or guardian, the minor, and the community
13 service administrator not later than 30 days after receiving the citation.

14 (b) When proof of performance of community service has been filed with the
15 court or municipality, a judgment shall be entered. Filing proof of performance of
16 community service is a complete satisfaction for the violation. The clerk of the court
17 or clerk of the municipality accepting the form indicating proof of performance of
18 community service shall provide the minor with a receipt stating that fact, if requested.

19 (c) A citation issued under AS 47.12.410 shall be considered a summons for
20 a misdemeanor if a minor is cited for an offense for which community service must
21 be performed and the minor

22 (1) fails to appear in court to answer the citation; or

23 (2) fails to successfully complete the community service requirement
24 within the time allowed by (a) of this section.

25 (d) If a minor cited for an offense for which community service must be
26 performed appears in court in response to the summons and is found guilty, the penalty
27 imposed for the offense may not exceed the value of the number of hours of
28 community service required to be performed for the offense, as applicable.

29 (e) The court shall sentence a minor convicted under (c) of this section by a
30 fine of not more than \$300. However, the court may suspend the imposition of a fine
31 when the minor presents to the court a plan in which the minor's parent, guardian, or

1 older family member agrees to supervise the minor's performance of community
2 service. This plan must include the location, task to be accomplished, and time needed
3 to accomplish the proposed task. The court shall calculate the number of hours of
4 community service under AS 12.55.055(c).

5 Sec. 47.12.430. SCHEDULE. For the purposes of AS 47.12.400 - 47.12.420,
6 the required number of hours of community service for an offense or for noncriminal
7 conduct for which community service is authorized is as follows:

8 (1) concealment of merchandise under AS 11.46.220

9 (A) first citation -- 10 hours;

10 (B) second citation -- 15 hours;

11 (C) third and subsequent citations -- 25 hours each;

12 (2) criminal mischief in the third degree under AS 11.46.484(a)(1) or

13 (4) - (7)

14 (A) first citation -- 20 hours;

15 (B) second citation -- 25 hours;

16 (C) third and subsequent citations -- 50 hours each;

17 (3) criminal mischief in the fourth degree under AS 11.46.486

18 (A) first citation -- 15 hours;

19 (B) second citation -- 20 hours;

20 (C) third and subsequent citations -- 35 hours each;

21 (4) disorderly conduct under AS 11.61.110

22 (A) first citation -- 10 hours;

23 (B) second citation -- 15 hours;

24 (C) third and subsequent citations -- 25 hours each;

25 (5) evading legal custody under AS 47.12.300 or evading placement
26 under AS 47.12.310

27 (A) first citation -- 4 hours;

28 (B) second citation -- 6 hours;

29 (C) third and subsequent citations -- 10 hours each;

30 (6) violation of AS 47.12.320 or an ordinance of a municipality that
31 establishes a curfew

- 1 (A) first citation -- 6 hours;
2 (B) second citation -- 10 hours;
3 (C) third and subsequent citations -- 16 hours each;

4 (7) violation of a municipal ordinance for which the municipality
5 authorizes use of community service citations -- the number of hours of service
6 required by the municipal ordinance;

7 (8) the commission of a violation or infraction other than conduct
8 described in (1) - (6) of this section that is punishable as a violation or infraction --
9 a number of hours determined under AS 12.55.055(c).

10 ARTICLE 4. YOUTH COURTS.

11 Sec. 47.12.500. YOUTH COURTS. (a) The department may use youth courts
12 to hear, determine, and dispose of cases involving a minor whose alleged act that
13 brings the minor within the jurisdiction of AS 47.12.010 - 47.12.250 constitutes a
14 violation of a state law that is a misdemeanor or a violation or that constitutes a
15 violation of a municipal ordinance that prescribes a penalty not exceeding the penalties
16 for a class A misdemeanor under state law.

17 (b) Unless otherwise directed by the commissioner, the jurisdiction of a youth
18 court is coextensive with the boundaries of the municipality in which the youth court
19 is located. Only one youth court may be established within the boundaries of a
20 municipality. Nothing in this subsection prohibits two or more municipalities from
21 operating a single youth court for the municipalities by agreement between them.

22 (c) A nonprofit corporation may obtain recognition from the commissioner to
23 serve as a youth court. The corporation may exercise only the powers that are
24 delegated to a youth court by the commissioner, and shall exercise those powers as
25 authorized by the corporation's articles of incorporation and bylaws. The bylaws of
26 the corporation must set out standards and procedures by which the corporation, in its
27 capacity as a youth court,

28 (1) establishes a system by which the minor may be held accountable
29 for the conduct that brings the minor within the jurisdiction of the youth court by
30 being tried, represented, and adjudicated by the minor's peers;

31 (2) guarantees the constitutional rights of the minor that are guaranteed

1 by the state and federal constitutions;

2 (3) may secure jurisdiction over a minor; the youth court may secure
3 jurisdiction over the minor only with the consent of the minor and the agreement of
4 the minor's legal custodian;

5 (4) sets out the process for disposing of matters referred to it for
6 resolution;

7 (5) provides a process for appeal of a verdict or sentence, and defines
8 the basis for appeals;

9 (6) reserves the right to refer to the department, under AS 47.12.040(a),
10 a matter transmitted to the youth court for disposition in which the minor fails, without
11 good cause, to comply with all requirements ordered by the youth court as a part of
12 sentence imposed on the minor; and

13 (7) prepares and delivers a report of the disposition of the matter
14 referred to it for resolution to the commissioner.

15 (d) Subject to the privileges that witnesses have in the courts of this state, the
16 commissioner may compel by subpoena, at a specified time and place, the

17 (1) appearance and sworn testimony of a person who the commissioner
18 reasonably believes may be able to give information relating to a matter before a youth
19 court; and

20 (2) production by a person of a record or object that the commissioner
21 reasonably believes may relate to a matter before a youth court.

22 (e) If a person refuses to comply with a subpoena issued under (d) of this
23 section, the superior court may, upon application of the commissioner, compel
24 obedience by proceedings for contempt in the same manner as in the case of
25 disobedience to the requirements of a subpoena issued by the court or refusal to testify
26 in the court.

27 (f) The commissioner shall make and keep records of all cases referred to a
28 youth court. The records of a youth court proceeding

29 (1) relating to a minor who complies with all requirements ordered by
30 the youth court as a part of sentence imposed on the minor shall be sealed by the
31 commissioner and may not be used for any purpose; and

1 (2) except as to a record described in (1) of this subsection, shall be
2 afforded at least the same protection and are subject to at least the same procedural
3 safeguards in matters relating to access, use, and security as they would be under
4 AS 47.12.180.

5 ARTICLE 5. COMMUNITY INTERVENTION COURTS.

6 Sec. 47.12.550. COMMUNITY INTERVENTION COURTS. (a) In a
7 municipality or combination of municipalities in which a community intervention court
8 is established, the community intervention court may hear, determine, and dispose of
9 cases involving a minor whose alleged act that brings the minor within the jurisdiction
10 of AS 47.12.010 - 47.12.250 constitutes a violation of a state law that is a
11 misdemeanor or a violation or that constitutes a violation of a municipal ordinance that
12 prescribes a penalty not exceeding the penalties for an offense that is a class A
13 misdemeanor under state law.

14 (b) The jurisdiction of a community intervention court is coextensive with the
15 boundaries of the municipality or combination of municipalities in which the court is
16 located. Nothing in this subsection prohibits two or more municipalities from
17 operating a single community intervention court for the municipalities by agreement
18 between them.

19 (c) A community intervention court may exercise only the powers that are
20 required of it by this section and the powers that are set out in the ordinance
21 establishing it.

22 (d) A community intervention court shall adjust or dispose of a matter
23 involving a minor that has been referred to it. To adjust or dispose of a matter, the
24 court and the minor shall enter into an agreement that sets out all requirements set by
25 the court as a part of its adjustment or disposition to which the minor agrees. To that
26 end, the court and the minor may agree that the minor

27 (1) perform community service;

28 (2) make suitable restitution;

29 (3) obtain counseling or treatment when the circumstances described
30 in AS 47.12.560 indicate the need for counseling or treatment, or when the court and
31 the minor agree that counseling or treatment is otherwise appropriate.

1 (e) The ordinance establishing the community intervention court must set out
2 standards and procedures by which the court,

3 (1) establishes a system by which the minor may be held accountable
4 for the conduct that brings the minor within the jurisdiction of the court;

5 (2) guarantees the constitutional rights of the minor that are guaranteed
6 by the state and federal constitutions;

7 (3) may secure jurisdiction over a minor; unless otherwise provided by
8 law, the court may secure jurisdiction over the minor only with the consent of the
9 minor and the agreement of the minor's legal custodian;

10 (4) sets out the process for disposing of matters referred to it for
11 resolution;

12 (5) provides a process for appeal of a verdict or sentence, and defines
13 the basis for appeals;

14 (6) reserves the right to refer to the department, under AS 47.12.040(a),
15 a matter transmitted to the court for disposition in which the minor fails, without good
16 cause, to comply with all requirements ordered by the court as a part of sentence
17 imposed on the minor; and

18 (7) prepares and delivers a report of the disposition of the matter
19 referred to it for resolution to the commissioner.

20 (f) Subject to the privileges that witnesses have in the courts of this state, the
21 community intervention court may compel by subpoena, at a specified time and place,
22 the

23 (1) appearance and sworn testimony of a person who the court
24 reasonably believes may be able to give information relating to a matter before it; and

25 (2) production by a person of a record or object that the court
26 reasonably believes may relate to a matter before it.

27 (g) If a person refuses to comply with a subpoena issued under (f) of this
28 section, the superior court may, upon application of the presiding official of the
29 community intervention court, compel obedience by proceedings for contempt in the
30 same manner as in the case of disobedience to the requirements of a subpoena issued
31 by the superior court or refusal to testify in the superior court.