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1 alleged commission of an offense that is

2 (1) a felony; or

3 (2) a misdemeanor when the agency has previously taken action under
4 AS 47.12.040(a) affecting the minor based on the minor's alleged previous commission
5 of an offense that was, at the time of the minor's alleged commission of the previous
6 offense, punishable as a felony or as a misdemeanor; for purposes of this paragraph,
7 a previous commission of an offense may have been alleged to have occurred before,
8 on or after the effective date of this section.

9 * Sec. 6. AS 47.12.320(a) is amended to read:

10 (a) Notwithstanding AS 47.12.300 and 47.12.310, a parent or legal guardian
11 of a minor subject to a proceeding under this chapter may disclose to the public
12 confidential or privileged information about the minor [, INCLUDING
13 INFORMATION THAT HAS BEEN LAWFULLY OBTAINED FROM AGENCY OR
14 COURT FILES, TO THE GOVERNOR, THE LIEUTENANT GOVERNOR, A
15 LEGISLATOR, THE OMBUDSMAN APPOINTED UNDER AS 24.55, THE
16 ATTORNEY GENERAL, AND THE COMMISSIONERS OF HEALTH AND
17 SOCIAL SERVICES, ADMINISTRATION, OR PUBLIC SAFETY, OR AN
18 EMPLOYEE OF THESE PERSONS, FOR REVIEW OR USE IN THEIR OFFICIAL
19 CAPACITIES. A PERSON TO WHOM DISCLOSURE IS MADE UNDER THIS
20 SECTION MAY NOT DISCLOSE CONFIDENTIAL OR PRIVILEGED
21 INFORMATION ABOUT THE MINOR TO A PERSON NOT AUTHORIZED TO
22 RECEIVE IT].

23 * Sec. 7. AS 47.12.320(c) is repealed.

State Responses to Serious and Violent Juvenile Crime

Research Report

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Chapter 5

Confidentiality of Juvenile Court Records and Proceedings

Trend: Traditional confidentiality provisions are being revised in favor of more open proceedings and records.

Along with the changes discussed in previous chapters—jurisdictional authority, sentencing, and correctional options—come significant changes in how the juvenile justice system treats information about juvenile offenders, and particularly serious and violent juvenile offenders.

Issues relating to confidentiality of juvenile court proceedings and their records have existed for decades. A system that rehabilitates and protects minors from the stigma of youthful indiscretions was not a problem when those indiscretions were of a minor nature. However, as juvenile crime became more serious, community protection and the public's right to know began to displace confidentiality as a bedrock principle.

Moreover, law enforcement, child welfare, schools, and other youth-serving agencies see the same subset of juveniles under juvenile court jurisdiction. Accordingly, the need to share information across systems is apparent. As a result, we have seen a concerted effort to promote information-sharing partnerships among juvenile courts, probation departments, law enforcement, prosecutors, schools, and youth-serving agencies (see Search Group, 1982; and Rapp, Stevens, and Clontz, 1989). The rationale for sharing information among system actors with a "need to know" is a better coordinated and more efficient service delivery system that avoids duplication of services and better utilizes shrinking resources.

The fundamental issue with respect to sharing juvenile records and opening proceedings is balancing the need to protect a juvenile's right to privacy with the need to assure the community's safety and provide needed services and supervision. Figure 7 illustrates the dynamic tension generated by trying to balance these competing positions.

Recently, significant activity has occurred among State legislatures with respect to confidentiality issues. Analysis of statutes enacted from 1992 through 1995 reveals several distinct trends in the disclosure, use, and destruction of juvenile records and the openness of juvenile court proceedings. These trends represent a definitive shift in the use and management of information, with notable impact on juvenile justice processing—particularly as it relates to juvenile records and proceedings.

Juvenile Court Proceedings

Traditionally, juvenile court proceedings have been informal and distinguished from the criminal court hearing by exclusion of the general public. The model Standard Juvenile Court Act of 1959 stated that:

The privacy of the hearing contributes to a casework relationship, and avoidance of the spectacle of a public criminal trial is especially advantageous in children's cases. This hearing should have the character of a conference, not of a trial. . . . The hearing is private, not secret . . . the reference to persons who have "a direct interest in the work of the Court" includes newspaper reporters who should be permitted, indeed, encouraged to attend hearings, with the understanding that they will not disclose the names or other identifying data of the participants (NCCD, 1959).

One commentator reviewing the U.S. Supreme Court decisions on the matter of confidentiality suggested that "while the Court has required procedural reform which has resulted in a general tendency to equate a juvenile and a criminal procedure . . . it has continued to shield perhaps the most paternalistic of all the juvenile court's procedures [the public trial]" (Hurst, 1985). Another commentator

Figure 7

Opening Juvenile Court Records and Proceedings Generates Dynamic Tension

Protect the Juvenile	vs.	Protect the Community
Right to Privacy	vs.	Right to Know
Separate and Distinct Juvenile Justice System	vs.	One System for Criminal Justice

noted that the U.S. Supreme Court has never proclaimed a constitutional right of confidentiality for alleged delinquents, and the trend in cases that have gone before the Court on this issue makes it unlikely that one will be crafted, despite the Court's long-time acceptance of confidentiality as a part of the juvenile justice rehabilitative model (Martin, 1995).

In response to the debate over confidentiality as a part of juvenile proceedings, the National Council of Juvenile and Family Court Judges (NCJFCJ) recently declared that:

Traditional notions of secrecy and confidentiality should be re-examined and relaxed to promote public confidence in the court's work. The public has a right to know how courts deal with children and families. The court should be open to the media, interested professionals and students and, when appropriate, the public, in order to hold itself accountable, educate others, and encourage greater community participation (NCJFCJ, 1995, p. 3).

Since 1992, State legislatures have increasingly called for a presumption of open proceedings and the release of juvenile offenders' names. (See figure 9 at the end of the chapter for a list of States that passed legislation from 1992 through 1995 addressing juvenile court records and proceedings.)

Public Juvenile Hearings

Many States passed laws that either open juvenile court hearings to the public generally or for specified violent or other serious crimes. In addition, some statutes set age restrictions. From 1992 through 1995, 10 States passed legislation that modified or created statutes that open juvenile proceedings (see figure 9). In all, 22 States require or permit open juvenile court hearings of cases involving either juveniles charged with violent or other serious offenses or juveniles who are repeat offenders. (see figure 8)

Release/Publication of Juvenile's Name

While many States permitted access to juvenile court proceedings, many prohibited publishing a juvenile's name unless the juvenile was charged with a violent or other serious offense. However, since 1992 several States have passed legislation that gives the general public and/or media access to the name and address of a minor adjudicated delinquent for specified serious or violent crimes: in some cases, this also applies to repeat offenders. In all, 39 States now permit the release of a juvenile's name and/or picture to the media or general public under certain conditions.

Juvenile Court Records

There are two types of juvenile court records: legal and social. Legal records include court petitions, complaints, motions, transcripts of testimony, findings, orders, decrees, and other information introduced and accepted as evidence. Social records typically include documents and reports received or prepared by the probation officer or other designated authority, which have been requested by a juvenile court inquiring into the past behavior, family background, and personality of an alleged or adjudicated juvenile delinquent (Vereb, 1980). These records track the outcomes of intake proceedings, preliminary hearings, detention hearings, arraignments, adjudication and disposition hearings, reviews, and social investigations as well as the juvenile's conduct and progress as to the court's orders. In addition to these court records, juveniles are the subjects of law enforcement records, including fingerprints, photographs, offense reports, and investigation reports. Juveniles are also the subjects of education records, records of psychological or psychiatric examinations, and medical records.

With respect to serious and violent juvenile offenders, State legislatures have made changes to juvenile court records in the following areas: access to or disclosure of information, use of information, and the sealing or expungement of records.

Disclosure of Juvenile Court Records

Formerly private, juvenile court records are increasingly available to a wide variety of people. The "need to know" argument requires proper disclosure of information among youth-serving agencies. Many States open juvenile court records to school officials or require that schools be notified when a juvenile is taken into custody for all crimes of violence or crimes in which a deadly weapon is used. Legislatures also require that victims be given notice of activities such as release, escape, or the setting of hearing dates. Some States lowered the age for which juvenile court records may be made publicly available. Descriptions of information-sharing statutes follow.

Information-Sharing Statutes in California, Florida, and Virginia

California

In 1995, the legislature reaffirmed its belief that juvenile court records, in general, should be confidential. However, they did provide for a limited exception to juvenile court record confidentiality to promote more effective communication among juvenile courts, law enforcement agencies, and schools to ensure rehabilitation of juvenile offenders

Figure 8

Summary of Current Confidentiality Provisions Relating to Serious and Violent Juvenile Offenders, 1995

State	Open hearing	Release of name	Release of court record ¹	Fingerprinting	Photo-graphing	Offender registration	Statewide repository ²	Seal/expunge records prohibited
Alabama			x	x	x		x	
Alaska		x	x	x		x	x	
Arizona	x	x	x	x	x	x		
Arkansas		x	x	x	x		x	
California	x	x	x	x	x	x	x	x
Colorado	x	x	x	x	x	x	x	x
Connecticut			x	x	x			
Delaware	x	x	x	x	x	x	x	x
District of Columbia			x	x	x			
Florida	x	x	x	x	x	x	x	
Georgia	x	x	x	x	x		x	x
Hawaii			x	x	x		x	
Idaho		x	x	x	x		x	
Illinois		x	x	x	x	x	x	
Indiana	x	x	x	x	x		x	
Iowa	x	x	x	x	x	x	x	
Kansas	x	x	x	x	x	x	x	
Kentucky				x	x		x	x
Louisiana	x	x	x	x	x		x	
Maine	x	x	x			x	x	
Maryland			x	x	x		x	
Massachusetts	x	x	x	x	x		x	
Michigan		x	x	x	x	x	x	x
Minnesota	x	x	x	x	x	x	x	x
Mississippi		x	x	x	x	x		
Missouri	x	x	x	x	x		x	
Montana	x	x	x	x	x	x	x	x
Nebraska		x	x	x			x	
Nevada	x	x		x	x		x	x
New Hampshire		x	x					
New Jersey		x	x	x	x	x	x	
New Mexico	x			x	x		x	
New York				x	x		x	
North Carolina			x	x	x			x

(Continued)

Figure 8 (continued)

**Summary of Current Confidentiality Provisions
Relating to Serious and Violent Juvenile Offenders, 1995**

State	Open hearing	Release of name	Release of court record ¹	Fingerprinting	Photographing	Offender registration	Statewide repository ²	Seal/expunge records prohibited
North Dakota		x	x	x	x		x	
Ohio				x	x	x	x	
Oklahoma	x	x	x	x	x		x	x
Oregon		x	x	x	x	x	x	x
Pennsylvania	x	x	x	x	x	x	x	
Rhode Island		x	x			x	x	
South Carolina		x	x	x	x		x	x
South Dakota		x	x	x	x		x	x
Tennessee		x	x	x	x	x	x	
Texas	x		x	x	x	x	x	x
Utah	x	x	x	x	x	x	x	
Vermont				x	x		x	
Virginia		x	x	x	x	x	x	
Washington	x	x	x	x	x	x	x	x
West Virginia		x	x	x				x
Wisconsin		x	x			x	x	
Wyoming		x	x	x	x		x	x

Legend: X indicates the provision(s) allowed by each State as of the end of the 1995 legislative session.

Table notes:

¹ In this category, X indicates a provision for juvenile court records to be specifically released to at least one of the following parties: the public, the victim(s), the school(s), the prosecutor, law enforcement, or social agency; however, all States allow records to be released to any party who can show a legitimate interest, typically by court order.

² In this category, X indicates a provision for fingerprints to be part of a separate juvenile or adult criminal history repository.

Source: Szymanski, Linda. *Special Analysis of the Automated Juvenile Law Archive*. National Center for Juvenile Justice, 1996.

as well as to lessen the potential for drug use, violence, and other forms of delinquency (Sec. 827, W & I Code). Another section of the legislation pertains to disclosure to schools of juvenile court records involving serious acts of violence (Sec. 828.1), stipulating that dissemination be as limited as possible and be consistent with the need to work with a student in an appropriate fashion and the need to protect school staff and students.

Section 827 allows the following individuals to have access to juvenile court records:

- Court personnel.
- District attorney.
- City attorney or city prosecutor.
- Minor's parent(s) and attorney(s).
- Judges, referees, and other hearing officers.
- Probation officers.
- Law enforcement officers.
- School superintendent.
- Child protection agencies.

- Members of child's multidisciplinary teams.
- Persons or agencies providing treatment or supervision of the minor.
- Any other person designated by the court order.

Information must not be disseminated by the receiving agencies to other than those identified above, nor may any of the information be made attachments to any other documents without judicial approval, unless used in connection with and in the course of a criminal investigation.

The superintendent of the public school district in which the minor is enrolled will receive written notice (juvenile's name, offense, and disposition only) that a minor has been found by a court to have committed any felony or misdemeanor involving curfew, gambling, alcohol, drugs, tobacco products, carrying of weapons, assault or battery, larceny, vandalism, or graffiti. The superintendent shall transmit the notice to the principal, who shall then pass it on to any school counselor, teacher, or administrator for the purpose of rehabilitating the minor and protecting students and staff. Intentional violation of the confidentiality provisions of this section constitutes a misdemeanor punishable by a fine not to exceed \$500. Any information received from the court must be kept in a separate confidential file at the school until the minor graduates from high school, is released from juvenile court jurisdiction, or reaches age 18, whichever occurs first, when the record must be destroyed.

Section 828 pertains to disclosure of information gathered by law enforcement as well as release of descriptive information about minor escapees. Any information gathered by law enforcement relating to taking a minor into custody may be disclosed to another law enforcement agency, including school police or security department, or any person or agency that has legitimate need for the information for purposes of official disposition of a case. When a minor escapes from a secure detention facility, the law enforcement agency shall release the name of, and any descriptive information about, the minor to a person who specifically requests this information. The information may be released without request if the information is either necessary to assist in recapturing the minor or necessary to protect the public from substantial physical harm.

Florida

Among other sweeping juvenile justice reforms in 1994, Florida passed legislation enhancing information sharing. For example, fingerprints of juveniles charged with or adjudicated for a felony and certain misdemeanors must be submitted to the Department of Law Enforcement, which is required to maintain criminal history records of juveniles

until age 24 (or age 26 if the juvenile has been classified as a serious habitual offender (SHO)).

To help track mobile violent offenders, the legislation required the Department of Juvenile Justice to notify the sheriff when a juvenile adjudicated for a violent misdemeanor or felony is relocated. The legislation also removed age restrictions for the release for publication of the names, addresses, and photographs of juveniles charged with felony offenses or those adjudicated for three or more misdemeanors.

The 1994 reform also requires arresting authorities to notify school superintendents in all cases in which a juvenile is taken into custody for a felony offense or crime of violence. The school superintendent must notify the child's immediate classroom teacher(s).

In 1995, Florida passed legislation requiring the Department of Juvenile Justice to develop a new statewide juvenile justice information system and appropriated \$8.2 million to fund the effort for hardware and staff support. The legislation also established an information-sharing workgroup of the Departments of Education, Juvenile Justice, and Law Enforcement to develop and implement a statewide system for sharing information with school districts, State and local law enforcement agencies, service providers, clerks of the circuit court, and the Departments of Education and Juvenile Justice. Information sharing targets (1) juveniles involved in the juvenile justice system, (2) juveniles tried as adults and found guilty of felonies, and (3) students with serious school discipline problems.

Virginia

According to a 1996 Virginia Commission on Youth report, one of the most active areas of legislative reform in the State in recent years has been confidentiality of juvenile records maintained by courts, schools, and police. The legislation (1) expanded access to juvenile court records by schools and the circuit court, (2) provided for the sharing of records among local law enforcement agencies, (3) gave notice to victims of court dispositions and release dates for some juvenile offenders, (4) allowed public notice for dispositions of violent crime and juvenile escapees, (5) required fingerprints of juveniles ages 14 or older who are charged with a felony, and (6) warranted disclosure of juvenile court records to limit firearms ownership eligibility.

The legislation also required certain juvenile offenders to register with authorities to protect victims or the general public. For example, 1994 legislation states that under special conditions in which the victim is physically helpless or mentally incapacitated, jailers must notify the

State police upon release of an offender, and the offender is responsible for registering with the State police. The State police are also required to maintain a registry for sex offenders separate and apart from all other record systems.

Despite these reforms, which are spread throughout the juvenile code, the report states that many inconsistencies exist about who can receive what type of information. This has caused confusion among service providers, as well as practical problems, given the limited automation capacity of the majority of juvenile courts. The commission recommends a comprehensive study by the legislature, law enforcement, judiciary, and relevant public agencies of current statutory provisions with regard to confidentiality and release of information resulting in a coherent policy for the Commonwealth (Virginia Commission on Youth, 1996).

Notice to Schools

A subset of the disclosure issue is notification rights of both schools and victims (Chapter 6 of this report discusses victims). This represents another area of increased openness of juvenile court information. A typical statute requires that the school district be notified when a juvenile is taken into custody for a delinquent act involving a crime of violence or in which a deadly weapon was used. From 1992 through 1995, several States enacted or modified their statutes with respect to notice to schools (see figure 9). (Legislation giving broader juvenile court records access to schools is included in the earlier section on disclosure.)

Use of the Records

One of the most significant issues with regard to juvenile court and law enforcement records is the effective use of those records. Aside from disclosing or sharing information across systems for the purpose of better coordinating services, legislatures have made provision in four other areas of juvenile record use: centralized repositories/fingerprinting and photographing, targeting serious habitual offenders, criminal court use of defendant's juvenile record, and registration laws.

Centralized Repository of Juvenile Record Histories/Fingerprinting and Photographing

Statewide central repositories of criminal history records have existed for at least two decades. Central repositories can include adult records only, adult records separate from juvenile records, or adult and juvenile records combined. Centralized databases facilitate and support law enforcement operations. Police argue that juveniles mirror adults in

their mobility; hence, juvenile records should be a part of adult criminal record databases because they are essential for conducting statewide record checks. Those advocating separate databases for juvenile records argue that once the distinction is lost between adult and juvenile records, it will also be lost in practice. Furthermore, it is argued that if juvenile records are not criminal records, they should not be used as such.

As of 1994, 27 States enacted laws authorizing establishment of a central record repository to hold juvenile arrest and/or court disposition records from throughout the State; 4 of these States (Hawaii, Mississippi, Oklahoma, and Virginia) authorize a separate juvenile record center (Miller, 1995). Even when not available to the public, juvenile court records can become part of the State criminal recordkeeping system. In some States, a juvenile tried as an adult may have his criminal history record stored in the central repository. Fingerprints most often serve as the basis of the record. Forty-four States provide for a separate juvenile or adult criminal history repository, again usually based on fingerprints (see figure 8).

Proponents of fingerprinting argue that fingerprinting ensures accuracy in identifying a specific individual as the subject of a court disposition or arrest report (Miller, 1995). Forty-six States and the District of Columbia allow police to fingerprint juveniles who have been arrested, usually juveniles who have reached a specific age or have been arrested for felony offenses; four States (Maine, New Hampshire, Rhode Island, and Wisconsin) make no mention of fingerprinting juveniles in their statutes or court rules. Forty-three States and the District of Columbia allow photographing of juveniles (mug shots for criminal history files) under certain circumstances (see figure 8).

Since 1992, quite a few States have expanded the conditions under which a juvenile may be fingerprinted or photographed. Many States also increased the ways that this information can be used (see figure 9).

Targeting Serious Habitual Offenders by Sharing Information

One of the most widespread areas of change has occurred in State and local jurisdiction efforts to target, for the purpose of swift certain action, juvenile offenders who are the most serious, chronic, and violent, as well as youth at risk for such behaviors. While the emphasis in the past has been to "tail, nail, and jail" these offenders, the change has been in the direction of multiagency collaboration, information sharing, intervention and prevention strategies, and focusing attention and resources on this small but dangerous population. These efforts most frequently fall under the Serious Habitual Offender Comprehensive Action Program

(SHOCAP) model that was originated and developed by the Office of Juvenile Justice and Delinquency Prevention (OJJDP). Descriptions of programs operating in California, Florida, Illinois, and Virginia follow.

California

The legislature established SHOCAP in the late 1980's and has one of the oldest operating programs in Oxnard. In targeting SHO's, the legislature supported increased efforts by the juvenile justice system to identify these offenders early in their careers and to work cooperatively to investigate and record their activities, prosecute them aggressively, sentence them appropriately, and supervise them intensively. The legislature also supported increased efforts to gather and disseminate data to allow for more informed decisions by all juvenile justice system agencies.

Section 503 of the California Welfare and Institutions Code stipulates policies for each of the participating agencies: law enforcement, district attorney, probation, and school district. Section 504 stipulates that juvenile court judges shall authorize the inspection of court, probation, protective services, district attorney, school, and law enforcement records by the law enforcement agency charged with compiling SHOCAP data in the format used by all participating agencies.

Law enforcement agencies take the lead in gathering data on identified SHO's, compiling the data into a usable format for all participating agencies, and updating and disseminating data to the agencies. In several counties, the District Attorney's Office/Juvenile Division is the lead agency in coordinating the countywide program.

Another program in California that takes interagency sharing to new levels is the Tri-Agency Resource Gang Enforcement Team (TARGET), operating in seven locations throughout Orange County. The model involves colocating multiagency (i.e., police, probation, and prosecutor) resources at a police facility, increasing both the frequency and quality of interagency communication and cooperation in attacking identified gang problems. The program recently expanded to include Federal Alcohol, Tobacco, and Firearms agents. The city of Santa Ana operates three versions of the program: STOP (Street Terrorist Offender Project); STOP II, which added the school district as a partner; and Short STOP, a gang prevention program for at-risk juveniles (1994 annual reports of STOP and Gang Unit & Multi-Agency Resource Gang Enforcement Teams).

Florida

In 1990, the legislature enabled local jurisdictions to maintain a central identification file on juvenile SHO's and

those at risk of becoming SHO's. The file should contain, but is not limited to, pertinent school records (including information on behavior, attendance, and achievement) and pertinent information on delinquency and dependency matters maintained by law enforcement, the State attorney, and case management agencies. In its first-year report, the Department of Juvenile Justice announced partnership efforts with law enforcement, education, and local communities to concentrate services at SHOCAP sites in three counties; implement efforts for the SHOCAP system in eight other counties; and revitalize efforts in two other counties, one being Dade County (Miami). Current SHOCAP efforts feature intensive crime prevention efforts along with the SHOCAP mainstays of surveillance and information sharing among juvenile justice agencies.

In addition to local central file systems maintained by sheriffs, since 1990 the Department of Juvenile Justice has been mandated to develop a system to assess the problems of juvenile SHO's and provide a special program of 9 to 12 months of intensive secure residential treatment followed by a minimum of 9 months of aftercare. Each provider is required to keep a central file for the SHO's, which may contain information collected from local justice authorities in addition to the treatment record. The treatment record is confidential.

Illinois

In 1992, legislation created SHOCAP, enabling the juvenile justice system, schools, and social service agencies to make more informed decisions about juveniles who repeatedly commit serious delinquent acts. The same legislation adds a section stating that nothing in the Abused and Neglected Child Reporting Act and the Juvenile Court Act prevents the sharing or disclosing of information or records of juveniles, subject to the provisions of SHOCAP when that information is used to assist in the early identification and treatment of habitual juvenile offenders.

Virginia

In 1993, the legislature authorized any county or city in the Commonwealth to, by action of their governing body, establish a SHOCAP enabling juvenile and criminal justice systems, schools, and social service agencies to make more informed decisions about juveniles who repeatedly commit serious crimes. The legislature also established boundaries for information sharing and protections from civil or criminal liability for legitimate participants in the local programs. The Department of Criminal Justice Services is required to issue statewide SHOCAP guidelines and provide technical assistance to local jurisdictions implementing SHOCAP systems.

Criminal Court Use of Defendants' Juvenile Records

Every State provides for prosecutor and/or court access to juvenile records of adult defendants at some point in the judicial process (Miller, 1995). However, according to the National Institute of Justice study, only 24 States provide for structured consideration of defendants' juvenile records in setting sentences, such as using the juvenile record to calculate a criminal history score. Considerable variation exists in the method for calculating the juvenile history score and in the weight accorded juvenile dispositions in adult criminal history scores (Miller, 1995).

Registration

Since 1992, 17 States amended adult criminal registration laws to include juvenile registration for specific offenses. One group of laws requires the registration of sexually violent offenders. Another allows the collection of blood and saliva specimens for DNA purposes from juvenile offenders adjudicated for unlawful sex offenses and murder. In some States, these DNA records either are not sealed or are automatically made a part of the adult system. In California, juvenile arson offenders must also register. In all, 25 States require juvenile registration for specific offenses as of 1995 (see figure 8).

Sealing/Expungement of Juvenile Court Records

Most legislatures have made provisions for disposing of a juvenile's legal or social record. Generally, these provisions characterize a number of issues regarding what can be done with juvenile court records. Statutes stipulate the method(s) of record disposition (e.g., sealing, expunging, or destroying) and the conditions that must be met, usually providing for the sealing of records for a given time period and then, at the expiration of that time, the destruction of those records. In some cases, the statute interchangeably uses terms that have inherently different meanings. For example, the terms "expunge" and "seal" are sometimes used interchangeably although the common meaning of "expunge" is to destroy or erase information and the common meaning of "seal" is to conceal but not destroy information (Vereb, 1980).

The most common provision provides that the record be sealed within a given period of time after the court's jurisdiction has expired or the program of commitment has been completed. After a record is sealed, it will typically be destroyed when an additional period of time has lapsed. The usual procedure for record expungement or sealing requires a petition by the record's subject or a motion of

the court with notice and hearing requirements. In some States, sealing is automatic with the passage of time and compliance with specified conditions, for example if the juvenile does not commit a subsequent offense.

Statutes also address the procedures for disposing of juvenile court records. Typically, the statute reflects whether the record subject (the juvenile) or the court initiates the process, whether interested parties are to be notified, whether a hearing is necessary on the matter, or whether the disposition occurs without the intervention of some moving party (Vereb, 1980). Statutes also stipulate the effect of sealing or expunging the record. Traditionally, provisions allowed all references of the proceeding to be removed from official agency files or permitted the juvenile to respond in the negative on future applications as to whether he was ever convicted of any crime. Some statutes also vacate the original order and findings. In effect, proceedings are treated as if they never occurred, and the court, law enforcement, and all other agencies are permitted to reply to inquiries that no record exists (Hurst, 1985).

Since 1992, some States that allow the sealing of juvenile court records after a number of years have increased the number of years that must pass before sealing is allowed. In other States, if a juvenile has committed a violent or other serious felony, his or her juvenile record cannot be sealed or expunged.

A few States have enacted laws that permit/require juvenile court records to be kept beyond the juvenile's age of majority. In Florida, for example, the criminal history record of a minor classified as a serious or habitual juvenile offender must be retained for 5 years after the offender reaches age 21. Minnesota recently increased the age for which juvenile court records must be kept (from age 23 to 28). Virginia passed a joint resolution in 1995 to study the retention of juvenile records and develop recommendations for the 1996 legislative session that balance the need to use juvenile records for sentencing with a policy for protecting the confidentiality of those records as much as possible. As of 1995, 25 States had statutes or court rules that either increase the number of years for which a serious and violent offender's record must remain open or prohibit sealing or expungement of the record (see figure 8).

Considerations With Respect to Confidentiality Provisions

Confidentiality provisions protect the majority of juvenile offenders whose nonserious cases are dismissed or who never come before the court a second time. However, State legislators are opening the doors and records of juvenile courts to restore public confidence in the juvenile justice

system and to send the message to juveniles who commit violent or other serious offenses that such behavior will not be tolerated and that the juvenile justice system will not protect them from that indiscretion. Effective and efficient administration of juvenile and criminal justice requires that it be that way. Along with such changes come some concerns surrounding record quality and disclosure.

Quality of Records

Few would dispute that the quality and completeness of juvenile and adult criminal records vary considerably between States and even within States. Most juvenile codes provide police with little guidance on whether to create an arrest record, and virtually no guidance on what to include in those records (Hurst, 1985). Moreover, although juvenile codes prescribe the contents of legal and social records, many do not address the subject of record quality. (For a discussion of record quality, see "Model Statute on Juvenile and Family Court Records," NCJFCJ, 1980; "Open vs. Confidential Records," BJS/Search Group, 1988; and "Data Quality of Criminal History Records," Search Group, Inc., 1985.) Furthermore, when juvenile records become part of a central repository, violation of privacy issues becomes paramount, considering that most juveniles who come in contact with the juvenile justice system do so only once. Certainly for these juveniles, an inaccurate record is worse than no record.

Disclosure

One of the major issues with regard to disclosure of records is less of philosophy than of management: Who is entitled to receive what type of record, at what stage of the proceedings, to achieve what end? (Hurst, 1985). The larger argument with respect to open hearings and public records is not around the need to know, but whether open government requires such actions. With respect to sharing information, a coordinated plan for using the information makes the release or disclosure of information more productive.

A related concern centers on the reporting of pre-adjudicatory (e.g., arrest) information without a subsequent requirement to report the outcome of the adjudication hearing. Although arrest information may be vital to law enforcement and school officials, its retention without a parallel recording of the outcome of the hearing can result in unfair and damaging assumptions about the behavior of the juvenile.

Open Proceedings

Many juvenile court practitioners have serious reservations about opening proceedings to the public and the media, fearing a circus atmosphere and an onslaught of curious spectators in already crowded courtrooms. In fact, there are

indications from several States that such situations have not occurred. The more likely scenario is that the public and the media will lose interest in all but sensational cases. Nevertheless, concerns remain with respect to open hearings. Certainly the need for courtroom security should be paramount when the public is allowed access to juvenile proceedings, particularly access to hearings involving gang members. Second, juvenile court judges should have the authority to close those proceedings they deem necessary to protect either the victim (e.g., cases involving sexual assaults or when the victim fears retaliation) or the offender (e.g., cases involving mentally incompetent juveniles).

References

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COMPILATION
OF THE
SOCIAL SECURITY LAWS

INCLUDING THE SOCIAL SECURITY ACT,
AS AMENDED, AND RELATED ENACTMENTS
THROUGH JANUARY 1, 1993

VOLUME I

PRINTED FOR THE USE OF THE
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63-813

ENCOURAGEMENT OF STATES TO ADOPT SIMPLE CIVIL PROCESS FOR VOLUNTARILY ACKNOWLEDGING PATERNITY AND A CIVIL PROCEDURE FOR ESTABLISHING PATERNITY IN CONTESTED CASES

SEC. 468. [42 U.S.C. 668] In the administration of the child support enforcement program under this part, each State is encouraged to establish and implement a simple civil process for voluntarily acknowledging paternity and a civil procedure for establishing paternity in contested cases.

COLLECTION AND REPORTING OF CHILD SUPPORT ENFORCEMENT DATA

SEC. 469. [42 U.S.C. 669] (a) The Secretary of Health and Human Services shall collect and maintain, on a fiscal year basis, up-to-date statistics, by State, with respect to each of the services specified in subsection (b) (separately stated in the case of each such service for families receiving aid under plans approved under part A and for families not receiving such aid), on—

(1) the number of cases in the child support enforcement agency caseload under part D which need the service involved; and

(2) the number of such cases in which the service has actually been provided.

(b) The services referred to in subsection (a) are—

(1) paternity determination;

(2) location of an absent parent for the purpose of establishing a child support obligation;

(3) establishment of a child support obligation; and

(4) location of an absent parent for the purpose of enforcing or modifying an established child support obligation.

(c) For purposes of subsection (a)(2), a service has actually been provided when the task described by the service has been accomplished.

PART E—FEDERAL PAYMENTS FOR FOSTER CARE AND ADOPTION ASSISTANCE¹⁹³

PURPOSE: APPROPRIATION¹⁹³

SEC. 470. [42 U.S.C. 670] For the purpose of enabling each State to provide, in appropriate cases, foster care and transitional independent living programs for children who otherwise would be eligible for assistance under the State's plan approved under part A and adoption assistance for children with special needs, there are authorized to be appropriated for each fiscal year (commencing with the fiscal year which begins October 1, 1980) such sums as may be necessary to carry out the provisions of this part. The sums made available under this section shall be used for making payments to States which have submitted, and had approved by the Secretary, State plans under this part.

STATE PLAN FOR FOSTER CARE AND ADOPTION ASSISTANCE

¹⁹³See Vol. II, P.L. 99-177, §256, with respect to treatment of foster care and adoption assistance programs.

SEC. 471. [42 U.S.C. 671] (a) In order for a State to be eligible for payments under this part, it shall have a plan approved by the Secretary which—

(1) provides for foster care maintenance payments in accordance with section 472 and for adoption assistance in accordance with section 173;

(2) provides that the State agency responsible for administering the program authorized by part B of this title shall administer, or supervise the administration of, the program authorized by this part;

(3) provides that the plan shall be in effect in all political subdivisions of the State, and, if administered by them, be mandatory upon them;

(4) provides that the State shall assure that the programs at the local level assisted under this part will be coordinated with the programs at the State or local level assisted under parts A and B of this title, under title XX of this Act, and under any other appropriate provision of Federal law;

(5) provides that the State will, in the administration of its programs under this part, use such methods relating to the establishment and maintenance of personnel standards on a merit basis as are found by the Secretary to be necessary for the proper and efficient operation of the programs, except that the Secretary shall exercise no authority with respect to the selection, tenure of office, or compensation of any individual employed in accordance with such methods;

(6) provides that the State agency referred to in paragraph (2) (hereinafter in this part referred to as the "State agency") will make such reports, in such form and containing such information as the Secretary may from time to time require, and comply with such provisions as the Secretary may from time to time find necessary to assure the correctness and verification of such reports;

(7) provides that the State agency will monitor and conduct periodic evaluations of activities carried out under this part;

(8) provides safeguards which restrict the use of or disclosure of information concerning individuals assisted under the State plan to purposes directly connected with (A) the administration of the plan of the State approved under this part, the plan or program of the State under part A, B, or D of this title (including activities under part F)¹⁹⁴ or under title I, V, X, XIV, XVI (as in effect in Puerto Rico, Guam, and the Virgin Islands), XIX, or XX, or the supplemental security income program established by title XVI, (B) any investigation, prosecution, or criminal or civil proceeding, conducted in connection with the administration of any such plan or program, (C) the administration of any other Federal or federally assisted program which provides assistance, in cash or in kind, or services, directly to individuals on the basis of need,¹⁹⁵ (D) any audit or similar activity conducted in connection with such program.

¹⁹⁴P.L. 100-485, §202(c)(1), struck out "C. or D of this title" and substituted "or D of this title (including activities under part F)". For the effective date, see Vol. II, P.L. 100-485, §204(a) and (b)(1).

¹⁹⁵P.L. 101-508, §5054(b)(2)(A), struck out "and".

ENCOURAGEMENT OF STATES TO ADOPT SIMPLE CIVIL PROCESS FOR VOLUNTARILY ACKNOWLEDGING PATERNITY AND A CIVIL PROCEDURE FOR ESTABLISHING PATERNITY IN CONTESTED CASES

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(b) The services referred to in subsection (a) are—

(1) paternity determination;

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(c) For purposes of subsection (a)(2), a service has actually been provided when the task described by the service has been accomplished.

PART E—FEDERAL PAYMENTS FOR FOSTER CARE AND ADOPTION ASSISTANCE¹⁹²

PURPOSE: APPROPRIATION¹⁹³

SEC. 470. [42 U.S.C. 670] For the purpose of enabling each State to provide, in appropriate cases, foster care and transitional independent living programs for children who otherwise would be eligible for assistance under the State's plan approved under part A and adoption assistance for children with special needs, there are authorized to be appropriated for each fiscal year (commencing with the fiscal year which begins October 1, 1980) such sums as may be necessary to carry out the provisions of this part. The sums made available under this section shall be used for making payments to States which have submitted, and had approved by the Secretary, State plans under this part.

STATE PLAN FOR FOSTER CARE AND ADOPTION ASSISTANCE

¹⁹²See Vol. II, P.L. 99-177, §256, with respect to treatment of foster care and adoption assistance programs.

SEC. 471. [42 U.S.C. 671] (a) In order for a State to be eligible for payments under this part, it shall have a plan approved by the Secretary which—

(1) provides for foster care maintenance payments in accordance with section 472 and for adoption assistance in accordance with section 473;

(2) provides that the State agency responsible for administering the program authorized by part B of this title shall administer, or supervise the administration of, the program authorized by this part;

(3) provides that the plan shall be in effect in all political subdivisions of the State, and, if administered by them, be mandatory upon them;

(4) provides that the State shall assure that the programs at the local level assisted under this part will be coordinated with the programs at the State or local level assisted under parts A and B of this title, under title XX of this Act, and under any other appropriate provision of Federal law;

(5) provides that the State will, in the administration of its programs under this part, use such methods relating to the establishment and maintenance of personnel standards on a merit basis as are found by the Secretary to be necessary for the proper and efficient operation of the programs, except that the Secretary shall exercise no authority with respect to the selection, tenure of office, or compensation of any individual employed in accordance with such methods;

(6) provides that the State agency referred to in paragraph (2) (hereinafter in this part referred to as the "State agency") will make such reports, in such form and containing such information as the Secretary may from time to time require, and comply with such provisions as the Secretary may from time to time find necessary to assure the correctness and verification of such reports;

(7) provides that the State agency will monitor and conduct periodic evaluations of activities carried out under this part;

(8) provides safeguards which restrict the use of or disclosure of information concerning individuals assisted under the State plan to purposes directly connected with (A) the administration of the plan of the State approved under this part, the plan or program of the State under part A, B, or D of this title (including activities under part F)¹⁹⁴ or under title I, V, X, XIV, XVI (as in effect in Puerto Rico, Guam, and the Virgin Islands), XIX, or XX, or the supplemental security income program established by title XVI, (B) any investigation, prosecution, or criminal or civil proceeding, conducted in connection with the administration of any such plan or program, (C) the administration of any other Federal or federally assisted program which provides assistance, in cash or in kind, or services, directly to individuals on the basis of need,¹⁹⁵ (D) any audit or similar activity conducted in connection with such program.

¹⁹⁴P.L. 100-486, §202(c)(1), struck out "C, or D of this title" and substituted "or D of this title (including activities under part F)". For the effective date, see Vol. II, P.L. 100-486, §204(a) and (b)(1).

¹⁹⁵P.L. 101-508, §5054(b)(2)(A), struck out "and".

tion with the administration of any such plan or program by any governmental agency which is authorized by law to conduct such audit or activity, and (E) reporting and providing information pursuant to paragraph (9) to appropriate authorities with respect to known or suspected child abuse or neglect¹⁰⁶; and the safeguards so provided shall prohibit disclosure, to any committee or legislative body (other than an agency referred to in clause (D) with respect to an activity referred to in such clause), of any information which identifies by name or address any such applicant or recipient; except that nothing contained herein shall preclude a State from providing standards which restrict disclosures to purposes more limited than those specified herein, or which, in the case of adoptions, prevent disclosure entirely;

(9) provides that the State agency will—

(A) report to an appropriate agency or official, known or suspected instances of physical or mental injury, sexual abuse or exploitation, or negligent treatment or maltreatment of a child receiving aid under part B or this part under circumstances which indicate that the child's health or welfare is threatened thereby; and

(B) provide such information with respect to a situation described in subparagraph (A) as the State agency may have;¹⁰⁷

(10) provides for the establishment or designation of a State authority or authorities which shall be responsible for establishing and maintaining standards for foster family homes and child care institutions which are reasonably in accord with recommended standards of national organizations concerned with standards for such institutions or homes, including standards related to admission policies, safety, sanitation, and protection of civil rights, and provides that the standards so established shall be applied by the State to any foster family home or child care institution receiving funds under this part or part B of this title;

(11) provides for periodic review of the standards referred to in the preceding paragraph and amounts paid as foster care maintenance payments and adoption assistance to assure their continuing appropriateness;

(12) provides for granting an opportunity for a fair hearing before the State agency to any individual whose claim for benefits available pursuant to this part is denied or is not acted upon with reasonable promptness;

(13) provides that the State shall arrange for a periodic and independently conducted audit of the programs assisted under this part and part B of this title, which shall be conducted no less frequently than once every three years;

¹⁰⁶P.L. 101-508, §505(b)(2)(B), added "and" and subparagraph (E), applicable to benefits for months beginning on or after May 1, 1991.

¹⁰⁷P.L. 101-508, §505(b)(1), amended paragraph (9) in its entirety, applicable to benefits for months beginning on or after May 1, 1991. Until then, paragraph (9) read as follows:

"(9) provides that where any agency of the State has reason to believe that the home or institution in which a child resides whose care is being paid for in whole or in part with funds provided under this part or part B of this title is unsuitable for the child because of the neglect, abuse, or exploitation of such child, it shall bring such condition to the attention of the appropriate court or law enforcement agency:"



ALASKA CHAPTER

NATIONAL ASSOCIATION OF SOCIAL WORKERS
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Testimony Regarding

HB 6 - RELEASE OF INFORMATION ABOUT MINORS

Before the
HEALTH, EDUCATION AND SOCIAL SERVICES COMMITTEE
ALASKA HOUSE OF REPRESENTATIVES
January 23, 1997

Presented by
Angela M. Salerno, ACSW
Executive Director,
National Association of Social Workers Alaska Chapter

ADDITIONAL TESTIMONY



NATIONAL ASSOCIATION OF SOCIAL WORKERS ALASKA CHAPTER

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The National Association of Social Workers (NASW) is the world's largest organization of professional social workers. NASW's 155,000 members nationwide and 460 in Alaska work in a wide range of settings at all levels in the public and private sectors. Professional social workers focus on vulnerable populations and promote state and federal policies which enhance the lives of the people we serve.

Thank you for the opportunity to address the Committee on HB 6 - Release of Information About Minors.

NASW opposes HB 6 and does not recommend its passage. These proposed amendments to the Alaska Children's Code represent a dramatic and fundamental change to the state's juvenile justice system. Because the basic function of the juvenile system is rehabilitation as well as accountability, juvenile arrest and court proceedings have traditionally remained closed to the public. This offers the youth protection from labeling, and lifelong community sanction for acts committed before adulthood. The juvenile system places an emphasis on the youthful offenders eventual reintegration and reentry into society.

Juvenile crime is a great concern in the towns and villages of Alaska. The popular media have reported on the worst of a complex problem, distorting the facts that most young people who come in contact with the juvenile justice system do so only once, and that most violent juvenile offenses are committed by a small group of chronic, serious offenders (Governor's Conference on Youth and Justice, 1996). In Alaska some react to horror stories by calling for tougher measures to fight juvenile crime. This is due in part to some of the public's misperceptions about the current system.

Nothing happens to juveniles who commit crimes

The confidentiality of juvenile cases, combined with the emphasis on rehabilitation, may lead to the impression that no sanctions, punishment or measures to hold the juvenile responsible are now in place. In fact, those who deal with juvenile offenders - the courts and probation officers - have a number of choices or dispositions: waiver to adult courts for the most serious offenses, adjudication and probation, or in more severe cases, institutionalization in long-term detention and treatment facilities. For minor offenses, informal adjustments such as restitution, prevention and treatment programs, or victim-offender mediation are routinely and effectively ordered.

Releasing the names of juvenile offenders will deter them from future crime. Only swift and severe punishment will be effective.

The goal of the juvenile system is to help youths in trouble become law-abiding citizens. Removing the protection that confidentiality provides kids will result in labeling, ostracization from the community and a greater chance that the youth will be unemployable and more likely to resort to further crime.

HB 6 proposes suspension of confidentiality even before a minor is adjudicated, and creates a "guilty before being found guilty" situation. This bill would allow the release of confidential information upon a minor's arrest for an alleged felony or second misdemeanor or felony. Once the minor's name is released, available to the press, the media will try the case, and even if insufficient evidence is brought forth and the case is dismissed, those youth will bear the damage of being labeled.

HB 6 proposes to suspend confidentiality when a probation officer decides not to adjudicate, but to **adjust** the case informally. Adjustment is often chosen for non-violent offenses that do not present life threatening dangers to public safety. Case adjustment offers the opportunity for competency building and socialization in non-violent youth offenders,

and perhaps the opportunity to guide the youth away from further crime. Probation officers can require payment of restitution, family counseling, community work service or completion of a variety of diversion and treatment programs. The officer can also refer the victim and offender to voluntary mediation - a tool of "restorative justice." Restorative justice, a fairly new philosophical framework for dealing with juvenile crime, identifies crime as harm done to both victims and the community. It prioritizes restoration as a goal of the justice process. Through efforts to mend and strengthen the social fabric of communities, it is more concerned with "making things right" than with fixing blame or meting punishment. Dramatically different from retributive justice - the prevailing system which concentrates on legal infringement, penalties, and deterrence - restorative justice is nevertheless a powerful tool for addressing crime in an effective way. According to the Alaska Judicial Council, the department resolves most juvenile cases through adjustment, and a large majority of juveniles whose cases are adjusted do not return to the juvenile system. By releasing the names and circumstances around case adjustments we may negate the role of treatment, diversion, prevention and restorative justice in the community.

We've been trying this for 20 years and it doesn't work

The past twenty years have seen dramatic changes in the make-up of our communities and an overall worsening of many social problems. Some of the factors relating to increased juvenile crime include:

- the sheer number of young people in Alaska - between 1980 and 1990, the nation as a whole experienced a 1% increase in its juvenile population. During the same time period Alaska's juvenile population increased 40%. (National Council on Crime and Delinquency). In 1990, youth between the ages of 0-19 made up 33.8% of Alaska's population (US Census Bureau).
- poverty is closely linked to juvenile crime. Each year in Alaska 24,701 children receive public assistance. (State of Alaska, Child Health Planning Work Group). Since 1974, poverty rates have been higher for juveniles than for the elderly (OJJDP).
- abused juveniles are more likely to commit crimes. Each year in Alaska 3,575 cases of child abuse are verified. The state of Alaska receives over 15,000 child abuse and neglect reports each year. (State of Alaska, Child Health Planning Work Group)
- many juvenile offenders live with single parents. Each year in Alaska, 31,705 children are living in single parent households. (State of Alaska, Child Health Planning Work Group).
- 1,900 Alaskan adolescents are homeless annually (Alaska DHSS).
- nearly 25% of Alaska's ninth graders do not graduate from high school four years later.

The problem of juvenile crime and the factors that are at work in causing it are complex, and troubling to the community. NASW supports a balanced and restorative approach to juvenile justice - one that promotes public safety, holds offenders accountable to victims, and provides competency development and socialization for offenders so they can reintegrate into society and become productive Alaskans. We recommend community-based programs of restorative justice, education and ongoing prevention. Breaching the confidentiality of minors will not get us where we want to go, and could in fact seriously backfire on us, creating criminals where now none exist.

Thank you, and I'll be available to the Committee anytime to answer questions.



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NASW Alaska Policy Statement

Strengthening families and providing family support are priorities of the social work profession. Services designed to enhance family functioning should be provided in the spirit of respect for the integrity of the individual.

Juvenile Justice and Delinquency Prevention

The National Association of Social Workers (NASW) recommends that the following seven priority actions be considered to prevent juvenile crime and strengthen the juvenile justice system:

1. Adopt the recommendations of the Governor's Conference on Youth and Justice which emphasize prevention facilitated through neighborhood, business, city and state intervention.. Local jurisdictions should determine what proportion of youths are nonserious and nonchronic offenders who can be managed in the community without compromising public safety. Each jurisdiction should explore the potential for reallocating resources from the current large institutions to smaller, more focused, and community-based treatment facilities. For those youth who have committed crimes, NASW supports the Governor's Conference recommendation for a system of dual sentencing allowing serious offenders the option of remaining in the juvenile system.
2. Sanctions for non-violent offenders should be based on the concept of community-based restorative justice. Amend Alaska statute to authorize the establishment of community dispute resolution centers to facilitate mediation and resolution of disputes between juvenile offenders and their victims.
3. Develop quality, responsive juvenile court systems which pay greater attention to and provide for the due process rights of juveniles accused of delinquent acts. Placements out of the community should be limited to only those cases deemed most severe.
4. Retain in law confidentiality protections for all juvenile offenders.
5. Develop systems of collaboration among the various juvenile justice agencies. Jointly develop and agree on common goals, share responsibility and funding for obtaining these goals, and work together to achieve them, using the skills, resources, and expertise of each of the agency partners.
6. Promote the use of school social workers as primary providers of delinquency prevention services.
7. Develop quality treatment programs which include:
 - Treatment services emphasizing working with the entire family, rather than just the identified at-risk youth.
 - Developmentally appropriate substance abuse treatment.
 - A new and holistic approach to the placement and treatment of children and youth.
 - The development and funding of ethnic and culturally appropriate programs.
 - An emphasis on services and placements which meet the urgent needs of the youth over institutional needs.
 - Juvenile justice administrators who examine all their options and are willing to seek solutions which break the mold of their existing treatment systems and structures.
 - New and diverse programs that focus on the individual needs of youths and that meet the requirements of public safety.
 - The state's dual commitment to determining priorities and holding the providers of treatment services accountable for the results of their efforts.



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**Proposed Amendments to
HB 6 - DISCLOSURE OF INFORMATION RELATING TO CERTAIN JUVENILES**

1. Inclusion of an age limit; suggested limit: 16 years of age or older.

This amendment would allow the courts and probation officers to release information about older juveniles only.

Rationale

Very young children have the greatest potential for rehabilitation.

2. Deletion of provisions which allow the juvenile court or probation officers to release information about juveniles who have been adjudicated for a second misdemeanor.

Only those juveniles adjudicated of serious offenses would subject to release of information.

Rationale

Misdemeanor violations include many non-violent and non-serious crimes such as loitering, etc. Releasing information on these juveniles is unnecessary and potentially damaging to efforts to rehabilitate and reintegrate them into society.

3. Before the courts or probation officers can release information about juveniles, the court must review and approve the order.

The court must determine that there exists no valid reason to protect the minor from suspension of confidentiality.

Rationale

This provision would protect those minors who experience developmental disabilities, mental illness or other serious impairments.

4. Insertion of provisions which require those juveniles subject to release of information to have a "Case Plan" developed and included in their file.

The case plan would include measures for offender accountability (restitution, victim-offender mediation etc.), treatment ordered, responsibilities of the parties involved and timelines for completion.

Rationale

Juvenile offenders require assistance which makes them accountable to their victims, and which offers socialization skill and professional treatment leading to rehabilitation and reintegration into society. A case plan would ensure that all responsible parties, including the offender and victim, participate in the juveniles rehabilitation.

THE
GOVERNOR'S
CONFERENCE
ON
YOUTH
AND
JUSTICE

INCREASE ACCESS TO INFORMATION RELATING TO JUVENILES

PROBLEM:

Access to juvenile offender information is limited now both because it is intermingled with information in Child in Need of Aid (CINA) cases and because of the long-standing belief that children should not be stigmatized for life for actions they take before they are adults.

The proceedings in CINA cases and those in juvenile offender cases should be as dissimilar as their aims. The existing strict rules of confidentiality and the standard of "in the best interest of the child" make sense in CINA cases, but there is a community-protection issue that comes into the equation in juvenile offender cases and creates a need for greater public access to juvenile offender information.

SOLUTION:

First, it is appropriate to separate CINA and delinquency regulations, policies, procedures, proceedings, and records. Then, the confidentiality laws and regulations should be modified as follows to allow access to more juvenile offender information:

- For those who are 15 years of age and older and who are charged with a felony offense against the person or, after having been previously adjudicated a delinquent for a felony offense, are charged with burglary in the first degree:
 - (1) All court records should be open to the public except for predisposition reports, psychiatric and psychological reports, and other documents that the court orders to be kept confidential because the release of the documents could be harmful to the juvenile; and
 - (2) After a minor has been found to have committed the charged offense, all court proceedings should be

What the State Can Do

open to the public except as ordered by the court in the court's discretion.

- For those juveniles who are subject to the dual sentencing procedure recommended in this report, after a decision has been made by the district attorney to seek dual sentencing, all proceedings and court records in the case should be open to the public except as ordered by the court and except for predisposition reports, psychiatric and psychological reports, and other documents that the court orders be kept confidential because the release of the documents could be harmful to the juvenile.
- In court proceedings involving minors that are opened under this recommendation, videotaping or taking still photographs at the hearings should not be allowed.
- In cases in which the proceedings or records are not open to the public under this recommendation, it is nonetheless permissible for investigative, arrest, and disposition information to be released to the public so long as the minor's name is not released.
- Victims should continue to be given access to juvenile proceedings and juvenile records, including records from cases handled informally by DFYS.
- Although not normally subject to public disclosure, information from DFYS juvenile delinquency files about specific individuals may be provided to parents or guardians and agencies such as child protection service workers, police, prosecutors, schools, treatment providers, adult probation officers, and similar professionals working with children and youth. Limited information from CINA files may also be made available to these professionals, consistent with regulations regarding the release of this information adopted by the Commissioner of Health and

What the State Can Do

Social Services. It may be necessary to amend certain laws and regulations relating to schools and treatment providers to enable the community justice action teams to function effectively.

- In cases not involving dual sentencing (discussed *infra*), if records or proceedings have been opened to the public under this recommendation, the records may be sealed by the court if the person is at least 18 years of age, if five years have passed since the date of the disposition, and if the person has not committed a subsequent criminal offense and has successfully completed probation, including completing all recommended treatment.

THOUGHTS ON CONFIDENTIALITY OF JUVENILE DELINQUENCY PROCEEDINGS FROM AROUND THE STATE:

Anchorage: Report the incident, but not the juvenile's name (unless gang-related).

Bethel: Don't publish names; it would give the kid a bad reputation and negative attention.

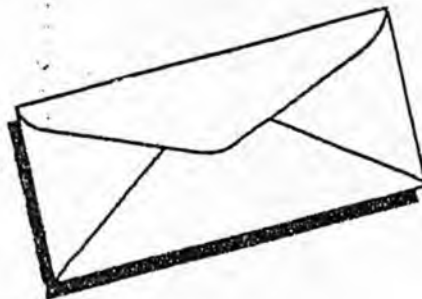
Fairbanks: Names in the paper may create a "hero" syndrome.

Juneau: Do not publish names, it stigmatizes the child. Schools and social service agencies should be given information on a need-to-know basis. May be good idea to publish outcomes, but not identity of offenders, to help establish accountability. But if the child is a repeat offender, the situation is different - also may depend on the nature of the offense. Need to establish safeguards for victims. Opening proceedings may need to be decided on a case-by-case basis. There was some feeling that publicizing offenses and offenders' names may enhance "tough-guy" reputation and impart status.

Ketchikan: Too much is hidden now, but unfettered disclosure would create problems with labeling and racial discrimination.

Kotzebue: Serious offenses and older kids should be made public.

Nome: Want reporting of outcome; whether name should be reported depends on seriousness of offense, age of offender, and whether this is a repeat offender. Problem in small towns is that people know of incident already, but mostly through rumors. Competing concerns: accept personal responsibility by being known vs. not a public matter, concern about what young children will think when they read it in the paper, desire to avoid sensationalism.



LETTERS

I'm sorry

Dec. 16, 1996

To the editor:

Today I turn 17. My cellmate wished me a happy birthday, but my outlook is still considerably less than jovial. Not only am I sad because I'll probably be spending the next 30 years of my life in prison, but I am ashamed of all the evil, rotten, and downright horrible things I have done to people.

I ripped off countless up-standing citizens, vandalized cars, garages and yards, and shot probably the finest member of the Alaska State Troopers.

I will say that I'm sorry to all those who I wronged. I will take responsibility for my actions. I will take this opportunity to make a public apology to Sargent Roberts and his family who went through a terrible ordeal because of my stupidity and cruelty. I will say that I am not proud of anything that I have done, and that I never brag to any of the sick inmates here who commend me for my "bravery." Finally, I will get down on my knees every night for the rest of my life and thank God that I didn't kill that man.

That is all I can do. If that doesn't make anyone feel better, maybe the knowledge that the best years of my life belong to the state of Alaska will console them. I don't know.

What I do know is that something must be done about juvenile crime. There is probably one stoned kid in every classroom at West Valley during any given period. (I know, I was one of them.) Vandalism is out of control. Kids love to brag about how much damage they caused and theft and burglary have become more and more common.

More police would help. Stiffer penalties for first-time offenders are a must, extra youth activities might do some good, but the most important thing is families.

Talk to your kids. Find out where they are going and what they are doing. Do anything but please don't let them end up like me.

Please.

David J. Knutson
Fairbanks Correctional Center

Teen held in connection with church vandalism



Nora Gruner/News-Miner

CHARGES READ—James Campbell Jr., 20, listens to the magistrate at his arraignment in the FCC Tuesday afternoon. A teen-ager was also charged in a church vandalism.

By KAREN AHO
Staff Writer

Police rounded out a church vandalism case Tuesday when they arrested a teen-age suspect apparently hiding out in a friend's Fairview Manor apartment.

The 17-year-old boy was booked at Fairbanks Youth Facility on felony burglary and criminal mischief charges. Fairbanks police detectives said he admitted during an interview last week to breaking into the Church of Jesus Christ of Latter Day Saints on Oct. 5 with a friend and destroying more than \$20,000 in furniture and equipment.

The friend, 20-year-old James Steven Campbell Jr., was arrested Monday evening on felony charges. He was being held Tuesday at Fairbanks Correctional Center on \$50,000 cash-only bail.

The pair told detectives they broke into the Cowles Street church with a crowbar to look for cash, then destroyed property "for fun."

But Detective Paul Keller doubts money was the incentive.

"I don't think we'll ever hear a true explanation for why they vandalized the church," Keller said. "We have some motive answers, but I don't think we have true motive answers."

Both Campbell and the 17-year-old were awaiting sentencing on an April burglary conviction,

police said. They and two other teens broke into the Third Street Wendy's and the College Road Taco Bell and the Bakery restaurants on April 19. Nothing was taken from the restaurants and damage was minimal, according to the police report.

The juveniles' cases, as well as the existence of any other charges, are by law sealed and confidential.

Adult court records, however, show Campbell was arrested earlier in April on a shoplifting charge and again in June for casting someone's boat into the Chena River.

The state dismissed the shoplifting charge after Campbell pleaded out to the restaurant burglaries. In that case, he took a \$3.59 package of wurst from the College Road Safeway because he said he didn't have any money, according to charging documents.

Campbell doesn't have a current resident address, according to court documents. Police said they located him on the streets.

"I'm pretty sure he was living from place to place," Keller said.

Officials at the Mormon church had originally reported more than \$100,000 in damages in the Oct. 5 vandalism. But volunteer labor donated by more than 100 citizens lowered the cost to materials only, or about \$23,000.

Cecilia Kleinkauf, M.S.W.

ATTORNEY AT LAW

P.O. Box 243963 • Anchorage, Alaska 99524-3963 • (907) ~~561~~²⁷⁴⁻⁷¹¹³-7113

January 23, 1997

Representative Con Bunde, Chair
House Health, Education & Social Services Committee
Room 104 State Capitol
Juneau, AK 99801

Dear Representative Bunde and Members of the Committee.

I am writing to comment on HB 6 for today's hearing, since I will be unable to attend the Committee's teleconference next week.

HB 6, relating to disclosure of information relating to minors, makes public the name of a minor, and the minor's parents, when the court has adjudicated the minor as delinquent for a felony offense, or for a misdemeanor, when the minor has previously been adjudicated a delinquent for a felony offense. While I can agree that the public may need to know the identity of certain violent minors, I believe HB 6's language making such identities public goes too far by authorizing release of every name. Rather than making all such adjudicated minors' names public, I believe that the Bill should require the court to specifically order the release of the identity as part of the adjudicatory order, if the court believes it is in the best interests of the community to do so. In that way, the interests of a minor, who may have committed a violent act, but who might not be a repeat offender, or may have been responding to physical or sexual abuse or even be a developmentally disabled individual, could be protected by the court.

I understand that what was Section 4 in the original draft has already been eliminated in the version of the Bill that will be heard today. I certainly agree that releasing the identity of a minor and the minor's parents when the minor has only been arrested, provides no protection for the minor in the event the court finds no probable cause for the delinquency petition. I urge you to keep such language out of the Bill.

The sections of the Bill permitting the release of names to teachers, as well as principals in the schools also needs to be addressed, unless it, too, has already been deleted. While I believe a teacher's having this knowledge might well contribute to help for such minors, I believe that the opposite might also be true. Rather than prohibit teachers from having such information, however, I believe that HB6 should require that the release to teachers should be by the principal of the school, based on the principal's belief that it is in the minor's best interests, and include a specific plan for assisting the minor. I would also urge the Committee to amend the language to provide that only adjudications, and not arrests, be revealed.

Section 8 of the Bill also needs amending. Again, I believe the language should provide that the court should specifically authorize release of the minor's identity when directing an agency to adjust a matter, only if the court finds it to be in the best interest.


House Health, Education & Social Services Committee
HB 6
January 23, 1997
page 2

of the community. Otherwise, the very value of diversion programs or victim/offender mediation programs, which are such an important part of agency adjustments, are compromised. In my opinion, a minor's identity should not be revealed any matter in which the court does not adjudicate a minor delinquent, since agency adjustments are the cases in which the court believes that is in the minor's best interests that some alternative to court action be substituted

I would be happy to discuss my concerns further, either with you or with staff of the Committee. I regret that I cannot attend the hearing in person or by teleconference. I do wish to be informed of the Committee's action on HB 6, so that I can continue to provide my comments on the issue throughout the legislative process.

Thank you for the opportunity to comment.

Sincerely,


Cecilia "Pudge" Klein Kauf, JD, M.S.W.

Kimberly Miller
3151 Norm Circle
Anchorage, AK 99507
(907) 583-6934

Representative Con Bunde
State Capitol, Room 108
Juneau, AK 99801-1182


Dear Rep. Bunde:

I am writing you to express my strong opposition to HB 6, Release of Information About Juveniles. I am adamantly opposed HB 6 for several reasons:

- This bill would breach confidentiality for juvenile offenders, which would completely change the premise of our current juvenile justice system. Confidentiality is extremely necessary in our juvenile justice system in order to protect juveniles and their families. Confidentiality is needed to allow for effective rehabilitation and prevention of future crimes.
- Breaching confidentiality will result in the stigmatization and labeling of juvenile offenders that will negate rehabilitation efforts, erect barriers to future educational and employment opportunities, and most likely lead to future criminal activity as a result.
- HB 6 would take the juvenile justice system in a dangerous and unproven direction. There is no proof that this measure will have the effect of either preventing or deterring criminal activity. Instead of this unproven and dangerous measure the juvenile justice system should utilize additional treatment resources and programs of "restorative justice" such as victim-offender mediation that provides both accountability for the youths actions and rehabilitation for the juvenile offender.

Our juvenile justice system is based on prevention and rehabilitation measures, which is the only real solution to the problem of juvenile crime. Efforts to reduce poverty for Alaska's children and families, and prevent child abuse and neglect would substantially support efforts made to reduce juvenile crime. These three areas of concern for Alaska's children are all interrelated and need to be addressed in a manner that supports prevention efforts.

Sincerely,



Kimberly Miller, MSW

STATE OFFICE
ALASKA PEACE OFFICERS ASSOCIATION

P.O. Box 240106 Anchorage, Alaska 99524-0106 Phone (907) 277-0515 Fax (907) 272-5355



January 17, 1997

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Pres. Prince of Wales Chapter

Representative Pete Kelly
Alaska State Legislature
State Capitol (MS 3100)
Juneau, Alaska 99801-1182

Dear Representative Kelly,

On behalf of the Alaska Peace Officers Association, I would like to thank you for co-sponsoring House Bill 6 related to amending laws relating to the disclosure of information relating to certain minors. At a recent meeting of the APOA State Board, we decided to unanimously support this legislation. We believe that names of minors committing offenses as set out in your proposed bill should not be kept confidential. Instead, they should be held fully accountable for their actions and the public should have the right to know.

We do feel that you should add language on line 18 of page 2 to read "..... arrested or charged" instead of simply "arrested".

We encourage you to call on us when there are hearings on this bill, so that we may testify about the need for this legislation. If you need assistance as you shepherd this bill through the legislative process, please call me at 451-5316, or our business manager, Joseph Young at 277-0515.

Sincerely,

Michael Corkill
APOA State President

SUPPORT

February 7, 1997

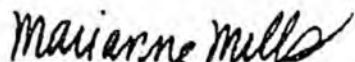
Dear Representative Green,

I urge you to oppose CSHB 6 relating to the release of information about juveniles. I am deeply concerned that breaching confidentiality will result in labeling and "self-fulfilling prophecies", turning youth into criminals instead of rehabilitating them. Obstacles to future employment, military service, and educational opportunities may result if their identities and records are released. This will only serve to push them toward a lifetime of crime.

Instead, please encourage the courts and probation officers to use innovative programs such as victim-offender mediation and youth courts which have proven effectiveness. In addition, express your support for efforts which prevent child abuse and promote literacy--two major factors related to juvenile crime.

Thank you for your thoughtful consideration of my request.

Sincerely,



Marianne Mills
Regional Representative
National Association of
Social Workers

02/08/97

To: Con Bunde

From: Karen Largent
17420 Mountainside Village Dr.
Anchorage, AK 99518

I am writing to encourage you to carefully consider the harm inherent in CSHB 6 (Release of Information About Juveniles).

We are all concerned about juvenile and adult crime.

We all want to see strong, healthy families where there is parental responsibility, and the passing and integration of values in their children.

This Bill does not serve those purposes. It works against them.

This exploitation of families has at best the punitive and humiliating quality of a public flogging.

It assumes no motivation, effort, or will on the parts of these families to find solutions to their problems. Indeed, this would serve to squash any of that and merely add to the burdens already facing these parents and children.

This is a violation not only of confidentiality, but of decency.

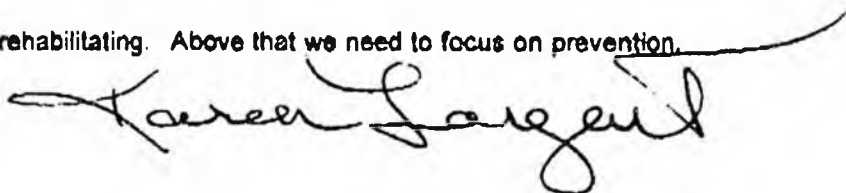
To further think that these acts would be proposed when there has not even been an adjudication of delinquency.

This labeling and stigmatization will carry it's harmful impact way into a child's future.

This is not the direction we need to be heading, not the community environment in which we want to live.

We need measures that are restorative, rehabilitating. Above that we need to focus on prevention.

cc: Joe Green
Jeanette James
Brian Porter
Norman Rokeberg
Ethan Berkowitz
Eric Croft

A handwritten signature in black ink, appearing to read "Karen Largent". The signature is written in a cursive style with a long, sweeping underline that extends to the right.

RECEIVED
FEB 12 1997

Kimberly Miller
3320 Nowell Ave. #4
Juneau, AK 99801

Representative Joseph Green
State Capital
Juneau, AK 99801-1182

Dear Rep. Green:

I am writing to express my strong opposition to HB 3 and HB 6, both concerning Release of Information About Juveniles. I attended the House Judiciary Committee meeting on Feb. 7, and would like to respond to information and testimony from that meeting, as well as outline my opposition to HB 3 and HB 6.

I feel that HB 3 and HB 6 would result in the rehabilitative and preventative nature of our juvenile justice system being severely compromised. Breaching confidentiality will result in the stigmatization and labeling of juvenile offenders that will negate rehabilitation efforts, erect barriers to future educational and employment opportunities, and most likely lead to future criminal activity.

There is no proof that this measure will have the effect of either preventing or deterring criminal activity. Instead of this unproven and dangerous measure the juvenile justice system should utilize additional treatment resources and programs of "restorative justice" such as victim-offender mediation and youth courts that provide both accountability for the youths actions and rehabilitation for the juvenile offender.

During the meeting on Feb. 7 a number of issues were raised that concerned me. Your comment that disclosure to the public does not mean that the juvenile is guilty, and thus you feel that this is how the public would view the information is problematic for me. I have serious concerns about the assumption that the public would not automatically convict that youth in their minds and react to the disclosure as if the juvenile had actually been found guilty. The issue that Representative Bunde raised regarding the subjectivity of the decision of when and what to disclose by each law enforcement jurisdiction is of concern due to the potential for discrimination to individuals and specific groups of juveniles. I share Representative Croft's concerns regarding what type of information would be released about parents, and the possibility of deterring prospective foster and adoptive parents.

I see HB 3 and HB 6 as a dangerous and unproductive direction to proceed in the effort to improve our juvenile justice system. The potential to improve the system, and thus reach a larger number of troubled youth is welcomed by all in the human service field, but we must proceed by utilizing effective interventions that target early intervention and rehabilitative efforts.

Sincerely,
Kimberly Miller, MSW

FISCAL NOTE

STATE OF ALASKA
1997 LEGISLATIVE SESSION

BILL NO. HB 6

Revision Date: _____
 Title: "An Act amending laws relating to the disclosure of information relating to certain minors"
 Sponsor: Representative Kelly
 Requestor: (H) HES

Department Affected: Administration
 BRU: Public Defender Agency
 Component: Public Defender Agency
 COMPONENT SERIAL NO. 1631

EXPENDITURES/REVENUES: (Thousands of Dollars)

OPERATING EXPENDITURES	FY 98	FY 99	FY 00	FY 01	FY 02	FY 03
PERSONAL SERVICES						
TRAVEL						
CONTRACTUAL						
SUPPLIES						
EQUIPMENT						
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
TOTAL OPERATING	0.0	0.0	0.0	0.0	0.0	0.0

CAPITAL EXPENDITURES	0.0	0.0	0.0	0.0	0.0	0.0
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CHANGE IN REVENUES ()	0.0	0.0	0.0	0.0	0.0	0.0
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FUND SOURCE: (Thousands of Dollars)

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

Estimate of an current year (FY 97) cost: \$ 0.0

POSITIONS:

FULL-TIME						
PART-TIME						
TEMPORARY						

ANALYSIS: (Attach a separate page if necessary.)

The old rehabilitative system of juvenile justice was designed to treat minors and protect them from the stigma of youthful indiscretion by having confidential proceedings and records. This bill eliminates any confidentiality and requires courts after adjudication, law enforcement after arrest, and the Department of Health and Social Services if the matter is adjusted informally to provide the name of the minor, the name of the parents or guardian, the offense and the disposition to the public, if the offense is a felony or a misdemeanor with a previous arrest, adjustment or adjudication. A victim or victim's insurance company is entitled to the same information no matter what the offense. It also allows parents to disclose previously confidential records and proceedings to the public and permits teachers to get arrest records for any minors in school. There is no fiscal impact on the Public Defender Agency.

Prepared by: Barbara K. Brink, Acting Director
 Division: Public Defender Agency

Phone: (907) 264-4414
 Date: _____

Approved by Commissioner: Mark Boyer
 Agency: Department of Administration

Date: 1/27/97

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FISCAL NOTE

**STATE OF ALASKA
1997 LEGISLATIVE SESSION**

BILL NO. HB 6

Revision Date: _____ Dept. Affected: Department of Law
 Title: "An Act relating to the disclosure of information
relating to certain minors." BRU: Criminal Division/Civil Division
 Sponsor: Representative Kelly Component: Criminal Division/General Legal Services
 Requester: House HESS Committee COMPONENT SERIAL NO. 2086/2087

Expenditures/Revenues

(Thousands of Dollars)

OPERATING EXPENDITURES	FY 98	FY 99	FY 00	FY 01	FY 02	FY 03
PERSONAL SERVICES						
TRAVEL						
CONTRACTUAL						
SUPPLIES						
EQUIPMENT						
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
TOTAL OPERATING	0.0	0.0	0.0	0.0	0.0	0.0

CAPITAL EXPENDITURES						
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CHANGE IN REVENUES ()						
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FUND SOURCE

(Thousands of Dollars)

FUND SOURCE	FY 98	FY 99	FY 00	FY 01	FY 02	FY 03
1002 Federal Receipts						
1003 GF Match						
1004 GF						
1005 GF/Program Receipts						
1006 GF/MHTIA						
Other						
TOTAL	0.0	0.0	0.0	0.0	0.0	0.0

Estimate of any current year (FY97) cost: 0.0

POSITIONS

POSITIONS	FY 98	FY 99	FY 00	FY 01	FY 02	FY 03
FULL-TIME	0.0	0.0	0.0	0.0	0.0	0.0
PART-TIME						
TEMPORARY						

ANALYSIS: (Attach a separate page if necessary)

This bill amends Article 2 of AS 47.12, relating to information and records concerning delinquent minors. The bill would require public disclosure of information pertaining to a juvenile offender if the offense is a felony, or a misdemeanor and the minor has previously been arrested or adjudicated a delinquent based on the minor's previous commission of an offense that was, at the time of its commission, punishable as a felony or as a misdemeanor. The bill would also permit disclosure of the arrest record of a minor to school officials, and to a teacher employed in a school; and, information about the arrest of a minor or an investigation of a case involving a minor to a victim and the victim's insurance company. The bill would permit a parent or legal guardian of a minor subject to AS 47.12 to disclose to the public confidential and privileged information about the minor.

Passage of this legislation would have no fiscal impact on the Department of Law.

Prepared by: Joan M. Kasson *Joan M. Kasson*
 Division: Administrative Services Division
 Approved by Commissioner: Bruce M. Botelho, Attorney General *Bruce Botelho for*
 Agency: Department of Law

Phone: 465-5370
 Date: 1/24/97
 Date: 1/24/97

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FISCAL NOTE

STATE OF ALASKA
1997 LEGISLATIVE SESSION

BILL NO. HB6

Revision Date: _____
Title: Relating to the disclosure of information
relating to certain minors
Sponsor: Representative Kelly
Requestor: House (HES)

Dept. Affected: Health and Social Services
BRU: Family & Youth Services
Component: Probation Services
COMPONENT SERIAL NO. 2134
See also (SN#): 252,253,254,255,258,259,264

Expenditures/Revenues:

(Thousands of Dollars)

OPERATING	FY98	FY99	FY00	FY01	FY02	FY03
PERSONAL SERVICES	482.6					
TRAVEL						
CONTRACTUAL						
SUPPLIES						
EQUIPMENT						
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
TOTAL OPERATING	482.6	0.0	0.0	0.0	0.0	0.0

CAPITAL EXPENDITURES						
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CHANGES IN REVENUES ()						
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FUND SOURCE

(Thousands of Dollars)

FUND SOURCE	FY98	FY99	FY00	FY01	FY02	FY03
1002 Federal Receipts						
1003 GF Match						
1004 GF	482.6					
1005 GF/Program Receipts						
1037 GF/Mental Health						
Other (please specify)						
TOTAL	482.6	0.0	0.0	0.0	0.0	0.0

POSITIONS:

POSITIONS	FY98	FY99	FY00	FY01	FY02	FY03
FULL-TIME	9					
PART-TIME						
TEMPORARY						

Estimate of any current year (FY97) cost: \$0.0

ANALYSIS: (Attach a separate page if necessary)

The Division of Family and Youth Services currently receives approximately \$7.5 M in federal funds as reimbursement for foster care and administrative services provided to Children in Need of Aid (CINA) and Delinquents. Federal law prohibits disclosure of information regarding DFYS clients except in certain circumstances. In order to disclose information on juvenile offenders as described in this bill and still minimize the loss of federal funds, the division must revise the organizational and financial structure of the agency to clearly separate costs and services associated with juvenile offenders from those associated with CINA's and must discontinue claiming federal reimbursement for those costs and services. This restructuring will preserve the majority of federal receipts but will still result in some reductions which must be replaced by general funds. This fiscal note reflects the costs associated with that restructuring and the reduction in federal claims.

In addition to the ability to disclose information, the division will be able to improve the consistency, coordination, and quality of services provided to communities and offenders by more clearly focusing the leadership provided to the youth corrections section

5/22/97 Prepared by: L. Diane Worley, Director
Division: Division of Family & Youth Svcs
Approved by Commissioner: Karen Perdue, Commissioner
Agency: Department of Health & Social Services

Phone: 465-3191
Date: 01/17/97
Date: 1/22/97

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ANALYSIS (cont.):

Change in positions:

New position Youth Superintendent III Range 21	\$73.8
NEW Chief Probation Officer Range 23	\$83.9
New (3) Administrative Clerk II Range 8	\$112.0
New (3) Administrative Assistant I Range 13	\$138.6
New Juvenile Probation Officer V Range 21	\$74.3
Total	\$482.6

FISCAL NOTE

STATE OF ALASKA
1997 LEGISLATIVE SESSION

BILL NO. HB6

Revision Date: _____
Title: Relating to the disclosure of information relating to certain minors
Sponsor: Representative Kelly
Requestor: House (HES)

Dept. Affected: Health and Social Services
BRU: Family and Youth Services
Component: Southeastern Region
COMPONENT SERIAL NO. 258
See also (SN#): 252,253,254,255,259,264,2134

Expenditures/Revenues:

(Thousands of Dollars)

OPERATING	FY98	FY99	FY00	FY01	FY02	FY03
PERSONAL SERVICES	(8.8)					
TRAVEL						
CONTRACTUAL						
SUPPLIES						
EQUIPMENT						
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
TOTAL OPERATING	(8.8)	0.0	0.0	0.0	0.0	0.0

CAPITAL EXPENDITURES						
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CHANGES IN REVENUES ()						
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FUND SOURCE

(Thousands of Dollars)

FUND SOURCE	FY98	FY99	FY00	FY01	FY02	FY03
1002 Federal Receipts	(44.2)					
1003 GF Match						
1004 GF	35.4					
1005 GF/Program Receipts						
1037 GF/Mental Health						
Other (please specify)						
TOTAL	(8.8)	0.0	0.0	0.0	0.0	0.0

POSITIONS:

POSITIONS	FY98	FY99	FY00	FY01	FY02	FY03
FULL-TIME						
PART-TIME						
TEMPORARY						

Estimate of any current year (FY97) cost: \$0.0

ANALYSIS: (Attach a separate page if necessary)

The Division of Family and Youth Services currently receives approximately \$7.5 M in federal funds as reimbursement for foster care and administrative services provided to Children in Need of Aid (CINA) and Delinquents. Federal law prohibits disclosure of information regarding DFYS clients except in certain circumstances. In order to disclose information on juvenile offenders as described in this bill and still minimize the loss of federal funds, the division must revise the organizational and financial structure of the agency to clearly separate costs and services associated with juvenile offenders from those associated with CINA's and must discontinue claiming federal reimbursement for those costs and services. This restructuring will preserve the majority of federal receipts but will still result in some reductions which must be replaced by general funds. This fiscal note reflects the costs associated with that restructuring and the reduction in federal claims.

In addition to the ability to disclose information, the division will be able to improve the consistency, coordination, and quality of services provided to communities and offenders by more clearly focusing the leadership provided to the youth corrections section

Prepared by: L. Diane Worley, Director
Division: Family & Youth Services
Approved by Commissioner: Karen Perdue, Commissioner
Agency: Department of Health & Social Services

Phone: 465-3191
Date: 01/17/97
Date: 1/22/97

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ANALYSIS (cont.):

Loss of Federal Funds:	(\$44.2)
Change in positins:	
PCN 06-3482 Regional Administrator, Range 23 is deleted	(82.6)
New PCN Social Worker V, Range 21 is added	\$73.8
Total	(\$8.8)

FISCAL NOTE

STATE OF ALASKA
1997 LEGISLATIVE SESSION

BILL NO. HB6

Revision Date: _____
 Title: Relating to the disclosure of information
relating to certain minors
 Sponsor: Representative Kelly
 Requestor: House (HES)

Dept. Affected: Health and Social Services
 BRU: Family and Youth Services
 Component: Southcentral Region
 COMPONENT SERIAL NO. 254
 See also (SN#): 252,253,255,258,259,264,2134

Expenditures/Revenues:

(Thousands of Dollars)

OPERATING	FY98	FY99	FY00	FY01	FY02	FY03
PERSONAL SERVICES	(18.4)					
TRAVEL						
CONTRACTUAL						
SUPPLIES						
EQUIPMENT						
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
TOTAL OPERATING	(18.4)	0.0	0.0	0.0	0.0	0.0

CAPITAL EXPENDITURES						
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CHANGES IN REVENUES ()						
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FUND SOURCE

(Thousands of Dollars)

1002 Federal Receipts	(157.5)					
1003 GF Match						
1004 GF	139.1					
1005 GF/Program Receipts						
1037 GF/Mental Health						
Other (please specify)						
TOTAL	(18.4)	0.0	0.0	0.0	0.0	0.0

POSITIONS:

FULL-TIME						
PART-TIME						
TEMPORARY						

Estimate of any current year (FY97) cost: \$0.0

ANALYSIS: (Attach a separate page if necessary)

The Division of Family and Youth Services currently receives approximately \$7.5 M in federal funds as reimbursement for foster care and administrative services provided to Children in Need of Aid (CINA) and Delinquents. Federal law prohibits disclosure of information regarding DFYS clients except in certain circumstances. In order to disclose information on juvenile offenders as described in this bill and still minimize the loss of federal funds, the division must revise the organizational and financial structure of the agency to clearly separate costs and services associated with juvenile offenders from those associated with CINA's and must discontinue claiming federal reimbursement for those costs and services. This restructuring will preserve the majority of federal receipts but will still result in some reductions which must be replaced by general funds. This fiscal note reflects the costs associated with that restructuring and the reduction in federal claims.

In addition to the ability to disclose information, the division will be able to improve the consistency, coordination, and quality of services provided to communities and offenders by more clearly focusing the leadership provided to the youth corrections section

5/22/97 Prepared by: L. Diane Worley, Director *L. Diane Worley* Phone: 465-3191
 Division: Family & Youth Services Date: 01/17/97
 Approved by Commissioner: Karen Perdue, Commissioner *Karen Perdue* Date: 1/22/97
 Agency: Department of Health & Social Services

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ANALYSIS (cont.):

Loss of Federal Funds: (\$157.5)

Change in positions:

PCN 08-3482 Regional Administrator, Range 23 is deleted (\$92.2)

New PCN Social Worker V, Range 21 \$73.8

Total (\$18.4)

FISCAL NOTE

STATE OF ALASKA
1997 LEGISLATIVE SESSION

BILL NO. HB6

Revision Date: _____
 Title: Relating to the disclosure of information
relating to certain minors
 Sponsor: Representative Kelly
 Requestor: House (HES)

Dept. Affected: Health and Social Services
 BRU: Family and Youth Services
 Component: DFYS Central Office
 COMPONENT SERIAL NO. 259
 See also (SN#): 252,253,255,258,264,2134

Expenditures/Revenues:

(Thousands of Dollars)

OPERATING	FY98	FY99	FY00	FY01	FY02	FY03
PERSONAL SERVICES	120.6					
TRAVEL						
CONTRACTUAL						
SUPPLIES						
EQUIPMENT						
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
TOTAL OPERATING	120.6	0.0	0.0	0.0	0.0	0.0

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

CHANGES IN REVENUES ()						
-------------------------	--	--	--	--	--	--

FUND SOURCE

(Thousands of Dollars)

1002 Federal Receipts	(80.0)					
1003 GF Match						
1004 GF	200.6					
1005 GF/Program Receipts						
1037 GF/Mental Health						
Other (please specify)						
TOTAL	120.6	0.0	0.0	0.0	0.0	0.0

POSITIONS:

FULL-TIME	2					
PART-TIME						
TEMPORARY						

Estimate of any current year (FY97) cost: \$0.0

ANALYSIS: (Attach a separate page if necessary)

The Division of Family and Youth Services currently receives approximately \$7.5 M in federal funds as reimbursement for foster care and administrative services provided to Children in Need of Aid (CINA) and Delinquents. Federal law prohibits disclosure of information regarding DFYS clients except in certain circumstances. In order to disclose information on juvenile offenders as described in this bill and still minimize the loss of federal funds, the division must revise the organizational and financial structure of the agency to clearly separate costs and services associated with juvenile offenders from those associated with CINA's and must discontinue claiming federal reimbursement for those costs and services. This restructuring will preserve the majority of federal receipts but will still result in some reductions which must be replaced by general funds. This fiscal note reflects the costs associated with that restructuring and the reduction in federal claims.

In addition to the ability to disclose information, the division will be able to improve the consistency, coordination, and quality of services provided to communities and offenders by more clearly focusing the leadership provided to the youth corrections section

5/22/97

Prepared by: L. Diane Worley, Director
 Division: Family & Youth Services
 Approved by Commissioner: Karen Perdue, Commissioner
 Agency: Department of Health & Social Services

Phone: 465-3191
 Date: 01/17/97
 Date: 1/22/97

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ANALYSIS (cont.):

Loss of Federal Funds: (\$80.0)

Change in positions:

New PCN Administrative Clerk II Range 8 \$37.3

New PCN CPS (FS) Admin Officer Range 23 \$83.3

Total \$120.6

FISCAL NOTE

STATE OF ALASKA
1997 LEGISLATIVE SESSION

BILL NO. HB6

Revision Date: _____
 Title: Relating to the disclosure of information
relating to certain minors
 Sponsor: Representative Kelly
 Requestor: House (HES)

Dept. Affected: Health and Social Services
 BRU: Family and Youth Services
 Component: Northern Region
 COMPONENT SERIAL NO. 255
 See also (SN#): 252,253,254,258,259,264,2134.

Expenditures/Revenues:

(Thousands of Dollars)

OPERATING	FY98	FY99	FY00	FY01	FY02	FY03
PERSONAL SERVICES	(212.2)					
TRAVEL						
CONTRACTUAL						
SUPPLIES						
EQUIPMENT						
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
TOTAL OPERATING	(212.2)	0.0	0.0	0.0	0.0	0.0

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

CHANGES IN REVENUES ()						
-------------------------	--	--	--	--	--	--

FUND SOURCE

(Thousands of Dollars)

FUND SOURCE	FY98	FY99	FY00	FY01	FY02	FY03
1002 Federal Receipts	(113.8)					
1003 GF Match						
1004 GF	(98.4)					
1005 GF/Program Receipts						
1037 GF/Mental Health						
Other (please specify)						
TOTAL	(212.2)	0.0	0.0	0.0	0.0	0.0

POSITIONS:

POSITIONS	FY98	FY99	FY00	FY01	FY02	FY03
FULL-TIME	-2					
PART-TIME						
TEMPORARY						

Estimate of any current year (FY97) cost: \$0.0

ANALYSIS: (Attach a separate page if necessary)

The Division of Family and Youth Services currently receives approximately \$7.5 M in federal funds as reimbursement for foster care and administrative services provided to Children in Need of Aid (CINA) and Delinquents. Federal law prohibits disclosure of information regarding DFYS clients except in certain circumstances. In order to disclose information on juvenile offenders as described in this bill and still minimize the loss of federal funds, the division must revise the organizational and financial structure of the agency to clearly separate costs and services associated with juvenile offenders from those associated with CINA's and must discontinue claiming federal reimbursement for those costs and services. This restructuring will preserve the majority of federal receipts but will still result in some reductions which must be replaced by general funds. This fiscal note reflects the costs associated with that restructuring and the reduction in federal claims.

In addition to the ability to disclose information, the division will be able to improve the consistency, coordination, and quality of services provided to communities and offenders by more clearly focusing the leadership provided to the youth corrections section

Prepared by: L. Diane Worley, Director *Diane Worley* Phone: 907 465-3191
 Division: Family & Youth Services Date: 01/17/97
 Approved by Commissioner: Karen Perdue, Commissioner *Karen Perdue* Date: 1/22/97
 Agency: Department of Health & Social Services

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ANALYSIS (cont.):

Loss of Federal Funds: (\$113.8)

Change in positions:

Delete Regional Administrator PCN 08-3218 (\$99.9)

Delete Social Worker V in Bethel PCN 08-3201 (\$91.1)

Delete Social Worker V in Nome PCN 08-3089 (\$98.3)

New PCN Social Worker V in Fairbanks \$77.1

Total (\$212.2)

FISCAL NOTE

STATE OF ALASKA
1997 LEGISLATIVE SESSION

BILL NO. HB6

Revision Date: _____
 Title: Relating to the disclosure of information
relating to certain miners
 Sponsor: Representative Kelly
 Requestor: House (HES)

Dept. Affected: Health and Social Services
 BRU: Family and Youth Services
 Component: Foster Care
 COMPONENT SERIAL NO. 252
 See also (SN#): 253,254,255,258,259,264,2134

Expenditures/Revenues:

(Thousands of Dollars)

OPERATING	FY98	FY99	FY00	FY01	FY02	FY03
PERSONAL SERVICES						
TRAVEL						
CONTRACTUAL						
SUPPLIES						
EQUIPMENT						
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
TOTAL OPERATING	0.0	0.0	0.0	0.0	0.0	0.0

CAPITAL EXPENDITURES						
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CHANGES IN REVENUES ()						
-------------------------	--	--	--	--	--	--

FUND SOURCE

(Thousands of Dollars)

FUND SOURCE	FY98	FY99	FY00	FY01	FY02	FY03
1002 Federal Receipts	(18.6)					
1003 GF Match						
1004 GF	18.6					
1005 GF/Program Receipts						
1037 GF/Mental Health						
Other (please specify)						
TOTAL	0.0	0.0	0.0	0.0	0.0	0.0

POSITIONS:

POSITIONS	FY98	FY99	FY00	FY01	FY02	FY03
FULL-TIME						
PART-TIME						
TEMPORARY						

Estimate of any current year (FY97) cost: \$0.0

ANALYSIS: (Attach a separate page if necessary)

The Division of Family and Youth Services currently receives approximately \$7.5 M in federal funds as reimbursement for foster care and administrative services provided to Children in Need of Aid (CINA) and Delinquents. Federal law prohibits disclosure of information regarding DFYS clients except in certain circumstances. In order to disclose information on juvenile offenders as described in this bill and still minimize the loss of federal funds, the division must revise the organizational and financial structure of the agency to clearly separate costs and services associated with juvenile offenders from those associated with CINA's and must discontinue claiming federal reimbursement for those costs and services. This restructuring will preserve the majority of federal receipts but will still result in some reductions which must be replaced by general funds. This fiscal note reflects the costs associated with that restructuring and the reduction in federal claims.

In addition to the ability to disclose information, the division will be able to improve the consistency, coordination, and quality of services provided to communities and offenders by more clearly focusing the leadership provided to the youth corrections section

Loss of Federal Funds: (\$18.6)

Prepared by: L. Diane Worley, Director *Diane Worley* Phone: 465-3191
 Division: Family & Youth Services Date: 01/17/97
 Approved by Commissioner: Karen Perdue, Commissioner *Karen Perdue* Date: 1/22/97
 Agency: Department of Health & Social Services

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FISCAL NOTE

STATE OF ALASKA
1997 LEGISLATIVE SESSION

BILL NO. HB6

Revision Date: _____
 Title: Relating to the disclosure of information
relating to certain minors
 Sponsor: Representative Kelly
 Requestor: House (HES)

Dept. Affected: Health and Social Services
 BRU: Family and Youth Services
 Component: Residential Child Care
 COMPONENT SERIAL NO. 253
 See also (SN#): 252,254,255,258,259,264,2134

Expenditures/Revenues:

(Thousands of Dollars)

OPERATING	FY98	FY99	FY00	FY01	FY02	FY03
PERSONAL SERVICES						
TRAVEL						
CONTRACTUAL						
SUPPLIES						
EQUIPMENT						
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
TOTAL OPERATING	0.0	0.0	0.0	0.0	0.0	0.0

CAPITAL EXPENDITURES						
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CHANGES IN REVENUES ()						
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FUND SOURCE

(Thousands of Dollars)

1002 Federal Receipts	(284.1)					
1003 GF Match						
1004 GF	284.1					
1005 GF/Program Receipts						
1037 GF/Mental Health						
Other (please specify)						
TOTAL	0.0	0.0	0.0	0.0	0.0	0.0

POSITIONS:

FULL-TIME						
PART-T.ME						
TEMPORARY						

Estimate of any current year (FY97) cost: \$0.0

ANALYSIS: (Attach a separate page if necessary)

The Division of Family and Youth Services currently receives approximately \$7.5 M in federal funds as reimbursement for foster care and administrative services provided to Children in Need of Aid (CINA) and Delinquents. Federal law prohibits disclosure of information regarding DFYS clients except in certain circumstances. In order to disclose information on juvenile offenders as described in this bill and still minimize the loss of federal funds, the division must revise the organizational and financial structure of the agency to clearly separate costs and services associated with juvenile offenders from those associated with CINA's and must discontinue claiming federal reimbursement for those costs and services. This restructuring will preserve the majority of federal receipts but will still result in some reductions which must be replaced by general funds. This fiscal note reflects the costs associated with that restructuring and the reduction in federal claims.

In addition to the ability to disclose information, the division will be able to improve the consistency, coordination, and quality of services provided to communities and offenders by more clearly focusing the leadership provided to the youth corrections section.
 Loss of Federal Funds: (\$284.1)

Prepared by: L. Diane Worley, Director
 Division: Family & Youth Services

Phone: 465-3191
 Date: 01/17/97

Approved by Commissioner: Karen Perdue, Commissioner
 Agency: Department of Health & Social Services

Date: 1/22/97

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FISCAL NOTE

STATE OF ALASKA
1997 LEGISLATIVE SESSION

BILL NO. HB6

Revision Date: _____
 Title: Relating to the disclosure of information
relating to certain minors
 Sponsor: Representative Kelly
 Requestor: House (HES)

Dept. Affected: Health and Social Services
 BRU: Family and Youth Services
 Component: McLaughlin Youth Center
 COMPONENT SERIAL NO. 264
 See also (SN#): 252,253,254,255,258,259,2134

Expenditures/Revenues:

(Thousands of Dollars)

OPERATING	FY98	FY99	FY00	FY01	FY02	FY03
PERSONAL SERVICES			(24.1)			
TRAVEL						
CONTRACTUAL						
SUPPLIES						
EQUIPMENT						
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
TOTAL OPERATING	0.0	0.0	(24.1)	0.0	0.0	0.0

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

CHANGES IN REVENUES ()						
-------------------------	--	--	--	--	--	--

FUND SOURCE

(Thousands of Dollars)

FUND SOURCE	FY98	FY99	FY00	FY01	FY02	FY03
1002 Federal Receipts						
1003 GF Match						
1004 GF			(24.1)			
1005 GF/Program Receipts						
1037 GF/Mental Health						
Other (please specify)						
TOTAL	0.0	0.0	(24.1)	0.0	0.0	0.0

POSITIONS:

POSITIONS	FY98	FY99	FY00	FY01	FY02	FY03
FULL-TIME						
PART-TIME						
TEMPORARY						

Estimate of any current year (FY97) cost: \$0.0

ANALYSIS: (Attach a separate page if necessary)

The Division of Family and Youth Services currently receives approximately \$7.5 M in federal funds as reimbursement for foster care and administrative services provided to Children in Need of Aid (CINA) and Delinquents. Federal law prohibits disclosure of information regarding DFYS clients except in certain circumstances. In order to disclose information on juvenile offenders as described in this bill and still minimize the loss of federal funds, the division must revise the organizational and financial structure of the agency to clearly separate costs and services associated with juvenile offenders from those associated with CINA's and must discontinue claiming federal reimbursement for those costs and services. This restructuring will preserve the majority of federal receipts but will still result in some reductions which must be replaced by general funds. This fiscal note reflects the costs associated with that restructuring and the reduction in federal claims.

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Prepared by: L. Diane Worley, Director Phone: 465-3191
 Division: Family & Youth Services Date: 01/17/97
 Approved by Commissioner: Karen Perdue, Commissioner Date: 1/22/97
 Agency: Department of Health & Social Services

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ANALYSIS (cont.):

Change in position:	
Superintendent II PCN 08-3483 R 21 will be down graded to a R 20.	(\$93.5)
	<u>\$69.4</u>
<u>Total savings due to downgrade</u>	(24.1)

FISCAL NOTE

STATE OF ALASKA
1997 LEGISLATIVE SESSION

BILL NO: HB 6

Revision Date: _____
Title: Release of information about minors.
Sponsor: Representative Kelly
Requestor: H.HESS

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

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

	FY 98	FY 99	FY 00	FY 01	FY 02	FY 03
OPERATING						
PERSONAL SERVICES						
TRAVEL						
CONTRACTUAL						
SUPPLIES						
EQUIPMENT						
LAND & STRUCTURES						
GRANTS. CLAIMS						
MISCELLANEOUS						
TOTAL OPERATING	-0-	-0-	-0-	-0-	-0-	-0-
CAPITAL	-0-	-0-	-0-	-0-	-0-	-0-
CHANGE IN REVENUES () Revenue Code	-0-	-0-	-0-	-0-	-0-	-0-

FUNDING: (Thousands of Dollars)

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

Estimate of current year (FY 97) impact: \$ _____

POSITIONS:

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

ANALYSIS: (Attach a separate page if necessary.)

This bill will not have a fiscal impact on the Division of Alaska State Troopers.

Prepared By: Lt. Dan Lowden Phone: 269-5412
 Division: Alaska State Troopers Date: January 15, 1997
 Approved by Commissioner: *Dee Smith* Date: 1/22/97
 Agency: Ronald L. Otte, Department of Public

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Re. HB 3 & 6

Fri Feb 7

McLaughlin youth center wants speaker
on HB 6

Have class - Students like to listen in

Cathy Barnett

or Judy Regan

@ 563 8082



TELECOPY COVER SHEET

Fairbanks Legislative Information Office

Office - (907) 452-4448

Fax - (907) 456-3346

TO: Christie Rep Joe House FAX: _____ PHONE: _____

FROM: Fax 210 PHONE: _____

INSTRUCTIONS: Scott Calder missing pages of written testimony plus other. Thanks!

RECEIVED: Date _____ Time _____

SENT: Date 2/11/97 Time _____

DISPOSAL OF ORIGINAL: Discard _____ Hold for Pickup _____

NUMBER OF PAGES: _____ (Not counting cover sheet)

SENT BY: Finn



TELECOPY COVER SHEET

Fairbanks Legislative Information Office

Office - (907) 452-4448

Fax - (907) 456-3346

TO: HOUSE JUDICIARY FAX: _____ PHONE: _____

FROM: FBX LIO PHONE: 452-4448

INSTRUCTIONS: WRITTEN TESTIMONY FOR HB 6 & HB 3

HEARD ON 2/10 @ 1:00 P.M.

RECEIVED: Date _____ Time _____

SENT: Date 2/10/97 Time _____

DISPOSAL OF ORIGINAL: Discard _____ Hold for Pickup _____

NUMBER OF PAGES: 10 (Not counting cover sheet)

SENT BY: Fras



ALASKA STATE LEGISLATURE

PLEASE ENTER INTO THE RECORD MY TESTIMONY TO THE Judiciary
 COMMITTEE ON House Bill #3 DATED 2-10-97
COMMITTEE NAME
BILL/SUBJECT

As a student of Austin E. Lathrop High School in Fairbanks I strongly disagree with the motives behind House Bill #3. Not only is this Bill a violation of the rights of minors, it discredits our judicial system. As a student I know that the way to teach is not to shame or humiliate but instead to guide and encourage. Thus far the Alaska judicial system has attempted to do just that - to punish delinquent minors but also to give them another chance when they become adults. This Bill takes that power away from the judicial system and gives it to a less objective public who are more likely to disregard the facts and are apt to jump to conclusions.

This Bill also gives too much power to police officers. The Bill reads that the police may choose whether or not to release the information. I don't like the possibility of potential corruption that is a result of the word "may". We must not pass ambiguous laws that put policemen in the position to play favorites.

The third objection I have to this Bill is that the information is released only upon arrest and not adjudication. If the minor has not been proven guilty of the crime, what right does the public have to know?

I do not understand how this Bill will solve any of the problems facing our state. I believe that House Bill #3 will instead exaggerate problems, create tensions and plant suspicion in the community. This legislature is not willing to ostracize the youth in our communities. We must be more willing to include and not exclude our youth. These delinquent minors already feel that the world is against them - please, don't prove them right.

SIGNED Annie L. Bell

TESTIFIER

AP Government and English Literature

REPRESENTING (OPTIONAL)

2290 Patterson Lane North Pole, Alaska 99701

ADDRESS/PHONE NUMBER

1-(907) 488-2877

HB6...TELECONFERENCE...JUDICIARY...February 12, 1997

As a recent victim of juvenile crime, I've seen first hand just how ineffectively our justice system handles this growing problem. The delinquents in this case were apprehended, but it took the presence of a dozen victims at the courthouse to keep these young offenders in custody. *Then*, we were shut out of subsequent hearings because of the "disclosure" laws.

Why?...Because the court petitions did not include our names as victims until weeks later...after these young people had been released. The terms and date of release were "confidential". One of these minors continued to burglarize and vandalize until he was caught again, but this time he shot and nearly killed the arresting officer. Only then did we learn that he was no longer in the Youth Facility.

What happened here? We had a kid who, for whatever reasons, was predisposed to criminal activities. He got caught now and then, but we hid the legal process from the public...even the victims in this case! The court released him again which only served to increase his contempt for authority. Criminal activity was resumed...even escalated...until...he went *too* far!

THIS IS NOT AN ISOLATED EVENT! In June alone there were two other cases in the news of juveniles who attempted murder here in Fairbanks. We can only speculate how extensive their criminal activities may have been before we promoted them to adult status.

Kids are screaming for guidelines when they strike out against society. It's our duty to respond with appropriate consequences. Absolute protection of confidentiality is **not** in the best interest of our wayward youth. The tiered approach to disclosure in **HB6** is a good start.

Post-It™ brand fax transmittal memo 7671 # of pages 1

To	HOUSE JUDICIARY	FROM	AL NEAR
Co.		Co.	
Dept.		Phone #	
Fax #		Fax #	

Marilyn J. Drew
4725 Villanova Drive
Fairbanks, Alaska 99709-3220

February 12, 1997

Representative Joe Green
Chair, House Judiciary Committee
State Capitol
Juneau, AK 99801-1182

RE: Support for HB 6

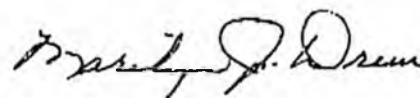
Dear Representative Green:

I am writing to express my support for HB 6 regarding the release of information about minors. Disclosure is an important element for dealing with juvenile crime.

The knowledge of who the offenders are is important not only for my protection, but to shine a light on a system that is obviously flawed.

I commend HB 6 to you and press for your assistance in passing this important piece of legislation.

Sincerely,



Marilyn J. Drew

cc: Representative Con Bunde
Representative Jeannette James
Representative Brian Porter
Representative Ethan Berkowitz
Representative Eric Croft

Michael J. Kirk

P.O. Box 20844
Juneau, Alaska 99802

February 12, 1997

Testimony to the House Judiciary Committee on House Bill 3, regarding disclosures of information about certain minors

Thank you for the opportunity to comment on this important bill.

I am a retired teacher. For decades my life's work has been teaching and guiding our young people, hopefully including helping them to become responsible adults.

I am deeply troubled by the trend toward lack of responsible behavior by youth and by the failure of their parents and the important adults in their lives to take on their own responsibility for shaping the behavior of their children. Ethical behavior and responsibility do not suddenly arrive when a person attains the age of eighteen or twenty-one. It is a gradual process, starting just after birth, slightly different for each individual. But in every case it is shaped, in part, by the attitudes of parents, and secondarily by the attitude of others in the community, including schools and the law enforcement system. Children are eager and impatient at each age or developmental state to assume the tasks and lessons we are willing to help them learn.

The primary responsibility for imbuing our youth with a sense of right and wrong must be in the home. We must -- through our laws and through our community attitudes -- make the parents the responsible parties along with the youths themselves.

Not every parent is equally equipped for this task. It is vital that parents who need help and guidance can go to a social services agency or school counselor for expert advice and assistance, and if they have that opportunity and are still unable or unwilling to take responsibility for their guiding their children's behavior and ethical education, sterner measures, such as institutionalization of the children, must be considered. *But the focus must be on the parents as the ones with the duty to teach responsible behavior to children.*

We need simple, understandable rules, at home and in the schools, which every parent and every child can understand and must agree to. They must also understand the consequences of failure. Responsibility is a prerequisite for freedom; license is not freedom, but irresponsibility.

I have attached one simple set of amendments to House Bill 3 which I believe would go a long way toward reasserting a community standard of responsibility for juvenile behavior. Essentially, *I suggest giving state agencies involved in juvenile justice the option of making delinquent behavior public and insuring that both the offending children and their parents must face community standards, not hide from them.*

Thank you for your serious and careful consideration.

Michael J. Kirk

HOUSE BILL NO. 3 (relating to disclosures of information about certain minors)

AMENDMENT NO. ____

Page 1, line 4:

(c) A state or municipal [law enforcement] agency

Page 1, line 8:

(2) shall, unless the agency determines that in the circumstances of the specific case the prejudice to the minor outweigh the interests of the public, [may] disclose to the public upon request but may not report to

Page 2, l. 7:

(3) shall [may] disclose to school officials information regarding a case as may

Page 2, l. 9:

(4) shall [may] disclose to the public information regarding a case as may be

Page 2; l. 11:

(5) shall [may] disclose to a victim information regarding the minor's arrest,

Justification: *In the present law and in the current version of HB 3, the authority to release certain types of information on juvenile offenders is purely discretionary, i.e., the agency "may" disclose but is not obligated to disclose. ["May" is used to grant discretionary authority and "shall" is used to require a particular action; see Legislative Drafting Manual, Ch. 2.] No standards are given for exercise of the discretion, so the agency is left with complete discretion and no standards for its exercise. ♦ This amendment makes disclosure mandatory unless the agency affirmatively finds that the prejudice to the minor of disclosure outweighs the public interest in the circumstances of a particular case. ♦ In addition, the change to page 1, line four, makes this disclosure policy applicable to all state agencies, including the Department of Health and Social Services, the Department of Law, and the Department of Corrections, in addition to police agencies.*

##	BILL #	SHORT TITLE	STATUS	DATE
1	HB x 3	DISCLOSURES RE FELONY ARRESTS OF MINORS	(H) JUD	1/13/97
2	HB x 5	CRIMINAL PROSECUTION OF MINORS	(H) JUD	1/13/97
3	HB x 6	RELEASE OF INFORMATION ABOUT MINORS	(H) JUD	1/31/97
4	HB x 12	IMMUNITY FOR EQUINE ACTIVITIES	(H) JUD	1/13/97
5	HB x 22	CIVIL LIABILITY FOR BOOTLEGGERS	(H) JUD	1/13/97
6	HB x 30	CIVIL LIABILITY FOR SKATEBOARDING	(H) JUD	1/31/97
7	HB x 57	CRUELTY TO ANIMALS	(H) JUD	1/13/97
8	HB x 58	CIVIL LIABILITY	(H) JUD	1/13/97
9	HB x 69	ROPHYNOL AS SCHEDULE I-A DRUG	(H) JUD	1/15/97
10	HB x 74	"NO FRILLS" PRISON ACT	(H) JUD	1/16/97
11	HB x 91	EXTEND BOARD OF PAROLE	(H) JUD	1/29/97
12	HCR x 3	URGING REGIONAL DIVERSITY SUPREME COURT	(H) JUD	1/13/97
13	HCR x 4	SEPARATE RECORDS FOR DELINQUENTS & CINA	(H) JUD	2/03/97

E0 99

Meloy
Brink

Selection=>

PF1	PF2	PF3	PF4	PF5	PF6	PF7	PF8	PF9	PF10	PF11	PF12
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02/03/97

LEGISLATIVE TELECONFERENCE NETWORK SYSTEM

LTN1401

09:10:39 N

CONFERENCE DISPLAY PAGE 01 - ORDER SUMMARY

L357

TCN 70202

T/C DATE: 02/07/97 TIME: 13:00 to 15:00

STATUS: 1 REQUESTED

SPONSOR: HJUD HOUSE JUDICIARY

CHAIRS: REP GREEN

PURPOSE: PUB PUBLIC-HEARING

LEGISLATIVE

1ST ITEM: HB 3 DISCLOSURES RE FELONY ARRESTS OF MINORS

2 ITEMS ON AGENDA

CONTACT: LISA KIRSCH

TEL: (907)465-4990

MODERATOR: ZZZ

LOCATION STAFF

CHAIRING SITE: JUNEAU

CAPITOL

ROOM: CAP120 PRINTER: L900

PARTICIPATING LIOS: 3 VOLUNTEER SITES: 0 OFFNETS: 1

SPONSOR REMARKS(PUBLIC): TESTIMONY ALLOWED: Y 3 MINUTE LIMIT:

SEE COMMITTEE SCHEDULE IN BASIS

BACKUP MATERIAL: Y

UPDATE NO: 0

ENTERED BY: LIOCJEB

LAST UPDATED BY: LIOCJEB

REQUESTED ON: 02/03/97

ON: 02/03/97

ON: 02/03/97

MSG:

ENTER Pg# 02 PF2 NextC# ynnnn PF3 Exit PF4 Menu

PF6 Print PF12 Quit

Sgt. Conkill

(800) 478-7612

~~28.05.033~~

Sst Conkill

800 478 7612

HB 57 Poppy

Roger Gillespie

Ray Wilkovic Assoc

463 3275

Comm.

director DFYS

in Fbks

for HB 3 & 6

HB

7

Alaska State Legislature

Representative Brian S. Porter

HOUSE MAJORITY LEADER

MEMBER
HOUSE JUDICIARY COMMITTEE
HOUSE RULES COMMITTEE
HEALTH, EDUC. & SOCIAL SERVICES COMMITTEE
LEGISLATIVE COUNCIL JOINT COMMITTEE



DISTRICT 20

SESSION:
STATE CAPITOL, ROOM 216
JUNEAU, ALASKA 99501-1182
PHONE: (907) 465-4930
FAX: (907) 465-3834

INTERIM:
716 W. 4TH AVE., SUITE 300
ANCHORAGE, AK 99501-2133
PHONE: (907) 258-8197
FAX: (907) 258-5510

SPONSOR STATEMENT

For

HB 7 COMMUNITY DISPUTE RESOLUTION CENTERS

Victim offender mediation is a process in which trained volunteer mediators bring victims and juvenile offenders face to face to discuss the property loss and emotional damage caused by the crime. The principle goal of this meeting is to obtain an agreement between the victim and the offender on a restitution contract.

Victim offender mediation is part of the larger concept of restorative justice. With this approach offenders take personal responsibility for repairing the damage they have caused.

WHAT ARE THE BENEFITS?

FOR VICTIMS:

- Victims report great satisfaction with mediation process. It allows them to confront the offender with the very real personal impact of their crime.
- Victims report satisfaction with the restitution agreements because they are tailor made to repair their specific loss and their needs for restitution.
- Victims appreciate having their case resolved in a timely and efficient manner with their maximum involvement.

FOR OFFENDERS:

- Offenders have the chance to talk with a victim and to make amends for their crime.
- Offenders are more willing to fulfill the restitution agreements that they helped create.
- Offenders' parents get involved.

FOR THE COMMUNITY:

- The public sees timely and more meaningful responses to juvenile crime.
- Volunteer community mediators have a direct impact on youth.
- National studies of victim offender mediation programs found that offenders committed considerably fewer future crimes.

Alaska State Legislature

Representative Brian S. Porter

HOUSE MAJORITY LEADER



SESSION:
STATE CAPITOL, ROOM 216
JUNEAU, ALASKA 99501-1182
PHONE: (907) 465-4930
FAX: (907) 465-3834

MEMBER
HOUSE JUDICIARY COMMITTEE
HOUSE RULES COMMITTEE
HEALTH, EDUC. & SOCIAL SERVICES COMMITTEE
LEGISLATIVE COUNCIL JOINT COMMITTEE

INTERIM:
716 W. 4TH AVE., SUITE 360
ANCHORAGE, AK 99501-2133
PHONE: (907) 258-8197
FAX: (907) 258-5510

DISTRICT 20

SECTIONAL FOR PROPOSED SS HB - 7 COMMUNITY DISPUTE RESOLUTION CENTERS

The bill establishes community dispute resolution centers as an alternative for informal resolution and disposition for certain offenses committed by minors. Further, this bill allows judges to use these resolution centers in conjunction with restitution orders made when a minor is adjudicated a delinquent.

Bill section 1, adding a new bill section, to permit the administrative director of the court system to recognize an entity as a community dispute resolution center.

Bill section 2, amends AS 47.10.020(a)(1)(A) to authorize referral of a minor to a community dispute resolution center for purposes of informal adjustment or deposition of a matter by the Department of Health & Social Services following preliminary inquiry.

Bill section 3, amends AS 47.10.080(b)(4) to permit a judge who has adjudicated a minor to be a delinquent and ordered the minor in appropriate cases, to pay restitution, to require the minor to use the services of a community dispute resolution center to resolve a dispute involving the amount or manner of payment of the restitution.

Bill section 4, adding a new bill section that would make employees, volunteer and board of directors for youth courts immune from suits in a civil action except in cases of willful or wanton misconduct. Established youth courts, at the present time, are not immune; this section would correct that inequity.

Bill section 5, adding a new bill section, AS 47.10.267, spells out the procedures by which an entity organized for the purpose of providing community mediation services may operate a community dispute resolution center qualifying under this Act to provide services for minors and the victims of their offenses. Moreover, establishes that all communication within the mediation process is confidential and privileged. Withdrawal from the dispute resolution process either by the offender or the victim is allowed and they may seek judicial or administrative redress. Employees, Volunteers and the board of directors for the dispute resolution center are immune from suit in a civil action except in cases of willful or wanton misconduct.

STATE OFFICE
ALASKA PEACE OFFICERS ASSOCIATION

P.O. Box 240106 Anchorage, Alaska 99524-0106 Phone (907) 277-0515 Fax (907) 272-5355

January 17, 1997

Business Manager

Joseph E. Young
Anchorage

Board of Directors

Michael Corkill, President
Fairbanks

Robin Lown, Vice President
Juneau

Mike Grimes, Past President
Anchorage

Ron Belden, Member
Kenai
Pres. Kenai Chapter

Leo Brandlen, Member
Anchorage
Pres. Anchorage Chapter

Sam Edwards, Member
Palmer
Pres. Mat-Su Chapter

Steve Heckman, Member
Fairbanks
Pres. Farthest North Chapter

Steve Kalwara, Member
Juneau
Pres. Capitol City Chapter

Scott Chafin, Member
Wrangell
Pres. Wrangell Chapter

Leroy Mestas, Member
Ketchikan
Pres. First City Chapter

James See, Member
Craig
Pres. Prince of Wales Chapter

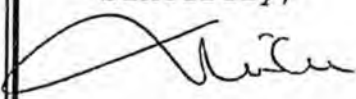
Representative Brian Porter
Alaska State Legislature
State Capitol (MS 3100)
Juneau, Alaska 99801-1182

Dear Representative Porter,

On behalf of the Alaska Peace Officers Association, I would like to thank you for sponsoring House Bill 7 related to authorizing the establishment of community resolution centers to foster the resolution of disputes between juvenile offenders and their victims. At a recent meeting of the APOA State Board, we decided to unanimously support this legislation. We believe that programs such as these assists in holding offending juveniles accountable for their actions and thereby might prevent those same juveniles from participating in any further delinquent behavior.

We encourage you to call on us when there are hearings on this bill, so that we may testify about the need for this legislation. If you need assistance as you shepherd this bill through the legislative process, please call me at 451-5316, or our business manager, Joseph Young at 277-0515.

Sincerely,



Michael Corkill
APOA State President

mic 1/20/97



alaska judicial council

1029 W. Third Avenue, Suite 201, Anchorage, Alaska 99501-1981 (907) 278-2526 FAX (907) 276-5046
http://www.state.ak.us/local/akpages/COURTS/AJC/home.htm E-Mail: 72302.1261@compuserve.com

EXECUTIVE DIRECTOR
William T. Cotton

January 22, 1997

NON-ATTORNEY MEMBERS
David A. Dapceвич
Janice Lienhart
Vicki A. Otte

ATTORNEY MEMBERS
Thomas G. Nava
Robert H. Wagstaff
Christopher E. Zimmerman

CHAIRMAN, EX OFFICIO
Allen T. Compton
Chief Justice
Supreme Court

Representative Brian Porter and
Members of the House Judiciary Committee
Alaska Legislature
State Capitol
Juneau, AK 99801

Via FAX: 907/465-3834

Dear Representative Porter and Members of the House Judiciary Committee:

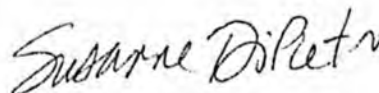
Thank you for your consideration of House Bill 7, which formally establishes procedures under which juvenile offenders and victims can be referred to victim-offender mediation. This bill is necessary and important for a number of reasons:

- The bill formally establishes the confidentiality procedures under which juvenile victim-offender mediation programs now operate informally. Without this provision, mediation programs will continue to be vulnerable to expensive and damaging legal challenges. As an example, about a month ago an Anchorage superior court judge issued a subpoena for mediation records from Anchorage's juvenile victim-offender mediation program. The program was forced to hire a lawyer to file a motion to quash the subpoena;
- The bill formally establishes reasonable protection from suit for citizens who volunteer their time to these worthwhile programs. Without this measure of protection, volunteers will continue to be vulnerable to expensive and damaging lawsuits;
- The bill creates a mechanism by which the court system can refer offenders to mediate restitution contracts. No other law of which I am aware explicitly gives the court this valuable option;

- The bill will encourage creation of victim-offender programs statewide by clearly establishing the necessary process and standards. I can tell you from experience that creating the Anchorage pilot project involved an enormous amount of volunteer work and coordination between a dozen state agencies and other entities. This bill gives other groups a "running start" which might make the difference between creating a program or not;
- Finally, the bill reserves the victim's right to decide whether mediation is right for him or her. It is important that victims who participate in victim-offender mediation programs do so voluntarily.

These are just a few highlights of this important legislation. If you have questions or wish to discuss the Anchorage program further, please do not hesitate to call. Thank you for your time.

Sincerely,



Susanne Di Pietro
Staff Attorney

The Arbitration & Mediation Group

MEDIATORS, ARBITRATORS, FACILITATORS & TRAINERS

POST OFFICE BOX 240783
ANCHORAGE, ALASKA 99524-0783
TELEPHONE: (907) 345-3801
FAX: (907) 345-0006
E-MAIL: tamg@alaska.net

January 17, 1997

Representative Brian Porter
House of Representatives
Alaska State Capitol
Room 216
Juneau, AK 99801

Dear Representative Porter:

We write in support of House Bill 7, an act authorizing establishment of community dispute resolution centers, to foster the resolution of disputes between juvenile offenders and their victims. The creation of such entities is critical to our state's continuing efforts to, when appropriate, use alternative processes to deter repetitive inappropriate behaviors demonstrated by today's juvenile offenders. We believe that the use of such processes in community dispute resolution centers positively contributes, as has been seen in multiple jurisdictions throughout the United States, to restore to victims that which has been taken from them as a result of these behaviors.

We commend you for sponsoring this effort and wish you the best of success.

Very truly yours,

THE ARBITRATION & MEDIATION GROUP

By:



Kathleen G. Anderson,
Partner



James R. Carr,
Partner

/ncm

The Arbitration & Mediation Group

MEDIATORS, ARBITRATORS, FACILITATORS & TRAINERS

POST OFFICE BOX 240783
ANCHORAGE, ALASKA 99524-0783
TELEPHONE: (907) 345-3801
FAX: (907) 345-0006
E-MAIL: tamg@alaska.net

January 20, 1997

Representative Joseph Green
Chair, Judiciary Committee
House of Representatives
Alaska State Capitol
Juneau, AK 99801

Dear Representative Green:

We write in support of House Bill 7, an act authorizing the establishment of community dispute resolution centers, to foster the resolution of disputes between juvenile offenders and their victims. The creation of such entities is critical to our state's continuing efforts to, when appropriate, use alternative processes to deter repetitive inappropriate behaviors demonstrated by today's juvenile offenders.

We believe that the use of such processes in community dispute resolution centers, as has been seen in multiple jurisdictions throughout the United States, also promotes restitution to victims and acts to deter similar behavior. We commend you for your consideration of this bill, and urge you to pass it through committee.

Very truly yours,

THE ARBITRATION & MEDIATION GROUP

By:


Kathleen G. Anderson,
Partner


James R. Carr,
Partner

/ncm

The Arbitration & Mediation Group

MEDIATORS, ARBITRATORS, FACILITATORS & TRAINERS

POST OFFICE BOX 240783
ANCHORAGE, ALASKA 99524-0783
TELEPHONE: (907) 345-3801
FAX: (907) 345-0006
E-MAIL: tamg@alaska.net

January 20, 1997

Messrs. Mark Hanley and Gene Therriault
Co-Chairs, Finance Committee
House of Representatives
Alaska State Capitol
Juneau, AK 99801

Dear Co-Chairs Hanley and Therriault:

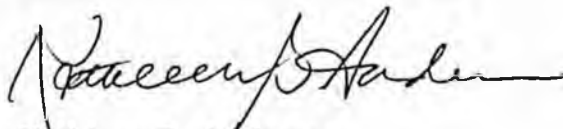
We write in support of House Bill 7, an act authorizing the establishment of community dispute resolution centers, to foster the resolution of disputes between juvenile offenders and their victims. The creation of such entities is critical to our state's continuing efforts to, when appropriate, use alternative processes to deter repetitive inappropriate behaviors demonstrated by today's juvenile offenders.

Research read by us has shown, in multiple jurisdictions throughout the United States, that the use of alternative processes, such as mediation, positively results in restitution to victims and deters similar, repeated behavior. We commend you for your consideration of this bill, and urge you to pass it through committee.

Very truly yours,

THE ARBITRATION & MEDIATION GROUP

By:



Kathleen G. Anderson,
Partner



James R. Carr,
Partner

/ncm



ALASKA DISPUTE SETTLEMENT ASSOCIATION

P.O. BOX 242922 • ANCHORAGE, AK 99524-2922 • (907) 258-0624

January 20, 1997

By facsimile and US mail

Representative Joe Green
Chair, Judiciary Committee
House of Representatives
Alaska State Capitol
Juneau, AK 99801

Representative Brian Porter
House of Representatives
Alaska State Capitol, Room 216
Juneau, AK 99801

Representatives Mark Hanley and Gene Therriault
Co-Chairs, Finance Committee
House of Representatives
Alaska State Capitol
Juneau, AK 99801

Dear Gentlemen:

Our Board has unanimously directed that I write on their behalf in support of the establishment of community dispute resolution centers under House Bill 7. As a professional association of mediators, arbitrators, educators, hearing officers, and others engaged in dispute resolution processes, we firmly believe our state's communities will only benefit from such a resource.

The benefits of these centers, as defined under HB 7, will enhance our state's efforts to deter inappropriate juvenile conduct and bring restitution to victims who have been wronged. We commend you for your support and urge you to pass the bill through committee. Should you need further information concerning alternative dispute resolution processes, their use and application, please do not hesitate to contact us.

Best regards,

ALASKA DISPUTE SETTLEMENT ASSOCIATION

By:

Kathleen G. Anderson,
President

cc: ADSA Board of Directors



UNIVERSITY OF ALASKA ANCHORAGE

3211 Providence Drive
Anchorage, Alaska 99508-8230

DEPARTMENT OF SOCIAL WORK

TO: Representative Brian Porter
Alaska State Legislature

FROM: Dr. Patrick M. Cunningham
Associate Professor
University of Alaska Anchorage

RE: HB 7 Community Dispute Resolution Centers

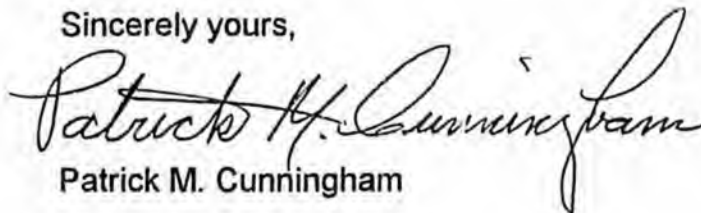
TESTIMONY IN SUPPORT OF HB 7

Thank you very much for introducing and sponsoring this Bill. I am a founding Board member of the Community Dispute Resolution Center in Anchorage and believe that the passage of HB 7 is vital to our continuing efforts to provide restorative justice to victims of crime. The Center is doing a marvelous service mediating restitution contracts between victims and juvenile offenders, and is a vital member of the city's "Make a Difference" juvenile anti-crime effort. This legislation is necessary to its continued growth, and the development of similar programs throughout the state. Our long range plan is to institutionalize this intervention in both the adult and juvenile criminal justice system.

These programs are low cost and community-based, drawing heavily from dedicated volunteer citizens who want to be active participants in removing crime from their neighborhoods. Much of the financial support for our Anchorage Program has come from the Municipality, University of Alaska Anchorage, community businesses, non-profit organizations, and individual citizens. There are over 200 similar programs in the United States and Canada, and over 100 programs in Europe demonstrating effectiveness as an alternative response to first and second time offenders. Victim appreciation for this restorative justice model is well documented. Offenders are confronted directly with the destructive results of their crime, held accountable, requiring that they take action to "make amends" to victims and the community, and closely monitored to assure that restitution is given. Victims are empowered by having the opportunity of directly participating in the justice process.

I wish you "God speed" in your efforts to reduce crime in our State.

Sincerely yours,


Patrick M. Cunningham



NATIONAL ASSOCIATION OF SOCIAL
WORKERS ALASKA CHAPTER

525 Main Street, Juneau AK 99801
586-4438 1-800-478-6279 Fax: 586-4439
naswak@alaska.net

Testimony Regarding

HB 7 - COMMUNITY DISPUTE RESOLUTION CENTERS

Before the
JUDICIARY COMMITTEE
ALASKA HOUSE OF REPRESENTATIVES
January 20, 1997

Presented by
Angela M. Salerno, ACSW
Executive Director,
National Association of Social Workers Alaska Chapter



ALASKA CHAPTER

NATIONAL ASSOCIATION OF SOCIAL WORKERS ALASKA CHAPTER

525 Main Street, Juneau AK 99801
586-4438 1-800-478-6279 Fax: 586-4439
naswak@alaska.net

The National Association of Social Workers (NASW) is the world's largest organization of professional social workers. NASW's 155,000 members nationwide and 460 in Alaska work in a wide range of settings at all levels in the public and private sectors. Professional social workers focus on vulnerable populations and promote state and federal policies which enhance the lives of the clients we serve.

Thank you for the opportunity to address the Committee on HB 7 - Community Dispute Resolution Centers.

NASW Alaska Chapter supports the establishment and recognition in law of Community Dispute Resolution Centers as a proactive, innovative method of holding juvenile offenders accountable for their behavior. The services of Community Dispute Resolution Centers, known as victim-offender mediation, offer Alaskans a balanced approach to the problem of juvenile crime. This balanced approach suggests that the juvenile justice system should give equal weight to ensuring community safety, holding offenders accountable to victims, and providing competency development for offenders in the system so they can pursue legitimate endeavors after release.

With over 200 programs in the United States and Canada, including a very successful program in Anchorage (the Victim Offender Mediation Project), community dispute resolution centers apply the principles of restorative justice - when a crime is committed the offender incurs an obligation to restore the victim, and by extension the community, to the state of well-being that existed before the offense. Using informal processes to mediate and reduce conflict through negotiation, restorative justice brings the offender face-to-face with those affected by his or her actions. This approach gives the victim a voice in the justice process and confronts the offender with the human consequences of criminal behavior. It offers the offender an opportunity to make amends through positive social contribution. In addition, it seeks to reintegrate the individual into the community whenever possible. Overall, the services of the community dispute resolution centers builds the community's capacity for resolving and preventing crime.

The United States Office of Juvenile Justice and Delinquency Prevention (OJJDP) has supported development and improvement of juvenile justice restitution programs since 1977, based on research showing that properly structured restitution programs can reduce recidivism. In addition, by the end of 1995, at least 24 states had adopted or were examining juvenile codes or administrative procedures that include the balanced approach or restorative justice concept. Balanced and restorative justice provisions currently are included in the juvenile codes of Alabama, Connecticut, Florida, Idaho, Indiana, Maine, Maryland, Montana, Oklahoma, Pennsylvania, Tennessee, Texas, Utah and Vermont. Other states considering restorative justice concepts are Arizona, California, Hawaii, Minnesota, Nevada, New Hampshire, New Mexico, Oregon, Wisconsin and Wyoming.

Community Dispute Resolution Centers offer a low-cost, community-based and effective alternative to costly incarceration of juveniles. NASW supports the state's recognition of these services as a viable response to juvenile crime, and a tool in ongoing prevention efforts.

Thank you for this opportunity to provide testimony. I am available any time to provide additional information to the committee.



Anchorage Youth Court
P.O. Box 102735
Anchorage, Alaska 99510
Phone: (907) 274-6986 • Fax: (907) 272-0491

January 31, 1997

Representative Brian Porter
State Capitol
Juneau, Alaska 99801-1182


Dear Representative Porter:

Anchorage Youth Court appreciates your support of youth offender prevention and intervention efforts and your sponsorship of House Bill No. 7 to authorize establishment of community dispute resolution centers to foster the resolution of disputes between juvenile offenders and their victims and providing immunity from civil suits for youth courts and for members of the boards of directors, employees, volunteers, and members of youth courts.

In Anchorage the Dispute Resolution Center and Anchorage Youth Court are working together in the Making a Difference Program to hold youthful offenders accountable for their actions and to make their victims whole. This partnership could be helpful throughout the State to intervene before juveniles establish a criminal pattern of behavior, and to prevent further criminal actions. However, the possibility of civil action can seriously inhibit effectiveness of programs such as these, because they rely primarily on volunteers to accomplish their task. Indemnification is essential to the growth and development of youth courts and dispute resolution centers Statewide, providing volunteers and personnel protection as they provide services for the State. Therefore, Anchorage Youth Court strongly supports House Bill 7.

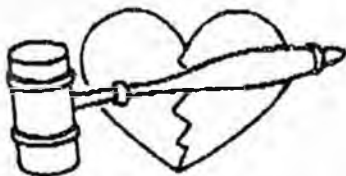
Sincerely,

ANCHORAGE YOUTH COURT



Sharon A. Leon
Executive Director

Sincerely,

VICTIMS

for Justice 619 East Fifth Avenue • Anchorage, AK 99501
(907) 278-0977 • Fax: (907) 258-0740

January 21, 1997

Dear Representative Brian Porter,

As a founder of Victims for Justice and the Victim-Offender mediation project. I strongly support HB 7 Community Dispute Resolution Centers.

The main purpose of this legislation is to replace the nonparticipative courtroom with a new environment. Crime is viewed as a conflict between two people. Mediation, as a process for mutual resolution of conflict, is more likely than a courtroom to allow for participation and reconciliation.

Mediation offers other benefits over and above reaching an agreement on restitution. The victim may feel some healing from the crime. The juvenile may feel more accountable and as a result may be more likely to comply with the restitution agreement. By intervening early, the first-time offender might be less likely to commit future violent acts.

It is anticipated that the Alaska Victim Offender Mediation Project will have a profound impact on future juvenile crime in Alaska and on the victims of crime. Mediation may succeed where juvenile justice has failed in reducing the number of violent youths in our society.

Sincerely,

A handwritten signature in cursive script that reads "Janice Lienhart".

Janice Lienhart, Executive Director
Victims for Justice

CORRECTION

THE FOLLOWING DOCUMENT(S)
HAVE BEEN REFILMED TO
ASSURE LEGIBILITY OR PAGINATION



Rev. 6/98

Central Microfilm Services
Department of Education
State of Alaska



Anchorage Youth Court
P.O. Box 102735
Anchorage, Alaska 99510
Phone: (907) 274-5986 • Fax: (907) 272-0491

January 31, 1997

Representative Brian Porter
State Capitol
Juneau, Alaska 99801-1182

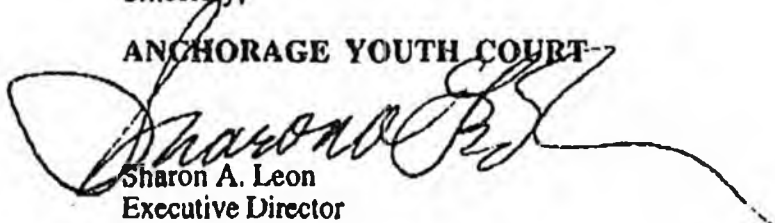
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Sincerely,

ANCHORAGE YOUTH COURT



Sharon A. Leon
Executive Director

Sincerely,

Mrs. Margaret
903 Cook Apt A12

Hodson

283-8780

Date POM Sent	Constituency	Bill Number	Response	Subject	Distribution	Affiliation	Reg Voter
U	N	HB 1	Opposes		60		01/2

I DON'T THINK THAT A CIGARETTE TAX WILL HELP CHILDREN, THEY WILL SMOKE ANYWAY. WHO IT WILL HURT WILL BE THOSE ALREADY PAYING TAXES SUCH AS SENIOR CITIZENS, OF WHICH I AM ONE. SMOKING IS ONE OF MY LAST ENJOYMENTS AND I DON'T WISH TO SEE ADDITIONAL TAXES PLACED ON IT.

short title CIGARETTE AND TOBACCO TAX

Ms. Tesha T Sanchez
5630 S Tahiti Lp

563-9894

Date POM Sent	Constituency	Bill Number	Response	Subject	Distribution	Affiliation	Reg Voter
Y	N	HB 1	Opposes		32		01/2

TODAY'S TELECONFERENCE WAS SCHEDULED AT A TIME WHEN I COULD NOT LEAVE WORK. PLEASE NOTE THAT I'M OPPOSED TO ANY NEW TAX. YOU PROMISED IN THE LAST ELECTION RACE NO NEW TAXES. PLEASE KEEP YOUR WORD ON THIS MATTER.

short title CIGARETTE AND TOBACCO TAX

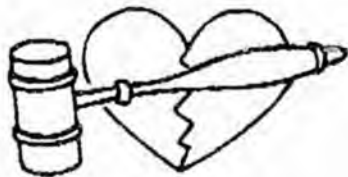
Mr. Aurelio N Galati
18520 King Eider Ln

257-1324

Date POM Sent	Constituency	Bill Number	Response	Subject	Distribution	Affiliation	Reg Voter
Y	N		None	TOBACCO	60		01/2

I WOULD SUPPORT AN INCREASE IN TOBACCO TAX OF AT LEAST ONE DOLLAR PER PACK. THIS IS A HEALTH ISSUE NOT JUST A TAX ISSUE. I BELIEVE MOST ALASKANS SUPPORT IT. I BELIEVE THE LEGISLATURE SHOULD GET BEHIND IT THIS YEAR.

short title

VICTIMS

for Justice 619 East Fifth Avenue • Anchorage, AK 99501
(907) 278-0977 • Fax: (907) 258-0740

January 21, 1997

Dear Representative Brian Porter,

As a founder of Victims for Justice and the Victim-Offender mediation project. I strongly support HB 7 Community Dispute Resolution Centers.

The main purpose of this legislation is to replace the nonparticipative courtroom with a new environment. Crime is viewed as a conflict between two people. Mediation, as process for mutual resolution of conflict, is more likely than a courtroom to allow for participation and reconciliation.

Mediation offers other benefits over and above reaching an agreement on restitution. The victim may feel some healing from the crime. The juvenile may feel more accountable and as a result may be more likely to comply with the restitution agreement. By intervening early, the first-time offender might be less likely to commit future violent acts.

It is anticipated that the Alaska Victim Offender Mediation Project will have a profound impact on future juvenile crime in Alaska and on the victims of crime. Mediation may succeed where juvenile justice has failed in reducing the number of violent youths in our society.

Sincerely,

A handwritten signature in cursive script that reads "Janice Lienhart".

Janice Lienhart, Executive Director
Victims for Justice

FISCAL NOTE

STATE OF ALASKA
1997 LEGISLATIVE SESSION

BILL NO. HB 7

Revision Date: _____ Dept. Affected: Department of Law
 Title: ... authorizing ... community dispute resolution BRU: Criminal Division/Civil Division
centers ... disputes between juvenile offenders and their victims Component: Criminal Division/General Legal Services
 Sponsor: Rep. Porter
 Requester: House Judiciary COMPONENT SERIAL NO. 2085/2087

Expenditures/Revenues

(Thousands of Dollars)

OPERATING EXPENDITURES	FY 98	FY 99	FY 00	FY 01	FY 02	FY 03
PERSONAL SERVICES						
TRAVEL						
CONTRACTUAL						
SUPPLIES						
EQUIPMENT						
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
TOTAL OPERATING	0.0	0.0	0.0	0.0	0.0	0.0

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

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

FUND SOURCE

(Thousands of Dollars)

1002 Federal Receipts						
1003 GF Match						
1004 GF						
1005 GF/Program Receipts						
1006 GF/MHTIA						
Other						
TOTAL	0.0	0.0	0.0	0.0	0.0	0.0

Estimate of any current year (FY97) cost: \$ 0.0

POSITIONS

FULL-TIME	0.0	0.0	0.0	0.0	0.0	0.0
PART-TIME						
TEMPORARY						

ANALYSIS: (Attach a separate page if necessary)

This bill amends AS 47.12 to authorize entities organized for the purpose of providing community mediation services to establish and operate community dispute resolution centers to resolve disputes between minors who are alleged to have committed offenses and the victims of those offenses. The bill also provides that the disposition of a juvenile court matter may include use of community dispute resolution centers. Use of a center would be voluntary for both juvenile offenders and their victims. Services provided by the centers will be either without charge, or based on the participants' ability to pay.

This bill would not have a fiscal impact on the Department of Law, because community dispute resolution centers would be operated by community entities and because of the voluntary nature of the bill's dispute resolution process.

Prepared by: Joan M. Kasson *Joan M. Kasson*
 Division: Administrative Services Division
 Approved by Commissioner: Bruce M. Botelho, Attorney General *Bruce M. Botelho for*
 Agency: Department of Law

Phone: 465-5370
 Date: 1/24/97
 Date: 1/24/97

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FISCAL NOTE

STATE OF ALASKA
1997 LEGISLATIVE SESSION

BILL NO. HB 7

Revision Date: _____
Title: Establish Dispute Resolution Centers
Sponsor: Representative Porter
Requestor: House (JUD)

Dept. Affected: Health and Social Services
BRU: Family and Youth Services
Component: DFYS Central Office
COMPONENT SERIAL NO. 259
See also (SN#): _____

Expenditures/Revenues:

(Thousands of Dollars)

OPERATING	FY98	FY99	FY00	FY01	FY02	FY03
PERSONAL SERVICES						
TRAVEL						
CONTRACTUAL						
SUPPLIES						
EQUIPMENT						
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
TOTAL OPERATING	0.0	0.0	0.0	0.0	0.0	0.0

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

CHANGES IN REVENUES ()						
-------------------------	--	--	--	--	--	--

FUND SOURCE

(Thousands of Dollars)

1002 Federal Receipts						
1003 GF Match						
1004 GF						
1005 GF/Program Receipts						
1037 GF/Mental Health						
Other (please specify)						
TOTAL	0.0	0.0	0.0	0.0	0.0	0.0

POSITIONS:

FULL-TIME						
PART-TIME						
TEMPORARY						

Estimate of any current year (FY97) cost: \$0.0

ANALYSIS: (Attach a separate page if necessary)

There would be no fiscal impact to the Division if this bill were to become law.

5/13/97

Prepared by: L. Diane Worley, Director
Division: Family & Youth Services
Approved by Commissioner: Karen Perdue, Commissioner
Agency: Department of Health & Social Services

Phone: 465-3191
Date: 01/30/97
Date: 1/30/97

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FISCAL NOTE

STATE OF ALASKA
1997 LEGISLATIVE SESSION

BILL NO. HB 7

Revision Date: _____
 Title: Victim/juvenile offender mediation
 Sponsor: Rep. Porter
 Requestor: House Judiciary

Dept. Affected: Alaska Court System
 BRU: Trial Courts
 Component: _____
 COMPONENT SERIAL NO. 768

Expenditures/Revenues (Thousands of Dollars)

OPERATING EXPENDITURES	FY 98	FY 99	FY 00	FY 01	FY 02	FY 03
PERSONAL SERVICES						
TRAVEL						
CONTRACTUAL						
SUPPLIES						
EQUIPMENT						
LAND & STRUCTURES						
GRANTS & CLAIMS						
MISCELLANEOUS						
TOTAL OPERATING	0.0	0.0	0.0	0.0	0.0	0.0

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

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

Fund Source (Thousands of Dollars)

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

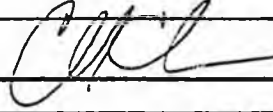
Estimate of any current year (FY 97) cost: None

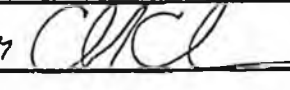
Positions

Full-Time						
Part-Time						
Temporary						

ANALYSIS: (Attach a separate page if necessary)

No fiscal impact.

Prepared by: C. S. Christensen III, Staff Counsel 
 Agency: Alaska Court System

Approved by: Arthur H. Snowden, II, Administrative Director 
 Agency: Alaska Court System

Phone: 264-8228
 Date: 01/29/97
 Date: 01/29/97

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