

CHAPTER 48

AN ACT

Relating to the juvenile code; amending sections 51-3-3, 51-3-9, 51-3-10, 51-3-15, and 51-3-16, ACLA, 1949.

(S. B. 7)

Be it Enacted by the Legislature of the Territory of Alaska:

Section 1. That Section 51-3-3, Alaska Compiled Laws Annotated, 1949, be amended so as to read as follows:

Sec. 51-3-3. **Jurisdiction.** Jurisdiction in cases of children under 18 years of age shall be vested in the Justice Court, which shall have exclusive original jurisdiction in proceedings concerning any child residing in this Territory who (1) has violated any law of the United States or the Territory; (2) by reason of being wayward or habitually disobedient is uncontrolled by his parent, guardian or custodian; (3) is habitually truant from school or home, or habitually so departs himself as to injure or endanger the morals or health of himself or others; (4) is abandoned by his parent, guardian or custodian; (5) lacks proper parental care by reason of the faults, habit or neglect of his parent, guardian or custodian; (6) associates with vagrant, vicious or immoral people, or engages in an occupation or

is in a situation dangerous to life or limb or injurious to the health, morals, or welfare of himself or others; (7) is mentally deficient or in need of special care or training provided his parent or guardian consents in writing that such child comes within the provisions of this Act; (8) is a full orphan who has no relatives willing and able to assume custody and care; (9) has been released by his parent or parents, or guardian, to the Department of Public Welfare for adoptive purposes.

The municipal magistrate's court shall have concurrent jurisdiction with the Justice Court in proceedings concerning any child who has violated any ordinance or regulation of the incorporated municipality; Provided, that, in the discretion of any municipal magistrate having jurisdiction, the minimum fine or sentence established by ordinance or regulation may be waived if, in the court's opinion, the imposition of such sentence or fine would be more severe than is reasonable and would work an

undue hardship on the child; Further Provided, that the procedure required in the Justice Court as stated in this Act and as prescribed in Secs. 51-3-4 to 51-3-8, inclusive, ACLA 1949, shall likewise be required in the municipal magistrate's court in the exercise of the jurisdiction herein granted to such magistrates.

The Justice Court shall also have exclusive jurisdiction in any controversy arising over the custody of a child, and to appoint a guardian of the person and property of any child within its jurisdiction; Provided, that such jurisdiction provision shall not be applicable in divorce or separate maintenance cases arising in the District Court, but in such cases the District Judge may, if he deems it best for the welfare of a child involved, order the child turned over to the custody of the Welfare Department. In such event the Welfare Department shall receive such support money as is ordered to be paid by the court and use same to carry out suitable arrangements for the child.

Section 2. That section 51-3-9, Alaska Compiled Laws Annotated, 1949, be amended so as to read as follows:

Sec. 51-3-9. Waiver of Jurisdiction. If a child under fourteen years of age is charged with an offense which, if committed by an adult, would constitute a felony,

the court after full investigation may waive the jurisdiction vested in it by this Act, and order such child held to await action by the grand jury; otherwise, the court shall proceed as herein provided.

If a child fourteen years of age or older is charged with an offense which, if committed by an adult, would constitute a felony, the court shall determine if there is reasonable ground for the charge; and if any reasonable ground appears, the court may order the child held to await action by the grand jury, and, if said child is held to answer to the grand jury, shall have no jurisdiction for further proceedings in the case unless referred back by the District Court for adjudication under the Juvenile Code.

Section 3. That section 51-3-10, Alaska Compiled Laws Annotated, 1949, be amended so as to read as follows:

Sec. 51-3-10. Hearing and judgment or order. The court may conduct the hearing in an informal manner in chambers or otherwise and may adjourn the hearing from time to time. In the hearing of any case, the public shall be excluded, but for good and sufficient reasons compatible with the best interests of the child, may permit others to be present; Provided, that the Department of Public Welfare shall be notified of the time set for any hearing, and shall have the

right to appear and be heard.

Proceedings under this Act shall be without jury and the rules of evidence may be relaxed.

If the court shall find the child falls within any of the provisions of this Act, an order shall be duly entered:

(1) Committing the child to the Territorial Department of Public Welfare without recommendation, or with recommendation for placement in a juvenile detention home, or other placement; or

(2) Releasing the child to the care and custody of the parent, guardian, or other suitable person, under the supervision of the Department of Public Welfare.

No adjudication upon the status of any child shall operate to impose any of the civil disabilities imposed by conviction upon a criminal charge, nor shall any child be deemed a criminal by such adjudication, nor shall such adjudication be deemed a conviction, nor shall any child be charged with or convicted of a crime in any court, except as provided in Section 9 of this Act (Sec. 51-3-9 herein). The commitment and placement of a child or any evidence given in the court shall not be admissible as evidence against the child in any case or proceedings, nor shall such commitment and placement

or evidence operate to disqualify a child in any future civil service examination or appointment in the Territory.

Upon entering an order of commitment the Court shall transmit a copy of its information and findings, together with the order of commitment to the Department of Public Welfare.

Section 4. That section 51-3-15, Alaska Compiled Laws Annotated, 1949, be amended so as to read as follows:

Sec. 51-3-15. Place of detention: Provision for temporary care. No child under eighteen (18) years of age shall be committed to a jail unless assigned to quarters separate and apart so that children detained cannot communicate with or view adult prisoners convicted of, under arrest for, or charged with crime; and no such child shall be detained in a jail pending hearing, or transfer to the custody of the Department of Public Welfare, except as provided above, and in no case shall a child be committed or detained in jail, except for his safety or that of others. Whenever a child is detained in jail or otherwise, his parent or parents, or guardian, and the Department of Public Welfare shall be notified immediately, and the detaining official may request the Department of Public Welfare to arrange other care for the child, in which case said Department shall as prompt-

ly as possible arrange other care for the child.

Whenever any child is committed under the provisions of this Act, the court may provide for his temporary care.

Section 5. That Section 51-3-16, Alaska Compiled Laws Annotated, 1949, be amended so as to read as follows:

Sec. 51-3-16. Department's duty and power as to care of child. The Department of Public Wel-

fare shall arrange for care of every child committed to its custody by placing him in a foster home or in the care of an agency or institution providing care for children within or outside the Territory of Alaska. The Department may place such child

in a suitable family home, with or without compensation, and may place any child released to it, in writing verified by the parent or parents, or guardian or other person having legal custody, for adoptive purposes, in a home for adoption in accordance with existing law. The Department is authorized to pay such costs of maintenance as may be necessary to assure adequate care of such child, and is also authorized to accept in behalf of the Territory such funds, from the Federal Government as may be contributed or granted to assist in carrying out the purposes of this Act, or as may be paid under contract entered into with any Federal department or agency. No child under the care of the Department shall be placed in a family home or institution that does not maintain adequate standards of care.

Approved March 22, 1955

CHAPTER 49

AN ACT

Relating to school maintenance, the submission and approval of school budgets, the manner of making payment to school districts; amending Section 37-3-61 ACLA 1949; amending Sections 37-3-62, 37-3-63, and 37-3-66 ACLA 1949, all as amended by Chapter 77, Session Laws of Alaska 1951, amending Section 5 of Chapter 77, Session Laws of Alaska 1951, and further amended as to Section 37-3-62 ACLA 1949