

private sources as may be offered unconditionally for carrying out the purposes of this Act. Gifts made under such conditions as in the judgment of the Alaska agency are proper and consistent with the provisions of this Act may be accepted and shall be held, invested, reinvested, and used in accordance with the conditions of the gift.

Sec. 37-9-14. Maintenance Not Assignable. The right of a handicapped individual to maintenance under this Act shall not be transferrable or assignable at law or in equity.

Sec. 37-9-15. Hearings. Any individual applying for or receiving vocational rehabilitation who is aggrieved by any action or inaction of the Alaska agency shall be entitled, in accordance with the regulations, to a fair hearing by the Alaska agency.

Sec. 37-9-16. Misuse of Vocational Rehabilitation Lists and Records. It shall be unlawful, except for purposes directly connected with the administration of the vocational rehabilitation program, and in accordance with regulations, for any person or persons to solicit, disclose, receive, or make use of, or authorize, knowingly permit, participate in,

or acquiesce in the use of any list of, names of, or any information concerning, persons applying for or receiving vocational rehabilitation, directly or indirectly derived from the records, papers, files, or communications of the Territory of subdivisions or agencies thereof, or acquired in the course of the performance of official duties. Any officer or employee violating this provision shall be subject to discharge or suspension.

Sec. 37-9-17. Limitation on Political Activity. No officer or employee engaged in the administration of the vocational rehabilitation program shall use his official authority to influence or permit the use of the vocational rehabilitation program for the purpose of interfering with an election or affecting the results thereof or for any partisan political purpose. No such officer or employee shall solicit or receive, nor shall any officer or employee be obliged to contribute or render, any service, assistance, subscription, assessment, or contribution for any political purpose. Any officer or employee violating this provision shall be subject to discharge or suspension.

Sec. 5. Statutes Repealed. Chapter 55 SLA 1955 and Chapter 79 SLA 1955 are hereby repealed.

Approved April 1, 1957

CHAPTER 145

AN ACT

Establishing jurisdiction over juveniles in the justices' courts; providing for procedures for hearings; creating a Board of Juvenile Institutions; providing for juvenile detention homes; setting forth duties of Depart-

ment of Public Welfare; repealing Sections 51-3-1 through 51-3-19 ACCLA 1949, Chapter 48 SLA 1955 and Chapter 134 SLA 1955; and authorizing an appropriation.

(S. B. 86)

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

Article I

Juvenile Courts

Section 1. **Definitions.** For the purposes of this Act, words and phrases shall have the following meaning, unless other meaning is apparent from the context:

(a) A "minor" shall be considered any child not having yet reached his eighteenth birthday.

(b) A "juvenile detention home" or "detention home" shall be a separate establishment, exclusively devoted to the detention of minors on a short-term basis and not a part of any adult jail.

(c) A "juvenile detention facility" shall mean separate quarters within a city jail used for the detention of delinquent juveniles.

(d) A "delinquent minor" shall be any minor who the court shall determine to be within the provisions of subsections 1, 2, 3, or 6 of Section 4 of this Article.

(e) A "dependent minor" shall be any minor who the court shall determine to be within the provisions of subsections 4, 5, 6, 7, 8, or 9 of Section 4 of this Article.

(f) "Court" shall mean the justices' courts of the Territory of Alaska.

(g) The singular includes the plural, the plural the singular, and the masculine the feminine, when consistent with the intent of the Act.

Sec. 2. **Purpose of Act.** The purpose of this Act is to secure for each minor such care and guidance as is as nearly as possible equivalent to that which should be given him by his parents.

The principle is hereby recognized that minors under the jurisdiction of the court are wards of the Territory, subject to its discipline and entitled to its protection, and that the Territory may act to safeguard them from neglect or injury and to enforce the legal obligations due to them and from them.

Sec. 3. **Construction of Act.** The Act shall be liberally construed to accomplish the purpose herein stated.

Sec. 4. **Jurisdiction.** Except as otherwise provided herein, and subject to the prior jurisdiction of the United States District Court in Alaska, jurisdiction in cases of minors under eighteen years of age shall be vested in the justices' courts, which shall have exclusive original jurisdiction in proceedings concerning any minor residing or found in this Territory who:

(1) has violated any law of the United States or the Territory, or any ordinance or regulation of a political subdivision of 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 conducts 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 a full orphan who has no relatives willing and able to assume custody and care;

(8) has been released by his parent or parents, or guardian, to the Department of Public Welfare for adoptive purposes; or

(9) is in need of special care or training not otherwise provided.

Provided, that said justice's court may waive jurisdiction to the city magistrate's court in the case of a minor who has violated any traffic ordinance or regulation of an incorporated municipality; Provided further, that when jurisdiction is so waived to the magistrate's court, the procedure prescribed in Sections 5 through 10 of this Article need not be followed, except that a parent, guardian or legal custodian shall be present at all proceedings in the magistrate's court.

The justice's court shall also have exclusive jurisdiction in any controversy concerning the custody of a minor, except divorce actions, actions for separate maintenance and actions under the Uniform Re-

ciprocal Enforcement of Support Act. The justice's court shall have the power to appoint a guardian of the person and property of any minor within its jurisdiction and shall have the power to order support from either parent or from both. In any of the aforesaid actions cognizable in the District Court, the District Court may order the minor delivered to the custody of the Welfare Department, if the Court deems such action in the best interest of the minor, and in such case the Welfare Department shall receive such money as the Court may order paid for the support of the child.

Sec. 5. Information: Investigation: Petition. Whenever any person informs the court of such facts as shall bring a minor within the purview of this Act, the court shall appoint a competent person or agency to make a preliminary inquiry and report for the information of the court to determine whether the interests of the public or of the minor require that further action be taken. Upon the receipt of such report, the court may informally adjust or dispose of the matter without a hearing, or it may authorize any person having knowledge of the facts of the case to file with the court a petition setting forth said facts. Where the court informally adjusts or disposes of the matter, the minor shall not be detained or taken into the custody of the court, and the matter shall be closed by the court upon such adjustment or disposition.

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

include the following information:

(1) The name, address and occupation of the petitioner, together with his relationship to the minor, if any, and his interest in the matter.

(2) The name, age and address of the minor.

(3) A brief statement of the facts which bring the minor within the purview of this Act.

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

(5) The name and address of the minor's guardian, or of the person having control or custody of the minor. If any of the facts herein required are not known by the petitioner, he shall state in his petition that such facts are unknown to him.

Sec. 6. Summons: Notice: Subpoenas: Custody of Minor. After a petition has been filed and after such further investigation as the court may direct, and if the person or persons having custody or control of the minor have not appeared voluntarily, the court shall issue a summons reciting briefly the substance of the petition and directing the person or persons having custody or control of the minor to appear personally in court with the minor at such place and at such time as may be set forth in the summons. If any person so summoned shall be other than the parent or guardian of the minor, the court shall also give the parent or guardian notice of the place, date and time of the hearing. The court may also subpoena the parent of the minor, or any other person whose testimony may be necessary at the hearing. A summons, subpoena or any other process may be

served by any person authorized under Alaska law to make such service. Where personal service cannot be effected, the court may direct that service of process be made by registered mail.

If it appears that the minor is in such condition or surroundings that his welfare requires the immediate assumption of his custody by the court, the court may order, by endorsement upon the summons, that the officer serving the same shall at once take the minor into custody and make such temporary placement as the court may direct.

Sec. 7. Release of Minor. Any minor taken into custody may, in the discretion of the court and upon the written promise of the parent, guardian or custodian to bring the minor before the court at any time specified by the court, be released to the care and custody of the said parent, guardian or custodian. Such minor, if not so released, shall be detained as provided under Section 15 of this Act. The court may determine whether the father or mother, or any other person, shall have the custody and control of the minor for the duration of said proceedings. If the minor is over fourteen (14) years of age, his desires in the matter shall be given consideration by the court.

Sec. 8. Appointment of Guardian Ad Litem. Whenever in the course of proceedings instituted under this Act it shall appear to the court that the welfare of a minor will be promoted by the appointment of a guardian ad litem, the court shall have jurisdiction to make such appointment.

Sec. 9. Waiver of Jurisdiction. If a minor over sixteen (16) years of age is charged with an offense which, if committed by an adult,

would constitute a felony, the court, after a preliminary hearing, may waive the jurisdiction vested in it by this Act, and order such minor transferred to the jurisdiction of the District Court to answer the offense charged.

Sec. 10. Hearings: Notice: Exclusion of Public: Judgments and Orders: Confidentialness of Records: Disclosure of Child's Name: Penalties.

(1) Hearings. The court may conduct the hearing in an informal manner in the courtroom or in chambers. All hearings under this Act shall be without a jury and the usual rules of evidence shall not apply. The court shall give notice of the hearing to the Department of Public Welfare and to the Department of Juvenile Institutions, which departments shall each have the right to send a representative to the hearing. The court shall also transmit a copy of the petition to each department. The representatives of said departments shall also have the right to be heard at the hearing. The public shall be excluded from all hearings, but the court, in its discretion, may permit certain persons to attend a hearing, if such attendance shall be compatible with the best interests of the minor.

(2) Judgments and Orders. The court, upon the conclusion of the hearing, shall make a determination and enter a judgment either finding that the minor does not fall within the purview of this Act, or that he falls within a provision or provisions of Section 4 of this Article. If the minor is found not to fall within the purview of this Act, the court shall forthwith order his release from its custody and his return to his parents, guardian or custodian, and the case shall

thereafter be closed by the court. If the court shall find that the minor falls within the purview of this Act, the court may enter any one of the following orders:

(a) If the child is found by the court to be a "delinquent minor" as defined in Section 1(d) of this Article, the court may commit the minor to the custody of the Department of Juvenile Institutions for a specified period, not to exceed three years, and direct his detention in such juvenile correctional school, detention home, or detention facility as the Department may designate.

(b) If the child is found by the court to be a "dependent minor" as defined in Section 1(e) of this Article, the court may commit the child to the Department of Public Welfare for a specified period not exceeding three years.

(c) In every case where the minor is found either delinquent or dependent, as defined in this Article, the court may release the minor to the custody of his parents, guardian or any other suitable person. A delinquent minor so released shall be subject to the general supervision of the Department of Juvenile Institutions, and a dependent child so released shall be subject to the general supervision of the Department of Public Welfare.

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 appropriate Territorial department. A report as to the disposition and progress of the case shall be made to the court committing the minor by the agency

or person to whom the minor is committed, at such times as the court may require. Either Department may petition the court for final release of a minor from its custody.

No adjudication upon the status of any child shall operate to impose any of the civil disabilities ordinarily imposed by conviction upon a criminal charge, nor shall any minor be thereafter deemed a criminal by such adjudication, nor shall such adjudication be thereafter deemed a conviction, nor shall any minor be charged with or convicted of a crime in any court, except as provided in this Act. The commitment and placement of a child or any evidence given in the court shall not be admissible as evidence against the minor in any subsequent case or proceedings in any other court, nor shall such commitment and placement or evidence operate to disqualify a minor in any future civil service examination or appointment in the Territory.

The Department of Juvenile Institutions shall pay all court costs incurred in all proceedings in connection with the adjudication of delinquency under this Act, including hearings which result in the release of the minor.

(3) Records. The court shall make and keep records of all cases brought before it. The court's official records may be inspected only with the court's permission and only by persons having a legitimate interest therein. All information and social records pertaining to a minor and prepared in the discharge of his official duty by any employee of the court or by a Federal, Territorial or city agency shall be privileged and shall not be disclosed directly or indirectly to

anyone without the court's permission. Any Territorial or city law enforcement agency shall be required to disclose any information regarding such case as shall be required by the person or agency charged with making a preliminary investigation for the information of the court.

(4) Disclosure of name of or taking picture of minor. The name or picture of any minor under the jurisdiction of the court shall not be made public by any newspaper, radio, or television station in connection with said minor's status as a delinquent or dependent child, except as authorized by order of the court. Any person who violates this provision shall be guilty of a misdemeanor, and upon conviction may be punished by a fine not exceeding \$500.00 or by imprisonment not exceeding one year, or by both such fine and imprisonment.

Sec. 11. Retention of Jurisdiction: Stay of Execution: Amending: Vacating or Arresting Judgment: New Hearing: Release of Custody: Duration of Department's Control. The court shall retain jurisdiction over the case and may at any time stay execution, modify, set aside, revoke, or enlarge a judgment or order, or grant a new hearing, in the exercise of its power of protection over the minor and for his best interest, until he becomes 21 years of age, unless sooner discharged by the court. An application for any such purpose may be prepared by the parent, guardian, or custodian acting in behalf of the said minor, or the court may, on its own motion, and after giving reasonable notice to interested parties and the appropriate department, take such action as it may deem appropriate. Upon any rehearing, if the court shall determine that it is for the

best interests of the said minor that he be released to the care or custody of his parent, guardian, or custodian, it may enter an order to that effect and the minor shall thereupon be discharged from the control of the Department in whose custody he has been committed.

Where a minor has been adjudicated a delinquent or a dependent before his eighteenth birthday, the court may retain jurisdiction over him after his eighteenth birthday for the purpose of supervising his rehabilitation, but in no case shall the court's jurisdiction over him under this Act extend beyond his twenty-first birthday. The Department of Juvenile Institutions and the Department of Public Welfare may likewise retain jurisdiction over a child between his eighteenth and twenty-first birthdays for the purpose of supervising his rehabilitation, where he was adjudicated and committed to the custody of either department before his eighteenth birthday.

Sec. 12. Appointment of Guardian or Custodian. Whenever in the course of a proceeding instituted under this Act it shall appear to the court that the welfare of a minor will be promoted by the appointment of a guardian or custodian of his person, the court shall have jurisdiction to make such appointment. The court shall cause a summons to be issued and served upon the parents of such minor, if they can be found, in such manner and within such time prior to the hearing as the court may deem reasonable. The court may determine whether the father, mother, the Department of Public Welfare, or the Department of Juvenile Institutions shall have the custody and control of the minor. If the minor is over fourteen (14)

years of age, his desires in the matter shall be given consideration by the court.

Sec. 13. Support of Minor. Whenever a minor is committed under the provisions of this Act the court may, after giving the parent a reasonable opportunity to be heard, adjudge that such parent shall pay in such manner as the court may direct such sum as will cover in full or in part the support of such minor and if such parent shall willfully fail or refuse to pay such sum, he may be proceeded against as provided by law in cases of family desertion and non-support.

Any sum collected from any parent shall be directly credited or applied to the support of his child and the Department or agency in whose custody he may be placed is hereby authorized to receive such support payments.

Sec. 14. Place of Detention. No minor under eighteen (18) years of age who is detained pending hearing shall be incarcerated in a jail unless assigned to separate quarters so that they cannot communicate with or view adult prisoners convicted of, under arrest for, or charged with a crime. Whenever a minor is detained pending hearing, his parent or parents, guardian, or custodian shall be notified immediately.

Sec. 15. Saving Power of Arrest. Nothing in this Act shall be construed as forbidding any peace or police officer from immediately taking into custody and detaining without process, subject to the provisions of Section 14, any minor who is found violating any law or ordinance, or who is reasonably believed to be a fugitive from justice, or from his parents, guardian, or other person having legal custody

of the minor. In every such case, the officer taking the minor into custody shall immediately report the fact to the court. The court shall then confirm in writing its directive in such cases.

Article II

Department of Juvenile Institutions

Section 1. Board: Creation: Appointment: Terms. There is hereby created a Board of Juvenile Institutions, which shall be composed of five members. One member shall be appointed from each division, and one from the Territory at large. The term of each member shall be five years. The present members of the Board of Juvenile Institutions created under Chapter 134, SLA 1955, shall be the first members of the Board under this Act, and shall serve for the terms for which they have been duly appointed and confirmed. Vacancies on the Board at the passage of this Act shall be filled by appointment of the Governor for the periods designated in Section 1, Chapter 134, SLA 1955. The members of the Board shall serve until the expiration of their terms and new appointees shall serve for the full five-year term. Confirmation of appointments shall be made in accordance with Chapter 64, SLA 1955.

Sec. 2. Board: Meetings: Expenses. Members of the Board shall receive no salary, but shall be entitled to the amount of per diem and expenses authorized by general law. The Board shall meet at such times and places as may be necessary to carry out the duties imposed by this Act. The Board may adopt rules for the performance of its functions, and shall elect a chairman and vice-chairman from from its membership.

Sec. 3. Board: General Powers. The Board of Juvenile Institutions shall have, but not by way of limitation, the following powers:

(a) To supervise all operations of the Department of Juvenile Institutions.

(b) To appoint a qualified Director of Juvenile Institutions, who shall be the executive officer and secretary of the Board; to fix his compensation and set such policies and staffing procedures as is necessary for the efficient conduct of the work of the office of the director.

(c) To supervise the expenditure of such funds as may be appropriated.

(d) To approve the purchase, lease or construction of buildings or other juvenile detention facilities as are hereinafter provided for in this Act.

(e) To approve, modify or alter the findings and recommendations of the Director regarding the need, number, type, construction, maintenance and operating costs of juvenile homes, juvenile detention facilities, and other juvenile institutions, and to adopt plans for construction of such homes, facilities and institutions.

(f) To adopt rules, standards and regulations pursuant to this Act for the design, construction, repair, maintenance and operation of all juvenile detention homes, facilities, and institutions in Alaska.

(g) To review and approve or disapprove the selection by the Director of the site, plans, specifications and erection of buildings for such juvenile detention homes and facilities, or other such institutions as may be constructed, and to re-

quire the Director to inspect periodically each such juvenile detention home, facility or other such institution, to insure that the standards and regulations adopted are being maintained.

(h) To reimburse cities maintaining and operating juvenile detention homes and facilities in accordance with the provisions hereinafter set forth.

(i) To enter into appropriate contracts and arrangements with cities and Territorial and Federal agencies to carry out the purposes of this Act.

(j) To do all other acts necessary to carry out the purposes of this Act.

(k) To delegate to the Director any or all of the above powers it deems necessary for the efficient administration of the Act.

(l) To adopt such rules and regulations as may be necessary to carry out the provisions of this Act.

(m) To accept donations, gifts or bequests of money or other property to be used in the construction of juvenile homes or detention facilities.

(n) To assume the operation of juvenile homes when municipalities are unable to continue their operation.

(o) To receive, care for, and place in a juvenile detention home, the minors own home, a foster home, or correctional school or treatment institution all minors committed to its custody under this Act.

Sec. 4. Director: General Powers and Duties. The Director shall be the executive and administrative head of the Department of Juve-

nile Institutions, and shall have the power and duty to:

(a) Exercise under the general supervision of the Board the activities of the Department of Juvenile Institutions.

(b) Appoint and remove employees, prescribe their qualifications and duties, and fix their compensation.

(c) Organize and administer the Department in accordance with the provisions of the Act.

(d) Delegate and assign to any duly appointed assistant, specialist or employee such duties as may be required of him.

(e) Enter into, with the prior approval of the Board, contracts with any Federal, Territorial or city agencies to carry out the purposes of this Act.

(f) Accept all minors committed to the custody of the Department of Juvenile Institutions and to provide for the welfare, control, care, custody and placement of such children in accordance with the provisions of this Act.

(g) Require and collect statistics on juvenile offenses and offenders handled by all municipal and justice courts in Alaska having juvenile jurisdiction.

(h) Do all other acts necessary and within his powers and duties to carry out the provisions of this Act.

(i) Conduct studies and prepare findings and recommendations to the Board on the need, number, type, construction, maintenance and operating costs of juvenile homes, facilities and such other institutions, and to adopt and submit a plan for construction of such

homes, facilities and institutions when needed, together with a plan for financing such construction programs.

(j) Examine, where possible, all facilities, institutions and places of juvenile detention in Alaska and inquire into their methods and the management of juveniles therein.

Sec. 5. Cities: Power to Maintain and Operate Home or Facility. Any incorporated municipality having a population of 1700 or more, according to the last preceding decennial census, or found by the Board to presently have a population of 1700 or more, may maintain and operate a juvenile detention home or facility.

Said municipalities are further authorized to receive any grants-in-aid from the Territorial Government for costs of operation of such homes or facilities as may be authorized by law.

Sec. 6. Application of Municipalities for Juvenile Home or Facility. Any authorized municipality may, by written application, request the Board to furnish a juvenile detention home or contribute to the support of a juvenile detention facility within said municipality or reasonably close thereto. The application shall be in such form, and shall contain such data and other information as may be required by the Board.

Sec. 7. Board: Power to Provide Home or Contribute to Support of Detention Facility.

(1) Juvenile home. Upon the approval of the application of any municipality for such juvenile home, the Board shall have the power to construct, lease, or purchase such home, or it may reim-

burse the municipality for the cost of constructing such home.

(2) Juvenile detention facility. Upon the approval of the municipality's application for support of a juvenile detention facility, the Board shall have the power to contract with the municipality for the payment of monies to support such facility.

No juvenile homes shall be constructed under this Act either by the Territory, or by the municipality when the Territory will be requested to reimburse the municipality for such construction, unless the plans and specifications for such homes shall have been first approved by the Board of Juvenile Institutions. No juvenile homes constructed wholly with Territorial funds shall revert or be transferred to the municipality without just compensation to the Territory.

Sec. 8. Operation of Homes and Facilities.

(1) Standards, rules and regulations for operation. The Board of Juvenile Institutions, through the Director of the Department, shall promulgate standards, rules and regulations for the operation of all juvenile detention homes and juvenile detention facilities in Alaska.

(2) Operating contracts; In general. The Board, through the Director of Juvenile Institutions, may enter into contracts with municipalities covering operation of juvenile homes and facilities, but such contracts shall not be made for a longer period than two years. Such contracts shall cover, but shall not be limited to, the number and kinds of employees; salaries, hours of work, qualifications, and working conditions of employees; and other matters relating to the operation of

said homes and facilities. Such contracts may be cancelled by the Board of Juvenile Institutions upon thirty days' notice to the municipality for failure of the municipality to abide by the rules, regulations and standards adopted by the Board.

(3) Contracts with municipalities for care of resident children. The Board, through the Director, may enter into a contract with any municipality having a juvenile detention home or facility to provide for the commitment of resident juveniles in its home or facility. The Board of Juvenile Institutions is authorized to pay not more than fifty per cent of the cost of caring for such resident children in the municipality's home or facility.

(4) Contracts with municipalities having home or facility to receive non-resident children. The Board, through the Director of Juvenile Institutions, may enter into a contract with any municipality having a juvenile detention home or facility for the commitment in the municipality's home or facility of children who live outside of said municipality. No contract shall be made for a period of longer than two years. Every municipality having a juvenile home or facility shall be required to receive such non-resident children, when vacancies exist in said home or facility and the receipt of said non-resident children is not inconsistent with the receiving municipality's needs for its own juveniles. Where the child committed is a resident of another municipality, said municipality and the Board shall each pay fifty per cent of the cost of caring for said child during his commitment. Where the child is not a resident of any muni-

cipality, the Board shall pay the entire cost of his care. In no event shall the municipality having detention facilities pay the cost of caring for non-resident children.

(5) Contracts with municipalities not having juvenile home or detention facility. The Board, through the Director, may enter into a contract with municipalities not having a juvenile detention home or facility which provides for the commitment of resident minors in a home or facility in some other municipality. Such contract shall not be made for a period longer than two years. Such municipality not having a juvenile detention home or facility shall pay fifty per cent of the cost of caring for said children in a home or facility in some other city.

(6) Contracts with municipalities not having juvenile detention home or facility where minor committed to Board by city magistrate. The Board, through the Director, may enter into a contract with any municipality not having a juvenile home or detention facility to provide for the care, in detention homes or facilities in other municipalities, of juveniles committed to the Department by the city magistrate. No contract shall be made for a longer period than two years. The municipality having no detention facilities and the Board shall each bear fifty per cent of the cost of caring for said child during his commitment in such other city.

(7) Contracts with municipality for detention of minor before commitment. The Board, through the Director, may contract with any municipality having juvenile detention facilities for the detention of any minor who is in the custody

of the Board prior to a hearing and adjudication of the said child's status. No contract shall be made for a longer period than two years. If the child detained prior to the hearing is a resident of the municipality in which he is detained, said municipality and the Board shall each bear fifty per cent of the cost of his care while so detained. If the child is not a resident of the municipality in which he is detained, the Board shall pay the cost of his detention, or, if the child is a resident of another municipality, the Board and the municipality in which the child resides shall each pay fifty per cent of the cost of his care prior to said hearing and adjudication.

Sec. 9. Conditions Governing Detention. Whenever the court commits a minor to the custody of the Director, the latter shall arrange to place such juvenile in a detention home, facility or such other suitable place as the Director may designate for that purpose. A juvenile detained in a jail or similar institution at the request of the Director shall be held in custody in a room or other place apart and separate from adults.

Sec. 10. Releasing Juveniles After Commitment. A juvenile delinquent who has been committed and who by his conduct has given sufficient evidence that he has reformed, may be released at any time under such conditions and regulations as the Board of Juvenile Institutions deems proper, if it shall appear to the satisfaction of such Board that there is a reasonable probability that the juvenile will remain at liberty without violating the law.

Sec. 11. Powers and Duties of Probation Officers. The Board of Juvenile Institutions, through its

Director, may employ youth counsellors who shall exercise the duties of probation officers and shall prepare preliminary investigations for the information of the court. They shall also carry out such other duties in the care and treatment of minors as is consistent with the intent of this Act.

All youth counsellors shall possess all of the powers of a peace officer with respect to the service of process, the making of arrests of minors who have violated Territorial or municipal law, and the execution of orders of the court relating to juveniles. Such youth counselors shall assist and advise the courts in the furtherance of the welfare and control of any minor under the court's jurisdiction.

Sec. 12. Transfer of Custody between Departments. All minors who are adjudged delinquent within the meaning of this Act while in the custody of the Department of Public Welfare shall be transferred to the custody of the Department of Juvenile Institutions. Upon such transfer, the Department of Public Welfare shall be relieved of all responsibility for the minor whose custody has been transferred. The Department of Public Welfare shall transfer to the Department of Juvenile Institutions all records pertaining to the minor whose custody has been transferred.

Sec. 13. Grants-In-Aid. The Board of Juvenile Institutions is hereby authorized to accept any grants-in-aid from the Federal Government, private foundations or gifts consistent with the purposes of this Act.

Sec. 14. Merit System. The Board of Juvenile Institutions is hereby authorized, at its option, to become a member of the Alaska Merit Sys-

tem or such other merit system as may be necessary to qualify for special federal funds.

Article III

Duties of Department of Public Welfare

Section 1. **Powers and Duties with Respect to Care of Child.** The Department of Public Welfare 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.

Sec. 2. **Visiting Home or Institution Where Child Placed: Removal of Child: Reports.** A representative of the Department shall visit as often as is deemed necessary, every foster home or institution in which any child has been placed, and if not satisfied as to the care given,

may remove such child from the foster home or institution and place him elsewhere.

Any person or institution receiving any such child shall submit such reports as to the education, health and welfare of the child and the conditions under which he is living, as may be required by the Department.

Sec. 3. **Standards of Care.** The Department of Public Welfare shall establish standards of care and rules and regulations desirable for the welfare of any child under its care.

Sec. 4. **Payment of Costs.** To carry this Act into effect, the proper and necessary costs of the court and witnesses and other expenses necessarily incurred in enforcement of this article shall be borne by the Department of Public Welfare from funds made available to it under the provisions of this Act.

Article IV

Appropriations, Repealer and Severability

Section 1. **Appropriation.** Funds to carry out the provisions of this Act shall be provided for in the General Appropriation Act of the Alaska Legislature.

Sec. 2. **Repeal of Certain Legislation Relating to Juveniles.** Sections 51-3-1 through 51-3-19 ACLA 1949; Chapter 48, SLA 1955; and Chapter 134, SLA 1955, are hereby repealed.

Sec. 3. **Severability.** The fact that any section, subsection, sentence, clause or phrase in this Act is declared invalid for any reason shall not affect the remaining portions of this Act.