



# LAWS OF ALASKA

1996

**Source**  
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**Chapter No.**  
59

## AN ACT

Rearranging existing provisions of AS 47.10 into chapters separately addressing the topics of children in need of aid, delinquent minors, and the institutions, facilities, and management, administration, and oversight of programs relating to minors, and conforming references and making other conforming changes due to that rearrangement; amending the manner of determining support obligations for children in need of aid and delinquent minors; amending the purpose of delinquency provisions; amending hearing procedures used in delinquency proceedings; amending provisions relating to enforcement of a restitution order entered against a minor; setting out the considerations to be given by a court in making its dispositional orders for minors adjudicated delinquent; authorizing municipalities to establish curfews for minors by ordinance; relating to enforcement of truancy under the compulsory school attendance law; and amending Rule 23(d), Alaska Delinquency Rules.

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

THE ACT FOLLOWS ON PAGE 1

**Approved by the Governor:** June 12, 1996  
**Actual Effective Date:** September 10, 1996

AN ACT

1 Rearranging existing provisions of AS 47.10 into chapters separately addressing the topics of  
2 children in need of aid, delinquent minors, and the institutions, facilities, and management,  
3 administration, and oversight of programs relating to minors, and conforming references and  
4 making other conforming changes due to that rearrangement; amending the manner of  
5 determining support obligations for children in need of aid and delinquent minors; amending the  
6 purpose of delinquency provisions; amending hearing procedures used in delinquency  
7 proceedings; amending provisions relating to enforcement of a restitution order entered against  
8 a minor; setting out the considerations to be given by a court in making its dispositional orders  
9 for minors adjudicated delinquent; authorizing municipalities to establish curfews for minors by  
10 ordinance; relating to enforcement of truancy under the compulsory school attendance law; and  
11 amending Rule 23(d), Alaska Delinquency Rules.

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

3 (a) Notwithstanding AS 13.46.085 or the appointment of a guardian of the  
4 property of the minor under AS 47.10.010(c), when a minor who is in the custody of this  
5 state under AS 47.10 or AS 47.12 [AS 47.10.010(a)(2)] or of another state under a  
6 provision similar to AS 47.10 or AS 47.12 [AS 47.10.010(a)(2)] becomes entitled to  
7 receive dividends or other distributions resulting from the ownership of stock or a  
8 membership in a corporation organized under this chapter and under 43 U.S.C. 1601 -  
9 1641 (Alaska Native Claims Settlement Act), the corporation paying the dividends or  
10 making the other distributions shall retain the dividends and other distributions in an  
11 interest bearing account for the benefit of the minor during the state custody.

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

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

- 17 (A) criminal history record information;  
18 (B) nonconviction information;  
19 (C) correctional treatment information;  
20 (D) information relating to a person to be located, whether or not  
21 that person is wanted in connection with the commission of a crime;

22 \* Sec. 3. AS 14.30.030 is repealed and reenacted to read:

23 Sec. 14.30.030. PREVENTION AND REDUCTION OF TRUANCY. The  
24 governing body of a school district, including a regional educational attendance area,  
25 shall establish procedures to prevent and reduce truancy.

26 \* Sec. 4. AS 22.07.020(a) is amended to read:

- 27 (a) The court of appeals has appellate jurisdiction in actions and proceedings  
28 commenced in the superior court involving:  
29 (1) criminal prosecution;  
30 (2) post-conviction relief;

1 (3) [CHILDREN'S COURT] matters under AS 47.12  
2 [AS 47.10.010(a)(1)], including waiver of [CHILDREN'S COURT] jurisdiction over a  
3 minor under AS 47.12.100 [AS 47.10];

4 (4) extradition;

5 (5) habeas corpus;

6 (6) probation and parole; and

7 (7) bail.

8 \* Sec. 5. AS 22.15.100 is amended to read:

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

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

15 (2) of a notary public;

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

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

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

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

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

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

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

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

7 \* Sec. 6. AS 25.27.125(b) is amended to read:

8 (b) The annual estimated balance in the account maintained by the commissioner  
9 of administration under AS 37.05.142 may be used by the legislature to make  
10 appropriations to the Department of Health and Social Services to carry out the purposes  
11 of ~~AS 47.14.100 - 47.14.130~~ [AS 47.10.230 - 47.10.260] and AS 47.25.310 - 47.25.420.

12 \* Sec. 7. AS 29.35 is amended by adding a new section to read:

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

17 \* Sec. 8. AS 36.30.850(b)(11) is amended to read:

18 (11) agreements with providers of services under AS 44.47.250;  
19 AS 47.07; AS 47.08; AS 47.10; ~~AS 47.12; AS 47.14~~; AS 47.17; AS 47.24;  
20 AS 47.25.195, and 47.25.310;

21 \* Sec. 9. AS 43.23.065(b) is amended to read:

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

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

26 (2) court ordered restitution under AS 12.55.045 - 12.55.051, 12.55.100,  
27 or ~~AS 47.12.120(b)(4)~~ [AS 47.10.080(b)(4)];

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

29 (4) court ordered fines;

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

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

1 costs;

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

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

7 \* **Sec. 10.** AS 44.21.410(a) is amended to read:

8 (a) The office of public advocacy shall

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

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

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

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

24 (5) provide legal representation and guardian ad litem services under  
25 AS 25.24.310; in cases arising under AS 47.15 (Uniform Interstate Compact on  
26 Juveniles); in cases involving petitions to adopt a minor under AS 25.23.125(b) or  
27 petitions for the termination of parental rights on grounds set out in AS 25.23.180(c)(3);  
28 in cases involving petitions to remove the disabilities of a minor under AS 09.55.590; in  
29 children's proceedings under AS 47.10.050(a) or under AS 47.12.090; and in cases  
30 involving indigent persons who are entitled to representation under AS 18.85.100 and  
31 who cannot be represented by the public defender agency because of a conflict of

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1 interests;

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

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

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

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

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

15 \* Sec. 11. AS 44.29.022(a) is amended to read:

16 (a) The commissioner of health and social services may establish by regulation  
17 a schedule of reasonable fees for services provided by the Department of Health and  
18 Social Services under AS 44.29.020(a)(1) - (8), AS 47.10, AS 47.12, AS 47.14,  
19 AS 47.30.655 - 47.30.910, and AS 47.80.100 - 47.80.170. The fee established for a  
20 service may not exceed the actual cost of providing the service. The commissioner may  
21 define or establish the "actual cost of providing a service" by regulation. The Department  
22 of Health and Social Services shall charge and collect the fees established under this  
23 subsection. The department may waive collection of a fee upon a finding that collection  
24 is not economically feasible or in the public interest.

25 \* Sec. 12. AS 44.41.025(c) is amended to read:

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

29 \* Sec. 13. AS 44.47.200 is amended to read:

30 Sec. 44.47.200. LEGAL ASSISTANCE AND JUVENILE JUSTICE GRANT  
31 FUND. There is created in the department the legal assistance and juvenile justice grant

1 fund. From legislative appropriations to the fund, the department shall make grants  
2 (1) to eligible communities and regions for the purpose of enabling them  
3 to obtain legal assistance; and  
4 (2) to a nonprofit corporation established under AS 47.12.400  
5 [AS 47.10.265] to operate as a youth court.

6 \* Sec. 14. AS 44.47.210(b) is amended to read:

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

13 \* Sec. 15. AS 44.47.220(b) is amended to read:

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

20 \* Sec. 16. AS 44.66.010(a)(17) is amended to read:

21 (17) Citizens' Review Panel for Permanency Planning under  
22 AS 47.14.200 [AS 47.10.400] -- June 30, 1997;

23 \* Sec. 17. AS 47.10.010(a) is amended to read:

24 (a) Proceedings relating to a minor under 18 years of age residing or found in the  
25 state are governed by this chapter, except as otherwise provided in this chapter, when the  
26 court finds the minor

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

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

30 ~~(1)~~ [(A)] the child being habitually absent from home or refusing to  
31 accept available care, or having no parent, guardian, custodian, or relative caring or

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1 willing to provide care, including physical abandonment by

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

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

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

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

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

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

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

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

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

25 (a) Whenever circumstances subject a minor to the jurisdiction of AS 47.10.010 -  
26 47.10.142, the court shall

27 [(1) PROVIDE, UNDER PROCEDURES ADOPTED BY COURT  
28 RULE, THAT, FOR A MINOR WHO IS ALLEGED TO BE A DELINQUENT MINOR  
29 UNDER AS 47.10.010(a)(1), A STATE AGENCY SHALL MAKE A PRELIMINARY  
30 INQUIRY TO DETERMINE IF ANY ACTION IS APPROPRIATE AND MAY TAKE  
31 APPROPRIATE ACTION TO ADJUST OR DISPOSE OF THE MATTER WITHOUT

1 A COURT HEARING; IF, UNDER THIS PARAGRAPH,

2 (A) THE STATE AGENCY MAKES A PRELIMINARY  
3 INQUIRY AND TAKES APPROPRIATE ACTION TO ADJUST OR DISPOSE  
4 OF THE MATTER WITHOUT A COURT HEARING, THE MINOR MAY  
5 NOT BE DETAINED OR TAKEN INTO CUSTODY AS A CONDITION OF  
6 THE ADJUSTMENT OR DISPOSITION AND, SUBJECT TO (d) OF THIS  
7 SECTION, THE MATTER SHALL BE CLOSED BY THE AGENCY IF THE  
8 MINOR SUCCESSFULLY COMPLETES ALL THAT IS REQUIRED OF THE  
9 MINOR BY THE AGENCY IN THE ADJUSTMENT OR DISPOSITION; IN  
10 A MUNICIPALITY OR MUNICIPALITIES IN WHICH A YOUTH COURT  
11 HAS BEEN ESTABLISHED UNDER AS 47.10.265, ADJUSTMENT OR  
12 DISPOSITION OF THE MATTER UNDER THIS PARAGRAPH MAY  
13 INCLUDE REFERRAL TO THE YOUTH COURT;

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

18 (2)] appoint a competent person or agency to make a preliminary inquiry  
19 and report for the information of the court to determine whether the interests [OF THE  
20 PUBLIC OR] of the minor require that further action be taken; if, under this subsection  
21 [PARAGRAPH], the court appoints a person or agency to make a preliminary inquiry  
22 and to report to it, then upon the receipt of the report, the court may informally adjust  
23 [OR DISPOSE OF] the matter without a hearing, or it may authorize the person having  
24 knowledge of the facts of the case to file with the court a petition setting out the facts; if  
25 the court informally adjusts [OR DISPOSES OF] the matter, the minor may not be  
26 detained or taken into the custody of the court as a condition of the adjustment [OR  
27 DISPOSITION], and the matter shall be closed by the court upon adjustment [OR  
28 DISPOSITION].

29 \* Sec. 19. AS 47.10.070(a) is amended to read:

30 (a) The court may conduct the hearing on the petition in an informal manner in  
31 the courtroom or in chambers. [A HEARING MAY BE HELD BEFORE A YOUNG

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

9 \* Sec. 20. AS 47.10.080(a) is amended to read:

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

13 \* Sec. 21. AS 47.10.080(c) is amended to read:

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

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

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

1 the minor reaches age 19, except that the department may petition for and the court may  
2 grant in a hearing

3 (A) two-year extensions of supervision that do not extend beyond  
4 the minor's 19th birthday if the extension is in the best interests of the minor  
5 [AND THE PUBLIC]; and

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

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

17 \* Sec. 22. AS 47.10.080(e) is amended to read:

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

21 \* Sec. 23. AS 47.10.080(f) is amended to read:

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

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1 these parties and their counsel reasonable notice in advance of the review and hold a  
2 hearing where these parties and their counsel shall be afforded an opportunity to be heard.  
3 The minor shall be afforded the opportunity to be present at the review.

4 \* Sec. 24. AS 47.10.080(l) is amended to read:

5 (l) Within 18 months after the date a child is initially **removed from the child's**  
6 **home** [TAKEN INTO CUSTODY] by the department under AS 47.10.142(c) or  
7 committed to the custody of the department under [(b)(3),] (c)(1) [,] or [(c)] (3) of this  
8 section [,] or **AS 47.14.100(c)** [AS 47.10.230(c)], the court shall hold a hearing to review  
9 the placement and services provided and to determine the future status of the minor. The  
10 court shall make appropriate written findings, including findings related to the following:

- 11 (1) whether the child should be returned to the parent;  
12 (2) whether the child should remain in out-of-home care for a specified  
13 period;  
14 (3) whether the child should remain in out-of-home care on a permanent  
15 or long-term basis because of special needs or circumstances;  
16 (4) whether the child should be placed for adoption or legal guardianship.

17 \* Sec. 25. AS 47.10.080(m) is amended to read:

18 (m) Within 60 days after the date a child is removed from the child's home by the  
19 department, the department shall notify the appropriate local citizen out-of-home care  
20 review panel established under **AS 47.14.220** [AS 47.10.420].

21 \* Sec. 26. AS 47.10.080(n) is amended to read:

22 (n) Within 60 days after a court orders a child committed to the department under  
23 (c) of this section and at a review under (f) or (l) of this section, the department shall  
24 inform the parties about the local citizen out-of-home care review panel established under  
25 **AS 47.14.220** [AS 47.10.420].

26 \* Sec. 27. AS 47.10.082 is amended to read:

27 Sec. 47.10.082. BEST INTERESTS OF CHILD AND OTHER  
28 CONSIDERATIONS. [IN MAKING ITS DISPOSITIONAL ORDER UNDER  
29 AS 47.10.080(b) THE COURT SHALL CONSIDER THE BEST INTERESTS OF THE  
30 CHILD AND THE PUBLIC.] In making its dispositional order under AS 47.10.080(c),

1 the court shall consider

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

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

6 \* Sec. 28. AS 47.10.084(a) is amended to read:

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

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

27 \* Sec. 29. AS 47.10.090(c) is amended to read:

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

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1 AS WELL AS RECORDS OF ALL DRIVER'S LICENSE PROCEEDINGS UNDER  
2 AS 28.15.185, CRIMINAL PROCEEDINGS AGAINST THE MINOR, AND  
3 PUNISHMENTS ASSESSED AGAINST THE MINOR]. A person may not use these  
4 sealed records for any purpose except that the court may order their use for good cause  
5 shown [OR MAY ORDER THEIR USE BY AN OFFICER OF THE COURT IN  
6 MAKING A PRESENTENCING REPORT FOR THE COURT. THE PROVISIONS OF  
7 THIS SUBSECTION RELATING TO THE SEALING OF RECORDS DO NOT  
8 APPLY TO RECORDS OF TRAFFIC OFFENSES].

9 \* Sec. 30. AS 47.10.090(d) is amended to read:

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

13 \* Sec. 31. AS 47.10.090(e) is amended to read:

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

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

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

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

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

8 \* Sec. 32. AS 47.10.093(a) is amended to read:

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

15 \* Sec. 33. AS 47.10.093(b) is amended to read:

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

18 (1) a guardian ad litem appointed by the court or to a citizen review panel  
19 for permanency planning authorized by AS 47.14.200 or 47.14.220 [AS 47.10.400 OR  
20 47.10.420];

21 (2) a person or an agency requested to provide consultation or services  
22 for a minor who is subject to the jurisdiction of the court under AS 47.10.010;

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

25 (4) a governmental agency as may be necessary to obtain that agency's  
26 assistance for the department in its investigation or to obtain physical custody of a child;  
27 **and**

28 (5) a state or municipal law enforcement agency as may be necessary for  
29 a specific investigation being conducted by that agency or for disclosures by that agency  
30 to protect the public safety [; AND

31 (6) A VICTIM AS MAY BE NECESSARY TO INFORM THE VICTIM

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1 ABOUT THE DISPOSITION OR RESOLUTION OF A CASE INVOLVING A  
2 MINOR].

3 \* Sec. 34. AS 47.10.093(g) is amended to read:

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

9 \* Sec. 35. AS 47.10.100(b) is amended to read:

10 (b) If the court determines at a **hearing authorized by (a) of this section**  
11 [REHEARING] that it is for the best interests of the minor to be released to the care or  
12 custody of the minor's parent, guardian, or custodian, it may enter an order to that effect  
13 and the minor is discharged from the control of the department.

14 \* Sec. 36. AS 47.10.100(c) is amended to read:

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

28 \* Sec. 37. AS 47.10.110 is amended to read:

29 Sec. 47.10.110. APPOINTMENT OF GUARDIAN OR CUSTODIAN. When,  
30 in the course of a proceeding under this chapter, it appears to the court that the welfare  
31 of a minor will be promoted by the appointment of a guardian or custodian of the minor's

1 person, the court may make the appointment. The court shall have a summons issued and  
 2 served upon the parents of the minor, if they can be found, in a manner and within a time  
 3 before the hearing that the court considers reasonable. The court may determine whether  
 4 the father, mother, **another suitable person**, or the department shall have the custody  
 5 and control of the minor. If the minor is of sufficient age and intelligence to state desires,  
 6 the court shall consider them.

7 \* Sec. 38. AS 47.10.120(a) is amended to read:

8 (a) When a child in need of aid [OR A DELINQUENT MINOR] is committed  
 9 under this chapter, the court shall, after giving the parent [OR LEGAL GUARDIAN] a  
 10 reasonable opportunity to be heard, adjudge that the parent [OR GUARDIAN] pay to the  
 11 department in a manner that the court directs a sum [THAT IS BASED ON THE FEE  
 12 SCHEDULE ADOPTED UNDER AS 44.29.022] to cover in full or in part the  
 13 maintenance and care of the child. **The support obligation shall be calculated under**  
 14 **Rule 90.3(j) of the Alaska Rules of Civil Procedure** [OR MINOR].

15 \* Sec. 39. AS 47.10.141(b) is amended to read:

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

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

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

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

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

30 (i) an office specified by the Department of Health and

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1 Social Services;

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

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

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

7 or

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

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

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

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

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

25 \* Sec. 40. AS 47.10.141(c) is amended to read:

26 (c) A minor may be taken into emergency protective custody by a peace officer  
27 and placed into temporary detention in a juvenile detention home in the local community  
28 if there has been an order issued by a court under a finding of probable cause that (1) the  
29 minor is a runaway in wilful violation of a valid court order issued under  
30 AS 47.10.080(c)(1), 47.10.142(f), AS 47.12.120(b)(1) or (3), or 47.12.250(d)

1 [AS 47.10.080 OR 47.10.142(f)], (2) the minor's current situation poses a severe and  
2 imminent risk to the minor's life or safety, and (3) no reasonable placement alternative  
3 exists within the community. For the purposes of this subsection, a risk may not be  
4 considered severe and imminent solely because of the general conditions for runaway  
5 minors in the community, but shall be assessed in view of the specific behavior and  
6 situation of the minor. A minor detained under this subsection shall be brought before  
7 a court on the day the minor is detained, or if that is not possible, within 24 hours after  
8 the detention for a hearing to determine the most appropriate placement in the best  
9 interests of the minor. A minor taken into emergency protective custody under this  
10 subsection may not be detained for more than 24 hours, except as provided under  
11 AS 47.12.250 [AS 47.10.140]. Emergency protective custody may not include placement  
12 of a minor in a jail or secure facility other than a juvenile detention home, nor may an  
13 order for protective custody be enforced against a minor who is residing in a licensed  
14 program for runaway minors, as defined in AS 47.10.390.

15 \* Sec. 41. AS 47.10.142(a) is amended to read:

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

18 (1) the minor has been abandoned;

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

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

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

30 \* Sec. 42. AS 47.10.142(g) is amended to read:

31 (g) Within 60 days after a court orders a child committed to the department under

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1 this section, the department shall inform the parties about the local citizen out-of-home  
2 care review panel established under AS 47.14.220 [AS 47.10.420].

3 \* Sec. 43. AS 47.10.390(2) is amended to read:

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

5 (A) is habitually absent from home; **or**

6 (B) refuses to accept available care [;

7 (C) HAS NO PARENT, GUARDIAN, CUSTODIAN, OR  
8 RELATIVE ABLE OR WILLING TO PROVIDE CARE; OR

9 (D) HAS BEEN PHYSICALLY ABANDONED BY

10 (i) BOTH PARENTS;

11 (ii) THE SURVIVING PARENT; OR

12 (iii) ONE PARENT IF THE OTHER PARENT'S  
13 RIGHTS AND RESPONSIBILITIES HAVE BEEN TERMINATED  
14 UNDER AS 25.23.180(c) OR AS 47.10.080 OR VOLUNTARILY  
15 RELINQUISHED].

16 \* Sec. 44. AS 47.10 is amended by adding a new section to read:

17 Sec. 47.10.980. GRANTS-IN-AID. The department may accept grants-in-aid  
18 from the federal government or private foundations and may accept other gifts consistent  
19 with the purposes of this chapter.

20 \* Sec. 45. AS 47.10.990 is amended to read:

21 Sec. 47.10.990. DEFINITIONS. In this chapter, unless the context otherwise  
22 requires,

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

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

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

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

31 (5) "DELINQUENT MINOR" MEANS A MINOR FOUND TO BE

1 WITHIN THE JURISDICTION OF THE COURT UNDER AS 47.10.010(a)(1);

2 (6) "department" means the Department of Health and Social Services;

3 (5) [(7) "JUVENILE DETENTION FACILITY" MEANS SEPARATE  
4 QUARTERS WITHIN A CITY JAIL USED FOR THE DETENTION OF  
5 DELINQUENT MINORS;

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

9 (6) [(9) "JUVENILE WORK CAMP" MEANS A SEPARATE  
10 RESIDENTIAL ESTABLISHMENT, EXCLUSIVELY DEVOTED TO THE  
11 DETENTION OF MINORS, IN WHICH THE MINORS WHO ARE 16 YEARS OF  
12 AGE OR OLDER AND COMMITTED TO THE CUSTODY OF THE DEPARTMENT  
13 AND PLACED IN THE FACILITY MAY BE REQUIRED TO LABOR ON THE  
14 BUILDINGS AND GROUNDS OR PERFORM ANY OTHER WORK OR ENGAGE  
15 IN ANY ACTIVITIES THAT DO NOT CONFLICT WITH REGULATIONS  
16 ADOPTED BY THE DEPARTMENT OF HEALTH AND SOCIAL SERVICES  
17 UNDER THIS CHAPTER FOR THE CARE, REHABILITATION, EDUCATION, AND  
18 DISCIPLINE OF MINORS IN DETENTION;

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

20 (11) "TREATMENT FACILITY" MEANS A HOSPITAL, CLINIC,  
21 INSTITUTION, CENTER, OR OTHER HEALTH CARE FACILITY THAT HAS  
22 BEEN DESIGNATED BY THE DEPARTMENT FOR THE TREATMENT OF  
23 JUVENILES;

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

25 \* Sec. 46. AS 47 is amended by adding a new chapter to read:

26 CHAPTER 12. DELINQUENT MINORS.

27 ARTICLE 1. JUVENILE DELINQUENCY.

28 Sec. 47.12.010. PURPOSE OF CHAPTER. The purposes of this chapter are

29 (1) to protect the public and to reform juvenile offenders;

30 (2) to provide that, for the most common offenses committed by minors,  
31 those punishable as misdemeanors, resolution should require some form of sanction, that

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1 the form of the sanction should be certain, that the imposition of the sanction should be  
2 swift, and that the sanction may take the form of a reasonable claim on the time and  
3 talents of the minor who has committed the offense; and

4 (3) to provide that counseling provided to the minor should, if  
5 appropriate, include the minor's family or guardian, that the minor's family or guardian  
6 has the right to offer suggestions and make recommendations for the correction of the  
7 minor's behavior, and that the minor's family or guardian may be asked to participate in  
8 supervision of the minor's treatment.

9 Sec. 47.12.020. JURISDICTION. Proceedings relating to a minor under 18 years  
10 of age residing or found in the state are governed by this chapter, except as otherwise  
11 provided in this chapter, when the minor is alleged to be or may be determined by a court  
12 to be a delinquent minor as a result of violating a criminal law of the state or a  
13 municipality of the state.

14 Sec. 47.12.030. PROVISIONS INAPPLICABLE. (a) When a minor who was  
15 at least 16 years of age at the time of the offense is arraigned on a charge for an offense  
16 specified in this subsection, this chapter and the Alaska Delinquency Rules do not apply  
17 to the offense for which the minor is arraigned or to any additional offenses joinable to  
18 it under the applicable rules of court governing criminal procedure. The minor shall be  
19 charged, prosecuted, and sentenced in the superior court in the same manner as an adult  
20 unless the minor is convicted of some offense other than an offense specified in this  
21 subsection, in which event the minor may attempt to prove, by a preponderance of the  
22 evidence, that the minor is amenable to treatment under this chapter. If the court finds  
23 that the minor is amenable to treatment under this chapter, the minor shall be treated as  
24 though the charges had been heard under this chapter, and the court shall order  
25 disposition of the charges of which the minor is convicted under AS 47.12.120(b). The  
26 provisions of this subsection apply when the minor is arraigned on a charge

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

29 (2) of arson in the first degree.

30 (b) When a minor is accused of violating a statute specified in this subsection,  
31 other than a statute the violation of which is a felony, this chapter and the Alaska

1 Delinquency Rules do not apply and the minor accused of the offense shall be charged,  
2 prosecuted, and sentenced in the district court in the same manner as an adult; if a minor  
3 is charged, prosecuted, and sentenced for an offense under this subsection, the minor's  
4 parent, guardian, or legal custodian shall be present at all proceedings; the provisions of  
5 this subsection apply when a minor is accused of violating

6 (1) a traffic statute or regulation, or a traffic ordinance or regulation of  
7 a municipality;

8 (2) AS 11.76.105, relating to the possession of tobacco by a person under  
9 19 years of age;

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

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

12 and

13 (5) AS 04.16.050, relating to possession, control, or consumption of  
14 alcohol.

15 (c) The provisions of AS 47.12.010 - 47.12.260 and the Alaska Delinquency  
16 Rules do not apply to driver's license proceedings under AS 28.15.185; the court shall  
17 impose a driver's license revocation under AS 28.15.185 in the same manner as adult  
18 driver's license revocations, except that a parent or legal guardian shall be present at all  
19 proceedings.

20 Sec. 47.12.040. INVESTIGATION AND PETITION. (a) Whenever  
21 circumstances subject a minor to the jurisdiction of this chapter, the court shall

22 (1) provide, under procedures adopted by court rule, that, for a minor who  
23 is alleged to be a delinquent minor under AS 47.12.020, a state agency shall make a  
24 preliminary inquiry to determine if any action is appropriate and may take appropriate  
25 action to adjust the matter without a court hearing; if, under this paragraph,

26 (A) the state agency makes a preliminary inquiry and takes  
27 appropriate action to adjust the matter without a court hearing, the minor may not  
28 be detained or taken into custody as a condition of the adjustment and, subject to  
29 AS 47.12.060, the matter shall be closed by the agency if the minor successfully  
30 completes all that is required of the minor by the agency in the adjustment; in a  
31 municipality or municipalities in which a youth court has been established under

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1 AS 47.12.400, adjustment of the matter under this paragraph may include referral  
2 to the youth court;

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

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

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

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

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

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

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

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

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

28 Sec. 47.12.050. NOTICE TO AND INVOLVEMENT OF PARENT OR  
29 GUARDIAN. (a) Except as may be otherwise specifically provided, in all cases under  
30 this chapter, the minor, each parent of the minor, and the guardian of the minor are  
31 entitled to notice adequate to give actual notice of the proceedings, taking into account

1 education and language differences that are known or reasonably ascertainable by the  
2 party giving the notice. The notice must contain all names by which the minor has been  
3 identified.

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

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

14 (d) In any proceeding under this chapter, the presence of the minor's parent or  
15 guardian is preferred.

16 Sec. 47.12.060. INFORMAL ACTION BY DEPARTMENT TO ADJUST  
17 MATTER. (a) The provisions of this section apply to a minor who is alleged to be a  
18 delinquent minor under AS 47.12.020 and for whom an agency has, under applicable  
19 court rule, made a preliminary inquiry before taking appropriate action as authorized by  
20 AS 47.12.040(a). Following the preliminary inquiry, unless the agency determines that  
21 the matter should be dismissed, the agency may take informal action to adjust the matter.

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

29 Sec. 47.12.070. SUMMONS AND CUSTODY OF MINOR. After a petition is  
30 filed and after further investigation that the court directs, if the minor has not appeared  
31 voluntarily, the court shall issue a summons that

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

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

4 Sec. 47.12.080. RELEASE OF MINOR. A minor who is taken into custody  
5 may, in the discretion of the court and upon the written promise of the parent, guardian,  
6 or custodian to bring the minor before the court at a time specified by the court, be  
7 released to the care and custody of the parent, guardian, or custodian. The minor, if not  
8 released, shall be detained as provided by AS 47.12.240. The court may determine  
9 whether the father or mother or another person shall have the custody and control of the  
10 minor for the duration of the proceedings. If the minor is of sufficient age and  
11 intelligence to state desires, the court shall give consideration to the minor's desires.

12 Sec. 47.12.090. APPOINTMENT OF ATTORNEY OR GUARDIAN AD  
13 LITEM. (a) In all proceedings initiated under a petition for delinquency, a minor shall  
14 have the right to be represented by counsel and, if indigent, have counsel appointed by  
15 the court. The court shall appoint counsel in such cases unless it makes a finding on the  
16 record that the minor has made a voluntary, knowing, and intelligent waiver of the right  
17 to counsel and a parent or guardian with whom the minor resides or resided before the  
18 filing of the petition concurs with the waiver. In cases in which it has been alleged that  
19 the minor has committed an act that would be a felony if committed by an adult, waiver  
20 of counsel may not be accepted unless the court is satisfied that the minor has consulted  
21 with an attorney before the waiver of counsel.

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

27 Sec. 47.12.100. WAIVER OF JURISDICTION. (a) If the court finds at a  
28 hearing on a petition that there is probable cause for believing that a minor is delinquent  
29 and finds that the minor is not amenable to treatment under this chapter, it shall order the  
30 case closed. After a case is closed under this subsection, the minor may be prosecuted  
31 as an adult.

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

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

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

9 (2) the burden of proof that a minor is not amenable to treatment under  
10 this chapter is on the state; however, if the petition filed under AS 47.12.040 seeking to  
11 have the court declare a minor a delinquent is based on the minor's alleged commission  
12 of an offense that is an unclassified felony or class A felony and that is a crime against  
13 a person, the minor

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

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

18 Sec. 47.12.110. HEARINGS. (a) The court shall conduct a hearing on the  
19 petition. The court shall give notice of the hearing to the department, and the department  
20 shall send a representative to the hearing. The representative of the department may also  
21 be heard at the hearing. The public shall be excluded from the hearing, but the court, in  
22 its discretion, may permit individuals to attend a hearing, if their attendance is compatible  
23 with the best interests of the minor. Nothing in this section may be applied in such a way  
24 as to deny a minor's rights to a public trial and to a trial by jury.

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

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1 right of a victim to attend a hearing.

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

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

9 (2) a student

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

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

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

16 Sec. 47.12.120. JUDGMENTS AND ORDERS. (a) The court, at the conclusion  
17 of the hearing, or thereafter as the circumstances of the case may require, shall find and  
18 enter a judgment that the minor is or is not delinquent.

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

20 (1) order the minor committed to the department for a period of time not  
21 to exceed two years or in any event extend past the day the minor becomes 19 years of  
22 age, except that the department may petition for and the court may grant in a hearing (A)  
23 two-year extensions of commitment that do not extend beyond the minor's 19th birthday  
24 if the extension is in the best interests of the minor and the public; and (B) an additional  
25 one-year period of supervision past age 19 if continued supervision is in the best interests  
26 of the person and the person consents to it; the department shall place the minor in the  
27 juvenile facility that the department considers appropriate and that may include a juvenile  
28 correctional school, juvenile work camp, treatment facility, detention home, or detention  
29 facility; the minor may be released from placement or detention and placed on probation  
30 on order of the court and may also be released by the department, in its discretion, under  
31 AS 47.12.260;

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

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

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

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

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

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

31                   (4) order the minor to make suitable restitution in lieu of or in addition

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1 to the court's order under (1), (2), or (3) of this subsection; the court may not refuse to  
2 make an order of restitution under this paragraph to benefit the victim of the act of the  
3 minor that is the basis of the delinquency adjudication;

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

9 (6) in addition to an order under (1) - (5) of this subsection, if the  
10 delinquency finding is based on the minor's violation of AS 11.71.030(a)(3) or  
11 11.71.040(a)(4), order the minor to perform 50 hours of community service; for purposes  
12 of this paragraph, "community service" includes work

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

14 (B) that, on the recommendation of the city council or traditional  
15 village council, would benefit persons within the city or village who are elderly  
16 or disabled.

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

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

1 the review.

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

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

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

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

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

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

17 (4) whether the minor should be placed for adoption or legal  
18 guardianship.

19 (h) Within 60 days after the date a minor is removed from the minor's home by  
20 the department, the department shall notify the appropriate local citizen out-of-home care  
21 review panel established under AS 47.14.220.

22 Sec. 47.12.130. PREDISPOSITION HEARING REPORTS. (a) Before the  
23 disposition hearing of a delinquent minor, the department shall submit a predisposition  
24 report with a recommended plan of treatment to aid the court in its selection of a  
25 disposition, a victim impact statement reporting the information set out in AS 12.55.022,  
26 and any further information that the court may request. In preparing the predisposition  
27 report, the department shall contact the victim of the minor's offense.

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

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

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

4 Sec. 47.12.140. COURT DISPOSITIONAL ORDER. (a) In making its  
5 dispositional order under AS 47.12.120(b)(1) - (3) and (5), the court shall

6 (1) consider both the best interests of the minor and the interests of the  
7 public, and, in doing so, the court shall take into account

8 (A) the seriousness of the minor's delinquent act, and the attitude  
9 of the minor and the minor's parents toward that act;

10 (B) the minor's culpability as indicated by the circumstances of  
11 the particular case;

12 (C) the age of the minor;

13 (D) the minor's prior criminal or juvenile record, and the success  
14 or failure of any previous orders, dispositions, or placements imposed on the  
15 minor;

16 (E) the effect of the dispositional order to be imposed in deterring  
17 the child from committing other delinquent acts;

18 (F) the need to commit the minor to the department's custody or  
19 to detain the minor in an institution or other suitable place in order to prevent  
20 further harm to the public;

21 (G) the interest of the public in securing the minor's rehabilitation;  
22 and

23 (H) the ability of the state to take custody of and to care for the  
24 minor; and

25 (2) order the least restrictive alternative disposition for the minor; for  
26 purposes of this paragraph, the "least restrictive alternative disposition" means that  
27 disposition that is no more restrictive than is, in the judgment of the court, most  
28 conducive to the minor's rehabilitation taking into consideration the interests of the  
29 public.

30 Sec. 47.12.150. LEGAL CUSTODY, GUARDIANSHIP, AND RESIDUAL  
31 PARENTAL RIGHTS AND RESPONSIBILITIES. (a) When a minor is committed

1 under AS 47.12.120(b)(1) or (3) to the department or released under AS 47.12.120(b)(2)  
2 to the minor's parents, guardian, or other suitable person, a relationship of legal custody  
3 exists. This relationship imposes on the department and its authorized agents or the  
4 parents, guardian, or other suitable person the responsibility of physical care and control  
5 of the minor, the determination of where and with whom the minor shall live, the right  
6 and duty to protect, train, and discipline the minor, and the duty of providing the minor  
7 with food, shelter, education, and medical care. These obligations are subject to any  
8 residual parental rights and responsibilities and rights and responsibilities of a guardian  
9 if one has been appointed. When a minor is committed to the department and the  
10 department places the minor with the minor's parent, the parent has the responsibility to  
11 provide and pay for food, shelter, education, and medical care for the minor. When  
12 parental rights have been terminated, or there are no living parents and a guardian has not  
13 been appointed, the responsibilities of legal custody include those in (b) and (c) of this  
14 section. The department or person having legal custody of the minor may delegate any  
15 of the responsibilities under this section, except authority to consent to marriage,  
16 adoption, and military enlistment may not be delegated. For purposes of this chapter, a  
17 person in charge of a placement setting is an agent of the department.

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

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

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1 delegated to a guardian under (b) of this section.

2 Sec. 47.12.160. RETENTION OF JURISDICTION OVER MINOR. (a) The  
3 court retains jurisdiction over the case and may at any time stay execution, modify, set  
4 aside, revoke, or enlarge a judgment or order, or grant a new hearing, in the exercise of  
5 its power of protection over the minor and for the minor's best interest, for a period of  
6 time not to exceed the maximum period otherwise permitted by law or in any event  
7 extend past the day the minor becomes 19, unless sooner discharged by the court, except  
8 that the department may apply for and the court may grant an additional one-year period  
9 of supervision past age 19 if continued supervision is in the best interests of the person  
10 and the person consents to it. An application for any of these purposes may be made by  
11 the parent, guardian, or custodian acting in behalf of the minor, or the court may, on its  
12 own motion, and after reasonable notice to interested parties and the appropriate  
13 department, take action that it considers appropriate.

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

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

30 Sec. 47.12.170. ENFORCEMENT OF RESTITUTION. When restitution is  
31 ordered under AS 47.12.120(b)(4), the restitution recipient may enforce payment of the

1 restitution order against the minor under AS 09.35 as if the order were a civil judgment  
2 enforceable by execution. This section does not limit the authority of the court to enforce  
3 orders of restitution to victims.

4 Sec. 47.12.180. EFFECT OF ADJUDICATION. (a) Except as provided by  
5 AS 47.12.170, an adjudication under this chapter upon the status of a minor

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

8 (2) does not operate to permit a minor afterward to be considered a  
9 criminal by the adjudication; and

10 (3) does not operate to permit the adjudication to be afterward deemed  
11 a conviction, nor may a minor be charged with or convicted of a crime in a court, except  
12 as provided in this chapter.

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

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

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

22 (b) Fingerprint records taken under this section are not subject to AS 47.12.310.

23 Sec. 47.12.220. APPOINTMENT OF GUARDIAN OR CUSTODIAN. When,  
24 in the course of a proceeding under this chapter, it appears to the court that the welfare  
25 of a minor will be promoted by the appointment of a guardian or custodian of the minor's  
26 person or property, the court may make the appointment. The court shall have a  
27 summons issued and served upon the parents of the minor, if they can be found, in a  
28 manner and within a time before the hearing that the court considers reasonable. The  
29 court may determine whether the father, mother, or the department shall have the custody  
30 and control of the minor. If the minor is of sufficient age and intelligence to state desires,  
31 the court shall consider them. The court may order either or both parents to pay support

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1 for the minor's care to the guardian, custodian, or department.

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

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

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

12 Sec. 47.12.240. DETENTION OF MINORS. (a) When the court commits a  
13 minor to the custody of the department, the department shall arrange to place the minor  
14 in a detention home, work camp, or another suitable place that the department designates  
15 for that purpose. Except when detention in a correctional facility is authorized by (c) of  
16 this section, the minor may not be incarcerated in a correctional facility that houses adult  
17 prisoners.

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

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

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

27 (A) six hours; or

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

30 (2) if, in response to a petition of delinquency filed under this chapter, the  
31 court has entered an order closing the case under AS 47.12.100(a), allowing the minor

1 to be prosecuted as an adult; or

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

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

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

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

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

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

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

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

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

27 (h) In this section,

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

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

31 Sec. 47.12.250. TEMPORARY DETENTION AND DETENTION HEARING.

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1 (a) A peace officer may arrest a minor who violates a law or ordinance in the peace  
2 officer's presence, or whom the peace officer reasonably believes is a fugitive from  
3 justice. A peace officer may continue a lawful arrest made by a citizen. The peace  
4 officer may have the minor detained in a juvenile detention facility if in the opinion of  
5 the peace officer making or continuing the arrest it is necessary to do so to protect the  
6 minor or the community.

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

12 (c) The court shall immediately, and in no event more than 48 hours later, hold  
13 a hearing at which the minor and the minor's parents or guardian if they can be found  
14 shall be present. The court shall determine whether probable cause exists for believing  
15 the minor to be delinquent. The court shall inform the minor of the reasons alleged to  
16 constitute probable cause and the reasons alleged to authorize the minor's detention. The  
17 minor is entitled to counsel and to confrontation of adverse witnesses.

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

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

25 Sec. 47.12.260. **RELEASING MINORS AFTER COMMITMENT.** A minor  
26 found to be a juvenile delinquent who by conduct gives sufficient evidence of having  
27 reformed may be released at any time under the conditions and regulations that the  
28 department considers proper, if it appears to the satisfaction of the department that there  
29 is a reasonable probability that the minor will remain at liberty without violating the law.

30 Sec. 47.12.270. **YOUTH COUNSELORS.** The department may employ youth  
31 counselors. Youth counselors shall exercise the duties of probation officers and shall

1 prepare preliminary investigations for the information of the court. They shall also carry  
2 out other duties in the care and treatment of minors that are consistent with the intent of  
3 this chapter. Youth counselors have the powers of a peace officer with respect to the  
4 service of process, the making of arrests of minors who violate state or municipal law,  
5 and the execution of orders of the court relating to juveniles, and shall assist and advise  
6 the courts in the furtherance of the welfare and control of minors under the court's  
7 jurisdiction.

#### 8 ARTICLE 2. INFORMATION AND RECORDS.

9 Sec. 47.12.300. COURT RECORDS. (a) The court shall make and keep records  
10 of all cases brought before it.

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

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

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

27 (e) The court's official records under this chapter may be inspected only with the  
28 court's permission and only by persons having a legitimate interest in them. A person  
29 with a legitimate interest in the inspection of an official record maintained by the court  
30 includes a victim who suffered physical injury or whose real or personal property was  
31 damaged as a result of an offense that was the basis of an adjudication or modification

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1 of disposition. If the victim knows the identity of the minor, identifies the minor or the  
2 offense to the court, and certifies that the information is being sought to consider or  
3 support a civil action against the minor or against the minor's parents or guardians under  
4 AS 34.50.020, the court shall, subject to AS 12.61.110 and 12.61.140, allow the victim  
5 to inspect and use the following records and information in connection with the civil  
6 action:

7 (1) a petition filed under AS 47.12.040(a) seeking to have the court  
8 declare the minor a delinquent;

9 (2) a petition filed under AS 47.12.120 seeking to have the court modify  
10 or revoke the minor's probation;

11 (3) a petition filed under AS 47.12.100 requesting the court to find that  
12 a minor is not amenable to treatment under this chapter and that results in closure of a  
13 case under AS 47.12.100(a); and

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

16 (f) A person who has been tried as an adult under AS 47.12.100(a), or the  
17 department on the person's behalf, may petition the superior court to seal the records of  
18 all criminal proceedings, except traffic offenses, initiated against the person, and all  
19 punishments assessed against the person, while the person was a minor. A petition under  
20 this subsection may not be filed until five years after the completion of the sentence  
21 imposed for the offense for which the person was tried as an adult. If the superior court  
22 finds that its order has had its intended rehabilitative effect and further finds that the  
23 person has fulfilled all orders of the court entered under AS 47.12.120, the superior court  
24 shall order the record of proceedings and the record of punishments sealed. Sealing the  
25 records restores civil rights removed because of a conviction. A person may not use these  
26 sealed records for any purpose except that the court may order their use for good cause  
27 shown or may order their use by an officer of the court in making a presentencing report  
28 for the court. The court may not, under this subsection, seal records of a criminal  
29 proceeding

30 (1) initiated against a person if the court finds that the person has not  
31 complied with a court order made under AS 47.12.120; or

1 (2) commenced under AS 47.12.030(a) unless the minor has been  
2 acquitted of all offenses with which the minor was charged or unless the most serious  
3 offense of which the minor was convicted was not an offense specified in  
4 AS 47.12.030(a).

5 Sec. 47.12.310. AGENCY RECORDS. (a) Except as specified in AS 47.12.320  
6 and (b) - (g) of this section, all information and social records pertaining to a minor who  
7 is subject to this chapter or AS 47.17 prepared by or in the possession of a federal, state,  
8 or municipal agency or employee in the discharge of the agency's or employee's official  
9 duty, including driver's license actions under AS 28.15.185, are privileged and may not  
10 be disclosed directly or indirectly to anyone without a court order.

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

13 (1) a guardian ad litem appointed by the court or to a citizen review panel  
14 for permanency planning authorized by AS 47.14.200 - 47.14.220;

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

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

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

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

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

26 (c) A state or municipal law enforcement agency

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

30 (2) may disclose to the public information regarding a criminal offense  
31 in which a minor is a suspect, victim, or witness if the minor is not identified by the

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1 disclosure;

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

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

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

8 (d) Upon request of a victim, the department shall make every reasonable effort  
9 to notify the victim as soon as practicable in writing when a delinquent minor is to be  
10 released from placement in a juvenile facility under AS 47.12.120(b)(1). The notice  
11 under this subsection must include the expected date of the delinquent minor's release,  
12 the geographic area in which the delinquent minor is required to reside, and other  
13 pertinent information concerning the delinquent minor's conditions of release that may  
14 affect the victim.

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

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

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

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

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

1 school.

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

4 Sec. 47.12.320. PARENTAL RIGHT TO DISCLOSE INFORMATION. (a)  
5 Notwithstanding AS 47.12.300 and 47.12.310, a parent or legal guardian of a minor  
6 subject to a proceeding under this chapter may disclose confidential or privileged  
7 information about the minor, including information that has been lawfully obtained from  
8 agency or court files, to the governor, the lieutenant governor, a legislator, the  
9 ombudsman appointed under AS 24.55, the attorney general, and the commissioners of  
10 health and social services, administration, or public safety, or an employee of these  
11 persons, for review or use in their official capacities. A person to whom disclosure is  
12 made under this section may not disclose confidential or privileged information about the  
13 minor to a person not authorized to receive it.

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

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

19 ARTICLE 3. YOUTH COURTS.

20 Sec. 47.12.400. YOUTH COURTS. (a) The department may use youth courts  
21 to hear, determine, and dispose of cases involving a minor whose alleged act that brings  
22 the minor within the jurisdiction of AS 47.12.010 - 47.12.260 constitutes a violation of  
23 a state law that is a misdemeanor or a violation or that constitutes a violation of a  
24 municipal ordinance that prescribes a penalty not exceeding the penalties for a class A  
25 misdemeanor under state law.

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

31 (c) A nonprofit corporation may obtain recognition from the commissioner to

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1 serve as a youth court. The corporation may exercise only the powers that are delegated  
2 to a youth court by the commissioner, and shall exercise those powers as authorized by  
3 the corporation's articles of incorporation and bylaws. The bylaws of the corporation  
4 must set out standards and procedures by which the corporation, in its capacity as a youth  
5 court,

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

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

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

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

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

18 (6) reserves the right to refer to the department, under AS 47.12.060(a),  
19 a matter transmitted to the youth court for disposition in which the minor fails, without  
20 good cause, to comply with all requirements ordered by the youth court as a part of  
21 sentence imposed on the minor; and

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

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

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

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

31 (e) If a person refuses to comply with a subpoena issued under (d) of this section,

1 the superior court may, upon application of the commissioner, compel obedience by  
2 proceedings for contempt in the same manner as in the case of disobedience to the  
3 requirements of a subpoena issued by the court or refusal to testify in the court.

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

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

9 (2) except as to a record described in (1) of this subsection, shall be  
10 afforded at least the same protection and are subject to at least the same procedural  
11 safeguards in matters relating to access, use, and security as they would be under  
12 AS 47.12.310.

13 ARTICLE 4. GENERAL PROVISIONS.

14 Sec. 47.12.980. GRANTS-IN-AID. The department may accept grants-in-aid  
15 from the federal government or private foundations and may accept other gifts consistent  
16 with the purposes of this chapter.

17 Sec. 47.12.990. DEFINITIONS. In this chapter, unless the context otherwise  
18 requires,

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

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

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

22 (4) "delinquent minor" means a minor found to be within the jurisdiction  
23 of the court under AS 47.12.020;

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

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

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

30 (8) "juvenile work camp" means a separate residential establishment,  
31 exclusively devoted to the detention of minors, in which the minors who are 16 years of

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1 age or older and committed to the custody of the department and placed in the facility  
2 may be required to labor on the buildings and grounds or perform any other work or  
3 engage in any activities that do not conflict with regulations adopted by the Department  
4 of Health and Social Services under this chapter for the care, rehabilitation, education,  
5 and discipline of minors in detention;

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

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

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

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

12 \* Sec. 47. AS 47 is amended by adding a new chapter to read:

13 CHAPTER 14. JUVENILE PROGRAMS AND INSTITUTIONS.

14 ARTICLE 1. JUVENILE INSTITUTIONS.

15 Sec. 47.14.010. GENERAL POWERS OF DEPARTMENT OVER JUVENILE  
16 INSTITUTIONS. The department may

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

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

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

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

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

29 (6) enter into contracts and arrangements with cities and state and federal  
30 agencies to carry out the purposes of AS 47.10, AS 47.12, and this chapter;

31 (7) do all acts necessary to carry out the purposes of AS 47.10, AS 47.12,

1 and this chapter;

2 (8) adopt the regulations necessary to carry out AS 47.10, AS 47.12, and  
3 this chapter;

4 (9) accept donations, gifts, or bequests of money or other property for use  
5 in construction of juvenile homes, work camps, institutions, or detention facilities;

6 (10) operate juvenile homes when municipalities are unable to do so;

7 (11) receive, care for, and place in a juvenile detention home, the minor's  
8 own home, a foster home, or a correctional school, work camp, or treatment institution  
9 all minors committed to its custody under AS 47.10, AS 47.12, and this chapter.

10 Sec. 47.14.020. DUTIES OF DEPARTMENT. The department shall

11 (1) accept all minors committed to the custody of the department and all  
12 minors who are involved in a written agreement under AS 47.14.100(c), and provide for  
13 the welfare, control, care, custody, and placement of these minors in accordance with this  
14 chapter;

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

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

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

25 Sec. 47.14.030. USE OF STANDARDIZED FORM BY FACILITIES. For the  
26 purpose of collecting statistics, the department shall establish and require state and local  
27 agencies that operate a jail or other detention facility to use a standardized form to keep  
28 a record and report the admission of a minor. The record shall be limited to the name of  
29 the minor admitted, the minor's date of birth, the specific offense for which the minor  
30 was admitted, the date and time admitted, the date and time released, the sex of the  
31 minor, the ethnic origin of the minor, and other information required by federal law.

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1 Except for the notation of the date and time of the minor's release, the record shall be  
2 prepared at the time of the minor's admission. Unless otherwise provided by law,  
3 information and records obtained under this section are confidential and are not public  
4 records. They may be disclosed only for the purpose of compiling statistics and in a  
5 manner that does not reveal the identity of the minor.

6 Sec. 47.14.040. AUTHORITY TO MAINTAIN AND OPERATE HOME,  
7 WORK CAMP, OR FACILITY. (a) A city may maintain and operate a juvenile  
8 detention facility, and a city or a nonprofit corporation may maintain and operate a  
9 juvenile detention home or a juvenile work camp.

10 (b) The city or nonprofit corporation may receive grants-in-aid from the state for  
11 costs of operation of the homes, work camps, or facilities maintained and operated under  
12 (a) of this section.

13 Sec. 47.14.050. OPERATION OF HOMES AND FACILITIES. (a) The  
14 department shall adopt standards and regulations for the operation of

15 (1) juvenile detention homes and juvenile detention facilities in the state;  
16 and

17 (2) juvenile work camps in the state; the regulations adopted under this  
18 paragraph must provide a means by which to ensure that a minor who is placed in a work  
19 camp

20 (A) is in good physical and mental condition and able to perform  
21 the work and engage in the activities that may be required of the minor;

22 (B) does not present a danger to the physical safety of other  
23 minors who are placed in the work camp.

24 (b) The department may enter into contracts with cities and other governmental  
25 agencies for the detention of juveniles before and after commitment by juvenile  
26 authorities. A contract may not be made for longer than one year.

27 **ARTICLE 2. CARE OF CHILDREN.**

28 Sec. 47.14.100. POWERS AND DUTIES OF DEPARTMENT OVER CARE OF  
29 CHILD. (a) Subject to (e) and (f) of this section, the department shall arrange for the  
30 care of every child committed to its custody by placing the child in a foster home or in  
31 the care of an agency or institution providing care for children inside or outside the state.

1 The department may place a child in a suitable family home, with or without  
2 compensation, and may place a child released to it, in writing verified by the parent, or  
3 guardian or other person having legal custody, for adoptive purposes, in a home for  
4 adoption in accordance with existing law.

5 (b) The department may pay the costs of maintenance that are necessary to assure  
6 adequate care of the child, and may accept funds from the federal government that are  
7 granted to assist in carrying out the purposes of this chapter, or that are paid under  
8 contract entered into with a federal department or agency. A child under the care of the  
9 department may not be placed in a family home or institution that does not maintain  
10 adequate standards of care.

11 (c) The department may receive, care for, and make appropriate placement of  
12 minors accepted for care for a period of up to six months on the basis of an individual  
13 voluntary written agreement between the minor's parent, legal guardian, or other person  
14 having legal custody and the department. The agreement must include provisions for  
15 payment of fees under AS 44.29.022 to the department for the minor's care and treatment.  
16 The agreement entered into may not prohibit a minor's parent, legal guardian, or other  
17 person who had legal custody from regaining care of the minor at any time.

18 (d) In addition to money paid for the maintenance of foster children under (b) of  
19 this section, the department

20 (1) shall pay the costs of caring for physically or mentally handicapped  
21 foster children, including the additional costs of medical care, habilitative and  
22 rehabilitative treatment, services and equipment, special clothing, and the indirect costs  
23 of medical care, including child care and transportation expenses;

24 (2) may pay for respite care; in this paragraph, "respite care" means child  
25 care for the purpose of providing

26 (A) temporary relief from the stresses of caring for a foster child  
27 who has a physical or mental disability or a physical or mental impairment; in this  
28 subparagraph,

29 (i) "physical or mental disability" has the meaning given  
30 in AS 18.80.300(12)(A), (B), and (D); and

31 (ii) "physical or mental impairment" has the meaning

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1 given in AS 18.80.300; and  
2 (B) protection for the child when the foster parent is  
3 (i) away from the home because of an emergency and  
4 other care is not available for the child; or  
5 (ii) on vacation and the child, because of age or infirmity,  
6 cannot be placed in any other type of temporary care facility; and  
7 (3) may pay a subsidized guardianship payment under AS 25.23.210  
8 when a foster child's foster parents or other persons approved by the department become  
9 court-appointed legal guardians of the child.

10 (e) A child may not be placed in a foster home or in the care of an agency or  
11 institution providing care for children if a blood relative exists who requests custody of  
12 the child. However, the department may retain custody of the child and provide for its  
13 placement in the same manner as for other children if it makes a determination, supported  
14 by clear and convincing evidence, that the custody of the child by the blood relative will  
15 result in physical or emotional damage. In making that determination, poverty, including  
16 inadequate or crowded housing, on the part of the blood relative, is not considered prima  
17 facie evidence that physical or emotional damage to the child will occur. This  
18 determination may be appealed to the superior court to hear the matter de novo.

19 (f) If a blood relative of the child specified under (e) of this section exists and  
20 agrees that the child should be placed elsewhere, before placement elsewhere, the  
21 department shall fully communicate the nature of the placement proceedings to the  
22 relative. Communication under this subsection shall be made in the relative's native  
23 language, if necessary. Nothing in this subsection or in (e) of this section applies to child  
24 placement for adoptive purposes.

25 (g) The department may enter into agreements with Alaska Native villages or  
26 Native organizations under 25 U.S.C. 1919 (Indian Child Welfare Act of 1978)  
27 respecting the care and custody of Native children and jurisdiction of Native child  
28 custody proceedings.

29 (h) The department may not pay for respite care, as defined in (d) of this section,  
30 unless the department or the entity that has contracted with the department to provide the  
31 respite care requests records under AS 12.62.035(a) for the individual who provides the

1           respite care within 10 business days after the individual is hired to provide respite care  
2           and reviews the records within five business days after receiving them.

3           Sec. 47.14.110. DEPARTMENT INSPECTIONS; REPORTS BY FOSTER  
4           HOMES AND INSTITUTIONS. (a) A representative of the department shall visit, as  
5           often as is considered necessary, every foster home or institution in which a child is  
6           placed, and, if not satisfied as to the care given, may remove the child from the foster  
7           home or institution and place the child elsewhere.

8           (b) The person or institution receiving a child shall submit the reports the  
9           department requires as to the education, health, and welfare of the child and the  
10          conditions under which the child is living.

11          Sec. 47.14.120. STANDARDS OF CARE. The department shall establish  
12          standards of care and adopt regulations desirable for the welfare of every child under its  
13          care.

14          Sec. 47.14.130. PAYMENT OF COSTS. The department shall pay the proper  
15          and necessary costs of the court and witnesses and other expenses necessarily incurred  
16          in the enforcement of AS 47.14.100 - 47.14.130.

17                                   ARTICLE 3. CITIZENS' REVIEW PANEL FOR  
18                                   PERMANENCY PLANNING.

19          Sec. 47.14.200. CITIZENS' REVIEW PANEL FOR PERMANENCY  
20          PLANNING. (a) There is created in the Department of Administration the Citizens'  
21          Review Panel for Permanency Planning. The state panel consists of five voting members  
22          appointed by the governor from among present members of local citizen review panels  
23          established under AS 47.14.220. The governor shall appoint at least one voting state  
24          panel member from each judicial district. The governor may not appoint a person who  
25          has committed a felony or violated AS 11.51.130 or a law with substantially similar  
26          elements. The panel also includes the following five nonvoting members who serve ex  
27          officio or their designees: the commissioner of health and social services, the director of  
28          the office of public advocacy, the attorney general, the public defender appointed under  
29          AS 18.85.030, and the chief justice of the Alaska Supreme Court.

30          (b) Appointed members of the state panel serve at the pleasure of the governor  
31          for staggered terms of three years or until their successors are appointed.

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1 (c) The voting members of the state panel shall elect from among the voting  
2 members a chair who shall serve for one year. Three voting members of the state panel  
3 constitute a quorum for the transaction of business. The panel may not take official  
4 action without the affirmative vote of at least three of its members.

5 (d) Members of the state panel are entitled to reimbursement for actual expenses  
6 necessary to perform their duties as state panel members. The reimbursement may not  
7 exceed the amount of per diem and expenses authorized for boards and commissions  
8 under AS 39.20.180.

9 (e) The state panel shall meet twice annually. Meetings may take place  
10 telephonically.

11 (f) The state panel may employ a program coordinator who shall serve at the  
12 pleasure of the state panel. The program coordinator shall employ staff as necessary to  
13 carry out the program coordinator's duties under state panel directives and to provide  
14 clerical assistance to local panels.

15 Sec. 47.14.210. DUTIES OF THE STATE PANEL. The state panel shall

16 (1) by regulation adopt policies and procedures to carry out its duties and  
17 to govern the performance of the duties of the local panels established under  
18 AS 47.14.220;

19 (2) ensure that local panel members receive the minimum level of training  
20 necessary to effectively carry out their duties;

21 (3) coordinate and review the activities of the local panels and make  
22 recommendations to the governor on appointments to the local panels;

23 (4) prepare a report annually, by the 10th day of each regular session of  
24 the legislature, concerning the activities of the state and local panels during the previous  
25 fiscal year; the report must include the number of cases reviewed by each local panel, a  
26 description of the characteristics of the children whose cases were reviewed by the  
27 panels, the number of children reunited with their families, the number of children placed  
28 in other permanent homes, and recommendations and justifications for program  
29 improvement, including recommendations relating to state agencies and to the panel  
30 review system; the report may contain other information on the experience of the local  
31 panels; the state panel shall notify the legislature that the report is available.

1           Sec. 47.14.220. APPOINTMENT OF LOCAL PANELS. (a) The governor shall  
2 appoint for each judicial district a local citizen out-of-home care review panel composed  
3 of five members and two alternates who are residents of the judicial district. Members  
4 shall serve three-year terms except that, when a local panel is initially appointed, two  
5 members shall be appointed for three-year terms, two members for two-year terms, and  
6 one member for a one-year term. Alternates shall be appointed to three-year terms.

7           (b) The governor shall appoint to a local panel persons who have training,  
8 experience, special knowledge, or a demonstrated interest in the welfare of children. An  
9 out-of-home care provider or a person employed by the court system, the department, the  
10 office of public advocacy, the Public Defender Agency, or the Department of Law may  
11 not serve as a member or alternate member of a local panel. The governor may not  
12 appoint a person who has committed a felony or violated AS 11.51.130 or a law with  
13 substantially similar elements.

14           (c) The composition of a local panel must be reasonably representative of the  
15 various social, economic, racial, ethnic, and cultural groups of the district from which the  
16 members are appointed.

17           (d) If the state panel determines that additional local panels are necessary in a  
18 judicial district because of excessively large or complex caseloads for review or because  
19 of the demographics of cases, or determines that a local panel is not necessary because  
20 of a reduced caseload, the governor may create or dissolve a local panel. The governor  
21 may not reduce the number of panels in a judicial district to fewer than one.  
22 Appointments to a panel established under this subsection are governed by (a) - (c) of this  
23 section.

24           (e) When a person is appointed to serve on a local panel, the person shall swear  
25 or affirm to keep confidential all information that comes before the local panel except for  
26 nonidentifying case information included in a report to the state panel, information for  
27 reports required under AS 47.17, or as required by court order for good cause shown. A  
28 local panel member may also share confidential information with other members of the  
29 local panel and staff who serve the local panel.

30           Sec. 47.14.230. MEETINGS; EXPENSES. (a) A local panel shall conduct its  
31 meetings in the judicial district in which its members reside.

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1 (b) The local panel shall elect one of its members to serve as chair for a term of  
2 one year.

3 (c) A majority of the members of a local panel constitutes a quorum. A panel  
4 may not take official action without the affirmative vote of at least three of its members.

5 (d) A local panel member is not eligible for travel expenses, per diem, or other  
6 expenses for service on the local panel unless the state panel requires a local panel  
7 member to travel to attend a meeting. If the state panel requires a local panel member  
8 to travel to attend a meeting, the local panel member is entitled to reimbursement for  
9 actual expenses incurred by the member in attending the meeting, except that the  
10 reimbursement may not exceed the amount of per diem and expenses authorized for  
11 boards and commissions under AS 39.20.180.

12 Sec. 47.14.240. DUTIES OF LOCAL PANEL. (a) A local panel shall review  
13 the case plan of each child in the custody of the department who is in a placement other  
14 than the child's own home under AS 47.10.080(c)(1) or (3), 47.10.142,  
15 AS 47.12.120(b)(3), or AS 47.14.100(c) if the case is under the jurisdiction of a court in  
16 the judicial district served by the panel. A local panel may request a local panel in  
17 another judicial district to conduct a review and make a report if that local panel is more  
18 convenient for the child and other persons involved.

19 (b) The local panel shall review a case as required under 42 U.S.C. 671 - 675  
20 (P.L. 96-272) within 180 days after the day the child is initially removed from the child's  
21 home and every six months thereafter. A court review may be substituted for a review  
22 required under this subsection if the court review meets the requirements of this  
23 subsection.

24 (c) At least 30 days before it begins a review, the local panel shall provide  
25 written notice to the following persons that a review will be conducted and that each  
26 person notified may participate in the review:

- 27 (1) the department;  
28 (2) the child or the child's legal representative;  
29 (3) the child's parents;  
30 (4) the child's guardian;  
31 (5) the child's guardian ad litem;

1 (6) the child's out-of-home care provider; and  
2 (7) if the case is governed by 25 U.S.C. 1901 - 1963 (Indian Child  
3 Welfare Act),

4 (A) the child's Indian custodian; and  
5 (B) the designated representative of the child's Indian tribe if the  
6 tribe has intervened in the case.

7 (d) In reviewing a case, the local panel shall consider the case plan and any  
8 progress report of the department or the child's guardian ad litem, court records, and other  
9 relevant information about the child and the child's family. The local panel shall also  
10 provide to the following persons an opportunity to be interviewed by the panel in person  
11 or by telephone or to provide written material to the panel:

12 (1) the child whose case is being reviewed if the child is 10 years of age  
13 or older;

14 (2) the parents, custodians, or other relatives of the child;

15 (3) the child's out-of-home care provider;

16 (4) the child's guardian;

17 (5) the child's guardian ad litem;

18 (6) the case worker or social worker assigned to the case;

19 (7) if the case is governed by 25 U.S.C. 1901 - 1963 (Indian Child  
20 Welfare Act),

21 (A) the child's Indian custodian; and

22 (B) the designated representative of the child's Indian tribe if the  
23 tribe has intervened in the case; and

24 (8) other persons with a close personal knowledge of the case.

25 (e) At the discretion of the child's guardian ad litem, if the child whose case is  
26 being reviewed is under 10 years of age, the child may be present at interviews conducted  
27 under (d) of this section and during review by the panel, or may be interviewed. At the  
28 child's request, a child who is 10 years of age or older shall be allowed to be present at  
29 interviews or a review of the local panel that concerns the child's case unless the panel  
30 determines that for good cause the child's presence would be contrary to the best interests  
31 of the child or there is other good cause for denying the child's request.

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

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

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

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

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

15 (5) determine whether there has been compliance with court review  
16 requirements of AS 47.10.080(f) and (l), 47.10.142(h), and AS 47.12.120(d) and (g).

17 (g) The local panel shall within 30 days after reviewing the case submit a written  
18 report to the persons listed in (c) of this section.

19 (h) The report required under (g) of this section must make advisory  
20 recommendations based on the best interests of the child in accordance with  
21 AS 47.10.082 and must include notification of the right to request court review under  
22 AS 47.10.080(f) or AS 47.12.120(d), as appropriate. If the court has scheduled the case  
23 for review, the local panel shall submit its report at least 20 days before the hearing.

24 (i) The local panel shall report to the state panel information needed by the state  
25 panel to prepare the report required under AS 47.14.210.

26 Sec. 47.14.250. COOPERATION WITH STATE AND LOCAL PANELS. The  
27 department, Department of Law, public defender, office of public advocacy, and court  
28 system shall cooperate with the state panel and the local panels to facilitate timely review  
29 of plans for children whose cases are under the jurisdiction of the panels.

30 Sec. 47.14.260. RECORDS: COMMUNICATIONS. (a) Notwithstanding  
31 AS 47.10.090, 47.10.093, AS 47.12.300, and 47.12.310, at the request of a local panel,

1 the department, the child's guardian ad litem, and the court shall furnish to the local panel  
2 relevant records concerning a child and the child's family who are the subjects of a local  
3 panel review. At the conclusion of a review, all copies of records provided to a local  
4 panel under this section shall be returned to the staff that serves the local panel or to the  
5 agency from which the original copy was obtained unless the panel members need the  
6 copies to prepare the reports required under AS 47.14.240(g) - (i). Copies retained for  
7 preparation of the reports shall be returned to the staff that serves the local panel or to the  
8 originating agency upon completion of the reports. Notwithstanding AS 44.62.310,  
9 records and reports of the local panel, testimony before the local panel, and deliberations  
10 of the local panel are confidential under AS 47.10.090 and AS 47.12.310.

11 (b) A local panel member may not reveal to another person, other than another  
12 member of the local panel or the staff serving the local panel, a communication made to  
13 the member while performing the member's duties under AS 47.14.200 - 47.14.299  
14 except as required under AS 47.17 or as required by court order for good cause shown.  
15 A local panel member may share with the state panel communications made during the  
16 local panel member's performance of official duties if the local panel member omits  
17 identifying information.

18 (c) A local panel proceeding is not governed by AS 44.62.310.

19 Sec. 47.14.270. COURT REVIEW OF REPORT. (a) When a report is  
20 admissible under court rules, the court may consider the report of the local panel in its  
21 review under AS 47.10.080(f) or AS 47.12.120(d), as appropriate, and at other  
22 disposition hearings other than hearings related to delinquency proceedings.

23 (b) The court may refer to the local panel a case called for a special review under  
24 AS 47.10.080(f) or AS 47.12.120(d), as appropriate.

25 Sec. 47.14.280. INDEMNIFICATION OF PANEL MEMBERS. A state panel  
26 member and a local panel member shall be indemnified by the state for civil liability for  
27 a negligent act or omission of the panel member that occurs in the performance of the  
28 member's duties under AS 47.14.200 - 47.14.299 unless the civil liability results from the  
29 panel member's violation of

30 (1) AS 47.14.260(b); or

31 (2) the oath or affirmation required under AS 47.14.220(e).

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1           Sec. 47.14.299. DEFINITIONS. In AS 47.14.200 - 47.14.299,

2           (1) "local panel" means a local citizen out-of-home care review panel  
3 appointed under AS 47.14.220;

4           (2) "out-of-home care provider" means an agency or person, other than  
5 the child's legal parents, with whom a child who is in the custody of the state under  
6 AS 47.10.080(c)(1) or (3), 47.10.142, AS 47.12.120(b)(3), or AS 47.14.100(c) is  
7 currently placed; in this paragraph, "agency or person" includes a foster parent, a relative  
8 other than a parent, a person who has petitioned for adoption of the child, and a  
9 residential child care facility;

10          (3) "state panel" means the Citizens' Review Panel for Permanency  
11 Planning established under AS 47.14.200.

### 12           ARTICLE 4. GENERAL PROVISIONS.

13          Sec. 47.14.980. GRANTS-IN-AID. The department may accept grants-in-aid  
14 from the federal government or private foundations and may accept other gifts consistent  
15 with the purposes of this chapter.

16          Sec. 47.14.990. DEFINITIONS. In this chapter, unless the context otherwise  
17 requires,

18          (1) "care" or "caring" under AS 47.14.100(c) means to provide for the  
19 physical, emotional, mental, and social needs of the child;

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

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

23          (4) "delinquent minor" means a minor found to be within the jurisdiction  
24 of the court under AS 47.12.020;

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

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

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

31          (8) "juvenile work camp" means a separate residential establishment,

1 exclusively devoted to the detention of minors, in which the minors who are 16 years of  
2 age or older and committed to the custody of the department and placed in the facility  
3 may be required to labor on the buildings and grounds or perform any other work or  
4 engage in any activities that do not conflict with regulations adopted by the department  
5 under this chapter for the care, rehabilitation, education, and discipline of minors in  
6 detention;

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

8 (10) "treatment facility" or "treatment institution" means a hospital, clinic,  
9 institution, center, or other health care facility that has been designated by the department  
10 for the treatment of juveniles.

11 \* Sec. 48. AS 47.17.290(8) is amended to read:

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

17 \* Sec. 49. AS 47.33.010(b) is amended to read:

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

19 (1) a correctional facility;

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

21 (3) an emergency shelter;

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

23 (5) a program for runaway minors licensed under AS 47.10.310

24 [AS 47.10]; or

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

26 \* Sec. 50. AS 47.33.990(3) is amended to read:

27 (3) "adult" means a person 18 years of age or older who is not a ward of  
28 the state under AS 47.10.080(f) or AS 47.12.120(d) [AS 47.10.080];

29 \* Sec. 51. AS 47.35.015(c) is amended to read:

30 (c) A person may not operate a residential child care facility without a license  
31 issued under this chapter unless that facility is

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- 1 (1) a juvenile facility operated by the state under AS 47.14.010  
2 [AS 47.10.150];  
3 (2) a medical facility licensed by the department under AS 18.20;  
4 (3) a recreational camp providing recreational experiences of no more  
5 than one month's duration for a child; or  
6 (4) exempt from licensure for a reason set out in (b)(6) or (7) of this  
7 section.

8 \* Sec. 52. AS 47.40.011(a) is amended to read:

- 9 (a) When the department purchases residential services for minors for whom the  
10 state has assumed responsibility under AS 47.10 or AS 47.12, the department shall  
11 (1) purchase the services only under grants to local governmental units  
12 or nonprofit corporations;  
13 (2) award grants for a specified number of beds as provided in  
14 AS 47.40.041.

15 \* Sec. 53. AS 47.70.020 is amended to read:

16 Sec. 47.70.020. FINANCIAL RESPONSIBILITY. Financial responsibility for  
17 a child placed in accordance with the Interstate Compact on the Placement of Children  
18 shall be determined in accordance with art. V of the compact. However, in the event of  
19 partial or complete default of performance under the compact, the provisions of  
20 AS 47.14.100(b) [AS 47.10.230(b)] apply.

21 \* Sec. 54. AS 47.70.050 is amended to read:

22 Sec. 47.70.050. DELEGATION BY AGREEMENT. Requirements for  
23 visitation, inspection, or supervision of children, homes, institutions, or other agencies  
24 in another party state which may apply under AS 47.14.110 [AS 47.10.240] shall be  
25 considered to be met if performed under an agreement entered into by appropriate  
26 officers or agencies of this state or a subdivision of this state as contemplated by art. V(b)  
27 of the Interstate Compact on the Placement of Children.

28 \* Sec. 55. AS 47.10.010(b), 47.10.010(d), 47.10.010(e), 47.10.020(d), 47.10.040,  
29 47.10.050(b), 47.10.060, 47.10.070(b), 47.10.075, 47.10.080(b), 47.10.080(g), 47.10.080(h),  
30 47.10.081(a), 47.10.090(b), 47.10.093(c)(2), 47.10.093(c)(3), 47.10.093(c)(4), 47.10.093(c)(5),  
31 47.10.093(d), 47.10.093(e), 47.10.093(h), 47.10.095, 47.10.097, 47.10.130, 47.10.140,

1 47.10.150, 47.10.160, 47.10.170, 47.10.180, 47.10.190, 47.10.200, 47.10.210, 47.10.220,  
2 47.10.230, 47.10.240, 47.10.250, 47.10.260, 47.10.265, 47.10.400, 47.10.410, 47.10.420,  
3 47.10.430, 47.10.440, 47.10.450, 47.10.460, 47.10.470, 47.10.480, and 47.10.490 are repealed.

4 \* **Sec. 56.** Rule 23(d), Alaska Delinquency Rules, is amended to read:

5 (d) ORDER. **The court shall enter** [IN] its disposition order **taking into**  
6 **account the considerations set out in AS 47.12.140** [, THE COURT SHALL ORDER  
7 THE LEAST RESTRICTIVE ALTERNATIVE DISPOSITION UNDER  
8 AS 47.10.080(b) THAT ADDRESSES THE JUVENILE'S TREATMENT NEEDS AND  
9 PROTECTS THE PUBLIC].