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Shifting Marijuana Laws and Policies: Implications for Alaska

Jason Brandeis

Marijuana regulation continues to be a pressing criminal justice and social policy issue both in Alaska and across the nation. Nearly one-third of the states have decriminalized possession of small amounts of marijuana and nearly half have legalized marijuana for medical use. (See Figure 1.) Recently, voters in Colorado and Washington further shifted the marijuana law paradigm by approving ballot measures that legalized recreational marijuana use and established comprehensive licensing and regulatory frameworks for the production and commercial sale of marijuana.

Changes to state drug laws that allow commercial marijuana transactions and relax or eliminate criminal penalties for marijuana

use and possession raise constitutional issues (see Table 1, p. 18). Such laws conflict with the Controlled Substances Act (CSA), the federal law that makes all marijuana use, possession, and sale illegal. Since 1996, when California became the first state to enact a medical marijuana law, numerous federal prosecutions have been filed against medical marijuana providers who were operating under valid state laws. But following legalization in Colorado and Washington, the federal government's approach to marijuana enforcement has shifted. The U.S. Department of Justice recently announced a new policy that respects state efforts to legalize and decriminalize marijuana, the U.S. Treasury Department issued guidelines intended to make it easier for banks to work

with marijuana-related business, and Congress is considering several bills aimed at reforming the federal marijuana prohibition.

Such changes to other states' marijuana laws and to federal marijuana enforcement policies are of particular relevance to Alaska because these changes could have consequences for Alaska's existing medical and recreational marijuana laws. And, although Alaska does not currently have a regulated commercial marijuana market like Colorado and Washington, it soon may. A ballot measure that would legalize, tax, and regulate marijuana in Alaska will be before the state's voters at the November 2014 general election.

This article summarizes Alaska's current marijuana laws, identifies recent changes to other state laws and federal policies related to marijuana use and possession, and discusses the impact of those changes on Alaska's marijuana laws.

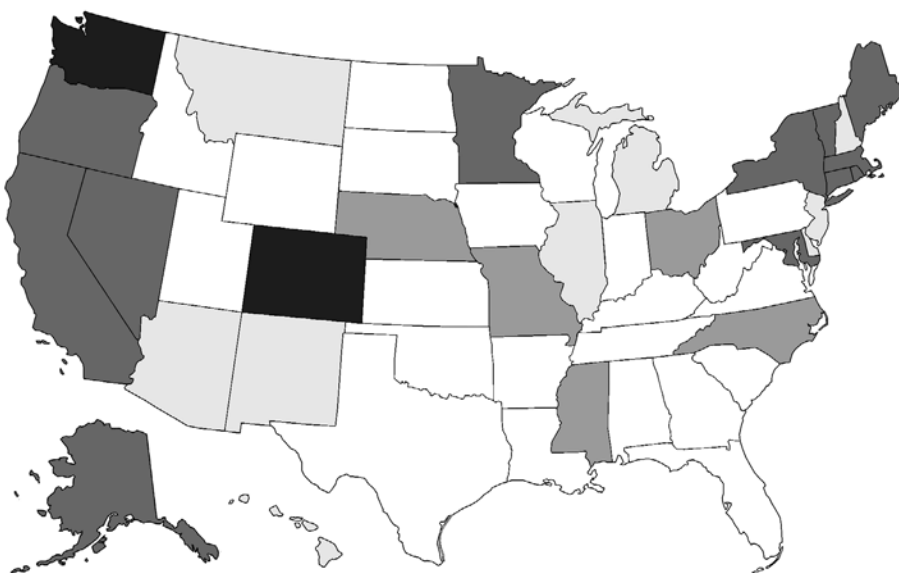
Decriminalization, Legalization, and Alaska's Unique Marijuana Laws

A state is considered to have decriminalized marijuana if it has removed the threat of jail or prison time for the lowest-level marijuana offenses, generally personal possession of small amounts of marijuana. Such possession often still carries a penalty, but instead of imprisonment, the sanction is a civil fine. Jurisdictions that continue to classify marijuana possession as a crime, but do not impose prison time for first offenses (but do so for subsequent offenses), can also

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Figure 1. State-Level Marijuana Legalization and Decriminalization

- Legalized medical marijuana laws
- Legalized medical marijuana and decriminalized marijuana possession laws
- Decriminalized marijuana possession laws (generally, jail time removed for possession of small amounts)
- Legalized medical and recreational marijuana laws



Note: The Alaska Supreme Court has found that the state constitution's right to privacy protects an adult's ability to possess modest amounts of marijuana in the home for personal use.

Sources of data: New York Times; National Organization for the Reform of Marijuana Laws; Marijuana Policy Project; National Conference of State Legislatures; news reports

HIGHLIGHTS INSIDE THIS ISSUE

- Statistics for homelessness in Alaska and the U.S. (page 2).
- SB64 and the Alaska Criminal Justice Commission (page 11).
- The Alaska Court System's Early Resolution Program for family law cases (page 13).

The Homeless: Who and How Many?

Barbara Armstrong and Sharon Chamard

Across the nation in both rural and urban areas, public and private agencies work to provide services for homeless people. One of the biggest challenges is collecting data about homeless individuals: how many people are homeless, who they are, what services they need most, and how long they have been homeless. Funding for agencies and eligibility determination for homeless services are based on these kinds of data. The most recent national point-in-time (PIT) count published by the U.S. Department of Housing and Urban Development (HUD) shows that on one night in January 2013, there were an estimated 610,042 homeless persons in the U.S.: 394,698 were in shelters and 215,344 were in unsheltered locations. (See Figure 1.) The PIT count is a HUD national mandate and occurs in every state on a single night in the last part of January of each year. The 2013 PIT count of homeless persons in Alaska was 1,946 individuals—with 1,741 persons in shelters and 205 in unsheltered places. (See Table 1.) The PIT count, however, is only one measure of homelessness.

This article looks at reports from 2012, 2013, and 2014 on estimates of homelessness in the U.S. and Alaska, the subpopulations of homeless individuals, and the various definitions of homelessness.

Definitions of Homelessness

Any discussion of homelessness and homelessness statistics needs to include a reference to the various definitions of homelessness that agencies use.

The housing status of an individual is referred to as *domiciled* (living in a permanent, stable location) and *undomiciled* (living in a temporary location or not residing at any given location). Other key factors in the definition of homelessness include a description of the type of location in which an individual is residing, length of stay in a location, and number of moves in a given time period, as well as the risk of becoming homeless due to imminent eviction. (For more detail, see “Definitions of Homelessness” on page 4 in this issue.)

HUD’s definition, which is used to calculate funding for housing and services and determine eligibility, is more restrictive than those used by other agencies. HUD does not consider a person homeless, for example, if the individual is staying with friends or family—a living situation often referred to as *doubling up*—or if an individual is staying at a hotel/motel. From HUD’s perspective, these individuals fall under the category of *domiciled*, even though they may be only temporarily staying with friends or family or at a hotel or motel. The U.S. Department of Health and Human Services (DHHS) has a more inclusive definition it uses to

Table 1. Homelessness Point in Time Count, Anchorage and Balance of State, 2013–2014

	2013	2014	% change 2013–2014
Anchorage	1,122	1,024	-8.7 %
Sheltered	1,070	971	-9.3
Unsheltered	52	53	1.9
Balance of state*	824	761	-7.6 %
Sheltered	671	669	-0.3
Unsheltered	153	92	-39.9
Total number of persons	1,946	1,785	-8.3 %
Sheltered	1,741	1,640	-5.8
Unsheltered	205	145	-29.3

* "Balance of state" includes point-in-time counts for all Alaska communities except Anchorage.

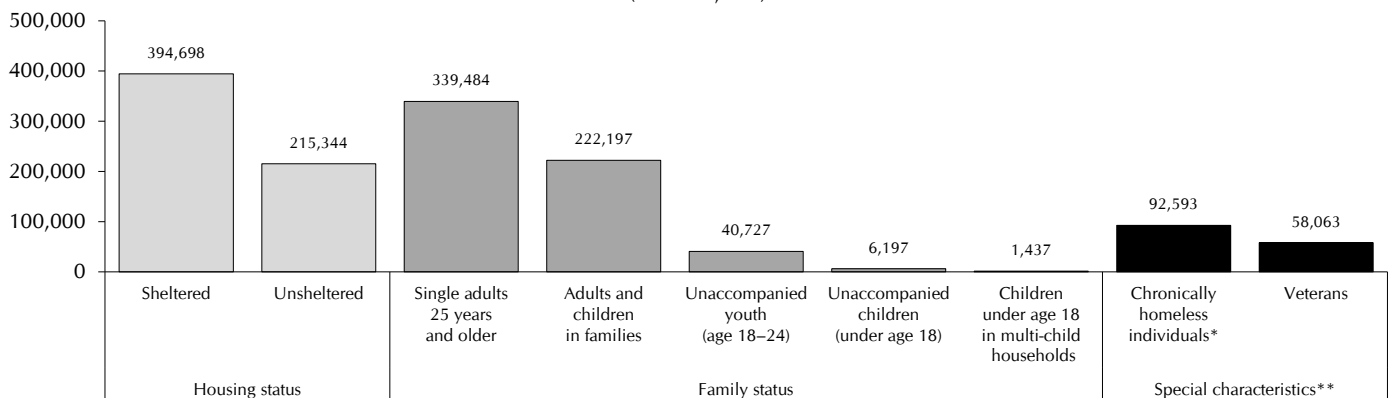
Source of data: Point in Time Summary for AK-500—Anchorage CoC 2013–2014 and Point in Time Summary for AK-501—Alaska Balance of State CoC 2013–2014, Alaska Coalition on Housing and Homelessness

assess the eligibility of an individual for health services. DHHS, as well as the U.S. Department of Education which provides funding to school districts to serve homeless students, include doubling up in their homeless definitions.

Senator Dianne Feinstein (D-CA), and co-sponsors Senator Mark Begich (AK-D) and Senator Rob Portman (OH-R) introduced a bill, the Homeless Children and Youth Act of 2014 (S.2653), on July 24, 2014, which addresses the issue of the definition of homelessness. The bill would include living in a hotel/motel and living doubled up with family and friends as part of an expanded HUD definition of homeless-

Figure 1. Homeless Populations and Subpopulations in the U.S., 2013

(N = 610,042)



* An individual or a family is considered chronically homeless if he or she or, in the case of a family, a head of household has a disabling condition and has been continuously homeless for one year or more or has experienced at least 4 episodes of homelessness in the last 3 years.

** "Special characteristics" categories are not mutually exclusive.

Source of data: "HUD's 2103 Continuum of Care Homeless Assistance Programs: Homeless Populations and Subpopulations—Full Summary Report" (https://www.hudexchange.info/reports/CoC_PopSub_Nat/TerrDC_2013.pdf) and *The 2013 Annual Homeless Assessment Report (AHAR) to Congress, Part 1: Point-in-Time Estimates of Homelessness* (<https://www.hudexchange.info/resource/3300/2013-ahar-part-1-pit-estimates-of-homelessness/>), U.S. Department of Housing and Urban Development

Table 2. Change in Homeless Populations and Subpopulations in Alaska and the U.S., 2012–2013

	Overall	Sheltered	Unsheltered	Individuals	Persons in families	Family households	Chronic individuals	Veterans
Alaska	1.7%	1.5%	4.1%	4.9%	-5.0%	-9.3%	-39.2%	-18.0%
U.S.	-3.7%	1.2%	-11.6%	-1.7%	-7.2%	-8.0%	-7.3%	-7.3%

Note: This data is based on point-in-time (PIT) counts from the U.S. Department of Housing and Urban Development (HUD).

Source of data: *The State of Homelessness in America 2014*, National Alliance to End Homelessness, <http://www.endhomelessness.org/library/entry/the-state-of-homelessness-2014>

ness. This change in the definition would make it possible for a much larger number of homeless children and youth to be eligible for federal services.

Who Counts the Homeless?

Several agencies conduct counts of homeless populations across the U.S., which vary in the types of data on homeless populations and subpopulations that are collected and the timing of the enumeration. HUD's annual PIT count in January, presented in the *The 2013 Annual Homeless Assessment Report (AHAR) to Congress, Part 1: Point-in-Time Estimates of Homelessness*, provides an estimate of the number of homeless persons and of the subpopulations of the homeless on one night. The count includes people in shelters as well as individuals living on the street. HUD also collects data throughout the federal fiscal year (October 1–September 30) on homeless persons in shelters only and incorporates both one-night PIT counts and one-year estimates data in the second volume of its annual report, *The 2012 Annual Homeless Assessment Report (AHAR) to Congress, Volume II: Estimates of Homelessness in the United States*. The second volume contains demographic details not found in Part 1.

The 2012 HUD detailed report for sheltered homeless persons, the most recent report available (at the time of this writing), estimates that 1.48 million people were in shelters at some time that year. Although the majority of individuals in shelters are single males, in 2012 there were also 167,854 families in homeless shelters comprising 535,420 people. Homeless families were 36 percent of the 2012 total homeless population. (Data not shown.) National HUD figures show that homelessness in the nation declined from 2012 to 2013 by 3.7 percent while homelessness in Alaska during that same period rose 1.7 percent (Table 2).

Counts of homeless persons are also collected at outreach events such as Project Homeless Connect (PHC). This one-day event provides service information to homeless persons and is designed to match services to their needs. Project Homeless Connect originated in San Francisco in 2004 and has since been offered in over 260

cities nationwide. It is offered in several communities in Alaska and was first held in Anchorage in July 2007. Individuals who are experiencing homelessness attend the event and are asked to provide information to help assess their needs. They then can be matched with service providers for housing, health, and employment. Anchorage, Fairbanks, Kenai, Mat-Su, and Sitka have all coordinated PHC events; most communities host the event on the day of the HUD annual PIT count at the end of January. The Project Homeless Connect counts are of those individuals who voluntarily come to the event, and reflect only a fraction of the homeless population in any community.

The U.S. Census also counts homeless individuals in emergency and transitional shelters. The 2010 report from the U.S. Census, *The Emergency and Transitional Shelter Population: 2010*, showed a total homeless population of 209,325 persons nationwide, and 1,246 homeless individuals in Alaska, in emergency and transitional shelters (Table 3). The census enumerators

conducted their count over three days in March 2010 at emergency and transitional shelters, soup kitchens and mobile food vans, and non-sheltered outdoor locations. The census report is limited in scope and presents only data on the subpopulation of the homeless in emergency and transitional shelters.

How Data are Reported

Data on homeless persons are reported to HUD, which analyzes the information and then publishes annual reports. Data collected in Alaska on homeless persons are sent to the Alaska Homeless Management Information System (AKHMIS), which is currently administered by the Municipality of Anchorage for the entire state. AKHMIS then reports these data to HUD. The data are reported under the Continuum of Care (CoC) program—part of HUD's efforts to encourage community participation in ending homelessness. A Continuum of Care is a local group responsible for coordinating the delivery of services to the homeless population. Alaska has one Continuum of Care entity located in Anchorage and a second Continuum of Care that is responsible for the remainder of the state—referred to as “Balance of State (BoS).” Data for both Anchorage and the remainder of the state are reported to AKHMIS. Information about

Please see *Homeless*, page 5

Table 3. Demographic Characteristics of Emergency and Transitional Shelter Population in Alaska and the U.S., 2010 Census

Characteristic	Alaska (N = 1,246)		U.S. (N = 209,325)		
	N	Percent	N	Percent	
Gender	Male	815	65.4 %	129,969	62.1 %
	Female	431	34.6	79,356	37.9
Age	Under age 18	262	21.0 %	42,290	20.2 %
	18 years and over	984	79.0	167,035	79.8
Hispanic/Latino ethnicity	Hispanic/Latino	—		37,483	17.9 %
	Non-Hispanic/non-Latino	—		171,842	82.1
Race	White	—		93,744	44.8 %
	Black or African American	—		85,487	40.8
	American Indian or Alaska Native	—		4,700	2.2
	Asian	—		3,926	1.9
	Native Hawaiian or other Pacific Islander	—		1,878	0.9
	Some other race	—		10,730	5.1
	Multiple races	—		8,860	4.2
	—	—		—	—

— Data not reported.

Source of data: U.S. Census Bureau, *The Emergency and Transitional Shelter Population: 2010* (2010 Census Special Reports), Sep 2012, <http://www.census.gov/prod/cen2010/reports/c2010sr-02.pdf>

Definitions of Homelessness

The definition of homelessness varies among federal agencies. These differences in definition impact who is eligible for what type of federal and/or state services — and these differences compound the difficulty of collecting reliable homeless counts. The answer to the question, “How many people are homeless in your community?” is — “It depends on how you define and measure homelessness.”

U.S. Department of Housing and Urban Development (HUD)

HUD has the narrowest definition. It excludes, for example, individuals living with family or friends (“doubling up”) or in transitional housing. The definition from the December 5, 2011 *Federal Register* clarifies the HUD definitions of “homelessness” and “youth”:

The final rule maintains these four categories [for homelessness]. The categories are: (1) Individuals and families who lack a fixed, regular, and adequate nighttime residence and includes a subset for an individual who resided in an emergency shelter or a place not meant for human habitation and who is exiting an institution where he or she temporarily resided; (2) individuals and families who will imminently lose their primary nighttime residence; (3) unaccompanied youth and families with children and youth who are defined as homeless under other federal statutes who do not otherwise qualify as homeless under this definition; and (4) individuals and families who are fleeing, or are attempting to flee, domestic violence, dating violence, sexual assault, stalking, or other dangerous or life-threatening conditions that relate to violence against the individual or a family member.

“*Youth*” is defined as less than 25 years of age. Traditionally, HUD has defined children as less than 18 years of age and adults as 18 years of age and above (as established in the *Point-in-Time (PIT) and Housing Inventory Count Reporting* and the annual Continuum of Care Competition Exhibit 1 and Exhibit 2 applications). The proposed rule did not define “youth.” With the inclusion of the term “youth” in Section 103(6), HUD determined it necessary to define youth. By establishing youth as less than 25 years of age, it is HUD’s hope that the programs authorized by the HEARTH Act amendments to the McKinney-Vento Act (42 U.S.C. 11301 *et seq.*), (the Act) will be able to adequately and appropriately address the unique needs of transition-aged youth, including youth exiting foster care systems to become stable in permanent housing.

Proposed Amendment to HUD Definition

The Homeless Children and Youth Act of 2014 was introduced in Congress to amend the HUD definition of homeless to be more consistent with the definition used by other federal agencies. If passed, this bill would make federal services and funding available to many homeless persons and families who are now considered ineligible for this assistance. (See “The Homeless: Who and How Many?” on page 2.)

U.S. Department of Health and Human Services (HHS)

The HHS expands on the HUD definition and includes “doubling up” and focuses more on the “instability” of a living situation:

... an individual who lacks housing (without regard to whether the individual is a member of a family), including an individual whose primary residence during the night is a supervised public or private facility (e.g., shelters) that provides temporary living accommodations, and an individual who is a resident in transitional housing. 42 U.S. Code § 254b.

This is further clarified in HHS Health Resources and Services Administration (HRSA) Program Assistance Letter 99-12:

A homeless person is an individual without permanent housing who may live on the streets; stay in a shelter, mission, single room occupancy facilities, abandoned building or vehicle; or in any other unstable or non-permanent situation. An individual may be considered to be homeless if that person is “doubled up,” a term that refers to a situation where individuals are unable to maintain their housing situation and are forced to stay with a series of friends and/or extended family members. In addition, previously homeless individuals who are to be released from a prison or a hospital may be considered homeless if they do not have a stable housing situation to which they can return. *A recognition of the instability of an individual’s living arrangements is critical to the definition of homelessness.* (emphasis added)

U.S. Department of Education (DOE)

The definition of homeless as used by DOE is found in 42 U.S. Code 11434(a) and is the most expansive of the definitions. The DOE definition is part of the McKinney-Vento Homeless Education Assistance Improvements Act of 2001 which provides funding to public school districts to assist homeless children and youth who are enrolled in school. The goal is keep homeless children in school, to prevent them from being marginalized, and to ensure they receive comparable services to other students in their school.

42 U.S. Code § 11434a — Definitions

(2) The term “homeless children and youths” —

(A) means individuals who lack a fixed, regular, and adequate nighttime residence (within the meaning of section 11302 (a)(1) of this title); and

(B) includes —

(i) children and youths who are sharing the housing of other persons due to loss of housing, economic hardship, or a similar reason; are living in motels, hotels, trailer parks, or camping grounds due to the lack of alternative adequate accommodations; are living in emergency or transitional shelters; are abandoned in hospitals; or are awaiting foster care placement;

(ii) children and youths who have a primary nighttime residence that is a public or private place not designed for or ordinarily used as a regular sleeping accommodation for human beings (within the meaning of section 11302 (a)(2) (C) of this title);

(iii) children and youths who are living in cars, parks, public spaces, abandoned buildings, substandard housing, bus or train stations, or similar settings; and

(iv) migratory children (as such term is defined in section 6399 of title 20) who qualify as homeless for the purposes of this part because the children are living in circumstances described in clauses (i) through (iii).

Homeless

(continued from page 3)

homeless persons for the Balance of State (BoS) is not broken out by city or region, but is reported to HUD as an aggregate figure. In Alaska, over 30 providers of services for the homeless use the Alaska Homeless Management Information System (AKHMIS) to report data on clients they serve statewide.

Estimates of overall homeless numbers only tell part of the story. The U.S. Census takes place every ten years and counts only people in emergency and transitional shelters. The PIT count is a snapshot of homelessness on only one night, while the data collected by HUD about the homeless over a one-year period reflects individuals in shelters and is combined with PIT count data in the second volume of HUD's AHAR report. The reality is that people experience different types of homelessness—such as sleeping on the street, at a hotel/motel, or

doubling up with friends or family—at different times and for varying durations. The numbers are constantly shifting and are impacted by definitions of homelessness and who is conducting the count.

How Many People are Homeless?

The answer to this question depends on the definition of homelessness used, which agency's data is used, and how the data are organized. For example, according to the HUD PIT count, there were 610,042 homeless persons—sheltered and unsheltered—in the U.S. on *one night in January 2013*. HUD's Homeless Management Information System (HMIS) data, on the other hand, reflect unduplicated counts of homeless persons who were in a shelter at some point during the 2012 federal fiscal year—a total of 1.48 million persons.

The PIT counts reported by HUD look at sheltered and unsheltered on a single night in January, including those in some

type of temporary housing or shelter, and those living in “places not meant for human habitation,” e.g., a car, van, or homeless encampment. The second volume of HUD's AHAR report provides the most detailed information, including demographic data on homeless persons and the variety of subpopulations such as single individuals, families with children, veterans, minorities, unaccompanied youth, the chronically homeless, persons with HIV-AIDS, individuals experiencing chronic substance abuse or serious mental illness, and victims fleeing domestic violence. The Project Homeless Connect counts reflect only those homeless individuals who choose to and are able to attend the event. The U.S. Census numbers are an additional measure to track the number of homeless persons living in emergency and transitional housing, but this enumeration only occurs every 10 years.

Please see *Homeless*, page 6

Homelessness References

The following are sources used in the accompanying article. Additional resources on homelessness are found in the web addendum to this issue of *Forum* and on the Justice Center website at <http://justice.uaa.alaska.edu/a-z/h/homelessness.html>.

- 42 U.S. Code § 254b - Health Centers. (<http://www.law.cornell.edu/uscode/text/42/254b>).
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Table 4. States with Highest Rates of Homelessness, 2013

State/district	Rate per 10,000 population
District of Columbia	106.2
Hawaii	45.1
New York	39.4
California	35.7
Oregon	35.2
Nevada	30.3
North Dakota	28.6
Massachusetts	28.4
Alaska	26.5
Washington	25.5
Florida	24.5
Vermont	23.2
Maine	22.7
Overall U.S. rate	19.3

Source of data: *The State of Homelessness in America 2014*, National Alliance to End Homelessness, <http://www.endhomelessness.org/library/entry/the-state-of-homelessness-2014>

Table 5. Demographic Characteristics of Sheltered Homeless People in the U.S., 2012

Estimates for all people who used an emergency shelter or transitional housing program from October 1, 2011 to September 30, 2012.

N = 1,488,371

Characteristic	Percent
Gender (adults only)	
Male	63.2 %
Female	36.8
Age	
Under age 18	22.6 %
18–30 years	23.5
31–50 years	35.0
51–61 years	15.6
62 years and older	3.2
Hispanic ethnicity	
Hispanic	16.3 %
Non-Hispanic	83.7
Race	
White, non-Hispanic	38.9 %
White, Hispanic	9.5
Black or African American	39.4
American Indian or Alaska Native	3.4
Asian	0.8
Native Hawaiian or other Pacific Islander	0.8
Multiple races	7.2

Source of data: *The 2012 Annual Homeless Assessment Report (AHAR) to Congress, Vol. II: Estimates of Homelessness in the United States*, U.S. Department of Housing and Urban Development, Sep 2013, <https://www.onecpd.info/resources/documents/2012-AHAR-Volume-2.pdf>

Homeless (continued from page 5)

The Homeless in Prisons and Jails

A less obvious population of homeless are those many individuals in prisons or jails who were homeless immediately before incarceration, and who are often homeless or at risk of homelessness following release. Counts of the homeless do not include persons who are incarcerated. A 2008 study, “Homelessness in the State and Federal Prison Population,” looked at 17,567 imprisoned adult individuals (age 17 and older) and found that nine percent were homeless in the year prior to their arrest. This survey group had a rate of recent homelessness four to six times greater than the general population, and were at high risk for experiencing homelessness after release from prison.

A 2011 article, “Risk Factors and the Duration of Homelessness among Drug-Using Arrestees: Evidence from 30 American Counties,” was one of the first pieces of research to look at the rate of homelessness among individuals in jails. The study looked at a sample of 30,634 drug-using adults who had been arrested during 2002–2003 and were in local jails around the country. The arrestees were asked about their residential status for each month of the year prior to their arrest. More than half of the arrestees who had reported being homeless for at least part of the preceding year were homeless at the time of arrest, and 9.7 percent of the total sample population reported that they had been homeless for 15 days of the month immediately prior to their arrest. The researchers used this data and HUD homeless estimates for the general population to calculate an estimated homelessness rate for this group—it was 20 times the homelessness rate for the general population.

Other studies have reported similar findings regarding pre-incarceration and post-release homelessness among incarcerated individuals. Clearly, persons in both jail and prison have high homelessness rates, but the homelessness rate for arrestees in jails is significantly higher. However, these homelessness figures are not found in PIT counts or Project Homeless Connect counts. Given these high rates of homelessness among incarcerated persons, prison population figures and jail population numbers in particular are important factors to consider when looking at estimates of homelessness. And the prison population figures are high. The U.S. Census in 2010 reported 2,263,602 persons in adult correctional facilities, and 151,315 persons in juvenile facilities. The Bureau of Justice Statistics (BJS) bulletin, *Correctional Popu-*

lations in the U.S., 2012, reported a total jail and prison adult population of 2,228,400 persons. The Office of Juvenile Justice and Delinquency Prevention (OJJDP) bulletin, *Juvenile Residential Facility Census 2010: Selected Findings*, notes 66,322 youth were in residential facilities that year. In Alaska, the Alaska Department of Corrections (DOC) administers a unified correctional system that includes all jails and prisons. According to the DOC *Offender Profiles*, in 2002 the total Alaska offender population in all facilities was 4,599. In 2013, the total offender population was 6,256—an increase of 36 percent over the period. The Alaska Division of Juvenile Justice (DJJ) website (<http://dhss.alaska.gov/djj/Pages/FacilityCapacity.aspx>) shows that in 2003 there were 298 youth in DJJ facilities and in 2013 269 youth—a 9.7 percent decline in the number of youth in DJJ facilities.

HUD Counts

The *2013 Annual Homeless Assessment Report (AHAR) to Congress* published by HUD provides details about and numbers of homeless individuals by state, by homeless subpopulation, and by type of reporting agency. All 50 states, plus the District of Columbia, report their data to HUD for compilation and analysis. Using data from the 2013 HUD report, the National Alliance to End Homelessness noted in *The State of Homelessness in America 2014* that the U.S. homelessness rate was 19 homeless persons per 10,000 residents in 2013. Alaska, with a rate of 26.5 homeless persons per 10,000 residents, ranked ninth highest among the states in 2013. (See Table 4.)

Who Are the Homeless?

Following are some of the key findings from the HUD reports for 2012 and 2013.

Of the 610,042 homeless persons (both sheltered and unsheltered) in the U.S. on one night in January 2013:

- 64% were individuals (387,845).
- 36% were people in families (222,197).
- 23% were under the age of 18 (138,149).
- 10% were 18–24 years old (61,541).
- 8% were unaccompanied children and youth (46,924).
- 35% were living in unsheltered locations (215,344).
- 18% were chronically homeless (109,132).
- About 12% of all homeless adults were veterans (58,063).
- 22% had a chronic substance abuse problem (133,230).
- 20% suffered from a severe mental illness (124,152).
- 10% were victims of domestic violence (63,836).

- 4 states—California, New York, Florida, Texas—had over 50% of the nation’s homeless population.

In 2012, unduplicated counts of the 1.48 million individuals nationwide who were in an emergency shelter at some point during that year show (Table 5):

- Nearly 63% were male and about 37% were female. These proportions have remained stable over the last several years.
- 63% were individuals.
- 23% were under the age of 18.
- Over half the people in homeless people shelters were between the ages of 31 and 61.
- About 61% belonged to a minority group.
- Almost 40% of the homeless in shelters were Black or African American, although this minority represented about 13% of the general population in 2012.
- 70% of homeless persons in shelters were in major metropolitan areas.

PIT Counts in Alaska

The Alaska PIT counts are reported for two Continuums of Care as noted above: Anchorage and Balance of State. In 2014, there were 1,785 homeless persons in Alaska on one night in January. Of this number, 971 were sheltered and 53 unsheltered in Anchorage, and 669 were sheltered and 92 unsheltered in all other communities in the state.

The 2014 PIT count data for Alaska do not give a breakdown by gender but do provide data on age. There has been a major focus since last year on collecting data on homeless youth who are among some of the most vulnerable homeless persons. The goal is to enhance services to this age group. In Anchorage in 2014, there were 188 homeless youth under age 18 (18%), 146 youth age 18–24 years of age (14%), and 690 persons over the age of 24 years (67%). For the Balance of State, there were 209 homeless youth under age 18 (27%), 56 youth age 18–24 years of age (7%), and 496 persons over the age of 24 years (65%). (Data not shown).

The 2014 PIT count for Anchorage’s homeless population was 1,024. The following subpopulations were noted for Anchorage in that year:

- 13% were persons with severe mental illness (131).
- 22% were persons with chronic substance abuse (224).
- .004% were persons with HIV/AIDS (5).
- 28% were victims of domestic violence (29).

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Table 6. Demographic Characteristics of Project Homeless Connect Participants, January 2013

Characteristics	Anchorage (N = 730)		Balance of state ^a (N = 598)		Total (N = 1328)	
	N	Percent	N	Percent	N	Percent
Gender						
Male	445	61.0 %	331	55.4 %	776	58.4 %
Female	285	39.0	266	44.5	551	41.5
Transgender	0	0.0	1	0.2	1	0.1
Race						
Alaska Native or American Indian	437	59.9 %	288	48.2 %	725	54.6 %
White	188	25.8	264	44.1	452	34.0
Black or African American	48	6.6	9	1.5	57	4.3
Native Hawaiian or other Pacific Islander	25	3.4	11	1.8	36	2.7
Asian	11	1.5	1	0.2	12	0.9
Mixed	9	1.2	9	1.5	18	1.4
Don't know, refused, no response, or unknown	12	1.6	16	2.7	28	2.1
Age group						
Less than 18	0	0.0 %	31	5.2 %	31	2.3 %
18–21	13	1.8	39	6.5	52	3.9
22–30	72	9.9	72	12.0	144	10.8
31–40	122	16.7	94	15.7	216	16.3
41–50	238	32.6	111	18.6	349	26.3
51–61	223	30.5	130	21.7	353	26.6
62 and over	51	7.0	28	4.7	79	5.9
No response/unknown	11	1.5	93	15.6	104	7.8

Note: A complete breakdown by community is provided in Table 14 of the web supplement to this article. Table 14 also provides data on additional demographic characteristics.

- a. "Balance of state" includes all Project Homeless Connect communities except Anchorage.
- b. Includes 83 "Unknown age" participants from Fairbanks. Fairbanks used different age categories than those used by other Project Homeless Connect sites, and included the following categories for adults: age 18–24 (n = 20); age 25 or older (n = 62); and unknown age (n = 1).

Source of data : Project Homeless Connect, Alaska Coalition on Housing and Homelessness, <http://www.alaskahousing-homeless.org/project-homeless-connect-data>

Table 7. Primary Reason for Becoming Homeless, Project Homeless Connect Participants, January 2013

Primary reason for becoming homeless	Anchorage (N = 730)		Balance of state* (N = 598)		Total (N = 1328)	
	N	Percent	N	Percent	N	Percent
Economic						
Loss of job	180	24.7	116	19.4	296	22.3
Illness/injury	52	7.1	37	6.2	89	6.7
Rent/utility rate hike after move-in	30	4.1	13	2.2	43	3.2
Hours of work cut	12	1.6	13	2.2	25	1.9
Military discharge	0	0.0	2	0.3	2	0.2
Domestic violence	26	3.6 %	21	3.5 %	47	3.5 %
Situational concerns						
Substance abuse/mental health incident	99	13.6	36	6.0	135	10.2
Dispute with relatives or roommates	25	3.4	33	5.5	58	4.4
Loss of partner/roommate	31	4.2	16	2.7	47	3.5
Violation of lease/house rules	13	1.8	12	2.0	25	1.9
Life transition						
Moved here from another community	69	9.5	21	3.5	90	6.8
Release from jail or prison	39	5.3	9	1.5	48	3.6
Aged out of foster care / youth services	2	0.3	3	0.5	5	0.4
Release from treatment center	0	0.0	3	0.5	3	0.2
Other	106	14.5 %	72	12.0 %	178	13.4 %
Not homeless	8	1.1 %	6	1.0 %	14	1.1 %
No response	38	5.2 %	99	16.6 %	137	10.3 %
Data not reported	0	0.0 %	86	14.4 %	86	6.5 %

Note: A complete breakdown by community is provided in Table 15 of the web supplement to this article.

* "Balance of state" includes all Project Homeless Connect communities except Anchorage.

Source of data : Project Homeless Connect, Alaska Coalition on Housing and Homelessness, <http://www.alaskahousing-homeless.org/project-homeless-connect-data>

Table 8. Place Where Project Homeless Connect Participants Slept Previous Night, January 2013

Where did you sleep last night?	Anchorage		Balance of state ^a		Total	
	N	Percent	N	Percent	N	Percent
"Homeless" based on HUD + Alaska criteria	589	80.7 %	433	72.4 %	1,022	77.0 %
Emergency shelter	278	38.1	28	4.7	306	23.0
Stayed with friends	120	16.4	139	23.2	259	19.5
Stayed with family	73	10.0	88	14.7	161	12.1
Place not meant for habitation (i.e., tent/car)	39	5.3	77	12.9	116	8.7
Hotel/motel	43	5.9	40	6.7	83	6.3
Transitional housing for homeless	30	4.1	37	6.2	67	5.0
Domestic violence shelter	6	0.8	10	1.7	16	1.2
Sheltered (type not specified)	0	0.0	14	2.3	14	1.1
"Housed" based on HUD + Alaska criteria^b	134	18.4 %	142	23.7 %	276	20.8 %
Refused, no response, unknown	7	1.0 %	23	3.8 %	30	2.3 %
Total persons served	730		598		1,328	

Note: A complete breakdown by community is provided in Table 16 of the web supplement to this article.

a. "Balance of state" includes all Project Homeless Connect communities except Anchorage.

b. "Housed" based on HUD + Alaska criteria^b includes the following categories: foster care/group home (n=3); hospital (including emergency room) (n=8); jail, prison, or juvenile facility (n=3); own house (n=43); permanent housing for formerly homeless (n=14); rent apartment/house (n=174); subsidized housing (public housing) (n=24); and substance abuse treatment center (n=7).

Source of data: Project Homeless Connect, Alaska Coalition on Housing and Homelessness, <http://www.alaskahousing-homeless.org/project-homeless-connect-data>

Table 9. Duration of Homelessness of Project Homeless Connect Participants, January 2013

Characteristics	Anchorage (N = 730)		Balance of state* (N = 598)		Total (N = 1328)	
	N	Percent	N	Percent	N	Percent
Total homeless count	623	85.3 %	455	76.1 %	1,078	81.2 %
1 month or less	53	7.3	37	6.2	90	6.8
More than 1 month to 6 months	126	17.3	105	17.6	231	17.4
More than 6 months to 1 year	81	11.1	55	9.2	136	10.2
More than 1 year to 2 years	84	11.5	58	9.7	142	10.7
More than 2 years to 3 years	71	9.7	30	5.0	101	7.6
More than 3 years	208	28.5	84	14.0	292	22.0
Data not reported	0	0.0	86	14.4	86	6.5
Not homeless	107	14.7 %	143	23.9 %	250	18.8 %

Note: A complete breakdown by community is provided in Table 17 of the web supplement to this article.

* "Balance of state" includes all Project Homeless Connect communities except Anchorage.

Source of data: Project Homeless Connect, Alaska Coalition on Housing and Homelessness, <http://www.alaskahousing-homeless.org/project-homeless-connect-data>

Table 10. Homeless Veterans Point in Time Count, Anchorage and Balance of State, January 2014

Demographic characteristics	Anchorage (N = 49)		Balance of state* (N = 40)		Total (N = 89)	
	N	Percent	N	Percent	N	Percent
Gender						
Male	46	93.9 %	40	100.0 %	86	96.6 %
Female	3	6.1	0	0.0	3	3.4
Hispanic/Latino ethnicity						
Non-Hispanic/non-Latino	48	98.0 %	38	95.0 %	86	96.6 %
Hispanic/Latino	1	2.0	2	5.0	3	3.4
Race						
White	22	44.9 %	26	65.0 %	48	53.9 %
Alaska Native or American Indian	12	24.5	5	12.5	17	19.1
Black or African American	11	22.4	5	12.5	16	18.0
Multiple races	4	8.2	4	10.0	8	9.0

* "Balance of state" includes point-in-time counts for all Alaska communities except Anchorage.

Source of data: Point In Time Summary Veterans for AK-500—Anchorage CoC (2014); Point In Time Summary Veterans for AK-501—Alaska Balance of State CoC (2014)

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- 9% were persons who are chronically homeless (94).

The 2014 PIT count for the Balance of State (all communities except Anchorage) was 761. The following subpopulations were noted for the Balance of State in that year:

- 9% were persons with severe mental illness (65).
- 10% were persons with chronic substance abuse (75).
- .005% were persons with HIV/AIDS (4).
- 0% were victims of domestic violence (0).
- 11% were persons who are chronically homeless (83).

Project Homeless Connect in Alaska

Data on individuals who participate in one-day Project Homeless Connect events provide another kind of snapshot of homelessness in Alaska. Individuals come to a venue and are asked a series of demographic questions and also how long they have been homeless and the reason(s) for their homelessness. Representatives and services from numerous state and private agencies are on-site to assist the homeless. For a time, Anchorage hosted a twice-yearly Project Homeless Connect, but now hosts a single event in January that coincides with the timing of the national PIT count. In 2013, Fairbanks held several mini-events including one in January. Other communities hosting PHC events include Juneau, Kenai, Ketchikan, Mat-Su, and Sitka. Data from the PHC events that are held during the period for the national PIT count are included in the total HUD PIT count figures.

Preliminary data for the 2014 PHC is available (as of this writing) only for Anchorage. The Anchorage report shows that 709 homeless persons participated in the event. The majority were male (63%) and nearly 75 percent of the individuals were between the ages of 31 and 61 years of age.

Detailed data are available for the 2013 (and earlier) PHC events in Anchorage and statewide, and indicate that 730 homeless persons attended PHC Anchorage and 598 participated in PHC events in all other communities (Fairbanks, Juneau, Kenai, Mat-Su, and Sitka) totaling 1,328 in 2013.

Table 6 shows the demographic characteristics of the January 2013 PHC participants for Anchorage and all other communities. (See the web supplement for a breakdown by city.) Over half of the participants were male (58%) and over half were Alaska Native or American Indian. About one-third of the participants were white. Over half were

between the ages of 41 and 61 years, and about 27 percent were between the ages of 22 and 40 years.

Participants were asked what the primary reason was for becoming homeless (Table 7). Over one-third reported that an *economic reason* was the cause of their homelessness—including loss of job, illness/injury, rent/utility hike, cut in hours of work, and military discharge. Twenty percent of participants at the PHCs responded that a *situational concern* resulted in their homelessness, such as a substance abuse/mental health incident, dispute with relatives or roommate, or violation of lease/house rules. About 4 percent of the participants reported that *domestic violence* led to their homelessness, and 11 percent cited a *life transition*—such as moving here from another community, getting released from jail or prison, aging out of foster care/youth services, or getting released from a treatment center—as the cause of homelessness.

Participants were asked where they had slept the previous night (Table 8). The greatest percentage of people in each community were sheltered as follows: in Anchorage, 38

percent of participants slept in emergency shelter; in Fairbanks 33 percent stayed with friends; in Juneau 19 percent stayed with friends, while in Kenai and Mat-Su 23 percent stayed with friends; and in Sitka around 25 percent stayed with friends. Statewide, 23 percent of individuals stayed in an emergency shelter, 20 percent were with friends, and 12 percent stayed with family.

Duration of homelessness statewide for PHC participants lasted less than one year for about one-third of the individuals (Table 9). About seven percent reported a homeless period of one month or less, 17 percent were homeless for more than one month up to six months, and about 10 percent were homeless for more than six months to a year. However, 22 percent reported being homeless for more than three years.

Homeless Veterans

In 2010, the United States Interagency Council on Homelessness (USICH) initiated *Opening Doors*—described as “the nation’s first-ever comprehensive plan to prevent and end homelessness”—with the target date of 2020 to meet all its goals. The goals

Table 11. Veterans Participating in Project Homeless Connect, January 2013

City/locality	Total persons served	Veterans served	
		n	Percent of total
Fairbanks	86	13	15.1 %
Juneau	196	29	14.8
Anchorage	730	98	13.4
Sitka	63	6	9.5
Kenai	48	4	8.3
Mat-Su	205	13	6.3
Total	1,328	163	12.3 %

Source of data: Project Homeless Connect, Alaska Coalition on Housing and Homelessness, <http://www.alaskahousing-homeless.org/project-homeless-connect-data>

outlined on the USICH website include “ending chronic homelessness and veteran homelessness by 2015, [and] ending homelessness for families, youth and children by 2020...” The U.S. Department of Veterans Affairs (VA) is engaged in these efforts to

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Table 12. Homeless Students in Alaska, 2012–2013 School Year

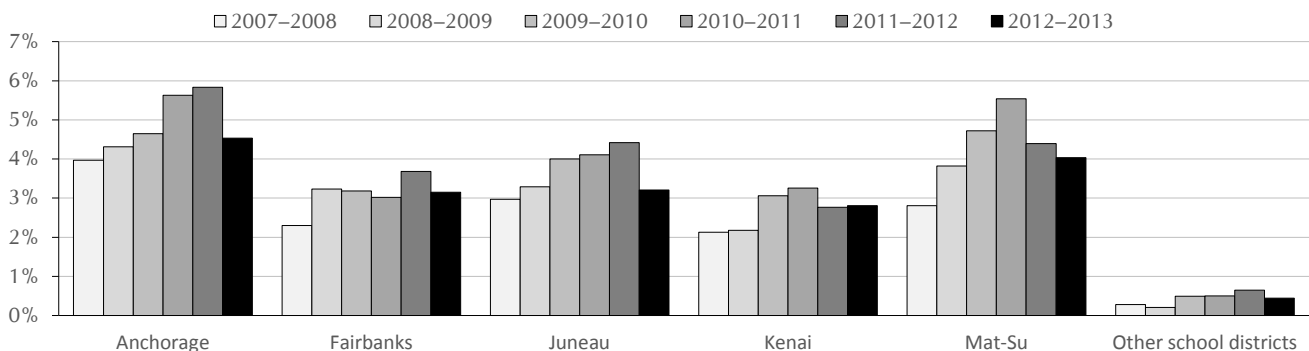
School districts	Grade level					Total	Primary nighttime residence				Total
	Pre-kindergarten	Kinder-garten to Grade 2	Grades 3–5	Grades 6–8	Grades 9–12		Sheltered	Doubled-up*	Unsheltered	Hotel/motel	
State totals	104	959	789	689	1,430	3,971	923	2,334	311	403	3,971
McKinney-Vento subgrant districts	92	929	761	676	1,356	3,814	871	2,248	303	392	3,814
Anchorage	65	601	509	422	663	2,260	555	1,355	86	264	2,260
Fairbanks	8	108	77	84	174	451	140	263	22	26	451
Juneau	1	16	23	23	93	156	51	88	9	8	156
Kenai	3	65	47	41	96	252	27	145	43	37	252
Mat-Su	15	139	105	106	330	695	98	397	143	57	695
All other school districts	12	30	28	13	74	157	52	86	8	11	157

Note: These figures do not represent a point-in-time (PIT) count. Data for homeless students enrolled in Alaska schools is collected throughout the school year. This table includes only those school districts which reported homeless students during the 2012–2013 school year. A complete breakdown by grade level, also providing detail on non-McKinney-Vento subgrant districts, is provided in Table 18 of the web supplement to this article.

* "Doubled-up" refers to situations in which individuals are unable to maintain their housing situation and stay with a series of friends and/or extended family members.

Source of data: Alaska Department of Education and Early Development

Figure 2. Alaska Homeless Students as a Percentage of Overall Enrollment, 2007–2013



Source of data: Alaska Department of Education and Early Development

Table 13. Anchorage Homeless Households Population Trends, 2008–2014

Household type	2008	2009	2010	2011	2012	2013	2014	% change 2008–2014
Households with dependent children								
Households	84	133	152	138	126	87	102	21.4 %
Persons in these households (adults and children)	328	446	500	429	356	278	287	-12.5 %
Households with children only (under age 18)*								
Households	—	—	0	12	3	2	12	—
Persons in these households (children)	—	—	0	12	3	2	13	—
Households without dependent children								
Households	688	776	737	735	780	826	723	5.1 %
Persons in these households	695	776	737	762	788	842	724	4.2 %
Totals								
Total number of households	772	909	889	885	909	915	837	8.4 %
Total number of persons in these households	1,023	1,222	1,237	1,203	1,147	1,122	1,024	0.1 %

Note: Detail on housing status (sheltered or unsheltered) for this table is provided in Table 19 of the web supplement to this article.

* Figures for "Households with children only" were not reported until 2010. For 2010–2011, these figures were reported as "Number of single, unaccompanied youth households."

Source of data: AKHMIS Anchorage Homeless Count 2008–2011 and Point in Time Summary for AK-500—Anchorage CoC 2012–2013, Municipality of Anchorage, <http://www.muni.org/departments/health/community/pages/link.aspx>; Point in Time Summary for AK-500—Anchorage CoC (2014), Alaska Coalition on Housing and Homelessness, <http://www.alaskahousing-homeless.org/sites/default/files/PIT%20Anchorage%202013,%202014%29.pdf>

Homeless

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end veteran homelessness, and homeless veterans comprise one of the subpopulations which has been the focus of much study.

According to the VA, the total U.S. population of living veterans as of September 30, 2013 was 21,973,964. The 2013 PIT count reported that nationwide on a single night in January, 58,063 veterans were homeless—12 percent of all homeless adults in the U.S.

The 2014 PIT count for Alaska shows that homeless veterans comprised about five percent of all homeless persons—49 individuals in Anchorage and 40 in the remainder of the state (Table 10). However, Project Homeless Connect data from 2013 (the most recent data available as of this writing) reported 163 homeless veterans statewide—12 percent of the homeless population who participated in PHC events during the PIT count period (Table 11).

Homeless Students—K–12

The McKinney-Vento Homeless Education Assistance Improvements Act of 2001 allocates federal grants to public school districts to provide assistance to homeless children and their families so that children can attain success in school. Services to homeless students may include transportation to school, food and clothing assistance, tutoring, referral to social services, and other forms of aid that may be needed for the child to succeed in school. In Alaska, there were five school districts that received McKinney-Vento subgrants during the 2012–2013 school year: Anchorage, Fairbanks, Juneau, Kenai, and

Mat-Su. The act also mandates that there be a local liaison in every school district in each state to assist with identifying and serving homeless students. Data from each school district in Alaska are reported to the Alaska Department of Education and Early Development. School districts are responsible for reporting any student identified as homeless at any point during the school year. Once students are identified as homeless, they continue to be eligible to receive services for the duration of the school year even if they move into stable housing. A child may move once or many times in a given year, and school districts' consistent provision of services helps maintain continuity for these students.

The National Association for the Education of Homeless Children and Youth (NAEHCY) reports that in the school year 2011–2012 there were 1,168,354 homeless students in the United States. In Alaska in the school year 2012–2013, there were a total of 3,971 students who had been identified as homeless and were enrolled in public school. Of those students, 96 percent were in one of the five districts that received a McKinney-Vento subgrant. (See Table 12).

Figure 2 shows Alaska homeless students as a percentage of total enrollments in Alaska public schools for the school years from 2007–2008 through 2012–2013. Overall the numbers increased from school years 2007–2008 through 2011–2012, but dropped slightly from 2011–2012 to 2012–2013. Over the school years 2007–2008 through 2012–2013, homeless students represented around 3 to 4.5 percent of the total enrollment in each of the McKinney-Vento subgrant districts, and 0.5 percent or less in districts without a subgrant. However, the

Alaska Department of Education and Early Development Homeless Education Coordinator considers it likely that the numbers reported are an underestimate.

It is possible to calculate an estimate of the total number of persons in homeless families represented by the number of homeless students reported to the Alaska Department of Education. Statisticians use an average of three persons per homeless family: one adult and two children. Using this formula and the number of homeless children in Alaska in the school year 2012–2013, the estimated number of *persons in homeless families with children* in Alaska was 5,956 during that period.

Homeless Unaccompanied Youth

HUD estimates that there were 46,294 homeless unaccompanied youth in the U.S. in 2013—these are individuals age 24 and under. There has been an increased concern about collecting data on youth in the homeless population particularly because these individuals are considered very vulnerable. Many youth have aged out of foster care or have been released from juvenile facilities and have no place to go.

The United States Interagency Council on Homelessness has pointed out the lack of reliable estimates on homeless unaccompanied youth. An earlier response to this concern was the Reconnecting Homeless Youth Act of 2008 which called for the federal government to develop a reporting system for estimating the numbers of runaway and homeless youth and for providing appropriate services for these individuals. Funding under this act assists with delivering programs to these youth. In July of this year, U.S. Senate Bill 2646 was introduced

which includes amendments to definitions of human trafficking, as well as a nondiscrimination clause regarding lesbian, gay, bisexual, and transgender youth.

In 2013, HUD mandated three additional categories of age groupings be added to homeless data collection: under 18 years of age, 18–24 years of age, and over 24 years of age. The inclusion of these data fields will assist in gathering more detailed information on the number of homeless youth. Homeless youth do not often identify themselves as “homeless”—even if they have no stable living situation. They consider themselves to be “couch surfing” or “hanging out.” Unaccompanied youth are often underreported and some areas of the country have been exploring the use of age peers to assist with data collection of this subpopulation.

Homeless Households in Anchorage

In addition to data on the number of *persons* who are homeless, the PIT count also collects statistics on the number of *households* that are homeless. In this article the main focus is on homeless persons. However, Table 13 presents trends in homeless *households* for Anchorage for the period 2008–2014. Although the number of persons in homeless households *with dependent children* has declined 12.5 percent over the period, the overall number of homeless households has increased by 8.4 percent and the total number of persons in homeless households has increased 0.1 percent.

Conclusion

According to HUD PIT counts, overall numbers of homeless persons (sheltered and unsheltered) dropped 3.7 percent from 2012 to 2013 in the U.S., while Alaska showed an increase of 1.7 percent. Many subpopulations of homeless persons also decreased nationwide and in Alaska during this period.

However, while the number of unsheltered homeless individuals declined nationwide by 11.6 percent, in Alaska, the number of unsheltered homeless persons increased 4 percent—going from 197 in 2012 to 205 in 2013. (Data not shown.)

Agencies in the state and around the nation are working on plans to end homelessness. Statewide, the Alaska Council on the Homeless was established in 2004 and issued its first report in 2005 and a *10 Year Plan To End Long Term Homelessness in Alaska* in 2009. The Council is currently reviewing its plan and will complete the process by spring 2015. The Municipality of Anchorage first developed a ten-year plan to end homelessness in 2005. The plan has undergone review and revision, the most current of which is this year’s review by the Housing and Neighborhood Development (HAND) Commission Oversight Subcommittee on Homelessness (HCOSH). The *Municipality of Anchorage Ten-Year Plan on Homelessness: Status Update* was submitted in May 2014. The Municipality of Anchorage Department of Health and Human Services, the HAND Commission, HCOSH, and the Anchorage Coalition to End Homelessness all contributed to this effort. All of the above agencies are currently developing plans for the next five years.

Gathering reliable data on homeless persons continues to be a challenge. Because of different release dates of data, it is not always easy to make comparisons of same-year data. In some cases, data fields and descriptions may differ making direct comparison problematic. And definitions of homelessness do not always align with each other.

In Alaska, the Continuums of Care are working with agencies to improve

the quality of data that is reported to the AKHMIS. AKHMIS recently hosted training for agencies and is reviewing an evaluation of its current procedures for data collection. The goal is to streamline the data process and make data more useful at the community level. The evaluation highlighted the need for greater reporting by geographic location. As noted above, Alaska currently has only two Continuums of Care—one for Anchorage and one that covers that rest of the state. It has been suggested that given the regional variations in a state the size of Alaska, having more regional CoCs could improve data collection and the identification of needs in particular communities. However, CoCs operate under HUD regulations, and there is concern that other communities in Alaska may not have the resources to meet HUD requirements to operate as a CoC. The Anchorage Coalition to End Homelessness also established a data group this spring to assist in reviewing data and identifying gaps in data collection and sources.

Public and private agencies in the United States and Alaska continue to work together to end homelessness. Identifying who is homeless and what the needs are of homeless individuals and families remain critical elements of that goal. Trained data collectors and researchers are integral to this process. Effective allocation of resources, policy-making, and implementation of programs depend on reliable information about the homeless persons in our communities.

Barbara Armstrong is the editor of the Alaska Justice Forum. Sharon Chamard is a member of the Justice Center faculty. Derek Witte, Justice major, assisted in the compilation of point-in-time (PIT) counts data for Anchorage.

The Alaska Criminal Justice Commission: A Legislative Call for Action

Mary Geddes

Given the reported high rates of recidivism for Alaska offenders and the upwards trajectory of prison costs, Alaska’s state legislative leadership is urgently seeking alternatives to current criminal sentencing law and practices. With interest piqued by the “Right on Crime” and other states’ initiatives for more cost-effective approaches to incarceration, Senate Majority Leader and Judiciary Committee Chair John Coghill led a bipartisan effort this past legislative session (2013–2014) to enact some reforms through an omnibus crime bill, Senate Bill 64. In addition to reforms relating to a num-

ber of criminal justice system issues (see sidebar on page 12), SB 64 also created and charged a new entity, the Alaska Criminal Justice Commission, with evaluating and making recommendations “for improving criminal sentencing practices and criminal justice practices, including rehabilitation and restitution.” Over a three-year period the Commission is mandated to meet at least quarterly and submit an annual report of its activities to the governor and the legislature. The report may include “recommendations for legislative and administrative action.” A separate special report on AS 28 alcohol-related offenses is to be submitted to the

governor and the legislature by July 1, 2017 and must include evaluation of specific issues and recommendations (see below). The Alaska Judicial Council will be responsible for staff and administrative support for the Commission.

In seeking the passage of SB 64 before the Senate on April 22, 2014, Coghill explained the need for a critical evaluation of current laws and practice. Coghill explained, “We have become very prescriptive in our laws. But they are sometimes prescriptive in a way that doesn’t mesh real well with [the goals

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Senate Bill 64 — Omnibus Crime Bill

In addition to establishing the Alaska Criminal Justice Commission, Senate Bill 64 also addresses other justice-related issues including:

- the crime of custodial interference;
- the crimes of theft, criminal mischief, and defrauding creditors, and raising the monetary threshold for felony offenses from \$500 to \$750;
- conditions for pre-trial release, probation, and parole for persons awaiting trial or convicted of alcohol-related and substance abuse crimes;
- increased jail-time credit availability for persons in court-ordered treatment programs;
- the consideration of combat-related post-traumatic stress disorder (PTSD) as a mitigating factor during sentencing;
- electronic monitoring in lieu of jail for first-time DUI offenders;
- the requirement that the Department of Corrections establish screening procedures to identify offenders who may be vulnerable to exploitation and recidivism due to fetal alcohol spectrum disorder, fetal alcohol syndrome, or another brain-based disorder;
- the expansion of the PACE (Probation Accountability with Certain Enforcement) program with the Alaska Court System to ensure rapid response to probation violations by offenders convicted of a substance abuse crime;
- the establishment by the Department of Health and Social Services and the Department of Corrections of a recidivism reduction fund to provide community-based transitional reentry services for recently released offenders; and
- the requirement that the Department of Corrections administer a risk/needs assessment tool to all offenders sentenced to 30 days or more in order to assist in the identification of the rehabilitation needs of these individuals.

The full text of the SB 64 is available at http://www.legis.state.ak.us/basis/get_fulltext.asp?session=28&bill=SB64.

Commission

(continued from page 11)

here]. We still want people to be accountable for any crime they do, but the rigidity [in those laws] ... has to be looked at." Noting that "Just putting people in jail doesn't make Alaska safer, especially if you turn them out of jail with no avenue of success," Coghill said that the Commission should "look at the array of programs, talk to people, [and] come back to us with recommendations." "Coghill has emphasized, "I just have to believe we will see a shift in Alaska that will make us safer, [and] ... keep people accountable at less cost to the state."

SB 64 passed unanimously in both the Senate and House, and was signed by Governor Sean Parnell on July 16, 2014. At that time, the Alaska Criminal Justice Commission sprang into existence. Its future commissioners (soon to be named) will include the following (or their designees): the chief justice of the Alaska Supreme Court, two other state court judges, a representative of the Alaska Native community, the attorney general, the public defender, the commissioners of the Department of Public Safety and of the Department of Corrections, the executive director of the Alaska Mental Health Trust Authority, a municipal law enforcement representative, a victims' advocate, and two ex officio members of the legislature. The voting commissioners and the two ex officio Legislative members have from June 30, 2014–June 30, 2017 to accomplish their mandate.

SB64 outlines specific issues the Commission is to consider in the formulation of its evaluation and recommendations regarding the "effect of sentencing laws and criminal justice practices on the criminal

justice system." These include considering:

- statutes, court rules, and court decisions relevant to criminal justice sentencing;
- the sentencing practices of the judiciary, including the use of presumptive sentencing, and the means of promoting uniformity, proportionality, and accountability in sentencing;
- crime and incarceration rates, including the rate of violent crime and the abuse of controlled substances, in Alaska compared to other states, and best practices adopted by other states that have proven to be successful in reducing recidivism;
- whether state agency and correctional resources are sufficient to administer the criminal justice system of the state;
- alternatives to traditional forms of incarceration including measures promoting rehabilitation and restitution;
- the adequacy, availability, and effectiveness of treatment and restitution programs;
- the relationship between sentencing priorities and correctional resources;
- the effectiveness of the state's current methodologies for collection and dissemination of criminal justice data; and
- the appropriateness of schedules for controlled substances in AS11.71.140-11.71.190.

July 1, 2017 is the deadline for the Commission to submit a special report on AS 28 alcohol-related offenses. The report must include recommendations on:

- whether a revision of AS 28 is needed;
- whether both the administrative and

court license revocation processes should be maintained;

- whether ignitions interlock devices are effective;
- whether the various penalties for offenses of driving under the influence of an alcoholic beverage, inhalant, or controlled substance and refusal to submit to a chemical test should be increased or decreased;
- whether programs promoting offender accountability are effective in reducing recidivism; and
- whether limited licenses should be available for persons charged with or convicted of offenses of driving while under the influence of alcohol, inhalants, or controlled substances or refusal to submit to a chemical test.

As part of its process of making recommendations on "possible approaches to sentencing and administration of justice in the state," the Commission is to follow a methodology outlined in SB64. Key points in the methodology include soliciting and considering information and views from a broad variety of constituencies and basing recommendations on 12 factors. The factors cover a broad range from consideration of the seriousness of an offense, the need to rehabilitate, the need to confine offenders to prevent harm to the public, the elimination of unjustified disparity in sentencing, and the effects of criminal justice laws and practices on reducing recidivism to peer reviewed and data-driven research and the effectiveness of evidence-based restorative-justice initiatives.

Mary Geddes is the project attorney for the newly established Alaska Criminal Justice Commission.

Early Resolution for Family Law Cases in Alaska's Courts

Stacey Marz

Family law cases can be among the most protracted and stressful proceedings for litigants. Court systems across the country are looking for ways to handle family law cases more effectively and efficiently, especially when the people involved are representing themselves. In Alaska, family law cases have comprised nearly 25 percent of the caseload of judges for a number of years, and over 75 percent of these cases have involved self-represented (also called *pro se*) litigants. The Alaska Court System established the Family Law Self-Help Center (FLSHC) in 2001 as a free web and telephone helpline service to assist self-represented persons in family law cases in all of Alaska's courts. Based in Anchorage, the FLSHC does not provide legal advice or legal strategies, but through the website and the toll-free helpline individuals can receive legal information about procedures, as well as forms and educational materials. (<http://courts.alaska.gov/selfhelp.htm>, ph 866-279-0851).

Although the FLSHC responds annually to nearly 7,000 phone calls and their webpage is visited by over 60,000 individuals, the opportunity to provide additional services in some family law cases became apparent over time. In 2009, the FLSHC created the Early Resolution Program (ERP) as a pilot project in Anchorage. This unique program, the first of its kind in the nation, was developed to provide free unbundled legal assistance or mediation to parties in selected family law cases who were not represented by lawyers. The court system anticipated that early intervention in the case process and the help of legal professionals could encourage parties to settle their issues rather than go through a protracted court trial. The result would be faster resolutions

in which the parties create their own solutions after benefitting from legal advice, mediation or a settlement conference, and a lessening of workload for the courts.

In ERP, court staff at the FLSHC screen newly filed divorce and custody cases involving two self-represented litigants to determine the likelihood of settling any or all the issues. Once a case is accepted for ERP, the court sends the parties a scheduling notice to appear at an ERP hearing, along with information about the program. (Attendance at the hearing is required, but the case is removed from ERP if one or both parties hire an attorney.) Each case is included with up to seven other selected cases and placed on the court calendar for the same hearing timeslot. The parties appear before a settlement judge along with volunteer attorneys or court mediators who are available to work with the litigants to arrive at a resolution of the issues. Since 2012, cases involving motions to modify custody and/or child support are also considered for ERP in some court locations. Representatives from the Alaska Child Support Services Division (CSSD) are available at Anchorage modification hearings to provide information about parties' earnings, child support payment history, and to help with child support calculations. There is no cost to the parties for attorney or mediator assistance. The process is swift, and the parties often leave the courtroom with all issues settled and signed copies of all the necessary paperwork for the settlement.

The 2009 pilot project was successful — with six to eight cases heard monthly and the majority settling by the end of the hearing — and was approved to continue in Anchorage. To date nearly 800 cases have been handled by the ERP, and the program currently operates in the three state courts

with the highest caseloads — Anchorage, Palmer, and Juneau—with plans to expand to Kenai.

This article looks at the goals and development of the Early Resolution Program, how cases are screened and processed, data on cases, and the observations of a number of the judges who are part of this innovative program.

Goals of ERP

There are three goals of ERP. First, the program is designed to provide self-represented litigants with assistance from legal professionals at the hearing to help them resolve their issues. The legal professionals may be volunteer attorneys, court mediators, and/or a settlement judge. Depending on their role, these legal professionals may provide legal advice, facilitate communication, or suggest options to consider.

The second goal is to resolve and close cases at the end of a hearing, if possible, thereby reducing stress for litigants who can quickly receive final judgments and move on with their lives.

The third goal is to help free up time on congested court dockets for more complex cases. Cases that resolve within the course of one court hearing avoid further proceedings and trials. If full resolution is achieved at the end of one hearing, the paperwork (Findings of Fact and Conclusions of Law, Decree, Child Support Order) is finalized and distributed in the courtroom to the parties and no further work is needed in the case. If there is no full settlement, the parties often leave ERP with partial final orders or interim orders that may limit the scope of future proceedings. In the case of

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Early Resolution Program Timeline

Nov 2009–Dec 2010. Third Judicial District Superior Court Judge Stephanie Joannides begins hearing dissolution cases in Anchorage with self-represented parties. She uses a prototype of what will become the Early Resolution Program (ERP). The Family Law Self-Help Center (FLSHC) provides staffing. Local volunteer attorneys and court mediators assist parties. (FLSHC staff, volunteer attorneys, court mediators, and settlement judges remain a constant as the program develops.)

Dec 2010–June 2011. The ERP Pilot Project is approved by then Third Judicial District Presiding Judge Sharon Gleason in December 2010.

June 2011. ERP is fully integrated into the Anchorage court calendar—two hearings (6–8 cases at each hearing) are scheduled monthly. Anchorage judges, including the Chief Justice of the Alaska Supreme Court, hear cases.

Feb 2012. ERP begins in the Palmer court presided over by Palmer Judge Vanessa White. FLSHC from Anchorage provides staffing. Hearings are scheduled once per month.

April 2012. ERP begins in Juneau. Anchorage Judge Stephanie Joannides (Ret.) flies to Juneau once per month and begins hearing cases as a pro tem judge. Modification requests are included in these hearings. FLSHC from Anchorage provides staffing.

Dec 2012. The Modification Resolution Program (MRP), modeled on the ERP, begins as a pilot program. It is approved to continue by then Third Judicial District Presiding Judge Sen Tan to assist solely with modifications to child custody, support, and visitation orders. The program operates in Anchorage, and later expands to Juneau. Magistrate Judge Suzanne Cole presides over the majority of these hearings with self-represented parties. A staff attorney screens cases. The Alaska Child Support Services Division (CSSD) sends representatives to each hearing to assist.

August 2014. The MRP is formally merged into the ERP. FLSHC and trial court staff now work together to schedule cases and facilitate hearing days. Additional hearings are added to the court calendar in Anchorage. The merged ERP/MRP program continues in Juneau.

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modifications to orders regarding child support, custody, and visitation, it usually takes one hearing to resolve issues and have the modification order signed and paperwork given to the parties.

Beginning of ERP

Starting in November 2009, Anchorage Superior Court Judge Stephanie Joannides worked with the FLSHC to develop a pilot project to manage family law cases assigned to her that did not have attorneys representing either of the parties. When Judge Joannides first put forward the idea of ERP for self-represented litigants in family law cases, she was prompted by the belief that early intervention, providing legal assistance and mediation, and modeling positive behavior for the litigants during the hearings could lead to swifter resolution of cases and greater satisfaction among the participants. She borrowed from the success of certain strategies she had learned while presiding in the court system's therapeutic courts: the focus on early intervention and the use of a group calendar to have the individuals in a number of cases appear before the bench at the same time.

Parties in the various cases assigned to an ERP hearing timeslot appear at the same time before the judge. Prior to the individual cases being brought before the judge, everyone listens to the judge's explanation of what the rules and goals are for the hearing. As each case is heard, the individuals in the courtroom observe how the parties interact with the judge, and how others are willing to be flexible to reach a satisfactory outcome. Careful screening to determine which family law cases are best suited for this type of process is key to the success of the program. Judge Joannides stresses that the role of the ERP judge is to make sure any property agreement is fair and any parenting plan is in the best interests of the children involved. Working with the judge, volunteer attorneys, and mediators, litigants can get closure. Judge Joannides tells the litigants in her courtroom, "I am here to help you get a resolution."

The FLSHC engaged the Alaska Pro Bono Program (APBP) to recruit, train, and coordinate volunteer attorneys to assist the parties. The Alaska Pro Bono Program ceased operations in 2012, and the Alaska Legal Services Corporation (ALSC) has taken over the responsibility for recruiting volunteer attorneys and providing malpractice insurance. ALSC works with the Family Law Self-Help Center to provide training for volunteers.

Volunteer attorneys worked with the litigants at each ERP hearing, providing *unbundled legal services* (a limited scope representation) at the courthouse outside of the hearing. If agreements were reached, Judge Joannides heard the case as a settlement judge and issued appropriate orders, distributing the paperwork to the parties in the courtroom who were then able to leave knowing the exact outcome of the case. Prior to ERP, the parties would leave the courtroom, and the judge would later prepare the final orders which would be mailed to them possibly weeks later.

The success of the pilot project led then Third Judicial District Presiding Judge Sharon Gleason to approve the expansion of ERP to all newly filed divorce and custody cases involving self-represented parties in Anchorage. The expanded ERP began in December 2010 with hearings on two Friday afternoons each month. At one of these hearings, volunteer attorneys were available to provide free limited scope representation. At the other ERP hearing, court mediators worked with the parties to resolve the cases.

Approximately 50 percent of the newly filed divorce and custody cases involving two self-represented litigants went through ERP during the first year of expansion of the program. Significantly, since the program began in November 2009, there has been an almost 100 percent appearance rate at hearings, with very few cases in which the parties failed to appear and did not participate. In the first year of the expanded calendar, ERP heard 150 cases: 120 (80%) settled fully and closed, 21 (14%) were sent back to the assigned judge because the case didn't settle in ERP, and 9 (6%) were classified as partial settlements.

After Judge Joannides' retirement in January 2011, ERP continued in Anchorage with other Superior Court judges and magistrate judges presiding, as well as Judge Joannides participating as a pro tem judge. Due to the success in Anchorage, ERP expanded to the Palmer court in February 2012 where there is one ERP calendar a month, presided over by Palmer Judge Vanessa White. In April 2012, the Juneau court began monthly ERP calendars with Judge Joannides presiding as a pro tem judge, and includes cases in which post-judgment motions have been filed. Recently the Juneau ERP has been including cases filed in Ketchikan. In November 2014, there are plans to establish the program in Kenai which will also include Homer cases.

Screening Considerations

The FLSHC staff attorney and director screen family law cases for suitability for ERP. They review the court files and Court-

View (the court's electronic case management system) to determine if the participants have been involved in any domestic violence cases, or any other cases that might indicate criminal problems, instability, financial problems, drug or alcohol issues, or child abuse and neglect. The goal is to get as complete a picture as possible of any allegations and the disposition or rulings in any other cases related to the parties. The screeners start with the assumption that most cases can resolve without a trial and can benefit from mediation, legal advice, and a settlement judge. During the screening, they look for reasons not to take a case into ERP. Factors that may cause a case to be screened out as inappropriate for ERP include:

- Current and serious domestic violence incidents, especially if there are minor children involved.
- An undisposed criminal case for one or both parties that is relevant to the family law case or serious criminal history that may affect the availability of a parent to participate in ERP.
- A pending Child In Need Of Aid (CINA) case.
- One parent is incarcerated, and cannot participate easily in the hearing.
- An unaddressed serious drug or alcohol abuse allegation.
- An unaddressed serious mental health allegation.
- Issues requiring evidentiary findings such as a challenge to the court's jurisdiction.
- The parties have complicated financial situations (e.g., they own a business that needs to be divided, or there is a very long marriage with substantial assets) that require additional discovery or will take too long to go through during an ERP hearing.
- A relocation issue in a custody case.
- A third party such as a grandparent has filed a motion to intervene in a custody case.
- A special needs child in a custody case that requires expert testimony.

Cases likely to be considered candidates for ERP include the following situations:

- The parties appear to agree (the complaint and the answer request similar relief).
- The parties do not agree on all issues, but the disagreements are relatively simple and a workable solution seems obvious (e.g. legal custody, uncomplicated physical custody issues, few or low value assets/debts).
- The parties agree on the custody and visitation arrangement, but there is an issue with child support; basically

Table 1. Early Resolution Project Statistics through August 2014

Program start	Anchorage		Palmer		Juneau		Total	
	Dec 2010		Feb 2012		Apr 2012		N	Percent
	N	Percent	N	Percent	N	Percent		
Settled fully	442	78.1 %	113	76.9 %	79	79.0 %	634	79.9 %
Partially settled	20	3.5	8	5.4	—	—	28	3.5
Sent to assigned judge	75	13.3	17	11.6	17	17.0	92	11.6
Continued to second ERP hearing	7	1.2	3	2.0	4	4.0	11	1.4
At least one party failed to appear	12	2.1	5	3.4	—	—	17	2.1
Other	10	1.8	1	0.7	—	—	11	1.4
Total cases heard in ERP	566		147		100		793	

Source of data: Family Law Self-Help Center, Alaska Court System

the question is how much the child support amount will be.

- The parties largely agree on which items should be divided. This often includes division of household items, vehicles, car loans, credit card debts, and medical bills. However, disputes about marital homes and retirement accounts are commonly resolved.
- The parties are young, unmarried parents of a baby, have many years to parent the child together, and could benefit from learning how to work together to co-parent.

How ERP Works

Once a family law case is selected for ERP, an FLSHC attorney sends a scheduling notice to the parties for a hearing that is usually within the next month. The notice explains that ERP is a special hearing designed to help the parties reach a resolution. It tells the parties what documents they need to bring with them to file with the court and includes contact information for an FLSHC attorney the litigants can call with any questions. The parties are also given a phone call two or three days before the hearing reminding them about the time and location, explaining the ERP and the documents they need to have with them, and encouraging them to think about workable solutions specific to the issues in the case. At the ERP hearing, depending on the case's complexity and dynamics, volunteer attorneys, a court mediator, or a settlement judge may work with the parties to see if any issues can be resolved.

If the case is a request for modification to an existing order for child support, custody, or visitation, the judge, staff attorney, court mediators, and representatives from Alaska Child Support Services Division may work with the parties to reach an agreement.

How Cases are Assigned

The linchpin of ERP is the early screening done by Family Law Self-Help Center staff. There are three tracks for assignment

of cases: to an attorney, a mediator, or a judge. Assignment depends on the issues involved and how close the parties appear to be to settlement.

If it is determined that the parties would benefit from legal advice, each litigant is provided with a free volunteer attorney for the hearing. Public and private attorneys are in the recruitment pool, including state assistant attorneys general whose participation in ERP is supported by the Alaska Attorney General. The volunteer attorneys provide unbundled legal services. Under this limited scope representation, the attorneys provide advice to their client for the ERP hearing only and negotiate with the opposing party's volunteer attorney to see if any agreements can be reached. Sometimes, due to issues in the case or if there are not enough volunteer attorneys to be assigned to each party, a volunteer attorney may function as a neutral, not advising either party, but acting as a mediator to help facilitate communication to see if any issues can be resolved. In cases where the legal issues are relatively simple and the parties have minor children, mediators from the court's Child Custody Visitation and Mediation Program assist the litigants. These mediators have completed 40 hours of mediation training and have experience mediating domestic relations cases.

Some cases are not assigned attorneys or mediators if there is nothing in dispute or relatively few or simple issues to be decided. At every hearing, there are usually one or two cases in which the parties had short marriages, no children, and agree there is no property or debt to be divided. These cases can be finalized by the judge very quickly. In other cases involving few disputed issues, the ERP judge acts as a settlement judge at the hearing and works directly with the parties to help resolve the case. FLSHC staff is at the hearings and available to assist attorneys, mediators, and the settlement judge in preparing final documents and calculating child support.

If the parties reach an agreement, the ERP judge makes sure it meets the legal require-

ments and the parties memorialize it on the record. FLSHC staff draft the orders based on the agreement, including a child support order, Findings of Fact and Conclusions of Law, and final Decrees (or interim orders). The judge signs all documents at the hearing's conclusion and distributes the paperwork to the parties in the courtroom.

Working with ERP Clients

When the attorney arrives at ERP to volunteer, FLSHC staff provides a prepared packet of information for the assigned case. The packet includes a one-page screening sheet that a FLSHC attorney develops from the court file, which summarizes the paperwork (complaint, answer, any financial documents or property/debt worksheets, any motions and responses). The screening sheet notes demographic information about the parties and their children, summarizes the issues as presented in the filed documents, and provides information about previous court cases. The packet also includes copies of the relevant paperwork. Finally, for cases involving child custody matters, the packet includes a blank parenting plan with many possible options and open-ended sections for parties to write up any agreements regarding specific topics.

The attorney reviews the packet in advance and then meets the client at the hearing. The attorney explains the limited scope of the representation, making it clear that the representation is for that day's hearing only. They review together an acknowledgment of limited legal services document that explains clearly the limited nature of the representation, and the client signs the agreement if he/she consents. The volunteer attorney listens to the client's concerns and desires, and they discuss any pending proposals and/or what to propose to the other side. The attorney asks questions to spot issues that affect analyzing the case. Important issues to consider include safety concerns, practicality (including enforcement issues), likelihood of the court accepting an agreement, legal appropriateness (best interest guidelines, fair and equitable property/debt divisions, child support calculations according to Civil Rule 90.3), and whether there is an actual or potential separate case (bankruptcy, domestic violence, Child in Need of Aid (CINA), tort claim, criminal charge). The goal is to see if the parties can reach agreement, and not get sidetracked on minor issues. Volunteer attorneys help clients identify what issues, if any, are worth fighting about in future contested hearings. (See "Issues in an ERP Case" on p. 27 of the web supplement ac-

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companying this issue.)

Some clients need a “reality check” conversation about how the law impacts their wishes—and what a judge is likely and not likely to approve. Parties may or may not be able to make a decision about how to best resolve their case after this conversation, but at least they have been informed. Once the attorney works with the client, the attorney meets with the other party’s volunteer attorney to discuss the clients’ respective positions and begin negotiations to see what agreements may be reached. Depending on the complexity of the issues and the parties’ positions, this process may take anywhere from thirty minutes to over three hours.

If the parties cannot reach agreement, they leave the ERP, but hopefully they are more focused, and have more realistic expectations for future proceedings before their trial judge.

Outcomes in ERP

Since its inception, the Early Resolution Program has proven to be an effective settlement tool in approximately 80 percent of the 800 cases assigned to the program in all three program locations: Anchorage, Juneau, and Palmer. (See Table 1.) Over 50 percent of the eligible cases in Anchorage and Palmer have gone through ERP. Significantly, there has been a 98 percent appearance rate by the parties. Volunteer attorney participation has been impressive, with over 50 volunteers regularly donating their services since the program began in 2009.

Long-term ERP Results

Cases that settle at ERP show remarkably little post-judgment activity. Although there are no direct measures of participant satisfaction, very few of the parties return to the court asking for a change in the settlement of the issues. Eighty-eight percent of the cases have no post-judgment activity. Ninety-five percent of cases either require no action within one year of ERP, or if a motion is filed, it is resolved without a hearing or at only one uncontested hearing.

Modifications to Custody and Child Support Orders

Following the success of the ERP, an early resolution program for requests by self-represented litigants to modify child custody, visitation and /or child support was established in Anchorage in December 2012—a Modification Resolution Program (MRP). Cases are screened and accepted for this program using the same process as ERP. Some cases began in ERP and then

return for modification. But many cases are also assigned to MRP in which the parties were initially represented by attorneys and are now self-represented.

After an initial pilot project, then Third Judicial District Presiding Judge Sen Tan approved MRP as a separate program for the Anchorage court. Representatives of the Alaska Child Support Services Division (CSSD) attend the hearings and are available to quickly confirm any arrearages (money still owed) in child support, provide earning history, and calculate the actual amount of child support due. The agency and the court work together with the parties, and communication among all the parties and the court is improved. The CSSD representative is someone in authority who can negotiate payment plans for child support still owed, and in some cases will discuss forgiveness of unpaid child support. This significant partnership between the agency and the court helps deliver a swift resolution.

Starting in August 2014, the MRP program has been combined with ERP so hearings now include both new family law cases and those involving modification requests. The number of hearings scheduled by ERP each month has been increased to accommodate hearings for modifications. Requests by self-represented litigants for modifications to domestic orders had been limited to just one hearing date per month, and the staff attorney was able to only accept 21 percent of the cases submitted for review. With the expanded number of hearings, more requests for modifications can be processed each month, and it is estimated that the ERP may be able to accept up to 50 percent of the modification cases it receives. From 2012 through August 2014, 368 cases have been screened for an Anchorage hearing, and 78 (21% of the cases) were accepted and put on the MRP calendar. Sixty cases have settled completely or in part—a resolution rate of 77 percent. (See Table 2.) Initially, Magistrate Judge Suzanne Cole presided over all the MRP modification hearings; she currently hears about one-third of all modification cases. From the bench Magistrate Judge Cole has seen how this process benefits the parties, and notes, “the sooner we can meet with the parties, the better chance we have to keep them from polarizing.”

Program Benefits

The benefits of ERP are numerous from the perspectives of the litigants, volunteer attorneys, and the court. The benefits to the litigants include:

- Parties have access to early resolution, with assistance from a volunteer attorney, mediator, or settlement judge.

Table 2. Modification Resolution Program (MRP) Statistics, Anchorage

December 2012 to August 2014

Cases screened	Cases accepted	Cases resolved (in whole or in part)	
		N	Percent of cases accepted
368	78	60	76.9 %

Source of data: Family Law Self-Help Center, Alaska Court System

- Parties have a “reality-check conversation” when working with a volunteer attorney or a settlement judge.

- Interim, final, or modified child support orders are issued more quickly.

- A private consult with an attorney can unveil issues, such as coercion or hidden legal problems that parties do not think are relevant—such as the wife being pregnant by someone other than the husband, disclosure of all property, and retirement, tax, and medical benefit issues.

- Parties get a mini-legal diagnosis and can make an informed choice about whether hiring an attorney for further assistance would make a difference in their case.

- All of the above helps triage the case to the proper resolution method.

- Consultations with attorneys include enforcement analysis, resulting in orders crafted to avoid obvious enforcement pitfalls.

- Parties get advice on post-judgment issues, most importantly child support modifications, which often are complicated when parties delay seeking adjustments.

- In the case of modifications, the Child Support Services Division can help facilitate the resolution of child support issues during the hearing itself.

Benefits of this program from the perspective of the volunteer attorney include:

- Immediate gratification while working as a real-time problem solver.

- Collegial experience working with other ERP attorneys results in more collegial relations with attorneys in non-ERP cases.

- Training and experience in providing unbundled legal services—that is, clearly defined parts of or issues in a case.

- A well-defined opportunity to provide pro bono legal services with responsibilities for the case that last only as long as the hearing.

- An established timeframe for the work. No preparation or follow-up are required. The attorneys receive a file with summarized information and come to court ready to advise the parties on whatever questions come up. The attorney’s role ends when the hearing ends.

- Regular scheduling because calendars run routinely on the same days in a month.
- The opportunity to make a significant contribution to access to justice for individuals who otherwise would not have the benefit of advice from a legal professional.

From the court's perspective, the benefits include:

- Parties get legal advice or go through mediation, which provides satisfaction and confidence in settlement outcomes.
- Early resolution of cases frees judicial resources for more complex cases.
- Administrative time is reduced because the file is handled fewer times.
- Accurate child support orders are issued at the hearing.
- Final documents are fully completed at the hearing and given to the parties eliminating the need to mail orders.
- Attorney assistance allows the settlement judge to more easily maintain the court's neutrality.

Judges who have presided over ERP cases are unanimous in their support of the program and praise for the FLSHC staff, the volunteer lawyers and mediators, and the support provided by Alaska Legal Services Corporation. From the bench, judges report seeing a high degree of collegiality among attorneys who have worked in ERP cases and then find themselves as opposing counsel in non-ERP cases. The non-adversarial tone of ERP proceedings appears to create a less adversarial relationship in other court hearings for those lawyers who have volunteered to take an ERP case.

Conclusion

The Early Resolution Program has been very successful in assisting self-represented litigants to reach resolutions in their divorce and custody cases. This success can be attributed to many factors including scheduling cases for hearings soon after they are filed and providing volunteer attorneys, mediators, and a settlement judge for litigants to work with. Engaging in a resolution process that allows the parties to make decisions as opposed to a trial judge imposing a ruling results in the parties having control over the outcome of their case and creates buy-in to the resolution.

ERP would not be possible without the dedication, commitment, and creativity of all the people involved in establishing and building the program. The volunteer attorneys generously give their time and many show up every month to help people who otherwise would be navigating the court process on their own. The mediators are

expert in helping people to communicate, express their interests and concerns, and ultimately craft provisions in agreements that meet their and their children's needs and desires. In modification cases, the representatives from of the Child Support Services Division are in the hearing ready to provide data and facilitate the resolution of child support issues that might otherwise take months to work their way through the standard channels. The settlement judges keep the proceedings moving smoothly, juggling many cases in each ERP session, listening respectfully to litigants' concerns and issues, and suggesting creative workable options when litigants get stuck.

The Alaska Court System has worked diligently to make this innovative program available to citizens. Alaska Supreme Court Chief Justice Fabe recently visited the Kenai Bar Association to encourage the lawyers there to participate in a local ERP program, and she has presided over ERP cases. One of the greatest strengths of the ERP process, according to Chief Justice Fabe, is that "people are much more willing to follow [court] orders they have a hand in crafting." Palmer Superior Court Judge Vanessa White calls ERP "civilized negotiation for the greater good"—a non-adversarial process that allows all the parties to work together toward a common goal of settlement. The Early Resolution Program is one of several programs that Third Judicial District Presiding Judge William Morse notes is being utilized by the court system to "identify the procedures that each case deserves or needs." ERP is now active in three cities and will soon be up and running in a fourth. The goal of ERP is to work with other courts around the state to bring this option to more communities. The success of this program has been recognized nationally by professionals in the justice system, and the FLSHC has been asked to make presentations at national meetings about this program's implementation, processes, and success.

ERP continues to make a significant contribution to ensuring effective and timely resolutions for self-represented litigants in family law cases. As Chief Justice Fabe noted in her 2013 State of the Judiciary address to the Alaska Legislature: "The Early Resolution Project has taught us the immense value of early intervention in some of the most heated conflicts that come before us: divorce and custody disputes...[I]t turns out that in these difficult cases, early intervention works, and it works overwhelmingly well."

Stacey Marz is an attorney and the director of the Alaska Court System Family Law Self-Help Center.



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New Faculty

Professor Lindsey Blumenstein, Ph.D., joined the Justice Center faculty in Fall 2014 as an assistant professor. Professor Blumenstein is a graduate of the University of Central Florida and received her doctoral degree in sociology. Her areas of expertise include intimate partner violence, sexual assault and the college population, kidnapping, and research methods.

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To receive an early online copy of the *Alaska Justice Forum*, please email editor@uaa.alaska.edu and put "Forum online" in the subject line. Visit our website to view all issues of the *Forum* (<http://justice.uaa.alaska.edu/forum/>) or see our Facebook page (<https://www.facebook.com/uaajusticecenter>).

Table 1. State Marijuana Legalization and Decriminalization Laws¹

State	Legalized medical use of marijuana	Decriminalized possession of small amounts of marijuana	Legalized recreational use of marijuana	Legalized medical use of marijuana	Decriminalized possession of small amounts of marijuana	Legalized recreational use of marijuana
Alaska	Yes	Yes ²		Montana	Yes	
Arizona	Yes			Nebraska		Yes
California	Yes	Yes		Nevada	Yes	Yes
Colorado	Yes		Yes	New Hampshire	Yes	
Connecticut	Yes	Yes		New Jersey	Yes	
Delaware	Yes			New Mexico	Yes	
Hawaii	Yes			New York	Yes	Yes
Illinois	Yes			North Carolina		Yes
Maine	Yes	Yes		Ohio		Yes
Maryland	Yes	Yes		Oregon	Yes	Yes
Massachusetts	Yes	Yes		Rhode Island	Yes	Yes
Michigan	Yes			Vermont	Yes	Yes
Minnesota	Yes	Yes		Washington	Yes	Yes
Mississippi		Yes		Washington, DC	Yes	Yes
Missouri		Yes				

Note: Some laws have yet to take effect.

1. States which have not enacted marijuana decriminalization or legalization laws include: Alabama, Arkansas, Florida, Georgia, Idaho, Indiana, Iowa, Kansas, Kentucky, Louisiana, North Dakota, Oklahoma, Pennsylvania, South Carolina, South Dakota, Tennessee, Texas, Utah, Virginia, West Virginia, Wisconsin, and Wyoming.

2. The Alaska Supreme Court has found that the state constitution's right to privacy protects an adult's ability to possess modest amounts of marijuana in the home for personal use.

Sources of data: *New York Times*; National Organization for the Reform of Marijuana Laws; Marijuana Policy Project; National Conference of State Legislatures; news reports

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be said to have decriminalized marijuana. Applying this broad definition, one-third of the states and Washington, D.C. have decriminalized possession of small amounts of marijuana. What constitutes possession of a small amount of marijuana for personal use (i.e., no intent to distribute) varies from state to state, as do the corresponding fines. Amounts range from 10 to 100 grams, but a one ounce (approximately 28 grams) limit is most common. Fines for a first offense fall between \$25 and \$650.

Decriminalization differs from legalization, where certain types of marijuana possession and use are not subject to any criminal or civil penalties. In recent years, legalization of marijuana for medical use has become common. Since 1996, nearly half of the states (including Alaska in 1998) and Washington, D.C. have enacted medical marijuana laws. In these states, qualifying patients can use and possess limited amounts of marijuana without punishment under state law, as long as they comply with strict regulatory guidelines. In Alaska, for example, such permissible use requires a physician's certification that the patient suffers from a "debilitating medical condition" and that the patient might benefit from the medical use of marijuana. The patient must then formally register with the state, which will issue an identification card and maintain a registry of all authorized users. Registered medical marijuana patients may possess up to one ounce of marijuana and can designate a caregiver to assist with cultivation and

production of the plant. Alaska law does not permit dispensaries to sell marijuana to patients.

In addition to its medical marijuana statute, Alaska has a common law rule that permits adults to possess modest amounts of marijuana in their homes for personal use. This rule was established with the 1975 Alaska Supreme Court decision *Ravin v. State of Alaska*. In *Ravin*, the court balanced the Alaska Constitution's right of privacy against the state's interest in promoting public health and safety by banning all marijuana use. The court found that any potential negative impacts of recreational marijuana use by adults in the privacy of their homes were not harmful enough to justify a blanket marijuana ban. This was a noteworthy ruling in favor of personal autonomy and privacy, but the activity protected by the *Ravin* Doctrine (which includes *Ravin* and several subsequent opinions further interpreting the Alaska right of privacy as it applies to personal marijuana use) is quite narrow. The *Ravin* Doctrine only applies to personal use and possession of small amounts of marijuana in the privacy of the home (an amount currently understood by the Alaska courts as less than four ounces). It does not permit transporting marijuana in public, commercial marijuana activity, any marijuana use by minors, or driving under the influence of marijuana.

The *Ravin* Doctrine occupies a unique space in marijuana legalization and decriminalization jurisprudence for several reasons. To begin, *Ravin* was the first—and remains the only—state or federal court opinion to announce a constitutional privacy right that

protects some level of marijuana use and possession. Next, as a judicially created common law rule, the *Ravin* Doctrine is not readily subject to being undone by shifting political winds. Though several legislative efforts have been made to limit *Ravin*, the decision will stand unless the state constitution is amended or a court determines that marijuana use has created a substantial threat to public health and welfare that justifies the state's intrusion into the home. This is a very high bar to meet, and the *Ravin* precedent has rested undisturbed for nearly forty years. Finally, the *Ravin* Doctrine shares elements of both legalization and decriminalization paradigms. *Ravin* clearly legalized certain conduct—under the rule adults are not subject to civil or criminal penalties for possession or use of small amounts of marijuana in the home. But the Alaska Statutes—the "laws on the books"—punish all non-medical marijuana use and possession, though some offenses, such as first or second offenses for simple possession in the home, are subject only to fines. In this way, Alaska's statutes are more indicative of a decriminalization state, as opposed to a legalized jurisdiction. Thus, for purposes of this article, Alaska is included among states that have decriminalized marijuana use.

The Federal Controlled Substances Act

The *Ravin* Doctrine, Alaska's medical marijuana statute, and other state decriminalization and legalization laws fall under the shadow of the federal Controlled Substances Act (CSA). The CSA, enacted in 1970, governs the manufacture, possession, use, and distribution of certain substances.

The CSA classifies marijuana as a Schedule I substance—a drug that is dangerous, highly addictive, and with no medical value. Other Schedule I substances include heroin, LSD, ecstasy, and peyote. The CSA makes all marijuana possession, use, and sale illegal, and violations of the CSA’s marijuana provisions carry steep criminal penalties. Thus, those who use, possess, or sell marijuana in compliance with state laws that authorize medical or recreational marijuana use still violate federal law.

This is a complicated and confusing concept. Our government structure allows state and federal laws to develop and operate independently along parallel tracks. When there is a conflict, the federal law controls. This means that the federal government could pursue and prosecute marijuana users, growers, and retailers who are operating in accordance with a valid state law. However, the federal government may not require states to use their resources to enforce federal drug laws, or compel states to enact and enforce drug laws that mirror the federal standards. States can therefore experiment with different legalization and decriminalization programs, but the experiments may lead to a complicated and potentially antagonistic state-federal relationship.

Colorado, Washington, and the Federal Response

In November 2012, voters in Colorado and Washington approved ballot measures to legalize personal recreational marijuana use for adults 21 years old and over and allow the licensed commercial sale of marijuana. These laws require strict regulatory frameworks to control the cultivation, distribution, and taxation of marijuana. The Colorado and Washington legalization laws, known as “tax and regulate” laws, were the most sweeping changes to state drug laws in the United States since California became the first state to legalize marijuana for medical use in 1996. In 2014, Colorado and Washington became the first states to allow adults to legally purchase and sell marijuana for recreational purposes in retail establishments.

Strict enforcement of the federal CSA could have been fatal to these efforts. But the federal government has thus far been supportive of the Colorado and Washington plans. The United States Department of Justice (DOJ) announced that while it remains committed to enforcing the federal marijuana prohibition, it would not immediately take legal action to have the Colorado and Washington laws overturned. Instead it would take a “trust but verify” approach. This approach respects state sovereignty and allows the states to function in their traditional capacity as “laboratories of de-

mocracy,” a phrase popularized by former Supreme Court Justice Louis Brandeis, and understood to mean that states may “try novel social and economic experiments without risk to the rest of the country.”

United States Deputy Attorney General James M. Cole explained the new federal marijuana enforcement policy in an August 2013 guidance memo to federal prosecutors. Cole’s memo outlined several key points: it allowed the Colorado and Washington recreational marijuana legalization laws to go into effect; permitted medical marijuana distributors and suppliers operating in compliance with state laws to continue; and reiterated that federal resources should not be used to prosecute seriously ill medical marijuana patients, their caregivers, or individuals who possess small amounts of marijuana for other personal uses.

The linchpin of the policy is that it requires state governments to take an active role in creating and implementing “strong and effective regulatory and enforcement systems” to mitigate the potential harm legalization and decriminalization could pose to public health, safety, and other law enforcement efforts. If state regulatory protocols are eventually found to be ineffective, DOJ could challenge the regulatory structure itself and bring individual enforcement actions, including criminal prosecutions.

The memo also identified eight instances where federal marijuana laws would still be enforced by DOJ, irrespective of state laws, in order to prevent:

- distribution of marijuana to minors;
- revenue from marijuana sales going to criminal enterprises;
- exportation of marijuana from states where it is legal to states where it is not;
- the use of state-authorized marijuana activity as a cover or pretext for other illegal activity;
- violence and use of firearms in the cultivation and distribution of marijuana;
- driving under the influence of marijuana and other public health consequences associated with marijuana use;
- growing marijuana on public lands; and
- marijuana use or possession on federal property.

In addition to the Cole Memo’s criminal enforcement guidelines, DOJ and the Department of Treasury Financial Crimes Enforcement Network (FinCEN) issued guidance intended to make it easier for marijuana-related businesses to operate. FinCEN’s 2014 guidelines allow banks to

legally provide financial services to state-licensed marijuana businesses without fear of federal punishment. Much like the Cole Memo requirements, under this policy, banks must vigorously monitor their marijuana-industry customers to ensure compliance with FinCEN’s guidelines and that the DOJ enforcement priorities do not suffer.

The Cole Memo and the FinCEN guidelines are policy statements that reflect the Obama administration’s current enforcement priorities. They instruct federal prosecutors, but they do not formally amend the CSA or federal sentencing laws. These policies remain subject to the prerogatives of the executive branch, may change without much notice or deliberation, and will not necessarily be extended by the next administration. Congress, however, could codify and secure an individual’s ongoing ability to act in concert with state marijuana laws without risk of federal penalty. Several such marijuana law reform bills are beginning to work their way through Congress, including bills that would assign marijuana to a less severe CSA schedule category; remove marijuana from the CSA entirely and thereby end federal marijuana prohibition; amend the CSA so that its marijuana provisions would not apply to anyone acting in compliance with state marijuana laws; provide additional protection for banking institutions; and prohibit the Drug Enforcement Administration (DEA) from spending federal funds to arrest state-licensed medical marijuana patients or from targeting medical marijuana operations that are in compliance with state laws.

The Impact of Shifting State Laws and Federal Enforcement Policies in Alaska

The creation of regulated commercial marijuana industries in Colorado and Washington is significant for Alaska. Though the Colorado and Washington laws themselves do not have any direct bearing on the rights of Alaskans or on Alaska law, these new laws do raise important considerations. First, marijuana cannot be transported between those states and Alaska. Individuals traveling to or from Alaska remain subject to federal law and individual state jurisdiction. Next, Alaskans will have the opportunity to vote on a similar tax and regulate law (Ballot Measure 2, “An Act To Tax And Regulate The Production, Sale, And Use Of Marijuana”) at the November 2014 general election. Ballot Measure 2 seeks to make the non-public use and possession of up to one ounce of marijuana legal for adults 21 and over and would establish a regulated system of marijuana cultivation, licensed retail sale, and taxation. The ballot language



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gives the state nine months to establish the necessary regulatory framework. Voters in Alaska can therefore look to the experiences in Colorado and Washington to help inform their decisions. If the initiative passes, the regulations implemented in Colorado and Washington could guide the Alaska agencies charged with creating the new programs.

The impact of the new DOJ enforcement policies and changes to banking and business regulations can be viewed in a similar way: there is not much immediate impact on current Alaska laws, but there are some important implications. Alaska was one of the first states to legalize marijuana for medicinal use, so any changes to federal marijuana enforcement are relevant to Alaska's registered medical marijuana users and to the state agencies that oversee the program. On this matter, the Cole Memo confirms that medical marijuana patients and those caring for them in compliance with state laws are not an enforcement priority. As for the *Ravin* Doctrine, which permits the possession of small amounts of marijuana on private property for recreational use, DOJ has historically left such "lower-level or localized activity" within the purview of state and local authorities. The Cole Memo reaffirms that restricting conduct protected by *Ravin* is still not a priority of the federal government. Finally, the Cole Memo provides leeway for states to rethink marijuana laws without fear of an immediate federal crackdown. Absent additional direction from DOJ or further ac-

tion by Congress or the courts, the policies announced in the Cole Memo would apply to a new legal marijuana industry in Alaska.

Conclusion

Federal law currently prohibits all marijuana use and possession, but many states have made changes to their criminal marijuana laws which directly contradict the federal statutes. A total of 28 different states and Washington, D.C. have either decriminalized personal marijuana use or passed a medical marijuana law. Some states have done both. Colorado and Washington State recently created tax and regulate programs for recreational marijuana use and sale. The majority of Americans now live in jurisdictions that have liberalized marijuana laws.

This trend is continuing. Legalization measures will be on the ballot in Alaska, Oregon, and Washington, D.C., this year. Similar measures appear likely to be voted on in Arizona, California, Maine, and Nevada in 2016, and legalization lobbying efforts are underway in several other state legislatures. During the past year another ten states that do not otherwise permit medical marijuana use passed laws that allow for the use of low-THC marijuana extracts (tetrahydrocannabinol, the psychoactive component in marijuana) to treat certain seizure disorders.

This trend has been attributed to a number of factors: growing displeasure with the social costs of the criminalization of marijuana, including the discrepancy between the amount of time and money spent on criminal enforcement relative to the negative

health effects of marijuana; racial imbalance in marijuana arrest rates, which disproportionately impact people of color; clearer understanding of the collateral consequences of marijuana arrests, including the impacts on employment opportunities, and access to housing, student loans, and public benefits; increased acceptance and understanding of the medicinal benefits of marijuana; and the potential positive economic impact of taxing and regulating marijuana like alcohol and tobacco.

The federal government has thus far tolerated the recent substantial changes to state marijuana laws, announcing that it would not interfere with state laws that legalize marijuana use so long as states maintain rigorous regulatory standards. The United States Department of Justice and the Treasury Department have also issued guidelines intended to make it easier for individuals and businesses acting in accordance with state marijuana laws to operate. These policies do not provide immunity from prosecution, but they allow marijuana legalization experiments to continue by dampening the risk of federal prosecution. This is the case in Alaska, where the state's longstanding personal use and medical marijuana laws remain in effect, and where voters may approve one of the country's next legalized, taxed, and regulated marijuana plans this fall.

Jason Brandeis, J.D., is a member of the Justice Center faculty. In his private law practice he provided legal representation in administrative agency proceedings to the Campaign to Regulate Marijuana Like Alcohol in Alaska.

The Homeless: Who and How Many? — Web Supplement (Tables)

The following tables were prepared for the Spring/Summer 2014 issue of the *Alaska Justice Forum*, but could not be included in the print edition for reasons of space.

Table 14. Demographic Characteristics of Project Homeless Connect Participants, January 2013

Characteristics	Anchorage (N = 730)		Fairbanks (N = 86)		Juneau (N = 196)		Kenai (N = 48)		Mat-Su (N = 205)		Sitka (N = 63)		Total (N = 1328)	
	N	Percent	N	Percent	N	Percent	N	Percent	N	Percent	N	Percent	N	Percent
Gender														
Male	445	61.0 %	65	75.6 %	117	59.7 %	23	47.9 %	81	39.5 %	45	71.4 %	776	58.4 %
Female	285	39.0	21	24.4	79	40.3	25	52.1	123	60.0	18	28.6	551	41.5
Transgender	0	0.0	0	0.0	0	0.0	0	0.0	1	0.5	0	0.0	1	0.1
Race														
Alaska Native or American Indian	437	59.9 %	57	66.3 %	136	69.4 %	17	35.4 %	45	22.0 %	33	52.4 %	725	54.6 %
White	188	25.8	24	27.9	49	25.0	30	62.5	139	67.8	22	34.9	452	34.0
Black or African American	48	6.6	3	3.5	3	1.5	1	2.1	0	0.0	2	3.2	57	4.3
Native Hawaiian or other Pacific Islander	25	3.4	0	0.0	1	0.5	0	0.0	8	3.9	2	3.2	36	2.7
Asian	11	1.5	0	0.0	0	0.0	0	0.0	0	0.0	1	1.6	12	0.9
Mixed	9	1.2	1	1.2	5	2.6	0	0.0	1	0.5	2	3.2	18	1.4
Don't know, refused, no response, or unknown	12	1.6	1 ^a	1.2	2	1.0	0	0.0	12	5.9	1	1.6	28	2.1
Age group														
Less than 18	0	0.0 %	3	3.5 %	2	1.0 %	2	4.2 %	22	10.7 %	2	3.2 %	31	2.3 %
18–21	13	1.8	—	—	7	3.6	2	4.2	26	12.7	4	6.3	52	3.9
22–30	72	9.9	—	—	26	13.3	11	22.9	27	13.2	8	12.7	144	10.8
31–40	122	16.7	n/a ^b	—	31	15.8	13	27.1	38	18.5	12	19.0	216	16.3
41–50	238	32.6	—	—	51	26.0	8	16.7	35	17.1	17	27.0	349	26.3
51–61	223	30.5	—	—	60	30.6	9	18.8	45	22.0	16	25.4	353	26.6
62 and over	51	7.0	—	—	13	6.6	3	6.3	9	4.4	3	4.8	79	5.9
No response/unknown	11	1.5	83 ^b	96.5	6	3.1	0	0.0	3	1.5	1	1.6	104	7.8
Household type														
All-adult household (no children)	619	84.8 %	66	76.7 %	146	74.5 %	27	56.3 %	106	51.7 %	46	73.0 %	1,010	76.1 %
Household with at least one adult & one child under 18 years of age	80	11.0	4	4.7	44	22.4	20	41.7	71	34.6	15	23.8	234	17.6
All persons in household are under 18 years of age	2	0.3	1	1.2	0	0.0	0	0.0	9	4.4	1	1.6	13	1.0
Secondary household member (spouse or child)	17	2.3	0	0.0	1	0.5	0	0.0	12	5.9	0	0.0	30	2.3
No response/unknown	12	1.6	15	17.4	5	2.6	1	2.1	7	3.4	1	1.6	41	3.1
Number of adults and children in household														
Number of attendees who did not provide age groups in households	215	29.5 %			78	39.8 %	0	0.0 %	33	16.1 %	9	14.3 %	335	25.2 %
Total number of attendees plus household members^c	1,077	100.0 %	Data not reported		348	100.0 %	120	100.0 %	501	100.0 %	115	100.0 %	2,161	100.0 %
Total number of adults in households ^c	927	86.1			266	76.4	77	64.2	318	63.5	87	75.7	1,675	77.5
Total number of children under 18 years of age in household ^c	150	13.9			82	23.6	43	35.8	183	36.5	28	24.3	486	22.5

Note: An abbreviated version of this table is presented as Table 6 in the print edition of this article.

— Data not reported.

a. "Unknown" attendee for Fairbanks was categorized as "Asian, Pacific Islander," which collapsed the race categories of "Native Hawaiian or other Pacific Islander" and "Asian" used by other Project Homeless Connect sites.

b. Fairbanks used different age categories than those used by other Project Homeless Connect sites. "Unknown age" for Fairbanks includes the following categories for adults: age 18–24 (n = 20); age 25 or older (n = 62); and unknown age (n = 1).

c. Percentages in this section are based upon the figures for "Total number of attendees plus household members."

Source of data: Project Homeless Connect, Alaska Coalition on Housing and Homelessness, <http://www.alaskahousing-homeless.org/project-homeless-connect-data>

Table 15. Primary Reason for Becoming Homeless, Project Homeless Connect Participants, January 2013

Primary reason for becoming homeless	Anchorage (N=730)		Fairbanks (N=86)		Juneau (N=196)		Kenai (N=48)		Mat-Su (N=205)		Sitka (N=63)		Total (N=1328)	
	N	Percent	N	Percent	N	Percent	N	Percent	N	Percent	N	Percent	N	Percent
Economic	274	37.5 %	—		75	38.3 %	17	35.4 %	53	25.9 %	36	57.1 %	455	34.3 %
Loss of job	180	24.7	—		50	25.5	9	18.8	33	16.1	24	38.1	296	22.3
Illness/injury	52	7.1	—		16	8.2	4	8.3	15	7.3	2	3.2	89	6.7
Rent/utility rate hike after move-in	30	4.1	—		5	2.6	3	6.3	2	1.0	3	4.8	43	3.2
Hours of work cut	12	1.6	—		3	1.5	1	2.1	3	1.5	6	9.5	25	1.9
Military discharge	0	0.0	—		1	0.5	0	0.0	0	0.0	1	1.6	2	0.2
Domestic violence	26	3.6 %	—		8	4.1 %	1	2.1 %	12	5.9 %	0	0.0 %	47	3.5 %
Situational concerns	168	23.0 %	—		37	18.9 %	10	20.8 %	39	19.0 %	11	17.5 %	265	20.0 %
Substance abuse/mental health incident	99	13.6	—		17	8.7	3	6.3	10	4.9	6	9.5	135	10.2
Dispute with relatives or roommates	25	3.4	—		8	4.1	4	8.3	21	10.2	0	0.0	58	4.4
Loss of partner/roommate	31	4.2	—		5	2.6	1	2.1	7	3.4	3	4.8	47	3.5
Violation of lease/house rules	13	1.8	—		7	3.6	2	4.2	1	0.5	2	3.2	25	1.9
Life transition	110	15.1 %	—		22	11.2 %	2	4.2 %	9	4.4 %	3	4.8 %	146	11.0 %
Moved here from another community	69	9.5	—		14	7.1	0	0.0	5	2.4	2	3.2	90	6.8
Release from jail or prison	39	5.3	—		4	2.0	2	4.2	3	1.5	0	0.0	48	3.6
Aged out of foster care / youth services	2	0.3	—		1	0.5	0	0.0	1	0.5	1	1.6	5	0.4
Release from treatment center	0	0.0	—		3	1.5	0	0.0	0	0.0	0	0.0	3	0.2
Other	106	14.5 %	—		34	17.3 %	11	22.9 %	18	8.8 %	9	14.3 %	178	13.4 %
Not homeless	8	1.1 %	—		2	1.0 %	2	4.2 %	0	0.0 %	2	3.2 %	14	1.1 %
No response	38	5.2 %	—		18	9.2 %	5	10.4 %	74	36.1 %	2	3.2 %	137	10.3 %
Data not reported	0	0.0 %	86	100.0 %	0	0.0 %	0	0.0 %	0	0.0 %	0	0.0 %	86	6.5 %

Note: An abbreviated version of this table is presented as Table 7 in the print edition of this article.

— Data not reported.

Source of data: Project Homeless Connect, Alaska Coalition on Housing and Homelessness, <http://www.alaskahousing-homeless.org/project-homeless-connect-data>

Table 16. Place Where Project Homeless Connect Participants Slept Previous Night, January 2013

Where did you sleep last night?	Anchorage		Fairbanks		Juneau		Kenai		Mat-Su		Sitka		Total	
	N	Percent	N	Percent	N	Percent	N	Percent	N	Percent	N	Percent	N	Percent
"Homeless" based on HUD+Alaska criteria	589	80.7 %	85	98.8 %	146	74.5 %	41	85.4 %	123	60.0 %	38	60.3 %	1,022	77.0 %
Emergency shelter	278	38.1	0	0.0	18	9.2	6	12.5	4	2.0	0	0.0	306	23.0
Stayed with friends	120	16.4	28	32.6	37	18.9	11	22.9	47	22.9	16	25.4	259	19.5
Stayed with family	73	10.0	13	15.1	32	16.3	6	12.5	32	15.6	5	7.9	161	12.1
Place not meant for habitation (i.e., tent/car)	39	5.3	16	18.6	27	13.8	2	4.2	20	9.8	12	19.0	116	8.7
Hotel/motel	43	5.9	5	5.8	14	7.1	6	12.5	12	5.9	3	4.8	83	6.3
Transitional housing for homeless	30	4.1	9	10.5	16	8.2	9	18.8	2	1.0	1	1.6	67	5.0
Domestic violence shelter	6	0.8	0	0.0	2	1.0	1	2.1	6	2.9	1	1.6	16	1.2
Sheltered (type not specified)	0	0.0	14	16.3	0	0.0	0	0.0	0	0.0	0	0.0	14	1.1
"Housed" based on HUD+Alaska criteria*	134	18.4 %	—		50	25.5 %	6	12.5 %	61	29.8 %	25	39.7 %	276	20.8 %
Foster care/group home	1	0.1	—		0	0.0	0	0.0	2	1.0	0	0.0	3	0.2
Hospital (including emergency room)	6	0.8	—		0	0.0	0	0.0	1	0.5	1	1.6	8	0.6
Jail, prison, or juvenile facility	2	0.3	—		0	0.0	0	0.0	1	0.5	0	0.0	3	0.2
Own house	12	1.6	—		7	3.6	3	6.3	13	6.3	8	12.7	43	3.2
Permanent housing for formerly homeless	13	1.8	—		1	0.5	0	0.0	0	0.0	0	0.0	14	1.1
Rent apartment/house	91	12.5	—		26	13.3	3	6.3	42	20.5	12	19.0	174	13.1
Subsidized housing (public housing)	6	0.8	—		15	7.7	0	0.0	2	1.0	1	1.6	24	1.8
Substance abuse treatment center	3	0.4	—		1	0.5	0	0.0	0	0.0	3	4.8	7	0.5
Refused, no response, unknown	7	1.0 %	1	1.2 %	0	0.0 %	1	2.1 %	21	10.2 %	0	0.0 %	30	2.3 %
Does not know or remember	0	0.0	0	0.0	0	0.0	0	0.0	0	0.0	0	0.0	0	0.0
Refused	0	0.0	0	0.0	0	0.0	0	0.0	14	6.8	0	0.0	14	1.1
No response	7	1.0	0	0.0	0	0.0	1	2.1	7	3.4	0	0.0	15	1.1
Unknown location (FBX only)	0	0.0	1	1.2	0	0.0	0	0.0	0	0.0	0	0.0	1	0.1
Total persons served	730		86		196		48		205		63		1,328	

Note: An abbreviated version of this table is presented as Table 8 in the print edition of this article.

— Data not reported.

* "Housed" based on HUD+Alaska criteria" includes the following categories: foster care/group home (n=3); hospital (including emergency room) (n=8); jail, prison, or juvenile facility (n=3); own house (n=43); permanent housing for formerly homeless (n=14); rent apartment/house (n=174); subsidized housing (public housing) (n=24); and substance abuse treatment center (n=7).

Source of data: Project Homeless Connect, Alaska Coalition on Housing and Homelessness, <http://www.alaskahousing-homeless.org/project-homeless-connect-data>

Table 17. Duration of Homelessness of Project Homeless Connect Participants, January 2013

Characteristics	Anchorage (N = 730)		Fairbanks (N = 86)		Juneau (N = 196)		Kenai (N = 48)		Mat-Su (N = 205)		Sitka (N = 63)		Total (N = 1328)	
	N	Percent	N	Percent	N	Percent	N	Percent	N	Percent	N	Percent	N	Percent
Total homeless count	623	85.3 %	86	100.0 %	159	81.1 %	40	83.3 %	125	61.0 %	45	71.4 %	1,078	81.2 %
1 month or less	53	7.3	—	—	14	7.1	2	4.2	14	6.8	7	11.1	90	6.8
More than 1 month to 6 months	126	17.3	—	—	22	11.2	19	39.6	56	27.3	8	12.7	231	17.4
More than 6 month to 1 year	81	11.1	—	—	23	11.7	9	18.8	20	9.8	3	4.8	136	10.2
More than 1 year to 2 years	84	11.5	—	—	33	16.8	7	14.6	13	6.3	5	7.9	142	10.7
More than 2 years to 3 years	71	9.7	—	—	20	10.2	1	2.1	3	1.5	6	9.5	101	7.6
More than 3 years	208	28.5	—	—	47	24.0	2	4.2	19	9.3	16	25.4	292	22.0
Data not reported	0	0.0	86	100.0 %	0	0.0	0	0.0	0	0.0	0	0.0	86	6.5
Not homeless	107	14.7 %	0	0.0 %	37	18.9 %	8	16.7 %	80	39.0 %	18	28.6 %	250	18.8 %

Detail

Characteristics	Anchorage (N = 730)		Fairbanks (N = 86)		Juneau (N = 196)		Kenai (N = 48)		Mat-Su (N = 205)		Sitka (N = 63)		Total (N = 1328)	
	N	Percent	N	Percent	N	Percent	N	Percent	N	Percent	N	Percent	N	Percent
Total homeless count	623	85.3 %	86	100.0 %	159	81.1 %	40	83.3 %	125	61.0 %	45	71.4 %	1,078	81.2 %
1 month or less	53	7.3	—	—	14	7.1	2	4.2	14	6.8	7	11.1	90	6.8
More than 1 month to 6 months	126	17.3	—	—	22	11.2	19	39.6	56	27.3	8	12.7	231	17.4
More than 6 month to 1 year	81	11.1	—	—	23	11.7	9	18.8	20	9.8	3	4.8	136	10.2
More than 1 year to 2 years	84	11.5	—	—	33	16.8	7	14.6	13	6.3	5	7.9	142	10.7
More than 2 years to 3 years	71	9.7	—	—	20	10.2	1	2.1	3	1.5	6	9.5	101	7.6
More than 3 years to 4 years	37	5.1	—	—	5	2.6	0	0.0	5	2.4	5	7.9	52	3.9
More than 4 years to 5 years	39	5.3	—	—	11	5.6	1	2.1	8	3.9	1	1.6	60	4.5
More than 5 years to 6 years	22	3.0	—	—	6	3.1	0	0.0	2	1.0	1	1.6	31	2.3
More than 6 years to 7 years	18	2.5	—	—	3	1.5	0	0.0	0	0.0	1	1.6	22	1.7
More than 7 years to 8 years	11	1.5	—	—	6	3.1	0	0.0	0	0.0	1	1.6	18	1.4
More than 8 years to 9 years	2	0.3	—	—	2	1.0	0	0.0	0	0.0	0	0.0	4	0.3
More than 9 years to 10 years	26	3.6	—	—	2	1.0	0	0.0	1	0.5	2	3.2	31	2.3
More than 10 years to 15 years	24	3.3	—	—	3	1.5	0	0.0	2	1.0	2	3.2	31	2.3
More than 15 years to 20 years	15	2.1	—	—	4	2.0	1	2.1	0	0.0	0	0.0	20	1.5
More than 20 years to 25 years	6	0.8	—	—	1	0.5	0	0.0	0	0.0	2	3.2	9	0.7
More than 25 years to 30 years	4	0.5	—	—	1	0.5	0	0.0	1	0.5	0	0.0	6	0.5
More than 30 years to 40 years	3	0.4	—	—	1	0.5	0	0.0	0	0.0	1	1.6	5	0.4
More than 40 years	1	0.1	—	—	2	1.0	0	0.0	0	0.0	0	0.0	3	0.2
Data not reported	0	0.0	86	100.0 %	0	0.0	0	0.0	0	0.0	0	0.0	86	6.5
Not homeless	107	14.7 %	0	0.0 %	37	18.9 %	8	16.7 %	80	39.0 %	18	28.6 %	250	18.8 %

Note: An abbreviated version of this table is presented as Table 9 in the print edition of this article.

— Data not reported.

Source of data: Project Homeless Connect, Alaska Coalition on Housing and Homelessness,
<http://www.alaskahousing-homeless.org/project-homeless-connect-data>

Table 18. Homeless Students in Alaska, 2012–2013 School Year

School districts	Grade level														Total	Primary nighttime residence				
	Pre-kindergarten	Kindergarten to Grade 2			Grades 3–5			Grades 6–8			Grades 9–12					Shel-tered	Doubled-up*	Unshel-tered	Hotel/motel	Total
		K	1	2	3	4	5	6	7	8	9	10	11	12						
State totals	104	367	307	285	269	264	256	220	233	236	253	286	384	507	3,971	923	2,334	311	403	3,971
McKinney-Vento subgrant districts	92	354	296	279	263	255	243	215	227	234	243	274	367	472	3,814	871	2,248	303	392	3,814
Anchorage	65	240	181	180	172	168	169	133	143	146	154	161	145	203	2,260	555	1,355	86	264	2,260
Fairbanks	8	36	40	32	26	31	20	24	30	30	25	33	69	47	451	140	263	22	26	451
Juneau	1	7	6	3	8	7	8	8	5	10	6	15	43	29	156	51	88	9	8	156
Kenai	3	22	21	22	13	20	14	18	14	9	15	19	27	35	252	27	145	43	37	252
Mat-Su	15	49	48	42	44	29	32	32	35	39	43	46	83	158	695	98	397	143	57	695
All other school districts	12	13	11	6	6	9	13	5	6	2	10	12	17	35	157	52	86	8	11	157
Bristol Bay													2	2	4		3	1		4
Copper River					1										1		1			1
Cordova			1									1			2		2			2
Delta-Greely														3	3		3			3
Dillingham	1		1											1	3	2	1			3
Galena													1	2	3		3			3
Haines							1				1	2		1	5		5			5
Hoonah						1	1	1						1	5		5			5
Ketchikan	1		1											1	5	2	3			5
Kodiak							1				1		3		5	3	2			5
Lower Kuskokwim		4	4			2	3		2						15	15				15
Lower Yukon														1	1		1			1
North Slope	8	5	2	2	1	2	2	1		2				1	26	26				26
Petersburg											2	1		5	8		8			8
Sitka	1	2	2	2	1	2	2	1	3		6	6	5	7	40	4	25	5	6	40
Valdez	1	2		2	2	2	3	1	1			1	3	6	24		19	2	3	24
Wrangell					1			1						4	6		4		2	6
Yakutat												1			1		1			1

Note: An abbreviated version of this table is presented as Table 12 in the print edition of this article.

Note: These figures do not represent a point-in-time (PIT) count. Data for homeless students enrolled in Alaska schools is collected throughout the school year. This table includes only those school districts which reported homeless students during the 2012–2013 school year. An abbreviated version of this table is presented as Table 12 in the print edition of this article.

* "Doubled-up" refers to situations in which individuals are unable to maintain their housing situation and stay with a series of friends and/or extended family members.

Source of data: Alaska Department of Education and Early Development

Table 19. Anchorage Homeless Households Population Trends, 2008–2014

Household type	2008	2009	2010	2011	2012	2013	2014	% change 2008 to 2014
Households with dependent children								
Households	84	133	152	138	126	87	102	21.4 %
Sheltered — emergency	42	61	67	50	41	38	52	23.8
Sheltered — transitional	41	63	81	81	81	49	48	17.1
Unsheltered	1	9	4	7	4	0	2	100.0
Persons in these households (adults and children)	328	446	500	429	356	278	287	-12.5 %
Sheltered — emergency	178	215	228	129	143	123	135	-24.2
Sheltered — transitional	147	206	261	276	198	155	147	0.0
Unsheltered	3	25	11	24	15	0	5	66.7
Households with children only (under age 18)*								
Households	—	—	0	12	3	2	12	—
Sheltered — emergency	—	—	0	0	3	2	9	—
Sheltered — transitional	—	—	0	12	0	0	2	—
Unsheltered	—	—	0	0	0	0	1	—
Persons in these households (children)	—	—	0	12	3	2	13	—
Sheltered — emergency	—	—	0	0	3	2	9	—
Sheltered — transitional	—	—	0	12	0	0	3	—
Unsheltered	—	—	0	0	0	0	1	—
Households without dependent children								
Households	688	776	737	735	780	826	723	5.1 %
Sheltered — emergency	353	393	437	430	553	550	521	47.6
Sheltered — transitional	236	251	193	196	192	228	155	-34.3
Unsheltered	99	132	107	109	35	48	47	-52.5
Persons in these households	695	776	737	762	788	842	724	4.2 %
Sheltered — emergency	357	393	437	445	558	551	521	45.9
Sheltered — transitional	239	251	193	200	195	239	156	-34.7
Unsheltered	99	132	107	117	35	52	47	-52.5
Totals								
Total number of households	772	909	889	885	909	915	837	8.4 %
Sheltered — emergency	395	454	504	480	597	590	582	47.3
Sheltered — transitional	277	314	274	289	273	277	205	-26.0
Unsheltered	100	141	111	116	39	48	50	-50.0
Total number of persons in these households	1,023	1,222	1,237	1,203	1,147	1,122	1,024	0.1 %
Sheltered — emergency	535	608	665	574	704	676	665	24.3
Sheltered — transitional	386	457	454	488	393	394	306	-20.7
Unsheltered	102	157	118	141	50	52	53	-48.0

Note: An abbreviated version of this table is presented as Table 13 in the print edition of this article.

* Figures for "Households with children only" were not reported until 2010. For 2010–2011, these figures were reported as "Number of single, unaccompanied youth households."

Source of data: AKHMIS Anchorage Homeless Count 2008–2011 and Point in Time Summary for AK-500—Anchorage CoC 2012–2013, Municipality of Anchorage, <http://www.muni.org/departments/health/community/pages/link.aspx>; Point in Time Summary for AK-500—Anchorage CoC (2014), Alaska Coalition on Housing and Homelessness, <http://www.alaskahousing-homeless.org/sites/default/files/PIT%20Anchorage%202013,%202014%29.pdf>

Resources on Homelessness — Web Supplement

This resource list was prepared for the Spring/Summer 2014 issue of the *Alaska Justice Forum*, but could not be included in the print edition for reasons of space.

- 42 U.S. Code § 254b - Health Centers. (<http://www.law.cornell.edu/uscode/text/42/254b>).
- 42 U.S. Code § 11434a - Definitions. (<http://www.law.cornell.edu/uscode/text/42/11434a>).
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Issues in an ERP Case — Web Supplement

The following accompaniment to the article “Early Resolution for Family Law Cases in Alaska’s Courts” by Stacey Marz was prepared for the Spring/Summer 2014 issue of the *Alaska Justice Forum*, but could not be included in the print edition for reasons of space.

Issues in an ERP Case

Below is a brief outline of how the attorneys and judges approach various issues in a case at an ERP hearing. The attorneys need to address with the clients all of the matters that the judge needs to review in order to make a determination and issue final orders in the case. Depending on the case type, this means discussing custody, child support, and property and debt allocation.

Cases involving child custody. For a divorce involving children or a custody case between unmarried parents, the attorneys discuss custody related issues: decision making, parenting time, and child support. Throughout the process, the attorneys are mindful of domestic violence concerns.

Divorce cases involving marital property and debt allocation. Volunteer attorneys advising clients in divorce cases work with the client to understand what marital property and debt exists. Once the attorneys and clients identify the marital property and debt, they negotiate a fair and equitable allocation according to the statutory factors, including specific values of assets, bills, and loan amounts.

Addressing potential enforcement issues. Volunteer attorneys have been very helpful in this area. For example, if one parent has been unreliable in having parenting time with the children and the other parent is concerned about the parent always being late, the agreement may include language to address that “if the parent is more than 15 minutes late to pick up the children without notifying the other parent, the parenting time will not happen.” Similarly, if one spouse is supposed to refinance a loan/mortgage into his/her name, the agreement may state, for example, “if wife is unable to refinance the car loan into her name within 60 days, they agree to sell the vehicle and split the proceeds, if any.”

Partial settlements. If the parties reach a partial settlement, the attorney can make a clear statement on the record about what is settled and outline the remaining issues so the trial judge and parties know how to prepare for the subsequent proceeding.

Additional documentary evidence needed. If additional documentary evidence is needed, an attorney’s explanation to the client of why this is important can help the client actually complete the task. For example, if the parties have not prepared a Qualified Domestic Relations Order (QDRO), which is necessary to divide a retirement account, or talked to the mortgage company about refinancing a loan before their ERP hearing, they can still reach agreement on the issues, but will need to complete the required tasks before the matter can be finalized. In matters that have been largely settled and only require additional documentary evidence, it is often appropriate to reschedule the case for a future ERP hearing. The attorney’s explanation of these types of issues keeps the

case proceeding as it should through the system.

Need for an evidentiary hearing. If there is a dispute over an issue of fact in the case, the matter needs to be scheduled for a future evidentiary hearing. The attorney’s ability to give the basis for the dispute and make the request helps the court and parties. For example, if the father in a custody matter questions if he is really the biological father, the attorney can bring the issue of paternity establishment to the court’s attention. The ERP judge can order DNA testing, and the parties can potentially return to a later ERP hearing once paternity is known.

“Test drive” agreements. If the parties are struggling or would benefit from “trying out” a parenting schedule, the attorneys may suggest the parents agree to an interim arrangement, including child support, and come back to ERP at a future date to finalize the agreement. Often after building trust, and seeing how a parenting schedule works, the parents return to ERP after a defined time appropriate to the circumstances of the case (e.g., three months, six months, etc.), to finalize or change the interim schedule.

Modifications. Volunteer attorneys explain the legal basis for modifying custody and child support orders. Once a client understands the legal standards to modify custody (change of circumstances) and child support (15% change in support order amount or change in parenting plan), they are able to focus on their children’s needs for the immediate time period. This is important so clients know that agreements are not permanent, and they are aware of the need to come back to ERP if things change in their lives.

Legal advice. Attorneys advise clients about the importance of legal advice and how to seek additional legal advice if warranted. The list of attorneys in the Alaska Bar Association’s Unbundled Legal Services Section whose practice includes limited scope representation is available as a handout. Sometimes issues may arise that are too complicated to move forward to resolution at ERP. In some cases, the parties may be discussing whether to file for bankruptcy, and a referral to a bankruptcy attorney is essential to make sure the parties do not adversely affect their interests by proceeding with the property and debt division at that time.