

Fiscal Note

State of Alaska
2017 Legislative Session

Bill Version: HB 10
Fiscal Note Number: _____
() Publish Date: _____

Identifier: HB010-JUD-ACS-4-04-17
Title: CHILD IN NEED OF AID/PROTECTION; DUTIES
Sponsor: WILSON
Requester: House Health & Social Services Committee

Department: Judiciary
Appropriation: Alaska Court System
Allocation: Trial Courts
OMB Component Number: 768

Expenditures/Revenues

Note: Amounts do not include inflation unless otherwise noted below. (Thousands of Dollars)

	FY2018	Included in	Out-Year Cost Estimates				
	Appropriation Requested	Governor's FY2018 Request	FY 2019	FY 2020	FY 2021	FY 2022	FY 2023
OPERATING EXPENDITURES	FY 2018	FY 2018	FY 2019	FY 2020	FY 2021	FY 2022	FY 2023
Personal Services							
Travel							
Services							
Commodities							
Capital Outlay							
Grants & Benefits							
Miscellaneous							
Total Operating	0.0	0.0	0.0	0.0	0.0	0.0	0.0

Fund Source (Operating Only)

None							
Total	0.0						

Positions

Full-time							
Part-time							
Temporary							

Change in Revenues

None							
Total	0.0						

Estimated SUPPLEMENTAL (FY2017) cost: 0.0 *(separate supplemental appropriation required)*
(discuss reasons and fund source(s) in analysis section)

Estimated CAPITAL (FY2018) cost: 0.0 *(separate capital appropriation required)*
(discuss reasons and fund source(s) in analysis section)

ASSOCIATED REGULATIONS

Does the bill direct, or will the bill result in, regulation changes adopted by your agency? No
If yes, by what date are the regulations to be adopted, amended or repealed?

Why this fiscal note differs from previous version:

Initial version.

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Division: <u>Alaska Court System</u>	Date: <u>04/04/2017 10:00 AM</u>
Approved By: <u>Nancy Meade for Christine Johnson, Administrative Director</u>	Date: <u>04/04/17</u>
Agency: <u>Alaska Court System</u>	

FISCAL NOTE ANALYSIS

STATE OF ALASKA
2017 LEGISLATIVE SESSION

BILL NO. HB 10

Analysis

House Bill 10 would make significant changes to the Child in Need of Aid statutes and procedural court rules. It would increase the levels of evidence needed before the court could determine that a child is in need of aid, and increases the level of proof that a court must find at many stages of a child in need of aid proceeding.

For one example, Section 2 of HB 10 would change the determination of whether a child is in need of aid (the “adjudication” phase under AS 47.10.011) from a finding that the child has suffered “substantial physical harm or mental injury” to instead require the more stringent finding that the child suffered “serious emotional or physical damage or harm.” Section 3 requires that the findings be made using the standards of the Indian Child Welfare Act of 1978 (ICWA), regardless of whether the child is an Indian child. The court is able to apply the heightened standards without a fiscal impact.

In addition to increasing the level of proof required at the different stages of the CINA proceedings, HB 10 requires the Office of Children’s Services to use “active efforts” in its duties to attempt to rehabilitate the parents, the standard required by the ICWA, instead of the “reasonable efforts” that they must use under current law for non-Indian children. This will affect the OCS and will alter the court’s inquiries and findings. The court anticipates that it can apply this aspect of HB 10 without fiscal impact.

HB 10 also requires the Office of Children’s Services to use expert witnesses at many stages of the proceedings at hearings that are currently conducted without the aid of a “qualified expert witness,” and specifies that the OCS social worker regularly assigned to the child may not serve as the expert witness. This appears, for example, in Sections 11 (adjudication phase), 18 (termination of parental rights), and 25 and 28 (temporary custody hearing after an emergency removal). The requirement for expert witnesses is also added to numerous court rules in sections 33-37, 41, 48, and 49. The requirement for expert witness to provide testimony at the various hearings could add to the logistical challenges of handling the hearings (scheduling delays, etc.), but at this time the court system anticipates that it could accommodate this without fiscal impact.

HB 10 would change the level of proof required for the court’s findings, the inquiries that the court would make of the OCS and parents at hearings, and the overall conduct and scheduling of the hearings (because of, for example, the expert witness requirement). It also contains 17 sections with direct court rule amendments (sections 32-49), and repeals three court rule subsections (section 50). The court system will monitor the impacts of these changes, including any impact on the length of cases and of particular hearings. At this time, however, the court system believes it could make the changes and apply the new provisions without fiscal impact.