

FISCAL NOTE

Bill Version: HB 321
(H) Publish Date: 1/26/00

STATE OF ALASKA 2000 LEGISLATIVE SESSION

Revision Date/Time (Note if correction) _____ Dept. Affected Law
 Title "... relating to the confidentiality of child in need of BRU Civil Division
aid court hearings, court records, and ... agency records ..." Component Human Services
 Sponsor Rules Committee
 Requester Governor Component No. 2208

Expenditures/Revenues (Thousands of Dollars)

Note: Amounts do not include inflation unless otherwise noted below.

OPERATING EXPENDITURES	FY 2001	FY 2002	FY 2003	FY 2004	FY 2005	FY 2006
Personal Services		37.7	28.7	21.0	16.8	13.5
Travel		0.2	0.1	0.1	0.1	0.1
Contractual		6.1	4.6	3.4	2.7	2.2
Supplies		0.6	0.5	0.3	0.3	0.2
Equipment						
Land & Structures						
Grants & Claims						
Miscellaneous						
TOTAL OPERATING	0.0	44.6	33.9	24.9	19.9	15.9

CAPITAL EXPENDITURES						
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CHANGE IN REVENUES ()						
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FUND SOURCE (Thousands of Dollars)

1002 Federal Receipts						
1003 GF Match						
1004 GF		44.6	33.9	24.9	19.9	15.9
1005 GF/Program Receipts						
1037 GF/Mental Health						
Other (Specify Type)						
TOTAL	0.0	44.6	33.9	24.9	19.9	15.9

Estimate of any current year (FY2000) cost: _____

POSITIONS

Full-time						
Part-time						
Temporary						

ANALYSIS: (Attach a separate page if necessary)

This bill would implement the recommendations of the Governor's Task Force on the Confidentiality of Children's Matters, effective July 1, 2001. Alaska's confidentiality laws relating to child in need of aid cases would be amended to impact three areas: court hearings, court records, and agency records.

The Department of Law workload would be impacted by the bill in two areas: increased court time, and increased advice to social workers. The department believes the impact would be felt most heavily in the first year following enactment.

The legislation requires court hearings be open to the public except in certain specific circumstances listed in proposed amendments to AS 47.10.070. During the first year, we would expect resistance to

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 Agency Department of Law

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ANALYSIS CONTINUATION

this change. For example, requests to close the hearings would be likely from parent's attorneys, wishing to shield their clients from the public airing of negative information. As case law is established to further define just when a hearing may be closed, the number of requests to close a hearing should decline.

It is also possible that assistant attorneys general may be in court defending the state's desire to close a hearing for one of the reasons listed in the proposed amendments to AS 47.10.070, and be facing vigorous opposition from the media, or other interested parties. The department anticipates this will be relatively rare.

We anticipate that only a few, high profile cases will require time consuming written motion practice, whichever party is making the request. Most of the requests for a closed hearing will most likely be dealt with in the courtroom by oral argument. The frequency of the requests will be driven by a number of variables including judicial district, size of the community, and how judges generally rule in those areas. For example, we would expect a higher percentage of the requests to close hearings to come in smaller communities.

The department's current CINA caseload statewide is approximately 1,000 cases (counted by family). A relatively conservative estimate of the number of challenges to open hearings is ten percent, or 100 cases. As noted above, we expect most of the challenges to be dealt with in the courtroom, each requiring anywhere from fifteen minutes to a half an hour of department attorney time to respond to. The few cases requiring written motion practice, perhaps as many as ten, may take an average of two to three hours each.

90 cases x .4 hours x \$93.42 =	\$3,363.12
10 cases x 2.5 hours x \$93.42 =	\$2,335.50
Total Estimated Cost	= \$5,698.62

As discussed above, the new workload generated would be expected to decline as case law is developed. For the purposes of this fiscal note, we assume the new workload will decline by half in the second year, and be minimal in FY04.

This estimate is based on our best guess of what other parties might do. A change in the number of cases, or time needed to deal with the proposed new law, would impact the estimate mathematically using the formulas above.

Of greater fiscal impact to the Department of Law is the expected increase in the amount of time required to advise social workers on the change in law once enacted. Even with the current law having been in place for some time, assistant attorneys general spend a lot of time on the telephone advising social workers on confidentiality issues. We estimate calls in Fairbanks would increase by about four calls per week, in Anchorage by about 10 calls per week, and in Juneau, where DFYS' central office is located, by about 6 calls per week. Assuming each call takes average of 4/10th of an hour to complete, this would add \$38,862.72 to our costs (20 calls x .4 hours x 52 weeks x \$93.42).

As with the increased workload associated with motions to close court hearings, this new workload would decline as well, but at a much slower rate because requests for agency records will need to be reviewed on a case-by-case basis to ensure appropriate safeguards on confidential information are maintained. We are projecting it to decrease by 20 percent per year.