

ALASKA STATE LEGISLATURE
SENATE HEALTH, EDUCATION AND SOCIAL SERVICES STANDING COMMITTEE

May 2, 2005

2:48 p.m.

MEMBERS PRESENT

Senator Fred Dyson, Chair
Senator Kim Elton

MEMBERS ABSENT

Senator Gary Wilken, Vice Chair
Senator Lyda Green
Senator Donny Olson

COMMITTEE CALENDAR

CS FOR HOUSE BILL NO. 214(HES)

"An Act relating to anatomical gifts and the anatomical gift donor registry program."

HEARD AND HELD

CS FOR SPONSOR SUBSTITUTE FOR HOUSE BILL NO. 53(FIN)

"An Act relating to child-in-need-of-aid proceedings; amending the construction of statutes pertaining to children in need of aid; relating to guardianships; relating to the confidentiality of investigations, court hearings, court records, and public agency records and information in child-in-need-of-aid matters and certain child protection matters, to immunity regarding disclosure of information in child-in-need-of-aid matters and certain child protection matters, to proceedings regarding voluntary relinquishment and termination of a parent and child relationship, to eligibility for permanent fund dividends for certain children in the custody of the state, and to juvenile delinquency proceedings and placements; reestablishing and relating to a state citizens' review panel; amending the obligation of a public agency to disclose agency information pertaining to a child in need of aid; relating to disclosure of confidential or privileged information about children and families involved with children's services within the Department of Health and Social Services to officials for review or use in official capacities; relating to reports of harm and to adoptions and foster care; relating to consent for the medication of children in state custody; prescribing the rights of family members related to child-in-need-of-aid cases and establishing a familial priority for adoption; modifying

adoption and placement procedures in certain child-in-need-of-aid cases; amending Rules 9 and 13, Alaska Adoption Rules, Rules 3, 17.2, 18, and 22, Alaska Child in Need of Aid Rules of Procedure, and Rules 14 and 15, Alaska Rules of Probate Procedure; and providing for an effective date."

HEARD AND HELD

PREVIOUS COMMITTEE ACTION

BILL: HB 214

SHORT TITLE: ANATOMICAL GIFTS & REGISTRY

SPONSOR(S): REPRESENTATIVE(S) MCGUIRE

03/09/05	(H)	READ THE FIRST TIME - REFERRALS
03/09/05	(H)	STA, HES
03/31/05	(H)	STA AT 8:00 AM CAPITOL 106
03/31/05	(H)	Moved Out of Committee
03/31/05	(H)	MINUTE(STA)
04/01/05	(H)	STA RPT 3DP 2AM
04/01/05	(H)	DP: RAMRAS, ELKINS, SEATON;
04/01/05	(H)	AM: LYNN, GATTO
04/05/05	(H)	HES AT 3:00 PM CAPITOL 106
04/05/05	(H)	Moved CSHB 214(HES) Out of Committee
04/05/05	(H)	MINUTE(HES)
04/07/05	(H)	HES RPT CS(HES) 5DP 2NR
04/07/05	(H)	DP: ANDERSON, KOHRING, MCGUIRE, SEATON, WILSON;
04/07/05	(H)	NR: CISSNA, GARDNER
04/12/05	(H)	TRANSMITTED TO (S)
04/12/05	(H)	VERSION: CSHB 214(HES)
04/13/05	(S)	READ THE FIRST TIME - REFERRALS
04/13/05	(S)	STA, HES
04/21/05	(S)	STA AT 3:30 PM BELTZ 211
04/21/05	(S)	Moved SCS CSHB 214(STA) Out of Committee
04/21/05	(S)	MINUTE(STA)
04/22/05	(S)	STA RPT SCS 5DP SAME TITLE
04/22/05	(S)	DP: THERRIAULT, ELTON, WAGONER, HUGGINS, DAVIS
04/29/05	(S)	HES AT 1:30 PM BUTROVICH 205
04/29/05	(S)	Bills Previously Heard/Scheduled
05/02/05	(S)	HES AT 2:30 PM BUTROVICH 205

BILL: HB 53

SHORT TITLE: CHILDREN IN NEED OF AID/ADOPTION/GUARDIAN

SPONSOR(S): REPRESENTATIVE(S) COGHILL

01/10/05 (H) PREFILE RELEASED 1/7/05
01/10/05 (H) READ THE FIRST TIME - REFERRALS
01/10/05 (H) HES, JUD, FIN
03/02/05 (H) SPONSOR SUBSTITUTE INTRODUCED
03/02/05 (H) READ THE FIRST TIME - REFERRALS
03/02/05 (H) HES, JUD, FIN
03/15/05 (H) HES AT 3:00 PM CAPITOL 106
03/15/05 (H) Heard & Held
03/15/05 (H) MINUTE(HES)
03/22/05 (H) HES AT 3:00 PM CAPITOL 106
03/22/05 (H) <subcommittee meeting>
03/31/05 (H) HES AT 3:00 PM CAPITOL 106
03/31/05 (H) Moved CSHB 53(HES) Out of Committee
03/31/05 (H) MINUTE(HES)
04/04/05 (H) HES RPT CS(HES) NT 5DP
04/04/05 (H) DP: ANDERSON, KOHRING, MCGUIRE, SEATON,
WILSON
04/11/05 (H) JUD AT 1:00 PM CAPITOL 120
04/11/05 (H) <Bill Hearing Rescheduled to 4/12>
04/12/05 (H) JUD AT 8:00 AM CAPITOL 120
04/12/05 (H) Heard & Held
04/12/05 (H) MINUTE(JUD)
04/13/05 (H) JUD AT 1:00 PM CAPITOL 120
04/13/05 (H) Moved CSSSHB 53(JUD) Out of Committee
04/13/05 (H) MINUTE(JUD)
04/15/05 (H) JUD RPT CS(JUD) NT 5DP 2NR
04/15/05 (H) DP: KOTT, ANDERSON, DAHLSTROM, COGHILL,
MCGUIRE;
04/15/05 (H) NR: GARA, GRUENBERG
04/21/05 (H) FIN AT 1:30 PM HOUSE FINANCE 519
04/21/05 (H) <Bill Hearing Postponed to 4/22>
04/22/05 (H) FIN AT 1:30 PM HOUSE FINANCE 519
04/22/05 (H) Heard & Held
04/22/05 (H) MINUTE(FIN)
04/26/05 (H) FIN AT 1:30 PM HOUSE FINANCE 519
04/26/05 (H) Heard & Held
04/26/05 (H) MINUTE(FIN)
04/27/05 (H) FIN AT 1:30 PM HOUSE FINANCE 519
04/27/05 (H) Moved CSSSHB 53(FIN) Out of Committee
04/27/05 (H) MINUTE(FIN)
04/29/05 (H) FIN RPT CS(FIN) NT 4DP 6NR
04/29/05 (H) DP: HAWKER, FOSTER, CROFT, CHENAULT;
04/29/05 (H) NR: JOULE, MOSES, WEYHRAUCH, HOLM,
KELLY, MEYER
04/29/05 (H) TRANSMITTED TO (S)
04/29/05 (H) VERSION: CSSSHB 53(FIN)
05/01/05 (S) READ THE FIRST TIME - REFERRALS

05/01/05 (S) HES, JUD, FIN
05/02/05 (S) HES AT 2:30 PM BUTROVICH 205

WITNESS REGISTER

REPRESENTATIVE LESIL MCGUIRE

Alaska State Capitol
Juneau, AK 99801-1182

POSITION STATEMENT: Introduced HB 214

RYNNIEVA MOSS

Legislative Aide to Representative John Coghill
Alaska State Capitol
Juneau, AK 99801-1182

POSITION STATEMENT: Introduced HB 53

STACIE KRALY, Senior Assistant Attorney General

Department of Law

PO Box 110300

Juneau, AK 99811-0300

POSITION STATEMENT: Commented on HB 53

SELINA EVERSON

Juneau, Alaska 99801

POSITION STATEMENT: Testified in support of HB 53

ACTION NARRATIVE

CHAIR FRED DYSON called the Senate Health, Education and Social Services Standing Committee meeting to order at [2:48:33 PM](#). Present were Senator Kim Elton and Chair Fred Dyson.

HB 214-ANATOMICAL GIFTS & REGISTRY

[2:50:09 PM](#)

CHAIR DYSON announced HB 214 to be up for consideration.

REPRESENTATIVE LESIL MCGUIRE introduced the bill and said it revises a bill passed the previous year that contained a few errors. The bill removes some overly onerous burdens for first responders and emergency medical technicians (EMTs), delegating some responsibilities to dispatchers.

[2:53:21 PM](#)

CHAIR DYSON asked for clarification of the language in the sponsor statement on page 2.

REPRESENTATIVE MCGUIRE said the language has to do with federal CFR language.

[2:54:52 PM](#)

CHAIR DYSON held HB 214 in committee.

HB 53-CHILDREN IN NEED OF AID/ADOPTION/GUARDIAN

CHAIR DYSON announced HB 53 to be up for consideration.

RYNNIEVA MOSS, legislative aide to Representative John Coghill, introduced the bill and advised it is a consolidation of four bills that were previously passed by the House. She described the bills and the reasons Representative Coghill feels they should be compiled into a single bill.

[2:58:29 PM](#)

MS. MOSS advised another aspect of the bill was to strengthen families by seeing that extended family members and family friends are to be first and foremost in the consideration of preference to adopt children in need of aide (CINA). The bill gives an affirmative responsibility in rejecting the placement of children in the homes of their extended family, friends and a licensed foster home respectively. The bill would disallow the termination of parental rights on the basis of poverty alone. It encourages the Office of Children's Services (OCS) to train foster parents to be mentors.

[3:02:13 PM](#)

House Bill 53 deals with psychotropic drugs and would allow parents to make decisions regarding the administration of the drugs.

CHAIR DYSON asked Ms. Moss whether she is referring to birth parents.

MS. MOSS said that is correct.

CHAIR DYSON asked whether parental permission must be secured for any forms of medical treatment.

MS. MOSS said parental permission must be secured for all major medical procedures regarding foster children. The bill would make the process transparent by opening hearings to the public. The hearing could be closed if it might result in stigmatization, if it might interfere with a criminal investigation, or it might violate state law.

3:05:39 PM

SENATOR ELTON asked whether it is reasonable to expect a court to keep track of people who violate confidentiality.

MS. MOSS replied there would have to be a complaint filed with the court that the aforementioned person violated confidentiality.

3:07:30 PM

MS. MOSS continued the bill would establish a grievance process for parents who feel the case is not being handled properly. The bill would also allow the OCS to release confidential information under certain circumstances such as to clear up public misconceptions.

SENATOR ELTON said the Open Meeting Act was different than Section 10, which applies to the reasons for closing a court hearing. He asked the reason for the difference in criteria.

Ms. Moss advised of a provision in the Open Meetings Act that states, "if a person's reputation could be tarnished by the information being released during a hearing, it could go into executive session."

Senator Elton asked whether that would cover stigmatization and inhibit a child's testimony.

3:11:54 PM

STACIE KRALY, senior assistant attorney general, Department of Law (DOL), testified the distinction is that a court hearing has a different process and different rules than a public meeting. The exceptions under the Open Meetings Act would allow the DOL to protect the process if there were information of a private nature that had to be discussed.

3:13:40 PM

CHAIR DYSON asked whether the DOL was substituting the word "relinquish" for the word "termination."

MS. MOSS responded no. The state does not have statutory authority to do voluntary relinquishments and so the bill would establish that statutory authority. It would allow OCS to keep contact rights with children in cases of voluntary relinquishment. Another aspect of the bill would encourage audio and videotaping. The bill also defines 'child advocacy centers',

a definition that the DOL, OCS and the child advocacy centers all agree on.

CHAIR DYSON advised Ms. Moss of a bill introduced by Senator French, which proposes to allow greater taping ability on the part of OCS.

MS. MOSS was unaware of the Senate Bill. HB 53 also establishes criteria for schools to follow when a child is to be interviewed. It directs OCS to work with the Department of Public Safety to set up a procedure for the interview. It would allow the legislative offices to remain non-party participants to the case even when the parental rights have been terminated.

[3:18:43 PM](#)

SENATOR ELTON asked the reason for the extra step in terms of legislative access.

MS. MOSS said when a parent signs a disclosure release they are allowed to ask the Legislature to inquire into a given case. Once parental rights are terminated, that disclosure release is no longer valid. Since the budget of the Ombudsman has been cut so severely, the cases now go to the legislative offices.

SENATOR ELTON asked who would have priority in a case in which there is an adult family member and the child wants to stay with someone else.

MS. MOSS responded if the child is 14, the child makes the decision.

[3:22:05 PM](#)

MS. SELINA EVERSON testified she is a grandmother and a great grandmother and she would like the bill to pass because a lot of it has to do with Native children and it is an important part of Tlingit culture to intervene when a mother is not able to fulfill her parental responsibilities. Native people generally believe that Native children should be kept in Native homes unless the child's grandmother is not able to intervene. There are many cases in which children are removed from their homes and placed in non-Native homes. There are cases in Alaska where grandmothers are not given a chance to adopt the children despite a willingness and ability to do so.

[3:24:56 PM](#)

SENTAOR DYSON held HB 53 in committee. There being no further business to come before the committee, he adjourned the meeting at [3:25:28 PM](#).