

CS FOR HOUSE BILL NO. 135(HES)

IN THE LEGISLATURE OF THE STATE OF ALASKA

TWENTY-FIFTH LEGISLATURE - FIRST SESSION

BY THE HOUSE HEALTH, EDUCATION AND SOCIAL SERVICES COMMITTEE

Offered: 3/22/07

Referred: Finance

Sponsor(s): REPRESENTATIVES STOLTZE, Crawford, Kerttula

A BILL

FOR AN ACT ENTITLED

1 **"An Act establishing a higher education savings program for eligible children who were**
2 **placed in out-of-home care by the state; and providing for confidentiality of identifying**
3 **information of a beneficiary under the program."**

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

5 * **Section 1.** AS 47.05 is amended by adding a new section to read:

6 **Article 4. Alaska Higher Education Savings Program for Children.**

7 **Sec. 47.05.400. Higher education savings program.** (a) The department shall
8 administer a program to encourage investment by a person or entity in the higher
9 education of eligible children in the state. The program must include

10 (1) a central office, dedicated to faith-based and community services,
11 for development and marketing of the program;

12 (2) a mechanism for the department to establish and maintain a
13 University of Alaska college savings plan under AS 14.40.802 - 14.40.817 for an
14 eligible child who is a beneficiary of the program;

1 (3) a process for identifying donors and eligible beneficiaries;

2 (4) a process for distributing nonidentifying information about an
3 eligible beneficiary to a potential donor, including the age, sex, and general location of
4 the beneficiary, unless the information readily leads to the identification of the eligible
5 beneficiary;

6 (5) terms and conditions for participation in the program that are
7 consistent with the University of Alaska college savings plan restrictions and with
8 federal law pertaining to higher education savings accounts; and

9 (6) a procedure for monitoring success of the program, for record
10 keeping, and for maintaining confidentiality of records as required by federal and state
11 law.

12 (b) A person is eligible for participation in the higher education savings
13 program for children as a beneficiary if the person was ordered committed to the
14 custody of the department under AS 47.10.080(c) or AS 47.12.120(b)(1) or (3), was
15 placed in out-of-home care for not less than two years, and is a resident of the state.

16 (c) The commissioner or the commissioner's designee may name a new
17 beneficiary to an existing college savings plan established under (a) of this section if
18 the new designation is not prohibited under federal law or under the University of
19 Alaska college savings plan and if the named beneficiary dies, fails to enroll in an
20 eligible program before the beneficiary becomes 30 years of age, or fails to meet
21 conditions established in regulations adopted by the commissioner.

22 (d) Identifying information of a beneficiary contained in records related to the
23 program is confidential.

24 (e) In this section,

25 (1) "beneficiary" has the meaning given in AS 14.40.802;

26 (2) "college savings plan" means a post secondary education savings
27 program or advanced college savings tuition savings contract established under
28 AS 14.40.802 - 14.40.817;

29 (3) "donor" means the person or entity who contributes to the higher
30 education savings program for children for the purpose of establishing or contributing
31 to a college savings account established for a child under this section;

1 (4) "out-of-home care" means care at the residence or facility at which
2 a child is placed by the state, and does not include care at the residence from which the
3 child was removed.

4 * **Sec. 2.** AS 47.10.093(b) is amended to read:

5 (b) A state or municipal agency or employee shall disclose appropriate
6 confidential information regarding a case to

7 (1) a guardian ad litem appointed by the court;

8 (2) a person or an agency requested by the department or the child's
9 legal custodian to provide consultation or services for a child who is subject to the
10 jurisdiction of the court under AS 47.10.010 as necessary to enable the provision of
11 the consultation or services;

12 (3) an out-of-home care provider as necessary to enable the out-of-
13 home care provider to provide appropriate care to the child, to protect the safety of the
14 child, and to protect the safety and property of family members and visitors of the out-
15 of-home care provider;

16 (4) a school official as necessary to enable the school to provide
17 appropriate counseling and support services to a child who is the subject of the case, to
18 protect the safety of the child, and to protect the safety of school students and staff;

19 (5) a governmental agency as necessary to obtain that agency's
20 assistance for the department in its investigation or to obtain physical custody of a
21 child;

22 (6) a law enforcement agency of this state or another jurisdiction as
23 necessary for the protection of any child or for actions by that agency to protect the
24 public safety;

25 (7) a member of a multidisciplinary child protection team created
26 under AS 47.14.300 as necessary for the performance of the member's duties;

27 (8) the state medical examiner under AS 12.65 as necessary for the
28 performance of the duties of the state medical examiner;

29 (9) a person who has made a report of harm as required by
30 AS 47.17.020 to inform the person that the investigation was completed and of action
31 taken to protect the child who was the subject of the report;

1 (10) the child support services agency established in AS 25.27.010 as
 2 necessary to establish and collect child support for a child who is a child in need of aid
 3 under this chapter;

4 (11) a parent, guardian, or caregiver of a child or an entity responsible
 5 for ensuring the safety of children as necessary to protect the safety of a child; [AND]

6 (12) a review panel established by the department for the purpose of
 7 reviewing the actions taken by the department in a specific case; **and**

8 **(13) the University of Alaska under the Alaska higher education**
 9 **savings program for children established under AS 47.05.400, but only to the**
 10 **extent that the information is necessary to support the program and only if the**
 11 **information released is maintained as a confidential record by the University of**
 12 **Alaska.**

13 * **Sec. 3.** AS 47.12.310(b) is amended to read:

14 (b) A state or municipal agency or employee shall disclose

15 (1) information regarding a case to a federal, state, or municipal law
 16 enforcement agency for a specific investigation being conducted by that agency;
 17 [AND]

18 (2) appropriate information regarding a case to

19 (A) a guardian ad litem appointed by the court;

20 (B) a person or an agency requested by the department or the
 21 minor's legal custodian to provide consultation or services for a minor who is
 22 subject to the jurisdiction of the court under this chapter as necessary to enable
 23 the provision of the consultation or services;

24 (C) school officials as may be necessary to protect the safety of
 25 the minor who is the subject of the case and the safety of school students and
 26 staff or to enable the school to provide appropriate counseling and supportive
 27 services to meet the needs of a minor about whom information is disclosed;

28 (D) a governmental agency as may be necessary to obtain that
 29 agency's assistance for the department in its investigation or to obtain physical
 30 custody of a minor;

31 (E) a law enforcement agency of this state or another

1 jurisdiction as may be necessary for the protection, rehabilitation, or
2 supervision of any minor or for actions by that agency to protect the public
3 safety;

4 (F) a victim or to the victim's insurance company as may be
5 necessary to inform the victim or the insurance company about the arrest of the
6 minor, including the minor's name and the names of the minor's parents, copies
7 of reports, or the disposition or resolution of a case involving a minor;

8 (G) the state medical examiner under AS 12.65 as may be
9 necessary to perform the duties of the state medical examiner;

10 (H) foster parents or relatives with whom the child is placed by
11 the department as may be necessary to enable the foster parents or relatives to
12 provide appropriate care for the child who is the subject of the case, to protect
13 the safety of the child who is the subject of the case, and to protect the safety
14 and property of family members and visitors of the foster parents or relatives;

15 (I) the Department of Law or its agent for use and subsequent
16 release if necessary for collection of an order of restitution on behalf of the
17 recipient;

18 (J) the Violent Crimes Compensation Board established in
19 AS 18.67.020 for use in awarding compensation under AS 18.67.080; and

20 (K) a state, municipal, or federal agency of this state or another
21 jurisdiction that has the authority to license adult or children's facilities and
22 services; **and**

23 **(3) to the University of Alaska under the Alaska higher education**
24 **savings program for children established under AS 47.05.400, information that is**
25 **necessary to support the program, but only if the information released is**
26 **maintained as a confidential record by the University of Alaska.**