

ALASKA STATE LEGISLATURE
HOUSE HEALTH AND SOCIAL SERVICES STANDING COMMITTEE

March 17, 2009

3:05 p.m.

MEMBERS PRESENT

Representative Bob Herron, Co-Chair
Representative Wes Keller, Co-Chair
Representative John Coghill
Representative Bob Lynn
Representative Paul Seaton
Representative Sharon Cissna
Representative Lindsey Holmes

MEMBERS ABSENT

All members present

COMMITTEE CALENDAR

HOUSE BILL NO. 141

"An Act relating to the Interstate Compact for Juveniles; relating to the State Council for Interstate Adult and Juvenile Offender Supervision; amending Rules 4 and 24(b), Alaska Rules of Civil Procedure; and providing for an effective date."

- MOVED HB 141 OUT OF COMMITTEE

Presentation: Ombudsman's Report on OCS

- HEARD

PREVIOUS COMMITTEE ACTION

BILL: HB 141

SHORT TITLE: COMPACT FOR JUVENILES; INTERSTATE COUNCIL

SPONSOR(S): REPRESENTATIVE(S) COGHILL

02/23/09	(H)	READ THE FIRST TIME - REFERRALS
02/23/09	(H)	HSS, JUD
03/17/09	(H)	HSS AT 3:00 PM CAPITOL 106

WITNESS REGISTER

REPRESENTATIVE JOHN COGHILL
Alaska State Legislature
Juneau, Alaska

POSITION STATEMENT: Introduced HB 141, as the prime sponsor.

AMANDA MORTENSEN, Staff
to Representative John Coghill
Alaska State Legislature
Juneau, Alaska

POSITION STATEMENT: Presented HB 141, on behalf of the prime sponsor of the bill, Representative Coghill.

TONY NEWMAN, Social Services Program Officer
Division of Juvenile Justice (DJJ)
Department of Health and Social Services (DHSS)
Juneau, Alaska

POSITION STATEMENT: Spoke in support of HB 141.

BARBARA MURRAY, Deputy Compact Administrator
Division of Juvenile Justice (DJJ)
Department of Health and Social Services (DHSS)
Juneau, Alaska

POSITION STATEMENT: Spoke in support of HB 141.

CAROL BRENCKLE, Chair
Alaska Juvenile Justice Advisory Committee (AJJAC)
Kenai, Alaska

POSITION STATEMENT: Spoke in support of HB 141.

LINDA LORD-JENKINS, Ombudsman
Office of the Ombudsman
Alaska State Legislature
Juneau, Alaska

POSITION STATEMENT: Presented the Ombudsman report on the Office of Children's Services (OCS).

TAMMY SANDOVAL, Director
Central Office
Office of Children's Services (OCS)
Department of Health and Social Services (DHSS)

POSITION STATEMENT: Answered questions on the Ombudsman's report.

ACTION NARRATIVE

[3:05:08 PM](#)

CO-CHAIR BOB HERRON called the House Health and Social Services Standing Committee meeting to order at 3:05 p.m. Representatives Herron, Keller, Seaton, and Coghill were present at the call to order. Representatives Cissna, Lynn, and Holmes arrived as the meeting was in progress.

HB 141-COMPACT FOR JUVENILES; INTERSTATE COUNCIL

[3:05:28 PM](#)

CO-CHAIR HERRON announced that the first order of business would be HOUSE BILL NO. 141, "An Act relating to the Interstate Compact for Juveniles; relating to the State Council for Interstate Adult and Juvenile Offender Supervision; amending Rules 4 and 24(b), Alaska Rules of Civil Procedure; and providing for an effective date."

[3:06:11 PM](#)

REPRESENTATIVE JOHN COGHILL, Alaska State Legislature, explained that compacts were a legal and technical means for states to do things without intervention from the federal government. He pointed out that state laws were dynamic and required agreements between states, in this case for the interstate management of juveniles. He noted that this original compact dated from 1955, and that an update was necessary.

[3:07:07 PM](#)

AMANDA MORTENSEN, Staff to Representative John Coghill, Alaska State Legislature, said that HB 141 was a replacement for the 1955 compact and would ensure the supervision of juvenile offenders and the return of runaways. She reported that HB 141 provided the procedural means to regulate court supervised juveniles across state lines. She estimated that this compact would be used in 20,000 cases annually. She pointed out that HB 141 would ensure that all states had identical statute language, and it would provide enforcement procedures. She affirmed that it would allow for the collection and sharing of standardized information. She shared that this would allow states to operate without federal intervention. She observed that 35 states had passed this compact, with 6 other states considering it. She identified that Alaska would need to deal with each state on a case by case basis, if this compact was not approved. She concluded that the compact provided for the safety of the

juvenile offender and the state, and that it ensured public safety and security.

[3:09:04 PM](#)

TONY NEWMAN, Social Services Program Officer, Division of Juvenile Justice (DJJ), Department of Health and Social Services (DHSS), explained that his [division] was the overseer of the current compact, and that DJJ supported HB 141. He reported that DJJ supervised the interstate travel for about 160 court supervised juveniles. He agreed that this was necessary for public safety and he said that it was necessary to update the compact. He offered to give a brief overview of HB 141.

[3:10:23 PM](#)

MR. NEWMAN reported that HB 141 had 6 major points. He shared that the new compact would support the establishment of a national compact authority to independently administer the rules, and that the compact authority would have Alaskan representatives who were appointed by the governor. He explained that Alaska would be subject to sanctions for failure to meet the expectations of the compact. He noted that Alaska would collect data and provide information requested by the national authority. He allowed that there would be a higher dues structure. He said that the compact required establishment of a state council to deal with state juvenile compact issues. He noted that the existing Alaskan adult supervision council would now become an oversight council for both juvenile and adult offenders.

[3:12:34 PM](#)

MR. NEWMAN, in response to Representative Coghill, explained that the responsibility for the appointment of the compact administrator had been delegated by the governor to the commissioner.

[3:13:11 PM](#)

REPRESENTATIVE LYNN asked about the sanctions.

[3:13:34 PM](#)

MR. NEWMAN responded that the sanction rules were still being developed.

[3:13:49 PM](#)

REPRESENTATIVE LYNN asked if Alaska would sign on without knowing the sanctions.

[3:14:03 PM](#)

MR. NEWMAN said that this was the same for all the states.

[3:14:29 PM](#)

REPRESENTATIVE COGHILL allowed that he had the same concern. He explained that the compact commissioner would represent Alaska in the development of these rules.

[3:14:43 PM](#)

REPRESENTATIVE SEATON asked what was defined by the uniform rules.

[3:15:15 PM](#)

MR. NEWMAN explained that the rules were for all of the juvenile justice, state to state, youth transfers across the country.

[3:15:41 PM](#)

CO-CHAIR HERRON asked about the number of youth annually transferred in Alaska.

[3:15:51 PM](#)

MR. NEWMAN replied that each year about 160 youth came into and left Alaska.

CO-CHAIR HERRON asked if the youth were under the jurisdiction of other states.

[3:16:14 PM](#)

MR. NEWMAN replied that some were.

[3:16:43 PM](#)

BARBARA MURRAY, Deputy Compact Administrator, Division of Juvenile Justice (DJJ), Department of Health and Social Services (DHSS), explained that there were youth, in need of supervision

and under probation jurisdiction, travelling from Alaska to be with family. She reported that about 37 Alaskan youth left the state, and about 40 youth came to Alaska to be with family or guardians and to finish their probation.

[3:17:50 PM](#)

REPRESENTATIVE COGHILL asked how often states were in conflict regarding management of youth crossing jurisdictional boundaries. He also asked how this conflict was resolved, and how Alaska could defend itself, within the compact.

[3:18:23 PM](#)

MS. MURRAY, in response to Representative Coghill, said that the current compact was an association of juvenile compact administrators. She explained that any issues of youth movement between states were brought to the association, even though the group had no jurisdiction. She conceded that the sanctions were very weak. She noted that Alaska had not been involved with any issues for many years. She explained that the new compact could have financial sanctions. She said that a state's dismissal from the compact would then require a memorandum of understanding (MOU) for every youth who required supervision when entering or leaving the state. She allowed that this would be a "resource drain" for any state. She reported that the new compact allowed for mediation prior to any financial sanctions.

[3:20:36 PM](#)

REPRESENTATIVE COGHILL established that this was not an arbitrary authority, but an interlocking system for juvenile transfers.

[3:21:32 PM](#)

CAROL BRENCKLE, Chair, Alaska Juvenile Justice Advisory Committee (AJJAC), explained that AJJAC was an Alaskan advisory board, appointed by the governor, to oversee implementation of the federal Juvenile Justice and Delinquency Prevention Act within Alaska. She said that AJJAC had been following this national compact legislation for many years, and was excited that Alaska would be adopting the interstate compact. She acknowledged the "resource drain" to individually negotiate all the issues instead of having a compact, and that a compact was necessary to ensure public and child safety and welfare in

Alaska. She referenced the letter sent from AJJAC which endorsed HB 141. [Included in members' packets.]

[3:26:11 PM](#)

CO-CHAIR HERRON asked about an adult compact.

MR. NEWMAN replied that the legislature had adopted a similar compact in 2003, which was now in place at the Department of Corrections.

REPRESENTATIVE COGHILL said that there were several compacts that dealt with adults.

CO-CHAIR HERRON closed public testimony.

[3:27:31 PM](#)

CO-CHAIR KELLER moved to report HB 141 out of committee with individual recommendations and the accompanying fiscal note. There being no objection, HB 141 was reported from the House Health and Social Services Standing Committee.

[3:27:49 PM](#)

CO-CHAIR HERRON announced that the final order of business would be a Presentation on the Ombudsman's Report on OCS.

[3:28:03 PM](#)

LINDA LORD-JENKINS, Ombudsman, Office of the Ombudsman, Alaska State Legislature, explained that the Office of the Ombudsman was created to investigate citizen complaints against the State of Alaska administrative agencies. She listed the complaints to include actions that were contrary to law, unreasonable or unfair, mistake of fact, arbitrary, or on improper grounds. She explained that the investigations were to find an appropriate remedy, and for recommendations to correct the problem. She mentioned some issues that were exempted from an Ombudsman's investigation to include: issues that had been decided by a court, a complaint that challenged the substantive decision of an administrative hearing or appeal, or issues that could be resolved by administrative appeal. She mentioned that the jurisdiction was limited to State of Alaska agencies. She reported the Ombudsman's powers to include: making inquiries to obtain information, entering without notice as long as agency

staff was present, holding public hearings, and accessing state agency records. She noted that the Ombudsman must retain confidentiality. She said that the office could compel, by subpoena, the witness' appearance, sworn testimony, and the production of records. She affirmed that it had the authority to go to court to compel testimony.

[3:32:31 PM](#)

MS. LORD-JENKINS announced in her annual report that the number of complaints against Department of Health and Social Services (DHSS) and the Office of Children's Services (OCS) had "skyrocketed" in 2008. She reported that DHSS complaints comprised 25 percent of the total caseload, an increase of more than 7 percent. She mentioned that the total complaints also increased in 2008. She said that complaints against OCS almost doubled in 2008, from 73 complaints to 140 complaints, which was 15 percent of the caseload. She disclosed that she did not know the reason for the increase. She said that OCS and the Citizens Review Panel had always included the Ombudsman's office as an option to aggrieved parents. She shared that most legislator's newsletters included a brief about the Ombudsman. She opined that the governor's office might also be referring more complaints. She reported that the most complaints in 2008, and again in 2009, were for issues involving "relative placement," "notice of proceedings," and "reports of harm." She disclosed that most complaints had more than one allegation. She confirmed that the geographic distribution for complaints remained about the same, Southcentral, Southeast, and then the Northern areas. She pointed out that few rural complaints were received. She said that her office was complaint driven; they took specific issues and looked at the broader issues that these highlighted. She reiterated that the Ombudsman's mandate was to prevent recurrence of the problem. She explained that the Ombudsman did not advocate for individuals, but for their rights. There were other issues for her office to review, she said, including relative placement, visitation, inadequate notice, reports of harm, and foster parents. She explained the different paths for complaint review, which included a quick assist or decline, advise to file a grievance, or the rights to appeal. She said that the agency helped direct people within the process, and that the Ombudsman's office wanted people to work with the agency. She described the initiation of a formal investigation. She relayed that, sometimes, once the interviews and research began, agencies would admit to a wrongfulness and move to fix the problem. She noted that the Ombudsman would discontinue its involvement at that point.

[3:39:48 PM](#)

MS. LORD-JENKINS explained that the formal investigation was driven by statute and was very time consuming. She detailed that it included interviews, sworn statements, and subpoenas. She said that the review included an assessment of the policies and procedures to determine if these were followed, and were legal, reasonable, and fair. She explained that the report was submitted to the agency, with recommendations to prevent a recurrence. She indicated that the agency's response was incorporated into a final report. She called attention to the example of a report that was included in the members' packets.

[3:41:48 PM](#)

MS. LORD-JENKINS explained that the Ombudsman's office was bundling cases of comparable issues, categorizing them, and combining them into a single report. She said that the department was conducting investigative surveys of agency practices and she supplied some examples.

[3:44:40 PM](#)

MS. LORD-JENKINS offered her thoughts on ways to make this report more useful to the House Health and Social Services Standing Committee. She shared that her office had a cumulative 100 years of experience, and that she had asked each of her staff to share two things about OCS that the House Health and Social Services Standing Committee should know. She read from this catalog of comments, and noted reasons for each: visitation for a prisoner could be more often than for a child; difficulties for an agency worker to maintain regular contact with parent and children; non-responsiveness of case workers; disregard for relatives of a child in custody; relative placement; notice of court proceedings; and inconsistent treatment to the grandparents of the child in custody. She shared that a mission of OCS was to keep the family together.

[3:51:14 PM](#)

MS. LORD-JENKINS shared that another problem was for the knowledge of and adherence to policy, procedures, statutes, and regulations. She gave examples from the case study mentioned earlier. [Included in the members' packets.] She highlighted that a major problem was the lack of staff awareness for policy and procedures, and she offered examples from OCS and the

Department of Health and Social Services. She pointed out the problem with the "intelligibility of policies and procedures," and she shared that three of the Ombudsman's investigators, each an attorney, had agreed that these were difficult to understand.

[3:56:05 PM](#)

MS. LORD-JENKINS continued with the catalog of comments and reasons: the difficulties faced when not being able to retain caseworkers. She summarized with a comment from an experienced investigator:

The work they try to do is some of the toughest, most consequential work done by any state employee because they work with the most dysfunctional people in the state trying to protect the most vulnerable people in the state. The staff they have to do this work is often under qualified, undertrained, under supervised, underpaid, and undermined by constant turnover. The result of adding one and two is the series of small tragedies unfolding in the lives of scores of Alaskan families every day of the week.

[3:57:32 PM](#)

REPRESENTATIVE CISSNA, referring to the "dysfunctional people," shared that it was generational and that it continued to grow. She opined that it was no longer possible to get preventative attention, identified this as a "cultural car wreck," and assessed that this growing cost "would jeopardize the functionality of state government." She asked what role the committee could assume for improvement.

REPRESENTATIVE COGHILL explained the history of the ombudsman office, and offered his belief that the increase of complaints was in recognition for the credibility of its work. He noted that the citizen review panel was now very active. He commented that each of the points which Ms. Lord-Jenkins had raised needed to be reviewed.

[4:04:16 PM](#)

REPRESENTATIVE COGHILL referred to the staff turnover and the entry level qualifications, and asked whether the newly hired staff were prepared for the work, but not the caseload.

[4:04:45 PM](#)

MS. LORD-JENKINS said that no specific research was done on that.

[4:05:15 PM](#)

REPRESENTATIVE COGHILL suggested that college level social work prepared good social workers, but not good legal technicians. He opined that the expectation was to be a social worker, but that the job demanded them to also be a legal technician and an "enforcer."

[4:06:59 PM](#)

MS. LORD-JENKINS, in response to Co-Chair Keller, said that she was hired for a five year appointment, through a bi-partisan committee from both the House and the Senate. She said that the statute allowed the Ombudsman to serve a maximum of three five-year terms. She responded that the Ombudsman could be fired by the legislature.

[4:09:11 PM](#)

MS. LORD-JENKINS, in response to Co-Chair Keller, said that there were only five "general jurisdiction state-wide ombudsman" in the U.S. She said that the majority were departmental or "executive" ombudsmen, who were dedicated to children's services. She offered her belief that the independence of the Alaskan ombudsman model made it the strongest, and allowed for the best quality of work. She observed that most "executive" ombudsman reported to the person they were overseeing.

[4:10:22 PM](#)

REPRESENTATIVE SEATON acknowledged that some of the changes to legislative interaction with constituents had put more load on the Ombudsman's office. He asked if a limit to the number of caseloads for an OCS social worker would alleviate a lot of the problems.

[4:12:24 PM](#)

MS. LORD-JENKINS replied that the pay for caseworkers in OCS was very low, and that the work load was very large. She said that the work was time consuming, grueling, and frequently unrewarding. She offered her belief that more workers would allow a better opportunity for better work.

[4:13:35 PM](#)

CO-CHAIR HERRON asked to verify that 10-15 percent of the Ombudsman's office workload was OCS related, and what were the other high workload categories.

[4:14:02 PM](#)

MS. LORD-JENKINS agreed about the OCS workload. She responded that the highest workloads were, in numerical order, Department of Health and Social Services (DHSS), and the Department of Corrections (DOC), although DOC did not require as much time. She shared that the other high work loads were from the Office of Children's Services, Department of Public Safety, Division of Motor Vehicles, Public Defender Agency, and Office of Public Advocacy. She said that Department of Natural Resources and Permanent Fund Dividend Division cases had also increased slightly.

[4:15:20 PM](#)

CO-CHAIR HERRON concurred with the earlier remarks, and he said that the legislative office should be able to direct people to the appropriate agency.

[4:16:15 PM](#)

TAMMY SANDOVAL, Director, Central Office, Office of Children's Services (OCS), said that she appreciated the work of the Ombudsman's office. She agreed that the numbers of complaints had increased, although there were fewer direct complaints to her office. She noted that she appreciated the work of the Ombudsman's office, but that she wanted the opportunity to resolve the issues within her division.

[4:19:39 PM](#)

MS. SANDOVAL said that she appreciated the completeness of the investigative report from the Ombudsman's office. She said that more than 30 percent of the staff was turning over. She offered her belief that the more robust training curriculum, due to more training money, would increase the retention rate. She said that it was hard to ensure that a worker knew everything, but that staff retention, which included an institutional knowledge, would be a big help in attaining that.

[4:21:56 PM](#)

MS. SANDOVAL requested that the legislature hire more staff for the Ombudsman's office to ensure a more timely response.

[4:23:19 PM](#)

MS. SANDOVAL referred to visitation and confirmed that more frequent contact was necessary to reunify families. She explained a new program that redefined the different levels for supervised visits and could allow for more visitations. She explained that by providing guidance and training to all the staff who worked with the children's court, there would be agreement on the protocols for visitations. She said that would allow other partner agency staff to be there for the visitations, not just OCS staff, and would now include unsupervised visits. She also explained that the grant language for private agencies regarding visitation support would now better explain the service expectations.

[4:26:46 PM](#)

MS. SANDOVAL mentioned that OCS had begun to research the policies and procedures of other states, and would revise the Alaska manual. She said that this would include practice guidelines for the staff.

[4:28:08 PM](#)

REPRESENTATIVE CISSNA asked what could be done for the problems with job classifications which resulted in lower pay for more qualified people.

[4:31:19 PM](#)

MS. SANDOVAL responded that the Department of Administration was conducting a salary study. She opined that this would result in changes to compensation.

[4:33:04 PM](#)

MS. SANDOVAL, in response to Representative Cissna, said that agency culture affected a lot of things. She referred to the "helping professional," someone who got into the work because they wanted to help, which was the nature of Child Protective Services.

[4:37:04 PM](#)

MS. SANDOVAL, in response to Representative Seaton, said that the allocation for five positions would bring the OCS case loads to a reasonable level, but that turnover and vacancies continued to make the work load very difficult.

[4:38:36 PM](#)

REPRESENTATIVE COGHILL asked if the Bachelor of Social Worker (BSW) or Master of Social Worker (MSW) programs at the University of Alaska should include a full semester of family law. He applauded the salary study, and he suggested that a higher pay range with fewer PCNs might change the turnover rate.

[4:40:10 PM](#)

MS. SANDOVAL replied that the number of cases for each PCN would still be significant to do the job correctly. She shared her surprise at the pay scale comparison with other departments, and she noted that a pay scale adjustment would also be a help in staff retention. She agreed that supervision was also very important to bring training and coaching to new staff.

[4:41:31 PM](#)

REPRESENTATIVE COGHILL explained that social workers used their own car, and their own resources, and he asked if the workers received the respect that they deserved.

[4:41:54 PM](#)

MS. SANDOVAL replied that things were okay but that there was always room for improvement.

[4:42:45 PM](#)

REPRESENTATIVE SEATON asked if the electronic reporting system was working.

MS. SANDOVAL said that the reporting system was not working well. She relayed that the Online Resources for the Children of Alaska (ORCA) system was working great, but that bandwidth and connectivity were still an issue. She said that the new report and the creation of the new case within ORCA were the most time consuming. She discussed the creation of four regional in-take hubs in areas with the better bandwidth. She offered that the

remote sites would send information to these hubs, and then the cases would be assigned back out to the regional offices. She said that this would especially help the very small rural offices which did not have the personnel to enter all the data, as well as handle the case loads.

[4:45:12 PM](#)

ADJOURNMENT

There being no further business before the committee, the House Health and Social Services Standing Committee meeting was adjourned at 4:45 p.m.