

HOUSE FINANCE COMMITTEE
May 15, 2017
4:41 p.m.

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CALL TO ORDER

Co-Chair Foster called the House Finance Committee meeting to order at 4:41 p.m.

MEMBERS PRESENT

Representative Neal Foster, Co-Chair
Representative Paul Seaton, Co-Chair
Representative Les Gara, Vice-Chair
Representative Jason Grenn
Representative David Guttenberg
Representative Scott Kawasaki
Representative Dan Ortiz
Representative Lance Pruitt
Representative Steve Thompson
Representative Cathy Tilton
Representative Tammie Wilson

MEMBERS ABSENT

None

ALSO PRESENT

Representative Andy Josephson, Sponsor.

PRESENT VIA TELECONFERENCE

Christy Lawton, Office of Children's Services, Anchorage;
Stacie Kraly, Attorney, Civil Division, Department of Law.

SUMMARY

HB 105 DENALI WOLF SPECIAL MANAGEMENT AREA

CSHB 105(FIN) was REPORTED out of committee with three "do pass" recommendations, one "do not pass" recommendation, three "no recommendation" recommendations, and one "amend" recommendation

and with two previously published zero fiscal notes: FN1(DFG) and FN2(DPS).

HB 151 DHSS;CINA; FOSTER CARE; CHILD PROTECTION

CSHB 151(FIN) was REPORTED out of committee with four "do pass" recommendations, one "no recommendation" recommendation, and four "amend" recommendations and with a new zero fiscal note by the Department of Administration and two previously published fiscal impact notes: FN1(DHS) and FN2(DHS).

Co-Chair Foster reviewed the agenda for the day. He intended to move both bills from committee. He relayed the committee would not be hearing SB 23, the appropriations for the Capital Budget, as previously scheduled.

#hb105

HOUSE BILL NO. 105

"An Act establishing the Gordon Haber Denali Wolf Special Management Area."

[4:42:47 PM](#)

Co-Chair Foster invited the bill sponsor to introduce himself and to make any comments he wished concerning the legislation.

REPRESENTATIVE ANDY JOSEPHSON, SPONSOR, replied that the amendment took up a critic's concerns in an earlier hearing.

Co-Chair Foster MOVED to ADOPT Amendment 1 (copy on file):

Page 1, line 1:

Delete "hunting or trapping of wolves"

Insert "taking of wolves and the use of certain traps and snares"

Page 1, line 5:

Delete "hunting or trapping of wolves"

Insert "taking of wolves and the use of certain traps and snares"

Page 1, lines 6 - 7:

Delete "Hunting and trapping of wolves is prohibited"

Insert "A person may not take a wolf or use a cable snare with a diameter greater than 3/32 of an inch or a leg-hold trap with a jaw spread greater than five inches"

Page 3, line 20, following "who":

Insert "negligently"

Representative Kawasaki OBJECTED for discussion.

Representative Josephson continued that his office consulted with Vic Van Ballenberghe who had trapped 100 wolves in his life, mostly for study. He also consulted with Bruce Dale, Wildlife Division Director, Department of Fish and Game and with Bernard Chastain of the Department of Public Safety (DPS) who knew a great deal about trapping. The bill language was prepared by Mr. Bullard of Legislative Legal Services and reviewed by the Department of Law. One of the criticisms of the bill was that there could be incidental take if the state just banned wolf trapping and hunting. He explained that the bill would still ban wolf trapping and hunting, but the case would be stronger if someone used 2 types of traps that were primarily designed to catch a wolf but could catch other animals too. The 2 types of traps would be banned, and a person found using them would be charged with a misdemeanor whether they caught a wolf. He continued that the standard of someone's -mental state would be "negligently." Another concern raised by a caller was about whether the bill would impede subsistence. He confirmed that the legislation would not impede subsistence.

Representative Josephson reported that there were two units in question: subunit 20A was closed to subsistence currently, and subunit 20C of which only a small portion would be incumbered. He remarked that all other forms of trapping would be allowed. His office had carved out the types of traps that generally would not impact lynx, wolverine, and coyotes. Finally, he noted the Board of Game had a similar, although not identical, buffer zone and there was no litigation when it was closed regarding subsistence.

Representative Guttenberg asked about the "Insert" on line 11. He wondered if the intent was that the snare or the

trap was designed such that it would not take animals smaller than a wolf. Representative Josephson responded in the affirmative.

Representative Kawasaki WITHDREW his OBJECTION.

There being NO OBJECTION, Amendment 1 was ADOPTED.

Co-Chair Foster asked Vice-Chair Gara to review the fiscal notes for the bill.

Vice-Chair Gara reported HB 105 had two zero fiscal notes.

He relayed the details of FN 1:

Department: Department of Fish and Game
Appropriation: Wildlife Conservation
Allocation: Wildlife Conservation
OMB Component Number: 473

He relayed the details of FN 2:

Department: Department of Public Safety
Appropriation: Alaska State Troopers
Allocation: Alaska Wildlife Troopers
OMB Component Number: 2746

Co-Chair Seaton MOVED to report CSHB 105(FIN) out of Committee with individual recommendations and the accompanying fiscal notes.

There being NO OBJECTION, it was so ordered.

CSHB 105(FIN) was REPORTED out of committee with three "do pass" recommendations, one "do not pass" recommendation, three "no recommendation" recommendations, and one "amend" recommendation and with two previously published zero fiscal notes: FN1(DFG) and FN2(DPS).

Co-Chair Foster moved to the next agenda item.

#hb151

HOUSE BILL NO. 151

"An Act relating to the duties of the Department of Health and Social Services; relating to training and workload standards for employees of the Department of

Health and Social Services; relating to foster care licensing; relating to placement of a child in need of aid; relating to the rights and responsibilities of foster parents; relating to subsidies for adoption or guardianship of a child in need of aid; requiring the Department of Health and Social Services to provide information to a child or person released from the department's custody; and providing for an effective date."

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Co-Chair Foster relayed that the committee had heard the bill twice before.

Co-Chair Seaton MOVED to ADOPT proposed committee substitute for HB 151, Work Draft 30-LS0451\E (Glover, 4/14/17).

Co-Chair Foster OBJECTED for discussion.

REPRESENTATIVE LES GARA, SPONSOR, reviewed the changes from the N version to the E version. The changes were primarily pear downs of the bill to make it less costly. Version N included a provision that would have granted adoption and guardianship subsidies to families who adopted youth over the age of 18. However, under federal law, he could not find a way to make the provision work. the federal government required the state to also extend the subsidies to anyone adopted before age 18. It would have resulted in an \$8 million fiscal note. The provision was removed in the newest version. He added that the previous \$1 million fiscal note was removed. He continued that in version E he found a way to lower the cost of the bill. The department recommended that caseloads, on average, be no more that 12 per case worker statewide. He saved about \$1 million in a way that continued to make the bill work and vastly improve the system by increasing the statewide standard to 13 families instead of 12. Version E used 13 family. The committee substitute also outlined that no one could sue the department if that standard was not met. The standard was subject to appropriation and recruitment efforts. Those were the major changes in the bill.

Co-Chair Foster WITHDREW his OBJECTION.

There being NO OBJECTION, the committee substitute for HB 151 was ADOPTED.

Co-Chair Foster relayed the names of the testifiers available online to answer questions. He indicated that Representative Pruitt and Representative Tilton had joined the meeting. The committee would be taking a brief "at ease" in anticipation of the arrival of Representative Wilson.

Co-Chair Seaton wanted to ask Christy Lawton if the department was okay with the changes made to the bill.

CHRISTY LAWTON, OFFICE OF CHILDREN'S SERVICES, ANCHORAGE (via teleconference), responded that the department was satisfied with the changes. She elaborated that while the department would like to see the additional subsidy extended to 21 for all children, it realized it was not fiscally possible was not currently possible in Alaska. She noted the department appreciating the immunity clause that was added to help give further protection given that there were so many things regarding workforce that were beyond the state's control. The department was satisfied with the bill as written.

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AT EASE

[4:55:01 PM](#)

RECONVENED

Co-Chair Foster indicated there were several meetings beginning shortly. The committee would stand at ease and reconvene following the adjournment of the various meetings.

[4:55:18 PM](#)

AT EASE

[6:31:19 PM](#)

RECONVENED

Co-Chair Foster indicated the amendments would be heard for HB 151.

Representative Wilson reported the amendments had been dropped off to Vice-Chair Gara's office.

Representative Wilson MOVED to ADOPT Conceptual Amendment 1
(copy on file):

Page 1, line 3, following "licensing":

Insert "relating to civil and criminal history
background checks for foster care licensing and
payments;"

Page 4, following line 8:

Insert new bill sections to read:

** Sec. 4. AS 47.05.310(c) is amended to read:

(c) Except as provided in <D of this section, the
[THE] department may not issue or renew a license
or certification for an entity if an individual
is applying for a license, license renewal,
certification, or certification renewal for the
entity and that

(1) individual has been found by a court or
agency of this or another jurisdiction
to have neglected, abused, or exploited a
child or vulnerable adult under AS 47.10, AS
47.24, or AS 47.62 or a substantially
similar provision in another jurisdiction,
or to have committed medical assistance
fraud under AS 47.05.210 or a substantially
similar provision in another jurisdiction;
or

(2) individual's name appears on the
centralized registry established under AS
47.05.330 or a similar registry of this
state or another jurisdiction.

* Sec. 5. AS 47.05.310(i) is amended to read:

(i) Except as provided in <D of this section, for
[FOR] purposes of (b) and (c) of this section, in
place of nonissuance or nonrenewal of a license
or certification, an entity or individual service
provider that is not required to be licensed or
certified by the department or a person wishing
to become an entity or individual service
provider that is not required to be licensed or
certified by the department is instead ineligible
to receive a payment, in whole or in part, from
the department to provide for the health, safety,
and welfare of persons who are served by the

programs administered by the department if the entity, individual service provider, or person

(1) is in violation of (a) of this section or would be in violation based on information received by the department as part of an application, approval, or selection process;

(2) has been found by a court or agency of this or another jurisdiction to have neglected, abused, or exploited a child or vulnerable adult under AS 47.10, AS 47.24, or AS 47.62 or a substantially similar provision in another jurisdiction, or to have committed medical assistance fraud under AS 47.05.210 or a substantially similar provision in another jurisdiction; or

(3) appears on the centralized registry established under AS 47.05.330 or a similar registry of this state or another jurisdiction.

* Sec. 6. AS 47.05.310(k) is amended by adding new paragraphs to read:

(4) "adult family member" has the meaning given in AS 47.10.990;

(5) "foster home" has the meaning given in AS 47.32.900.

* Sec. 7. AS 47.05.310 is amended by adding a new subsection to read:

(1) The department may issue or renew a foster home license under AS 47.32 or provide payments under AS 47.14.100(b) or (d) to an entity, individual service provider, or person if the applicant or a person who resides in the home is barred from licensure or payment under (c), (i)(2), or (i)(3) of this section and

(1) a person in the home is an adult family member or family friend of a child in the custody or supervision of the state under AS 47.10;

(2) the department finds that placing the child with the entity, individual service provider, or person is in the best interests of the child; and

(3) the conduct that is the basis of the finding under (c), (i)(2), or (i)(3) of this section occurred at least 10 years before the date the department receives the application for licensure or renewal or makes a payment to the entity, individual service provider, or person."

Renumber the following bill sections accordingly.

Page 12, line 8:

Delete "Sections 3 - 8 and 10 - 16"

Insert "Sections 3 - 12 and 14 - 20"

Page 12, line 10:

Delete "secs. 3 - 8 and 10 - 16"

Insert "Sections 3 - 12 and 14 - 20"

Page 12, line 11:

Delete "9"

Insert "13" 13

Page 12, line 13:

Delete "9"

Insert "13"

Page 12, line 15:

Delete "9"

Insert "13"

Page 12, line 28:

Delete "sec. 13"

Insert "sec. 17"

Page 12, line 29:

Delete "sec. 13"

Insert "sec. 17"

Page 12, line 31:

Delete "sec. 13"

Insert "sec. 17"

Page 13, line 2:

Delete "sec. 13"
Insert "sec. 17"

Page 13, line 3:

Delete "secs. 1 - 12 and 14 - 16"
Insert "secs. 1 - 16 and 18 - 20"

Page 13, line 4:

Delete "secs. 1 - 12 and 14 - 16"
Insert "secs. I - 16 and 18 - 20"

Page 13, line 5:

Delete "Section 18"
Insert "Section 22"

Vice-Chair Gara OBJECTED for discussion.

Representative Wilson explained the amendment. She relayed that if a grandparent, aunt, or uncle wanted to have a child placed in their home and a barrier condition was in place a child would not be able to be placed with that family member. A barrier condition was not the same as a barrier crime. A barrier crime was a circumstance where a person went to court, was found guilty, and was unable to participate in certain activities thereafter for many years or indefinitely. If a 21-year-old parent had their child taken by the Office of Children's Services but completed all that was required of them and had their child returned to them in 6 months, they would have a barrier condition attached to them. If that person's child were to get in trouble and their child (grandchild) needed to be placed somewhere, the child could not be placed with the grandparent with a barrier condition. The department would have to consider past circumstances. If a person had a clean record for 10 years, then the barrier condition should not matter. A large report was done by the ombudsman's office that concluded the issue was significant in Alaska. She mentioned other legislation in play dealing with the major issue. She thought her amendment did not force the department to do anything but asked that the larger picture be reviewed.

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Vice-Chair Gara understood Representative Wilson's point. He thought the issue was already covered with a waiver system in place. He noted that when he first heard about

barrier conditions, he thought they were like an old DWI [driving under the influence] or an old crime that did not involve child abuse. However, he referred to Section 7 of the amendment noting the statute reference: AS 47.05.310(C). The barrier conditions included neglecting a child, abusing a child, or exploiting a child. Additional conditions applied to persons committing medical assistance fraud and abusing, exploiting, or neglecting a vulnerable adult. He opined that waiving a person's barrier and placing someone in their home was dangerous. The amendment contained a provision about finding that it was in the best interest of the child. He believed it created a presumption that if a person abused a child or vulnerable adult more than 10 years prior, the person would be able to provide a good foster home. He did not like the idea, as he thought that family member would be unsafe. Currently, the department had a waiver system. If it was in the best interest of a child to be placed with a family that had a previous barrier condition several years prior, a waiver could be issued.

Representative Wilson relayed that if a person abused a child, they had not been found guilty of abusing a child. If a child was taken out of a home and an emergency removal was done, the adult was considered guilty, even if the child was placed back into a home and the person never appeared before a jury. She emphatically stated that there was no waiver system in place. She indicated that there was a waiver system for someone with a barrier condition to get a job. A person could get a waiver to get a job at a day care. However, there was no waiver system. She commented that she had never seen documentation of a waiver system. The amendment provided an option for the department to reevaluate a person's case after 10 years. She relayed that if a person committed a barrier crime, after ten years they would be able to get jobs and be able to do other things. In the instance she was referring to, the person was not even found guilty, being a civil case. She argued that the person should be criminally charged and if found guilty the crimes would be barrier crimes. The amendment gave grandparents, who might have made a mistake when they were young and were currently outstanding citizens, the option of being able to step in to help a grandchild. Many times, a child that had been involved in an instance ended up being a parent later that repeated the cycle. She did not want to continue to punish someone who was never charged

criminally. There was a waiver for a job but not for foster parenting.

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Representative Kawasaki read a portion of the amendment. He thought, because of the use of the word "may", the department would not be forced to issue a waiver. Representative Wilson responded that the people being discussed would not be foster parents. Rather, they would be relative care givers. Section 7(3) would allow an option. If a person was providing care as a job, there was a waiver system process they went through. The person turned in paperwork to the department, which would then decide whether the person could take the job they applied for.

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Co-Chair Seaton asked for the opportunity to ask the department. Ms. Lawton clarified that variances, not waivers, that were applied for by relatives with child protective services histories whose children were in foster care were reviewed. She reviewed all variance applications and made determinations for the division prior to them going to the department level for final approval. She indicated that, often, the variances were approved, especially in cases of grandparents whose histories were old could clearly demonstrate that there had been no additional concerns. She noted that Assistant Attorney General Stacey Kraly would be the best person to respond to some of the aspects of the bill.

Representative Wilson asked how the amendment would impact what the department was doing since there was a variance option available. She noted she had never seen a variance. Ms. Lawton deferred to Ms. Kraly.

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STACIE KRALY, ATTORNEY, CIVIL DIVISION, DEPARTMENT OF LAW (via teleconference), indicated that the department did not think the amendment was necessary for a couple of reasons. First, within the current regulatory framework and as authorized by statute, the department could adopt regulations to implement the background check process which included criminal bars and civil bars or conditions. She

continued that within the framework the department had a variance review process, which was in state regulation found in 7ac.10.935. Under the regulatory framework, any individual who had a baring condition or a baring crime, with very narrow exceptions, could seek a variance. Some variances that the department would not allow included someone convicted of sexual misconduct. She reported that 90 percent of the things the department found as baring conditions were subject to a variance.

Ms. Kraly continued that one of the things the department did recently, in light of Representative Wilson referencing the Ombudsman Report, was to engage in a candid and through review of the process over many years and proposed legislation through the governor's office addressing some of the concerns raised in this amendment. The legislation was pending in the current session. The department hoped the legislation would be taken up in the spring. More importantly, because of the Ombudsman Report, the department crafted a robust revision of its regulations. She reported that within the framework the department addressed several concerns that had been raised. In most instances, a baring condition was considered a permanent bar subject to a variance. The department, under regulations that would be adopted and effective within a couple of months, stated that the civil bars were 10-year bars except for those instances where an individual had either had their parental rights terminated or they had relinquished their parental rights. In such circumstances, the department stated that those sorts of bars should be permanent bars subject to a variance. She believed the department had already addressed the representative's concerns through a regulation process that would be activated shortly. She reported that the department did not believe the changes proposed in the amendment were necessary, as they were already addressed.

Vice-Chair Gara suggested that if the amendment passed it would address a broader group of people rather than just a relative who had a history of abuse, exploitation, or neglect. He asked if it applied to a non-relative as well. Ms. Kraly responded that the amendment, as crafted, included family members and family friends. It was much broader. Additionally, she was concerned with the amendment's impact on other provider types. She was unclear if it also included baring conditions and crimes under these circumstances for individuals who wanted to operate

other types of license provider types and individual service providers like personal care attendants. She continued that the lead-in language on page 2, lines 18-21, of the amendment was not clear if it was limited to foster homes. She thought the amendment would have a broader application and could raise some other issues. She thought the intent of the amendment would only apply to foster homes, but it was not clear.

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Representative Wilson clarified that she was talking about conditions rather than crimes. She opined that Ms. Kraly was interchanging the two terms. Ms. Kraly responded that she was correct. In terms of the current amendment and the central registry, civil conditions were not crimes.

Representative Ortiz referred to Representative Wilson's question about how the amendment would affect the process or the department's ability to do its job regarding the issue. Ms. Kraly answered that the concern the department had with the amendment was that it was not clear that it only applied to foster homes. She elaborated that the civil background and civil condition process in which the department reviewed an individual's history to determine whether there was a pattern or practice potentially problematic in providing care to vulnerable adults or children, looked at all sorts of provider types. The types of providers included Medicaid providers, child care providers, foster care parents, respite providers, and personal care attendants. The department was concerned whether the amendment applied to all types of providers or just foster parents. If the legislator was attempting to target foster homes, she did not believe the amendment met the intent. She thought it could create confusion about the application of the rule. She also noted that while the amendment somewhat replicated the variance process already in regulation, the department felt that providing the framework and having an additional consideration lead to more confusion. She mentioned the department having a broader array of information to look at to determine whether to grant a variance.

Representative Wilson did not feel the amendment was confusing. She read from the amendment (see above). She highlighted that it had to do with the issuance of a foster home license. She reported 3 criteria as noted in the

amendment. The waiver system would still have to pass all three tests. The amendment only pertained to foster care. She thought the provisions needed to be in statute versus regulations. She reiterated that the amendment was about the person in the home.

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Co-Chair Seaton was trying to follow Representative Wilson. He read from line 19 of the amendment. He thought it was unclear whether it applied to a service provider, a service entity, or a foster home. He thought the amendment covered a broader aspect than just the home.

Representative Wilson suggested going to 1, 2, and 3 [Representative Wilson was referring to Section 7 of the amendment]. She read from the amendment (see above). She had thought she was working with Vice-Chair Gara on the amendment. She remarked that had she known her amendments would be brought forth in the present day she would have prepared differently. She was only notified in the morning that her amendments would be brought forth. She wanted to provide hope to some grandparents that they would not be penalized for the rest of their lives.

Vice-Chair Gara read the statute related to the conduct of a potential foster parent. He indicated that the amendment would allow an individual found by a court or agency to have neglected, abused or exploited a child or vulnerable adult to become a foster parent. He believed these were the people that the amendment would allow to become foster parents under the standards in the amendment. He understood the frustrations of the representative. However, he thought the current variance process, as it was being amended, was cleaner. He suggested that someone who had neglected, abused, or exploited a child had been caught once, which did not mean they had not been doing it since; It just meant they had been caught once.

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Representative Ortiz asked if the amendment applied only to grandparents or to friends and others as well. Representative Wilson responded that that it applied to individuals. It could apply to a family friend. Typically, grandparents came forward. The grandparents were not

considered because of something that had occurred in the past.

Representative Thompson was curious about the agency that was being referred to in the amendment. He provided an example having to do with a Down Syndrome child that snuck out of the house and went down the street to a grocery store. A person found him and notified the police. The police picked up the child, notified the agency that then conducted a house inspection. The family was told that the state was thinking about taking the child away. It was the only time the family had ever had any problem. However, the incident was a hassle and the folks had a barrier condition on their record. He admitted not understanding the issue completely, but he thought the amendment was good.

Representative Wilson wrapped up by discussing the downfalls of the system in place. She mentioned a person not being able to go in front of a judge or have a court hearing. She reiterated the amendment had 3 provisions and OCS made the decision. She believed that after 10 years grandparents should not automatically be denied. She was simply trying to change the automatic denial currently in place.

Vice-Chair Gara MAINTAINED his OBJECTION.

A roll call vote was taken on the motion.

IN FAVOR: Kawasaki, Ortiz, Thompson, Tilton, Wilson
OPPOSED: Gara, Guttenberg, Foster, Seaton

Representative Grenn and Representative Pruitt were absent from the vote.

The MOTION to ADOPT Conceptual Amendment 1 PASSED (5/4).

Conceptual Amendment 1 was ADOPTED.

Representative Wilson MOVED to ADOPT Conceptual Amendment 2 (copy on file):

Page 1, line 7, following "custody;":
Insert "relating to the definition of child neglect;"

Page 4, following line 8:

Insert a new bill section to read:

"* Sec. 4. AS 47.10.014 is amended to read:

Sec. 47.10.014. Neglect. For purposes of this chapter, the court may find neglect of a child if the parent, guardian, or custodian fails to provide the child with necessary [ADEQUATE] food, clothing, shelter, [EDUCATION,] medical care, or supervision to the degree that the child's health, safety, and well-being are threatened with substantial harm [ATTENTION, OR OTHER CARE and CONTROL NECESSARY FOR THE CHILD'S PHYSICAL AND MENTAL HEALTH AND DEVELOPMENT], though financially able to do so or offered financial or other reasonable means to do so."

Renumber the following bill sections accordingly.

Page 11, following line 6:

Insert a new bill section to read:

"* Sec.16. AS 47.17.290(11) is amended to read:

(11) "neglect" means the failure by a parent, guardian, or custodian of a child [PERSON RESPONSIBLE FOR THE CHILD'S WELFARE] to provide the child with necessary food, [CARE,] clothing, shelter, [OR] medical care, or supervision to the degree that the child's health, safety, and well-being are threatened with substantial harm [ATTENTION FOR A CHILD];"

Renumber the following bill sections accordingly.

Page 12, line 8:

Delete "Sections 3 - 8 and 10 - 16"

Insert "Sections 3 - 9 and 11 - 18"

Page 12, line 10:

Delete "secs. 3 - 8 and 10 - 16"

Insert "secs. 3 - 9 and 11 - 18"

Page 12, line 11:

Delete "9"

Insert "10"

Page 12, line 13:

Delete "9"

Insert "10"

Page 12, line 15:

Delete "9"

Insert "10"

Page 12, line 28:

Delete "sec. 13"

Insert "sec. 14"

Page 12, line 29:

Delete "sec. 13"

Insert "sec. 14"

Page 12, line 31:

Delete "sec. 13"

Insert "sec. 14"

Page 13, line 2:

Delete "sec. 13"

Insert "sec. 14"

Page 13, line 3:

Delete "secs. 1 - 12 and 14 - 16"

Insert "secs. 1 - 13 and 15 - 18"

Page 13, line 4:

Delete "secs. 1 - 12 and 14 - 16"

Insert "secs. 1 - 13 and 15 - 18"

Page 13, line 5:

Delete "Section 18"

Insert "Section 20"

Representative Wilson explained the amendment. She relayed that the amendment aligned the state's definition with the federal definition for neglect. She read the definition. She spoke of children being turned into OCS for missing so many days of school. Nothing else was the matter with these children other than them not attending school. There had been other cases where harm had not occurred but there seemed to be neglect. The Office of Children's Services was not supposed to remove a child from a home unless there was a threat to their health, safety, wellbeing, or if they were threatened with harm. She reported that by changing the definition of neglect there would be several cases opened by OCS.

Representative Kawasaki asked Ms. Lawton about the word "education" being struck from the statute definition for neglect. He queried if missing school was a trigger for a finding of neglect. Ms. Lawton Responded that the number of cases OCS responded to that were strictly for educational neglect was slim. Typically, when OCS was receiving calls about educational neglect there were other forms of neglect being reported as well.

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Representative Kawasaki wondered if, for a child who missed several days of school, it would trigger an investigation. Ms. Lawton responded that OCS would have the authority to open an investigation based on educational neglect. However, she could not recall a single case where OCS filed for custody of a child based solely on educational neglect. Typically, when there were several absences from school, there were other issues going on in the home that were more of a primary concern for OCS.

Representative Wilson did not have a problem with reinserting the word "education." She literally mirrored the definition used by the federal government. They did not have it in theirs. She did not have a problem with it being in the definition. Her largest concern was tying the definition back to the health and safety of the child.

Vice-Chair Gara responded that he could live with the previous amendment if it could be fixed so that it only applied to foster families. However, in the current amendment, it required a significant amount of damage to a child before they could be removed from the home. He pointed to line 10 suggesting that a child's health, safety, and wellbeing would all have to be threatened before a child could be placed into a safer home. He suggested that the purpose of the underlying bill was for staff to have the time to make sure they were not making mistakes and taking children out of homes in the first place. He was advocating for more time to assess a home. He thought that was key to fixing the problem.

Representative Wilson MOVED to AMEND Conceptual Amendment 2.

Vice-Chair Gara OBJECTED.

Representative Wilson suggested changing the word from "and" to "or" in the amendment on line 10.

Vice-Chair Gara had seen a pamphlet using the words in the amendment but had not seen the federal statute. He did not believe there was a problem with the existing law. He did not want to adopt a new standard until an expert confirmed that it was a good standard. He argued that it was not the words in the statute, where a child had been abused or neglected, that were a problem. He clarified that the problem was that currently case workers did not have enough time to investigate a case and would sometimes error on the side of removing a child. The goal of the bill was to have enough staff to properly analyze, work with, and keep a family together whenever possible. He asserted that coming up with a new standard on the fly was not the solution. He thought testimony and documents from experts were necessary to design a new standard.

[7:07:02 PM](#)

Representative Kawasaki asked Ms. Kraly about the items being removed. He read the language being removed (see above). He noted the words physical, mental health, and development were connected by the word "and." The question before the committee was that each of the three items had to be threatened with substantial harm. He wondered how the language was interpreted before. Ms. Kraly deferred to Ms. Lawton.

Ms. Lawton responded that OCS had a much different view of the federal definition versus the state definition. The division viewed the state's definition as far narrower than the federal definition. She continued that OCS thought the federal language was much broader and would give the state much greater authority to remove children. An example was the use of the word "wellbeing." The state could deem certain situations where wellbeing was a concern. It could potentially open a door in a way she did not think the sponsor of the amendment intended. She reiterated that OCS thought the state's definition was much narrower than the federal definition.

Representative Wilson WITHDREW the conceptual amendment to Conceptual Amendment 2. She wanted it on record that, in terms of rushing the issue, she had submitted the amendment to the representative quite a while back. A discussion

could have occurred in finance at a time where the committee had more time. She did not want to rush the issue; that was not her intent.

Representative Wilson also WITHDREW Conceptual Amendment 2.

[7:09:53 PM](#)

At EASE

[7:10:08 PM](#)

RECONVENED

Co-Chair Foster clarified the results of the amendments to HB 151.

Vice-Chair Gara commented that currently the House budget was about \$3.29 million to achieve caseload standards for new workers, adequate training for new workers, and a reduction in caseloads that went up to 43 cases per worker in the valley. He suggested that if they were to remain in the budget, in year 2 and 3 it would be about \$800 thousand per year to finally get caseloads to standards that would make a difference. He reviewed the fiscal notes:

Fiscal Impact Note [10]:

Department: Department of Health and Social Services
Appropriation: Children's Services
Allocation: Front Line Social Workers
OMB Component Number: 2305

FY 2018:

1002 Fed Rcpts (Fed) \$1339.4 million, 1003 G/F Match (UGF) \$2013.6 million, 1004 Gen Fund (UGf) \$863.4 thousand, a total of \$4216.4 million

FY 2020:

1002 Fed Rcpts (Fed) \$2001.6 million, 1003 G/F Match (UGF) \$3227.8 million, 1004 Gen Fund (UGf) \$1383.3 million, a total of approximately \$4000.6 million(GF).

Vice-Chair Gara reported that the cost estimates remained stable in the out years.

Fiscal Impact Note [9]

Department: Department of Health and Social Services
Appropriation: Children's Services
Allocation: Children's Services Training
OMB Component Number: 2667

FY 2018:

1002 Fed Rcpts (Fed) \$279.9 thousand, 1003 G/F Match (UGF) \$211.5 thousand, 1004 Gen Fund (UGf) \$159.6 thousand, a total of approximately \$370.0 million (GF).

Vice-Chair Gara relayed that the training would happen in the first year. The cost estimates remained stable in the out years. However, it went down slightly. In the first year the total was \$651.0 thousand and went down to about \$560 thousand by FY 2023. The training would be extended from 2 to 3 weeks to a minimum of 6 weeks, closer to the gold standard.

Representative Thompson had a difficult time adding to the budget. He thought the budget was in a "free fall."

[7:14:29 PM](#)

Co-Chair Seaton MOVED to report CSHB 151 (FIN) out of Committee as amended with individual recommendations and the accompanying fiscal notes.

Representative Wilson OBJECTED.

Representative Wilson opined that the legislation was a big band aid being placed on a huge issue. She thought the legislature would be putting more money into an agency that took more children every time the state increased funding. Some people believe that if the state invested money into the program more families would be put back together again. She did not believe the issue was simple. She suggested that if the legislature truly wanted to discuss the issue then it should include all concerned parties including the public defenders, the guardian ad litem, the Department of Law, and other parties in the discussion. She thought if the state wanted to make a change and keep families from being torn apart, taking the time to talk about the real issues and how to fix them was key. She thought more things were being given to foster parents than biological parents which she had a problem with. She thought that giving a dysfunctional agency more money and expecting different

results would be fruitless. She continued that likely more children would be out of the house. She hoped she was wrong.

Representative Wilson MAINTAINED her OBJECTION.

[7:16:42 PM](#)

Vice-Chair Gara responded to Representative Thompson's concern. He indicated that, assuming the House budget item remained, there was a net neutral in the amount of \$3.29 million. The amount was a savings from Adult Public Assistance that moved over to caseworkers. He indicated that the amount was cost neutral to the governor's budget which was a \$30 million cut to DHSS. If that amount remained over the following 2 years, in year 2 and year 3 a total of \$1.6 million would facilitate caseloads such that case workers, when they visited a family to see whether a child should be taken out of the home, could spend time with the family and work to keep the family together. In a 60-day period, if a child was taken out of a family, it allowed the caseworker to do as much visitation with the family with the child as possible. He believed the more visitation with a family, the more likely the family would be reunified. However, presently, caseworkers were spending their time working from crisis to crisis to crisis. The legislation would also allow family members to find other family members who might be good adoptive options. He continued that case workers were not conducting the family searches needed to find a good grandparent or other family member. Right now, OCS was a crisis-driven agency. He noted that there were several best practices adopted by the bill. He reported that the state was burning out 50 percent of its case workers. Each one that burned out cost the state about \$50 thousand to get rid of, recruit for, and to train. He believed the system was wasting money. Additional case workers would be better for all parties. He mentioned the Casey Family Foundation, the leading foster care non-profit in the country. The entity suggested that what should be done was customer service for children rather than claims processing. He thought claims processing was being done presently.

Representative Wilson MAINTAINED her OBJECTION.

A roll call vote was taken on the motion.

IN FAVOR: Guttenberg, Kawasaki, Ortiz, Gara, Seaton, Foster
OPPOSED: Thompson, Tilton, Wilson

Representative Grenn and Representative Pruitt were absent from the vote.

The MOTION to REPORT OUT CSHB 151(FIN) PASSED (6/3).

CSHB 151(FIN) was REPORTED out of committee with four "do pass" recommendations, one "no recommendation" recommendation, and four "amend" recommendations and with a new zero fiscal note by the Department of Administration and two previously published fiscal impact notes: FN1(DHS) and FN2(DHS).

[7:20:39 PM](#)

AT EASE

[7:21:45 PM](#)

RECONVENED

Co-Chair Foster relayed that it was possible the meeting for the following day would be cancelled. However, he would keep it on the schedule presently.

#

ADJOURNMENT

[7:22:12 PM](#)

The meeting was adjourned at 7:22 p.m.