

ALASKA STATE LEGISLATURE
HOUSE HEALTH AND SOCIAL SERVICES STANDING COMMITTEE

May 6, 2021

3:04 p.m.

MEMBERS PRESENT

Representative Liz Snyder, Co-Chair
Representative Tiffany Zulkosky, Co-Chair
Representative Ivy Spohnholz
Representative Zack Fields
Representative Ken McCarty
Representative Mike Prax
Representative Christopher Kurka

MEMBERS ABSENT

All members present

COMMITTEE CALENDAR

PRESENTATION: CHILDREN'S JUSTICE ACT TASK FORCE

- HEARD

HOUSE BILL NO. 105

"An Act relating to the duties of the commissioner of corrections; relating to the detention of minors; relating to minors subject to adult courts; relating to the placement of minors in adult correctional facilities; and providing for an effective date."

- MOVED CSHB 105(HSS) OUT OF COMMITTEE

HOUSE BILL NO. 13

"An Act relating to shared child custody; relating to relocation of a child out of state; and relating to a presumption of the best interests of the child in child custody and visitation determinations."

- HEARD & HELD

PREVIOUS COMMITTEE ACTION

BILL: HB 105

SHORT TITLE: DETENTION OF MINORS

SPONSOR(S): RULES BY REQUEST OF THE GOVERNOR

02/19/21 (H) READ THE FIRST TIME - REFERRALS
 02/19/21 (H) JUD, HSS
 03/05/21 (H) JUD AT 1:30 PM GRUENBERG 120
 03/05/21 (H) Heard & Held
 03/05/21 (H) MINUTE(JUD)
 03/08/21 (H) JUD AT 1:30 PM GRUENBERG 120
 03/08/21 (H) <Bill Hearing Canceled>
 03/10/21 (H) JUD AT 1:30 PM GRUENBERG 120
 03/10/21 (H) Moved CSHB 105(JUD) Out of Committee
 03/10/21 (H) MINUTE(JUD)
 03/12/21 (H) JUD RPT CS(JUD) 4DP 3NR
 03/12/21 (H) DP: DRUMMOND, SNYDER, KREISS-TOMKINS,
 CLAMAN
 03/12/21 (H) NR: EASTMAN, VANCE, KURKA
 04/15/21 (H) HSS AT 3:00 PM DAVIS 106
 04/15/21 (H) Heard & Held
 04/15/21 (H) MINUTE(HSS)
 04/27/21 (H) HSS AT 3:00 PM DAVIS 106
 04/27/21 (H) Heard & Held
 04/27/21 (H) MINUTE(HSS)
 04/29/21 (H) HSS AT 3:00 PM DAVIS 106
 04/29/21 (H) -- MEETING CANCELED --
 05/04/21 (H) HSS AT 3:00 PM DAVIS 106
 05/04/21 (H) Heard & Held
 05/04/21 (H) MINUTE(HSS)
 05/06/21 (H) HSS AT 3:00 PM DAVIS 106

BILL: HB 13

SHORT TITLE: SHARED CHILD CUSTODY: BEST INTEREST
 SPONSOR(s): RAUSCHER

02/18/21 (H) PREFILE RELEASED 1/8/21
 02/18/21 (H) READ THE FIRST TIME - REFERRALS
 02/18/21 (H) HSS, STA
 02/19/21 (H) JUD REPLACES STA REFERRAL
 02/19/21 (H) BILL REPRINTED
 05/06/21 (H) HSS AT 3:00 PM DAVIS 106

WITNESS REGISTER

CATHY BALDWIN-JOHNSON, MD
 Board Member, Alaska Children's Justice Act Task Force
 Medical Director, The Children's Place
 Wasilla, Alaska

POSITION STATEMENT: Co-provided a presentation titled, "Alaska Children's Justice Act Task Force, State of Alaska's Children: 2021 Update".

JARED PARRISH, PhD
Board Member, Alaska Children's Act Task Force
Senior Epidemiologist, MCH-Epi
Division of Public Health (DPH)
Department of Health and Social Services (DHSS)
Anchorage, Alaska

POSITION STATEMENT: Co-provided a presentation titled, "Alaska Children's Justice Act Task Force, State of Alaska's Children: 2021 Update".

HEIDI REDDICK
Board Member, Alaska Children's Justice Act Task Force
Deputy Director of Operations
Division of Juvenile Justice (DJJ)
Department of Health and Social Services (DHSS)
Anchorage, Alaska

POSITION STATEMENT: Co-provided a presentation titled, "Alaska Children's Justice Act Task Force, State of Alaska's Children: 2021 Update."

NANCY MEADE, General Counsel
Alaska Court System
Anchorage, Alaska

POSITION STATEMENT: During the hearing on HB 105, explained the reasons for the two proposed amendments.

REPRESENTATIVE GEORGE RAUSCHER
Alaska State Legislature
Juneau, Alaska

POSITION STATEMENT: As prime sponsor, presented HB 13.

DAVID VESPER, Legislative Director
The Fathers' Rights Movement
Anchorage, Alaska

POSITION STATEMENT: During the hearing on HB 13, provided invited testimony in support of the bill.

DIXIE BANNER, State Director
Alaska Fathers' Rights Movement
Wasilla, Alaska

POSITION STATEMENT: During the hearing on HB 13, provided invited testimony in support of the bill.

ALLEN BAILEY, Esq.
Anchorage, Alaska

POSITION STATEMENT: Testified during the hearing on HB 13.

RITA ALLEE, Esq.
Fairbanks, Alaska

POSITION STATEMENT: Testified in opposition to HB 13.

MARIANNA MALLORY
Fairbanks, Alaska

POSITION STATEMENT: Testified in opposition to HB 13.

ALESHA P.
Fairbanks, Alaska

POSITION STATEMENT: Testified in opposition to HB 13.

TARYN BIRD, Esq.
Fairbanks, Alaska

POSITION STATEMENT: Testified in opposition to HB 13.

ACTION NARRATIVE

[3:04:42 PM](#)

CO-CHAIR TIFFANY ZULKOSKY called the House Health and Social Services Standing Committee meeting to order at 3:04 p.m. Representatives McCarty, Fields, Snyder, and Zulkosky were present at the call to order. Representatives Spohnholz, Prax, and Kurka arrived as the meeting was in progress.

PRESENTATION: Children's Justice Act Task Force

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CO-CHAIR ZULKOSKY announced that the first order of business would be a presentation from the Children's Justice Act Task Force.

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CATHY BALDWIN-JOHNSON, MD, Board Member, Alaska Children's Justice Act Task Force, Medical Director, The Children's Place, co-provided a presentation titled, "Alaska Children's Justice Act Task Force, State of Alaska's Children: 2021 Update". She displayed the second slide, "Introduction to the Alaska CJATF," and explained that the task force is federally mandated and funded. She related that the task force's mission is to

identify areas where improvement is needed in the statewide response to child maltreatment, make recommendations, and take action to improve the system. Past work of this statewide multidisciplinary task force has included legislation to improve protection and justice for children. The task force focuses on education about child abuse in Alaska, mandatory reporting, and best practices for the multidisciplinary response to child abuse.

DR. BALDWIN-JOHNSON proceeded to the third slide, "Key Points", and said today's presentation would include an update on the newest research on child abuse and neglect in Alaska, review of the pandemic impact on [the state] system's response to child maltreatment, ideas to help families with children who have problematic sexual behaviors, and recommendations to improve future child safety and well-being.

[3:08:53 PM](#)

JARED PARRISH, PhD, Board Member, Alaska Children's Act Task Force, Senior Epidemiologist, MCH-Epi, Division of Public Health (DPH), Department of Health and Social Services (DHSS), co-provided a presentation titled, "Alaska Children's Justice Act Task Force, State of Alaska's Children: 2021 Update". He addressed the fourth slide, "Building a stronger Alaska". He pointed out that when thinking about child abuse, maltreatment, and neglect, the thinking should be about the removal of the child's internal strength. He compared this removal of inner strength to a tree having its inner trunk invisibly destroyed by bugs such that when winds (stressors in the case of the child) come along the tree (child) ends up toppling over a little bit easier. He said a variety of resources and strengths need to be done collectively to intervene and have a stronger effect for helping the child.

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DR. BALDWIN-JOHNSON discussed the fifth slide, "Prevent further child abuse & neglect". She said the task force recommends that legislators support programs that strengthen families because strong, stable, nurturing families create strong, healthier, safer children going forward. She added that the task force encourages legislators to continue to support local child advocacy centers (CACs), and that the task force recommends making some essential changes to the current multidisciplinary team (MDT) statute to allow CACs to provide services to kids and families when state agencies opt out.

DR. BALDWIN-JOHNSON continued to the sixth slide, "Budget considerations". She cited a recently published study, ["Economic Costs of Child Abuse and Neglect in Alaska in 2019"]. This study, she reported, determined that costs for non-fatal child abuse cases in Alaska include an estimated \$710 million in "human capital" costs for health, child welfare, criminal justice system, special education, and productivity loss. That cost reached \$2.3 billion, she continued, when premature mortality and quality of life were looked at.

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DR. BALDWIN-JOHNSON showed the seventh slide, "Child Abuse & Neglect in Alaska, How are the children?" She proceeded to the eighth slide, "Adverse Childhood Experiences", and explained that a large, collaborative study was done by the Centers for Disease Control and Prevention and Kaiser Permanente, a health maintenance organization in San Diego. She specified that over 17,000 adults were interviewed from a group that would be considered relatively low risk in that they were middle-aged, mostly white, and most had had some college education. They were asked questions about abuse, neglect, and five categories of household dysfunction that had happened to them before age 18. One point was given for each of those categories to provide an adverse childhood experience (ACE) score.

DR. BALDWIN-JOHNSON moved to the ninth slide, "Findings: ACEs Are Common." She related that the researchers were surprised to find that ACEs were common in this relatively low-risk population. Over 25 percent of these adults reported a history of physical abuse, 21 percent reported a history of sexual abuse, over 25 percent had [household] substance abuse present, [19 percent] reported [household] mental illness, and [13 percent] saw their mother beaten up.

DR. BALDWIN-JOHNSON proceeded to the tenth slide, "ACES: It's Not Just One Bad Thing...", and recounted that the researchers found it wasn't just one bad thing that had happened to these adults when they were children. The researchers found that if any one ACE category was present, there was an 87 percent chance that at least one other category was experienced by these adults as children, and a 50 percent chance that three or more of the categories had been experienced.

DR. BALDWIN-JOHNSON displayed the eleventh slide, "ACEs have consequences:," and she related that when looking at adult

health and well-being, the researchers found that the more ACEs a person had experienced the more likely the person was to be in poor physical or mental health.

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DR. BALDWIN-JOHNSON spoke to the twelfth slide, "ACEs in Alaska: Snapshot." She said the data for ACEs in Alaska is like the findings elsewhere - many adults in Alaska have experienced various kinds of adversities as children and those impacts are seen in the state. Adults with higher ACE scores are much more likely to be unemployed, unable to work, living below the poverty line, and to report that they have poor mental and physical health.

DR. BALDWIN-JOHNSON addressed the table on the thirteenth slide depicting household dysfunction and abuse in Alaska. She related that an adult with a history of having been physically abused had an almost 36 percent chance of also having been sexually abused, and an over 42 percent chance that one of their parents or caregivers was mentally ill. So, for Alaska, like elsewhere, it's never just one bad thing, she pointed out.

DR. BALDWIN-JOHNSON moved to the fourteenth slide, "Life course perspective," and she noted the graph shows there is an opportunity to change the trajectory of children's lives. She stated it is known that the higher the number of bad things thrown at children, the more likely they are to be on a poor life health trajectory. The San Diego study found that people with an ACE score of six or greater lived on average 20 years less.

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DR. PARRISH discussed the fifteenth slide, "ALCANLink - A mixed design approach." He said the Alaska Longitudinal Child Abuse and Neglect (ALCAN) linkage project is a unique data resource where a longitudinal birth cohort is followed over time. It is built upon the back of the Pregnancy Risk Assessment Monitoring System Survey (PRAMSS), which is conducted in nearly all 50 states, he explained. It samples approximately one out of every six live births in Alaska each year. It is systematically sampled and weighted to the birth population so population-based inferences can be made. It is integrated with a three-year follow-up survey called Alaska CUBS, as well as linked with administrative data from child welfare and the permanent fund dividend so the root sensor can be administered when an

individual leaves the state. With this longitudinal birth cohort, he further explained, how the family was existing before the child's birth can be looked at and then what they experience over time can be followed.

DR. PARRISH proceeded to the graph shown on the sixteenth slide, "Among children born during 2009-2011 in Alaska (n=33,417) - Before their 11th birthday:," and he related that immediately detected while following this cohort over time is just how many kids over their life course have contact with the child welfare system. He said the graph depicts that for kids born in Alaska between 2009 and 2011, almost 40 percent experience at least one report to child protective services before their eleventh birthday, which is one out of every 2.5 births. Nearly 33 percent of those first reports are screened in, he continued, about 13 percent experience a substantiated report, and almost 8 percent will experience a removal before their 11th birthday for any amount of time.

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DR. PARRISH moved to the seventeenth slide, "Maternal experiences likely provide an 'early warning'." He stated that this data set is powerful because researchers can start understanding what the factors are that predict contact with or engagement with the child welfare system. It was found that maternal experiences likely provide an early warning signal for the stress that is going on in the home, he related; if addressing those things can be started, an impact might be had. [An ALCANLink study] published in 2008 showed that children were 76 percent more likely to be reported to child protective services if they were born to a mother who experienced at least one stressful life event during the 12 months before childbirth. He noted that the eight stressful life events depicted in orange on the right side of the slide are adverse childhood experience components that are often referred to as household dysfunction. A decision was made, he continued, that instead of looking at ACEs scores as something that is measured from birth until age 17, to look at the household before the kid is born and see what that relationship is.

DR. PARRISH continued to the eighteenth slide and stated that the risk of contact with child welfare systematically increases with the increased number of pre-birth household challenges reported by the mother. The more experiences the mother says she had during that 12-month window, he related, the more likely it is that that child will have contact with child welfare. He

said this is not surprising because the more stresses that existed before the child's birth, there is a high probability of that stress continuing. It was decided to not only look at contact with child welfare, he continued, but to also look at the child's ACEs score at age three.

DR. PARRISH proceeded to the nineteenth slide and said it was found that for each additional pre-birth household challenge reported by the mother, there was a systematic relative increase in the average childhood ACE score that was observed in the child at age three. So, the household dysfunctions that are present in the pre-birth window continue into the child window. He explained that this provided the idea for moving away a bit from thinking about individuals in their own context to an intergenerational context that things transition throughout generations.

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DR. PARRISH turned to the two graphs on the twentieth slide, "Two main groups identified in the pre-birth period." He said three things were measured - household challenges before birth, household challenges during early childhood, and child abuse and neglect as reported to child welfare. An analysis of those measurements, he continued, found that two primary groups emerged in that pre-birth [period] - a low-risk group with zero or one reported stressor and a high-risk group with two or more reported stressors. He pointed out that among the low-risk group are some common stressors that are benign when thought about in context - a move or a death - and then it substantially drops off. Among the high-risk group, a move and a death are also seen, but then things are seen related to economics, drugs, depression, homelessness, and jail. He said a look was then taken at the trajectories of children born into a low-risk group and children born into a high-risk group.

DR. PARRISH spoke to the twenty-first slide, "Changes in number of household challenges is associated with risk of being reported to OCS." He said a look was taken at two different trajectories for families in the pre-birth low-risk and high-risk categories. For families in the pre-birth low-risk category, if in early childhood the mother then reported more stressors it transitioned her into a higher risk category and the risk of a report to OCS increased by 140 percent; if the mother stayed low risk the risk didn't change and remained low. For families in the pre-birth high-risk category, if the mother reported an increased number of stressors during early childhood

the risk didn't change, it remained a high-risk household and the risk for child welfare stayed the same; however, if the number of household stressors decreased, the risk of report to OCS decreased by 43 percent. So, he continued, the evidence from longitudinal data is that if the household number of stressors decreases it can be expected, with statistical reliance, that a fewer number of children will be reported to child welfare.

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DR. PARRISH addressed the twenty-second slide, "Pre-Birth Maternal Stressors and Reading Scores." He pointed out that in looking at the links with education records it was found that household stressors have effects not only on violence potentially, but also early school readiness and performance. Relative to children born to mothers reporting zero to one household stressors, he continued, the children born to mothers reporting two or three stressors are 28 percent more likely to score below or far below on their [third grade] reading score, and children born to mothers reporting four or more stressors are 43 percent more likely to score below or far below on their reading score.

DR. PARRISH proceeded to the twenty-third slide, "Children with a report to Child Welfare are:," and he conveyed that these children are 16 percent more likely to score lower on the Alaska Developmental Profile, which is administered at kindergarten as a measure of school readiness. Further, he said, these children are 42 percent more likely to score below or far below on their third grade reading score and 120 percent more likely to have chronic absenteeism. He said he knows that much effort is being put into improving school performance, readiness, and addressing child maltreatment, so everyone is talking about similar things regarding strengthening the family very early on and providing continued supports in a variety of ways.

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DR. PARRISH showed the twenty-fourth slide, "A connected and comprehensive approach required to support child wellbeing!" He concluded his portion of the presentation by advising that it is important to remember that these factors don't occur in a vacuum, they cluster together. For example, for the offspring of mothers experiencing some form of mental illness in the 12-month window before birth, 62 percent have impulse or emotional control problems in kindergarten, 77 percent have poor third

grade reading scores, and 44 percent have a report to OCS before age 9. These children, he continued, have an ACE score that is two times as high as their counterparts whose parents don't have mental illness. Also, these children have on average over three co-existing stressors and those co-existing stressors can include a mother being treated violently, an incarcerated caregiver, substance use, or financial issues. The family is like a small business, he further advised. When thinking about the types of interventions, what is being talked about are multi-faceted and well-coordinated efforts that are aware of what the others are doing and how all these efforts are trying to support the family that makes up the core of all these enterprises.

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DR. BALDWIN-JOHNSON moved to the twenty-fifth and twenty-sixth slides, "From Alaska Maternal Child Death Review," and provided additional data. She explained that the [2016-2019] Alaska Maternal Child Death Review (MCDR) is a summary of [502] deaths of Alaska children up to the age of 17. Of those deaths, she reported, 19 percent were felt to be maltreatment related, meaning that maltreatment (either abuse and/or neglect) either caused or was a contributing factor to that child's death. She further reported that abuse or neglect contributed to 40 percent of child deaths from firearms, 31 percent of child deaths from suicide, 29 percent of sudden unexpected infant deaths, 17 percent of child deaths from motor vehicle crashes, and 8 percent of child deaths from medical causes. She said the review also found that [55] percent of the children who died had a parent or caregiver who had maltreated either this child or another child in the past, and that in 80 percent of the child deaths at least one of the child's caregivers had a history of substance misuse. She noted that for comparison, of child deaths not related to maltreatment, 47 percent had a caregiver with substance abuse.

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DR. BALDWIN-JOHNSON displayed the graph on the twenty-seventh slide, "How do we create the best future for our children's lives?" She showed the twenty-eighth slide, "Recommendations," and then moved to the twenty-ninth slide, "Support programs that strengthen families." She explained that because the family is like a small business, programs are needed that are supportive and help to strengthen families. She said examples include "Help me grow," a free program under the umbrella of All Alaska

Pediatric Partnership that provides resources and supports to promote healthy child development; the "Alaska Resilience Initiative," which is under the umbrella of Alaska Children's Trust, a support network of various organizations working to reduce ACEs and build resilience in Alaska's children; and two "Nurse-Family Partnership Programs," one through Providence and one through Southcentral Foundation Nutaagsiivik, which include home visitation programs that provide education and support to pregnant women and their children for the children's first three years of life.

DR. BALDWIN-JOHNSON drew attention to the thirtieth slide, "'Strengthening Families' program," and recommended legislative support for this program. This program, she explained, is through the Child Welfare Academy and its goal is to support child and family well-being. The program is research based and helps families to reduce their stress and risk factors to reduce that "ACE dose" to their kids and promote healthy development of their kids. She related that the Child Welfare Academy is willing to provide legislators and staff with training via a full or abbreviated educational course, as well as provide a presentation at [the legislature's weekly] Lunch and Learn.

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DR. BALDWIN-JOHNSON continued to the thirty-first slide, "Support programs that strengthen communities." She explained that these programs are collective impact initiatives in communities. Two examples, she said, are Raising Our Children with Kindness (ROCK) Mat-Su and Southern Kenai Peninsula Mobilizing for Action through Planning and Partnerships (MAPP).

DR. BALDWIN-JOHNSON turned to the thirty-second slide, "Pandemic impact on our ability to protect children." She related a descriptive statement from an OCS staff person - "Everything that was hard before is harder now."

DR. BALDWIN-JOHNSON spoke to the thirty-third slide, "What is known." She said prior research has shown that emergencies and disasters create increased stress on families. For example, she continued, during the Great Recession of 2007-2009, an increase in high frequency spanking was reported. After Hurricane Floyd [in 1999] it was found that intentional and unintentional child traumatic brain injury increased up until six months after the disaster. After the 1989 Loma Prieta earthquake in California, it was found that the physical abuse of children was higher and persisted for months afterward. Other studies show that child

maltreatment tends to increase following disasters, such as physical abuse, emotional abuse, sexual abuse, and neglect.

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DR. BALDWIN-JOHNSON proceeded to the thirty-fourth slide, "In Alaska." She reported that the pandemic has increased stress for many Alaskan children and families. She said this stress was due to unemployment, loss of employment related benefits, food insufficiency, housing instability, education, childcare, and illness and death of family members due to COVID-19 or other causes.

DR. BALDWIN-JOHNSON discussed the thirty-fifth slide, "Survey of 7179 Alaskan adults, (11-12/2020)," which was done through the Maternal Child Health Epidemiology unit of DPS. She specified that almost two-thirds of these adults said their overall emotional health had gotten worse; over one-third were concerned about the stability of their living situation; and low-income adults were much more worried about their financial stability; 50 percent were more worried or stressed about paying their bills; almost two-thirds were more worried or stressed about obtaining medical care and medications; and almost three-quarters of these adults had skipped their preventive care due to COVID-19.

DR. BALDWIN-JOHNSON showed the thirty-sixth slide, "COVID impact on families, cont.," and further specified that these adults said the pandemic was also affecting their families. She conveyed that 88 percent of these adults said they were worried about the impact of the pandemic on their child's mental health, 83 percent said their children were stressed by changes in their family routine, 68 percent said their children were more anxious than usual, 67 percent said their kids were more irritable and easily angered, and 80 percent were worried about the impact of the pandemic on their child's education long term.

DR. BALDWIN-JOHNSON spoke to the thirty-seventh slide, "Mental health care." She pointed out that there have been impacts on the ability to provide mental health care for people who need it. While there has been increased stress on kids and families there has been reduced access for help, she continued. Despite the innovations in technology such as Zoom and Teams, for many children this virtual contact is not the same as one-on-one contact.

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DR. BALDWIN-JOHNSON moved to the thirty-eighth slide, "Child abuse & neglect." She noted that there has been a drastic increase in serious child abuse and neglect cases that required hospitalization [37 cases in 2018, 26 in 2019, and 71 in 2020]. She said serious cases from around the state are transferred to Providence Alaska Medical Center (PAMC) and Alaska Native Medical Center (ANMC) in Anchorage, and that Alaska CARES, a child advocacy center, responds to those cases and provides in-patient consults.

DR. BALDWIN-JOHNSON addressed the thirty-ninth slide, "Child Protection." She related that in terms of the Alaska system's ability to respond with child protection, it is known that children have had fewer contacts with mandated reporters because they haven't been in school and Alaska's education system is a big source of reports to child welfare. Also, children are not coming in for regular well-child visits and the health care system is another source of those reports. From talking with OCS, she continued, it is known that the lower priority cases, especially at the beginning of the pandemic, weren't being evaluated because of COVID-19; as well, there were delays in seeing children due to COVID-19.

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DR. PARRISH reviewed the fortieth slide, "COVID-19: Reported victims to OCS." He said the graph on this slide depicts his emerging work to get an estimate of how much unreported maltreatment likely has occurred since the pandemic began 13 months ago. He qualified that the data is preliminary because this work is still emerging. He specified that the red line on the graph denotes the monthly number of unique victimized individual children reported to child welfare and noted that in March 2020 the number dropped precipitously and "tanked out" in April. He explained that he built a simple model that allowed for some month-to-month variation in the model because OCS has detected a pattern where it looks like a heartbeat that goes up and down, with the down-spikes generally associated with the summer months and the up-spikes associated with the fall, and then a little up-spike after Christmas break. He further explained that the black dotted line is assuming that the pandemic did not exist and the [monthly] variability carried on, so this line estimates what would have been expected to be observed for continued month-to-month victimization. He said the pink shading between the solid red line and dotted black line represents how many cases likely went unreported, with the

model finding that 9,680 children likely went unreported for this 13-month span. To address the concern that there will be a surge given all the stressors, he shared that he is currently working on quantifying the variability around that and developing some surge projection models to give some estimates of what Alaska may be looking at. He further noted that he will be looking at regional comparisons on those regions that experienced lockdowns and mandates which changed exposure to mandated reporters to also give an idea of the surge that might be expected.

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DR. BALDWIN-JOHNSON outlined the forty-first slide, "Child protection." She noted that when it came to child protection response OCS staff had many challenges. She pointed out that initially OCS staff lacked personal protection equipment (PPE) and arranging visitation for children in care was challenging. Visiting with a parent via Zoom is not the same as in-person, she added. There were many delays in child protection hearings and trials, she reported, plus there was a 25 percent increase, a record high, in turnover of OCS staff.

DR. BALDWIN-JOHNSON proceeded to the forty-second slide, "Law enforcement." She specified that it became very difficult, especially in rural areas, to get children in and evaluated at their regional child advocacy center because of restrictions on travel in and out of communities, plus there were restrictions on bringing children in if a child or family member was ill or had recently traveled.

DR. BALDWIN-JOHNSON reviewed the forty-third slide, "Other downstream effects." She pointed out that not just families are stressed by the pandemic but also the service providers, and some of this may be unknown for months or years. Additionally, she said, this pandemic is additive to the historical trauma in Alaska which includes prior devastating disease epidemics.

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DR. BALDWIN-JOHNSON brought attention to the forty-fourth slide, "Recommendations." She advised that the Children's Justice Act Task Force is recommending support for those programs that help to strengthen families and communities. She further advised that kids haven't been having contact with their mandated reporters who would normally be there, so the task force is recommending some amendments [to AS 47.17] to help [expand the

list] of mandated reporters to include [more professionals and paraprofessionals] who have contact with children. She stated that the [current] list of mandated reporters wasn't meant to be an exclusive list, but some people think that because their role isn't specifically on the list it means they are not mandated reporters. For example, she said it would help protect kids if people who work at public and private animal shelters were on the list of mandated reporters, given the link between animal abuse and child abuse. As well, she continued, the task force recommends that first responders, people employed by OCS and equivalent agencies, and clergy (with certain exceptions) be on the list of mandated reporters. Dr. Baldwin-Johnson moved to the forty-fifth slide and continued outlining the task force's recommendations. She stated that because kids cannot be protected from everything, the task force is recommending - in addition to preventative efforts - ongoing support for child advocacy centers for early and effective intervention.

DR. BALDWIN-JOHNSON displayed the forty-sixth slide, "Another area of concern: Children with sexual behavior problems." She proceeded to the forty-seventh slide, "What is it?," and qualified that those kids who "play doctor with other kids" are not being talked about here. She deferred to Ms. Heidi Reddick to discuss this topic further.

[3:43:39 PM](#)

HEIDI REDDICK, Board Member, Alaska Children's Justice Act Task Force, Deputy Director of Operations, Division of Juvenile Justice (DJJ), Department of Health and Social Services (DHSS), co-provided the "Alaska Children's Justice Act Task Force, State of Alaska's Children: 2021 Update" presentation. She noted she serves on the task force board as a child welfare and criminal justice participant.

MS. REDDICK resumed discussion of the forty-seventh slide. She stated that over the years several cases and issues have come up that aren't issues handled by [DJJ] or OCS by the nature of the way the statutes are written. She presented the [hypothetical] example of Billy, age 10, who has been having unwanted sexual-related contact with other kids in his classroom at school. Billy is removed from school, but OCS doesn't get involved if OCS cannot substantiate a finding of abuse or neglect by the parent. Due to his age, Billy wouldn't necessarily be referred for DJJ support or services, and as a result he may not be referred to a child advocacy center for services. Ms. Reddick said this type of example has been an identified ongoing problem

for many years, and while it may not happen often it happens enough that the [task force] thinks it needs to be addressed. She presented another [hypothetical] example of Johnny, age 9, who has been reported as having forceful sexual contact with his 8-year-old sister. It could be reported to law enforcement, but Johnny is too young to prosecute and therefore he is not forwarded to DJJ and is not necessarily forwarded to a CAC for referral and services. She said [the task force] is hoping to identify those gaps and determine if there is a legal way that those families can be referred to services. But right now, she advised, it gets "stuck in the pipe" because it doesn't fit all the right places that it should.

[3:45:40 PM](#)

MS. REDDICK skipped the forty-eighth slide and went on to detail the forty-ninth slide, "Why is this important?" She pointed out that sexual behavior problems are common, and studies indicate that 25-40 percent of the offenders on children are children. She said it may indicate that the child has been sexually abused or physically abused, neglected, exposed to pornography, or exposed to adult sexual activity. She advised that it is an opportunity to protect the child from further harm. She noted that sexual attraction to children can become "hardwired" as some studies indicate that 75 percent or more of adult sex offenders started offending as children at the average age of 12-14 years old. The kids being talked about here, she continued, are those who are having sex with their siblings or neighbors, and they don't fall into the right category to get referred for services.

MS. REDDICK moving to the fiftieth slide also titled, "Why is this important?" She explained that this is important because it has significant impact on both children and their families in the community. She said treatment at an early age can be very effective - statistics from the National Children's Alliance show that children aged 7-12 have a 98 percent long-term success rate and youth aged 13-18 have a 97 percent long-term success rate. She stated that what [the task force] is talking about is putting more services in place looking at the emotional development of the children - how they can be supported in their schools, how to not alienate them, and how families can get the training and support they need.

[3:47:19 PM](#)

DR. BALDWIN-JOHNSON spoke to the chart on the fifty-first slide, again titled "Why is this important?" She explained that five years of data from OCS is represented on the chart. She said there was a total of 804 screened-in cases of child-on-child sexual behavior problems. But, she continued, there were 758 cases that didn't meet the initial assessment criteria to be screened into OCS, so lots of kids are out there needing services.

DR. BALDWIN-JOHNSON turned to the fifty-second slide, "What are barriers to helping families?" She pointed out that many cases don't meet the criteria for OCS, law enforcement, or DJJ. She explained that if OCS screens out a child, confidentiality statutes and policies prohibit OCS from sharing information with other agencies. Additionally, she said, if a school reports a child with a behavior problem and OCS screens it out, the parent of that child may not even be aware that a report was made. In many of these cases, she continued, OCS and law enforcement response can be intrusive and not welcomed by the family, plus it may not be the appropriate response. She further pointed out that parents and local medical or mental health providers may not be equipped to know how to respond. As a result of these barriers, she continued, these kids and families fall through the cracks.

[3:49:26 PM](#)

DR. BALDWIN-JOHNSON drew attention to the fifty-third slide, "Recommendations." She related that the National Children's Alliance, an umbrella organization for the child advocacy centers around the US, has determined that CACs are the best equipped to see these cases and most CACs in Alaska are ready, willing, and able to respond to these cases. She advised that this requires changes to Alaska's MDT statute [AS.14.300], and to OCS regulations to allow the sharing of information and referral to OCS or referral to CACs when these cases are screened out.

DR. BALDWIN-JOHNSON proceeded to the fifty-fourth slide, "Our data suggests that:," and she summarized: Many Alaska adults bear the burden of a lifetime accumulation of family violence and dysfunction; Alaska's children start accumulating these adverse events early in life and start off "behind the eight ball" when they are born; Alaska's children and families bear the burden; and Alaska's economy and society bear the costs.

DR. BALDWIN-JOHNSON continued to the fifty-fifth slide, "To reduce this burden we need:," and she continued her summary that what is needed to reduce this burden includes prevention; early recognition; early, effective, and timely intervention; effective treatment; and legislation that will help to better protect children. She said this focus is to have families that are healthy, stable, safe, and nurturing so that Alaska's children can be healthy and successful adults and the communities are wonderful places in which to grow up.

DR. BALDWIN-JOHNSON displayed the photographs on the fifty-sixth slide, "Build a stronger Alaska". She said [the task force] wants strong and healthy children rather than children whose cores have been eaten away by higher doses of adversity. She moved to the photograph on the fifty-seventh slide, "How will you be a champion for Alaskan families?," and she urged that legislators be champions for Alaska's kids. She concluded by showing the fifty-eighth slide depicting credits for the data.

[3:52:24 PM](#)

REPRESENTATIVE FIELDS referred to the twenty-ninth slide and asked about the number of children needing one of the programs listed on the slide and being reached by these programs versus children needing one of these programs but not being reached by the programs. For those children who are not being reached, he further inquired about what the budget or policy vehicle is that legislators should consider for closing that gap.

[3:53:18 PM](#)

The committee took a brief at-ease.

[3:53:33 PM](#)

REPRESENTATIVE FIELDS restated his question.

DR. BALDWIN-JOHNSON replied that off the top of her head she doesn't have the pre-pandemic information on how many kids are enrolled in all these various programs and how many kids are out there. She said one estimate is Dr. Parrish's research [fortieth slide] which estimates the number of unreported children due to the pandemic.

REPRESENTATIVE FIELDS stated he would be interested in seeing this information later.

[3:54:59 PM](#)

REPRESENTATIVE PRAX commented that the committee needs to spend more time discussing the information on these slides and what the committee needs to do.

REPRESENTATIVE KURKA concurred with Representative Prax. He drew attention to the twelfth slide, "ACEs in Alaska: Snapshot", and inquired about the effect of mental illness in the home on childhood trauma and which shows the number of 21.9 percent.

DR. BALDWIN-JOHNSON responded that the data comes from the [2013] Alaska Behavioral Risk Factor Surveillance Survey (BRFSS). She explained that these are the percentages of Alaskan adults who reported any of these things happening to them before the age of 18. For example, she said, 11.5 percent of these adults reported having an incarcerated family member, 14.8 percent reported they had been sexually abused, and 18.7 percent reported witnessing domestic violence.

REPRESENTATIVE KURKA asked whether it is being said that the mental illness in the home is caused from the abuse.

DR. BALDWIN-JOHNSON answered no. She explained it is what these Alaskan adults reported that they had experienced - there was a parent or caregiver in their home who was mentally ill - these are reports of what Alaskan adults experienced when they were children.

[3:58:16 PM](#)

The committee took an at-ease from 3:58 p.m. to 4.00 p.m.

[4:00:28 PM](#)

REPRESENTATIVE SPOHNHOLZ commented that this is important to the committee as policy makers in adverse childhood experiences. She noted that the research is about 25 years old, broad, and well documented. She stated that most of the challenges related to household function as defined by adverse childhood experiences are addressable problems, which was seen in the presentation, and are problems within the committee's jurisdiction. She pointed out that in addition to the \$2.3 billion in annual cost to the state, there is a human cost - each number is a real person who has experienced this and lives with it for his or her whole life. This also impacts school readiness, she continued. These linkages cannot be ignored by

policy makers when having conversations about public assistance, the operating budget, and unemployment. Regarding child sexual abuse and child on child sexual abuse, for which treatment has been shown to have long term success, she asked whether there is adequate treatment within Alaska or whether children must be sent elsewhere for treatment.

MS. REDDICK replied that those statistics were taken from the national coalition. She offered her understanding that much of the treatment at that level is a direct individualized project and program that can be handled with the referrals from the CAC to local providers. She agreed there is opportunity there and said she will get more information [to the committee]. She said the issue is that current confidentiality laws preclude referring those families over. She advised that the task force is continuing to work on it and will bring more information and possible recommendations on how to address it.

HB 105-DETENTION OF MINORS

[4:05:57 PM](#)

CO-CHAIR ZULKOSKY announced that the next order of business would be HOUSE BILL NO. 105, "An Act relating to the duties of the commissioner of corrections; relating to the detention of minors; relating to minors subject to adult courts; relating to the placement of minors in adult correctional facilities; and providing for an effective date." [Before the committee, adopted as a working document on 5/4/21, was a proposed committee substitute (CS) for HB 105, Version 32-LGH1576\I, Radford, 5/1/21 ("Version I").]

[4:06:52 PM](#)

CO-CHAIR SNYDER moved to adopt Amendment 1 to HB 105, Version I, labeled 32-GH1576\I.1, Radford, 5/5/21, which read:

Page 1, line 2, following "**Services;** ":
Insert "**relating to the right to representation by the Public Defender Agency;**"

Page 8, following line 4:
Insert a new bill section to read:
"*** Sec. 13.** AS 18.85.100(a) is amended to read:
(a) An indigent person who is under formal charge of having committed a serious crime and the crime has been the subject of an initial appearance or

subsequent proceeding, or is being detained under a conviction of a serious crime, or is on probation or parole, or is entitled to representation under the Supreme Court Delinquency or Child in Need of Aid Rules or at a review hearing under AS 47.12.105(d), or is isolated, quarantined, or required to be tested under an order issued under AS 18.15.355 - 18.15.395, or against whom commitment proceedings for mental illness have been initiated, is entitled

(1) to be represented, in connection with the crime or proceeding, by an attorney to the same extent as a person retaining an attorney is entitled; and

(2) to be provided with the necessary services and facilities of this representation, including investigation and other preparation."

Renumber the following bill sections accordingly.

Page 33, lines 12 - 13:

Delete "sec. 22"

Insert "sec. 23"

Page 33, line 13:

Delete "secs. 2 - 8 and 22"

Insert "secs. 2 - 8 and 23"

Page 33, line 15:

Delete "sec. 21"

Insert "sec. 22"

Page 33, line 18:

Delete "sec. 21"

Insert "sec. 22"

Page 33, line 25:

Delete "Section 56"

Insert "Section 57"

Page 33, line 26:

Delete "sec. 57"

Insert "sec. 58"

CO-CHAIR ZULKOSKY objected for discussion purposes.

CO-CHAIR SNYDER explained that Amendment 1 would address a concern relating to the right to representation by the public

defender agency. She deferred to Ms. Nancy Meade to explain the amendment.

[4:07:33 PM](#)

NANCY MEADE, General Counsel, Alaska Court System, stated that Amendment 1 could be viewed as a conforming amendment. She explained that Section 25 of HB 105, Version I, has a provision for those minors who are waived into adult court; it is a long-standing part of Alaska statutes that 16- or 17-year-old minors who have committed more egregious types of crimes are treated as adults. When minors are treated as adults, they are outside the juvenile delinquency statutes and are not part of AS 47.12. However, Sec. 47.12.105, which is added in Section 25, brings those minors who are otherwise treated as adults under this chapter just for the only purpose of possibly having a judge determine where they should be detained, with a preference expressed generally in that provision for having those minors detained in a juvenile facility, although a judge can decide otherwise if requested to do so; for example, if the minor is particularly violent. That provision in the bill sets out standards the court must use to make that determination. That minor is entitled to a hearing every 30 days to make sure that if they are detained in an adult facility they should stay in that adult facility, and the judge makes that determination at a review hearing.

MS. MEADE continued explaining Amendment 1. She said page 18 of Version I, lines 9-10, state that the waived minor is entitled to representation at that review hearing, given the minor has some important rights at issue. She pointed out that when a statute says somebody is entitled to counsel if that person is indigent there needs to be a change to the public defender's authorization statute to let them represent these folks. So, while the case is ongoing for an indigent person, the public defender is defending them because they are an adult accused of a serious crime. However, some of these minors will have been sentenced already so the case is closed, the public defender's representation has ended, but there might still be these review hearings called for under this provision. Therefore, she explained, Amendment 1 would amend the public defender's authority statute, which lists all the things they cover to authorize them to give them the duty to represent people at these review hearings. Ms. Meade related that she has spoken with the public defender's office about this, and the public defender is fine with it; plus, the public defender probably will have represented the minor throughout the case and so it

makes sense that they would be the entity to do so. She said this basically ensures it is covered so a hole isn't caused by this statute in 47.12 that says that they get an attorney.

[4:11:22 PM](#)

REPRESENTATIVE MCCARTY offered his understanding that this process would bring continuity of care representation all the way through until the person is fully in the Department of Corrections.

MS. MEADE replied correct, the entity that represented the minor before will keep doing so for the review hearings that might occur after the case is otherwise closed.

CO-CHAIR ZULKOSKY removed her objection. There being no further objection, Amendment 1 was adopted.

[4:12:10 PM](#)

CO-CHAIR SNYDER moved to adopt Amendment 2 to HB 105, Version I, labeled 32-GH1576\I.2, Radford, 5/5/21, which read:

Page 26, following line 18:

Insert a new bill section to read:

"* Sec. 39. AS 47.12.300 is amended by adding a new subsection to read:

(i) Except as provided in (f) of this section, this section does not apply to the records of a minor who is waived into adult court under AS 47.12.030 or 47.12.100 and is subject to this chapter only to the extent that AS 47.12.105 applies to the minor."

Renumber the following bill sections accordingly.

Page 33, line 25:

Delete "Section 56"

Insert "Section 57"

Page 33, line 26:

Delete "sec. 57"

Insert "sec. 58"

CO-CHAIR ZULKOSKY objected for discussion purposes.

CO-CHAIR SNYDER explained that Amendment 2 would add a new subsection addressing the issue of public records of court cases

as related to waived minors. She deferred to Ms. Meade to explain the amendment.

[4:12:31 PM](#)

MS. MEADE stated that Amendment 2 is a small technical fix. She explained that under AS 47.12.300, Court Records, the court records of juvenile delinquency cases are confidential, with exceptions for victims and foster parents to get access to information. Waived minors are treated as adults, usually because the crime they are accused of is more egregious, and those records like all criminal records are public records. The statute on court records in the delinquency law says the court's records prepared under this chapter are confidential. However, Section 25 of the bill relating to 47.12.105 brings those waived minors under this chapter for that very small piece of their case of when the judge determines where they should be housed. So, in reading the court records provision specifically, those would be records prepared under this chapter that could be read to make at least that part of that person's case confidential. But, Ms. Meade continued, the whole rest of the case is public because the waived minor is an adult, and it is a criminal case. Since it makes sense to keep the whole case public, Amendment 2 would write an exception and make public that small portion of a waived minor's case that is under the 47.12 juvenile delinquency laws for the purpose of having the judge determine where the waived minor is detained. Because a waived minor is being treated like an adult, he or she would not get the benefit of the confidentiality provision that applies to the other juvenile delinquency cases.

[4:14:46 PM](#)

REPRESENTATIVE PRAX requested a restatement of the explanation of Amendment 2.

MS. MEADE responded that minors who are of a certain age who have committed basically more egregious crimes are treated as adults, which means their case is public like any criminal case. But, she continued, the existing law in the juvenile delinquency rules says that the case of any minor under this chapter is confidential, which hasn't been a problem because those minors aren't under this chapter. But, HB 105 would add this chapter about a judge deciding where these waived minors get housed so they would now be under this chapter. The question, then, is whether their case is confidential, but the policy throughout the statutes is those minors are adults just like any criminal

case. Often the media cares about a case like that, Ms. Meade noted, and they've always been public. It's almost like a loophole because the waived minor would get the benefits of confidentiality, which would conflict with the rest of the policy reflected that those minors have possibly done the type of offense that the public has a right to know about. [Under Amendment 2, waived minors] would not get the benefit of their case being confidential because they are in an adult world where criminal cases are all public, the court is transparent, and people know what is happening with criminal cases.

4:16:40 PM

REPRESENTATIVE KURKA offered his understanding that Amendment 2 would clarify that [waived minors] don't get privacy because they are being tried as an adult even though they are still residing in a juvenile detention center.

MS. MEADE confirmed that that is one way to look at it.

4:17:22 PM

REPRESENTATIVE PRAX opined that public access has some benefits and some drawbacks. He stated he is not necessarily interested in the media getting access to information because generally the media's interest is to make a spectacle of it, but for those people who are more intimately involved and have a need for access the confidentiality gets in the way of doing something good. He asked whether there is any way to strike a balance.

MS. MEADE answered that the default of Alaska's public access rules is that all court records are public. Records are only confidential if a statute, special court order, or court rule [says so]. She suggested that perhaps a middle ground is that somebody can always move the court; there can be a discussion if there is a particular reason to vary from the general rules about access. A very fundamental one of Alaska's public access rules is criminal cases are public. There isn't an overall reason to keep criminal cases confidential, she continued, but there is for juvenile delinquency because a minor has enhanced privacy interests. She said there is more of an emphasis on rehabilitation when it is a Division of Juvenile Justice case and on outcomes that will enhance the future of that minor so that the minor doesn't begin or keep on with a life of criminality. However, Ms. Meade added, a regular criminal case is public so that people can know what is going on and have

public trust and confidence in what their court system is doing and in issues that are a matter of public interest.

[4:20:12 PM](#)

REPRESENTATIVE PRAX asked whether it is fair to say that for purposes of this bill it is just whether they fit as a juvenile or a juvenile is charged as an adult.

MS. MEADE replied that the statutes already contain the decision that a 16- or 17-year-old who committed a more heinous crime is an adult for all purposes. It would be a little bit of an anomaly to say but for confidentiality purposes they get the juvenile delinquency benefits, she continued, so that is what this ensures does not happen.

REPRESENTATIVE PRAX asked whether figuring out that balance would be worth a discussion at some point, but not as part of this bill.

MS. MEADE responded that the legislature may want to discuss that, but it is beyond her area because it would be the legislature's policy decision. She said she is willing to talk privately with Representative Prax about the merits of something like that.

[4:21:33 PM](#)

REPRESENTATIVE KURKA stated that the public and the legislature need to know what is going on in the court system for the purpose of accountability. He said he thinks there is a balance with Amendment 2 because of the protection of privacy that Alaska has for minors. The whole intent with juvenile justice, he added, is less toward justice and more toward rehabilitation. But, he continued, there comes a point where the focus is no longer on rehabilitation when a 17-year-old, still technically a minor who will still go to go the juvenile detention center, is treated legally as an adult because his or her act was [extremely serious] and not that of a child. There are the rights of the accused, but there are also the rights of the victims, he added, and having that public transparency is very important.

[4:23:34 PM](#)

REPRESENTATIVE MCCARTY asked whether he is correct that the concern is that this [waived] minor doesn't get any perks, the

minor is being tried as an adult, and all is exposed to the public. Amendment 2 would clean up the language so that housing a [waived] minor in the juvenile detention center could not produce a potential loophole for things the [waived] minor should not be privileged to.

MS. MEADE confirmed that that is correct.

CO-CHAIR ZULKOSKY removed her objection. There being no further objection, Amendment 2 was adopted.

[4:24:41 PM](#)

REPRESENTATIVE KURKA commented that the joining of HB 116 with HB 105 has created a monster of a bill. He said he will therefore be carefully looking through it to make an informed decision on the bill's passage.

[4:25:04 PM](#)

CO-CHAIR SNYDER moved to report the proposed CS for HB 105, Version 32-LGH1576\I, Radford, 5/1/21, as amended, out of committee with individual recommendations and the accompanying fiscal notes. There being no objection, CSHB 105(HSS) was reported out of the House Health and Social Services Standing Committee.

[4:25:33 PM](#)

The committee took an at-ease from 4:25 p.m. to 4:30 p.m.

HB 13-SHARED CHILD CUSTODY: BEST INTEREST

[4:30:23 PM](#)

CO-CHAIR ZULKOSKY announced that the final order of business would be HOUSE BILL NO. 13, "An Act relating to shared child custody; relating to relocation of a child out of state; and relating to a presumption of the best interests of the child in child custody and visitation determinations."

[4:30:43 PM](#)

REPRESENTATIVE GEORGE RAUSCHER, Alaska State Legislature, as prime sponsor, presented HB 13. He explained that HB 13, the shared parenting bill, recognizes that children deserve both parents if they are fit, loving, and capable. He said research

has shown children have the most productive outcomes when both parents are active in their children's life, regardless of current marital status. The bill intends to mitigate high conflict situations seen in child custody cases with the presumption that both parents have equal parenting time in the best interest of the child, he continued. Current statutes state neither parent may have preference over the other parent and allow for 50/50 physical custody to occur, but do not presume both parents are equal under the law. Representative Rauscher stated that the government cannot compel parents to be active parents, but the government can allow for the environment to occur, except in cases where the mother or father or both seriously endanger the child's physical, mental, moral, or emotional health. He said HB 13 would allow for the presumption to be rebutted through clear and convincing evidence under the child's best interest guideline [AS 25.25.150(c)]. He further related that the bill would allow both parents to develop a [parenting] plan conducive to their child's best interest.

REPRESENTATIVE RAUSCHER maintained that current statutes create a winner-take-all mentality in favor of one parent through at-fault litigation practices. He stated that if the presumed custodial parent wins physical or sole custody, conditions for parental alienation, custodial interference, absence, high conflict, or ancillary effects such as alcohol, drug abuse, and mental health collapses can take root if the parent is still pursuing high conflict methods and tactics. He said HB 13 would place children first by giving them the opportunity to develop strong parent-child relationships, place mediation for parenting plans ahead of litigation, allow for stability by tightening relocation loopholes, mitigate parental alienation to the targeted parent and extended family, and strengthen the intergenerational connection in families. Representative Rauscher added that he believes shared parenting is a human right and that children have a human right for a positive, healthy parent-child relationship regardless of marital status.

[4:35:23 PM](#)

REPRESENTATIVE RAUSCHER provided a sectional analysis of HB 13. He said Section 1 would add intent language stating the ensuring of frequent, continuing, and meaningful contact of a child with each parent and that the shared responsibility is in the best interest of the child.

REPRESENTATIVE RAUSCHER said Section 2 would define parenting time and state that the best interest of the child is shared

parenting but would allow that presumption to be rebuttable with clear and convincing evidence that shared physical custody, joint legal custody, and equal parenting time is not in the best interest [of the child]. He related that [Section 3] would require the parents to consult one another when making major decisions regarding the child's health, education, and general welfare. He explained that [Section 4] deals with relocation of a child and would provide for constant procedures from both parents. It describes the items necessary for a court accepted parenting plan and would provide for a rebuttal presumption that a parenting plan, as agreed to by both parents, is in the best interest of the child.

REPRESENTATIVE RAUSCHER specified that Section 5 would amend AS 25.20.090 by replacing the term "child custody" with "physical custody" or "joint legal custody" and would direct the court on what factors to consider, such as the child's preference, the child's needs, home stability, and willingness of each parent to facilitate a continuing close relationship with the other parent. He conveyed that Section 6 would allow for the rebuttal presumption when determining the best interest of a child. He said Section 7 provides that denial of shared physical custody or joint legal custody shall be stated on the record.

[4:37:22 PM](#)

REPRESENTATIVE RAUSCHER stated that Section 8 deals with the modification of a custody visitation order while a parent is deployed. He related that Section 9 would allow the court to award attorney fees and cost of actions when attempting to alter custody awards, and it would direct the court to consider the financial resources of each party. He said Section 10 provides definition for joint legal custody and shared physical custody. He conveyed that Section 11 would provide that determining the best interest of a child shall [include] two additional factors - the distance between a child's residence and each parent's residence, and if a parent is incarcerated.

REPRESENTATIVE RAUSCHER explained that Section 12 would replace "joint" physical custody with "shared" physical custody in [AS 25.24.150(g)] regarding a history of domestic violence. He said Section 13 would provide that the court shall consider false or frivolous allegations of sexual assault; domestic violence; child abuse, abandonment, or neglect; or [the providing of] false or deceptive financial information [to the court]. He stated that Section 14 would include a parenting plan in the written agreement of the financial decree of the dissolution.

He said Section 15 would repeal AS 25.20.060(c), which is the current [subsection] of statute regarding awarding shared custody to both parents. He concluded by relating that Section 16 would [add a new section] providing that this Act is applicable to custody orders issued on or after the effective date of this Act.

[4:39:37 PM](#)

REPRESENTATIVE MCCARTY expressed his support for HB 13. He said he still needs to review the bill, but that there is a desperate need for this, and the courts need direction as to what are the guidelines.

REPRESENTATIVE RAUSCHER stated he doesn't bring HB 13 before the committee believing it is ready to go out the door. He said he is open and acceptable to any comments that would make the bill be what it should be.

[4:41:02 PM](#)

REPRESENTATIVE PRAX remarked that the committee needs to think about HB 13 quite a bit before acting on it.

[4:41:45 PM](#)

CO-CHAIR SNYDER stated she is trying to better understand the context and scenarios that would be impacted or result from the proposed legislation. Regarding the need for the bill, she inquired about the frequency of the problems that the bill is trying to address.

REPRESENTATIVE RAUSCHER responded that the invited testimony would help provide an answer.

[4:43:03 PM](#)

CO-CHAIR ZULKOSKY opened invited testimony on HB 13.

[4:43:20 PM](#)

DAVID VESPER, Legislative Director, The Fathers' Rights Movement, provided invited testimony in support of HB 13. He stated that Alaska has a winner-take-all judicial system for child situations, and that many Alaskans lack adequate representation heading into a child custody case. He maintained that current statutes encourage high conflict relationships

between parents that can result into parental alienation, domestic violence, drug and alcohol abuse, criminality, and mental health issues for the parents, and that children often suffer from abuse, mental health issues, and challenging outcomes going into adulthood. These issues can be both inter-generational and inter-sectional, he added.

MR. VESPER said social science and psychological research shows that children benefit the most with intact families, but when this is impractical researchers assert that equal and shared physical custody offers the next best possible outcomes for children. He stated that current Alaska statutes do not presume both parents with equal custody, they only allow it. He cited Alaska Civil Rule 90.3 as defining joint physical custody as a period [specified] in writing [in the custody order] of at least 30 percent of the year. However, he continued, no child has ever said they love one parent 30 percent of the time and the other parent 70 percent of the time.

[4:45:10 PM](#)

MR. VESPER argued that the judge is placed in an uncompromising position when determining if any allegations cited in the case go against AS 25.24.150(c) and to what degree. So, he stated, common tactics in litigation can include allegations of parental alienation, domestic violence, drug and alcohol abuse, military status, physical and psychological health, and even immigration status; all of which have been used against the other parent in Alaska. The judge must award custody, he continued, which is much like awarding the winner in this winner-take-all system.

MR. VESPER further argued that this is a human rights issue for children as well as a civil rights issue. Regarding racism, he stated that parents who are black, indigenous, or people of color (BIPOC) are most likely to lose their children then are white or Asian parents; and BIPOC and bi-racial children are less likely to be reunited with their parents or the other parent if that happens. Regarding gender inequities, he said mothers are awarded either sole custody or primary custody 85 percent of the time. He maintained that these inequities permeate into the next and succeeding generations or become intersectional by affecting society with increased drug and alcohol abuse, lowered education attainments, higher suicide rates, higher teen-age pregnancy rates, higher crime rates, and increased sexual, domestic, intimate partner violence. He stated that fixing the family will begin to fix the issues that

plague Alaska's society and that cost the state millions if not billions of dollars.

MR. VESPER noted that this type of legislation recently became law in Kentucky, Arkansas, and West Virginia. He said HB 13 would place mediation ahead of litigation, expand judicial discretion, address the relocation issue with many Alaskan families, and preserve the child's best interest standard. In response to Representative Kurka, Mr. Vesper agreed to provide the data cited in his testimony.

[4:50:44 PM](#)

DIXIE BANNER, State Director, Alaska Fathers' Rights Movement, provided invited testimony in support of HB 13. She stated she is representing the grandparent rights integrated into the family rights. She said both genders are impacted by the current laws. She related that in her own family the issue has gone on for 45 years - her mother left when she was five years old and her father took over the children, now she has gone through her own traumas, and her son is presently going through this with his stepson. The system must change, she advocated, or it will continue.

MS. BANNER noted that abuse and neglect have financial cost to the state along with human cost. If parents are required to take accountability for their children, she stated, there will be fewer social issues. She related that her husband has been alienated [from his children] for 19 years and the cycle continues with alienation from his grandchildren. She urged that this issue be fixed so this broken system will stop. She said if other states can change the system and reduce domestic violence, it can also be done in Alaska. She noted she believes in the parenting plan because it would require that both parents be involved and held accountable for their children's actions.

[4:54:50 PM](#)

CO-CHAIR ZULKOSKY opened public testimony on HB 13.

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ALLEN BAILEY, Esq., testified that he has been a family lawyer in Anchorage for 37 years and a prosecutor for an additional 10-11 years. During these years, he related, he has been representing clients who have been impacted by domestic violence

and their families in family law matters such as child custody, divorce, custody modification, and relocation.

MR. BAILEY said children are not an animal like a dog or cat so that time can be divided without affecting their developmental issues, nor are children an item of property like a truck or an investment account that can be divided down the middle. He stated that developments in family law are really society's way of permitting people who have been victimized, or who would like to end their relationship, to achieve a future without someone else controlling them or someone else abusing them. He said he will submit further written remarks to the committee.

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RITA ALLEE, Esq., testified in opposition to HB 13. She said she has been a domestic relations lawyer in Alaska for 46 years. She stated that the subject of the complaint is AS 25.24.150, the statute which addresses the needs of the children, the capability and desire of the parents to foster those needs, the child's preference, love, and affection existing between the parent and child, the length of time the children have been in a stable environment, the ability of the parties to facilitate the relationship with the other parent, and questions of domestic violence and substance abuse in the home. This statute, she explained, is directly targeted to issues of importance regarding the best interest of the children, and this statute requires that the judge hearing the case make findings of fact on each of these cited elements.

MS. ALLEE related that foundational to Alaska custody law is the belief that a robust relationship between a child and both parents is in the best interest of the child. That is foundational to the court's examination of this issue, she further related, and there will be a direct finding in each case regarding facilitation of that relationship by each of the parties. She stated that the complaint seems to be that it is necessary to focus on 50/50 timesharing between the parents, the point of which can only be a focus on fairness to the parents. She said it's important to recognize that fairness to the parents is, by definition, not necessarily the same thing as the best interest of the children. She further stated that Alaska has a gender-neutral statute closely targeted to the best interest of the children. The proposed statute, she argued, focuses on something entirely different, which is fairness to the parents, and therefore she is opposed to HB 13.

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MARIANNA MALLORY testified in opposition to HB 13. She related her belief that the bill would be harmful to domestic violence victims and their children. She said the current practice in Alaska is already shared custody, but it is not presently mandated. This proposed change in law, she stated, would make shared custody the standard for all families and raise the burden on victims to overcome that standard. She maintained that raising this burden of proof will negatively impact victims who cannot afford attorneys and do not have the skills of an experienced litigant.

MS. MALLORY said another matter of concern is the proposed new best interest factor that adds whether a parent made a false or frivolous allegation of sexual assault, domestic violence, child abuse, child abandonment, child neglect, or provided false or deceptive financial information to the court. She argued that if a victim is ultimately unable to properly articulate her case and the crimes committed against her, this new proposed interest factor would punish her for presenting her concerns at all. Victims are often inundated with false claims and accusations from the perpetrator of violence following their reporting, she continued. Blanket denials of all allegations by the perpetrator are common, she added, and if the victim does a poor job presenting her case this bill would increase the ability of the perpetrator of violence to use the system against the victim. Ms. Mallory stated that victims of domestic violence, sexual assault, or child abuse are already often justifiably skeptical and mistrustful of the Alaska court system, and they often do not feel it is designed to protect them and their children. This [proposed] change, she further stated, would only instill further fear in victims of the justice system while creating barriers by preventing meaningful access and creating an order that is not truly in a child's interest.

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ALESHA P. testified in opposition to HB 13. She stated that it sounds like somebody who is an abuser, whether male or female, woke up one day and said, "I need more rights because it's not working in the courtroom ... they are ruling against me, and abusers like me." She said she therefore opposes HB 13.

[5:04:31 PM](#)

TARYN BIRD, Esq., testified in opposition to HB 13. She noted she is a divorce and custody attorney who has specialized in domestic violence and family law for seven years. She stated she agrees with Mr. Allen Baily and Ms. Rita Allee regarding their sentiments and concerns with HB 13, and she agrees with their position. She said that this proposed legislation ignores the reality of the landscape of civil divorce and custody cases in Alaska. Most of [her] litigants, she related, are pro se and under the current statute it is hard enough as a practiced attorney to fight for the rights of the victim and for the safety of children when there is a preponderant standard for the domestic violence presumption. She argued that HB 13 would create a windfall to individuals who can afford representation and would disadvantage those who cannot, which most often are victims of crimes of domestic violence or children of abuse.

MS. BIRD noted that multiple concerning provisions with this bill were voiced a few years ago when a similar bill was brought before this committee, and [concerns] were voiced recently by many attorneys in Alaska when this legislation was proposed. She asked the committee to consider what HB 13 fails to say. What deficiency is this bill addressing? She maintained that the law presently does not have the issues that have been presented by the writers of the bill. She said the vaguely referenced custody issues and statistical facts from other states do not define the state of Alaska, do not define Alaska's law, and do not define how Alaska's judges interpret the facts, look at the evidence, and make a determination in the children's best interest. The execution of the law by the courts following the best interest statute, she continued, does lead to good orders that consider the children's needs and not the parents' needs.

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CO-CHAIR ZULKOSKY closed public testimony on HB 13. She urged that anyone else wishing to testify submit their comments online to the committee.

CO-CHAIR ZULKOSKY announced that HB 13 was held over.

[5:08:07 PM](#)

ADJOURNMENT

There being no further business before the committee, the House Health and Social Services standing Committee meeting was adjourned at 5:08 p.m.