

ALASKA STATE LEGISLATURE
HOUSE SPECIAL COMMITTEE ON MILITARY AND VETERANS' AFFAIRS

February 22, 2022

1:21 p.m.

MEMBERS PRESENT

Representative Chris Tuck, Chair
Representative Andi Story
Representative Geran Tarr
Representative Matt Claman
Representative George Rauscher
Representative Laddie Shaw
Representative David Nelson

MEMBERS ABSENT

All members present

COMMITTEE CALENDAR

HOUSE BILL NO. 297

"An Act relating to the duties of the Department of Health and Social Services; relating to child protection; and relating to children of active duty military members."

- HEARD & HELD

PREVIOUS COMMITTEE ACTION

BILL: HB 297

SHORT TITLE: MILITARY MEMBER CHILD PROTECTION

SPONSOR(S): REPRESENTATIVE(S) HOPKINS

01/31/22	(H)	READ THE FIRST TIME - REFERRALS
01/31/22	(H)	MLV, HSS
02/22/22	(H)	MLV AT 1:00 PM GRUENBERG 120

WITNESS REGISTER

REPRESENTATIVE GRIER HOPKINS

Alaska State Legislature

Juneau, Alaska

POSITION STATEMENT: As prime sponsor, presented HB 297.

TANIA CLUCAS, Staff

Representative Grier Hopkins

Alaska State Legislature
Juneau, Alaska

POSITION STATEMENT: Presented the sectional analysis and answered questions during the hearing on HB 297 on behalf of Representative Hopkins, prime sponsor.

TAMMIE PERRAULT, Northwest Region Liaison
Defense-State Liaison Office
U.S. Department of Defense
Joint Base Lewis-McChord, Washington

POSITION STATEMENT: Gave invited testimony in support of HB 297.

JOMO STEWART, President/CEO
Fairbanks Economic Development Corporation
Fairbanks, Alaska

POSITION STATEMENT: Testified in support of HB 297.

TRAVIS ERICKSON, Deputy Director
Office of Children's Services
Department of Health and Social Services
Juneau, Alaska

POSITION STATEMENT: Answered a question relating to the Office of Children's Services and HB 297.

ACTION NARRATIVE

[1:21:14 PM](#)

CHAIR CHRIS TUCK called the House Special Committee on Military and Veterans' Affairs meeting to order at 1:21 p.m. Representatives Tarr, Story, Shaw, Rauscher, and Tuck were present at the call to order. Representatives Claman and Nelson arrived as the meeting was in progress.

HB 297-MILITARY MEMBER CHILD PROTECT; ADOPTION

[1:22:05 PM](#)

CHAIR TUCK announced that the only order of business would be HOUSE BILL NO. 297, "An Act relating to the duties of the Department of Health and Social Services; relating to child protection; and relating to children of active-duty military members."

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REPRESENTATIVE GRIER HOPKINS, Alaska State Legislature, as prime sponsor, presented HB 297. He said that his sponsorship of HB 297 is part of an ongoing collaborative effort in the Fairbanks area with its Tiger team and the U.S. Department of Defense (DoD) to make Alaska one of the best places in the nation to conduct missions and activities. He explained that there is no requirement on civilian authorities to notify DoD when a military child is involved in a case involving abuse or neglect. He said HB 297 would put into statute that, when a report of harm to a military dependent child is made to civilian authorities, the appropriate military defense office would be notified as well, ensuring that families have access to military family resources and that DoD is a local partner in the health and welfare of its members.

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TANIA CLUCAS, Staff, Representative Grier Hopkins, Alaska State Legislature, provided information regarding HB 297 on behalf of Representative Hopkins, prime sponsor. She said the proposed requirement for civilian authorities to inform military authorities of harm to a child of a military member would be inserted into AS 47.13.030. She said there is a zero fiscal note; the bill will have no fiscal or problematic impact on the Office of Children's Services. In response to a question regarding mismatched titles, she clarified that the PowerPoint presentation, titled, "House Bill 97 - Military Member Child Protection" addresses HB 297, not HB 97. She moved to slide 2 of the presentation, [hardcopy included in the committee packet], and explained that DoD has a Defense State Liaison Office to ensure that the places where DoD has installations are prepared and suited to have the military in the state. She said that 70 percent of families do not live on base in their local communities; therefore, there is a greater expectation on the communities that surround military installations to provide services that historically have been provided on base. She highlighted key issues, which include spouse licensure, in-state tuition continuity, and the Purple Star program. She said work is being done with DoD to make sure that the state can "check these boxes" to make Alaska more attractive for DoD to continue the mission to place more installations. She moved to slide 3 to state that the bill addresses child abuse identification and reporting. She pointed out that most states have already passed legislation so that there can be legal reporting of child abuse to the military chain of command. She said there is nothing at the state level to mandate this reporting happen, and DoD has made this a request. She moved to slide 4 to relay that Alaska

has 180,000 children, of which over 10 percent are military dependents, with caregivers who are active duty or in the National Guard or Reserves.

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REPRESENTATIVE RAUSCHER inquired about bullet three on slide 4, which states, "Since 2003 the reported child abuse in military families has outpaced reported abuse for the civilian population, coinciding with increased deployments and overseas operations." He asked for clarification of the word "outpaced."

MS. CLUCAS said her assumption is that it is a percentage of the military population based on a percentage of the civilian population.

REPRESENTATIVE RAUSCHER further asked whether "with increased deployments and overseas operations" referred to the majority overseas or those in the state.

MS. CLUCAS responded that she could not answer, and that she was looking for materials which state that it is known that there is an increase in child abuse issues and that DoD has recognized that it has a different service than it did 50 years ago. She noted that in 2019, DoD had a family advocacy program, which is part of the incentive to propose HB 297.

REPRESENTATIVE RAUSCHER stated that he is not speaking for or against the bill. He pointed to the map on slide 3 and asked whether HB 297 would align Alaska with the Lower 48.

MS. CLUCAS answered that HB 297 was requested by DoD.

REPRESENTATIVE RAUSCHER asked if the Fairbanks Tiger team is seeing an actual need in the military bases in that area.

MS. CLUCAS reiterated that HB 297 was proposed by request from DoD. Further, prior to the Thirty-Second Alaska State Legislature, Senator Coghill had identical legislation but the COVID-19 pandemic waylaid the effort, so it was picked up and now being carried by Representative Hopkins on behalf of DoD.

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CHAIR TUCK pointed out the last sentence of the third bullet point, which speaks to coinciding "with increased deployments in overseas operations." He said DoD uses the parents as teachers

model that allows families with deployed members to get together once a month with children, and this has served as a support group for those families. He recounted a Joint Armed Services meeting in Fairbanks where DoD talked about the benefits of having such programs. He said that when a member is deployed overseas, the family is broken up.

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MS. CLUCAS returned to the presentation on slide 5 to explain that HB 297 will require greater collaboration and coordination of services between civilian authorities in Alaska and federal authorities. She said the state has an authority to look after the health and welfare of its citizens. She spoke about a family advocacy program and the responsibility of DoD to treat and rehabilitate dependents who have identified as abuse or maltreatment victims, as well as working with the family involved. She said HB 297 seeks to make available DoD services to military affiliated Alaskans. She explained that people don't live strictly on the military installation like decades before, but rather they are out in the community, so if an incident happens in the community and is reported to the Office of Children's Services (OCS), the [military] chain of command would not know because it was not reported on base, on post.

MS. CLUCAS moved to slide 6 and elaborated that the bill seeks an improved continuum of care, which would help military families receive the services they need to stay healthy and together. Further, having the proposed laws in place would help improve Alaska's national ranking when DoD is deciding where to place future deployments and infrastructure. She shared that her great uncle was stationed in Alaska with the Army Corps during World War II and started a family. She said Alaska has a long history of personnel being stationed in the state and not wanting to leave. She concluded the presentation on slide 7 and opened for questions.

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REPRESENTATIVE NELSON inquired about the designated authority that the information would go to under HB 297. He speculated that larger bases might have a person for such information but inquired about smaller installations with fewer personnel.

MS. CLUCAS deferred the question to a DoD representative.

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REPRESENTATIVE STORY asked whether there would be a time requirement that DoD would need to have to notify the base about an incident.

MS. CLUCAS answered that such a provision was not in HB 297, and that timely sharing of information would hopefully be considered in the drafting of memorandum of understanding (MOU) between OCS, other entities, and the family liaison offices.

REPRESENTATIVE STORY pointed out that the Department of Education and Early Development (DEED) has statutory authority to oversee the cases and would notify the base. She asked what the base would need to do in that situation.

MS. CLUCAS responded that the Department of Health and Social Services would have oversight because the case would be child abuse related. She shared that she consulted with social workers that work with the military as DoD contractors; the workers said they were in support [of the proposed legislation]. On the specifics of how the workers collaborate with their colleagues across boundaries, she said that was not discussed because that moves more into scope of practice, which would be outside her own scope of practice. She said the hope is that there would be better collaboration, and she mentioned privacy issues.

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CHAIR TUCK announced the committee would hear invited testimony.

[1:43:55 PM](#)

TAMMIE PERRAULT, Northwest Region Liaison, Defense-State Liaison Office, U.S. Department of Defense, thanked Representative Hopkins for bringing HB 297 forward. She said the bill is important to DoD because it will assist Alaska in joining 31 other states that have passed similar legislation to address child abuse and neglect. She said that unlike civilian employers, military services have the obligation to know what is happening to their members. She said information sharing between DoD and local authorities must be done at the start of the abuse or neglect investigation, not after. She explained that HB 297 would require the reporting of child abuse to the appropriate military installation when the child is a military family member. She addressed the question of an incident happening at a small installation where there may not be a

family advocacy program; every military member has a family advocacy program with which they are affiliated in a catchment area. She said that if a person is outside of the catchment area, they can still have their information reported back to the closest military installation or to the person's command family advocacy program in their region. She indicated that under Section 17.87, Title X of the U.S. code, DoD must establish a family advocacy program (FAP) for each military installation or unit with 500 or more personnel; this is to meet requirements to address prevention and response to child abuse and neglect in military families. She said the military FAP is created by DoD and incorporates the training to ensure that the scope of child abuse, domestic abuse, and problematic sexual behavior in youth are all addressed through cooperative effort. She explained that the federal Child Abuse Prevention and Treatment Act (CAPTA), and its regulations, delineate the FAP as a federal entity, subject to the requirement to protect children from abuse or neglect; when the state coordinates with the family advocacy programs on each installation, it is coordinating with a federal entity that is specially charged with protecting children.

MS. PERRAULT explained that the federal information sharing mandates direct military services to establish MOUs with state and local child welfare services to collaborate the oversight of cases involving military families. She said there are many MOUs already established in the state with local authorities; however, those MOUs do not cover all military families living in Alaska. She stated it is difficult to maintain MOUs as military personnel changes internally, and that the bill would provide a backdrop that would support ensuring the reporting requirements regardless of whether there is an up-to-date MOU. She stated that MOUs provide an additional layer on top of the legislation. State level guidance that directs military sharing would provide consistency for all branches of service in state and local agencies. She reported that 70 percent of the military live "off post" and are likely to fall under the jurisdiction of state and local agencies. She said that military services investigated intervention and rehabilitation services that could assist borough and local child welfare systems in addressing such allegations. She clarified that the family advocacy program is not about what it will do if a member is involved in a case of child abuse; it is about, "wrapping our arms around the family" to provide the support and resources.

[1:51:08 PM](#)

REPRESENTATIVE STORY asked whether DoD has a process that happens in other states when it gets notified by local authorities of a child abuse case.

[1:51:37 PM](#)

The committee took a brief at-ease at 1:51 p.m. to address a technical issue.

[1:52:05 PM](#)

MS. PERRAULT, in response to Representative Story, answered that most states have not established a timeline; that has been left to the MOUs with the local jurisdictions. She said that it is generally immediately upon identification of a child abuse and neglect case that the local authorities notify military authorities and partners, ensuring that the military is involved as early as possible in the potential case and providing support to the military families. She explained that this would provide them the service of having a military focused counselor, healthcare providers, and family advocacy program that may be aware of previous incidents.

REPRESENTATIVE STORY asked whose responsibility it would be to coordinate the services.

MS. PERRAULT explained that is often determined on a case-by-case basis. She offered to follow-up providing details on how that has worked on cases in Alaska, and how it has worked in other states.

[1:54:53 PM](#)

MS. PERRAULT, in response to a question from Representative Nelson, said the National Guard and Reserve also have family advocacy programs, and that HB 297 applies to active-duty soldiers within that National Guard Reserves. To a follow-up question, she responded that HB 297 included Active Guard Reserve soldiers.

[1:56:08 PM](#)

CHAIR TUCK relayed that before the military code of justice was updated, there were issues of sexual assaults that were being reported from the Department of Public Safety (DPS) to the commanding officer; a lot of victims became re-victimized as a

result of the communications. He asked how it could be ensured that victims are not re-victimized.

MS. PERRAULT responded that DoD has acknowledged its challenge with sexual assault, and that it has been difficult to ensure there isn't favoritism or negative consequences for the victims that come forward. She stressed that this would be a situation where the family advocacy program would be administered at a higher level than a military member's unit. She explained that the chain of command is separate from the program, and the program itself is not designed to provide any legal methods to bear upon a military family as they are designed to provide supportive resources. She further explained that the judicial system in the military is separate from the program. She stated that DoD is asking the state to coordinate with the program around the supportive services and not with the judicial or legal system within the military.

CHAIR TUCK asked Ms. Perrault to share the support services that are provided.

MS. PERRAULT responded that the first tool they use is a program called New Parents Support Services; they send a counselor and a nurse to do home visits in order to work with the families in the home. They also help in identifying ways to reduce stress and strain in the military family. She said there are also counseling services for families that are struggling through the program. She shared that families relay challenges they have in accessing such services, to which the program can help fast track those services to families most in need. She explained that there are other counseling services available, like financial counseling.

CHAIR TUCK regarding the statement that the MOUs only cover some families, asked what is in the agreement that would exclude families.

MS. PERRAULT answered that MOUs are made with specific municipalities, so there is the chance that a municipality would not have an MOU with the installation. For example, if a family was stationed at JBER, and the family lives outside the catchment area of Anchorage in a town that doesn't have an MOU, and the local authorities of said town were the first response to the child abuse and neglect case, the authorities may not know because there is no MOU requiring that this knowledge be shared with the state. She stated that HB 297 provides the "overarching story" to everyone that the information between the

state and DoD needs to be shared to ensure all military families get the services they need. She said there is the chance that a family on recruiting assignment or lived farther away from an installation would not fall into the catchment area of an MOU.

[2:03:06 PM](#)

JOMO STEWART, President and CEO, Fairbanks Economic Development Corporation, voiced Fairbanks Economic Development Corporation (FEDC) support for HB 297. He explained that the legislation appeared to be something that he himself assumed was already in law. He echoed Ms. Perrault's remarks that the bill is not addressing a law enforcement matter, but rather, it is a victim advocacy measure to protect children and spouses, as well as bring the most support to bear for the family. He said HB 297 is also about helping the military to satisfy its own legal requirements relative to its service members and their families. He stated that FEDC supports the military. He pointed out that the military is a large part of the economy and makes up 10 percent of the statewide economy, as well as up to one-third of the Fairbanks NorthStar Borough's economy. Further, over 70 percent of military personnel and their families do not reside on base; instead, they live in the community. He reiterated that FEDC supports HB 297, the military, and its service members.

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REPRESENTATIVE STORY asked whether, if HB 297 were implemented, an MOU would be necessary.

[2:08:19 PM](#)

CHAIR TUCK pointed out that the matter is being handled now through MOUs, and if HB 297 is passed, the state would no longer need to enter MOUs.

[2:08:54 PM](#)

TRAVIS ERICKSON, Deputy Director, Office of Children's Services, Department of Health and Social Services (DHSS) offered his understanding that the office would still consider an MOU for things that are not included in the new statute. For example, access to base is something that is currently covered with existing MOUs. He said that there still needs to be protocols in place for how staff would get on the base and who to contact; the process needs to be streamlined. He stated that information

sharing, therefore, would not need to be covered in an MOU as it would already be in statute.

REPRESENTATIVE STORY inquired whether, once it is known that the family is a military family, Mr. Erickson's staff would let the base know of the family's need for support.

MR. ERICKSON answered yes and explained that once the office becomes aware that a military member is involved, it would go about alerting the proper authorities; this could occur at the intake level if the information is known at that point, but if not and discovered later on, the alert would happen then.

REPRESENTATIVE STORY questioned whether it is standard to ask at intake whether they are a member of the military.

MR. ERICKSON offered his understanding that it is not but stated that he is not positive.

[2:11:02 PM](#)

CHAIR TUCK asked what the office's requirements to notify the family advocacy program would be, and whether there is a time requirement.

MR. ERICKSON responded that there is no specific timeframe established in the office's materials.

CHAIR TUCK asked for copy of an MOU as an example for committee members, as there might be aspects of MOUs that could be incorporated into statute.

MR. ERICKSON said the office can provide that.

CHAIR TUCK pointed to language on page 2, line 3, "the designated authority", and he said the current idea would be that the authority would be the family advocacy program director. He asked whether the process is the same in every state or if the title of the director changes.

[2:13:08 PM](#)

MS. PERRAULT answered that many states have used the term "family advocacy program" in their statute. She said the current terminology is appropriate, as the family advocacy program could one day change its name, but if the name were to change - and was in statute under that name - then the statute

would need to be corrected. She voiced support in leaving the current language as is, which is "family advocacy program or appropriate authority".

CHAIR TUCK voiced concern with the designated authority, in that if a base commander comes in and realizes that he has a problem and wants to avoid going to the advocacy program, he could designate someone else. On the argument that the program could change its name, he said it needs to be considered as to whether the agency is the designated authority.

MS. PERRAULT reiterated that in other states, the program is referred to as the family advocacy program.

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REPRESENTATIVE TARR offered her support of HB 297 and furthering the goal of reducing child abuse and improving family safety and wellness.

[2:16:24 PM](#)

CHAIR TUCK opened public testimony on HB 297. After ascertaining there was no one who wished to testify, he closed public testimony.

[2:17:02 PM](#)

CHAIR TUCK announced that HB 297 was held over.

[2:18:07 PM](#)

ADJOURNMENT

There being no further business before the committee, the House Special Committee on Military and Veterans' Affairs meeting was adjourned at 2:18 p.m.