

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

February 24, 2022

1:06 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."

- MOVED CSHB 297 (MLV) OUT OF COMMITTEE

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
02/22/22	(H)	Heard & Held
02/22/22	(H)	MINUTE (MLV)
02/24/22	(H)	MLV AT 1:00 PM GRUENBERG 120

WITNESS REGISTER

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

POSITION STATEMENT: Answered questions during the hearing of HB 297.

TANIA CLUCAS, Staff
Representative Grier Hopkins
Alaska State Legislature
Juneau, Alaska

POSITION STATEMENT: 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: Answered questions during the hearing on HB 297.

ACTION NARRATIVE

[1:06:08 PM](#)

CHAIR CHRIS TUCK called the House Special Committee on Military and Veterans' Affairs meeting to order at 1:06 p.m. Representatives Claman, Nelson, Story, Shaw, Tarr, and Tuck were present at the call to order. Representative Rauscher arrived as the meeting was in progress.

HB 297-MILITARY MEMBER CHILD PROTECT; ADOPTION

[1:07:04 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."

[1:07:21 PM](#)

The committee took a brief at-ease at 1:07 p.m.

[1:07:39 PM](#)

CHAIR TUCK said he closed public testimony at the last hearing on HB 297 and ascertained during the at-ease that there was no one waiting to testify; therefore, he would not be reopening public testimony. He invited amendments from the committee.

1:08:15 PM

REPRESENTATIVE STORY moved to adopt Amendment 1 to HB 297, labeled 32-LS1249\A.1, Foote, 2/23/22, which read as follows,

Page 1, line 13, following "shall":

Insert ",within 15 days of receiving the report of harm,"

REPRESENTATIVE CLAMAN objected for the purpose of discussion.

REPRESENTATIVE STORY explained that Amendment 1 is a response to discussion during the previous hearing of HB 297 [on 2/22/22] when it was brought up that it would be good to add a notification time limit to HB 297. She said that both the bill sponsor and OCS are comfortable with the number of days prescribed in the amendment.

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REPRESENTATIVE CLAMAN withdrew his objection.

1:10:19 PM

REPRESENTATIVE NELSON objected for the purpose of discussion. He asked Representative Story if she would be comfortable with changing the language "report of harm" to "OCS opening investigation". He said his concern is having a report be filed and subsequently found to have been wrongly put forward, but nevertheless ending up on the soldier's record.

REPRESENTATIVE STORY responded that Amendment 1 just adds a time frame into the bill, and that the question might be better suited for the bill sponsor.

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REPRESENTATIVE TARR said she would not make such a change. She talked about the number of reports and the challenges in substantiating them. She emphasized the increased likelihood of positive outcomes with earlier intervention.

REPRESENTATIVE NELSON reiterated his concern about reports found later to be false becoming a mar on a military person's record and added that that can be a "career killer."

[1:15:16 PM](#)

TRAVIS ERICKSON, Deputy Director, Office of Children's Services, Department of Health and Social Services (DHSS) observed that the point in time when information would be shared and how it is described is fairly vague in the bill. He said it is important to specify whether or not a military referral would occur. He explained that 50 percent of reports made to OCS are "screened in" and 50 percent is "screened out"; therefore, if the decision is made to refer only families who had an investigation opened on them, the statistics suggest that only half of the reports made would then be followed up with Family Advocacy. He said the reason for a case getting screened out is due to duplicate referrals, or that a concern was investigated and did not reach the level of child maltreatment. He clarified that screened out reports do not go anywhere, so if there was going to be early military intervention via Family Advocacy, the family would not have that information for about 50 percent of those cases because they were screened out.

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REPRESENTATIVE STORY offered her understanding of the amendment.

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TANIA CLUCAS, Staff, Representative Grier Hopkins, Alaska State Legislature, on behalf of Representative Hopkins, prime sponsor of HB 296, shared that she spoke with social workers that work on military bases on whether a timeframe would be a useful tool. She relayed one worker's comment that most reports relate to child behavioral health issues rather than base situations, and that receiving a notification would help provide behavioral services assistance. She said the family would not be adversely impacted since there would be no "finding of abuse" via an OCS investigation.

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REPRESENTATIVE NELSON said he is supportive of the bill and reiterated his concern about career killer situations resulting from reports made that are later found unsubstantiated.

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CHAIR TUCK pointed to page 4 of a memorandum of understanding (MOU) [included in the committee packet] between the Fairbanks

NorthStar Borough (FNSB) and Fort Wainwright, which he read, "A credible report is information that appears to be reliable and factual, or an observation that appears to be accurate, either of which supports a tentative conclusion that child abuse occurred or that further investigation is warranted." He said the goal of HB 297 is getting services early and awareness. He stated that he shares the same concern as Representative Nelson, in that there needs to be caution with soldier's records. He asked Mr. Erickson whether the MOUs provided in the committee packet are from the military bases reporting to OCS more so than OCS reporting to the military installations. He read the first sentence of Section 2 of the bill, which read as follows:

If a report of harm concerns a child of a member of the armed forces of the United States who is on active duty, the department shall notify a designated authority at the duty station where the member is assigned that the department has received a report of harm concerning the child.

CHAIR TUCK offered his understanding that HB 297 would not give the state the ability to eliminate an MOU. He asked Mr. Erickson to clarify how OCS uses an MOU and whether the office reports to a military installation occurrences of child abuse within a military family that lives off base.

MR. ERICKSON responded that once OCS becomes aware that there is a family involved in a case, it alerts the Family Advocacy program. As to whether that notification was known to the worker at the time, he said he is unsure. He explained that HB 297 would bring consistent expectations statewide, and pointed out that the MOUs in place are individually developed yet somewhat dated. He said that OCS would still need to set up MOUs on a local basis regardless.

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REPRESENTATIVE CLAMAN noted Representative Nelson's previously expressed concern and observed that the language in the bill is not the language of the amendment because the amendment proposes only a timeframe for providing notice. He pinpointed from the previously read language in Section 2 the words: "the department shall notify a designated authority at the duty station". He asked how that is addressed in a scenario where the investigation determines there is not enough evidence to go forward. He said he does not believe the committee will get a

definitive answer on how the military deals with a report of harm.

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MR. ERICKSON said he considers himself a child advocate, and that after screening thousands of reported cases, there was concerning information relating to the child that remains locked in a government system, thus that information could not be used to help the family. He said he hopes there is a way to get such information about children and families in need prior to escalation to a maltreatment situation, and further, that the action would not be a career killer. He said the conversation touches on society's response to child maltreatment and what goes on in the privacy of home, as well as consideration on how those who are going through a hard time are treated. He stated that screened out reports are not getting any attention, and that there may be families that can benefit from resources.

[1:30:13 PM](#)

CHAIR TUCK informed members that Ms. Perreault is present for questions.

[1:30:59 PM](#)

REPRESENTATIVE NELSON restated his concern for the benefit of Ms. Perrault and asked her to walk the committee through the process that follows a report of harm.

[1:31:44 PM](#)

TAMMIE PERRAULT, Northwest Region Liaison, Defense-State Liaison Office, U.S. Department of Defense, relayed that the Family Advocacy program manager at Fort Wainwright stated that there are two ways the program is most commonly engaged in response. One is when it is an emergent case of child abuse and neglect typically notified via the emergency room or by law enforcement. She explained that it is not the role of Family Advocacy to be engaged with providing a report to the chain of command; if there is information that would be enough to open an investigation, law enforcement would be the one that provides it to the chain of command. She explained that if there is a potential case that has been notified off the military installation, Family Advocacy would get involved. She said the second scenario is when there is a notification of potential child abuse or neglect that has occurred in the past. In this

scenario, OCS and the Family Advocacy office work together to determine what needs to happen before chain of command and law enforcement involvement. She stated that DoD has a responsibility that goes beyond just protecting its soldiers, it must also protect the family of military members. In response to a question from Representative Nelson, she clarified that [under the second scenario] when an investigation is deemed necessary, [OCS and Family Services] would notify the military chain of command, and that involves law enforcement. In response to a follow-up question, she explained that nothing is put into a soldier's file until an investigation is concluded; the only thing that would be harmful to the soldier would be what the investigation found. She said there are scenarios where the investigation may not find anything, but the stressor or indication that something happened due to an investigation can impact the morale of how a soldier may respond.

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REPRESENTATIVE SHAW suggested that the answer to the previous line of questioning would be "innocent until proven guilty" and without that, the allegation would not go on the soldier's record. He explained that, according to an MOU, the supplier is required to notify OCS if they have reason to believe [that there was child abuse], and the receiver is required to share information pertaining to the alleged abuse. He offered his understanding that the report would not go on the military member's report until that person was proven guilty.

[1:40:16 PM](#)

CHAIR TUCK stated that the various MOUs are pretty good, and that he is unsure what HB 297 would do to make things better than what the MOUs already provide. He said the state has no authority to mandate that the DoD reports to OCS. He pointed to the DoD MOU with FNSB and read, "The State of Alaska, through the State Department of Health and Social services ... is responsible for the protection of abused children within the Fourth Judicial District." Further, "The commanding officer, by virtue of his inherent authority as commander, and through the specific authority granted to him under the Army Spouse and Child Abuse program ... is responsible for protection of those abused children of military families." He read, "The commanding officer's authority to provide protection for children of military families is limited, however, by the lack of federal judicial framework." He said that DoD relies on the judicial framework of the FNSB in order to further adjudicate. He said,

"For Wainwright, therefore, relies upon the State of Alaska, which has concurrent jurisdiction on the installation to exercise its authority where necessary, in cases of abused children of military families." He stated that he likes the collaborative nature of the MOU, in that it is a two-part conversation: If OCS needs to go on to a base to respond to a report of on-base abuse, DoD assists in OCS going into the base; if abuse is reported to have happened off base, OCS notifies the military installation. He stated that his concerns are addressed in the MOUs and he does not want to pass the bill if that were to make the MOUs no longer necessary. He further stated that the bill does not replace any MOU that needs to be in place, rather, it is the state doing its part in reporting to DoD.

[1:43:41 PM](#)

The committee took a brief at-ease at 1:43 p.m.

[1:44:09 PM](#)

REPRESENTATIVE NELSON removed his objection to the motion to adopt Amendment 1.

[1:44:12 PM](#)

REPRESENTATIVE CLAMAN removed his objection to the motion to adopt Amendment 1.

[1:44:21 PM](#)

CHAIR TUCK announced there being no further objection, Amendment 1 was adopted.

[1:44:42 PM](#)

The committee took a brief at-ease at 1:44 p.m.

[1:44:54 PM](#)

REPRESENTATIVE TARR moved to report HB 297, as amended, out of committee with individual recommendations and the accompanying zero fiscal note.

[1:45:14 PM](#)

CHAIR TUCK objected to the motion to make a statement. He said the MOUs do not address the report that goes to the active guard reserve members, and he noted that the bill addresses that. He then withdrew his objection.

[1:45:58 PM](#)

REPRESENTATIVE CLAMAN noted that the military should not have its limitation to the FNSB because there could be reports of abuse that relate to soldiers that don't live in FNSB.

[1:47:15 PM](#)

CHAIR TUCK announced there being no further objection, CSHB 297(MLV) was reported out of the House Special Committee on Military and Veterans' Affairs.

[1:48:13 PM](#)

ADJOURNMENT

There being no further business before the committee, the House Special Committee on Military and Veterans' Affairs meeting was adjourned at 1:48 p.m.