

SB

371 AM

"An Act relating to child protection, and providing for an effective date."

COMMITTEE REPORT

3/8/76

HOUSE

JUDICIARY

Mr. Speaker:

Date May 11, 1976

The Committee on HEALTH, EDUCATION & SOCIAL SERVICES has had SB 371 am

under consideration. A Majority of the members of the Committee

- recommends it DO PASS
- recommends it DO NOT PASS
- recommends it DO PASS WITH ATTACHED AMENDMENT(S)
- recommends it BE REPLACED WITH CS FOR _____ AND THAT CS FOR _____ DO PASS
- "and" recommends it BE REFERRED TO THE _____ COMMITTEE
- reports it back WITHOUT RECOMMENDATION
- "other"

Members signing the Majority report:

Susan Sullivan _____
John J. ... _____

Members NOT concurring in the Majority report:

Levin ... recommends: NO AFC
... recommends: ...
 _____ recommends:
 _____ recommends:
 _____ recommends:

Susan Sullivan Chairman

A M E N D M E N T

Offered in the HOUSE

By House HESS

To: _____ HOUSE BILL NO. _____

_____ SENATE BILL NO. 371 am

AMENDMENT: Page 1 Line _____

line 10 section (e) shall read "In all actions taken by the department or a health and social services agency of a local government under this chapter, that result in a judicial proceeding, the child shall be represented by a guardian ad litem in such proceedings."

~~Use of the words "child" and "neglect" insert, "on mental" between "physical" and "injury"~~



JUNEAU ALASKA

Alaska State Legislature

House

HOUSE HESS COMMITTEE MEETING

MAY 12, 1976

Present: Ostrosky Sullivan Hackney
Parr

Testifying: Gary Sheridan, Div. of Soc. Services
Lee Moelein, Evergreen Memorial Chapel
Marjorie Gorsuch, League of Women Voters
Robert Lapotnick

HCR 143 - Legislative Affairs Agency Study on aged Housing

Kathryn presented background reasons for her introducing this resolution. Louise Crane and Gregg Erickson, Legisl. Affairs there to answer questions.

Committee does not see why a new study has to be done, Gleen thinks the information is allready been studies and just has to be compiled. Also questioning the travel \$\$ and why two people needed to travel.

Amendment, p 1, line 25, after agency, add "in consultation with the Department of Health and Social Service".

amendment passed.

Letter of Intent -to be written to indicate that information should be pulled together from various agencies, office of agin, dept, etc. Envision utilizing personnel in other legislative affairs agencies in the state and legislators to accumulate and investigate.

REsolution adopted.

Erickson wants to know if this means reduced or 0 budget from now on regarding this resolution. Committee asks that Gregg redo fiscal note taking all possible economies and report back to committee.

SB 371 am Child protection

Amendment that was adopted last committee meeting regarding the definition of mental was deleted. Bill has one amendment that relates to guardian ad litem.

Motion to move bill - passed

SB 629 - Interstate Compact on Children - Chance

Gary Sheridan explains the need for this and why the Dept. would like to see it passed.

Genle Chance explains how other states have participated and passes around some info collected by other states.

Page 2
May 12

Gary has some proposed amendments, but the committee asks that he present those to the judiciary committee since this bill has another referral.

Motion to move bill out, passes

SB 653 - ~~Child Protection~~ Dept. Philo. on Children

Very little discussion, good bill
Motion to move bill out - do pass

SB 716 am Funeral and Mortuary Science

Lee Moelein, makes some proposed amendments
p 7, delete (3) problems with this by adding the cremation clause.
doesn't feel it is needed.



Alaska State Legislature

House

JUNEAU ALABKA

HOUSE HESS COMMITTEE MEETINGS

MAY 2, 1976

Present: Beirne Parr Hackney Sullivan
Ose Osterback Ostrosky

Testifying: Dave Walker, legislative attorney
Dr. Pauls, Dept. H&SS, Public Health
Gary Sheridan, H&SS Title XX expert
Ed Smith, NorthWest Foundation for Human Services, Dept. H&SS Consultant

HB 881 - Physician Patient Relationships

Dave Walker testifying aabout the C.S. he drew up. stated there are many cases now on appeal regarding laetrile. Concurs with Hugh Fleischer that there is no reason why the bill can't begin "no person, etc.

Amendment, line 9 delete, "The legislature declares, etc."
passed

Amendment, delete the words limited to board
passed

line 13, after drug insert "as so prescribed and adminin."
passed

many little amendments which Dave will include in the committee subst'tute.

Testimony from the research analyst regarding more cases involving interstate commerce and laetrile.

Committee spoke about whether the bill should specify that the Medical board is subject to the A.P.A. most everybdoy thought it allready, vote to decide if it should be included in bill, yes, include it

Does this exclude hospitals from interfering in the administration of laetrile in their hospital??? Walker, yes, you can not legislate that.

Include Charlies language for the second section of the bill
"No physician may be subject to disciplinary action by the State Medical Board of PSRO for prescribing or administering laetrile upon request by a patient under his care, unless the State Medical Board, after a hearing conducted in accordance with the Admin. Proced. Act has made a formal finding that laetrile is harmful."

Dr. Pauls, would like to see the generic name for laetrile inserted in the bill,
passed.

Walker, state med board would not have capabilities of making decisions, must have clinical evaluation.



Alaska State Legislature

House

JUNEAU ALASKA

Page 2, May 2, 1976

Mr. Parr amendment to create a new sec one, replacing existing bill motion fails

Motion to pass out bill with individual recommendations, having sect. one and two. (after walker drafts)
Passed

SB 371 am Child Protection - Chance

Bill identical to one that the House passed out last year with two exceptions this bill deleted mental and emotional.

Susan would like to put these two back in, committee discusses this for some time.

Gary Sheridan, for including these two words because we would not be entitled to Title XX money if it is not included, about \$25,000. Committee does not feel that that is relevant and will not let it influence their decision.

Ed Smith, reinforces Sheridans points, but adds more about the need for including of some form.

Delete , line 25 "child" and "neglect", insert "or mental" between physical and injury, line 25
amendment passed

Adopt language in HB for guardian ad litem, - passed

Amendment, motion to include "or mental" - passed
Amendment, motion to include, "emotional or" - fails

Charlie proposes definition to "mental abuse"
He will give to next committee meeting

SB 492 - Nursing bill

Testifying for the dpet., in favor of bill, approx 400 RN now
Nursing association in favor of this. All it does is raise some fees.

Motion to pass bill out bill a do pass- passes

I. REQUEST

Bill No. Senate Bill #371

Title: An act relating to child protection

Request by: Chance

Date: 5-30-75

Return Date Requested: 5-30-75

Agency: Dept. of Health and Social Services Program: Div. of Family and Children Svcs.

II. FISCAL DETAIL

Budget Request Unit(s) Affected:

A. EXPENDITURES: (Thousands of dollars)

OBJECT	FY 75	FY 76	FY 77	FY 78	FY 79	FY 80
100 PERSONAL SERVICES						
200 TRAVEL						
300 CONTRACTUAL						
400 COMMODITIES						
500 EQUIPMENT						
600 LAND & STRUCTURES						
700 GRANTS, CLAIMS, ETC.						
TOTAL						

B. FUNDING: (Thousands of dollars)

GENERAL FUND						
FEDERAL FUNDS						
OTHER						

C. POSITIONS:

PERMANENT/TEMPORARY	/	/	/	/	/	/
MAN MONTHS (P./T.)	/	/	/	/	/	/

III. ANALYSIS (See Fiscal Note Preparation Instructions, Section III)

Senate Bill #371 brings the Alaska Child Protection Statute into compliance with Federal Regulations. There are no fiscal implications in this bill.

IV. ATTACHMENTS

* Amended on floor
no additional fiscal
note

POSITION PAPER

ON

SENATE BILL NO. 371 am

"An Act relating to child protection; and providing for an effective date."

This bill would appear to require that a guardian ad litem represent the child in "all actions" taken by the department or a health and social services agency of a local government; would make it a misdemeanor to divulge confidential information, unless acting in accordance with department regulations; and, changes the definition of child abuse or neglect to include sexual abuse and maltreatment, and extends the definition to cover the threat of harm.

The requirement that a guardian ad litem represent the child in "all actions" taken by the department seems impractical and unnecessary. Impractical in that the receipt of a report of abuse or neglect, the investigation of the report and protective action which may be necessary would all come within the purview of "all actions." No guardian ad litem would be appointed or known during this phase of action.

As a public agency given legal authority to act to protect the child's rights, the department is both charged and authorized to represent the child's best interest, and is answerable for its actions not only to the Governor and Legislature, but to the people. The guardian ad litem is charged to assume a role as representative of the child's interests in relation to legal proceedings. We believe that this is proper. However, when that role is broadened as is provided for in the Bill, confusion regarding planning and service for the child will result. We believe that this would constitute a great disservice to the child and his/her parents.

The department has no objection to the amendment of AS 47.17.040(b), making it a misdemeanor to divulge confidential information, except as provided for in departmental regulations; nor does the department object to the expanded definition of child abuse or neglect, except that the proposed definition which concerns a "child under the age of eighteen" is in conflict with AS 47.17 070 (2), defining a child as "a person under 16 years of age. Objection is raised to the expansion of the role of the guardian ad litem.

The department does not support the Bill.

Recommended By [Signature] (Director) 3/16/76 (Date)

Approved by [Signature] (Commissioner) 3/18/76 (Date)

Comments by Governor's Office:

By: _____ (Date)

Should only have guardian ad litem if there were judicial proceeding

Should be changed on 070 (2) to 18/18