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Introduced: 1/29/86
Referred: Health, Education &
Social Services, Judiciary and
Finance

letter
1 3/20 7 note w/analysis } Supp 78
1 7 note

1 IN THE HOUSE

BY THE RULES COMMITTEE BY
REQUEST OF THE GOVERNOR

2 HOUSE BILL NO. 524

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 FOURTEENTH LEGISLATURE - SECOND SESSION

5 A BILL

6 For an Act entitled: "An Act relating to reporting of child abuse or
7 neglect."

8 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF ALASKA:

9 * Section 1. AS 47.17.070(2) is amended to read:

10 (2) "child abuse or neglect" means the physical injury or
11 neglect, mental injury, sexual abuse, sexual exploitation, or mal-
12 treatment of a child under the age of 18 by a person who is respon-
13 sible for the child's welfare under circumstances which indicate that
14 the child's health or welfare is harmed or threatened thereby;

15 * Sec. 2. AS 47.17.070(10) is amended to read:

16 (10) "sexual exploitation" includes [MEANS]

17 (A) allowing, permitting, or encouraging [PERMISSION
18 OR ENCOURAGEMENT TO] a child to engage in [FOR] prostitution
19 prohibited by AS 11.66.100 -- 11.66.150, by a person responsible
20 for the child's welfare;

21 (B) allowing, permitting, encouraging, or engaging in
22 [PERMISSION, ENCOURAGEMENT, OR] activity [INVOLVED IN THE UNLAW-
23 FUL EXPLOITATION OF A MINOR] prohibited by AS 11.41.455(a)
24 [11.41.455], by a person responsible for the child's [MINOR'S]
25 welfare.

BILL SHEFFIELD
GOVERNOR

Bill Sheffield
1/29



HB524

STATE OF ALASKA
OFFICE OF THE GOVERNOR
JUNEAU

January 29, 1986

The Honorable Ben Grussendorf
Speaker of the House
Alaska State Legislature
P.O. Box V
Juneau, AK 99811

Dear Representative Grussendorf:

Under the authority of art. III, sec. 18, of the Alaska Constitution, I am transmitting a bill amending two definitions in the child protection statutes, to bring our statutes into compliance with federal law.

The first amendment expands AS 47.17.070(2)'s definition of "child abuse or neglect" to expressly include "mental injury."

The second amendment clarifies AS 47.17.070(10)'s definition of "sexual exploitation." It makes clear that "allowing," i.e., not preventing, a child's participation in acts of prostitution, or engaging in conduct that constitutes criminal exploitation of a minor, is considered sexual exploitation for the purposes of finding child abuse or neglect.

By bringing Alaska's child protection statutes into compliance with the Child Abuse and Prevention Act, 42 U.S.C. sec. 5101 et seq., the amendments make the state eligible to receive federal grants for developing, supporting, and implementing child abuse and neglect programs. Alaska is currently operating under a one-year waiver of the federal eligibility requirements, granted June 26, 1985 by the regional administrator of the U.S. Department of Health and

Human Services. Because child abuse and neglect is a pressing problem in our state, and because federal support for our efforts to prevent and treat the problem is highly desirable, I urge your prompt passage of this bill.

Sincerely,

A handwritten signature in cursive script that reads "Bill Sheffield". The signature is written in dark ink and is positioned above the printed name and title.

Bill Sheffield
Governor

1/29/85

STATE OF ALASKA 1986 LEGISLATIVE SESSION FISCAL NOTE

Revision Date : _____

REQUEST HB 524 #1
 Bill/Resolution No. : Law #377-064-86
 Title : An Act relating to reporting of
child abuse or neglect

 Sponsor : _____
 Requestor : _____
 Date of Request : _____

FISCAL DETAIL
 Agency Affected : Public Safety
 BRU : Domestic Violence and Sexual
Assault

 Components : Domestic Violence & Sexual
Assault

EXPENDITURES/REVENUES : (Thousands of Dollars)

OPERATING	FY 86	FY 87	FY 88	FY 89	FY 90	FY 91
PERSONAL SERVICES		0	0	0	0	0
TRAVEL						
CONTRACTUAL						
SUPPLIES						
EQUIPMENT						
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
TOTAL OPERATING		0	0	0	0	0

CAPITAL						
---------	--	--	--	--	--	--

REVENUE						
---------	--	--	--	--	--	--

FUNDING : (Thousands of Dollars)

GENERAL FUND		0	0	0	0	0
FEDERAL FUNDS						
OTHER						
TOTAL						

POSITIONS :

FULL-TIME						
PART-TIME						
TEMPORARY						

ANALYSIS : Attach a separate page if necessary. No financial impact. According to AS 18.66.010, the purpose of the Council on Domestic Violence and Sexual Assault is to provide for planning and coordination of services to victims of domestic violence, sexual assault or to their families; to perpetrators of domestic violence and sexual assault; to provide for crisis intervention and prevention programs. This fiscal note expands the definition in the Child Protection Statute of Alaska.

Prepared by : Joseph Reeves, Budget Analyst Phone : 465-4349
 Division : Administrative Services Date : 12/2/85

Approved by Commissioner : [Signature] Date : 12/3/85
 Agency : _____

Distribution (by Agency preparing fiscal note) :

- Legislative Finance
- Legislative Sponsor
- Requestor
- Office of Management and Budget
- Impacted Agency(ies)

STATE OF ALASKA 1986 LEGISLATIVE SESSION

FISCAL NOTE

1/29

pg 1 of 8

REQUEST HB 524 #2
 Bill/Resolution No.: 377-064-86
 Title: An Act relating to the protection of children - mental injury
 Sponsor: Judiciary
 Requestor: _____
 Date of Request: 12/18/85

Revision Date: _____

FISCAL DETAIL
 Agency Affected: DHSS-DFYS
 BRU: _____
 Components: _____

EXPENDITURES/REVENUES : (Thousands of Dollars)

OPERATING	FY 86	FY 87	FY 88	FY 89	FY 90	FY 91
PERSONAL SERVICES		196.5	196.5	196.5	196.5	196.5
TRAVEL		10.5	10.5	10.5	10.5	10.5
CONTRACTUAL		27.3	2.5	2.5	2.5	2.5
SUPPLIES		2.5	2.5	2.5	2.5	2.5
EQUIPMENT		7.3				
LAND & STRUCTURES						
GRANTS, CLAIMS		248.4	248.4	248.4	248.4	248.5
MISCELLANEOUS						
TOTAL OPERATING		492.5	460.4	460.4	460.4	460.4

CAPITAL						
---------	--	--	--	--	--	--

REVENUE						
---------	--	--	--	--	--	--

FUNDING : (Thousands of Dollars)

GENERAL FUND		492.5	460.4	460.4	460.4	460.4
FEDERAL FUNDS						
OTHER						
TOTAL		492.5	460.4	460.4	460.4	460.4

POSITIONS :

FULL-TIME		5	5	5	5	5
PART-TIME						
TEMPORARY						

ANALYSIS : Attach a separate page if necessary

Prepared by: Michael J. Price
 Division: Family and Youth Services
 Approved by Commissioner: John R. Poy
 Agency: DHSS

Phone: 465-3170
 Date: 12/24/85
 Date: 12/31/85

Distribution (by Agency preparing fiscal note):
 Legislative Finance
 Legislative Sponsor
 Requestor
 Office of Management and Budget
 Impacted Agency(ies)

HB 524 #2
pg 278

FISCAL NOTE
FOR MENTAL INJURY

In FY 85, a zero fiscal note was submitted with similar legislation and was later amended in committee through a memo from Commissioner John Pugh to \$1.5 million based on subsequent analysis (copy attached). Recently the division has had an opportunity to discuss the analysis prepared for Representative Gruenberg with a national expert in mental injury, James Garbarino. Our fiscal note is revised based on his analysis of the probable financial impact. A brief summary of his analysis is presented under the heading "Assumptions" below. The division hopes to obtain, through contract with Mr. Garbarino in early January, an in-depth analysis of issues summarized below for attachment to this note.

Assumptions

Total caseload percentage growth per year for child abuse and neglect in Alaska has exceeded the national percentage for the past several years. Attached is a chart showing the national percentage increase in FY 84 to be 14%. The growth for the same time and client category in Alaska was 18%. Although caseloads continue to increase nationally, they are increasing at a lower rate. The trend in Alaska is expected to more closely parallel the national growth rate in upcoming years. Because Alaska is presently reporting at a higher rate than other states, it is anticipated that the total increase in caseload would not be as significant as previously thought. This is so because, unlike sexual abuse cases which increased dramatically after they were included in the definition of child abuse, mental injury cases are already being dealt with by other professionals such as private therapists and school personnel and are currently being reported to some extent under other categories of abuse/neglect. It is anticipated that the inclusion of mental injury would increase the caseload the first year 2% to 3% rather than 5% as previously indicated. Additionally, if the five clinical psychologist positions included in the Governor's budget are funded, the cost of evaluations for the division would decrease.

Program Summary

A caseload increase of two to three percent, rather than five percent, would translate into approximately half the resource requirements identified in the attached analysis prepared for Representative Gruenberg last year.

1. Positions Needed

5 Total

4 Social Workers
1 Clerical

Total Personnel and Support Costs

\$ 244,100

HB 524 # 2
JS 878

2. Psychological evaluations \$ 25,000

(This amount would be reduced even further if the request for funding of Division clinical psychologists is made available)

3. Psychological Counseling \$ 90,000

(This amount would be reduced even further if the request for funding of Division clinical psychologists is made available)

4. A. Substitute Care

19 FTE's @ 19.24 per day = \$ 133,422

TOTAL \$ 492,522

Federal Receipts

Passage of this legislation would place Alaska in compliance with the Child Abuse and Prevention Act causing the State to be eligible to receive federal grants for developing, supporting, and implementing child abuse and neglect programs. While the federal grant fund cannot replace or supplant State money or responsibilities, the grants greatly assist the State in developing child protection programs. During FY 85 (conditional upon attempts to secure passage of this legislation) the State is receiving \$109,939 in Child Abuse Prevention and Treatment Act Grant Funds. A minimum of \$79,000 in grant funds is anticipated for FY 87. If passage of the legislation is not secured, grant funds will not be available to Alaska after FY 87.

While securing federal funds is important during a period of declining oil revenues, this legislation is also sound social policy.

Prepared by: Michael L. Price, Director
Division: Division of Family and Youth Services

Frank Harkin
for

Position Title <u>Social Worker III</u>			No. of Positions <u>1</u>	Range/Step <u>16/A</u>	Barg. Unit <u>GGU</u>	Gov. <u>Leg.</u>	Approv. <u></u>	Disapp. <u></u>	
Time Status <u>PTF</u>	Staff Months <u>12</u>	RP Number <u></u>	Location <u>Juneau</u>		Election District <u></u>	Leg. <u></u>	Approv. <u></u>	Disapp. <u></u>	
Type of Expenditure			Justification						
		Amount	Responsibility to investigate reports of harm to children and to formulate a judgement to remove or not remove a child from an abusive situation. This entails an assessment of the client's emotional and environmental situation that may or may not be in crisis. Information is prepared for custody hearings based on established investigation techniques and close observation of client's actions and behaviors. Information must be verified and logically organized into a plan of treatment and care with recommendations for further action if necessary.						
1	2	3							
Salary	33,660								
Benefits	7,332								
Premium Pay									
Other									
Total Personal Services		40,992							
Travel		1,500							
Contractual		5,950							
Commodities		400							
Equipment		1,367							
Other									
Total Cost		50,109							
Receipt Code	Funding Source								
	Federal Receipts	1002							
	G. F. Match	1003							
	General Funds	1004							50,109
	I-A Receipts	1005							
	Program Receipts	1028							
	CIP Receipts	1061							
	Other								
For B&M Use Only									
Key Number _____									

**Request For
New Position**

Agency Health & Social Services
 DRU Social Services
 Component Southeastern

AB 524 #2

FY 87

Page 1 of 1
 Revised Date _____

PS 488

Position Title Social Worker III			No. of Positions 1	Range/Step 16/A	Barg. Unit GGU	Gov.	Approv.	Disapp.
Time Status PFT	Staff Months 12	RP Number	Location Fairbanks		Election District	Leg.		
Type of Expenditure			Justification					
1		2	3					
Salary		38,772	Responsibility to investigate reports of harm to children and to formulate a judgement to remove or not remove a child from an abusive situation. This entails an assessment of the client's emotional and environmental situation that may or may not be in crisis. Information is prepared for custody hearings based on established investigation techniques and close observation of client's actions and behaviors. Information must be verified and logically organized into a plan of treatment and care with recommendations for further action if necessary.					
Benefits		6,431						
Premium Pay								
Other								
Total Personal Services		45,203						
Travel		1,500						
Contractual		5,950						
Commodities		400						
Equipment		1,367						
Other								
Total Cost		54,420						
Receipt Code		Funding Source						
		Federal Receipts 1002						
		G. F. Match 1003						
		General Funds 1004		54,420				
		I-A Receipts 1005						
		Program Receipts 1028						
		CIP Receipts 1061						
		Other						
For B&M Use Only Key Number _____								

**Request For
New Position**

Agency Health & Social Services
 BRU Social Services
 Component Northern

Page 1 of 1
 Revised Date

FY 87

HB 524 # 2

78598

Position Title Social Worker III			No. of Positions 2	Range/Step 16/A	Barg. Unit CGU	Gov.	Approv.	Disapp.
Time Status PFT	Staff Months 12	RP Number	Location Anchorage		Election District	Leg.		
Type of Expenditure			Justification					
Amount			Responsibility to investigate reports of harm to children and to formulate a judgement to remove or not remove a child from an abusive situation. This entails an assessment of the client's emotional and environmental situation that may or may not be in crisis. Information is prepared for custody hearings based on established investigation techniques and close observation of client's actions and behaviors. Information must be verified and logically organized into a plan of treatment and care with recommendations for further action if necessary.					
1	2	3						
Salary	67,320							
Benefits	14,664							
Premium Pay								
Other								
Total Personal Services		81,984						
Travel		3,000						
Contractual		11,900						
Commodities		800						
Equipment		2,734						
Other								
Total Cost		100,418						
Receipt Code	Funding Source							
	Federal Receipts	1002						
	G. F. Match	1003						
	General Funds	1004	100,418					
	I-A Receipts	1005						
	Program Receipts	1028						
	CIP Receipts	1061						
	Other							
For B&M Use Only								
Key Number								

**Request For
New Position**

Agency Health & Social Services
 BRU Social Services
 Component Southcentral

HB 524 # 2
 Page 1 of 1
 Revised Date

FY 87

786 of 8

Position Title Clerk-Typist III			No. of Positions 1	Range/Step 8A	Barg. Unit CCU	Gov.	Approv.	Disapp.
Time Status PFT	Staff Months 12	RP Number	Location Anchorage		Election District	Leg.		
Justification								
<p>The September 18, 1984 Report to the Governor on Child Abuse and Neglect in Alaska showed that clerical support staff had only increased 6% during the period FY 78 through FY 83 while the caseload increased 173%. The result was that social workers were performing a large amount of clerical work. While 15 clerical support positions were funded by the legislature for FY 86, the clerical shortage is a continuing problem.</p> <p>This clerk-typist III will perform a clerical support function in the Anchorage Service Unit, typing court documents and preparing other materials as required.</p>								
Type of Expenditure			Amount					
1	2	3						
Salary	20,316							
Benefits	5,963							
Premium Pay								
Other								
Total Personal Services		26,279						
Travel		-0-						
Contractual		5,950						
Commodities		400						
Equipment		1,367						
Other								
Total Cost		33,996						
Receipt Code		Funding Source						
		Federal Receipts 1002						
		G. F. Match 1003						
		General Funds 1004 33,996						
		I-A Receipts 1005						
		Program Receipts 1028						
		CIP Receipts 1061						
		Other						
For B&M Use Only Key Number _____								

**Request For
New Position**

Agency Health & Social Services
 BRU Social Services
 Component Southcentral

14B524 #2
 Page 1 of 1
 Revised Date

FY 87

75778

April 8, 1985

The Honorable Max Gruenberg
Alaska State House
Pouch V
Juneau, AK 99811

Dear Representative Gruenberg:

This letter is to provide you information regarding the impacts of inclusion of "mental injury" in H.R. 88.

While the per capita reporting of physical abuse and neglect in Alaska is twice the national average, the percentage breakdowns for physical abuse, child sexual abuse, and neglect are comparable ("Trends in Child Abuse and Neglect: A National Perspective"). That is to say, the proportions of abuse and neglect in Alaska parallel the national occurrence for these categories. Hence, it may be assumed that should the State implement mental injury reporting requirements, the impact would be comparable to the national experience. Nationally, emotional maltreatment was reported as a type of harm suffered in 17% of all reported cases of child abuse or neglect from 1976 - 1982. I estimate the ultimate number of mental injury reports in Alaska to be somewhat lower - approximately 10% of abuse/neglect reports - since some mental injury cases are already being dealt with under existing law, AS 47.10.010 (a)(2)(B), and because some overlap occurs. Reports of harm may include more than one type of maltreatment, e.g., physical abuse and mental injury so that the expected number of reports which involved only mental injury would be lower than 17% of the total, more likely about 10%. I would also expect that the full impact of implementing mental injury reporting requirements would not be experienced immediately. Rather, it would occur over a period of time as public awareness increased and reporting became more familiar with both the requirement to report and indicators of emotional maltreatment. As explained, I would estimate a 10% increase in total child protection reports to ultimately occur. However, I project only a 5% increase during the first year of implementation, with additional increases in succeeding years. Based on FY 84 caseloads, this would mean an additional 527 reports in FY 85, increasing to over 1,000 additional reports by FY 88.

Because of the nature and complexity of these cases, mental injury investigations are expected to require approximately twice the staff time needed to investigate reports of other types of harm. It is much easier to assess observable, physical evidence such as bruises, than it is to confirm a child's aberrant behavior as being the result of the parents' actions. A very conservative estimate of time needed would

indicate two full work days per mental injury investigation. At a minimum, five additional investigative staff would be required statewide in FY 86 to respond to these additional reports.

Of the 527 intakes, it is estimated that 150, or approximately 30%, would become ongoing cases. This percentage is significantly less than the 50 - 55% of all abuse and neglect reports that become open cases, according to our Anchorage line staff estimate. The difference again reflects the complexity of substantiating mental injury. Using the State's caseload standard of 50 cases per worker, 3 additional line workers would be required to provide ongoing services. Total investigative, ongoing services, and clerical staff need in FY 86 would be 10.

Because of the nature of the presenting problems, considerable treatment resources would need to be provided to children who are diagnosed as being mentally abused. These costs for FY 86 would be as follows:

1. Psychological evaluations	\$ 47,000
(50% of all reports @ \$150/evaluation - evaluation necessary to assess mental injury)	
2. Psychological counseling	\$120,000
(50% of ongoing cases will require psychological sessions for 3 months, twice monthly for 9 months @ \$80/session)	
3. Substitute Care	
A. Foster care	\$310,000
(33 FTE's @ \$ 19.24/day)	
B. Institutional care	\$473,500
(11 FTE's @ \$121.00/day)	

The number of psychological evaluations and the level of ongoing psychological counseling is expected to be higher than what is being provided to other abuse and neglect clients as a result of behavioral impairment. Substitute care estimates are based on the level of out-of-home care now being provided to children in custody.

The total estimated cost for FY 86 is as follows:

1. Staff/support costs	\$ 870.0
2. Psychological services	127.0
3. Institutional care	473.5
4. Foster care	310.5
	<u>\$ 1,801.0</u>

Rep. Max Gruenberg

- 3 -

April 8, 1985

Costs for succeeding years would, of course, reflect increases based on projections from actual cases in FY 85.

I hope this information is helpful when assessing the inclusion of mental injury in proposed legislation.

Sincerely,

John R. Pugh
Commissioner

cc: The Honorable Peter Goll
Alaska State House

JRP:MLP:FH:jsd

bcc: Division of Family and Youth Services

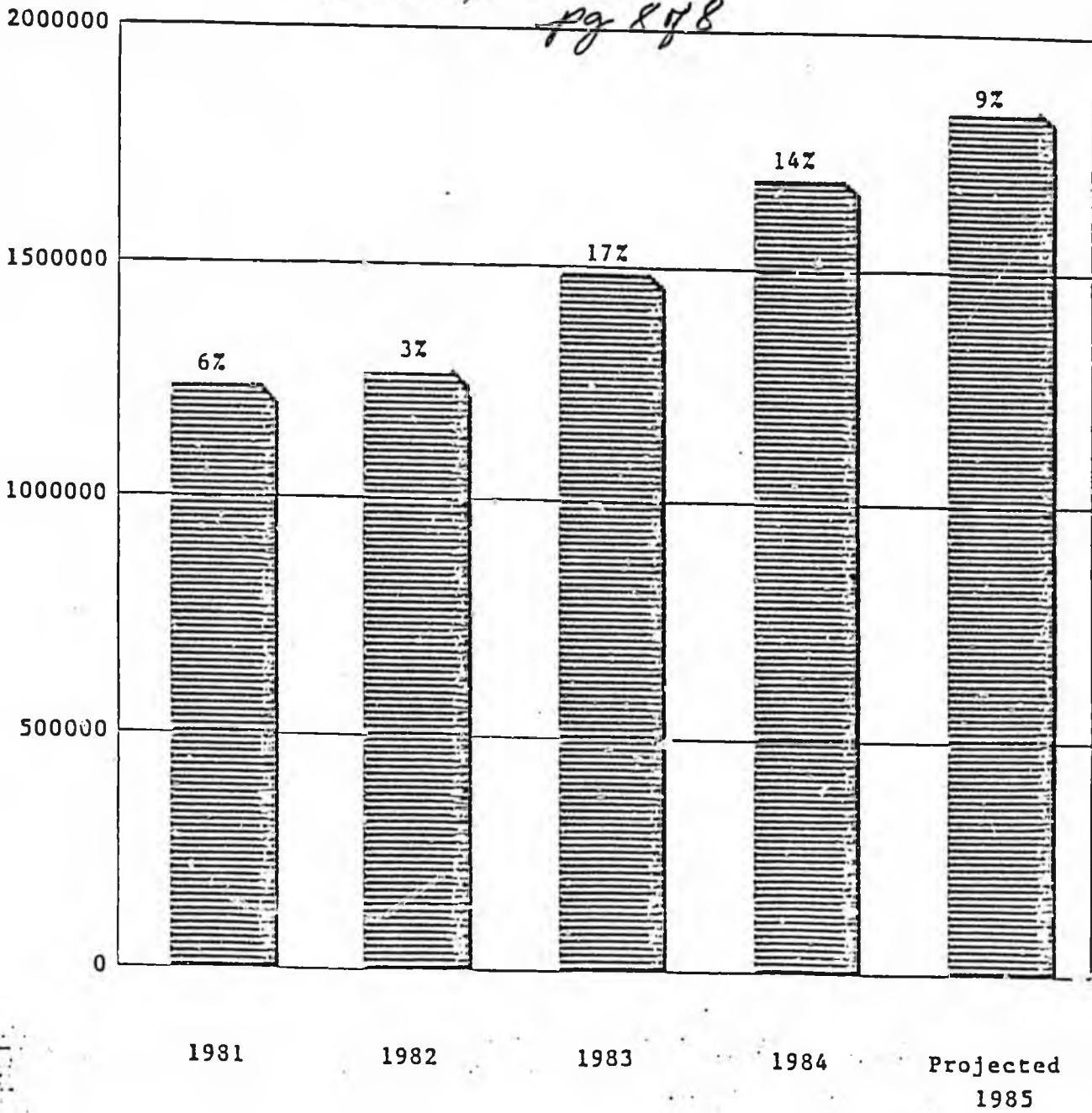
5/HFRNK2/Goll, Gruenberg Ltr/D43259/F#790,HB 83/4-4-85

FIGURE I

ACTUAL AND PERCENTAGE INCREASE IN NUMBERS OF CHILDREN REPORTED NATIONWIDE AS ABUSED AND NEGLECTED: 1981-1985

Numbers of Children

*HB 524 # 2
pg 278*



ALASKA STATE LEGISLATURE

14th... Legislature ..SECOND Session

HOUSE BILL..... NO. 524...

By ..THE RULES COMMITTEE BY...
REQUEST OF THE GOVERNOR

"An Act relating to reporting of
child abuse or neglect."

child abuse

Introduced in the House1/29., 19. 86

HISTORY IN THE HOUSE

1986

Jan 29

Read first time and referred
to Committee on

HESS, JUDICIARY AND
FINANCE

Reported back with
recommendation that

Read second time and

Read third time and

PASS	Effective Date
Yeas	Yeas
Nays	Nays
Absent	Absent
Excused	Excused

Reconsideration

PASS	Effective Date
Yeas	Yeas
Nays	Nays
Absent	Absent
Excused	Excused

Reported correctly engrossed
Signed by Speaker
Sent to Senate

CHIEF CLERK OF THE HOUSE

HISTORY IN THE SENATE

19

Read first time and referred
to Committee on

Reported back with
recommendation that

Read second time and

Read third time and

PASS	Effective Date
Yeas	Yeas
Nays	Nays
Absent	Absent
Excused	Excused

Reconsideration

PASS	Effective Date
Yeas	Yeas
Nays	Nays
Absent	Absent
Excused	Excused

Reported correctly engrossed
Signed by President
Returned to House

SECRETARY OF THE SENATE

HISTORY IN THE HOUSE

19

Received from Senate

Concurred in Senate amendment
thus adopting:
VOTE

Failed to concur in Senate amend-
ment; asked Senate to recede
VOTE

Senate receded from amendment
VOTE

Senate failed to recede from
amendment
VOTE

CC appointed by House

CC appointed by Senate

CC adopted by House
VOTE

CC adopted by Senate
VOTE

To enrolling
Reported correctly enrolled
Sent to Governor

..... by Governor

Filed with Lt. Governor

Chapter No.

Original sponsors: Goll and Gruenberg

1 IN THE HOUSE

BY THE HEALTH, EDUCATION AND
SOCIAL SERVICES COMMITTEE

2 CS FOR SPONSOR SUBSTITUTE FOR HOUSE BILL NO. 471 (HESS)

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 FOURTEENTH LEGISLATURE - SECOND SESSION

5 A BILL

6 For an Act entitled: "An Act relating to the abuse and neglect of chil-
7 dren."

8 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF ALASKA:

9 * Section 1. AS 47.17.020 is amended by adding a new subsection to
10 read:

11 (e) A person listed in (a) of this section, who in the perfor-
12 mance of the person's occupational duties has cause to believe that a
13 child has suffered harm as a result of abuse or neglect, shall prompt-
14 ly report the harm to the nearest law enforcement agency if the person
15 making the report (1) has cause to believe that the harm was caused by
16 a person who is not responsible for the child's welfare; or (2) is
17 unable to determine (A) who caused the harm to the child; or (B)
18 whether the person who is believed to have caused the harm has respon-
19 sibility for the child's welfare. If a person making a report under
20 this subsection cannot reasonably contact the nearest law enforcement
21 agency, and immediate action appears necessary for the well-being of
22 the child, the person shall make the report to the nearest office of
23 the department. The department shall take immediate action to protect
24 the child and shall, at the earliest opportunity, notify the nearest
25 law enforcement agency. In this subsection, "abuse" means the phys-
26 ical injury, sexual abuse, sexual exploitation, or maltreatment of a
27 child by any person under circumstances that indicate that the child's
28 health or welfare is harmed or threatened.