

HB

241

STATE OF ALASKA
THE LEGISLATURE

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JUNEAU, ALASKA 99811
907-465-3800

May, 1988

Copies of minutes listed below were originally included in this file. The minutes are available on the STAIRS database CMPR. In order to save space copies of minutes have not been left in the files.

Mary Van Nimwegen

House Hess:

May 8, 1987

HB 241 An Act providing for independent
 investigation of complaints against foster
 parents.

FILE CONTENTS

- 1) Copy of HB 241
- 2) Alaska Foster Parents Association position paper
- 3) Alaska Foster Parents Association paper re fair
 hearing process
- 4) Petition, AFPA
- 5) Position Paper, DFYS, 5/4/87, with fiscal note




Alaska State Legislature
House of Representatives
COMMITTEE ON HEALTH, EDUCATION
AND SOCIAL SERVICES

OFFICIAL BUSINESS

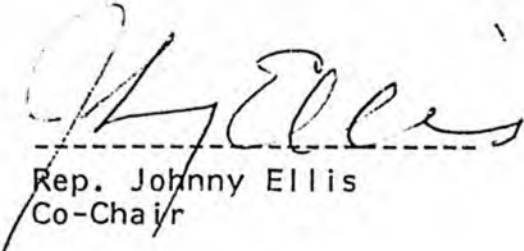
POUCHV
JUNEAU, AK 99811
465-3759

LETTER OF INTENT
FOR CS HB 241 (HESS)

The Legislature intends that the Department of Health and Social Services shall adopt regulations which clarify that during emergency and regular investigations of complaints against foster homes, the authority for oversight of investigations shall be placed with the manager of the office in the region where the complaint was filed, with final determination the responsibility of the director of the Division of Family and Youth Services.



Rep. Niilo Koponen
Co-Chair



Rep. Johnny Ellis
Co-Chair

**STATE OF ALASKA 1987 LEGISLATIVE SESSION
FISCAL NOTE**

REQUEST: _____

Bill Version : CSHB 241 (HESS)

Publish Date : _____

Revision Date: _____

Agency Affected: DH&SS

Title: An Act providing for independent investigation of foster parents

BRU: Social Services

Sponsor: _____

Components: _____

Requestor: _____

EXPENDITURES/REVENUES: (Thousands of Dollars)

OPERATING	FY 87	FY 88	FY 89	FY 90	FY 91	FY 92
PERSONAL SERVICES						
TRAVEL						
CONTRACTUAL						
SUPPLIES						
EQUIPMENT						
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
TOTAL OPERATING		- 0 -	- 0 -	- 0 -	- 0 -	- 0 -

CAPITAL		- 0 -	- 0 -	- 0 -	- 0 -	- 0 -
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REVENUE		- 0 -	- 0 -	- 0 -	- 0 -	- 0 -
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FUNDING: (Thousands of Dollars)

GENERAL FUND		- 0 -	- 0 -	- 0 -	- 0 -	- 0 -
FEDERAL FUNDS						
OTHER						
TOTAL		- 0 -	- 0 -	- 0 -	- 0 -	- 0 -

POSITIONS:

FULL-TIME						
PART-TIME						
TEMPORARY						

ANALYSIS : (Attach a separate page if necessary)

Prepared by: Yvonne M. Chase, Director *AMC* Phone: 465-3170

Division: Family & Youth Services Date: May 6, 1987

Approved by Commissioner: Myra M. Munson, Commissioner *Myra Munson* Date: _____

Agency: Health & Social Services

Distribution (by preparer):

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

Proposed Amendment to CSHB 241 (HESS)

Submitted by the Department of Health and Social Services

AS 47.35 is amended by adding a new section to read:

Sec. 47.35.065. INVESTIGATION OF COMPLAINTS. Except in emergency situations when only the licensing employee is available, a complaint filed with the department concerning a foster home may not be investigated by the employee who licensed the foster home against which a specific complaint has been filed.

* * * *

Proposed intent language:

The Legislature intends that the Department of Health and Social Services shall adopt regulations which clarify that during emergency and regular investigations of complaints against foster homes, the authority for oversight of investigations shall be placed with the manager of the office in the region where the complaint was filed, with final determination the responsibility of the director of the Division of Family and Youth Services.



Alaska Foster Parents Association

P. O. BOX 140651 • ANCHORAGE, ALASKA 99508

COMPLAINT INVESTIGATIONS OF FOSTER HOMES 1987



FEB 13 1987

A continuing priority of Alaska Foster Parent Association since 1980, this problem must be at least partially addressed by the legislature. This is an extremely complex issue because it deals with not only child abuse and neglect allegations, but violations of regulations that can be interpreted in numerous ways, and that foster parents fall under special rules that do not apply to most families.

POSITION: Legislation and agency policy must be developed that deals with the many facets of this complex problem. Resolutions must include the recognition of the unique positions of foster parents--a position that is different than any other situation including parenting and day care. Since the Division of Family & Youth Services is responsible for enforcing child protection law and administering and supervising the foster care program, certain conflicts of interest exist. A separate individual or agency must be established in each area to investigate complaints against licensed homes and report directly to DFYS with their findings and recommendations for any further action.

Needing to be clarified are the intent of regulations, what foster parents can be investigated for, the difference between a concern and a complaint, defining abuse (which is interpreted different in foster homes than in biological families), implementation of complaint investigation procedures, and when foster children are to be removed and replaced in the foster home

JUSTIFICATION:

It must be made clear that AFPA, under no circumstances condone child abuse or neglect or flagrant disobedience to foster care regulations. However, we do believe in the innocence of individuals until proven otherwise and their right to a fair, unbiased investigation and hearing. We also feel foster parents have the right to clear, consistent, and known expectations and support from the agency they serve. Children and youth are sometimes severely hurt when they are moved and this damage can be more destructive than the concern that began the process. The community and various agencies do not recognize the vulnerability of foster parents to false reports from children, parents, the community, or inter-agency. Foster parents are in a unique position that is not matched anywhere and yet, as licensed facilities, should have the support and help of the agency they serve without compensation for time, knowledge, or efforts. The agency/worker conflict of interest is very apparent when the same worker who recruits, trains, licenses, and supports the foster parents and is their advocate within the agency becomes the investigator and prosecutor when any allegations are made against a foster home. Different areas of the state and even different workers interpret the regulations and incidences various ways. Foster parents are not sure what they can be investigated for and do not have the facts to be able to protect themselves. Investigations usually destroy the foster home and cause us to lose many valuable, experienced foster parents each year due to false allegations.

FUNDING: No additional funds are needed.



Alaska Foster Parents Association

P. O. BOX 8651 • ANCHORAGE, ALASKA 99508



CHILD ABUSE/NEGLECT ALLEGATIONS IN FOSTER/ADOPTIVE FAMILIES

1986

PROBLEM: Foster families and adoptive families are especially vulnerable to reports of abuse/neglect as outlined on the following page in the POLICY STATEMENT.

The Division of Family & Youth services, responsible for all such complaints, their investigations and disposition, does not recognize the vulnerability of foster parents from the children, community, or inter-agency reports. Foster/adoptive parents are often investigated in ways that ruin their reputation on their job, at church, with friends and neighbors, or with the children. Since foster/adoptive families are working to raise children with special needs and problems it is often necessary to use behavior management techniques not known or understood even by the social worker, but accepted in institutions, group homes, and by "professionals".

RECOMMENDATIONS: Provide for a "screening process" to assure that only valid complaints are investigated.

Establish an independent individual, agency to conduct the investigation; relate their findings to DFYS for appropriate action.

Recognize the conflict of interest that exists when the agency that investigates then licenses foster parents (and does home studies and places adoptive children) & provides supervision becomes the investigator when complaints of child abuse/neglect or regulation violations are logged.

Enclosed: Position Statement accepted by the Alaska Foster Parent Association 12-10-84
Resolution accepted by Alaska Foster Parent Assn, chartered local associations, and individual foster parents 3-83

POSITION STATEMENT

RE: CHILD ABUSE/NEGLECT ALLEGATIONS IN FOSTER/ADOPTIVE FAMILIES

The Alaska Foster Parent Association, herein referred to as AFPA, is an organization of foster child care workers and concerned citizen. We are extremely concerned about the increasing number of allegations of child abuse/neglect among foster/adoptive parents. This problem is apparent in Alaska and throughout the country.

Under no circumstances do we condone child abuse/neglect in any family. However, we recognize there are circumstances which make some foster/adoptive families especially vulnerable to reports of abuse/neglect and susceptible to misjudgments. These circumstances are as follows:

Children who have experienced the uncertainties and insecurities of years of foster care, often with multiple moves, have been damaged in ways which affect their behavior for years. Many children who have suffered such damage have learned maladaptive or anti-social coping behaviors, thus are manipulative, unable to trust, lack a sense of honesty and responsibility, and are deficient in many areas of their development.

Such children, due to their histories, typically behave in ways which jeopardize the security and stability of the families diligently striving to undo some of the damage of the past and to help the children develop more appropriate and socially acceptable behaviors. These children often lie and play on the responses of other adults who do not view their behaviors in the context of the children's prior experiences. Some children deliberately hurt those who offer help and try to destroy close relationships. After a sequence of adult rejections, they cannot accept that others care about or love them. It is not uncommon for the children themselves to make false reports of abuse/neglect in an effort to control adult behavior or to deal with fears of close relationships.

Foster/Adoptive parents of difficult or emotionally disturbed children are often subjected to community scrutiny and suspicion that biological families do not experience. Foster/adoptive families are sometimes highly visible in their communities due to their size or composition. Many people do not understand why someone would choose to adopt/foster older children, large numbers of children, children with handicapping conditions or negative histories. Hence, they are suspicious of the parents' motives.

This lack of understanding can also apply to the agencies responsible for investigations of alleged abuse/neglect. In addition, agency standards for investigations are not uniform in practice nor necessarily of high quality. Protective services workers may be untrained or inexperienced. Workers may not be familiar with the complexities of the pathologies displayed by the children and the stresses they bring to family living.

The child's psychological, medical, and educational records may not be considered in an investigation. Appropriate child management techniques and therapeutic interventions may be viewed out of context by those not familiar with their purposes. Unsubstantiated charges can go unchallenged, and the Alaska standard in child abuse/neglect investigations can result in overly subjective decisions.

Due to these factors, foster/adoptive parents can be unfairly targeted and unduly stressed. Instead of receiving support and assistance from the community, they may be forced to expend their energies on defending themselves rather than getting on with their parenting job.

Parents who have foster and adopted children join with all parents in seeking acceptance and support from their communities. We share a commitment to our children and a belief in the value of family life. Above all, we seek the health and well-being of all of our children. Therefore, we support the following:

1) Increased efforts to identify child abusers/neglectors to assure that all children are safe and that their parents provide nurturing environments.

2) Increase preventive, corrective, and rehabilitative services. All parents must have continuous opportunities to learn about and improve parenting skills. Community agencies must provide on-going and widely publicized programs. Young people must have instruction in the area of children's psychological and physical needs in order to prepare them for parenting.

3) Provision of on-going support and educational services to parents adopting or providing foster care for children with special needs. We encourage Social Services Departments to use Preventive Services monies and resources in order to prevent the disruption of families with special needs children.

4) Higher standards for the selection of protective services workers and increased training requirements. Continuing education must be provided concerning adoptive and foster families and the behaviors presented by some adoptive and foster children. Workers must be required to include in their investigations all historical information on the child as well as testimony from knowledgeable therapists, educators, and medical resources.

5) Appropriate legislation or regulation to assure the above.



Alaska Foster Parent Assn.



Alaska Foster Parents Association

P. O. BOX 8651 • ANCHORAGE, ALASKA 99508



RESOLUTION

Whereas foster parents are a valuable resource to the community and the Division of Family and Youth Services in taking full day to day responsibility for over 840 children in foster care;

Whereas foster parents save the State of Alaska an average of \$101. per day per child equalling over \$30,000,000. yearly over institutional care;

Whereas foster parents volunteer their services, for which they are not paid, to the Division of Family and Youth Services and other child placing agencies;

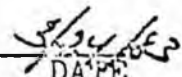
Whereas foster parents are putting themselves in a vulnerable position by taking children and youth who often have problems either due to separation from their families or the circumstances leading up to their separation resulting in angry, hurt, rebellious, often disturbed youngsters;

Whereas foster parents are licensed by the Division of Family and Youth Services and the Division therefore has some responsibility to those foster parents who have been screened and selected as suitable parents;

BE IT RESOLVED that when complaints against foster parents come to the attention of the Division of Family and Youth Services or other child placing agencies, they need to be handled in a sensitive and straightforward manner taking into account the valuable, volunteer services given by foster parents and the vulnerable position they may be in. Complaints against foster homes will be handled in the same manner as complaints against other parents in the community--with sensitivity, a thorough and confidential investigation starting with notifying and discussing the complaint with the foster family, assessing the nature of the complaint, giving foster parents notice of the procedure to be followed and appraised of their rights, and not removing children/youth until the establishment of proof equalling that which would result in removal of a child from his natural family.

Upon acceptance of this position the Division of Family and Youth Services and Alaska Foster Parent Assn. will jointly develop a written procedure for investigating complaints against foster homes using the above positions.

ACCEPTED BY


for Alaska Foster Parent Assn.  DATE

FOR Division of Family & Youth DATE

Resolutions pg



Miriam Seaman
745-7797

Alaska Foster Parents Association

P. O. BOX 140651 • ANCHORAGE, ALASKA 99508



FEB 13 1987

*Let them know if DFYS
day is a teleconf.*

FAIR HEARING PROCESS FOR FOSTER PARENTS & OTHERS 1987

Send letter of thanks

POSITION:

A resolution or legislation must be passed allowing for a workable, realistic fair hearing/appeal process for foster parents, parents, and children/youth when they have unresolved difficulties with the agency.

JUSTIFICATION:

In the teamwork approach to services, as outlined under Title IV-E, foster parents are part of the team working to help children/youth and their families. Foster Parents live and deal with the child in their home 24 hours a day and come to know and understand that child—his needs, desires, feelings, and actions; the worker may see the child occasionally. The foster parent often has information and knowledge that would help make the best decisions for children, but that knowledge may not be solicited when decisions are made. Parents and children are also part of the decision-making process and have information and desires that must be taken into account. When this shared decision-making does not take place, disagreements can arise that cannot be resolved in an informal method, especially when the child, parents, and foster parents are put in a vulnerable position by their disagreement. Parents and foster parents alike have complained of children being moved or children not being placed in their homes because they disagreed with the worker, tried to resolve a difficulty by following the chain of command, or by advocating for the needs of the child.

To enhance the agencies ability to make decisions in the best interests of children/youth and families, others must be involved in information sharing and decision-making. This also enhances accountability of the agency to the public. Foster parents, parents, and children must have an established, workable procedure to follow that gives them a fair and unbiased hearing.

HISTORY: This problem was identified in 1977 with work groups developing the procedure in 1978-79. In 1981 a Senate resolution was introduced to mandate such a procedure and DFYS developed the METHOD FOR RESOLVING DIFFERENCES which was recinded in 1985. This METHOD was not workable as foster parents were prevented from using it in every instance known to AFPA. Concerns were tracked in 1985 and a procedure was promised to foster parents, which has never materialized. Several drafts were proposed, but foster parents who tried to use the procedure found that when they put in for a hearing, the procedure had changed.

FUNDING: No funding should be needed

Introduced: 2/17/81
Referred: Health, Education
& Social Services

1 IN THE SENATE

BY PARR

2 SENATE CONCURRENT RESOLUTION NO. 11

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 TWELFTH LEGISLATURE - FIRST SESSION

5 Relating to conflicts between foster
6 parents, ^{parents, and children} and social workers.

7 BE IT RESOLVED BY THE LEGISLATURE OF THE STATE OF ALASKA:

8 WHEREAS the use of well-qualified foster homes is an essential component
9 of the state's system of child care; and

10 WHEREAS foster parents often have a much better opportunity to observe
11 the children under their care than do social workers assigned to the case;
12 and

13 WHEREAS there are occasions in which the experience and observations of
14 the foster parents are not given sufficient credence; and

15 WHEREAS there is a need to insure that foster parents recommendations
16 are considered when crucial decisions affecting the child are made;

17 BE IT RESOLVED by the Alaska State Legislature that the Governor is
18 respectfully requested to direct the Department of Health and Social Services
19 to establish a procedure for the mediation of conflicts between foster
20 parents and social workers by a disinterested person in which both the
21 social worker and the foster parents participate.

STATE OF ALASKA 1987 LEGISLATIVE SESSION
FISCAL NOTE

REQUEST: _____

Bill Version: HB No. 241
Publish Date: _____

Revision Date: _____
Title: An Act providing for independent investigation of foster parents
Sponsor: House HESS
Requestor: _____

Agency Affected: DH&SS
BRU: Social Services

Components: Southcentral Region

EXPENDITURES/REVENUES: (Thousands of Dollars)

OPERATING	FY 87	FY 88	FY 89	FY 90	FY 91	FY 92
PERSONAL SERVICES		129.6	129.6	129.6	129.6	129.6
TRAVEL		30.0	30.0	30.0	30.0	30.0
CONTRACTUAL		2.0	2.0	2.0	2.0	2.0
SUPPLIES		0.5	0.5	0.5	0.5	0.5
EQUIPMENT		1.0				
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
TOTAL OPERATING		163.1	162.1	162.1	162.1	162.1

CAPITAL						
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REVENUE						
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FUNDING: (Thousands of Dollars)

GENERAL FUND		35.9	34.9	34.9	34.9	34.9
FEDERAL FUNDS						
OTHER						
TOTAL						

POSITIONS:

FULL-TIME		1.0	1.0	1.0	1.0	1.0
PART-TIME						
TEMPORARY						

ANALYSIS : (Attach a separate page if necessary)

See attached

Prepared by: Yvonne M. Chase, Director
Division: Family & Youth Services

Phone: 465-3170
Date: April 23, 1987

Approved by Commissioner: Myra M. Munson, Commissioner
Agency: Health & Social Services

Date: 4-23-87

Distribution (by preparer):

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

CONTINUATION of FISCAL NOTE ANALYSIS

For Bill/Resolution No. HB No. 241

Cost Analysis

Personal Services: four PFT Social Worker III, two located in Anchorage, one in Fairbanks, one in Juneau - \$129.6

Travel: travel to investigate complaints in communities outside three major urban areas where staff would be located - \$30.0

Contractual: communications, printing, mailings, duplication - \$2.0

Commodities: materials (e.g., paper, office supplies) - \$0.5

Equipment: office furniture (e.g., desk, chair) - \$1.0

4-23-87

my name is Larky Spurgeon
Rt 2 Box 102
Ketchikan AK.

I am the President of the Alaska Foster Parent Assoc.

I cannot be present at the testimony of Bills 241 & 242. So I would like to take this time to urge to support these 2 Bills.

Gov Bill 241 - there has ^{almost} always been a conflict of interest with the policy as it is for licensing workers to ~~investigate~~ investigate foster homes.

In case of a complaint against a supervisor there definitely need to be a change in policy.

Bill 242 -

is of utmost importance to have quality Foster homes & keep retention - AFPA cannot stress enough the importance we feel to support this Bill.

Mr. Chairman and Committee members:

Thank you for this opportunity to request your support of HB 241 providing for independent investigations of Foster Homes.

This is an extremely complex issue because it deals with not only child abuse and neglect allegations, but violations of regulations that can be interpreted in numerous ways.

It must be made clear that Alaska Foster Parent Assn., under no circumstances condones child abuse, neglect, or flagrant disobedience to Foster care regulations. However, we do believe in the innocence of individuals until proven otherwise and their right to a fair and unbiased investigation and hearing. We also feel foster parents have the right to clear, consistent, and known expectations and support from the agency they serve and that licenses them. There must be recognition of the unique positions of foster parents--a position that is different than any other situation including day care and parenting.

HB 241 addresses part of the concern--which is the conflicts of interest that can occur when the same worker who recruits,

trains, licenses, and support the foster parents, and is their advocate within the agency suddenly becomes the investigator and prosecutor when any allegations are made against a foster home--even if those allegations are made by that same worker! Currently the licensing or social worker who conducts the investigation must have the concurrence of their supervisor as to the findings of the investigation. These facts leave open the possibility of misuse of the complaint and investigation procedure.

The primary way to reduce this conflict of interest and insure fairness and justice is to establish a separation between the functions of recruitment, licensing, training and investigations. We see HB 241 as a major step in that direction. HB 241 would provide for investigations of foster homes to be completed by persons who work under the direct supervision of the Director of DFYS and not involved in recruitment, licensing, training, or support of foster homes, although they must be knowledgeable about foster care.

When HB 241 passes, it could be implemented in several ways, depending on DFYS personnel and management decisions. We would suggest three alternatives:

1. A licensing worker from an area near to the foster parent, but not involved in any way with that foster home could investigate, but for purposes of the investigation would be under the supervision of the DFYS Director.
2. Have DFYS staff in each region who conduct investigations under supervision of the Director that go to

various locations.

3. Have a person in each major area that can conduct investigations and for that specific job are under the DFYS Director.

Your packets should include a copy of a petition signed at the statewide conference on foster care by 38 people, 11 representing their local foster parent association or agency that we hope you will consider. Each group offered to take the petition to their people for more individual signatures if desired.

Again, please support HB 241. We must insure that those people wishing to be licensed as foster parents retain their constitutional rights and receive fair, unbiased investigations and judgements by non-involved individuals.

Thank you.

Miriam Summer ^{HW}

4

PETITION

The following people respectfully request you to introduce a resolution requesting the Division of Family & Youth Services to clarify what foster parents can be investigated for, clarify regulations, and establish consistent policies for investigating foster homes.

We further request you to introduce legislation providing for a person or persons under the supervision of the Director of Division of Family & Youth Services to conduct investigations of foster homes when allegations are received, to insure fair and unbiased investigations of individuals licensed as foster parents. HB 241

We wish to clarify that we want investigations of legitimate allegations against foster homes to be conducted to insure the safety of children and youth. The requested legislation would only insure fair, unbiased, and consistent investigations and that foster parents had the opportunity to know what could be investigated and the procedure to be followed. Please see attached POSITION STATEMENT.

NAME	ADDRESS	PHONE	REPRESENTING.
M. Mark Routh	CRVA Drawer H Copper Center, AK	822-3291	Copper River Native Aca
Mary Hayano	Cnrh 99501	274-6484	
E. L. McDowell	1026 E. 11 th Ave Cnrch AK 99501		
Kim Brewer	3401 Shamrock	338-1127	
Susan H. Mayer	220 Oscar St Palmer AK	745-8163	
Sheldene Peterson	20 Box 770821 Eagle River	694-6779	
Goma Lehman	5842 Lund Junction	780-4531	
Jennie Lindell	P.O. Box 134 Hoonah AK	945-3348	
William Graham	Box 9023 Ktn	225-4280	
Jacquie Sullivan	1788-1 st Ave Ktn	225-4378	
Della M. Dunkin	P.O. Box 3147 Ktn.	225-3855	Ktn FPA
Kyle Brown	314 Kenn. Ave, Ft Richardson	428-0814	Anch Y.S. FPA
James R. [unclear]	8509 Junction P. Junction AK	789-7075	Junction FPA
[unclear]	Box 0173 YTN	775 4751	KTN

5

NAME	ADDRESS	PHONE	REPRESENTING
Kathy Spangler	1912 B of 102 KTN AK	225-2057	AFPA President
Vred Thurston	Box 964 W19 AK 99929	874.3874	Wronski Local
Dee Cromer	10001 Arrow Anchorage	346-1727	AFPA
Welda Lucas	SR Box 7555-A Palmer	745-6871	AFPA/MSU FPA
Mary J. Lunde	820 Sed Nat Kenai 99611	283 3247	AFPA/Kenai FPA
Bebe L. Paul	516 N. 1 Ylevin Anchorage, AK 99508	277-7770	AFPA
Louise Rodoni	2730 Britton Dr. 99504	333-2523	AFPA/AFCA
Kara Stomely	Box 788 Nome AK	443 2030	AFPA-Nome
Theresa Stomely	9237 Quest	789-2875	AFPA Juneau
Vicki Schell	SRB Box 9556-A Palmer AK	745-7089	AFPA-MSU ON
Patricia Herak	1749 Skelad Circle	337-7066	AFPA
Ann Buler	2730 Britton Dr Anchorage AK		AFPA
Judith West	4033 Deborah Ln. Juneau, AK.	789-1546	Juneau
Ann Buler	SRB 7026 Palmer AK 99645		Mat SU Valley FPA
Tom Whishue	588 Box 7471 Palmer	745-2036	

Mauro

Phone

6

Mariani, Samuel

SRB 9026 Palmer 745-7797

18 self
14 organizations

52

POSITION PAPER

HOUSE BILL NO. 241

For an Act entitled: "An Act providing for the independent investigation of complaints against foster parents."

Concern with the possibility of abuse in out-of-home child care settings has been a focus of national attention for the past decade. The reality is that complaints against foster parents must be investigated. These cases are very complex and time consuming with few staff having the specialized training and knowledge required to handle these investigations. Experience and research have indicated that some professionals charged with these investigations may have a bias when the same person who licenses children in foster care is also responsible for investigating allegations of abuse in those settings. House Bill 241 addresses that concern.

While the Department agrees that such conflicts should be avoided and supports the intent of HB 241, the Department opposes placing absolute prohibitions against staff involving in recruitment or training investigating complaints in emergency situations. In a 1-3 person office, for example, if a complaint is filed and a decision made that the complaint must be investigated immediately, then staff from another office would need to put their caseload on hold and be temporarily assigned to investigate that complaint.

In addition, the Department has the following concerns regarding the language of the proposed bill:

1. A person who has provided training to foster parents may not have been involved in recruitment or licensing of that specific foster home.
2. The proposed bill indicates that complaints filed against a foster parent may only be investigated by someone under the direct supervision of the Director. The bill would unreasonably restrict management's ability to efficiently and effectively allocate staff requiring immediate supervision by the Director of the Division of Family and Youth Services of those staff assigned to investigate complaints about foster parents regardless of how minor the complaint or the location of the foster home. This is an overly broad approach to an issue which is fundamentally administrative in nature and can be best dealt with through administrative policies. Additional difficulties associated with having the investigator working under the direct supervision of the director include:
 - a. Even if a complaint investigator were stationed in each of the three regions, the Division does not have sufficient travel funds to allow an individual from one of the regional offices to travel to each of the smaller field offices whenever a complaint is received.
 - b. The Division presently does not have sufficient social workers to reduce the caseloads to the National recommendation (35 cases per worker) or the accepted standard for Alaska (50 cases per worker). To specify a number of positions and to change their job descriptions to Foster Home Complaint Investigator would

shift the existing child protection caseloads to other workers, thereby increasing the number of cases per worker.

- c. When a complaint against a foster parent involves allegations of abuse or neglect to the foster child(ren), the complaint must be referred to the police and the District Attorney's Office and criminal charges may result, as well as a decision by the Division to remove the children from that specific placement.
- d. With the possible exception of Anchorage, the number of complaints against foster parents per month do not require a full-time position. The regional offices report the following estimated number of complaints against foster parents in the last year: Southeastern: 4, Southcentral: 88, Northern: 28. (Total Statewide: 120). The number of complaints specifically in Anchorage was 64.

The Department currently has an investigation procedure which places the responsibility for the investigation of abuse complaints where children are in State custody with a team. The present investigation is joint between child protection workers, licensing workers, and police, if appropriate. Where abuse is not alleged, the investigation is usually handled by a licensing worker.

The Department is in support of the concept presented in this proposed bill and recognizes the potential conflict inherent in the present procedure. The Division of Family and Youth Services (DFYS) will make, by July 1, 1987, a change in their agency policy and procedures to reflect the following: "A complaint filed with the Department concerning a foster parent may be investigated only by a person who has not licensed the foster home against which a specific complaint is filed." The only exception to this policy would be in emergency situations in small offices like the example previously described. In every location oversight of the investigation would be placed in the regional office with a final sign-off by the Division Director.

This procedural change will accommodate the intent of this proposed bill without undue administrative burden and a costly fiscal note. Complaints will be assigned to a staff person or persons who fit the criteria above. This procedure will allow the Division to assign the investigation to someone locally without additional travel costs. Because Anchorage represents almost half of the State's population and has the largest office in the State, one position will be identified to handle Anchorage complaints.

RECOMMENDED:

Yvonne M. Chase
Yvonne M. Chase, Director
Division of Family
and Youth Services

DATE:

May 3, 1987

APPROVED:

Myra M. Munson
Myra M. Munson, Commissioner
Department of Health
and Social Services

DATE:

May 4, 1987

**STATE OF ALASKA 1987 LEGISLATIVE SESSION
FISCAL NOTE**

REQUEST: _____

Bill Version : HB No. 241
Publish Date : _____

Revision Date: _____
Title: An Act providing for independent investigation of foster parents

Agency Affected: Health & Social Services
BRU: Social Services

Sponsor: House HESS
Requestor: _____

Components: Southcentral Region,
Northern Region, Southeast Region

EXPENDITURES/REVENUES: (Thousands of Dollars)

OPERATING	FY 87	FY 88	FY 89	FY 90	-Y 91	FY 92
PERSONAL SERVICES		190.5	190.5	190.5	190.5	190.5
TRAVEL		30.0	30.0	30.0	30.0	30.0
CONTRACTUAL		5.0	5.0	5.0	5.0	5.0
SUPPLIES		1.0	1.0	1.0	1.0	1.0
EQUIPMENT		3.1	3.1	3.1	3.1	3.1
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
TOTAL OPERATING		199.6	199.6	199.6	199.6	199.6

CAPITAL						
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REVENUE						
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FUNDING: (Thousands of Dollars)

GENERAL FUND		199.6	199.6	199.6	199.6	199.6
FEDERAL FUNDS						
OTHER						
TOTAL						

POSITIONS:

FULL-TIME		3	3	3	3	3
PART-TIME		2	2	2	2	2
TEMPORARY						

ANALYSIS : (Attach a separate page if necessary)

See Attached

Prepared by: Yvonne M. Chase, Director
Division: Family and Youth Services

Phone: 465-3170
Date: 5/1/87

Approved by Commissioner: Myra M. Munson, Commissioner
Agency: Health and Social Services

Date: 5/4/87

Distribution (by preparer):

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

CONTINUATION of FISCAL NOTE ANALYSIS

For Bill/Resolution No. HB No. 241

Cost Analysis:

Personal Services: four PFT Social Worker III's, two located in Anchorage, one in Fairbanks, one in Juneau - \$190.5

Travel: travel to investigate complaints in communities outside three major urban areas where staff would be located - \$30.0

Contractual: communications, printing, mailings, duplication - \$5.0

Commodities: materials (e.g., paper, office supplies) - \$1.0

Equipment: office furniture (e.g., desk, chair) - \$3.1

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5/5/87

Original sponsor: Health, Education and
Social Services Committee

1 IN THE HOUSE

BY THE HEALTH, EDUCATION AND
SOCIAL SERVICES COMMITTEE

2 CS FOR HOUSE BILL NO. 241 (HESS)

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 FIFTEENTH LEGISLATURE - FIRST SESSION

5 A BILL

6 For an Act entitled: "An Act providing for the independent investigation
7 of complaints against foster parents."

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

9 * Section 1. AS 47.35 is amended by adding a new section to read:

10 Sec. 47.35.065. INVESTIGATION OF COMPLAINTS. A complaint filed
11 with the department concerning a foster parent may not be investigated
12 by persons who have been involved in the licensing of the foster
13 parent.
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