

HB

178

STATE OF ALASKA
THE LEGISLATURE

LEGISLATIVE AFFAIRS AGENCY
LEGISLATIVE REFERENCE LIBRARY

POUCH V - STATE CAPITOL
BUREAU, ALASKA 99511
907-465-3800

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

H. HESS 4-23-87

H. HESS 5-5-87

H. HESS 4-6-87

H. HESS 1-16-80

FISCAL NOTE

REQUEST:

Revision Date: _____ Agency Affected: DEYS
 Title: An Act relating to civil liability BRU: Purchased Services
and uninsured losses related to foster children.
 Sponsor: _____ Components: Foster Care
 Requestor: _____

EXPENDITURES/REVENUES: (Thousands of Dollars)

OPERATING	FY 89	FY 90	FY 91	FY 92	FY 93	FY 94
PERSONAL SERVICES						
TRAVEL						
CONTRACTUAL		50.0	50.0	50.0	50.0	50.0
SUPPLIES						
EQUIPMENT						
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
TOTAL OPERATING		50.0	50.0	50.0	50.0	50.0

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

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

FUNDING: (Thousands of Dollars)

GENERAL FUND		50.0	50.0	50.0	50.0	50.0
FEDERAL FUNDS						
OTHER						
TOTAL		50.0	50.0	50.0	50.0	50.0

POSITIONS:

FULL-TIME						
PART-TIME						
TEMPORARY						

ANALYSIS : (Attach a separate page if necessary) The Department cannot accurately estimate the cost should this bill become law. There will be an increase in claims, the degree of which cannot be determined at this point. Claims could be as low as \$5,000 or as high as \$105,000 or more.

Prepared by: Yvonne M. Chase, Director Phone: 465-3170
 Division: Family and Youth Services Date: 3/16/89

Approved by Commissioner: Myra M. Yunson, Commissioner Date: 3/17/89
 Agency: Department of Health and Social Services

Distribution (by preparer):

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

MEMORANDUM

State of Alaska

TO: The Honorable Johnny Ellis
Chairperson
House HESS

DATE: March 16, 1989

FILE NO: 790/10755

TELEPHONE NO: 465-3170

THRU:

SUBJECT: Committee Request

FROM: Yvonne M. Chase, ACSW
Director
Division of Family
and Youth Services
Department of Health
and Social Services

YMC

During the hearings in foster care week, the HESS committee requested copies of the Division's policy and procedural manual for the youth corrections section of this agency. This manual has recently been revised; the family services section's manual is in the final stages of revision and will be sent to the printer before the end of March. I would also be happy to provide the committee with copies of that manual as soon as they are available. I have attached a memo from Richard Illias, the field administrator for youth corrections, which addresses the specific question of the committee.

YMC: jsd

Attachments

MEMORANDUM

State of Alaska

TO: Yvonne Chase, Director
Family & Youth Services


DATE: March 13, 1989

FILE NO:

TELEPHONE NO:

THRU:

SUBJECT: Special Needs

FROM: Dick Illias 
Youth Corrections Administrator

I understand that foster parents recently raised a concern during a legislative hearing that Youth Corrections required them to provide a police report before approving a special needs request for damages or loss. That is not true.

The Youth Corrections policy and procedure manual covers this issue in the last paragraph of page 153 and in sub-paragraph #5 on page 154. If the financial loss was caused by theft or criminal mischief, the foster parent must report the incident to the local law enforcement agency. Foster parents are not required to produce a copy of the police report. The requirement to report the loss to a local law enforcement agency is contained on the instructional sheet accompanying DFYS form #06-3440, titled "Foster Parent Report of Stolen/Damaged Property or Personal Injury". The documentation is provided in a section of the foster parent report. A copy of the report form and instructions is contained in the Youth Corrections procedure manual appendix, page #5.a.1 & 2.

A request for special needs will not be denied because a foster parent is unable to document the police report number. If a foster parent documents the date, time, and police agency notified; Youth Corrections staff may accept that information as documentation or may directly request additional information from the law enforcement agency. Ordinarily we would request additional information because the police investigation report may provide evidence to determine the foster child's responsibility.

Prior to final approval of a special needs request to reimburse a foster parent for damages or loss, it must be determined if the youth in foster care was responsible for the loss or damage. The potential for the youth to directly reimburse the foster parents through restitution is also examined as an alternative to special needs approval. If the loss or damage was the result of a law violation by a foster child, a court order for restitution may be obtained. Approval of a special needs request may be delayed while this information is being gathered by Youth Correction's staff. If there is insufficient evidence to determine that a youth in foster care was

Yvonne Chase
3/13/89

Page 2

responsible for damage or loss, then the special needs request may be disapproved. Reference page 154, paragraphs #4 and #7 of the Youth Corrections procedure manual and the instructions on the Foster Parent Report of Stolen/Damaged Property.

DI/br

FISCAL NOTE

REQUEST:

Revision Date: _____ Agency Affected: Health and Social Services
 Title: An Act Relating to Civil Liability, Purchased Services
and uninsured loss related to foster children
 Sponsor: HESS Committee Components: Foster Care
 Requestor: _____

EXPENDITURES/REVENUES: (Thousands of Dollars)

OPERATING	FY 91	FY 92	FY 93	FY 94	FY 95	FY 96
PERSONAL SERVICES						
TRAVEL						
CONTRACTUAL	50.0	50.0	50.0	50.0	50.0	50.0
SUPPLIES						
EQUIPMENT						
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
TOTAL OPERATI	50.0	50.0	50.0	50.0	50.0	50.0
CAPITAL						
REVENUE						

FUNDING: (Thousands of Dollars)

GENERAL FUND	50.0	50.0	50.0	50.0	50.0	50.0
FEDERAL FUNDS						
OTHER						
TOTAL	50.0	50.0	50.0	50.0	50.0	50.0

POSITIONS:

FULL-TIME						
PART-TIME						
TEMPORARY						

ANALYSIS : (Attach a separate page if necessary) The Department cannot accurately estimate the cost should this bill become law. There will be an increase in claim the degree of which cannot be determined at this point. Claims could be as low as \$5,000 or as high as \$105,000 or more.

Prepared by: Russ Webb Phone: 465-3170
 Division: Family and Youth Services Date: 1/17/90
 Approved by Commissioner: Myra Munson Date: Jan 15, 1990
 Agency: Health and Social Services

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

HEALTH, EDUCATION AND SOCIAL SERVICES COMMITTEE

ALASKA STATE LEGISLATURE
HOUSE OF REPRESENTATIVES



P.O. BOX V, JUNEAU 99811
(907) 465-3759

STATEMENT ON HB 178
by the
HOUSE HESS COMMITTEE

House Bill 178 "tort liability related to foster care", was introduced as one of a package of measures proposed or supported by the House HESS Committee, as a result of the Committee's interim comprehensive review of the state's child protection and foster care systems. This bill responds to testimony presented at hearings in the fall of 1988 regarding the effectiveness of the state's foster care system.

HB 178 is similar to HB 258 which was heard by the House HESS Committee in the last legislature. It incorporates several suggested amendments to that bill. This measure is designed primarily to aid in the recruitment and retention of foster parents.

Section one relieves foster parents, state employees and representatives of the state of most civil liability associated with the care of foster children, except civil damages resulting from gross negligence or reckless or intentional misconduct.

Section two guarantees that property damages in excess of \$100 dollars caused intentionally by a foster child will be covered by the state, if there is otherwise no insurance coverage for such losses. The state may continue to cover losses up to \$100.

FISCAL NOTE

REQUEST:

Revision Date: _____ Agency Affected: DFYS
 Title: An Act relating to civil liability and uninsured losses related to foster children BRU: Purchased Services
 Sponsor: _____ Components: Foster Care
 Requestor: _____

EXPENDITURES/REVENUES: (Thousands of Dollars)

OPERATING	FY 89	FY 90	FY 91	FY 92	FY 93	FY 94
PERSONAL SERVICES						
TRAVEL						
CONTRACTUAL		50,000	50,000	50,000	50,000	50,000
SUPPLIES						
EQUIPMENT						
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
TOTAL OPERATING		50,000	50,000	50,000	50,000	50,000

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

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

FUNDING: (Thousands of Dollars)

GENERAL FUND		50,000	50,000	50,000	50,000	50,000
FEDERAL FUNDS						
OTHER						
TOTAL		50,000	50,000	50,000	50,000	50,000

POSITIONS:

FULL-TIME						
PART-TIME						
TEMPORARY						

ANALYSIS : (Attach a separate page if necessary) The Department cannot accurately estimate the cost should this bill become law. There will be an increase in claims, the degree of which cannot be determined at this point. Claims could be as low as \$5,000 or as high as \$105,000 or more.

Prepared by: Yvonne M. Chase, Director Phone: 465-3170
 Division: Family and Youth Services Date: 3/1/89
 Approved by Commissioner: Myra M. Munson, Commissioner Date: 3/8/89
 Agency: Department of Health and Social Services

Distribution (by preparer):

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

STATE OF ALASKA
1989 LEGISLATIVE SESSION

BILL VERSION: HB 178
PUBLISH DATE: _____

FISCAL NOTE

REQUEST:

Revision Date: _____ Agency Affected: Commerce & Economic Dev.
 Title: An Act relating to civil liability and uninsured property losses related to foster children BRU: Insurance
 Sponsor: HESS Committee Components: Operations
 Requester: _____

EXPENDITURES / REVENUES : (Thousands of Dollars)

OPERATING	FY 89	FY 90	FY 91	FY 92	FY 93	FY 94
PERSONAL SERVICES						
TRAVEL						
CONTRACTUAL						
SUPPLIES						
EQUIPMENT						
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
TOTAL OPERATING	0	0	0	0	0	0

CAPITAL	0	0	0	0	0	0
---------	---	---	---	---	---	---

REVENUE	0	0	0	0	0	0
---------	---	---	---	---	---	---

FUNDING: (Thousands of dollars)

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

POSITIONS:

FULLTIME	0	0	0	0	0	1
PARTTIME						
TEMPORARY						

ANALYSIS: (Attach a separate page if necessary.)

Bill does not impact the division.

Prepared by: Joan Brown, Administrative Officer Phone: 465-2597
 Division: Insurance Date: 2-22-89

Approved by Commissioner: Larry Mercurieff Phone: _____
 Agency: Department of Commerce & Economic Development Date: 4/27/89

Distribution (by preparer):

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

POSITION PAPER

HOUSE BILL NO. 178

For an Act entitled: "An Act relating to civil liability and uninsured property losses related to foster children".

Section 1 of this bill provides foster parents, state employees, and representatives of the state with immunity from liability for acts or omissions of a foster child placed in care of the foster parent. The bill also provides immunity from liability for negligent acts or omissions of the foster parents, state employees, or representatives of the state that result in harm to a child placed in a foster parent's care under AS 47.

Section 1 would relieve foster parents, state employees, and representatives of the state of virtually all liability for their own acts or omissions, except those which were intentional or grossly negligent. The Department supports this section of the proposed legislation.

Section 2 mandates the Department to reimburse a licensed foster parent for lost or damage exceeding \$100 on uninsured tangible property that was harmed by the intentional misconduct of a foster child in the foster home.

The ability of foster parents to obtain and afford insurance and to collect because of loss damage to property is erratic at best, creating a hardship. Should a foster parent's natural child destroy property, the insurance company will pay. If foster children destroy property, foster parents are finding it more difficult, if not impossible, to collect damages. Should they be able to collect for damages, the foster parents can expect their insurance rates to increase.

Additionally, the issue of potential property losses by foster parents has been problematic to the Department because of the costs involved and as a factor increasing the difficulty of recruiting and retaining foster parents. Foster parents generally have been told by their insurance companies that they are not protected from loss or damage to their property caused intentionally by a foster child in their care. The Department of Administration, Division of Risk Management has verbally advised the Department of Health and Social Services that this may be incorrect, but to date it has not been tested through litigation, and there is no definitive answer.

In the absence of a definitive answer to this problem, and in the face of refusal of private insurers to cover such claims, the Department has chosen to reimburse foster parents for their documented losses upon request. Though the Department has been under no legal obligation to reimburse foster parents for such losses and has received advice against the practice, a policy

Position Paper
House Bill No. 178
Page 2

decision was made to continue doing so in order to facilitate retention of qualified foster parents. However, there is no statutory basis or dedicated funding for making reimbursements. Currently, reimbursement for foster parent losses is made from funds budgeted to meet the needs of children in foster care. Use of these funds to cover foster parent losses causes several problems, including:

1. decreased money available to meet the needs of children in care;
2. several limitations on the amount of funds available to cover losses; and
3. inequity in reimbursement because, although these funds are used for dual purposes, they must be allocated between regions based on child foster care placements and needs of children rather than on the basis of unpredictable foster parent losses, with the result that losses in one region may not be covered because of insufficient funds, while losses in another region are reimbursed.

This mechanism has been functionally unsatisfactory and potentially insufficient to deal with even a single large universal property loss (such as destruction of a foster family home by an intentionally set fire). Fortunately, recent losses have been relatively small when compared to potential loss. However, the Department cannot estimate the cost, should this bill become law. There will be an increase in claims, the degree of which cannot be determined at this point.

While not intentional, Section 2 of the bill, in fact, creates an adversarial relationship between foster child and foster parent, if the only way a foster parent can collect for damages is by proving the child's intentional misconduct contributed to the loss of or damage to the property. This places the foster parent in the position of proving the foster child's behavior was deliberate. In some cases it will be the foster child's word against the word of the foster parent. It is not necessary nor desirable to place foster children and foster parents into an adversarial relationship. In addition, recovery by foster parents for damages to their property will be limited. Eliminating the requirement

Position Paper
House Bill No. 178
Page 3

that the damage was intentional will allow the foster parent to claim for accidental damages.

The Department recommends that additional funds be budgeted specifically to reimburse foster parents for their losses, with administration of these funds and determinations on reimbursement to be made by the Division of Risk Management commensurate with accepted insurance practice.

DEPARTMENT POSITION

The Department supports Section 1 of HB 178, which would extend immunity protection to state employees, representatives of the state, and foster parents. However, because the delicate relationship between those being cared for and those caring for children in out-of-home placement would deteriorate or be destroyed with the necessity of proving intentional damage to property, the Department recommends that Section 2 be deleted from HB 178 and that funding be appropriated to pay for damages based on accepted insurance practice. Administration of these funds and determination of reimbursement is most appropriate in the Division of Risk Management, Department of Administration.

RECOMMENDED:

Yvonne M. Chase

Yvonne M. Chase, ACSW
Director

Division of Family
and Youth Services

DATE:

3/8/89

APPROVED:

BY:

Myra M. Munson

Myra M. Munson
Commissioner

Department of Health
and Social Services

DATE:

3/8/89



Alaska Foster Parents Association

P. O. BOX 140651 • ANCHORAGE, ALASKA 99508



POSITION PAPER HB 178 LIABILITY OF FOSTER PARENTS

Alaska Foster Parent Association supports this legislation which would address civil liability and uninsured property losses of foster parents. The importance of this legislation is far reaching and will positively impact the entire foster care system.

Limiting the liability of foster parents is a national priority whose time has come. Fear of liability has severely limited the recruitment and retention of foster homes. Valuable foster parents have been lost when they realize that they could be liable for acts or omissions and are possibly jeopardizing their income and property by volunteering to be foster parents. It is difficult to recruit foster homes when they have no liability protection or liability insurance.

We do want recognition that foster parents may make mistakes, but do not want to exempt foster parents from negligent acts. Therefore, we suggest deletion of the word negligent on line 16.

Reimbursement to foster parents for loss or damage is important, especially when foster parents are reimbursed only for cost of care. Since many of the children and youth are emotionally damaged, they "act out" their anger, hurt, and frustrations in many ways, including damage. This is not intentional misconduct, but a normal reaction to the rage found in abused and neglected youngsters. We suggest deletion of the word "intentional" on line 27.

At some time, the \$100.00 limit needs to be addressed and defined. Does this \$100.00 limit refer to each incident or to an accumulation over a set time frame? Some youth create damage or loss that clearly exceeds this \$100.00 limit, while others are regularly destructive. Each incident may be relatively minor but could amount to several hundred dollars per month.

We feel an additional section needs to be added to this bill to provide for coverage of costs to the foster parents for medical attention or psychological intervention needed to correct problems caused by a foster child in state custody. This might be for medical attention for a foster youth assaulting a foster parent or their children. Or it might be therapy and/or medical treatment if a foster youth physically or sexually abuses a member of the foster family. Although these occasions are not common, the damage is disastrous and a real financial burden to foster parents.

Miriam Sumner
Miriam Sumner
President

Frank H. Wasmer
Frank H. Wasmer
Vice President

MEMORANDUM

State of Alaska

TO The Honorable Johnny Ellis
Chairperson
House HESS

DATE March 16, 1989

FILE NO 790/10755

TELEPHONE NO 465-3170

THRU:

SUBJECT Committee Request

FROM: Yvonne M. Chase, ACSW *YMC*
Director
Division of Family
and Youth Services
Department of Health
and Social Services

During the hearings in foster care week, the HESS committee requested copies of the Division's policy and procedural manual for the youth corrections section of this agency. This manual has recently been revised; the family services section's manual is in the final stages of revision and will be sent to the printer before the end of March. I would also be happy to provide the committee with copies of that manual as soon as they are available. I have attached a memo from Richard Illias, the field administrator for youth corrections, which addresses the specific question of the committee.

YMC:jsd

Attachments

MEMORANDUM

State of Alaska

TO: Yvonne Chase, Director
Family & Youth Services


DATE: March 13, 1989

FILE NO:

TELEPHONE NO:

THRU:

SUBJECT: Special Needs

FROM: Dick Illian 
Youth Corrections Administrator

I understand that foster parents recently raised a concern during a legislative hearing that Youth Corrections required them to provide a police report before approving a special needs request for damages or loss. That is not true.

The Youth Corrections policy and procedure manual covers this issue in the last paragraph of page 153 and in sub-paragraph #5 on page 154. If the financial loss was caused by theft or criminal mischief, the foster parent must report the incident to the local law enforcement agency. Foster parents are not required to produce a copy of the police report. The requirement to report the loss to a local law enforcement agency is contained on the instructional sheet accompanying DFYS form #06-3440, titled "Foster Parent Report of Stolen/Damaged Property or Personal Injury". The documentation is provided in a section of the foster parent report. A copy of the report form and instructions is contained in the Youth Corrections procedure manual appendix, page #5.a.1 & 2.

A request for special needs will not be denied because a foster parent is unable to document the police report number. If a foster parent documents the date, time, and police agency notified, Youth Corrections staff may accept that information as documentation or may directly request additional information from the law enforcement agency. Ordinarily we would request additional information because the police investigation report may provide evidence to determine the foster child's responsibility.

Prior to final approval of a special needs request to reimburse a foster parent for damages or loss, it must be determined if the youth in foster care was responsible for the loss or damage. The potential for the youth to directly reimburse the foster parents through restitution is also examined as an alternative to special needs approval. If the loss or damage was the result of a law violation by a foster child, a court order for restitution may be obtained. Approval of a special needs request may be delayed while this information is being gathered by Youth Corrections staff. If there is insufficient evidence to determine that a youth in foster care was

Yvonne Chase

3/13/89

Page 2

responsible for damage or loss, then the special needs request may be disapproved. Reference page 154, paragraphs #4 and #7 of the Youth Corrections procedure manual and the instructions on the Foster Parent Report of Stolen/Damaged Property.

DI/br

Legislative Audit continues to support a better management information system for DFYS. Ending the need for maintaining both an antiquated automated payments system and a manual information system would allow overburdened line staff to devote more time to actual social work. The need for timely, accurate, pertinent information is absolutely critical to the effective management of a division as large, complex, and geographically dispersed as DFYS.

Recommendation No. 3

DFYS should develop standardized foster care procedures and encourage compliance through improved training and supervisory review. In addition, DFYS should continue working toward improved relations with foster parents in order to sustain a more viable foster care program.

Foster care costs have increased by more than two-thirds in the last three years to over \$6.3 million in FY 86. Over the last five years, foster care expenditures have almost doubled while there has been little growth in residential care expenditures making foster care even more important to DFYS' service delivery system. The increasing use of foster care has also resulted in more difficult children being placed in the care of foster parents.

Our current review revealed several areas in foster care which would benefit from increased DFYS commitment:

1. Licensing activities are not in compliance with DFYS procedures due to lack of timeliness.
2. Complaints are not classified and investigated consistently and often are not adequately documented.
3. Augmented rates for specialized foster care are not being equitably administered.
4. Training provided varies across the state and is rarely documented in foster parent files.
5. Foster parents are not fully informed about liability and loss which may result from foster care.
6. Relations between DFYS and foster parents are often less than cooperative.

Many of these deficiencies were identified in a 1983 Legislative Audit report. Management should review the situation in each area and act according to DFYS priorities.

foster parent orientation classes prior to licensing, while others use a home visit and an informal review of the regulations as orientation for foster parents.

During FY 86, DFYS contracted with the Alaska Foster Parent Association to provide statewide ongoing training. The contract required DFYS to jointly participate in implementation, however, DFYS did little to facilitate the successful completion of this contract. The training that was provided was geographically limited and of questionable value to some of the purported beneficiaries.

Foster parents who want training have been obtaining it through their local foster parent associations, college classes, and training sponsored by DFYS. In recent years, DFYS has been considering the possibility of requiring a certain amount of training to receive and maintain a foster care license. Those foster parents receiving augmented rates under the Youth Services program are currently required to have a certain amount of training. In our review of foster home license files across the state, we found only Southcentral Youth Services files to reflect a record of training received.

Increased DFYS commitment to foster parent training would not only promote better relations between foster parents and DFYS, but would also provide DFYS with a more qualified pool of foster parents. A multi-media self-study program such as that being developed by Southcentral Youth Services may be a cost-effective method for providing statewide training. Maintaining a record of training received in each foster home file would make it easier for those making placements to match the child's needs with the qualifications of the foster home.

Foster Parent Liability

Liability is currently an extremely volatile issue for foster parents. In 1981, DFYS made efforts to define areas of responsibility for various types of liability or losses resulting from foster care. The Foster Parents' Handbook tells foster parents that they are protected by the State against legal actions for accidental injury to the child and against suit for damages caused to third parties by the child.

In an effort to address foster parents' current concerns over liability, DFYS has contacted the Attorney General's Office and the Division of Risk Management. Discussions with Risk Management confirm that in the absence of gross negligence, foster parents will be protected by the State

for both injury to the child and to third parties. However, this assurance is not echoed in a recent memo from the Attorney General's Office which concludes:

foster parents will generally be shielded from liability for injury to a child where they have attempted, in good faith, to conduct themselves reasonably. There is no insurance protecting a foster parent from the negligence of a child. And, except for the possible protection of AS 34.50.02, there is no protection against suit by third persons against foster parents because of negligent conduct of a child.

The foster care regulations make clear that this liability insurance "will not cover matters for which foster parents are normally expected to have insurance, such as fire insurance for their home." The implication that foster parents' insurance will cover their loss if the foster child burns their home is true only if the act was accidental. As DFYS discovered in their 1981 efforts, deliberate acts by foster children are generally not covered by homeowner's insurance policies.

We recommend that DFYS, in conjunction with the Attorney General and the Division of Risk Management, develop some cohesive guidelines in the area of foster parent liability with regard to third party damages. Once determined, this information should be included in the Foster Parents' Handbook, as should some warning of the limitations of common homeowner's insurance. Foster parents need this information in order to make informed choices in accepting and rejecting placements.

Relations With Foster Parents

In our 1983 audit we noted that DFYS neglected to maintain a cooperative relationship with the foster parent community. In a March 1986 letter to the president of the Alaska Foster Parent Association (AFPA), the director of DFYS states "It would be less than candid of me to not admit that there has been a history of conflict and resentment between AFPA and the division."

The training contract for fiscal year 1986 was a disappointment for both parties. This contract emphasized "joint" responsibility for both DFYS and AFPA, but neither was satisfied with the other's performance. The quality and quantity of training which resulted would likely have increased if DFYS and AFPA had been more cooperative in implementing the terms of the contract.

6-0752E
Lauterbach
4/5/89

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. 178 (HESS)

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 SIXTEENTH LEGISLATURE - FIRST SESSION

5 A BILL

6 For an Act entitled: "An Act relating to indemnity and uninsured property
7 losses related to foster children."

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

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

10 Sec. 47.35.110. INDEMNIFICATION OF FOSTER PARENTS. (a) The
11 state shall indemnify a foster parent, a state employee, and a repre-
12 sentative of the state for civil damages that are a result of

13 (1) acts or omissions by a minor placed in the care of the
14 foster parent under this title; or

15 (2) negligent acts or omissions by the foster parent, state
16 employee, or representative of the state that result in harm to a
17 minor placed in the care of the foster parent under this title.

18 (b) This section does not apply to civil damages that are a
19 result of gross negligence or reckless or intentional misconduct of a
20 foster parent, state employee, or representative of the state.

21 Sec. 47.35.120. UNINSURED PROPERTY LOSS. (a) The division of
22 risk management, Department of Administration, shall reimburse a
23 licensed foster parent for the uninsured loss of, or uninsured damage
24 to, tangible property under the lawful control of a foster parent to
25 the extent that the loss or damage exceeds \$100 if the loss or damage
26 resulted from the misconduct of a child in the custody of the state
27 who was placed in the care of the foster parent under this title.

28 (b) Under the conditions described in (a) of this section, the
29 division of risk management may reimburse a foster parent for an

1 uninsured loss or uninsured damage that does not exceed \$100.
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29

6-0752H ✓
Lauterbach
1/15/90

Original sponsor(s): HESS Committee

1 IN THE HOUSE

BY THE HESS COMMITTEE

2 CS FOR HOUSE BILL NO. 178 (HESS)

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 SIXTEENTH LEGISLATURE - SECOND SESSION

5 A BILL

6 For an Act entitled: "An Act relating to indemnity of foster parents and
7 foster parents' uninsured property losses related to
8 foster children."

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

10 * Section 1. AS 47.35 is amended by adding new sections to read:

11 Sec. 47.35.110. INDEMNIFICATION OF FOSTER PARENTS. (a) The
12 state shall indemnify a foster parent for civil damages that are a
13 result of

14 (1) acts or omissions by a minor placed in the care of the
15 foster parent under this title; or

16 (2) ~~negligent~~ acts or omissions *as within the best possible judgment* by the foster parent that
17 result in harm to a minor placed in the care of the foster parent
18 under this title.

19 (b) This section does not apply to civil damages that are a
20 result of gross negligence or reckless or intentional misconduct of a
21 foster parent.

22 Sec. 47.35.120. UNINSURED PROPERTY LOSS. (a) The division of
23 risk management, Department of Administration, shall reimburse a
24 licensed foster parent for the uninsured loss of, or uninsured damage
25 to, tangible property under the lawful control of a foster parent to
26 the extent that the loss or damage exceeds \$100 per incident if the
27 loss or damage was proximately caused by the acts of a child in the
28 custody of the state who was placed in the care of the foster parent
29 under this title.

1 (b) Under the conditions described in (a) of this section, the
2 department may reimburse a foster parent for an uninsured loss or
3 uninsured damage that does not exceed \$100.
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29