

HB

19

# State of Alaska

## Committees

CO-CHAIR, HOUSE JUDICIARY  
VICE-CHAIR, HOUSE LABOR AND COMMERCE  
HOUSE HEALTH, EDUCATION  
AND SOCIAL SERVICES



P.O. BOX V  
JUNEAU, ALASKA 99801  
(907) 465-4712  
465-4968/4986  
(SESSION)

914 CLAY COURT  
ANCHORAGE, ALASKA 99503  
(907) 276-6844

**Representative Max F. Gruenberg, Jr.**  
**District 11**  
**Spenard, Upper Midtown Anchorage**

February 8, 1990

## MEMORANDUM

TO: Members of the House Judiciary and HESS Committees  
FROM: Representative Max Gruenberg *Max*  
RE: Court order waiving confidentiality of records  
for Foster Care Review Board pilot projects

Enclosed is a copy of the court order authorizing access to confidential records in children's cases for the Foster Care Review Board pilot projects.

Bill Hitchcock, Master of the Children's Court in Anchorage, provided this information in response to my request during a House HESS hearing on HB 19, Foster Care Review Boards.



## Trial Courts

State of Alaska

THIRD JUDICIAL DISTRICT  
303 K Street  
Anchorage, Alaska 99501-2700

WILLIAM D. HITCHCOCK  
Master, Trial Courts

January 29, 1990

TO: House HESS Committee

FROM: William D. Hitchcock *WH*  
Master, Children's Court (Anchorage)

The attached Supreme Court Order is forwarded per Committee request from teleconference hearing of January 23, 1990.

WDH:lja

IN THE SUPREME COURT FOR THE STATE OF ALASKA

SPECIAL ORDER OF THE CHIEF JUSTICE

ORDER NO. 2119RECEIVED  
FEB 28 1989Granting Foster Care Review  
Boards in Anchorage and  
Ketchikan Access to Confidential  
Files

IT IS ORDERED:

Staff and members of the Foster Care Review Boards in Anchorage and Ketchikan working with the Office of Public Advocacy are granted access to all material, including confidential documents, contained in childrens cases. The purpose of the access is to allow the Foster Care Review Boards to work with the courts, the Office of Public Advocacy and the Division of Family and Youth Services to improve services for children, and to serve as a source of input to the legislature which currently has before it a bill to create foster care review systems statewide. Confidential information must be kept confidential by the Foster Care Review Boards.

2/24/89

Date

  
Warren W. Matthews  
Chief JusticeDistribution:

Arthur H. Snowden, II  
Judge Schulz  
Judge Shortell  
Judge Carlson  
Bill Hitchcock  
LeEllen Baker  
Ruth Hanis - Ketchikan

Item 2

State Children's Citizen Review Panel Division

Juneau Headquarters Office

Executive Director	state panel
1 Admin. Assist.	
1 Research Analyst	

Juneau Regional Office

1 CFCRP Coordinator	1 local panel
1 CFCRP Assistant	
1 Clerk Typist III	

Anchorage Regional Office

1 CFCRP Coordinator	4 local panels
6 CFCRP Assistants	
5 Clerk Typist III's	

Fairbanks Regional Office

1 CFCRP Coordinator	2 local panels
3 CFCRP Assistants	
2 Clerk Typist III's	

Bethel Regional Office

1 CFCRP Coordinator	1 local panel
2 CFCRP Assistants	
1 Clerk Typist III	

Nome Regional Office

1 CFCRP Coordinator	1 local panel
1 CFCRP Assistant	
1 Clerk Typist III	



**FISCAL NOTE**

**REQUEST:**

Revision Date: \_\_\_\_\_ Agency Affected: Office of the Governor  
Title: "An Act relating to citizen review panels for certain children in state custody..." BRU: Commissions and Special Offices  
Sponsor: Reps. Collins, Gruenberg, Ulmer Components: \_\_\_\_\_  
Requestor: \_\_\_\_\_

**EXPENDITURES/REVENUES: (Thousands of Dollars)**

OPERATING	FY 91	FY 92	FY 93	FY 94	FY 95	FY 96
PERSONAL SERVICES	636.1	684.8	1117.4	1291.7	1330.5	
TRAVEL	99.7	99.7	142.3	145.9	145.9	
CONTRACTUAL	94.6	57.9	104.9	101.5	89.6	
SUPPLIES	11.1	11.1	18.5	21.0	21.0	
EQUIPMENT	159.2	15.3	95.4	13.3	5	
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
<b>TOTAL OPERATING</b>	<b>1000.7</b>	<b>868.8</b>	<b>1478.5</b>	<b>1593.4</b>	<b>1587.5</b>	
<b>CAPITAL</b>						
<b>REVENUE</b>						

**FUNDING: (Thousands of Dollars)**

GENERAL FUND	1000.7	868.8	1478.5	1593.4	1587.5	
FEDERAL FUNDS						
OTHER						
<b>TOTAL</b>	<b>1000.7</b>	<b>868.8</b>	<b>1478.5</b>	<b>1593.4</b>	<b>1587.5</b>	

**POSITIONS:**

FULL-TIME	17	18	28	31	31	
PART-TIME						
TEMPORARY						

**ANALYSIS : (Attach a separate page if necessary)**

See attached analysis

Prepared by: Michael Nizich, Director Phone: 465-3616  
Division: Administrative Services Date: \_\_\_\_\_  
Approved by Commissioner: Garrev Peska Date: 1/22/90  
Agency: Office of the Governor

**Distribution (by preparer):**

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

Fiscal note reflects phase-in of regional offices and local panels over a four year period. Personal Services assume step A for each initial position and includes one-step merit increases for subsequent years.

FY 91**PERSONAL SERVICES:**

636.1

Request for New Position forms are attached; three position requests for Juneau Main Office, twelve positions for Anchorage Regional Office, and two positions for Ketchikan Regional Office.

**TRAVEL**

99.7

Assumes two annual meetings for the Statewide Panel and per diem costs only for local panel meetings.

Statewide Panel (5 members):

Public members:

Juneau:	travel @ \$400/person x 3 people	=	1,200	
	travel @ \$700/person x 1	=	700	
	per diem @ 80/day x 3 days x 4 people	=	960	
	per diem @ 80/day x 5 days x 1 person	=	400	3,260

Anchorage:	travel @ \$400/person x 3 people	=	1,200	
	travel @ \$700/person x 1 person	=	700	
	per diem @ 80/day x 3 days x 4 people	=	960	
	per diem @ 80/day x 4 days x 1 person	=	320	

Administrative travel:

	travel @ \$400/person x 2 people	=	800	
	per diem @ 80/day x 3 days x 2 people	=	480	4,460

Local Review Panels (5 members with 2 alternates each):

	total 5 panels minimum per caseload			
	meetings of three days/month, total per			
	diem expenses			72,000

Training travel/per diem - staff and panel members				20,000
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Total Travel:				99,720
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**CONTRACTUAL:**

94.6

Assumes office locations of Juneau, Anchorage and Ketchikan.  
Telephone charges averaged from similar size division with comparable toll call usage.

Professional Services: 10,000

Communication: Telephone (toll costs, base/local fixed costs, centrex network costs) 1000/mo x 12 months 12,000  
Telecopier charges -- 75/mo x 12 months 900  
Teleconference charges -- 2 @ 450 900  
Postage -- 750/mo x 12 9,000

Transportation: Freight/express charges -- 225/mo x 12 2,700

Advertising, Printing & Binding:

Subscriptions 75  
Advertising -- 2 meetings x 350 700  
Printing Annual report 2,500  
Forms, misc. 750  
Photocopy per caseload requirements 5,328

Minor Repair, Maintenance: 3,600

Rental for Space:

Space requirements per Department of Administration standards:

Juneau 394.25 SF @ \$2.00/SF x 12 months = 9,462  
Ketchikan 315.75 SF @ \$2.50/SF x 12 months = 9,473  
Anchorage 1135.5 SF @ \$2.00/SF x 12 months = 27,252 46,187

Total Contractual: 94,640

**SUPPLIES AND MATERIALS:**

11.1

Office and library supplies, 900/mo x 12 = 10,800  
Data processing supplies = 300 11,100

**EQUIPMENT:**

159.2

Equipment per office includes one PC per position, file cabinets, furniture and miscellaneous equipment, phones and photocopiers.

Juneau Main Office = 28,850  
Ketchikan Regional Office = 25,806  
Anchorage Regional Office = 104,560 159,216

FY 92

Reflects transfer of the Ketchikan Regional Office to Juneau and the addition of one position.

**PERSONAL SERVICES:** 684.8

Includes one-step merit increase for existing positions and one additional position in Juneau.

**TRAVEL:** 99.7

**CONTRACTUAL:** 57.9

Assumes transfer of furniture, equipment, etc. from Ketchikan Regional to newly established Juneau Regional Office.

Rental for Space:

Juneau Regional Office 395.75 SF x 2.00/SF = 9,498

**SUPPLIES AND MATERIALS:** 11.1

**EQUIPMENT:** 15.3

For additional position in Juneau Regional Office.

FY 93

Adds Fairbanks and Bethel Regional Offices and 3 additional local review panels.

**PERSONAL SERVICES:** 1,117.4

One-step merit increases for ongoing positions, six new positions for Fairbanks Regional Office and four new positions for Bethel Regional Office.

**TRAVEL:** 142.3

Includes per diem costs for three additional local panels, two at Fairbanks per diem of \$90/day and one at Bethel per diem of \$85/day.

**CONTRACTUAL:** 104.9

**Professional Services:** 10,000

Communication:	Telephone (toll costs, base/local fixed costs, centrex network costs) 2000/mo x 12 months	24,000
	Telecopier charges -- 125/mo x 12 months	1,500
	Teleconference charges -- 2 @ 450	900
	Postage -- 1250/mo x 12	15,000

Transportation:	Freight/express charges -- 375/mo x 12	4,500
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**Advertising, Printing & Binding:**

Subscriptions	75
Advertising -- 2 meetings x 350	700
Printing Annual report	2,500
Forms, misc.	1,000
Photocopy per caseload requirements	7,718

**Minor Repair, Maintenance:** 6,000

**Rental for Space:**

Space requirements per Department of Administration standards:

Fairbanks	678 SF @ \$2.00/SF x 12 months	= 16,272	
Bethel	492 SF @ \$2.50/SF x 12 months	= 14,760	31,032

**Total Contractual:** 104,925

**SUPPLIES AND MATERIALS:** 18.5

Office and library supplies, 1500/mo x 12	= 18,000	
Data processing supplies	= 500	18,500

FY 93 (continued)**EQUIPMENT:**

95.4

Equipment per office includes one PC per position, file cabinets, furniture and miscellaneous equipment, phones and photocopiers.

Fairbanks Regional Office	=	55,156	
Bethel Regional Office	=	40,256	95,412

FY 94

Adds Nome Regional Office and 1 local review panel.

**PERSONAL SERVICES:**

1,291.7

One-step merit increase for ongoing positions, three new positions for Nome Regional Office.

**TRAVEL:**

145.9

Includes per diem costs for one additional local panel at \$90/day for eight 1-day meetings.

**CONTRACTUAL:**

101.5

## Professional Services:

10,000

## Communication:

Telephone (toll costs, base/local fixed costs, centrex network costs)	
2900/mo x 12 months	34,800
Telecopier charges -- 175/mo x 12 months	2,100
Teleconference charges -- 2 @ 450	900
Postage -- 1500/mo x 12	18,000

## Transportation:

Freight/express charges -- 450/mo x 12	5,400
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## Advertising, Printing &amp; Binding:

Subscriptions	75
Advertising -- 2 meetings x 350	700
Printing Annual report	2,500
Forms, misc.	1,150
Photocopy per caseload requirements	7,948

## Minor Repair, Maintenance:

6,000

## Rental for Space:

Space requirements per Department of Administration standards:

Nome 395.75 SF @ \$2.50/SF x 12 months	11,873
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Total Contractual:	101,446
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HB 19 Analysis:

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FY 94 (continued)

**SUPPLIES AND MATERIALS:**

21.0

Office and library supplies, 1700/mo x 12 = 20,400

Data processing supplies = 600 21,000

**EQUIPMENT:**

33.3

Equipment per office includes one PC per position, file cabinets, furniture and miscellaneous equipment, phones and photocopiers.

Nome Regional Office

33,306

FY 95

**PERSONAL SERVICES:**

1,330.5

**TRAVEL:**

145.9

**CONTRACTUAL:**

89.6

**SUPPLIES AND MATERIALS:**

21.0

**EQUIPMENT:**

.5



1.	POSITION TITLE Administrative Assistant, SCCRP				RANGE/STEP 16/A	BARG. UNIT	PAGE/LINE	GOV.	APPROV.	DISAPP
2.	TYPE OF POSITION PFT	STAFF MONTHS 12	RP NUMBER	PCN NUMBER	BRU PRIORITY	LOCATION Juneau	ELECTION DISTRICT	LEG.		
3.	CONTINUATION LEVEL				JUSTIFICATION:					
4.	TYPE OF EXPENDITURE			AMOUNT	Administrative support to the Executive Director. Monitors budget; processes invoices; travel authorizations; delivery orders and similar daily fiscal documents. Assists Exec. Dir. with preparation of annual report, training plans, and implementation of Panel's policies.					
	1	2	3							
	PERSONAL SERVICES									
5.	Salary		32,580							
6.	Benefits		11,782							
7.	Supplemental Benefits									
8.	Fixed Benefits									
9.	TOTAL PERSONAL SERVICES	01		44.4						
10.	Travel	02		.9						
11.	Contractual	03		2.0						
12.	Commodities	04								
13.	Equipment	05		7.8						
14.	Other									
15.	TOTAL COST			55.1						
	RECEIPT CODE	FUNDING SOURCE								
16.		Federal Receipts 1002								
17.		G.F. Match 1003								
18.		General Funds 1004		55.1						
19.		I-A Receipts 1005								
20.		Program Receipts 1028								
21.		Other								
	FOR B&M USE ONLY									
	KEY NUMBER									

REQUEST FOR NEW POSITION
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AGENCY Office of the Governor

BRU Commissions and Special Offices

COMPONENT State Children's Citizen Review Panel

FY 91

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Revised Date

1.	POSITION TITLE Research Analyst II				RANGE/STEP 16/A	BARG. UNIT	PAGE/LINE	GOV.	APPROV.	DISAPP						
2.	TYPE OF POSITION PFT	STAFF MONTHS 12	RP NUMBER	PCN NUMBER	BRU PRIORITY	LOCATION Juneau	ELECTION DISTRICT	LEG.								
3.	CONTINUATION LEVEL				JUSTIFICATION:											
4.	TYPE OF EXPENDITURE				<p>Under supervisor of the Executive Director, create management and data collection system for all children under review by SCCRP. Maintain data systems for agency; assist in production of annual report; preparation of required/requested statistical data and case review data.</p>											
	1	2	3													
	PERSONAL SERVICES															
5.	Salary		32,580													
6.	Benefits		11,782													
7.	Supplemental Benefits															
8.	Fixed Benefits															
9.	TOTAL PERSONAL SERVICES		01	44.4												
10.	Travel		02													
11.	Contractual		03	2.0												
12.	Commodities		04													
13.	Equipment		05	8.8												
14.	Other															
15.	TOTAL COST			55.2												
	RECEIPT CODE	FUNDING SOURCE														
16.		Federal Receipts 1002														
17.		G.F. Match 1003														
18.		General Funds 1004		55.2												
19.		I-A Receipts 1005														
20.		Program Receipts 1028														
21.		Other														
FOR B&M USE ONLY KEY NUMBER - - - - -																

REQUEST FOR  
NEW POSITION

AGENCY Office of the Governor  
 BRU Commissions and Special Offices  
 COMPONENT State Children's Citizen Review Panel

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 Revised Date \_\_\_\_\_

FY 91

1.	POSITION TITLE Citizens Foster Care Review Panel (CFCR) Coordinator				RANGE/STEP 17/A	BARG. UNIT	PAGE/LINE	GOV.	APPROV.	DISAPP
2.	TYPE OF POSITION PFT	STAFF MONTHS 12	RP NUMBER	PCN NUMBER	BRU PRIORITY	LOCATION Juneau/Anch.	SECTION DISTRICT	LEG.		
3.	CONTINUATION LEVEL				JUSTIFICATION:					
4.	TYPE OF EXPENDITURE				One each position, Juneau and Anchorage Regional offices. (Juneau position transferred from Ketchikan) Supervise regional office of the State Children's Citizen Review Panel. Employ, discharge and supervise CFCR assistants and Clerk Typists. Recruit, screen and train local review panels; administer policies and procedures; substitute for assistants in emergencies; coordinate activities of local panels with agencies affected by review process. Review and approve written summaries and reports prepared by the CFCR assistants prior to distribution. Reports to the SCCRP Exec. Director.					
	1		2		AMOUNT					
	PERSONAL SERVICES									
5.	Salary				34,920					
6.	Benefits				12,296					
7.	Supplemental Benefits									
8.	Fixed Benefits									
9.	TOTAL PERSONAL SERVICES		01		47.2					
10.	Travel		02		.8					
11.	Contractual		03		3.4					
12.	Commodities		04							
13.	Equipment		05		7.3					
14.	Other									
15.	TOTAL COST				58.7					
	RECEIPT CODE	FUNDING SOURCE								
16.		Federal Receipts 1002								
17.		G.F. Match 1003								
18.		General Funds 1004		58.7						
19.		I-A Receipts 1005								
20.		Program Receipts 1028								
21.		Other								
FOR B&M USE ONLY KEY NUMBER										

REQUEST FOR NEW POSITION
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AGENCY Office of the Governor  
 BRU Commissions and Special Offices  
 COMPONENT State Children's Citizen Review Panel

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Revised Date _____

FY 91
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1.	POSITION TITLE CFCRP Coordinator				RANGE/STEP 17/A	BARG. UNIT	PAGE/LINE	GOV.	APPROV.	DISAPP
2.	TYPE OF POSITION PFT	STAFF MONTHS 12	RP NUMBER	PCN NUMBER	BRU PRIORITY	LOCATION Ketchikan	ELECTION DISTRICT	LEG.		
3.	CONTINUATION LEVEL				JUSTIFICATION:					
4.	TYPE OF EXPENDITURE				Position transfers to Juneau in FY 92.					
	1			2	3					
	PERSONAL SERVICES				Supervises regional office of the State Children's Citizen Review Panel. Employ, discharge and supervise CFCR assistants and Clerk Typists. Recruit, screen and train local review panels; administer policies and procedures; substitute for assistants in emergencies; coordinate activities of local panels with agencies affected by review process. Review and approve written summaries and reports prepared by the CFCR assistants prior to distribution. Reports to SCCRP Exec. Director.					
5.	Salary		34,220							
6.	Benefits		12,296							
7.	Supplemental Benefits									
8.	Fixed Benefits									
9.	TOTAL PERSONAL SERVICES		01		47.2					
10.	Travel		02		.8					
11.	Contractual		03		4.2					
12.	Commodities		04							
13.	Equipment		05		7.3					
14.	Other									
15.	TOTAL COST				59.5					
	RECEIPT CODE	FUNDING SOURCE								
16.		Federal Receipts 1002								
17.		G.F. Match 1003								
18.		General Funds 1004		59.5						
19.		I-A Receipts 1005								
20.		Program Receipts 1028								
21.		Other								
FOR B&M USE ONLY KEY NUMBER										

REQUEST FOR  
NEW POSITION

AGENCY Office of the Governor

BRU Commissions and Special Offices

COMPONENT State Children's Citizen Review Panel

FY 91

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Revised Date \_\_\_\_\_

1.	POSITION TITLE CFCRP Coordinator				RANGE/STEP 17/A	BARG. UNIT	PAGE/LINE	GOV.	APPROV.	DISAPP
2.	TYPE OF POSITION PFT	STAFF MONTHS 12	RP NUMBER	FCN NUMBER	BRU PRIORITY	LOCATION Fairbanks	ELECTION DISTRICT	LEG.		
3.	CONTINUATION LEVEL				JUSTIFICATION:					
4.	TYPE OF EXPENDITURE				<p>Supervises regional office of the State Children's Citizen Review Panel. Employ, discharge and supervise CFCR assistants and Clerk Typists. Recruit, screen and train local review panels; administer policies and procedures; substitute for assistants in emergencies; coordinate activities of local panels with agencies affected by review process. Review and approve written summaries and reports prepared by the CFCR assistants prior to distribution. Reports to SCCRP Exec. Director.</p>					
	1	2	3							
	PERSONAL SERVICES									
5.	Salary		40,236							
6.	Benefits		13,462							
7.	Supplemental Benefits									
8.	Fixed Benefits									
9.	TOTAL PERSONAL SERVICES	01		53.7						
10.	Travel	02		.8						
11.	Contractual	03		3.4						
12.	Commodities	04								
13.	Equipment	05		7.3						
14.	Other									
15.	TOTAL COST			65.2						
	RECEIPT CODE	FUNDING SOURCE								
16.		Federal Receipts 1002								
17.		G.F. Match 1003								
18.		General Funds 1004		65.2						
19.		I-A Receipts 1005								
20.		Program Receipts 1028								
21.		Other								
FOR B&M USE ONLY KEY NUMBER										

<b>REQUEST FOR NEW POSITION</b>
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AGENCY Office of the Governor

BRU Commissions and Special Offices

COMPONENT State Children's Citizen Review Panel

FY 91
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Revised Date

1.	POSITION TITLE CFCRP Coordinator				RANGE/STEP 17/A	BARG. UNIT	PAGE/LINE	GOV.	APPROV.	DISAPP
2.	TYPE OF POSITION PFT	STAFF MONTHS 12	RP NUMBER	PCN NUMBER	BRU PRIORITY	LOCATION Bethel/	ELECTION DISTRICT	LEG.		
3.	CONTINUATION LEVEL		ADDITION		JUSTIFICATION: Nome					
4.	TYPE OF EXPENDITURE			AMOUNT	<p>One each position, Bethel and Nome regional offices.</p> <p>Supervises regional office of the State Children's Citizen Review Panel. Employ, discharge and supervise CFCR assistants and Clerk Typists. Recruit, screen and train local review panels; administer policies and procedures; substitute for assistants in emergencies; coordinate activities of local panels with agencies affected by review process. Review and approve written summaries and reports prepared by the CFCR assistants prior to distribution. Reports to SCCRP Exec. Director.</p>					
	1	2	3							
	PERSONAL SERVICES									
5.	Salary		47,688							
6.	Benefits		15,097							
7.	Supplemental Benefits									
8.	Fixed Benefits									
9.	TOTAL PERSONAL SERVICES	01		62.8						
10.	Travel	02		1.1						
11.	Contractual	03		4.2						
12.	Commodities	04								
13.	Equipment	05		7.3						
14.	Other									
15.	TOTAL COST			75.4						
	RECEIPT CODE	FUNDING SOURCE								
16.		Federal Receipts 1002								
17.		G.F. Match 1003								
18.		General Funds 1004		75.4						
19.		I-A Receipts 1005								
20.		Program Receipts 1028								
21.		Other								
	FOR B&M USE ONLY KEY NUMBER									

REQUEST FOR NEW POSITION
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AGENCY Office of the Governor

BRU Commissions and Special Offices

COMPONENT State Children's Citizen Review Panel

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Revised Date

1.	POSITION TITLE CFCRP Assistant				RANGE/STEP 11/A	BARG. UNIT	PAGE/LINE	GOV.	APPROV.	DISAPP
2.	TYPE OF POSITION PFT	STAFF MONTHS 12	RP NUMBER	PCN NUMBER	BRU PRIORITY	LOCATION Juneau/	ELECTION DISTRICT	LEG.		
3.	CONTINUATION LEVEL				JUSTIFICATION: Anchorage					
4.	TYPE OF EXPENDITURE			AMOUNT	<p>One position Juneau, 6 positions in Anchorage</p> <p>Reports to the CFCRP Coordinator. Coordinates schedules of case reviews; notify parties of case reviews and coordinate telephonic accessibility by all parties to a review; coordinate access to and xeroxing of case files at appropriate agencies; review each case file and compile summary for panel's review; complete all data collection forms on each case; attend local panel meetings, record testimony, concerns and recommendations. Write and coordinate distribution of CFCRP report to Court and parties/agencies involved.</p>					
	1		2	3						
	PERSONAL SERVICES									
5.	Salary		23,580							
6.	Benefits		9,808							
7.	Supplemental Benefits									
8.	Fixed Benefits									
9.	TOTAL PERSONAL SERVICES		01	33.4						
10.	Travel		02							
11.	Contractual		03	1.9						
12.	Commodities		04							
13.	Equipment		05	7.0						
14.	Other									
15.	TOTAL COST			42.3						
	RECEIPT CODE	FUNDING SOURCE								
16.		Federal Receipts 1002								
17.		G.F. Match 1003		42.3						
18.		General Funds 1004								
19.		I-A Receipts 1005								
20.		Program Receipts 1028								
21.		Other								
FOR B&M USE ONLY										
KEY NUMBER										

REQUEST FOR NEW POSITION
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AGENCY Office of the Governor

BRU Commissions and Special Offices

COMPON State Children's Citizen Review Panel

FY 91
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Revised Date _____

1.	POSITION TITLE CFCRP Assistant				RANGE/STEP 11/A	BARG. UNIT	PAGE/LINE	GOV.	APPROV.	DISAPP
2.	TYPE OF POSITION PFT	STAFF MONTHS 12	RP NUMBER	PCN NUMBER	BRU PRIORITY	LOCATION Fairbanks	ELECTION DISTRICT	LEG.		
3.	CONTINUATION LEVEL		ADDITION		JUSTIFICATION:					
4.	TYPE OF EXPENDITURE			AMOUNT	Three positions Fairbanks regional office.					
	1		2	3	Reports to the CFCRP Coordinator. Coordinates schedules of case reviews; notify parties of case reviews and coordinate telephonic accessibility by all parties to a review; coordinate access to and xeroxing of case files at appropriate agencies; review each case file and compile summary for panel's review; complete all data collection forms on each case; attend local panel meetings, record testimony, concerns and recommendations. Write and coordinate distribution of CFCRP report to Court and parties/agencies involved.					
	PERSONAL SERVICES									
5.	Salary		26,604							
6.	Benefits		10,471							
7.	Supplemental Benefits									
8.	Fixed Benefits									
9.	TOTAL PERSONAL SERVICES		01	37.1						
10.	Travel		02							
11.	Contractual		03	1.9						
12.	Commodities		04							
13.	Equipment		05	7.0						
14.	Other									
15.	TOTAL COST			46.0						
	RECEIPT CODE	FUNDING SOURCE								
16.		Federal Receipts 1002								
17.		G.F. Match 1003								
18.		General Funds 1004		46.0						
19.		I-A Receipts 1005								
20.		Program Receipts 1028								
21.		Other								
FOR B&M USE ONLY										
KEY NUMBER										

REQUEST FOR  
NEW POSITION

AGENCY Office of the Governor

BRU Commissions and Special Offices

COMPONENT State Children's Citizen Review Panel

FY 91

Page 9 of 14

Revised Date \_\_\_\_\_

1.	POSITION TITLE CFCRP Assistant				RANGE/STEP 11/A	BARG. UNIT	PAGE/LINE	COV.	APPROV.	DISAPP
2.	TYPE OF POSITION PFT	STAFF MONTHS 12	RP NUMBER	PCN NUMBER	BRU PRIORITY	LOCATION Bethel/	ELECTION DISTRICT	LEG.		
3.	CONTINUATION LEVEL		ADDITION		JUSTIFICATION: Nome					
4.	TYPE OF EXPENDITURE			AMOUNT	<p>Two positions Bethel regional office, one position in Nome.</p> <p>Reports to the CFCRP Coordinator. Coordinates schedules of case reviews; notify parties of case reviews and coordinate telephonic accessibility by all parties to a review; coordinate access to and xeroxing of case files at appropriate agencies; review each case file and compile summary for panel's review; complete all data collection forms on each case; attend local panel meetings, record testimony, concerns and recommendations. Write and coordinate distribution of CFCRP report to Court and parties/agencies involved.</p>					
	1		2	3						
	PERSONAL SERVICES									
5.	Salary		31,476							
6.	Benefits		11,540							
7.	Supplemental Benefits									
8.	Fixed Benefits									
9.	TOTAL PERSONAL SERVICES		01	43.0						
10.	Travel		02							
11.	Contractual		03	2.4						
12.	Commodities		04							
13.	Equipment		05	2.0						
14.	Other									
15.	TOTAL COST			52.4						
	RECEIPT CODE	FUNDING SOURCE								
16.		Federal Receipts 1002								
17.		G.F. Match 1003								
18.		General Funds 1004		52.4						
19.		I-A Receipts 1005								
20.		Program Receipts 1028								
21.		Other								
FOR B&M USE ONLY										
KEY NUMBER										

REQUEST FOR NEW POSITION
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AGENCY Office of the Governor

BRU Commissions and Special Offices

COMPONENT State Children's Citizen Review Panel

FY 91
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Page <u>10</u> of <u>14</u>
Revised Date _____

1.	POSITION TITLE				RANGE/STEP	BARG. UNIT	PAGE/LINE	GOV.	APPROV.	DISAPP
2.	TYPE OF POSITION	STAFF MONTHS	RP NUMBER	PCN NUMBER	BRU PRIORITY	LOCATION	ELECTION DISTRICT	LEG.		
	Clerk Typist III /				8/A					
	PFT	12				Juneau/				
3.	CONTINUATION LEVEL				ADDITION					
4.	TYPE OF EXPENDITURE				AMOUNT					
	1		2		3					
	PERSONAL SERVICES									
5.	Salary		19,668							
6.	Benefits		8,950							
7.	Supplemental Benefits									
8.	Fixed Benefits									
9.	TOTAL PERSONAL SERVICES		01		28.6					
10.	Travel		02							
11.	Contractual		03		1.4					
12.	Commodities		04							
13.	Equipment		05		7.0					
14.	Other									
15.	TOTAL COST				37.0					
	RECEIPT CODE				FUNDING SOURCE					
16.					Federal Receipts 1002					
17.					G.F. Match 1003					
18.					General Funds 1004 37.0					
19.					I-A Receipts 1005					
20.					Program Receipts 1028					
21.					Other					
FOR B&M USE ONLY										
KEY NUMBER										

JUSTIFICATION: Anchorage

One position Juneau, 5 positions Anchorage regional office. (Juneau position transferred from Ketchikan) Clerical and typing support for the CFCRP Assistants and Coordinators. Maintain files, typing needs of assistants and coordinator, photocopy and compile case files at various agencies related to cases subject to review.

REQUEST FOR  
NEW POSITION

AGENCY Office of the Governor

BRU Commissions and Special Offices

COMPONENT State Children's Citizen Review Panel

FY 91

Page 11 of 14

Revised Date

1.	POSITION TITLE Clerk Typist III /				RANGE/STEP 8/A	BARG. UNIT	PAGE/LINE	GOV.	APPROV.	DISAPP
2.	TYPE OF POSITION PFT	STAFF MONTHS 12	RP NUMBER	PCN NUMBER	BRU PRIORITY	LOCATION Ketchikan	ELECTION DISTRICT	LEG.		
3.	CONTINUATION LEVEL		ADDITION		<b>JUSTIFICATION:</b>  One position, transfer to Juneau Regional office in FY 92.  Clerical and typing support for the CFCRP Assistants and Coordinators. Maintain files, typing needs of assistants and coordinator, photocopy and compile case files at various agencies related to cases subject to review.					
4.	TYPE OF EXPENDITURE			AMOUNT						
	1	2	3							
	PERSONAL SERVICES									
5.	Salary		19,668							
6.	Benefits		8,950							
7.	Supplemental Benefits									
8.	Fixed Benefits									
9.	TOTAL PERSONAL SERVICES		01	28.6						
10.	Travel		02							
11.	Contractual		03	1.8						
12.	Commodities		04							
13.	Equipment		05	7.0						
14.	Other									
15.	TOTAL COST			37.4						
	RECEIPT CODE	FUNDING SOURCE								
16.		Federal Receipts 1002								
17.		G.F. Match 1003								
18.		General Funds 1004		37.4						
19.		I-A Receipts 1005								
20.		Program Receipts 1028								
21.		Other								
	FOR B&M USE ONLY KEY NUMBER									

REQUEST FOR  
NEW POSITION

AGENCY Office of the Governor  
 BRU Commissions and Special Offices  
 COMPONENT State Children's Citizen Review Panel

FY 91

Page 12 of 14  
 Revised Date \_\_\_\_\_

1.	POSITION TITLE Clerk Typist III /				RANGE/STEP 8/A	BARG. UNIT	PAGE/LINE	COV.	APPROV.	DISAPP	
2.	TYPE OF POSITION PFT	STAFF MONTHS 12	RP NUMBER	PCN NUMBER	BRU PRIORITY	LOCATION Fairbanks	ELECTION DISTRICT	LEG.			
3.	CONTINUATION LEVEL				ADDITION						
4.	TYPE OF EXPENDITURE				AMOUNT						
	1		2		3						
	PERSONAL SERVICES										
5.	Salary		22,140								
6.	Benefits		9,492								
7.	Supplemental Benefits										
8.	Fixed Benefits										
9.	TOTAL PERSONAL SERVICES		01		31.6						
10.	Travel		02								
11.	Contractual		03		1.4						
12.	Comodities		04								
13.	Equipment		05		7.0						
14.	Other										
15.	TOTAL COST				40.0						
	RECEIPT CODE		FUNDING SOURCE								
16.			Federal Receipts 1002								
17.			G.F. Match 1003								
18.			General Funds 1004		40.0						
19.			I-A Receipts 1005								
20.			Program Receipts 1028								
21.			Other								
FOR BSM USE ONLY KEY NUMBER											

JUSTIFICATION:

Two positions Fairbanks Regional office.

Clerical and typing support for the CFCRP Assistants and Coordinators. Maintain files, typing needs of assistants and coordinator, photocopy and compile case files at various agencies related to cases subject to review.

REQUEST FOR  
NEW POSITION

AGENCY Office of the Governor

BRU Commissions and Special Offices

COMPONENT State Children's Citizen Review Panel

FY 91

Page 13 of 14  
Revised Date \_\_\_\_\_

1.	POSITION TITLE Clerk Typist III /				RANGE/STEP 8/A	BARG. UNIT	PAGE/LINE	COV.	APPROV.	DISAPP
2.	TYPE OF POSITION PET	STAFF MONTHS 12	RP NUMBER	PCN NUMBER	BRU PRIORITY	LOCATION Bethel /	ELECTION DISTRICT	LEG.		
3.	CONTINUATION LEVEL				JUSTIFICATION: None					
4.	TYPE OF EXPENDITURE				One each Bethel and Nome Regional offices					
	1	2	3		Clerical and typing support for the GFCRP Assistants and Coordinators. Maintain files, typing needs of assistants and coordinator, photocopy and compile case files at various agencies related to cases subject to review.					
	PERSONAL SERVICES									
5.	Salary		25,740							
6.	Benefits		10,282							
7.	Supplemental Benefits									
8.	Fixed Benefits									
9.	TOTAL PERSONAL SERVICES		01	36.0						
10.	Travel		02							
11.	Contractual		03	1.8						
12.	Commodities		04							
13.	Equipment		05	7.0						
14.	Other									
15.	TOTAL COST			44.8						
	RECEIPT CODE	FUNDING SOURCE								
16.		Federal Receipts 1002								
17.		G. F. Match 1003								
18.		General Funds 1004		44.8						
19.		I-A Receipts 1005								
20.		Program Receipts 1028								
21.		Other								
FOR B&H USE ONLY KEY NUMBER										

REQUEST FOR  
NEW POSITION

AGENCY Office of the Governor

BRU Commissions and Special Offices

COMPONENT State Children's Citizen Review Panel

FY 91

Page 14 of 14

Revised Date

FILED  
SECRETARY OF STATE  
NOV 19 87 028334

Approved by State Board  
9/8/87

RULES AND REGULATIONS

TITLE 162 - STATE FOSTER CARE REVIEW BOARD

CHAPTER 1-000 INTRODUCTION

1-001 Legal Basis:

The Foster Care Review Act, LB 714 enacted by Nebraska's Eighty-seventh Legislature, Second Session, 1982, established the Foster Care Review Board, Section 43-1301 through Section 43-1318, Revised Statutes of Nebraska, 1943.

1-002 Purpose Statement:

The Foster Care Review Board was established as an independent agency to periodically review the case plans of children in foster care. The purpose of the review is to assure that appropriate goals have been set for the child, that realistic time limits have been set for the accomplishment of these goals, that efforts are being made by all parties to achieve these goals, that appropriate services are being delivered to the child and/or his or her family, and that long-range planning has been done to move the child to a permanent home where he or she can grow and thrive.

The Foster Care Review Board is mandated to maintain a tracking system of all children in out-of-home placement in the State. The tracking system is to provide information about the number of children entering and leaving care as well as any other data regarding needs and trends in foster care.

1-003 Review of Cases:

The State Board or designated local board shall review the case of each child in foster care at least once every six months.

APPROVED  
ROBERT M. SPIRE  
ATTORNEY GENERAL

APPROVED  
Date 11/12/87

*[Signature]*  
Governor

OCT 13 1987  
BY *[Signature]*  
Assistant Attorney General

*South Carolina*

## I. OVERVIEW OF REVIEW SYSTEMS

### A. PURPOSE OF FOSTER CARE REVIEW

The purpose of foster care review is to assure that children do not linger unnecessarily in foster care, but rather that they receive the support and benefits of a permanent home. Permanence is defined as a home which holds together during crisis and provides a lasting, trusting, and nurturing environment. The return of the child to the biological family is the ideal permanent goal; however, when this is not possible, the goal becomes to place the child in another stable, permanent home.

### B. IMPORTANCE OF REVIEW SYSTEMS

#### 1. Impact of Foster Care on Children

Children need the stability and support of a permanent home and family in order to grow and flourish; they need the sense of lifelong belonging and continuity that only a permanent home can provide. Children in foster care represent a huge potential loss in both financial and human terms.

It is estimated that almost half a million children pass through state foster care systems in this country every year. In fiscal year 1985, for example, federal government figures show that an average of 108,000 children were in foster care in any given month. The foster care system places a financial burden on U.S. taxpayers that was estimated at \$2 billion. The cost in human potential was- and remains- inestimable, since research indicates a direct correlation between child abuse and neglect and later juvenile delinquency and adult criminality.

When a child is placed in foster care, it is intended to be a short-term solution to an emergency situation. In the past, however, all too often foster care placements resulted in the child being destined to obscurity within the child welfare system. The ideal of assuring a permanent home for every child fell by the wayside while the child was set adrift among different foster families and group homes. The child's vital developmental years were lost, since he was neither free to return home to his natural parents nor eligible to be adopted by a new and permanent family.

Throughout the 1970's, judges, social workers, attorneys and child advocacy groups began to recognize that the U.S. foster care system was failing to respond to the needs of many abused and neglected children and their families. Many children were "adrift" in the system without regular or timely review of their placement. Crowded court calendars and understaffed child welfare agencies were contributing to an increase in the number of children and lengths of time spent in substitute care.

Concern for children lingering unnecessarily in foster care continued to mount throughout the decade. Among solutions proposed by child advocacy organizations were the comprehensive implementation of permanency planning case work and foster care placement monitoring through regular case reviews. A new resource was also identified to help monitor foster care children and to advocate on their behalf: citizen volunteers.

**FISCAL NOTE**

**JAN 19 1990**

**REQUEST:**

Revision Date: \_\_\_\_\_ Agency Affected: Administration  
 Title: "An Act relating to citizen review panels for certain children..." BRU: Office of Public Advocacy  
 Sponsor: Collins, Gruenberg, Ulmer, et al Components: \_\_\_\_\_  
 Requestor: Representative Collins

**EXPENDITURES/REVENUES: (Thousands of Dollars)**

OPERATING	FY91	FY92	FY93	FY94	FY95	FY96
PERSONAL SERVICES	0	0	0	0	0	0
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	0	0	0	0	0	0
FEDERAL FUNDS						
OTHER						
TOTAL	0	0	0	0	0	0

**POSITIONS:**

FULL-TIME	0	0	0	0	0	0
PART-TIME						
TEMPORARY						

**ANALYSIS :** (Attach a separate page if necessary)

Prepared by: Brant McGee, Public Advocate Phone: 274-1684  
 Division: Office of Public Advocacy Date: \_\_\_\_\_  
 Approved by Commissioner: Frank Baxter Date: 1/19/90  
 Agency: Department of Administration

Distribution (by preparer) :

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

## FISCAL NOTE

**REQUEST:**

Revision Date: \_\_\_\_\_  
 Title: Review Panels for children in Foster Care  
 Sponsor: Collins and Gruenberg  
 Requestor: \_\_\_\_\_

Agency Affected: DHSS  
 BRU: \_\_\_\_\_  
 Components: \_\_\_\_\_

**EXPENDITURES/REVENUES:** (Thousands of Dollars)

OPERATING	FY 91	FY 92	FY 93	FY 94	FY 95	FY 96
PERSONAL SERVICES						
TRAVEL						
CONTRACTUAL						
SUPPLIES						
EQUIPMENT						
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
<b>TOTAL OPERATING</b>	-0-	-0-	-0-	-0-	-0-	-0-
<b>CAPITAL</b>	-0-	-0-	-0-	-0-	-0-	-0-
<b>REVENUE</b>	-0-	-0-	-0-	-0-	-0-	-0-

**FUNDING:** (Thousands of Dollars)

GENERAL FUND	-0-	-0-	-0-	-0-	-0-	-0-
FEDERAL FUNDS						
OTHER						
<b>TOTAL</b>	-0-	-0-	-0-	-0-	-0-	-0-

**POSITIONS:**

FULL-TIME	-0-	-0-	-0-	-0-	-0-	-0-
PART-TIME	-0-	-0-	-0-	-0-	-0-	-0-
TEMPORARY	-0-	-0-	-0-	-0-	-0-	-0-

**ANALYSIS :** (Attach a separate page if necessary)

Prepared by: Russell Webb *Russell Webb* Phone: 465-3170  
 Division: Family & Youth Services Date: \_\_\_\_\_  
 Approved by Commissioner: Myra M. Munson *Myra M. Munson* Date: Jan 15, 1990  
 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  
1990 LEGISLATIVE SESSION**

Bill Version: CS HB 19

Publish Date: 5/19/89

**FISCAL NOTE**

**REQUEST:**

Revision Date:	Agency Affected:	<u>Alaska Court System</u>
Title: <u>An Act relating to citizen review panels for certain children</u>	BRU:	<u>Trial Courts</u>
Sponsor: <u>Collins, Gruenberg, Ulmer, et al</u>	Components:	
Requestor:		

**EXPENDITURES/REVENUES: (Thousands of Dollars)**

OPERATING	FY 90	FY 91	FY 92	FY 93	FY 94	FY 95
Personal Services		18.0	18.0	18.0	18.0	18.0
Travel						
Contractual						
Supplies						
Equipment						
Land & Structures						
Grants & Claims						
<b>TOTAL OPERATING</b>	<b>0.0</b>	<b>18.0</b>	<b>18.0</b>	<b>18.0</b>	<b>18.0</b>	<b>18.0</b>

<b>CAPITAL</b>						
----------------	--	--	--	--	--	--

<b>REVENUE</b>						
----------------	--	--	--	--	--	--

**FUNDING: (Thousands of Dollars)**

General Funds	0.0	18.0	18.0	18.0	18.0	18.0
Federal Funds						
Other						
<b>TOTAL</b>	<b>0.0</b>	<b>18.0</b>	<b>18.0</b>	<b>18.0</b>	<b>18.0</b>	<b>18.0</b>

**POSITIONS:**

Full-time						
Part-time		1.0	1.0	1.0	1.0	1.0
Temporary						

**ANALYSIS: (Attach a separate page if necessary)**

See attached analysis

Prepared by: Robert G. Fisher, Manager, Fiscal Operations  
 Division: Alaska Court System  
 Approved by: Arthur H. Snowden, II, Administrative Director  
 Agency: Alaska Court System

Phone: 264-8228  
 Date: 01/12/90  
 Date: 01/12/90

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

Alaska Court System

CS HB 19

Fiscal Analysis

Personal Services

	<u>Salary</u>	<u>Benefits</u>	<u>Total</u>
Pro tem superior court judge, PPT, 6 months	\$9,663	\$8,287	<u>\$17,950</u>

The court's preliminary analysis of this legislation indicates the 18-month review requirements will result in additional hearings. It is estimated that a half-time, permanent part-time, superior court judge will be required. The funding will be used to hire retired superior court judges in each judicial district impacted by this legislation.

The court will provide additional analysis of this legislation.

## CONTENTS

1. House Bill 19
2. Sectional Analysis
3. Statutes
4. Sponsor Summary of bill
5. Legislative Reporting Service Summary
6. House HESS Preliminary Recommendations for the State Foster Care System
7. "Advantage of Citizen Review"
8. Citizen Review Systems in Other States
9. Alaska Foster Parent Association position paper

STATE OF ALASKA  
THE LEGISLATURE

LEGISLATIVE AFFAIRS AGENCY

2

POUCH Y STATE CAPITOL  
JUNEAU, ALASKA 99811  
907 465 3100

MEMORANDUM

February 27, 1989

SUBJECT: Sectional Analysis  
HB 19

TO: Representative Virginia Collins

FROM: Terri Lauterbach *TWL*  
Legislative Counsel

This memo contains a sectional analysis of HB 19, a bill relating to foster care review panels.

Section 1 requires a court to notify the parties in certain cases about the pertinent foster care review panel established under sec. 3 of the bill.

Section 2 adds a definition of "panel" to the definition section applicable to AS 47.10.

Section 3 establishes criteria for forming a foster care review panel and sets out panel duties.

Sec. 47.10.400 describes the composition of a foster care review panel.

Sec. 47.10.410 sets quorum and voting requirements for panels.

Sec. 47.10.420 directs the Department of Administration to provide staff and meeting space for panels.

Sec. 47.10.430 allows reimbursement of certain expenses of panel members.

Sec. 47.10.440 describes the duties of the panels.

Sec. 47.10.450 requires the Department of Health and Social Services to cooperate with panels and explain to the court any failure by DHSS to implement a panel recommendation.

Representative Virginia Collins

Page 2

February 27, 1989

Sec. 47.10.460 provides for the sharing of a child's records with a panel.

Sec. 47.10.470 sets out the circumstances under which a court must consider panel recommendations.

Sec. 47.10.480 requires the court system to make an annual report to the legislature about the activities of foster care review panels.

Section 4 notes that a court rule is affected by this Act.

TL:kb  
wkk2/066

s. or others to be hearing must be late, Sup. Ct. Op. 6), 487 P.2d 27

anted the right Alaska Consti. p. Ct. Op. No. 706 d 27 (1971).

hat children have al by jury where ts which would be n adult. John Doe Co. 707 (File No.

stitutional right of be afforded chil- adjudication pro- f the possible nevolent motives stem which have, al of those rights. Ct. Op. No. 707 147 (1971).

stitutional guar- apply as much to oceedings as to gs. RLR v. State, e No. 1156), 487

proved beyond der the due pro- edment. RLR v. 5 (File No. 1156),

Sup. Ct. Op. No. 1 P.2d 13 (1975); Op. No. 95 (File 1982).

proceedings, 43

file delinquency 138.

Unless the sory panel to dgment and endations in

ually to the 12. The court each panel. hile serving ce each year

3

(d) A student shall be excused from service as a panel member if the student submits a written request to the court indicating the reason for not wishing to serve. (§ 2 ch 49 SLA 1966)

Legislative history reports. — For report on ch. 49, SLA 1966, see 1966 House Journal, p. 52.

Sec. 47.10.080. Judgments and orders. (a) The court, at the conclusion of the hearing, or thereafter as the circumstances of the case may require, shall find and enter a judgment that the minor is or is not delinquent or a child in need of aid.

(b) If the court finds that the minor is delinquent, it shall

(1) order the minor committed to the Department of Health and Social Services for a period of time not to exceed two years or in any event extend past the day the minor becomes 19, except that the department may petition for and the court may grant in a hearing (A) two-year extensions of commitment which do not extend beyond the child's 19th birthday if the extension is in the best interests of the minor and the public; and (B) an additional one-year period of supervision past age 19 if continued supervision is in the best interests of the person and the person consents to it; the department shall place the minor in the juvenile facility which the department considers appropriate and which may include a juvenile correctional school, detention home, or detention facility; the minor may be released from placement or detention and placed on probation on order of the court and may also be released by the department, in its discretion, under AS 47.0.200;

(2) order the minor placed on probation, to be supervised by the department, and released to the minor's parents, guardian, or a suitable person; if the court orders the minor placed on probation, it may specify the terms and conditions of probation; the probation may be for a period of time, not to exceed two years and in no event extend past the day the minor becomes 19, except that the department may petition for and the court may grant in a hearing

(A) two-year extensions of supervision which do not extend beyond the child's 19th birthday if the extension is in the best interests of the minor and the public; and

(B) an additional one-year period of supervision past age 19 if the continued supervision is in the best interests of the person and the person consents to it;

(3) order the minor committed to the department and placed on probation, to be supervised by the department, and released to the minor's parents, guardian, other suitable person, or suitable nondetention setting such as a family home, group care facility, or child care facility, whichever the department considers appropriate to implement the treatment plan of the predisposition report; if the court orders the minor placed on probation, it may specify the terms and conditions

of probation; the department may transfer the minor, in the minor's best interests, from one of the probationary placement settings listed in this paragraph to another, and the minor, the minor's parents or guardian, and the minor's attorney are entitled to reasonable notice of the transfer; the probation may be for a period of time, not to exceed two years and in no event extend past the day the minor becomes 19, except that the department may petition for and the court may grant in a hearing

(A) two-year extensions of commitment which do not extend beyond the child's 19th birthday if the extension is in the best interests of the minor and the public; and

(B) an additional one-year period of supervision past age 19 if the continued supervision is in the best interests of the person and the person consents to it; or

(4) order the minor to make suitable restitution in lieu of or in addition to the court's order under (1), (2) or (3) of this subsection.

(5) order the minor committed to the Department of Health and Social Services for placement in an adventure-based education program established under AS 47.21.020 with conditions the court considers appropriate concerning release upon satisfactory completion of the program or commitment under (1) of this subsection if the program is not satisfactorily completed.

(c) If the court finds that the minor is a child in need of aid, it shall

(1) order the minor committed to the department for placement in an appropriate setting for a period of time not to exceed two years or in any event past the date the minor becomes 19 years of age, except that the department may petition for and the court may grant in a hearing (A) two-year extensions of commitment which do not extend beyond the minor's 19th birthday if the extension is in the best interests of the minor and the public; and (B) an additional one-year period of supervision past age 19 if the continued supervision is in the best interests of the person and the person consents to it; the department may transfer the minor, in the minor's best interests, from one placement setting to another, and the minor, the minor's parents or guardian, and the minor's attorney are entitled to reasonable notice of the transfer;

(2) order the minor released to the minor's parents, guardian, or some other suitable person, and, in appropriate cases, order the parents, guardian, or other person to provide medical or other care and treatment; if the court releases the minor, it shall direct the department to supervise the care and treatment given to the minor, but the court may dispense with the department's supervision if the court finds that the adult to whom the minor is released will adequately care for the minor without supervision; the department's supervision may not exceed two years or in any event extend past the date the minor reaches age 19, except that the department may petition for and the court may grant in a hearing

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(A) two-year extensions of supervision which do not extend beyond the minor's 19th birthday if the extension is in the best interests of the minor and the public; and

(B) an additional one-year period of supervision past age 19 if the continued supervision is in the best interests of the person and the person consents to it; or

(3) by order, upon a showing in the adjudication by clear and convincing evidence that there is a child in need of aid under AS 47.10.010(a)(2) as a result of parental conduct and upon a showing in the disposition by clear and convincing evidence that the parental conduct is likely to continue to exist if there is no termination of parental rights, terminate parental rights and responsibilities of one or both parents and commit the child to the department or to a legally appointed guardian of the person of the child, and the department or guardian shall report annually to the court on efforts being made to find a permanent placement for the child.

(d) An order issued under (c) (3) of this section authorizes the commissioner of health and social services or a designee or the guardian of the person of the child to consent to the adoption of the child.

(e) If the court finds that the minor is not delinquent or a child in need of aid, it shall immediately order the minor released from the department's custody and returned to the minor's parents, guardian, or custodian, and dismiss the case.

(f) A minor found to be delinquent or a child in need of aid is a ward of the state while committed to the department or the department has the power to supervise the minor's actions. The court shall review an order made under (b) or (c)(1) or (2) of this section annually, and may review the order more frequently to determine if continued placement, probation, or supervision, as it is being provided, is in the best interest of the minor and the public. The department, the minor, the minor's parents, guardian, or custodian are entitled, when good cause is shown, to a review on application. If the application is granted, the court shall afford these parties and their counsel reasonable notice in advance of the review and hold a hearing where these parties and their counsel shall be afforded an opportunity to be heard. The minor shall be afforded the opportunity to be present at the review.

(g) No adjudication under this chapter upon the status of a child may operate to impose any of the civil disabilities ordinarily imposed by conviction upon a criminal charge, nor may a minor afterward be considered a criminal by the adjudication, nor may the adjudication be afterward deemed a conviction, nor may a minor be charged with or convicted of a crime in a court, except as provided in this chapter. The commitment and placement of a child and evidence given in the court are not admissible as evidence against the minor in a subsequent case or proceedings in any other court, nor does the commitment and placement or evidence operate to disqualify a minor in a future civil service examination or appointment in the state.

(h) The department shall pay all court costs incurred in all proceedings in connection with the adjudication of delinquency under this chapter, including hearings which result in the release of the minor.

(i) A minor, the minor's parents or guardian acting on the minor's behalf, or the department may appeal a judgment or order, or the stay, modification, setting aside, revocation, or enlargement of a judgment or order issued by the court under this chapter.

(j) *[Repealed, § 29 ch 63 SLA 1977.]*

(k) In making its order under (c) of this section, the court shall consider the fact, if it is a fact, that the minor was being provided treatment by spiritual means through prayer in accordance with the tenets and practices of a recognized church or religious denomination by an accredited practitioner of the church or denomination. (§ 10(2) art I ch 145 SLA 1957; am § 2 ch 110 SLA 1960; am § 2 ch 118 SLA 1962; am § 1 ch 40 SLA 1967; am §§ 1—4 ch 27 SLA 1970; am §§ 12—15 ch 245 SLA 1970; am § 6 ch 104 SLA 1971; am §§ 6, 7 ch 1 SLA 1972; am §§ 1, 2 ch 125 SLA 1974; am §§ 14—18, 29 ch 63 SLA 1977; am § 6 ch 86 SLA 1979)

**Cross references.** — For the standard of proof for findings under this section, see Children's Rule 21, Alaska Rules of Court. See also, Children's Rules 22 and 23.

**Editor's notes.** — Section 31, ch. 63, SLA 1977, provides: "Section 18 of this Act has the effect of adding to the court's responsibilities when holding a review under Rule 28, Alaska Rules of Children's Procedure, by requiring the court to hold a hearing upon a showing of good cause, give notice, and afford an opportunity to be heard."

Section 34, ch. 63, SLA 1977, in the first sentence provides: "The portions of AS 47.10.080(b) and (c) in secs. 15 and 16 of

this Act which specify the length of commitment to the department or probation or supervision by the department are applicable to those minors affected under former AS 47.10.080(b), (c) and (j) before the effective date of this Act (August 26, 1977) so that the commitment, probation or supervision of minors by the department before the effective date of this Act (August 26, 1977) shall continue, but may not exceed two years from the effective date of this Act (August 26, 1977) unless two-year extensions have been granted by the court under this Act." Subsection (j) of AS 47.10.080 was repealed by § 29, ch. 63, SLA 1977.

#### NOTES TO DECISIONS

**Each category of children mandates differences regarding content of dispositional orders.** — Alaska's pertinent statutory provisions and procedural rules distinguish between categories of children for purposes of administering Alaska children's laws. Of controlling significance is that each class or category mandates distinct differences regarding the permissible content of any dispositional order the trial court can enter. In re A Minor Child, Sup. Ct. Op. No. 737 (File No. 1524), 490 P.2d 658 (1971).

Where a delinquent child was sentenced for a fixed time period and ordered to an adult institution, this

amounted to a penal sentence as opposed to the juvenile disposition required under subsection (b)(1). B.A.M. v. State, Sup. Ct. Op. No. 1104 (File No. 2144), 528 P.2d 437 (1974).

**Court cannot place child in particular institution.** — Under this section as amended, the court no longer has discretion to order the delinquent child placed in a particular institution. The court only has authority to commit the child to the department, which then places the child. B.A.M. v. State, Sup. Ct. Op. No. 1104 (File No. 2144), 528 P.2d 437 (1974); A.A. v. State, Sup. Ct. Op. No. 1181 (File No. 2400), 538 P.2d 1004 (1975).

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**Authority to order placement of delinquent child.** — In enacting paragraph (b)(3), the legislature intended for the department, not the court, to make the decisions concerning placement of the minor. *State, Dep't of Health & Social Servs. v. A.C., Ct. App. Op. No. 384 (File No. 7643), P.2d (1984).*

Paragraph (b)(3) of this section provides the court authority to order the delinquent minor placed on probation to the Department of Health and Social Services; it is then up to the department to determine whether the minor should be placed with his parents or in another setting. *State, Dep't of Health & Social Servs. v. A.C., Ct. App. Op. No. 384 (File No. 7643), P.2d (1984).*

**Review of placement decision.** — The superior court has the authority to review the decision of the department to determine if the placement is in the best interest of the minor, but in reviewing a decision of the department, the superior court may not substitute its judgment for the judgment of the department; since the legislature has committed the decision of placement to the department's discretion, the question for the court is whether the agency abused its discretion. *State, Dep't of Health & Social Servs. v. A.C., Ct. App. Op. No. 384 (File No. 7643), P.2d (1984).*

**Jurisdiction dependent upon age of offender at time of act.** — Juvenile jurisdiction of the superior court in delinquency proceedings is dependent upon the age of the offender at the time of the delinquent acts. *Henson v. State, Sup. Ct. Op. No. 1590 (File No. 3024), 576 P.2d 1352 (1978).*

**Where a delinquent child was under the age of 18 at the time the acts of delinquency were committed, he is considered a minor for the purposes of adjudication and disposition.** *B.A.M. v. State, Sup. Ct. Op. No. 1104 (File No. 2144), 528 P.2d 437 (1974).*

**Option available to prosecution absent waiver under AS 47.10.060(a).** — A proceeding in children's court, which is limited to the dispositions set forth in AS 47.10.080(b), is the only option available to the prosecution absent waiver under AS 47.10.060(a), and the standards established in that section are sufficiently clear to prevent arbitrary enforcement. *M.O.W. v. State, Ct. App. Op. No. 95 (File No. 4846), 645 P.2d 1229 (1982).*

**One who committed a crime when 18 years of age could be criminally prosecuted, as an adult, when he had been**

previously adjudged a delinquent minor and the court had retained supervisory jurisdiction over him until age 19. *Henson v. State, Sup. Ct. Op. No. 1590 (File No. 3024), 576 P.2d 1352 (1978).*

**Section is maximum sentencing statute.** — Statutes requiring release upon a specified birthday are, in effect, maximum sentencing statutes. *Davenport v. McGinnis, Sup. Ct. Op. No. 1049 (File No. 1942), 522 P.2d 1140 (1974).*

**Sentence reduction to 19 years of age not retroactive.** — There was nothing in the amendatory legislation to this section that indicated an intention that the sentence reduction should operate retrospectively. *Davenport v. McGinnis, Sup. Ct. Op. No. 1049 (File No. 1942), 522 P.2d 1140 (1974).*

**There is no conflict between subsection (b)(1) and AS 47.10.060(d).** In re F.S., *Sup. Ct. Op. No. 1756 (File No. 4015), 586 P.2d 607 (1978).*

**Age 20 is the proper age for determining whether a minor is unamenable to treatment.** In re F.S., *Sup. Ct. Op. No. 1756 (File No. 4015), 586 P.2d 607 (1978).*

The inconsistency between AS 47.10.060(d) and subsection (b)(1) of this section that existed prior to the 1977 amendments to these sections has been eliminated in that AS 47.10.060 (d) now provides that the determinative age is 20 and subsection (b)(1) provides that the maximum limitation of confinement of minors is 20. In re F.S., *Sup. Ct. Op. No. 1756 (File No. 4015), 586 P.2d 607 (1978).*

**Binding advance consent to treatment.** — In order to give effect to the legislature's intent that a court may consider treatment until age 20 in determining waiver of juvenile jurisdiction, it is necessary that the judge be able to evaluate at the time of the waiver hearing whether the juvenile will in fact be available for treatment. It is not possible for the judge to know this unless the child can give binding consent at the time of the hearing. *State v. F.L.A., Sup. Ct. Op. No. 2041 (File No. 4333), 608 P.2d 12 (1980).*

A minor may bindingly consent to an additional period of supervision as provided by subsection (b)(1) of this section. In determining the effect to be given to such consent, the court should consider the age and maturity of the juvenile and whether he has the advice of counsel. To protect a minor from making a decision adverse to his own interests, a guardian ad litem may be appointed. *State v. F.L.A., Sup. Ct. Op.*

No. 2041 (File No. 4333), 608 P.2d 12 (1980).

The portion of the opinion in *In re F.S.*, Sup. Ct. Op. No. 1756 (File No. 4015), 586 P.2d 607 (1978) that held that a minor in a waiver hearing could not give a binding advance consent to treatment beyond age 19 was mistaken. *State v. F.L.A.*, Sup. Ct. Op. No. 2041 (File No. 4333), 608 P.2d 12 (1980).

While it is true, as indicated in *In re F.S.*, Sup. Ct. Op. No. 1756 (File No. 4015), 586 P.2d 607 (1978), that the statute contemplates that the determination of the additional period of treatment be made after the initial hearing, such an intent does not mandate that an advance consent to treatment given by the minor may not be regarded as binding. *State v. F.L.A.*, Sup. Ct. Op. No. 2041 (File No. 4333), 608 P.2d 12 (1980).

The lower court erred in considering the purported consent of a minor to an additional year of supervision because: (1) the minor could withdraw his consent upon reaching majority and (2) even assuming the minor's consent could not be withdrawn, subsection (b)(1) requires that the department petition the court and that additional commitment be in the minor's best interests before the court has jurisdiction to order the additional one-year period. *In re F.S.*, Sup. Ct. Op. No. 1756 (File No. 4015), 586 P.2d 607 (1978).

Subsection (b)(1) requires that the department petition for an additional one-year period of supervision and that continued supervision be in the best interests of the minor before the court may order an additional year. Thus, a minor's prospective consent to additional supervision is not a material factor unless the other two conditions of the statute are fulfilled. *In re F.S.*, Sup. Ct. Op. No. 1756 (File No. 4015), 586 P.2d 607 (1978).

This statute contemplates that the decision to extend the period of supervision be made after the initial dispositional hearing. To give effect to the minor's advance consent would thus be contrary to the apparent intent of the legislature. *In re F.S.*, Sup. Ct. Op. No. 1756 (File No. 4015), 586 P.2d 607 (1978).

The court must choose between commitment to the Department of Health and Social Services and probation, and may not delegate the choice to the Department of Health and Social Services. This is a correct textual analysis, especially in light of the provision in subsection (b)(1) for subsequent court order for probation following placement or

detention. The legislature has clearly indicated its intent to place this choice in the hands of the court. *ELR v. State*, Sup. Ct. Op. No. 706 (File No. 1156), 45 P.2d 27 (1971).

**Court-ordered probation.** - Probation cannot be deemed court-ordered under subsection (b) of this section unless it is directly ordered. It cannot be "triggered" by a decision of the department that the juvenile has successfully completed a rehabilitation program, even if the court judgment states that institutionalization will end upon such successful completion. *In re L.C. v. State*, Sup. Ct. Op. No. 2277 (File Nos. 4401, 4411), 625 P.2d 839 (1981).

The hearing judge erred by placing a delinquent child on probation until his 20th birthday. *B.A.M. v. State*, Sup. Ct. Op. No. 1104 (File No. 2144), 528 P.2d 437 (1974).

**Petition necessary to extend probation beyond 19th birthday.** - The superior court was without authority to extend probation beyond the delinquent child's 19th birthday without a petition from the department to extend the probationary period for an additional year. *B.A.M. v. State*, Sup. Ct. Op. No. 1104 (File No. 2144), 528 P.2d 437 (1974).

A minor who has been adjudged a child in need of supervision [see now child in need of aid] cannot be institutionalized under the Children's Code. *In re A Minor Child*, Sup. Ct. Op. No. 737 (File No. 1524), 490 P.2d 658 (1971).

Where a runaway child is found to be a child in need of supervision [see now child in need of aid], not a delinquent minor, no legal basis exists for his incarceration. *In re A Minor Child*, Sup. Ct. Op. No. 737 (File No. 1524), 490 P.2d 658 (1971).

The only instance under Alaska children's laws authorizing institutionalization or incarceration is when the child has violated the laws of the state, or any of its political subdivisions, and in turn has been adjudged a delinquent minor. *In re A Minor Child*, Sup. Ct. Op. No. 737 (File No. 1524), 490 P.2d 658 (1971).

The legislature has authorized institutionalization only where the child is found to be a delinquent minor. *In re A Minor Child*, Sup. Ct. Op. No. 737 (File No. 1524), 490 P.2d 658 (1971).

**Power of court under subsection (c).** - Under subsection (c) of this section, the court is empowered to order the minor committed to the Department of Health and Social Services or order the minor released to his parents, guardian, or some

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other suitable person. In re A Minor Child, Sup. Ct. Op. No. 737 (File No. 1524), 490 P.2d 658 (1971).

The Department of Health and Social Services does not possess the authority to institutionalize any minor, including one who has been declared a child in need of supervision [see now child in need of aid], who has been committed to its custody. It is unreasonable to construe Alaska children's statutes in a manner which would result in the grant to the Department of Health and Social Services of broader powers of commitment than possessed by the trial court. In re A Minor Child, Sup. Ct. Op. No. 737 (File No. 1524), 490 P.2d 658 (1971).

A child "in need of aid" appears to be the functional equivalent of a "dependent" child under AS 47.10.010 as it existed prior to its 1977 amendment. In re C.L.T., Sup. Ct. Op. No. 1866 (File No. 3607), 597 P.2d 518 (1979).

Parental right to custody and control is not absolute. — While a parent has a right to the care, custody and control of his or her children, this right is not absolute, and "courts have become increasingly aware of the rights of children." The Alaska legislature has struck a balance between these potentially competing rights by requiring the state to prove its allegations by clear and convincing evidence in parental rights termination cases. Once this burden of proof has been met, however, the statute mandates a termination. In re D.C., Sup. Ct. Op. No. 1862 (File No. 3840), 592 P.2d 22 (1979).

The discretion allotted a parent in the administration of punishment is not unlimited. Clearly it does not extend to punishment regularly causing the "substantial physical harm" which under AS 47.10.010(a)(2)(C) determines that a child is in need of aid. In re D.C., Sup. Ct. Op. No. 1862 (File No. 3840), 592 P.2d 22 (1979).

Statutory provisions governing judgments and orders terminating parental rights have been changed. In order to terminate parental rights, the court must now find that the child is in need of aid under AS 47.10.010(a)(2) as the result of parental conduct proved by clear and convincing evidence and that the parental conduct is likely to continue to exist if there is no termination of parental rights, proved again by clear and convincing evidence, AS 47.10.080(c)(3). In re C.L.T., Sup. Ct. Op. No. 1866 (File No. 3607), 597 P.2d 518 (1979).

In order to terminate parental rights under this section, the court must find by clear and convincing evidence (1) that there is a child in need of aid under AS 47.10.010(a)(2) as a result of parental conduct, and (2) that the parental conduct is likely to continue. E.A. v. State, Sup. Ct. Op. No. 2289 (File Nos. 4687, 4870), 623 P.2d 1210 (1981).

Under former AS 47.10.010(a)(5) and subsection (a) and former subsection (c)(3)(D) of this section, in order to terminate parental rights, the superior court was required to find (1) that the child was a "dependent minor" and (2) that the parent had demonstrated by her conduct, proved by clear and convincing proof, that she was unfit to continue to exercise her parental rights and responsibilities. In re C.L.T., Sup. Ct. Op. No. 1866 (File No. 3607), 597 P.2d 518 (1979).

Parent's impulsive personality disorder not ground for termination of rights. — Where after finding that child was in need of aid, trial judge found that the parent "is likely to continue to demonstrate a conscious disregard of the obligation owed by a parent to a child even after her release from incarceration because she suffers from an impulsive personality disorder," such finding was insufficient to satisfy requirement of clear and convincing evidence that conduct leading to determination that child is in need of aid is likely since an impulsive personality disorder itself is not conduct and thus, not a ground for termination. Nada A. v. State, Sup. Ct. Op. No. 2632 (File Nos. 6546, 6693), 660 P.2d 436 (1983).

Findings. — A finding that the parental conduct is likely to continue must be made expressly on the record prior to ordering the termination of parental rights. E.A. v. State, Sup. Ct. Op. No. 2289 (File Nos. 4687, 4870), 623 P.2d 1210 (1981).

Abandonment. — For cases construing former language in subsection (c) providing for termination of parental rights and responsibilities when the child had been abandoned, see D.M. v. State, Sup. Ct. Op. No. 962 (File No. 1843), 515 P.2d 1234 (1973); In re B.J., Sup. Ct. Op. No. 1110 (File No. 2161), 530 P.2d 747 (1975); In re E.J. (T.), Sup. Ct. Op. No. 1348 (File No. 2775), 557 P.2d 1128 (1976).

A rehabilitation program is not a common practice in the trial courts absent approval by a representative of the state. In re E.J. (T.), Sup. Ct. Op. No. 1348 (File No. 2775), 557 P.2d 1128 (1976).

Trial court did not abuse discretion in failing to consider possibility of setting up plan for reestablishing family relationship between father and son. — See *In re E.J. (T.)*, Sup. Ct. Op. No. 1348 (File No. 2775), 557 P.2d 1128 (1976).

Role of trial court in proceeding involving termination of parental rights. — See *In re E.J. (T.)*, Sup. Ct. Op. No. 1348 (File No. 2775), 557 P.2d 1128 (1976).

Applicability of burden of proof. — A burden of proof is not applicable to a dispositive hearing other than when termination of parental rights is involved. *In re S.D.*, Sup. Ct. Op. No. 1255 (File No. 2530), 549 P.2d 1190 (1976). See also *In re C.L.T.*, Sup. Ct. Op. No. 1866 (File No. 3607), 597 P.2d 518 (1979).

Determination of the standard to be applied by the court at the dispositive phase of a child hearing was not tantamount to establishing a burden of proof requirement. Such a requirement had been set forth in former subsection (c)(3)(D) [see now subsection (c)(3)]. No such requirement had been set forth in situations such as where termination of parental rights was not involved. *In re S.D.*, Sup. Ct. Op. No. 1255 (File No. 2530), 549 P.2d 1190 (1976).

Standard of proof held constitutional. — Allowing parental rights to be terminated based on a standard of proof less stringent than "beyond a reasonable doubt" does not violate the due process clause of the United States Constitution or the Alaska Constitution. *In re C.L.T.*, Sup. Ct. Op. No. 1866 (File No. 3607), 597 P.2d 518 (1979).

Since in proceedings brought to terminate parental rights, the parent is neither charged with criminal behavior nor subject to incarceration as a direct consequence of the proceeding, there is nothing in the federal constitution that compels adoption of the proof beyond a reasonable doubt standard in termination proceedings. *In re C.L.T.*, Sup. Ct. Op. No. 1866 (File No. 3607), 597 P.2d 518 (1979).

Clear and convincing proof is a more demanding standard than a mere preponderance of the evidence and is adequate to protect the parent's substantial interest in his or her child custody rights. This evidentiary standard balances the competing interests involved in a proceeding brought to terminate parental rights, one of which is the right of a child to an adequate home. *In re C.L.T.*, Sup. Ct.

Op. No. 1866 (File No. 3607), 597 P.2d 518 (1979).

The due process clause did not require a standard of proof greater than clear and convincing evidence when the state sought to terminate parental rights because of unfitness under former subsection (c)(3)(D). *In re C.L.T.*, Sup. Ct. Op. No. 1866 (File No. 3607), 597 P.2d 518 (1979).

Standard of proof under former subsection (c)(3)(D) calling for "clear and convincing" evidence of the natural mother's unfitness for the care and custody of the child was held proper. *In re K.S.*, Sup. Ct. Op. No. 1219 (File No. 2359), 543 P.2d 1191 (1975).

Protection provided by Indian Child Welfare Act. — The Indian Child Welfare Act, 25 U.S.C. §§ 1901 — 1963, enacted in 1978, provides a higher standard of protection to the rights of parents in termination proceedings involving Indians and Native Alaskans than that provided in this section. *E.A. v. State*, Sup. Ct. Op. No. 2289 (File Nos. 4687, 4870), 623 P.2d 1210 (1981).

Orders terminating parental rights met statutory and rule of court requirements regarding findings of fact. — See *In re C.L.T.*, Sup. Ct. Op. No. 1866 (File No. 3607), 597 P.2d 518 (1979).

Review of orders terminating parental rights. — Orders made under subsection (c)(3) of this section are not entitled to automatic review, inasmuch as subsection (f) of this section specifies which orders are entitled to this review and orders under subsection (c)(3) of this section are not included within the list. *Rita T. v. State*, Sup. Ct. Op. No. 2294 (File No. 5036), 623 P.2d 344 (1981).

All orders made pursuant to this section, including orders under subsection (c)(3) of this section, are to be reviewed upon application of an interested party if the party establishes good cause for the review, and if the child is still a ward of the court. *Rita T. v. State*, Sup. Ct. Op. No. 2294 (File No. 5036), 623 P.2d 344 (1981).

As long as a child remains the ward of the court, under subsection (f) of this section his or her natural parents are entitled to a review of the order terminating their parental rights upon a showing of good cause for the hearing. *Rita T. v. State*, Sup. Ct. Op. No. 2294 (File No. 5036), 623 P.2d 344 (1981).

Good cause could be established if the parents showed that it would be in the best interests of the child to resume living with them because they have sufficiently reha-

bilitated themselves so that they can provide proper guidance and care for the child. *Rita T. v. State*, Sup. Ct. Op. No. 2294 (File No. 5036), 623 P.2d 344 (1981).

Where, when a mother applied for a hearing before the superior court, she indicated that as a result of a 14-month rehabilitation program she had overcome the problems that had led to the termination of her parental rights and also indicated that professional counselors, social workers and others would be able to establish that she was now capable of providing a warm and loving home for the child, this was a sufficient showing of good cause to entitle her to a review of the order terminating her parental rights if the child had not yet been adopted. *Rita T. v. State*, Sup. Ct. Op. No. 2294 (File No. 5036), 623 P.2d 344 (1981).

**Former AS 17.12.110(d)(4) not in conflict.** — Former AS 17.12.110(d)(4), which provided that a person who, while under the age of 18, possesses, controls or uses any amount of marijuana was, upon conviction, guilty of a misdemeanor punishable by a fine of not more than \$1000, was not in conflict with AS 47.10.010(a)(1) and paragraph (b)(1) of this section. *M.O.W. v. State*, Ct. App. No. 95 (File No. 4846), 645 P.2d 1229 (1982).

**For reference to apparent conflict between subsection (c)(1) as it read prior to 1977 amendment and Children's Rule 22(f), see footnote 30 in In re S.D.,** Sup. Ct. Op. No. 1255 (File No. 2530), 549 P.2d 1190 (1976).

**Peremptory challenge procedure inapplicable to juvenile proceedings.**

— While juvenile proceedings have some of the characteristics of both civil and criminal actions, they are basically different from both, and the words "civil or criminal" as used in AS 22.20.022 must be strictly construed. The trial judge was correct in holding that peremptory challenge procedure applied only to civil and criminal actions and not to juvenile proceedings. *In re A Minor Child*, Sup. Ct. Op. No. 737 (File No. 1524), 490 P.2d 658 (1971).

**Notions of benevolent protective policies cannot be used to validate departures from positive law relating to the adjudicative and dispositive phases of children's proceedings.** *In re A Minor Child*, Sup. Ct. Op. No. 737 (File No. 1524), 490 P.2d 658 (1971).

**Nor to justify dispensing with constitutional safeguards.** — The benevolent social theory supposedly underlying children's court acts does not

furnish justification for dispensing with constitutional safeguards. *In re A Minor Child*, Sup. Ct. Op. No. 737 (File No. 1524), 490 P.2d 658 (1971).

**The right of confrontation is paramount to the state's policy of protecting a juvenile offender.** *Davis v. State*, 415 U.S. 308, 94 S. Ct. 1105, 39 L. Ed. 2d 347 (1974).

**But state's interest in secrecy of juvenile adjudications need not always fall before confrontation right.** — See *Gonzales v. State*, Sup. Ct. Op. No. 1030 (File No. 2002), 521 P.2d 512, cert. denied, 419 U.S. 868, 95 S. Ct. 125, 42 L. Ed. 2d 106 (1974).

**Prosecution witness impeachable by cross-examination for bias from probationary status as juvenile delinquent.** — The confrontation clause requires that a defendant in a criminal case be allowed to impeach the credibility of a prosecution witness by cross-examination directed at possible bias deriving from the witness's probationary status as juvenile delinquent although such an impeachment would conflict with a state's asserted interest in preserving the confidentiality of juvenile adjudications of delinquency. *Davis v. Alaska*, 415 U.S. 308, 94 S. Ct. 1105, 39 L. Ed. 2d 347 (1974).

Whatever temporary embarrassment might result to a prosecution witness or his family by disclosure of his juvenile record — if the prosecution insisted on using him to make its case — is outweighed by petitioner's right to probe into the influence of possible bias on the testimony of a crucial identification witness. *Davis v. Alaska*, 415 U.S. 308, 94 S. Ct. 1105, 39 L. Ed. 2d 347 (1974).

The state cannot, consistent with right of confrontation, require the defendant to bear the full burden of vindicating the state's interest in the secrecy of juvenile criminal records. *Davis v. Alaska*, 415 U.S. 308, 94 S. Ct. 1105, 39 L. Ed. 2d 347 (1974).

The United States supreme court has held that the constitutional right of confrontation required that defense counsel be allowed to investigate the potential bias of a crucial prosecution witness, even where that potential bias arose out of a juvenile adjudication and its resultant probationary status. *Gonzales v. State*, Sup. Ct. Op. No. 1030 (File No. 2002), 521 P.2d 512, cert. denied, 419 U.S. 868, 95 S. Ct. 125, 42 L. Ed. 2d 106 (1974).

The United States supreme court concluded that Alaska's interest in protecting the anonymity of the juvenile offender was outweighed by the more

critical need to afford a criminal defendant reasonable inquiry into the motives of prosecution witnesses. *Gonzales v. State*, Sup. Ct. Op. No. 1030 (File No. 2002), 521 P.2d 512, cert. denied, 419 U.S. 868, 95 S. Ct. 125, 42 L. Ed. 2d 106 (1974).

**Conflict between section and decision in *Davis v. Alaska* is superficial.** — The conflict between this section and the supreme court's decision in *Davis v. Alaska*, 415 U.S. 308, 94 S. Ct. 1105, 39 L. Ed. 2d 347 (1974), is only superficial. *Gonzales v. State*, Sup. Ct. Op. No. 1030 (File No. 2002), 521 P.2d 512, cert. denied, 419 U.S. 868, 95 S. Ct. 125, 42 L. Ed. 2d 106 (1974).

**Since disclosure required because of probationary status, not juvenile adjudication.** — The constitutional requirement of disclosure in the facts in *Davis v. Alaska*, 415 U.S. 308, 94 S. Ct. 1105, 39 L. Ed. 2d 347 (1974), is created not by the juvenile adjudication itself but by the probationary status of the juvenile at the time of *Davis*' trial, with its potential for motivating false testimony. *Gonzales v. State*, Sup. Ct. Op. No. 1030 (File No. 2002), 521 P.2d 512, cert. denied, 419 U.S. 868, 95 S. Ct. 125, 42 L. Ed. 2d 106 (1974).

**Where the witness was not on juvenile probation, it cannot be seriously argued that the fact of previous juvenile convictions, standing alone, provided any inference of potential bias.** *Gonzales v. State*, Sup. Ct. Op. No. 1030 (File No. 2002), 521 P.2d 512, cert. denied, 419 U.S. 868, 95 S. Ct. 125, 42 L. Ed. 2d 106 (1974).

**State adjudications directed solely at credibility do not conflict with confrontation right.** — Juvenile adjudications which are stale by Alaska's standards and directed solely at general credibility rather than bias are generally not sufficiently probative to create a genuine conflict with the defendant's right of confrontation. *Gonzales v. State*, Sup. Ct. Op. No. 1030 (File No. 2002), 521 P.2d 512, cert. denied, 419 U.S. 868, 95 S. Ct. 125, 42 L. Ed. 2d 106 (1974).

**Where the attempted impeachment was of general credibility by proof of prior "convictions," the probative value of this type of evidence is considerably less than that which suggests false or distorted testimony because of bias, and the need to confront a witness with such evidence is correspondingly less.** *Gonzales v. State*, Sup. Ct. Op. No. 1030 (File No. 2002), 521 P.2d 512, cert. denied, 419 U.S. 868, 95 S. Ct. 125, 42 L. Ed. 2d 106 (1974).

**As a general rule, the trial courts could properly refuse evidence of stale con-**

victions or juvenile adjudications where these were offered for the purpose of discrediting the witness generally rather than to show some specific potential for bias or prejudice toward the defendant. *Thomas v. State*, Sup. Ct. Op. No. 1040 (File Nos. 1888, 1854), 522 P.2d 528 (1974).

**Privilege against self-incrimination.** — When a person under the age of 18 years violated former AS 47.10.010(a)(1), he could be adjudged a "delinquent minor," one possible consequence of which adjudication was commitment to a juvenile facility until the age of 19 (now 20). Moreover, if there was probable cause to believe the minor was delinquent and the court found that he was not amenable to treatment as a juvenile, he could be prosecuted as if he were an adult. Thus, there was always some danger of incarceration, or other criminal sanctions, when a child committed an act which would have been a crime if committed by an adult. Under such circumstances a child had a privilege against self-incrimination. *E.L.L. v. State*, Sup. Ct. Op. No. 1540 (File No. 3374), 572 P.2d 786 (1977).

**A child adjudicated delinquent for selling LSD may be incarcerated, possibly even in a city jail, until age 19, which may be many years.** *RLR v. State*, Sup. Ct. Op. No. 706 (File No. 1156), 487 P.2d 27 (1971).

**Subsection (g) provides in part that a juvenile offender may not be considered a criminal by reason of the adjudication, nor may the adjudication be afterward deemed a conviction.** *Gonzales v. State*, Sup. Ct. Op. No. 1030 (File No. 2002), 521 P.2d 512, cert. denied, 419 U.S. 868, 95 S. Ct. 125, 42 L. Ed. 2d 106 (1974).

**A judge cannot consider a juvenile offense as a criminal conviction for the purpose of prescribing a mandatory sentence.** *Berfield v. State*, Sup. Ct. Op. No. 581 (File No. 960), 458 P.2d 1008 (1969).

**The judge's consideration of factors relating to accused's life, characteristics, background and behavior prior to reaching the age of 18 years did not mean that he considered accused a criminal or that he was using the juvenile offenses as criminal convictions in determining the sentence to impose.** *Berfield v. State*, Sup. Ct. Op. No. 581 (File No. 960), 458 P.2d 1008 (1969).

**Consideration of the juvenile record is proper by the court imposing a sentence upon an adult offender.** *Penn v. State*, Sup. Ct. Op. No. 1774 (File No. 3673), 588 P.2d 288 (1978).

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Use of the juvenile history of the offender in sentencing proceedings does not amount to the use of those proceedings as evidence against the offender within the proscription of such a statute as this section. *Penn v. State*, Sup. Ct. Op. No. 1774 (File No. 3873), 588 P.2d 288 (1978).

**When sentence determined.** — The sentence which may be imposed upon a convicted adult is determined as of the time of the final judgment of conviction, or as of the time of commission of the offense. These rules have been applied to juvenile sentencing. *Davenport v. McGinnis*, Sup. Ct. Op. No. 1049 (File No. 1942), 522 P.2d 1140 (1974).

**Review of custody orders.** — The new children's law, as a result of the 1977 acts, provides for review of custody orders annually or more often if good cause is shown. In re *J.M.*, Sup. Ct. Op. No. 1548 (File Nos. 3219, 3229), 573 P.2d 1376 (1978).

**Appeal of detention order.** — Under this section and Children's Rule 29(a), a minor who is detained may appeal his detention order. *A.M. v. State*, Ct. App. Op. No. 150 (File No. 6105), 653 P.2d 346 (1982).

Appellants are authorized to bring juvenile bail appeals under App. R. 207 to ensure that juvenile detention hearings

are not insulated from review. *A.M. v. State*, Ct. App. Op. No. 150 (File No. 6105), 653 P.2d 346 (1982).

**Appeal from detention order dismissed as untimely.** — See *A.M. v. State*, Ct. App. Op. No. 150 (File No. 6105), 653 P.2d 346 (1982).

**Appellate jurisdiction.** — AS 22.05.010 places final appellate jurisdiction in all cases in the supreme court. In re *A Minor Child*, Sup. Ct. Op. No. 737 (File No. 1534), 490 P.2d 658 (1971).

Applied in *L.A.M. v. State*, Sup. Ct. Op. No. 1249 (File No. 2221), 547 P.2d 827 (1976); *Adams v. Ross*, Sup. Ct. Op. No. 1281 (File No. 2458), 551 P.2d 948 (1976); *D.H. v. State*, Sup. Ct. Op. No. 1396 (File No. 2837), 561 P.2d 294 (1977).

Quoted in *Davis v. State*, Sup. Ct. Op. No. 816 (File Nos. 1428, 1436), 499 P.2d 1025 (1972).

Stated in *In re G.K.*, Sup. Ct. Op. No. 796 (File Nos. 1627, 1654, 1674), 497 P.2d 914 (1972).

Cited in *Ellinson v. State*, Sup. Ct. Op. No. 898 (File No. 1750), 511 P.2d 1066 (1973); *D.L.J. v. W.D.R.*, Sup. Ct. Op. No. 2433 (File No. 5411), 635 P.2d 834 (1981); *S.O. v. W.S.*, Sup. Ct. Op. No. 2491 (File No. 5856), 643 P.2d 997 (1982).

**Collateral references.** — Right of indigent parent to appointed counsel in proceeding for involuntary termination of parental rights, 80 ALR3d 1141.

**Sec. 47.10.081. Predisposition hearing reports.** (a) Before the disposition hearing of a delinquent minor the department shall submit a predisposition report with a recommended plan of treatment to aid the court in its selection of a disposition, and any further information which the court may request.

(b) Before the disposition hearing of a child in need of aid the department shall submit a predisposition report to aid the court in its selection of a disposition. This report shall include, but is not limited to, the following:

(1) a statement of changes in the child's or parent's behavior, which will aid the court in determining that supervision of the family or placement is no longer necessary;

(2) if removal from the home is recommended, a description of the reasons the child cannot be protected or rehabilitated adequately in the home, including a description of any previous efforts to work with the parents and the child in the home and the parents' attitude toward placement of the child;

court did not err in failing to grant defendant a nine- to 12-month continuance to permit further psychiatric and psychological treatment in order to test his amenability to juvenile treatment. *M.K. v. State*, Ct. App. Op. No. 756 (File No. A-1969), 744 P.2d 1178 (1987).

Quoted in *W.M.F. v. Johnstone*, Ct. App. Op. No. 571 (File No. A-1243), 711 P.2d 1187 (1986).

Cited in *Shewey v. State*, Ct. App. Op. No. 723 (File No. A-1924), 739 P.2d 196 (1987).

### Sec. 47.10.070. Hearings.

#### NOTES TO DECISIONS

"Compatible." — In the absence of contrary authority, it is appropriate to accord the word "compatible" its usual

meaning. *W.M.F. v. Johnstone*, Ct. App. Op. No. 571 (File No. A-1243), 711 P.2d 1187 (1986).

### Sec. 47.10.080. Judgments and orders.

#### NOTES TO DECISIONS

Standards for use in choosing alternatives under subsection (b). — See *R.P. v. State*, Ct. App. Op. No. 620 (File No. A-1100), 718 P.2d 168 (1986).

Findings insufficient to sustain order institutionalizing juvenile. — See *R.P. v. State*, Ct. App. Op. No. 620 (File No. A-1100), 718 P.2d 168 (1986).

"Best interests" standard. — Given that both subparagraph (c)(1)(A) and subsection (f) contain the "best interests" standard, it's reasonable to assume that the legislature intended the standard to have the same meaning with respect to each type of continuation of custody, namely a .080(c)(1)(A) extension beyond the term of the original order and a .080(f) "extension" beyond the first year of the order until its expiration. In re *A.S., Sup. Ct. Op. No. 3197* (File No. S-1739), 740 P.2d 432 (1987).

The "continuing conditions of need" requirement for continued custody found in AS 47.10.083 should be viewed as an additional requirement beyond "best interests," not as the equivalent thereof. In re *A.S., Sup. Ct. Op. No. 3197* (File No. S-1739), 740 P.2d 432 (1987).

"Best interests" as used in AS 47.10.080(c)(1)(A) does not constitute a requirement that the state demonstrate the continuing existence of AS 47.10.010(a)(2) conditions of need in order to obtain an extension of custody. Thus, the state may require an extension of custody in order to implement a plan for reuniting the family without causing emotional trauma to the child by virtue of a sudden change of circumstances. In re *A.S., Sup. Ct. Op. No.*

3197 (File No. S-1739), 740 P.2d 432 (1987).

Effect of denying petition for extension of custody. — Where defendant proposed to return child in state custody to her natural mother and sought extension of state custody to accomplish this gradually, a native village council argued that denial of department's petition for an extension of custody would not require the superior court then to return the child to her mother, but rather that under subsection (e) the court could release the child to the child's parents under the tribal court adoption order; however, it was held that the superior court correctly concurred in the state's position that, absent an extension, the child must be returned to her natural mother. In re *A.S., Sup. Ct. Op. No. 3197* (File No. S-1739), 740 P.2d 432 (1987).

Section not in conflict with Indian Child Welfare Act. — The application of the clear and convincing standard to the findings that a child is in need of aid as a result of parental conduct and that the paternal conduct is likely to continue does not conflict with section 1912(f) of the Indian Child Welfare Act (ICWA). Section 1912(f) looks to likely future harm to the child, requiring only a finding beyond a reasonable doubt of likely harm to the child with continued custody by the parent or Indian custodian. In contrast, this section is concerned with the present condition of the child and the likely future conduct of the parent and requires a finding by clear and convincing evidence that the child is in need of aid as a result of

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parental conduct and that the parental conduct that placed the child in need of aid is likely to continued. The Alaska statute requires findings additional to that required by the ICWA, thus providing a level of protection to the parental rights beyond that provided by the ICWA, and is not preempted by the ICWA. In re J.R.B., Sup. Ct. Op. No. 3029 (File No. S-907), 715 P.2d 1170 (1986).

**Authority to direct placement of minor.** — Once a court declares a minor a child in need of aid and commits the minor to the Department of Health and Social Services under subsection (c)(1), the department has the authority to direct the placement of the minor. The court can review the department's decision to see if it constitutes an abuse of discretion, but it cannot make a specific placement order once legal custody has been granted to the department. In re B.L.J., Sup. Ct. Op. No. 3039 (File No. S-648), 717 P.2d 376 (1986).

The Department of Health and Social Services is not required to file an additional petition for adjudication in order to change the physical placement of minors in its legal custody. In re B.L.J., Sup. Ct. Op. No. 3039 (File No. S-648), 717 P.2d 376 (1986).

**Termination of father's parental rights** was affirmed, where he had not made reasonable efforts to locate and communicate with his daughter and, at the time of the termination hearing, was incarcerated for assaulting his girlfriend. E.J.S. v. State, Dep't of Health & Social Servs., Sup. Ct. Op. No. 3318 (File No. S-2233), P.2d (1988).

Superior court's decision to terminate mother's parental rights on the basis of her abandonment of her child was supported by substantial evidence. — See D.E.D. v. State, Sup. Ct. Op. No. 2970 (File No. S-553), 704 P.2d 774 (1985).

**Court authority to set conditions on parent for placement of child in parental home.** — Court possessed authority to require parent to complete alcohol abuse program and maintain sobriety as a precondition to placement of the child in the parental home by the department under (c)(1) of this section. D.A.W. v. State, Sup. Ct. Op. No. 2935 (File No. S-169), 699 P.2d 340 (1985).

**Burden of proof under subsection (c)(3).** — Although subsection (c)(3) does not place the burden of proving by clear and convincing evidence that there is a child in need of aid under AS 47.10.010(a)(2) as a result of parental conduct and that the parental conduct is likely to continue on either party, the Supreme Court of Alaska has assigned the burden of proof to the Department of Health and Social Services, Division of Family and Youth Services. K.T.E. v. State, Sup. Ct. Op. No. 2877 (File No. S-50), 689 P.2d 472 (1984).

Cited in In re J.R.S., Sup. Ct. Op. No. 2869 (File Nos. 7421, 7422), 690 P.2d 10 (1984); Coney v. State, Ct. App. Op. No. 471 (File Nos. 7456, 7471), P.2d (1985); In re S.C.Y., Sup. Ct. Op. No. 3179 (File No. S-1509), 736 P.2d 353 (1987).

**Sec. 47.10.082. Best interests of the child.**

**NOTES TO DECISIONS**

Applied in D.A.W. v. State, Sup. Ct. Op. No. 2935 (File No. S-169), 699 P.2d 340 (1985).

Cited in K.T.E. v. State, Sup. Ct. Op. No. 2877 (File No. S-50), 689 P.2d 472 (1984).

**Sec. 47.10.083. Review hearing information.**

**NOTES TO DECISIONS**

The "continuing conditions of need" requirement for continued custody found in this section should be viewed as an additional requirement beyond "best inter-

ests" for extension of custody under AS 47.10.080(c)(1)(A), not as the equivalent thereof. In re A.S., Sup. Ct. Op. No. 3197 (File No. S-1739), 740 P.2d 432 (1987).

(3) a description of the potential harm to the child which may result from removal from the home and any efforts which can be made to minimize such harm; and

(4) any further information which the court may request.

(c) The court shall inform the child, the child's parents and the attorneys representing the parties and the guardian ad litem that the predisposition report will be available to them not less than 10 days before the disposition hearing.

(d) For purposes of this section "parents" means the natural or adoptive parents, and any legal guardian, relative, or other adult person with whom the child has resided and who has acted as a parent in providing for the child for a continuous period of time before this action. (§ 26 ch 63 SLA 1977)

NOTES TO DECISIONS

Applied in *Granato v. Occhipinti*, Sup. Ct. Op. No. 1962 (File No. 3756), 602 P.2d 442 (1979).

Cited in *M.O.W. v. State*, Ct. App. Op. No. 95 (File No. 4846), 645 P.2d 1229 (1982).

**Sec. 47.10.082. Best interests of the child.** In making its dispositional order under AS 47.10.080(b) the court shall consider the best interests of the child and the public, and in making its dispositional order under AS 47.10.080(c) the court shall consider the best interests of the child; in either case the court shall consider also the ability of the state to take custody and to care for the child to protect the child's best interests under AS 47.10.010 — 47.10.142. (§ 26 ch 63 SLA 1977)

NOTES TO DECISIONS

Showing required to justify termination of parental rights. — While best interests of the child become relevant at some point, there first must be a showing of parental conduct sufficient to justify termination. *Nada A. v. State*, Sup. Ct. Op.

No. 2632 (File Nos. 6546, 6693), 660 P.2d 436 (1983).

Cited in *Granato v. Occhipinti*, Sup. Ct. Op. No. 1962 (File No. 3756), 602 P.2d 442 (1979); *M.O.W. v. State*, Ct. App. Op. No. 95 (File No. 4846), 645 P.2d 1229 (1982).

**Sec. 47.10.083. Review hearing information.** In the case of a child in need of aid, the child shall be returned home at the review hearing under AS 47.10.080(f) unless the court finds by a preponderance of the evidence that the basis upon which the child was adjudicated under AS 47.10.010(a)(2) continues to exist. If the child is not returned home, the court shall establish on the record

(1) why the child was removed from the home;

(2) what services have been provided to or offered to the parents to facilitate reunion;

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consent to adoption, consent to marriage, consent to military enlistment, consent to major medical treatment except in cases of emergency or cases falling under AS 09.65.100, and the responsibility for support, except if by court order any residual right and responsibility has been delegated to a guardian under (b) of this section. (§ 26 ch 63 SLA 1977)

#### NOTES TO DECISIONS

**Effect of being foster parents on husband-wife evidentiary privilege.** — A foster child is a child of the foster parents for purposes of applying the exception to the husband-wife privilege set forth in Alaska Evidence Rule 505(a)(2)(D); one foster parent cannot rely on the husband-wife privilege to refuse to testify

against the other concerning evidence relating to an assault on the foster child. *Daniels v. State*, Ct. App. Op. No. 357 (File No. A-366), P.2d (1984).

Cited in *M.O.W. v. State*, Ct. App. Op. No. 95 (File No. 4846), 645 P.2d 1229 (1982).

**Sec. 47.10.085. Child in need of aid; religious treatment.** In a case in which the minor's status as a child in need of aid is sought to be based on the need for medical care, the court may, upon consideration of the health of the minor and the fact, if it is a fact, that the minor is being provided treatment by spiritual means through prayer in accordance with the tenets and practices of a recognized church or religious denomination by an accredited practitioner of the church or denomination, dismiss the proceedings and thereby close the matter. This may be done, in the interests of justice and religious freedom, on the court's own motion or upon the application of a party to the proceedings, at any stage of the proceedings after information is given to the court under AS 47.10.020(a). (§ 8 ch 1 SLA 1972; am § 19 ch 63 SLA 1977)

#### NOTES TO DECISIONS

Cited in *M.O.W. v. State*, Ct. App. Op. No. 95 (File No. 4846), 645 P.2d 1229 (1982).

**Sec. 47.10.090. Records.** (a) The court shall make and keep records of all cases brought before it. The court's official records may be inspected only with the court's permission and only by persons having a legitimate interest in them. All information and social records pertaining to a minor and prepared by an employee of the court or by a federal, state or city agency in the discharge of the employee's or agency's official duty, are privileged and may not be disclosed directly or indirectly to anyone without the court's permission. However, a state or city law-enforcement agency shall disclose information regarding a case which is needed by the person or agency charged with

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making a preliminary investigation for the information of the court. Within 30 days of the date of a minor's 18th birthday or, if the court retains jurisdiction of a minor past the minor's 18th birthday, within 30 days of the date on which the court relinquishes jurisdiction over the minor, the court shall order sealed all the court's official records, information and social records pertaining to that minor, as well as records of all criminal proceedings against the minor and punishments assessed against the minor except for traffic offenses. A person may not use these sealed records for any purpose except that the court may order their use for good cause shown or may order their use by an officer of the court in making a presentencing report for the court.

(b) The name or picture of a minor under the jurisdiction of the court may not be made public in connection with the minor's status as a delinquent child or a child in need of aid unless authorized by order of the court, except that the name of a minor who is found for the second time to have violated a law, which if committed by an adult would be a felony, shall be made public unless the court, for good cause, in certain individual cases, enters an order prohibiting the disclosure.

(c) A person who violates a provision of this section is guilty of a misdemeanor, and upon conviction is punishable by a fine of not more than \$500 or by imprisonment for not more than one year, or by both. (§ 10(3)(4) art I ch 145 SLA 1957; am § 1 ch 124 SLA 1972; am § 1 ch 90 SLA 1975; am § 20 ch 63 SLA 1977)

Cross references. — For explanation of of Children's Procedure, see § 2. ch. 90, how amendments in 1975 changed Rules SLA 1975).

NOTES TO DECISIONS

Purpose for enacting subsection (a). — Reading this section together with other sections of the laws relating to children's proceedings leads one to believe that subsection (a) was enacted principally for the purpose of protecting the child against the possible adverse effects an unauthorized revelation of his social record would have. In re P.N., Sup. Ct. Op. No. 1127 (File No. 2191), 533 P.2d 13 (1975).

There is no indication that subsection (a) was intended to authorize the granting of testimonial use immunity to parents. In re P.N., Sup. Ct. Op. No. 1127 (File No. 2191), 533 P.2d 13 (1975).

The supreme court could not say with certainty that this section would be construed to forbid the use, in a subsequent criminal action against a parent, of testimony that the parent gave at a chil-

dren's proceeding. In re P.N., Sup. Ct. Op. No. 1127 (File No. 2191), 533 P.2d 13 (1975).

Waiver of provisions of section. — In the case of use of restraints more severe than placement in adjustment rooms (solitary confinement), the approval of the director of McLaughlin Youth Center must be obtained and a report made to the child's attorney and the family court. The provisions of this section are waived for this purpose. T.M. v. Director of McLaughlin Youth Center, Superior Court, No. 72-449 (1973).

Stated in RLR v. State, Sup. Ct. Op. No. 706 (File No. 1156), 487 P.2d 27 (1971)

Cited in M.O.W. v. State, Ct. App. Op. No. 95 (File No. 4846), 645 P.2d 1229 (1982); State v. R.H., Ct. App. Op. No. 375 (File No. 7768), P.2d (1984).

**Sec. 47.10.084. Legal custody, guardianship, and residual parental rights and responsibilities.**

**NOTES TO DECISIONS**

The phrase "reasonable visitation" in subsection (c) does not imply an absolute right to visitation; this section should be read in conjunction with the rest of the chapter to allow parental visits to be barred when the visits are not in the best interests of the child. *K.T.E. v. State*, Sup. Ct. Op. No. 2877 (File No. S-50), 689 P.2d 472 (1984).

The following procedures should be followed when visitation rights are denied prior to the termination of parental rights: first, the Department of Health and Social Services, Division of Family and Youth Services should have primary authority to set visitation based on the best interests of the child, since the division is in the best position to make this decision in the first instance; and secondly, either the guardian ad litem or the parents should be entitled to request an expedited evidentiary hearing of a denial of visitation, which would consist of an independent determination by the superior court that clear and convincing evidence showed that the child's best interests were served by disallowing parental visitations. *K.T.E. v. State*, Sup. Ct. Op. No. 2877 (File No. S-50), 689 P.2d 472 (1984).

**De facto determination of natural parent's visitation rights.** — Where the Department of Health and Social Services

decided to allow minor children, who had been adjudicated as children in need of aid, to move from Alaska to Alabama with their foster care family, the state's action constituted a de facto termination of a natural parent's visitation rights; the natural father was unemployed and virtually penniless, the state would not provide airfare so that the father could visit his children on a regular basis, and the father would be limited to phone "visits" because of his lack of funds. *D.H. v. State*, Sup. Ct. Op. No. 3104 (File No. S-1451), P.2d (1986).

**Standard of review of state action constituting de facto termination of natural parent's right of reasonable visitation.** — The appropriate standard of review for state decisions which essentially terminate a natural parent's right of reasonable visitation under subsection (c) is an independent determination of whether the state has proved by clear and convincing evidence that termination of parental visitation is in the child's best interest. *D.H. v. State*, Sup. Ct. Op. No. 3104 (File No. S-1451), P.2d (1986).

Applied in *In re B.L.J.*, Sup. Ct. Op. No. 3039 (File No. S-648), 717 P.2d 276 (1986).

Cited in *M.O.W. v. State*, Ct. App. Op. No. 95 (File No. 4846), 645 P.2d 1229 (1982).

**Sec. 47.10.090. Records.** (a) The court shall make and keep records of all cases brought before it. The court's official records may be inspected only with the court's permission and only by persons having a legitimate interest in them. All information and social records pertaining to a minor and prepared by an employee of the court or by a federal, state or city agency in the discharge of the employee's or agency's official duty, including traffic offenses and driver's license action under AS 28.15.185, are privileged and may not be disclosed directly or indirectly to anyone without the court's permission. However, a state or city law-enforcement agency shall disclose information regarding a case which is needed by the person or agency charged with making a preliminary investigation for the information of the court. The court shall forward a record of adjudication of a violation of an offense listed in AS 28.15.185(a) to the Department of Public Safety, if the court imposes a license revocation under AS

28.15.185. Within 30 days of the date of a minor's 18th birthday or, if the court retains jurisdiction of a minor past the minor's 18th birthday, within 30 days of the date on which the court relinquishes jurisdiction over the minor, the court shall order sealed all the court's official records, information and social records pertaining to that minor, as well as records of all driver's license proceedings under AS 28.15.185, criminal proceedings against the minor and punishments assessed against the minor except for traffic offenses. A person may not use these sealed records for any purpose except that the court may order their use for good cause shown or may order their use by an officer of the court in making a presentencing report for the court.

(b) The name or picture of a minor under the jurisdiction of the court may not be made public in connection with the minor's status as a delinquent child or a child in need of aid unless authorized by order of the court, except that the name of a minor who is found for the second time to have violated a law, which if committed by an adult would be a felony, shall be made public unless the court, for good cause, in certain individual cases, enters an order prohibiting the disclosure.

(c) A person who violates a provision of this section is guilty of a misdemeanor, and upon conviction is punishable by a fine of not more than \$500 or by imprisonment for not more than one year, or by both. (§ 10(3)(4) art I ch 145 SLA 1957; am § 1 ch 124 SLA 1972; am § 1 ch 90 SLA 1975; am § 20 ch 63 SLA 1977; am § 4 ch 130 SLA 1988)

**Effect of amendments.** — The 1988 amendment, effective September 1, 1988, in subsection (a), inserted "including traffic offenses and driver's license action under AS 28.15.185" in the third sentence and "driver's license proceedings under AS 28.15.185" in the next-to-last sentence, and inserted "the fifth sentence.

**Sec. 47.10.097. Fingerprinting of minors.** (a) Except as provided in (b) of this section, a minor in the custody of the department or of a law enforcement agency may not be fingerprinted for reference to or entry into the Alaska automated fingerprint system without a court order upon good cause shown.

(b) A law enforcement officer may fingerprint a minor who is 16 years of age or older for reference to or entry into the Alaska automated fingerprint system without a court order when the minor is convicted of, or adjudicated a delinquent for, an offense that is a felony.

(c) Fingerprint records under this section are not subject to AS 47.10.090. (§ 3 ch 121 SLA 1988)

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of the legislature.

Cross references. — As to acceptance  
of grants-in-aid, see AS 47.10.220.

Sec. 47.10.280. Purpose of chapter. [Repealed, § 1 ch 152 SLA 1976.  
For the purpose and policy of this title relating to children, see AS  
47.05.060.]

Sec. 47.10.290. Definitions. In this chapter, unless the context  
otherwise requires,

(1) "caring" under AS 47.10.010(a)(2)(A) means to provide for the  
physical, emotional, mental, and social needs of the child;

(2) "child in need of aid" means a minor found to be within the  
jurisdiction of the court under AS 47.10.010(a)(2);

(3) "court" means the superior court of the state;

(4) "delinquent minor" means a minor found to be within the juris-  
diction of the court under AS 47.10.010(a)(1);

(5) "juvenile detention facility" means separate quarters within a  
city jail used for the detention of delinquent minors;

(6) "juvenile detention home" or "detention home" is a separate  
establishment, exclusively devoted to the detention of minors on a  
short-term basis and not a part of an adult jail;

(7) "minor" is a person under 18 years of age.

(§ 1 art I ch 145 SLA 1957; am § 5 ch 110 SLA 1967; am §§ 5, 6 ch 27  
SLA 1970; am §§ 27 — 28 ch 63 SLA 1977)

Revisor's notes. — Reorganized in  
1984 to alphabetize the terms defined.

Editor's notes. — Section 7, ch. 110,  
SLA 1967, as amended by § 80, ch. 69, SLA

1970, provides: "In exercising its jurisdic-  
tion under AS 47.10, the superior court  
may designate district judges and magis-  
trates as masters under Civil Rule 53."

#### NOTES TO DECISIONS

The legislature has authorized insti-  
tutionalization only where the child is  
found to be a delinquent minor. In re A  
Minor Child, Sup. Ct. Op. No. 737 (File No.  
1524), 490 P.2d 658 (1971).

Hence, a minor who has been  
adjudged a child in need of supervi-  
sion [see now child in need of aid]  
cannot be institutionalized under the  
Children's Code. In re A Minor Child, Sup.  
Ct. Op. No. 737 (File No. 1524), 490 P.2d  
658 (1971).

The Department of Health and  
Social Services does not possess the  
authority to institutionalize any minor,  
including one who has been declared a  
child in need of supervision [see now child  
in need of aid], who has been committed to  
its custody. It is unreasonable to construe  
Alaska children's statutes in a manner  
which would result in the grant to the

Department of Health and Social Services  
of broader powers of commitment than  
possessed by the trial court. In re A Minor  
Child, Sup. Ct. Op. No. 737 (File No. 1524),  
490 P.2d 658 (1971).

A child who sells LSD is a "delin-  
quent minor" under paragraph (2) of this  
section because the sale of LSD is a crime  
under former AS 17.12.010 (now see AS  
11.71). RLR v. State, Sup. Ct. Op. No. 706  
(File No. 1156), 487 P.2d 27 (1971).

"Delinquent" status depends not upon  
a criminal conviction but upon proof that  
the juvenile committed acts which would  
have been criminal if committed by an  
adult. Rust v. State, Sup. Ct. Op. No. 1668  
(File No. 3172), 582 P.2d 134 (1978).

"Juvenile" and "minor" as used in  
AS 47.10.190 construed identically. —  
See Davenport v. McGinnis, Sup. Ct. Op.  
No. 1049 (File No. 1942), 522 P.2d 1140  
(1974).

§ 47.10.230

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§ 47.10.290 WELFARE, SOCIAL SERVICES & INSTITUTIONS § 47.10.290

care is not available for the child; or" for  
"no other care is available for the child or"  
in subparagraph (B)(1), and deleted "when

the foster parent is" at the beginning of  
subparagraph (B)(1).

#### NOTES TO DECISIONS

**Preferences in adoptive placement.**  
— Subsection (e) does not entitle natural  
relatives to a preference in the adoptive  
placement of children. In re W.E.G. &  
J.R.G., Sup. Ct. Op. No. 2998 (File Nos.  
S-777, S-778, S-803), 710 P.2d 410 (1985).

Quoted in In re J.R.S., Sup. Ct. Op. No.  
2869 (File Nos. 7421, 7422), 690 P.2d 10  
(1984); D.E.D. v State, Sup. Ct. Op. No.  
2970 (File No. S-553), 704 P.2d 774  
(1985).

#### Article 4. General Provisions.

Section  
290. Definitions

**Sec. 47.10.290. Definitions.** In this chapter, unless the context  
otherwise requires,

(1) "care" or "caring" under AS 47.10.010(a)(2)(A), 47.10.120(a) and  
47.10.230(c), means to provide for the physical, emotional, mental,  
and social needs of the child;

(2) "child in need of aid" means a minor found to be within the  
jurisdiction of the court under AS 47.10.010(a)(2);

(3) "court" means the superior court of the state;

(4) "delinquent minor" means a minor found to be within the juris-  
diction of the court under AS 47.10.010(a)(1);

(5) "department" means the Department of Health and Social Ser-  
vices.

(6) "juvenile detention facility" means separate quarters within a  
city jail used for the detention of delinquent minors;

(7) "juvenile detention home" or "detention home" is a separate  
establishment, exclusively devoted to the detention of minors on a  
short-term basis and not a part of an adult jail;

(8) "minor" is a person under 18 years of age. (§ 1 art I ch 145 SLA  
1957; am § 5 ch 110 SLA 1967; am §§ 5, 6 ch 27 SLA 1970; am §§ 27  
— 28 ch 63 SLA 1977; am §§ 91, 92 ch 138 SLA 1986)

**Revisor's notes.** — Paragraph (5) was  
enacted as (a). Renumbered in 1986.  
Reorganized in 1985 and 1986 to alpha-  
betize the terms defined.

**Effect of amendments.** — The 1986  
amendment inserted "'care' or" and  
"47.10.120(a) and 47.10.230(c)" in para-  
graph (1) and added paragraph (5).

#### NOTES TO DECISIONS

**"Minor" and "delinquent minor."** —  
The general definition of "minor" in para-  
graph (8) is inapplicable to the detention  
of a delinquent minor until the minor's  
nineteenth birthday under AS 47.10.080,  
47.10.100, and likewise, it is inapplicable

to the responsibility to pay support for a  
delinquent minor committed under those  
sections. In re S.C.Y., Sup. Ct. Op. No.  
3179 (File No. S-1509), 736 P.2d 353  
(1987).

(c) Every official and employee shall, unless otherwise authorized by law to travel outside the state, obtain prior approval for travel outside the state from the head of the official's or employee's department or from an immediate supervisor, or from the Department of Administration if the official or employee is not within a department or is not under the direct supervision of an official or supervisor. If an employee deviates materially from the travel authorized under this section, the employee must obtain approval for the deviation from the person who approved the travel before the Department of Administration may reimburse the employee for the travel. (§ 7 ch 60 SLA 1957; am § 1 ch 83 SLA 1962)

**Sec. 39.20.150. Advances and recovery.** (a) An agency may advance, through proper disbursing methods, to a person entitled to per diem or mileage allowance under AS 39.20.110 — 39.20.170 the sums considered advisable considering the character and probable duration of the travel to be performed.

(b) Sums advanced and not used for allowable travel expense are recoverable by setoff against salary due, or otherwise, from the person to whom advanced, or the person's estate, by deduction from any amount due from the state, or by other legal methods of recovery that may be necessary. (§ 8 ch 60 SLA 1957)

**Sec. 39.20.160. Regulations.** The fixing and payment under AS 39.20.110 — 39.20.170 of travel and per diem allowances and of advances and recovery and reimbursement of travel expenses shall be in accordance with regulations adopted by the commissioner of administration. The regulations shall be uniform for all officials and employees, and all agencies and departments. The regulations shall also govern the use of public transportation facilities by officials and employees. The regulations relate to the internal management of state agencies and their adoption is not subject to the Administrative Procedure Act (AS 44.62). (§ 9 ch 60 SLA 1957; am § 2 ch 13 SLA 1963)

**Sec. 39.20.170. Construction of AS 39.20.110 — 39.20.170.** AS 39.20.110 — 39.20.170 may not be construed to modify or repeal a law providing for the travel expenses of the governor, or members of the legislature, or members of boards or commissions of the state government. (§ 10 ch 60 SLA 1957)

**Sec. 39.20.180. Transportation and per diem expenses for members of boards, commissions, etc.** Except as otherwise provided by law, from and after March 27, 1962, the provisions in this section relating to per diem and transportation govern exclusively and supersede all other provisions of law with respect to a member of a state board, commission, committee, judicial council, or other similar

body of persons of the state organized or established under the authority of law, but excluding any other state employee other than a legislator, who is otherwise entitled by law to receive from the state payments for expenses of transportation, and for reimbursement or for per diem in lieu of reimbursement for other expenses incident to duties as such member:

(1) For transportation, the member is entitled either to the use of state transportation requests, or to be reimbursed for expenses of transportation to the same extent, in the same manner, and under the same conditions as provided for state officials and employees by the provisions of AS 39.20.110 — 39.20.170.

(2) For reimbursement for other expenses, the member is entitled to a per diem allowance prescribed by the commissioner of administration under the regulatory authority set out in AS 39.20.160 for each day or portion of a day spent in actual meeting or on authorized official business incident to duties as a member. (§ 1 ch 130 SLA 1953; am § 1 ch 34 SLA 1960; am § 1 ch 37 SLA 1962; am § 5 ch 136 SLA 1967; am § 12 ch 47 SLA 1974)

**Cross references.** — For coverage of state board and commission members under the Worker's Compensation Act, see AS 23 30.242.

**Opinions of attorney general.** — In order to recover an allowance for non-meeting activity, an occupational licensing board member must be engaged in an activity within the scope of the applicable board's powers. November 6, 1984 Op. Att'y Gen.

An occupational licensing board member cannot receive a per diem allowance for conducting an activity that should be performed by division personnel; any activity approved must be specifically defined by statute as a board duty and

should be an activity that cannot be accomplished within the confines of a board meeting. If the task can be performed during a meeting, then per diem should not be paid for time unnecessarily spent by a board member outside a board meeting. It is important, of course, for budgetary reasons, that board activity for which per diem compensation is sought be kept to a minimum. November 6, 1984 Op. Att'y Gen.

The Alaska Power Authority may reimburse a member only for (1) time spent in actual meeting or (2) time spent on authorized official business incident to his duties as a member. April 19, 1984 Op. Att'y Gen.

NOTES TO DECISIONS

Cited in Laborers & Hod Carriers Local (File Nos. 1435, 1459), 494 P.2d 808 341 v. Groothuis, Sup. Ct. Op. No. 773 (1972).

**Sec. 39.20.185. State employees who are members of certain boards.** A state official or employee who is a member of the judicial council or a state official or employee appointed by the governor to a state board, commission, or committee established under the authority of law is not entitled to per diem when the meeting or other business takes place in the community of which the member is a resident. (§ 1 ch 139 SLA 1968)

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# Alaska Statutes

## Title 39. Public Officers and Employees.

### Chapter

- 20. Compensation and Allowances (§ 39.20.180)
- 25. State Personnel Act (§§ 39.25.110, 39.25.120, 39.25.150, 39.25.157, 39.25.158)
- 30. Insurance and Supplemental Employee Benefits (§§ 39.30.095, 39.30.150, 39.30.153, 39.30.160, 39.30.162)
- 35. Public Employees' Retirement System of Alaska (§§ 39.35.020, 39.35.060, 39.35.080, 39.35.110, 39.35.330, 39.35.345 — 39.35.360, 39.35.389, 39.35.500, 39.35.505, 39.35.525, 39.35.650, 39.35.680)
- 50. Conflict of Interest (§ 39.50.200)

### Chapter 20. Compensation and Allowances.

#### Article

- 2. Travel Regulations (§ 39.20.180)

#### Article 2. Travel Regulations.

#### Section

- 39.20.180. Transportation and per diem ex- penses for members of boards, commissions, etc

Sec. 39.20.180. Transportation and per diem expenses for members of boards, commissions, etc. Except as otherwise provided by law, the provisions in this section relating to per diem and transportation govern exclusively with respect to a member of a state board, commission, committee, judicial council, or other similar body of persons of the state organized or established under the authority of law, but excluding any other state employee other than a legislator, who is otherwise entitled by law to receive from the state payments for expenses of transportation, and for reimbursement or for per diem in lieu of reimbursement for other expenses incident to duties as such member:

- (1) for transportation, the member is entitled either to the use of state transportation requests, or to be reimbursed for expenses of transportation to the same extent, in the same manner, and under the same conditions as provided for state officials and employees by the provisions of AS 39.20.110 — 39.20.170;

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SPONSOR SUMMARY

OF

HOUSE BILL 19

Objective

House Bill 19 would establish independent review panels for children in state custody. The panels would provide oversight to help assure that children in state custody have a permanency plan, that it is followed and adjusted as needed, and that children do not linger unnecessarily in foster care.

Why this bill is needed

Currently, the state has an internal review system that serves a needed function, yet it has received strong criticism for lack of objectivity, lack of accountability, and lack of taking a more comprehensive approach. Specifically, the current system does not ensure that all parties have equal input to review individual case plans. Such complaints should come as no surprise when one considers the serious underfunding and the huge caseloads of those who administer programs serving Alaska's children and youth.

The need is further emphasized by federal requirements regarding funding, more specifically those in Public Law 96-272, the Adoption Assistance and Child Welfare Act of 1980. "Reviews of each child are required periodically but no less frequently than once every six months by either a court or by administrative review in order to determine the continuing necessity for and appropriateness of the placement, the extent of compliance with the case plan, and the extent of progress which has been made toward alleviating or mitigating the causes necessitating placement in foster care, and to project a likely date by which the child may be returned to the home or placed for adoption or legal guardianship..." (P.L. 96-272, 94 STAT 511).

DFYS is currently conducting internal reviews to meet requirements of federal law. However, some federal funds have been lost in past years due to the fact that the department was not in compliance.

During the interim, this committee held hearings regarding the state foster care system. The committee proposed a basic mission and established goal statements. Listed under Goal One: Safety, Stability and Permanency for Children, was the creation of a permanent, state-wide citizen review board. Alaska currently has two pilot projects in place, one in Anchorage and one in Ketchikan. Twenty-two states have some type of foster care review panel and are finding them successful. Most of these state review systems are independent of the social services department.

#### What this bill does

This bill provides for the creation of at least one citizen review panel for each judicial district. Volume or complexity of cases would determine need for appointment of additional panels.

Panels would periodically review documents and records of each child in state custody and take testimony (either in person or telephonically) of natural parents, other relatives of the child, guardian, jurisdian ad litem, foster parent, the case worker or social worker assigned to the case, and other persons with a close personal knowledge of the case. They would submit their recommendations to the court or to the Department of Health and Social Services. In most cases, either the department or the panel could request a court review if the recommendations were not implemented.

Panel members would only receive reimbursement for actual and necessary expenses for per diem and travel.

**Foster Care  
Review Panel \_\_\_\_\_  
(establishing)**

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HOUSE BILL NO. 12, by Reps. Collins and Gruenberg. Will require the presiding judge for each judicial district to appoint a foster care review panel for that district. The judge can appoint additional panels if the volume or complexity of cases involving children

placed in foster care warrants it.

A panel will consist of three members who have training or experience in child welfare and a demonstrated interest in children. Members can include foster parents or former foster parents, child psychologists, teachers, professionally trained social workers, and lawyers with experience in children's matters. A person employed by the court system or the Department of Health and Social Services cannot serve on a panel. Members serve two year terms, and will be sworn to keep all information that comes before the panel

confidential.

A foster care review panel will be required to review the placement plan and actual placement of each child within its jurisdictional area who is committed to the Dept. of Health & Social Services for placement by court order; or in a case of termination of parental rights by the court (AS 47.10.080(c)(1) or (3), Delinquent Minors & Children in Need of Aid. Judgments and orders).

The review will assess progress toward achievement of a permanent placement plan, the appropriateness of the placement setting, services actually provided to achieve the selected goals, and previous decisions in the case. The panel will consider court records and other available information, will be required to interview the child, foster parents, natural parents, relatives, guardians, case workers and social workers involved, and other persons with close personal knowledge of the case. A written report making recommendations based on the best interests of the child will have to be submitted to the court within 30 days after the case is reviewed. The court will be required to make the report available to the parties immediately. Parties to the case can request the panel to reconsider its recommendations.

The panel will be required to review a case within 90 days of a court order, or within 90 days before the first annual review for children who are wards of the state, and every six months thereafter. The panel has to give two weeks notice prior to a review. The Dept. of Health & Social Services will be required to cooperate with a foster care review panel, and will be responsible for explaining its failure to implement a recommendation of the panel to the court. The court will be required to consider a foster care review panel report during its annual review of cases.

Requires the administrative director of the Alaska Court System to report to the legislature each year on the activities of the foster care review panels.

The bill has the effect of amending Rule 19 of the Child in Need of Aid Rules by requiring a court to consider recommendations from a foster care review panel in conducting a review of the placement of a child in foster care.

The bill takes effect 90 days after enactment.

Introduced January 9, 1989 and referred to Health, Education & Social Services; Judiciary; Finance.

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# Alaska State Legislature

## House of Representatives

COMMITTEE ON HEALTH, EDUCATION  
AND SOCIAL SERVICES

POUCH  
JUNEAU, AK 99801  
465-3751

OFFICIAL BUSINESS

### PRELIMINARY RECOMMENDATIONS for the STATE FOSTER CARE SYSTEM

October 1988

There are few state responsibilities greater than our obligation to care for our most vulnerable citizens: abused, neglected and abandoned children. The state has the moral and legal duty to provide the best possible care so that these children have the chance to become healthy, happy and productive citizens.

We are not doing the best job of fulfilling this mandate. Many children are inadequately served, many are not served at all. Our child protection system is understaffed, overstressed and lacks the resources necessary to provide adequate protection and care. In particular, the state's foster care system needs to do a better job of providing the nurturing environment that the child lacks in the natural home. State law may need to be changed in order to provide clearer direction for the welfare of children.

Recognizing these problems and the possibilities for positive change, the House Health, Education and Social Services Committee has been conducting a comprehensive review of the state's foster care system. The Committee has been working with the cooperation of the Division of Family and Youth Services, the Alaska Foster Parents Association, the Governor's Interim Commission on Children and Youth, plus other concerned organizations, agencies and individuals. The Committee recently completed two days of hearings on the foster care system. What follows is a preliminary list of recommendations for improvement. The Committee is open to additions and further refinement before we move forward with specific legislative action.

As an introduction, we have proposed basic mission and goal statements which will serve as a foundation for the preliminary Committee recommendations which follow. After each of the recommendations is a code which indicates the type of action(s) necessary. The codes mean: \$ = requires funding; L = requires legislation; A = requires administrative regulation, policy or procedural change; ? = action not clear.

Mission: THE BEST INTERESTS OF THE CHILD

The mission of the state's child protection system should be to promote the best interests of the child. Preservation of the family or reunification with a child's natural parents is often the best alternative, but these efforts should be driven by and for the best interests of the child.

- \* The state children's code should be reviewed and possibly modified to insure the promotion of the best interests of the child. L

~~Goal One: SAFETY, STABILITY AND PERMANENCY FOR CHILDREN~~

Beyond initial efforts to insure a child's safety, the state's highest priority should be the ultimate stability and permanency of the child. The best efforts must be made to keep families together, if appropriate, or to reunify, if possible. If these options are not possible, the state should consider quick action to terminate parental rights, reduce the length of time a child lingers in temporary foster care, and secure a long-term nurturing home for the child or prepare the child for emancipation.

- \* Expand intensive homebased family treatment programs to more quickly get help to families and determine the fate of the child. Funding could come from saved foster care stipends. Treatment should include an alcohol and drug abuse component. \$
- \* Clarify criteria for termination of parental rights so that the best interests of the child and the child's need for a permanent plan are highest priorities. Consider different standards for different ages. L
- \* Change confidentiality statutes so that foster parents and others with a "need to know" have access to information. L
- \* Continue pilot citizen review permanency planning board projects in Anchorage and Sitka. \$
- \* ~~Create a permanent, state-wide citizen review board system. L, \$~~
- \* Expand the role of foster parents as part of the permanency planning team. A
- \* Make greater use of subsidized adoption; beyond just hard to place kids. ?
- \* Establish use of subsidized guardianships to increase stability of certain placements. L, \$
- \* Make long term foster care more viable. A, \$
- \* Establish minimum standards for emancipation. L
- \* Provide more pre-emancipation services for youth. L, \$
- \* Examine the impediments to adoption. A

## Goal Two: IMPROVEMENTS IN FOSTER CARE

Recognizing that temporary foster care placement will always be necessary and that long term foster care is an important permanent placement alternative, the foster care system must be improved to provide better care for children and to enable foster parents to be better guardians.

- \* Establish expanded and mandatory training for foster parents. L, \$
- \* Provide additional respite care services for foster parents. Include respite on a regular basis, not only in emergencies. Use other services for respite, e.g. Big Brothers/Sisters. Consider using foster parent groups to coordinate respite program. \$, A
- \* Correct problems with late stipends. Examine payment system and possibly contract out. A
- \* Finalize grievance procedure. Consider using unified form that includes grievances, liability claims, problems with foster kids, and recommendations for change. Provide for stop action clause as part of the grievance procedure or elsewhere. A
- \* Establish Foster Care Advisory Board. L, \$
- \* Improve foster care liability insurance. Have claims go directly to Risk Management. Dovetail with state self insurance. L?, A, \$?
- \* Insure state defense of foster parents in lawsuits. ?
- \* Develop a system that combines foster parent training, competency levels and rate augmentation. A
- \* Develop better targeted recruitment of foster parents. A
- \* Provide better orientation for foster parents. A
- \* Establish complaint investigations of foster parents by a neutral party. L?, A
- \* Provide funding for foster parent networking/support. \$
- \* Examine charges of Department retaliation against foster parents. ?

## Goal Three: IMPROVEMENTS FOR DFYS

The fate of foster children lies primarily with the Division of Family and Youth Services. The Division does not have the necessary resources to provide for adequate protection and care of children. Social workers are overworked, largely undertrained and too often mired in paperwork. Huge caseloads do not allow for adequate attention to particular cases. Other aspects of the child protection system should be modified so the state can do a better job.

- \* Devote additional resources to reduce social worker case loads. \$

- \* Implement automated case management system to increase social worker efficiency. A, \$
- \* Use para-professionals (social worker aides) to assist social workers. L?, A
- \* Provide more frequent training of social workers. Evaluate use of GICCY funds for this purpose. \$, A
- \* License social workers who work for the state. L
- \* Establish Master of Social Work Program at the University of Alaska. A
- \* Create Office of the Child Ombudsman. L, \$
- \* Continue efforts to capture additional federal funds for foster care programs. A
- \* Clarify the policy regarding use of a child's permanent fund dividend check. L?, A
- \* Provide evaluation of social workers by foster parents. A
- \* Use foreclosed homes for residential care facilities. A, \$

Rep. Nillo Koponen, Co-Chair, House HESS Committee  
Rep. Johnny Ellis, Co-Chair, House HESS Committee

E. ADVANTAGES OF CITIZEN REVIEW

7

Citizen review boards have several advantages not only for the children in foster care, but for the court system, social services system and taxpayers.

By engaging in interdisciplinary cooperative efforts, citizen review systems can make tremendous advances in the delivery of foster care services including the following:

1. enabling changes in the legislature regarding foster care statutes;
2. reducing the number of children in placement, thereby saving tremendous amounts of government dollars;
3. serving an investigative function to aid in appropriate case planning;
4. encouraging and aiding in the recruitment of foster homes;
5. increasing the awareness of the community to the plight of children in care;
6. serving a "check and balance" function to assure that all aspects of the child welfare system are functioning correctly and appropriately;
7. increasing cooperation and communication between various agencies serving children;
8. freeing case workers who might otherwise be conducting reviews to do casework and actually provide services to families;
9. developing new policies, procedures and resources for children in care.

STATE FOSTER CARE CITIZEN REVIEW SYSTEMS

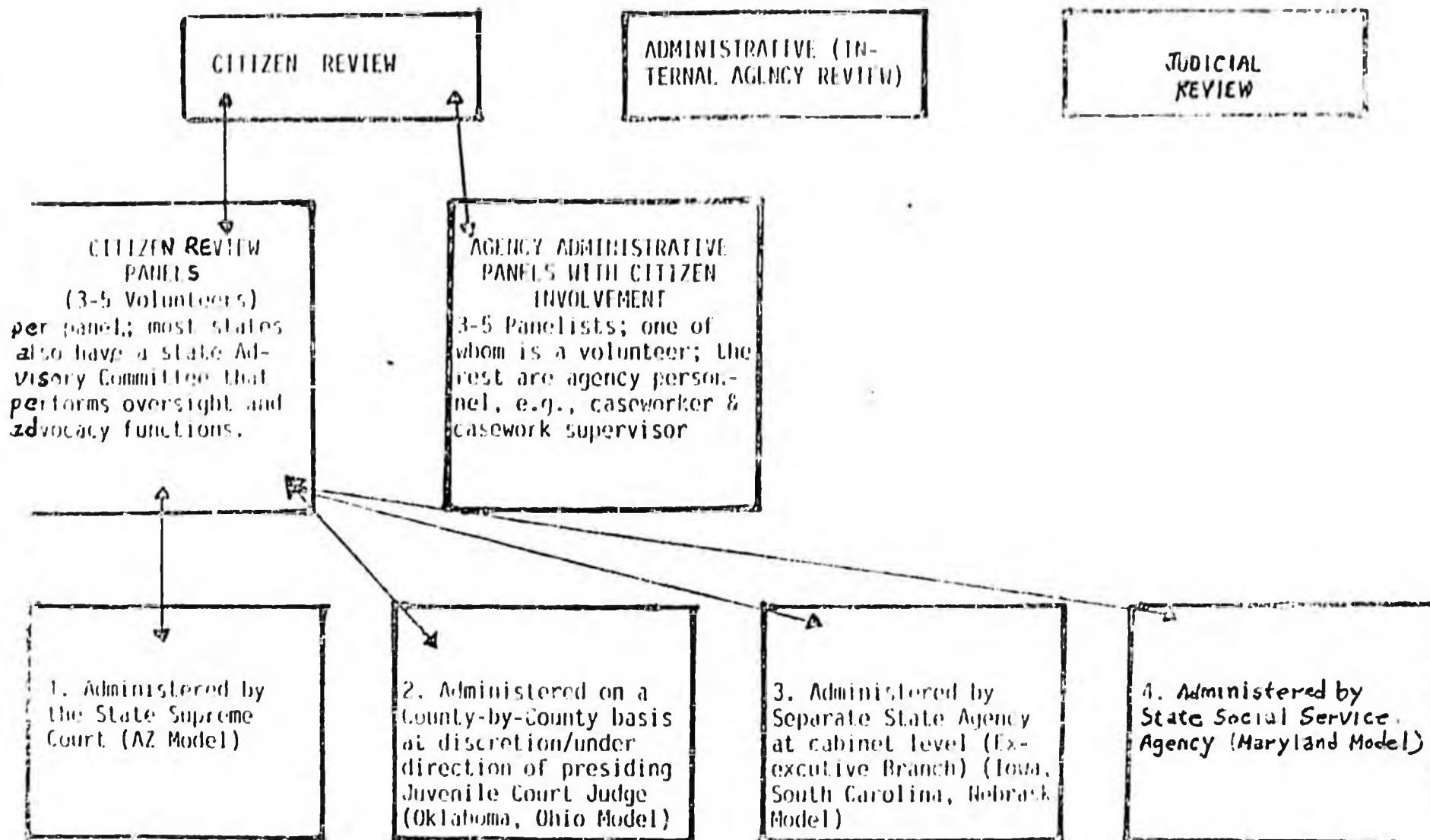
<u>STATE</u>	<u>TYPE OF ADMINISTRATION</u>
Alaska	pilot project, legislation introduced (HB 19)
Arizona	established under supreme court
Delaware	independent agency within governor's office
Florida	pilot project starts 4/1/89 in Dade County
Georgia	statewide system under court system
Hawaii	legislation pending for system
Illinois	only within Chicago under private non-profit
Iowa	independent agency at cabinet level
Kansas	in one county under county court system
Kentucky	under supreme court
Maryland	independent agency within social services department, but seeking change outside department
Michigan	under supreme court
Mississippi	under county court system
Nebraska	independent agency at cabinet level
New Jersey	within county court system with some supreme court funding
New Mexico	administered by private contractor who contracts with the department; legislation currently pending to change and place under the court system
Ohio	under county courts; not all counties
Oklahoma	under supreme court
S. Carolina	independent at cabinet level
Tennessee	under county courts
Washington	pilot project with legislation pending
Wisconsin	under county court in one county only

The majority of the states listed above conduct full party reviews (as opposed to paper reviews only).

This information was obtained from Susan Carter, Executive Director of the National Association of Foster Care Reviewers.

## MODELS OF FOSTER CARE REVIEW

NOTE: These 3 basic models are not mutually exclusive. Some states use some version of all three, or two out of three.



\* 2 (County-by-County Model) may also include a state advisory committee under Supreme Court that coordinates among counties.



# Alaska Foster Parents Association

P. O. BOX 140651 • ANCHORAGE, ALASKA 99508

## POSITION ON CONCEPT HB 19 FOSTER CARE REVIEW BOARDS

"You are the eyes and ears of the court, a part of the court's conscience. You are also the eyes and ears of society, and part of its conscience. Reviewers are one of the few institutions where the problems of the family, the efforts of the state and the work of the judiciary meet. You are able to see what is working and what is wrong."

The above comments were made by the Honorable Robert N. Wilentz, Chief Justice of the New Jersey Supreme Court, to members of foster care review boards.

When one considers the role and purpose of foster care review, it becomes obvious that it is primarily a system of quality assurance. It can also inject some common sense and practicality into a system that all too often, has little or none. It can also make the practitioners of the various services involved more accountable and therefore more responsive to the needs of their clients.

In considering the purpose and intent of legislation to create a system of foster care review that has the potential to do the greatest good for children, families and foster families, the following components must be included:


1. Review boards must be external of government and be composed of citizens from the community.
2. Recommendations of the boards should be adhered to by the department or the department should be able justify their deviation in court.
3. All involved parties should have the ability, stated in law, to request reconsideration of a recommendation.
4. All parties who have direct information relating to the child in care must have the opportunity to present that information to the reviewers.
5. All parties must receive adequate notification of review so that they may arrange their schedule accordingly.
6. Reviewers must have access to all documents, records and testimony that relates to the child, placement and permanency plan.

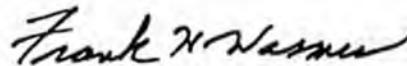
National statistics indicate that review boards and the department agree 85% of the time. Conversely, they disagree in 15% of the cases reviewed. This could mean that the departments in those states that have citizen review boards are doing well most of the time. It could also mean that social work in those states is of higher quality because their work is being subjected to scrutiny by external sources.

It is understandable that the department might suggest that recommendations should not be imposed upon them, or that case management should be solely their prerogative. It must be understood that review boards will in no way be case managers. Their responsibility is one of oversight to assure that cases are managed responsibly. In those cases where decisions are questionable, they should be challenged. The Department still has access to the court and in all cases, the court makes the final decision. The court will benefit from the work of the review boards and the department and therefore will be more able to make correct judgements.

One final thought; If there were no problems with the way we are dealing with children in the child protection system, we would not be talking about legislative solutions. We should not attempt band aid fixes but put those components in place which will assure long term progress for children who find themselves in state custody.

The Alaska Foster Parent Association supports, without reservation, Citizen Foster Care Review Boards with the concepts stated.

  
Miriam Sumner  
President

  
Frank H. Wasmer  
Vice President

March 8, 1989

My name is Nancy Schava. I would like to speak in support of HCR #15 and HB #19. My occupation is a school administrator, and I am a foster parent.

I listened yesterday to what the Anchorage Citizens Review Board is doing. They said they are compiling information on how many children are moved how often, how many children have waited how long for services, etc.

Do you know that as a school administrator I have to report at any time how many drop-outs we've had, how many completions of vocational programs, how many students are receiving services for special education, etc., etc.?

The Anchorage Citizens Review Board is doing what the department should do routinely.

The problem is that we need these review boards because we don't have built-in checks and balances in the department. To whom is the department accountable? The situation has developed because everytime the department is reviewed, it's been an internal review. The present review boards are composed of people already involved with the cases. The boards must be composed of people not involved with the department, people who are objective.

But, the review boards are gathering information now which has not been previously available. The boards establish accountability. We need them.

(1)



## Alaska Foster Parent Training Center

1550 Gilliam Way, Fairbanks, Alaska 99701-6046 (907) 451-7307 FAX (907) 452-3724

### BACKGROUND INFORMATION FOR TESTIMONY OF JEANNE GONZALEZ, COORDINATOR OF THE ALASKA FOSTER PARENT TRAINING CENTER

#### TRAINING CONTRACT

In October, 1988, the Division of Family and Youth Services awarded a contract to Northwest Resource Associates, a private non-profit organization, to establish the Alaska Foster Parent Training Center in its Fairbanks office. During the first nine months of operation, services provided by the Center will be free and available to all foster parents and will include:

- A confidential questionnaire which all foster parents will be requested to complete, which will gather their opinions about foster parenting and training, as well as the kinds of training they are most interested in.
- Statewide training of the DFYS courses "Issues in Foster Parenting" and "Discipline." The first offerings of these trainings will be in Barrow and Bethel.
- The development of seven new courses, "The Impact of Physical Abuse," "The Impact of Sexual Abuse," "Child Development Specific to Foster Parenting," (two courses) "Preparing Youth for Emancipation," and a self-instructional orientation course. We will be pilot testing these courses in April, May and June and will begin offering them statewide in July or August.
- The researching and cataloging of alternative training resources which will be available for training credit, and the implementation of a data system which will record information about the training opportunities foster parents take advantage of.
- The establishment of a circulating library of books, articles, videos and periodicals specifically for foster parents.
- The publishing of the Alaska Foster Parent Bulletin, which will let foster parents know about training events and new resources.
- A toll-free 1-800 number for foster parents to use to reach us to find out about training opportunities. The number is 1-800-478-7307. In Fairbanks, please call 451-7307.

## ALASKA FOSTER PARENT TRAINING CENTER

## Advisory Committee Members

Sue White  
DFYS, Sitka

Josephine Anagiak  
DFYS, Bethel

Sharon Lattery  
Rural CAP, Anch.

Susan LaBelle  
Cook Inlet Tribal  
Council, Anchorage

Lana Morgan  
Foster Parent  
Fairbanks

Liz Taylor  
Specialized  
Foster Care, Fbks.

Don Shircoel  
Tanana Chief's  
Conference  
Fairbanks

Diana Worley  
Resource Center  
For Parents &  
Children, Fairbanks

Miriam Sumner  
Ak. Foster Parent  
Association  
Anchorage

Agnes Sweetair  
Community Member  
Fairbanks

Margaret Krause  
Fairbanks Youth  
Facility, Fairbanks

Steve Wilson  
Ex Officio  
DFYS, Fairbanks

## Alaska Foster Parent Training Center Staff:

Robert Hunner  
Barbara Pearson

Jeanne Gonzales  
Lola Hodges

Julie Smith  
Diane Bibb

## FOSTER PARENT TRAINING SCHEDULE

March	3, 4	Bethel
	31, 1	Barrow
April	7, 8	Galena
	14, 15	Dillingham
	21, 22	Kodiak
May	2, 3	Kotzebue
	5, 6	Nome
	12, 13	Juneau
	16, 17	Ketchikan
	19, 20	Wrangell

The March - May training schedule will provide 300 hours of training in the two courses of "Issues in Foster Parenting" and "Discipline" and will be followed by additional trainings in Tok, Anchorage, the Mat-Su Valley, Kenai and Fairbanks.

Testimony for House HESS Committee  
re: HB 19

Douglas Gregg  
Secretary, Alaska Association of Homes for Children  
President, Board of Directors, Ketchikan Children's Home

Mr. Chairman:

I appreciate the work your committee has done on HB 19.

Our organization feels that HB 19 has a broader scope than just reviewing foster care placements. The mandate of these review panels will be to review the cases of all children in need of aid. Many of the residents of our facilities come to us through this process. The review panels will also monitor each child's placement and progress. Many of the residents of our facilities come to us as a further placement from foster homes.

We have been very concerned about the lack of permanency planning with respect to children in the custody of the state. Usually there is no plan, or when one exists, it is not adhered to.

We support the formation of review panels to assist in planning, placement, and assessment, on an ongoing basis. HB 19 moves toward this goal which is necessary to insure continuity and appropriate placements to children in state custody.

The review panels membership should be made up of persons with "experience in child welfare and a demonstrated interest in children." This would include treatment staff and directors of facilities such as those in our organization. We would like to see lines 19-21 of page 2 reflect these possibilities.

The review panel consisting of three members would seem to be an ideal number. A small group would allow: a) easy communication between members, b) easy communication between the panel and parties to the placement planning process, c) easy scheduling of necessary meetings, d) timely completion of necessary decisions, and e) keeping to the schedule for necessary reviews to assess progress, appropriateness, and actual services provided. We encourage the committee to retain three member panels and, if needed, create additional panels rather than expand the size of each panel.

*Douglas Gregg*

## General Statements

70% of prostitutes report childhood incest or rape.  
(The Common Secret - Sexual Abuse of Children and Adolescents by C. Henry Kempe)

Research studies consistently show that as few as 5% to 7% of male juvenile offenders commit as much as 60% of all juvenile crime. Wolfgang 1983, [SHO/DI, SHO/CAP, Office of Juvenile Justice and Delinquency Prevention, U.S. Dept. of Justice]

Various studies have shown that as many as 85% of inmates in the general prison population were physically or sexually abused as children. Of the population of inmates incarcerated for crimes of violence against people, the majority, particularly of male offenders were sexually abused as children. (U.S. Dept. of Justice)

Close to half of serious crimes committed in the United States involve youths under the age of 18 and a large percentage of the re-occurring crimes are committed by youthful offenders age 19 to 24 with multiple juvenile arrests. (Running Toward Prison, a study commissioned by the Alaska State Senate, 1986)

The major runaway population reported a very high level of physical abuse (73%) and sexual abuse (51%) and identified both "unhappy life" and physical and verbal abuse as key reasons for leaving. (Running Toward Prison)

In a study of the male offenders incarcerated at McLaughlin Youth Center, it was found that:

80% of the juveniles responding reported multiple incidents of physical abuse.

40% of McLaughlin residents responding reported the same kind of physical abuse against others. One-fourth of those who were sexually abused admitted committing such acts later.

68% reported sexual abuse and 25% has been "extremely sexually abused."

It should be noted that this study did not include females who are typically higher in most categories of abuse. (Running Toward Prison, 1986)

"The profiling of serial murderers and rapists reveals psychological abnormalities stemming from negative life factors rooted in child and teen years as one of the predictors of serial murderers, arsonists and rapists." (Agent Ken Fanning, Federal Bureau of Investigation, Behavioral Sciences Unit)

Number of Juvenile Offenses as Related to Family Situation

Number of Offenses

---

	1	2	3	4	5	6	7
Offenders from families with severe problems	30%	45%	43%	57%	67%	100%	100%

(Juvenile records research in Alaska C 1972)

John Walsh of the National Center for Missing and Exploited Children stated before the Joint Judiciary and Health and Social Services Committees on February 15, 1985:

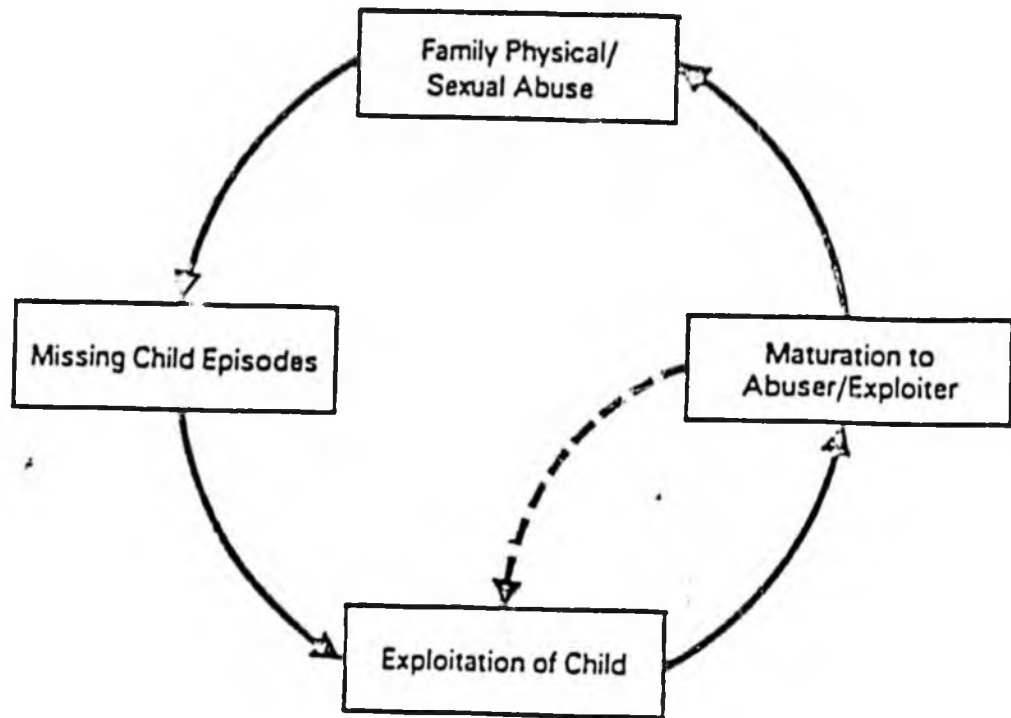
"Those of you who are parents who love children have a vested interest. Those of you that don't have children and really aren't concerned with children but won't admit it publicly, consider this: 80% of the convicted felons that are in federal prisons, by an FBI survey, were physically or sexually abused as children. 75% of the violently mental ill in state institutions were physically or sexually assaulted as children. If you want to deal with the problem now, you won't have to pay later. Because the 12 year old on the streets of Anchorage tonight, or the sexually or physically abused child in your schools today, may become the rapist or murderer in Alaska's future and you'll have to deal with a larger, much larger appropriation and much bigger jail cells. So there is a way to break the chain and that's by protecting children now and stopping and helping the victim. We must stop them from becoming future criminals."

It will cost an average of \$45,000.00 per year for each inmate. (Alaska Dept. of Corrections, 1987)

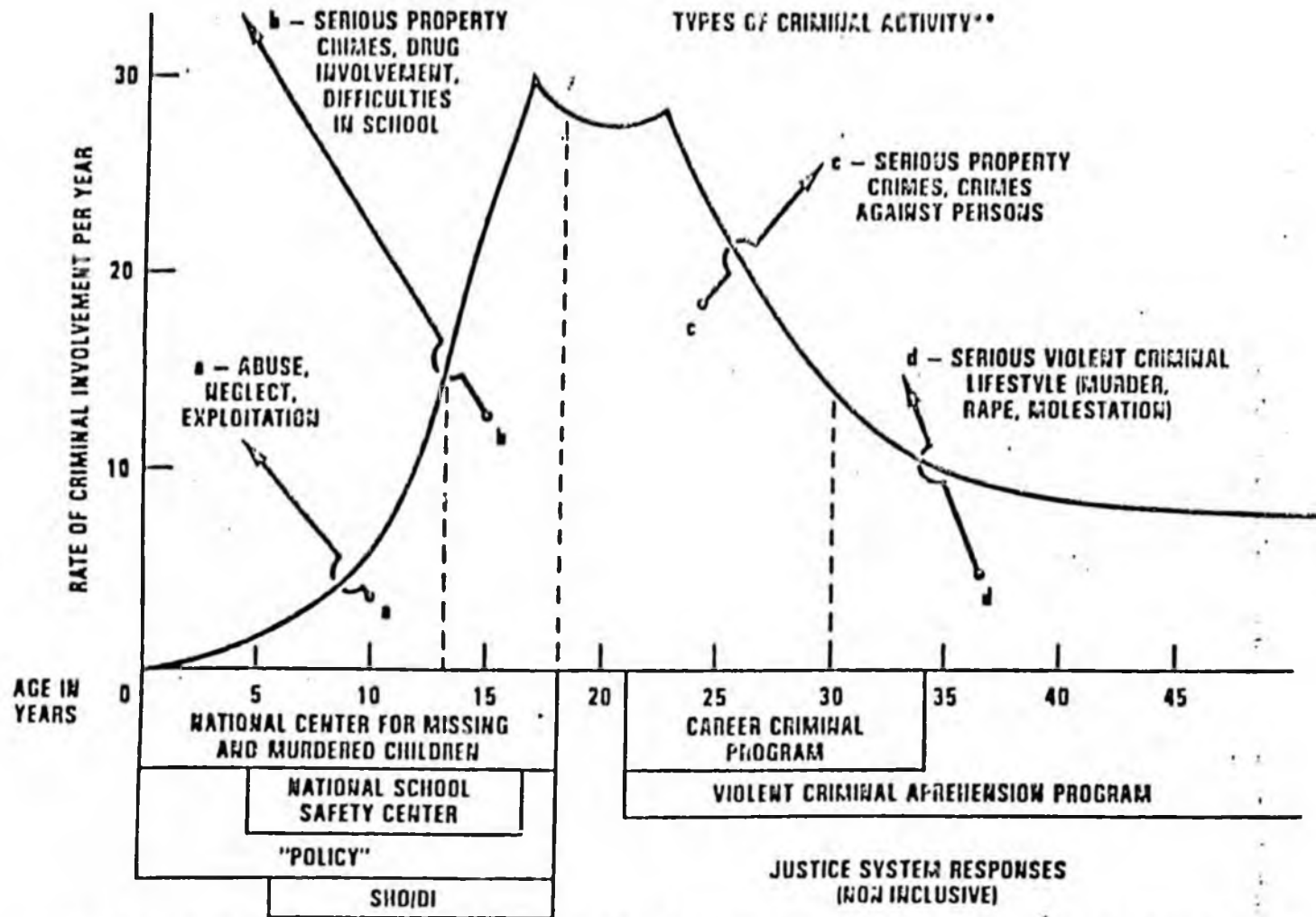
These are but a few references to the connection between abused children and serious juvenile and adult offenders. If we can make significant progress toward treatment and recovery of children who are the products of dysfunctional families, it is glaringly obvious that there will be an accompanying reduction in criminal behavior. We can pay now, or pay later, but pay we will. It seems to me that the cost of waiting is, in terms of human suffering and public resources, more than I wish to accept.

Frank H. Wasmer

## Cycle of Violence



# CONCEPTUAL MODEL: SERIOUS HABITUAL CRIMINAL EVOLUTION\*



\*IT IS IMPORTANT TO REMEMBER THAT ALTHOUGH THIS TYPE OF INDIVIDUAL REPRESENTS A VERY SMALL PERCENTAGE OF THE OFFENDER POPULATION, HE IS RESPONSIBLE FOR A LARGE PERCENTAGE OF CRIMINAL OFFENSES.

\*\*ALTHOUGH THE TYPES OF CRIMINAL ACTIVITY ARE IDENTIFIED ACCORDING TO AGE GROUP, THIS DIVISION IS FOR GENERAL PURPOSES. OBVIOUSLY THERE IS ACTIVITY OVERLAP BETWEEN AGE GROUPS.

**CONCEPTUAL MODEL:  
SERIOUS HABITUAL CRIMINAL EVOLUTION\***  
(Continued)

AGES	ACTIVITY
BIRTH TO 16 YEARS:	<u>VICTIM</u> OF PHYSICAL, PSYCHOLOGICAL, EMOTIONAL ABUSE; NEGLECT; EXPLOITATION
8 TO 16 YEARS:	SCHOOL PROBLEMS (EXCESSIVE TRUANCY, DISRUPTIVE BEHAVIOR, LEARNING DIFFICULTIES, VANDALISM); DAYTIME BURGLARY; DRUG INVOLVEMENT
12 TO 18 YEARS:	<u>PERPETRATOR</u> OF SERIOUS PROPERTY CRIME
16 TO 30 YEARS:	<u>PERPETRATOR</u> OF SERIOUS PROPERTY CRIME, CRIMES AGAINST PERSONS
22 AND OLDER:	SERIOUS, VIOLENT CRIMINAL LIFESTYLE

\*IT IS IMPORTANT TO REMEMBER THAT ALTHOUGH THIS TYPE OF INDIVIDUAL REPRESENTS A VERY SMALL PERCENTAGE OF THE OFFENDER POPULATION, HE IS RESPONSIBLE FOR A LARGE PERCENTAGE OF CRIMINAL OFFENSES.

\*\*ALTHOUGH THE TYPES OF CRIMINAL ACTIVITY ARE IDENTIFIED ACCORDING TO AGE GROUP, THIS DIVISION IS FOR GENERAL PURPOSES. OBVIOUSLY THERE IS ACTIVITY OVERLAP BETWEEN AGE GROUPS.

- SERIOUS CRIME ARRESTS ARE HIGHEST IN YOUNG AGE GROUPS.
- PARTICIPATION IN CRIME DECLINES WITH AGE.
- GANG MEMBERSHIP IS A MAJOR DIFFERENCE BETWEEN YOUTH AND ADULT CRIMINALS.
- THERE IS A STRONG POSSIBILITY OF PROGRESSION FROM SERIOUS JUVENILE TO SERIOUS ADULT CRIMINAL CAREERS.
- SERIOUS JUVENILE OFFENDERS:
  - ARE PREDOMINANTLY MALE:
  - ARE DISPROPORTIONALLY BLACK AND HISPANIC AS COMPARED TO THEIR PROPORTION OF THE POPULATION:
  - ARE TYPICALLY DISADVANTAGED ECONOMICALLY:
  - ARE LIKELY TO EXHIBIT INTERPERSONAL DIFFICULTIES AND BEHAVIORAL PROBLEMS BOTH IN SCHOOL AND ON THE JOB:
  - OFTEN COME FROM ONE PARENT FAMILIES OR FAMILIES WITH A HIGH DEGREE OF CONFLICT, INSTABILITY, AND INADEQUATE SUPERVISION.

*Report to the Nation on Crime and Justice, BJS, NCJ 87068, October, 1983*

PERSONS ARRESTED  
UNDER 18 YEARS OF AGE

1987 STATEWIDE TOTALS

OFFENSE	SEX	12/ Und	13 14	15	****RACE****			TOT under 18	Wht	****RACE****		
					16	17				Blk	Ind	Asi
CLASS												
Murder	M						2	2	1		1	
	F											
Manslaught.	M						1	1	1			
	F											
Rape	M		1				2	3	3			
	F											
Robbery	M			4	3	1	8	9			1	
	F				1	1	2					
Agg. Assault	M	3	12	8	15	27	65	54	5	21		
	F	1	1	4	5	4	15					
Burglary	M	91	90	49	129	86	445	345	14	115	1	
	F	14	10	5	1		30					
Larceny	M	230	321	182	215	189	1137	1322	145	247	40	
	F	127	204	115	85	86	617					
MV Theft	M	14	21	19	46	34	134	112	10	41	3	
	F	1	8	7	8	8	32					
Other Asslts.	M	14	23	20	24	30	111	92	20	43	2	
	F	3	17	5	10	11	46					
Arson	M	2	3	3		3	11	10	1	2		
	F	1				1	2					
Forgery	M	1	1		4	2	8	9	1			
	F		1		1		2					
Fraud	M		1	1	2	2	6	7	1			
	F				2		2					

PERSONS ARRESTED  
18 YEARS OF AGE AND OVER

1987 STATEWIDE TOTALS

OFFENSE CLASS	SEX	18	19	20	21	22	**AGE**										Tot	**RACE**					
							23	24	25	30	35	40	45	50	55	60		65	Wht	Blk	Ind	Asn	
									29	34	39	44	49	54	59	64	65	Ov					
Murder	M	1			4	1	3	2	4	2	3	2	1	1	1				25	12	4	13	
	F					1			1			2							4				
Manslaughter	M	1		3			1		3	3	5								16	11	1	5	
	F								1										1				
Rape	M	2	6	3	6	2	7	3	27	11	10	5		1	1				84	27	14	43	
	F																						
Robbery	M	1	5	5	6	6	6	3	9	9	3	1	1						55	36	13	7	
	F									1									1				
Agg. Assault	M	12	21	20	25	25	35	36	147	135	65	50	23	19	12	10	4		639	398	62	236	12
	F	4	1	1	3	3	1	3	24	12	10	4	1	1		1			69				
Burglary	M	53	66	48	31	65	27	38	162	31	21	9	1	5					557	402	24	136	4
	F	1			2	1	1	1	3										9				
Larceny	M	190	151	118	99	93	99	108	438	338	246	121	55	48	31	24	21		2180	1961	456	689	74
	F	69	46	46	45	50	64	59	195	184	105	50	31	18	19	9	10		1000				
MV Theft	M	29	20	15	8	13	10	9	18	16	6	5		1					150	103	10	51	1
	F			1	1		1	1	3	3	5								15				
Other Asslts	M	37	39	50	87	82	77	93	488	347	220	152	71	35	13	10	9		1810	1027	217	791	28
	F	12	7	11	17	14	9	14	65	52	24	11	8	3	3	1	2		253				
Arson	M	1	1		2	4	2	1	1	2	4	1	1		1				21	13	1	8	
	F									1									1				

# STATE OF ALASKA THE LEGISLATURE

POUCH Y - STATE CAPITOL  
JUNEAU, ALASKA 99811  
907-465-3800

## LEGISLATIVE AFFAIRS AGENCY LEGISLATIVE REFERENCE LIBRARY

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 3-9-89  
" " 4-27-89



JIM

## Alaska Court System

HAND DELIVERED

State of Alaska

303 "K" STREET  
ANCHORAGE, ALASKA  
99501

ARTHUR H. SNOWDEN II  
ADMINISTRATIVE DIRECTOR

(907) 274-8611

April 6, 1989

Representative Johnny Ellis  
Chairman, House HESS  
Alaska State Legislature  
P.O. Box V  
Juneau, Alaska 99811

Re: HB 19

Dear Representative Ellis:

Thank you for the opportunity to present the court's position on HB 19 to the HESS subcommittee yesterday. As the Chief Justice pointed out in his March 13 letter, foster care review panels are not a judicial function as they perform oversight to employees of the Department of Health and Social Services.

Under the current committee substitute, the panels would not only present an appearance of impropriety, they would also be in a conflict position with DHSS because both are given the authority to request court review of the panel's recommendation under Section 47.10.450. Thus, judicial employees may be adversarial to DHSS employees before the court. The fact that the court must review its own panel's recommendations lends an appearance of impropriety and may easily lead to a charge that the court acts only as a "rubber stamp" of the panel's work. For these reasons, the foster care review panels need to be independent of the judiciary.

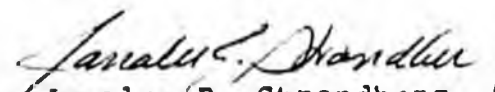
A mechanism by which this may be accomplished is by a statewide board. I have enclosed foster care review panel legislation from two of several states that have set up independent statewide boards charged with the selection, training, and oversight of local foster care review panels. Their functions and responsibilities are specifically set out in the statutes. These state boards also have the authority to hire directors and staff to implement training, collect data, and assist the local boards with their review functions. We strongly urge the committee to incorporate similar provisions in its proposed legislation.

Other specific problems that we have with the current committee substitute are:

- Section 47.10.400(b): (1) panel selection should not be made by the presiding judge (who in many cases will be the reviewing court), but should be appointed by the state board.  
(2) panel membership should include racial, ethnic, economic and national origin variety. A frequent complaint about panel composition in other states is that they tend to be comprised of upper middle class white persons. The professional requirements in this committee substitute almost guarantee this result.
- Section 47.10.400(c): panel membership should be for a definite (preferably two year) term. Panel members should not serve at the pleasure of the presiding judge.
- Section 47.10.420: The court system should provide meeting space and recording equipment for the panels and their staff. The court system does not have the ability to otherwise equip them.
- Section 47.10.440(d): The panels should not be required by statute to interview anyone. Their training should give them the ability to determine when and whom to interview in given cases.
- Section 47.10.440(e): The panels should submit their reports directly to the court and to the parties.
- Section 47.10.470(c): This section should be deleted. If another judicial district is more convenient to the parties, the court can have the case transferred by change of venue.
- Section 47.10.790: Reports to the legislature should be made by the state board or its staff. The administrative director of the court system has no mechanism by which to collect the data requested nor does he have any expertise to determine potential savings or costs to the state.

I would be glad to discuss these comments with you and to answer any questions about them.

Very truly yours,

  
Janalee R. Strandberg  
Staff Counsel

Enclosures - 2

cc: Rep. Max. F. Gruenberg, Jr.  
Rep. Ann M. Spohnholz  
Rep. Virginia M. Collins

TO: REVA JONATHAN COLLINS

ATTN: MARVREN

P. 1  
For Conference 4/5/99  
4:30 P.M.

From: BILL HITCHCOCK  
~~CHIEF CLERK, COURT~~, ANCHORAGE 264-0420

HB 19 - Proposed amendment to AS 47.10.080:

(f) A minor found to be delinquent or a child in need of aid is a ward of the state while committed to the department or the department has the power to supervise the minor's actions. The court shall review an order made under (b) or (c)(1) or (2) of this section annually, and may review the order more frequently to determine if continued placement, probation or supervision, as it is being provided, is in the best interest of the minor and the public. If annual review would arise within 90 days of the hearing required by (g) of this section, the court may postpone such review until the time set for the hearing. The department, the minor, the minor's parents, guardian, or custodian are entitled to a review on application. If the application is granted, the court shall afford these parties and their counsel reasonable notice in advance of the review and hold a hearing where these parties and their counsel shall be afforded an opportunity to be heard. The minor shall be afforded the opportunity to be present at the review.

Add a new section (g) as follows:

(g) Within 18 months of the date a minor is initially committed to the department under AS 47.10.142(e), the court shall hold a hearing to review the placement and services provided and to determine the future status of the minor.

P.2

The court shall make written findings including but not limited to the following:

(1) whether the child should be returned to the parent, or;

(2) whether the child should continue in foster care for a specified period, or;

(3) whether the child should be placed for adoption, or;

(4) whether the child should be continued in foster care on a permanent or long term basis because of special needs.

OFFICE OF PUBLIC ADVOCACY  
POSITION PAPER  
WORK DRAFT FOR CS FOR HOUSE BILL NO. 19 (HESS)  
DATED 4/3/82

This legislation concerns "An Act relating to children's proceedings; establishing review panels for children in the custody of the state; amending Rule 19 of the Child in Need of Aid Rules; and providing for an effective date."

The Office of Public Advocacy strongly supports the concept of citizen review of children in foster care. House Bill 19 is supported, in general, with the additions and corrections that appear in this position paper.

We believe that the citizen review panels, as suggested in HB 19, need to have the guidance of an oversight or governing body. To this end, we recommend that the following be added to the legislation:

(a) There is created the Alaska Citizen Review Board. The board consists of seven members, appointed by the Governor from among past or present members of local foster care review panels as established under AS 47.10.400. The governor shall appoint at least one board member from each judicial district.

(b) Members of the board serve for terms of three years.

(c) The board shall elect from its members a chair who shall serve for two years. Five members of the board constitute a quorum for the transaction of business.

(d) Members of the board serve without compensation but are entitled to per diem and travel expenses authorized for boards and commissions under AS 39.20.180 while engaged in the work of the board.

(e) The board shall meet at least quarterly and upon the call of the chair.

(f) The board shall employ a director. The director shall employ staff as necessary to carry out the work of the foster care review panels.

(g) Duties of the Alaska Citizen Review Board shall include:

(1) create policies and procedures for the operation of the local foster care review panels;

(2) with the director, make a report and recommendations to the legislature annually regarding statute, policy, procedure and regulations that effect the care of children who are in the custody of the Department of Health and Social Services;

(3) with the director, coordinate and review the activities of the local foster care review panels.

We suggest that Sec. 47.10.400 (2) (b) be changed to the following: A panel consists of five members and two alternate members who must reside in the district for which the panel is appointed. Members must have special knowledge or interest in child welfare. The director shall recruit and screen applicants for the foster care review panel. Screening shall include, at a

→ AS 39.20.180, etc.

minimum, criminal and child protection record checks. From a pool of screened applicants, the [presiding judge in each judicial district] shall select and appoint the panel members. The director shall provide initial and ongoing training to the panel members. A person presently employed by the court, the Division of Family and Youth Services, the Department of Law, the Office of Public Advocacy or the Public Defenders Office shall not serve as a member or alternate member of the panel. *General*

Current literature in volunteerism indicates that a large number of potential volunteers are disinclined to apply for activities which involve a time commitment of more than two years. Consequently, we suggest that Sec. 47.10.400 (2) (c) be amended to require two year, rather than three year terms.

To make the language of Sec. 47.10.440 (a) consistent with the practices of the Division of Family and Youth Services, the use of the term "case plan" rather than "placement plan" is more appropriate. This acknowledges that the panels will need to explore not only the placement needs of the child, but also the needs of the child and parents to receive services to remedy the family problems.

Sec. 47.10.440 (b) is somewhat unclear. We believe that the intent of the bill sponsor is that children be reviewed within 90 to 120 days after they are placed in foster homes. This section might be revised to indicate that the "clock" begins when the child is first placed in the temporary custody of the Department under as 47.10.142 (d),

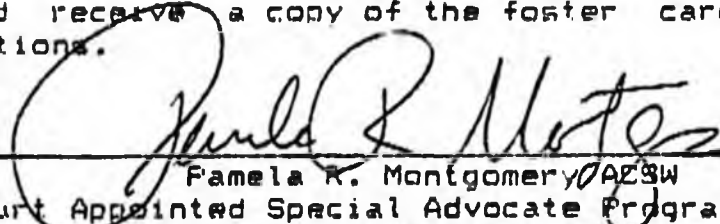
To streamline the distribution of the foster care review panel's recommendations, we suggest that Sec. 47.10.440 (e) be amended to read: Except as provided in (f) of this section, the panel shall submit a written report to the court and the parties within 30 days after reviewing the case. The report must make recommendations based on the best interests of the child in accordance with AS 47.10.082. If the court has scheduled the case for review, the panel shall submit its report at least 10 days prior to the hearing.

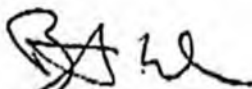
Sec. 47.10.440 (f) adequately addresses the legal concerns of a pre-adjudication review. However, we suggest that not only the Department receive the panel's recommendations but that the other parties receive the recommendations as also. The court would NOT receive the panel's recommendations prior to an adjudication of the child in need of aid petition.

In Sec. 47.10.450 there is an appearance that the foster care review panels are granted party status as they are given the ability to request a review hearing of a case by the court. This is beyond the advisory capacity of a foster care review panel. We recommend that this section be deleted, and the following be substituted: The Department of Health and Social Services, the Office of Public Advocacy, the Public Defenders Office and the ~~Office~~ *General's* Office shall cooperate with the process of

foster care review as defined in AS 47.10.400 to AS 47.10.500. Any of the parties, as defined in Child in Need of Aid Rule 2(m), shall have the right to request a judicial review of the foster care review panel's recommendations.

Finally, we suggest that the definition of "party" as proposed in Sec. 47.10.500 be consistent with the present definition as found in Child in Need of Aid Rule 2(m). This states: "Party" means the child, the parents, the guardian, the guardian ad litem, the Department, an Indian custodian who has intervened, an Indian child's tribe which has intervened, and any other person who has been allowed to intervene by the court." Of course, legal counsel for any of these parties should also be advised of the review and receive a copy of the foster care review panel's recommendations.

  
\_\_\_\_\_  
Pamela R. Montgomery, A.C.S.W.  
Court Appointed Special Advocate Program Director  
Office of Public Advocacy

  
\_\_\_\_\_  
Brant McGee  
Public Advocate  
Office of Public Advocacy

MEMORANDUM

4-6-89

TO: House HESS Subcommittee

FROM: William D. Hitchcock *WDH*  
Master, Children's Court  
Alaska Court System/Anchorage (264-0419)

SUBJ: CS HB 19

In reference to the subcommittee hearing of April 5, 1989, this is a synopsis of some of my remarks and concerns relative to the above bill:

1. The provisions of Public Law 96-272 regarding the requirement of the 18 month review hearing need to be spelled out in further detail. Please refer to my proposed amendments to AS 47.10.080 previously transmitted to Rep. Collins' staff, ~~and attached hereto for reference.~~

2. The lack of a state advisory board framework in the current draft is a significant concern to me. Even though certain details of policy and procedure can be left to later determination, I believe that the statutes need to establish this basic governing mechanism to insure that there is a stable governing organization for the development of foster care review panels. I fully concur in the remarks of Pam Montgomery and her suggestions for implementation of this requirement.

3. The bill needs to clearly define who will provide staff support for this enterprise, although I assume that the intent is to place this responsibility in the Alaska Court System (ref. Sec. 47.10.420, p. 3, line 8-10). As to the placement of the administrative responsibility for foster care review within the Court System, I have no direct comment. As I have stated in previous remarks to the subcommittee, my main concern is that this function be placed wherever it can achieve the most permanency and independence.

4. I have serious concerns about the attitude being expressed by the Alaska Foster Parents' Association that the recommendations of the review panels should somehow be mandatory on the Department of Health and Social Services. The recommendations are at best advisory only, although the decision to not follow a particular recommendation may certainly trigger a court review if the issue is raised by an aggrieved party. I do not concur with giving the panels the status of a party to bring such actions before the court

by motion or otherwise (ref. Sec. 47.10.450, p.4, line 28 through p.5, line 2.)

5. If the proposed legislation according party status to foster parents is limited only to the context of foster care review panels, then I would have no problem with such a provision. However, I do not agree that foster parents should be accorded the status of parties for purposes of proceedings under the general provisions of AS 47.10.

6. The mandate of screening provisions such as criminal records checks should not be left to the policies and procedures process but rather should be mandated by the statutes.

7. I would also agree with the additional suggestions made by Pam Montgomery related to the following matters:

(a) substituting the words "special knowledge or interest" for "training or experience" in page 2, Article 6, line 11 of the bill;

(b) substituting the words "case plan" for "placement plan" in page 3, Article 6, line 17 of the bill;

(c) revising the procedure set forth on p. 4, line 13-16 having the court responsible for distribution of the report, to requiring that copies of the report be distributed to the court and all parties of record by the review panel

8. Finally, I believe that the listing of professional specialties is not per se objectionable on page 2, lines 13-14, but I would suggest changing the category of "child psychologist" to "psychologists."

*Tanana Chiefs Conference, Inc.*

201 First Avenue  
Fairbanks, Alaska 99701-4897  
(907) 452-8251  
Fax (907) 451-8963

REC'D APR 13 1989

April 11, 1989

Honorable Johnny Ellis, Chairman  
House Health, Education and Social Services Committee  
Alaska State Legislature  
Pouch V  
Juneau, Alaska 99811

*Jim*

RE: House Bill No. 19 [Foster Care Review Boards]

Dear Rep. Ellis:

Thank you for your invitation to comment upon H.B. 19, dealing with foster care review panels. I understand that there have been several committee drafts of the bill and I have made an attempt to address our comments to the 4/3/89 Work Draft of the bill. As I indicated in my earlier testimony, Tanana Chiefs Conference, Inc. (TCC) favors a comprehensive rewrite of the CINA statutes to deal with a number of problems which have crept into the statutes on a piecemeal basis. We would suggest that the HESS committee undertake this effort during the interim and would gladly work with the committee to identify and address problems in the statutes. We intend to address these concerns in a subsequent letter. However, at this time we will confine our remarks to the specific concerns and observations raised by H.B. 19.

As we indicated earlier, TCC supports the creation of community foster care review panels where the goals of the panels are intended to provide community review of the foster care system. We would not support the creation of yet another level of bureaucratic infrastructure in our foster care system. As we will note below, there are many unanticipated consequences of our current statutory scheme which can be detrimental to the welfare of children within the system. One problem we observe daily is the bureaucratic demands of the "system" which often gets in the way of good social work. While foster care review is important, we

would hope that this may be accomplished in a manner which streamlines the bureaucratic system, and interjects relevant community values in the review process, while at the same time improving the quality of social work.

In this regard, we are greatly concerned about the structure, composition and selection of the panels. On a statewide basis, over 1/2 of the children in foster care are Native. This varies from region to region, however, in some rural areas of the State, this ratio is above 95% Native. There is great cultural distance between Native and non-Native child rearing practices. These differences often play a significant role in foster care placement. For example, the role of extended family differs greatly between Native and non-Native child care. Often, Native uncles and grandparents have defined roles which should be observed. The vast majority of tribal interventions in which TCC provides tribal representation involve questions of placement in which the Division proposed placements which conflict with the Native cultural values. Many of these controversies could be avoided by directly involving tribal representatives into the placement process.

DFYS has attempted to recognize this problem and has established an ICWA review panel composed of Native people. However, the tribes - who have the legal rights under ICWA - are not involved in the selection process of this panel. Consequently, the problem over placement and review have not been abated. We would hope that the State would learn from the failure of the ICWA review committee.

We would suggest redrafting Sec. 47.10.400(a)(2) to read:

(2) may appoint additional panels if the volume [or] complexity, or demographics of cases involving a child placed in State custody under A.S. 47.10.080(c) or 47.10.142 in the judicial district warrants.

This would allow a judicial district to have more than one panel if the level of Native cases in the district warranted a special panel.

Since 1/2 of all children in State custody are Native, and the Indian Child Welfare Act raises special legal standards, we would suggest that where a judicial district has more than one panel, that the second panel be specialized to address Native child foster care. This may be accomplished by adding to 47.10.400(a) (2) the following sentence:

where additional panels are established within a judicial district, at least one panel shall specialize in conducting reviews of cases governed by the Indian Child Welfare Act [25 USC 1901 et seq]

In reviewing the entities which submit nominations for the review panels, it is highly unlikely that Native involvement will be provided for in either the 1st, 3rd or 4th Judicial Districts. We would suggest that each regional nonprofit Native corporation located within the judicial district also be allowed to submit nominations.

The legislation requires each entity to nominate at least ten (10) names. This could result in submission of a minimum of at least 50 people for each panel. This could present a bureaucratic burden to submitting agencies. We would suggest deleting the requirement of submitting a minimum number of names.

The duties of the panel include the submission of reports [A.S. 47.10.440(e)&(f)] which includes recommendations based upon the best interest of the child. The "best interest" standard is often culturally sensitive. For example, the preservation of a child's "Nativity" is often viewed as "in the best interest" of a Native child by the Native community. Within the legal system, which is dominated by non-Natives, this need is often viewed as not significant relative to the best interest of a Native child. The legislation should define best interest "as including

Preservation of cultural identity, religious affiliation, progress toward family reunification and progress toward rehabilitation of the family unit".

Federal Law. - Title IV-E of the Social Security Act - requires periodic reviews to be conducted by the State. This function should be integrated into the reviews in order to avoid unnecessary bureaucratic duplication. We would also hope that the ICWA review committees operating in some districts would be replaced by these review panels to again avoid unnecessary duplication.

Finally, the A.S. 47.10.490 should be rewritten to provide for sunseting of the legislation subject to legislative review after a three-year period. The panels may or may not reflect citizen input, depending upon how the program is implemented. If the composition of the panels becomes a mere rubber stamp of the Division, then the experiment should be abandoned. Hopefully, three years would be enough time to determine the effectiveness of the panels at providing actual review of the Division.

We hope these comments are helpful in developing this legislation. Thank you for this opportunity to comment on the legislation.

Sincerely,

TANANA CHIEFS CONFERENCE, INC.

*Will Mays*

Michael J. Walleri  
Village Government Services/Attorney

cc: Rep. Boyer  
Rep. Wallis  
Rep. Hoffman  
Sen. Binkley  
Sen. Adams

ELLIS-SAN,  
Just a note to  
say hello! Hope  
your having fun  
this session.  
Your friend,  
-Will



REC'D APR 24 1989

ALASKA CHAPTER  
NATIONAL ASSOCIATION OF  
SOCIAL WORKERS

8923 Tantis Drive  
Juneau, Alaska 99801  
(907) 789-7099

Executive Director  
William Diebels, ACSW

April 22, 1989

Representative Johnny Ellis, Chair  
House HESS  
Alaska State Legislature  
P.O. Box V  
Juneau, AK 99811

Jim  
short note  
thanking them.

Dear Representative Collins:

On behalf of the Alaska Chapter of the National Association of Social Workers, I would like to thank you and your committee for the time and energy you have invested in improving conditions for foster children. As you reviewed House Bill 19, it is evident that you share our support for review panels experienced in and concerned with child welfare.

It appears that other legislative imperatives may mean that action to establish foster care review boards is deferred until next session. As this legislation is reexamined we consider the following factors important to address:

- 1) It is vital that any proposed review panels conform to Title IV-E requirements in order to minimize: a) duplication of reviews (from the case worker's perspective) and b) subjecting children and families to multiple panel reviews.
- 2) The intentional inclusion of Native input is essential to the professional and functional operations of the foster care system. The fact that nearly half of all foster care cases involve Native children points out the importance of this issue. Requirements of the Indian Child Welfare Act must be taken into consideration in order to assist all concerned in performance of their duties as well as providing avenues for cultural sensitivity to tribal dynamics. The involvement of tribal councils in the review process, including Native representatives on the panel itself, would prove most helpful.
- 3) Since there are three types of review panels currently in operation, it is important to consider the issues that have surfaced with these panels, incorporate the good elements, and avoid the problem areas. For example, the Fairbanks internal review panel has worked out extremely effective procedures for involving bush communities. The Anchorage internal review panel has encountered some legal problems due to the timing of the reviews at two weeks.

4) It is imperative that panel members receive training conducted by professionals from a variety of disciplines, including experts in the Indian Child Welfare Act (ICWA), social service professionals who have had experience with review boards, and professionals with knowledge of developmental stages as they relate to the needs of children for stability in their lives and the harmful effects of frequent placements on their emotional development.

5) The intended function of the third party review ought to be stated clearly in the bill. It is suggested that the review panel system fulfill an advisory role, reviewing and making recommendations regarding: a) individual cases and b) systemic policies, regulations, and laws.

6) The preferred structural location of a review board is critical to its success. Independence from all parties is extremely important.

These six points make up the major concerns of the Alaska NASW in reference to foster care review board legislation. We thank you for your consideration of our concerns and look forward to working with you in the future toward the goal of improved care for foster children.

Sincerely,



William Diebels, ACSW  
Executive Director

660 Wilcox #3  
Fairbanks, AK 99709  
(907) 456-7767 ext. 330  
March 10, 1989

Representative Johnny Ellis  
Chairman, H.E.S.S. Committee  
P.O. Box V  
Juneau, AK 99811

REC'D MAR 15 1989

Dear Representative Ellis:

I would like to express numerous concerns regarding HB 19, relating to review panels for children in foster care. Since you share my goal of improved conditions for foster children, I would like you to know that I am opposed to this proposed piece of legislation.

In general, I view HB 19 as unnecessary, duplicative, potentially time-consuming, and very costly. In Fairbanks, the current system of review panels for foster care works very well. The Division of Family and Youth Services is responsible for implementing the Federal law (P.L. 96-272) which mandates six-month review panels. The current panel system includes social workers who will be carrying out the plan, members of the community at large, and representatives of the Office of Public Advocacy. The system is sensitive to Native issues and is cost effective.

HB 19 would result in two panel review systems being in place which serve the same purpose: to review the foster care placement plan in the interest of the child's welfare. HB 19 may actually work against the well-being of the child for whom it is intended to serve. Some ways in which this would come about include the following:

--Since social workers are currently required to comply with Public Law 96-272, should HB 19 pass, they would be required to implement duplicate reviews on a number of children within any six-month time frame. Not only would the workload of workers increase, but to put children and families through duplicate panels would be inhumane.

--Panel members under HB 19 would serve only two years, whereas many cases go beyond two years. Lack of continuity and familiarity with the laws, communities, cases, etc. would be a problem.

--HB 19 does not make provisions for Indian Child Welfare Act concerns. The current system is sensitive to tribal dynamics and helps the social worker to comply with the Federally-mandated Act. This is essential since forty-nine percent of the children in foster care in Alaska are Native. The current system includes tribes (village councils) by phone.

--Recruiting competent panel members will most likely be difficult since, for the Northern Region alone, five or more working days per month would be required. The reimbursement needed to attract such persons would be costly to the State. Chances of finding rural panel members that meet the qualifications listed in HB 19 are slim, leaving rural areas without representation.

--There have been horror stories from other states with systems similar to those proposed by HB 19 which relate to lack of professionalism; for the system to work effectively, it is imperative that the training and professional judgement of those social service professionals who are responsible for carrying out the placement plan is not lost in the recommendations.

--Case workers might have to contend with conflicting recommendations under two sets of review panels. For example, the Indian Child Welfare Act contains tribal placement preference provisions whereas the HB 19 panel may propose a non-Native placement situation.

--The costs of the new review panel system are not specified in the bill. In addition to reimbursement to panel members for travel and per diem, HB 19 mentions written notices, panel progress reports, court records, formal review reports and so forth which would involve photocopying and mailing costs. Telephone communications and travel for the child and his/her relatives would involve substantial costs. It is extremely doubtful that the proposed system would save the State any money. Considering the current state of the budget, it would be reasonable to demand that a fiscal note be attached to the bill.

As you can see, there are many varied and logical reasons for opposing HB 19. While I question the necessity for such legislation, I understand that citizens in other parts of the state, particularly Anchorage, sense a need for such a bill. I hope you will take my concerns into serious consideration when evaluating future drafts of the bill. Thank you for your special concern regarding improved care for foster children.

Sincerely,

*Marianne Mills*

Marianne Mills, M.S.W.

Original sponsors: Collins, Gruenberg,  
Ulmer, et al.

1 IN THE HOUSE

BY THE HEALTH, EDUCATION AND  
SOCIAL SERVICES COMMITTEE

2 CS FOR HOUSE BILL NO. 19 (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 children's proceedings; estab-  
7 lishing review panels for children in the custody of  
8 the state; amending Rule 19 of the Child in Need of  
9 Aid Rules; and providing for an effective date."

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

11 \* Section 1. AS 47.10.080 is amended by adding a new subsection to  
12 read:

13 (1) When the court orders a child committed to the department  
14 under (c) of this section and at an annual review under (f) of this  
15 section, the court shall inform the parties about the foster care  
16 review panel established under AS 47.10.400.

17 \* Sec. 2. AS 47.10.142 is amended by adding new subsections to read:

18 (g) When a court orders a child committed to the department  
19 under this section, the court shall inform the following persons about  
20 the foster review panel established under AS 47.10.400:

21 (1) the child and the child's guardian ad litem;

22 (2) the parents or guardian of the child;

23 (3) the leaders of the child's tribe if the child's case is  
24 subject to 25 U.S.C. 1901 - 1963 (Indian Child Welfare Act).

25 (h) Within 18 months after a minor is committed to the depart-  
26 ment under this section, the court shall review the placement plan and  
27 actual placement of the minor and assess their appropriateness for the  
28 minor.

29 \* Sec. 3. AS 47.10 is amended by adding new sections to read:

## 1 ARTICLE 6. FOSTER CARE REVIEW PANELS.

2 Sec. 47.10.400. CREATION AND MEMBERSHIP OF PANELS. (a) Subject  
3 to (b) of this section, the presiding judge for each judicial district

4 (1) shall appoint a foster care review panel for the judi-  
5 cial district; and

6 (2) may appoint additional panels if the volume or complex-  
7 ity of cases involving a child placed in state custody under AS 47.-  
8 10.080(c) or 47.10.142 in the judicial district warrants.

9 (b) A panel consists of five members and two alternate members  
10 who must reside in the district for which their panel is appointed.  
11 Members must have training or experience in child welfare and a demon-  
12 strated interest in children. Members may include a parent from the  
13 district, foster parents or former foster parents, child psycholo-  
14 gists, teachers, professionally trained social workers, and lawyers  
15 with experience in children's matters. The presiding judge of the  
16 judicial district shall appoint panel members from lists of at least  
17 10 names submitted by the following entities for each judicial dis-  
18 trict: the department, the director of the office of public advocacy,  
19 the administrative director of the court system, the Alaska Foster  
20 Parents Association, and the mayor of the most populous municipality  
21 in the judicial district. The presiding judge shall appoint one  
22 member from each list to each panel. The presiding judge is not  
23 restricted to the lists when appointing alternate members. A person  
24 employed by the court system or by the department may not serve as a  
25 member or alternate member of a panel.

26 (c) A member of a panel serves at the pleasure of the presiding  
27 judge of the judicial district for a term of three years except that  
28 when a panel is initially appointed, two members shall be appointed to  
29 two-year terms.

1 (d) The panel shall elect one of its members to serve as chair.

2 (e) When a person is appointed to serve on a panel, the person  
3 shall swear or affirm to keep confidential all information that comes  
4 before the panel.

5 Sec. 47.10.410. QUORUM. A majority of the members of a panel  
6 constitutes a quorum. A majority of the members of the panel may  
7 decide an issue before the panel.

8 Sec. 47.10.420. SUPPORT SERVICES. The administrative director  
9 for the court system shall provide meeting space and equipment for the  
10 panels and staff.

11 Sec. 47.10.430. REIMBURSEMENT FOR EXPENSES. Panel members are  
12 entitled to reimbursement for actual expenses necessary to perform  
13 their duties as panel members. The reimbursement may not exceed the  
14 amount of per diem and expenses authorized for boards and commissions  
15 under AS 39.20.180

16 Sec. 47.10.440. DUTIES OF PANEL. (a) A panel shall review  
17 the placement plan and the actual placement of each child placed  
18 in the custody of the department under AS 47.10.080(c) or 47.10.-  
19 142 residing within its jurisdictional area. The review shall  
20 assess the progress toward achievement of a permanent placement  
21 plan, the appropriateness of the placement setting, services actual-  
22 ly provided to achieve the selected goals, and previous decisions  
23 in the case.

24 (b) The panel shall review a case during the time period that is  
25 between 90 and 120 days after the child is placed in the custody of  
26 the department and every six months thereafter.

27 (c) At least two weeks before it begins a review, the panel  
28 shall provide written notice to each party that a review will be  
29 conducted and that each party may participate in the review.

1 (d) In reviewing a case, the panel shall consider the placement  
2 plan and any progress report of the department, court records, and  
3 other information about the child and the child's family. The panel  
4 shall provide to the following persons an opportunity to be inter-  
5 viewed by the panel: foster parents, natural parents, other relatives  
6 of the child, guardian, guardian ad litem, the case worker or social  
7 worker assigned to the case, tribal representative, and other persons  
8 with a close personal knowledge of the case. At the discretion of the  
9 child's guardian ad litem, the child may be present at interviews or  
10 may be interviewed. The panel may conduct interviews in person or by  
11 telephone.

12 (e) Except as provided in (f) of this section, the panel shall  
13 submit a written report to the court within 30 days after reviewing a  
14 case. The report must make recommendations based on the best inter-  
15 ests of the child in accordance with AS 47.10.082. The court shall  
16 make the report available to the parties immediately. If the court  
17 has scheduled the case for review, the panel shall submit its report  
18 at least 10 days before the hearing.

19 (f) If the panel review relates to a child who is in temporary  
20 custody under AS 47.10.142 but who has not been found to be a child in  
21 need of aid under AS 47.10.080(c), the panel shall submit a written  
22 report to the department within 30 days after reviewing the case. The  
23 report must make recommendations based on the best interests of the  
24 child in accordance with AS 47.10.082. A report under this subsection  
25 is confidential.

26 (g) A party to a case reviewed under this section may request  
27 the panel to reconsider its recommendations.

28 Sec. 47.10.450. COOPERATION BY DEPARTMENT. The department shall  
29 cooperate with a panel during the panel's review. If the department

1 fails to implement a recommendation of a panel, the panel or the  
2 department may request court review of the recommendation.

3 Sec. 47.10.460. RECORDS; COMMUNICATIONS. (a) At the request of  
4 a panel, the department and the court shall furnish to the panel  
5 records concerning a child who is the subject of a panel review or the  
6 child's family maintained by the court under AS 47.10.090 or by the  
7 department. A public or private agency or institution that provides  
8 care or services for the child shall furnish the panel with the re-  
9 cords and other information the panel requests. Records and reports  
10 of the panel, testimony before the panel, and deliberations of the  
11 panel are confidential under AS 47.10.090.

12 (b) A panel member may not reveal to another person a communica-  
13 tion made to the member while performing the member's duties under  
14 AS 47.10.400 - 47.10.500 except as required under AS 47.17 or as  
15 required by court order for good cause shown.

16 Sec. 47.10.470. COURT REVIEW OF REPORT. (a) The court shall  
17 consider the report of the foster care review panel in its review  
18 under AS 47.10.080(f) of the placement of a child in need of aid under  
19 AS 47.10.080(c)(1) or when it considers the report of the department  
20 or guardian of a child in need of aid under AS 47.10.080(c)(3).

21 (b) The court may refer to the panel a case called for a special  
22 review under AS 47.10.080(f).

23 (c) The court may request a panel in another jurisdiction to  
24 conduct a review and submit a report if that panel is more convenient  
25 for the child and other persons involved.

26 Sec. 47.10.480. INDEMNIFICATION OF PANEL MEMBERS. A panel  
27 member shall be indemnified by the state for civil liability for a  
28 negligent act or omission of the panel member that occurs in the  
29 performance of the member's duties under AS 47.10.400 - 47.10.500

1 unless the civil liability results from the panel member's violation  
2 of

3 (1) AS 47.10.460(b); or

4 (2) the oath or affirmation required under AS 47.10.400(e).

5 Sec. 47.10.490. REPORT TO LEGISLATURE. The administrative  
6 director of the court system shall report to the legislature each year  
7 on the activities of the foster care review panels. The report must  
8 include the number of cases reviewed by each panel, the changes in the  
9 plan or placement of a child in foster care made by the department as  
10 a result of recommendations of the panel, and the savings to the state  
11 that result from the implementation of recommendations made by the  
12 panel and adopted by the department. The report may contain other  
13 information on the experience of the panels and recommendations for  
14 change in the review panel system.

15 Sec. 47.10.500. DEFINITIONS. In AS 47.10.400 - 47.10.500,

16 (1) "panel" means a foster care review panel established  
17 under AS 47.10.400;

18 (2) "party" means the child or the child's legal represen-  
19 tative, the child's foster parents, the child's natural parents, and  
20 if the child's case is governed by 25 U.S.C. 1901 - 1963 (Indian Child  
21 Welfare Act) the leaders of the child's Indian tribe.

22 \* Sec. 4. AS 47.10.470, enacted by sec. 3 of this Act, has the effect  
23 of amending Rule 19 of the Child in Need of Aid Rules by requiring a court  
24 to consider recommendations from a foster care review panel when conducting  
25 a review of the placement of a child in foster care.

26 \* Sec. 5. This Act takes effect January 1, 1990.  
27  
28  
29

Original sponsors: Collins, Gruenberg,  
Ulmer, et al.

1 IN THE HOUSE

BY THE HEALTH, EDUCATION AND  
SOCIAL SERVICES COMMITTEE

2 CS FOR HOUSE BILL NO. 19 (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 citizen review panels for certain  
7 children in state custody; court review of cases  
8 relating to children; establishing the State Chil-  
9 dren's Citizen Review Panel; amending Rule 19 of the  
10 Child in Need of Aid Rules; and providing for an  
11 effective date."

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

13 \* Section 1. FINDINGS AND PURPOSE. The legislature finds that there is  
14 a need in the state for a citizen review process for the cases of children  
15 who are in state custody, either in foster care or in other out-of-home  
16 placement. The purpose of this Act is to establish a citizen review pro-  
17 cess in order to ensure that children do not linger unnecessarily in foster  
18 care or other out-of-home placements, but rather that they receive the  
19 support and benefits of a permanent home. The goal of this Act is to  
20 reunite the children with their families by ensuring that services are  
21 available and appropriate for reunification, and if reunification is not in  
22 the best interests of the child, to expeditiously place the child in a  
23 secure, permanent home.

24 \* Sec. 2. AS 47.10 is amended by adding new sections to read:

25 ARTICLE 6. STATE CHILDREN'S CITIZEN REVIEW PANEL.

26 Sec. 47.10.400. STATE CHILDREN'S CITIZEN REVIEW PANEL. (a)  
27 There is created in the Office of the Governor the State Children's  
28 Citizen Review Panel. The state panel consists of five members ap-  
29 pointed by the governor from among past or present members of local

1 citizen review panels established under AS 47.10.420. The governor  
2 shall appoint at least one state panel member from each judicial  
3 district. At least one member must be knowledgeable about 25 U.S.C.  
4 1901 - 1963 (Indian Child Welfare Act). The governor may not appoint  
5 a person who has committed a felony or violated AS 11.51.130 or a law  
6 with substantially similar elements.

7 (b) Members of the state panel serve at the pleasure of the  
8 governor for staggered terms of three years or until their successors  
9 are appointed.

10 (c) The state panel shall elect from its members a chair who  
11 shall serve for two years. Three members of the state panel consti-  
12 tute a quorum for the transaction of business.

13 (d) Members of the state panel are entitled to reimbursement for  
14 actual expenses necessary to perform their duties as state panel  
15 members. The reimbursement may not exceed the amount of per diem and  
16 expenses authorized for boards and commissions under AS 39.20.180.

17 (e) The state panel shall meet twice annually. Meetings may  
18 take place telephonically.

19 (f) The state panel may employ a director who shall serve at the  
20 pleasure of the state panel. The director shall employ staff as  
21 necessary to carry out the director's duties under state panel direc-  
22 tives.

23 (g) Meetings during which the state panel discusses confidential  
24 material provided by a local panel are confidential. When a person is  
25 appointed to serve on the state panel, the person shall swear or  
26 affirm to keep confidential all confidential material provided by a  
27 local panel.

28 Sec. 47.10.410. DUTIES OF THE STATE PANEL. The state panel  
29 shall

1 (1) adopt policies and procedures to carry out its duties  
2 and to govern the performance of the duties of the local panels estab-  
3 lished under AS 47.10.420;

4 (2) establish a program of training for state and local  
5 panel members;

6 (3) coordinate and review the activities of the local  
7 panels and make recommendations to the governor on appointments to the  
8 local panels;

9 (4) report annually to the legislature by the 10th day of  
10 each regular session, concerning the activities of the state and local  
11 panels; the report must include the number of cases reviewed by each  
12 local panel, the changes in the plan or placement of a child in foster  
13 care made by the department as a result of recommendations of a local  
14 panel, gaps in services that could prevent out-of-home placement, and  
15 the benefits to the state that result from the implementation of  
16 recommendations made by a local panel and adopted by the department;  
17 the report may contain other information on the experience of the  
18 local panels and recommendations for change in the review panel sys-  
19 tem.

20 Sec. 47.10.420. APPOINTMENT OF LOCAL PANELS. (a) The governor  
21 shall appoint for each judicial district a local citizen foster care  
22 review panel composed of five members and two alternates who are  
23 residents of the judicial district. Members shall serve three-year  
24 terms except that when a local panel is initially appointed, two  
25 members shall be appointed for three-year terms, two members for  
26 two-year terms, and one member for a one-year term. Alternates shall  
27 be appointed to three-year terms.

28 (b) The governor shall appoint to a local panel persons who have  
29 training, experience, special knowledge, or a demonstrated interest in

1 the welfare of children. A licensed foster parent or a person employ-  
2 ed by the court system, the department, the Office of Public Advocacy,  
3 or the Department of Law may not serve as a member or alternate member  
4 of a local panel. The governor may not appoint a person who has  
5 committed a felony or violated AS 11.51.130 or a law with substan-  
6 tially similar elements.

7 (c) The composition of a local panel must be reasonably repre-  
8 sentative of the various social, economic, racial, ethnic, and cul-  
9 tural groups of the region from which the members may be appointed.

10 (d) If the state panel determines that additional local panels  
11 are necessary in a judicial district because of excessively large or  
12 complex caseloads for review or because of the demographics of cases,  
13 or determines that a local panel is not necessary because of a reduced  
14 caseload, the governor may create or dissolve a local panel. The  
15 governor may not reduce the number of panels in a judicial district to  
16 fewer than one. Appointments to a panel established under this sub-  
17 section are governed by (a) - (c) of this section.

18 (e) A local panel shall conduct its meetings in the judicial  
19 district in which its members reside.

20 (f) The local panel shall elect one of its members to serve as  
21 chair.

22 (g) When a person is appointed to serve on a local panel, the  
23 person shall swear or affirm to keep confidential all information that  
24 comes before the local panel except for information shared with the  
25 state panel, reports required under AS 47.17, or as required by court  
26 order for good cause shown.

27 Sec. 47.10.430. QUORUM. A majority of the members of a local  
28 panel constitutes a quorum. A majority of the members of the local  
29 panel may decide an issue before the local panel.

1           Sec. 47.10.450. REIMBURSEMENT FOR EXPENSES. Local panel member  
2 are entitled to reimbursement for actual expenses necessary to perform  
3 their duties as local panel members. The reimbursement may not exceed  
4 the amount of per diem and expenses authorized for boards and com-  
5 missions under AS 39.20.180.

6           Sec. 47.10.460. DUTIES OF LOCAL PANEL. (a) A local panel shall  
7 review the case plan and the actual placement of each child placed in  
8 the custody of the department under AS 47.10.080(b)(3), (c)(1), or  
9 (c)(3), 47.10.142, or 47.10.230(c), residing within its jurisdictional  
10 area. The state panel may request a local panel in another jurisdic-  
11 tion to conduct a review and submit a report if that local panel is  
12 more convenient for the child and other persons involved.

13           (b) The local panel shall review a case as required under 42  
14 U.S.C. 671 - 675 (P.L. 96-272) and according to the timing and content  
15 requirements of federal law and regulations during the time period  
16 that is between 90 and 120 days after the child is in the custody of  
17 the department and every six months thereafter. A court review may be  
18 substituted for a review required under this subsection if the court  
19 review meets the requirements of this subsection.

20           (c) At least two weeks before it begins a review, the local  
21 panel shall provide written notice to the department and to each party  
22 that a review will be conducted and that each party may participate in  
23 the review. A copy of the notice sent to the child's parents shall  
24 also be sent to the department.

25           (d) The review shall assess the progress toward achievement of  
26 family reunification or an alternative permanent placement plan, the  
27 appropriateness of the placement setting, availability of services and  
28 services actually provided to achieve the selected goals, the extent  
29 of compliance with applicable provisions of 25 U.S.C. 1901 - 1963

1 (Indian Child Welfare Act), and previous decisions made in the case.  
2 In reviewing a case, the local panel shall consider the case plan and  
3 any progress report of the department, court records, and other infor-  
4 mation about the child and the child's family. The local panel shall  
5 provide to the following persons an opportunity to be interviewed by  
6 or provide written material to the panel: foster parents, parents,  
7 custodians, other relatives of the child, guardian, guardian ad litem,  
8 the case worker or social worker assigned to the case, the designated  
9 representative of the child's tribal organization, and other persons  
10 with a close personal knowledge of the case. At the discretion of the  
11 child's guardian ad litem, the child may be present at interviews or  
12 may be interviewed. The local panel may conduct interviews in person  
13 or by telephone.

14 (e) During a review under (a) of this section, a local panel  
15 shall

16 (1) encourage the return of the child to the child's par-  
17 ents or recommend to the department that maximum efforts be exerted to  
18 reunite the family unless there is a determination by the local panel  
19 that return to the family is not in the best interests of the child;

20 (2) promote and encourage the department to place or keep  
21 children with persons suitable and eligible as adoptive parents;

22 (3) recommend that the department exert maximum efforts to  
23 place the child for adoption, or to make arrangements for permanent  
24 foster care or guardianship for children, if return to the child's  
25 parents is not possible or is contrary to the child's best interests.

26 (f) Except as provided in (g) of this section, the local panel  
27 shall submit a written report to the court, the department, and the  
28 parties within 30 days after reviewing a case. The report must make  
29 recommendations based on the best interests of the child in accordance

1 with AS 47.10.082. If the court has scheduled the case for review  
2 the local panel shall submit its report at least 10 days before the  
3 hearing.

4 (g) If the local panel review relates to a child who is in  
5 temporary custody under AS 47.10.142 but who has not been found to be  
6 a child in need of aid under AS 47.10.080(c), the local panel shall  
7 submit a written report to the department within 30 days after review-  
8 ing the case. The report must make recommendations based on the best  
9 interests of the child in accordance with AS 47.10.082. A report  
10 under this subsection is confidential.

11 Sec. 47.10.470. COOPERATION WITH THE DEPARTMENT. The department  
12 shall cooperate with the state panel and the local panel. If the  
13 department is unable or unwilling to implement the recommendations of  
14 a local panel, the department shall submit to the local panel, within  
15 15 working days after receipt of the findings and recommendations, an  
16 implementation report setting out the reasons why the department is  
17 unable or unwilling to implement the local panel's recommendations.  
18 The report must also set out the case plan that the department intends  
19 to implement.

20 Sec. 47.10.480. RECORDS; COMMUNICATIONS. (a) At the request of  
21 a local panel, the department and the court shall furnish to the local  
22 panel records concerning a child who is the subject of a local panel  
23 review or the child's family maintained by the court under AS 47.10.-  
24 090 or by the department. A public or private agency or institution  
25 that provides care or services for the child shall furnish the local  
26 panel with the records and other information the local panel requests.  
27 Notwithstanding AS 44.62.310, records and reports of the local panel,  
28 testimony before the local panel, and deliberations of the local panel  
29 are confidential under AS 47.10.090.

1 (b) A local panel member may not reveal to another person, other  
2 than the state panel, a communication made to the member while per-  
3 forming the member's duties under AS 47.10.400 - 47.10.590 except as  
4 required under AS 47.17 or as required by court order for good cause  
5 shown.

6 (c) A local panel proceeding is not governed by AS 44.62.310.

7 Sec. 47.10.490. COURT REVIEW OF REPORT. (a) The court shall  
8 consider the report of the local panel in its review under AS 47.10.-  
9 080(f) of the placement of a child in need of aid under AS 47.10.-  
10 080(c)(1) or when it considers the report of the department or guard-  
11 ian of a child in need of aid under AS 47.10.080(c)(3).

12 (b) The court may refer to the local panel a case called for a  
13 special review under AS 47.10.080(f).

14 Sec. 47.10.500. INDEMNIFICATION OF PANEL MEMBERS. A state panel  
15 member and a local panel member shall be indemnified by the state for  
16 civil liability for a negligent act or omission of the panel member  
17 that occurs in the performance of the member's duties under AS 47.10.-  
18 400 - 47.10.590 unless the civil liability results from the panel  
19 member's violation of

20 (1) AS 47.10.480(b); or

21 (2) the oath or affirmation required under AS 47.10.400(g)  
22 or 47.10.420(g).

23 Sec. 47.10.590. DEFINITIONS. In AS 47.10.400 - 47.10.590

24 (1) "local panel" means a local citizen review panel ap-  
25 pointed under AS 47.10.420;

26 (2) "party" means the child or the child's legal represen-  
27 tative, the child's foster parents, the child's natural parents, and  
28 if the child's case is governed by 25 U.S.C. 1901 - 1963 (Indian Child  
29 Welfare Act) the leaders of the child's Indian tribe or an Indian

1           custodian who has intervened, and any other person who has been al  
2           lowed to intervene by the court;

3                       (3) "state panel" means the State Children's Citizen Review  
4           Panel established under AS 47.10.400.

5 \* Sec. 3. AS 44.66.010(a) is amended by adding a new paragraph to read  
6                       (17) State Children's Citizen Review Panel under AS 47.10.  
7           400 -- June 30, 1994.

8 \* Sec. 4. AS 47.10.080(f) is amended to read:

9                       (f) A minor found to be delinquent or a child in need of aid is  
10           a ward of the state while committed to the department or the depart-  
11           ment has the power to supervise the minor's actions. The court shall  
12           review an order made under (b) or (c)(1) or (2) of this section an-  
13           nually, and may review the order more frequently to determine if  
14           continued placement, probation, or supervision, as it is being pro-  
15           vided, is in the best interest of the minor and the public. If annual  
16           review under this subsection would arise within 90 days of the hearing  
17           required under (1) of this section, the court may postpone review  
18           under this subsection until the time set for the hearing. The depart-  
19           ment, the minor, the minor's parents, guardian, or custodian are  
20           entitled, when good cause is shown, to a review on application. If  
21           the application is granted, the court shall afford these parties and  
22           their counsel reasonable notice in advance of the review and hold a  
23           hearing where these parties and their counsel shall be afforded an  
24           opportunity to be heard. The minor shall be afforded the opportunity  
25           to be present at the review.

26 \* Sec. 5. AS 47.10.080 is amended by adding new subsections to read:

27                       (1) Within 18 months of the date a minor is initially taken into  
28           custody by the department under AS 47.10.142(c), the court shall hold  
29           a hearing to review the placement and services provided and to

1 determine the future status of the minor. The court shall make appro-  
2 priate written findings, including findings related to the following:

- 3 (1) whether the child should be returned to the parent;  
4 (2) whether the child should remain in foster care for  
5 specified period;  
6 (3) whether the child should be placed for adoption;  
7 (4) whether the child should remain in foster care on a  
8 permanent or long-term basis because of special needs.

9 (m) When the court orders a child committed to the department  
10 under (c) of this section and at a review under (f) or (l) of this  
11 section, the court shall inform the parties about the local foster  
12 care review panel established under AS 47.10.420.

13 \* Sec. 6. AS 47.10.142 is amended by adding new subsections to read:

14 (g) When a court orders a child committed to the department  
15 under this section, the court shall inform the following persons about  
16 the local foster care review panel established under AS 47.10.420:

- 17 (1) the child and the child's guardian ad litem;  
18 (2) the parents or guardian of the child;  
19 (3) the leaders of the child's tribe if the child's case is  
20 subject to 25 U.S.C. 1901 - 1963 (Indian Child-Welfare Act).

21 (h) Within 18 months after a minor is committed to the depart-  
22 ment under this section, the court shall review the placement plan and  
23 actual placement of the minor under AS 47.10.080(1).

24 \* Sec. 7. Notwithstanding AS 47.10.400(b), enacted by sec. 2 of this  
25 Act, the governor shall appoint the initial members of the State Children's  
26 Citizen Review Panel so that one serves a one-year term, two serve two-year  
27 terms, and two serve three-year terms. The initial members must be persons  
28 who have training, experience, special knowledge, or a demonstrated inter-  
29 est in the welfare of children. A licensed foster parent or a person

1 employed by the court system, the Department of Health and Social Services  
2 the Office of Public Advocacy, or the Department of Law may not serve as  
3 member of the panel.

4 \* Sec. 8. AS 47.10.490, enacted by sec. 2 of this Act, has the effect  
5 of amending Rule 19 of the Child in Need of Aid Rules by requiring a court  
6 to consider recommendations from a foster care review panel when conducting  
7 a review of the placement of a child in foster care.

8 \* Sec. 9. This Act takes effect July 1, 1990.  
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Lauterbach  
3/7/89

Original sponsors: Collins, Gruenberg,  
Ulmer, et al.

BY THE HEALTH, EDUCATION AND  
SOCIAL SERVICES COMMITTEE

1 IN THE HOUSE

2 CS FOR HOUSE BILL NO. 19 (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 children's proceedings; estab-  
7 lishing review panels for children in the custody of  
8 the state; and amending Rule 19 of the Child in Need  
9 of Aid Rules."

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

11 \* Section 1. AS 47.10.080 is amended by adding a new subsection to  
12 read:

13 (1) When the court orders a child committed to the department  
14 under (c) of this section and at an annual review under (f) of this  
15 section, the court shall inform the parties about the foster care  
16 review panel established under AS 47.10.400.

17 \* Sec. 2. AS 47.10.142 is amended by adding a new subsection to read:

18 (g) When a court orders a child committed to the department  
19 under this section, the court shall inform the following persons about  
20 the foster review panel established under AS 47.10.400:

21 (1) the child and the child's guardian ad litem;

22 (2) the parents or guardian of the child;

23 (3) the leaders of the child's tribe if the child's case is  
24 subject to 25 U.S.C. 1901 - 1963 (Indian Child Welfare Act).

25 \* Sec. 3. AS 47.10.080(c) is amended to read:

26 (c) If the court finds that the minor is a child in need of aid,  
27 it shall

28 (1) order the minor committed to the department for place-  
29 ment in an appropriate setting for a period of time not to exceed 18

1 months [TWO YEARS] or in any event past the date the minor becomes 19  
2 years of age, except that the department may petition for and the  
3 court may grant in a hearing (A) 18-month [TWO-YEAR] extensions of  
4 commitment which do not extend beyond the minor's 19th birthday if the  
5 extension is in the best interests of the minor and the public; and  
6 (B) an additional one-year period of supervision past age 19 if the  
7 continued supervision is in the best interests of the person and the  
8 person consents to it; the department may transfer the minor, in the  
9 minor's best interests, from one placement setting to another, and the  
10 minor, the minor's parents or guardian, and the minor's attorney are  
11 entitled to reasonable notice of the transfer;

12 (2) order the minor released to the minor's parents, guard-  
13 ian, or some other suitable person, and, in appropriate cases, order  
14 the parents, guardian, or other person to provide medical or other  
15 care and treatment; if the court releases the minor, it shall direct  
16 the department to supervise the care and treatment given to the minor,  
17 but the court may dispense with the department's supervision if the  
18 court finds that the adult to whom the minor is released will ade-  
19 quately care for the minor without supervision; the department's  
20 supervision may not exceed 18 months [TWO YEARS] or in any event  
21 extend past the date the minor reaches age 19, except that the depart-  
22 ment may petition for and the court may grant in a hearing

23 (A) 18-month [TWO-YEAR] extensions of supervision  
24 which do not extend beyond the minor's 19th birthday if the  
25 extension is in the best interests of the minor and the public;  
26 and

27 (B) an additional one-year period of supervision past  
28 age 19 if the continued supervision is in the best interests of  
29 the person and the person consents to it; or

1 (3) by order, upon a showing in the adjudication by clear  
2 and convincing evidence that there is a child in need of aid under  
3 AS 47.10.010(a)(2) as a result of parental conduct and upon a showing  
4 in the disposition by clear and convincing evidence that the parental  
5 conduct is likely to continue to exist if there is no termination of  
6 parental rights, terminate parental rights and responsibilities of one  
7 or both parents and commit the child to the department or to a legally  
8 appointed guardian of the person of the child, and the department or  
9 guardian shall report [ANNUALLY] to the court every 18 months on  
10 efforts being made to find a permanent placement for the child.

11 \* Sec. 4. AS 47.10.080(f) is amended to read:

12 (f) A minor found to be delinquent or a child in need of aid is  
13 a ward of the state while committed to the department or the depart-  
14 ment has the power to supervise the minor's actions. The court shall  
15 review an order made under (b) or (c)(1) or (2) of this section every  
16 18 months [ANNUALLY], and may review the order more frequently to  
17 determine if continued placement, probation, or supervision, as it is  
18 being provided, is in the best interest of the minor and the public.  
19 The department, the minor, the minor's parents, guardian, or custodian  
20 are entitled, when good cause is shown, to a review on application.  
21 If the application is granted, the court shall afford these parties  
22 and their counsel reasonable notice in advance of the review and hold  
23 a hearing where these parties and their counsel shall be afforded an  
24 opportunity to be heard. The minor shall be afforded the opportunity  
25 to be present at the review.

26 \* Sec. 5. AS 47.10 is amended by adding new sections to read:

27 ARTICLE 6. FOSTER CARE REVIEW PANELS.

28 Sec. 47.10.400. CREATION AND MEMBERSHIP OF PANELS. (a) Subject  
29 to (b) of this section, the governor

1 (1) shall appoint a foster care review panel for each judi-  
2 cial district; and

3 (2) may appoint additional panels if the volume or complex-  
4 ity of cases involving a child placed in state custody under AS 47.-  
5 10.080(c) or 47.10.142 in a judicial district warrants.

6 (b) A panel consists of five members and two alternate members.  
7 Members must have training or experience in child welfare and a demon-  
8 strated interest in children. Members may include a parent from the  
9 community, foster parents or former foster parents, child psycholo-  
10 gists, teachers, professionally trained social workers, and lawyers  
11 with experience in children's matters. The governor shall appoint  
12 panel members from lists of at least 10 names submitted by the follow-  
13 ing entities for each judicial district: the department, the director  
14 of the office of public advocacy, the administrative director of the  
15 court system, the Alaska Foster Parents Association, and the mayor of  
16 the most populous municipality in the judicial district. The governor  
17 shall appoint one member from each list to each panel. The governor  
18 is not restricted to the lists when appointing alternate members. A  
19 person employed by the court system or by the department may not serve  
20 as a member or alternate member of a panel.

21 (c) A member of a panel serves at the pleasure of the governor  
22 for a term of two years.

23 (d) The panel shall elect one of its members to serve as chair.

24 (e) When a person is appointed to serve on a panel, the person  
25 shall swear or affirm to keep confidential all information that comes  
26 before the panel.

27 Sec. 47.10.410. QUORUM. A majority of the members of a panel  
28 constitutes a quorum. A majority of the members of the panel may  
29 decide an issue before the panel.

1           Sec. 47.10.420. STAFF AND SUPPORT SERVICES. The governor's  
2 office shall provide staff for the panels. The office of public  
3 advocacy in the Department of Administration shall provide training  
4 and training staff for panel members. The administrative director for  
5 the court system shall provide meeting space and equipment for the  
6 panels.

7           Sec. 47.10.430. REIMBURSEMENT FOR EXPENSES. Panel members are  
8 entitled to reimbursement from funds appropriated to the Office of the  
9 Governor for actual and necessary expenses for per diem and travel.  
10 The reimbursement may not exceed the amount of the per diem and travel  
11 expenses authorized for boards and commissions under AS 39.20.180.

12           Sec. 47.10.440. DUTIES OF PANEL. (a) A panel shall review the  
13 placement plan and the actual placement of each child placed in the  
14 custody of the department under AS 47.10.080(c) or 47.10.142 residing  
15 within its jurisdictional area. The review shall assess the progress  
16 toward achievement of a permanent placement plan, the appropriateness  
17 of the placement setting, services actually provided to achieve the  
18 selected goals, and previous decisions in the case.

19           (b) The panel shall review a case during the time period that is  
20 between 90 and 120 days after the child is placed in the custody of  
21 the department and every six months thereafter.

22           (c) At least two weeks before it begins a review, the panel  
23 shall provide written notice to each party that a review will be  
24 conducted and that each party may participate in the review.

25           (d) In reviewing a case, the panel shall consider the placement  
26 plan and any progress report of the department, court records, and  
27 other information about the child and the child's family. The panel  
28 shall provide to the following persons an opportunity to be inter-  
29 viewed by the panel: foster parents, natural parents, other relatives

1 of the child, guardian, guardian ad litem, the case worker or social  
2 worker assigned to the case, and other persons with a close personal  
3 knowledge of the case. At the discretion of the child's guardian ad  
4 litem, the child may be present at interviews or may be interviewed.  
5 The panel may conduct interviews in person or by telephone.

6 (e) Except as provided in (f) of this section, the panel shall  
7 submit a written report to the court within 30 days after reviewing a  
8 case. The report must make recommendations based on the best inter-  
9 ests of the child in accordance with AS 47.10.082. The court shall  
10 make the report available to the parties immediately. If the court  
11 has scheduled the case for review, the panel shall submit its report  
12 at least 10 days before the hearing.

13 (f) If the panel review relates to a child who is in temporary  
14 custody under AS 47.10.142 but who has not been found to be a child in  
15 need of aid under AS 47.10.080(c), the panel shall submit a written  
16 report to the department within 30 days after reviewing the case. The  
17 report must make recommendations based on the best interests of the  
18 child in accordance with AS 47.10.082. A report under this subsection  
19 is confidential.

20 (g) A party to a case reviewed under this section may request  
21 the panel to reconsider its recommendations.

22 Sec. 47.10.450. COOPERATION BY DEPARTMENT. The department shall  
23 cooperate with a panel during the panel's review. If the department  
24 fails to implement a recommendation of a panel, the panel or the  
25 department may request court review of the recommendation.

26 Sec. 47.10.460. RECORDS; COMMUNICATIONS. (a) At the request of  
27 a panel, the department and the court shall furnish to the panel  
28 records concerning a child who is the subject of a panel review or the  
29 child's family maintained by the court under AS 47.10.090 or by the

1 department. A public or private agency or institution that provides  
2 care or services for the child shall furnish the panel with the re-  
3 cords and other information the panel requests. Records and reports  
4 of the panel, testimony before the panel, and deliberations of the  
5 panel are confidential under AS 47.10.090.

6 (b) A panel member may not reveal to another person a communica-  
7 tion made to the member while performing the member's duties under  
8 AS 47.10.400 - 47.10.500 except as required under AS 47.17 or as  
9 required by court order for good cause shown.

10 Sec. 47.10.470. COURT REVIEW OF REPORT. (a) The court shall  
11 consider the report of the foster care review panel in its review  
12 under AS 47.10.080(f) of the placement of a child in need of aid under  
13 AS 47.10.080(c)(1) or when it considers the report of the department  
14 or guardian of a child in need of aid under AS 47.10.080(c)(3).

15 (b) The court may refer to the panel a case called for special  
16 review under AS 47.10.080(f).

17 (c) The court may request a panel in another jurisdiction to  
18 conduct a review and submit a report if that panel is more convenient  
19 for the child and other persons involved.

20 Sec. 47.10.480. LIABILITY OF PANEL MEMBERS. (a) A panel member  
21 is immune from civil liability for an act or omission of the panel  
22 member that occurs in the performance of the member's duties under  
23 AS 47.10.400 - 47.10.500.

24 (b) This section does not apply to acts or omissions that con-  
25 stitute gross negligence, recklessness, or intentional misconduct.

26 Sec. 47.10.490. REPORT TO LEGISLATURE. The Office of the Gover-  
27 nor shall report to the legislature each year on the activities of the  
28 foster care review panels. The report must include the number of  
29 cases reviewed by each panel, the changes in the plan or placement of

1 a child in foster care made by the department as a result of recommen-  
2 dations of the panel, and the savings to the state that result from  
3 the implementation of recommendations made by the panel and adopted by  
4 the department. The report may contain other information on the  
5 experience of the panels and recommendations for change in the review  
6 panel system.

7 Sec. 47.10.500. DEFINITIONS. In AS 47.10.400 - 47.10.500,

8 (1) "panel" means a foster care review panel established  
9 under AS 47.10.400;

10 (2) "party" means the child or the child's legal represen-  
11 tative, the child's foster parents, the child's natural parents, and  
12 if the child's case is governed by 25 U.S.C. 1901 - 1963 (Indian Child  
13 Welfare Act) the leaders of the child's Indian tribe.

14 \* Sec. 6. AS 47.10.470, enacted by sec. 5 of this Act, has the effect  
15 of amending Rule 19 of the Child in Need of Aid Rules by requiring a court  
16 to consider recommendations from a foster care review panel when conducting  
17 a review of the placement of a child in foster care.

Original sponsors: Collins, Gruenberg,  
Ulmer, et al.

1 IN THE HOUSE

BY THE HEALTH, EDUCATION AND  
SOCIAL SERVICES COMMITTEE

2 CS FOR HOUSE BILL NO. 19 (HESS)

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 SIXTEENTH LEGISLATURE - FIRST SESSION

5 A BILL

6 an Act entitled: "An Act relating to citizen review panels for chil-  
7 dren under state supervision; court review of cases  
8 relating to children; establishing the State Chil-  
9 dren's Citizen Review Panel; amending Rule 19 of the  
10 Child in Need of Aid Rules; and providing for an  
11 effective date."

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

13 \* Section 1. FINDINGS AND PURPOSE. The legislature finds that there is  
14 a need in the state for a citizen review process for the cases of children  
15 who are under the supervision of the state, including children who have  
16 been determined to be in need of aid, who are in temporary or emergency  
17 custody, or who have been voluntarily placed under state supervision. The  
18 purpose of this Act is to establish a citizen review process with the  
19 ultimate goals of encouraging continuity of services to families, reducing  
20 the number of out-of-home placements of children and the duration of those  
21 placements, and encouraging permanency planning for children, which may  
22 include adoption.

23 \* Sec. 2. AS 47.10 is amended by adding new sections to read:

24 ARTICLE 6. STATE CHILDREN'S CITIZEN REVIEW PANEL.

25 Sec. 47.10.400. STATE CHILDREN'S CITIZEN REVIEW PANEL. (a)  
26 There is created the State Children's Citizen Review Panel. The state  
27 panel consists of five members appointed by the governor from among  
28 past or present members of local citizen review panels established  
29 under AS 47.10.420. The governor shall appoint at least one state

1 panel member from each judicial district.

2 (b) Members of the state panel serve at the pleasure of the  
3 governor for staggered terms of three years or until their successors  
4 are appointed.

5 (c) The state panel shall elect from its members a chair who  
6 shall serve for two years. Three members of the state panel consti-  
7 tute a quorum for the transaction of business.

8 (d) Members of the state panel are entitled to reimbursement for  
9 actual expenses necessary to perform their duties as state panel  
10 members. The reimbursement may not exceed the amount of per diem and  
11 expenses authorized for boards and commissions under AS 39.20.180.

12 (e) The state panel shall meet twice annually. Meetings may  
13 take place telephonically.

14 (f) The state panel may employ a director who shall serve at the  
15 pleasure of the state panel. The director shall employ staff as  
16 necessary to carry out the director's duties under state panel direc-  
17 tives.

18 Sec. 47.10.410. DUTIES OF THE STATE PANEL. The state panel  
19 shall

20 (1) adopt policies and procedures to carry out its duties  
21 and to govern the performance of the duties of the local panels estab-  
22 lished under AS 47.10.420;

23 (2) coordinate and review the activities of the local  
24 panels and make recommendations to the governor on appointments to the  
25 local panels;

26 (3) report annually to the legislature by the 10th day of  
27 each regular session, concerning the activities of the state and local  
28 panels; the report must include the number of cases reviewed by each  
29 local panel, the changes in the plan or placement of a child in foster

1 care made by the department as a result of recommendations of a local  
2 panel, and the savings to the state that result from the implementa-  
3 tion of recommendations made by a local panel and adopted by the  
4 department; the report may contain other information on the experience  
5 of the local panels and recommendations for change in the review panel  
6 system;

7 (4) establish a program of training for state and local  
8 panel members.

9 Sec. 47.10.420. APPOINTMENT OF LOCAL PANELS. (a) The governor  
10 shall appoint for each judicial district a local citizen review panel  
11 composed of five members and two alternates who are residents of the  
12 judicial district. Members shall serve three-year terms except that  
13 when a local panel is initially appointed, two members shall be ap-  
14 pointed for three-year terms, two members for two-year terms, and one  
15 member for a one-year term. Alternates shall be appointed to three-  
16 year terms.

17 (b) The governor shall appoint to a local panel persons who have  
18 training, experience, special knowledge, or a demonstrated interest in  
19 the welfare of children. A person employed by the court system, the  
20 department, the Office of Public Advocacy, or the Department of Law  
21 may not serve as a member or alternate member of a local panel.

22 (c) The composition of a local panel must be reasonably repre-  
23 sentative of the various social, economic, racial, ethnic, and cul-  
24 tural groups of the region from which the members may be appointed.

25 (d) If the state panel determines that additional local panels  
26 are necessary in a judicial district because of excessively large or  
27 complex caseloads for review or because of the demographics of cases,  
28 or determines that a local panel is not necessary because of a reduced  
29 caseload, the governor may create or dissolve a local panel. The

1 governor may not reduce the number of panels in a judicial district to  
2 fewer than one. Appointments to a panel established under this sub-  
3 section are governed by (a) - (c) of this section.

4 (e) A local panel shall conduct its meetings in the judicial  
5 district in which its members reside.

6 (f) The local panel shall elect one of its members to serve as  
7 chair.

8 (g) When a person is appointed to serve on a local panel, the  
9 person shall swear or affirm to keep confidential all information that  
10 comes before the local panel except for reports required under AS 47.-  
11 17 or as required by court order for good cause shown.

12 Sec. 47.10.430. QUORUM. A majority of the members of a local  
13 panel constitutes a quorum. A majority of the members of the local  
14 panel may decide an issue before the local panel.

15 Sec. 47.10.440. SUPPORT SERVICES. The state panel shall provide  
16 meeting space and recording equipment for the local panels and staff.

17 Sec. 47.10.450. REIMBURSEMENT FOR EXPENSES. Local panel members  
18 are entitled to reimbursement for actual expenses necessary to perform  
19 their duties as local panel members. The reimbursement may not exceed  
20 the amount of per diem and expenses authorized for boards and com-  
21 missions under AS 39.20.180.

22 Sec. 47.10.460. DUTIES OF LOCAL PANEL. (a) A local panel shall  
23 review the case plan and the actual placement of each child voluntar-  
24 ily placed under state supervision or placed in the custody of the  
25 department under AS 47.10.080(c) or 47.10.142 residing within its  
26 jurisdictional area. The state panel may request a local panel in  
27 another jurisdiction to conduct a review and submit a report if that  
28 local panel is more convenient for the child and other persons invol-  
29 ved. The review shall assess the progress toward achievement of a

1 permanent placement plan, the appropriateness of the placement set-  
2 ting, services actually provided to achieve the selected goals, the  
3 extent of compliance with applicable provisions of 25 U.S.C. 1901 -  
4 1963 (Indian Child Welfare Act), and previous decisions made in the  
5 case.

6 (b) The local panel shall review a case during the time period  
7 that is between 90 and 120 days after the child is voluntarily placed  
8 under state supervision or placed in the custody of the department  
under AS 47.10.142 and every six months thereafter.

10 (c) The local panel shall review the cases of children for which  
11 state review is required under 42 U.S.C. 671 - 675 (P.L. 96 - 272).  
12 The timing and content of these reviews must meet federal require-  
13 ments.

14 (d) At least two weeks before it begins a review, the local  
15 panel shall provide written notice to each party that a review will be  
16 conducted and that each party may participate in the review.

17 (e) In reviewing a case, the local panel shall consider the  
18 placement plan and any progress report of the department, court re-  
19 cords, and other information about the child and the child's family.  
20 The local panel shall provide to the following persons an opportunity  
21 to be interviewed by the panel: foster parents, natural parents,  
22 other relatives of the child, guardian, guardian ad litem, the case  
23 worker or social worker assigned to the case, tribal representative,  
24 and other persons with a close personal knowledge of the case. At the  
25 discretion of the child's guardian ad litem, the child may be present  
26 at interviews or may be interviewed. The local panel may conduct  
27 interviews in person or by telephone.

28 (f) During a review under (a) of this section, a local panel  
29 shall

1 (1) encourage the return of children to their natural  
2 parents unless there is a determination by the local panel during a  
3 case review that this return is not in the best interests of the  
4 child, in which case the local panel shall recommend to the appropri-  
5 ate agency that maximum efforts be exerted to place the child for  
6 adoption;

7 (2) promote and encourage all agencies involved in placing  
8 children in foster care or other temporary custody to place or keep  
9 children with persons suitable and eligible as adoptive parents;

10 (3) recommend that a child care institution exert all  
11 possible efforts to make arrangements for permanent foster care or  
12 guardianship for children for whom return to natural parents or adop-  
13 tion is not feasible, as determined during case review.

14 (g) Except as provided in (h) of this section, the local panel  
15 shall submit a written report to the court and the parties within 30  
16 days after reviewing a case. The report must make recommendations  
17 based on the best interests of the child in accordance with AS 47.10.-  
18 082. If the court has scheduled the case for review, the local panel  
19 shall submit its report at least 10 days before the hearing.

20 (h) If the local panel review relates to a child who has been  
21 voluntarily placed under state supervision or who is in temporary  
22 custody under AS 47.10.142 but who has not been found to be a child in  
23 need of aid under AS 47.10.080(c), the local panel shall submit a  
24 written report to the department within 30 days after reviewing the  
25 case. The report must make recommendations based on the best inter-  
26 ests of the child in accordance with AS 47.10.082. A report under  
27 this subsection is confidential.

28 (i) A local panel shall report to the department, the state  
29 panel, and the applicable private agency any deficiencies in the

1 private agency's efforts to secure permanent homes for children in the  
2 agency's care, as determined by the local panel during case review  
3 under this section.

4 (j) A party to a case reviewed under this section may request  
5 the local panel to reconsider its recommendations.

6 Sec. 47.10.470. COOPERATION WITH OTHER ENTITIES. (a) All  
7 public and private agencies that provide for or arrange for the care  
8 of children whose cases are within the jurisdiction of a local panel  
9 shall cooperate with the state panel and the local panel.

10 (b) If the department is unable or unwilling to implement the  
11 recommendations of a local panel, the department shall submit to the  
12 local panel, within 10 working days after receipt of the findings and  
13 recommendations, an implementation report setting out the reasons why  
14 the department is unable or unwilling to implement the local panel's  
15 recommendations. The report must also set out the case plan that the  
16 department intends to implement.

17 Sec. 47.10.480. RECORDS; COMMUNICATIONS. (a) At the request of  
18 a local panel, the department and the court shall furnish to the local  
19 panel records concerning a child who is the subject of a local panel  
20 review or the child's family maintained by the court under AS 47.10.-  
21 090 or by the department. A public or private agency or institution  
22 that provides care or services for the child shall furnish the local  
23 panel with the records and other information the local panel requests.  
24 Notwithstanding AS 44.62.310, records and reports of the local panel,  
25 testimony before the local panel, and deliberations of the local panel  
26 are confidential under AS 47.10.090.

27 (b) A local panel member may not reveal to another person a  
28 communication made to the member while performing the member's duties  
29 under AS 47.10.400 - 47.10.590 except as required under AS 47.17 or as

1 required by court order for good cause shown.

2 Sec. 47.10.490. COURT REVIEW OF REPORT. (a) The court shall  
3 consider the report of the local panel in its review under AS 47.10.-  
4 080(f) of the placement of a child in need of aid under AS 47.10.-  
5 080(c)(1) or when it considers the report of the department or guard-  
6 ian of a child in need of aid under AS 47.10.080(c)(3).

7 (b) The court may refer to the local panel a case called for a  
special review under AS 47.10.080(f).

8 Sec. 47.10.500. INDEMNIFICATION OF PANEL MEMBERS. A state panel  
9 member and a local panel member shall be indemnified by the state for  
10 civil liability for a negligent act or omission of the panel member  
11 that occurs in the performance of the member's duties under AS 47.10.-  
12 400 - 47.10.590 unless the civil liability results from the panel  
13 member's violation of  
14

15 (1) AS 47.10.480(b); or

16 (2) the oath or affirmation required under AS 47.10.420(g).

17 Sec. 47.10.590. DEFINITIONS. In AS 47.10.400 - 47.10.590

18 (1) "child care institution" has the meaning given "insti-  
19 tution" in AS 47.35.900;

20 (2) "local panel" means a local citizen review panel ap-  
21 pointed under AS 47.10.420;

22 (3) "party" means the child or the child's legal represen-  
23 tative, the child's foster parents, the child's natural parents, and  
24 if the child's case is governed by 25 U.S.C. 1901 - 1963 (Indian Child  
25 Welfare Act) the leaders of the child's Indian tribe or an Indian  
26 custodian who has intervened, and any other person who has been al-  
27 lowed to intervene by the court;

28 (4) "state panel" means the State Children's Citizen Review  
29 Panel established under AS 47.10.400.

1 \* Sec. 3. AS 44.66.010(a) is amended by adding a new paragraph to read:

2 (17) State Children's Citizen Review Panel under AS 47.10.-  
3 400 -- June 30, 1994.

4 \* Sec. 4. AS 47.10.080(f) is amended to read:

5 (f) A minor found to be delinquent or a child in need of aid is  
6 a ward of the state while committed to the department or the depart-  
7 ment has the power to supervise the minor's actions. The court shall  
8 review an order made under (b) or (c)(1) or (2) of this section an-  
9 nually, and may review the order more frequently to determine if  
10 continued placement, probation, or supervision, as it is being pro-  
11 vided, is in the best interest of the minor and the public. If annual  
12 review under this subsection would arise within 90 days of the hearing  
13 required under (1) of this section, the court may postpone review  
14 under this subsection until the time set for the hearing. The depart-  
15 ment, the minor, the minor's parents, guardian, or custodian are  
16 entitled, when good cause is shown, to a review on application. If  
17 the application is granted, the court shall afford these parties and  
18 their counsel reasonable notice in advance of the review and hold a  
19 hearing where these parties and their counsel shall be afforded an  
20 opportunity to be heard. The minor shall be afforded the opportunity  
21 to be present at the review.

22 \* Sec. 5. AS 47.10.080 is amended by adding new subsections to read:

23 (1) Within 18 months of the date a minor is initially committed  
24 to the department under AS 47.10.142(c), the court shall hold a hear-  
25 ing to review the placement and services provided and to determine the  
26 future status of the minor. The court shall make appropriate written  
27 findings, including findings related to the following:

28 (i) whether the child should be returned to the parent;

29 (2) whether the child should remain in foster care for a

1 specified period;

2 (3) whether the child should be placed for adoption;

3 (4) whether the child should remain in foster care on a  
4 permanent or long-term basis because of special needs.

5 (m) When the court orders a child committed to the department  
6 under (c) of this section and at a review under (f) or (l) of this  
7 section, the court shall inform the parties about the local foster  
8 care review panel established under AS 47.10.420.

9 Sec. 6. AS 47.10.142 is amended by adding new subsections to read:

10 (g) When a court orders a child committed to the department  
11 under this section, the court shall inform the following persons about  
12 the local foster care review panel established under AS 47.10.420:

13 (1) the child and the child's guardian ad litem;

14 (2) the parents or guardian of the child;

15 (3) the leaders of the child's tribe if the child's case is  
16 subject to 25 U.S.C. 1901 - 1963 (Indian Child Welfare Act).

17 (h) Within 18 months after a minor is committed to the depart-  
18 ment under this section, the court shall review the placement plan and  
19 actual placement of the minor under AS 47.10.080(1).

20 \* Sec. 7. Notwithstanding AS 47.10.400(b), enacted by sec. 2 of this  
21 Act, the governor shall appoint the initial members of the State Children's  
22 Citizen Review Panel so that one serves a one-year term, two serve two-year  
23 terms, and two serve three-year terms.

24 Sec. 8. AS 47.10.490, enacted by sec. 2 of this Act, has the effect  
25 of amending Rule 19 of the Child in Need of Aid Rules by requiring a court  
26 to consider recommendations from a foster care review panel when conducting  
27 a review of the placement of a child in foster care.

28 \* Sec. 9. This Act takes effect July 1, 1990.

29 *Add: 4-year Sunset*