

SB

1588

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See also SHESS Committee file on SB169 (1987).

HOUSE COMMITTEE REPORT

(7)

Date Referred: March 3, 1989

FURTHER REFERRALS:

Date of Committee Action: 4/18/89

The HEALTH, EDUCATION, & SOCIAL SERVICES Committee considered: SB 138am

SENATE BILL NO. 138 am [TRAINING OF FOSTER PARENTS]
"An Act relating to the training of foster parents."

RECOMMENDATIONS:

- be replaced with CSSB 138 (HESS) the same title
- have attached amendment(s) a new title
- do pass
- do not pass
- no recommendation
- individual recommendations
- additional referral to the _____ Committee

ADOPTS: _____ letter of intent

ATTACHES NEW FISCAL NOTE(s):
(Dept)

APPROVES PREVIOUS:

(Date/Dept)

- fiscal impact _____
- zero fiscal note _____
- zero with analysis _____

- fiscal note(s) _____
- zero fiscal note(s) 2/17/89 DHSS
- zero fn/analysis _____

SIGNING DO PASS:

Peter Dan

Maureen

Cheri Dalis

Sence

BALEN

J. Ellis

SIGNING:

(Check approp. column)

	Do Not Pass	No Rec	Amend

J. Ellis

 Chairman's signature

Alaska State Legislature

Senator Paul Fischer
Senate District D
Box 784
Soldotna, Alaska 99669
(907) 262-9420 W
262-9269



State Senate

While in Juneau
P.O. Box V
Juneau, Alaska 99811
(907) 465-3791

M E M O R A N D U M

MARCH 3, 1989

TO: Representative Jonny Ellis, Chairman
House Health, Education and Social Services Committee

From: Senator Paul Fischer *PF.*

Re: Foster Care Week

Thank you for scheduling SB 138 in such a timely manner before your committee. I am glad to see that this bill fits in with your foster care week in your committee. I think we all recognize the value of foster parent training as an important step towards reducing foster parent burnout. By helping to provide a stable environment for foster care recipients, we improve the quality of life for people receiving foster care. Foster care is the most cost effective and practical care available for displaced children. The only other alternative is some type of institutional care which does not provide the same nurturing of a home environment.

Again, thank you for your prompt action on this bill, and I hope that your committee will consider it for passage.

FISCAL NOTE

REQUEST:

Revision Date: _____
 Title: "An act relating to the
training of foster parents."
 Sponsor: Senator Fischer
 Requestor: _____

Agency Affected: Health and Social Services
 BRU: _____
 Components: _____

EXPENDITURES/REVENUES: (Thousands of Dollars)

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

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

GENERAL FUND			-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	-0-	-0-	-0-	-0-	-0-	-0-
TEMPORARY	-0-	-0-	-0-	-0-	-0-	-0-

ANALYSIS : (Attach a separate page if necessary)

Please see attached sheet.

Prepared by: Yvonne Chase Yvonne Chase, Director
 Division: Family and Youth Services Phone: 465-3170
 Date: 3/7/89
 Approved by Commissioner: Myra M. Munson, Commissioner
 Agency: Department of Health and Social Services Date: 3/8/89

Distribution (by preparer):

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

SB 138 am

The Department of Health and Social Services has sufficient funds in its FY 90 budget to fulfill the training mandate contained in SB 138 am. Should future funds be reduced, the mandate contained in SB 138 am would require the Department to shift funds from other services to meet this obligation.

FISCAL NOTE

REQUEST:

Revision Date: _____
Title: "An act relating to the training of foster parents."
Sponsor: Senator Fischer
Requestor: _____

Agency Affected: Health and Social Services
BRU: _____
Components: _____

EXPENDITURES/REVENUES: (Thousands of Dollars)

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

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

GENERAL FUND						
FEDERAL FUNDS						
OTHER						
TOTAL	-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: _____
Division: _____

Phone: 465-3170
Date: 1/27/89

Approved by Commissioner: _____

Date: 1/29/89

Agency: DEPT. OF HEALTH AND SOCIAL SERVICES

Distribution (by preparer):

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

POSITION PAPER

SENATE BILL NO. 138 am

For an Act entitled: "An Act relating to the training of foster parents."

The Division of Family and Youth Services (DFYS), within the Department of Health and Social Services, has primary responsibility for foster placements. On June 30, 1988, there were 1,056 children in foster care and 895 state licensed foster homes.

The Division believes that foster parent training is essential. Placement in out-of-home care is, unfortunately, a reality for many of Alaska's children, and if they are to receive not only the food, shelter and nurturance that they need, but an environment which will assist them in meeting their own special needs, training for foster parents is not only important, but essential.

The goal of foster parent training is to increase knowledge, and enhance skills of foster parents to work with children who usually enter foster care with a number of emotional and behavioral disturbances. These children often require specialized skills, and foster parents, as significant participants in the child welfare service delivery system, are better equipped to participate as an active member of the service team when appropriately trained. In addition, studies in other states have shown that foster parent retention is significantly lengthened when foster parents receive appropriate training.

In October 1988, the Division of Family and Youth Services awarded a contract to Northwest Resource Associates to establish the Alaska Foster Parent Training Center in its Fairbanks office and provide training services. During the first nine months of operation, the Center will provide training to at least half of the foster parents licensed by the State. The Training Center will:

- * Provide statewide training on "Issues in Foster Parenting" and "Discipline";
- * Develop seven new courses: "The Impact of Physical Abuse;" "The Impact of Sexual Abuse;" "Child Development Specific to Foster Parenting;" "Preparing Youth for Emancipation;" "and a self-instructional oriented course". Two additional courses will be selected for development within the next two months;
- * Research and catalogue alternative training resources which foster parents may wish to access; implement a data system to record information regarding the training that each foster parent completes;
- * Build a circulating library of books, articles, videos and periodicals specifically for foster parents;
- * Establish a toll-free phone number for foster parents to use to reach the center to learn of training opportunities and resource materials (the number is 1-800-478-7307);

Position Paper
Senate Bill No. 138 am
Page 2

- * Publish a bimonthly Foster Parent Training Bulletin, to announce training events and new resources, which will be included in the Division's newsletter and distributed to foster parents, child residential care providers, DFYS staff, grantees, and other human service agencies;
- * Thoroughly evaluate all Center training and activities. An internal evaluation is a requirement of every contractor.

The Department recommends one exception to the orientation requirement of section 1, lines 11-16, be added to the bill. The recommended change could be placed under subsection (a) page 1, line 9 and would read (a) Except for an initial emergency foster care license which shall not exceed 120 days, [A] a. There are situations where the Department has taken custody of a child and no foster home is available, particularly in village areas. In order to place that child in a home immediately, sometimes in the home of a relative of the child, the Department needs to issue an emergency license with no opportunity to fully orient the foster parents.

Under the Department's proposed new foster care regulations, a foster home can only be an emergency foster home once, and 120 days is the maximum period of time a home can maintain an emergency foster home license. As a result, there should be no danger of abusing this exception.

The present language in Senate Bill No. 138 am, as written, forces the child to move from an emergency placement (possibly with a relative) as soon as a trained licensee home is available, regardless of the best interest of the child. The amended bill would hinder the Department's utilization of the most desirable foster care placements in emergency situations, including the homes of relatives of the child, others in the child's community (or tribe, in the case of Native children) who are willing to care for a specific child but have not previously contemplated being foster parents. A recent analysis of DFYS case files in Southeast has shown that where children were placed with relatives as the first out-of-home placement, they had fewer subsequent placements. In addition, there are established preferences for these or similar types of placements in both Alaska and federal law (AS 47.10.230 and the Indian Child Welfare Act, respectively). The amended Senate Bill also would have a greater effect on Alaska Native children and would hinder the State's efforts to comply with the provisions of the Indian Child Welfare Act.

Department Position

The Department supports mandatory training for foster care providers. Training is an important means of improving the quality of care provided to children in state custody and retaining qualified foster parents, and the Department has committed substantial funds to foster parent training. The Department has drafted regulations which establish training requirements similar to but more specific than those contained in SB 138 am. While current law provides sufficient statutory authority to accomplish the

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Senate Bill No. 138 am
Page 3

objectives of SB 138 am, the Department does not oppose the bill if the recommended amendment is accepted. However, without adequate language providing for exceptions to the orientation requirements contained in the bill, our efforts to place children in the best setting possible would be severely hampered, and the Department would find itself out of compliance with the Indian Child Welfare Act and other federal legislation.

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

DATE: 3/7/89

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

DATE: 3/8/89

POSITION PAPER

SENATE BILL NO. 138

For an Act entitled: "An Act relating to the training of foster parents."

The Division of Family and Youth Services (DFYS), within the Department of Health and Social Services, has primary responsibility for foster placements. On June 30, 1988, there were 1,056 children in foster care and 895 state licensed foster homes.

The Division believes that foster parent training is essential. Placement in out-of-home care is, unfortunately, a reality for many of Alaska's children, and if they are to receive not only the food, shelter and nurturance that they need, but an environment which will assist them in meeting their own special needs, training for foster parents is not only important, but essential.

The goal of foster parent training is to increase knowledge, and enhance skills of foster parents to work with children who usually enter foster care with a number of emotional and behavioral disturbances. These children often require specialized skills and foster parents, as significant participants in the child welfare service delivery system, are better equipped to participate as an active member of the service team when appropriately trained. In addition, studies in other states have shown that foster parent retention is significantly lengthened when foster parents receive appropriate training.

In October, the Division of Family and Youth Services awarded a contract to Northwest Resource Associates to establish the Alaska Foster Parent Training Center in its Fairbanks office and provide training services. During the first nine months of operation, the center will provide training to at least half of the foster parents licensed by the State. In addition the Training Center will provide the following:

- A confidential opinion survey of all foster parents which will compile information on foster parents' attitudes about foster parenting and training, as well as the kinds of training in which foster parents are most interested.
- Statewide training on, "Issues in Foster Parenting" and "Discipline."
- The development of seven new courses: "The Impact of Physical Abuse;" "The Impact of Sexual Abuse;" "Child Development Specific to Foster Parenting;" "Preparing Youth for Emancipation;" "and a self-instructional orientation course". Two additional courses will be selected for development within the next two months.
- Researching and cataloging alternative training resources for foster parents, and implementing a data system to record information about training that each foster parent takes.
- Establishment of a circulating library of books, articles, videos and periodicals specifically for foster parents.

- * Establishment of a toll-free phone number for foster parents to use to reach the center to learn of training opportunities and resource materials. The number is 1-800-478-7307.
- * Publishing of a bimonthly Foster Parent Training Bulletin, to announce training events and new resources, which will be included in the Division's newsletter and distributed to foster parents, child residential care providers, DFYS staff, grantees, and other human service agencies. (e.g. domestic violence programs)
- * Thorough evaluation of all Center training and activities.

The Department suggests that one exception to the orientation requirement of section 1, lines 11-16, be added to the bill. The suggested change could be placed under subsection (a) page 1, line 9 and would read (a) Except for an initial emergency foster care license which shall not exceed 120 days, [A] a. There are situations where the Department has taken custody of a child and no foster home is available, particularly in village areas. In order to place that child in a home immediately, sometimes in the home of a relative of the child, the Department needs to issue an emergency license with no opportunity to fully orient the foster parents. Under the proposed new foster care regulations, a foster home can only be an emergency foster home once, and 120 days is the maximum period of time a home can maintain an emergency foster home license. As a result, there should be no danger of abusing this exception.

The Department is supportive of required training of all foster parents. However, the Department believes that its regulations requiring foster parent training are sufficient to insure that mandatory training occurs. The Department does not disagree with the intent of the legislation but believes that it may not be necessary. The Division of Family and Youth Services has developed foster care regulations which require that foster parents receive annual training. These regulations will be available for public comment on February 1st. Through the regulations, levels of training for different types of care and for different geographical areas of the State will be established.

RECOMMENDED:

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

DATE:

1/27/89

APPROVED:

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

DATE:

1/29/89



Alaska Foster Parents Association

P. O. BOX 140651 • ANCHORAGE, ALASKA 99508



POSITION PAPER SB138 FOSTER PARENT TRAINING

Alaska Foster Parent Association is in strong support of SB138 as passed by the Senate. To provide quality foster care services to Alaskan youth, we must have trained and experienced foster parents. They must be aware of all facets of fostering including working with natural parents, confidentiality, behavior management, agency policy and procedure, treatment issues, and additional special topics that relate specifically to the types of children/youth they foster.

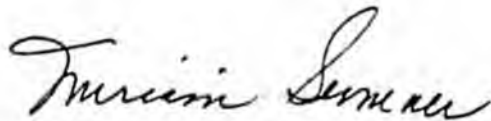
The orientation component of SB138 is vital to insure that those recruited for foster parenting are knowledgeable about the expectations, joys, problems, and realities of fostering BEFORE they have contact with children in need of care. This component alone will insure quality care, retention of foster homes recruited, and less moves of children between placements.

The ongoing training component should build on skills possessed by foster parents to allow them to reach their maximum potential in providing care and treatment for foster children/youth.

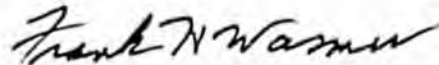
We suggest the addition of language specifying hours of annual training required to maintain a licensed foster home (possibly 15 hours). Foster parents are diverse not only in their personal and professional experience and training before becoming foster parents, but in the types and ages of children they serve. As annual, generic or specific training cannot meet these diverse needs and levels required, we also feel a priority is keeping training community-based and utilizing services already provided rather than duplication. By setting required numbers of hours, foster parents can access community training opportunities that relate to their needs, skill levels, expertise, and interest.

Based on our experience as foster parent trainers and training coordinators for 10 years, and the experience of foster parent trainers nationally, we highly recommend the inclusion of foster parents as foster parent trainers whenever possible, and at a minimum, foster parents utilized as co-trainers. We also recommend the inclusion of training by local experts in fields related to foster care in regular and consistent workshops or training opportunities to enhance the knowledge and skills of foster parents, as well as keep them abreast of new knowledge and practises that may not be included in specific curriculums.

There should be a clarification of what training is approved or disapproved by the department. We would suggest that a person in each field office be designated as approving official of training resources in their locale. This would provide a real time response to local foster parents and foster parent associations who would like to use community based organizations and persons who can contribute their expertise as guest speakers or training facilitators. Broad parameters should be furnished these officials by the department to meet the diverse needs of foster parents and foster children.



Miriam Sumner
President



Frank H. Wasmer
Vice President

STATE OF ALASKA
THE LEGISLATURE

POUCH Y STATE CAPITOL
JUNEAU ALASKA 99811
907 465 3800

LEGISLATIVE AFFAIRS AGENCY

MEMORANDUM

March 2, 1989

SUBJECT: State's Civil Liability under SB 138
TO: Senator Paul Fischer
FROM: Terri Lauterbach *TML*
Legislative Counsel

You have asked whether the provisions of SB 138, a bill relating to the training of foster parents, expands the state's potential civil liability in the area of foster care. You ask, in particular, whether putting into statute the training requirements that might already be in regulations affects the state's potential liability.

The state's potential civil liability is not affected by whether foster parent training requirements are in statutes or in regulations. The nonwaiver aspect of SB 138 might affect the type of proof offered by a plaintiff against the state in a damages action but would not alter the state's existing responsibility to be nonnegligent when licensing foster parents.

AS 47.35 gives very broad authority to the Department of Health and Social Services to adopt regulations that set licensing requirements for foster parents. If SB 138 merely put into statute a regulation of the department requiring orientation and training, the legal effect of enacting SB 138 with respect to potential state liability for negligence in relation to the training would be insignificant. Regulations properly adopted under statutory authority have the force of law. Enactment of a statute with the same content does not change the legal force of a regulatory requirement in this context.

However, SB 138 does not merely put into statute an existing regulation. AS 47.35.035(c), as enacted in sec. 1 of the bill and as amended on the floor March 1, 1989, makes the training requirement of SB 138 nonwaivable by the department except in emergency situations. If there are existing

Senator Paul Fischer
Page 2
March 2, 1989

training requirements in regulations, they are waivable under AS 47.35.040(c), amended in sec. 2 of the bill. So, SB 138 would differ from the regulations in this respect.

However, this difference does not significantly affect the state's potential liability related to improper licensing of foster parents. Waiver of training under current law is proper only if the department finds that an "acceptable alternative is established . . . that reasonably assures the well-being of persons in care." AS 47.35.040(c).

It might, as a practical matter, be easier for a plaintiff to prove that a foster parent was not trained as required by SB 138 than it would be to show that the department chose an unacceptable alternative under current law. However, in either case, the plaintiff would have to show also that the lack of training or choice of alternative was the cause of the harm for which the state should be liable.

In essence, with or without a training requirement, and whether or not that requirement is waivable, the state is required to exercise due care in its licensure of foster parents. SB 138 does not alter that duty. Therefore, I see no significant adverse effect of SB 138 on the potential civil liability of the state. With or without SB 138, the state's judgement in licensing a particular person would be at issue.

SB 138 might in fact, have a beneficial effect from the state's perspective. Just as a plaintiff would be free to show in some cases that there might be state negligence if an untrained foster parent was improperly licensed, the state would be free in other cases to show that there was lack of state negligence by proving that a particular foster parents had completed a training program.

I hope you find this discussion helpful. If I can be of further assistance, please let me know.

TL:gc
WKG7/079



Alaska Foster Parents Association

P. O. BOX 140651 • ANCHORAGE, ALASKA 99508



February 17, 1989

Senator Paul Fischer
Alaska State Legislature
Pouch V, MS 3500
Juneau, Alaska 99801

Senator Fischer,

The following information is provided to address issues raised during testimony on SB-138 in the senate finance committee, February 16, 1989.

Training of foster parents who specialize in adult placements:

These families have no association of their own, they rely on the Alaska Foster Parents Association. The training requirements meet their need and we would adopt any special needs they might generate into our programs. The adults fostered are often mentally disadvantaged and although their chronological age may place them in adult status, their mental and emotional age puts them in a more juvenile category.

Concerning the remarks of Senator Frank pertaining to making the training more responsive to the needs of foster parents:

I would welcome any language that would give foster parents the means to provide input into scheduling and content. As I stated before the committee, the foster parent community is quite diverse and the program must be flexible so that the training has value and accomplishes its goal. This could be accomplished at no additional cost to the state by utilizing the volunteer resources of AFPA.

You might consider amending section 1 as follows:

Change paragraph (c) to (d) and add paragraph (c)

(c) To assure that training programs meet the needs of foster parents, the department will rely on the advice of the governing body of the Alaska Foster Parent Association, a non profit organization.



Alaska Foster Parents Association

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Another means to the same end might be intent language to the effect that the department will make maximum utilization of the resources of AFPA through grants to support the training process.

As I stated yesterday, AFPA could do a more effective job of training foster parents and do it at half the cost. Federal funds are available under title IV-E for training as well as additional resources for foster parent support and networking, which PL 96-272 mandates, which could further reduce the cost to the state.

We'll rely on your good judgement on how this might best be addressed, our main concerns are quality and effectiveness of training as well as expense. We are just as concerned with getting the most value from the states dollars as you.

Sincerely,

Frank H. Wasmer
Frank H. Wasmer
Vice President

Arrived 2/15/89 9:25 am



Alaska Foster Parents Association

P. O. BOX 140651 • ANCHORAGE, ALASKA 99508



February 15, 1989

Senate Finance Committee
Alaska State Legislature
Juneau, Alaska 99801

Subject: SB-138, Training of Foster Parents

The Alaska Foster Parent Association supports, as it has for several years, mandatory training for foster parents. The benefits of training are well known. High quality training results in superior knowledge, which in return generates superior performance. If you want a task completed properly, you must assure that the people who are to perform that task have the level of training required to accomplish the responsibilities you assign to them.

Foster parents are given a difficult task, and for them to perform adequately, they must have training to equip them to meet a variety of challenges. The children that they receive into their families are not coming from loving and nurturing backgrounds. They have been neglected, abused and mistreated in ways that often affect them for the remainder of their lives. They often have learning disabilities, behavioral problems and sometimes severe emotional impairment. Foster parents must be able to recognize indications of other than normal behavior so that they may bring them to the attention of their social worker and assist in delivery of services to address the child's need. While there may be professional counseling or other services on a recurrent basis, it is the foster parent who is there for that child twenty-four hours a day. They need to know what they can do to help that child overcome obstacles to growth and development.

The training needs of foster parents are varied. We have some foster parents who do not have a high school diploma, and others who have Phd's. Some have years of experience while others have been foster parents only a few days. Some have attended training here or in other states, while some have had no training at all. Foster parents have busy schedules and time to attend training may be difficult



Alaska Foster Parents Association

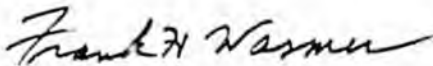
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2

to arrange during normal business hours. The best possible training would be community based and flexible enough to allow participation. It should be interesting, informative, and provided at various skill levels. To force an experienced foster parent to sit through 16 hours of basic parenting 101 is not only wasteful, but also frustrating in that the foster parent gives up personal time with expectations of learning something helpful to themselves and the children they foster.

We support SB-138 wholeheartedly and thank the sponsor, Senator Fischer, and all of you for your continued support of children in need.


Frank H. Wasmer
Vice President

ALASKA STATE LEGISLATURE

Representative Eileen Panigo MacLean
P.O. Box 290
Barrow, Alaska 99723



Chairman
Community & Regional Affairs
Committee

Vice-Chairman
State Affairs Committee
Bush Caucus

Member Finance Subcommittee
Community & Regional Affairs
Education
Corrections

WHILE IN JUNEAU

Box V
Juneau, Alaska 99811
465-4525
465-4833

HOUSE OF REPRESENTATIVES

MEMORANDUM

District 22

Ambler
Anaktuvik Pass
Atkasuk
Barrow
Buckland
Deering
Kaktovik
Kiana
Kivalina
Kobuk
Kotzebue
Noatak
Noorvik
North Slope
Borough
Northwest Arctic
Borough
Nulqsit
Point Hope
Point Lay
Selawic
Shungnak
Wainwright

TO: Representative Johnny Ellis, Chairman
House HESS Committee

FROM: Representative Eileen MacLean *epm*

DATE: March 7, 1989

SUBJ: SB 138 Relating to the training of foster
care parents

Attached please find copies of ³~~two~~ letters I
received from constituents in my district regarding
SB 138. Your consideration of their concerns would
be appreciated as you review the bill in committee.

For your information, I have also requested that
Kotzebue and Barrow be added to the sites scheduled
for teleconferencing to review foster care bills
this week.

Thank you for your assistance.

attachment



KOTZEBUE IRA



P.O. Box 296
Kotzebue, Alaska 99752
(907) 442 - 3467

TO: Representative Eileen P. MacLean
FROM: Emma Snyder, ICWA Coordinator/
Rights Protection Officer
SUBJECT: Foster Care Programs - SB 138
DATE: February 24, 1989

Emma Snyder

I would like to comment on SB 138, "an act relating to the training of foster parents".

I agree that foster parents should be required to have training in foster care regulations, procedures, etc., because so many out in the villages get criticized on how a foster child should be taken care of.

I tried talking to some of my relatives and friends out in the villages that I know would be a good foster home for children in need, but they are hesitant due to other members of the village criticizing them and watching them closely and making reports to the Department of Family & Youth Services (DFYS). I would be worth while if the foster parents can learn to handle situations like that and avoid accusations as much as possible.

Thank you for your support on children's issues.

cc: file
LIO

NORTH SLOPE BOROUGH

DEPT. OF HEALTH AND SOCIAL SERVICES

P.O. Box 69

Barrow, Alaska 99723

Matsunani Building
Phone: (907) 852-3999

FEB 22



*Please forward to
O.E. Roper's office ASAP
Lolks' gain for Eileen to answer, correct.*

TO : Dennis Roper, Government Affairs
THRU: Mayor George Ahmaogak
FROM: Cindy Young, N.S.B. Health Director
DATE: February 16, 1989
SUBJ: Foster Care Programs

C. Young
610. 1st St
22 Feb. 1989

I have reviewed Senate Bill No. 138 relating to the training of foster parents in Alaska and find that it raises some serious concerns in my mind - especially for the more remote locations in our state.

My reading of this bill leads me to believe that the orientation and training requirement cannot be waived for any reason (Sec. 47.35.035.(c)). It also makes clear that the training must be renewed every year. The only concession - or acknowledgement - of the remote areas of the state comes in paragraph (b) where it states that training need not be done in a class room setting.

This all leads me to have the following concerns about the impact of this bill on our ability to recruit and license foster homes in the bush areas.

1. Many of the homes available in our smaller villages - especially many of the native homes - are composed of older people who have a very limited comprehension of the written language. How would this training be provided to them? What good would written material sent to them be in actually teaching them about rules and regs, etc.? Many times the best foster home we can find is with the child's grandparents and they do not read or write English. But they could not afford to take the child without the financial assistance provided through foster care payments.

2. When it comes to the practical realities of parenting a foster child, will there be sensitivity to the native culture of the area and their traditional methods of child rearing or will a white middle class model be adopted? Again, we are often dealing with very traditional families in our smaller villages. Can we

really expect them to understand and abide by a strange set of rules that may or may not be any better than the traditional rules they have always lived by?

3. How will this affect emergency licensing procedures?

4. Who will develop the training materials? Will there be a statewide standard training program or will individual areas be allowed to make the training relevant to their needs.

5. We have been promised training on the North Slope for years and have yet to see routine training become a reality. I see no money appropriated on the budget page to make this training a reality. How will the state provide this training to all areas? Who will do the training? Will this be one more chore placed on the already overworked shoulders of Social Workers in bush areas?

6. What standard will be used to decide someone has "passed" the training and can be a foster parent? Who will apply the standard?

7. If the state cannot get to an area to provide the training, does that mean no one can be licensed till they can bring the training in? Will those already licensed see the license lapse through no fault of their own?

In summary, I have some very serious concerns about the implications of the Bill as currently written. While I strongly support the need for trained, competent foster parents, I also feel that a state as diverse as Alaska must admit that there are many ways those standards can be achieved and many factors to be taken into account in achieving them.

I hope this is of some use to you in working on this Bill. Please feel free to contact me if you have any further questions.

Maniilaq Association

March 2, 1989

P.O. Box 256
Kotzebue, Alaska 99752
(907) 442-3311

Representative Eileen P. MacLean
Alaska House of Representatives
Box V
Juneau, AK 99811

RE: Foster Home Legislation

Dear Representative MacLean:

Thanks for this opportunity to comment on SB 138 and other bills relating to foster care services. We certainly share your concern and feel that there are a number of improvements that can be made and a number of issues that need to be continually examined.

SB 138 Foster Home Training- In the event of an emergency placement, prior foster home training as required by SB 138 may not be feasible. Some provision for emergency licensing and deferral of some of the training is necessary. Currently, emergency placements receive an orientation to the rules and regulations of State custody; however, the complete training must come at a later time.

The expectation that a specific and comprehensive training program is without cost is not realistic to us. Often training sessions can be provided within the existing staff travel schedule, but some foster parents (for a variety of valid reasons) will not be available to that scheduled training session. If the training is mandatory, then some cost must be expected. For a modest training program for our region, presented by Maniilaq staff, we expect additional costs to be at least \$5,000. We would assume that considerable guidance would be available from the Department in developing the training program including training materials.

"An Act Relating To Programs and Proceedings Concerning Children
Our fundamental purpose in delivering Social Services is the strengthening and reunification of the family. We agree with the existing statutes that termination of parental rights is a last resort. We also feel that the failure of parents to participate in appropriate programs should be a consideration in the termination decision. However, we want to be sure that this is also treated as a "last resort" measure, and that every effort will be made to assist the parents to be successful in receiving these services. (For example, voluntary placement of dependent children in State custody while the parent(s) are attending a residential alcoholism program.)

Also in reference to this proposed bill, it is our experience and belief that services to children beyond the age of 19 is appropriate and necessary in many cases.

MEMBER VILLAGES

Ivissappaat, Nunatchiq, Ipnatchiq, Kotyask, Kivulliq, Lougruk, Qikiqtaruk, Nauaaq, Nuurvik, Akuligaq, Isinnuq
Ambler, Buckland, Deering, Kiana, Kvalina, Kohuk, Kotzebue, Noatak, Nonvik, Selawik, Shungnak

1
"An Act Establishing an Advisory Council on Foster Care" We support the establishment of this Council.

"An Act Relating to Civil Liability and Uninsured Property Loss" We support the proposed legislation and would like to add that the Department establish and distribute procedures to foster parents for making claims for such losses.

"An Act Relating to the Pre-Emancipation Services for Certain Minors" We agree with the intent of the amendments to existing statutes.

"An Act Relating to Citizen Review Boards" We have past experience in our region for such review boards. If properly established and supported, a local review board can work well. We recommend language which would allow city and village councils to act as such bodies when practical.

MSW Program We agree that the State needs an MSW program with a curriculum that will adequately address rural and Native needs and social issues.

Other Suggestions, Recommendations:

1. Rural Standards for Foster Care: We often encounter impractical or inappropriate requirements for foster home licensure in our villages. For example, the requirements for individual rooms for foster children, family size or specific types of housing. Although waivers may be available, some standards should be reviewed to determine their applicability in our villages. It seems wrong to overlook a standard because the particular family is in a "village" and "noone expects you to comply with all the standards". Often our position toward licensure leans toward a loving, caring environment for the child rather than a strict following of the standards. We would like to see some direction given to the Department to examine the applicability of these standards in our villages.

2. Allegations of Misconduct/Abuse by Foster Parents: In the event that we hear of a situation or have a suspicion of misconduct toward a child, that child would be moved from the foster home. Too often then the matter is dropped and not pursued to determine all the facts. A dilemma is presented when the "accused" family is scheduled for re-licensing. Instead of ignoring or "hushing" the situation, we would like to see a prompt and comprehensive investigation by the State to eliminate uncertainty. Perhaps this could be a task of the Citizen Review Boards.

3. Respite Care for Parents: A prevention service to intervene before State custody (or worse) is necessary. I cited an example earlier of how a voluntary placement could be beneficial, but many times parents need a "cooling off" period to avoid abuse and to re-establish a family perspective. During this period valuable counseling by friends, pastors, Elders, or professionals could be obtained to get the family

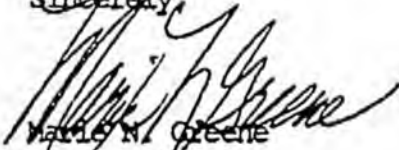
back on track. Some kind of program (even if only a demonstration) should be within the capability of the Department for FY90.

4. Emotional Abuse: Although included in the statutes, the guidelines and practical efforts toward protection from emotional abuse are insufficient. We see some cases of emotional abuse, but feel a great many more are unobserved and unprotected. Victims of emotional abuse often require long-term treatment. Special emphasis should be given toward developing guidelines for professional training to identify and serve victims of emotional abuse.

5. Foster Parent Participation in Case Conferences: We try to include natural parents in our casework, but foster parents often know the needs of the child better than anyone. We suggest changes in statutes or direction to the Department to include foster parents in case conferencing when feasible.

Again, thanks for the opportunity to comment of these important issues. If you have any questions please feel free to contact our staff who will give you their full cooperation. Taikuu!

Sincerely,


Marie M. Greene
President

cc: Senator Al Adams
Bruce Kovarik, Vice-President, Operations
Jackie Hill, Administrator, Social Services
Bea Mills, Social Services Program Manager

FOSTER/TXTBRUCE

Original sponsor: Fischer

1 IN THE SENATE

BY THE HEALTH, EDUCATION
AND SOCIAL SERVICES COMMITTEE

2 HOUSE CS FOR SENATE BILL NO. 138 (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 the training of foster parents."

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

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

9 Sec. 47.35.035. FOSTER PARENT TRAINING. (a) A person may not
10 be licensed under this chapter to maintain or conduct a foster home
11 unless the person has completed an orientation for foster parents
12 approved by the department. An orientation required under this sub-
13 section must provide information about foster care regulations, poli-
14 cies, and procedures; practical instruction about the realities of
15 caring for a child who is placed in a foster home; and other appro-
16 priate information.

17 (b) To maintain a license issued under this chapter for the
18 maintenance or conduct of a foster home, a licensee shall complete
19 annual foster parent training approved by the department. Training
20 under this subsection need not be conducted in a classroom setting,
21 but must include methods of instruction that meet the varying needs of
22 foster parents, the department and recognized foster parent asso-
23 ciations.

24 (c) The requirements for training under this section may not be
25 waived except that, in an emergency situation, the department may
26 place a child with an untrained person who has an emergency license.
27 The department shall by regulation establish the terms and conditions
28 under which an emergency license may be issued under this subsection
29 and the time period for which an emergency license is valid.

1 * Sec. 2. AS 47.35.040(c) is amended to read:

2 (c) Except as provided in AS 47.35.035, the [THE] department may
3 waive compliance with a standard set out in regulations adopted under
4 AS 47.35.010 - 47.35.080 if an acceptable alternative is established
5 that meets the purpose of the provision and reasonably assures the
6 well-being of persons in care.

7 * Sec. 3. Notwithstanding the provisions of AS 47.35.035, as enacted by
8 sec. 1 of this Act, and AS 47.35.040(c), as amended by sec. 2 of this Act,
9 a licensee shall be considered to have completed annual training if the
10 licensee completes the training during either fiscal year 1990 or fiscal
11 year 1991. The Department of Health and Social Services may schedule
12 training so that approximately one-half of licensees receive training
13 during each of the fiscal years 1990 and 1991.