

HB

19

Frank H. Wasmer  
P.O. Box 231  
Skagway, Alaska 99840

March 3, 1990

Representative Peter Goll  
Pouch V (MS3100)  
Juneau, Alaska 99811

Dear Peter,

In considering HB19, Foster Care Review Boards, in Judiciary Committee please remember the following:

The review process has several functions. One is to make recommendations on each individual case reviewed. Another is to accumulate and review data to determine any systemic problems that might exist and make recommendations as to how they might best be corrected. Another is to facilitate problem resolution.

The focus of review boards should be on the entire system, not any one agency. DFYS seems concerned that the formation of citizen review boards constitutes a threat to their agency. From the perspective of one who has been scrutinized by numerous inspections by many different kinds of processes I find this difficult to understand. This type of oversight is simply a normal quality control practice in both the public and private sectors. Do we owe the children of this state any less?

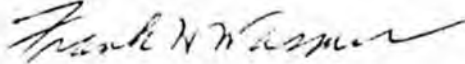
In the matter of compensation of board members, I would suggest that language to the effect that board members serve without compensation be adopted. There should be provision for some travel and per diem at the discretion of the system administrator to allow for training or necessary conferences.

On page 7, line 11 of the bill there is a section concerning "contested" recommendations. This language came from sub-committee work in House HESS. The original language was considered to be offensive to DFYS. In my opinion, the court should resolve any differences. I would suggest language to the effect that if the department does not follow a recommendation that either the board or the department could request a court review.

It was interesting to note at the hearing (March 2, 1990) that placing this entity in the Department of Administration might be a good idea. We have come full circle. The original bill called for the boards to be placed under the Department of Public Advocacy. The main concern at the time was that the boards would also be overseeing the conduct of the Guardian Ad Litem program which also is within OPA and that it might constitute a conflict of interests. Wherever the boards are housed, it is of primary importance that they be allowed to perform their function without interference from, or control by, any of the agencies being observed in the review process.

Finally, the legislation should allow a great deal of flexibility for growth and development of the process. It should not be so detailed as to micro-manage and stifle creative approaches to very real problems. Put the system in place and let it perform its function.

Sincerely,



Frank H. Wasmer  
Vice President  
Alaska Foster Parents Association



RECEIVED

Superior Court

State of Alaska  
FIRST JUDICIAL DISTRICT  
415 MAIN STREET, ROOM 402  
KETCHIKAN, ALASKA  
99901

Chambers of  
THOMAS E. SCHULZ, Presiding Judge

February 23, 1990

Peter Goll  
House Judiciary Co-Chairman  
Rm 122, Capitol  
P.O. Box V  
Juneau, Alaska 99811

Re: CS HB 19

Dear Representative Goll:

Thank you very much for your letter of February 2, 1990. I have a number of comments on both the subsidy provisions of committee substitute for house bill 19 and on the fiscal notes that were submitted on the bill.

First, based on the experience that we have had with the pilot project in Ketchikan, I would recommend that the legislation be restructured to the extent necessary to provide for one state wide foster care review panel and a number of foster care review panels at each superior court location that would be based on the number of pending children's cases in each court location. I believe that our experience in Ketchikan demonstrates that a foster care review panel composed of volunteers cannot satisfactorily handle more than one hundred cases in a year. I believe that the state wide foster care review panel ought to be appointed by the governor, but I believe that members for the review panels in each judicial district could be recruited by the state wide coordinator and his or her staff and appointed by the state wide panel without involving the governor's office.

Representative Peter Goll  
February 23, 1990  
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Second, I do not believe it is necessary for the legislation to provide that the judicial district review panels will be paid \$80.00 a day for each day that they meet. We have had no trouble recruiting volunteers for these panels who so far have been serving without reimbursement. I do believe that the legislation ought to reimburse the foster care review panel members for their out of pocket expenses, including necessary child care, up to \$80.00 a day which should be plenty to cover the cost of child care and lunches that may be eaten down town when they otherwise would not be. Legislation mandating that the judicial district foster care review panel members be paid \$80.00 a day adds unnecessary costs to the program.

? } Third, I believe that the legislation ought to be amended so that it conforms with applicable federal statutes and regulations concerning the frequency of reviews but does not mandate court review. Court reviews take additional time both on the judicial end and, more importantly, take additional staff time from the Division of Family and Youth Services and the Department of Law. Our experience in Ketchikan indicates that both the Division of Family and Youth Services and the other parties involved in these children's cases are generally quite satisfied with the review provided by the panel and it does not seem to me to be productive or necessary to have these same people involved in an automatic court review. Rather than that, the statute ought to provide the mechanism for an appeal to the superior court from a decision of the foster care review panel by either the Division of Family and Youth Services or the child or his parents in the event they disagree with either factual findings or a recommendation from the panel.

Fourth, I believe that the fiscal notes attached to this legislation make it one of the most expensive creations in the history of state government in Alaska or anywhere else. The staff requirements put forth for this project are unrealistically high and most of the staff is over paid. If the foster care review panels are to remain in the governor's office, I believe that the program can be adequately handled with one foster care review board director, one assistant, one clerk typist and a statistician in the central office in

Representative Peter Goll  
February 23, 1990  
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either Juneau or Anchorage. As to the support required for the foster care review panels in each superior court location, that work can be easily accomplished by one foster care review board coordinator and a part time clerk typist in every location except Anchorage. Based on our experience in Ketchikan, I simply do not see the need for the tremendous layers of supervision that are provided for in the fiscal notes that accompanied this legislation from the health and social services committee. I also do not understand the rationale that requires the foster care review board director to be paid at the same rate as someone who is managing an entire division of state government.

While I have been a strong supporter of the foster care review panel concept for a number of years, I find it very difficult to continue supporting this legislation with that kind of fiscal note attached to it. The fiscal note attached to this legislation is not an example of working faster or smarter or more economically. It is more an example of the kind of wasteful spending that brings a lot of criticism on state government.

In conclusion, I think this legislation can still be amended in a few respects to make the review process more efficient and less time consuming and still result in excellent service to children and still make the panels available at a price that is realistic. I would appreciate the opportunity to comment further on this legislation as it progresses through your committee.

Very truly yours,

*Thomas E. Schulz*

Thomas E. Schulz  
Superior Court Judge

TES:llc

cc: Corrine Radergraham  
Pam Montgomery

*Hayden*  
*review, respond*  
*and consult w/HM*  
*as we proceed CS*  
*Thank him for*  
*his time.*



ALASKA CHAPTER  
NATIONAL ASSOCIATION OF  
SOCIAL WORKERS

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

Executive Director  
William Diebels, ACSW

May 3, 1989

The Hon. Johnny Ells, Chair  
HESS Committee  
House of Representatives  
P. O. Box V  
Juneau, AK 99811

Re CS HB19 (HESS)--4/25/89 Draft

Dear Rep. Ells:

Thank you for the opportunity to testify before your committee on April 27, 1989, regarding foster care review panels. As requested, the following summarizes the points made in my testimony before the committee.

**Improvements:** We believe there have been some significant improvements to the bill in this draft. Among the improvements are the organizational structure of state and local panels; and compliance of the panels with the requirements of P.L. 96-272 and the Indian Child Welfare Act. (ICWA)

**Concerns.** The following are areas of concern:

- **Purpose** -- To reduce foster care drift should be the clearly articulated statement of purpose for the panels, preferably in Sec. 47.10.400 or 47.10.410, since these sections deal with purpose and duties

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BOARD OF DIRECTORS

**PRESIDENT—1989**  
Cheryl Mann, ACSW  
Anchorage

**VICE—PRESIDENT—1989**  
Cecelia Esperza, ACSW  
Kodiak

**SECRETARY—1989**  
Diane DiSanto, BSW  
Anchorage

**TREASURER—1989**  
Theresa Berada, ACSW  
Chugiak

**PAST—PRESIDENT—1988**  
Yvonne Chase, ACSW  
Juneau

**NORTHERN REPRESENTATIVE—1989**  
Sharon Bufford, MSW  
Fairbanks

**SOUTHCENTRAL REPRESENTATIVE—1989**  
Jan MacClarence, ACSW  
Anchorage

**SOUTHWESTERN REPRESENTATIVE—1989**  
Ken Fallon, ACSW  
Palmer

**SOUTHEASTERN REPRESENTATIVE—1989**  
Nina Kinney, MSW  
Juneau

**WESTERN REPRESENTATIVE—1989**  
Nan Saroy, ACSW  
Bethel

**AT-LARGE REPRESENTATIVE—1989**  
Carol Swartz, ACSW  
Homer

**STUDENT REPRESENTATIVE—1989**  
Colleen Brybert  
Anchorage

of panels. Children need permanence in their lives, and foster care review has been found to be helpful in reducing the time children spend in foster care. The return of a child to his or her family is the ideal permanent goal; when this is not possible, the goal becomes to place the child in another stable, permanent home.

Cost savings is one of the factors to be reported in the annual report, and may be erroneously viewed as the purpose of foster care review. However, we don't think there will necessarily be cost savings to the foster care line item. There may be long-term savings to state government, in fewer children growing up to become part of the corrections system or needing other social services. However, in order to provide for permanent homes for children, the state may need to place more emphasis on in-home services to children and services to parents so that they can provide appropriate care for their children. Thus, there may not be immediate savings.

● **Duties of panels should be clearly stated as being advisory.** The bill is unclear; in some places it refers to recommendations, but then in Sec. 47.10.470(b), it requires the Department of Health and Social Services to report back if staff don't implement a recommendation. That's not an appropriate role for the panel. The court can order a recommendation be complied with, and that's where enforcement should be. Once a panel makes a recommendation, they shouldn't have to keep following up.

● **Panels should be able to make recommendations to all parties.** As panels carry out their reviews, they may find problems in the system that lead to difficulties in achieving permanence for children. In addition to the Department of Health and Social Services, panels may have recommendations for the court system, the Department of Law, guardians ad litem, placement agencies, or the Legislature.

● **Who attends hearings.** Sec. 47.10.460(e) gives the guardian ad litem the discretion whether a child attends. We believe any child over the age of ten should be invited and have the option to attend. After all, they are the most important party in the process; many children would want to attend.

● **Privacy of testimony** should be permitted either at the request of the party, or the panel. Abuse, or possible misuse of information may inhibit testimony if has to be made in front of everyone. This is important especially for a child's testimony; a child may rightfully fear retribution if the child has been abused in either his parent's home or foster parent's home, for example. Or custodial parents may not feel comfortable

testifying before non-custodial parents. The confidential nature of proceedings should also be in statute.

- **Placement preferences** should comply with AS47.10.230(e) and (f), which gives preference to placement with blood relatives and states that poverty alone is no reason to deny a placement. Sec. 47.10.460 (f) of the bill conflicts with AS 47.10.230 and appears to be lifted from another state's statute where institutions have child-placing authority. Alaska's laws regarding placement, including AS47.10.230, have been well-thought through and are consistent with the intent of providing permanence for children.

- **Implementation date.** Since there are two demonstration projects in effect, implementation should either be delayed or phased in so

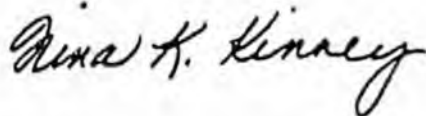
that the state can take advantage of what is learned in the two demonstration projects.

- **Add Delinquents.** Delinquents are a small percentage of youth in placement, yet they can also stay in placement too long. Some parents don't want delinquents back after they have broken the law; these kids may drift also.

- **"Natural" parent.** You asked for a recommendation for an alternate term to "natural parent". Simply removing the modifier "natural" should solve the problem, as "parent" could then refer to either a biological or adoptive parent.

NASW appreciates your concern for children in foster care and your efforts to improve their lives through this bill and others under consideration. Our organization, and I personally, stand ready to assist and will be happy to work with your committee to further refine this bill.

Sincerely,



Nina Kinney, M. S. W.  
NASW Board Member  
1751 Evergreen Avenue  
Juneau, Alaska 99801

# 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 99811  
(907) 465-4712  
465-4968 (986)  
(SESSION)

914 CLAY COURT  
ANCHORAGE, ALASKA 99501  
(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 99501-2083

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

RECEIVED  
FEB 28 1989

ORDER NO. 2119

Granting 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 Justice

Distribution:

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

## FISCAL NOTE

**REQUEST:**

Revision Date: \_\_\_\_\_ Agency Affected: Department of Administration  
 Title: "An Act relating to citizen review panels for certain children in state custody ..." BRU: Citizens Review Panel  
 Sponsor: Collins, Gruenberg, Ulmer Components: \_\_\_\_\_  
 Requestor: \_\_\_\_\_

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

OPERATING	FY91	FY 92	FY 93	FY 94	FY 95	FY 96
PERSONAL SERVICES	395.0	471.9	485.1	485.1	485.1	485.1
TRAVEL	32.5	46.4	45.8	45.8	45.8	45.8
CONTRACTUAL	146.3	142.2	142.2	142.2	142.2	142.2
SUPPLIES	11.1	11.1	11.1	11.1	11.1	11.1
EQUIPMENT	112.0	1.5	1.5	1.5	1.5	1.5
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
<b>TOTAL OPERATING</b>	<b>696.9</b>	<b>673.1</b>	<b>685.7</b>	<b>685.7</b>	<b>685.7</b>	<b>685.7</b>

CAPITAL						
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REVENUE						
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**FUNDING: (Thousands of Dollars)**

GENERAL FUND	696.9	673.1	685.7	685.7	685.7	685.7
FEDERAL FUNDS						
OTHER						
<b>TOTAL</b>	<b>696.9</b>	<b>673.1</b>	<b>685.7</b>	<b>685.7</b>	<b>685.7</b>	<b>685.7</b>

**POSITIONS:**

FULL-TIME	11	11	11	11	11	11
PART-TIME	-0-	-0-	-0-	-0-	-0-	-0-
TEMPORARY	11	11	11	11	11	11

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

Any FY90 costs to be absorbed by Department of Administration and Department of Health and Social Services.

See attached.

Prepared by: James J. Fox  
 Division: Deputy Commissioner, Commissioner's Office

Phone: 465-2200  
 Date: 3/20/90

Approved by Commissioner: Frank S. Baxter  
 Agency: Department of Administration

Date: 3/20/90

**Distribution (by preparer) :**

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

Draft CS HB 19 (Jud)

The function of the agency established under this bill is to provide for an additional, non-departmental, review of longer term out-of-home placements for children and youth in the custody of the Department of Health and Social Services. The individual review is to result in specific recommendations for services to the child. The overall process is to result in periodic summary reports of the placement activities of the division and recommendations for improvement of services to children in out-of-home placement.

In scope this program will provide about 1,500 local, individual reviews effecting about 1,000 children each year. The geographic area covered is equal to about 15% of the United States.

This fiscal note is based on several assumptions.

1. The service provided is to supplement, and enhance, services provided by the Division of Family and Youth Services.
2. To the extent possible DFYS social work staff should not have to assume additional administrative burdens.
3. If possible, the process should lessen current administrative activities of DFYS social work staff, permitting more time for direct service.
4. The review process should involve local individuals who receive some training in child welfare issues and who are knowledgeable of local social and cultural customs.
5. Local review panels are volunteers and receive no recompense.
6. The state panel reviews the service of the local panels, hires the agency director, and sets agency policy and procedure for carrying out statutory obligations including reports and recommendations.
7. The success of the panels will be contingent on maintaining credibility in recommendations and fostering a positive working relationship with the division. The subjective measure will be public acceptance of the process. The objective measure will be the implementation of recommendations and improvements in permanent placements for children.
8. Because the review process will require synthesis and summary from case files as preparation for panel review, it was

felt that panel professional staff should have knowledge of, and background in, human services. Hence the use of the Social Worker III classification for professional staff.

9. Staffing patterns were developed from an analysis of where the children were in placement, estimates from current staff as to the time required for different parts of the process and the level of support staff needed in similar activities.

10. As the panel members will be volunteers, an assumption was made that an effort would be made to appoint sufficient local panels to permit timely reviews to be provided without asking individual panel members to contribute more than one, or at most two full days per month.

11. The fiscal note provides for establishing 3 offices, with the largest office, and agency headquarters, in Anchorage and smaller offices in Fairbanks and Juneau.

12. As many as 11 local review panels are contemplated for areas remote from the 3 field offices. Some will meet monthly and some will meet only quarterly. The staff travel budget is predicated on providing on-site support for the panel meetings.

13. Local panel training assumes the participation of DFYS (at their expense). The delivery is at the local level and provided by agency staff (review panel staff and DFYS staff). Extra on-site days for staff are included in the travel budget for this training. \$2,500 per year is included in the budget for the purchase and/or development of training material. Initial training (orientation) is covered in the first two years and after that it is assumed about 1/2 the panels would receive further training each year.

14. Space needs are DOA standards for staff. Space needs include a large conference/meeting room for Anchorage. Local panels there would be meeting 1 to 3 days per week. If reliable donated space can be found for this purpose the space costs could be reduced accordingly.

15. Teleconference equipment is included for each office. This equipment is portable so as to be usable by local review panels in field location.

16. Recording equipment is included for use by the review panels in both office and field locations.

17. Equipment is included for a local area network in the Anchorage office and modems are included for each office location for transfer of data and reports. Also a fax machine is included

for each office. Each modem and fax machine will require a dedicated phone line.

Other one time equipment purchases include the ordinary office equipment needs -- desks, tables, chairs, bookshelves, storage cabinets, files, telephones, etc. A PC and dot matrix printer is included for all positions except the receptionist position in Anchorage. One good letter quality printer per office is substituted for one of the dot matrix printers.

18. \$20,000 is included for programming of off-the-shelf software for a data collection/information management system.

19. Prior experience indicates this agency will process a lot of paper. Very heavy duty copiers were budgeted for both Anchorage and Fairbanks. A lighter duty model was budgeted for in Juneau.

20. Budgeted amounts for postage, toll charges and supplies are a best guess based on prior experience and a review of other agency budgets.

21. The potential for donated, surplus or transferred equipment and furniture is unknown at this point. As with possible donated space -- receipt would lessen the fiscal requirements.

22. No ancillary costs are budgeted for local panel expenses. It is assumed space would be provided locally at no cost to the agency. No parking expenses, child care expenses or other possible out of pocket expenses for local panel members are budgeted.

23. Space requirements are figured at \$2.00 a square foot and occupancy is assumed by 10/1/90. Operation until that time will be from borrowed space (presumably DOA and/or DFYS).

24. It is assumed that nominations for the State Panel will be made early (upon passage of this bill) and that they will be able to meet in July and make the selection of an Executive Director who will be able to quickly select an assistant and begin hiring other agency staff. While the start time is ambitious, a considerable body of procedure and material has already been developed through existing internal review panels conducted by DFYS and through the Ketchikan pilot project.

ASSUMES OFFICE LOCATIONS OF ANCHORAGE, JUNEAU AND FAIRBANKS

**Professional Services**

1st Year	\$22,500 (\$20,000 for Information System Development)
2ond Year	\$2,500 Trainer/Training Material

**Communication**

Telephone	\$25,140
Postage (750/mo)	\$9,000
Teleconferences (6)	\$2,700
Advertising, Printing For recruitment, rept	\$3,925
Minor Repair/Maint.	\$3,600 (\$300/Mo.)
Copiers (2 @ 1,050/mo and 1 @ 550/mo)	\$31,800
Space (9 Mo. 1st Yr.)	\$47,655
Total 1st Year	\$146,320
Total 2ond Year	\$142,205

**Supplies and Materials**

Office & Library Supplies, \$900/Month	\$10,800
Data Processing Sup.	\$300
Total	\$11,100

**One Time Special Equipment Needs**

Fax Machine	3	\$5,100
File Server (Anc)	1	\$13,000
LAN Network (Anc)	1	\$1,895
Modems	3	\$2,085
Storage Cabinets	3	\$1,275
Miscl. Furniture	1	\$3,000
Recording Equip.	6	\$2,850
Teleconf. Equip. Portable	3	\$12,000
	<b>Total</b>	<b>\$41,205</b>

One Time Needs For Individual Staff \$70,765

Total One Time Equipment \$111,970

2ond and Subsequent Years \$1,500  
Replacement of Small  
Equipment - recorders, etc.

**Five Member State Panel**

**To Anchorage -- State Wide Panel**

**5 Panel Members**

<b>1st Year</b>	<b>Persons</b>		
\$400 Transportation	3	\$2,400	2 Trips
\$15 Transportation	2	\$60	2 Trips
\$80 Per Diem for	5	\$3,200	8 Days/Year
\$80 Per Diem for	3	\$960	4 Days Travel Time
		\$6,620	

<b>2ond (&amp; Subsequent) Years</b>			
\$400 Transportation	3	\$2,400	2 Trips
\$15 Transportation	2	\$60	2 Trips
\$80 Per Diem for	5	\$2,400	6 Days/Year
\$80 Per Diem for	3	\$960	4 Days Travel Time
		\$5,820	

Staff - 1st Year

Executive Director

Trip/Days

\$400 Transportation	1	\$385	1 Trip For Departmental Orientation
\$80 Per Diem for	1	\$240	3 Days For Departmental Orientation
\$500 Transportation	1	\$500	1 Trip Ketchikan Office
\$80 Per Diem for	1	\$320	4 Days/Trip Ketchikan Office
\$385 Transportation	1	\$770	2 Juneau Trip For Administrative Functions
\$80 Per Diem for	1	\$320	4 Days in Juneau For Administrative Functions
\$212 Transportation	1	\$424	2 Trips to Fairbanks Office
\$80 Per Diem for	1	\$320	4 For Trips to Fairbanks Office
Total		\$3,279	

2ond (& Subsequent) Years

Executive Director

\$385 Transportation	1	\$2,310	6 Juneau Trip For Administrative Functions
\$80 Per Diem for	1	\$960	12 Days in Juneau For Administrative Functions
\$212 Transportation	1	\$848	4 Trips to Fairbanks Office
\$80 Per Diem for	1	\$480	6 For Trips to Fairbanks Office
Total		\$4,598	

1st Year

Line Staff			Trip/Days
\$421 Transportation	1	\$2,946	7 Local Panel Training
\$80 Per Diem for	1	\$1,120	14 Days For Local Pannel Training
\$421 Transportation	1	\$13,045	31 Local Panel Reviews
\$80 Per Diem for	1	\$4,960	62 Days For Local Panel Reviews
\$385 Transportation	1	\$385	1 Departmental Orientation for Adm. Assistant
\$80 Per Diem for	1	\$160	2 Days for Departmental Orientation for Adm. A
<b>Total</b>		<b>\$22,615</b>	

2ond Year

Line Staff			Trip/Days
\$421 Transportation	1	\$1,262	3 Local Panel Training
\$80 Per Diem for	1	\$480	6 Days For Local Pannel Training
\$421 Transportation	1	\$23,986	57 Local Panel Reviews
\$80 Per Diem for	1	\$9,120	114 Days For Local Panel Reviews
\$385 Transportation	1	\$770	2 Departmental Administrative Trainingfor Adm.
\$80 Per Diem for	1	\$320	4 Days ForDepartmental Administrative Training
<b>Total</b>		<b>\$35,938</b>	

3rd (& Subsequent) Years

Line Staff

Trip/Days

\$421 Transportation	1	\$1,683	4 Local Panel Development/Training
\$80 Per Diem for	1	\$640	8 Days For Local Pannel Training
\$421 Transportation	1	\$23,144	55 Local Panel Reviews
\$80 Per Diem for	1	\$8,800	110 Days For Local Panel Reviews
\$385 Transportation	1	\$770	2 Departmental Training For Adm. Assistant
\$80 Per Diem for	1	\$320	4 Days For Departmental Training For Adm. Assi
Total		\$35,357	

Administrative Totals

1st Year	\$32,514
2ond Year	\$46,356
3rd Year	\$45,775

Monthly Panels	Panels	Hearing Days Per Month	Trips	\$/Trip	\$/Yr	Days Per Trip	Per diem Per Trip \$80.00	Per diem Per Trip Per Year
Bethel	2	2.50	12	\$450	\$5,400	4	320	\$3,840
Dillingham	1	.33	4	\$372	\$1,488	3	240	\$960
Kenai	1	1	12	\$132	\$1,584	2	160	\$1,920
Kodiak	1	.33	2	\$418	\$836	3	240	\$480
Unalaska	1	.33	1	\$876	\$876	3	240	\$240
Delta	1	.33	4	\$50	\$200	1	80	\$320
Barrow	1	.33	4	\$778	\$3,112	2	160	\$640
Galena	1	.33	4	\$170	\$680	1	80	\$320
Nome	1	.33	4	\$684	\$2,736	2	160	\$640
Ketchikan	2	2.50	12	\$278	\$3,336	2	160	\$1,920
Total	12	8.33	59	\$4,208	\$2,025		\$184	\$1,128
Locations	10					12	12	12
		Average \$/Trip		\$421	\$24,298	\$/Yr	\$2,208	\$13,536

First Year Classification	Location	BU	Range	Step	FTE	Annual Cost	Space Ft.2	One Time Equipment Costs
Executive Director	Anchorage	X	23	A	.92	\$64,770	175	\$7,320
Administrative Assistant II	Anchorage	S	14	A	.92	\$37,293	98	\$6,316
Clerk II/Receptionist	Anchorage	G	7	A	.83	\$23,926	64	\$1,316
Social Worker III	Anchorage	G	16	A	.83	\$38,369	94	\$6,146
Social Worker III	Anchorage	G	16	A	.83	\$38,369	94	\$6,146
Social Worker III	Anchorage	G	16	A	.75	\$34,996	94	\$6,146
Clerk III	Anchorage	G	9	A	.83	\$26,248	64	\$8,361
Social Worker III	Fairbanks	G	16	A	.83	\$39,450	94	\$6,146
Clerk III	Fairbanks	G	9	A	.83	\$26,941	64	\$8,361
Social Worker III	Juneau	G	16	A	.83	\$38,369	94	\$6,146
Clerk III	Juneau	G	9	A	.83	\$26,248	64	\$8,361
Ancillary Space Needs					9.25	\$394,980	999	\$70,765
Photocopier	3	255						
File Storage	6	54						
Storage Cabinets	4	60						
Reception/Meeting Area		750						
Base Space Requirements		2,118.00						
25% access		529.50						
		2647.50						
Cost Estimate /ft2	\$2.00	\$63,540						

Second Year Classification	Location	BU	Range	Step	FTE	Annual Cost
Executive Director	Anchorage	X	23	B	1	\$72,476
Administrative Assistant II	Anchorage	S	14	B	1	\$41,475
Clerk II/Receptionist	Anchorage	G	7	B	1	\$28,398
Social Worker III	Anchorage	G	16	B	1	\$46,643
Social Worker III	Anchorage	G	16	B	1	\$46,643
Social Worker III	Anchorage	G	16	B	1	\$46,643
Clerk III	Anchorage	G	9	B	1	\$31,379
Social Worker III	Fairbanks	G	16	B	1	\$47,989
Clerk III	Fairbanks	G	9	B	1	\$32,236
Social Worker III	Juneau	G	16	B	1	\$46,643
Clerk III	Juneau	G	9	B	1	\$31,379
					11	\$471,903

Third Year Classification	Location	BU	Range	Step	FTE	Annual Cost
Executive Director	Anchorage	X	23	C	1	\$74,607
Administrative Assistant II	Anchorage	S	14	C	1	\$42,763
Clerk II/Receptionist	Anchorage	G	7	C	1	\$29,072
Social Worker III	Anchorage	G	16	C	1	\$48,006
Social Worker III	Anchorage	G	16	C	1	\$48,006
Social Worker III	Anchorage	G	16	C	1	\$48,006
Clerk III	Anchorage	G	9	C	1	\$32,128
Social Worker III	Fairbanks	G	16	C	1	\$49,396
Clerk III	Fairbanks	G	9	C	1	\$33,009
Social Worker III	Juneau	G	16	C	1	\$48,006
Clerk III	Juneau	G	9	C	1	\$32,128
					11	\$485,126

## SUMMARY OF COSTS

### First Year

\$394,980	100	-- Personnel Services
\$32,514	200	-- Travel
\$146,320	300	-- Contractual
\$11,100	400	-- Supplies
\$111,970	500	-- Equipment

\$696,885 Total

### Second Year

\$471,903	100	-- Personnel Services
\$46,356	200	-- Travel
\$142,205	300	-- Contractual
\$11,100	400	-- Supplies
\$1,500	500	-- Equipment

\$673,064 Total

### Third Year

\$485,126	100	-- Personnel Services
\$45,775	200	-- Travel
\$142,205	300	-- Contractual
\$11,100	400	-- Supplies
\$1,500	500	-- Equipment

\$685,706 Total

ANCHORAGE FIELD OFFICE  
3/16/90

Children In Out-Of-Home Care for > 6 Months

Field Office	Total	Hrs. Per Hearing	Hrs. Per Year (X2) for Panel Days/Year	Divided by 6	Prof. FTE's Required
Anchorage	234	234	468	78	1.36
Eagle River	11	11	22	3.67	.06
Glenallen	2	2	4	.67	.01
Palmer	26	26	52	8.67	.15
Valdez	1	1	2	.33	.01
Cordova	1	1	2	.33	.01
McGrath	2	2	4	.67	.01
<b>Sub-Total</b>	<b>277</b>	<b>277</b>	<b>554</b>	<b>92.33</b>	<b>1.61</b>
Bethel	64	64	128	21.33	.37
Kwigillingok	1	1	2	.33	.01
Mt. Village	4	4	8	1.33	.02
Aniak	15	15	30	5	.09
<b>Sub-Total</b>	<b>84</b>	<b>84</b>	<b>168</b>	<b>28</b>	<b>.49</b>
Dillingham	8	8	16	2.67	.07
Naknek	3	3	6	1	.03
<b>Sub-Total</b>	<b>11</b>	<b>11</b>	<b>22</b>	<b>3.67</b>	<b>.10</b>
Kenai	36	36	72	12	.33
Seward	1	1	2	.33	.01
Homer	4	4	8	1.33	.04
<b>Sub-total</b>	<b>41</b>	<b>41</b>	<b>82</b>	<b>13.67</b>	<b>.38</b>
Kodiak	8	8	16	2.67	.07
<b>Sub-Total</b>	<b>8</b>	<b>8</b>	<b>16</b>	<b>2.67</b>	<b>.07</b>
St. Paul	3	3	6	1	.03
Sand Point	6	6	12	2	.06
Unalaska	2	2	4	.67	.02
<b>Sub-Total</b>	<b>11</b>	<b>11</b>	<b>22</b>	<b>3.67</b>	<b>.10</b>
<b>Regional Total</b>	<b>434</b>	<b>434</b>	<b>868</b>	<b>144.67</b>	<b>2.6</b>

FAIRBANKS FIELD OFFICE

Children In Out-Of-Home Care for > 6 Months

Field Office	Total	Hrs. Per Hearing	Hrs. Per Year (X2)	Divided by 6 for Panel Days/Year	Prof. FTE's Required
Fairbanks	95	95	190	31.67	.55
Nenana	8	8	16	2.67	.05
Ft. Yukon	2	2	4	.67	.01
<b>Sub-Total</b>	<b>105</b>	<b>105</b>	<b>210</b>	<b>35</b>	<b>.61</b>
Delta	3	3	6	1	.03
Tok	6	6	12	2	.06
<b>Sub-Total</b>	<b>9</b>	<b>9</b>	<b>18</b>	<b>3</b>	<b>.08</b>
Barrow	15	15	30	5	.14
<b>Sub-Total</b>	<b>15</b>	<b>15</b>	<b>30</b>	<b>5</b>	<b>.14</b>
Galena	7	7	14	2.33	.06
<b>Sub-Total</b>	<b>7</b>	<b>7</b>	<b>14</b>	<b>2.33</b>	<b>.06</b>
Nome	4	4	8	1.33	.04
Kotzebue	2	2	4	.67	.02
<b>Sub-Total</b>	<b>6</b>	<b>6</b>	<b>12</b>	<b>2</b>	<b>.06</b>
<b>Regional Total</b>	<b>142</b>	<b>142</b>	<b>284</b>	<b>47.33</b>	<b>.95</b>

JUNEAU FIELD OFFICE

Children In Out-Of-Home Care for > 6 Months

Field Office	Total	Hrs. Per Hearing	Hrs. Per Year (X2)	Divided by 6 for Panel Days/Year	Prof. FTE's Required
Juneau	38	38	76	12.67	.35
Sitka	6	6	12	2	.06
Petersburg	2	2	4	.67	.02
<b>Sub-Total</b>	<b>46</b>	<b>46</b>	<b>92</b>	<b>15.33</b>	<b>.42</b>
Wrangell	8	8	16	2.67	.07
Craig	4	4	8	1.33	.04
Ketchikan	32	32	64	10.67	.29
<b>Sub-Total</b>	<b>44</b>	<b>44</b>	<b>88</b>	<b>14.67</b>	<b>.41</b>
<b>Regional Total</b>	<b>90</b>	<b>90</b>	<b>180</b>	<b>30</b>	<b>.83</b>
<b>Grand Total</b>	<b>666</b>	<b>666</b>	<b>1332</b>	<b>222</b>	<b>4.54</b>

## FISCAL NOTE

**REQUEST:**

Revision Date: \_\_\_\_\_  
Title: Foster Care Review Boards  
Sponsor: Rep. Collins  
Requestor: \_\_\_\_\_

Agency Affected: Health & Social Services  
BRU: Family Services  
Components: South Central Region,  
Northern Region, Southeastern Region

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

OPERATING	FY 91	FY 92	FY 93	FY 94	FY 95	FY 96
PERSONAL SERVICES	90.0	93.2	93.2	93.2	93.2	93.2
TRAVEL	2.0	2.0	2.0	2.0	2.0	2.0
CONTRACTUAL	49.9	49.9	49.9	49.9	49.9	49.9
SUPPLIES	4.0	2.0	2.0	2.0	2.0	2.0
EQUIPMENT	12.0					
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
<b>TOTAL OPERATING</b>	<b>157.9</b>	<b>147.1</b>	<b>147.1</b>	<b>147.1</b>	<b>147.1</b>	<b>147.1</b>
<b>CAPITAL</b>						
<b>REVENUE</b>						

**FUNDING:** (Thousands of Dollars)

GENERAL FUND	157.9	147.1	147.1	147.1	147.1	147.1
FEDERAL FUNDS						
OTHER						
<b>TOTAL</b>	<b>157.9</b>	<b>147.1</b>	<b>147.1</b>	<b>147.1</b>	<b>147.1</b>	<b>147.1</b>

**POSITIONS:**

FULL-TIME	1	1	1	1	1	1
PART-TIME	2	2	2	2	2	2
TEMPORARY						

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

See Attached

Prepared by: Russ Webb, Director  
Division: Family and Youth Services  
Approved by Commissioner: Myra M. Munson  
Agency: Health and Social Services

Phone: 465-3170  
Date: 1/29/90  
Date: 2/1/90

**Distribution (by preparer):**

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

## FISCAL NOTE HB 19

There is no effect on FY 90 budget.

The Division of Family and Youth Services has administratively established a case review process which includes as reviewers one or more persons who are not agency employees. These reviews are used by the agency to meet the requirements of Titles IV-E and IV-B of the Social Security Act, Medicaid, and the Indian Child Welfare Act as well as to ensure permanency planning and as a compliance and quality control mechanism.

It is critical that the capability to meet these needs be maintained. Until the review panels mandated in HB 19 are fully functional and demonstrate that reviews conducted by these panels meet all Federal requirements and internal quality control needs statewide DFYS must maintain the capability of doing so through these administratively established case reviews. Because of this, the reviews under HB 19 will be duplicative and will require additional expenditures in worker time, copying time and paper, and postage.

One full-time and two part-time Social Worker III positions, copying and postage costs totaling \$157,900 will be required to implement HB 19.

### STAFFING

The division projects that 700 children annually will be in out-of-home care for six months or more. Two case reviews annually will be required for each child under the provisions of HB 19. An additional 500 children are projected to be in out-of-home care each year for at least 90 days but less than six months. One case review for each of these children will be required under HB 19.

An estimated 1,900 reviews per year will be required for FY91 - FY96. Each review requires an average of 1.5 hours in worker time. A case worker has 112 hours per month available for client services.<sup>1</sup>

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<sup>1</sup>This number does not include time spent in personal leave, training, and other non-case related activities.

The number of reviews, staff time required, and workers needed per judicial district are as follows:

<u>Judicial District</u>	<u>Reviews</u>	<u>Staff Time Per Year</u>	<u>Staff Time Per Month</u>	<u>Additional Workers</u>
1st	260 x 1.5	390	32.5	.5
2nd & 4th <sup>2</sup>	635 x 1.5	953	79.0	.5
3rd	996 x 1.5	1494	125.0	1.0

Two permanent part-time positions will be located in Juneau and Fairbanks respectively, and one permanent full-time position will be in Anchorage. Personal services and related costs for the additional positions are as follows:

	<u>FY 91</u>	<u>FY 92 - 96</u>
Personal Services	90.0	93.2
Travel	2.0	2.0
Contractual	9.3	9.3
Supplies	4.0	2.0
Equipment	12.0	0.0
<b>Total</b>	<b>117.3</b>	<b>106.5</b>

#### COPYING AND POSTAGE COSTS

Each case review entails review of various case-related material contained in the files of the Division of Family and Youth Services. It is assumed that DFYS staff will be responsible for supplying one copy of the material from DFYS files needed for the reviews to staff of the panels who will then make additional copies for panel members. Based on the experience of the Ketchikan Review Panel it is estimated that 80 pages will be copied per case.

The costs of copying case files for the Review Panels are based on a cost of \$.25 per page as provided under 7 AAC 89.920. This cost assumes the availability of staff and equipment to make the required copies. However, some DFYS offices have neither copying equipment nor clerical staff. Copying of file material in those offices would necessarily be contracted. Postage costs are estimated at \$3.00 per review packet for offices that must mail the packets to the regional areas where the panels are located: 135 packets in the 1st District, 295 in the 2nd and 4th Districts, and 465 in the 3rd District.

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<sup>2</sup>Because the 2nd District includes Nome, Kotzebue and Barrow, which all fall under the Northern Regions of Family Services and Youth Corrections, the 2nd and 4th Judicial Districts are combined.

<u>Judicial District</u>	<u>Copying Costs</u>	<u>Postage</u>	<u>Total</u>
1st	5.2	.4	5.6
2nd & 4th	12.7	.9	13.6
3rd	<u>19.9</u>	<u>1.5</u>	<u>21.4</u>
Total	\$37.8	\$2.8	\$40.5

SUMMARY OF COSTS

	<u>FY 91</u>	<u>FY 92 - 96</u>
Personal Services	90.0	93.2
Travel	2.0	2.0
Contractual	49.9	49.9
Supplies	4.0	2.0
Equipment	<u>12.0</u>	<u>0.0</u>
Total	\$157.9	\$147.1

**FISCAL NOTE**

**REQUEST:**

Revision Date: \_\_\_\_\_  
Title: "An Act modifying procedures  
for juvenile delinquency..."  
Sponsor: Governor  
Requestor: House Judiciary

Agency Affected: Administration  
BRU: Office of Public Advocacy  
Components: \_\_\_\_\_

**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						
<b>TOTAL OPERATING</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>

<b>CAPITAL</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>
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<b>REVENUE</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>
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**FUNDING: (Thousands of Dollars)**

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

**POSITIONS:**

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

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

FY90 impact is zero.

Prepared by: Brant McGee, Public Advocate  
Division: Office of Public Advocacy

Phone: 274-1684  
Date: 1/22/90

Approved by Commissioner: Frank Baxter  
Agency: Department of Administration

Date: 1/23/90

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

**FISCAL NOTE**

**REQUEST:**

Revision Date: \_\_\_\_\_ Agency Affected: Dept. of Administration  
 Title: "An Act modifying procedures for juvenile delinquency detention hearings..." BRU: Public Defender Agency  
 Sponsor: Rules Committee Components: Third Judicial District  
 Requestor: Governor

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

OPERATING	FY91	FY 92	FY 93	FY 94	FY 95	FY 96
PERSONAL SERVICES						
TRAVEL						
CONTRACTUAL						
SUPPLIES						
EQUIPMENT						
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
TOTAL OPERATING	-0-	-0-	-0-	-0-	-0-	-0-

CAPITAL						
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REVENUE						
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**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) FY 90 impact is zero.

Prepared by: John B. Salemi, Public Defender  
 Division: Public Defender Agency  
 Approved by Commissioner: Frank Baxter  
 Agency: Department of Administration

Phone: 279-7541  
 Date: 1/23/90  
 Date: 1/23/90

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

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## FISCAL NOTE

**REQUEST:**

Revision Date:	Agency Affected:	Alaska Court System
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>

CAPITAL						
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REVENUE						
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**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.

# HOUSE COMMITTEE REPORT

(7)

Date Referred: January 24, 1990

FURTHER REFERRALS:

FINANCE

Date of Committee Action: 3/23/90

The JUDICIARY Committee considered:

HB 19

HOUSE BILL NO. 19

FOSTER CARE REVIEW BOARDS

"An Act relating to review panels for children in foster care; and amending Rule 19 of the Child in Need of Aid Rules."

RECOMMENDATIONS:

be replaced with

CS HB 19 (Judiciary)

the same title

a new title

have attached amendment(s)

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 Admin

fiscal note(s) ~~\_\_\_\_\_~~

zero fiscal note \_\_\_\_\_

zero fiscal note(s) \_\_\_\_\_

zero with analysis \_\_\_\_\_

zero fn/analysis \_\_\_\_\_

SIGNING DO PASS:

SIGNING:

(Check approp. column)

Do Not Pass No Rec Amend

[Signature]  
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[Signature]

	Do Not Pass	No Rec	Amend
<u>[Signature]</u>		<input checked="" type="checkbox"/>	

[Signature]  
Chairman's Signature

## FISCAL NOTE

**REQUEST:**

Revision Date: \_\_\_\_\_ Agency Affected: Department of Administration  
 Title: "An Act relating to citizen review panels for certain children in state custody ..." BRU: Citizens Review Panel  
 Sponsor: Collins, Gruenberg, Ulmer Components: \_\_\_\_\_  
 Requestor: \_\_\_\_\_

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

OPERATING	FY91	FY 92	FY 93	FY 94	FY 95	FY 96
PERSONAL SERVICES	395.0	471.9	485.1	485.1	485.1	485.1
TRAVEL	32.5	46.4	45.8	45.8	45.8	45.8
CONTRACTUAL	146.3	142.2	142.2	142.2	142.2	142.2
SUPPLIES	11.1	11.1	11.1	11.1	11.1	11.1
EQUIPMENT	112.0	1.5	1.5	1.5	1.5	1.5
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
<b>TOTAL OPERATING</b>	<b>696.9</b>	<b>673.1</b>	<b>685.7</b>	<b>685.7</b>	<b>685.7</b>	<b>685.7</b>

CAPITAL						
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REVENUE						
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**FUNDING:** (Thousands of Dollars)

GENERAL FUND	696.9	673.1	685.7	685.7	685.7	685.7
FEDERAL FUNDS						
OTHER						
<b>TOTAL</b>	<b>696.9</b>	<b>673.1</b>	<b>685.7</b>	<b>685.7</b>	<b>685.7</b>	<b>685.7</b>

**POSITIONS:**

FULL-TIME	11	11	11	11	11	11
PART-TIME	-0-	-0-	-0-	-0-	-0-	-0-
TEMPORARY	11	11	11	11	11	11

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

Any FY90 costs to be absorbed by Department of Administration and Department of Health and Social Services.

See attached.

Prepared by: James J. Fox  
 Division: Deputy Commissioner, Commissioner's Office

Phone 465-2200  
 Date: 3/20/90

Approved by Commissioner: Frank S. Baxter, Commissioner  
 Agency: Department of Administration

Date: 3/20/90

**Distribution (by preparer):**

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

Draft CS HB 19 (Jud)

The function of the agency established under this bill is to provide for an additional, non-departmental, review of longer term out-of-home placements for children and youth in the custody of the Department of Health and Social Services. The individual review is to result in specific recommendations for services to the child. The overall process is to result in periodic summary reports of the placement activities of the division and recommendations for improvement of services to children in out-of-home placement.

In scope this program will provide about 1,500 local, individual reviews effecting about 1,000 children each year. The geographic area covered is equal to about 15% of the United States.

This fiscal note is based on several assumptions.

1. The service provided is to supplement, and enhance, services provided by the Division of Family and Youth Services.
2. To the extent possible DFYS social work staff should not have to assume additional administrative burdens.
3. If possible, the process should lessen current administrative activities of DFYS social work staff, permitting more time for direct service.
4. The review process should involve local individuals who receive some training in child welfare issues and who are knowledgeable of local social and cultural customs.
5. Local review panels are volunteers and receive no recompense.
6. The state panel reviews the service of the local panels, hires the agency director, and sets agency policy and procedure for carrying out statutory obligations including reports and recommendations.
7. The success of the panels will be contingent on maintaining credibility in recommendations and fostering a positive working relationship with the division. The subjective measure will be public acceptance of the process. The objective measure will be the implementation of recommendations and improvements in permanent placements for children.
8. Because the review process will require synthesis and summary from case files as preparation for panel review, it was

felt that panel professional staff should have knowledge of, and background in, human services. Hence the use of the Social Worker III classification for professional staff.

9. Staffing patterns were developed from an analysis of where the children were in placement, estimates from current staff as to the time required for different parts of the process and the level of support staff needed in similar activities.

10. As the panel members will be volunteers, an assumption was made that an effort would be made to appoint sufficient local panels to permit timely reviews to be provided without asking individual panel members to contribute more than one, or at most two full days per month.

11. The fiscal note provides for establishing 3 offices, with the largest office, and agency headquarters, in Anchorage and smaller offices in Fairbanks and Juneau.

12. As many as 11 local review panels are contemplated for areas remote from the 3 field offices. Some will meet monthly and some will meet only quarterly. The staff travel budget is predicated on providing on-site support for the panel meetings.

13. Local panel training assumes the participation of DFYS (at their expense). The delivery is at the local level and provided by agency staff (review panel staff and DFYS staff). Extra on-site days for staff are included in the travel budget for this training. \$2,500 per year is included in the budget for the purchase and/or development of training material. Initial training (orientation) is covered in the first two years and after that it is assumed about 1/2 the panels would receive further training each year.

14. Space needs are DOA standards for staff. Space needs include a large conference/meeting room for Anchorage. Local panels there would be meeting 1 to 3 days per week. If reliable donated space can be found for this purpose the space costs could be reduced accordingly.

15. Teleconference equipment is included for each office. This equipment is portable so as to be usable by local review panels in field location.

16. Recording equipment is included for use by the review panels in both office and field locations.

17. Equipment is included for a local area network in the Anchorage office and modems are included for each office location for transfer of data and reports. Also a fax machine is included

for each office. Each modem and fax machine will require a dedicated phone line.

Other one time equipment purchases include the ordinary office equipment needs -- desks, tables, chairs, bookshelves, storage cabinets, files, telephones, etc. A PC and dot matrix printer is included for all positions except the receptionist position in Anchorage. One good letter quality printer per office is substituted for one of the dot matrix printers.

18. \$20,000 is included for programming of off-the-shelf software for a data collection/information management system.

19. Prior experience indicates this agency will process a lot of paper. Very heavy duty copiers were budgeted for both Anchorage and Fairbanks. A lighter duty model was budgeted for in Juneau.

20. Budgeted amounts for postage, toll charges and supplies are a best guess based on prior experience and a review of other agency budgets.

21. The potential for donated, surplus or transferred equipment and furniture is unknown at this point. As with possible donated space -- receipt would lessen the fiscal requirements.

22. No ancillary costs are budgeted for local panel expenses. It is assumed space would be provided locally at no cost to the agency. No parking expenses, child care expenses or other possible out of pocket expenses for local panel members are budgeted.

23. Space requirements are figured at \$2.00 a square foot and occupancy is assumed by 10/1/90. Operation until that time will be from borrowed space (presumably DOA and/or DFYS).

24. It is assumed that nominations for the State Panel will be made early (upon passage of this bill) and that they will be able to meet in July and make the selection of an Executive Director who will be able to quickly select an assistant and begin hiring other agency staff. While the start time is ambitious, a considerable body of procedure and material has already been developed through existing internal review panels conducted by DFYS and through the Ketchikan pilot project.

ASSUMES OFFICE LOCATIONS OF ANCHORAGE, JUNEAU AND FAIRBANKS

**Professional Services**

1st Year	\$22,500 (\$20,000 for Information System Development)
2ond Year	\$2,500 Trainer/Training Material

**Communication**

Telephone	\$25,140
Postage (750/mo)	\$9,000
Teleconferences (6)	\$2,700
Advertising, Printing For recruitment, rept	\$3,925
Minor Repair/Maint.	\$3,600 (\$300/Mo.)
Copiers (2 @ 1,050/mo and 1 @ 550/mo)	\$31,800
Space (9 Mo. 1st Yr.)	\$47,655
Total 1st Year	\$146,320
Total 2ond Year	\$142,205

**Supplies and Materials**

Office & Library Supplies, \$900/Month	\$10,800
Data Processing Sup.	\$300
Total	\$11,100

**One Time Special Equipment Needs**

Fax Machine	3	\$5,100
File Server (Anc)	1	\$13,000
LAN Network (Anc)	1	\$1,895
Modems	3	\$2,085
Storage Cabinets	3	\$1,275
Miscl. Furniture	1	\$3,000
Recording Equip.	6	\$2,850
Teleconf. Equip. Portable	3	\$12,000
<b>Total</b>		<b>\$41,205</b>

One Time Needs For Individual Staff \$70,765

Total One Time Equipment \$111,970

2ond and Subsequent Years \$1,500  
Replacement of Small  
Equipment - recorders, etc.

Five Member State Panel

To Anchorage -- State Wide Panel

5 Panel Members

1st Year	Persons		
\$400 Transportation	3	\$2,400	2 Trips
\$15 Transportation	2	\$60	2 Trips
\$80 Per Diem for	5	\$3,200	8 Days/Year
\$80 Per Diem for	3	\$960	4 Days Travel Time
		\$6,620	

2ond (& Subsequent) Years			
\$400 Transportation	3	\$2,400	2 Trips
\$15 Transportation	2	\$60	2 Trips
\$80 Per Diem for	5	\$2,400	6 Days/Year
\$80 Per Diem for	3	\$960	4 Days Travel Time
		\$5,820	

Staff - 1st Year

Executive Director

Trip/Days

\$400 Transportation	1	\$385	1 Trip For Departmental Orientation
\$80 Per Diem for	1	\$240	3 Days For Departmental Orientation
\$500 Transportation	1	\$500	1 Trip Ketchikan Office
\$80 Per Diem for	1	\$320	4 Days/Trip Ketchikan Office
\$385 Transportation	1	\$770	2 Juneau Trip For Administrative Functions
\$80 Per Diem for	1	\$320	4 Days in Juneau For Administrative Functions
\$212 Transportation	1	\$424	2 Trips to Fairbanks Office
\$80 Per Diem for	1	\$320	4 For Trips to Fairbanks Office
Total		\$3,279	

2ond (& Subsequent) Years

Executive Director

\$385 Transpertation	1	\$2,310	6 Juneau Trip For Administrative Functions
\$80 Per Diem for	1	\$960	12 Days in Juneau For Administrative Functions
\$212 Transportation	1	\$848	4 Trips to Fairbanks Office
\$80 Per Diem for	1	\$480	6 For Trips to Fairbanks Office
Total		\$4,598	

1st Year

Line Staff

Trip/Days

\$421 Transportation	1	\$2,946	7 Local Panel Training
\$80 Per Diem for	1	\$1,120	14 Days For Local Pannel Training
\$421 Transportation	1	\$13,045	31 Local Panel Reviews
\$80 Per Diem for	1	\$4,960	62 Days For Local Panel Reviews
\$385 Transportation	1	\$385	1 Departmental Orientation for Adm. Assistant
\$80 Per Diem for	1	\$160	2 Days for Departmental Orientation for Adm. A
Total		\$22,615	

2ond Year

Line Staff

Trip/Days

\$421 Transportation	1	\$1,262	3 Local Panel Training
\$80 Per Diem for	1	\$480	6 Days For Local Pannel Training
\$421 Transportation	1	\$23,986	57 Local Panel Reviews
\$80 Per Diem for	1	\$9,120	114 Days For Local Panel Reviews
\$385 Transportation	1	\$770	2 Departmental Administrative Trainingfor Adm.
\$80 Per Diem for	1	\$320	4 Days ForDepartmental Administrative Training
Total		\$35,938	

3rd (& Subsequent) Years

Line Staff

Trip/Days

\$421 Transportation	1	\$1,683
\$80 Per Diem for	1	\$640
\$421 Transportation	1	\$23,144
\$80 Per Diem for	1	\$8,800
\$385 Transportation	1	\$770
\$80 Per Diem for	1	\$320

4 Local Panel Development/Training
8 Days For Local Pannel Training
55 Local Panel Reviews
110 Days For Local Panel Reviews
2 Departmental Training For Adm. Assistant
4 Days For Departmental Training For Adm. Assi

Total	\$35,357
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Administrative Totals

1st Year	\$32,514
2ond Year	\$46,356
3rd Year	\$45,775

Monthly Panels	Panels	Hearing Days Per Month	Trips	\$/Trip	\$/Yr	Days Per Trip	Per diem Per Trip \$80.00	Per diem Per Trip Per Year
Bethel	2	2.50	12	\$450	\$5,400	4	320	\$3,840
Dillingham	1	.33	4	\$372	\$1,488	3	240	\$960
Kenai	1	1	12	\$132	\$1,584	2	160	\$1,920
Kodiak	1	.33	2	\$418	\$836	3	240	\$480
Unalaska	1	.33	1	\$876	\$876	3	240	\$240
Delta	1	.33	4	\$50	\$200	1	80	\$320
Barrow	1	.33	4	\$778	\$3,112	2	160	\$640
Galena	1	.33	4	\$170	\$680	1	80	\$320
Nome	1	.33	4	\$684	\$2,736	2	160	\$640
Ketchikan	2	2.50	12	\$278	\$3,336	2	160	\$1,920
Total	12	8.33	59	\$4,208	\$2,025		\$184	\$1,128
Locations	10					12	12	12
		Average \$/Trip		\$421	\$24,298	\$/Yr	\$2,208	\$13,536

First Year Classification	Location	BU	Range	Step	FTE	Annual Cost	Space Ft.2	One Time Equipment Costs
Executive Director	Anchorage	X	23	A	.92	\$64,770	175	\$7,320
Administrative Assistant II	Anchorage	S	14	A	.92	\$37,293	98	\$6,316
Clerk II/Receptionist	Anchorage	G	7	A	.83	\$23,926	64	\$1,316
Social Worker III	Anchorage	G	16	A	.83	\$38,369	94	\$6,146
Social Worker III	Anchorage	G	16	A	.83	\$38,369	94	\$6,146
Social Worker III	Anchorage	G	16	A	.75	\$34,996	94	\$6,146
Clerk III	Anchorage	G	9	A	.83	\$26,248	64	\$8,361
Social Worker III	Fairbanks	G	16	A	.83	\$39,450	94	\$6,146
Clerk III	Fairbanks	G	9	A	.83	\$26,941	64	\$8,361
Social Worker III	Juneau	G	16	A	.83	\$38,369	94	\$6,146
Clerk III	Juneau	G	9	A	.83	\$26,248	64	\$8,361
Ancillary Space Needs					9.25	\$394,980	999	\$70,765
Photocopier	3	255						
File Storage	6	54						
Storage Cabinets	4	60						
Reception/Meeting Area		750						
Base Space Requirements		2,118.00						
25% access		529.50						
		2647.50						
Cost Estimate /ft2	\$2.00	\$63,540						

Second Year Classification	Location	BU	Range	Step	FTE	Annual Cost
Executive Director	Anchorage	X	23	B	1	\$72,476
Administrative Assistant II	Anchorage	S	14	B	1	\$41,475
Clerk II/Receptionist	Anchorage	G	7	B	1	\$28,398
Social Worker III	Anchorage	G	16	B	1	\$46,643
Social Worker III	Anchorage	G	16	B	1	\$46,643
Social Worker III	Anchorage	G	16	B	1	\$46,643
Clerk III	Anchorage	G	9	B	1	\$31,379
Social Worker III	Fairbanks	G	16	B	1	\$47,989
Clerk III	Fairbanks	G	9	B	1	\$32,236
Social Worker III	Juneau	G	16	B	1	\$46,643
Clerk III	Juneau	G	9	B	1	\$31,379
					11	\$471,903

Third Year Classification	Location	BU	Range	Step	FTE	Annual Cost
Executive Director	Anchorage	X	23	C	1	\$74,607
Administrative Assistant II	Anchorage	S	14	C	1	\$42,763
Clerk II/Receptionist	Anchorage	G	7	C	1	\$29,072
Social Worker III	Anchorage	G	16	C	1	\$48,006
Social Worker III	Anchorage	G	16	C	1	\$48,006
Social Worker III	Anchorage	G	16	C	1	\$48,006
Clerk III	Anchorage	G	9	C	1	\$32,128
Social Worker III	Fairbanks	G	16	C	1	\$49,396
Clerk III	Fairbanks	G	9	C	1	\$33,009
Social Worker III	Juneau	G	16	C	1	\$48,006
Clerk III	Juneau	G	9	C	1	\$32,128
					11	\$485,126

### SUMMARY OF COSTS

#### First Year

\$394,980	100	-- Personnel Services
\$32,514	200	-- Travel
\$146,320	300	-- Contractual
\$11,100	400	-- Supplies
\$111,970	500	-- Equipment

\$696,885 Total

#### Second Year

\$471,903	100	-- Personnel Services
\$46,356	200	-- Travel
\$142,205	300	-- Contractual
\$11,100	400	-- Supplies
\$1,500	500	-- Equipment

\$673,064 Total

#### Third Year

\$485,126	100	-- Personnel Services
\$45,775	200	-- Travel
\$142,205	300	-- Contractual
\$11,100	400	-- Supplies
\$1,500	500	-- Equipment

\$685,706 Total

ANCHORAGE FIELD OFFICE  
3/16/90

Children In Out-Of-Home Care for > 6 Months

Field Office	Total	Hrs. Per Hearing	Hrs. Per Year (X2) for Panel Days/Year	Divided by 6	Prof. FTE's Required
Anchorage	234	234	468	78	1.36
Eagle River	11	11	22	3.67	.06
Glenallen	2	2	4	.67	.01
Palmer	26	26	52	8.67	.15
Valdez	1	1	2	.33	.01
Cordova	1	1	2	.33	.01
McGrath	2	2	4	.67	.01
<b>Sub-Total</b>	<b>277</b>	<b>277</b>	<b>554</b>	<b>92.33</b>	<b>1.61</b>
Bethel	64	64	128	21.33	.37
Kwigillingok	1	1	2	.33	.01
Mt. Village	4	4	8	1.33	.02
Aniak	15	15	30	5	.09
<b>Sub-Total</b>	<b>84</b>	<b>84</b>	<b>168</b>	<b>28</b>	<b>.49</b>
Dillingham	8	8	16	2.67	.07
Naknek	3	3	6	1	.03
<b>Sub-Total</b>	<b>11</b>	<b>11</b>	<b>22</b>	<b>3.67</b>	<b>.10</b>
Kenai	36	36	72	12	.33
Seward	1	1	2	.33	.01
Homer	4	4	8	1.33	.04
<b>Sub-total</b>	<b>41</b>	<b>41</b>	<b>82</b>	<b>13.67</b>	<b>.38</b>
Kodiak	8	8	16	2.67	.07
<b>Sub-Total</b>	<b>8</b>	<b>8</b>	<b>16</b>	<b>2.67</b>	<b>.07</b>
St. Paul	3	3	6	1	.03
Sand Point	6	6	12	2	.06
Unalaska	2	2	4	.67	.02
<b>Sub-Total</b>	<b>11</b>	<b>11</b>	<b>22</b>	<b>3.67</b>	<b>.10</b>
<b>Regional Total</b>	<b>434</b>	<b>434</b>	<b>868</b>	<b>144.67</b>	<b>2.76</b>

FAIRBANKS FIELD OFFICE

Children In Out-Of-Home Care for > 6 Months

Field Office	Total	Hrs. Per Hearing	Hrs. Per Year (X2)	Divided by 6 for Panel Days/Year	Prof. FTE's Required
Fairbanks	95	95	190	31.67	.55
Nenana	8	8	16	2.67	.05
Ft. Yukon	2	2	4	.67	.01
<b>Sub-Total</b>	<b>105</b>	<b>105</b>	<b>210</b>	<b>35</b>	<b>.61</b>
Delta	3	3	6	1	.03
Tok	6	6	12	2	.06
<b>Sub-Total</b>	<b>9</b>	<b>9</b>	<b>18</b>	<b>3</b>	<b>.08</b>
Barrow	15	15	30	5	.14
<b>Sub-Total</b>	<b>15</b>	<b>15</b>	<b>30</b>	<b>5</b>	<b>.14</b>
Galena	7	7	14	2.33	.06
<b>Sub-Total</b>	<b>7</b>	<b>7</b>	<b>14</b>	<b>2.33</b>	<b>.06</b>
Nome	4	4	8	1.33	.04
Kotzebue	2	2	4	.67	.02
<b>Sub-Total</b>	<b>6</b>	<b>6</b>	<b>12</b>	<b>2</b>	<b>.06</b>
<b>Regional Total</b>	<b>142</b>	<b>142</b>	<b>284</b>	<b>47.33</b>	<b>.95</b>

JUNEAU FIELD OFFICE

Children In Out-Of-Home Care for > 6 Months

Field Office	Total	Hrs. Per Hearing	Hrs. Per Year (X2)	Divided by 6 for Panel Days/Year	Prof. FTE's Required
Juneau	35	38	76	12.67	.35
Sitka	6	6	12	2	.06
Petersburg	2	2	4	.67	.02
<b>Sub-Total</b>	<b>46</b>	<b>46</b>	<b>92</b>	<b>15.33</b>	<b>.42</b>
Wrangell	8	8	16	2.67	.07
Craig	4	4	8	1.33	.04
Ketchikan	32	32	64	10.67	.29
<b>Sub-Total</b>	<b>44</b>	<b>44</b>	<b>88</b>	<b>14.67</b>	<b>.41</b>
<b>Regional Total</b>	<b>90</b>	<b>90</b>	<b>180</b>	<b>30</b>	<b>.83</b>
<b>Grand Total</b>	<b>666</b>	<b>666</b>	<b>1332</b>	<b>222</b>	<b>4.54</b>

# Alaska State Legislature



## House of Representatives House Judiciary Committee

P. O. Box V  
State Capitol  
Juneau, Alaska 99811  
(907) 465-4990  
(907) 465-4712

### MEMORANDUM

TO: Representative Ron Larson, Co-Chair  
Representative Lyman Hoffman, Co-Chair  
House Finance Committee

FROM: House Judiciary Committee *Peter Jones* *Mr. Hoffman*

DATE: March 21, 1990

RE: House Bill 19, "An Act relating to citizen review panels for certain children in state custody; court review of cases relating to children; establishing the Citizen's Review Panel for Permanency Planning; and providing for an effective date."

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The House Judiciary Committee joins with Representative Virginia Collins, the sponsor of HB 19, in strongly requesting a reduction in the fiscal note accompanying the bill.

The fiscal note includes funding for professional staff at the Social Worker III level. This program does not require any social worker positions. In addition, clerical support is under-represented and the regional professional office positions are not required.

We recommend the following for personnel services:

- 1 program coordinator at a Range 21
- 1 assistant to the coordinator at a Range 14
- 5 clerk IV's at a Range 9 (one for each judicial district with an extra clerk for Anchorage)
- 2 clerk III's at a Range 8

We further believe that facilities can be provided by the Court System (see attached letter from Art Snowden offering space and recording equipment) and by other public agencies at no additional costs to their budgets. We also believe that equipment and furniture costs could be reduced or

eliminated by the use of surplus or transferred equipment and furniture.

We would appreciate your review of these options, and we urge a significant reduction in the fiscal note if it can be accomplished without damaging the integrity of this important program.



JAN 23 1990

## Alaska Court System

State of Alaska

303 "K" STREET  
ANCHORAGE, ALASKA  
99501

ARTHUR H. SNOWDEN II  
ADMINISTRATIVE DIRECTOR

(907) 274-8511

January 20, 1990

Representative Virginia M. Collins  
House of Representatives  
Alaska State Legislature  
P.O. Box V  
Juneau, Alaska 99811

Dear Representative Collins:

As per our conversation today, the Court System reiterates its offer to provide meeting space and the use of recording equipment for the foster care review panels.

Sincerely,

A handwritten signature in dark ink, appearing to read "Arthur H. Snowden, II".

Arthur H. Snowden, II

c: Representative Peter Goll and  
Representative Max Gruenberg,  
Co-Chair, House Judiciary Committee

The following fiscal information is in reference to the third paragraph of the House Judiciary Committee's memorandum to the House Finance Co-chairs, dated March 21, 1990:

POSITION:	BU	FY91	FY92	FY 93...
Program coordinator, Range 21:	S	\$62,208	64,332	66,132
Assistant coordinator, Range 14:	G	39,912	41,112	42,396
Clerk IV, Range 9, Anchorage:	G	30,990	31,770	32,580
Clerk IV, Range 9, Anchorage:	G	30,990	31,770	32,580
Clerk IV, Range 9, Anchorage:	G	30,990	31,770	32,580
Clerk IV, Range 9, Juneau:	G	30,990	31,770	32,580
Clerk IV, Range 9, Fairbanks:	G	32,040	32,850	33,696
Clerk III, Range 8, Anchorage:	G	29,442	30,192	30,990
Clerk III, Range 8, Fairbanks:	G	30,426	31,206	32,040
TOTAL Personnel Costs		\$317,988	\$326,772	\$335,574
(This represents a reduction in DOA fiscal note as indicated:)		- 77,012	- 145,128	- 145,526
With these reductions, the DOA fiscal note's "Total Operating" expenditure would be as indicated:		\$619,888	\$527,972	\$540,174



# MEMORANDUM

State of Alaska

TO: The Honorable Johnny Ellis  
Alaska State House

DATE: May 5, 1989

FILE NO: HB 19

TELEPHONE NO: 465-3170

THRU:

SUBJECT: HB 19 - Workdraft  
4/25/89

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

The Division appreciates the opportunity to comment on the 4/25/89 workdraft on House Bill 19. Listed below are our suggested changes to HB 19.

Section 1.

page 1, line 19, after the word "families", add: identifying the lack of available services for families,

Section 2.

page 3, line 4, after the word "department", add: gaps in services which could prevent out-of-home placement;

These recommended changes reflect the need to have panels document services needed but not available.

Section 2.

page 1, lines 27-28, after the word "governor", delete: [FROM AMONG PAST OR PRESENT MEMBERS OF LOCAL CITIZEN REVIEW PANELS ESTABLISHED UNDER AS 47.10.420.]

add: following the same procedures as outlined for all Boards and Commissions.

As the bill is drafted, local panels would need to be in existence prior to the state panel. Since the state panel has the responsibility of establishing the governing policies and procedures for the whole project, this appears to be a problem for implementation. Also, it would appear to be advantageous to follow the same appointment procedures for the state panel as for all Governor appointees. This method could eliminate some of the political overtones to the appointments. The state panel would employ a director whose staff would be responsible for the recruitment, screening, and training of local panel members. The

state panel would make the final selection of local panel members. The following changes would also need to be made to reflect this method of appointments:

Section 47.10.420

page 3, line 9, after (a), add: The state panel will select from [THE GOVERNOR SHALL APPOINT FOR]

page 3, line 12, after the word "district", add: selection of panel members shall be made from screened volunteers.

page 3, line 17, after (b) remove [THE GOVERNOR SHALL APPOINT TO A], add: The local panel persons will have training experience and a demonstrated interest in the welfare of children.

page 3, (last line), after the words "caseload, the", remove the word [GOVERNOR], and add: state panel.

The following recommended changes are explained with each section:

Section 47.10.460 -- Three changes are recommended to this section to include the appropriate statutory cites for children in the custody of the state.

page 4, line 25, after "AS 47.10.080" add: (b)(3), AS 47.10.080 (c)(1), (c)(3); and after "AS 47.10.142", add or 47.10.230 (c).

page 5, line 9, after the word "under" add: AS 47.10.080(b)(3), AS 47.10.080(c)(1) and (c)(3) and AS 47.10.230(c).

page 5, lines 10-13, remove section (c), because by including the statutes cites directly, above, all cases will be reviewed.

Section 47.10.460(f)(2) -- Since permanent placement is more inclusive, it is recommended as a replacement term for adoptive parent.

para-6, line 9, remove the words [AND ELIGIBLE AS ADOPTIVE PARENT], and add: for a permanent placement.

Section 47.10.460(f)(3), and (i), and Section 47.10.470(a) - References are made to private agencies and institutions which imply that those organizations have permanency planning responsibilities as well as the ability to assume custody of a child. These organizations in Alaska do not have these types of

May 5, 1989

responsibilities. Some private agencies accept voluntary physical custody of children for the purposes of placing for adoption. Is it the intent of this legislation to review voluntary placements? It is recommended that references to private agencies and institutions be removed as follows:

page 6, lines 10-13, remove subsection (3)

page 6, lines 28-29 and page 7, lines 1-3, remove subsection (i)

Page 7, lines 7-10, remove section (a)

Section 47.10.500 -- The Department is a party and probably should be included in this section.

page 8, line 22, after the word "means" add: the Department of Health and Social Services

Sec. 5 AS 47.10.080(1) -- It is suggested that the term "taken into custody" more accurately reflects the legal action than "initially committed".

page 9, line 23, after the words "a minor is" add: taken into custody and remove [INITIALLY COMMITTED].

YMC:MAH:jsd

cc: Jay Livey



## Alaska Court System

State of Alaska

303 "K" STREET  
ANCHORAGE, ALASKA  
99501

ARTHUR H. SNOWDEN II  
ADMINISTRATIVE DIRECTOR

(907) 274 9611

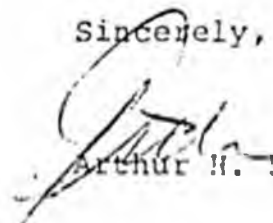
January 20, 1990

Representative Virginia M. Collins  
House of Representatives  
Alaska State Legislature  
P.O. Box V  
Juneau, Alaska 99811

Dear Representative Collins:

As per our conversation today, the Court System iterates its offer to provide meeting space and the use of recording equipment for the foster care review panels.

Sincerely,

  
Arthur H. Snowden, II

c: Representative Peter Goll and  
Representative Max Gruenberg,  
Co-Chair, House Judiciary Committee

*Hayden  
Please note  
add to F.C. Bill file*

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 Mayo*

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

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 number of workers increase, but to put children and families through duplicate panel processes 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.

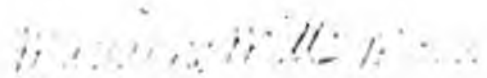
--There have been horror stories from other states with systems similar to those proposed by HB 19 which relate to lack of professionalism; for the system to work effectively, it is imperative that the training and professional judgement of those social service professionals who are responsible for carrying 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, M.S.W.



REC'D APR 24 1989

ALASKA CHAPTER  
NATIONAL ASSOCIATION OF  
SOCIAL WORKERS

8923 Tanis 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

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."

OFFICE OF PUBLIC ADVOCACY  
POSITION PAPER  
WORK DRAFT FOR CS FOR HOUSE BILL NO. 19 (HESS)  
DATED 4/3/89

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 their 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

→ Add 2nd review 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),

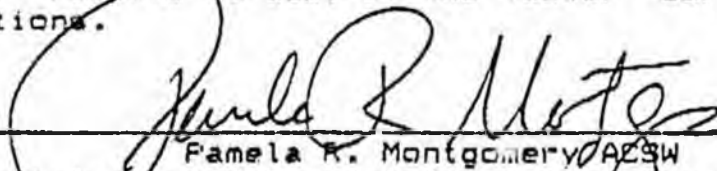
To streamline the distribution of the foster care review panel's recommendations, we suggest that Sec. 47.10.440 (e) be amended to read: Except as provided in (f) of this section, the panel shall submit a written report to the court and the parties within 30 days after reviewing the case. The report 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.

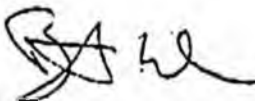
Sec. 47.10.440 (f) adequately addresses the legal concerns of a pre-adjudication review. However, we suggest that not only the Department receive the panel's recommendations but that the other parties receive the recommendations also. The court would NOT receive the panel's recommendations prior to an 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 ~~General~~ <sup>General</sup> 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 ACSW  
Court Appointed Special Advocate Program Director  
Office of Public Advocacy

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

TO: REPRESENTATIVE COLLINS

ATTN: MARVeen

P. 1  
For Conference 4/5/89  
4:30 P.M.

From:

DILL HITCHCOCK

~~CAMPBELL 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.



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

## 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 (Juvenile records research in Alaska C 1972)	30%	45%	43%	57%	67%	100%	100%

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:

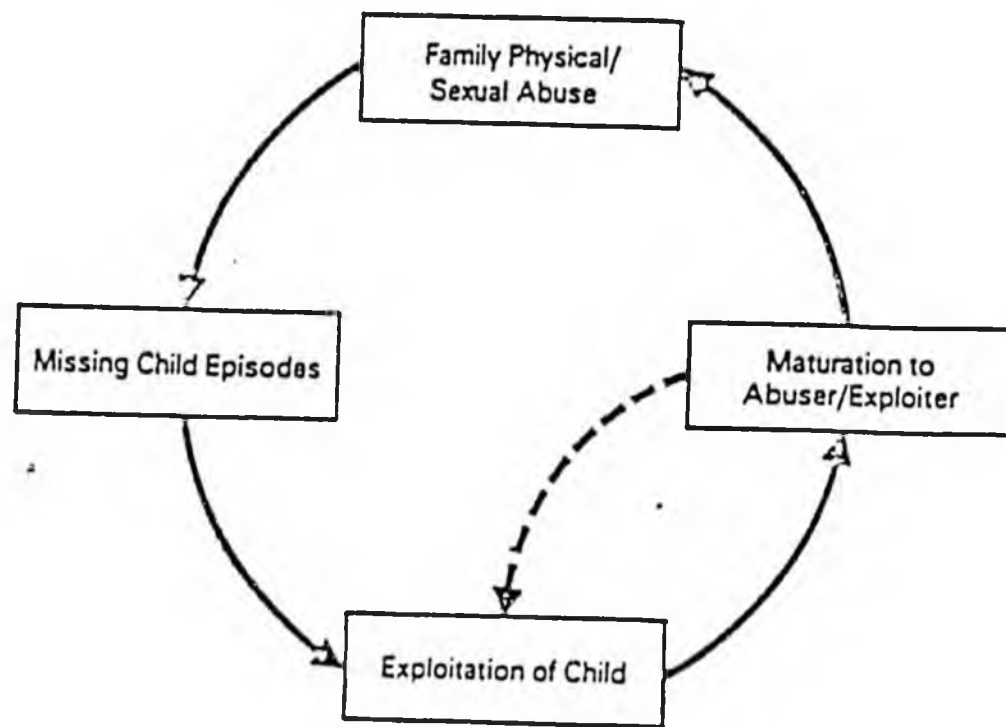
"Those of you who are parents who love children have a vested interest. Those of you that don't have children and really aren't concerned with children but won't admit it publicly, consider this: 80% of the convicted felons that are in federal prisons, by an FBI survey, were physically or sexually abused 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)

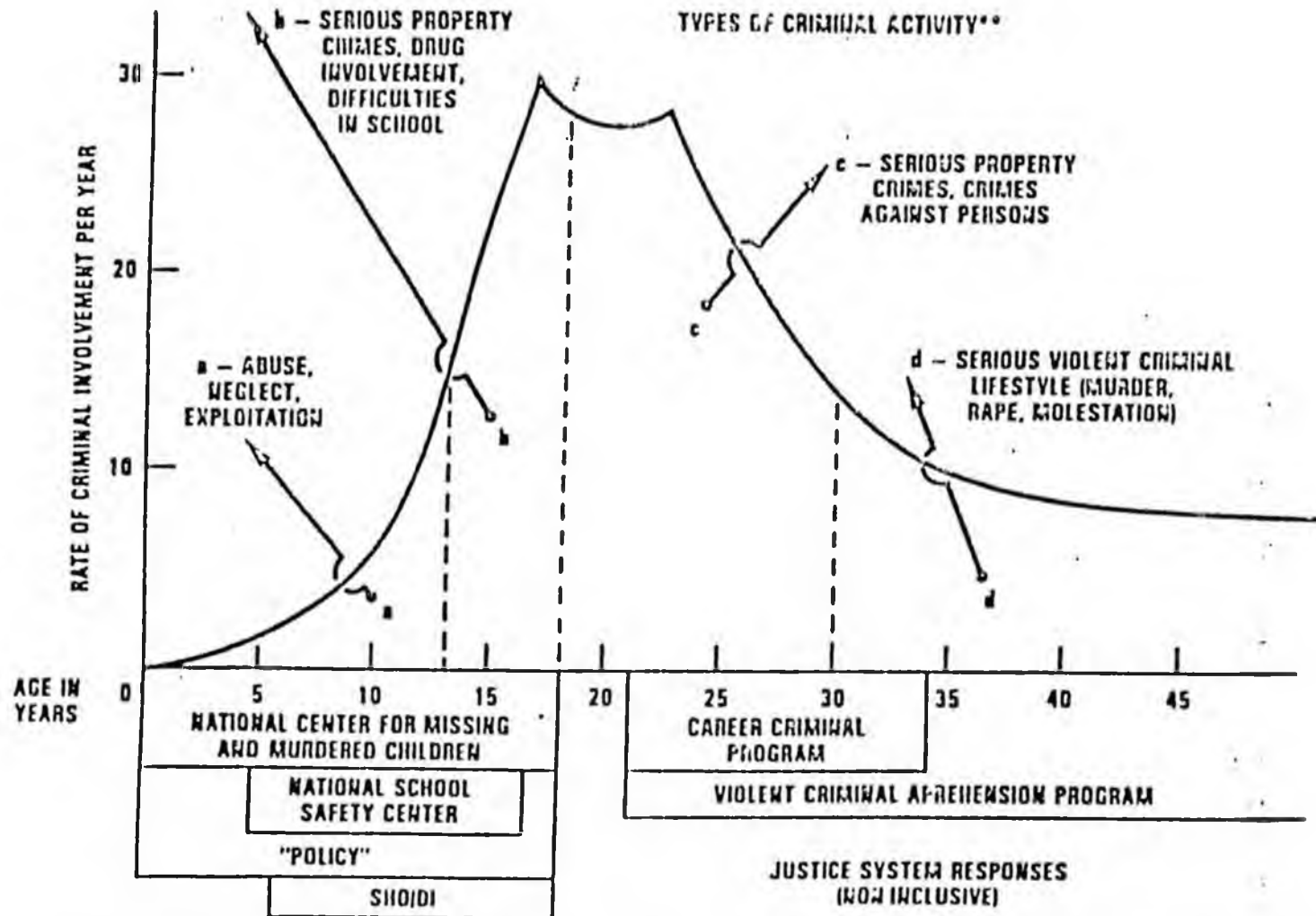
These are but a few references to the connection between abused children and serious juvenile and adult offenders. If we can make significant progress toward treatment and recovery of children who are the products of dysfunctional families, it is glaringly obvious that there will be an accompanying reduction 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\*



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

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

\*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	CLASS	SEX	****AGE****					TOT under 18	***RACE***			Asn
			12/ Und	13 14	15	16	17		Whit	Blk	Ind	
Murder	01A	M F					2	2	1		1	
Manslaught.	01B	M F					1	1	1			
Rape	02	M F		1			2	3	3			
Robbery	03	M F			4	3	1	8	9		1	
						1	1	2				
Agg. Assault	04	M F	3 1	12 1	8 4	15 5	27 4	65 15	54	5	21	
Burglary	05	M F	91 14	90 10	49 5	129 1	86	445 30	345	14	115	1
Larceny	06	M F	230 127	321 204	182 115	215 85	189 86	1137 617	1322	145	247	40
MV Theft	07	M F	14 1	21 8	19 7	46 8	34 8	134 32	112	10	41	3
Other Asslts.	08	M F	14 3	23 17	20 5	24 10	30 11	111 46	92	20	43	2
Arson	09	M F	2 1	3	3		3 1	11 2	10	1	2	
Forgery	10	M F	1	1 1		4 1	2	8 2	9	1		
Fraud	11	M F		1	1	2 2	2	6 2	7	1		



Theresa Tanowry 3208

**DRAFT**

FEDERAL REQUIREMENTS

The Adoption Assistance and Child Welfare Act of 1980 (42 USC 670 et seq. and 42 USC 620 et sec. (P.L. 96-2727), amended the Social Security act to add Title IV-E and amend Title IV-B. The intent of Congress was to assist states in providing more effective services to children to prevent unnecessary out-of-home placements and speed family reunification when placement has been necessary.

Toward that end, Title IV-E provides for partial Federal reimbursement to states of foster care maintenance costs for a child when:

(1) the child was a recipient of Aid to Families with Dependent Children (AFDC) or would have been a recipient had application been made;

(2) there is a court determination in the order authorizing the removal that remaining in the home from which the child was removed would have been contrary to the welfare of the child;

(3) there is a Court determination that reasonable efforts were made to prevent the removal and, during review hearings, that reasonable efforts are being made to reunite the family;

(4) there is a case plan developed for each child for whom the state receives foster care maintenance reimbursement; and

(5) the case for each child for whom the state receives such reimbursement is reviewed according to the requirements of this act.

Title IV-B addresses the intent of Congress to improve child welfare services for all children, including those not eligible for AFDC or Title IV-E reimbursement, by providing block grants to states based on per capita income formulas. Section 427 of Title IV-B provides encouragement for further improving those services by offering additional incentive grants to states that meet the requirements of that section.

Section 427 expands the requirement for case plans and case reviews to include all children in out of home care in the custody of the state rather than just those children meeting Title IV-E requirements. Section 427 of Title IV-B refers to Title IV-E, section 475(5) and (6), for definition of the required case reviews:

(5) The term "case review system" means a procedure for assuring that--

(a) each child has a case plan designed to achieve placement in the least restrictive (most family like) setting available and in close proximity to the parents' home, consistent with the best interest and special needs of the child,

(b) the status of each child is reviewed periodically but no less frequently than once every six months by either a court or by

administrative review (as defined in paragraph (6) 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, and

(c) with respect to each such child, procedural safeguards will be applied, among other things, to assure each child in foster care under the supervision of the State of a dispositional hearing to be held, in a family or juvenile court or another court (including a tribal court) of competent jurisdiction, or by an administrative body appointed or approved by the court, no later than eighteen months after the original placement (and periodically thereafter during the continuation of foster care), which hearing shall determine the future status of the child (including, but not limited to, whether the child should be returned to the parent, should be placed for adoption, or should (because of the child's special needs or circumstances) be continued in foster care

on a permanent or long-term basis); and procedural safeguards shall also be applied with respect to parental rights pertaining to the removal of the child from the home of his parents, to a change in the child's placement, and to any determination affecting visitation privileges of parents.

(6) The term "administrative review" means a review open to the participation of the parents of the child, conducted by a panel of appropriate persons at least one of whom is not services to, either the child or the parents who are the subject of the review.

#### COMPARISON OF FEDERAL REQUIREMENTS AND HB19

The purpose and goal contained in the 5/9/89 Committee Substitute for House Bill No. 19 are establishment of a review process "in order to ensure that children do not linger unnecessarily in foster care or other out-of-home placements, but rather that they receive the support and benefits of a permanent home. . . ." and to "reunite the children with their families by ensuring that services are available and appropriate for reunification, and if reunification is not in the best interests of the child, to expeditiously place the child in a secure, permanent home. . . ." They are certainly compatible with P.L. 96-

272. Further, they are consistent with the philosophy and policy of the Division of Family and Youth Services which has identified the need for case plans, case reviews, and permanent plans since 1971.

The state and local panels that will be established under AS 47.10.400-450 through HB19 not only meet, but exceed the requirements of section 475(6). "A panel of appropriate persons" is interpreted by Federal officials to mean at least three persons, and only one of the three must be uninvolved in the case management of, or service delivery to, of the case subject to review. The panels contemplated by HB29 could be reduced to three members with two alternates.

With respect to the timing and content of case reviews, panels must review the case of each child receiving foster care under the supervision of the state every six months, at a minimum, and HB19, in adding AS 47.10.460(a), provides that a local panel will review all children in out-of-home-care in the custody of the department under AS 47.10.080(b)(3), (c)(1), or (c)(3), 47.10.142, or 47.10.230(c), and is consistent with Federal law. However, it adds the phrase "residing within its [the local panel's] jurisdictional area." That phrase is problematic in that the case of a child from Bethel, with a social worker, parents, guardian ad litem, tribal members, etc. in Bethel, who is placed in residential care in

Anchorage, should be reviewed by the Bethel panel even though the child is "residing" in Anchorage. The child and pertinent Anchorage providers would be involved telephonically. Further, that phrase would preclude a panel reviewing the case of a child in out of state placement.

Sec. 47.10.460(a) should read "A local panel shall review the case plan and actual placement of each child placed in the custody of the department under AS 47.10.080(b)(3), (c)(1), or (c)(3), 47.10.142, or 47.10.230(c) under the jurisdiction of the judicial district served by the panel."

AS 47.10.460(b) would require a local panel to "review a case as required under 42 USC 671-675 (P.L. 96-272) and according to the timing and content requirements of federal law and regulations during the time period that is between 90 and 120 days after the child is in the custody of the department and every six months thereafter." It also provides for substitution of a court review if that review meets the requirements of this subsection. It is, therefore, consistent with federal requirements.

However, subsection (d) provides that the panel will address a variety of factors. Some are similar to the federal requirements, and some are additional. (See Table 1 for comparison.)

TABLE 1

42 USC 675	47.10.460(d)
(1) determining the continuing necessity for and appropriateness of the placement	(1) assess the progress toward achievement of family reunification
(2) determine the extent of compliance with the case plan	or an alternative placement plan
(3) determine the extent of progress which has been made toward alleviating or mitigating the causes necessitating placement	(2) assess the appropriateness of the placement setting
(4) project a likely date by which the child may be returned to the home or placed for adoption or legal guardianship	(3) assess the availability of services and services actually provided to achieve the selected goals
	(4) assess the extent of compliance with ICWA
	(5) assess previous decisions made in the case

47.10.460(d) then directs a panel reviewing a case to "consider

the case plan and any progress report," etc. 42 USC 675 specifically requires that the extent of compliance with the case plan be determined. To prevent confusion either 47.10.460(b) should be altered to cite the requirements of 42 USC 675, with additional requirements directed in 47.10.460(d), or all requirements should be cited clearly, without duplication, in 47.10.460(d). The federal requirements, with any additional state law requirements, must be clearly delineated to prevent oversight or duplication.

For the sake of clarity, and because (1), (2), and (5) listed under 47.10.460(d) reflect the requirements of 42 USC 675, subsection (b) should read "the local panel shall review a case as required under 42 USC 671-675 (PL 96-272) and according to the timing and content requirements of federal law and regulations during the time period that is between 90 and 120 days after the child is in the custody of the department and every six months thereafter. The local panel shall review the case 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 home or placed for adoption or legal guardianship. A court review may be substituted for a review required under this subsection if the court review meets the requirements of this subsection."

The first sentence in subsection (d) would then read "the review shall also assess the availability of services and services actually provided to achieve the selected goals, and the extent of compliance with applicable provisions of 75 USC 1901-1963 (Indian Child Welfare Act).

47.10.460 (c) and (d) address the federal requirement that a review be "open to the participation of the parents of the child." However, revising the order of those persons to read: "parents, guardians, custodians," etc. would better reflect the emphasis placed by federal and state law on parental involvement.

"The case worker or social worker" should read "the department worker".

#### ADDITIONAL ELEMENTS OF HB 19

47.10.460 (e), (f), and (g) identify additional duties of a panel not required by, but not in conflict with, federal law. They require a panel to make recommendations to the department and to provide written reports to the court, the department, and the parties except that, when the child has not yet been adjudicated and the report would then prejudice the court, the report would only go to the department. However, (e) (2), "promote and encourage the department to place or keep children with persons suitable and

eligible as adoptive parents "should be revised to include other valid permanent plans such as guardianship or permanent placements with relatives. (e) (2) would more appropriately read "promote and encourage the department to place or keep children with persons suitable for permanent placements;".

Section 47.10.470, entitled COOPERATION WITH THE DEPARTMENT, directs the department to cooperate with the state and local panels. It further directs the department to report, in writing, within 15 working days of receipt of a panel's findings and recommendations, if the department is "unable or unwilling to implement" those recommendations. The report must set out the reasons why the department is unable or unwilling to implement the panel's recommendations.

This section sets an adversarial tone by implying that the department is disinterested in case reviews and that the department and panels will not have a shared purpose of meeting the needs and addressing the best interests of the children subject to the reviews.

As a practical matter, the report by the department required under this section will involve at least thirty minutes of consultation between the worker and supervisor, at a minimum, with a probable 30 minute additional consultation time with the Regional Social

Services Manager, Regional Youth Corrections Administrator, or regional placement committee, in addition to the Department of law. The drafting of the required report will involve at least one hour prior to clerical time spent. The department has, at any given time, an average of 700 children who have been in out of home care more than six months, with an additional 400 for over 90 days, resulting in approximately 1800 reviews per year. If even in 1 in 20 reviews the department were "unwilling or unable" to implement the panel recommendations, reports would be required on 90 cases at 2.5 hours per case or 225 hours. Because of the high percentage of cases in the Anchorage area, the equivalent of one full social worker position would be required to prepare the reports.

If the intent of HB19 is to improve planning for and services to children toward permanent homes for those children, then 47.10.470 would be more effective if it read: "COOPERATION WITH THE DEPARTMENT. The department, state panel, and local panels will work cooperatively to improve services to children placed in out-of-home care in the custody of the department to shorten foster care placements and speed family reunification or placement in other appropriate permanent homes. The worker representing the department before the panel shall have an opportunity to discuss the panel's recommendations with the panel, explaining why the department is unable or unwilling to follow the recommendations. If the department is then unable or unwilling to implement the

resulting written recommendations of the local panel, the department shall submit to the local panel, within 15 working days of the after receipt of the findings and recommendations, an implementation report setting out the reasons why the department is unable or unwilling to implement the local panel's recommendations and setting out the case plan that the department intends to implement."

Sec. 47.10.480 authorizes the panel to obtain records concerning a child who is the subject of a review . . . "the department and the court shall furnish to the local panel records concerning a child. . . . or the child's family maintained by the court under AS 47.10.090 or by the department". Since such records concerning the child's family could include confidential information regarding a sibling or other family member not pertinent to the case being reviewed, the first sentence in AS 47.10.480(a) should read "At the request of a local panel, the department and the court shall furnish to the local panel records concerning a child who is the subject of a local panel review or pertinent information from records concerning the child's family maintained by the court under AS 47.10.090 or by the department." The balance of AS 47.10.480 protects the confidentiality of the information provided to the panel.

Section 47.10.490 directs that the court consider the report of the panel when conducting the court reviews. However, it only includes court reviews of children in need of aid under AS 47.10.080(c)(1) and (c)(3). Since the panels are required to review the cases of delinquent children in the custody of the department under AS 47.10.080(b)(3), subsection (a) should be revised to read "The court shall consider the report of the local panel in its review under AS 47.10.080(f) of the placement of a delinquent child under 47.10.080(b)(3), a child in need of aid under AS 47.10.080(c)(1), or when it considers the report of the department or guardian of a child in need of aid under AS 47.10.080(c)(3)."

In sec. 47.10.590 DEFINITIONS. (2), "party" should include "the department". A subsection (4) should be added to read "the 'department' means the Department of Health and Social Services."

Sec. 4 of HB 19 amends AS 47.10.080(f) to allow annual court reviews to be postponed if they would arise within 90 days of the 18 month hearing required under 42 USC 675. This is consistent with federal requirements and is beneficial in preventing duplicative hearings.

Sec. 5 of HB 19 adds to AS 47.10.080 subsection (b) which provides for the 18 month hearing required by 42 USC 675 and is consistent

with the federal requirements. However, it only specifies that the court hold a hearing within 18 months of the date a minor is initially taken into custody by the department under AS 47.10.142(c). Since not all children enter custody of the department through the emergency custody provision, the first sentence of subsection (l) should be revised to include AS 47.10.080(b)(3), (c)(1), or (c)(3), and 47.10.230 (c). This subsection directs that the court determine the future status of the minor, also consistent with federal requirements, except that (l) (l) should read "whether the child should remain in foster care on a permanent or long-term basis because of special needs or circumstances. Subsection (m) directs the court to inform the parties of the local foster care review panel.

Sec. 8 amends Rule 19 of the Child in Need of Aid Rules by requiring a court to consider the recommendations of a local panel when conducting a court review. The delinquent minor rules should be similarly amended for consistency.

Sec. 9 provides that HB 19 takes effect July 1, 1990.

#### OFFICE OF PUBLIC ADVOCACY PROPOSAL

While the changes recommended previously will make HB 19 consistent with federal requirements, the proposal for implementation

submitted by the Office of Public Advocacy office of Court Appointed Special Advocates, will not ensure compliance with federal requirements until the end of the fifth year of implementation and will carry a sizeable fiscal note. During the first year of implementation, only half of the cases in Anchorage and all of the cases in Ketchikan will be reviewed. By the end of the second year, the reviews will cover all Anchorage cases, but Kenai, Palmer-Wasilla, and Juneau cases will not be reviewed until the third year with the balance of Southcentral and Southeast communities, Bethel, and Nome falling in year four and Fairbanks and Barrow in year five.

The staffing pattern by the fifth year will include 1 division director level position (Range 24), 5 supervisors, 16 review board assistants, 7 clerk typist III's and a statistician. The job descriptions call for the supervisor positions to be staffed at the level of Associate Attorney I (Range 17), the review board assistants at the Social Services Associate level (SSA I - Range 9, SSA II - Range 11, SSA III - Range 12) and a statistician would be a statistical technician I (Range 12) or II (Range 14). The fiscal analysis on Table 2 shows the personnel costs associated by filling the assistant and statistical technician positions at both the lowest range and the highest range, includes benefits, projected merit increases, and cost of living adjustments for the Fairbanks staff, and is provided for each year of the project. In

the event that an administrative assistant I would be included to assist with budget preparation, accounting, etc., those figures are also provided. The figures do not include travel, contractual, or commodities costs.

The job descriptions contained in the CASA proposal indicate that the foster care review board staff will coordinate the scheduling of cases requiring reviews, will send the required notices, will "coordinate access to" and copying of case file at DFYS, OPA, and the court, and will compile a summary of the case history. Having those tasks performed by FCRB staff will result in a time savings for DFYS staff.

However, because only half of the Anchorage cases will be reviewed during the first year and the rest picked up throughout the second year, the negative impact on the Anchorage DFYS offices will be tremendous. DFYS staff will be participating in two review processes -- the internal review system coordinated by the division and the FCRB system. In addition, tracking which cases are reviewed by which system so that all cases are covered presents a difficult monitoring problem. This dual system and the staff time required in reporting back to the panels when the department is unable or unwilling to follow the panel recommendations present unmanageable overloads. Further, the Anchorage court system is scheduling pre-adjudication hearings on children's cases, and the

department estimates additional time expenditures of 45 minutes per case on an average of 35 cases per month in attending these additional hearings, not including preparation time. The combined effect of these additional systems presents an impossible increase in workload on an already overburdened system.

#### DFYS INTERNAL REVIEW PROCESS

While the proposed implementation of HB 19 is proceeding through the 5 year plan, the division will continue to address the federal requirements for case reviews through its internal administrative review process. Since the last federal sec. 427 audit, the division has established a panel review system in every field office which meets the federal requirements. The panels always involve a private citizen and/or tribal representative or other individual not employed by the division. Advance written notice is provided to parents, guardians, custodians, guardians ad litem, and foster parents, and telephonic participation is arranged for those who wish to participate but cannot attend. The contents of the review meet the federal requirements.

The processes for holding internal reviews conducted by the division vary somewhat throughout the state:

- (1) Larger offices have formalized panels with set membership that meet on a regular basis, i.e. weekly, bi-monthly, or

monthly. Cases are calendared to appear before the panel so that they are reviewed within the six-month time frame.

There may be separate panels for Indian Child Welfare cases and non-native cases.

- (2) Some small offices have panels with primarily permanent memberships with some variation but not fixed meeting times. They meet when a case needs review, and, if one of the members is not from the native community, a tribal representative is asked to participate on ICWA case reviews.
- (3) Still other one-worker offices have the cases reviewed by a panel in a larger community which has a set membership and regular meeting dates. The worker, parents, and other parties participate telephonically in the review process.

The DFYS field officers are listed on Table 3 under the general categories of panel reviews utilized by the office as described in the preceding three paragraphs.

court reviews and ICWA compliance, those elements include accurate language in court orders, timely permanency planning staffings coordinated with case reviews and early reviews, medicaid application and child support enforcement information and Title IV-E eligibility determinations, subsidized adoption information, and the new information needed to respond to the 479 Section of P.L. 96-72 as well as Section 9943 of the Omnibus Budget Reconciliation Act. The division estimates that the addition of 11 staff statewide, coupled with the administrative review systems already in place, would enable the division to fulfill the requirements for tracking enumerated above in addition to ensuring timely administrative and court reviews.

The positions would consist of 2 administrative case reviewers. (ACR) (SWIII-Range 16) and 2 Clerk II's (Range 6) in Anchorage, 1 ACR and 1 Clerk II in Fairbanks, 1 ACR and 1 Clerk II in Juneau, 1 Clerk II in Bethel, and 1 Social Services Program Coordinator (Range 20) and 1 Clerk II in the division's Central Office.

The personnel costs for these positions would be \$456,300, with travel, contractual, commodities and equipment costing \$160,600.

TABLE 3

1) <u>Normal membership</u> <u>regular meetings</u>	2) <u>Established panel with</u> <u>some variation --</u> <u>scheduled as needed</u>	3) <u>Utilize</u> <u>panel in</u> <u>other</u> <u>community</u>
Anchorage	McGrath	Aniak
Kenai	Dillingham	Ft. Yukon
Mat-Su	Homer	Delta
Bethel	Cordova	Tok
Fairbanks	Unalaska	Nenana
Barrow	St. Paul	Haines
Nome	Naknek	Galena
Kotzebue	Sand Point	Mountain
Juneau	Valdez	Village
Ketchikan	Eagle River	Kwigill -
Sitka	Kodiak	ingok
	Seward	
	Copper Center	
	Petersburg	
	Wrangell	
	Craig	

The division has researched what it would require to accurately track all of the critical information elements relating to a child in out-of-home care. In addition to timely administrative and

*Handwritten notes:*  
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 ...  
 ...

DFYS Internal Foster Care Review

Region	Notices sent	Outside Party	ICWA	Scheduled	Review additional elements
WRO	Yes	Yes	Yes	Regional tickler coordination 2X per month.	FIG, Prober, Medicaid reviews, ICWA forms, placement & service level reviews, set permanent goals.
SERO	Yes	Yes	Yes	Regional tickler regularly with 30 rotating panel members.	FIG, IV-E document, medicaid reviews, ICWA placement reviews, court documentation case plans, quality.
NRO	Yes	Yes	Yes	2 or 3 X per month	Monitor SW quality, placement plan, notice to tribes & other ICWA compliance, set permanency planning staffing.
SERO Juneau	Yes.	Yes	Yes	Each Wed. p.m.	Placement review forms & service level review.
Ketchikan (FCRB pilot)	Yes	Yes	(1 separate ICWA committee) tribe attends Yes	2 X per month Scheduled by S.W.	
Sitka	Yes	Yes	Yes	Monthly	
NWRO	Yes	Yes	Yes	Regional tickler monthly	

FOSTER CARE REVIEW SYSTEMS

COMPARATIVE COST ANALYSIS

We looked at foster care review budgets in four other states, taking the annual budget and dividing it by the number of children in custody to arrive at the cost of the review process per child. We then took the cost per child and multiplied it by the number of children in custody in Alaska, using a 3-02-89 figure of 1183 children. The purpose was to obtain a general figure for consideration of implementation of review panels for children in custody in Alaska.

STATE	FY BUDGET	# IN CUSTODY	ANNUAL COST/CHILD	ALASKA EST. ANNUAL COST
1. Arizona	FY89=\$ 700,000	5000	\$140	\$165,620

[Arizona has 5-member local panels and a 5-member state panel, under the Supreme Court, with full reviews (includes interviews with parties involved as opposed to only reviews of paperwork) every six months. Members of both panels have only expenses reimbursed. There is a professional coordinator and a staff assistant. Training sessions of local panels are given twice a year, with an additional initial orientatior session. Reviews are approximately one hour in length per case.) Legislation in 1978. Implementation in 1979.]

2. Oregon	FY89=\$540,000 ( based on biennial budget of \$1,046,000 )	3982	\$136	\$168,640
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[Oregon has 3-5 member panels and a state staff of 11 professionals, including 7 full-time and 4 part-time people and 6.5 clerical support staff, under the Supreme Court. Full reviews are done every six months. No per diem or expenses are paid to the panels.]

3. Maryland	FY89=\$ 900,000	4600	\$196	\$231,868
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[Maryland has 5-member panels within an independent agency under the social services department. The current desire is to remove this from the auspices of the department. Full reviews are done every six months. Panelists are reimbursed for mileage, parking, and toll charges if they submit expenses for payment. There are 25 staff including two supervisors, 2 administrators, 12.5 staff assistants, and 8 secretaries. The review panel meets once a month for 8 hours. On the average, a panel spends one half hour on a single child. Enabling legislation was passed in 1978. Implementation was begun in 1980.]

Additional notes of interest regarding Maryland system: In 1981, a one-day census taken regarding the number of children in foster care for two years or longer was 5075 or 72%. This compares to a 1988 figure of 1919 or 42%. On 9/87 there were 3200 fewer children in care than in 7/80. This resulted in a savings of \$30 million over this time period based on a \$599 room and board cost per child per month and an estimated \$6 million savings in case work services. More children are exiting the system for desirable reasons (as opposed to aging out of the system or runaways.) The percentage of desirable exits were 71% in 1985, 75% in 1987, and 77% in 1988. Time from entering care to being placed for adoption in 1986 was 69 months. The second half of 1988 was 46 months.

STATE	FY BUDGET	# IN CUSTODY	ANNUAL COST/CHILD	ALASKA EST. ANNUAL COST
4. Wash.	\$1,144,216*	4367	\$262	\$309,963
	554,055**	3027	\$183	\$216,489

\* based on reviews at 90 days, 6 months, 12 months, and annually

\*\* based on reviews at 6 months, 12 months, and annually

There is currently a pilot project on-going in Washington. Legislation has been introduced this session to create a permanent review system for the state.

According to Susan Carter of the National Association of Foster Care Reviewers, Oregon and Arizona are sufficiently funded programs.

Salem Administrative Office

Executive House  
325 13th Street N.E., Suite 404  
Salem, OR 97310  
(503) 378-5430



Portland Branch Office  
Crossroads Square Building  
123 N.E. 3rd Ave., Suite 2800  
Portland, OR 97232  
(503) 238-7483

## JUDICIAL DEPARTMENT

## Citizen Review Board

TO: JOHN RADFORD, DIRECTOR  
MANAGEMENT SERVICES  
OFFICE OF THE STATE COURT ADMINISTRATOR

FROM: TOM CARRANZA, COORDINATOR  
CITIZEN REVIEW BOARD

RE: BUDGET AND STAFF COMPARISON - CRB OTHER STATES

1.0 PURPOSE

Nancy Asbury, Administrator, Citizen Review Board, requested that I gather information regarding the budgets and staffing patterns from Citizen Review Board Programs in other states.

2.0 SCOPE

Information was gathered by interview from the following Citizen Review Board Administrators:

- + Susan Carter, Executive Director  
National Association Foster Care Reviewers  
State of Arizona
- + Charlie Cooper, Assistant Administrator  
Citizen Review Board  
State of Maryland
- + Neila Gibbons, Executive Director  
Citizen Review Board  
State of South Carolina
- + Sandra Sperry, Program Manager  
Citizen Review Board  
State of Arizona

3.0 METHOD

Phone conferences were conducted with each of the above Administrators. The following questions were asked of each Administrator:

- + What is your Program's total budget?
- + How is your Program funded? State, Federal and/or other sources.

- + What is your staffing pattern by position classification and current salary if one position or average if more than one position?
- + How many Boards does each Coordinator staff?
- + How many Reviews did your Program conduct in 1988 or for the year for which you have complete data? By children and/or by case?.
- + How many Reviews does each Board conduct each month?
- + Is there other information you believe would be useful for the reader to understand your Program?
- + Why does your state believe that the Coordinator position requires a professional level staff?
- + Information requested from Susan Carter included the names and phone numbers of Administrators who she recommended that I contact. I explained the purpose of my request for Ms. Carter's consideration.

#### 4.0 FINDINGS

Refer to attached report.

MARYLAND CITIZEN REVIEW BOARD

Information gathered by interview with Charlie Cooper, Assistant Administrator. The Program has been in existence for nine years.

TOTAL BUDGET: \$ 950,000.00 PER YEAR  
\$1,9000,000.00 PER BIENNIUM

STAFFING: TOTAL STAFF 24.5

<u>POSITION</u>		<u>SALARY PER YEAR</u>
ADMINISTRATOR	(1)	\$45-50,000.00
ASST. ADMIN.	(1)	\$36,500.00
SUPERVISORS	(2)	\$34,000.00 EACH
COORDINATORS	(12.5)	\$29,500.00 EACH
CLERICAL	(8)	\$18,850.00 (2) \$17,850.00 (6)

EACH COORDINATOR STAFFS 4-5 BOARDS.

IN 1989 THE PROGRAM WILL REVIEW 6,600 CHILDREN - 5,143 CASES.

EACH BOARD REVIEWS APPROXIMATELY 12.5 CASES EACH MONTH.

PROGRAM IS 18% FEDERALLY FUNDED.

MR. COOPER PROVIDED THE ADDITIONAL INFORMATION FOR YOUR CONVENIENCE AND CONSIDERATION.

The Coordinator position required a professional staff in order to understand and work within the complex bureaucracy of the foster care system. The Coordinator is required to have a working understanding of the CSD Policies and practices state wide and by county. The Coordinator is required to have a working understanding of the Substitute Care, Protective Services, Adoptions, Juvenile Corrections and Citizen Review Board Policy. In addition the Coordinator must have a working understanding of the Court System.

Further the Coordinator must be skilled in systems change as the Programs responsibility is to improve and assure quality service for all children and families in the foster care system. Mr. Cooper stated that in the Programs estimation by reducing the length of stay in foster care, there are approximately 3,200 less children in foster care than when the Program began. The Citizen Review process has resulted in a cost avoidance of approximately \$20 million per year. Mr. Cooper stated that in Maryland the cost of foster care per child was approximately \$650.00 per month. (3,200 children x \$650.00 = \$2,080,000.00 x 12 Months = \$24, 960,000.00)

SOUTH CAROLINA CITIZEN REVIEW BOARD

Information gathered by interview with Neila Gibbons, Executive Director. The Program has been in existence for twelve years.

TOTAL BUDGET: \$700,000.00 PER YEAR  
\$1,400,000.00 PER BIENNIUM  
ADDITIONAL FUNDING USED

STAFFING: TOTAL STAFF 18

<u>POSITION</u>		<u>SALARY PER YEAR</u>
EXECUTIVE DIRECTOR	(1)	\$40,500.00
ATTORNEY	(1)	\$33,000.00
BUSINESS MANAGER	(1)	\$24,500.00
PROJECT ADMINISTRATOR	(1)	\$27,000.00
SUPERVISOR	(1)	\$27,050.00
COORDINATOR	(9)	\$25,000.00
DATA COORDINATOR	(1)	\$21,000.00
CLERICAL	(3)	\$17,000.00

EACH COORDINATOR STAFFS 4 BOARDS.

THE PROGRAM WILL HAVE 38 BOARDS IN 1989.

IN 1987 THE PROGRAM CONDUCTED 7,455 REVIEWS - 4,900 CHILDREN.

EACH BOARD REVIEWS APPROXIMATELY 18 CASES PER MONTH.

THE PROGRAM IS FUNDED BY THE LEGISLATURE, FEDERAL, FAMILY GRANTS AND BY PRIVATE ENDOWMENTS. THE \$1.4 MILLION IS STATE.

MS. GIBBONS PROVIDED THE ADDITIONAL INFORMATION FOR YOUR CONVENIENCE AND CONSIDERATION.

South Carolina started their program ten years ago with the Coordinators at a high clerical level. The program upgraded the position due to the requirement of the Coordinator to have a working knowledge of current state policies, due process and state and federal law. The program found that a clerical position could not be expected to have the knowledge, skills and ability necessary. The Boards rely heavily on the Coordinator as a professional with knowledge of Social Work, Children, Courts as well as the complex foster care system. The Coordinator is also required to understand the dynamics of Social Welfare. The program found that the Agency's working with the Citizen Review Board developed a positive working relationship when they knew

SOUTH CAROLINA CITIZEN REVIEW BOARD

PAGE 2

that the Coordinator had experience and knowledge in the field. The Boards also relied heavily on the Coordinator for On The Job Training. Coordinators are required to make decisions that can resolve cases at the review as well as conducting follow-up.

The program has their own attorney and has standing in Court. The program can make motion and bring about their own Judicial Review.

ARIZONA CITIZEN REVIEW BOARD

Information gathered by interview with Sandra Sperry, Program Manager. The Program has been in existence for ten years.

TOTAL BUDGET \$804,000.00 PER YEAR  
\$1,608,000.00 PER BIENNIUM

STAFFING: TOTAL STAFF 22

<u>POSITION</u>		<u>SALARY PER YEAR</u>
DIRECTOR	(1)	\$45,000.00
PROGRAM MANAGER	(1)	\$32,000.00
SUPERVISOR	(2)	\$32,000.00 EACH
COORDINATOR	(13)	\$20,500.00 EACH
CLERICAL	(7 - 4 FULL TIME)	\$19,500.00 (1) \$16,500.00 OTHERS

EACH COORDINATOR STAFFS 4 BOARDS.

IN 1988 THE PROGRAM CONDUCTED 4,798 REVIEWS - 7,154 CHILDREN.

EACH BOARD REVIEWS APPROXIMATELY 10.0 CASES PER MONTH.

PROGRAM IS LEGISLATIVELY FUNDED BY THE STATE.

THE PROGRAM IS ADMINSTRATED BY THE DIRECTOR OF THE DEPARTMENT OF DEPENDENT CHILDREN SERVICES. THE DEPARTMENT ADMINISTERS THE CITIZEN REVIEW BOARD AND THE CASA PROGRAM (COURT APPOINTED SPECIAL ADVOCATE).

THE PROGRAM HAS A STATE BOARD WHICH MEETS FOUR TIMES PER YEAR.

THE PROGRAM HAS ONE CONFERENCE PER YEAR.

THE PROGRAM HAS ONE STAFF RETREAT PER YEAR.

MS. SPERRY PROVIDED THE ADDITIONAL INFORMATION FOR YOUR CONVENIENCE AND CONSIDERATION.

The Coordinator position requires a professional staff due to the knowledge required of the total foster care system. The Coordinator position required a staff knowledgeable of the social work field with the ability to determine the validity of the information presented at the review. The Coordinator required a staff skilled a resolving conflicts which surfaced during the course of the Review and during the course of the every day duties required of the position. The position required a staff able to gather and analyze information and identify trends in order to cause systems change. The position required a professional staff who the Boards would view as that, a professional and knowledge leader.

OREGON CITIZEN REVIEW BOARD

Information gathered by review of the February 1989 Citizen Review Board Second Biennial Report and by discussion with Nancy Asbury, Administrator, Citizen Review Board. The Program has been conducting Citizen Reviews since July 1986.

TOTAL BUDGET: \$1,054,000.00 1987-89 BIENNIUM

STAFFING: TOTAL STAFF 16.1

<u>POSITION</u>		<u>SALARY PER YEAR</u>
ADMINISTRATOR	(1)	\$39,418.00
DEPUTY ADMINISTRATOR	(1)	\$29,530.00
COORDINATORS	(7.6)	\$26,734.00
MANAGEMENT ASSISTANT	(1)	\$18,342.00
COS II	(1)	\$17,436.00
COS I	(4.5)	\$16,412.00

SALARY FIGURES FROM OCTOBER 1988 PAYROLL.

EACH FULL-TIME COORDINATOR STAFFS 7.8 BOARDS.

IN 1988 THE PROGRAM CONDUCTED REVIEWS FOR 7,418 CHILDREN.

EACH BOARD REVIEWS ON THE AVERAGE APPROXIMATELY 10 CASES PER MONTH WITH THE HIGH BEING 18.2 CASES PER MONTH.

THE PROGRAM IS STATE FUNDED.

CITIZEN REVIEW BOARD COMPARISONS

	<u>Current State Budget</u>	<u>Professional Staff Coordinating Boards</u>	<u>Profess. Staff / Review Boards Ratio</u>	<u>Profess. Staff/Children Reviewed Ratio</u>
OREGON	\$1,054,000	7.6	1/7.8	1/976
SOUTH CAROLINA	1,400,000	9	1/4	1/544
ARIZONA	1,608,000	13	1/4	1/556
MARYLAND	1,558,000	12.5	1/4.5	1/528

All of the above systems conduct similar types of reviews and are statewide programs.

FILED  
SECRETARY OF STATE  
NOV 19 87 02 8834

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:  
Date 11-18-87  
[Signature]  
C. J. [Signature]

APPROVED  
ROBERT M. SPIRE  
ATTORNEY GENERAL  
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 1970s, 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.

SECTION 4  
RECOMMENDATIONS

## Summary of Recommendations

The following section contains the recommendations of the State Foster Care Review Board for 1988. In summary, the State Foster Care Review Board recommends that:

### TO THE COURTS

1. ... adjudication and disposition occur in a timely manner.
2. ... courts incorporate case plans and timelines in each child's Court Order.
3. ... child support be court-ordered in every Dispositional Order.
4. ... reasonable efforts determinations be made at every stage of court proceedings.

### TO THE LEGAL PROFESSION

1. ... continuing education be provided for county attorneys on child sexual abuse, child neglect, and other child welfare issues.
2. ... the establishment of a statewide District Attorney system to prosecute child abuse and child sexual abuse cases.
3. ... continuing education be provided for guardians ad litem and judges select trained guardians ad litem to represent children.
4. ... a guardian ad litem be appointed for every child in out-of-home care and that the guardian ad litem remain active throughout the child's stay in foster care.

### TO THE DEPARTMENT OF SOCIAL SERVICES

1. ... foster and adoptive parents be given complete background information on the children in their care.
2. ... no foster care case be allowed to be unassigned or uncovered for over two weeks.
3. ... up-to-date case narrative be required in the files of all children in out-of-home care.
4. ... accurate documentation of the parent's progress be detailed to the court prior to a foster child's court review.
5. ... the Family Policy Act not be used as a reason to leave children in dangerous situations or to prematurely return children home.
6. ... caution be taken in a child's initial placement and any subsequent moves.
7. ... a standardized system of monitoring services being provided by group homes and institutions be developed and implemented.

8. ... re-examine its reunification policies when parents show little or no interest or ability in parenting their child.
9. ... review its placement policies regarding children who are seriously mentally ill, exhibit dangerous and aggressive "acting out" behaviors, and/or have severe bonding issues and consider developing programs to meet these children's needs.
10. ... foster parents be supported in order to avoid unnecessary placement changes.

#### **TO THE DEPARTMENT OF CORRECTIONS**

1. ... peer pressure counseling be used only with juvenile offenders who are not learning disabled.
2. ... interim and post services be provided to juvenile offenders and their families to help successfully reunite the child with the family.
3. ...transitional foster and group homes be established to assist troubled youth in their return to the home and community.

#### **TO PRIVATE AGENCIES, INSTITUTIONS, AND MENTAL HEALTH FACILITIES**

1. ... permanency planning be developed and/or refined.

#### **TO ALL AGENCIES**

1. ... all agencies document case plans for children that reflect programs and services being provided which will help the child prepare for the transition from foster care to returning home, being adopted, or independent living.
2. ...new programs be evaluated thoroughly and continuation funding be sought when needed.

#### **TO THE TRIBES**

1. ... Tribal Courts that take jurisdiction over Indian children handle the cases in a timely manner.
2. ... alternate methods be investigated to solve underfunding of Tribal Courts.

#### **TO THE COMMUNITIES**

1. ... the media withhold the names of juvenile victims and offenders, particularly in incest cases.
2. ... communities develop and support primary prevention projects.
3. ... communities value and support foster parents by making parent training available at reduced rates, providing respite care, and developing support groups for both foster parents and foster children.

**TO THE LEGISLATURE**

1. ... grounds for termination of parental rights be amended to include length of time in care after diligent efforts have been made to rehabilitate the family.
2. ... legislation be drafted to clarify a father's parental rights.
3. ... training be mandatory for all foster parents and that proposed legislation funding the training be approved.
4. ... the roles of State Agencies responsible for children and youth be defined and methods of cooperation be implemented.

## TO THE COURTS

### 1. The State Foster Care Review Board recommends that adjudication and disposition occur in a timely manner.

While the majority of foster care cases have court involvement and the adjudication and disposition of the case occur in a reasonable length of time, there are still some cases where the court is not acting in a timely manner. For this reason, the Foster Care Review Board is again making this recommendation.

The adjudication of a case is when the court accepts the charges against the parent or child and finds them to be true. The disposition is when the court makes a determination of what should happen to the child and issues a Court Order. In many cases, services cannot be delivered until the disposition occurs. For example, if a child has been placed in foster care due to allegations of sexual abuse by the father, vital services such as counseling for the father may not begin until the court finds the charges to be true and issues a Court Order requiring certain services. When there are a number of legal delays or when the dispositional hearing is never held, the child is suspended in foster care and there can be no forward progress.

Of the 1,439 children reviewed by the Foster Care Review Board during 1988, 809 children (56.2%) were adjudicated within one month of entering care. On the other hand, 59 children (4.1%) were adjudicated between 6 and 12 months of entering care; 21 children (1.5%) were adjudicated 13-24 months after entering care; and 12 children (.8%) were adjudicated over 2 years after entering care. Twenty-six children (1.8%) had not been adjudicated at the time of their most recent review.

*Case Example: "Derek", age 8, and his four siblings were placed in foster care when their parents left them in the care of their grandparents and failed to return. A petition was filed in December, 1987. After four continuances, adjudication was held in July, 1988, and the children were found to be dependent under State Statute 43-247(3a) due to the faults and habit of their parents. The plan for the children is reunification with their parents. A plan was drawn up by the agency for the parents to include parenting classes, employment stability, in-home therapy, visitations with the children, and a number of other services. Disposition has not occurred. Since a dispositional hearing has not been held, this reunification plan has not been approved nor adopted by the Court and the services have not been provided. Meanwhile, the cost to the State of Nebraska for the five children's care is over \$1,000 per month.*

As the above case demonstrates, with no oversight no services were delivered. P.L. 96-272 mandates disposition occur within 18 months. While disposition may still occur in the above case within the required time, these children have already spent over a year in out-of-home care with no services being provided to the parents to facilitate their return home.

Of the 1,439 children reviewed by the Foster Care Review Board, the date of the disposition was unknown or had not occurred for 175 (12.1%) of the reviewed children.

Reunification is more successful the sooner a child can be returned to his or her parents. Lengthy court delays present a barrier to reunification that need not occur. Timely adjudication and disposition can enhance reunification because the problems are identified and services are ordered and delivered. For this reason, the Foster Care Review Board recommends that courts prioritize children's cases and move rapidly through disposition so services can be received and the children and their parents can be reunified as soon as possible.

## 2. The Foster Care Review Board recommends that caseplans and timelines be incorporated in each child's Court Order.

In its reviews of children placed in out-of-home care, the Foster Care Review Board has noticed that when all parties are made aware of what must be done in order to reunify the family, reunification occurs more rapidly. This can best be accomplished by clearly spelling out the child's caseplan, the services to be utilized, and definite timelines for accomplishing each goal in the Court Order.

Usually it is the responsibility of the child's caseworker to draw up a caseplan which is then submitted to the Court for approval. Incorporating the caseplan in the Court Order is a logical step. The agency responsible for the child and the service providers can be of further assistance by drawing up contracts or agreements with the parties to re-emphasize the goals stated in the Court Order. When everyone involved is aware of the plan and working toward a common goal, progress can be achieved.

Timelines are especially important because they can be used to measure progress or lack of progress. Children cannot be made to wait indefinitely for their parents to rehabilitate themselves. Measurable compliance with the caseplan is a good indicator of success in reunification. On the other hand, when compliance is minimal or non-existent, it can be easily measured and clearly documented that termination of parental rights may be in the best interests of the child. Every child needs and deserves a loving and caring family; and adoption may be the answer.

*Case Example: "Helena" was placed in foster care in 1985 when she was two months old. Her mother was Court-ordered to attend parenting classes, obtain housing, complete her GED, and visit the baby. She did not complete the parenting classes, did not get her GED, did not find employment, and only visited Helena 2 of 16 possible times. Helena's father then filed a motion to intervene. He was Court-ordered to find legal employment, pay child support, obtain housing, undergo a chemical dependency evaluation, visit Helena, and not violate the law. He was found to be alcohol dependent; he is behind on child support payments; and he was recently arrested. Helena has been in foster care 97% of her life, nearly 4 years. While the plan for Helena is still "reunification", the Review Board disagrees and feels that there are better options for Helena.*

Helena's is a case where the plan and services were clearly defined in the Court Order, but no timelines were imposed. The Review Board notes that in many cases, parents are given chance after chance to rehabilitate themselves. The Board further notes that childhood, once lost, cannot be regained.

Of 1,439 children reviewed by the Foster Care Review Board during 1988, 617 (42.9%) included a clear plan and complete explanation of the services. 676 (47%) of the Court Orders included timelines.

Foster care is meant to be temporary. These children cannot wait forever. Specific Court Orders with definite timelines can help parents understand they must address the problems that brought their children into care in a timely manner and, if the parents cannot or do not address the problems, documentation exists to help the children achieve a permanent, loving home.

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### 3. The Foster Care Review Board recommends that child support be court-ordered in every Dispositional Order.

It is the philosophy of the Foster Care Review Board that parents who cannot or will not parent their children still have an obligation to contribute toward the cost of their children's care. For this reason, the Review Board has included a recommendation on child support in every Annual Report since 1983.

A financial contribution can encourage continued bonding between the parent to the child and encourages a pattern of providing for the child. The amount of the child support should be within the parent's ability to pay and need not be great. Child support, when combined with a clear Court Order containing expected behaviors, measurable goals, needed services, and clear timelines, can be a useful tool in deciding whether a child should be returned to the parents. The failure of the parent to meet the support obligation can be a factor in making long range permanency plans for the child.

Of 1,439 children reviewed by the Foster Care Review Board during 1988, child support was ordered in only 126 cases. Of these, in 38 cases the support was being paid, in 72 cases it was not, and in 16 cases there was no indication in the file if it was being paid or not. On the other hand, the parents of 3 of the reviewed children were voluntarily paying support even though it was not court-ordered.

*Case Example; "Michael" and "Maribeth", ages 12 and 13, were placed in care in 1987 as a result of physical abuse to Michael by his father. Their parents were divorced and the children were living with the father. The plan for Michael is to return to his father. The plan for Maribeth is to return to her mother. The Dispositional Order required the father to obtain a psychological evaluation, attend alcohol education, obtain suitable housing, participate in therapy, visit the children, and pay child support. The mother agreed to participate in therapy and visit. Both parents have been compliant and reunification will be occurring.*

Reviews of cases like Michael's and Maribeth's give the Review Boards hope because they demonstrate what can happen when everything goes as it should. There was a clear Court Order with measurable goals and reasonable timelines. The payment of child support was one of the factors that demonstrated the parents' commitment to their children and their efforts to obtain reunification. The caseworker, parents, children, and other professionals worked together toward reunification with satisfying results. The Review Board agreed with the plan and commended all involved.

**4. The Foster Care Review Board recommends that reasonable efforts determinations be made at every stage of court proceedings.**

During the 1970s, Congress and the nation became aware that the child welfare system was not adequately protecting children and their families. Children were removed from their families too frequently, sometimes unnecessarily, and were placed in foster care. As a result, Congress passed the Adoption Assistance and Child Welfare Act of 1980 (P.L. 96-272).

Among its major provisions, the Act requires judges to determine whether reasonable efforts have been made to enable children to remain safely at home before they are placed in foster care. Many judges are unaware of their obligation to determine if reasonable efforts to preserve the family have been made. Many attorneys and child welfare workers are also unaware of the need for this determination. When reasonable effort determinations aren't made, parents and children are denied a chance to "make it work" and taxpayers must bear the expense of unnecessary foster care placements.

The reasonable efforts requirement should not be looked upon as a burden for judges, agencies, and attorneys. It can be an opportunity for effective advocacy for children and their families, for an open examination of community resources and services, and a tool for sensible fiscal policy.

The National Council of Juvenile and Family Court Judges, the Child Welfare League of America, the Youth Law Center, and the National Center for Youth Law have cooperated in providing guidelines for judges, attorneys and agency personnel regarding reasonable efforts. In their booklet, "Making Reasonable Efforts: Steps for Keeping Families Together," the following questions are recommended as a checklist.

1. When did the agency first have contact with the family?
2. Did the agency identify problems with the family at that time?
3. Did the agency assess the family to determine what services or other supports (services) were necessary to remedy the problem(s)?
4. Did the agency provide the services determined to be necessary?
5. Did the family request additional services?
6. Did the agency provide those services to the family?
7. Did the family accept services provided by the agency?
8. Did any of these services remedy the problem?
9. If the services did not remedy this problem, were additional services tried?
10. Were any services suggested but not provided because they were unavailable?
11. If services were unsuccessful, why?

12. What other services designed to address these problems are available in the community that the agency has not provided?
13. Why were these services not provided?
14. Was there an emergency situation in which the child could not be protected without removal from the home prior to providing services?
15. If so, what services did the agency consider providing as an alternative to removal from the home?
16. Since the removal, has the agency provided services aimed at reunification?
17. Have these services been successful?
18. Does the agency have a plan for providing services aimed at reunification?
19. Has the agency considered the family's requests in developing these services?
20. Could the child be returned if appropriate services were provided?
21. Were all parties represented by counsel?
22. Have all parties had a reasonable opportunity to review the records?
23. Have all parties been permitted to offer testimony and cross-examine witnesses?
24. Has the agency proved that it has made reasonable efforts to eliminate the need for removal on the issue of reasonable efforts?
25. Has the agency been ordered to develop a reunification plan?

The Foster Care Review Board is concerned that children in Nebraska are being placed in out-of-home care without reasonable efforts being made to keep the children in the home. The Board is also concerned that rather than a judicial review being made of the reasonable efforts, in some courts all cases are being treated as emergencies and judges are not asking the appropriate questions to determine if reasonable efforts have been made.

The Foster Care Review Board recommends that reasonable efforts be examined at every stage of legal proceedings.

## TO THE LEGAL PROFESSION

**1. The Foster Care Review Board recommends that continuing education be provided for county attorneys on child sexual abuse, child neglect, and other child welfare issues.**

The Foster Care Review Board first made this recommendation in its 1985 Annual Report. Since then, the Board has been pleased that the County Attorneys Association, in cooperation with the Nebraska Permanency Planning Task Force, has sponsored two workshops for county attorneys on child welfare issues. The first workshop was in 1986 and featured bonding and attachment, separation and loss, and the need for permanency planning in a child's life. The second workshop, in April of 1989, will provide information on the identification and treatment of sexual abuse victims and perpetrators, how to prosecute these cases, and what to expect from a child witness. The Foster Care Review Board is pleased to have participated in the planning of these workshops.

The Review Board is concerned when county attorneys fail to file on cases where sexual abuse and/or other crimes against children are occurring.

*Case Example: "Monica", age 14, was placed in foster care in early 1988. She alleged that her father had been sexually abusing her for about a year. A Child Protective Service investigation substantiated the abuse. Monica's parents stated they wanted no further contact with their daughter and they would not seek counseling. No charges were filed against Monica's father. The plan for Monica is "long term foster care" until she reaches the age of majority.*

The Review Board is also concerned about the lack of services that occur when plea bargaining is allowed to occur in children's cases. When critical crimes against children are plea bargained out of the case, the child caring agency is put in the position of only being able to put in place a rehabilitation plan that addresses what the court has ruled upon. If the most serious allegations are plea bargained out, the family will never have to address those issues before the child is returned home.

The Review Board recognizes that the county attorney plays the key role in the prosecution of cases involving children. Because of the constant turnover within many county attorney offices throughout the State and the many developments in field, the Board urges continued education on child welfare issues.

2. The Foster Care Review Board recommends the establishment of a statewide District Attorney system to prosecute child abuse and child sexual assault cases.

Child sexual abuse cases are not prosecuted in some areas of the State. Because of this, the Foster Care Review Board believes an alternate system needs to be considered to assure the prosecution of cases of child abuse and child sexual abuse. One possibility would be a statewide District Attorney system. Currently, County Attorneys are responsible for these cases.

Sexual abuse cases are very complicated and time consuming to prosecute. The prosecutor needs to be well versed on the dynamics of sexual abuse, what can be expected from a child witness, and the meaning of medical evidence. In smaller counties, prosecutors lack experience in prosecuting these cases and many times move on before they gain the necessary experience.

In some counties, County Attorneys work on a part-time basis with a private practice as their primary means of support. These part-time County Attorneys, in some instances, make choices about prosecution based on the time they have to complete their duties and the demands of their private practices.

They often use the office to get established then move on to better paying jobs. In a District Attorney system, prosecutors would be well paid and adequately trained to prosecute these cases.

In rural areas, the County Attorney may be influenced by community pressures. Since the District Attorney would be responsible for a larger area, this pressure would be likely to occur. This system would also give some consistency to prosecutions. Currently, some counties actively prosecute the abuse perpetrators while others rarely prosecute. It should be noted that the Attorney General's Office, while it has the statutory authority to file on these cases, does not have the resources to handle these cases.

Some County Attorneys will file the child as a status offender, especially if it looks like the parents will deny the abuse. Other times, the sexual abuse is amended out of the petition so treatment and services aren't provided to the victim or the family.

*Case Example: "Mindy", age 7, and "Mark", age 4, were placed in foster care after Mark was hospitalized with facial bruises and the parents provided inconsistent explanations for the injuries. It was subsequently alleged that the father had sexually abused Mindy. A petition was filed on behalf of the children, but the sexual abuse allegation was amended out of the petition. As a result, the father was ordered to have a chemical dependency evaluation, but no therapy or treatment for the sexual abuse was ordered. During a visit with their parents, the children were abducted out of State. Six weeks later, the parents were arrested and the children returned to Nebraska. During their absence, both children had been physically abused and Mindy made references to sexual abuse which was supported by physical evidence.*

A District Attorney system would begin to address the problem of County Attorneys who fail to file on child sexual abuse cases. This system would provide a well-paid prosecutor who would gain the training and experience to handle these very difficult cases. The District Attorney would be trained in handling child witnesses and would be aware of the necessity of prosecuting the perpetrators.

3. The Foster Care Review Board recommends that continuing education be provided for guardians ad litem and that judges select trained guardians ad litem to represent children.

Most professionals who deal with children in foster care recognize the value and need for ongoing education for guardians ad litem. Attorneys who represent children must have a wealth of knowledge above and beyond what was learned in law school in order to adequately advocate for an appropriate placement and necessary services for their young clients.

The Permanency Planning Task Force, beginning in 1986, has sponsored workshops on children's issues for guardians ad litem. These workshops were held in several different parts of the State. The 1986-87 workshops featured information on bonding and attachment of children with their families and the problems and behaviors caused by separation and loss. Sexual abuse was the topic for the 1988 workshop. Both of these workshops provided very valuable information for attorneys who represent children. The Foster Care Review Board has been pleased to be a part of the Task Force.

Recognizing the need for additional training, many attorneys who represent children have made a special effort to attend the Permanency Planning Task Force's workshops. Judges across the State have tried to appoint trained attorneys as guardians ad litem.

An evaluation of the Guardian ad Litem Training, conducted by Dr. Ann Coyne of the University of Nebraska at Omaha, has shown that there is a need for more trained guardians ad litem because there are too many foster children for the existing trained guardians ad litem to handle.

Stories of attorneys walking into the courtroom reading the child's file and never even having met their client are numerous. Hopefully, as the attorneys understand how important legal representation of these children is, this practice will no longer occur.

The Foster Care Review Board would like to commend the attorneys who have taken the time to obtain continuing education on child welfare matters. The Board encourages more attorneys to take training on child welfare issues and urges judges to appoint these trained attorneys to represent children whenever possible.

4. The Foster Care Review Board recommends that a guardian ad litem be appointed for every child in out-of-home care and that the guardian ad litem remain active throughout the child's stay in foster care.

Everyone who comes in contact with the legal system needs and deserves adequate and competent legal representation. When a child is placed in out-of-home care, the attorney who represents the child and the child's best interests is the guardian ad litem. Unfortunately, not every child in foster care has a guardian ad litem; and many children who have guardians ad litem do not have active ones.

In its reviews of children in foster care, the Foster Care Review Board has identified two groups of children who are unlikely to have legal representation.

Children who have been voluntarily placed in care may not initially have court involvement and, therefore, no guardian ad litem is appointed to represent them. This applies to children placed with private agencies. The County Attorney is asked to file a petition on children placed with the Department of Social Services so the majority of their children eventually come under the Court.

*Case Example: "Larry" age 8, was voluntarily placed in a private group home by his mother because he was hyperactive and she couldn't handle him. The mother has an alcohol problem and lacks parenting skills. There has been no court involvement and Larry does not have a guardian ad litem. While the plan is reunification, it appears Larry will remain in the group home until he reaches the age of majority.*

While group homes can be a very valuable placement for adolescents, young children need more family-like placements. This is because children need the stability and consistency of one adult rather than changing supervision provided by shift workers. With no guardian ad litem to advocate for Larry and no court involvement to order services for his mother, reunification is unlikely. As a result, Larry faces 10 years of an inappropriate placement.

The second group of children are those whose parents' rights have been terminated, but the child has not been adopted. This seems to occur more if the termination occurred several years ago. The court, having anticipated an adoption, may also have terminated its involvement in the case and the child then does not receive periodic court reviews. The Legislature, through State Statute 43-295, now requires the court to remain involved; however, this often is not occurring.

*Case Example; "Timothy", age 10, was voluntarily placed in a private children's home in 1981 while his mother entered in-patient treatment. Although the placement was supposed to be temporary, the mother continued to have problems. A dependency petition was filed and Tim was referred to the Department of Social Services. When Tim's mother voluntarily relinquished her parental rights, the Court terminated its jurisdiction and the Department's and the private agency placed Tim for adoption.*

*Tim was adopted in 1984 and the attorney who handled the adoption filed an abandonment petition against Tim's father at that time. Approximately a year later, the adoption failed due to Tim's behavior problems, sexual "acting out", and fire-*

*setting. He was relinquished back to the private agency. About this time, a worker contacted Tim's grandmother to get information for Tim's Life Book. She contacted the biological father. The father claimed he had no idea where Tim had been all these years and wanted him back.*

*In the meantime, the agency had relinquished Tim back to the Department of Social Services. In over 2 years of care, there still is no Juvenile Court involvement and Tim has no guardian ad litem. Tim received treatment for his behaviors and his foster mother planned to adopt him. Meanwhile, a favorable homestudy was completed on the father and the father hired an attorney to help him get his son back. The foster mother hired an attorney to handle the adoption. As of the end of 1988, this case was still pending.*

*During over two years under the supervision of the Department of Social Services, there has been no court involvement and, with the brief exception of a few months in 1981, Tim has never been represented by a guardian ad litem.*

The complexity of Tim's case very dramatically shows the need for court involvement and an active guardian ad litem. While there have been a number of different attorneys involved in this case, no one is specifically looking out for Tim's best interests. With all the problems and disruptions this 10-year old has experienced in his young life, Tim needs and deserves stability and legal protection.

## TO THE DEPARTMENT OF SOCIAL SERVICES

1. The Foster Care Review Board recommends foster and adoptive parents be given complete background information on the children in their care.

The Foster Care Review Board feels it is imperative that foster and adoptive parents be given complete background information on children placed in their care. Failure to do so can cause unnecessary and devastating results.

Children in grief because of separation from their families, children whose past experiences have taught them not to trust adults, or children who have been victims of sexual abuse can be expected to exhibit certain behaviors. These behaviors may occur immediately after placement or months or years later. Often, the children have no idea why they do what they did.

If the foster parents are aware of the child's background and have been trained to look for and cope with certain predictable behaviors, disruptions are less apt to occur.

No one profits when a child's placement disrupts. A new placement must be located for the child, often in a different community. The child must adjust to a different home, a new set of rules, and often another school. The foster parents feel betrayed by the agency and, in some cases, begin to doubt their parenting abilities. Often they withdraw from foster parenting. Many placement disruptions could have been prevented if the foster parents knew more about the child's background so they could be prepared for disturbing or bizarre behaviors.

It is even more distressing when an adoption disrupts. The child, who has already faced severe abuse, neglect and/or sexual abuse and abandonment by his or her biological parents, is abandoned again. Self-image and esteem are severely damaged. Everyone feels he or she is a failure. In most cases, the disruption could have been prevented with background knowledge and preparation.

*Case Example: "Lance", age 13, was relinquished by his mother at age 3. He was subsequently adopted. Seven years later, Lance was voluntarily placed in foster care by his adoptive parents who were unable to control his behavior. They relinquished their parental rights the following year. Lance has been in foster care 2 years and has had 8 placements. The plan is adoption by the foster parents. In reviewing this case, the Foster Care Review Board recommended the foster parents attend therapy with Lance in order to understand and cope with his behaviors so he won't experience yet a third rejection.*

It is particularly important that foster and adoptive parents of sexually abused children be told of the abuse, because some boys have a tendency to "act out" and some girls are very self-destructive. If there is a possibility that the "acting out" might take the form of molestation of younger children in the home, the foster parent should be aware of this before agreeing to accept the child. While it may be harder to initially place such a child, there are foster and adoptive parents that can handle and guide these children through the difficult stages and provide them with a structured, stable, loving home.

**2. The Foster Care Review Board recommends that no foster care case be allowed to be unassigned or uncovered for over two weeks.**

The Foster Care Review Board has been concerned about the number of children who do not appear to be under the direct and active supervision of a caseworker. This seems to occur when caseworkers take a leave of absence, quit, or are promoted. The Review Board believes that children's cases need constant and continuing supervision in order to prevent crisis situations and for the child to progress through the system. For these reasons, the Review Board has made the above recommendation every year since 1984.

The Review Board feels that transferring these cases to other workers in the office, to workers in a different office, or to the supervisor should be allowed on only an emergency and very temporary basis. In the majority of cases, the supervisor and the workers have many other duties to perform and cannot adequately handle the overload. Allowing the cases to be unassigned, uncovered, or inadequately covered is clearly an unacceptable alternative to the children.

Of 1,439 children reviewed during 1988, 49 did not have a worker assigned to the case at the time of the review. 72 children (5%) had not had any face-to-face contact with their worker in 2 months or longer.

*Case Example; "Gwen", age 15, was placed in foster care by her grandmother. Her mother had died and the grandmother was unable to control Gwen's behavior. Gwen suffers from unresolved grief, depression, suicide ideations, and aggressive behavior. In addition, she was a victim of a sexual assault while in care. The plan is reunification with her grandmother.*

*At the time the Review Board reviewed this case, there was no caseworker assigned to Gwen. The most recent dictation in the file was 5 months old. The Board requested a caseworker be assigned to the case to assist Gwen with her complex problems and facilitate reunification with the grandmother.*

The Foster Care Review Board feels it is very important that a caseworker who is familiar with the child, the child's habits, and the child's history be available to assist the child and the foster family, especially in emergency situations. Similarly, the child must be confident that a known caseworker is available should the child need him or her.

The Review Board recommends that the agency study and develop methods for reducing caseworker turnover. Adequate compensation, smaller caseloads, and an acknowledgement of the efforts of the workers are all needed.

Since the 1984 Annual Report, the Review Board has recommended that no case be allowed to be unassigned or uncovered for over two weeks. Efforts need to be made to develop a method of covering caseloads during transitional periods in order to be prepared for problematic situations before they occur. Finally, the time needed to replace a caseworker must be reduced so case continuity can be maintained.

**3. The Foster Care Review Board recommends that up-to-date case narrative be required in the files of all children in out-of-home care.**

As a part of its reviews of children in out-of-home care, the Foster Care Review Board reviews the child's case file in the agency office. The Review Board is concerned when there is no up-to-date case narrative in the files or when the narrative is too brief or vague to tell what is going on in the case.

The Review Board is aware that many of the caseworkers and casemanagers have large caseloads; however, the Board feels it is very important that up-to-date information be available in the files. Accidents and illnesses can occur at any time. The Board feels that all vital data and current information should be easily accessible in the child's file in case a new worker has to take the case. This is especially true if an emergency situation occurs in the child's life.

*Case Example: "Debbie", age 15, was placed in foster care by her mother from 1981 to 1983 and again from 1985 to the present. She has had one home visit in the past 3 years and the mother has done nothing to encourage reunification. Debbie has 4 younger siblings who were in foster care from 9/87 until 4/88. While the siblings were in care, Debbie was able to visit them for the first time in 2 years. Debbie would like further sibling contact; however the mother is opposed to this. Narrative in the file is brief and usually only a line or two. In its review of this case, the Board has encouraged further sibling contact; however, no mention is made in narrative of any efforts to provide sibling visits or reunification efforts.*

4. The Foster Care Review Board recommends accurate documentation of the parent's progress be detailed to the court prior to a foster child's review.

The Foster Care Review Act of 1982 requires the courts to review a child's Dispositional Order after the child has been in care a year and every six months thereafter until the child leaves care. Prior to the court review, the agency responsible for the child is asked to submit a report to the court detailing the progress made. The court uses this report to determine if the child should be returned home or, if all efforts have failed, if parental rights should be terminated.

The Review Board has seen a number of court reports where only the date has been changed from the previous report. The Boards have also seen reports that have been hastily prepared and are very incomplete.

*Case Example: Three Johnson children were placed in foster care in 1985 due to neglect by their mentally retarded and emotionally handicapped mother. Two other children were placed in care at birth. The children are ages 3 to 9. One of the children is mentally retarded and another is emotionally mentally handicapped and has learning disabilities. Numerous reunification services have been offered without producing notable changes in the mother's condition or parenting abilities. As a result, a motion to terminate parental rights was filed in February, 1988. A hearing was held in July and a guardian ad litem was appointed for the mother. A trial scheduled for October was postponed and has not been rescheduled. The agency has not submitted a report to the Court in over a year. The Review Board recommended this be updated and submitted in order to provide continuity to the case, bring each child's situation up to date, and assist in moving the case through the system.*

The Foster Care Review Board urges all workers to complete their report to the court in as thorough and detailed of a manner as possible. The progress of the child and the parents should be well documented. This documentation is often the deciding factor on what happens to the child. Poor documentation is costly, can be misleading about the progress or lack of progress on the case, and can harm the child by extending the time the child must spend in foster care.

**5. The Foster Care Review Board recommends that the Family Policy Act not be used to leave children in dangerous situations or to prematurely return children home.**

In its reviews of children in out-of-home care, the Foster Care Review Board has observed cases where children appear to be prematurely returned to their parents. The Family Policy Act is being cited as the reason for these returns.

The Legislature passed the Family Policy Act in 1987. Briefly stated, the Family Policy Act says that children should be allowed to remain in their homes as long as possible, that children who have been placed in care should be in the most home-like placement possible, and that placements should be as close to home as possible. For the most part, the Review Board agrees with the Family Policy Act; however, there are times when exceptions must be made for the good of the child.

*Case Example: "Cindi", age 15, was placed in foster care because of sexual abuse by her stepfather. The abuse resulted in a pregnancy and Cindi's baby, "Sunny", has been placed in the same foster home as Cindi. They have had 3 placements. The stepfather has received a prison 1-3 year prison sentence for the abuse. Cindi's mother blames Cindi for the sexual abuse and has not received sufficient therapy to address her denial and responsibilities. In spite of this, the plan is to return Cindi and Sunny to Cindi's mother.*

*The Review Board disagreed with the plan because they felt Sunny would be a constant reminder to the mother of her husband's infidelity. They also felt that Cindi would be in danger of being re-abused when the stepfather gets out of prison. In this case, the Board felt there was a misinterpretation of the Family Policy Act in that reunification clearly was not in the best interests of either child.*

The Foster Care Review Board suggests the Department of Social Services rewrite its regulations re-emphasizing the best interests of the child and urging that keeping families together not outweigh the protection of the child.

## CORRECTION

There is an error on page 81. The recommendation should read as follows:

6. The Foster Care Review Board recommends that caution be taken in a child's initial placement and any subsequent moves.

Any disruption in the continuity of a child's life can have a negative effect on the child. When a child is placed in foster care, he or she must face new surroundings, a new authority figure, a new set of rules, and, often, a new school. The initial disruption of moving the child away from his or her parents is very difficult for the child regardless of the quality of care the child has been receiving from the parent or parents. Subsequent moves can cause confusion, anxiety, and trauma, especially to the very young child.

The Review Board is extremely concerned that 33% of the children in Nebraska's child caring systems have had 4 or more placements.

The Foster Care Review Board is concerned that, contrary to the past few years, the number of placements a child in foster care is experiencing is increasing. Of the children reviewed during 1988, 41% have had more than 5 placements and 14.5% have had more than 10. Of all active children in all systems, the percentage of children experiencing 6 or more placements has increased from 15% to nearly 20%. Children who have experienced 4 or more placements have increased in one year by 22%.

**Case Example:** "Daniel", "Dennis", and "Debbie", ages 3, 2, and 8 months, were placed in foster care because their mother left them dirty and unsupervised. In the 7 months they have been in care, they have each experienced 5 moves. The children are exhibiting some behavior problems. Another move is being considered. The Review Board is especially concerned about these children because their case has not been adjudicated in court, the children have no guardian ad litem, the mother's whereabouts is unknown, and the plan is reunification.

Cases like these show the need for recruitment of quality foster homes, respite care, and support and training of foster parents.

**7. The Foster Care Review Board recommends that a standardized system of monitoring services being provided by group homes and institutions be developed and implemented.**

The Department of Social Services is responsible for licensing the group homes and institutions that serve children throughout the State. The licensing procedure checks the facility for cleanliness, health standards, and safety features. The inspection does not address the services that the facility provides to the children residing at the facility.

Because the majority of children in out-of-home care are under the supervision of the Department of Social Services and DSS children make up the majority of residents in the group homes and institutions, it is especially important that the Department develop a standardized system of monitoring not only the physical aspect of the facility but the services being provided. The monitoring should be on an ongoing basis, not only during contract negotiations.

*Case Example: "Christopher", age 14, was placed in foster care after an evaluation of his inappropriate sexual acting out in class revealed he was a victim of sexual abuse. His brother "Mark", age 15, was also placed in foster care. An investigation showed he was both a victim and perpetrator of physical and sexual abuse with other family members. Because he was mentally retarded and a possible sexual perpetrator, Christopher was refused by 20 foster and group homes before a placement was found for him. Mark was placed in a psychiatric hospital, then transferred to a group home.*

*Mark reported inappropriate sexual activity between the boys at the group home. Mark had been assigned a roommate who was "known as homosexual and transsexual". Although most of the boys in the group home were behaviorally impaired and/or sexually abused, there was no 24-hour staffing at the facility and the sexual activity was inappropriately handled. The Review Board recommended the group home personnel receive additional training regarding DSS policies and expectations, 24-hour awake staff be put in place, and a closer review be made of the kind of supervision being received by the youth.*

Other issues that need to be considered for group homes and institutions that provide supervision and services to Nebraska's young people include (a) who has access to the children, (b) how are employees screened, (c) who do the agencies allow the youth to leave with, and (d) how are the youth supervised when they leave the campus (especially very young or disabled children).

8. The State Foster Care Review Board recommends that DSS re-examine its reunification policies when parents show little or no interest or ability in parenting their child.

When a child is placed in foster care under the supervision of the Department of Social Services, the usual policy is the plan will be reunification for at least the first year. During this time, the Department places its efforts and resources into reuniting the family. In most cases, this is a commendable policy and the Foster Care Review Board is supportive of the reunification efforts.

The Board has become alarmed at situations where children are prematurely returned to parents who minimally take advantage of services and do not appear to be ready for reunification.

*Case Example: "Ken" and "Katie", ages 1 and 3, were placed in foster care in 1987 after Ken was hospitalized with several infections and possible cigarette burns to his legs. Both children had been left with inappropriate babysitters, had inadequate parental supervision, and there was suspected sexual abuse to Katie. Two months later, they were returned to their mother and home-based services were provided. In addition, vocational assistance, counseling, group therapy, transportation services, and financial aid in obtaining an apartment had been provided to the mother. Workers noted that the mother was inconsistent in parenting, disciplining, and maintaining her home and partially compliant with the reunification plan. Ken was again removed from the home a month later due to his worsening health. Several months later, Katie was severely burned by scalding water and she was again placed in foster care. Felony child abuse charges were filed and the mother was incarcerated. In spite of her legal situation and her proven lack of parenting, the plan for Ken and Katie remains reunification.*

The Foster Care Review Board cannot agree with reunification when the safety and well-being of the child is at risk. When such intensive services as were provided in the above case have been offered with little or no progress, alternative permanency plans must be considered for the children. The child's rights have to be balanced with the rights of the parents.

9. The State Foster Care Review Board recommends that DSS review its placement policies regarding children who are seriously mentally ill, exhibit dangerous and aggressive "acting out" behaviors, and/or have severe bonding issues and consider developing programs to meet these children's needs.

The Department of Social Services currently has a policy of not placing children in highly-structured, out-of-state institutions. These institutions are very expensive and family visitation is difficult. For the majority of children, this is a good policy.

However, there are some children and youth who are seriously mentally ill, exhibit dangerous and/or aggressive "acting out" behaviors, and/or have severe bonding difficulties that need these kind of placements. Nebraska does not have appropriate facilities to treat children with these problems.

*Case Example; "Adam", age 15, came to the attention of Child Protective Services in 1975 on a chronic neglect referral. Services were refused by the family and charges were dropped. Another neglect referral was made in 1977. In 1980, a school conference was called due to Adam's encopresis and enuresis, but teachers were told to ignore it because it was attention-seeking. Counseling was recommended for the family, but refused. In 1985, Adam was suspended from school and placed in a hospital's Behavior Modification Unit; however, the family removed him prematurely because of the expense.*

*Adam was sent to the Lincoln Regional Center in 1987 following an indecent exposure episode at school. School problems included threatening a teacher with a pencil, drawing sexually explicit pictures in the classroom, and self-stimulating behaviors. Adam has a violent temper, has been identified as behaviorally impaired, and may suffer from childhood schizophrenia.*

*The Regional Center has stated it can no longer be of assistance to Adam. He was placed at the Nebraska Center for Children & Youth; however, their program is limited to 90 days. In less than 2 years of care, Adam has experienced 9 placements. The plan is to return Adam home in spite of the fact he has physically attacked his mother and sister in the past, they fear Adam, and they don't want him back. Adam needs a long term, structured environment and Nebraska has no facility that can address his needs at this time.*

The Review Board is disturbed when a child has been shuttled from placement to placement with each stating it is not appropriate for the child. When a child has had numerous evaluations at hospitals, the Regional Center, the Youth Development Center, etc., and each indicates the child needs services Nebraska is unable to provide, the child cannot be made to wait until the service is developed or he or she simply ages out of the system. Some of these children have the potential to cause serious harm to themselves or others if they do not receive the services they need.

The Foster Care Review Board has identified three areas where programs are lacking;

(1) Severe bonding problems of children and youth who have suffered multiple abuse and rejections at an early age from biological and/or adoptive parents.

(2) Adolescents and youth who have severe behavior problems, especially those with a potential of harming themselves or others.

(3) Sufficient long-term facilities, especially in rural areas, to treat adolescent sexual perpetrators.

The Review Board urges that attention be given to developing programs to address these problems and, until appropriate programs have been developed, out-of-state facilities be seriously considered.

#### 10. The Foster Care Review Board recommends that foster parents be supported in order to avoid unnecessary placement changes.

Foster parents are the heart of the foster care system. The Review Board feels that foster parents must be well compensated, adequately trained, and highly valued in order to maintain a sufficient number of high quality caretakers to care for the increasing number of children entering the foster care system. Standards must be adopted to provide oversight and prevent abuse in the foster home.

Respite care must be readily available to give the foster parents a break from the constant supervision of children who are frequently very demanding of their time and difficult to manage. This is especially necessary for children with physical and/or emotional disabilities.

Foster parents must be included as a part of the team. They must be invited to participate in planning sessions for the child. They should also be included in all court hearings and reviews. As the person most familiar with the child and the child's behavior in care, their input is vital.

*Case Example: "Harry", age 2, came into care because his mother was unable to care for him, had no permanent residence, and had no job. The mother was court-ordered to find housing, get a job, attend parenting classes, and seek counseling. Harry had only one placement while in foster care. Harry's foster mother was extremely concerned because of Harry's crying and upset behaviors after returning from visits with his mother. She had little communication with the caseworker and was not advised of court hearings. When Harry was injured during a home visit, visitation was held in the foster home; however, no one gave the foster mother instructions about whether she should give direction to the mother, observe the interaction between mother and son, or go in another room. The foster mother became very fearful about what would happen to Harry when he returned home. Although she had been a foster parent several times prior to Harry, she vowed she would never be a foster parent again.*

The Review Board supports L.B. 290 which will require and fund foster parent training. Children in foster care present a number of problems and behaviors that are difficult to understand and deal with without specific training. Issues that should be included in training are working with and understanding the biological parent, recognizing and coping with the acting out behaviors of sexually abused children, substance abuse issues, preparing the older child for independent living, parenting "acting out" adolescents, and identifying and handling separation and loss behaviors.

Training will prevent placement disruptions that can be extremely harmful to the child. Each change in placement has an effect on the child because the child must adjust to a new family, new set of rules, and often a new school. Numerous placement changes can cause a child to become distrustful of adults, withdrawn or depressed, and/or a failure in school.

Foster parents need adequate compensation for caring for children. The ages of the children and the level of care required need to be studied and adjustments made to the current payment system. Feeding and clothing a teenager is much more expensive than caring for a very young child, but foster care rates in Nebraska are the same for both. The rates for caring for physically and emotionally handicapped children also need to be standardized.

The Foster Care Review Board is also concerned that Nebraska appears to be losing foster parents faster than new foster parents can be recruited. Training and support are critical if this trend is to be changed.

## TO THE DEPARTMENT OF CORRECTIONS

1. The Foster Care Review Board recommends that peer pressure counseling be used only with juvenile offenders who are not learning disabled.

Peer pressure counseling is a technique used in both of the Youth Development Centers that uses group dynamics to influence the behavior of the individual. Misbehavior by the individual is discussed by a group of the offender's peers and an appropriate punishment determined.

While peer pressure counseling can be very effective, it is not as effective when a child is learning disabled, particularly if the youth cannot understand the relationship between "cause" and "effect". In its reviews of young men and women placed at the Youth Development Centers in Kearney and Geneva, the Foster Care Review Board has determined that many of these youth are learning disabled and that peer pressure counseling would not be appropriate for them.

*Case Example: "Willa", age 16, entered care at age 13 as incorrigible, truant, and involved in a breaking and entering incident. She was placed at the Youth Development Center. Willa has an IQ of 80. After 16 months at the YDC, she was given an administrative discharge, although her counselors did not feel she had "worked through the program". Willa was returned to her mother where she ran away and was truant from school. Her parole was revoked and she was returned to the YDC. Willa has spent an additional 7 months at the YDC and is progressing slowly. The Review Board expressed concern that Willa's low IQ was hindering her progress in the YDC program and that if the program could not be adjusted to meet her special needs, this low-functioning child would continue to grow up in this restrictive placement.*

The Foster Care Review Board is concerned that youth placed at the Youth Development Centers as a result of gang activities might also be inappropriate for peer pressure counseling. These young people must learn to be responsible for their own behaviors rather than relying on the opinions and actions of the group. One of the reasons they participate in gangs is because of peer pressure.

The Foster Care Review Board recommends that the Youth Development Centers explore alternate methods of changing behaviors and use the methods that are beneficial and appropriate as determined on an individual basis.

2. The Foster Care Review Board recommends that interim and post services be provided to juvenile offenders and their families to help successfully reunite the youth with the family.

The Department of Correctional Services is responsible for a very difficult youth population. Because of recent overcrowding conditions, the youth placed at the Youth Development Centers remain for a short period of time, sometimes only 5-6 months. In spite of this, juvenile offenders are expected to make considerable behavioral changes by the time they return to their families.

The Foster Care Review Board has been concerned for some time that many juvenile offenders are not receiving appropriate services at the Youth Development Centers to address their immediate and severe problems. Frequently the situation that caused the placement at the YDC, such as car theft, stealing, running away, or the youth's substance abuse is only a symptom of a more serious problem, such as sexual abuse, physical abuse, neglect, or alcoholism in the home.

*Case Example: "Sharon", age 16, was placed in foster care in 1986. She had been physically and sexually abused by her stepfather, had unresolved grief issues over her father's death, had a history of 10 suicide gestures, and is suffering from an eating disorder. Sharon has had 24 placements since November, 1986. She was placed in the Youth Development Center in 1988 as a result of a breaking and entering incident. Dictation indicates Sharon is withdrawing from reality. The Review Board has questioned whether the YDC is an appropriate placement for Sharon. In view of the multiple problems Sharon exhibits, the Board feels an inpatient psychiatric facility prepared to deal with Sharon's multiple grief issues, sexual abuse victimization, and eating disorder might be better able to provide the services Sharon needs.*

Steps must be taken at the Youth Development Centers to evaluate and address the youth's problems; when the peer pressure milieu is not sufficient. In addition, services must be made available to the family of the juvenile offender to effect changes within the family so situations do not reoccur that would cause the youth to be returned to care. Finally, post services should be offered to the youth so he or she can move forward with his or her life.

**3. The State Foster Care Review Board recommends that transitional foster and group homes be established to assist troubled youth in their return to the home and community.**

Youth who have been sentenced to one of the State's Youth Development Centers frequently need a transitional placement before returning home. Many of these young people come from dysfunctional families. The problem or problems that caused them to be sentenced to the YDC (breaking & entering, stealing, truancy) often is a symptom of more serious problems in the home (physical or sexual abuse, lack of supervision, parental substance abuse).

Because of the growing number of youth being sentenced to the Youth Development Centers, these facilities have been forced to reduce the length of the sentence. At the Kearney YDC, the average stay is 5 months. The YDCs do not have the time nor resources to provide all of the services the young people need, such as counseling or independent skills training; and, while the youth is at the YDC, the family does not receive services. Under some circumstances, the Department of Corrections and the Department of Social Services are able to work together to provide a transitional placement; however, in most instances, the youth is returned home.

*Case Example: "Calvin", age 13, first came to the attention of authorities at age 5 for stealing. He was placed on probation in 1984 for property damage. In 1986, he was placed in foster care. He returned home in 1987 with home-based services provided to the family. He violated the rules of his home placement, and was sent to the YDC.*

*The Court, Department of Social Services, and Department of Corrections are working together to develop a specialized foster home for Calvin, including home-based services and family therapy. Calvin will visit the family and then be furloughed there. The eventual plan is reunification with Calvin's mother.*

Cooperation between agencies in situations such as the above case is commendable and the Review Board would like to see more efforts like this made to assist children and families. Troubled children need a structured environment where they can re-establish study skills and receive vocational training, take advantage of counseling and therapy to address their specific problems, and learn independent living skills. This can best be accomplished away from the disruptive family, negative peer group or non-supportive community.

This recommendation also holds true for young people leaving mental health facilities such as the Lincoln Regional Center.

Transitional foster and group homes would reduce the recidivism rate and save the State money in the long run by preventing re-entry into care and allowing the youth to go on to lead a productive life. Funding must be found to provide this resource to our troubled youth.

## TO PRIVATE AGENCIES, INSTITUTIONS, AND MENTAL HEALTH FACILITIES

### 1. The Foster Care Review Board recommends that permanency planning be developed and/or redefined.

The Foster Care Review Board is concerned that many private agencies and institutions are not doing an effective job of long-range permanency planning for the children in their care. For that reason, the Board again makes the above recommendation.

Since the advent of the Foster Care Review Act, agencies have initiated some planning for their children. The Board, however, cannot accept a long range plan of "group home until the age of majority" for a young child when other options are available. A child needs stability, continuity, and family relationships. Placement in a group home or institution can address many of the problems in a child's life, but it cannot be a substitute for a real home and real family. Each child needs a stable relationship with an adult, and this function cannot be supplied by an ever-changing staff of group home parents and shift workers.

*Case Example: "Brad", age 10, was voluntarily placed at a private agency by his mother when he was age 7. The mother was very young when Brad was born and blames him for ruining her adolescence. She lives in another state and has agreed to have more contact with Brad, but hasn't followed through. The grandmother thinks she might like Brad to live with her at sometime when he's older. Brad has spent 28% of his life in out-of-home care. The plan for Brad is to remain at the private agency.*

The Board urges the private agencies to explore methods of bringing needed services to the families of privately placed children so the children can return home. The Board also recommends the development of smaller, family-like placements for young children and transitional homes for those who have completed the institution's program but can't go home for whatever reason. Alternate methods of involving the child in family life should be developed. Finally, independent living skill training should be required for every child over the age of 16.

## TO ALL AGENCIES

1. The Foster Care Review Board recommends all agencies document caseplans for children that reflect programs and services being provided which will help the child prepare for the transition from foster care to returning home, being adopted, or independent living.

It is extremely important that all courts and agencies document the caseplan for the child so everyone involved will be aware of what the long range plan is and what services will be necessary to accomplish the plan. The plan should be in writing.

The Foster Care Review Board is aware that sometimes plans change. When the change is clearly documented and everyone is aware of the change, then all parties can work to accomplish the new goal.

The Review Board is concerned when there appears to be no plan for the child or when there are several plans. Of the 1,439 children reviewed during 1988, 48 (3.3%) had no written plan and 169 (11.7%) had only a partial plan.

It is also very important that services be clearly documented, along with information on the child and parents' progress. Of the 1,439 children reviewed, 83 (5.8%) had no written description of services. 142 (9.9%) had a partial description of services and 72 (5%) were receiving services but the services were not in writing. This information can be used to justify the child's return home or, if progress is lacking, termination of parental rights.

Children need and deserve a stable, loving, permanent home and a relationship with at least one caring adult. When there is permanency planning, children move through the foster care system more rapidly.

**2. The Foster Care Review Board recommends that new programs be evaluated thoroughly and continuation funding be sought when needed.**

The Foster Care Review Board first made this recommendation in the 1987 Annual Report and directed it to the Department of Social Services. The recommendation is being expanded this year and directed to all State and private agencies that seek grants to develop programs for children.

Grants are very beneficial to agencies because they allow for the creation, development, and implementation of a wide range of new programs. The Board is concerned that many good programs are begun, then dropped when the funding ends. When a good service for children is discontinued, the void in the community is considerable.

An example of a program that was lost when funding ended but is badly needed foster and group homes for children leaving the Youth Development Centers. Many of the young people leaving these facilities need a transitional placement before returning to their homes.

The Board urges agencies to include a strong evaluation component in their grant applications to validate the need and results if the program proves worthwhile and to discontinue the program if it is ineffective. Evaluations can also identify weaknesses in a program so corrections and modifications can be made.

A vast number of grant-sponsored programs are currently being conducted, in such areas as sexual abuse training, home-based service provision, parent training, family preservation teams, and respite care. The Board recommends these be carefully evaluated as the grants come to an end and special attention be given to locating continuation funding for those programs that are making a difference in the lives of children and their families.

## TO THE TRIBES

1. The Foster Care Review Board recommends that Tribal Courts that take jurisdiction over Indian children handle the cases in a timely manner.

The Indian Child Welfare Act was passed by Congress in order to protect the rights and heritage of Native American children placed in foster care. It permits the Tribal Courts of the various tribes to take jurisdiction over cases of families who have membership in the tribe. The county and juvenile courts, the Department of Social Services and other agencies, and the Foster Care Review Board are aware of the Indian Child Welfare Act. Unfortunately, some Tribal Courts and tribal social services do not have the financial resources or foster care ability to handle all Indian children's cases.

*Case Example: "Rodney", "Rosa", and "Rebecca", ages 8, 4, and 2, were placed in foster care after Rebecca received a spiral fracture to her leg. The children had been living with an aunt and physical abuse was suspected. The children were born in South Dakota where their mother was thought to be still living. Records from South Dakota, when finally received, revealed the mother had a long history of Child Protective Services involvement. Parental rights to an older sibling had been terminated years ago; and a younger sibling had been placed in foster care in South Dakota. Records showed that Rodney had been in foster care 6 times between 1980 and 1986.*

*A petition was filed in County Court on behalf of the children, but before the case was adjudicated, the tribe filed a motion that it wished to transfer the case to tribal court, which was granted. The children were ordered to remain in the custody of the Department of Social Services until custody could be transferred to the South Dakota tribe. Eighteen months have elapsed. The tribe has not assumed custody and there has been no Tribal Court hearing. The caseworker has been unable to complete the transfer. Meanwhile, the county court terminated its jurisdiction and there have been no court reviews of the case since mid-1987. The case remains in limbo. Recently, the social worker requested the county attorney to refile a petition on behalf of the children.*

The Foster Care Review Board respects the tribe's right to assume jurisdiction over Indian children and supports the premise that Indian children should be placed with Indian families whenever possible.

The Board expresses extreme concern, however, in situations like the above. Indian children, and indeed all children, need and deserve a permanent home. Systemic delays such as described above cannot be allowed to continue to be a barrier.

**2. The Foster Care Review Board recommends that alternate methods be investigated to solve the underfunding of Tribal Courts.**

Tribal Courts have been created to serve members of the various Indian tribes throughout the country. Funding for these courts comes from the Federal Government through the Bureau of Indian Affairs. The Foster Care Review Board has learned that many of these courts are badly underfunded. This results in tribes not having the financial resources to provide a guardian ad litem for its children or, at times, to pay the board rate to foster parents who care for Indian children. The case in the previous recommendation demonstrates the difficulties that occur as a result of this lack of funding.

The Federal government provides Indian Child Welfare competitive grants to carry out the provisions of the Indian Child Welfare Act. Not every tribe receives these grants. The Winnebago and Omaha did not receive grants for the coming year. As a result, both tribes will be losing one full time and one part time Child Protective Services Worker.

The Bureau of Indian Affairs provides Social Services grants, but not Child Protective Services grants. The tribes themselves could provide funding; however, they have many programs that need funding and few dollars to spend. Another option is the State could pick up these programs. The Department of Social Services has funded CPS for the Omaha tribe and is looking for ways of contracting with the Winnebago tribe to assist them with Child Protective Services.

The Foster Care Review Board commends the Department of Social Services for taking this position and encourages the Federal Government to study this serious problem.

The Foster Care Review Board urges child welfare agencies, the communities, and the tribes to work together to acquire additional funding so Indian children can have regular court reviews, adequate legal representation in court, and stable placements if they must be in out-of-home care.

## TO THE COMMUNITIES

1. The Foster Care Review Board recommends the media withhold the names of juvenile victims and offenders, particularly in incest cases.

This recommendation first appeared in our 1987 Annual Report. The Review Board continues to be concerned about the effects on child victims and offenders when their name is published in the newspaper or broadcast over the radio or television. This is particularly true in incest and sexual abuse cases.

The damage publicity can do to the self esteem and confidence of a young victim can be long lasting. In some small communities, the publicity will follow the child and be discussed for life or as long as the child lives in the community.

*Case Example; "Heather", age 13, made allegations that she had been sexually assaulted by her stepfather. Authorities believed Heather and charges were filed. During the trial, Heather was harrassed by relatives, became frightened and refused to testify. While the newspaper reporting the story did not disclose Heather's name, the name and address of the stepfather were published. As a result, Heather was teased and taunted at school.*

Each newspaper, radio station, and television station has its own policy regarding publishing the names of juveniles. The Board urges the media to review its policies giving special attention to protecting the confidentiality of young victims and offenders.

2. The Foster Care Review Board recommends communities develop and support primary prevention projects.

Communities can take a major role in assisting children and families by developing and supporting community based services for children and families. Projects should be determined according to the specific needs of the community and might include parenting classes, independent living skill training, counseling services, or home-based services.

Early referral to locally available services facilitates keeping the family together. Early prevention also saves money over the long run.

The Foster Care Review Board would like to commend Beatrice, Lincoln, Grand Island, Broken Bow, and Scottsbluff-Gering for developing Family Preservation Teams. These teams consist of representatives from a variety of service agencies. In Beatrice, a Family Resource Center has been developed consisting of 10 service agencies in one location. Lincoln has created a "Welcome Baby" program to assist new parents and improve parenting skills. Scottsbluff-Gering has started a "Health Line" that people can call for service information. In Broken Bow, a step family support group has been formed and home management seminars have been conducted. Grand Island's team has focused on parent education and has been instrumental in bringing the Boys Town Midplains Shelter to Grand Island.

Other communities are working on bringing needed services to their areas. North Platte is working to provide a shelter for runaway children and children in need of temporary assistance.

Child Guidance of Lincoln has hosted training seminars to help professionals who work with sexually abused children and youth.

Boys Town has provided a number of training sessions across the State to help foster parents and workers understand and appropriately handle sexually abused children in foster care. This program has been expanded and is being presented in other states. Boys Town is also recruiting and training therapeutic foster homes in Lincoln and has developed a shelter for youth in Grand Island. Boys Town is in the process of developing a National Hotline (1-800-448-3000) which will include a service referral for troubled families. Future plans include a National Training Center on Violent and Aggressive Children and Youth.

The majority of children in out-of-home care are from the Omaha area. The Department of Social Services has introduced new programs in this area to recruit and train foster parents. Support groups are being formed and respite care services are being developed.

Whether they are large or small, community involvement in projects to help families demonstrate what can be done when people work together and show how much they care. The Foster Care Review Board supports these projects and encourages other communities to become involved in programs and services to assist children and their families.

**3. The Foster Care Review Board recommends communities support and value foster parents by making parent training available at reduced rates, providing respite care for foster children, and developing support groups for both foster parents and children in foster care.**

Foster parents provide an extremely valuable service to the community. It is very important that the community support and respect its foster parents. This can be done in a number of ways.

Beneficial conferences, workshops, and parent training classes can be offered to foster parents at reduced rates. Nursery and babysitting assistance can also be provided.

Foster children can be very difficult children to handle. Many foster children are developmentally disabled and/or behaviorally impaired. It is vital that respite care be provided to allow the foster parents some time away from the children to prevent "burn out". The Foster Care Review Board commends the Department of Social Services, Nebraska Psychiatric Institute, and the community volunteers who have been working together on a grant to provide statewide respite care training and support.

Foster parents and foster children can benefit from support groups. It is always helpful just to know that others have similar problems and to work together to solve problems.

The Foster Care Review Board commends the communities that have developed programs for foster families and encourages others to provide the services and support these families may need.

## TO THE LEGISLATURE

1. The Foster Care Review Board recommends grounds for termination of parental rights be amended to include length of time in care after diligent efforts have been made to rehabilitate the family.

In its reviews of children placed in out-of-home care, the Foster Care Review Boards have been concerned about the amount of time some children spend in foster care while their parents are given chance after chance to make necessary changes. Currently, parental rights can be terminated for one or more of the following reasons:

- a. Abandonment for 6 months or longer;
- b. Continuous or repeated neglect;
- c. Failure to provide or pay for subsistence, education, or other care when financially able;
- d. Unfit by reason of debauchery, habitual use of alcohol or drugs, or repeated lewd and lascivious behavior to be detrimental to the health, morals, or well-being of the child;
- e. Inability to discharge parental responsibilities because of mental illness or mental deficiency with reasonable grounds that such condition will continue for a prolonged period;
- f. Failure to correct conditions leading to a court determination that the child is a juvenile under 43-247(3a).

The Foster Care Review Board recommends that length of time in out-of-home care after diligent efforts have been made to rehabilitate the family be added to this list. A child cannot be made to wait indefinitely for changes to occur so he or she can return home. All children need and deserve a stable, permanent family. According to the Child Welfare League of America, if a parent has not rehabilitated within 18 months, it is unlikely that the parent will ever rehabilitate. Dr. Alexander Zaphiris of the University of Denver Graduate School has stated that no child should remain in foster care over 9 months. By adding a specific time length during which reasonable, documented efforts have been made to rehabilitate the family to the reasons parental rights can be terminated, children won't be made to wait for years for families.

**2. The Foster Care Review Board recommends legislation be drafted to clarify a father's parental rights.**

In its 1987 Annual Report, the Foster Care Review Board noted the problems that can occur when the father's parental rights are unclear. An adoption was overturned by the Court because a father did not receive due process. The Board continues to feel that Legislation should be drafted to address this problem.

Each year, many children are born to unwed mothers. Statute requires the father to take legal steps to establish paternity within a very short time; however, this is rarely done. In addition, many divorced fathers disappear from the scene only to reappear at a later date.

Various courts take care of the parental rights issue in different ways. Sometimes the parental rights of the father, if not previously terminated, are terminated at the time of the adoption.

The effects, both positive and negative, that these fathers have on their children must be taken into consideration by the agencies that place the children.

**3. The Foster Care Review Board recommends training be mandatory for all foster parents and that proposed legislation funding the training be approved.**

The Foster Care Review Board identified the lack of required foster parent training as a problem in its First Annual Report in 1983 and has made this recommendation in successive Annual Reports.

The Department of Social Services has an excellent training program available for foster parents; however, this program is not a requirement to receiving a child in a home. The program explains how to handle children under a number of predictable circumstances, such as grief, "acting out" behaviors, testing, etc. The training also gives the foster parent a better understanding of what foster parenting is all about and what the foster parents' role is. The Review Board continues to recommend that this optional training become mandatory.

A properly trained foster parent will have a better chance at appropriately guiding a truant adolescent by instilling new values with enough flexibility to prevent the child from running away, skipping school, or rejecting what is being taught. A trained foster parent will not be shocked by the behaviors of a sexually abused child, but rather can help redirect the child's behavior and understanding of sexuality.

There is no doubt that a foster parent with proper training is better able to cope and less apt to ask that the child be moved. Training also allows the foster parent to meet other prospective foster parents, thus setting up a built-in support system. Finally, training allows the agency to evaluate prospective foster parents and eliminate those with poor motivation or questionable parenting philosophies.

*Case Example: "Bruce", "Katie", and "Tami", ages 6, 4, and 2, were placed in foster care by their father who was unable to care for them. The family had a long history of physical abuse, sexual abuse, and neglect with frequent CPS involvement. Bruce and Katie exhibited inappropriate acting out and aggressive behaviors. In spite of his history, Bruce was placed in a first-time foster home with foster parents who had little training. The placement dissolved when the foster parents, frustrated with Bruce's behavior and unable to cope, stopped the child.*

Training will prevent placement disruptions that can be extremely harmful to the child. Each change in placement has an effect on the child because the child must adjust to a new family, new set of rules, and often a new school. Numerous placement changes can cause a child to become distrustful of adults, withdrawn or depressed, and/or a failure in school.

Foster parents need adequate compensation for caring for children. The ages of the children and the level of care required need to be studied and adjustments made to the current payment system. Feeding and clothing a teenager is much more expensive than caring for a very young child, but foster care rates in Nebraska are the same for both. The rates for caring for physically and emotionally handicapped children also need to be standardized.

The Foster Care Review Board is also concerned that Nebraska appears to be losing foster parents faster than new foster parents can be recruited. Training and support are critical if this trend is to be changed.

**4. The Foster Care Review Board recommends that the roles of State Agencies responsible for children and youth be defined and methods of cooperations be implemented.**

The Foster Care Review Board is concerned about the changing priorities and agendas of State Agencies responsible for children and youth and fears that these will result in needless gaps and duplications in services. Because of this, the Review Board suggests that the roles and responsibilities of these State Agencies be analysed and clarified.

The Department of Social Services appears to be brokering services in some areas and delivering services in other areas. The Department of Public Institutions isn't placing children's mental health as a priority and appears not to want to serve children at all.

The Department of Social Services cannot accept delinquent youth due to regulation and statute. Services can't be delivered to the families of delinquent youth placed at the Youth Development Centers through the Department of Correctional Services.

Many children and youth leaving the Lincoln Regional Center or the YDCs need the services that the Department of Social Services can provide; however, the agencies aren't able to work together to provide these services.

APPENDIX

EVALUATION OF THE NEBRASKA FOSTER  
CARE REVIEW BOARD

1987 - 1988

by

Ann Coyne, Ph.D.

All 1,269 children who were active anytime in 1987 and who were reviewed one or more times by the Foster Care Review Board during 1987 were selected as the reviewed sample. Some of these children had also been reviewed before 1987 and some continued to receive reviews in 1988. By December 31, 1988 when the data was analyzed 100 had been reviewed once; 188 had been reviewed twice; 243 had been reviewed three times; 178 had been reviewed four times; 145 had been reviewed five times; 130 had been reviewed six times; 107 had been reviewed seven times; 76 had been reviewed eight times; 56 had been reviewed nine times; 28 had been reviewed 10 times; 12 had been reviewed eleven times; 2 had been reviewed twelve times; and 4 had been reviewed thirteen times.

A comparison group was constructed of children who were eligible for review in 1987 but were not reviewed, either in 1987 or 1988.

A random sample of non-reviewed children was selected early in 1988, matched by age to the children who had been reviewed. By the time the data was analyzed on December 31, 1988, 338 eligible children who were not reviewed in 1987 had been reviewed in 1988 and had to be dropped from the comparison group.

Comparisons were made between the reviewed and non-reviewed groups to assure that they were similar in sex, race, agency, etc. They were found to be quite similar except for length of time in care, so that differences in outcome can be attributed to the fact that one group had been reviewed by citizen reviewers and the other had not.

### Results

Comparisons were made between the 1,269 children active in 1987 who were reviewed by the Foster Care Review Board at least once in 1987 and the 918 similar children who were active in 1987, eligible for review, but not reviewed in either 1987 or 1988.

### Current Placement Type

There were large significant differences between the two groups in terms of what type of placement the children were in on December 31, 1988.

Similar to the findings in the evaluations of 1985 and 1986, children who were reviewed were 3.5 times more likely to be in adoptive placements as children who were not reviewed. Reviewed children were also twice as likely to be placed with relatives as comparison children and were 1.8 times more likely to be in more homelike foster care settings than comparison children who were 2.6 times more likely to be in an institution. Comparison children, however, were 1.6 times more likely to be returned to parents than reviewed children. All these findings are similar to 1985 and 1986 data.

### Closeness to Home

Reviewed children were more likely to be placed in their own county (52.1%) compared to the comparison group (37.8%). However, this is a decrease overall from 1986 when 57.8% of the reviewed children and 53.6% of the comparison children were placed in their own county. It is however the first time there has been a statistically significant difference between reviewed and comparison group children.

The 1985 data showed no differences in where children were placed, while the 1986 data showed reviewed children slightly more likely to be placed in their own county compared to comparison group children. In 1987 the differences were greater.

### Current Plan

There were significant differences in the current plans between the two groups. The reviewed children were 1.7 times more likely to have adoption as their plan compared with the non-reviewed children. The reviewed children were 3.1 times more likely to have long-term foster care as their plan as well.

On the other hand, the comparison group was 2.2 times more likely to have "return to parents" as its plan. The percentage of children with plans of group home or institution were nearly the same between the two groups.

These findings may be due, in part, to the difference between the two groups in length of time in care. More of the comparison children had not been in care long enough for their plan to change from "return to parent", the typical first plan.

#### Plan Achievement Date

Again, the lack of a plan achievement data for many non-reviewed children (46.9%) is a concern. Additionally, some (13.6%) of the plan achievement dates were before 1987 and a few (1.1%) were after 1990 indicating lack of a clear time goal for over 60% of the comparison children.

Children who were reviewed seemed slightly more likely to have reasonable dates for achievement of their plan, although 15.7% had no targeted date, 16.4% had dates before 1987, and 12.4% had target dates after 1990 (a total of 44.5% lacking a clear time goal).

#### Number of Placements

There were significant differences between the groups in the number of placements the children had. Some 32.2% of the reviewed children had three or fewer placements while 52.2% of the comparison children had three or fewer. Forty-six percent (46.4%) of the reviewed children had 4 - 9 placements while 38.8% of the comparison children had 4 - 9. Twenty-one percent (21.4%) of the reviewed children had 10 or more placements and 2.8%, 36 children, had 20 or more placements. On the other hand, only 8.3% of the comparison children had 10 or more placements with only 0.3%, 3 children, having 20 or more placements. These differences are probably related to the reviewed children having been in out-of-home care longer.

#### Parental Rights Status

There were significant differences between the two groups in terms of the status of parental rights. Children in the reviewed group were 3.3 times more likely to have had a petition for termination filed or to have termination completed against their fathers than children in the comparison group.

Likewise, children in the reviewed group were 4.3 times more likely to have had a petition for termination filed or to have a termination completed against their mothers.

There were also differences between the groups in terms of the number of parents who voluntarily relinquished their children for adoption. Children who were reviewed were 3.9 times more likely to be relinquished for adoption by their mothers and 2.9 times more likely to be relinquished by their fathers than non-reviewed children.

### Adoption Free Date

Children in the reviewed group were 6.6 times more likely to have been freed for adoption after January 1, 1987 than children who were not reviewed in 1987.

### Court Review Results

The lack of information on court reviews is still a concern. While most of the children apparently had court reviews, only 27.6% of the reviewed children and 23.0% of the comparison children had reports of the results of their court reviews submitted to the Foster Care Review Board.

### Number Terminated

Some 624 reviewed children (49.2%) and 578 comparison group children (63%) had been terminated from the system by December 31, 1988.

Reviewed children are significantly less likely to be terminated from care than children not reviewed by the foster care review process. However, much of this difference appears to be related to the fact that most of those children reviewed in 1987 had been in the system and reviewed previously but were still in non-permanent placements. These children are less likely to leave the system. Many children in the "eligible for review but not reviewed" group, tended to avoid review because they left the system soon after they become eligible and before the Foster Care Review Board could schedule a review of them.

As time has gone on, more of the children being reviewed by the Foster Care Review Board have tended to be the hard-core children with serious family problems who are unable to return home to their parent(s).

### Reason Case Terminated

Thirteen percent (13.8%) of the reviewed children who were terminated from care were reported to have returned to their parents' custody while twenty-one percent (21.5%) of the non-reviewed children were reported to have returned to parents. More reviewed children (12.4%) left care through adoption or guardianship than non-reviewed children (3.6%). About the same percentage of reviewed children (9.3%) left care through emancipation (age, marriage, military) as non-reviewed children (9.6%).

These comparisons may not be valid, however, since 59% of the reviewed children who were terminated and 46.1% of the non-reviewed terminated children had no reason stated for leaving care.

Summary

Findings were very similar to the 1985 and 1986 evaluations, indicating that review by citizen review boards does have a consistent predictable impact on what happens to the children. Particularly significant is the continued difference between the two groups in adoption rates.

The fiscal impact of the adoptions and relative placements made in 1987-1988 is large. A conservative estimate of the net per year savings of the reviewed children who were adoptive or placed with relatives is \$249,480 (53 more than expected adoptions and 46 more than expected relative placements at \$210/mo. minimal foster care payment.)

Review by citizens apparently encourages the agency, the guardian ad litem and the court to work together to accomplish these very complex adoptions.

EDITOR'S NOTE

This is Dr. Coyne's third evaluation of the Foster Care Review Board. Previous evaluations were done in 1985 and 1986.

The results of these evaluations has shown the real value of foster care review. The savings during the first year were estimated at \$236,880. Second year savings were \$277,200 plus the \$236,880 from the first year since most of the children would still be in care if the adoption or relative placement had not occurred. Savings for 1988 are estimated at \$249,480 plus the \$514,080 saved because children placed for adoption or with relatives in 1985 and 1986 were not still in care in 1988. This savings can be expected to continue for at least three more years, after which it should decrease since some of the children adopted in 1985 will be approaching the age of majority.

The Review Board feels that its major contribution in increasing the number of adoptions has been the "push" it gives to the agency and court to get things done. As Dr. Coyne stated, "review by citizens encourages the agency, the guardian ad litem, and the court to work together to accomplish these very complex adoptions."

On the other hand, while the Review Board strongly supports reunification, the reviews stress the successful completion of services before reunification. This may account for the lower number of reunifications of Review Board reviewed children compared to children in the comparison group. Another reason might be the Review Board reviewed children who had been in care longer and the more difficult and problematic cases. These would be children you would not expect to return to their parents as readily.

This will be the final evaluation of this type to be done. As more and more children are reviewed, it is becoming difficult to find a comparison group of children who have been in care approximately the same length of time as the reviewed children. The Review Board is reviewing the majority of children who have spent several years in care.

The Review Board has received a grant from the Developmental Disabilities Council, Department of Health, to do a study, "Identifying Systemic Delays in the Adoption of Developmentally Disabled Children in Foster Care". As a result, children with the plan of "adoption", "permanency", "guardianship", and "long term foster care" will be intentionally selected for review during the early part of 1989. This selection process can be expected to disrupt the evaluation figures as they are presently set up.

The State Board wishes to express its sincerely thanks to Dr. Coyne for the time, effort, and expertise involved in doing the evaluations.

STATE FOSTER CARE REVIEW BOARD  
FINANCIAL STATEMENT FOR  
FY 1987-1988

Revenue

General Fund	202,533.36
Cash Fund (Donations & Contributions)	70.36
	202,533.36

Expenditures

Full time staff (6)	120,165.84
Contract staff (5)	41,953.92
Travel expenses	2,403.82
Rent	3,219.96
Data Processing	6,809.32
Postage	2,469.78
Publication & Printing	6,848.59
Telephone & Communications	7,894.26
Office Equipment & Supplies	2,859.45
Miscellaneous	2,261.84
	196,891.73

Carry-over for FY 1988-1989	5,641.53
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LOCAL BOARD APPLICATION  
State of Nebraska  
FOSTER CARE REVIEW BOARD

MAILING ADDRESS:

TELEPHONE:

LOCATION:

P.O. Box 94952  
Lincoln, NE 68509

(402) 471-4420

3rd Floor, State Office Bldg.  
301 Centennial Mall South

Application for volunteers to serve on a Local Foster Care Review Board as set in Nebraska Statute, Sections 43-1301 to 43-1318, R.R.S. Employees of the State Foster Care Review Board or child welfare agencies are ineligible to serve on local boards.

Ms.  
Miss  
Mrs.  
Mr.

Name

Address

Town

Zip

Phone:

Residence

Office

Occupation

If employed, where: \_\_\_\_\_

Neb. Stat. 43-1304 states: "The members of the board shall reasonably represent the various social, economic, racial, and ethnic groups of the county or counties from which its members may be appointed." In order to comply with the Act, please answer the following:

CHECK: Age 19-30 \_\_\_\_\_ 31-45 \_\_\_\_\_ 46 & older \_\_\_\_\_

Caucasian \_\_\_\_\_ Black \_\_\_\_\_ Hispanic \_\_\_\_\_ Indian \_\_\_\_\_ Asian \_\_\_\_\_ Other \_\_\_\_\_

Family income: \$4,000-\$10,000 \_\_\_\_\_ \$11,000-\$20,000 \_\_\_\_\_

\$21,000-\$39,000 \_\_\_\_\_ \$40,000-above \_\_\_\_\_

I am presently a foster parent: Yes \_\_\_\_\_ No \_\_\_\_\_ (This is not a requirement.)

Marital status:

Number of Children:

I am available: Weekdays \_\_\_\_\_ Saturdays \_\_\_\_\_ Evenings \_\_\_\_\_ exceptions: \_\_\_\_\_

List current and past activities:

Please give name, address, and phone number of three (3) references:

On the back of this form, please write a short paragraph on why you would like to serve on a Local Foster Care Review Board.

RETURN WITH LOCAL BOARD APPLICATION

Approved \_\_\_\_\_  
Denied \_\_\_\_\_  
Date \_\_\_\_\_  
Initials \_\_\_\_\_

NEBRASKA STATE FOSTER CARE REVIEW BOARD  
P.O. Box 94952  
Lincoln, NE 68509

Name \_\_\_\_\_ Date of Birth \_\_\_\_\_  
Current Address \_\_\_\_\_ Social Security No. \_\_\_\_\_  
\_\_\_\_\_  
Previous Address \_\_\_\_\_  
\_\_\_\_\_  
How Long? \_\_\_\_\_  
Current Employer \_\_\_\_\_ How Long? \_\_\_\_\_

RELEASE

I, \_\_\_\_\_, hereby apply to serve on the Foster Care Review Board. I hereby give my permission and authorize any law enforcement agency, child protective service agency, governmental agency, or court to release to the Nebraska Foster Care Review Board, its agents or representatives, any documents, records, or other information pertaining to me.

I understand that my refusal to authorize the release of the above-mentioned information may adversely affect my application to serve as a member of the Foster Care Review Board.

I hereby release, discharge, and exonerate the State Foster Care Review Board, its agents and representatives, and any agency, court, or person furnishing information from any and all liability of every nature and kind arising out of the furnishing or inspection of such documents, records, and other information or the investigation made by the Foster Care Review Board.

\_\_\_\_\_ signature \_\_\_\_\_ date

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FOR LAW ENFORCEMENT ONLY:

\_\_\_ No criminal history on file with \_\_\_\_\_  
\_\_\_ Criminal history attached.

Processed by: \_\_\_\_\_  
Date: \_\_\_\_\_

FOR USS CENTRAL REGISTRY ONLY:

\_\_\_ No history on Central Registry  
\_\_\_ Dates/types CPS contact attached.

Processed by: \_\_\_\_\_  
Date: \_\_\_\_\_

## 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 3800

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.

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§ 47.10.075

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§ 47.10.080 WELFARE, SOCIAL SERVICES AND INSTITUTIONS § 47.10.080

(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 47.10.200;

(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. 1324), 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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§ 47.10.080 WELFARE, SOCIAL SERVICES AND INSTITUTIONS § 47.10.080

**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, Dept 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, Dept 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, Dept 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. *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. 4546), 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 amenable 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. *RLR v. State*, Sup. Ct. Op. No. 706 (File No. 1156), 487 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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to C.L. 47  
P. 3607.

The Department of Health and Social Services authority including a child in need of aid in custody Alaska child which was Department of Health and Social Services child, Sup. Ct. Op. No. 1862 (1979).

A child be the "dependent" if it exists in re C.L. No. 3607.

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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 1129 (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. Op. 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), 349 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 47.10.01(cant), 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. 3873), 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. 1524), 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** *Elliason 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 *RP. v. State*, Ct. App. Op. No. 620 (File No. A-1100), 718 P.2d 168 (1986).

Findings insufficient to sustain order institutionalizing juvenile. — See *RP. 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 *AS*, 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 *AS*, 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 *AS*, 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 *AS*, 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-2231), 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).

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(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 438 (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)(i); 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. 373 (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 576 (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

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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 17.10.090. (S 3 ch 121 SLA 1988)

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**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 jurisdiction 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 jurisdiction under AS 47.10, the superior court may designate district judges and magistrates as masters under Civil Rule 53."

NOTES TO DECISIONS

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).

Hence, 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).

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 "delinquent 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. 1608 (File No. 3172), 582 P.2d 134 (1976).

"Juvenile" and "minor" as used in AS 47.10.190 construed identically. — See Davenport v. McGinnis, Sup. Ct. Op. No. 1049 (File No. 1912), 522 P.2d 1140 (1974).

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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)(i), and deleted "when the foster parent is" at the beginning of subparagraph (B)(ii).

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 jurisdiction of the court under AS 47.10.010(a)(1);
- (5) "department" means the Department of Health and Social Services.
- (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 alphabetize the terms defined. **Effect of amendments.** — The 1986 amendment inserted "care" or" and "47.10.120(a) and 47.10.230(c)" in paragraph (1) and added paragraph (5).

NOTES TO DECISIONS

**"Minor" and "delinquent minor."** — The general definition of "minor" in paragraph (8) is inapplicable to the detention of a delinquent minor until the minor's nineteenth birthday under AS 47.10.030, 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).

(e) 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 341 v. Groothuis*, Sup. Ct. Op. No. 773 (File Nos. 1435, 1459), 494 P.2d 808 (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)

§ 38.95.270

seven years after  
judgment of escheat,  
property may be trans-  
ferred to the general  
account under AS  
of the owners of  
who has outstanding  
portion of the net pro-  
fit of the person shall  
obligations and the  
credited to the land

§ 38.95.270, "depart-  
§ 12 ch 133 SLA

# 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)
- 40. 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, com-  
missions, 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;

4

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 protect 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).

DFWS 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. Nature or complexity of cases will determine need for appointment of additional panels.

Panel 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, guardian 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.

HOUSE BILL NO. 19, 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.



OFFICIAL BUSINESS

6

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

PRELIMINARY RECOMMENDATIONS  
for the  
STATE FOSTER CARE SYSTEM

POUCH  
JUNEAU, AK 998  
465-375

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. Niilo 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

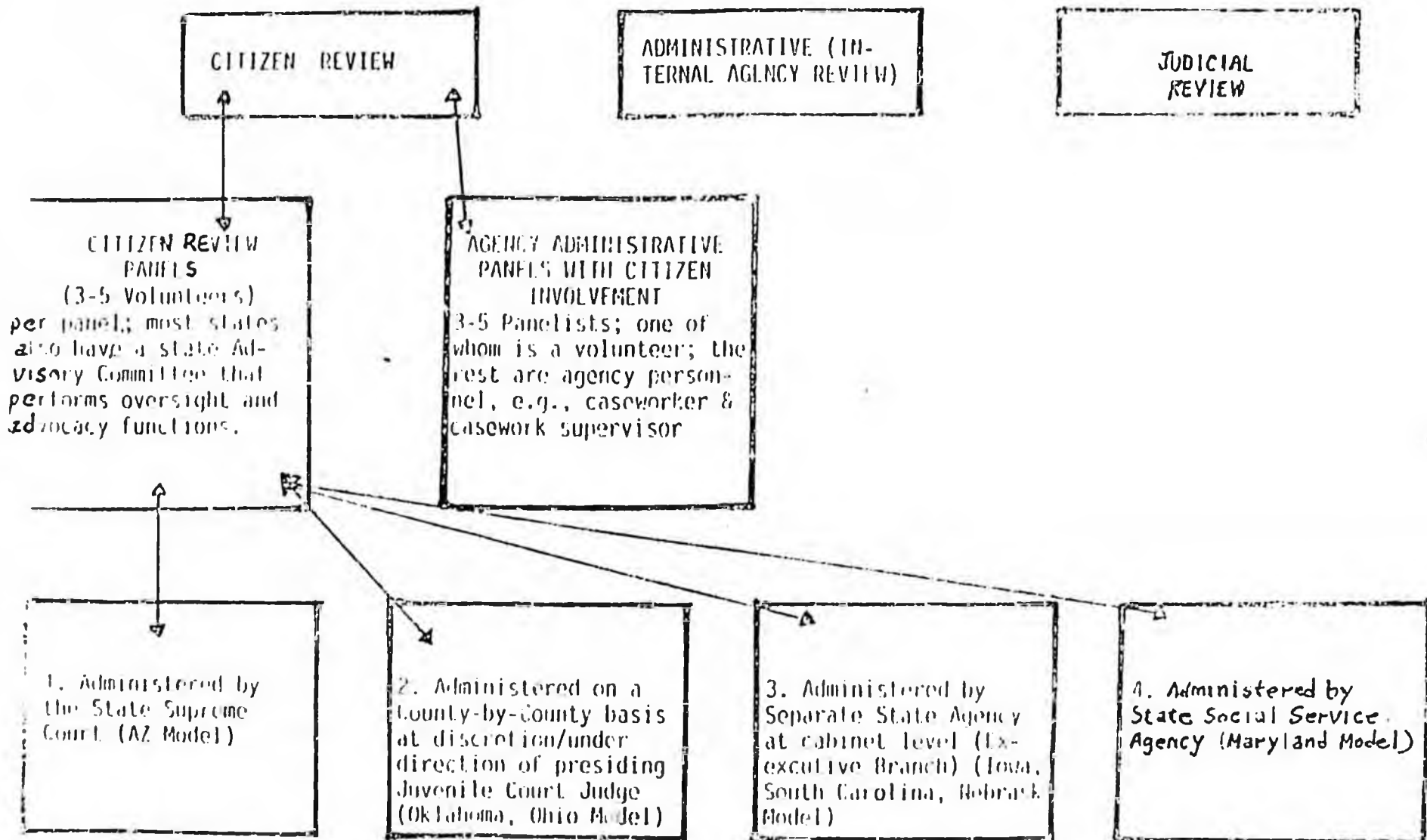
<u>STATE</u>	<u>TYPE OF ADMINISTRATION</u>
Alaska	pilot project, legislation introduced (HB 19)
Arizona	established under supreme court
Delaware	independent agency within governor's office
Florida	pilot project starts 4/1/89 in Dade County
Georgia	statewide system under court system
Hawaii	legislation 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 to 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.

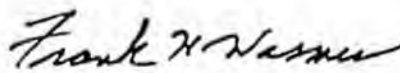
National statistics indicate that review boards and the department agree 85% of the time. Conversely, they disagree in 15% of the cases reviewed. This could mean that the departments in those states that have citizen review boards are doing well most of the time. It could also mean that social work in 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

**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

Phone: 264-8228

Division: Alaska Court System

Date: 01/12/90

Approved by: Arthur H. Snowden, II, Administrative Director

Date: 01/12/90

Agency: Alaska Court System

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.

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

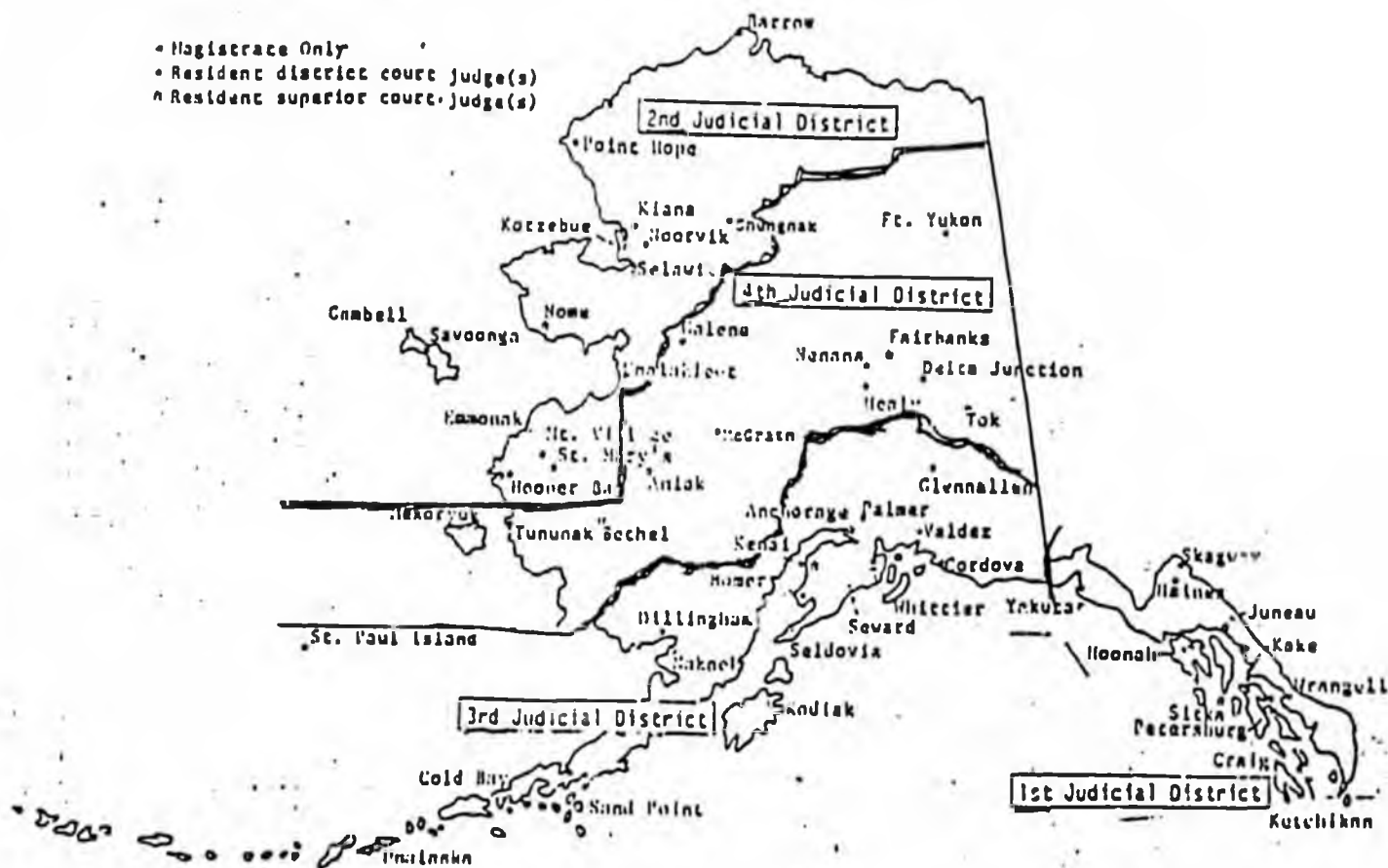
1 CFCRP Coordinator 1 local panel  
2 CFCRP Assistants  
1 Clerk Typist III

Nome Regional Office

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

## ALASKA COURT LOCATIONS

- Magistrate Only
- Resident district court judge(s)
- Resident superior court judge(s)



Total 1202 cases (702 twice annual reviewed and 500, once annually)  
 Total 1904 reviews annually

		@7/day	days/mo.		number of panels
1st J/D	260 reviews	37 days	= 3/mo.	=	1 panel (3 days per month)
2nd J/D	57 reviews	8 days	= 1/mo.	=	1 panel (meets 8 months only)
3rd J/D	996 reviews	142 days	= 12/mo.	=	4 panels (meeting 3 days per month)
4th J/D	591 reviews	84 days	= 7/mo.	=	3 panels (two in Fbx. meeting 3 days/mo.) (one in Bethel meeting 2 days/mo.)

Juneau, Anchorage and Fairbanks panels meet 3 days per month.

Bethel panel meets 2 days per month.

Nome panel meets 8 days per year.

FISCAL NOTE

REQUEST: \_\_\_\_\_

JAN 19 1990

Revision Date: \_\_\_\_\_  
Title: "An Act relating to citizen  
review panels for certain children...  
Sponsor: Collins, Gruenberg, Ulmer, et al  
Requestor: Representative Collins

Agency Affected: Administration  
BRU: Office of Public Advocacy  
Components: \_\_\_\_\_

EXPENDITURES/REVENUES: (Thousands of Dollars)

OPERATING	FY91	FY 92	FY 93	FY 94	FY 95	FY 96
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
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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  
Division: Office of Public Advocacy Phone: 274-1684  
Date: \_\_\_\_\_  
Approved by Commissioner: Frank Baster  
Agency: Department of Administration Date: 1/19/90

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  
Division: Family & Youth Services  
Approved by Commissioner: Myra M. Munson, Commissioner  
Agency: Department of Health and Social Services

Phone: 465-3170  
Date: \_\_\_\_\_  
Date: Jan 5, 1990

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

## 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: Rep. 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	33.3	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>	

CAPITAL						
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REVENUE						
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**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: Garrey 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
--	--	--------

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
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**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
--	-------

## 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
--	--------

Total Contractual:	101,446
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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
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FY 95

~~PERSONAL SERVICES:~~

1,330.5

TRAVEL:

145.9

CONTRACTUAL:

89.6

SUPPLIES AND MATERIALS:

21.0

EQUIPMENT:

.5

1.	POSITION TITLE Executive Director, State Children's Citizen Review Panel				RANGE/STEP 26/A	BARG. UNIT	PAGE/LINE	COV.	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				Directs, manages and promotes statewide citizens foster care review. Primary liaison for agency with the Governor, legislature, public and State Children's Citizen Review Panel. Develops annual report to legislature; policies and procedures for Panel's consideration; training programs for Panel's consideration; ensures staff implementation of all actions passed by the Panel. Employs, discharges and supervises Admin. Assist., Research Analyst and regional Coordinators of the local Citizen Foster Care Review panels.					
	1		2		AMOUN.					
	PERSONAL SERVICES				3					
5.	Salary		62,508							
6.	Benefits		18,349							
7.	Supplemental Benefits									
8.	Fixed Benefits									
9.	TOTAL PERSONAL SERVICES		01		80.9					
10.	Travel		02		.9					
11.	Contractual		03		3.8					
12.	Commodities		04							
13.	Equipment		05		8.5					
14.	Other									
15.	TOTAL COST				94.1					
	RECEIPT CODE		FUNDING SOURCE							
16.			Federal Receipts 1002							
17.			G.F. Match 1003							
18.			General Funds 1004		94.1					
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 1 of 14  
Revised Date \_\_\_\_\_

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	ADDITION	JUSTIFICATION:						
4.	TYPE OF EXPENDITURE			AMOUNT					
	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 - - - - -									

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.

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

Page 2 of 14

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

1.	POSITION TITLE <u>Research Analyst II</u>			RANGE/STEP <u>16/A</u>	BARG. UNIT	PAGE/LINE	GOV.	APPROV.	DISAPP
2.	TYPE OF POSITION <u>I</u>	STAFF MONTHS <u>12</u>	RP NUMBER	PCN NUMBER	BRU PRIORITY	LOCATION <u>Judeau</u>	ELECTION DISTRICT	LEG.	
3.	CONTINUATION LEVEL		ADDITION		JUSTIFICATION:  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.				
4.	TYPE OF EXPENDITURE		AMOUNT						
	1	2	3						
	PERSONAL SERVICES								
5.	Salary	<u>32,580</u>							
6.	Benefits	<u>11,782</u>							
7.	Supplemental Benefits								
8.	Fixed Benefits								
9.	TOTAL PERSONAL SERVICES	<u>01</u>	<u>44.4</u>						
10.	Travel	<u>02</u>							
11.	Contractual	<u>03</u>	<u>2.0</u>						
12.	Commodities	<u>04</u>							
13.	Equipment	<u>05</u>	<u>8.8</u>						
14.	Other								
15.	TOTAL COST		<u>55.2</u>						
	RECEIPT CODE	FUNDING SOURCE							
16.		Federal Receipts 1002							
17.		G.F. Match 1003							
18.		General Funds 1004		<u>55.2</u>					
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 3 of 14  
Revised Date \_\_\_\_\_

1.	POSITION TITLE Citizens Foster Care Review Panel (CFCR) Coordinator				RANGE/STEP 17/A	BARC. UNIT	PAGE/LINE	GOV.	APPROV.	DISAPP
2.	TYPE OF POSITION PFT	STAFF MONTHS 12	RP NUMBER	PCN NUMBER	BRU PRIORITY	LOCATION Juneau/Anch.	ELECTION 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 families 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		3					
	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

AGENCY Office of the Governor

BRU Commissions and Special Offices

COMPONENT State Children's Citizen Review Panel

FY 91

Page 4 of 1

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 Ketchikan	ELECTION DISTRICT	LEG.		
3.	CONTINUATION LEVEL		ADDITION		<b>JUSTIFICATION:</b>  Position transfers to Juneau in FY 92.  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.					
4.	TYPE OF EXPENDITURE			AMOUNT						
	1	2		3						
	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		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

Page 5 of 14  
 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 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	AMOUNT						
	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									

REQUEST FOR  
NEW POSITION

AGENCY Office of the Governor

BRU Commissions and Special Offices

COMPONENT State Children's Citizen Review Panel

FY 91

Page 6 of 14

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				JUSTIFICATION: Nome					
4.	TYPE OF EXPENDITURE				None					
	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

AGENCY Office of the Governor

BRU Commissions and Special Offices

COMPONENT State Children's Citizen Review Panel

FY 91

Page 7 of 14  
Revised Date \_\_\_\_\_

1.	POSITION TITLE CFCRP Assistant				RANGE/STEP 11/A	BARG. UNIT	PAGE/LINE	GOV.	APPROV.	DISAPP
2.	TYPE OF POSITION PET	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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 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		<b>JUSTIFICATION:</b>  Three positions Fairbanks regional office.  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.					
4.	TYPE OF EXPENDITURE			AMOUNT						
	1	2		3						
	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 - - - - -										

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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 Bethel/	ELECTION DISTRICT	LEG.								
3.	CONTINUATION LEVEL				JUSTIFICATION: Nome											
4.	TYPE OF EXPENDITURE				None											
	1	2	3		<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>											
	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 - - - - -																

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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 Juneau/	ELECTION DISTRICT	LEG.		
3.	CONTINUATION LEVEL				JUSTIFICATION: Anchorage					
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 - - - - -										

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1.	POSITION TITLE Clerk Typist III /				RANGE/STEP 8/A	BARC. 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			AMOUNT	<p>One position, transfer to Juneau Regional office in FY 92.</p> <p>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.</p>					
	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  
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Revised Date \_\_\_\_\_

1.	POSITION TITLE Clerk Typist III /			RANGE/STEP 8/A	BARC. 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	<p>Two positions Fairbanks Regional office.</p> <p>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.</p>				
	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.	Commodities	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 B&M USE ONLY									
KEY NUMBER - - - - -									

REQUEST FOR  
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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 Bethel/	ELECTION DISTRICT	LEG.		
3.	CONTINUATION LEVEL				JUSTIFICATION: Nome					
4.	TYPE OF EXPENDITURE			AMOUNT	<p>One each Bethel and Nome Regional offices</p> <p>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.</p>					
	1	2	3							
	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&M USE ONLY										
KEY NUMBER - - - - -										

REQUEST FOR  
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HOUSE BILL 19

Referencing changes between 3/12/90 Lauterbach work draft of HB 19 and 3/16/90 work draft, using amendment form. References are to the 3/16 draft.

AMENDMENT #1

Page 2, line 12.

Change term from "two years" to "one year".

AMENDMENT #2

Page 2, lines 14 - 15.

Add the sentence: "The panel may not take official action without the affirmative vote of at least three of its members."

AMENDMENT #3

Page 4, line 19.

Add the word "case" before "information".

AMENDMENT #4

Page 4, lines 22 - 24.

Add the sentence: "A local panel member may also share confidential information with other panel members of the local panel and staff who serve the local panel."

AMENDMENT #5

Page 4, line 29.

Add the phrase: "for a term of one year".

AMENDMENT #6

Page 5, lines 2 - 3.

Add the sentence: "A panel may not take official action without the affirmative vote of at least three of its members."

AMENDMENT #7

Page 5, lines 4 - 11.

Added a new subsection (d) regarding expenses of local panel members.

AMENDMENT #8

Page 6, line 2.

Removed "the Department of Law" from the list of

parties to be noticed.

AMENDMENT #9

Page 6, lines 1 - 12 and in other places in the bill.  
Broke out into paragraph form the list of parties.

AMENDMENT #10

Page 6, line 12.  
Added the phrase "if the tribe has intervened in the case".

AMENDMENT #11

Page 6, line 15.  
Added the word "relevant" before "information".

AMENDMENT #12

Page 7, line 2.  
Added the phrase "if the tribe has intervened in the case".

AMENDMENT #13

Page 7, line 11.  
Added the phrase "that for good cause".

AMENDMENT #14

Page 7, line 17.  
Removed the word "permanent" from the phrase "most family-like setting".

AMENDMENT #15

Page 8, lines 4 - 6.  
Shortened subsection (g) by referring to the parties listed in (c).

AMENDMENT #16

Page 8, line 16.  
Added "STATE AND" in the catchline.

AMENDMENT #17

Page 8, line 18.  
Added the phrase "the state panel and".

AMENDMENT #18

Page 8, line 24.

Added "relevant" before "records".

AMENDMENT #19

Page 9, lines 7 - 9.

Added the phrase ",other than another member of the local panel or the staff serving the local panel,"

AMENDMENT #20

Page 9, lines 16 - 19.

Rewrote subsection (a) to meet objections of Department of Law to alleviate potential hearsay problems.

AMENDMENT #21

Page 10, lines 5 - 6.

Changed the phrase "with whom the department has placed a child" to "with whom the child is currently placed and".

AMENDMENT #22

Page 11, lines 19 - 20.

Added new paragraph (4).

AMENDMENT #23

Page 11, lines 21 - 24.

Added new subsection (m) and relettered previous (m) as (n).

AMENDMENT #24

Page 11, line 27.

Changed "court" to "department".

AMENDMENT #25

Page 12, line 4.

Removed the list of parties and added the word "parties".

AMENDMENT #25

Page 12, lines 10 and 13.

Added "public" before "members".

PROPOSED AMENDMENTS TO CSHB 19

Page 1. Lines 8, 25, 26, and 27.

delete "State Children's Citizen Review Panel"

add "Citizens' Review Panel for Permanency Planning"

Page 2. Line 1.

add after "...AS 47.10.420"

", the commissioner of Health and Social Services, the commissioner of administration, the attorney general, the chief justice of the Alaska Supreme Court, or their designees."

Lines 3 and 4.

delete "At least one member must be knowledgeable about 25 U.S.C. 1901 - 1963 (Indian Child Welfare Act)."

Line 11.

delete "three members"

add "A majority"

Page 3. Line 1.

add after "(1) adopt"

"regulations"

Lines 4 and 5.

delete both lines.

add "assure that local panel members receive a minimum level of training to effectively carry out their duties;"

Lines 12-16.

delete after "...local panel," to end of line 16.

add "a description of the characteristics of the children who were subject to review by the panels, the number of children reunited with their families; the number of children placed in other permanent homes, the number of cases in which progress toward a permanent placement has been made, gaps in the services needed to prevent placement of children in out-of-home care, and gaps in services that prevent or hinder achievement of permanent homes for children."

Page 4. Line 2.

add "Public Defender Agency,"

# PROPOSED AMENDMENTS TO CSHB 19

Page 2

Lines 24-26.

delete after "except ..."

add "for reports required under AS 47.17, information required by court order for good cause shown, or information required for preparation of the state panel report under AS 47.10.410(4) which does not identify individual children or families."

add subsection (h)

"Before serving on the local panel, a member must receive a minimum of five days training in historical and legal bases of child welfare services, identification of child maltreatment, the dynamics of child maltreatment in families, risk assessment as well as the assessment of the child's needs, the cultural diversity of children and families who are served in the child welfare system, and the child welfare service delivery process including alternative placement options. A local panel member must receive one day of additional training per quarter in a subject related to child welfare and services for delinquent youths."

Pages 5-7.

delete after "Sec. 47.10.460. DUTIES OF LOCAL PANELS."  
to page 7, line 3.

add:

(a) A local panel shall review the case plan of a child in custody of the department and in a placement other than the child's own home under AS 47.10.080 (b) (3), (c)(1), or (c)(3), 47.10.142, or 47.10.230(c), who is under the jurisdiction of the judicial district served by the panel. A local panel may request a local panel in another jurisdiction to conduct a review and submit a report if that local panel is more convenient for the child and other persons involved.

(b) The local panel shall review a case as required under 42 U.S.C. 671 - 675 (P.L. 96-272) within 180 days from the date of the initial removal from the child's own home and every six months thereafter. A court review may be substituted for a review required under this subsection if the court review meets the requirements of this subsection.

# PROPOSED AMENDMENTS TO CSHB 19

Page 3

(c) At least one month before it begins a review, the local panel shall provide written notice to the department, the child's guardian ad litem, the Department of Law, and to each party that a review will be conducted and that each party may participate in the review.

(d) The review shall assess the progress toward achievement of family reunification or an alternative permanent placement plan. In reviewing a case, the local panel shall consider the case plan and any progress report of the department or the child's guardian ad litem, court records, and other information about the child and child's family. The local panel shall provide to the following persons an opportunity to be interviewed by or provide written material to the panel: a child over 10 years of age, parents, custodians, other relatives of the child, guardian, guardian ad litem, the case worker or social worker assigned to the case, foster care or residential care providers, the designated representative of the child's tribal organization, and other persons with a close personal knowledge of the case. At the discretion of the child's guardian ad litem, a child under 10 years of age may be present at interviews or may be interviewed. The local panel may conduct interviews in person or by telephone.

(e) During a review under (a) of this section, a local panel shall assure that

(1) each child has a case plan designed to achieve placement in the least restrictive (most family like) setting available and in close proximity to the parents home that is consistent with the best interest and special needs of the child;

(2) 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 away from the child's parents and family;

(3) that there is a likely date by which the child may be returned to the home or placed for adoption or legal guardianship;

# PROPOSED AMENDMENTS TO CSHB 19

Page 4

- (4) the extent of compliance with applicable provisions of 25 U.S.C. 1901 -1963 (Indian Child Welfare Act);
- (5) the extent of compliance with the court review requirement under AS 47.10.420(g) (h).

(f) The local panel shall, within 30 days after reviewing a case, submit a written report to the court, the department, the guardian ad litem for the child, the child's parents, the child's out-of-home provider, and if the child's case is governed by 25 U.S.C. 1901 - 1963 (Indian Child Welfare Act) the leaders of the child's Indian tribe or an Indian custodian who has intervened, and any other person who has been allowed to intervene by the court. The report must make advisory recommendations based on the best interests of the child in accordance with AS 47.10.082, and shall include notification of the right to request a court review under AS 47.10.080(f). If the court has scheduled the case for review, the local panel shall submit its report at least 20 days before the hearing.

Page 7. Lines 4-10.  
delete subsection (g).

Page 7. Lines 11.  
delete "DEPARTMENT"  
add "CITIZEN REVIEW PANELS"

Line 11.  
add after "department":  
", Department of Law, Office of Public Advocacy, and the court system"

Line 12.  
add after "panel":  
"to facilitate the timely review of the plans for children who are placed out of their home."

Lines 12-19.  
delete starting with "If the department ..."

PROPOSED AMENDMENTS TO CSHB 19

Page 5

Lines 21-27.

delete and add: "local panel, the department, the child's guardian ad litem, and the court shall furnish to the local panel records concerning a child and the child's family who is the subject of a local panel review. All copies of records provided to panel members under this section shall be returned to the agency from which the original copy was obtained or to the staff of the local panel at the conclusion of the review, unless the records are required by panel members for preparation of the report required under AS 47.10.460(f).

Page 8.

Line 1-2.

delete ", other than the state panel,"

Lines 14-22.

delete and add:

"Sec. 47.10.500. CIVIL LIABILITY OF PANEL MEMBERS. Notwithstanding other provisions of law members of a state or local panel established under AS 47.10.400 - 47.10.590 are not liable for civil damages for a negligent act or omission of the panel member that occurs in the performance of the member's duties under AS 47.10.400 - 47.10.590 unless the act results from

(1) gross negligence or reckless or intentional misconduct;

(2) the panel member's violation of AS 47.10.480(b);

or

(3) the panel member's violation of the oath or affirmation required under AS 47.10.400(g) or 47.10.420(g)."

Line 27.

delete "the child's foster parents" and "natural"

add after "the child's parents"

"or guardian, the child's guardian ad litem, the child's out-of-home care provider,"

Page 9. Line 3 and Line 6.

delete "State Children's Citizen Review Panel"

add "Citizens' Review Panel for Permanency Planning"

PROPOSED AMENDMENTS TO CSHB 19

Page 6

Page 10. Line 25-26.

delete "State Children's Citizen Review Panel"

add: "Citizens' Review Panel for Permanency Planning"

Line 25 and Line 27.

insert "public" between "initial members"

Line 29.

delete sentence starting with "A license foster parent..."

1 IN THE HOUSE

BY THE JUDICIARY COMMITTEE

2 CS FOR CS FOR HOUSE BILL NO. 19 (JUD)

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 SIXTEENTH LEGISLATURE - SECOND SESSION

5 A BILL

6 For an Act entitled: "An Act relating to citizen panels for certain  
7 children in state custody; court review of cases relating  
8 to children; establishing the Citizens' Review Panel for  
9 Permanency Planning amending Rule 19 of the Child in Need  
10 of Aid Rules; and providing for an effective date."

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

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

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

22 ARTICLE 6. CITIZENS' REVIEW PANEL FOR PERMANENCY PLANNING

23 Sec. 47.10.400. CITIZENS' REVIEW PANEL FOR PERMANENCY PLANNING (a)

24 There is created in the Office of the Governor the Citizens' Review Panel for  
25 Permanency Planning. The state panel consists of five members appointed by  
26 the governor from among present members of local citizen review panels  
27 established under AS 47.10.420, the commissioner of Health and Social  
28 Services, the commissioner of administration, the attorney general, the chief  
29 justice of the Alaska Supreme Court, or their designees. The governor shall

1 appoint at least one state panel member from each judicial district. The  
2 governor may not appoint a person who has committed a felony or violated AS  
3 11.51.130 or a law with substantially similar elements.

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

6 (c) The state panel shall elect from its members a chair who shall serve  
7 for two years. A majority of the state panel constitutes a quorum for the  
8 transaction of business.

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

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

15 (f) The state panel may employ a director who shall serve at the  
16 pleasure of the state panel. The director shall employ staff as necessary  
17 to carry out the director's duties under state panel directives.

18 (g) Meetings during which the state panel discusses confidential  
19 material provided by a local panel are confidential. When a person is  
20 appointed to serve on the state panel, the person shall swear or affirm to  
21 keep confidential all confidential material provided by a local panel.

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

23 (1) adopt regulations, policies and procedures to carry out its  
24 duties and to govern the performance of the duties of the local panels  
25 established under AS 47.10.420;

26 (2) assures that local panel members receive a minimum level of  
27 training to effectively carry out their duties;

28 (3) coordinate and review the activities of the local panels and  
29 make recommendations to the governor on appointments to the local panels;

1 (4) Report annually to the legislature by the 10th day of each  
2 regular session, concerning the activities of the state and local panels; the  
3 report must include the number of cases reviewed by each local panel, a  
4 description of the characteristics of the children who were subject to review  
5 by the panels, the number of children reunited with their families; the number  
6 of children placed in other permanent homes, the number of cases in which  
7 progress toward a permanent placement has been made, gaps in the services  
8 needed to prevent placement of children in out-of-home care, and gaps in  
9 services that prevent or hinder achievement of permanent homes for children.  
10 The report may contain other information on the experience of the local panels  
11 and recommendations for change in the review panel system.

12 Sec. 47.10.420. APPOINTMENT OF LOCAL PANELS. (a) The governor shall  
13 appoint for each judicial district a local citizen out-of-home care review  
14 panel composed of five members and two alternates who are residents of the  
15 judicial district. Members shall serve three-year terms except that when a  
16 local panel is initially appointed, two members shall be appointed for three-  
17 year terms, two members for two-year terms, and one member for a one-year  
18 term. Alternates shall be appointed to three-year terms.

19 (b) The governor shall appoint to a local panel persons who have  
20 training, experience, special knowledge, or a demonstrated interest in the  
21 welfare of children. A licensed foster parent or a person employed by the  
22 court system, the department, the Office of Public Advocacy, the Public  
23 Defenders Agency, or the Department of Law may not serve a member or alternate  
24 member of the local panel. The governor may not appoint a person who has  
25 committed a felony or violated AS 11.51.130 or a law with substantially  
26 similar elements.

27 (c) The composition of a local panel must be reasonably representative  
28 of the various social, economic, racial, ethnic, and cultural groups of the  
29 region from which the members may be appointed.

1 (d) If the state panel determines that additional local panels are  
2 necessary in a judicial district because of excessively large or complex  
3 caseloads for review or because of the demographics of cases, or determines  
4 that a local panel is not necessary because of a reduced caseload, the  
5 governor may create or dissolve a local panel. The governor may not reduce  
6 the number of panels in a judicial district to fewer than one. Appointments  
7 to a panel established under this subsection are governed by (a) - (c) of this  
8 section.

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

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

12 (g) When a person is appointed to serve on a local panel, the person  
13 shall swear or affirm to keep confidential all information that comes before  
14 the local panel, except for reports required under AS 47.17, information  
15 required by court order for good cause shown, or information required for  
16 preparation of the state panel report under AS 47.10.410(4) which does not  
17 identify individual children or families.

18 (h) Before serving on the local panel, a member must receive a minimum  
19 of five days training in historical and legal bases of child welfare services,  
20 identification of child maltreatment, the dynamics of child maltreatment in  
21 families, risk assessment as well as the assessment of the child's needs, the  
22 cultural diversity of children and families who are served in the child  
23 welfare system, and the child welfare service delivery process including  
24 alternative placement options. A local panel member must receive one day of  
25 additional training per quarter in a subject related to child welfare and  
26 services for delinquent youths.

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

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

6           Sec. 47.10.460. DUTIES OF LOCAL PANELS. (a) A local panel shall review  
7 the case plan of a child in custody of the department and in a placement other  
8 than the child's own home under AS 47.10.080 (b) (3), (c) (1), or (c) (3),  
9 47.10.142, or 47.10.230(c), who is under the jurisdiction of the judicial  
10 district served by the panel. A local panel may request a local panel in  
11 another jurisdiction to conduct a review and submit a report if that local  
12 panel is more convenient for the child and other persons involved.

13           (b) The local panel shall review a case as required under 42 U.S.C. 671  
14 - 675 (P.L. 96-272) within 180 days from the date of the initial removal from  
15 the child's own home and every six months thereafter. A court review may be  
16 substituted for a review required under this subsection if the court review  
17 meets the requirements of this subsection.

18           (c) At least one month before it begins a review, the local panel shall  
19 provide written notice to the department, the child's guardian ad litem, the  
20 Department of Law, and to each party that a review will be conducted and that  
21 each party may participate in the review.

22           (d) The review shall assess the progress toward achievement of family  
23 reunification or an alternative permanent placement plan. In reviewing a  
24 case, the local panel shall consider the case plan and any progress report  
25 of the department or the child's guardian ad litem, court records, and other  
26 information about the child and child's family. The local panel shall provide  
27 to the following persons an opportunity to be interviewed by or provide  
28 written material to the panel: a child over 10 years of age, parents,  
29 custodians, other relatives of the child, guardian, guardian ad litem, the

1 case worker or social worker assigned to the case, foster care or residential  
2 care providers, the designated representative of the child's tribal  
3 organization, and other persons with a close personal knowledge of the case.  
4 At the discretion of the child's guardian ad litem, a child under 10 years  
5 of age may be present at interviews or may be interviewed. The local panel  
6 may conduct interviews in person or by telephone.

7 (e) During a review under (a) of this section, a local panel shall  
8 assure that

9 (1) each child has a case plan designed to achieve placement in  
10 the least restrictive (most family like) setting available and in close  
11 proximity to the parents home that is consistent with the best interest and  
12 special needs of the child;

13 (2) the continuing necessity for and appropriateness of the  
14 placement, the extent of compliance with the case plan, and the extent  
15 of progress which has been made toward alleviating or mitigating the  
16 causes necessitating placement away from the child's parents and  
17 family;

18 (3) that there is a likely date by which the child may be  
19 returned to the home or placed for adoption or legal guardianship;

20 (4) the extent of compliance with applicable provisions of 25  
21 U.S.C. 1901 - 1963 (Indian Child Welfare Act);

22 (5) the extent of compliance with the court review requirement  
23 under AS 47.10.420 (g) (h).

24 (f) The local panel shall, within 30 days after reviewing a case,  
25 submit a written report to the court, the department, the guardian ad litem  
26 for the child, the child's parents, the child's out-of-home provider, and if  
27 the child's case is governed by 25 U.S.C. 1901 - 1963 (Indian Child Welfare  
28 Act) the leaders of the child's Indian tribe or an Indian custodian who has  
29 intervened, and any other person who has been allowed to intervene by the

1 court. The report must make advisory recommendations based on the best  
2 interests of the child in accordance with AS 47.10.082, and shall include  
3 notification of the right <sup>to</sup> request a court review under AS 47.10.080(f). If  
4 the court has scheduled the case for review, the local panel shall submit its  
5 report at least 20 days before the hearing.

6 Sec. 47.10.470. COOPERATION WITH THE CITIZEN REVIEW PANELS. The  
7 department, Department of Law, Office of Public Advocacy, and the court  
8 system shall cooperate with the state and local panels to facilitate the  
9 timely review of the plans for children who are placed out of their home.

10 Sec. 47.10.480. RECORDS; COMMUNICATIONS. (a) At the request of a  
11 local panel, the department, the child's guardian ad litem, and the court  
12 shall furnish to the local panel records concerning a child and the child's  
13 family who is the subject of a local panel review. All copies of records  
14 provided to panel members under this section shall be returned to the staff  
15 of the local panel or to the agency from which the original copy was obtained  
16 at the conclusion of the review, unless the records are required by panel  
17 members for preparation of the report required under AS 47.10.460(f).  
18 Notwithstanding AS 44.62.310, records and reports of the local panel,  
19 testimony before the local panel, and deliberations of the local panel are  
20 confidential under AS 47.10.090.

21 (b) A local panel member may not reveal to another person a  
22 communication made to the member while performing the member's duties under  
23 AS 47.10.400 - 47.10.590 except as required under As 47.17 or as required by  
24 court order for good cause shown.

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

26 Sec. 47.10.490. COURT REVIEW OF REPORT. (a) The court shall consider  
27 the report of the local panel in its review under AS 47.10.080(f) of the  
28 placement of a child in need of aid under AS 47.10.080(c)(1) or when it  
29 considers the report of the department or guardian of a child in need of aid

1 under AS 47.10.080(c) (3).

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

4 Sec. 47.10.500. CIVIL LIABILITY OF PANEL MEMBERS. Notwithstanding  
5 other provisions of law members of a state or local panel established under  
6 AS 47.10.400 - 47.10.590 are not liable for civil damages for a negligent act  
7 or omission of the panel member that occurs in the performance of the  
8 member's duties under AS 47.10.400 - 47.10.590 unless the act results from

9 (1) gross negligence or reckless or intentional misconduct;

10 (2) the panel member's violation of AS 47.10.480(b); or

11 (3) the panel member's violation of the oath or affirmation  
12 required under AS 47.10.400(g) or 47.10.420(g).

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

14 (1) "local panel" means a local citizen review panel appointed  
15 under AS 47.10.420;

16 (2) "party" means the child or the child's legal representative,  
17 the child's parents or guardian, the child's guardian ad litem, the child's  
18 out-of-home care provider, and if the child's case is governed by 25 U.S.C.  
19 1909 -1963 (Indian Child Welfare Act) the leaders of the child's Indian tribe  
20 or an Indian custodian who has intervened, and any other person who has been  
21 allowed to intervene by the court;

22 (3) "state panel" means the Citizens' Review Panel for  
23 Permanency Planning established under AS 47.10.400.

24 \* Sec. 3. AS 44.66.010(a) is amended by adding a new paragraph to read:

25 (17) Citizens' Review Panel for Permanency Planning under AS  
26 47.10.400 -- June 30, 1994.

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

28 (f) A minor found to be delinquent or a child in need of aid is a ward  
29 of the state while committed to the department or the department has the

1 power to supervise the minor's actions. The court shall review an order made  
2 under (b) or (c) (1) or (2) of this section annually, and may review the order  
3 more frequently to determine if continued placement, probation, or  
4 supervision, as it is being provided, is in the best interest of the minor  
5 and the public. If annual review under this subsection would arise within  
6 90 days of the hearing required under (1) of this section, the court may  
7 postpone review under this subsection until the time set for the hearing.

8 The department, the minor, the minor's parents, guardian, or custodian are  
9 entitled, when good cause is shown, to a review upon application. If the  
10 application is granted, the court shall afford these parties and their  
11 counsel reasonable notice in advance of the review and hold a hearing where  
12 these parties and their counsel shall be afforded an opportunity to be heard.  
13 The minor shall be afforded the opportunity to be present at the review.

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

15 (1) Within 18 months of the date a minor is initially taken into  
16 custody by the department under AS 47.10.142(c) or committed to the custody  
17 of the department under AS 47.10.080(b)(3), (c)(1) or (c)(3) and AS  
18 47.230(c), the court shall hold a hearing to review the placement and  
19 services provided and to determine the future status of the minor. The court  
20 shall make appropriate written findings, including findings related to the  
21 following:

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

23 (2) whether the child should remain in out-of-home care for a  
24 specified period;

25 (3) whether the child should remain in out-of-home care on a  
26 permanent or long-term basis because of special needs or circumstances.

27 (m) When the court orders a child committed to the department under  
28 (c) of this section and at a review under (f) or (l) of this section, the  
29 court shall inform the parties about the local foster care review panel

1 established under AS 47.10.420.

2 \* Sec. 6. AS 47.142 is amended by adding new subsections to read:

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

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

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

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

10 (h) Within 18 months after a minor is committed to the department  
11 under this section, the court shall review the placement plan and actual  
12 placement of the minor under AS 47.10.080(1).

13 \* Sec. 7. Notwithstanding AS 47.10.400(b), enacted by sec. 2 of this Act, the  
14 governor shall appoint the initial public members of the Citizens' Review Panel for  
15 Permanency Planning so that one serves a one-year term, two serve two-year terms,  
16 and two serve three-year terms. The initial public members must be persons who  
17 have training, experience, special knowledge, or a demonstrated interest in the  
18 welfare of children.

19 \* Sec. 8. AS 47.10.490, enacted by sec. 2 of this Act, has the effect of  
20 amending Rule 19 of the Child In Need of Aid Rules by requiring a court to consider  
21 recommendations from a citizen review panel when conducting a review of the  
22 placement of a child in out-of-home care.

23 \* Sec. 9. This Act takes effect July 1, 1990.

6-0133R  
Lauterbach  
3/16/90

Original sponsor(s): REP. COLLINS, Gruenberg, Ulmer, Furnace, Hanley

1 IN THE HOUSE

BY THE JUDICIARY COMMITTEE

2 CS FOR HOUSE BILL NO. 19 (Judiciary)

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 SIXTEENTH LEGISLATURE - SECOND SESSION

5 A BILL

6 For an Act entitled: "An Act relating to citizen review panels for certain  
7 children in state custody; court review of cases  
8 relating to children; establishing the Citizens'  
9 Review Panel for Permanency Planning; and providing  
10 for an effective date."

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

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

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

23 ARTICLE 6. CITIZENS' REVIEW PANEL FOR PERMANENCY PLANNING.

24 Sec. 47.10.400. CITIZENS' REVIEW PANEL FOR PERMANENCY PLANNING.

25 (a) There is created in the Department of Administration the Citi-  
26 zens' Review Panel for Permanency Planning. The state panel consists  
27 of five voting members appointed by the governor from among present  
28 members of local citizen review panels established under AS 47.10.420.  
29 The governor shall appoint at least one voting state panel member from

1 each judicial district. The governor may not appoint a person who has  
2 committed a felony or violated AS 11.51.130 or a law with substantial-  
3 ly similar elements. The panel also includes the following five  
4 nonvoting members who serve ex officio or their designees: the com-  
5 missioner of health and social services, the director of the office of  
6 public advocacy, the attorney general, the public defender appointed  
7 under AS 18.85.030, and the chief justice of the Alaska Supreme Court.

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

11 (c) The voting members of the state panel shall elect from among  
12 the voting members a chair who shall serve for one year. Three voting  
13 members of the state panel constitute a quorum for the transaction of  
14 business. The panel may not take official action without the affirma-  
15 tive vote of at least three of its members.

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

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

22 (f) The state panel may employ an executive director who shall  
23 serve at the pleasure of the state panel. The executive director  
24 shall employ staff as necessary to carry out the executive director's  
25 duties under state panel directives and to provide clerical assistance  
26 to local panels.

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

29 (1) by regulation adopt policies and procedures to carry

1 out its duties and to govern the performance of the duties of the  
2 local panels established under AS 47.10.420;

3 (2) ensure that local panel members receive the minimum  
4 level of training necessary to effectively carry out their duties;

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

8 (4) report annually to the legislature by the 10th day of  
9 each regular session, concerning the activities of the state and local  
10 panels during the previous fiscal year; the report must include the  
11 number of cases reviewed by each local panel, a description of the  
12 characteristics of the children whose cases were reviewed by the  
13 panels, the number of children reunited with their families, the  
14 number of children placed in other permanent homes, and recommenda-  
15 tions and justifications for program improvement, including recommen-  
16 dations relating to state agencies and to the panel review system; the  
17 report may contain other information on the experience of the local  
18 panels.

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

27 (b) The governor shall appoint to a local panel persons who have  
28 training, experience, special knowledge, or a demonstrated interest in  
29 the welfare of children. An out-of-home care provider or a person

1 employed by the court system, the department, the office of public  
2 advocacy, the Public Defender Agency, or the Department of Law may not  
3 serve as a member or alternate member of a local panel. The governor  
4 may not appoint a person who has committed a felony or violated  
5 AS 11.51.130 or a law with substantially similar elements.

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

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

17 (e) When a person is appointed to serve on a local panel, the  
18 person shall swear or affirm to keep confidential all information that  
19 comes before the local panel except for nonidentifying case informa-  
20 tion included in a report to the state panel, information for reports  
21 required under AS 47.17, or as required by court order for good cause  
22 shown. A local panel member may also share confidential information  
23 with other members of the local panel and staff who serve the local  
24 panel.

25 Sec. 47.10.430. MEETINGS; EXPENSES. (a) A local panel shall  
26 conduct its meetings in the judicial district in which its members  
27 reside.

28 (b) The local panel shall elect one of its members to serve as  
29 chair for a term of one year.

1 (c) A majority of the members of a local panel constitutes a  
2 quorum. A panel may not take official action without the affirmative  
3 vote of at least three of its members.

4 (d) A local panel member is not eligible for travel expenses,  
5 per diem, or other expenses for service on the local panel unless the  
6 state panel requires a local panel member to travel to attend a meet-  
7 ing. If the state panel requires a local panel member to travel to  
8 attend a meeting, the local panel member is entitled to reimbursement  
9 for actual expenses incurred by the member in attending the meeting,  
10 except that the reimbursement may not exceed the amount of per diem  
11 and expenses authorized for boards and commissions under AS 39.20.180.

12 Sec. 47.10.440. DUTIES OF LOCAL PANEL. (a) A local panel shall  
13 review the case plan of each child in the custody of the department  
14 who is in a placement other than the child's own home under AS 47.-  
15 10.080(b)(3), (c)(1), or (c)(3), 47.10.142, or 47.10.230(c) if the  
16 case is under the jurisdiction of a court in the judicial district  
17 served by the panel. A local panel may request a local panel in  
18 another judicial district to conduct a review and make a report if  
19 that local panel is more convenient for the child and other persons  
20 involved.

21 (b) The local panel shall review a case as required under 42  
22 U.S.C. 671 - 675 (P.L. 96-272) within 180 days after the day the child  
23 is initially removed from the child's home and every six months there-  
24 after. A court review may be substituted for a review required under  
25 this subsection if the court review meets the requirements of this  
26 subsection.

27 (c) At least 30 days before it begins a review, the local panel  
28 shall provide written notice to the following persons that a review  
29 will be conducted and that each person notified may participate in the

1 review:

- 2 (1) the department;
- 3 (2) the child or the child's legal representative;
- 4 (3) the child's parents;
- 5 (4) the child's guardian;
- 6 (5) the child's guardian ad litem;
- 7 (6) the child's out-of-home care provider; and
- 8 (7) if the case is governed by 25 U.S.C. 1901 - 1963

9 (Indian Child Welfare Act),

10 (A) the child's Indian custodian; and

11 (B) the designated representative of the child's  
12 Indian tribe if the tribe has intervened in the case.

13 (d) In reviewing a case, the local panel shall consider the case  
14 plan and any progress report of the department or the child's guardian  
15 ad litem, court records, and other relevant information about the  
16 child and the child's family. The local panel shall also provide to  
17 the following persons an opportunity to be interviewed by the panel in  
18 person or by telephone or to provide written material to the panel:

19 (1) the child whose case is being reviewed if the child is  
20 10 years of age or older;

21 (2) the parents, custodians, or other relatives of the  
22 child;

23 (3) the child's out-of-home care provider;

24 (4) the child's guardian;

25 (5) the child's guardian ad litem;

26 (6) the case worker or social worker assigned to the case;

27 (7) if the case is governed by 25 U.S.C. 1901 - 1963  
28 (Indian Child Welfare Act),

29 (A) the child's Indian custodian; and

1 (B) the designated representative of the child's  
2 Indian tribe if the tribe has intervened in the case; and

3 (8) other persons with a close personal knowledge of the  
4 case.

5 (e) At the discretion of the child's guardian ad litem, if the  
6 child whose case is being reviewed is under 10 years of age, the child  
7 may be present at interviews conducted under (d) of this section and  
8 during review by the panel, or may be interviewed. At the child's  
9 request, a child who is 10 years of age or older shall be allowed to  
10 be present at interviews or a review of the local panel that concerns  
11 the child's case unless the panel determines that for good cause the  
12 child's presence would be contrary to the best interests of the child  
13 or there is other good cause for denying the child's request.

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

16 (1) determine whether the child has a case plan designed to  
17 achieve placement in the least restrictive, most family-like setting  
18 available in close proximity to the home of the child's parents that  
19 is consistent with the best interests of and special needs and circum-  
20 stances of the child;

21 (2) evaluate the continuing necessity and appropriateness  
22 of the child's placement, the extent of the compliance with the  
23 child's case plan, and the extent of progress that has been made  
24 toward mitigating the causes that necessitated placement away from the  
25 child's parents;

26 (3) ascertain the date by which it is likely the child may  
27 be returned to the home or placed for adoption or legal guardianship;

28 (4) determine whether there has been compliance with appli-  
29 cable provisions of 25 U.S.C. 1901 - 1963 (Indian Child Welfare Act)

1 and other applicable state and federal laws; and

2 (5) determine whether there has been compliance with court  
3 review requirements of AS 47.10.080(f) and (l) and 47.10.142(h).

4 (g) The local panel shall within 30 days after reviewing the  
5 case submit a written report to the persons listed in (c) of this  
6 section.

7 (h) The report required under (g) of this section must make  
8 advisory recommendations based on the best interests of the child in  
9 accordance with AS 47.10.082 and must include notification of the  
10 right to request court review under AS 47.10.080(f). If the court has  
11 scheduled the case for review, the local panel shall submit its report  
12 at least 20 days before the hearing.

13 (i) The local panel shall report to the state panel information  
14 needed by the state panel to prepare the report required under AS 47.-  
15 10.410.

16 Sec. 47.10.450. COOPERATION WITH STATE AND LOCAL PANELS. The  
17 department, Department of Law, public defender, office of public  
18 advocacy, and court system shall cooperate with the state panel and  
19 the local panels to facilitate timely review of plans for children  
20 whose cases are under the jurisdiction of the panels.

21 Sec. 47.10.460. RECORDS; COMMUNICATIONS. (a) Notwithstanding  
22 AS 47.10.090, at the request of a local panel, the department, the  
23 child's guardian ad litem, and the court shall furnish to the local  
24 panel relevant records concerning a child and the child's family who  
25 are the subjects of a local panel review. At the conclusion of a  
26 review, all copies of records provided to a local panel under this  
27 section shall be returned to the staff that serves the local panel or  
28 to the agency from which the original copy was obtained unless the  
29 panel members need the copies to prepare the reports required under

1 AS 47.10.440(g) - (i). Copies retained for preparation of the reports  
2 shall be returned to the staff that serves the local panel or to the  
3 originating agency upon completion of the reports. Notwithstanding  
4 AS 44.62.310, records and reports of the local panel, testimony before  
5 the local panel, and deliberations of the local panel are confidential  
6 under AS 47.10.090.

7 (b) A local panel member may not reveal to another person, other  
8 than another member of the local panel or the staff serving the local  
9 panel, a communication made to the member while performing the mem-  
10 ber's duties under AS 47.10.400 - 47.10.490 except as required under  
11 AS 47.17 or as required by court order for good cause shown. A local  
12 panel member may share with the state panel communications made during  
13 the local panel member's performance of official duties if the local  
14 panel member omits identifying information.

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

16 Sec. 47.10.470. COURT REVIEW OF REPORT. (a) When a report is  
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20 (b) The court may refer to the local panel a case called for a  
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22 Sec. 47.10.480. INDEMNIFICATION OF PANEL MEMBERS. A state panel  
23 member and a local panel member shall be indemnified by the state for  
24 civil liability for a negligent act or omission of the panel member  
25 that occurs in the performance of the member's duties under AS 47.10.-  
26 400 - 47.10.490 unless the civil liability results from the panel  
27 member's violation of

28 (1) AS 47.10.460(b); or

29 (2) the oath or affirmation required under AS 47.10.420(e).

1           Sec. 47.10.490. DEFINITIONS. In AS 47.10.400 - 47.10.490

2           (1) "local panel" means a local citizen out-of-home care  
3 review panel appointed under AS 47.10.420;

4           (2) "out-of-home care provider" means an agency or a per-  
5 son, other than the child's legal parents, with whom the child is  
6 currently placed and who is in the custody of the state under AS 47.-  
7 10.080(b)(3), (c)(1), or (c)(3), 47.10.142, or 47.10.230(c), including  
8 a foster parent, a relative other than a parent, a person who has  
9 petitioned for adoption of the child, or a residential child care  
10 facility;

11           (3) "state panel" means the Citizens' Review Panel for  
12 Permanency Planning established under AS 47.10.400.

13 \* Sec. 3. AS 44.66.010(a) is amended by adding a new paragraph to read:

14           (17) Citizens' Review Panel for Permanency Planning under  
15 AS 47.10.400 -- June 30, 1994.

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

1 their counsel reasonable notice in advance of the review and hold a  
2 hearing where these parties and their counsel shall be afforded an  
3 opportunity to be heard. The minor shall be afforded the opportunity  
4 to be present at the review.

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

6 (1) Within 18 months after the date a child is initially taken  
7 into custody by the department under AS 47.10.142(c) or committed to  
8 the custody of the department under AS 47.10.080(b)(3), (c)(1), or  
9 (c)(3), or 47.10.230(c), the court shall hold a hearing to review the  
10 placement and services provided and to determine the future status of  
11 the minor. The court shall make appropriate written findings, includ-  
12 ing findings related to the following:

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19 (4) whether the child should be placed for adoption or  
20 legal guardianship.

21 (m) Within 60 days after the date a child is removed from the  
22 child's home by the department, the department shall notify the appro-  
23 priate local citizen out-of-home care review panel established under  
24 AS 47.10.420.

25 (n) Within 60 days after a court orders a child committed to the  
26 department under (c) of this section and at a review under (f) or (1)  
27 of this section, the department shall inform the parties about the  
28 local citizen out-of-home care review panel established under AS 47.-  
29 10.420.

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

2 (g) Within 60 days after a court orders a child committed to  
3 the department under this section, the department shall inform the  
4 parties about the local citizen out-of-home care review panel estab-  
5 lished under AS 47.10.420.

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

9 \* Sec. 7. Notwithstanding AS 47.10.400, enacted by sec. 2 of this Act,  
10 the governor shall appoint the initial public members of the Citizens'  
11 Review Panel for Permanency Planning so that one serves a one-year term,  
12 two serve two-year terms, and two serve three-year terms. The initial  
13 public members must be persons who have training, experience, special  
14 knowledge, or a demonstrated interest in the welfare of children.

15 \* Sec. 8. This Act takes effect July 1, 1990.  
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6-0133R  
Lauterbach  
3/16/90

Original sponsor(s): REP. COLLINS, Gruenberg, Ulmer, Furnace, Hanley

1 IN THE HOUSE

BY THE JUDICIARY COMMITTEE

2 CS FOR HOUSE BILL NO. 19 (Judiciary)

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 SIXTEENTH LEGISLATURE - SECOND SESSION

5 A BILL

6 For an Act entitled: "An Act relating to citizen review panels for certain  
7 children in state custody; court review of cases  
8 relating to children; establishing the Citizens'  
9 Review Panel for Permanency Planning; and providing  
10 for an effective date."

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

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

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

23 ARTICLE 6. CITIZENS' REVIEW PANEL FOR PERMANENCY PLANNING.

24 Sec. 47.10.400. CITIZENS' REVIEW PANEL FOR PERMANENCY PLANNING.

25 (a) There is created in the Department of Administration the Citi-  
26 zens' Review Panel for Permanency Planning. The state panel consists  
27 of five voting members appointed by the governor from among present  
28 members of local citizen review panels established under AS 47.10.420.  
29 The governor shall appoint at least one voting state panel member from

1 each judicial district. The governor may not appoint a person who has  
2 committed a felony or violated AS 11.51.130 or a law with substantial-  
3 ly similar elements. The panel also includes the following five  
4 nonvoting members who serve ex officio or their designees: the com-  
5 missioner of health and social services, the director of the office of  
6 public advocacy, the attorney general, the public defender appointed  
7 under AS 18.85.030, and the chief justice of the Alaska Supreme Court.

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

11 (c) The voting members of the state panel shall elect from among  
12 the voting members a chair who shall serve for one year. Three voting  
13 members of the state panel constitute a quorum for the transaction of  
14 business. The panel may not take official action without the affirma-  
15 tive vote of at least three of its members.

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

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

22 (f) The state panel may employ an executive director who shall  
23 serve at the pleasure of the state panel. The executive director  
24 shall employ staff as necessary to carry out the executive director's  
25 duties under state panel directives and to provide clerical assistance  
26 to local panels.

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

29 (1) by regulation adopt policies and procedures to carry

1 out its duties and to govern the performance of the duties of the  
2 local panels established under AS 47.10.420;

3 (2) ensure that local panel members receive the minimum  
4 level of training necessary to effectively carry out their duties;

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

8 (4) report annually to the legislature by the 10th day of  
9 each regular session, concerning the activities of the state and local  
10 panels during the previous fiscal year; the report must include the  
11 number of cases reviewed by each local panel, a description of the  
12 characteristics of the children whose cases were reviewed by the  
13 panels, the number of children reunited with their families, the  
14 number of children placed in other permanent homes, and recommenda-  
15 tions and justifications for program improvement, including recommen-  
16 dations relating to state agencies and to the panel review system; the  
17 report may contain other information on the experience of the local  
18 panels.

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

27 (b) The governor shall appoint to a local panel persons who have  
28 training, experience, special knowledge, or a demonstrated interest in  
29 the welfare of children. An out-of-home care provider or a person

1 employed by the court system, the department, the office of public  
2 advocacy, the Public Defender Agency, or the Department of Law may not  
3 serve as a member or alternate member of a local panel. The governor  
4 may not appoint a person who has committed a felony or violated  
5 AS 11.51.130 or a law with substantially similar elements.

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

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

17 (e) When a person is appointed to serve on a local panel, the  
18 person shall swear or affirm to keep confidential all information that  
19 comes before the local panel except for nonidentifying case informa-  
20 tion included in a report to the state panel, information for reports  
21 required under AS 47.17, or as required by court order for good cause  
22 shown. A local panel member may also share confidential information  
23 with other members of the local panel and staff who serve the local  
24 panel.

25 Sec. 47.10.430. MEETINGS; EXPENSES. (a) A local panel shall  
26 conduct its meetings in the judicial district in which its members  
27 reside.

28 (b) The local panel shall elect one of its members to serve as  
29 chair for a term of one year.

1 (c) A majority of the members of a local panel constitutes a  
2 quorum. A panel may not take official action without the affirmative  
3 vote of at least three of its members.

4 (d) A local panel member is not eligible for travel expenses,  
5 per diem, or other expenses for service on the local panel unless the  
6 state panel requires a local panel member to travel to attend a meet-  
7 ing. If the state panel requires a local panel member to travel to  
8 attend a meeting, the local panel member is entitled to reimbursement  
9 for actual expenses incurred by the member in attending the meeting,  
10 except that the reimbursement may not exceed the amount of per diem  
11 and expenses authorized for boards and commissions under AS 39.20.180.

12 Sec. 47.10.440. DUTIES OF LOCAL PANEL. (a) A local panel shall  
13 review the case plan of each child in the custody of the department  
14 who is in a placement other than the child's own home under AS 47.-  
15 10.080(b)(3), (c)(1), or (c)(3), 47.10.142, or 47.10.230(c) if the  
16 case is under the jurisdiction of a court in the judicial district  
17 served by the panel. A local panel may request a local panel in  
18 another judicial district to conduct a review and make a report if  
19 that local panel is more convenient for the child and other persons  
20 involved.

21 (b) The local panel shall review a case as required under 42  
22 U.S.C. 671 - 675 (P.L. 96-272) within 180 days after the day the child  
23 is initially removed from the child's home and every six months there-  
24 after. A court review may be substituted for a review required under  
25 this subsection if the court review meets the requirements of this  
26 subsection.

27 (c) At least 30 days before it begins a review, the local panel  
28 shall provide written notice to the following persons that a review  
29 will be conducted and that each person notified may participate in the

1 review:

- 2 (1) the department;
- 3 (2) the child or the child's legal representative;
- 4 (3) the child's parents;
- 5 (4) the child's guardian;
- 6 (5) the child's guardian ad litem;
- 7 (6) the child's out-of-home care provider; and
- 8 (7) if the case is governed by 25 U.S.C. 1901 - 1963

9 (Indian Child Welfare Act),

10 (A) the child's Indian custodian; and

11 (B) the designated representative of the child's

12 Indian tribe if the tribe has intervened in the case.

13 (d) In reviewing a case, the local panel shall consider the case

14 plan and any progress report of the department or the child's guardian

15 ad litem, court records, and other relevant information about the

16 child and the child's family. The local panel shall also provide to

17 the following persons an opportunity to be interviewed by the panel in

18 person or by telephone or to provide written material to the panel:

19 (1) the child whose case is being reviewed if the child is

20 10 years of age or older;

21 (2) the parents, custodians, or other relatives of the

22 child;

23 (3) the child's out-of-home care provider;

24 (4) the child's guardian;

25 (5) the child's guardian ad litem;

26 (6) the case worker or social worker assigned to the case;

27 (7) if the case is governed by 25 U.S.C. 1901 - 1963

28 (Indian Child Welfare Act),

29 (A) the child's Indian custodian; and

1 (B) the designated representative of the child's  
2 Indian tribe if the tribe has intervened in the case; and

3 (8) other persons with a close personal knowledge of the  
4 case.

5 (e) At the discretion of the child's guardian ad litem, if the  
6 child whose case is being reviewed is under 10 years of age, the child  
7 may be present at interviews conducted under (d) of this section and  
8 during review by the panel, or may be interviewed. At the child's  
9 request, a child who is 10 years of age or older shall be allowed to  
10 be present at interviews or a review of the local panel that concerns  
11 the child's case unless the panel determines that for good cause the  
12 child's presence would be contrary to the best interests of the child  
13 or there is other good cause for denying the child's request.

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

16 (1) determine whether the child has a case plan designed to  
17 achieve placement in the least restrictive, most family-like setting  
18 available in close proximity to the home of the child's parents that  
19 is consistent with the best interests of and special needs and circum-  
20 stances of the child;

21 (2) evaluate the continuing necessity and appropriateness  
22 of the child's placement, the extent of the compliance with the  
23 child's case plan, and the extent of progress that has been made  
24 toward mitigating the causes that necessitated placement away from the  
25 child's parents;

26 (3) ascertain the date by which it is likely the child may  
27 be returned to the home or placed for adoption or legal guardianship;

28 (4) determine whether there has been compliance with appli-  
29 cable provisions of 25 U.S.C. 1901 - 1963 (Indian Child Welfare Act)

1 and other applicable state and federal laws; and

2 (5) determine whether there has been compliance with court  
3 review requirements of AS 47.10.080(f) and (l) and 47.10.142(h).

4 (g) The local panel shall within 30 days after reviewing the  
5 case submit a written report to the persons listed in (c) of this  
6 section.

7 (h) The report required under (g) of this section must make  
8 advisory recommendations based on the best interests of the child in  
9 accordance with AS 47.10.082 and must include notification of the  
10 right to request court review under AS 47.10.080(f). If the court has  
11 scheduled the case for review, the local panel shall submit its report  
12 at least 20 days before the hearing.

13 (i) The local panel shall report to the state panel information  
14 needed by the state panel to prepare the report required under AS 47.-  
15 10.410.

16 Sec. 47.10.450. COOPERATION WITH STATE AND LOCAL PANELS. The  
17 department, Department of Law, public defender, office of public  
18 advocacy, and court system shall cooperate with the state panel and  
19 the local panels to facilitate timely review of plans for children  
20 whose cases are under the jurisdiction of the panels.

21 Sec. 47.10.460. RECORDS; COMMUNICATIONS. (a) Notwithstanding  
22 AS 47.10.090, at the request of a local panel, the department, the  
23 child's guardian ad litem, and the court shall furnish to the local  
24 panel relevant records concerning a child and the child's family who  
25 are the subjects of a local panel review. At the conclusion of a  
26 review, all copies of records provided to a local panel under this  
27 section shall be returned to the staff that serves the local panel or  
28 to the agency from which the original copy was obtained unless the  
29 panel members need the copies to prepare the reports required under

1 AS 47.10.440(g) - (i). Copies retained for preparation of the reports  
2 shall be returned to the staff that serves the local panel or to the  
3 originating agency upon completion of the reports. Notwithstanding  
4 AS 44.62.310, records and reports of the local panel, testimony before  
5 the local panel, and deliberations of the local panel are confidential  
6 under AS 47.10.090.

7 (b) A local panel member may not reveal to another person, other  
8 than another member of the local panel or the staff serving the local  
9 panel, a communication made to the member while performing the mem-  
10 ber's duties under AS 47.10.400 - 47.10.490 except as required under  
11 AS 47.17 or as required by court order for good cause shown. A local  
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6 public advocacy, the attorney general, the public defender appointed  
7 under AS 18.85.030, and the chief justice of the Alaska Supreme Court.

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

11 (c) The voting members of the state panel shall elect from among  
12 the voting members a chair who shall serve for two years. Three  
13 voting members of the state panel constitute a quorum for the trans-  
14 action of business.

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

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

21 (f) The state panel may employ an executive director who shall  
22 serve at the pleasure of the state panel. The executive director  
23 shall employ staff as necessary to carry out the executive director's  
24 duties under state panel directives and to provide clerical assistance  
25 to local panels.

26 Sec. 47.10.410. DUTIES OF THE STATE PANEL. The state panel  
27 shall

28 (1) by regulation adopt policies and procedures to carry  
29 out its duties and to govern the performance of the duties of the

1 local panels established under AS 47.10.420;

2 (2) ensure that local panel members receive the minimum  
3 level of training necessary to effectively carry out their duties;

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

7 (4) report annually to the legislature by the 10th day of  
8 each regular session, concerning the activities of the state and local  
9 panels during the previous fiscal year; the report must include the  
10 number of cases reviewed by each local panel, a description of the  
11 characteristics of the children whose cases were reviewed by the  
12 panels, the number of children reunited with their families, the  
13 number of children placed in other permanent homes, and recommenda-  
14 tions and justifications for program improvement, including recommen-  
15 dations relating to state agencies and to the panel review system; the  
16 report may contain other information on the experience of the local  
17 panels.

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

26 (b) The governor shall appoint to a local panel persons who have  
27 training, experience, special knowledge, or a demonstrated interest in  
28 the welfare of children. An out-of-home care provider or a person  
29 employed by the court system, the department, the office of public

1 advocacy, the Public Defender Agency, or the Department of Law may not  
2 serve as a member or alternate member of a local panel. The governor  
3 may not appoint a person who has committed a felony or violated  
4 AS 11.51.130 or a law with substantially similar elements.

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

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

16 (e) When a person is appointed to serve on a local panel, the  
17 person shall swear or affirm to keep confidential all information that  
18 comes before the local panel except for nonidentifying information  
19 included in a report to the state panel, information for reports  
20 required under AS 47.17, or as required by court order for good cause  
21 shown.

22 Sec. 47.10.430. MEETINGS. (a) A local panel shall conduct its  
23 meetings in the judicial district in which its members reside.

24 (b) The local panel shall elect one of its members to serve as  
25 chair.

26 (c) A majority of the members of a local panel constitutes a  
27 quorum.

28 Sec. 47.10.440. DUTIES OF LOCAL PANEL. (a) A local panel shall  
29 review the case plan of each child in the custody of the department

1 who is in a placement other than the child's own home under AS 47.-  
2 10.080(b)(3), (c)(1), or (c)(3), 47.10.142, or 47.10.230(c) if the  
3 case is under the jurisdiction of a court in the judicial district  
4 served by the panel. A local panel may request a local panel in  
5 another judicial district to conduct a review and make a report if  
6 that local panel is more convenient for the child and other persons  
7 involved.

8 (b) The local panel shall review a case as required under 42  
9 U.S.C. 671 - 675 (P.L. 96-272) within 180 days after the day the child  
10 is initially removed from the child's home and every six months there-  
11 after. A court review may be substituted for a review required under  
12 this subsection if the court review meets the requirements of this  
13 subsection.

14 (c) At least 30 days before it begins a review, the local panel  
15 shall provide written notice to the department, the child or the  
16 child's legal representative, the child's parents, the child's guardi-  
17 an and guardian ad litem, the Department of Law, the child's out-of-  
18 home care provider, and the child's Indian custodian and the des-  
19 ignated representative of the child's Indian tribe if the case is  
20 governed by 25 U.S.C. 1901 - 1963 (Indian Child Welfare Act) that a  
21 review will be conducted and that each person notified may participate  
22 in the review.

23 (d) In reviewing a case, the local panel shall consider the case  
24 plan and any progress report of the department or the child's guardian  
25 ad litem, court records, and other information about the child and the  
26 child's family. The local panel shall also provide to the following  
27 persons an opportunity to be interviewed by the panel in person or by  
28 telephone or to provide written material to the panel:

29 (1) the child whose case is being reviewed if the child is

1 10 years of age or older;

2 (2) the parents, custodians, or other relatives of the  
3 child;

4 (3) the child's out-of-home care provider;

5 (4) the child's guardian and guardian ad litem;

6 (5) the case worker or social worker assigned to the case;

7 (6) the Indian custodian of the child and the designated  
8 representative of the child's Indian tribe if the case is governed by  
9 25 U.S.C. 1901 - 1963 (Indian Child Welfare Act); and

10 (7) other persons with a close personal knowledge of the  
11 case.

12 (e) At the discretion of the child's guardian ad litem, if the  
13 child whose case is being reviewed is under 10 years of age, the child  
14 may be present at interviews conducted under (d) of this section and  
15 during review by the panel, or may be interviewed. At the child's  
16 request, a child who is 10 years of age or older shall be allowed to  
17 be present at interviews or a review of the local panel that concerns  
18 the child's case unless the panel determines that the child's presence  
19 would be contrary to the bests interests of the child or there is  
20 other good cause for denying the child's request.

21 (f) During a review under (a) of this section, a local panel  
22 shall

23 (1) determine whether the child has a case plan designed to  
24 achieve placement in the least restrictive, most family-like setting  
25 available in close proximity to the home of the child's parents that  
26 is consistent with the best interests of and special needs and circum-  
27 stances of the child;

28 (2) evaluate the continuing necessity and appropriateness  
29 of the child's placement, the extent of the compliance with the

1 child's case plan, and the extent of progress that has been made  
2 toward mitigating the causes that necessitated placement away from the  
3 child's parents;

4 (3) ascertain the date by which it is likely the child may  
5 be returned to the home or placed for adoption or legal guardianship;

6 (4) determine whether there has been compliance with appli-  
7 cable provisions of 25 U.S.C. 1901 - 1963 (Indian Child Welfare Act)  
8 and other applicable state and federal laws; and

9 (5) determine whether there has been compliance with court  
10 review requirements of AS 47.10.080(f) and (1) an 47.10.142(h).

11 (g) The local panel shall within 30 days after reviewing the  
12 case submit a written report to the department, the child or the  
13 child's legal representative, the child's parents, the child's guard-  
14 ian and guardian ad litem, the child's out-of-home care provider, and  
15 the child's Indian custodian and the designated representative of the  
16 child's Indian tribe if the case is governed by 25 U.S.C. 1901 - 1963  
17 (Indian Child Welfare Act). The report must make advisory recommenda-  
18 tions based on the best interests of the child in accordance with  
19 AS 47.10.082 and must include notification of the right to request  
20 court review under AS 47.10.080(f). If the court has scheduled the  
21 case for review, the local panel shall submit its report at least 20  
22 days before the hearing.

23 (h) The local panel shall report to the state panel information  
24 needed by the state panel to prepare the report required under AS 47.-  
25 10.410.

26 Sec. 47.10.450. COOPERATION WITH LOCAL PANELS. The department,  
27 Department of Law, public defender, office of public advocacy, and  
28 court system shall cooperate with the local panels to facilitate  
29 timely review of plans for children whose cases are under the

1 jurisdiction of the panels.

2 Sec. 47.10.460. RECORDS; COMMUNICATIONS. (a) Notwithstanding  
3 AS 47.10.090, at the request of a local panel, the department, the  
4 child's guardian ad litem, and the court shall furnish to the local  
5 panel records concerning a child and the child's family who are the  
6 subjects of a local panel review. At the conclusion of a review, all  
7 copies of records provided to a local panel under this section shall  
8 be returned to the staff that serves the local panel or to the agency  
9 from which the original copy was obtained unless the panel members  
10 need the copies to prepare the reports required under AS 47.10.440(g)  
11 or (h). Copies retained for preparation of the reports shall be  
12 returned to the staff that serves the local panel or to the originat-  
13 ing agency upon completion of the reports. Notwithstanding AS 44.62.-  
14 310, records and reports of the local panel, testimony before the  
15 local panel, and deliberations of the local panel are confidential  
16 under AS 47.10.090.

17 (b) A local panel member may not reveal to another person a  
18 communication made to the member while performing the member's duties  
19 under AS 47.10.400 - 47.10.490 except as required under AS 47.17 or as  
20 required by court order for good cause shown. A panel member may  
21 share with the state panel communications made during the panel mem-  
22 ber's performance of official duties if the member omits identifying  
23 information.

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

25 Sec. 47.10.470. COURT REVIEW OF REPORT. (a) The court may  
26 consider the report of the local panel in its review under AS 47.10.-  
27 080(f) of the placement of a child in need of aid under AS 47.10.-  
28 080(c)(1) or when it considers the report of the department or guard-  
29 ian of a child in need of aid under AS 47.10.080(c)(3).

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

3 Sec. 47.10.480. INDEMNIFICATION OF PANEL MEMBERS. A state panel  
4 member and a local panel member shall be indemnified by the state for  
5 civil liability for a negligent act or omission of the panel member  
6 that occurs in the performance of the member's duties under AS 47.10.-  
7 400 - 47.10.490 unless the civil liability results from the panel  
8 member's violation of

9 (1) AS 47.10.460(b); or

10 (2) the oath or affirmation required under AS 47.10.420(e).

11 Sec. 47.10.490. DEFINITIONS. In AS 47.10.400 - 47.10.490

12 (1) "local panel" means a local citizen out-of-home care  
13 review panel appointed under AS 47.10.420;

14 (2) "out-of-home care provider" means an agency or a per-  
15 son, other than the child's legal parents, with whom the department  
16 has placed a child who is in the custody of the state under AS 47.10.-  
17 080(b)(3), (c)(1), or (c)(3), 47.10.142, or 47.10.230(c), including a  
18 foster parent, a relative other than a parent, a person who has peti-  
19 tioned for adoption of the child, or a residential child care facili-  
20 ty;

21 (3) "state panel" means the Citizens' Review Panel for  
22 Permanency Planning established under AS 47.10.400.

23 \* Sec. 3. AS 44.66.010(a) is amended by adding a new paragraph to read:

24 (17) Citizens' Review Panel for Permanency Planning under  
25 AS 47.10.400 -- June 30, 1994.

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

27 (f) A minor found to be delinquent or a child in need of aid is  
28 a ward of the state while committed to the department or the depart-  
29 ment has the power to supervise the minor's actions. The court shall

1 review an order made under (b) or (c)(1) or (2) of this section an-  
2 nually, and may review the order more frequently to determine if  
3 continued placement, probation, or supervision, as it is being pro-  
4 vided, is in the best interest of the minor and the public. If annual  
5 review under this subsection would arise within 90 days of the hearing  
6 required under (1) of this section, the court may postpone review  
7 under this subsection until the time set for the hearing. The depart-  
8 ment, the minor, the minor's parents, guardian, or custodian are  
9 entitled, when good cause is shown, to a review on application. If  
10 the application is granted, the court shall afford these parties and  
11 their counsel reasonable notice in advance of the review and hold a  
12 hearing where these parties and their counsel shall be afforded an  
13 opportunity to be heard. The minor shall be afforded the opportunity  
14 to be present at the review.

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

16 (1) Within 18 months of the date a minor is initially taken into  
17 custody by the department under AS 47.10.142(c) or committed to the  
18 custody of the department under AS 47.10.080(b)(3), (c)(1), or (c)(3),  
19 or 47.10.230(c), the court shall hold a hearing to review the place-  
20 ment and services provided and to determine the future status of the  
21 minor. The court shall make appropriate written findings, including  
22 findings related to the following:

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

24 (2) whether the child should remain in out-of-home care for  
25 a specified period;

26 (3) whether the child should remain in out-of-home care on  
27 a permanent or long-term basis because of special needs or circum-  
28 stances.

29 (m) Within 60 days after a court orders a child committed to the

1 department under (c) of this section and at a review under (f) or (l)  
 2 of this section, the court shall inform the parties about the local  
 3 citizen out-of-home care review panel established under AS 47.10.420.

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

5 (g) Within 60 days after a court orders a child committed to  
 6 the department under this section, the department shall inform the  
 7 following persons about the local citizen out-of-home care review  
 8 panel established under AS 47.10.420:

- 9 (1) the child and the child's guardian ad litem;
- 10 (2) the parents or guardian of the child;
- 11 (3) the child's Indian custodian and the designated rep-  
 12 resentative of the child's Indian tribe if the child's case is gov-  
 13 erned by 25 U.S.C. 1901 - 1963 (Indian Child Welfare Act).

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

17 \* Sec. 7. Notwithstanding AS 47.10.400(b), enacted by sec. 2 of this  
 18 Act, the governor shall appoint the initial members of the Citizens' Review  
 19 Panel for Permanency Planning so that one serves a one-year term, two serve  
 20 two-year terms, and two serve three-year terms. The initial members must  
 21 be persons who have training, experience, special knowledge, or a demon-  
 22 strated interest in the welfare of children.

23 \* Sec. 8. This Act takes effect July 1, 1990.

24  
 25 *Removed Rule change.*  
 26  
 27  
 28  
 29

*OK  
 not  
 same  
 remedy  
 list*

Original sponsor(s): REP. COLLINS, Gruenberg, Ulmer, Furnace, Hanley

1 IN THE HOUSE

BY THE JUDICIARY COMMITTEE

2 CS FOR HOUSE BILL NO. 19 (Judiciary)

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 SIXTEENTH LEGISLATURE - SECOND SESSION

5 A BILL

6 For an Act entitled: "An Act relating to citizen review panels for certain  
7 children in state custody; court review of cases  
8 relating to children; establishing the Citizens'  
9 Review Panel for Permanency Planning; and providing  
10 for an effective date."

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

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

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

23 ARTICLE 6. CITIZENS' REVIEW PANEL FOR PERMANENCY PLANNING.

24 Sec. 47.10.400. CITIZENS' REVIEW PANEL FOR PERMANENCY PLANNING.

25 (a) There is created in the Department of Administration the Citi-  
26 zens' Review Panel for Permanency Planning. The state panel consists  
27 of five voting members appointed by the governor from among present  
28 members of local citizen review panels established under AS 47.10.420.  
29 The governor shall appoint at least one voting state panel member from

1 each judicial district. The governor may not appoint a person who has  
2 committed a felony or violated AS 11.51.130 or a law with substantial-  
3 ly similar elements. The panel also includes the following five  
4 nonvoting members who serve ex officio or their designees: the com-  
5 missioner of health and social services, the director of the office of  
6 public advocacy, the attorney general, the public defender appointed  
7 under AS 18.85.030, and the chief justice of the Alaska Supreme Court.

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

11 (c) The voting members of the state panel shall elect from among  
12 the voting members a chair who shall serve for one year. Three voting  
13 members of the state panel constitute a quorum for the transaction of  
14 business. The panel may not take official action without the affirma-  
15 tive vote of at least three of its members.

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

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

22 (f) The state panel may employ an executive director who shall  
23 serve at the pleasure of the state panel. The executive director  
24 shall employ staff as necessary to carry out the executive director's  
25 duties under state panel directives and to provide clerical assistance  
26 to local panels.

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

29 (1) by regulation adopt policies and procedures to carry

1 out its duties and to govern the performance of the duties of the  
2 local panels established under AS 47.10.420;

3 (2) ensure that local panel members receive the minimum  
4 level of training necessary to effectively carry out their duties;

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

8 (4) report annually to the legislature by the 10th day of  
9 each regular session, concerning the activities of the state and local  
10 panels during the previous fiscal year; the report must include the  
11 number of cases reviewed by each local panel, a description of the  
12 characteristics of the children whose cases were reviewed by the  
13 panels, the number of children reunited with their families, the  
14 number of children placed in other permanent homes, and recommenda-  
15 tions and justifications for program improvement, including recommen-  
16 dations relating to state agencies and to the panel review system; the  
17 report may contain other information on the experience of the local  
18 panels.

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

27 (b) The governor shall appoint to a local panel persons who have  
28 training, experience, special knowledge, or a demonstrated interest in  
29 the welfare of children. An out-of-home care provider or a person

1 employed by the court system, the department, the office of public  
2 advocacy, the Public Defender Agency, or the Department of Law may not  
3 serve as a member or alternate member of a local panel. The governor  
4 may not appoint a person who has committed a felony or violated  
5 AS 11.51.130 or a law with substantially similar elements.

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

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

17 (e) When a person is appointed to serve on a local panel, the  
18 person shall swear or affirm to keep confidential all information that  
19 comes before the local panel except for nonidentifying case informa-  
20 tion included in a report to the state panel, information for reports  
21 required under AS 47.17, or as required by court order for good cause  
22 shown. A local panel member may also share confidential information  
23 with other members of the local panel and staff who serve the local  
24 panel.

25 Sec. 47.10.430. MEETINGS; EXPENSES. (a) A local panel shall  
26 conduct its meetings in the judicial district in which its members  
27 reside.

28 (b) The local panel shall elect one of its members to serve as  
29 chair for a term of one year.

1 (c) A majority of the members of a local panel constitutes a  
2 quorum. A panel may not take official action without the affirmative  
3 vote of at least three of its members.

4 (d) A local panel member is not eligible for travel expenses,  
5 per diem, or other expenses for service on the local panel unless the  
6 state panel requires a local panel member to travel to attend a meet-  
7 ing. If the state panel requires a local panel member to travel to  
8 attend a meeting, the local panel member is entitled to reimbursement  
9 for actual expenses incurred by the member in attending the meeting,  
10 except that the reimbursement may not exceed the amount of per diem  
11 and expenses authorized for boards and commissions under AS 39.20.180.

12 Sec. 47.10.440. DUTIES OF LOCAL PANEL. (a) A local panel shall  
13 review the case plan of each child in the custody of the department  
14 who is in a placement other than the child's own home under AS 47.-  
15 10.080(b)(3), (c)(1), or (c)(3), 47.10.142, or 47.10.230(c) if the  
16 case is under the jurisdiction of a court in the judicial district  
17 served by the panel. A local panel may request a local panel in  
18 another judicial district to conduct a review and make a report if  
19 that local panel is more convenient for the child and other persons  
20 involved.

21 (b) The local panel shall review a case as required under 42  
22 U.S.C. 671 - 675 (P.L. 96-272) within 180 days after the day the child  
23 is initially removed from the child's home and every six months there-  
24 after. A court review may be substituted for a review required under  
25 this subsection if the court review meets the requirements of this  
26 subsection.

27 (c) At least 30 days before it begins a review, the local panel  
28 shall provide written notice to the following persons that a review  
29 will be conducted and that each person notified may participate in the

1 review:

- 2 (1) the department;
- 3 (2) the child or the child's legal representative;
- 4 (3) the child's parents;
- 5 (4) the child's guardian;
- 6 (5) the child's guardian ad litem;
- 7 (6) the child's out-of-home care provider; and
- 8 (7) if the case is governed by 25 U.S.C. 1901 - 1963

9 (Indian Child Welfare Act),

10 (A) the child's Indian custodian; and

11 (B) the designated representative of the child's

12 Indian tribe if the tribe has intervened in the case.

13 (d) In reviewing a case, the local panel shall consider the case

14 plan and any progress report of the department or the child's guardian

15 ad litem, court records, and other relevant information about the

16 child and the child's family. The local panel shall also provide to

17 the following persons an opportunity to be interviewed by the panel in

18 person or by telephone or to provide written material to the panel:

19 (1) the child whose case is being reviewed if the child is

20 10 years of age or older;

21 (2) the parents, custodians, or other relatives of the

22 child;

23 (3) the child's out-of-home care provider;

24 (4) the child's guardian;

25 (5) the child's guardian ad litem;

26 (6) the case worker or social worker assigned to the case;

27 (7) if the case is governed by 25 U.S.C. 1901 - 1963

28 (Indian Child Welfare Act),

29 (A) the child's Indian custodian; and

1 (B) the designated representative of the child's  
2 Indian tribe if the tribe has intervened in the case; and

3 (8) other persons with a close personal knowledge of the  
4 case.

5 (e) At the discretion of the child's guardian ad litem, if the  
6 child whose case is being reviewed is under 10 years of age, the child  
7 may be present at interviews conducted under (d) of this section and  
8 during review by the panel, or may be interviewed. At the child's  
9 request, a child who is 10 years of age or older shall be allowed to  
10 be present at interviews or a review of the local panel that concerns  
11 the child's case unless the panel determines that for good cause the  
12 child's presence would be contrary to the best interests of the child  
13 or there is other good cause for denying the child's request.

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

16 (1) determine whether the child has a case plan designed to  
17 achieve placement in the least restrictive, most family-like setting  
18 available in close proximity to the home of the child's parents that  
19 is consistent with the best interests of and special needs and circum-  
20 stances of the child;

21 (2) evaluate the continuing necessity and appropriateness  
22 of the child's placement, the extent of the compliance with the  
23 child's case plan, and the extent of progress that has been made  
24 toward mitigating the causes that necessitated placement away from the  
25 child's parents;

26 (3) ascertain the date by which it is likely the child may  
27 be returned to the home or placed for adoption or legal guardianship;

28 (4) determine whether there has been compliance with appli-  
29 cable provisions of 25 U.S.C. 1901 - 1963 (Indian Child Welfare Act)

1 and other applicable state and federal laws; and

2 (5) determine whether there has been compliance with court  
3 review requirements of AS 47.10.080(f) and (l) and 47.10.142(h).

4 (g) The local panel shall within 30 days after reviewing the  
5 case submit a written report to the persons listed in (c) of this  
6 section.

7 (h) The report required under (g) of this section must make  
8 advisory recommendations based on the best interests of the child in  
9 accordance with AS 47.10.082 and must include notification of the  
10 right to request court review under AS 47.10.080(f). If the court has  
11 scheduled the case for review, the local panel shall submit its report  
12 at least 20 days before the hearing.

13 (i) The local panel shall report to the state panel information  
14 needed by the state panel to prepare the report required under AS 47.-  
15 10.410.

16 Sec. 47.10.450. COOPERATION WITH STATE AND LOCAL PANELS. The  
17 department, Department of Law, public defender, office of public  
18 advocacy, and court system shall cooperate with the state panel and  
19 the local panels to facilitate timely review of plans for children  
20 whose cases are under the jurisdiction of the panels.

21 Sec. 47.10.460. RECORDS; COMMUNICATIONS. (a) Notwithstanding  
22 AS 47.10.090, at the request of a local panel, the department, the  
23 child's guardian ad litem, and the court shall furnish to the local  
24 panel relevant records concerning a child and the child's family who  
25 are the subjects of a local panel review. At the conclusion of a  
26 review, all copies of records provided to a local panel under this  
27 section shall be returned to the staff that serves the local panel or  
28 to the agency from which the original copy was obtained unless the  
29 panel members need the copies to prepare the reports required under

1 AS 47.10.440(g) - (i). Copies retained for preparation of the reports  
2 shall be returned to the staff that serves the local panel or to the  
3 originating agency upon completion of the reports. Notwithstanding  
4 AS 44.62.310, records and reports of the local panel, testimony before  
5 the local panel, and deliberations of the local panel are confidential  
6 under AS 47.10.090.

7 (b) A local panel member may not reveal to another person, other  
8 than another member of the local panel or the staff serving the local  
9 panel, a communication made to the member while performing the mem-  
10 ber's duties under AS 47.10.400 - 47.10.490 except as required under  
11 AS 47.17 or as required by court order for good cause shown. A local  
12 panel member may share with the state panel communications made during  
13 the local panel member's performance of official duties if the local  
14 panel member omits identifying information.

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

16 Sec. 47.10.470. COURT REVIEW OF REPORT. (a) When a report is  
17 admissible under court rules, the court may consider the report of the  
18 local panel in its review under AS 47.10.080(f) and at other disposi-  
19 tion hearings other than hearings related to delinquency proceedings.

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

22 Sec. 47.10.480. INDEMNIFICATION OF PANEL MEMBERS. A state panel  
23 member and a local panel member shall be indemnified by the state for  
24 civil liability for a negligent act or omission of the panel member  
25 that occurs in the performance of the member's duties under AS 47.10.-  
26 400 - 47.10.490 unless the civil liability results from the panel  
27 member's violation of

28 (1) AS 47.10.460(b); or

29 (2) the oath or affirmation required under AS 47.10.420(e).

1           Sec. 47.10.490. DEFINITIONS. In AS 47.10.400 - 47.10.490

2           (1) "local panel" means a local citizen out-of-home care  
3 review panel appointed under AS 47.10.420;

4           (2) "out-of-home care provider" means an agency or a per-  
5 son, other than the child's legal parents, with whom the child is  
6 currently placed and who is in the custody of the state under AS 47.-  
7 10.080(b)(3), (c)(1), or (c)(3), 47.10.142, or 47.10.230(c), including  
8 a foster parent, a relative other than a parent, a person who has  
9 petitioned for adoption of the child, or a residential child care  
10 facility;

11           (3) "state panel" means the Citizens' Review Panel for  
12 Permanency Planning established under AS 47.10.400.

13 \* Sec. 3. AS 44.66.010(a) is amended by adding a new paragraph to read:

14           (17) Citizens' Review Panel for Permanency Planning under  
15 AS 47.10.400 -- June 30, 1994.

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

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

1 their counsel reasonable notice in advance of the review and hold a  
2 hearing where these parties and their counsel shall be afforded an  
3 opportunity to be heard. The minor shall be afforded the opportunity  
4 to be present at the review.

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

6 (1) Within 18 months after the date a child is initially taken  
7 into custody by the department under AS 47.10.142(c) or committed to  
8 the custody of the department under AS 47.10.080(b)(3), (c)(1), or  
9 (c)(3), or 47.10.230(c), the court shall hold a hearing to review the  
10 placement and services provided and to determine the future status of  
11 the minor. The court shall make appropriate written findings, includ-  
12 ing findings related to the following:

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

14 (2) whether the child should remain in out-of-home care for  
15 a specified period;

16 (3) whether the child should remain in out-of-home care on  
17 a permanent or long-term basis because of special needs or circum-  
18 stances;

19 (4) whether the child should be placed for adoption or  
20 legal guardianship.

21 (m) Within 60 days after the date a child is removed from the  
22 child's home by the department, the department shall notify the appro-  
23 priate local citizen out-of-home care review panel established under  
24 AS 47.10.420.

25 (n) Within 60 days after a court orders a child committed to the  
26 department under (c) of this section and at a review under, (f) or (l)  
27 of this section, the department shall inform the parties about the  
28 local citizen out-of-home care review panel established under AS 47.-  
29 10.420.

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

2 (g) Within 60 days after a court orders a child committed to  
3 the department under this section, the department shall inform the  
4 parties about the local citizen out-of-home care review panel estab-  
5 lished under AS 47.10.420.

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

9 \* Sec. 7. Notwithstanding AS 47.10.400, enacted by sec. 2 of this Act,  
10 the governor shall appoint the initial public members of the Citizens'  
11 Review Panel for Permanency Planning so that one serves a one-year term,  
12 two serve two-year terms, and two serve three-year terms. The initial  
13 public members must be persons who have training, experience, special  
14 knowledge, or a demonstrated interest in the welfare of children.

15 \* Sec. 8. This Act takes effect July 1, 1990.  
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