

HB

19

Alaska State Legislature

Anchorage * District 10

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Member
Alaska Legislative
Council
Labor & Commerce
Committee
Special Committee
on Foreign Trade
Finance Sub-Committee
for Labor

Representative Virginia Collins

SPONSOR STATEMENT

CSHB 19 (FIN)

This bill would create in the Department of Administration a statewide foster care review system for certain children in state custody. It would establish a ten-member state panel composed of five voting members who are appointed by the governor and five non-voting agency members. It would also establish five-member local citizen review panels for children in state custody in each of the state's four judicial districts. Administrative staff would be provided to the panels.

Within 180 days after a child is removed from the home and every six months thereafter, the local citizen review panels would review the case to determine whether the child has a case plan in place consistent with the best interests of the child, evaluate the necessity and appropriateness of the placement, and ascertain the date by which a child may be returned to the home or placed for adoption or legal guardianship. The panel would make advisory recommendations based on the review.

The state panel would prepare an annual report to the legislature regarding the activities of the panels and make recommendations for program improvements.

There are 21 other states which have implemented similar programs and have found it to show a cost-savings. More importantly, these states have found that children are not languishing as long in foster care.

STATE OF ALASKA
THE LEGISLATURE

POUCH Y STATE CAPITOL
JUNEAU ALASKA 99811
907 465 3800

LEGISLATIVE AFFAIRS AGENCY

MEMORANDUM

April 2, 1990

SUBJECT: Sectional Analysis
CSHB 19 (Judiciary *(+ FIN)**)

TO: Representative Virginia Collins

FROM: Terri Lauterbach *TL*
Legislative Counsel

This memo contains a sectional analysis of CSHB 19 (Judiciary), a bill relating to citizen out-of-home care review panels.

Section 1 states findings and a purpose for the bill.

Section 2 establishes criteria for an out-of-home care review system and sets out its duties.

Sec. 47.10.400 describes the composition of a state panel called the Citizens' Review Panel for Permanency Planning.

Sec. 47.10.410 describes the duties of the state panel.

Sec. 47.10.420 provides for local review panels.

Sec. 47.10.430 specifies meeting requirements and expense reimbursement limitations for local panels.

Sec. 47.10.440 describes the duties of the local panels.

Sec. 47.10.450 requires various state agencies and the court system to cooperate with panels.

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

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

*** THE ONLY CHANGE IN THE HOUSE JUDICIARY CS CONSISTED OF A WORD CHANGE WHICH DOES NOT AFFECT THIS SECTIONAL ANALYSIS.**

Representative Virginia Collins
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April 2, 1990

Sec. 47.10.480 provides for indemnification of panel members.

Sec. 47.10.490 defines terms.

Section 3 amends the sunset statute to include the state panel.

Section 4 allows postponement of certain court reviews of children's cases.

Section 5 requires an 18-month court review of certain cases where children are in state custody and requires notification of parties about the out-of-home care review system established in the bill.

Section 6 amends emergency placement procedures to require DHSS to notify parties about the review panels and to require court review of temporary custody arrangements within 18 months.

Section 7 is a transitional provision for setting up the first state panel.

Section 8 makes the bill effective July 1, 1990.

TL:pl
WKP4/006

HESS Comm. Working 11-15-88



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

OFFICIAL BUSINESS

PO
JUNEAU, AK
465

PRELIMINARY RECOMMENDATIONS
for the
STATE FOSTER CARE SYSTEM

October 1988

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

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

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

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



Mission: THE BEST INTERESTS OF THE CHILD

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

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



Goal One: SAFETY, STABILITY AND PERMANENCY FOR CHILDREN

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

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

STATE OF ALASKA

STEVE COWPER, GOVERNOR

OFFICE OF PUBLIC ADVOCACY

300 W 5TH AVENUE
SUITE 525
ANCHORAGE, ALASKA 99501
PHONE (907) 274-1184

March 1, 1990

Myra M. Munson
Commissioner
Department of Health
and Social Services
P.O. Box H
Juneau, AK 99811-0601

Dear Commissioner Munson:

The Office of Public Advocacy (OPA) and the Public Defender Agency (PDA) interact on a regular basis with the Division of Family and Youth Services (DFYS) in Anchorage. Typically, OPA is appointed by the court as guardian ad litem for minors taken into custody by DFYS under child in need of aid (CINA) petitions. If parents are unable to afford legal counsel in these proceedings, the PDA is often appointed as their attorney.

Over the past few years, we have become increasingly concerned with the functioning of DFYS and its impact on our clients. Our staff have "brainstormed" a list of issues that illustrate problems in the Alaska child protection system. While we recognize that DFYS is charged with an extremely difficult task, we believe it is critical that your department consider these concerns with great care.

1. The Anchorage DFYS office is divided into several specialized "units": "Screening", "Intake", "Ongoing Services", "Permanency Planning", "Adoption", "High Risk" (cocaine babies), and "Compliance". While each of these units has varying functions, there is an incredible variance in the size of the individual social worker's caseload. For example, many "Ongoing" social workers serve 50 to 60 families, while a social worker in the "High Risk" unit may have only five to ten families on their caseload. It has been the observation of our staff that the most complex, time-consuming and high risk cases often seem to be assigned to the much overburdened "Ongoing" unit social workers. The Child Welfare League of America recommends caseloads much lower than this for child protection social workers. Common sense would indicate the impossibility of really providing social work services to 60 families in a 37.5 hour work week.

2. The Division of Family and Youth Services assigns a social worker in the "Intake" unit to investigate the allegations in a case and follow the case through the initial court hearing.

Then, the case is supposed to be transferred to a social worker in an "Ongoing" unit. The time for transferring a case from "Intake" to "Ongoing" often takes several weeks. During this time, services are generally not provided to the families, children don't visit with their parents and no one knows who is responsible for making "social work" decisions. The "case plan", which is required by federal law and DFYS policy to be completed within 60 days at the latest, is rarely completed in this time frame, in part due to the problems of transfer between the units. In the 1989 OPA Foster Care Review Board study of 86 cases, only one case had a formal written DFYS case plan within three months of the placement of the child in foster care.

3. This last year, DFYS created the "Compliance" unit to monitor social workers' compliance with various federal laws and state policies. The division also created several additional mid-management positions. While we recognize the obvious need for supervision and monitoring of job performance, we are concerned that these positions have decreased the potential number of direct service social workers to the detriment of the clients and caseload sizes.

4. Especially in the past year, the level of training and skill of new DFYS social workers seems to have deteriorated. It is our understanding that DFYS provides, at the supervisor's discretion, on-the-job training to new social workers. There also appears to be periodic training on specialized topics but no mandatory or formal preservice training. As a result, our staff have reported to us, again and again, experiences with social workers who appear very unfamiliar with the basic tenets of child protection social work, DFYS policy, and the Alaska statutes. Children have clearly been put at risk of harm by these unprepared social workers.

5. Of similar concern is the decline in the quality of foster parents. There has been an alarming number of children subjected to substantial abuse by foster parents in recent years. In several instances, the abuse committed on the children by the foster parent(s) was far more damaging than the abuse or neglect suffered by the children while in the care of their biological parents. Additionally, multiple foster home placements are the norm. In a 1989 OPA Foster Care Review Board study of cases, only 12 had one foster home placement in three months, and the upper range of placement changes in three months was 11.

We are concerned that the recruitment, screening, training and monitoring of foster parents has become ineffective. We are concerned that these incidents of abuse by foster parents are being handled internally by DFYS and are not being routinely reported to the police for criminal investigation. Our staff are, unfortunately, at the point of considering the risk of abuse

to a child while in a foster home when they are assessing removal of a child from a biological parent's home. A foster home placement may be more dangerous.

6. Every year DFYS designates certain contractual funds to pay for therapeutic services provided by local counseling agencies. We are concerned that the division does not look critically at the quality of these services or their appropriateness for specific clients. For example, in a recent deposition of a primary therapist from one of these agencies, which provides the only outpatient juvenile sex offender treatment in our community, it was learned that she had no formal education in sex offender treatment prior to joining the agency, had minimal experience working with juveniles and had extremely limited knowledge of the Alaska Native population. (Our clients were Native; the minor in question was a young teenage boy who was accused of multiple sexual assaults.) It was little wonder that after almost a year of "therapy" this youth had made no progress and was still unable to leave foster care to be reunited with his family.

7. The Division of Family and Youth Services is often ordered by the court to "discover" the contents of their case files to our offices prior to a contested trial. In recent months, numerous trials have been continued simply because DFYS clerical staff have apparently been unable to find the time to copy these records. This often means a delay of months before the trial can commence. During this time, children usually remain in "temporary" foster care.

8. The Division of Family and Youth Services is required under P.L. 96-272 to conduct periodic case reviews. This federal law requires notification of the parents of this case review so that the parents may attend the meeting. At the present time, DFYS notifies the parents without also notifying the parents' attorney(s). Currently, it is DFYS policy that parents' attorneys not be notified. We believe that, if a parent is represented by legal counsel, DFYS is obligated to notify the attorney of such an important event as these case reviews.

9. When a child is placed in a foster home, the DFYS social worker applies for Medicaid to cover the medical expenses, including psychotherapy, for the child. Presently, it is taking two to four months for the Division of Public Assistance to approve and issue Medicaid coupons. Until the Medicaid is available, the child often receives no therapy, and medical expenses are often covered "out-of-pocket" by the foster parents.

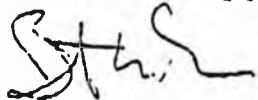
We believe that solutions exist for these concerns. Some options require increased funding, but many are possible with a change in management practices or resource allocation. We hope the

Myra M. Munson
March 1, 1990
Page 4

* department will consider these concerns and develop solutions quickly. As each day passes, hundreds of Alaskan children and parents are waiting for help.

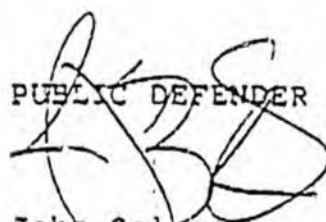
Sincerely,

OFFICE OF PUBLIC ADVOCACY



Brant McGee
Public Advocate

PUBLIC DEFENDER AGENCY



John Salemi
Public Defender

cc: Russell Webb, DFYS Division Director
Linden Stacicikas, DFYS Southcentral Region Manager
The Honorable John Reese, Superior Court Judge
The Honorable William Hitchcock, Children's Court Master

E. ADVANTAGES OF CITIZEN REVIEW

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.

Smith

I. OVERVIEW OF REVIEW SYSTEMS

A. PURPOSE OF FOSTER CARE REVIEW

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

B. IMPORTANCE OF REVIEW SYSTEMS

1. Impact of Foster Care on Children

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

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

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

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

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

Abused foster children

Agencies tell state of increase in cases

By SHEILA TOOMEY
Daily News reporter

An alarming number of children placed in foster care by the state of Alaska over the past few years have been abused by their foster parents, enough to prompt a written complaint from the heads of two state agencies charged with protecting the legal rights of abused children.

The charge was made in a letter to Health and Social Services Commissioner Myra Munson from Public Defender John Salemi and Brant McGee, head of the Office of Public Advocacy.

"In several instances, the abuse committed on the children by the foster parents was far more damaging than the abuse or neglect suffered by the children while in the care of their biological parents," the March 1 letter said.

Child protection cases are confidential and no details were provided in the letter, but Munson agreed that a problem exists.

"I guess I think that's a fair characterization," she said.

Please see Back Page, ABUSED

A10 Anchorage Daily News Friday, March 30, 1990

THE BACK PAGE

ABUSED FOSTER CHILDREN: Agencies say number of cases alarming

Continued from Page A-1

According to the department's own statistics, six children have died while in foster care in the past two years. Abuse was the suspected cause in one, said Russell Webb, regional manager for the Division of Family and Youth Services, which supervises foster homes and places children in them. That child died of a "non-accidental head injury."

At least two others were suicides, Webb said.

"We have many wonderful foster parents," Munson said, "but we have been seriously concerned about the number of instances (of abuse) that occur in foster cases."

She vigorously denied an assertion in the letter that her department is burying cases that should be criminally prosecuted by han-

dling them internally instead of reporting them to police.

"That's just flatly not true," Munson said. DFYS, which is responsible for checking all child abuse complaints, uses the same standard for reporting foster parents to the police as it uses to evaluate complete strangers, she said. "We do not handle foster parents differently."

Salemi could not be reached Thursday and McGee was in Juneau, away from the case files and staff complaints on which the letter was based.

The state has approximately 1,050 licensed foster homes statewide, 475 of them in Southcentral Alaska, Webb said. About 1,100 children are currently in foster homes, including 550 in Southcentral.

Last year, 88 complaints of

harm done to children in foster homes were filed, 28 of the complaints were found by the department to be valid and nine foster homes were decertified or closed, he said.

Webb could not say how many cases were reported to the police.

New regulations requiring a full background check of prospective foster parents, including checking fingerprints of all adults in the home against criminal files, are scheduled to go into effect April 1, Munson said. The new rules also will reduce the maximum number of foster children allowed in one home from six to four except in cases involving siblings, she said.

Children who end up in foster homes often have problems that make them difficult to handle and "We believe ... it goes beyond anyone's capacity to care for more

(than four)," Munson said. Too many children, or mismatching children and foster parents creates stress that triggers "inappropriate discipline" or outright abuse.

The Salemi/McGee letter identified other problems with DFYS, including too few social workers, inadequate training, children languishing in "temporary foster care for months because of delays in making decisions about what should be done with them, children being moved from home to home, high staff turnover and inadequate training.

Munson took issue with some details of the complaints, but agreed in general with much of them. Her department is working on many fronts to improve the system, she said, but she held out little hope for a fast, dramatic improvement.

"The failure of the state to adequately fund child protection services is at the heart of most of the problems, she said. "We're getting in this state exactly the system we are paying for."

To cut down on foster-care problems, social workers need lower caseloads and a much larger pool of licensed homes so they can better match children's needs and foster parents' abilities, she said. For the past year, the department has been aggressively seeking foster parents through television ads, speaking to civic groups and getting private business to include brochures in employee pay envelopes.

Without enough homes to choose from, emergencies drive the system, she said. "You're plugging kids in wherever there's an extra bed."

FISCAL NOTE

REQUEST:

Revision Date: _____
 Title: "An Act relating to citizen
 review panels for certain children
 in state custody..."
 Sponsor: Representative Collins
 Requestor: House Finance Committee

Agency Affected: Department of Administration
 BRU: Citizens Review Panel
 Components: _____

EXPENDITURES/REVENUES: (Thousands of Dollars)

OPERATING	FY 91	FY 92	FY 93	FY 94	FY 95	FY 96
PERSONAL SERVICES	347.4	357.0	366.6	366.6	366.6	366.6
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						
TOTAL OPERATING	649.3	558.2	567.2	567.2	567.2	567.2

CAPITAL						
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REVENUE						
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FUNDING: (Thousands of Dollars)

GENERAL FUND	649.3	558.2	567.2	567.2	567.2	567.2
FEDERAL FUNDS						
OTHER						
TOTAL	649.3	558.2	567.2	567.2	567.2	567.2

POSITIONS:

FULL-TIME	10	10	10	10	10	10
PART-TIME						
TEMPORARY						

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: House Finance Committee Phone: 465-3727
 Division: Co-Chairman Ron Larson Date: 4/4/90

Co-Chairman Lyman Hoffman
 Approved by Commissioner: _____ Date: 4/4/90
 Agency: _____

Distribution (by preparer):

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

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, Juneau:	G	29,442	30,192	30,990
Clerk III, Range 8, Fairbanks:	G	30,426	31,206	32,040
TOTAL Personnel Costs		\$347,430	\$356,964	\$366,564
(Amount of reduction in DOA fiscal note:)		- 47,570	- 114,936	- 118,536
With these reductions, the DOA fiscal note's "Total Operating" expenditure would be:		\$649,330	\$558,164	\$567,164