

HB

391



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

DATE: 2/8/94

PLACE: Capitol Room 106

SUBJECT OF MEETING:  
 HB 341: AK 2000 RECOMMENDATIONS  
 \* HB 359 CONSTRUCT/UPGRADE DOBANE Schools  
 \* HB 477 FUNDS TO UPGRADE MILITARY Base Schools  
 \* HB 391 - POSTPONED BY SPONSOR

NAME	REPRESENTING	BUSINESS/PERSONAL MAILING ADDRESS	ZIP	(H) PHONE	(W) PHONE	DO YOU WANT TO TESTIFY?	WHAT SUBJECT/ WHICH BILL?
Capt. Dennis R Porter	AK Command U.S. Air Force	1700 7th St Unit B Elmendorf AFB AK	99506	753 9476	557-3210	(Y) N	359
Duane Tuiley	DOE				5-8679	(Y) N	HJR4, HB359
Claudia Douglas	NEA-AK	114 Alond, Kasaan	99801		586-3090	(Y) N	CSA884
Bill Rose	CASS				586-1053	Y N	CS HB 59
						Y N	
						Y N	
						Y N	
						Y N	
						Y N	
						Y N	



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SUBJECT OF MEETING:  
 HB 84: AK 2000 RECOMMENDATIONS  
 \* HB 359 CONSTRUCT/UPGRADE DISABED SCHOOLS  
 \* HB 477 FUNDS TO UPGRADE MILITARY PERS. SCHOOLS  
 \* HB 391 - POSTPONED BY SPONSOR

NAME	REPRESENTING	BUSINESS/PERSONAL MAILING ADDRESS	ZIP	(H) PHONE	(W) PHONE	DO YOU WANT TO TESTIFY?	WHAT SUBJECT/ WHICH BILL?
Capt. Dennis R Porter	AK Command U.S. Air Force	1700 7th St W. + B Elmendorf AFB AK	99506	753 9476	550-3210	<input checked="" type="radio"/> Y <input type="radio"/> N	359
Duane Guiley	DOE				5-8679	<input checked="" type="radio"/> Y <input type="radio"/> N	HJR4, HB359
Claudia Douglas	NEA-AK	124 Second, Fairbanks	99801		586-3090	<input checked="" type="radio"/> Y <input type="radio"/> N	CSA884
mi Cole	CASE				586-3093	<input checked="" type="radio"/> Y <input type="radio"/> N	CSA885A
						<input type="radio"/> Y <input type="radio"/> N	
						<input type="radio"/> Y <input type="radio"/> N	
						<input type="radio"/> Y <input type="radio"/> N	
						<input type="radio"/> Y <input type="radio"/> N	
						<input type="radio"/> Y <input type="radio"/> N	
						<input type="radio"/> Y <input type="radio"/> N	
						<input type="radio"/> Y <input type="radio"/> N	

FISCAL NOTE

STATE OF ALASKA  
1994 LEGISLATIVE SESSION

BILL NO. HB 391

Revision Date: \_\_\_\_\_ Dept. Affected: Health and Social Services  
 Title: An Act Authorizing Disclosure of BRU: Family & Youth Services  
Information to a Prospective Home Care Provider Component: SCRO,NRO,SERO,CENTRAL OFFICE  
 Sponsor: Representative Kott MYC,FYF,BYF,NYF,JYC  
 Requestor: House HES COMPONENT SERIAL NO. 254,55,58,59,264,65,66,67,6:

Expenditures/Revenues: (Thousands of Dollars)

OPERATING	FY95	FY96	FY97	FY98	FY99	FY00
PERSONAL SERVICES						
TRAVEL						
CONTRACTUAL						
SUPPLIES						
EQUIPMENT						
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
<b>TOTAL OPERATING</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>

CAPITAL EXPENDITURES						
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CHANGES IN REVENUES						
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FUND SOURCE (Thousands of Dollars)

1002 Federal Receipts						
1003 GF Match						
1004 GF						
1005 GF/Program Receipts						
1006 GF/MHTIA						
Other						
<b>TOTAL</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>

POSITIONS:

FULL-TIME						
PART-TIME						
TEMPORARY						

Estimate of current year (FY94) impact: 0.0

ANALYSIS: (Attach a separate page if necessary)

There is no fiscal impact because the Division is already notifying providers.

Prepared by: Deborah R. Wing, Director *Deborah R. Wing*  
 Division: Division of Family & Youth Services  
 Approved by Commissioner: Margaret R. Lowe, M.Ed., Ed.S. *Margaret R. Lowe*  
 Agency: Department of Health & Social Services

Phone: 465-3191  
 Date: 02/04/94  
 Date: 2-7-94

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*HES FAMILY & YOUTH SERVICES ZERO FISCAL NOTE*

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DURING SESSION:  
STATE CAPITOL  
JUNEAU, AK 99811  
PHONE (907) 465-3777

Representative Pete Kott

HOUSE BILL 391  
SPONSOR STATEMENT

The Department of Health and Social Services often has occasion to place minors with a variety of out-of-home care providers. For instance, this may occur when children are placed with foster parents, or when placed in residential child care facilities. It may also occur when children are temporarily placed by the Department with a relative, or with prospective adoptive parents.

Many of the children so placed by the Department have troubled backgrounds and often are the victims of abuse and neglect. Not having had the benefit of stable, loving homes, some children develop behavior problem. Such children may constitute a danger to others living in the homes in which they are placed.

It is the Sponsor's intent to require the Department to disclose information necessary for prospective home care providers to make informed choices as to whether to accept any given child into their homes. To accomplish that end, House Bill 391 requires the Department to disclose information regarding minors' history concerning the following: (1) Property damage over \$100; (2) Personal injuries caused by minors; and, (3) Acts which would have been felonies had they been performed by an adult.

The required disclosure must be in writing and must contain sufficient detail as would allow a reasonable person to understand the risk of accepting placement. Upon receipt of this information, the recipient is prohibited from making further disclosures to others outside the home or institution.

It is suggested that House Bill 391 strikes a reasonable balance between the right to make an informed decision and minors' interest in privacy. Accordingly, this bill is commended to you for consideration.



Sponsor Statement

Alaska State Legislature  
House of Representatives



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HOUSE BILL 391  
SECTIONAL ANALYSIS

Section 1:

Before placing minors with out-of-home care providers, the Department of Health and Social Services must provide certain information regarding the minors to be placed. The required information includes that which is reasonably necessary to apprise prospective care providers of previous property damage by the minors in excess of \$100. Also, information reasonably necessary to apprise prospective care providers regarding personal injuries committed and felony level acts performed by the minors must be disclosed. All such disclosures must be in writing and contain reasonable details. The recipients of disclosures made pursuant to this section are prohibited from further disclosing the information to others outside the recipients' homes or institutions.



Sectional Analysis

**Cross references.** — For a related provision, see AS 47.17.020(d).

#### NOTES TO DECISIONS

Cited in *M.O.W. v. State*, 645 P.2d 1229 (Alaska Ct. App. 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 driver's license action under AS 28.15.185, are privileged and may not be disclosed directly or indirectly to anyone without the court's permission. However, a state or city law-enforcement agency shall disclose information regarding a case which is needed by the person or agency charged with making a preliminary investigation for the information of the court. The court shall forward a record of adjudication of a violation of an offense listed in AS 28.15.185(a) to the Department of Public Safety, if the court imposes a license revocation under AS 28.15.185. Within 30 days of the date of a minor's 18th birthday or, if the court retains jurisdiction of a minor past the minor's 18th birthday, within 30 days of the date on which the court relinquishes jurisdiction over the minor, the court shall order sealed all the court's official records, information and social records pertaining to that minor, as well as records of all driver's license proceedings under AS 28.15.185, criminal proceedings against the minor and punishments assessed against the minor except for traffic offenses. A person may not use these sealed records for any purpose except that the court may order their use for good cause shown or may order their use by an officer of the court in making a presentencing report for the court.

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