

HB

92

FISCAL NOTE

STATE OF ALASKA
1995 LEGISLATIVE SESSION

BILL NO HB 92

Revision Date: _____ Dept. Affected Administration
 Title: "An Act extending the termination date of the BRU: Office of the Commissioner
Citizen's Review Panel for Permanency Planning..." Component Permanency Planning
 Sponsor: House HESS
 Requestor: Rep. Tooley COMPONENT SERIAL NO. 1888

Expenditures/Revenues

(Thousands of Dollars)

OPERATING EXPENDITURE	FY 96	FY 97	FY 98	FY 99	FY 00	FY 01
PERSONAL SERVICES	136.6	142.6	148.8	0.0	0.0	0.0
TRAVEL	1.0	1.0	1.1	0.0	0.0	0.0
CONTRACTUAL	18.0	18.8	19.6	0.0	0.0	0.0
SUPPLIES	3.5	3.7	3.8	0.0	0.0	0.0
EQUIPMENT	11.5	0.5	0.5	0.0	0.0	0.0
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
TOTAL OPERATING	170.6	166.6	173.9	0.0	0.0	0.0

CAPITAL EXPENDITURES						
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CHANGE IN REVENUES ()						
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FUND SOURCE

(Thousands of Dollars)

1002 Federal Receipts						
1003 GF Match						
1004 GF	170.6	166.6	173.9	0.0	0.0	0.0
1005 GF/Program Receipts						
1006 GF/MHTIA						
Other						
Total	170.6	166.6	173.9	0.0	0.0	0.0

Estimate of current year (FY 95) cost: \$ 65.0

POSITIONS:

FULL-TIME	3	3	3	0	0	0
PART-TIME	0	0	0	0	0	0
TEMPORARY	0	0	0	0	0	0

ANALYSIS: (Attach a separate page if necessary)
(Please see attached)

Prepared by: Sharon Barton, Director Phone: 465-5655
 Division: Administrative Services Date: _____

Approved by Commissioner: Mark Boyer Date: 2/3/95
 Agency: Department of Administration

PREPARER TO PROVIDE ALL DISTRIBUTION COPIES TO GOVERNOR'S LEGISLATIVE OFFICE
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HB 92 would extend the life of the Citizen's Review Panel for Permanency Planning until June 30, 1997. Under AS 44.66.010 (b), the review panel could remain in existence until June 30 of the succeeding year (1998) for the purpose of concluding its affairs. The fiscal note assumes the office would remain open until June 30, 1998.

Personal services costs are based on two full time Social Worker II positions and one Administrative Assistant II position.

Travel will consist of one or two trips between Anchorage and Juneau.

Contractual costs are comprised of office lease expense and telephone expenses.

Supplies costs are comprised of miscellaneous office supplies expenses.

First year equipment includes office and computer equipment. These start up costs are necessary because the pilot program has been operating for the past eighteen months with office furniture (personal property) on loan from the former Deputy Commissioner. Computers obtained from state surplus are barely functional and are so old they cannot run current software. If the program is to be continued these basic items must be purchased. FY 97 and FY 98 equipment would cover miscellaneous equipment expenses.

FY95 funding runs out about March 15, 1995. The current plan calls for shutting down the program and laying off staff on that date. If the program is to be continued supplemental funding for FY95 in the amount of \$65.0 would be necessary.

02/02/95

Position Information Inquiry/Update

11:11:44

Position: 02-02?036	Project: 0	Salary Costs: 31,740.00
Component: 02-95-01-20-02-00	Region:	Benefits Costs: 13,797.00
Scenario: 1 FY: 96	COLA %= 0.000	Total Costs: 45,537.00

 Actuals not available (Status: UNKNOWN) | Retirement Code: A

00/00/00	Step: A for 12.0 months & Step: B for 0.0 months (total: 12.00)
0	Merit Date; use merit defaults? N (0.0 @ & 0.0 @)
	Class/Sched Prefix: 2 Schedule: 2A (actual:)
	Bargaining Unit: GG Range: 14 (actual:)
	Location Code: EBA Place: ANCHORAGE
	Job Class Code: P4112 Title: SOCIAL WORKER II
	Seasonal Indic.: F Type: -

Optional Override Salary Rates:

Monthly Rate: 0.00 for 0.0 months & rate of 0.00 for 0.0 months
 Hourly Rate: 0.00 for 0.0 months Frozen at this rate? (Y/N): N

Press ENTER to update record; enter # or use PF key to go to another screen:
 1=Premium pay info 2=Funding info 4=Code Translations 6=Calculations
 8=Detail Report 12=Exit w/o update Selection: 0_

02/02/95

Position Information Inquiry/Update

11:12:13

Position: 02-02?058	Project: 0	Salary Costs: 31,740.00
Component: 02-95-01-20-02-00	Region:	Benefits Costs: 13,797.00
Scenario: 1 FY: 96	COLA %= 0.000	Total Costs: 45,537.00

 Actuals not available (Status: UNKNOWN) | Retirement Code: A

00/00/00	Step: A for 12.0 months & Step: B for	0.0 months (total: 12.00)
0	Merit Date; use merit defaults? N	(0.0 @ & 0.0 @)
	Class/Sched Prefix: 2	Schedule: 2A (actual:)
	Bargaining Unit: GG	Range: 14 (actual:)
	Location Code: EBA	Place: ANCHORAGE
	Job Class Code: P4112	Title: SOCIAL WORKER II _____
	Seasonal Indic.: F	Type: -

Optional Override Salary Rates:

Monthly Rate: 0.00_____ for _0.0 months & rate of 0.00_____ for _0.0 months
 Hourly Rate: 0.00_____ for _0.0 months Frozen at this rate? (Y/N): N

Press ENTER to update record; enter # or use PF key to go to another screen:
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02/02/95

Position Information Inquiry/Update

11:06:59

Position: 02-02?035	Project: 0	Salary Costs: 31,740.00
Component: 02-95-01-20-02-00	Region:	Benefits Costs: 13,797.00
Scenario: 1 FY: 96	COLA %= 0.000	Total Costs: 45,537.00

 Actuals not available (Status: UNKNOWN) | Retirement Code: A

00/00/00	Step: A for 12.0 months & Step: B for 0.0 months (total: 12.00)
0	Merit Date; use merit defaults? N (0.0 @ & 0.0 @)
	Class/Sched Prefix: 2 Schedule: 2A (actual:)
	Bargaining Unit: GG Range: 14 (actual:)
	Location Code: EBA Place: ANCHORAGE
	Job Class Code: P1913 Title: ADMIN ASST II
	Seasonal Indic.: F Type: -

Optional Override Salary Rates:

Monthly Rate: 0.00 for 0.0 months & rate of 0.00 for 0.0 months
 Hourly Rate: 0.00 for 0.0 months Frozen at this rate? (Y/N): N

Press ENTER to update record; enter # or use PF key to go to another screen;
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 8=Detail Report 12=Exit w/o update Selection: 0_

HOUSE COMMITTEE REPORT

(7)

Date Referred: January 18, 1995

FURTHER REFERRALS:

Finance

Date of Committee Action: 2/9/95

The HEALTH, EDUCATION AND SOCIAL SERVICES Committee considered:

HB 92

HOUSE BILL NO. 92

EXTEND FOSTER CARE REVIEW PANEL

"An Act extending the termination date of the Citizens' Review Panel for Permanency Planning; and providing for an effective date."

recommends it be replaced with the following committee substitute _____ the same title a new title

additional referral to _____ Committee

attached amendment(s)

ADOPTS: _____ Letter of Intent

ATTACHES NEW FISCAL NOTE(S): (Dept)

APPROVES PREVIOUS: (Dept/Date)

fiscal note(s) Admin

fiscal note(s) _____

zero fiscal note(s) _____

zero fiscal note(s) _____

SIGNING WITH RECOMMENDATIONS	DP	DNP	NR	AM
<i>[Signature]</i>			<input checked="" type="checkbox"/>	
<i>[Signature]</i>	<input checked="" type="checkbox"/>			
<i>[Signature]</i>	<input checked="" type="checkbox"/>			
<i>[Signature]</i>	<input checked="" type="checkbox"/>			

CHAIR'S SIGNATURE

[Handwritten Signature]

HEALTH, EDUCATION AND SOCIAL SERVICES COMMITTEE

ALASKA STATE LEGISLATURE
HOUSE OF REPRESENTATIVES



STATE CAPITOL, JUNEAU 99801
(907) 465-3759

SPONSOR STATEMENT

HOUSE BILL 92

"An Act extending the termination date of the Citizens' Review Panel for Permanency Planning"

House Bill 92 would extend the termination date of the Citizens' Review Panel for Permanency Planning to 1997. This would be in accordance with the recommendation of the Division of Legislative Audit which completed an audit in September of 1993.

The enabling legislation had bi-partisan support and passed both the House and the Senate unanimously in 1990. It established an external citizens' review process in order to ensure that children do not languish in out-of-home placements, but receive the benefits of a permanent home. The goal of the act was to reunite children with their families, but in those cases where reunification was not in the best interest of the child, the process would more expeditiously place the child in a secure, permanent home.

DOA originally made a decision not to implement the panels. It has only been since FY94 that DOA is implementing pilot panels in Anchorage, so there is not yet adequate information to analyze the panels' effectiveness. External citizens' reviews have only been on-going as a model project since mid-December of 1993. Although functional for just a short period of time the panel has submitted two annual reports to the legislature.

According to the reports, public acceptance of the external review process has been excellent. The office has received numerous calls from parents requesting that their child be reviewed by the citizens' review panels. Foster parents have stated they appreciate being a part of the external review process. The office has been able to provide assistance to Native village councils regarding some procedures.

Citizen Review Panels are in existence in 25 states. It has been shown that not only can children spend less time in out-of-home placements, but cost-savings can result. Your support would be appreciated.

ALASKA STATE LEGISLATURE

LEGISLATIVE BUDGET AND AUDIT COMMITTEE

Division of Legislative Audit



P. O. Box 113300
Juneau, AK 99811-3300
(907) 465-3830
FAX (907) 465-2347

September 1, 1993

Members of the Legislative Budget
and Audit Committee:

In accordance with the provisions of Title 24 of the Alaska Statutes, the attached report is submitted for your review.

DEPARTMENT OF ADMINISTRATION CITIZENS' REVIEW PANEL FOR PERMANENCY PLANNING


September 1, 1993

Audit Control Number

02-1420-93

The audit reports on whether the Citizens' Review Panel for Permanency Planning (the panel) should continue its existence. Currently AS 44.66.010 has the panel scheduled for termination on June 30, 1994 and provides the panel with a year in which to conclude its affairs. We recommend that the legislature extend the panel's termination date to June 30, 1997 with the provision that sufficient funds be appropriated to allow the pilot project in Anchorage to perform reviews that can be used to evaluate the economic feasibility and rate of success for citizens' reviews.

The audit was conducted in accordance with generally accepted government auditing standards. Fieldwork procedures utilized in the course of developing the findings and discussion presented in this report are discussed in the Objectives, Scope, and Methodology section of this report.


Randy S. Welker, CPA
Legislative Auditor

FINDINGS AND RECOMMENDATIONS

Recommendation No. 1

The legislature should extend the Citizens' Review Panel for Permanency Planning's (the panel's) termination date to June 30, 1997 with the provision that sufficient funds be appropriated to allow the pilot project in Anchorage to perform reviews that can be used to evaluate the economic feasibility and rate of success for citizens' reviews.

Although the enabling legislation for the establishment of citizens' review panels was passed in 1990, the Department of Administration (DOA) originally made a decision to not implement the panels. It has only been in fiscal year 1994, the year the panels are scheduled to sunset, that DOA is implementing pilot panels in one Alaskan city, Anchorage. Because the panels were never established, there are no activities to analyze to determine the panels' effectiveness.

The Department of Health and Social Services (DHSS), Division of Family and Youth Services (DFYS) has been performing permanency planning reviews to meet federal requirements. However, as explained in the Analysis of Public Need section of this report, we do not find DFYS' internal reviews fulfilling the entire objectives of the State's statutes, which establish an external review process. Alaska Statute 47.10, Article 5 specifically creates a Citizens' Review Panel for Permanency Planning and prescribes the duties, appointments, and reporting requirements of the panels.

There also remains a perception among foster care providers, guardians ad litem, court system personnel, and the general public that DFYS' internal reviews do not achieve real permanency planning for children and there continues to be widespread support for citizens' review panels. Because of this perceived need, we believe that the Anchorage pilot project in citizens' panels should be continued until June 1997 to gather data to determine the panels' effectiveness. The pilot project needs to implement a system that meets federal requirements and achieves real permanency planning for children. Effectiveness can be measured by the length of time children remain in foster care and by savings associated with children no longer being part of the foster care system.

If the data from the pilot project shows that citizens' review panels are effective, then decisions need to be made on whether and how to expand the panels to other regions in Alaska. Also, if the citizens' reviews prove to meet federal requirements, DFYS will be able to stop their internal review process and concentrate their resources on case management. DOA should pursue the possibility of receiving federal funding for the activities of the citizens' panels.

CITIZEN'S REVIEW PANEL FOR PERMANENCY PLANNING

ANNUAL REPORT TO THE LEGISLATURE

JANUARY 1994

STATE OF ALASKA
WALTER J. HICKEL, GOVERNOR
DEPARTMENT OF ADMINISTRATION

900 West Fifth Avenue Suite 710 Anchorage, Alaska 99501
Telephone: 907/258-6104 FAX number: 907/258-1651

CITIZENS' REVIEW PANEL FOR PERMANENCY PLANNING

MISSION STATEMENT

As stated in the findings and purpose section of Alaska Statute 47.10.400, the Citizens' Review Panel for Permanency Planning has a twofold mission:

1. to establish a process to ensure that children do not linger unnecessarily in out-of-home placements; and,
2. to reunite children with their families by advocating for available and appropriate services to promote reunification, or if the reunification is not in the best interest of the child, to ensure that the child is placed in a secure, permanent home as expeditiously as possible.

CITIZENS' REVIEW PANELS FOR PERMANENCY PLANNING
SUMMARY OF ACTIVITY
Fiscal Year 94

The Legislature appropriated \$125,000 for FY94 for the Citizens' Review Panels, a program that provides for external reviews of children in out-of-home placement in the interest of determining a permanent placement. Permanent placement could mean unification with family, adoption, emancipation, or extended out-of-home care.

Planning for implementation began prior to the beginning of the fiscal year. Information from other states was gathered and reviewed to find programs that could be tailored to fit Alaska's situation. The final product uses parts from several states. The program is in Anchorage where half of the children in out-of-home care reside. It was designed to be a model program so that expansion could more easily occur should other funding become available. Since reviews will take place only in Anchorage, the administrative members of the state-wide panel became an advisory board. This avoided the necessity of appointing local panels in an area where citizen reviews would not take place and saved time and expenses for travel of the state-wide panel.

Roberley Waldron supervises the program. The Governor's office was asked to appoint twenty or more citizen panelists. Twenty-one members were appointed and currently there are 15 active panelists.

The program has progressed as follows:

- * The advisory board met several times to plan for implementation.
- * A contract was negotiated with a social worker-attorney to devise procedures, forms, etc. to meet all state and federal standards.
- * The list of panelists was received from the Governor's office on October 29, 1993.
- * An administrative assistant and social worker III were hired in October, a social worker II in November.
- * Training of panelists was accomplished in November and the list of children to be reviewed was received.
- * Seventeen children were reviewed in December.
- * Twenty-six children have been referred for review in January.

Comments from all associated parties regarding the process have been very favorable. The foster parents are particularly pleased to be included. Several calls have been received from parents asking that their child be reviewed by the panel (referrals are received from the court).

Here is a sample statement from a foster parent regarding her participation in the review process: "This is my first opportunity to comment to the review process. One concern I would like to share is the value of keeping the foster parents apprised of the

status of the case plan. (Child's name) lives in our home. She is a member of our family at this point and we love her. We are concerned about her and work to better her future through DFYS. We think of foster parenting as a team effort and appreciate being included in decisions that touch our lives to the core."

A Social worker wrote in her evaluation, "The panel opened up in my mind a potential resource to further explore for this child."

The review process is complex. A great deal of time and effort is spent in gathering information from the Division of Family and Youth Services (DFYS) files and prepared report for the panelists. At times the information is incomplete which is a deterrent to a good review. It takes about three hours to gather material at DFYS, at least two hours to write a summary of the material to be sent to the panels, and the actual citizens' review requires about one and one-half hours. The panelists and staff are extremely conscientious and take their responsibilities very seriously.

At the end of the fiscal year, OMB will review the data from the external reviews and compare with data from DFYS. At that time, it can be better determined what effect the external reviews are having. During the short period in operation, the staff and advisory board have become convinced that the external review could replace some of the reviews currently done by DFYS. They currently have three types of reviews. The citizen reviews meet the federal guidelines and could replace those reviews required by the federal government (Title 4-E). If that should happen, the funding provided by the federal government should follow the review.

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.

*(from South Carolina which has had a
citizen's review system in place since 1971)*

Sec. 47.10.400. Citizens' review panel for permanency planning. (a) There is created in the Department of Administration the Citizens' Review Panel for Permanency Planning. The state panel consists of five voting members appointed by the governor from among present members of local citizen review panels established under AS 47.10.420. The governor shall appoint at least one voting state panel member from each judicial district. The governor may not appoint a person who has committed a felony or violated AS 11.51.130 or a law with substantially similar elements. The panel also includes the following five nonvoting members who serve ex officio or their designees: the commissioner of health and social services, the director of the office of public advocacy, the attorney general, the public defender appointed under AS 18.35.030, and the chief justice of the Alaska Supreme Court.

(b) Appointed members of the state panel serve at the pleasure of the governor for staggered terms of three years or until their successors are appointed.

(c) The voting members of the state panel shall elect from among the voting members a chair who shall serve for one year. Three voting members of the state panel constitute a quorum for the transaction of business. The panel may not take official action without the affirmative vote of at least three of its members.

(d) Members of the state panel are entitled to reimbursement for actual expenses necessary to perform their duties as state panel members. The reimbursement may not exceed the amount of per diem and expenses authorized for boards and commissions under AS 39.20.130.

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

(f) The state panel may employ a program coordinator who shall serve at the pleasure of the state panel. The program coordinator shall employ staff as necessary to carry out the program coordinator's duties under state panel directives and to provide clerical assistance to local panels. (§ 2 ch 117 SLA 1990)

Cross references. — For terms of initial appointments to the review panel, see § 7, ch. 117, SLA 1990 in the Temporary and Special Acts.

Sec. 47.10.410. Duties of the state panel. The state panel shall (1) by regulation adopt policies and procedures to carry out its duties and to govern the performance of the duties of the local panels established under AS 47.10.420;

(2) ensure that local panel members receive the minimum level of training necessary to effectively carry out their duties:



N A S W

ALASKA CHAPTER

National Association of Social Workers

Executive Director
Angela Salerno, ACSW

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Kotlik

STUDENT REPRESENTATIVE
Diana Talbot
Anchorage

February 8, 1995

Representative Cynthia Toohy
State Capitol
Room 104
Juneau, AK 99801-1182

Dear Representative Toohy:

The National Association of Social Workers Alaska Chapter fully supports HB 92 which would provide for the continuation of the Foster Care Citizen's Review Panel for permanency planning in Alaska. NASW strongly advocated for the development of this review board, and continues to urge utilization as a proven method of enhancing the effectiveness of the child protection system. We believe that through this type of review, Alaskan children now growing up in out-of-home care will have a better chance at being reunited with their families, or in finding a permanent adoptive home.

Please feel free to call me with questions

Sincerely,

Angela M. Salerno, ACSW
Executive Director, NASW Alaska Chapter



Trial Courts

State of Alaska

THIRD JUDICIAL DISTRICT

303 K Street

ANCHORAGE, ALASKA 99501-2083

WILLIAM O. HITCHCOCK
Master, Trial Courts

February 8, 1995

Representative Cynthia Toohey
Alaska State Legislature
State Capitol
Juneau, AK 99801

Re: HB 92

Dear Representative Toohey:

I am writing in support of the above legislation which would extend the sunset period for the Citizens' Review Panel for Permanency Planning to 1997. The views expressed herein are solely my own and do not necessarily represent the official position of the Alaska Court System. They are drawn both from my experience in hearing children's proceedings over the past fourteen years, as well as my involvement on the board of the National Association of Foster Care Reviewers.

Citizen review came into being in Alaska in 1990 as a result of mounting concerns that children in the dependency system were drifting in foster care and that responsive permanent plans were not being developed for them. Review by impartial and independent panels was felt to provide the kind of accountability mechanism needed to lead to better outcomes for these children.

Because of the lack of funding to implement these programs statewide, there has been much discussion about either abolishing or radically altering the structure of the review process. There are those who argue that the need for case review can be met by a combination of administrative review boards within DHSS and judicial review. Others maintain that placing independent reviewers on DHSS internal review committees would be sufficient.

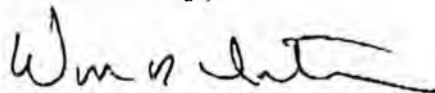
Despite some of the good changes that have been made in the child welfare system over the years since citizen review was passed, it is still my belief that independent periodic case review is still a necessary component to an integrated system of child welfare services. I firmly believe that the internal review process within the Department lacks the independence necessary to insure quality results.

The Anchorage Citizen Review Board project has been in operation for about a year now. It is time to look at the experience of that program and some of the data collected and decide on what the future course for citizen review should be. I think we do need to reexamine the statutory framework and determine if it best meets the needs of today's system, particularly in the area of the interrelationship among citizen review, internal administrative review and judicial review.

These things need to be done with the existing statutory authority still in place. Extending the sunset provision would allow that to happen and would allow a rational and well-planned retailoring of the review system if that is needed. Letting it lapse will only insure that the entire concept will disappear.

I thank you for taking the time to consider my comments.

Sincerely,



William D. Hitchcock
Master, Children's Court