

**HB**

**127**

HFIN

FILE

# HOUSE COMMITTEE REPORT

(11)

Date Referred to Committee: April 23, 1997

FURTHER REFERRALS:

Date of Committee Action: 5/2/97

The FINANCE Committee considered:

HB 127

HOUSE BILL NO. 127

FOSTER CARE REVIEW BOARD

**"An Act relating to the citizen review board and panels for permanency planning for certain children in state custody; renaming the Citizens' Review Panel For Permanency Planning as the Citizens' Foster Care Review Board; extending the termination date of the Citizens' Foster Care Review Board; and providing for an effective date."**

recommends it be replaced with the following committee substitute CS HB 127 (FIN)  the same title  a new title

additional referral to \_\_\_\_\_ Committee  
 attached amendment(s)

ADOPTS: \_\_\_\_\_ Letter of Intent

ATTACHES NEW FISCAL NOTE(S): (Dept) \_\_\_\_\_



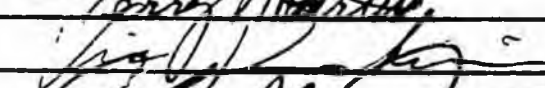
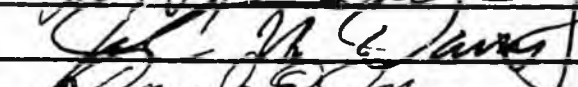

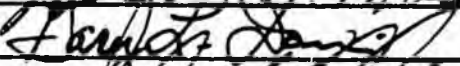
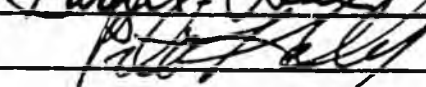
APPROVES PREVIOUS: (Dept/Date) \_\_\_\_\_

fiscal note(s) HFC

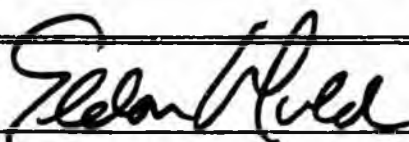
fiscal note(s) DOA 4/23/97

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

zero fiscal note(s) DHSS 4/23/97

SIGNING WITH RECOMMENDATIONS	DP	DNP	NR	AM
 MULDER	X			
 MARTIN	X			
 Kohring	X			
 J. Davis			X	
 MOSES			X	
 G. Davis	X			
 Kelly	X			

Acting CHAIR'S SIGNATURE

  
MULDER

# FISCAL NOTE

STATE OF ALASKA  
1997 LEGISLATIVE SESSION

BILL NO. CSHB 127 (FIN)

Title: Related to the citizen review board & panels for  
permanency planning for certain children in state custody

Sponsor: House HESS

Requestor: \_\_\_\_\_

Dept. Affected Administration

BRU: Central Admin. Services

Components: Citizen's Foster Care Review

Serial # 188

**EXPENDITURES/REVENUES: (THOUSANDS OF DOLLARS)**

OPERATING	FY 98	FY 99	FY 00	FY 01	FY 02	FY 03
Personal Services	45.0	68.0	68.0	68.0	68.0	68.0
Travel	5.0	15.0	15.0	15.0	15.0	15.0
Contractual	50.0	0.0	0.0	0.0	0.0	0.0
Supplies	4.0	4.0	4.0	4.0	4.0	4.0
Equipment	5.0	0.0	0.0	0.0	0.0	0.0
Land & Structures	0.0	0.0	0.0	0.0	0.0	0.0
Grants, Claims	50.0	200.0	400.0	400.0	400.0	400.0
Miscellaneous	0.0	0.0	0.0	0.0	0.0	0.0
<b>TOTAL OPERATING</b>	<b>160.0</b>	<b>287.0</b>	<b>487.0</b>	<b>487.0</b>	<b>487.0</b>	<b>487.0</b>

CAPITAL	0.0	0.0	0.0	0.0	0.0	0.0
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REVENUE	0.0	0.0	0.0	0.0	0.0	0.0
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**FUNDING: (THOUSANDS OF DOLLARS)**

General Fund	160.0	287.0	487.0	487.0	487.0	487.0
Federal Fund	0.0	0.0	0.0	0.0	0.0	0.0
Other	0.0	0.0	0.0	0.0	0.0	0.0
<b>TOTAL</b>	<b>160.0</b>	<b>287.0</b>	<b>487.0</b>	<b>487.0</b>	<b>487.0</b>	<b>487.0</b>

**POSITIONS :**

Full-Time	1	1	1	1	1	1
Part-Time	0	0	0	0	0	0
Temporary	0	0	0	0	0	0

**ANALYSIS: (ATTACH A SEPARATE PAGE IF NECESSARY)**

see attached analysis

Prepared by:

House Finance Committee

Rep. Mark Hanley, Co-Chair

Rep. Gene Therriault, Co-Chair

Date: 5/2/97

Phone: 465-4939

Phone: 465-4797

## Fiscal Note

STATE OF ALASKA  
1997 Legislative Session

Bill No. CS HB 127(FIN)

### Updated Analysis (5/2/97)

#### Personal Services (45.0)

This money will fund a new program coordinator (range 20) for 9 months, totaling 51.2. It will also bring the existing Social Worker II position, which is currently funded at 10.5 months to a full 12 months, costing 6.0. An additional Administrative Clerk III (Range 10) has been funded for 9 months at a cost of 37.6. The funding level also assumes the elimination of the Social Worker IV position, with a cost savings of 49.8.

#### Travel (6.0)

Travel will fund one face to face board meeting the first year.

#### Contractual (50.0)

Contractual line will fund a one-time contract with an attorney to complete regulation writing and review and to prepare policies and procedures.

#### Supplies (4.0)

#### Equipment (5.0)

#### Grants (50.)

Grant funds are for grants to local nonprofit agencies to support the work of the local volunteers panels, to help panel members gather information about cases, arrange and coordinate case review hearing/witness notification, etc. Amount listed for FY 98 will fund the last quarter of FY 98 to bring Anchorage in full operation (remaining 2/3 of the reviews). In following years, additional money has been listed to cover the rest of the state.

CS FOR HOUSE BILL NO. 127( )

IN THE LEGISLATURE OF THE STATE OF ALASKA

TWENTIETH LEGISLATURE - FIRST SESSION

BY

Offered:

Referred:

Sponsor(s): HOUSE HEALTH, EDUCATION AND SOCIAL SERVICES COMMITTEE

A BILL

FOR AN ACT ENTITLED

1 "An Act relating to the citizen review board and panels for permanency planning  
 2 for certain children in state custody; renaming the Citizens' Review Panel for  
 3 Permanency Planning as the Citizens' Foster Care Review Board; extending the  
 4 termination date of the Citizens' Foster Care Review Board; relating to disclosures  
 5 about certain minors; and providing for an effective date."

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

7 \* Section 1. AS 44.66.010(17) is amended to read:

8 (17) Citizens' Foster Care Review Board [PANEL FOR  
 9 PERMANENCY PLANNING] under AS 47.14.200 - June 30, 2000 [1997];

10 \* Sec. 2. AS 47.10.080(m) is amended to read:

11 (m) Within 60 days after the date a child is removed from the child's home  
 12 by the department, the department shall notify the Citizens Foster Care Review  
 13 Board [APPROPRIATE LOCAL CITIZEN OUT-OF-HOME CARE REVIEW

1 PANEL] established in AS 47.14.200 [UNDER AS 47.14.220].

2 \* Sec. 3. AS 47.10.080(n) is amended to read:

3 (n) Within 60 days after a court orders a child committed to the department  
4 under (c) of this section and at a review under (f) or (l) of this section, the department  
5 shall inform the parties about the local [CITIZEN OUT-OF-HOME CARE] review  
6 panel established under AS 47.14.220.

7 \* Sec. 4. AS 47.10.093(b) is amended to read:

8 (b) A state or municipal agency or employee may disclose information  
9 regarding a case to

10 (1) a guardian ad litem appointed by the court or to a citizen review  
11 board or local review panel for permanency planning authorized by AS 47.14.200 or  
12 47.14.220;

13 (2) a person or an agency requested to provide consultation or services  
14 for a minor who is subject to the jurisdiction of the court under AS 47.10.010;

15 (3) school officials as may be necessary to enable the school to  
16 provide appropriate counseling and support services to the minor who is the  
17 subject of the case, to protect the safety of the minor who is the subject of the  
18 case, and to protect the safety of school students and staff;

19 (4) a governmental agency as may be necessary to obtain that agency's  
20 assistance for the department in its investigation or to obtain physical custody of a  
21 child; and

22 (5) a state or municipal law enforcement agency as may be necessary  
23 for a specific investigation being conducted by that agency or for disclosures by that  
24 agency to protect the public safety.

25 \* Sec. 5. AS 47.10.142(g) is amended to read:

26 (g) Within 60 days after a court orders a child committed to the department  
27 under this section, the department shall inform the parties about the local [CITIZEN  
28 OUT-OF-HOME CARE] review panel established under AS 47.14.220.

29 \* Sec. 6. AS 47.12.120(h) is amended to read:

30 (h) Within 60 days after the date a minor is removed from the minor's home  
31 by the department, the department shall notify the Citizens' Foster Care Review

1        Board [APPROPRIATE LOCAL CITIZEN OUT-OF-HOME CARE REVIEW  
2        PANEL] established in AS 47.14.200 [UNDER AS 47.14.220].

3        \* Sec. 7. AS 47.12.310(b) is amended to read:

4                (b) A state or municipal agency or employee may disclose information  
5        regarding a case to

6                        (1) a guardian ad litem appointed by the court or to a citizen review  
7        board or local review panel for permanency planning authorized by AS 47.14.200 -  
8        47.14.220;

9                        (2) a person or an agency requested to provide consultation or services  
10       for a minor who is subject to the jurisdiction of the court under this chapter;

11                       (3) school officials as may be necessary to protect the safety of the  
12       minor who is the subject of the case and the safety of school students and staff;

13                       (4) a governmental agency as may be necessary to obtain that agency's  
14       assistance for the department in its investigation or to obtain physical custody of a  
15       minor;

16                       (5) a state or municipal law enforcement agency as may be necessary  
17       for a specific investigation being conducted by that agency or for disclosures by that  
18       agency to protect the public safety; and

19                       (6) a victim as may be necessary to inform the victim about the  
20       disposition or resolution of a case involving a minor.

21        \* Sec. 8. AS 47.14.200(a) is repealed and reenacted to read:

22                (a) There is created in the Department of Administration the Citizens' Foster  
23       Care Review Board. The board consists of nine public members appointed by the  
24       governor from among persons who have training, experience, special knowledge, or  
25       a demonstrated interest in the welfare of children. An out-of-home care provider or  
26       a person employed by the court system, the Department of Health and Social Services,  
27       the office of public advocacy, the Public Defender Agency, or the Department of Law  
28       may not serve as a public member of the board. The governor shall appoint at least  
29       one public member from each judicial district and shall appoint persons who are  
30       reasonably representative of the various social, economic, racial, ethnic, and cultural  
31       groups of the judicial district from which the members are appointed. The governor

1 may not appoint a person who has committed a felony or violated AS 11.51.130 or a  
2 law with substantially similar elements. The board also includes, as nonvoting  
3 members, the following state officials or their designees:

4 (1) the commissioner of health and social services;

5 (2) the director of the office of public advocacy.

6 \* Sec. 9. AS 47.14.200(b) is amended to read:

7 (b) Public [APPOINTED] members of the board [STATE PANEL] serve at  
8 the pleasure of the governor for staggered terms of three years or until their successors  
9 are appointed. These members may not serve more than two consecutive full terms,  
10 except that they may be reappointed to one or two additional consecutive full  
11 terms if they have been off the board for at least three years immediately  
12 preceding the reappointment.

13 \* Sec. 10. AS 47.14.200(c) is amended to read:

14 (c) The voting members of the board [STATE PANEL] shall elect from  
15 among the voting members a chair who shall serve for one year. Five [THREE]  
16 voting members of the board [STATE PANEL] constitute a quorum for the transaction  
17 of business. The board [PANEL] may not take official action without the affirmative  
18 vote of at least five [THREE] of its voting members.

19 \* Sec. 11. AS 47.14.200(d) is amended to read:

20 (d) Members of the board [STATE PANEL] are entitled to reimbursement for  
21 actual expenses necessary to perform their duties as board [STATE PANEL] members.  
22 The reimbursement may not exceed the amount of per diem and travel expenses  
23 authorized for boards and commissions under AS 39.20.180.

24 \* Sec. 12. AS 47.14.200(e) is amended to read:

25 (e) The board [STATE PANEL] shall meet at least once [TWICE] annually.  
26 Meetings may take place telephonically.

27 \* Sec. 13. AS 47.14.200(f) is amended to read:

28 (f) The board [STATE PANEL] may employ a program coordinator who shall  
29 serve at the pleasure of the board [STATE PANEL]. The program coordinator shall  
30 employ staff as necessary to carry out the program coordinator's duties under board  
31 [STATE PANEL] directives and to provide technical [CLERICAL] assistance to local

1 review panels. The board may delegate duties to the program coordinator as  
2 necessary to assist the board in administering AS 47.14.200 - 47.14.299.

3 \* Sec. 14. AS 47.14.210 is amended to read:

4 Sec. 47.14.210. Powers and duties [DUTIES] of the board [STATE  
5 PANEL]. (a) The board [STATE PANEL] shall

6 (1) hold regular and special meetings the board considers  
7 necessary;

8 (2) adopt regulations necessary [BY REGULATION ADOPT  
9 POLICIES AND PROCEDURES] to carry out its duties and to govern the performance  
10 of the duties of the local review panels established under AS 47.14.220; the  
11 regulations must include provisions that

12 (A) ensure that reviews conducted by local review panels  
13 meet the permanency planning review requirements for state compliance  
14 with 42 U.S.C. 671 - 675;

15 (B) set priorities to be followed by local review panels so  
16 that the cases that have the highest priority for review include cases that  
17 involve children who are likely to be in out-of-home placement for longer  
18 than 90 days, who have been in more than one out-of-home placement,  
19 whose siblings have been in more than one out-of-home placement, or  
20 whose parents' parental rights are likely to be terminated;

21 (C) establish procedures for expedited review of cases  
22 described in (B) of this paragraph; and

23 (D) establish the minimum number of local review panel  
24 members that must review a case and provide for the appointment of  
25 substitute local review panel members to participate in the review of a case  
26 when a member cannot be available due to an emergency;

27 (3) [(2)] ensure that the public members of the board and of the  
28 local review panels [PANEL MEMBERS] receive the [MINIMUM] level of training  
29 necessary to effectively carry out their duties, document in the board's records that  
30 the public members of local review panels have completed the training, and  
31 ensure that a public member of a local review panel does not review a case until

1 training has been received;

2 (4) [(3)] coordinate and review the activities of the local review panels;

3 (5) apply for private and federal grants and solicit contributions,

4 gifts, and bequests to administer and implement AS 47.14.200 - 47.14.299;

5 (6) award grants or contracts from available money to local

6 governmental or public or private nonprofit agencies to provide assistance to the

7 state board and local review panels, to support their activities, and to carry out

8 projects or studies related to improving the system for permanency needs of

9 children in state foster care;

10 (7) review and make recommendations to the department about the

11 department's regulations that govern out-of-home placement of children;

12 (8) use board staff to evaluate applicants for public members of

13 local review panels and to provide training to local review panel members [AND

14 MAKE RECOMMENDATIONS TO THE GOVERNOR ON APPOINTMENTS TO

15 THE LOCAL PANELS];

16 (9) [(4)] prepare a report annually, by the 10th day of each regular

17 session of the legislature, concerning the activities of the state board and the local

18 review panels during the previous fiscal year; the report must include the number of

19 cases reviewed by each local review panel, a description of the characteristics of the

20 children whose cases were reviewed by the local review panels, the number of

21 children reunited with their families, the number of children placed in other permanent

22 homes, systemic barriers to achieving permanency for children, and

23 recommendations and justifications for [PROGRAM] improvement in services and

24 programs provided to children, including recommendations relating to state agencies

25 and to the panel review system; the report may contain other information on the

26 experience of the local review panels; the board [STATE PANEL] shall <sup>NOTIFY</sup> provide the

27 governor and [NOTIFY] the legislature ~~with~~ [THAT] the report ~~[IS AVAILABLE]~~;

28 \* Sec. 15. AS 47.14.210 is amended by adding a new subsection to read:

29 (b) The board may by regulation require the department to provide to the

30 board or to a local review panel aggregate data about the permanency planning system

31 and information about particular cases that is not required under AS 47.14.240. The

1 department shall provide the data and information requested under these regulations.

2 \* Sec. 16. AS 47.14.220 is amended to read:

3 Sec. 47.14.220. Appointment of local review panels. (a) Except as  
4 provided in regulations adopted under AS 47.14.210(a)(2)(D) relating to  
5 substitutes, the board [THE GOVERNOR] shall appoint for each judicial district at  
6 least [A LOCAL CITIZEN OUT-OF-HOME CARE REVIEW PANEL COMPOSED  
7 OF] five persons available to serve as public members on local review panels [AND  
8 TWO ALTERNATES] who are residents of the judicial district. Public members  
9 [MEMBERS] shall serve staggered [THREE-YEAR] terms of three years or until  
10 their successors are [EXCEPT THAT, WHEN A LOCAL PANEL IS INITIALLY]  
11 appointed. Public members may not serve more than two consecutive full terms,  
12 except that, after being off all panels for at least three years, a member may be  
13 reappointed to one or two consecutive full terms [, TWO MEMBERS SHALL BE  
14 APPOINTED FOR THREE-YEAR TERMS, TWO MEMBERS FOR TWO-YEAR  
15 TERMS, AND ONE MEMBER FOR A ONE-YEAR TERM. ALTERNATES SHALL  
16 BE APPOINTED TO THREE-YEAR TERMS].

17 (b) The board [GOVERNOR] shall appoint as public members [TO A  
18 LOCAL PANEL] persons who have training, experience, special knowledge, or a  
19 demonstrated interest in the welfare of children. An out-of-home care provider or a  
20 person employed by the court system, the department, the office of public advocacy,  
21 the Public Defender Agency, or the Department of Law may not serve as a public  
22 member [OR ALTERNATE MEMBER] of a local review panel. The board  
23 [GOVERNOR] may not appoint a person who has committed a felony or violated  
24 AS 11.51.130 or a law with substantially similar elements.

25 (c) The public members [COMPOSITION] of a local review panel must be  
26 reasonably representative of the various social, economic, racial, ethnic, and cultural  
27 groups of the district from which the members are appointed.

28 (d) If the board [STATE PANEL] determines that additional public members  
29 [LOCAL PANELS] are necessary in a judicial district because of excessively large or  
30 complex caseloads for review or because of the demographics of cases [, OR  
31 DETERMINES THAT A LOCAL PANEL IS NOT NECESSARY BECAUSE OF A

1 REDUCED CASELOAD], the board [GOVERNOR] may appoint additional public  
2 members [CREATE OR DISSOLVE A LOCAL PANEL. THE GOVERNOR MAY  
3 NOT REDUCE THE NUMBER OF PANELS IN A JUDICIAL DISTRICT TO  
4 FEWER THAN ONE]. Appointments of public members [TO A PANEL  
5 ESTABLISHED] under this subsection are governed by (a) - (c) of this section.  
6 Public members serve on the panel at the pleasure of the board.

7 (e) When a person is appointed to serve as a public member on a local  
8 review panel, the person shall swear or affirm in writing to keep confidential all  
9 information that comes before the local review panel except for nonidentifying case  
10 information included in a report to the state board [PANEL], information for reports  
11 required under AS 47.17, or as required by court order for good cause shown. A  
12 public member of a local review panel [MEMBER] may also share confidential  
13 information, on a need to know basis, with other members of the local review panel,  
14 the board, and the staff who serve the board or local review panel.

15 \* Sec. 17. AS 47.14.230(a) is amended to read:

16 (a) A local review panel shall conduct its meetings in the judicial district in  
17 which its public members reside.

18 \* Sec. 18. AS 47.14.230(d) is amended to read:

19 (d) A public member of a local review panel [MEMBER] is not eligible for  
20 travel expenses, per diem, or other expenses for service on the local review panel  
21 unless the state board [PANEL] requires the public [A LOCAL PANEL] member to  
22 travel to attend a meeting. If the state board [PANEL] requires a public member of  
23 a local review panel [MEMBER] to travel to attend a meeting, the public [LOCAL  
24 PANEL] member is entitled to reimbursement for actual expenses incurred by the  
25 member in attending the meeting, except that the reimbursement may not exceed the  
26 amount of per diem and travel expenses authorized for boards and commissions under  
27 AS 39.20.180.

28 \* Sec. 19. AS 47.14.240 is amended to read:

29 Sec. 47.14.240. Duties of local review panel. (a) A local review panel shall  
30 review the case plan of each child in the custody of the department who is in a  
31 placement other than the child's own home under AS 47.10.080(c)(1) or (3),

1 47.10.142, [AS 47.12.120(b)(3),] or AS 47.14.100(c) if the case is under the  
2 jurisdiction of a court in the judicial district served by the local review panel. A local  
3 review panel may request a local review panel in another judicial district to conduct  
4 a review and make a report if that local review panel is more convenient for the child  
5 and other persons involved.

6 (b) The local review panel shall review a case as required under 42 U.S.C. 671  
7 - 675 (P.L. 96-272) within 90 [180] days after the day the child is initially removed  
8 from the child's home for a case that is determined under the board's regulations  
9 to be of highest priority and within 180 days after the child is initially removed  
10 for other cases and every six months after the date of the first court hearing on the  
11 child's case [THEREAFTER]. A court review may be substituted for a review  
12 required under this subsection if the court review meets the requirements of this  
13 subsection.

14 (c) At least 30 days before the local review panel [IT] begins a review, or  
15 as soon as practicable, the local review panel or the state board shall provide  
16 written notice to the following persons that a review will be conducted and that each  
17 person notified may participate in the review:

- 18 (1) the appropriate employees of the department;  
19 (2) the child or the child's legal representative;  
20 (3) the child's parents;  
21 (4) the child's guardian;  
22 (5) the child's guardian ad litem;  
23 (6) the child's out-of-home care provider; and  
24 (7) if the case is governed by 25 U.S.C. 1901 - 1963 (Indian Child  
25 Welfare Act),

26 (A) the child's Indian custodian; and

27 (B) the designated representative of the child's Indian tribe if  
28 the tribe has intervened in the court case.

29 (d) In reviewing a case, the local review panel shall consider the case plan and  
30 any progress report of the department or the child's guardian ad litem, court records,  
31 and other relevant information about the child and the child's family. The local panel

1 shall [ALSO] provide to the following persons an opportunity to be interviewed by the  
2 local review panel in person or by telephone or to provide written material to the local  
3 review panel:

4 (1) the child whose case is being reviewed if the child is 10 years of  
5 age or older;

6 (2) the parents, custodians, or other relatives of the child;

7 (3) the child's out-of-home care provider;

8 (4) the child's guardian;

9 (5) the child's guardian ad litem;

10 (6) the case worker or social worker assigned to the case;

11 (7) if the case is governed by 25 U.S.C. 1901 - 1963 (Indian Child  
12 Welfare Act),

13 (A) the child's Indian custodian; and

14 (B) the designated representative of the child's Indian tribe if  
15 the tribe has intervened in the court case; and

16 (8) other persons with a close personal knowledge of the case.

17 (e) At the discretion of the child's guardian ad litem, if the child whose case  
18 is being reviewed is under 10 years of age, the child may be present at interviews  
19 conducted under (d) of this section and during review by the local review panel [,] or  
20 may be interviewed. At the child's request, a child who is 10 years of age or older  
21 shall be allowed to be present at interviews or a review of the local review panel that  
22 concerns the child's case unless the panel determines that for good cause the child's  
23 presence would be contrary to the best interests of the child or there is other good  
24 cause for denying the child's request.

25 (f) During a review under (a) of this section, a local review panel shall

26 (1) determine whether the child has a case plan designed to achieve  
27 placement in the least restrictive, most family-like setting available in close proximity  
28 to the home of the child's parents that is consistent with the best interests [OF] and  
29 special needs and circumstances of the child;

30 (2) evaluate the continuing necessity and appropriateness of the child's  
31 placement, the extent of the compliance with the child's case plan, and the extent of

1 progress that has been made toward mitigating the causes that necessitated placement  
2 away from the child's parents;

3 (3) ascertain the date by which it is likely the child may be returned  
4 to the home or placed for adoption or legal guardianship;

5 (4) determine whether there has been compliance with applicable  
6 provisions of 25 U.S.C. 1901 - 1963 (Indian Child Welfare Act) and other applicable  
7 state and federal laws; and

8 (5) determine whether there has been compliance with court review  
9 requirements of AS 47.10.080(f) and (l) and [,] 47.10.142(h) [, AND AS 47.12.120(d)  
10 AND (g)].

11 (g) The local review panel shall within 15 working [30] days after reviewing  
12 the case submit a written report to the persons listed in (c) of this section.

13 (h) The report required under (g) of this section must make advisory  
14 recommendations based on the best interests of the child in accordance with  
15 AS 47.10.082 and must include notification of the right to request court review under  
16 AS 47.10.080(f) [OR AS 47.12.120(d), AS APPROPRIATE]. If the court has  
17 scheduled the case for review, the local review panel shall submit its report at least  
18 20 days before the hearing.

19 (i) The local review panel shall report to the state board [PANEL] information  
20 needed by the state board [PANEL] to prepare the report required under  
21 AS 47.14.210.

22 \* Sec. 20. AS 47.14.250 is amended to read:

23 **Sec. 47.14.250. Cooperation with state board and local review panels.** The  
24 department, Department of Law, other departments of the executive branch, public  
25 defender, office of public advocacy, and court system shall cooperate with the state  
26 board [PANEL] and the local review panels to facilitate timely review of plans for  
27 children whose cases are reviewed under AS 47.14.200 - 47.14.299. The duty of  
28 executive branch agencies to cooperate under this section extends to the provision  
29 of addresses and other information necessary for a local panel to locate a person  
30 entitled to participate in a review under AS 47.14.240(c) or (d) if the addresses  
31 and other information may be disclosed by the agency to the department for

1 conducting its child protection and child placement duties under this title  
2 notwithstanding that providing the addresses or other information to entities  
3 other than the department may be prohibited under other laws relating to those  
4 agencies [THE JURISDICTION OF THE PANELS].

5 \* Sec. 21. AS 47.14.250 is amended by adding a new subsection to read:

6 (b) The department shall cooperate and consult with the state board in the  
7 development of departmental information systems relating to children in out-of-home  
8 placements whose cases are subject to review by local review panels. The department  
9 shall develop information systems that ensure that aggregate data and individual case  
10 information needed by the state board and the local review panels for the performance  
11 of their duties are readily available from all of the department's information systems.

12 \* Sec. 22. AS 47.14.260 is amended to read:

13 **Sec. 47.14.260. Records: communications.** (a) Notwithstanding  
14 AS 47.10.090 and [,] 47.10.093 [, AS 47.12.300, AND 47.12.310], at the request of  
15 a local review panel, the department, a municipality, the child's guardian ad litem,  
16 and the court shall furnish to the local review panel relevant records concerning a  
17 child and the child's family who are the subjects of a local panel review. At the  
18 conclusion of a review, all copies of records provided to a local review panel under  
19 this section shall be returned to the staff that serves the local review panel or to the  
20 agency from which the original copy was obtained unless the local review panel  
21 members need the copies to prepare the reports required under AS 47.14.240(g) - (i).  
22 Copies retained for preparation of the reports shall be returned to the staff that serves  
23 the local review panel or to the originating agency upon completion of the reports.  
24 Notwithstanding AS 44.62.310, records and reports of the local review panel,  
25 testimony before the local review panel, and deliberations of the local review panel  
26 are confidential under AS 47.10.090 [AND AS 47.12.310].

27 (b) A public member of a local review panel [MEMBER] may not reveal to  
28 another person, other than another member of the local review panel or the staff  
29 serving the local review panel, a communication made to the member while  
30 performing the member's duties under AS 47.14.200 - 47.14.299 except as required  
31 under AS 47.17 or as required by court order for good cause shown. A public

1 member of a local review panel [MEMBER] may share with the state board  
2 [PANEL] communications made during the public [LOCAL PANEL] member's  
3 performance of official duties if the public [LOCAL PANEL] member omits  
4 identifying information.

5 (c) A local review panel proceeding is not governed by AS 44.62.310.

6 \* Sec. 23. AS 47.14.270 is repealed and reenacted to read:

7 **Sec. 47.14.270. Court review of report.** (a) The local review panel shall  
8 submit its final report to the court to aid the court in its review of temporary custody  
9 orders issued under AS 47.10.142 and in its dispositional hearings and reviews under  
10 AS 47.10.080 and 47.10.083.

11 (b) The court may refer to the board for assignment to a local review panel a  
12 case called for a special review under AS 47.10.080(f), as appropriate.

13 \* Sec. 24. AS 47.14.280 is amended to read:

14 **Sec. 47.14.280. Immunity** [INDEMNIFICATION] of board and panel  
15 members and staff. A state board [PANEL] member, [AND] a local review panel  
16 member, and a person serving as staff to the state board or a local review panel  
17 shall be immune from [INDEMNIFIED BY THE STATE FOR] civil liability for a  
18 negligent act or omission of the board or panel member or a person serving as staff  
19 to the board or a local review panel that occurs in the performance of the member's  
20 or person's duties under AS 47.14.200 - 47.14.299 unless the civil liability results  
21 from the board or panel member's or other person's gross negligence or violation  
22 of

23 (1) AS 47.14.260(b); or

24 (2) the oath or affirmation required under AS 47.14.220(e).

25 \* Sec. 25. AS 47.14.299 is amended to read:

26 **Sec. 47.14.299. Definitions.** In AS 47.14.200 - 47.14.299,

27 (1) "board" means the state board;

28 (2) "department" means the Department of Health and Social

29 Services;

30 (3) [(1)] "local review panel" means a local [CITIZEN OUT-OF-  
31 HOME CARE] review panel appointed under AS 47.14.220;

1                   (4) [(2)] "out-of-home care provider" means an agency or person, other  
2 than the child's legal parents, with whom a child who is in the custody of the state  
3 under AS 47.10.080(c)(1) or (3), 47.10.142, [AS 47.12.120(b)(3),] or AS 47.14.100(c)  
4 is currently placed; in this paragraph, "agency or person" includes a foster parent, a  
5 relative other than a parent, a person who has petitioned for adoption of the child, and  
6 a residential child care facility;

7                   (5) "panel" means a local review panel;

8                   (6) [(3)] "state board [PANEL]" means the Citizens' Foster Care  
9 Review Board [PANEL FOR PERMANENCY PLANNING] established in [UNDER]  
10 AS 47.14.200.

11 \* Sec. 26. AS 47.14.230(b) and 47.14.230(c) are repealed.

12 \* Sec. 27. This Act takes effect immediately under AS 01.10.070(c).

NO/OB1  
amended  
AMENDMENT 1

OFFERED IN THE HOUSE  
TO: CSHB127(FIN)

BY REPRESENTATIVE THERRIAULT

Page 4, line 26

after "meetings"

delete "may"

insert "shall"

Page 4, line 26

after "telephonically"

insert "whenever practical" and <sup>may meet</sup> By video conference

# FISCAL NOTE

STATE OF ALASKA  
1997 LEGISLATIVE SESSION

BILL NO. CSHB 127 (FIN)

Dept. Affected Administration

BRU: Central Admin. Services

Title: Related to the citizen review board & panels for permanency planning for certain children in state custody

Sponsor: House HESS

Components: Citizen's Foster Care Review

Requestor: \_\_\_\_\_

Serial # 1888

**EXPENDITURES/REVENUES: (THOUSANDS OF DOLLARS)**

OPERATING	FY 98	FY 99	FY 00	FY 01	FY 02	FY 03
Personal Services	45.0	45.0	45.0	45.0	45.0	45.0
Travel	6.0	15.0	15.0	15.0	15.0	15.0
Contractual	50.0	0.0	0.0	0.0	0.0	0.0
Supplies	4.0	4.0	4.0	4.0	4.0	4.0
Equipment	5.0	0.0	0.0	0.0	0.0	0.0
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Grants, Claims	50.0	200.0	400.0	400.0	400.0	400.0
Miscellaneous	0.0	0.0	0.0	0.0	0.0	0.0
<b>TOTAL OPERATING</b>	<b>160.0</b>	<b>264.0</b>	<b>464.0</b>	<b>464.0</b>	<b>464.0</b>	<b>464.0</b>

CAPITAL	0.0	0.0	0.0	0.0	0.0	0.0
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REVENUE	0.0	0.0	0.0	0.0	0.0	0.0
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**FUNDING: (THOUSANDS OF DOLLARS)**

General Fund	160.0	264.0	464.0	464.0	464.0	464.0
Federal Fund	0.0	0.0	0.0	0.0	0.0	0.0
Other	0.0	0.0	0.0	0.0	0.0	0.0
<b>TOTAL</b>	<b>160.0</b>	<b>264.0</b>	<b>464.0</b>	<b>464.0</b>	<b>464.0</b>	<b>464.0</b>

**POSITIONS :**

Full-Time	1	1	1	1	1	1
Part-Time	0	0	0	0	0	0
Temporary	0	0	0	0	0	0

**ANALYSIS: (ATTACH A SEPARATE PAGE IF NECESSARY)**

see attached analysis

Prepared by:

House Finance Committee

Date: 5/2/97

Rep. Mark Hanley, Co-Chair

Phone: 465-4939

Rep. Gene Therriault, Co-Chair

Phone: 465-4797

## Fiscal Note

STATE OF ALASKA  
1997 Legislative Session

Bill No. CS HB 127(FIN)

### Updated Analysis (5/2/97)

#### Personal Services (45.0)

This money will fund a new program coordinator (range 20) for 9 months, totaling 51.2. It will also bring the existing Social Worker II position, which is currently funded at 10.5 months to a full 12 months, costing 6.0. An additional Administrative Clerk III (Range 10) has been funded for 9 months at a cost of 37.6. The funding level also assumes the elimination of the Social Worker IV position, with a cost savings of 49.8.

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Contractual line will fund a one-time contract with an attorney to complete regulation writing and review and to prepare policies and procedures.

#### Supplies (4.0)

#### Equipment (5.0)

#### Grants (50.)

Grant funds are for grants to local nonprofit agencies to support the work of the local volunteers panels, to help panel members gather information about cases, arrange and coordinate case review hearing/witness notification, etc. Amount listed for FY 98 will fund the last quarter of FY 98 to bring Anchorage in full operation (remaining 2/3 of the reviews). In following years, additional money has been listed to cover the rest of the state.

# LEGAL SERVICES

DIVISION OF LEGAL AND RESEARCH SERVICES  
LEGISLATIVE AFFAIRS AGENCY  
STATE OF ALASKA

(907) 465-3867 or 465-2450  
FAX (907) 465-2029  
Mail Stop 3101

130 Seward Street, Suite 409  
Juneau, Alaska 99801-2105

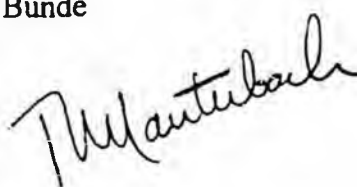
## MEMORANDUM

April 22, 1997

**SUBJECT:** Disclosure of records to local panels (CSHB 127(HES), "H" version)

**TO:** Representative Con Bunde  
Attn: Patti Swenson

**FROM:** Terri Lauterbach  
Legislative Counsel



You have asked whether there need to be changes made in sec. 22 of the "H" version of HB 127 if the panels are to be able to receive both delinquency and CINA records, as you say they currently do.

Yes, given your goal, there need to be changes in sec. 22. The citations on page 12, lines 13 and 25, should all be restored, not deleted.

It will be slightly redundant to restore the citation to AS 47.12.310 on page 12, line 13, because sec. 7 of the CS already ensures receipt of agency records under AS 47.12.310, (so a "notwithstanding...AS 47.12.310" is unnecessary on page 12) but that redundancy is also in current law. To fend away any argument that the legislature meant for there to be a change from current law, the redundancy should also be restored.

Please let me know if I can be of further assistance.

TML:jdr  
97-285.jdr

A M E N D M E N T |

OFFERED IN THE HOUSE

TO: CSHB 127(HES)

1 Page 12, line 11:

2 Delete "AS 47.10.090 and [,] 47.10.093 [, AS 47.12.300, and 47.12.310]"

3 Insert "AS 47.10.090, 47.10.093, AS 47.12.300, and 47.12.310"

4 Page 12, line 23:

5 Delete "[AND AS 47.12.310]"

6 Insert "and AS 47.12.310"

# Alaska State Legislature

CHAIR  
HOUSE HEALTH, EDUCATION  
& SOCIAL SERVICES COMMITTEE

VICE-CHAIR  
HOUSE JUDICIARY COMMITTEE

MEMBER  
LEGISLATIVE BUDGET & AUDIT COMMITTEE  
HOUSE SPECIAL COMMITTEE ON OIL & GAS  
SELECT COMMITTEE ON LEGISLATIVE ETHICS



**REPRESENTATIVE CON BUNDE**

District 18

DURING SESSION  
STATE CAPITOL, ROOM 104  
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(907) 465-4843 (800) 892-4843

DURING INTERIM  
716 W. FOURTH AVE.  
ANCHORAGE, AK 99501-2133  
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E-MAIL  
Representative\_Con\_Bunde@legis.state.ak.us

## **SPONSOR STATEMENT CSHB 127 (HESS)**

**" An Act relating to the Citizens' Review Board and panels for permanency planning for certain children in state custody; renaming the Citizens' Review Panel for Permanency Planning as the Citizens' Foster Care Review Board; relating to disclosures about certain minors; and providing for an effective date."**

HB 127 changes existing state laws for the Citizens' Foster Care Review Panel because they are inadequate. The existing statutes don't give enough power to the local panels.

- They make foster care review panels look like a weak duplication of some Division of Family and Youth Services (DFYS) functions.
- They do not permit the local panel's recommendations to be placed into the court records for consideration in the disposition of a case.
- They do not require state departments to supply necessary aggregate data. Specific data is needed to measure the performance of the child protection system.
- They do not give local panels the authority to develop priorities for early reviews of the worst cases.
- They require the existing foster care review system to sunset on June 30, 1997.

HB 127 corrects the weaknesses in our current statutes and gives a strong independent voice to local review panels. This legislation will establish local review panels throughout the state that will advocate for children, their families and for needed changes in our child protection system.

The National Association for Foster Care Reviewers will guide the implementation of our program in Alaska. There are 26 states with active state review boards and foster care review panels. Those who have served on foster care review panels throughout the United States have found the effort worth their time. All state boards and local review panels share the same goal to decrease the amount of time children linger in out-of-home care. This legislation is needed by everyone who deals with our child protection system. I urge your positive consideration of CSHB 127 (HES).

## **NECESSARY CHANGES:**

### **The reasons why**

HB 127 changes existing state laws for the Citizens' Foster Care Review Panel because they are inadequate. The existing statutes don't give enough power to the local panels.

- They make foster care review panels look like a weak duplication of some Division of Family and Youth Services (DFYS) functions.
- They do not permit the local panel's recommendations to be placed into the court records for consideration in the disposition of a case.
- They do not require state departments to supply necessary aggregate data. Specific data is needed to measure the performance of the child protection system.
- They do not give local panels the authority to develop priorities for early reviews of the worst cases.
- They require the existing foster care review system to sunset on June 30, 1997.

HB 127 corrects the weaknesses in our current statutes. This legislation will give a strong independent voice to the Citizens' Foster Care Review Panels.

#### **The existing statutes make foster care review panels look like a weak duplication of some DFYS functions.**

Currently, DFYS does federally mandated Title IV-E reviews of eligible children in out-of-home care every 180 days. The review process allows DFYS to collect federal funds for eligible children. The local panel reviews the same children every 180 days. The two separate reviews are seen as duplicative, but in reality the hearings are very different.

The differences are noted:

- DFYS schedules reviews every 30 minutes; half of that time is used to finish paperwork.
- The Citizens' Foster Care Review Panel's reviews take from 30 minutes to more than an hour.
- DFYS reviews are completely internal.
- The Citizens' Foster Care Review Panel's reviews are external; volunteers who are objective and independent of the system perform review.
- DFYS reviews include one community member chosen from employees of the department.
- The Citizens' Foster Care Review Panel members are chosen from the local community and have no vested interest in the system.
- DFYS makes no special effort to locate interested parties.
- The Citizens' Foster Care Review Panel goes to great lengths to locate and obtain information from all parties in a case.
- DFYS reviews are used as an advocacy forum for parents and lawyers.
- The Citizens' Foster Care Review Panel obtains factual information by reading case files and interviewing all parties, then writes recommendations to change case plans.
- DFYS reviews often run ahead of schedule which allows them to complete more reviews than anticipated. The problem with an unanticipated review is, interested parties are not notified and are unable to attend, eg, GAL, CASA, PD, parents, foster parents, relatives.
- The Citizens' Foster Care Review Panel notifies all interested parties 30 days in advance of reviews, sends questionnaires, and confirms attendance of the participants.

The perception of duplicate functions makes it difficult for the Legislature to fund foster care review panels as a statewide program. HB 127 clearly gives the authority to the local review panels to do the Title IV-E reviews. The burden of doing reviews is taken away from DFYS and allows their staff more time to focus on higher-level work.

**The existing statutes do not permit the recommendations of a local panel to be placed in the court records for consideration in the disposition of a case.**

The Citizens' Foster Care Review Panel in Anchorage reviews more than 200 cases per year. The existing statutes do not give the local panels the ability to advocate for children in the court system. HB 127 authorizes the local panels to submit their recommendations to the court for consideration in the disposition of a case. This provision gives the local panels credibility in a system that has discounted and often ignored their recommendations.

**The existing statutes do not require state departments to supply any type of aggregate data.**

Local panels need the authority to collect data from various state offices. With such data, the panels could locate interested parties and notify them of scheduled hearings. Access to such data would also make it easier to identify what policies and practices are succeeding in reducing the amount of time a child spends in out-of-home care. HB 127 gives the state board and the local panels the authority to collect data on all cases and requires agencies to cooperate. The information gained through data collection will result in an objective independent overview of our state's child protection system. The data will also be an excellent tool for future improvements to our system.

**The existing statutes do not give local panels the authority to develop priorities for early reviews of the worst cases.**

The depth of the cases reviewed by a local panel varies. The state board needs the ability to develop priorities for hearing cases, so that the worst cases can be heard early, and others can be heard later. Existing statute sets the first date for a case review at 180 days after the child has been removed from the home. HB 127 moves the first hearing forward to 90 days and authorizes the state board to set priorities for cases that need expedited hearings. The earlier a case is reviewed, the better the chance of decreasing the time a child spends in out-of-home care, and the more state dollars we can save.

**The existing foster care review system will sunset on June 30, 1997.**

HB 127 extends the Foster Care Review Board to June 30, 2000. The extension will provide enough time to create a state board, expand the Anchorage panel and implement new local review panels in Fairbanks and in Southeast Alaska.

The National Association for Foster Care Reviewers guides the implementation of our program in Alaska. There are 26 states with active state review boards and foster care review panels. Those who have served on foster care review panels throughout the United States have found the effort worth their time. All state boards and local review panels share the same goal to decrease the amount of time children linger in out-of-home care. HB 127 corrects the inadequacies in our existing statutes. It will help our existing review panel function at a higher level and it will expand the use of local review panels throughout Alaska. This legislation is needed by everyone who deals with our child protection system. I urge your positive consideration of this legislation.

# FISCAL NOTE

STATE OF ALASKA  
1997 LEGISLATIVE SESSION

BILL NO. CSHB 127 (FIN)

Dept. Affected Administration

BRU: Central Admin. Services

Title: Related to the citizen review board & panels for permanency planning for certain children in state custody

Components: Citizen's Foster Care Review

Sponsor: House HESS

Serial # 1888

Requestor: \_\_\_\_\_

**EXPENDITURES/REVENUES: (THOUSANDS OF DOLLARS)**

OPERATING	FY 98	FY 99	FY 00	FY 01	FY 02	FY 03
Personal Services	45.0	68.0	68.0	68.0	68.0	68.0
Travel	6.0	15.0	15.0	15.0	15.0	15.0
Contractual	50.0	0.0	0.0	0.0	0.0	0.0
Supplies	4.0	4.0	4.0	4.0	4.0	4.0
Equipment	5.0	0.0	0.0	0.0	0.0	0.0
Land & Structures	0.0	0.0	0.0	0.0	0.0	0.0
Grants, Claims	50.0	200.0	400.0	400.0	400.0	400.0
Miscellaneous	0.0	0.0	0.0	0.0	0.0	0.0
<b>TOTAL OPERATING</b>	<b>160.0</b>	<b>287.0</b>	<b>487.0</b>	<b>487.0</b>	<b>487.0</b>	<b>487.0</b>

CAPITAL	0.0	0.0	0.0	0.0	0.0	0.0
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REVENUE	0.0	0.0	0.0	0.0	0.0	0.0
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**FUNDING: (THOUSANDS OF DOLLARS)**

General Fund	160.0	287.0	487.0	487.0	487.0	487.0
Federal Fund	0.0	0.0	0.0	0.0	0.0	0.0
Other	0.0	0.0	0.0	0.0	0.0	0.0
<b>TOTAL</b>	<b>160.0</b>	<b>287.0</b>	<b>487.0</b>	<b>487.0</b>	<b>487.0</b>	<b>487.0</b>

**POSITIONS :**

Full-Time	1	1	1	1	1	1
Part-Time	0	0	0	0	0	0
Temporary	0	0	0	0	0	0

**ANALYSIS: (ATTACH A SEPARATE PAGE IF NECESSARY)**

see attached analysis

Prepared by:

House Finance Committee

Rep. Mark Hanley, Co-Chair

Rep. Gene Therriault, Co-Chair

Date: 5/2/97

Phone: 465-4939

Phone: 465-4797

## Fiscal Note

STATE OF ALASKA  
1997 Legislative Session

Bill No. CS HB 127(FIN)

### Updated Analysis (5/2/97)

#### Personal Services (45.0)

This money will fund a new program coordinator (range 20) for 9 months, totaling 51.2. It will also bring the existing Social Worker II position, which is currently funded at 10.5 months to a full 12 months, costing 6.0. An additional Administrative Clerk III (Range 10) has been funded for 9 months at a cost of 37.6. The funding level also assumes the elimination of the Social Worker IV position, with a cost savings of 49.8.

#### Travel (6.0)

Travel will fund one face to face board meeting the first year.

#### Contractual (50.0)

Contractual line will fund a one-time contract with an attorney to complete regulation writing and review and to prepare policies and procedures.

#### Supplies (4.0)

#### Equipment (5.0)

#### Grants (50.)

Grant funds are for grants to local nonprofit agencies to support the work of the local volunteers panels, to help panel members gather information about cases, arrange and coordinate case review hearing/witness notification, etc. Amount listed for FY 98 will fund the last quarter of FY 98 to bring Anchorage in full operation (remaining 2/3 of the reviews). In following years, additional money has been listed to cover the rest of the state.

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STATE OF ALASKA  
1997 LEGISLATIVE SESSION

BILL NO. CSHB 127 (FIN)

Title: Related to the citizen review board & panels for  
permanency planning for certain children in state custody  
Sponsor: House HESS  
Requestor: \_\_\_\_\_

Dept. Affected Administration  
BRU: Central Admin. Services  
Components: Citizen's Foster Care Review  
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CAPITAL	0.0	0.0	0.0	0.0	0.0	0.0
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**POSITIONS:**

Full-Time	1	1	1	1	1	1
Part-Time	0	0	0	0	0	0
Temporary	0	0	0	0	0	0

**ANALYSIS: (ATTACH A SEPARATE PAGE IF NECESSARY)**

see attached analysis

Prepared by:

House Finance Committee

Date: 5/2/97

Rep. Mark Hanley, Co-Chair

Phone: 465-4939

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Phone: 465-4797

## Fiscal Note

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1997 Legislative Session

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# FISCAL NOTE

**STATE OF ALASKA**  
**1997 LEGISLATIVE SESSION**

No. 1  
 Bill Version: CSHB 127(HES)  
 (H) Publish Date: 4/23/97

Revision Date: \_\_\_\_\_  
 Title: Relating to Foster Care Review Boards

Dept. Affected: Health and Social Services  
 BRU: Family and Youth Services

Sponsor: Bunde  
 Requestor: House (HES)

Component: DFYS Central Office  
 COMPONENT SERIAL NO. 259  
 See also (SN#): \_\_\_\_\_

**Expenditures/Revenues:**

(Thousands of Dollars)

	FY98	FY99	FY00	FY01	FY02	FY03
<b>OPERATING</b>						
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>

<b>CAPITAL EXPENDITURES</b>						
-----------------------------	--	--	--	--	--	--

<b>CHANGES IN REVENUES</b> ( )						
--------------------------------	--	--	--	--	--	--

**FUND SOURCE**

(Thousands of Dollars)

	FY98	FY99	FY00	FY01	FY02	FY03
1002 Federal Receipts						
1003 GF Match						
1004 GF						
1005 GF/Program Receipts						
1037 GF/Mental Health						
Other (please specify)						
<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 any current year (FY97) cost: \$0.0

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

There would be no fiscal impact to the Division if this bill were to become law.

*3/19/97*

Prepared by: L. Diane Worley, Director  
 Division: Family & Youth Services  
 Approved by Commissioner: Karen Perdue, Commissioner  
 Agency: Department of Health & Social Services

Phone: 465-3191  
 Date: 03/11/97  
 Date: 3/14/97

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# FISCAL NOTE

No. 2  
 Bill Version: CSHB 127(HES)  
 (H) Publish Date: 4/23/97

STATE OF ALASKA  
 1997 LEGISLATIVE SESSION

Revision Date: \_\_\_\_\_  
 Title: "An Act relating to the citizen review board and panels for permanency planning for certain children in state custody."  
 Sponsor: (S) HES  
 Requestor: (H) HES

Department Affected: Administration  
 BRU: Public Defender Agency  
 Component: Public Defender Agency  
 COMPONENT SERIAL NO. 1631

**EXPENDITURES/REVENUES:**

(Thousands of Dollars)

OPERATING EXPENDITURES:	FY 98	FY 99	FY 00	FY 01	FY 02	FY 03
PERSONAL SERVICES	***	***	***	***	***	***
TRAVEL						
CONTRACTUAL						
SUPPLIES						
EQUIPMENT						
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
<b>TOTAL OPERATING</b>	***	***	***	***	***	***
<b>CAPITAL EXPENDITURES</b>	***	***	***	***	***	***
<b>CHANGE IN REVENUES ( )</b>	***	***	***	***	***	***

**FUND SOURCE:**

(Thousands of Dollars)

1002 Federal Receipts	***	***	***	***	***	***
1003 GF Match						
1004 GF						
1005 GF/Program Receipts						
1037 GF/Mental Health						
OTHER						
<b>TOTAL</b>	***	***	***	***	***	***

Estimate of any current year (FY 97) cost: \$ -0-

**POSITIONS:**

FULL-TIME	***	***	***	***	***	***
PART-TIME						
TEMPORARY						

**ANALYSIS:** (Attach a separate page if necessary.) This bill would establish citizens' foster care review in CINA cases. The Public Defender Agency (PDA) was appointed by the court to represent parents in 623 CINA cases in FY 1996. We estimate that in roughly 50% of our cases out-of-home placement extends long enough to require placement review.

It is difficult to estimate how much attorney time would be required to participate in these reviews. The current citizens' panels only review a limited number of CINA cases. Currently, we do not routinely attend the review hearings.

If the proposed legislation results in local review panels being established statewide and the review panel reports are considered in court decisions (see Sec. 21), we would have to start participating in the review process. It is impossible to accurately estimate how many of these cases would require our participation. But where the placement of a child is in controversy and the court would rely on a review panel report, we will have to participate.

Prepared by: Barbara K. Brink, Director  
 Division: Public Defender Agency

Phone: (907) 264-4414  
 Date: \_\_\_\_\_

Approved by Commissioner: Mark Poyer  
 Agency: Department of Administration

Date: 4/21/97

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FISCAL NOTE

No. 3  
 Bill Version: CSHB 127(HES)  
 (H) Publish Date: 4/23/97

STATE OF ALASKA  
 1997 LEGISLATIVE SESSION

Revision Date: \_\_\_\_\_  
 Title: An Act related to the citizen review board and panels for permanency planning for certain children in state custody...  
 Sponsor: (S) HESS  
 Requestor: (H) HESS

Department Affected: Administration  
 BRU: Central Admin. Services  
 Component: Citizen's Foster Care Review

COMPONENT SERIAL NO. 1888

EXPENDITURES/REVENUES: (Thousands of Dollars)

OPERATING EXPENDITURES	FY 98	FY 99	FY 00	FY 01	FY 02	FY 03
PERSONAL SERVICES	76.8	76.8	76.8	76.8	76.8	76.8
TRAVEL	29.0	29.0	29.0	29.0	29.0	29.0
CONTRACTUAL	118.0	68.0	68.0	68.0	68.0	68.0
SUPPLIES	8.0	5.0	5.0	5.0	5.0	5.0
EQUIPMENT	20.0	0.0	0.0	0.0	0.0	0.0
LAND & STRUCTURES	0.0	0.0	0.0	0.0	0.0	0.0
GRANTS, CLAIMS	200.0	350.0	450.0	500.0	600.0	600.0
MISCELLANEOUS						
TOTAL OPERATING	451.8	528.8	628.8	678.8	778.8	778.8

CAPITAL EXPENDITURES						
----------------------	--	--	--	--	--	--

CHANGE IN REVENUES ( )						
------------------------	--	--	--	--	--	--

FUND SOURCE: (Thousands of Dollars)

1002 Federal Receipts						
1003 GF Match						
1004 GF	451.8	528.8	628.8	678.8	778.8	778.8
1005 GF/Program Receipts						
1037 GF/Mental Health						
OTHER						
TOTAL						

Estimate of any current year (FY 97) cost: \$ \_\_\_\_\_

POSITIONS:

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

ANALYSIS: (Attach a separate page if necessary.) This fiscal note would allow the Board to hire the executive director (Range 20, Social Services Program Coordinator, \$68.3) as authorized in the legislation, and the remaining \$8.5 in personal services would bring three existing PFT positions from 30 hours/week per person to actually working full time. (Existing staff include a Social Worker IV (R 18), a social Worker II (R 14), and an Administrative Clerk III (R 10)). The travel funds will allow the newly appointed statewide Board to meet twice a year face to face, and fund travel by staff and board members to all judicial districts to offer start-up training to volunteer citizens who wish to serve on local review panels. The contractual funds will purchase the additional telephone, teleconference, printing and other charges needed to support the state Board and communication with all the local panels. In addition, contractual funds will be used to fund one-time contracts for regulations writing and review, for the preparation of policies and procedures, and for curriculum and training materials development. An increase in supplies to support additional training materials and start-up costs is included. A one-time purchase of furniture, computer equipment and software for the new executive director, and computer/software and communications upgrades for all staff are included in the equipment line. Funds are included in the grants line for grants to local nonprofit agencies to support the work of the local volunteer panels, to help panel members gather information about cases, arrange and coordinate case review hearings/witness notification/etc.. (continued on page 2)

Prepared by: Connie J. Sior  
 Division: Senior Services

Phone: 907-563-5654  
 Date: April 7, 1997

Approved by Commissioner: Mark Boyer  
 Agency: Department of Administration

*Alison M. Elger*  
 Date: 4/9/97

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FISCAL NOTE

STATE OF ALASKA

BILL NO. CSHB 127

1997 LEGISLATIVE SESSION

ANALYSIS: (continued)

and to provide meeting space for the review hearings. In Anchorage alone, a pool of 60-80 active volunteers will be needed to hear all the cases for at least one day every month, and hearings will have to be held about 20 days per month to accommodate the need. The first year, grants will be made to one agency in Anchorage and in Fairbanks. In the second year, the Fairbanks grant would be expanded, and a start-up grant would be awarded in the Southeast Judicial District. In year three, funds would be used for full implementation in the Southeast Judicial District, and in subsequent years would allow for expansion to the remainder of the state.

# LEGAL SERVICES

DIVISION OF LEGAL AND RESEARCH SERVICES  
LEGISLATIVE AFFAIRS AGENCY  
STATE OF ALASKA

(907) 465-3867 or 465-2450  
FAX (907) 465-2029  
Mail Stop 3101

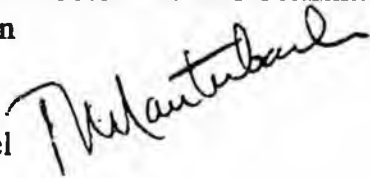
130 Seward Street, Suite 409  
Juneau, Alaska 99801-2105

## MEMORANDUM

April 25, 1997

**SUBJECT:** Sectional Summary of CSHB 127(HES) (Foster Care Review System)

**TO:** Representative Con Bunde, Chair  
Health, Education and Social Services Committee  
Attn: Patti Swenson

**FROM:** Terri Lauterbach  
Legislative Counsel 

You have requested a sectional summary of the above-described bill.

As a preliminary matter, please note that a sectional summary of a bill should not be considered an authoritative interpretation of the bill and the bill itself is the best statement of its contents. If you would like an interpretation of the bill as it may apply to a particular set of circumstances, let me know.

**In general.** this bill renames the Citizens' Review Panel for Permanency Planning as the Citizens' Foster Care Review Board and renames the local citizen out-of-home care review panels as, more simply, local review panels.

**Section 1.** Reflects the new name for the former Citizens' Review Panel for Permanency Planning and extends its termination date to the year 2000.

**Section 2.** Requires DHSS to notify the state board, rather than a local panel, about a child that DHSS removes from a home.

**Section 3.** Reflects the name change for the local panels.

**Section 4.** Reflects the name changes and adds the "safety of the minor" as a reason for disclosure of otherwise confidential information to school officials.

**Section 5.** Reflects the name changes.

**Section 6.** Requires DHSS to notify the state board, rather than a local panel, about a child that DHSS removes from a home.

**Section 7.** Reflects the name changes and adds the "safety of the minor" as a reason for disclosure of otherwise confidential information to school officials.

**Section 8.** Renames and reconstitutes the state board for review of foster care.

**Section 9.** Reflects the new make-up and name of the state board'. Allows for reappointment of board members.

**Section 10.** Sets quorum and voting requirements for the state board.

**Section 11.** Reflects the name change of the state board.

**Section 12.** Sets twice yearly meeting requirement as a minimum.

**Section 13.** Allows the state board to have an executive director to whom the board may delegate its powers.

**Section 14.** Adds new duties for the state board: to ensure that board members and local panel members have received adequate training, to apply for private and federal grants and solicit contributions, to award grants or contracts to carry out projects or studies related to improving the foster care system, and to use board staff to evaluate applicants for positions on local review panels and to provide training of board members and local review panel members. Changes the board's annual reporting requirement so that the report must include a description of systemic barriers to achieving permanency for children and so that the report itself must be provided to the legislature rather than just a notification that the report is available. (The legislature recently changed almost all annual reporting requirements to be a notification to the legislature; this change would reverse that decision for this board.) Also specifies certain provisions that must be in the board's regulations, including provisions that set priorities for expedited review of the cases of certain children.

**Section 15.** Allows the board to adopt regulations to require DHSS to provide certain types of information to the board or to a local review panel.

**Section 16.** Sets the composition requirements for local review panels and makes miscellaneous other changes relating to local panels.

**Section 17.** Reflects the name change and new composition of the local review panels.

**Section 18.** Reflects the name change and new composition of the local review panels.

**Section 19.** Reflects the name change of the local panels. In subsection (b), changes the review time to 90 days after the child is initially removed from home in a priority case. In

subsection (c), adds a provision to give flexibility to the 30-day notice requirement of current law. In subsection (g), shortens the time for submission of a report on a case.

**Section 20.** Requires other executive branch agencies to disclose confidential information to the local panels to assist them in locating persons entitled to participate in a case review.

**Section 21.** Requires DHSS to cooperate with the state board in the development of DHSS's information systems so that information about children's cases is readily available to the board and local panels.

**Section 22.** By deleting references to AS 47.12.300 and 47.12.310 in subsection (a), this section apparently seeks to restrict the review panels' access to delinquency records. AS 47.12.300 relates to court records, and AS 47.12.310 relates to agency records. However, sec. 7 of the bill allows disclosure of agency records to the board and local review panels, so there is some inconsistency here. If the legislature wishes to ensure that the panels have access to both court and agency delinquency records, I recommend that sec. 22 be amended to restore the references to AS 47.12.300 and 47.12.310 throughout the section.

**Section 23.** Describes the interaction between the court and the local review panels.

**Section 24.** Reflects the name changes for the board and local panels and introduces a new gross negligence standard for their civil liability. Adds immunity for persons serving as staff to the board or to a local panel.

**Section 25.** Changes definitions to reflect the name changes for the board and local panels.

**Section 26.** Repeals subsections of law whose subject matter (quorum and officers) has been added in other parts of the bill.

**Section 27.** Allows phased-in implementation of the bill with full implementation within two years.

**Section 28.** Gives the bill an immediate effective date.

TML:jdr  
97-299.jdr

## HOW THE REVIEW PROCESS WORKS

The Citizens' Foster Care Review Panel (CFCRP) is a unique partnership between a state program and private citizen volunteers working together to benefit children in Alaska. Panel members are dedicated volunteers appointed by the Governor. They donated hundreds of hours of time and emotional energy to help children exit the foster care system as quickly as possible. CFCRP offers an independent, objective, community-based forum where our state's response to children who are in trouble due to abuse and neglect is monitored. The panelists play an active role in the child protection process by participating in case review hearings, monitoring the progress of cases, and offering specific recommendations for achieving a permanent placement for each child as quickly as possible.

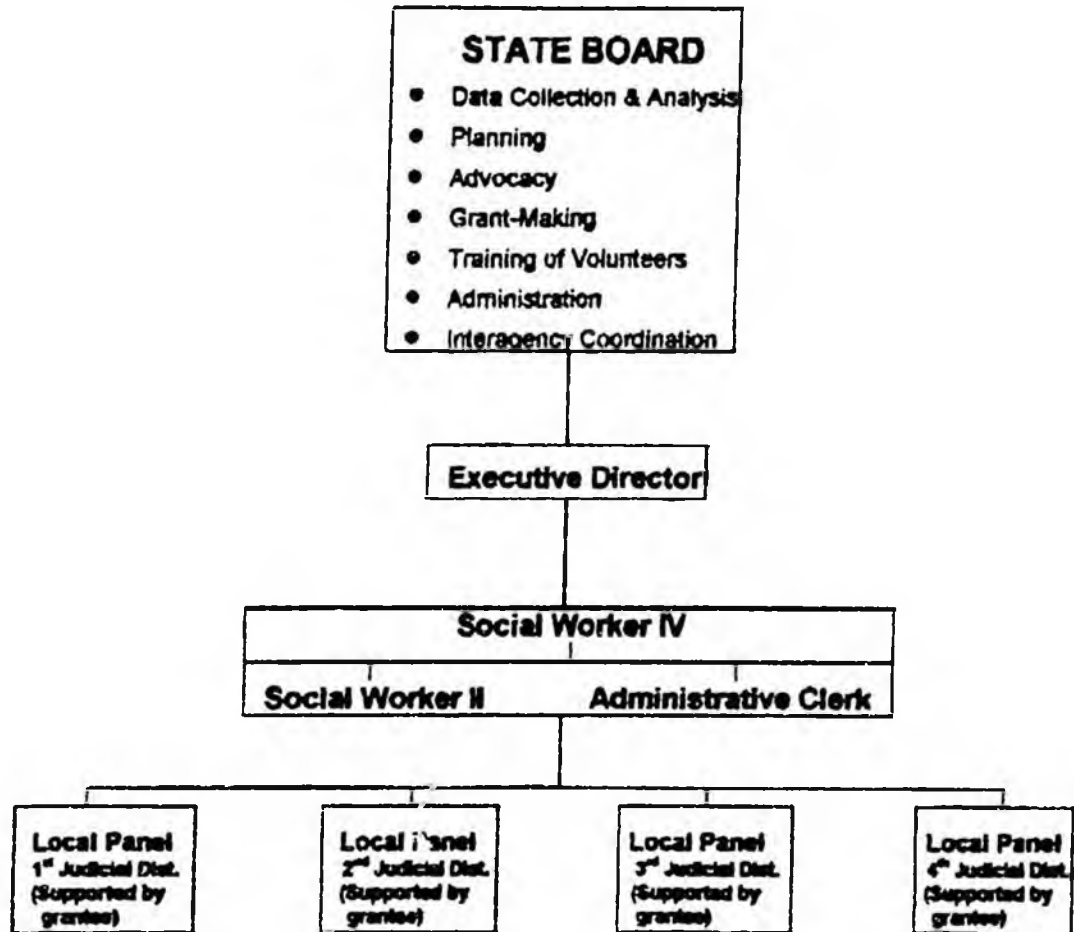
Volunteers complete mandatory training before they serve on a review panel. The panelists' basic skills, abilities and commitments to ensure every child has a permanent safe home are enhanced by their participation in required training on topics relating to children who have been abused and neglected. This training teaches volunteers about the legal systems in Alaska, the child protection system, children's and parents' mental health problems, dynamics of dysfunctional families, and children's special needs.

An administrative clerk and two review specialists support the review panel. DFYS produces a list of cases that need reviews each month. The review specialist choose cases from that list for the panel to review. They select a combination of cases some are new and have never had a panel review and others are selected for a second or third review because the child or children are still in out-of-home care.

The review specialist and the DFYS caseworker identify all interested parties in a case. The CFCRP administrative clerk invites all of the interested parties 30 days in advance. The number of parties invited varies from three to as many as 20 in some cases. Interested parties include the child if over 10 years old and the child's parents, relatives, out-of-home care provider, guardian, guardian ad litem, caseworker, designated representative of the child's tribe, Indian custodian, and others with a close personal knowledge of the case. Bringing all interested parties in a case together offers a forum for communication that results in greater cooperation and understanding among the most important people in the child's life.

The review specialist writes a case summary for each case from material in the DFYS files. Three or four volunteers attend each review, with one of them takes the lead in questioning each participant. CFCRP reviews are thorough and comprehensive; they often last up to an hour per case. When the review is complete the panelists discuss their findings, reach a unanimous conclusion, then forward their recommendations to the CFCRP's administrative clerk for processing. Upon approval by the lead questioner the clerk mails copies to all participants.

**CITIZENS' FOSTER CARE REVIEW PANEL  
for  
PERMANENCY PLANNING**



CITIZEN FOSTER CARE REVIEW PANEL  
Review of Children in Out of Home Care

Guidelines for Panel Members

I. PRE-REVIEW INFORMATION PACKET -- DUTIES FOR PANEL MEMBERS:

Prior to a review, each panel member will receive a panel packet for each case to be reviewed. This information will have been prepared by that panel's review specialist. This packet will be mailed to each panel member by the review specialist two weeks prior to the panel meeting.

It is each panel member's responsibility to:

A. Read the information carefully and take notes on any issues that should be further addressed, using blue Case Notes sheet.

B. Keep the information and the packet in a closed drawer, preferably under lock and key, and be acutely sensitive to the rules of confidentiality. Information should never be discussed with anyone, including family members, interested parties, or even other members of the panel, outside the confines of the review.

C. Bring this information to the review. If a panel member is unable to attend a panel meeting, the panel member must get the packet(s) back to the panel chairperson or the panel's review specialist prior to the meeting. If this is not possible, the packet(s) should be delivered or mailed to the review specialist as soon as possible. The review specialist keeps track of all panel packets and is responsible for ensuring that all materials are accounted for.

II. CONTENTS OF PANEL PACKETS:

The contents of panel packets will vary according to the situation, the availability of information, whether or not the review is the first review or a subsequent review, etc. In general, the packet will contain the following:

A. Case Review Schedule/Agenda

A Case Review Schedule/Agenda will be sent along with the panel packets. This agenda will include:

1. The date, time and location of the panel meeting.
2. A listing of the cases to be reviewed (coded according to whether it is a first review or a re-review)
3. The review specialist's name for that case.

4. The panel member who is assigned to be the lead questioner for that case.
5. The amount of time allotted for each case.

B. Case Review Report

Each case will contain a Case Review Report prepared by the review specialist. The Case Review Report is based on the information obtained from the files of the Division of Family and Youth Services case file and the child's court file. The review specialist consolidates this information and attempts to include the following:

1. Case History--the history of the case, including when, why, and how a child came into care and the legal involvement to date.
2. Any special needs of the child and family (medical, physical, education, psychological, etc.)
3. The child's permanency plan.
4. Summary of the services that have been or are being provided to the child and family, those services that have been proposed, or those services which have been offered, but refused.
5. Progress that has been made to resolve the problems that resulted in the out-of-home placement.
6. Visitation arrangements, including sibling visitation.
7. Relevant "other" information (e.g., paternity, Indian Child Welfare Act applicability, etc.)

C. Division of Family and Youth Services Documentation

Relevant DFYS documentation, obtained from the DFYS case file by the review specialist, will also be included in the panel packet. Generally, this documentation will be in the form of the Case Plan(s), placement history, or other relevant documents.

D. Legal Status Documentation

Documentation of the child's legal status will include copies of court orders for custody, visitation, etc. as appropriate, and other relevant documents, such as notice to an Indian child's tribe, verification of tribal intervention, etc.

#### E. Other Information

Additional information will be included in the panel packet as needed. This additional information could be a psychological evaluation on the child or family, a significant therapy report, a significant school report, etc.

#### F. Case Notes

A blue sheet for your Case Notes will also be included for each case in the panel packet. Please use this to make notes on specific questions, comments, or concerns that arise during your preview of the materials in each case. The Case Notes may also be used for taking notes during the panel meeting.

At the conclusion of the panel meeting, all materials, including Case Notes will be collected and saved in the case file for use the next time that the case is reviewed or destroyed as appropriate.

### III. The Review

#### A. Bringing the Meeting to Order

1. The review specialist will distribute each panel member's name tag or name plate and questionnaires from the invited parties who were unable to attend and who responded in writing to the invitation.
2. The Chairperson of the panel shall ensure that a quorum is present and shall call the meeting to order.
3. The Greeter shall ensure that all nametags or name plates are visible and shall verify that the review specialist has posted the meeting signs.
4. The Secretary will make sure that every panel member has signed in.
5. The Timekeeper shall record the time that the meeting is brought to order and shall continue to record when each review starts and finishes. The panel will at all times attempt to remain on schedule. The Timekeeper will also assist in ensuring that the schedule is adhered to as closely as possible.

#### B. Administrative Time

At the beginning of each panel meeting, the review specialist will review the day's agenda and ask if any panel member has a conflict of interest with any of the cases scheduled. Any announcements, training or other relevant information will be made at that time.

C. Recording

Throughout the review process, the review specialist will be taking notes and recording all the proceedings.

D. Case Introduction by the Lead Questioner

Before any interested party is escorted in to the panel review, the lead questioner shall give a brief summary of the case, discuss specific concerns and issues to be raised with the interested parties, and shall seek input from the other panel members.

E. Participation of Interested Parties in the Review Process

1. Interested parties will have a limited time to address the panel or answer questions from the panel.
2. Only the following parties may be present for the statements of other interested parties:
  - a. the child in question, if over ten years of age, unless the panel determines it is in the child's best interest not to be present. (Children under ten may be present at the discretion of their G.A.L.)
  - b. the biological parents (and their legal counsel);
  - c. the DFYS Social Worker (and their legal counsel); and
  - d. the child's G.A.L.
3. Although allowed to remain for the statements of other interested parties, the child, parents, G.A.L.s and DFYS Social Workers will not be permitted to question other interested parties. Questioning is the prerogative of panel members only.
4. The panel may deviate from this policy where restraining orders, other court orders, or good cause indicate that another arrangement is necessary.
5. At the scheduled time other interested parties, in an order determined by the panel, will be escorted by the review specialist into the meeting room. The review specialist will introduce each participant to the panel and the other interested parties and the panel members to the interested party.
6. No interested parties may be present during the panel's discussion and development of recommendation.

F. Procedures for Review with Interested Parties

The following may be considered a general outline of the actual case review process with participants present.

1. The child, parents, DFYS Social Worker and G.A.L., if present, shall be invited in to the review.
2. Introduction by Chairperson. The Panel's chairperson shall announce the case name and the juvenile court docket number and shall introduce the individuals in attendance, and the lead questioner for that particular case.
3. Lead Questioner Initiates Discussion. At this time, the lead questioner shall begin questioning participants, in the order determined by the panel, using her or his Case Notes as a general guideline. Other panel members may also question the interested parties.
4. Case Discussion and Findings. The lead questioner will lead the discussion for that case, with all panel members expressing their views as well.
  - a. Questions by the panel should focus on:
    - 1) the case/permanent plan for the child;
    - 2) progress toward implementation of the plan; and
    - 3) barriers to implementation of the plan.
  - b. To guide the discussion and for interviews with interested parties, the panel members should utilize:
    - 1) reasonable efforts guidelines;
    - 2) lists of possible services for the child and parents;
    - 3) the barriers list; and
    - 4) their own Case Notes.

G. Thanking the Participants

At the conclusion of the review, all interested parties will be thanked for their participation and told they will be receiving a copy of the panel's recommendations within thirty (30) days.

H. Development of Recommendation

Recommendations of the Foster Care Review Panels are, by statute, advisory.

1. Recommendations are required to be contained in a written report and must be provided, at least, to:
  - a. the Division of Family and Youth Services;
  - b. the child or the child's representative;
  - c. the child's parents;
  - d. the child's guardian;
  - e. the child's guardian ad litem;
  - f. the child's out of home care provider; and if appropriate,
  - g. the child's Indian Custodian; and
  - h. the designated representative of the child's Indian tribe, if the tribe has intervened in the case.  
AS 47.10.440 (g)
2. In addition to the parties listed in the above section, the report may be provided to other interested parties who have participated in the panel review process.
3. The court may consider the report of the local panel if the report is admissible under court rules.  
AS 47.10.470 (a)

CITIZEN FOSTER CARE REVIEW PANEL  
OUTLINE OF DUTIES

The following is a brief outline of events occurring before, during, and after a review.

BEFORE THE REVIEW

Notify Panel Chairperson if unable to attend.

Review all materials of all cases to be presented at your review using the blue "Case Notes Work Sheet".

Prepare case summaries for those cases assigned to you using the "Case Notes Work Sheet" and "Permanency Barriers" sections. Be brief; include "who, what, when, where, and why" of the case in question.

Review interested parties list to be sure that all appropriate people were invited. If not, make a note to inform the Review Specialist for the case.

AT THE REVIEW

Panel Chairperson opens meetings by reading "REVIEW INTRODUCTION". (If people arrive late, the proceedings must be halted and introduction repeated.)

Each panel member introduces herself/himself and each interested party is asked to give her/his name and relationship to client.

The individual panel member who is assigned the case summary will present the entire summary before asking questions or taking comments. The same individual will act as lead questioner during the review process.

Since case materials are frequently not up-to-date, it is customary to ask the caseworker to up-date the summary.

BE SURE YOU ARE CLEAR ABOUT THE FOLLOWING SPECIFIC INFORMATION

1. Reason the child came into care including specific barriers that prohibit the child from living at home.
2. Current placement, total number of placements and date of first custody.
3. The case plan for the child.
4. Date stated for achieving permanency goal.

Citizen Foster Care Review Panel

PACKET CHECKLIST

Child Name: \_\_\_\_\_

Permanency Plan: \_\_\_\_\_

Reviews scheduled: Day/Date \_\_\_\_\_ Time \_\_\_\_\_  
Location: \_\_\_\_\_

Date packet submitted to Panel Members: \_\_\_\_\_

Review Specialist: \_\_\_\_\_ DFYS Caseworker: \_\_\_\_\_

**CASE INFORMATION IN PACKETS**

- \_\_\_ 1. Current Summary Report by Review Specialist
- \_\_\_ 2. Current DFYS "Face Sheet" on child to be reviewed
- \_\_\_ 3. Current DFYS Case Plan
- \_\_\_ 4. Current DFYS Report of Compliance with case plan  
(IV-E Review, eg. social history, pre-disposition court  
report, etc.)
- \_\_\_ 5. Family/Child Visitation Plan and Schedule
- \_\_\_ 6. Most Recent Court Order(s)
- \_\_\_ 7. Most recent psychological reports, if any  
(child, parent, and significant others.)
- \_\_\_ 8. Most recent medical reports
- \_\_\_ 9. Educational reports (diagnostics, individual education  
plans, progress reports, etc.)
- \_\_\_ 10. Identification of Current Substitute Care Provider  
(foster home, relative, group home, residential treatment  
center, etc.)
- \_\_\_ 11. If not the initial review, the panel's recommendations  
from previous reviews.
- \_\_\_ 12. Other: \_\_\_\_\_

**SUBSEQUENT REVIEWS**

*Provide any of the above reports and/or any court orders updated or  
revised since the last panel review meeting.*

Form 11/93

Panel member: \_\_\_\_\_

**PANEL MEMBER'S CASE NOTES WORK SHEET**

Child's Initials: \_\_\_\_\_ DOB: \_\_\_\_\_ Review date: \_\_\_\_\_

Review Specialist: \_\_\_\_\_

DFYS Caseworker's Name: \_\_\_\_\_

1. Permanency goal: \_\_\_\_\_

2. Date stated for achieving permanency goal: \_\_\_\_\_

3. Stated reasons for substitute care: \_\_\_\_\_

4. Current placement of child: \_\_\_\_\_

5. Total # of placements: \_\_\_\_\_ Date of first custody: \_\_\_\_\_

6. Questions to be answered at this review:

a. \_\_\_\_\_

b. \_\_\_\_\_

c. \_\_\_\_\_

d. \_\_\_\_\_

7. Barriers present in case:

a. \_\_\_\_\_

b. \_\_\_\_\_

c. \_\_\_\_\_

8. Information I need at the upcoming review:

a. \_\_\_\_\_

b. \_\_\_\_\_

c. \_\_\_\_\_

9. Information I would like at the next review:

a. \_\_\_\_\_

b. \_\_\_\_\_

c. \_\_\_\_\_

10. Services that appear to be needed in the next six months:

a. for the child \_\_\_\_\_

b. for the parents \_\_\_\_\_

11. Last court hearing date: \_\_\_\_\_

Next court hearing date: \_\_\_\_\_

## LEAL QUESTIONER GUIDELINES

### The Lead Questioner should focus on:

1. What steps have been taken since the last review (or since the child entered into care, if initial review) to provide permanency for the child?
2. What reports have been received and what reports are needed to provide additional information?
3. What problems/barriers exist to achieving permanency plan?
4. Does the treatment plan provide services to overcome problems/barriers to accomplish the permanency plan?
5. Keep meeting on track, allowing time for all interested parties.
6. Excuse ALL interested parties and DFYS caseworker from meeting room BEFORE deliberations; remind them they will receive a copy of the panel's recommendations. Discuss permanent plan and agree on any recommendations to be made.
7. Make sure panel staff has all recommendations noted accurately.

### After the review:

Return ALL materials to Review Specialist including personal notes.

SAMPLE QUESTIONS FOR PANELISTS

**QUESTIONS FOR THE CHILD'S FAMILY:**

Do you understand the Case Plan? If you are out of compliance with the plan, why?

Are there any other services you need from DFYS or other agencies?

Is visitation, if applicable, going well? If not, why not?

What would you like to see happen with your children in the next six months?

**QUESTIONS FOR THE G.A.L.:**

Have you seen the child? How often? When?

What is your assessment and recommendation?

Note: if G.A.L. is not present and has sent no written assessment to the panel, make note of that in your case review notes.

**QUESTIONS FOR THERAPISTS, PSYCHOLOGISTS, SCHOOL COUNSELORS:**

What type of therapy do you provide?

What is the progress and prognosis?

Are clients attending on a regular basis?

Any problems with therapy? Any recommendations in that regard?

**QUESTIONS FOR THE CHILD:**

What do you want to happen?

What problems are you having with therapy, school or placement?

What would help you solve those problems?

**QUESTIONS FOR THE DFYS CASEWORKER:**

Where is the child currently? For how long?

How often have you met with the child face to face in the last three months? When did you last meet with the child face to face?

What is the status of the child's health, education, visitation, therapy?

What is the case plan? What progress is being made toward achieving it?

What is the permanency goal?

What barriers do you see to achieving the plan or the goal?

What new options have you explored if the plan is not progressing?

**QUESTIONS FOR FOSTER PARENTS:**

How long has the child been in your care?

Status of the child's behavior, progress, health?

Is the child receiving all the needed and promised services?

What additional services does the child require?

What perceptions of the child do you have that are relevant to this review?

What observations have you made regarding the parental contact and visitation with the child?

What observations have you made regarding the caseworker's contact and visitation with the child?

## ANALYZING REASONABLE EFFORTS \*

Factors to be considered in analyzing whether reasonable efforts to prevent placement or to reunify families have been made:

- A. Relevance of services - a match between:
  - 1. Family problems and services offered (problem that justifies state intervention and services to address that problem.)
  - 2. Family's view of its service needs.
- B. Adequacy of Services
  - 1. Quality of effort
  - 2. Quantity of effort - # of contacts, duration, frequency
  - 3. Least intrusive
  - 4. Unsuccessful service - why?
- C. Coordination of services - compatible goals
- D. Accessibility of services
  - 1. Agency has duty to encourage and facilitate use of services by parents.
  - 2. Accommodate to parent's schedule.
  - 3. Service in parent's language.
  - 4. In client's neighborhood or near public transportation.
  - 5. Financial assistance/child care.
- E. Availability of Services
  - 1. Unavailable service does not mean reasonable efforts requirement has been met.
  - 2. Agency must request additional funding where necessary to provide services.
- F. Diligence of effort - affirmative, repeated, meaningful and sincere efforts - perseverance (futility, burdensomeness, difficulty does not excuse reasonable effort.)
- G. Realistic Expectations

\* (excerpted from D. Ratterman, Reasonable Efforts: A Manual for Judges, American Bar Association, 1987.)

Additional notes on "Reasonable" Efforts

Preventative Services - include (at least)

- homemaker
- day care
- 24 hour crisis intervention
- emergency caretaker services
- emergency temporary shelter and group homes for adolescents
- emergency counseling
- respite care

H.R. Report #136, 96th Congress, 1st session, 46-47 (1979)

Reunification Services - return to and remain at home

- transportation
- family and individual therapy
- psychiatric counseling
- homemaker and housekeeper services
- day care
- consumer education
- respite care
- I & R
- various transition and follow up services

Id. at 49

## CITIZEN FOSTER CARE REVIEW

### RESOURCES TO BE CONSIDERED IN PERMANENCY PLANNING

#### CASH PAYMENTS TO MEET BASIC NEEDS:

- Aid to Families with Dependent Children Emergency Assistance (AFDC-EA) allows payments to families with children when a child is without resources to meet his or her needs.
- Unemployed Parent (AFDC-U)
- Supplemental Security Income (SSI)
- Child Support Enforcement provisions of Social Security Act Title IV-D
- Food Stamps

#### NON-CASH SERVICES TO MEET BASIC NEEDS:

- Women, Infants, and Children (WIC) program
- Food Banks
- Housing Referral and
- Emergency Shelter

#### NON-CASH SERVICES, SPECIFIC PROBLEMS:

- Parenting classes or individual instruction
- Homemaker classes or individual instruction
- Parent Aides
- Respite Care, in or out of the home
- Transportation; rides, bus tokens
- Child Care
- In-home family education or support services

**MENTAL HEALTH AND EMOTIONAL SUPPORT:**

- Psychological/Psychiatric Evaluations
- Individual, Family and Group Counseling
- Parent Self-Help Support Groups
- Substance Abuse/Chemical Dependency Treatment
- Specialized Placements for Child
- Day Support Programs

**PHYSICAL HEALTH:**

- Medical Exams/Treatment, (child) including dental and eye care  
(Early Periodic Screening, Diagnostic & Treatment -- EPSDT)
- Rehabilitative Services (child)

**INCOME/VOCATIONAL ASSISTANCE:**

- Vocational Rehabilitation
- Employment services, job training programs, vocational counseling, unemployment benefits

**GENERAL FACILITATIVE SERVICES:**

- Regular and planned visitation between child, parent, and DFYS Social Worker
- Regularly held case staffings
- Court appointed attorneys for the child and parents
- Court Appointed Special Advocates (CASA); Guardian Ad Litem (GAL)
- Regular Foster Care Review Panel reviews and juvenile court hearings
- Mediation Services
- Explanation of legal procedures and rights of legal representation in court



## FINDINGS AND RECOMMENDATIONS BY THE PANEL

Development of the Panel's Findings and Recommendations will take place after all interested parties have been heard from and excused.

The Panel Chairperson or Lead Questioner, together with the Review Specialist, will record the Panel's Findings and Recommendations in order to prepare the written report of Findings and Recommendations.

Findings and Recommendations will be distributed to all Interested Parties within 30 days after the date of the review. The child's copy of the Findings and Recommendations shall be hand-delivered to, and discussed with, the child by the Review Specialist, the child's Guardian Ad Litem, or social worker.

### FINDINGS

Using the attached Guidelines for Making Findings, the Panel makes Findings regarding:

- 1) whether a current case plan exists for the child;
- 2) whether the child's current case plan is appropriate;
- 3) whether the current case plan appears to be in the child's best interests;
- 4) whether the Panel concurs with the current case plan;
- 5) whether, if the current case plan appears to be in the child's best interests, progress is being made to achieve the case plan;
- 6) whether, as part of the plan, reasonable efforts have been made to re-unify the child and the family, or to achieve another permanent placement for the child;
- 7) whether, if the current case plan is reunification with the parents, adequate visitation is occurring;
- 8) whether the child's current placement is appropriate; and
- 9) other findings as indicated.

### RECOMMENDATIONS

Using the attached Guidelines for Making Recommendations, the Panel will, if it concurs with the current case plan, make Recommendations regarding:

- 1) what the Panel views as the barriers to accomplishment of the case plan (see list of possible barriers); and

- 2) services that should be made available to the child and or the family (see list of possible services).

Using the attached Guidelines for Making Recommendations, the Panel will, if it does not concur with the current case plan, make Recommendations regarding:

- 1) what the Panel recommends the case plan should be; and
- 2) services that should be made available to the child and or the family (see list of possible services) to achieve that plan.

## GUIDELINES FOR MAKING FINDINGS

- A. Findings are arrived at by group consensus, which is defined as a simple majority.
- B. Findings are focused on the presenting problem or on the goal of permanence.
- C. Facts should not contain value judgments, opinions, or conclusions.
- D. Findings should be attributed to the appropriate interested party or to the appropriate source.
- E. Highlights from the case report may be included at the review board's discretion. When used, highlights should be placed in chronological order.
- F. Statements related to each interested party attending the review should be included when feasible. The review board may also note in the findings when an interested party does not contribute to the review.
- G. Findings related to a particular child or other interested party should all be grouped together.
- H. Findings should reasonably reflect information which is determined to be essential.
- I. To accomplish guidelines F and G above, the review board may use a shorthand method, for example, "The caseworker stated: (then list the statements)."
- J. Be consistent in use of a child's name or nickname, for example, use Russell or Rusty, but do not use both.
- K. Formulated statements will be read back by program staff to ensure that each statement is complete and as the review board intends.

## GUIDELINES FOR MAKING RECOMMENDATIONS

- I. Recommendations should include answers to the following questions and any other points the review board determines pertinent:
- A. Is there a permanency plan?
  - B. Is the plan appropriate for the facts of this particular case?
  - C. Is the plan being carried out in a timely manner?
  - D. Are the participants in the plan fulfilling their obligations?
- II. Guidelines
- A. Recommendations are arrived at by group consensus. It is advisable to make both findings and recommendations immediately following each case review rather than waiting until the end of the review board meeting.
  - B. Recommendations are to be based and supported by a finding.
  - C. Recommendations should focus on the goal of permanency.
  - D. Recommendations may not:
    - 1. order interested/legal parties to do things;
    - 2. recommend specific placements (except under the most unusual circumstances); or
    - 3. make moral or value judgements.
- NOTE: Keep in mind that your recommendations are sent to all interested parties. Certain information may be deleted from the recommendations which are sent to some of the interested parties if it is in the best interest of the child to do so.
- E. Recommendations regarding types of placements may be made; e.g. residential placement may be recommended.
  - F. Recommendations should reflect information which is determined to be essential.
  - G. Program staff will read back formulated recommendations to ensure that each is complete and as the review board intends.
  - H. The chairperson should check the completed findings and recommendations form for accuracy and sign the form.



worker, the guardian ad litem and the out of home care provider. For Native American children, a copy of the report will also be given to the tribal representative if the tribe has intervened in the case. Information discussed in the review panel meetings is confidential. Only the people involved with the child's court case will receive a copy of the report.

The review panel will review this case every six months to assure continuing progress toward the permanency goal. The case will cease to be reviewed when the child has achieved a permanent placement and the Division of Family and Youth Services has released custody.

Thank you for your help with this case review. We think this process will prove helpful in enabling the parties and the system to work together to secure a permanent home for Jacob.

Sincerely,

Joe Ryan  
Review Specialist  
Anchorage Foster Care Review Panel  
Telephone: 258-6104

**Attachments:**

Questionnaire/return envelope  
Meeting Format Instructions

Child's Name: Jacob Sample

**Scheduled review:**

Day/Date: Monday, December 13, 1993 Time: 1:30 p.m.  
Location: 900 West 5th Avenue, Suite 710  
Fifth Avenue Building (Corner 5th and I Street)  
Anchorage, Alaska

Telephone number: (907) 258-6104

FAX number: (907) 258-1651

ANCHORAGE CITIZEN FOSTER CARE REVIEW PANEL  
Parent Questionnaire

Date of Review: \_\_\_\_\_

Name of Child \_\_\_\_\_ Please return by \_\_\_\_\_

1. Do you understand why your child is in foster care? \_\_\_\_\_
2. Can you think of anything that might have prevented this from happening? \_\_\_\_\_  
\_\_\_\_\_
3. Have you asked the caseworker for help? \_\_\_\_\_ Are you receiving what you asked for? \_\_\_\_\_
4. How were you involved in developing your child's Case Plan? \_\_\_\_\_
5. What do you need to do according to this Case Plan? \_\_\_\_\_  
\_\_\_\_\_
6. How have you followed through with this Case Plan or Court Order? \_\_\_\_\_  
\_\_\_\_\_
7. Have you had enough time? \_\_\_\_\_
8. What do you think will happen if you do not follow through with the Case Plan or Court Order? \_\_\_\_\_  
\_\_\_\_\_
9. What changes do you feel are needed in the Case Plan? \_\_\_\_\_  
\_\_\_\_\_
10. Describe how often, when, and where you visit your child or children. \_\_\_\_\_  
\_\_\_\_\_
11. Are there any new problems since your child entered care? \_\_\_\_\_  
\_\_\_\_\_
12. What would you need for your child to be returned home at this time? \_\_\_\_\_  
\_\_\_\_\_
13. Is there anything else about your child or family that you would like the Board to know? \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Form completed by: \_\_\_\_\_ Date: \_\_\_\_\_

THANK YOU. PLEASE RETURN FORM TO:

State of Alaska Department of Administration  
Foster Care Review Division  
900 West 5th Avenue Suite 710  
Anchorage, Alaska 99501

Call 907/258-6104 to respond to questionnaire by phone.  
FAX NUMBER ONLY: 907/258-1651

Foster Parent Questionnaire

Date of Review: \_\_\_\_\_

Name of Child \_\_\_\_\_ Please return by \_\_\_\_\_

1. When did this child come to your home? \_\_\_\_\_ Child's last physical exam? \_\_\_\_\_
2. What is your understanding of why this child came into care? \_\_\_\_\_  
\_\_\_\_\_
3. What are this child's special needs? (medical, dental, psychological, educational) \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_
4. Describe how these needs are or are not being met. \_\_\_\_\_  
\_\_\_\_\_
5. Have you requested services? \_\_\_\_\_  
Are these services being provided? \_\_\_\_\_
6. What do you understand to be the plan for this child? \_\_\_\_\_  
\_\_\_\_\_
7. Describe the child's visitation arrangement. \_\_\_\_\_  
\_\_\_\_\_
8. Have there been any problems with these arrangements? \_\_\_\_\_  
\_\_\_\_\_
9. Describe the contact you have had with the child's caseworker. \_\_\_\_\_  
\_\_\_\_\_
10. Describe the contact you have had with the child's guardian ad litem. \_\_\_\_\_  
\_\_\_\_\_
11. In general, how has this child been doing in your home? \_\_\_\_\_  
\_\_\_\_\_
12. Is the foster care payment you receive enough to care for this child and her/his needs? \_\_\_\_\_
13. Is there anything else about the child or family that you would like the Board to know? \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_
14. My home is licensed for \_\_\_\_\_ foster children. I have \_\_\_\_\_ foster children in my home as of this date.

Form completed by: \_\_\_\_\_ Date: \_\_\_\_\_

**THANK YOU. PLEASE RETURN FORM TO:**

State of Alaska Department of Administration  
Foster Care Review Division  
900 West 5th Avenue Suite 710  
Anchorage, Alaska 99501

Call 907/258-6104 to respond to questionnaire by phone.  
FAX NUMBER ONLY: 907/258-1651

**ANCHORAGE CITIZEN FOSTER CARE REVIEW PANEL**  
**Social Worker Questionnaire**  
(DFYS and, if appropriate, Tribal Social Worker)  
Date of Review: \_\_\_\_\_

Name of Child(ren) \_\_\_\_\_ Please return by \_\_\_\_\_

1. When did your agency first have contact with the family? (describe) \_\_\_\_\_  
\_\_\_\_\_
  - What was the problem that brought this child into care? \_\_\_\_\_  
\_\_\_\_\_
  2. Is there a written Case Plan/Service Plan at this time? \_\_\_\_\_  
If not, why not? \_\_\_\_\_
  3. Were the parents involved in developing the plan? \_\_\_\_\_
  4. What services are being provided to the family at this time? \_\_\_\_\_  
\_\_\_\_\_
  5. Is the family accepting the services offered? \_\_\_\_\_ What additional services has the family requested?  
\_\_\_\_\_
  6. Have any of the conditions that caused the child to come into foster care changed? \_\_\_\_\_  
Please explain. \_\_\_\_\_  
\_\_\_\_\_
  7. How long do you think it will take to accomplish the plan? \_\_\_\_\_
  8. Can you think of any problems or barriers that keep this plan from succeeding? \_\_\_\_\_  
\_\_\_\_\_
  9. Describe the parent-child and sibling visitation arrangements. \_\_\_\_\_  
\_\_\_\_\_
  10. Do the initial problems that led to the placement still exist? \_\_\_\_\_
  11. What new problems developed since the initial intervention? How have these been responded to?  
\_\_\_\_\_
  12. Is there anything else about the child or family that you would like the Board to know? \_\_\_\_\_  
\_\_\_\_\_
  13. Date of child's first physical after entering care? \_\_\_\_\_ Most recent physical? \_\_\_\_\_
- Form completed by: \_\_\_\_\_ Date: \_\_\_\_\_

**THANK YOU. PLEASE RETURN FORM TO:**

State of Alaska Department of Administration  
Foster Care Review Division  
900 West 5th Avenue Suite 710  
Anchorage, Alaska 99501

Call 907/258-6104 to respond to questionnaire by phone.  
FAX NUMBER ONLY: 907/258-1651

ANCHORAGE CITIZEN FOSTER CARE REVIEW PANEL  
Attorney Questionnaire

Date of Review: \_\_\_\_\_

Name of Child \_\_\_\_\_ Please return by \_\_\_\_\_

1. What do you understand to be this child's permanency plan? \_\_\_\_\_  
\_\_\_\_\_
2. Can you think of any problems or barriers that are keeping this plan from succeeding? \_\_\_\_\_  
\_\_\_\_\_
3. How long do you think it will take to accomplish the plan? \_\_\_\_\_
4. What additional services do you feel could or should be provided to this family? \_\_\_\_\_  
\_\_\_\_\_
5. Have any of the conditions that caused the child to come into foster care changed? \_\_\_\_\_ Please explain.  
\_\_\_\_\_
6. Do you feel that the child could return home at this time with appropriate support services? \_\_\_\_\_  
If so, what services do you feel would be needed. \_\_\_\_\_  
\_\_\_\_\_
7. What new problems, if any, have developed since the initial intervention? \_\_\_\_\_  
\_\_\_\_\_
8. Is there anything else about the child or family that you would like the Board to know? \_\_\_\_\_  
\_\_\_\_\_

Form completed by: \_\_\_\_\_ Date: \_\_\_\_\_

Relationship to case: \_\_\_\_\_

THANK YOU. PLEASE RETURN FORM TO:

State of Alaska Department of Administration  
Foster Care Review Division  
900 West 5th Avenue Suite 710  
Anchorage, Alaska 99501

Call 907/258-6104 to respond to questionnaire by phone.  
FAX NUMBER ONLY: 907/258-1651

ANCHORAGE CITIZEN FOSTER CARE REVIEW

Information/Instructions for Interested Parties

WHEN YOU ARRIVE:

Another review may be in progress when you arrive. Please wait outside the review panel room until you are called. The Review Specialist will escort you into the review. It is important that you arrive on time; however, if you are unavoidably detained, please call us to advise us of your anticipated arrival time.

APPEARING BEFORE THE PANEL:

During the review process, you will not be sworn in. The review panel will ask you if you have information that you wish to provide. You may make a statement either verbally or in writing. In addition, the review panel may have some questions to ask of you. If you have any additional information that you wish to provide, please inform the chairperson of the review panel. If you are confused or do not understand what is happening, please feel free to ask questions of the Review Specialist or the Review Panel Chairrerson.

Usually the child's parents, the DFYS Social Worker, the guardian ad litem and the child (if over ten years of age) will be present throughout the review. Interested parties will be heard from one at a time. Interested parties may not question one another.

ATTORNEYS:

Legal counsel may accompany you to the review. The reviews are not adversary proceedings, and the same rules do not apply as in the courtroom.

TAPE RECORDING:

Information and proceedings of the review panels are confidential. The proceedings are tape recorded.

MAKING RECOMMENDATIONS:

After hearing all of the interested parties, the review panel will make its recommendations. Interested parties are not present during that part of the review. The recommendations from the panel will be mailed to all interested parties.

IF YOU CANNOT ATTEND:

We think it is important that you attend this review, and we encourage your participation in person. However, if you are unable to attend at the scheduled time, we request that you complete and return the enclosed questionnaire or your own written statement by \_\_\_\_\_ . A self addressed envelope is enclosed for your convenience. You also may call our office at 258-6104.

QUESTIONS:

For any questions or concerns, please contact \_\_\_\_\_  
Review Specialist at 258-6104.

Form 11/93

ADVISING CHILD OF REVIEW

Review Specialist will determine the age of the child.

Review Specialist will contact the G.A.L. of those children under the age of ten years to request that the G.A.L.:

- determine whether the child should participate in the review;  
and
- assist the child to prepare a statement to the panel when the child will not be attending.

Review Specialist will, in conjunction with the G.A.L., arrange to meet with the child over ten to:

- advise the child of the review;
- determine whether the child wishes to attend;
- assist the child who does not wish to attend to prepare a statement to the panel.

**CHILD OVER TEN YEARS OF AGE QUESTIONNAIRE**

(Assistance in completing this questionnaire should be provided by the Review Specialist or G.A.L. prior to the review meeting.)

Name: \_\_\_\_\_ Date of Review: \_\_\_\_\_

1. How long have you been in the home you are in now? \_\_\_\_\_
2. Are you safe where you live now? \_\_\_\_\_
3. Is there anything you want the panel to know about where you live now? \_\_\_\_\_
4. Have you asked for help with any problems you are having? \_\_\_\_\_  
Are you getting help? \_\_\_\_\_
5. Are there services you would like to get or programs you would like to participate in? \_\_\_\_\_
6. Please tell us why you would like to get these services or be in these programs? \_\_\_\_\_
7. What do you understand the plan is for you and your future? \_\_\_\_\_  
\_\_\_\_\_
8. Are you visiting your mom and dad? \_\_\_\_\_ Your brothers and sisters? \_\_\_\_\_ How often? \_\_\_\_\_  
Is there anyone else you would like to visit? (for example: grandparent, aunt, uncle) \_\_\_\_\_
9. Have you missed any visits because it was unclear when or where you were supposed to visit or because there was no one to give you a ride to the visit? \_\_\_\_\_
10. When was the last time you saw your social worker? \_\_\_\_\_  
\_\_\_\_\_ When was the last time you talked to your social worker on the phone? \_\_\_\_\_
11. When was the last time you saw your G.A.L. (attorney)? \_\_\_\_\_  
Talked to your G.A.L. (attorney) on the phone? \_\_\_\_\_
12. How are you doing in school? \_\_\_\_\_  
How are you doing in your foster home? \_\_\_\_\_  
How are things going with your friends? \_\_\_\_\_
13. If you are 16 or over, has anyone talked to you about an independent living plan (balancing a checkbook, driving a car, applying for a job, cooking, etc.)? \_\_\_\_\_  
\_\_\_\_\_
14. Is there anything else about you that you would like the Panel to know? \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

INFORMATION FROM DFYS;  
WHAT IS FOSTER CARE

Foster care is a program designed to provide a substitute family life experience in an agency-approved household for a child who needs care for a temporary or extended period of time; during this time the child's biological family is either non-existent or dysfunctional. The primary goal of foster care is to reunite families or to insure the child will leave foster care for a permanent placement. Foster care is founded on the premise that all children have the right to physical care and educational and emotional nurturance. Foster parenting is not a lifetime commitment to a child, but a commitment to be meaningful during a child's lifetime.

FACTS AND FIGURES

FOR INFORMATION REGARDING FOSTER CARE LICENSING, CONTACT:

Licensing Unit  
Division of Family and Youth Services  
Department of Health and Social Services  
550 West 8th Avenue, Suite 201  
Anchorage, Alaska 99501

Phone 276-1450

CURRENT RATES FOR FOSTER CARE RE-IMBURSEMENT:

Ages:	0-30 MONTHS	\$19.33 per day	}	<i>This info needs to be updated Ask DFYS</i>
	30 mo - 1 day-11 yrs	\$17.18 per day		
	12 and over	\$20.40 per day		
	Emergency placements	\$24.58 per day		

	Yes	No
1. Do I have to be wealthy?		X
2. Do I need to be able to support myself and not be dependent on income received from being a foster parent?	X	
3. Do I need to own my own home?		X
4. Does each child have to have his/her own bedroom?		X
5. Can I be a single foster parent?	X	
6. Do I need to have children of my own?		X
7. Do I need to provide transportation for foster children?	X	
8. Do I have any contact with birth parents?	X	
9. Will I be able to adopt my foster children?		X

# FINANCIAL MATTERS

## FINANCIAL ARRANGEMENTS AND REIMBURSEMENT PROCEDURES

Standard rates  
 Emergency shelter payment rates  
 Runaway status  
 Augmented rates  
 Special needs requests  
 How the payment system operates

## INSTRUCTIONS FOR COMPLETING THE A&I FORM

Left side of the form  
 Right side of the form

## WHAT TO DO IF YOUR CHECK DOES NOT ARRIVE OR IS NOT ACCURATE



## FINANCIAL ARRANGEMENTS AND REIMBURSEMENT PROCEDURES

Foster home care payment rates are established yearly by the Division of Administrative Services of the Alaska Department of Health and Social Services. Foster home care rates include standard rates, emergency shelter rates and augmented rates.

### Standard rates

Standard rates for foster home care include payment for the following, once the proposed regulations are in effect:

1. Food, including meals and snacks.
2. Clothing replacement.
3. Shelter, including utilities and use of household furnishing and equipment.
4. Daily supervision, including those activities which a parent would normally carry out to assure protection, emotional support and care of the child.
5. Personal items and grooming care for the foster child such as toothbrushes, diapers, haircuts and other essentials.
6. School supplies and regular school activities.

7. Games, toys, books and equipment, like skates, and other items costing less than \$50 per item, that are appropriate to the ages of children in care in sufficient quantity to promote normal growth and development.
8. General recreation of the foster child such as picnics, community sports and movies.
9. Usual transportation expenses on behalf of the foster child, including the purchase of bus passes for children old enough to take buses, and reasonable local travel to the child's home for visitation.
10. An allowance for the foster child.
11. Babysitting and child care, except as provided in 7 AAC 53.050(b)(5).
12. Other items which are normal and usual in the care and supervision of a child.

Payment rates vary by region. A new rate schedule will be sent to you each year.

#### Emergency shelter payment rates

Emergency shelter rates are paid for a maximum of 30 days on any one placement.

#### Runaway status

If a foster child runs from your home and it has not been determined whether the child will be returned to your home, foster care rates may be continued for a maximum of five days after the child has run. This five day payment may be made whether or not the child returns, as long as the social worker/probation officer was notified within 12 hours from the time that the child's runaway status was established. If the child does not return within the five day period, that foster care space becomes available on the sixth day unless other arrangements are made with the social worker or probation officer. If DFYS determines within the first five days that the child will not return, payment will continue through the date of the determination, not the full five days.

For example, John Jones was in your home from October 1 through October 11. On October 12, John ran. He returned to your home on October 22. Payment would be made for October 1 through October 16 provided that you notified the social service worker of the child's absence within 12 hours. No payments would be made for October 17, 18, 19, 20 and 21. Payment would resume on October 22.

PRIMARY RESPONSIBILITIES OF GUARDIAN AD LITEM OR CASA  
(Contrasted with a brief description of Social Worker's Role)  
Compiled by Candace E. Wheeler, MSW  
Anchorage Citizen Foster Care Review  
4/27/94

Social Worker

1. By law must represent established public policy on every case, i.e. family reunification.
2. Pursues goal of reuniting child with custodial parent, providing child's safety is assured.
3. Gathers information from child, family, caretakers, interested persons, expert sources (i.e. educational, medical, counseling), law enforcement, etc.
4. Makes decisions on day-to-day casework issues, i.e. services needed, placement, visitation.
5. Shares information with clients, GAL/CASA, attorneys, and the court.
6. Assists Attorney General in writing the CINA petition.

GAL/CASA

- Must represent best interest of each child; not bound by public policy. Note that the GAL's decision as to what is best for the child may not be the same as what the child wants. Where there is a significant conflict between the two, the court may appoint an attorney to represent the child's wishes.
- Seeks cooperative solutions to the child's situation within the scope of the child's interest and welfare. These solutions may be reunification, or may not.
- Gathers information from the same sources as DFYS, with the addition of access to the DFYS file. (In some instances you may find that the GAL gathers information that the social worker did not have time to solicit, notably such things as teacher comments and direct feedback from foster parents.)
- Makes recommendations on day-to-day casework issues.
- Shares information with the court, the social worker, attorneys and clients.
- Shares information as needed with the Attorney General for amending the CINA petition.

7. Assists Attorney General in presenting evidence to support the allegations in the CINA petition; has burden of proof.

8. Provides services directly; refers clients to appropriate service providers. May pay for counseling, urinalysis, etc.

9. Is responsible for monitoring child's and parents' compliance with court orders.

10. Through the Attorney General, may request judicial review of case.

11. Files the predisposition report to the court ten days prior to the disposition hearing.

12. Appears at all hearings represented by the Attorney General.

Presents factual information regarding child's and family's situation; may or may not support allegations in petition.

Recommends/advocates for services but does not provide them. (In selected cases some CASAs or GALs take a more active role, such as supervising visits.) In court the GAL asks that clear and specific orders are entered for the evaluation services, placement and treatment of the child and the child's family.

Is responsible for monitoring implementation of service plans and dispositional orders to determine whether services ordered by the court are actually provided in a timely manner and are accomplishing the desired goal(s). May also monitor parents' and child's compliance.

May request judicial review of case. Should inform the court promptly if services are not being made available to the child and/or family, if the family fails to take advantage of such services, if services are not achieving their purpose, and bring to the court's attention any violation of orders, new developments, or changes in the child's circumstances.

Files the GAL report to the court five days prior to the disposition hearing.

Appears at all hearings to represent the child's best interests, providing testimony and/or ensuring that appropriate witnesses are examined.

*We are changing this statute with notes to cover the change  
might help you understand what local panels do.*

## CITIZEN REVIEW OF CHILDREN IN OUT OF HOME CARE

Summary of Alaska Statute 47.10.400-490

-Citizen Review Panel for Permanency Planning (Enabling Statute)

### APPOINTMENT OF CITIZEN REVIEW PANELS

Under this statute, the governor appoints the members of the out of home care review panels. These panelists are local volunteers who serve staggered three year terms in five member panels.  
(AS 47.10.420)

### DUTIES OF LOCAL PANELS

1. Review the case plan of each child who is in the legal custody of the Department of Health and Social Services and who is in a placement out of the child's own home:
  - a. within 180 days after the child is initially removed from the child's home; and
  - b. every six months thereafter.
2. Consider as part of the case plan review, any progress reports of the Department, or the guardian ad litem, court records, and other relevant information about the child and the child's family.
3. During a review:
  - a. determine whether a child has a case plan designed to achieve placement in the least restrictive, most family like setting available in close proximity to the home of the child's parents that is consistent with the best interests, special needs, and circumstances of the child;
  - b. evaluate:
    - 1) the continuing necessity and appropriateness of the child's placement;
    - 2) the extent of the compliance with the child's plan; and
    - 3) the extent of the progress that has been made toward mitigating the cause that necessitated placement away from the child's parents.
  - c. ascertain the date by which it is likely the child may be returned to the home or placed for adoption or legal guardianship;
  - d. determine whether there has been compliance with applicable provisions of 25 U.S.C. 1901-1963 (The Indian Child Welfare Act) and other applicable state and federal laws; and

Duties of Local Panels, continued:

- e. determine whether there has been compliance with court review requirements of AS 47.10.080(f) and (l) and with 48.10.142(h).
4. Provide written notice to the following persons that a review will be conducted and that they may participate in the review:
    - a. the Department of Health and Social Services;
    - b. the child or the child's legal representative;
    - c. each of the child's parents;
    - d. the child's guardian;
    - e. the child's guardian ad litem;
    - f. the child's out of home care providers; and, if the case is governed by 25 U.S.C. 1901 - 1963 (The Indian Child Welfare Act),
    - g. the child's Indian Custodian; and
    - h. the designated representatives of the child's tribe, if the tribe has intervened in the case.
  5. Provide the following persons an opportunity to be interviewed by the panel in person or by telephone, or to submit written material to the panel:
    - a. the child, if the child is ten years of age or older;
    - b. the parents, custodians, or other relatives of the child;
    - c. the child's out of home care provider;
    - d. the child's guardian;
    - e. the child's guardian ad litem;
    - f. the social worker assigned to the case; and
    - g. if the case is governed by 25 U.S.C. 1901-1963 (The Indian Child Welfare Act),
      - 1) the child's custodian;
      - 2) the designated representative of the child's tribe, if the tribe has intervened in the case; and
    - h. other persons with a close personal knowledge of the case.

Duties of Local Panels, continued:

6. Permit a child over ten years of age, who so requests, to be present while some or all of the persons identified in Section 4 are interviewed by the panel, unless the panel determines for good cause that the child's presence would be contrary to the child's best interests. (Children under ten may be present at such interviews at the discretion of the child's guardian ad litem.)

7. Within 30 days of the review, issue a report and make an advisory recommendation based on the best interests of the child in accord with AS 47.10.082, including notification of the right to request court review under AS 47.10.080(f).

8. Submit the report and advisory recommendation required under Section 7:

a. to the court at least twenty days before a scheduled review hearing; and

b. to the persons listed in Section 4 within thirty days after the review.  
(AS 47.10.440)

CONFIDENTIALITY

Persons appointed to serve on Citizen Review Panels shall swear or affirm to keep confidential all information that comes before the panel, except:

1. information for reports required under AS 747.17 or as required by court order for good cause shown.

2. information that is shared with other panel members or staff to the panel during a review. (AS 47.10.420(e); AS 47.10.460(b))

INDEMNIFICATION OF PANEL MEMBERS

Panel members shall be indemnified (shielded) by the state from civil liability for a negligent act or omission of the panel member that occurs in the performance of the member's duties, unless the civil liability results from the panel member's violation of the oath of confidentiality. (AS 47.10.480)

## THE FEDERAL ADOPTION ASSISTANCE AND CHILD WELFARE ACT

Requirements of Public Law 96-272 -- 42 U.S.C. Section 671 - 675

In creating PL 96-272, the United States Congress recognized the need to divert funds away from foster care and channel funds toward other alternatives. Congress also recognized, however, that a redirection of funds alone would not be sufficient to address the problems in the child welfare system nationwide or to protect children and their families from abuse by this system. The reforms mandated by PL 96-272 are described below. These reforms are essential elements in any child welfare system designed to ensure permanence for children.

### 1. CASE PLANS

To ensure permanence for all children PL 96-272 requires that the state develop a written case plan on each child in care. This plan must be designed to achieve "placement in the least restrictive (most family like) setting available and in close proximity to the parent's home, consistent with the best interest and special needs of the child."

In order for a state agency to receive federal funds for these programs, these case plans must specifically describe:

- a. the type and appropriateness of the child's placement;
- b. the care and services that will be provided to the child, biological parents and foster parents;
- c. how the care and services will meet the needs of the child while in care and will facilitate the child's return home or other permanent placement;
- d. plans for carrying out the voluntary placement agreement or judicial determination that brought the child into care;
- e. the appropriateness of the services to be provided to the child and family under this plan.

### 2. SEMIANNUAL REVIEWS AND DISPOSITIONAL HEARINGS

With regard to periodic case review, PL 96-272 specifically requires:

- a. a two-tiered review system to be in place, with review by a court or administrative body at least every six months and a dispositional hearing by a court or judicially sanctioned body within eighteen months of placement and periodically thereafter;
- b. a six month review panel to consider the continuing need for placement, compliance with the case plan, progress made on the plan and a projected date for permanent placement of the child;

- c. that six month reviews be conducted by an impartial body, either a court or an administrative body that includes at least one member not responsible for case management or service delivery to the family or child in question;
- d. that the six month review be open to the parents for their participation;
- e. that the court hearing be for the purpose of determining the future status of the child and for determining efforts necessary to provide the child with a permanent family;
- f. that the review process continue throughout the child's placement in foster care

### 3. PROCEDURAL SAFEGUARDS

By requiring states to have procedural safeguards Congress recognized that state intervention into family life is a serious action that may violate fundamental constitutional rights. Public Law 95-272 requires each state to develop safeguards relevant to these four areas:

- a. removal of the child from the home
- b. changes in the child's placement
- c. determinations affecting visitation by parents
- d. voluntary placement of children

### 4. PREVENTATIVE AND REUNIFICATION SERVICE PROGRAMS

Public Law 95-272 requires that all states develop programs to prevent the unnecessary placement of children in foster care and to reunite children with their families. Federal funding for each state hinges on the development and implementation of such programs.

### 5. INVENTORY AND INFORMATION SYSTEMS

In order to assess the status and progress of children in state systems, all states were required to do an initial inventory of all children in foster care. Subsequently, tracking systems were required to be put into place in order to produce data on all children and to continue monitoring their progress through the system. This data must be available for all children currently in care or in care during the preceding twelve months. Reports from this system must be made to the U.S. Department of Health and Human Services on a periodic basis.