

**HB**

**340**

HOUSE COMMITTEE REPORT

(7)

Date Referred to Committee: April 3, 1998

FURTHER REFERRALS:

Judiciary

Date of Committee Action: 4/30/98

The HEALTH, EDUCATION AND SOCIAL SERVICES Committee considered:

SSHB 340

SPONSOR SUBSTITUTE FOR HOUSE BILL NO. 340

TESTIMONY AT CINA HEARINGS; CHILD ABUSE

"An Act relating to child abuse and neglect, child-in-need-of-aid proceedings, delinquency hearings, and review of cases involving certain children who are in the custody of the state; relating to the crime of endangering the welfare of a minor; relating to disclosure of information about children and their families; amending Rules 3, 7, 10, 15, 17 - 19, and 22, Alaska Child in Need of Aid Rules; amending Rules 3, 7, 10, 12, 21, 23, and 25, Alaska Delinquency Rules; and providing for an effective date."

recommends it be replaced with the following committee substitute CS SS HB 340 (HES) [X] 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)

[X] fiscal note(s) ④ H+SS, ② Law, Court System

[ ] fiscal note(s) \_\_\_\_\_

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

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

SIGNING WITH RECOMMENDATIONS	DP	DNP	NR	AM
<i>[Signature]</i>	✓			
<i>[Signature]</i>			✓	
<i>[Signature]</i>			✓	
<i>[Signature]</i>			✓	

CHAIR'S SIGNATURE *[Signature]*

# FISCAL NOTE

**STATE OF ALASKA  
1998 LEGISLATIVE SESSION**

**BILL NO. SSHB 340 |**

Revision Date (Note if correction)		Dept Affected	Law
Title	An Act related to child abuse and neglect, child-	BRU	Criminal Division
	in-need-of-aid proceedings, delinquency hearings, and	Component	3rd Judicial District Anchorage
Sponsor	Rep. Hodgins		
Requester	House HESS Committee	Component Serial No	2281

**Expenditures/Revenues**

(Thousands of Dollars)

OPERATING EXPENDITURES	FY 99	FY 00	FY 01	FY 02	FY 03	FY 04
Personal Services	187.3	187.3	187.3	187.3	187.3	187.3
Travel	0.5	0.5	0.5	0.5	0.5	0.5
Contractual	31.2	31.2	31.2	31.2	31.2	31.2
Supplies	3.0	3.0	3.0	3.0	3.0	3.0
Equipment	13.0					
Land & Structures						
Grants & Claims						
Miscellaneous						
<b>TOTAL OPERATING</b>	<b>235.0</b>	<b>222.0</b>	<b>222.0</b>	<b>222.0</b>	<b>222.0</b>	<b>222.0</b>

<b>CAPITAL EXPENDITURES</b>						
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<b>CHANGE IN REVENUES ( )</b>						
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**FUND SOURCE**

(Thousands of Dollars)

1002 Federal Receipts						
1003 GF Match						
1004 GF	235.0	222.0	222.0	222.0	222.0	222.0
1005 GF/Program Receipts						
1037 GF/Mental Health						
Other (Specify Type)						
<b>TOTAL</b>	<b>235.0</b>	<b>222.0</b>	<b>222.0</b>	<b>222.0</b>	<b>222.0</b>	<b>222.0</b>

Estimate of any current year (FY98) cost:

**POSITIONS**

Full-time	2	2	2	2	2	2
Part-time						
Temporary						

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

SSHB 340 creates a new C felony crime for a parent or guardian who has the child (under 10 years of age) in their care to be incapacitated by alcohol or drugs, or to have drugs in the house. In addition, the bill makes false report of child abuse or neglect a C felony as well.

A person being prosecuted of a felony offense is entitled to a jury trial, with all the associated costs. Several hundred felony drug cases are prosecuted annually in Anchorage alone, and alcohol is a factor in most crimes in Alaska. The department believes that Section 1 has the potential to create hundreds of new felony cases. However, at least with cases involving drugs, many of these individuals would likely be charged with a felony drug offense in any event, and the crime of endangering the welfare of a child would be another charge in a case already being prosecuted. The

Prepared by Joan M. Kasson *Joan M. Kasson*  
 Division Attorney General's Office  
 Approved by Commissioner Bruce M. Botelho Attorney General  
 Agency Department of Law

Phone 485-5370  
 Date 4/22/98  
 Date 4/22/98

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FISCAL NOTE

STATE OF ALASKA  
1998 LEGISLATIVE SESSION

BILL NO. SSB 340

ANALYSIS CONTINUATION

department anticipates the addition of one attorney and one paraprofessional in the Anchorage District Attorney's Office would be necessary to respond to this new crime, simply due to the volume of cases in that community. No positions are requested for the rest of the state, and the department would want to wait and assess the impact of the change in law after it occurred.

The potential impact of making false report of child abuse and neglect a felony is uncertain. The department believes that many people who are alleged to have committed child abuse and neglect will claim in retaliation that the report was falsely represented. This change has the potential for a great deal of new work for both police and prosecutors, but the outcome is too speculative to assign costs at this time.

Costs are based on the FY98/99 Civil Division standard cost allocation plan (\$133,516 per attorney and \$88,486 per paraprofessional), and include normal overhead costs such as copies, telecommunication, leases and clerical support. One time new equipment costs of \$6,500 per position are not included in the rate and are added separately.

STATE OF ALASKA  
1998 LEGISLATIVE SESSION

BILL NO. SSHB340

Revision Date: \_\_\_\_\_ Dept. Affected: Health and Social Services  
 Title: Relating to child abuse and neglect BRU: Purchase Services  
 Component: Foster Care Special Needs  
 Sponsor: Hodgins COMPONENT SERIAL NO: 223K  
 Requirer: House (HES) See also (SN#): 259,254,255

Expenditures/Revenues: (Thousands of Dollars)

OPERATING	FY99	FY00	FY01	FY02	FY03	FY04
PERSONAL SERVICES						
TRAVEL						
CONTRACTUAL						
SUPPLIES						
EQUIPMENT						
LAND & STRUCTURES						
GRANTS, CLAIMS	2,700.0	2,700.0	2,700.0	2,700.0	2,700.0	2,700.0
MISCELLANEOUS						
<b>TOTAL OPERATING</b>	<b>2,700.0</b>	<b>2,700.0</b>	<b>2,700.0</b>	<b>2,700.0</b>	<b>2,700.0</b>	<b>2,700.0</b>

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

1002 Federal Receipts						
1003 GF Match						
1004 GF	2,700.0	2,700.0	2,700.0	2,700.0	2,700.0	2,700.0
1005 GF/Program Receipts						
1037 GF/Mental Health						
Other (please specify)						
<b>TOTAL</b>	<b>2,700.0</b>	<b>2,700.0</b>	<b>2,700.0</b>	<b>2,700.0</b>	<b>2,700.0</b>	<b>2,700.0</b>

POSITIONS:

FULL-TIME						
PART-TIME						
TEMPORARY						

Estimate of any current year (FY00) cost: \$0.0

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

Secs. 4, 5 and 6 of this sponsor substitute require that notice of every Child In Need of Aid hearing be given to grandparents, current and former foster parents, and health care providers. The court system estimates that accepting testimony from all additional individuals who wish to attend will lengthen hearings by 30 minutes. The division estimates that it will take, at minimum, an additional fifteen minutes to check the records to make sure that the Assistant Attorneys General have current information regarding foster parents and health care providers.

Although no state agency has statewide information on how many CINA hearings are held each year, the Anchorage Family Court does track that information. According to those records, 1145 CINA hearings were held in Anchorage during calendar year 1997, and the Anchorage court hears 48% of the state's CINA cases. Consequently, it is estimated that there are 2385 CINA hearings held in Alaska per year. According to Division of Family and Youth Services records as of 4/1/98, SCRO had 1340 cases with CINA orders (62% of the statewide total), NRO had 674 (31%), and SERO had 148 (7%). Therefore, we estimate that SCRO staff must participate in 1,479 hearings (X .75 hours = 1,109 hours), NRO in 739 hearings (615 hours), and SERO in 167 hearings (125 hours).

Prepared by: Russ E. Webb, Deputy Commissioner Phone: 465-1030  
 Division: Family & Youth Services Date: 01/22/98  
 Approved by Commissioner: Karen Petros, Commissioner Date: 1/22/98  
 Agency: Department of Health & Social Services

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**ANALYSIS (cont.):**

The additional .75 hours of social work time per hearing required by HB 340, applied against the actual social worker time available for direct client work, will result in 12 full months in SCRO, 6 full months in NRO. The incidental time SERO will be supported by existing staff.

Sec. 7 requires that the department report monthly, rather than annually, on efforts to secure a permanent placement for a child whose parental rights have been terminate and who has been placed with the department for adoptive purposes. Such reports will require, at a minimum, 1 hour to prepare. The division currently has 115 children with both parents' rights terminated in SCRO, 73 in NRO, and 13 in SERO. This provision of HB 340 will result in the need for 1 full-time Social Worker III in SCRO and 6 full months for a SW III in NRO. The incidental time in SERO will be supported by existing staff.

Sec. 28 requires that respite shall be paid in addition to the moneys paid for basic care. If respite were required for each client and incorporated into the payment the projected cost would be \$2,691,275. This is calculated by utilizing FY97 Full Time Equivalent (FTE's) 850.5 and increasing it by 20% to account for the increase in clients in foster care. The total projected FTE's for FY99 would be a conservative 1,021. Thus 1,021 FTEs multiplied by the annual projected respite cost of \$2,635.92 per client totals \$2,691,275.

In FY97 69 Foster Care Rate Augmentations included respite:

Average hours per month for each client was 42.57 hours (2,937.06 hours / 69 clients)

Average cost per hour for each client was \$5.16 (\$15,157.70 hours / 2,937.06 hours)

Average monthly cost for each client would be \$219.66 (42.57 hours \* \$5.16/hour)

Average annual cost for each client would be \$2,635.92 (\$219.66/mos \* 12 mos/year)

Other factors to be included would be the projected cost to rewrite the DFYS regulations for respite care which is estimated at \$ 50,000.

# FISCAL NOTE

**STATE OF ALASKA**  
**1998 LEGISLATIVE SESSION**

**BILL NO. SSHB 340**

Revision Date (Note if correction) \_\_\_\_\_ Dept. Affected Law  
 Title An Act related to child abuse and neglect, child- BRU Civil Division  
in-need-of-aid proceedings, delinquency hearings, and Component Human Services  
 Sponsor Rep. Hodgins  
 Requester House HESS Committee Component Serial No. 2208

**Expenditures/Revenues (Thousands of Dollars)**

OPERATING EXPENDITURES	FY 99	FY 00	FY 01	FY 02	FY 03	FY 04
Personal Services	175.6	175.6	175.6	175.6	175.6	175.6
Travel	0.5	0.5	0.5	0.5	0.5	0.5
Contractual	28.7	28.7	28.7	28.7	28.7	28.7
Supplies	2.8	2.8	2.8	2.8	2.8	2.8
Equipment	13.0					
Land & Structures						
Grants & Claims						
Miscellaneous						
<b>TOTAL OPERATING</b>	<b>220.6</b>	<b>207.6</b>	<b>207.6</b>	<b>207.6</b>	<b>207.6</b>	<b>207.6</b>

<b>CAPITAL EXPENDITURES</b>						
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<b>CHANGE IN REVENUES ( )</b>						
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**FUND SOURCE (Thousands of Dollars)**

FUND SOURCE	FY 99	FY 00	FY 01	FY 02	FY 03	FY 04
1002 Federal Receipts						
1003 GF Match						
1004 GF	220.6	207.6	207.6	207.6	207.6	207.6
1005 GF/Program Receipts						
1037 GF/Mental Health						
Other (Specify Type)						
<b>TOTAL</b>	<b>220.6</b>	<b>207.6</b>	<b>207.6</b>	<b>207.6</b>	<b>207.6</b>	<b>207.6</b>

Estimate of any current year (FY98) cost: \_\_\_\_\_


**POSITIONS**

	FY 99	FY 00	FY 01	FY 02	FY 03	FY 04
Full-time	1	1	1	1	1	1
Part-time	1	1	1	1	1	1
Temporary						

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

SSHB 340 makes numerous amendments to the the child in-need-of-aid (CINA) and juvenile delinquency statutes. Several of these changes are anticipated to increase costs to the Civil Division's Human Services sections.

The bill requires notice to certain individuals for all proceedings, and adds to the list of individuals who must be notified of CINA proceedings to include grandparents, healthcare providers, and current and previous foster parents, if any. Under current law, only parents of the child or the child's guardian, and the guardian ad litem must be notified. In addition, these persons are entitled to be heard by the court during the proceeding.

Prepared by Joan M. Kasson  Phone 485-5370  
 Division Attorney General's Office Date 4/22/98  
 Approved by Commissioner Bruce M. Botelho, Attorney General Date 4/22/98  
 Agency Department of Law

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## FISCAL NOTE

STATE OF ALASKA  
1998 LEGISLATIVE SESSION

BILL NO. SSB 340

### ANALYSIS CONTINUATION

The Department of Law assumes, that since most of the additional individuals who must be notified of proceedings under this bill are not parties to the cases, the courts will permit notice by mail, rather than requiring process servers to actually physically serve the individuals, with newspaper advertising follow-up when an individual cannot be readily located. This latter, more rigorous, notice process would likely lead to delays of hearings as the individuals are located, and to associated increases in costs. The fiscal note estimates are based on this assumption. If the more rigorous notice process is required, the costs will be greater.

Extrapolating statewide from information provided by the Anchorage Children's Court, the Department of Law estimates that there may be approximately 2,400 hearings annually. Providing notice will require getting the names and addresses of the individuals, mailing the notice, and providing proof of service to the court. Presumably, the Division of Family and Youth Services (DFYS) will be able to provide names and addresses from their file. In some circumstances, however, further research will be necessary to determine who should receive notice. The Department of Law anticipates that any difficulty would be primarily associated with finding grandparents, and estimates approximately 30 minutes of paraprofessional time will be necessary, at least for notice of the first hearing on probable cause, and perhaps 5 to 10 minutes per remaining hearing. Probable cause hearings are estimated to be approximately 30 percent of the total number of hearings. Total paraprofessional time anticipated to be necessary to do the research on notice is between 500 and 640 hours.

The court system estimates that accepting testimony from the additional individuals will lengthen hearings, on the average, by 30 minutes each, for a total of approximately 1,193 attorney hours (2,385 x 15).

Section 7 of the bill requires the Department of Health and Social Services report monthly to the court, rather than annually, on efforts to secure permanent placement for a child whose parental rights have been terminated. These reports must be filed, and read, by Assistant Attorney Generals. DFYS estimates there will be approximately 192 reports to be filed each month. Estimating 15 minutes for each report, approximately 576 additional attorney hours per year will be needed.

The total effect of these changes will require the addition of a three-quarter time attorney position in Anchorage, a half-time attorney position in Fairbanks, and \$40,754 for 566 hours of additional paraprofessional time. Costs are based on the FY98/99 standard cost allocation schedule (\$133,517 per full-time equivalent attorney, and \$71.94/hour for paraprofessionals), and include all normal overheads such as clerical support, communication, and lease space. One-time new equipment purchases are not included in the rate, and \$6,500 per position are added separately.

# FISCAL NOTE

STATE OF ALASKA  
1998 LEGISLATIVE SESSION

BILL NO. SSHB 340

Revision Date: \_\_\_\_\_  
Title: An Act relating to Child Abuse & Neglect

Dept. Affected: Alaska Court System  
BRU: Trial Courts

Sponsor: Rep. Hodgins  
Requestor: House HESS

Component: \_\_\_\_\_  
COMPONENT SERIAL NO. 788

**Expenditures/Revenues** (Thousands of Dollars)

OPERATING EXPENDITURES	FY 99	FY 00	FY 01	FY 02	FY 03	FY 04
PERSONAL SERVICES	69.9	69.9	69.9	69.9	69.9	69.9
TRAVEL						
CONTRACTUAL						
SUPPLIES						
EQUIPMENT						
LAND & STRUCTURES						
GRANTS & CLAIMS						
MISCELLANEOUS						
<b>TOTAL OPERATING</b>	<b>69.9</b>	<b>69.9</b>	<b>69.9</b>	<b>69.9</b>	<b>69.9</b>	<b>69.9</b>

**CAPITAL EXPENDITURES**

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**CHANGE IN REVENUES ( )**

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**Fund Source** (Thousands of Dollars)

1002 Federal Receipts						
1003 GF Match						
1004 OF	69.9	69.9	69.9	69.9	69.9	69.9
1005 GF/Program Receipts						
1007 GF/Mental Health						
Other						
<b>TOTAL</b>	<b>69.9</b>	<b>69.9</b>	<b>69.9</b>	<b>69.9</b>	<b>69.9</b>	<b>69.9</b>

Estimate of any current year (FY 98) cost: \$ None

**Positions**

Full-Time						
Part-Time	4	4	4	4	4	4
Temporary						

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

See attached fiscal analysis.

Prepared by: Doug Wooliver, Administrative Attorney  
Agency: Alaska Court System

Approved by: Stephanie J. Cole, Administrative Director  
Agency: Alaska Court System

Phone: 284-8265  
Date: 04/23/98

Date: 04/23/98

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**SSHB 340  
Fiscal Analysis  
Alaska Court System**

SSHB 340 makes several changes to the laws governing child in need of aid (CINA) cases. Most directly impacting the court system are the changes that allow a broader class of persons the right to be heard in CINA hearings.

Currently, in most CINA hearings the court will hear from the Department of Law (representing the Department of Health and Social Services), the guardian ad litem, the parents or guardian (or the attorney representing the parents or guardian) and, when appropriate, a tribal representative. Under the proposed changes to AS 47.10.030(b) and AS 47.10.070(a), the right to be heard would be expanded to include the child's custodian, grandparents, healthcare providers, and current and former foster parents.

In calendar year 1997, there were over 2,300 CINA hearings statewide. At the current rate there will be well over 2,500 this year.

Currently, the vast majority of CINA hearings are scheduled for one half hour. However, if additional witnesses are anticipated they are scheduled for one hour. Because it is assumed that most hearings will hear from at least some additional witnesses under this bill, it is estimated that CINA hearings will be scheduled for one hour rather than the current one half hour. This is a conservative estimate because it assumes that no hearings will actually have testimony presented by all, or even most, of the persons entitled to be heard under this bill. Such hearings would last considerably longer than one hour.

This increase will require additional standing master time in Anchorage as well as additional pro tem time for superior court judges in Bethel and Fairbanks.

This note does not include any additional costs associated with the criminal law changes made by the bill nor any additional costs associated with the likely lengthening of delinquency hearings due to the right of foster parents to be heard. Although both of these provisions will likely increase court costs, they are too speculative to estimate at this time.

Finally, this note does not reflect the significant increase in CINA cases that will result from the additional caseworkers and attorneys the Department of Health and Social Services plans to enlist to handle CINA issues in the future. Again, although this increase is certain, its impact is too speculative to estimate at this time.

Alaska Court System  
Fiscal Analysis  
SSHB 340

Personal Services

	<u>Salary</u>	<u>Benefits</u>	<u>Total</u>
Family Master, 24A, Anchorage, PPT, 4 months	\$ 21,712	\$ 4,707	\$ 26,419
In-Court Clerk, 12A, Anchorage, PPT, 4 months	9,644	2,091	11,735
Pro Tem Superior Court Judge, Fairbanks/Bethel, PPT, 3 months	14,625	7,129	21,754
In-Court Clerk, 12A, Fairbanks/Bethel, PPT, 3 months	8,214	1,781	<u>9,995</u>
Total Personal Services			<u>\$ 69,903</u>

STATE OF ALASKA  
1998 LEGISLATIVE SESSION

FISCAL NOTE

BILL NO. SSH8.40

Revision Date: \_\_\_\_\_  
Title: Relating to child abuse and neglect  
Sponsor: Hodgins  
Requestor: House (HES)

Dept. Affected: Health and Social Services  
BRU: Family and Youth Services  
Component: Southcentral Region  
COMPONENT SERIAL NO. 254  
See also (SN#): 255,2238,259

Expenditures/Revenues:

(Thousands of Dollars)

OPERATING	FY99	FY00	FY01	FY02	FY03	FY04
PERSONAL SERVICES	107.8	107.8	107.8	107.8	107.8	107.8
TRAVEL						
CONTRACTUAL						
SUPPLIES						
EQUIPMENT						
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
<b>TOTAL OPERATING</b>	<b>107.8</b>	<b>107.8</b>	<b>107.8</b>	<b>107.8</b>	<b>107.8</b>	<b>107.8</b>

CAPITAL EXPENDITURES						
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CHANGES IN REVENUES ( )						
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FUND SOURCE

(Thousands of Dollars)

1002 Federal Receipts						
1003 GF Match						
1004 GF	107.8	107.8	107.8	107.8	107.8	107.8
1005 GF/Program Receipts						
1037 GF/Mental Health						
Other (please specify)						
<b>TOTAL</b>	<b>107.8</b>	<b>107.8</b>	<b>107.8</b>	<b>107.8</b>	<b>107.8</b>	<b>107.8</b>

POSITIONS:

FULL-TIME	2					
PART-TIME						
TEMPORARY						

Estimate of any current year (FY98) cost: \$0.0

ANALYSIS: (Attach a separate page if necessary)

Secs. 4, 5, and 6 of this sponsor substitute require that notice of every Child in Need of Aid hearing be given to grandparents, current and former foster parents, and health care providers. The court system estimates that accepting testimony from all additional individuals who wish to attend will lengthen hearings by 30 minutes. The division estimates that it will take, at minimum, an additional fifteen minutes to check the records to make sure that the Assistant Attorneys General have current information regarding foster parents and health care providers.

Although no state agency has statewide information on how many CINA hearings are held each year, the Anchorage Family Court does track that information. According to those records, 1145 CINA hearings were held in Anchorage during calendar year 1997, and the Anchorage court hears 48% of the state's CINA cases. Consequently, it is estimated that there are 2385 CINA hearings held in Alaska per year. According to Division of Family and Youth Services records as of 4/1/98, SCRO had 1340 cases with CINA orders (62% of the statewide total), NRO had 674 (31%), and SERO had 148 (17%). Therefore, we estimate that SCRO staff must participate in 1,479 hearings (X 75 hours = 1,109 hours), NRO in 739 hearings (615 hours), and SERO in 167 hearings (125 hours).

*[Signature]*  
4/22/98

Prepared by: Russ E. Webb, Deputy Commissioner  
Division: Family & Youth Services  
Approved by Commissioner: Karen Perdue, Commissioner  
Agency: Department of Health & Social Services

Phone: 465-3030  
Date: 04 22 98  
Date: 4/22/98

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**ANALYSIS (cont.):**

The additional .75 hours of social work time per hearing required by HB 340, applied against the actual social worker time available for direct client work, will result in 12 full months in SCRO, 6 full months in NRO. The incidental time SERO will be supported by existing staff.

Sec. 7 requires that the department report monthly, rather than annually, on efforts to secure a permanent placement for a child whose parental rights have been terminated and who has been placed with the department for adoptive purposes. Such reports will require, at a minimum, 1 hour to prepare. The division currently has 115 children with both parents' rights terminated in SCRO, 73 in NRO, and 13 in SERO. This provision of HB 340 will result in the need for 1 full-time Social Worker III in SCRO and 6 full months for a SW III in NRO. The incidental time in SERO will be supported by existing staff.

Sec. 28 requires that respite shall be paid in addition to the moneys paid for basic care. If respite were required for each client and incorporated into the payment the projected cost would be \$2,691,275. This is calculated by utilizing FY97 Full Time Equivalent (FTE's) 850.5 and increasing it by 20% to account for the increase in clients in foster care. The total projected FTEs for FY99 would be a conservative 1,021. Thus 1,021 FTEs multiplied by the annual projected respite cost of \$2,635.92 per client totals \$2,691,275.

In FY97 69 Foster Care Rate Augmentations included respite.

Average hours per month for each client was 42.57 hours (2,937.06 hours / 69 clients)

Average cost per hour for each client was \$5.16 (\$15,157.70 hours / 2,937.06 hours)

Average monthly cost for each client would be \$219.66 (42.57 hours \* \$5.16/hour)

Average annual cost for each client would be \$2,635.92 (\$219.66/mos \* 12 mos/year)

Other factors to be included would be the projected cost to rewrite the DFYS regulations for respite care which is estimated at \$ 50,000.

STATE OF ALASKA  
1998 LEGISLATIVE SESSION

FISCAL NOTE

BILL NO. SSH8340

Revision Date: \_\_\_\_\_  
Title: Relating to child abuse and neglect  
Sponsor: Hodgins  
Requestor: House (HES)

Dept. Affected: Health and Social Services  
BRU: Family and Youth Services  
Component: Northern Region  
COMPONENT SERIAL NO: 255  
Sec also (SN#): 254,259,2238

Expenditures/Revenues:

(Thousands of Dollars)

OPERATING	FY99	FY00	FY01	FY02	FY03	FY04
PERSONAL SERVICES	57.9	57.9	57.9	57.9	57.9	57.9
TRAVEL						
CONTRACTUAL						
SUPPLIES						
EQUIPMENT						
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
<b>TOTAL OPERATING</b>	<b>57.9</b>	<b>57.9</b>	<b>57.9</b>	<b>57.9</b>	<b>57.9</b>	<b>57.9</b>

CAPITAL EXPENDITURES						
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CHANGES IN REVENUES						
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FUND SOURCE

(Thousands of Dollars)

1002 Federal Receipts						
1003 GF Match						
1004 GF	57.9	57.9	57.9	57.9	57.9	57.9
1005 GF/Program Receipts						
1037 GF/Mental Health						
Other (please specify)						
<b>TOTAL</b>	<b>57.9</b>	<b>57.9</b>	<b>57.9</b>	<b>57.9</b>	<b>57.9</b>	<b>57.9</b>

POSITIONS:

FULL-TIME	1					
PART-TIME						
TEMPORARY						

Estimate of any current year (FY98) cost:                     \$0.0

ANALYSIS: (Attach a separate page if necessary)

Secs. 4, 5, and 6 of this sponsor substitute require that notice of every Child In Need of Aid hearing be given to grandparents, current and former foster parents, and health care providers. The court system estimates that accepting testimony from all additional individuals who wish to attend will lengthen hearings by 30 minutes. The division estimates that it will take, at minimum, an additional fifteen minutes to check the records to make sure that the Assistant Attorneys General have current information regarding foster parents and health care providers.

Although no state agency has statewide information on how many CINA hearings are held each year, the Anchorage Family Court does track that information. According to those records, 1145 CINA hearings were held in Anchorage during calendar year 1997, and the Anchorage court hears 48% of the state's CINA cases. Consequently, it is estimated that there are 2385 CINA hearings held in Alaska per year. According to Division of Family and Youth Services records as of 4/1/98, SCRO had 1340 cases with CINA orders (62% of the statewide total), NRO had 674 (31%), and SERO had 148 (7%). Therefore, we estimate that SCRO staff must participate in 1,479 hearings (X .75 hours = 1,109 hours), NRO in 739 hearings (615 hours), and SERO in 167 hearings (125 hours).

4/22/98

Prepared by: Russ E. Webb, Deputy Commissioner  
Division: Family & Youth Services  
Approved by Commissioner: Karen Perdue, Commissioner  
Agency: Department of Health & Social Services

Phone: 465-1010  
Date: 04/22/98  
Date: 4/22/98

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**ANALYSIS (cont.):**

The additional .75 hours of social work time per hearing required by HB 340, applied against the actual social worker time available for direct client work, will result in 12 full months in SCRO, 6 full months in NRO. The incidental time SERO will be supported by existing staff.

Sec. 7 requires that the department report monthly, rather than annually, on efforts to secure a permanent placement for a child whose parental rights have been terminate and who has been placed with the department for adoptive purposes. Such reports will require, at a minimum, 1 hour to prepare. The division currently has 115 children with both parents' rights terminated - SCRO, 73 in NRO, and 13 in SERO. This provision of HB 340 will result in the need for 1 full-time Social Worker III in SCRO, and 6 full months for a SW III in NRO. The incidental time in SERO will be supported by existing staff.

Sec. 28 requires that respite shall be paid in addition to the moneys paid for basic care. If respite were required for each client and incorporated into the payment the projected cost would be \$2,691,275. This is calculated by utilizing FY97 Full Time Equivalent (FTE's) 850.5 and increasing it by 20% to account for the increase in clients in foster care. The total projected FTEs for FY99 would be a conservative 1,021. Thus 1,021 FTEs multiplied by the annual projected respite cost of \$2,635.92 per client totals \$2,691,275.

In FY97 69 Foster Care Rate Augmentations included respite.

Average hours per month for each client was 42.57 hours (2,937.06 hours / 69 clients)

Average cost per hour for each client was \$5.16 (\$15,157.70 hours / 2,937.06 hours)

Average monthly cost for each client would be \$219.66 (42.57 hours \* \$5.16/hour)

Average annual cost for each client would be \$2,635.92 (\$219.66/mos. \* 12 mos./year)

Other factors to be included would be the projected cost to rewrite the DFYS regulations for respite care which is estimated at \$ 50,000.

Revision Date: \_\_\_\_\_  
 Title: Relating to child abuse and neglect  
 Sponsor: Hodgins  
 Requestor: House (HES)

Dept. Affected: Health and Social Services  
 BRU: Family and Youth Services  
 Component: DFYS Central Office  
 COMPONENT SERIAL NO. 259  
 See also (SN#): 254,255,2238

**Expenditures/Revenues:**

(Thousands of Dollars)

OPERATING	FY99	FY00	FY01	FY02	FY03	FY04
PERSONAL SERVICES						
TRAVEL						
CONTRACTUAL	50.0					
SUPPLIES						
EQUIPMENT						
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
<b>TOTAL OPERATING</b>	<b>50.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>

CAPITAL EXPENDITURES						
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CHANGES IN REVENUES						
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**FUND SOURCE**

(Thousands of Dollars)

	FY99	FY00	FY01	FY02	FY03	FY04
1002 Federal Receipts						
1003 GF Match						
1004 GF	50.0					
1005 GF/Program Receipts						
1037 GF/Mental Health						
Other (please specify)						
<b>TOTAL</b>	<b>50.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>

**POSITIONS:**

	FY99	FY00	FY01	FY02	FY03	FY04
FULL-TIME						
PART-TIME						
TEMPORARY						

Estimate of any current year (FY98) cost: \$0.0

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*S 4/22/98*

Prepared by: Russ E. Webb, Deputy Commissioner  
 Division: Family & Youth Services  
 Approved by Commissioner: Karen Perdue, Commissioner  
 Agency: Department of Health & Social Services

Phone: 465-3030  
 Date: 04/22/98  
 Date: 4/22/98

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CS FOR SPONSOR SUBSTITUTE FOR HOUSE BILL NO. 340(HES)

IN THE LEGISLATURE OF THE STATE OF ALASKA

TWENTIETH LEGISLATURE - SECOND SESSION

BY THE HOUSE HEALTH, EDUCATION AND SOCIAL SERVICES COMMITTEE

Offered:

Referred:

Sponsor(s): REPRESENTATIVE HODGINS

A BILL

FOR AN ACT ENTITLED

1 "An Act relating to child abuse and neglect, child-in-need-of-aid proceedings,  
2 delinquency hearings, and review of cases involving certain children who are in  
3 the custody of the state; relating to the crime of endangering the welfare of a  
4 minor; relating to disclosure of information about children and their families;  
5 amending Rules 3, 7, 10, 15, 17 - 19, and 22, Alaska Child in Need of Aid  
6 Rules; amending Rules 3, 7, 10, 12, 21, 23, and 25, Alaska Delinquency Rules;  
7 and providing for an effective date."

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

9 \* Section 1. AS 11.51.100(a) is amended to read:

10 (a) A person commits the crime of endangering the welfare of a minor if,  
11 being a parent, guardian, or other person legally charged with the care of a child under  
12 10 years of age, the person

13 (1) intentionally deserts the child in any place under circumstances

1 creating a substantial risk of physical injury to the child;

2 (2) with criminal negligence, has the child in the person's care and  
 3 the person's physical or mental condition is impaired as a result of the  
 4 introduction of an intoxicating liquor or a controlled substance into the person's  
 5 body; or

6 (3) with criminal negligence, has the child in the person's care

7 (A) in a place where the person knows or reasonably ought  
 8 to know that a controlled substance is possessed in violation of law; or

9 (B) while the person illegally possesses a controlled  
 10 substance.

11 \* Sec. 2. AS 11.56 is amended by adding a new section to read:

12 **Sec. 11.56.802. False report of child abuse or neglect.** (a) A person  
 13 commits the crime of making a false report of child abuse or neglect if the person  
 14 knowingly makes a false report to the Department of Health and Social Services that  
 15 the person suspects that a child has suffered harm as a result of child abuse or neglect.

16 (b) Making a false report of child abuse or neglect is a class C felony.

17 \* Sec. 3. AS 47.10.010 is amended by adding a new subsection to read:

18 (f) The court may not find a child to be a child in need of aid under this  
 19 section solely on the basis that the child's family is poor, lacks adequate housing, or  
 20 lives a lifestyle that is different from the generally accepted lifestyle standard of the  
 21 community where the family lives. However, this subsection may not be construed to  
 22 prevent a court from finding that a child is in need of aid if the child has been  
 23 subjected to conduct or conditions described in (a) of this section.

24 \* Sec. 4. AS 47.10.030(b) is amended to read:

25 (b) In all cases under this chapter, the child [MINOR], each parent or  
 26 custodian of the child, [MINOR] and the child's guardian, grandparents, healthcare  
 27 providers, current and previous foster parents, and guardian ad litem, if any, [OF  
 28 THE MINOR] shall be given notice adequate to give actual notice of all [THE]  
 29 proceedings and the possibility of termination of parental rights and responsibilities,  
 30 taking into account education and language differences that are known or reasonably  
 31 ascertainable by the petitioner or the department. The notice of the hearing must

1 contain all names by which the child [MINOR] has been identified. Notice shall be  
 2 given in the manner appropriate under rules of civil procedure for the service of  
 3 process in a civil action under Alaska law or in any manner the court by order directs.  
 4 Proof of the giving of the notice shall be filed with the court before the petition is  
 5 heard. The court may also subpoena the parent of the child [MINOR], or any other  
 6 person whose testimony may be necessary at the hearing. A subpoena or other process  
 7 may be served by a person authorized by law to make the service, and where personal  
 8 service cannot be made, the court may direct that service of process be in a manner  
 9 appropriate under rules of civil procedure for the service of process in a civil action  
 10 under Alaska law or in any manner the court directs.

11 \* Sec. 5. AS 47.10.070(a) is amended to read:

12 (a) The court may conduct the hearing on the petition in an informal manner  
 13 in the courtroom or in chambers. The court shall give notice of the hearing to the  
 14 department and it may send a representative to the hearing. The department shall  
 15 send a notice of the hearing to the persons entitled to notice under  
 16 AS 47.10.030(b). The court shall also transmit a copy of the petition to the  
 17 department. The persons to whom the department must send notice of the hearing  
 18 are entitled to [REPRESENTATIVE OF THE DEPARTMENT MAY ALSO] be heard  
 19 at the hearing. The public shall be excluded from the hearing, but the court shall [.   
 20 IN ITS DISCRETION, MAY] permit persons who are given notice under  
 21 AS 47.10.030(b) [INDIVIDUALS] to attend a hearing and remain present unless [IF]  
 22 their attendance is incompatible [COMPATIBLE] with the best interests of the child.  
 23 This subsection may not be construed to require that persons to whom notice is  
 24 given under AS 47.10.030(b) are required to be made parties to the proceedings  
 25 [MINOR].

26 \* Sec. 6. AS 47.10.070 is amended by adding a new subsection to read:

27 (c) In all cases under this chapter, the court shall provide to the child's  
 28 grandparents, the child's current and previous foster parents, and any relative or other  
 29 custodian who is providing out-of-home care for the child notice of, and an  
 30 opportunity to be heard in, any hearing held with respect to the child. This subsection  
 31 may not be construed to require that these persons be made a party to the proceedings.

1 \* Sec. 7. AS 47.10.080(c) is amended to read:

2 (c) If the court finds that the child [MINOR] is a child in need of aid, it shall

3 (1) order the child [MINOR] committed to the department for  
4 placement in an appropriate setting for a period of time not to exceed two years or in  
5 any event past the date the child [MINOR] becomes 19 years of age, except that the  
6 department or the child's guardian ad litem may petition for and the court, upon a  
7 showing of exceptional circumstances, may grant in a hearing (A) one-year [TWO-  
8 YEAR] extensions of commitment that do not extend beyond the child's [MINOR'S]  
9 19th birthday if the extensions are [EXTENSION IS] in the best interests of the child  
10 [MINOR]; and (B) an additional one-year period of supervision past age 19 if the  
11 continued supervision is in the best interests of the person and the person consents to  
12 it; the department may transfer the child [MINOR], in the child's [MINOR'S] best  
13 interests, from one placement setting to another, and the child, the child's foster  
14 parent [MINOR], the child's [MINOR'S] parents or guardian, and the child's  
15 [MINOR'S] attorney and guardian ad litem are entitled to reasonable notice of the  
16 transfer;

17 (2) order the child [MINOR] released to the child's [MINOR'S]  
18 parents, guardian, or some other suitable person, and, in appropriate cases, order the  
19 parents, guardian, or other person to provide medical or other care and treatment; if  
20 the court releases the child [MINOR], it shall direct the department to supervise the  
21 care and treatment given to the child [MINOR], but the court may dispense with the  
22 department's supervision if the court finds that the adult to whom the child [MINOR]  
23 is released will adequately care for the child [MINOR] without supervision; the  
24 department's supervision may not exceed two years or in any event extend past the  
25 date the child [MINOR] reaches age 19, except that the department or the child's  
26 guardian ad litem may petition for and the court, upon a showing of exceptional  
27 circumstances, may grant in a hearing

28 (A) one-year [TWO-YEAR] extensions of supervision that do  
29 not extend beyond the child's [MINOR'S] 19th birthday if the extensions are  
30 [EXTENSION IS] in the best interests of the child [MINOR]; and

31 (B) an additional one-year period of supervision past age 19 if

1 the continued supervision is in the best interests of the person and the person  
2 consents to it; or

3 (3) by order, upon a showing in the adjudication by clear and  
4 convincing evidence that there is a child in need of aid under AS 47.10.010(a) as a  
5 result of parental conduct and upon a showing in the disposition by clear and  
6 convincing evidence that the parental conduct is likely to continue to exist if there is  
7 no termination of parental rights, terminate parental rights and responsibilities of one  
8 or both parents and commit the child to the department or to a legally appointed  
9 guardian of the person of the child, and the department or guardian shall report  
10 monthly [ANNUALLY] to the court on efforts being made to find a permanent  
11 placement for the child.

12 \* Sec. 8. AS 47.10.080(f) is amended to read:

13 (f) A child [MINOR] found to be a child in need of aid is a ward of the state  
14 while committed to the department or the department has the power to supervise the  
15 child's [MINOR'S] actions. The court shall review an order made under (c)(1) or (2)  
16 of this section semi-annually [ANNUALLY], and may review the order more  
17 frequently to determine if continued placement or supervision, as it is being provided,  
18 is in the best interest of the child [MINOR]. If a [ANNUAL] review under this  
19 subsection would arise within 90 days of the hearing required under (l) of this section,  
20 the court may postpone review under this subsection until the time set for the hearing.  
21 The department, the child [MINOR], and the child's [MINOR'S] parents,  
22 grandparents, current and previous foster parents, guardian, guardian ad litem,  
23 or other custodian are entitled, when good cause is shown, to a review on application.  
24 If the application is granted, the court shall afford these parties and their counsel  
25 reasonable notice in advance of the review and hold a hearing where these parties and  
26 their counsel and the child's health care providers shall be afforded an opportunity  
27 to be heard. The child [MINOR] shall be afforded the opportunity to be present at the  
28 review.

29 \* Sec. 9. AS 47.10.080(1) is amended to read:

30 (1) Within 18 months after the date a child is initially removed from the child's  
31 home by the department under AS 47.10.142(c) or committed to the custody of the

1 department under (c)(1) or (3) of this section or AS 47.14.100(c), the court shall hold  
 2 a hearing to review the placement and services provided and to determine the future  
 3 status of the child. The persons entitled to be heard at the hearing under  
 4 AS 47.10.070 or under (D) of this section are also entitled to be heard at the  
 5 hearing under this subsection [MINOR]. The court shall make appropriate written  
 6 findings, including findings related to the following:

7 (1) whether the child should be returned to the parent;

8 (2) whether the child should remain in out-of-home care for a specified  
 9 period;

10 (3) whether the child should remain in out-of-home care on a  
 11 permanent or long-term basis because of special needs or circumstances;

12 (4) whether the child should be placed for adoption or legal  
 13 guardianship.

14 \* Sec. 10. AS 47.10.090(e) is amended to read:

15 (e) The court's official records under this chapter may be inspected only with  
 16 the court's permission and only by persons having a legitimate interest in them. Δ  
 17 foster parent is considered to have a legitimate interest in the records of a child  
 18 who is already placed with the foster parent or who is recommended for  
 19 placement with the foster parent.

20 \* Sec. 11. AS 47.10.092(a) is amended to read:

21 (a) Notwithstanding AS 47.10.090 and 47.10.093, a parent or legal guardian  
 22 of a child [MINOR] subject to a proceeding under AS 47.10.010 - 47.10.142 may  
 23 disclose confidential or privileged information about the child or the child's family  
 24 [MINOR], including information that has been lawfully obtained from agency or court  
 25 files, to the governor, the lieutenant governor, a legislator, the ombudsman appointed  
 26 under AS 24.55, the attorney general, and the commissioners of health and social  
 27 services, administration, or public safety, or an employee of these persons, for review  
 28 or use in their official capacities. The department ~~shall~~ [MAY] disclose additional  
 29 confidential or privileged information about the child or the child's family and make  
 30 copies of all documents contained in the file about the child or the child's family  
 31 available for inspection [DOCUMENTS ABOUT THE MINOR] to these state officials

1 or employees for review or use in their official capacities upon request of the official  
 2 or employee and submission of written evidence that a parent or legal guardian  
 3 of the child has requested the state official's assistance in the case as part of the  
 4 official's duties. A person to whom disclosure is made under this section may not  
 5 disclose confidential or privileged information about the child or the child's family  
 6 [MINOR] to a person not authorized to receive it.

7 \* Sec. 12. AS 47.10.092 is amended by adding a new subsection to read:

8 (d) Notwithstanding AS 47.10.090 and 47.10.093, current or previous foster  
 9 parents or grandparents of a child subject to a proceeding under AS 47.10.010 -  
 10 47.10.142 may disclose confidential or privileged information about the child,  
 11 including information that has been lawfully obtained from agency or court files, to  
 12 the governor, the lieutenant governor, a legislator, the ombudsman appointed under  
 13 AS 24.55, the attorney general, and the commissioners of health and social services,  
 14 administration, or public safety, or an employee of these persons, for review or use in  
 15 their official capacities. The department shall disclose additional confidential or  
 16 privileged information about the child and make copies of all documents in the file  
 17 about the child available for inspection to these state officials or employees for review  
 18 or use in their official capacities upon request of the official or employee and  
 19 submission of written evidence that a current or previous foster parent or a grandparent  
 20 of the child has requested the official's assistance in the case as part of the official's  
 21 duties. A person to whom disclosure is made under this section may not disclose  
 22 confidential or privileged information about the child to a person not authorized to  
 23 receive it.

24 \* Sec. 13. AS 47.10.093(b) is amended to read:

25 (b) A state or municipal agency or employee shall [MAY] disclose  
 26 appropriate information regarding a case to

27 (1) a guardian ad litem appointed by the court or to a citizen review  
 28 board or local review panel for permanency planning authorized by AS 47.14.200 or  
 29 47.14.220;

30 (2) a person or an agency requested to provide consultation or services  
 31 for a child [MINOR] who is subject to the jurisdiction of the court under

1 AS 47.10.010;

2 (3) school officials as may be necessary to enable the school to provide  
3 appropriate counseling and support services to the child [MINOR] who is the subject  
4 of the case, to protect the safety of the child [MINOR] who is the subject of the case,  
5 and to protect the safety of school students and staff;

6 (4) a governmental agency as may be necessary to obtain that agency's  
7 assistance for the department in its investigation or to obtain physical custody of a  
8 child; [AND]

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

12 (6) a foster parent who requests information about a child who is  
13 already placed with the foster parent or who is recommended for placement with  
14 the foster parent.

15 \* Sec. 14. AS 47.10.093 is amended by adding a new subsection to read:

16 (k) A state or municipal agency or employee shall disclose information  
17 regarding a case to a foster parent or to the administrator of a facility or an agency  
18 concerning a child placed with the foster parent, facility, or agency as may be  
19 necessary to protect the safety of the child who is the subject of the case and the safety  
20 of the foster parent and all persons residing with the foster parent and of the  
21 employees and residents of the facility or agency.

22 \* Sec. 15. AS 47.12.010 is amended to read:

23 **Sec. 47.12.010. Purpose of chapter.** The purposes of this chapter are to

24 (1) [TO] protect the public and to reform juvenile offenders;

25 (2) [TO] provide that, for the most common offenses committed by  
26 minors, those punishable as misdemeanors, resolution should require some form of  
27 sanction, that the form of the sanction should be certain, that the imposition of the  
28 sanction should be swift, and that the sanction may take the form of a reasonable claim  
29 on the time and talents of the minor who has committed the offense; and

30 (3) [TO] provide that counseling provided to the minor should, if  
31 appropriate, include the minor's family or guardian, that the minor's family, foster

1 parent, or guardian has the right to offer suggestions and make recommendations for  
 2 the correction of the minor's behavior, and that the minor's family or guardian may be  
 3 asked to participate in supervision of the minor's treatment.

4 \* Sec. 16. AS 47.12.050(a) is amended to read:

5 (a) Except as may be otherwise specifically provided, in all cases under this  
 6 chapter, the minor, each parent of the minor, the foster parent of the minor, and the  
 7 guardian of the minor are entitled to notice adequate to give actual notice of the  
 8 proceedings, taking into account education and language differences that are known  
 9 or reasonably ascertainable by the party giving the notice. The notice must contain all  
 10 names by which the minor has been identified.

11 \* Sec. 17. AS 47.12.060(b) is amended to read:

12 (b) When the agency decides that an informal adjustment of a matter should  
 13 be made, that informal adjustment may not be made without the agreement or consent  
 14 of the minor and the minor's parents or guardians to the terms and conditions of the  
 15 adjustment. In addition, the agency shall give the minor's foster parent an  
 16 opportunity to be heard before the informal adjustment is made. An informal  
 17 action to adjust a matter is not successfully completed unless, among other factors that  
 18 the agency considers, as to the victim of the act of the minor that is the basis of the  
 19 delinquency allegation, the minor pays restitution in the amount set by the agency or  
 20 agrees as a term or condition set by the agency to pay the restitution.

21 \* Sec. 18. AS 47.12.110(a) is amended to read:

22 (a) The court shall conduct a hearing on the petition. The court shall give  
 23 notice of the hearing to the department, and the department shall send a representative  
 24 to the hearing. The representative of the department may also be heard at the hearing.  
 25 The department shall give notice of the hearing and a copy of the petition to the  
 26 minor's foster parent, and the court shall give the foster parent an opportunity  
 27 to be heard at the hearing. The public shall be excluded from the hearing, but the  
 28 court, in its discretion, may permit individuals to attend a hearing [,] if their attendance  
 29 is compatible with the best interests of the minor. Nothing in this section may be  
 30 applied in such a way as to deny a minor's rights to a public trial and to a trial by jury.

31 \* Sec. 19. AS 47.12.120(b) is amended to read:

1 (b) If the court finds that the minor is delinquent, it shall

2 (1) order the minor committed to the department for a period of time  
3 not to exceed two years or in any event extend past the day the minor becomes 19,  
4 except that the department may petition for and the court may grant in a hearing (A)  
5 two-year extensions of commitment that do not extend beyond the child's 19th birthday  
6 if the extension is in the best interests of the minor and the public; and (B) an  
7 additional one-year period of supervision past age 19 if continued supervision is in the  
8 best interests of the person and the person consents to it; the department shall place  
9 the minor in the juvenile facility that the department considers appropriate and that  
10 may include a juvenile correctional school, juvenile work camp, treatment facility,  
11 detention home, or detention facility; the minor may be released from placement or  
12 detention and placed on probation on order of the court and may also be released by  
13 the department, in its discretion, under AS 47.12.260;

14 (2) order the minor placed on probation, to be supervised by the  
15 department, and released to the minor's parents, guardian, or a suitable person; if the  
16 court orders the minor placed on probation, it may specify the terms and conditions  
17 of probation; the probation may be for a period of time, not to exceed two years and  
18 in no event extend past the day the minor becomes 19, except that the department may  
19 petition for and the court may grant in a hearing

20 (A) two-year extensions of supervision that do not extend  
21 beyond the child's 19th birthday if the extension is in the best interests of the  
22 minor and the public; and

23 (B) an additional one-year period of supervision past age 19 if  
24 the continued supervision is in the best interests of the person and the person  
25 consents to it;

26 (3) order the minor committed to the department and placed on  
27 probation, to be supervised by the department, and released to the minor's parents,  
28 guardian, other suitable person, or suitable nondetention setting such as a family home,  
29 group care facility, or child care facility, whichever the department considers  
30 appropriate to implement the treatment plan of the predisposition report; if the court  
31 orders the minor placed on probation, it may specify the terms and conditions of

1 probation; the department may transfer the minor, in the minor's best interests, from  
 2 one of the probationary placement settings listed in this paragraph to another, and the  
 3 minor, the minor's foster parent, the minor's parents or guardian, and the minor's  
 4 attorney are entitled to reasonable notice of the transfer; the probation may be for a  
 5 period of time, not to exceed two years and in no event extend past the day the minor  
 6 becomes 19, except that the department may petition for and the court may grant in  
 7 a hearing

8 (A) two-year extensions of commitment that do not extend  
 9 beyond the child's 19th birthday if the extension is in the best interests of the  
 10 minor and the public; and

11 (B) an additional one-year period of supervision past age 19 if  
 12 the continued supervision is in the best interests of the person and the person  
 13 consents to it;

14 (4) order the minor and the minor's parent to make suitable restitution  
 15 in lieu of or in addition to the court's order under (1), (2), or (3) of this subsection;  
 16 under this paragraph.

17 (A) except as provided in (B) of this paragraph, the court may  
 18 not refuse to make an order of restitution to benefit the victim of the act of the  
 19 minor that is the basis of the delinquency adjudication; and

20 (B) the court may not order payment of restitution by the parent  
 21 of a minor who is a runaway or missing minor for an act of the minor that was  
 22 committed by the minor after the parent has made a report to a law  
 23 enforcement agency, as authorized by AS 47.10.141(a), that the minor has run  
 24 away or is missing; for purposes of this subparagraph, "runaway or missing  
 25 minor" means a minor who a parent reasonably believes is absent from the  
 26 minor's residence for the purpose of evading the parent or who is otherwise  
 27 missing from the minor's usual place of abode without the consent of the  
 28 parent;

29 (5) order the minor committed to the department for placement in an  
 30 adventure-based [ADVENTURE BASED] education program established under  
 31 AS 47.21.020 with conditions the court considers appropriate concerning release upon

1 satisfactory completion of the program or commitment under (1) of this subsection if  
2 the program is not satisfactorily completed;

3 (6) in addition to an order under (1) - (5) of this subsection, if the  
4 delinquency finding is based on the minor's violation of AS 11.71.030(a)(3) or  
5 11.71.040(a)(4), order the minor to perform 50 hours of community service; for  
6 purposes of this paragraph, "community service" includes work

7 (A) defined as community service under AS 33.30.901; or

8 (B) that, on the recommendation of the city council or  
9 traditional village council, would benefit persons within the city or village who  
10 are elderly or disabled; or

11 (7) in addition to an order under (1) - (6) of this subsection, order the  
12 minor's parent or guardian to comply with orders made under AS 47.12.155, including  
13 participation in treatment under AS 47.12.155(b)(1).

14 \* Sec. 20. AS 47.12.120(d) is amended to read:

15 (d) A minor found to be delinquent is a ward of the state while committed to  
16 the department or while the department has the power to supervise the minor's actions.  
17 The court shall review an order made under (b) of this section annually [.] and may  
18 review the order more frequently to determine if continued placement, probation, or  
19 supervision, as it is being provided, is in the best interest of the minor and the public.  
20 If annual review under this subsection would arise within 90 days of the hearing  
21 required under (g) of this section, the court may postpone review under this subsection  
22 until the time set for the hearing. The department, the minor, and the minor's parents,  
23 guardian, or custodian are entitled, when good cause is shown, to a review on  
24 application. If the application is granted, the court shall afford these parties and their  
25 counsel and the minor's foster parent reasonable notice in advance of the review and  
26 hold a hearing where these parties and their counsel and the minor's foster parent  
27 shall be afforded an opportunity to be heard. The minor shall be afforded the  
28 opportunity to be present at the review.

29 \* Sec. 21. AS 47.12.120(g) is amended to read:

30 (g) Within 18 months after the date a minor is committed to the custody of the  
31 department under (b)(3) of this section, the court shall hold a hearing to review the

1 placement and services provided and to determine the future status of the minor. The  
 2 minor's foster parent is entitled to notice of the hearing, and, if the foster parent  
 3 attends, the foster parent is entitled to be heard at the hearing. The court shall  
 4 make appropriate written findings, including findings related to the following:

5 (1) whether the minor should be returned to the parent;

6 (2) whether the minor should remain in out-of-home care for a  
 7 specified period;

8 (3) whether the minor should remain in out-of-home care on a  
 9 permanent or long-term basis because of special needs or circumstances;

10 (4) whether the minor should be placed for adoption or legal  
 11 guardianship.

12 \* Sec. 22. AS 47.12.250(b) is amended to read:

13 (b) A peace officer who has a minor detained under (a) of this section shall  
 14 immediately, and in no event more than 12 hours later, notify the court and make  
 15 reasonable efforts to notify the minor's parents or guardian, the minor's foster parent,  
 16 and the department of the officer's action. The department may file with the court a  
 17 petition alleging delinquency before the detention hearing.

18 \* Sec. 23. AS 47.12.250(c) is amended to read:

19 (c) The court shall immediately, and in no event more than 48 hours later, hold  
 20 a hearing at which the minor and the minor's parents or guardian if they can be found  
 21 shall be present. The court shall determine whether probable cause exists for believing  
 22 the minor to be delinquent. The court shall inform the minor of the reasons alleged  
 23 to constitute probable cause and the reasons alleged to authorize the minor's detention.  
 24 The minor is entitled to counsel and to confrontation of adverse witnesses. The court  
 25 shall give the minor's foster parent the opportunity to be heard at the hearing.

26 \* Sec. 24. AS 47.12.300(e) is amended to read:

27 (e) The court's official records under this chapter may be inspected only with  
 28 the court's permission and only by persons having a legitimate interest in them. A  
 29 person with a legitimate interest in the inspection of an official record maintained by  
 30 the court includes a foster parent who requests information about a child who is  
 31 already placed with the foster parent or who is recommended for placement with

1 the foster parent and a victim who suffered physical injury or whose real or personal  
 2 property was damaged as a result of an offense that was the basis of an adjudication  
 3 or modification of disposition. If the victim knows the identity of the minor, identifies  
 4 the minor or the offense to the court, and certifies that the information is being sought  
 5 to consider or support a civil action against the minor or against the minor's parents  
 6 or guardians under AS 34.50.020, the court shall, subject to AS 12.61.110 and  
 7 12.61.140, allow the victim to inspect and use the following records and information  
 8 in connection with the civil action:

9 (1) a petition filed under AS 47.12.040(a) seeking to have the court  
 10 declare the minor a delinquent;

11 (2) a petition filed under AS 47.12.120 seeking to have the court  
 12 modify or revoke the minor's probation;

13 (3) a petition filed under AS 47.12.100 requesting the court to find that  
 14 a minor is not amenable to treatment under this chapter and that results in closure of  
 15 a case under AS 47.12.100(a); and

16 (4) a court judgment or order entered under this chapter that disposes  
 17 of a petition identified in (1) - (3) of this subsection.

18 \* Sec. 25. AS 47.12.310(b) is amended to read:

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

21 (1) a guardian ad litem appointed by the court or to a citizen review  
 22 board or local review panel for permanency planning authorized by AS 47.14.200 -  
 23 47.14.220;

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

26 (3) school officials as may be necessary to protect the safety of the  
 27 minor who is the subject of the case and the safety of school students and staff or to  
 28 enable the school to provide appropriate counseling and supportive services to meet  
 29 the needs of a minor about whom information is disclosed;

30 (4) a governmental agency as may be necessary to obtain that agency's  
 31 assistance for the department in its investigation or to obtain physical custody of a

1 minor;

2 (5) a state or municipal law enforcement agency as may be necessary  
3 for a specific investigation being conducted by that agency or for disclosures by that  
4 agency to protect the public safety; [AND]

5 (6) a victim as may be necessary to inform the victim about the  
6 disposition or resolution of a case involving a minor; ~~and~~

7 (7) a foster parent who requests information about a child who is  
8 already placed with the foster parent or who is recommended for placement with  
9 the foster parent.

10 \* Sec. 26. AS 47.12.310 is amended by adding a new subsection to read:

11 (k) A state or municipal agency or employee shall disclose information  
12 regarding a case to a foster parent or to the administrator of a facility or an agency  
13 concerning a minor placed with the foster parent, facility, or agency as may be  
14 necessary to protect the safety of the minor who is the subject of the case and the  
15 safety of the foster parent and all persons residing with the foster parent and of the  
16 employees and residents of the facility or agency.

17 \* Sec. 27. AS 47.14.100(a) is amended to read:

18 (a) Subject to (e) and (f) of this section, the department shall arrange for the  
19 care of every child committed to its custody by placing the child in a foster home or  
20 in the care of an agency or institution providing care for children inside or outside the  
21 state. The department may place a child in a suitable family home, with or without  
22 compensation, and may place a child released to it, in writing verified by the parent,  
23 or guardian or other person having legal custody, for adoptive purposes, in a home for  
24 adoption in accordance with existing law. After a child has been placed in a foster  
25 home, the department shall, on request of the foster parent, consider the views of  
26 the foster parent concerning appropriate treatment plans for the child and shall  
27 give the foster parent an opportunity to be heard before subsequent placement  
28 decisions are made by the department about the child.

29 \* Sec. 28. AS 47.14.100(d) is amended to read:

30 (d) In addition to money paid for the maintenance of foster children under (b)  
31 of this section, the department

1 (1) shall pay the costs of caring for physically or mentally handicapped  
 2 foster children, including the additional costs of medical care, habilitative and  
 3 rehabilitative treatment, services, [AND] equipment, special clothing, and the indirect  
 4 costs of medical care, including child care and transportation expenses:

5 (2) shall [MAY] pay for respite care: in this paragraph. "respite care"  
 6 means child care for the purpose of providing

7 [(A)] temporary relief from the stresses of caring for a foster  
 8 child [WHO HAS A PHYSICAL OR MENTAL DISABILITY OR A  
 9 PHYSICAL OR MENTAL IMPAIRMENT; IN THIS SUBPARAGRAPH,

10 (i) "PHYSICAL OR MENTAL DISABILITY" HAS  
 11 THE MEANING GIVEN IN AS 18.80.300(12)(A), (B), AND (D);  
 12 AND

13 (ii) "PHYSICAL OR MENTAL IMPAIRMENT" HAS  
 14 THE MEANING GIVEN IN AS 18.80.300; AND

15 (B) PROTECTION FOR THE CHILD WHEN THE FOSTER  
 16 PARENT IS

17 (i) AWAY FROM THE HOME BECAUSE OF AN  
 18 EMERGENCY AND OTHER CARE IS NOT AVAILABLE FOR THE  
 19 CHILD; OR

20 (ii) ON VACATION AND THE CHILD, BECAUSE OF  
 21 AGE OR INFIRMITY, CANNOT BE PLACED IN ANY OTHER  
 22 TYPE OF TEMPORARY CARE FACILITY]; and

23 (3) may pay a subsidized guardianship payment under AS 25.23.210  
 24 when a foster child's foster parents or other persons approved by the department  
 25 become court-appointed legal guardians of the child.

26 \* **Sec. 29.** AS 47.14 is amended by adding a new section to read:

27 **Sec. 47.14.115. Training of foster parents.** On a quarterly basis and at no  
 28 cost to the foster parent, the department shall offer a training seminar or consultation  
 29 opportunity to a foster parent that is designed to help the foster parent understand and  
 30 care for the particular child who has been placed with the foster parent.

31 \* **Sec. 30.** AS 47.14.240(d) is amended to read:

1 (d) In reviewing a case, the local review panel shall consider the case plan and  
 2 any progress report of the department or the child's guardian ad litem, court records,  
 3 and other relevant information about the child and the child's family. The local  
 4 review panel shall provide to the following persons an opportunity to be interviewed  
 5 by the local review panel in person or by telephone or to provide written material to  
 6 the local review panel:

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

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

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

11 (4) the child's guardian;

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

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

14 (7) the child's health care providers;

15 (8) if the case is governed by 25 U.S.C. 1901 - 1963 (Indian Child  
 16 Welfare Act),

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

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

20 (9) [(8)] other persons with a close personal knowledge of the case.

21 \* Sec. 31. AS 47.14.240(h) is amended to read:

22 (h) The report required under (g) of this section must make advisory  
 23 recommendations based on the best interests of the child in accordance with  
 24 AS 47.10.082 and must include notification of the right to request court review under  
 25 AS 47.10.080(f). If the court has scheduled the case for review, the local review panel  
 26 shall submit its report at least 20 days before the hearing, and the department shall  
 27 ensure that the court has a copy of the recommendations that are made in the  
 28 report.

29 \* Sec. 32. COURT RULE CHANGE: CINA PROCEEDINGS. (a) AS 47.10.030,  
 30 47.10.070, and 47.10.080, as amended by secs. 4 - 9 of this Act, have the effect of amending  
 31 Rules 3, 7, 10, 15, 17, and 19, Alaska Child in Need of Aid Rules, by requiring certain

1 information about children's hearings to be sent to additional persons and by providing that  
2 those persons are entitled to testify and be present at the hearings.

3 (b) Sections 4 - 9 of this Act take effect only if this section receives the two-thirds  
4 majority vote of each house required by art. IV, sec. 15, Constitution of the State of Alaska.

5 \* Sec. 33. COURT RULE CHANGE: DELINQUENCY RULES. (a) AS 47.12.050,  
6 47.12.060, 47.12.110, 47.12.120, and 47.12.250, as amended by secs. 16 - 23 of this Act, have  
7 the effect of amending Rules 3, 7, 10, 12, 21, 23, and 25, Alaska Delinquency Rules, by  
8 requiring certain information about delinquency hearings to be sent to foster parents and by  
9 providing that foster parents are entitled to testify at the hearings.

10 (b) Sections 16 - 23 of this Act take effect only if this section receives the two-thirds  
11 majority vote of each house required by art. IV, sec. 15, Constitution of the State of Alaska.

12 \* Sec. 34. COURT RULE CHANGE: REVIEWS. (a) To the extent that AS 47.10.080(f)  
13 is amended by sec. 8 of this Act to require semi-annual court review of orders regarding a  
14 child in need of aid, that provision amends Rule 19(a), Alaska Child in Need of Aid Rules,  
15 which currently provides for annual review.

16 (b) The amendment described in (a) of this section takes effect only if this section  
17 receives the two-thirds majority vote of each house required by art. IV, sec. 15, Constitution  
18 of the State of Alaska.

19 \* Sec. 35. COURT RULE CHANGE: REPORTS. (a) AS 47.10.080(c)(3), as amended  
20 by sec. 7 of this Act, has the effect of amending Rule 18(e), Alaska Child in Need of Aid  
21 Rules, by requiring the Department of Health and Social Services to report monthly, instead  
22 of annually, on its efforts to find a permanent placement for a child.

23 (b) The amendment made to AS 47.10.080(c)(3) by sec. 7 of this Act takes effect only  
24 if this section receives the two-thirds majority vote of each house required by art. IV, sec. 15,  
25 Constitution of the State of Alaska.

26 \* Sec. 36. COURT RULE CHANGE: EXTENSIONS OF COMMITMENT OR  
27 SUPERVISION. (a) To the extent that AS 47.10.080(c)(1) and (2) are amended by sec. 7  
28 of this Act to allow a child's guardian ad litem to petition for an extension of the child's  
29 commitment or supervision and to require a showing of exceptional circumstances, those  
30 provisions amend Rule 19(e), Alaska Child in Need of Aid Rules, relating to petitions for  
31 extensions of commitment or supervision of a child.

1 (b) The amendments described in (a) of this section take effect only if this section  
2 receives the two-thirds majority vote of each house required by art. IV, sec. 15, Constitution  
3 of the State of Alaska.

4 \* **Sec. 37. COURT RULE CHANGE; CONFIDENTIAL INFORMATION.** (a)  
5 AS 47.10.092, as amended by secs. 11 and 12 of this Act, amend Rule 22, Alaska Child in  
6 Need of Aid Rules, by providing exceptions to the confidentiality of information pertaining  
7 to a child who is the subject of child-in-need-of-aid proceedings.

8 (b) Sections 11 and 12 of this Act take effect only if this section receives the two-  
9 thirds majority vote of each house required by art. IV, sec. 15, Constitution of the State of  
10 Alaska.

11 \* **Sec. 38. APPLICABILITY.** (a) The changes made by secs. 4 - 9 and 16 - 23 of this  
12 Act apply to hearings described in this Act for which notice has not been sent by the court  
13 or the Department of Health and Social Services before the effective date of this Act.

14 (b) AS 11.56.802, added by sec. 2 of this Act, applies to a report of suspected child  
15 abuse that is made on or after the effective date of this Act.

16 \* **Sec. 39.** This Act takes effect immediately under AS 01.10.070(c).

# ALASKA STATE LEGISLATURE

Session:

State Capitol  
Juneau, Alaska 99801-1182  
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**REPRESENTATIVE MARK D. HODGINS**  
House District 9

## SPONSOR STATEMENT

**HB-340: "An Act relating to child abuse and neglect, child-in-need-of-aid proceedings, delinquency hearings, and review of cases involving certain children who are in the custody of the state and relating to disclosure of information about minors."**

**This Act implement's an enforceable penalty for "False reporting of child abuse or neglect" and "Endangering the welfare of a child, with respect to intoxicating liquor or a controlled substance." Gives notice of all hearings and an opportunity to be heard at all hearings for a child in need of aid, to the child's grandparents, child's current and previous foster parents, and the child's health care providers. To give a foster parent or grandparent the right to disclose confidential or privileged information about a child in need of aid to a government official or their employee. The court can not find a child in need of aid solely on the basis that the childs family is poor, lacks adequate housing, or lives a lifestyle that is different from the generally accepted lifestyle of the community.**

**Sponsor Statement**

Dean & Catherine Atkinson

HC 2 - Box 433  
Soldotna, AK 99669  
(907) 262-7408

March 28, 1998

TO ALL MEMBERS OF THE HOUSE OF REPRESENTATIVE - STATE OF ALASKA

I would sincerely urge you to vote for HB 340 and HB 384

These two bills will certainly help children, parents and all the other parties involved in children custody cases. At the present time DFYS by using their OWN LAWS are making a mockery of our total justice system and a person has no recourse to deal with them

These people have taken a totally false allegation placed against me a few years ago and have since been using this as a way to place an inhuman condition against me and my wife

I was investigated by the Alaska State Troopers, the report sent to the District Attorneys Office and was cleared completely. No charges were ever filed against me. DFYS told me that none of that mattered. They said they couldn't find that I did anything wrong but also they couldn't find that I didn't so they were just going to assume me guilty. When I told Caseworker Tory Sandoz in her office that I thought a person was innocent until proven guilty, she told me that didn't matter and that they had their OWN LAWS and could do what they want. At a later meeting with Tory Sandoz and Bill Galic in his office, I offered to take a lie detector test and also be tested for a profile. He said this was all inconclusive and they would not accept anything and their decision was final

I have asked for placement of our granddaughter under Title 47-Sec 4714 100 (e). They will not respond to this request and have now told me they were not going to answer any of my questions nor answer any of my letters

There just has to be a better way of dealing with these people than the present system. These people have made our lives a living Hell. We have lost two sons in the past, one a twenty one year old on a motorcycle and a seven year old by drowning. I can tell you sincerely that this ordeal with DFYS and our granddaughter have caused more hurt in our hearts because it is so never ending

I would also urge you NOT TO VOTE FOR HB 375. This would only give more power and money to an already abusive department of government who care about numbers more than anything else. If Governor Knowles would have a false allegation placed against him and had to deal with DFYS for about a day or two, he would certainly change his mind about the good they do and the way they run that department

Sincerely,

  
Dean Atkinson

*All want to head  
Mark also!  
Dew*