

HB

375

File 1

(7)

Date Referred to Committee: February 2, 1998

FURTHER REFERRALS:

Judiciary
Finance

Date of Committee Action: 4/2/98

The HEALTH, EDUCATION AND SOCIAL SERVICES Committee considered:

HB 375

HOUSE BILL NO. 375

CRIMES AGAINST CHILDREN/FOSTER CARE

"An Act relating to children in need of aid matters and proceedings; relating to murder of children, criminally negligent homicide, kidnapping, criminal non-support, the crime of indecent exposure, and the crime of endangering the welfare of a child; relating to registration of certain sex offenders; relating to sentencing for certain crimes involving child victims; relating to the state medical examiner and reviews of child fatalities; relating to teacher certification and convictions of crimes involving child victims; relating to access, confidentiality, and release of certain information concerning the care of children, child abuse and neglect, and child fatalities; authorizing the Department of Health and Social Services to enter into an interstate compact concerning adoption and medical assistance for certain children with special needs; authorizing the establishment of a multidisciplinary child protection team to review reports of child abuse or neglect; relating to immunity from liability for certain state actions concerning matters involving child protection and fatality reviews and children in need of aid; relating to persons required to report suspected child abuse or neglect; relating to foster care placement and to payment for children in foster and other care and the waiver of certain foster care requirements; relating to the access to certain criminal justice information and licensure of certain child care facilities; amending Rule 218, Alaska Rules of Appellate Procedure; amending Rules 1, 3, 15, 18, and 19, Alaska Child in Need of Aid Rules; and providing for an effective date."

recommends it be replaced with the following committee substitute CS HB 375 (HES) 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) Corrections, H+SS
Court System

fiscal note(s) Multiple 12/2/98

zero fiscal note(s) _____

zero fiscal note(s) _____

SIGNING WITH RECOMMENDATIONS	DP	DNP	NR	AM
<i>Fred Dyer</i>	<input checked="" type="checkbox"/>			
<i>Joseph Dyer</i>	<input checked="" type="checkbox"/>			
<i>Tom Bueck</i>	<input checked="" type="checkbox"/>			
<i>Tom Bueck</i>	<input checked="" type="checkbox"/>			
<i>Tom Bueck</i>	<input checked="" type="checkbox"/>			

CHAIR'S SIGNATURE

Tom Bueck

Revision Date: _____ Dept. Affected: Health and Social Services
 Title: Child Protection BRU: State Health Services
 Sponsor: Rules Committee Component: State Medical Examiner
 Requestor: Governor COMPONENT SERIAL NO. 293
 See also (SN#): _____

Expenditures/Revenues: (Thousands of Dollars)

OPERATING	FY99	FY00	FY01	FY02	FY03	FY04
PERSONAL SERVICES		35.0	35.9	36.8	37.7	38.6
TRAVEL		3.0	3.0	3.0	3.0	3.0
CONTRACTUAL						
SUPPLIES						
EQUIPMENT		5.0				
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
TOTAL OPERATING	0.0	43.0	38.9	39.8	40.7	41.6

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		43.0	38.9	39.8	40.7	41.6
1005 GF/Program Receipts						
1037 GF/Mental Health						
Other (please specify)						
TOTAL	0.0	43.0	38.9	39.8	40.7	41.6

POSITIONS:

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

Estimate of any current year (FY98) cost: 50.0

ANALYSIS: (Attach a separate page if necessary)

The State Medical Examiner will be able to absorb the cost associated with a full-time clerk as the State Child Fatality Review is being established. By FY00, a full-time Administrative Clerk II will be needed to collect, collate and distribute the data, make travel arrangements and arrange for physical space for the review teams meetings, and advise attendees as to the material being discussed. The Division of Public Health will absorb the cost of the expense needed to perform the analytical portion of the program within its existing resources.

\$3.0 is being requested in Line 200 Travel for members of the review team to attend the meetings. Also included in the travel line is funding to travel to other communities to train and support local community review boards.

\$5.0 is requested in FY 00 in Line 500 Equipment for office furniture and a computer for the Administrative Clerk II.

Prepared by: Peter M. Sakamura, MD, MPH Phone: 1907 465-1090
 Division: Public Health Date: 03/12/98
 Approved by Commissioner: Karen Perdue, Commissioner Date: 3/12/98
 Agency: Department of Health & Social Services

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FISCAL NOTE

STATE OF ALASKA
1998 LEGISLATIVE SESSION

BILL NO. HB 375 | _____

Revision Date (Note if correction) _____ Dept. Affected Corrections
 Title An Act relating to children in need of aid matters BRU Administration and Operations
and proceedings relating to murder of children. Component ALL
 Sponsor Rules Committee
 Requester Governor Component Serial No. #0694

Expenditures/Revenues (Thousands of Dollars)

OPERATING EXPENDITURES	FY 99	FY 00	FY 01	FY 02	FY 03	FY 04
Personal Services						
Travel						
Contractual						
Supplies						
Equipment						
Land & Structures						
Grants & Claims						
Miscellaneous	00	58.1	58.1	106.9	203.9	240.4
TOTAL OPERATING	0.0	58.1	58.1	106.9	203.9	240.4

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

1002 Federal Receipts						
1003 GF Match						
1004 GF	00	58.1	58.1	106.9	203.9	240.4
1005 GF/Program Receipts						
1037 GF/Mental Health						
Other (Specify Type)						
TOTAL	0.0	58.1	58.1	106.9	203.9	240.4

Estimate of any current year (FY98) cost: 00

POSITIONS

Full-time						
Part-time						
Temporary						

ANALYSIS: (Attach a separate page if necessary)

This legislation amends several titles under Alaska statutes. This fiscal note only reflects the sections of the bill that incur costs for the Department of Corrections.

Section 4. The Department of Law (DOL) estimates the changes made to AS 11 41 110(a) will increase the minimum sentence from five (5) years to fifteen (15) years for a net gain of ten (10) years. Subtracting one third for good time, the actual increase in sentence is 6.7 years. The DOL estimates this change will effect one (1) case per year, the additional cost for incarcerations will be \$243,670. (continued)

Prepared by Bruce Richards Phone 465-3307
 Division Commissioner's Office Date 3/11/98
 Approved by Commissioner Margaret M. Pugh *Margaret M. Pugh* Date 3/11/98
 Agency Department of Corrections

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Section 5. Increases the penalty for criminally negligent homicide from a class C felony to a class B felony. This will result in an additional sentence of one and a half (1.5) years. Subtracting one third for good time results in a total increase in sentence of one (1) year. The DOL estimates this change will effect one (1) case per year. the additional cost for incarceration for one year will be \$36,525.

Sections 8 & 9. This section will increase the penalty for one form of indecent exposure from a misdemeanor to a class C felony. The DOL estimates that three people would be convicted annually under the felony provision. This is expected to increase the current average sentence of 28 days to 90 days for a net gain of 62 days. Subtracting one third for good time, the actual increase is 32 days. The additional cost of incarceration for the three cases will be \$9,600.

Section 10. The DOL estimates the changes made in this section will affect one case per year. Under current statute the sentence would have been 6 months. With the changes that sentence will increase one year for a net gain of 182 days incarceration. Subtracting one third for good time, the actual increase is 120 days, the additional cost of incarceration for one case will be \$12,009.

Section 13. The DOL estimates the changes made in this section will affect one case per year. Under current statute the offender would be sentenced to a five (5) year presumptive sentence. This proposed change will result in a seven (7) year presumptive sentence for a net gain of two (2) years. Subtracting one third for good time, the actual increase in sentence will be 482 days. The additional cost of incarceration for one case will be \$48,214.

Section 24. This section would require the Department of Corrections to register sex offenders 30 days prior to their release from incarceration. The DOC began doing this in September of 1997 and therefore does not anticipate an increase in costs.

FISCAL NOTE

Bill Version: HB 375

(H) Publish Date: 2/2/98

**STATE OF ALASKA
1998 LEGISLATIVE SESSION**

Revision Date (Note if correction) Original Dept. Affect Multiple (see analysis)
 Title "An Act relating to children in need of aid
matter and proceedings; relating to murder of children ..." BRU
 Sponsor Rules Committee Component _____
 Requester Governor Component Serial No. _____

Expenditures/Revenues (Thousands of Dollars)

OPERATING EXPENDITURES	FY 99	FY 00	FY 01	FY 02	FY 03	FY 04
Personal Services						
Travel						
Contractual						
Supplies						
Equipment						
Land & Structures						
Grants & Claims						
Miscellaneous						
TOTAL OPERATING	*****	*****	*****	*****	*****	*****

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

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

FUND SOURCE (Thousands of Dollars)

1002 Federal Receipts						
1003 GF Match						
1004 GF						
1005 GF/Program Receipts						
1037 GF/Mental Health						
Other (Specify Type)						
TOTAL	*****	*****	*****	*****	*****	*****

Estimate of any current year (FY98) cost: 00

POSITIONS

Full-time						
Part-time						
Temporary						

ANALYSIS: (Attach a separate page if necessary)

The costs of implementing a zero tolerance policy for reports of harm to children by investigating all such reports are part of the comprehensive \$14 million child protection element of the Governor's Smart Start Initiative included in the FY 99 budget. The Executive Branch agencies with significant budgetary issues related to the criminal and civil provisions set out in this bill are the Departments of Administration, Corrections, Health and Social Services, and Law. If the FY 99 Smart Start increments for those agencies are not funded, this bill cannot be fully implemented.

Continued on next page...

Prepared by Laura Baker, Budget Analyst Phone 465-4684
 Division Office of Management and Budget Date 1/30/98
 Approved by Annalee McConnell, Director Date 1/30/98
 Agency Office of Management and Budget

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COMMITTEE COPY

Analysis Continued: "(An Act relating to children in need of aid...")

The interrelationships of the agencies' efforts are complex. The bill had not been finalized at the time the FY 99 budget was submitted, so some adjustments may be necessary to the child protection elements of Smart Start. If so, they will be presented as Governor's budget amendments within the overall amount already budgeted for Smart Start.

Agencies and programs involved:

Department of Administration

Office of Public Advocacy - The appointment of a guardian ad litem is legally required upon the filing of a child in need of aid (CINA) petition. These guardians ad litem must, following their appointment by the court, represent the best interests of the child throughout the CINA proceedings. An increase in cases will result from additional investigations expected to be undertaken by the Division of Family and Youth Services.

Public Defender - As a result of changes in policies of the Division of Family and Youth Services, the number of CINA cases is expected to significantly increase case activity. Parents have a right under Alaska law to representation by court-appointed counsel in CINA cases and criminal cases if they cannot afford their own attorney.

Department of Corrections

This legislation would expand penalties relating to certain crimes against children. These changes are expected to increase the number of incarcerations and the length of time served.

Department of Health and Social Services

This bill affects a broad range of departmental programs, including substance abuse treatment and family support services; social services for children in need; and temporary foster care or permanent adoption homes.

Additional adoption placements resulting from these changes in the law are separate from the placement backlog.

Department of Law

Criminal Division - Enactment of this legislation will add new criminal provisions as well as increase the penalties for those people who kill or harm children by abuse and neglect. The bill would make it easier to charge individuals who harm children with more serious offenses, and increase the sentences they may receive.

Civil Division - Changes in this bill include tightening definitions to clarify when a child is in need of aid and when state intervention is justified. A significant change involves time limits, the setting of deadlines, and a more concrete definition of parental responsibilities. Cases will proceed to a termination trial much faster to ensure that when reunification with family is not in the child's best interest, the child can be made legally eligible for placement in a permanent home more quickly.

Court System

The Alaska Court System is anticipated to submit a separate fiscal note regarding impacts of the bill.

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 6, 1998

SUBJECT: CSHB 375(HES), version H (Child Protection)

TO: Representative Con Bunde
Attn: Lynne Smith

FROM: Terri Lauterbach *BT Apr 7 1998*
Legislative Counsel

Enclosed is CSHB 375(HES) in final.

Per your directive, I have not incorporated the conceptual amendment to page 18, line 14, of the "F" version, and I have eliminated the section at the end of the bill that would have been a revisor's instruction to change "minor" to "child" in undetermined sections of AS 47.10 because the blank lines of the revisor's instruction in the "F" version were not filled in and blank lines cannot be retained in a final. I have added sec. 26 to accommodate the changes made in AS 25.20.061 by Amendment #7.

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

TML:glc
98-209.glc

Enclosure

LEGAL SERVICES

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

(907) 465-3887 or 465-2450
FAX (907) 465-2029
Mail Stop 3101

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

MEMORANDUM

April 3, 1998

SUBJECT: Domestic Violence as a CINA factor (CSHB 375(HES))

TO: Susan Wibker
Assistant Attorney General

FROM: Terri Lauterbach *TML*
Legislative Counsel

Lynne Smith, House HESS Committee staff, has requested that I get your point of view as to whether the following language, to be used at page 18, lines 13 - 14 of the F version of HB 375, would implement the HESS Committee's conceptual amendment relating to mental injury and domestic violence:

(8) conduct by or conditions created by the parent, guardian, or custodian have resulted in mental injury to the child; if the court finds that the child has been exposed to domestic violence involving a member of the child's household, there is a rebuttable presumption that mental injury to the child has occurred because of conduct by or conditions created by the parent, guardian, or custodian;

Please respond as to the appropriateness of this language at your earliest convenience so that the final (HES) version can be prepared. Thank you.

TML:jdr
98-229.jdr

✓ cc: Representative Con Bunde, Chair
House Health, Education and Social Services Committee

Post-It® Fax Note	7671	Date	4/3	# of pages	1
To	Lynne Smith	From	Terri Lauterbach		
Co./Dept.	Rep Bunde	Co.			
Phone #		Phone #			
Fax #		Fax #			

TONY KNOWLES, GOVERNOR



OFFICE OF THE GOVERNOR

OFFICE OF MANAGEMENT AND BUDGET

P O BOX 110020
JUNEAU, ALASKA 99811-0020
PHONE: (907) 465-4660
FAX: (907) 465-3068

March 13, 1998

The Honorable Mark Hanley, Representative
The Honorable Con Bunde, Representative
Alaska State Legislature
State Capitol Building, Rm 104
Juneau AK 99801-1182

RECEIVED

MAR 13 1998

OFFICE OF THE COMMISSIONER
DHSS JUNEAU

Dear Rep. Hanley and Rep. Bunde:

The governor's FY99 budget included resources for all the agencies involved in child protection to implement a zero tolerance policy for child abuse and neglect. We know for certain that a piecemeal approach will not work to solve the immediate crisis or to establish the child protection system Alaskans demand. We must construct and fund a comprehensive, interdisciplinary approach that goes beyond a single division or department. It must balance resources to provide for prevention, early intervention and swift definitive action to protect children and provide them with safe permanent homes. This necessarily involves adding resources not only for social workers and foster care, but for troopers and VPSO's, the legal system, substance abuse treatment, and community-based prevention efforts. While these efforts are essential under current statutes, the timeframes and other provisions of HB 375 make the urgency for additional resources even greater. If stricter timelines become law, failing to adequately fund the interrelated pieces could cause further crises in an already overburdened system. I know that consequence is unacceptable to all of us.

We proposed to fund the additional resources needed for child protection with reallocated state dollars previously required to match federal Medicaid funds. As we have pointed out in testimony to your committees and others, implementing a policy of appropriate response to all reports of child abuse and neglect does not require a change in law. In fact, our current law requires such a response. The child protection resources proposed in the governor's FY99 budget are necessary to enable our child protection system to function as intended by current law. Passage of HB 375 would improve our ability to achieve the policy goal of protecting children earlier and more effectively, but we need the resources proposed in our budget regardless of any change in law.

The Honorable Mark Hanley
The Honorable Con Bunde
March 13, 1998
Page 2

The usual test for a fiscal note is whether the proposed law would cause or require a programmatic change with a fiscal impact. HB 375 would not change the current statutory policy on response to reports of harm. It would assist in achieving the goals of a zero tolerance policy by allowing earlier, more effective interventions, and establishing clear timelines for movement toward safe permanent homes for abused children.

Since the cost of strengthening our child protection teams to implement zero tolerance did not require statutory change and was already included in our Smart Start budget proposal (as subsequently modified in our amendments), we did not believe a fiscal note was appropriate. The exceptions are Corrections, where there would be additional costs because of longer sentences and the State Medical Examiner's Office to establish a Child Fatality Review process. The first year Corrections cost of \$21.6 was so minimal that we intended to absorb it within the FY99 proposed budget; likewise for the State Medical Examiner. However, as longer sentences are implemented, the cost will increase over time. Due to a miscommunication on my part, that fiscal note was not forwarded along with the bill. It is, however, a cost that will be borne only if the bill passes and therefore is appropriate for a fiscal note.

Since new staff are phased in throughout FY99, some additional costs will be incurred to annualize these positions in FY00, which we would have incorporated in next year's budget. However, it is not appropriate to assume that this will mean an overall increase in the budget. The difficult decisions about how to balance these increases within an overall responsible budget level would have taken place in the normal course of developing the governor's FY00 budget next fall.

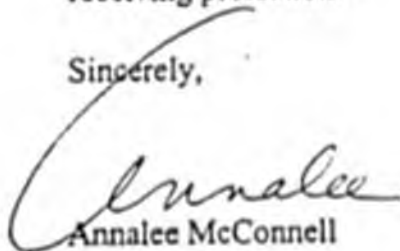
Several forces are occurring simultaneously that make it difficult to precisely define the cost of zero tolerance. First, additional staff will be required to meet statutory mandates under either the existing law or the law as revised by HB 375. Second, the heightened public awareness has already increased both reports of harm and formal legal child protection interventions significantly above the previous level. Third, many of the provisions of HB 375 would allow earlier intervention and assist in placing children in permanent homes more quickly. More intensive initial efforts may help offset the impact of increased reports. Finally, increased prevention efforts proposed in Smart Start are designed to reduce the future need for child protection response, helping to level and reduce the costs over time.

The legislature may prefer to fund the additional resources necessary for child protection through fiscal notes. If so, the attached information shows the reallocation in the

The Honorable Mark Hanley
The Honorable Con Bunde
March 13, 1998
Page 3

governor's budget needed to implement zero tolerance. Additional funds for child protection—either appropriated in the budget process or as a fiscal note associated with HB 375—will be essential to meet our legal mandate either under the current law or with changes proposed under HB 375. It will be critical to balance funding throughout the departments involved in the child protection system to assure that the system can operate effectively and that one agency's lack of resources does not prevent children from receiving protection.

Sincerely,



Annalee McConnell
Director

cc: Finance Co-Chairs

attachments

CHILD PROTECTION - SUMMARY OF ADDITIONAL RESOURCES NEEDED

Dept Name	BRU or Component	Action	FY 99		FY 2000
			FY 99 General Funds	FY 99 Other Funds	FY 2000 Increment to Annualize Staff
Direct Impacts of HB 375					
Corrections	Admin and Operations	Increased length of incarcerations due to changes in law (cost of \$21.6 will be absorbed in FY 99)			38.5
Health & Soc Svcs	State Medical Examiner	Costs related to State Child Fatality Review - no impact FY 99			43.0
Child Protection Resources Needed with or without HB 375 (already in Governor's budget)					
Administration	Office of Public Advocacy	Child Abuse Response Caseload Increase and development of volunteer program to support families in crisis.	744.0		74.8
Administration	Public Defender	Child Abuse Response Caseload Increase	875.9		67.4
Corrections	Community Corrections Director's Office	Increase Supervision of Sexual Predators	350.0		
Health & Soc Svcs	DFYS - Central	Increase Staff Training	100.0	300.0	
Health & Soc Svcs	DFYS - Northern	Increase Child Protection Services	245.5	558.3	145.6
Health & Soc Svcs	DFYS - Southcentral	Increase Child Protection Services	300.1	941.9	158.7
Health & Soc Svcs	Family Preservation	Community Based Family Assessment / Case Management Pilot	835.9	49.8	
Health & Soc Svcs	Foster Care Augmented Rate	Emergency child care placements	262.8	65.7	
Health & Soc Svcs	Purchased Services - Foster Care Special Needs	Respite Care for Foster Families	225.0	75.0	
Health & Soc Svcs	Purchased Services/ Family Preservation	Budget Amendment Family Intervention		500.0	
Health & Soc Svcs	Purchased Services/ Family Preservation	Budget Amendment Substance Abuse Treatment		350.0	
Health & Soc Svcs	Residential Child Care	Emergency Shelter Care	164.5	22.4	
Law	Civil Division - Human Svcs	Respond to Increase in Child Protection Cases in Court	989.0		220.9
Law	Criminal Division - Anchorage	Increase Child Abuse Criminal Prosecutions	250.0		
Public Safety	Troopers - Detachments	Increase Troopers for Child Protection and Abuse Response and Sex Offender Tracking	1,700.0		
Public Safety	VPSO - Contracts	Increase VPSOs for Child Abuse Response in Villages	428.0		

AMENDMENT #1

OFFERED IN THE HOUSE

BY REPRESENTATIVE DYSON

TO: CSHB 375(), Draft Version "F"

1 Page 44, lines 24 - 26:

2 Delete all material and insert:

3 "Sec. 47.14.300. Multidisciplinary child protection teams. (a) The
4 department shall create multidisciplinary child protection teams to assist in the
5 evaluation and investigation of reports made under AS 47.17 and to provide
6 consultation and coordination for agencies involved in child protection cases under
7 AS 47.10.

8 (b) If a team is created under (a) of this section, the team may invite other
9 persons to serve on the team who have knowledge of and experience in child abuse
10 and neglect matters. These persons may include

11 (1) mental and physical health practitioners licensed under AS 08;

12 (2) child development specialists;

13 (3) educators;

14 (4) peace officers as defined in AS 11.81.900;

15 (5) victim counselors as defined in AS 18.66.250;

16 (6) experts in the assessment and treatment of substance abuse;

17 (7) representatives of the district attorney's office and the attorney

18 general's office;

19 (8) persons familiar with 25 U.S.C. 1901 - 1963 (Indian Child Welfare
20 Act);

21 (9) guardians ad litem; and

22 (10) staff members of a child advocacy center if a center is located in
23 the relevant area.

24 (c) A team created under (a) and (b) of this section shall review records on
25 a case referred to the team by the department. The department shall make available

1 to the team its records on the case and other records compiled for planning on the
2 case by other agencies at the request of the department. The team may make
3 recommendations to the department on appropriate planning for the case.

4 (d) Except for a public report issued by a team that does not contain
5 confidential information, records or other information collected by the team or a
6 member of the team related to duties under this section are confidential and not
7 subject to public disclosure under AS 09.25.100 and 09.25.110.

8 (e) Meetings of a team are closed to the public and are not subject to the
9 provisions of AS 44.62.310 and 44.62.312.

10 (f) The determinations, conclusions, and recommendations of a team or its
11 members are not admissible in a civil or criminal proceeding. A member may not be
12 compelled to disclose a determination, conclusion, recommendation, discussion, or
13 thought process through discovery or testimony in a civil or criminal proceeding.
14 Records and information collected by the team are not subject to discovery or
15 subpoena in connection with a civil or criminal proceeding.

16 (g) Notwithstanding (f) of this section, an employee of the department may
17 testify in a civil or criminal proceeding concerning cases reviewed by a team even
18 though the department's records were reviewed by a team and formed the basis of that
19 employee's testimony and the team's report.

20 (h) A person who serves on a multidisciplinary child protection team is not
21 liable for damage or other relief in an action brought by the reason of the performance
22 of a duty, a function, or an activity of the team.

23 (i) In this section, "team" means a multidisciplinary child protection team
24 created under (a) and (b) of this section."

A M E N D M E N T # 2

OFFERED IN THE HOUSE

BY REPRESENTATIVE DYSON

TO: CSHB 375(), Draft Version "F"

1 Page 11, lines 9 - 18:

2 Delete all material and insert:

3 **** Sec. 18. AS 12.65 is amended by adding new sections to read:**

4 **Sec. 12.65.115. Local child fatality review teams; protocol.** (a) Each
5 district attorney or a designee of the district attorney shall establish a group, composed
6 as described in (b) of this section, to develop a protocol that will govern investigation
7 of child fatalities in the local area by local public agencies. At a minimum, the
8 protocol must establish criteria and procedures for how

9 (1) local public agencies will determine if a child's death occurred
10 under circumstances that warrant an investigation by a local child fatality review
11 team;

12 (2) local public agencies will determine on a case-by-case basis who
13 will be on a local child fatality review team to investigate a child's death;

14 (3) the investigation of a child's death by a local child fatality review
15 team will be conducted and coordinated among the public agencies involved; and

16 (4) local child fatality review teams will communicate with the state
17 medical examiner regarding a child's death.

18 (b) The protocol development group required under (a) of this section shall
19 consist, at a minimum, of the following members appointed by the district attorney
20 or by a designee of the district attorney:

21 (1) a peace officer as defined in AS 11.81.900;

22 (2) an employee of the Department of Health and Social Services; if
23 the commissioner of health and social services nominates an employee to be appointed
24 to the protocol development team, the district attorney shall appoint the nominee;

25 (3) an employee of the district attorney's office;

1 (4) an employee of the office of the attorney general; if the attorney
2 general nominates an employee to be appointed to the protocol development team, the
3 district attorney shall appoint the nominee;

4 (5) an employee of the local school district; if the governing body of
5 the local school district nominates an employee to be appointed to the protocol
6 development team, the district attorney shall appoint the nominee;

7 (6) a licensed physician or nurse;

8 (7) a licensed mental health practitioner; and

9 (8) an employee or volunteer from a child advocacy center if the
10 locality has a child advocacy center.

11 (c) A local child fatality review team formed under a protocol developed
12 under (a) of this section has the same access to information, confidentiality
13 requirements, and immunity as provided to the state child fatality review team under
14 AS 12.65.140. A meeting of a local child fatality review team formed under a
15 protocol developed under (a) of this section is closed to the public and not subject to
16 the provisions of AS 44.62.310 and 44.62.312. A review of a child fatality by a local
17 child fatality review team formed under a protocol developed under (a) of this section
18 does not relieve the state child fatality review team under AS 12.65.120 of the
19 responsibility for reviewing the death under AS 12.65.130.

20 (d) A person appointed to the protocol development group under (a) and (b)
21 of this section or serving on a local child fatality review team under a protocol
22 developed under (a) of this section is not eligible to receive compensation from the
23 state for services on the group or team, but is entitled to per diem and travel expenses
24 as authorized under AS 39.20.180.

25 **Sec. 12.65.120. State child fatality review team.** (a) The state child fatality
26 review team is established in the Department of Health and Social Services. The team
27 is composed of

28 (1) the following persons, or that person's designee:

29 (A) the state medical examiner;

30 (B) a state prosecutor with experience in homicide
31 prosecutions, appointed by the attorney general;

32 (C) an investigator with the state troopers who has experience

1 in conducting investigations of homicide, child abuse, or child neglect,
2 appointed by the commissioner of public safety;

3 (D) a social worker with the Department of Health and Social
4 Services who has experience in conducting investigations of child abuse and
5 neglect, appointed by the commissioner of health and social services;

6 (2) the following persons, or that person's designee, appointed by the
7 commissioner of health and social services:

8 (A) a physician licensed under AS 08.64 who

9 (i) specializes in neonatology or perinatology; or

10 (ii) is certified by the American Board of Pediatrics;

11 (B) a municipal law enforcement officer with experience in
12 conducting investigations of homicide, child abuse, or child neglect;

13 (C) other persons whose experience and expertise would, as
14 determined by the commissioner of health and social services, contribute to the
15 effectiveness of the team.

16 (b) A team member is not eligible to receive compensation from the state for
17 service on the team. A member appointed under (a)(2) of this section

18 (1) is eligible for travel expenses and per diem as authorized under
19 AS 39.20.180; and

20 (2) serves at the pleasure of the commissioner of health and social
21 services.

22 (c) In addition to the persons specified in (a) of this section, the team may
23 invite a person to participate as a member of the team if the person has expertise that
24 would be helpful to the team in a review of a specific death. A person participating
25 under this subsection is eligible only for travel expenses and per diem as authorized
26 under AS 39.20.180.

27 (d) The state medical examiner serves as chair of the team.

28 **Sec. 12.65.130. State child fatality review team duties.** The state child
29 fatality review team shall

30 (1) assist the state medical examiner in determining the cause and
31 manner of the deaths in this state of children under 18 years of age;

32 (2) unless the child's death is currently being investigated by a law

1 enforcement agency, review a report of a death of a child within 48 hours of the
2 report being received by the state medical examiner if

3 (A) the death is of a child under 18 years of age;

4 (B) the deceased child, a sibling, or a member of the deceased
5 child's household

6 (i) is in the legal or physical custody of the state under
7 AS 47 or under similar custody of another state or political subdivision
8 of a state; or

9 (ii) has been the subject of a report of harm under
10 AS 47.17 or a child abuse or neglect investigation by the Department
11 of Health and Social Services or by a similar child protective service
12 in this or another state;

13 (C) a protective order under AS 18.66.100 or 18.66.110 has
14 been in effect during the previous year in which the petitioner or respondent
15 was a member of the deceased child's immediate family or household; or

16 (D) the child's death occurred in a mental health institution,
17 mental health treatment facility, foster home, or other residential or child care
18 facility, including a day care facility;

19 (3) review records concerning

20 (A) abuse or neglect of the deceased child or another child in
21 the deceased child's household;

22 (B) the criminal history or juvenile delinquency of a person
23 who may have caused the death of the child and of persons in the deceased
24 child's household; and

25 (C) a history of domestic violence involving a person who may
26 have caused the death of the child or involving persons in the deceased child's
27 household, including records in the central registry of protective orders under
28 AS 18.65.540;

29 (4) if insufficient information exists to adequately determine the cause
30 and manner of death, recommend to the state medical examiner that additional
31 information be obtained under AS 12.65.020; and

32 (5) if a local child fatality review team has not been formed under

1 AS 12.65.115 or is not available, be available to provide recommendations,
2 suggestions, and advice to state or municipal law enforcement or social service
3 agencies in the investigation of deaths of children;

4 (6) collect data and analyze and interpret information regarding deaths
5 of children in this state;

6 (7) develop state and local data bases on deaths of children in this
7 state;

8 (8) develop a model protocol for the investigation of deaths of
9 children; and

10 (9) issue an annual report to the public containing statistical data and
11 other information that does not violate federal or state law concerning confidentiality
12 of the children and their families involved in the reviews; the report must include

13 (A) identification of trends, patterns, and risk factors in deaths
14 of children;

15 (B) analyses of the incidence and causes of deaths of children
16 in this state;

17 (C) recommendations for improving the coordination of
18 government services and investigations; and

19 (D) recommendations for prevention of future deaths of
20 children.

21 **Sec. 12.65.140. Records; information; meetings; confidentiality; immunity.**

22 (a) The state child fatality review team and its members shall have access to all
23 information and records to which the state medical examiner has access under this
24 chapter. The state child fatality review team and its members shall maintain the
25 confidentiality of information and records concerning deaths under review, except
26 when disclosures may be necessary to enable the team to carry out its duties under
27 this chapter. However, the team and its members may not disclose a record that is
28 confidential under federal or state law.

29 (b) Except for public reports issued by the team, records and other
30 information collected by the team or a member of the team related to duties under this
31 chapter are confidential and are not subject to public disclosure under AS 09.25.100 -
32 09.25.220.

1 (c) Meetings of the state child fatality review team are closed to the public
2 and are not subject to the provisions of AS 44.62.310 and 44.62.312.

3 (d) The determinations, conclusions, and recommendations of the state child
4 fatality review team, or its members, are not admissible in a civil or criminal
5 proceeding. Members may not be compelled to disclose their determinations,
6 conclusions, recommendations, discussions, or thought processes through discovery
7 or testimony in a civil or criminal proceeding. Records and information collected by
8 the state child fatality review team are not subject to discovery or subpoena in
9 connection with a civil or criminal proceeding.

10 (e) Notwithstanding (d) of this section, the state medical examiner may testify
11 in a civil or criminal proceeding relating to a death, even though the death was
12 reviewed by the state child fatality review team under AS 12.65.130 and information
13 received from the review formed a basis of the state medical examiner's testimony.

14 (f) A person who is a member or an employee of, who furnishes services to,
15 or who advises the state child fatality review team is not liable for damages or other
16 relief in an action brought by reason of the performance of a duty, a function, or an
17 activity of the review team."

18 Renumber the following bill sections accordingly.

19 Page 45, line 17:

20 Delete "AS 12.65.015(e)"

21 Insert "AS 12.65.115"

22 Renumber internal references to bill sections in accordance with this amendment. Below are
23 all internal bill section references in this bill:

24 Page 51, line 12

25 Page 51, line 15

26 Page 51, line 18

27 Page 51, line 22

AMENDMENT

#3

OFFERED IN THE HOUSE

BY Brice

TO: CSHB 375 () / 0-GH2009/F

1 Page 11, line 10:

2 Delete all material and insert:

3 "(e) The state medical examiner may appoint local, regional, and district child
4 fatality review teams to assist local, regional, and district medical examiners in
5 determining the cause and manner of deaths of children under 18 years of age. If a
6 team is appointed under this section, the team shall have the same access to
7 information, confidentiality requirements, and immunity as provided to the state child
8 fatality review team under AS 12.65.140. A meeting of a team appointed under this
9 subsection is closed to the public and not subject to the provisions of AS 44.62.310 -
10 44.62.312. A review by a local, regional, or district child fatality review team does
11 not relieve the state child fatality review team under AS 12.65.120 of the responsibility
12 for reviewing these deaths under AS 12.65.130. A person appointed to a local,
13 regional, or district child fatality review team is not eligible to receive compensation
14 from the state for service on the team, but the person is eligible for travel and per
15 diem from the Department of Health and Social Services under AS 39.20.180. A
16 person appointed to a team under this subsection serves at the pleasure of the state
17 medical examiner."

18 Page 11, lines 12 - 18:

19 Delete all material and insert:

20 "Sec. 12.65.120. State child fatality review team. (a) The state child fatality
21 review team is established in the Department of Health and Social Services to assist
22 the state medical examiner. The team is composed of

23 (1) the following persons, or that person's designee:

24 (A) the state medical examiner;

1 (B) a state prosecutor with experience in homicide prosecutions,
2 appointed by the attorney general;

3 (C) an investigator with the state troopers who has experience
4 in conducting investigations of homicide, child abuse, or child neglect,
5 appointed by the commissioner of public safety;

6 (D) a social worker with the Department of Health and Social
7 Services who has experience in conducting investigations of child abuse and
8 neglect, appointed by the commissioner of health and social services;

9 (2) the following persons, or that person's designee, appointed by the
10 commissioner of health and social services:

11 (A) a physician licensed under AS 08.64 who

12 (i) specializes in neonatology or perinatology; or

13 (ii) is certified by the American Board of Pediatrics;

14 (B) a municipal law enforcement officer with experience in
15 conducting investigations of homicide, child abuse, or child neglect;

16 (C) other persons whose experience and expertise would, as
17 determined by the commissioner of health and social services, contribute to the
18 effectiveness of the team.

19 (b) A team member is not eligible to receive compensation from the state for
20 service on the team. A member appointed under (a)(2) of this section

21 (1) is eligible for travel and per diem from the Department of Health
22 and Social Services under AS 39.20.180; and

23 (2) serves at the pleasure of the commissioner of health and social
24 services.

25 (c) In addition to the persons specified in (a) and (b) of this section, the team
26 may invite a person to participate as a member of the team if the person has expertise
27 that would be helpful to the team in a review of a specific death. A person
28 participating under this subsection is eligible only for travel and per diem from the
29 Department of Health and Social Services under AS 39.20.180.

30 (d) The state medical examiner serves as chair of the team.

1 **Sec. 12.65.130. State child fatality review team duties.** (a) The state child
2 fatality review team shall

3 (1) assist the state medical examiner in determining the cause and
4 manner of the deaths in this state of children under the age of 18 years;

5 (2) unless the child's death is currently being investigated by law
6 enforcement, review any report of a death of a child within 48 hours of the report
7 being received by the medical examiner if

8 (A) the death is of a child under the age of 10 years;

9 (B) the deceased child, a sibling, or a member of the deceased
10 child's household

11 (i) is in the legal or physical custody of the state under
12 AS 47, or under similar custody of another state or political subdivision
13 of a state; or

14 (ii) has been the subject of a report of harm under
15 AS 47.17, or a child abuse or neglect investigation by the Department
16 of Health and Social Services or by a similar child protective service in
17 this or another state;

18 (C) a protective order under AS 18.66.100 or 18.66.110 has
19 been in effect during the previous year in which the petitioner or respondent
20 was a member of the deceased child's immediate family or household; or

21 (D) the child's death occurred in a mental health institution,
22 mental health treatment facility, foster home, or other residential or child care
23 facility, including a day care facility;

24 (3) review records concerning

25 (A) abuse or neglect of the deceased child or another child in
26 the deceased child's household;

27 (B) the criminal history or juvenile delinquency of a person who
28 may have caused the death of the child and of persons in the deceased child's
29 household; and

30 (C) a history of domestic violence involving a person who may

1 have caused the death of the child or involving persons in the deceased child's
2 household, including records in the central registry of protective orders under
3 AS 18.65.540;

4 (4) if insufficient information exists to adequately determine the cause
5 and manner of death, recommend to the state medical examiner that additional
6 information be obtained under AS 12.65.020; and

7 (5) if a local, regional, or district child fatality review team has not
8 been appointed under AS 12.65.015 or is not available, be available to provide
9 recommendations, suggestions, and advice to state or municipal law enforcement or
10 social service agencies in the investigation of deaths of children.

11 (b) The state child fatality review team may

12 (1) collect data and analyze and interpret information regarding deaths
13 of children in this state;

14 (2) develop state and local data bases on deaths of children in this state;

15 (3) develop a model protocol for the investigation of deaths of children;

16 and

17 (4) periodically issue reports to the public containing statistical data and
18 other information that does not violate federal or state law concerning confidentiality
19 of the children and their families involved in the reviews; these reports may include

20 (A) identification of trends, patterns, and risk factors in deaths
21 of the children;

22 (B) analysis on the incidence and causes of deaths of children
23 in this state;

24 (C) recommendations for improving the coordination of
25 government services and investigations; and

26 (D) recommendations for prevention of future deaths of
27 children.

28 **Sec. 12.65.140. Records; information; meetings; confidentiality; immunity.**

29 (a) The state child fatality review team and its members shall have access to all
30 information and records to which the state medical examiner has access under this

1 chapter. The state child fatality review team and its members shall maintain the
2 confidentiality of information and records concerning deaths under review, except
3 when disclosures may be necessary to enable the team to carry out its duties under this
4 chapter. However, the team and its members may not disclose a record that is
5 confidential under federal or state law.

6 (b) Except for public reports issued by the team, records and other information
7 collected by the team or a member of the team related to duties under this chapter are
8 confidential and not subject to public disclosure under AS 09.25.100 - 09.25.220.

9 (c) Meetings of the state child fatality review team are closed to the public and
10 are not subject to the provisions of AS 44.62.310 - 44.62.312.

11 (d) The determinations, conclusions, and recommendations of the state child
12 fatality review team, or its members are not admissible in any civil or criminal
13 proceeding. Members may not be compelled to disclose their determinations,
14 conclusions, recommendations, discussions, or thought processes through discovery or
15 testimony in any civil or criminal proceeding. Records and information collected by
16 the state child fatality review team are not subject to discovery or subpoena in
17 connection with a civil or criminal proceeding.

18 (e) Notwithstanding (d) of this section, the state medical examiner may testify
19 in a civil or criminal proceeding even though the death was reviewed by the state child
20 fatality review team under AS 12.65.130 and information received from the review
21 formed a basis of the state medical examiner's testimony.

22 (f) A person who is a member or an employee of, or who furnishes services
23 to or advises the state child fatality review team, is not liable for damages or other
24 relief in an action brought by reason of the performance of a duty, a function, or an
25 activity of the review team."

AMENDMENT

#3

copy

OFFERED IN THE HOUSE

BY Brice

TO: CSHB 375 () / 0-GH2009/F

1 Page 11, line 10: -

2 Delete all material and insert:

SHALL FACILITATE THE FORMATION OF

3 "(e) The state medical examiner ~~may appoint~~ ^{shall facilitate the formation of} local, regional, ~~and~~ ^{or} district child

4 fatality review teams to assist local, regional, and district medical examiners in

5 determining the cause and manner of deaths of children under 18 years of age. If a

6 team is ~~appointed~~ ^{formed} under this section, the team shall have the same access to

7 information, confidentiality requirements, and immunity as provided to the state child

8 fatality review team under AS 12.65.140. A meeting of a team appointed under this

9 subsection is closed to the public and not subject to the provisions of AS 44.62.310 -

10 44.62.312. A review by a local, regional, or district child fatality review team does

11 not relieve the state child fatality review team under AS 12.65.120 of the responsibility

12 for reviewing these deaths under AS 12.65.130. A person ~~appointed to~~ ^{or} a local,

13 regional, or district child fatality review team is not eligible to receive compensation

14 from the state for service on the team, but the person is eligible for travel and per

15 diem from the Department of Health and Social Services under AS 39.20.180. A

16 person appointed to a team under this subsection serves at the pleasure of the state

17 medical examiner."

18 Page 11, lines 12 - 18:

19 Delete all material and insert:

20 "Sec. 12.65.120. State child fatality review team. (a) The state child fatality

21 review team is established in the Department of Health and Social Services to assist

22 the state medical examiner. The team is composed of

23 (1) the following persons, or that person's designee:

24 (A) the state medical examiner;

AMENDMENT # 4

OFFERED IN THE HOUSE

BY REPRESENTATIVE DYSON

TO: CSHB 375 () / 0-GH2009/F

1 Page 29, line 29:

2 Following "abandonment,":

3 Insert "sexual abuse."

4 Following "torture,":

5 Insert "chronic"

6 Page 50, line 3, following "foster home.":

7 Insert "The department may extend a provisional foster home license issued under this
8 subsection for an additional period of up to 90 days in order to obtain the information from
9 the national criminal background check required under AS 47.35.017(b)(6)."

AMENDMENT * 5

OFFERED IN THE HOUSE

BY REPRESENTATIVE DYSON

TO: CSHB 375(), Draft Version "F"

1 Page 14, lines 12 - 27:

2 Delete all material and insert:

3 "(1) parents have the following rights and responsibilities relating to
4 the care and control of their child while the child is a minor:

5 (A) the responsibility to provide the child with food, clothing,
6 shelter, education, and medical care;

7 (B) the right and responsibility to protect, train, and discipline
8 the child;

9 (C) the right to determine where and with whom the child shall
10 live;

11 (D) the rights and responsibility to make decisions of legal or
12 financial significance concerning the child;

13 (E) the right to obtain representation for the child in legal
14 actions; and

15 (F) the responsibility to provide special safeguards and care,
16 including appropriate protection before as well as after birth;"

17 Renumber the following paragraphs accordingly.

18 Page 28, following line 28:

19 Insert a new bill section to read:

20 ** Sec. 42. AS 47.10.084(a) is amended to read:

21 (a) When a child is committed under AS 47.10.080(c)(1) to the department,
22 released under AS 47.10.080(c)(2) to the child's parents, guardian, or other suitable
23 person, or committed to the department or to a legally appointed guardian of the

1 person of the child under AS 47.10.080(c)(3), a relationship of legal custody exists.
2 This relationship imposes on the department and its authorized agents or the parents,
3 guardian, or other suitable person the responsibility of physical care and control of the
4 child, the determination of where and with whom the child shall live, the right and
5 duty to protect, train, and discipline the child, [AND] the duty of providing the child
6 with food, shelter, education, and medical care and the right and responsibility to
7 obtain legal representation for, and make decisions of legal or financial
8 significance concerning, the child. These obligations are subject to any residual
9 parental rights and responsibilities and rights and responsibilities of a guardian if one
10 has been appointed. When a child is committed to the department and the department
11 places the child with the child's parent, the parent has the responsibility to provide and
12 pay for food, shelter, education, and medical care for the child. When parental rights
13 have been terminated, or there are no living parents and no guardian has been
14 appointed, the responsibilities of legal custody include those in (b) and (c) of this
15 section. The department or person having legal custody of the child may delegate any
16 of the responsibilities under this section, except authority to consent to marriage,
17 adoption, and military enlistment may not be delegated. For purposes of this chapter
18 a person in charge of a placement setting is an agent of the department."

19 Renumber the following bill sections accordingly.

20 Renumber internal references to bill sections in accordance with this amendment. Below are
21 all internal bill section references in this bill:

22 Page 51, line 12

23 Page 51, line 15

24 Page 51, line 18

25 Page 51, line 22

AMENDMENT

#6

Offered in the House HESS

By: Representative Brice

To: CS HB 375

Page 15, line 10-11

(B) when a child is removed from the home, the department should make reasonable efforts to provide weekly supervised or unsupervised visitation between the child and the child's parent or guardian and extended family members unless a mental health practitioner experienced with treating children has determined that the visitation would be harmful to the child;

Page 32, line 19, following "Harm"
insert or sexual abuse

7
AMENDMENTS

1
2
3 OFFERED IN THE HOUSE

BY: Dyson

4
5 TC: HB 375

6
7 Page 13, following line 25:

8 Insert a new bill section to read:

9 *Sec. __. AS 25.20.061 is amended to read:

10 PRESUMPTIONS [VISITATION] IN PROCEEDINGS INVOLVING

11 DOMESTIC VIOLENCE. (a) If the court finds in a proceeding involving child custody
12 that domestic violence has occurred, rebuttable presumptions arise that it is

13 (1) detrimental to the child and not in the best interest of the child to be
14 placed in sole custody, joint legal custody, or joint physical custody with the
15 perpetrator of the domestic violence; and

16 (2) in the best interest of the child to reside with the parent who is not a
17 perpetrator of domestic violence in a location of that parent's choice, inside or
18 outside the state.

19 (b) In addition to the rebuttable presumptions that a court must consider under
20 (a) of this section, if the court finds that domestic violence has occurred, the court
21 shall consider the following factors in making an award of child custody:

22 (1) the safety and well-being of the child or of the parent who is the
23 victim of domestic violence;

24 (2) the perpetrator's history of causing physical harm, bodily injury,
25 assault, or causing reasonable fear of physical harm, bodily injury, or assault,
26 to another person.

27 (c) If a parent is absent or relocates because of an act of domestic violence by
28 the other parent, the court may not consider the absence or relocation as a factor
29 against that parent in determining custody.

30 (d) The court may award (IF) visitation (IS AWARDED) to a parent who has
31 committed a crime involving domestic violence, against the other parent or a child of the
32 two parents, only if the court finds the safety of the child and the other parent are
33 protected, [WITHIN THE FIVE YEARS PRECEDING THE AWARD OF VISITATION]

1 **(e) If visitation is awarded under (d) of this section,** the court may set conditions
2 for the visitation, including

3 (1) the transfer of the child for visitation must occur in a protected setting;

4 (2) visitation shall be supervised by another person or agency and under
5 specified conditions as ordered by the court;

6 (3) the perpetrator shall attend and complete, to the satisfaction of the court,
7 a program for the rehabilitation of perpetrators of domestic violence that meets the
8 standards set by the Department of Corrections under AS 44.28.020 (b), or other
9 counseling; the perpetrator shall be required to pay the costs of the program or
10 other counseling;

11 (4) the perpetrator shall abstain from possession or consumption of alcohol
12 or controlled substances during the visitation and for 24 hours before visitation;

13 (5) the perpetrator shall pay costs of supervised visitation as set by the
14 court;

15 (6) the prohibition of overnight visitation;

16 (7) the perpetrator shall post a bond to the court for the return and safety of
17 the child; and

18 (8) any other condition necessary for the safety of the child, the other
19 parent, or other household member.
20

21 Page 13, Following line 25

22 Insert a new bill section to read:

23 • Sec. ____, AS 25.20.070 is amended to read:

24 **TEMPORARY CUSTODY OF THE CHILD.** Unless it is shown to be detrimental to the
25 welfare of the child **or the court determines that domestic violence has occurred,** the
26 child shall have, to the greatest degree practical, equal access to both parents during the
27 time that the court considers an award of custody under AS 25.20.060 - 25.20.130.

28 Page 13, Following line 25

29 Insert a new bill section to read:

30 **FACTORS FOR CONSIDERATION IN AWARDING SHARED CHILD**
31 **CUSTODY.** In determining whether to award shared custody of a child the court shall
32 consider

- 1 (1) presumptions under AS 25.20.061:
- 2 (2) the child's preference if the child is of sufficient age and capacity to
- 3 form a preference;
- 4 (3) [(2)] the needs of the child;
- 5 (4) [(3)] the stability of the home environment likely to be offered by each
- 6 parent;
- 7 (5) [(4)] the education of the child;
- 8 (6) [(5)] the advantages of keeping the child in the community where the
- 9 child presently resides;
- 10 (7) [(6)] the optimal time for the child to spend with each parent considering
- 11 (A) the actual time spent with each parent;
- 12 (B) the proximity of each parent to the other and to the school in
- 13 which the child is enrolled;
- 14 (C) the feasibility of travel between the parents;
- 15 (D) special needs unique to the child that may be better met by one
- 16 parent than the other;
- 17 (E) which parent is more likely to encourage frequent and continuing
- 18 contact with the other parent;
- 19 (8) [(7)] any findings and recommendations of a neutral mediator;
- 20 (9) [(8)] any evidence of domestic violence, child abuse, or child neglect in
- 21 the proposed custodial household or a history of violence between the parents;
- 22 (10) [(9)] evidence that substance abuse by either parent or other members
- 23 of the household directly affects the emotional or physical well-being of the child;
- 24 (11) [(10)] other factors the court considers pertinent.

25
26 Page 13, Following line 25

27 Insert a new bill section to read:

28 *Sec. __AS 25.24.150 (c) is amended to read:

29 (c) The court shall determine custody in accordance with the best interests of the
30 child under AS 25.20.060 - 25.20.130. In determining the best interests of the child the
31 court shall consider

- 1 (1) presumptions under AS 25.20.061:
- 2 (2) the physical, emotional, mental, religious, and social needs of the child;
- 3 (3) ~~((2))~~ the capability and desire of each parent to meet these needs;
- 4 (4) ~~((3))~~ the child's preference if the child is of sufficient age and capacity
- 5 to form a preference:
- 6 (5) ~~((4))~~ the love and affection existing between the child and each parent;
- 7 (6) ~~((5))~~ the length of time the child has lived in a stable, satisfactory
- 8 environment and the desirability of maintaining continuity;
- 9 (7) ~~((6))~~ the desire and ability of each parent to allow an open and loving .
- 10 frequent relationship between the child and the other parent;
- 11 (8) ~~((7))~~ any evidence of domestic violence, child abuse, or child neglect in
- 12 the proposed custodial household or a history of violence between the parents;
- 13 (9) ~~((8))~~ evidence that substance abuse by either parent or other member of
- 14 the household directly affects the emotional or physical well-being of the child;
- 15 (10) ~~((9))~~ other factors that the court considers pertinent.

AMENDMENT 10

DELETE LINES 8-26 (INCLUSIVE)

ON PAGE 8

+ appropriate title change

A couple of more amendments

Page 17, line 18,

After "incarcerated," insert "and the incarcerated parent has not made satisfactory arrangements for the child"

(please feel free to make technical changes to fit the existing language)

Page 18, line 14,

After ";" insert "exposure to domestic violence shall be treated as in AS 25.20.061"

(again your technical assistance with this is appreciated.)

Child Protection Bill Comparison

Governor's HB	Governor's HB 375	CS HB 375	CS HB 375	Other Bill
AS 11.41.100 (a) (2)	Murder One when 2 violent acts toward a child result in death	AS 11.41.100 (a) (2)	Same as original.	SB 218
AS 11.41.100 (a) (3)	Murder One when child dies during sex crime or kidnapping	AS 11.41.100 (a) (3)	Same as original.	SB 218
AS 11.41.110 (a) (5)	Murder Two when child dies and offender has a prior conviction for a violent crime against a child	AS 11.110 (a) (5)	Same as original.	SB 218
AS 11.41.130 (b)	Criminally Negligent Homicide is a B felony, rather than a C felony.	AS 11.41.130 (a)	Deleted per single subject rule.	SB 218
AS 11.41.300 (a)(1)(F)	Kidnapping includes restraint with sexual abuse of a minor or fear of sexual abuse	AS 11.41.300 (a)(1)(F)	Same as original	
AS 11.41.300(d)	Kidnapping mitigated by release of victim without committing sexual assault or sexual abuse in first or second degree	AS 11.41.300 (d)	Same as original.	
AS 11.41.458	Creates felony indecent exposure for sex act in presence of a child	AS 11.41.458	Same as original.	SB 323
AS 11.41.460	Misdemeanor indecent exposure amended to knowing exposure, rather than intentional exposure	AS 11.41.460		SB 323

Child Protection Bill Comparison

Governor's HB	Governor's HB 375	CS HB 375	CS HB 375	Other Bill
AS 11.51.100	Endangering the Welfare of a Child expanded. Leave child under 6 with sex offender or violent person. Babysitter	AS 11.51.100	Broadens original to include any child under 16 as the victim, and eliminates "babysitter" defense.	HB 333; SB 282
AS 11.51.110	Creates a violation for Endangering: caring for child under 6 while possessing drugs, incapacitated or unattended child.	AS 11.51.110	Broadens original to include any child under 16 as a victim and use of drugs during childcare as a violation.	HB 333; SB 282
AS 11.51.115	Felony criminal nonsupport for: hiding assets and accumulating a \$10,000 debt.	AS 11.51.115	Requires \$30,000 cumulative debt.	
AS 11.51.120	Misdemeanor criminal nonsupport for failure to pay when ordered by an administrative agency or court	AS 11.51.120	Order must be from court, not administrative agency.	
AS 12.55.025 (i)	No amendment	AS 12.55.025 (i)	Prompted by amendment to AS 12.55.125 (k) that adds (1) and maintains (2).	
AS 12.55.125 (c)(2) (B)	Manslaughter minimum raised from 5 to 7 years when the victim is a child	AS 12.55.125 (c)(2)(B)	Same as original.	SB 218
AS 12.55.155 (e)	citation should read AS 12.55.125 (c) (2) (A)	AS 12.55.155 (e)	citation corrected AS 12.55.125 (c) (2) (A)	
AS 12.55.125 (k)	Can aggravate sentence for crim neg homicide when the victim is a child	AS 12.55.125 (k)	Same as original. Amendment: to AS 12.55.025 (i).	SB 218

Child Protection Bill Comparison

Governor's HB	Governor's HB 375	CS HB 375	CS HB 375	Other Bill
AS 12.63.010 (a) and (b)	Tightens sex offender registration.	AS 12.63.010 (a) and (b)	Deleted per single subject rule.	HB 252
AS 12.65.005 (a) - 12.65.140	Creates child fatality review team in statute.	AS 12.65.005 (a) - 12.65.140	Open provisions in draft re: who appoints; composition; duties; records	
AS 14.20.020 (f); 14.20.030 (b)	No teaching certificates for sex offenders.	AS 14.20.020 (f); 14.20.030 (b)	Same as original.	SB 323
AS 18.65.087 (a)	Allows DOC to register sex offenders	AS 18.65.067 (a)	Deleted per single subject rule.	HB 252
AS 22.15.100	Changes minor to child to clarify CINA rather than JD status.	AS 22.15.100	No change to existing statute.	
		AS 25.23.180 (c)	Amend citation to termination statutes.	
AS 33.30.012 (a)	Allows DOC to register sex offender prior to release and forward info to DPS	AS 33.30.012 (a)	Deleted per single subject rule.	HB 252
	Legislative intent not in statute.	AS 47.05.065	Legislative intent in statute. Broader protections for children in policy	

Child Protection Bill Comparison

Governor's HB	Governor's HB 375	CS HB 375	CS HB 375	Other Bill
AS 47.05.090	Medicaid eligibility for special needs children being adopted out of state.	AS 47.05.090	Same as original.	
AS 47.10.005	Statement to courts on how to construe statute.	AS 47.05.005	Same as original.	
AS 47.10.010	Jurisdictional statement.	AS 47.10.010	Same as original.	
AS 47.10.011	Situations where the state may legally take custody of children.	AS 47.10.011	Situations where the state may legally take custody of children.	
	(a)(1) abandoned child		(a)(1) abandoned by 1 parent and the other parent creates CINA status	
	(a)(2) incarcerated parent for DV and failure to provide care		(a)(2) one parent incarcerated and the other parent creates CINA status	
	(a)(3) child left with unwilling or unable custodian		(a)(3) same as original	
	(a)(4) runaway status creates risk to child's physical or emotional health or safety		(a)(5) same as original	

Child Protection Bill Comparison

Governor's HB	Governor's HB 375	CS HB 375	CS HB 375	Other Bill
	(a)(5) medical neglect for both physical and emotional disorders		(a)(4) medical neglect for both physical and mental disorders	
	(a)(6) child has suffered physical harm or is at substantial risk		(a)(6) child has suffered substantial physical harm or is at substantial risk	
	(a)(7) child has suffered sexual abuse or is at substantial risk		(a)(7) same as original	
	(a)(8) emotional harm; DV as prima facie evidence of emotional harm		(a)(8) mental injury (no DV)	
	(a)(9) physical neglect		(a)(9) physical neglect	
	(a)(10) substance abuse impairs ability to parent; relapse provision		(a)(10) Brice's proposed amendments incorporated	
	(a)(11) mental illness renders incapable of proper care for extended periods of time		(a)(11) mental illness caused physical harm or creates risk of substantial physical harm	
	(a)(12) parents pressure child to act illegally		(a)(12) same as original	

Child Protection Bill Comparison

Governor's HB	Governor's HB 375	CS HB 375	CS HB 375	Other Bill
AS 47.10.013	Abandonment defined so that younger children can get permanent homes faster.	AS 47.10.013	Amended to require state to prove "intent." 3-month period for all ages.	
AS 47.10.014	Neglect defined more specifically than in AS 47.17.290	AS 47.10.014	Deletes "emotional health and development;" uses mental health and development	
AS 47.10.017	Defines physical harm as a criminal assault by a parent; includes substantial risk of injury	AS 47.10.017	Same as original.	
		AS 47.10.019	Limits jurisdiction solely based on poverty, housing, or peculiar lifestyle.	HB 366
AS 47.10.020 (a)	Format for Child In Need of Aid (CINA) petition	AS 47.10.020 (a)	Same as original, with "if known" tribe, rather than "if any."	
		AS 47.10.030(b)	Notice of hearing expanded to out of home caregivers for child, requires proof of notice by service and filed prior to hearing	
AS 47.10.050 (a)	GAL should be appointed in any CINA proceeding	AS 47.10.050 (a)	Same as original	
AS 47.10.070 (c)	Allows foster parents to receive notice of hearings, attend hearings, and be heard.	AS 47.10.070(a)	Department sends notice to parties and out of home caregivers.	

Child Protection Bill Comparison

Governor's HB	Governor's HB 375	CS HB 375	CS HB 375	Other Bill
AS 47.10.080 (a)	Allegations must be proven within 120 days of probable cause finding	AS 47.10.080 (a)	Same as original.	
AS 47.10.080 (c)(1)	GAL can request extension of legal custody; Parties get advance notice of move and may request a hearing.	AS 47.10.080(c)(1)	Amended to allow a one-year extension of custody, prior notice of a transfer to parties, caregivers, and healthcare providers	
AS 47.10.080 (c) (2)	GAL can request extension of supervision by DHSS	AS 47.10.080(c)(2)	Amended to allow a one-year extension of custody, rather than two years. GAL can request extension.	
AS 47.10.080 (c) (3)	Termination of Parental Rights Order followed by annual reports on permanence	AS 47.10.080(c)(3)	Requires quarterly reports on permanence	
AS 47.10.080 (f)	Requires at least annual permanency hearings; GAL can request review.	AS 47.10.080(f)	Requires at least annual permanency hearings, GAL can request review Notice to healthcare providers	
AS 47.10.080 (i)	Decision on appeal within 90 days.	AS 47.10.080(i)	Decision on appeal within 90 days, deadline using oral argument.	
AS 47.10.080 (l)	Permanency hearing within 12 months of removal as calculated in AS 47.10.080(f)	AS 47.10.080(l)	Same as original.	
AS 47.10.080 (l)	Court findings on permanent plan for child	AS 47.10.080(l)	Findings expanded to meet new federal language	

Child Protection Bill Comparison

Governor's HB	Governor's HB 375	CS HB 375	CS HB 375	Other Bill
AS 47.10.080 (o)	Grounds to terminate parental rights based on incarceration of parent	AS 47.10.080 (o)	Addition of "not another parent willing and able to care for the child."	
		AS 47.10.080(p)	Visitation order requires visit w/in 72 hours and weekly.	
		AS 47.10.080(q)	Info Department must provide to foster parents	
		AS 47.10.080 (r)	Info parents must provide to the Department	
		AS 47.10.080(s)	Department may not change a placement without a court order unless requested, abuse, return or adoption	
		AS 47.10.080(l)	Department shall give 14 days advance written notice by certified mail to request a change in placement	
AS 47.10.082	Best interests of child must be considered at disposition	AS 47.10.082	Addition of "health and safety of the child shall be the paramount concern."	
AS 47.10.086	Amendments to "reasonable efforts" requirement to conform to federal law, with (c) (4) and (5) added by state	AS 47.10.086		

Child Protection Bill Comparison

Governor's HB	Governor's HB 375	CS HB 375	CS HB 375	Other Bill
		AS 47.10.086 (a)	(a)(1)(2)(3)case planning and documentation	
		AS 47.10.086(c)(1)	deletes sexual abuse; needs chronic mental harm to comply with federal standard	
AS 47.10.086 (a) 4-5		AS 47.10.086(c) 4-9	additional grounds to stop reasonable efforts to return the child home	
		AS 47.10.086 (d)	Stop reasonable efforts to return child home if parents fail to make reasonable efforts for 12 months	
AS 47.10.088	Amendments to "termination of parental rights" to conform to federal law, with (d) (4) and (5), (g) added by state	AS 47.10.088	same as original	
AS 47.10.088(j)	Requires trial on petition to terminate parental rights within 6 months of filing	AS 47.10.088(j)	same as original	
AS 47.10.088 (k)	Requires decision on termination of parental rights within 90 days of trial completion	AS 47.10.088(k)	same as original	
AS 47.10.092 (a)	Allows DHSS to respond to legislators with info about child and family, not just the child	AS 47.10.092(a)	Requires DHSS to copy documents, get proof of request, and makes it a duty to respond to a request	

Child Protection Bill Comparison

Governor's HB	Governor's HB 375	CS HB 375	CS HB 375	Other Bill
AS 47.10.093(b)	Loosens confidentiality restrictions: state ME; teams; reporter of harm; federal law enforcement, CSED.	AS 47.10.093 (b)	Specific amendment for foster parents.	
AS 47.10.142(a)	Emergency custody when a sibling is sexually abused	AS 47.10.142(a)	removes requirement of "gross" neglect;	
		AS 47.10.142 (c)	Requires department to provide why released and to whom released, to parents.	
		AS 47.10.960	No duty of care.	
AS 47.10.990	Definitions amended to include additional terms. Some definitions from CINA Rule 2.	AS 47.10.990	Emotional harm deleted, mental injury inserted.	
	(a)(18) reasonable efforts are time-limited services to prevent removal and to return home		(a)(18) reasonable efforts are consistent attempts to offer services	
AS 47.12.310 (b)	Loosens confidentiality in JD cases, includes federal law enforcement, ME	AS 47.12.310(b)	Mandates a response by the department, adds specific amendments for foster parents.	
AS 47.14.100 (d)	Allows DHSS to provide respite care to foster parents for stress relief	AS 47.14.100(d)	same as original	

Child Protection Bill Comparison

Governor's HB	Governor's HB 375	CS HB 375	CS HB 375	Other Bill
		AS 47.14.100 (e)(1)and(2)	Amends blood relative preference to comply with requirements of licensed caregivers	
		AS 47.14.100(l)	Requires department to consider removing risk from home before removing child from home	
		AS 47.14.100(d) and (h)	Department must present review panel recommendations to court.	
AS 47.14.300	Allows the use of multidisciplinary teams as a resource for CINA cases. Alternate proposal to be made as amendment.	AS 47.14.300	Alternate proposals to be made as amendments	
AS 47.17.020 (a)	Mandates members of child fatality review team and multidisciplinary team to report child abuse and neglect.	AS 47.17.020(a)	same as original	
AS 47.17.020 (h) and (i)	Clarifies when DV and Alcohol treatment providers must make mandated reports	AS 47.17.020(h)and (i)	same as original	
		AS 47.17.030(g)	adds subsection requiring worker to go to AG to seek a TRO, to prevent removal	
AS 47.17.033	Allows DHSS to investigate criminal histories of parents and perpetrators	AS 47.17.033	same as original	

Child Protection Bill Comparison

Governor's HB	Governor's HB 375	CS HB 375	CS HB 375	Other Bill
	Proposed amendments to AS 47.17.035(b) through Rep. Price	AS 47.17.035(b)	Amendments to duties of DFYS in DV cases	
AS 47.35.017 (b)	Requires criminal background check, including fingerprints, for licensed homes.	AS 47.35.017(b)	Adds OL and SSN to application; also requires criminal background checks	
AS 47.35.022	No license when certain criminal histories uncovered; procedure for checks.	AS 47.35.022	same as original.	
AS 47.35.023 (b)	Emergency license for 180 with partial compliance with criminal background check	AS 47.35.023(b)	Emergency license for 90-day period, to be extended, after partial compliance.	
AS 47.35.047 (b)	Licensee has duty to report new offenses.	AS 47.35.047(b)	same as original	



STATE OF ALASKA
OFFICE OF THE GOVERNOR
JUNEAU

HB 375

P.O. Box 11000
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January 30, 1998

The Honorable Gail Phillips
Speaker of the House
Alaska State Legislature
State Capitol
Juneau, AK 99801-1182

Dear Speaker Phillips:

More than 15,500 reports of child abuse or neglect were filed last year in Alaska. National statistics have shown Alaska has the highest rate of child abuse and neglect among all 50 states with 38 substantiated cases for every 1,000 children in the state's population. These disturbing numbers have steadily increased since the 1980's along with increases in substance abuse and domestic violence. One abuse feeds another. The cycle must stop. We are shirking our greatest responsibility if we don't face this tragedy head on and demand the tools, laws and resources to put an end to it.

This child protection bill I am transmitting to you today is my Administration's effort to improve Alaska's laws to protect our children and prevent the crime that inevitably results when abused kids become angry teens and adults. This bill is part of my Smart Start for Alaska's Children initiative - a comprehensive approach to breaking the cycle of abuse and neglect, stopping family violence, preventing crime, and working together for a bright future for all of Alaska's children.

The bill makes many changes in Alaska law to protect children and prevent crime. The most significant include:

- Updating the child in need of aid laws to put children first and make sure every effort is made to reunify the family when appropriate, and to expedite making the child legally eligible for permanent placement when reunification is clearly not in the child's best interest.
- Increasing penalties for people who kill or harm children by abuse or neglect.

11-21

The Honorable Gail Phillips
January 30, 1998
Page 2

- Establishing a child fatality review team and facilitating the sharing of information to improve our legal tools to investigate child fatalities and more comprehensively address situations that put Alaska children at risk.

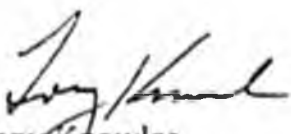
- Requiring incarcerated sex offenders to register as sex offenders prior to release from prison.

- Improving criminal laws regarding criminal nonsupport of children by heightening penalties to be sure parents who are able, but choose not to support their children are appropriately punished.

- Authorizing the Department of Health and Social Services to enter into the Interstate Compact on Adoption and Medical Assistance to facilitate adoption of hard-to-place children when they move from state to state.

I have proposed attacking Alaska's escalating problem with child abuse on three major fronts: health care, prevention programs, and intervention when children are in peril. Earlier this session, I introduced a bill to expand Medicaid eligibility for children, giving our kids a chance for a healthy start in life. That legislation, along with several initiatives in my proposed budget, boosts programs such as Healthy Families and Head Start to prevent child abuse through education and counseling. This bill completes my Smart Start package by providing the necessary intervention tools to stop abusive situations. It represents my Administration's effort to say we will not allow this harmful situation to continue. I urge you to give this bill and my entire Smart Start package thorough and swift attention.

Sincerely,


Tony Knowles
Governor

**SUMMARY OF CRIMINAL CHANGES
CHILD PROTECTION LEGISLATION**

- PEOPLE WHO KILL CHILDREN WILL BE CHARGED WITH MORE SERIOUS CRIMES AND SERVE LONGER JAILTERMS:
 - (A) murder one if a child dies after two acts of violence, conduct knowingly directed toward the child (same child)
 - (B) murder one if a child dies during an act of sexual abuse or while kidnapped
murder one sentence is 20 - 99 years
under old law, these would probably be murder two
 - (C) murder two if a child dies, negligence, and the person has a prior conviction for a violent crime against a child (different or same child)
murder two sentence is 5 - 99 years.
 - (D) minimum 7 years for manslaughter when the victim is a child.
under the old law, 5 year minimum
maximum is 20 years.
 - (E) "shaken baby" deaths, death due to brain damage from being shaken. Criminally Negligent Homicide
under the old law, a C felony.
under the old law, 0-5 (0-2 benchmark)
under the new law, a B felony
under the new law, 0 - 10 and no benchmark)

- ADDITION OF FELONY INDECENT EXPOSURE WHEN THE VICTIM IS A CHILD

- ENDANGERING THE WELFARE OF A CHILD expanded -
 - abandonment of a child
 - leaving a child with a known sex offender
 - leaving a child with someone known to injure children

Penalties:

Death	- B felony, faces up to 10 years
Serious Injury	- C felony, faces up to 5 years
Injury	- A misdemeanor, faces up to 1 year
Poor supervision	- B misdemeanor (drugs/alcohol)

- Failure to pay child support will be treated as criminal neglect of a child

- Sex offenders will register before they leave the jail, rather than be given 7 days after they leave the jail.

SUMMARY OF CHANGES TO THE CIVIL CHILD PROTECTION STATUTES

- Child Fatality Review Team in statute with other death investigations.
- Teachers who have sexually abused children will lose their teaching certificates for life.
- Alaska will join the Interstate Compact on Adoption and Medical Assistance
- Children in Need of Aid statutes more precise and practical to work with.
 - Revised definition of abandonment
 - A. more serious w/younger children.
 - B. incarceration
 - C. children left with caretakers and not retrieved
 - D. runaways
 - Medical neglect
 - Physical harm
 - Sexual abuse
 - Emotional harm - dangerous to self or others, observable
 - Physical neglect
 - Substance abuse impairs parenting
 - Mental illness impairs parenting
 - Parents approving illegal and delinquent acts
- Timelines imposed on court process to keep cases moving.
- More participation in hearings by relatives and foster parents.
- Parents have a time-limited window to remedy the problems at home.
- Rehabilitation efforts to return the child home will not be required in aggravated cases:
 - homicide of a child,
 - felony assault on a child,
 - sexual abuse of a child.
- Multidisciplinary teams review DFYS files.
- Criminal background checks required on any licensed home:
 - adults in home
 - juveniles in home;
 - regular rechecks.

CS FOR HOUSE BILL NO. 375()
IN THE LEGISLATURE OF THE STATE OF ALASKA
TWENTIETH LEGISLATURE - SECOND SESSION

BY

Offered:
Referred:

Sponsor(s): HOUSE RULES COMMITTEE BY REQUEST OF THE GOVERNOR

A BILL

FOR AN ACT ENTITLED

1 "An Act relating to children-in-need-of-aid matters and proceedings; relating to
2 child abuse and neglect; relating to murder of children, kidnapping, criminal
3 nonsupport, the crime of indecent exposure, and the crime of endangering the
4 welfare of a child; relating to sentencing for certain crimes involving child victims;
5 relating to the state medical examiner and reviews of child fatalities; relating to
6 teacher certification and convictions of crimes involving child victims; relating to
7 access, confidentiality, and release of certain information concerning the care of
8 children, child abuse and neglect, and child fatalities; authorizing the Department
9 of Health and Social Services to enter into an interstate compact concerning
10 adoption and medical assistance for certain children with special needs; relating
11 to the review of cases involving certain children who are in the custody of the
12 state; authorizing the establishment of multidisciplinary child protection teams and

1 relating to their duties; relating to persons required to report suspected child
2 abuse or neglect; relating to foster care placement and foster care licensing;
3 relating to access to certain criminal justice information and licensure of certain
4 child care facilities; amending Rule 218, Alaska Rules of Appellate Procedure;
5 amending the Alaska Child in Need of Aid Rules; and providing for an effective
6 date."

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

8 * Section 1. INTENT AND PURPOSE OF ACT. (a) The intent of this Act is to protect
9 children from abuse and neglect without prohibiting the use of reasonable methods of parental
10 discipline or prescribing a particular method of parenting.

11 (b) The purpose of this Act is to

12 (1) provide the legal mechanisms by which the state can use its resources to
13 implement the findings in this section for the best interest of children in this state; and

14 (2) override the court decisions in the following cases:

15 (A) Matter of J.L.F., 912 P.2d 1255 (Alaska 1996), In Re S.A., 912
16 P.2d 1235 (Alaska 1996), and F.T. v. State, 862 P.2d 857 (Alaska 1993), concerning
17 the standards to adjudicate a child in need of aid when a parent or caregiver is willing,
18 but unable, to provide essential care for a child:

19 (B) A.M. v. State, 891 P.2d 815 (Alaska 1995), and Nada A. v. State,
20 660 P.2d 436 (Alaska App. 1983), concerning the standards to terminate parental rights
21 when a parent is incarcerated;

22 (C) R.J.M. v. State, 946 P.2d 855 (Alaska 1997), concerning the type
23 of neglect necessary to adjudicate a child in need of aid under AS 47.10.

24 * Sec. 2. AS 10.06.961(a) is amended to read:

25 (a) Notwithstanding AS 13.46.085 or the appointment of a guardian of the
26 property of the child [MINOR] under AS 47.10.010 [AS 47.10.010(c)], when a child
27 [MINOR] who is in the custody of this state under AS 47.10 or a minor who is in the
28 custody of this state under AS 47.12 or of another state under a provision similar to
29 AS 47.10 or AS 47.12 becomes entitled to receive dividends or other distributions

1 resulting from the ownership of stock or a membership in a corporation organized
2 under this chapter and under 43 U.S.C. 1601 - 1641 (Alaska Native Claims Settlement
3 Act), the corporation paying the dividends or making the other distributions shall retain
4 the dividends and other distributions in an interest bearing account for the benefit of
5 the child [MINOR] during the state custody.

6 * Sec. 3. AS 11.41.100(a) is amended to read:

7 (a) A person commits the crime of murder in the first degree if

8 (1) with intent to cause the death of another person, the person

9 (A) causes the death of any person; or

10 (B) compels or induces any person to commit suicide through
11 duress or deception; or

12 (2) the person knowingly engages in conduct directed toward [
13 UNDER CIRCUMSTANCES MANIFESTING EXTREME INDIFFERENCE TO THE
14 VALUE OF HUMAN LIFE, IN A PATTERN OR PRACTICE OF ASSAULT OR
15 TORTURE OF] a child under the age of 16, and [ONE OF THE ACTS OF ASSAULT
16 OR TORTURE RESULTS IN THE DEATH OF THE CHILD; FOR PURPOSES OF
17 THIS PARAGRAPH, A PERSON "ENGAGES IN A PATTERN OR PRACTICE OF
18 ASSAULT OR TORTURE" IF] the person with criminal negligence causes
19 [INFLICTS] serious physical injury to the child by at least two separate acts, and one
20 of the acts results in the death of the child; or

21 (3) the person with criminal negligence causes the death of a child
22 under the age of 16 during the course of committing or attempting to commit
23 sexual assault in the first degree, sexual abuse of a minor in the first degree, or
24 kidnapping.

25 * Sec. 4. AS 11.41.110(a) is amended to read:

26 (a) A person commits the crime of murder in the second degree if

27 (1) with intent to cause serious physical injury to another person or
28 knowing that the conduct is substantially certain to cause death or serious physical
29 injury to another person, the person causes the death of any person;

30 (2) the person knowingly engages in conduct that results in the death
31 of another person under circumstances manifesting an extreme indifference to the value

1 of human life;

2 (3) under circumstances not amounting to murder in the first
 3 degree, acting either alone or with one or more persons, the person commits or
 4 attempts to commit arson in the first degree, kidnapping, sexual assault in the first
 5 degree, sexual assault in the second degree, burglary in the first degree, escape in the
 6 first or second degree, robbery in any degree, or misconduct involving a controlled
 7 substance under AS 11.71.010(a), 11.71.020(a), 11.71.030(a)(1) or (2), or
 8 11.71.040(a)(1) or (2) and, in the course of or in furtherance of that crime, or in
 9 immediate flight from that crime, any person causes the death of a person other than
 10 one of the participants; [OR]

11 (4) acting with a criminal street gang, the person commits or attempts
 12 to commit a crime that is a felony and, in the course of or in furtherance of that crime
 13 or in immediate flight from that crime, any person causes the death of a person other
 14 than one of the participants; or

15 (5) the person with criminal negligence causes the death of a child
 16 under the age of 16, and the person has been previously convicted of a crime
 17 involving a child under the age of 16 that was

18 (A) in violation of AS 11.41;

19 (B) in violation of a law or ordinance in another jurisdiction
 20 with elements similar to a crime under AS 11.41; or

21 (C) an attempt, a solicitation, or a conspiracy to commit a
 22 crime listed in (A) or (B) of this paragraph in violation of AS 11.41 or of
 23 a law or ordinance in another jurisdiction with similar elements.

24 * Sec. 5. AS 11.41.300(a) is amended to read:

25 (a) A person commits the crime of kidnapping if

26 (1) the person restrains another with intent to

27 (A) hold the restrained person for ransom, reward, or other
 28 payment;

29 (B) use the restrained person as a shield or hostage;

30 (C) inflict physical injury upon or sexually assault the restrained
 31 person or place the restrained person or a third person in apprehension that any

1 person will be subjected to serious physical injury or sexual assault;

2 (D) interfere with the performance of a governmental or
3 political function;

4 (E) facilitate the commission of a felony or flight after
5 commission of a felony; [OR]

6 (F) commit an offense in violation of AS 11.41.434 -
7 11.41.438 upon the restrained person or place the restrained person or a
8 third person in apprehension that a person will be subject to an offense in
9 violation of AS 11.41.434 - 11.41.438; or

10 (2) the person restrains another

11 (A) by secreting and holding the restrained person in a place
12 where the restrained person is not likely to be found; or

13 (B) under circumstances which expose the restrained person to
14 a substantial risk of serious physical injury.

15 • Sec. 6. AS 11.41.300(d) is amended to read:

16 (d) In a prosecution for kidnapping, it is an affirmative defense which reduces
17 the crime to a class A felony that the defendant voluntarily caused the release of the
18 victim alive in a safe place before arrest, or within 24 hours after arrest, without
19 having caused serious physical injury to the victim and without having engaged in
20 conduct described in AS 11.41.410(a), [OR] 11.41.420, 11.41.434, or 11.41.436.

21 • Sec. 7. AS 11.41 is amended by adding a new section to read:

22 **Sec. 11.41.458. Indecent exposure in the first degree.** (a) An offender
23 commits the crime of indecent exposure in the first degree if

24 (1) the offender violates AS 11.41.460(a);

25 (2) while committing the act constituting the offense, the offender
26 knowingly masturbates; and

27 (3) the offense occurs within the observation of a person under 16 years
28 of age.

29 (b) Indecent exposure in the first degree is a class C felony.

30 • Sec. 8. AS 11.41.460 is amended to read:

31 **Sec. 11.41.460. Indecent exposure in the second degree.** (a) An offender

1 commits the crime of indecent exposure in the second degree if the offender
2 intentionally exposes the offender's genitals to another person with reckless disregard
3 for the offensive, insulting, or frightening effect the act may have on that person.

4 (b) Indecent exposure in the second degree before a person under 16 years
5 of age is a class A misdemeanor. Indecent exposure in the second degree before a
6 person 16 years of age or older is a class B misdemeanor.

7 * Sec. 9. AS 11.51.100 is repealed and reenacted to read:

8 **Sec. 11.51.100. Endangering the welfare of a child in the first degree. (a)**

9 A person commits the crime of endangering the welfare of a child in the first degree
10 if, being a parent, guardian, or other person legally charged with the care of a child
11 under 16 years of age, the person

12 (1) intentionally deserts the child in a place under circumstances
13 creating a substantial risk of physical injury to the child;

14 (2) leaves the child with another person who is not a parent, guardian,
15 or lawful custodian of the child knowing that the person

16 (A) is registered or required to register as a sex offender under
17 AS 12.63 or a law or ordinance in another jurisdiction with similar
18 requirements;

19 (B) has been charged by complaint, information, or indictment
20 with a violation of AS 11.41.410 - 11.41.455 or a law or ordinance in another
21 jurisdiction with similar elements; or

22 (C) has been charged by complaint, information, or indictment
23 with an attempt, solicitation, or conspiracy to commit a crime described in (B)
24 of this paragraph; or

25 (3) leaves the child with another person knowing that the person has
26 previously physically mistreated or had sexual contact with any child, and the other
27 person causes physical injury or engages in sexual contact with the child.

28 (b) In this section, "physically mistreated" means

29 (1) having committed an act punishable under AS 11.41.100 -
30 11.41.250; or

31 (2) having applied force to a child that, under the circumstances in

1 which it was applied, or considering the age or physical condition of the child,
2 constitutes a gross deviation from the standard of conduct that a reasonable person
3 would observe in the situation because of the substantial and unjustifiable risk of

4 (A) death;

5 (B) serious or protracted disfigurement;

6 (C) protracted impairment of health;

7 (D) loss or impairment of the function of a body member or

8 organ;

9 (E) substantial skin bruising, burning, or other skin injury;

10 (F) internal bleeding or subdural hematoma;

11 (G) bone fracture; or

12 (H) prolonged or extreme pain, swelling, or injury to soft tissue.

13 (c) Endangering the welfare of a child in the first degree under (a)(1) or (2) of
14 this section is a class C felony.

15 (d) Endangering the welfare of a child in the first degree under (a)(3) of this
16 section is a

17 (1) class B felony if the child dies;

18 (2) class C felony if the child suffers sexual contact, sexual penetration,
19 or serious physical injury; or

20 (3) class A misdemeanor if the child suffers physical injury.

21 • Sec. 10. AS 11.51 is amended by adding new sections to read:

22 Sec. 11.51.110. Endangering the welfare of a child in the second degree.

23 (a) A person commits the crime of endangering the welfare of a child in the second
24 degree if, being a parent, guardian, or other person legally charged with the care of a
25 child under 10 years of age, the person, while caring for the child,

26 (1) knowingly possesses a controlled substance that is not authorized
27 under AS 17.30;

28 (2) is incapacitated by a controlled substance that is authorized under
29 AS 17.30 and a third person who is at least 12 years of age and not incapacitated by
30 an intoxicant is not present to care for the child; or

31 (3) is incapacitated by an intoxicant that is not authorized under

1 AS 17.30.

2 (b) In this section,

3 (1) "incapacitated" means that a person is unconscious or the person's
4 judgment is so impaired that the person is incapable of making rational decisions with
5 respect to the basic safety or personal needs of a child;

6 (2) "intoxicant" has the meaning given in AS 47.10.990.

7 (c) Endangering the welfare of a child in the second degree is a violation.

8 **Sec. 11.51.115. Criminal nonsupport in the first degree.** (a) A person
9 commits the crime of criminal nonsupport in the first degree if

10 (1) after administrative or court proceedings for a determination of an
11 obligation under a support order are initiated involving the person, the person
12 knowingly conveys assets, property, or another thing of value to another person in order
13 to avoid payment of the support that may be ordered or has been ordered by the
14 administrative agency or court; or

15 (2) the person is an obligor under a support order under AS 25.27 that
16 includes support on behalf of a child and without lawful excuse has failed to pay
17 support to an extent that over \$30,000 of arrearages have accrued under the order, not
18 including interest and penalties.

19 (b) In this section, "support order" has the meaning given in AS 25.27.900.

20 (c) Criminal nonsupport in the first degree is a class C felony.

21 • **Sec. 11.** AS 11.51.120(a) is amended to read:

22 (a) A person commits the crime of criminal nonsupport in the second degree
23 if, being a person legally charged with the support of a child under 18 years of age, the
24 person fails without lawful excuse to provide support for the child.

25 • **Sec. 12.** AS 11.51.120(c) is amended to read:

26 (c) Criminal nonsupport in the second degree is a class A misdemeanor.

27 • **Sec. 13.** AS 12.55.025(i) is amended to read:

28 (i) Except as provided by AS 12.55.125(a)(3), 12.55.125(k)(2) [12.55.125(k)],
29 12.55.145(d), 12.55.155(f), and 12.55.165, the preponderance of the evidence standard
30 of proof applies to sentencing proceedings.

31 • **Sec. 14.** AS 12.55.125(c) is amended to read:

1 (c) A defendant convicted of a class A felony may be sentenced to a definite
2 term of imprisonment of not more than 20 years [,] and shall be sentenced to the
3 following presumptive terms, subject to adjustment as provided in AS 12.55.155 -
4 12.55.175:

5 (1) if the offense is a first felony conviction and does not involve
6 circumstances described in (2) of this subsection, five years;

7 (2) if the offense is a first felony conviction

8 (A) [,] other than for manslaughter [,] and the defendant
9 possessed a firearm, used a dangerous instrument, or caused serious physical
10 injury during the commission of the offense, or knowingly directed the conduct
11 constituting the offense at a uniformed or otherwise clearly identified peace
12 officer, fire fighter, correctional employee, emergency medical technician,
13 paramedic, ambulance attendant, or other emergency responder who was
14 engaged in the performance of official duties at the time of the offense, seven
15 years;

16 (B) for manslaughter and the victim is a child under the age
17 of 16, seven years;

18 (3) if the offense is a second felony conviction, 10 years;

19 (4) if the offense is a third felony conviction and the defendant is not
20 subject to sentencing under (1) of this section, 15 years.

21 * Sec. 15. AS 12.55.125(k) is amended to read:

22 (k) A first felony offender convicted of an offense for which a presumptive
23 term of imprisonment is not specified under this section

24 (1) may be sentenced to a term of unsuspended imprisonment that
25 exceeds the presumptive term of a second or third felony offender convicted of the
26 same crime if the offender is convicted of criminally negligent homicide and the
27 victim is a child under the age of 16;

28 (2) except as provided in (1) of this subsection, may not be sentenced
29 to a term of unsuspended imprisonment that exceeds the presumptive term for a second
30 felony offender convicted of the same crime unless the court finds by clear and
31 convincing evidence that an aggravating factor under AS 12.55.155(c) is present, or that

1 circumstances exist that would warrant a referral to the three-judge panel under
2 AS 12.55.165.

3 * Sec. 16. AS 12.55.155(e) is amended to read:

4 (e) If a factor in aggravation is a necessary element of the present offense, or
5 requires the imposition of a presumptive term under AS 12.55.125(c)(2)(A)
6 [AS 12.55.125(c)(2)], that factor may not be used to aggravate the presumptive term.
7 If a factor in mitigation is raised at trial as a defense reducing the offense charged to
8 a lesser included offense, that factor may not be used to mitigate the presumptive term.

9 * Sec. 17. AS 12.65.005(a) is amended to read:

10 (a) Unless the person has reasonable grounds to believe that notice has already
11 been given, a person who attends a death or has knowledge of a death, in addition to
12 notifying a peace officer, shall immediately notify the state medical examiner when the
13 death appears to have

14 (1) been caused by unknown or criminal means, during the commission
15 of a crime, or by suicide, accident, or poisoning;

16 (2) occurred under suspicious or unusual circumstances or occurred
17 suddenly when the decedent was in apparent good health;

18 (3) been unattended by a practicing physician or occurred less than 24
19 hours after the deceased was admitted to a medical facility;

20 (4) been associated with a diagnostic or therapeutic procedure;

21 (5) resulted from a disease that constitutes a threat to public health;

22 (6) been caused by a disease, injury, or toxic agent resulting from
23 employment;

24 (7) occurred in a jail or corrections facility owned or operated by the
25 state or a political subdivision of the state or in a facility for the placement of persons
26 in the custody or under the supervision of the state;

27 (8) occurred in a foster home;

28 (9) occurred in a mental institution or mental health treatment facility;

29 [OR]

30 (10) occurred while the deceased was in the custody of, or was being
31 taken into the custody of, the state or a political subdivision of the state or a public

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officer or agent of the state or a political subdivision of the state; or
(11) been of a child under 18 years of age or under the legal custody
of the Department of Health and Social Services, subject to the jurisdiction of
AS 47.10 or AS 47.12, unless the
(A) child's death, resulted from a natural disease process and
was medically expected; and
(B) the child was under supervised medical care during the
24 hours before the death.

* Sec. 18. AS 12.65.015 is amended by adding a new subsection to read:

(c) The _____ may appoint a child fatality review team.

* Sec. 19. AS 12.65 is amended by adding new sections to read:

Sec. 12.65.120. State child fatality review team. (a) The state child fatality review team is established. The team is composed of _____.

Sec. 12.65.130. State child fatality review team duties. The state child fatality review team shall _____.

Sec. 12.65.140. Records; information; meetings; confidentiality. The state child fatality review team and its members shall have access to _____

* Sec. 20. AS 14.20.020(f) is amended to read:

(f) The [EXCEPT AS OTHERWISE PROVIDED IN THIS SUBSECTION, THE] department may not issue a teacher certificate to a person who has been convicted of a crime involving a minor under AS 11.41.434 - 11.41.440, 11.41.455, 11.41.458, or 11.41.460, or under a law in another jurisdiction with elements substantially similar to an offense described in AS 11.41.434 - 11.41.440, 11.41.455, 11.41.458, or 11.41.460, or that is an attempt, solicitation, or conspiracy to commit a crime described in this subsection or a law or ordinance in another jurisdiction with similar elements. [WHEN FIVE YEARS HAVE ELAPSED AFTER A PERSON HAS RECEIVED AN UNCONDITIONAL DISCHARGE FOR A CONVICTION OF A CRIME LISTED IN THIS SUBSECTION, THE PERSON MAY PETITION THE DEPARTMENT TO ISSUE THE CERTIFICATE IN SPITE OF THE CONVICTION IF THE PERSON OTHERWISE SATISFIES THE REQUIREMENTS FOR THE

1 CERTIFICATE. WHEN DECIDING WHETHER TO GRANT OR DENY THE
2 PETITION, THE DEPARTMENT SHALL CONSIDER THE NATURE OF THE
3 PARTICULAR CRIME, WHETHER AND TO WHAT EXTENT THE PERSON HAS
4 BEEN REHABILITATED, AND THE OTHER FACTORS THAT THE
5 DEPARTMENT DETERMINES ARE SIGNIFICANT.]

6 * Sec. 21. AS 14.20.030(b) is amended to read:

7 (b) Upon receipt of a judgment of conviction, the department [THE
8 COMMISSIONER OR THE PROFESSIONAL TEACHING PRACTICES
9 COMMISSION] shall permanently revoke, effective immediately, [FOR LIFE] the
10 certificate of a person who has been convicted of a crime involving a minor under
11 AS 11.41.434 - 11.41.440, 11.41.455, 11.41.458, or 11.41.460, or under a law in
12 another jurisdiction with elements substantially similar to an offense described in
13 AS 11.41.434 - 11.41.440, 11.41.455, 11.41.458, or 11.41.460, or that is an attempt,
14 solicitation, or conspiracy to commit a crime described in this subsection or a law
15 or ordinance in another jurisdiction with similar elements. If the judgment of
16 conviction is reversed on appeal and the person is otherwise eligible for licensure,
17 the department shall reinstate the license. [WHEN FIVE YEARS HAVE ELAPSED
18 AFTER THE PERSON HAS RECEIVED AN UNCONDITIONAL DISCHARGE FOR
19 THE CONVICTION, THE PERSON MAY PETITION THE COMMISSION FOR
20 RECERTIFICATION. WHEN DECIDING WHETHER TO GRANT OR DENY THE
21 PETITION, THE COMMISSION SHALL CONSIDER THE NATURE OF THE
22 PARTICULAR CRIME, WHETHER AND TO WHAT EXTENT THE PERSON HAS
23 BEEN REHABILITATED, AND THE OTHER FACTORS THAT THE COMMISSION
24 DETERMINES ARE SIGNIFICANT.]

25 * Sec. 22. AS 22.15.100 is amended to read:

26 Sec. 22.15.100. Functions and powers of district judge and magistrate.

27 Each district judge and magistrate has the power

28 (1) to issue writs of habeas corpus for the purpose of inquiring into the
29 cause of restraint of liberty, returnable before a judge of the superior court, and the
30 same proceedings shall be had on the writ as if it had been granted by the superior
31 court judge under the laws of the state in such cases:

- 1 (2) of a notary public;
- 2 (3) to solemnize marriages;
- 3 (4) to issue warrants of arrest, summons, and search warrants according
- 4 to manner and procedure prescribed by law and the supreme court;
- 5 (5) to act as an examining judge or magistrate in preliminary
- 6 examinations in criminal proceedings; to set, receive, and forfeit bail and to order the
- 7 release of defendants under bail;
- 8 (6) to act as a referee in matters and actions referred to the judge or
- 9 magistrate by the superior court, with all powers conferred upon referees by laws;
- 10 (7) of the superior court in all respects including but not limited to
- 11 contempts, attendance of witnesses, and bench warrants;
- 12 (8) to order the temporary detention of a minor, or take other action
- 13 authorized by law or rules of procedure, in cases arising under AS 47.10 [AS 47.10.010
- 14 - 47.10.142] or AS 47.12, when the minor is in a condition or surrounding dangerous
- 15 or injurious to the welfare of the minor or others that requires immediate action; the
- 16 action may be continued in effect until reviewed by the superior court in accordance
- 17 with rules of procedure governing these cases;
- 18 (9) to issue a protective order in cases involving domestic violence as
- 19 provided in AS 18.66.100 - 18.66.180;
- 20 (10) to review an administrative revocation of a person's driver's license
- 21 or nonresident privilege to drive, and an administrative refusal to issue an original
- 22 license, when designated as a hearing officer by the commissioner of administration and
- 23 with the consent of the administrative director of the state court system;
- 24 (11) to establish the fact of death or inquire into the death of a person
- 25 in the manner prescribed under AS 09.55.020 - 09.55.069.
- 26 * Sec. 23. AS 25.23.180(c) is amended to read:
- 27 (c) The relationship of parent and child may be terminated by a court order
- 28 issued in connection with a proceeding under this chapter or a proceeding under
- 29 AS 47.10 on the grounds [:]
- 30 (1) [ON THE GROUNDS] specified in AS 47.10.080(o) or 47.10.088
- 31 [AS 47.10.080(c)(3)];

1 (2) [ON THE GROUNDS] that a parent who does not have custody is
2 unreasonably withholding consent to adoption, contrary to the best interest of the minor
3 child; or

4 (3) [ON GROUNDS] that the parent committed an act constituting
5 sexual assault or sexual abuse of a minor under the laws of this state or a comparable
6 offense under the laws of the state where the act occurred that resulted in conception
7 of the child and that termination of the parental rights of the biological parent is in the
8 best interests of the child.

9 * Sec. 24. AS 47.05 is amended by adding a new section to read:

10 Sec. 47.05.065. Legislative findings related to children. The legislature finds
11 that

12 (1) it is the policy of the state to recognize that children are individuals
13 who have legal rights; among those rights are the right to

14 (A) a safe and happy childhood;

15 (B) reasonable safety, adequate care, and adequate treatment;

16 (C) freedom from physical abuse, sexual abuse, exploitation, and
17 substance abuse;

18 (D) special safeguards and care, including appropriate legal
19 protection before as well as after birth;

20 (E) permanency with a safe, loving family;

21 (2) parents and guardians should make reasonable efforts to afford their
22 children the rights listed in (1) of this section; parents and guardians should make
23 reasonable efforts to remove any impediment that substantially impairs their ability to
24 afford these rights to their children; and when a parent or guardian fails to make
25 reasonable efforts to fulfill these responsibilities, the court may determine that it is in
26 the best interests of this child to remove the child from the parent or guardian, either
27 temporarily or permanently;

28 (3) it is the policy of the state to recognize that the purpose of this title
29 and the services provided to families under this title is to protect children from child
30 abuse and neglect and to preserve and strengthen the family and that

31 (A) except in those cases involving serious risk to a child's

1 health or safety, the Department of Health and Social Services should make
2 reasonable efforts to offer appropriate family support services that identify and
3 provide to parents and guardians the necessary opportunities to adjust their
4 circumstances, conduct, or conditions to prevent removal of a child from the
5 home and, if the child is removed, to make return of the child possible so as to
6 prevent termination of parental rights; and

7 (B) when a child is removed from the home, the department
8 should make reasonable efforts to provide weekly supervised or unsupervised
9 visitation between the child and the child's parent or guardian and extended
10 family members unless the visitation would be harmful to the child;

11 (4) it is the policy of the state to recognize that, when a child is a ward
12 of the state, the child is entitled to reasonable safety, adequate care, and adequate
13 treatment and that the Department of Health and Social Services as legal custodian and
14 the child's guardian ad litem as guardian of the child's best interests and their agents
15 and assignees, each should make reasonable efforts to ensure that the child is provided
16 with reasonable safety, adequate care, and adequate treatment for the duration of time
17 that the child is a ward of the state;

18 (5) it is in the best interests of a child who has been removed from the
19 child's own home for the state to apply the following principles in resolving the
20 situation:

21 (A) the child should be placed in a safe, secure, and stable
22 environment;

23 (B) the child should not be moved unnecessarily;

24 (C) a planning process should be followed to lead to permanent
25 placement of the child;

26 (D) every effort should be made to encourage psychological
27 attachment between the adult caregiver and the child; and

28 (E) immediate and regular visitation between the child and the
29 child's parent or guardian and extended family members should be encouraged;

30 (6) parents and guardians have the right to direct the upbringing of their
31 children, including their medical care and the right to exercise reasonable corporal

1 discipline;

2 (7) parents and guardians should make reasonable efforts to actively
3 participate in family support services so as to facilitate the child's being able to remain
4 in the home; when children are removed from the home, the parents and guardians
5 should actively participate in family support services to make return of their children
6 to the home possible; and

7 (8) numerous studies establish that

8 (A) children undergo a critical attachment process before the
9 time they reach six years of age;

10 (B) a child who has not attached with an adult caregiver during
11 this critical stage will suffer significant emotional damage that frequently leads
12 to chronic psychological problems and antisocial behavior when the child
13 reaches adolescence and adulthood; and

14 (C) it is important to provide for an expedited placement
15 procedure to ensure that all children, especially those under the age of six years,
16 who have been removed from their homes are placed in permanent homes
17 expeditiously.

18 * Sec. 25. AS 47.05 is amended by adding a new section to read:

19 **Sec. 47.05.090. Authorization of the Interstate Compact on Adoption and**
20 **Medical Assistance.** (a) The Department of Health and Social Services may, on
21 behalf of the state, enter into the Interstate Compact on Adoption and Medical
22 Assistance and supplementary agreements with agencies of other states for the provision
23 of adoption and medical assistance under AS 47.07 and other provisions of this title for
24 eligible children with special needs.

25 (b) In this section, "state" includes a state, territory, possession, or
26 commonwealth of the United States.

27 * Sec. 26. AS 47.10 is amended by adding a new section to read:

28 **Sec. 47.10.005. Construction.** The provisions of this chapter shall be liberally
29 construed to the end that a child coming within the jurisdiction of the court under this
30 chapter may receive the care, guidance, treatment, and control that will promote the
31 child's welfare.

1 * Sec. 27. AS 47.10.010 is repealed and reenacted to read:

2 **Sec. 47.10.010. Jurisdiction.** (a) Proceedings relating to a child under 18
3 years of age residing or found in the state are governed by this chapter when the child
4 is alleged to be or may be determined by the court to be a child in need of aid under
5 AS 47.10.011.

6 (b) In a controversy concerning custody of a child under this chapter, the court
7 may appoint a guardian of the person and property of a child, may appoint an attorney
8 to represent the legal interests of the child, and may order support from either or both
9 parents. Custody of a child may be given to the department and payment of support
10 money to the department may be ordered by a court.

11 * Sec. 28. AS 47.10 is amended by adding new sections to read:

12 **Sec. 47.10.011. Children in need of aid.** Subject to AS 47.10.019, the court
13 may find a child to be a child in need of aid if it finds by a preponderance of the
14 evidence that the child has been subjected to any of the following:

15 (1) a parent or guardian has abandoned the child as described in
16 AS 47.10.013, and the other parent is absent or has committed conduct or created
17 conditions that cause the child to be a child in need of aid under this chapter;

18 (2) a parent, guardian, or custodian is incarcerated, and the other parent
19 is absent or has committed conduct or created conditions that cause the child to be a
20 child in need of aid under this chapter;

21 (3) a custodian with whom the child has been left is unwilling or unable
22 to provide care, supervision, or support for the child, and the whereabouts of the parent
23 or guardian is unknown;

24 (4) the child is in need of medical treatment to cure, alleviate, or
25 prevent substantial physical harm or is in need of treatment for mental injury, and the
26 child's parent, guardian, or custodian has knowingly failed to provide the treatment;

27 (5) the child is habitually absent from home or refuses to accept
28 available care and the child's conduct threatens the child's physical or emotional health
29 or safety;

30 (6) the child has suffered substantial physical harm, or there is a
31 substantial risk that the child will suffer substantial physical harm, as a result of

1 conduct by or conditions created by the child's parent, guardian, or custodian or by the
2 failure of the parent, guardian, or custodian to supervise the child adequately;

3 (7) the child has suffered sexual abuse, or there is a substantial risk that
4 the child will suffer sexual abuse, as a result of conduct by or conditions created by the
5 child's parent, guardian, or custodian or by the failure of the parent, guardian, or
6 custodian to adequately supervise the child; if a parent, guardian, or custodian has
7 actual notice that a person has been convicted of a sex offense against a minor within
8 the past 15 years, is registered or required to register as a sex offender under AS 12.63,
9 or is under investigation for a sex offense against a minor, and the parent, guardian, or
10 custodian subsequently allows a child to be left with that person, this conduct
11 constitutes prima facie evidence that the child is at substantial risk of being sexually
12 abused;

13 (8) conduct by or conditions created by the parent, guardian, or
14 custodian have resulted in mental injury to the child;

15 (9) conduct by or conditions created by the parent, guardian, or
16 custodian have subjected the child or another child in the same household to neglect;

17 (10) the parent, guardian, or custodian's ability to parent has been
18 substantially impaired by the addictive or habitual use of an intoxicant; if a court has
19 previously found that a child is a child in need of aid under this paragraph, the
20 resumption of use of an intoxicant by a parent, guardian, or custodian within one year
21 after rehabilitation is prima facie evidence that the ability to parent is substantially
22 impaired as described in this paragraph;

23 (11) the parent, guardian, or custodian has a mental illness, serious
24 emotional disturbance, or mental deficiency of a nature and duration that has caused
25 substantial physical harm to the child or creates a risk of substantial physical harm to
26 the child;

27 (12) the child has committed an illegal act as a result of pressure,
28 guidance, or approval from the child's parent, guardian, or custodian.

29 **Sec. 47.10.013. Abandonment.** For purposes of this chapter, the court may
30 find abandonment of a child if a parent or guardian has shown a conscious disregard
31 of parental responsibilities toward the child by failing to provide reasonable support.

1 maintain regular contact, or provide normal supervision and the failure is accompanied
2 by intention on the part of the parent or guardian to permit the failure to continue for
3 an indefinite period. Abandonment of a child also includes instances when the parent
4 or guardian, without justifiable cause,

5 (1) left the child with another person without provision for the child's
6 support and without meaningful communication with the child for a period of three
7 months;

8 (2) has made only minimal efforts to support and communicate with the
9 child;

10 (3) failed for a period of at least six months to maintain regular
11 visitation with the child;

12 (4) failed to participate in a suitable plan or program designed to reunite
13 the parent or guardian with the child;

14 (5) left the child without affording means of identifying the child and
15 the child's parent or guardian;

16 (6) was absent from the home for a period of time that created a
17 substantial risk of serious harm to a child left in the home;

18 (7) failed to respond to notice of child protective proceedings; or

19 (8) was unwilling to provide care, support, or supervision for the child.

20 **Sec. 47.10.014. Neglect.** For purposes of this chapter, the court may find
21 neglect of a child if the parent, guardian, or custodian fails to provide the child with
22 adequate food, clothing, shelter, education, medical attention, or other care and control
23 necessary for the child's physical and mental health and development, though
24 financially able to do so or offered financial or other reasonable means to do so.

25 **Sec. 47.10.015. Physical harm.** For the purposes of this chapter, the court may
26 find physical harm to a child or substantial risk of physical harm to a child if

27 (1) the child was the victim of an act described in AS 11.41.100 -
28 11.41.250, 11.41.300, 11.41.410 - 11.41.455, or AS 11.51.100 and the physical harm
29 occurred as a result of conduct by or conditions created by a parent, guardian, or
30 custodian; or

31 (2) a negligent act or omission by a parent, guardian, or custodian

creates a substantial risk of injury to the child.

Sec. 47.10.019. Limitations on determinations. Notwithstanding other provisions of this chapter, the court may not find a minor to be a child in need of aid under this chapter solely on the basis that the child's family is poor, lacks adequate housing, or exhibits a lifestyle that is different from the generally accepted lifestyle standard of the community where the family lives. However, this section may not be construed to prevent a court from finding that a child is in need of aid if the child has been subjected to conduct or conditions described in AS 47.10.011 - 47.10.015.

* Sec. 29. AS 47.10.020(a) is amended to read:

(a) Whenever circumstances subject a child [MINOR] to the jurisdiction of the court under AS 47.10.005 - 47.10.142 [AS 47.10.010 - 47.10.142], the court shall appoint a competent person or agency to make a preliminary inquiry and report for the information of the court to determine whether the best interests of the child [MINOR] require that further action be taken. If [; IF], under this subsection, the court appoints a person or agency to make a preliminary inquiry and to report to it, then, upon the receipt of the report, the court may

(1) close [INFORMALLY ADJUST] the matter without a court hearing;

(2) determine whether the best interests of the child require that further action be taken; [.] or

(3) [IT MAY] authorize the person or agency having knowledge of the facts of the case to file with the court a petition setting out the facts[; IF THE COURT INFORMALLY ADJUSTS THE MATTER, THE MINOR MAY NOT BE DETAINED OR TAKEN INTO THE CUSTODY OF THE COURT AS A CONDITION OF THE ADJUSTMENT, AND THE MATTER SHALL BE CLOSED BY THE COURT UPON ADJUSTMENT].

* Sec. 30. AS 47.10.020(b) is amended to read:

(b) The petition and all subsequent pleadings shall be styled as follows: "In the matter of, a child [MINOR] under 18 years of age." The petition may be executed upon the petitioner's information and belief [.] and must be verified. It must include the following information:

(1) the name, address, and occupation of the petitioner, together with

1 the petitioner's relationship to the child [MINOR], and the petitioner's interest in the
2 matter;

3 (2) the name, age, and address of the child [MINOR];

4 (3) a brief statement of the facts that bring the child [MINOR] within
5 this chapter;

6 (4) the names and addresses of the child's [MINOR'S] parents;

7 (5) the tribal affiliation, if known, of the child;

8 (6) the name and address of the child's [MINOR'S] guardian [,] or of
9 the person having control or custody of the child [MINOR].

10 * Sec. 31. AS 47.10.030(b) is amended to read:

11 (b) In all cases under this chapter, the child [MINOR], each parent, foster
12 parent or other out-of-home care provider, [OF THE MINOR AND THE] guardian,
13 and guardian ad litem of the child [MINOR] shall be given notice adequate to give
14 actual notice of the proceedings and the possibility of termination of parental rights and
15 responsibilities, taking into account education and language differences that are known
16 or reasonably ascertainable by the petitioner or the department. The notice of the
17 hearing must contain all names by which the child [MINOR] has been identified.
18 Notice shall be given in the manner appropriate under rules of civil procedure for the
19 service of process in a civil action under Alaska law or in any manner the court by
20 order directs. Proof of the giving of the notice shall be filed with the court before the
21 petition is heard. The court may also subpoena the parent of the child [MINOR], or
22 any other person whose testimony may be necessary at the hearing. A subpoena or
23 other process may be served by a person authorized by law to make the service, and,
24 where personal service cannot be made, the court may direct that service of process be
25 in a manner appropriate under rules of civil procedure for the service of process in a
26 civil action under Alaska law or in any manner the court directs.

27 * Sec. 32. AS 47.10.050(a) is amended to read:

28 (a) Whenever in the course of proceedings instituted under this chapter it
29 appears to the court that the welfare of a child [MINOR] will be promoted by the
30 appointment of an attorney to represent the child [MINOR OR AN ATTORNEY OR
31 OTHER PERSON TO SERVE AS GUARDIAN AD LITEM], the court may make the

1 appointment. If it appears to the court that the welfare of a child in the proceeding
2 will be promoted by the appointment of a guardian ad litem, the court shall make
3 the appointment. Appointment of a guardian ad litem or attorney shall be made under
4 the terms of AS 25.24.310.

5 * Sec. 33. AS 47.10.070(a) is amended to read:

6 (a) The court may conduct the hearing on the petition in an informal manner
7 in the courtroom or in chambers. The court shall give notice of the hearing to the
8 department, and it may send a representative to the hearing. The court shall also
9 transmit a copy of the petition to the department. The department shall send notice
10 of the hearing to the persons for whom notice is required under AS 47.10.030(b).
11 The department and the persons to whom the department must send notice of the
12 hearing are entitled to [REPRESENTATIVE OF THE DEPARTMENT MAY ALSO]
13 be heard at the hearing. However, the court may limit the presence of the foster
14 parent or other out-of-home care provider to the time during which the person's
15 testimony is being given if it is (1) in the best interest of the child; or (2) necessary
16 to protect the privacy interests of the parties and will not be detrimental to the
17 child. The public shall be excluded from the hearing, but the court, in its discretion,
18 may permit individuals to attend a hearing if their attendance is compatible with the
19 best interests of the child [MINOR].

20 * Sec. 34. AS 47.10.080(a) is amended to read:

21 (a) An adjudication hearing shall be completed within 120 days after a
22 finding of probable cause is entered unless the court finds good cause to continue
23 the hearing. The court, at the conclusion of the hearing, [OR THEREAFTER] as the
24 circumstances of the case may require, shall find and enter a judgment that the child
25 [MINOR] is or is not a child in need of aid.

26 * Sec. 35. AS 47.10.080(c) is amended to read:

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

29 (1) order the child [MINOR] committed to the department for placement
30 in an appropriate setting for a period of time not to exceed two years or in any event
31 past the date the child [MINOR] becomes 19 years of age, except that the department

1 or the child's guardian ad litem may petition for and the court may grant in a hearing
 2 (A) one-year [TWO-YEAR] extensions of commitment that do not extend beyond the
 3 child's [MINOR'S] 19th birthday if the extension is in the best interests of the child
 4 [MINOR]; and (B) an additional one-year period of state custody [SUPERVISION]
 5 past age 19 if the continued state custody [SUPERVISION] is in the best interests of
 6 the person and the person consents to it; the department may transfer the child
 7 [MINOR], in the child's [MINOR'S] best interests, from one placement setting to
 8 another, and the child [MINOR], the child's [MINOR'S] parents or guardian, the
 9 child's foster parents or out-of-home relative caregiver, the child's health care
 10 providers, the child's guardian ad litem, [AND] the child's [MINOR'S] attorney,
 11 and the child's tribe, if known, are entitled to reasonable notice of the transfer;

12 (2) order the child [MINOR] released to a parent, relative, or
 13 guardian of the child [THE MINOR'S PARENTS, GUARDIAN,] or to another
 14 [SOME OTHER] suitable person, and, in appropriate cases, order the parent, relative
 15 [PARENTS], guardian, or other person to provide medical or other care and treatment;
 16 if the court releases the child [MINOR], it shall direct the department to supervise the
 17 care and treatment given to the child [MINOR], but the court may dispense with the
 18 department's supervision if the court finds that the adult to whom the child [MINOR]
 19 is released will adequately care for the child [MINOR] without supervision; the
 20 department's supervision may not exceed two years or in any event extend past the date
 21 the child [MINOR] reaches age 19, except that the department or the child's guardian
 22 ad litem may petition for and the court may grant in a hearing

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

26 (B) an additional one-year period of supervision past age 19 if
 27 the continued supervision is in the best interests of the person and the person
 28 consents to it; or

29 (3) by order, under the grounds specified in (c) of this section or
 30 AS 47.10.085, the termination of [UPON A SHOWING IN THE ADJUDICATION
 31 BY CLEAR AND CONVINCING EVIDENCE THAT THERE IS A CHILD IN NEED

1 OF AID UNDER AS 47.10.010(a) AS A RESULT OF PARENTAL CONDUCT AND
 2 UPON A SHOWING IN THE DISPOSITION BY CLEAR AND CONVINCING
 3 EVIDENCE THAT THE PARENTAL CONDUCT IS LIKELY TO CONTINUE TO
 4 EXIST IF THERE IS NO TERMINATION OF PARENTAL RIGHTS, TERMINATE]
 5 parental rights and responsibilities of one or both parents [,] and commit the child to
 6 the custody of the department [OR TO A LEGALLY APPOINTED GUARDIAN OF
 7 THE PERSON OF THE CHILD], and the department [OR GUARDIAN] shall report
 8 quarterly [ANNUALLY] to the court on efforts being made to find a permanent
 9 placement for the child.

10 • Sec. 36. AS 47.10.080(f) is amended to read:

11 (f) A child [MINOR] found to be a child in need of aid is a ward of the state
 12 while committed to the department or the department has the power to supervise the
 13 child's [MINOR'S] actions. After the permanency hearing required by (l) of this
 14 section, the [THE] court shall hold a permanency hearing at least once a year
 15 [REVIEW AN ORDER MADE UNDER (c)(1) OR (2) OF THIS SECTION
 16 ANNUALLY, AND MAY REVIEW THE ORDER MORE FREQUENTLY] to
 17 determine if continued placement or supervision, as it is being provided, is in the best
 18 interest of the child [MINOR. IF ANNUAL REVIEW UNDER THIS SUBSECTION
 19 WOULD ARISE WITHIN 90 DAYS OF THE HEARING REQUIRED UNDER (l) OF
 20 THIS SECTION, THE COURT MAY POSTPONE REVIEW UNDER THIS
 21 SUBSECTION UNTIL THE TIME SET FOR THE HEARING]. The department, the
 22 child, and [MINOR.] the child's [MINOR'S] parents, guardian, and guardian ad litem
 23 [OR CUSTODIAN] are entitled, when good cause is shown, to a permanency hearing
 24 [REVIEW] on application. If the application is granted, the court shall afford these
 25 persons [PARTIES] and their counsel reasonable advance notice [IN ADVANCE OF
 26 THE REVIEW] and hold a permanency hearing where these persons [PARTIES] and
 27 their counsel shall be afforded an opportunity to be heard. The persons entitled to
 28 notice under AS 47.10.030(b) are entitled to notice of a permanency hearing under
 29 this subsection and are also entitled to be heard at the hearing. The child
 30 [MINOR] shall be afforded the opportunity to be present and to be heard at the
 31 hearing. After the hearing, the court shall make the written findings that are

1 required under (l) of this section [REVIEW].

2 * Sec. 37. AS 47.10.080(i) is amended to read:

3 (i) A child or [MINOR,] the child's [MINOR'S] parents, [OR] guardian, or
4 guardian ad litem, or attorney, acting on the child's [MINOR'S] behalf, or the
5 department may appeal a judgment or order, or the stay, modification, setting aside,
6 revocation, or enlargement of a judgment or order issued by the court under this
7 chapter. Absent extraordinary circumstances, a decision on the appeal shall be
8 issued no later than 90 days after the latest of the following:

9 (1) the date oral argument, if any, is heard on the appeal; or

10 (2) 45 days after the last date oral argument could have been timely
11 requested if oral argument was not requested.

12 * Sec. 38. AS 47.10.080(l) is amended to read:

13 (l) Within 12 [18] months after the date the child enters foster care as
14 calculated under AS 47.10.088(f) [A CHILD IS INITIALLY REMOVED FROM THE
15 CHILD'S HOME BY THE DEPARTMENT UNDER AS 47.10.142(c) OR
16 COMMITTED TO THE CUSTODY OF THE DEPARTMENT UNDER [(c)(1) or (3)]
17 OF THIS SECTION OR AS 47.14.100(c)], the court shall hold a permanency hearing
18 to review the placement and services provided and to determine the future status of the
19 child. The persons entitled to be heard at the hearing under AS 47.10.070 or
20 under (f) of this section are also entitled to be heard at the hearing under this
21 subsection [MINOR]. The court shall make appropriate written findings, including
22 findings related to the following:

23 (1) whether the parent or guardian has made substantial progress
24 to remedy the parent's or guardian's conduct or conditions in the home that made
25 the child a child in need of aid under this chapter;

26 (2) whether the child should be returned to the parent or guardian;

27 (3) [(2)] whether the child should remain in out-of-home care for a
28 specified period and whether the child's existing out-of-home placement continues
29 to be appropriate and in the best interests of the child;

30 (4) [(3)] whether the child should remain in out-of-home care on a
31 permanent or long-term basis because of special needs or circumstances;

1 (5) ~~[(4)]~~ whether the child should be placed for adoption or legal
2 guardianship and whether a petition for termination of parental rights should be
3 filed by the department;

4 (6) whether the department has made the reasonable efforts
5 required under AS 47.10.086 to offer appropriate family support services to
6 remedy the parent's or guardian's conduct or conditions in the home that made
7 the child a child in need of aid under this chapter; and

8 (7) whether, in the case of a child who is 16 years of age or older,
9 the department should provide services to assist the child in becoming able to live
10 independently.

11 * Sec. 39. AS 47.10.080(o) is amended to read:

12 (o) For purposes of terminating a parent's parental rights under the standards
13 in (c)(3) of this section, the court may determine that incarceration of the parent is
14 sufficient grounds for determining that a child [MINOR] is a child in need of aid under
15 AS 47.10.011 [AS 47.10.010(a)(1)] as a result of parental conduct and that the parental
16 rights of the incarcerated parent should be terminated [CONDUCT IS LIKELY TO
17 CONTINUE] if the court finds, based on clear and convincing evidence, that [THE]

18 (1) the period of incarceration that the parent is scheduled to serve
19 during the child's minority is significant considering the child's age and the child's need
20 for an adult's care and supervision; [AND]

21 (2) there is not another parent willing and able to care for the child;
22 and

23 (3) the incarcerated parent has failed to make adequate provisions for
24 care of the child during the period of incarceration that will be during the child's
25 minority.

26 * Sec. 40. AS 47.10.080 is amended by adding new subsections to read:

27 (p) If the court orders a child committed to the department under (c) of this
28 section for out-of-home placement, the department shall offer to arrange for the child's
29 parents and extended family to have visitation with the child at least once a week,
30 beginning within 72 hours after the order is issued, unless the department determines,
31 based on clear and convincing evidence, that visitation, even if supervised, may be

1 harmful to the child. When the department arranges visitation under this subsection,
2 the visitation may be supervised or unsupervised, at the discretion of the department.
3 The court may order the department to file a visitation schedule with the court within
4 10 working days after the court issued the commitment order. The department may
5 terminate visitation arranged under this subsection if the department determines, based
6 on clear and convincing evidence, that visitation has resulted in physical harm or
7 mental injury to the child. In making its determinations under this subsection, the
8 department's paramount concern shall be the health and safety of the child. A person
9 who is denied visitation under this subsection may appeal the denial.

10 (q) If the court orders a child committed to the department under (c) of this
11 section for placement in licensed foster care, the court shall order the department to
12 provide the foster parent with a copy of

13 (1) all initial, updated, and revised case service plans for the child, court
14 orders relating to the child, and the child's medical, mental, and education reports
15 prepared by or for the department, including reports compiled before the child was
16 placed with the foster parent; and

17 (2) supplements to the plans, orders, and reports described in (1) of this
18 subsection.

19 (r) If the court orders a child committed to the department under (c) of this
20 section for placement in licensed foster care or for placement with a relative of the
21 child, the court shall order the child's parent, guardian, or custodian to provide the
22 department with

23 (1) the names, addresses, and telephone numbers of all of the child's
24 medical providers; and

25 (2) a signed release for each medical provider identified in (1) of this
26 subsection authorizing the provider to disclose the child's medical records to the
27 department.

28 (s) Notwithstanding AS 47.14.100 and (c)(1) and (3) of this section, the
29 department may not, without a court order, change the placement of a child who has
30 been committed to the department under (c) of this section and placed with a relative
31 or a foster home unless

1 (1) removal of the child is requested by the relative, the foster home,
2 the child, or the child's guardian ad litem or attorney;

3 (2) a report of suspected child abuse or neglect concerning the relative
4 or foster home is received by the department; or

5 (3) the child is removed in order to return the child to the parent or
6 guardian or to place the child for adoption and removal under this paragraph is not
7 opposed by the relative, the foster parent, the child, or the child's guardian ad litem or
8 attorney.

9 (t) The department shall give at least 14 days' written notice by certified mail,
10 return receipt requested, of an intent to request a court order to allow a change in the
11 placement of a child whose change of placement is not governed by (s) of this section.
12 The notice shall be sent to the court, the affected foster parent or relative with whom
13 the child is currently placed, the child, and the child's parent or guardian, guardian ad
14 litem, and attorney. A person to whom notice is sent under this subsection may file an
15 objection to the proposed change of placement if the objection is postmarked or
16 received by the court within 15 days after the person received the notice, and the
17 department's notice must include notification of that right to object. If an objection is
18 filed, the department may not implement the intended change of placement, pending a
19 court decision on the matter. A person who has filed an objection under this subsection
20 may be represented by an attorney or other representative designated by the person.

21 * Sec. 41. AS 47.10.082 is amended to read:

22 Sec. 47.10.082. **Best interests of child and other considerations.** In making
23 its dispositional order under AS 47.10.080(c), the court shall [CONSIDER]

24 (1) consider the best interests of the child; [AND]

25 (2) consider the ability of the state to take custody and to care for the
26 child to protect the child's best interests under AS 47.10.005 - 47.10.142; and

27 (3) keep the health and safety of the child as the court's paramount
28 concern [AS 47.10.010 - 47.10.142].

29 * Sec. 42. AS 47.10 is amended by adding new sections to read:

30 Sec. 47.10.086. **Reasonable efforts.** (a) Except as provided in (b) and (c) of
31 this section, the department shall make timely, reasonable efforts to provide family

1 support services to the child and to the parents or guardian of the child that are
2 designed to prevent out-of-home placement of the child or to enable the safe return of
3 the child to the family home, when appropriate, if the child is in an out-of-home
4 placement. The department's duty to make reasonable efforts under this subsection
5 includes the duty to

6 (1) identify available departmental and community services that are
7 designed to sustain and enhance the capacity of a parent or guardian to care for the
8 child at a level of adequacy that will allow the child either to remain in the home or
9 to be returned to the home; the department shall place a high priority on determining
10 whether appropriate community services are available;

11 (2) actively offer and attempt to provide or to refer the parents to the
12 services identified under (1) of this subsection; the department shall place a high
13 priority on referring the parents to services that are community services;

14 (3) document the department's actions that are taken under (1) and (2)
15 of this subsection.

16 (b) If the court makes a finding at a hearing conducted under AS 47.10.080(1)
17 that a parent or guardian has not sufficiently remedied the parent's or guardian's
18 conduct or the conditions in the home despite reasonable efforts made by the
19 department in accordance with this section, the court may conclude that continuation
20 of reasonable efforts of the type described in (a) of this section are not in the best
21 interests of the child. The department shall then make reasonable efforts to place the
22 child in a timely manner in accordance with the permanent plan and to complete
23 whatever steps are necessary to finalize the permanent placement of the child.

24 (c) The court may determine that reasonable efforts of the type described in (a)
25 of this section are not required if the court has found by a preponderance of the
26 evidence that

27 (1) the parent or guardian has subjected the child to circumstances that
28 pose a substantial risk to the child's health or safety; these circumstances include
29 abandonment, torture, mental injury, or chronic physical harm;

30 (2) the parent or guardian has

31 (A) committed homicide under AS 11.41.100 - 11.41.130 of a

- 1 child;
- 2 (B) aided or abetted, attempted, conspired, or solicited under
- 3 AS 11.16 or AS 11.31 to commit a homicide described in (A) of this paragraph;
- 4 (C) committed an assault that is a felony under AS 11.41.200 -
- 5 11.41.220 and results in serious physical injury to a child; or
- 6 (D) committed the conduct described in (A) - (C) of this
- 7 paragraph that violated a law or ordinance of another jurisdiction having
- 8 elements similar to an offense described in (A) - (C) of this paragraph:
- 9 (3) the parental rights of a parent to a sibling of the child have been
- 10 terminated by the court;
- 11 (4) the department has conducted a reasonably diligent search over a
- 12 time period of at least three months for an unidentified or absent parent and has failed
- 13 to identify and locate the parent;
- 14 (5) the parent or guardian is the sole caregiver of the child and the
- 15 parent or guardian has a mental illness or mental deficiency that, according to a written
- 16 certification of a psychologist or physician, makes it more probable than not that, even
- 17 with the provision of family support services for 12 months, the caregiver will be
- 18 incapable of caring for the child without creating a risk of substantial physical harm to
- 19 the child;
- 20 (6) the parent or guardian has previously been convicted of a crime
- 21 involving a child in this state or in another jurisdiction and, after the conviction, the
- 22 child was returned to the custody of the parent or guardian and later removed because
- 23 of an additional substantiated report of physical or sexual abuse by the parent or
- 24 guardian;
- 25 (7) a child has suffered substantial physical harm as the result of abusive
- 26 or neglectful conduct by the parent or guardian or by a person known by the parent or
- 27 guardian and the parent or guardian knew or reasonably should have known that the
- 28 person was abusing the child;
- 29 (8) the parental rights of the parent have been terminated with respect
- 30 to another child because of child abuse or neglect, the parent has not remedied the
- 31 conditions or conduct that led to the termination of parental rights, and the parent has

1 demonstrated an inability to protect the child from substantial harm or the risk of
2 substantial harm; or

3 (9) the child has been removed from the child's home on at least two
4 previous occasions, family support services were offered or provided to the parent or
5 guardian at those times, and the parent or guardian has demonstrated an inability to
6 protect the child from substantial harm or the risk of substantial harm.

7 (d) If the court orders the department to make reasonable efforts to provide
8 family support services, the court shall also order the parent or guardian of the child
9 to make reasonable efforts to participate in the family support services that are offered
10 by the department or referred to the parent or guardian by the department. If a parent
11 or guardian fails to participate or to attempt to participate in the services for 12 months,
12 the department may seek a court order extinguishing the department's responsibility to
13 offer or refer family support services to the parent or guardian. The department must
14 request the court for the new order within 90 day after the date that the parent or
15 guardian failed to participate in family support services and must accompany the
16 request with a petition for the termination of parental rights if the nonparticipating
17 person was a parent and with a new plan for permanent placement of the child. The
18 court shall grant the department's request under this subsection for an order
19 extinguishing the department's responsibility to offer family support services to a parent
20 or guardian if the court finds that it is no longer reasonable to require the department
21 to offer family support services to the parent or guardian; failure of the parent or
22 guardian to participate in family support services offered by the department for 12
23 months constitutes prima facie evidence that it is no longer reasonable to require the
24 department to offer family support services to the parent or guardian.

25 (e) If the court determines under (b) or (c) of this section that reasonable efforts
26 under (a) of this section are not required to be provided,

27 (1) the court shall hold a permanency hearing for the child within 30
28 days after the determination; and

29 (2) the department shall make reasonable efforts to place the child in
30 a timely manner in accordance with the permanency plan, and complete whatever steps
31 are necessary to finalize the permanent placement of the child.

1 (f) The department may develop and implement an alternative permanency plan
2 for the child while the department is also making reasonable efforts to return the child
3 to the child's family under (a) of this section.

4 (g) In making determinations and reasonable efforts under this section, the
5 primary consideration is the child's best interests.

6 **Sec. 47.10.088. Termination of parental rights and responsibilities.** (a)
7 Except as provided in AS 47.10.080(o), the rights and responsibilities of the parent
8 regarding the child may be terminated for purposes of freeing a child for adoption or
9 other permanent placement if the court finds

10 (1) by clear and convincing evidence that

11 (A) the child is a child in need of aid as described in
12 AS 47.10.011; and

13 (B) the parent

14 (i) has not remedied the conduct or conditions in the
15 home that place the child at substantial risk of harm; or

16 (ii) has failed, within a reasonable time, to remedy the
17 conduct or conditions in the home that place the child in substantial risk
18 so that returning the child to the parent would place the child at
19 substantial risk of significant physical harm; and

20 (2) by preponderance of the evidence that the department has complied
21 with the provisions of AS 47.10.086 concerning reasonable efforts.

22 (b) In making a determination under (a)(1)(B) of this section, the court may
23 consider any fact relating to the best interests of the child, including

24 (1) the likelihood of returning the child to the parent within a reasonable
25 time based on the child's age or needs;

26 (2) the amount of effort by the parent to remedy the conduct or the
27 conditions in the home;

28 (3) the harm caused to the child;

29 (4) the likelihood that the harmful conduct will continue; and

30 (5) the history of conduct by or conditions created by the parent.

31 (c) In a proceeding under this chapter involving termination of the parental

1 right of a parent, the court shall consider the best interests of the child.

2 (d) Except as provided in (e) of this section, the department shall petition for
3 termination of a parent's rights to a child, without making further reasonable efforts,
4 when a child is under the jurisdiction of the court under AS 47.10.010 and 47.10.011,
5 and

6 (1) the child has been in foster care for at least 15 of the most recent
7 22 months;

8 (2) the court has determined that the child is abandoned under
9 AS 47.10.013 and the child is younger than six years of age;

10 (3) the court has made a finding under AS 47.10.086(b) or a
11 determination under AS 47.10.086(c) that the best interests of the child do not require
12 further reasonable efforts by the department;

13 (4) a parent has made three or more attempts within a 15-month period
14 to remedy the parent's conduct or conditions in the home without lasting change; or

15 (5) a parent has made no effort to remedy the parent's conduct or the
16 conditions in the home by the time of the permanency hearing under AS 47.10.080(l).

17 (e) If one or more of the conditions listed in (d) of this section are present, the
18 department shall petition for termination of the parental rights to a child unless the
19 department

20 (1) has documented a compelling reason for determining that filing the
21 petition would not be in the best interests of the child; a compelling reason under this
22 paragraph may include care by a relative for the child; or

23 (2) is required to take reasonable efforts under AS 47.10.086 and the
24 department has not provided to the parent, consistent with the time period in the
25 department's case plan, the family support services that the department has determined
26 are necessary for the safe return of the child to the home.

27 (f) A child is considered to have entered foster care under this chapter on the
28 earlier of

29 (1) the date of the first judicial finding of child abuse or neglect; or

30 (2) 60 days after the date of removal of the child from the child's home
31 under this chapter.

1 (g) This section does not preclude the department from filing a petition to
2 terminate the parental rights and responsibilities to a child for other reasons, or at an
3 earlier time than those specified in (d) of this section, if the department determines that
4 filing a petition is in the best interests of the child.

5 (h) The court may order the termination of parental rights and responsibilities
6 of one or both parents under AS 47.10.080(c)(3) and commit the child to the custody
7 of the department. The rights of one parent may be terminated without affecting the
8 rights of the other parent.

9 (i) The department shall concurrently identify, recruit, process, and approve a
10 qualified person or family for an adoption whenever a petition to terminate a parent's
11 rights to a child is filed. If the court issues an order to terminate under (j) of this
12 section, the department shall report within 30 days on the efforts being made to recruit
13 a permanent placement for the child if a permanent placement was not approved at the
14 time of the trial under (j) of this section. The report must document recruitment efforts
15 made for the child.

16 (j) No later than six months after the date on which the petition to terminate
17 parental rights is filed, the court before which the petition is pending shall hold a trial
18 on the petition unless the court finds that good cause is shown for a continuance.
19 When determining whether to grant a continuance for good cause, the court shall take
20 into consideration the age of the child and the potential adverse effect that the delay
21 may have on the child. The court shall make written findings when granting a
22 continuance.

23 (k) The court shall issue an order on the petition to terminate within 90 days
24 after the last day of the trial on the petition to terminate parental rights.

25 * Sec. 43. AS 47.10.092(a) is amended to read:

26 (a) Notwithstanding AS 47.10.090 and 47.10.093, a parent or legal guardian of
27 a child [MINOR] subject to a proceeding under AS 47.10.005 - 47.10.142
28 [AS 47.10.010 - 47.10.142] may disclose confidential or privileged information about
29 the child or the child's family [MINOR], including information that has been lawfully
30 obtained from agency or court files, to the governor, the lieutenant governor, a
31 legislator, the ombudsman appointed under AS 24.55, the attorney general, and the

1 commissioners of health and social services, administration, or public safety, or an
2 employee of these persons, for review or use in their official capacities. The
3 department shall [MAY] disclose additional confidential or privileged information and
4 make copies of documents available for inspection [DOCUMENTS] about the child
5 or the child's family [MINOR] to these state officials or employees for review or use
6 in their official capacities upon request of the official or employee and submission
7 of satisfactory evidence that a parent or legal guardian of the child has requested
8 the state official's assistance in the case as part of the official's duties. A person
9 to whom disclosure is made under this section may not disclose confidential or
10 privileged information about the child or the child's family [MINOR] to a person not
11 authorized to receive it.

12 * Sec. 44. AS 47.10.093(b) is amended to read:

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

15 (1) a guardian ad litem appointed by the court or to a citizen review
16 board or local review panel for permanency planning authorized by AS 47.14.200 or
17 47.14.220;

18 (2) a person or an agency requested by the department or the child's
19 legal custodian to provide consultation or services for a child [MINOR] who is subject
20 to the jurisdiction of the court under AS 47.10.010 as necessary to enable the
21 provision of the consultation or services;

22 (3) foster parents or relatives with whom the child is placed by the
23 department as may be necessary to enable the foster parents or relatives to
24 provide appropriate care for the child who is the subject of the case, to protect the
25 safety of the child who is the subject of the case, and to protect the safety and
26 property of family members and visitors of the foster parents or relatives;

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

31 (5) [(4)] a governmental agency as may be necessary to obtain that

1 agency's assistance for the department in its investigation or to obtain physical custody
2 of a child;

3 (6) [AND (5)] a [STATE OR MUNICIPAL] law enforcement agency
4 of this state or another jurisdiction as may be necessary for the protection of any
5 child [A SPECIFIC INVESTIGATION BEING CONDUCTED BY THAT AGENCY]
6 or for actions [DISCLOSURES] by that agency to protect the public safety;

7 (7) members of a multidisciplinary child protection team created
8 under AS 47.14.300 as may be necessary for the performance of their duties;

9 (8) the state medical examiner under AS 12.65 as may be necessary
10 for the performance of the duties of the state medical examiner;

11 (9) a person who has made a report of harm as required by
12 AS 47.17.020 to inform the person that the investigation was completed and of
13 action taken to protect the child who was the subject of the report; and

14 (10) the child support enforcement agency established in
15 AS 25.27.010 as may be necessary to establish and collect child support for a child
16 who is a child in need of aid under this chapter.

17 * Sec. 45. AS 47.10.141(f) is amended to read:

18 (f) If a child [MINOR], without permission, leaves the semi-secure portion of
19 an office, program, shelter, or facility to which the child [MINOR] was taken by a
20 peace officer under (b)(1)(C) [(b)(1)(c)] of this section, the office, program, shelter, or
21 facility shall immediately notify the department and the nearest law enforcement agency
22 of the identity of the child [MINOR] and the child's [MINOR'S] absence. If the same
23 child [MINOR] is again taken into protective custody under (b) of this section and the
24 peace officer knows that the child [MINOR] has previously been reported under this
25 subsection as missing from a semi-secure placement, the peace officer, in addition to
26 taking the appropriate action under (b) of this section, shall report the circumstances
27 and the identity of the child [MINOR] to the department. Within 48 hours after
28 receiving this report, the department shall determine whether to file a petition alleging
29 that the child [MINOR] is a child in need of aid under AS 47.10.011
30 [AS 47.10.010(a)(1)]. If the department decides not to file a petition alleging that the
31 child [MINOR] is a child in need of aid, the department shall, within seven state

1 working days after receiving the report from the peace officer under this subsection,
2 send to the child's [MINOR'S] parents or guardian, as applicable, written notice of its
3 determination not to proceed with the petition, including the reasons on which the
4 determination was based. If the department is unable to obtain a reasonably reliable
5 address for a parent or guardian, the department shall keep a copy of the notice on file
6 and, notwithstanding AS 47.10.093, release the notice to the child's [MINOR'S] parent
7 or guardian on request of the parent or guardian. If the department files a petition
8 alleging that the child [MINOR] is a child in need of aid, the court shall proceed under
9 AS 47.10.142(d).

10 * Sec. 46. AS 47.10.141(g) is amended to read:

11 (g) If the department files a petition alleging the minor is a child in need of aid
12 under AS 47.10.011 [AS 47.10.010(a)(1)] because the minor is habitually absent from
13 home or refuses available care, the minor's parent or guardian shall attend each hearing
14 held during the child-in-need-of-aid proceedings unless the court excuses the parent or
15 guardian from attendance for good cause. If the minor is found to be a child in need
16 of aid, the court may order that the minor's parent or guardian

17 (1) personally participate in treatment reasonably available in the parent
18 or guardian's community as specified in a plan set out in the court order; and

19 (2) comply with other conditions set out in the court order.

20 * Sec. 47. AS 47.10.142(a) is amended to read:

21 (a) The Department of Health and Social Services may take emergency custody
22 of a child [MINOR] upon discovering any of the following circumstances:

23 (1) the child [MINOR] has been abandoned as abandonment is
24 described in AS 47.10.013;

25 (2) the child [MINOR] has been [GROSSLY] neglected by the child's
26 [MINOR'S] parents or guardian, as "neglect" is described [DEFINED] in AS 47.10.014
27 [AS 47.17.290], and the department determines that immediate removal from the child's
28 [MINOR'S] surroundings is necessary to protect the child's [MINOR'S] life or provide
29 immediate necessary medical attention;

30 (3) the child [MINOR] has been subjected to physical harm [CHILD
31 ABUSE OR NEGLECT] by a person responsible for the child's [MINOR'S] welfare.

1 [AS "CHILD ABUSE OR NEGLECT" IS DEFINED IN AS 47.17.290.] and the
2 department determines that immediate removal from the child's [MINOR'S]
3 surroundings is necessary to protect the child's [MINOR'S] life or that immediate
4 medical attention is necessary; or

5 (4) the child or a sibling [MINOR] has been sexually abused under
6 circumstances listed in AS 47.10.011(7) [AS 47.10.010(a)(4)].

7 * Sec. 48. AS 47.10.142(c) is amended to read:

8 (c) When a child is taken into custody under (a) or (b) of this section or when
9 the department is notified of a child's presence in either a program for runaway
10 children [MINORS] under AS 47.10.300 - 47.10.390 or a shelter for runaway children
11 [MINORS] under AS 47.10.392 - 47.10.399, the department shall immediately, and in
12 no event more than 24 [12] hours later unless prevented by lack of communication
13 facilities, notify the parents or the person or persons having custody of the child. If the
14 department determines that continued custody is necessary to protect the child, the
15 department shall notify the court of the emergency custody by filing, within 24 [12]
16 hours after custody was assumed, a petition alleging that the child is a child in need of
17 aid. If the department releases the child within 24 [12] hours after taking the child into
18 custody and does not file a child in need of aid petition, the department shall, within
19 24 [12] hours after releasing the child, file with the court a report explaining why the
20 child was taken into custody, why the child was released, and to whom the child was
21 released.

22 * Sec. 49. AS 47.10.142(h) is amended to read:

23 (h) Within 12 [18] months after a minor is committed to the department under
24 this section, the court shall review the placement plan and actual placement of the
25 minor under AS 47.10.080(l).

26 * Sec. 50. AS 47.10 is amended by adding a new section to read:

27 **Sec. 47.10.960. Duty and standard of care not created.** Nothing in this title
28 creates a duty or standard of care for services to children and their families being
29 served under AS 47.10.

30 * Sec. 51. AS 47.10.990(1) is amended to read:

31 (1) "care" [OR "CARING" UNDER AS 47.10.010(a)(1) AND

1 47.10.120(a)] means to provide for the physical, [EMOTIONAL,] mental, and social
2 needs of the child;

3 * Sec. 52. AS 47.10.990(2) is amended to read:

4 (2) "child in need of aid" means a child [MINOR] found to be within the
5 jurisdiction of the court under AS 47.10.010 and 47.10.011 [AS 47.10.010(a)];

6 * Sec. 53. AS 47.10.990 is amended by adding new paragraphs to read:

7 (8) "child" means a person under 18 years of age and a person 19 years
8 of age if that person was under 18 years of age at the time that a proceeding under this
9 chapter was commenced;

10 (9) "custodian" means a natural person 18 years of age or older to
11 whom a parent or guardian has transferred temporary physical care, custody, and
12 control of the child for a period of time;

13 (10) "domestic violence" has the meaning given in AS 18.66.990;

14 (11) "family support services" means the services and activities provided
15 to children and their families, including those provided by the community, a church,
16 or other service organization, both to prevent removal of a child from the parental home
17 and to facilitate the child's safe return to the family; "family support services" may
18 include counseling, substance abuse treatment, mental health services, assistance to
19 address domestic violence, visitation with family members, parenting classes, in-home
20 services, temporary child care services, and transportation;

21 (12) "foster care" means care provided by a person or household under
22 a foster home license required under AS 47.35.015;

23 (13) "guardian" means a natural person who is legally appointed
24 guardian of the child by the court;

25 (14) "intoxicant" means a substance that temporarily diminishes a
26 person's control over mental or physical powers, including alcohol, controlled
27 substances under AS 11.71, and inhalants;

28 (15) "mental injury" has the meaning given in AS 47.17.290;

29 (16) "parent" means the biological or adoptive parent of the child;

30 (17) "permanency hearing" means a hearing

31 (A) designed to reach a decision in a case concerning the

1 permanent placement of a child under AS 47.10; and

2 (B) at which the direction of the case involving the child is
3 determined;

4 (18) "reasonable efforts" means, with respect to family support services
5 required under AS 47.10.086, consistent attempts during a reasonable time period and
6 time-limited services;

7 (19) "reasonable time" means a period of time that serves the best
8 interests of the child, taking in account the affected child's age, emotional and
9 developmental needs, and ability to form and maintain lasting attachments;

10 (20) "serious physical injury" has the meaning given in
11 AS 11.81.900(b);

12 (21) "sexual abuse" means the conduct described in AS 11.41.410 -
13 11.41.460; conduct constituting "sexual exploitation" as defined in AS 47.17.290, and
14 conduct prohibited by AS 11.66.100 - 11.66.150;

15 (22) "support" has the meaning given in AS 11.51.120(b).

16 * Sec. 54. AS 47.12.310(b) is amended to read:

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

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

22 (2) a person or an agency requested by the department or the minor's
23 legal custodian to provide consultation or services for a minor who is subject to the
24 jurisdiction of the court under this chapter as necessary to enable the provision of the
25 consultation or services;

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 the
29 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 of this state
3 or another jurisdiction as may be necessary for the protection, rehabilitation, or
4 supervision of any minor [A SPECIFIC INVESTIGATION BEING CONDUCTED
5 BY THAT AGENCY] or for actions [DISCLOSURES] by that agency to protect the
6 public safety; [AND]

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

9 (7) the state medical examiner under AS 12.65 as may be necessary
10 to perform the duties of the state medical examiner; and

11 (8) foster parents or relatives with whom the child is placed by the
12 department as may be necessary to enable the foster parents or relatives to
13 provide appropriate care for the child who is the subject of the case, to protect the
14 safety of the child who is the subject of the case, and to protect the safety and
15 property of family members and visitors of the foster parents or relatives.

16 • Sec. 55. AS 47.14.100(a) is amended to read:

17 (a) Subject to (e), (f), and (i) [(e) AND (f)] of this section, the department shall
18 arrange for the care of every child committed to its custody by placing the child in a
19 foster home or in the care of an agency or institution, providing care for children inside
20 or outside the state. The department may place a child in a suitable family home, with
21 or without compensation, and may place a child released to it, in writing verified by
22 the parent, or guardian or other person having legal custody, for adoptive purposes, in
23 a home for adoption in accordance with existing law.

24 • Sec. 56. AS 47.14.100(d) is amended to read:

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

27 (1) shall pay the costs of caring for physically or mentally handicapped
28 foster children, including the additional costs of medical care, habilitative and
29 rehabilitative treatment, ~~services and~~ equipment, special clothing, and the indirect costs
30 of medical care, including child care and transportation expenses;

31 (2) may pay for respite care; in this paragraph, "respite care" means

1 child care for the purpose of providing

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

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

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

9 (B) PROTECTION FOR THE CHILD WHEN THE FOSTER
10 PARENT IS

11 (i) AWAY FROM THE HOME BECAUSE OF AN
12 EMERGENCY AND OTHER CARE IS NOT AVAILABLE FOR THE
13 CHILD; OR

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

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

20 * Sec. 57. AS 47.14.100(e) is amended to read:

21 (e) A child may not be placed in a foster home or in the care of an agency or
22 institution providing care for children if a [BLOOD] relative by blood or marriage
23 [EXISTS WHO] requests custody of the child and is not disqualified under this
24 subsection. The [. HOWEVER, THE] department may retain custody of the child and
25 provide for its placement in the same manner as for other children if each relative who
26 has requested custody is disqualified because the department

27 (1) [IT] makes a determination, supported by clear and convincing
28 evidence obtained from a home study or other source, that the custody of the child
29 by the [BLOOD] relative will result in physical or emotional damage; in [. IN] making
30 that determination, poverty, including inadequate or crowded housing, on the part of the
31 blood relative, is not considered prima facie evidence that physical or emotional

1 damage to the child will occur; this [THIS] determination may be appealed to the
2 superior court to hear the matter de novo; or

3 (2) determines that there is a member of the relative's household
4 who is 16 years of age or older who has a criminal record or was the perpetrator
5 in a substantiated report of abuse under AS 47.17; a relative who requests custody
6 of the child shall submit to the department two sets of fingerprints and the social
7 security number of each person in the household who is 16 years of age or older;
8 the department shall submit the information to the Department of Public Safety
9 to conduct a state and national criminal background check from criminal justice
10 information received under AS 12.62 and regulations adopted under AS 12.62; the
11 department may not place the child with a relative until the results of the
12 background check are received by the department.

13 * Sec. 58. AS 47.14.100 is amended by adding a new subsection to read:

14 (i) A child may not be placed with an out-of-home care provider, as defined
15 in AS 47.14.299, if the department determines that the child can remain safely at home
16 with one parent, conditioned on the other parent or caretaker being out of the home.
17 If the department determines that the child can remain safely at home, conditioned on
18 the other parent or caretaker being out of the home, the department shall apply for an
19 appropriate protective order from the court. The court shall issue a protective order
20 enjoining a parent, caretaker, or other person from residing in the home with the child
21 if the department establishes, by a preponderance of the evidence, that the continued
22 presence of the person in the home presents a substantial risk of harm to the child and
23 that it is in the child's best interest that the order be issued. If the court does not issue
24 the protective order, the department shall place the child outside the home.

25 * Sec. 59. AS 47.14.240(d) is amended to read:

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

- 1 (1) the child whose case is being reviewed if the child is 10 years of age
- 2 or older;
- 3 (2) the parents, custodians, or other relatives of the child;
- 4 (3) the child's out-of-home care provider;
- 5 (4) the child's guardian;
- 6 (5) the child's guardian ad litem;
- 7 (6) the case worker or social worker assigned to the case;
- 8 (7) the child's health care providers;
- 9 (8) if the case is governed by 25 U.S.C. 1901 - 1963 (Indian Child
- 10 Welfare Act),
- 11 (A) the child's Indian custodian; and
- 12 (B) the designated representative of the child's Indian tribe if the
- 13 tribe has intervened in the court case; and
- 14 (9) [(8)] other persons with a close personal knowledge of the case.

15 * Sec. 60. AS 47.14.240(h) is amended to read:

16 (h) The report required under (g) of this section must make advisory

17 recommendations based on the best interests of the child in accordance with

18 AS 47.10.082 and must include notification of the right to request court review under

19 AS 47.10.080(f). If the court has scheduled the case for review, the local review panel

20 shall submit its report at least 20 days before the hearing, and the department shall

21 present to the court the recommendations that are made in the report.

22 * Sec. 61. AS 47.14 is amended by adding a new section to read:

23 **Article 3A. Multidisciplinary Child Protection Teams.**

24 **Sec. 47.14.300. Multidisciplinary child protection teams. (a) _____**

25 _____

26 _____

27 * Sec. 62. AS 47.14.990(2) is amended to read:

28 (2) "child in need of aid" means a child [MINOR] found to be within

29 the jurisdiction of the court under AS 47.10.010 and 47.10.011 [AS 47.10.010(a)];

30 * Sec. 63. AS 47.17.020(a) is amended to read:

31 (a) The following persons who, in the performance of their occupational duties,

1 or with respect to (9) of this subsection, in the performance of their appointed
2 duties, have reasonable cause to suspect that a child has suffered harm as a result of
3 child abuse or neglect shall immediately report the harm to the nearest office of the
4 department:

5 (1) practitioners of the healing arts;

6 (2) school teachers and school administrative staff members of public
7 and private schools;

8 (3) social workers;

9 (4) peace officers [,] and officers of the Department of Corrections;

10 (5) administrative officers of institutions;

11 (6) child care providers;

12 (7) paid employees of domestic violence and sexual assault programs,
13 and crisis intervention and prevention programs as defined in AS 18.66.990;

14 (8) paid employees of an organization that provides counseling or
15 treatment to individuals seeking to control their use of drugs or alcohol;

16 (9) members of a child fatality review team established under
17 AS 12.65.015(e) or 12.65.120 or the multidisciplinary child protection team created
18 under AS 47.14.300.

19 * Sec. 64. AS 47.17.020 is amended by adding new subsections to read:

20 (h) This section does not require a person required to report child abuse or
21 neglect under (a)(7) of this section to report mental injury to a child as a result of
22 exposure to domestic violence so long as the person has reasonable cause to believe
23 that the child is in safe and appropriate care and not presently in danger of mental
24 injury as a result of exposure to domestic violence.

25 (i) This section does not require a person required to report child abuse or
26 neglect under (a)(8) of this section to report the resumption of use of an intoxicant as
27 described in AS 47.10.011(10) so long as the person does not have reasonable cause
28 to suspect that a child has suffered harm as a result of the resumption.

29 * Sec. 65. AS 47.17.030(d) is amended to read:

30 (d) Before the department or a local government health or social services
31 agency may seek the termination of parental rights under AS 47.10

1 [AS 47.10.080(c)(3)], it shall offer protective social services and pursue all other
2 reasonable means of protecting the child.

3 * Sec. 66. AS 47.17.030 is amended by adding a new subsection to read:

4 (g) Before removing a child from the home based on a report of harm, the
5 department shall request the attorney general to seek a protective injunction under
6 AS 47.17.069 if limiting a person's contact with the child would allow the child to
7 remain safely at home with another caretaker.

8 * Sec. 67. AS 47.17 is amended by adding a new section to read:

9 Sec. 47.17.033. **Investigations.** (a) In investigating child abuse and neglect
10 reports under this chapter, the department may make necessary inquiries about the
11 criminal records of the parents or of the alleged abusive or neglectful person, including
12 inquiries about the existence of a criminal history record involving a serious offense as
13 defined in AS 12.62.900.

14 (b) For purposes of obtaining access to information needed to conduct the
15 inquiries required by (a) of this section, the department is a criminal justice agency
16 conducting a criminal justice activity.

17 * Sec. 68. AS 47.17.035(b) is amended to read:

18 (b) If the department determines in an investigation of abuse or neglect of a
19 child that

20 (1) the child is in danger because of domestic violence or that the child
21 needs protection as a result of the presence of domestic violence in the family, the
22 department shall take appropriate steps for the protection of the child; in this
23 paragraph, "appropriate steps" includes

24 (A) reasonable efforts to protect the child and prevent the
25 removal of the child from the parent or guardian who is not a domestic
26 violence offender;

27 (B) reasonable efforts to remove the alleged domestic violence
28 offender from the child's residence if it is determined that the child or
29 another family or household member is in danger of domestic violence; and

30 (C) services to help protect the child from being placed or
31 having unsupervised visitation with the domestic violence offender until the

1 department determines that the offender has met conditions considered
2 necessary by the department to protect the safety of the domestic violence
3 victim and household members;

4 (2) a person is the victim of domestic violence, the department shall
5 provide the victim with a written notice of the rights of and services available to
6 victims of domestic violence that is substantially similar to the notice provided to
7 victims of domestic violence under AS 18.65.520.

8 * Sec. 69. AS 47.17.290(8) is amended to read:

9 (8) "maltreatment" means an act or omission that results in
10 circumstances in which there is reasonable cause to suspect that a child may be a child
11 in need of aid, as described in AS 47.10.011 [AS 47.10.010(a)], except that, for
12 purposes of this chapter, the act or omission need not have been committed by the
13 child's parent, custodian, or guardian:

14 * Sec. 70. AS 47.35.017(b) is amended to read:

15 (b) An application submitted under this section must contain at least the
16 following information:

17 (1) the name and address of the applicant [,] and, if the applicant is an
18 agency, corporation, partnership, association, or any other form of organization, the
19 name, address, and title of each individual [ALL INDIVIDUALS] who has [HAVE]
20 an ownership or management interest in the facility: if the applicant is an individual,
21 the application must include the name, age, and driver's license number, if any,
22 of each member of the individual's household;

23 (2) the name, physical location, and mailing address of the facility or
24 agency for which the license is sought;

25 (3) the name and address of the administrator of the facility or agency,
26 if any;

27 (4) evidence that the administrator or foster parent is an adult with
28 sufficient experience, training, or education to fulfill the duties of an administrator or
29 foster parent;

30 (5) a release for the administrator or foster parent and for each other
31 person who is 16 years of age or older, as specified by the department by regulation.

1 who will have contact with individuals served by the facility or agency, authorizing the
2 department to review all federal, state, and municipal criminal justice information,
3 whether of this state, of a municipality of this state, or of another jurisdiction
4 [LAW ENFORCEMENT], medical records, licensing records, and protective services
5 records, identified in regulations adopted under this chapter, that are relevant to the
6 person who is the subject of the release and to the type of license for which the
7 application has been submitted;

8 (6) two sets of fingerprints and the social security number of each
9 person required to provide a release under (5) of this subsection in order for the
10 department to submit the fingerprints to the Department of Public Safety for the
11 purpose of conducting state and national criminal background checks from
12 criminal justice information received under AS 12.62 and regulations adopted
13 under AS 12.62; the department may not approve an application under this section
14 until the results of the criminal background check have been submitted to the
15 department;

16 (7) for a facility, the number of individuals that will be served in the
17 facility;

18 (8) [(7)] the type of facility or agency for which the license is sought;

19 (9) [(8)] copies of all inspection reports and approvals required by state
20 fire prevention and environmental health and safety authorities for operation of the
21 facility or agency, including any variances granted by these authorities;

22 (10) [(9)] a plan of operation, as required by the department by
23 regulation;

24 (11) [(10)] a staffing plan that describes the number of people who will
25 work at the facility or agency, staff qualifications, a description of each person's
26 responsibilities, and, for a facility other than a maternity home, a supervision schedule
27 for the children in care that meets the requirements established by the department by
28 regulation;

29 (12) evidence that the applicant is capable of meeting the minimum
30 standards of care established by the department under AS 47.14.120;

31 (13) [(11)] evidence that the applicant has completed orientation or

1 training required by the department, by regulation, for holders of the type of license for
2 which the application was submitted; and

3 ~~(14)~~ [(12)] other information required by the department, by regulation,
4 in order to monitor compliance with this chapter and regulations adopted under this
5 chapter.

6 * Sec. 71. AS 47.35 is amended by adding a new section to read:

7 **Sec. 47.35.022. Foster care placement.** (a) Except as provided in (b) of this
8 section, the department may not place or continue placement of a child for care for
9 payment under AS 47.10 in a foster home that is licensed under this chapter if the
10 department finds that a person for whom fingerprints are required to be submitted for
11 licensure of the foster home is currently under arrest for, charged with, or has been
12 convicted of, or found not guilty by reason of insanity of, a serious offense.

13 (b) Notwithstanding (a) of this section, the department may place or continue
14 a placement for foster care if the applicant or licensee demonstrates to the satisfaction
15 of the department that the applicant, licensee, or other person committed the conduct
16 described in (a) of this section at least five years before the placement, and the conduct

17 (1) did not involve a victim who was under 18 years of age at the time
18 the conduct occurred;

19 (2) was not a crime of domestic violence as defined in AS 18.66.990;
20 and

21 (3) was not a violent crime under AS 11.41.100 - 11.41.455 or a law
22 or an ordinance of another jurisdiction having similar elements.

23 (c) The department shall develop procedures for rechecking criminal justice
24 information records for the information described in (a) of this section for persons who
25 are 16 years of age or older who are living in a licensed foster home with access to
26 children placed by the department.

27 * Sec. 72. AS 47.35.023(b) is repealed and reenacted to read:

28 (b) Notwithstanding (a) of this section, if an emergency exists and a child must
29 be immediately placed, the department or the department's designee may issue a
30 provisional foster home license on an emergency basis for a period of 90 days or less
31 if the department or the department's designee determines that the applicant meets

1 minimal requirements for emergency conditions and the applicant agrees in writing to
2 provide the fingerprint information described in AS 47.35.017(b) within 30 days of the
3 placement of a child in the foster home. The department may not issue a license under
4 this subsection before checking state and national criminal justice information available
5 to the department under AS 12.62 and regulations adopted under AS 12.62 about the
6 administrator or foster parent and each person who is 16 years of age or older in the
7 foster home who will have contact with the child. If the department cannot obtain
8 direct access to the state and federal criminal justice information, the department shall
9 request the agency having primary law enforcement responsibility for the geographic
10 area in which the prospective foster home is located to obtain the information and
11 provide it to the department before the license is issued under this section. If the
12 criminal justice information readily available to the department shows an offense which
13 a person would be required to notify the department under AS 47.35.047(b), the
14 department may not issue the license under this subsection. If the additional criminal
15 justice information available from the fingerprint search or another source after the
16 license is issued reveals that the person has a record for one or more of these offenses,
17 the department shall immediately revoke the license and move the child to an
18 appropriate placement. For purposes of obtaining criminal justice information under
19 this subsection, the department is a criminal justice agency conducting a criminal justice
20 activity under AS 12.62.

21 * Sec. 73. AS 47.35.047(b) is amended to read:

22 (b) A licensee shall notify the department within 24 hours after having
23 knowledge of a conviction or indictment, presentment, or charging by information or
24 complaint of an administrator, foster parent, member of the licensee's household, regular
25 volunteer, or staff person for a violation of the following laws or the laws of another
26 jurisdiction with similar elements:

27 (1) offenses against the family and vulnerable adults under

28 AS 11.51;

29 (2) perjury under AS 11.56.200;

30 (3) offenses included in the definition of "serious offense" under
31 AS 12.62.900 [FELONY, FOR A MISDEMEANOR CRIME OF ASSAULT,

1 RECKLESS ENDANGERMENT, CONTRIBUTING TO THE DELINQUENCY OF A
2 MINOR, OR MISCONDUCT INVOLVING A CONTROLLED SUBSTANCE, FOR
3 THE CRIME OF PERJURY, AS DEFINED IN AS 11 OR THE LAWS OF ANOTHER
4 JURISDICTION, OR FOR A SEX CRIME AS DEFINED IN AS 12.62.035].

5 * Sec. 74. AS 47.35.900 is amended by adding new paragraphs to read:

6 (20) "criminal justice information" has the meaning given in
7 AS 12.62.900;

8 (21) "domestic violence" has the meaning given in AS 18.66.990;

9 (22) "serious offense" has the meaning given in AS 12.62.900.

10 * Sec. 75. AS 47.10.080(k), and 47.10.990(7) are repealed.

11 * Sec. 76. COURT RULE CHANGE; EXPEDITED APPEALS. (a) AS 47.10.080(i), as
12 amended in sec. 37 of this Act, has the effect of amending Rule 218, Alaska Rules of
13 Appellate Procedure, by requiring that expedited appeals from a judgment or an order under
14 AS 47.10 be decided within a fixed timeframe.

15 (b) Section 37 of this Act takes effect only if this section receives the two-thirds
16 majority vote of each house required by art. IV, sec. 15, Constitution of the State of Alaska.

17 * Sec. 77. COURT RULE CHANGES; CINA RULES. (a) Many provisions enacted or
18 amended by secs. 26 - 53 of this Act have the effect of amending the Alaska Child in Need
19 of Aid Rules, including rules regarding notice, parties, hearings, filing of petitions or reports,
20 court review of orders, termination of parental rights, and duties of the Department of Health
21 and Social Services.

22 (b) Sections 26 - 53 of this Act take effect only if this section receives the two-thirds
23 majority vote of each house required by art. IV, sec. 15, Constitution of the State of Alaska.

24 * Sec. 78. APPLICABILITY. This Act applies to all new cases or proceedings filed with
25 the court on or after the effective date of this Act and to motions filed with the court on or
26 after the effective date of this Act in cases or proceedings pending before a court on the day
27 before the effective date of this Act.

28 * Sec. 79. REVISOR'S INSTRUCTION. The revisor of statutes shall replace the term
29 "minor" with the term "child," in the following statutes: _____
30 _____

31 * Sec. 80. This Act takes effect immediately under AS 01.10.070(c).

Child Protection Law Comparison

SUBJECT	CURRENT STATE LAW	FEDERAL LAW	GOVERNOR'S PROPOSAL
Abandonment	Requires no one caring or willing to provide care	No change	Requires a conscious disregard of parental duties without justifiable cause; more serious with children younger than 6 years old.
Incarceration	Not grounds to take legal custody of children. May be grounds for termination of parental rights	No change	Incarceration for DV and incarceration that leaves children unattended may be grounds for jurisdiction; stop reasonable efforts; termination
Child left with unwilling custodian	Abandonment	No change	Specifically addressed and separated from abandonment
Child refuses to go home	Abandonment	No change	Child refuses to go home and that conduct places the child at risk of harm, separated from abandonment
Medical Neglect	Knowing failure to provide needed physical or mental health treatment to prevent "substantial" physical harm or for observable severe mental harm	No change	Knowing failure to provide treatment for any physical condition and observable severe emotional conditions
Physical Harm	Child has suffered substantial physical harm or is at imminent and substantial risk of suffering such harm	No change	Child has suffered physical harm or is at substantial risk of suffering such harm
Sexual Abuse	Child has been sexually abused or is at imminent and substantial risk of being sexually abused	No change	Child has suffered sexual abuse or is at risk of suffering sexual abuse. Some types of risk are specifically defined

SUBJECT	CURRENT STATE LAW	FEDERAL LAW	GOVERNOR'S PROPOSAL
Emotional Harm	Not grounds to take legal custody of children.	Federal law mandates reporting of mental injury; 42 USC 671 (a) (9) (A)	Requires an observable impairment which creates a serious risk to the child or others
Physical Neglect	Requires that the child has suffered substantial physical neglect	No change	Failure to provide for basic needs; Endangering the Welfare of a Minor; Criminal Nonsupport; Contributing to the Delinquency of a Minor, failure to pay child support is neglect
Addiction or Habitual Use of Intoxicants	Not grounds to take legal custody of children unless there is substantial physical neglect or imminent and substantial risk of physical harm	No change	Ability to parent is impaired by habitual or addictive use; relapse creates risk.
Mental illness	Not grounds to take legal custody of children unless there is substantial physical neglect or imminent and substantial risk of physical harm	No change	Ability to parent is impaired for extended periods of time due to mental illness of parent
Delinquency	Requires that parents pressure, guide, or approve commission of delinquent acts	No change	No change
Petition	12 hours to file once children are removed	Not in statute	24 hours to file once children are removed
Reasonable Efforts	Reasonable efforts to prevent removal and to return child home required	No longer requires reasonable efforts if: homicide of child; felony assault of child; sexual abuse; chronic abuse or neglect. 42 USC 671 (a) (15)	Same as federal law, with additional provisions when: parental rights to sibling terminated, long-term incarceration, one parent kills the other parent AS 47.10.086(c)
Confidentiality	Files confidential with limited exceptions	Requires procedures to protect confidentiality of files 42 USC 671 (a) (8).	Expands exceptions to include: child fatality review team; multidisciplinary team, CSED, federal law enforcement, mandated reporters.
Adjudication	No time requirement	No provision	Must be completed within 120 days of probable cause finding. AS 47.10.080 (a)

SUBJECT	CURRENT STATE LAW	FEDERAL LAW	GOVERNOR'S PROPOSAL
Permanency Hearing	18 months after child is removed from home	12 months after date of removal as calculated under federal law. 42 USC 675 (5) (C)	12 months from removal as calculated in federal law. AS 47.10.080 (l).
Date of removal	Date of child's removal from home	Date of removal is whichever occurs first: 1) first judicial finding of abuse or neglect, or 2) 60 days from removal. 42 USC 675 (5) (F)	Date of removal is whichever occurs first: 1) first judicial finding of abuse or neglect, or 2) 60 days from date of removal. AS 47.10.088 (f).
Termination of Parental Rights	Always permissive; requires clear and convincing evidence that the parental conduct is likely to continue; reasonable efforts by a preponderance. 47.10.080 (c) (3)	Mandatory petitions when: 1) child in foster care 15 of 22 months; 2) homicide; 3) felony assault; 4) abandoned infant. 42 USC 675 (5) (E)	Must prove by clear and convincing evidence that the parents have not changed; by preponderance that reasonable efforts complied with; mandatory petitions. AS 47.10.088
Timelines for Termination	No specific timelines	No specific timelines	Trial 6 months after petition filed. AS 47.10.088 (j); Ruling 90 days after trial. AS 47.10.088 (k); Appellate ruling 90 days after briefing. AS 47.10.080 (i)
Concurrent Planning	No provision.	Required during reasonable efforts and during permanency proceedings. 42 USC 671 (a) (15) (F) and 42 USC 675 (E)	Required during reasonable efforts and during permanency proceedings. AS 47.10.086 (e) and AS 47.10.088 (i).
Documentation of Efforts to Find Permanent Home	No provision	Required documentation of child-specific recruitment efforts, including efforts to find an adoptive home in another state. 42 USC 675 (1) (E)	Required documentation of child-specific recruitment efforts. AS 47.10.088 (i).
Criminal Background Checks	Required checks of parents to determine history of domestic violence - AS 47.17.035, Self-report on licensed placements - AS 47.35.047	Required criminal background checks on any licensed placement. 42 USC 671 (a) (20).	Required criminal background checks on any licensed placement with rechecks. AS 47.35.017, 47.35.022; 47.35.023; 47.35.047.
Healthcare Coverage	Duty to kids in custody and out of home. AS 47.10.084 (a), subsidize special needs and hard to adopt kids	Required insurance coverage on all special needs and hard to adopt children. 42 USC 671 (a) (21).	Subsidy continues. State joins Interstate Compact on Adoption and Medical Assistance. AS 47.05.090
Participation in Hearings	Parties to the case, otherwise in the court's discretion. AS 47.10.070	Foster parents and relative caretakers get notice and an opportunity to be heard. 42 USC 675 (5) (G).	Foster parents and relative caretakers get notice and an opportunity to be heard. AS 47.10.070 (c)

SUBJECT	CURRENT STATE LAW	FEDERAL LAW	GOVERNOR'S PROPOSAL
Multidisciplinary Team	No provision.	Allows the state to create multidisciplinary teams. 42 USCS 5106a(a) (2) (A).	Allows DFYS to create multidisciplinary teams. AS 47.14.300.
Kinship Care	Blood relative must be used as a placement unless there is clear and convincing evidence that physical or emotional damage will occur. AS 47.14.100 (e).	Requires state to give preference to adult relative provided the relative meets state child protection standards. 42 USC 671 (a) (19).	No change.
Citizen Review for Permanency Planning	Reviews all cases of out-of-home children every 6 months. Child must be in least restrictive and most family-like setting in close proximity to home. AS 47.17.200 - 299.	Requires creation of Citizen Review Panels. 42 USC 5106a (c). Requires least restrictive most family-like setting, most appropriate setting, in close proximity to home. 62 USC 675 (5).	No change.
Appointment of Guardian Ad Litem	Mandatory if an investigation results in a judicial proceeding. AS 47.17.030 (e).	Mandatory if a judicial proceeding results. 42 USCS 5106a (b) (2) (A) (ix).	Addition of mandatory language to AS 47.10.050.
Child Fatality Review Panel	Not in statute.	Allowed in statute with provision mandating disclosure or reports. 42 USC 5106a (b) (2) (A) (vi).	1 statute. AS 12.65. Disclosure of reports in AS 12.65.140 (b).
Investigation	Criminal background checks on parents required to determine if DV involved. AS 47.17.035.	Not addressed.	Criminal background checks of every parent or perpetrator of abuse or neglect is allowed. AS 47.17.033.
Respite Care for Foster Parents	Only when child has a mental or physical impairment or disability, or for emergencies. AS 47.14.100 (d) (2).	Allowed as temporary relief to foster parents. 42 USC 629a (1) (D).	Respite care for foster parents as temporary relief. AS 47.14.100 (d).
Appeal of Agency Finding	Grievance procedure in 7 AAC 54.205 - 240.	Requires appeal process for agency findings. 42 USCS 5106a (2) (A) (xi) (II).	No change.
Racial Discrimination	Not in statute.	Race cannot be the basis of delaying an adoption or placement. 42 USC 671 (a) (18).	No change.

SUBJECT	CURRENT STATE LAW	FEDERAL LAW	GOVERNOR'S PROPOSAL
<p>Expedited Permanence for Infants</p>	<p>Not in statute.</p>	<p>Required in 42 USCS 5106a (b) (2) (A) (xi) (I) for abandoned infants.</p>	<p>Expedited for children younger than 6 years old. AS 47.10.013 and 47.10.088 (a) (2).</p>
<p>Child Rights vs. Parental Rights</p>	<p>Outcome of case is determined by burden of proof and best interests of child.</p>	<p>Child's health and safety is of paramount concern. 42 USC 671 (a) (15) and 42 USC 629b (a) (9).</p>	<p>Best interests of child is primary concern. AS 47.10.086 (f) and 47.10.088 (b) and (c).</p>

Comparing Child Protection Proposals		
LAW	GOVERNOR'S BILL	OTHER BILLS
Murder One AS 11.41.100	Amended in Governor's Bill	Amended in SB 218
Murder Two AS 11.41.110	Amended in Governor's Bill	Amended in SB 218
Crim Neg Homicide AS 11.41.130	Amended in Governor's Bill	Amended in SB 218
Indecent Exposure One AS 11.41.458	Additional statute in Governor's Bill	Additional statute in SB 323
Indecent Exposure Two AS 11.41.460	Amended in Governor's Bill	Additional statute in SB 323
Possession of Child Pornography AS 11.61.127	No change in current law.	Amended in SB 323.
Endangering the Welfare of a Minor One AS 11.51.100	Amended in Governor's Bill	Amended in HB 333, SB 282
Endangering the Welfare of a Minor Two AS 11.51.110	Amended in Governor's Bill	Amended in HB 333, SB 282
Criminal Nonsupport One AS 11.41.115	Amended in Governor's Bill	
Criminal Nonsupport Two AS 11.51.120	Amended in Governor's Bill	
Manslaughter AS 12.55.125 (c)	Amended in Governor's Bill	Amended in SB 218

NEW	GOVERNOR'S BILL	OTHER BILLS
First Felony Sentence AS 12.55.125 (k)	Amended in Governor's Bill	Amended in SB 218
Sex Offender Registration AS 12.63.010	Amended in Governor's Bill	Amended in SB 326; HB 252
Notice to Public of Sex Offenders AS 18.65.087.	Amended in Governor's Bill	Amended in HB 273; HB 326; HB 252.
Child Fatality Review Team AS 12.65.005	Additional statute in Governor's Bill	
Notice of Release of Sex Offender AS 33.30.012	Amended in Governor's Bill	Amended in HB 252.
Child Abuse Investigations AS 47.17	Amended in Governor's Bill	Amended in SB 323; SB 295; HB 453; HB 340.
Child in Need of Aid Jurisdiction AS 47.10.010	Amended in Governor's Bill	Addressed in HB 366.
Preference for Kinship Care AS 47.14.100 (e)	No amendment to current law	Addressed in HB 332.
Access to CINA Proceedings AS 47.10.	Amended in Governor's Bill	Amended in HB 340, HB 456, HB 371, HB 340.
Timelines for Permanency	Amended in Governor's Bill	Amended in HB 456.
Permanency Planning for CINA Cases	Amended in Governor's Bill	Amended in HB 456.
Confidentiality in CINA and JD cases AS 47.10.093; AS 47.12.310	Amended in Governor's Bill	Amended in HB 453; HB 456.

	GOVERNOR'S BILL	OTHER BILL
Licensing Child Placements AS 47.35	Amended in Governor's Bill	Amended in HB 453.
No Teaching Certificates for Sex Offenders AS 14.20.	Amended in Governor's Bill	Amended in SB 323.
Child Protection Teams AS 47.14	Amended in Governor's Bill	Amended in HB 340.
Poverty as CINA Jurisdiction AS 47.10	No change in current law.	Specified in HB 366.
Custodial Rights AS 47.10.084	No change in current law.	Amended in HB 391.
Runaways AS 47.10.141	No substantive change.	Amended in HB 391.
Reasonable Efforts to Return Child Home	Amended in Governor's Bill	
Resources for Foster Parents	Amended in Governor's Bill	Amended in HB 456.



**INTERSTATE COMPACT ON ADOPTION & MEDICAID
ASSISTANCE
(AS 47.05.090)**

**Susan Wibker
Dept. of Health & Social Services
March 1998**

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AN ACT

To authorize the Department of Health and Social Services by and through its Commissioner, to enter into interstate agreements to provide for medical and other necessary services for special needs children; establishing procedures for interstate delivery of adoption assistance and related services and benefits; and providing for the adoption of related regulations.

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

ARTICLE I: FINDINGS

The legislature finds that:

- (a) Finding adoptive families for children, for whom state assistance is desirable pursuant to AS 25.23.05 - AS 25.23.240, and assuring the protection of the interest of the children affected during the entire assistance period, require special measures when the adoptive parents move to other states or are residents of another state.
- (b) Provision of medical and other necessary services for children, with state assistance, encounters special difficulties when the provision of services takes place in other states.

ARTICLE II: PURPOSES

The purposes of the Act are to:

- (a) Authorize the Department of Health and Social Services to enter into interstate agreements with agencies of other states for the protection of children on behalf of whom adoption assistance is being provided by the Department of Health and Social Services
- (b) Provide procedures for interstate children's adoption assistance payments, including medical payments.

ARTICLE III: DEFINITIONS

As used in this act, the following terms shall have the following meanings, respectively, unless the context clearly indicates otherwise:

- (b) "State" means a state of the United States, the District of Columbia, the Commonwealth of Puerto Rico, the Virgin Islands, Guam, the Commonwealth of the Northern Mariana Islands, or a Territory or Possession of or administered by the United States.
- (c) "Adoption assistance state" means the state that is signatory to an adoption assistance agreement in a particular case

1 (d) "Residence state" means the state where the child is living.

2

3 **ARTICLE IV: COMPACTS AUTHORIZED**

4

5 (a) The Department of Health and Social Services is authorized to develop, participate
6 in the development of, negotiate and enter into one or more interstate compacts on
7 behalf of this state with other states to implement one or more of the purposes set
8 forth in this Act. When so entered into, and for so long as it shall remain in force,
9 such a compact shall have the force and effect of law.

10

11 **ARTICLE V: CONTENTS OF COMPACTS**

12

13 A compact entered into pursuant to the authority conferred by this Act shall have the following
14 content:

15

16 (a) A provision making it available for joinder by all states.

17

18 (b) A provision or provisions for withdrawal from the compact upon written notice to
19 the parties, but with a period of one year between the date of the notice and the
20 effective date of the withdrawal.

21

22 (c) A requirement that the protections afforded by or pursuant to the compact
23 continue in force for the duration of the adoption assistance and be applicable to all
24 children and their adoptive parents who on the effective date of the withdrawal are
25 receiving adoption assistance from a party state other than the one in which they
26 are resident and have their principal place of abode.

27

28 (d) A requirement that each instance of adoption assistance to which the compact
29 applies be covered by an adoption assistance agreement in writing between the
30 adoptive parents and the state child welfare agency of the state which undertakes
31 to provide the adoption assistance, and further, that any such agreement be
32 expressly for the benefit of the adopted child and enforceable by the adoptive
33 parents, and the state agency providing the adoption assistance.

34

35 (e) Such other provisions as may be appropriate to implement the proper
36 administration of the compact.

37

38 **SECTION VI: OPTIONAL CONTENTS OF COMPACTS**

39

40 A compact entered into pursuant to the authority conferred by this Act may contain provisions in
41 addition to those required pursuant to Section V of this Act, as follows:

42

43 (a) Provisions establishing procedures and entitlement to medical and other necessary
44 social services for the child in accordance with applicable laws, even though the
45 child and the adoptive parents are in a state other than the one responsible for or
46 providing the services or the funds to defray part or all of the costs thereof

47

48 (b) Such other provisions as may be appropriate or incidental to the proper
49 administration of the compact.

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1 ARTICLE VII: MEDICAL ASSISTANCE

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- (a) A child with the special needs resident in this state who is the subject of an adoption assistance agreement with another state shall be entitled to receive a medical assistance identification from this state upon the filing in the Division of Public Assistance office of a certified copy of the adoption assistance agreement obtained from the adoption assistance state. In accordance with regulations of the the Division of Public Assistance, the adoptive parents shall be required at least annually to show that the agreement is still in force or has been renewed.
- (b) The Division of Medical Assistance shall consider the holder of a medical assistance identification pursuant to this section as any other holder of a medical assistance identification under the laws of this state and shall process and make payment on claims on account of such holder in the same manner and pursuant to the same conditions and procedures as for other recipients of medical assistance.
- (c) The Division of Medical Assistance shall provide coverage and benefits for a child who is in another state and who is covered by an adoption assistance agreement made by the Division of Family and Youth Services for the coverage or benefits, if any, not provided by the residence state. To this end, the adoptive parents acting for the child may submit evidence of payment for services or benefit amounts not payable in the residence state and shall be reimbursed therefore. However, there shall be no reimbursement for services or benefit amounts covered under any insurance or other third party medical contract or arrangement held by the child or the adoptive parents. The Division of Family and Youth Services shall make regulations implementing this subsection. The additional coverage and benefit amounts provided pursuant to this subsection shall be for services to the cost of which there is no federal contribution, or which, if federally aided, are not provided by the residence state. Among these things, such regulations shall include procedures to be followed in obtaining prior approvals for services in those instances where required for the assistance.
- (d) The submission of any claim for payment or reimbursement for services or benefits pursuant to this Section or the making of any statement in connection therewith, which claim or statement the maker knows or should know to be false, misleading or fraudulent shall be punishable as perjury and shall also be subject to a fine not to exceed [\$10,000] or imprisonment for not to exceed [2] years, or both
- (e) The provisions of this section shall apply only to medical assistance for children under adoption assistance agreements from states that have entered into a compact with this state under which the other state provided medical assistance to children with special needs under adoption assistance agreements made by this state. All other children entitled to medical assistance pursuant to adoption assistance agreement entered into by this state shall be eligible to receive it in accordance with the laws and procedures applicable thereto.

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ARTICLE VIII: FEDERAL PARTICIPATION

Consistent with federal law, the Department of Health and Social Services, in connection with the administration of this Act and any compact pursuant hereto shall include in any state plan made pursuant to the Adoption Assistance and Child Welfare of 1980 (P.L. 96-272), Titles IV (e) and XIX of the Social security Act, and any other applicable federal laws, the provision of adoption assistance and medical assistance for which the federal government pays some or all of the cost. The aforementioned department(s) shall apply for and administer all relevant federal aid in accordance with law.

For the record, my name is Michael Coons from Palmer. I am a Paramedic and have worked in the Emergency Medical Services since 1981.

I have read HB 375 submitted by Governor Knowles. Bottom line is I don't see any real change in this legislation pertaining to DFYS, meaningful punishment for those who neglect, abuse or exploit children, nor increased law enforcement role. I do have comments on some points to be specific. Due to time I would like these concerns to be placed on the record by my written comments that I have FAXed. I would instead like to give some examples of abuse by "parents" and "Social Services" that I have witnessed as a Paramedic.

Fortunately, I have not had any contact with DFYS since moving to Alaska. However, Social Services from state to state are very similar. The problem as I see it, as the following incidents will show, is fairly typical of Child Protective Services. What we need is the ability for law enforcement to make the decision on site to start an investigation at least, if not to remove the children on the spot.

So as not to compromise patient confidentiality, I will not indicate what state or city this occurred in. I was dispatched to a residence on an unknown situation. All we knew from dispatch (over the phone) was a neighbor had called concerned about the noise coming from his neighbors house. When we talked to the neighbor (with a police officer present), the neighbor said that the guy next door has children, no spouse, and a lot of yelling and other noise coming from the house. The neighbor was concerned for the children's safety and thought that the children may be hurt. The deputy stated he didn't have probable cause to enter the house, but if we as EMS were to gain entry, and he (deputy) was allowed in as well, we could see what the situation was. The exterior of the house was dark and we weren't too keen on knocking on the door, but we did. An adult male answered the door, we told him that we had received a call about a possible injury at his residence and could we come in. He stated that nothing was wrong. We then said, OK, but can we come in so we can fill out our report and be on our way. He allowed us, and the deputy inside. Inside the house, the living room had dog and cat droppings everywhere, a kitchen knife on the coffee table and the smell was overpowering of urine and feces. We asked if we could check on the children. He gave permission. We found one bedroom with a flimsy mattress on the floor with 2 children asleep, another bedroom the same condition with two more, all male. The second "bedroom" was more like a closet than a bedroom. In the "master bedroom" we found a 10 year old girl between the bed and the wall, on her knees rocking back and forth. At this point we are concerned and suspected at least child neglect, if not child sexual assault. The deputy called in for his supervisor. To give the officers time, we asked the "father" for information to "fill out our reports" so as to buy the officers time to investigate what was going on. The girl won't hardly say anything but denied any problems. I will never forget the blank look on her face! All of us felt that something very wrong was going on. The "father" was non-cooperative and vague. Total time in the house was about 30 minutes but the deputies didn't find enough probable cause to do anything, so we left. Outside the house I asked the officer in charge if he was reporting this to Child Social Services and he said he was. Under state law, I was, as the lead medic, was required to do the same. That morning, I called Child Social Services and reported what we had found. The "social worker" I talked to was rude and actually accused me of making a false report. She also wanted to know why I had even bothered calling! I reminded her of the state law requiring that health care providers were required to report possible child neglect, abuse and or sexual abuse! Her attitude was such and her comments were such that it was apparent to me that no investigation into this matter was going to happen. To make a long story

short, I went over her head, her supervisors head and finally up to the Assistant Director of the department before I got someone who seemed to care! We never went back to that house, nor heard what happened. A few years later, at a college course about social services that I took, I found that the law required Social Services to inform the reporting agencies, i.e. EMS and law enforcement on the outcome of the investigation. To this day, I do not know what happened.

The attitude I found by Social Services in this case was not just one occurrence but several in my experience. Unless you know the law and can quote it, the "case workers" will treat the reporter very rudely and try to make the reporter out to be the "bad guy". In a follow-up case once, the status of the elderly person who was in jeopardy was refused to me, until I quoted chapter and verse of the law. Even then, the required information was like pulling "hens teeth".

I personally know about and have seen several cases of child abuse, one resulting in the death of the infant, others resulting in hospitalization. In the case of the death, the "boyfriend" received 5 years, the "mother" wasn't even charged! In another case, Quaaludes being given to a 3 year old, and ALL indicators of gross child abuse being found, the child was returned in 24 hours to the drug addicted "mother"! Only in two cases have I seen a positive outcome, one dealing with children and one dealing with an elderly lady. Both "positive" outcomes seemed to only come about AFTER we knew the law and how to use it! It was apparent to us that without our pressure, neither one of these cases would have shown any improvement. As a note to how we saw the improvement, the places were places we responded to on a regular basis.

Unfortunately, I have also heard from friends and even parents of hurt children that I have responded to, that Social Services have accused parents of abuse, when no abuse was indicated or found! For some reason that I have never been able to understand, a normally healthy, clean, well fed and loved child who breaks an arm falling from a swing is "abused" when a 3 year old who has old dirt, old bruises, new bruises, unconscious from Quaaludes is not "abused"!

DFYS, according to what I am reading, doesn't sound much better than what I have seen in the "Lower 48". I strongly feel that what is needed is a partnership between law enforcement, the DA office and DFYS in investigating and if need be, prosecuting child/elderly neglect, abuse and sexual abuse to the fullest extent of the law (law enforcement and DA being the lead)! How this is done must be carefully thought out and monitored. As indicated above I have seen abuse of the "system" both ways. The manner of the investigation should be based on sound evidence and probable cause. In my experience, Social Services does not have the training to understand what is good evidence and what is fabrication!

As a last example to back up the need for law enforcement doing the investigating was a situation that happened to me and 150 other fellow EMTs. We went to a symposium on medical legal and child abuse. When the speaker from Social Services came out she stated that there are two victims in a child abuse, the child and the abuser. Then proceeded to "cry" about the "poor abuser"!!! Our squad Chief told her in no uncertain terms that we were there to learn about the law, what to do to protect the child, and evidence, how we deal with the abuse and what we needed to do to document what we saw. The "Social Worker" told us that she would not cover those areas. 150 of us started to leave! The person in charge of the symposium stopped us, and threw out the Social Worker. We then broke into groups and found out what other departments were doing. We learned more that way, than any other course or lecture on this topic that I have since attended! This attitude by Social

Services must be changed! I feel that strong involvement by law enforcement may turn this around by example. I don't know if this will be the case, however, the present situation cannot be allowed to continue!

Please, talk to us folks in the trenches who have to see this and have to deal with not only the tragedies but the apathy of Social Workers! The more you ask of professionals from EMS and law enforcement the clearer picture you will find of the problems, and hopefully answers that will make a difference to the children and elderly who are most at risk

As to my concerns over HB 375, the following are my comments and concerns.

Lines 8-14 pertaining to children rights raises a question on are we opening a "Pandora's Box"? There have been pushes for "Children's rights" that have not received support because of what it would do to parents for "normal discipline". By stating these rights are we not opening the door to the fanatical left to say, "Now we have rights listed, let's take it further". This part is just something that makes the hairs stand up on my neck as a warning light.

Lines 24-31 "(2) the person knowingly engages in conduct directed toward the person recklessly or with 31 criminal negligence causes [INFLICTS] serious physical injury to the child by at least two separate acts, and one of the acts results in the death of the child; or". Two acts? This paragraph relates to Murder in the First Degree! Isn't ONE act too much, much less TWO!

"20 (b) Indecent exposure in the second degree before a person under 16 to 21 years of age is a class A misdemeanor. Indecent exposure in the second degree before a 22 person 16 years of age or older is a class B misdemeanor." So this would mean that the person who exposes him/herself walks on a Misdemeanor? This behavior is an alarm that there has, is or soon will be something worse happening to a child! This is inexcusable behavior that must be stopped with such a deterrent that even a "sicko" will think twice about it!

Sec. 12. AS 11.51.120, amended. I have a problem with. There has been enough Letters to the Editors with sound comments about the so called "Deadbeat Dad" laws that makes me wonder if we haven't gone overboard on this already. Now, with this proposed amendment it takes it even further. I would like this stricken until such time as the positive and negative impacts are looked at. If it is needed, then let legislation on this topic be on it's own for open debate.

Sec. 13. AS 12.55.125(c), specifically the years sentenced and attacks against law enforcement and EMS care providers are way too LOW! Right, I get attacked by someone with a deadly weapon and he/she only gets 7 years! I put my life on the line for this? This whole section makes me SICK!!! We need DETERRENTS, not continued coddling! Sorry, but these light sentences really raise the hackles. We will NEVER get a handle on criminal activity if we don't have the guts to show that criminal behavior has severe repercussions!

"Sec. 16. AS 12.63.010(b)", I agree with!

"Sec. 18. AS 12.65.015 is amended by adding a new subsection to read: e) The state medical examiner". This section I understand that it would only be used in a death of a child. I do agree with the team concept, however, I do not see this team approach with reports of child neglect/abuse/sexual assault not resulting in a death. The only thing I see is DFYS still doing what it doesn't do well for those cases.

"Sec. 21. AS 14.20.030(b)" I agree with! As well as requiring a criminal search of teaching applicants! If we had had this just this last year we may not have had so many teachers molesting school children!

The rest of the bill is legalese and I had a hard time getting through all of it. Suffice to say, there wasn't anything that gave me a good feeling that the problems will be taken care of much better than they are now.

Please let me know more about what these 60 pages really means to us lay-people who are overwhelmed by legalese. If you believe my comments are wrong, please let me know what and why. Rep Dyson said something to the effect that this shouldn't just be jumped into. I couldn't agree more!

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P.S. The law to educate EMS on what to do in these cases (Continuing Education Requirement) is too vague. DFYS has been contacted by our Borough head of EMS and they didn't know what to do. We are getting a State Trooper to teach the course and even she doesn't know what the course outline is to be like!

P.S.S. Plea bargaining by the DA offices needs to be looked at! I see far too much in the press about plea bargaining child abuse/sexual abuse down to short years, with parole. Mandatory sentencing on any counts of child abuse/sexual abuse must be in the law. Otherwise, the law is hollow and means nothing!

MEMORANDUM

ALASKA PUBLIC DEFENDER AGENCY

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TO: Rep. Con Bunde, Chairman
House Health & Social Services Committee
ATTN: Lynn Smith

FROM: Blair McCune, Deputy Public Defender *Blair McCune*

RE: HB 375 -- Child Protection legislation

DATE: February 26, 1998

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I have comments on the proposed legislation on behalf of the Alaska Public Defender Agency.

Comments on the Legislation

The Public Defender Agency (PDA) has considerable interest in this legislation. PDA represents parents in the Child in Need of Aid (CINA) cases covered by this bill. CINA cases represent a significant part of PDA's work. PDA gets involved in child protection cases after we are appointed by Superior Court Judges to represent parents. Alaska Statutes and Court Rule require the court to appoint of counsel in CINA cases "for a parent or guardian who is financially unable to employ counsel."

First, we want to note that a lot of hard work went into this bill. We were able to provide our comments at all stages of the drafting of this legislation. A lot of our comments resulted in changes to the bill -- many did not. Obviously, these are difficult policy matters. The basic policy question is the age-old problem of the power of the government to intervene to protect children, versus the family's right to raise their kids on their own.

PDA thinks it is worthwhile for the legislature to have the parent's perspective on the bill. PDA is concerned about whether the legislation strikes the proper balance between parents' rights to raise their children and the government's right to intervene. The current law allows intervention only when there are "serious

forms of parental misconduct" or "to remedy severe parenting deficiencies and prevent significant harm to children." The legislation radically changes this balance.

An example of how the government's power to intervene is increased is intervention for "emotional harm." Under the bill, DFYS can intervene if it can prove that a parent has caused a child to suffer "emotional harm." "Emotional harm" is defined as "injury to the emotional well-being or intellectual or psychological capacity of a child ...". We are concerned that a law which allows the state to intervene if it believes a child's "emotional well-being or intellectual or psychological capacity" is injured opens up a family's decisions to second guessing by social workers and therapists.

Specific Provisions in CINA Legislation

Section 1

This section includes broad language on the rights of children. PDA is concerned that it is too broad.

Section (a)(1)(B) and (C). We believe that it is too much to expect to guarantee all children the right to freedom from "emotional abuse."

Section (a)(2). We do not believe that parents should have a duty to "remove any impediment" to their ability to perform their parental duties. A parent should not always have to subordinate his or her interests to the interests of the child.

Section (a)(4)(A) and (a)(6). We support including offering "family support services" as a "policy" of the state and not moving children unnecessarily.

PDA does not believe that there is a need to overrule In Re S.A., 912 P.2d 1235 (Alaska 1996). In S.A., the state petitioned to terminate a mother's parental rights even though she had two years of sobriety. The mother had custody of another child and was a good parent to that child. Despite this clear evidence of parental fitness, the state convinced a superior court judge to terminate the mother's parental rights based on a therapist's opinion that the child would be better off in another home. The Alaska Supreme Court overturned the termination. It found that the court and state misinterpreted the CINA laws as follows:

[The State's] interpretation [of the CINA statute] would permit the State to assume custody over any child who had needs the child's parents could not meet. Applied to the facts of this case, the State's interpretation would justify terminating [the mother's] parental rights on the grounds that [the children] would not "meet their

potential" with [the mother] because she would not be able to satisfy their needs for "structure and consistency."

Criminal Law Provisions

We generally believe that the proposed legislation takes a well-ordered, logical system of laws and changes them in an unwarranted way to make additional offenses based solely on the victim's status as a child. The sentencing laws already provide for punishment to be enhanced if the victim is "vulnerable," e.g. a child. The punishment for crimes against children or elderly, disabled, or otherwise vulnerable victims, can already be enhanced whenever it is appropriate. There is no need to make separate laws based solely on the victim's status as a child.

Because the law already takes into account vulnerable nature of children, we believe the changes are unnecessary.

AS 47.10.011

General Comments

This section of the legislation sets out the criteria which must be met before the state can take custody of a child. As noted above, PDA believes that the legislation is clearer and more concise than the previous version. Nevertheless, we believe that it does not correctly draw the difficult line between excessive and appropriate government intervention in the lives of Alaska's family's.

The proposed legislation sets out a number of instances of bad parental conduct which, in themselves, automatically make the child a child in need of aid whether or not the parental conduct has a bad effect on the child. For example, if a parent's substance abuse substantially impairs that parent's "ability to parent," the state can intervene.

The problem with this approach is that it fails to recognize the strengths of extended families to take care of their problems without the help of government. There are many families in Alaska in which one parent's abilities are impaired by substance abuse. In such cases, the other parent, or grandparent or aunt or uncle or brother or sister, steps in and takes over. If family or friends are there to take over when a parent stumbles, why should the state be involved at all? Clearly, the statute is overbroad if it allows the government to intervene in such situations.

Another example is where one parent abandons the child, but the other parent is still in the home and is able and willing to care for the child. It's difficult

to imagine the Dept. would take custody in such a situation, but, under Subsection 1, it could.

AS 47.10.011's Subsections

Subsection 1 of the new statute lists "abandonment" as one of the criteria. "Abandonment" is very broadly defined in a separate Section as "the conscious disregard ... of parental responsibility ... which threatens the parent-child relationship." Although the definition section goes on to list some specific criteria, this initial definition seems very broad. Another problem we noted is that in the current law, a child is not a Child In Need of Aid unless "both" parents abandon the child or a single parent abandons the child, when the other parent is not alive or has had his or her parental rights terminated.

Subsection 2 provides that if "a parent" is "incarcerated" for harm done to a child, the state can intervene. We think the rest of the statute picks up enough situations of abuse or neglect so that this subsection should only say: "... incarcerated or institutionalized [and the parent, guardian or custodian] has not arranged for safe and appropriate care ..."

Subsection 5 includes the term "emotional harm." As discussed above, we believe that the term gives too much power to the state to intervene in a family's life. AS 47.17.290(9) says that emotional harm or mental injury is evidenced by an "observable and substantial impairment." The "and substantial" is omitted and we think it should be in there.

Subsection 6 makes some significant changes to the current law. Currently, the statute allows intervention only when there has been "substantial" physical harm or if there is an "imminent and substantial risk" of such harm. The new statute omits the requirement of that the harm be "substantial" or the risk be "imminent." We think it's better to include these qualifiers.

Subsection 7 is similar to the current law, but includes a provision that makes leaving the child unsupervised with a person convicted of or being investigated for a sex offense prima facie evidence of substantial risk.

Subsection 8 deals with "emotional harm." This is discussed above.

Subsection 10 includes alcohol or controlled substance use as a separate grounds for intervention. This new section would allow the state to take custody if "habitual" drinking "substantially impair[s]" an "ability to parent." This is a collection of new terms that courts will have difficulty defining. If the terms are defined broadly, they will allow the state to intervene in homes with even the mildest of drinking problems. This section also apparently allows intervention where only one parent abuses alcohol or drugs. Even if one parent kicked the other

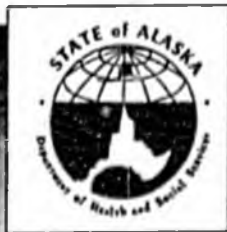
parent out of the home at the first sign of substance abuse, the state could still say the child was a child in need of aid based on the substantial impairment of the substance abusing parent's ability to parent.

Subsection 11 has problems from our point of view. What is "emotional illness"? "Mental illness" could include minor depression or minor adjustment disorders based on grief or situational stress. We think it should be restricted to major mental illnesses. What is "proper care" for the child? Also, the statute does not take into account a situation where a parent undergoing these difficulties makes appropriate provisions for a child, such as leaving a child with a close friend or relative. Furthermore, it does not address a situation where only one parent has the mental or emotional problem, but the other parent is fully able to care for the child and willing to do so.

The New Termination Statute AS 47.10.087

This section related to AS 47.10.C11. Parental rights can be terminated based on the CINA finding. If AS 47.10.011 is too broad, a parent could lose his or her parental rights for problems that do not make the parent unfit.

Thank you for considering these comments.



CHILD PROTECTION BRIEFING PAPER

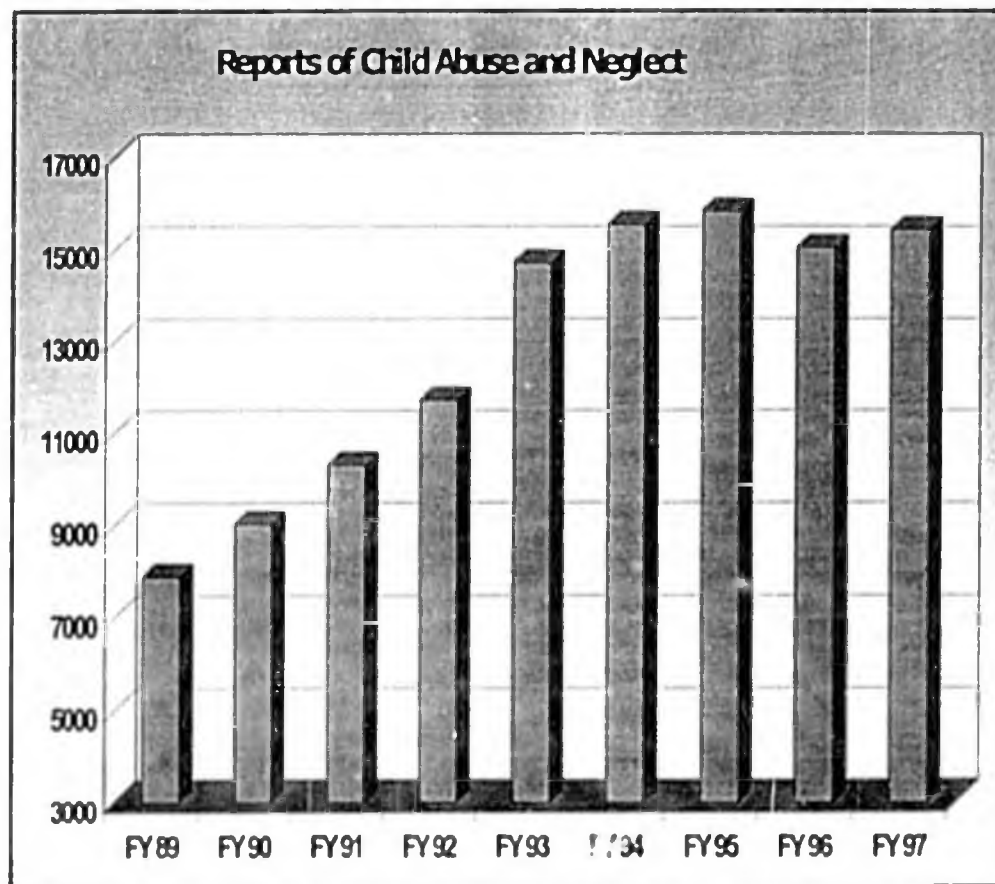
State of Alaska

Division of Family and Youth Services

Finding new solutions to old problems

Audits steer Alaska toward a better child protection system

Alaska must do a better job of protecting its children. During the past nine years, the number of reports of child abuse and neglect has nearly doubled with no increase in staff to respond. As a result, numerous reports of harm are never investigated. At-risk children are left too long in unsafe homes, and children who need a safe, permanent place to live often languish in state custody. Often-preventable substance abuse and domestic violence continue to ravage families, leaving the children with a shattered childhood and a future likely filled with continued abuse and neglect.



During the past six years, the Division of Family and Youth Services – Alaska’s lead child protection agency – has been the subject of several major audits and reviews. Most of these were internal audits prompted and conducted by the Department of Health and Social Services; some were independent reviews commissioned by the department. The Legislature also conducted an audit of its own in 1992.

The reviews identified key issues impacting the effectiveness of Alaska’s child protection system. Among these are lack of coordination between child protection agencies, insufficient access to critical information needed by child protection to support effective case work decisions, statutes that are unclear or inadequate to allow effective early intervention, outdated policies that do not provide clear guidance, inconsistent and insufficient social worker training, and a management structure that promotes inconsistency.

Every Child Counts, Every Day Matters

Aside from concerns raised in the audits and reviews, the department has identified other problems within DFYS. For instance, the division for years has experienced unacceptably high vacancy and turnover rates. This has compounded the division's troubles by contributing to already excessive child protection caseloads.

These and other problems must be confronted and fixed. The Knowles administration recognizes this fact and is committed to making sure DFYS and other state agencies have the resources and tools they need to protect Alaska's children from abuse and neglect.

This briefing paper will give a history of the DFYS audits and reviews, summarize the primary concerns raised in the reports, and then outline what the Department of Health and Social Services is doing internally to address those concerns.

Chronology of audits and reviews:

1992 – Legislative audit: DFYS, selected issues and concerns

1996 – Administrative review, DFYS Anchorage office

1996 – University of Washington full case-file audit of Anchorage office

1997 – Fairbanks Child Fatality Review, Departments of Law, Corrections, Public Safety and Health and Social Services

1997 – Child Protection Review Team report to Gov. Knowles

1997 – Review of five child protection cases, Kempe Children's Center

1997 – Statewide review of cases with multiple (6+) reports of harm, Department of Health and Social Services

What did we learn from the audits and reviews?

The reports found numerous things the Division of Family and Youth Services should be doing to assure Alaska's children are better protected. What follows is a summary of those findings and recommendations.

Management

- For much of the past decade, DFYS has been organized on a regional basis, instead of along program lines. This has resulted in:
 - blurred lines of accountability and reduced management effectiveness;
 - inconsistent policies and practices between regions;
 - reduced effectiveness of statewide program development;
 - decreased focus on child protection efforts;
 - reduced effectiveness of the agency training program.
- The division's business processes need to be re-examined and re-engineered to:
 - improve record-keeping and record management;
 - increase accessibility of key information to support fully-informed casework decisions;
 - increase effectiveness in carrying out mission-critical activities;
 - improve work flow across units;
 - improve efficiency and increase support for social workers.

'... The Department shall, for each report received, investigate and take action ... that may be necessary to prevent further harm to the child or to ensure the proper care and protection of the child.'

AS 47.17.030

Casework Practice

- Screening and investigations:
 - Alaska's statutory mandate to investigate all reports of harm is not being met – children are being left at risk.
 - Screening of reports to assess priority for investigation is inconsistent from region to region.
 - Investigative practices have been strongly influenced by the "family-preservation" policy that was implemented in 1991-92. The policy sought to minimize agency intervention and emphasized preservation of the family over focus on child safety. As a result, the minimum level of investigation necessary for a reliable assessment of risk too often does not occur.
 - Investigative practices have also been shaped by law and court decisions, resulting in a de-facto practice under which intervention occurs only after a report of harm has been substantiated. This often prevents effective early intervention.
 - Investigations too often focus on determination of a specific allegation rather than looking at cumulative of risk of harm – a "single-event" perspective in which reports tend to be viewed in isolation rather than comprehensively. This often prevents a full understanding of family circumstances and real risk to children.
- Case planning and follow-up services:
 - Inadequate training too frequently results in cases that lack a full assessment of family dynamics and the circumstances that underlie or present risks to children.
 - Case plans tend to be task-oriented, rather than outcome-oriented. Instead of focusing on demonstrated changes in behaviors or circumstances that eliminate risk of harm to children, case-plans too often focus on whether the specific tasks have been undertaken.
 - Case workers have too few direct contacts with families.
 - Concurrent planning – simultaneously developing plans for reunification and alternative placement – needs to start at the beginning of the case.

Supervision

- Supervisory responsibilities in casework decision making, quality assurance, training and staff development needs have been poorly defined. This limits the effectiveness and accountability of supervisors.
- Supervisory oversight and decisions need to be accurately and consistently documented in case files.
- DFYS lacks a standardized quality-assurance process for continuous case reviews by supervisors to ensure consistent adherence to practice standards by staff agency-wide and to make sure staff constantly identify and correct problems and improve casework.

Training

- Training has been inconsistent over time and across regions, which has diminished the quality and efficiency of casework.
- Efforts to develop an overall, competency-based education program for staff have been hampered by continuing shifts in administration, policy and funding.
- Key areas of training needs are:
 - investigation methods;
 - risk assessment;
 - outcome-based case planning and case management;
 - substance abuse assessment and treatment dynamics;
 - understanding the link between domestic violence and child abuse and improving planning skills to ensure the protection of child and mother in domestic violence situations.

Coordination and Collaboration

- Coordination among key agencies with child protection responsibilities must be improved through regular meetings, protocols for coordinated efforts, and informal cooperation at all levels.
- Increased sharing of information among agencies is critical to assure that key decisions made in child protection processes are sound and effective.
- Multidisciplinary teams – made up of officials from all agencies with a role in child protection – should be formed to improve decision making in particularly complex or difficult cases.

Policies

- Alaska's risk-assessment policies, tools and processes need to be revised to provide better guidance for social workers. Policies that determine the basis for intervention and case-planning decisions also should be strengthened.
- Investigation policies and guidelines need to be updated and improved. Policies and procedures have not been comprehensively updated in nearly 10 years. Many changes in law and practice have occurred and the framework guiding practice should be revised and formatted to be more useful for social workers.
- Child fatalities from abuse or neglect went undetected.

Laws

- Alaska child protection laws lack clear statement of purpose and intent, leaving them open to broad and sometimes conflicting interpretation.
- Alaska laws are narrower than almost any other state in some respects, limiting intervention in neglect case to those in which physical harm has occurred.
- Current court interpretation of statutes make early intervention very difficult or impossible in cases of chronic neglect.
- State law does not set out clear schedules or time-limits that would move cases more quickly toward permanency and focus on the best interests of children.
- Current law does nothing to promote collaboration and effective coordination among various child protection agencies.

What are we doing to fix the problems and meet the recommendations?

By undertaking these extensive audits and reviews, the Department of Health and Social Services has taken the first step toward fixing Alaska's child protection system. But department officials recognize that the harder and more important work remains ahead.

Based on what was learned from the audits and reviews, the department has identified a number of actions that will make sure Alaska does a better job of protecting children from abuse and neglect. Some changes are already in place, and plans for numerous other fixes are in the works. Many of the solutions call for administrative changes that the department and other agencies can make on their own. But many more of the solutions will require help from the Legislature.

Following is a detailed list and brief description of the major changes that are being made or proposed by the department and the Division of Family and Youth Services.

Ensuring Alaska's children are as safe as they can be

- Develop a zero-tolerance policy toward reports of child abuse and neglect to assure an appropriate response to all reports of harm, as required by law. (Eliminate the policy and practice allowing no response to some reports -the division's "workload adjusting" procedure.) To make this possible, fill all existing social worker positions and add new social workers.

Office	Total Reports of Harm	Assigned for Investigation		Workload Adjusted	
		Number	Percentage	Number	Percentage
Bethel	1361	668	49%	482	35%
Anchorage	5725	5090	89%	589	10%
Kenai	881	669	76%	155	18%
Mat-Su	1052	343	33%	707	67%
Fairbanks	2534	990	39%	1403	55%
Juneau	752	393	52%	182	24%
Ketchikan	422	207	49%	108	26%
All Others	2820	2169	77%	114	4%
Statewide	15547	10629	68%	3739	24%

* Of the total Reports of Harm, 922 (6%) were screened out as non-child protection issues and 358 (2%) were screened out due to insufficient information.

To ensure the safety of our children, we must be able to respond appropriately to all reports of harm in an efficient and timely manner. A zero-tolerance policy, combined with a realistic approach to staffing and training needs, will get us there. It is important to remember that even existing social worker positions are not fully funded – despite large caseloads and a near universal cry to protect our children from harm.

- Establish permanent Child Fatality Review Team.

To prevent abuse- or neglect-related child deaths from going undetected, a review team has been established under the auspices of the State Medical Examiner. The team is made up of the medical examiner, head of the State Trooper Criminal Investigation Bureau, a prosecutor, a local law enforcement official and an experienced social worker. The team reviews all child deaths to assure that those caused by abuse or neglect are investigated and prosecuted – and to make sure surviving children are protected.

- Develop a pilot project that allows a community-based agency to respond to some low-risk reports.

Communities must be a part of the solution. In its FY 99 budget, the department proposes creating an innovative pilot project called triple-track that would promote community collaboration by funding private agencies in at least two pilot communities to provide initial risk assessment and support in low-priority reports of harm. If these assessments indicate a need for greater intervention, they would be returned to DFYS.

- Develop a pilot project to ensure supervised visitation to promote increased family involvement when children are in out of home care, to speed reunification whenever possible, and to identify early on families where reunification is not in the best interest of the children.
- Establish emergency child-care resources in Alaska's three largest cities.

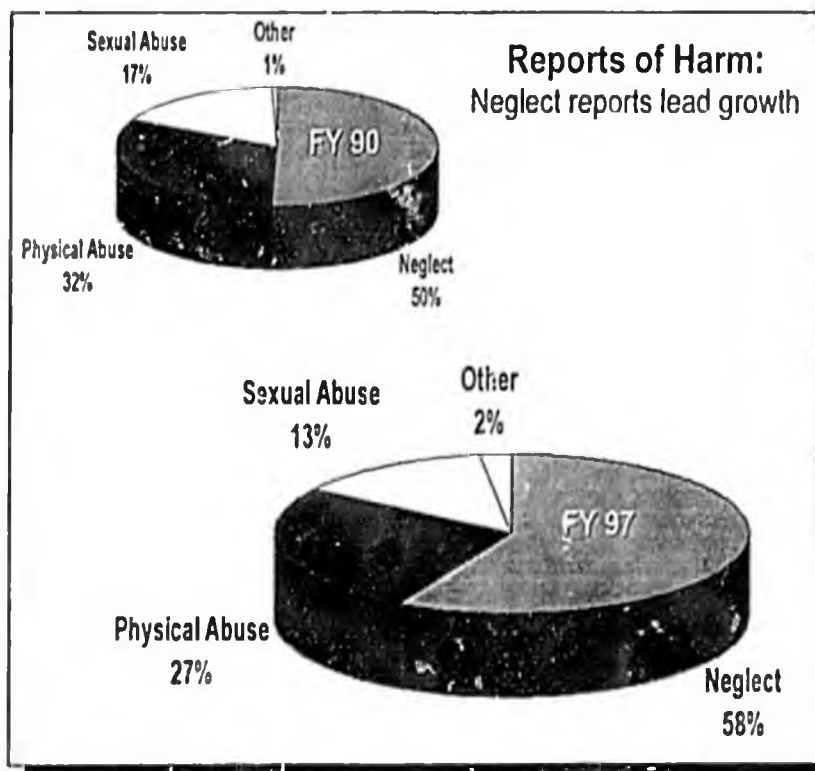
As part of the department's safety net of immediate assistance for children, three new five-bed emergency foster care group home units are planned for Anchorage, Juneau, and Fairbanks.

- Formalize and assure continuation of interdepartmental work by creating regional and community Multidisciplinary Child Protection Teams. These teams would help develop local response capacity to provide on-site, immediate assistance to child victims in rural communities that have few formal resources. The teams would also support community-based collaborative efforts in all Alaskan communities to ensure that responsibility for child protection needs are owned by all of us.

It is the goal of the department to have Multidisciplinary Child Protection Teams in all of Alaska's communities. While this effort will be initiated immediately, it will take some time to develop these community-based, inter-agency safety nets in Alaska's smaller towns and villages. These teams would include local law enforcement, social workers, community leaders, representatives of the court and legal system and other appropriate persons.

- Increase coordination and information exchange with law enforcement on high-risk cases.

Steps have already been taken to increase social worker access to criminal history and domestic violence information, improving their ability to identify and assess risk. Efforts are under way to make sure other crucial information is available to child protection workers. These include cross referencing



sex offender registries with child care licenses and analyzing technologies to increase information exchange within existing systems. A multi-agency effort will also be undertaken to analyze the feasibility, costs, and steps required to develop an integrated information system accessible by all agencies with child protection responsibilities. Work on this action item can begin immediately, but will take time to accomplish.

- Enhance capacity to provide substance abuse, domestic violence (consistent with requirements in the 1996 Domestic Violence Act) and mental health assessments and treatment targeted specifically to abusive/neglectful parents. This will assure problems causing harm can be identified and addressed early so children can remain in their own homes or return home quickly.

With a fully funded child protection team in place, multi-disciplinary teams in the community and a better working relationship among agencies, enhanced assessment and intervention is possible. Placing substance abuse treatment professionals and mental health clinicians in DFYS offices will make assessments and treatment referrals speedier and more accessible to families and consultations more accessible to DFYS staff to assist in case planning.

- Strengthen alcohol treatment services for women and children, and adopt policies that prioritize substance abuse treatment for all parents who are referred for treatment by DFYS workers. Increase domestic violence support services targeted to families in which domestic violence contributes to harm, abuse or neglect of children.

Breaking the cycle of harm requires providing protection for the child and the necessary services to ensure that the home is safe. Enhancing alcohol treatment and domestic violence support services will ensure that children are not returned to unsafe homes.

Building strong and stable families for Alaska's children

- Launch an aggressive foster- and adoptive-home recruitment campaign.

The department plans to offer small community grants to groups who understand the foster care system to immediately respond to prospective foster parents' inquiries of interest. These 25 grants – at an overall cost of \$107,000 – will help increase our foster system's capacity.

- Study relative care in Alaska, and explore different program models that would work best, including the closure of these cases with annual subsidy reviews (possibly through Title IV-E Kinship Care Waivers).

Increasing numbers of foster children find themselves living with their extended families. These foster parents must meet the obligations necessary to protect the child, but are usually ineligible for foster care funding. This study will help us determine the best way to ensure a strong continuity in our foster care system that includes relatives.

- Improve foster care reimbursement rates and provide additional respite care for foster parents.

Qualified foster parents are being driven from the system by a foster care reimbursement rate that has not changed since FY 92 and a lack of adequate funding for needed respite care. These rates must be increased and we must provide needed respite if we are to retain our foster families.

- Increase the support foster parents receive from DFYS.

With our new licensing regulations and a new foster care handbook, we have taken the first step to creating more effective support for foster care. We also plan to enhance the support services we provide through more social worker /foster parent contacts, communication, and training.

- Develop a comprehensive system of foster parent training.

By taking actions to increase access to federal dollars, DFYS has an opportunity to enhance training for staff and foster parents at no expense to the state.

- Adopt agreements with Alaska Native organizations that will enable these groups to receive federal funding for foster care placements made by tribes.

About half of the kids in the custody of DFYS are Alaska Native. Working more closely with this community will help provide a more consistent environment for Native Alaskan children and support tribes' efforts to protect children. Making federal funding accessible to support tribal placements will expand child protection resources at no cost to the state and may help prevent some children coming into state care.

- Help develop strong community-based foster care volunteer support networks.

Supporting foster care cannot be the state's responsibility alone. It is important to promote community-based volunteer efforts to assure that children at risk have full access to a strong foster care system.

- Provide increased funding individualized mental health services for children and youth at the next level below the Alaska Youth Initiative (AYI) program.

While supporting the wrap-around concept that AYI was founded upon, these services will divert lower-risk youth from AYI who were not intended to be served by that program.

- Provide a therapeutic foster care program for seriously emotionally disturbed (SED) children.

It is important to develop a better, community-based approach to providing therapeutic foster care. By contracting with a private non-profit agency, the department will be able to ensure recruitment and training of treatment foster parents who have the ability to serve SED children.

- Increase the availability of family preservation services and better focus these services on critical outcomes.

When possible – and safe for the child – we must seek ways to keep a family together. Expanding the availability of family preservation services can help families remedy conditions that put children at risk and prevent the need for removing children from their homes. Increasing the focus of these

services on achieving key outcomes will increase their effectiveness in achieving the results that are important to both child safety and maintaining families.

- ❑ Increase social work staffing to the level necessary to achieve permanent placements within twelve months of a child coming into custody and to reduce the time required for permanent placements for children already in custody. This includes implementing concurrent planning for every child.

Proposed social work staff increases will improve the effectiveness and speed of interventions and help move children through the system faster. While working to place a child back with their family, it is also important that we plan for situations when such placements fail. The faster a child can be placed in a permanent and stable home, the better that child's opportunity to succeed.

- ❑ Double the number of children placed in adoptive homes by FY 00 and increasing staff to a level necessary to achieve this.

Proposed staffing increases will help meet the backlog of adoption cases and help move cases through the legal process. We must evaluate the entire system to be sure that we understand the strengths and weaknesses in the continuum of care.

- ❑ Support the addition of assistant attorneys general, guardians ad litem, public defenders and support staff necessary to achieve timely and effective legal action to protect children and provide them with permanent, nurturing homes as quickly as possible.

Ensuring Alaska's Child Protection Team is the best it can be

- ❑ Work with the University of Alaska to found the Family Services Training Academy. Appoint a Training Advisory Board for DFYS to develop a comprehensive training system to ensure social workers have the knowledge and skills needed to be efficient and effective in making critical decisions. The academy will provide educational opportunities for current workers and supervisors, and the development of a future competent workforce.

The partnership with the University of Alaska will provide pre-employment practicum experience (an essential tool for recruitment); extensive worker training; and an option for child protection workers to return to school and enhance their ability to do their job. These training opportunities will also include a thorough orientation program for all new employees so they will be prepared before handling cases.

- ❑ Implement agency-wide training on intake and investigation procedures to improve accuracy and consistency in assessing reports and investigating abuse and neglect, identifying and assessing the risks presented by substance abuse and domestic violence in families, and identifying appropriate responses.

Practices for intake and investigation vary from region to region. We must implement agency-wide training to ensure consistent good practices in our approach to children and families.

- ❑ Maximize federal financial support by leveraging existing state resources to ensure continuity, quality, and consistency of training.

Improving methods for claiming federal training funds and the department's partnership with the university should allow us to draw new federal dollars into the state. This allows us to continue to broaden the scope and reach of our training efforts at little or no additional cost to the state.

- Examine, and if necessary, revise the minimum qualifications and job descriptions for all social worker positions.

Standards have not been improved since 1977. As part of our comprehensive approach to quality assurance, we must be sure our child protection team has the qualifications to do the job.

- Assign one personnel specialist in the department's Division of Administrative Services to assist DFYS.

Updating and rewriting job descriptions is a critical need in the division as it moves through its restructuring process.

- Maintain special opening of job registers or ensure that registers remain continuously open throughout the year to fill current vacancies. Propose a letter of agreement with the union to allow the department to use Workplace Alaska for all social work hires.

Maintaining a full work force to handle caseloads requires a strong commitment to flexible hiring practices. Keeping registers open and working through Workplace Alaska will help ensure that positions are filled with the most qualified applicants when vacancies occur – not months later.

- Delegate hiring authority for field positions to regional administrators.

A backlog of hiring decisions has been relieved simply by delegating this authority to regional administrators.

- Determine why workers do not stay with the division.

In addition to efforts to better train and recruit social workers, it is also important to know why child protection workers leave the system in the first place. A survey of present and past employees will help build a more stable system as we identify its strengths and weaknesses from the employee perspective.

- Implement a new agency structure that will provide more direct management focus on child protective efforts statewide and at the regional level.

The division has developed a new structure that places more responsibilities on statewide and regional managers to supervise and support line staff. Working as a more integrated team, our child protection system will do a better job of serving children and families.

- Develop new supervisory standards, including ongoing quality assurance audits. Implement regular, senior level staff meetings to ensure that knowledge of the agency mission and actions is consistent throughout the regions.

To do their part, supervisors also need orientation and training as well as clear standards. With an improved knowledge base, they will be able to adequately monitor and support case practices.

- Contract with the Child Welfare League of America to:
 - Assist in developing a supervisory case-review system;
 - Develop a description of the supervisory role in quality assurance and of related expectations of supervisors;
 - Develop a case-review instrument, a supervisory case-review procedural manual, and a training curriculum for the supervisory case-review process.

This recently implemented contract provides the necessary expertise to comprehensively review our training, orientation, and quality assurance efforts. When complete, there will be clear standards, procedures, and training curriculum to meet ongoing child protection needs.

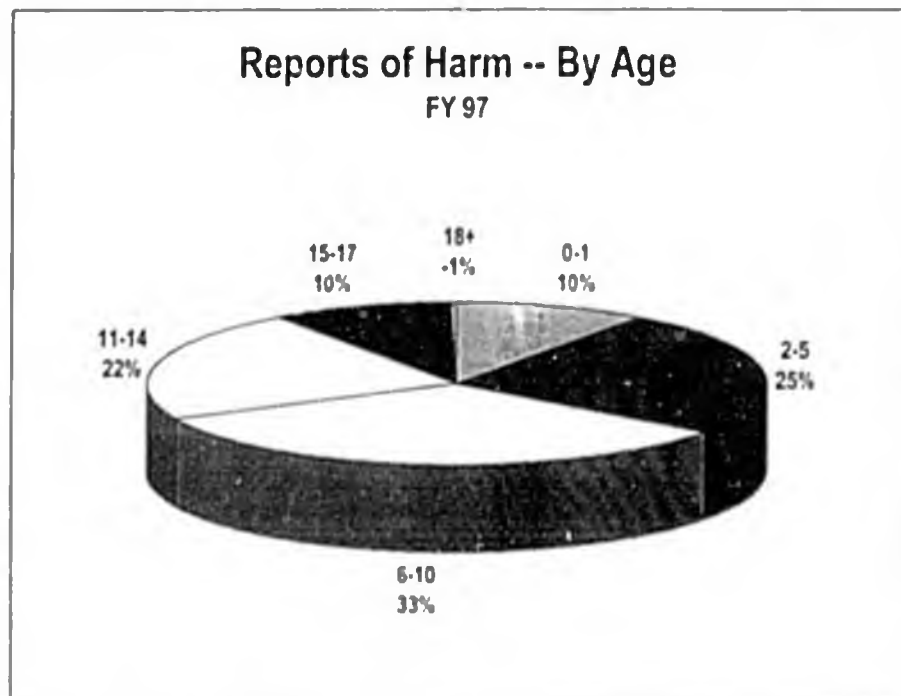
Making laws that work for children

- Develop a comprehensive revision to Alaska's child protection laws to increase the ability to intervene early to protect children and ensure their speedy placement in a safe, permanent home.

Alaska's child protection laws are largely unchanged since the last major revision in 1977. Court decisions in the intervening years have limited the effectiveness of the laws in supporting early intervention and permanent homes for children.

Circumstances in child protection cases have changed significantly in complexity and difficulty over the last 20 years and much has been learned about the impact of abuse and neglect on children and of failure to achieve early permanency and bonding. There is a need to revise our laws to reflect these changes in a number of ways.

- Define "reasonable effort" requirements in state law to eliminate this as a barrier to early permanent placement of children.



The definition of "reasonable effort" to return the child to the home is a floating target, subject to interpretation. These murky definitions threaten a child's transition to a permanent and safe home, often allowing for unreasonable delays.

- ❑ Eliminate the current problem regarding termination of parental rights when parents are "willing but unable" to care properly for their children.

Under current law, a parent who is willing but unable to care for their child may still retain parental rights even if there is no prospect for improvement. Without this necessary change, children suffer by not being allowed an opportunity for a permanent and safe placement.

- ❑ Establish a clear standard and/or quicker timelines for decisions on termination of parental rights when very young children are involved.

Young children are our most vulnerable and most salvageable. We must be sure that they are quickly moved to safe, permanent homes before they suffer lasting damage in temporary or unstable settings.

- ❑ Include provisions that would change permanency planning hearings from eighteen to twelve months.

All children deserve a quick hearing and a quick decision. Combined with concurrent planning, this provision would speed up the process of providing a child with a strong and stable home.

- ❑ Authorize a "foster care waiver" to allow the use of foster care funds to support in-home services as an alternative to out-of-home placements.

A child kept in a home – as long it is a safe home – is likely to do better than one who remains in temporary care for a long period of time. Finding creative incentives to help sustain the family is one way of addressing this concern. DFYS interventions must not be limited to removal of children. Social workers must have the ability to provide real assistance to families so children are not removed from home only because services to keep the family together cannot be provided.

- ❑ Eliminate legal and/or policy barriers to using kinship care as permanent placement alternatives for children.

With 40 percent of DFYS children in the care of relatives, it just makes sense to be able to offer incentives to maintain these placements.

- ❑ Increase monitoring and prosecution of sexual predators who victimize children.

The damage done to a child by a sexual predator makes transition to adulthood much more difficult. We must ensure that offenders are aware that we will not tolerate their behavior – especially when it is directed to our most vulnerable citizens.

- ❑ Pursue fast-track prosecutions in all cases where harm to children involves a crime.

A parent who commits a crime in the presence of or against a child should suffer greater consequences. Just as the use of a weapon in a crime increases the risk to society, so does the victimization of a child who, traumatized by the crime they have witnessed, may have difficulty

adjusting to society and exhibit anti-social behaviors that hurt all of us. Creating stiffer penalties underscores a zero-tolerance policy toward child abuse that will help protect children in the long run.

- Develop new policies to ensure that those who are required by law to make reports of harm hear back from social worker staff within a specific minimum amount of time. (The department also plans to review a California state law that mandates a "reporting back" policy.)

Mandatory reporters often do not know the outcomes of the reports of harm they have made. When a child that they have reported to DFYS comes under their care again, they may not be informed of how the case was dealt with and what actions were taken. To ensure that they provide the best possible service to the child, they should know the outcome of their reports of harm.

- Seek legislation to allow foster or adoptive parents to be at all case staffings or hearings relating to the child.

Foster or adoptive parents should be fully informed about the children they care for and should have the opportunity to share their knowledge of the child to assure decisions made about the child are fully informed. This serves the best interests of the child and their new families.

- Propose legislation to broaden the definition of "neglect" to ensure that children suffering from from emotional and mental neglect are also protected.

A recent court hearing narrowed the definition of "neglect," potentially leaving children at risk. We must strengthen the definition to ensure that children are not needlessly placed at risk.

- Commit \$2.3 million from the General Fund to maintain the current level of funding for the Healthy Families Program and to establish six new program sites.

Healthy Families programs provide necessary pre- and post-natal care, intense home visitation, and parenting training. Together, they ensure that high-risk families have the resources and support they need to raise healthy children.

- Develop a statewide home-visiting service under the Medicaid Program.

This proposal would allow use of Medicaid funds to extend Healthy Families-like programs to Alaska's smaller, rural, predominantly Alaska Native communities.

- Implement a campaign to increase public awareness and understanding of child abuse and neglect and its impact on children. Such a campaign would promote individual and community actions that prevent and help reduce child abuse and neglect.

The public must understand the full extent of our child abuse and neglect problem and they must be engaged in efforts to improve child welfare. Community action underscores the most important message: we are all partners in protecting our children, and we are all responsible when children are harmed.

TALLY SHEET FOR SUPPLEMENTAL PROBER DATA REGARDING ADOPTION, PERMANENCY PLANS FOR CHILDRENT IN THE CUSTODY OF THE DIVISION OF FAMILY AND YOUTH SERVICES

TALLY SHEET FOR: TALLY SHEET FOR SUPPLEMENTAL DATA

- OFFICE
- GOAL:
- A. ADOPTION
- B. GUARDIANSHIP
- C. PENDING ADOPTION
- D. PENDING GUARDIANSHIP
- TIME IN CUSTODY
- SPECIAL NEEDS

1. . Physical disability:
2. . Mental disability:
3. . Emotional disturbance:
4. . Recognized high risk of physical or mental disease:
5. . Membership in sibling group:
6. . Racial or ethnic factors:
7. . Hearing/visually impaired
8. . Other:

• BARRIERS.

9. . Court Delay
10. . AG delay
11. . Permanency Plan staffing needed
12. . Multiple Workers, Case transfers
13. . Other case work demands
14. . Lack of honest
15. . Late Interventior (3rd parties)
16. . Locating absent parent
17. . No Placement for Child
18. . Other

Date/Goal. Date goal was changed to adoption or guardianship

In P PLM'T. Indicates the child is in a permanent placement or not

C3 or C4 Indicates that one (C3) or both parents (C4) rights have been terminated

OFFICE Galena FS

a.	17	Y	93	2 (disassociative disorder)	13, 18 (disrupting sa.	n/a	N	N
b.	10	Y	1,914	3	13, 18 disrupted	11/1/93	N	N
a	7	Y	1011	2,4, FAE	9 13, 17, 18 disrupt	8/2/95	Y	N
b.	16	N	574	2 SEC	13, 17, 18 disrupt	12/5/96	N	N
b.	7	Y	1914	3, ADHD, 4, drug	13, 17, 18 disrupt	4/28/94	N	N
b.	12	Y	130	3, ADHD, anger, Depres	13, 17, 18 disrupt	5/13/96	Y	N

OFFICE McGRATH

GOAL	AGE	ICWA	TIME	SPECIAL NEEDS	BARRIERS	DATE/GOAL	IN P PLM'T	C3 or C4
A	4	Y	1563	1	13	4/23/96	N	N
A	13	Y	1843	0	13	10/2/96	N	N
A	11	y	1843	5	13	10/2/96	n	N
A	9	Y	1843	5	13	10/2/96	N	N
E	17	y	2024	0	13	9/4/96	N	N
A	7	Y	2172	0	13	10/2/96	N	Y

OFFICE Dillingham FS

GOAL	AGE	ICWA	TIME	SPECIAL NEEDS	BARRIERS	DATE/GOAL	IN P PLM'T	C3,4
c.	8	y	356	5 (4 sibs)	11, 12 pp 11/97	5/28/90	N	N
c.	2	Y	356	5 (4 sibs)	11, 12 pp 11/978/26/95	N	N	N
d.	11	Y	461	5 (3 sibs)	9, 14 pp?	8/12/94	Y	N
d.	2	Y	461	5 (3 sibs)	9, 14 pp?	10/25/95	Y	N
c.	7	Y	431	5 (4 sibs)	11, 12 pp11/97	6/3/96	N	N
c.	5	Y	431	4, FAS, 5 (4 sibs)	11, 12 pp11/97	6/3/96	N	N
c.	8	Y	431	3. behavior, 5 (4 sibs)	11, 12 pp11/97	6/3/96	N	N
c.	9	Y	1,560	5 (4sibs)	11, 12 pp11/97	6/3/96	N	N
c.	11	Y	507		11, 12	5/22/92	Y	1/2

OFFICE PETERSBURG FS

GOAL	AGE	ICWA	TIME	SPECIAL NEEDS	BARRIERS	DATE/GOAL	IN P PLM'T	C3,4
*c.	12	Y	1952	1,3,4, ADHD, drug exp.	18. Tribe supports FC	12/20/96	Y N	
c.	2	Y	484	5, 4 sibs.	11, 18	4/5/96	U	N
c.	7	Y	484	5, 4 sibs	11, 18	4/5/96	U	N
c.	5	Y	484	5, 4 sibs	11, 18	4/5/96	U	N

c.	13	Y	484	5. 4 sibs	11, 18	4/5/96	U	N
OFFICE KETCHIKAN								
<i>GOAL</i>	<i>AGE</i>	<i>ICWA</i>	<i>TIME</i>	<i>SPECIAL NEEDS</i>	<i>BARRIERS</i>	<i>DATE/GOAL</i>	<i>IN P PLM'T</i>	<i>C3,4</i>
a.	9	n	2166	2,3,4, SED, ADHD	17	10/23/95	N	Y
b.	15	n	362	2,3, 5 runner, Neur diso	18 behaviors	8/7/96	N	N
KETCHIKAN cont								
<i>GOAL</i>	<i>AGE</i>	<i>ICWA</i>	<i>TIME</i>	<i>SPECIAL NEEDS</i>	<i>BARRIERS</i>	<i>DATE/GOAL</i>	<i>IN P PLM'T</i>	<i>C3,4</i>
b.	9	n	1570	none	18, 15 return home	1/794	Y w/Dad	NA
d.	16	Y	683	2 PTSD	11	9/19/95	N	N
c.	8 mos	Y	117	4 M-FAS F-Alcohol	9, 11	9/19/95	N	N
c.	9	Y	687		11	5/16/97	U	N
d.	15	n	683	2,3,8, Severe behaviors	11	9/15/96	U	N
c.	16	n	299	3	11	9/19/95	Y	N
e.	13	y	2524	1,2,3, OpDefi, FAE	17	9/12/96	U	N
c.	7	y	1227	2,4 FAE	11	9/1791	PFC	N
c.	5	y	1227	1,3 FAE	11, 12	3/24/94	Y	N
c.	4	y	1227	1, 4 FAE	11, 17	3/24/94	J	N
d.	11	y	2123	1,2,4 DD/LD/FAE	11	3/24/94	N	N
c.	13	n	807	2,3 ADHD, SED	18, 16 Guardfiled	10/29/93	Y	N
c.	4	y	597	1 DD	11, 12	10/19/93	U	N
c.	9	y	597	8 multiple placements	11, 12	9/10/93	U	N
c.	13	Y	597		11,12, 16	8/30/93	U	N
a.	10	N	2,242		Adopted	8/11/93	Y	Y
OFFICE UNALASKA								
<i>GOAL</i>	<i>AGE</i>	<i>ICWA</i>	<i>TIME</i>	<i>SPECIAL NEEDS</i>	<i>BARRIERS</i>	<i>DATE/GOAL</i>	<i>IN P PLM'T</i>	<i>C3,4</i>
a.	13	Y	1780	1,2,3,6, hrg imp. FARND	13,18 discr plc5/96		U	N
a	8	Y	457	4, FAS, 5	16	5/2/96	Y	N
e	10	Y	457	3.PSTD, 4 FAS	13,17	11/5/96	N	N

OFFICE NOME								
<i>GOAL</i>	<i>AGE</i>	<i>ICWA</i>	<i>TIME</i>	<i>SPECIAL NEEDS</i>	<i>BARRIERS</i>	<i>DATE/GOAL</i>	<i>IN P PLM'T</i>	<i>C3,4</i>
a.	6	Y	674	1, med fragile/complex	18, family needS	5/6/97	Y	N
A	6	y	936	5	9, 10	5/8/92	Y	Y
A	3	y	936	5	9,10	1/9/95	Y	Y
a.	13	Y	610	6	18 Child reluctant	10/23/96	Y	N
b.	13	Y	530	0	18 mom delays	10/12/95	Y	Y
OFFICE JUNEAU								
<i>GOAL</i>	<i>AGE</i>	<i>ICWA</i>	<i>TIME</i>	<i>SPECIAL NEEDS</i>	<i>BARRIERS</i>	<i>DATE/GOAL</i>	<i>IN P PLM'T</i>	<i>C4</i>
a.	3.	Y	915	5	12,18 adopt mom health	1/30/95	Y	Y
a.	4	Y	915	5	12, 18 adopt mom health	"	Y	Y
a.	8	N	2005	3,4,5	9 on appeal	4/26/95	Y	Y
a.	5	N	1544	1,2,3,4.5 DD	9 on appeal	4/26/95	Y	Y
a.	3	N	848	0	16 recent location of f.	5/11/95	Y	N
a.	11	Y	1773	3,4,5 fail plm/ts	12,17 wkr has 7 terms	10/3/92	N	N
a.	10	Y	1773	2,3,4 DD,	12, 17 "	10/3/92	N	N
b.	15	Y	732	2,3,4,8 sev.sa	17	8/1/95	N	N
a.	7	Y	915	5, 8 gm sep from sibs	15, 12 tribal in	1/30/95	U	Y
a.	6	N	647	3,5 loss, PTSD	10, (open adopt plan)	11/1/96	Y	N
a.	4	N	563	3, 5 loss	10	11/1/96	Y	N
a.	5	N	871	2,3,4,5 DD	15 tribal intv	9/21/94	Y	N
a.	4	Y	871	3,4,5 behaviors	15	9/21/94?	Y	N
b.	17	Y	543	3, grief, abandonment	15	2/796	N	N
a.	10	Y	818	2, 5	17	2/12/97	N	N
a.	4	N	939	4,5	17, failed	1/6/95	N	N
a.	3	N	939	4,5	17 failed	1/6/95	N	N
a.	10	N	2577	3,5 loss, abuse	9 2nd appeal	2/22/91	Y	Y
a.	7	N	2577	3,5	9 " "	"	Y	Y
a.	3	N	969	4	18 divorce	5/30/94	Y	Y
b.	14	N	365	4,5	18 rela decision	8/23/96	Y	N

b.	15	Y	365	5	18	8/23/96	Y	N	
a.	5	Y	577	3,5	18	unk	Y	N	
a.	7	Y	577	3, 5	18	" "	Y	N	
a.	12	Y	2427	1,2,3,4, FAE, Loss	9,13	Fappeal den. 3/11/94	Y	Y	
a.	8	Y	2427	1,2,3,4, FAE loss	9,13	" 3/11/94	Y	Y	
OFFICE FAIRBANKS									
GOAL	AGE	ICWA	TIME	SPECIAL NEEDS	BARRIERS	DATE/GOAL	IN P	PLM'T	C4
a.	2	Y	991	1,2,4	8, 16	3/30/95	Y	Y	
b.	14	N	520	4,5,6, abused Black	13,14	2/6/97	Y	N	
b.	16	N	520	1,3,4,5,6	" 13,14	2/6/97	Y	N	
b.	16	Y	544	5,6	14,15	1/30/97	N	N	
b.	13	Y	543	4,5,6, multi plc	16,17	1/20/97	N	N	
b	17	Y	1010	1,4,5, neurofibramatosis	9, 16	1/26/95	N	N	
a.	1	Y	292	4,5 abuse, negl.	9,17	5/7/97	N	N	
a.	6	N	1291	1,2,4, FAS, DD, ADHD	17	10/27/94	N	Y	
a.	14	N	1214	1,4,5,	11,	10/27/94	N	Y	
a.	7	N	607	6 rela search	12,14	10/8/96	N	Y	
b.	15	Y	439	4,5, abuse, sa	12, 17	12/10/96	N	N	
a.	7	Y	2033	1,2,4,5, FAE, SED	9, 12	appeal 12/16/93	Y	Y	
a.	6	Y	2033	1,2,4,5, FAS, SED	9, 12	appeal 12/16/93	Y	Y	
a.	8	Y	2033	1,2,4,5 FAS, SED	9, 12	appeal 12/16/93	Y	Y	
a.	3	Y	1052	1, FAS, DD	12, 18	10/27/94	Y	Y	
a.*	6	Y	1243	4,6 abuse, sa, negl	9, 14	5/25/95 tpr pend	Y	N	
a.*	7	Y	1243	1,4,"	9, 14	5/25/95	Y	N	
a.	0	N	342	1, DD FAE?	12, 18	hrq 11/97 1/2/07	Y	N	
a.	6	Y	635	1, 4, ADD,	9,16	pet file 5/13/97	Y	N	
a.	0	N	228	1,4 DD? exposed	12	pet file 6/12/97	Y	N	
a.	10	Y	437	3,4,5 negl	12,13	12/10/96	N	N	

b.	10	N	477	4,5	negl	13,14	7/31/97	Y	N
b.	12	N	477	4,5	"	13, 14	7/31/97	N	N
b.	7	N	477	3,4,5,	sa	13, 14	7/31/97	Y	N
a.	0	N	256	1, 4	cocaine	18, hrg 10/97	5/8/97	N	N
a.	2	N	822	1, 4	cocaine	16	12/27/95	Y	N
FAIRBANKS cont									
GOAL	AGE	ICWA	TIME	SPECIAL NEEDS		BARRIERS	DATE/GOAL	IN P PLM'T	C4
d.	14	N	687	4, mom sub a		11 OCT	9/15/95	Y	N
a.	4.	N	1285	1,3,4 expo DD, Hyper		12,18	3/22/95	Y	Y
a.	1	y	545	1, 4 EXPO, FAE		12,14	5/7/97	y	N
b.	15	Y	200	1,3,4, FAS, ADHD,DD		12,17	3/18/84	N	N
a.	11	N	810	3,5 abuse,negl		9, 12,14	4/17/96	Y	N
a	12	N	1479	3,4,		9, 12,	6/27/96	N	Y
a.	1	N	553	1,4, cocaine		9, 12	6/17/97	Y	Y
a.	7	N	810	3, 5 w/2 sibs		9, 14	4/17/96	Y	N
a.	8	N	810	3,5 w/2 sibs		9,14	4/17/96	Y	N
a.	6	N	810	3,5 w/2 sibs		9, 14	4/17/96	Y	N
b.	10	N	1002	3,4,5, w/1 sib		9, 14	8/7/97	ICPC	N
b.	12	N	1002	3,4,5, w/1 sib		9, 14	8/7/97	ICPC	N
a.	8	Y	1460	1,4, FAE negl w/1sib		13, 14	5/12/94	Y	Y
a.	7	Y	1460	1,4, FAE ADHD w/1sib		13,14	5/12/94	Y	Y
a.	3	N	1144	1,4 cocaine, asthma		9, 12	7/5/94	Y	Y
b.	17	y	584	1,3 sub abuse		18 guard. in trmt	2/1/96	Y	N
a.	10	N	830	1,2,4, SED, loss		12,16	4/17/97	Y	N
a.	9	N	830	3,4, SED,abused		12,16	4/17/97	Y	N
b.	15	N	660	3,5 SED 1 sib		12, 16	5/1/96	U	N
a.	8	N	1214	5, w/2 sibs		13, 12 ICPC	10/27/94	Y	Y
a.	5	N	1214	1,5 FAS w/2 sibs		13,12 "	"	Y	N

a.	7	N	1214	1,4,5 sickle cell w/2	13,12 "	"	Y	N
b.	17	Y	1067	3,4, 5 w	18 guard in txmt	2/1/96	Y	N
b.	10	Y	584	3,5, w/2sib	18 "	"	Y	N
a.	8	Y	1002	1,3,4,5 FAE,SED	18 multiple plc	6/30/97	U	N
a.	9	Y	1002	1,3,4,5 FAE,SED	18 "	"	U	N
a.	11	Y	1002	1,3,4,5 FAE,SED	18 "	"	U	N

FAIRBANKS cont

GOAL	AGE	ICWA	TIME	SPECIAL NEEDS	BARRIERS	DATE/GOAL	IN P PLM'T	C4
a.	3	Y	1275	1,4, ADHD, FAE?	9 m-tpr D-hrg	2/98 5/7/97	Y	C3.
a.	14	Y	1010	4,5 abused	16,18 late file pet	4/2/97	U	N
a.	11	N	843	1,4 ADHD, sub ab	12,14	6/19/97	Y	N
a.	0	N	166	1, 4 DD multi sub	9, 16	8/14/97	U	N
a.	2	N	865	1,4 DD mom DD	9, 16	2/695	U	C3
a.	2	Y	737	4, sib MenIII, sub a	14,18 delays	10/26/95	Y	C3

OFFICE DELTA

GOAL	AGE	ICWA	TIME	SPECIAL NEEDS	BARRIERS	DATE/GOAL	IN P PLM'T	C4
a.	6	Y	1135	5 w/1 sib	14,16	7/13/95	Y	N
a.	7	Y	1135	5 w/1 sib	14,16 tpr	12/8/97 1/11/96	Y	N
a.	3	Y	1135	1, 5 w/1 sib, med	12 m reling	8/97 7/2/97	Y	C3
b.	13	Y	772	3, sex a., abandon	23,1	8/13/97	U	N

OFFICE KODIAK

GOAL	AGE	ICWA	TIME	SPECIAL NEEDS	BARRIERS	DATE/GOAL	IN P PLM'T	C4
b.	12	N	808	0	18 change guard	5/17/95	Y	N
a/b	3	Y	1104	0	11,10	7/25/94	U	Y
a/b	9	Y	555	5 w/1 twin	11, 13	8/19/93	Y	N
a/b	9	Y	555	5 w/1 twin	11, 13	8/19/93	Y	N
a/b	8	Y	555	5 w/twin	11, 13	8/19/93	Y	N
a/b	8	Y	555	5 w/twin	11, 13	8/19/93	Y	N
a/b	1	y	675	2,4, FAE twin	13, 14	9/27/95	Y	N

a/b	1	Y	675	2,4 FAE, twin	13, 14	9/27/95	Y	N
OFFICE HOMER								
<i>GOAL</i>	<i>AGE</i>	<i>ICWA</i>	<i>TIME</i>	<i>SPECIAL NEEDS</i>	<i>BARRIERS</i>	<i>DATE/GOAL</i>	<i>IN P PLM'T</i>	<i>C4</i>
a.	11	U	372	2,3, LD, SEC, PTSD	16	8/27/97	U	N
a.	14	N	799	1,3,4, FAS	17, 14	8/27/97	N	N
HOMER cont.								
<i>GOAL</i>	<i>AGE</i>	<i>ICWA</i>	<i>TIME</i>	<i>SPECIAL NEEDS</i>	<i>BARRIERS</i>	<i>DATE/GOAL</i>	<i>IN P PLM'T</i>	<i>C4</i>
b.	13	N	519	3, mom dead, depres	16	8/27/97	Y	N
b.	16	n	687	1,3, sed, perpetrator	17	8/27/97	N	N
OFFICE SEWARD								
<i>GOAL</i>	<i>AGE</i>	<i>ICWA</i>	<i>TIME</i>	<i>SPECIAL NEEDS</i>	<i>BARRIERS</i>	<i>DATE/GOAL</i>	<i>IN P PLM'T</i>	<i>C4</i>
*e.	12	Y	2,178	4	16, 18 lack \$	4/12/93	Y	N
*e.	4	N	1573	4	16, 18 lack fu \$	4/12/93	Y	N
a.	9	Y	2549	3,4 sib	18 F-aids M-reap	3/12/94	U	N
*e.	15	Y	854	4,6 racial id imp.	18 " "	2/18/94	U	N
*e.	12	Y	2549	4, 6 "	18 " "	2/18/94	U	N
a/b	10	Y	674	1,3,4 FAS,DD	17,18	10/3/95	N	N
*e	10	N	1025	4	16	10/12/94	U	N
a.	6	Y	790	0	14	6/5/95	Y icpc	N
a.	17	Y	3287		17	8/2/88	N will age out	
*e.	15	N	2488	4	18 no \$ to adop	6/15/91	Y	N
*e.	16	N	2488	4	18 "	6/15/91	Y	N
OFFICE ANIAK								
<i>GOAL</i>	<i>AGE</i>	<i>ICWA</i>	<i>TIME</i>	<i>SPECIAL NEEDS</i>	<i>BARRIERS</i>	<i>DATE/GOAL</i>	<i>IN P PLM'T</i>	<i>C4</i>
a.	7	Y	452	4 FAE	13, 14,17	7/15/97	N	N
a.	12	Y	1108	8 open adopt	13,10,16	7/7/95	Y	Y C3
OFFICE MAT-SU								

GOAL	AGE	ICWA	TIME	SPECIAL NEEDS	BARRIERS	DATE/GOAL	IN P PLM'T	C4
b.	14	N	795	3, PTSD	9	8/7/92	Y	N
a.	11	N	911	3,4, SED 4 sibs	18 psychi.hosp	7/27/96	N	N
a.	8	N	911	3,4 " "	18 "	"	N	N
a.	10	N	911	3,4, " "	18 "	"	N	N
a.	12	N	911	3,4, " "18 "	:	"	N	N
a.	14	N	911	3,4,	13	7/24/96	N	N
a.	9	N	215	3,4	13,14	6/15/97	N	N
OFFICE SITKA								
GOAL	AGE	ICWA	TIME	SPECIAL NEEDS	BARRIERS	DATE/GOAL	IN P PLM'T	C4
a.	2	Y	737	1, build thumbs	18 delay for sub	xxx	Y	Y
OFFICE BARROW								
GOAL	AGE	ICWA	TIME	SPECIAL NEEDS	BARRIERS	DATE/GOAL	IN P PLM'T	C4
A.	6	y	1554	1,4, alco ex	9,13	1/26/93	Y	Y
a.	9	Y	593	1,4,5 2/sibs FAE	593	9/30/96	N	N
a.	3	Y	814	1,4, alco	9, 13	9/23/96	N	YC3
a.	7	Y	593	1,4,5 2/sibs FAE	9, 13	9/30/96	U	N
a.	10	Y	593	1,3,4,5 2/sibs	9,13	9/30/96	N	N
a.	10	Y	1106	4,5 1 of 5 sibs	16,10,12,14	11/21/96	Y	N
a.	4	Y	1236	2,3,4,5	12, 18	1/27/97	Y	N
a.	14	Y	1106	2,3,4,5 1of 5 sib	10, 16	11/21/96	Y	N
a/	13	Y	1106	1,2,3,4,5 "	11,10	11/21/96	Y	N
a.	15	Y	1106	1,2,3,4,5 5 sibs	10, 16	11/21/96	Y	N
a.	5	Y	1106	1,2,3,4,5, 5 sibs	10,15	11/21/96	Y	N
OFFICE BETHEL								
GOAL	AGE	ICWA	TIME	SPECIAL NEEDS	BARRIERS	DATE/GOAL	IN P PLM'T	C4
b.	16	y	4206	2,3,	18 MEDICAID	1/22/97	Y	N
a.	11	Y	828	3,4 sib/1	10, 12	4/30/96	Y	N
a.	13	Y	828	3, 4 sib/1	10,12	4/30/95	N	N
a.	0	Y	303	1, alco seizures	10	1/14/97	Y	N

a.	13	Y	828	3,4, depres SED	11, 20	4/30/96	Y	N
a.	8	Y	641	4	18 to comp	1/14/97	Y	N
a.	4	Y	1310	4	9,12,18	11/20/95	Y	N
<i>GOAL</i>	<i>AGE</i>	<i>ICWA</i>	<i>TIME</i>	<i>SPECIAL NEEDS</i>	<i>BARRIERS</i>	<i>DATE/GOAL</i>	<i>IN P PLM'T</i>	<i>C4</i>
a.	6	y	1052	2,4 4SIBS	11,	12/1/95	Y	N
a	9	Y	1052	3, 4sibs	11	12/1/95	Y	N
	A.	1	N 616	4 4 sibs	11	12/1/95	Y	N
a.	5	Y	1052	4 4 sibs	11	12/1/95	Y	N
a.	10	Y	1052	3,4 4sibs	11	12/1/95	Y	N
a.	9	Y	2127	2, 4 1 sib	18 process delay	9/13/95	Y	Y
a.	13	Y	2127	3,4,5 1 sib	18 "	"	Y	Y
a.	4	Y	677	3	12	10/15/96	Y	YC3
a.	8	Y	2587	3	18 IV-E elig	10/7/94	Y	Y
a.	6	Y	1382	5 2sibs	11,13,14	6/11/97	N	N
a.	6	Y	2227	1,4	18 process delay	5/30/93	Y	Y
a.	6	Y	1426	1,5 2 sibs, DD, CPI	17, 18	4/2/96	N	Y
a.	13	Y	2025	1,3, ADHD	18 wait consent	11/20/95	Y	YC3
a/	3	Y	1071	1, 5 FAS 1sib	18 "	1/12/96	Y	Y
*e.	17	Y	4036	3,4, suicidal	17, 18	7/2/97	to long term foster care	
a.	12	Y	4036	2,3, loss, DD	12,17	3/6/95	Y	Y
a.	11	Y	1766	0	11,15, may go home	1/7/95	N	N
a.	7	Y	1882	5 2sibs	13	6/11/97	N	N
	a.	7	Y 1882	5 2 sibs	13,14	6/11/97	N	N
b.	15	Y	1591	age	11	11/13/93	N	N
b/	14	Y	5294	3.4. SED	18 wait stable	4/10/95	N	N
a.	9	Y	1644	0	16	1/12/96	Y	N
a.	8	Y	1766	4	11, 15	2/7/95	N	N
a.	12	Y	1766	0	11,15	2/7/95	N	N
a.	7	Y	1766	0	13,10	7/18/94	Y	N

a.	7	Y	913	1,2,4 braincancer	12, 18	tribe approval	6/4/97	Y	N	
a.	11	Y	337	3,4	17		5/21/97	N	N	
a.	6	Y	1892	0	10,14		2/15/96	N	N	
a.	11	Y	828	3,5 SED 1sib	10		4/30/96	N	N	
a.	13	Y	828	3,5 SED 1 sib	10		4/30/96	N	N	
a.	9	Y	2132	0	10, 14		11/22/94	N	N	
a.	8	Y	2130	0	10,14, 16		11/22/94	N	N	
a.	11	Y	2132	2,3 SED, DD	10		11/22/94	N	N	
a.	11	y	1453	3,4 many 1/2 sib	10, 14		2/2/96	N	N	
*e.	15	Y	2648	0 listed	0 listed		6/18/97	goal changed to perm fc		
b.	13	Y	666	3,4 SED, sniffer	11		4/30/96	N	N	
a.	4	Y	1309	5	18 icpc		6/10/94	Y	N	
OFFICE KENAI										
<i>GOAL</i>	<i>AGE</i>	<i>ICWA</i>	<i>TIME</i>	<i>SPECIAL NEEDS</i>	<i>BARRIERS</i>		<i>DATE/GOAL</i>	<i>I</i>	<i>N P PLM'T</i>	<i>C4</i>
a.	9	N	2955	3,4,5 attachment	12		12/22/92	N	Y	
a.	11	N	2955	3,4,5, "	12		12/22/82	N	Y	
a.	8	N	1879	3 4,5 SED	13,14		1/27/96	U	N	
a.	5	N	1879	3,4,5 SED	13,14		4/18/95	U	N	
a.	8	N	1536	1,3,5 3sibs SED	9,10		5/19/93	U	N	
b.	15	N	505	3, SED loss, 24hr	11, 17		3/15/96	N	N	
a.	7	N	1536	1,3,5 3sibs	9		5/19/93	U	N	
a.	12	N	1536	1,2,3,5 SED 24	9,10		5/19/93	U	N	
a.	6	N	2333	3,4,5	13,14		2/15/94	U	N	
a.	4	N	1262	1,3,4,5 SED	13,14		11/4/94	U	Y	
a.	6	N	722	6 child black	13,14,16		8/11/95	Y	N	
b.	2	N	554	4,	11,14		1/26/96	Y	N	
a.	9	N	1536	1,2,3,5 3sibs	9		5/19/93	N	N	
a.	1	N	610	1,2,3,4, FAS	9, 13		12/1/95	Y	N	
b.	15	N	418	3,age SED	11,14		6/10/96	N	N	

a.	2	N	722	1,4,, FAS/FAE	13,14,16	8/11/95	Y	N	
a.	14	N	3410	1,3,5 depress 2sibs	11,13,12,17	9/17/94	N	Y	
a.	5	Y	1689	0	13,12,16	2/13/93	Y	N	
c/d	15	Y	228	5 lsib	11,13	6/10/96	N	N	
c/d	15	N	4097	5 2sibs	11,12,13	6/8/94	N	N	
c/d	13	N	4097	5, 2 sibs	11,12,13	9/22/92	N	N	
c/d	8	N	736	1,3, ADHD, PTSD	11,13	11/15/96	N	N	
c/d	7	N	725	5 3sibs	11	8/7/95	N	N	
c/d	7	N	101	5, 1 sib	11,14, relative sea	4/23/97	N	N	
c/d	5	N	101	1,2,3,5 1 sib	11,14, "	4/23/97	N	N	
*e	2	Y	950	1,2,4,5 2sibs	11,16	12/7/95	Y	N	
d.	16	N	850	3,5, 3sibs mdead	11	9/27/95	Y	N	
c.	4	N	604	3,5,1sib	11,18 mom h/c	12/7/95	Y	N	
c/d	6	N	639	2,5 3sibs	11, 14	11/20/91?	Y	N	
c/d	3	N	639	5 3sibs	11,14	11/2/95	Y	N	
e	7	N	781	4, poss.FAS/FAE	13	4/15/96	Y	NA	
e	3	Y	781	1,cocaine4,FAS?	13	6/15/95	Y	NA	
e	2	Y	780	1,cocaine,4,FAS	13	6/14/95	Y	NA	
e	6	Y	781	4 FAS/FAE 5	13	4/15/96	Y	NA	
office McGRATH									
<i>GOAL</i>	<i>AGE</i>	<i>ICWA</i>	<i>TIME</i>	<i>SPECIAL NEEDS</i>	<i>BARRIERS</i>	<i>DATE/GOAL</i>	<i>I</i>	<i>N P PLM'T</i>	<i>C4</i>
A.	4	Y	1563	4,5, FAE	9,13, 10 DIF.FINDP	4/23/96		Y	N
Office ANCHORAGE									
<i>GOAL</i>	<i>AGE</i>	<i>ICWA</i>	<i>TIME</i>	<i>SPECIAL NEEDS</i>	<i>BARRIERS</i>	<i>DATE/GOAL</i>	<i>I</i>	<i>N P PLM'T</i>	<i>C4</i>
a.	5	N	830	3,4,5,6,	8 adopt fam conc	4/25/95		Y	U
a	7	N	830	3,4,5,6,	8 above	4/25/95		Y	U
a	7	Y	2734	3,4,fetal hydantoin	9 court delay	3/5/94		N	Y
ANCHORAGE									

GOAL	AGE	ICWA	TIME	SPECIAL NEEDS	BARRIERS	DATE/GOAL	I	N P PLM'T	C4
a	7	Y	743	4, FAS, 5	n/a	7/21/95		Y	Y
a.	6	Y	743	4, FAE, 5	n/a	7/21/95		Y	Y
a.	8	N	1079	o	12	9/1/94		U	C3
a.	0	N	290	4	9	10/16/96		U	N
a.	4	Y	1432	4	12,18 wrk delay	3/32/94		Y	Y
a.	0	N	186	4	13	2/297		Y	C3
a.	5	Y	1130	4	scheduled adopt 11/97	6/29/94		Y	Y
a.	1	Y	589	4	9	4/30/97		Y	N
a	3	Y	667	4	scheduled 10/23	10/29/96		Y	Y
b	15	Y	1647	2,3,8 behaviors	0	10/15/93		U	N/a
a	4	N	1347	4	est pat, out state	1/30/95		U	N
b	9	N	1366	3, SED,t	13	11/10/93		Y	C3
a	0	U	177	6	13	2/7/97		U	N
a	5	Y	551	3,6	13	9/21/93		U	C3
a	1	Y	478	4, FAS	13	12/19/96		U	C3
a	13	Y	1177	0	0	5/12/95		U	Y
b	15	Y	1177	3, SED	13 lost oppo for adopt	5/12/95		U	Rights Reins
a.	3	Y	738	4 FAE	9, 13	8/17/95		U	N
b	2	Y	738	4 SED	9, 13, 17	8/17/95		U	N
g	9	Y	738	4 SED	9, 13, 17	8/17/85		U	N
a.	1	Y	513	0	13	3/7/96		U	N
b	11	N	2617	3, PSTD	9,10,13 Complexcase	2/23/96		U	N
a	13	N	1140	3 SED	13	6/19/94		Y	Y
a	9	N	1096	3 SED	13,17	8/2/94		N	Y
a	1	N	668	4 drug exp	13, 18 trial post t	4/30/97		Y	N
a	2	Y	549	4 FAE	13	1/31/96		Y	Y
b	8	Y	738	3 SED	9, 13 17	8/17/95		N	N

ANCHORAGE continued

GOAL	AGE	ICWA	TIME	SPECIAL NEEDS	BARRIERS	DATE/GOAL	I	N P PLM'T	C4
a	5	Y	738	3,4FAE, 6	9,13,17	8/17/95		N	N
b	16	Y	814	6	13	5/31/91		Y	NA
a	5	N	497	6	13	4/3/96		N	N
a	4	N	497	6	13	3/23/96		U	N
a	6	Y	497	6	13	3/23/96		U	N
a	5	Y	1460	6	13	4/11/96		U	?
a.	7	N	2262	6	13	1/6/96		U	C3
a	8	N	1460	6	13	1/6/96		U	C3
a	4	Y	810	3	13 not time find home	1/8/97		Y	Y
b	13	Y	3382	3 SED	13	9/3/93		U	NA
a	1	Y	425	2,FAE,3,4, Asthma	17 no place	6/9/97		N	N
a	1	Y	634	2,DD,4	15 Tribe	12/5/96		U	Y
a	8	N	540	2,3 ADHD Condu	12,18 trial plc	2/12/96		Y	Y
a	2	N	821	2,4, FAS/FAE	13 TWIN	6/6/97		Y	N
a	2	N	821	2,4 FAs/FAE	13 twins	6/6/97		y	n
b	15	N	638	3 PTSD	18 fail guard	5/9/97		N	NA
a	13	N	1633	0	12, 13	11/16/95		Y	Y
a	2	Y	872	0	18 GAL op GM	6/28/97		Y	Y
a	10	Y	2833	3 SED	18 entry Casey	5/24/94		N in hosp	Y
a	13	Y	1912	4	9,18 need good c	6/3/92		Y	Y
a	15	Y	1912	4	9,18 "	6/3/92		Y	Y
a	9	Y	1912	4	9,18"	5/25/92		Y	Y
a	7	Y	1912	4	9,18 "	5/26/92		Y	Y
a	7	Y	1115	1,4 neurofibro	10	7/28/94		U	N
a	6	Y	1115	1,2,4	10	7/28/94		U	N
a	9	Y	1115	1,4,6	10	7/28/94		U	N

ANCHORAGE continued

GOAL	AGE	ICWA	TIME	SPECIAL NEEDS	BARRIERS	DATE/GOAL	I	IN P PLM'T	C4
b	14	Y	1228	3, SA alcohol	17,18 residential	6/6/91		N	Y
a	3	N	1115	0	12	12/21/95		Y	Y
a	0	N	316	4 parents DD	18 mom rel, d.dead	2/11/97		Y	N
a	1	Y	558	4	10, 18 GAL delay	6/3/97		Y	N
a	2	Y	726	6	10, 18 GAL delay	6/3/97		Y	N
a	11	n	1208	6, sed	17, fail a plc	4/12/94		N	Y
a	1	Y	610	1, HIV, 4	10, 16	12/1/95		N	C3
a	5	N	193	3, SA, nightmare	10, 16	1/21/97		U	N
a	4	N	913	4	10, 18	2/15/94		Y	C3
a	5	Y	1110	6	9,10,13,15	8/1/94		Y	N
a	1	N	540	1,4,twin	16, 18	2/9/96		U	Y
a	1	N	540	1,4 twin	16,18	2/9/96		U	Y
a	10	n	1054	3	14,16	7/2/95		Y	Npend
a	1	N	549	4	10, 18 AAG&GAL	12/14/96		N	N
a.	4	Y	1344	4, FAE, DD 6	18 mom tried	4/25/97		Y	N
a	6	Y	1344	4 FAS/FAE 6	18 "	2/22/94		y	N
a	5	Y	1344	4 FAS/FAE 6	18 "	4/25/97		Y	N
a	7	N	1654	2, SED, ADHD SA	17 failed 3 a plc	2/11/94		N	Y
a	12	Y	568	3, PA severe	17, 18 residential	1/2/96		N	N
a	3	Y	909	1, torticollis	18 mom tried	2/2/96		Y	C3
a	5	Y	780	1,4, malnourish	18 "	6/14/95		Y	C3
a	5	N	1152	2,3, odd persona	13.	7/7/94		Y	N
a	10	N	1208	2, mental ill, SA	17 child unstable	11/2/94		N	Y
a	7	Y	1054	6	9,12, 16l, 15, 18	9/19/94		Y	Npend
a	12	N	1654	3 SED 6	17	2/17/94		N	Y
b	10	N	676	3,4, SED	15 Dad	9/26/95		N	N

ANCHORAGE continued

GOAL	AGE	ICWA	TIME	SPECIAL NEEDS	BARRIERS	DATE/GOAL	I	IN P PLM'T	C4
a	14	N	838	2, SpecED behav	12,13	3/13/95		N	N
a	10	N	577	6	12,13	5/18/96		N	N
a	13	Y	179	3, behavior	12,13	4/1/91		N	N
b	9	N	457	2 ADHD,3 Aband	18 contest G	5/2/96		Y	NA
d	14	N	585	3 SA	11	12/26/95		Y	NA
a	8	N	679	3 ADHD 6	9	10/97		U	N
a	6	N	679	3 ADHD in fantasy	9	10/97		U	N
a	5	N	679	1,3 ADHD	9	10/97		U	N
b	15	Y	2124	3 ADHD	16 17	4/20/94		N	N
b	16	N	869	1,2,3 ADHD, DD	13	11/23/92		N	NA
a	7	N	101	2 SED attachment	3	4/23/97		N hosp	N
a	14	N	1348	3 attachment		11/14/94		N MYC	Y
a	8	N	2745	0	18 ICPC refusal	7/18/91		Y	C3
a	10	N	2745	0	18 ICPC refusal	7/18/91		Y	C3
b	13	N	694	0	11	4/30/93		U	NA
b	12	N	694	0	11	4/30/93		U	NA
b	9	N	694	0	11	4/30/93		U	NA
a	7	Y	753	3 SED attach	11	8/2/95		N	N
b	7	N	878	0	11	3/14/95		N	NA
b	4	N	878	0	11	3/14/95		N	NA
a	7	N	2745	0	18 ICPC refusal	7/18/91		Y	C3
a	3	N	968	0	13 need TP wkup	8/10/97		N	N
a	10	Y	253	0	13 "	8/26/97		N	N
a	14	Y	255	2,3. SED	13 "	8/26/97		N	N
A	1	Y	590	0	13 T/P workup	12/10/96		N	N
A	3	N	674	3, sep. anxiety	10	6/25/96		N	N
A	8	N	968	0	13, 14	8/10/97		U	N

ANCHORAGE continued

GOAL	AGE	ICWA	TIME	SPECIAL NEEDS	BARRIERS	DATE/GOAL	I	IN P PLM'T	C4
B	9	Y	659	0	9, 16	5/27/97		N	N
A	3	Y	957	3 sep anxiety	9	1/26/97		N	N
b	14	Y	659	0	16	5/27/97		N	NA
b	12	Y	659	0	16	5/27/97		N	NA
b	9	Y	539	2,3, SED	16	2/24/97		N	N
a	3	N	1079	4	12	4/8/96		N	N
a	4	Y	774	2,3,4 SED FAS/FAE	16 parents reling slowly	3/15/96		N	N
a	3	Y	774	3,4 lang delay	16	3/15/96		N	N
a	1	Y	425	2,3,4, FAS asthma	17,13	6/9/97		N	N
a	3	Y	425	2,3,4 FAS	9	6/9/97		N	N
a	4	N	674	3, depression anxiety	10	6/25/96		N	N
a	0	N	309	2,4, drug	0	5/4/97		U	N
b	12	Y	3302	6	14,16,	7/22/97		U	NA
a	5	N	572	2, ADD	15, 12	12/3/96		U	N
a	6	N	572	2 ADD	12, 15	12/3/96		U	N
a	4	N	572	2 ADD	12, 15	12/3/96		U	N
a	8	Y	1105	2,3,5 SED	10, 16	9/9/97		N	N
a	7	Y	1105	2 SED	10 16	9/9/97		N	N
b	4	N	409	5	0	1/6/97		N	NA
a	2	Y	787	1,2,5 Head inj. DD	17, 18	12/9/96		N	N
a	8	N	1207	5	16, 18 failed plcmt	12/20/93		N	N
c	1	U	536	1, med Frq2, DD	9,11,13	2/13/96		N	N
c	0	Y	236	4,5	11,13,14	12/9/96		N	N

Reports of Harm

Total Reports: 15,547

Children: 10,638

Families: 6,349

Screening

Cases Assigned: 10,529

Screened out: 1,279

Workload Adjusted: 3,739

Custody

New children in out-of-home care: 845

New adoptions,
guardianships:

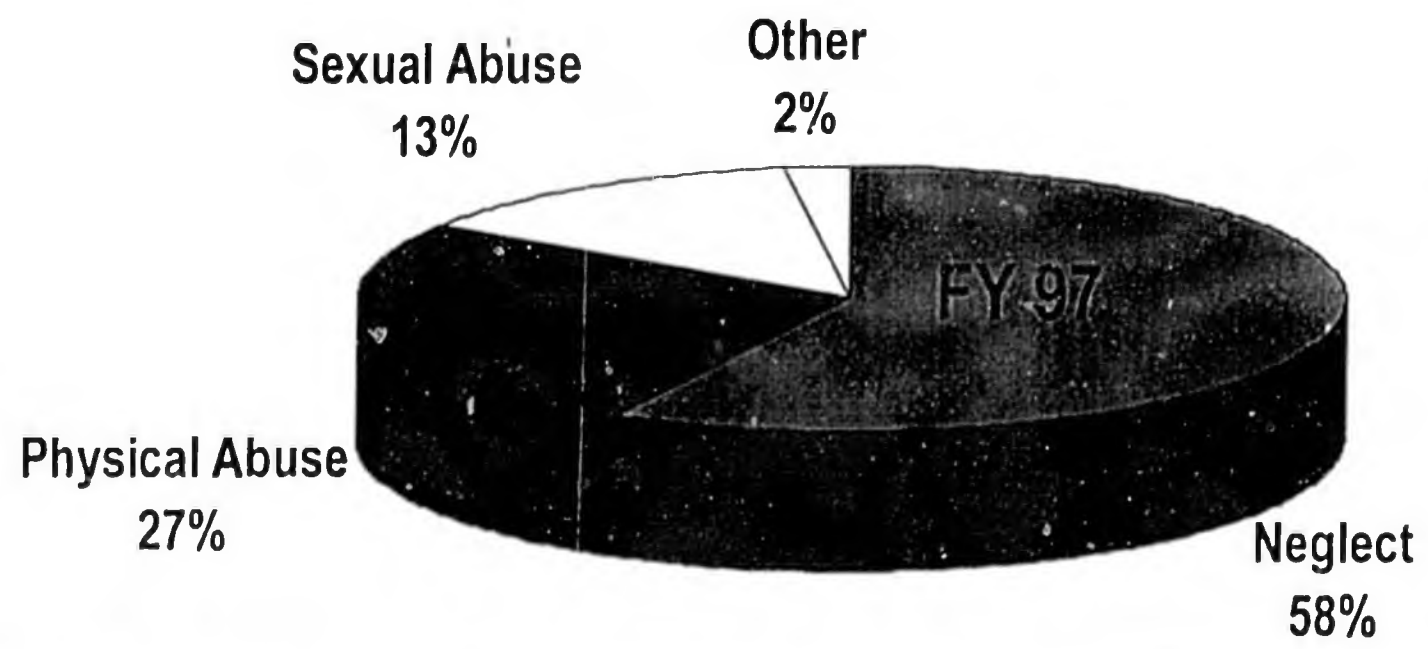
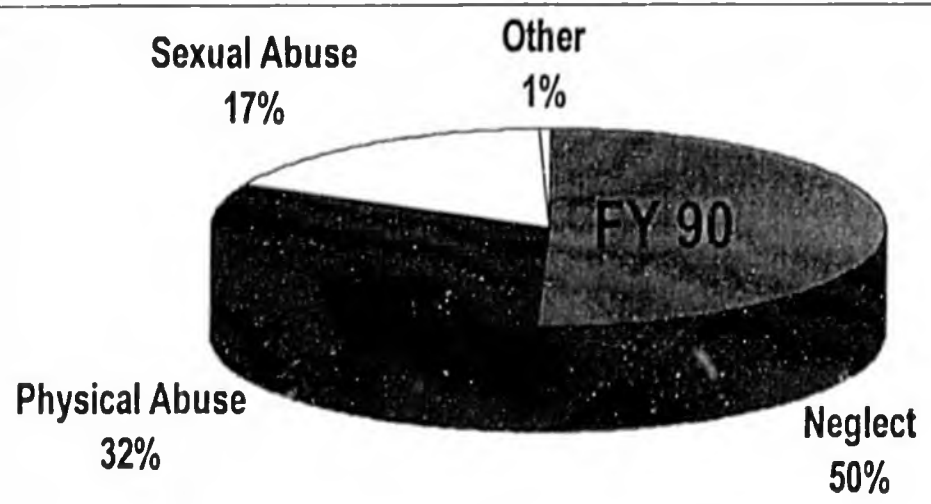
161

Child Protection in Alaska

A snapshot of FY 97

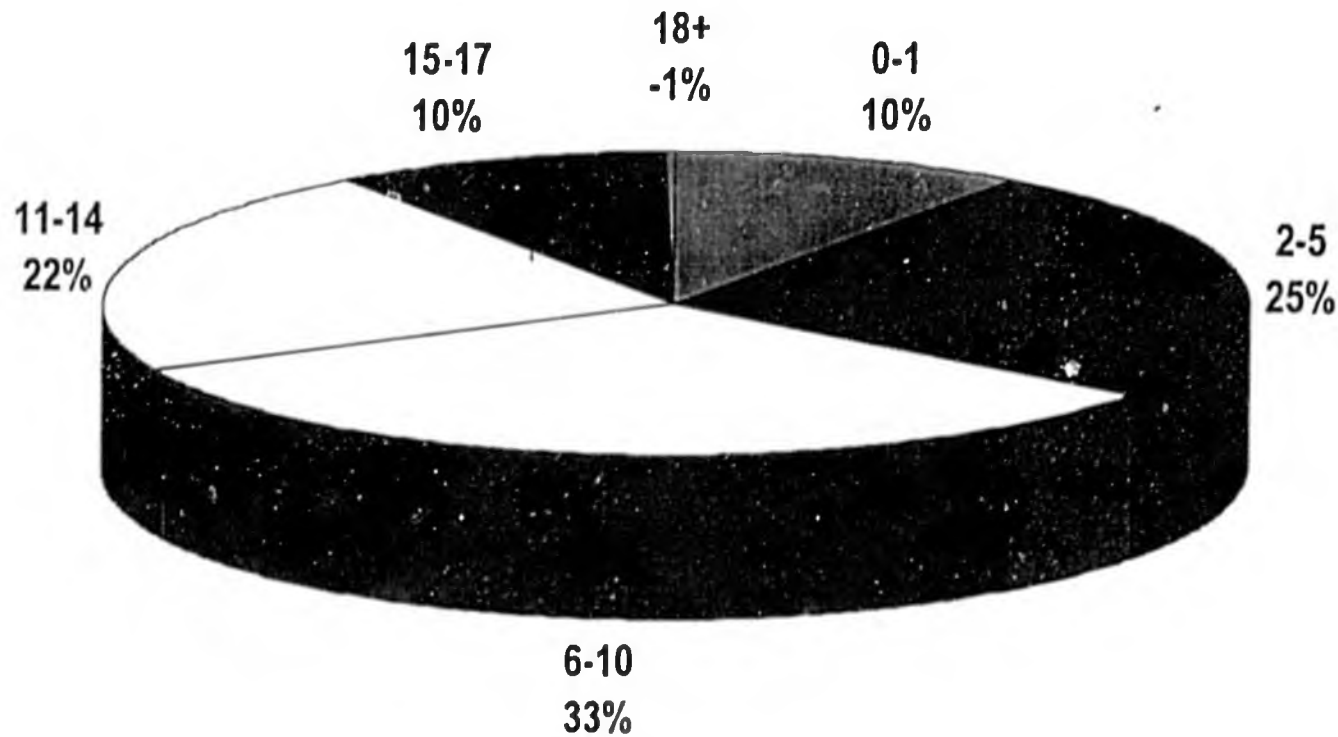
Reports of Harm:

Neglect reports lead growth



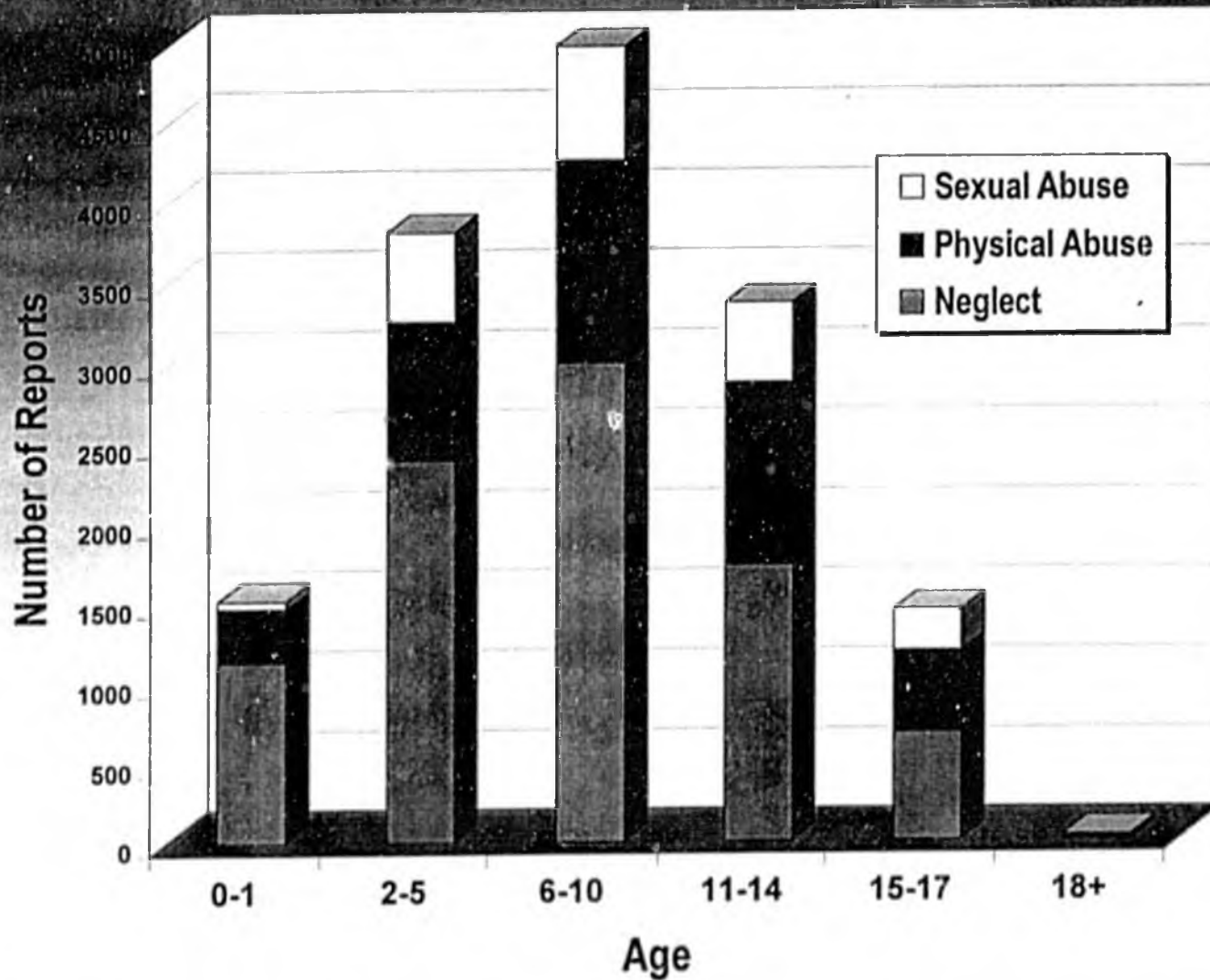
Reports of Harm -- By Age

FY 97

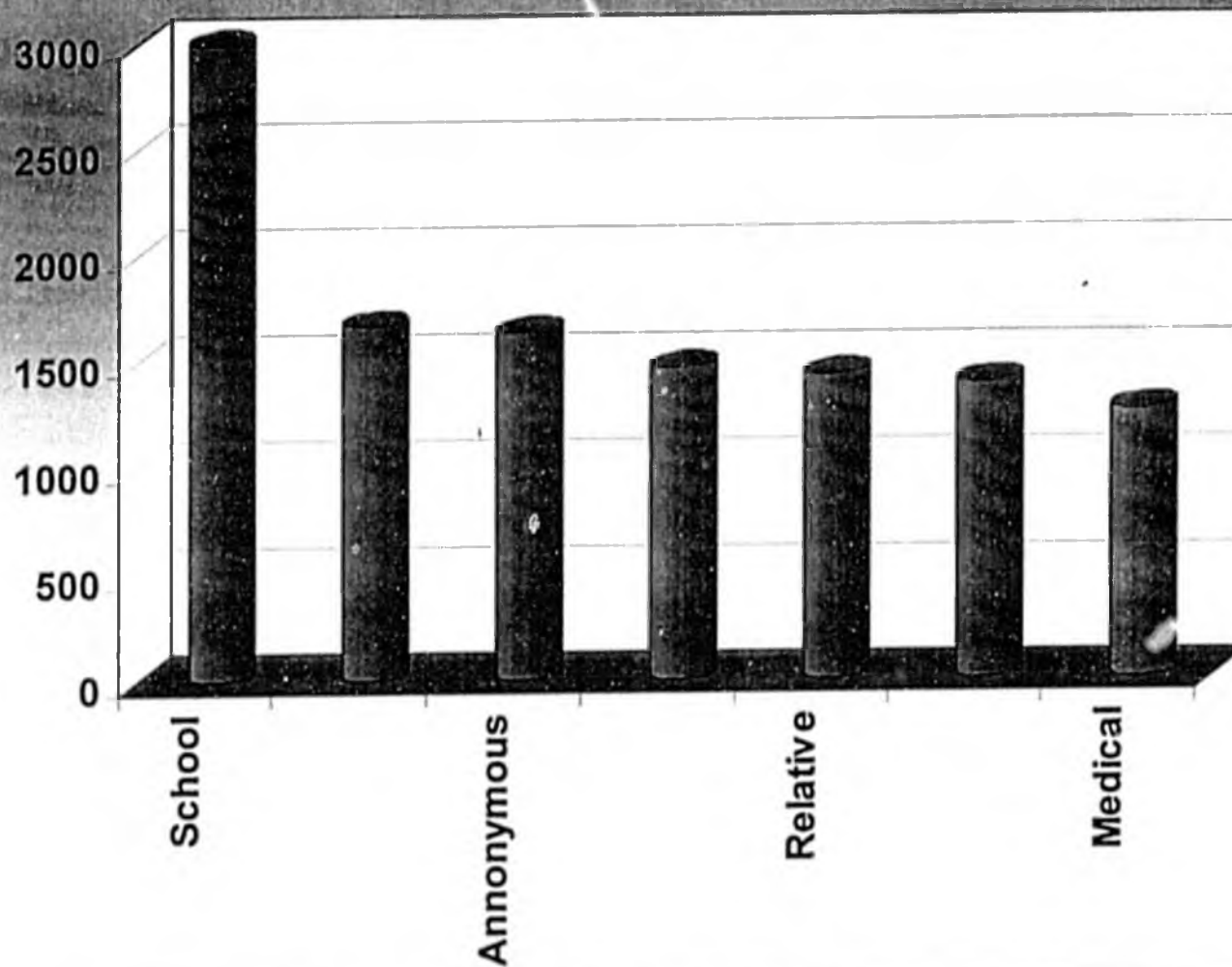


Nearly 70 percent of all reports involve children under 10 years old

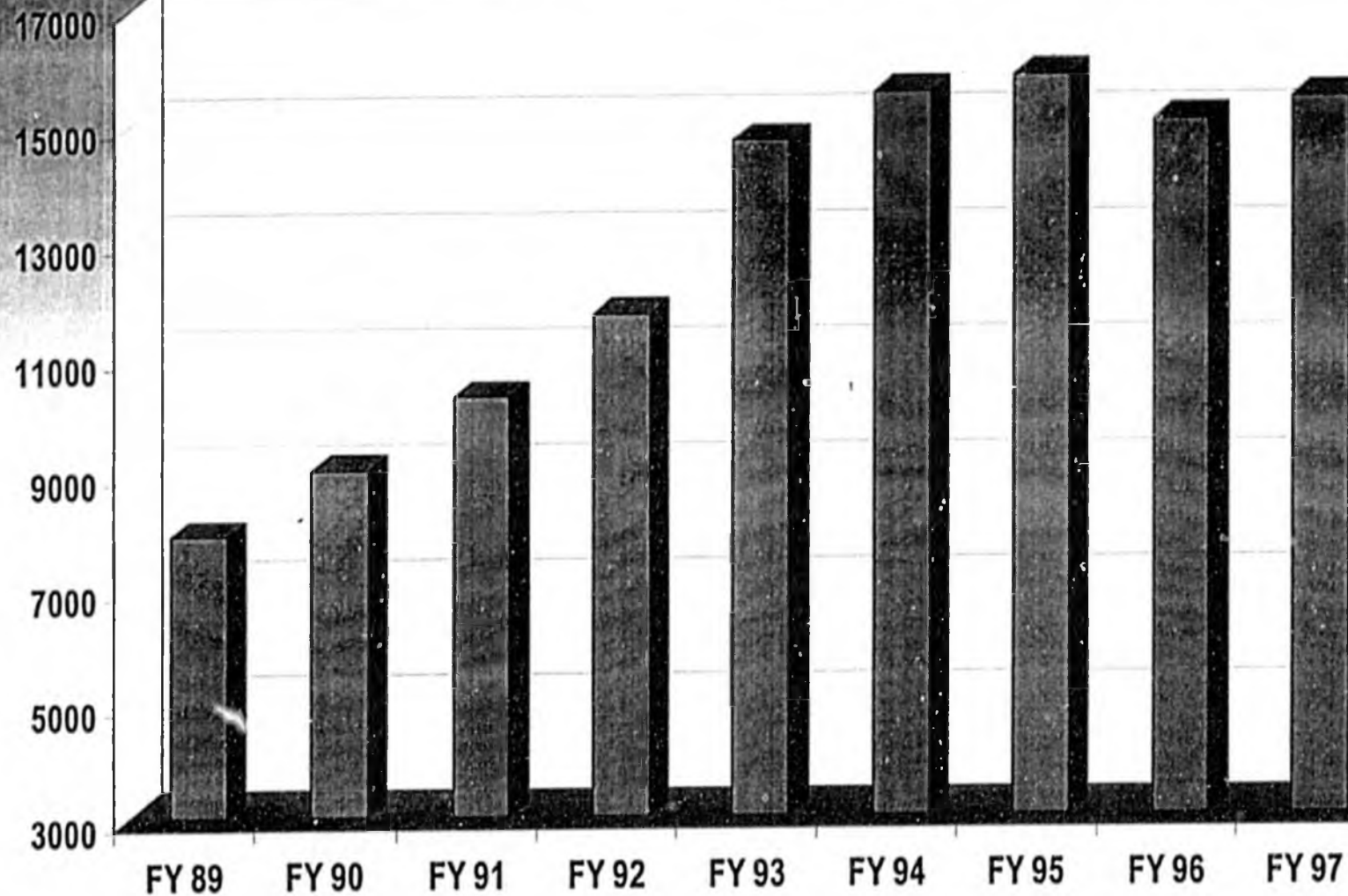
FY 97 Reports of Harm -- By Type and Age



Top Reporters of Harm -- 1997



Reports of Child Abuse and Neglect



So far in FY 98...

- ❑ 13 percent increase in reports of abuse and neglect
- ❑ 60 percent increase in custody petitions
- ❑ Total children in custody tops 1,600
- ❑ 1,655 reports that should have been investigated were screened out due to workload
- ❑ DFYS down to 12 social worker vacancies statewide

Building a better child protection system.

Finding new solutions to old problems

- 1992 -- Legislative Audit criticizes DFYS reorganization

- 1996 -- Commissioner establishes DFYS Evaluation, Research and Development Unit

- Over the next two years, commissioner orders five separate internal audits of DFYS

History of internal audits

- Administrative review of DFYS Anchorage office
- University of Washington full case-file audit of Anchorage office
- Fairbanks child fatality review
- Kempe Center review of five DFYS cases
- Statewide audit of cases involving multiple (6+) reports of harm

What did we learn from the audits?

Our statewide audit of cases with multiple (6+) reports of harm asked some basic questions:

- ***Are children safe?***
- ***Did DFYS accurately assess each report of harm?***
- ***Was appropriate action taken to assure the safety of the children?***

The audit covered 475 family case records involving approximately 838 children.

- 78 cases involving 131 children were referred back to DFYS for further investigation
- As a result, children in six of the cases were taken into state custody
- The audit also shed light on some of our most disturbing problems:
 - Too many reports of harm are never investigated
 - Substance abuse is a factor in more than 80 percent of child abuse or neglect cases
 - Domestic violence is a factor in nearly 60 percent of the cases

Of cases reviewed, 20 percent were 'workload adjusted'

Screening Outcomes by Region and Type

Cases with 6 or more reports of harm between July 1994 and Sept. 1997

	Total Reports	Assigned for Investigation		Workload Adjusted		Non-CPS		Insufficient Information	
Region		Number	Percent	Number	Percent	Number	Percent	Number	Percent
Northern	3235	1725	53%	880	27%	439	14%	191	6%
Southeast	675	345	51%	4	1%	314	47%	12	2%
Totals	6600	4277	65%	1315	20%	788	12%	220	3%

Screening Outcome of all Reports of Harm -- FY 97

Office	Total Reports of Harm	Assigned for Investigation		Workload Adjusted	
		Number	Percentage	Number	Percentage
Bethel	1361	668	49%	482	35%
Anchorage	5725	5090	89%	589	10%
Kenai	881	669	76%	155	18%
Mat-Su	1052	343	33%	707	67%
Fairbanks	2534	990	39%	1403	55%
Juneau	752	393	52%	182	24%
Ketchikan	422	207	49%	108	26%
All Ohters	2820	2169	77%	114	4%
Statewide	15547	10529	68%	3739	24%

* *Of the total Reports of Harm, 922 (6%) were screened out as non-child protection issues and 358 (2%) were screened out due to insufficient information.*

'...The Department shall, for each report received, investigate and take action ... that may be necessary to prevent further harm to the child or ensure the proper care and protection of the child.'

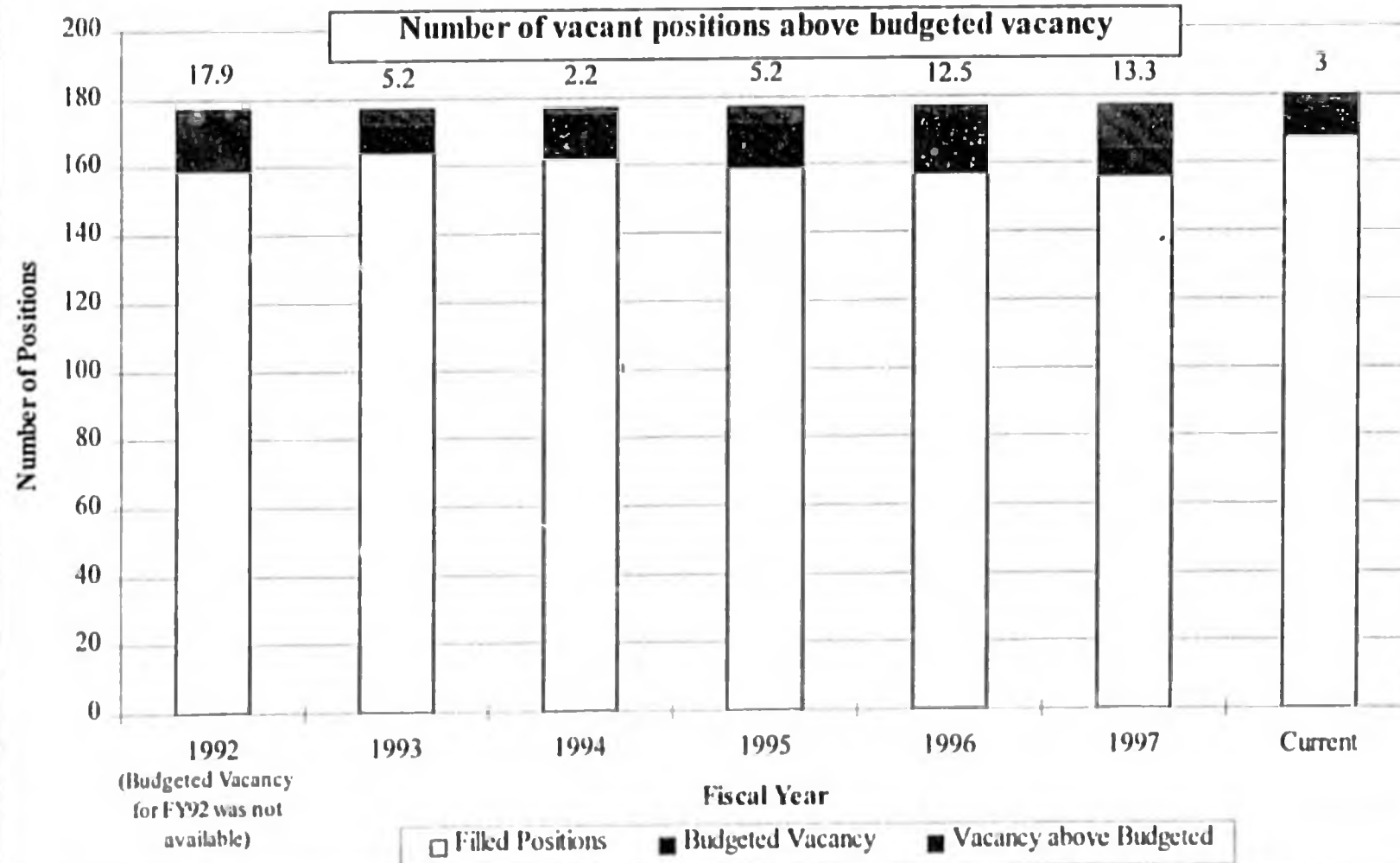
-- AS 47.17.030 (emphasis added)

What did we learn from the audits?

Casework Practice:

- ❑ Lack of consistent practices between regions
- ❑ Poor record keeping, case documentation
- ❑ Lack of coordination between agencies
- ❑ 'Single event' approach to child protection
- ❑ Overlap of substance abuse, domestic violence

Department of Health & Social Services Social Worker Positions, FY92-97 Averages and Current



What did we learn from the audits?

Staff issues:

- ❑ Caseloads exceed recommended national standard
- ❑ Inadequate training and education opportunities
- ❑ In the past, high turnover and vacancy rates
- ❑ Expectations of supervisors not clearly defined
- ❑ Inadequate safety and support for social workers

What did we learn from the audits?

Placement:

- ❑ Shortage of foster homes, other residential care
- ❑ Inadequate foster parent training and respite care
- ❑ Poor communication with foster parents
- ❑ Delays prevent timely adoptions

What other problems have we identified?

- ❑ At-risk kids are left in homes too long, or returned home too soon
- ❑ Children languish in foster care
- ❑ Reasonable efforts must be made to help families with chronic and difficult problems
- ❑ Some child fatalities caused by neglect or abuse are not detected or investigated

*"When you have a hammer,
every problem looks like a
nail."*

What are we doing to fix the problems?

- Established permanent Child Fatality Review Team to review all child deaths
- Will help assure that all deaths caused by neglect or abuse are investigated and prosecuted
- Child Fatality Review Team includes:
 - State medical examiner
 - State Trooper and local law enforcement officer
 - Prosecutor and experienced social worker

What are we doing to fix the problems?

- Restructuring DFYS to improve accountability
- Zero Tolerance -- all reports of harm checked out
 - Triple-track pilot projects turn some low-risk cases over to community-based groups
 - Additional social workers to better protect kids
- Working with Child Welfare League of America to create detailed quality-assurance program

What are we doing to fix the problems?

- Improving Alaska's child protection work force
 - Family Services Training Academy
 - Increasing minimum qualifications for social workers
 - Reducing vacancies to below budgeted levels
- Improving teamwork by creating multi-agency teams to oversee child-protection issues
- Better, faster access to criminal records and family abuse histories

What are we doing to fix the problems?

- Foster care improvements
 - Increase reimbursement rates and respite care
 - Aggressive recruitment program
 - Emphasis on foster parent training
 - Formal role for foster parents

- Greater efforts to tackle substance abuse
 - Treatment priority for DFYS clients
 - Additional substance abuse screeners
 - FY 99 budget expands treatment programs

What are we doing to fix the problems?

- Improving response to mental health issues
 - Additional clinicians in DFYS offices
 - Regional meetings of Mental Health, Developmental Disabilities, Substance Abuse and DFYS staffs
 - Increase therapeutic foster care and community-based funds

- Faster adoptions
 - Contract with private adoption agencies
 - Special legal resources to speed termination

“Alaska statutes are more narrowly drawn in certain respects than those of almost any other state.”

Kempe Children’s Center, December 1997

Under current state law, the harm is often done before the state can intervene:

AS 47.10.010 defines an abused child as one “having suffered substantial physical harm or if there is an imminent and substantial risk that the child will suffer such harm.”

What are we doing to fix the problems?

HB 375 -- Omnibus Child Protection Bill

- Increases penalties for homicides of children
- Tightens sex offender registration requirements
- Allows early intervention in cases of abuse and neglect
- Assure faster transition to permanent, safe homes
- Gives caregivers access to child welfare hearings
- Confidentiality fixes improve teamwork, accountability

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New adoptions,
guardianships:

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Child Protection in Alaska

A snapshot of FY 97

Custody and Foster Care

Children in out-of-home care: 1,607

Living with relative: 515

In foster care: 891

In residential care: 78

In other setting: 123

Guardianship & Adoption

Children in line for adoption or
alternative placement: 416

Termination

Children with at least
one parent's rights
terminated: 202

Total adoption
& guardianship
subsidies: 933

Child Protection in Alaska

Ongoing care -- As of 2/1/98



Alaska State Legislature

Please enter into the record my testimony to the HHES
committee name

committee on HB 375, dated 3-5-98
bill # / subject

3 PGS ATTACHED

Signed: Cindy Houser
Testifier
Foster Parents Kenai area
Representing (Optional)
HC 2 Box 596 Kaslof Ak. 99616
Address
907-262-7937
Phone number

Cindy Houser

~~For~~ Treas

Voice for the Children

Some of the problems I see

are:

(1) Children given back to parents,
just to be taken back into custody.

I have had Social workers
say to me that they know
they will have to pull them again
in a few weeks, after putting
them back with parent.

(2) Parents lying about jobs
& situations & doing just enough
of the case plan at the last
minute and getting the child back
without having anything changed in
the situation they had been taken
out of in the first place.

This causes children to be
placed numerous times & ending
up in numerous foster homes for years.

These are some of mess up hard to
place teenagers we have in care now.

2

(3) I have a real problem with D.F.Y.S. social workers etc. Not being held liable or accountable but we as Foster Parents are held liable. If they aren't liable then we as Foster Parents should have the same protection. We shouldn't be accountable for something a foster child has done. Who has custody of this child? the state right. Fine starter

Solution:

- (1) Automatic Termination of Parental rights on having children taken away for the second time or if the child was severely abused, tortured or sexually abuse. That would keep children from going back & forth numerous times, ending up ruined in the process.
- (2) Have Judges, D.F.Y.S. & Social ^{Supervisor} workers etc held accountable for the children

3

They send back to questionable parents.

(3) Supplying our G.A.'s with an attorney to help them fight for the best interest of the children.

(4) Foster Parents need to have a say in all hearings & in court. We are the ones that know the children.

(5) Foster Parents need to be protected from liability. You would keep your Foster Parent without the large turn over you have now.

(6) D.F.Y.S. workers all should have a yearly drug test (hair or) All Foster Parent should have one to get their licenses & before each renewal.

Does it DEAL with Children?
HB 375 to many loop holes goes against Foster Parents SHOULD NOT BE PASSED!!



NASW

ALASKA CHAPTER

**NATIONAL ASSOCIATION OF SOCIAL WORKERS
ALASKA CHAPTER**

318 4th Street, Juneau AK 99801
586-4438 Fax: 586-4439
naswak@alaska.net

Testimony Regarding

HB 375 - CHILD PROTECTION AND FOSTER CARE

Before the
**HEALTH EDUCATION AND SOCIAL SERVICES COMMITTEE
ALASKA HOUSE OF REPRESENTATIVES**
March 11, 1998

Presented by
Angela M. Salerno, ACSW
Executive Director,
National Association of Social Workers Alaska Chapter



NATIONAL ASSOCIATION OF SOCIAL WORKERS ALASKA CHAPTER

318 4th Street, Juneau AK 99801
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naswak@alaska.net

ALASKA CHAPTER

The National Association of Social Workers (NASW) is the world's largest organization of professional social workers. NASW's 155,000 members nationwide and 460 in Alaska work in a wide range of settings at all levels in the public and private sectors. Professional social workers focus on vulnerable populations and promote state and federal policies which enhance the lives of the clients we serve.

NASW supports HB 375 and urges its passage.

Families are the first caregivers for children. Families have the first responsibility for the physical and emotional well-being of children. Families also have a right to care for their children free from state interference in basic decisions about child-rearing practices. But we believe that parental rights derive from parental obligations. And when these obligations are unfulfilled, the corresponding rights may be abrogated. This is the basis for the state's role in child protection. Each year, thousands of Alaskan children are subjected to abuse and neglect at the hands of their caregivers. When a child is harmed by his or her caregiver, the state must provide the child with some assurance of outside protection and support.

HB 375 begins the process of improving child protection services in Alaska by making changes in law which better protect the rights of abused and neglected children. The changes proposed will assist the Division of Family and Youth Services fulfill its mandate to protect abused children from further maltreatment and to alleviate the consequences of maltreatment. Child protection workers will be able to intervene earlier in cases of neglect and perhaps prevent more severe consequences. Parents will find new motivation imposed by enforced timelines for fulfilling their parental obligations. And there will be no confusion about the basis for decisions made by child protection workers - safety, permanence and the best interests of the child.

While we support the provisions of HB 375, we want to bring to your attention the social work profession's historic commitment to child protection through comprehensive efforts to ensure the safety and healthy development of children. In promotion of these efforts, NASW supports the following principles:

- Sufficient public and private funding, staff and resources should be provided to meet the needs of abused and neglected children and their families. The state of Alaska is guilty of "collective neglect" when it fails to staff child protection adequately and over 3500 cases of neglect go uninvestigated. More serious may be the institutional maltreatment experienced by foster children now languishing in long-term foster care.
- Public and private agencies and systems that serve children and families should work collaboratively to maximize their resources and effectiveness in preventing child abuse and neglect and effectively treating victims and their families. Such a collaborative network would include child protective services, courts and law enforcement agencies, and medical, education, and mental health providers.
- A comprehensive approach to the prevention of child abuse and neglect should include increased public awareness and availability of family support services, parenting education, and training for staff in the identification of risk factors for children and families. A comprehensive approach to prevention must also address the stressors that precipitate family violence. Community-based services to enhance and support healthy family life include child care, counseling, case management, job training, health, mental health and substance abuse services and adequate financial support for families.
- Public policy and resource allocation to protect children should support specialized law enforcement, child abuse investigative units, child advocacy services, mandatory reporting of suspected child neglect and abuse, continued professional training of staff working with children and families, and community-based efforts toward identification and early intervention in situations of suspected child abuse and neglect.

FACSIMILE COVER PAGE

To : Con Bunde, Chai HESS COMMITTEE

From :

Sent : 3/12/1998 at 11:47:18 AM

Pages : 4 (including Cover)

Subject : Written Testimon On HB 375

Please accept the attached written testimony opposing HB 375 from Advocates For Children, Inc.

ADVOCATES FOR CHILDREN INCORPORATED

310 West 76th Street, No. C

Anchorage, Alaska 99518

advocate@ptialaska.net

(907) 522-9268

Karen L. Leonard

Chairman and CEO

WRITTEN TESTIMONY

HOUSE BILL 375

March 13, 1998

A. **Advisory Legal Committee.** HB 375 attempts to address issues of legitimate concern regarding child welfare. However, drafting and interpreting the ramifications of the statutory language, as well as opinions regarding the mandatory versus permissive requirements of the new federal requirements under PL 105-89, have been left entirely up to the Office of the Attorney General and the Department. The result has been an unbalanced piece of legislation that lacks clearly reflects the best interests of the DFYS but contributes very little to the best interests of *children or the general public*.¹ It is clear that both the legislators and the Department need the advice of attorneys who have been in the trenches, but from a team composed of both sides of the, instead of only the state AG's office. I strongly urge legislators to place HB 375 on hold and form a committee of state attorneys and private attorneys to: (1) review Public Law 105-89 and determine the minimum mandatory requirements, and (2) draft balanced statutory language that implements those requirements. Scrap the balance of the bill and take the next year to do it right. In the event such a committee is formed, I request the opportunity to submit the names of private attorneys for appointment who have substantial criminal and CINA experience. In the event that the bill is not placed on hold and a committee is not formed, I very strongly urge the Committee to kill HB 375 in its entirety in committee if the public wishes.

Administrative Reform. House Bill 375 and its companion, Senate Bill 272, puts the proverbial "cart before the horse." Common sense dictates that we must first identify and correct the administrative and system failures within the agency itself that have caused it to inadequately perform its existing mandates for protecting children. For that purpose, the Legislative Budget and Audit Committee properly undertaken the considerable expenditure of DFYS performance and financial audits. These audits will produce information that is *critical* to enabling legislators to make informed, quality decisions regarding reform. Then, in response to those audits, it will take *considerable time* for administrators to implement decisions and programs to cure the faults disclosed by the audits. To rush into a "quick fix" based upon the emotions of the moment would be imprudent, and can and will result only in *increasing* the types of tragedies that have

¹ The Dept and the AG's office see the worst of human behavior that *none of us* want to deal with. Some of the most horrendous examples of human behavior are observed by them, and may be the hardest to prosecute effectively. We cannot, however, overreact by providing such a broad extension of the state's authority to intrude into the family in an attempt to make it easier to prosecute the few without disastrous affects upon the majority of families who will (for right or wrong reasons) encounter intrusion by the state into their families. We cannot sacrifice the majority for the minority.

dominated Alaskan news for the past year. I urge you to wait upon the completion of these audits and give the Department the needed time over the next year for to make appropriate administrative and procedural changes internally before enacting major reforms that "widen the net" such as HB 375.

Foster Care System Overload. We cannot even properly take care of the children we place in state's custody under existing law. We can't properly support the foster parents and foster children we have now, and are incapable of recruiting enough foster parents for children now in custody. *Where are you going to place the dramatic increase in foster children that will certainly result in such a widening of the net? How are you going to pay for the increased foster care expenditures?* Logic dictates strengthening our foster care system first, then and then considering extending DFYS' authority to widen the net.

Correctional System Overload. Criminalizing nonsupport creates a new criminal class. We're under court orders for overcrowding of correctional facilities now for the real criminals, i.e., murders, rapists, drug dealers, etc. *Where will you put this new class of criminals?* More importantly, *the public does not want to support deadbeats with housing, food and clothing via prisons or jails. Why would you?* Scare tactics via contempt proceedings have proven costly and ineffective.

Accountability. Over the past year, the demand for Department DFYS accountability from legislators and the public has been loud and clear. HB 375 fails to increase DFYS accountability. To the contrary, by providing DFYS with immunity it reduces DFYS' existing accountability to zero. While it may be great for the state, it is very detrimental to children and families receiving services. *Would you want your child in the care of anyone who legally had no duty of care to your child? What would your child want?* Why would you demand a lesser standard of care for abused children than that which you would demand for your own child? If DFYS is incapable of protecting children without immunity as they claim, then it is time to privatize the Department entirely.

Family Preservation (Homebuilders). Family preservation, *if and when implemented correctly by the agency*, has proven in other states to not only significantly decrease child fatalities and child abuse, but also decrease the cost of child protection services. Family preservation does not cause children to linger in the state system or prevent early termination when warranted. *if and when implemented correctly by the agency*. The Department has not implemented family preservation properly.² Family preservation services have actually been proven to assist the agency to more quickly identify cases in which early termination is warranted. We can and should learn from other states which have accomplished phenomenal safety records for children through

² Inadequate resources that cause a system of "crisis management" by social workers often causes the social worker to offer appropriate services to the family only shortly before having to attend a hearing and make a showing of "reasonable effort".

family preservation.¹ Commissioner Perdue acknowledged that she was reviewing family preservation for Alaska at the foster care hearing sponsored by Representative Hodgins about December 15, 1997. However, to enact major reforms that "widen the net" to the degree of HB 375 prior to implementing family preservation can and will prove to be disastrous for our children. I urge legislators to learn the facts about family preservation principals and, and armed with the results of the DFYS and OPA audits, enact legislation *based upon informed decision making* that incorporates homebuilder principals into child protection services and provides for early termination when justified.

Karen L. Leonard
Chairman
Advocates For Children
310 West 76th Street, No. C
Anchorage, AK 99518
(907) 522-9268
advocate@ptalaska.net

¹ Since adopting family preservation, in the past ten years Minnesota has had only two fatalities of children receiving child protection services whether services were provided in the home and during foster care. Representative Fred Dyon and I have conferred with the Director of Minnesota who offered the services of Minnesota to help Alaska in any way possible, including by sending trainers, and remains a valuable resource to help Alaska enter into meaningful reform. To my knowledge, no requests from Alaska for help have been made.

TO: Health, Education & Social Services Committee
SUBJECT: Testimony at Public Hearing on HB 375
FROM: Michael C. Coons, MICP, NREMT-P

In addition to testimony I gave at the last public hearing, I am still opposed to this bill, not so much as to its intent but as to the substance. My concerns today are about the Child Fatality Review and Multidisciplinary Child Protection Teams.

These sections loosely resemble the SART/SANE teams in existence to investigate rape cases. However, as written, the similarities are only superficial. The success of SART has been because of a small and highly trained team whose primary function is to find out the truth and give the District Attorney's the information needed for a conviction.

There are several sections that most concern me and would like to speak to those specifically. First the Child Fatality Review Team.

"A person appointed to a local, regional, or district child fatality review team is not eligible to receive compensation from the state for service on the team"

How are you going to get team members to volunteer for this? As the list of members are stated you will be taking Physicians away from their normal jobs without compensation? As to the State Trooper, and Social Workers, will their departments be funded for this? If not this is a budget breaker for them.

"(2) the following persons, or that person's designee, appointed by the commissioner of health and social services:

- (A) a physician licensed under AS 08.64 who*
 - (i) specializes in neonatology or perinatology; or*
 - (ii) is certified by the American Board of Pediatrics."*

With the SART team in the Valley is a physician who works with the Nurse Practitioners. She is, according to a member of the SART team, a very special person. However, relying on only physicians for this team to cover the medical aspects is not realistic. Physicians, though qualified are going to be hard to find when you consider having them to break away from their practice, without compensation. The alternative is to use Nurse Practitioner's who have extensive experience in pediatrics. Nurse Practitioners will add depth to the team. Nurse Practitioners already are used in the SART Team with great success. They are more available, trained better in dealing with families and have proven that they can perform the same history and assessment functions consistently and with objectivity. Compensation is still a matter that must be addressed.

"Sec. 12.65.120.

(C) an investigator with the state troopers who has experience in conducting investigations of homicide, child abuse, or child neglect, appointed by the commissioner of public safety.

(D) a social worker with the Department of Health and Social Services who has experience in conducting investigations of child abuse and neglect, appointed by the commissioner of health and social services;"

In the SART Team the Social Worker is the victim's advocate, not an investigator. During our department training the Social Worker on the SART team made it very clear that investigation should be by law enforcement, NOT Social Services. Not only philosophically do I agree with this, but the SART teams conviction rate bears this out!

"Sec. 12.65.140. Records; information; meetings; confidentiality; immunity.

(f) A person who is a member or an employee of, or who furnishes services to or advises the state child fatality review team, is not liable for damages or other relief in an action brought by reason of the performance of a duty, a function, or an activity of the review team."

Based on past Social Services abuses, I find this section deplorable! As a Paramedic, I am liable for civil litigation, no matter if I have done something wrong or not! Nationally, people have been wrongfully accused by Social Services and their lives are never the same again! The SART Team in there approach have determined false reports and based on their two year history, those that were guilty of rape were prosecuted where the false report, as far as I'm aware, never made it past initial investigation, much less to a Grand Jury. With rape and child abuse the perception by the community is that once it gets to the publics attention, then the person did it! The stigma is always there even after being found not guilty!. Wrongful accusation must be accountable!

*** Sec. 52. AS 47.14 is amended by adding a new section to read: Multidisciplinary child protection team.*

(a) The department may create a multidisciplinary child protection team to assist in the evaluation and investigation of reports made under AS 47.17 and to provide consultation on child protection cases to the department under AS 47.10.

(b) If a team is created under (a) of this section, the department shall appoint persons with knowledge of and experience in child abuse and neglect matters to the 21 team, whenever possible. These persons include

- (1) mental and physical health practitioners licensed under AS 5;*
- (2) child development specialists;*
- (3) educators;*

- (4) peace officers as defined in AS 11.81.900;*
- (5) victim counselors as defined in AS 18.66.250; and*
- (6) experts in the assessment and treatment of substance abuse."*

My main question is who is the lead agency here? If it is DFYS, then I strongly object! If it is law enforcement, I couldn't agree more! This goes back toward my earlier comments on investigative skills compared to law enforcement versus Social Services.

"(h) A person who serves on a multidisciplinary child protection team is not liable for damage or other relief in an action brought by the reason of the performance of a duty, a function, or an activity of the team.

* Sec. 53. AS 47.14 is amended by adding a new section to read:

. Immunity from liability. Nothing in this title creates a duty or standard of care for services to children and their families being served under AS 47.10. The department and its officers, agents, employees, or contractors and the state are not liable for civil damages as a result of an act or omission in the provision of services to children and their families under AS 47.10. This section does not preclude liability for civil damages as a result of gross negligence or reckless or intentional misconduct.

Again, my comments on accountability on this subject with the Fatality Review Team are the same. Where I really object is: *Nothing in this title creates a duty or standard of care for services to children and their families being served under AS 47.10.* Police Officers, EMT's, Paramedics, Nurses and Doctors ALL have duty and standards of care that we must follow! Why should Social Services be held to a lower standard? Of note in this section, "Sec 53. AS 47.14 is amended to: *"...This section does not preclude liability for civil damages as a result of gross negligence or reckless or intentional misconduct"*. Why wasn't this in the previous section pertaining to the Fatality Board? This sentence I do agree with.

One last point, that I have not discussed but must be, is the funding for these teams and the SART/SANE teams. In order to correct the problems we have, not only takes good programs but money to allow those programs to work efficiently. Using SART/SANE as an example, the State Troopers and Social Services pay for the team members time through their department budgets. Once that money is gone do the rapes stop? As to the Nurse Practitioners, they are funded by Valley Hospital (payroll) and a Federal Grant. However, the Grant money is being depleted, again, when that is gone will rapes stop until more funding is available? I am not opposed to funding programs that work! I am however, very vocally opposed to throwing money at a problem without a history of quality results!

In closing, the intent in these sections is to develop a team approach in investigating child abuse fatalities and child abuse. I applaud this! Now, take this intent, look closely at what already works, the SART/SANE Teams, and develop programs that will work based on success!

MICHAEL C. COONS, MICP, NREMT-P, AAS EMS
P.O. Box 4229
Palmer, Ak 99645
Phone (907) 745-6779

Alaska State Legislature

Please enter into the record my testimony to the _____
(committee name)
committee on HB 375, dated March 12, '98
bill/subject

I am in favor of passage of the
Smart Start legislation because it
acknowledges the importance of early
child care and because it addresses
health, prevention and protection.
Early health care and support of parents
and foster parents will, in the long
run, benefit our society and our economy.
I am pleased to see that foster parents
are included in this bill. As a former foster
parent and as a current foster parent trainer
& support provider, I know the incredible
responsibility given foster parents. The
stipend which foster parents receive

Signed: Ann Finney Phone: 247-2356 (H)
225-4135 (W)
Representing (Optional)
Address 14767 N. Tongass, Ketchikan, AK
99901

Fax transmitted from Ketchikan Legislative Information Office
Phone: 225-9675 Fax: 225-8546

Alaska State Legislature

Please enter into the record my testimony to the _____
committee on HB 375 (committee name), dated 9-18-98.
bill/subject:

is not pay for their efforts, but a reimbursement for expenses. In many cases, the daily stipend is less than the cost of a few hours of child care. Therefore, the amount proposed for respite care will benefit foster parents greatly. Presently, foster parents must pay for child care while attending required foster parent training. The provision of respite care will help foster parents participate in training and have a break from the difficult job they are doing for our society.

Signed:

Grace Kinney
Testifier

Phone: 947-2356

Representing (Optional)

Address

Fax transmitted from Ketchikan Legislative Information Office
Phone: 225-9675 Fax: 225-8546

Marci Schmidt
2040 Wasilla Fishhook Road
Wasilla, Alaska 99654
(907) 357-3618
E-Mail: cmspub@juno.com

March 12, 1998

Dear HESS Committee Representatives:

On March 5th, the HESS Committee held a public hearing on House Bill 375 (Crimes Against Children). Susan Wibker stated that this piece of legislation was based in part on Public Law 105-89 (The Adoption and Safe Families Act of 1997). As a staunch child advocate, a member of "Hear My Voice" and "Parents United for Custodial Justice" ("Hear My Voice", a national organization that advocates for safe, permanent homes for all children and worked with other child advocacy organizations for the passage of PL 105-89), I am disheartened at HB 375's attempt to comply with PL 105-89. After a week of research, which includes speaking with US Congressman Camp's office (the sponsor of PL 105-89), I present the following argument against this piece of legislation and hope for its rejection.

PL 105-89 was enacted to promote reasonable efforts for the placement of foster care children that are languishing in the system to permanent, safe homes. Reports from the National Center for the Prevention of Child Abuse have added up years of rising child abuse deaths in this country. Each year, 1,200 to 2,000+ children die of abuse and neglect at the hands of their caregivers. Of deceased children, over 80 percent are four years of age and younger, and over 50 percent are infants under one year of age. Worse yet, *almost fifty percent of all children who have been killed by their caregivers die following or during an open child welfare contact. In other words, these children were killed after having been sent or left home by child welfare workers.* It has been the public outcry of these cases, most tragic was that of Elisa Izquierdo in New York, that demanded Congress to act and put together legislation that finally clarifies that the safety and permanence of abused and neglected children. Enactment of this law begins to correct seventeen years of suffering children have had to endure due to legislation created in the 80's (PL 96-272). By understanding what prompted this Congress to act, please understand why HB 375 can't be passed the way it is written.

There is no language in the federal law that demands DFYS to become a "police force". Why is the continued language about what is a crime and prison terms outlined here? Why isn't it a crime to commit these acts all ready and why aren't they in our criminal codes, investigated by the police and sentenced by judges? You will be bring CSED into this legislation with the language of criminal non-support. These areas are not part of the federal law.

The federal law clearly mandates that if a parent has subjected a child (or that child's sibling) to abuse (abandonment, torture, sexual abuse) that these are grounds for termination. Up until this law, parents have been able to have their children returned to them (current cases in the District of Columbia and Wisconsin have made national news) even when they have murder another

of Columbia and Wisconsin have made national news) even when they have murder another child. Social workers and judges have repeatedly said that it is mandated by law to reunify the family (at any cost, Elisa and little Lance Helms of CA). To have this language in HB 375 will granted DFYS the same powers as our police force and judicial system. This may not be apparent at this moment but it will happen and most noted, it is not what Congress intended or wrote.

Another issue in this bill, not written in the federal law, is the immunity of the Child Fatality Review Team. Why do they need immunity. Personally, I become nervous when there is no accountability in an area of public service. We don't continually sue our coroners, unless they make a horrible error and are held accountable, why should we be granting immunity to the Child Fatality Review Team? This is not in the federal law.

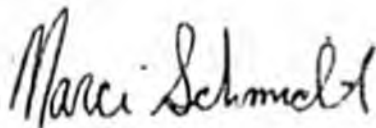
HB 375 has no language regarding the use of the Federal Parent Locator Service to assist with the enforcement of child custody or visitation orders. If a parent has been forced out of a child's life and comes into the foster care system, where is the language on locating that parent within a reasonable amount of time. This is in the federal law but not HB 375.

The one area that no one has mentioned is money. If PL 105-89 is not placed into Alaskan law, DFYS could lose an estimated 30 million dollars in federal funds. It would distress many people if this bill is being passed on money issues. HB 375 should have been written to follow the federal law regarding the adoption and placement of foster care children, not as an opportunity to add extra power and immunity because money will be lost if some form of the federal law isn't passed. HB 375 needs go back to the writing table with the first and foremost effort in following the federal law pristine. It will do more damage than good if passed in this form.

Our children's' lives should not be bought off with this bill. Please consider the State of Colorado as an example of compliance. Short, sweet and simple. I included this ten page piece of legislation in the hopes that you will make DFYS and the Governor go back and ask for what is written in PL 105 89 (word for word) and not what can be seen as an opportunity to add on language that is not federal intent.

Remember, many children have died to make PL 105-89 a reality. Don't let more children suffer another seventeen years to correct Aleska's law if HB 375 is passed. Thank you for your time and consideration with regard to this matter and for letting the voices of children be heard in this letter.

Sincerely,



Marci Schmidt
Parent and Child Advocate

[Click here for Fiscal Note](#)

Second Regular Session

Sixty-first General Assembly

LLS NO. 98-0560.01 JGG HOUSE BILL 98-1307

STATE OF COLORADO

BY REPRESENTATIVES Keller and K. Alexander;

also SENATOR Hopper.

JUDICIARY

A BILL FOR AN ACT

CONCERNING IMPLEMENTATION OF THE FEDERAL "ADOPTION AND SAFE FAMILIES ACT OF 1997".

Bill Summary

(Note: This summary applies to this bill as introduced and does not necessarily reflect any amendments that may be subsequently adopted.)

Makes the following changes to the "Colorado Children's Code" in order to comply with the federal "Adoption and Safe Families Act of 1997":

! Recognizes that one of the goals of all child placement decisions is the safety of the child;

! Defines the term "foster care" as the placement of a child into the legal custody or authority of a county department of social services for residence in a certified or licensed facility;

! Amends the definition of "reasonable efforts" to specify that in determining whether reasonable efforts are appropriate, the child's health and safety is to be the paramount concern;

! In determining reasonable efforts with respect to a child, requires a guardian ad litem to make the child's health and safety the paramount concern;

! Requires the court to provide to foster parents, preadoptive parents, or relative providing care to a child notice of hearings and review concerning the child, and specifies that the notices shall not reveal addresses, last names, or other identifying information;

! Directs the court to proceed with a permanency planning hearing when it finds that an appropriate treatment plan cannot be devised;

! Specifies that efforts to place a child for adoption or with a legal guardian may be made concurrently with reasonable efforts to reunify the family;

! With regard to the criteria for terminating the parent-child relationship, changes the phrase "gravely disabling" injury to "serious bodily" injury and adds existence of an identifiable pattern of sexual abuse of the child as a criterion;

! Makes the fact that a child has been in foster care for 15 of the most recent 22 months a basis for termination of parental rights unless certain factors exist;

! Makes the murder or the voluntary manslaughter of a child's sibling and related inchoate crimes the basis for termination of parental rights;

! Makes felony assault that results in serious bodily injury to the child or another child of the parent a basis for termination of parental rights;

! Requires a permanency planning hearing to be held no later than 12, rather than 18, months after the child has entered foster care;

! States that a child is deemed to have entered foster care at the time of the first judicial finding that the child has been subjected to child abuse or neglect or the date that is 60 days after the child was removed from his or her home, whichever is earlier;

! Directs the permanency planning hearing to occur no later than 30 days after a determination that an appropriate treatment plan cannot be devised;

! Specifies what the court findings shall include with respect to placement goals for the child;

! Changes focus of periodic reviews to the safety of the child;

! Requires the county department of social services or child placement agency to conduct a criminal background check of the prospective adoptive parent and directs the court to deny the final adoption decree if it determines that the prospective adoptive parent has been convicted of certain felony offenses.

Be it enacted by the General Assembly of the State of Colorado:

SECTION 1. 19-3-100.5, Colorado Revised Statutes, is amended to read:

19-3-100.5. Legislative declaration. (1) The general assembly hereby finds and declares that the stability and preservation of the families of this state and the safety and protection of children are matters of statewide concern. The general assembly finds that the federal "Adoption Assistance and Child Welfare Act of 1980", Federal Public Law 96-272, requires that each state

make a commitment to make "reasonable efforts" to prevent the placement of abused and neglected children out of the home and to reunify the family whenever appropriate.

(2) THE GENERAL ASSEMBLY FURTHER FINDS THAT THE FEDERAL "ADOPTION AND SAFE FAMILIES ACT OF 1997", FEDERAL PUBLIC LAW 105-89, CLARIFIES WHAT CONSTITUTES "REASONABLE EFFORTS" BY DECREERING THAT WHEN DECIDING WHETHER TO MAKE SUCH EFFORTS AND IN THE PROCESS OF MAKING SUCH EFFORTS, THE HEALTH AND SAFETY OF THE CHILD IS THE PARAMOUNT CONCERN. THIS FEDERAL LAW FURTHER ENCOURAGES EXPEDITING PERMANENCY PLANNING FOR CHILDREN IN OUT-OF-HOME PLACEMENT BY REMOVING BARRIERS TO PERMANENCY AND STREAMLINING ENTITLEMENT SERVICES. THE LAW SPECIFIES THAT ONE OF THE GOALS OF ALL PLACEMENT DECISIONS, WHETHER LEAVING THE CHILD IN THE HOME OR PLACING THE CHILD OUTSIDE THE HOME, IS SAFETY FOR THE CHILD.

(3) The general assembly further finds that the implementation of the federal "Adoption Assistance and Child Welfare Act of 1980", Federal Public Law 96-272, is not the exclusive responsibility of the state department of social services or of local departments of social services. Elected officials at the state and local levels must ensure that resources and services are available through state and local social services agencies and through the involvement of the resources of public and private sources. Judges, attorneys, and guardians ad litem must be encouraged to take independent responsibility to ensure that "reasonable efforts" TO PREVENT OUT-OF-HOME PLACEMENTS have been made ONLY WHEN APPROPRIATE, THAT PERMANENCY OCCURS FOR CHILDREN IN FOSTER CARE, AND THAT SAFE CHILD PLACEMENTS OCCUR in each case.

(4) Therefore, in order to carry out the requirements addressed in this section, and to decrease the need for out-of-home placement, the general assembly shall define "reasonable efforts" and identify the services and processes which THAT must be in place to ensure that "reasonable efforts" have been made. The general assembly shall provide that "reasonable efforts" are deemed to be met when a county or city and county provides services in accordance with section 19-3-208.

SECTION 2. 19-1-103 (89), Colorado Revised Statutes, is amended, and the said 19-1-103 is further amended BY THE ADDITION OF A NEW SUBSECTION, to read:

19-1-103. Definitions. As used in this title or in the specified portion of this title, unless the context otherwise requires:

(51.3) "FOSTER CARE" MEANS THE PLACEMENT OF A CHILD INTO THE LEGAL CUSTODY OR LEGAL AUTHORITY OF A COUNTY DEPARTMENT OF SOCIAL SERVICES FOR PHYSICAL PLACEMENT OF THE CHILD IS IN A CERTIFIED OR LICENSED FACILITY.

(89) "Reasonable efforts", as used in article 3 of this title, means the exercise of diligence and care throughout the state of Colorado for children who are in out-of-home placement, or are at imminent risk of out-of-home placement, to provide, purchase, or develop the supportive and rehabilitative services to the family that are required both to prevent unnecessary placement of children outside of such children's homes and to foster, whenever appropriate, the SAFE reunification of children with the families of such children. IN DETERMINING WHETHER REASONABLE EFFORTS ARE APPROPRIATE, AS DESCRIBED IN SECTION 19-3-208, AND IN MAKING SUCH REASONABLE EFFORTS, THE CHILD'S HEALTH AND SAFETY SHALL BE THE PARAMOUNT CONCERN. Services provided by a county or city and county in accordance with section 19-3-208 are deemed to meet the reasonable effort standard described in this subsection (89). Nothing in this subsection (89) shall be construed to conflict with federal law. SECTION 3. 19-3-203 (3), Colorado Revised Statutes, is amended to read:

19-3-203. Guardian ad litem. (3) The guardian ad litem shall be charged in general with the representation of the child's interests. To that end, the guardian ad litem shall make such further investigations as the guardian ad litem deems necessary to ascertain the facts and shall talk with or observe the child involved, examine and cross-examine witnesses in both the adjudicatory and dispositional hearings, introduce and examine the guardian ad litem's own witnesses, make recommendations to the court concerning the child's welfare, appeal matters to the court of appeals or the supreme court, and participate further in the proceedings to the degree necessary to adequately represent the child. In addition, the guardian ad litem, if in the best interest of the child, shall seek to assure that reasonable efforts are being made to prevent unnecessary placement of the child out of the home and to facilitate reunification of the child with the child's family. IN DETERMINING WHETHER SAID REASONABLE EFFORTS ARE MADE WITH RESPECT TO A CHILD, AND IN MAKING SUCH REASONABLE EFFORTS, THE CHILD'S HEALTH AND SAFETY SHALL BE THE PARAMOUNT CONCERN.

SECTION 4. 19-3-502, Colorado Revised Statutes, is amended BY THE ADDITION OF A NEW SUBSECTION to read:

19-3-502. Petition form and content - limitations on claims in dependency or neglect actions - notice. (7) THE COURT SHALL PROVIDE NOTICE OF ALL HEARINGS AND REVIEWS HELD REGARDING A CHILD TO FOSTER PARENTS, PREADOPTIVE PARENTS, OR RELATIVES PROVIDING CARE TO THE CHILD. SUCH PERSONS SHALL BE PROVIDED THE OPPORTUNITY TO BE HEARD AT SUCH HEARINGS AND REVIEWS. THE FOSTER PARENT, PREADOPTIVE PARENT, OR RELATIVE PROVIDING CARE TO A CHILD SHALL NOT BE MADE A PARTY TO THE ACTION FOR PURPOSES OF ANY HEARINGS OR REVIEWS SOLELY ON THE BASIS OF SUCH NOTICE AND OPPORTUNITY TO BE HEARD. NOTICE OF HEARINGS AND REVIEWS SHALL NOT REVEAL TO THE RESPONDENT PARENT OR OTHER RELATIVE THE ADDRESS, LAST NAME, OR OTHER SUCH IDENTIFYING INFORMATION REGARDING ANY PERSON PROVIDING CARE TO THE CHILD.

SECTION 5. 19-3-508 (1) (e) (I), Colorado Revised Statutes, is amended, and the said 19-3-508 is further amended BY THE ADDITION OF A NEW SUBSECTION, to read:

19-3-508. Neglected or dependent child - disposition - concurrent planning. (1) When a child has been adjudicated to be neglected or dependent, the court may enter a decree of disposition the same day, but in any event it shall do so within forty-five days unless the court finds that the best interests of the child will be served by granting a delay. In a county designated pursuant to section 19-1-123, if the child is under six years of age at the time a petition is filed in accordance with section 19-3-501 (2), the court shall enter a decree of disposition within thirty days after the adjudication and shall not grant a delay unless good cause is shown and unless the court finds that the best interests of the child will be served by granting the delay. It is the intent of the general assembly that the dispositional hearing be held on the same day as the adjudicatory hearing, whenever possible. If a delay is granted, the court shall set forth the reasons why a delay is necessary and the minimum amount of time needed to resolve the reasons for the delay and shall schedule the hearing at the earliest possible time following the delay. When the proposed disposition is termination of the parent-child legal relationship, the hearing on termination shall not be held on the same date as the adjudication, and the time limits set forth above for dispositional hearings shall not apply. When the proposed disposition is termination of the parent-child legal relationship, the court may continue the dispositional hearing to the earliest available date for hearing in accordance with the provisions of part 6 of this article. When the decree does not terminate the parent-child legal relationship, the court shall approve an appropriate treatment plan that shall include but not be limited to one or more of the following provisions of paragraphs (a) to (d) of this subsection (1):

(c) (I) Except where the proposed disposition is termination of the parent-child legal relationship, the court shall approve an appropriate treatment plan involving the child named and each respondent named and served in the action. However, the court may find that an appropriate treatment plan cannot be devised as to a particular respondent because the child has been abandoned as set forth in section 19-3-604 (1) (a) and the parents cannot be located, or because the child has been adjudicated as neglected or dependent based upon section 19-3-102 (2), or due to the unfitness of the parents as set forth in section 19-3-604 (1) (b). **WHEN THE COURT FINDS THAT AN APPROPRIATE TREATMENT PLAN CANNOT BE DEVISED, THE COURT SHALL CONDUCT A PERMANENCY PLANNING HEARING AS SET FORTH IN SECTION 19-3-702 (1).**

(7) EFFORTS TO PLACE A CHILD FOR ADOPTION OR WITH A LEGAL GUARDIAN MAY BE MADE CONCURRENTLY WITH REASONABLE EFFORTS TO PRESERVE AND REUNIFY THE FAMILY.

SECTION 6. 19-3-604 (1) (b), Colorado Revised Statutes, is amended, and the said 19-3-604 (1) is further amended BY THE ADDITION OF A NEW PARAGRAPH, to read:

19-3-604. Criteria for termination. (1) The court may order a termination of the parent-child legal relationship upon the finding by clear and convincing evidence of any one of the

following:

(b) That the child is adjudicated dependent or neglected and the court finds that no appropriate treatment plan can be devised to address the unfitness of the parent or parents. In making such a determination, the court shall find one of the following as the basis for unfitness:

(I) That the parent or parents have surrendered physical custody of the child for a period of six months or more and have not manifested during such period the firm intention to resume physical custody of the child or to make permanent legal arrangements for the care of the child except in cases when voluntary placement is renewable under section 19-3-701 (1);

(II) A single incident resulting in a ~~gravely disabling~~ SERIOUS BODILY injury or disfigurement of the child;

(III) Long-term confinement of the parent of such duration that the parent is not eligible for parole for at least six years after the date the child was adjudicated dependent or neglected or, in a county designated pursuant to section 19-1-123, if the child is under six years of age at the time a petition is filed in accordance with section 19-3-501 (2), the long-term confinement of the parent of such duration that the parent is not eligible for parole for at least thirty-six months after the date the child was adjudicated dependent or neglected and the court has found by clear and convincing evidence that no appropriate treatment plan can be devised to address the unfitness of the parent or parents;

(IV) ~~Gravely disabling~~ SERIOUS BODILY injury or death of a sibling due to proven parental abuse or neglect;

(V) An identifiable pattern of habitual abuse to which another child has been subjected and, as a result of which, a court has adjudicated another child as neglected or dependent based upon allegations of sexual or physical abuse, or a court of competent jurisdiction has determined that such abuse has caused the death of another child;

(VI) AN IDENTIFIABLE PATTERN OF SEXUAL ABUSE OF THE CHILD.

(d) THAT THE CHILD HAS BEEN IN FOSTER CARE UNDER THE RESPONSIBILITY OF THE COUNTY DEPARTMENT FOR FIFTEEN OF THE MOST RECENT TWENTY-TWO MONTHS, UNLESS:

(I) THE CHILD IS BEING CARED FOR BY A RELATIVE OF THE CHILD;

(II) THE COUNTY DEPARTMENT OR A STATE AGENCY HAS DOCUMENTED IN THE CASE PLAN, WHICH SHALL BE AVAILABLE FOR COURT REVIEW, A COMPELLING REASON FOR DETERMINING THAT FILING SUCH A PETITION WOULD NOT BE IN THE BEST INTERESTS OF THE CHILD; OR

(III) THE STATE HAS NOT MADE REASONABLE EFFORTS TO ASSURE THAT

SERVICES HAVE BEEN PROVIDED TO THE FAMILY AND CHILD FOR THE SAFE RETURN OF THE CHILD TO THE CHILD'S HOME.

SECTION 7. The introductory portion to 19-3-604 (2) and 19-3-604 (2) (d) and (2) (g), Colorado Revised Statutes, are amended, and the said 19-3-604 (2) is further amended BY THE ADDITION OF A NEW PARAGRAPH, to read:

19-3-604. Criteria for termination. (2) In determining unfitness, conduct, or condition for purposes of paragraph (c) of subsection (1) of this section, the court shall find that continuation of the legal relationship between parent and child is likely to result in grave risk of death or serious BODILY injury to the child or that the conduct or condition of the parent or parents renders the parent or parents unable or unwilling to give the child reasonable parental care to include, at a minimum, nurturing and safe parenting sufficiently adequate to meet the child's physical, emotional, and mental health needs and conditions. In making such determinations, the court shall consider, but not be limited to, the following:

(d) A single incident of life-threatening or ~~gravely disabling~~ SERIOUS BODILY injury or disfigurement of the child;

(g) Injury or death of a sibling due to proven parental abuse or neglect, MURDER, VOLUNTARY MANSLAUGHTER, OR CIRCUMSTANCES IN WHICH A PARENT AIDED, ABETTED, OR ATTEMPTED THE COMMISSION OF OR CONSPIRED OR SOLICITED TO COMMIT MURDER OF A CHILD'S SIBLING;

(j) WHETHER A PARENT COMMITTED FELONY ASSAULT THAT RESULTED IN SERIOUS BODILY INJURY TO THE CHILD OR TO ANOTHER CHILD OF THE PARENT.

SECTION 8. 19-5-105 (3.1) (a) (II), Colorado Revised Statutes, is amended to read:

19-5-105. Proceeding to terminate parent-child legal relationship. (3.1) The court may order the termination of the other birth parent's parental rights upon a finding that termination is in the best interests of the child and that there is clear and convincing evidence of one or more of the following:

(a) That the parent is unfit. In considering the fitness of the child's parent, the court shall consider, but shall not be limited to, the following:

(II) A single incident of life-threatening or ~~gravely disabling~~ SERIOUS BODILY injury or disfigurement of the child or other children;

SECTION 9. 19-3-702 (1), (3), (4), and (6), Colorado Revised Statutes, are amended to read:

19-3-702. Permanency planning hearing. (1) In order to provide stable permanent homes for children in as short a time as possible, a court on its own motion or upon motion brought by any

party shall conduct a permanency planning hearing if a child cannot be returned home under section 19-1-115 (4) (b) for the purpose of making a determination regarding the future status of the child. Such permanency planning hearing shall be held as soon as possible following the dispositional hearing but shall be held no later than ~~eighteen months after the original placement~~ **TWELVE MONTHS AFTER THE DATE THE CHILD IS CONSIDERED TO HAVE ENTERED FOSTER CARE** and from time to time as deemed necessary by the court; except that, in a county designated pursuant to section 19-1-123, if the child is under six years of age at the time a petition is filed in accordance with section 19-3-501 (2), such permanency planning hearing shall be held no later than three months after the decree of disposition of the child. A **CHILD SHALL BE CONSIDERED TO HAVE ENTERED FOSTER CARE ON THE DATE OF THE FIRST JUDICIAL FINDING THAT THE CHILD HAS BEEN SUBJECTED TO CHILD ABUSE OR NEGLECT OR THE DATE THAT IS SIXTY DAYS AFTER THE DATE ON WHICH THE CHILD WAS REMOVED FROM THE HOME, AS PROVIDED FOR IN SECTION 19-3-403 (2), WHICHEVER IS EARLIER. IF THE COURT FINDS THAT AN APPROPRIATE TREATMENT PLAN CANNOT BE DEvised AT A DISPOSITIONAL HEARING IN ACCORDANCE WITH SECTION 19-3-508 (1) (e) (I), THE PERMANENCY PLANNING HEARING SHALL BE HELD NO LATER THAN THIRTY DAYS AFTER SUCH DETERMINATION. WHERE POSSIBLE, the permanency planning hearing shall be combined with the six-month review as provided for in section 19-1-115 (4) (c).**

(3) Except as provided in subsection (2.5) of this section, at the permanency planning hearing, the court shall first determine whether the child ~~should~~ **SHALL** be returned to the child's parent or guardian, pursuant to section 19-1-115 (4) (b) **AND, IF APPLICABLE, THE DATE ON WHICH THE CHILD SHALL BE RETURNED.** If the child is not returned to the custody of the child's parent or guardian, the court shall determine whether there is a substantial probability that the child will be returned to the physical custody of the child's parent, guardian, or legal custodian within ~~six~~ months. If the court so determines, it shall set another review hearing for not more than six months, which shall be a permanency planning hearing.

(4) If the court determines that the child cannot be returned to the physical custody of such child's parent or guardian and that there is not a substantial probability that the child will be returned to the physical custody of such child's parent or guardian within six months, the court shall enter an order determining the future status or placement of the child. Any court order regarding future status or placement of a child out of the home shall include specific findings concerning the placement goal for the child. Such findings shall include a determination of whether the placement goal for the child is that the child be returned to the parent, ~~continue in foster care for a specified period, remain in foster care on a permanent or long-term basis because of special needs or circumstances, be placed for adoption, be placed in legal guardianship or guardianship of the person, or be considered for emancipation or independent living~~ **BE REFERRED FOR LEGAL GUARDIANSHIP, OR BE PLACED FOR ADOPTION, IN WHICH CASE THE COUNTY DEPARTMENT SHALL FILE A PETITION FOR TERMINATION OF PARENTAL RIGHTS. IN CASES IN WHICH THE COUNTY DEPARTMENT HAS DOCUMENTED TO THE COURT A COMPELLING REASON FOR**

DETERMINING THAT IT WOULD NOT BE IN THE BEST INTERESTS OF THE CHILD TO RETURN HOME, THE COURT'S FINDINGS SHALL INCLUDE A DETERMINATION OF WHETHER THE PLACEMENT GOAL FOR THE CHILD IS THAT THE CHILD BE REFERRED FOR TERMINATION OF PARENTAL RIGHTS, BE PLACED FOR ADOPTION, BE PLACED WITH A FIT AND WILLING RELATIVE, BE PLACED WITH A LEGAL GUARDIAN, OR BE PLACED IN ANOTHER PERMANENT LIVING ARRANGEMENT.

(6) Periodic reviews conducted by the court or, if there is no objection by any party to the action, in the court's discretion, through an administrative review conducted by the state department of human services, shall determine WHETHER THE CHILD'S SAFETY IS PROTECTED IN THE PLACEMENT, the continuing necessity for and appropriateness of the placement, the extent of compliance with the case plan, and the extent of progress which has been made toward alleviating or mitigating the causes necessitating placement in foster care and shall project a likely date by which the child may be returned to AND SAFELY MAINTAINED AT the home, placed for adoption, legal guardianship, or guardianship of the person, or be placed in another permanent SAFE placement setting.

SECTION 10. 19-5-207, Colorado Revised Statutes, is amended BY THE ADDITION OF A NEW SUBSECTION to read:

19-5-207. Written consent and report - criminal records check. (2.5) (a) IN ALL PETITIONS FOR ADOPTION, WHETHER BY THE COURT, THE COUNTY DEPARTMENT OF SOCIAL SERVICES, OR CHILD PLACEMENT AGENCIES, IN ADDITION TO THE WRITTEN REPORT DESCRIBED IN SUBSECTION (2) OF THIS SECTION, THE COURT SHALL REQUIRE EITHER THE COUNTY DEPARTMENT OF SOCIAL SERVICES OR THE CHILD PLACEMENT AGENCY TO CONDUCT A CRIMINAL RECORDS CHECK FOR ANY PROSPECTIVE ADOPTIVE PARENT AND TO REPORT TO THE COURT ANY CASE IN WHICH A RECORD CHECK REVEALS THAT THE PROSPECTIVE ADOPTIVE PARENT WAS CONVICTED AT ANY TIME OF FELONY CHILD ABUSE OR NEGLECT, SPOUSAL ABUSE, ANY CRIME AGAINST A CHILD, OR ANY CRIME INVOLVING VIOLENCE, RAPE, SEXUAL ASSAULT, OR HOMICIDE, EXCLUDING OTHER PHYSICAL ASSAULT OR BATTERY OR IF THE RECORD CHECK REVEALS THAT THE PROSPECTIVE ADOPTIVE PARENT WAS CONVICTED IN THE FIVE YEARS IMMEDIATELY PRECEDING THE ADOPTION OF FELONY PHYSICAL ASSAULT, BATTERY, OR A DRUG-RELATED OFFENSE.

(b) THE STATE BOARD OF HUMAN SERVICES SHALL PROMULGATE RULES SETTING FORTH THE PROCEDURES FOR THE CRIMINAL RECORDS CHECK DESCRIBED IN PARAGRAPH (a) OF THIS SUBSECTION (2.5).

SECTION 11. 19-5-207 (6), Colorado Revised Statutes, is amended to read:

19-5-207. Written consent and report. (6) The department shall establish rules and regulations that provide for county departments of social services to charge a fee, not to exceed

five hundred dollars in the case of a first adoption and not to exceed two hundred fifty dollars for a second or subsequent adoption by the same party or parties, for reports, and investigations, AND CRIMINAL RECORDS CHECKS provided in accordance with this article.

SECTION 12. 19-5-210 (2) and (4), Colorado Revised Statutes, are amended to read:

19-5-210. Hearing on petition. (2) No sooner than six months after the date of the placement, unless for good cause shown that time is extended or shortened by the court, the court shall hold a hearing on the petition and shall enter a decree setting forth its findings and grant to the petitioner a final decree of adoption if it is satisfied as to:

(a) The availability of the child for adoption;

(b) The good moral character, the ability to support and educate the child, and the suitability of the home of the person adopting such child;

(b.5) THE CRIMINAL RECORDS CHECK OF THE PROSPECTIVE ADOPTIVE PARENT AS REPORTED TO THE COURT BY THE COUNTY DEPARTMENT OF SOCIAL SERVICES OR THE CHILD PLACEMENT AGENCY PURSUANT TO SECTION 19-5-207 (2.5) DOES NOT REVEAL A CRIMINAL HISTORY DESCRIBED IN 19-5-207 (2.5) (a);

(c) The mental and physical condition of the child as a proper subject for adoption in said home; and

(d) The fact that the best interests of the child will be served by the adoption.

(4) If, after the hearing, the court is not satisfied as to the matters listed in subsection (2) of this section, the petition for adoption may be either continued or dismissed in the discretion of the court. IF THE COURT DETERMINES THAT THE PROSPECTIVE ADOPTIVE PARENT WAS CONVICTED AT ANY TIME BY A COURT OF COMPETENT JURISDICTION OF FELONY CHILD ABUSE OR NEGLECT, SPOUSAL ABUSE, ANY CRIME AGAINST A CHILD, OR ANY CRIME INVOLVING VIOLENCE, RAPE, SEXUAL ASSAULT, OR HOMICIDE, EXCLUDING OTHER PHYSICAL ASSAULT OR BATTERY OR IF THE COURT DETERMINES THAT THE PROSPECTIVE ADOPTIVE PARENT WAS CONVICTED SOMETIME DURING THE FIVE YEARS IMMEDIATELY PRECEDING THE ADOPTION OF FELONY PHYSICAL ASSAULT, BATTERY, OR A DRUG-RELATED OFFENSE, THEN THE COURT SHALL NOT GRANT THE DECREE OF FINAL ADOPTION.

SECTION 13. Effective date - applicability. This act shall take effect July 1, 1998, and shall apply to causes of action commenced on or after said date.

SECTION 14. Safety clause. The general assembly hereby finds, determines, and declares that this act is necessary for the immediate preservation of the public peace, health, and safety.



ALASKA STATE LEGISLATURE

Please enter into the record my testimony to the HOUSE H.E.S.S.
 Committee on HB 375 Committee Name Dated 3-12-98
Bill / Subject

MY TESTIMONY WAS CENSORED BY CHAIRMAN CON BUNDE, SO THAT PROPONENTS OF HB 375 WOULD BE PREDOMINANT; AND, TODAY, FAVORABLE TESTIMONY HAS BEEN MARSHALLED FROM AMONG AGENCIES AND SEVERAL OTHER SPECIAL INTERESTS.

I HAVE NOTED CENSORSHIP ON THE PUBLIC HEARING SIGNUP LIST.

SIGNED:

Scott Trafford Calder
 Testifier

SCOTT TRAFFORD CALDER
 Representing

P.O. 75011 FBKS 99707/474-0174
 Address / Phone Number

Alaska State Legislature

Please enter into the record my testimony to the HESSE Committee
 committee on 375 / (committee name)
 bill/subject dated _____

I urge you to support this bill
for all Alaskan children. I have been a
foster parent for over 20 years and
strongly support a permanent plan be
implemented after 12 months instead
of the 18 months now in place. Too many
of these kids are ~~long~~ lingering in foster
care. These kids deserve a permanent
home and parents and social workers need
to be held responsible. I also am on
the review board as a community representative
I have seen children remain in foster care
for many years - often too long to be able
to be placed for adoption. I am now seeing
infants I had many years ^{as emergency placement} ago now in the
criminal system. We need to prevent this cycle.

Signed:

Jacquie O'Sullivan Phone: 225-4378

Foster Parent & Adoptive Parent

Representing (Optional)

1758 - 15th Ave.

Address Ketchikan

Fax transmitted from Ketchikan Legislative Information Office
 Phone: 225-9675 Fax: 225-8546

Palmer Junior Middle School

1159 S. Chugach, Palmer, Alaska 99645
Phone 745-3812 745-3028
Fax 907-745-4833
George Troxel, Principal
Phil Milton, Assistant Principal

3/12/98

To Whom it May Concern:

I would like to show my support for the Division of Youth and Family Services and the Child Protective Services.

Since 1980, the population of the Mat-Su Valley has increased 400% with no increase in staffing to support children's safety.

With over 1400 reports of possible child abuse or neglect - investigations can only be done on about 600 - less than 50%.

This program is an invaluable part of the child safety net in the valley. Without the ability to investigate and act on findings - our children will be at risk.

Shelley W. Milton ED
school nurse

P O Box 871631
Wasilla 99687-1631
746-1674



Alaska State Legislature

Please enter into the record my testimony to the House HESS
committee name

committee on HB #375 . dated March 12, '98
bill/subject

Thank-you for this opportunity to speak.
My concern is with sec. 11, on page 9 which "criminalizes non-payment in the first degree for a parent under a support order (sec. 11(b)), and sec. 12, on page 10, which "criminalizes in the second degree for non-support of a support order with arrearages over \$10,000. Our jails are already full; so why should we criminalize more non-custodial parents for non-payment. Please delete sec. 11 & 12 as these are not detailed enough & would probably be "misconstructed" & criminalize an innocent parent. These sec. 11 & 12 do not belong in this bill. Please delete sec. 11 & 12 from this Bill.

Please read seriously read Marci Schmidt's letter relating to Public Law 105-89. We believe that this bill ~~was~~ ^{was} written according to Public Law 105-89, but does a very poor job, & is so vague.

Signed: _____

Testifier

"Parents United for Custodial Justice"

Representing (Optional)

P.O. Box 2402, Palmer, AK 99645

Address

746-2863

Phone No.

TO: House Health, Education and Social Services Committee
 From: Mary Lou Canney
 re: HB 375, before the House HESS Committee, March 12, 1998

I would like to relate a story about my sister-in-law who lives in Holy Cross, Ak. Two Thanksgivings ago she spent the day with us because she was staying at an alcohol treatment center in Fairbanks. She was sort of proud of herself because she was moving along in her program and was looking forward to going back to Holy Cross soon. She told me that she was almost finished with her "phrases" and then she would be finished. I asked her what the "phrases" were. She said that after she talked to her counselor she wrote phrases on paper to answer questions.

Two days later she called to say that she was kicked out of the program, and could she stay with us for a day until she could get a flight home. I asked why she was kicked out and she didn't know. She let me talk to her counselor. The counselor said that she had not moved from the second phase in a timely manner. I asked the counselor if she realized that my sister-in-law did not understand the program, did not even understand that there were Phases and not "phrases". It is disturbing to me that the counselor did not pick up on this basic fact! This is more disturbing than the fact that the woman from Holy Cross had not understood the program.

Can you terminate someone's rights when the treatment has been innappropriate and ineffective? Actually it did more harm than good because it was another failure for the client.

I am not a radical parents rights advocate. I fall on the side of the child.

I do not believe in having children in foster homes for years. But I also know we do not have a system that can support the families to get back on track. I often get calls from foster parents who are referring to the child as "possible foster adopt" when the child has just been taken away from the parents. I would not like to see them give up on me immediately and I'm sure you wouldn't either.

I hope that DFYS can put the following in place:

Professional foster homes that are trained to work with the families aggressively and immediately to get the children back in the home. This would mean foster homes that were paid well enough to do this as a job. Supports that include respite, transportation, parenting, support groups, in home visiting and meeting basic needs.

Social workers that are trained to have the view that the child belongs with the parent and the sooner the better and the expertise to make it happen.

As a person who has been sober for 14 years I can tell you that support is the only thing that will work. I often say that having a car and a high school diploma made the difference between my success and someone else's failure.

We don't have enough foster homes for the amount of children that this bill is talking about. Aside from the fact that the children will be loyal to their parents. It is something that you can't take away from these children. And it is worse if they are FAS or FAE because loyalty is one of their biggest traits. **We should look honestly and realistically at the homes and realize that some parents will never be able to be the full time care giver for their child. This is true for a lot of parents who are FAS or FAE themselves.** They have value for their children but will need open adoptions or some kind of supported living to remain part of their child's life.

These are very difficult issues that are being looked at. I am glad that DFYS is there and does the hard job that they do. As a family advocate at Head Start I was glad they were there to step in when needed. I know that they save lives even though it only hits the newspaper when there is a death. I appreciate their honesty when they reviewed their department this year.

Thank You.

Mary Lou Canney

1-888-456 6770



Alaska State Legislature

Please enter into the record my testimony to the HES Committee
committee name
 committee on HB 375 , dated March 12, 1998 .
bill/subject

Dear Representatives:

I urge you separate the foster care language from the crimes against children portion. We need RL 105-89 implemented desperately. The two areas combine will leave chaos in its path. Please divide so we can review the criminal sections and adhere to the federal sections

Signed: Marc Schmitt
Testifier

Representing (Optional)
2040 Wasilla Fishhook Rd Wasilla 99654
Address

907-357-3618
Phone No.

AMENDMENT

OFFERED IN THE HOUSE

BY Brice

TO: HB 375

1 Page 4, line 4:

2 Following "(A)":

3 Insert "Matter of J.L.F., 912 P.2d 1255 (Alaska 1996)."

4 Following "In Re S.A., 912 P.2d 1235 (Alaska 1996)"

5 Insert ","

6 Page 8, line 6, following "not present, and"

7 Insert "knowing"

8 Page 10, lines 5 - 7:

9 Delete all material

10 Insert "(2) the person

11 (A) is required to make payments by a support order issued under

12 AS 25.27;

13 (B) without lawful excuse fails to make payments as required by the

14 order; and

15 (C) owes over \$10,000 in support under the order."

16 Page 11, lines 29 - 30:

17 Delete all material

18 Insert "(2) the next working day following [SEVEN DAYS OF] conviction for a sex

19 offense if the sex offender is not incarcerated at the time of conviction [SENTENCED TO

20 A TERM OF INCARCERATION]; or

21 Page 23, line 10, following "substances;":

1 Insert "if a court has found that a child is a child in need of aid under this paragraph."

2 Page 23, line 11, following "custodian":

3 Delete ","

4 Page 23, line 11, following "rehabilitation":

5 Delete "or"

6 Page 23, line 12:

7 Delete "a period of abstinence."

8 Page 23, line 13:

9 Delete "paragraph:"

10 Insert "paragraph, but only if the resumption of use occurs within one year after
11 rehabilitation is terminated:"

12 Page 23, line 20, following "Abandonment.":

13 Insert "(a)"

14 Page 24, following line 15:

15 Insert "(b) In this section, "justifiable cause" includes conduct or an omission by a
16 domestic violence victim to protect that victim or a child in that victim's care from further
17 acts of domestic violence."

18 Page 29, lines 13 - 15:

19 Delete "AS 47.10.142(c) or is committed to the custody of the department under (c)(1)
20 or (3) of this section or AS 47.14.100(c)"

21 Insert "AS 47.10.142(c) OR COMMITTED TO THE CUSTODY OF THE
22 DEPARTMENT UNDER (c)(1) OR (3) OF THIS SECTION OR AS 47.14.100(c)"]"

1 Page 43, following line 24:

2 Insert a new bill section to read:

3 **** Sec. 56.** AS 47.17.020 is amended by adding new subsections to read:

4 (h) This section does not require a person required to report child abuse or
5 neglect under (a)(7) of this section to report emotional harm to a child as a result of
6 exposure to domestic violence as described in AS 47.10.011(a)(8) so long as the
7 person has reasonable cause to believe that the child is in safe and appropriate care and
8 not presently in danger of emotional harm as a result of exposure to domestic violence.

9 (i) This section does not require a person required to report child abuse or
10 neglect under (a)(8) of this section to report the resumption of use of drugs or
11 intoxicants or of a controlled substance as described in AS 47.10.011(a)(10) so long
12 as the person does not have reasonable cause to suspect that a child has suffered harm
13 as a result of the resumption."

14 Renumber the following bill sections accordingly.

15 Page 44, following line 8:

16 Insert a new bill section to read:

17 **** Sec. 59.** AS 47.17.035(b) is amended to read:

18 (b) If the department determines in an investigation of abuse or neglect of a
19 child that

20 (1) the child is in danger because of domestic violence or that the child
21 needs protection as a result of the presence of domestic violence in the family, the
22 department shall take appropriate steps for the protection of the child; in this
23 paragraph, "appropriate steps" include

24 (A) reasonable efforts to protect the child and prevent the
25 removal of the child from the parent or guardian who is not a domestic
26 violence offender;

27 (B) reasonable efforts to remove the alleged domestic
28 violence offender from the child's residence if it is determined that the

1 child or another family or household member is in danger of domestic
2 violence; and

3 (C) services to help protect the child from being placed or
4 having unsupervised visitation with the domestic violence offender until the
5 department determines that the offender has met conditions considered
6 necessary by the department to protect the safety of the domestic violence
7 victim and household members;

8 (2) a person is the victim of domestic violence, the department shall
9 provide the victim with a written notice of the rights of and services available to
10 victims of domestic violence that is substantially similar to the notice provided to
11 victims of domestic violence under AS 18.65.520."

12 Renumber the following bill sections accordingly.

13 Page 44, line 31, following "each person":

14 Insert "older than 16 years of age"

15 Page 48, line 2:

16 Delete "sec. 64"

17 Insert "sec. 66"

18 Page 48, line 9:

19 Delete "sec. 66"

20 Insert "sec. 68"

21 Page 48, line 15:

22 Delete "sec. 68"

23 Insert "sec. 70"

24 Page 48, line 20:

1 Delete "sec. 70"

2 Insert "sec. 72"

3 Page 48, line 25:

4 Delete "sec. 72"

5 Insert "sec. 74"

6 Page 48, line 31:

7 Delete "sec. 74"

8 Insert "sec. 76"

9 Page 49, line 9:

10 Delete "sec. 76"

11 Insert "sec. 78"

APR-01-1996 10:24

GLN LIO

19878225591 P.01



Alaska State Legislature

Please enter into the record my testimony to the HOUSE HESS COMMITTEE
committee name
 committee on HB 375 , dated 3-20-98
bill/subject

1 page from Anchorage Daily News
 dated March 16, 1998

Signed: Walter Struthers
Testifier
GUARDIANS of Family Rights
Representing (Optional)
Box 2246
Address
235-2809
Phone No

WHAT'S HAPPENING: Meet

MONDAY, March 16, 1998



LYNNE CURRY

Fired worker is threat

Question: We just fired a counselor for back-handing a child in his care. This guy has quite a temper and needless to say the firing interview scene wasn't pretty. His parting shot was we'd rue the day we fired him and he'd pay us back if we didn't give him a positive reference when he went for a better job. We assured him that we'd say only positive things about him and that I'd write him a positive letter of reference. I'm concerned because he told me he'd come back tomorrow to pick it up.

Answer: Rue the day how? Is this man violent? If so, you'll want to take precautions such as contacting the police and temporarily retaining a security guard if you feel this man might return to your work site and harm managers, employees or children.

Next, visit an attorney and learn the legal issues that affect any reference comments you give concerning your former employee. You risk legal consequences if you give a favorable recommendation for an employee dismissed for violence on the job. If he becomes violent while working for an employer who hires him based on your reference, anyone he hurts can sue you.

Because your former employee apparently works in jobs in which he deals with children, you need to exercise special care. In *Randi W vs Livingston Union School District*, the school hired an administrator based on excellent references from three former employers. What these prior employers

Please see Page F-4. CURRY

Continued from Page F-1

failed to mention was they'd each dismissed this administrator for sexual misconduct. When the administrator molested a 13-year-old student in his office, the student's family sued each of the former employers. Court rulings found each former employer liable for fraud and misrepresentation. In addition to these legal concerns, how will you feel if your former employee hurts a child he encounters in his next job?



Alaska State Legislature

Please enter into the record my testimony to the House HESS
 committee name
 committee on HB# 375, dated March 20th '98.
 bill/subject

HB# 375 - Scrap the bill.

It would take an ~~immense~~ ^{pernicious} amount of
 fixing in order for this bill to become
 more inline with the Federal Adoption & Safe
 Families Act of 1997, for which, I understand,
 this bill was intended to be written under. It
 appears to me that families, safe families, &
 adoption only should be on this bill & Not the
 sections for criminalizing non-parental child-
 support, a Not my community etc. Please refer to
 Marc Schmidt's letter sent / faxed on March 12th.

Signed: Carol Palmer

Testifier

myself & "Parents United for Constitutional Justice"
 Representing (Optional)

1900 Box 24002, Palmer, AK 99645
 Address

(907) 746 2863
 Phone No.



Alaska State Legislature

Please enter into the record my testimony to the House Health, Education & Social Services committee name

committee on HB 375 dated 3-20-98
bill/subject

3 pages

Signed Carrie McKee
Testifier

self
Representing (Optional)

Po Box 2246, Homer, AK 99603
Address

Phone No

①

We the undersigned residents of this state of Alaska, intimately know the family lifestyle of Carrie Mckee and her upbringing of her 6 children. We feel that the actions and allegations perpetrated against Carrie Mckee, and the unwarranted removal of her children from her home are highly illegal, and in itself destructive to this family. We demand that the Mckee children be returned to their home with their mother immediately and the person and/or persons involved in this illegal and unwarranted action be investigated and held accountable for their violations and the damage that has been done to Carrie Mckee and all 6 of her children.

NAME	ADDRESS	PHONE
Charlotte Bradford	P.O. Box 940271 Houston	892-2082
Joni [unclear]	P.O. Box 678933 Wasilla, AK	9987
Margaret E. Nelson	P.O. Box 521585 Big Lake	99652
Betty Lowe	P.O. Box 877622 Wasilla AK	99687
Ernie G. Gumbo	P.O. Box 407 Palmer AK	99645
Virginia Williams	P.O. Box 976507 Wasilla AK	746-3676
Matt Overt	P.O. Box 521131 Big Lake	376-3132
John J. [unclear]	376-4476	
Patricia Kay [unclear]	746-5251 (Palmer)	
[unclear]	10 [unclear] Big Lake	746-7722
[unclear]	115 572 [unclear]	none
Don J. [unclear]	52 Box 228 TALKNA TON AK	733-1416
Lisa [unclear]	32 728 TPA, AK	733-1416
Amy [unclear]	P.O. Box 878323 Wasilla, AK	99687-779 373-5615
JERRY NELSON	P.O. Box 521585 Big Lake	99652
E. [unclear]	Box 1027 PALMER AK	99645
Doug Anderson	P.O. Box 521585 Big Lake	N/A
Dona Wilson	P.O. Box 872213 WAS AK	
Theresa [unclear]	P.O. Box 240272 Houston AK	
Frank [unclear]	P.O. 873462 Wasilla AK	
Shirley G. [unclear]	P.O. Box 520016 Big Lake AK	
Deborah L. [unclear]	P.O. Box 3684 Palmer AK	
Doreen [unclear]	P.O. Box 521585 Big Lake AK	
Joe [unclear]	P.O. Box 975137 Wasilla AK	658-95
Robert [unclear]	Box 520964 Big Lake, AK	99652
[unclear]	Big Lake, AK	99652
Shirley [unclear]	P.O. Box 873252 Wasilla AK	

We the undersigned residents of this state of Alaska, intimately know the family lifestyle of Carrie Mckee and her upbringing of her 6 children. We feel that the actions and allegations perpetrated against Carrie Mckee, and the unwarranted removal of her children from her home are highly illegal, and in itself destructive to this family. We demand that the McKee children be returned to their home with their mother immediately and the person and/or persons involved in this illegal and unwarranted action be investigated and held accountable for their violations and the damage that has been done to Carrie Mckee and all 6 of her children.

NAME	ADDRESS	PHONE
Robert & Margaret	P.O. Box 520249 Big Lake AK 99622	892-6515
Tom R. Hudon	P.O. Box 391 Houston AK 99694	
David Lee	P.O. Box 990271 Houston, AK 99694	892-7082
W. Blodgett	P.O. Box 873614 Wasilla AK	2687-273-5866
W. Blodgett	P.O. Box 873614 Wasilla, AK 99687	376-5281
Mr. Bruce Masterson	P.O. Box 52142 Big Lake, AK	892-6761
Lee M. Shea	12100 Gregory Ave AK	345-9342
Lynne A. Miller	P.O. Box 873855 Wasilla AK 99687	746-2457
Chae Futsen	P.O. Box 3693 Wasilla, AK 99687	376-2915
Marilyn Reed	P.O. Box 871427 Wasilla AK 99687	376-2799
Bob Barton Blodgett	P.O. Box 8643 Palmer AK 99645	376-7905
Miss Lynn	275 1/2 rd. Ni	376-2024
Robert W. Cooksey	P.O. Box 875601, WASILLA	373-5701
Charles Katigoff	H.C. 30 Box 12850 Wasilla	376-1037 message
Eucimira S. D. Jai	P.O. Box 3684 Palmer, AK	746-5077
Clyde A. Rogers	P.O. Box 872765 Wasilla AK	746-1326
Patricia Blodgett	P.O. Box 873614 Wasilla AK	373-5866
Elizabeth Jankowski	1830 S. Ina. Hwy STE 457 Anchorage 99504	376-4458
Phonnie L. Smith	1820 S. Ina. Hwy STE 457 Anchorage 99504	376-2188
Bill Nilsen	Box 872969 Was. AK 99687	373-2535
John C. Hendrick	P.O. Box 520187 Big Lake	772-3670
R. Lee Hendricks	P.O. Box 520187 Big Lake	11 11
Nancy Deason	335 S. Cobb St Palmer, AK 99645	746-3013
Public Lums	H.C. 32 Box 6872 Wasilla, AK 99684	376-5460
Pete Harvey	P.O. Box 874827 Wasilla AK 99687	376-3352
Sherry Leo	P.O. Box 876514 Wasilla AK 99687	892-7940
George Devenari	P.O. Box 100342 Anchorage AK 99510	745-5660

FISCAL NOTE

STATE OF ALASKA
1998 LEGISLATIVE SESSION

BILL NO. HB 375

Revision Date: _____ Dept. Affected: Alaska Court System
 Title: An Act relating to children in need of BRU: Trib. Courts
aid matters & proceedings Component: _____
 Sponsor: Rules Committee
 Requestor: Governor COMPONENT SERIAL NO. 788

Expenditures/Revenue		(Thousands of Dollars)					
OPERATING EXPENDITURES	FY 99	FY 00	FY 01	FY 02	FY 03	FY 04	
PERSONAL SERVICES	141.2	141.2	141.2	97.6	97.6	97.6	
TRAVEL	5.0	5.0	5.0	5.0	5.0	5.0	
CONTRACTUAL							
SUPPLIES	5.0	5.0	5.0	5.0	5.0	5.0	
EQUIPMENT							
LAND & STRUCTURES							
GRANTS & CLAIMS							
MISCELLANEOUS							
TOTAL OPERATING	151.2	151.2	151.2	107.6	107.6	107.6	

CAPITAL EXPENDITURES						
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CHANGE IN REVENUES ()						
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Fund Source		(Thousands of Dollars)					
1002 Federal Receipts							
1003 GF Match							
1004 GF	151.2	151.2	151.2	107.6	107.6	107.6	
1006 GF/Program Receipts							
1037 GF/Mental Health							
Other							
TOTAL	151.2	151.2	151.2	107.6	107.6	107.6	

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

Positions							
Full-Time	3	3	3	3	3	3	
Part-Time	2	2	2				
Temporary							

ANALYSIS: (Attach a separate page if necessary)

See attached analysis.

Prepared by: C. S. Christensen III, General Counsel *CS* Phone: 264-8228
 Agency: Alaska Court System Date: 03/19/98
 Approved by: Stephanie J. Cole, Administrative Director *SJC* Date: 03/19/98
 Agency: Alaska Court System

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Alaska Court System**Fiscal Analysis****HB 376****FUNDING OVERVIEW**

This fiscal note reflects only the costs of implementing this legislation. This legislation forms a part of a multifaceted effort by the Executive Branch to improve the child protection legal system. The court system recognizes the anticipated impact in three separate but related funding requests. The court's FY 99 operating budget request includes an increment for \$386,500 which reflects the impact on the judicial system of the Governor's Smart Start children's initiative. This proposed increment was based on the Department of Law's budget request for 8 additional child protection attorneys. In a related supplemental budget request, the court system is seeking \$84,000 for judicial staff, courtroom support staff and travel funds to deal with the new emphasis on processing adoptions of children in foster care. Finally, the court is requesting \$151,200 via this fiscal note for the impact of this legislation. Please note that the supplemental budget request duplicates portions of the FY 99 operating budget request and the fiscal note. The schedule below summarizes our funding requests.

	<u>Funding Requested in</u>		
	<u>Operating Budget</u>	<u>Fiscal Note</u>	<u>FY 98 Supple- mental*</u> <i>(Duplicate funding in operating & budget & FY request)</i>
<u>Personal Services</u>			
Pro Tem Superior Court Judge, Anchorage, PPT, 12 months	\$ 87,000		\$ 84,300
Family Court Master, Anchorage, 24A, PFT, 12 months	84,700		
Family Court Master, Fairbanks, 24A, PFT, 12 months	96,000		
In-Court Clerk, Anchorage, 12A, PFT, 12 months (support to judge & master)	40,600		24,700
In-Court Clerk, Anchorage, 12A, PFT, 12 months (support to judge & master)	20,300	20,300	
In-Court Clerk, Fairbanks, 12A, PFT, 12 months (support to judge & master)	45,400		
Pro Tem Superior Court Judge, Fairbanks, PPT, 4 months		27,000	
Pro Tem Superior Court Judge, Juneau, PPT, 2.5 months		16,700	
Court Clerk II, Anchorage, 10A, PFT, 12 months		38,600	
Court Clerk II, Fairbanks, 10A, PFT, 12 months		40,600	
Total Personal Services	374,000	141,200	79,000
Travel		5,000	5,000
Supplies		5,000	
Equipment	12,600		
	\$ 386,600	\$ 151,200	\$ 84,000

* The FY 98 Supplemental budget request covers a 15-month period: 3 months in FY 98 and 12 months in FY 99.

FISCAL NOTE***Incremental costs of HB 376 only***

The court's fiscal note is based on information from the Department of Law and the Division of Family and Youth Services. According to this information, the courts are experiencing a dramatic increase in child in need of aid (CINA) cases and can expect additional work as a backlog of cases for children in foster care is processed. This workload will severely impact both the judicial and clerical resources of the court. It is anticipated that the increase in CINA cases will have a long-term impact while the impact from processing the backlog of cases is expected to end after three fiscal years. The

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court plans to use pro tem superior court judges to handle the judicial workload. Permanent judges would actually be assigned to the CINA cases and the pro tem judges would assume their existing non-CINA workloads. The Department of Law estimates that there is a backlog of 450 cases, which require a petition for termination of parental rights. The court has assumed that 75% of these petitions will result in a trial. Each trial is estimated to last 2 1/2 days. The judicial staffing assumes that 1/3 of the backlogged cases will be processed in each of the next 3 fiscal years. A small amount of time has been added to the estimated judicial time to accommodate travel to courts outside the assigned location.

Personal Services

<u>Position</u>	<u>Salary</u>	<u>Benefits</u>	<u>Total</u>
Pro Tem Superior Court Judge, Fairbanks, PPT, 4 months (FY 99 - FY 01 only)	19,378	7,650	27,029
Pro Tem Superior Court Judge, Juneau, PPT, 2.5 months (FY 99 - FY 01 only)	11,944	4,715	16,659
In-Court Clerk, Anchorage, 12A, PFT, 12 months (support to judge & master)	14,468	5,845	20,311
Court Clerk II, Anchorage, 10A, PFT, 12 months	25,844	10,978	36,822
Court Clerk II, Fairbanks, 10A, PFT, 12 months	28,932	11,691	40,623

Total Personal Services

141,244

Travel

Travel to other courts to process caseload

5,000

Supplies

Case processing supplies and supplies for new positions

5,000

Estimated total cost

\$ 151,244

March 17, 1998

To the people of Alaska:

To Governor Tony Knowles:

To my state legislators and committee members:

I am writing this letter in response to the proposed bills regarding the protection of children that are before us. We must take a serious hard look at these before we proceed with any of them. Many of these laws are mandated or tied to federal funds. If we don't pass the laws the federal government wants then we won't get the federal money for these programs. What we want for Alaska and what the federal government wants for Alaska are not always the same. Lets not let federal money dictate to us how we want Alaska's families taken care of. I would like to caution you about a few major problems that have occurred in other states with similar laws on the books.

My aim first and foremost is the PROTECTION OF CHILDREN AND FAMILIES.

All child protection laws should be written not to intervene and separate families. These laws must do there best to maintain the family integrity and provide services to the family and children.

Too many times I have seen children removed from their homes against their will, and against the will of their parents and family without regard to how damaging the result of this removal is.

One of the most severe types of abuse that can be perpetrated against a child and family comes from the state. The act of removing a child from his(her) home and placing that child in foster care is simply devastating and can cause severe emotional distress and long lasting emotional problems. There is also the problem of that child's safety outside of his(her) parents custody.

A foster parent is no better then a natural parent when you look at a cross section of society. There are just as many children abused by foster parents as by natural parents. Taking children out of there homes and placing them in foster care is not the answer. It also further damages the child by placing him(her) in the company of other abused children. Removing a child from his(her) home should be a last resort and should take into account what the child wishes. There must always be clear and convincing evidence that child abuse has occurred.

Too often children services decide for the children and their families what is best for them. The judges are basically powerless in these situations to do anything because if they intervene and leave the child with his parents and something does occur then the judge becomes the person responsible for the abuse. No judge is willing to take that chance, thus the children services people become the judge and jury in these cases. Even if the judge feels there is probably no abuse he will often rule on the side of children services just to protect himself.

The child can be separated from his(her) family for many months while the state delays the case. Thus causing further severe child abuse in the form of separation of a child from there family. These cases often take many months or years to be completed due to delays caused by the prosecution. Thus the idea of severing parental rights after 1 year of

foster care is further abuse by the state. Normal families can have their lives completely destroyed in a matter of months. Their homes lost, their jobs or business lost and their life savings drained in a very short time trying to protect themselves and their children from the state.

Whatever the laws read, there must be clear and convincing evidence that a crime has occurred before children can be removed from a home. The only exception to this rule should be when the child themselves requests separation from a parent. Even with this it must be clear that this is what the child really wants. Often times a child would rather be placed in the care of a Grandparent, Aunt or Uncle or older sibling. Almost no child wants the state to come into their family and remove them and their siblings and place them in foster care.

We have many laws already to protect children. We arrest the abusers. Children placed in foster care often feel they are the one that are being arrested and punished. One needs to take into account the fact that removing a child from his(her) home in a non-abusive situation is just as abusive as leaving the child in a bad situation.

All too often states take children out of homes while they try to make a case. These people have no regard as to how the child or parents feel. Removing a child from his(her) home should be a last resort not a first act of protection or prevention. If a child must be removed from his(her) family then the agency in charge of doing this should have to prove with clear and convincing evidence that there is a problem. If they remove a child needlessly then the agency responsible should be held accountable. Workers who routinely remove children needlessly should be able to be prosecuted just as a child abuser is prosecuted.

Children Services should be held accountable for their action as the public is placing their trust of our children in their hands. All too often children and families are abused needlessly by the state because of the possibility that there may be a problem. This country is based on the promise that all people are innocent until proven guilty. This must hold true in the case of children also. Keep in mind that children are protected by these laws also and if they request help they should be given this help. This could also include removal from an abusive family. But there must be clear and convincing evidence that a crime has occurred.

Another problem with bills in other states is the ability of the State to remove a child from his school and have them taken to a doctor. Up front this sounds fine but when you look closely at this practice you realize what kind of power this puts in the hands of the state children services division. Think of this: Every day when you send your child to school you have to face the real life fear that your child may be removed by force from his(her) school against their will and taken to a doctor of the state's choosing not your own. Forget about the laws that say you decide where your children go to see a doctor. The state decides in this case who the child is going to see.

During these doctor exams these children are subject to pelvic and anal exams, video taped during their exams and asked leading sexual questions in a Gestapo type interview. Often non-medical people are present during these exams and a multitude of medical people are standing around while the child is left lying on a bed. Examinations which can be most embarrassing and intrusive to adults are even more painful and emotionally upsetting to a child. The pain and emotional abuse caused by these exams on children without their parents at their side can be devastating and stay with them for the

rest of their lives. Parents should not have to fear every day when they send their children to school that this can happen to them.

You say this could not happen to my child listen to how it can:

A husband and wife are separating. The wife is afraid the father will seek custody of the children. She does not want this so she calls DYS to complain of sexual abuse, thinking he will never get custody. She is right he won't. Even an accusation, even if it is never proved is enough to prevent a judge from ever giving this father custody. In the mean time however the children will be removed from their home or school, examined by doctors and maybe placed in foster care while the state decides if there is enough evidence to proceed.

During this time the father will be forbidden any contact with his children. This includes letters, phone calls, and even supervised contact with his children. The father from this day forward will always be assumed guilty of abusing his children. It is up to the father to prove he is innocent rather than the wife to prove he is guilty.

This can also occur when a brother in law, mother in law or some one else is trying to separate a husband and wife. (boyfriends, girlfriends etc.) . This type of complaint from an outside person such as a girlfriend, almost always causes the state to remove all of the children from the home. The state thinks the mother maybe a party to the abuse. This type of false accusation can cost a family their jobs, homes and upwards of \$100,000 in a few very short weeks or months. It can also cause severe emotional abuse for the children and parents. Many times these kind of cases end in suicide. Often times there is protection written into the law for these people to protect them from being sued for slander. Anyone who charges someone else should realize the seriousness of their action and must be held accountable if they accuse someone falsely or maliciously. Whenever some one says a man is guilty of sexual abuse we always assume they are guilty. This charge, even if it is never proven can stay with him and his family the rest of their lives.

Often times these sexual abuse charges have no basis at all. Maybe a guy looks funny or some one doesn't like him. This can result in accusations. We get to the point where a father is not allowed to have any contact with his children for fear of being accused of sexual abuse. These charges can be as simple as a mother or father who allow their 3-4 year old to go to the bathroom or take a bath with the door open.

Another so called "problem" that is often used by child protective services to remove children from their homes is when children sleep with their parents. What parent has not had a 3 year old come to their parents bed after a nightmare or when they were lonely. Should that child be turned away and spanked and sent to their room. I think not, I want to be able to comfort my child and make him feel better, not isolate and leave him alone.

A third problem that often comes up is when one sibling is allegedly touching or abusing another sibling. These are often very minor situations and are not so much sexual abuse but simply normal childhood discovery. These children should be helped and taught that this is not proper behavior. All parties involved could receive counseling including the parents on preventing further problems. These children should not be labeled as Sexual abusers and have to register and carry this label the rest of their lives. The states role should be in helping families not in making problems worse. They should not have their lives destroyed and their parents lives destroyed because of these types of situations that often occur in normal families.

A fourth problem is the fact that Children services have a job to protect children. This puts a lot of pressure on the workers to remove children, rather than fully investigate problems. A worker who removes a child from a home, finds a problem and gets a conviction is doing a good job. This puts a lot of pressure on workers to "find" problems so that they can "fix" them. Even if no problem existed in the first place. Workers are judged by how many families they help. Not by how many they don't find a problem with. Thus the worker must try to find a "problem", no matter how small so that they can "fix" it. This includes years of therapy etc. Fear and anxiety generated just so that a worker can fix a problem that was not there can cause problems down the road for other children. Problems generated by this premature protection and removal is the fact that victims of state abuse will never call for help in there own families later. They know how abusive the state can be.

I hope you take heed of my warnings and protect yourself and the children of Alaska from the problems associated with to much protection from the state.

Thank you for your time,
Alaska State resident