

**HCR**

**4**

(7)

Date Referred to Committee: February 3, 1997

FURTHER REFERRALS:

Finance

Date of Committee Action: 2/19/97

The JUDICIARY Committee considered:

HCR 4

HOUSE CONCURRENT RESOLUTION NO. 4

SEPARATE RECORDS FOR DELINQUENTS & CINA

Relating to records generated and maintained by the Department of Health and Social Services.

recommends it be replaced with the following committee substitute

CS HCR 4 (JUD)

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) \_\_\_\_\_

fiscal note(s) HSS

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

zero fiscal note(s) ADMIN (P.D)

SIGNING WITH RECOMMENDATIONS	DP	DNP	NR	AM
<i>[Signature]</i> CROFT	✓			
<i>[Signature]</i> ROKEBERG			✓	
<i>[Signature]</i> PORTER	✓			
<i>[Signature]</i> GREEN			✓	
<i>[Signature]</i> JAMES	✓			
<i>[Signature]</i> BERKOWITZ	✓			
<i>[Signature]</i> BUNDE	✓			

CHAIR'S SIGNATURE

*[Signature]*

**CS FOR HOUSE CONCURRENT RESOLUTION NO. 4(JUD)**

**IN THE LEGISLATURE OF THE STATE OF ALASKA**

**TWENTIETH LEGISLATURE - FIRST SESSION**

**BY THE HOUSE JUDICIARY COMMITTEE**

**Offered:**

**Referred:**

**Sponsor(s): REPRESENTATIVES KELLY, Phillips, Dyson, Ryan**

**A RESOLUTION**

**1 Relating to records generated and maintained by the Department of Health and  
2 Social Services.**

**3 BE IT RESOLVED BY THE LEGISLATURE OF THE STATE OF ALASKA:**

**4 WHEREAS the Department of Health and Social Services currently generates and  
5 maintains records relating to minors who are or are alleged to be children in need of aid  
6 (CINA) and relating to minors who are or are alleged to be delinquent; and**

**7 WHEREAS CINA and delinquency records may be subject to different treatment  
8 under laws and court rules governing their use and disclosure;**

**9 BE IT RESOLVED that the Alaska State Legislature respectfully requests the  
10 Governor to direct the Department of Health and Social Services to undertake whatever  
11 administrative actions may be necessary so that delinquency information can be disclosed with  
12 minimal loss of federal funds.**

FISCAL NOTE

STATE OF ALASKA  
1997 LEGISLATIVE SESSION

Bill Version: HCR 4  
(H) Publish Date: 1/31/97

Revision Date: \_\_\_\_\_  
Title: Relating to records generated and  
maintained by the Department of Health and Social Services  
Sponsor: Rep. Kelly  
Requestor: House (HES)

Dept. Affected: Health and Social Services  
BRU: Family and Youth Services  
Component: DFYS Central Office  
COMPONENT SERIAL NO. 259  
See also (SN#): 252,253,255,258,264,2134

Expenditures/Revenues:

(Thousands of Dollars)

OPERATING	FY98	FY99	FY00	FY01	FY02	FY03
PERSONAL SERVICES						
TRAVEL						
CONTRACTUAL						
SUPPLIES						
EQUIPMENT						
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
<b>TOTAL OPERATING</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>

CAPITAL EXPENDITURES						
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CHANGES IN REVENUES ( )						
-------------------------	--	--	--	--	--	--

FUND SOURCE

(Thousands of Dollars)

1002 Federal Receipts						
1003 GF Match						
1004 GF						
1005 GF/Program Receipts						
1037 GF/Mental Health						
Other (please specify)						
<b>TOTAL</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>

POSITIONS:

FULL-TIME						
PART-TIME						
TEMPORARY						

Estimate of any current year (FY97) cost: \$0.0

ANALYSIS: (Attach a separate page if necessary)

This resolution as currently drafted has no fiscal impact on the department because the Division of Family and Youth Services already maintains separate records for CINA and delinquency cases, even when such cases pertain to the same minor. However, we are aware that the sponsor's intent is to ask the administration to make whatever changes are required to allow for some public disclosure of juvenile records, and the financial impact of that action is outlined below.

The Division of Family and Youth Services currently receives approximately \$7.5 M in federal funds as reimbursement for foster care and administrative services provided to Children in Need of Aid (CINA) and Delinquents. Federal law prohibits disclosure of information regarding DFYS clients except in certain circumstances. In order to disclose information on juvenile offenders as desired by the sponsor while minimizing the loss of federal funds, the division must revise the organizational and financial structure of the agency to clearly separate costs and services associated with juvenile offenders from those associated with CINA's. DFYS must then discontinue claiming federal reimbursement for those costs and services. This restructuring will

*5/22/97*

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

Phone: 465-3191  
Date: 01/21/97  
Date: 1/22/97

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COMMITTEE COPY

**ANALYSIS (cont.):**

preserve the majority of federal receipts but will still result in some reductions which must be replaced by general funds. That loss in federal funds and the costs associated with the restructuring are reflected on the attached spreadsheet.

In addition to the ability to disclose information, the division will be able to improve the consistency, coordination, and quality of services provided to communities and offenders by more clearly focusing the leadership provided to the youth corrections section.

**Total Costs Involved Due to Disclosure of Juvenile Information**

	IVE Revenue <u>Loss</u>	Cost of <u>Restructure</u>	<u>Total Cost</u>
SERO	\$44,227.00	(\$8,800.00)	\$35,427.00
SCRO	\$157,505.00	(\$18,400.00)	\$139,105.00
NRO	\$113,770.00	(\$212,200.00)	(\$98,430.00)
CO	\$80,000.00	\$120,800.00	\$200,800.00
Probation		\$482,800.00	\$482,800.00
MYC		(\$24,100.00)	(\$24,100.00)
FC	\$18,554.00		\$18,554.00
RCC	\$284,115.00		\$284,115.00
	\$698,171.00	\$339,700.00	\$1,037,871.00

# FISCAL NOTE

STATE OF ALASKA  
1997 LEGISLATIVE SESSION

BILL NO. HCR 4

Revision Date: \_\_\_\_\_  
 Title: Relating to records generated and maintained by the Department of Health and Social Services  
 Sponsor: Rep. Kelly  
 Requestor: House (HES)

Dept. Affected: Health and Social Services  
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 Component: DFYS Central Office  
 COMPONENT SERIAL NO. 259  
 See also (SN#): 252,253,255,258,264,2134

**Expenditures/Revenues:**

(Thousands of Dollars)

OPERATING	FY98	FY99	FY00	FY01	FY02	FY03
PERSONAL SERVICES						
TRAVEL						
CONTRACTUAL						
SUPPLIES						
EQUIPMENT						
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
<b>TOTAL OPERATING</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>

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

CHANGES IN REVENUES ( )						
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**FUND SOURCE**

(Thousands of Dollars)

FUND SOURCE	FY98	FY99	FY00	FY01	FY02	FY03
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1037 GF/Mental Health						
Other (please specify)						
<b>TOTAL</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>

**POSITIONS:**

POSITIONS	FY98	FY99	FY00	FY01	FY02	FY03
FULL-TIME						
PART-TIME						
TEMPORARY						

Estimate of any current year (FY97) cost: \$0.0

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

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*S/22/97*
 Prepared by: L. Diane Worley, Director *L. Diane Worley* Phone: 465-3191  
 Division: Family & Youth Services Date: 01/21/97  
 Approved by Commissioner: Karen Perdue, Commissioner *Karen Perdue* Date: 1/22/97  
 Agency: Department of Health & Social Services

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HSS p 2

**ANALYSIS (cont.):**

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	\$698,171.00	\$339,700.00	\$1,037,871.00

# FISCAL NOTE

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

**BILL NO. HCR 4**

Revision Date: \_\_\_\_\_  
 Title: "Relating to records generated and maintained by the Department of Health and Social Services"  
 Sponsor: Representative Kelly  
 Requestor: (H) HES

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

**EXPENDITURES/REVENUES:** (Thousands of Dollars)

OPERATING EXPENDITURES	FY 98	FY 99	FY 00	FY 01	FY 02	FY 03
PERSONAL SERVICES						
TRAVEL						
CONTRACTUAL						
SUPPLIES						
EQUIPMENT						
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
<b>TOTAL OPERATING</b>	0.0	0.0	0.0	0.0	0.0	0.0

<b>CAPITAL EXPENDITURES</b>	0.0	0.0	0.0	0.0	0.0	0.0
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<b>CHANGE IN REVENUES ( )</b>	0.0	0.0	0.0	0.0	0.0	0.0
-------------------------------	-----	-----	-----	-----	-----	-----

**FUND SOURCE:** (Thousands of Dollars)

1002 Federal Receipts						
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1004 GF						
1005 GF/Program Receipts						
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OTHER						
<b>TOTAL</b>	0.0	0.0	0.0	0.0	0.0	0.0

Estimate of any current year (FY 97) cost: \$ 0.0

**POSITIONS:**

FULL-TIME						
PART-TIME						
TEMPORARY						

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

The resolution requests the Governor to direct the Department of Health and Social Services to separate existing and future CINA and delinquency records. There is no fiscal impact on the Public Defender Agency.

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

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

Approved by Commissioner: Mark Bover  
 Agency: Department of Administration

Date: 1-23-97

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STATE OF ALASKA  
 1997 LEGISLATIVE SESSION

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CAPITAL EXPENDITURES	0.0	0.0	0.0	0.0	0.0	0.0
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CHANGE IN REVENUES ( )	0.0	0.0	0.0	0.0	0.0	0.0
------------------------	-----	-----	-----	-----	-----	-----

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Estimate of any current year (FY 97) cost: \$ 0.0

POSITIONS:

FULL-TIME						
PART-TIME						
TEMPORARY						

ANALYSIS: (Attach a separate page if necessary.)

The resolution requests the Governor to direct the Department of Health and Social Services to separate existing and future CINA and delinquency records. There is no fiscal impact on the Public Defender Agency.

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

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

Approved by Commissioner Mark Boyer  
 Agency Department of Administration

Date: 1-23-97

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**HOUSE COMMITTEE REPORT**

(7) Date Referred to Committee: January 13, 1997 FURTHER REFERRALS: Finance

Date of Committee Action: 1/28/97

The HEALTH, EDUCATION AND SOCIAL SERVICES Committee considered: HCR 4

HOUSE CONCURRENT RESOLUTION NO. 4 SEPARATE RECORDS FOR DELINQUENTS & CINA

Relating to records generated and maintained by the Department of Health and Social Services.

recommends it be replaced  the same title  
 with the following committee substitute \_\_\_\_\_  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) \_\_\_\_\_  fiscal note(s) \_\_\_\_\_

②  zero fiscal note(s) Admin, H+SS  zero fiscal note(s) \_\_\_\_\_

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

CHAIR'S SIGNATURE *[Signature]*

AMENDMENT #1 *adopted*

OFFERED IN THE HOUSE

BY REPRESENTATIVE KELLY

TO: HCR 4

*Change title?*

1 Page 1, line 8:

2 Delete the last occurrence of "and" *JKK per Kelly's office*

3 Page 1, lines 9 - 10:

4 Delete all material.

5 Page 1, line 13:

6 Delete "existing CINA and delinquency records are"

7 Insert "delinquency information can be disclosed with minimal loss of federal funds."

8 Page 1, lines 14 - 15:

9 Delete all material.

**JUDICIARY SUBCOMMITTEE REPORT**

The Judiciary Subcommittee met February 14, 1997 at 9:00am in Room 250 of the Assembly Building.

**MEMBERS OF THE SUBCOMMITTEE:**

Representative Con Bunde, Chairman  
Representative Brian Porter  
Representative Eric Croft

**MEMBERS ABSENT:**

Representative Brian Porter

**PARTICIPANTS:**

Representative Pete Kelly  
Margaret Pugh, Commissioner  
Corrections  
Del Smith, Deputy Commissioner  
Department of Public Safety  
Russ Webb, Deputy Commissioner  
Health and Social Services  
Karen Purdue, Commissioner  
Health and Social Services  
Ronald Otte, Commissioner  
Department of Public Safety

The Judiciary Subcommittee met February 14, 1997 at 4:00pm in Room 106 of the Capitol.

**MEMBERS ABSENT:**

No members absent.

**PARTICIPANTS:**

Representative Pete Kelly  
Bruce Campbell, Legislative Aide to Representative Kelly  
Russ Webb, Deputy Commissioner  
Health and Social Services

The Judiciary Subcommittee met February 17, 1997 at 4:00pm in Room 106 of the Capitol.

**MEMBERS ABSENT:**

Representative Eric Croft

**PARTICIPANTS:**

Representative Pete Kelly  
Bruce Campbell, Legislative Aide to Representative Kelly  
Margo Knuth, Department of Law  
Representative Pete Kott

## JUDICIARY SUBCOMMITTEE FINDINGS

REPRESENTATIVE PETE KELLY presented to the subcommittee an update to the release of information felony list that would accommodate some of the concerns addressed in the full committee.

THE MAJORITY, recognizing the incentives behind HB 6 to enhance public safety and provide a deterrent to juvenile crime, recommended that a CS for HB 6 be incorporated. A blank CS will be provided by the sponsor and HCR 4 is to accompany it.

REPRESENTATIVE PETE KOTT spoke to HB 3.

THE MAJORITY recommended that a CS be drafted for HB 3 that would tailor the release of information to match the types of crimes listed in HB 6.

# Alaska State Legislature



House of Representatives  
House Judiciary Committee

State Capitol, Room 120  
Juneau, Alaska 99801-1182  
(907) 465-4990

## MEMORANDUM

**Date:** February 19, 1997  
**To:** Terri Lauterbach, Legislative Legal Services  
**Fax:** 465-2029  
**From:** Lisa Kirsch, House Judiciary Committee  
**Re:** HCR 4

---

Please make the amendment you prepared for Kelly (0-LS0052\A.1) to HCR 4 (0-LS0052\A).

We assumed that the quotation marks were meant bracket "and" so your line 2 would read: Delete the last occurrence of "and" HCR 4 has passed out of committee, so we need a final CS.

Call if you have any questions (4990).

Thanks for your assistance.

# Alaska State Legislature

REPRESENTATIVE  
PETER KELLY

Mailing Address:  
119 N. Cushman, Suite 203  
Fairbanks, Alaska 99701  
(907) 456-8161



While in Juneau  
State Capitol  
Juneau, Alaska  
99801-1182  
(907) 465-2327

House District 31

## House Of Representatives

### Sponsor Statement

## HCR 4

### Separate Records for Delinquents & CINA

Federal laws relating to minors require confidentiality of records relating to abused children. Because children involved in troubled homes often go on to commit criminal acts, DFYS has maintained one set of records for minors under its child abuse and delinquency jurisdiction. This legislation allows the administration to develop separate criminal records in a manner that will best prevent the loss of significant federal funding sources.

# Alaska State Legislature

REPRESENTATIVE  
PETER KELLY

Mailing Address:  
119 N. Cushman, Suite 203  
Fairbanks, Alaska 99701  
(907) 456-8161



While in Juneau  
State Capitol  
Juneau, Alaska  
99801-1182  
(907) 465-2327

House District 31

## House Of Representatives

### Sponsor Statement House Concurrent Resolution 4

Separating DFYS CINA records from criminal records of minors.

Federal laws relating to minors require confidentiality of records relating to abused children. Because children involved in troubled homes often go on to commit criminal acts DFYS has maintained one set of records for minors under its child abuse and delinquency jurisdiction. This legislation allows the administration to develop separate criminal records in a manner that will best prevent the loss of significant federal funding sources.



# Data Summary

Volume 1  
Number 1  
August, 1996



# DFYS

Alaska Dept. of Health and Social Services  
Division of Family and Youth Services  
P.O. Box 110630  
Juneau, Alaska 99811-0630  
(VOICE) 907-465-3170  
(FAX) 907-465-3397  
(EMAIL) DFYS@HEALTH.STATE.AK.US

Tony Knowles  
Governor

Karen Perdue  
Commissioner

L. Diane Worley  
Director

Patty Ware  
Juvenile Probation Officer III / Author

Roger P. Withington  
Research Analyst III / Author

The mission of the Division of Family and Youth Services is to protect children at risk of abuse and neglect and to rehabilitate juvenile offenders while providing community protection.

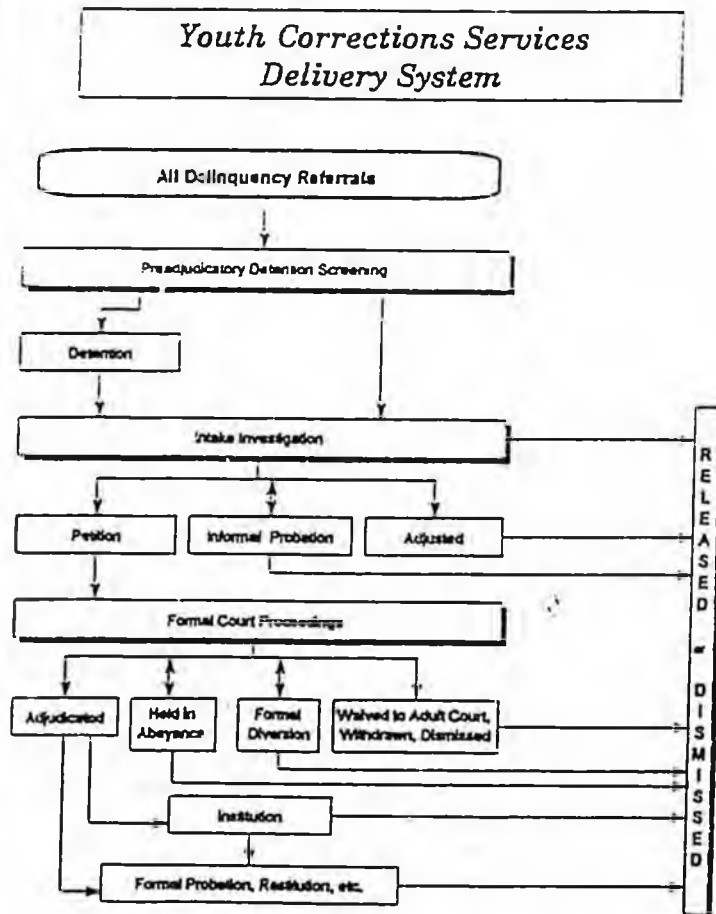
## ALASKA'S JUVENILE JUSTICE SYSTEM

DFYS reduces or prevents delinquency by meeting the needs of youthful offenders in a manner consistent with protection of the public. To accomplish this DFYS provides the following services:

- Juvenile delinquency prevention
- Screening referrals
- Short-term detention of preadjudicated youth
- Investigation of alleged offenses
- Identification of each youth's and family's strengths and needs
- Legal intervention
- Informal and formal probation
- Out-of-home placement
- Long-term confinement/treatment for adjudicated offenders

Figure 1 illustrates the DFYS portion of Alaska's juvenile justice system.

Figure 1



As Figure 1 illustrates, there are four principal decision points in the DFYS youth corrections delivery system: referral, preadjudicatory detention screening, intake investigation, and court proceedings.

A delinquency referral is the juvenile's initial point of entry into the DFYS youth corrections delivery system. A referral is a law enforcement report to DFYS of criminal conduct on the part of a juvenile.

Preadjudicatory detention screening is the process of determining if preadjudicatory detention is appropriate for those youth for whom it has been requested as part of the law enforcement referral. There are five possible outcomes in the detention screening process: Detention, Released, Emergency Placement, Attendant Care Shelter, and Not Requested. During the analysis period, 18.5% of all referrals were accompanied by a request for detention.

Once DFYS receives a referral that includes a request for detention, DFYS performs a detention determination. The detention determination considers a number of factors in determining if detention is in the juvenile's and community's best interest. Some examples are: severity of the offense, imminent harm to the juvenile or community, a history of violent conduct on the part of the juvenile, and whether or not the crime contains elements of serious physical harm. DFYS determined that secure Detention was appropriate for 77.6% of these referrals.

The purpose of the intake investigation is to determine if the referral is legally sufficient to support the filing of a court petition. If DFYS determines that sufficiency exists, the agency gathers information to determine the type of action that would best serve both the juvenile and the public. There are six possible investigation outcomes: In Process, Adjusted, Dismissed, Detention Screen Only, Informal Probation, and Petition.

Court proceedings result from DFYS filing a formal petition for adjudication of a juvenile. Each referral that resulted in an investigation outcome of Petition will have a court proceedings decision. The seven possible court proceeding decisions are: In Process, Dismissed, Diverted, Held in Abeyance, Adjudicated, Withdrawn, and Waived.

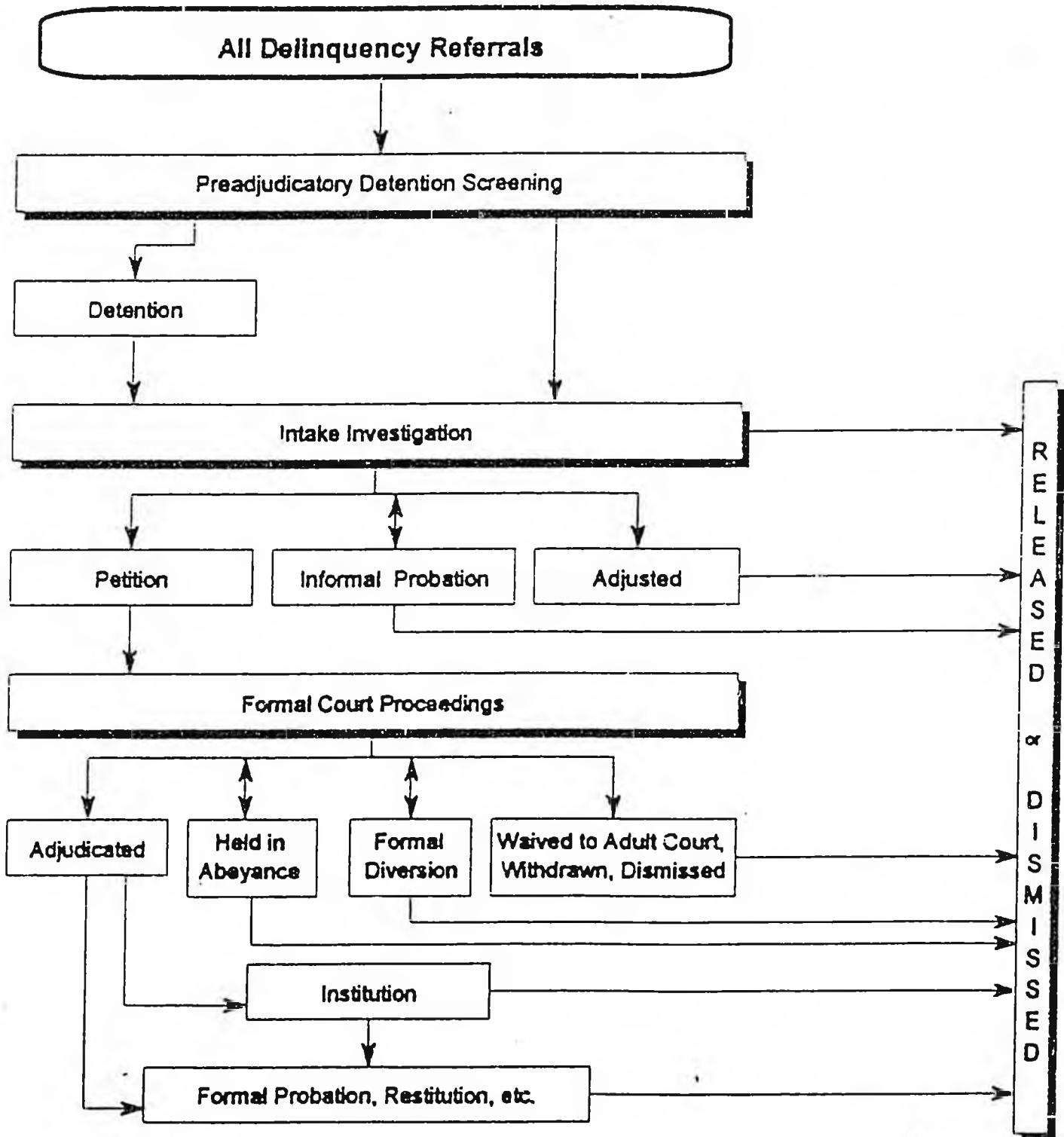
Although it is not specifically delineated in Figure 1, youth corrections supervision plays a very large role in the DFYS youth corrections delivery system, thus, we have included these records in this analysis.

Supervision of a juvenile is established as a result of a formal probation agreement, diversion agreement, acceptance of interstate supervision, a court disposition order, or an order for probation without adjudication. This analysis compares the initial supervision level that was assigned to the juvenile for each supervision episode that occurred during the analysis period. There are seven possible supervision levels: Maximum Probation, Medium Probation, Minimum Probation, Informal Probation, Residential Care, Correctional Institution, and Out-of-State Institution.

## BACKGROUND INFORMATION

Figure 1

# Youth Corrections Services Delivery System



# HSS

↳ Kathy Tibbels 3023  
RE: HCR4

Q What do we want HCR4 to do?  
— Not records?

How is Fed. Funding linked?

Why no continuing annual  
debit on fiscal note?

---

3y of records not issue  
— Chain of command  
— Separate

Prob & Family Ser need Sep  
Child protect / Commissioners

Direct

— Diane Worley - be here today

Bruce Campbell

Dept HSS

CIWA

DEL

disclosure not record  
have sep records already

HORY This divides agency

**HOUSE CONCURRENT RESOLUTION NO. 4**

**IN THE LEGISLATURE OF THE STATE OF ALASKA**

**TWENTIETH LEGISLATURE - FIRST SESSION**

**BY REPRESENTATIVES KELLY, Phillips, Dyson**

**Introduced: 1/13/97**

**Referred: Health, Education and Social Services, Finance**

**A RESOLUTION**

1 **Relating to records generated and maintained by the Department of Health and**  
2 **Social Services.**

3 **BE IT RESOLVED BY THE LEGISLATURE OF THE STATE OF ALASKA:**

4 **WHEREAS** the Department of Health and Social Services currently generates and  
5 maintains records relating to minors who are or are alleged to be children in need of aid  
6 (CINA) and relating to minors who are or are alleged to be delinquent; and

7 **WHEREAS** CINA and delinquency records may be subject to different treatment  
8 under laws and court rules governing their use and disclosure; and

9 **WHEREAS** those laws and rules may be better applied and the records may be more  
10 efficiently maintained if they are kept separately from each other;

11 **BE IT RESOLVED** that the Alaska State Legislature respectfully requests the  
12 Governor to direct the Department of Health and Social Services to undertake whatever  
13 administrative actions may be necessary so that existing CINA and delinquency records are  
14 separated from each other and so that future CINA and delinquency records are generated and  
15 maintained separately from each other, even when they relate to the same minor.