

HB

375

SFIN

FILE

SENATE FINANCE COMMITTEE REPORT

DATE: 5/9/98

FURTHER: 5/9/98

DATE TURNED
IN TO OFFICE: 9 May 98

Finance Committee considered CS FOR HOUSE BILL NO. 375(FIN) am(reengrossed)

CRIMES AGAINST CHILDREN/FOSTER CARE

and recommends:

- be replaced with _____ CS _____ (_____)
- adopt previous S CS CS HB 375 (JUD)
- attached amendment(s)
- adopt Letter of Intent by _____ Committee
- further referral to the _____ Committee

- Senate Bill:**
- same title
 - new title
- House Bill:**
- same title
 - technical title
 - new: SCR# _____

SIGNING DO PASS	DP	OTHER RECOMMENDATIONS	NP	DNP	AM
<i>Roll EC Hill</i>	✓	<i>John Ryan</i>	✓		
<i>Al Adams</i>	✗	<i>James D. Kelly</i>			
		<i>Frank Powell</i>			
Co-Chair: <i>Looney</i>	✓	Co-Chair:			
Co-Chair:		Co-Chair: <i>[Signature]</i>			

NEW FISCAL NOTE(S):

Department	Date	Zero	Fiscal

PREVIOUS FISCAL NOTE(S):*

Department	Date	Zero	Fiscal
HSS	3/12/98	✓	
Cart	3/19/98		151.2
Corrections	3/11/98	✓	
Multiple	1/30/98		*

APPROPRIATION -- no fiscal note

*include fiscal notes accompanying Governor's bill

FISCAL NOTE

No: 4

STATE OF ALASKA
1998 LEGISLATIVE SESSION

Bill Version: SHB 375 (HES)
(H) Publish Date: 4/7/98

REMOVED OUT OF
6/9/98

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: \$0.0 -

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 expertise 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. Nakamura, MD, MPH Phone: (907) 465-3090
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

Bill Version: CSHB 375 (HES)

(H) Publish Date: 4/7/98

STATE OF ALASKA 1998 LEGISLATIVE SESSION

Revision Date: _____ Dept. Affected: Alaska Court System
 Title: An Act relating to children in need of BRU: Trial Courts
old matters & proceedings Component: _____
 Sponsor: Rules Committee
 Requestor: Governor COMPONENT SERIAL NO. 768

Expenditures/Revenues		(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
1005 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
 Agency: Alaska Court System

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

Phone: 264-8228
 Date: 03/19/98

Date: 03/19/98

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Alaska Court SystemFiscal AnalysisHB 375FUNDING 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>(Duplicates funding in operating & budget & FN request)</i>
<u>Personal Services</u>			
Pro Tem Superior Court Judge, Anchorage, PPT, 12 months	\$ 87,000		\$ 54,300
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 <i>(support to judge & master)</i>	40,600		24,700
In-Court Clerk, Anchorage, 12A, PFT, 12 months <i>(support to judge & master)</i>	20,300	20,300	
In-Court Clerk, Fairbanks, 12A, PFT, 12 months <i>(support to judge & master)</i>	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		36,600	
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	12,800		
	\$ 386,800	\$ 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 375 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

Alaska Court SystemFiscal AnalysisHB 375

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	25,644	10,978	36,622
Court Clerk II, Fairbanks, 10A, PFT, 12 months	28,932	11,691	40,623
			141,244
Total Personal Services			141,244

Travel

Travel to other courts to process caseload	5,000
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Supplies

Case processing supplies and supplies for new positions	5,000
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Estimated total cost	<u>\$ 151,244</u>
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FISCAL NOTE

No: 2

STATE OF ALASKA
1998 LEGISLATIVE SESSION

Bill Session: CSHB 375 (HES)
(H) Publish Date: 4/7/98

5/9/98

Revision Date (Note if correction)	5/9/98	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	0.0	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)

FUND SOURCE	FY 99	FY 00	FY 01	FY 02	FY 03	FY 04
1002 Federal Receipts						
1003 GF Match						
1004 GF	0.0	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: 0.0

POSITIONS

POSITIONS	FY 99	FY 00	FY 01	FY 02	FY 03	FY 04
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 <u>Bruce Richards</u>	Phone <u>465-3307</u>
Division <u>Commissioner's Office</u>	Date <u>3/11/98</u>
Approved by Commissioner Margaret M. Pugh <i>Margaret M. Pugh</i>	Date <u>3/11/98</u>
Agency <u>Department of Corrections</u>	

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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

5/9/98

Revision Date (Note if correction) Original Dept. Affect Multiple (see analysis)
 Title "An Act relating to children in need of aid BRU _____
matter and proceedings; relating to murder of children" Component _____
 Sponsor Rules Committee _____
 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						
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CHANGE IN REVENUES ()						
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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: 0.0

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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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.