

HB

366

SENATE COMMITTEE REPORT

DATE: 4/17/98

FURTHER: Judiciary

DATE TURNED IN TO OFFICE: 5/1/98

HESS Committee considered SPONSOR SUBSTITUTE FOR HOUSE BILL NO. 366(title am)

"An Act prohibiting a court from finding that a minor is a child in need of aid solely on the basis that the child's family is poor, lacks adequate housing, or lives a lifestyle that is different from the generally accepted lifestyle standard of the community where the family lives."

and recommends:

- be replaced with _____ CS _____ (_____)
- adopt previous _____ CS _____ (_____)
- 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	NR	DNP	AM
<i>Loren J. Livan</i>	✓	<i>Lyle Green</i>	✓		
CHAIR: <i>Gary Webb</i>	✓	CHAIR:			

NEW FISCAL NOTE(S):

Department	Date	Zero	Fiscal

PREVIOUS FISCAL NOTE(S):*

Department	Date	Zero	Fiscal
H+SS	2/5/98	✓	

APPROPRIATION -- no fiscal note

*include fiscal notes accompanying Governor's bill



Alaska State Legislature

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REPRESENTATIVE FRED DYSON

SSHB 366 Sponsor Statement

"An Act prohibiting a court from finding that a minor is a child in need of aid solely on the basis that the child's family is poor, lacks adequate housing, or lives a lifestyle that is different from the generally accepted lifestyle standard of the community where the family lives."

HB 366 prohibits an agency from using the status of being poor, homeless, or lives a lifestyle that is different from the generally accepted lifestyle standard of the community where the family lives as the sole reason for determining that a child is in need of aid.

Children must not be removed from the custody of their parents simply based on the status of the parents. Being poor or homeless does not automatically indicate that the child is being harmed or neglected. A family living in a shelter for the homeless or camping out may be doing quite well at parenting. Living on a boat or being vegetarian may be considered "weird" or "odd" by some, but it does not automatically mean that a child is being harmed.

This bill is designed to mandate that any agency must demonstrate that the child is harmed or in significant danger before taking a child into protective custody.

- E-mail -
Representative_Fred_Dyson
@Legis.state.ak.us

- Internet -
<http://www.akrepublicans.org>

FISCAL NOTE

Bill Version: SSHB 366
 (H) Publish Date: 3/20/98

STATE OF ALASKA
 1998 LEGISLATIVE SESSION

Revision Date: _____
 Title: "An Act relating to CINA proceedings for a child whose family is homeless or poor"
 Sponsor: Representative Dyson
 Requestor: (H) HES

Department Affected: Administration
 BRU: Legal and Advocacy Services
 Component: Public Defender Agency
 COMPONENT SERIAL NO. 1631

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	0.0	0.0	0.0	0.0	0.0	0.0

CAPITAL EXPENDITURES						
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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						
TOTAL	0.0	0.0	0.0	0.0	0.0	0.0

Estimate of any current year (FY 98) cost: \$ _____

POSITIONS:

FULL-TIME						
PART-TIME						
TEMPORARY						

ANALYSIS: (Attach a separate page if necessary.)

This bill will have no fiscal impact on the Public Defender Agency.

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

Phone: (907) 264-4414
 Date: _____

Approved by Commissioner: Mark Bover
 Agency: Department of Administration

Date: 3/17/98

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FISCAL NOTE

No: 2

STATE OF ALASKA
1998 LEGISLATIVE SESSION

Bill Version: SSB 366
(H) Publish Date: 3/20/98

Revision Date: _____
Title: Relating to child-in-need-of-aid proceedings

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

Sponsor: Rep. Dyson
Requestor: Health, Education and Social Services

Expenditures/Revenues:

(Thousands of Dollars)

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

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

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)						
TOTAL	0.0	0.0	0.0	0.0	0.0	0.0

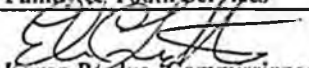
POSITIONS:

FULL-TIME						
PART-TIME						
TEMPORARY						

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

ANALYSIS: (Attach a separate page if necessary)

Passage of this bill will have zero fiscal impact on the Division.

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

Phone: 465-3030
Date: 01/30/98
Date: 2/5/98

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P.O. Box 524 • Valdez, Alaska 99686

FEB 17 1998

February 12, 1998

Representative Fred Dyson
Alaska State Legislature
State Capitol (MS 3100)
Juneau, AK 99801-1182

Dear Representative Dyson:

I am writing to offer my full support for House Bill 366, pertaining to child-in-need-of-aid proceedings for a child whose family is homeless or poor. Also, I thank you for sponsoring such legislation. So many families in Alaska find it difficult to make ends meet. However, despite the struggle to feed and shelter their families, they still maintain loving and supportive environments for their children. As your bill states, a home should not be considered unhealthy by the courts, based solely on the economic status of the family. Again, thank you.

Sincerely,

Debra Pexa
Executive Director



United Way

cc:Mail for: Representative Fred Dyson

Subject: HB 366

From: ruawaic@aonline.com (Administration) at CC2MHS1 2/12/98 12:09 PM

To: Representative Fred Dyson at LAA_TRANS

cc: Representative Con Bunde at LAA_HBUN

cc: Representative Joe Green at LAA_TRANS

cc: Representative Al Vezey at LAA_TRANS

cc: Representative_Vrian_Porter@legis.state.ak.us at CC2MHS1

To: Representative Dyson

From: Jan MacClarence, Executive Director, AWAIC

RE: HB 366

I am writing to you in support of HB 366. We encourage policy that protects the rights of poor and homeless families. Unfortunately, poor and homeless families are a politically unheard population. And, as a result these families are occasionally subjected to the harsh and undue "good" intentions of law. We would very much like to see HB 366 proceed through the legislative process. Thank you for your commitment.

CC: House HESS Committee