

HB

6

FISCAL NOTE

No. 19
 Bill Version: CSHB 6(JUD)
 (H) Publish Date: 2/21/97

STATE OF ALASKA
 1997 LEGISLATIVE SESSION

Revision Date: _____
 Title: Relating to the disclosure of information
relating to certain minors
 Sponsor: Representative Kelly
 Requestor: House (HES)

Dept. Affected: Health and Social Services
 BRU: Family & Youth Services
 Component: Probation Services
 COMPONENT SERIAL NO. 2134
 See also (SN#): 252,253,254,255,258,259,264

Expenditures/Revenues:

(Thousands of Dollars)

OPERATING	FY98	FY99	FY00	FY01	FY02	FY03
PERSONAL SERVICES	482.6	489.8	497.2	504.6	512.2	519.9
TRAVEL						
CONTRACTUAL						
SUPPLIES						
EQUIPMENT						
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
TOTAL OPERATING	482.6	489.8	497.2	504.6	512.2	519.9

CAPITAL EXPENDITURES						
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CHANGES IN REVENUES ()						
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FUND SOURCE

(Thousands of Dollars)

FUND SOURCE	FY98	FY99	FY00	FY01	FY02	FY03
1002 Federal Receipts						
1003 GF Match						
1004 GF	482.6	489.8	497.2	504.6	512.2	519.9
1005 GF/Program Receipts						
1037 GF/Mental Health						
Other (please specify)						
TOTAL	482.6	489.8	497.2	504.6	512.2	519.9

POSITIONS:

FULL-TIME	9					
PART-TIME						
TEMPORARY						

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

ANALYSIS: (Attach a separate page if necessary)

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 described in this bill and still minimize 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 and must discontinue claiming federal reimbursement for those costs and services. This restructuring will preserve the majority of federal receipts but will still result in some reductions which must be replaced by general funds. This fiscal note reflects the costs associated with that restructuring and the reduction in federal claims.

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

Prepared by: L. Diane Worley, Director *L. Diane Worley* Phone: 465-3191
 Division: Division of Family & Youth Svcs Date: 02/10/97

Approved by Commissioner: Karen Perdue, Commissioner *Karen Perdue* Date: 2/12/97
 Agency: Department of Health & Social Services

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ANALYSIS (cont.):

Change in positions:

New position Youth Superintendent III Range 21	\$73.8
NEW Chief Probation Officer Range 23	\$83.9
New (3) Administrative Clerk II Range 8	\$112.0
New (3) Administrative Assistant I Range 13	\$138.6
New Juvenile Probation Officer V Range 21	\$74.3
Total*	\$482.6

* FY 99 through FY 03 figures include a 1.5% per year COLA.

FISCAL NOTE

No. 18
 Bill Version: CSHB 6(JUD)
 (H) Publish Date: 2/21/97

STATE OF ALASKA
 1997 LEGISLATIVE SESSION

Revision Date: _____
 Title: Relating to the disclosure of information
relating to certain minors
 Sponsor: Representative Kelly
 Requestor: House (HES)

Dept. Affected: Health and Social Services
 BRU: Family and Youth Services
 Component: Southeastern Region
 COMPONENT SERIAL NO. 258
 See also (SN#): 252,253,254,255,259,264,2134

Expenditures/Revenues:

(Thousands of Dollars)

OPERATING	FY98	FY99	FY00	FY01	FY02	FY03
PERSONAL SERVICES	(8.8)	(8.3)	(8.8)	(8.8)	(8.8)	(8.8)
TRAVEL						
CONTRACTUAL						
SUPPLIES						
EQUIPMENT						
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
TOTAL OPERATING	(8.8)	(8.8)	(8.8)	(8.8)	(8.8)	(8.8)

CAPITAL EXPENDITURES						
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CHANGES IN REVENUES ()						
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FUND SOURCE

(Thousands of Dollars)

1002 Federal Receipts	(44.2)	(44.2)	(44.2)	(44.2)	(44.2)	(44.2)
1003 GF Match						
1004 GF	35.4	35.4	35.4	35.4	35.4	35.4
1005 GF/Program Receipts						
1037 GF/Mental Health						
Other (please specify)						
TOTAL	(8.8)	(8.8)	(8.8)	(8.8)	(8.8)	(8.8)

POSITIONS:

FULL-TIME						
PART-TIME						
TEMPORARY						

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

ANALYSIS: (Attach a separate page if necessary)

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 described in this bill and still minimize 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 and must discontinue claiming federal reimbursement for those costs and services. This restructuring will preserve the majority of federal receipts but will still result in some reductions which must be replaced by general funds. This fiscal note reflects the costs associated with that restructuring and the reduction in federal claims.

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

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

Phone: 465-3191
 Date: 02/10/97
 Date: 2/12/97

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ANALYSIS (cont.):

Loss of Federal Funds:	(\$44.2)
Change in positins:	
PCN 06-3482 Regional Administrator, Range 23 is deleted	(82.6)
New PCN Social Worker V, Range 21 is added	\$73.8
Total	(\$8.8)

FISCAL NOTE

No. 17
 Bill Version: CSHB 6(JUD)
 (H) Publish Date: 2/21/97

STATE OF ALASKA
 1997 LEGISLATIVE SESSION

Revision Date: _____
 Title: Relating to the disclosure of information
relating to certain minors
 Sponsor: Representative Kelly
 Requestor: House (HES)

Dept. Affected: Health and Social Services
 BRU: Family and Youth Services
 Component: Southcentral Region
 COMPONENT SERIAL NO. 254
 See also (SN#): 252,253,255,258,259,264,2134

Expenditures/Revenues:

(Thousands of Dollars)

OPERATING	FY98	FY99	FY00	FY01	FY02	FY03
PERSONAL SERVICES	(18.4)	(18.4)	(18.4)	(18.4)	(18.4)	(18.4)
TRAVEL						
CONTRACTUAL						
SUPPLIES						
EQUIPMENT						
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
TOTAL OPERATING	(18.4)	(18.4)	(18.4)	(18.4)	(18.4)	(18.4)

CAPITAL EXPENDITURES						
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CHANGES IN REVENUES ()						
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FUND SOURCE

(Thousands of Dollars)

FUND SOURCE	FY98	FY99	FY00	FY01	FY02	FY03
1002 Federal Receipts	(157.5)	(157.5)	(157.5)	(157.5)	(157.5)	(157.5)
1003 GF Match						
1004 GF	139.1	139.1	139.1	139.1	139.1	139.1
1005 GF/Program Receipts						
1037 GF/Mental Health						
Other (please specify)						
TOTAL	(18.4)	(18.4)	(18.4)	(18.4)	(18.4)	(18.4)

POSITIONS:

FULL-TIME						
PART-TIME						
TEMPORARY						

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

ANALYSIS: (Attach a separate page if necessary)

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 described in this bill and still minimize 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 and must discontinue claiming federal reimbursement for those costs and services. This restructuring will preserve the majority of federal receipts but will still result in some reductions which must be replaced by general funds. This fiscal note reflects the costs associated with that restructuring and the reduction in federal claims.

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

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: 02/10/97
 Date: 2/12/97

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ANALYSIS (cont.):

Loss of Federal Funds:	(\$157.5)
Change in positions:	
PCN 06-3482 Regional Administrator, Range 23 is deleted	(\$92.2)
New PCN Social Worker V, Range 21	\$73.8
Total	(\$18.4)

FISCAL NOTE

STATE OF ALASKA
1997 LEGISLATIVE SESSION

No. 16
Bill Version: CSHB 6(JUD)
(H) Publish Date: 2/21/97

Revision Date: _____
Title: Relating to the disclosure of information
relating to certain minors
Sponsor: Representative Kelly
Requestor: House (HES)

Dept. Affected: Health and Social Services
BRU: Family and Youth Services
Component: Northern Region
COMPONENT SERIAL NO. 255
See also (SN#): 252,253,254,258,259,264,2134.

Expenditures/Revenues:

(Thousands of Dollars)

OPERATING	FY98	FY99	FY00	FY01	FY02	FY03
PERSONAL SERVICES	(212.2)	(212.2)	(212.2)	(212.2)	(212.2)	(212.2)
TRAVEL						
CONTRACTUAL						
SUPPLIES						
EQUIPMENT						
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
TOTAL OPERATING	(212.2)	(212.2)	(212.2)	(212.2)	(212.2)	(212.2)

CAPITAL EXPENDITURES						
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CHANGES IN REVENUES ()						
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FUND SOURCE

(Thousands of Dollars)

FUND SOURCE	FY98	FY99	FY00	FY01	FY02	FY03
1002 Federal Receipts	(113.8)	(113.8)	(113.8)	(113.8)	(113.8)	(113.8)
1003 GF Match						
1004 GF	(98.4)	(98.4)	(98.4)	(98.4)	(98.4)	(98.4)
1005 GF/Program Receipts						
1037 GF/Mental Health						
Other (please specify)						
TOTAL	(212.2)	(212.2)	(212.2)	(212.2)	(212.2)	(212.2)

POSITIONS:

FULL-TIME	-2					
PART-TIME						
TEMPORARY						

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

ANALYSIS: (Attach a separate page if necessary)

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 described in this bill and still minimize 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 and must discontinue claiming federal reimbursement for those costs and services. This restructuring will preserve the majority of federal receipts but will still result in some reductions which must be replaced by general funds. This fiscal note reflects the costs associated with that restructuring and the reduction in federal claims.

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

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: 02/10/97
Date: 2/12/97

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ANALYSIS (cont.):

Loss of Federal Funds:	(\$113.8)
Change in positions:	
Delete Regional Administrator PCN 06-3218	(\$99.9)
Delete Social Worker V in Bethel PCN 06-3201	(\$91.1)
Delete Social Worker V in Nome PCN 06-3089	(\$98.3)
New PCN Social Worker V in Fairbanks	\$77.1
Total	(\$212.2)

FISCAL NOTE

STATE OF ALASKA
1997 LEGISLATIVE SESSION

No. 15
Bill Version: CSHB 6(JUD)
(H) Publish Date: 2/21/97

Revision Date: _____
Title: Relating to the disclosure of information
relating to certain minors
Sponsor: Representative 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	120.6	122.4	124.2	126.1	128.0	129.9
TRAVEL						
CONTRACTUAL						
SUPPLIES						
EQUIPMENT						
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
TOTAL OPERATING	120.6	122.4	124.2	126.1	128.0	129.9

CAPITAL EXPENDITURES						
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CHANGES IN REVENUES ()						
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FUND SOURCE

(Thousands of Dollars)

FUND SOURCE	FY98	FY99	FY00	FY01	FY02	FY03
1002 Federal Receipts	(80.0)	(80.0)	(80.0)	(80.0)	(80.0)	(80.0)
1003 GF Match						
1004 GF	200.6	202.4	204.2	206.1	208.0	209.9
1005 GF/Program Receipts						
1037 GF/Mental Health						
Other (please specify)						
TOTAL	120.6	122.4	124.2	126.1	128.0	129.9

POSITIONS:

FULL-TIME	2					
PART-TIME						
TEMPORARY						

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

ANALYSIS: (Attach a separate page if necessary)

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 described in this bill and still minimize 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 and must discontinue claiming federal reimbursement for those costs and services. This restructuring will preserve the majority of federal receipts but will still result in some reductions which must be replaced by general funds. This fiscal note reflects the costs associated with that restructuring and the reduction in federal claims.

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

Prepared by: L. Diane Worley, Director Phone: 465-3191
 Division: Family & Youth Services Date: 02/10/97
 Approved by Commissioner: Karen Perrine, Commissioner Date: 2/12/97
 Agency: Department of Health & Social Services

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ANALYSIS (cont.):

Loss of Federal Funds:	(580.0)
Change in positions:	
New PCN Administrative Clerk II Range 8	\$37.3
New PCN CPS (FS) Admin Officer Range 23	\$83.3
Total	\$120.6

FISCAL NOTE

NO. 14
 Bill Version: CSHB 6(JUD)
 (H) Publish Date: 2/21/97

STATE OF ALASKA
 1997 LEGISLATIVE SESSION

Revision Date: _____
 Title: Relating to the disclosure of information
relating to certain minors
 Sponsor: Representative Kelly
 Requestor: House (HES)

Dept. Affected: Health and Social Services
 BRU: Family and Youth Services
 Component: Residential Child Care
 COMPONENT SERIAL NO. 253
 See also (SN#): 252.254.255.258.259.264.2134

Expenditures/Revenues:

(Thousands of Dollars)

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

CAPITAL EXPENDITURES						
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CHANGES IN REVENUES ()						
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FUND SOURCE

(Thousands of Dollars)

	FY98	FY99	FY00	FY01	FY02	FY03
1002 Federal Receipts	(284.1)	(284.1)	(284.1)	(284.1)	(284.1)	(284.1)
1003 GF Match						
1004 GF	284.1	284.1	284.1	284.1	284.1	284.1
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:

	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)

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 described in this bill and still minimize 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 and must discontinue claiming federal reimbursement for those costs and services. This restructuring will preserve the majority of federal receipts but will still result in some reductions which must be replaced by general funds. This fiscal note reflects the costs associated with that restructuring and the reduction in federal claims.

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.
 Loss of Federal Funds: (\$284.1)

Prepared by: L. Diane Worley, Director Phone: 465-3191
 Division: Family & Youth Services Date: 02/10/97
 Approved by Commissioner: Karen Perdue, Commissioner Date: 2/12/97
 Agency: Department of Health & Social Services

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FISCAL NOTE

STATE OF ALASKA
1997 LEGISLATIVE SESSION

No. 13
Bill Version: CSHB 6(JUD)
(H) Publish Date: 2/21/97

Revision Date: _____
Title: Relating to the disclosure of information
relating to certain minors
Sponsor: Representative Kelly
Requestor: House (HES)

Dept. Affected: Health and Social Services
BRU: Family and Youth Services
Component: Foster Care
COMPONENT SERIAL NO. 252
See also (SN#): 253,254,255,258,259,264,2134

Expenditures/Revenues:

(Thousands of Dollars)

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

CAPITAL EXPENDITURES						
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CHANGES IN REVENUES ()						
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FUND SOURCE

(Thousands of Dollars)

	(18.6)	(18.6)	(18.6)	(18.6)	(18.6)	(18.6)
1002 Federal Receipts						
1003 GF Match						
1004 GF	18.6	18.6	18.6	18.6	18.6	18.6
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 (FY97) cost: \$0.0

ANALYSIS: (Attach a separate page if necessary)

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 described in this bill and still minimize 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 and must discontinue claiming federal reimbursement for those costs and services. This restructuring will preserve the majority of federal receipts but will still result in some reductions which must be replaced by general funds. This fiscal note reflects the costs associated with that restructuring and the reduction in federal claims.

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Loss of Federal Funds: (\$18.6)

Prepared by: L. Diane Worley, Director
Division: Family & Youth Services

Phone: 465-3191
Date: 02/10/97

Approved by Commissioner: Karen Perdue, Commissioner
Agency: Department of Health & Social Services

Date: 2/12/97

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FISCAL NOTE

STATE OF ALASKA
1997 LEGISLATIVE SESSION

NO. 12
Bill Version: CSHB 6(JUD)
(H) Publish Date: 2/21/97

Revision Date: _____
Title: Relating to the disclosure of information
relating to certain minors
Sponsor: Representative Kelly
Requestor: House (HES)

Dept. Affected: Health and Social Services
BRU: Family and Youth Services
Component: McLaughlin Youth Center
COMPONENT SERIAL NO. 264
See also (SN#): 252,253,254,255,258,259,2134

Expenditures/Revenues:

(Thousands of Dollars)

OPERATING	FY98	FY99	FY00	FY01	FY02	FY03
PERSONAL SERVICES			(24.1)	(24.1)	(24.1)	(24.1)
TRAVEL						
CONTRACTUAL						
SUPPLIES						
EQUIPMENT						
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
TOTAL OPERATING	0.0	0.0	(24.1)	(24.1)	(24.1)	(24.1)

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			(24.1)	(24.1)	(24.1)	(24.1)
1005 GF/Program Receipts						
1037 GF/Mental Health						
Other (please specify)						
TOTAL	0.0	0.0	(24.1)	(24.1)	(24.1)	(24.1)

POSITIONS:

FULL-TIME						
PART-TIME						
TEMPORARY						

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

ANALYSIS: (Attach a separate page if necessary)

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 described in this bill and still minimize 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 and must discontinue claiming federal reimbursement for those costs and services. This restructuring will preserve the majority of federal receipts but will still result in some reductions which must be replaced by general funds. This fiscal note reflects the costs associated with that restructuring and the reduction in federal claims.

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Prepared by: L. Diane Worley, Director Phone: 465-3191
Division: Family & Youth Services Date: 02/10/97
Approved by Commissioner: Karen Perdue, Commissioner Date: 2/12/97
Agency: Department of Health & Social Services

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ANALYSIS (cont.):

Change in position:

Superintendent II PCN 06-3483 R 21 will be down graded to a R 20.

(\$93.5)

\$69.4

Total savings due to downgrade

(24.1)

HB 6
2/21/97

Submitted with Fiscal Notes
Numbers 12-19

The table below summarizes the fiscal notes for DFYS components which will be impacted if HB 6 passes. The loss of federal IVE revenue will be caused by the disclosure of information from DFYS juvenile delinquency records because DFYS will not be able to claim those particular funds once information from those records is no longer confidential. The restructuring costs are related to the need to administratively separate the youth corrections programs from the child protection programs, including the associated costs, to prevent the additional loss of funds currently claimed for child protection clients.

Total Costs due to Loss of IVE Revenue and Restructuring						
	IVE Revenue Loss	PCN#	Position	Cost of Restructure	Total Cost of Restructure	Total Cost
Southeast		06-3482 new	Delete Regional Admin. SW V	(\$82,600.00) \$73,800.00		
	\$44,200				(\$8,800.00)	\$35,400
Southcentral		06-3482 new	Delete Regional Admin. SW V	(\$92,200.00) \$73,800.00		
	\$157,500				(\$18,400.00)	\$139,100
Northern		06-3218 06-3201 06-3089 new	Delete Reg. Admin. Delete SW V/Bethel Delete SW V/Nome SW V / Fairbanks	(\$99,900.00) (\$91,100.00) (\$98,300.00) \$77,100.00		
	\$113,800				(\$212,200.00)	(\$98,400)
Central Office		new new	Admin Clerk II CPS Admin Officer	\$37,300.00 \$83,300.00		
	\$80,000				\$120,600.00	\$200,600
Probation Serv.		new new new new new	Youth Supt.II Chief Prob. Officer 3 Admin Clerk II 3 Admin. Assts. Juvenile Prob. Off V	\$73,800.00 \$83,900.00 \$112,000.00 \$138,600.00 \$74,300.00		
					\$482,600.00	\$482,600
McLaughlin YC		06-3483	downgrade Supt. II	(\$21,100.00)	(\$24,100)	(\$24,100)
Foster Care	\$18,600					\$18,600
Residential Care	\$284,100					\$284,100
Total	\$698,200				\$339,700	\$1,037,900

Fiscal notes are developed on each bill as if that were the only bill to become law. There has been no attempt to duplicate costs across these bills but to accurately represent the cost associated by each bill on its own merits.

The fiscal notes for HG 6 reflect the costs for both the loss of funds and the restructuring because, standing alone, passage of this bill will result in both occurrences.

The fiscal note for HCR 4 currently reflects 0 fiscal impact because the original bill only addressed the separation of records. Since DFYS already maintains separate records for child protection cases and delinquency cases, the bill would have no impact since it does not mandate the disclosure of information. If the proposed CS is adopted, the department will submit a fiscal note reflecting only the cost of restructuring the Division of Family & Youth Services.

HB 3 carries a 0 fiscal note because the information to be disclosed does not come from DFYS records.

FISCAL NOTE

No. 3

Bill Version: CSHB 6 (HES)

STATE OF ALASKA
1997 LEGISLATIVE SESSION

BILL NO: (H) Publish Date: 1/31/97

Revision Date: _____ Dept. Affected: Public Safety
 Title: Release of information about minors. BRU: Alaska State Troopers
 Component: Detachments
 Sponsor: Representative Kelly
 Requestor: H.HESS COMPONENT SERIAL NO. 0799

EXPENDITURES/REVENUES: (Thousands of Dollars) (inflation not included)

	FY 98	FY 99	FY 00	FY 01	FY 02	FY 03
OPERATING						
PERSONAL SERVICES						
TRAVEL						
CONTRACTUAL						
SUPPLIES						
EQUIPMENT						
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
TOTAL OPERATING	-0-	-0-	-0-	-0-	-0-	-0-
CAPITAL	-0-	-0-	-0-	-0-	-0-	-0-
CHANGE IN REVENUES () Revenue Code	-0-	-0-	-0-	-0-	-0-	-0-

FUNDING: (Thousands of Dollars)

1002 Federal Receipts						
1003 GF Match						
1004 GF						
1005 GF/Program						
1006 GF/MHTIA						
Other						
TOTAL	-0-	-0-	-0-	-0-	-0-	-0-

Estimate of current year (FY 97) impact: \$ _____

POSITIONS:

FULL-TIME	0	0	0	0	0	0
PART-TIME	0	0	0	0	0	0
TEMPORARY	0	0	0	0	0	0

ANALYSIS: (Attach a separate page if necessary.)

This bill will not have a fiscal impact on the Division of Alaska State Troopers.

Prepared By: Lt. Dan Lowden Phone: 269-5412
 Division: Alaska State Troopers Date: January 15, 1997
 Approved by Commissioner: *Dee Smith* Date: 1/22/97
 Agency: Ronald L. Otte, Department of Public

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FISCAL NOTE

No. 2
 Bill Version: CSHB 6 (HES)
 (H) Publish Date: 1/31/97

**STATE OF ALASKA
 1997 LEGISLATIVE SESSION**

Revision Date: _____ Dept. Affected: Department of Law
 Title: "An Act relating to the disclosure of information
relating to certain minors." BRU: Criminal Division/Civil Division
 Component: Criminal Division/General Legal Services
 Sponsor: Representative Kelly
 Requester: House HESS Committee COMPONENT SERIAL NO. 2086/2087

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						
TOTAL OPERATING	0.0	0.0	0.0	0.0	0.0	0.0

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

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

FUND SOURCE (Thousands of Dollars)

FUND SOURCE	FY 98	FY 99	FY 00	FY 01	FY 02	FY 03
1002 Federal Receipts						
1003 GF Match						
1004 GF						
1005 GF/Program Receipts						
1006 GF/MHTIA						
Other						
TOTAL	0.0	0.0	0.0	0.0	0.0	0.0

Estimate of any current year (FY97) cost: 0.0

POSITIONS

POSITIONS	FY 98	FY 99	FY 00	FY 01	FY 02	FY 03
FULL-TIME	0.0	0.0	0.0	0.0	0.0	0.0
PART-TIME						
TEMPORARY						

ANALYSIS: (Attach a separate page if necessary)

This bill amends Article 2 of AS 47.12, relating to information and records concerning delinquent minors. The bill would require public disclosure of information pertaining to a juvenile offender if the offense is a felony, or a misdemeanor and the minor has previously been arrested or adjudicated a delinquent based on the minor's previous commission of an offense that was, at the time of its commission, punishable as a felony or as a misdemeanor. The bill would also permit disclosure of the arrest record of a minor to school officials, and to a teacher employed in a school; and, information about the arrest of a minor or an investigation of a case involving a minor to a victim and the victim's insurance company. The bill would permit a parent or legal guardian of a minor subject to AS 47.12 to disclose to the public confidential and privileged information about the minor.

Passage of this legislation would have no fiscal impact on the Department of Law.

Prepared by: Joan M. Kasson *Joan M. Kasson*
 Division: Administrative Services Division
 Approved by Commissioner: Bruce M. Botelho, Attorney General *Bruce Botelho for*
 Agency: Department of Law

Phone: 465-5370
 Date: 1/24/97
 Date: 1/24/97

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FISCAL NOTE

No. 1
 Bill Version: CSHB 6 (HES)
 (H) Publish Date: 1/31/97

STATE OF ALASKA
 1997 LEGISLATIVE SESSION

Revision Date: _____
 Title: "An Act amending laws relating to the disclosure of information relating to certain minors"

Department Affected: Administration

Sponsor: Representative Kelly
 Requestor: (H) HES

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						
TOTAL OPERATING	0.0	0.0	0.0	0.0	0.0	0.0

CAPITAL EXPENDITURES	0.0	0.0	0.0	0.0	0.0	0.0
-----------------------------	------------	------------	------------	------------	------------	------------

CHANGE IN REVENUES ()	0.0	0.0	0.0	0.0	0.0	0.0
-------------------------------	------------	------------	------------	------------	------------	------------

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 97) cost: \$ 0.0

POSITIONS:

FULL-TIME						
PART-TIME						
TEMPORARY						

ANALYSIS: (Attach a separate page if necessary.)

The old rehabilitative system of juvenile justice was designed to treat minors and protect them from the stigma of youthful indiscretion by having confidential proceedings and records. This bill eliminates any confidentiality and requires courts after adjudication, law enforcement after arrest, and the Department of Health and Social Services if the matter is adjusted informally to provide the name of the minor, the name of the parents or guardian, the offense and the disposition to the public, if the offense is a felony or a misdemeanor with a previous arrest, adjustment or adjudication. A victim or victim's insurance company is entitled to the same information no matter what the offense. It also allows parents to disclose previously confidential records and proceedings to the public and permits teachers to get arrest records for any minors in school. 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: 1/21/97

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SENATE COMMITTEE REPORT

DATE: 4/21/97

FURTHER: Finance

DATE TURNED
IN TO OFFICE: 4/28/97

Judiciary Committee considered

HOUSE BILL NO. 6

"An Act amending laws relating to the disclosure of information relating to certain minors."

and recommends:

- be replaced with S CS CSHBG (FIN) am (JUD)
- 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 change
 - new: SCR# _____

SIGNING DO PASS	DP	OTHER RECOMMENDATIONS	NR	DNP	AM
<i>Mike Mull</i>	<input checked="" type="checkbox"/>	<i>J. Ellis</i>	<input checked="" type="checkbox"/>		
<i>Jim DeLoach</i>	<input checked="" type="checkbox"/>				
<i>Sam Powell</i>	<input checked="" type="checkbox"/>				
CHAIR: <i>Adrian Taylor</i>	<input checked="" type="checkbox"/>	CHAIR:			

NEW FISCAL NOTE(S):

Department	Date	Zero	Fiscal

PREVIOUS FISCAL NOTE(S):*

Department	Date	Zero	Fiscal
<i>All Previous Fiscal Notes Apply # 1-19</i>			
<i>1, 2, 3, 12, 13, 14</i>			
<i>15, 16, 17, 18, 19</i>			

APPROPRIATION -- no fiscal note

*include fiscal notes accompanying Governor's 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

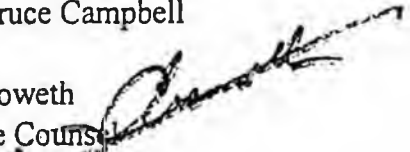
MEMORANDUM

April 22, 1997

SUBJECT: Amendment to CSHB 6 (Fin) am (Work Order No. OLS-0063Ca.1)

TO: Representative Pete Kelly
ATTN: Bruce Campbell

FROM: Jack Chenoweth
Legislative Counsel



This serves to confirm advice orally given.

1. The breadth of the phrase "An Act relating to minors . . ." in the title of the House-passed bill is sufficient to admit this new material allowing the public to attend certain hearings on petitions seeking delinquency adjudications. There is no need for the Senate to expand the bill title in order to allow this addition.
2. A court rule change is necessary to accommodate this new material. The language of the proposed court rule change is set out in the amendment.
3. Under Rule 41(b) of the Uniform Rules, "[a]n amendment to a bill introduced in the other house is not in order if the amendment requires a change of the bill title other than a clerical or technical change." The proper way to admit new material that necessitates a bill title change is by introduction and passage of a concurrent resolution suspending the appropriate rules (including Rule 41(b)). A rule suspension requires a two-thirds vote in each house. Rule 54. However, this office has always advised the legislature to treat matter necessitating addition of reference to a court rule change in the bill title as a technical change. As a technical change, the amendment and the corresponding additional reference to the court rule change may be made by the second house without the necessity of a suspension of the rules.

*

While there may be objection to admitting this material under the existing bill title with the addition of the court rule change and court rule provision in the bill title, this amendment fits within the Uniform Rules. The rules would not have to be suspended.

JBC:pl
97-114.plm

A M E N D M E N T

OFFERED IN THE SENATE

TO: CSHB 6(FIN) am

1 Page 1, line 2, following "minors":

2 Insert "; and amending Rule 3(c), Alaska Delinquency Rules"

3 Page 1, following line 3:

4 Insert a new bill section to read:

5 "* Section 1. AS 47.12.110 is amended by adding a new subsection to read:

6 (d) Notwithstanding (a) of this section, a court hearing on a petition seeking
7 the adjudication of a minor as a delinquent shall be open to the public, except as
8 prohibited or limited by order of the court, if

9 (1) the department files with the court a petition asking the court to
10 open the hearing to the public, and the petition seeking adjudication of the minor as
11 a delinquent is based on

12 (A) the minor's alleged commission of an offense, and the
13 minor has knowingly failed to comply with all the terms and conditions
14 required of the minor by the department or imposed on the minor in a court
15 order entered under AS 47.12.040(a)(2) or 47.12.120;

16 (B) the minor's alleged commission of

17 (i) a crime against a person that is punishable as a
18 felony;

19 (ii) a crime in which the minor employed a deadly
20 weapon, as that term is defined in AS 11.81.900(b), in committing the
21 crime;

22 (iii) arson under AS 11.46.400 - 11.46.410;

23 (iv) burglary under AS 11.46.300;

24 (v) distribution of child pornography under

1 AS 11.61.125;

2 (vi) promoting prostitution in the first degree under
3 AS 11.66.110; or

4 (vii) misconduct involving a controlled substance under
5 AS 11.71 involving the delivery of a controlled substance or the
6 possession of a controlled substance with intent to deliver, other than
7 an offense under AS 11.71.040 or 11.71.050; or

8 (C) the minor's alleged commission of a felony and the minor
9 was 16 years of age or older at the time of commission of the offense when
10 the minor has previously been convicted or adjudicated a delinquent minor
11 based on the minor's commission of an offense that is a felony; or

12 (2) the minor agrees to a public hearing on the petition seeking
13 adjudication of the minor as a delinquent."

14 Page 1, line 4:

15 Delete "*Section 1."

16 Insert "*Sec. 2."

17 Renumber the following bill sections accordingly.

18 Page 5, following line 16:

19 Insert a new bill section to read:

20 "* Sec. 6. Rule 3(c), Alaska Delinquency Rules, is amended to read:

21 (c) Admission to Hearings [GENERAL PUBLIC EXCLUDED]. The provisions
22 of AS 47.12.110(d) apply to govern admission of the public to adjudication hearings.
23 Disposition hearings, temporary detention hearings, hearings in the nature of an
24 arraignment on a petition, and other proceedings before the court [HEARINGS] are not
25 open to the public unless requested by the juvenile. However, the court may, after due
26 consideration for the welfare of the juvenile and the interests of the public, admit specific
27 individuals to a hearing or proceeding, and shall admit victims of the juvenile's offense to
28 hearings or proceedings as required by AS 47.12 [AS 47.10.070(b)]."

1 Renumber the following bill section accordingly.

2 Page 5, line 17:

3 Delete "sec. 4"

4 Insert "sec. 5"

A M E N D M E N T

OFFERED IN THE SENATE

TO: CSHB 6(FIN) am

1 Page 2, following line 1:

2 Insert new bill sections to read:

3 **"* Sec. 3. AS 47.12.310(b) is amended to read:**

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

6 (1) a guardian ad litem appointed by the court or to a citizen review
7 panel for permanency planning authorized by AS 47.14.200 - 47.14.220;

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

10 (3) school officials as may be necessary to protect the safety of school
11 students and staff or to enable the school to provide appropriate counseling and
12 supportive services to meet the needs of a minor about whom information is
13 disclosed;

14 (4) a governmental agency as may be necessary to obtain that agency's
15 assistance for the department in its investigation, or to obtain physical custody of a
16 minor;

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

20 (6) a victim as may be necessary to inform the victim about the
21 disposition or resolution of a case involving a minor.

22 *** Sec. 4. AS 47.12.310(c) is amended to read:**

23 (c) A state or municipal law enforcement agency

24 (1) shall disclose information regarding a case that is needed by the
25 person or agency charged with making a preliminary investigation for the information

1 of the court under this chapter;

2 (2) may disclose to the public information regarding a criminal offense
3 in which a minor is a suspect, victim, or witness if the minor is not identified by the
4 disclosure;

5 (3) may disclose to school officials information regarding a case as
6 may be necessary to protect the safety of school students and staff or to enable the
7 school to provide appropriate counseling and supportive services to meet the
8 needs of a minor about whom information is disclosed;

9 (4) may disclose to the public information regarding a case as may be
10 necessary to protect the safety of the public; and

11 (5) may disclose to a victim or to the victim's insurance company
12 information, including copies of reports, as necessary for civil litigation or insurance
13 claims pursued by or against the victim."

14 Renumber the following bill sections accordingly.

15 Page 5, line 17:

16 Delete "sec. 4"

17 Insert "sec. 6"

A M E N D M E N T

OFFERED IN THE SENATE

TO: CSHB 6(FIN) am

- 1 Page 2, line 30, through page 3, line 5:
- 2 Delete all material and insert:
- 3 "(D) burglary under AS 11.46.300;"

ALASKA MENTAL HEALTH BOARD

TONY KNOWLES, GOVERNOR
STATE OF ALASKA

431 N. Franklin, Suite 101
Juneau, Alaska 99801
Office: (907) 465-3071
Fax: (907) 465-3079
TDD: (907) 465-4764

April 25, 1997

The Honorable Robin Taylor
Alaska Senate
State Capitol
Juneau, AK 99811

Dear Senator Taylor:

The Alaska Mental Health Board has developed a position on CSHB6. We offer this position in our role as the state planning and advocacy agency for youth and adults who experience mental illnesses and serious emotional disorders.

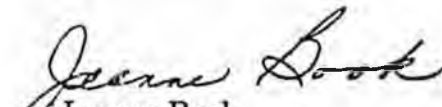
The Board believes that there must be a balance between confidentiality and disclosure for youth with mental health needs. The Board is particularly concerned with the impact of releasing information on seriously emotionally disturbed youth who are involved with the criminal justice system. The release of confidential information concerning these youth can create a level of stigma and ostracism that significantly undermines mental health interventions with this population. At the same time, the Board recognizes that some level of information sharing may be appropriate when public safety and protection are paramount.

The Board cannot support CSHB6 in its present form since we believe it does not strike the proper balance between confidentiality and disclosure. The Board could potentially support CSHB6 if the following changes were made:

- the legislation is limited to older adolescents;
- disclosure does not occur until adjudication; and
- disclosure does not occur for "adjusted" offenses.

On behalf of youth mental health beneficiaries in Alaska, we urge you to develop and adopt these amendments to CSHB6. Thank you for your consideration.

Sincerely,


Jeanne Book
Chair

Testimony concerning HB 6 - Disclosure of Information About Minors

By Laura Rorem
9151 Parkwood Drive, Juneau, Alaska 99801
789-1647

My name is Laura Rorem. I am the parent of two adopted children, ages 21 and 24 who have suffered from brain disorders their entire lives. One lives with the reality of a mental illness and the other with the reality of Fetal Alcohol Effects. I am also a member of the Alaska Mental Health Board. My husband is a Lutheran pastor in Juneau and is also heavily involved in mental health issues in the community. I am here today wearing my hat as a family member and an advocate for children of all ages who suffer from brain disorders and their families. I am not speaking on behalf of the AMHB, ~~as the board has not taken an official position on this bill yet.~~

I wish to thank you for this opportunity to address the committee on how HB 6 will adversely effect this special population of people and their families.

Brain disorders are no fault diseases that affect behavior, thinking processes, mood, judgement, reason, and decision, to name only a few symptoms. They are caused by biochemical and/ or structural abnormalities in the brain. Weakness of will, and bad parenting are not to blame. These illnesses **are not caused** by problems in living, bad environment, abuse or neglect. These diseases are grossly misunderstood, and treatment for them is sporadic, haphazard, difficult to access, and blame oriented.

Imagine for a moment the public response to heart disease treatment if it were delivered in the same way as it is to those with brain diseases. First--a bureaucratic--red-tape cluster of community cardiac health centers requiring those with heart disease or their parents to present medical, legal just cause, which is difficult to obtain, for hospitalization or treatment if a cardiac breakdown occurs. Then once a month--if that--doctors see the patient for 15 minutes at the center and of course it is up to the cardiac patient to get there on their own--even if it means walking for miles. A cardiac episode requiring hospitalization specifies stabilization and discharge in 5 or 10 days, unless the patient is ruled a criminal (having somehow wound up in jail overnight along the way). Meanwhile at the state cardiac hospital, criminal patients are housed on the same grounds as everyone else. At the same time, the parents are trying desperately to get quick and appropriate treatment for their child's life threatening disease, only to be blamed for causing their child's heart disease or being told repeatedly by the cardiac treatment center that "We have to wait until your child commits a crime first before we can help him." Then when the child finally commits a crime, in spite of parental efforts to prevent it, their child's name and their name is published for all to see. This is done even though appropriate intervention was repeatedly denied by the care system that was suppose to be there to help them. The public shame of their child's heart disease would increase.

A child with heart disease is not apt to commit a crime without treatment--he is apt to die. A

brain disease is also life threatening without appropriate treatment. There is also the possibility the child may commit some kind of crime along the way. This occurs, not because the child is bad, but because a child with a brain disorder has a diseased organ of decision, reason, and judgement. It is not uncommon for these children to end up in the juvenile justice system because their parents have been unable to find, and therefore they have not received, appropriate treatment for their disease.

Children and adults with brain disorders are good people, but their brains diseased. They are often incapable of make the distinction between right and wrong or unable to understand consequences--no matter how hard they try to stay on track, and their parents try to teach them right from wrong.

We are good parents with good children. We begged for help for years without getting any--instead we were offered blame and the runaround. That would not happen if our child had heart disease, leukemia, CP, or diabetes. We did everything we could, only to be repeatedly told, "you have to wait until he commits a crime first." Our children do not want to commit a crime, and as parents, we go above and beyond the call of duty to prevent it. But there are times their brains would explode and he or she would run away trying to get away from the pain in their brain and end up doing something wrong because of it. To prevent them from committing a crime, and as a last resort, we finally hospitalized them out of state--six months for one and two years for the other. If they had committed a crime and our child's name and ours would have been published, it would not have served as a detriment, nor would it have brought about intervention. Instead our child, and we, would have been further ostracized and blamed, publicly humiliated and our lives would have been further destroyed. No one would have cared to help us. It would have brought punishment rather than treatment. It would have violated our right to privacy concerning our child's disease.

Being ostracized only isolates more and accentuates the possibility of more negative activities. It only adds more pain and suffering to an already painful, devastating, misunderstood disease. What is needed is a process of appropriate intervention and treatment that seeks to restore dignity. My children are adults now. HB 6 will not affect us, but it will adversely affect all children with brain disorders and their parents. It will unjustly punish them for having a disease of their brain. Disclosure of arrest is not evidence that a crime has even been committed. Often times it is the first clue that a child even has a brain disorder and becomes an opportunity for intervention and treatment.

Another point I wish to make. In 1991, we discovered that our son was in the early stages of self medicating his brain disorder with marijuana. He was 15 at the time. We sought professional early intervention from several agencies in Juneau, as well as the school. No one would help us, but they were willing to give us advice. With that advice, we approached our son with love and concern to address the issue of his substance abuse. He was calm at the time. Just as we said, "We love you, we need to talk to you, we need you to listen," he pulled a knife on us. Upon further advisement, we were told to have him arrested, which we did. He was arrested for felony assault III. He was never adjudicated, but was put on informal probation. As a result, we were finally able to get him down to Seattle for a thorough Neuropsychological exam--

something we had tried to do for years but had not been able to accomplish before. HB 6 would have prevented us from calling the police to have him arrested as a means to get the much needed help we were seeking. It would prevent other parents from doing the same today. Sadly, it would not have come to a situation of us needing to have our son arrested if the service system had intervened when we had pleaded for them to earlier.

My testimony reflects not only my reality. It also reflects a painful reality shared by more people than you realize throughout Alaska. There is a universal fear among parents of children of brain disorders that the prison system and court system will become the treatment their child receives, rather than appropriate early intervention and treatment that can, in many cases, result in a vulnerable, fragile child growing up to be a productive and respected member of society. Please don't further diminish the lives of many caring and loving Alaskan parents and their children, who live daily with a no fault illness for which they will receive further blame and humiliation by disclosing their names publicly.

Thank you for listening and consideration.



NATIONAL ASSOCIATION OF SOCIAL WORKERS
ALASKA CHAPTER

525 Main Street, Juneau AK 99801
586-4438 1-800-478-6279 Fax: 586-4439
naswak@alaska.net

Testimony Regarding

CSHB 6(Jud): RELEASE OF INFORMATION ABOUT MINORS

Before the
JUDICIARY COMMITTEE
ALASKA SENATE
April 23, 1997

Presented by
Angela M. Salerno, ACSW
Executive Director,
National Association of Social Workers Alaska Chapter



NATIONAL ASSOCIATION OF SOCIAL WORKERS ALASKA CHAPTER

525 Main Street, Juneau AK 99801
586-4438 1-800-478-6279 Fax: 586-4439
naswak@alaska.net

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 people we serve.

Thank you for the opportunity to address the Committee on HB 6- Release of Information About Minors.

NASW opposes HB 6 and does not recommend its passage. These proposed amendments to the Alaska Children's Code represent a dramatic and fundamental change to the state's juvenile justice system. Since its inception, the basic mission of the juvenile court has been rehabilitation as well as accountability. Confidentiality of juvenile records was part of a progressive reform movement intended to make the treatment of juvenile offenders more effective and humane. The first juvenile court, created by the social worker, Jane Addams, was designed to be a civil rather than a criminal court, and the accused were to be defined less by their offenses than by their youth. Children were thought to be still susceptible to rehabilitation, and the judges were to act informally, serving like doctors, to dispense the right treatment for the offender, rather than punishment. As a result, for the past century, juvenile arrest and court proceedings have remained closed to the public. This offers the youth protection from negative labeling and lifelong community sanction for acts committed before adulthood. The juvenile system places an emphasis on the youthful offenders eventual reintegration and reentry into society.

The cost of this measure to the State of Alaska is over \$1 million annually. Federal law requires that states which receive Title IV-E (foster care) funds keep confidential the names of all juveniles in their jurisdiction. Costs to separate the records of CINA and delinquent youth, additional staffing needed to operate the new system, as well as the annual loss of \$700,000 (the amount spent each year for foster placements for youthful offenders) is money better spent on prevention programs which have a real chance of significantly lowering the cost of juvenile crime.

This is a radical and untested measure for which we have no data to predict outcomes. Breach of confidentiality laws became popular approximately five years ago as a get tough, quick fix response to community concerns about juvenile crime. Supporters claim the measure will improve public safety and deter crime. There is no research or reliable data to support these claims.

Research done at the University of Florida has shown that popular "get tough" measures fail in dealing with juvenile crime. Appearing in the April 1996 issue of the *Journal of Crime and Delinquency*, the study found that youths tried as adults commit new crimes at a higher rate than their counterparts who stay in juvenile courts. This finding is significant to the debate on HB 6 because releasing the names of juvenile offenders treats them as de facto adults. Without the protection of confidentiality, youth are more likely to "graduate" into more serious criminal activity.

Alaska is already "tough on juvenile crime." It is a misperception that "nothing happens" to juveniles who commit crimes. The confidentiality of juvenile cases, combined with the emphasis on rehabilitation, may lead to the impression that no sanctions, punishment or measures to hold the juvenile responsible are now in place. In fact Alaska ranks second in the nation for the percentage of its juveniles who are locked up, and second in the length of time that juveniles are locked up. Those who deal with juvenile offenders - the courts and probation officers - have a number of choices or dispositions: waiver to adult courts for the most serious offenses, adjudication and probation, or in more severe cases, institutionalization in long-term detention and treatment facilities. For minor offenses, informal adjustments such as restitution, prevention and treatment programs, or victim-offender mediation are routinely and effectively ordered. Due to funding deficits, these programs are not available to all who would benefit.

Releasing the names of juvenile offenders and their parents will not deter the youth from future crime. This type of sanction will not have the intended outcome. Those youth engaged in ongoing criminal activity may see disclosure as a "badge of honor." More impressionable youth may internalize the label, compromising efforts at rehabilitation. Breaching confidentiality will definitely result in a public record that will damage the youth in attempts to find employment, enter college, rent an apartment or borrow money to purchase a home or start a small business. This measure will restrict the youth's future success, almost ensuring the youth will resort to further criminal activity. Further, releasing the names of parents could impact their future employability as well as social standing in the community. Some parents who must endure the pressure of widespread publicity could become even less involved in their children's lives, and further disrupt the life of the family.

HB 6 proposes suspension of confidentiality even before a minor is adjudicated, and creates a "guilty before being found guilty" situation. HB 6 would allow the release of confidential information when DFYS informally adjusts a case, or simply petitions for adjudication. Before guilt has been admitted or proven the minor's name is released. Even if insufficient evidence is brought forth and the case is dismissed, those youth will bear the damage of being labeled.

HB 6 proposes to suspend confidentiality when a probation officer decides not to adjudicate, but to adjust the case informally. Adjustment is often chosen for non-violent offenses that do not present life threatening dangers to public safety. Case adjustment offers the opportunity for competency building and socialization in non-violent youth offenders, and perhaps the opportunity to guide the youth away from further crime. Probation officers can require payment of restitution, family counseling, community work service or completion of a variety of diversion and treatment programs. The officer can also refer the victim and offender to voluntary mediation - a tool of "restorative justice." According to the Alaska Judicial Council, the department resolves most juvenile cases through adjustment, and a large majority of juveniles whose cases are adjusted do not return to the juvenile system. By releasing the names and circumstances around case adjustments we may negate the role of treatment, diversion, prevention and restorative justice in the community.

HB 6 provides no mechanism to assist the community in providing what the sponsor statement refers to as the "guidance, attention, and assistance troubled youth require." Supporters claim this bill will result in the youth receiving help and attention from the community. Yet no community agencies, committees, or informal groups are charged with the responsibility of providing this help. There must exist a clear linkage between the troubled youth and the community - some adult or group of adults willing to establish a relationship with the youth, and who are able to successfully confront the youth with his or her wrongdoing. Without this assignment of responsibility, we abandon our role in rehabilitation, and look only to punishment and retribution.

Juvenile crime is closely associated with societal problems beyond the youth's control. Breaching confidentiality will not address the real problems behind juvenile crime. The past twenty years have seen dramatic changes in the make-up of our communities and an overall worsening of many social problems. Some of the factors contributing to increased juvenile crime include:

- **the sheer number of young people in Alaska** - between 1980 and 1990, the nation as a whole experienced a 1% increase in its juvenile population. During the same time period Alaska's juvenile population increased 40%. (National Council on Crime and Delinquency). In 1990, youth between the ages of 0-19 made up 35.8% of Alaska's population (US Census Bureau).
- **poverty, and its proven link to juvenile crime.** Each year in Alaska 24,701 children receive public assistance. (State of Alaska, Child Health Planning Work Group). Since 1974, poverty rates have been higher for juveniles than for the elderly (OJJDP).
- **child abuse and its proven link to juvenile crime.** Each year in Alaska 3,575 cases of child abuse are verified. The state of Alaska receives over 15,000 child abuse and neglect reports each year. (State of Alaska, Child Health Planning Work Group)
- **failure in school and its proven link with juvenile crime.** Nearly 25% of Alaska's ninth graders do not graduate from high school four years later.
- **juvenile offenders are more likely to live with single parents.** Each year in Alaska, 31,705 children are living in single parent households. (State of Alaska, Child Health Planning Work Group).
- **1,900 Alaskan adolescents are homeless annually** (Alaska DHSS).

NASW supports a balanced and restorative approach to juvenile justice. Restorative justice, a fairly new philosophical framework for dealing with juvenile crime, identifies crime as harm done to both victims and the community. It prioritizes restoration as a goal of the justice process. Through efforts to mend and strengthen the social fabric of communities, it is more concerned with "making things right" than with fixing blame or meting punishment. Dramatically different from retributive justice - the prevailing system which concentrates on legal infringement, penalties, and deterrence - restorative justice is nevertheless a powerful tool for addressing crime in an effective way.

The problem of juvenile crime and the factors that are at work in causing it are complex, and troubling to the community. NASW supports a comprehensive, balanced and restorative approach to juvenile justice - one that promotes public safety, holds offenders accountable to victims, and provides competency development and socialization for offenders so they can reintegrate into society and become productive Alaskans. We recommend community-based programs of restorative justice, especially the development of community response groups charged with responsibility for confronting juvenile offenders in their neighborhoods. We urge the state to promote a variety of ongoing prevention measures such as recreational and civic opportunities for youth and their families. Breaching the confidentiality of minors will not get us where we want to go, and could in fact seriously backfire on us, creating criminals where now none exist.

Thank you, and I'll be available to the Committee anytime to answer questions.

Alaska State Legislature

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House District 31

House Of Representatives

Sponsor Statement House Bill 6

Disclosure of information about criminal acts by minors.

House Bill 6 will allow the free flow of information about minors who commit repeat or serious offenses. Communities will no longer be precluded from providing the guidance, attention, and assistance troubled youth require.

The release of information by DFYS occurs in two areas of dealing with a minor: 1) when a minor is informally adjusted - i.e. assigned consequences without going to court - and 2) during the formal court adjudication of delinquency. Approximately 75 - 85% of all minors who commit crimes are informally adjusted by DFYS, and approximately 15 - 25% are petitioned to juvenile court.

This legislation provides for the disclosure of specific information to the public about a crime committed by a juvenile. The Department of Health and Social Services, Division of Youth and Family Services, shall release the name of the minor, the minor's parent(s), the action required of the minor, and the nature of the offense exclusive of information about the victim.

In the informal adjustment process, DFYS **shall** release the name of a minor if the minor has committed a prior offense and then commits a serious felony including:

- A) a crime against a person
- B) use of a deadly weapon
- C) arson
- D) a 2nd burglary, (or multiple burglaries)
- E) distribution of child pornography
- F) promoting prostitution
- G) delivering a controlled substance.

In the informal adjustment process, DFYS **may** release the name of a minor if:

The minor fails to comply with the agreed restitution, rehabilitation or placement plan.

(b) For those cases where the department finds that the informal adjustment is inappropriate and determines it is necessary to **file a petition** to bring the minor before juvenile court for formal adjudication, the department releases information about the minor if:

1) The minor fails to comply with the agreed restitution, rehabilitation or placement plan.

2) The minor commits a serious felony including:

- A) a crime against a person
- B) use of a deadly weapon
- C) arson
- D) burglary
- E) distribution of child pornography
- F) promoting prostitution
- G) delivering a controlled substance.

or

3) The minor commits a second felony, and is 16 years of age or older.

(c) HB 6 also provides that the department shall disclose information about a dismissed case against a minor, or the minor was not found delinquent, if the minor requests the information be revealed. At present the department cannot release information about a minor's innocence.

(d) (1) Disclosure of a temporary foster parent's name is precluded.
(2) Provides that the department may use electronic means to provide the disclosure - i.e. via a home page.

(e) Sets a limit of five years for the disclosure by the department, if the minor keeps a clean record.

(f) Allows the department to petition the court to stop disclosure. The court may stop an authorized disclosure if the court finds that it is an isolated incident and the minor does not present further danger to society, or if the victim agrees that disclosure is not desirable.

ALASKA STATE LEGISLATURE
HOUSE BILL NO. 6

HISTORY IN THE HOUSE

1997

1/13 Read first time and referred to:
HES Jud

1/31 HES RPT CS(HES) New Title
4 DP 0 DNP 2 NR 1 AM
8 FN 3 OFN Previous FN

2/13 Rec. additional referral to FIN
 2/21 FIN RPT CS(Jud) New Title
3 DP 0 DNP 2 NR 2 AM
8 FN 0 OFN 3 Previous FN

3/24 FIN RPT CS(FIN) New Title
5 DP 0 DNP 2 NR 2 AM
8 FN 0 OFN 8 Previous FN
3 0 FN

4/17 Read second time
CS(FIN) Adopted

4/17 Amended

4/17 advance 4/18

4/18 Advanced

4/18 Read third time

Return to second for specific amendment

4/18 PASSED EFD/Same ___ or
 Yeas 29 Yeas
 Nays 8 Nays
 Excused 3 Excused
 Absent 0 Absent

___ Intent adopted

Reconsideration
 Reconsideration not taken up

PASSED ON RECON. EFD Same ___ or
 Yeas Yeas
 Nays Nays
 Excused Excused
 Absent Absent

___ Intent adopted

4/18 Reported correctly engrossed
 Signed by Speaker, to the Senate

James Louca
 Chief Clerk of the House

HISTORY IN THE SENATE

1997

4/21 Read first time and referred to:
JUD, FIN

___ RPT(___) CS ___ DP ___ NR ___ DNP ___ AM
 ___ New Title ___ Same Title ___ Previous FN
 ___ FN ___ OFN To ___

___ RPT(___) CS ___ DP ___ NR ___ DNP ___ AM
 ___ New Title ___ Same Title ___ Previous FN
 ___ FN ___ OFN To ___

___ RPT(___) CS ___ DP ___ NR ___ DNP ___ AM
 ___ New Title ___ Same Title ___ Previous FN
 ___ FN ___ OFN To ___

___ Rules Calendar(___) CS ___ AM ___ Other
 ___ New Title ___ Same Title ___ Previous FN
 ___ FN ___ OFN

Read second time

___ CS Adopted (___) ___ New Title
 ___ Amended ___ Advanced

Read third time

___ Letter of Intent adopted
 ___ Return to second for specific amendment

PASSED EFD Same ___ or
 Yeas Yeas
 Nays Nays
 Excused Excused
 Absent Absent

Reconsideration
 Reconsideration not taken up

PASSED EFD Same ___ or
 Yeas Yeas
 Nays Nays
 Excused Excused
 Absent Absent

Reported correctly engrossed
 Signed by President, to the House

___ Secretary of the Senate

OPINION

Fairbanks Daily News-Miner, Sunday, April 6, 1997

Sam Eisonop, Opinion Page Editor; 459-7574

FAIRBANKS

Daily News - Miner

"Independent in All Things... Neutral in None"

Established in 1903

CHARLES L. GRAY
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Publisher

KELLY BOSTIAN
Managing Editor

SAM BISHOP
Editorial Page Editor

Moving crime's boundaries

In a well-meaning effort to give delinquent young people a chance to mend their ways before being branded "no good," our society closed down communication about who they were and what they were doing. We said "Punish them, but don't let us see it happen because we don't want that punishment to prejudice us against them."

For many years, police, courts, parole officers and jails were prohibited from saying anything about what they were doing in the cases of individual juveniles. With this approach, all of us as neighbors, schoolmates, teachers, friends and even family forfeited our ability to make informed judgments about whether a particular young person deserved a second chance or not. We replaced it with the blanket assumption that they did. Today, it's gotten a little hot under that blanket, so we're kicking a few corners off.

Rep. Pete Kelly's House Bill 6, in its current, much-amended form, would make the Division and Family Youth Services and courts reveal the names of minors being accused of and punished for certain crimes: arson, assault with a deadly weapon, burglary if it's the second arrest or more, distributing child pornography, promotion of prostitution, drug dealing and any other felony crime against another person.

The bill also says the state "may" release the name of a juvenile if the young person has failed to follow the terms of punishment for any earlier crime. The names of parents, guardians and long-term care-givers of accused minors also would be made public.

After five years, a person's record of crimes committed as a minor would be sealed, so long as the person has made all restitution payments and not committed any more felonies.

The bill isn't just about notifying the public of punishment, though. It specifically states that young people who are accused but not eventually punished for or convicted of any crime can have their innocence made public if they want. That would allow minors and their parents a way to stop rumors that might circulate given the presence of a system that, even if Kelly's bill passes, will operate largely in secret.

A parallel bill sponsored by Rep. Pete Kott, HB 3, would direct police agencies to release the names of minors arrested for the above list of crimes. Both HB 6 and HB 3 are in the House Rules Committee, the last step before a floor vote.

These bills continue to reflect our society's willingness to protect young people and their families from stigma associated with a few foolish mistakes. But they move the boundaries a little. Serious, harmful crimes or a pattern of lesser offenses by minors will no longer be kept secret. Whether that secrecy has contributed to escalating youth crime is a matter of conjecture. Certainly there are other causes that can't be denied. But these changes are worth trying in response to a most discouraging and frightening trend. The new laws should make young people and, perhaps more importantly, their families and friends think more seriously about the choices they are making.

1

State Responses to Serious and Violent Juvenile Crime

Research Report

Patricia Torbet
Richard Gable
Hunter Hurst IV
Imogene Montgomery
Linda Szymanski
Douglas Thomas

National Center for Juvenile Justice

Shay Bilchik, Administrator
U.S. Office of Juvenile Justice and Delinquency Prevention

July 1996

Chapter 5

Confidentiality of Juvenile Court Records and Proceedings

Trend: Traditional confidentiality provisions are being revised in favor of more open proceedings and records.

Along with the changes discussed in previous chapters—jurisdictional authority, sentencing, and correctional options—come significant changes in how the juvenile justice system treats information about juvenile offenders, and particularly serious and violent juvenile offenders.

Issues relating to confidentiality of juvenile court proceedings and their records have existed for decades. A system that rehabilitates and protects minors from the stigma of youthful indiscretions was not a problem when those indiscretions were of a minor nature. However, as juvenile crime became more serious, community protection and the public's right to know began to displace confidentiality as a bedrock principle.

Moreover, law enforcement, child welfare, schools, and other youth-serving agencies see the same subset of juveniles under juvenile court jurisdiction. Accordingly, the need to share information across systems is apparent. As a result, we have seen a concerted effort to promote information-sharing partnerships among juvenile courts, probation departments, law enforcement, prosecutors, schools, and youth-serving agencies (see Search Group, 1982; and Rapp, Stevens, and Clontz, 1989). The rationale for sharing information among system actors with a "need to know" is a better coordinated and more efficient service delivery system that avoids duplication of services and better utilizes shrinking resources.

The fundamental issue with respect to sharing juvenile records and opening proceedings is balancing the need to protect a juvenile's right to privacy with the need to assure the community's safety and provide needed services and supervision. Figure 7 illustrates the dynamic tension generated by trying to balance these competing positions.

Recently, significant activity has occurred among State legislatures with respect to confidentiality issues. Analysis of statutes enacted from 1992 through 1995 reveals several distinct trends in the disclosure, use, and destruction of juvenile records and the openness of juvenile court proceedings. These trends represent a definitive shift in the use and management of information, with notable impact on juvenile justice processing—particularly as it relates to juvenile records and proceedings.

Juvenile Court Proceedings

Traditionally, juvenile court proceedings have been informal and distinguished from the criminal court hearing by exclusion of the general public. The model Standard Juvenile Court Act of 1959 stated that:

The privacy of the hearing contributes to a casework relationship, and avoidance of the spectacle of a public criminal trial is especially advantageous in children's cases. This hearing should have the character of a conference, not of a trial. . . . The hearing is private, not secret. . . . the reference to persons who have "a direct interest in the work of the Court" includes newspaper reporters who should be permitted, indeed, encouraged to attend hearings, with the understanding that they will not disclose the names or other identifying data of the participants (NCCD, 1959).

One commentator reviewing the U.S. Supreme Court decisions on the matter of confidentiality suggested that "while the Court has required procedural reform which has resulted in a general tendency to equate a juvenile and a criminal procedure . . . it has continued to shield perhaps the most paternalistic of all the juvenile court's procedures [the public trial]" (Hurst, 1985). Another commentator

Figure 7

Opening Juvenile Court Records and Proceedings Generates Dynamic Tension



Protect the Juvenile	vs.	Protect the Community
Right to Privacy	vs.	Right to Know
Separate and Distinct Juvenile Justice System	vs.	One System for Criminal Justice

noted that the U.S. Supreme Court has never proclaimed a constitutional right of confidentiality for alleged delinquents, and the trend in cases that have gone before the Court on this issue makes it unlikely that one will be crafted, despite the Court's long-time acceptance of confidentiality as a part of the juvenile justice rehabilitative model (Martin, 1995).

In response to the debate over confidentiality as a part of juvenile proceedings, the National Council of Juvenile and Family Court Judges (NCJFCJ) recently declared that:

Traditional notions of secrecy and confidentiality should be re-examined and relaxed to promote public confidence in the court's work. The public has a right to know how courts deal with children and families. The court should be open to the media, interested professionals and students and, when appropriate, the public, in order to hold itself accountable, educate others, and encourage greater community participation (NCJFCJ, 1995, p. 3).

Since 1992, State legislatures have increasingly called for a presumption of open proceedings and the release of juvenile offenders' names. (See figure 9 at the end of the chapter for a list of States that passed legislation from 1992 through 1995 addressing juvenile court records and proceedings.)

Public Juvenile Hearings

Many States passed laws that either open juvenile court hearings to the public generally or for specified violent or other serious crimes. In addition, some statutes set age restrictions. From 1992 through 1995, 10 States passed legislation that modified or created statutes that open juvenile proceedings (see figure 9). In all, 22 States require or permit open juvenile court hearings of cases involving either juveniles charged with violent or other serious offenses or juveniles who are repeat offenders (see figure 8).

Release/Publication of Juvenile's Name

While many States permitted access to juvenile court proceedings, many prohibited publishing a juvenile's name unless the juvenile was charged with a violent or other serious offense. However, since 1992 several States have passed legislation that gives the general public and/or media access to the name and address of a minor adjudicated delinquent for specified serious or violent crimes; in some cases, this also applies to repeat offenders. In all, 39 States now permit the release of a juvenile's name and/or picture to the media or general public under certain conditions.

Juvenile Court Records

There are two types of juvenile court records: legal and social. Legal records include court petitions, complaints, motions, transcripts of testimony, findings, orders, decrees, and other information introduced and accepted as evidence. Social records typically include documents and reports received or prepared by the probation officer or other designated authority, which have been requested by a juvenile court inquiring into the past behavior, family background, and personality of an alleged or adjudicated juvenile delinquent (Vereb, 1980). These records track the outcomes of intake proceedings, preliminary hearings, detention hearings, arraignments, adjudication and disposition hearings, reviews, and social investigations as well as the juvenile's conduct and progress as to the court's orders. In addition to these court records, juveniles are the subjects of law enforcement records, including fingerprints, photographs, offense reports, and investigation reports. Juveniles are also the subjects of education records, records of psychological or psychiatric examinations, and medical records.

With respect to serious and violent juvenile offenders, State legislatures have made changes to juvenile court records in the following areas: access to or disclosure of information, use of information, and the sealing or expungement of records.

Disclosure of Juvenile Court Records

Formerly private, juvenile court records are increasingly available to a wide variety of people. The "need to know" argument requires proper disclosure of information among youth-serving agencies. Many States open juvenile court records to school officials or require that schools be notified when a juvenile is taken into custody for all crimes of violence or crimes in which a deadly weapon is used. Legislatures also require that victims be given notice of activities such as release, escape, or the setting of hearing dates. Some States lowered the age for which juvenile court records may be made publicly available. Descriptions of information-sharing statutes follow.

Information-Sharing Statutes in California, Florida, and Virginia

California

In 1995, the legislature reaffirmed its belief that juvenile court records, in general, should be confidential. However, they did provide for a limited exception to juvenile court record confidentiality to promote more effective communication among juvenile courts, law enforcement agencies, and schools to ensure rehabilitation of juvenile offenders

Police say youth slain in robbery try

By KAREN AHO
Staff Writer

Fairbanks Police say a teenager shot to death Wednesday was killed when he and another teen tried to rob a 42-year-old Hamilton Acres resident who had marijuana plants in his home.

The victim was identified as 17-year-old Rick Achman, a Lathrop High School student whose legal name was Richard Johnson.

Police said Achman and two other teens had been staking out the home at 535 Craig Ave. much of the day Wednesday in preparation for a burglary. Word on the street was that the man inside grew marijuana. Public Safety Director Mike Pulice said.

Achman first knocked on the door at 11 a.m. with another boy, asked for someone by name, then left in a blue Subaru wagon driven by a third boy, police said.

At 12:30 p.m., Achman knocked again, this time alone, and asked again for the person, someone who apparently does not live there, police said. He left and drove away with two boys in the blue Subaru.

The resident, whose name police have not released, told police the activity made him suspicious, so he brought a loaded shotgun into the kitchen.

Shortly before 3 p.m., the resident told police, Achman knocked on the door a third time, this time with a second teen and a handgun. He said he and Achman struggled at the door for the gun and that Achman overpowered him, forced him inside and said they were there to steal his marijuana plants.

Once in the kitchen, the resident told police he grabbed the shotgun and fired once. Achman, was shot in the chest, police said. His body was found outside by paramedics, a few feet from the front door, following a 2:57 p.m. call to police reporting the shooting.

Neighbors on both sides of the house who were home at the time told the News-Miner they didn't hear any shots. Police did not say what size shot was used.

No charges have been filed against the resident, and his name has not been released, because police said the district attorney's office is still reviewing possible homicide or drug charges.

District Attorney Harry Davis would not comment Thursday, saying through a secretary that the case was still under investigation. Police said they found eight marijuana plants inside the man's home.

The two other teens reportedly involved were interviewed by police Wednesday but were not in custody Thursday. Their names were not released because

they are under 18, police said.

At Lathrop High School, two extra school district counselors were made available to students Thursday. Some youths who didn't know Achman were in

tears, students said.

"Young people have this fearlessness about themselves," Principal Jim Holt said. "And when one of their peers is killed, in any manner... it's a shock to them."

Those who knew Achman best said his alleged behavior was uncharacteristic.

Achman may have smoked marijuana at times, but he had
See YOUTH, Page A-8

YOUTH: Robbery

Continued from Page A-1
never been seen with guns and certainly didn't talk about burglaries, friend Derek Garben said. Police said it appears the gun belonged to one of Achman's accomplices.

"He totally wasn't like what he did," said Garben, 18. "I'm completely amazed that he even thought about that."

But it wouldn't be inconceivable for Achman to agree to such a "stupid" idea, Garben said. Achman always liked to go along with the group, his friends said.

"I think it was just a spur of the moment, 'Hey let's go do this,'" Garben said. "Ricky was totally into doing anything, just because he, he wanted to be a part of everything."

Achman was born in Oregon and attended Weller, University Park and Joy elementary schools and Tanana Middle School in Fairbanks. He was an all-star infielder in Little League baseball, where he played 11 years, and at age 12 went to California when Fairbanks won the state championship, said his mother, Deb Achman.

At age 13 he took up wrestling. He tried out, but did not make the wrestling team this year, in part because his grades weren't good enough, his mother said. She doesn't know how her son reached such an end.

"If I knew, it wouldn't have gotten to this point," she said. "All I know is, talk to your kids. You need to stay in touch with your kids."

"You take their hat off, you look into their eyes. You don't just let them walk in and go up to their room and listen to the stereo."

Between the tears, Achman is

"I hope all the other teenagers learn from this experience," she said.
"Ricky was not a bad kid, he was a confused teenage boy. Ricky was under a lot of peer pressure, he was confused and he made a bad choice. And I want the message to go out to kids, don't make a bad choice."

trying to bring some good from her son's death.
She donated his camera and some tissue from his leg for transplant. And she plans to speak out to young people and their parents about the dangers of drugs.

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Crime bill targets teen criminals

Names could be public record

By ALLEN BAKER
Associated Press Writer

ANCHORAGE—Homer Police Chief Dennis Oakland thinks his town ought to know about kids who commit serious crimes—including their names.

But teens caught up in the system say identifying them in the local paper will make it harder to turn their lives around. And they say public exposure of misdeeds could become a badge of courage, not a deterrent.

State Rep. Pete Kelly, R-Fairbanks, doesn't care what kids think. He's pushing a bill that would publish names of juveniles accused of serious crimes, along with their addresses and the names of their parents.

Identifying the serious offenders, says Oakland, "would certainly have an impact on the juveniles involved and the parents. I think it would show the individuals were being held accountable and culpable for their actions."

Experts dealing with young offenders agree that publishing names in serious cases is warranted. George Buhite, superintendent of the McLaughlin Youth Center in Anchorage, said the practice could deter the less-serious offenders. "But a good three-quarters of our kids wouldn't care," Buhite said.

Teen-age criminals agree.

"A lot of people commit major crimes to impress their friends," said one young resident at McLaughlin. Said another: "My friends are going to look up at me because I made the paper. It would make my friends laugh."

The teens say disclosure would make it tougher for those seeking to leave crime behind, adding to problems with teachers, parents, prospective employers.

But Kelly says his bill takes a different perspective.

"Look at it from the standpoint of the Wal-Mart manager. Do we, as a state, have the right to shield him from the information that a kid has done 10 burglaries?"

Still, Kelly thinks employers in Alaska communities will give their young people a second chance.

"The assumption that a community does not have the capacity for compassion is, I think, a false assumption," says Kelly.

"This bill is not about (juveniles who do) one dumb thing," he said. "It's about serious dumb things, dangerous dumb things. I think people need to know when you are breaking into someone's house with a 9 millimeter (gun)."

Participants at last year's Governor's Conference on Youth and Justice engaged in spirited debate before recommending some disclosure in juvenile crime cases.

CRIME

Continued from Page B-1

know who these kids are before we can offer help."

The administration and some juvenile justice experts, however, say that releasing youth criminal records has the potential to scar rather than scare children.

Assistant Attorney General Margo Knuth, testifying before the House committee, said the Knowles administration "generally agreed" with Kelly's bill but believed other solutions were more effective.

"Kids are impulsive, hormonally driven (and have) had impulse control," she said. "Basically they're crazy until they get to a certain point in life's experiences."

The administration, Knuth said, recommended using community resources to stem errant behavior—"something where you have eye-to-eye contact and restitution"—rather than allowing the media access to the names of young offenders. Kelly's proposal, House Bill 6, also makes public parents' names and would erase the child's record after five years without a criminal conviction.

Barbara Brink, director of the Alaska Public Defender Agency, warned that HB 6 risks ostracizing children who commit minor crimes. "Parents won't let their kids play with those kids," she testified from Anchorage during the teleconferenced hearing.

Knuth said employers will shy from offering jobs to teens with public records. A productive job can help turn around an offender's life, she said.

Despite the criticism, Kelly was pleased with the discussion. "I didn't come in with this bill carved in granite," he said. "It is a huge step, and we need to listen to what people have to think about it."

HB 6 moves next to the House Judiciary Committee, where Kelly is confident any disagreement with the administration will be smoothed out.

"We'll probably come out of the Judiciary Committee with a handshake agreement on the bill," he said.

Bill would open youths' crime cases to public 1/2A/97

By DOUGLAS FISCHER
Staff Writer

A House committee approved a proposal Tuesday to open juvenile crime cases to public scrutiny. Lawmakers said they are tired of seeing juveniles commit crimes with seeming impunity and hope the measure will increase aid available to troubled children.

The measure, sponsored by Rep. Pete Kelly, R-Fairbanks, would keep a minor's first misdemeanor confidential. But it would lift the cover of confidentiality for any subsequent crimes and any felony acts by children age 18 and under.

The proposal received mostly favorable review from lawmakers at a Tuesday hearing of the House Health, Education and Social Services Committee. It passed without objection.

"Society has been taking it on the chin for too long," said Rep. Joe Gress, R-Anchorage and a committee member. "Why does society have to incur the problem and make the compromises for ... a small group of people who create the problem?"

Local residents testifying at the teleconferenced hearing spoke of their frustration with current laws. "Today we merely tap—not even slap—them on the hand," said Judy Schiffler.

Cloaking juvenile records harms kids' futures, Schiffler said, noting that children can freely commit crimes with no public awareness. Children, she added, would receive better help if churches, schools and the community knew of their misdeeds.

Added Kelly: "You've got to
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DEPARTMENT OF HEALTH AND
SOCIAL SERVICES

DIVISION OF FAMILY AND YOUTH SERVICES

February 18, 1997

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JUNEAU, ALASKA 99811-0872
PHONE: 907-465-1170

The Honorable Joseph Green, Chair
House Judiciary Committee
Alaska House of Representatives
State Capitol
Juneau, AK 99801-1182

Dear Chairman Green:

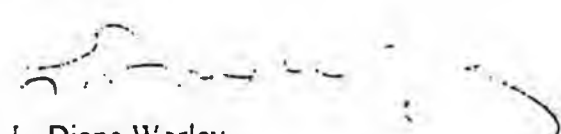
I welcome this opportunity to respond to some of the questions raised in your committee or in the subcommittee on HB 6, HCR 4, and HB 3. Several questions concerned fiscal notes, and I hope that the attachment will answer those questions.

Other questions raised were about what happens to a child's eligibility for IVE federal funds if the child moves from Family Services as a Child In Need Of Aid (CINA) to youth corrections as a delinquent and his or her name and other information is disclosed to the public. One question was about the child's status if they returned to the CINA system. The answer relates back to the source of the information. As long as the information disclosed does not come from the child welfare agency records, IVE funding is not jeopardized.

During a subcommittee hearing on HB 6, Representative Croft asked for the number of delinquency petitions filed but not adjudicated, and the number of times juveniles who were petitioned were determined "not guilty". According to our data, petitions were filed on 2,334 delinquency referrals in FY 96. Of those, 1,390 were adjudicated, with 149 held in abeyance. 511 were either dismissed, withdrawn or waived to adult court. We are not able to tell how many of those 511 were dismissed or withdrawn because the juvenile was found "not guilty" or whether there was insufficient evidence to support a finding of delinquency.

I hope that I have adequately addressed the questions raised by the members of your committee. If not, I would be happy to provide additional information if it is available.

Sincerely,



L. Diane Worley
Director

The table below summarizes the fiscal notes for DFYS components which will be impacted if HB 5 passes. The loss of federal IVE revenue will be caused by the disclosure of information from DFYS juvenile delinquency records because DFYS will not be able to claim those particular funds once information from those records is no longer confidential. The restructuring costs are related to the need to administratively separate the youth corrections programs from the child protection programs, including the associated costs, to prevent the additional loss of funds currently claimed for child protection clients.

Total Costs due to Loss of IVE Revenue and Restructuring						
	IVE Revenue	PCN#	Position	Cost of	Total Cost	Total Cost
	Loss			Restructure	of Restructure	
Southeast:		06-3482	Delete Regional Admin.	(\$82,600.00)		
		new	SW V	\$73,800.00		
	\$44,200				(\$8,800.00)	\$35,400
Southcentral		06-3482	Delete Regional Admin.	(\$92,200.00)		
		new	SW V	\$73,800.00		
	\$157,500				(\$18,400.00)	\$139,100
Northern		06-3213	Delete Reg. Admin.	(\$99,900.00)		
		06-3201	Delete SW V/Bethel	(\$91,100.00)		
		06-3089	Delete SW V/Nome	(\$98,300.00)		
		new	SW V / Fairbanks	\$77,100.00		
	\$113,800				(\$212,200.00)	(\$98,400)
Central Office		new	Admin Clerk II	\$37,300.00		
		new	CPS Admin Officer	\$83,300.00		
	\$30,000				\$120,600.00	\$200,600
Probation Serv.		new	Youth Supt. II	\$73,800.00		
		new	Chief Prob. Officer	\$83,900.00		
		new	3 Admin Clerk II	\$112,000.00		
		new	3 Admin. Asssts.	\$138,600.00		
		new	Juvenile Prop. Off V	\$74,300.00	\$482,600.00	\$482,600
McLaughlin YC		06-3483	downgrade Supt. II	(\$24,100.00)	(\$24,100)	(\$24,100)
Foster Care	\$18,600					\$18,600
Residential Care	\$284,100					\$284,100
Total	\$698,200				\$339,700	\$1,037,900

Fiscal notes are developed on each bill as if that were the only bill to become law. There has been no attempt to duplicate costs across these bills but to accurately represent the cost associated by each bill on its own merits.

The fiscal notes for HG 6 reflect the costs for both the loss of funds and the restructuring because, standing alone, passage of this bill will result in both occurrences.

The fiscal note for HCR 4 currently reflects 0 fiscal impact because the original bill only addressed the separation of records. Since DFYS already maintains separate records for child protection cases and delinquency cases, the bill would have no impact since it does not mandate the disclosure of information. If the proposed CS is adopted, the department will submit a fiscal note reflecting only the cost of restructuring the Division of Family & Youth Services.

HB 3 carries a 0 fiscal note because the information to be disclosed does not come from DFYS records.

TONY KNOWLES, GOVERNOR

DEPARTMENT OF HEALTH AND
SOCIAL SERVICES

DIVISION OF FAMILY AND YOUTH SERVICES

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March 18, 1997

The Honorable Gene Therriault, Chair
House Finance Committee
Alaska State House of Representatives
State Capitol
Juneau, Alaska 99801-1182

Re: HB 6, HCR 4

Dear Representative Therriault:

Several questions have been raised by members of your committee pertaining to the loss of federal funds anticipated with the passage of HB 6 and HCR 4. The questions include what percentage of minors in foster care who are eligible for IV-E funds are delinquents; how many delinquent youth in foster care would be impacted by HB 6, and whether the restructuring proposed by the Division of Family and Youth Services (DFYS) could be altered to separate delinquents affected by HB 6 to further minimize the loss of federal funds. With your patience, I believe that those questions can most easily be answered if I first provide some background regarding this federal program.

Title IV-E of the Social Security Act was preceded by the AFDC-Foster Care program which reimbursed states for foster care payments for children who were removed from AFDC homes. The reimbursement was based on the fact that the federal government would have paid for the child's care through AFDC and so should also share the costs with the state when the state provided foster care. Reimbursement was based on the state Medicaid reimbursement rate which is 50% for Alaska.

Congress then became concerned that too many children were being removed from their homes unnecessarily and then languished in foster care for years. Consequently, Congress enacted Title IV-E which retained the provisions for reimbursing states a percentage of costs expended to care for children from AFDC homes but added many new requirements intended to protect children from getting "lost" in the system. For example, states are required to make reasonable efforts to prevent removal of a child and are then required to make efforts to reunite the family. If that is not possible, states are required to make efforts to place the child in an alternate permanent placement such as an adoptive home.

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Because Congress recognized that this law placed additional administrative burdens on states, the 50% reimbursement for out-of-home care (both foster care and residential care) costs for AFDC children was retained as "maintenance" federal financial participation (FFP) for children determined to be IV-E eligible, and a new method for claiming "administrative" costs was instituted.

Briefly, the administrative claim to receive the federal reimbursement for some of the additional work required by IV-E is determined by taking 1) the division's cost pool (composed of the salaries of staff providing the required services to clients--currently both social workers and probation officers-- with a portion of the support services provided by managers, state office, Commissioner's office, etc.), times 2) the percentage of staff time expended in "allowable activities" to provide the required services as determined by a monthly time study, times 3) the percentage of clients in out-of-home care who are IV-E eligible.

The division's administrative claim exceeds the maintenance reimbursement. For instance, the maintenance FFP for delinquents is estimated at \$302.7 and the administrative FFP at \$395.5 for FY 98.

In order for a child to be IV-E eligible and, therefore, qualified for maintenance payments and included in the administrative claim percentage, the child must be under the responsibility of the State IV-E agency which is currently the entire DFYS. One of 17 broad requirements that states must meet in order to qualify for any funds under Title IV-E is maintaining confidentiality of information regarding all children and youth under the responsibility of the IV-E agency.

Consequently, delinquents whose names and other information will be disclosed to the public must be removed from the responsibility of the IV-E agency. We have been told by staff from the US Department of Health and Human Services, Administration for Children and Families (ACF) that we need not completely separate services to delinquents from DFYS, requiring the establishment of an entire administrative structure, but may separate them administratively below the level of division director with separate administrators and budgets. The DFYS fiscal notes for HB 6 and HCR 4 outline our proposal for that restructuring.

Now I will attempt to address the questions that have been raised. I regret that I cannot tell you how many youth will be impacted by HB 6 because of the limitations of our current data system which do not allow accurate tracking from foster care placement records to the records containing the final charge for which a minor was adjudicated. However, a review of both our payment system and our client data system tells us that

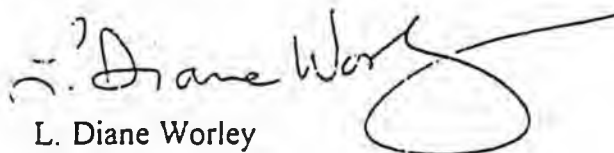
there were 156 delinquents in out-of-home care at the beginning of February, 1997, and that 45 delinquents, roughly 29%, who were in care during that month were IV-E eligible. We also found that 472 children in need of aid in out-of-home care were IV-E eligible, so IV-E delinquents comprised slightly less than 9% of the division's IV-E population for that month.

It has been suggested that, in order to reduce the projected \$700.0 loss in federal funds, we somehow separate juveniles who would be subject to public disclosure from those who commit offenses where disclosure is not required. Perhaps I should first clarify that we may not simply omit those youth from our claims but that disclosure of information on any client in the IV-E agency would make us ineligible to claim any IV-E funds. Youth subject to disclosure must be separated administratively from the IV-E agency.

That said, it is difficult for me to envision an administrative structure which would retain some delinquents in the IV-E agency and serve those who would be subject to HB 6 in a separate agency. All IV-E receipts are based on minors in out-of-home care and in the custody of the designated agency. Delinquents who are in custody and placement under DFYS are frequently the more serious offenders for whom disclosure of information is anticipated and who therefore could not be served by the IV-E agency, so it is doubtful that our savings in IV-E would offset the costs of trying to serve delinquent youth in two separate sections. Separating youth who commit disclosable offenses from those who do not would be extremely difficult administratively, and serving delinquents by two separate entities would require some duplication of the administrative structure so that each entity contained both probation officers and management staff which would increase the cost of restructuring.

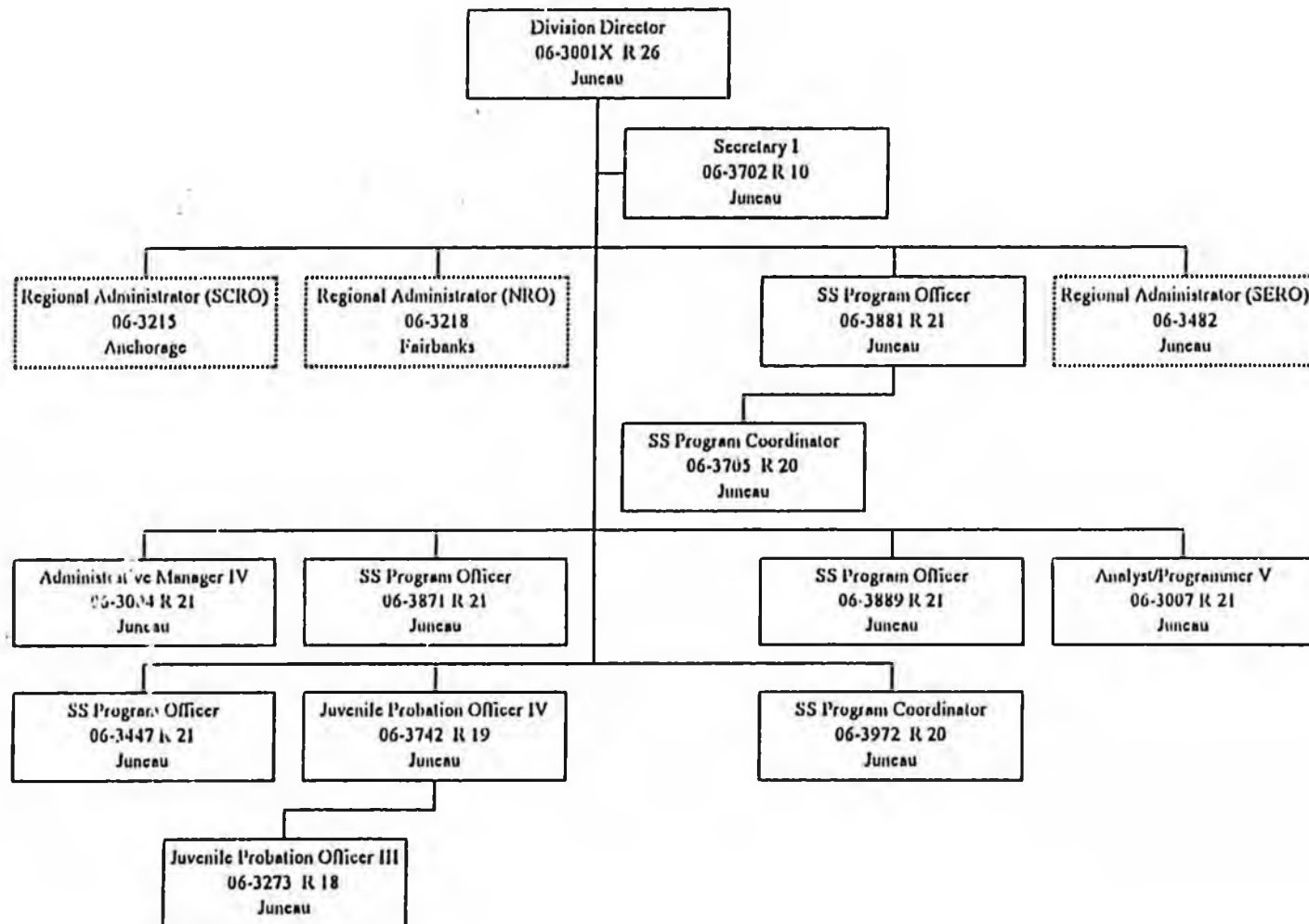
I am certainly open to considering any possibilities for reducing the loss of federal funds. I also welcome any additional questions the committee may have.

Sincerely,

A handwritten signature in dark ink, appearing to read "L. Diane Worley". The signature is fluid and cursive, with a large loop at the end of the last name.

L. Diane Worley
Director

DEPARTMENT OF HEALTH & SOCIAL SERVICES
 Family & Youth Services BRU
 Central Office/ #259
 July 24, 1996



Department of Health and Social Services
 Division of Family and Youth Services

