

HB

127

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Copies of minutes listed below were originally included in this file. The minutes are available on the legislative computer database. In order to save space copies of minutes have not been left in the files.

Mary Pagenkopf

Senate Rules Committee 5/10/97 10:54 am

Alaska State Legislature

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& SOCIAL SERVICES COMMITTEE

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REPRESENTATIVE CON BUNDE

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SPONSOR STATEMENT CSHB 127 (FIN)

" An Act relating to the Citizens' Review Board and panels for permanency planning for certain children in state custody; renaming the Citizens' Review Panel for Permanency Planning as the Citizens' Foster Care Review Board; relating to disclosures about certain minors; and providing for an effective date."

HB 127 changes existing state laws for the Citizens' Foster Care Review Panel because they are inadequate. The existing statutes don't give enough power to the local panels.

- **They make foster care review panels look like a weak duplication of some Division of Family and Youth Services (DFYS) functions.**
- **They do not permit the local panel's recommendations to be placed into the court records for consideration in the disposition of a case.**
- **They do not require state departments to supply necessary aggregate data. Specific data is needed to measure the performance of the child protection system.**
- **They do not give local panels the authority to develop priorities for early reviews of the worst cases.**
- **They require the existing foster care review system to sunset on June 30, 1997.**

HB 127 corrects the weaknesses in our current statutes and gives a strong independent voice to local review panels. This legislation will establish local review panels throughout the state that will advocate for children, their families and for needed changes in our child protection system.

The National Association for Foster Care Reviewers will guide the implementation of our program in Alaska. There are 26 states with active state review boards and foster care review panels. Those who have served on foster care review panels throughout the United States have found the effort worth their time. All state boards and local review panels share the same goal to decrease the amount of time children linger in out-of-home care. This legislation is needed by everyone who deals with our child protection system. I urge your positive consideration of CSHB 127 (HES).

NECESSARY CHANGES:

The reasons why

HB 127 changes existing state laws for the Citizens' Foster Care Review Panel because they are inadequate. The existing statutes don't give enough power to the local panels.

- They make foster care review panels look like a weak duplication of some Division of Family and Youth Services (DFYS) functions.
- They do not permit the local panel's recommendations to be placed into the court records for consideration in the disposition of a case.
- They do not require state departments to supply necessary aggregate data. Specific data is needed to measure the performance of the child protection system.
- They do not give local panels the authority to develop priorities for early reviews of the worst cases.
- They require the existing foster care review system to sunset on June 30, 1997.

HB 127 corrects the weaknesses in our current statutes. This legislation will give a strong independent voice to the Citizens' Foster Care Review Panels.

The existing statutes make foster care review panels look like a weak duplication of some DFYS functions.

Currently, DFYS does federally mandated Title IV-E reviews of eligible children in out-of-home care every 180 days. The review process allows DFYS to collect federal funds for eligible children. The local panel reviews the same children every 180 days. The two separate reviews are seen as duplicative, but in reality the hearings are very different.

The differences are noted:

- DFYS schedules reviews every 30 minutes; half of that time is used to finish paperwork.
- The Citizens' Foster Care Review Panel's reviews take from 30 minutes to more than an hour.
- DFYS reviews are completely internal.
- The Citizens' Foster Care Review Panel's reviews are external; volunteers who are objective and independent of the system perform review.
- DFYS reviews include one community member chosen from employees of the department.
- The Citizens' Foster Care Review Panel members are chosen from the local community and have no vested interest in the system.
- DFYS makes no special effort to locate interested parties.
- The Citizens' Foster Care Review Panel goes to great lengths to locate and obtain information from all parties in a case.
- DFYS reviews are used as an advocacy forum for parents and lawyers.
- The Citizens' Foster Care Review Panel obtains factual information by reading case files and interviewing all parties, then writes recommendations to change case plans.
- DFYS reviews often run ahead of schedule which allows them to complete more reviews than anticipated. The problem with an unanticipated review is, interested parties are not notified and are unable to attend, eg, GAL, CASA, PD, parents, foster parents, relatives.
- The Citizens' Foster Care Review Panel notifies all interested parties 30 days in advance of reviews, sends questionnaires, and confirms attendance of the participants.

The perception of duplicate functions makes it difficult for the Legislature to fund foster care review panels as a statewide program. HB 127 clearly gives the authority to the local review panels to do the Title IV-E reviews. The burden of doing reviews is taken away from DFYS and allows their staff more time to focus on higher-level work.

The existing statutes do not permit the recommendations of a local panel to be placed in the court records for consideration in the disposition of a case.

The Citizens' Foster Care Review Panel in Anchorage reviews more than 200 cases per year. The existing statutes do not give the local panels the ability to advocate for children in the court system. HB 127 authorizes the local panels to submit their recommendations to the court for consideration in the disposition of a case. This provision gives the local panels credibility in a system that has discounted and often ignored their recommendations.

The existing statutes do not require state departments to supply any type of aggregate data.

Local panels need the authority to collect data from various state offices. With such data, the panels could locate interested parties and notify them of scheduled hearings. Access to such data would also make it easier to identify what policies and practices are succeeding in reducing the amount of time a child spends in out-of-home care. HB 127 gives the state board and the local panels the authority to collect data on all cases and requires agencies to cooperate. The information gained through data collection will result in an objective independent overview of our state's child protection system. The data will also be an excellent tool for future improvements to our system.

The existing statutes do not give local panels the authority to develop priorities for early reviews of the worst cases.

The depth of the cases reviewed by a local panel varies. The state board needs the ability to develop priorities for hearing cases, so that the worst cases can be heard early, and others can be heard later. Existing statute sets the first date for a case review at 180 days after the child has been removed from the home. HB 127 moves the first hearing forward to 90 days and authorizes the state board to set priorities for cases that need expedited hearings. The earlier a case is reviewed, the better the chance of decreasing the time a child spends in out-of-home care, and the more state dollars we can save.

The existing foster care review system will sunset on June 30, 1997.

HB 127 extends the Foster Care Review Board to June 30, 2000. The extension will provide enough time to create a state board, expand the Anchorage panel and implement new local review panels in Fairbanks and in Southeast Alaska.

The National Association for Foster Care Reviewers guides the implementation of our program in Alaska. There are 26 states with active state review boards and foster care review panels. Those who have served on foster care review panels throughout the United States have found the effort worth their time. All state boards and local review panels share the same goal to decrease the amount of time children linger in out-of-home care. HB 127 corrects the inadequacies in our existing statutes. It will help our existing review panel function at a higher level and it will expand the use of local review panels throughout Alaska. This legislation is needed by everyone who deals with our child protection system. I urge your positive consideration of this legislation.

HOW THE REVIEW PROCESS WORKS

The Citizens' Foster Care Review Panel (CFCRP) is a unique partnership between a state program and private citizen volunteers working together to benefit children in Alaska. Panel members are dedicated volunteers appointed by the Governor. They donated hundreds of hours of time and emotional energy to help children exit the foster care system as quickly as possible. CFCRP offers an independent, objective, community-based forum where our state's response to children who are in trouble due to abuse and neglect is monitored. The panelists play an active role in the child protection process by participating in case review hearings, monitoring the progress of cases, and offering specific recommendations for achieving a permanent placement for each child as quickly as possible.

Volunteers complete mandatory training before they serve on a review panel. The panelists' basic skills, abilities and commitments to ensure every child has a permanent safe home are enhanced by their participation in required training on topics relating to children who have been abused and neglected. This training teaches volunteers about the legal systems in Alaska, the child protection system, children's and parents' mental health problems, dynamics of dysfunctional families, and children's special needs.

An administrative clerk and two review specialists support the review panel. DFYS produces a list of cases that need reviews each month. A review specialist selects cases from that list for the panel to review. They select a combination of cases some are new and have never had a panel review and others are selected for a second or third review because the child or children are still in out-of-home care.

The review specialist and the DFYS caseworker identify all interested parties in a case. The CFCRP administrative clerk invites all of the interested parties 30 days in advance. The number of parties invited varies from three to as many as 20 in some cases. Interested parties include the child if over 10 years old and the child's parents, relatives, out-of-home care provider, guardian, guardian ad litem, caseworker, designated representative of the child's tribe, Indian custodian, and others with a close personal knowledge of the case. Bringing all interested parties in a case together offers a forum for communication that results in greater cooperation and understanding among the most important people in the child's life.

The review specialist writes a case summary for each case from material in the DFYS files. Three or four volunteers attend each review, with one of them takes the lead in questioning each participant. CFCRP reviews are thorough and comprehensive; they often last up to an hour per case. When the review is complete the panelists discuss their findings, reach a unanimous conclusion, then forward their recommendations to the CFCRP's administrative clerk for processing. Upon approval by the lead questioner the clerk mails copies to all participants.

LEGAL SERVICES

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MEMORANDUM

April 25, 1997

SUBJECT: Sectional Summary of CSHB 127(FIN) (Foster Care Review System)

TO: Representative Con Bunde, Chair
Health, Education and Social Services Committee
Attn: Patti Swenson

FROM: Terri Lauterbach
Legislative Counsel 

You have requested a sectional summary of the above-described bill.

As a preliminary matter, please note that a sectional summary of a bill should not be considered an authoritative interpretation of the bill and the bill itself is the best statement of its contents. If you would like an interpretation of the bill as it may apply to a particular set of circumstances, let me know.

In general, this bill renames the Citizens' Review Panel for Permanency Planning as the Citizens' Foster Care Review Board and renames the local citizen out-of-home care review panels as, more simply, local review panels.

Section 1. Reflects the new name for the former Citizens' Review Panel for Permanency Planning and extends its termination date to the year 2000.

Section 2. Requires DHSS to notify the state board, rather than a local panel, about a child that DHSS removes from a home.

Section 3. Reflects the name change for the local panels.

Section 4. Reflects the name changes and adds the "safety of the minor" as a reason for disclosure of otherwise confidential information to school officials.

Section 5. Reflects the name changes.

Section 6. Requires DHSS to notify the state board, rather than a local panel, about a child that DHSS removes from a home.

Section 7. Reflects the name changes and adds the "safety of the minor" as a reason for disclosure of otherwise confidential information to school officials.

Section 8. Renames and reconstitutes the state board for review of foster care.

Section 9. Reflects the new make-up and name of the state board. Allows for reappointment of board members.

Section 10. Sets quorum and voting requirements for the state board.

Section 11. Reflects the name change of the state board.

Section 12. Sets twice yearly meeting requirement as a minimum.

Section 13. Allows the state board to have an executive director to whom the board may delegate its powers.

Section 14. Adds new duties for the state board: to ensure that board members and local panel members have received adequate training, to apply for private and federal grants and solicit contributions, to award grants or contracts to carry out projects or studies related to improving the foster care system, and to use board staff to evaluate applicants for positions on local review panels and to provide training of board members and local review panel members. Changes the board's annual reporting requirement so that the report must include a description of systemic barriers to achieving permanency for children and so that the report itself must be provided to the legislature rather than just a notification that the report is available. (The legislature recently changed almost all annual reporting requirements to be a notification to the legislature; this change would reverse that decision for this board.) Also specifies certain provisions that must be in the board's regulations, including provisions that set priorities for expedited review of the cases of certain children.

Section 15. Allows the board to adopt regulations to require DHSS to provide certain types of information to the board or to a local review panel.

Section 16. Sets the composition requirements for local review panels and makes miscellaneous other changes relating to local panels.

Section 17. Reflects the name change and new composition of the local review panels.

Section 18. Reflects the name change and new composition of the local review panels.

Section 19. Reflects the name change of the local panels. In subsection (b), changes the review time to 90 days after the child is initially removed from home in a priority case. In

subsection (c), adds a provision to give flexibility to the 30-day notice requirement of current law. In subsection (g), shortens the time for submission of a report on a case.

Section 20. Requires other executive branch agencies to disclose confidential information to the local panels to assist them in locating persons entitled to participate in a case review.

Section 21. Requires DHSS to cooperate with the state board in the development of DHSS's information systems so that information about children's cases is readily available to the board and local panels.

Section 22. By deleting references to AS 47.12.300 and 47.12.310 in subsection (a), this section apparently seeks to restrict the review panels' access to delinquency records. AS 47.12.300 relates to court records, and AS 47.12.310 relates to agency records. However, sec. 7 of the bill allows disclosure of agency records to the board and local review panels, so there is some inconsistency here. If the legislature wishes to ensure that the panels have access to both court and agency delinquency records, I recommend that sec. 22 be amended to restore the references to AS 47.12.300 and 47.12.310 throughout the section.

Section 23. Describes the interaction between the court and the local review panels.

Section 24. Reflects the name changes for the board and local panels and introduces a new gross negligence standard for their civil liability. Adds immunity for persons serving as staff to the board or to a local panel.

Section 25. Changes definitions to reflect the name changes for the board and local panels.

Section 26. Repeals subsections of law whose subject matter (quorum and officers) has been added in other parts of the bill.

Section 27. Allows phased-in implementation of the bill with full implementation within two years.

Section 28. Gives the bill an immediate effective date.

TML:jdr
97-299.jdr

FISCAL NOTE

No. 4

Bill Version: CSHB 127(FIN)

STATE OF ALASKA
1997 LEGISLATIVE SESSION

BILL NO. (H) Publish Date: 5/5/97

Title: Related to the citizen review board & panels for permanency planning for certain children in state custody
Sponsor: House HESS
Requestor: _____

Dept. Affected Administration
BRU: Central Admin. Services
Components: Citizen's Foster Care Review
Serial # 1888

EXPENDITURES/REVENUES: (THOUSANDS OF DOLLARS)

OPERATING	FY 98	FY 99	FY 00	FY 01	FY 02	FY 03
Personal Services	45.0	68.0	68.0	68.0	68.0	68.0
Travel	6.0	15.0	15.0	15.0	15.0	15.0
Contractual	50.0	0.0	0.0	0.0	0.0	0.0
Supplies	4.0	4.0	4.0	4.0	4.0	4.0
Equipment	5.0	0.0	0.0	0.0	0.0	0.0
Land & Structures	0.0	0.0	0.0	0.0	0.0	0.0
Grants, Claims	50.0	200.0	400.0	400.0	400.0	400.0
Miscellaneous	0.0	0.0	0.0	0.0	0.0	0.0
TOTAL OPERATING	160.0	287.0	487.0	487.0	487.0	487.0
CAPITAL	0.0	0.0	0.0	0.0	0.0	0.0
REVENUE	0.0	0.0	0.0	0.0	0.0	0.0

FUNDING: (THOUSANDS OF DOLLARS)

General Fund	160.0	287.0	487.0	487.0	487.0	487.0
Federal Fund	0.0	0.0	0.0	0.0	0.0	0.0
Other	0.0	0.0	0.0	0.0	0.0	0.0
TOTAL	160.0	287.0	487.0	487.0	487.0	487.0

POSITIONS :

Full-Time	1	1	1	1	1	1
Part-Time	0	0	0	0	0	0
Temporary	0	0	0	0	0	0

ANALYSIS: (ATTACH A SEPARATE PAGE IF NECESSARY)

see attached analysis

Prepared by: House Finance Committee

Rep. Mark Hanley, Co-Chair

Rep. Gene Therriault, Co-Chair

Date: 5/2/97

Phone: 465-4939

Phone: 465-4797

Fiscal Note

STATE OF ALASKA
1997 Legislative Session

Bill No. CS HB 127(FIN)

Updated Analysis (5/2/97)

Personal Services (45.0)

This money will fund a new program coordinator (range 20) for 9 months, totaling 51.2. It will also bring the existing Social Worker II position, which is currently funded at 10.5 months to a full 12 months, costing 6.0. An additional Administrative Clerk III (Range 10) has been funded for 9 months at a cost of 37.6. The funding level also assumes the elimination of the Social Worker IV position, with a cost savings of 49.8.

Travel (6.0)

Travel will fund one face to face board meeting the first year.

Contractual (50.0)

Contractual line will fund a one-time contract with an attorney to complete regulation writing and review and to prepare policies and procedures.

Supplies (4.0)

Equipment (5.0)

Grants (50.0)

Grant funds are for grants to local nonprofit agencies to support the work of the local volunteers panels, to help panel members gather information about cases, arrange and coordinate case review hearing/witness notification, etc. Amount listed for FY 98 will fund the first quarter of FY 98 to bring Anchorage in full operation (remaining 2/3 of the reviews). In following years, additional money has been listed to cover the rest of the state.