

HB

256

ALASKA STATE HOUSE OF REPRESENTATIVES

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REPRESENTATIVE JOHN COGHILL

HB 256 MANDATORY VIDEOTAPING IN CINA CASES SPONSOR STATEMENT

The requirement of videotaping in interviewing children to determine if they are a Child in Need of Assistance has been an issue highly debated. The objection to mandatory videotaping has been the cost to the State of Alaska to implement such a requirement. Fiscal notes in past legislation have been based on outdated videotaping methods. They have not taken into account new technology for videotaping, nor have they taken into consideration the savings to be realized by the State of Alaska. Mandatory videotaping will reduce numbers of interviews, reduce determinations of CINA cases, reduce costs for foster care and medical expenses, and reduce workloads for the attorney general's, public defender's, and Office of Public advocacy's offices.

The reasons for requiring mandatory videotaping are threefold.:

- Videotaping reduces trauma to the child because the videotaped interview can be used in place of multiple interviews by social workers, school officials, guardian ad litem, attorney general's office and the public defender's office.
- The videotape will contain information that the judge can review at the 48-hour-hearing to determine if the child is in need of aid without subjecting the child to yet one more interview.
- Videotaping increases the quality of the interview because the interviewer knows his or her method of interviewing the child will be scrutinized by all parties

The court system has expressed support of videotaping in other states for other reasons:

- Once a child has been interviewed on videotape, it is harder for he or she to recant what was said. It is also easier for the court to determine if the child was manipulated into answering certain questions a certain way.
- A person accused of child abuse is more likely to confess, if he or she views a videotaped interview.
- Expert witnesses can review the videotape and give expert testimony on their findings.
- Videotapes often refresh the victims memory which has faded with time in cases where months or years pass before a case is tried.

With cost no longer being an objection Alaska should join Ohio in leading the charge for States to minimize child abuse both by friends or members of their families and by the system.

Alaska State Legislature

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Session:
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Juneau, AK 99801
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Representative John Coghill

HB 256 Mandatory Videotaping in CINA Cases SPONSOR STATEMENT

Videotaping of interviews when determining if a Child is in Need of Assistance (CINA) is one of the best ways to insure accountability for all involved, and is one of the least subjective means of getting information to a court for CINA hearings.

Videotaping should be mandatory for cases where a child is taken into protective custody. Because probable cause has yet to be determined, the testimony of the child is important to the validity of any subsequent charges that may be imposed. At this time, the interpretation of an interview with a child by the social worker may be all that is presented as evidence for action.

Mandatory videotaping will reduce the number of interviews for a child and protect the child from "system abuse", while giving many agencies that get involved a first hand testimonial.

The primary reasons for requiring mandatory videotaping can be summed in the following:

- Videotaping reduces trauma to the child because the videotaped interview can be used in place of multiple interviews by social workers, school officials, guardian ad litem, attorney general's office, and the public defender's office.
- The videotape will contain information that the judge can review at the 48-hour-hearing to determine if the child is in need of aid without subjecting the child to yet one more interview.
- Videotaping increases the quality of the interview because the interviewer knows his or her method of interviewing the child will be scrutinized by all parties.

The court system has expressed support of videotaping in other states for other reasons:

- Once a child has been interviewed on videotape, it is harder for he or she to recant what was said. It is also easier for the court to determine if the child was manipulated into answering certain questions in a certain way.
- A person accused of child abuse is more likely to confess, if he or she views a videotaped interview.
- Expert witnesses can review the videotape and give expert testimony on their findings.
- Videotapes often refresh the victims memory which has faded with time in cases where months or years pass before a case is tried.

FISCAL NOTE

STAT. OF ALASKA
2000 LEGISLATIVE SESSION

BILL NO. HB 256

Revision Date/Time (Note if correction): _____
Title: Relating to recording CINA interviews.

Dept. Affected: Health and Social Services
BRU: Family and Youth Services
Component: Front Line Social Workers
COMPONENT SERIAL NO. 2305
See also (SN#): _____

Sponsor: Rep. Coghill
Requestor: _____

Expenditures/Revenues: (Thousands of Dollars)

Note: Amounts do not include inflation unless otherwise noted below.

OPERATING	FY2001	FY2002	FY2003	FY2004	FY2005	FY2006
PERSONAL SERVICES	1,665.0	1,665.0	1,665.0	1,665.0	1,665.0	1,665.0
TRAVEL	235.0	197.5	197.5	197.5	197.5	197.5
CONTRACTUAL	1,282.0	1,282.0	1,282.0	1,282.0	1,282.0	1,282.0
SUPPLIES	46.2	46.2	46.2	46.2	46.2	46.2
EQUIPMENT	48.8	7.3	7.3	7.3	7.3	7.3
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
TOTAL OPERATING	3,277.0	3,198.0	3,198.0	3,198.0	3,198.0	3,198.0

CAPITAL EXPENDITURES

CHANGES IN REVENUES

FUND SOURCE (Thousands of Dollars)

1002 Federal Receipts						
1003 GF Match						
1004 GF	3,277.0	3,198.0	3,198.0	3,198.0	3,198.0	3,198.0
1005 GF/Program Receipts						
1037 GF/Mental Health						
Other (please specify)						
TOTAL	3,277.0	3,198.0	3,198.0	3,198.0	3,198.0	3,198.0

Estimate of any current year (FY2000) cost: \$0.0

POSITIONS:

FULL-TIME	37	37	37	37	37	37
PART-TIME	0	0	0	0	0	0
TEMPORARY	0	0	0	0	0	0

ANALYSIS: (Attach a separate page if necessary)

This bill requires that all interviews with children regarding alleged abuse or neglect be videotaped. This will require videotaping in the field (when interviews occur in schools, in homes, in other locations) and in DFYS offices. DFYS would need to purchase video cameras for every field office, multiple cameras for larger offices where several interviews are occurring at the same time, and accessories for field and fixed taping sites. DFYS would have to hire 37 employees at the Social Service Associate III (SSA III) level to operate cameras and support the cataloging, duplication, organization, storage, and retrieval of tapes. There will be cleaning, repair, maintenance, and replacement costs for the cameras. There will be transcription costs, assuming an average of two hours per investigation and translation costs, assuming that approximately 10% will require translation from Native and other non-English languages.

Travel for training and for direct client services will be required (SSA's must travel with the social workers to do some interviews, or children must be brought to locations where videotaping can occur).

Prepared by: Theresa Tanoury, Director
Division: Family and Youth Services

Phone: 465-3191
Date/Time: 2:25:00 2:07 PM

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

Date: 2/28/00

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ANALYSIS (cont.):

Fiscal projections are based on an estimated 13,200 investigations that will be required to be videotaped. Personal services estimates based on videotaping 13,200 investigations per year which will require the assistance of 37 SSA III's Statewide. This will provide field offices with a trained Social Services Associate to facilitate videotaping, documentation, and archiving of the tapes.

Contractual Services: all videotaped interviews would have to be transcribed. The Department estimates an average of two hours per investigation will be required for transcription. Additionally, the Department estimates that a Native language or other non-English language interpreter will be needed for 10% of the investigations. Training is a crucial element to ensure that DFYS Social Workers and SSA's perform videotaping in a consistent and professional manner which takes into consideration court/legal requirements and the sensitivity of our clients.

	<u>FY2001</u>	<u>Annual Cost FY2002-FY2006</u>
Personal Services	<u>71000</u>	
37 New Social Services Associate III positions Range 12:	1,665.0	1,665.0
Travel	<u>72000</u>	
SSA III's to assist in videotaping investigations	185.0	185.0
Staff travel to attend training	35.0	8.8
Community Orientations:	<u>15.0</u>	<u>3.8</u>
	235.0	197.5
Contractual	<u>73000</u>	
Transcription (Based on 13,200 assigned investigations).	1,056.0	1,056.0
Language Translation for Videotapes (10%)	184.8	184.8
Archiving Videotapes	5.3	5.3
Training	27.0	27.0
Repair Maintenance of Equipment:	<u>8.9</u>	<u>8.9</u>
	1,282.0	1,282.0
Supplies	<u>74000</u>	
Videotapes (Based on 13,200 investigations@ \$3.50 per tape)	46.2	46.2
Equipment	<u>75000</u>	
Video Cameras (\$650 per unit x 37 units)	24.1	
Carrying Cases (\$250 per unit * 37 units)	9.3	
Tripods (\$75 per unit * 37 units)	2.8	
VCR's (\$125 per VCR)	4.3	
Monitors (\$250 per monitor)	<u>8.5</u>	
Sub-total Equipment:	48.8	
Equipment Replacment (15% per year)		7.3
Total Lines 100-500:	3,277.0	3,198.0

FISCAL NOTE

STATE OF ALASKA
2000 LEGISLATIVE SESSION

BILL NO. HB 256

Revision Date	Dept. Affected <u>Public Safety</u>
Title <u>RECORDING OF INTERVIEWS WITH</u>	BRU <u>Alaska State Trooper Detachment</u>
<u>CHILDREN</u>	Component: <u>Alaska State Trooper Detachment</u>
Sponsor <u>Representative Coghill</u>	
Requester <u>House HESS Committee</u>	Component No. <u>2325</u>

Expenditures/Revenues (Thousands of Dollars)

Note: Amounts do not include inflation unless otherwise noted below.

OPERATING EXPENDITURES	FY 2001	FY 2002	FY 2003	FY 2004	FY 2005	FY 2006
Personal Services						
Travel						
Contractual						
Supplies	6.7	6.7	6.7	6.7	6.7	6.7
Equipment	52.0					
Land & Structures						
Grants & Claims						
Miscellaneous						
TOTAL OPERATING	58.7	6.7	6.7	6.7	6.7	6.7
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	58.7	6.7	6.7	6.7	6.7	6.7
1005 GF/Program Receipts						
1037 GF/Mental Health						
Other (Specify Type)						
TOTAL	58.7	6.7	6.7	6.7	6.7	6.7

Estimate of any current year (FY2000) cost: 0.0

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)

To have the ability to videotape interviews as required under this bill the division will need 40 new video camera kits at about \$1300.00 each (\$52,000.00). This 40 unit request will allow AST to assign camera kits to each post (34), to the General Investigative Unit (3) and to the Criminal Investigation Bureau (3). Also requested is funding for 750 video tapes at \$9.00 each (\$6,700.00). The video tapes would have to be purchased each year as new cases would be coming in and the used tapes would be in storage as evidence.

Prepared by: <u>Royce Weller, Special Assistant</u>	Phone <u>465-4322</u>
Division <u>Office of the Commissioner</u>	Date/Time <u>2/29/2000</u>
Approved by: _____	Date <u>2/29/00</u>
Agency <u>Commissioner Ronald L. Otte, Dept. of Public Safety</u>	

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Equipment	<u>75000</u>	
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Carrying Cases (\$250 per unit * 37 units)	9.3	
Tripods (\$75 per unit * 37 units)	2.8	
VCR's (\$125 per VCR)	4.3	
Monitors (\$250 per monitor)	<u>8.5</u>	
Sub-total Equipment:	48.8	
Equipment Replacment (15% per year)		7.3
Total Lines 100-500:	3,277.0	3,198.0

1-LS1049K
Luckhaupt
3/27/00

CS FOR HOUSE BILL NO. 256()

IN THE LEGISLATURE OF THE STATE OF ALASKA
TWENTY-FIRST LEGISLATURE - SECOND SESSION

BY

Offered:
Referred:

Sponsor(s): REPRESENTATIVE COGHILL

A BILL

FOR AN ACT ENTITLED

1 "An Act relating to reports of suspected child abuse or neglect, and to the
2 recording of interviews with children who are alleged to have been abused or
3 neglected."

4 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF ALASKA:

5 * Section 1. AS 47.17.010 is amended to read:

6 Sec. 47.17.010. Purpose and intent. (a) In order to protect children whose
7 health and well-being may be adversely affected through the infliction, by other than
8 accidental means, of harm through physical injury or neglect, mental injury, sexual
9 abuse, sexual exploitation, or maltreatment, the legislature requires the reporting of
10 these cases by practitioners of the healing arts and others to the department. It is not
11 the intent of the legislature that persons required to report suspected child abuse or
12 neglect under this chapter investigate the suspected child abuse or neglect before they
13 make the required report to the department. Reports of suspected child abuse or
14 neglect must be made when there is a reasonable cause to suspect child abuse or

1 neglect in order to make state investigative and social services available in a wider
2 range of cases at an earlier point in time.

3 (b) It is the intent of the legislature [, TO MAKE SURE] that investigations
4 regarding reports of suspected child abuse and neglect

5 (1) be [ARE] conducted by trained investigators;

6 (2) [, AND TO] avoid subjecting a child to multiple interviews about
7 the abuse or neglect; and

8 (3) ensure that each interview with a child concerning the alleged
9 abuse or neglect that is made as part of the investigation of a report is recorded
10 on videotape or, if videotaping is not feasible, on audiotape.

11 (c) It is the further intent of the legislature that, as a result of requiring the
12 making of these reports of suspected child abuse or neglect, protective services will
13 be made available in an effort to

14 (1) prevent further harm to the child;

15 (2) safeguard and enhance the general well-being of children in this
16 state; and

17 (3) preserve family life unless that effort is likely to result in physical
18 or emotional damage to the child.

19 * Sec. 2. The uncodified law of the State of Alaska is amended by adding a new section
20 to read:

21 VIDEOTAPING PILOT PROJECT. (a) Not later than October 1, 2000, the
22 Department of Health and Social Services shall select one municipality and, in that
23 municipality, shall establish a pilot project to study the use of videotaping of interviews with
24 children who are alleged to have been abused or neglected. In the municipality selected, an
25 employee of the Department of Health and Social Services, the Department of Law, the
26 Department of Public Safety, or a municipal law enforcement agency investigating a report
27 that a child is in need of aid under AS 47.10 shall videotape a scheduled interview with a
28 child who is alleged to have been abused or neglected. The Department of Health and Social
29 Services shall coordinate the purchase of videotape equipment and the distribution of that
30 equipment to state and municipal officials who may be expected to interview children who
31 are alleged to have been abused or neglected. The pilot project shall continue for not less

1 than 18 months.

2 (b) The Department of Health and Social Services shall prepare a written interim
3 report for submission to the Twenty-Second Alaska State Legislature not later than the 10th
4 day of the second regular session. The interim report must discuss the pilot project, problems
5 encountered, benefits discovered, and other information pertinent to designing a statewide
6 videotaping program. A final report shall be prepared for submission to the Twenty-Third
7 Alaska State Legislature not later than the 10th day of the first regular session. The final
8 report must include a final evaluation of the pilot project and recommended draft legislation
9 to put in place a permanent statewide videotaping program for videotaping interviews of
10 children who are alleged to have been abused or neglected.

11 (c) The municipality selected under (a) of this section must have a population, based
12 upon the most recent population statistics available from the Department of Community and
13 Economic Development, of not less than 40,000 and not more than 150,000.

14 (d) If videotaping equipment proves to be unavailable or unreliable before or during
15 a scheduled interview with a child, every effort shall be made to record the interview on audio
16 tape.

17 (e) The failure to videotape a scheduled interview of a child as required under (a) of
18 this section does not mean the statement of the child taken at the scheduled interview is
19 inadmissible in any subsequent civil or criminal proceeding.

20 (f) In this section, a "scheduled interview" is an interview that is planned to occur,
21 does not happen spontaneously, and at which it is anticipated that the child will, or possibly
22 might, relate facts or allegations that the child has been abused or neglected.

23 * Sec. 3. This Act is repealed January 31, 2003.