

HB

392

Alaska State Legislature

Representative Jim Whitaker

House Special Committee on Oil and Gas, Chairman
House Resources Committee
House Health, Education, and Social Services
Committee
House State Affairs Committee
House Special Committee on Fisheries

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House of Representatives
District 31

Sponsor Statement HB 392 Continuances of CINA Hearings

HB392 acknowledges that, at the 48 hour hearing during which the court determines whether a child is a "Child In Need of Aid", the parent or guardian of that child may request a continuance of up to seven days, and instructs the court to advise the parent or guardian of that right at the time of the hearing.

When the State takes action to protect the safety of a child, it is an emotionally charged and very confusing situation for a parent. Often, at the time of the first hearing, which occurs within 48 hours of the time the child is taken into custody, parents have not had an opportunity to see the allegations made against them. This legislature recognizes that parents may need time to comprehend and respond to those allegations. For this reason, HB392 ensures that parents and guardians are informed of their right to request a continuance.

FISCAL NOTE

STATE OF ALASKA
2000 LEGISLATIVE SESSION

BILL NO. HB 392

Revision Date/Time (Note if correction): _____ Dept. Affooted: Health and Social Services
 Title: Relating to continuances in temporary placement BRU: Family and Youth Services
hearings following emergency custody. Component: FYS Management
 Sponsor: Rep. Whitaker COMPONENT SERIAL NO. 2306
 Requestor: House (HES) See also (SN#): _____

Expenditures/Revenues: (Thousands of Dollars)

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

OPERATING	FY2001	FY2002	FY2003	FY2004	FY2005	FY2006
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)

1002 Federal Receipts						
1003 GF Match						
1004 GF						
1005 GF/Program Receipts						
1037 GF/Mental Health						
Other (please specify)						
TOTAL	0.0	0.0	0.0	0.0	0.0	0.0

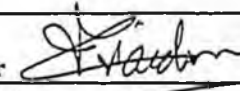
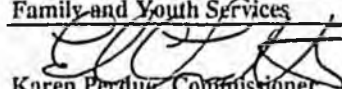
Estimate of any current year (FY2000) cost: \$0.0

POSITIONS:

FULL-TIME	0					
PART-TIME	0					
TEMPORARY	0					

ANALYSIS: (Attach a separate page if necessary)

This bill will have no fiscal impact on the Department if enacted.

Prepared by: Theresa Tanory, Director  Phone: 465-3191
 Division: Family and Youth Services Date/Time: 2/23/00 3:06 PM
 Approved by Commissioner: Karen Perdue, Commissioner  Date: 2/28/00
 Agency: Department of Health & Social Services

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Also, on page 1 at lines 1 and 7, and on page 2 at line 3, the word "placement" should be replaced with the word "custody." This more accurately reflects that the precipitating issue in the hearing is that the child has been taken into emergency custody. Placement is addressed only after probable cause for emergency custody has been found, at the end of this section.

Also, to improve the internal consistency of this statute, the words "or supervision" should be added to section 1, on page 2, at the end of line 7. This reflects more accurately that after finding probable cause, the court may either temporarily place the child with the department or may return the child to the child's parent or guardian subject to departmental supervision, as provided in AS 47.10.142 (e).

PLEASE ATTACH A SEPARATE SHEET FOR ADDITIONAL COMMENTS OR ANALYSIS.

FISCAL NOTE

STATE OF ALASKA
2000 LEGISLATIVE SESSION

BILL NO. HB 392

Revision Date/Time (Note if correction) _____ Dept. Affected Law
 Title "An Act relating to continuances for temporary BRU Civil Division
placement hearings ... emergency custody of a minor ..." Component Human Services
 Sponsor Representative Whitaker
 Requester House HESS Committee Component No. 2208

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						
Equipment						
Land & Structures						
Grants & Claims						
Miscellaneous						
TOTAL OPERATING	0.0	0.0	0.0	0.0	0.0	0.0

CAPITAL EXPENDITURES						
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CHANGE IN REVENUES ()						
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FUND SOURCE (Thousands of Dollars)

1002 Federal Receipts						
1003 GF Match						
1004 GF						
1005 GF/Program Receipts						
1037 GF/Mental Health						
Other (Specify Type)						
TOTAL	0.0	0.0	0.0	0.0	0.0	0.0

Estimate of any current year (FY2000) cost: _____

POSITIONS

Full-time						
Part-time						
Temporary						

ANALYSIS: (Attach a separate page if necessary)

HB 392 allows the parent of guardian of a minor to request the continuance of the temporary placement hearing for up to seven days in order to prepare a response to the allegation that the child is a child in need of aid. The bill further amends Rule 10, Alaska Child in Need of Aid Rules to parallel the statutory change.

This bill will have no fiscal impact on the Department of Law.

Prepared by: Joan M. Kasson *Joan M. Kasson* Phone 465-5370
 Division Attorney General's Office Date/Time 2/25/00, 4:49 PM
 Approved by Commissioner *Kadjo* Bruce M. Botelho, Attorney General Date 2/25/00
 Agency Department of Law

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