

**HB**

**392**

# FISCAL NOTE

No: 1

Bill version: CSHB 392 (HES)

(H) Publish Date: 3/3/00

**STATE OF ALASKA  
2000 LEGISLATIVE SESSION**

Revision Date/Time (Note if correction) _____	Dept. Affected	Law
Title <u>"An Act relating to continuances for temporary placement hearings ... emergency custody of a minor ..."</u>	BRU	Civil Division
Sponsor <u>Representative Whitaker</u>	Component	Human Services
Requester <u>House HESS Committee</u>	Component No.	<u>2208</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						
Equipment						
Land & Structures						
Grants & Claims						
Miscellaneous						
<b>TOTAL OPERATING</b>	0.0	0.0	0.0	0.0	0.0	0.0

<b>CAPITAL EXPENDITURES</b>						
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<b>CHANGE IN REVENUES ( )</b>						
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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)						
<b>TOTAL</b>	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: <u>Joan M. Kasson</u> <i>Joan M. Kasson</i>	Phone <u>465-5370</u>
Division <u>Attorney General's Office</u>	Date/Time <u>2/25/00, 4:49 PM</u>
Approved by <u>Commissioner</u> <i>Kodjor</i> <u>Bruce M. Botelho, Attorney General</u>	Date <u>2/25/00</u>
Agency <u>Department of Law</u>	

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**FISCAL NOTE**

**STATE OF ALASKA**  
**2000 LEGISLATIVE SESSION**

No: 2

Bill Version: CSHB 392 (HES)

(H) Publish Date: 3/3/00

Revision Date/Time (Note if correction): \_\_\_\_\_

Dept. Affected: 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						
<b>TOTAL OPERATING</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>

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)						
<b>TOTAL</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>

Estimate of any current year (FY2000) cost: \_\_\_\_\_

\$0.0

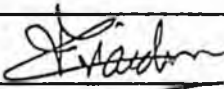
**POSITIONS:**

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.

# Alaska State Legislature

## Representative Jim Whitaker

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### Sponsor Statement HB 392 Continuances of CINA Hearings

HB392 acknowledges that, at the 48 hour temporary custody 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, 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.

**HB 392**

**Changes incorporated in the CS:**

**Change in the title and all references to the hearing from "temporary placement" hearing to "temporary custody" hearing.**

The purpose of the hearing is to determine if there is probable cause for emergency custody, this amendment is to more accurately reflect that purpose.

**Remove the language, "for up to seven calendar days" from all references to length of continuance.**

Leaving the time limitation in the bill may prevent the presiding judge from exercising discretion in determining how much or little time is actually needed for the parents or guardian to prepare their response to the allegations.

**For the same reason, page 2, line 1...the sentence, "The court may not grant more than one continuance before a temporary placement hearing is held.", has been deleted.**

There are circumstances where two parents may have differing interests or positions with regard to the proceedings. An example that could be used in this regard is that if a second parent is located several days after the first parent had been granted a continuance, the parent who was notified later, may require more time to prepare as well.

If the limitation is left in the bill, it may also prevent the judge from granting subsequent requests for continuances.