

HB

252

HFIN

FILE

FISCAL NOTE

STATE OF ALASKA
2002 LEGISLATIVE SESSION

Fiscal Note Number: 1
 Bill Version: CSHB 252(HES)
 (H) Publish Date: 2/25/02

Revision Date/Time (Note if correction): _____ Dept. Affected: Health & Social Services
 Title: RELATING TO CONSTRUCTION OF THE CINA STATUTES AND SCOPE OF DUTY FOR SOCIAL WORKERS BRU: Family and Youth Services
 Component: FYS Management
 Sponsor: COGHILL
 Requestor: HOUSE (HES) Component Number: 2306

Expenditures/Revenues (Thousands of Dollars)

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

OPERATING EXPENDITURES	FY 2003	FY 2004	FY 2005	FY 2006	FY 2007	FY 2008
Personal Services						
Travel						
Contractual	80.0	50.0	50.0			
Supplies						
Equipment						
Land & Structures						
Grants & Claims						
Miscellaneous						
TOTAL OPERATING	80.0	50.0	50.0	0.0	0.0	0.0

CAPITAL EXPENDITURES						
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CHANGE IN REVENUES (0)						
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FUND SOURCE (Thousands of Dollars)

1002 Federal Receipts						
1003 GF Match						
1004 GF	80.0	50.0	50.0			
1005 GF/Program Receipts						
1037 GF/Mental Health						
Other (Specify Type--do not abbreviate)						
TOTAL	80.0	50.0	50.0	0.0	0.0	0.0

Estimate of any current year (FY2002) cost: _____

Check this box (X) if funding for this bill is included in the Governor's FY 2003 budget proposal:

POSITIONS

Full-time						
Part-time						
Temporary						

ANALYSIS: (Attach a separate page if necessary)

The intent of this proposed legislation appears to be one that is in line with the department's desire to provide support to families who can benefit from it, and to improve safety and well being of children. Intensive Family Preservation services are provided in many communities across the nation. These programs work intensely with a small number of families, for a short period of time, to help the family through a threatening time of crisis. Intensive Family Preservation services can be beneficial in preventing children from entering protective custody, and in reducing the amount of time children spend in protective custody. These services have limits in their appropriateness and effectiveness.

Currently, DFYS receives federal and state funds to provide family support, family preservation and time

Prepared by: Theresa Tanoury, Director Phone 465-3191
 Division: Family & Youth Services Date/Time 02/22/2002
 Approved by: Elmer A. Lindstrom, Deputy Commissioner Date 02/22/2002
 Agency: Department of Health & Social Services

For distribution information, call the Governor's Legislative Office

FISCAL NOTE

STATE OF ALASKA
2002 LEGISLATIVE SESSION

BILL NO. CSHB 252(HES)

ANALYSIS CONTINUATION

ANALYSIS CONTINUED:

limited family reunification services. These funds are disbursed through the grant process to 26 agencies in communities throughout Alaska.

The legislation obligates the division to consider using Intensive Family Preservation services when and where available; and it allows the division to determine the appropriateness of the services.

The legislation also states an expectation that the department will research and pursue outside funding to develop these services. The detailed prospective study (which includes development and training), data analysis, and projection process will need to be completed by an outside source with specific expertise. This fiscal note is for the expected cost of this process. Funding to cover the cost of this process is requested for three years. Cost covers expenses related to the required study. Since the CS HB252 allows phase in of these services to occur, the department will spend first year funding on developing and training for intensive family preservation services.

Adopted

AMENDMENT 1

Representative Hudson

CS HB 252 (FIN)
22-LS0454\R
In the House Finance Committee

Page 7, line 4 (no change recommended Sec. 7 would be effective 90 days from passage of legislation, Dept. would like speak to the language)

Page 7, line 5

Delete "Sections 3 - 6 and 8 - 10 of this Act take effect July 1, 2002."

Insert "Sections 3 - 6, and 9 of this Act take effect July 1, 2003."

Insert new Sec. 13. as follows:

Section 8 and 10 of the Act take effect July 1, 2002.

*Adopted
4/15/02*

22-LS0454\R
Lauterbach
4/12/02

CS FOR HOUSE BILL NO. 252(FIN)

IN THE LEGISLATURE OF THE STATE OF ALASKA

TWENTY-SECOND LEGISLATURE - SECOND SESSION

BY THE HOUSE FINANCE COMMITTEE

**Offered:
Referred:**

Sponsor(s): REPRESENTATIVES COGHILL, Dyson, Foster, Whitaker, Cissna

A BILL

FOR AN ACT ENTITLED

1 "An Act relating to the construction of certain statutes relating to children; relating to
2 the scope of duty and standard of care for persons who provide services to certain
3 children and families; relating to liability for failure to meet certain statutory time
4 deadlines; relating to intensive family preservation services; and providing for an
5 effective date."

6 **BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF ALASKA:**

7 * Section 1. The uncodified law of the State of Alaska is amended by adding a new section
8 to read:

9 LEGISLATIVE INTENT. By the amendment of AS 47.10.005 in sec. 2 of this Act,
10 the legislature intends to express its recognition that parents possess inherent, individual rights
11 to direct and control the education and upbringing of their children.

12 * Sec. 2. AS 47.10.005 is amended to read:

13 Sec. 47.10.005. Construction. The provisions of this chapter shall be

1 liberally construed to the end that a child coming within the jurisdiction of the court
2 under this chapter may receive the care, guidance, treatment, and control that will
3 promote the best interests of the child, including the parents' participation in the
4 child's upbringing [CHILD'S WELFARE].

5 * Sec. 3. AS 47.10.086(a) is amended to read:

6 (a) Except as provided in (b) and (c) of this section, the department shall make
7 timely, reasonable efforts to provide family support services to the child and to the
8 parents or guardian of the child that are designed to prevent out-of-home placement of
9 the child or to enable the safe return of the child to the family home, when appropriate,
10 if the child is in an out-of-home placement. Within appropriations identified by the
11 department for the specific purpose of intensive family preservation services, the
12 department shall also offer intensive family preservation services when those
13 services are available and the child's safety in the home can be maintained during
14 the time the services are provided. The department's duty to make reasonable
15 efforts under this subsection to provide family support services includes the duty to

16 (1) identify family support services that will assist the parent or
17 guardian in remedying the conduct or conditions in the home that made the child a
18 child in need of aid;

19 (2) actively offer the parent or guardian, and refer the parent or
20 guardian to, the family support services identified under (1) of this subsection; the
21 department shall refer the parent or guardian to community-based family support
22 services whenever community-based services are available and desired by the parent
23 or guardian; and

24 (3) document the department's actions that are taken under [(1) AND
25 (2) OF] this subsection; the documentation required under this paragraph must
26 include

27 (A) documentation about whether intensive family
28 preservation services were appropriate, offered, used, or available to the
29 family; and

30 (B) if intensive family preservation services were
31 appropriate or offered to the family, enumeration of the reasons specific

1 to the case explaining why intensive family preservation services were
2 appropriate or offered.

3 * Sec. 4. AS 47.10.086(b) is amended to read:

4 (b) If the court makes a finding at a hearing conducted under AS 47.10.080(l)
5 that a parent or guardian has not sufficiently remedied the parent's or guardian's
6 conduct or the conditions in the home despite reasonable efforts made by the
7 department in accordance with this section, the court may conclude that continuation
8 of reasonable efforts of the type described in (a) of this section are not in the best
9 interests of the child. The department shall then make reasonable efforts to place the
10 child in a timely manner in accordance with the permanent plan and to complete
11 whatever steps are necessary to finalize the permanent placement of the child. If the
12 court concludes that continuation of reasonable efforts of the type described in
13 (a) of this section are not in the best interests of the child and intensive family
14 preservation services were not provided in the case, the court shall enumerate in
15 the record the reasons the services were not provided.

16 * Sec. 5. AS 47.10.142(b) is amended to read:

17 (b) The department shall offer available counseling services and intensive
18 family preservation services to the person having legal custody of a minor described
19 in AS 47.10.141 and to the members of the minor's household if it determines that
20 counseling services or intensive family preservation services would be appropriate
21 in the situation. If, after assessing the situation, offering available [COUNSELING]
22 services to the legal custodian and the minor's household, and furnishing appropriate
23 social services to the minor, the department considers it necessary, the department
24 may take emergency custody of the minor.

25 * Sec. 6. AS 47.10 is amended by adding new sections to read:

26 **Article 3A. Intensive Family Preservation Services.**

27 **Sec. 47.10 300. Statewide program.** Subject to AS 47.10.510 and 47.10.520,
28 the department shall, within appropriations available for intensive family preservation
29 services, develop and implement intensive family preservation services systematically
30 and over time, with the ultimate goal of providing intensive family preservation
31 services on a statewide basis. The department may provide the services directly or

1 through contracts with private nonprofit providers.

2 **Sec. 47.10.510. Standards for providers.** The department shall develop
3 measurable standards that must be met by a provider before a contract may be
4 awarded to, or renewed with, the provider under AS 47.10.500.

5 **Sec. 47.10.520. Eligibility for services.** (a) The department may provide
6 intensive family preservation services to a child, the child's family, and other
7 appropriate nonfamily members only if

8 (1) there are no other available means that will prevent out-of-home
9 placement of the child or make it possible to immediately return the child to the child's
10 home; and

11 (2) the child has been placed in out-of-home care or is at actual,
12 imminent risk of out-of-home placement due to

13 (A) child abuse or neglect;

14 (B) a serious threat of substantial harm to the child's health,
15 safety, or welfare; or

16 (C) any other factor that could lead to out-of-home placement.

17 (b) The department need not provide services to an otherwise eligible family if

18 (1) services are not available in the community in which the family
19 resides;

20 (2) services cannot be provided because the program is filled to
21 capacity;

22 (3) the family refuses the services;

23 (4) the child's case plan does not include reunification of the child and
24 family; or

25 (5) the safety of a child, a family member, or a person providing the
26 services would be threatened.

27 **Sec. 47.10.530. Solicitation of funding sources.** The department shall solicit
28 federal and private resources that may be available to fund intensive family
29 preservation services.

30 **Sec. 47.10.590. Definition.** In AS 47.10.500 - 47.10.590, "intensive family
31 preservation services" and "services" mean intensive family preservation services, as

1 defined in AS 47.10.990.

2 * Sec. 7. AS 47.10.960 is repealed and reenacted to read:

3 Sec. 47.10.960. Limitation on civil liability. The state and the state's
4 employees and agents may not be held civilly liable for money damages for failure to
5 perform a duty imposed under this chapter solely on the basis that the duty was not
6 performed within a time period specified under this chapter.

7 * Sec. 8. AS 47.10.990 is amended by adding a new paragraph to read:

8 (28) "intensive family preservation services" means services provided
9 to a family with a child who is in an out-of-home placement or is at imminent risk of
10 out-of-home placement that

11 (A) are designed to address problems creating the need for out-
12 of-home placement by assisting the family to improve parental and household
13 management competence, solve day-to-day practical problems that contribute
14 to family stress, identify the factors that created the risk of out-of-home
15 placement, and participate in the development of the family's case plan so as to
16 improve parental performance and enhance functioning of the family unit; and

17 (B) have the following characteristics:

18 (i) are offered at the family's option;

19 (ii) are provided in the family's home;

20 (iii) are available 24 hours a day and seven days a
21 week;

22 (iv) are provided within 24 hours of initial contact for
23 assistance;

24 (v) are provided on a time-limited basis by a single case
25 worker whose caseload is congruent with intensive family preservation
26 services standards established by the Child Welfare League of
27 America; caseloads shall be kept low to allow for the necessary intense
28 level of interaction with the family, and the services shall be most
29 intensive at the time of crisis; and

30 (vi) may, in appropriate instances and subject to
31 available appropriations, include monetary assistance for special needs

1 of the family, such as to obtain food, shelter, or clothing or to purchase
2 other goods or services that will enhance the effectiveness of other
3 services offered to help preserve the family.

4 * Sec. 9. AS 47.17.030(d) is amended to read:

5 (d) Before the department or a local government health or social services
6 agency may seek the termination of parental rights under AS 47.10, it shall offer
7 protective social services and pursue all other reasonable means of protecting the
8 child. The department or agency shall also consider the eligibility of the child
9 and family for intensive family preservation services under AS 47.10.500 -
10 47.10.590.

11 * Sec. 10. The uncodified law of the State of Alaska is amended by adding a new section to
12 read:

13 STUDY. (a) The Department of Health and Social Services shall conduct a study in
14 at least one region of the state in order to

15 (1) develop a valid and reliable process for accurately identifying clients who
16 are eligible for intensive family preservation services;

17 (2) collect data on which to base projections of service needs, budget requests,
18 and long-range planning related to intensive family preservation services;

19 (3) develop regional and statewide projections of needs for intensive family
20 preservation services;

21 (4) develop a cost estimate for implementation and expansion of intensive
22 family preservation services on a statewide basis;

23 (5) develop a long-range plan and time frame for ultimately making intensive
24 family preservation services available to all eligible families; and

25 (6) collect data regarding the number of children in foster care, group care,
26 institutional care, and other out-of-home care due to medical needs, mental health needs,
27 developmental disabilities, and juvenile offenses and to assess the feasibility of expanding
28 intensive family preservation services eligibility to include all of these children.

29 (b) By November 30, 2004, the Department of Health and Social Services shall
30 submit a report to the governor describing the study required under this section and including
31 the department's conclusions and recommendations that are based on the study. The

1 department shall notify the legislature that the report is available.

2 (c) In this section, "intensive family preservation services" has the meaning given in
3 AS 47.10.990.

4 * Sec. 11. Sections 1 and 2 of this Act take effect immediately under AS 01.10.070(c).

5 * Sec. 12. Sections 3 - 6 and ~~8 - 10~~⁹ of this Act take effect July 1, 200~~3~~².

Failed
2-8

4/15/02

Amendment 2

OFFERED IN THE HOUSE FINANCE COMMITTEE BY: REP. CROFT

TO: CSHB 252 (FIN)

Page 5, lines 3 – 6, delete all text

Page 5 Line 3 Insert:

“Sec. 47.10.960. Duty and standard of care. The department owes a duty to exercise reasonable care toward children in its custody under this chapter. Failure to comply with a provision of this title does not constitute a basis for civil liability for damages to children and their families being served under AS 47.10.”

HOUSE FINANCE COMMITTEE

DATE: _____

BILL NUMBER: _____

#2

MEMBER

YES

NO

WHITAKER		✓
BUNDE		✓
CROFT	✓	
DAVIES	✓	
FOSTER		✓
HARRIS		✓
HUDSON		✓
LANCASTER		✓
MOSES		—
WILLIAMS		✓
MULDER		✓

2 0

22-LS0454\B
Lauterbach
4/2/02

adopted 4-4-02

CS FOR HOUSE BILL NO. 252()

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

BY

Offered:
Referred:

Sponsor(s): REPRESENTATIVES COGHILL, Dyson

A BILL

FOR AN ACT ENTITLED

1 "An Act relating to the construction of certain statutes relating to children; relating to
2 the scope of duty and standard of care for persons who provide services to certain
3 children and families; relating to intensive family preservation services; and providing
4 for an effective date."

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7 to read:

8 LEGISLATIVE INTENT. By the amendment of AS 47.10.005 in sec. 2 of this Act,
9 the legislature intends to express its recognition that parents possess inherent, individual rights
10 to direct and control the education and upbringing of their children.

11 * Sec. 2. AS 47.10.005 is amended to read:

12 Sec. 47.10.005. Construction. The provisions of this chapter shall be
13 liberally construed to the end that a child coming within the jurisdiction of the court
14 under this chapter may receive the care, guidance, treatment, and control that will

1 promote the best interests of the child, including the parents' participation in the
2 child's upbringing [CHILD'S WELFARE].

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11 services are available and the child's safety in the home can be maintained during
12 the time the services are provided. The department's duty to make reasonable
13 efforts under this subsection to provide family support services includes the duty to

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15 guardian in remedying the conduct or conditions in the home that made the child a
16 child in need of aid;

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18 guardian to, the family support services identified under (1) of this subsection; the
19 department shall refer the parent or guardian to community-based family support
20 services whenever community-based services are available and desired by the parent
21 or guardian; and

22 (3) document the department's actions that are taken under [(1) AND
23 (2) OF] this subsection: the documentation required under this paragraph must
24 include

25 (A) documentation about whether intensive family
26 preservation services were appropriate, offered, used, or available to the
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29 appropriate or offered to the family, enumeration of the reasons specific
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5 department in accordance with this section, the court may conclude that continuation
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7 interests of the child. The department shall then make reasonable efforts to place the
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21 social services to the minor, the department considers it necessary, the department
22 may take emergency custody of the minor.

23 * Sec. 6. AS 47.10 is amended by adding new sections to read:

24 **Article 3A. Intensive Family Preservation Services.**

25 **Sec. 47.10.500. Statewide program.** Subject to AS 47.10.510 and 47.10.520,
26 the department shall, within appropriations available for intensive family preservation
27 services, develop and implement intensive family preservation services systematically
28 and over time, with the ultimate goal of providing intensive family preservation
29 services on a statewide basis. The department may provide the services directly or
30 through contracts with private nonprofit providers.

31 **Sec. 47.10.510. Standards for providers.** The department shall develop

1 measurable standards that must be met by a provider before a contract may be
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6 (1) there are no other available means that will prevent out-of-home
7 placement of the child or make it possible to immediately return the child to the child's
8 home; and

9 (2) the child has been placed in out-of-home care or is at actual,
10 imminent risk of out-of-home placement due to

11 (A) child abuse or neglect;

12 (B) a serious threat of substantial harm to the child's health,
13 safety, or welfare; or

14 (C) any other factor that could lead to out-of-home placement.

15 (b) The department need not provide services to an otherwise eligible family if

16 (1) services are not available in the community in which the family
17 resides;

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19 capacity;

20 (3) the family refuses the services;

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22 family; or

23 (5) the safety of a child, a family member, or a person providing the
24 services would be threatened.

25 **Sec. 47.10 530. Solicitation of funding sources.** The department shall solicit
26 federal and private resources that may be available to fund intensive family
27 preservation services.

28 **Sec. 47.10.590. Definition.** In AS 47.10.500 - 47.10.590, "intensive family
29 preservation services" and "services" mean intensive family preservation services, as
30 defined in AS 47.10.990.

31 * Sec. 7. AS 47.10.990 is amended by adding a new paragraph to read:

1 (28) "intensive family preservation services" means services provided
2 to a family with a child who is in an out-of-home placement or is at imminent risk of
3 out-of-home placement that

4 (A) are designed to address problems creating the need for out-
5 of-home placement by assisting the family to improve parental and household
6 management competence, solve day-to-day practical problems that contribute
7 to family stress, identify the factors that created the risk of out-of-home
8 placement, and participate in the development of the family's case plan so as to
9 improve parental performance and enhance functioning of the family unit; and

10 (B) have the following characteristics:

11 (i) are offered at the family's option;

12 (ii) are provided in the family's home;

13 (iii) are available 24 hours a day and seven days a
14 week;

15 (iv) are provided within 24 hours of initial contact for
16 assistance;

17 (v) are provided on a time-limited basis by a single case
18 worker whose caseload is congruent with intensive family preservation
19 services standards established by the Child Welfare League of
20 America; caseloads shall be kept low to allow for the necessary intense
21 level of interaction with the family, and the services shall be most
22 intensive at the time of crisis; and

23 (vi) may, in appropriate instances and subject to
24 available appropriations, include monetary assistance for special needs
25 of the family, such as to obtain food, shelter, or clothing or to purchase
26 other goods or services that will enhance the effectiveness of other
27 services offered to help preserve the family.

28 * Sec. 8. AS 47.17.030(d) is amended to read:

29 (d) Before the department or a local government health or social services
30 agency may seek the termination of parental rights under AS 47.10, it shall offer
31 protective social services and pursue all other reasonable means of protecting the

1 child. The department or agency shall also consider the eligibility of the child
2 and family for intensive family preservation services under AS 47.10.500 -
3 47.10.590.

4 * Sec. 9. AS 47.10.960 is repealed.

5 * Sec. 10. The uncodified law of the State of Alaska is amended by adding a new section to
6 read:

7 STUDY. (a) The Department of Health and Social Services shall conduct a study in
8 at least one region of the state in order to

9 (1) develop a valid and reliable process for accurately identifying clients who
10 are eligible for intensive family preservation services;

11 (2) collect data on which to base projections of service needs, budget requests,
12 and long-range planning related to intensive family preservation services;

13 (3) develop regional and statewide projections of needs for intensive family
14 preservation services;

15 (4) develop a cost estimate for implementation and expansion of intensive
16 family preservation services on a statewide basis;

17 (5) develop a long-range plan and time frame for ultimately making intensive
18 family preservation services available to all eligible families; and

19 (6) collect data regarding the number of children in foster care, group care,
20 institutional care, and other out-of-home care due to medical needs, mental health needs,
21 developmental disabilities, and juvenile offenses and to assess the feasibility of expanding
22 intensive family preservation services eligibility to include all of these children.

23 (b) By November 30, 2004, the Department of Health and Social Services shall
24 submit a report to the governor describing the study required under this section and including
25 the department's conclusions and recommendations that are based on the study. The
26 department shall notify the legislature that the report is available.

27 (c) In this section, "intensive family preservation services" has the meaning given in
28 AS 47.10.990.

29 * Sec. 11. Sections 1 and 2 of this Act take effect immediately under AS 01.10.070(c).

30 * Sec. 12. Sections 3 - 8 and 10 of this Act take effect July 1, 2002.

Scott Calder

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Sec. 47.10.960. Civil liability [DUTY AND STANDARD OF CARE] not created. Failure to comply with a provision of this title or a regulation adopted under this title is not a basis for civil liability, but may be the basis for employee discipline or administrative action authorized by law [NOTHING IN THIS TITLE CREATES A DUTY OR STANDARD OF CARE FOR SERVICES TO CHILDREN AND THEIR FAMILIES BEING SERVED UNDER AS 47.10].

Under 47.10

Amendment #1

is derived under common law

* Sec. 8. AS 47.10.990 is amended by adding a new paragraph to read:

(28) "intensive family preservation services" means services provided to a family with a child who is in an out-of-home placement or is at imminent risk of out-of-home placement that

(A) are designed to address problems creating the need for out-of-home placement by assisting the family to improve parental and household management competence, solve day-to-day practical problems that contribute to family stress, identify the factors that created the risk of out-of-home placement, and participate in the development of the family's case plan so as to improve parental performance and enhance functioning of the family unit; and

(B) have the following characteristics:

- (i) are offered at the family's option;
- (ii) are provided in the family's home;
- (iii) are available 24 hours a day and seven days a week;

(iv) are provided within 24 hours of initial contact for assistance;

(v) are provided on a time-limited basis by a single case worker whose caseload is congruent with the intensive family preservation services standards [established by the Child Welfare League of America]; caseloads should be kept low to allow for the necessary intense level of interaction with the family, and the services should be most intensive at the time of crisis; and

Amendment #2

(vi) may, in appropriate instances and subject to available appropriations, include monetary assistance for special needs

ALASKA STATE HOUSE OF REPRESENTATIVES

Interim Address:

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Fairbanks, AK 99701
(907)-456-5081
Fax# (907)-456-8245



Session Contact:

(907)-465-3719
FAX# (907)-465-3258
State Capitol Rm 102
Juneau, AK 99801

REPRESENTATIVE JOHN COGHILL

CSHB 252(FIN) SECTIONAL

Version 1

- Section 1.** Expresses the legislative intent behind sec. 2 of the legislation.
- Section 2.** Changes the standard for construction of statutes in AS 47.10 from a standard promoting "the child's welfare" to a standard promoting "the best interests of the child, including the parents' participation in the child's upbringing.
- Section 3-6.** These sections direct the Department of Health and Social Services to offer, through contract providers, intensive family preservation services to families under certain circumstances. These services will be funded with funding already appropriated for the specific purpose of "intensive family preservation services" (IFPS).
- Section 7.** Defines "intensive family preservation services".
- Section 8.** Provides that before an agency can seek to terminate parental rights, intensive family preservation services must be offered to the parents.
- Section 9.** Repeals AS 47.10.960 which states: "Sec. 47.10.960. Duty and standard of care not created. Nothing in this title creates a duty or standard of care for services to children and their families being served under AS 47.10." AS 47.10 is the Children in Need of Aid Title.
- Section 10.** Directs DHSS to conduct a study in at least one region of the state to develop projections for the need for and the cost of IFPS, develop a long-range plan, and complete a report on the study by November 30, 2004.
- Section 11.** Makes Section 1 and 2 of this legislation effective immediately.
- Section 12.** Makes Section 3 – 6 and 8 – 10 requiring IFPS of this legislation effective July 1, 2002. Section 7 would become effective 90 days after the bill becomes law.

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REPRESENTATIVE JOHN COGHILL

HB 252 STANDARD OF CARE FOR CINA SERVICES

Sponsor Statement

The two most important goals of HB 252 is to create a standard of care for services offered by DFYS and to keep families together. We must continue our work of balancing child protection with family preservation during government intervention. Parents are held to a standard of care by our state with the threat of losing parental rights if they fail in meeting these standards.

Failing to properly care for children is not just a parental issue. Our State Division of Youth Services also is made up of humans that from time to time may fail in a standard of caring. Therefore HB 252 is requiring that a standard of care be instituted within our State so that each department employee is held to at least the same standard of care that we require of parents in Alaska. Currently under AS 47.10.960 there is no duty or standard of care imposed department employees. The lack of a standard of care obscures the fiduciary duty of the State to the parents and children for which they are making these decisions

HB 252 is introduced with the purpose of recognizing parents in their God given role to raise their children as they see fit. This bill also recognizes that parents fail in varying degrees and the Division of Youth Services is called upon to protect the children while trying to preserve the family. Therefore we are adding the parent's participation in the event of a child coming under court jurisdiction. This legislation also directs DFYS to offer Intensive Family Preservation Services to families who are able to and want to learn the skills necessary to remain together and change the conditions that would mandate the placement of their children. These services would be provided at the family's option and would consist of an intensive short-term intervention to help the family work through the crisis and stabilize. By remaining intact and safe, families can grow strong and overcome their problems together.

The bill also asks for a study to determine a plan for providing statewide services. The study would also include recommendations on solicitation of federal funds and redirection of state funds in order to provide the services and realize a cost-savings.

MR. CHAIRMAN

AS 47.10.960

VIOLATIONS OF PROCEDURAL
TIMELINES IN AS 47.10

DO NOT FORM THE BASIS
FOR CIVIL LIABILITY.

PROPOSED BY BRANT MESSEE
PUBLIC ADVOCATE