

HB

164

LEGAL SERVICES

DIVISION OF LEGAL AND RESEARCH SERVICES
LEGISLATIVE AFFAIRS AGENCY
STATE OF ALASKA

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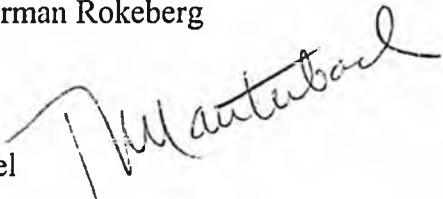
MEMORANDUM

April 20, 2001

SUBJECT: CINA hearings/grandparents (CSHB 164(JUD), version "F")

TO: Representative Norman Rokeberg
Attn: Heather

FROM: Terri Lauterbach
Legislative Counsel



Enclosed is a JUD CS for HB 164, including the conceptual amendment you requested.

The main language corresponding to the conceptual amendment appears in the new subsection (e) added in sec. 2 of the bill. There is also conforming language added in subsection (d) of sec. 2 ("Except as provided in (e) of this section") and in sec. 1 of the bill ("and (e)" is added on page 1, line 8).

If I may be of further assistance, please advise.

TML:jhb
01-074.jhb

Enclosure

Adopted

Conceptual Amendment #1 to CSHB 164 (HES):

If a grandparent has been convicted of a crime against the child or is subject to a court order of No Contact, the department is relieved from the notification requirements.

This language was suggested to be added to section 3, but it is up to the drafter.



Alaska State Legislature

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REPRESENTATIVE FRED DYSON

HB 164 Sponsor Statement

"An Act relating to Grandparents

Updated: March 30, 2001

Contact: Representative Fred Dyson's office at (907) 465-2199

Grandparents are often the most stable and healthy influence in the life of a child from a troubled family. HB 164 assures that grandparents will have an opportunity to be heard at; Child in Need of Aid (CINA) hearings and custody hearings when the hearings involve their grandchildren.

Over the past couple of sessions the legislature has focused considerable effort on making our child protection and custody procedures more open, responsive and responsible. We have given foster parents more input and the right to be heard in treatment and in placement decisions and have encouraged more efficient placement procedures.

HB 164 will result in more informed decisions about the treatment and placement of Alaska's abused and neglected children. We also believe this measure will increase the likelihood of children being placed with relatives who may not have otherwise been located, heard, or considered.

The bill specifies that, unless the court specifically finds otherwise, the testimony of parents will be given more weight than a grandparents. This approach protects the primary parental interest while specifically allowing a court to defer to a grandparent for good cause.

Because we recognize that there will be cases where a grandparent is not a suitable option for child placement, HB 164 does not mandate that end. Instead, it requires notification of grandparents who care enough to make themselves known, so they can be part of the process if they will. The intended result is to encourage the department and parents to consider grandparents more frequently as a preferred placement option for children in need.

- E-mail -
Representative_Fred_Dyson
@Legis.state.ak.us

- Internet -
<http://www.akrepublicans.org>

HB 164 Sectional Analysis

Revised: April 2, 2001 LS0693\C

Section 1: Inserts "Grandparents" into the list of those who must receive notice of court proceedings that could result in termination of parental rights and responsibilities in Child in Need of Aid (CINA) cases. "Grandparents" are included with; parent, tribe, foster parent or other out-of-home care provider, guardian, and guardian ad litem.

Section 2: Defines the parameters defining when the department must give notice to grandparents.

- The department must first be aware that a child has a grandparent. The department is not required to search for grandparents, the grandparent must contact the department.
- Grandparent must make the department aware of their current mailing address.

Section 3: Requires grandparent notification for informal hearings related to a custody petition and gives them the right to be heard. The court may limit the testimony and presence of a foster parent or a grandparent if it is in the best interest of the CINA.

Section 4: Requires grandparent notification of a permanency hearing for a CINA child. "Grandparents" are included with; parent, tribe, foster parent or other out-of-home care provider, guardian, and guardian ad litem.

Section 5: Amends court Rule 17(b) that allows grandparents to be heard at disposition hearings. This rule is a section of HB 164 because there is no statute that specifically addresses disposition hearings, therefore it could be argued that the bill doesn't warrant mention in Section 6.

Section 6: Itemizes the court rules changes that result from this bill: Rules 3, 7, 10, 15, 17 and 19 are changed consistent with the changes made by this act and spells out that a 2/3 majority vote is required.

FISCAL NOTE

STATE OF ALASKA
2001 LEGISLATIVE SESSION

Fiscal Note Number: 1
Bill Version: CSHB 164(HES)
(H) Publish Date: 4/5/01

Revision Date/Time (Note if correction): _____ Dept. Affected: Health & Social Services
Title: Grandparents' rights regarding CINA. BRU: Family and Youth Services Mngmt
Component: FYS Management
Sponsor: Rep. Dyson
Requester: House (HES) Component Number: 2306

Expenditures/Revenues (Thousands of Dollars)

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

OPERATING EXPENDITURES	FY 2002	FY 2003	FY 2004	FY 2005	FY 2006	FY 2007
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 (FY2001) cost: 0.0

Check this box (X) if funding for this bill is included in the Governor's FY 2002 budget proposal:

POSITIONS

Full-time	0					
Part-time	0					
Temporary	0					

ANALYSIS: (Attach a separate page if necessary)

In its present form, this bill will have no fiscal impact on the Department if enacted.

Prepared by: Theresa Tandy, Director Phone 465-3191
Division: Family & Youth Services Date/Time: _____
Approved by: Elmer A. Lindstrom, Special Assistant Date 3/26/01 11:44 AM
Agency: Department of Health & Social Services

For distribution information, call the Governor's Legislative Office

Subject: Grandparents Rights

Date: Thu, 19 Apr 2001 00:44:13 EDT

From: EStroman@aol.com

To: Representative_Norman_Rokeberg@legis.state.ak.us

I am vice president of the Alaska chapter of Grandparents Rights Organization, and I am writing to ask for your support of h.b.164.

There are a great deal of grandparents in Alaska who need your support in the passing of h.b.164 so that they may have the right to get to see their grandchildren.

I have seen time and time again grandparents being denied the right to see their grandchildren because of D.F.Y.S. involvement in the childrens case.

Too many times the grandparents are being denied the right to participate in the placement of children being taken out of a disfunctional family.

Even when the grandparents volunteer to take in the grandchildren, the D.F.Y.S. often disregards their offers because the D.F.Y.S. too often casts blame on grandparents for what the parents have done.

Friday, our grandparents group will have some delegates to participate in the teleconference on h.b.164.

The president of our group, Betty Short, will be in Anchorage for the teleconference, and would be happy to answer any questions you may have regarding our stand on h.b.164.

She will have a few eye opening stories to share with you.

Please give h.b.164 your support as it is our grandchildren that are in need of your help.

Thank you,

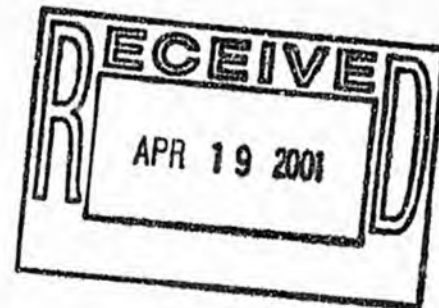
Ed Stroman

3224 Linden Dr.

Anchorage, Alaska

estroman@aol.com

907-243-0899 hm. msg.





Alaska State Legislature

APR 25 2001

Please enter into the record my testimony to the House Judiciary
committee name
committee on HB 164, dated April 20, 2001
bill/subject

Please PASS the grandparent's rights Bill HB164. It is a shame that what should be a logical and reasonable action, to allow grandparent's to assist ~~with~~ ^{when} their grandchildren come into the system, needs to be defined in our statutes. Let's hope that if this bill ~~becomes~~ ^{comes} law, it will be performed by our legal and social service system and not be pushed aside. Children need love and stability, not isolation, when there is a capable family member is eagerly willing to care (in most cases without costs to the state) for their loved ones. Please pass HB164.

Thank you

Signed: _____

Maree Schmidt

Testifier

Representing (Optional)

2040 Wasilla Fishhook Road, Wasilla AK 99654

Address

357-3618 or 376-0188

Phone No.

Journal Text



05/10/97

House Journal

Page 1808

SB 13

Representative Porter brought up reconsideration of the vote on HCS CSSB 13(HES) (page 1781).

The following was again before the House in third reading:

HOUSE CS FOR CS FOR SENATE BILL NO. 13(HES)

"An Act relating to taxes on cigarettes and tobacco products and to the use of the proceeds of those taxes, and increasing by at least 35.5 mills the amount of excise tax levied on each cigarette imported or acquired in the state; and providing for an effective date."

**The presence of Representative Kubina was noted.

Representative Porter placed a call of the House.

**The presence of Representative Therriault was noted.

The call was satisfied.

The question to be reconsidered: "Shall HCS CSSB 13(HES) pass the House?" The roll was taken with the following result:

HCS CSSB 13(HES)--RECONSIDERATION
Third Reading
Final Passage

YEAS: 23 NAYS: 17 EXCUSED: 0 ABSENT: 0

Yeas: Austerman, Berkowitz, Brice, Bunde, Croft, Davies, Davis, Elton, Green, Grussendorf, Hanley, Hudson, Ivan, James, Joule, Kemplen, Kookesh, Kubina, Nicholia, Porter, Rokeberg, Therriault, Williams

Nays: Barnes, Cowdery, Dyson, Foster, Hodgins, Kelly, Kohring, Kott, Martin, Masek, Moses, Mulder, Ogan, Phillips, Ryan, Sanders, Vezey

And so, HCS CSSB 13(HES) passed the House on reconsideration.

05/10/97

House Journal

Page 1809

SB 13

Representative Porter moved the effective date clause.

The question being: "Shall the effective date clause be adopted?" The roll was taken with the following result:

HCS CSSB 13(HES)--RECONSIDERATION
Third Reading
Effective Date

YEAS: 26 NAYS: 14 EXCUSED: 0 ABSENT: 0

Yeas: Austerman, Berkowitz, Bunde, Croft, Davies, Davis, Elton, Green, Grussendorf, Hanley, Hudson, Ivan, James, Joule, Kelly, Kemplen, Kookesh, Kubina, Moses, Mulder, Nicholia, Porter, Rokeberg, Therriault, Vezey, Williams

Sharon Lee Shields
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April 20, 2001

STATE OF ALASKA
Judiciary Committee, Legislative Affairs Agency

Reference: HB 164 "An Act prescribing the rights of grandparents related to child-in-need-of-aid hearings and amending Rules 3, 7, 10, 15, and 19 Alaska Child in Need of Aid Rules."

My name is Sharon Lee Shields, and my granddaughter born to my younger daughter in 1994 is "a-child-in-need." My daughter was and still is a single mother, and the father of my granddaughter was [is] military. The father was transferred out of Alaska when my granddaughter was just over a year old, and has recently been transferred back to Alaska after being absent for almost six years.

In the beginning of my granddaughter's life, my daughter and the military-father stumbled through making an effort at being parents, and depended that I supported them along with my granddaughter physically, financially, and emotionally.

Up to that point, my daughter had only babysat one time in her entire life before having my granddaughter. In her teenage years and as a young adult she didn't have time for children and was impatient around them. So, my granddaughter was born to a mother with a days training in childcare. Currently, my granddaughter has lived through six live-in boyfriend relationships of my daughters.

As time went on I knew my granddaughter was a "child-in-need." So I automatically assumed the position of the absent parents, and became a psychological, emotional, physical and financial parent to my granddaughter, and had my granddaughter 80% of her life up to November 5, 2000. That time is well documented, as it started out as a diary of fun days and events with my granddaughter, and then last May 2000 the diary turned into documentation of horrible physical and mental abuses reported to me by my granddaughter.

My granddaughter reported: May 23, 2000 my daughter slapped her across the face so hard it knocked her off her feet. And because she cried too loud, my daughter ordered her to go to the bathroom until she could quit crying. My granddaughter reported: she lay on the bathroom rug until it quit hurting so badly, and she could quit crying. The next morning when my daughter dropped her off to me again, the big red mark (handprint) was still visible; the next reported incident was that my granddaughter was slugged in the back, over her kidneys by my daughter's sixth live-in boyfriend and the red mark across her kidneys was still on her back the next day after school when she came to my home; food has been withheld from my granddaughter and warm clothing not sent to school when the weather was cold.

During the past seven years, my heart has ached each time my granddaughter, as a small child, was dropped off to my home after spending time with her mother, because she acted out so

dramatically: yelling and screaming at other children, it took a few days for her to calm down, again. Her actions and the sadness in my granddaughter's eyes told me of the results of her stay with mommy.

My daughter has a history of violence, and I had suspicions that she wasn't capable of proving my granddaughter with a loving, nurturing environment. But I had always kept hope.

So there I was: I was a brand new grandmother already with "a-child-in-need." I don't know where the years have gone, but during that time, my granddaughter was provided a normal life because of my elder daughter and her family, and me. As the years passed, it just became natural that my granddaughter was apart of my elder daughter's family and my life and included in our plans: plans for the day, the week, the month, and then the years. Time slipped away, and out of loving and caring, the end result of that time was we gave my granddaughter a normal happy life.

At the time my granddaughter started reporting the abuses, I tried addressing those issues with my daughter because I had knowledge of the way the DFYS system operated and I didn't want my granddaughter dumped into an already non-functioning system. And of course, my daughter threatened me with the system I feared, telling me that I better be careful because I have no rights. And from that time on, when I addressed the abuse issues with my daughter she threatened withholding my granddaughter from me, and also threatened my granddaughter to keep secrets about what went on in her home, or she wouldn't be able to see me, grandma again. My granddaughter became confused, because I had always been the person whom she could confide in and depend on, now I was getting her in trouble.

Then when my granddaughter was dropped off on Monday mornings for the week, she would scold me, in her own young-words telling me how disappointed she was in me getting her in trouble with her mommy, and that she couldn't talk to me anymore mommy told her not to tell Grandma what was going on. Perhaps only an hour would lapse, and she'd tell me what was going on because it hurt her and she needed someone to confide in.

So there I was, my granddaughter's guardian angel, handcuffed by the system. I had all the responsibility of my granddaughter for seven years, but no authority. And a daughter very well versed in the fact that I had no rights.

Last year, I took my granddaughter to school almost everyday and volunteered in the classroom at least three times a week. I even got a volunteer award. My elder daughter and I baked cookies for every child who graduated in all the kindergarten classes at Tanaina Elementary School. My granddaughter was one of the top students in her classroom, and she looked forward to and depended on me participating in her learning and her life.

On November 5, 2000, the reports of abuse from my granddaughter got so bad, and the father who had returned to Alaska in August 2000 would do nothing after many pleas for his help from many outside people. He didn't want to get involved, he said. So, I was forced to address this issue with my daughter, knowing how risky it was and the consequences, but I couldn't ignore my granddaughter's pleas for help, seeing her desperation, and knowing her helplessness.

On November 5, 2000, I tried to do an intervention with my daughter. After repeated attempts to sit down and talk with her to no avail, I finally demanded that she meet with me. But the intervention blew-up in my face. She brought the father, and a friend of hers from the Social

Services Department on a Sunday, and their showing up was just an elaborate scheme to squelch any of my efforts to resolve this, and to protect my granddaughter. The Social Service worker, and the father threatened me: Told me to keep my mouth shut. I recorded the intervention and had it transcribed by a court reporter because it proved negligence by both parents and the Social Services worker.

The consequence of my efforts was that my granddaughter was taken out of my life. Immediately, the parents went to the school and revoked all my volunteer privileges, and access to any of the classrooms, and I have not been allowed access to volunteering since that date. I have not allowed me to see or talk to my granddaughter since December 3, 2000, when I was allowed to see her 6 hours. My granddaughter was frantic then, I can't imagine how she is doing now.

Back when my granddaughter started talking, and my daughter would come to take her for the weekend or a day, my granddaughter always asked me and made sure by asking me when she was coming back to my house. Now, I can't talk to her on the phone; she can't come to my home; she can't spend the night with me; I can't volunteer in her classroom, all because I tried to protect her. That's not even the beginning: my granddaughter cannot see anyone whom she depended on and loves: her aunt, uncle, or new cousin. We, her family, have not been allowed by the parents to have a Thanksgiving, Christmas, celebrated her birthday, or Valentines Day with my granddaughter.

This is not a normal life for my granddaughter. My granddaughter's life has been turned upside down by the parents and they could care less for my granddaughter's welfare or feelings as long as they have control over the family.

My daughter works for the system and lives in the Valley. Palmer/Wasilla is a small community, and my daughter has many friends within the social services departments in the Valley and she has been given confidential information about my contacts with the DFYS in the Valley. That fact alone has been the most damaging factor in my efforts to see and protect my granddaughter.

As so many grandparents have discussed in our Grandparents Rights Organization (GRO), the most hopeless and helpless feeling in the world, after loving, caring and nurturing our grandchildren, is when we are forced by our abusive children to go to the system for help and the response is ALWAYS: if the child is not in immediate danger right at that very moment, they tell us the child is safe. Meaning that the child is not in an emergency room with internal damages or broken limbs, or in a morgue waiting to be identified at the time of reporting the abuse, because, "the child is not in immediate danger."

I still struggle with the system, and the parents to see my granddaughter whom I have not seen in 5 months, now. I can't even think about what she's gone and going through. But, according to law, I have no rights to know that.

HB 164 is the beginning effort that should be made in securing rights for Grandparents who have been active in raising their grandchildren, or would like to have the opportunity to know what is happening to their grandchildren. Since when did the family unit not include Grandparents? We are sick of being looked upon as the reason our children, the parents, are the way they are, because that is just not the truth. The majority of Grandparents in our group are educated, loving, and caring people who have loved their children and now their grandchildren. What we

see as the beginning problem was that we were there too much for our children, and supported them and given them too much, and we haven't expected any thing in return for our efforts. We are horrified and bewildered that our children could do this to us and to their own children.

At the least, Grandparents should have the right to raise, or **continue** to raise their grandchildren, and should have knowledge that our grandchildren are "children-in-need-of-aid" and not have them put into foster homes. To me, that would only be common sense.

I understand that morals, scruples, and common sense can't be legislated, but it's time that they are factored in when legislating laws about human beings, "our grandchildren." Remember these grandchildren could be one of yours in another state or another town, and the truth about their welfare withheld from you. I don't know one of you here today who wouldn't want to know that your grandchild was being placed in a foster home by DFYS just so they could get its quota of "child numbers" for state and federal funds.

Go home tonight and look at your grandchildren, or call them on the phone, and when you hear their small voices know that they could be placed in a foster home by DFYS, without your knowledge, or even the system obligated to notify you that your grandchildren are in the system. When DFYS placed little Steven Murray in a foster home, he didn't have a voice, and now he's dead.

Officials from agency level people all the way to Commissioner Karen Purdue know exactly what is going on with my granddaughter, and do nothing because she's only a "Priority 3 case." Well I'm here to tell everyone that my granddaughter is and always has been a "Priority 1 case" with me.

It's time to move DFYS, its rules, and its budge out of the way, gather our morals, scruples, and common sense and put grandparents back into the family picture. Would we have so many children in the system? Would we have so much violence in schools? Would we have the number of school shootings if our children and grandchildren had real families to go home to?

I pray for all our children and grandchildren that we begin to move back to the family unit, and HB 164 will be a step in that direction.

Sincerely,

A handwritten signature in cursive script that reads "Sharon Lee Shields".

Sharon Lee Shields

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From: "Sharon lee Shields" <bigcrow_ak@hotmail.com> [Save Address](#)

To: letters@adn.com [Save Address](#)

Subject: Foster care in Alaska

Date: Tue, 17 Apr 2001 21:45:36 -0800

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Sharon Lee Shields
HC 02 Box 7347
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Referencing article Gleason and foster care in Alaska

Letter to the Editor

It's time Alaskans deal with a major reason for the broken-down family structure, which certainly leads to school violence. It's time to move DFYS, its budget, and its drive for numbers (children) out of the way of what is in the best interest of the child[ren]. Foster care is big business in Alaska. A money deal that leaves all family members, including grandparents out of the decision making process when it comes to placing "a child in need of assistance." And believe me tragedies like this happens to the best of families.

There is an upper income, well established couple in Juneau. The woman has a documented history of violence toward children, her own step-children, with police reports, and court proceedings. Astoundingly, shortly after the court proceeding that couple went out and got a foster care license.

The point being made is: Under the current laws DFYS has the right to place your family member or grandchild[ren] who is "in need of assistance" in that foster home or another one just like it, and they are under no obligation to notify or place that child[ren]with family.

Grandparents: The state of Alaska DFYS will place your grandchild[ren] in a foster home and you have no rights whatsoever to your grandchild, either at the time of placement or even after you find out that your grandchildren have been placed and you try to get them out of foster care, and back into your family unit. Under the current laws "family" has no rights to our children and grandchildren. DFYS has a vested interest in keeping your family in the system. Know the facts. Call your representatives immediately and tell them to support HB 164.

Sharon Lee Shields
Palmer, Alaska

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