

HB

164



Alaska State Legislature

- Interim (May-Dec.) -
10928 Eagle River Rd., Suite 140
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- Session (Jan-May) -
Alaska State Capitol
Juneau, Alaska 99801-1182
☎ (907) 465-2199
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REPRESENTATIVE FRED DYSON

MEMORANDUM

April 30, 2001

To: Senator Lyda Green
Chair, Senate HESS Committee

From: Fred Dyson *Fred Dyson*
State Representative

RE: Request for consideration of HB 164, Grandparent rights

I respectfully request that you schedule HB 164 for hearing at your earliest convenience.

Thank you.

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

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

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
Sponsor: Rep. Dyson Component: FYS Management
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 Tanoury, Director Phone 465-3191
Division: Family & Youth Services Date/Time: _____
Approved by: Elr.r 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



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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.

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Representative_Fred_Dyson
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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.

SENATE COMMITTEE REPORT

DATE: 4/30/01

FURTHER: Judiciary

DATE TURNED
IN TO OFFICE: 05/03/01

Health, Education and Social Services Committee considered CS FOR HOUSE BILL NO. 164(JUD)
GRANDPARENTS' RIGHTS REGARDING CHILD IN NEED OF AID

"An Act prescribing the rights of grandparents related to child-in-need-of-aid hearings; and amending Rules 3, 7, 10, 15, 17, and 19, Alaska Child in Need of Aid Rules of Procedure."

and recommends:

- be replaced with _____ CS _____ (_____)
- adopt previous _____ CS _____ (_____)
- attached amendment(s)
- adopt Letter of Intent by _____ Committee
- further referral to _____ Committee

Senate Bill:

- same title
- new title

House Bill:

- same title
- technical title
- new: SCR # _____

NEW FISCAL NOTE(S):

Department	Date	Fiscal	Zero	FN#

PREVIOUS FISCAL NOTE(S):

Department	Date	Fiscal	Zero	FN#
DH & SS	3/26/01		X	1

APPROPRIATION - no fiscal note

SIGNATURES AND RECOMMENDATIONS:	Do PASS	Do NOT PASS	No REC	AMEND
<i>Chris A. Lewis</i>	✓			
<i>Gary Lilburn</i>	✓			
<i>Angela...</i>	✓			
CHAIR: <i>Lisa...</i>	✓			

Betty Short
3605 Arctic Blvd #2015
Anch., AK 99503
WR: 19-371/D

Subject: HB 164 Grandparents Rights

Date: Thu, 3 May 2001 20:59:19 -0800

From: "Betty Short" <AlaskaShort@worldnet.att.net>

To: <Senator_Lyda_Green@legis.state.ak.us>

CC: <Senator_Loren_Leman@legis.state.ak.us>, <Senator_Jerry_Wald@legis.state.ak.us>, <Senator_Gary_Wilken@legis.state.ak.us>, <Senator_Betty_Davis@legis.state.ak.us>

Dear Senator Green:

As president of the Grandparents Rights Organization I am writing you to plead for expedience of HB 164 through the HESS Committee.

This bill allows a grandparent to have the opportunity to be heard in the hearings held by the state in cases involving "OUR" grandchildren. This is a very important procedure for the courts & DFYS to be able to properly establish what is in the "Best Interst of the Child" as described in AS24.24.150(c)(1-9). How else does a court or caseworker, or CASA, or Attorney at Litem find out what is in the Best Interest of the Child, but to gain input from outside parties.

DFYS refuses grandparents on the basis of "you are not a party to the case" or "you have no rights" or "you are no better than a stranger"; then they utterly thrust them in the hands of strangers, sometimes breaking up the siblings. This is most definitely **emotional and mental abuse**.

We have a grandparent who has evidence, phone recordings, affidavits, witnesses, police report and NO ONE at DFYS will see or talk to her, nor will they return her phone calls. Yet the mother has a 10 years history with DFYS, but DFYS keeps putting the children back into her home.

Can you imagine what it would be like to be dragged away from your parents home and put with strangers. It would be devastating - especially to little children. Grandparents could help speed up investigations with their input and past knowledge and provide a safe and familiar haven for their grandchildren while the investigation is taking place. This would also save DFYS money in Foster Care, plus give room for those who are not so fortunate to have a grandparent available.

Several legislators; Joe Green, Loren Lehman, Fred Dyson, Brian Porter have met with us or come to one of our meetings and heard some stories. They were appalled. They said it's one thing to hear of these stories, but to **really hear them** is heartbreaking.

Through the Anchorage Legislative Office I faxed down several condensed stories, but I don't know if they followed this bill. I hope they did, so you get a chance to read some of them; they are heartbreaking.

Please vote for HB 164 as a new start to helping our grandchildren.

Thanking you in advance for your consideration. If you would like to attend one of our meetings please give me a call at 563-9129 in Anchorage. We meet the 1st & 3rd Monday of every month at Dennys on Dimond at 7:00 pm.

Sincerely,

Betty Short,
President
Grandparents Rights Organization

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 Division: Family & Youth Services Date/Time _____
 Approved by: Elmer A. Lindstrom, Special Assistant Date 3/26/01 11:44 AM
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