

HB

252

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 BRU: Family and Youth Services
SCOPE OF DUTY FOR SOCIAL WORKERS 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)

FUND SOURCE	FY 2003	FY 2004	FY 2005	FY 2006	FY 2007	FY 2008
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.

FISCAL NOTE

STATE OF ALASKA
2002 LEGISLATIVE SESSION

Fiscal Note Number: 2
 Bill Version: CSHB 252(RLS)
 (H) Publish Date: 4/30/02

Revision Date/Time (Note if correction): _____ Dept. Affected: Law
 Title "...scope of duty and standard of care for BRU Civil Division
persons who provide services to certain children and families ..." Component Special Litigation
 Sponsor Representative Coghill
 Requester House Rules Committee Component No. 2213

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						
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 ()	0.0	0.0	0.0	0.0	0.0	0.0
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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						
1007 Interagency Receipts						
TOTAL	0.0	0.0	0.0	0.0	0.0	0.0

Estimate of any current year (FY2002) cost: 0.0

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)

Section 7 of this bill restates existing law using different language. CSHB 252 (RLS) will create no new liability or litigation, and is not anticipated to have a fiscal impact on the Department of Law.

Prepared by: Joan M. Kasson
 Division: Attorney General's Office
 Approved by: Kathryn Daughhete for Bruce M. Bolelho, Attorney General
 Agency: Department of Law

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REPRESENTATIVE JOHN COGHILL

HB 252 STANDARD OF CARE FOR CINA SERVICES

Sponsor Statement

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.

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.

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.

Since we are invoking police and judicial powers to our agency personnel I believe that a higher standard of duty, conduct and care is needed. The requirements should be consistent with those stated in the Board of Social Workers in AS 08.95

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 simply requires DFYS to implement through the regulatory process the scope of duty owed and the standard of care that must be met by department employees when dealing with CINA cases under Title 47. This legislation will provide for rules that can be understood by public employees and private citizens who may have this law applied to their lives.

Representative John_Coghill@LEGIS.state.ak.us

Sponsor Statement

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Representative John Coghill

SECTIONAL ANALYSIS: SCS CSHB 252

Version U

Section 1.

Expresses the legislative intent behind section 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 purposes of "intensive family preservation services".

Section 7.

Amends AS 47.10.960 DUTY AND STANDARD OF CARE NOT CREATED to state that the department's failure to comply "does not, by itself, constitute a basis for civil liability for damages".

Section 8.

Defines "intensive family preservation services".

Section 9.

Provides that before an agency can seek to terminate parental rights, intensive family preservation services must be offered to the parents.

Section 10.

Directs DHSS to conduct a study in at least one region of the state to develop projections for the need and the cost of intensive family preservation services, develop a long-range plan, and complete a report on the study by November 30, 2004.

Section 11.

Makes sections 1 and 2 effective immediately.

Section 12.

Makes Sections 3-6 and 9, requiring intensive family preservation services, effective July 1, 2003

Section 13.

Makes section 8 and 10 effective July 1, 2002.

Sectional Analysis