

SB

288

# ALASKA STATE LEGISLATURE



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## SENATOR LYDA GREEN SENATE DISTRICT G

### MEMO

DATE: 3/31/2004

To: House Judiciary  
Representative Lesil McGuire  
Attn: Vanessa Tondini

From: Senator Lyda Green  
Jacqueline Tupou

RE: Request for a hearing for Senate Bill 269 and Senate Bill 288

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I am requesting a hearing for Senate Bills 269 and Senate Bill 288 in House Judiciary. I have attached copies of the bills, sponsor statements, fiscal notes and supporting information. Thank you in advance for your time and attention in this matter.

JT

Questions....please feel free to call x3712

# ALASKA STATE LEGISLATURE



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**SENATOR LYDA GREEN**  
SENATE DISTRICT G

## **SPONSOR STATEMENT FOR SENATE BILL 288**

**“An Act relating to certain determinations concerning placement of a child in emergency custody and temporary placement hearings in child in need of aid proceedings; and providing for an effective date.”**

Current state law provides for the Court to determine, within 48 hours of removal from the home, whether probable cause exists for believing a child is in need of aid and to authorize a child's temporary placement out of the home. However, the language used by the courts in making determination varies and is often not in compliance with federal requirements. Senate Bill 288 mandates the Court to specifically use the language that continued placement in the home is “contrary to the welfare” of the child when exercising its authority to remove a child in need of aid. This legislation ensures that state law complies with federal requirements.

By requiring Contrary to the Welfare language in the first Court order following removal, the Office of Children's Services has the opportunity to increase federal reimbursement through the Title IV-E program for the care of the child and associated expenditures incurred by OCS for managing the foster care program. The Office of Children's Services estimates that passage of this legislation will result in an increase in federal Title IV-E receipts of \$500,000 in fiscal year 2005.



## Alaska State Legislature

Senate Majority Web: <http://www.akrepublicans.org>

**Sponsor:** Senator Lyda Green  
**Current Version:** CSSB 288(JUD)  
**Contact:** Jacqueline Tupou, 465-6600  
**Date:** March 15, 2004

### Fact Sheet for: Senate Bill 288

**Short Title:** Emergency Child Custody Placement

**Summary:**

- Conforms to federal requirements the language a judge must use at a temporary custody hearing when determining placement of a child who has previously been removed from home.

**Benefits:**

- Requires a judge to explicitly state whether continued placement in the child's home is "contrary to the welfare" of the child.
- Ensures consistency in court rulings.
- The Office of Children's Services estimates that this bill will allow the department to receive an additional \$500,000 in federal Title IV-E funds in FY05.

**Background:**

Currently, the court must hold a hearing within 48 hours of removing a child from their home to determine placement. However, the language used by the courts in making determinations varies and is often not in compliance with federal requirements.

# FISCAL NOTE

**STATE OF ALASKA**  
**2004 LEGISLATIVE SESSION**

Fiscal Note Number: 1  
 Bill Version: CSSB 288(HES)  
 ( S ) Publish Date: 2/11/04  
 Dept. Affected: Health & Social Services

Revision Date/Time (Note if correction):  
 Title: DETERMINATIONS OF COURT IN CINA  
PROCEEDINGS

RDU: Children's Services  
 Component: Foster Care Base Rate

Sponsor: GREEN  
 Requester: SENATE (HES)

Component No.: 2236

**Expenditures/Revenues** (Thousands of Dollars)

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

OPERATING EXPENDITURES	FY 2005	FY 2006	FY 2007	FY 2008	FY 2009	FY 2010
Personal Services						
Travel						
Contractual						
Supplies						
Equipment						
Land & Structures						
Grants & Claims	500.0	500.0	500.0	500.0	500.0	500.0
Miscellaneous						
<b>TOTAL OPERATING</b>	<b>500.0</b>	<b>500.0</b>	<b>500.0</b>	<b>500.0</b>	<b>500.0</b>	<b>500.0</b>

CAPITAL EXPENDITURES	FY 2005	FY 2006	FY 2007	FY 2008	FY 2009	FY 2010

CHANGE IN REVENUES (0)	FY 2005	FY 2006	FY 2007	FY 2008	FY 2009	FY 2010
	500.0	500.0	500.0	500.0	500.0	500.0

**FUND SOURCE** (Thousands of Dollars)

1002 Federal Receipts	500.0	500.0	500.0	500.0	500.0	500.0
1003 GF Match						
1004 GF						
1037 GF/Mental Health						
Other(Specify Type-do not abbreviate)						
Other(Specify Type-do not abbreviate)						
<b>TOTAL</b>	<b>500.0</b>	<b>500.0</b>	<b>500.0</b>	<b>500.0</b>	<b>500.0</b>	<b>500.0</b>

Estimate of any current year (FY2004) cost: \_\_\_\_\_

Mark this box (X) if funding for this bill is included in the Governor's FY 2004 budget proposal:

**POSITIONS**

Full-time						
Part-time						
Temporary						

**ANALYSIS:** (Attach a separate page if necessary)

This legislation would clarify language regarding the findings that a court is required to make at an initial hearing for a child that is removed emergently from his/her home by the Department of Health and Social Services. Currently, the court hears these cases and determines whether or not the Department has acted prudently in removing the child from his/her home. The court issues findings as to whether or not it is contrary to the welfare of the child to remain in his own home; however, the language in the court order may not reflect the exact wording that includes "contrary to the welfare" language. In order for the Department to receive federal reimbursement for the costs associated with the care of the child, the court must issue findings that specifically state that it is

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 Division: Office of the Commissioner  
 Approved by: Joel S. Gilbertson, Commissioner  
 Agency: Department of Health and Social Services

Phone: 465-1618  
 Date/Time: 02/03/2004  
 Date: 02/03/2004

FISCAL NOTE  
FN # 1

STATE OF ALASKA  
2004 LEGISLATIVE SESSION

BILL NO. SB 288

**ANALYSIS CONTINUATION**

"contrary to the welfare" of the child to remain in his/her current home. These findings must be made at the first court hearing. Including this language in the court's initial findings will enable the Department to increase federal reimbursement for a significant number of children who enter state custody, emergently. The OCS projects it may see an increase of approximately 5% in its Federal Title IVE penetration rate, which may equate to an estimated \$500,000 in federal revenue for costs necessary to care for the child.

The Office of Childrens Services has identified an upward trend in the foster care base rate caseload. In FY2003 there was a 3.2% increase in children who received benefits from the foster care base rate program. The Office of Children's Services anticipates that the foster care caseload will increase another 3% in FY2004 and FY2005. With the additional federal receipts, the OCS intends to continue to cover the basic ongoing costs of raising a child, as well as ensure continuity of foster care base rate payments and the continued success of the foster care program.



