

HB

408

SFIN

FILE

SENATE FINANCE COMMITTEE REPORT

DATE: 4/5/06

FURTHER:

REPORTED OUT
APR 24 2006
SENATE FINANCE COMMITTEE

DATE TURNED
IN TO OFFICE: 24 April 2006

Finance Committee considered CS FOR HOUSE BILL NO. 408(FIN) am

HB 408 DEFINITION OF CHILD ABUSE AND NEGLECT

"An Act relating to the standard of proof required to terminate parental rights in child- in-need-of-aid proceedings; relating to a healing arts practitioner's duty to report a child adversely affected by or withdrawing from exposure to a controlled substance or alcohol; relating to disclosure of confidential or privileged information about certain children by the Departments of Health and Social Services and Administration; relating to permanent fund dividends paid to foster children and adopted children; amending Rule 18, Alaska Child in Need of Aid Rules of Procedure; and providing for an effective date."

and recommends:

- be replaced with S CS HB 408 (FIN)
- adopt previous _____ CS CS forthcoming . (_____)
- attached amendment(s)
- adopt Letter of Intent by _____ Committee
- further referral to _____ Committee

CS Senate Bill:
 Same Title
 New Title
 SCS House Bill:
 Same Title
 Technical Title Change
 New Title w/ SCR # _____

NEW FISCAL NOTE(S):

Department	Date	Fiscal	Ind.	Zero	FN#

PREVIOUS FISCAL NOTE(S):

Department	Date	Fiscal	Ind.	Zero	FN#
HS Social Workers	4/05			✓	#1
HS Children's Sv.	3/7/06			✓	#2

APPROPRIATION - no fiscal note

SIGNATURES AND RECOMMENDATIONS:	DO PASS	DO NOT PASS	NO REC	AMEND
<i>[Signature]</i>	✓			
<i>[Signature]</i>			✓	
<i>[Signature]</i>	✓			
<i>[Signature]</i>	✓			
COCHAIR: <i>[Signature]</i>	✓			
COCHAIR: <i>[Signature]</i>	✓			

FISCAL NOTE

REPORTED OUT
APR 24 2006
SENATE FINANCE COMMITTEE

STATE OF ALASKA
2006 LEGISLATIVE SESSION

Fiscal Note Number: 2
Bill Version: CSHB 408(FIN)
(H) Publish Date: 3/8/2006

Revision Date/Time (Note if correction): _____ Dept. Affected: DHSS
Title Relating to Child in Need of Aid RDIJ Children's Services
Proceedings Component Children's Services Management
Sponsor (RLS) by Request of Governor
Requester HFC Component No. 2666

Expenditures/Revenues (Thousands of Dollars)

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

OPERATING EXPENDITURES	FY 2007	FY 2008	FY 2009	FY 2010	FY 2011	FY 2012
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						
-----------------------------	--	--	--	--	--	--

CHANGE IN REVENUES ()						
-------------------------------	--	--	--	--	--	--

FUND SOURCE (Thousands of Dollars)

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

Estimate of any current year (FY2006) cost: 0.0
Check this box (X) if funding for this bill is included in the Governor's FY 2007 budget proposal:

POSITIONS

Full-time						
Part-time						
Temporary						

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

Prepared by: House Finance Committee

Phone 465-4945/465-3779

Rep. Kevin Meyer, Co-Chair

Date 3/7/2006

Rep. Miko Chenault, Co-Chair

COMMITTEE COPY

FISCAL NOTE

REPORTED OUT
APR 24 2006
SENATE FINANCE COMMITTEE

STATE OF ALASKA
2006 LEGISLATIVE SESSION

Fiscal Note Number: 1
 Bill Version: HB 408
 (H) Publish Date: 1/30/06
 Dept. Affected: Health & Social Services

Revision Date/Time (Note if correction):

Title SUBSTANCE EXPOSED NEWBORNS AND CHILD ABUSE

RDU Children's Services
 Component Front Line Social Workers

Sponsor (RLS) BY REQUEST OF THE GOVERNOR

Requester GOVERNOR Component No. 2305

Expenditures/Revenues (Thousands of Dollars)

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

OPERATING EXPENDITURES	FY 2007	FY 2008	FY 2009	FY 2010	FY 2011	FY 2012
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						
CHANGE IN REVENUES (0)						

FUND SOURCE (Thousands of Dollars)

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

Estimate of any current year (FY2006) cost: _____

Mark this box (X) if funding for this bill is included in the Governor's FY 2007 budget proposal:

POSITIONS

Full-time						
Part-time						
Temporary						

ANALYSIS: (Attach a separate page if necessary)

The Office of Children's Services (OCS) has determined that many medical professionals in Alaska are already reporting affected infants to our offices. The potential increased reporting that would result from the enactment of this bill should be minimal, and the OCS does not anticipate any fiscal impact.

Prepared by: Tammy Sandoval, Deputy Commissioner Phone: 465-3791
 Division: Office of Children's Services Date/Time: 11/04/2005
 Approved by: Karlern Jackson, Commissioner Date: 11/08/2005
 Agency: Department of Health and Social Services

THE
FOLLOWING
DOCUMENT(S)
ARE
POOR
ORIGINAL
COPIES

SENATE FINANCE
COMMITTEE

Amendment # #2

To Bill Number: HB 408

Sponsor: Green

Date: 4/22/06 Logged by: Mindy

24-GH2021\S.3

Mischel

4/22/06

AMENDMENT

OFFERED IN THE SENATE

TO: SCS CSHB 408(JUD)

by Sen. Green

- 1 Page 6, line 9:
- 2 Delete "a child"
- 3 Insert "an infant"
- 4
- 5 Page 6, line 12:
- 6 Delete "child's"
- 7 Insert "infant's"
- 8
- 9 Page 6, line 13, following "section,":
- 10 Insert "(1)"
- 11
- 12 Page 6, line 15, following "substance":
- 13 Insert ";
- 14 (2) "infant" means a child who is less than 12 months of age"

SENATE FINANCE COMMITTEE REPORT

DATE: 4/5/06

FURTHER:

DATE TURNED
IN TO OFFICE:

REPORTED OUT
APR 24 2006
SENATE FINANCE COMMITTEE
24 April 2006

Finance Committee considered CS FOR HOUSE BILL NO. 408(FIN) am

HB 408 DEFINITION OF CHILD ABUSE AND NEGLECT

"An Act relating to the standard of proof required to terminate parental rights in child-in-need-of-aid proceedings; relating to a healing arts practitioner's duty to report a child adversely affected by or withdrawing from exposure to a controlled substance or alcohol; relating to disclosure of confidential or privileged information about certain children by the Departments of Health and Social Services and Administration; relating to permanent fund dividends paid to foster children and adopted children; amending Rule 18, Alaska Child in Need of Aid Rules of Procedure; and providing for an effective date."

and recommends:

- be replaced with S CS HB 408 (FIN)
- adopt previous _____ CS CS forthcoming (_____)
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CS Senate Bill:	
<input type="checkbox"/>	Same Title
<input type="checkbox"/>	New Title
SCS House Bill:	
<input type="checkbox"/>	Same Title
<input type="checkbox"/>	Technical Title Change
<input checked="" type="checkbox"/>	New Title w/ SCR # _____

NEW FISCAL NOTE(S):

Department	Date	Fiscal	Ind.	Zero	FN#

PREVIOUS FISCAL NOTE(S):

Department	Date	Fiscal	Ind.	Zero	FN#
HHS Social Work	4/105			<input checked="" type="checkbox"/>	#1
HHS Children's Sv	3/7/06			<input checked="" type="checkbox"/>	#2

APPROPRIATION - no fiscal note

SIGNATURES AND RECOMMENDATIONS:	DO PASS	DO NOT PASS	NO REC	AMEND
<i>[Signature]</i>	<input checked="" type="checkbox"/>			
<i>[Signature]</i>			<input checked="" type="checkbox"/>	
<i>[Signature]</i>	<input checked="" type="checkbox"/>			
<i>[Signature]</i>	<input checked="" type="checkbox"/>			
COCHAIR: <i>[Signature]</i>	<input checked="" type="checkbox"/>			
COCHAIR: <i>[Signature]</i>	<input checked="" type="checkbox"/>			

SENATE FINANCE
COMMITTEE

Amendment # #1

To Bill Number: HB 408

24-GH2021\S.1

Sponsor: Green

Luckhaupt/Mischel

Date 4/27/06 Logged by: Mindy

4/6/06

AMENDMENT

OFFERED IN THE SENATE

by Sen. Green

TO: SCS CSHB 408(JUD)

1 Page 1, line 1, following "rights":

2 Insert "and for placement of a child"

3

4 Page 6, following line 6:

5 Insert a new bill section to read:

6 **** Sec. 8.** AS 47.14.100(e) is amended to read:

7 (e) When a child is removed from a parent's home, the department shall place
8 the child, in the absence of clear and convincing evidence [A SHOWING] of good
9 cause to the contrary,

10 (1) in the least restrictive setting that most closely approximates a
11 family and that meets the child's special needs, if any;

12 (2) within reasonable proximity to the child's home, taking into
13 account any special needs of the child and the preferences of the child or parent;

14 (3) with, in the following order of preference,

15 (A) an adult family member;

16 (B) a family friend who meets the foster care licensing
17 requirements established by the department;

18 (C) a licensed foster home that is not an adult family member
19 or family friend;

20 (D) an institution for children that has a program suitable to
21 meet the child's needs."

22

23 Renumber the following bill sections accordingly.

1

2 Page 7, line 15:

3 Delete "sec. 10"

4 Insert "sec. 11"

SENATE FINANCE COMMITTEE REPORT

DATE: 4/5/06

FURTHER:

REPORTED OUT
APR 24 2006
SENATE FINANCE COMMITTEE

DATE TURNED IN TO OFFICE: 24 April 2006

Finance Committee considered CS FOR HOUSE BILL NO. 408(FIN) am

HB 408 DEFINITION OF CHILD ABUSE AND NEGLECT

"An Act relating to the standard of proof required to terminate parental rights in child- in-need-of-aid proceedings; relating to a healing arts practitioner's duty to report a child adversely affected by or withdrawing from exposure to a controlled substance or alcohol; relating to disclosure of confidential or privileged information about certain children by the Departments of Health and Social Services and Administration; relating to permanent fund dividends paid to foster children and adopted children; amending Rule 18, Alaska Child in Need of Aid Rules of Procedure; and providing for an effective date."

and recommends:

- be replaced with S CS HB 408 (FIN)
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CS Senate Bill:
 Same Title
 New Title

SCS House Bill:
 Same Title
 Technical Title Change
 New Title w/ SCR # _____

NEW FISCAL NOTE(S):

Department	Date	Fiscal	Ind.	Zero	FN#

PREVIOUS FISCAL NOTE(S):

Department	Date	Fiscal	Ind.	Zero	FN#
HS Social Workers	11/4/05			✓	#1
HS Children's Sv.	3/7/06			✓	#2

APPROPRIATION - no fiscal note

SIGNATURES AND RECOMMENDATIONS:	DO PASS	DO NOT PASS	NO REC	AMEND
<i>[Signature]</i>	✓			
<i>[Signature]</i>			✓	
<i>[Signature]</i>	✓			
<i>[Signature]</i>	✓			
COCHAIR: <i>[Signature]</i>	✓			
COCHAIR: <i>[Signature]</i>	✓			

AMENDMENT

by Sen. Green

OFFERED IN THE SENATE

TO: SCS CSHB 408(JUD)

1 Page 1, line 1, following "rights":

2 Insert "and for placement of a child"

3

4 Page 6, following line 6:

5 Insert a new bill section to read:

6 "** Sec. 8. AS 47.14.100(e) is amended to read:

7 (e) When a child is removed from a parent's home, the department shall place
8 the child, in the absence of clear and convincing evidence [A SHOWING] of good
9 cause to the contrary,

10 (1) in the least restrictive setting that most closely approximates a
11 family and that meets the child's special needs, if any;

12 (2) within reasonable proximity to the child's home, taking into
13 account any special needs of the child and the preferences of the child or parent;

14 (3) with, in the following order of preference,

15 (A) an adult family member;

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17 requirements established by the department;

18 (C) a licensed foster home that is not an adult family member
19 or family friend;

20 (D) an institution for children that has a program suitable to
21 meet the child's needs."

22

23 Renumber the following bill sections accordingly.

1

2 Page 7, line 15:

3 Delete "sec. 10"

4 Insert "sec. 11"

AMENDMENT

OFFERED IN THE SENATE

TO: SCS CSHB 408(JUD)

by Sen. Green

1 Page 6, line 9:

2 Delete "a child"

3 Insert "an infant"

4

5 Page 6, line 12:

6 Delete "child's"

7 Insert "infant's"

8

9 Page 6, line 13, following "section,":

10 Insert "(1)"

11

12 Page 6, line 15, following "substance":

13 Insert ";

14

(2) "infant" means a child who is less than 12 months of age"



Official Business

Alaska State Senate

Senate Finance Committee

Mail Stop 3100
State Capitol
Juneau, Alaska 99801-1182

FAX COVER SHEET

DATE: 24 April 2006 TIME: 9:40am

TO: Legal Services

NUMBER OF PAGES, INCLUDING COVER SHEET: 1

FROM: MINDY ROWLAND
SENATE FINANCE COMMITTEE SECRETARY
PHONE: 465-4935
FAX: 465-2187

NOTES: Final Please

SCS CS HB 408 (FIN) 24-G#2021\5

Plus 2 amendments: \S.1, \S.3

Thanks.
Mindy

SENATE CS FOR CS FOR HOUSE BILL NO. 408(FIN)
IN THE LEGISLATURE OF THE STATE OF ALASKA
TWENTY-FOURTH LEGISLATURE - SECOND SESSION

BY THE SENATE FINANCE COMMITTEE

Offered:
Referred:

Sponsor(s): HOUSE RULES COMMITTEE BY REQUEST OF THE GOVERNOR

A BILL
FOR AN ACT ENTITLED

1 "An Act relating to the standard of proof required to terminate parental rights and for
2 placement of a child in child-in-need-of-aid proceedings; relating to a healing arts
3 practitioner's duty to report a child adversely affected by or withdrawing from exposure
4 to a controlled substance or alcohol; relating to disclosure of confidential or privileged
5 information about certain children by the Departments of Health and Social Services
6 and Administration; relating to permanent fund dividends paid to foster children and
7 adopted children; relating to child abuse or neglect investigations and training;
8 amending Rule 18, Alaska Child in Need of Aid Rules of Procedure; and providing for
9 an effective date."

Amendment #1

10 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF ALASKA:

11 * Section 1, AS 47.10.086(c) is amended to read:

12 (c) The court may determine that reasonable efforts of the type described in

1 (a) of this section are not required if the court has found by clear and convincing [A
2 PREPONDERANCE OF THE] evidence that

3 (1) the parent or guardian has subjected the child to circumstances that
4 pose a substantial risk to the child's health or safety; these circumstances include
5 abandonment, sexual abuse, torture, chronic mental injury, or chronic physical harm;

6 (2) the parent or guardian has

7 (A) committed homicide under AS 11.41.100 - 11.41.130 of a
8 parent of the child or of a child;

9 (B) aided or abetted, attempted, conspired, or solicited under
10 AS 11.16 or AS 11.31 to commit a homicide described in (A) of this
11 paragraph;

12 (C) committed an assault that is a felony under AS 11.41.200 -
13 11.41.220 and results in serious physical injury to a child; or

14 (D) committed the conduct described in (A) - (C) of this
15 paragraph that violated a law or ordinance of another jurisdiction having
16 elements similar to an offense described in (A) - (C) of this paragraph;

17 (3) the parent or guardian has, during the 12 months preceding the
18 permanency hearing, failed to comply with a court order to participate in family
19 support services;

20 (4) the department has conducted a reasonably diligent search over a
21 time period of at least three months for an unidentified or absent parent and has failed
22 to identify and locate the parent;

23 (5) the parent or guardian is the sole caregiver of the child and the
24 parent or guardian has a mental illness or mental deficiency of such nature and
25 duration that, according to the statement of a psychologist or physician, the parent or
26 guardian will be incapable of caring for the child without placing the child at
27 substantial risk of physical or mental injury even if the department were to provide
28 family support services to the parent or guardian for 12 months;

29 (6) the parent or guardian has previously been convicted of a crime
30 involving a child in this state or in another jurisdiction and, after the conviction, the
31 child was returned to the custody of the parent or guardian and later removed because

1 of an additional substantiated report of physical or sexual abuse by the parent or
2 guardian;

3 (7) a child has suffered substantial physical harm as the result of
4 abusive or neglectful conduct by the parent or guardian or by a person known by the
5 parent or guardian and the parent or guardian knew or reasonably should have known
6 that the person was abusing the child;

7 (8) the parental rights of the parent have been terminated with respect
8 to another child because of child abuse or neglect, the parent has not remedied the
9 conditions or conduct that led to the termination of parental rights, and the parent has
10 demonstrated an inability to protect the child from substantial harm or the risk of
11 substantial harm;

12 (9) the child has been removed from the child's home on at least two
13 previous occasions, family support services were offered or provided to the parent or
14 guardian at those times, and the parent or guardian has demonstrated an inability to
15 protect the child from substantial harm or the risk of substantial harm; or

16 (10) the parent or guardian is incarcerated and is unavailable to care
17 for the child during a significant period of the child's minority, considering the child's
18 age and need for care by an adult.

19 * Sec. 2. AS 47.10.088(a) is amended to read:

20 (a) Except as provided in AS 47.10.080(c), the rights and responsibilities of
21 the parent regarding the child may be terminated for purposes of freeing a child for
22 adoption or other permanent placement if the court finds

23 [(1)] by clear and convincing evidence that

24 (1) [(A)] the child has been subjected to conduct or conditions
25 described in AS 47.10.011;

26 (2) [AND (B)] the parent

27 (A) [(i)] has not remedied the conduct or conditions in the
28 home that place the child at substantial risk of harm; or

29 (B) [(ii)] has failed, within a reasonable time, to remedy the
30 conduct or conditions in the home that place the child in substantial risk so that
31 returning the child to the parent would place the child at substantial risk of

1 physical or mental injury; and

2 (3) [(2) BY PREPONDERANCE OF THE EVIDENCE THAT] the
3 department has complied with the provisions of AS 47.10.086 concerning reasonable
4 efforts.

5 * Sec. 3. AS 47.10.088(b) is amended to read:

6 (b) In making a determination under (a)(2) [(a)(1)(B)] of this section, the court
7 may consider any fact relating to the best interests of the child, including

8 (1) the likelihood of returning the child to the parent within a
9 reasonable time based on the child's age or needs;

10 (2) the amount of effort by the parent to remedy the conduct or the
11 conditions in the home;

12 (3) the harm caused to the child;

13 (4) the likelihood that the harmful conduct will continue; and

14 (5) the history of conduct by or conditions created by the parent.

15 * Sec. 4. AS 47.10.092 is amended by adding a new subsection to read:

16 (f) Each department shall respond to a request made by an official identified
17 under (a) of this section within five working days after receiving the request, or by a
18 later date specified in the request, by providing access to all or part of the information
19 requested or by providing the specific citation to a federal or state law that prohibits
20 disclosure of all or part of the information requested.

21 * Sec. 5. AS 47.10.093(i) is amended to read:

22 (i) The commissioner of health and social services or the commissioner's
23 designee or the commissioner of administration or the commissioner's designee, as
24 appropriate, may disclose to the public, upon request, confidential information, as set
25 out in (j) of this section, when

26 (1) the parent or guardian of a child who is the subject of one or more
27 reports [A REPORT] of harm under AS 47.17 has made a public disclosure
28 concerning the department's involvement with the family;

29 (2) the alleged perpetrator named in one or more reports [A
30 REPORT] of harm under AS 47.17 has been charged with a crime concerning the
31 alleged abuse or neglect; or

1 (3) abuse or neglect [A REPORT OF HARM UNDER AS 47.17] has
 2 resulted in the fatality or near fatality of a [THAT] child who is the subject of one or
 3 more reports of harm under AS 47.17.

4 * Sec. 6. AS 47.10.093(j) is repealed and reenacted to read:

5 (j) The department may publicly disclose information pertaining to a child or
 6 an alleged perpetrator named in a report of harm described under (i) of this section, or
 7 pertaining to a household member of the child or the alleged perpetrator, if the
 8 information relates to a determination, if any, made by the department regarding the
 9 nature and validity of a report of harm under AS 47.17 or to the department's activities
 10 arising from the department's investigation of the report. The commissioner or the
 11 commissioner's designee

12 (1) shall withhold disclosure of the child's name, picture, or other
 13 information that would readily lead to the identification of the child if the department
 14 determines that the disclosure would be contrary to the best interests of the child, the
 15 child's siblings, or other children in the child's household; or

16 (2) after consultation with a prosecuting attorney, shall withhold
 17 disclosure of information that would reasonably be expected to interfere with a
 18 criminal investigation or proceeding or a criminal defendant's right to a fair trial in a
 19 criminal proceeding.

20 * Sec. 7. AS 47.10 is amended by adding a new section to read:

21 **Sec. 47.10.115. Permanent fund dividend.** (a) The department shall annually
 22 apply for a permanent fund dividend and retain in trust under AS 43.23.015(e) for the
 23 benefit of the child the dividend and accrued interest on the dividend if the child is in
 24 the custody of the department when the application is due.

25 (b) The department may not distribute the proceeds of a trust under this
 26 section unless

27 (1) the child has reached 18 years of age and is no longer in the
 28 custody of the department;

29 (2) the child has been adopted and one year has elapsed since the
 30 adoption;

31 (3) the child is no longer in the custody of the department and the child

1 has been reunited with the child's parents; or

2 (4) ordered to do so by the court in the best interest of the child.

3 (c) Notwithstanding (b)(1) - (3) of this section, the department may not
4 distribute the proceeds of a trust under this section if the payment would be made to a
5 guardian of a child who had been in the custody of the department immediately before
6 the establishment of the guardianship, unless the guardianship was established under
7 AS 13.26.090 - 13.26.155.

8 * Sec. 8. AS 47.14.100(e) is amended to read:

9 (e) When a child is removed from a parent's home, the department shall place
10 the child, in the absence of clear and convincing evidence [A SHOWING] of good
11 cause to the contrary,

12 (1) in the least restrictive setting that most closely approximates a
13 family and that meets the child's special needs, if any;

14 (2) within reasonable proximity to the child's home, taking into
15 account any special needs of the child and the preferences of the child or parent;

16 (3) with, in the following order of preference,

17 (A) an adult family member;

18 (B) a family friend who meets the foster care licensing
19 requirements established by the department;

20 (C) a licensed foster home that is not an adult family member
21 or family friend;

22 (D) an institution for children that has a program suitable to
23 meet the child's needs.

24 * Sec. 9. AS 47.17 is amended by adding a new section to read:

25 **Sec. 47.17.024. Duties of practitioners of the healing arts.** (a) A practitioner
26 of the healing arts involved in the delivery or care of an infant who the practitioner
27 determines has been adversely affected by, or is withdrawing from exposure to, a
28 controlled substance or alcohol shall immediately notify the nearest office of the
29 department of the infant's condition.

30 (b) In this section,

31 (1) "controlled substance" has the meaning given in AS 11.71.900, but

#1

Amendment #2

1 does not include a substance lawfully taken under a prescription from a health care
2 provider who is authorized to prescribe the substance;

3 (2) "infant" means a child who is less than 12 months of age.

4 * Sec. 10. AS 47.17.033 is amended by adding new subsections to read:

5 (j) The training required under (c) of this section must address the
6 constitutional and statutory rights of children and families that apply throughout the
7 investigation and department intervention. The training must inform department
8 representatives of the applicable legal duties to protect the rights and safety of a child
9 and the child's family.

10 (k) During a joint investigation by the department and a law enforcement
11 agency, the department shall coordinate an investigation of child abuse or neglect with
12 the law enforcement agency to ensure that the possibility of a criminal charge is not
13 compromised.

14 (l) Unless a law enforcement official prohibits or restricts notification under
15 (k) of this section, at the time of initial contact with a person alleged to have
16 committed child abuse or neglect, the department shall notify the person of the
17 specific complaint or allegation made against the person, except that the identity of the
18 complainant may not be revealed.

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

21 INDIRECT COURT RULE AMENDMENT. Sections 1 - 3 of this Act have the effect
22 of amending Rule 18, Alaska Child in Need of Aid Rules of Procedure, relating to the
23 termination of parental rights proceedings by increasing the standard of proof concerning
24 some elements from proof by a preponderance of the evidence to proof by clear and
25 convincing evidence.

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

28 APPLICABILITY OF SECS. 1 - 3 OF THIS ACT. Sections 1 - 3 of this Act apply to
29 a child-in-need-of-aid proceeding that is pending before the court, that is on appeal to the
30 court, or for which the time for appeal to the court has not yet passed on or after the effective
31 date of this Act.

#2

1 * Sec. 13. The uncodified law of the State of Alaska is amended by adding a new section to
2 read:

3 CONDITIONAL EFFECT. Sections 1 - 3 of this Act take effect only if sec. 11 of this
4 Act receives the two-thirds majority vote of each house required by art. IV, sec. 15,
5 Constitution of the State of Alaska

6 * Sec. 14. This Act takes effect immediately under AS 01.10.070(c).

#1

ALASKA STATE HOUSE OF REPRESENTATIVES

Representative John Coghill
State Capitol Room 204
Juneau, AK 99801-1182
(907)-465-3719



Representative Mike Chenault
State Capitol, Room 505
Juneau, AK 99801-1182
(907) 465-3779

FAMILY RIGHTS ACT of 2006 SCS CSHB 408(JUD)

In an effort to assist OCS in making public policy transparent and accountable in 2005, Representatives Coghill, Chenault, Rokeberg, and McGuire joined in with Department of Law and OCS to combine legislation into one bill. This also avoided duplication and canceling each other out. The process worked very well.

Because of the success of the Family Rights Act of 2005, Representatives Coghill and Chenault have again joined with OCS and Department of Law to fine tune some OCS issues.

The Department of Law has sections of the bill that raises the standard for termination of parental rights or denying a parent reasonable effort to clear and convincing evidence. Representative Kerttula amended the legislation to clarify the department's intent to require health care providers to report to OCS when they believe a child has been adversely affected by or is withdrawing from exposure to a controlled substance or alcohol.

Representative Chenault contributed language to clarify that when an official identified as a public official or employee under AS 47.10.092 requests information from the department about a CINA case, the department will have five working days to provide access to the information.

Representative Coghill's language clarifies the intent of HB 53 that once a report of harm has resulted in a parent making public disclosure, the alleged perpetrator being charged with a crime, or has resulted in fatality or near fatality of a child, OCS is able to disclose the nature and validity of any report of harm about any child in the family of the parent in a report of harm.

Representative Coghill also has language that preserves the permanent fund dividends of children in state custody until they turn 18 or if they are reunited with their parent(s). OCS applies for the PFD's and places them in a trust.

A new Section 9 incorporates language from Rep. Neuman's HB 346 which requires training of OCS social workers to include learning the constitutional and statutory rights of the children and their parents, require them to work with law enforcement to prevent compromising evidence, and requiring them to disclose to the accused the specific complaint or allegation without disclosing the reporter.

FAMILY RIGHTS ACT of 2006
SCS CSHB 408(JUD)

SECTIONAL FOR SENATE JUDICIARY CS

Section 1. This section contains language that would release OCS from providing family support services when they can show the court, by clear and convincing evidence, that the parent or guardian poses substantial risk to a child, has committed a homicide of a child, or parent has taken such actions as described in Section 1. This raises the level of proof from "a preponderance of the evidence". (Requested by Department of Law)

Section 2. This section raises the standard for the department showing they have complied with reasonable efforts to provide family support services from a "preponderance of evidence" to "clear and convincing evidence". (Requested by OCS language; Rep. Coghill legislation-HB 261, 2001)

Section 3. This section is language clean up to accommodate Section 2 amendments. (Department of Law)

Section 4. When a public official or an employee requests information from the department, they will now have five working days to respond. (HB 327 – Rep. Chenault)

Section 5. Clarifies the intent of HB 53 that once a report of harm has resulted in a parent making public disclosure, the alleged perpetrator being charged with a crime, or has resulted in fatality or near fatality of a child, OCS is able to disclose the nature and validity of any report of harm about a child in a report of harm. (Representative Coghill)

Section 6. Broadens the department's ability to discuss a report of harm pertaining to not only children in the family or household, but also children who may be under the care of a perpetrator in a report of harm. (Representative Coghill)

Section 7. Last summer two teenagers were placed in a foster home and the foster parents were appointed as legal guardians. The State released the teens' permanent fund dividends to the legal guardians. The placement did not work and the children were removed from the home without their dividends. Section 6 says the only way a child's past dividend can be released is if the child is adopted and has remained adopted for one year, the child turns eighteen and the PFD's are released by OCS, the child is returned to the parent(s), or the department is ordered to do so by the court. The one-year provision is put in place because there is a high rate of adoptions being disturbed. Subsection (c) clarifies this applies to legal guardians of children who have been in state custody, unless the guardianship was established for an incapacitated person. (Representative Coghill)

Section 8. This section requires practitioners of the healing arts involved in the delivery or care of a child who determines the child is adversely affected by a controlled substance or alcohol to notify OCS. It clarifies that a "controlled substance" does not include prescription medication, but rather "a drug, substance, or immediate precursor included in the schedules set in AS 11.71.140 – 11.71.190".

Section 9. This provision consolidates HB 346 sponsored by Representative Mark Neuman into HB 408. The provision requires social worker training to include constitutional and statutory rights of children and families, requires cooperation by OCS with law enforcement to ensure the possibility of criminal charges is not compromised in the investigation, and that the alleged perpetrator be advised of what the specific complaint or allegation is without disclosing the identity of the accuser.

Section 10. Indirect Court Rule change dealing with changing "preponderance of evidence" in Sections 1, 2, & 3 to "clear and convincing evidence". (Department of Law)

Section 11. Applicability language to clarify that pending cases and non-pending cases still within the statute of limitation will have "clear and convincing evidence" standard applied to them. (Department of Law)

Section 12. Because Sections 1, 2, & 3 will result in an Indirect Court Rule Amendment, those section of the bill will only take place if the vote on Section 9 receives a two-thirds vote of each house of the legislature. (Department of Law)

Section 13. Immediate effective date clause.

STATE OF ALASKA
DEPT. OF HEALTH AND SOCIAL SERVICES

Office of Children's Services

FRANK H. MURKOWSKI, GOVERNOR

P.O. Box 110630

JUNEAU, ALASKA 99811-0630

PHONE: (907) 465-3191

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March 10, 2006

Fred Van Wallinga, Chair
Citizen Review Panel
PO Box 751
Willow, Alaska 99688

Dear Chair Van Wallinga and Panel members:

Thank you for the Citizen Review Panel's Report dated February 17, 2006. I appreciate the time each panel member has devoted to identifying those areas of potential improvement in the child protection system of Alaska's MatSu Valley. I have carefully reviewed all of the information in your report, discussed the report with appropriate OCS management and initiated some discussions with partners myself. My response to each of the CRP's nine suggestions for improvement is as follows:

Recommendation 1

There were no specific guidelines or criteria set out in policy and procedures for the Differential Response Program, formally known as Dual Track. Prior to July 1, 2005, a request was made of the Program Coordinator, Bridget Crawford to lead the Office of Children's Services to develop specific criteria. Technical assistance from the National Resource Center for Child Protective Services, research of other states criteria and feedback from information shared at a federal conference guided the discussion and ultimate decision making. New policy and procedures were developed and released July 1, 2005. The Deputy Commissioner trained Differential Response grantees on the new policy and procedures in July 2005.

In late 2005, it was learned that the new criteria was believed to be too restrictive and disallowed referral of Priority 3 reports to the Differential Response Program. The Deputy Commissioner requested that the Program Coordinator convene a group of OCS staff familiar with the process to review and revise policy and procedures to allow a wider criterion for referral to the program. Standardization and consistency between sites was a stated goal. The group met in January 2006, agreed on the new criteria and the Program Coordinator drafted new language that was then forwarded to the Program Administrator for review. The revisions will be finalized by the end of March 2006 and shared with the Differential Response grantees immediately upon approval.

Recommendation 2

It is agreed that to have the assigned worker attend the Multi Disciplinary Team (MDT) meeting when their case is being reviewed is best practice; however, due to the nature of

their work, it is not a guarantee that the OCS can make. Like as is the case of law enforcement personnel, emergencies are the nature of our work and although it is the expectation that the assigned worker attend the MDT whenever possible, there will be times when that is not possible. In those instances, the assigned worker will brief the worker who will be in attendance and they will participate in the discussion to the full extent they are able.

It is also agreed that while having the Children's Services Manager and Staff Manager present at the separate Supervisor's MDT meeting is beneficial to further operations in the Wasilla office, now that another supervisor has been added and another supervisor is no longer out of the office as much due to health reasons, there will be increased supervisor representation at this specific meeting.

It should be noted that while it was not always the specific assigned worker who attended the MDT, it was only a rare case that there was no representation by OCS at either the case review MDT or supervisory MDT meeting.

Recommendation 3

The Deputy Commissioner has a committed and consistent working relationship with Assistant Attorney General Dianne Olsen and in what have been ongoing discussions about OCS policies and procedures specifically related to confidentiality, especially after the passing of HB 53 last legislative session, the issue of sharing protective services reports was an easy issue to raise and resolve as directed in the recommendation in this CRP report. Ms. Olsen is well aware of the need to collaborate with other agencies officials to further best practice and for improved outcomes for children and families who come to the attention of the OCS. Because the policy and procedures that guide OCS' work with Multi Disciplinary Teams has not been updated and revised since 1999 and based on the feedback given by Ms. Olsen, there will be a policy change that directs all OCS staff statewide to provide a copy of the protective services report for the case being reviewed at MDT. The specifics of the policy and procedure changes will be worked out by getting suggestions from field staff and MDT members, however, it is anticipated that the name of the reporter will be redacted before providing the report to MDT participants. Assignment of the OCS to lead the work to revise policy and procedures will be coming forthright with a goal for completion by June 30, 2006.

Recommendation 4

In the same ongoing discussions with Ms. Olsen, it is agreed that training on the laws and policies and procedures that guide practice related to confidentiality is not only an OCS Wasilla office need, but is also a statewide need. The OCS just revised its 6.1.2 Confidentiality policy in December 2005 to reflect legislative changes in HB 53. The Department of Law has committed to work with OCS Administrators to create an instructional tool that will be used to train OCS staff and AAGs alike on the laws and policy and procedures that guide their practice. It is believed that embarking on a joint plan to train both at one time will help to further standardization and consistency around the state.

Recommendation 5

It is agreed that relationship mending and rebuilding needs to occur. The Deputy Commissioner met with Sgt. Dallas Massie, Alaska State Troopers on Thursday, March 9, 2006. Information was shared that was both historical and recent in nature. There are certainly issues from the past that continue to plague the current working relationships, although Sgt. Massie reported that as recent as this week, appropriate communication with his office as per the MDT protocol was occurring. He is encouraged and believes that this kind of work will continue. There do appear to be differences related to the interpretation of the new laws from 2005 that will need to be worked out in the supervisory/protocol MDT meetings, whereas all participants can be a part of the resolution to those issues. Ms. Dianne Olsen, AAG is planning to be at the next MDT meeting later this month and the hope is that she will be able to assist in sorting out some of the legal issues encountered by the team. The Matsu OCS office is committed to rebuilding their relationship with law enforcement entities in their area and other than the usual ways to collaborate with them on a case by case basis, they will be inviting law enforcement personnel to potluck at the local office in an effort to introduce new staff and reconnect with them on a personal level. Additionally, there is a training soon to be held in the Matsu for MDT members that should serve to further those relationships.

Recommendation 6

In response to this recommendation it was learned that the Wasilla office has room for growth in the area of getting back to reporters who request to be notified as per AS.47.17.025. As requested, James Steele, Children's Services Manager, sent an e-mail on March 6, 2006, directing all Wasilla staff to comply with the letter of the law, spelling out the specific practice related to response to reporters upon request, effective immediately.

Recommendation 7

In an OCS Quality Assurance Review completed in September 2005, 12 cases were selected at random for review. In all 12 cases it was determined that good case management was being followed with regard to the physical health of the children and in 100% of those cases the minimal standards were being met. The issue of who examines the child for the required EPSDT, required within 30 days of the initial placement is a complicated one. Some children may already have an established medical home that OCS would not want to interrupt and for those children, who do not, the placement may be within a foster home with a long standing history of fostering and foster children may see that foster parent's regular pediatrician. If neither of those situations apply, it might be quite appropriate for The Children's Place to see children for their EPSDT screening, but the critical determinate is the assigned worker making the decision about who children will see taking into account all available information. Further, when Alaska Native children come into care, Southcentral Foundation may be the provider of choice.

It is agreed that foster parents should not be making those decisions outside of consultation with the assigned worker and that urgent care would not be the preference for these early screening assessments. Moreover, the decision about whether the local OCS office can or should use The Children's Place for early screening exams as opposed to only forensic exams is a discussion best had in the supervisory or protocol MDT meeting and the decision made as a team. Statewide policy and procedure acts as the minimal standard that must be met by all OCS staff, however, protocols developed by local MDT members are based on the uniqueness and make up of local committees.

Recommendations 8 & 9

Proper and prompt notice of critical information regarding foster children to schools is an area needing the most attention. All points within these two recommendations are in the best interests of children and critical to the child's success and the safety of other children within the school system. There was a system in place within the Wasilla office that included a staff member tracking these issues and providing proper notice to schools, however, due to the growing population in the Matsu and subsequent numbers of caseloads increasing that worker's duties were reassigned. Management is aware of the concern, admits to needing to give the issue more attention and reiterating the importance of these contacts being made with school officials and will elevate these issues with the supervisors and front line staff.

Again, I would like to acknowledge the effort that each CRP member has devoted to improving Alaska's child protection system. Although systemic change is difficult work that does not happen overnight, the OCS is committed to improving our service to children and families. I will appreciate your patience as the OCS moves forward in this process with our community partners and stakeholders.

Sincerely,


Tammy Sandoval
Deputy Commissioner



Citizen Review Panel
c/o Information Insights, Inc.
PO Box 73490
212 Front Street, Suite 100
Fairbanks, Alaska 99707

Sylvan Robb
907.450.2456
sylvan@iialaska.com

February 17, 2006

Tammy Sandoval
Deputy Commissioner
Office of Children's Services
P.O. Box 110630
Juneau, AK 99811

Dear Deputy Commissioner Sandoval:

As you know, a number of serious concerns regarding the operations of the Mat-Su OCS have been brought to the attention of the Citizen Review Panel (CRP) over the past one and a half years. You are aware that the CRP is charged with investigating such concerns. In that capacity, group members conducted a site visit and spoke with many staff of collaborating agencies as well as staff at the Mat-Su OCS to follow-up on these concerns. What follows is a report of our activities, our findings, and recommendations for addressing deficiencies and strengthening the existing positive attributes of the system in the Mat-Su.

Purpose of Visit:

Investigate alleged issues violating or not complying with policy and procedures in the Mat-Su OCS. If allegations are deemed to be true, highlight the patterns of problems we found and make recommendations to improve child welfare in the Mat-Su Valley by encouraging collaboration and the most effective use of existing resources.

Methodology

CRP members compiled a list of ten standardized questions to ask every agency interviewed (see attached). All primary child welfare agencies in the Mat-Su were interviewed with the exception of two who did not respond to CRP requests to meet (Alaska Family Resources and the Attorney General's Office). Teams of two or three CRP members (Dana Hallett, Susan Heuer, Carol Olson, and Fred Van Wallinga) visited all remaining agencies and interviewed a number of staff across a variety of positions and levels of responsibility within the agencies. These visits took place on January 31 and February 1, 2006. The agencies visited are listed below.

- Alaska State Troopers, Palmer Post
- Department of Juvenile Justice
- Kids are People
- Mat-Su Borough School District: 11 schools spanning K-12

- Mat-Su Services for Children and Adults
- Southcentral Regional Office/Mat-Su OCS
- The Children's Place
- Valley CASA
- Wasilla Police Department

Findings

These findings may or may not represent the true situation on the ground. However, they do represent the observations and perceptions of the staff interviewed.

Positives from agencies

- The agencies want to collaborate with OCS. They understand that OCS is the hub of the system and they are the spokes of the wheel. For the child welfare system to work most effectively to protect vulnerable children, everyone needs to work together.
- Several agencies noted that, in spite of the tremendous responsibility and thanklessness of the job, Mat-Su social workers have very low worker turnover and continue to come back to work day after day to "the hardest job in the world." Many people expressed their admiration for the OCS staff and said they could not do the job themselves.
- It was reported that a few years ago, two social workers did a training on child abuse at Colony High School and did a fantastic job. Also an annual meeting between school nurses and social workers was appreciated by the school staff which improved communication and built relationships between the two agencies.
- Every agency wanted to share some of OCS's burden for caring for Mat-Su's abused and neglected children because they know that the social workers are overwhelmed. They want to share their expertise to streamline services, to maximize the benefit to these children and their families, and make the job easier and more satisfying for the OCS staff.
- Every person interviewed said that they wanted to move on from the present conflicted interagency relationship and start fresh in the best interest of the children. No one wanted to rehash old business; they just want to get to work and do what they do best as a team.

Negatives from agencies

- It appears that OCS policies and procedures are not being followed on a consistent basis. The policies and procedures exist for good reason to protect children by removing some discretion from workers. While sometimes frustrating, the policies and procedures need to be followed every time in every case to ensure child safety and demonstrate objectivity and lack of bias to the public. Additionally, consistent application of the policies and

procedures enables OCS's partner agencies to experience consistent, high quality, professional behavior from OCS staff.

- Communication between the agencies and OCS is poor. One reflection of the poor communication is that OCS does not perceive that communication is poor. Given how closely the agencies and OCS must work together, and the stakes for vulnerable children if they do not, it is imperative that communication between these parties be open and timely.
- In many instances, there are ill feelings between the agencies and OCS. This has fueled an "us vs. them" mentality on both sides. Trust is lacking between the agencies and OCS; neither has faith the other's actions are motivated by a desire to keep children safe. Obviously, this is a major obstacle to improved collaboration and communication, and children are falling through the cracks or not being served because of bureaucratic stonewalling.
- There has been a plethora of reports of OCS burying reports of alleged sexual abuse of children by both agencies and individuals.

Strengths of Mat-Su OCS

- OCS recognizes the need to improve the quality of their partnership with collaborative agencies, especially their relationship with the Child Advocacy Center (CAC).
- OCS advocates a team approach.
- OCS initiated a Multidisciplinary Team (MDT) protocol group and perceives that the majority of cases are now going well.
- OCS acknowledged being in a "hunkering down" mode.

Weaknesses from Mat-Su OCS

- Mat-Su OCS's perception of current relationship with collaborative agencies is much rosier than interviews with those agencies revealed.
- Mat-Su OCS has an inclination to blame pressure of media, litigious inclinations of the Valley and a court system that favors parents, among others for their increased tendency to close ranks without admitting that some of the blame may be within OCS, in spite of the aforementioned situations.

Recommendations

The following recommendations are designed to begin to address some of the problems highlighted above. Given the severity of the problems and the gravity of a failure to act, we request that a timeline for addressing these recommendations be provided to the CRP Coordinator, Sylvan Robb, by March 3rd.

1. Action be taken to ensure that the Differential Response Program is being used at its maximum capacity. Efforts should also be vigorously pursued by the Deputy Commissioner to loosen the program criteria to allow more P3's to be referred, and documentation of those efforts should be sent to the CRP.

7 day response by 3 area grantees

2. OCS staff always be in attendance at MDT meetings. At the non-supervisory MDT meetings, mandatory attendance should be required of assigned social workers for each case who should come with documents (including protective services reports) to share. (For example, eight cases staffed would yield potentially eight social workers during the duration of the meetings.) Sometimes the list of MDT cases to be discussed does not include an OCS caseworker. An OCS staff member will be in attendance for potential child protection issues that may come up at an MDT case review. Discussion should be two-way dialog so each representative comes away fully updated and able to proceed to work on his/her portion of the child protection case. A supervisory representative of Mat-Su OCS will attend all supervisors' MDT meetings.
3. It is recommended that Deputy Commissioner Sandoval write a letter to Dianne Olson, Assistant Attorney General for the Human Resources Department of the Department of Law, and request an explanation in writing as to why disclosure policies regarding sharing of protective services reports with collateral child-protection agencies varies from area to area. If necessary, she should pursue this answer through the Attorney General to have the confidentiality issue resolved and standardized throughout the state. In her request to Ms. Olson, we recommend she emphasize that open communication is essential to effective child protection and encourage Ms. Olson to make that determination legally. We recommend that the Deputy Commissioner ensure that all OCS staff are aware of and operating in accordance with the interpretation.
4. A comprehensive training on confidentiality should be held in the Mat-Su OCS office. This training would be mandatory for all supervisors and social workers. Staff should be trained on state statute 47.10.93 Disclosure of Agency Records and OCS Policy 6.1.2 Confidentiality. It has become apparent that interagency confidentiality issues have been addressed at top administrative levels that would significantly reduce the barriers between collateral agencies and the Mat-Su OCS, but these have not been communicated to Mat-Su OCS. Once training has been given, the policy and procedure regarding confidentiality should be immediately implemented.
5. Every effort needs to be made to put the relationship between OCS and the Troopers back into balance. AS Statute 47 needs to be followed and turf wars left behind. It is unacceptable that the Troopers' perception is that Mat-Su OCS tries to make cases go away. Since OCS is perceived as "doing what they want to do," fences must be mended and this most important collaboration needs to be restored to its previously cooperative relationship. These two groups should be brought together with as many representatives as possible from each side to air differences and then proceed on an improved collaborative track. Deputy Commissioner Sandoval should preside at such a meeting along with Director of the Division of Alaska State Troopers so as to hear issues first hand. The same level of effort should apply to dealings with local law enforcement agencies as well.

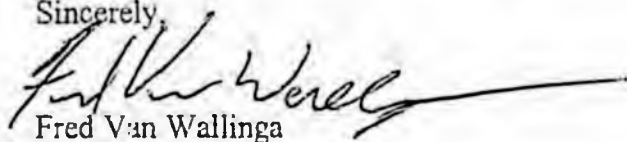
6. To an agency, all requested that there be some sort of feedback regarding protective services reports. Every agency visited did not request details, just a call indicating reports have been followed through on or dropped. This would seem a simple courtesy (and is required by policies and procedures and statute) and not a violation of confidentiality and a relatively easy recommendation to take under advisement.
7. All incoming children be screened by either The Children's Place or a private physician. According to the CAPTA regulations, all children taken into OCS custody must have a medical evaluation and developmental screening (for those under 3) within 30 days. The Children's Place has two child abuse experts on staff and are available to perform these evaluations in conjunction with Mat-Su Services for Children and Adults. The policy should be that all children who do not have a personal primary physician be seen by The Children's Place for these evaluations to maximize the potential for identifying and documenting physical signs of child abuse and neglect. Use of other community resources like the urgent care centers is not an appropriate alternative for this population of children because they lack the appropriate training. Only if the child can be seen by his/her own physician should The Children's Place not be utilized for these exams. It also should be a standard referral by the social workers – not left to the discretion of the foster parents.
8. OCS should provide schools with information on the non-academic needs of children in their care. When OCS places a child in a new school situation, there should be an immediate (same day) consultation with the school nurse, counselor or principal to discuss the child's non-academic needs. This is critical for the school to provide the best services for the child while in school and to protect other children around the OCS client. This consultation would include generalized reasons why the child is in custody, information about the history of the child (at home/foster care, in the system for an extended period of time, residential treatment history, etc.) and current health/emotional concerns that the child has. This consultation would occur every time the child moves to a new school.
9. OCS will notify a child's school within 48 hours if the child has changed placement. This is a safety issue when schools do not have current information about how to locate caretakers. They often are unaware that children have been taken into custody at all and are unable to support the child through the traumatic adjustment into foster care or conversely, return home.

In light of these recommendations, there will be a follow up review in Mat-Su by the CRP within a reasonable period of time.

We hope this report will be read in the spirit in which it was intended—to improve OCS's services and, through achieving that goal, improve the safety of abused and neglected children. Due to the systemic lack of collaboration with affiliated agencies, it has become clear that the best interests of children are not being served in many cases. As was stated by the head of SCRO, the response of that office to public criticism and media highlights has been largely to "hunker down." This strategy has not worked. It is clear to

the CRP that the Mat-Su OCS would be better served if they were to adopt a strategy of openness and accountability to the collateral agencies with whom they share the responsibility to serve children. Our motivation is not to vilify Mat-Su OCS nor demean the efforts of the many caring, dedicated staff. We view OCS as our partner, not our adversary, and look forward to the day when our agenda is empty.

Sincerely,

A handwritten signature in black ink, appearing to read "Fred Van Wallinga", with a long horizontal flourish extending to the right.

Fred Van Wallinga
Chair, CRP

Questions for Interviewing Collateral Agencies:

1. Do you get direct reports of child abuse and neglect? If so do you contact OCS-What is their response time a)same day b)24hrs c)48hrs or more.
2. Is the feedback you get from the OCS office done in a timely manner?
3. Do you feel that you are working as a team to solve child abuse problems when working with the OCS office?
4. How is the communication between you and OCS workers and supervisors?
5. How would you characterize your relationship with OCS? Please explain why you feel the way you do.
6. Did you offer a suggestion and not have it taken seriously by the OCS worker and you felt frustrated? Who and when?
7. Do you have any examples where OCS "dropped the "ball " so to speak, where a child was left in a situation that you felt was not safe?
8. What are some examples of what you think is working between you and OCS?
9. What suggestions do you have for working more effectively in partnership with OCS?
10. In general, are you satisfied with the process that is laid out for you? How could the process be improved? What part of the process would you not want to see changed?

Christian Science Committee on Publication for Alaska

P. O. Box 240976, Douglas, AK 99824
Phone: (907) 789-1544 Fax: (907) 364-2468
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Memo

To: Senator Lyda Green and Senator Gary Wilken, Co Chairs
Members of the Senate Finance Committee:
Senator Con Bunde
Senator Fred Dyson
Senator Bert Stedman
Senator Lyman Hoffman
Senator Donny Olson

From: Beverly Smith, Christian Science Committee on Publication for Alaska

Date: April 22, 2006

RE: House Bill 408
An Act relating to the definition of child abuse and neglect

Thank you for giving me the opportunity to testify regarding HB 408.

In my capacity as Christian Science Committee on Publication for Alaska, one of my roles is to watch for any legislative proposals to ensure that Alaskans have the choice to pursue spiritual means for the prevention and cure of disease, including Christian Science treatment and care; and that Christian Science practitioners have the freedom to practice spiritual healing for the betterment of humanity.

We are requesting an amendment to HB 408. In section 8 of the bill, in section 47.17.024, ADD a new subsection (c) to read:

"Sec. 47.17.024. Duties of practitioners of the healing arts. (a)... (b)... (c) Nothing in this chapter shall compel a religious healing practitioner to disclose information learned through sacred communications with a person seeking his or her spiritual help and enjoined to be kept confidential under the discipline of his or her church or religious organization."

12:13 PM 4/22/06

The top priority of all citizens should be the safety of its children, and we are grateful to the Department of Health and Social Services and the Office of the Governor for addressing the issues of child abuse. Safety of children and healing the causes and effects of child abuse are also top priorities of Christian Science practitioners. They love mankind, they love children, and they are in the healing profession because they love, and have proved that prayer heals all sorts of maladies including drug and alcohol abuse and child abuse, both in the perpetrator and in the affected child.

The purpose of our amendment is to ensure that religious healing practitioners, including Christian Science practitioners, could continue their healing work in the community without compromising their duty to hold communications sacred between themselves and their patients. We believe that they should not have to report information learned through sacred communications enjoined to be kept confidential under the discipline of the church. Information learned *outside* of the sacred communications would have to be reported immediately.

Christian Science practitioners offer healing prayers and spiritual comfort through sacred communications with those seeking their help. *The Church Manual of The First Church of Christ, Scientist*—the constitutional unchanging governing document of the church—states in its article 8, section 22:

"Practitioners and Patients. SECT. 22. Members of this Church shall hold in sacred confidence all private communications made to them by their patients; also such information as may come to them by reason of their relation of practitioner to patient. A failure to do this shall subject the offender to Church discipline."

Sacred communications between religious healing practitioners, including Christian Science practitioners, and individuals provide for many families and others an effective spiritual resource for addressing a variety of issues, including child abuse. These communications provide a unique avenue toward protecting children by providing an atmosphere in which healing of abuse, as well as redemption, can occur.

Healing of child abuse is the ultimate goal. When an individual seeks the help of a Christian Science practitioner for healing that person needs to be able to trust in the confidentiality of communication between practitioner and patient. In this environment of sacred trust healing occurs. We are seeking this amendment so that Christian Science practitioners can continue their effective healing work to bless mankind.

The Christian Science Committee on Publication for Alaska respectfully requests that the bill be amended as presented above.

ALASKA PRIMARY CARE ASSOCIATION, INC.

"... Uncompromising in the pursuit of access to primary care for all Alaskans."



Re: Testimony for (S) Finance on HB 408 Definition of Child Abuse and Neglect

April 22, 2006

Dear Senator Green, Senator Wilken, Senator Bunde and Members of Senate Finance,

Alaska Primary Care Association (APCA) represents 115 non-profit Community Health Centers and safety net providers throughout Alaska. We are monitoring HB 408, *Definition of Child Abuse and Neglect*, and are submitting this letter to request a change in the language bolded below found on page 6, line 9, of SCS CS HB 408(JUD):

7 * Sec. 8. AS 47.17 is amended by adding a new section to read:
8 Sec. 47.17.024. Duties of practitioners of the healing arts. (a) A practitioner
9 of the healing arts **involved in the delivery or care of a child** who the practitioner
10 determines has been adversely affected by, or is withdrawing from exposure to, a
11 controlled substance or alcohol shall immediately notify the nearest office of the
12 department of the child's condition.

We understand that legislation is needed in order for the State of Alaska to be in compliance with federal law as a condition of continued federal funding for child abuse and neglect treatment and prevention, but we want you to be aware of the impact this aforementioned language could have on health care for infants and young children from a provider's perspective.

Our providers conducted over 300,000 encounters with 68,000 patients, including 5,714 children under age 5 and 1,365 babies under age 1. Daily, each provider must balance the delicate art and science of doing what is best for each patient. Judgment calls and decisions are based on maximizing the health of each patient. Of course, our providers, in their exercise of good judgment, already report instances when they believe it is in the best interest of the infant and young child and will continue to do so with or without the passage of this legislation.

Our providers are concerned that the mandatory reporting requirements included in this bill for practitioners involved in the "care of" (not delivery of) a child will reduce primary care access for infants and young children and subject these babies, toddlers, and small children to another type of abuse: abuse due to lack of medical care.

With the inclusion of the "of care" language, infants and young children may not receive the primary care so necessary during these crucial early developmental stages, if family members refuse to bring them to the clinics for fear of being reported.

Health care is optional. Mandatory reporting in schools, because education is mandatory, differs

from mandatory reporting in Community Health Centers and other clinics, where health care is optional. As you review this bill, we ask that you consider the impact this language will have on health care access for infants and young children and takes steps to remove the words "of care" from the section quoted above.

Respectfully,

A handwritten signature in cursive script that reads "Shelley S. Hughes". The signature is written in black ink and is positioned above the typed name and title.

Shelley S. Hughes
Policy Analyst
Alaska Primary Care Association



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STATE OF ALASKA
OFFICE OF THE GOVERNOR
JUNEAU

January 27, 2006

The Honorable John Harris
Speaker of the House
Alaska State Legislature
State Capitol, Room 208
Juneau, AK 99801-1182

Dear Speaker Harris:

Under the authority of art. III, sec. 18, of the Alaska Constitution, I am transmitting a bill relating to the definition of "child abuse and neglect" for child protection purposes.

This bill would clarify that the definition "child" includes an infant who has been identified by a health care provider involved in the delivery or care of that infant as being affected by abuse of a controlled substance or from withdrawal from prenatal exposure to a controlled substance. The purpose of the bill is to ensure that health care professionals report such infants to the Department of Health and Social Services under the state's mandatory reporting laws for child abuse and neglect. This provision is necessary to be in compliance with federal law as a condition of continued federal funding for child abuse and neglect prevention and treatment.

I urge your prompt and favorable action on this measure.

Sincerely yours,

A handwritten signature in cursive script that reads "Frank H. Murkowski".

Frank H. Murkowski
Governor

Enclosure

SENATE COMMITTEE REPORT

DATE: 3/22/06

FURTHER: Finance

DATE TURNED
IN TO OFFICE: 4/4/06

Judiciary Committee considered CS FOR HOUSE BILL NO. 408(FIN) am

HB 408 DEFINITION OF CHILD ABUSE AND NEGLECT

"An Act relating to the standard of proof required to terminate parental rights in child- in-need-of-aid proceedings; relating to a healing arts practitioner's duty to report a child adversely affected by or withdrawing from exposure to a controlled substance or alcohol; relating to disclosure of confidential or privileged information about certain children by the Departments of Health and Social Services and Administration; relating to permanent fund dividends paid to foster children and adopted children; amending Rule 18, Alaska Child in Need of Aid Rules of Procedure; and providing for an effective date."

and recommends:

- be replaced with SCS CS HB 408 (JUD)
- adopt previous CS _____ (_____)
- attached amendment(s)
- adopt Letter of Intent by _____ Committee
- further referral to _____ Committee

CS Senate Bill:	
<input type="checkbox"/>	Same Title
<input type="checkbox"/>	New Title
SCS House Bill:	
<input type="checkbox"/>	Same Title
<input type="checkbox"/>	Technical Title
	Change
<input checked="" type="checkbox"/>	New Title w/ SCR # <u>26</u>

NEW FISCAL NOTE(S):

Department	Date	Fiscal	Indet.	Zero	FN#

PREVIOUS FISCAL NOTE(S):

Department	Date	Fiscal	Indet.	Zero	FN#
HSS	11/4/05			<input checked="" type="checkbox"/>	1
H.FIN/HSS	3/2/06			<input checked="" type="checkbox"/>	2

APPROPRIATION - no fiscal note

SIGNATURES AND RECOMMENDATIONS:	Do PASS	Do NOT PASS	No REC	AMEND
<i>Therriault</i> <i>Gene Therriault</i>	X			
<i>Gness</i> <i>Arthur Gness</i>			X	
<i>French</i> <i>KIOO</i>			X	
<i>Huggins</i> <i>[Signature]</i>	X			
<i>Sedins</i> CHAIR <i>Ralph Sedins</i>	✓			