

**SB**

**287**

ALASKA STATE LEGISLATURE



Senate Labor and Commerce  
Committee

Senate Community and Regional  
Affairs Committee

Department of Military and Veterans  
Affairs Budget Subcommittee

SENATOR JOHNNY ELLIS  
MINORITY LEADER

*While in Session*  
State Capitol, Rm. 9  
Juneau, AK 99801  
(907) 465-3704  
Fax: (907) 465-2529

*While in Anchorage*  
716 W. 4<sup>th</sup> Ave, Ste. 440  
Anchorage, AK 99501  
(907) 269-0169  
Fax: (907) 269-0172

**SPONSOR STATEMENT SB 287**

For children in long-term foster care, one of life's most significant hurdles occurs when the child "ages out" of the state's care. Often times, foster children are ill prepared for life as an adult, whether they choose to pursue education beyond high school or seek the necessary training to join the work force.

SB 287 establishes a program that will give children in the custody of the State of Alaska an opportunity to pursue education and training after high school that they may not normally have.

The purpose of SB 287 is to allow churches, community organizations, non-profits, businesses and individuals to establish education savings accounts in the name of foster children. This bill would create a program in which these organizations or individuals could contact the Alaska Office of Faith-Based and Community Initiatives and make a donation that would establish a savings plan for a child who has been in foster care for more than two years.

SB 287 would, upon request, allow the Office of Children's Services to release required information for the Alaska Office of Faith-Based and Community Initiatives to open a 529 savings plan in the name of a foster child. The bill would provide a confidentiality clause that would prohibit the Office of Faith-Based and Community Initiatives from using the personal information of foster children for any purpose other than the establishment and maintenance of an education savings plan.

Once the necessary information is received from the Office of Children's Services, The Office of Faith-Based and Community Initiatives would be responsible for working with the UA Board of Regents, who administers the UA College Savings Program, to establish and maintain the individual education savings plan accounts. The bill would require that accounts be opened only for long term or permanent wards of the state (i.e. those children who have been in foster care for 2 or more years).

Under the provisions of this bill, the Office of Faith-Based and Community Initiatives would be responsible for the promotion of the program throughout the state.

In accordance with the rules of the UA college savings program, the money in these accounts could be used not only for college and university tuition, but also for vocational training and other education related expenses. Under the terms of the UA college savings program, foster children could use this money at the eligible institution or training program of their choice.

Many of Alaska's foster children have faced extremely tough challenges, and deserve a program that encourages Alaskans to invest in their potential. This is important legislation for the children who represent the future of Alaska. I urge you to support the passage of SB 287.

# LEGISLATIVE RESEARCH REPORT

JANUARY 25, 2006



REPORT NUMBER 06.099

## COLLEGE SAVINGS PLANS FOR FOSTER CHILDREN

PREPARED FOR SENATOR JOHNNY ELLIS

BY BECKY TAYLOR, LEGISLATIVE ANALYST

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You asked if Alaska law prohibits individuals, churches, or other organizations in Alaska from opening college savings plan accounts for foster children. Specifically, you wanted to know if there are any restrictions that would prevent potential donors from obtaining the personal information required to open a college savings plan account for a foster child. You were also interested in whether any other states have legislation or initiatives that make it possible for individuals or organizations to open college savings plan accounts for foster children.

### SUMMARY

Although every state offers a college savings plan that is eligible for tax advantages under section 529 of the Internal Revenue Code, our analysis will focus on the University of Alaska (UA) College Savings Plan. The issues involving the type of personal information needed to open an account, and the ability of potential donors to obtain this information are most likely similar to the issues that would be encountered with other college savings plans. The UA College Savings Plan is a state-sponsored program that allows account holders to accumulate tax-free interest earnings for the educational expenses of a designated beneficiary. Due to restrictions on access

to personal information about foster children, donors could not establish UA College Savings Plan accounts for foster children without modifications to either the college savings plan's policies, or confidentiality restrictions defined in state law.

In order to open a UA College Savings Plan account, the account holder must provide a number of pieces of personal information about the beneficiary, including the individual's full name, address, and social security number. According to a representative of the Department of Health and Social Services (DHSS), the Department could not provide a potential donor with this type of personal information about a foster child. Even if an account could be established, account holders receive regular statements that include the beneficiary's full name, which could also present a confidentiality problem.

Although there are barriers to unrelated donors *establishing* accounts for foster children it may be possible for donors to *contribute* to accounts for these youth. In order to contribute to a UA College Savings Plan account the only information needed is the account number and the name of the portfolio. Foster children themselves could be designated as both the account holder and the beneficiary, and donors could contribute to their accounts. One limitation to this arrangement is that the foster youth would be able to use the money for purposes other than education when they reached age 18 (subject to tax and penalties). Another possibility is that the Department of Health and Social Services may be able to establish accounts for foster children and allow donors to contribute to them. In this arrangement DHSS would retain control of the funds and could assure that they were only distributed for educational purposes.

Although there appear to be logistical challenges to establishing this type of program, at least one other state is working to allow donors to sponsor college savings plans for foster children. In December of 2005, the Treasurer's Office of Missouri announced the BELIEVE program, which stands for Bringing Educational Leadership by Investing and Expecting Victory in Every Child. The goal of the program is to assist donors in establishing Missouri Savings for Tuition (MOST) accounts for foster children. The Treasurer's office has identified a number of potential donors, but no accounts have been opened at this point.

## THE UNIVERSITY OF ALASKA COLLEGE SAVINGS PLAN

The University of Alaska (UA) College Savings Plan is a "529" college savings plan, named for Section 529 of the Internal Revenue Code, that allows college savings to grow without incurring tax on interest earnings or distributions for qualified educational expenses. T. Rowe Price manages the UA College Savings Plan and offers investors a number of investment approaches from which to choose. Any U.S. citizen, resident alien, trust, corporation, or other organization can open an account, regardless of their state of residence, and the money can be used at eligible educational institutions both inside and outside of Alaska. Each account has one account holder, who establishes and controls the account, and one beneficiary. The account holder can also be the beneficiary; however, if the account holder is a minor, the account must also have a custodian to act on behalf of the minor until that individual reaches age 18. The minimum contribution to open an account is \$250, or \$50 if one is making regular contributions. The account holder can change the beneficiary, or transfer a portion of the investment to a different beneficiary; however, the new beneficiary must be a member of the previous beneficiary's family. State or local government agencies and tax-exempt organizations may establish accounts as part of a scholarship program with or without naming a beneficiary when opening the account. Although the account holder manages the account, anyone can contribute.

The account holder can request a distribution from a College Savings account at any time; however, any interest earnings that are not used for qualified education expenses for the designated beneficiary are subject to state and federal income taxes and a 10% federal penalty. If a beneficiary does not go to college, the account holder can designate another beneficiary from the previous beneficiary's family, or request a distribution.<sup>1</sup>

## MISSOURI'S BELIEVE PROGRAM

Missouri State Treasurer, Sarah Steelman, recently spearheaded an initiative making it possible for any individual or group to establish a college savings account for a foster child. The Treasurer's office initiated the BELIEVE program, which stands for Bringing Educational Leadership by Investing and Expecting Victory in Every Child, without any legislation or tax dollars.<sup>2</sup> According to Doug Gaston, deputy state treasurer for the Missouri Treasurer's Office, the BELIEVE program was inspired by the "I Have a Dream" Foundation, which provides academic support and tuition assistance to low-income students from elementary school through college. Both programs are based on the idea that students will achieve more if they know from a young age that someone believes in them, and that they will have the opportunity to attend college.<sup>3</sup> There have been a number of studies that have found that college completion rates for former foster children are much lower than for the general population.<sup>4</sup>

The Missouri State Treasurer's office oversees the Missouri Savings for Tuition (MOST) college savings account program, which like the University of Alaska College Savings Plan, allows account holders to accumulate investment earnings tax-free as long as the money is used for the educational expenses of a designated beneficiary. Sponsors in the BELIEVE program contribute to MOST accounts on behalf of foster children they select. Missouri offers a state tax deduction of up to \$8,000 a year per taxpayer for contributions to MOST accounts. In December 2005, Bass Pro Shops became the first sponsor to commit to participate in the BELIEVE program, but no accounts have yet been established.

The BELIEVE program will begin with foster children who are eligible for adoption. According to Amy Martin, program development specialist for the Children's Division of the Missouri Department of Social Services, her agency initially will provide sponsors with information about foster children who are available for adoption so that sponsors can select a child to support. The state, having full responsibility for children who are no longer subject to parental rights, is able to

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<sup>1</sup> "Frequently Asked Questions and Plan Disclosure Document," The University of Alaska College Savings Plan, April 1, 2005, available at: <http://www.uacollegesavings.com/>.

<sup>2</sup> Steelman Launches "BELIEVE" Program to Help Get Foster Kids to College: Bass Pro is First Sponsor," Office of Missouri State Treasurer, Sarah Steelman, December 22, 2005. We include this press release as Attachment A.

<sup>3</sup> Personal communication from Doug Gaston, deputy state treasurer, Missouri Treasurer's office. Mr. Gaston is very enthusiastic about the BELIEVE program and can be reached at (573) 751-4974.

<sup>4</sup> One study that includes a compilation of research on the topic of educational achievement for foster children, as well as, rates of college completion for former foster children in the Casey program is "The Casey National Alumni Study," from Casey Family Programs. This study is available at [www.casey.org](http://www.casey.org).

disclose certain information, such as the child's age, interests, gender, and first name.<sup>6</sup> This information is already available on the Missouri Adoption Photo-Listing.<sup>6</sup> The Department may expand the program to include children in long term foster care; however, because these children remain subject to parental rights, a release from the court may be necessary to provide information about these children to potential sponsors. No one we spoke to from the Missouri Treasurer's Office or Department of Social Services was able to provide specific information about how exactly the accounts would be set up, including who would be the account holder. Mr. Gaston mentioned that they were considering setting up a 501(c)3 non-profit organization to handle large corporate donations and to select students to receive donated funds.

## POTENTIAL BARRIERS TO DONORS ESTABLISHING ACCOUNTS

Restrictions on public access to personal information about foster children could prevent organizations or individuals from acting as account holders for UA College Savings Plan accounts for children in state custody. In order to open an account, the account holder must supply a number of pieces of personal information about the beneficiary, including the individual's full name, address, and social security number. Even if the Department of Health and Social Services could provide the necessary personal information about a child directly to the plan, according to UA College Savings Plan staff, account holders receive regular statements that contain the beneficiary's first and last name.<sup>7</sup> This appears to be a problem under current Alaska law. Pursuant to AS 47.10.090 (d),

The name or picture of a child under the jurisdiction of the court may not be made public in connection with the child's status as a child in need of aid unless authorized by order of the court or unless to implement the permanency plan for a child after all parental rights of custody have been terminated.

Alaska Statute 47.10.092 addresses disclosure of information to certain public officials and employees, and Alaska Statute 47.10.093 provides for disclosure to specified individuals. These statutes appear to contain provisions that disallow the disclosure of personal information to a donor without a court order.<sup>8</sup>

Recent changes to state statute focused on facilitating adoption suggest that at times some personal information about children in the state's custody is disclosed, but typically not last names. The Alaska Adoption Exchange provides an on-line database including photographs, first names, ages, and descriptions of Alaskan children eligible for adoption. The site is managed under a contract with the State of Alaska Office of Children's Services.<sup>9</sup> According to Mike

<sup>6</sup> Personal communication from Amy Martin, program development specialist, Children's Division of the Missouri Department of Social Services. Ms. Martin can be reached at (573) 522-8024.

<sup>6</sup> The Missouri Adoption Photo-Listing can be found at: <http://www.adoptuskids.org/states/mo/search.html>.

<sup>7</sup> Personal communication from Bonnie Carroll, senior program specialist, University of Alaska Scholars and University of Alaska College Savings Plan. Ms. Carroll can be reached at (907) 474-5671.

<sup>8</sup> Alaska Statutes 47.10.090-47.10.093. We include these statutes as Attachment B.

<sup>9</sup> The Alaska Adoption Exchange, available at: <http://www.akae.org/>.

- Dorothy Douglas - Independent Living

DHSS  
- SOCIAL WORKER

Lesmann, community relations manager for the Alaska Office of Children's Services, until a 2005 modification of the statute, a court order was needed to place profiles of children on the website.

The court order became unnecessary after the language "unless to implement the permanency plan for a child after all parental rights of custody have been terminated" was added to AS 47.10.090 by Chapter 64, SLA 2005. Implementing the permanency plan involves efforts to establish a legal guardian or adoptive parent for a foster child, or in some cases arranging long term foster care until the child is emancipated. According to Mr. Lesmann, the legislation was prompted by the Department of Health and Social Service's (DHSS) desire to implement the national "Wednesday's child" program. The program involved the Department working with ABC Alaska's Superstation to showcase on television children who are legally free for adoption. The statutory change allows DHSS to share a child's first name, age, and hobbies in order to promote the child being adopted.<sup>10</sup>

Although restrictions on personal information access are barriers to donors acting as account holders for foster children, once an account is established anyone can contribute to it. For example, if the Department of Health and Social Services, or another entity with access to privileged information about foster children, were to open a UA College Savings account anyone could put money into it. In order to contribute to an account, a person need know only the account number and which portfolio has been selected.<sup>11</sup> It could be possible for account numbers to be associated with the first names and short descriptions of foster children so that a donor could select a specific child's account to which he or she will contribute. Under this type of arrangement, the donor would be turning over control of the funds to the account holder.

University of Alaska College Savings Plan Accounts have a number of properties that may or may not serve the goals of a potential program matching donors with foster children. First, the account holder ultimately retains control of the funds. If donors were able to act as account holders, they would be able to withdraw money from their accounts at any point in time. If the foster child was the account holder, once the child reached age 18, he or she could withdraw the money, subject to taxes and penalties, for any purpose.

Another potential challenge is account holder's reactions if the designated beneficiary isn't ready to attend college right after high school, or does not chose to attend college at all. According to Dorothy Douglas, independent living program coordinator for the Department of Health and Social Services, many foster children are not ready to attend post-secondary education immediately after completing high school or earning a General Education Diploma. She noted that many former foster children do not begin college or vocational training until they are in their twenties. This can limit foster children's eligibility for aid under the federal Chafee program, which provides DHSS with funding to assist foster children with grants of up to \$5,000 a year for educational expenses until they reach age 23.<sup>12</sup> Donors would need to understand this characteristic of the population, and be willing to not withdraw financial support if a former foster child did not continue his or her education right away.

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<sup>10</sup> Personal communication from Mike Lesmann, community relations manager and legislative liaison, Division of Children's Services, Alaska Department of Health and Social Services. Mr. Lesmann can be reached at (907) 465-3548.

<sup>11</sup> Bonnie Carroll.

<sup>12</sup> In addition to the Chafee program, each year the University of Alaska offers five four-year full-tuition scholarships to foster children. Personal communication with Dorothy Douglas, independent living program coordinator, Department of Health and Social Services. Ms. Douglas can be reached at (907) 465-8659.

If the originally designated beneficiary did not decide to use the account for education within a certain time frame, the beneficiary on the account could be changed; however, the new beneficiary would have to be a member of the original beneficiary's family. In the case of foster and adopted children it could prove challenging to identify another eligible beneficiary who meets the Internal Revenue Service's definition of family.<sup>13</sup> If no acceptable new beneficiary is identified, the account holder can request a distribution of the funds but must pay federal and state income taxes, as well as a 10% federal penalty, on the earnings portion of the distribution.

While Missouri is able to offer donors up to an \$8,000 tax deduction on their state income taxes, Alaska would not be able to offer a similar incentive to individuals because there is no state income tax. Contributions to a UA College Savings Plan account are not tax-deductible at the federal level, which could make donating to this type of program less appealing to potential sponsors than making a tax-deductible contribution to a non-profit organization.

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I hope you find this information to be useful. Please do not hesitate to contact us if you have questions or need additional information.

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<sup>13</sup> According to Sections 152 and 529 of the Internal Revenue Code, for the purposes of changing the beneficiary of a college savings plan account a "member of the family" includes the beneficiary's spouse, first cousin, and the following relations and their spouses: children, stepchildren, siblings, stepsiblings, parents, stepparents, nieces, nephews, aunts, uncles, son-in-laws, daughter-in-laws, father-in-laws, mother-in-laws, brother-in-laws, or sister-in-laws.

**LIST OF ATTACHMENTS**

**Attachment A**

"Steelman Launches "BELIEVE" Program to Help Get Foster Kids to College:  
Bass Pro is First Sponsor," Office of Missouri State Treasurer, Sarah Steelman,  
December 22, 2005

**Attachment B**

Alaska Statute 47.10.090-47.10.093

## **Attachment A**

**"Steelman Launches "BELIEVE" Program to Help Get Foster Kids to College:  
Bass Pro is First Sponsor," Office of Missouri State Treasurer, Sarah Steelman,  
December 22, 2005**



## PRESS RELEASE

Office of Missouri State Treasurer  
Sarah Steelman

FOR IMMEDIATE RELEASE -- December 22, 2005

### Steelman Launches "BELIEVE" Program to Help Get Foster Kids to College: Bass Pro is First Sponsor

SPRINGFIELD Mo. -- Christmas came a few days early for some special Missourians. State Treasurer Sarah Steelman today kicked off a statewide initiative to give crucial help to Missouri's foster children. The project, called BELIEVE, is a partnership between the Treasurer's office and the citizens and organizations of the state to provide college savings accounts for these children – all at no cost to taxpayers.

Steelman, who oversees the state's tax-preferred 529 college savings plan, called MOST, said the program was a gift for all Missourians.

"There are thousands of precious children in foster care in Missouri today," Steelman said. "They are all special, they all were wondrously created and were given to us for a unique and important purposes. Today we have a new way to help them, to give them a way to fulfill their destinies, and a reason to hope."

Bass Pro Shops appeared with Steelman at the launch, and were announced as BELIEVE's first partners, having selected two foster children to sponsor, and will now work with the Treasurer's office to set up MOST accounts for them.

"We believe in this program, and in the potential it holds for these foster children," Bass Pro spokesman and Outdoor Educator Larry Whiteley said. "That's why Bass Pro Shops is proud to be the first to join this program to help these at-risk foster children."

BELIEVE is an acronym for Bringing Educational Leadership By Investing and Expecting Victory in Every Child, and Steelman says that is just what her program does.

"There is magic inside each of these kids. As a mother, I know that the key to a child's success is belief in themselves.

"For most kids, it's their parent who instills this confidence, but many foster children don't have anyone who believes in them. When they turn 18, most of them have nowhere to go. This is a wonderful way for Missourians to truly make a difference in these children's lives," said Steelman.

**Attachment B**

Alaska Statute 47.10.090-47.10.093

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\*\*\* ANNOTATIONS CURRENT THRU OPINIONS DECIDED \*\*\*  
\*\*\* AS OF SEPTEMBER 23, 2005 \*\*\*

TITLE 47. WELFARE, SOCIAL SERVICES AND INSTITUTIONS  
CHAPTER 10. CHILDREN IN NEED OF AID  
ARTICLE 1. CHILDREN'S PROCEEDINGS

GO TO CODE ARCHIVE DIRECTORY FOR THIS JURISDICTION

*Alaska Stat. § 47.10.090 (2006)*

Sec. 47.10.090. Court records

(a) The court shall make and keep records of all cases brought before it.

(b) *[Repealed, § 55 ch 59 SLA 1996.]*

(c) Within 30 days after the date of a child's 18th birthday or, if the court retains jurisdiction of a child past the child's 18th birthday, within 30 days after the date on which the court releases jurisdiction over the child, the court shall order all the court's official records pertaining to that child in a proceeding under this chapter sealed. A person may not use these sealed records unless authorized by order of the court upon a finding of good cause.

(d) The name or picture of a child under the jurisdiction of the court may not be made public in connection with the child's status as a child in need of aid unless authorized by order of the court or unless to implement the permanency plan for a child after all parental rights of custody have been terminated. This subsection does not prohibit the release of aggregate information for statistical or other informational purposes if the identity of any particular person is not revealed by the release.

(e) The court's official records under this chapter may be inspected only with the court's permission and only by persons having a legitimate interest in them. A foster parent is considered to have a legitimate interest in those portions of the court's records relating to a child who is placed by the department with the foster parent or who the department proposes for placement with the foster parent.

**HISTORY:** (§ 10(3)(4) art I ch 145 SLA 1957; am § 1 ch 124 SLA 1972; am § 1 ch 90 SLA 1975; am § 20 ch 63 SLA 1977; am § 4 ch 130 SLA 1988, am § 56 ch 50 SLA 1989; am § 1 ch 98 SLA 1994; am § 12 ch 113 SLA 1994; am §§ 29 – 31, 55 ch 59 SLA 1996; am § 34 ch 99 SLA 1998; am §§ 18, 19 ch 64 SLA 2005)

**NOTES:**

**CROSS REFERENCES.**—For similar provisions related to delinquent minors, see AS 47.12.300.

For effect of the 1998 amendment to subsection (e) on the Alaska Child in Need of Aid Rules, see § 78, ch. 99, SLA 1998 in the 1998 Temporary and Special Acts.

For the text of the amendment of Rule 22(c), Child in Need of Aid Rules of Procedure, setting out a conforming court rule change consistent with the 2005 amendment of (d) of this section, see § 55, ch. 64, SLA 2005, in the 2005 Temporary and Special Acts.

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*Alaska Stat. § 47.10.092 (2006)*

Sec. 47.10.092. Disclosure to certain public officials and employees

(a) Notwithstanding AS 47.10.090 and 47.10.093, a parent or legal guardian of a child subject to a proceeding under AS 47.10.005 – 47.10.142 may disclose confidential or privileged information about the child or the child's family, including information that has been lawfully obtained from agency or court files, to the governor, the lieutenant governor, a legislator, the ombudsman appointed under AS 24.55, the attorney general, and the commissioner of health and social services, administration, or public safety, or an employee of these persons, for review or use in their official capacities. The Department of Health and Social Services and the Department of Administration shall disclose additional confidential or privileged information, excluding privileged attorney-client information, and make copies of documents available for inspection about the child or the child's family to these state officials or employees for review or use in their official capacities upon request of the official or employee and submission of satisfactory evidence that a parent or legal guardian of the child has requested the state official's assistance in the case as part of the official's duties. A person to whom disclosure is made under this section may not disclose confidential or privileged information about the child or the child's family to a person not authorized to receive it.

(b) The disclosure right under (a) of this section is in addition to, and not in derogation of, the rights of a parent or legal guardian of a minor.

(c) The obligations under (a) of this section remain in effect throughout the period that the child is in the custody of the department, including after the parent's parental rights have been terminated with respect to the child, unless the child's parent or legal guardian who made the disclosure under (a) of this section subsequently files a notice with the Department of Health and Social Services that the assistance of the state official or employee is no longer requested.

(d) The Department of Health and Social Services shall notify an official identified under (a) of this section of the opportunity for a parent to file a grievance under AS 47.10.098 when the official is denied access to all or part of a requested record.

(e) A person who violates a provision of this section is guilty of a misdemeanor, and upon conviction is punishable by a fine of not more than \$500 or by imprisonment for not more than one year, or by both.

**HISTORY:** (§ 2 ch 98 SLA 1994; am § 50 ch 30 SLA 1996; am § 1 ch 64 SLA 1997; am § 35 ch 99 SLA 1998; am §§ 20, 21 ch 64 SLA 2005)

**NOTES:**

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*Alaska Stat. § 47.10.093 (2006)*

Sec. 47.10.093. Disclosure of agency records

(a) Except as permitted in AS 47.10.092 and in (b) — (g) and (i) — (l) of this section, all information and social records pertaining to a child who is subject to this chapter or AS 47.17 prepared by or in the possession of a federal, state, or municipal agency or employee in the discharge of the agency's or employee's official duty are privileged and may not be disclosed directly or indirectly to anyone without a court order.

(b) A state or municipal agency or employee shall disclose appropriate confidential information regarding a case to

(1) a guardian ad litem appointed by the court;

(2) a person or an agency requested by the department or the child's legal custodian to provide consultation or services for a child who is subject to the jurisdiction of the court under AS 47.10.010 as necessary to enable the provision of the consultation or services;

(3) an out-of-home care provider as necessary to enable the out-of-home care provider to provide appropriate care to the child, to protect the safety of the child, and to protect the safety and property of family members and visitors of the out-of-home care provider;

(4) a school official as necessary to enable the school to provide appropriate counseling and support services to a child who is the subject of the case, to protect the safety of the child, and to protect the safety of school students and staff;

(5) a governmental agency as necessary to obtain that agency's assistance for the department in its investigation or to obtain physical custody of a child;

(6) a law enforcement agency of this state or another jurisdiction as necessary for the protection of any child or for actions by that agency to protect the public safety;

(7) a member of a multidisciplinary child protection team created under AS 47.14.300 as necessary for the performance of the member's duties;

(8) the state medical examiner under AS 12.65 as necessary for the performance of the duties of the state medical examiner;

(9) a person who has made a report of harm as required by AS 47.17.020 to inform the person that the investigation was completed and of action taken to protect the child who was the subject of the report;

## Alaska Stat. § 47.10.093

(10) the child support services agency established in AS 25.27.010 as necessary to establish and collect child support for a child who is a child in need of aid under this chapter;

(11) a parent, guardian, or caregiver of a child or an entity responsible for ensuring the safety of children as necessary to protect the safety of a child; and

(12) a review panel established by the department for the purpose of reviewing the actions taken by the department in a specific case.

(c) A state or municipal law enforcement agency shall disclose information regarding a case that is needed by the person or agency charged with making a preliminary investigation for the information of the court under AS 47.10.020.

(d) *[Repealed, § 55 ch 59 SLA 1996.]*

(e) *[Repealed, § 55 ch 59 SLA 1996.]*

(f) The department may release to a person with a legitimate interest confidential information relating to children not subject to the jurisdiction of the court under AS 47.10.010.

(g) The department and affected law enforcement agencies shall work with school districts and private schools to develop procedures for the disclosure of confidential information to a school official under (b)(4) of this section. The procedures must provide a method for informing the principal or the principal's designee of the school that the student attends as soon as it is reasonably practicable.

(h) *[Repealed, § 55 ch 59 SLA 1996.]*

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

(1) the parent or guardian of a child who is the subject of a report of harm under AS 47.17 has made a public disclosure concerning the department's involvement with the family;

(2) the alleged perpetrator named in a report of harm under AS 47.17 has been charged with a crime concerning the alleged abuse or neglect; or

(3) a report of harm under AS 47.17 has resulted in the fatality or near fatality of that child.

(j) The type of information that may be publicly disclosed under (i) of this section is information related to the determination, if any, made by the department regarding the validity of a report of harm under AS 47.17 and the department's activities arising from the department's investigation of the report. The commissioner or the commissioner's designee

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

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

(k) Except for a disclosure made under (i) of this section, a person to whom disclosure is made under this section may not disclose confidential information about the child or the child's family to a person not authorized to receive it.

(l) The Department of Health and Social Services and the Department of Administration shall adopt regulations to implement and interpret the duties of the respective department under this section, including regulations governing the release of confidential information and identifying a sufficient legitimate interest under (f) of this section.

(m) A person may not bring an action for damages against the state, the commissioner, or the commissioner's designee based on the disclosure or nondisclosure of information under (i) of this section except for civil damages resulting from gross negligence or reckless or intentional misconduct.

(n) A person who discloses confidential information in violation of this section is guilty of a class B misdemeanor.

(o) In this section, "school" means a public or private elementary or secondary school.

**HISTORY:** (§ 13 ch 113 SLA 1994; am §§ 1, 2 ch 32 SLA 1995; am §§ 32 — 34, 55 ch 59 SLA 1996; am § 4 ch 94 SLA 1997; am § 36 ch 99 SLA 1998; am § 69 ch 35 SLA 2003; am § 31 ch 99 SLA 2004; am §§ 22 — 27 ch 64 SLA 2005)

**NOTES:**

**REVISOR'S NOTES.**—A reference to "AS 47.10.092" was inserted in (a) of this section in 1994 to harmonize the amendments to AS 47.10 made by ch. 98, SLA 1994, and ch. 113, SLA 1994.

Subsections (g) and former (h) were enacted as (h) and (i), respectively. Relettered in 1995, at which time former subsection (g) was relettered as (i) and the internal reference in (a) was conformed.

In 2004, "child support enforcement agency" was changed to "child support services agency" in (b) of this section in accordance with § 12(a), ch. 107, SLA 2004.

Subsections (i) — (m) were enacted as (k) — (o) and relettered in 2005, at which time former subsections (i) and (j) were relettered as subsections (n) and (o) and internal references in subsections (a), (i), (j), (k), and (m) were conformed.

**CROSS REFERENCES.**—For similar provisions relating to delinquent minors, see AS 47.12.310.

**EFFECT OF AMENDMENTS.**—The 1995 amendment, effective May 20, 1995, added a subsection reference in subsection (a) and added subsections (g), former (h), and (j).

The 1996 amendment, effective September 10, 1996, in subsection (a), deleted ", including driver's license actions under AS 28.15.185," following "official duty" near the end and made a section reference substitution; in subsection (b), repealed paragraph (6), made a subsection reference substitution, and made minor related changes; in subsection (c), repealed paragraphs (2)–(5); in subsection (g), deleted a section reference; and repealed subsections (d), (e), and (h).

The 1997 amendment, effective June 21, 1997, in subsection (b), inserted "board or local review" near the middle of paragraph (1) and, in paragraph (3), inserted "enable the school to provide appropriate counseling and support services to the minor who is the subject of the case, to protect the safety of the minor who is the subject of the case, and to."

The 1998 amendment, effective September 14, 1998, rewrote subsection (b).

The 2003 amendment, effective June 3, 2003, deleted "or to a citizen review board or local review panel for permanency planning authorized by AS 47.14.200 or 47.14.220" from the end of paragraph (b)(1).

The 2004 amendment, effective June 26, 2004, substituted "(b)(4)" for "(b)(3)" in the first sentence of subsection (g).

The 2005 amendment, effective July 1, 2005, in subsection (a) substituted "permitted" for "specified," updated subsection references, and substituted "child" for "minor"; in subsection (b) added paragraphs (11) and (12) and otherwise rewrote the subsection; rewrote subsection (c); in subsection (f) inserted "confidential", substituted "children" for "minors", and deleted the last sentence; in subsection (g) inserted "confidential" and made stylistic changes; and added subsections (k)–(o) [now (i)–(m)].

**EDITOR'S NOTES.**—Section 16(2), ch. 113, SLA 1994 provides that this section, as added by § 13, ch. 113, SLA 1994 "applies to offenses committed on or after September 1, 1994."

Section 61(b), ch. 64, SLA 2005, provides that the 2005 amendments of this section have "the effect of changing Rule 22, Alaska Child in Need of Aid Rules of Procedure, by allowing the disclosure of confidential information pertaining to a child, including a child's name or picture to be made public in certain circumstances."

Under § 62(b), ch. 64, SLA 2005, the 2005 amendments to this section apply "to all proceedings and hearings conducted on or after July 1, 2005."

Under § 62(c), ch. 64, SLA 2005, the 2005 amendments to this section "apply to all information, records, and files created on or after July 1, 2005; however, if a file contains information and records that were created before July 1, 2005, that information and those records retain the confidentiality that they had under the law on June 30, 2005."

**USER NOTE:** For more generally applicable notes, see notes under the first section of this article, chapter or title.

## **Alaska Conference of Catholic Bishops**

**415 Sixth Street, Suite 300**

**Juneau, Alaska 99801**

**Ph (907) 586-2404 / Fax (907) 586-2405**

**E-mail [citw@alaska.net](mailto:citw@alaska.net)**

March 3, 2006

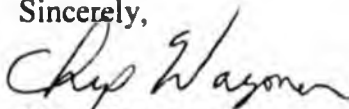
The Honorable Johnny Ellis  
State Senate  
Alaska State Capitol  
Juneau, Alaska 99801-1182

Dear Senator Ellis:

On behalf of the Alaska Conference of Catholic Bishops, I would like to thank-you for sponsoring Senate Bill 287, an act establishing a higher education savings program for children in state foster care. The Alaska Conference of Catholic Bishops is the official public policy voice of the Roman Catholic Church in Alaska.

We appreciate your thoughtfulness in proposing an innovative way to assist eligible children in foster care to pursue educational opportunities beyond grade 12. Foster care children, like many other vulnerable persons, are often out of sight and out of mind of those of us who have the financial resources for a dignified life. We also commend you for proposing a mechanism by which Alaskans who have the financial ability can help to contribute to the higher education costs of those who do not have the financial ability. Turning from self-love toward love of neighbor is a central teaching of the Gospel message. S B 287 provides another way for Alaskans to put this teaching into practice and we support it.

Sincerely,



Chip Wagoner

Executive Director

Alaska Conference of Catholic Bishops



**ALASKA  
COMMUNITY  
SERVICES, INC.**

*Helping Alaska's Seniors — Help Alaska*

April 13, 2006

**ANCHORAGE**

1057 W. Fireweed Lane, #103  
Anchorage, AK 99503

Phone: (907) 276-6472  
Fax: (907) 276-6475

[www.akcommunityservices.org](http://www.akcommunityservices.org)

Senator Johnny Ellis  
Minority Leader  
Alaska State Legislature  
State Capitol, Rm 9  
Juneau, AK, 99801

Dear Senator Ellis,

**FAIRBANKS**

**HOMER**

**JUNEAU**

**KENAI**

**KETCHIKAN**

**SEWARD**

**WASILLA**

Thank you for your letter concerning Senate Bill 287. I am very pleased that you are proposing legislation that offers increased opportunities for Foster Children in the state of Alaska. I too believe that these children deserve and should be able to take every advantage of programs that enhance their ability to succeed in life and become responsible, productive adults.

Alaska Community Services volunteers provide services to these and many other children across the state through our Foster Grandparent Program. I am certain that they are also concerned with the future of these children, and will lend their support to this legislation. I will request the support of my legislators for SB 287 and also ask that my colleagues do so as well.

During this time when most of our focus seems to be primarily on pipelines and taxes, I thank you for your ongoing support of and commitment to programs that address the needs of disadvantaged or devalued Alaskans.

Sincerely,

Mike Saville  
Executive Director

STATEMENT OF SUPPORT  
Establishing Education Savings Accounts for Foster Children in Alaska

Children in the foster care system face significant challenges when they age out of state care. Often, these children do not have a plan or the means to access job training or post-secondary education. With a program in place whereby concerned organizations and citizens can establish savings accounts in the names of foster children, these children will have opportunities beyond high school.

Alaska's foster children deserve a program that invests in their potential. Alaska should create a program designed to give children in foster care the opportunity to pursue education and job training past the age of 18.

Please add my name/organization to the list of supporters.

Name Jim Maley  
Organization ALASKA CHILDREN'S SERVICES  
Title PRESIDENT / CEO  
Signature [Signature]  
Address 4600 ABBOTT RD ANCHORAGE 99507  
Phone (907) 346-2101 Fax 348-9238  
Email AKCHILD@AK.NET Website WWW.ACS.AK.ORG

I/We would also be willing to:

- Publish an article in our newsletter
- Participate in media events
- Contact legislators

- Mobilize our membership
- Help to build a coalition

Please return this form to:  
Office of Senator Johnny Ellis  
State Capitol, Rm. 9  
Juneau, AK 99801

Great plan, Johnny  
[Signature]

**STATEMENT OF SUPPORT**  
**Establishing Education Savings Accounts for Foster Children in Alaska**

Children in the foster care system face significant challenges when they age out of state care. Often, these children do not have a plan or the means to access job training or post-secondary education. With a program in place whereby concerned organizations and citizens can establish savings accounts in the names of foster children, these children will have opportunities beyond high school.

Alaska's foster children deserve a program that invests in their potential. Alaska should create a program designed to give children in foster care the opportunity to pursue education and job training past the age of 18.

**Please add my name/organization to the list of supporters.**

Name Walter Majors  
Organization Juneau Youth Services  
Title Executive Director  
Signature Walter Majors  
Address PO Box 32839 Juneau AK 99803  
Phone 907-796-4131 Fax 907-789-2106  
Email walterm@jys.org Website www.jys.org

I/We would also be willing to:

- Publish an article in our newsletter
- Participate in media events
- Contact legislators

- Mobilize our membership
- Help to build a coalition

**Please return this form to:**  
Office of Senator Johnny Ellis  
State Capitol, Rm. 9  
Juneau, AK 99801

Sounds like a good bill.  
Thanks, Johnny!  
Walter

## STATEMENT OF SUPPORT

## Establishing Education Savings Accounts for Foster Children in Alaska

Children in the foster care system face significant challenges when they age out of state care. Often, these children do not have a plan or the means to access job training or post-secondary education. With a program in place whereby concerned organizations and citizens can establish savings accounts in the names of foster children, these children will have opportunities beyond high school.

Alaska's foster children deserve a program that invests in their potential. Alaska should create a program designed to give children in foster care the opportunity to pursue education and job training past the age of 18.

Please add my name/organization to the list of supporters.

Name Mertis Johnson  
 Organization EASY Living Adult Care  
 Title owner  
 Signature Mertis Johnson  
 Address Mertis Johnson Ave  
 Phone 7710 Maryland Ave Fax 333-3562  
 Email 333-1846 Website \_\_\_\_\_

I/We would also be willing to:

- Publish an article in our newsletter       Mobilize our membership  
 Participate in media events               Help to build a coalition  
 Contact legislators

Please return this form to:

Office of Senator Johnny Ellis  
 State Capitol, Rm. 9  
 Juneau, AK 99801

**STATEMENT OF SUPPORT**  
**Establishing Education Savings Accounts for Foster Children in Alaska**

Children in the foster care system face significant challenges when they age out of state care. Often, these children do not have a plan or the means to access job training or post-secondary education. With a program in place whereby concerned organizations and citizens can establish savings accounts in the names of foster children, these children will have opportunities beyond high school.

Alaska's foster children deserve a program that invests in their potential. Alaska should create a program designed to give children in foster care the opportunity to pursue education and job training past the age of 18.

**Please add my name/organization to the list of supporters.**

Name Eileen M. Lally  
 Organization \_\_\_\_\_  
 Title \_\_\_\_\_  
 Signature Eileen M. Lally  
 Address 6508 Fairweather Dr Anchorage 99518  
 Phone 907 786 6731 Fax \_\_\_\_\_  
 Email \_\_\_\_\_ Website \_\_\_\_\_

I/We would also be willing to:

- |   |  |
|---|--|
| <input type="checkbox"/> Publish an article in our newsletter | <input type="checkbox"/> Mobilize our membership   |
| <input type="checkbox"/> Participate in media events          | <input type="checkbox"/> Help to build a coalition |
| <input type="checkbox"/> Contact legislators                  |  |

**Please return this form to:**  
 Office of Senator Johnny Ellis  
 State Capitol, Rm. 9  
 Juneau, AK 99801

STATEMENT OF SUPPORT  
Establishing Education Savings Accounts for Foster Children in Alaska

Children in the foster care system face significant challenges when they age out of state care. Often, these children do not have a plan or the means to access job training or post-secondary education. With a program in place whereby concerned organizations and citizens can establish savings accounts in the names of foster children, these children will have opportunities beyond high school.

Alaska's foster children deserve a program that invests in their potential. Alaska should create a program designed to give children in foster care the opportunity to pursue education and job training past the age of 18.

Please add my name/organization to the list of supporters.

Name Kathryn Carrow  
Organization Gateway Center for Human Services  
Title Director  
Signature [Signature]  
Address 2050 Fifth Ave Kotzebue 99901  
Phone 907 228 6521 Fax 907 217 4135  
Email Kathyc@City.kotzebue.ak.us Website \_\_\_\_\_

I/We would also be willing to:

- Publish an article in our newsletter
- Participate in media events
- Contact legislators
- Mobilize our membership
- Help to build a coalition

Please return this form to:  
Office of Senator Johnny Ellis  
State Capitol, Rm. 9  
Juneau, AK 99801

# LEGAL SERVICES

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

(907) 465-3867 or 465-2450  
FAX (907) 465-2029  
Mail Stop 3101

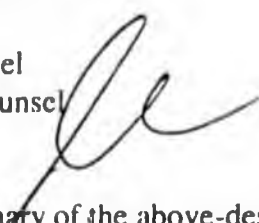
State Capitol  
Juneau, Alaska 99801-1182  
Deliveries to: 129 6th St., Rm. 329

## MEMORANDUM

February 28, 2006

**SUBJECT:** SB 287 (Work Order No. 24-LS1621\G)

**TO:** Senator Johnny Ellis  
Attn: Gabriel Aceves

**FROM:** Jean M. Mischel  
Legislative Counsel 

You have requested a sectional summary of the above-described bill.

As a preliminary matter, note that a sectional summary of a bill should not be considered an authoritative interpretation of the bill and the bill itself is the best statement of its contents. If you would like an interpretation of the bill as it may apply to a particular set of circumstances, please advise.

**Section 1.** Establishes a program within the Department of Health and Social Services to encourage investment in savings for the higher education of eligible foster children.

**Section 2.** Provides for the disclosure of appropriate confidential information pertaining to a case involving a child in need of aid, including a foster child, to the Board of Regents of the University of Alaska to the extent necessary to support the program established under section one.

**Section 3.** Provides for the disclosure of appropriate confidential information pertaining to a case involving a child who is adjudicated as delinquent, to the Board of Regents of the University of Alaska to the extent necessary to support the program established under section one.

JMM:med  
06-174.med

# FISCAL NOTE

**STATE OF ALASKA**  
**2006 LEGISLATIVE SESSION**

Fiscal Note Number: \_\_\_\_\_  
 Bill Version: SB287-DHSS-OCS-03-01-06  
 ( ) Publish Date: \_\_\_\_\_

Revision Date/Time (Note if correction): \_\_\_\_\_

Dept. Affected: Health & Social Services

Title ESTABLISHING A HIGHER EDUCATION FUND FOR PERSONS PLACED IN FOSTER CARE

RDU Children's Services

Component Children's Services Management

Sponsor ELLIS

Requester SENATE (HES)

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						
<b>TOTAL OPERATING</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>

<b>CAPITAL EXPENDITURES</b>						
-----------------------------	--	--	--	--	--	--

<b>CHANGE IN REVENUES (0)</b>						
-------------------------------	--	--	--	--	--	--

**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)						
<b>TOTAL</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>

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)

SB 287 provides the ability for churches, community organization, non-profits, businesses and individuals to establish education savings accounts in the name of foster children. The Office of Children's Services estimates no significant fiscal impact if this bill were to become law.

Prepared by: Tammy Sandoval, Deputy Commissioner  
 Division: Office of Children's Services  
 Approved by: Karleen Jackson, Commissioner  
 Agency: Department of Health and Social Services

Phone 465-3191  
 Date/Time 03/01/2006  
 Date 03/01/2006


**BOYS & GIRLS CLUBS**
[www.bgc.alaska.org](http://www.bgc.alaska.org)

Senator Johnny Ellis  
State Capitol Room 9  
Juneau, Alaska 99801

April 19, 2006

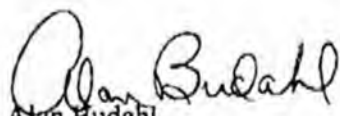
Dear Senator Ellis,

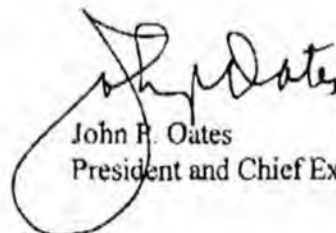
On behalf of Boys & Girls Clubs Board of Directors and professional staff, we are writing to extend Boys & Girls Clubs' support for Senate Bill 287, legislation designed to help provide higher education opportunities for foster children. As you are well aware, our organization has been operating youth development programs for 40 years. In 1998, we eagerly undertook a Statewide Expansion Initiative that has developed Clubhouses in 29 rural Alaskan communities. This initiative, combined with our steady expansion in urban communities, has broadened our total impact to 30,000 youth in 38 Alaskan communities.

Our members' challenges range from peer pressure to poor grades, hunger, abusive homes, or multiple foster home placements. For every child that walks through a Clubhouse door, we listen, we comfort, we challenge and cheer. Many of our staff, volunteers and program partners establish personal connections and mentor relationships with our members in foster care. SB 287 will provide them with an avenue to have a lasting impact on these children well into adulthood.

Again, thank you for sponsoring this legislation. Boys & Girls Club appreciates your support of our programs and your commitment to Alaska's youth.

Sincerely,

  
Alan Budahl  
Board of Directors, Chair

  
John P. Oates  
President and Chief Executive

**Main Office**  
2300 W. 38th Avenue  
Anchorage, Alaska 99517  
Tel: 907-248-8437  
Fax: 907-248-0047

**President & CEO**  
John P. Oates  
Tel: 907-770-7337  
Fax: 907-770-7348  
joates@bgcalaska.org

**Board of Directors**

**Chair**  
Dave Retherford, Calista Corporation

**Board Members**  
Patsy Aarnold, retired  
Terry Bailey, Vico Alaska Inc.  
Roger Briley, Pepsi Cola Bottling Group Alaska  
Nashan Brock, Alyeska Pipeline Service Company  
Alan Budahl, Anchorage Marriott Downtown  
Kretz Cardin, AT&T Alascom  
Buzzy Chiu, Fountainhead Development  
John Dade, University of Alaska Anchorage  
Johnny Ellis, Alaska State Senate  
Mario Gatto, Fairbanks Northstar School District  
Cheri Glavin, First National Bank Alaska  
Josh Hamal, Cisco Systems  
Dick Lufveer, Crossroads Leadership Institute  
Kim Leadbetter, Marsh USA Inc.  
Tangy Lubrecht, Sheraton Anchorage Hotel  
Holy Lind, Northrop Grumman Corp.  
Krisin Meltzer, ASRC Energy Services  
Bill Meszaros, Pacific Alaska Forwarders Inc.  
Kevin Meyer, Alaska House of Representatives  
Scott Miller, KPMG  
Bryan Quinn, Capital Office Systems  
Cathy Richter, Wells Fargo Bank N.A.  
Dale Shaw, Fed Ex  
Mary Shotton Wette, Northern Air Cargo  
Ben Stevens, Alaska State Senate  
Rod Udo, Anchorage Chrysler/Dodge  
Mike Vaseel, Odori Corporation (Coca Cola AK)

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Carl Brady, Sr.  
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David G. Kolesky, Horizon Lines  
Andy Lohman, Clear Channel Communication  
Ed Rasmussen, Rasmussen Foundation  
Robert Shaker, Northern Bank  
Mayor George Sullivan

\* Past Chairs, Board of Directors

24-LS1621VF  
Mischel  
4/18/06

**CS FOR SENATE BILL NO. 287( )**  
**IN THE LEGISLATURE OF THE STATE OF ALASKA**  
**TWENTY-FOURTH LEGISLATURE - SECOND SESSION**

**BY**

**Offered:**  
**Referred:**

**Sponsor(s): SENATOR FLLIS**

**A BILL**  
**FOR AN ACT ENTITLED**

1 **"An Act establishing a higher education savings program for eligible persons who were**  
2 **placed in foster care by the state; and providing for confidentiality of identifying**  
3 **information of a beneficiary under the program."**

4 **BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF ALASKA:**

5 **\* Section 1.** AS 47.05 is amended by adding a new section to read:

6 **Article 4. Alaska Higher Education Savings Program for Foster Children.**

7 **Sec. 47.05.400. Higher education savings program.** (a) The department shall  
8 administer a program to encourage investment by a person or entity in the higher  
9 education of eligible foster children in the state. The program must include

10 (1) a central office, dedicated to faith-based and community services,  
11 for development and marketing of the program;

12 (2) a mechanism for the University of Alaska to establish and maintain  
13 a University of Alaska college savings plan under AS 14.40.802 - 14.40.817 for an  
14 eligible child who is a beneficiary of the program;

1 (3) a process for identifying donors and eligible beneficiaries;

2 (4) a process for distributing nonconfidential information about an  
3 eligible beneficiary to a potential donor, including the age, sex, and general location of  
4 the beneficiary;

5 (5) terms and conditions for participation in the program that are  
6 consistent with the University of Alaska college savings plan restrictions and with  
7 federal law pertaining to higher education savings accounts; and

8 (6) a procedure for monitoring success of the program, for record  
9 keeping, and for maintaining confidentiality of records as required by federal and state  
10 law.

11 (b) A person is eligible for participation in the higher education savings  
12 program for foster children as a beneficiary if the person was ordered committed to the  
13 custody of the department under AS 47.10.080(c) or AS 47.12.120(b)(3), was placed  
14 in a foster home for not less than two years, and is a resident of the state.

15 (c) The commissioner or the commissioner's designee may name a new  
16 beneficiary to an existing college savings plan established under (a) of this section if  
17 the new designation is not prohibited under federal law or under the University of  
18 Alaska college savings plan and if the named beneficiary dies, fails to enroll in an  
19 eligible program before the beneficiary becomes 30 years of age, or fails to meet  
20 conditions established in regulations adopted by the commissioner.

21 (d) Identifying information of a beneficiary contained in records related to the  
22 program is confidential.

23 (e) In this section,

24 (1) "beneficiary" has the meaning given in AS 14.40.802;

25 (2) "donor" means the person or entity who contributes to the higher  
26 education savings program for foster children for the purpose of establishing or  
27 contributing to a college savings account established for a foster child under this  
28 section;

29 (3) "college savings plan" means a post secondary education savings  
30 program or advanced college savings tuition savings contract established under  
31 AS 14.40.802 - 14.40.817.

1 \* **Sec. 2.** AS 47.10.093(b) is amended to read:

2 (b) A state or municipal agency or employee shall disclose appropriate  
3 confidential information regarding a case to

4 (1) a guardian ad litem appointed by the court;

5 (2) a person or an agency requested by the department or the child's  
6 legal custodian to provide consultation or services for a child who is subject to the  
7 jurisdiction of the court under AS 47.10.010 as necessary to enable the provision of  
8 the consultation or services;

9 (3) an out-of-home care provider as necessary to enable the out-of-  
10 home care provider to provide appropriate care to the child, to protect the safety of the  
11 child, and to protect the safety and property of family members and visitors of the out-  
12 of-home care provider;

13 (4) a school official as necessary to enable the school to provide  
14 appropriate counseling and support services to a child who is the subject of the case, to  
15 protect the safety of the child, and to protect the safety of school students and staff;

16 (5) a governmental agency as necessary to obtain that agency's  
17 assistance for the department in its investigation or to obtain physical custody of a  
18 child;

19 (6) a law enforcement agency of this state or another jurisdiction as  
20 necessary for the protection of any child or for actions by that agency to protect the  
21 public safety;

22 (7) a member of a multidisciplinary child protection team created  
23 under AS 47.14.300 as necessary for the performance of the member's duties;

24 (8) the state medical examiner under AS 12.65 as necessary for the  
25 performance of the duties of the state medical examiner;

26 (9) a person who has made a report of harm as required by  
27 AS 47.17.020 to inform the person that the investigation was completed and of action  
28 taken to protect the child who was the subject of the report;

29 (10) the child support services agency established in AS 25.27.010 as  
30 necessary to establish and collect child support for a child who is a child in need of aid  
31 under this chapter;

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(11) a parent, guardian, or caregiver of a child or an entity responsible for ensuring the safety of children as necessary to protect the safety of a child; [AND]

(12) a review panel established by the department for the purpose of reviewing the actions taken by the department in a specific case; and

(13) the University of Alaska under the Alaska higher education savings program for foster children established under AS 47.05.400, but only to the extent that the information is necessary to support the program and only if the information released is maintained as a confidential record by the University of Alaska.

\* Sec. 3. AS 47.12.310(b) is amended to read:

(b) A state or municipal agency or employee shall disclose

(1) information regarding a case to a federal, state, or municipal law enforcement agency for a specific investigation being conducted by that agency; [AND]

(2) appropriate information regarding a case to

(A) a guardian ad litem appointed by the court;

(B) a person or an agency requested by the department or the minor's legal custodian to provide consultation or services for a minor who is subject to the jurisdiction of the court under this chapter as necessary to enable the provision of the consultation or services;

(C) school officials as may be necessary to protect the safety of the minor who is the subject of the case and the safety of school students and staff or to enable the school to provide appropriate counseling and supportive services to meet the needs of a minor about whom information is disclosed;

(D) a governmental agency as may be necessary to obtain that agency's assistance for the department in its investigation or to obtain physical custody of a minor;

(E) a law enforcement agency of this state or another jurisdiction as may be necessary for the protection, rehabilitation, or supervision of any minor or for actions by that agency to protect the public safety;

1 (F) a victim or to the victim's insurance company as may be  
2 necessary to inform the victim or the insurance company about the arrest of the  
3 minor, including the minor's name and the names of the minor's parents, copies  
4 of reports, or the disposition or resolution of a case involving a minor;

5 (G) the state medical examiner under AS 12.65 as may be  
6 necessary to perform the duties of the state medical examiner;

7 (H) foster parents or relatives with whom the child is placed by  
8 the department as may be necessary to enable the foster parents or relatives to  
9 provide appropriate care for the child who is the subject of the case, to protect  
10 the safety of the child who is the subject of the case, and to protect the safety  
11 and property of family members and visitors of the foster parents or relatives;

12 (I) the Department of Law or its agent for use and subsequent  
13 release if necessary for collection of an order of restitution on behalf of the  
14 recipient;

15 (J) the Violent Crimes Compensation Board established in  
16 AS 18.67.020 for use in awarding compensation under AS 18.67.080; and

17 (K) a state, municipal, or federal agency of this state or another  
18 jurisdiction that has the authority to license adult or children's facilities and  
19 services; and

20 (3) to the University of Alaska under the Alaska higher education  
21 savings program for foster children established under AS 47.05.400, information  
22 that is necessary to support the program, but only if the information released is  
23 maintained as a confidential record by the University of Alaska.

# FISCAL NOTE

**STATE OF ALASKA**  
**2006 LEGISLATIVE SESSION**

Fiscal Note Number: \_\_\_\_\_  
Bill Version: SB287-DHSS-OCS-03-01-06

( ) Publish Date \_\_\_\_\_

Revision Date/Time (Note if correction) \_\_\_\_\_

Dept. Affected: Health & Social Services

Title ESTABLISHING A HIGHER EDUCATION FUND FOR PERSONS PLACED IN FOSTER CARE

RDU Children's Services

Component Children's Services Management

Sponsor ELLIS

Requester SENATE (HES)

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						
<b>TOTAL OPERATING</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>

<b>CAPITAL EXPENDITURES</b>						
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<b>CHANGE IN REVENUES (0)</b>						
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**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)						
<b>TOTAL</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>

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)

SB 287 provides the ability for churches, community organization, non-profits, businesses and individuals to establish education savings accounts in the name of foster children. The Office of Children's Services estimates no significant fiscal impact if this bill were to become law.

Prepared by Tammy Sandoval, Deputy Commissioner  
Division Office of Children's Services  
Approved by Karleen Jackson, Commissioner  
Agency Department of Health and Social Services

Phone 465-3191  
Date/Time 03/01/2006  
Date 03/01/2006



## SENATOR FRED DYSON

### MEMORANDUM

To: Senate H.F.S.S. Committee Members

From: Senator Fred Dyson

Date: April 29, 2006

Re: Foster youth educational opportunities

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In the committee's discussion of SB 287, I requested that the Office of Children's Services provide us with information on educational grant programs for foster youth in Alaska. Attached is information on the Education & Training Vouchers and the University of Alaska Tuition waiver.

# Office of Children's Services

Office of Children's Services > Independent Living Program

## Education and Training Vouchers (ETV)

The Education and Training Voucher (ETV) program was authorized under the Chafee Foster Care Independence Act, signed into law in January 2002. Funds for this program were awarded to the State in August 2003. The funds are going to assist foster youth and eligible former foster youth in attending post secondary education and training programs.

The education or training program must meet the following criteria:

- ▶ Awards a bachelor's degree or not less than a 2 year program that provides credit towards a degree or
- ▶ Provides not less than 1 year of training towards gainful employment or
- ▶ Is a vocational program that provides training for gainful employment and has been in existence for at least two years.

And must meet all three of the following criteria:

- ▶ Admits as regular students only persons with a high school diploma or equivalent, or admits as regular students persons who are beyond the age of compulsory school attendance
- ▶ Public or Non-Profit
- ▶ Accredited or preaccredited and is authorized to operate in that state

More information about the ETV funding and federal regulations can be found at

<http://www.nrcys.ou.edu/NRCYD/etv.htm>

## University of Alaska Tuition Waiver

The University of Alaska in partnership with the Office of Children's Services provide five full tuition waivers per year to eligible foster youth and former foster youth. When combined with Federal student aid and an Education or Training Voucher, the successful applicant will receive a cost free university education!



Hey! If you are planning to go to college in the fall, the deadline for turning in a Scholarship Application for this year is June 1, 2004!

### Section

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## University of Alaska Foster Youth Tuition Waiver

This application is used to apply for a tuition waiver and additional assistance for individuals who were in foster care in the state of Alaska on their 18<sup>th</sup> birthday. The tuition waiver is open to students who have been accepted to any campus of the University of Alaska (Anchorage, Fairbanks, Southeast and all community campuses). Additional assistance for housing, the meal plan, and University fees may also be requested through this application.

Review the Foster Youth Tuition Waiver information on the second page of this application for a complete description of the program, the type of assistance provided, and eligibility requirements.

If you have any questions about this application, or need some assistance, please call:

Jennifer Jennings      or      Deirdre O'Connor  
(800) 797-7495                      (907) 465-3209

### APPLICATION INSTRUCTIONS

- 1. Fill out the entire application.** Keep in mind the requirement to explore other scholarships first before applying for the Foster Youth Tuition Waiver.
- 2. Attach your most recent transcripts.** Please remember to request your transcripts from your High School or college in time to be turned in with your application. *They are required for a complete application.* Unofficial transcripts are acceptable and preferred.
- 3. Attach letters of recommendation from two (2) references.** Inform your references that their letters must be to you in time to be turned in with your application—do not send them separate from your application! Letters can be from Teachers, counselors, clergy, and coaches. Preferred references are from your DFYS Social Worker and a Foster Parent or caregiver. *References are required and must be current within the past two years.*
- 4. Attach a personal essay.** Your personal essay should describe your educational goals and objectives, your involvement in curricular and extracurricular activities, your employment history, and your plans for utilizing your education after you receive your degree. It should be no longer than one (1) page. *This essay is a required part of your application.*

DO NOT attach tax information, photos, or other personal information not required for application. Mail the application, the essay, two reference letters, and transcripts in the same envelope by May 1, 2003 to:

Attention: Deirdre O'Connor  
Independent Living Program Coordinator  
Division of Family and Youth Services  
P.O. Box 110630  
Juneau, AK 99811

**Failure to adhere to these requirements and/or submitting an incomplete application may result in disqualification.**

# University of Alaska Foster College Scholarship

## BACKGROUND

The University of Alaska College Scholarship provides young people who have left foster care because they have attained 18 years of age or older (often termed aging out) in Alaska a chance to have a university education. The Scholarship consists of two parts: a tuition waiver from the University of Alaska, and Additional Assistance from the Division of Family and Youth Services. Eligibility for Tuition Waiver and the Additional Assistance are slightly different.

There are five tuition waivers offered per year. These waivers are available to students whom the Division of Family and Youth Services awards based upon eligibility criteria, need, and scholarship. Each waiver is effective for four years, (eight semesters) of full-time attendance at any campus of the University of Alaska. Waivers will not be used for less than full-time attendance. University criteria will apply (i.e.: good academic standing, financial requirements met, and student code of conduct standing) to continue the waiver.

Through the Division of Family and Youth Services Independent Living program, most students who enter the University through this tuition waiver program will be offered the opportunity to receive housing assistance, assistance for required books and materials, a full meal plan, and payment of University fees during the period that they receive the tuition waiver. If receiving housing assistance, the first two years (four semesters) of housing assistance must be in University housing or with former foster care providers. Additional Assistance is offered only to students receiving the Tuition Waiver and only to students who are under 21 years of age. For more information, see **ADDITIONAL ASSISTANCE** below.

The scoring of applications will be made by a five-member awards committee consisting of the Division of Family and Youth Services Independent Living Program Coordinator, a University of Alaska Admissions Coordinator, a youth member of the Independent Living Youth Advisory Board, a representative from the Governor's Office of Equal Employment Opportunity, and a member of the public at-large.

## ELIGIBILITY

In order to be eligible for the University of Alaska Foster Youth Tuition Waiver program, you must:

- ?? Be a resident of Alaska.
- ?? Have been or will be in foster care on your 18<sup>th</sup> birthday.
- ?? Be accepted for full-time enrollment into the University of Alaska.
- ?? Have a demonstrated financial need for financial assistance.
- ?? Have applied for at least two other scholarships.

If you are awarded a tuition waiver, you do not need to reapply for it so long as you:

- ?? Are a full-time student.
- ?? Maintain a minimum 2.0 Grade Point Average
- ?? Maintain good academic standing, student code of conduct standing, and meet University financial requirements.

## **ADDITIONAL ASSISTANCE**

The University of Alaska Foster Youth Tuition Waiver does not include payment of University Fees, student housing, costs for books and other materials, or the meal plan. The Division of Family and Youth Services offers limited assistance for fees, housing, and the meal plan for students who are awarded a Foster Youth Tuition Waiver. You may request Additional Assistance for housing, the meal plan, and University fees on your College Scholarship application.

To be eligible for Housing, Fees, Books, Room and Board assistance, you must:

- ?? be 18 years or older but not attained 21 years of age,
- ?? be receiving the University of Alaska Tuition waiver in good standing,
- ?? complete your first two years at the University in University Housing (if available) or with your former foster care providers.

Just like the Tuition Waiver, you do not need to reapply for this assistance so long as you remain a full-time student in good standing and are within the age limits for additional assistance. You must, however, live in University housing (if available) or with your former foster care providers for the first two-years of school attendance. After two years, you can choose to remain in University housing or receive housing assistance up to the amount that a dormitory-style room would cost at your campus.

While you must be receiving the Tuition Waiver to receive Housing, Fee, Room and Board assistance, you are not required to receive the additional assistance to be awarded the waiver. Additionally, you may request or be awarded partial assistance depending upon your need.

## **OTHER FINANCIAL AID**

Because there are only a limited number of University of Alaska College Scholarships to award each year, applicants are encouraged to research other scholarship opportunities in addition to this program. The application format for this program is very similar to the University of Alaska Foundation Scholarships application, so applying for additional opportunities is easy. Two applications for other scholarships are required in order to be eligible for the Foster Youth Tuition Waiver.