

SB

84

STATE OF ALASKA

DEPT. OF HEALTH AND SOCIAL SERVICES

OFFICE OF THE COMMISSIONER

FRANK H. MURKOWSKI, GOVERNOR

P.O. BOX 110601
JUNEAU, ALASKA 99811-0601
PHONE: (907) 465-3030
FAX: (907) 465-3068

January 27, 2004

Honorable Fred Dyson, Chairman
Senate Health, Education and
Social Services Committee
Alaska State Capitol; Rm. 121
Juneau, AK 99801

Dear Senator Dyson,

The Department of Health and Social Services respectfully requests a hearing in the Senate Health, Education, and Social Services Committee on Senate Bill 84 "An Act relating to the confidentiality of investigations, court hearings, and public agency records and information in child-in-need-of-aid matters and certain child protection matters; relating to immunity regarding disclosure of information in child-in-need-of-aid matters and certain child protection matters; amending Rules 3 and 22, Alaska Child in Need of Aid Rules of Procedure; and providing for an effective date."

This bill would provide greater public access to child-in-need-of-aid (CINA) hearings and records and other information that has been historically closed to the public.

A copy of Governor Murkowski's transmittal letter providing additional information on the bill and the associated fiscal note should be on file with the committee. A sectional analysis of the bill will be provided to the committee prior to a hearing.

Your favorable consideration of this request will be appreciated.

Sincerely,



Sherry Hill, Special Assistant
Office of the Commissioner

cc: Kevin Jardell, Legislative Director
Office of the Governor

Marcie Kennai, Deputy Commissioner
Division of Health Care Services

FRANK H. MURKOWSKI
GOVERNOR
GOVERNOR@GOV.STATE.AK.US



STATE OF ALASKA
OFFICE OF THE GOVERNOR
JUNEAU

5884
P.O. Box 110001
JUNEAU, ALASKA 99811-0001
(907) 465-3500
FAX (907) 465-3532
WWW.GOV.STATE.AK.US

January 25, 2005

The Honorable Ben Stevens
President of the Senate
Alaska State Legislature
State Capitol, Room 111
Juneau, AK 99801-1182

Dear President Stevens:

Under the authority of art. III, sec. 18, of the Alaska Constitution, I am transmitting a bill that will provide greater public access to child-in-need-of-aid (CINA) hearings and records and other information that has been historically closed to the public.

The issues surrounding public disclosure in CINA matters can quickly become complicated, but the goal of this bill is simple: shed more light on the child protection system and the system will improve. I believe that public support of the approach taken in the bill will grow when the tragic circumstances affecting so many young lives are more fully understood, along with the daily challenges faced by those who work so hard to protect children.

Concerns have been raised during the past several years about the state's confidentiality laws in CINA matters. These confidentiality laws were created to protect the privacy interests of children and their families in CINA matters, but they also have the practical effect of limiting public oversight and understanding of goals and activities of our child protection agencies. This bill seeks to address these issues by increasing public access in the following ways:

Court hearings in CINA cases that are now closed to the public would be open to the public, with limited exceptions. For example, the court may close a CINA hearing to the public when a parent or child has not had an opportunity to obtain legal representation; when a child would otherwise be emotionally damaged by an open hearing or would be inhibited in

COMMITTEE COPY

The Honorable Ben Stevens
January 25, 2005
Page 2

testifying; or when an open hearing would substantially compromise a criminal investigation.

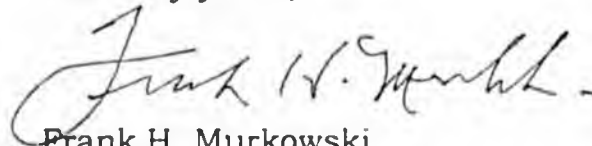
Information from state agency CINA records would be made available to the public in three situations: when a parent or guardian in a CINA case makes a public disclosure concerning the Department of Health and Social Services' involvement with the family; when the alleged perpetrator named in a report of harm under AS 47.17 has been charged with a crime arising from the harm; or when there is a report of harm under AS 47.17 that has resulted in a fatality or near fatality of a child. In such instances, the bill would allow the Department of Health and Social Services to release information about its response to the report of harm.

Other provisions of the bill would allow for the release of information to agencies or individuals when necessary to locate permanent placements for children in CINA cases, protect the safety of children, or enhance agency review of CINA cases. Also included is a provision for immunity for the state and municipalities, and their agencies, officers, and employees, relating to the disclosure or nondisclosure of information in CINA cases and certain child protection matters.

If enacted into law, the substantive changes in the bill would take effect July 1, 2005. The bill also would require a report to the public and the Legislature by December 1, 2006. The report will assess these new procedures in CINA cases and make recommendations to address any additional statutory changes necessary to improve our CINA confidentiality laws.

I urge your prompt and favorable action on this measure.

Sincerely yours,



Frank H. Murkowski
Governor

Enclosure

FISCAL NOTE

STATE OF ALASKA
2005 LEGISLATIVE SESSION

Fiscal Note Number: 1
 Bill Version: SB 84
 (S) Publish Date: 1/26/05

Revision Date/Time (Note if correction): _____ Dept. Affected: LAW
 Title: Confidentiality of CINA Matters RDU: CIVIL
 Component: Human Services
 Sponsor: Possible Governor
 Requester: _____ Component No.: _____

Expenditures/Revenues (Thousands of Dollars)

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

OPERATING EXPENDITURES	FY 2006	FY 2007	FY 2008	FY 2009	FY 2010	FY 2011
Personal Services	37.4	37.4	37.4	37.4	37.4	37.4
Travel	0.1	0.1	0.1	0.1	0.1	0.1
Contractual	4.4	4.4	4.4	4.4	4.4	4.4
Supplies	0.8	0.8	0.8	0.8	0.8	0.8
Equipment	0.5	0.5	0.5	0.5	0.5	0.5
Land & Structures						
Grants & Claims						
Miscellaneous						
TOTAL OPERATING	43.2	43.2	43.2	43.2	43.2	43.2

CAPITAL EXPENDITURES						
-----------------------------	--	--	--	--	--	--

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

FUND SOURCE (Thousands of Dollars)

1002 Federal Receipts						
1003 GF Match						
1004 GF	43.2	43.2	43.2	43.2	43.2	43.2
1005 GF/Program Receipts						
1037 GF/Mental Health						
Other (Specify Type--Do not abbreviate)						
TOTAL	43.2	43.2	43.2	43.2	43.2	43.2

Estimate of any current year (FY2005) cost: 0.0
 Mark this box (X) if funding for this bill is included in the Governor's FY 2006 budget proposal:

POSITIONS

Full-time						
Part-time						
Temporary						

ANALYSIS: (Attach a separate page if necessary)
 This bill changes state statutes that apply to the confidentiality of investigations, court hearings, and public agency information in child in need of aid (CINA) matters. Passage of this legislation will alter longstanding policies, practices and procedures of every agency and branch of government involved in child welfare protection. As a result it is anticipated that disputes will arise over the interpretation and implementation of this legislation. The additional operating costs reflected above are based on an initial estimate of 400 attorney hours per year to resolve such disputes.

Prepared by: Robert Meiners, Dep. Director Phone 465-5427
 Division: Administrative Services Date/Time 12/29/04 8:30 AM
 Approved by: Robert Meiners for Gregg D. Renkes, Attorney General Date 12/29/2004
 Agency: Department of Law

FISCAL NOTE

STATE OF ALASKA
2005 LEGISLATIVE SESSION

Fiscal Note Number: 2
 Bill Version: SB 84
 (S) Publish Date: 1/26/05
 Dept. Affected: Health & Social Services

Revision Date/Time (Note if correction):

Title: CONFIDENTIALITY OF CHILD-IN-NEED-OF-AID PROCEEDINGS AND RECORDS RDU Children's Services
 Component: Children's Services Management

Sponsor: (RLS) BY REQUEST OF THE GOVERNOR

Requester: GOVERNOR Component No: 2666

Expenditures/Revenues (Thousands of Dollars)

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

OPERATING EXPENDITURES	FY 2006	FY 2007	FY 2008	FY 2009	FY 2010	FY 2011
Personal Services	84.1	84.1	84.1	84.1	84.1	84.1
Travel	1.0	1.0	1.0	1.0	1.0	1.0
Contractual						
Supplies	7.5					
Equipment						
Land & Structures						
Grants & Claims						
Miscellaneous						
TOTAL OPERATING	92.6	85.1	85.1	85.1	85.1	85.1
CAPITAL EXPENDITURES						
CHANGE IN REVENUES (0)						

FUND SOURCE (Thousands of Dollars)

1002 Federal Receipts	45.3	41.7	41.7	41.7	41.7	41.7
1003 GF Match						
1004 GF	47.3	43.4	43.4	43.4	43.4	43.4
1037 GF/Mental Health						
Other(Specify Type-do not abbreviate)						
Other(Specify Type-do not abbreviate)						
TOTAL	92.6	85.1	85.1	85.1	85.1	85.1

Estimate of any current year (FY2005) cost:

Mark this box (X) if funding for this bill is included in the Governor's FY 2006 budget proposal:

POSITIONS

Full-time	1	1	1	1	1	1
Part-time						
Temporary						

ANALYSIS: (Attach a separate page if necessary)

This bill will allow public access to Child-In-Need-Of-Aid (CINA) proceedings, allow the Department to publicly respond when parents of children in custody disclose confidential information about their case to media members, and it contains provisions for the sharing of information with the public in cases of child fatalities, or near-fatalities resulting from child abuse or child neglect.

Should this bill become law, the Department anticipates that the increase in public concerns and requests for information will necessitate an additional position within the Office of Children's Services (OCS) to assist the OCS in it's effort to respond to inquiries in a timely manner. This position would be an Associate Coordinator, R 18, under the current Program Coordinator for Community Relations. Estimated Federal revenue is based on the current cost allocation of the Child Welfare & Policy section under OCS Statewide Administration.

Prepared by: Marcia Kennel, Deputy Commissioner Phone 907-465-3397
 Division: Office of Children's Services Date/Time 01/07/2005
 Approved by: Joel S. Gilbertson, Commissioner Date 01/10/2005
 Agency: Department of Health and Social Services

Sectional Analysis of HB 113/SB 84 (Confidentiality in Child-in-Need-of-Aid Proceedings)

*(Prepared by the Department of Law and the Department of Health and Social Services,
January 28, 2005)*

HB 113/SB 84 would do four major things: 1) open all child-in-need-of-aid (CINA) hearings to the public except in certain circumstances; they are presently closed to the public; 2) allow the Department of Health and Social Services to release the name and picture of a child in a CINA proceeding for the purposes of achieving permanency after all parental rights have been terminated; 3) expand the circumstances under which the Department of Health and Social Services is required to share confidential information in CINA proceedings; and 4) allow the Department of Health and Social Services to share confidential information in CINA proceedings with the public under three circumstances: if a parent has made a public disclosure, if an alleged perpetrator has been criminally charged with a crime relating to the abuse or neglect, and if a report of harm has resulted in the fatality or near fatality of a child.

I. Findings and Intent (Section 1):

Sec. 1: Section 1 sets out the findings and intent of the bill.

II. Changes to statutes governing CINA hearings to generally open hearings to the public (Sections 2 - 5):

Sec. 2: Section 2 amends the statute regarding hearings on petitions to find a child in need of aid (AS 47.10.070) to open these hearings to the public unless prohibited by state or federal law or court rule or order, and except as provided in sec. 3 of the bill.

Sec. 3: Section 3 adds new subsections to the statute regarding hearings on petitions to find a child in need of aid (AS 47.10.070). The new subsections do the following things:

- provide for three exceptions to sec. 2's requirement that CINA hearings be open to the public: the initial hearing; a hearing in which a parent, child, or party is present but remains unrepresented by legal counsel; and when the court closes part or all of a hearing for specified reasons;
- in CINA hearings open to the public, provide for in camera (in judge's chambers) presentation of evidence regarding the location of a parent, child, or other party who is a victim of domestic violence;
- guarantee access to closed CINA hearings for the time during which their testimony is being given for grandparents, foster parents, and out-of-home care providers;
- prohibit persons attending CINA hearings from disclosing information that would readily lead to the identification of a child who is the subject of the proceedings.

Sec. 4: Section 4 opens adjudication, permanency, and transfer hearings to the public with the exceptions noted in the first point under sec. 3, above (AS 47.10.080).

Sec. 5: Section 5 opens termination of parental rights trials and hearings to the public with the exceptions noted in the first point under sec. 3, above (AS 47.10.088).

III. Changes to the statute dealing with court records to limit publication of identification of child (AS 47.10.090) (Sections 6 - 7):

Sec. 6: Section 6 makes stylistic changes to a subsec. (c).

Sec. 7: Section 7 amends subsec. (d) by adding two exceptions to the ban on publicizing the name or picture of a child in connection with the child's status as a child in need of aid:

- when authorized by the sections that open certain hearings to the public (secs. 2 - 4, above);
- when it is needed to implement a plan for the permanent placement of a child after parental rights have been terminated.

IV. Changes to the statute governing disclosure of agency records (AS 47.10.093) (Sections 8 - 13):

Sec. 8: Section 8 adds new exceptions to the subsection making information and social records regarding a child subject to child protection privileged and not subject to disclosure; these new exceptions are those set out in sec. 13.

Sec. 9: Section 9 amends the subsection regarding an agency's disclosure of information regarding a CINA case to specify that confidential information must be disclosed to certain individuals and agencies. Section 9 also adds the following to the list of individuals or agencies entitled to receive information:

- a caregiver or entity responsible for the safety of a child, as is necessary to protect the safety of that child;
- a review panel established for the purpose of reviewing action taken by the department in a given case.

Sec. 10: Section 10 makes formatting changes to the subsection dealing with the disclosure of information regarding a case by a law enforcement agency.

Sec. 11: Section 11 changes the subsection dealing with the release of information regarding a child not subject to the jurisdiction of the court to specify that confidential information may be disclosed to a person with a legitimate interest, and to remove the requirement that the Department of Health and Social Services adopt regulations governing the release of information and identifying a sufficient legitimate interest.

Sec. 12: Section 12 changes the subsection regarding the disclosure of information between a law enforcement agency and school districts and private schools to specify that confidential information may be disclosed to school officials.

Sec. 13: Section 13 adds new subsections to do the following:

- permit the adoption of regulations under the section;
- provide for departmental disclosure to the public of confidential information when the parent or guardian of the subject child makes a public disclosure regarding the Department of Health and Social Services' involvement, the alleged perpetrator in a report of harm has been charged with a related crime, or a report of harm has resulted in a fatality or near fatality of a child;
- describe the type of information that the Department of Health and Social Services may disclose to the public, including information related to the determination regarding the validity of a report of harm and to the Department of Health and Social Services' activities arising from its investigation of a report of harm; the provision also permits the Department of Health and Social Services to exclude information related to a child's identification if it's in the best interest of the child or other children in the household, and if the information might interfere with a criminal investigation or proceeding or a defendant's right to a fair trial;
- prohibit the redisclosure of confidential information about a child or a child's family to an unauthorized person, with the exception of certain circumstances.

V. Addition of an immunity provision (Section 14):

Sec. 14: Section 14 adds a new section to the chapter dealing with children in need of aid to make the state; a municipality; or state or municipal agencies officers, employees, or agents immune from an action for damages based on the disclosure or nondisclosure of information under the chapter.

VI. Addition of a definition (Section 15):

Sec. 15: Section 15 adds a definition of "near fatality" to the chapter on children in need of aid.

VII. Changes to CINA court rules to generally open hearings to the public and regarding confidentiality (Sections 16 - 18):

Sec. 16: Section 16 amends CINA rule 3(c) to include a grandparent as someone entitled to be heard at a hearing, and to limit the presence of those entitled to be heard in hearing closed to the public if the court determines that the limitation is necessary for specified reasons.

Sec. 17: Section 17 rewrites the subsection dealing with public access to hearings to make it similar to the changes to AS 47.10.070 made in sections 2-3 of the bill. Specifically, section 17

- makes hearings open to the public unless prohibited by state or federal law or court rule or order, and except for the initial hearing after a petition that opens a CINA

case; a hearing in which a parent, child, or party is present but remains unrepresented by counsel; or when the court closes part of all of a hearing for specified reasons:

- requires the court to provide due process for a state or municipal agency or the prosecuting attorney assigned to the criminal investigation when there is a request to close part or all of a hearing because of interference with a criminal investigation or proceeding a defendant's right to a fair trial;
- limits the closure of a hearing under the first point to the extent necessary to prevent the harm specified;
- in hearings open to the public, provides for in camera presentation of evidence regarding the location of a parent, child, or other party who is a victim of domestic violence;
- requires the court to issue an order prohibiting persons attending an open hearing from disclosing any identifying information related to a child who is the subject of the proceeding, and allows sanctions for a violation of an order prohibiting disclosure;
- allows a party to a proceeding to ask the court to close part or all of a hearing to the public to avoid specified harms, and provides rules for notice of such a request.

Sec. 18: Section 18 amends the rule regarding confidentiality of a child's name or picture to allow disclosure of the information if needed to implement a permanency plan for a child after termination of the parental rights.

VIII. Applicability (Section 19):

Sec. 19: Section 19 provides that the bill applies to all proceedings, hearings, and information occurring or created after the effective date of the bill; files containing information or records created before the effective date retain whatever confidentiality status they had on the day before the effective date of sections 1 - 18 of the bill.

IX. Adoption of regulations in transition (Section 20):

Sec. 20: Section 20 permits the Department of Health and Social Services to proceed immediately to adopt regulations necessary to implement changes made by the bill.

X. Governor's Report (Section 21):

Sec. 21: Section 21 requires the governor to issue a report to the public and the legislature by December 1, 2006, regarding the implementation of the bill.

XI. Conditional effect and effective dates (Sections 22-24):

Sec. 22: Section 22 provides that sections 2 - 7 of the bill will only take effect if the sections regarding court rule changes (secs. 16 - 18) receive a two-thirds majority vote in each house of the legislature.

Sec. 23: Section 23 sets out that sec. 20 of the bill takes effect immediately.

Sec. 24: Section 24 sets out that all other sections of the bill take effect July 1, 2005.

FISCAL NOTE

STATE OF ALASKA
2005 LEGISLATIVE SESSION

Fiscal Note Number: _____
 Bill Version: SB 84
 () Publish Date: _____

Revision Date/Time (Note if correction): _____ Dept. Affected: Administration
 Title An Act relating to confidentiality... RDU Legal and Advocacy Services
 Component Public Defender Agency
 Sponsor Governor
 Requester Senate HESS Component No. 1631

Expenditures/Revenues (Thousands of Dollars)

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

OPERATING EXPENDITURES	FY 2006	FY 2007	FY 2008	FY 2009	FY 2010	FY 2011
Personal Services	54.3	54.3	54.3	54.3	54.3	54.3
Travel	2.4	2.4	2.4	2.4	2.4	2.4
Contractual	18.0	18.0	18.0	18.0	18.0	18.0
Supplies	1.3	1.3	1.3	1.3	1.3	1.3
Equipment	6.7	0.7	0.7	0.7	0.7	0.7
Land & Structures						
Grants & Claims						
Miscellaneous						
TOTAL OPERATING	82.7	76.7	76.7	76.7	76.7	76.7

CAPITAL EXPENDITURES						
-----------------------------	--	--	--	--	--	--

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

FUND SOURCE (Thousands of Dollars)

1002 Federal Receipts						
1003 GF Match						
1004 GF	82.7	76.7	76.7	76.7	76.7	76.7
1005 GF/Program Receipts						
1037 GF/Mental Health						
Other (Specify Type--Do not abbreviate)						
TOTAL	82.7	76.7	159.6	159.6	159.6	159.6

Estimate of any current year (FY2005) cost: 0.0
 Mark this box (X) if funding for this bill is included in the Governor's FY 2006 budget proposal:

POSITIONS

Full-time						
Part-time	1	1	1	1	1	1
Temporary						

ANALYSIS: (Attach a separate page if necessary)

This bill changes statutes and court rules concerning confidentiality in child protective proceedings (CINA). CINA hearings will be presumptively open to the public, unless the court orders otherwise, based upon a motion to close it under certain circumstances enumerated in the bill. The Agency opens over 900 new child protective proceedings a year. It is anticipated that in at least half of the Agency's cases the attorney will be repeatedly moving to close hearings. This additional motion practice will also require service on a member of the public who has requested notice. It is further anticipated that disputes over interpretation and implementation of this legislation will occur. This increase in workload necessitates an increase in operating costs amounting to a half-time attorney position, factoring in support staff. The additional operating costs to address the increased workload are based on attorney and support staff hours in Anchorage, where the bulk of these cases are handled.

Prepared by: Linda K. Wilson, Deputy Director Phone (907)334-4416
 Division: Public Defender Agency Date/Time 2/7/05 11:17 AM
 Approved by: Michael Tibbles, Deputy Commissioner Date 2/7/2005
 Agency: Department of Administration

Dear Senator Dyson and Health and Social Services Committee Members:

Thank you! Thank you!

Reference SB 84; Parent's must remain in the loop, and the insistence of you and other members of the committee was gratifying. Although OCS attempted to explain that the parent's attorney is responsible for keeping the parent informed, this is not generally the case. Most parents whose children are in the care of the state are represented by public defenders. I do not mean to disparage their services to their clients, but public defenders may have up to 100 cases annually (per Judge Steinkruger) and it is often next to impossible for them to remain a source of continued information for a parent. much less zealously defend. On many occasions repeated calls are made to counsel by the parent, and quite often these calls are not returned, with the attorney making contact on the day of the hearing. I respect Ms Kennai, but her explanation was not acceptable.

Section 2 states hearings would be open unless prohibited by state or federal statute, yet OCS continually uses federal law as a backstop to prevent the disclosure of information. At the same time Section 12 of SB 84 provides that law enforcement shall develop procedures to release information to school officials. Other states have found legal avenues to disclose information and have jury trials in termination cases. OCS recently used Part E, Section 672, Subchapter IV of the Social security act to prevent disclosure of information. It was also used to deny the legislature information in the Wasilla case, but I only read that names and addresses cannot be provided, not the info itself. It does seem that all information could have been provided without the names of the kids. That section of Federal law does speak to adoption of children, but it does seem it refers to the record of adoption and not that of abused children who have been adopted, nor does it seem to relate to a system of follow-up by the agency in subsidized adoptions. This section of Federal law seems to be the guiding factor in matters of disclosure.

SB 84 Section 3 again permits release of information unless prohibited by federal statute. (e) of that section can limit grandparents from proceedings under the same conditions the general public would be excluded. It is rare that a child testifies at hearings. Matter of fact, even children of acceptable age, are rarely permitted in the court room.

Section 6 seems to conflict with the reading of the new bill HB 11.

Section 7 is good, as presently children are being posted on the internet prior to termination of parental rights.

Section 9 of course gives everyone the right to information except the parent.

Section 13 permits all kinds of disclosure, and does not say unless prohibited by Federal or state law. It does appear therefore that the concern for federal law only pertains to situations where the OCS so determines that they do not wish to make matters public.


Section 16 again restricts grandparents at hearings

Section 17 restricts public access to just about every hearing conducted by the office of children services.

Much more could be said of this bill but I believe this is sufficient.

Over the past several years I had become increasingly frustrated and quite cynical of the entire OCS system, and also elected representatives who seemingly failed to understand the immense need to provide statute that would provide some accountability to that office. Over the past four years I have traveled to Juneau at my own expense in attempt to lobby for children and families who kids are in the care of the state. This year, due to the suffering of the Wasilla 5 the voices of children and families may finally be heard. Thank you.

In addition please look at SB 82. The term forensic interview has not been sufficiently explained. In conversation with the governor's office I was informed that it is just a term used by agencies nation-wide, and they understand what it means. SB 82 is a dangerous bill, any child can be removed from home school or other place on suspicion.


Betty Rollins
P. O. Box 55163
Fairbanks, Ak 9970
wayfarer@mosquitonet.com
Or
allkidscount@hotmail.com

Please ignore my email. The portion on section 2 was quite confusing, as I had added information in the wrong place

Betty Rollins
488-6614

P. O. Box 55163
North Pole, 99705
wayfarer@mosquionet.com
or allkidscount@hotmail.com

FISCAL NOTE

STATE OF ALASKA
2005 LEGISLATIVE SESSION

Fiscal Note Number: _____
Bill Version: SB 84
() Publish Date: _____

Revision Date/Time (Note if correction): _____ Dept. Affected: Administration
Title: An Act relating to confidentiality... RDU: Legal and Advocacy Services
Sponsor: Governor Component: Office of Public Advocacy
Requester: Senate HESS Component No: 43

Expenditures/Revenues (Thousands of Dollars)

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

OPERATING EXPENDITURES	FY 2006	FY 2007	FY 2008	FY 2009	FY 2010	FY 2011
Personal Services	119.3	119.3	119.3	119.3	119.3	119.3
Travel	1.0	1.0	1.0	1.0	1.0	1.0
Contractual	35.0	35.0	35.0	35.0	35.0	35.0
Supplies	1.0	0.4	0.4	0.4	0.4	0.4
Equipment	5.0	0.5	0.5	0.5	0.5	0.5
Land & Structures						
Grants & Claims						
Miscellaneous						
TOTAL OPERATING	161.3	156.2	156.2	156.2	156.2	156.2

CAPITAL EXPENDITURES						
-----------------------------	--	--	--	--	--	--

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

FUND SOURCE (Thousands of Dollars)

1002 Federal Receipts						
1003 GF Match						
1004 GF	161.3	156.2	156.2	156.2	156.2	156.2
1005 GF/Program Receipts						
1037 GF/Mental Health						
Other (Specify Type--Do not abbreviate)						
TOTAL	161.3	156.2	156.2	156.2	156.2	156.2

Estimate of any current year (FY2005) cost: 0.0
Check this box (X) if funding for this bill is included in the Governor's FY 2006 budget proposal:

POSITIONS

Full-time	1	1	1	1	1	1
Part-time						
Temporary						

ANALYSIS: (Attach a separate page if necessary)

This bill changes statutes and court rules governing confidentiality in child protective proceedings (CINA) and some agency documents. CINA hearings will be presumptively open to the public, unless the court orders otherwise, based upon a motion to close it under certain circumstances enumerated in the bill. Approximately 1000 CINA cases are opened annually. OPA provides guardian ad litem representation in all CINA cases for the children, and also provides parental representation for the parents where the Public Defender Agency has a conflict. In essence, every CINA case is the equivalent of two cases to OPA if not more (in cases where there are more than two parents involved). Representation for both children and parents is provided by staff GALs and attorneys from separate OPA sections, as well as contractors in areas of the state where OPA has no staff or where OPA staff have a conflict. (Analysis continued on page two)

Prepared by: Joshua P. Fink, Director Phone: (907)269-3501
Division: Office of Public Advocacy Date/Time: 2/9/05 12:39 PM
Approved by: Michael Tibbles, Deputy Commissioner Date: 2/9/2005
Agency: Department of Administration

FISCAL NOTE

**STATE OF ALASKA
2005 LEGISLATIVE SESSION**

BILL NO. SB 84

ANALYSIS CONTINUATION

It is anticipated that in a significant portion of OPA's cases the attorney representing either the child or parent will move to close the hearing. Prior to doing this, an investigation must be conducted up front to determine if an open hearing would be detrimental to the child's best interests. In addition, any motion practice regarding hearing closure must be served on any member of the public who has requested notice. It is further anticipated that disputes over interpretation and implementation of this legislation will occur. This increase in workload necessitates an increase in operating costs amounting to one full time attorney (a half-time attorney for child advocacy and a half-time attorney for parental advocacy), factoring in a third of personal services for a support staff member. The additional operating costs to address the increased workload are based on attorney and support staff hours in Anchorage, where the bulk of these cases are handled. Finally, contractors will bill additional hours for investigation, motion practice, and motion service regarding hearing closures.

Page 6, Line 26 after "department"
Add ", the governor, or the legislature"

Page 8, Line 9
Delete "may"
Add "shall"

Page 8, line 15-16
Delete "in accordance with"
Add "under"

Page 5, Line 13
Delete "and"

Page 5, Line 14, after "section,"
Add "and as provided to all parties in a child in need of aid proceeding in accordance with court rules,"

Page 5, Line 22
Delete [(1) a guardian ad litem appointed by the court;]
Renumber accordingly

SENATE COMMITTEE REPORT

First Committee of Referral

DATE: 1/26/05

FURTHER: Judiciary
Finance

Date of 5-Day Notice: _____
(in accordance with Uniform Rule 23)

DATE TURNED IN TO OFFICE: 2.11.05

Health, Education and Social Services Committee considered

SENATE BILL NO. 84

SB 84 CHILD PROTECTION CONFIDENTIALITY

"An Act relating to the confidentiality of investigations, court hearings, and public agency records and information in child-in-need-of-aid matters and certain child protection matters; relating to immunity regarding disclosure of information in child-in-need-of-aid matters and certain child protection matters; amending Rules 3 and 22, Alaska Child in Need of Aid Rules of Procedure; and providing for an effective date."

and recommends:

- be replaced with _____ CS SB 84 (HES)
- adopt previous _____ CS _____ (_____)
- attached amendment(s)
- adopt Letter of Intent by _____ Committee
- further referral to _____ Committee

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

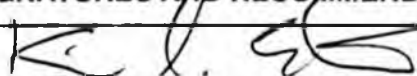
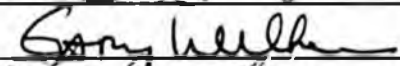
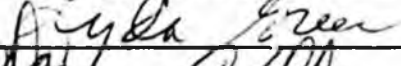
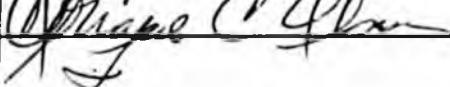

NEW FISCAL NOTE(S):

PREVIOUS FISCAL NOTE(S):

Department	Date	Fiscal	Indet.	Zero	FN#
ADM	2/7	✓			
ADM	2/9	✓			

Department	Date	Fiscal	Indet.	Zero	FN#
LAW	12/29	✓			1
HSS	1/10	✓			2

APPROPRIATION - no fiscal note

SIGNATURES AND RECOMMENDATIONS:	Do PASS	Do NOT PASS	No REC	AMEND
	✓			
	✓			
	✓			
			✓	
CHAIR: 	✓			