

HB

354

ALASKA STATE HOUSE OF REPRESENTATIVES

RECEIVED
MAR 27 2008

Contact:

Interim Address:

**3340 Badger Road
North Pole, AK 99705
(907)-488-5725
Fax# (907)-488-4271**



Session

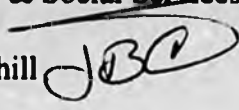
**(907)-465-3719
FAX# (907)-465-3258
State Capitol
Room 204**

REPRESENTATIVE JOHN COGHILL

MEMORANDUM

Date: March 27, 2008

To: Senator Bettye Davis, Chairwoman
Senate Health, Education & Social Services Committee

From: Representative John Coghill 

Re: HB 354 Hearing Request

I am requesting a hearing for HB 354, "An Act relating to subsidies for a hard-to-place child; relating to criminal sanctions for unlawful disclosure of confidential information pertaining to a child; relating to child support orders in child-in-need-of-aid and delinquency proceedings; and providing for an effective date" at your earliest convenience. Attached is the legislation and backup for committee members.

Thank you for your consideration.

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REPRESENTATIVE JOHN COGHILL

HB 354 OCS Revisions

SPONSOR STATEMENT

This legislation was introduced at the request of Department of Law and the Office of Children's Services to address three issues of concern.

First the bill transfers to the department authority to adopt regulations to set the amount and length of time that a subsidy for a hard-to-place child may be granted. Currently that decision is made by the commissioner of HSS without clear guidelines to be consistent with eligibility. Also, with current statutory language the department could be determined to be required to give a subsidy for children from birth to three years old, even when the department determines there would not be a need for a subsidy.

Second, the bill clarifies that an employee can be charged with a misdemeanor for disclosing confidential or privileged information when that confidential information has been disclosed to them under AS 47.10.092(f), Disclosure to certain public officials and employees.

Third, Secs. 3 and 4 allow OCS could obtain child support orders for minors in state custody under CINA and delinquent minor statutes through administrative support orders by the Child Support Services Division. OCS currently uses this practice but they don't have the statutory authority.

The HESS Committee Substitute adds two provisions to the bill. First, it eliminates a contradiction in statutes dealing with the requirement of notification of parents when an eighteen-year-old wished to be adopted. Under current law, even if the biological had abandoned the 18-year-old eighteen years ago, the 18-year-old would have to attempt to locate the parent and give parental notice.

It also incorporates a provision from HB 377 holding the state civilly liable for actions of employee's acting in an official capacity for the department that result in the injury or death of a child.

FISCAL NOTE

STATE OF ALASKA
2008 LEGISLATIVE SESSION

Fiscal Note Number: 1
 Bill Version: CSHB 354(HES)
 (H) Publish Date: 2/29/08

Identifier (file name): HB354-DOA-PDA-2-25-08 Dept. Affected: Administration
 Title: "An Act relating to subsidies for a hard-to-place child..." RDU: Legal and Advocacy Services
 Sponsor: Representative Coghill Component: Public Defender Agency
 Requester: _____ Component Number: 1631

Expenditures/Revenues (Thousands of Dollars)

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

	Appropriation Required	Information						
		FY 2009	FY 2009	FY 2010	FY 2011	FY 2012	FY 2013	FY 2014
OPERATING EXPENDITURES								
Personal Services	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0
Travel	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0
Contractual	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0
Supplies	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0
Equipment	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0
Land & Structures	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0
Grants & Claims	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0
Miscellaneous	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0
TOTAL OPERATING	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0

CAPITAL EXPENDITURES								
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CHANGE IN REVENUES ()								
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FUND SOURCE (Thousands of Dollars)

1002 Federal Receipts	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0
1003 GF Match	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0
1004 GF	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0
1005 GF/Program Receipts	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0
1037 GF/Mental Health	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0
Other Interagency Receipts	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0
TOTAL	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0

Estimate of any current year (FY2008) cost: _____

POSITIONS

Full-time	0.0	0.00	0	0	0	0	0	0
Part-time	0.0	0	0	0	0	0	0	0
Temporary	0.0	0	0	0	0	0	0	0

ANALYSIS: (Attach a separate page if necessary)

This bill requires the department to adopt regulations regarding hard-to-place children; defines the circumstances for imposing a misdemeanor penalty for violating disclosure restrictions in CINA cases; and grants the department authority to require parents to pay the cost of maintenance for a child in statue custody or a delinquent minor.

This bill is not expected to have a fiscal impact.

Prepared by: Quinlan Steiner, Director
 Division: Public Defender Agency
 Approved by: Rachael Petro, Deputy Commissioner
Department of Administration

Phone: 907-334-4414
 Date/Time: 2/25/08 1:45 PM
 Date: 2/25/2008

FISCAL NOTE

STATE OF ALASKA
2008 LEGISLATIVE SESSION

Fiscal Note Number: 2
 Bill Version: CSHB 354(HES)
 (H) Publish Date: 2/29/08

Identifier (file name): HB354-DOA-OPA-2-25-08 Dept. Affected: Administration
 Title: "An Act relating to subsidies for a hard-to-place child..." RDU: Legal and Advocacy Services
 Component: Office of Public Advocacy
 Sponsor: Representative Coghil
 Requester: _____ Component Number: 43

Expenditures/Revenues (Thousands of Dollars)

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

	Appropriation Required	Information						
		FY 2009	FY 2009	FY 2010	FY 2011	FY 2012	FY 2013	FY 2014
OPERATING EXPENDITURES								
Personal Services	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0
Travel	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0
Contractual	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0
Supplies	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0
Equipment	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0
Land & Structures	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0
Grants & Claims	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0
Miscellaneous	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0
TOTAL OPERATING	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0

CAPITAL EXPENDITURES								
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CHANGE IN REVENUES ()								
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FUND SOURCE (Thousands of Dollars)

1002 Federal Receipts	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0
1003 GF Match	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0
1004 GF	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0
1005 GF/Program Receipts	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0
1037 GF/Mental Health	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0
Other Interagency Receipts	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0
TOTAL	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0

Estimate of any current year (FY2008) cost: _____

POSITIONS

Full-time	0.0	0.00	0	0	0	0	0	0
Part-time	0.0	0	0	0	0	0	0	0
Temporary	0.0	0	0	0	0	0	0	0

ANALYSIS: (Attach a separate page if necessary)

This bill authorizes the Department of Health and Social Services to adopt regulations regarding subsidies for hard-to-place children, defines the circumstances for imposing a misdemeanor penalty for violating disclosure restrictions in CINA cases, and grants HSS authority to require parents to pay the cost of maintenance for a child in state custody. This bill is not expected to have a fiscal impact, and therefore, OPA submits a zero fiscal note.

Prepared by: Joshua P. Fink, Director
 Division: Office of Public Advocacy
 Approved by: Rachael Petro, Deputy Commissioner
Department of Administration

Phone 907-269-3501
 Date/Time 2/25/08, 2:10 p.m.
 Date 2/25/2008

FISCAL NOTE

STATE OF ALASKA
2008 LEGISLATIVE SESSION

Fiscal Note Number: 3
 Bill Version: CSHB 354(HES)
 (H) Publish Date: 2/29/08
 Dept. Affected: Health & Social Services
 RDU: Children's Services
 Component: Subsidized Adoptions/Guardians

ID(File name) HB354-DHSS-SAG-02-19-08
 Title HARD-TO-PLACE CHILD SUBSIDY/CHILD SUPPORT
 Sponsor COGHILL
 Requester HOUSE HES

Component No. 1962

Expenditures/Revenues (Thousands of Dollars)

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

	Appropriation		Information						
	Required		FY 2009	FY 2009	FY 2010	FY 2011	FY 2012	FY 2013	FY 2014
OPERATING EXPENDITURES									
Personal Services									
Travel									
Contractual									
Supplies									
Equipment									
Land & Structures									
Grants & Claims									
Miscellaneous									
TOTAL OPERATING			0.0	0.0	0.0	0.0	0.0	0.0	0.0

CAPITAL EXPENDITURES									
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CHANGE IN REVENUES (0)									
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FUND SOURCE (Thousands of Dollars)

	FY 2009	FY 2009	FY 2010	FY 2011	FY 2012	FY 2013	FY 2014
1002 Federal Receipts							
1003 GF Match							
1004 GF							
1037 GF/Mental Health							
Other(Specify Type-do not abbreviate)							
Other(Specify Type-do not abbreviate)							
TOTAL	0.0	0.0	0.0	0.0	0.0	0.0	0.0

Estimate of any current year (FY2008) cost: _____

POSITIONS

Full-time							
Part-time							
Temporary							

ANALYSIS: (Attach a separate page if necessary)

The purpose of this legislation is to bring Alaska Statutes into conformity with existing practices in both Child in Need of Aid and Juvenile Delinquency proceedings. The bill amends the penalty for the unlawful disclosure of confidential information and the Department's discretion for governing amounts and durations of subsidy payments. It also refines the process for administering child support orders to reflect current practice.

The Office of Children's Services anticipates no fiscal impact from the passage of this bill.

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

Phone 465-3191
 Date/Time 02/07/2008
 Date 02/20/2008

FISCAL NOTE

STATE OF ALASKA
2008 LEGISLATIVE SESSION

Fiscal Note Number: 4
 Bill Version: CSHB 354(HES)
 (H) Publish Date: 2/29/08

Identifier (file name): _____ Dept. Affected: LAW
 Title An Act relating to subsidies for a hard-to-place child. RDU Civil
 Component Child Protection
 Sponsor REPRESENTATIVE(s) COGHILL
 Requester HOUSE HES Component Number _____

Expenditures/Revenues (Thousands of Dollars)

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

	Appropriation Required	Information					
		FY 2009	FY 2010	FY 2011	FY 2012	FY 2013	FY 2014
OPERATING EXPENDITURES							
Personal Services	0.0	0.0	0.0	0.0	0.0	0.0	0.0
Travel							
Contractual							
Supplies							
Equipment							
Land & Structures							
Grants & Claims							
Miscellaneous							
TOTAL OPERATING	0.0	0.0	0.0	0.0	0.0	0.0	0.0

CAPITAL EXPENDITURES							
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CHANGE IN REVENUES ()							
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FUND SOURCE (Thousands of Dollars)

1002 Federal Receipts							
1003 GF Match							
1004 GF	0.0	0.0	0.0	0.0	0.0	0.0	0.0
1005 GF/Program Receipts							
1037 GF/Mental Health							
Other Interagency Receipts							
TOTAL	0.0	0.0	0.0	0.0	0.0	0.0	0.0

Estimate of any current year (FY2008) cost: 0.0

POSITIONS

Full-time							
Part-time							
Temporary							

ANALYSIS: (Attach a separate page if necessary)

HB 354 seeks to clean up statutory language to reflect current practice in three areas: 1) amending AS 25.23.210 to provide statutory authority for the OCS practice of awarding "deferred subsidies" (non-monetary subsidies that can become monetary subsidies later) in certain guardianships and adoptions; 2) clarifying AS 47.10.092(f) that the criminal sanctions for unlawful disclosure of confidential information only applies to AS 47.10.092(a); and giving CSSD authority to establish child support orders in child-in-need-of-aid and delinquency proceedings.

The department does not expect a significant fiscal impact as a result of this bill.

Prepared by: Robert Meiners, Administrative Services Manager
 Division: Administrative Services Division
 Approved by: Talis Colberg, Attorney General
Department of Law

Phone 907-465-5427
 Date/Time 2/22/08 1:30 PM
 Date 2/22/2008

SENATE COMMITTEE REPORT

DATE: 3/28/08

FURTHER: Judiciary

DATE TURNED
IN TO OFFICE: 4/1/08

Health, Education and Social Services Committee considered CS FOR HOUSE BILL NO. 354(JUD)

HB 354 CHILD IN NEED OF AID/ADOPTIONS

"An Act relating to adoptions, to subsidies for a hard-to-place child, to criminal sanctions for unlawful disclosure of confidential information pertaining to a child, to child support orders in child-in-need-of-aid and delinquency proceedings, and to civil actions on behalf of children in need of aid who are injured or die while in state custody; and providing for an effective date."

and recommends:

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

SENATE BILL:	
<input checked="" type="checkbox"/>	Same Title
<input type="checkbox"/>	New Title
<hr/>	
HOUSE BILL:	
<input type="checkbox"/>	Same Title
<input type="checkbox"/>	Technical Title Change
<input type="checkbox"/>	New Title w/ SCR # _____

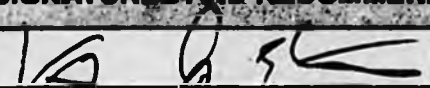


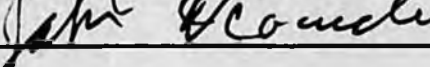
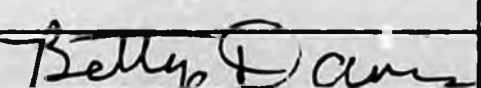
NEW FISCAL NOTE(S):

Department	Date	Fiscal	Indet.	Zero	FN#

PREVIOUS FISCAL NOTE(S):

Department	Date	Fiscal	Indet.	Zero	FN#
LAW	2/22/08			<input checked="" type="checkbox"/>	
OHSS	2/7/08			<input checked="" type="checkbox"/>	
Administration	2/25/08			<input checked="" type="checkbox"/>	
Administration	2/25/08			<input checked="" type="checkbox"/>	

APPROPRIATION - no fiscal note

SIGNATURES AND RECOMMENDATIONS:	PRINTED LAST NAME	DO PASS	DO NOT PASS	NO REC	AMEND
	Elton			<input checked="" type="checkbox"/>	
	Thomas	<input checked="" type="checkbox"/>			
	Dawson	<input checked="" type="checkbox"/>			
	Cooney	<input checked="" type="checkbox"/>			
CHAIR: 	Davis	<input checked="" type="checkbox"/>			