

HB

354

ALASKA STATE HOUSE OF REPRESENTATIVES

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Room 204

REPRESENTATIVE JOHN COGHILL

MEMORANDUM

Date: April 1, 2008

To: Senator Hollis French, Chairman
Senate Judiciary Committee

From: Representative John Coghill *RW Moore*

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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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.

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HB 354 OCS Revisions JUDICIARY VERSION

SECTIONAL

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

Sections 1 & 2. 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.

Sec. 3. 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.

Sec. 4. 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.

Secs 5 & 7. 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.

Sec. 6. 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.

Sec. 8. Immediate effective date