

SB

307

SENATE COMMITTEE REPORT
First Committee of Referral

DATE: 3/10/10

FURTHER: Judiciary

Date of 5-Day Notice: March 11, 2010
 (in accordance with Uniform Rule 23)

DATE TURNED
 IN TO OFFICE: March 16, 2010

Health and Social Services Committee considered SENATE BILL NO. 307

SB 307 SHELTERS FOR RUNAWAY MINORS

"An Act relating to residential shelters for runaway minors."

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 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):

Department	Date	Fiscal	Indet.	Zero	FN#
Health	3/12/2010			✓	

PREVIOUS FISCAL NOTE(S):

Department	Date	Fiscal	Indet.	Zero	FN#

APPROPRIATION - no fiscal note

SIGNATURES AND RECOMMENDATIONS:	PRINTED LAST NAME	DO PASS	DO NOT PASS	NO REC	AMEND
	ELLIS	✓			
	THOMAS	✓			
	PASICKIAN	X			
	DYSON	X			
CHAIR:	DAVIS	X			

Alaska State Legislature

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Senator Bettye Davis@legis.state.ak.us
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Senate Health and Social Services Committee

SPONSOR STATEMENT

SENATE BILL 307 "An Act relating to residential shelters for runaway minors"

SB307 allows emergency residential shelters like the Covenant House to continue to accept federal grant funding. Covenant House Alaska has five programs that include emergency shelter, healthcare, job and educational assistance and transitional living. Covenant House Alaska served nearly 3,000 Alaskan youth in FY2009. Covenant House Alaska has been in Alaska for over 20 years and served literally tens of thousands of youth.

In 2007, Covenant House Alaska was awarded the federal Basic Center Grant (BCG) through the Administration for Children and Families. This competitive, federal grant supplied Covenant House Alaska with \$300,000 phased over three years to operate the Crisis Center (\$100,000 per year). The Administration for Children and Families recently notified Covenant House Alaska the Crisis Center is technically out of compliance with federal grant requirements stated in the Homeless and Runaway Youth Act.

The Act at 42 U.S.C Section 5712(b)(2)(A) states the shelter can have "a maximum capacity of not more than 20 youth, except where the applicant assures that the State where the center or locally controlled facility is located has a State or local law or regulation that requires a higher maximum to comply with licensure requirements for child and youth serving facilities." Established through the Act, federal regulation 45 CFR 1351.18 (d) states the Basic Center Grant (BCG) may be awarded to facilities with a shelter capacity of 20 beds or less. Covenant House Alaska holds 40 beds.

The Administration for Children and Families (ACF) concedes that states with statutes requiring them to operate a facility over 20 beds will meet the federal requirements. SB307 allows for a simple amendment to AS 47.10.310 – "Licensing of Programs for Runaway Minors" by adding a new subsection to read: "(e) A program for runaway minors that operates a licensed residential shelter in the state shall provide a shelter with a capacity designated in the license issued under AS 47.10.300-47.10.390." This simple amendment will allow emergency residential shelters like Covenant House Alaska to continue competing for the federal Basic Center Grant (BCG).

FISCAL NOTE

**STATE OF ALASKA
2010 LEGISLATIVE SESSION**

Fiscal Note Number: _____
 Bill Version: SB307
 () Publish Date: _____

Identifier (file name): SB307-DHSS-C&L-3-12-10 Dept. Affected: Health & Social Services
 Title Shelters for Runaway Minors RDU Public Health
 Component Certification and Licensing
 Sponsor Health & Social Services
 Requester Senate HSS Component Number 245

Expenditures/Revenues (Thousands of Dollars)

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

	Appropriation Required	Information						
		FY 2011	FY 2011	FY 2012	FY 2013	FY 2014	FY 2015	FY 2016
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 ()								
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FUND SOURCE (Thousands of Dollars)

1002 Federal Receipts								
1003 GF Match								
1004 GF								
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 (FY2010) cost: _____

POSITIONS

Full-time								
Part-time								
Temporary								

ANALYSIS: (Attach a separate page if necessary)

This statutory change is designed to bring Covenant House Alaska (a shelter for homeless youth) into compliance with federal grant requirements in the Homeless Runaway Youth Act. Federal regulations have a capacity cap of 20 beds, and this will allow Covenant House to operate a 40-bed facility under the terms of their license without jeopardizing their grant. It does not create an increased workload for existing staff; therefore, the Department has determined this will have zero fiscal impact to state operations.

Prepared by: Ward B. Hurlburt, MD, MPH, Chief Medical Officer / Director Phone 907-269-8126
 Division Public Health Date/Time 3/11/10 12:00 AM

Approved by: Alison Elgee, Assistant Commissioner Date 3/12/2010
DHSS Finance & Management Services

Westlaw.

42 U.S.C.A. § 5712

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C**Effective: October 8, 2008**

United States Code Annotated Currentness

Title 42. The Public Health and Welfare

Chapter 72. Juvenile Justice and Delinquency Prevention (Refs & Annos)

▣ Subchapter III. Runaway and Homeless Youth (Refs & Annos)

▣ Part A. Basic Center Grant Program (Refs & Annos)

→ § 5712. Eligibility; plan requirements

(a) Runaway and homeless youth center; project providing temporary shelter; counseling services

To be eligible for assistance under section 5711(a) of this title, an applicant shall propose to establish, strengthen, or fund an existing or proposed runaway and homeless youth center, a locally controlled project (including a host family home) that provides temporary shelter, and counseling services to youth who have left home without permission of their parents or guardians or to other homeless youth.

(b) Provisions of plan

In order to qualify for assistance under section 5711(a) of this title, an applicant shall submit a plan to the Secretary including assurances that the applicant--

(1) shall operate a runaway and homeless youth center located in an area which is demonstrably frequented by or easily reachable by runaway and homeless youth;

(2) shall use such assistance to establish, to strengthen, or to fund a runaway and homeless youth center, or a locally controlled facility providing temporary shelter, that has--

(A) a maximum capacity of not more than 20 youth, except where the applicant assures that the State where the center or locally controlled facility is located has a State or local law or regulation that requires a higher maximum to comply with licensure requirements for child and youth serving facilities; and

(B) a ratio of staff to youth that is sufficient to ensure adequate supervision and treatment;

(3) shall develop adequate plans for contacting the parents or other relatives of the youth and ensuring the safe return of the youth according to the best interests of the youth, for contacting local government officials pursuant to informal arrangements established with such officials by the runaway and homeless youth center and for providing for other appropriate alternative living arrangements;

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Covenant House Alaska

Crisis Center • Community Services Center • Transitional Living

The Honorable Bettye Davis
State Capitol
Juneau, AK 99801

March 1, 2010

Dear Senator Davis,

Thank you for your long-standing support of Covenant House Alaska (CHA). CHA is the only shelter in Alaska specifically designed for homeless youth. Throughout our five programs including emergency shelter, healthcare, job and educational assistance and transitional living, CHA served nearly 3,000 Alaskan youth in FY09. CHA has been in Alaska for over 20 years and served literally tens of thousands of youth.

CHA was awarded the Basic Center Grant (BCG) through the Administration for Children and Families (ACF) in 2007. This competitive, federal grant supplied CHA with \$300,000 phased over 3 years to operate the Crisis Center (\$100,000 per year). ACF recently notified CHA that the Crisis Center is technically out of compliance with federal grant requirements stated in the Homeless and Runaway Youth Act. CHA will not be competitive for the new grant cycle starting in September 2010 if Alaska's state statute is not amended to comply with federal requirements.

Established through the Act, federal regulation 45 CFR 1351.18 (d) states that the BCG will be awarded to facilities with a shelter capacity of 20 beds or less. CHA's Crisis Center holds 40 beds. ACF concedes that states with statute requiring them to operate a facility over 20 beds will override the federal requirements. Through consultation with an attorney, CHA proposes the following change in Alaska statute to satisfy ACF's request.

Amendment to AS 47.10.310 to add a new subsection (e):

- (e) A program for runaway minors, which operates a residential shelter in the State of Alaska for runaway or homeless minors and which is required to obtain a license to operate pursuant to AS 47.10.330 – 47.10.390, is required to provide a shelter with the capacity designated in the approved license.

Since CHA is licensed to operated a shelter with 40 beds, this amendment would effectively require CHA to operate a facility that houses over 20 youth.

As the Chair of the Senate Health, Education and Social Services Committee, CHA is seeking your assistance in changing Alaska's statute. Our goal is to have a committee bill introduced this session in order to comply with the federal regulations by September 2010. Please contact me for additional materials if necessary, including ACF's findings.

Thank you for your consideration. Please contact me with any questions.

Sincerely,

Deirdre A. Cronin

20
Years



**Covenant
House
Alaska**

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Although a change in regulations may satisfy federal requirements, CHA is pursuing a change in statute as a primary means to satisfy the grant requirements. Through consultation with an attorney, CHA proposes the following change in Alaska statute to satisfy ACF's request.

Amendment to AS 47.10.310 to add a new subsection (e):

- (e) A program for runaway minors, which operates a residential shelter in the State of Alaska for runaway or homeless minors and which is required to obtain a license to operate pursuant to AS 47.10.330 – 47.10.390, is required to provide a shelter with the capacity designated in the approved license.

Since CHA is licensed to operate a shelter with 40 beds, this amendment would effectively require CHA to operate a facility that houses over 20 youth. Our goal is to make this change to statute during the 2010 Legislative Session.

Similarly, CHA will be pursuing a change in regulations simultaneously. Pursuing a change in regulations will both compliment our legislative changes, as well as serve as a back-up if the statutory changes are not completed in the 2010 Legislative Session.

A change in regulation would likely be an addition to 7 AAC 57.030. A new subsection could be added to the end of 7 AAC 57.030 that stated something to the following effect:

Upon issuance of a license to a program for runaway minors authorizing operation of any type of residential shelter in the State of Alaska for runaway or homeless minors within the meaning of AS 47.10.330-47.10.390, the program receiving the license is required to provide a shelter with the capacity designated in the approved license.

As the Commissioner of Health and Social Services, CHA wants to ensure you are adequately briefed on our goals to amend Alaska's statute and/or regulations and actively pursue the BCG next fall. We hope you will be supportive of our efforts.

Thank you for your consideration. Please contact me with any questions.

Sincerely,

Deirdre A. Cronin

Deirdre A. Cronin
Executive Director

HHS publishes annually in the Federal Register a program announcement of grant funds available under the Runaway and Homeless Youth Program Act. The program announcement states the amount of funds available, program priorities for funding, and criteria for evaluating applications in awarding grants. The announcement also describes specific procedures for receipt and review of applications. An applicant should:

- (a) Obtain a program announcement from the Federal Register or from one of HHS's 10 Regional Offices in Boston, New York, Philadelphia, Atlanta, Chicago, Dallas, Kansas City, Denver, San Francisco, and Seattle;
- (b) Obtain an application package from one of HHS's Regional Offices; and
- (c) Submit a completed application to the Grants Management Office at the appropriate Regional Office.

[43 FR 55635, Nov. 28, 1978, as amended at 48 FR 29202, June 24, 1983]

§ 1351.18 What criteria has HHS established for deciding which Runaway and Homeless Youth Program grant applications to fund?



In reviewing applications for a Runaway and Homeless Youth Program grant, HHS takes into consideration a number of factors, including:

- (a) Whether the application meets one or more of the program's funding priorities; (see §1351.12)
- (b) The need for Federal support based on the number of runaway or otherwise homeless youth in the area in which the runaway and homeless youth project is or will be located;
- (c) The availability of services to runaway or otherwise homeless youth in the area in which the runaway and homeless youth project is located;
- (d) Whether there is a minimum residential capacity of four and a maximum residential capacity not to exceed 20 youth with a ratio of staff to youth sufficient to assure adequate supervision and treatment;
- (e) Plans for meeting the best interests of the youth involving, when possible, both the youth and the family. These must include contacts with the families. This contact should be made within 24 hours, but must be made no more than 72 hours following the time of the youth's admission into the runaway and homeless youth project. The plans must also include assuring the youth's safe return home or to local government officials or law enforcement officials and indicate efforts to provide appropriate alternative living arrangements.
- (f) Plans for the delivery of aftercare or counseling services to runaway or otherwise homeless youth and their families;
- (g) Whether the estimated cost to the Department for the runaway and homeless youth project is reasonable considering the anticipated results;
- (h) Whether the proposed personnel are well qualified and the applicant agency has adequate facilities and resources;
- (i) Whether the proposed project design, if well executed, is capable of attaining program objectives;
- (j) The consistency of the grant application with the provisions of the Act and these regulations.

§ 1351.19 What additional information should an applicant or grantee have about a Runaway and Homeless Youth Program grant?



(a) Several other HHS rules and regulations apply to applicants for or recipients of Runaway and Homeless Youth Program grants. These include:

- (1) The provisions of 45 CFR part 74 pertaining to the Administration of Grants;
- (2) The provisions of 45 CFR part 16, Departmental Grants Appeal Process, and the provisions of Informal Grant Appeal Procedures (Indirect Costs) in volume 45 CFR part 75;
- (3) The provisions of 45 CFR part 80 and 45 CFR part 81 pertaining to nondiscrimination under programs receiving Federal assistance, and hearing procedures;
- (4) The provisions of 45 CFR part 84 pertaining to discrimination on the basis of handicap;
- (5) The provisions of 45 CFR part 46 pertaining to protection of human subjects.

(3) award nonprofit corporations or municipalities grants for the establishment or operation of licensed programs for runaway minors;

(4) adopt regulations for the administration of AS 47.10.300 — 47.10.390, including regulations providing for the coordination of services to be provided by licensed programs for runaway minors and by the department. (§ 4 ch 144 SLA 1988; am § 35 ch 126 SLA 1994; am § 8 ch 107 SLA 1998)

Collateral references. — 47 Am. Jur. 2d, Juvenile Courts and Delinquent and Dependent Children, § 36.

Sec. 47.10.310. Licensing of programs for runaway minors. (a) A person may not operate a program for runaway minors in the state without a license issued under this section. A person who violates this subsection is guilty of a violation.

(b) The department may license a program for runaway minors under AS 47.10.300—47.10.390 only if the program

- (1) is operated by a corporation or a municipality; and
- (2) meets the requirements of (c) of this section.

(c) A program for runaway minors shall

(1) explain to a minor who seeks assistance from the program the legal rights and responsibilities of runaway minors and the services and assistance provided for runaway minors by the program and by the state or local municipality;

(2) upon admission of a minor to the program, attempt to determine why the minor is a runaway and what services may be necessary or appropriate for reuniting the minor with the minor's family;

(3) provide or help arrange for the provision of services necessary to promote the health and welfare of a minor in the program and, if appropriate, members of the minor's family; services may include, but are not limited to, the provision of food, shelter, clothing, medical care, and individual, group, or family counseling;

(4) within one state working day after admission of a minor to the program inform the department of a minor in the program

(A) who claims to be the victim of child abuse or neglect, as defined in AS 47.17.290;

(B) whom an employee of the program has cause to believe has been a victim of child abuse or neglect; or

(C) whom an employee of the program has reason to believe is evading the supervision of the department, the person to whom the department has entrusted supervision, or the minor's legal guardian;

(5) be operated with the goal of reuniting runaway minors with their families, except in cases in which reunification is clearly contrary to the best interest of the minor; and

(6) maintain adequate staffing and accommodations to ensure physical security and to provide crisis services to minors residing in a facility operated by the program; a program that, as determined by the department, regularly receives state money in an amount that exceeds one-fourth of the program's costs shall maintain semi-secure portions of its facilities in a proportion that meets regulations established by the department; residents under 18 years of age shall be segregated from residents who are 18 years of age or older.

(d) A program for runaway minors may provide services for the protection of the health and welfare of a person under 21 years of age who is in need of the services and who is without a place of shelter in which supervision and care of the person are available. (§ 4 ch 144 SLA 1988; am § 17 ch 33 SLA 1994; am § 8 ch 120 SLA 1996; am § 9 ch 107 SLA 1998)

(e)

NOTES TO DECISIONS

Cited in R.J.M. v. State, 946 P.2d 855 (Alaska 1997).