

SB

307

Alaska State Legislature

Senator Hollis French, Chair
State Capitol, Room 417
Juneau, Alaska 99801
Phone: (907) 465-3892
Fax: (907) 465-6595



Committee Members:
Senator Bill Wielechowski
Senator Lesil McGuire
Senator Dennis Egan
Senator John Coghill

Senate Judiciary Committee

Request to waive SB 307 from Senate Judiciary

I move and ask unanimous consent that SB307 Shelters for Runaway Minors be waived from the Senate Judiciary Committee in order to expedite it. I have the signatures of a majority of the committee and the bill has had a hearing in the Senate Health and Social Services Committee.

Handwritten signature of Senator French.

Senator French, Chair

Handwritten signature of Senator McGuire.

Senator McGuire

Handwritten signature of Senator Coghill.

Senator Coghill

Handwritten signature of Senator Wielechowski.

Senator Wielechowski

Handwritten signature of Senator Egan.

Senator Egan

Alaska State Legislature

Interim: (May - Dec.)
716 W. 4th Ave
Anchorage, AK 99501
Phone: (907) 269-0144
Fax: (907) 269-0148



Session: (Jan. - May)
State Capitol, Suite 7
Juneau, AK 99801-1182
Phone: (907) 465-3822
Fax: (907) 465-3756
Toll free: (800) 770-3822

Senator Bettye Davis@legis.state.ak.us
<http://www.akdemocrats.org>

Senator Bettye Davis

Memorandum

To: Senator Hollis French
Senate Judiciary Committee Chair

From: Senator Bettye Davis

Date: March 16, 2010

RE: Hearing request for **SB307: SHELTERS FOR RUNAWAY MINORS**

Senator French:

You currently have in your possession SB307. This bill is of significance to me and I am requesting that a hearing on SB307 be scheduled as soon as possible.

Thank you.

Bettye Davis

Alaska State Legislature

Interim: (May - Dec.)
716 W. 4th Ave
Anchorage, AK 99501
Phone: (907) 269-0144
Fax: (907) 269-0148



Session: (Jan. - May)
State Capitol, Suite 7
Juneau, AK 99801-1182
Phone: (907) 465-3822
Fax: (907) 465-3756
Toll free: (800) 770-3822

Senator Bettve Davis@legis.state.ak.us
<http://www.akdemocrats.org>

Senate Health and Social Services Committee

SPONSOR STATEMENT

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

SB307 would allow emergency residential shelters like Covenant House Alaska to continue competing for 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 and have been in Alaska over 20 years – serving 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. Recently, 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. 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.

However, 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 license requirements for child and youth serving facilities.**" 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. Supporting SB307 would allow a statutory change which would make it possible for emergency residential shelters like the Covenant House to continue competing for federal grants by operating under the terms of their license.

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?

 [top](#)

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?

 [top](#)

(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.

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;



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

Alaska State Legislature

Interim: (May - Dec.)
716 W. 4th Ave
Anchorage, AK 99501
Phone: (907) 269-0144
Fax: (907) 269-0148



Session: (Jan. - May)
State Capitol, Suite 7
Juneau, AK 99801-1182
Phone: (907) 465-3822
Fax: (907) 465-3756
Toll free: (800) 770-3822

Senator Bettye Davis@legis.state.ak.us
<http://www.akdemocrats.org>

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 Alaska 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).