

HB

343

<TARGET><BILL>HB 343</BILL><SUBJECT>HB
343</SUBJECT><COMM>HJUD27</COMM></TARGET>

CS FOR HOUSE BILL NO. 343(JUD)

IN THE LEGISLATURE OF THE STATE OF ALASKA

TWENTY-SEVENTH LEGISLATURE - SECOND SESSION

BY THE HOUSE JUDICIARY COMMITTEE

**Offered:
Referred:**

Sponsor(s): REPRESENTATIVES MUÑOZ, Peggy Wilson

A BILL

FOR AN ACT ENTITLED

1 **"An Act relating to disclosure of records of the Department of Health and Social**
2 **Services pertaining to children in certain circumstances; and providing for an effective**
3 **date."**

4 **BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF ALASKA:**

5 *** Section 1.** AS 47.10.093(b) is amended to read:

6 (b) A state or municipal agency or employee shall disclose appropriate
7 confidential information regarding a case to

8 (1) a guardian ad litem appointed by the court;

9 (2) a person or an agency requested by the department or the child's
10 legal custodian to provide consultation or services for a child who is subject to the
11 jurisdiction of the court under AS 47.10.010 as necessary to enable the provision of
12 the consultation or services;

13 (3) an out-of-home care provider as necessary to enable the out-of-
14 home care provider to provide appropriate care to the child, to protect the safety of the

1 child, and to protect the safety and property of family members and visitors of the out-
2 of-home care provider;

3 (4) a school official as necessary to enable the school to provide
4 appropriate counseling and support services to a child who is the subject of the case, to
5 protect the safety of the child, and to protect the safety of school students and staff;

6 (5) a governmental agency as necessary to obtain that agency's
7 assistance for the department in its investigation or to obtain physical custody of a
8 child;

9 (6) a law enforcement agency of this state or another jurisdiction as
10 necessary for the protection of any child or for actions by that agency to protect the
11 public safety;

12 (7) a member of a multidisciplinary child protection team created
13 under AS 47.14.300 as necessary for the performance of the member's duties;

14 (8) the state medical examiner under AS 12.65 as necessary for the
15 performance of the duties of the state medical examiner;

16 (9) a person who has made a report of harm as required by
17 AS 47.17.020 to inform the person that the investigation was completed and of action
18 taken to protect the child who was the subject of the report;

19 (10) the child support services agency established in AS 25.27.010 as
20 necessary to establish and collect child support for a child who is a child in need of aid
21 under this chapter;

22 (11) a parent, guardian, or caregiver of a child or an entity responsible
23 for ensuring the safety of children as necessary to protect the safety of a child;

24 (12) a review panel established by the department for the purpose of
25 reviewing the actions taken by the department in a specific case; [AND]

26 (13) the University of Alaska under the Alaska higher education
27 savings program for children established under AS 47.14.400, but only to the extent
28 that the information is necessary to support the program and only if the information
29 released is maintained as a confidential record by the University of Alaska;

30 (14) a child placement agency licensed under AS 47.32 as
31 necessary to provide services for a child who is the subject of the case; and

1 **(15) a state or municipal agency of this state or another**
2 **jurisdiction that is responsible for delinquent minors, as may be necessary for the**
3 **administration of services, protection, rehabilitation, or supervision of a child or**
4 **for actions by the agency to protect the public safety.**

5 * Sec. 2. AS 47.12.310(b) is amended to read:

6 (b) A state or municipal agency or employee shall disclose

7 (1) information regarding a case to a federal, state, or municipal law
8 enforcement agency for a specific investigation being conducted by that agency;

9 (2) appropriate information regarding a case to

10 (A) a guardian ad litem appointed by the court;

11 (B) a person or an agency requested by the department or the
12 minor's legal custodian to provide consultation or services for a minor who is
13 subject to the jurisdiction of the court under this chapter as necessary to enable
14 the provision of the consultation or services;

15 (C) school officials as may be necessary to protect the safety of
16 the minor who is the subject of the case and the safety of school students and
17 staff or to enable the school to provide appropriate counseling and supportive
18 services to meet the needs of a minor about whom information is disclosed;

19 (D) a governmental agency as may be necessary to obtain that
20 agency's assistance for the department in its investigation or to obtain physical
21 custody of a minor;

22 (E) a law enforcement agency of this state or another
23 jurisdiction as may be necessary for the protection, rehabilitation, or
24 supervision of any minor or for actions by that agency to protect the public
25 safety;

26 (F) a victim or to the victim's insurance company as may be
27 necessary to inform the victim or the insurance company about the arrest of the
28 minor, including the minor's name and the names of the minor's parents, copies
29 of reports, or the disposition or resolution of a case involving a minor;

30 (G) the state medical examiner under AS 12.65 as may be
31 necessary to perform the duties of the state medical examiner;

1 (H) foster parents or relatives with whom the child is placed by
 2 the department as may be necessary to enable the foster parents or relatives to
 3 provide appropriate care for the child who is the subject of the case, to protect
 4 the safety of the child who is the subject of the case, and to protect the safety
 5 and property of family members and visitors of the foster parents or relatives;

6 (I) the Department of Law or its agent for use and subsequent
 7 release if necessary for collection of an order of restitution on behalf of the
 8 recipient;

9 (J) the Violent Crimes Compensation Board established in
 10 AS 18.67.020 for use in awarding compensation under AS 18.67.080; [AND]

11 (K) a state, municipal, or federal agency of this state or another
 12 jurisdiction that has the authority to license adult or children's facilities and
 13 services;

14 **(L) a child placement agency licensed under AS 47.32 as**
 15 **necessary to provide services for a minor who is subject to the jurisdiction**
 16 **of the court under this chapter; and**

17 **(M) a state or municipal agency of this state or another**
 18 **jurisdiction that is responsible for child protection services, as may be**
 19 **necessary for the administration of services, protection, rehabilitation, or**
 20 **supervision of a minor or for actions by the agency to protect the public**
 21 **safety; and**

22 (3) to the University of Alaska under the Alaska higher education
 23 savings program for children established under AS 47.14.400 information that is
 24 necessary to support the program, but only if the information released is maintained as
 25 a confidential record by the University of Alaska.

26 * **Sec. 3.** AS 47.12.310(f) is amended to read:

27 (f) The department may release to a person with a legitimate interest
 28 information relating to **a minor** [MINORS NOT] subject to the jurisdiction of the
 29 **department** [COURT] under this chapter. The department shall adopt **regulations**
 30 **under AS 44.62 to implement this subsection, including** regulations governing the
 31 release of information and **standards for** identifying a [SUFFICIENT] legitimate

1 interest in the information.

2 * **Sec. 4.** AS 47.12.315 is repealed and reenacted to read:

3 **Sec. 47.12.315. Public disclosure of information in department records**
 4 **relating to certain minors.** (a) Notwithstanding AS 47.12.310 and except as
 5 otherwise provided in this section, the department shall disclose information to the
 6 public, on request, concerning a minor subject to this chapter who was at least 13
 7 years of age at the time of commission of

8 (1) a felony offense against a person under AS 11.41;

9 (2) arson in the first or second degree;

10 (3) burglary in the first degree;

11 (4) distribution of child pornography;

12 (5) promoting prostitution in the first degree;

13 (6) misconduct involving a controlled substance in the first, second, or
 14 third degrees involving distribution or possession with intent to deliver; or

15 (7) misconduct involving weapons in the first through fourth degrees.

16 (b) The department may disclose ^{assigned} information authorized in (a) of this
 17 section only if ^{the} a court has ~~entered a finding~~ ^{adjudicating} the minor as delinquent.

18 (c) When required by this section to disclose information, the department may
 19 disclose only the name of the minor, the name of each legal parent or guardian, the
 20 specific offense alleged to have been committed in the petition, and the final outcome
 21 of the court proceedings relating to the offense. Before the disclosure, the department
 22 shall delete the information that identifies the victim of the offense.

23 (d) The department may not disclose the name of an out-of-home care
 24 provider with whom the minor was living at the time the minor was alleged to have
 25 committed the offense.

26 (e) If the department or other state or municipal agency maintains the
 27 information to be disclosed by electronic means that can be recovered from a
 28 computer database, the department or agency may disclose the information in that
 29 medium.

30 (f) The department may not release information under this section after five
 31 years from the date the department or other agency is first required or authorized to

1 make the disclosure under this section.

2 (g) When disclosure is required under this section, the department may
3 petition the court for an order prohibiting the disclosure. The court may grant the
4 petition if, based on information presented in the petition or at an in camera hearing
5 held on the petition, the court finds that

6 (1) the crime was an isolated incident and the minor does not present
7 any further danger to the public; or

8 (2) the victim agrees that disclosure is inappropriate.

9 (h) In this section, unless the context otherwise requires, "out-of-home care
10 provider" means a person, other than the child's legal parents, with whom a child who
11 is in the custody of the state under AS 47.10, AS 47.12, or AS 47.14 is currently
12 placed, including a foster parent, a relative other than a parent, and a person who has
13 petitioned for adoption or guardianship of the child.

14 * **Sec. 5.** The uncodified law of the State of Alaska is amended by adding a new section to
15 read:

16 **TRANSITION: REGULATIONS.** The Department of Health and Social Services may
17 adopt regulations necessary to implement the changes made by this Act. The regulations take
18 effect under AS 44.62 (Administrative Procedure Act), but not before the effective date of
19 secs. 1 - 4 of this Act.

20 * **Sec. 6.** Section 5 of this Act takes effect immediately under AS 01.10.070(c).

21 * **Sec. 7.** Except as provided in sec. 6 of this Act, this Act takes effect July 1, 2012.

CONCEPTUAL
AMENDMENT #4

OFFERED IN THE HOUSE
TO: CSHB 343(HSS)

BY REPRESENTATIVE ^{Gruenberg} KELLER

adopted w/o obj

*Amend
to Amend
by HSS*

- 1 Page 5, line 17, following "if":
2 Insert "a court has entered a ^{finding adjudicatory as a} judgment that the minor ~~is~~ delinquent."
3
- 4 Page 5, lines 18 - 22:
- 5 Delete all material.

3/28/12 HOND

held for
Lindsay Holmes
to offer

27-LS1394\M.1
Mischel
3/26/12

AMENDMENT

#1 withdrawn

OFFERED IN THE HOUSE
TO: CSHB 343(HSS)

m

BY REPRESENTATIVE HOLMES

w/d

- 1 Page 3, line 4, following "safety":
- 2 Insert "if notice and an opportunity to object is provided in writing to the child
- 3 and the child's guardian ad litem not less than 10 business days before disclosure"

info.
 LH: requires OCS → DJJ
 CM: concerned of the addit.
 10 days.
 TN: addit. constraints on ees.
 QS:

'Conceptual'
 Amndt. #5 ((that, who, ...))

O.K. pg. 3 ln. 2 + who is after 'jurisdiction'
 " pg 4, ln 18 "

JM: 'that' is

HJWB
3/28/12

27-LS1394M.2
Mischel
3/27/12

#2

AMENDMENT

OFFERED IN THE HOUSE
TO: CSHB 343(HSS)

M

BY REPRESENTATIVE KELLER

'other jurisdiction very broad - outside state'

w/d.

1 Page 2, line 9, following "jurisdiction":

2 Insert **"that operates under child protection standards similar to the standards for**
3 **a law enforcement agency in this state."**

4

5 Page 3, lines 1 - 2:

6 Delete **"or another jurisdiction"**

7

8 Page 3, line 2, following "minors":

9 Insert **"or another state or municipal agency of another jurisdiction that is**
10 **responsible for delinquent minors and that operates under child protection standards**
11 **similar to the standards for this state or a municipal agency in this state"**

12

13 Page 3, line 23, following "jurisdiction":

14 Insert **"that operates under child protection standards similar to the standards for**
15 **a law enforcement agency in this state,"**

16

17 Page 4, lines 17 - 18:

18 Delete **"or another jurisdiction"**

19

20 Page 4, line 18, following "services":

21 Insert **"or another state or municipal agency of another jurisdiction that is**
22 **responsible for child protection services and that operates under child protection**
23 **standards similar to the standards for this state or a municipal agency in this state"**

27-LS1394\M.3
Mischel
3/27/12

AMENDMENT

~~§~~ withdrawn

OFFERED IN THE HOUSE
TO: CSHB 343(HSS)

BY REPRESENTATIVE KELLER

- 1 Page 5, lines 18 - 22:
- 2 Delete all material.
- 3 Insert "the minor has entered a guilty plea to a delinquent act contained in a petition
- 4 seeking adjudication of the minor as a delinquent for the offense or has been adjudicated
- 5 delinquent by a court for the offense."

HJND 3/28/12

27-LS1394\M.4
Mischel
3/28/12

AMENDMENT

#3

withdrawn

OFFERED IN THE HOUSE
TO: CSHB 343(HSS)

M

BY REPRESENTATIVE GRUENBERG

- 1 Page 5, line 17, following "if":
- 2 Insert "a ^{the} court has adjudicated the minor as a delinquent for an offense contained in a
- 3 petition seeking adjudication of the minor as a delinquent for the offense."
- 4
- 5 Page 5, lines 18 - 22:
- 6 Delete all material.

Conceptual

AMENDMENT

4

OFFERED IN THE HOUSE
TO: CSHB 343(HSS)

M

BY REPRESENTATIVE KELLER

1 Page 5, line 17, following "if":

2 Insert "a court has entered a judgment that the minor is delinquent."

3

4 Page 5, lines 18 - 22:

5 Delete all material.

*finding
adjudicating
as a*

*OK
as
amend.*

*M amend. to # 4
(OK)*

not conceptual

Rule 9

ALASKA COURT RULES

party learns that the information disclosed or the response given is incomplete or incorrect in some material respect, and that the additional or corrective information has not otherwise been made known to the other parties during the discovery process or in writing. This duty to supplement or correct disclosures and responses extends to information provided in expert disclosures under subsection (d) of this rule.

(SCO 845 effective August 15, 1987; and rescinded and readopted by SCO 1561 effective April 15, 2006)

Annotations

Cases

That Alaska CINA R. 16(b) allows a court to order mental and physical examinations of a child's parents at the predisposition phase of a child-in-need-of-aid proceeding does not limit the court's authority under Alaska R. Civ. P. 35(a) to order a mental examination at the adjudication stage. *Alyssa B. v. Dep't of Health & Social Servs.*, Op. No. 5930, 123 P.3d 646 (Alaska 2005).

Rule 9. Evidence.

(a) **Applicability of Evidence Rules.** The Alaska Rules of Evidence apply to child in need of aid proceedings to the same extent as they govern civil proceedings, except as otherwise provided by these rules.

(b) Privileges Inapplicable.

(1) *Husband-Wife Privilege.* The husband-wife privilege, Evidence Rule 505, does not apply to the parent, child or custodian in Child in Need of Aid proceedings.

(2) *Physician-Patient Privilege.* The physician-patient privilege, Evidence Rule 504, does not apply to the parent, child or custodian in Child in Need of Aid proceedings.

(3) Psychotherapist-Patient Privilege.

(A) The psychotherapist-patient privilege, Evidence Rule 504, applies to the parent, child or custodian in Child in Need of Aid proceedings only to the extent described in this rule.

(B) The privilege applies to the child unless the child or the child's guardian ad litem waives the privilege, or the party seeking disclosure shows that the need for the requested disclosure outweighs the child's interest in confidentiality.

(C) The privilege does not apply to the parent unless the parent shows that the parent's interest in confidentiality outweighs the need for the requested disclosure. No disclosure may be made until the parent has an opportunity to make this showing.

(D) When considering a request to disclose or protect a communication, the court shall consider the following:

(i) the content and nature of the communication;

(ii) the purposes of AS 47.10, as expressed by AS 47.05.060, and of Evidence Rule 504;

(iii) whether there is any other effective way to obtain the information; and

(iv) whether the public interest and need for disclosure outweighs the potential injury to the patient and the patient's psychotherapist relationship.

Before ruling on such a request, the court may inspect records in camera. The court may allow, limit, or prohibit disclosure and use of the communication.

(E) If the court grants the request for disclosure of the child's privileged information, the court order must:

(i) limit disclosure to those parts of the child's records which are essential to fulfill the purpose of the disclosure;

(ii) limit disclosure to those persons whose need for the information is the basis for the order; and

(iii) include such other measures as are necessary to limit disclosure for the protection of the child and the psychotherapist-patient relationship.

(F) Evidence Rule 504(c) does not apply in child in need of aid proceedings. Unless otherwise ordered, the child's psychotherapist-patient privilege may only be claimed or waived as follows:

(i) If the child is twelve or older, the privilege may be claimed or waived by the child after consulting with an attorney, if an attorney has been appointed, or with the guardian ad litem.

(ii) If the child is younger than twelve, the privilege may be claimed or waived by the guardian ad litem.

(iii) The person who was the psychotherapist at the time of the communication is presumed to have authority to claim the privilege on behalf of the child.

(SCO 845 effective August 15, 1987; amended by SCO 1355 effective July 15, 1999; and by SCO 1442 effective October 15, 2001)

Cross References

CROSS REFERENCE: AS 47.17.060.

Annotations

Cases

This annotation construes former Children's Rule 17. This rule permits the consideration of social agency and police reports in the dispositive phase of a hearing. *In re S.D. Jr.*, Op. No. 1255, 549 P2d 1190 (Alaska 1976).

This annotation construes former Children's Rule 17. Before hearsay evidence is used in the dispositive phase, the child and his counsel should be clearly advised that it is being considered so that opposing evidence or explanation may be presented. *Matter of J.H.B.*, Op. No. 1626, 578 P2d 146 (Alaska 1978).

This annotation construes former Children's Rule 17. Finding by judge that juvenile was not amenable to treatment as a juvenile based solely upon prior determination of delinquency was not the searching inquiry necessary for such a finding. *A.D. v. State*, Op. No. 280, 668 P2d 840 (Alaska App. 1983).

This annotation construes former Children's Rule 17. Probable cause determination at juvenile jurisdiction waiver hearing may not be based on hearsay testimony. *A.D. v. State*, Op. No. 280, 668 P2d 840 (Alaska App.

1983).

This annotation construes former Children's Rule 17. The use of hearsay evidence in the disposition phase of a parental rights termination proceeding as allowed by state law did not conflict with the federal Indian Child Welfare Act. *Matter of J.R.B.*, Op. No. 3029, 715 P.2d 1170 (Alaska 1986).

Statute providing that registration and other records of alcohol treatment facilities shall remain confidential and are privileged to the patient did not establish privilege precluding admission of alcohol treatment records in CINA proceedings. *In re D.D.S.*, Op. No. 4058, 869 P.2d 160 (Alaska 1994).

PART V. PRELIMINARY PROCEEDINGS

Rule 10. Temporary Custody Hearing.

(a) Time of Hearing.

(1) At the request of the petitioner, the court shall schedule a temporary custody hearing:

(A) within 48 hours, including weekends and holidays, of when the court is notified by the filing of a petition that emergency custody was taken pursuant to CINA Rule 6(a) or (b); or

(B) within a reasonable time following the filing of a petition when emergency custody has not been taken.

(2) The court may continue a temporary custody hearing at the request of a parent or guardian upon a showing of good cause for why the parent or guardian is not prepared to respond to the petition. A continuance must be requested before or at the outset of the hearing.

(b) Conduct of Hearing.

(1) *Opening Address.* The court shall first determine whether the persons specified in CINA Rule 7(b) have received notice of the hearing. The court shall then determine whether all parties have received copies of the petition and understand its contents and shall advise the parties of the nature of the proceedings and possible disposition. In addition, the court shall advise the parties of the possibility of a temporary custody or supervision order pending adjudication and final disposition, and that the parents may be liable for child support payments if the child is placed outside the home at any time during the proceeding.

(2) *Advice of Rights.* The court shall advise the parties of their right to counsel, including the right to court-appointed counsel if applicable; the child's right to a guardian ad litem; their right to a hearing at which the state is required to present evidence to prove the allegations in its petition; their right to confront and cross-examine witnesses at such a hearing, to present witnesses on their own behalf, and to compulsory process to compel these witnesses to attend; and their privilege against self-incrimination. In cases involving an Indian child, the court shall also advise the parties of an Indian custodian's or tribe's right to intervene. If the hearing is being held because emergency custody was taken pursuant to CINA Rule 6(a) or (b), the court shall also advise the child's parents or guardian, if they are present at the hearing, that they each have the right to request a continuance of the hearing if they are not

prepared to respond to the allegation that the child is a child in need of aid.

(3) The court may admit hearsay evidence which would be otherwise inadmissible under the Evidence Rules if the hearsay is probative of a material fact, has circumstantial guarantees of trustworthiness, and the appearing parties are given a fair opportunity to meet it.

(c) Findings of Fact and Order.

(1) The court shall order the child returned to the home and dismiss the petition if the court does not find probable cause to believe that the child is a child in need of aid under AS 47.10.011.

(2) The court shall order the child placed in the temporary custody of the Department or order the child returned to the home with supervision by the Department if the court finds probable cause to believe that the child is a child in need of aid under AS 47.10.011.

(3) The court may approve the removal of the child from the child's home only if the court finds that continued placement in the home is contrary to the welfare of the child; and, in cases involving an Indian child, either: (A) that removal from the child's parent or Indian custodian is necessary to prevent imminent physical damage or harm to the child; or (B) that there is clear and convincing evidence, including testimony of qualified expert witnesses, that the child is likely to suffer serious emotional or physical damage if left in the custody of the parent or Indian custodian.

(4) In any case in which the court has approved the removal of the child pursuant to the preceding subparagraph, the court shall make the inquiry and findings required by CINA Rule 10.1.

(d) *Subsequent Proceedings.* If the court orders the child placed in the temporary custody of the Department or orders the child returned to the home with supervision by the Department, the court must set the time for the adjudication hearing and for the pretrial conference and meeting of parties required by CINA Rule 13. The court may also set the time to file motions, complete discovery, exchange witness and exhibit lists, and file pretrial briefs. The court may schedule a disposition hearing in conjunction with the adjudication hearing. In such cases, the order setting the time for adjudication and disposition must also set the time to submit reports in aid of disposition.

(e) Review.

(1) If circumstances relating to the child's placement change pending adjudication or disposition, any party may request that the court review the temporary custody or supervision order.

(2) When a party seeks the return of a child to the child's home pending adjudication or disposition, if the party makes a prima facie showing that removal is no longer necessary, the burden of proof shifts to the Department as described below:

~~Handwritten scribble~~

#4

27-LS1394M.5
Mischel
3/28/12

AMENDMENT

OFFERED IN THE HOUSE

BY REPRESENTATIVE KELLER

TO: CSHB 343(HSS)

1 Page 5, line 17, following "if":

*a finding
reeducating*

2 Insert "a court has entered a judgment that the minor is delinquent."

as

3

4 Page 5, lines 18 - 22:

5 Delete all material.

*#5
add - "Who's"
lines 2
Page 3 following Jurisdiction ✓
Page 4 lines 18 ✓
~~line 2~~*

3/26/12
HJUD

CONCEPTIONAL AMENDMENT

HB 343

27-LS1394\M.1

IN THE HOUSE

Judiciary Committee

By: Representative Keller

Page 2, Line 9

Insert:

Yes.
also sister agencies in
other states.

- 09 (6) a law enforcement agency of this state or another jurisdiction **with similar rules**
10 **for protection** as necessary for the protection of any child or for actions by
11 that agency to protect the public safety;

Rep. M: will other agency
jurisdiction have similar rules.

Stacie: also theres a
overarching federal standard.

Public Comment.

Quinlan: sharing records eg.

OCS cases incl. therapist records... currently disputed in sta.

Q. Greenberg - sharing of be limited

New Text Underlined [DELETED TEXT BRACKETED]

P/c Naomi Harris - OCS.

Max: response to Quintan Steiner's testimony

NH - would standardize the manner of sharing ^{info},
bill would not supersede any HIPAA...

creates an opportunity to work together

max: the client & be very careful.

NH - OCS provides best; ^{laws} not her area
of expertise. (both)

Tony Newman collaborative effort.. (all

have access to records. Use of info.

more inclined to use info for serving child.

max secondary disclosure? A. 'B' Misdem.

Social
vs.
Criminal

CONCEPTUAL AMENDMENT

HB 343

27-LS1394\M.1.a

IN THE HOUSE

Judiciary Committee

By: Representative Keller

Page 3, Line 2

01 (15) a state or municipal agency of this state or another

02 jurisdiction **with similar rules and are** responsible for delinquent minors, as may be

03 necessary for the administration of services, protection, rehabilitation, or supervision of a

04 child or for actions by the agency to protect the public safety.

CONCEPTIONAL AMENDMENT

HB 343

27-LS1394\M.1.b

IN THE HOUSE

Judiciary Committee

By: Representative Keller

Page 4, Line 18

17 (M) a state or municipal agency of this state or another
18 jurisdiction with similar rules and responsible for child protection services, as may be
18 necessary for the administration of services, protection, rehabilitation, or
20 supervision of a minor or for actions by the agency to protect the public
21 safety; and

CONCEPTIONAL AMENDMENT

HB 343

27-LS1394\M.2

IN THE HOUSE

Judiciary Committee

By: Representative Keller

Page 5, Line 21

Delete all language and insert:

21 (3) the court has entered a notice of conviction or received a guilty plea from the
22 defendant through legal counsel.

HSUD 3/26/12

ⓐ Rep. Keller is prob.
cause risky (for the
child) if innocent.

Tony
Newman adjudicate a youth as
'delinquent' aka:
'convicted'

ce



REPRESENTATIVE CATHY MUÑOZ

MEMORANDUM

To: Rep. Carl Gatto, Chairman
House Judiciary Committee

Cc: Melanie Lesh, Aide
House Judiciary Committee

From: Rep. Cathy Muñoz *Cathy Muñoz*

Date: March 19, 2012

Re: Hearing request for CSHB 343 (HSS), Disclosure of Children's Records



Please schedule CSHB 343 (HSS), relating to the disclosure of children's, for a hearing in the House Judiciary Committee at your earliest convenience.

Attached to this memo please find:

- HB 343 – the original and latest versions of the bill
- A sponsor statement
- A sectional analysis
- Letters of support from:
 - The Division of Juvenile Justice
 - The Office of Children's Services
- A flow chart explaining the current public disclosure law
- A flow chart explaining the proposed public disclosure law
- A side-by-side comparison between the current and proposed laws
- AS 47.12.315, the current public disclosure law
- Three zero fiscal notes

The contact for CSHB 343 (HSS) is Christopher Clark, 465-4712.

Thank you.



REPRESENTATIVE CATHY MUÑOZ

SPONSOR STATEMENT CSHB 343 (HSS)

"An Act relating to disclosure of records of the Department of Health and Social Services pertaining to children in certain circumstances; and providing for an effective date."

The original version of Committee Substitute for House Bill 343 (Health and Social Services) was introduced at the request of the Alaska Department of Health and Social Services to:

- 1) Assure that the Division of Juvenile Justice and the Office of Children's Services could exchange information to provide necessary services to children without undue delay.
- 2) Allow individuals with a legitimate interest – such as former clients who once were children in state custody, their parents, or guardians – to receive information about delinquency history and health records from the Division of Juvenile Justice to help them apply for jobs, obtain student loans, or get health care.
- 3) Clarify current law regarding public disclosure of juvenile information which state officials say is cumbersome and difficult to interpret. The legislation strives to preserve legislative intent of balancing public safety through disclosing appropriate information on serious offenders with protecting the confidentiality of offenders who pose less risk to society.

The House Health and Social Services Committee made one change to the original bill on March 15, 2012. Under Section 4, the public disclosure provision, page 5, line 15, it amended the measure to exclude misconduct involving weapons in the fifth degree. The disclosure provisions of the bill now apply to misconduct involving weapons in the first through fourth degrees.

CSHB 343 (HSS) is supported by the Division of Juvenile Justice and the Office of Children's Services.



REPRESENTATIVE CATHY MUÑOZ

MEMORANDUM

To: Rep. Carl Gatto, Chairman
House Judiciary Committee

From: Christopher Clark, Aide
Rep. Cathy Muñoz

Date: March 19, 2012

Re: Sectional analysis of CSHB 343 (HSS), relating to the disclosure of children's records

Kindly note that a sectional analysis of a bill or resolution should not be considered an authoritative interpretation of the measure itself. The legislation itself is the best statement of its contents.

Section 1. Amends AS 47.10.093(b), the state law on the disclosure of agency records that relates to children in need of aid, by adding two new subsections to allow the state Office of Children's Services to:

- Disclose confidential information regarding a child's case to a licensed child placement agency as needed to provide services for that child. See subsection (14), page 2, lines 30-31.
- Exchange current and historical case management records with the state Division of Juvenile Justice and agencies in other jurisdictions that are responsible for delinquent minors. See subsection (15), page 3, lines 1-4.

Section 2. Amends AS 47.12.310(b), the state law on agency records that relates to delinquent minors, by adding two new subsections to allow the state Division of Juvenile Justice to:

- Disclose confidential information regarding a case of a minor, who is subject to the jurisdiction of a court, to a licensed child placement agency as needed to provide services for that child. See subsection (L), page 4, lines 14-16.
- Exchange current and historical case management records with the state Office of Children's Services and agencies in other jurisdictions that are responsible for child protection services. See subsection (M), page 34, lines 17-21.

Section 3. Amends AS 47.12.310(f), the state law on agency records that relates to delinquent minors, by allowing the Division of Juvenile Justice to adopt regulations delineating what information it may release to someone who has a legitimate interest in a minor who is subject to the jurisdiction of the state Department of Health and Social Services. The provision also allows the division to set standards for identifying a legitimate interest in such records. See page 4, lines 26-31, and page 5, line 1.

Current law does not allow the division to release certain information about minors while they were under the jurisdiction of a court. A problem arises when former clients ask the agency for records about their contacts with the department while they were minors. The existing law would allow the agency to release information only if a minor's charges had been adjusted or if the minor had been placed on informal probation. Anything related to adjudications would not be available for release. This restriction can hurt those who need records for legitimate reasons such as applying for a job, obtaining student loans, or getting health care. This proposal is intended to help them as well as parents, guardians, or others who have a legitimate interest in this.

Section 4. Repeals and reenacts AS 47.12.315, the statute on public disclosure of information in agency records relating to certain minors. See page 5, lines 2-31, and page 6, lines 1-18.

This allows the Department of Health and Social Services to disclose information to the public, upon request, concerning a minor who is subject to the law on delinquent minors, AS 47.12. A child is someone who is at least 13 years of age at the time of committing a felony offense such as murder, manslaughter, assault, kidnapping, and other crimes as described under AS 11.41 as well as arson in the first or second degree, burglary in the first degree, distribution of child pornography, promoting prostitution in the first degree, misconduct involving a controlled substance in the first, second, or third degrees involving distribution or possession with intent to deliver, or misconduct involving weapons in the first through fifth degrees.

Current law allows public disclosure on informal adjustments for specified crimes or offenders who were previously adjudicated on any felony and are petitioned again for another felony.

This bill allows public disclosure if the Department of Health and Social Services has filed a petition seeking adjudication of a minor, a court has arraigned the minor on the petition, and the court has entered a finding that probable cause exists that the minor committed a delinquent act.

This new section will ensure that a juvenile's arrest on a charge that was determined by a judge to lack legal sufficiency will not be subject to public disclosure.

Other subsections describe what may be disclosed and prohibit releasing names of victims and out-of-home care providers. They allow the agency to disclose information electronically recovered from a computer database and prohibit the release of records after five years from the date the state is first required or authorized to make a disclosure. They would allow the department to petition a court for an order prohibiting disclosure if the court finds the crime was an isolated incident and the minor does not present any further danger to the public or if the victim agrees disclosure is inappropriate.

The final subsection defines out-of-home provider as someone who is other than a child's legal parents and with whom that minor is in state custody. This includes a foster parent, a child's relative, and a person who seeks to adopt or become a guardian of the minor.

Section 5. Amends uncodified law by adding a new section to allow the Department of Health and Social Services to adopt regulations as necessary to implement the changes made by this legislation.

Section 6. Provides for an immediate effective date for section 5.

Section 7. Provides an effective date for sections 1 through 4 of July 1, 2012.

House Bill 343: Disclosure of Children's Records

Sponsored by Cathy Munoz

HB 343 does :

- 1.) Allow the Division of Juvenile Justice and Office of Children Services to communicate about mutual cases
 - Providing holistic care for clients of both systems
 - Increasing cost effectiveness in youth's treatment plan
- 2.) Ease the process for getting access to records for the youth, and youth's guardian
 - Adult's to access **their own** juvenile records
 - Ensuring parental rights in advocating for their youth
- 3.) Clarify the language of the law
 - Make the law easier to navigate
 - Reduce confusion over interpretation of the law

STATE OF ALASKA
DEPARTMENT OF HEALTH AND SOCIAL SERVICES
DIVISION OF JUVENILE JUSTICE

Sean Parnell, GOVERNOR

*P.O. BOX 110635
JUNEAU, ALASKA 99811-0635
PHONE: (907) 465-2212
FAX (907) 465-2333*

February 24, 2012

Representative Cathy Muñoz
Alaska State Capitol Room 403
Juneau AK, 99801

Dear Representative Muñoz:

Thank you for your sponsorship of House Bill 343. The Division of Juvenile Justice fully supports this bill.

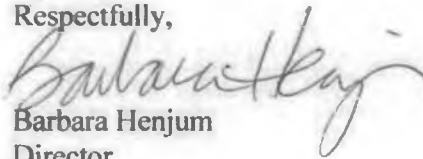
This bill makes several improvements to Alaska law regarding sharing and disclosure of juvenile information. Sections 1 and 2 clarify the authority of the Office of Children's Services (OCS) and the Division of Juvenile Justice (DJJ) to share records with each other to assist clients and to protect the public. Since 1999, when the Department of Health and Social Services split the Division of Family and Youth Services into two divisions (OCS and DJJ), there has been inconsistent understanding of the ability of these two agencies to share case information. The bill would amend AS 47.10.093 and AS 47.12.310 by stating clearly the legal authority for the sister divisions to provide necessary care and services without undue delay.

This bill will also provide clarification in AS 47.12.310 to allow individuals with a legitimate interest (e.g. former clients, parents, guardians) to receive information from the Division of Juvenile Justice to facilitate employment, health care, and other needs. The Division of Juvenile Justice routinely receives inquiries from former clients seeking information about their delinquency history, but statute has not been clear about our ability to provide this information to them. The change provided in the bill would allow the Division to develop regulations that provide this clarity. The changes proposed in Section 3 of the bill also will ensure that the state is in alignment with the federal HIPAA law. These changes are important to make because of the increasing frequency with which agencies and employers use barrier crimes and background checks to determine the fitness of candidates for employment and services, and the increased expectation that individuals have access to their own health care information.

Section 4 of the bill makes changes to AS 47.12.315, which allows public access to information regarding certain juvenile offenders. The original intention of this 1997 law was to increase the availability of some types of juvenile information to the general public. However, the practical application of this law has proved to be challenging. Division staff have found the law difficult to interpret and convey to juvenile offenders and the public. The changes proposed will expedite the ability of division staff to determine whether information on a particular juvenile or offense can be disclosed. The revision to the public disclosure law preserves the legislative intent of balancing public safety and confidentiality of juvenile records by disclosing appropriate information regarding more serious offenders while preserving confidentiality of offenders posing less risk to the community.

Thank you for your leadership on these issues. The Division of Juvenile Justice looks forward to providing research and testimony in support of House Bill 343.

Respectfully,

A handwritten signature in cursive script, appearing to read "Barbara Henjum".

Barbara Henjum
Director

STATE OF ALASKA

DEPT. OF HEALTH AND SOCIAL SERVICES
OFFICE OF CHILDREN'S SERVICES

SEAN PARNELL, GOVERNOR

P.O. BOX 110630
JUNEAU, ALASKA 99811-0630
PHONE: (907) 465-3170
FAX: (907) 465-3397

February 27, 2012

Representative Cathy Munoz
Alaska State Capitol
Room 403
Juneau, AK 99801

Dear Representative Munoz:

Thank you for sponsoring House Bill 343 Disclosure of Children's Records.

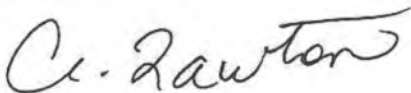
The Office of Children's Services supports this bill because it will allow improvements in our ability to exchange necessary, important information with our sister agency, the Division of Juvenile Justice. While throughout most of Alaska it is understood that our agencies can share information regarding our clients to ensure efficient use of resources and the best approaches to working with their families, occasional misunderstanding about this relationship among Departmental staff, attorneys, families, and judges can lead to confusion, withholding of information, and even court action to suppress sharing of information when actually the exchange can lead to better case management and more appropriate services for the child.

Many national organizations, including the Child Welfare League of America, have noted the benefits and importance of improved coordination between juvenile justice and child protection agencies.

The bill also includes provisions recommended by our Office that will facilitate better information sharing between child protection and juvenile justice agencies and Alaska's child placement agencies. These agencies license foster homes and place children in them. Both Juvenile Justice and Children's Services rely on child placement agencies to provide services for youth under our jurisdiction; better coordination with these agencies will only improve our ability to serve them.

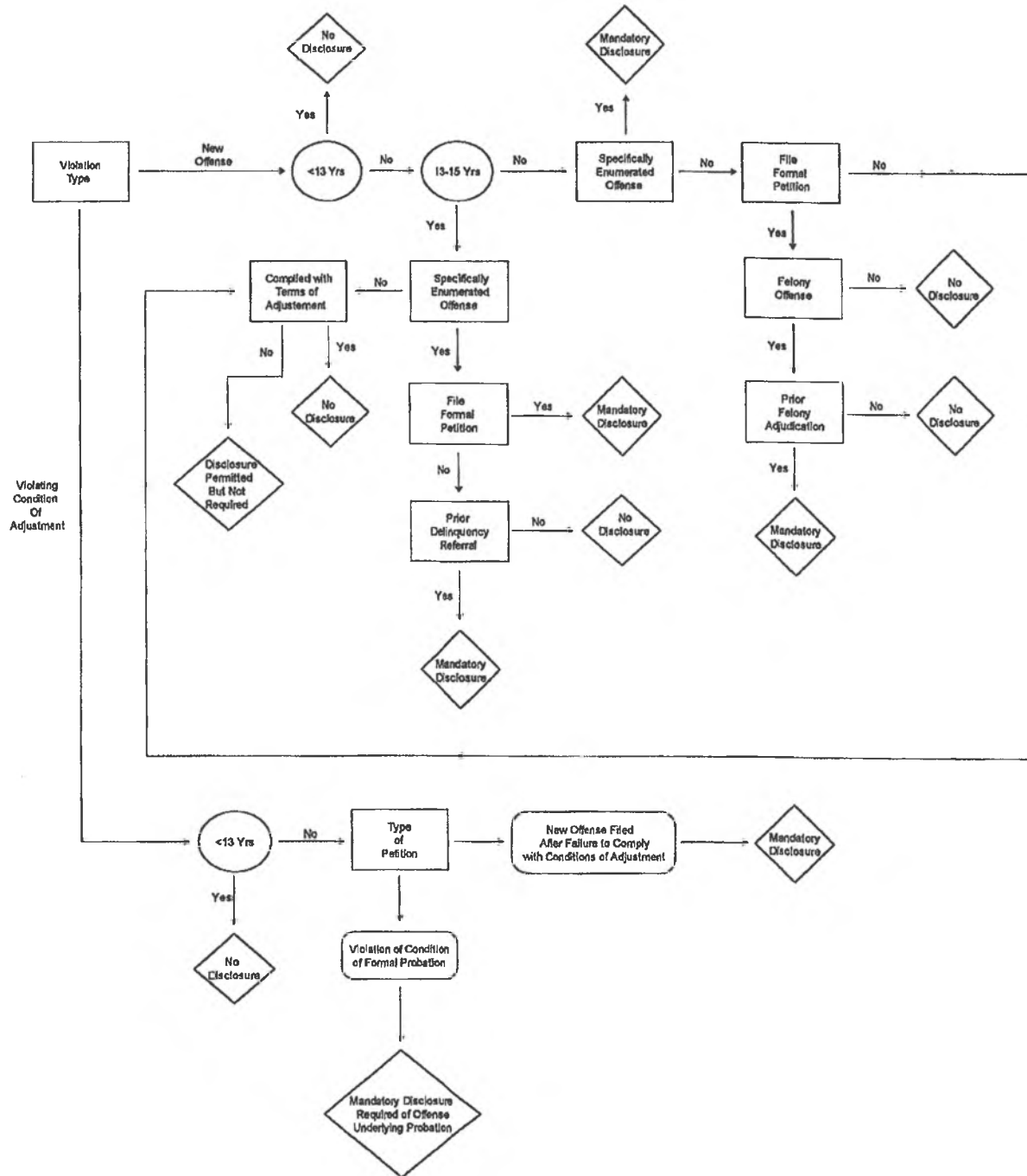
Please contact me if I can answer any questions or be of other assistance.

Sincerely,

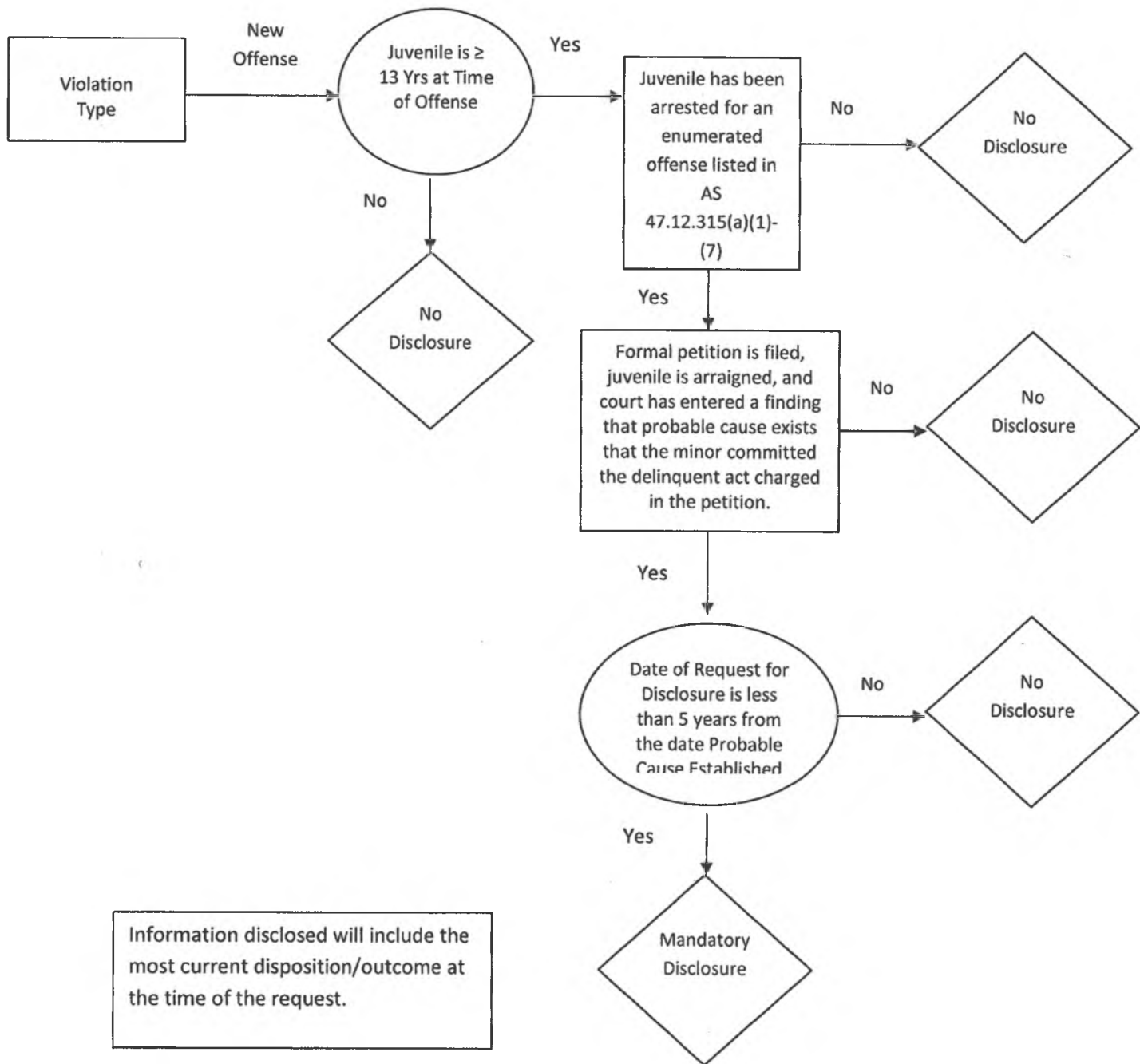


Christy Lawton
Director

CURRENT DISCLOSURE LAW



PROPOSED JUVENILE DISCLOSURE LAW – 2/6/2012



CSHB 343 (HSS): Disclosure of Children's Information

Side-by-Side Comparison of AS 47.12.315

Public Disclosure of information in department records relating to certain minors

Current Law	How HB 343 Would Change It
<p>Information shall be disclosed for a minor at least 13 years old, who has a history of an informal adjustment action for any offense referred after 9/2/92, and an adjustment plan is being implemented following a current referral for one of the following offenses:</p> <ol style="list-style-type: none"> 1. A crime against a person punishable as a felony; 2. A crime in which the minor employed a deadly weapon, as that term is defined in AS 11.81.900(b), in committing the crime; 3. Arson under AS 11.46.400 – 11.46.410 4. Burglary under AS 11.46.300 5. Distribution of child pornography under AS 11.61.125; 6. Promoting prostitution in the first degree under AS 11.66.110; or 7. Misconduct Involving a Controlled Substance under AS 11.71 involving the delivery of a controlled substance or the possession of a controlled substance with intent to deliver, other than an offense under AS 11.71.040 or 11.71.050. 	<p>The proposal requires that the minor alleged to have committed one of the listed offenses be petitioned to a court on the offense, and that the court find probable cause that the offense was committed, for information on the offense to be publicly disclosable.</p> <p>The proposal changes #2 of the enumerated offenses from “a crime in which the minor employed a deadly weapon,” to “Misconduct Involving Weapons in the First through Fifth Degrees.” NOTE: the H-HSS Committee amended the bill to <u>exclude</u> Misconduct Involving Weapons in the Fifth Degree.</p>
<p>Information MAY be disclosed for a minor at least 13 years of age who knowingly fails to comply with all the terms of an informal adjustment for any offense referred after 9/2/92.</p>	<p>The proposal does not allow for discretionary public disclosure of information when minors fail to comply with terms of an informal adjustment.</p>
<p>Information shall be disclosed for a minor when the Department has filed a petition for adjudication, the minor was at least 13 years old at the time of the offense, and the petition is filed for any offense as a result of the minor's failure to comply with terms of an informal adjustment plan.</p>	<p>The proposal requires that, for information on an offense to be disclosed publicly, a minor must be alleged to have committed one of the “enumerated offenses” above (1-7); the offense must be petitioned to a court; and the court must find probable cause. Previous noncompliance with an informal adjustment plan does not determine whether the information is disclosable.</p>
<p>Information shall be disclosed for a minor when the Department has filed a petition for adjudication, the minor was at least 13 years old at the time of the offense, the offense occurred after 1/1/98, the offense resulted in a court order, and the minor violated a condition of the court order.</p>	<p>The proposal requires that, for information on an offense to be disclosed publicly, a minor must be alleged to have committed one of the “enumerated offenses” above (1-7); the offense must be petitioned to a court; and the court must find probable cause. A violation of a court order connected to the petitioned offense does not determine whether the information is disclosable.</p>

CSHB 343 (HSS): Disclosure of Children's Information

Side-by-Side Comparison of AS 47.12.315

Public Disclosure of information in department records relating to certain minors

Current Law	How HB 343 Would Change It
<p>Information shall be disclosed for a minor at least 13 years old and a petition for adjudication is filed for commission of:</p> <ol style="list-style-type: none"> 1. An offense against a person punishable as a felony 2. An offense in which the minor employed a deadly weapon, as that term is defined in AS 11.81.900(b), in committing the crime; 3. Arson under AS 11.46.400 – 11.46.410 4. Burglary under AS 11.46.300 5. Distribution of child pornography under AS 11.61.125; 6. Promoting prostitution in the first degree under AS 11.66.110; or 7. Misconduct Involving a Controlled Substance under AS 11.71 involving the delivery of a controlled substance or the possession of a controlled substance with intent to deliver, other than an offense under AS 11.71.040 or 11.71.050. 	<p>The proposal requires that a court must find probable cause on a petition filed on one of these “enumerated offenses (1-7).</p> <p>The proposal also changes #2 of the enumerated offenses from “a crime in which the minor employed a deadly weapon,” to “Misconduct Involving Weapons in the First through Fifth Degrees.” NOTE: the H-HSS Committee amended the bill to <u>exclude</u> Misconduct Involving Weapons in the Fifth Degree from public disclosure.</p>
<p>Information shall be disclosed for a minor at least 16 years old and a petition is filed for commission of a felony and the minor has previously been adjudicated or convicted of a felony offense.</p>	<p>The proposal requires that, for information on an offense to be disclosed publicly, a minor must be alleged to have committed one of the “enumerated offenses” above (1-7); the offense must be petitioned to a court; and the court must find probable cause that the minor committed the offense. Previous adjudication on a felony offense does not determine whether or not information on one of these offenses is disclosable.</p>
<p>Information to be disclosed shall include the name of the minor, the name or names of the minor’s parent or guardian, the alleged offense exclusive of information that identifies the victim, and, when available, the outcomes of the proceeding in the court when a petition is filed or the action required by the Dept.</p>	<p>No change.</p>
<p>If the agency or a court determines that the matter should be dismissed or minor is not delinquent and case dismissed, the minor may request that the department disclose the disposition of the matter.</p>	<p>The Department will release most current outcome information at the time of the request.</p>

CSHB 343 (HSS): Disclosure of Children's Information

Side-by-Side Comparison of AS 47.12.315

Public Disclosure of information in department records relating to certain minors

Current Law

How HB 343 Would Change It

<p>When disclosing information under this statute, the Dept. may not disclose the name of an out-of-home care provider with whom the minor was living at the time the minor was alleged to have committed the offense if the minor had been placed in out-of-home care with that provider on other than a permanent or long-term basis.</p>	<p>No change under the proposal except to move the final phrase: "if the minor had been placed in out-of-home care with that provider on other than a permanent or long-term basis." A new subsection (h) defines the out-of-home care providers who provide care on other than a permanent or long-term basis and their names are not to be disclosed.</p>
<p>If the Dept. maintains the information to be disclosed by electronic means that can be recovered from a computer data base, the Dept. may disclose the info in that medium.</p>	<p>No change under the proposal except to add the phrase "or other state or municipal agency" to this subsection.</p>
<p>The Dept. may not release information about a minor under this section if the offense allegedly committed by the minor occurred before 1/1/98. The authority to release information under this section is limited to 5 years from the date the Dept. is first authorized to make the disclosure. However, the limitation of this section does not apply if the Dept. determines that during the 5-year period the minor knowingly failed to make all restitution payments or committed a felony.</p>	<p>The Dept. may not release information under this section after 5 years from the date the department or other agency is first required or authorized to make the disclosure under this section.</p>
<p>When disclosure of information is dependent on the minor's previous conviction or adjudication as a delinquent, or on the minor's failure to comply with all terms required or imposed, the Dept. shall consider the minor's previous conviction or delinquency adjudication, or a term or condition required or imposed on the minor, that occurred before 9/2/97, but may not consider a conviction or adjudication that occurred, or a term or condition that was required or imposed, earlier than five years before 9/2/97.</p>	<p>Since the proposal does not require a previous adjudication or failure to comply with an adjustment for information to be disclosable, this subsection will not apply.</p>

AS 47.12.315. Public disclosure of information in agency records relating to certain minors.

(a) Notwithstanding AS 47.12.310, when an agency takes action under AS 47.12.040(a)(1) to adjust a matter, or when under AS 47.12.040(a)(2) the court directs the agency to adjust the matter, the agency

(1) shall, for a minor who is at least 13 years of age at the time of commission of the offense, disclose to the public the name of the minor, the name or names of the parent, parents, or guardian of the minor, the action required by the agency to be taken by the minor under AS 47.12.060 to adjust the matter, and information about the offense exclusive of information that identifies the victim of the offense, if the minor was, under AS 47.12.020, previously alleged to be a delinquent minor on the basis of the minor's commission of at least one offense and, on the basis of that allegation, a state agency has, under AS 47.12.040(a), been asked to make a preliminary inquiry to determine if any action on that matter is appropriate, and, if the minor is alleged to be a delinquent minor on the basis of the minor's commission of another offense, exercise of agency jurisdiction is based on the minor's alleged commission of that other offense, and that other offense is one of the following:

- (A) a crime against a person that is punishable as a felony;
- (B) a crime in which the minor employed a deadly weapon, as that term is defined in AS 11.81.900(b), in committing the crime;
- (C) arson under AS 11.46.400 - 11.46.410;
- (D) burglary under AS 11.46.300;
- (E) distribution of child pornography under AS 11.61.125;
- (F) promoting prostitution in the first degree under AS 11.66.110; or
- (G) misconduct involving a controlled substance under AS 11.71 involving the delivery of a controlled substance or the possession of a controlled substance with intent to deliver, other than an offense under AS 11.71.040 or 11.71.050; and

(2) may, for a minor who is at least 13 years of age at the time of commission of the offense, disclose to the public the name of the minor, the name or names of the parent, parents, or guardian of the minor, the action required by the agency to be taken by the minor under AS 47.12.060 to adjust the matter, and information about the offense exclusive of information that identifies the victim of the offense if the minor has knowingly failed to comply with all terms and conditions required of the minor by the agency to adjust the matter under AS 47.12.060(b).

(b) The department shall publicly disclose the name of a minor, the name or names of the minor's parent, parents, or guardian, and the alleged offense exclusive of information that identifies the victim of the offense, and, when available, the outcome of proceedings before the court if, under AS 47.12.040(a)(1)(B) or AS 47.12.040(a)(2), the department files with the court a petition seeking adjudication of the minor as a delinquent based on

(1) the minor's alleged commission of an offense, the minor was at least 13 years of age at the time of commission of the offense, and the minor has knowingly failed to comply with all the terms and conditions required of the minor by the department or imposed on the minor in a court order entered under AS 47.12.040(a)(2) or 47.12.120;

(2) the minor's alleged commission of an offense set out in this paragraph and the minor was at least 13 years of age at the time of commission of the offense; the provisions of this paragraph apply to the minor's commission of

- (A) a crime against a person that is punishable as a felony;
- (B) a crime in which the minor employed a deadly weapon, as that term is defined in AS 11.81.900(b), in committing the crime;
- (C) arson under AS 11.46.400 - 11.46.410;
- (D) burglary under AS 11.46.300;
- (E) distribution of child pornography under AS 11.61.125;
- (F) promoting prostitution in the first degree under AS 11.66.110; or

(G) misconduct involving a controlled substance under AS 11.71 involving the delivery of a controlled substance or the possession of a controlled substance with intent to deliver, other than an offense under AS 11.71.040 or 11.71.050; or

(3) the minor's alleged commission of a felony and the minor was 16 years of age or older at the time of commission of the offense when the minor has previously been convicted or adjudicated a delinquent minor based on the minor's commission of an offense that is a felony.

(c) If, under AS 47.12.060(a), the agency determines that a matter should be dismissed or if, under AS 47.12.120(c), the court finds that a minor is not delinquent and dismisses the case against the minor, the minor may request the department to disclose information about the matter or the case to the public. If the minor makes a request under this subsection, the department shall disclose to the public information about the disposition of the matter or case under AS 47.12.060(a) or 47.12.120(c), as appropriate, exclusive of information that identifies the victim of the alleged offense.

(d) When required by this section to disclose information,

(1) the department or other agency may not disclose the name of an out-of-home care provider with whom the minor was living at the time the minor was alleged to have committed the offense if the minor had been placed in out-of-home care with that provider on other than a permanent or long-term basis; in this paragraph, "out-of-home care provider" means an agency or person, other than the child's legal parents, with whom a child who is in the custody of the state under AS 47.10.080(c)(1) or (3), 47.10.142, or AS 47.14.100(c) is currently placed; "agency or person" includes a foster parent, a relative other than a parent, a person who has petitioned for adoption of the child, and a residential child care facility;

(2) if the department or other agency maintains the information to be disclosed by electronic means that can be recovered from a computer data base, the department or agency may disclose the information in that medium.

(e) The department or an agency may not release information about a minor under this section if the offense allegedly committed by the minor on which the information is based occurred before January 1, 1998. The authority to release information under this section is limited to five years from the date the department or other agency is first required or authorized to make the disclosure. However, the limitation of this section does not apply if the department or other agency determines that during the five-year period the minor

(1) has knowingly failed to make all restitution payments required of the minor by AS 47.12.060(b) or 47.12.120(b)(4); or

(2) has committed a crime punishable as a felony.

(f) When disclosure is required under this section, the department may petition the court for an order prohibiting the disclosure. The court may grant the petition if, on the basis of information presented in the petition or at an in camera hearing held on the petition, the court finds that

(1) the crime was an isolated incident and the minor does not present any further danger to the public; or

(2) the victim agrees that disclosure is inappropriate.

(g) In this section, when disclosure of information is dependent on the minor's previous conviction or adjudication as a delinquent, or on the minor's failure to comply with all terms and conditions required of or imposed on the minor, the department or other agency required to make the disclosure shall consider the minor's previous conviction or delinquency adjudication, or a term or condition required or imposed on the minor, that occurred before September 2, 1997, but may not consider a conviction or adjudication that occurred or a term or condition that was required or imposed earlier than five years before September 2, 1997.

FISCAL NOTE

STATE OF ALASKA
2012 LEGISLATIVE SESSION

Bill Version CSHB 343(HSS)
 Fiscal Note Number 1
 (H) Publish Date 3/16/12

Identifier (file name) HB343-DOA-OPA-3-12-12 Dept. Affected Administration
 Title Disclosure of Children's Records Appropriation Legal and Advocacy Services
 Allocation Office of Public Advocacy
 Sponsor Representatives Munoz and P. Wilson
 Requester House Health & Social Services OMB Component Number 43

Expenditures/Revenues (Thousands of Dollars)

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

	FY13 Appropriation Requested	Included in Governor's FY13 Request	Out-Year Cost Estimates					
			FY13	FY14	FY15	FY16	FY17	FY18
OPERATING EXPENDITURES								
Personal Services								
Travel								
Services								
Commodities								
Capital Outlay								
Grants, Benefits								
Miscellaneous								
TOTAL OPERATING	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0

FUND SOURCE		(Thousands of Dollars)						
		FY13	FY14	FY15	FY16	FY17	FY18	
1002	Federal Receipts							
1003	GF Match							
1004	GF							
1005	GF/Prgm (DGF)							
1037	GF/MH (UGF)							
1178	temp code (UGF)							
TOTAL		0.0	0.0	0.0	0.0	0.0	0.0	

POSITIONS							
Full-time							
Part-time							
Temporary							

CHANGE IN REVENUES							

Estimated SUPPLEMENTAL (FY12) operating costs _____ (separate supplemental appropriation required)
 (discuss reasons and fund source(s) in analysis section)

Estimated CAPITAL (FY13) costs _____ (separate capital appropriation required)
 (discuss reasons and fund source(s) in analysis section)

Why this fiscal note differs from previous version (if initial version, please note as such)

Not applicable, initial version

Prepared by Richard Allen, Director
 Division Office of Public Advocacy
 Approved by John Cramer, Deputy Commissioner
Department of Administration

Phone 907-269-3504
 Date/Time 3/12/12 12:45 PM
 Date 3/12/2012

FISCAL NOTE #1

STATE OF ALASKA
2012 LEGISLATIVE SESSION

BILL NO. CSHB 343(HSS)

Analysis

This bill makes changes to the statutes governing the disclosure of information and records of minors involved in Child in Need of Aid or Juvenile Delinquency proceedings. These changes allow for the disclosure of information needed to administer services, rehabilitation and supervision to and from state, municipal, and child placement agencies that are responsible for delinquent minors and child protection services. The Office of Public Advocacy does not anticipate a fiscal impact from these changes and therefore submits a zero impact fiscal note.

FISCAL NOTE

STATE OF ALASKA
2012 LEGISLATIVE SESSION

Bill Version CSHB 343(HSS)
Fiscal Note Number 2
(H) Publish Date 3/16/12

Identifier (file name) HB343-DOA-PDA-3-6-12 Dept. Affected Administration
Title Disclosure of Children's Records Appropriation Legal and Advocacy Services
Allocation Public Defender Agency
Sponsor Representatives Munoz and P. Wilson
Requester House Health & Social Services OMB Component Number 1631

Expenditures/Revenues (Thousands of Dollars)

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

	FY13 Appropriation Requested	Included in Governor's FY13 Request	Out-Year Cost Estimates					
			FY13	FY14	FY15	FY16	FY17	FY18
OPERATING EXPENDITURES								
Personal Services								
Travel								
Services								
Commodities								
Capital Outlay								
Grants, Benefits								
Miscellaneous								
TOTAL OPERATING	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0

FUND SOURCE		(Thousands of Dollars)						
1002	Federal Receipts							
1003	GF Match							
1004	GF							
1005	GF/Prgm (DGF)							
1037	GF/MH (UGF)							
1178	temp code (UGF)							
TOTAL		0.0	0.0	0.0	0.0	0.0	0.0	0.0

POSITIONS								
Full-time								
Part-time								
Temporary								

CHANGE IN REVENUES								
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Estimated SUPPLEMENTAL (FY12) operating costs _____ (separate supplemental appropriation required)
(discuss reasons and fund source(s) in analysis section)

Estimated CAPITAL (FY13) costs _____ (separate capital appropriation required)
(discuss reasons and fund source(s) in analysis section)

Why this fiscal note differs from previous version (if initial version, please note as such)

Not applicable, initial version

Prepared by Quinlan Steiner
Division Public Defender Agency
Approved by John Cramer, Deputy Commissioner
Department of Administration

Phone 907 334-4414
Date/Time 3/6/12 10:10 AM
Date 3/6/2012

FISCAL NOTE #2

**STATE OF ALASKA
2012 LEGISLATIVE SESSION**

BILL NO. CSHB 343(HSS)

Analysis

This bill makes changes to the statutes governing the disclosure of information and records of minors involved in Child in Need of Aid or Juvenile Delinquency proceedings. These changes allow for disclosure of information needed to administer services, rehabilitation and supervision to and from state, municipal, and child placement agencies that are responsible for delinquent minors and child protection services. The Public Defender Agency does not anticipate the fiscal impact from these changes. Accordingly, the Agency submits a zero fiscal note.

FISCAL NOTE

STATE OF ALASKA
2012 LEGISLATIVE SESSION

Bill Version CSHB 343(HSS)
 Fiscal Note Number 3
 (H) Publish Date 3/16/12

Identifier (file name) HB343-DHSS-PS-3-12-12 Dept. Affected Health and Social Services
 Title Disclosure of Children's Records Appropriation Juvenile Justice
 Allocation Probation Services
 Sponsor Representative Munoz
 Requester House Health & Social Services Committee OMB Component Number 2134

Expenditures/Revenues (Thousands of Dollars)

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

	FY13 Appropriation Requested	Included in Governor's FY13 Request	Out-Year Cost Estimates					
			FY13	FY14	FY15	FY16	FY17	FY18
OPERATING EXPENDITURES								
Personal Services								
Travel								
Services								
Commodities								
Capital Outlay								
Grants, Benefits								
Miscellaneous								
TOTAL OPERATING	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0

FUND SOURCE (Thousands of Dollars)

1002	Federal Receipts							
1003	GF Match							
1004	GF							
1005	GF/Prgm (DGF)							
1037	GF/MH (UGF)							
1178	temp code (UGF)							
TOTAL		0.0	0.0	0.0	0.0	0.0	0.0	0.0

POSITIONS

Full-time								
Part-time								
Temporary								

CHANGE IN REVENUES

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Estimated SUPPLEMENTAL (FY12) operating costs _____ (separate supplemental appropriation required)
 (discuss reasons and fund source(s) in analysis section)

Estimated CAPITAL (FY13) costs _____ (separate capital appropriation required)
 (discuss reasons and fund source(s) in analysis section)

Why this fiscal note differs from previous version (if initial version, please note as such)

Initial version. Not applicable.

Prepared by Barbara Henjum, Director
 Division Juvenile Justice
 Approved by Nancy Rolfzen, Assistant Commissioner
DHSS Finance & Management Services

Phone 907-465-4342
 Date/Time 2/23/12 8:10 AM
 Date 3/12/2012

FISCAL NOTE #3

STATE OF ALASKA
2012 LEGISLATIVE SESSION

BILL NO. CSHB 343(HSS)

Analysis

The proposed bill will:

1. Provide statutory clarification for information sharing between the Office of Children's Services and the Division of Juvenile Justice (DJJ) for the administration of services, protection, rehabilitation, or supervision of any child or for actions by that agency to protect the public safety;
2. Allow individuals with a legitimate interest (such as former clients of DJJ, parents, legal guardians, and others) access to information in agency records; and
3. Streamline the public disclosure law while ensuring appropriate disclosure of certain information to protect the public.

There will be no fiscal impact to DJJ with this bill.