

HB

343

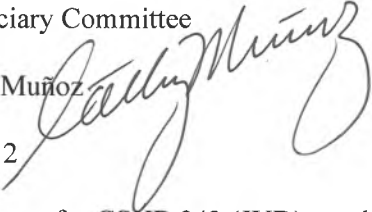
<TARGET><BILL>HB 343</BILL><SUBJECT>HB
343</SUBJECT><COMM>SJUD27</COMM></TARGET>



REPRESENTATIVE CATHY MUÑOZ

MEMORANDUM

To: Honorable Hollis French, Chair
Cindy Smith, Aide
Senate Judiciary Committee

From: Rep. Cathy Muñoz 

Date: April 7, 2012

Re: Hearing request for CSHB 343 (JUD) am; bill packet

I respectfully request a hearing on CSHB 343 (JUD) am, relating to the disclosure of children's information, in the Senate Judiciary Committee at your earliest convenience.

Attached to this memo please find:

- HB 343 – the latest and earlier versions
- A sponsor statement for the latest version of the bill, which also contains an explanation of the differences between the various versions of the bill
- A sectional analysis for the latest version of the bill
- Fiscal notes
- Various back-up documents including letters of support

The contact for the bill is Christopher Clark, 465-4712.

Thank you.



REPRESENTATIVE CATHY MUÑOZ

**SPONSOR STATEMENT
CSHB 343 (JUD) AM**

"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."

House Bill 343 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 while 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.

The House Judiciary Committee made one change to CSHB 343 (HSS) on March 28, 2012. Under Section 4, it amended when the department could disclose information involving a minor who has committed a serious crime so that it could do so only if a court has adjudicated the youth as delinquent. The original bill required three steps before such a disclosure: (1) having the state file a petition seeking adjudication of a minor as a delinquent; (2) having a court arraign a minor on that petition; and, (3) having a court find that probable cause exists that a minor committed the offense.

The House approved an amendment to the bill on April 6, 2012, that would allow a court to review an objection to the Office of Children's Service's disclosing information to the Division of Juvenile Justice. The person making such a motion would bear the burden of establishing by a preponderance of the evidence that such a disclosure would not be in a child's best interest.

CSHB 343 (JUD) am is supported by the Division of Juvenile Justice and the Office of Children's Services, which also supported the above changes made in committee and on the House floor.



REPRESENTATIVE CATHY MUÑOZ

MEMORANDUM

To: Sen. Hollis French, Chair
Cindy Smith, Aide
Senate Judiciary Committee

From: Christopher Clark, Aide
Rep. Cathy Muñoz

Date: April 7, 2012

Re: Sectional analysis of CSHB 343 (JUD) am, 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. It also would allow a court to review an objection to the Office of Children's Service's disclosing information to the Division of Juvenile Justice. The person making such a motion would bear the burden of establishing by a preponderance of the evidence that such a disclosure would not be in a child's best interest. See subsection (15), page 3, lines 1-7.

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.

The bill allows the Department of Health and Social Services to disclose information involving a minor who has committed a serious crime only if a court has adjudicated the youth as delinquent.

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.

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.

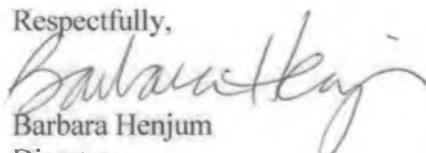
This bill makes several improvements to Alaska law regarding sharing and disclosure of juvenile information. Sections 1 and 2 clarify the authority of the Office of Children's Services (OCS) and the Division of Juvenile Justice (DJJ) to share records with each other to assist clients and to protect the 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,



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.

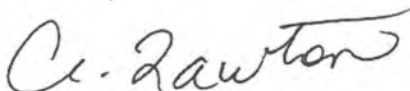
The Office of Children's Services supports this bill because it will allow improvements in our ability to exchange necessary, important information with our sister agency, the Division of Juvenile Justice. While throughout most of Alaska it is understood that our agencies can share information regarding 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.

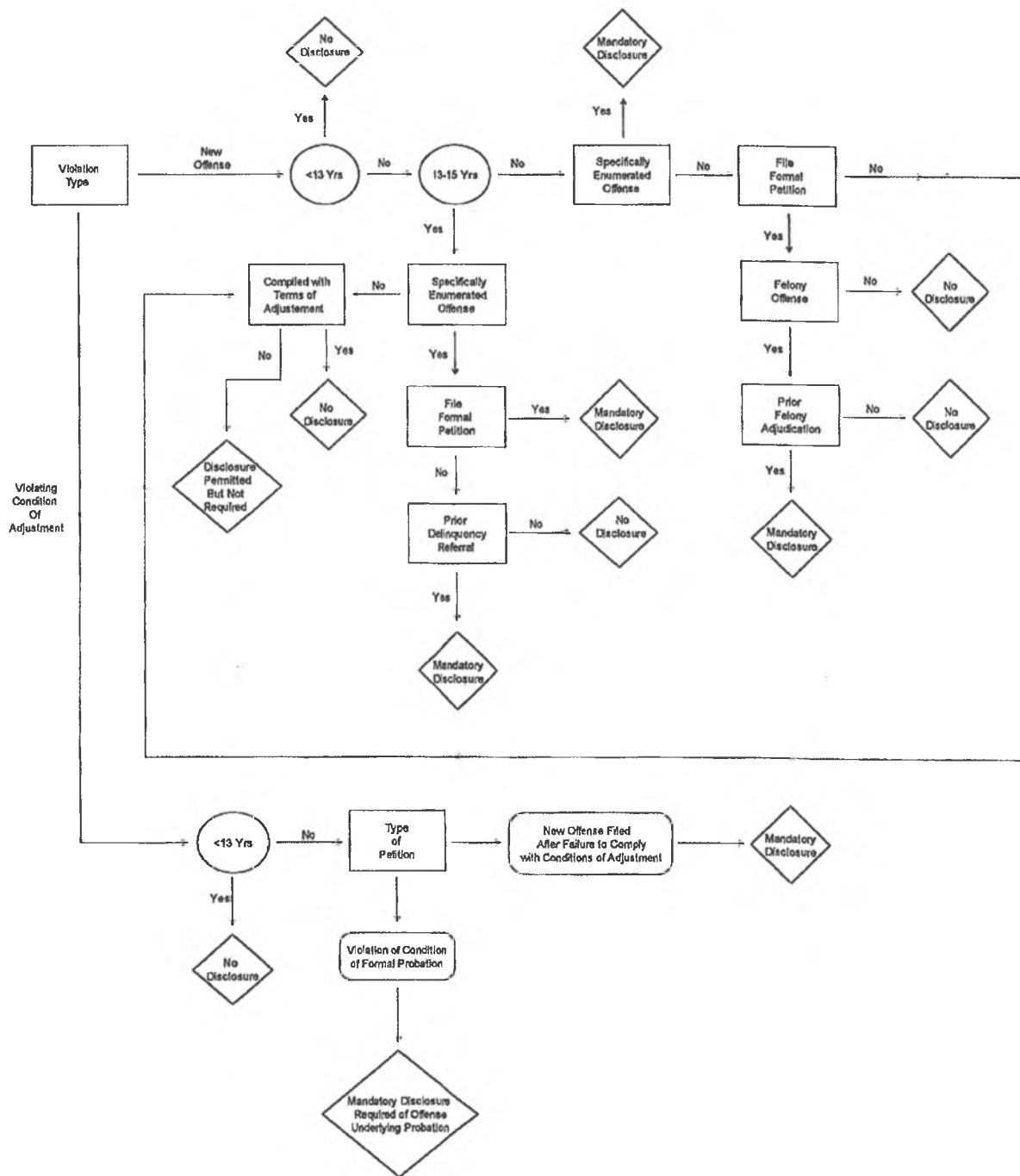
Please contact me if I can answer any questions or be of other assistance.

Sincerely,

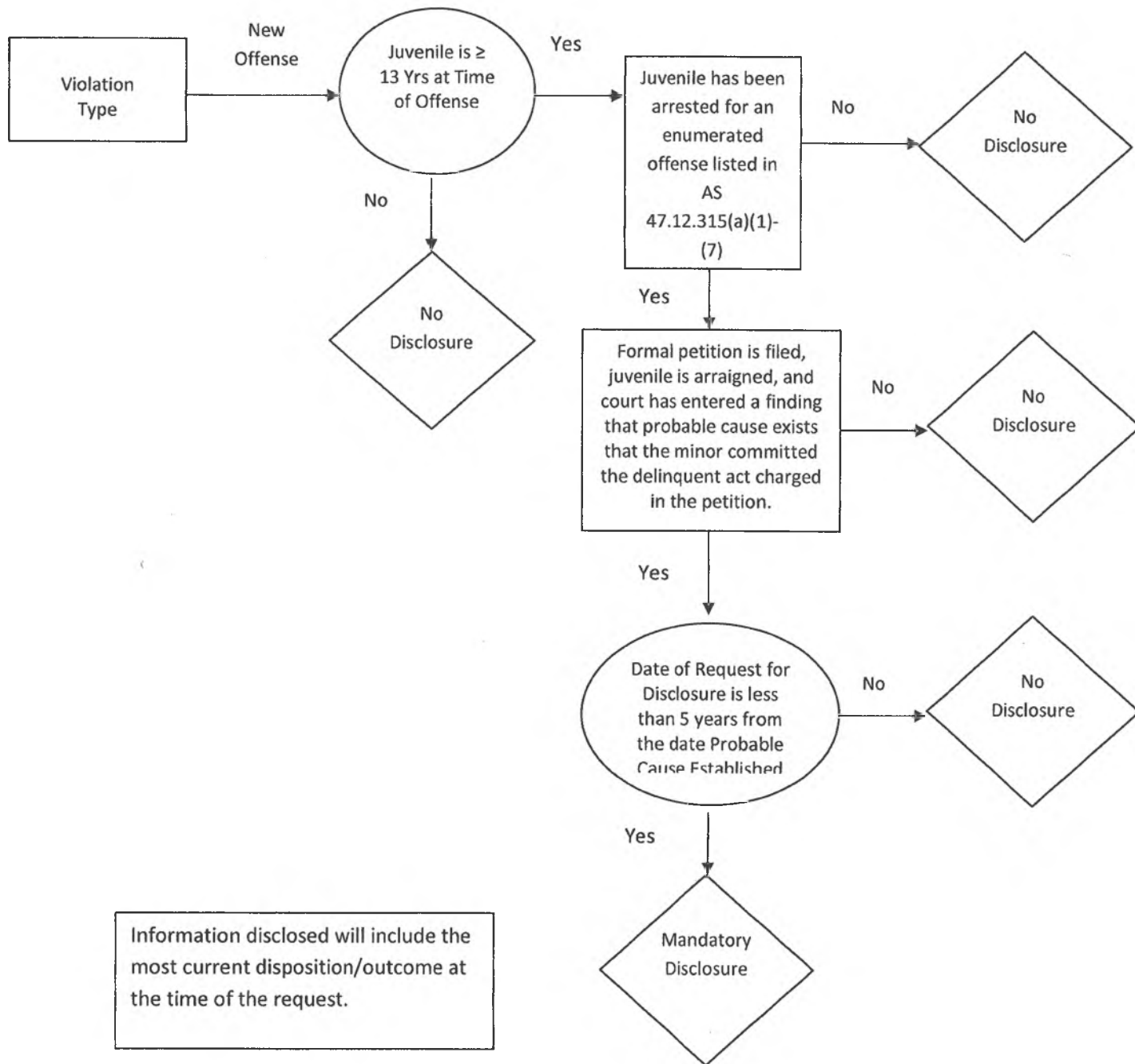


Christy Lawton
Director

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				
			FY14	FY15	FY16	FY17	FY18
OPERATING EXPENDITURES	FY13	FY13	FY14	FY15	FY16	FY17	FY18
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

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

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								

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				
			FY14	FY15	FY16	FY17	FY18
OPERATING EXPENDITURES	FY13	FY13	FY14	FY15	FY16	FY17	FY18
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

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.