

SB

180

<TARGET><BILL>SB 180</BILL><SUBJECT>SB
180</SUBJECT><COMM>SJUD29</COMM></TARGET>

**SENATE COMMITTEE REPORT
First Committee of Referral**

DATE: 2/12/16

FURTHER:

RULES

Date of 5-Day Notice: 2/18/16
(in accordance with Uniform Rule 23)

DATE TURNED IN TO OFFICE: 3/9/16

Judiciary Committee considered SENATE BILL NO. 180

SB 180-PARENT-GUARDIAN/CHILD:TEMP. POWER OF ATTY

"An Act relating to the temporary delegation by a parent or guardian of powers related to a child; relating to adoption; and relating to the distribution to a parent or guardian in a child protection situation of information on family support services."

and recommends:

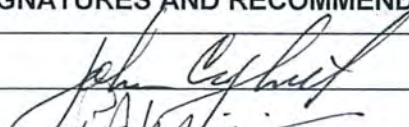
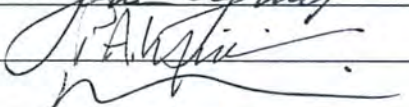
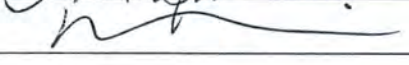
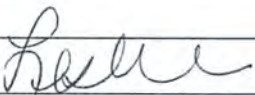
- be replaced with CS SB 180 (JUD) [] Same Title [] New Title
- [] adopt previous CS _____ (_____) [] Same Title [] New Title
- [] attached amendment(s)
- [] adopt _____ Letter of Intent
- [] further referral to _____ Committee

Dept Abbr.	
ADM	LWF
CED	LAW
COR	LEG
EED	MVA
DEC	DNR
DFG	DPS
GOV	REV
DHS	DOT
AJS	UA

NEW FISCAL NOTE(S)				
Dept.	Fiscal	Indet.	Zero	FN #
DHS			✓	1

PREVIOUS FISCAL NOTE(S)				
Dept.	Fiscal	Indet.	Zero	FN #

[] APPROPRIATION - no fiscal note

SIGNATURES AND RECOMMENDATIONS:	PRINTED LAST NAME	DO PASS	DO NOT PASS	NO REC	AMEND
	COFFEY	✓			
	MICCICHE			✓	
	WIELECHOWSKI			✓	
CHAIR: 	MCGUIRE			✓	

CS FOR SENATE BILL NO. 180(JUD)
IN THE LEGISLATURE OF THE STATE OF ALASKA
TWENTY-NINTH LEGISLATURE - SECOND SESSION

BY THE SENATE JUDICIARY COMMITTEE

Offered:
Referred:

Sponsor(s): SENATOR GIESSEL

A BILL
FOR AN ACT ENTITLED

1 **"An Act relating to the temporary delegation by a parent or guardian of powers related**
2 **to a child; relating to adoption; relating to nonprofit organizations that provide certain**
3 **assistance to parents; relating to the distribution to a parent or guardian in a child**
4 **protection situation of information on family support services; and providing for an**
5 **effective date."**

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

7 *** Section 1.** AS 13.26.020 is amended to read:

8 **Sec. 13.26.020. Delegation of powers over incapacitated person by parent**
9 **or guardian.** A parent or a guardian of **an adult** [A MINOR OR] incapacitated
10 person, by a properly executed power of attorney, may delegate to another person, for
11 a period not exceeding one year, any powers regarding care, custody, or property of
12 the **adult incapacitated person** [MINOR CHILD OR WARD, EXCEPT THE
13 POWER TO CONSENT TO MARRIAGE OR ADOPTION OF A MINOR WARD].

1 * **Sec. 2.** AS 13.26 is amended by adding a new section to read:

2 **Sec. 13.26.023. Delegation of powers over minor child.** (a) A parent or a
3 guardian of a minor child, by a properly executed power of attorney that is
4 substantially in the form provided in (f) of this section, may delegate to another person
5 one or more powers regarding the care or custody of the minor child, except the power
6 to consent to

7 (1) the marriage or adoption of the minor child;

8 (2) the performance or inducement of an abortion on or for the minor
9 child; or

10 (3) the termination of parental rights to the minor child.

11 (b) A parent or guardian of a minor child may revoke the power of attorney
12 made by the parent or guardian under (a) of this section at any time. A parent of a
13 minor child may revoke a power of attorney that another parent of the minor child has
14 made under (a) of this section. A guardian of a minor child may revoke a power of
15 attorney that another guardian of the minor child has made under (a) of this section. If
16 a parent or guardian revokes a power of attorney, the attorney-in-fact shall return the
17 minor child to the custody of the parent or the guardian as soon as reasonably possible
18 after the revocation.

19 (c) Except as provided in (d) of this section, a power of attorney under this
20 section is not effective for a period that exceeds one year. However, after a power of
21 attorney expires under this subsection, a parent or guardian may enter into a new
22 power of attorney.

23 (d) A power of attorney made by a military parent or guardian may be effective
24 for a period that exceeds one year if the military parent or guardian is on active duty,
25 but the power of attorney is not effective for a period that exceeds the length of the
26 active duty plus 30 days.

27 (e) Unless a parent or guardian revokes a power of attorney, the attorney-in-
28 fact shall exercise the power in the power of attorney without compensation for the
29 duration of the power of attorney.

30 (f) To designate an attorney-in-fact, a parent or guardian shall execute a power
31 of attorney that is in substantially the following form:

STATUTORY FORM FOR POWER OF ATTORNEY
TO DELEGATE THE POWERS OF A PARENT OR GUARDIAN

Section 1. I certify that I am the parent or guardian of

(Full name of minor child) (Date of birth)

(Full name of minor child) (Date of birth)

(Full name of minor child) (Date of birth)

who is/are minor children.

Section 2. I designate _____ (Full name of attorney-in-fact), _____

(Street address, city, state, and zip code of attorney-in-fact)

(Home telephone of attorney-in-fact) (Work telephone of attorney-in-fact)

as the attorney-in-fact of each minor child named above.

Section 3. I delegate to the attorney-in-fact all of my power and authority regarding the care and custody of each minor child named above, including the right to enroll the child in school, the right to inspect and obtain copies of education records and other records concerning the child, the right to attend school activities and other functions concerning the child, and the right to give or withhold any consent or waiver with respect to school activities, medical treatment, dental treatment, and other activity, function, or treatment that may concern the minor child. This delegation does not include the power or authority to consent to the marriage or adoption of the minor child, the performance or inducement of an abortion on or for the minor child, or the termination of parental rights to the minor child.

OR

Section 4. I delegate to my attorney-in-fact the following specific powers and responsibilities (write in):

1 _____
2 _____
3 Delegation under this section does not include the power or authority to
4 consent to the marriage or adoption of the minor child, the performance or
5 inducement of an abortion on or for the minor child, or the termination of
6 parental rights to the minor child.

7 (If you complete Section 4, Section 3 does not apply).

8 Section 5. This power of attorney is effective for a period not to exceed one
9 year, beginning _____, 20 ____, and ending _____, 20 _____. I
10 reserve the right to revoke this authority at any time.

11 OR

12 Section 6. I am a military parent or guardian under AS 13.26.023(d). My active
13 duty is scheduled to begin on _____, 20 ____, and is estimated to
14 end on _____, 20 _____. I acknowledge that this power of attorney
15 will not last more than one year, or the term of my active duty service plus 30
16 days, whichever period is longer.

17 By: _____
18 (Parent/guardian signature)

19 Section 7. I hereby accept my designation as attorney-in-fact for the minor
20 child/children identified in this power of attorney.

21 _____
22 (Attorney-in-fact signature)

23 State of _____
24 _____ Judicial District

25 ACKNOWLEDGMENT

26 Before me, the undersigned, a Notary Public, in and for the Judicial District
27 and State identified above, on this ____ day of _____, 20 ____,
28 personally appeared _____ (name of parent/guardian)
29 and _____ (name of attorney-in-fact), to me known to
30 be the persons who executed this power of attorney, and each acknowledged to
31 me that each executed the same as the person's free and voluntary act and deed

1 for the uses and purposes set out in this power of attorney.

2 Witness my hand and official seal the day and year written above.

3 _____
4 (Signature of notary public)

5 (Seal, if any)

6 _____
7 (Title and rank)

8 My commission expires: _____

9 (g) A power of attorney does not change parental rights, legal rights,
10 obligations, or other authority established by an existing court order, and does not
11 deprive the parent or guardian of rights, obligations, or other authority relating to the
12 custody, visitation, or support of the minor child.

13 (h) Except as otherwise determined under another statute, the execution of a
14 power of attorney by a parent or guardian does not constitute abandonment, neglect, or
15 abuse of the minor child or ward under AS 47.10.013 - 47.10.015, unless the parent or
16 guardian fails, after the power of attorney terminates, to retake custody of the child
17 and does not execute a new power of attorney.

18 (i) Under a power of attorney, a minor child is not considered to be in foster
19 care, and the attorney-in-fact is not considered to be providing foster care for which a
20 license is required under AS 47.32.

21 (j) In this section,

22 (1) "active duty" means military duties that are performed full time;

23 (2) "attorney-in-fact" means the individual to whom a parent or
24 guardian gives a power under a power of attorney;

25 (3) "foster care" means care provided by a person for which a foster
26 home license is required by AS 47.32;

27 (4) "guardian" means a natural person who is legally appointed the
28 guardian of a minor child by the court under this chapter;

29 (5) "military parent or guardian" means a person who is a parent or
30 guardian of a minor and who is a member of

31 (A) the armed forces of the United States;

1 (B) a reserve component of the armed forces of the United
2 States;

3 (C) the National Oceanic and Atmospheric Administration
4 Commissioned Officer Corps or the United States Public Health Service
5 Commissioned Corps, if the member is

6 (i) assigned by proper authority to duty with the armed
7 forces of the United States; or

8 (ii) required to serve on active duty with the armed
9 forces of the United States under a call or order of the President of the
10 United States, or to serve on active duty with the military forces of the
11 state;

12 (6) "minor child" means a natural person who is under 18 years of age,
13 including a stepchild or a grandchild, but not including a foster child;

14 (7) "parent" includes a stepparent or a grandparent, and a parent who is
15 incarcerated for a criminal conviction, but not a foster parent;

16 (8) "power of attorney" means a power of attorney entered into under
17 this section.

18 * **Sec. 3.** AS 25.23.060(c) is amended to read:

19 (c) A consent executed under this section is effective as a power of attorney
20 under AS 13.26.023 [AS 13.26.020]. Unless the consent form provides otherwise, and
21 regardless of whether the form names or identifies the adoptive parent, the consent
22 delegates to the adoptive parent all powers that may be delegated under AS 13.26.023
23 [AS 13.26.020]. The power of attorney takes effect when the child is delivered to the
24 adoptive parent, and remains in effect as long as the consent is in effect; but the power
25 of attorney is not effective beyond one year, unless the court extends it for good cause.
26 The power of attorney does not terminate on the death or disability of the person
27 executing the consent, unless the consent form so states. This subsection may not be
28 construed to alter the requirements of AS 47.70 (the Interstate Compact on the
29 Placement of Children).

30 * **Sec. 4.** AS 25.23.060(c), as amended by sec. 1, ch. 93, SLA 2008, is amended to read:

31 (c) A consent executed under this section is effective as a power of attorney

1 under **AS 13.26.023** [AS 13.26.020]. Unless the consent form provides otherwise, and
 2 regardless of whether the form names or identifies the adoptive parent, the consent
 3 delegates to the adoptive parent all powers that may be delegated under **AS 13.26.023**
 4 [AS 13.26.020]. The power of attorney takes effect when the child is delivered to the
 5 adoptive parent, and remains in effect as long as the consent is in effect; but the power
 6 of attorney is not effective beyond one year, unless the court extends it for good cause.
 7 The power of attorney does not terminate on the death or disability of the person
 8 executing the consent, unless the consent form so states. This subsection may not be
 9 construed to alter the requirements of AS 47.70 (the Interstate Compact for the
 10 Placement of Children).

11 * **Sec. 5.** AS 47.10.086(a) is amended to read:

12 (a) Except as provided in (b), (c), and (g) of this section, the department shall
 13 make timely, reasonable efforts to provide family support services to the child and to
 14 the parents or guardian of the child that are designed to prevent out-of-home
 15 placement of the child or to enable the safe return of the child to the family home,
 16 when appropriate, if the child is in an out-of-home placement. The department's duty
 17 to make reasonable efforts under this subsection includes the duty to

18 (1) identify family support services that will assist the parent or
 19 guardian in remedying the conduct or conditions in the home that made the child a
 20 child in need of aid;

21 (2) actively offer the parent or guardian, and refer the parent or
 22 guardian to, the services identified under (1) of this subsection; the department shall
 23 refer the parent or guardian to, **and distribute to the parent or guardian**
 24 **information on,** community-based family support services whenever community-
 25 based services are available and desired by the parent or guardian; **the information**
 26 **may include the use of a power of attorney under AS 13.26.023 to select an**
 27 **individual to care for the child temporarily;** and

28 (3) document the department's actions that are taken under (1) and (2)
 29 of this subsection.

30 * **Sec. 6.** AS 47.32.020(a) is amended to read:

31 (a) An entity may not operate a facility described in AS 47.32.010(b) without

1 first obtaining a license under this chapter unless the entity is exempt under
2 regulations adopted under AS 47.32.030 or is exempt under (c) of this section.

3 * **Sec. 7.** AS 47.32.020 is amended by adding a new subsection to read:

4 (c) If a nonprofit organization operates a program that assists parents to find
5 temporary care for a child, the nonprofit organization is exempt from the licensing and
6 other requirements of this chapter when operating the program.

7 * **Sec. 8.** Section 4 of this Act takes effect on the effective date of sec. 1, ch. 93, SLA 2008.

Fiscal Note

State of Alaska
2016 Legislative Session

Bill Version: SB 180
Fiscal Note Number: _____
() Publish Date: _____

Identifier: SB180-DHSS-FLSW-2-20-16
Title: PARENT-GUARDIAN/CHILD:TEMP. POWER OF
ATTY
Sponsor: GIESSEL
Requester: Sen Giessel

Department: Department of Health and Social Services
Appropriation: Children's Services
Allocation: Front Line Social Workers
OMB Component Number: 2305

Expenditures/Revenues

Note: Amounts do not include inflation unless otherwise noted below. (Thousands of Dollars)

	FY2017 Appropriation Requested	Included in Governor's FY2017 Request	Out-Year Cost Estimates					
			FY 2017	FY 2018	FY 2019	FY 2020	FY 2021	FY 2022
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 (Operating Only)

None								
Total	0.0	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 (FY2016) cost: 0.0 *(separate supplemental appropriation required)*
(discuss reasons and fund source(s) in analysis section)

Estimated CAPITAL (FY2017) cost: 0.0 *(separate capital appropriation required)*
(discuss reasons and fund source(s) in analysis section)

ASSOCIATED REGULATIONS

Does the bill direct, or will the bill result in, regulation changes adopted by your agency? **Yes**
If yes, by what date are the regulations to be adopted, amended or repealed? **09/01/16**

Why this fiscal note differs from previous version:

Not applicable; initial version.

Prepared By: <u>Christy Lawton, Director</u>	Phone: <u>(907)465-3170</u>
Division: <u>Office of Children's Services</u>	Date: <u>02/20/2016 12:20 PM</u>
Approved By: <u>Sana Efird, Asst. Commissioner, Finance and Management Services</u>	Date: <u>02/20/16</u>
Agency: <u>Health and Social Services</u>	

FISCAL NOTE ANALYSIS

**STATE OF ALASKA
2016 LEGISLATIVE SESSION**

BILL NO. SB180

Analysis

Senate Bill 180 seeks to establish an alternative to placing a child into the foster care system.

For parents who may be struggling with unemployment, homelessness, addiction, etc., this legislation offers parents the option to execute a power of attorney over their minor child, for no more than one year at a time, to another person in order to prevent the child from needing to enter the foster care system.

The department does not foresee a fiscal impact from this proposed legislation.

ALASKA STATE LEGISLATURE

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North to the Future

Senator Cathy Giessel
Senate District N

Sectional Analysis

SB 180 "Parent-Guardian/Child: Temporary Power of Attorney"

Section 1: Amends AS 13.26.020 (Delegation of powers by parent or guardian)

This section removes the delegation of powers over minors from this section. This section now only applies to the delegation of powers over an incapacitate person by a parent or guardian.

Section 2: Adds a new section under AS 13.26

This creates a new section (AS 13.26.023 Delegation of powers over minor child) for the delegation of powers over minors. Gives parents or guardians the authority to execute a power of attorney to delegate to another person one or more powers regarding the care, custody or property of the minor child. With the exception of the marriage or adoption of the child, performance of an abortion or the termination of parental rights to the minor child. Parent or guardians have the right to revoke the power of attorney at any time. The power of attorney for no more than one year, however a new power of attorney can be executed at the end of the one year period. Parents or guardians in the military may execute a power of attorney for greater than one year if the parent is on active duty, the power of attorney is then equal to the length of the active duty plus 30 days. No compensation will be given for the duration of the power of attorney. The form for a parent or guardian appointing an attorney-in-fact for their child is provided in this section. Designation of a power of attorney does not terminate parental rights or obligations of the parent or guardian to the minor child, however it does not constitute abandonment, abuse or neglect, unless the parent fails to retake custody after the power of attorney expires and fails to execute a new one. Under a power of attorney a child is not considered in foster care and the attorney in fact is not considered to be providing foster care and does not need to be licensed as a child care facility or foster care (AS 47.32). The power of attorney also does not constitute as an out-of-home placement under AS 47.10. Definitions are provided at the end of this section.

Chair Senate Resources Committee | Vice-Chair Health & Social Services | Vice-Chair Labor & Commerce

Senator.Cathy.Giessel@akleg.gov

Section 3: Amends AS 25.23.060(c) (Execution of consent; consent as power of attorney)

This section amends AS 25.23.060(c) to insert references to the new section added in AS 13.26 which was created in Section 2 of this bill.

Section 4: Amends AS 47.10.086(a) (Reasonable efforts)

This section allows the department to distribute information to the parent or guardian of a child in need of aid about community based family support services including the use of a power of attorney to select an individual to care for the child temporarily.

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 Anchorage
SECTIONS

Commentary

Alaskans can do much to protect our children, and that's more than a platitude

Donna Walker, Charity Carmody | February 3, 2016

Much attention is being paid to the state's fiscal challenges, as it should be. Although we as community members can play an active role in promoting solutions and communicating with our legislators, the decisions are largely out of our control.

There is, however, a major crisis happening in our state that we as individuals can change. I am speaking of our child welfare crisis.

There are currently more than 2,800 children in foster care and in the custody of the State of Alaska. There are more than 90 children who are legally free for adoption with no adoption plan in place. We do not know exactly what is causing the drastic increase in these numbers, but we do know that it is not simply the fault of the Office of Children's Services. This is a community problem and, just like our budget crisis, we did not get here overnight. It will take significant effort and sacrifice from all of us to change our future.

There is a new, exciting program that is designed to prevent child abuse, neglect and children having to go into foster care. It is called Safe Families for Children Alaska. It is preventative in nature and aspires to keep families together and children out of foster care by supporting families in crisis. Safe Families is a movement of the faith-based community that returns the community to the forefront of caring for the most vulnerable group of people in society, at-risk children and their struggling parents.

Safe Families for Children hosts vulnerable children and creates extended family-like supports for desperate families through a community of devoted volunteers motivated by compassion to keep children safe and ultimately together with their families. It expands the community safety net by providing parents in need -- on their own, or at the recommendation of a case worker -- a loving sanctuary where they can safely place their children in times of crisis. Host families, prompted solely by compassion and hospitality, are screened, trained and serve without compensation.

Beacon Hill is the local nonprofit that operates Safe Families for Children Alaska. They began hosting children on Jan. 1 of this year in Anchorage and the Valley, and have since hosted four children in safe families around the community -- resulting in these children not having to go into foster care. Alaska is the 37th state to operate Safe Families for Children. Since 2003, Safe Families for Children has hosted more than 22,000 children nationwide without one report of harm. It has reduced foster care placements by more than 50 percent in some areas.

Local churches and Beacon Hill operate Safe Families for Children Alaska with no funding from the federal or state government. There are many ways to be involved. You can volunteer to provide transportation for a child to see their parents, provide meals, buy groceries, host a child in your home or be support for someone who does. Gov. Bill Walker and Donna Walker are planning to attend Beacon Hill's benefit concert, "Tribute to Nat King Cole," at Williwaw, 601 F St. in Anchorage on Feb. 12 at 7 p.m. It is a big band extravaganza with food and dancing. Tickets can be purchased for \$25 at <http://williwawsocial.com/concertsandevents-1/>.



OPINION: Beacon Hill program is at work helping to keep Alaska's children safe while keeping families together - and we can all help.

Pixabay

It is often said that our children are our future. This is absolutely true, and if we don't begin to intervene and prevent child abuse before it starts, the burden to our Department of Corrections, Department of Health and Social Services and Department of Education will be more than we can bear. Changing our future happens one child and one family at a time. We can do this. We are compelled to care.

If you are interested in volunteering for Beacon Hill and Safe Families for Children Alaska, please call 907-222-0925 or visit www.beaconhillak.com.

If you are interested in learning more about foster care or adoption, contact Alaska Center for Resource Families at (907) 479-7307 or www.acrf.org.

Donna Walker is Alaska's first lady. She is an attorney and former Office of Children's Services caseworker, and honorary chair of Alaska Children's Trust.

Charity Carmody is president of Beacon Hill and an Anchorage business owner.

The views expressed here are the writer's own and are not necessarily endorsed by Alaska Dispatch News, which welcomes a broad range of viewpoints. To submit a piece for consideration, email [commentary\(at\)alaskadispatch.com](mailto:commentary(at)alaskadispatch.com). Send submissions shorter than 200 words to letters@alaskadispatch.com or click here to submit via any web browser.

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SECTIONS

Crime & Justice

Dramatic spike in foster children overwhelming state agencies

Lisa Demer | February 13, 2016



A surprising spike in the number of Alaska children in foster care appears rooted both in a heroin epidemic and a more aggressive response by a state agency to reports of endangered children, state officials say.

The rise, which escalated two years ago, is overwhelming offices beyond the agency most directly involved: the Alaska Office of Children's Services.

A state representative from Fairbanks on Friday proposed legislation to make it more difficult for the state to take children from their parents because of reported abuse or neglect. A national child welfare activist who pushes reforms to keep children at home says Alaska has long been an outlier, taking away higher percentages of children than almost any other state.

But others say the foster children are coming from families with deep troubles who need help. The heroin factor is bringing middle-class families into the child welfare system that typically stay out of the government's control, according to the head of the state Office of Public Advocacy.

The cases land in court and quickly grow beyond the family to include state-appointed lawyers for parents and advocates for children, state civil attorneys and judges, state caseworkers and tribal workers.

"The whole system is being overloaded," said Christy Lawton, director of OCS, Alaska's child protection agency.

In four years, the number of Alaska foster children has jumped 50 percent, from 1,860 in January 2012 to more than 2,800 at the start of this year, according to the agency's figures that Lawton presented to a state House budget subcommittee earlier this month. In just the last two years, the number has grown by 750 children.

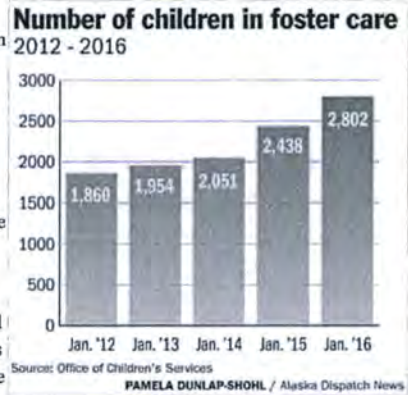
It costs the state an average of \$19,000 a year per foster child, much of that for subsidies to foster parents to cover the costs of another child in the home, according to OCS. The figure doesn't reflect salaries for the agency's staff.

"The numbers are agonizing because the system was stressed when we had 1,700 children to deal with," said state Rep. Les Gara, a Democrat from Anchorage who grew up in foster care in New York.

Gara, who serves on the House Finance Committee and is on the budget panel that oversees OCS, helped secure an additional 26 OCS workers for the current budget year. This year, Gara said, he's just trying to prevent cuts.

Child protection agencies around the country struggle with the right strategy. If they take away children who could be left safely at home, families can be damaged without good cause. But too much emphasis on keeping families intact may lead to children being hurt or killed.

Gov. Bill Walker is asking the Legislature for \$151 million to run OCS for the coming budget year, which starts July 1. That's about \$1.5 million more than the current annual budget at a time of plunging Alaska oil revenues and expected cuts to many agencies.



OCS toughened its approach after an alarming rash of infant deaths as well as findings that children were being repeatedly abused or neglected despite reports to OCS, Lawton said. Some of the babies were sleeping in unsafe bedding or with a parent who had been drinking.

"We were alarmed that bad things were happening to kids," Lawton said.

Four years ago, the problem of repeat mistreatment was worsening, statistics showed. Almost 18 percent of children for whom OCS confirmed abuse or neglect in the 2013 budget year were repeat victims in the space of a year, she said. That's hundreds of children and was double the national benchmark of 9 percent.

Another problem was happening at the very start, Lawton said. Workers handling initial reports of abuse and neglect were finding that 60 percent or more didn't rise to the level of sending out an investigator. The staff screened out nearly two-thirds of the reports before anyone even put eyes on a child. In most other states, that's the portion of cases that were investigated, she said.

Advocates complained some children were facing severe neglect and serious abuse "and basically nothing was happening," said Richard Allen, director of the state's public advocacy agency.

In 2012, Lawton and her top managers traveled the state to work with field managers and supervisors on an examination of cases screened that were investigated further and those that were not. They wanted the workers taking the initial call to critically consider key factors such as behavior patterns and the age of the child.

OCS now is investigating more than half the reports of children in danger. Managers also are doing more to guide front-line workers in cases with infants and young children. In Anchorage, which has seen some of the biggest increases in foster care, OCS is testing an approach in which a manager oversees key decisions in cases involving children under age 5 when there have been at least five prior reports of abuse or neglect.

The percentage of children found to have been repeatedly abused or neglected dropped nearly 2 percentage points from 2014 to 2015.

Drugs ahead of children

All of that attention is sweeping more families into the system.

"These are worthy cases," said Allen, whose agency includes attorneys who represent parents and court-appointed guardians who advocate for a child's best interests. "It's not a matter of a child not wearing clean clothes."

Heroin has been increasingly showing up across most of Alaska, law enforcement officials say. Public health officials point to a disturbing rise in heroin deaths and overdoses.

Its destructiveness is ripping into families, Allen said. Attorneys, guardians and judges all have told him that heroin addiction is a big factor in many children's cases.

"You are seeing a demographic of folks that we didn't normally see before," Allen said. "We're seeing middle- and sometimes even upper-middle-class people who are hopelessly addicted to these opiates and they are neglecting their children."

OCS's electronic case management system tracks substance abuse but doesn't yet break out heroin or other drugs as distinct categories, so there's no hard data documenting heroin's contribution to the rise in foster children, Lawton said. But anecdotally, it's a factor, field workers say.

Parents gripped by the drug may not make sure there's food in the house, Allen said. They may not get their children to school.

They "are putting their drugs ahead of everything else, including the children," Allen said. "Just basic parenting is falling by the wayside because there is this terrible problem."

A model: Alabama

Caseloads at OCS are about double the recommended 12 to 15 per worker. But other agencies are reeling, too, and are expecting cuts, not additional staff.

"We're downstream," Allen said. "Every time OCS takes a child into custody, we activate two to five professionals. Every time."

Caseloads for the court-appointed guardians have grown 58 percent over the past year and now average 120 children, he said.

At the Alaska Public Defender Agency, which also represents parents whose children are in state custody, child protection caseloads statewide went up 43 percent in 2015 compared to the year before, said Quinlan Steiner, the state public defender.

"In Anchorage it went up 60 percent," he said.

Yet for the coming budget year, his agency is facing a cut of \$700,000 or more, which would mean the loss of 10 attorneys, he said.

Attorneys can help design a case plan that will help parents get back on the right track and regain their children. But with too many cases, they end up "triaging what we do," Steiner said.

More children are coming into foster care than leaving. Some are in the system for two years or more, Lawton said.

This year's budget request includes an extra \$9 million to subsidize more adoptions and permanent guardianships to get children out of foster care and into permanent homes, Lawton said. About half the money would come from state funds.

The proportion of Alaska children taken from parents for years has ranked at or near the top of all states, said Richard Wexler, executive director of the National Coalition for Child Protection Reform, which pushes programs to keep families intact with intensive help if needed.

He pointed to the example of Alabama, which a quarter-century ago was the subject of a class action lawsuit for its failures in child protection. Its societal challenges run deep, just like in Alaska.

"Generations of poverty. All sorts of legacies of discrimination. And yet Alabama takes away children at a vastly lower level than Alaska," Wexler said.

Alabama's child safety record now is one of the best, according to independent monitors. Its rate of repeat abuse is about 1.5 percent, far below Alaska's 15.6 percent, a figure that Lawton cited as an improvement.

Detailed case plans tailored to individual families are making a difference there, Wexler said.

On Friday, state Rep. Tammie Wilson, R-North Pole, introduced a bill that aims to make it harder for the state to remove children, and to require more help be provided to reunify families.

Legislation sponsored by Gara, the Anchorage legislator, takes a different approach. His bill aims to speed up the journey through foster care, recruit more foster parents, and provide more help for foster children. It has cleared all House committees and is awaiting debate on the House floor.

RELATED:

Juneau's heroin heartbreak

Struggling in battle with heroin, Mat-Su opens new treatment centers

Contact Lisa Demer at LDemer@adn.com or on Twitter



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To whom it may concern:

I am writing in support of Senate Bill 180 and House Bill 201 - Parent-Guardian/Child Temporary Power of Attorney.

I am the President of Beacon Hill which is a foster care and adoption community resource center that operates in Anchorage and the Mat-Su Valley. We are the organization that implements the Safe Families for Children Alaska program. Safe Families for Children Alaska (SFFCA) hosts vulnerable children and creates extended family-like supports for desperate families through a community of devoted volunteers motivated by compassion to keep children safe and ultimately together with their families.

SFFCA is a movement of the faith based community that returns the community to the forefront of caring for the most vulnerable people group in society, at-risk children and their struggling parents. It expands the community safety net by providing parents in need – on their own, or at the recommendation of a case worker – a loving sanctuary where they can safely place their children in times of crisis. Host Families are background checked by the state background check unit, screened, trained and serve without compensation. Designed to positively impact and support at-risk families, SFFCA is a non-coercive alternative to the state child welfare system, allowing parents to work out their problems without having to worry about losing custody of their child. Beacon Hill, through SFFCA, facilitates the arrangement between the family in crisis and the hosting safe family. Parents place their children voluntarily and retain full legal custody of their children.

The families served through SFFCA have no current involvement with the Office of Children's Services (OCS). SFFCA is designed to prevent children from being abused and families from needing intervention from OCS.

Because of our role as the "arranger" of the placement, we have had to become a Child Placement Agency for the State of Alaska due to AS 47.32.900 even though our host families are not foster homes and the children placed are not in the custody of the state. According to this statute, "child placement agency" means an agency that arranges for placement of a child in a foster home, residential child care facility, or adoptive home; or for guardianship purposes. Unfortunately, the definition of "foster home" in the same statute means a place where the adult head of household provides 24-hour care on a continuing basis to one or more children who are apart from their parents.

Beacon Hill has been granted a temporary variance to operate SFFCA by OCS that we must renew each year. Our hope is that this bill will eliminate the need for our child placement agency license and accompanying variance. SFFCA's goal is to facilitate a safe and effective way for neighbors to help their neighbors in time of need without any threat of termination of rights or state regulation.

Phone 907-222-0925
Fax 855-277-2004
www.beaconhillak.com

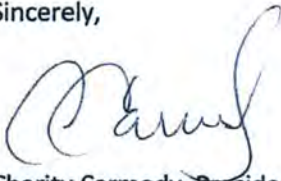
Physical 440 W 3rd Ave Anchorage, AK 99501
Mailing PO Box 241764 Anchorage, AK 99524

Safe Families for Children Alaska began hosting children on January 1, 2016 in Anchorage and the Valley. We have successfully hosted four children from three different families resulting in these children not having to go into foster care. Alaska is the 37th state to operate Safe Families for Children (SFFC). Since 2003, SFFC has hosted more than 22,000 children without one report of harm. It has reduced foster care placements by more than 50 percent in some areas of the country. SFFC successfully operates in 5 countries.

Local churches and Beacon Hill operate SFFCA with NO FUNDING from the federal or state government. The passing of these bills and un-interrupted operation of SFFCA will save the state money and provide much needed relief to our over-burdened foster care system.

Thank you for your consideration. We appreciate all you do for Alaska. Please feel free to contact me with any questions or concerns.

Sincerely,

A handwritten signature in black ink, appearing to read "Charity Carmody". The signature is fluid and cursive, with the first name being more prominent.

Charity Carmody, President

Beacon Hill

907-632-4862 cell

charity@beaconhillak.com



Your bridge to outstanding leadership through
Executive Coaching, Leadership Training & Team Performance.

February 11, 2016

Senator Cathy Giessel
Alaska State Senate
Juneau, Alaska

Dear Senator Giessel,

Thank you for the leadership and the great effort on behalf of all Alaskan families.

I serve as the Chairman for the Alaska Council on Domestic Violence and Sexual Assault (CDVSA). This letter to you is a personal letter and is not written representing CDVSA. However, in my role as a council member and serving Alaska's people for over four decades as a pastor, I have been very involved with the issues facing our state regarding healthy families and the safety of children.

Statistics clearly indicate that Alaska has a crisis regarding the number of children being referred to the Office of Children's Services. I commend OCS for the very difficult responsibility of providing oversight of children being neglected and / or in harms way. It is also clear to me, in light of this reality, Alaska must have evidence-based programs to work alongside of OCS. Alaska is very fortunate to have the "Safe Families For Children" program, sponsored by Beacon Hill.

I appreciate your sponsorship of SB 180. I stand in full support of providing families in need with temporary assistance and caring intervention. Families should be able to pursue support without the fear of the termination of parental rights because they are addressing needful matters. If I can be of assistance to you in this matter, please do not hesitate to contact me. I will be in Juneau the 23rd through the 29th. My cell number is 907-227-2737.

With Gratitude,

A handwritten signature in black ink, appearing to read 'Richard Irwin Sr.', written over a horizontal line.

Richard Irwin Sr.



2/19/2016

Dear Alaska Legislator,

I am writing you to urge your support for Senate Bill 180 and House Bill 201 – Parent Guardian/Child temporary Power of Attorney. Alaska Children's Trust (ACT) is the lead statewide organization focused on the prevention of child abuse and neglect.

The child welfare system cannot prevent child abuse and neglect. The community has a collective responsibility to ensure that the safety and needs of children and families are met by an array of supports to safely reduce reliance on the child welfare system with an emphasis on prevention, culturally relevant services and customs and evidence-based safety practices. Safe Families for Children Alaska program is an excellent example of how communities are stepping forward to ensure children live in safe, stable and nurturing environments. SFFCA is an innovative program that is effective. We need our policies to reflect and support the efforts like SFFCA.

ACT strongly urges you to support SB180 & HB201. These changes would strengthen Alaska's engagement with communities and our shift to greater emphasis on early intervention. These bills are a positive step towards keeping our children safe and our families together..

Sincerely,

A handwritten signature in black ink, appearing to read "T. Storrs", with a long horizontal stroke extending to the right.

Trevor Storrs
Executive Director

First Lady Donna Walker
Honorary Chair

Ginger Baim, *Chair*
Ivy Spohnholz, *Vice Chair*
Lisa Wimmer, *Treasurer*
Melanie Bahnke, *Secretary*
Ramona Reeves, *Past Chair*
Susan Anderson
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Com. Valerie Davidson
Com. Michael Hanley
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Sherry Modrow
Tlisa Northcutt
Marcus Wilson
Julie Woodworth

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Click.
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ALASKA YOUTH & FAMILY NETWORK

The Alaska Chapter of the National Federation of Families for Children's Mental Health

We Are Your Shelter From The Storm

PO BOX: 233142, Anchorage, Alaska 99523-3142 Main Office: 740 Communications Ave, Anchorage, Alaska 99503

Phone: 907-770-4979

Fax: 907-770-4997

Website: www.ayfn.org

Email: admin@ayfn.org

To whom it may concern:

I am writing in support of Senate Bill 180 and House Bill 201 – Parent – Guardian/Child Temporary Power of Attorney.

I am the Executive Director of Alaska Youth and Family Network (AYFN). AYFN is a family run, peer-delivered, community-based behavioral health and social services provider whose mission is "To strengthen, preserve, and unify families through advocacy, peer-to-peer support, education, and connections to community-based services that promote social, emotional, behavioral/mental health, and substance abuse recovery."

AYFN is based in Anchorage and the Matsu Valley and we have been serving families from across Alaska since 2003. AYFN assists children, youth, and families who are at-risk and struggling with the challenges of mental illness, substance use, intellectual and developmental disabilities, homelessness, and the lack of material resources. The families we serve are involved with, and struggling in, Alaska's complex and challenging to navigate family serving systems. AYFN's parents and their children are usually involved with more than one service provider and more than one family serving system. And they are struggling to meet the challenges and requirements of those systems. We serve families involved in mental health and substance use services, juvenile justice, corrections, special education, and child welfare, etc.

We support Alaska's families by connecting them to the community and natural resources and teaching them the skills to help them recover from whatever challenges they may be facing. We provide education, support, and advocacy for families working toward becoming healthy and self-sufficient. Alaska Youth and Family Network receives funding and support from the Division of Behavioral Health, The Alaska Mental Health Trust Authority, the Matsu Health Foundation, The Alaska Children's Trust, and the National Institute of Mental Health. We use this funding to hire well-educated and skilled workers with professional backgrounds and lived experience in behavioral health, substance use, social work, special education, etc.

During FY15, our staff of 14 provided service and support to 742 Alaskan families, 400 of these families were involved with the Office of Children's Services (OCS). Referrals to our services came from approximately 80 sources from throughout Alaska. Many of the families that come to us with OCS involvement have that involvement for good reason. Many others have ended up there because no alternative for safe placement of their children while they work through the challenges facing them existed. Safe Families for Children Alaska changes that.

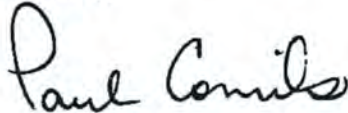
A peer-run, peer delivered service, to create a more effective and inclusive behavioral health treatment system for Alaska's children, youth & families.

Safe Families for Children Alaska (SFFCA) is an alternative to the child welfare system that will strengthen Alaska's fragile safety net for vulnerable and at-risk families. SFFCA will provide meaningful, concrete support, to Alaskan families who without such support would have to continue to live in situations that are unhealthy for their children and place their families at risk for legal intervention by OCS. Early intervention and support, meaningful connection to members of our faith-based community, and the opportunity to seek help without fear of losing custody, while providing children with a safe place to live in their home communities is good for families and good for Alaska. It is an opportunity to reduce potential trauma to Alaska's children and families by possibly preventing permanent separation (Only 45 of every 100 children currently in state custody will return home). It will reduce Alaska's fiscal burden and it will reduce the vast and the unmanageable workload of OCS.

By supporting SB180 and HB201, you will significantly improve the chances that such a valuable, mostly volunteer effort, that has had such an immense role in improving the lives of over 22,000 children across our country will take root in Alaska without the burden of unnecessary and costly government support and intervention.

Thank you for your consideration. We appreciate all that you do for Alaska, it's children, and it's families. Please feel free to contact me with any questions or concerns.

Sincerely,



Paul Cornils, Executive Director

Alaska Youth and Family Network

Office: 907-770-4979

Email: paul@ayfn.org

A peer-run, peer delivered service, to create a more effective and inclusive behavioral health treatment system for Alaska's children, youth & families.



Government-Run Foster Care Is Failing Kids

There is a better way.

Protect Kids | Preserve Families | Get Government Out of the Way



THE TRAGEDY

400,000 children languish in foster care across the country. 70 percent of them are there because of neglect, not from sexual or physical abuse.

When crisis strikes at home, many of us turn to our family or church for support. But for too many parents, that safety net isn't there—and life can spiral out of control. Addiction, domestic abuse, incarceration, illness, unemployment, homelessness; it's during these crises that kids are at risk as their parents struggle.

Government bureaucracies aren't helping. They cannot accomplish what's right for kids and families. But there is a proven solution.

THE PROVEN SOLUTION

Since 2002, SAFE FAMILIES FOR CHILDREN and its thousands of volunteer families has offered support and hope for families in crisis. SAFE FAMILIES doesn't take kids from their parents. SAFE FAMILIES gives parents peace of mind that their children are protected and nurtured while they get clean, sober, working and back on their feet. The goal is to strengthen and preserve biological families without all the bureaucratic bullying, taxpayer spending or government dependence.

Through private charity, not government coercion, **SAFE FAMILIES FOR CHILDREN** meets three critical objectives:

- Protect:** A safe alternative to foster care custody that greatly reduces the number of kids entering the child welfare system.
- Prevent:** A safe, temporary home for a child while a parent in crisis gets help and support, preventing abuse and neglect without the threat of losing custody.
- Nurture:** An extended volunteer family to offer help, advice and support to parents who never had a social safety net to rely on.

THE SAFE FAMILIES WAY:

- Volunteer families are extensively screened and trained
- Volunteer families are never paid or asked for money
- Biological parents maintain full custody of their kids
- Parents and kids are safely reunited as quickly as possible

THE ROADBLOCK— GOVERNMENT

To change lives, Safe Families needs government out of the way so private volunteer families can help children and families in need without state intervention. In a recent poll, 71% of registered voters responded that they would be more likely to support legislators who work to bring Safe Families to their community.



- Denise Gonzales
Division of Child Protection, Illinois
Department of Children and Family Services

“Safe Families sounds too good to be true, but it really works.”



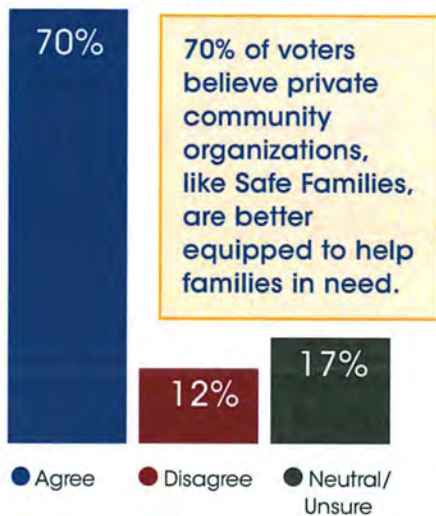
SAFE FAMILIES laws

SAFE FAMILIES locations (most without legislative protection)

WHY SAFE FAMILIES STEPS IN

Homelessness	24%
Parental crisis, family conflict	16%
Medical crisis/hospitalization	15%
Lack of family support	11%
Respite	9%
Referral by child welfare agency	6%
Mental health issues	6%
Substance abuse	4%
Domestic Violence	3%
Job loss	3%
Prison	3%

VOTERS PREFER PRIVATE CHARITY OVER GOVERNMENT



SAFE FAMILIES: More Kids Helped, More Families Succeed

	Private Charity—Safe Families	Old-Style Government Foster Care
Cost per child served	\$1,500 - mostly or entirely private funding	\$25,000+ taxpayer-funded
Average compensation	\$0 to volunteer family	\$6,000 to foster parents
Average time child spends in care away from parent(s)	29 days	702 days (23.4 months)
Portion of kids that return home	90%	51%

To bring SAFE FAMILIES to your state:

TheFGA.org @TheFGA

FGA Senior Fellow
Andrew Brown
andrew@thefga.org

LEGAL SERVICES

DIVISION OF LEGAL AND RESEARCH SERVICES
LEGISLATIVE AFFAIRS AGENCY
STATE OF ALASKA

(907) 465-3867 or 465-2450
FAX (907) 465-2029
Mail Stop 3101


State Capitol
Juneau, Alaska 99801-1182
Deliveries to: 129 6th St., Rm. 329

MEMORANDUM

February 26, 2016

SUBJECT: CSSB 180() relating to the temporary delegation by a parent or guardian of powers related to a child and to nonprofit organizations that provide certain assistance to parents (Work Order No. 29-LS1431\H)

TO: Senator Cathy Giessel
Attn: Kari Nore

FROM:  Terry Bannister
Legislative Counsel

This memo accompanies the bill described above. This memo responds to the questions you have asked.

1. Judicial bypass. I am not sure what you mean by "bypass," but there does not appear to be a provision in the bill that would prevent a judge from handling any matter involving a child for which a power of attorney had been executed. The bill does address existing court orders in sec. 13.26.023(g).
2. Emancipation. The bill does not address emancipated minors. An emancipated minor whose disabilities have been removed under AS 09.55.590 would not be subject to parental authority or its transfer.
3. Both parents. The bill uses the term "a parent." Under AS 01.10.050(b), words in the singular also include the plural. So one or both parents could execute a power of attorney for their child. This bill allows one parent to transfer the authority. You may want to address whether or not both parents must sign the power of attorney, or what would happen if one parent disagreed with the other parent signing a power of attorney.
4. Suit for medical and dental costs. The bill does not address the recovery of any costs paid by the attorney-in-fact. If you want to address this, you may want to make the provision apply to any costs, not just medical or dental costs.
5. Permanent fund dividend. The power of attorney can either transfer all powers of the parent or guardian or only the ones specified in the power of attorney. If all powers are granted, then the attorney-in-fact may qualify as an "authorized individual" to claim the permanent fund dividend of an unemancipated minor under AS 43.23.005(d). If the

Senator Cathy Giessel
February 26, 2016
Page 2

parent or guardian itemizes the powers given, then the power to claim the dividend must be among those itemized powers.

If I may be of further assistance, please advise.

TLB:lem
16-180.lem

Attachment

LEGAL SERVICES

DIVISION OF LEGAL AND RESEARCH SERVICES
LEGISLATIVE AFFAIRS AGENCY
STATE OF ALASKA

(907) 465-3867 or 465-2450
FAX (907) 465-2029
Mail Stop 3101


State Capitol
Juneau, Alaska 99801-1182
Deliveries to: 129 6th St., Rm. 329

MEMORANDUM

March 4, 2016

SUBJECT: CSSB 180(JUD) relating to the temporary delegation by a parent or guardian of powers related to a child (Work Order No. 29-LS1431\N)

TO: Senator Lesil McGuire
Chair of the Senate Judiciary Committee
Attn: Dianne Blumer

FROM:  Terry Bannister
Legislative Counsel

This memo accompanies the bill described above.

1. Revocation. The committee made a change to AS 13.26.023(b), the subsection that allows a parent or guardian to revoke the power of attorney (POA) that either has given. You have indicated that at least part of the intent for the change was to allow either parent to revoke a POA, even if the revoking parent did not make the POA.

However, as changed, it does not say that one parent may revoke the other parent's POA. It is also possible to read the changed provision as allowing any parent or guardian to revoke the POA of any parent or guardian, which would be broader than the committee's intent. I recommend adjusting the language to express the committee's intent more precisely, including how it applies to a guardian. I would be happy to work with you on this language.

2. Editorial changes. The editor has made some technical changes. These consist of removing a colon, adding commas, removing a hyphen, removing a comma, and removing a definition of a term ("child care facility") that no longer appears in sec. 13.26.020. This appears to be acceptable to the original sponsor of the bill.

3. Changes to handle delayed amendment. It has come to my attention that a new section with a delayed effective date (and title change) needs to be added to the bill. The reason is that AS 25.23.060(c) is subject to a delayed amendment under a bill that was passed in 2008, specifically sec. 1, ch. 93, SLA 2008. If that delayed amendment ever takes effect, the version of AS 25.23.060(c) in the delayed amendment will replace the AS 25.23.060(c) amendment in this bill and refer to AS 13.26.020 rather than sec. 13.26.023.

To retain your bill changes to AS 25.23.060(c) and handle this delayed change, we need to add a bill section that amends the 2008 delayed version of AS 25.23.060(c) to refer to AS 13.26.023. Then we need to insert a delayed effective date for the new bill section so that it takes effect when and if the 2008 amendment takes effect. This delayed effective date would require a title change to reflect the addition of the effective date.

4. Suggested language. To accomplish the changes indicated by par. 3 of this memo, the following language is suggested:

(1) Add "**; and providing for an effective date**" to the title.

(2) Add the following new bill sections at different spots to read:

"* **Sec. 4.** AS 25.23.060(c), as amended by sec. 1, ch. 93, SLA 2008, is amended to read:

(c) A consent executed under this section is effective as a power of attorney under **AS 13.26.023** [AS 13.26.020]. Unless the consent form provides otherwise, and regardless of whether the form names or identifies the adoptive parent, the consent delegates to the adoptive parent all powers that may be delegated under **AS 13.26.023** [AS 13.26.020]. The power of attorney takes effect when the child is delivered to the adoptive parent, and remains in effect as long as the consent is in effect; but the power of attorney is not effective beyond one year, unless the court extends it for good cause. The power of attorney does not terminate on the death or disability of the person executing the consent, unless the consent form so states. This subsection may not be construed to alter the requirements of AS 47.70 (the Interstate Compact for the Placement of Children)."

"* **Sec. 8.** Section 4 of this Act takes effect the day after the date on which the commissioner of health and social services or the commissioner's designee notifies the revisor of statutes that at least 34 other states have ratified the Interstate Compact for the Placement of Children."

If I may be of further assistance, please advise.

TLB:dla
16-233.dla

Attachment