

**SB**

**122**

<TARGET><BILL>SB 122</BILL><SUBJECT>SB  
122</SUBJECT><COMM>SHSS30</COMM></TARGET>

# SB 122 CITIZENS REVIEW PANEL



SENATOR DAVID WILSON  
State Capitol, Room 115  
465-3878

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# 30<sup>th</sup> Alaska State Legislature

Judiciary Committee  
Chairman  
Resources Committee  
Vice-Chair  
Education Committee  
Vice-Chair  
State Affairs Committee  
Select Committee on Legislative  
Ethics  
Joint Armed Services Committee



**Senator John Coghill**

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## SB 122 Sponsor Statement

After much discussion with all stakeholders in the child protection arena, I decided to introduce SB 122. In simple terms, the bill transfers the Citizens Review Panel from the Department of Health and Social Services to the office of the ombudsman within the legislative branch of state government.

All parties agree this is necessary to give the Citizens Review Panel the autonomy they need to properly review and make recommendations for improvement of the Office of Children's Services (OCS) policies and procedures, to review individual cases if necessary, and to increase public trust in the panels oversight of OCS.

New provisions in the bill require:

1. OCS to provide the state plan for delivery of child welfare services prepared jointly by OCS and the Secretary of Health and Human Services annually;
2. Allows the CRP to establish guidelines for its operation;
3. Requires the panel and OCS to file a joint evaluation of the child protection services with the legislature every three years;
4. Creates a fine for conviction of violation of confidentiality up to \$2,500;
5. Repeals DHSS jurisdiction over the CRP;
6. Requires OCS to do a review of existing processes for reviewing and overseeing the work of OCS and outline a plan to reduce duplication and improve coordination amongst agencies every two years;
7. Gives the office of the ombudsman authority to promulgate regulations for the CRP; and
8. Transitions the existing CRP to the new statutes.

**SENATE BILL NO. 122**

IN THE LEGISLATURE OF THE STATE OF ALASKA

THIRTIETH LEGISLATURE - FIRST SESSION

BY SENATOR COGHILL

Introduced: 5/17/17

Referred: Health and Social Services, Judiciary, Finance

**A BILL**

**FOR AN ACT ENTITLED**

1 "An Act repealing the authority for a child abuse or neglect citizen review panel in the  
2 Department of Health and Social Services; and establishing the Child Protection Citizen  
3 Review Panel in the office of the ombudsman."

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

5 \* **Section 1.** AS 24.55 is amended by adding new sections to read:

6 **Article 7. Child Protection Citizen Review Panel.**

7 **Sec. 24.55.400. Child Protection Citizen Review Panel.** (a) The Child  
8 Protection Citizen Review Panel is established. For budgetary purposes, the panel is  
9 located in the office of the ombudsman. The office of the ombudsman shall provide  
10 reasonable and necessary professional and technical assistance when requested by the  
11 panel.

12 (b) The purpose of the panel is to facilitate public participation in developing  
13 and implementing the state's child protection policies and practices. In performing its  
14 duties under AS 24.55.405, the panel shall make diverse opportunities for voluntary

1 participation available to the public.

2 (c) The panel shall be composed of volunteer members who are broadly  
 3 representative of the state, including at least one member from each of the  
 4 administrative regions established by the division of the department with  
 5 responsibility over the custody of children. The panel must include members who have  
 6 expertise in the prevention and treatment of child abuse and neglect legal proceedings  
 7 in child-in-need-of-aid cases, cultural and social norms related to child abuse and  
 8 neglect, administration of child protection services in the state, and the perspectives of  
 9 foster children, foster parents, and parents whose children are in foster care. Current  
 10 staff of the division of the department with responsibility over the custody of children  
 11 are not eligible to serve on the panel. The panel shall solicit and accept applications  
 12 from prospective members and appoint new members as necessary. The members of  
 13 the panel shall select a chair and a vice-chair from among the members.

14 (d) The panel shall meet not less than once every three months. Meetings may  
 15 take place telephonically.

16 (e) The panel shall establish guidelines for the operation of the panel. The  
 17 guidelines must describe

18 (1) the leadership structure of the panel, including the role of the chair  
 19 and vice-chair;

20 (2) policies for recruitment and retention of members;

21 (3) tenure of members and leadership;

22 (4) the annual calendar of the panel;

23 (5) roles and responsibilities of members;

24 (6) responsibilities of any employees or contractors of the panel;

25 (7) data management and records management policies; and

26 (8) necessary protocols to perform the duties of the panel provided  
 27 under AS 24.55.405.

28 **Sec. 24.55.405. Duties of the panel.** (a) Each year, the panel shall examine the  
 29 policies, procedures, and practices of the department and, where appropriate, evaluate  
 30 specific cases of child abuse or neglect to determine whether the department is  
 31 effectively discharging its child protection responsibilities in accordance with the

1 following planning documents submitted to the United States Department of Health  
2 and Human Services:

3 (1) the state plan required under 42 U.S.C. 5106a(b); and

4 (2) the state child welfare and family services plans and reports  
5 required under 42 U.S.C. 621 - 629m.

6 (b) The panel may recommend and advocate for changes to the department's  
7 child protection policies, procedures, and practices and for changes in conditions that  
8 may enable the department to improve its child protection policies, procedures, and  
9 practices.

10 **Sec. 24.55.410. Duties of the department.** The department shall

11 (1) consult with the panel periodically, through the director or a  
12 designee of the director and other program managers of the division of the department  
13 with responsibility over the custody of children, to assist the panel in performing its  
14 duties under AS 24.55.405;

15 (2) establish procedures for sharing with the panel administrative and  
16 case-specific information that is necessary for the panel to perform its duties under  
17 AS 24.55.405(a);

18 (3) coordinate community engagement activities, including outreach  
19 efforts related to the preparation of the state child and family services plan required  
20 under 45 C.F.R. 1357.15 and annual progress and services reports required under 45  
21 C.F.R. 1357.16, with the panel's activities under AS 24.55.420; and

22 (4) assist the panel in coordinating the activities of the panel with the  
23 activities of the state task force established under 42 U.S.C. 5106c.

24 **Sec. 24.55.415. Confidentiality.** (a) A person attending a meeting of the panel,  
25 the ombudsman, an employee of the office of the ombudsman, or a member or staff of  
26 the panel may not make any disclosure related to information obtained during a review  
27 by the panel unless authorized under federal or state law.

28 (b) Meetings of the panel are subject to AS 44.62.310 - 44.62.319 (Open  
29 Meetings Act).

30 **Sec. 24.55.420. Public outreach.** The panel shall conduct public outreach and  
31 gather public comment on current department procedures and practices involving

1 children and family services.

2 **Sec. 24.55.425. Report.** (a) The panel shall prepare and make available to the  
3 governor, the legislature, and the public an annual report containing a summary of the  
4 activities of the panel conducted under AS 24.55.400 - 24.55.440 and  
5 recommendations for the improvement of child protection services in the state. The  
6 panel shall deliver the report to the senate secretary and the chief clerk of the house of  
7 representatives and notify the legislature that the report is available.

8 (b) Not later than six months after the date on which the report is released  
9 under (a) of this section, the department shall submit a written response to the report.  
10 The department's response must include a description of whether and how the  
11 department will incorporate the recommendations of the panel, where appropriate.

12 (c) At the end of the third year after the effective date of this Act, and every  
13 three years thereafter, the panel and the division of the department with responsibility  
14 over the custody of children shall complete a joint evaluation report and make the  
15 report available to the governor, the legislature, and the public. The report must  
16 include an assessment of the performance of the staff of the panel, the panel's  
17 activities, and the responsiveness of the division, and an evaluation of any associated  
18 constraints or opportunities. The panel shall deliver the report to the senate secretary  
19 and the chief clerk of the house of representatives and notify the legislature that the  
20 report is available.

21 **Sec. 24.55.430. Civil penalty for violation of confidentiality.** A person who  
22 violates confidentiality under AS 24.55.415 is subject to a civil penalty of up to \$2,500  
23 for each violation and may also be subject to criminal prosecution under  
24 AS 11.76.115.

25 **Sec. 24.55.435. Immunity.** A member of the panel or a person who furnishes  
26 services to or advises the panel is not liable for damages or other relief in an action  
27 involving the performance or failure to perform a duty or other activity of the panel.

28 **Sec. 24.55.440. Definitions.** In AS 24.55.400 - 24.55.440,

29 (1) "department" means the Department of Health and Social Services;

30 (2) "panel" means the Child Protection Citizen Review Panel  
31 established under AS 24.55.400.

1 \* **Sec. 2.** AS 47.10.093(b) is amended to read:

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

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

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

9 (3) an out-of-home care provider as necessary to enable the out-of-  
10 home care provider to provide appropriate care to the child, to protect the safety of the  
11 child, and to protect the safety and property of family members and visitors of the out-  
12 of-home care provider;

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

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

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

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

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

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

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

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

3 (12) a review panel established under AS 24.55.400 [BY THE  
4 DEPARTMENT] for the purpose of reviewing the actions taken by the department in  
5 a specific case;

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

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

12 (15) a state or municipal agency of this state or another jurisdiction  
13 that is responsible for delinquent minors, as may be necessary for the administration of  
14 services, protection, rehabilitation, or supervision of a child or for actions by the  
15 agency to protect the public safety; however, a court may review an objection made to  
16 a disclosure under this paragraph; the person objecting to the disclosure bears the  
17 burden of establishing by a preponderance of the evidence that disclosure is not in the  
18 child's best interest.

19 \* **Sec. 3.** AS 47.14.205, 47.14.215, 47.14.225, 47.14.235, 47.14.245, 47.14.255, 47.14.265,  
20 47.14.275, and 47.14.295 are repealed.

21 \* **Sec. 4.** The uncoded law of the State of Alaska is amended by adding a new section to  
22 read:

23 DEPARTMENT OF HEALTH AND SOCIAL SERVICES: REPORT REGARDING  
24 CHILD PROTECTION OVERSIGHT. The Department of Health and Social Services shall  
25 complete a report identifying existing processes for reviewing and overseeing the work of the  
26 division of the department with responsibility over the custody of children and outlining a  
27 plan to reduce duplication and improve coordination among entities responsible for the  
28 identified processes. Not later than two years after the effective date of this Act, the  
29 Department of Health and Social Services shall deliver the report to the senate secretary and  
30 the chief clerk of the house of representatives, notify the legislature that the report is  
31 available, and make the report available to the governor and the public.

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

3       TRANSITION: REGULATIONS. The office of the ombudsman may adopt  
4 regulations necessary to implement the changes made by this Act. The regulations take effect  
5 under AS 44.62 (Administrative Procedure Act), but not before the effective date of the law  
6 implemented by the regulation.

7 \* **Sec. 6.** The uncodified law of the State of Alaska is amended by adding a new section to  
8 read:

9       TRANSITION: MEMBERS OF THE CHILD PROTECTION CITIZEN REVIEW  
10 PANEL. A person who is a member of the Citizen Review Panel under former AS 47.14.205,  
11 repealed in sec. 3 of this Act, on the effective date of this Act may continue to serve on the  
12 Child Protection Citizen Review Panel under AS 24.55.400, established in sec. 1 of this Act.  
13 A person who is an officer of the Citizen Review Panel under former AS 47.14.205, repealed  
14 in sec. 3 of this Act, on the effective date of this Act may serve the remainder of the officer's  
15 term on the Child Protection Citizen Review Panel under AS 24.55.400, established in sec. 1  
16 of this Act.

# 30<sup>th</sup> Alaska State Legislature

Judiciary Committee  
Chairman  
Resources Committee  
Vice-Chair  
Education Committee  
Vice-Chair  
State Affairs Committee  
Select Committee on Legislative  
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Joint Armed Services Committee



**Senator John Coghill**

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## SB 122 Sectional

### Section 1.

**AS 24.55.400.** Establishes the Citizen Review Panel in the legislative branch of state government under the office of the ombudsman and instructs the panel to emphasize public participation in the panel's work and to bring all the stake holders on the panel.

The panel will meet at least every three months and it will establish guidelines for its operation.

Gives the panel the authority to investigate individual cases if it deems necessary.

**AS 24.55.405.** Requires the panel to reviews policies and procedures of OCS on an annual basis and review reports submitted annually to the federal government. The panel is given statutory authority to recommend and advocate for changes to the department's child protection services.

It requires OCS to provide the CRP the following state plans submitted to the federal government annually:

State plan for grants for child abuse or neglect prevention and treatment programs. (42 U.S.C. 5106a(b))

State plan for delivery of child welfare services prepared jointly by the state and the Secretary of Health and Human Services. (42 U.S.C. 621 - 629m)

**AS 24.55.410.** Mandates that OCS SHALL consult with the CRP and assist the panel in carrying out its duties, including providing case-specific information to the panel.

**AS 24.55.415.** Makes information delivered at a CRP meeting confidential and the CRP must follow the Open Meetings Act giving public notice and restricting the CRP members from meeting privately.

**AS 24.55.420.** Provides for public outreach and public comment.

**AS 24.55.425.** Provides for the CRP to prepare an annual report to be available to the governor, legislature and public. Requires OCS to submit a written response to the report within six months of its release. Requires the panel and the department to prepare a joint report to the governor, legislature and public every three years.

**AS 24.55.430.** Sets a penalty of up to \$2,500 for each violation of confidentiality a person is convicted of.

**AS 24.55.435.** Provides immunity for panel members from liability in panel actions.

**AS 24.55.440.** Definitions.

*Department* is the DHSS.

*Panel* is the Citizens Review Panel

**\*Sec. 2.** Gives the CRP access to confidential documents regarding child protection cases.

**\*Sec. 3.** Repeals the Alaska Statutes that put the CRP under the jurisdiction of DHSS.

**\*Sec. 4.** Requires DHSS to do a two-year review of existing processes for reviewing and overseeing the work of OCS and outline a plan to reduce duplication and improved coordination amongst agencies involved in child protection. The report will be delivered to the senate secretary, house chief clerk, the governor and the general public.

**Sec. 5.** Gives the office of the ombudsman regulatory authority.

**Sec. 6.** Transition language that allows existing panel members to serve out their term on the panel even though it has been moved from the department.

The bill does not have an effective date.



# **SB 122**

# **CITIZENS REVIEW PANEL**

## **TRANSITION TO AUTONOMY**

**Rynniva Moss, Legislative Aide**  
**Senator John Coghill's Office**  
**February 26, 2018**

## SB 122 - Title

*“An Act repealing the authority for a child abuse or neglect review panel in the Department of Health and Social Services; and establishing the Child Protection Citizen Review Panel in the office of the ombudsman.”*

# Mandated by Federal Law



The Citizen's Review Panel was mandated by federal law through the Child Abuse Prevention and Treatment Act (CAPTA) in 2003. Early on federal funding was limited, now there is no federal funding for the Panel.

Because of the remoteness of much of Alaska and the cost of transportation to communities across the state, the federal panel was very limited in what it could do.

## Mandated in State Law

While the Citizens Review Panel has been enacted several time in state statute going back to 1990, the current panel was mandating with the enactment of House Bill 53 in 2005. In that legislation the legislature not only recognized the importance of a citizen's review panel, but committed to help fund the process adequately.

Fred VanWallinga from  
Citizens Review Panel  
discussing CRP concerns  
with then-Rep. Coghill.  
(June 2005)



## Mandated in State Law

The CRP is required to examine the policies and procedures of OCS, evaluate the performance of OCS, and make annual reports to the legislature with recommendations for legislation or changes in the process. When the panel deems appropriate, it may also investigate specific cases.

The panel is subject to the Open Meetings Act and has the ability to meet in executive session. The CRP has produced fifteen annual reports and has a website available.

*<http://www.crpalaska.org/ref.shtml>*

## SB 122 Moves Oversight of CRP

SB 122 transfers oversight of the Citizens Review Panel out of the Office of Children Services and into the Ombudsman's Office of the legislative branch of government.

This mission aligns well with the mission of the CRP and gives the CRP the autonomy to more independently review the child protection services provided by the Office of Children's Services.

# Complimenting Each Other

The Ombudsman's Office accepts citizen complaints about state agencies and personnel. The ombudsman may investigate to determine whether an agency act was unlawful, unreasonable, unfair, arbitrary, erroneous, or inefficient, and may seek an appropriate remedy.

The original CRP was created in 1990 and did, under a pilot project in 1993 utilize their investigative authority in Anchorage. From December of 1993 to January of 1995 the panel reviewed 263 cases, 50 % of which involved pre-school-age kids.

The current CRP does not review individual cases but encourages the grievance process and contacting the Ombudsman's Office.

## Ombudsman's Interaction with OCS

The Ombudsman's Office investigates complaints about all branches and departments of federal, state and local government but OCS take up a good chunk of their work load.

### OCS Complaints by Year

2013	174
2014	157
2015	250
2016	212
2017	250*

\* Of the 250 in 2017, the Ombudsman's Office investigated 136 , or 54% of the complaints. The others were declined because the person had not complained to OCS or the complaint was being litigated or otherwise subject to a judge's decision.

5

## Complimenting Each Other

The role of the Ombudsman is to help ensure that state government is serving Alaskans as efficiently, effectively, and equitably as possible.

The role of the Citizens Review Panel has been to help ensure that the Office of Children's Services is serving Alaska's families as efficiently, effectively and equitably as possible.

## Why SB 122?

This bill is not intended to criticize the Office of Children's Services or the Citizens Review Panel.

Senator Coghill introduced the bill to start a dialogue about strengthening the public acceptance of a review process for child protection services that should be an external review process.



# Duties

## Mandate of the CRP

The Citizens' Review Panel (CRP) is federally mandated through the Child Abuse Prevention and Treatment Act (CAPTA); Keeping Children and Families Safe Act of 2003 [see Section 2.a.xiv.] The CRP is also mandated through Alaska statute Sec. 47.14.205.

## Duties of the Citizen Review Panel

**Summary of duties:** The CRP shall examine the policies, procedures, and practices of State and local agencies and, where appropriate, specific cases, to evaluate the extent to which State and local child protection system agencies are effectively discharging their protection responsibilities.

**Evaluate OCS compliance with federal and state laws, examine policies and procedures for patterns of problems, review cases with fatalities or near fatalities.** The CRP shall evaluate the extent to which OCS is effectively discharging its child protection responsibilities under:

1. the state plan submitted to the U.S. Department of Health and Human Services under 42 U.S.C. 5106a(b);
2. child protection standards under federal and state laws; and
3. any other criteria that the CRP considers important to ensuring the protection of children, including the level and efficiency of coordination of foster care and adoption programs in the state and a review of child fatalities and near fatalities.

In carrying out the responsibilities listed above, the CRP shall examine the policies, procedures, and practices of OCS, and, where appropriate, evaluate specific cases of child abuse or neglect.

**Maintain confidentiality.** A person attending a CRP meeting or a CRP member or CRP staff may not make any disclosure related to information obtained during a review by the CRP unless authorized. A violation is subject to a civil penalty of up to \$2,500 for each violation.

**Conduct public outreach.** The CRP shall conduct public outreach and gather public comment on current OCS procedures and practices involving children and family services. The Panel strives to conduct a site visit in each of the OCS regions every year (Northern, Anchorage, Southeast, South Central, and Western).

**Produce an annual report.** The CRP shall prepare and make available to the governor, the legislature, and the public an annual report containing a summary of its activities and recommendations for the improvement of child protection services in the state.

**Meet at least every three months.** The CRP must meet every three months, but it may meet telephonically

## OCS Duties related to the CRP

The following duties assigned to the state's Office of Children's Services are related to the Citizens Review Panel:

**HSS support.** The Commissioner shall, by regulation, establish policies and procedures necessary to carrying out the duties of the CRP.

**Cooperation with state panel.** OCS shall provide the panel access to information on child abuse or neglect cases that is necessary for the CRP to carry out its duties.

**Report response.** Not later than six months after the date on which the report is released, OCS shall submit a written response to the report. OCS' response must include a description of whether and how it will incorporate the recommendations of the CRP, where appropriate.

## CRP Members

Diwakar Vadapalli, Chair

Bettyann Steciw

Rebecca Vale

Sonya Hull

JP Ouellette

Donna Daniels

Cameron Adams

Wendy Barrett

Cassandra Kincaid

Dylan Conduzzi

[Member Login »](#)

**CRP Coordinator**

[Email the Coordinator](#)



# WORK PLAN

2017 -2018

Approved: September 15, 2017



**ALASKA CITIZEN REVIEW PANEL**  
880 H Street, Suite 106, Anchorage, AK 99501

*The Alaska Citizen Review Panel evaluates the policies, procedures, and practices of state and local child protection agencies for effectiveness in discharging their child protection responsibilities. The Panel is mandated through CAPTA 1997 (P.L. 104-235), and enacted through AS 47.14.2015.*

[www.crpalaska.org](http://www.crpalaska.org)

This document outlines the proposed work and annual calendar of the Alaska Citizen Review Panel for the year 2017-2018. During the course of its work, the Panel often identifies specific practices, procedures, or policies for deeper examination at a later time. A list of these has been maintained over the years and serves as a primary source of focus areas for the Panel's work. A set of 4-6 goals are identified each year which either address one or more policies, procedures, and practices of the state's child protection agency in Alaska, or are focused on the internal functions of the Panel.

The Panel held a meeting August 26<sup>th</sup>, 2017 in Anchorage Alaska to discuss the goals and focus areas for the upcoming year. There were guest speakers, partners, advisors and legislators who spoke with the CRP during this meeting, and the goals outlined in this document reflect the outcome of these and other discussions. This document consists of three main sections: goals, other major work, and calendar.

**Goals:** Each goal may start out being broad, vague or containing multiple sub goals. Each goal will be further specified and may be narrowed or broadened through the year. In addition, goals from the previous year may continue to be relevant or may not have been fully addressed. All potential goals are discussed by the Panel before adopting goals for the year.

**Other major work:** The Panel also continually collects and compiles data and information on several other components of OCS' work, and addresses selected issues of importance that may surface during the course of the year. Each year's annual report provides specific content on these issues. The Panel also conducts surveys to collect public input, maintains and manages an active website, and presents at various venues to increase public awareness about the Panel's work and functions.

**Calendar:** The Panel meets quarterly, as required by the mandate. In addition, the Panel meets with OCS senior leadership each month, conducts site visits, presents to the legislature, and attends the national CRP conference. Some of the dates identified in the calendar are tentative when this document was approved.

#### GOALS FOR THE YEAR 2017-2018

- GOAL 1:** Examine the effectiveness of the current administrative review process
- GOAL 2:** Examine if 'family reunification' is prioritized as a goal for children in out-of-home placement, and OCS' efforts in pursuit of 'family reunification'.
- GOAL 3:** Examine OCS' efforts in finding relatives for placement of children in foster care.
- GOAL 4:** Expand Public Outreach in collaboration with efforts under the Tribal-State strategic plan.
- GOAL 5:** Strengthen the panel through aggressive recruitment of new members, enhanced website, and tools to reach diverse groups of stakeholders.

## GOALS

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### **GOAL 1: Examine the effectiveness of the current administrative review process**

The panel continues to hear two major concerns about the new administrative review process adopted by OCS in 2015:

1. The new process is too short and does not allow the opportunity for all parties of the case to know each other, nor discuss many aspects of the case.
2. The process serves mostly to check for minimal compliance and identify the next impending deadlines, with minimal attention to substantive progress on the case.

The new review process was a substantial change, and examining its efficacy and efficiency in comparison to the old process has been a goal for the CRP since the change. Our past work revealed that OCS senior management made the change to primarily improve efficiency, and ensure the reviews were completed on time.

This has traditionally been an area of strength for OCS. According to the CFSR that just concluded, periodic case reviews were found to be a strength (Item 21). There were only three reviews overdue as of January 2017. Though data were unavailable on this item in 2009, stakeholder interviews established that case reviews were conducted regularly and on time. While it is clear that reviews are being completed in a timely fashion (efficiency), the CFSR does not assess the effectiveness of these reviews. CRP continues to receive complaints about their effectiveness since moving the reviews to the QA section. In discussions with OCS, the agency leadership expressed a desire to better understand these concerns.

Therefore, the panel intends to reach out to various stakeholders to better document the concerns with the current QA reviews. The panel will:

1. invite various stakeholder agencies, individual professionals, and other interested parties to relay their concerns through written statements, during one-on-one interviews, or through a survey.
2. closely examine the intended outcomes of the new administrative review process, establish criteria of effectiveness, and assess effectiveness of the process.

### **GOAL 2: Examine if 'family reunification' is prioritized as a goal for children in out-of-home placement, and OCS' efforts in pursuit of 'family reunification'.**

The panel outlined five allegations stemming from the packet of information forwarded to the panel by Alaska Department of Law (DOL), Office of Special Prosecutions on January 18, 2016 (see the panel's 2017 Annual Report). Among those, it was alleged that OCS does not prioritize family reunification, and spends very little resources on this effort.

Reunification is a widely preferred outcome when children are removed from their home. Federal law requires 'reasonable efforts' in all cases, and 'active efforts' in cases where the Indian Child Welfare Act (ICWA) is applicable, to return the child home. Both federal and

state laws provide exceptions in cases where reunification is not possible. Considerable debate over several decades pitching family reunification against the safety of the child caused wild shifts in federal policy. Irrespective of the debates, OCS' policies and practice must adhere to the current set of federal and state statutes and regulations. However, since circumstances of each case are unique, and the courts have some discretion in determining if reunification is preferred in a particular case, OCS' practices may vary over a spectrum of possible paths in pursuit of permanency.

To determine if reunification is prioritized as a goal for children in out-of-home placements, the panel will:

1. examine OCS' data on permanency outcomes to determine trends in reunification over time
2. examine OCS' policies and procedures to determine if and how family reunification is prioritized

Since many factors impact the permanency outcome, and reunification is one among many possible permanency outcomes, it is extremely difficult to establish adequacy of effort. The courts overseeing a child protection case are required to examine every case for either reasonable or active efforts. Therefore, the panel will

3. consult with the Alaska court system to explore the possibility of determining adequacy of efforts
4. confer with OCS staff, relevant stakeholders, and service providers to collect perspectives on adequacy of efforts

**GOAL 3: Examine OCS' efforts in finding relatives for placement of children in foster care.**

In its 2017 Annual Report, the panel outlined five allegations stemming from the packet of information forwarded to the panel by Alaska Department of Law (DOL), Office of Special Prosecutions on January 18, 2016. Among those, it was alleged that the efforts of OCS' workers in searching for relatives of children in foster care for their placement were inadequate.

Federal payments for foster care and adoption assistance are contingent upon Federal law under title IV-E of the Social Security Act, which requires that a state "consider giving preference to an adult relative over a nonrelated caregiver when determining placement for a child, provided that the relative caregiver meets all relevant State child protection standards" (42 U.S.C. § 671(a)(19)). Alaska OCS defined relative as "an individual who is related to another by blood, adoption, marriage, or Tribal custom" (CPS Policy Manual § 3.5.4, updated 12/12/2016).

Title IV-E (42 U.S.C. § 671(a)(29)) further requires "that, within 30 days after the removal of a child from the custody of the parent or parents of the child, the State shall exercise due diligence to identify and provide notice to the following relatives: all adult grandparents, all parents of a sibling of the child, where such parent has legal custody of such sibling, and other

adult relatives of the child (including any other adult relatives suggested by the parents), subject to exceptions due to family or domestic violence, that

- A. specifies that the child has been or is being removed from the custody of the parent or parents of the child;
- B. explains the options the relative has under Federal, State, and local law to participate in the care and placement of the child, including any options that may be lost by failing to respond to the notice;
- C. describes the requirements under paragraph (10) of this subsection to become a foster family home and the additional services and supports that are available for children placed in such a home; and
- D. if the State has elected the option to make kinship guardianship assistance payments under paragraph (28) of this subsection, describes how the relative guardian of the child may subsequently enter into an agreement with the State under section 673(d) of this title to receive the payments;

Chapter 3 of the OCS' Child Protection Manual provides detailed instructions on relative search. Adequacy of efforts can only be assessed against certain criteria. In response to the allegation that efforts of OCS' workers in identifying relatives are not adequate, the panel will:

1. Examine relevant federal and state statutes, regulations, and OCS' policies to determine criteria for adequacy
2. Confer with OCS staff, relevant stakeholders and service providers to identify practices and procedures for relative search
3. Identify if these practices meet the criteria identified above

**GOAL 4: Expand Public Outreach in collaboration with efforts under the Tribal-State strategic plan.**

"Transforming Child Welfare Outcomes for Alaska Native Children: Strategic Plan 2016-2020" was released in August 2016, and is a product of innovative and collaborative work by OCS, several other state agencies, and many leaders from various Alaska Native tribes and tribal organizations. In response to the panel's insistence, OCS invited the CRP to participate in any of the six Priority Area Working Groups to implement the plan. The panel consistently participated in two priority area group deliberations during this year.

The panel's participation in the priority area groups opened some potential opportunities, specifically under the Community Engagement Priority Area of the plan. In recognition of the statutory responsibilities and current efforts of Alaska CRP in engaging various stakeholders and community partners, and due to considerable overlap between the panel's duties and the goals of the Community Engagement Priority Area Workgroup, OCS and CRP committed to leverage current CRP efforts in furthering the work of this Workgroup.

Members of this priority area group have been discussing various ways of leveraging CRP efforts, and avoiding duplicate efforts. Specifically, they identified two tasks for next year:

1. Town hall meetings: The panel plans to conduct a town hall meeting during every site visit this year. The Community Engagement Priority Area Group identified this as an opportunity for community outreach. The panel will work with the Priority Area Group members to design and conduct town hall meetings in way that will further the goals of both entities.
2. Survey of ICWA workers and Tribal Service Providers: CRP conducts an annual survey of all attendees at the BIA Social Services sessions of the BIA Providers Conference. OCS conducts a periodic survey of tribal service providers. Where both surveys are conducted in different ways, they cover similar topics and reach the same target population. In order to maximize the benefit and avoid duplication, these surveys will be combined into one, and will be conducted by the panel.

**GOAL 5: Strengthen the panel through aggressive recruitment of new members, enhanced website, and tools to reach diverse groups of stakeholders.**

**Recruitment** – The panel agreed that recruitment needs to be a top priority and that participation of panel members must be encouraged. The opportunity to serve as a panel member needs to be advertised and promoted, and existing panel members should be encouraged to suggest potential members. An updated Job Description for Panelists should be disseminated and suggestions need to be followed up by the CRP Coordinator.

**Website** – The CRP Coordinator will continue improvements and regular maintenance of the CRP website, and will distribute the link to panel members on a regular basis. Materials will continue to be posted in a timely manner.

**Mailing Lists** – The CRP needs mailing lists or access to mailing lists to conduct the service providers' survey. Lists should be solicited from various groups of stakeholders.

## **OTHER IMPORTANT WORK**

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### **Proposed restructuring of the panel**

Senate Bill 122, introduced during the 2017 legislative session, proposes to move the Alaska CRP from its current location within the Department of Health and Human Services (DHSS) to the Alaska Ombudsman's Office. The bill also proposes to significantly reorganize the panel's functions, membership, and accountability structures with respect to OCS. This is a substantial change, and the panel looks forward to contributing to the conversations that will significantly impact its functioning in the future.

### **Indicators of OCS performance**

During the course of its work over the years, the Panel identified the following indicators that are useful in understanding OCS' operation, and helpful in contextualizing the panel's findings.

1. Performance of each OCS field office of Quality Assurance (QA) reviews: CRP collects data from each QA review through the year, and compiles a database to assess relative strengths and challenges of various field and regional offices. This has been very helpful in choosing locations for panel's site visits, and quickly identify the systemic challenges of each field and regional office.
2. Quarterly data on vacancy and turnover: The panel compiles this data by quarter, specifically among frontline Protective Services Specialists positions. Turnover among these positions has consistently been close to 35% over the last fifteen years. Many other challenges faced by OCS are directly related to this. This data allows the panel to better understand the factors enabling such high turnover.
3. Employee survey data: The panel's report from the OCS employee survey in 2016 was appreciated by OCS' as having more depth in analysis. While OCS appreciated the work, it chose to have its internal QA unit conduct the next employee survey. The panel will continue to collect data from the employee survey conducted by OCS and examine trends on various employee-related challenges and opportunities.
4. Backlog of Initial Assessments (IA): The panel has been concerned with the periodic high backlog of Initial Assessments at OCS. While many of these backlogged IA's may be low priority investigations that were never closed due to high workloads, this is nevertheless an indicator of many issues including high workloads, turnover, and other systemic issues at OCS. The panel will continue to monitor the high backlog of IAs.

### **Outreach**

The panel will continue to present its work to the following:

- Committees on Health and Social Services in the Alaska House and Alaska Senate
- Advisory Board of the Alaska Center for Resource Families
- Alaska Court Improvement Project

- BIA Providers Conference
- Alaska's Children's Justice Act Task Force
- The National CRP Network

The panel also plans to conduct a series of town hall meetings as part of its site visits to the five OCS regions this year. In addition, the panel will be available to any group of stakeholders or individuals for presentations. Much of the information about the panel, and all its published documents, are available on the panel's website.

## CALENDAR

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### Quarterly Panel Meetings

The Panel will meet for 90 minutes quarterly on the second Tuesday of each the month, unless otherwise noted. A public notice of the panel's meeting, along with the agenda and related materials will be posted on the State of Alaska Public Notices system at least one week ahead of the meeting. While these meetings are public, they are business meetings, with opportunity for the public to witness the work of the panel. All meeting dates in the table below are tentative, subject to change due to scheduling conflicts.

Quarter	Date	Time
1	Tuesday September 19, 2017	12:00 – 1:30 pm
2	Tuesday December 12, 2017	12:00 – 1:30 pm
3	Tuesday March 13 <sup>th</sup> , 2018	12:00 – 1:30 pm
4	Tuesday June 12 <sup>th</sup> , 2018	12:00 – 1:30 pm

### Meetings with OCS senior leadership

The panel meets with OCS senior leadership every month during the panel's work year (August through June). These meetings are not open to public. The purpose of these meetings is to continue to discuss important matters as they relate to the current challenges and opportunities facing OCS, the panel's progress on its work plan goals, and other matters as necessary.

### Site Visits

The panel intends to complete five site visits this year, one in each of the five OCS regions. We plan to conduct one each during the months of October 2017 through February 2018.

### National CRP Conference

The 2018 National CRP Conference is scheduled for May 15-17, 2018, in Detroit, MI. Two individuals will be representing Alaska's panel at the national conference.

**AUTHORITY:** The Alaska Citizen Review Panel (CRP) is federally mandated through the 1996, 2003, and 2010 amendments to the Child Abuse Prevention and Treatment Act (CAPTA), and authorized through Alaska Statute Sec. 47.14.205. The Panel operates under a set of operating guidelines which are available on the Panel's website.

**FUNCTIONS:** The primary purpose of the Citizen Review Panel is to help state and local child protective services be more responsive to community needs and to give stakeholders the opportunity to participate in improving child protective services through public outreach and engagement.

The Panel is neither a grievance redress mechanism nor an audit mechanism, and thus is not equipped to address any concerns or situations involving individual cases or contracts. Where applicable, the Panel may review individual cases and contracts to examine systemic issues.

#### PRIMARY FUNCTIONS OF THE ALASKA CITIZEN REVIEW PANEL

Evaluates the extent to which OCS is effectively discharging its child protection responsibilities under:

- The state plan submitted to the U.S. Department of Health and Human Services under 42 U.S.C. 5106a(b);
- Child Protection standards under federal and state laws; and
- Any other criteria that the CRP considers important to ensuring the protection of children.

Conducts public outreach and gathers public comment on current OCS procedures and practices involving children and family services.

Advocates for relevant actions that would help improve the child protection services system in Alaska.

**STRUCTURE AND MEMBERSHIP:** Membership on the Panel is voluntary and is expected to represent the diversity of the state. The Panel selects its own members through a formal recruitment and application process. Members elect a Chair and Vice Chair from among the membership. While members are expected to serve for at least two years, there are no stipulated term limits.

**STAFF SUPPORT:** Denali Daniels & Associates (DDA) provides staff support under a contract with the Office of Children's Services. The CRP Coordinator can be contacted at:

Alaska CRP Coordinator  
880 H Street, Suite 106  
Anchorage, AK 99501  
Email: [admin@crpalaska.org](mailto:admin@crpalaska.org)



# ALASKA CITIZEN REVIEW PANEL

## ANNUAL REPORT

### 2016



*Alaska Citizen Review Panel evaluates the policies, procedures, and practices of state and local child protection agencies for effectiveness in discharging their child protection responsibilities. The Panel is mandated through CAPTA 1997 (P.L. 104-235), and enacted through AS 47.14.205.*

212 Front Street, Suite 100, Fairbanks, AK 99701

[www.crpalaska.org](http://www.crpalaska.org)

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Alaska CRP's annual report is released on June 30<sup>th</sup> each year, and covers the Panel's activities through the period beginning July 1<sup>st</sup> of the previous year. The Office of Children's Services is required to respond to this report and its recommendations within six months of its release.

This report is distributed to all state legislators, Alaska's congressional delegation, the Children's Bureau, and the Alaska Department of Health and Social Services. It is also available for any interested party and the general public on the Panel's website at [www.crpalaska.org](http://www.crpalaska.org).

## ABOUT THE PANEL

**AUTHORITY:** The Alaska Citizen Review Panel (CRP) is federally mandated through the 1996, 2003, and 2010 amendments to the Child Abuse Prevention and Treatment Act (CAPTA), and authorized through Alaska Statute Sec. 47.14.205. The Panel operates under a set of operating guidelines, available on the Panel's website.

**FUNCTIONS:** The primary purpose of Citizen Review Panels is to assist state and local child protection systems to be more responsive to community needs and opportunities in providing child protection services through evaluation and public outreach. In Alaska, the designated child protection agency is the Office of Children's Services (OCS). Therefore, the Alaska CRP:

Evaluates the extent to which OCS is effectively discharging its child protection responsibilities under:

- The State Plan submitted to the U.S. Department of Health and Human Services under 42 U.S.C. 5106a(b);
- Child Protection Standards under federal and state laws; and
- Any other criteria that the CRP considers important to ensuring the protection of children

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Advocate for relevant actions that would help improve the child protection services system in Alaska.

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**STRUCTURE AND MEMBERSHIP:** Membership on the Panel is voluntary, and expected to represent the diversity of the state. The Panel selects its own members, through a formal recruitment process. Members elect a Chair and Vice Chair from among the membership. While members are expected to serve for at least two years, there are no stipulated term limits. The Panel membership during 2015-2016 included the following (\* indicates the member resigned during this work year, and + indicates the member joined the Panel during this year):

Chair	Diwakar Vadapalli	Anchorage
Vice Chair	Dana W. Hallett	Haines
Members	Bettyann Steciw	Anchor Point
	Jen Burkmire*	Wasilla
	Joshua Stein+	Barrow
	Margaret McWilliams	Juneau
	Donna M. Aguiniga+	Anchorage
	Rebecca Vale	Anchorage

**STAFF SUPPORT:** Information Insights, Inc. provided staff support under a contract with the State of Alaska.



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## ACKNOWLEDGEMENTS

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The Panel expresses its gratitude to all the staff and leadership of the Office of Children’s Services for their dedicated work keeping Alaska’s children safe, and being available to us through the year. The Panel recognizes the difficult jobs they have, filled with painful decisions, and greatly appreciates their willingness to continue to serve some of the most vulnerable children and families of Alaska.

The Panel also thanks all the partner agencies and their staff for being available for consultation, their thoughtful reflections, and helpful suggestions.

The Panel is thankful to all the individuals that served as resource persons to the Panel.

The Panel thanks Rep. Paul Seaton, Chairman of the House Committee on Health and Social Services, and all the Committee members for encouraging the Panel and providing a forum for meaningful and constructive dialogue.

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## NOTE

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The Citizen Review Panel is tasked with reviewing the policies, procedures, and practices of state and local child protective services in Alaska. In that capacity, this report notes the Panel’s observations on various components of the system in Alaska. The Panel’s review is intended to provide constructive feedback to inform OCS’ policy and practice. No observation should be construed as critical of any individual OCS employee.

### Acronyms

ARO	Anchorage Regional Office
BIA	Bureau of Indian Affairs
CAPTA	Child Abuse Prevention and Treatment Act
CB	Children’s Bureau
CCTHITA	Central Council of Tlingit and Haida Indian Tribes of Alaska
CFSP	Child and Family Services Plan
CFSR	Child and Family Services Review
CIP	Court Improvement Project
CJA	Children’s Justice Act
CPS	Child Protective Services
CRP	Citizen Review Panel
DFYS	Division of Family and Youth Services
DHSS	Department of Health and Social Services
HSS	Health and Social Services
IA	Initial Assessment
ICWA	Indian Child Welfare Act
NRO	Northern Regional Office
OCS	Office of Children’s Services
QA	Quality Assurance
SKILS	Standards, Knowledge, & Insight Leading to Success
SRO	Southeast Regional Office
TCC	Tanana Chiefs Conference
TSCG	Tribal State Collaboration Group
UAA	University of Alaska Anchorage
WRO	Western Regional Office



## EXECUTIVE SUMMARY

The Alaska Citizen Review Panel has been focused on critically examining its own purpose, structure, and processes; and made much progress towards better understanding its mandate, and identifying its roles and responsibilities. Out of the four goals identified in this year's work plan, meaningful progress was made on only two. On OCS-Tribal relationships, the Panel found there is reason to be optimistic. Multiple positive developments in recent months, building on more than two decades of persistent advocacy and efforts, augur well for the future of OCS-Tribal relationships. On the Panel's own structure and process, many gaps and areas to improve were found despite the much progress made in the last several years.

While unable to accomplish all it set out to do for the year, the Panel expanded the site visit calendar, conducted the 2016 Annual OCS Staff Survey, and completed the five-part public awareness tool explaining the OCS practice model. The Panel visited four OCS regional offices this year, as opposed to an average of three in the past, each site visit generating a separate site visit report. The 2016 OCS Annual Staff Survey was a semester-long collaboration between OCS, CRP, and a graduate class at UAA, resulting in an extensive report focusing on OCS' frontline workers. The draft five-part public awareness tool explaining the complex OCS practice model is complete. The Panel hopes to develop it into an online interactive tool for children and families served by OCS. The aim is for them to not only understand the process, but also provide feedback to OCS and CRP on both the tool and the quality of engagement with the child protection services system.

### 2015-2016 RECOMMENDATIONS

**Recommendation 1:** Consider assigning the CRP a significant role in implementing various priority areas of "Transforming Child Welfare Outcomes for Alaska Native Children: Strategic Plan 2016-2020". With its statutory authority, CRP will be an asset for OCS in implementing this strategic plan.

**Recommendation 2:** Tribal State Collaboration Group (TSCG) should consider a dialogue with the leaders of Alaska Native for-profit corporations to garner their support and any resources they may be able to leverage to enhance child protection services.

**Recommendation 3:** The enterprise of CRP should be evaluated by an external entity to assess its effectiveness, with particular attention to:

- A. Internal structure and process of CRP in order to improve efficiency.
- B. CRP-OCS statutory relationship in order to ensure clear roles and responsibilities.

**Recommendation 4:** OCS build on CRP's survey effort by:

- A. Viewing training of frontline workers as a longer enterprise that extends beyond SKILS, and evaluate the entire enterprise for effectiveness.
- B. Including special sections in the annual staff survey, focusing on a topic of interest, and repeating this periodically every two or three years.
- C. Identifying other similar survey efforts that OCS conducts, and leveraging resources from external entities such as CRP to conduct them.

**Recommendation 5:** OCS should work with CRP to strengthen CRP's ability as a robust mechanism for public participation, and rely on it to improve public awareness of the nature and content of OCS work.



## ANNUAL ACTIVITIES

The Panel's 2015-2016 annual calendar included the following activities. Reports on all major activities are available on the Panel's website at [www.crp.alaska.org](http://www.crp.alaska.org).

**QUARTERLY PANEL MEETINGS:** In order to improve efficiency, the Panel scaled back its monthly meeting schedule to a quarterly meeting schedule this year. The Panel met on the first Tuesday of every three months. Owing to the geographic dispersion of the Panel members, all meetings by default are held over the telephone. All quarterly Panel meetings are open to public. The meeting agenda, date, time, location, and call-in number are announced a week prior to the meeting, and posted both on the Panel's website and on State of Alaska online public notices website. Summary minutes are posted on the Panel's website. Agency representatives or others with experience and expertise on a specific practice or policy are often invited to present to the Panel at quarterly meetings.

**MONTHLY MEETINGS WITH OCS:** In order to maintain a healthy working relationship, and stay informed of the latest developments in practice and policy, the Director and the Division Operations Manager of OCS meet with the Panel every month to share mutual progress, discuss latest developments, and respond to mutual queries.

**SITE VISITS:** The Panel conducts visits to various OCS regional and field offices to gather information on practice and assess working relationships between OCS and its local partners. The Panel's observations and recommendations are documented in a report and are subsequently discussed with the OCS' state and the regional leadership. All site visit reports are available on the CRP website. The Panel conducted four site visits during 2015-2016.

**REPORT TO THE LEGISLATURE:** Each February, the Panel attempts to present a summary of the previous year's work and an update on the current year's work to the Alaska House Health and Social Services (HSS) Committee. The Panel has been unsuccessful in securing a hearing with the Senate HSS Committee for the last four years. Due to the state budget crisis, the Panel presented to the House HSS Committee over the phone, and did not travel to

### 2015-2016 CALENDAR

Panel Quarterly Meetings	Meetings with OCS	Site visits	Other
Sep 26-27, 2015			
Oct 6, 2015		Oct 28-30, 2015 NRO	
	Nov 10, 2015		
Dec 1, 2015	Dec 8, 2015		
	Jan 12, 2016	Jan 11-15, 2016 ARO	
	Feb 9, 2016	Feb 24-27, 2016 SRO	
Mar 1, 2016	Mar 8, 2016		
	April 12, 2016		Apr 2, 2016 Presentation to the legislature
	May 10, 2016	May 12-13, 2016 WRO	Jun 6-9, 2016 CRP National Conference
Jun 7, 2016			
Jun 11-12, 2015			

### 2015-2016 PRESENTATIONS TO THE PANEL

Month	Person	Title
Dec 2015	Tammie Wilson	Alaska House Representative, District 3, North Pole



Juneau. Thus, the Panel was not able to meet with other legislators, legislative staff, the Governor's office, or the leadership of the Department of Health and Social Services (DHSS). The Chair of the Panel met with DHSS Commissioner Valerie Davidson in September 2015, and updated her on current concerns.

**OUTREACH ACTIVITIES:** The Panel reaches out to the public and various stakeholder groups to collect public comment. The Panel maintains an active website [www.crp.alaska.org](http://www.crp.alaska.org) that hosts all Panel documents and serves as a means for the public to reach the Panel. The Panel also meets with, or participates in meetings of, various other groups, Panels, and commissions to inform them of the Panel's activities. Such activities included:

- Nov 25, 2015 Anchorage Meeting with Tammy Sandoval, Director, Child Welfare Academy
- Nov 25, 2015 Anchorage Meeting with Aileen McInnis, Director, Alaska Center for Resource Families
- Dec 2, 2015 Anchorage Presentation to the ICWA representatives at the BIA Providers Conference
- Dec 17, 2015 Anchorage Presentation to the Court Improvement Project
- Apr 27, 2016 Anchorage Attended 'Community in Unity: Fostering our Future', a public forum sponsored by Alaska Public Media

**CRP NATIONAL CONFERENCE:** For the second year in a row, the Chair and the Vice Chair of the Panel attended the CRP National Conference. The 2016 conference was in Phoenix AZ, on June 6-9, 2016. This was the 15<sup>th</sup> annual conference. A detailed report of observations and recommendations, from the Conference, is available on the CRP website. Alaska CRP will be hosting the 16<sup>th</sup> annual conference in 2017, in Anchorage.

**CHANGES TO PANEL OPERATIONS:** On average, the Panel conducted three site visits each year in the past, with no particular prioritization plan. To get a comprehensive view of the practice in the field, and to adequately meet its mandate, the Panel decided to pursue five site visits, one to each of the five regions of OCS, each year. However, the Panel only completed four visits, missing a visit to the South Central Regional Office (SCRO). In the process, the Panel discovered some inefficiencies that should be addressed next year, in order to complete all five site visits.

The Panel conducted the 2016 Annual OCS Staff Survey. This is in addition to the annual survey of attendees of the Indian Child Welfare Act workshops, at the Bureau of Indian Affairs (BIA) Annual Providers' Conference. The results of both surveys are documented in separate reports, and posted on the CRP website. For the third year in a row, the Panel failed to build capacity to conduct case reviews. This remains a challenge.

#### **PRIMARY FUNCTIONS OF THE ALASKA CITIZEN REVIEW PANEL**

Evaluates the extent to which OCS is effectively discharging its child protection responsibilities under:

- The State Plan submitted to the U.S. Department of Health and Human Services under 42 U.S.C. 5106a(b);
- Child Protection Standards under federal and state laws; and
- Any other criteria that the CRP considers important to ensuring the protection of children

Conducts public outreach and gathers public comment to inform its review.

Advocate for relevant actions that would help improve the child protection services system in Alaska.



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## WORK PLAN

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The Panel's annual work plan contains three components: (1) **specific goals** as part of the Panel's mandate of review and outreach; (2) associated **travel schedule** including site visits; and (3) **specific activities to change or improve its operations**. The Panel's travel and operational improvements are reported in the previous section of this report. Work plan goals evolve in the course of the Panel's activities.

### **GOAL 1: Explore the evolving relationships between Tribal organizations and Office of Children's Services (OCS).**

Over the years, the Panel has consistently noted that the relationships between OCS and the 229 federally recognized tribes in Alaska, and several Alaska Native regional organizations have been weak or haphazard. Despite a two-decade long history of organized collaboration efforts, relations continue to be challenging. However, recent developments have been very encouraging. Multiple Title IV-E Maintenance Agreements in recent years signify accelerated positive movement. In addition, a DHSS/OCS strategic planning effort to improve these relationships began in May 2015. This goal was identified to systematically examine this evolving relationship.

### **GOAL 2: Strengthen Panel's skills and organizational policies and capacities.**

The Alaska CRP has been functioning since 2002, with increasing autonomy and financial resources. As the Panel assumed more responsibility over the last few years, several structural and procedural challenges became apparent. Further, lack of clarity in the purpose of the Panel, mutual roles and responsibilities of the Panel and OCS, and the role of the Panel Coordinator compounded the challenges. Although the Panel adopted changes as needed, a self-evaluation was necessary. While the Panel did not have the resources to complete a meaningful evaluation, it examined its own purpose and functions.

### **GOAL 3: Determine whether current and former foster parents' and agency partners' experiences align with OCS' foster care policies.**

During last year's exploration of foster care recruitment policies, the Panel noticed several challenges foster parents face in their interactions with OCS. This goal was identified to document and better understand these challenges. The Panel tried to identify a meaningful sample of foster parents from across the state, but were unsuccessful in adequately documenting the challenges in a systematic way. The Panel only partially reviewed OCS foster care policies. Much work remains.

### **GOAL 4: Evaluate the efficacy and effectiveness of the new administrative review process.**

OCS changed its administrative review process in early 2015 from an extended multi-hour review involving all associated parties to a case to a shorter review that met the federal minimum standards. This significant change has substantial implications. The Panel could not accomplish this goal due to lack of resources.

*Each goal relates to one or more components of OCS' Practice Model or operations. Where possible, both the stated policy and actual practice of that component are examined under each goal. Recommendations from the Panel are expected to address this gap, and help the child protection system be more responsive to the needs of the children and families it serves.*



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## FINDINGS

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### **GOAL 1: Explore the evolving relationships between Tribal organizations and Office of Children's Services (OCS).**

Alaska's 229 federally recognized Alaska Native tribes are a diverse group of entities, with a variety of governmental structures and processes. Many of these tribes are small and isolated communities that have limited economic resources and high cost-of-living expenses. Alaska Native tribes lack territorial jurisdiction (with the exception of Metlakatla) and suffer historic trauma from centuries of oppressive relationships with non-Alaska Native population. Maintaining cultural continuity is extremely important for Alaska Native communities, and children are their greatest assets. Approximately 56% of all children in out-of-home care in the state are Alaska Native while their proportion in the general population is approximately 20%. Most of the remote Alaska Native tribes have minimal capacity to provide any child protection services.

OCS is the designated entity with responsibility to provide child protection services across the state. Regardless of tribal membership, OCS is responsible for responding to allegations of maltreatment, intervening in families, and providing the needed services to ensure safety of children and health of families. Service provision in Alaska is generally very challenging and expensive. These challenges are exacerbated for OCS; due to high turnover among its frontline workers. Therefore, providing culturally sensitive child protection services that are responsive to community needs has been considerably challenging.

CRP has long recognized this challenge and has been focused on examining various components of this relationship. This goal was framed to provide a meaningful framework for such an examination. Discussions of OCS-Tribal relationships are often focused on compliance with the provisions of Indian Child Welfare Act (ICWA). While that is important, the Panel felt the need to focus on relationships at various levels in practice. The Panel meets with tribal leaders and other members of tribal communities during site visits each year. Attendees at the Annual Providers Conference organized by the Bureau of Indian Affairs (BIA) Social Services Division have been surveyed each year for the last three years. Attendees at this conference include tribal child protection workers, tribal judges, tribal council members, and other elected and appointed officials from tribal communities across the state. In addition, the Panel obtained several documents from OCS that informed our review. This review is preliminary, and the Panel hopes to continue its examination of this relationship over the years.

**Collaboration over the last two decades:** In order to further constructive partnerships and improve services, OCS collaborated with several Title IV-B Tribes and Children's Bureau (CB) Region X to form the Tribal State Collaboration Group (TSCG) in 1994. TSCG was created to evaluate the child welfare delivery system; enhance or modify services to better fit the needs of families in their communities; and advocate for a continuum of services that are culturally relevant, coordinated, integrated, and family focused. While TSCG is not statutory, it has a mission remarkably similar to the Citizen Review Panel. It was created two years prior to the 1996 CAPTA amendments that mandated CRP, and speaks to the foresight of Alaska's child protection leaders at the time. For more than 20 years, TSCG has been the forum to discuss and collaborate over various difficult issues in providing child protection services to tribal families and children. The TSCG has an impressive set of accomplishments over the years, and many more planned collaborative efforts ahead. TSCG is led by a set of Co-Chairs from both OCS one of the five regional tribal organizations.

Despite this significant and consistent effort through TSCG, perspectives we gained from site visits identify areas for improvements. Many tribes combine their resources and are served by regional non-profit organizations in each of the five regions of the state. These large tribal non-profits enable economies of scale and have the capacity to intervene in cases on behalf of the tribe and advocate for services. They often have a strong voice and participate in several



statewide partnership efforts, primarily through TSCG, in designing and implementing services. Relations between these large tribal non-profits and OCS tend to be more structured compared to other tribes that are not part of a compact. All large tribal non-profit organizations are located in major hub communities that also have an OCS regional or field office. Frequent interactions between OCS staff and staff from these organizations help in structuring these relationships. Smaller tribes, with fewer staff in remote locations and no OCS presence report less frequent interactions and uncertain relationships.

Results of the 2015 annual survey of tribal personnel at the BIA Providers Conference indicate that almost 40% of the respondents were unaware of TSCG. It is not clear if TSCG claims to be representative, but certainly is diverse geographically, with representatives from each OCS region. Moreover, discussions of the TSCG are relevant to, and seem to have significant impact across the state. Therefore, it is concerning that, TSCG is not as visible as one would expect. Regardless, TSCG as an instrumental and historically successful forum should be structurally integrated into a tribe's child protection organization. Immense diversity across tribes may be a considerable challenge for such an integration. To partially address this concern, and allow TSCG to address more tangible and specific challenges in each OCS region, TSCG is decentralized to a regional level, with a regional TSCG for each OCS region. This strategy was implemented in 2015, and the Panel did not gather any information on its implementation.

**Structured relationships:** More recent developments are cause for much celebration. OCS entered into a Title IV-E Maintenance Agreement with the Tanana Chiefs Conference (TCC), a regional Alaska Native non-profit organization with 37 tribes under its compact. This agreement allows TCC to assess Title IV-E eligibility of tribal children in custody within their region, and provide payments received from OCS. The terms of this agreement are expansive, and the entire agreement is available on OCS website. This agreement is a significant step towards improved tribal participation in administering child protection services. Implementing the terms of the agreement requires TCC to maintain substantial organizational capacity, and both parties to communicate frequently and seamlessly. Another similar agreement with the Central Council of Tlingit and Haida Indian Tribes of Alaska (CCTHITA), the regional tribal non-profit organization in southeast Alaska, is currently taking shape and is likely to be implemented in late 2016.

This is an example of a structured relationship, for which CRP has been advocating for some years now, between OCS and all tribes in general. While a Title IV-E Maintenance agreement is substantial, and requires significant organizational capacity to implement, other relationships can be more structured. One area for improvement, consistently identified by tribal personnel on the frontlines, is their relationship with OCS frontline workers. Survey results from both 2014 and 2015 indicate that some frontline relationships, where both workers are often in direct contact with families and are very knowledgeable of the context of each family, are haphazard. Interactions between frontline workers is more frequent and less contentious on matters related to initial assessment, case planning, relative search, placement decisions, administrative reviews, and adoption decisions. Close to 30% of all those responding to the survey indicated that they rarely or never collaborate with OCS frontline workers and their interactions are more contentious than collaborative on these matters. Interactions are less frequent and more contentious on matters related to independent living decisions and termination of parental rights. The group of respondents to this survey is not homogenous and includes frontline ICWA workers, tribal judges, and other personnel.

**Towards a better future:** Perhaps the most significant development in tribal-OCS relationships is the most recent effort on a strategic plan to reorient the relationship. Department of Health and Social Services (DHSS) and OCS began a strategic planning effort in May 2015, involving various state and tribal agencies to craft a vision for the future of OCS-tribal relationships. A smaller group came together over the next few months and developed a strategic plan "Transforming Child Welfare Outcomes for Alaska Native Children: Strategic Plan 2016-2020". The vision statement, "Alaska Native culture keeps Alaska Native children safe" directly addresses the importance of culture and dispels any mythical challenges to child safety stemming from cultural differences.



It is a direct challenge to policy makers and administrators to work in partnership with the Alaska Native cultural stewards and identify culturally sensitive policy options and service modalities. This is well overdue.

The strategic plan document identifies six priority areas:

1. Respectful Government-to- Government Collaboration & Partnership. Achieve formal, friendly and forever recognition of Tribes by the state.
2. Self-Governance. Tribes self-govern the welfare of their children, and have the resources to do so.
3. Embrace and implement the spirit of the Indian Child Welfare Act (ICWA). Embrace the spirit and values of ICWA to ensure Alaska Native children are with their families and community.
4. State Government Alignment. Ensure State government systems are aligned and provide services based on the values and spirit of ICWA.
5. Community Engagement. Alaska's child welfare system operates as a partnership among the community, tribal, state and federal governments to keep Alaska Native children with their family and culture.
6. Culturally Specific Services and Supports. Provide a continuum of culturally specific supports that ensure the safety, permanency and well-being of Alaska Native children.

Designated OCS representatives, in collaboration with tribal representatives, are leading six workgroups, each focusing on one priority area identified above. Workgroups are charged with the responsibility to implement the strategic plan priorities. More importantly, the plan initiated discussions on several longstanding and desired goals including compacting options between OCS and individual tribes for child protection services. This can result in several structured agreements between individual tribes and OCS, and significantly improve local capacity in providing services.

The Panel congratulates OCS, several other state agencies, TSCG, and many leaders of all the tribes involved in this successful collaboration, and look forward to its results. Actions resulting from this strategic plan are likely to address many of the challenges CRP continues to identify in this realm. Relations on the frontlines between ICWA workers and OCS workers are not structured, resulting in gaps in service provision. Multiple priority areas of the strategic plan can potentially address this. TSCG does not appear to have any statutory authority. This strategic plan certainly speaks to the sustained contribution of TSCG, and will likely improve its visibility and instrumentality among tribal communities and families.

Steps for implementation included in the plan document suggested that priority area groups should identify timeline, tactics, and resources to implement various ideas within each priority area. For example, the Court Improvement Project (CIP) was identified as a natural home for several projects that involve judicial review. The CRP was neither informed nor invited to participate during the planning phase. Since CRP is a statutory mechanism to enable public participation in child protection, CRP would be a valuable asset to at least one priority area – community engagement. The Panel was invited to participate in each priority group as a stake holder.

**Resources:** Resources required to provide services to communities and families in the far corners of this vast state are always in short supply. With the current fiscal situation in the state, budgetary resources are vulnerable to cuts. In addition, OCS, as most child protection agencies in other states, struggles with a 25% - 30% turnover rate among its frontline workers. Regardless of the increased scope of prevention services, there will be significant need for child protection services in the near future. While the strategic plan above addresses many longstanding difficult challenges, it does not address the resource issue.

While many partner agencies, tribal leaders, and others involved in child protection were either directly involved or will likely find a meaningful role in implementing the strategic plan, the Panel felt that the for-profit Alaska Native corporations may have been an advantageous addition to the discourse. All Alaska Native adults and children involved with child protection services in the state are either shareholders or likely eligible to be shareholders of one or more of the for-profit corporations. Alaska Native for-profit corporations are likely sensitive to the disproportional representation of Alaska Natives in child protection services. Health and wellness of their shareholders is important to the corporations, and they are likely to invest in service provision.

**Recommendation 1:** Consider assigning the CRP a significant role in implementing various priority areas of “Transforming Child Welfare Outcomes for Alaska Native Children: Strategic Plan 2016-2020”. With its statutory authority, CRP will be an asset for OCS in implementing this strategic plan.

**Recommendation 2:** Tribal State Collaboration Group (TSCG) should consider a dialogue with the leaders of Alaska Native for-profit corporations to garner their support and any resources they may be able to leverage to enhance child protection services.

## **GOAL 2: Strengthen Panel’s skills and organizational policies and capacities.**

Over the last several years, Alaska CRP has been focused on clearly identifying its roles and responsibilities, restructuring its operations, and improving its relevance and visibility. Established in response to the 1996 amendments to the Child Abuse Prevention and Treatment Act (CAPTA), Alaska CRP produced its first annual report in 2002. OCS directly provided staff support in the early years. However, since 2005, OCS provides staff support through a contract. The Panel’s statutory mandate clearly identifies two core functions:

1. Evaluate the extent to which OCS is effectively discharging its child protection responsibilities under:
  - The State Plan submitted to the U.S. Department of Health and Human Services under 42 U.S.C. 5106a(b);
  - Child Protection Standards under federal and state laws; and
  - Any other criteria that the CRP considers important to ensuring the protection of children
2. Conduct public outreach and gather public comment to inform its review.

Although advocacy was not clearly identified in the mandate, the Panel always maintained a strong advocacy voice.

CRPs are designed as mechanisms for public participation in child protection policy and practice in order to assist child protective services (CPS) agencies be more responsive to community needs. Alaska CRP’s role is to organize and facilitate such participation by reviewing OCS’ policy and practice to evaluate the agency’s performance against three specific criteria; conduct public outreach to inform such a review; and advocate for actions that the Panel sees as relevant and meaningful to improve child protection services. CRPs are composed of volunteers, and CPS agencies are to provide staff support and any required data and information desired by a CRP.

With an expansive mandate, volunteer membership, and small budget (\$82,000 in FY 16), the Panel recognizes the need for more consistent, structured, and responsive operations. The Panel began to take a critical look at its own operations in 2012 and implemented a series of basic changes to improve its effectiveness. Changes include adopting an annual calendar for its operation that begins with a work plan in August and ends with the annual report in June, being intentional in its relationships through scheduled regular meetings with OCS, streamlining its operations through standardized templates for



workflow, and maintaining an active website. Despite all these changes, several challenges remain. Short of an evaluation, the Panel attempted a critical self-examination and identified several areas of its operation that need further clarification or improvement. Two critical gaps are identified below:

**Many changes are required in the operational guidelines to ensure efficient operations.** The Panel operated without any policies or procedures for more than a decade. Despite this, the Panel strived to be highly functional, with extensive output to inform the public discourse on child protection in Alaska. The Panel produces three to five site visit reports with observations and recommendations regarding the status of child protection practice in each OCS region throughout the year. In addition, the Panel produces the annual report with details of activities of the Panel throughout the year, and specific recommendations for OCS. As part of the Panel's public outreach mandate, members of the Panel present at various public fora and conduct surveys. The Panel informs the Alaska legislature every year, and actively participates in the national CRP community.

For more effective and efficient operations, and seamless transition in leadership, the Panel recognized the need for a clear set of policies and procedures. A set of "Operational Guidelines" were adopted in December 2014, approximately 12 years since its inception. As the Panel tried to operate according to the guidelines, many gaps surfaced. For example, the guidelines call for a probation term for new members that ends with an assessment to determine if continued membership is in the best interests of the Panel. However, "best interests" are not adequately defined. Moreover, CRP members are volunteers and are vetted through a reasonably structured and meaningful recruitment process. Consequently, the probationary period should be focused on orienting the new member and enabling required supports to integrate. The Panel's new member orientation process is not systematic and needs more structure. Another example is the purpose and process of establishing quorum and conducting a vote. CRP is not a decision-making or legislative body. It is more of a task force. The Panel does not vote on anything and Robert Rules of Order are not applicable to its meetings. Therefore, provisions on quorum and voting are confusing and need to be critically examined for their relevance and meaning in the context of a CRP. Other examples include a lack of structure for leadership succession, conducting outreach, new member orientation, and volunteer management.

**CRP-OCS relationship should be structured better with adequate protocols to improve efficiency.** In order for a group of volunteers to evaluate a complex and large public agency with a difficult mandate, constructive relationships and efficient protocols are extremely important. Both CRP and OCS invest considerable amounts of time in nurturing a constructive relationship. The Director and the Division Operations Manager of OCS meet with the Panel every month to share mutual progress, discuss latest developments, and respond to mutual queries. A large majority of the OCS' staff in each OCS regional and field office always manage to find time to meet with the Panel during site visits. Many senior staff respond to frequent requests from the Panel. While all this has helped in establishing trust and sharing information, there are large inefficiencies.

Despite its active role and presence over 14 years, the Panel is not recognized either on the DHSS or OCS organization charts. Beyond the state and federal statutes, there is no existing policy or regulation clarifying mutual roles and responsibilities of CRP and OCS. CRPs in some states have a memorandum of understanding that defines the relationship. However, such instruments may not be applicable in Alaska CRP's case because the Panel does not have a legal identity and thus cannot be a signatory to any agreement or contract. State statute enacted in 2005 directs the DHSS Commissioner to institute regulations to guide CRP operations. Such regulations have yet to be created. Entire budget for the Panel operations is routed through a consulting contract for coordination services, leaving room for a number of conflicts of interest. The Panel's budget for FY 2016 was cut by 18% midyear, and the Panel was informed that the Commissioner of DHSS decided not to extend any contracts or grants. This implies that the Panel is treated as a grantee or a contractor rather than a statutorily required public entity. CRP is rarely invited to or informed of an initiative in the planning stages. For meaningful public



participation as envisioned by Congress, CRP should be invited to participate in planning stages of relevant initiatives, not just be provided information after the fact.

Equipped with statutory authority but no regulations, OCS-CRP relations were irregular over the years. Given that evaluation can often be a contentious affair, relations have sometimes been difficult. While both entities strive to maintain constructive relations, the absence of regulation meant that mutual roles were often defined by opportunities and constraints of context rather than statute. For an effective Panel as envisioned by Congress and enacted through federal law, this statutory relationship between OCS and CRP should be better structured.

**Recommendation 3:** *The enterprise of CRP should be evaluated by an external entity to assess its effectiveness, with particular attention to:*

- A. Internal structure and process of CRP in order to improve efficiency*
- B. CRP-OCS statutory relationship in order to ensure clear roles and responsibilities*

### **GOAL 3: Determine whether current and former foster parents' and agency partners' experiences align with OCS foster care policies.**

CRP began efforts to understand the foster care system; and recruitment and licensing of foster homes during the Panel's 2014-2015 work year. The Panel examined the recruitment efforts of OCS, and suggested a few changes. This year, the Panel set out to examine the experiences of foster parents and agency partners, and their alignment with the stated policies of OCS. The Panel met with several foster parents over the year during site visits. However, the Panel found itself unequipped to successfully reach out to as many foster parents as would have been ideal. In addition, methods of eliciting information and the type of information obtained through interviews have not been consistent. Therefore, this information could only be used to complete site visit reports. It was not consistent or complete enough to draw any conclusions about either foster parents' or agency partners' experience with the foster care system.

The Panel made some progress in trying to understand the foster care policies. The CRP recruited an undergraduate intern to prepare a series of flowcharts to enable CRP members to quickly examine the foster care licensing manual and other foster care policies. These flowcharts are similar to the flow charts CRP prepared for public consumption to assist with community understanding of the OCS practice model. The foster care policies flowcharts are not included with this report.

### **GOAL 4: Evaluate the efficacy and effectiveness of the new administrative review process**

Administrative reviews are reviews of all cases where children are placed out-of-home. The 1980 Adoption Assistance and Child Welfare Act (P.L. 96-272) mandated all states to institute reviews of all out-of-home care cases once every six months. At least one of these reviews each year should be in court. States were given the option of either instituting a Citizen Review, Administrative Review, or a Judicial Review of each case for the other 6-month review of each case every year. Alaska had a citizen review in place from 1991 through 1996, involving citizens from across the state. This citizen-led foster care review board was called the "Citizen Review Panel", not to be confused with the current Citizen Review Panel that issued this report. The early 1990s' Citizen Review Panel reviews were unsuccessful, producing only three reports in six years. That Panel was repealed in 1996, and a new Administrative Review was instituted. This process was led by the then Division of Family and Youth Services (DFYS) staff. Overtime, these reviews grew in scope and



included many aspects that were beyond the scope intended by congress in P.L. 96-272. Most parties to a case were invited, and the review process evolved into a comprehensive review and discussion of all aspects of the case. While this was helpful to most parties, review meetings lasted longer and consumed more resources than expected. By 2014, nine positions (ICWA Specialists and Permanency Planning Specialists) were constantly engaged in conducting administrative reviews.

In August 2015, OCS announced a restructuring of the Administrative Review process in a bid to streamline the process and free up staff resources to improve compliance with ICWA provisions. This restructuring primarily focused on sharply reducing the scope of administrative reviews to meet the minimum standards required by P.L. 96-272 outlined below:

1. Continuing necessity for and appropriateness of the placement;
2. Extent of compliance with the case plan;
3. Extent of progress which has been made toward alleviating or mitigating the causes necessitating placement in foster care; and
4. To project a likely date by which the child may be returned to the home or placed for adoption or legal guardianship

The streamlined reviews are to be conducted by the Quality Assurance (QA) section within OCS, and two new positions were added to the QA section for this purpose. In effect, the work being accomplished by 9 individuals will now be completed by 2 individuals. OCS did not have any plans to evaluate the impact of this planned transition. The Panel decided to examine the new process in comparison to the old process.

Examining the whole administrative review process is an involved exercise. The Panel, with limited resources, could only make limited progress this year. The Panel did not review the past review process. Beyond what is outlined above, the Panel did not review the current review process. However, the Panel asked community stakeholders and OCS' partner agencies for their impressions of the change during our site visits, (the Panel visited four out of the five OCS regions). Below is the summary of responses:

- The change was appreciated by OCS regional management. They clarified that many aspects of a case reviewed and discussed during the past version of Administrative Review process were covered during other meetings and reviews, and did not need to be part of the Administrative Reviews. They were appreciative of the availability of regional ICWA specialists to focus on ICWA compliance instead of conducting Administrative Reviews.
- Community stakeholders, specifically tribal partners, were skeptical of the change. Most importantly, they felt that Administrative Reviews gave them the opportunity to get to know other parties to the case, and check on the status of various aspects of the case being reviewed. Although the review consumed more time, they appreciated the opportunity to conduct an expansive review. They reported that the new process is often very short (approximately half hour as opposed to more than two hours in the past), and limited to the four items identified above. Besides losing the opportunity to cover all different aspects of the review, there were no clear objections to the new process.

Changing a major review process will likely cause concerns. OCS informed the CRP of this change in August 2015, immediately after implementing it. Presumably, all concerned parties were informed at that time or prior to that. Perhaps informing the parties of OCS' intentions while in the planning stages might have helped assuage any concerns. However, OCS senior management, including the regional managers, all reported that the additional aspects that are now removed from administrative review process are covered as part of various other processes. While this change is significant, it does not appear to alter the totality of OCS functions concerning out-of-home case reviews. It appears to be a simple restructuring to realize some efficiency.



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## **OTHER IMPORTANT WORK THIS YEAR**

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Every year, during the course of its work, the Panel comes across various issues of importance to the delivery of child protection services in Alaska. Many of these issues are interconnected, and overlap with the goals for that year. Below are issues the Panel considered during 2015-2016. These are reported here to give the readers a more complete account of the Panel's work, and also to help readers understand the depth and scope of the Panel's work. While its mandate is broad and covers everything that the state and local child protection system does in Alaska, the Panel is limited by the available resources. Thus, this list does not include several other issues that could have been considered during this year.

### **2016 OCS Annual Staff Survey**

In response to the 2015 CRP recommendations to improve OCS survey instruments and reporting of results on various surveys that the OCS internal QA unit conducts, OCS asked CRP to lead the effort on conducting the 2016 annual OCS staff survey. This survey solicits employees' opinions on a variety of topics, and data is used to understand various opportunities and challenges employees have in their jobs. This is a significant survey to inform the decision-making of OCS senior leadership on topics such as worker training, safety, workload, recruitment, retention, communication, etc.

CRP accepted the task as a collaborative effort between CRP and OCS and not a CRP project *for* OCS. However, since CRP does not have capacity to review the survey instrument, conduct the survey, and report the results, the Panel recruited the help of a graduate research methods class in the Public Administration program at the College of Business and Public Policy, UAA. Fifteen graduate students under the supervision of the instructor (who is also the Chair of the CRP) reviewed the survey instrument, and reorganized it. In addition, several questions were clarified. The OCS Director distributed the online survey link to all staff, and sent three reminders and a couple of clarification emails in response to concerns. The survey received 54.4% response rate. A complete report of the survey results, after substantial review by OCS senior management, was submitted to CRP and OCS. This has been a very constructive partnership, and was successful in generating some actionable information for both OCS and CRP. Three major findings from the report are:

- Supervisor-frontline worker relationship is the most positive factor among all factors that influence retention at OCS. Frontline workers overwhelmingly reported that they value their supervisors highly, and rely on them for advice and support.
- Training of frontline workers is not adequately addressed in the survey. Questions were limited to the perceptions of frontline workers on the effectiveness of SKILS, the two- or three-week mandatory training for all frontline workers upon hire. Future versions of the survey should address training as a longer enterprise, comprising orientation of new workers prior to attending SKILS, the actual SKILS training sessions, and any subsequent on-the-job training available to workers. Prior research indicates that less than 20% of what is learned in a training session is retained, and structured on-the-job training opportunities are critical for workers to retain what was learned during training.
- Workers believe that the community at large has minimal understanding of the OCS' Practice Model. This is a major concern that CRP addressed in the past. Community awareness of the nature and purpose of the work OCS does is extremely important for the agency's effectiveness. While OCS invested in multiple award-winning public service announcements, public awareness of the basic purpose and nature of OCS' work remains an area for improvement. Moreover, a frontline worker's perception that the community may not understand the purpose or nature of their visit to a family or a child in a community would be detrimental to the quality of their work.



Community awareness of OCS' work is also of direct concern for CRP. The Panel is a statutory mechanism for public participation in child protection policy and practice. The Panel's mandate implies that it is responsible for improving community's awareness around the nature and content of OCS' work. The Panel is expected to enable a common ground for constructive dialogue to address issues of concern. Therefore, the workers' perception that the community at large is not aware of the OCS' Practice Model is a direct challenge for CRP. The Panel recognized this challenge and has been developing tools and reaching out to the community in various ways to improve general awareness. Last year, the Panel developed a flowchart to explain the workflow of the OCS' Intake Process. The flowchart was reviewed by OCS, and is available on the CRP website. The Panel continued that work this year, developing flowcharts for all components of OCS' Practice Model. These additional flowcharts are awaiting OCS' review. Much work remains.

The survey instrument does not cover many critical aspects of OCS' employees work and context. Issues such as secondary trauma, staff development plan, and many on-the-job training opportunities were addressed only peripherally. It is common for surveys of this nature to focus on special topics during certain years.

The survey effort was a major undertaking for the Panel, and demonstrates the resources that the Panel can leverage. In addition, the entire process is a demonstration of constructive partnerships that can benefit OCS' efforts in providing services. The Panel sincerely hope that OCS considers using this model of collaboration with the university, CRP, or both in strengthening its various research and evaluation efforts.

***Recommendation 4: OCS should consider building on CRP's survey effort by:***

- A. Viewing training of frontline workers as a longer enterprise that includes SKILS, and evaluating the entire enterprise for effectiveness.*
- B. Including special sections in the annual staff survey, focusing on a topic of interest, and repeating this periodically every two or three years.*
- C. Identifying other similar survey efforts that OCS conducts, and leveraging resources from external entities such as CRP or UAA to conduct them.*

## **CRP's community engagement**

The Panel's mandate requires CRP to not only understand the child protection services system in the state, but also conduct public outreach to raise awareness in the community at large about the nature and content of child protection policy and practice. In other words, CRP is a mechanism for informed public participation in child protection and practice, with a goal to help OCS be more community focused. To ensure that CRP meets its public outreach mandate, CRP needs to be visible, relevant, and connected to OCS' efforts in community engagement. All concerned should be aware of CRP's roles and responsibilities and be willing and prepared to leverage this statutory role.

The Panel schedules several outreach activities during the year. Site visits allow the Panel to not only collect public comment on policy and practice, but also an opportunity to disseminate information about various issues. Panel members present to multiple gatherings through the year, sharing the work of the Panel and raising awareness in the process. CRP reaches out to other review bodies such as the CIP and the Children Justice Act (CJA) Task Force each year. The Panel presents to Alaska's House HSS Committee each year. These activities improved the Panel's visibility over the years. Similarly, the Panel stays relevant to the challenges and opportunities of child protection in Alaska by providing opportunities for public participation through its survey of all ICWA workers each year, public meetings each quarter, and an active website that provides space for public input. The Panel is available through email.



In May 2015, the Panel received an invitation to participate in a day-long gathering facilitated by the First Alaskans Institute in Anchorage. “Alaska conversations that matter – The wellbeing of our children” was a gathering of approximately a hundred leaders from multiple state agencies and tribal entities. The Commissioner of the DHSS addressed the gathering and challenged the group to re-envision child protection in Alaska. Much was discussed throughout the day. Despite multiple attempts over the next several months, the Panel did not receive an update on the progress beyond this gathering in Anchorage. The Director of OCS updated the Panel in April 2016 that a draft strategic plan is almost complete and will be shared shortly. “Transforming Child Welfare Outcomes for Alaska Native Children Strategic Plan 2016-2020” is the product of several discussions of a smaller group representing multiple state agencies and tribal entities. The plan identifies six priority areas, with ‘community engagement’ being one of them. The Panel is now invited to join any of the six priority area working groups to implement the strategic plan. The Panel was specifically legislated to enable and foster community engagement in child protection and practice. Despite community engagement being a strategic priority area of the plan that intends to fundamentally change child protection enterprise in Alaska, there was no identified role for the Panel. OCS confirmed that this was not simple oversight.

Similarly, the Child and Family Services Review (CFSR) (third round is underway in Alaska) is a missed opportunity to engage the Panel. CFSR is an extensive review of a state’s child protection services, and has substantial room for community engagement. The Panel has been requesting information from OCS on the status of the process for some time. While OCS senior management shares the status, the Panel is not assigned any specific role in the process. With a specific mandate to facilitate public participation, the Panel can be an asset to meet the extensive requirements of CFSR for collecting stakeholder input.

Despite these lost opportunities, the Panel recognizes its role and continues to add value to public discourse on child protection. A consistent finding across multiple surveys and interviews over the years is the community’s lack of a clear understanding of the OCS’ Practice Model. Multiple stakeholders report a lack of understanding of OCS’ roles and responsibilities. The Panel realizes that child protection is not the responsibility of just one agency. In an attempt to raise awareness and improve public involvement, the Panel began efforts last year to prepare flowcharts to explain the OCS practice model. This year, drafts of all five components of the practice model are completed. OCS is currently reviewing them. Static versions of these flowcharts will be available on the Panel’s websites. The Panel hopes to make them interactive and accessible to the community at large, particularly the families served by OCS. These flowcharts can help readers easily understand the steps in an investigation or foster home licensing or other similar processes of OCS. The Panel is not aware of any other similar tools available to the public.

These efforts by the Panel are vindicated by the results of the 2016 OCS Annual Staff Survey. An overwhelming majority (96%) of the frontline workers feel that the community does not have a clear understanding of the OCS’ Practice Model. This perception is a significant impediment to frontline worker’s own perceptions of their safety in the field, their ability to collaborate with other service providers and community at large, and their quality of work.

The Panel can be instrumental in engaging the community in a constructive conversation on child protection. It is in the best interests of OCS to find ways to use a statutorily mandated mechanism for public participation in promoting its own community engagement purposes. While CRP has an independent role to review OCS, that does not prohibit a collaborative relationship with OCS on community engagement.

***Recommendation 5:*** OCS should work with CRP to strengthen CRP’s ability as a robust mechanism for public participation, rely on it to improve public awareness of the nature and content of OCS work.

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## **PROGRESS ON 2015 RECOMMENDATIONS**

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The CRP had six recommendations in the June 2015 Annual Report. OCS responded to each recommendation and identified specific action steps by December 31, 2015. Many of the recommendations address longstanding challenges, and will continue to be relevant over the next few years. Therefore, the Panel asked OCS to provide progress updates on the recommendations. Below is the update the Panel received. OCS is a complex agency with many moving parts. Several initiatives have multiple impacts that may not always be intentional and will likely impact one or more areas of practice. Therefore, this update is not comprehensive.

**Recommendation 1:** OCS continues to implement the Panel's 2013-2014 recommendations on the intake policy

**Update:** A new statewide intake manager was hired on June 1, 2016. This is a significant event because OCS anticipates that having a single manager over this program area will help increase accuracy, consistency, and help the agency move faster on improvements.

**Recommendation 2:** OCS constitutes an internal taskforce to specifically focus on the in-home service model. This task force should be tasked with operationalizing Strategy 2.A.2 of the 2015- 2019 CFSP.

**Update:** OCS is currently exploring the possibility of contracting in-home services out to community providers. The initial assessment (IA) will still be conducted by OCS. This strategy is different from a Differential Response strategy where cases are screened out prior to an IA to private contractors.

**Recommendation 3:** OCS should address the root cause of the Initial Assessment (IA) backlog.

**Update:** There were 2,897 incomplete IAs in June 2015. By June 2016, OCS had 3,560 open IAs, of which 1833 have been open longer than 90 days. The root cause of the backlog is the excessive workload. Many related challenges such as turnover and supervision contribute to this. However, excessive workload is the primary driver. Since this is not a new challenge, OCS has been continuing efforts to stay current with new reports, and has increased attention on high risk infants as a special population within IA. Although OCS is seeing some success with this effort, it is early to judge. In addition, OCS implemented Eckerd Rapid Safety Feedback in May 2016 to help focus on the children most at risk of repeat maltreatment. Despite these initiatives to focus on high priority children, the IA backlog continues to be a challenge.

**Recommendation 4:** Improve efforts to recruit and retain resource families across the state.

**Update:** OCS is working with Beacon Hill to renew the Heart Gallery. This will be modeled after the Colorado Heart Gallery and is scheduled to open in September 2016.

**Recommendation 5:** Improve the survey instruments and reporting of results on various surveys that the OCS QA unit conducts to assess important components of OCS operations.

**Update:** OCS collaborated with CRP to restructure and conduct the employee staff survey. The report is available on the CRP website.

**Recommendation 6:** Adopt a method to identify, measure, and assess various components of workload of frontline workers.

**Update:** OCS is currently evaluating a workload management tool discovered through the Public Children Services Association of Ohio.



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## **2017 NATIONAL CRP CONFERENCE**

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Alaska CRP will be hosting the 2017 National CRP Conference in Anchorage in May 2017. The national conference is a gathering of Panel coordinators, members, CPS personnel, and other leaders in public participation in child protection from across the country to discuss and deliberate various opportunities and challenges facing the CRP enterprise. Alaska CRP attended the last two conferences and gained much information that helped improve the Panel's process and structure. Moreover, Alaska CRP is considered among the leaders in the field, and is often consulted for best practices.

Organizing a conference is a considerable challenge. Despite being volunteers, Panel members are excited to welcome the national community to Alaska. The Panel will need help and support from many individuals and organizations across the state. There will be many opportunities for sponsorships and volunteering. The Panel hopes to recruit robust help and invites any encouragement. So far, the following organizations have pledged support for the conference:

The Alaska Children's Trust

UAA College of Business and Public Policy

UAA College of Health

UAA Center for Community Engagement and Learning

Please contact the Panel with any questions or to join in hosting the conference. Brief reports with agendas of conferences in 2015 and 2016 are available on the Panel's website.



## **2017 National CRP Conference**

**Anchorage, AK**

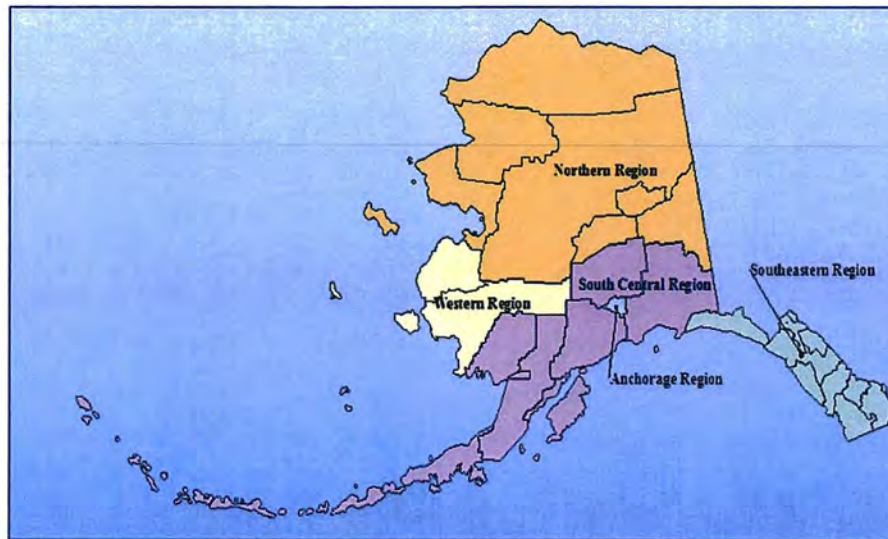
**May 10-12, 2017**



## APPENDIX

Appendices are not included with this report. They are available on the CRP website at [www.crp.alaska.edu](http://www.crp.alaska.edu). Please refer to them for further information.

1. Northern Region Site Visit Report
2. Anchorage Region Site Visit Report
3. Southeast Region Site Visit Report
4. Western Region Site Visit Report
5. BIA Providers Conference Survey Results Report
6. 2016 OCS Annual Staff Survey Report
7. Update to the Alaska House HSS Committee
8. CRP National Conference Report



**CHILD PROTECTIVE SERVICES IN ALASKA** are administered through a complex network of various government, non-government, tribal, for-profit, non-profit, and private agencies and organizations. A majority of these entities are located in Anchorage, or other major urban centers or hub communities across the state. The Office of Children's Services (OCS) is a state-designated agency, primarily responsible for responding to and addressing reports of child maltreatment and providing child protective services in Alaska. It is situated within the Department of Health and Social Services. OCS operates through 5 regional offices and 25 field offices. In addition, OCS provides a number of its services through contracts and grants to numerous organizations located across the state.





# ALASKA CITIZEN REVIEW PANEL

HOW CAN YOU PARTICIPATE?

Dr. Diwakar Vadapalli  
Chair

BIA Providers Conference

Anchorage, AK

November 29, 2017

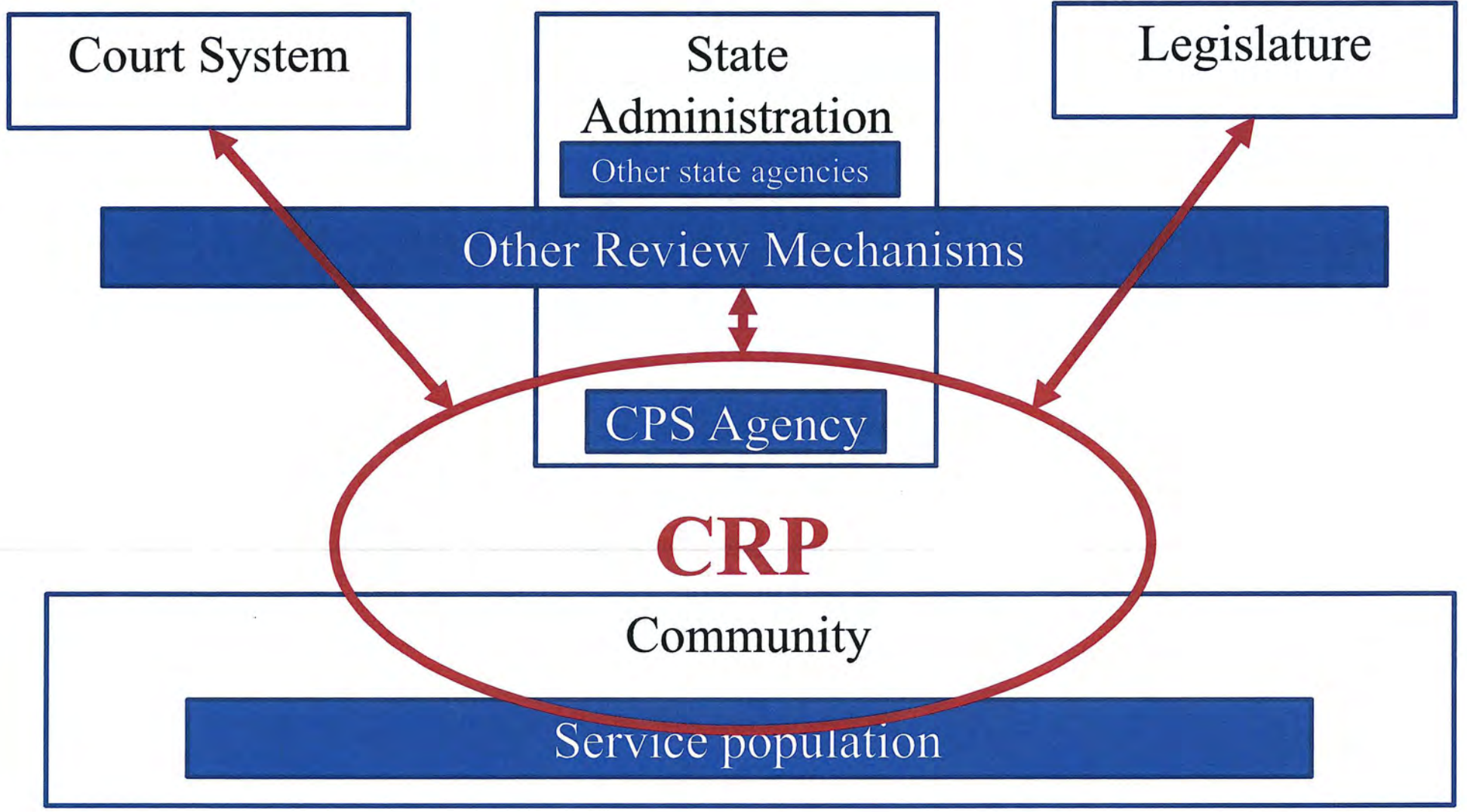


# PRESENTATION OUTLINE

- Quick overview
- Goals and recommendations from 2016-2017
- Goals for 2017-2018
- Recent developments in Panel's work



# ECOSYSTEM





CRPs are created to...

*“to ensure citizen participation and public accountability of State and local child protection agencies”*

A CRP should...

*“evaluate the extent to which child protection agencies are effectively discharging their child protection responsibilities.”*

-Sen. Coats (R-IN) (1996)



CRPs are created to...

*“provide new opportunities for citizens--not just child protection bureaucrats--to play an integral role in ensuring that States are meeting their goals of protecting children from abuse and neglect.”*

-Congressman Gooding (R-PA) (1996)



# WHY IS CRP IMPORTANT?

- CPS agencies are among the most misunderstood
  - They are relatively new
  - Their mandates are powerful, burdensome, and emotionally charged
  - Workloads are high and pay is minimal
  - Their frontline workforce ends up representing the problem instead of the solution
  - Popular perception is punitive vs. service



# WHY IS CRP IMPORTANT?

- Public perception influences everything
- Such perception depends on public's understanding of
  - Needs
  - Challenges and opportunities
  - Available services
  - Accessibility of these services
  - Efficiency and effectiveness of these services
  - Ways and means of matching services with needs



# WHAT DOES CRP DO?

## Federal Mandate (42 U.S.C. § 5106a.(c)):

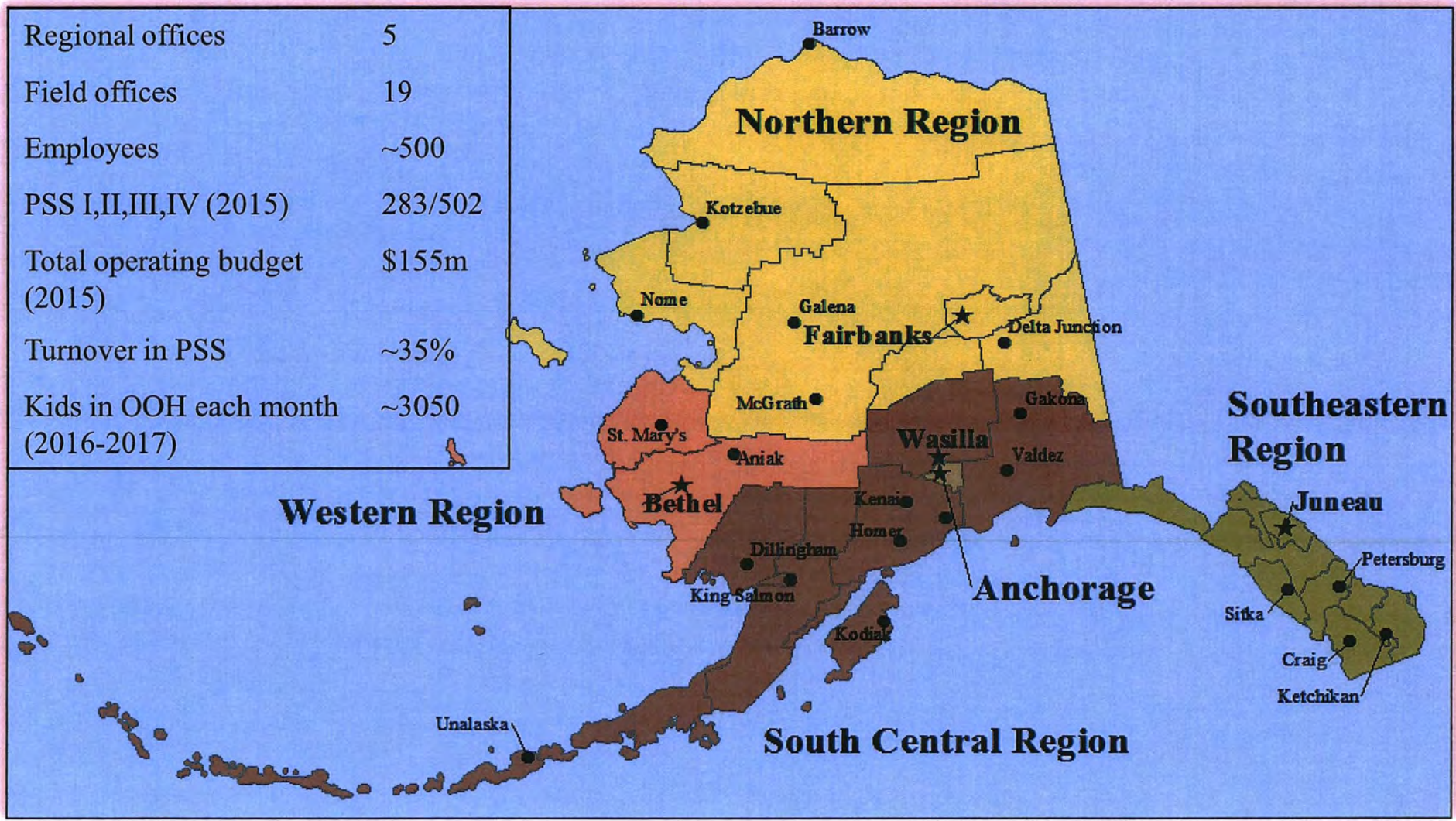
- Examine the policies, procedures, and practices of state and local child protection agencies and evaluate the extent to which these agencies are effectively discharging their child protection responsibilities
- Conduct public outreach, and

## State Mandate (AS 47.14.205):

“The CRP shall examine the policies, procedures, and practices of State and local agencies and where appropriate, specific cases, to evaluate the extent to which State and local child protection system agencies are effectively discharging their protection responsibilities.”



# OCS OFFICES





# PRIMARY FUNCTIONS

## Evaluate against (from statute):

- Child and Family Services Plan
- Child protection standards
- And any other criteria that the Panel considers important

## Conduct public outreach to (from statute):

- Gather public input in conducting its duties (review)
- Inform public about various policies and procedures of CPS system to improve awareness

## Advocate for (from congressional record):

- Relevant things that the panel finds through its review and outreach



# WHAT CRP DOES NOT DO

- Comment on proposed or pending legislation
- Get involved in individual cases, contract, or situations
- Micromanage OCS operations
- Program evaluation
- Lobby



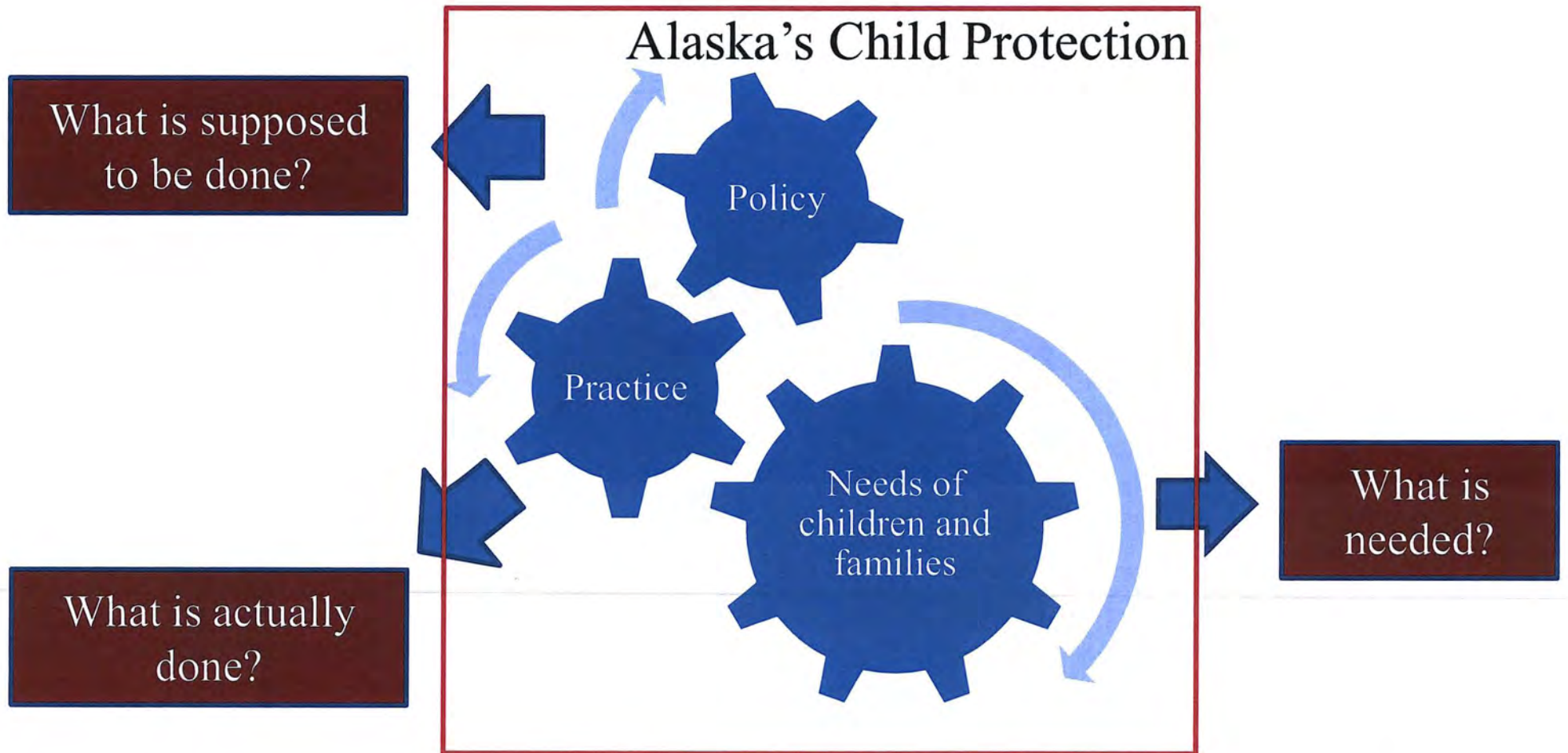
# THIS IS HOW IT WORKS...



CRP's job is to check if these wheels are turning as we expect them to – smooth.



# THIS IS HOW IT WORKS...



CRP tries to know the answers to these questions.



# CRP'S ANNUAL CALENDAR

## 2016-2017 CALENDAR

Panel Quarterly Meetings	Meetings with OCS	Site visits	Other
Aug 27-28, 2016	Oct 4, 2016 Oct 19, 2016 Nov 14, 2016		
Dec 6, 2016	Dec 13, 2015	Dec 5-6, 2016 NRO Jan 18-20, 2017 ARO	
Mar 7, 2017	Feb 14, 2017 Mar 15, 2017		Mar 20-21, 2017 Presentation to the legislature May 10-12, 2017 CRP National Conference
Jun 24, 2017			

## 2015-2016 PRESENTATIONS TO THE PANEL

Month	Person	Title
Dec 2016	Scott Heaton	Community Relations Manager, OCS
Mar 2017	Linda Lord Jenkins	Ombudsman, State of Alaska



# WORK DURING 2016-2017

- 4 Goals
- 2 site visits – numerous interviews
- 4 Monthly CRP quarterly public meetings
- 6 Meetings with OCS leadership



- Backlog of IAs
- CRP reorientation and reorganization
  - Is CRP a stakeholder?
  - Is the current location most appropriate?
  - Is the contract mechanism most meaningful?
- Organized and hosted the 2017 National CRP Conference
- Grand Jury Investigation



- Attended the two-day Casey Family Permanency Work organized by OCS
- Presentation to:
  - Resource Family Advisory Board
  - Children’s Justice Act Task Force
  - OCS senior leadership on reorienting Alaska CRP
  - BIA Providers Conference
  - Alaska Health Summit
  - Day-long workshop on CRP for ICWA workers
  - Alaska Court Improvement Project



# GOALS 2015-2016

- **GOAL 1:** Explore the evolving relationships between Tribal organizations and OCS.
- **GOAL 2:** Review the implementation of the OCS grievance policy
- **GOAL 3:** Develop and disseminate public awareness materials on OCS' intake and IA processes
- **GOAL 4:** Evaluate the efficacy and effectiveness of the new administrative review process



# GOALS FOR 2017-2018

- **GOAL 1:** Examine the effectiveness of the current administrative review process (retained)
- **GOAL 2:** Examine if ‘family reunification’ is prioritized as a goal for children in out-of-home placement, and OCS’ efforts in pursuit of ‘family reunification’.
- **GOAL 3:** Examine OCS’ efforts in finding relatives for placement of children in foster care.
- **GOAL 4:** Expand Public Outreach in collaboration with efforts under the Tribal-State strategic plan.
- **GOAL 5:** Strengthen the panel through aggressive recruitment of new members, enhanced website, and tools to reach diverse groups of stakeholders.



Overall, CRP recommendations fall into five categories:

- Quality Assurance
- Management
- Practice
- Public participation
- CRP's role and functions



# HOW CAN CRP BE OF USE TO YOU?

- You have a unique and informed perspective
  - You *know* your communities and families
  - You are often the *first responder*
  - You are a *very good judge* of the situations
- You see patterns before, during, and after OCS intervention
- You have the court-side seats when policy becomes practice

**CRP is your vehicle to convey your observations to make the necessary changes**



# HOW CAN CRP BE OF USE TO YOU?

- Participatory mechanism
  - Almost no limits to who can participate
  - You can participate in many ways
  - More participation makes it more effective
- Statutory mechanism
  - It is dictated by state and federal mandates
- Discussion and dialogue
  - This is a long-term dialogue. Common vision and goals drive the work.



# HOW CAN CRP OF USE TO YOU?

- With the new OCS-Tribal compact agreements, Tribes will play increasingly instrumental roles

Think of CRP as an idea...

You want your citizens to be served well, and according to their needs and wishes. CRP allows you to do that. You can use the one we now have, or form your own!

# THANK YOU!

**For more information**

**[www.crpalaska.org](http://www.crpalaska.org)**

# Fiscal Note

State of Alaska  
2018 Legislative Session

Bill Version: SB 122  
Fiscal Note Number: \_\_\_\_\_  
( ) Publish Date: \_\_\_\_\_

Identifier: SB122-DHSS-FLSW-2-22-18  
Title: OCS CITIZEN REVIEW PANEL  
Sponsor: COGHILL  
Requester: Senate HSS

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)

	FY2019	Included in	Out-Year Cost Estimates				
	Appropriation Requested	Governor's FY2019 Request	FY 2020	FY 2021	FY 2022	FY 2023	FY 2024
<b>OPERATING EXPENDITURES</b>	<b>FY 2019</b>	<b>FY 2019</b>	<b>FY 2020</b>	<b>FY 2021</b>	<b>FY 2022</b>	<b>FY 2023</b>	<b>FY 2024</b>
Personal Services							
Travel							
Services							
Commodities							
Capital Outlay							
Grants & Benefits							
Miscellaneous							
<b>Total Operating</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>

**Fund Source (Operating Only)**

None							
<b>Total</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>

**Positions**

Full-time							
Part-time							
Temporary							

**Change in Revenues**

None							
<b>Total</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>

**Estimated SUPPLEMENTAL (FY2018) cost:** 0.0 *(separate supplemental appropriation required)*  
*(discuss reasons and fund source(s) in analysis section)*

**Estimated CAPITAL (FY2019) 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? No  
If yes, by what date are the regulations to be adopted, amended or repealed? n/a

**Why this fiscal note differs from previous version/comments:**

Not applicable; initial version.

Prepared By:	Christy Lawton, Division Director	Phone:	(907)465-3170
Division:	Office of Children's Services	Date:	01/31/2018
Approved By:	Shawnda O'Brien, Asst. Commissioner	Date:	02/07/18
Agency:	Health and Social Services		

**FISCAL NOTE ANALYSIS**

**STATE OF ALASKA  
2018 LEGISLATIVE SESSION**

**BILL NO. SB122**

**Analysis**

SB 122 repeals the authority for existence of a child abuse or neglect citizen review panel in the Department of Health and Social Services, and reestablishes the Child Protection Citizen Review Panel within the Legislature's Office of the Ombudsman component.

The Citizen Review Program was established in response to the federal Child Abuse Prevention and Treatment Act (CAPTA), requiring states that receive CAPTA grant funds to develop and establish Citizen Review Panels. (Section 106(c) of the CAPTA Reauthorization Act of 2010).

The FY2018 budgeted authority for Citizen's Review Panel coordination is \$96.6 unrestricted general fund within the Office of Children's Services Front Line Social Workers component. Since the Ombudsman's Office does not operate a CAPTA grant program, a Reimbursable Services Agreement between the Office of Children's Services and the Ombudsman's Office will likely be established as a Panel funding transfer mechanism between agencies.

# FISCAL NOTE

**STATE OF ALASKA**  
**2018 LEGISLATIVE SESSION**

Bill Version SB122  
 Fiscal Note Number \_\_\_\_\_  
 () Publish Date \_\_\_\_\_

Identifier (file name) SB122-LEG-OMB-02-28-18 Dept. Affected LEGISLATURE  
 Title OCS CITIZEN REVIEW PANEL Appropriation LEGISLATIVE COUNCIL  
 Allocation OMBUDSMAN  
 Sponsor COGHILL  
 Requester SENATE HEALTH & SOCIAL SERVICES OMB Component Number 790

**Expenditures/Revenues** (Thousands of Dollars)

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

	FY19 Appropriation Requested	Included in Governor's FY19 Request	Out-Year Cost Estimates					
			FY19	FY20	FY21	FY22	FY23	FY24
<b>OPERATING EXPENDITURES</b>								
Personal Services	86.6		86.6	86.6	86.6	86.6	86.6	86.6
Travel	35.0		35.0	35.0	35.0	35.0	35.0	35.0
Services	17.9		13.5	13.5	13.5	13.5	13.5	13.5
Commodities	3.5		3.5	3.5	3.5	3.5	3.5	3.5
Capital Outlay								
Grants, Benefits								
Miscellaneous								
<b>TOTAL OPERATING</b>	<b>143.0</b>	<b>0.0</b>	<b>138.6</b>	<b>138.6</b>	<b>138.6</b>	<b>138.6</b>	<b>138.6</b>	<b>138.6</b>

FUND SOURCE		(Thousands of Dollars)						
		FY19	FY19	FY20	FY21	FY22	FY23	FY24
1002	Federal Receipts							
1003	GF Match							
1004	GF	143.0		138.6	138.6	138.6	138.6	138.6
1005	GF/Prgm (DGF)							
1007	I/A Rcpts (Other)							
1037	GF/MH (UGF)							
	<b>TOTAL</b>	<b>143.0</b>	<b>0.0</b>	<b>138.6</b>	<b>138.6</b>	<b>138.6</b>	<b>138.6</b>	<b>138.6</b>

POSITIONS								
		FY19	FY19	FY20	FY21	FY22	FY23	FY24
Full-time								
Part-time								
Temporary								

CHANGE IN REVENUES		FY19	FY19	FY20	FY21	FY22	FY23	FY24
1250	UGF Revenue (UGF)							
1251	Non-UGF Revenue							
	<b>TOTAL CHANGE IN REVENUES</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>

**Estimated SUPPLEMENTAL (FY18) operating costs** \_\_\_\_\_ (separate supplemental appropriation required)  
 (discuss reasons and fund source(s) in analysis section)

**Estimated CAPITAL (FY19) costs** \_\_\_\_\_ (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? 6/30/2019 Discuss details in analysis section.

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

N/A - INITIAL VERSION

Prepared by KATE BURKHART, OMBUDSMAN  
 Division OFFICE OF THE OMBUDSMAN  
 Approved by JESSICA GEARY, EXECUTIVE DIRECTOR  
 Agency LEGISLATIVE AFFAIRS AGENCY

Phone 907-465-4970  
 Date/Time 2/26/18 4:30PM  
 Date 2/28/2018

## FISCAL NOTE ANALYSIS

STATE OF ALASKA  
2018 LEGISLATIVE SESSION

BILL NO. SB122

### Analysis

SB 122 creates a fiscal agent relationship between the Citizen's Review Panel (CRP) and Office of the Ombudsman. It provides "the Ombudsman shall provide reasonable and necessary professional and technical assistance when requested by the panel." It does not contemplate ongoing staff supervision or support from the Ombudsman and staff. The budget for the CRP will be managed in a new, separate allocation/RDU (Citizen Review Panel) by the Ombudsman.

The Office of the Ombudsman can provide furniture and access to shared office equipment (copier, scanner, postage machine), as well as conference room space for meetings, at no additional cost to the CRP. Due to the strict confidentiality of Ombudsman investigations, CRP staff will need separate computer infrastructure, telephone, etc.

#### Personal Services - FY19 estimate \$86.6

To meet the responsibilities set for the CRP in SB 122, the staff must have sufficient knowledge, experience, and authority to support CRP members and manage CRP activities, as well as manage CRP resources, with limited supervision from the CRP chairperson. A Program Coordinator I (range 18) fits most closely with the responsibilities of staff to the CRP while also being able to work with minimal supervision. While SB 122 expands the roles and responsibilities of the CRP, it is reasonable to expect that a permanent position (30 hr/week) can fulfill this role in partnership with panel members.

#### Travel – FY19 estimate \$35.0

SB 122 requires the CRP to meet at least once every three months (4 times per year). The CRP is also required to engage in outreach to its stakeholders. In order to meet these expectations, the members and staff will need to travel periodically. The travel estimate is based on a review of the travel budgets of state advisory boards with similar size and meeting/outreach requirements, with one in-person business meeting and annual outreach/site visit trips to the OCS administrative regions.

#### Services – FY estimate \$17.9; subsequent fiscal years estimate \$13.5

- One-time startup costs for computer workstation, phone, etc. (\$4.4)
- Annual costs for rent, based on square footage within existing space leased by the Office of the Ombudsman. (\$1.8)
- Annual costs for postage, copying, telephone, website hosting, etc. (\$3.7)
- Annual costs for teleconference/videoconference meetings at up to \$1,000 per meeting depending on format, length, and number of participants. Estimated cost is based on three conferenced meetings. (\$3.0)
- Annual costs for limited printing of outreach materials, the annual report, and other information. (\$5.0)

#### Commodities - FY19 estimate \$3.5

Annual costs for office supplies, meeting supplies, etc.

NOTE: Meeting the provision that "reasonable and necessary professional and technical assistance" will be provided by the Office of the Ombudsman, it is estimated that will equate to approximately 120 hours of professional services (management, technical assistance, etc.) per year.

#### Regulations:

A new section regarding the execution of the duties of the CRP and the role of the Ombudsman as fiscal agent will need to be added to Title 21 of the Alaska Administrative Code. These can reasonably be promulgated and adopted within the first fiscal year.

# SENATE COMMITTEE REPORT

## First Committee of Referral

DATE: 5/17/17

FURTHER: Judiciary  
Finance

DATE TURNED  
IN TO OFFICE: 2/28/18

**Health and Social Services Committee** considered SENATE BILL NO. 122

### SB 122-OCS CITIZEN REVIEW PANEL

"An Act repealing the authority for a child abuse or neglect citizen review panel in the Department of Health and Social Services; and establishing the Child Protection Citizen Review Panel in the office of the ombudsman."

and recommends:


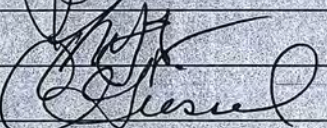
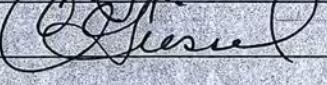
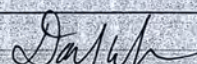
- be replaced with CS \_\_\_\_\_ ( \_\_\_\_\_ )  Same Title  New Title
- adopt previous CS \_\_\_\_\_ ( \_\_\_\_\_ )  Same Title  New Title
- attached amendment(s)
- adopt \_\_\_\_\_ Letter of Intent
- further referral to \_\_\_\_\_ Committee

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	<del>✓</del>		✓	1
LEG	✓			2

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
	Begich			✓	
	VanImhof	✓			
	Giessel	✓			
CHAIR: 	Wilson	✓			

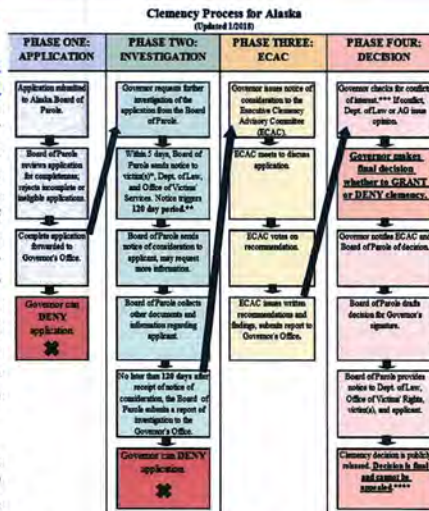
**In this issue:**

Clemency Process Improved ♦ 2017 Annual Report ♦ New Intake Hours

**Alaska Parole Board Implements New Clemency Process**

The Ombudsman released a report in August, 2017 about the investigation of a complaint about the process for requesting a pardon or clemency from the Governor. Our investigation found that, when inmates sent requests to the Parole Board seeking a pardon or clemency, there was no real process for getting those requests to the Governor for consideration. This was due in part to statutory changes made to the clemency process in 2007. In consultation with the Parole Board, the Ombudsman recommended that it prepare a summary of each application for clemency it had received, including all information provided that favors the application, and forward that to the Governor with a memo advising that the applicant's complete file is available for review and that, in accordance with AS 33.20.080, the Parole Board will be taking no further action on the application until the Board receives formal notice that the Governor is considering granting clemency to the applicant. The Parole Board concurred with the Ombudsman's finding and accepted the recommendation to improve the process.

In January, Governor Walker and the Parole Board announced that a new process for applying for clemency had been implemented. Any inmate who has requested clemency or a pardon since 2006 will have to reapply under the new process. The Ombudsman's office confirmed that all of these applicants will be receiving notice and a paper application packet by mail from the Parole Board so that they can reapply.



Flowchart prepared by the Alaska Parole Board, revised 1/2018, available [here](#).

**2017 Annual Report**

Each year the Ombudsman publishes a summary of the complaints received and the investigations conducted. This report provides legislators, executive branch leadership, and the public an overview of the data and trends in citizens' complaints about state agencies. Highlights include:

- ♦ 2,362 requests for information or assistance received;
- ♦ 1,607 jurisdictional complaints about state agencies received;
- ♦ 406 complaints were investigated and resolved;
- ♦ complaints about Department of Administration increased 22%;
- ♦ complaints about Department of Corrections decreased by 28%;
- ♦ complaints about Department of Health and Social Services increased by 8%.



We receive all sorts of request for help or information. These range from help preventing eviction to a dispute with a local business to a problem with a neighbor. While the Ombudsman doesn't have jurisdiction in these matters, our staff connect the person to a resource that can help them.

About half of the jurisdictional complaints are declined for investigation because the person has not first tried to resolve their complaint with the agency. We encourage people to try to solve their problem first, and to come back to the Ombudsman if they are unsuccessful. Our team completed over 400 investigations in 2017, resolving 95% of complaints informally with the agency and complainant.

The Ombudsman is required by AS 24.55.230 to provide a public annual report of activities. The 2017 Annual Report is now available at [ombud.alaska.gov](http://ombud.alaska.gov).

**New Intake Hours**

Due to an increase in complex investigations and a temporary decrease in our intake staffing, we are making some changes to how we accept and review new complaints. Beginning February 16, our intake staff will be available to take new complaints by phone from 9:00 a.m. to 1:00 p.m. daily. You can still make a complaint anytime using our [online complaint form](#) or by sending your complaint by mail to 333 W. Fourth Avenue, Suite 305, Anchorage, Alaska 99501.

**February Events**

- ♦ Our offices will be closed February 19, 2018 for Presidents Day. To celebrate, here's a bit of presidential trivia:  
**Warren Harding was the president with the largest shoe size — size 14!**  
(Source: Smithsonian Book of Presidential Trivia)



# ALASKA CITIZEN REVIEW PANEL

Dr. Diwakar Vadapalli  
Chair, Alaska Citizen Review Panel

**Committee on Health and Social Services**  
**Alaska Senate**

February 26, 2018



# PRESENTATION OUTLINE

- Goals and recommendations from 2016-2017
- Goals for 2017-2018
- Recent attempts to improve CRP-OCS collaboration
- Way forward



# GOALS 2015-2016

- **GOAL 1:** Explore the evolving relationships between Tribal organizations and OCS.
- **GOAL 2:** Review the implementation of the OCS grievance policy
- **GOAL 3:** Develop and disseminate public awareness materials on OCS' intake and IA processes
- **GOAL 4:** Evaluate the efficacy and effectiveness of the new administrative review process



# RECOMMENDATIONS

## OCS-Tribal relationships

**Recommendation 1:** Consider assigning the CRP a significant role in implementing various priority areas of “Transforming Child Welfare Outcomes for Alaska Native Children: Strategic Plan 2016-2020”. With its statutory authority, CRP will be an asset for OCS in implementing this strategic plan.



# RECOMMENDATIONS

## OCS Grievance Policy

***Recommendation 2: Speed up the process and implement the new tracking system by December 2017***

***Recommendation 3: Establish adequate connection between a case file and any related grievances, with necessary protection for worker identity.***

***Recommendation 4: Publish monthly aggregate data on number of grievances received, nature of those grievances, and time to resolution of those grievances online.***



# RECOMMENDATIONS

## CRP Structure and Functions

***Recommendation 5:** OCS should work with CRP to strengthen CRP's ability as a robust mechanism for public participation, and rely on it to improve public awareness of the nature and content of OCS work.*

***Recommendation 6:** OCS should continue to work with CRP to identify a clear working relationship under the participatory evaluation framework.*



# RECOMMENDATIONS

Overall, CRP recommendations fall into five categories:

- Quality Assurance
- Management
- Practice
- Public participation
- CRP's role and functions



## OTHER WORK 2016-2017

- Backlog of IAs
- CRP reorientation and reorganization
  - Is CRP a stakeholder?
  - Is the current location most appropriate?
  - Is the contract mechanism most meaningful?
- Organized and hosted the 2017 National CRP Conference
- Grand Jury Investigation



## WORK DURING 2016-2017: OUTREACH

- Attended the two-day Casey Family Permanency Work organized by OCS
- Presentation to:
  - Resource Family Advisory Board
  - Children’s Justice Act Task Force
  - OCS senior leadership on reorienting Alaska CRP
  - BIA Providers Conference
  - Alaska Health Summit
  - Day-long workshop on CRP for ICWA workers
  - Alaska Court Improvement Project



# GOALS FOR 2017-2018

- **GOAL 1:** Examine the effectiveness of the current administrative review process (retained)
- **GOAL 2:** Examine if ‘family reunification’ is prioritized as a goal for children in out-of-home placement, and OCS’ efforts in pursuit of ‘family reunification’.
- **GOAL 3:** Examine OCS’ efforts in finding relatives for placement of children in foster care.
- **GOAL 4:** Expand Public Outreach in collaboration with efforts under the Tribal-State strategic plan.
- **GOAL 5:** Strengthen the panel through aggressive recruitment of new members, enhanced website, and tools to reach diverse groups of stakeholders.



## CONTINUING CHALLENGES

- CRP's unclear role and responsibilities
- Minimal capacity to perform its statutory functions
- Unclear accountability

All the above lead to uncertainty in its relationship with OCS, and all other stakeholders of Alaska's child protection system.



# PRIMARY FUNCTIONS

## Central focus

- Policies, procedures, and practices of OCS

## Review/Evaluate (from statute):

- States' CAPTA Plan
- Child protection standards
- And any other criteria that the Panel considers important

## Conduct public outreach (from statute):

- Assess the impact of OCS policies, procedures, and practices on children and families
- This assessment should inform its review function

## Advocate for (from congressional record):

- Relevant changes based on its review



# FUNCTIONS - MANDATES

## Federal Mandate (42 U.S.C. § 5106a.(c)):

- Examine the *policies, procedures, and practices of state and local child protection agencies* and *evaluate* the extent to which these agencies are effectively discharging their child protection responsibilities Trial  
compact
- Conduct *public outreach* both to assess the impact of current policies and procedures, and to solicit public comment on the panel's recommendations.

## State Mandate (AS 47.14.205):

“The CRP shall examine the policies, procedures, and practices of State and local agencies and where appropriate, specific cases, *to evaluate* the extent to which State and local child protection system agencies are effectively discharging their protection responsibilities.”



## CENTRAL PURPOSE

- Congress created CRPs to help child protection systems be more responsive to community needs.
- A CRP is a mechanism for public participation in child protection.
- It should facilitate robust and meaningful participation by citizens in diverse roles.
- Those diverse roles will be performing the three functions.

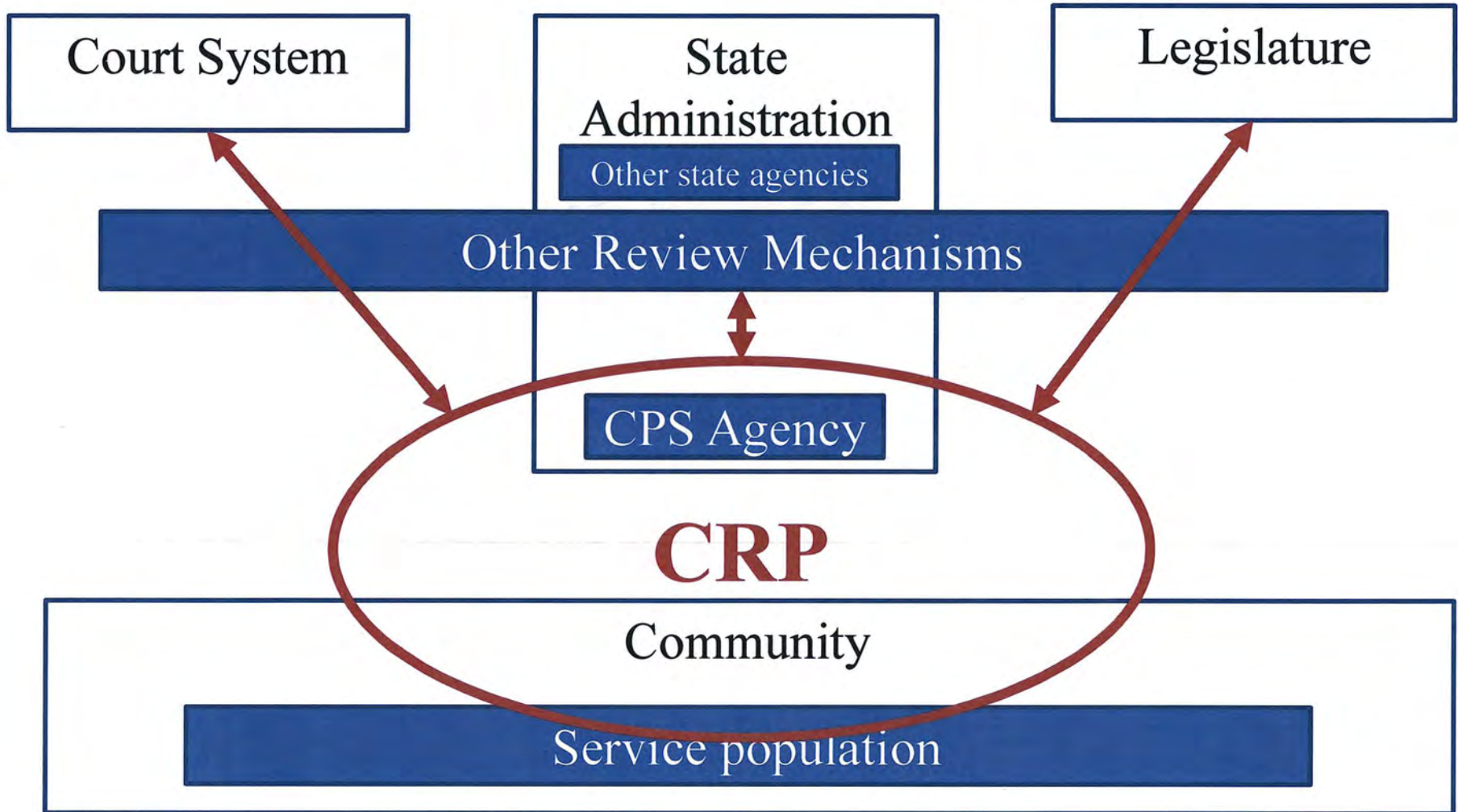


## FUNCTIONS – WHAT CRP DOES NOT DO

- Comment on proposed or pending legislation
- Get involved in individual cases, contract, or situations
- Micromanage OCS operations
- Program evaluation
- Lobby



# ECOSYSTEM





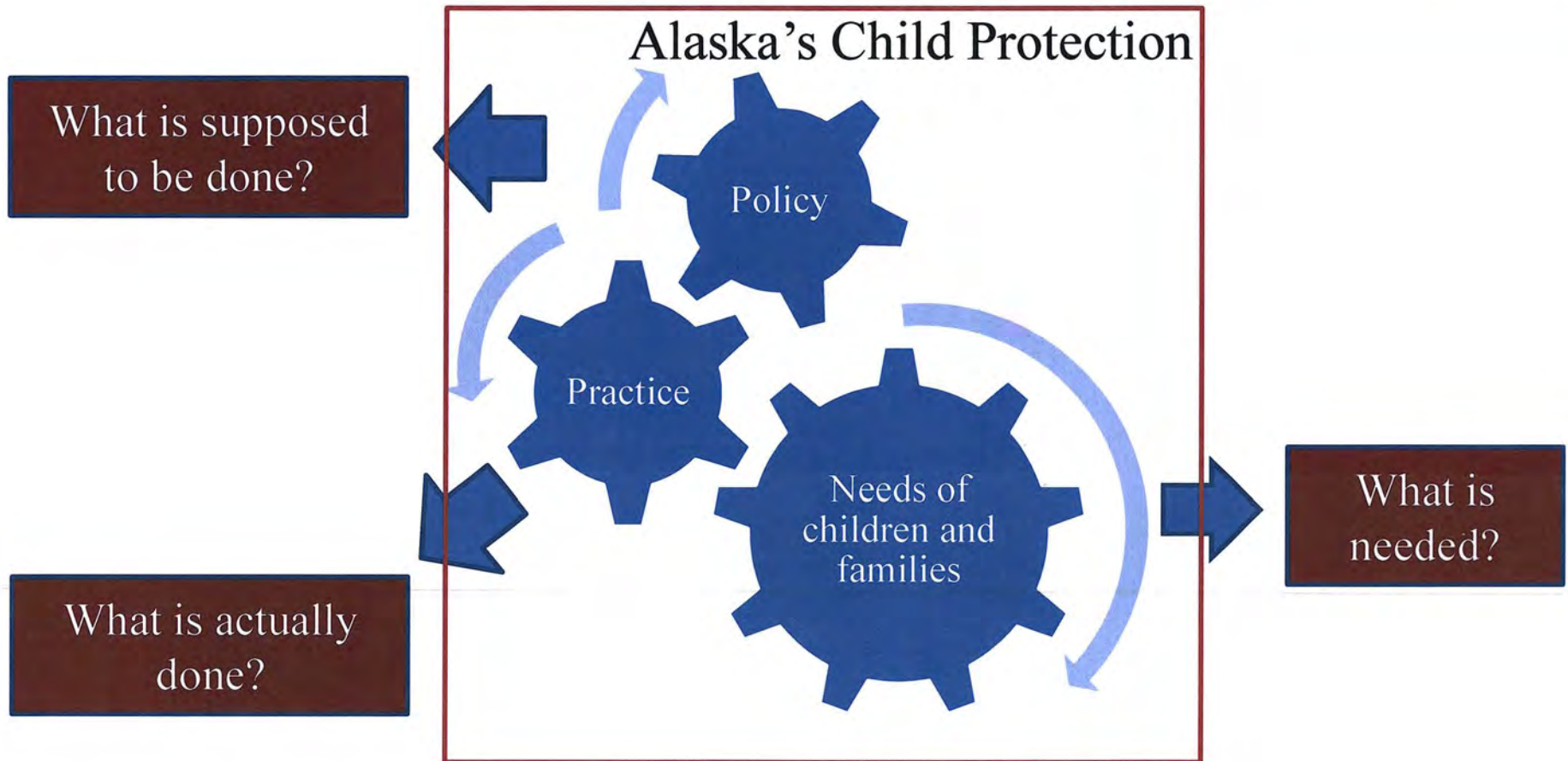
# THIS IS HOW IT WORKS...



CRP's job is to check if these wheels are turning as we expect them to – smooth.



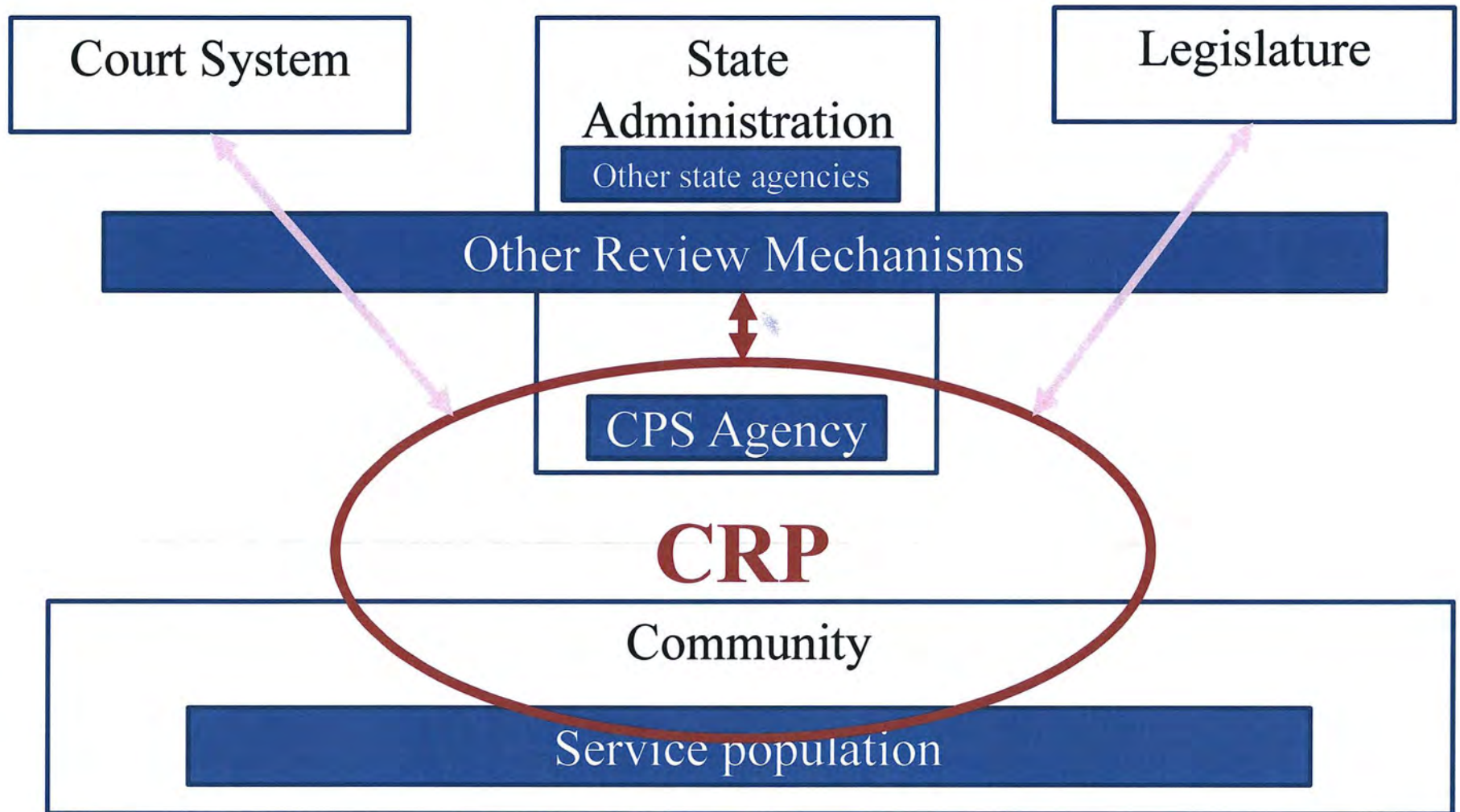
# THIS IS HOW IT WORKS...



CRP tries to know the answers to these *questions*.



# ECOSYSTEM





# ANTICIPATED CHANGES IN CRP OPERATION

- Reorientation of CRP as a public participation mechanism
  - Discussions began early fall
  - A tentative three-year timeline
  - Elements will include
    - Participatory evaluation
    - A systems focus
    - Robust recruitment and retention strategy
    - Data-driven review and outreach
    - Collaborative and constructive



## THREE PARALLEL APPROACHES

- To improve OCS-CRP relationship:
  - Legislative approach
    - SB 122
  - Agency approach:
    - Instituting regulations
    - Identifying a framework for better working relationship



## LEGISLATIVE APPROACH: SB 122

### Key features

- Clearly identifies the purpose and role of a CRP
- Establishes clear accountability mechanisms on both CRP and OCS
- Establishes a clear barrier between OCS and CRP to ensure constructive and accountable relationship



# LEGISLATIVE APPROACH: SB 122

## Potential improvements

- Define CRP's role in the ecosystem of Alaska's child protection
- Ensure CRP is resourceful and has the necessary capacity to perform its mandated function



## AGENCY APPROACH: REGULATIONS

- No current regulations despite a 2005 legislative mandate
- OCS indicated that regulations are being pursued both in 2016 and 2017
  - There were at least three separate conversations over the CRP's 15 years of functional existence, but each one failed.
- This approach's goal is uncertain with the potential move of CRP into the Ombudsman's Office



## AGENCY APPROACH: FRAMEWORK

- Regardless of its location, CRP cannot perform its functions without a meaningful, coordinated, and accountable relationship with OCS.
- CRP and OCS recognized this in 2015 and began discussions on a ‘participatory evaluation’ framework
  - Focus is the entire child protection system, not OCS
  - OCS is a stakeholder in the review, not a subject of the review
  - Data-driven – requires a clear data-sharing and use protocol



## OCS – MISSION

“Works in *partnership with families and communities* to support the well-being of Alaska’s children and youth. Services will enhance families’ capacities to give their children a healthy start, to provide them with safe and permanent homes, to maintain cultural connections, and to help them realize their potential.”

- OCS Website



# OCS - SIGNIFICANCE

“With the exception of the criminal justice system, which may take one’s money, one’s freedom and, in some states, one’s life, it is difficult to imagine a more fear-inspiring authority than the power to take away a person’s children.”

- Alaska Ombudsman, 2012 Investigative Report



## VISION FOR A CRP

“The changes made in the House will provide new opportunities for citizens--not just child protection bureaucrats--to play an integral role in ensuring that States are meeting their goals of protecting children from abuse and neglect.”

-Congressman Gooding (R-PA) (1996)



## VISION FOR A CRP

“In order to ensure citizen participation and public accountability of State and local child protection agencies, we have required [...] citizen review panels to evaluate the extent to which child protection agencies are effectively discharging their child protection responsibilities.”

-Sen. Coats (R-IN) (1996)



## FEDERAL INTENT

CRP's are expected to “help increase public awareness that even the most heroic caseworkers cannot possibly serve the needs of the children and families in their communities [...]. I sincerely hope that the Citizen Review Panels [...] will help build a case for additional resources to child protection agencies.”

-Congressman Kildee (D-MI) (1996)



# CRP – A STATUTORY INSTITUTION

**The CRP is an institution, with a statutory role and responsibility.**

**It is an organization of the state.**

**It facilitates citizen participation.**

**It must cultivate a critical, but constructive lens.**

**It exists to help OCS.**

**Its success depends on its relationship with OCS.**

**It requires STRUCTURE, RESOURCES, and ACCOUNTABILITY, like any other institution**



Thank you!

[www.crpalaska.org](http://www.crpalaska.org)