

LEG. FINANCE - BILLS 1983 - 1984 1942

SSHB 560 cont. - HB 568

1942

The new method for calculating homeownership prices is named *rental equivalency*. BLS will estimate homeownership prices on the basis of what it costs to rent similar houses. This method will solve the problem caused by the exclusion of AHFC-financed houses from the survey. During 1983 and 1984 the CPI-U and CPI-W will use differing methodologies, which will probably result in significant divergence in the 2 measures. The effect of the methodology change in slowing or speeding the rate of change in the CPI cannot be predicted with any assurance.

### COMPARISON OF ANCHORAGE TO UNITED STATES

The Anchorage CPI rose less rapidly than the national CPI from October 1967 through October 1973. This trend reversed during the pipeline buildup, reflecting the inflationary impact of drastic economic expansion. Price increases slowed once the pipeline work force and related infrastructure were in place. During the peak pipeline years, 1976 and 1977, Anchorage prices increased at roughly the national rate. A new trend began after completion of the pipeline with Anchorage prices increasing less rapidly than the rest of the nation. Decreased population and consumer spending, and overbuilding during the pipeline era caused this shift.

Following the 1980 domination of residential lending by AHFC an accurate comparison of Anchorage

Table VII-3  
Anchorage CPI  
January 1969 to Present

		Wage and Clerical			Wage and Clerical	All Urban Consumers 1/
1969	January	103.7		1978	January	179.2
	April	105.3			March	180.8
	July	105.6			May	184.0
	October	107.3			July	188.6
1970	January	107.9			September	192.8
	April	108.2			November	194.8
	July	109.6		1979	January	197.3
	October	111.5			March	200.5
1971	January	111.6			May	202.5
	April	111.7			July	206.4
	July	113.0			September	210.9
	October	114.4			November	211.8
1972	January	114.2		1980	January	215.9
	April	115.8			March	220.2
	July	115.9			May	223.1
	October	116.9			July	224.8
1973	January	116.4			September	226.7
	April	119.4			November	232.0
	July	120.4		1981	January	235.0
	October	123.8			March	236.2
1974	January	125.6			May	240.1
	April	129.8			July	241.7
	July	134.0			September	245.9
	October	140.0			November	249.3
1975	January	142.9		1982	January	248.6
	April	150.0			March	254.5
	July	153.8			May	258.0
	October	157.4			July	259.1
1976	January	158.8			September	258.9
	April	161.7				
	July	164.9				
	October	167.6				
1977	January	169.4				
	April	172.6				
	July	177.4				
	October	177.3				

Source: U S Department of Labor, Bureau of Labor Statistics.

1/ Series began March 1978.

and U.S. price trends is not possible. It appears that Anchorage prices are actually increasing somewhat faster than the national rate, although it cannot be proven that this is the case. The rapid economic expansion in 1981 and 1982 could be expected to result in faster price increases than would otherwise occur.

## URBAN FAMILY BUDGET

While the rate of change of the Consumer Price Index for Anchorage can be compared to the rate of change of CPI's in other areas, actual price comparisons to other areas are not possible based on CPI data. Other data available do allow interarea cost comparisons. U.S. Department of Labor, Bureau of Labor Statistics produces *Urban Family Budgets and Comparative Indexes for Selected Urban Areas* which provide a comparison of costs for Anchorage, 28 other areas outside Alaska and an urban U.S. average. It contains estimated income required to support low, medium and high budget standards of living for a hypothetical family of 4. Budgets do not represent how families actually spend their money, nor are they intended to represent a minimum level of adequate income. The budgets are only intended

Table VII-4  
Yearly CPI and Percentage Change  
Wage and Clerical Workers Only

	United States		Seattle		Anchorage		Fairbanks 3/	
	CPI	% Change	CPI	% Change	CPI	% Change	CPI	% Change
OCTOBER 1967	100.0	-	100.0	-	100.0	-		
1968	105.7	5.7	106.0 1/	6.0	102.6	2.6		
1969	111.6	5.6	110.6 1/	4.3	107.3	4.4		
1970	118.1	5.8	114.9 1/	3.9	111.5	3.9		
1971	122.6	3.8	117.6 1/	2.3	114.4	2.6		
1972	126.6	3.3	121.2 1/	3.1	116.9	2.2		
1973	136.6	7.9	131.4 1/	8.4	123.8	5.9		
1974	153.0	12.0	147.9 1/	12.6	140.0	13.1		
1975	164.6	7.6	159.7 1/	8.0	157.4	12.4		
1976	173.3	5.3	167.9 1/	5.1	167.6	6.5		
1977	184.5	6.5	182.5 1/	8.7	177.3	5.8		
NOVEMBER 1978	201.8	9.4	202.1	10.7	194.8	9.9		
1979	227.6	12.8	221.5	9.6	211.8	8.7	107.9 2	
1980	256.4	12.7	259.4	17.1	232.0	9.5	119.6 2	10.8
1981	280.4	9.4	285.7	10.1	249.3	7.5	126.8 2/	6.0

Source: U.S. Department of Labor, Bureau of Labor Statistics.

1/ CPI is for November rather than October of years listed.

2/ CPI is for December rather than November of year listed.

3/ Discontinued February 1982 due to budget constraints.

Table VII-5  
Annual Total Budget for a 4-Person Family  
Autumn 1981 1/

Budget Level	Urban U.S.	Anchorage	Seattle-Everett
Lower	\$15,323	\$22,939	\$17,121
Intermediate	\$25,407	\$31,850	\$25,881
Higher	\$38,060	\$45,119	\$37,396

Source: U.S. Department of Labor, Bureau of Labor Statistics.

1/ Source of data, methods of calculations and quantities of goods and services for each budget level are described in detail in *RLS Bulletin 1570-5*.

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## CHAPTER VII COST OF LIVING MEASURES

### INTRODUCTION

This section summarizes several cost of living measures which are frequently requested. Because there are several different measures, the user of these types of data needs to carefully evaluate different available measures to determine which is most useful for a particular application. Outlined in Table VII-1 is a description of the various measures discussed in detail.

### CONSUMER PRICE INDEX

The Consumer Price Index (CPI) is a commonly misunderstood economic statistic despite frequent reports in the media. Following is a brief explanation of how the CPI is used, how it is computed, what it does and does not measure, and how to use it. Changes in CPI methodology and use are also considered. The U.S. Department of Labor, Bureau of Labor Statistics (BLS) produces a CPI for the United States and for selected urban areas. There are no CPI's for an entire state. In Alaska, a CPI is currently produced bimonthly for Anchorage.

### USES

The CPI has 3 major uses. It measures the change in prices over time of a constant market basket of goods. This measure is an important economic statistic, and is crucial in evaluating government policy and private investment decisions. To convert the CPI from the actual index number to a percentage, use the following procedure:

#### INDEX POINT CHANGE

CPI current index	263.4
Less previous index	250.5

Equals index point change	12.9
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#### Percentage change

Index point difference	12.9
Divided by previous index	250.5
Equals change	0.0515
Multiplied by 100	0.052 x 100
Equals percentage change	5.2%

This example illustrates that market basket prices for *all urban consumers* in Anchorage increased 5.2% between September 1981 and 1982.

The CPI is also used as a deflator of other dollar-denominated economic indexes. Time series data in *real*, or inflation-free dollars are produced in this manner. To adjust (discount) dollars for the effect of inflation from any given year, use the following procedure:

CPI for past time	250.5
Divided by CPI for current time	263.4
Equals	0.951
Multiplied by current dollars	x\$1,000.00
Equals past dollars	\$951.03 .

The above example illustrates that \$1,000.00 dollars in Anchorage in September 1982 would be the equivalent of \$951.03 in September 1981.

A third use of the CPI is to escalate income and transfer payments. Many union contracts, government entitlement programs such as social security and food stamps, and private contractual agreements such as leases and child support contain escalation clauses based on the CPI. BLS estimates that a 1% increase in the national CPI results in a \$2.5 increase in government expenditure.

Although the CPI is frequently reported in the media as the *inflation rate* or *cost of living increase*, this is technically not correct. The CPI is based on a constant market basket of goods which was last revised in 1972. For this reason, it is *prices* which are measured, not the *cost of living*. To measure the actual *cost of living*, the market basket would have to be revised more frequently to account for changing consumption patterns. It would also have to take into account living costs such as income taxes, which are not a component of the CPI market basket.

## METHODOLOGY

The CPI market basket includes all types of expenditures that typical consumers make, from medical

Table VII-1  
Cost of Living Measures

	CONSUMER PRICE INDEX (CPI)	URBAN FAMILY BUDGET	COST OF FOOD AT HOME	FEDERAL GOVERNMENT COST OF LIVING ADJUSTMENT
Description	Measures Rate of Change in Price of a Fixed Market Basket of Goods Relative to a Base Year of 1967	Estimated Income By Expenditure Necessary to Support Assumed Standards of Living in a Hypothetical family of 4 at Low, Intermediate and High Budget Levels	Cost of Food, Wood, Fuel, Electricity for Various Family Groups for a Week	Price Survey of Cost of Living Differentials for Federal Government Workers
Responsible Agency	U.S. Dept. of Labor Bureau of Labor Statistics	U.S. Dept. of Labor Bureau of Labor Statistics	University of Alaska Cooperative Extension Service	U.S. Office of Personnel Management
Source of Data	Bureau of Census Monthly Survey of Prices	Bureau of Census Price Survey and Consumer Price Index	Price Survey	Price Survey
Time Period	Bimonthly (Anch.) Monthly (US) Annual	Autumn of Each Year (Discontinued after 1981)	Quarterly	Annual
Industry Detail	None	None	None	None
Geographic Detail	85 Areas 28 SMSA's 4 Regions (South, Northeast, Northcentral, West) for 5 Population classes. 36 Select Areas U.S. City Average	24 Major Metropolitan Areas, 4 Nonmetropolitan Areas Anchorage Urban U.S. Average	Select Alaskan Communities, Alaska and U.S.	Anchorage, Fairbanks Juneau, Balance of State and Washington, D.C.
Published in	BLS News Releases	BLS News Releases	Cooperative Extension Service Newsletter	Office of Personnel Management Newsletter

services and fuel, to food and entertainment. Each month, Bureau of Census employees check actual prices in all surveyed urban areas.

Survey results are given to BLS and the CPI is computed by assigning weights to each good, depending on the importance of the good in the average consumer's expenditures. An index is available for individual components as well as a total for all items.

There are 2 sets of weightings, one for *all urban consumers*, and the other for *wage and clerical workers* which result in 2 CPI's for each urban area. The *all urban consumer* CPI (CPI-U) approximates the buying habits of 80% of the noninstitutional civilian population. The *wage and clerical* CPI (CPI-W) approximates the buying habits of 40% of noninstitutional civilian population. The *all urban consumers* CPI was begun in 1978. Previously only the *wage and clerical* CPI was available.

The form the CPI takes is a number rounded to one decimal place comparing the current cost of the market basket to the cost in an arbitrary base year. The base year currently being used is 1967. Rebasings of the index was scheduled for 1980 but has been indefinitely postponed due to federal budget constraints.

#### HOMEOWNERSHIP METHODOLOGY REVISION

Beginning in January 1983 for the CPI-U and January 1985 for the CPI-W, the method for calculating the homeownership component will be changed. Currently, BLS surveys house sale prices and mortgage prices to calculate the homeownership component. In Anchorage, the housing component is about 50% of the total for both CPI's, with homeownership constituting a large portion of housing. BLS does not include Alaska Housing Finance Corporation (AHFC)-financed houses or loans in its survey. AHFC finances almost all house sales in Anchorage. BLS, lacking sufficient sample in Anchorage, uses prices from similar-sized cities in the Western region as a substitute. While this procedure is satisfactory in many instances, in this case the result is a seriously flawed CPI, as Anchorage housing and mortgage prices have changed differently than the prices which are used as a substitute.

Table VII-2  
Fairbanks CPI  
February 1978 to February 1982 1/

		Wage and Clerical	All Urban Consumers
1979	February	100.0	100.0
	April	101.6	101.4
	June	103.7	103.9
	August	105.5	105.2
	October	108.1	108.2
	December	107.9	107.9
1980	February	110.4	110.2
	April	112.8	112.7
	June	113.5	113.4
	August	115.1	115.0
	October	117.6	117.4
	December	119.6	119.3
1981	February	121.8	121.5
	April	123.6	123.2
	June	124.9	124.3
	August	125.7	125.3
	October	126.2	125.8
	December	126.8	126.7
1982	February	128.0	128.1

Source: U.S. Department of Labor, Bureau of Labor Statistics.

1/ Discontinued due to budget constraints.

COMMITTEE REPORT  
HOUSE

(11)

FURTHER:

2/8/84

Date: 3-2-84

The Committee on FINANCE has had HB 561

"An Act relating to the small claims jurisdictional limitation; and providing for an effective date."

under consideration and recommends:

- do pass  do not pass
- do pass with attached amendments(s)
- replace with CS for \_\_\_\_\_  same title  
 new title
- and recommends \_\_\_\_\_
- AND attaches a "Letter of Intent"  New Fiscal Note
- reports it back without recommendation  Zero Fiscal Note Attached  
2/7/84
- referred to the \_\_\_\_\_ Committee

MEMBERS SIGNING  
DO PASS

Albert P. Adams

W. J. ...

Walt Furnace

John Lindauer

...

...

...

...

...

MEMBERS HAVING  
OTHER RECOMMENDATIONS:

...

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

Albert P. Adams

CHAIRMAN

Introduced: 2/1/84  
Referred: Judiciary  
and Finance

1 IN THE HOUSE

BY BUSSELL

2

HOUSE BILL NO. 561

3

IN THE LEGISLATURE OF THE STATE OF ALASKA

4

THIRTEENTH LEGISLATURE - SECOND SESSION

5

A BILL

6 For an Act entitled: "An Act relating to the small claims jurisdictional  
7 limitation; and providing for an effective date."

8 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF ALASKA:

9 \* Section 1. AS 22.15.040 is amended to read:

10 Sec. 22.15.040. SMALL CLAIMS. When a claim for relief does not  
11 exceed \$5,000 [\$2,000] exclusive of costs, interest and attorney fees,  
12 and request is so made, the district judge or magistrate shall hear  
13 the action as a small claim unless important or unusual points of law  
14 are involved. The supreme court shall prescribe the procedural rules  
15 and standard forms to assure simplicity and the expeditious handling  
16 of small claims.

17 \* Sec. 2. This Act takes effect immediately in accordance with AS 01.-  
18 10.070(c).

STATE OF ALASKA 1984 LEGISLATIVE SESSION  
FISCAL NOTE

Revision Date: \_\_\_\_\_

**REQUEST**

Bill/Resolution No.: HR 561  
 Title: "relative to the small claims jurisdictional limitation..."  
 Sponsor: \_\_\_\_\_  
 Requestor: \_\_\_\_\_  
 Date of Request: \_\_\_\_\_

**FISCAL DETAIL**

Agency Affected: Alaska Court System  
 Program Category Affected: \_\_\_\_\_  
 BRU, Program or Subprogram(s) Affected: \_\_\_\_\_

**EXPENDITURES/REVENUES: (Thousands of Dollars)**

	FY 84	FY 85	FY 86	FY 87	FY 88	FY 89
<b>OPERATING</b>						
100 PERSONAL SERVICES						
200 TRAVEL						
300 CONTRACTUAL						
400 SUPPLIES						
500 EQUIPMENT						
600 LAND & STRUCTURES						
700 GRANTS, CLAIMS						
800 MISCELLANEOUS						
<b>TOTAL OPERATING</b>	<b>-0-</b>	<b>-0-</b>	<b>-0-</b>	<b>-0-</b>	<b>-0-</b>	<b>-0-</b>

<b>CAPITAL</b>						
----------------	--	--	--	--	--	--

<b>REVENUE</b>						
----------------	--	--	--	--	--	--

**FUNDING: (Thousands of Dollars)**

GENERAL FUND						
FEDERAL FUNDS						
OTHER						
<b>TOTAL</b>						

**POSITIONS:**

FULL-TIME						
PART-TIME						
TEMPORARY						

**SOURCE OF FUNDS TO OFFSET FISCAL IMPACT OF BILL:**

**ANALYSIS:** Attach a separate page for analysis

Prepared By: W. J. Swift  
 Division: House Judiciary Committee

Phone: 465-4990  
 Date: 7 February, 1984

Approved by Commissioner: \_\_\_\_\_  
 Agency: \_\_\_\_\_

Date: \_\_\_\_\_

**Distribution (by Agency preparing fiscal note):**

- Legislative Finance
- Legislative Sponsor
- Requestor
- Office of Management and Budget
- Impacted Agency(ies)

12/1/83

TO: Rep. Charlie Bussell

DATE: Feb. 23, 1984

TOPIC: HB 560 & HB 561

FROM: J.J. Brewer, Staff

HB 560:

Section 1. In general, the reason for raising the jurisdictional limitation, is based partially on my talks with members of the Task Force appointed by the Alaska Supreme Court Chief Justice.

It is true the Task Force recommended a figure of only \$25,000. Until 1972, the figure was \$3,000. It was changed 12 years ago then, to the existing \$10,000 figure. We have had 150% inflation, approximately, in those 12 years. Thus, to limit the court to \$25,000 would put us back where the Legislature put us, 12 years ago. There would be no room for improvement of the District Court's jurisdiction to try to help take some of the load the Superior Court now suffers.

Further, there would be no consideration for continuing inflation until pressure is exerted sometime in the future--perhaps 1996--for raising the limitation.

Francis Bremson, executive director, Alaska Judicial Counsel, thought the suggested limitation of \$50,000 to be most forward-looking. In time, it might call for another District Judge in Anchorage, but that would be a saving of several thousand dollars per position if the Legislature did not have to constantly be asked to create more Superior Court positions, as currently seems to be the case. (Superior Court judges receive considerably greater compensation than District Court judges do).

Section 2--Magistrates, a part of the District Court system, have jurisdiction in Small Claims matters. Thus, they can hear Small Claims (where formal rules of District Court are waived, or not used), in controversies up to \$2,000. However, in formal civil litigation (i.e., not Small Claims), the Magistrates have only up to \$1,000 jurisdiction. Thus, when a potential litigant files a claim before a Magistrate, that judicial official has the duty to tell the litigant that--if the claim is between \$1,000 and \$2,000--that it cannot be heard by the Magistrate unless the individual waives the rules and brings it as a Small Claim. If the litigant so elects, then the Magistrate can hear it.

This situation has confused litigants and Magistrates (some) alike. Thus, since HB 561 would raise Small Claims to \$5,000 it would be far better for the Magistrates to have the same jurisdiction across the board. Court personnel favor that idea.

Section 3.--The additional language is an attempt to make the existing statutes conform. The first sentence, existing law, indicates liens must be started in Superior Court, even though the reference is

HB  
561

only to sections AS 34.35.005-425, and there are additional sections following which could be heard in District Court. But no where in the statutes is that clear.

Now, on p. 2, line 4, of HB560, the bracketed (9) , or existing law, declares the District Court has jurisdiction in foreclosures of liens (up to \$10,000; up to \$50,000 should this bill be enacted).

In the face of the first sentence of AS 34.35.005(a), it seems to be a conflict. In 17 years' bench experience, I saw only one lien foreclosure filed in District Court and prepared to hear it, for after all, AS 22.15.030(a)(9)--the existing law--gave me the jurisdiction. But the defense attorney screamed the action was in the wrong court and referred to AS 34.35.005(a), --which this bill amends--and had the case transferred. I 'spect that first sentence of that paragraph in AS 34.35.005(a) is why lien foreclosures just aren't filed in District Court.

I discussed the apparent conflict with Judge Mark Rowland, Presiding Judge, Third Judicial District. He thought it would be a great idea to clarify that the District Court could indeed handle lien foreclosures described in AS 34.35.430-480.

And that solves the conflict.

And that would relieve the Superior Court of certain lien foreclosures they now handle; that they would just-as soon give up, according to Judge Rowland and Judge Milton Souter, with whom I also discussed it. (Those sections refer to liens that would be apt not to be as complex as the lien foreclosures that must be started in Superior Court).

**Western Regional Office**

**CIVIL LITIGATION IN ALASKA  
IMPROVEMENT THROUGH SIMPLIFICATION**

**A REPORT TO THE  
SUPREME COURT OF ALASKA  
BY THE NATIONAL CENTER FOR STATE COURTS**

**FREDERICK G. MILLER, STAFF ATTORNEY  
LARRY L. SIPES, REGIONAL DIRECTOR  
DECEMBER 1983**



**National Center for State Courts  
720 Sacramento Street  
San Francisco, California 94108**

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adoptions, child in need, domestic violence if child custody is an issue, or guardianship of a minor. By accelerating steps in the appellate process, which are explained in detail in the recommendations, final decisions would be obtainable in these cases within not more than 170 days from judgment.

G. District Court Jurisdiction

The personal injury and commercial task forces concluded that the monetary jurisdiction of the District Court is unrealistically low and would appreciably reduce the number of cases in the Superior Court if increased. This in turn would presumably expedite the processing of cases in the Superior Court. The task forces therefore recommended increasing District Court jurisdiction to include actions involving up to \$25,000. As both recommendations are virtually identical, the recommendation is included in this report in the personal injury recommendations only at page 33. *(or higher limit - 275)*

H. Civil Rule 41: Voluntary Dismissal

Both the personal injury and the commercial task forces have recommended changes to Civil Rule 41 to assure that cases are not voluntarily dismissed to avoid court control of caseflow. The personal injury task force recommends that a case governed by its proposed new Civil Rule 16.2 may not be dismissed without approval by the court. The commercial task force recommends additional language to Civil Rule 41 requiring certification of the reasons for dismissal.

**V. PERSONAL INJURY TASK FORCE RECOMMENDATIONS**

The task force recommends the following addition to existing Civil Rule 16 to provide for status conferences.

**A. New Civil Rule 16.2: Status Conference**

(a) A status conference shall occur in each action filed in the Third District in which any party seeks damages for injury to person or property. The Judge in whose court the action is pending shall schedule and conduct the conference not more than 30 days following the last day on which a response to the complaint could have been filed. If service of process has not been completed the parties shall notify the court and the conference shall be continued until 30 days after service is completed.

(b) Each party shall furnish to the other parties the following items or information and shall do so not later than the fifth day preceding the status conference:

- |                          |                              |
|--------------------------|------------------------------|
| 1) photographs           | 6) medical reports and bills |
| 2) statements            | 7) tax returns               |
| 3) diagrams              | 8) insurance policies        |
| 4) investigative reports | 9) expert witness reports    |
| 5) contracts             |                              |

The documents to be produced are examples of those which would be subject to discovery under Civil Rule 34.

(c) Each party shall attend the status conference in person or by counsel and shall be prepared to specify the discovery planned by that party. It is the intention that this Rule and the conference held herein be held after the parties have produced as much discoverable information about the incident complained of as possible in order to permit realistic evaluation of the case for possible settlement purposes or to draft a realistic litigation schedule to bring the case to conclusion within one year.

(d) The Judge shall enter an order at the conclusion of the conference (1) setting a date not more than 180 days following the conference by which discovery shall be completed by all parties; (2) setting a date not more than 120 days following the conference for a second status conference if the Judge is persuaded for good cause that discovery cannot be completed within 180 days; (3) scheduling a pretrial conference, as provided in this Rule, not more than 30 days following the date set, if any, for completion of discovery.

- (e) In all cases where it appears to the court that the case should be considered as a complex case, then the court shall issue an order exempting the case from the time constraints of this Rule. The request for exemption shall be by motion under Civil Rule 77.
- (f) The Judge in whose court the action is pending shall order a party or counsel who fails to comply with any order issued pursuant to this Rule to pay \$200 for the first, \$300 for the second, and \$500 for each subsequent act of noncompliance. The Judge by written order may reduce, suspend, or eliminate an otherwise required payment upon a written and verified showing of good cause filed with the Court by which a party or counsel establishes that noncompliance was excusable.
- (g) All sanctions for violations of this Rule shall be considered under the provisions of Civil Rules 37 and 95.
- (h) A case assigned under this rule may not be dismissed under Civil Rule 41 without approval of the Court. Any stipulations between the parties or attorneys as to anything scheduled under this rule are invalid until approved by the court and the parties may not rely on such stipulation as an excuse to fail to comply with time limits, etc. unless the court has approved the same.

B. District Court Jurisdiction

Jurisdiction of the District Courts should be increased to encompass actions in which the amount of monetary damages involved does not exceed \$25,000. *(or the jurisdictional limit)*

# STATE OF ALASKA

## THE LEGISLATURE

BUDGET AND AUDIT COMMITTEE

FINANCE DIVISION  
POUCH WF-STATE CAPITOL  
JUNEAU, ALASKA 99811  
PHONE: (907) 465-3795

### MEMORANDUM

DATE: February 28, 1984

TO: Louana Cutler, Administrative Assistant  
to Representative Adams

FROM: Mike Greany, Director *MGREANY*  
Legislative Finance Division

SUBJ: HB 561 - Small Claims Jurisdictional Limitation

### ISSUE:

The Court System has submitted a fiscal note for \$86.8 General Fund and three new positions. The Committee of first referral (Judiciary) reported out a zero fiscal note.

### RECOMMENDATION:

Adopt the Court System's Fiscal Note.

### REASONS:

1. When the jurisdictional limit was last raised in 1978 from \$1,000 to \$2,000 a new clerical position was provided in the subsequent year's budget to meet the workload generated.
2. Currently, there are backlogs in processing small claims, e.g. Anchorage.
3. New/expanded activities which are already generating additional workload will be compounded if the limit increases from \$2,000 to \$5,000:
  - child support enforcement;
  - divorce agreement enforcement;
  - municipality of Anchorage is using small claims for nonpayment of taxes and utility bills;
  - Department of Health and Social Services may be contemplating using small claims for fraud cases, and the Department of Labor for wage claims (unlike an individual, a state agency is not required to go to Superior Court).

STATE OF ALASKA 1984 LEGISLATIVE SESSION  
FISCAL NOTE

Revision Date: \_\_\_\_\_

REQUEST

Bill/Resolution No.: HR 561  
 Title: "relating to the small claims jurisdictional limitation..."  
 Sponsor: \_\_\_\_\_  
 Requestor: \_\_\_\_\_  
 Date of Request: \_\_\_\_\_

FISCAL DETAIL

Agency Affected: Alaska Court System  
 Program Category Affected: \_\_\_\_\_  
 BRU, Program or Subprogram(s) Affected: \_\_\_\_\_

EXPENDITURES/REVENUES: (Thousands of Dollars)

	FY 84	FY 85	FY 86	FY 87	FY 88	FY 89
<b>OPERATING</b>						
100 PERSONAL SERVICES						
200 TRAVEL						
300 CONTRACTUAL						
400 SUPPLIES						
500 EQUIPMENT						
600 LAND & STRUCTURES						
700 GRANTS, CLAIMS						
800 MISCELLANEOUS						
<b>TOTAL OPERATING</b>	<b>-0-</b>	<b>-0-</b>	<b>-0-</b>	<b>-0-</b>	<b>-0-</b>	<b>-0-</b>

<b>CAPITAL</b>						
----------------	--	--	--	--	--	--

<b>REVENUE</b>						
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FUNDING: (Thousands of Dollars)

GENERAL FUND						
FEDERAL FUNDS						
OTHER						
<b>TOTAL</b>						

POSITIONS:

FULL-TIME						
PART-TIME						
TEMPORARY						

SOURCE OF FUNDS TO OFFSET FISCAL IMPACT OF BILL:

ANALYSIS: Attach a separate page for analysis

Prepared By: W. J. Sullivan  
 Division: House Judiciary Committee

Phone: 465-4990  
 Date: 7 February, 1984

Approved by Commissioner: \_\_\_\_\_  
 Agency: \_\_\_\_\_

Date: \_\_\_\_\_

Distribution (by Agency preparing fiscal note):

- Legislative Finance
- Legislative Sponsor
- Requestor
- Office of Management and Budget
- Impacted Agency(ies)

12/1/83



ALASKA STATE LEGISLATURE  
HOUSE OF REPRESENTATIVES  
RESEARCH AGENCY

Pouch Y. State Capitol  
Juneau, Alaska 99811  
(907) 465-3991

February 3, 1984

MEMORANDUM

TO: Joseph Brewer  
House Judiciary Committee

FROM: David Teal *Teal*  
Legislative Analyst

RE: Inflation Rates in Alaska

The following pages from the Alaska Department of Labor's publication entitled Alaska Planning Information describe the Anchorage Consumer Price Index (CPI). Although the reader is cautioned against use of the CPI as a measure of inflation, the index is frequently used for that purpose. The Anchorage CPI from 1969 through September of 1982 is listed on page 78. More recent figures are presented in the attached article published by the Institute of Social and Economic Research. The article also discusses some problems with the index and its use as a measure of the rate of inflation in Alaska.

\* \* \*

If you have additional questions on this subject, we would be pleased to help. You may also wish to speak with John Boucher of the Research and Analysis Section of the Department of Labor. He can be reached at 465-4500.

Attachmenss

The new method for calculating homeownership prices is named *rental equivalency*. BLS will estimate homeownership prices on the basis of what it costs to rent similar houses. This method will solve the problem caused by the exclusion of AHFC-financed houses from the survey. During 1983 and 1984 the CPI-U and CPI-W will use differing methodologies, which will probably result in significant divergence in the 2 measures. The effect of the methodology change in slowing or speeding the rate of change in the CPI cannot be predicted with any assurance.

### COMPARISON OF ANCHORAGE TO UNITED STATES

The Anchorage CPI rose less rapidly than the national CPI from October 1967 through October 1973. This trend reversed during the pipeline buildup, reflecting the inflationary impact of drastic economic expansion. Price increases slowed once the pipeline work force and related infrastructure were in place. During the peak pipeline years, 1976 and 1977, Anchorage prices increased at roughly the national rate. A new trend began after completion of the pipeline with Anchorage prices increasing less rapidly than the rest of the nation. Decreased population and consumer spending, and overbuilding during the pipeline era caused this shift.

Following the 1980 domination of residential lending by AHFC an accurate comparison of Anchorage

Table VII-3  
Anchorage CPI  
January 1969 to Present

		Wage and Clerical			Wage and Clerical	All Urban Consumers 1/
1969	January	103.7		1978	January	179.2
	April	105.3			March	180.8
	July	105.6			May	184.0
	October	107.3			July	188.6
1970	January	107.9			September	192.8
	April	108.2			November	194.8
	July	109.6		1979	January	197.3
	October	111.5			March	200.5
1971	January	111.6			May	202.5
	April	111.7			July	206.4
	July	113.0			September	210.9
	October	114.4			November	211.8
1972	January	114.2		1980	January	215.9
	April	115.8			March	220.2
	July	115.9			May	223.1
	October	116.9			July	224.8
1973	January	116.4			September	226.7
	April	119.4			November	232.0
	July	120.4		1981	January	235.0
	October	123.8			March	236.2
1974	January	125.6			May	240.1
	April	129.8			July	241.1
	July	134.0			September	241.7
	October	140.0			November	245.9
1975	January	142.9		1982	January	249.3
	April	150.0			March	248.6
	July	153.8			May	254.5
	October	157.4			July	258.0
1976	January	158.8			September	259.1
	April	161.7				258.9
	July	164.9				
	October	167.6				
1977	January	169.4				
	April	172.6				
	July	177.4				
	October	177.3				

Source: U.S. Department of Labor, Bureau of Labor Statistics.

1/ Series began March 1978.

and U.S. price trends is not possible. It appears that Anchorage prices are actually increasing somewhat faster than the national rate, although it cannot be proven that this is the case. The rapid economic expansion in 1981 and 1982 could be expected to result in faster price increases than would otherwise occur.

## URBAN FAMILY BUDGET

While the rate of change of the Consumer Price Index for Anchorage can be compared to the rate of change of CPI's in other areas, actual price comparisons to other areas are not possible based on CPI data. Other data available do allow interarea cost comparisons. U.S. Department of Labor, Bureau of Labor Statistics produces *Urban Family Budgets and Comparative Indexes for Selected Urban Areas* which provide a comparison of costs for Anchorage, 28 other areas outside Alaska and an urban U.S. average. It contains estimated income required to support low, medium and high budget standards of living for a hypothetical family of 4. Budgets do not represent how families actually spend their money, nor are they intended to represent a minimum level of adequate income. The budgets are only intended

Table VII-4  
Yearly CPI and Percentage Change  
Wage and Clerical Workers Only

		United States		Seattle		Anchorage		Fairbanks 3/	
		CPI	% Change	CPI	% Change	CPI	% Change	CPI	% Change
OCTOBER	1967	100.0	-	100.0	-	100.0	-		
	1968	105.7	5.7	106.0 1/	6.0	102.6	2.6		
	1969	111.6	5.6	110.6 1/	4.3	107.3	4.4		
	1970	118.1	5.8	114.9 1/	3.9	111.5	3.9		
	1971	122.6	3.8	117.6 1/	2.3	114.4	2.6		
	1972	126.6	3.3	121.2 1/	3.1	116.9	2.2		
	1973	136.6	7.9	131.4 1/	8.4	123.8	5.9		
	1974	153.0	12.0	147.9 1/	12.6	140.0	13.1		
	1975	164.6	7.6	159.7 1/	8.0	157.4	12.4		
	1976	173.3	5.3	167.9 1/	5.1	167.6	6.5		
1977	184.5	6.5	182.5 1/	8.7	177.3	5.8			
NOVEMBER	1978	201.8	9.4	202.1	10.7	194.8	9.9		
	1979	227.6	12.8	221.5	9.6	211.8	8.7	107.9 2/	
	1980	256.4	12.7	259.4	17.1	232.0	9.5	119.6 2/	10.8
	1981	280.4	9.4	285.7	10.1	249.3	7.5	126.8 2/	6.0

Source: U.S. Department of Labor, Bureau of Labor Statistics.

1/ CPI is for November rather than October of years listed.

2/ CPI is for December rather than November of year listed.

3/ Discontinued February 1982 due to budget constraints.

Table VII-5  
Annual Total Budget for a 4-Person Family  
Autumn 1981 1/

Budget Level	Urban U.S.	Anchorage	Seattle-Everett
Lower	\$15,323	\$22,939	\$17,124
Intermediate	\$25,407	\$31,890	\$25,881
Higher	\$38,060	\$45,119	\$37,396

Source: U.S. Department of Labor, Bureau of Labor Statistics.

1/ Source of data, methods of calculations and quantities of goods and services for each budget level are described in detail in RLS Bulletin 1570-S.

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## CHAPTER VII COST OF LIVING MEASURES

### INTRODUCTION

This section summarizes several cost of living measures which are frequently requested. Because there are several different measures, the user of these types of data needs to carefully evaluate different available measures to determine which is most useful for a particular application. Outlined in Table VII-1 is a description of the various measures discussed in detail.

### CONSUMER PRICE INDEX

The Consumer Price Index (CPI) is a commonly misunderstood economic statistic despite frequent reports in the media. Following is a brief explanation of how the CPI is used, how it is computed, what it does and does not measure, and how to use it. Changes in CPI methodology and use are also considered. The U.S. Department of Labor, Bureau of Labor Statistics (BLS) produces a CPI for the United States and for selected urban areas. There are no CPI's for an entire state. In Alaska, a CPI is currently produced bimonthly for Anchorage.

### USES

The CPI has 3 major uses. It measures the change in prices over time of a constant market basket of goods. This measure is an important economic statistic, and is crucial in evaluating government policy and private investment decisions. To convert the CPI from the actual index number to a percentage, use the following procedure:

#### INDEX POINT CHANGE

CPI current index	263.4
Less previous index	250.5

Equals index point change	12.9
---------------------------	------

#### Percentage change

Index point difference	12.9
Divided by previous index	250.5
Equals change	0.0515
Multiplied by 100	0.052 x 100
Equals percentage change	5.2%

This example illustrates that market basket prices for *all urban consumers* in Anchorage increased 5.2% between September 1981 and 1982.

The CPI is also used as a deflator of other dollar-denominated economic indexes. Time series data in *real*, or inflation-free dollars are produced in this manner. To adjust (discount) dollars for the effect of inflation from any given year, use the following procedure:

CPI for past time	250.5
Divided by CPI for current time	263.4
Equals	0.951
Multiplied by current dollars	x\$1,000.00
Equals past dollars	\$951.03

The above example illustrates that \$1,000.00 dollars in Anchorage in September 1982 would be the equivalent of \$951.03 in September 1981.

A third use of the CPI is to escalate income and transfer payments. Many union contracts, government entitlement programs such as social security and food stamps, and private contractual agreements such as leases and child support contain escalation clauses based on the CPI. BLS estimates that a 1% increase in the national CPI results in a \$2.5 increase in government expenditure.

Although the CPI is frequently reported in the media as the *inflation rate* or *cost of living increase*, this is technically not correct. The CPI is based on a constant market basket of goods which was last revised in 1972. For this reason, it is *prices* which are measured, not the *cost of living*. To measure the actual *cost of living*, the market basket would have to be revised more frequently to account for changing consumption patterns. It would also have to take into account living costs such as income taxes, which are not a component of the CPI market basket.

## METHODOLOGY

The CPI market basket includes all types of expenditures that typical consumers make, from medical

Table VII-1  
Cost of Living Measures

	CONSUMER PRICE INDEX (CPI)	URBAN FAMILY BUDGET	COST OF FOOD AT HOME	FEDERAL GOVERNMENT COST OF LIVING ADJUSTMENT
Description	Measures Rate of Change in Price of a Fixed Market Basket of Goods Relative to a Base Year of 1967	Estimated Income By Expenditure Necessary to Support Assumed Standards of Living in a Hypothetical family of 4 at Low, Intermediate and High Budget Levels	Cost of Food, Wood, Fuel, Electricity for Various Family Groups for a Week	Price Survey of Cost of Living Differentials for Federal Government Workers
Responsible Agency	U.S. Dept. of Labor Bureau of Labor Statistics	U.S. Dept. of Labor Bureau of Labor Statistics	University of Alaska Cooperative Extension Service	U.S. Office of Personnel Management
Source of Data	Bureau of Census Monthly Survey of Prices	Bureau of Census Price Survey and Consumer Price Index	Price Survey	Price Survey
Time Period	Bimonthly (Anch.) Monthly (US) Annual	Autumn of Each Year (Discontinued after 1981)	Quarterly	Annual
Industry Detail	None	None	None	None
Geographic Detail	85 Areas 28 SMSA's 4 Regions (South, Northeast, Northcentral, West) for 5 Population classes. 36 Select Areas U.S. City Average	24 Major Metropolitan Areas, 4 Nonmetropolitan Areas Anchorage Urban U.S. Average	Select Alaskan Communities, Alaska and U.S.	Anchorage, Fairbanks Juneau, Balance of State and Washington, D.C.
Published in:	BLS News Releases	BLS News Releases	Cooperative Extension Service Newsletter	Office of Personnel Management Newsletter

services and fuel, to food and entertainment. Each month, Bureau of Census employees check actual prices in all surveyed urban areas.

Survey results are given to BLS and the CPI is computed by assigning weights to each good, depending on the importance of the good in the average consumer's expenditures. An index is available for individual components as well as a total for all items.

There are 2 sets of weightings, one for *all urban consumers*, and the other for *wage and clerical workers* which result in 2 CPI's for each urban area. The *all urban consumer* CPI (CPI-U) approximates the buying habits of 80% of the noninstitutional civilian population. The *wage and clerical* CPI (CPI-W) approximates the buying habits of 40% of noninstitutional civilian population. The *all urban consumers* CPI was begun in 1978. Previously only the *wage and clerical* CPI was available.

The form the CPI takes is a number rounded to one decimal place comparing the current cost of the market basket to the cost in an arbitrary base year. The base year currently being used is 1967. Rebasings of the index was scheduled for 1980 but has been indefinitely postponed due to federal budget constraints.

#### HOMEOWNERSHIP METHODOLOGY REVISION

Beginning in January 1983 for the CPI-U and January 1985 for the CPI-W, the method for calculating the homeownership component will be changed. Currently, BLS surveys house sale prices and mortgage prices to calculate the homeownership component. In Anchorage, the housing component is about 50% of the total for both CPI's, with homeownership constituting a large portion of housing. BLS does not include Alaska Housing Finance Corporation (AHFC)-financed houses or loans in its survey. AHFC finances almost all house sales in Anchorage. BLS, lacking sufficient sample in Anchorage, uses prices from similar-sized cities in the Western region as a substitute. While this procedure is satisfactory in many instances, in this case the result is a seriously flawed CPI, as Anchorage housing and mortgage prices have changed differently than the prices which are used as a substitute.

Table VII-2  
Fairbanks CPI  
February 1978 to February 1982 1/

		Wage and Clerical	All Urban Consumers
1979	February	100.0	100.0
	April	101.6	101.4
	June	103.7	103.9
	August	105.5	105.2
	October	108.1	108.2
	December	107.9	107.9
1980	February	110.4	110.2
	April	112.8	112.7
	June	113.5	113.4
	August	115.1	115.0
	October	117.6	117.4
	December	119.6	119.3
1981	February	121.8	121.5
	April	123.6	123.2
	June	124.9	124.3
	August	125.7	125.3
	October	126.2	125.8
	December	126.8	126.7
1982	February	128.0	128.1

Source: U.S. Department of Labor, Bureau of Labor Statistics.

1/ Discontinued due to budget constraints.



Offered: 3/6/84  
Referred: Finance

Original sponsors: Bettisworth and Cowdery

1 IN THE HOUSE

BY THE STATE AFFAIRS COMMITTEE

2 CS FOR HOUSE BILL NO. 564 (State Affairs)

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 THIRTEENTH LEGISLATURE - SECOND SESSION

5 A BILL

6 For an Act entitled: "An Act relating to use of permanent fund dividends  
7 to satisfy debts owed to the state; and providing for  
8 an effective date."

9 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF ALASKA:

10 \* Section 1. AS 43.23.065 is amended to read:

11 Sec. 43.23.065. EXEMPTION OF PERMANENT FUND DIVIDENDS. Fifty  
12 percent of the annual permanent fund dividend payable to an individual  
13 is exempt from levy, execution, garnishment, attachment, or any other  
14 remedy for the collection of debt. This exemption applies to an  
15 eligible individual's permanent fund dividend both before and after  
16 payment is made to the individual. An [NO] exemption is not available  
17 under this section for permanent fund dividends taken to satisfy (1)  
18 child support obligations required by court order or decision of the  
19 child support enforcement agency under AS 47.23.140 - 47.23.220; (2) a  
20 debt owed by an eligible individual to an agency of the state, unless  
21 the debt is contested and an appeal is pending, or the time limit for  
22 filing an appeal has not expired. A child support obligation under  
23 (1) of this section has priority over a debt owed to an agency of the  
24 state, and a permanent fund dividend may not be taken to satisfy a  
25 debt under (2) of this section until any portion of the dividend  
26 necessary to satisfy a child support obligation has been taken.

27 \* Sec. 2. This Act applies to permanent fund dividends issued for 1984  
28 and subsequent years.

29 \* Sec. 3. This Act takes effect immediately in accordance with

1 AS 01.10.070(c).

2

STATE OF ALASKA 1984 LEGISLATIVE SESSION  
FISCAL NOTE

Revision Date 3/2/84

**I. REQUEST**

Bill/Resolution No: CSHB 564 (SA)  
 Title: An Act relating to use of permanent fund dividends to satisfy debts owed to the state  
 Original Sponsors: Bettisworth & Cowdery  
 Requestor: House State Affairs Committee  
 Date of Request: \_\_\_\_\_

**FISCAL DETAIL**

Agency Affected: Revenue  
 Program Category Affected: Revenue Management and Collections  
 BRU, Program of Subprogram(s) Affected: Enforcement

**II. EXPENDITURES/REVENUES: (Thousands of Dollars)**

	FY 84	FY 85	FY 86	FY 87	FY 88	FY 89
<b>OPERATING</b>						
100 PERSONAL SERVICES	-	-	-	-	-	-
200 TRAVEL	-	-	-	-	-	-
300 CONTRACTUAL	-	-	-	-	-	-
400 SUPPLIES	-	-	-	-	-	-
500 EQUIPMENT	-	-	-	-	-	-
600 LANDS & STRUCTURES	-	-	-	-	-	-
700 GRANTS, CLAIMS	-	-	-	-	-	-
800 MISCELLANEOUS	-	-	-	-	-	-
<b>TOTAL OPERATING</b>	-	-	-	-	-	-
<b>CAPITAL</b>	-	-	-	-	-	-
<b>REVENUE</b>	-	45.0	49.1	28.8	15.8	8.9

**FUNDING: (Thousands of Dollars)**

GENERAL FUND	-	-	-	-	-	-
FEDERAL FUNDS	-	-	-	-	-	-
OTHER	-	-	-	-	-	-
<b>TOTAL</b>	-	-	-	-	-	-

**POSITIONS:**

FULL-TIME	-	-	-	-	-	-
PART-TIME	-	-	-	-	-	-
TEMPORARY	-	-	-	-	-	-

**III. SOURCE OF FUNDS TO OFFSET FISCAL IMPACT OF BILL:**

No increased expenditures are anticipated.

**IV. ANALYSIS: See attached narrative.**

Prepared By: Thomas C. Williams  
 Division: Enforcement

Phone: 465-2366  
 Date: March 1, 1984

Approved by Commissioner: James P. Kelly  
 Agency: Revenue

Date: 3/2/84

Distribution (by Agency preparing fiscal note):

- Legislative Finance
- Legislative Sponsor
- Requestor
- Office of Management and Budget

Enforcement Division  
Analysis of CSFB 564 (SA)  
 March 1, 1984

**A. Assumptions**

1. The PFD program is retained and there are no substantive changes to the current program.
2. Individual dividend payments over the next five years are as follows:

Dividend Year	84	85	86	87	88
Paid in FY	85	86	87	88	89
Dividend Amount	\$357	\$431	\$514	\$564	\$606

3. The average accounts receivable (a/r) attachment is estimated to amount to 84-88% of the value of an attached dividend. Currently 1982 PFD a/r attachments average approximately 44% of the value of dividends attached while 1983 PFD a/r attachments average approximately 48%. Accordingly, we could expect an increase of approximately 40% of each dividend attached.
4. The number of a/r attachments on PFD applications is likely to decrease 10% per year until FY '86 and then by 50% per year. This change will result largely from the lapsing of the 6 year statute of limitations on the repeal of income taxes in 1978. Under this scenario the number of attachments would likely be as follows:

Fiscal Year	84	85	86	87	88	89
Est. Attachments	350	315	285	140	70	35

**B. Program Summary**

This bill requires no significant program changes.

**C. Computations**

<u>Dividend Year</u>	<u>Fiscal Year</u>	<u>A (2) Dividend Amount</u>	<u>x</u>	<u>A (3) Average Increase</u>	<u>x</u>	<u>A (4) Est a/r Attachment</u>	<u>=</u>	<u>Income in Revenue (x 1000)</u>
84	85	\$357	x	.40	x	315	=	\$ 45.0
85	86	431	x	.40	x	285	=	49.1
86	87	514	x	.40	x	140	=	28.8
87	88	564	x	.40	x	70	=	15.8
88	89	606	x	.40	x	35	=	8.9

Total Amount of Increase Over 5 Years \$147.6

**D. Economic Impact**

This bill has no significant impact on the State's economy.

**E. Impact on Local Governments**

This bill has no impact on Local Governments.

Enforcement Division  
Analysis of CEBE 564 (SA)  
March 1, 1984

Impact of 100% Accounts Receivable Offset on Enforcement Division Collection Activities:

Although the additional revenue collected by Enforcement is relatively small, the impact on our collection efforts may be more significant. The additional offset provision will likely allow us to close more cases with a minimal amount of collection effort when the tax liability is small. This would allow more of our current resources to be devoted to more difficult cases where the tax liability is larger.

HOUSE JOURNAL

HOUSE FINANCE COMMITTEE  
LETTER OF INTENT  
FOR  
COMMITTEE SUBSTITUTE FOR HOUSE BILL 564 (STATE AFFAIRS)

It is the intent of the legislature that the Department of Revenue designate a hearing officer who will consider the existence of unusual economic conditions in certain documented cases of economic hardship in the geographic area in which an individual resides, and the effect that using this section, to collect debts owed to the state, would have on the individuals health and safety.



---

Al Adams, Chairman  
House Finance Committee

PREPARED BY H.F.C. SUBCOMMITTEE for  
consideration along with CS HB 564 (St. Affairs)

**LEGISLATIVE INTENT**

IT IS THE INTENT OF THE LEGISLATURE THAT THE DEPARTMENT OF REVENUE DESIGNATE A HEARING OFFICER WHO WILL CONSIDER THE EXISTANCE OF UNUSUAL ECONOMIC CONDITIONS IN CERTAIN DOCUMENTED CASES OF ECONOMIC HARDSHIP IN THE GEOGRAPHIC AREA IN WHICH AN INDIVIDUAL RESIDES, AND THE EFFECT THAT USING THIS SECTION, TO COLLECT DEBTS OWED TO THE STATE, WOULD HAVE ON THE INDIVIDUAL'S HEALTH AND SAFETY.

**LETTER OF INTENT    HB 564**

It is the intent of the legislature that the debt or debts owed to the state are to be given 2nd priority in cases when the PFD is to be applied to the recipients or the recipients family's well-being.

*Alaska* HOUSING  FINANCE CORPORATION

February 28, 1984

The Honorable Bob Battisworth  
House of Representatives  
Alaska State Legislature  
Pouch V  
Juneau, AK 99811

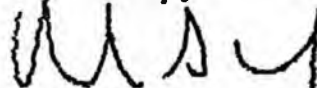
Dear Representative Battisworth:

An inquiry has been made by your office as to how HB 564 would affect AHFC.

The Corporation has not in the past utilized the option to attach permanent fund dividends. AHFC most frequently uses a summary foreclosure process and deficiency judgments are prohibited.

Although we currently do not pursue judicial foreclosure (under which a deficiency judgment could be obtained) that does not mean we would not in the future. That decision, however, would be based on the amount of the dividend that could be attached.

Sincerely,



Michael S. Lynch  
Executive Director

MSL:sel

Offered: 3/6/84  
Referred: Finance

Original sponsors: Battisworth and Cowdery

1 IN THE HOUSE BY THE STATE AFFAIRS COMMITTEE  
2 CS FOR HOUSE BILL NO. 564 (State Affairs)  
3 IN THE LEGISLATURE OF THE STATE OF ALASKA  
4 THIRTEENTH LEGISLATURE - SECOND SESSION  
5 A BILL  
6 For an Act entitled: "An Act relating to use of permanent fund dividends  
7 to satisfy debts owed to the state; and providing for  
8 an effective date."  
9 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF ALASKA:  
10 \* Section 1. AS 43.23.065 is amended to read:  
11 Sec. 43.23.065. EXEMPTION OF PERMANENT FUND DIVIDENDS. Fifty  
12 percent of the annual permanent fund dividend payable to an individual  
13 is exempt from levy, execution, garnishment, attachment, or any other  
14 remedy for the collection of debt. This exemption applies to an  
15 eligible individual's permanent fund dividend both before and after  
16 payment is made to the individual. An [NO] exemption is not available  
17 under this section for permanent fund dividends taken to satisfy (1)  
18 child support obligations required by court order or decision of the  
19 child support enforcement agency under AS 47.23.140 - 47.23.220; (2) a  
20 debt owed by an eligible individual to an agency of the state, unless  
21 the debt is contested and an appeal is pending, or the time limit for  
22 filing an appeal has not expired. A child support obligation under  
23 (1) of this section has priority over a debt owed to an agency of the  
24 state, and a permanent fund dividend may not be taken to satisfy a  
25 debt under (2) of this section until any portion of the dividend  
26 necessary to satisfy a child support obligation has been taken.  
27 \* Sec. 2. This Act applies to permanent fund dividends issued for 1984  
28 and subsequent years.  
29 \* Sec. 3. This Act takes effect immediately in accordance with

1 AS 01.10.070(c).

2

Introduced: 2/1/84  
Referred: State Affairs  
and Finance

1 IN THE HOUSE

BY BETTISWORTH

2

HOUSE BILL NO. 564

3

IN THE LEGISLATURE OF THE STATE OF ALASKA

4

THIRTEENTH LEGISLATURE - SECOND SESSION

5

A BILL

6

For an Act entitled: "An Act relating to use of permanent fund dividends  
7 to satisfy debts owed to the state; and providing for  
8 an effective date."

8

9

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

10

\* Section 1. AS 43.23.065 is amended to read:

11

Sec. 43.23.065. EXEMPTION OF PERMANENT FUND DIVIDENDS. Fifty

12

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13 is exempt from levy, execution, garnishment, attachment, or any other  
14 remedy for the collection of debt. This exemption applies to an  
15 eligible individual's permanent fund dividend both before and after  
16 payment is made to the individual. No exemption is available under  
17 this section for permanent fund dividends taken to satisfy

18

(1) child support obligations required by court order or  
19 decision of the child support enforcement agency under AS 47.23.140 -  
20 47.23.220; or

21

(2) a debt owed by an eligible individual to an agency of  
22 the state.

23

24

\* Sec. 2. This Act applies to permanent fund dividends issued in 1984  
and subsequent years.

25

26

\* Sec. 3. This Act takes effect immediately in accordance with AS 01.-  
10.070(c).



Introduced: 2/1/84  
Referred: State Affairs and  
Finance

Funding Information  
General Fund \$50,000  
Other Funds -0-  
\$50,000

BY LACHER, PHILLIPS, FLOOD,  
CLOCKSIN AND KOPOWEN

1 IN THE HOUSE

2 HOUSE BILL NO. 568

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 THIRTEENTH LEGISLATURE - SECOND SESSION

5

A BILL

6 For an Act entitled: "An Act making a special appropriation to the Depart-  
7 ment of Public Safety, Council on Domestic Violence  
8 and Sexual Assault, for a public awareness program;  
9 and providing for an effective date."

10 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF ALASKA:

11 \* Section 1. The sum of \$50,000 is appropriated from the general fund  
12 to the Department of Public Safety, Council on Domestic Violence and Sexual  
13 Assault (AS 18.66.010), for a public awareness program relating to sexual  
14 abuse of minors.

15 \* Sec. 2. The unexpended and unobligated portion of the appropriation  
16 made by this Act lapses into the general fund June 30, 1985.

17 \* Sec. 3. This Act takes effect July 1, 1984.

**INTENT OF LEGISLATION**

**HB 568 - "An Act making a special appropriation to the Department of Public Safety, Council on Domestic Violence and Sexual Assault, for a public awareness program; and providing for an effective date."**

**The purpose of this legislation is to raise the public consciousness of the issue of sexual abuse of minors. We must teach adults and children alike to recognize the early warning signs of possible abuse. Children must be encouraged to speak out and share their concerns; adults must be taught to listen, believe, and offer assistance to these children. It is time for Alaskans to make a public statement that we will no longer stand by while our children are subjected to such a heinous crime.**

DEPARTMENT OF PUBLIC SAFETY

POSITION PAPER

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House Bill 568

"An Act making a special appropriation to the Department of Public Safety, Council on Domestic Violence and Sexual Assault, for a public awareness program".

The Council on Domestic Violence and Sexual Assault supports House Bill 568 to appropriate funds for a public awareness program relating to the sexual abuse of minors. The Council and most of the Council funded programs have taken an active role in prevention/education, advocacy and/or treatment of child sexual assault.

Of the nineteen programs the Council funds, fourteen work with victims directly, conduct prevention/education programs in the schools and communities and/or are involved in child sexual assault coordination efforts. However, most of the programs do not have adequate resources to address the issue and there is no statewide effort to provide information to communities without sexual assault programs. Rural areas are of prime consideration in media efforts because there are so few resources in rural communities.

Child sexual assault reportings have drastically increased in the past few years. From FY 1980 to FY 1983 the reportings to the Division of Family and Youth Services in the Department of Health and Social Services has increased four times. Yet we know that this does not represent the actual number of incidences. Children must know that they have a right to be safe and protected. Adults need to know physical and behavioral symptoms of child sexual assault. Adults also need to know how to talk to a child who has disclosed sexual abuse and where to report it. These funds could assist the Council in providing information to the communities.

  
Robert J. Sundberg  
Commissioner

# ALASKA NETWORK ON DOMESTIC VIOLENCE AND SEXUAL ASSAULT

110 SEWARD #13 JUNEAU ALASKA 99801

(907)586-3650

## POSITION PAPER

**HB 568: An Act making a special appropriation to the Department of Public Safety, Council on Domestic Violence and Sexual Assault, for a public awareness program.**

The Alaska Network on Domestic Violence and Sexual Assault, representing 20 programs statewide that provide services to victims of domestic violence and sexual assault, supports HB568, which will provide funding to the Council to develop a public awareness program relating to the sexual abuse of minors.

Fifteen of the Network's 20 member programs are currently addressing the issue of child sexual assault by providing direct services to child victims and non-offending parents; conducting community education and awareness campaigns; developing and presenting curricula on child sexual assault prevention to students and educators in school settings; and coordination of efforts, including development and implementation of inter-agency protocols, in dealing with cases of child sexual assault. Programs have implemented these components in response to increased requests for services; however, funding to these programs to address this issue is not currently available on a statewide basis, nor are there sufficient resources or support services in many communities to address this issue.

The Network feels that there is a crucial need to educate the general public, with particular emphasis on rural areas where few services exist, regarding the high incidence of child sexual assault; the availability of agencies and other resources to deal with child sexual assault; the laws requiring reporting of child sexual assault by educators, medical personnel, and other professionals; and appropriate responses to a child who has disclosed sexual assault.

A coordinated statewide effort (either by use of Public Service Announcements, production of an Alaska-specific film, a statewide conference, or other educational program) providing such information on child sexual assault will serve to heighten the awareness of the general public and promote concerted efforts to effectively respond to this most serious problem.

## ATTACHMENT A

SEX OFFENSES AGAINST JUVENILES<sup>1</sup>  
Number of Reported Incidents

<u>Law Enforcement Agency</u>	<u>1980</u>	<u>1981</u>	<u>1982</u>
Alaska State Troopers	48	109	177
Bethel Police Dept.	4	3	1
Cordova Police Dept.	4	--	3
Craig Police Dept.	--	--	--
Dillingham Police Dept.	--	1	1
Fairbanks Police Dept.	25	13	18
Homer Police Dept.	1	3	6
Hoonah Police Dept.	--	--	--
Juneau Police Dept.	10	16	17
Kenai Police Dept.	3	5	11
Ketchikan Police Dept.	15	15	20
Klawock Police Dept.	1	--	--
Kodiak Police Dept.	8	2	13
Kotzebue Police Dept.	--	1	6
Nome Police Dept.	--	1	10
North Pole Police Dept.	3	2	2
North Slope Borough Police Dept.	9	4	2
Palmer Police Dept.	3	4	1
Petersburg Police Dept.	--	1	1
Seldovia Police Dept.	--	--	1
Seward Police Dept.	2	2	2
Sitka Police Dept.	--	12	17
Skagway Police Dept.	2	--	--
Soldotna Police Dept.	5	5	1
Unalaska Police Dept.	--	1	--
Valdez Police Dept.	--	1	--
Whitter Police Dept.	--	--	--
Wrangell Police Dept.	--	--	1
ALASKA SUBTOTAL (excluding Anchorage Police Dept.)	142	201	293
Anchorage Police Dept. (sexual assault <sup>2</sup> vic- tims of all ages)	117	173	158

<sup>1</sup>Data provided by the Unified Crime Reports Section of the Alaska Department of Public Safety and the Anchorage Police Department.

<sup>2</sup>Forcible rape, assault with attempt to rape and statutory rape.

**DEPARTMENT OF HEALTH AND SOCIAL SERVICES  
DIVISION OF FAMILY AND YOUTH SERVICES  
REPORTED PHYSICAL AND SEXUAL ABUSE CASES  
FY 83**

Definitions

1. **Substantiated:** Cases where there was sufficient evidence to support a child in need of aid determination and/or criminal action;
2. **Unsubstantiated:** Cases where the social worker believes that an incident occurred; however, the child was too young to have a provable case, there was insufficient evidence, or the child's safety was ensured;
3. **Unconfirmed:** Cases where there was insufficient evidence to determine the incident occurred.

Sexual Abuse

<u>Region</u>	<u>Substantiated</u>		<u>Unsubstantiated</u>		<u>Unconfirmed</u>		<u>Total</u> #
	#	%	#	%	#	%	
Southcentral	146	60%	56	23%	41	17%	243
Northern	42	34%	57	47%	23	19%	122
Northwestern	7	46%	4	27%	4	27%	15
Southeastern	68	72%	19	20%	7	8%	94
Western	29	60%	15	31%	4	9%	48
Grand Total	292	56%*	151	29%*	79	15%	522*

\* Substantiated and unsubstantiated reports total 85%.

Physical Abuse

<u>Region</u>	<u>Substantiated</u>		<u>Unsubstantiated</u>		<u>Unconfirmed</u>		<u>Total</u> #
	#	%	#	%	#	%	
Southcentral	149	55%	89	33%	33	12%	271
Northern	36	25%	83	61%	21	14%	145
Northwestern	5	42%	7	58%	-0-	-0-	12
Southeastern	63	50%	34	27%	29	23%	126
Western	13	65%	6	30%	1	5%	20
Grand Total	266	46%*	224	39%*	84	15%	574

\*Substantiated and unsubstantiated reports total 35%.

FRONTIERSMAN

1/12/84

# Wake up about sexual abuse

During the past year, the Frontiersman has reported sexual abuse and assault cases involving children as young as 2 and as old as 15.

Sexual crimes against children are the most prevalent and serious of felony crimes in the Matanuska-Susitna Valley.

According to Alaska State Trooper statistics, 45 Valley children were the victims of reported sexual crimes in 1983.

Most sexual abuse remains unreported for months, years, sometimes forever.

National statistics indicate that one in four people will be sexually abused or assaulted in their lifetime.

Our children are being attacked by thieves who steal sexual gratification, who plunder innocence, who leave behind pain. Sometimes the thieves are the

children's own parents, sometimes a friend of the family or a relative.

The pain remains far longer than the actual memory. Different children handle it in different ways. Some may appear to be unaffected by an adult's intrusion of their

## SPECIAL EDITORIAL

bodies; 20 years later they may awaken to a screaming nightmare of childhood.

Other children may fear adults, or men, or women. Incest victims may engage in lengthy internal battles, vacillating between love and loathing, trying to separate affection from humiliation, anger from hate, forgiveness from martyrdom.

We are shocked when we hear of the violation of a child. We want to think of the perpetrators as "animals" or "psychos." We want to believe that the friend, neighbor, relative or member of the community who's convicted of sexual abuse or assault is some kind of aberrant human being. But there's only one thing that seems to commonly set "them" apart from "us."

Many of the perpetrators of sexual crimes against children were victims themselves. It's no excuse for their crime. But it indicates a pattern that must be broken now.

It's not enough that the Valley has one of the best teams in the state for dealing with sexual assaults.

We are educating ourselves and each other. We share the outrage and hurt when we learn of abused children. But why have we left the

potential victims in the dark?

We need a system for the early identification of sexual abuse. Now.

Children must know that sexual abuse is most often perpetrated by someone they know, not a stranger in a sedan offering candy.

An enlightened approach by the school district would help.

Children need to know what abuse is. They should be encouraged to report it, no matter who the perpetrator is. They deserve the right to have a safe place to go, a safe person to tell.

It has nothing to do with "sex education."

It has to do with the knowledge that could save them. Children have a right in our society to be educated. When that education could save them, the right becomes an imperative.

*Deborah Heidecker*

## DEFINITION OF SEXUAL ABUSE/SEXUAL VICTIMIZATION\*

MARILYN J. TERRIEL, Ph.D., 1982

SEXUAL ABUSE OR SEXUAL VICTIMIZATION is inappropriate, actual or suggested sexual activity between persons who are at different stages of development (usually a child/adolescent and an adult).

1. The victim is DEVELOPMENTALLY IMMATURE, especially in comparison to the offender who is typically older.

2. SUGGESTED OR ACTUAL SEXUAL ACTIVITY includes:

Exhibiting or exposing genitals;

Sexual contact or handling of one or both participants' penis, vagina, breasts, buttocks, anus, or pelvic area;

Oral-genital contact (cunnilingus, fellatio);

Sexual intercourse;

Intrusions, however slight, into the child's body for sexual gratification, such as anal intercourse, interfemoral (between thighs) intercourse, placing objects in the child's vagina, anus, or mouth; or using the child's armpit for sexual gratification.

3. "The activity is INAPPROPRIATE because the child does not understand the (sexual) nature of the request and/or is coerced into the activity through deceit, threats, or because the activity is offered under the guise of normal affection." (Sanford, 1980)

4. VICTIMIZATION: Exploitation of the relationship between the child and the offender based upon the imbalance or DISCREPANCIES BETWEEN THE OFFENDER'S AND THE VICTIM'S

trick      PHYSICAL AND EMOTIONAL POWER,  
↓  
manipulate      RESOURCES, and  
↓  
force      KNOWLEDGE

- (a) Knowledge of what sexual activity is,
- (b) Knowledge of the meaning and significance of sexual activity,
- (c) Knowledge of the consequences of sexual activity.

\* (References: Authier, 1979; Faller, 1980; Finkelhor, 1979; and Sanford, 1980)

## INDICATORS OF POSSIBLE CHILD SEXUAL ABUSE\*

- I. **PHYSICAL INDICATORS** (The following indicators are sometimes found. Many cases of sexual abuse do not yield physical indicators, or cases are reported after the time physical signs could have been detected.)
  - A. **Observable in a Medical Examination**
    1. Genital or anal bruises, cuts, tears
    2. Genital or anal bleeding
    3. Swollen or red cervix, vulva, perineum
    4. Semen on genitals (vaginal, anal, or perineal area) or clothing
    5. Venereal disease (syphilis, gonorrhea, venereal warts, herpes)
    6. Pregnancy in children under 10 or in 10-14 year olds
    7. Enuresis or encopresis (There can be other physical and emotional causes, as well as sexual abuse.)
    8. Vaginal, bladder, or urinary tract infections (These also can be obtained from other sources.)
  - B. **Observable by Parents or Caretakers**
    1. Pain, itching, or bleeding in genital areas
    2. Torn or stained clothing
    3. Soreness or redness in pelvic region
    4. Complaints of vague, generalized stomach pain
- II. **BEHAVIORAL/EMOTIONAL INDICATORS** (Behavioral/emotional indicators are best viewed as signs that the child is troubled, as opposed to a definite sign of sexual abuse. Some, of course, are also indicators of other emotional problems. In addition, indicators vary according to the child's developmental stage and previous adjustment.)
  - A. **Preschoolers**
    1. Excessive masturbation; masturbation in many, inappropriate contexts
    2. Attempts to elicit sexual responses from adults (rubbing up against an adult's penis) or acting as the sexual aggressor with other children (in day care centers, etc.)
  - B. **Latency or School-Aged Children**
    1. Seductive behavior or inappropriate expressions of affection, e.g., "French kissing," special interest in others' genitals.
    2. Attempts at sexual intercourse

\*Adams & Fay, 1981; Authier, 1979; Faller, 1982; Sanford, 1980; with special credit to Faller, undated paper, for developmental framework/items.

MYTHS VS. INFORMATION ABOUT SEXUAL ABUSE

MYTHS

An extremely rare occurrence

Only girls are victims.

Older children are victims.

Offender: Stranger

Offender: Stranger

Offender: "Dirty Old Man"

Use of physical violence

Sudden Attack

Isolated Incident

Public Places (restrooms, theatres,  
schoolyards, offender's car)

Sexual intercourse

INFORMATION

Not an extremely rare occurrence

Both boys and girls are victims.

Children of all ages are vulnerable.

Offender: Someone the child knows  
and trusts

Offender: A relative

Offender: All ages

Exploiting the child's age, ignorance,  
or relationship to the offender.

Gradual Development

Frequent or Repeated Incidents

Familiar Place: Victim's or offender's  
home

Immature sexual activity

*Developmental Disruptions of Victims  
of Incest and Childhood Abuse*

BARBARA L. MYERS

**BACKGROUND**

Incest. For too long, people have feared the word. Victims have suffered quietly, surrounded by the darkness of shame and secrecy. Now, as a result of strengthened child abuse laws and persistent public education efforts, reported cases of incest and childhood sexual abuse are on the rise. Incidents are surfacing, people's stories are being told, and help is being given.

Christopher Street's program on incest and childhood sexual abuse began in July of 1976 when the subject was all but taboo. Since that time, hundreds of women have come for help in resolving their anger, hurt, pain, and confusion. Each of these victims has had some form of self-destructive behavior, from an inability to protect herself from further abuse to prostitution and self-mutilation. We see these behaviors as survival skills, ways of showing someone that something is wrong, and releases for emotions. Victims of incest and childhood sexual abuse experience a lot of sexual, physical, and emotional violence at the hands of their abusers, but the subsequent effects of that abuse and what they have done to themselves as a result of it has had as profound an influence on the course of their growing up as the abuse itself.

I believe that children engage in violent and/or self-destructive behavior for a reason. I believe that when children have pain which is hard to express, they will sometimes do destructive things to themselves and to others in order to be heard. I believe every victim of incest and childhood sexual abuse tried to tell someone, either verbally or by behavior, that something was wrong. We are all so uncomfortable with destructive behavior that we often cannot see beyond it. We deal with the outward, visible signs of feelings because they are more concrete and easier for us to manage than the secret, pain, or fear that may lie beneath them. As a result, it is often a child's behavior that we confront, rather than what a child is really trying to say. We must learn to do more than just see the behavior or treat the symptoms of incest. We must learn to hear the pain and offer new survival skills.

For clarification, in using the word incest I am talking about an adult exploiting a child. This can be an older sibling with a younger sibling where they are at two different stages in their sexual development and one person is exploiting the other, instead of its being a "normal sibling experience" where it is a learning, exploring process where both are equally getting something. When looking at incest and childhood sexual abuse as a

dysfunction, we must also look at society and our cultural norms which permit incest to go on, e.g.: 'Children are their parents property, children must do as adults tell them, and children "act out" for no reason at all.

One of the things we do to children is push them to obey and respect adults, e.g.: "Go kiss Uncle Henry, he brought you a nice present," when the adults won't kiss Uncle Henry because they pick up "funny" or exploitative things from him. Children don't have the right to touch only whom they want, only those people who feel comfortable to them. All human beings can sense exploitative touch. We know when someone is giving us something, sharing, or taking something from us with touch. We react to those who are taking something by withholding or not wanting to touch. Children are not given this right. It leaves a child confused, if they are supposed to touch Grandpa when Mom and Dad are around what is the difference when Grandpa has got them alone?

I believe that giving children the right to touch only whom they want and when they want is a preventative step. Talking to children about touch and exploitation, and how no one, not even you, has the right to touch them if they don't want it can prevent a lot of sexual abuse.

#### BEHAVIORS - SURVIVAL SKILLS

I am going to go through a list of behaviors we have seen with children, adolescents, and adult women who were victims of incest and childhood sexual abuse. These behaviors may appear after a child has been known to have been sexually abuse or they may be used to identify victims of incest and childhood sexual abuse. These behaviors do not always mean that a child has been sexually abused, but they do mean that something traumatic has happened to the child and we still need to see beyond the behavior to what a child is trying to tell us. Because incest and childhood sexual abuse are taboo to talk about, children often try to tell you by "acting out" behavior. Also, a lot of incest and childhood sexual abuse take place before a child has words to tell you about it. I believe it is up to us as professionals and adults to look beyond the behavior and to start asking about incest, childhood sexual abuse, and other forms of family abuse. Asking the question often leads a victim to believe that you will believe and listen to the answer.

#### DETACHMENT - DISCONNECTION

Children learn to detach themselves from experiences that are painful and/or confusing. They do this by denying the experience, depersonalizing it, or by "acting it out" in their behavior. Victims of incest learn this detachment early in their lives. Some have learned to detach their minds from their bodies, pretend that all fathers are sexual with their daughters, pretend that it is a dream, pretend that it really isn't abusive, pretend that it is happening to someone else. I think it is important for us to

imagine our father coming into our room at night and sexually abusing us, and then getting up the next day and having to resume another role as your father says "Let's all have pancakes for breakfast" as he smiles at you. This may help you understand the need for detachment. Other victims have learned to pinch themselves during the sexual abuse and put all their energy into concentrating on self-abuse, rather than sexual abuse. Then there are those who pretend they are sleeping so they can block out what is happening. It is important to understand that this detachment was probably what helped them to survive the experience. Often victims are not believed because of their detachment from the experience, either emotionally or verbally.

#### PRE-SCHOOLERS

Pre-schoolers often regress to earlier forms of behavior that remind them of safer and/or more comfortable times such as; thumb-sucking, bed-wetting, baby talk, over-eating, resume sleep with special toy, fear of dark, whining, clinging, fretfulness, fear of sleeping in their own room.

#### SCHOOL-AGE

School-age children may have continuous nightmares, sleep disturbances, they may develop phobias, often they will act out sexually with toys, animals, and their peers; beyond the "normal" acting out such as "playing doctor," and exploring. Children this age often develop physical symptoms relevant to the type of assault; such as abdominal pain, sore throats, and so forth.

#### ADOLESCENTS

Adolescents may lack emotions when talking about traumatic experiences or become overly emotional and not be able to find words to talk. They will have a sexual development "beyond normal." They tend to act out sexually a lot to please boyfriends or go to the opposite extreme and shy away from any physical touch. Running away is very common among adolescent victims, suicide attempts, drug and alcohol abuse, stealing, lying, and delinquency. Adolescent victims are vulnerable to other assaults. They tend to look outside of their family for love, affection, and security and cannot distinguish the difference between abuse and affection. An example of this is an adolescent who said she was walking the street wishing someone would just take her away. Two men came by and said "Hey, baby, come with me, we'll take care of you." All this child heard was that someone was going to take care of her. She went with the men and they raped her. She did not let the thoughts, "What did they want? Where were they going?" go through her head. All she responded to was that they said they would take care of her and she needed that. A number of other adolescents went with pimps the same way and became involved in prostitution. Self-mutilation is also common among victims of incest. Cutting themselves, burning themselves, hitting themselves, causing themselves physical injuries, trying to put the emotional pain somewhere visible. Over-eating and under-eating are also common among

adolescents and adult victims. School problems, inability to concentrate, inability to get up in front of a class for fear that they will be able to tell the secret. Refusal to attend gym, to undress, shower with the other girls. Peer relationships are struggles, they often feel less than other girls and, when Susie talks about kissing Johnny, they are reminded of what is going on at home so they withdraw.

#### ADULT

Adult women who were sexually abused as children have a lot of the same behavior that adolescents develop. They also have frustrated dependency needs; feelings of helplessness, longing for a mother that can be depended upon. They often have an underlying immaturity and lack of ego development with fearfulness of the world beyond the family. Adult women often express either a fear of or anger at men. Adult women tend to pick abusive relationships because this has become their "normal" type of relationship. I am seeing that incest is generational and that adult women tend to abuse their own children and/or younger siblings. This may not always be sexual, it may be physical, emotional, etc. They tend to distrust their own reality and disconnect from any childhood memories. I am including in this paper a case study. It is my own. I was a victim of incest and also of destructive behaviors. It is my wish that you will gain knowledge to identify victims earlier and also see beyond behaviors.

In the last few years, I have been open about sharing my experience as an incest victim. I began doing this so that other victims would feel free to come out and share their own experiences and feelings. I also talk about what happened to me so that helping professionals can begin to get a glimpse of what it was like to have been sexually abused by someone in a trusting position, and so that they can develop a better understanding of some of the damages that may occur as a result of childhood sexual abuse. I am often asked to describe what my father did to me; the focus of interest or concern or curiosity is usually leveled at the sexual interaction itself, rather than at my feelings about the incest or what I did with those feelings. It is true that I experienced a lot of physical, sexual, and emotional violence at the hands of my father, but the subsequent effects of that abuse and what I did to myself as a result of it had as profound an influence on the course of my growing up as anything he did to me physically.

#### WHAT HE DID TO ME

My mother went into the hospital with a nervous breakdown when I was about seven years old. I was supposed to stay with the neighbors but my dad would make me come home to make him dinner and visit. All I wanted was my mother to come home. I missed her so much that even the house and the furniture seemed physically different to me. Once in a while my dad would call the neighbors and tell them that I was going to stay overnight at our house with him. He'd have me sit by him and he would tell me how much he needed

me because my mother was gone; that was when he began touching me sexually. I didn't really mind at first. 'I was so alone and wanted the attention that he was giving me.

When my mother came back home I didn't need or want my dad to touch me anymore, but by that time a pattern had been set that lasted until I was 15 and was old enough, or scared enough, or sick enough, or angry enough to cry out for help in a way that was finally heard by some of the adults around me.

In the beginning, I would wake up just as he was leaving my room at night. I wouldn't really know what had just happened. Then I would wake up with his hands on me or just before he came into the room. Later it got so that I would wake up just before his car drove up in the driveway. I lived in constant fear; never knowing when he would be coming into my room. If I could wake up before he got to my room I would often scream as though I was having a nightmare (thinking that he couldn't do anything if I woke the rest of the family). They would wake up but he would just wait until they were all asleep again and then come back for me. I also tried sleeping with my sister but he would come and get me telling me I was too big to sleep with someone else. He would sometimes carry me out to the couch and tell others I'd been sleepwalking if I was still there in the morning.

At first he would just stand by the bed and touch me. Later he began to lay in the bed beside me. Although he began by being gentle, as time went on, his touch became rougher and rougher. He would leave me feeling sore and bruised for days. It was as if he completely lost touch with the fact that I was a child. He was a bully who physically dominated everyone in our family. I saw and heard him beat up my mother so many times that I was in constant fear that he would kill her. I knew that I was no match for him, and I guess I believed that his sexual abuse was somehow better than the physical abuse my mother received. Total detachment became my way of dealing with what went on at night. I would roll into the wall when he came in, pretending to be asleep, trying to be part of the wall. I would cry hysterically in order to get so far into my own pain that I wouldn't notice what he was doing. With the pillow over my face, I taught myself to detach my mind from my body, I could actually see myself from the far upper corner of the room; I saw the little girl crying in bed and I felt sorry for her.

When the intercourse started it was so physically painful that I couldn't detach from my physical self. I was around 11 years old at the time. It was also the time I began acting out in more overt ways. I began to identify with the physical and emotional pain that was around me. My tolerance for physical pain increased, and the physical pain that I inflicted on myself acted as a release for the emotional pain that I couldn't express. The rest of this story is about the things that I did to myself during and following the years of incest with my father. Mostly, it is about how I felt during that time. It isn't necessarily chronological, instead I have put it into

categories because I have different feelings about each of the things I did. It was as though I knew that I couldn't destroy my father or the things he did, but I could destroy myself, thereby destroying the pain and self-hate he caused me.

#### WHAT I DID TO MYSELF

##### Self-Mutilation

When I was young, crying and thumb-sucking were my major forms of release. I sucked my thumb to detach and to escape into my own little world. My mother allowed me to do it, but my father hated it. He used to come up behind me and hit me very hard on the back of the head every time he caught me. It was always a tremendous jolt from my world back into his. Mostly though, I cried a lot. I cried myself to sleep at night, thinking that if I could cry all the feelings out of me maybe it would all go away. I'd cry until my eyes were swollen and my throat sore, and, when I couldn't cry anymore, I used to pinch myself and try to hurt myself in order to keep on crying. That way, I could concentrate on the pain, rather than on what was happening to me. I sprayed perfume and hair spray in my eyes because it stung and kept me crying. I thought that if only I could make myself go blind, my father would be nice to me and my mother might take care of me. The fact that I didn't go blind made me cry even more.

I continued to try to get sick or be physically injured. I told myself that no one would continue to hurt a really sick child. I tried to break my foot by pounding it with a hammer. I jumped off the garage for the same reason. I went out into the rain and soaked my head under the drainpipe trying to get pneumonia. I wanted someone to take care of me, someone to see that I hurt. If they couldn't respond to the real reason, at least they might react to my external pain. But I found that if I got sick and stayed home from school, my father would abuse me during the day. I wanted to go into a hospital so I could get away from my house.

I realize now that my self-destructiveness was also my anger. My crying was an expression of being so afraid and anxious all the time. I was afraid I would turn all of my feelings into anger and end up fighting everyone and everything and be hated. I remember a conscious switch toward anger when I was about 12. I felt such rage that I had to hurt someone. So I'd hurt myself because I hated myself for being so powerless. I also wanted to be tough - to show others that nothing could hurt me anymore. It gave me a sense of self-worth. My tolerance for physical pain increased, and the physical pain I inflicted on myself acted as a release for the emotional pain I couldn't express. I got several tattoos and prided myself on not feeling the pain. I burned myself from my wrists to my elbows with a cigarette; I still have the scars today. My father said I looked like a zombie, but I didn't care, I wanted to be one. I also wanted someone, anyone, to see my pain and acknowledge it. They saw the burns, but I guess they just thought I was crazy, and nothing changed.

## SCHOOL

I never knew how to act, how to look, or what to wear in school. I had no sense of the appropriate because I always felt that everyone was laughing at me or talking about me behind my back. I felt that they somehow knew about my father, but I was never sure, so I attributed most of these feelings to my looks. I couldn't bring myself to wear makeup or earrings like the rest of the girls (even though I admired theirs). I didn't want to be sexy or look like a woman. If I tried, I just felt uglier. Worst of all, I never really had any peers. They thought I was aloof, whereas I simply didn't know how to relate to them. How could I join in their conversations about boyfriends and first kisses when I was having sex with my father? I never felt like a part of that teenage world because I never was. I could only relate to older boys who were two or three grades ahead of me. The boys talked about sex a lot, and at least that was something to which I could relate. The other girls thought I was a slut because I only hung around with older boys, but none of those relationships was sexual. I never knew how to explain it to them, so I always felt left on the outside.

I always skipped classes that required close contact or focused attention on me. I was good in any subject that didn't require me to perform. I skipped English on the days we were to give a speech or read aloud. I couldn't stand up in front of a class; I was afraid they would see something or, if I opened my mouth, everything about my father would come pouring out. I never asked any questions for the same reason and for fear of sounding stupid. Home economics was another class I avoided because it required both performance and close contact with other girls. I was so afraid I'd fail at whatever project had been assigned and that they would be able to tell something about my secret. Gym class was also a great source of anxiety for me. I wouldn't undress in front of the others; I was afraid they would see something if they saw my body. To me, it was always dirty and ugly and a source of shame. I felt fat, even though I was skinny; I thought I looked different, even though I didn't. I was good at individual sports that didn't require group participation, and I liked them. But I was inept at anything that required involvement with others. Math and spelling were my best subjects, naturally, because I could do them alone. I failed both Gym and Home Economics, because when we weren't doing activities that could be done individually, I didn't go to class. I think of school as an incredibly isolated experience which, like everything else, I survived because I had to.

## RUNNING AWAY

When I was little and ran away, I always left a note so they would find me (and, I hoped, treat me better when I came back). Later, I hid in a shack clubhouse owned by neighborhood boys. They let me hide there as long as they could be sexual with me. I didn't care. Sometimes, I ran to the home of a girlfriend whose mother was separated from her father. I always hoped her mother would feel sorry for me and adopt me. Every minute I could stay away from home was worth the beating I received when I returned. My father

began grounding me for long periods of time so I would be around him more; that was even worse, so I ran away more frequently.

I never thought about where I was running to - only what I was running from. I didn't care where I was going or with whom. I was looking for anyone to take care of me and protect me from my father. I used to think that some man would come along and marry me and take me far away. I used to steal things, hoping the police would catch me and take me out of my home as an incorrigible child. When I was running, I felt that people showed me the love and caring I hadn't gotten anywhere else. They felt sorry for me, gave me money and food, and made me feel special. I mistook the sympathy of strangers for the caring I needed so badly. I also learned that strangers aren't always nice. I was raped by some of the men who picked me up. I wanted so much to be taken away by someone that I never even thought about the risks of being physically and sexually abused again. My vulnerability must have been quite obvious in those days. I didn't much care what happened to me, and, as a consequence, a lot of other people didn't either. I was put in my first foster home at the age of 15 because of my behavior. But by then, running had become my way of dealing with stress.

As I got older, I wasn't afraid for myself when I ran away. I felt that I could take care of myself if no one else would take care of me. What I became afraid of was the thought that I would never be able to stop running. When I was in foster homes, I did stop for awhile, but then I always started again. I was afraid I would destroy those other families with my pain. I preferred taking responsibility for not wanting them, rather than risking the possibility of their rejecting me. (In the same way, it was always easier for me to be angry and tell my mother to go to hell than have to face her inability to protect me from my father). I was afraid that if I stayed too long in a foster home, others would see how ugly and evil I was inside and wouldn't want me anymore. I was often afraid to start running again, but I was more afraid of staying.

#### DRUGS

I was 11 years old when I first discovered that drugs could make the terrible world around me disappear. I began sniffing glue to get out of my pain, and it worked. Drugs became my great escape; there was nothing I wouldn't try in order to get high. I never knew how I'd feel dealing with different people, but, on drugs, I could be anything I wanted to be. I could make up my own reality: I could be pretty, have a good family, a nice father, a strong mother, and be happy. When I was on drugs, I felt high, happy, and in control of my life. When I was high, I had peers; I finally belonged somewhere - in a group with other kids who took drugs. I got a sense of self-worth from being able to handle any kind of drugs. Whatever the others were taking, I took twice as much or more. I wasn't afraid like the rest of them; I got high without worrying about how much I could handle or what it would do to me. It made me feel big and powerful because I didn't care what happened to me.

People said that taking too many drugs would burn out your brain. I used to think that I could become a vegetable if only I could succeed in burning out my brains. I wanted to be a vegetable. I used to picture myself as a head of lettuce. I used to look at mentally retarded people and think that they were so happy and didn't care about anything. I envied them because you could spit at them, and they would smile; they didn't seem to understand what hurt was.

Sometimes, I am amazed that I didn't succeed in destroying myself with drugs; God knows, I tried hard enough. Half the time, I didn't even know what I was swallowing or care. Later, I purposely used dirty needles in order to get hepatitis. I developed a kind of love/trust relationship with drugs that I had never had with people. I knew they would never fail me the way people had. I could be sure about what the drugs would do to me; I had found a way to feel good and happy - even if it was with drugs instead of people.

#### DRINKING

For me, drinking had the opposite effect of drugs, which is probably why I did so much of it. Drinking got me back into my pain; it allowed me to express my anger (which, of course, I couldn't do on drugs because I couldn't feel any pain). I used to get off on feeling depressed, on examining how rotten my childhood had been, and how lonely it was to be a kid. I played sad records when I was drunk and let the tears come pouring out.

When I started drinking, I was much too young to buy alcohol so I got older people to buy it for me. They were usually men, and, since they were always interested in sex, I always had something with which to pay. When I drank too much, I got physically sick, but even that was socially acceptable. It wasn't like the times I freaked out on drugs; everyone gets sick from too much booze, so it was all right.

I also got more physically self-destructive when I was drinking. I could tolerate more physical pain when I was drunk: I had been drinking when I burned my arms and during several suicide attempts. I could express my anger under the influence of alcohol, and I purposely started fights so my boyfriends would beat me up. I felt I deserved it. I also remember longing for human closeness, for physical contact of any kind that would prove others were paying attention to me.

Drinking and drugs put me in touch with different feelings and different people. Drugs made me feel mellow and accepting and gave me passive people from whom it was easy to detach myself both physically and emotionally. Drugs allowed me to be alone in my own world and made me numb to my other painful reality. By embracing the violence with my own self-destructiveness, I tried to prove that I could withstand any amount of pain and hurt. Neither of them gave me what I needed, but, in a negative way, they gave me ways of coping with what I had.

## PROSTITUTION

I felt marked. I knew that, wherever I went, men would find me and abuse me. So, my attitude toward prostitution was, "Why Not?" If I had to have sex, I thought, why not get something for it? I felt I deserved the money: other men were going to have to pay for every time my father had me. Nothing they did could repulse me. I had lived with too much of it while I was growing up. After a while, I even made my father give me money and other things I wanted. Even after I left home, I still had that power over him because I carried his secret. I figured that if I couldn't get anything else from him I needed, at least I could get material things.

Since I thought that the only thing men wanted was sex, the only way I could see to get power in a relationship was by making them pay for it. It was my only control, and I could keep it as long as the men didn't mean anything to me; once I cared about them, I felt they had all the control. Prostitution was another way of expressing my rage, of getting back at all of them for what had been done to me. I thought I was ripping them off, rather than the other way around. I saw men as suckers who were going to have to pay for their weakness and desperation. I saw them as needy children. I saw them only in terms of fifty or a hundred dollars. I saw them as anything, except people. I liked to pick up men who didn't speak English; then, I didn't have to listen to them or relate to them in any way except physically. I had learned to detach my mind from my body at such an early age that it was easy to disassociate myself from those brief, sexual encounters. I thought that other girls were stupid to give it away. I wanted to make a lot of money and get rich so I wouldn't need anyone anymore - not my family, my destructive friends, or men.

Prostitution was a way for me to capitalize on what I thought was the only thing I had to offer. I didn't know how to get pleasure, but I knew how to give it, and, anyway, that was what I was used to. Although I had offers, I would never allow myself to be managed by a pimp. The idea made me furious. No man was ever going to control me like that again. At the same time, I still felt that I wanted somebody to take care of me. I guess taking money from strangers was my way of having them take care of me, even if only financially.

## SUICIDE

I felt so doomed that I often thought I might as well shorten the agony. I was very young the first time I tried to overdose on a bottle of aspirin. It was scary and difficult to decide whether it was harder to kill myself or to go on living the way I had been. As a result, my suicide attempts were of two kinds: wanting to die and wanting to attempt suicide. With the latter, I was saying "Help me, or I'm going to die." With the former, I was simply resigned to dying because no one would help me.

I would think about killing myself when all of my other crazy behaviors weren't working and no one seemed to see or care that there was something wrong. I also wanted to die at the times I realized that my various escapes weren't working anymore, and I couldn't keep my feelings and memories pushed out of my consciousness. Mostly, I tried to overdose on drugs, but sometimes I did other things, like cut my wrists. Sometimes, I was relieved to wake up (hoping that others would finally see how bad things had gotten for me); other times, I was bitterly disappointed to find I was still alive.

#### FINAL THOUGHTS

Well-meaning people often see the behaviors that are associated with pain but fail to hear the pain. Others may actually see the pain but are afraid to deal with it. If they cannot succeed in "curing" the symptoms of childhood pain, they may spend a lot of time diagnosing and labeling those symptoms. Many incest victims bear the various labels of manic depressive, nymphomaniac, frigid, aggressive, schizophrenic, passive, hostile, detached, juvenile delinquent, etc. These labels may help professionals categorize their clients' behavior, but it usually doesn't help them or victims of incest understand why the behavior is happening. Incest victims have been conditioned throughout childhood not to talk about what happens to them. They have been bound to a terrible secret that keeps their feelings locked inside of them. As a result, they may try to express feelings in ways that seem senseless and purely destructive to those who cannot imagine what a childhood of sexual abuse can be like. It doesn't help to tell them to stop feeling sorry for themselves, that they're just trying to get attention, not to be angry, that everybody has pain, or that they must learn to let the past be the past. We must help them share what they are feeling. We must give them encouragement and permission to talk, and listen very carefully when they do. We must give them access to each other so they will realize they are not alone and that it was not their fault.

My anger and my acting out were my survival tactics for many years. These tactics were contained in my self-destructive behavior, and I couldn't stop until I found other ways to survive. It is painful to help people get in touch with the source of their pain. I was lucky to find people who were willing to do that. Thank God someone finally heard what I was saying and what I wasn't saying, so that I could find the words and the tools I needed to get it out of me. I realize now how close it was. I could have died first.

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*DeAnne Cutler from Barbara Niklos*  
*Please call me if you have any questions*  
*Barbara Niklos*  
*4356*

BUDGET FOR HB 568

"An Act making a special appropriation to the Department of Public Safety, Council on Domestic Violence and Sexual Assault, for a public awareness program."

At their meeting on February 21-23, 1984, the Council on Domestic Violence and Sexual Assault discussed two major options for the public awareness campaign as funded in HB 568. Following are budget projections for each option.

Option 1.

Develop an Alaskan videotape on child sexual assault that includes community models for approaching the problem. This tape and a manual could be used by sexual assault programs for community presentations and interagency coordination. In FY 83, the Council funded the development of a videotape on domestic violence called "Village to Village" and a booklet to be presented along with the tape. These materials along with "No Word for Rape" a privately produced Alaskan based movie are the community programs most requested items. They are very effective in generating discussions during community presentations. Although there are movies on child sexual assault, none detail appropriate responses that could be adopted to Alaskan communities.

Produce videotapes (20 copies) and 1500 booklets	\$45,000
Print "He Told Me Not to Tell" and distribute to communities. Develop and print posters giving names of sexual assault programs in the state where victims can go for assistance.	<u>\$ 5,000</u>
	\$50,000

Option 2.

The Council funded assorted domestic violence/sexual assault video PSA's in FY 82. Two of these PSA's address child sexual assault. This option would develop 3 or 4 additional child sexual assault PSA's and fund, through contract, follow-up to assure that these PSA's are shown on TV stations throughout the state. This could involve buying prime time on commercial stations plus working with public stations to insure airing.

PSA's and air time	\$35,000
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Print posters and "He Told Me Not to Tell"

\$ 5,000

Develop additional pamphlets including behavioral descriptions of victims of child sexual assault. Often young people who run away or act out are victims of child sexual assault. This pamphlet would assist professionals in identifying symptoms and provide assistance in working with the youth.

\$10,000

\$50,000

# PREVENTING SEXUAL ABUSE OF CHILDREN

A CURRICULUM FOR K-6 AND 7-12 GRADES

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by  
**Marcia K. Morgan**



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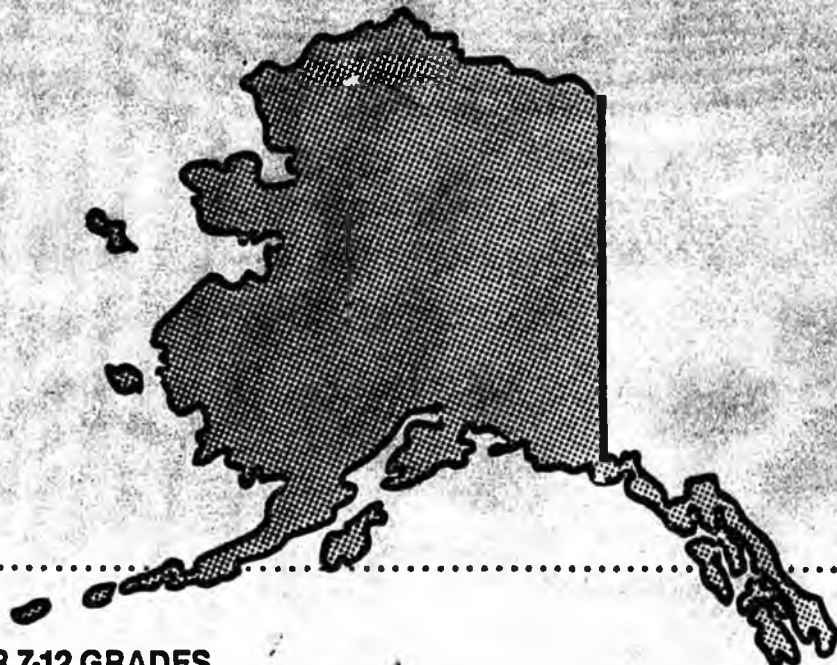
**COUNCIL ON DOMESTIC VIOLENCE AND SEXUAL ASSAULT**  
Juneau, Alaska



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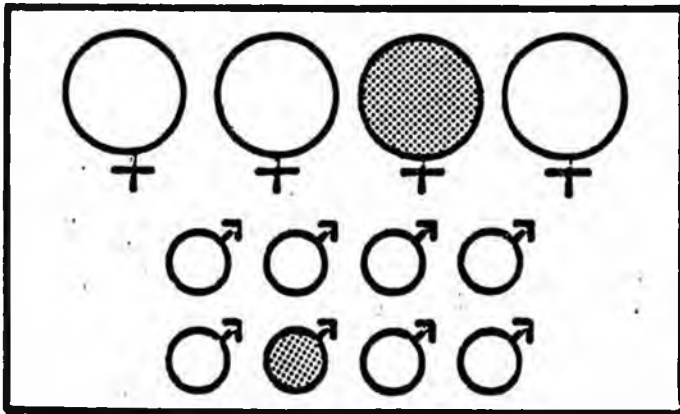


ALASKA SEXUAL ABUSE PREVENTION

# INTRODUCTION

## Overview of the Sexual Abuse Problem

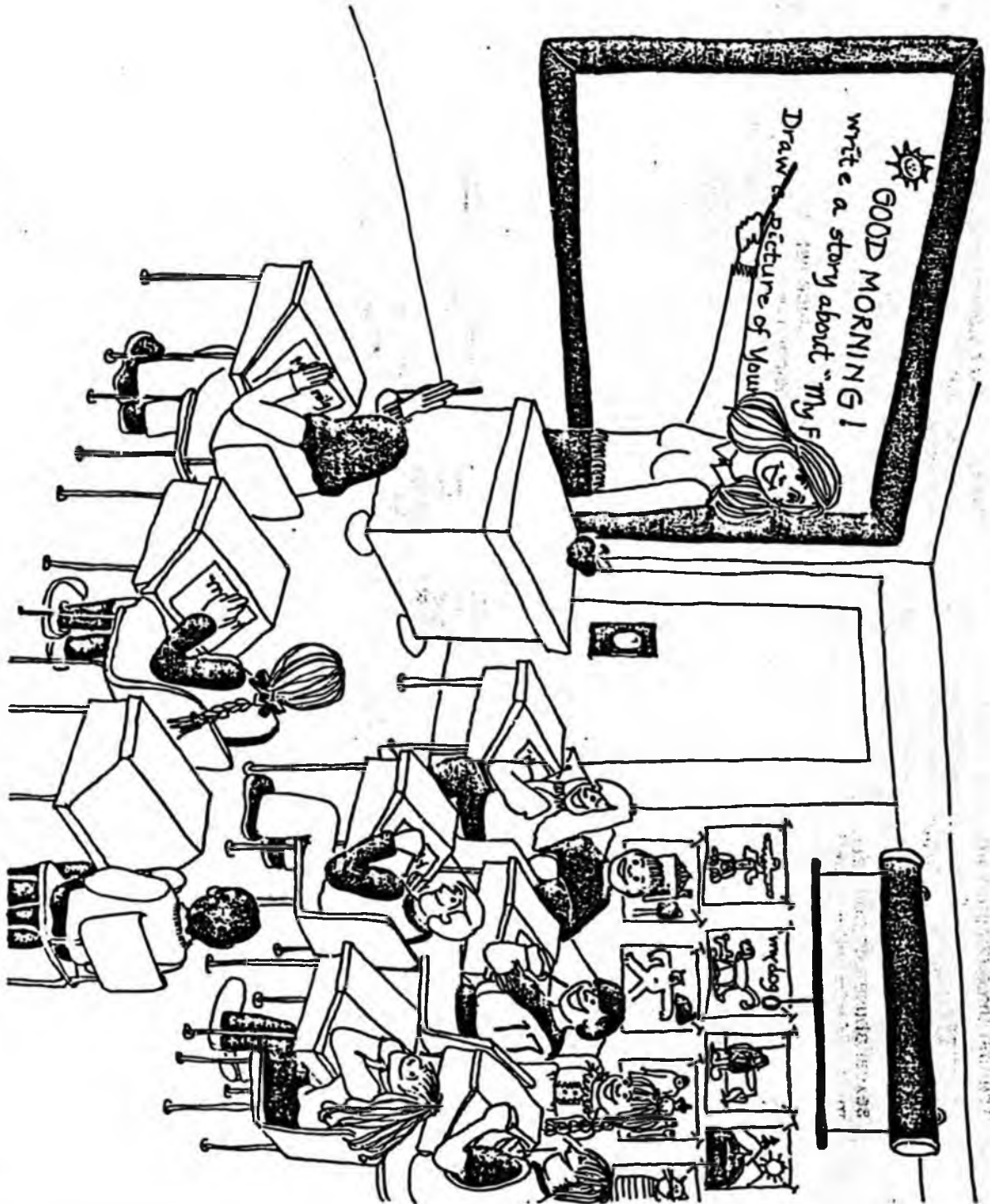
Sexual abuse is not an easy thing to talk about. It has long been a topic filled with fear, secrecy and taboos. Yet it must be discussed. According to recorded cases, one out of every four girls and one out of every eight boys will be a victim of sexual abuse by their eighteenth birthday. Children have a right and a need to know the facts about preventing sexual abuse and what to do if it occurs.



School personnel are the most likely group of people to see physical and behavioral indicators in children which signal sexual abuse has occurred. The average child spends 18,000 hours in the classroom from kindergarten through high school. Teachers and school personnel are in a key position to know their students, observe them, build trusting relationships and assist them if a crisis emerges in their lives. Even if a troubled child is spotted, it is typically the manifestation of the problem (i.e., learning problems) rather than the origin, that becomes the focus of attention and effort.

The term sexual abuse includes any kind of sexual contact or behavior between an adult and child, such as fondling, indecent exposure and rape. All children are vulnerable to sexual abuse due to their lack of experience, awareness and information. Young people are victimized regardless of race, age, neighborhood, village, social class or family income. Most children are given basic safety tips such as "don't talk to strangers" and "avoid taking candy and gifts from people you don't know." Unfortunately, the information usually stops here. It is unfortunate because strangers only commit 10-20% of all sexual molestations. Most are committed by a person the child knows—a relative, a neighbor, a friend of the family. It is often a person who has power and control over the child. Therefore, "basic safety" tips leave the child much more vulnerable than he or she needs to be.

The Alaska Sexual Abuse Prevention program was created to fill this educational gap. It provides teachers throughout Alaska with a uniform, comprehensive program designed to give students accurate information about sexual abuse while addressing needs unique to this state. The primary focus is on the child's skill development. Children will be taught to recognize potentially dangerous situations, to understand they have rights and that it is OK to say "NO," to identify good and bad touching, and to know who to tell about a touching problem. The offender will be viewed as the person at fault and in need of help. The child is not to blame nor made to feel guilty.



# **CORRECTION**

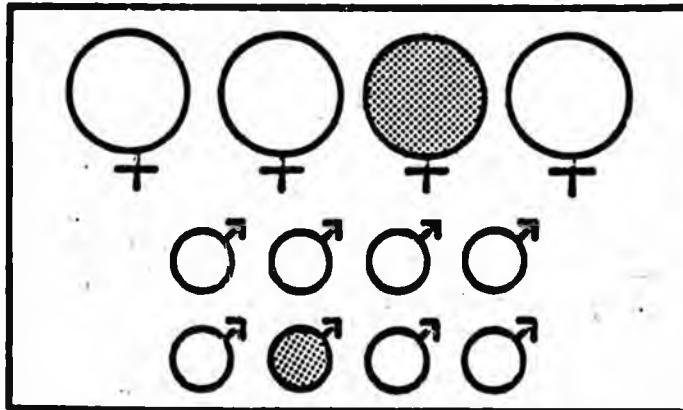
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# INTRODUCTION

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ALASKA  
SEXUAL ABUSE  
PREVENTION 

The program is to be presented in a low key, matter-of-fact fashion. There are no frightening or harsh scare tactics. Fear only tends to incapacitate children, leaving them unable to think clearly and calmly in a situation. The subject is treated seriously yet balanced with entertaining video tapes, class projects and activities all designed to make the program interesting for the student. Since this program is intended for both boys and girls, children will examine how they are socialized and how the different sex roles affect behavior. Since a high percentage of sexual abuse cases involve alcohol, its impact on decision-making will also be introduced. Alcohol use is depicted in some of the video scenes. It is not to be viewed as an excuse for committing abuse, but rather something that may affect judgment.

*Dana was 8 years old. On Tuesdays she went to her club meeting after school. This Tuesday she stayed after the meeting because Mr. Johnson asked her to help clean up. Mr. Johnson, the club leader, was such a nice man according to all the girls in the group. Dana felt that way too and loved to sit on his lap. After they were done cleaning up, Mr. Johnson called to her to come over to him. As she was sitting on his lap, he unzipped his pants and asked her to touch him. Dana felt sort of weird and funny. She knew that that was a "private" part of the body. She got up, moved away from him, said, "NO," and went straight home. She told her mother about what had happened. Her mother hugged her, said she was glad she had told her and called the police.*

*Phil was 10 years old and really liked softball. One day he was walking home after a game when Joe Winston, the man who runs the store, came by on his 3-wheeler and offered to give Phil a ride. Phil didn't like Mr. Winston. He was always looking at Phil and sometimes touched him in a way that made Phil uneasy. He just didn't want to be close to Mr.*

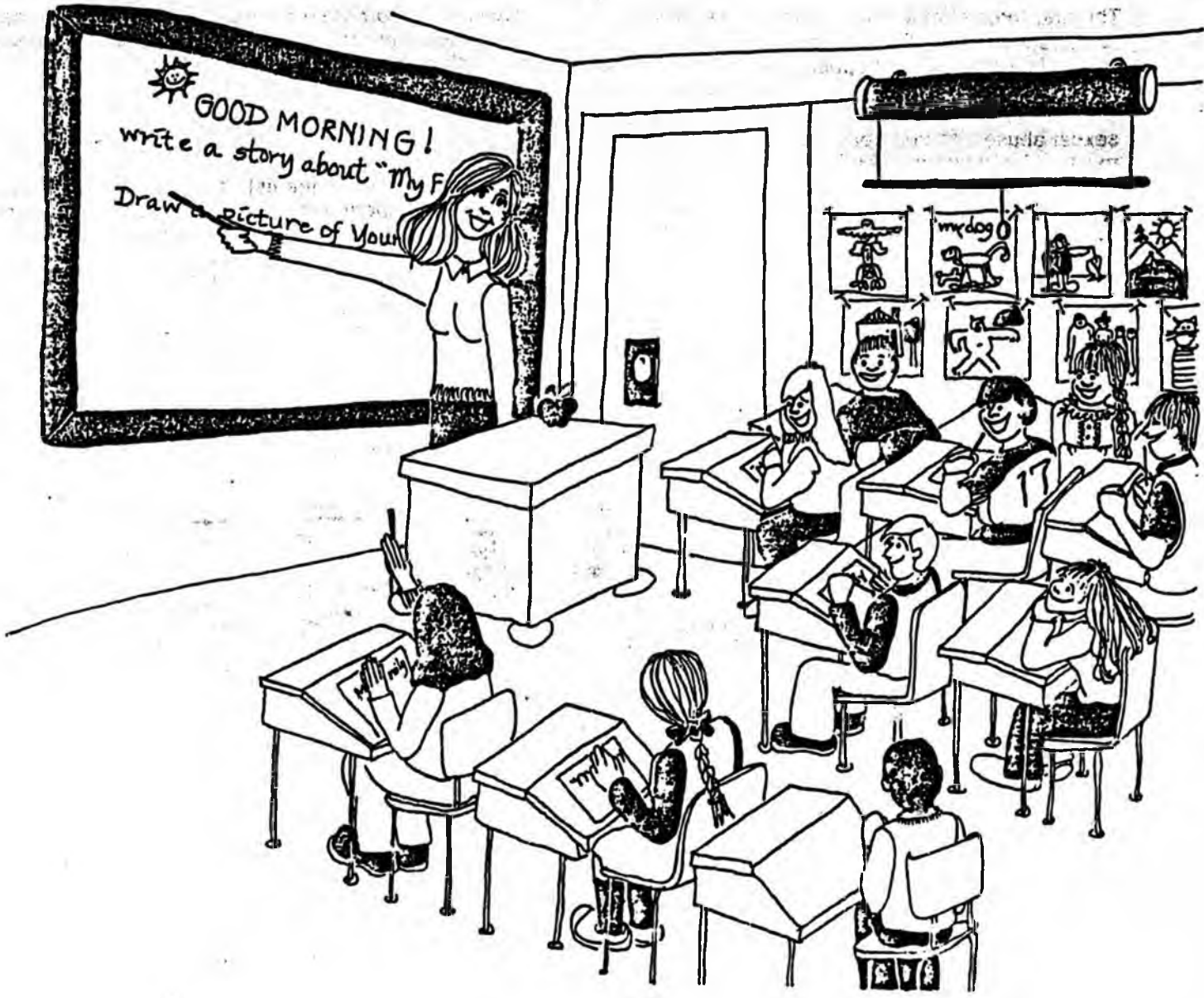
*Winston. So he assertively said, "No, thank you," and continued walking. Mr. Winston drove off. When Phil got home, he told his Dad about how Mr. Winston makes him feel uncomfortable. His Dad said he did the right thing by not accepting the ride and that he was glad Phil had told him.*

Why were Dana and Phil successful? They were successful because they removed themselves from potentially dangerous situations. They had received enough information at school so they were prepared and not confused. They knew what to do and that their mother, father, teacher, or other adult, would want to know about the incident. Most importantly, they knew they were not at fault and that they would be believed...

## Directions on Using Teacher Guide

This guide is a compilation of suggestions and ideas from many sources: parents, teachers, and professionals in the field. It offers a variety of lesson plans and classroom activities. By reading the guide, you will get a comprehensive picture of what the Alaska Sexual Abuse Prevention program is trying to accomplish. You can then go back and assess your classroom's maturity level and needs and select the appropriate sections to use. You are also encouraged to create additional classroom assignments and visuals (i.e., bulletin boards, displays). You do not have to be an expert on the topic of sexual abuse prevention—you can work with others in presenting the material, team teach and use community resources.

GOOD MORNING!  
write a story about "My F"  
Draw a picture of Your



The first three chapters are designed to give you background information on sexual abuse—when, where, how and why it happens. You will then be ready to begin developing one of the most important skills—the use of correct terminology as it relates to sexual abuse and body parts. Learning is less of a mystery for children when they are told correct names when they are young. Definitions are covered in Chapter 4. Chapters 5 and 6 are lesson plans, divided into two groups for grades K-6 and 7-12. The lesson plans and student activities have been reviewed and tested for content and grade level appropriateness in Anchorage, Akiachak, and Ketchikan, Alaska. You may find that the student activities listed in the K-6 Chapter are excellent for your 5th graders, but not for your 2nd graders or vice versa. You be the judge. The grade level groupings are to be used as a guideline. *However, it is important not to eliminate a section due to your own personal anxiety about the topic. Children need and*

*have a right to obtain complete information. Practice going over the difficult sections and it will probably be easier than you think.*

Chapter 8 is a resource list of assistance agencies in Alaska. Besides responding when an abuse is reported, several organizations also offer classroom speakers. A bibliography of books as well as audio visual materials is listed. The books allow you to more thoroughly examine the issues raised in this guide and are good resource materials for students. You are encouraged to do further reading, as it will enhance your classroom activities and prepare you for questions asked by students and parents. This chapter also lists places to contact for teacher aids such as anatomically correct dolls, doll patterns and pamphlets.



# BREAKING SILENCE

# 2

## How to Set Up a Personal Safety Program

**1** Meet with the Principal, School Administrator, or school board to gain their support and to discuss the curriculum. It is important to stress that sexual abuse is a personal safety issue—not an issue of sex education or sexuality. You may want to incorporate this topic into the safety/health curriculum which includes water safety, cold weather survival, fire prevention, etc. At this time, you may also want to check with the school administration to determine if there is a protocol for reporting child sexual abuse.

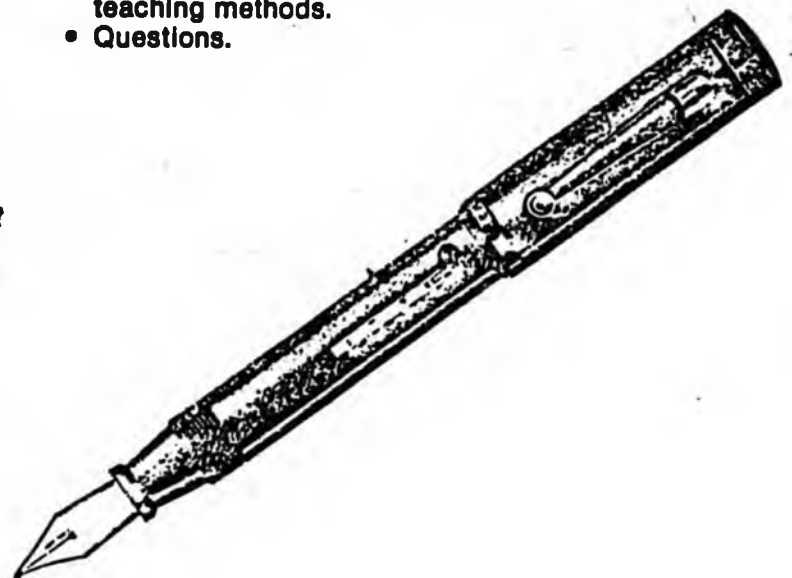
**2** Set up a Parent Information Night. Send home flyers with the children. A sample flyer might read, "Dear Parents. You are invited to attend a meeting for all parents on the topic of Personal Safety of Children. The meeting will be held (date) at (time) at (location). A video program entitled (title) will be shown and a discussion on the school's curriculum will follow. This program will be presented to the students the week of (date—after parent meeting). We hope you will attend this important meeting." This procedure is more advisable than sending home "permission slips." Permission slips work from the premise that no child can attend class unless the parent says it is all right. A Parent

Information Night takes a more positive approach. Parents are able to see first hand what information their children will receive and then, if they object, their children will be excused. Otherwise, all children attend the class.

**3** The Parent Information Night may be presented by the teacher or a team of teachers who will be instructing the unit. The Principal should also be present to show his/her support. The following items may be covered.

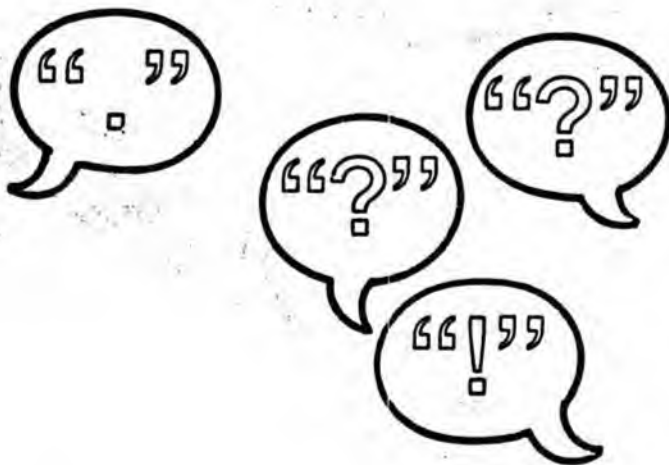
- The problem of sexual abuse of children.
- How curriculum and education can help prevent sexual abuse.
- Show video program.
- Discuss how this video is to be used and other teaching methods.
- Questions.

Dear Paren



## Parent Responses

In teaching this program, the majority of parents and school officials will be supportive of your efforts. Most are relieved that something is finally being done. But it is important to anticipate some negative reactions and statements. After studying the information outlined in this guide, you will be more prepared to respond to these comments. Know the facts about sexual abuse and how the classroom sessions are going to be conducted. Be confident yet sensitive in your answers to parents' concerns. Some possible responses are listed below.



- **"I don't want my children to be frightened."**  
(I don't either, that is why it will be presented in a positive, helpful manner.)
- **"I am a careful parent. It won't happen to my child."**  
(Unfortunately, we can't always be with our child-

ren—we can never be sure—state statistics.)

- **"I don't want to confuse her with information she is too young to understand."**  
(The program has been tested and information carefully chosen which is appropriate to your child's age.)
- **"If it's going to happen, it will."**  
(Children are less likely to be victimized the more safety information they have.)
- **"I don't believe in sex education at school."**  
(Sexual abuse prevention is a safety issue just like fire safety, water safety, crossing streets or poison prevention.)
- **"My son doesn't need to know about this."**  
(State facts about boys being victims or friends of victims.)
- **"Give children these crazy ideas and first thing you know, they won't even let us touch them at home."**  
(We discuss both nurturing and exploitive touching by both men and women. We don't discourage all touching.)
- **"Talking about sexual abuse will cause my child to form warped ideas about sex."**  
(We put all the information into perspective, emphasizing that sexual abuse is not the norm.)
- **"This just gives kids ideas—then they'll probably go out and rape someone."**  
(We teach children that sexual abuse is wrong, against the law, and it is not fun or exciting.)
- **"This is a personal subject that should be discussed at home."**  
(I wish more homes did the job. We do involve parents in an information night and encourage discussion at home to reinforce the ideas. It is also suggested to practice what you would do if someone had a problem—a Family Safety Plan.)




## Role of the School Professional

The school professional has two main responsibilities in regard to sexual abuse prevention: teaching and reporting.

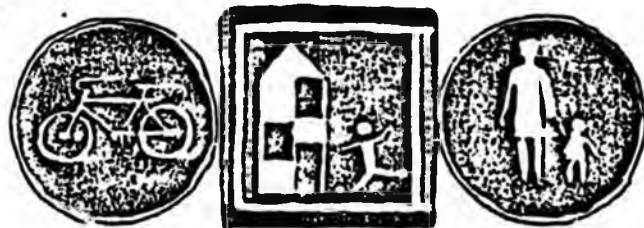
**TEACHING** The role you play as a teacher is very important. With no other subject will you have the potential of impacting so many lives. You can help the students avoid dangerous and possibly psychologically damaging situations. You can help them develop coping and social skills that they can use throughout their lives. You can provide information so a student can be alert and aware, not afraid. Chances are, you will be an important source for students receiving accurate information about sexual abuse. Teaching this unit makes a positive step towards children overcoming their sense of helplessness as well as stopping their criminal victimization.

**REPORTING** Identifying physical and behavioral symptoms of sexual abuse, as covered in this chapter, is of primary concern to the educator. Because you see children daily, you are able to compare ("Is this normal for this age?") and see changes ("Her grades sure dropped suddenly."). You may be the only person to recognize that the child is in an abusive situation. Your alertness and involvement could affect a child for life both physically and mentally. When you are done reading this guide, you will know how and when to intervene.



The problems related to sexual abuse do not end with reporting. This is particularly disorienting for the child who tends to view the report as the end of the problem. Adults, whom the child perceives as having unquestionable power, are expected to take immediate and effective action. If this does not happen, the child's trust in adults is seriously diminished. Once an incident is reported, the child's protection and expectations must be considered.

In the State of Alaska, the Division of Family and Youth Services (DFYS) within the State Department of Health and Social Services is the agency where suspected child abuse is reported and investigated. DFYS works in conjunction with local law enforcement for removal and temporary placement of the child (if needed) and interrogation and arrest of the offender. They may also work with counseling agencies to assist families where abuse has occurred.

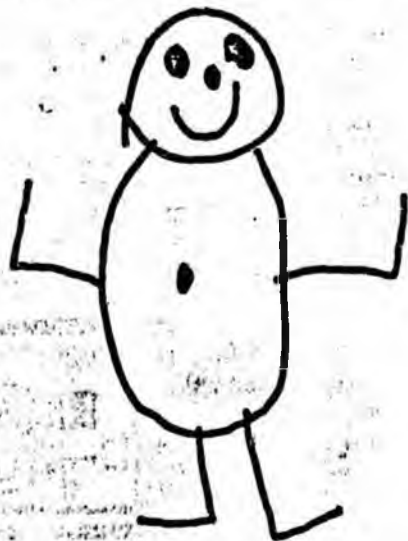


The policy regarding investigation, prosecution, and treatment of child sexual abuse cases varies from one part of the state to another, so it is a good idea for educators to become familiar with the people and processes in their own communities. It is also important to have a school protocol or established set of procedures to follow if a child is abused.

Remember, it is not your responsibility to prove or investigate sexual abuse, only to report your suspicions (See Mandatory Reporting Law, Chapter 4).

# Teaching Tips

**1** Determine your own personal comfort level with the topic and the materials. Sexual abuse is a sensitive issue and for some people may be difficult to discuss. In some cases, another teacher or resource speaker should be brought in.



**2** Be prepared for the students' discomfort with the topic. Humor is a tension release but trivializes the subject. If students make "rape jokes," ignore them. If they persist, ask them why they feel embarrassed or uncomfortable. Generally, this is because people are just not used to discussing the topic openly. If you also joke about sexual abuse or let it persist, it may communicate to the class an uncaring feeling on your part. Statistically, in a class of 25 students, there may be 4-5 who have been sexually abused.

**3** Hold class in an appropriate location. Although your regular classroom may be a good setting, some schools have special rooms which are private and more comfortable. Informal seating arrangements, such as moving chairs in a circle or having kids sit on the floor, may help facilitate discussion.

**4** Limit the size of the class. If it is necessary to combine two or more classes, they should be approximately the same age level. Fifty students is a maximum with 10-25 being ideal.

**5** Mixed classes of boys and girls is preferred. If classes are separated, the topic becomes different from other safety issues. Sexual abuse is not just a girls' problem.

**6** Clearly introduce the topic to the class. By stating that this is a safety issue, children will see it as such. By being open and honest, the students will be less confused. For example: "Today we are going to be talking about an important topic—your safety. You all know how to cross the street safely, or what to do in case of fire, right? The type of safety we're going to talk about is what to do if someone touches you too much. We'll talk about both good kinds of touching and bad kinds of touching and how you can tell the difference."

For older students: "Today we're going to start a week long safety unit. It will specifically focus on the problem of sexual abuse or forced sexual intercourse. Just like any safety issue, you'll learn how to recognize potentially dangerous situations and how to respond."

**7** Determine the students' awareness level. Do not assume students understand all the terms used. If there is any doubt, ask the students to define the word. This gives you a sense of the class' level of knowledge. It may also be an opportunity to explain what is a myth and what is valid information.

**8** All questions deserve an answer. State your response as clearly and simply as possible.

**9** Put information in perspective. Balance all negative examples with positive examples. "Not all adults you meet are bad," "Some touching can be good, caring, nurturing, and some touching can be bad, negative, scary, exploitive."

**10** Keep students on the topic. Children, especially K-6 grades, love to tell stories. They often confuse sexual abuse with robbery, kidnapping, theft, murder and other ideas from television and movies. Sharing short stories or examples may be useful if they can be tied into a lesson.

## Why Do Victims Take So Long to Tell?

Most incidents of child sexual abuse have gone on for some time. So why does it take so long for a child to come forward and tell someone about what has occurred? In many cases, children think that they have told, either directly or indirectly. The child may have done or said something to indicate that something is wrong. Yet due to the anxiety, denial or cultural bias on the part of the observer, the "telling" is unnoticed.

Generally children will not directly tell anyone what happened to them for one or more reasons:

1. Children are afraid no one will believe them. (Children generally do not lie about abuse.)
2. Children are afraid they will get into trouble with the person they tell. They may have been doing something illegal or "wrong" at the time and feel guilty. For example: "How many times have I told you not to play in the woods alone?" or, "I don't want to hear you use words like that ever again."
3. The burden of responsibility is placed on the child, or the child fears loss of personal security. For example: Threats made by the offender to the victim, "If you tell anyone, I'll come back to get you." Disruption of the family, "If you tell, I'll go to jail, Mom will go on welfare, and you'll be taken away."
4. Children fear discontinuation of affection by the offender, "This is our secret so if anyone finds out, I won't tell you any stories or hold you on my

lap anymore. I won't be your friend."

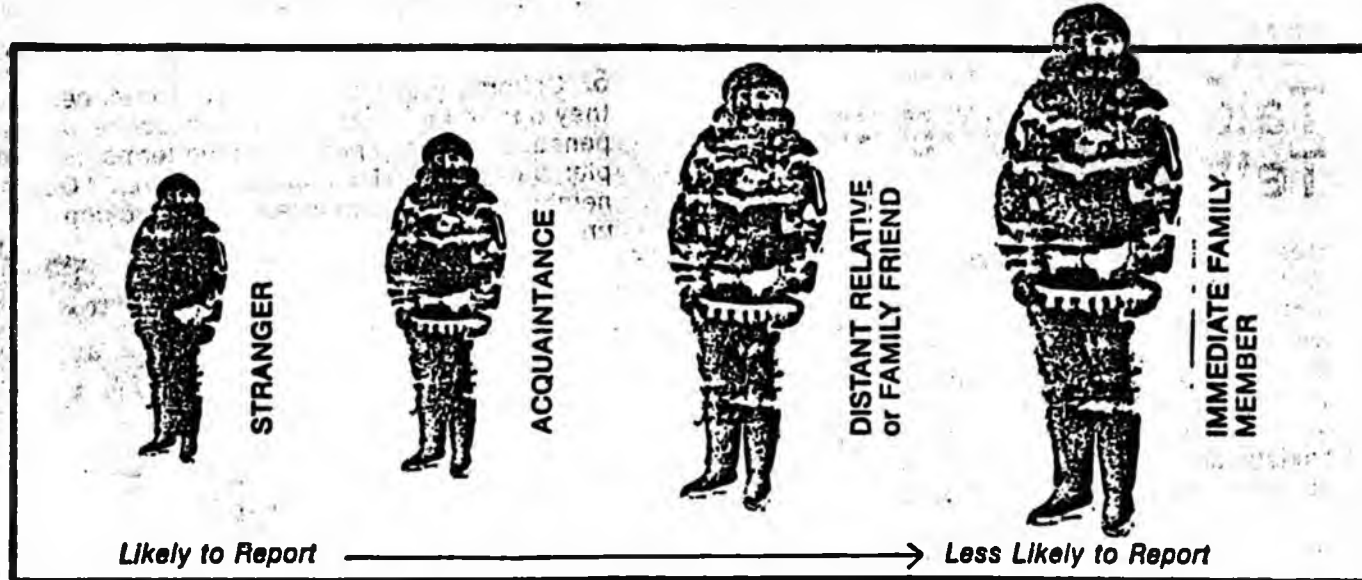
5. Children may not know 'how' to tell because they do not know the words to describe what happened. They may speak in vague terms. For example: "I don't like Uncle John anymore." "Our neighbor Mr. Thorsen wears funny looking underwear."



Additionally, a teenager might not tell for these reasons:

6. Teenagers fear peer pressure, reactions of friends, of being singled out, laughed at or losing popularity.
7. Teenagers fear discussing intimate details with authorities (police, teachers) about the sexual act. They are often self-conscious about the development of his/her own body.
8. (Generally male victims) A teenager may fear that his friends will think he is homosexual if he is abused by another male. Also concern that others would laugh that he was not "man enough" to take care of himself. If a female abuses a boy, people might minimize its seriousness, in fact, implying that it is desirable. There is an additional fear of lack of sensitivity.

## VICTIM AND OFFENDER RELATIONSHIPS: HOW IT AFFECTS REPORTING



Why do children finally tell? There are 5 main reasons:

1. The child receives some sex education or sexual abuse prevention information and realizes that what has gone on is not normal, is wrong, and should be reported.
2. If the offender has told the child to keep the sexual abuse a secret, sometimes the child may brag or want to share the secret with a best friend.
3. The victim's younger brother or sister is now at the age when the victim first was sexually abused, and he or she does not want them to be abused as well.
4. The molestation escalates in frequency or type of behavior and alarms the child.
5. The child reaches adolescence and fears pregnancy, resents the offender's efforts to control her/his life, dating, etc.

## Identifying Symptoms of Sexual Abuse

Often children will not verbalize what is wrong, but will convey the message by a change in behavior. The following indicators are helpful in identifying, but may not be isolated to, sexual abuse. Any of these signs could indicate the child is troubled in some way, so be alert, respond and seek the appropriate assistance.

### PHYSICAL INDICATORS

- Genital or anal injury (swollen, bleeding, tearing)
- Venereal disease
- Genital pain and itching
- Change in neatness of appearance (torn, stained clothing)



- Gaining weight (wearing large, loose fitting clothes so as not to draw attention to their body)
- Compulsive masturbation
- Loss of appetite or sudden increase in appetite
- Altered sleep patterns (bedwetting, restlessness, nightmares, fear of sleeping alone, needing a nightlight, sleepy in class)
- Newly acquired bodily complaints, especially stomach aches

### **BEHAVIOR AND ATTITUDE INDICATORS In the Classroom**

- Extreme shifts of emotions/mood swings
- Fears and phobias (especially aimed at one person or location)
- Suddenly turning against one parent
- Hyperactive and restless
- Acting adultlike (i.e., appearance of overwhelming responsibilities, especially in incest cases)



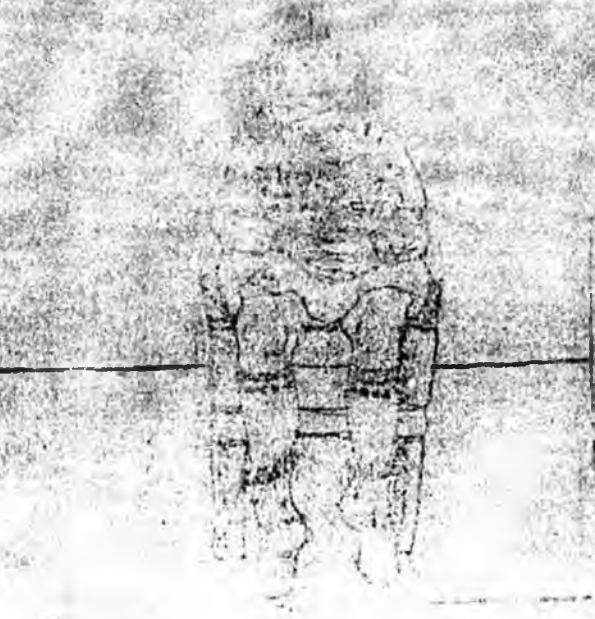
- Acting childlike (clinging to an adult, sucking thumb, etc.)
- Frequent absences from school, especially if physical abuse is connected
- Overly compulsive behavior
- Learning problems (drop in grades, daydreaming)
- Irritable, short-tempered
- May ask questions or know terminology inappropriate for child's age
- Expresses affection to adults in inappropriate ways (French kissing, fondling genitals)
- Aversion towards going home at the end of the day. May arrive at school early and leave late.
- Will not undress for P.E.
- Is frustrated and confused with feelings of anger, fear, dependence and hatred
- Hostile and aggressive towards adults or overly trying to please adults
- Afraid to be alone with adult, especially a male
- Isolation (avoids eye contact, sinks down in chair, withdrawn)
- Shies away from being touched

### **With Other Classmates**

- Low self-esteem and self-image
- Excessive curiosity about sexual matters (with people and animals)
- Precocious sexual play
- Few friends
- Not allowed to stay overnight at a friend's house

### **Additionally for Teenagers**

- Running away from home for no specific reason



or desire to return (approximately 50% of runaways have been sexually abused)

- Delinquent behavior, especially prostitution
- May have boyfriends at school, but not allowed to date
- Rebellious acts
- Excessive sexual behavior
- Drug and alcohol abuse
- Feelings of anxiety, denial, guilt often times verbalized

Parents of children who have been sexually abused at home may also exhibit specific behavior to indicate something is wrong. In parent-teacher conferences, note any uneasiness when discussing their child. For instance, when you say, "Susie doesn't like to undress for PE", or "This past month Susie has been awfully quiet", the mother may make statements that indicate she views her daughter as a rival. The father may be overly protective and view himself as a young boyfriend. Overall, there seems to be a blurring of generational boundaries.

## Procedures to Follow If a Child Has Been Abused

As soon as you begin to suspect a child may have been sexually abused, or the indicators listed previously are present, respond immediately! It is possible that when you talk to the student, this will be the first time he or she has ever mentioned the incident to anyone. In any case, your response is critical in determining the origin of the problem as well as for the child's physical and mental well-

being. When the child discloses the abuse, the listening adult's reaction may either make the child open up and talk or cause a silent response. Therefore, think about your discussion strategy and practice asking questions in a sensitive way. You are not expected to be a police officer, but rather to gather some basic information.

The following guidelines will assist you in handling a suspected child sexual abuse case. Also check to see if your school has a written policy or protocol.

**1. Talk to the child immediately.** Occasionally a child may disclose during a class presentation that he or she is being abused. If this does occur, acknowledge what the child has said and that you appreciate him/her sharing that information: "I'm glad you told me, Bill. We'll talk about it privately after class." Use a private room where other children cannot see. Believe the child. Be calm, caring, sympathetic and matter-of-fact. A child can sense discomfort or disbelief. Listen and be supportive. Continually reinforce the child that he or she has not done anything wrong. Show understanding that this may be difficult for the child to talk about, but they are doing the right thing. Do not use leading questions, ("Did someone put his hands down your pants?"), but leave them open ended ("I noticed you've been quiet in class lately. Let's talk about it; what seems to be the matter?"). Go slowly, keeping the child's emotional and physical well being in mind. Ask age-appropriate questions using the child's terminology. Let the child know that you will help protect him/her from future abuse. If the child does not open up and discuss the matter, but you still suspect something is wrong, proceed to step two. Document the conversation with the child and the reasons you are suspicious.

**2. Talk to the Principal or appropriate school official.** This should be done immediately