

ALASKA LEGISLATURE

1609

HOUSE and SENATE FINANCE COMMITTEE FILES, 1997-1998

Jurisdictions That Allow Public Disclosure of Juvenile Court Records

By: Linda A. Szymanski, Esq.

For: Robert Buttane
Juvenile Probation Officer III

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February, 1997

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The logo for the National Center for Juvenile Justice (NCJJ) is located in the bottom right corner. It consists of the letters 'NCJJ' in a bold, stylized, blocky font.

Note to Researchers

This document was produced by a computerized search of a database that contains state child abuse and neglect statutes and juvenile codes—the Automated Juvenile Law Archive. No reference to case law is included in this document. For each document, a search is made of all fifty-one jurisdictions. If a jurisdiction is not included in the document, it means the jurisdiction has no statute contained in the juvenile code on the document topic. The date on the cover sheet indicates the month and year when the database was searched. The Currency of Legislation for each state is the end of the 1996 Legislative Session. If any further clarification is needed or any errors or omissions are noted, please feel free to contact Linda A. Szymanski, Esq. at (412) 227-6950. Also, please feel free to call if you do not do legal research on a regular basis and have any questions on the information contained in this document.

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Jurisdictions That Allow Public Disclosure
of Juvenile Court Records

..... *Pittsburgh, PA: National Center for Juvenile Justice*

JURISDICTIONS THAT ALLOW PUBLIC DISCLOSURE OF JUVENILE COURT RECORDS

(Currency of Legislation: End of 1996 Legislative Session.)

JURISDICTION: Colorado

DISCLOSURE PERMISSIVE OR MANDATORY: mandatory

TYPE OF RECORD OR INFORMATION: arrest and criminal records information, including a person's physical description

OFFENSE/CIRCUMSTANCES RESTRICTIONS: public has access to arrest and criminal records information, including a physical description, concerning a juvenile who is adjudicated a juvenile delinquent or is subject to a revocation of probation or is tried in adult court for committing the crime of possession of a handgun by a juvenile or for committing an act that would constitute a class 1, 2, 3, or 4 felony or would constitute any crime that involves the use or possession of a weapon if such act were committed by an adult

AT WHAT POINT IN PROCEEDINGS: when adjudicated delinquent for committing certain crimes or probation revoked for committing certain crimes (see Offense section above)

TO PUBLIC: yes (if juvenile is adjudicated a juvenile delinquent or is subject to a revocation of probation or is tried in adult court for committing the crime of possession of a handgun by a juvenile or for committing an act that would constitute a class 1, 2, 3, or 4 felony or would constitute any crime that involves the use or possession of a weapon if such act were committed by an adult)

JURISDICTION: Delaware

DISCLOSURE PERMISSIVE OR MANDATORY: mandatory

TYPE OF RECORD OR INFORMATION: juvenile court record

OFFENSE/CIRCUMSTANCES RESTRICTIONS: proceedings in a crime classified as a felony are open to the public; whenever child arrested, convicted or acquitted for a crime classified as a felony, or a class A misdemeanor for juveniles ages 13 through 17, the Clerk of the Family Court, or any state or local police authority, must release the name and address of the child and the name of the child's parents upon request by a responsible representative of public information media

AT WHAT POINT IN PROCEEDINGS: statute doesn't indicate

TO PUBLIC: yes (proceedings in a crime classified as a felony are open to the public; whenever child arrested, convicted or acquitted for a crime classified as a felony, or a class A misdemeanor for juveniles ages 13 through 17, the Clerk of the Family Court, or any state or local police authority, must release the name and address of the child and the name of the child's parents upon request by a responsible representative of public information media)

JURISDICTION: Georgia

DISCLOSURE PERMISSIVE OR MANDATORY: mandatory

TYPE OF RECORD OR INFORMATION: juvenile court records

OFFENSE/CIRCUMSTANCES RESTRICTIONS: any hearing where the general public is admitted, specifically: an adjudicatory hearing involving an allegation of a designated felony; an adjudicatory hearing involving an allegation of delinquency brought in the interest of any child who has previously been adjudicated delinquent; provided however, the court shall close any delinquency hearing at which any party expects to introduce substantial evidence related to matters of deprivation; or at the court's discretion, any dispositional hearing involving any proceeding under this article
AT WHAT POINT IN PROCEEDINGS: after adjudicatory hearing
TO PUBLIC: yes

JURISDICTION: Idaho
DISCLOSURE PERMISSIVE OR MANDATORY: mandatory
TYPE OF RECORD OR INFORMATION: the court docket; petitions; complaints; information; motions and other papers filed in any case in any district; transcript of testimony taken by the court; and findings, verdicts, judgments, orders, decrees and other papers filed in proceedings before the court
OFFENSE/CIRCUMSTANCES RESTRICTIONS: none
AT WHAT POINT IN PROCEEDINGS: when case brought before court
TO PUBLIC: yes

JURISDICTION: Illinois
DISCLOSURE PERMISSIVE OR MANDATORY: mandatory
TYPE OF RECORD OR INFORMATION: name, address, offense of minor
OFFENSE/CIRCUMSTANCES RESTRICTIONS: when minor adjudicated delinquent for: first degree murder; attempt to commit first degree murder; aggravated criminal sexual assault; criminal sexual assault; or, minor was at least 13 at time act committed and adjudication of delinquency was based upon minor's commission of: an act in furtherance of the commission of a felony as a member of or on behalf of a criminal street gang; an act involving the use of a firearm in the commission of a felony; an act that would be a class X felony offense under the Cannabis Control Act if committed by an adult; certain Controlled Substances offenses and repeat Controlled Substance offenses; or minor at least 13 years of age at time offense committed and who is convicted, in criminal proceedings, under either of the following circumstances: minor has been convicted of first degree murder; aggravated criminal sexual assault; criminal sexual assault; or, minor was at least 13 at time act committed and conviction was based upon minor's commission of: an act in furtherance of the commission of a felony as a member of or on behalf of a criminal street gang; an act involving the use of a firearm in the commission of a felony; an act that would be a class X felony offense under the Cannabis Control Act if committed by an adult; certain Controlled Substances offenses and repeat Controlled Substance offenses
AT WHAT POINT IN PROCEEDINGS: when minor adjudicated delinquent or criminally convicted
TO PUBLIC: yes

JURISDICTION: Indiana

DISCLOSURE PERMISSIVE OR MANDATORY: mandatory

TYPE OF RECORD OR INFORMATION: juvenile court record (but only child's name, age, photograph, the nature of the offense, chronological case summaries, index entries, summonses, warrants, petitions, orders, motions -- excluding motions concerning psychological evaluations and motions concerning child abuse and neglect, and decrees)

OFFENSE/CIRCUMSTANCES RESTRICTIONS: an act that would be murder or a felony if committed by an adult; an aggregate of two unrelated acts that would be misdemeanors if committed by an adult, if the child was at least 12 years of age when the acts were committed; an aggregate of five unrelated acts that would be misdemeanors if committed by an adult, if the child was less than 12 years of age when the acts were committed

AT WHAT POINT IN PROCEEDINGS: when petition is filed

TO PUBLIC: yes

JURISDICTION: Iowa

DISCLOSURE PERMISSIVE OR MANDATORY: mandatory

TYPE OF RECORD OR INFORMATION: official juvenile court records

OFFENSE/CIRCUMSTANCES RESTRICTIONS: none

AT WHAT POINT IN PROCEEDINGS: not stated in statute

TO PUBLIC: yes

JURISDICTION: Kansas

DISCLOSURE PERMISSIVE OR MANDATORY: mandatory

TYPE OF RECORD OR INFORMATION: official file (complaint, process, service of process, orders, writs and journal entries reflecting hearings held and judgments and decrees entered by the court)

OFFENSE/CIRCUMSTANCES RESTRICTIONS: any juvenile 14 or more at time act alleged to have been committed

AT WHAT POINT IN PROCEEDINGS: statute does not say

TO PUBLIC: yes

JURISDICTION: Louisiana

DISCLOSURE PERMISSIVE OR MANDATORY: permissive

TYPE OF RECORD OR INFORMATION: name of child; age of child; crime for which child charged

OFFENSE/CIRCUMSTANCES RESTRICTIONS: crime of violence; second or subsequent felony-grade adjudication

AT WHAT POINT IN PROCEEDINGS: after a pretrial determination regarding the probity of the evidence and the basis of the probable cause, and there is probable cause to believe either of above offense restrictions

TO PUBLIC: yes

JURISDICTION: Maine
DISCLOSURE PERMISSIVE OR MANDATORY: mandatory
TYPE OF RECORD OR INFORMATION: petition, record of the hearing, order of adjudication
OFFENSE/CIRCUMSTANCES RESTRICTIONS: murder, class A, class B, class C crime; repeat offender on a class D crime
AT WHAT POINT IN PROCEEDINGS: when hearing open to public
TO PUBLIC: yes

JURISDICTION: Massachusetts
DISCLOSURE PERMISSIVE OR MANDATORY: mandatory
TYPE OF RECORD OR INFORMATION: name of child
OFFENSE/CIRCUMSTANCES RESTRICTIONS: child alleged to have committed offense while between his fourteenth and seventeenth birthdays; and has previously been adjudicated delinquent on at least two occasions for acts which would have been punishable by imprisonment in the state prison if such child had been age 17 or older; and is charged with delinquency by reason of an act which would be punishable by imprisonment in the state prison if such child were age 17 or older
AT WHAT POINT IN PROCEEDINGS: statute doesn't say
TO PUBLIC: yes

JURISDICTION: Massachusetts
DISCLOSURE PERMISSIVE OR MANDATORY: mandatory
TYPE OF RECORD OR INFORMATION: records of a youthful offender proceeding conducted pursuant to an indictment
OFFENSE/CIRCUMSTANCES RESTRICTIONS: youthful offender proceeding conducted pursuant to an indictment
AT WHAT POINT IN PROCEEDINGS: statute doesn't say
TO PUBLIC: yes

JURISDICTION: Michigan
DISCLOSURE PERMISSIVE OR MANDATORY: mandatory
TYPE OF RECORD OR INFORMATION: juvenile court records
OFFENSE/CIRCUMSTANCES RESTRICTIONS: none
AT WHAT POINT IN PROCEEDINGS: statute doesn't say
TO PUBLIC: yes

JURISDICTION: Mississippi
DISCLOSURE PERMISSIVE OR MANDATORY: mandatory
TYPE OF RECORD OR INFORMATION: name and address
OFFENSE/CIRCUMSTANCES RESTRICTIONS: if juvenile twice adjudicated as delinquent for an act which would be a felony if committed by an adult or for the unlawful possession of a firearm; also if juvenile adjudicated delinquent for murder, manslaughter, burglary, arson, armed robbery, aggravated assault, any sex offense, specified controlled substance offenses

AT WHAT POINT IN PROCEEDINGS: statute doesn't say
TO PUBLIC: yes

JURISDICTION: Missouri
DISCLOSURE PERMISSIVE OR MANDATORY: mandatory
TYPE OF RECORD OR INFORMATION: juvenile court record
OFFENSE/CIRCUMSTANCES RESTRICTIONS: if a petition or motion to modify is sustained which charges the child with an offense which, if committed by an adult, would be a class A felony, or capital murder, first degree murder, or second degree murder
AT WHAT POINT IN PROCEEDINGS: if a petition or motion to modify is sustained
TO PUBLIC: yes

JURISDICTION: Nebraska
DISCLOSURE PERMISSIVE OR MANDATORY: permissive
TYPE OF RECORD OR INFORMATION: records information, including dockets, case files, and calendar information
OFFENSE/CIRCUMSTANCES RESTRICTIONS: any delinquent act; any felony
AT WHAT POINT IN PROCEEDINGS: statute doesn't say
TO PUBLIC: yes

JURISDICTION: New Jersey
DISCLOSURE PERMISSIVE OR MANDATORY: permissive
TYPE OF RECORD OR INFORMATION: identity of juvenile under warrant for arrest
OFFENSE/CIRCUMSTANCES RESTRICTIONS: any act that would be a crime if committed by an adult, when necessary for execution of warrant
AT WHAT POINT IN PROCEEDINGS: when under warrant for arrest
TO PUBLIC: yes

JURISDICTION: New Jersey
DISCLOSURE PERMISSIVE OR MANDATORY: mandatory
TYPE OF RECORD OR INFORMATION: information as to identity of juvenile adjudicated delinquent, the offense, the adjudication and disposition
OFFENSE/CIRCUMSTANCES RESTRICTIONS: crime of first, second or third degree; or aggravated assault; destruction or damage to property to an extent of more than \$500, unless upon application at the time of disposition the juvenile demonstrates a substantial likelihood that specific and extraordinary harm would result from such disclosure in the specific case
AT WHAT POINT IN PROCEEDINGS: at time of disposition
TO PUBLIC: yes

JURISDICTION: North Dakota
DISCLOSURE PERMISSIVE OR MANDATORY: permissive
TYPE OF RECORD OR INFORMATION: name of juvenile

OFFENSE/CIRCUMSTANCES RESTRICTIONS: after third adjudication of delinquency involving an offense which would be a felony if committed by an adult and upon a second adjudication of delinquency involving a specified sex offenses
AT WHAT POINT IN PROCEEDINGS: after adjudication
TO PUBLIC: yes

JURISDICTION: Oklahoma
DISCLOSURE PERMISSIVE OR MANDATORY: mandatory
TYPE OF RECORD OR INFORMATION: juvenile court records and law enforcement records
OFFENSE/CIRCUMSTANCES RESTRICTIONS: upon certification of juvenile as an adult; under statutory exclusion provision (age and offense restrictions); traffic violations if child over 14; to a juvenile who has been previously adjudicated delinquent and who is subsequently adjudicated delinquent after July 1, 1995, or to a juvenile adjudicated a delinquent for committing a delinquent act which, if, committed by an adult, would be a felony offense that is a crime against the person or a felony offense involving a dangerous weapon; repeat offenders
AT WHAT POINT IN PROCEEDINGS: upon certification, upon charging
TO PUBLIC: yes

JURISDICTION: Oregon
DISCLOSURE PERMISSIVE OR MANDATORY: mandatory
TYPE OF RECORD OR INFORMATION: name and date of birth of the child or youth; the basis for the juvenile court's jurisdiction over the child or youth; the date, time and place of any juvenile court proceeding in which the child or youth is involved, the act alleged in the petition and the disposition
OFFENSE/CIRCUMSTANCES RESTRICTIONS: any delinquent act
AT WHAT POINT IN PROCEEDINGS: statute doesn't say
TO PUBLIC: yes

JURISDICTION: Rhode Island
DISCLOSURE PERMISSIVE OR MANDATORY: mandatory
TYPE OF RECORD OR INFORMATION: identity of juvenile
OFFENSE/CIRCUMSTANCES RESTRICTIONS: any juvenile waived to adult court or certified and convicted
AT WHAT POINT IN PROCEEDINGS: when juvenile waived to adult court or certified and convicted
TO PUBLIC: yes

JURISDICTION: South Carolina
DISCLOSURE PERMISSIVE OR MANDATORY: mandatory
TYPE OF RECORD OR INFORMATION: name, identity, or picture of a juvenile
OFFENSE/CIRCUMSTANCES RESTRICTIONS: when bound over to adult court or adjudicated delinquent for: a violent crime, grand larceny of a motor vehicle, crime in which a deadly weapon was used, distribution or trafficking in unlawful drugs

AT WHAT POINT IN PROCEEDINGS: when juvenile bound over or adjudicated delinquent
TO PUBLIC: yes

JURISDICTION: Tennessee

DISCLOSURE PERMISSIVE OR MANDATORY: mandatory

TYPE OF RECORD OR INFORMATION: petitions and orders of the court

OFFENSE/CIRCUMSTANCES RESTRICTIONS: juvenile 14 or older at time of alleged act and the conduct constituting the delinquent act, if committed by an adult, would constitute first degree murder, second degree murder, rape, aggravated rape, aggravated robbery, especially aggravated robbery, kidnapping, aggravated kidnapping or especially aggravated kidnapping

AT WHAT POINT IN PROCEEDINGS: statute doesn't say

TO PUBLIC: yes

JURISDICTION: Utah

DISCLOSURE PERMISSIVE OR MANDATORY: permissive (made available to any person upon request)

TYPE OF RECORD OR INFORMATION: the petition, any adjudication or disposition orders, and the delinquency history summary

OFFENSE/CIRCUMSTANCES RESTRICTIONS: any juvenile 16 or older charged with an offense that would be a felony if committed by an adult

AT WHAT POINT IN PROCEEDINGS: when petition filed

TO PUBLIC: yes (made available to any person upon request)

JURISDICTION: Virginia

DISCLOSURE PERMISSIVE OR MANDATORY: mandatory

TYPE OF RECORD OR INFORMATION: all court records regarding that adjudication and any subsequent adjudication of delinquency

OFFENSE/CIRCUMSTANCES RESTRICTIONS: juvenile 14 or older at time of offense and adjudicated delinquent on basis of act which would be a felony if committed by an adult

AT WHAT POINT IN PROCEEDINGS: statute doesn't say

TO PUBLIC: yes

JURISDICTION: Washington

DISCLOSURE PERMISSIVE OR MANDATORY: mandatory

TYPE OF RECORD OR INFORMATION: official juvenile court file of any alleged or proven juvenile offender

OFFENSE/CIRCUMSTANCES RESTRICTIONS: none

AT WHAT POINT IN PROCEEDINGS: statute doesn't say

TO PUBLIC: yes (open to public inspection)

JURISDICTION: West Virginia
DISCLOSURE PERMISSIVE OR MANDATORY: mandatory
TYPE OF RECORD OR INFORMATION: juvenile records
OFFENSE/CIRCUMSTANCES RESTRICTIONS: when juvenile case transferred to criminal jurisdiction
AT WHAT POINT IN PROCEEDINGS: when juvenile case transferred to criminal jurisdiction
TO PUBLIC: yes

JURISDICTION: Wisconsin
DISCLOSURE PERMISSIVE OR MANDATORY: mandatory (upon request)
TYPE OF RECORD OR INFORMATION: juvenile court records
OFFENSE/CIRCUMSTANCES RESTRICTIONS: felony if committed by an adult and previous delinquency adjudication
AT WHAT POINT IN PROCEEDINGS: when requested
TO PUBLIC: yes (requester may further disclose information to anyone)

JURISDICTION: Wyoming
DISCLOSURE PERMISSIVE OR MANDATORY: permissive
TYPE OF RECORD OR INFORMATION: name of minor, the legal records or disposition in any delinquency proceeding filed in juvenile court
OFFENSE/CIRCUMSTANCES RESTRICTIONS: upon a finding that a release of information will serve to protect the public health or safety or that due to the nature or severity of the offense in question the release of information will serve to deter the minor or others similarly situated from committing similar offenses
AT WHAT POINT IN PROCEEDINGS: statute doesn't say
TO PUBLIC: yes (with a legitimate interest or news media)

The following states allow limited access to limited information during the informal diversion process to specified groups (not the general public): ID, IL, IA, MD, MI, MN, MO, NV, WI.

HB

6

SFIN

FILE

SENATE FINANCE COMMITTEE REPORT

DATE: 4/28/97

FURTHER REPORTED OUT OF
SFC APR 30 1997

DATE TURNED
IN TO OFFICE: 4-30-97

Finance Committee considered CS FOR HOUSE BILL NO. 6(FIN) am

"An Act relating to minors and amending laws relating to the disclosure of information relating to certain minors."

and recommends:

- be replaced with S CS CS HB 6 (FIN)
- adopt previous _____ CS _____
- attached amendment(s)
- adopt Letter of Intent by _____ Committee
- further referral to the _____ Committee

- Senate Bill:**
- same title
 - new title
- House Bill:**
- same title
 - technical change
 - new: SCR# _____

SIGNING DO PASS	DP	OTHER RECOMMENDATIONS	NR	DNP	AM
<i>Red E. Hill</i>	<input checked="" type="checkbox"/>	<i>John L. ...</i>		<input checked="" type="checkbox"/>	<i>terrible</i>
<i>John ...</i>	<input checked="" type="checkbox"/>	<i>John ...</i>	<input checked="" type="checkbox"/>		<i>Bill</i>
<i>...</i>	<input checked="" type="checkbox"/>				<i>Amend</i>
Co-Chair: <i>...</i>	<input checked="" type="checkbox"/>	Co-Chair:			
Co-Chair: <i>...</i>	<input checked="" type="checkbox"/>	Co-Chair:			

NEW FISCAL NOTE(S):

Department Date Zero Fiscal

DHSS	4/29		<input checked="" type="checkbox"/>
DOA	4/29	<input checked="" type="checkbox"/>	
LAW	4/29		22.9

PREVIOUS FISCAL NOTE(S):*

Department Date Zero Fiscal

DOA	4/27	<input checked="" type="checkbox"/>	
3 DPS	4/22	<input checked="" type="checkbox"/>	

APPROPRIATION -- no fiscal note

*include fiscal notes accompanying Governor's bill

REPORTED OUT OF
SFC FISCAL NOTE
APR 30 1997

STATE OF ALASKA
1997 LEGISLATIVE SESSION

BILL NO. CSSCSCSR 36(FIN)

Revision Date: _____
 Title: Relating to the disclosure of information
relating to certain minors
 Sponsor: Representative Kelly
 Requestor: Senate (FIN)

Dept. Affected: Health and Social Services
 BRU: Family and Youth Services
 Component: Foster Care
 COMPONENT SERIAL NO. 252
 See also (SN#): 253,254,255,258,259,264,2134

Expenditures/Revenues:

(Thousands of Dollars)

OPERATING	FY98	FY99	FY00	FY01	FY02	FY03
PERSONAL SERVICES						
TRAVEL						
CONTRACTUAL						
SUPPLIES						
EQUIPMENT						
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
TOTAL OPERATING	0.0	0.0	0.0	0.0	0.0	0.0

CAPITAL EXPENDITURES						
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CHANGES IN REVENUES ()						
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FUND SOURCE

(Thousands of Dollars)

	FY98	FY99	FY00	FY01	FY02	FY03
1002 Federal Receipts	(9.3)	(18.6)	(18.6)	(18.6)	(18.6)	(18.6)
1003 GF Match						
1004 GF	9.3	18.6	18.6	18.6	18.6	18.6
1005 GF/Program Receipts						
1037 GF/Mental Health						
Other (please specify)						
TOTAL	0.0	0.0	0.0	0.0	0.0	0.0

POSITIONS:

FULL-TIME						
PART-TIME						
TEMPORARY						

Estimate of any current year (FY97) cost: \$0.0

ANALYSIS: (Attach a separate page if necessary)

The Division of Family and Youth Services currently receives approximately \$7.5 M in federal funds as reimbursement for foster care and administrative services provided to Children in Need of Aid (CINA) and Delinquents. Federal law prohibits disclosure of information regarding DFYS clients except in certain circumstances. In order to disclose information on juvenile offenders as described in this bill and still minimize the loss of federal funds, the division must revise the organizational and financial structure of the agency to clearly separate costs and services associated with juvenile offenders from those associated with CINA's and must discontinue claiming federal reimbursement for those costs and services. This restructuring will preserve the majority of federal receipts but will still result in some reductions which must be replaced by general funds. This fiscal note reflects the costs associated with that restructuring as of 1/1/98 and the reduction in federal claims.

In addition to the ability to disclose information, the division will be able to improve the consistency, coordination, and quality of services provided to communities and offenders by more clearly focusing the leadership provided to the youth corrections section.

Loss of Federal Funds: FY98 (\$9.3) FY99 (\$18.6)

Prepared by: L. Diane Worley, Director
 Division: Family & Youth Services
 Approved by Commissioner: Karen Perdue, Commissioner
 Agency: Department of Health & Social Services

Phone: 465-3191
 Date: 04/29/97
 Date: 4/29/97

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FISCAL NOTE

STATE OF ALASKA
1997 LEGISLATIVE SESSION

BILL NO. CSSCSCSHB6(FIN)

Revision Data: _____
 Title: Relating to the disclosure of information
relating to certain minors
 Sponsor: Representative Kelly
 Requestor: Senate (FIN)

Dept. Affected: Health and Social Services
 BRU: Family and Youth Services
 Component: Residential Child Care
 COMPONENT SERIAL NO. 253
 See also (SN#): 252,254,255,258,259,264,2134

Expenditures/Revenues:

	(Thousands of Dollars)					
	FY98	FY99	FY00	FY01	FY02	FY03
OPERATING						
PERSONAL SERVICES						
TRAVEL						
CONTRACTUAL						
SUPPLIES						
EQUIPMENT						
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
TOTAL OPERATING	0.0	0.0	0.0	0.0	0.0	0.0

CAPITAL EXPENDITURES						
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CHANGES IN REVENUES ()						
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FUND SOURCE

	(Thousands of Dollars)					
1002 Federal Receipts	(142.1)	(284.1)	(284.1)	(284.1)	(284.1)	(284.1)
1003 GF Match						
1004 GF	142.1	284.1	284.1	284.1	284.1	284.1
1005 GF/Program Receipts						
1037 GF/Mental Health						
Other (please specify)						
TOTAL	0.0	0.0	0.0	0.0	0.0	0.0

POSITIONS:

FULL-TIME						
PART-TIME						
TEMPORARY						

Estimate of any current year (FY97) cost: \$0.0

ANALYSIS: (Attach a separate page if necessary)

The Division of Family and Youth Services currently receives approximately \$7.5 M in federal funds as reimbursement for foster care and administrative services provided to Children in Need of Aid (CINA) and Delinquents. Federal law prohibits disclosure of information regarding DFYS clients except in certain circumstances. In order to disclose information on juvenile offenders as described in this bill and still minimize the loss of federal funds, the division must revise the organizational and financial structure of the agency to clearly separate costs and services associated with juvenile offenders from those associated with CINA's and must discontinue claiming federal reimbursement for those costs and services. This restructuring will preserve the majority of federal receipts but will still result in some reductions which must be replaced by general funds. This fiscal note reflects the costs associated with that restructuring and the reduction in federal claims.

In addition to the ability to disclose information, the division will be able to improve the consistency, coordination, and quality of services provided to communities and offenders by more clearly focusing the leadership provided to the youth corrections section. The FY98 fiscal note is based on the implementation date of 1/1/98.

Loss of Federal Funds: FY98 (\$142.1) FY99-FY03 (\$284.1)

Prepared by: L. Diane Worley, Director
 Division: Family & Youth Services
 Approved by Commissioner: Karen Petrade, Commissioner
 Agency: Department of Health & Social Services

Phone: 465-3191
 Date: 04/29/97
 Date: 4/29/97

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FISCAL NOTE

STATE OF ALASKA
1997 LEGISLATIVE SESSION

BILL NO. CSSCSCSHB6(FIN)

Revision Date: _____
 Title: Relating to the disclosure of information
relating to certain minors
 Sponsor: Representative Kelly
 Requestor: Senate (FIN)

Dept. Affected: Health and Social Services
 BRU: Family and Youth Services
 Component: Southcentral Region
 COMPONENT SERIAL NO. 254
 See also (SN#): 252,253,255,258,259,264,2134

Expenditures/Revenues:

(Thousands of Dollars)

OPERATING	FY98	FY99	FY00	FY01	FY02	FY03
PERSONAL SERVICES	(9.2)	(18.4)	(18.4)	(18.4)	(18.4)	(18.4)
TRAVEL						
CONTRACTUAL						
SUPPLIES						
EQUIPMENT						
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
TOTAL OPERATING	(9.2)	(18.4)	(18.4)	(18.4)	(18.4)	(18.4)

CAPITAL EXPENDITURES						
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CHANGES IN REVENUES ()						
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FUND SOURCE

(Thousands of Dollars)

1002 Federal Receipts	(78.8)	(157.5)	(157.5)	(157.5)	(157.5)	(157.5)
1003 GF Match						
1004 GF	88.0	139.1	139.1	139.1	139.1	139.1
1005 GF/Program Receipts						
1037 GF/Mental Health						
Other (please specify)						
TOTAL	9.2	(18.4)	(18.4)	(18.4)	(18.4)	(18.4)

POSITIONS:

FULL-TIME						
PART-TIME						
TEMPORARY						

Estimate of any current year (FY97) cost: \$0.0

ANALYSIS: (Attach a separate page if necessary)

The Division of Family and Youth Services currently receives approximately \$7.5 M in federal funds as reimbursement for foster care and administrative services provided to Children in Need of Aid (CINA) and Delinquents. Federal law prohibits disclosure of information regarding DFYS clients except in certain circumstances. In order to disclose information on juvenile offenders as described in this bill and still minimize the loss of federal funds, the division must revise the organizational and financial structure of the agency to clearly separate costs and services associated with juvenile offenders from those associated with CINA's and must discontinue claiming federal reimbursement for those costs and services. This restructuring will preserve the majority of federal receipts but will still result in some reductions which must be replaced by general funds. This fiscal note reflects the costs associated with that restructuring and the reduction in federal claims.

In addition to the ability to disclose information, the division will be able to improve the consistency, coordination, and quality of services provided to communities and offenders by more clearly focusing the leadership provided to the youth corrections section

Prepared by: L. Diane Worley, Director
 Division: Family & Youth Services
 Approved by Commissioner: Karen Perdue, Commissioner
 Agency: Department of Health & Social Services

Phone: 465-3191
 Date: 04/29/97
 Date: 4/29/97

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ANALYSIS (cont.):

The FY98 fiscal note is based on the implementation of the Division restructure occurring 1/1/98.

	FY98	FY99-03
Loss of Federal Funds:	(\$78.8)	(\$157.5)
Change in positions:		
PCN 06-3482 Regional Administrator, Range 23 is deleted	(\$46.1)	(\$92.2)
New PCN Social Worker V, Range 21	\$36.9	\$73.8
Total	(\$9.2)	(\$18.4)

FISCAL NOTE

STATE OF ALASKA
1997 LEGISLATIVE SESSION

BILL NO. CSSCSCSHB6(FIN)

Revision Date: _____
 Title: Relating to the disclosure of information
relating to certain minors
 Sponsor: Representative Kelly
 Requestor: Senate (FIN)

Dept. Affected: Health and Social Services
 BRU: Family and Youth Services
 Component: DFYS Central Office
 COMPONENT SERIAL NO. 259
 See also (SN#): 252,253,255,258,264,2134

Expenditures/Revenues:

(Thousands of Dollars)

OPERATING	FY98	FY99	FY00	FY01	FY02	FY03
PERSONAL SERVICES	60.4	122.4	124.2	126.1	128.0	129.9
TRAVEL						
CONTRACTUAL						
SUPPLIES						
EQUIPMENT						
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
TOTAL OPERATING	60.4	122.4	124.2	126.1	128.0	129.9

CAPITAL EXPENDITURES						
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CHANGES IN REVENUES ()						
-------------------------	--	--	--	--	--	--

FUND SOURCE

(Thousands of Dollars)

1002 Federal Receipts	(40.0)	(80.0)	(80.0)	(80.0)	(80.0)	(80.0)
1003 GF Match						
1004 GF	100.4	202.4	204.2	206.1	208.0	209.9
1005 GF/Program Receipts						
1037 GF/Mental Health						
Other (please specify)						
TOTAL	60.4	122.4	124.2	126.1	128.0	129.9

POSITIONS:

FULL-TIME	2					
PART-TIME						
TEMPORARY						

Estimate of any current year (FY97) cost: \$0.0

ANALYSIS: (Attach a separate page if necessary)

The Division of Family and Youth Services currently receives approximately \$7.5 M in federal funds as reimbursement for foster care and administrative services provided to Children in Need of Aid (CINA) and Delinquents. Federal law prohibits disclosure of information regarding DFYS clients except in certain circumstances. In order to disclose information on juvenile offenders as described in this bill and still minimize the loss of federal funds, the division must revise the organizational and financial structure of the agency to clearly separate costs and services associated with juvenile offenders from those associated with CINA's and must discontinue claiming federal reimbursement for those costs and services. This restructuring will preserve the majority of federal receipts but will still result in some reductions which must be replaced by general funds. This fiscal note reflects the costs associated with that restructuring and the reduction in federal claims.

In addition to the ability to disclose information, the division will be able to improve the consistency, coordination, and quality of services provided to communities and offenders by more clearly focusing the leadership provided to the youth corrections section.

Prepared by: L. Diane Worley, Director
 Division: Family & Youth Services

Phone: 465-3191
 Date: 04/29/97

Approved by Commissioner: Karen Perdue, Commissioner
 Agency: Department of Health & Social Services

Date: 4/29/97

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ANALYSIS (cont.):

The loss of federal funds is based on the implementation of the Division restructure occurring 1/1/98.

	FY98	FY99-03
Loss of Federal Funds:	(\$40.0)	(\$80.0)
Change in positions:		
New PCN Administrative Clerk II Range 8	\$18.7	\$37.3
New PCN CPS (FS) Admin Officer Range 23	\$41.7	\$83.3
Total	\$80.4*	\$120.6*

*FY 99 through FY03 figures include 1.5% COLA.

FISCAL NOTE

STATE OF ALASKA
1997 LEGISLATIVE SESSION

BILL NO. CSSCSCSHB6(FIN)

Revision Date: _____
 Title: Relating to the disclosure of information
relating to certain minors
 Sponsor: Representative Kelly
 Requestor: Senate (FIN)

Dept. Affected: Health and Social Services
 BRU: Family and Youth Services
 Component: Northern Region
 COMPONENT SERIAL NO. 255
 See also (SN#): 252,253,254,258,259,264,2134.

Expenditures/Revenues:

(Thousands of Dollars)

OPERATING	FY98	FY99	FY00	FY01	FY02	FY03
PERSONAL SERVICES	(80.6)	(121.1)	(121.1)	(121.1)	(121.1)	(121.1)
TRAVEL						
CONTRACTUAL						
SUPPLIES						
EQUIPMENT						
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
TOTAL OPERATING	(60.6)	(121.1)	(121.1)	(121.1)	(121.1)	(121.1)

CAPITAL EXPENDITURES						
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CHANGES IN REVENUES ()						
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FUND SOURCE

(Thousands of Dollars)

FUND SOURCE	FY98	FY99	FY00	FY01	FY02	FY03
1002 Federal Receipts	(56.9)	(113.8)	(113.8)	(113.8)	(113.8)	(113.8)
1003 GF Match						
1004 GF	(3.7)	(7.3)	(7.3)	(7.3)	(7.3)	(7.3)
1005 GF/Program Receipts						
1037 GF/Mental Health						
Other (please specify)						
TOTAL	(60.6)	(121.1)	(121.1)	(121.1)	(121.1)	(121.1)

POSITIONS:

POSITIONS	FY98	FY99	FY00	FY01	FY02	FY03
FULL-TIME	-1					
PART-TIME						
TEMPORARY						

Estimate of any current year (FY97) cost: \$0.0

ANALYSIS: (Attach a separate page if necessary)

The Division of Family and Youth Services currently receives approximately \$7.5 M in federal funds as reimbursement for foster care and administrative services provided to Children in Need of Aid (CINA) and Delinquents. Federal law prohibits disclosure of information regarding DFYS clients except in certain circumstances. In order to disclose information on juvenile offenders as described in this bill and still minimize the loss of federal funds, the division must revise the organizational and financial structure of the agency to clearly separate costs and services associated with juvenile offenders from those associated with CINA's and must discontinue claiming federal reimbursement for those costs and services. This restructuring will preserve the majority of federal receipts but will still result in some reductions which must be replaced by general funds. This fiscal note reflects the costs associated with that restructuring and the reduction in federal claims.

In addition to the ability to disclose information, the division will be able to improve the consistency, coordination, and quality of services provided to communities and offenders by more clearly focusing the leadership provided to the youth corrections section

Prepared by: L. Diane Worley, Director
 Division: Family & Youth Services
 Approved by Commissioner: Karen Pedersen, Commissioner
 Agency: Department of Health & Social Services

Phone: 907 465-3191
 Date: 04/29/97
 Date: 4/29/97

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ANALYSIS (cont.):

This fiscal note is based on the implementation of the Division restructure occurring 1/1/98. The three new upper level positions would be implemented on 10/1/97 in order to establish a clear separation between the youth corrections and child protection functions into clearly separate organizational units and to effect a smooth transition enabling implementation of the restructure on 1/1/98. Elimination of the three Regional Administrator positions would occur on 12/31/97 as part of the restructure.

	FY98 (1/1/98)	FY99-03
Loss of Federal Funds:	(\$56.9)	(\$113.8)
Change in positions:		
Delete Regional Administrator PCN 06-3218	(\$50.0)	(\$99.9)
Delete Social Worker V in Nome PCN 06-3089	(\$49.15)	(\$98.3)
New PCN Social Worker V in Fairbanks	\$38.55	\$77.1
Total	(\$60.6)	(\$121.1)

FISCAL NOTE

STATE OF ALASKA
1997 LEGISLATIVE SESSION

BILL NO. CSSCSCSHB6(FIN)

Revision Date: _____
 Title: Relating to the disclosure of information
relating to certain minors
 Sponsor: Representative Kelly
 Requestor: Senate (FIN)

Dept. Affected: Health and Social Services
 BRU: Family & Youth Services
 Component: Probation Services
 COMPONENT SERIAL NO. 2134
 See also (SN#): 252,253,254,255,258,259,264

Expenditures/Revenues:

(Thousands of Dollars)

OPERATING	FY98	FY99	FY00	FY01	FY02	FY03
PERSONAL SERVICES	299.3	489.8	497.2	504.6	512.2	519.9
TRAVEL						
CONTRACTUAL						
SUPPLIES						
EQUIPMENT						
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
TOTAL OPERATING	299.3	489.8	497.2	504.6	512.2	519.9

CAPITAL EXPENDITURES						
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CHANGES IN REVENUES ()						
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FUND SOURCE

(Thousands of Dollars)

FUND SOURCE	FY98	FY99	FY00	FY01	FY02	FY03
1002 Federal Receipts						
1003 GF Match						
1004 GF	299.3	489.8	497.2	504.6	512.2	519.9
1005 GF/Program Receipts						
1037 GF/Mental Health						
Other (please specify)						
TOTAL	299.3	489.8	497.2	504.6	512.2	519.9

POSITIONS:

POSITIONS	FY98	FY99	FY00	FY01	FY02	FY03
FULL-TIME	9					
PART-TIME						
TEMPORARY						

Estimate of any current year (FY97) cost: \$0.0

ANALYSIS: (Attach a separate page if necessary)

The Division of Family and Youth Services currently receives approximately \$7.5 M in federal funds as reimbursement for foster care and administrative services provided to Children in Need of Aid (CINA) and Delinquents. Federal law prohibits disclosure of information regarding DFYS clients except in certain circumstances. In order to disclose information on juvenile offenders as described in this bill and still minimize the loss of federal funds, the division must revise the organizational and financial structure of the agency to clearly separate costs and services associated with juvenile offenders from those associated with CINA's and must discontinue claiming federal reimbursement for those costs and services. This restructuring will preserve the majority of federal receipts but will still result in some reductions which must be replaced by general funds. This fiscal note reflects the costs associated with that restructuring and the reduction in federal claims.

In addition to the ability to disclose information, the division will be able to improve the consistency, coordination, and quality of services provided to communities and offenders by more clearly focusing the leadership provided to the youth corrections section

Prepared by: L. Diane Worley, Director
 Division: Division of Family & Youth Svcs

Phone: 465-3191
 Date: 04/29/97

Approved by Commissioner: Karen Perdue, Commissioner
 Agency: Department of Health & Social Services

Date: 4/29/97

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ANALYSIS (cont.):

This fiscal note is based on the implementation of the Division restructure occurring 1/1/98. The three new upper level positions would be implemented on 10/1/97 in order to establish a clear separation between the youth corrections and child protection functions into clearly separate organizational units and to effect a smooth transition enabling implementation of the restructure on 1/1/98. Eliminating the three Regional Administrator positions would occur on 12/31/97 as a part of the restructure. The loss of federal funds is based on the transition occurring 1/1/98.

	FY98	FY99-03
Change in positions:		
New position Youth Superintendent III Range 21	\$55.4	\$73.8
NEW Chief Probation Officer Range 23	\$62.9	\$83.9
New (3) Administrative Clerk II Range 8	\$56.0	\$112.0
New (3) Administrative Assistant I Range 13	\$69.3	\$138.6
New Juvenile Probation Officer V Range 21	\$55.7	\$74.3
Total*	\$299.3	\$482.6

* FY 99 through FY 03 figures include a 1.5% per year COLA.

FISCAL NOTE

STATE OF ALASKA
1997 LEGISLATIVE SESSION

BILL NO. CSSCSCSHB6(FIN)

Revision Date: _____
 Title: Relating to the disclosure of information
relating to certain minors
 Sponsor: Representative Kelly
 Requestor: Senate (FIN)

Dept. Affected: Health and Social Services
 BRU: Family and Youth Services
 Component: Southeastern Region
 COMPONENT SERIAL NO. 258
 See also (SN#): 252,253,254,255,259,264,2134

Expenditures/Revenues:

(Thousands of Dollars)

OPERATING	FY98	FY99	FY00	FY01	FY02	FY03
PERSONAL SERVICES	(4.4)	(8.8)	(8.8)	(8.8)	(8.8)	(8.8)
TRAVEL						
CONTRACTUAL						
SUPPLIES						
EQUIPMENT						
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
TOTAL OPERATING	(4.4)	(8.8)	(8.8)	(8.8)	(8.8)	(8.8)

CAPITAL EXPENDITURES						
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CHANGES IN REVENUES ()						
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FUND SOURCE

(Thousands of Dollars)

1002 Federal Receipts	(22.1)	(44.2)	(44.2)	(44.2)	(44.2)	(44.2)
1003 GF Match						
1004 GF	17.7	35.4	35.4	35.4	35.4	35.4
1005 GF/Program Receipts						
1037 GF/Mental Health						
Other (please specify)						
TOTAL	(4.4)	(8.8)	(8.8)	(8.8)	(8.8)	(8.8)

POSITIONS:

FULL-TIME						
PART-TIME						
TEMPORARY						

Estimate of any current year (FY97) cost: \$0.0

ANALYSIS: (Attach a separate page if necessary)

The Division of Family and Youth Services currently receives approximately \$7.5 M in federal funds as reimbursement for foster care and administrative services provided to Children in Need of Aid (CINA) and Delinquents. Federal law prohibits disclosure of information regarding DFYS clients except in certain circumstances. In order to disclose information on juvenile offenders as described in this bill and still minimize the loss of federal funds, the division must revise the organizational and financial structure of the agency to clearly separate costs and services associated with juvenile offenders from those associated with CINA's and must discontinue claiming federal reimbursement for those costs and services. This restructure will preserve the majority of federal receipts but will still result in some reductions which must be replaced by general funds. This fiscal note reflects the costs associated with that restructure and the reduction in federal claims as of that date.

In addition to the ability to disclose information, the division will be able to improve the consistency, coordination, and quality of services provided to communities and offenders by more clearly focusing the leadership provided to the youth corrections section.

Prepared by: L. Diane Worley, Director
 Division: Family & Youth Services
 Approved by Commissioner: Karen Perdue, Commissioner
 Agency: Department of Health & Social Services

Phone: 465-3191
 Date: 04/29/97
 Date: 4/29/97

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ANALYSIS (cont.):

This fiscal note is based on the implementation of the Division restructure occurring 1/1/98.

	FY98	FY99-03
Loss of Federal Funds:	(\$22.1)	(\$44.2)
Change in positions:		
PCN 08-3482 Regional Administrator	(41.3)	(\$82.6)
New PCN Social Worker V, Range 21	\$36.9	\$73.8
Total	(\$4.4)	(\$8.8)

FISCAL NOTE

STATE OF ALASKA
1997 LEGISLATIVE SESSION

BILL NO. CSSCSCSHB6(FIN)

Revision Date: _____
 Title: Relating to the disclosure of information
relating to certain minors
 Sponsor: Representative Kelly
 Requestor: Senate (FIN)

Dept. Affected: Health and Social Services
 BRU: Family and Youth Services
 Component: McLaughlin Youth Center
 COMPONENT SERIAL NO. 264
 See also (SN#): 252,253,254,255,258,259,2134

Expenditures/Revenues:

(Thousands of Dollars)

OPERATING	FY98	FY99	FY00	FY01	FY02	FY03
PERSONAL SERVICES			(24.1)	(24.1)	(24.1)	(24.1)
TRAVEL						
CONTRACTUAL						
SUPPLIES						
EQUIPMENT						
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
TOTAL OPERATING	0.0	0.0	(24.1)	(24.1)	(24.1)	(24.1)

CAPITAL EXPENDITURES						
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CHANGES IN REVENUES ()						
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FUND SOURCE

(Thousands of Dollars)

1002 Federal Receipts						
1003 GF Match						
1004 GF			(24.1)	(24.1)	(24.1)	(24.1)
1005 GF/Program Receipts						
1037 GF/Mental Health						
Other (please specify)						
TOTAL	0.0	0.0	(24.1)	(24.1)	(24.1)	(24.1)

POSITIONS:

FULL-TIME						
PART-TIME						
TEMPORARY						

Estimate of any current year (FY97) cost: \$0.0

ANALYSIS: (Attach a separate page if necessary)

The Division of Family and Youth Services currently receives approximately \$7.5 M in federal funds as reimbursement for foster care and administrative services provided to Children in Need of Aid (CINA) and Delinquents. Federal law prohibits disclosure of information regarding DFYS clients except in certain circumstances. In order to disclose information on juvenile offenders as described in this bill and still minimize the loss of federal funds, the division must revise the organizational and financial structure of the agency to clearly separate costs and services associated with juvenile offenders from those associated with CINA's and must discontinue claiming federal reimbursement for those costs and services. This restructuring will preserve the majority of federal receipts but will still result in some reductions which must be replaced by general funds. This fiscal note reflects the costs associated with that restructuring and the reduction in federal claims.

In addition to the ability to disclose information, the division will be able to improve the consistency, coordination, and quality of services provided to communities and offenders by more clearly focusing the leadership provided to the youth corrections section

Prepared by: L. Diane Worley, Director
 Division: Family & Youth Services

Phone: 465-3191
 Date: 04/29/97

Approved by Commissioner: Karen Perdue, Commissioner
 Agency: Department of Health & Social Services

Date: 4/29/97

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Revision Date: _____

BILL NO. CSSCSCSHB6(FIN)

ANALYSIS (cont.):

Change in position:

Superintendent II PCN 06-3483 R 21 will be down graded to a R 20.

(\$93.5)

\$69.4

Total savings due to downgrade

(24.1)

STATE OF ALASKA
1997 LEGISLATIVE SESSION

BILL NO. SCS CSHB 6 (JUD)

Revision Date: _____
Title: "An Act amending laws relating to the disclosure of information relating to certain minors."
Sponsor: Rep. Kelly
Requestor: (S) FIN

Department Affected: Administration
BRU: Public Defender Agency
Component: PublicDefender Agency
COMPONENT SERIAL NO. 1631

EXPENDITURES/REVENUES: (Thousands of Dollars)

OPERATING EXPENDITURES	FY 98	FY 99	FY 00	FY 01	FY 02	FY 03
PERSONAL SERVICES						
TRAVEL						
CONTRACTUAL						
SUPPLIES						
EQUIPMENT						
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
TOTAL OPERATING	0.0	0.0	0.0	0.0	0.0	0.0

CAPITAL EXPENDITURES	0.0	0.0	0.0	0.0	0.0	0.0
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CHANGE IN REVENUES ()	0.0	0.0	0.0	0.0	0.0	0.0
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FUND SOURCE: (Thousands of Dollars)

1002 Federal Receipts						
1003 GF Match						
1004 GF						
1005 GF/Program Receipts						
1037 GF/Mental Health						
OTHER						
TOTAL	0.0	0.0	0.0	0.0	0.0	0.0

Estimate of any current year (FY 97) cost: \$ 0

POSITIONS:

FULL-TIME						
PART-TIME						
TEMPORARY						

ANALYSIS: (Attach a separate page if necessary.)

The old rehabilitative system of juvenile justice was designed to treat minors and protect them from the stigma of youthful indiscretion by having confidential proceedings and records. This bill eliminates any confidentiality and requires courts after adjudication, law enforcement after arrest, and the Department of Health and Social Services if the matter is adjusted informally to provide the name of the minor, the name of the parents or guardian, the offense and the disposition to the public, if the offense is a felony or a misdemeanor with a previous arrest, adjustment, or adjudication. A victim or victim's insurance company is entitled to the same information no matter what the offense. It also allows parents to disclose previously confidential records and proceedings to the public and permits teachers to get arrest records for any minors in school. There is no fiscal impact on the Public Defender Agency.

Prepared by: Barbara Brink, Acting Director
Division: Public Defender

Phone: 274-1684
Date: _____

Approved by Commissioner: Mark Bover
Agency: Department of Administration

Date: 4/29/97

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STATE OF ALASKA
1997 LEGISLATIVE SESSION

BILL NO. SCS CSHB 6 (FIN)

Revision Date: _____ Dept. Affected: Department of Law
 Title: "An Act relating to minors and amending laws
relating to disclosure of information relating to certain minors . . ." BRU: Criminal Division/Civil Division
 Sponsor: Representative Kelly Component: Criminal Division
Senate Finance Committee General Legal Services
 Requester: _____ COMPONENT SERIAL NO. 2085/2087

Expenditures/Revenues (Thousands of Dollars)

OPERATING EXPENDITURES	FY 98	FY 99	FY 00	FY 01	FY 02	FY 03
PERSONAL SERVICES	19.4	38.8	38.8	38.8	38.8	38.8
TRAVEL	0.3	0.5	0.5	0.5	0.5	0.5
CONTRACTUAL	2.9	5.8	5.8	5.8	5.8	5.8
SUPPLIES	0.4	0.8	0.8	0.8	0.8	0.8
EQUIPMENT						
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
TOTAL OPERATING	22.9	45.8	45.8	\$45.8	45.8	45.8

CAPITAL EXPENDITURES						
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CHANGE IN REVENUES ()						
------------------------	--	--	--	--	--	--

FUND SOURCE (Thousands of Dollars)

1002 Federal Receipts						
1003 GF Match						
1004 GF	22.9	45.8	45.8	45.8	45.8	45.8
1005 GF/Program Receipts						
1006 GF/MHTIA						
Other						
TOTAL	22.9	45.8	45.8	\$45.8	45.8	45.8

Estimate of any current year (FY97) cost: \$ 0.0

POSITIONS

FULL-TIME	0.0	0.0	0.0	\$0.0	0.0	0.0
PART-TIME						
TEMPORARY						

ANALYSIS: (Attach a separate page if necessary)

SCS CSHB 6 (FIN) amends AS 47.12.110 by adding a new subsection permitting the Department of Health and Social Services to petition the court to open adjudications of a minor as a delinquent under certain specified circumstances. These provisions are contained in section 1 of the proposed committee substitute.

While the remainder of the bill is not anticipated to have a fiscal impact on the Department of Law, section 1 will. We would expect each motion asking the court to open the hearing to the public to become relatively pro forma, however, the factual situation will differ in each case, requiring a certain amount of legal time to prepare. In addition, the department expects defense counsel for the minor to oppose these motions in most cases, with a court hearing on the motion necessary to resolve the dispute. We anticipate that the process of requesting the hearing be opened to the public would take an average of one hour of legal services for each case.

During 1996, approximately 917 juvenile felony petitions were filed. In addition, there were approximately

Prepared by: Joan M. Kasson Phone: 465-5370
 Division: Administrative Services Division Date: 4/29/97
 Approved by Commissioner: Bruce M. Botelho, Attorney General Date: 4/29/97
 Agency: Department of Law

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ANALYSIS CONTINUATION:

662 petitions to revoke probation. * The Department of Law estimates that, were SCSCSHB 7 (FIN) to be enacted, motions to open the adjudication hearing to the public would be filed in approximately one-third to one-half of these cases in response to community pressure. Conservatively estimating one-third, the cost to the department is anticipated to be \$45,774 (1,580 cases x .3333 @ one hour each x \$87/hour).

The cost estimate is based on the department's FY 97 standard attorney cost schedule, \$87 per hour, which includes clerical support, communications, space, supplies, data processing, and other normal overhead expenses. Allocation of costs between divisions is detailed below, based on case statistics. Southeast Alaska juvenile delinquency cases are handled by the Criminal Division, with the bulk of the rest of the state handled by the Human Services sections of the Civil Division in Anchorage and Fairbanks. Since the effective date of the Senate Finance Committee Substitute is January 1, 1998, all costs are divided in half for FY 98.

Criminal Division

Southeast Region (\$ in thousands)

55 felony petitions	x 1 hour	x \$87	=	\$4.8
20 petitions to revoke	x 1 hour	x \$87	=	\$2.5

Line item breakdown

100	\$6.1
200	\$0.1
300	\$0.9
400	\$0.1
	<u>\$7.2</u>

Civil Division

Southcentral/Western Regions (\$ in thousands)

179.2 felony petitions	x 1 hour	x \$87	=	\$15.6
137.5 petitions to revoke	x 1 hour	x \$87	=	\$12.0

Central/Northern Regions (\$ in thousands)

72 felony petitions	x 1 hour	x \$87	=	\$6.2
55 petitions to revoke	x 1 hour	x \$87	=	\$4.8

Line item breakdown

100	\$32.6
200	\$0.4
300	\$4.9
400	\$0.6
	<u>\$38.6</u>

* Case numbers are estimates. DFYS statistics could not be obtained in the time available to prepare this fiscal note.

FISCAL NOTE

No. 3

Bill Version: CSHB 6 (HES)

(H) Publish Date: 1/31/97

**STATE OF ALASKA
1997 LEGISLATIVE SESSION**

APR 30 1997 BILL NO:

Revision Date: _____
Title: Release of information about minors.

Dept. Affected: Public Safety
BRU: Alaska State Troopers
Component: Detachments

Sponsor: Representative Kelly
Requestor: H.HESS

COMPONENT SERIAL NO. 0799

EXPENDITURES/REVENUES: (Thousands of Dollars) (inflation not included)

OPERATING	FY 98	FY 99	FY 00	FY 01	FY 02	FY 03
PERSONAL SERVICES						
TRAVEL						
CONTRACTUAL						
SUPPLIES						
EQUIPMENT						
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
TOTAL OPERATING	-0-	-0-	-0-	-0-	-0-	-0-
CAPITAL	-0-	-0-	-0-	-0-	-0-	-0-
CHANGE IN REVENUES ()	-0-	-0-	-0-	-0-	-0-	-0-
Revenue Code						

FUNDING: (Thousands of Dollars)

1002 Federal Receipts						
1003 GF Match						
1004 GF						
1005 GF/Program						
1006 GF/MHTIA						
Other						
TOTAL	-0-	-0-	-0-	-0-	-0-	-0-

Estimate of current year (FY 97) impact: \$ _____

POSITIONS:

FULL-TIME	0	0	0	0	0	0
PART-TIME	0	0	0	0	0	0
TEMPORARY	0	0	0	0	0	0

ANALYSIS: (Attach a separate page if necessary.)

This bill will not have a fiscal impact on the Division of Alaska State Troopers.

Prepared By: Lt. Dan Lowden
Division: Alaska State Troopers

Phone: 269-5412
Date: January 15, 1997

Approved by Commissioner: *Dee Smith*
Agency: Ronald L. Otte, Department of Public

Date: 1/22/97

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STATE OF ALASKA
1997 LEGISLATIVE SESSION

FISCAL NOTE
REPORTED ON
SFC APR 30 1997

No. 1
Bill Version: CSHB 6 (HES)
(H) Publish Date: 1/31/97

Revision Date: _____
Title: "An Act amending laws relating to the disclosure of information relating to certain minors"

Department Affected: Administration

Sponsor: Representative Kelly
Requestor: (H) HES

BRU: Public Defender Agency
Component: Public Defender Agency

COMPONENT SERIAL NO. 1631

EXPENDITURES/REVENUES: (Thousands of Dollars)

OPERATING EXPENDITURES	FY 98	FY 99	FY 00	FY 01	FY 02	FY 03
PERSONAL SERVICES						
TRAVEL						
CONTRACTUAL						
SUPPLIES						
EQUIPMENT						
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
TOTAL OPERATING	0.0	0.0	0.0	0.0	0.0	0.0

CAPITAL EXPENDITURES	0.0	0.0	0.0	0.0	0.0	0.0
-----------------------------	------------	------------	------------	------------	------------	------------

CHANGE IN REVENUES ()	0.0	0.0	0.0	0.0	0.0	0.0
-------------------------------	------------	------------	------------	------------	------------	------------

FUND SOURCE: (Thousands of Dollars)

1002 Federal Receipts						
1003 GF Match						
1004 GF						
1005 GF/Program Receipts						
1037 GF/Mental Health						
OTHER						
TOTAL	0.0	0.0	0.0	0.0	0.0	0.0

Estimate of any current year (FY 97) cost: \$ 0.0

POSITIONS:

FULL-TIME						
PART-TIME						
TEMPORARY						

ANALYSIS: (Attach a separate page if necessary.)

The old rehabilitative system of juvenile justice was designed to treat minors and protect them from the stigma of youthful indiscretion by having confidential proceedings and records. This bill eliminates any confidentiality and requires courts after adjudication, law enforcement after arrest, and the Department of Health and Social Services if the matter is adjusted informally to provide the name of the minor, the name of the parents or guardian, the offense and the disposition to the public, if the offense is a felony or a misdemeanor with a previous arrest, adjustment or adjudication. A victim or victim's insurance company is entitled to the same information no matter what the offense. It also allows parents to disclose previously confidential records and proceedings to the public and permits teachers to get arrest records for any minors in school. There is no fiscal impact on the Public Defender Agency.

Prepared by: Barbara K. Brink, Acting Director
Division: Public Defender Agency

Phone: (907) 264-4414
Date: _____

Approved by Commissioner: Mark Bover
Agency: Department of Administration

Date: 1/27/97

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SENATE CS FOR CS FOR HOUSE BILL NO. 6(JUE)

IN THE LEGISLATURE OF THE STATE OF ALASKA

TWENTIETH LEGISLATURE - FIRST SESSION

BY THE SENATE JUDICIARY COMMITTEE

Offered: 4/28/97
Referred: Finance

Sponsor(s): REPRESENTATIVES KELLY, Therriault, Vezey, Ogan, Dyson, Phillips, Ryan, Rokeberg, Kemplen, James

A BILL

FOR AN ACT ENTITLED

1 "An Act relating to minors and amending laws relating to the disclosure of
2 information relating to certain minors; and amending Rule 3(c), Alaska
3 Delinquency Rules."

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

5 * Section 1. AS 47.12.110 is amended by adding a new subsection to read:

6 (d) Notwithstanding (a) of this section, a court hearing on a petition seeking
7 the adjudication of a minor as a delinquent shall be open to the public, except as
8 prohibited or limited by order of the court, if

9 (1) the department files with the court a ^{motion} petition asking the court to
10 open the hearing to the public, and the petition seeking adjudication of the minor as
11 a delinquent is based on

12 (A) the minor's alleged commission of an offense, and the
13 minor has knowingly failed to comply with all the terms and conditions
14 required of the minor by the department or imposed on the minor in a court

*Sen. Parnell
amendment 2*

SENATE FINANCE
COMMITTEE

Amendment Number: 1 0-I S0063V.1

Bill Number: HR 6 Chenoweth

Sponsor: Sharp Date: 4/28/97 4/28/97

Logged In By: Polkani

A M E N D M E N T

*moved by Sen. Donley
w/o objection, adopted*

OFFERED IN THE SENATE
TO: SCS CSHB 6(JUD)

BY: Sen. Sharp
BY REQUEST of Sponsor

- 1 Page 7, line 4:
- 2 Delete "August 1, 1997"
- 3 Insert "January 1, 1998"

CORRECTION

THE FOLLOWING DOCUMENT(S)
HAVE BEEN REFILMED TO
ASSURE LEGIBILITY OR PAGINATION



Rev. 6/98

Central Microfilm Services
Department of Education
State of Alaska

SENATE CS FOR CS FOR HOUSE BILL NO. 6(JUD)
IN THE LEGISLATURE OF THE STATE OF ALASKA
TWENTIETH LEGISLATURE - FIRST SESSION

BY THE SENATE JUDICIARY COMMITTEE

Offered: 4/28/97
Referred: Finance

Sponsor(s): REPRESENTATIVES KELLY, Therriault, Vezcy, Ogan, Dyson, Phillips, Ryan, Rokeberg, Kemplen, James

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12 (A) the minor's alleged commission of an offense, and the
13 minor has knowingly failed to comply with all the terms and conditions
14 required of the minor by the department or imposed on the minor in a court

*Sen. Parrish
amendment 2*

1 order entered under AS 47.12.040(a)(2) or 47.12.120;

2 (B) the minor's alleged commission of

3 (i) a crime against a person that is punishable as a
4 felony;

5 (ii) a crime in which the minor employed a deadly
6 weapon, as that term is defined in AS 11.81.900(b), in committing the
7 crime;

8 (iii) arson under AS 11.46.400 - 11.46.410;

9 (iv) burglary under AS 11.46.300;

10 (v) distribution of child pornography under
11 AS 11.61.125;

12 (vi) promoting prostitution in the first degree under
13 AS 11.66.110; or

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

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

22 (2) the minor agrees to a public hearing on the petition seeking
23 adjudication of the minor as a delinquent.

24 * Sec. 2. AS 47.12.300(c) is amended to read:

25 (c) Except when disclosure of the name of a minor is authorized or
26 required by this chapter, the [THE] name or picture of a minor under the jurisdiction
27 of the court may not be made public in connection with the minor's status as a
28 delinquent unless authorized by order of the court.

29 * Sec. 3. AS 47.12.310(a) is amended to read:

30 (a) Except as specified in AS 47.12.315, 47.12.320, [AS 47.12.320] and (b) -
31 (g) of this section, all information and social records pertaining to a minor who is

SENATE FINANCE
COMMITTEE

Amendment Number: 1 0-LS0063V.1
Bill Number: HR 6 Chenoweth
Sponsor: Sharp Date: 4/28/97 4/28/97
Logged In By: Q. Clane

AMENDMENT

*moved by Sen. Danley
w/o objection, adopted*

OFFERED IN THE SENATE
TO: SCS CSHB 6(JUD)

BY: Sen. Sharp
BY REQUEST of Sponsor

- 1 Page 7, line 4:
- 2 Delete "August 1, 1997"
- 3 Insert "January 1, 1998"

LEGAL SERVICES

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

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

130 Seward Street, Suite 409
Juneau, Alaska 99801-2105

MEMORANDUM

April 28, 1997

SUBJECT: Amendment J.1 to SCS CSHB 6 (Jud) (Work Order No. 0-LS0063J.1)

TO: Representative Pete Kelly
ATTN: Bruce Campbell

FROM: Jack Chenoweth *JBC*
Legislative Counsel *lms*

This bill has no stated effective date. It takes effect 90 days after signature or after becoming law without signature. As I recall, the August 1, 1997, date that you are proposing to change is simply a very rough approximation of when the bill would likely become effective.

JBC:jdr
97-302.jdr

Enclosure

Amendment

Not offered
By Adams

1 Page 4, line 23, through page 5, line 14:

2 Delete all material.

Eliminates mandatory disclosure of adjusted cases, maintains discretionary disclosure

3 Page 5, line 15:

4 Delete "(2)"

Technical amendment required by above

SENATE FINANCE
COMMITTEE

Amendment Number: 3

Bill Number: HB 6

Sponsor: _____ Date: 4-30-97

Logged In By: 138

5 Page 5, lines 24 through 26:

6 Delete "AS 47.12.040(a)(1)(B) or AS 47.12.040(a)(2), the department files

7 with the court a petition seeking adjudication of the minor as"

8 Insert "AS 47.12.120, the court enters a judgment that the minor is"

Moves disclosure to point of adjudication

9

10 Page 7, line 19:

11 Insert a new subsection to read:

Creates option for District Attorney to seek early disclosure of information in cases such as Knudsen. If state does not believe minor should be released from custody.

12 "(g) When the department files with the court a

13 petition seeking adjudication of a minor as a

14 delinquent based on the minor's alleged commission of an offense set out in (b) of this section, the

15 prosecuting attorney may seek an order of the court authorizing the disclosure of the name of the

16 minor and additional information deemed necessary to protect the safety of the public. This

17 court shall authorize the disclosure if the court finds that the disclosure is necessary to

18 protect the public safety or that there are other compelling reasons justifying the disclosure.

LEGAL SERVICES

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STATE OF ALASKA

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

130 Seward Street, Suite 409
Juneau, Alaska 99801-2105

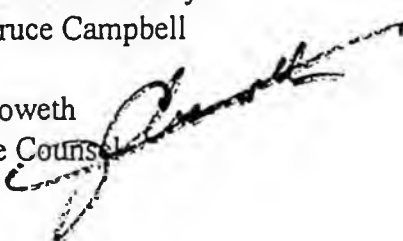
MEMORANDUM

April 22, 1997

SUBJECT: Amendment to CSHB 6 (Fin) am (Work Order No. OLS-0063Ca.1)

TO: Representative Pete Kelly
ATTN: Bruce Campbell

FROM: Jack Chenoweth
Legislative Counsel



This serves to confirm advice orally given.

1. The breadth of the phrase "An Act relating to minors . . ." in the title of the House-passed bill is sufficient to admit this new material allowing the public to attend certain hearings on petitions seeking delinquency adjudications. There is no need for the Senate to expand the bill title in order to allow this addition.
2. A court rule change is necessary to accommodate this new material. The language of the proposed court rule change is set out in the amendment.
3. Under Rule 41(b) of the Uniform Rules, "[a]n amendment to a bill introduced in the other house is not in order if the amendment requires a change of the bill title other than a clerical or technical change." The proper way to admit new material that necessitates a bill title change is by introduction and passage of a concurrent resolution suspending the appropriate rules (including Rule 41(b)). A rule suspension requires a two-thirds vote in each house. Rule 54. However, this office has always advised the legislature to treat matter necessitating addition of reference to a court rule change in the bill title as a technical change. As a technical change, the amendment and the corresponding additional reference to the court rule change may be made by the second house without the necessity of a suspension of the rules.

*

While there may be objection to admitting this material under the existing bill title with the addition of the court rule change and court rule provision in the bill title, this amendment fits within the Uniform Rules. The rules would not have to be suspended.

JBC:pl
97-114.plm

Al Near
P. O. Box 80847
Fairbanks, AK 99708
April 28, 1997

Senator Bert Sharp
Co-Chair
Senate Finance Committee
State Capitol
Juneau, AK 99801-1182

Regarding HB6

Dear Bert:

It was June 16th last year...Father's Day *and* my son's birthday. We'd gone to the garage to see his new bicycle, but what we found instead was total devastation. Not only were his bike and other items gone, the interior and remaining contents had been ravaged by machetes, bolt cutters and fire extinguisher...\$10,000 worth of damage! I soon learned that my neighbors had also been hit. We alerted the entire subdivision and the culprits (two juveniles) were apprehended a few days later breaking into another home. Then the real frustration began.

Even victims of juvenile crime are usually allowed to be present in court, but we weren't! Even though these young offenders had confessed to the crimes of June 16th, their petition included only the households that were victimized the day of the arrests. Our names were not added until weeks later...after their release! The terms and date of release were "confidential". The 16 year old who'd trashed my place, David Knutson, was apprehended again in August. This time he shot and nearly killed the arresting officer! *Only then* did we learn that he was no longer in the Youth Facility.

Did strict "disclosure" policy benefit Trooper Roberts? How did it serve David Knutson? Should I sleep easier *not* knowing that a David Knutson is free of custody? We need HB6. To hell with Federal grant money that's contingent on the blind adherence to juvenile confidentiality.

Sincerely,



Alaska State Legislature

REPRESENTATIVE

PETER KELLY

Mailing Address:

119 N. Cushman, Suite 203

Fairbanks, Alaska 99701

(907) 456-8161



While in Juneau

State Capitol

Juneau, Alaska

99801-1182

(907) 465-2327

House District 3

House Of Representatives

April 29, 1997

Bullets

To: Senator Bert Sharp, Co-Chair
Senate Finance Committee

BWS sent

From: Representative Pete Kelly

Regarding: HB 6, release of confidential inf., Arctic Alliance for People letter.

1) Age limit: Age limits excusing younger children for their actions act as gang recruitment incentives. Older youth are able to prey on younger youth who have less moral strength to resist, and convince them that they can get away with serious crimes because of an age limit in state law.

The bill seeks to disclose information about serious offenders, and it lists specific offenses: Murder, Assault, Arson, Burglary, Sale of Drugs, etc. It is inappropriate to remain silent on crimes this serious, regardless of age.

2) Informal adjustment includes over 75 to 85 % of all cases brought before DFYS. Limiting the disclosure to the formal petition track would allow DFYS to establish state policy, not the Legislature.

3) Petition v. Adjudication. The administration requested the disclosure at petition, rather than at adjudication, to prevent a legal logjam. They were concerned that the release of information only at final adjudication would create an artificial incentive to take the case to final adjudication, so I changed the bill as they directed.

Currently, the department petitions those least likely to respond to informal adjudication. These are often multiple repeat offenders with long case histories.

David Knudson, the 16 yr. old who shot Trooper "JR.." last summer in Fairbanks, was on petition before the court, but the court, lacking any public review, ordered him released to the street, where he shot Trooper "JR.." Even though DFYS sought to detain David Knudson, knowing that he was a dangerous young man, they failed to sway the court. The public needs to know.

4) Second chances for troubled or "at risk youth." The bill is full of second chances. None of the lesser crimes, crimes most often committed by youth, are listed in this bill. These crimes are the ones youth are most likely to learn from and change their behavior, not the serious felonies listed in this legislation.

Section 1.

The **department** must decide to petition the court to have public proceedings. This is modified from the Governor's disclosure bill, where the District Attorney got to make the decision.

Section 7:

(a)(1) In the informal adjudication process the name is released only for **second offenses**, at the administrations request.

(a)(2) The department disclose information about a minor who has failed to comply with the terms set by the parole officer.

(b)(3) It is the **second felony** before an age 16 minor's name is released.

(c) A minor will now be able to have the department **release information** about his or her **innocence**. One of the unfortunate consequences of secrecy - is that it also prevents the department from dispelling false rumors, or otherwise informing the public of a particular minor's innocence.

(d) The department may not disclose the name of a temporary foster parent.

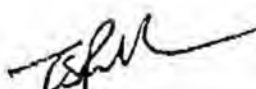
(e) The information release is **limited to 5 years**, consistent with existing policy. In AS 47.12.300(f) the minor must have a clean record for five years before he can seek to have his delinquency record sealed.

(f) The department **may petition to not disclose information** about a minor if it is an **isolated incident** and the minor does not present any further danger to the public, **or** the victim agrees.

HB6

April 24, 1997

To: Senator Bert Sharp
fax: 465-2070
From: Taber Rehbaum, President
Arctic Alliance for People
452-8110, fax: 452-8112
Re: House Bill 6



I am writing to let you know of our serious concerns and strenuous objections to portions of HB6. We certainly understand some of the frustration that is at the root of this bill's creation, but we feel that it has elements that go too far and erode any possible benefit that public disclosure might have in certain circumstances.

The elements that we take issue with are as follows:

- * **absence of any age limit for disclosure**
Only one of the eight crimes listed has any mention of age, so disclosure would apply to 8 year olds as well as 17 year olds. We hope that disclosure could be limited to those 16 and over.
- **disclosure at informal adjustment**
Adjustment occurs when there is a significant chance for rehabilitation. Disclosure at this juncture would be counter-productive and potentially quite harmful. Kids have a tendency to live up to their labels. If you tell a kid he has potential, there's a strong possibility he will live up to it; if you tell a kid he's a crook, he will be one.
- * **disclosure at the petition stage**
This will include the *innocent* as well as the guilty kids! 20% of petitions are dismissed before adjudication. To allow public disclosure would not merely be unfair, it would be cruel and unjust. Offering subsequent publication of dismissal doesn't cut it either - the damage has already been done to both the youngster and his family.

I am writing this not only as a representative of Arctic Alliance, but as one who has had direct experience with troubled kids. Kids *can* turn their lives around. Our experience has shown that kids under 16 are still able to bond with caring adults, still able to benefit from adult attention, good role models, and activities (like community service) that promote self-esteem. Giving a kid the chance to feel good about himself can be the most effective tool to prevent violence, substance abuse and delinquency. Public

disclosure, either at an early age, at petition or at adjustment, takes that potential tool away and makes it that much harder for a child to avoid the negative behaviors we are all trying to prevent.

Kids usually live up to their labels. When the law says, "we'll give you one more chance because we think you're worthy of it," lets really give them that chance instead of putting another roadblock in their way. Let's allow prevention programs, counseling, community service, youth courts, etc. the opportunity to make a difference in a child's life before we unduly invoke the humiliation and stigma of public disclosure.

Thank you for your attention. Please endorse amendments to HB6 that eliminate or successfully address the three elements listed above.

Alaska State Legislature

REPRESENTATIVE
PETER KELLY

Mailing Address:
119 N. Cushman, Suite 203
Fairbanks, Alaska 99701
(907) 456-8161



While in Juneau
State Capitol
Juneau, Alaska
99801-1182
(907) 465-2327

House District 31

House Of Representatives

February, 24 1997

Memorandum

To: Senator Bert Sharp, Co-Chairman
Senate Finance Committee

From: Representative Pete Kelly *Pete*

Regarding: Hearing request for House Concurrent Resolution 4 and House Bill 6,
pending referral.

=====

Please schedule a hearing for HCR 4 and HB 6 pending referral to your committee. HCR 4 provides DFYS guidance to restructure the organization in a manner that will allow DFYS to release criminal records of minors without substantial loss of federal funds. HCR 4 carries a fiscal note of 339,700 dollars. HCR 4 enables HB 6.

House Bill 6 provides for DFYS to release the names of juvenile offenders who have committed serious felony crimes, or failed to comply with the sentencing requirements of prior offenses. HB 6 carries a fiscal note of 698,200 dollars to replace lost federal funds.

Although the issue of the release of information about minors carries a given level of controversy, this bill is not likely to be vetoed by the governor. I have met with Attorney General Bothello, and Lt. Gov. Ulmer on the bill, and have incorporated their requested amendments, with modification.

Alaska State Legislature

REPRESENTATIVE
PETER KELLY

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State Capitol
Juneau, Alaska
99801-1182
(907) 465-2327

House District 31

House Of Representatives

Sponsor Statement House Bill 6

Disclosure of information about criminal acts by minors.

House Bill 6 will allow the free flow of information about minors who commit repeat or serious offenses. Communities will no longer be precluded from providing the guidance, attention, and assistance troubled youth require.

The release of information by DFYS occurs in two areas of dealing with a minor: 1) when a minor is informally adjusted - i.e. assigned consequences without going to court - and 2) during the formal court adjudication of delinquency. Approximately 75 - 85% of all minors who commit crimes are informally adjusted by DFYS, and approximately 15 - 25% are petitioned to juvenile court.

This legislation provides for the disclosure of specific information to the public about a crime committed by a juvenile. The Department of Health and Social Services, Division of Youth and Family Services, shall release the name of the minor, the minor's parent(s), the action required of the minor, and the nature of the offense exclusive of information about the victim.

In the informal adjustment process, DFYS **shall** release the name of a minor if the minor has committed a prior offense and then commits a serious felony including:

- A) a crime against a person
- B) use of a deadly weapon
- C) arson
- D) a 2nd burglary, (or multiple burglaries)
- E) distribution of child pornography
- F) promoting prostitution
- G) delivering a controlled substance.

In the informal adjustment process, DFYS **may** release the name of a minor if:

The minor fails to comply with the agreed restitution, rehabilitation or placement plan.

Sponsor Statement, HB 6 (JUD)
Page 2.

(b) For those cases where the department finds that the informal adjustment is inappropriate and determines it is necessary to **file a petition** to bring the minor before juvenile court for formal adjudication, the department releases information about the minor if:

1) The minor fails to comply with the agreed restitution, rehabilitation or placement plan.

2) The minor commits a serious felony including:

- A) a crime against a person
- B) use of a deadly weapon
- C) arson
- D) burglary
- E) distribution of child pornography
- F) promoting prostitution
- G) delivering a controlled substance.

or

3) The minor commits a second felony, and is 16 years of age or older.

(c) HB 6 also provides that the department shall disclose information about a dismissed case against a minor, or the minor was not found delinquent, if the minor requests the information be revealed. At present the department cannot release information about a minor's innocence.

- (d) (1) Disclosure of a temporary foster parent's name is precluded.
(2) Provides that the department may use electronic means to provide the disclosure - i.e. via a home page.

(e) Sets a limit of five years for the disclosure by the department, if the minor keeps a clean record.

(f) Allows the department to petition the court to stop disclosure. The court may stop an authorized disclosure if the court finds that it is an isolated incident and the minor does not present further danger to society, or if the victim agrees that disclosure is not desirable.

OPINION

Fairbanks Daily News-Miner, Sunday, April 6, 1997

Sam Bishop, Opinion Page Editor; 459-7574

FAIRBANKS

Daily News - Miner

"Independent in All Things . . . Neutral in None"

Established in 1903

CHARLES L. GRAY
Publisher Emeritus

PAUL J. MASSEY
Publisher

KELLY BOSTIAN
Managing Editor

SAM BISHOP
Editorial Page Editor

Moving crime's boundaries

In a well-meaning effort to give delinquent young people a chance to mend their ways before being branded "no good," our society closed down communication about who they were and what they were doing. We said "Punish them, but don't let us see it happen because we don't want that punishment to prejudice us against them."

For many years, police, courts, parole officers and jails were prohibited from saying anything about what they were doing in the cases of individual juveniles. With this approach, all of us as neighbors, schoolmates, teachers, friends and even family forfeited our ability to make informed judgments about whether a particular young person deserved a second chance or not. We replaced it with the blanket assumption that they did. Today, it's gotten a little hot under that blanket, so we're kicking a few corners off.

Rep. Pete Kelly's House Bill 6, in its current, much-amended form, would make the Division and Family Youth Services and courts reveal the names of minors being accused of and punished for certain crimes: arson, assault with a deadly weapon, burglary if it's the second arrest or more, distributing child pornography, promotion of prostitution, drug dealing and any other felony crime against another person.

The bill also says the state "may" release the name of a juvenile if the young person has failed to follow the terms of punishment for any earlier crime. The names of parents, guardians and long-term care-givers of accused minors also would be made public.

After five years, a person's record of crimes committed as a minor would be sealed, so long as the person has made all restitution payments and not committed any more felonies.

The bill isn't just about notifying the public of punishment, though. It specifically states that young people who are accused but not eventually punished for or convicted of any crime can have their innocence made public if they want. That would allow minors and their parents a way to stop rumors that might circulate given the presence of a system that, even if Kelly's bill passes, will operate largely in secret.

A parallel bill sponsored by Rep. Pete Kott, HB 3, would direct police agencies to release the names of minors arrested for the above list of crimes. Both HB 6 and HB 3 are in the House Rules Committee, the last step before a floor vote.

These bills continue to reflect our society's willingness to protect young people and their families from stigma associated with a few foolish mistakes. But they move the boundaries a little. Serious, harmful crimes or a pattern of lesser offenses by minors will no longer be kept secret. Whether that secrecy has contributed to escalating youth crime is a matter of conjecture. Certainly there are other causes that can't be denied. But these changes are worth trying in response to a more discouraging and frightening trend. The new laws should make young people and, perhaps more importantly, their families and friends think more seriously about the choices they are making.

State Responses to Serious and Violent Juvenile Crime

Research Report

Patricia Torbet
Richard Gable
Hunter Hurst IV
Imogene Montgomery
Linda Szymanski
Douglas Thomas

National Center for Juvenile Justice

U.S. Shay Bilchik, Administrator
Office of Juvenile Justice and Delinquency Prevention

July 1996

Chapter 5

Confidentiality of Juvenile Court Records and Proceedings

Trend: Traditional confidentiality provisions are being revised in favor of more open proceedings and records.

Along with the changes discussed in previous chapters—jurisdictional authority, sentencing, and correctional options—come significant changes in how the juvenile justice system treats information about juvenile offenders, and particularly serious and violent juvenile offenders.

Issues relating to confidentiality of juvenile court proceedings and their records have existed for decades. A system that rehabilitates and protects minors from the stigma of youthful indiscretions was not a problem when those indiscretions were of a minor nature. However, as juvenile crime became more serious, community protection and the public's right to know began to displace confidentiality as a bedrock principle.

Moreover, law enforcement, child welfare, schools, and other youth-serving agencies see the same subset of juveniles under juvenile court jurisdiction. Accordingly, the need to share information across systems is apparent. As a result, we have seen a concerted effort to promote information-sharing partnerships among juvenile courts, probation departments, law enforcement, prosecutors, schools, and youth-serving agencies (see Search Group, 1982; and Rapp, Stevens, and Clontz, 1989). The rationale for sharing information among system actors with a "need to know" is a better coordinated and more efficient service delivery system that avoids duplication of services and better utilizes shrinking resources.

The fundamental issue with respect to sharing juvenile records and opening proceedings is balancing the need to protect a juvenile's right to privacy with the need to assure the community's safety and provide needed services and supervision. Figure 7 illustrates the dynamic tension generated by trying to balance these competing positions.

Recently, significant activity has occurred among State legislatures with respect to confidentiality issues. Analysis of statutes enacted from 1992 through 1995 reveals several distinct trends in the disclosure, use, and destruction of juvenile records and the openness of juvenile court proceedings. These trends represent a definitive shift in the use and management of information, with notable impact on juvenile justice processing—particularly as it relates to juvenile records and proceedings.

Juvenile Court Proceedings

Traditionally, juvenile court proceedings have been informal and distinguished from the criminal court hearing by exclusion of the general public. The model Standard Juvenile Court Act of 1959 stated that:

The privacy of the hearing contributes to a casework relationship, and avoidance of the spectacle of a public criminal trial is especially advantageous in children's cases. This hearing should have the character of a conference, not of a trial. . . . The hearing is private, not secret. . . . the reference to persons who have "a direct interest in the work of the Court" includes newspaper reporters who should be permitted, indeed, encouraged to attend hearings, with the understanding that they will not disclose the names or other identifying data of the participants (NCCD, 1959).

One commentator reviewing the U.S. Supreme Court decisions on the matter of confidentiality suggested that "while the Court has required procedural reform which has resulted in a general tendency to equate a juvenile and a criminal procedure . . . it has continued to shield perhaps the most paternalistic of all the juvenile court's procedures [the public trial]" (Hurst, 1985). Another commentator

Figure 7

Opening Juvenile Court Records and Proceedings Generates Dynamic Tension



Protect the Juvenile	vs.	Protect the Community
Right to Privacy	vs.	Right to Know
Separate and Distinct Juvenile Justice System	vs.	One System for Criminal Justice

State Responses to Serious and Violent Juvenile Crime

noted that the U.S. Supreme Court has never proclaimed a constitutional right of confidentiality for alleged delinquents, and the trend in cases that have gone before the Court on this issue makes it unlikely that one will be crafted, despite the Court's long-time acceptance of confidentiality as a part of the juvenile justice rehabilitative model (Martin, 1995).

In response to the debate over confidentiality as a part of juvenile proceedings, the National Council of Juvenile and Family Court Judges (NCJFCJ) recently declared that:

Traditional notions of secrecy and confidentiality should be re-examined and relaxed to promote public confidence in the court's work. The public has a right to know how courts deal with children and families. The court should be open to the media, interested professionals and students and, when appropriate, the public, in order to hold itself accountable, educate others, and encourage greater community participation (NCJFCJ, 1995, p. 3).

Since 1992, State legislatures have increasingly called for a presumption of open proceedings and the release of juvenile offenders' names. (See figure 9 at the end of the chapter for a list of States that passed legislation from 1992 through 1995 addressing juvenile court records and proceedings.)

Public Juvenile Hearings

Many States passed laws that either open juvenile court hearings to the public generally or for specified violent or other serious crimes. In addition, some statutes set age restrictions. From 1992 through 1995, 10 States passed legislation that modified or created statutes that open juvenile proceedings (see figure 9). In all, 22 States require or permit open juvenile court hearings of cases involving either juveniles charged with violent or other serious offenses or juveniles who are repeat offenders (see figure 8).

Release/Publication of Juvenile's Name

While many States permitted access to juvenile court proceedings, many prohibited publishing a juvenile's name unless the juvenile was charged with a violent or other serious offense. However, since 1992 several States have passed legislation that gives the general public and/or media access to the name and address of a minor adjudicated delinquent for specified serious or violent crimes; in some cases, this also applies to repeat offenders. In all, 39 States now permit the release of a juvenile's name and/or picture to the media or general public under certain conditions.

Juvenile Court Records

There are two types of juvenile court records: legal and social. Legal records include court pleadings, complaints, motions, transcripts of testimony, findings, orders, decrees, and other information introduced and accepted as evidence. Social records typically include documents and reports received or prepared by the probation officer or other designated authority, which have been requested by a juvenile court inquiring into the past behavior, family background, and personality of an alleged or adjudicated juvenile delinquent (Vereb, 1980). These records track the outcomes of intake proceedings, preliminary hearings, detention hearings, arraignments, adjudication and disposition hearings, reviews, and social investigations as well as the juvenile's conduct and progress as to the court's orders. In addition to these court records, juveniles are the subjects of law enforcement records, including fingerprints, photographs, offense reports, and investigation reports. Juveniles are also the subjects of education records, records of psychological or psychiatric examinations, and medical records.

With respect to serious and violent juvenile offenders, State legislatures have made changes to juvenile court records in the following areas: access to or disclosure of information, use of information, and the sealing or expungement of records.

Disclosure of Juvenile Court Records

Formerly private, juvenile court records are increasingly available to a wide variety of people. The "need to know" argument requires proper disclosure of information among youth-serving agencies. Many States open juvenile court records to school officials or require that schools be notified when a juvenile is taken into custody for all crimes of violence or crimes in which a deadly weapon is used. Legislatures also require that victims be given notice of activities such as release, escape, or the setting of hearing dates. Some States lowered the age for which juvenile court records may be made publicly available. Descriptions of information-sharing statutes follow.

Information-Sharing Statutes in California, Florida, and Virginia

California

In 1995, the legislature reaffirmed its belief that juvenile court records, in general, should be confidential. However, they did provide for a limited exception to juvenile court record confidentiality to promote more effective communication among juvenile courts, law enforcement agencies, and schools to ensure rehabilitation of juvenile offenders

Police say youth slain in robbery try

By KAREN AHO
Staff Writer

Fairbanks Police say a teenager shot to death Wednesday was killed when he and another teen tried to rob a 42-year-old Hamilton Acres resident who had marijuana plants in his home.

The victim was identified as 17-year-old Rick Achman, a Lathrop High School student whose legal name was Richard Johnson.

Police said Achman and two other teens had been staking out the home at 535 Craig Ave. much of the day Wednesday in preparation for a burglary. Word on the street was that the man inside grew marijuana. Public Safety Director Mike Pulice said.

Achman first knocked on the door at 11 a.m. with another boy, asked for someone by name, then left in a blue Subaru wagon driven by a third boy, police said.

At 12:30 p.m., Achman knocked again, this time alone, and asked again for the person someone who apparently does not live there, police said. He left and drove away with two boys in the blue Subaru.

The resident, whose name police have not released, told police the activity made him suspicious, so he brought a loaded shotgun into the kitchen.

Shortly before 3 p.m., the resident told police. Achman knocked on the door a third time, this time with a second teen and a handgun. He said he and Achman struggled at the door for the gun and that Achman overpowered him, forced him inside and said they were there to steal his marijuana plants.

Once in the kitchen, the resident told police he grabbed the shotgun and fired once. Achman was shot in the chest, police said. His body was found outside by paramedics, a few feet from the front door, following a 2:57 p.m. call to police reporting the shooting.

Neighbors on both sides of the house who were home at the time told the News-Miner they didn't hear any shots. Police did not say what size shot was used.

No charges have been filed against the resident, and his name has not been released, because police said the district attorney's office is still reviewing possible homicide or drug charges.

District Attorney Harry Davis would not comment Thursday, saying through a secretary that the case was still under investigation. Police said they found eight marijuana plants inside the man's home.

The two other teens reportedly involved were interviewed by police Wednesday but were not in custody Thursday. Their names were not released because they are under 18, police said.

At Lathrop High School, two extra school district counselors were made available to students Thursday. Some youths who didn't know Achman were in tears, students said.

"Young people have this fearlessness about themselves," Principal Jim Holt said. "And when one of their peers is killed, in any manner... it's a shock to them."

Those who knew Achman best said his alleged behavior was uncharacteristic.

Achman may have smoked marijuana at times, but he had
See YOUTH, Page A-8

YOUTH: Robbery

Continued from Page A-1
never been seen with guns and certainly didn't talk about burglaries, friend Derek Garben said. Police said it appears the gun belonged to one of Achman's accomplices.

"He totally wasn't like what he did," said Garben, 18. "I'm completely amazed that he even thought about that."

But it wouldn't be inconceivable for Achman to agree to such a "stupid" idea, Garben said. Achman always liked to go along with the group, his friends said.

"I think it was just a spur of

the moment, 'Hey let's go do this,'" Garben said. "Ricky was totally into doing anything, just because he; he wanted to be a part of everything."

Achman was born in Oregon and attended Weller, University Park and Joy elementary schools and Tanana Middle School in Fairbanks. He was an all-star infielder in Little League baseball, where he played 11 years, and at age 12 went to California when Fairbanks won the state championship, said his mother, Deb Achman.

At age 13 he took up wrestling. He tried out, but did not make the wrestling team this year, in part because his grades weren't good enough, his mother said. She doesn't know how her son reached such an end.

"If I knew, it wouldn't have gotten to this point," she said. "All I know is, talk to your kids. You need to stay in touch with your kids."

"You take their hat off, you look into their eyes. You don't just let them walk in and go up to their room and listen to the stereo."

Between the tears, Achman is

"I hope all the other teenagers learn from this experience," she said.
"Ricky was not a bad kid, he was a confused teen-age boy. Ricky was under a lot of peer pressure, he was confused and he made a bad choice. And I want the message to go out to kids, don't make a bad choice."

trying to bring some good from her son's death.
She donated his cornea and some tissue from his leg for transplant. And she plans to speak out to young people and their parents about the dangers of drugs.

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94 Pages

Crime bill targets teen criminals

Names could be public record

By ALLEN BAKER
Associated Press Writer

ANCHORAGE—Homer Police Chief Dennis Oakland thinks his town ought to know about kids who commit serious crimes—including their names.

But teens caught up in the system say identifying them in the local paper will make it harder to turn their lives around. And they say public exposure of misdeeds could become a badge of courage, not a deterrent.

State Rep. Pete Kelly, R-Fairbanks, doesn't care what kids think. He's pushing a bill that would publish names of juveniles accused of serious crimes, along with their addresses and the names of their parents.

Identifying the serious offenders, says Oakland, "would certainly have an impact on the juveniles involved and the parents. I think it would show the individuals were being held accountable and culpable for their actions."

Experts dealing with young offenders agree that publishing names in serious cases is warranted. George Buhite, superintendent of the McLaughlin Youth Center in Anchorage, said the practice could deter the less-serious offenders. "But a good three-quarters of our kids wouldn't care," Buhite said.

Teen-age criminals agree.

"A lot of people commit major crimes to impress their friends," said one young resident at McLaughlin. Said another: "My friends are going to look up at me because I made the paper. It would make my friends laugh."

The teens say disclosure would make it tougher for those seeking to leave crime behind, adding to problems with teachers, parents, prospective employers.

But Kelly says his bill takes a different perspective.

"Look at it from the standpoint of the Wal-Mart manager. Do we, as a state, have the right to shield him from the information that a kid has done 10 burglaries?"

Still, Kelly thinks employers in Alaska communities will give their young people a second chance.

"The assumption that a community does not have the capacity for compassion is, I think, a false assumption," says Kelly.

"This bill is not about (juveniles who do) one dumb thing," he said. "It's about serious dumb things, dangerous dumb things: I think people need to know when you are breaking into someone's house with a 9 millimeter (gun)."

Participants at last year's Governor's Conference on Youth and Justice engaged in spirited debate before recommending some disclosure in juvenile crime cases.

CRIME

Continued from Page B-1
know who these kids are before we can offer help."

The administration and some juvenile justice experts, however, say that releasing youth criminal records has the potential to scar rather than scare children.

Assistant Attorney General Margo Knuth, testifying before the House committee, said the Knowles administration "generally agreed" with Kelly's bill but believed other solutions were more effective.

"Kids are impulsive, hormonally driven (and have) had impulse control," she said. "Basically they're crazy until they get to a certain point in life's experiences."

The administration, Knuth said, recommended using community resources to stem errant behavior—"something where you have eye-to-eye contact and restitution"—rather than allowing the media access to the names of young offenders. Kelly's proposal, House Bill 6, also makes public parents' names and would erase the child's record after five years without a criminal conviction.

Barbara Brink, director of the Alaska Public Defender Agency, warned that HB 6 risks ostracizing children who commit minor crimes. "Parents won't let their kids play with those kids," she testified from Anchorage during the teleconferenced hearing.

Knuth said employers will shy from offering jobs to teens with public records. A productive job can help turn around an offender's life, she said.

Despite the criticism, Kelly was pleased with the discussion. "I didn't come in with this bill carved in granite," he said. "It is a huge step, and we need to listen to what people have to think about it."

HB 6 moves next to the House Judiciary Committee, where Kelly is confident any disagreement with the administration will be smoothed out.

"We'll probably come out of the Judiciary Committee with a handshake agreement on the bill," he said.

Bill would open youths' crime cases to public 1/2A/97

By DOUGLAS FISCHER
Staff Writer

A House committee approved a proposal Tuesday to open juvenile crime cases to public scrutiny. Lawmakers said they are tired of seeing juveniles commit crimes with seeming impunity and hope the measure will increase aid available to troubled children.

The measure, sponsored by Rep. Pete Kelly, R-Fairbanks, would keep a minor's first misdemeanor confidential. But it would lift the cover of confidentiality for any subsequent crimes and any felony acts by children age 18 and under.

The proposal received mostly favorable review from lawmakers at a Tuesday hearing of the House Health, Education and Social Services Committee. It passed without objection.

"Society has been taking it on the chin for too long," said Rep. Joe Green, R-Anchorage and a committee member. "Why does society have to incur the problem and make the compromises for ... a small group of people who create the problem?"

Local residents testifying at the teleconferenced hearing spoke of their frustration with current laws. "Today we merely tap—not even slap—them on the hand," said Judy Schiffler.

Cloaking juvenile records harms kids' futures, Schiffler said, noting that children can freely commit crimes with no public awareness. Children, she added, would receive better help if churches, schools and the community knew of their misdeeds.

Added Kelly: "You've got to
See CRIME, Page B-2

DEPARTMENT OF HEALTH AND
SOCIAL SERVICES

DIVISION OF FAMILY AND YOUTH SERVICES

February 18, 1997

P.O. BOX 110633
JUNEAU, ALASKA 99811-0630
PHONE: 907 485 3173

The Honorable Joseph Green, Chair
House Judiciary Committee
Alaska House of Representatives
State Capitol
Juneau, AK 99801-1182

Dear Chairman Green:

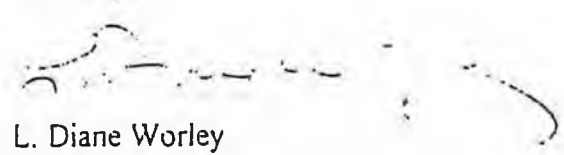
I welcome this opportunity to respond to some of the questions raised in your committee or in the subcommittee on HB 6, HCR 4, and HB 3. Several questions concerned fiscal notes, and I hope that the attachment will answer those questions.

Other questions raised were about what happens to a child's eligibility for IVE federal funds if the child moves from Family Services as a Child In Need Of Aid (CINA) to youth corrections as a delinquent and his or her name and other information is disclosed to the public. One question was about the child's status if they returned to the CINA system. The answer relates back to the source of the information. As long as the information disclosed does not come from the child welfare agency records, IVE funding is not jeopardized.

During a subcommittee hearing on HB 6, Representative Croft asked for the number of delinquency petitions filed but not adjudicated, and the number of times juveniles who were petitioned were determined "not guilty". According to our data, petitions were filed on 2,334 delinquency referrals in FY 96. Of those, 1,390 were adjudicated, with 149 held in abeyance. 511 were either dismissed, withdrawn or waived to adult court. We are not able to tell how many of those 511 were dismissed or withdrawn because the juvenile was found "not guilty" or whether there was insufficient evidence to support a finding of delinquency.

I hope that I have adequately addressed the questions raised by the members of your committee. If not, I would be happy to provide additional information if it is available.

Sincerely,



L. Diane Worley
Director

The table below summarizes the fiscal notes for DFYS components which will be impacted if HB 5 passes. The loss of federal IVE revenue will be caused by the disclosure of information from DFYS juvenile delinquency records because DFYS will not be able to claim those particular funds once information from those records is no longer confidential. The restructuring costs are related to the need to administratively separate the youth corrections programs from the child protection programs, including the associated costs, to prevent the additional loss of funds currently claimed for child protection clients

Total Costs due to Loss of IVE Revenue and Restructuring						
	IVE Revenue			Cost of	Total Cost	Total Cost
	Loss	PCN#	Position	Restructure	of Restructure	
Southeast:		06-3482	Delete Regional Admin.	(\$82,500.00)		
		new	SW V	\$73,800.00		
	\$44,200				(\$8,900.00)	\$35,400
Southcentral		06-3482	Delete Regional Admin.	(\$92,200.00)		
		new	SW V	\$73,800.00		
	\$157,500				(\$18,400.00)	\$139,100
Northern		06-3218	Delete Reg Admin.	(\$99,900.00)		
		06-3201	Delete SW V/Bethel	(\$91,100.00)		
		06-3089	Delete SW V/Nome	(\$98,300.00)		
		new	SW V / Fairbanks	\$77,100.00		
	\$113,800				(\$212,200.00)	(\$98,400)
Central Office		new	Admin Clerk II	\$37,300.00		
		new	CPS Admin Officer	\$83,300.00		
	\$30,000				\$120,600.00	\$200,600
Probation Serv.		new	Youth Supt. II	\$73,800.00		
		new	Chief Prob. Officer	\$83,900.00		
		new	3 Admin Clerk II	\$112,000.00		
		new	3 Admin. Assists.	\$138,600.00		
		new	Juvenile Prog. Off V	\$74,300.00	\$482,600.00	\$482,600
McLaughlin YC		06-3483	downgrade Supt. II	(\$24,100.00)	(\$24,100)	(\$24,100)
Foster Care	\$18,600					\$18,600
Residential Care	\$284,100					\$284,100
Total	\$698,200				\$339,700	\$1,037,900

Fiscal notes are developed on each bill as if that were the only bill to become law. There has been no attempt to duplicate costs across these bills but to accurately represent the cost associated by each bill on its own merits.

The fiscal notes for HG 6 reflect the costs for both the loss of funds and the restructuring because, standing alone, passage of this bill will result in both occurrences.

The fiscal note for HCR 4 currently reflects 0 fiscal impact because the original bill only addressed the separation of records. Since DFYS already maintains separate records for child protection cases and delinquency cases, the bill would have no impact since it does not mandate the disclosure of information. If the proposed CS is adopted, the department will submit a fiscal note reflecting only the cost of restructuring the Division of Family & Youth Services.

HB 3 carries a 0 fiscal note because the information to be disclosed does not come from DFYS records.

TONY KNOWLES, GOVERNOR

DEPARTMENT OF HEALTH AND
SOCIAL SERVICES

DIVISION OF FAMILY AND YOUTH SERVICES

P O BOX 110630
JUNEAU, ALASKA 99911-0630
PHONE: (907) 465-3170

March 18, 1997

The Honorable Gene Therriault, Chair
House Finance Committee
Alaska State House of Representatives
State Capitol
Juneau, Alaska 99801-1182

Re: HB 6, HCR 4

Dear Representative Therriault:

Several questions have been raised by members of your committee pertaining to the loss of federal funds anticipated with the passage of HB 6 and HCR 4. The questions include what percentage of minors in foster care who are eligible for IV-E funds are delinquents; how many delinquent youth in foster care would be impacted by HB 6, and whether the restructuring proposed by the Division of Family and Youth Services (DFYS) could be altered to separate delinquents affected by HB 6 to further minimize the loss of federal funds. With your patience, I believe that those questions can most easily be answered if I first provide some background regarding this federal program.

Title IV-E of the Social Security Act was preceded by the AFDC-Foster Care program which reimbursed states for foster care payments for children who were removed from AFDC homes. The reimbursement was based on the fact that the federal government would have paid for the child's care through AFDC and so should also share the costs with the state when the state provided foster care. Reimbursement was based on the state Medicaid reimbursement rate which is 50% for Alaska.

Congress then became concerned that too many children were being removed from their homes unnecessarily and then languished in foster care for years. Consequently, Congress enacted Title IV-E which retained the provisions for reimbursing states a percentage of costs expended to care for children from AFDC homes but added many new requirements intended to protect children from getting "lost" in the system. For example, states are required to make reasonable efforts to prevent removal of a child and are then required to make efforts to reunite the family. If that is not possible, states are required to make efforts to place the child in an alternate permanent placement such as an adoptive home.

states are required to make reasonable efforts to prevent removal of a child and are then required to make efforts to reunite the family. If that is not possible, states are required to make efforts to place the child in an alternate permanent placement such as an adoptive home.

Because Congress recognized that this law placed additional administrative burdens on states, the 50% reimbursement for out-of-home care (both foster care and residential care) costs for AFDC children was retained as "maintenance" federal financial participation (FFP) for children determined to be IV-E eligible, and a new method for claiming "administrative" costs was instituted.

Briefly, the administrative claim to receive the federal reimbursement for some of the additional work required by IV-E is determined by taking 1) the division's cost pool (composed of the salaries of staff providing the required services to clients--currently both social workers and probation officers-- with a portion of the support services provided by managers, state office, Commissioner's office, etc.), times 2) the percentage of staff time expended in "allowable activities" to provide the required services as determined by a monthly time study, times 3) the percentage of clients in out-of-home care who are IV-E eligible.

The division's administrative claim exceeds the maintenance reimbursement. For instance, the maintenance FFP for delinquents is estimated at \$302.7 and the administrative FFP at \$395.5 for FY 98.

In order for a child to be IV-E eligible and, therefore, qualified for maintenance payments and included in the administrative claim percentage, the child must be under the responsibility of the State IV-E agency which is currently the entire DFYS. One of 17 broad requirements that states must meet in order to qualify for any funds under Title IV-E is maintaining confidentiality of information regarding all children and youth under the responsibility of the IV-E agency.

Consequently, delinquents whose names and other information will be disclosed to the public must be removed from the responsibility of the IV-E agency. We have been told by staff from the US Department of Health and Human Services, Administration for Children and Families (ACF) that we need not completely separate services to delinquents from DFYS, requiring the establishment of an entire administrative structure, but may separate them administratively below the level of division director with separate administrators and budgets. The DFYS fiscal notes for HB 6 and HCR 4 outline our proposal for that restructuring.

Now I will attempt to address the questions that have been raised. I regret that I cannot tell you how many youth will be impacted by HB 6 because of the limitations of our current data system which do not allow accurate tracking from foster care placement records to the records containing the final charge for which a minor was adjudicated. However, a review of both our payment system and our client data system tells us that

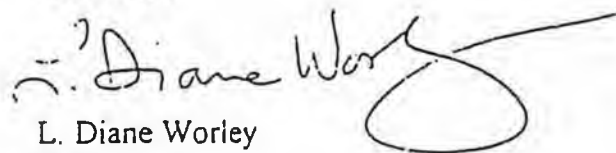
there were 156 delinquents in out-of-home care at the beginning of February, 1997, and that 45 delinquents, roughly 29%, who were in care during that month were IV-E eligible. We also found that 472 children in need of aid in out-of-home care were IV-E eligible, so IV-E delinquents comprised slightly less than 9% of the division's IV-E population for that month.

It has been suggested that, in order to reduce the projected \$700.0 loss in federal funds, we somehow separate juveniles who would be subject to public disclosure from those who commit offenses where disclosure is not required. Perhaps I should first clarify that we may not simply omit those youth from our claims but that disclosure of information on any client in the IV-E agency would make us ineligible to claim any IV-E funds. Youth subject to disclosure must be separated administratively from the IV-E agency.

That said, it is difficult for me to envision an administrative structure which would retain some delinquents in the IV-E agency and serve those who would be subject to HB 6 in a separate agency. All IV-E receipts are based on minors in out-of-home care and in the custody of the designated agency. Delinquents who are in custody and placement under DFYS are frequently the more serious offenders for whom disclosure of information is anticipated and who therefore could not be served by the IV-E agency, so it is doubtful that our savings in IV-E would offset the costs of trying to serve delinquent youth in two separate sections. Separating youth who commit disclosable offenses from those who do not would be extremely difficult administratively, and serving delinquents by two separate entities would require some duplication of the administrative structure so that each entity contained both probation officers and management staff which would increase the cost of restructuring.

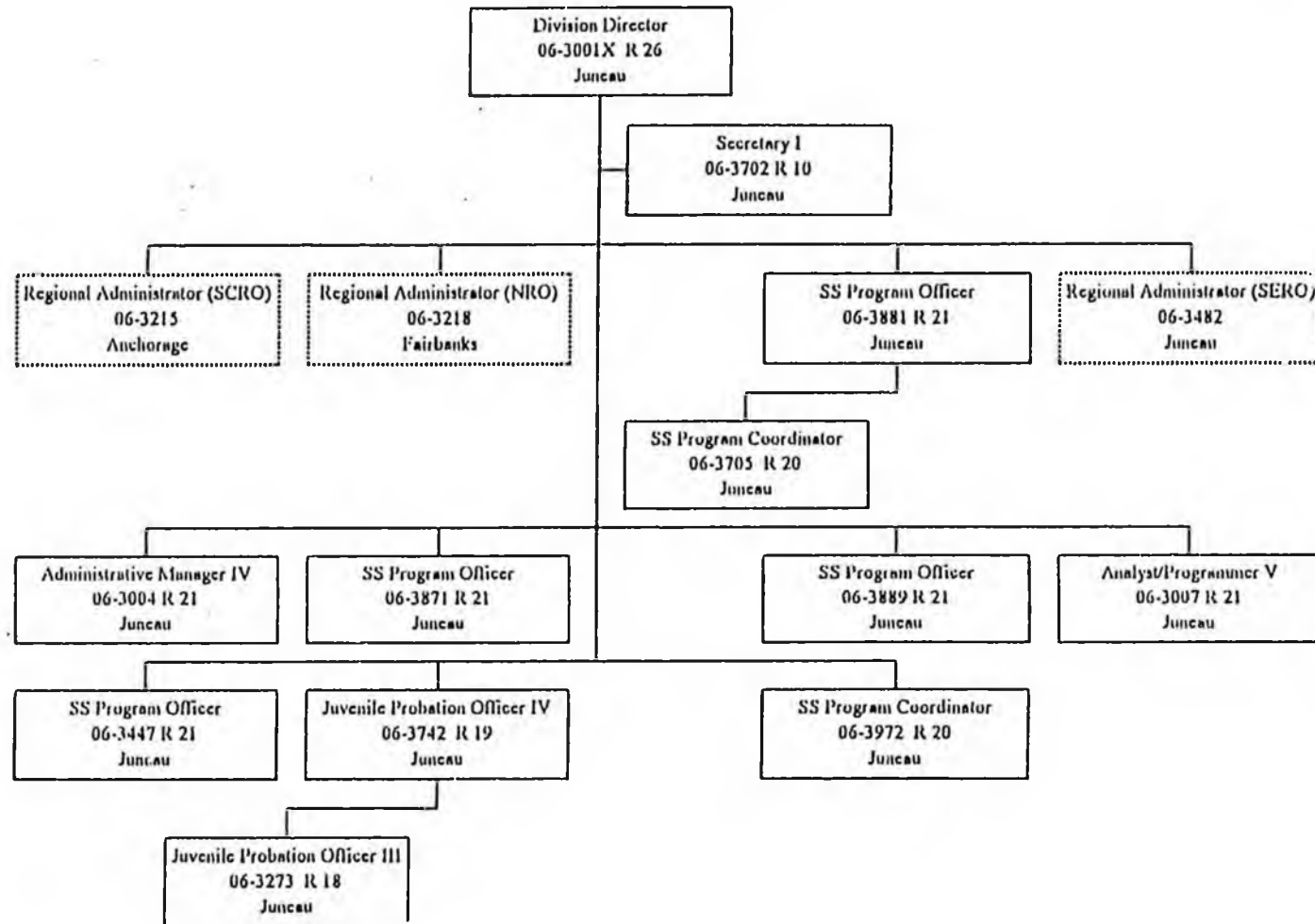
I am certainly open to considering any possibilities for reducing the loss of federal funds. I also welcome any additional questions the committee may have.

Sincerely,

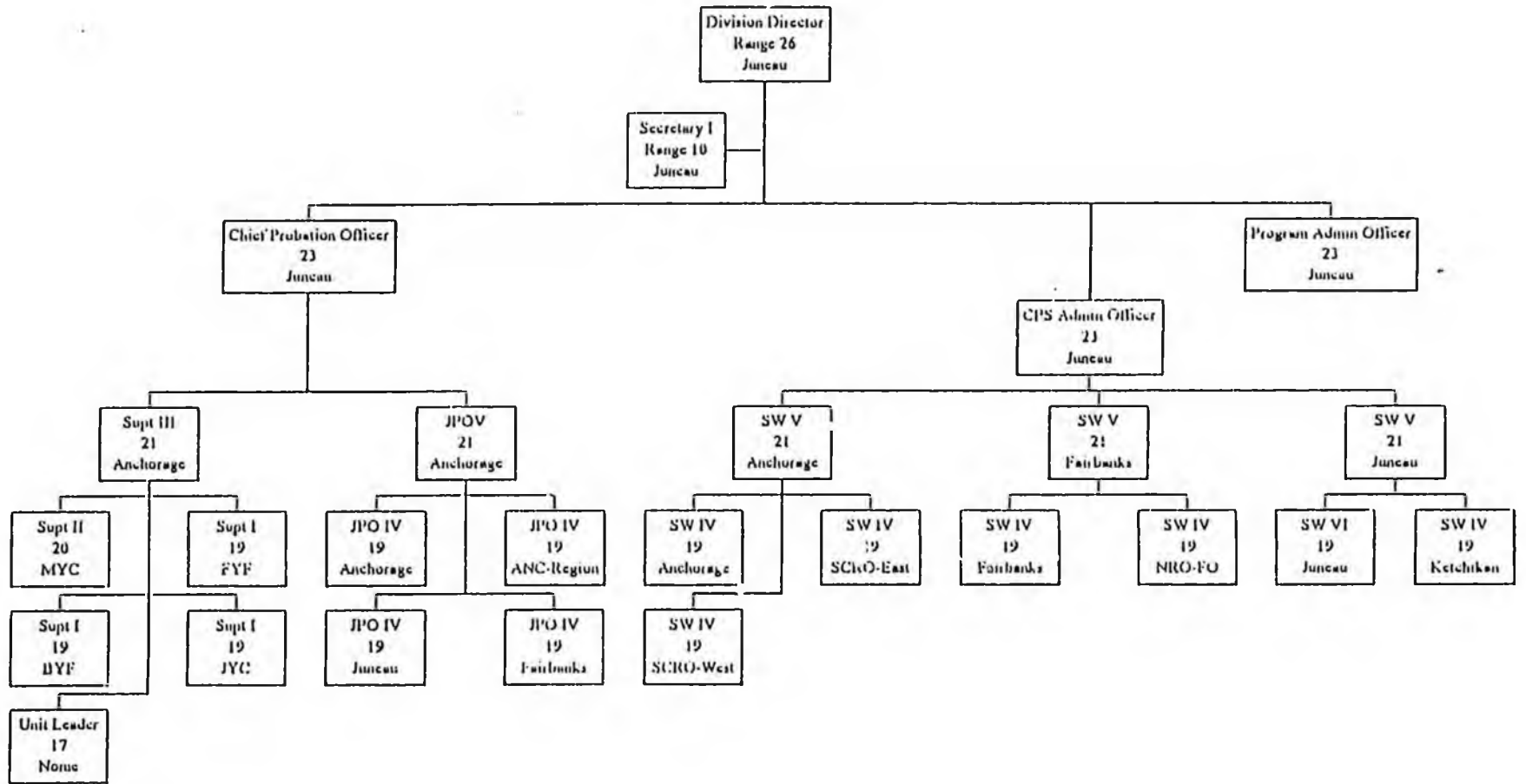
A handwritten signature in cursive script that reads "L. Diane Worley". The signature is written in dark ink and is positioned to the right of the typed name.

L. Diane Worley
Director

DEPARTMENT OF HEALTH & SOCIAL SERVICES
 Family & Youth Services BRU
 Central Office/ #259
 July 24, 1996



Department of Health and Social Services
 Division of Family and Youth Services



FISCAL NOTE

No. 19
 Bill Version: CSHB 6(JUD)
 (H) Publish Date: 2/21/97

STATE OF ALASKA
 1997 LEGISLATIVE SESSION

Revision Date: _____
 Title: Relating to the disclosure of information
relating to certain minors
 Sponsor: Representative Kelly
 Requestor: House (HES)

Dept. Affected: Health and Social Services
 BRU: Family & Youth Services
 Component: Probation Services
 COMPONENT SERIAL NO. 2134
 See also (SN#): 252,253,254,255,258,259,264

Expenditures/Revenues:

(Thousands of Dollars)

OPERATING	FY98	FY99	FY00	FY01	FY02	FY03
PERSONAL SERVICES	482.6	489.8	497.2	504.6	512.2	519.9
TRAVEL						
CONTRACTUAL						
SUPPLIES						
EQUIPMENT						
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
TOTAL OPERATING	482.6	489.8	497.2	504.6	512.2	519.9

CAPITAL EXPENDITURES						
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CHANGES IN REVENUES ()						
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FUND SOURCE

(Thousands of Dollars)

FUND SOURCE	FY98	FY99	FY00	FY01	FY02	FY03
1002 Federal Receipts						
1003 GF Match						
1004 GF	482.6	489.8	497.2	504.6	512.2	519.9
1005 GF/Program Receipts						
1037 GF/Mental Health						
Other (please specify)						
TOTAL	482.6	489.8	497.2	504.6	512.2	519.9

POSITIONS:

POSITIONS	FY98	FY99	FY00	FY01	FY02	FY03
FULL-TIME	9					
PART-TIME						
TEMPORARY						

Estimate of any current year (FY97) cost: \$0.0

ANALYSIS: (Attach a separate page if necessary)

The Division of Family and Youth Services currently receives approximately \$7.5 M in federal funds as reimbursement for foster care and administrative services provided to Children in Need of Aid (CINA) and Delinquents. Federal law prohibits disclosure of information regarding DFYS clients except in certain circumstances. In order to disclose information on juvenile offenders as described in this bill and still minimize the loss of federal funds, the division must revise the organizational and financial structure of the agency to clearly separate costs and services associated with juvenile offenders from those associated with CINA's and must discontinue claiming federal reimbursement for those costs and services. This restructuring will preserve the majority of federal receipts but will still result in some reductions which must be replaced by general funds. This fiscal note reflects the costs associated with that restructuring and the reduction in federal claims.

In addition to the ability to disclose information, the division will be able to improve the consistency, coordination, and quality of services provided to communities and offenders by more clearly focusing the leadership provided to the youth corrections section

Prepared by: L. Diane Worley, Director *L. Diane Worley* Phone: 465-3191
 Division: Division of Family & Youth Svcs Date: 02/10/97
 Approved by Commissioner: Karen Perdue, Commissioner *Karen Perdue* Date: 2/12/97
 Agency: Department of Health & Social Services

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Not Adopted

ANALYSIS (cont.):

Change in positions:

New position Youth Superintendent III Range 21	\$73.8
NEW Chief Probation Officer Range 23	\$83.9
New (3) Administrative Clerk II Range 8	\$112.0
New (3) Administrative Assistant I Range 13	\$138.6
New Juvenile Probation Officer V Range 21	\$74.3
Total*	\$482.6

* FY 99 through FY 03 figures include a 1.5% per year COLA.

FISCAL NOTE

STATE OF ALASKA
1997 LEGISLATIVE SESSION

No. 18
 Bill Version: CSHB 6 (JUD)
 (H) Publish Date: 2/21/97

Revision Date: _____
 Title: Relating to the disclosure of information
relating to certain minors
 Sponsor: Representative Kelly
 Requestor: House (HES)

Dept. Affected: Health and Social Services
 BRU: Family and Youth Services
 Component: Southeastern Region
 COMPONENT SERIAL NO. 258
 See also (SN#): 252,253,254,255,259,264,2134

Expenditures/Revenues:

(Thousands of Dollars)

OPERATING	FY98	FY99	FY00	FY01	FY02	FY03
PERSONAL SERVICES	(8.8)	(8.8)	(8.8)	(8.8)	(8.8)	(8.8)
TRAVEL						
CONTRACTUAL						
SUPPLIES						
EQUIPMENT						
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
TOTAL OPERATING	(8.8)	(8.8)	(8.8)	(8.8)	(8.8)	(8.8)

CAPITAL EXPENDITURES						
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CHANGES IN REVENUES ()						
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FUND SOURCE

(Thousands of Dollars)

FUND SOURCE	FY98	FY99	FY00	FY01	FY02	FY03
1002 Federal Receipts	(44.2)	(44.2)	(44.2)	(44.2)	(44.2)	(44.2)
1003 GF Match						
1004 GF	35.4	35.4	35.4	35.4	35.4	35.4
1005 GF/Program Receipts						
1037 GF/Mental Health						
Other (please specify)						
TOTAL	(8.8)	(8.8)	(8.8)	(8.8)	(8.8)	(8.8)

POSITIONS:

POSITIONS	FY98	FY99	FY00	FY01	FY02	FY03
FULL-TIME						
PART-TIME						
TEMPORARY						

Estimate of any current year (FY97) cost: \$0.0

ANALYSIS: (Attach a separate page if necessary)

The Division of Family and Youth Services currently receives approximately \$7.5 M in federal fund as reimbursement for foster care and administrative services provided to Children in Need of Aid (CINA) and Delinquents. Federal law prohibits disclosure of information regarding DFYS clients except in certain circumstances. In order to disclose information on juvenile offenders as described in this bill and still minimize the loss of federal funds, the division must revise the organizational and financial structure of the agency to clearly separate costs and services associated with juvenile offenders from those associated with CINA's and must discontinue claiming federal reimbursement for those costs and services. This restructuring will preserve the majority of federal receipts but will still result in some reductions which must be replaced by general funds. This fiscal note reflects the costs associated with that restructuring and the reduction in federal claims.

In addition to the ability to disclose information, the division will be able to improve the consistency, coordination, and quality of services provided to communities and offenders by more clearly focusing the leadership provided to the youth corrections section

Prepared by: L. Diane Worley, Director Phone: 465-3191
 Division: Family & Youth Services Date: 02/10/97
 Approved by Commissioner: Karen Perdue, Commissioner Date: 2/12/97
 Agency: Department of Health & Social Services

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ANALYSIS (cont.):

Loss of Federal Funds:	(\$44.2)
Change in positins:	
PCN 06-3482 Regional Administrator, Range 23 is deleted	(82.6)
New PCN Social Worker V, Range 21 is added	\$73.8
Total	(\$8.8)

FISCAL NOTE

STATE OF ALASKA
1997 LEGISLATIVE SESSION

No. 17
 Bill Version: CSHB 6(JUD)
 (H) Publish Date: 2/21/97

Revision Date: _____
 Title: Relating to the disclosure of information
relating to certain minors
 Sponsor: Representative Kelly
 Requestor: House (HES)

Dept. Affected: Health and Social Services
 BRU: Family and Youth Services
 Component: Southcentral Region
COMPONENT SERIAL NO. 254
 See also (SN#): 252,253,255,258,259,264,2134

Expenditures/Revenues:

(Thousands of Dollars)

OPERATING	FY98	FY99	FY00	FY01	FY02	FY03
PERSONAL SERVICES	(18.4)	(18.4)	(18.4)	(18.4)	(18.4)	(18.4)
TRAVEL						
CONTRACTUAL						
SUPPLIES						
EQUIPMENT						
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
TOTAL OPERATING	(18.4)	(18.4)	(18.4)	(18.4)	(18.4)	(18.4)

CAPITAL EXPENDITURES						
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CHANGES IN REVENUES ()						
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FUND SOURCE

(Thousands of Dollars)

FUND SOURCE	FY98	FY99	FY00	FY01	FY02	FY03
1002 Federal Receipts	(157.5)	(157.5)	(157.5)	(157.5)	(157.5)	(157.5)
1003 GF Match						
1004 GF	139.1	139.1	139.1	139.1	139.1	139.1
1005 GF/Program Receipts						
1037 GF/Mental Health						
Other (please specify)						
TOTAL	(18.4)	(18.4)	(18.4)	(18.4)	(18.4)	(18.4)

POSITIONS:

FULL-TIME						
PART-TIME						
TEMPORARY						

Estimate of any current year (FY97) cost: \$0.0

ANALYSIS: (Attach a separate page if necessary)

The Division of Family and Youth Services currently receives approximately \$7.5 M in federal funds as reimbursement for foster care and administrative services provided to Children in Need of Aid (CINA) and Delinquents. Federal law prohibits disclosure of information regarding DFYS clients except in certain circumstances. In order to disclose information on juvenile offenders as described in this bill and still minimize the loss of federal funds, the division must revise the organizational and financial structure of the agency to clearly separate costs and services associated with juvenile offenders from those associated with CINA's and must discontinue claiming federal reimbursement for those costs and services. This restructuring will preserve the majority of federal receipts but will still result in some reductions which must be replaced by general funds. This fiscal note reflects the costs associated with that restructuring and the reduction in federal claims.

In addition to the ability to disclose information, the division will be able to improve the consistency, coordination, and quality of services provided to communities and offenders by more clearly focusing the leadership provided to the youth corrections sector.



Prepared by: L. Diane Worley, Director
 Division: Family & Youth Services
 Approved by Commissioner: Karen Perdue, Commissioner
 Agency: Department of Health & Social Services

Phone: 465-3191
 Date: 02/10/97
 Date: 2/12/97

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ANALYSIS (cont.):

Loss of Federal Funds:	(\$157.5)
Change in positions:	
PCN 06-3482 Regional Administrator, Range 23 is deleted	(\$92.2)
New PCN Social Worker V, Range 21	\$73.8
Total	(\$18.4)

FISCAL NOTE

No. 16

STATE OF ALASKA
1997 LEGISLATIVE SESSION

Bill Version: CSHB 6(JUD)
(H) Publish Date: 2/21/97

Revision Date: _____
Title: Relating to the disclosure of information
relating to certain minors
Sponsor: Representative Kelly
Requestor: House (HES)

Dept. Affected: Health and Social Services
BRU: Family and Youth Services
Component: Northern Region
COMPONENT SERIAL NO. 255
See also (SN#): 252,253,254,258,259,264,2134.

Expenditures/Revenues: (Thousands of Dollars)

OPERATING	FY98	FY99	FY00	FY01	FY02	FY03
PERSONAL SERVICES	(212.2)	(212.2)	(212.2)	(212.2)	(212.2)	(212.2)
TRAVEL						
CONTRACTUAL						
SUPPLIES						
EQUIPMENT						
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
TOTAL OPERATING	(212.2)	(212.2)	(212.2)	(212.2)	(212.2)	(212.2)

CAPITAL EXPENDITURES						
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CHANGES IN REVENUES	()					
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FUND SOURCE (Thousands of Dollars)

	FY98	FY99	FY00	FY01	FY02	FY03
1002 Federal Receipts	(113.8)	(113.8)	(113.8)	(113.8)	(113.8)	(113.8)
1003 GF Match						
1004 GF	(98.4)	(98.4)	(98.4)	(98.4)	(98.4)	(98.4)
1005 GF/Program Receipts						
1037 GF/Mental Health						
Other (please specify)						
TOTAL	(212.2)	(212.2)	(212.2)	(212.2)	(212.2)	(212.2)

POSITIONS:

	FY98	FY99	FY00	FY01	FY02	FY03
FULL-TIME	-2					
PART-TIME						
TEMPORARY						

Estimate of any current year (FY97) cost: \$0.0

ANALYSIS: (Attach a separate page if necessary)

The Division of Family and Youth Services currently receives approximately \$7.5 M in federal funds as reimbursement for foster care and administrative services provided to Children in Need of Aid (CINA) and Delinquents. Federal law prohibits disclosure of information regarding DFYS clients except in certain circumstances. In order to disclose information on juvenile offenders as described in this bill and still minimize the loss of federal funds, the division must revise the organizational and financial structure of the agency to clearly separate costs and services associated with juvenile offenders from those associated with CINA's and must discontinue claiming federal reimbursement for those costs and services. This restructuring will preserve the majority of federal receipts but will still result in some reductions which must be replaced by general funds. This fiscal note reflects the costs associated with that restructuring and the reduction in federal claims.

In addition to the ability to disclose information, the division will be able to improve the consistency, coordination, and quality of services provided to communities and offenders by more clearly focusing the leadership provided to the youth corrections section

Prepared by: L. Diane Worley, Director Phone: 907 465-3191
 Division: Family & Youth Services Date: 02/10/97
 Approved by Commissioner: Karen Perdue, Commissioner Date: 2/12/97
 Agency: Department of Health & Social Services

ANALYSIS (cont.):

Loss of Federal Funds:	(\$113.8)
Change in positions:	
Delete Regional Administrator PCN 06-3218	(\$99.9)
Delete Social Worker V in Bethel PCN 06-3201	(\$91.1)
Delete Social Worker V in Nome PCN 06-3089	(\$98.3)
New PCN Social Worker V in Fairbanks	\$77.1
Total	(\$212.2)

FISCAL NOTE

No. 15
 Bill Version: CSHB 6(JUD)
 (H) Publish Date: 2/21/97

STATE OF ALASKA
 1997 LEGISLATIVE SESSION

Revision Date: _____
 Title: Relating to the disclosure of information
relating to certain minors
 Sponsor: Representative Kelly
 Requestor: House (HES)

Dept. Affected: Health and Social Services
 BRU: Family and Youth Services
 Component: DFYS Central Office
 COMPONENT SERIAL NO. 259
 See also (SN#): 252,253,255,258,264,2134

Expenditures/Revenues:

(Thousands of Dollars)

OPERATING	FY98	FY99	FY00	FY01	FY02	FY03
PERSONAL SERVICES	120.8	122.4	124.2	126.1	128.0	129.9
TRAVEL						
CONTRACTUAL						
SUPPLIES						
EQUIPMENT						
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
TOTAL OPERATING	120.6	122.4	124.2	126.1	128.0	129.9

CAPITAL EXPENDITURES						
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CHANGES IN REVENUES ()						
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FUND SOURCE

(Thousands of Dollars)

FUND SOURCE	FY98	FY99	FY00	FY01	FY02	FY03
1002 Federal Receipts	(80.0)	(80.0)	(80.0)	(80.0)	(80.0)	(80.0)
1003 GF Match						
1004 GF	200.8	202.4	204.2	206.1	208.0	209.9
1005 GF/Program Receipts						
1037 GF/Mental Health						
Other (please specify)						
TOTAL	120.6	122.4	124.2	126.1	128.0	129.9

POSITIONS:

POSITIONS	FY98	FY99	FY00	FY01	FY02	FY03
FULL-TIME	2					
PART-TIME						
TEMPORARY						

Estimate of any current year (FY97) cost: \$0.0

ANALYSIS: (Attach a separate page if necessary)

The Division of Family and Youth Services currently receives approximately \$7.5 M in federal funds as reimbursement for foster care and administrative services provided to Children in Need of Aid (CINA) and Delinquents. Federal law prohibits disclosure of information regarding DFYS clients except in certain circumstances. In order to disclose information on juvenile offenders as described in this bill and still minimize the loss of federal funds, the division must revise the organizational and financial structure of the agency to clearly separate costs and services associated with juvenile offenders from those associated with CINA's and must discontinue claiming federal reimbursement for those costs and services. This restructuring will preserve the majority of federal receipts but will still result in some reductions which must be replaced by general funds. This fiscal note reflects the costs associated with that restructuring and the reduction in federal claims.

In addition to the ability to disclose information, the division will be able to improve the consistency, coordination, and quality of services provided to communities and offenders by more clearly focusing the leadership provided to the youth corrections section

Prepared by: L. Diane Worley, Director
 Division: Family & Youth Services
 Approved by Commissioner: Karen Perdue, Commissioner
 Agency: Department of Health & Social Services

Phone: 465-3191
 Date: 02/10/97
 Date: 2/12/97

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ANALYSIS (cont.):

Loss of Federal Funds:	(\$80.0)
Change in positions:	
New PCN Administrative Clerk II Range 8	\$37.3
New PCN CPS (FS) Admin Officer Range 23	\$83.3
Total	\$120.6

FISCAL NOTE

No. 14

Bill Version: CSHB 6(JUD)

(H) Publish Date: 2/21/97

STATE OF ALASKA
1997 LEGISLATIVE SESSION

Revision Date: _____
 Title: Relating to the disclosure of information
 relating to certain minors
 Sponsor: Representative Kelly
 Requestor: House (HES)

Dept. Affected: Health and Social Services
 BRU: Family and Youth Services
 Component: Residential Child Care
 COMPONENT SERIAL NO. 253
 See also (SN#): 252,254,255,258,259,264,2134

Expenditures/Revenues:

(Thousands of Dollars)

OPERATING	FY98	FY99	FY00	FY01	FY02	FY03
PERSONAL SERVICES						
TRAVEL						
CONTRACTUAL						
SUPPLIES						
EQUIPMENT						
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
TOTAL OPERATING	0.0	0.0	0.0	0.0	0.0	0.0

CAPITAL EXPENDITURES						
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CHANGES IN REVENUES ()						
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FUND SOURCE

(Thousands of Dollars)

	FY98	FY99	FY00	FY01	FY02	FY03
1002 Federal Receipts	(284.1)	(284.1)	(284.1)	(284.1)	(284.1)	(284.1)
1003 GF Match						
1004 GF	284.1	284.1	284.1	284.1	284.1	284.1
1005 GF/Program Receipts						
1037 GF/Mental Health						
Other (please specify)						
TOTAL	0.0	0.0	0.0	0.0	0.0	0.0

POSITIONS:

FULL-TIME						
PART-TIME						
TEMPORARY						

Estimate of any current year (FY9') cost: \$0.0

ANALYSIS: (Attach a separate page if necessary)

The Division of Family and Youth Services currently receives approximately \$7.5 M in federal funds as reimbursement for foster care and administrative services provided to Children in Need of Aid (CINA) and Delinquents. Federal law prohibits disclosure of information regarding DFYS clients except in certain circumstances. In order to disclose information on juvenile offenders as described in this bill and still minimize the loss of federal funds, the division must revise the organizational and financial structure of the agency to clearly separate costs and services associated with juvenile offenders from those associated with CINA's and must discontinue claiming federal reimbursement for those costs and services. This restructuring will preserve the majority of federal receipts but will still result in some reductions which must be replaced by general funds. This fiscal note reflects the costs associated with that restructuring and the reduction in federal claims.

In addition to the ability to disclose information, the division will be able to improve the consistency, coordination, and quality of services provided to communities and offenders by more clearly focusing the leadership provided to the youth corrections section.
 Loss of Federal Funds: (\$284.1)

Prepared by: L. Diane Worley, Director Phone: 465-3191
 Division: Family & Youth Services Date: 02/10/97
 Approved by Commissioner: Karen Perdue, Commissioner Date: 2/12/97
 Agency: Department of Health & Social Services

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FISCAL NOTE

STATE OF ALASKA
1997 LEGISLATIVE SESSION

No. 13
 Bill Version: CSHB 6(JUD)
 (H) Publish Date: 2/21/97

Revision Date: _____
 Title: Relating to the disclosure of information
relating to certain minors
 Sponsor: Representative Kelly
 Requestor: House (HES)

Dept. Affected: Health and Social Services
 BRU: Family and Youth Services
 Component: Foster Care
 COMPONENT SERIAL NO. 252
 See also (SN#): 253,254,255,258,259,264,2134

Expenditures/Revenues:

(Thousands of Dollars)

OPERATING	FY98	FY99	FY00	FY01	FY02	FY03
PERSONAL SERVICES						
TRAVEL						
CONTRACTUAL						
SUPPLIES						
EQUIPMENT						
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
TOTAL OPERATING	0.0	0.0	0.0	0.0	0.0	0.0

CAPITAL EXPENDITURES						
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CHANGES IN REVENUES ()						
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FUND SOURCE

(Thousands of Dollars)

	FY98	FY99	FY00	FY01	FY02	FY03
1002 Federal Receipts	(18.6)	(18.6)	(18.6)	(18.6)	(18.6)	(18.6)
1003 GF Match						
1004 GF	18.6	18.6	18.6	18.6	18.6	18.6
1005 GF/Program Receipts						
1037 GF/Mental Health						
Other (please specify)						
TOTAL	0.0	0.0	0.0	0.0	0.0	0.0

POSITIONS:

	FY98	FY99	FY00	FY01	FY02	FY03
FULL-TIME						
PART-TIME						
TEMPORARY						

Estimate of any current year (FY97) cost: \$0.0

ANALYSIS: (Attach a separate page if necessary)

The Division of Family and Youth Services currently receives approximately \$7.5 M in federal funds as reimbursement for foster care and administrative services provided to Children in Need of Aid (CINA) and Delinquents. Federal law prohibits disclosure of information regarding DFYS clients except in certain circumstances. In order to disclose information on juvenile offenders as described in this bill and still minimize the loss of federal funds, the division must revise the organizational and financial structure of the agency to clearly separate costs and services associated with juvenile offenders from those associated with CINA's and must discontinue claiming federal reimbursement for those costs and services. This restructuring will preserve the majority of federal receipts but will still result in some reductions which must be replaced by general funds. This fiscal note reflects the costs associated with that restructuring and the reduction in federal claims.

In addition to the ability to disclose information, the division will be able to improve the consistency, coordination, and quality of services provided to communities and offenders by more clearly focusing the leadership provided to the youth corrections section

Loss of Federal Funds: (\$18.6)

Prepared by: L. Diane Worley, Director Phone: 465-3191
 Division: Family & Youth Services Date: 02/10/97

Approved by Commissioner: Karen Perrine, Commissioner Date: 2/12/97
 Agency: Department of Health & Social Services

FISCAL NOTE

STATE OF ALASKA
1997 LEGISLATIVE SESSION

No. 12
 Bill Version: CSHB 6(JUD)
 (H) Publish Date: 2/21/97

Revision Date: _____
 Title: Relating to the disclosure of information
relating to certain minors
 Sponsor: Representative Kelly
 Requestor: House (HES)

Dept. Affected: Health and Social Services
 BRU: Family and Youth Services
 Component: McLaughlin Youth Center
 COMPONENT SERIAL NO. 264
 See also (SN#): 252,253,254,255,258,259,2134

Expenditures/Revenues:

(Thousands of Dollars)

OPERATING	FY98	FY99	FY00	FY01	FY02	FY03
PERSONAL SERVICES			(24.1)	(24.1)	(24.1)	(24.1)
TRAVEL						
CONTRACTUAL						
SUPPLIES						
EQUIPMENT						
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
TOTAL OPERATING	0.0	0.0	(24.1)	(24.1)	(24.1)	(24.1)

CAPITAL EXPENDITURES						
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CHANGES IN REVENUES ()						
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FUND SOURCE

(Thousands of Dollars)

1002 Federal Receipts						
1003 GF Match						
1004 GF			(24.1)	(24.1)	(24.1)	(24.1)
1005 GF/Program Receipts						
1037 GF/Mental Health						
Other (please specify)						
TOTAL	0.0	0.0	(24.1)	(24.1)	(24.1)	(24.1)

POSITIONS:

FULL-TIME						
PART-TIME						
TEMPORARY						

Estimate of any current year (FY97) cost: \$0.0

ANALYSIS: (Attach a separate page if necessary)

The Division of Family and Youth Services currently receives approximately \$7.5 M in federal funds as reimbursement for foster care and administrative services provided to Children in Need of Aid (CINA) and Delinquents. Federal law prohibits disclosure of information regarding DFYS clients except in certain circumstances. In order to disclose information on juvenile offenders as described in this bill and still minimize the loss of federal funds, the division must revise the organizational and financial structure of the agency to clearly separate costs and services associated with juvenile offenders from those associated with CINA's and must discontinue claiming federal reimbursement for those costs and services. This restructuring will preserve the majority of federal receipts but will still result in some reductions which must be replaced by general funds. This fiscal note reflects the costs associated with that restructuring and the reduction in federal claims.

In addition to the ability to disclose information, the division will be able to improve the consistency, coordination, and quality of services provided to communities and offenders by more clearly focusing the leadership provided to the youth corrections section

Prepared by: L. Diane Worley, Director Phone: 465-3191
 Division: Family & Youth Services Date: 02/10/97
 Approved by Commissioner: Karen F. Erbe, Commissioner Date: 2/12/97
 Agency: Department of Health & Social Services

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ANALYSIS (cont.):

Change in position:

Superintendent; II PCN 06-3483 R 21 will be down graded to a R 20.

(\$93.5)

\$69.4

Total savings due to downgrade

(24.1)

HB 6
2/21/97

Submitted with Fiscal Notes
Numbers 12-19

The table below summarizes the fiscal notes for DFYS components which will be impacted if HB 6 passes. The loss of federal IVE revenue will be caused by the disclosure of information from DFYS juvenile delinquency records because DFYS will not be able to claim those particular funds once information from those records is no longer confidential. The restructuring costs are related to the need to administratively separate the youth corrections programs from the child protection programs, including the associated costs, to prevent the additional loss of funds currently claimed for child protection clients.

Total Costs due to Loss of IVE Revenue and Restructuring						
	IVE Revenue	PCN#	Position	Cost of	Total Cost	Total Cost
	Loss			Restructure	of Restructure	
Southeast		06-3482 new	Delete Regional Admin. SW V	(\$82,600.00) \$73,800.00		
	\$44,200				(\$8,800.00)	\$35,400
Southcentral		06-3482 new	Delete Regional Admin. SW V	(\$92,200.00) \$73,800.00		
	\$157,500				(\$18,400.00)	\$139,100
Northern		06-3218 06-3201 06-3089 new	Delete Reg. Admin. Delete SW V/Bethel Delete SW V/Nome SW V / Fairbanks	(\$99,900.00) (\$91,100.00) (\$98,300.00) \$77,100.00		
	\$113,800				(\$212,200.00)	(\$98,400)
Central Office		new new	Admin Clerk II CPS Admin Officer	\$37,300.00 \$83,300.00		
	\$80,000				\$120,600.00	\$200,600
Probation Serv.		new new new new new	Youth Supt. II Chief Prob. Officer 3 Admin Clerk II 3 Admin. Assts. Juvenile Prob. Off v	\$73,800.00 \$83,900.00 \$112,000.00 \$138,600.00 \$74,300.00		
					\$482,600.00	\$482,600
McLaughlin YC		06-3483	downgrade Supt. II	(\$24,100.00)	(\$24,100)	(\$24,100)
Foster Care	\$18,600					\$18,600
Residential Care	\$284,100					\$284,100
Total	\$698,200				\$339,700	\$1,037,900

Fiscal notes are developed on each bill as if that were the only bill to become law. There has been no attempt to duplicate costs across these bills but to accurately represent the cost associated by each bill on its own merits.

The fiscal notes for HG 6 reflect the costs for both the loss of funds and the restructuring because, standing alone, passage of this bill will result in both occurrences.

The fiscal note for HCR 4 currently reflects 0 fiscal impact because the original bill only addressed the separation of records. Since DFYS already maintains separate records for child protection cases and delinquency cases, the bill would have no impact since it does not mandate the disclosure of information. If the proposed CS is adopted, the department will submit a fiscal note reflecting only the cost of restructuring the Division of Family & Youth Services.

HB 3 carries a 0 fiscal note because the information to be disclosed does not come from DFYS records.

FISCAL NOTE

No. 2
 Bill Version: CSHB 6 (HES)
 (H) Publish Date: 1/31/97

**STATE OF ALASKA
 1997 LEGISLATIVE SESSION**

Revision Date: _____ Dept. Affected: Department of Law
 Title: "An Act relating to the disclosure of information
 relating to certain minors."
 BRU: Criminal Division/Civil Division
 Sponsor: Representative Kelly Component: Criminal Division/General Legal Services
 Requester: House HESS Committee COMPONENT SERIAL NO. 2086/2087

Expenditures/Revenues

(Thousands of Dollars)

OPERATING EXPENDITURES	FY 98	FY 99	FY 00	FY 01	FY 02	FY 03
PERSONAL SERVICES						
TRAVEL						
CONTRACTUAL						
SUPPLIES						
EQUIPMENT						
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
TOTAL OPERATING	0.0	0.0	0.0	0.0	0.0	0.0

CAPITAL EXPENDITURES						
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CHANGE IN REVENUES ()						
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FUND SOURCE

(Thousands of Dollars)

FUND SOURCE	FY 98	FY 99	FY 00	FY 01	FY 02	FY 03
1002 Federal Receipts						
1003 GF Match						
1004 GF						
1005 GF/Program Receipts						
1006 GF/MHTIA						
Other						
TOTAL	0.0	0.0	0.0	0.0	0.0	0.0

Estimate of any current year (FY97) cost: \$ 0.0

POSITIONS

POSITIONS	FY 98	FY 99	FY 00	FY 01	FY 02	FY 03
FULL-TIME	0.0	0.0	0.0	0.0	0.0	0.0
PART-TIME						
TEMPORARY						

ANALYSIS: (Attach a separate page if necessary)

This bill amends Article 2 of AS 47.12, relating to information and records concerning delinquent minors. The bill would require public disclosure of information pertaining to a juvenile offender if the offense is a felony, or a misdemeanor and the minor has previously been arrested or adjudicated a delinquent based on the minor's previous commission of an offense that was, at the time of its commission, punishable as a felony or as a misdemeanor. The bill would also permit disclosure of the arrest record of a minor to school officials, and to a teacher employed in a school; and, information about the arrest of a minor or an investigation of a case involving a minor to a victim and the victim's insurance company. The bill would permit a parent or legal guardian of a minor subject to AS 47.12 to disclose to the public confidential and privileged information about the minor.

Passage of this legislation would have no fiscal impact on the Department of Law.

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 Approved by Commissioner: Bruce M. Botelho, Attorney General
 Agency: Department of Law

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 Date: 1/24/97
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