

ALASKA LEGISLATURE

1665

HOUSE and SENATE FINANCE COMMITTEE FILES, 1997-1998

HB 116 Analysis:

The provisions of this bill apply to workers' compensation self insured groups. Under this bill the Division of Insurance would issue a certificate of approval to those persons who qualify for self-insurance coverage. Security from the self insurers would be deposited with the Division of Insurance and assigned to the Workers' Compensation Division to hold in trust, collect and transmit accruing interest to the depositor, and keep the Division of Insurance apprised of individual or group status changes within the self insured group.

A new position would be required to track all securities assigned; establish individual trust; monitor interest accrued and disbursed to the depositor; prepare form letters of status change; and keep the Division of Insurance apprised of any status changes within the self-insured groups.

One staff month of programming time will be required to develop computerized programs to interface with the Division of Insurance and to track self insurer and individual changes within each self insurance group.

Line 100 Personal Services

1 Administrative Clerk III

Salary & Benefits \$37.4

Line 300 Contractual Services

DP Programming (FY98 one time) 5.0

Postage 0.5

DP Operations 0.4

Printing form letters 0.2

\$6.1

Line 500 Equipment

(One time set up costs)

Computer 3.5

Office Furniture 1.5

5.0

Total \$48.5

POSITION INFORMATION HAS BEEN UPDATED

02/14/97	Position Information Inquiry/Update	Prior	11:52:11
		Yr Actual	Budgeted
Position: New Position	Project: 0____	Salary: 23,953	25,480.56
Comp: 07-06-07-10-01-00	Region: _	Benefits: 9,756	11,917.56
Scenario: 1 FY: 98	COLA %: 1.500	Total: 33,709	37,398.12

 Actuals from Payroll (Status: FILLED) FLSA: N | Retirement Code: A

A | Step: A for 12.0 months & Step: B for _0.0 months (total: 12.00)
 97/05/16 | Merit Date; use merit defaults? N (10.5 @ B & 1.5 @ C)
 2 | Class/Sched Prefix: 2 Schedule: 2A (actual: 2A)
 GG | Bargaining Unit: GG Range: 10 (actual: 10)
 EBA ? | Location Code: AWA Place: JUNEAU
 P1135 | Job Class Code: P1135 Title: ADMINISTRATIVE CLERK III_____
 F | Seasonal Indic.: F Type: FACL - FULL TIME / OMB AUTH

 Optional Override Salary Rates:

Monthly Rate: 0.00____ for _0.0 months & rate of 0.00____ for _0.0 months
 Hourly Rate: 0.00____ for _0.0 months Frozen at this rate? (Y/N): N

Press ENTER to update record; enter # or use PF key to go to another screen:
 1=Premium pay info 2=Funding info 4=Code Translations 6=Calculations
 8=Detail Report 12=Exit w/o update Selection: 0_

HB

116

SFIN

FILE

SENATE FINANCE COMMITTEE REPORT

DATE: 4/16/98

FURTHER:

DATE TURNED
IN TO OFFICE: 9 May 1998

Finance Committee considered CS FOR HOUSE BILL NO. 116(FIN)

"An Act relating to workers' compensation self-insurance."

and recommends:

- be replaced with 5 CS CS HB 116 (FIN)
- adopt previous CS Forthcoming ()
- attached amendment(s) CS
- adopt Letter of Intent by
- further referral to the

Senate Bill:

- same title
- new title
- House Bill:**
- same title
- technical title
- new: SCR#

SIGNING DO/PASS	DP	OTHER RECOMMENDATIONS	NR	DNP	AM
<i>John Logan</i>	✓	<i>Do Pass It</i>			✓
<i>Dee Donley</i>	✓	<i>Sean Prussell</i>	X		
		<i>Al Adams</i>	X		
Co-Chair: <i>Pearce</i>	✓	Co-Chair: <i>[Signature]</i>			
Co-Chair: <i>[Signature]</i>		Co-Chair: <i>[Signature]</i>			✓

NEW FISCAL NOTE(S):

Department	Date	Zero	Fiscal
<i>fiscal note</i>			
<i>forthcoming</i>			
<i>Div. of Ins.</i>			
<i>(not zero)</i>			

PREVIOUS FISCAL NOTE(S):*

Department	Date	Zero	Fiscal
<i>Labor, Workers Comp</i>	<i>4/11/98</i>		<i>49.5</i>

APPROPRIATION -- no fiscal note

*include fiscal notes accompanying Governor's bill

FISCAL NOTE

No. 4
 Bill Version: SCS (SHB 116) (Lec)
 (S) Publish Date: 3-18-98

**STATE OF ALASKA
1998 LEGISLATIVE SESSION**

Revision Date (Note if correction): _____
 Title: Workers' Compensation Self Insurance Group
 Sponsor: Representative Kott
 Requestor: Senate JUD

Department Affected: Labor
 BRU: Workers' Compensation
 Component: Workers' Compensation

COMPONENT SERIAL NO. 344

EXPENDITURES/REVENUES:

(Thousands of Dollars)

OPERATING	FY 99	FY 00	FY 01	FY 02	FY 03	FY 04
PERSONAL SERVICES	37.5	37.5	37.5	37.5	37.5	37.5
TRAVEL						
CONTRACTUAL	7.0	1.1	1.1	1.1	1.1	1.1
SUPPLIES						
EQUIPMENT	5.0					
LAND & STRUCTURES						
GRANTS & CLAIMS						
MISCELLANEOUS						
TOTAL OPERATING	49.5	38.6	38.6	38.6	38.6	38.6

CAPITAL						
---------	--	--	--	--	--	--

CHANGE IN REVENUE FUND SOURCE #						
---------------------------------	--	--	--	--	--	--

FUNDING:

(Thousands of Dollars)

1002 Federal Receipts						
1003 GF Match						
1004 GF	49.5	38.6	38.6	38.6	38.6	38.6
1005 GF/Program Receipt						
1006 GF/MHTIA						
Other (Specify Type)						
TOTAL	49.5	38.6	38.6	38.6	38.6	38.6

POSITIONS:

FULL-TIME	1	1	1	1	1	1
PART-TIME						
TEMPORARY						

Estimate of current year (FY98) impact: \$ 0.0

ANALYSIS: (Attach a separate page if necessary)

This bill proposes amending AS 21 by adding chapter 47, "Workers' Compensation Self Insurance Groups". See attached for the impact to Workers' Compensation.

Prepared by: Paul Grossi, Director *Paul Grossi* Phone: 465-2790
 Division: Workers' Compensation Date: 3/11/98
 Approved by Commissioner: Tom Cashen, Commissioner *Tom Cashen*
 Agency: Department of Labor Date: 3/11/98

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SCS CSHB 116(L&C) Analysis:

The provisions of this bill applies to workers' compensation self insured groups. Under this bill the Division of Insurance would issue a certificate of approval to those persons who qualify for self-insurance coverage. Security from the self insurers would be deposited with the Division of Insurance and assigned to the Workers' Compensation Division to hold in trust, collect and transmit accruing interest to the depositor, and keep the Division of Insurance apprised of individual or group status changes within the self insured group.

A new position would be required to track all securities assigned; establish individual trust, monitor interest accrued and disbursed to the depositor, prepare form letters of status change and keep the Division of Insurance apprised of any status changes within the self insured groups.

One staff month of programming time will be required to develop computerized programs to interface with the Division of Insurance and to track self insurer and individual changes within each self insurance group.

The figures representing office furniture and equipment assume that some items may be available through Surplus Property at reduced costs.

Line 100 Personal Services

1 Administrative Clerk III	
Salary & Benefits	\$37.5

Line 300 Contractual Services

DP Programming (FY99 one time)	5.9
Postage	0.5
DP Operations	0.4
Printing form letters	<u>0.2</u>
	7.0

Line 500 Equipment

(One time set up costs)	
Computer	3.5
Office Furniture/Equipment	<u>1.5</u>
	5.0

Total	\$49.5
-------	--------

#4
WB116

01/30/98

Position Information Inquiry/Update

Prior 10:43:21
Yr Actual Budgeted

Position: 07-07#020	Project: 0	Salary: 0	0	26,268.00
Comp: 07-06-07-10-01-00	Region:	Benefits: 0	0	11,188.73
Scenario: 7 FY 99	COLA %: 0.000	Total: 0	0	37,456.73

Actuals not available (Status: UNKNOWN) FLSA: | Retirement Code: A

00/00/00	Step: B for 12.0 months & Step: C for 0.0 months (total: 12.00)
0	Merit Date; use merit defaults? N (0.0 @ & 0.0 @)
	Class/Sched Prefix: 2 Schedule: 2A (actual:)
	Bargaining Unit: GG Range: 10 (actual:)
	Location Code: AWA Place: JUNEAU
	Job Class Code: P1135 Title: ADMINISTRATIVE CLERK III
	Seasonal Indic.: F Type: -

Optional Override Salary Rates:

Monthly Rate: 0.00 for 0.0 months & rate of 0.00 for 0.0 months
 Hourly Rate: 0.00 for 0.0 months Frozen at this rate? (Y/N): N

Press ENTER to update record; enter # or use PF key to go to another screen:
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 7=MISC NEW POS DATA 8=Detail Report 12=Exit w/o update Selection: 0

FISCAL NOTE

5/9/98

STATE OF ALASKA
1998 LEGISLATIVE SESSION

No. 3
B Bill Version: SCB CSHB 116 (4C)
(S) Publish Date: 3-9-98

Revision Date (3/5/98) Dept. Affected Commerce & Economic Development
Title An Act relating to workers' compensation BRU Insurance
self-insurance Component Insurance
Sponsor Representative Kott
Requester Senate Labor and Commerce Component Serial No. 354

Expenditures/Revenues (Thousands of Dollars)

OPERATING EXPENDITURES	FY 99	FY 00	FY 01	FY 02	FY 03	FY 04
Personal Services	72.0	72.0	73.0	73.0	74.0	74.0
Travel	1.5	1.5	1.6	1.6	1.7	1.7
Contractual	2.0	2.0	2.1	2.1	2.2	2.2
Supplies	1.5	1.5	1.6	1.6	1.7	1.7
Equipment	5.0					
Land & Structures						
Grants & Claims						
Miscellaneous						
TOTAL OPERATING	82.0	77.0	78.3	78.3	79.6	79.6

CAPITAL EXPENDITURES						
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CHANGE IN REVENUES ()	0.0	(47.0)	(47.0)	(47.0)	(47.0)	(47.0)
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FUND SOURCE (Thousands of Dollars)

1002 Federal Receipts						
1003 GF Match						
1004 GF	66.2	56.7	58.0	58.0	59.3	59.3
1005 GF/Program Receipts	15.8	20.3	20.3	20.3	20.3	20.3
1037 GF/Mental Health						
Other (Specify Type)						
TOTAL	82.0	77.0	78.3	78.3	79.6	79.6

Estimate of any current year (FY98) cost: 0.0

POSITIONS

Full-time	1	1	1	1	1	1
Part-time						
Temporary						

ANALYSIS: (Attach a separate page if necessary)
The division estimates that 20 groups will be formed and pay application fees of \$2,500 in FY 99 . No annual continuation fees would be paid. Expenditures are based on the addition of one full time Financial Examiner II, with normal associated costs for equipment, supplies etc.

Prepared by Marianne K. Burke, Director Phone 465-2515
Division Insurance Date 3/5/98
Approved by Commissioner Deborah B. Sedwick Date 3/5/98
Agency Commerce and Economic Development

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HB 1110

SENATOR AL ADAMS - moved
Sen Adams object
AMENDMENT #2

4-2
Adopted
(Carmell, Donlog,
nag)

SENATE FINANCE
COMMITTEE

Amendment Number: 2

Bill Number: HB 1110

Sponsor: Adams Date: 5/8/98

Logged In By: J. Soltani

0-LS0463/Z

Page 2, following line 27, amend the existing language to read:

(1) a combined net worth of the group membership of at least \$1,000,000 evidenced by financial statements which have been audited by an independent Certified Public Accountant:

SENATE FINANCE
COMMITTEE

Amendment Number: 1
Bill Number: HB 116
Sponsor: Adams Date: 5/8/98
Logged In By: Q. Saltzman

HB 116

BY SENATOR AL ADAMS *move*
object Sen. Engstrom

AMENDMENT # 1
(Page 1)

FAIL 3-3-1
Adams, Phillips, Sharp
Lye-
Pearce absent

Amendments to Senate CS for CS for HB 116 version "Z"

Page 4, line 21

Replace semicolon after the word application with a period.

Page 4, line 22

Delete (3) and replace with "(e) The director may"

Page 4, line 23

Delete "shall" and replace with "may"

Lines 14-25 now read:

(d) The director shall

(1) evaluate the information provided by the application required to be filed under (a) of this section to assure that gaps in funding do not exist and that funds necessary to pay workers' compensation benefits will be available on a timely basis;

(2) act upon a completed application for a certificate of approval within 60 days; if, because of the number of applications, the director is unable to act upon an application within this period, the director may have an additional 60 days to act on the application[;].

~~[(3)]~~ (e) The director may issue to the group a certificate of approval upon finding that the proposed group has met all requirements, or the director shall issue an order refusing the certificate setting out reasons for refusal upon finding that the proposed group does not meet all requirements of this chapter.

Pages 8, lines 4 and 5

Option 1.

Delete the sentence "Upon request, the director shall allow a 60 day extension of the deadline described in this subsection."

Option 2.

Delete "shall and insert "may.

Line 5 reads: "director [SHALL] may allow a 60 day extension of the deadline described in this subsection."

BY SENATOR AL ADAMS

AMENDMENT # 1
(page 2)

Pages, lines 18 and 21
Delete "shall" and insert "may"

Lines 13-22 now read:

(e) A group shall be audited at least annually by an auditor acceptable to the director to verify proper classifications, experience rating, payroll, and rates. A report of the audit shall be filed with the director in a form acceptable to the director. A group or a member of a group may request a hearing on objections to the classifications. If the director determines that as a result of an improper classification a member's premium contribution is insufficient, the director [SHALL] may order the group to assess that member an amount equal to the deficiency. If the director determines that as a result of an improper classification a member's premium is excessive, the director [SHALL] may order the group to refund to the member the excess premium collected. The audit required under this subsection shall be at the expense of the group.

Page 10, line 31
Delete "shall" and insert "may"

Line 30 and 31 read:

If a group fails to assess its members or to otherwise make up a deficit within 60 days, the director [SHALL] may order the group to make up the deficit.

Page 11, line 6
Delete "shall" and insert "may"

Lines 6-8 read:

(e) In the event of the liquidation of a group, the director [SHALL] may levy an assessment upon its members in an amount the director determines to be necessary to discharge all liabilities of the group, including the reasonable cost of liquidation.

SENATE FINANCE
COMMITTEE

Amendment Number: 3

Bill Number: HR 116

Sponsor: Adams Date: 5/8/98

Logged In By: nsoltani

by SENATOR ADAMS

Amendment #3

HB 116

O-IS0463/Z

moved by Sen Adams
object Sen Torgerson
3-3 FAILED
(Parnell, Donley, Torgerson -
may)

Page 3, following line 20, amend the existing language to read:

(3) obtain specific and aggregate excess insurance in a form
^{amended and} and acceptable to the director, and by an insurance company
holding a valid Certificate of Authority issued by the State
of Alaska: this insurance shall be maintained at all times; the
director may establish minimum requirements for the amount
of specific and aggregate excess insurance based on size dif-
ferences among groups, types of employment, years in existence,
and other relevant factors, and may permit a group to meet this
requirement by placing in a designated depository, securities of
the type referred to in (2) of this subsection;

BY SENATOR KELLY

AMENDMENT #3

0-LS0463VZ

Page 3, following line 20, amend the existing language to read:

(3) ~~obtain evidence of the availability of specific and aggregate excess insurance in a form and, in an amount, acceptable to the director and by an insurance company holding a valid Certificate of Authority issued by the State of Alaska; this insurance shall be maintained at all times acceptable to the director;~~ the director may establish minimum requirements for the amount of specific and aggregate excess insurance based on size differences among groups, types of employment, years in existence, and other relevant factors, and may permit a group to meet this requirement by placing in a designated depository securities of the type referred to in (2) of this subsection;

SENATE FINANCE
COMMITTEE

Amendment Number: 4
Bill Number: HB 116
Sponsor: Adams Date: 5/8/98
Logged In By: gotlani

HB 116

BY SENATOR AL ADAMS

AMENDMENT # 4

moved by Sen. Adams
object Sen Sharp

FAILED 3-3-1

0-LS0463/Z

Page 5, following line 11, amend the existing language to read:

Sec.21.47.050. Examinations. The director may examine the affairs, transactions, accounts, records, and assets and liabilities of a group and its members as often as the director requires. The expense of an examination shall be assessed against the group in the same manner that an insurer is assessed for an examination.

x/B/1/b

by SENATOR ADAMS

Amendment #

5

SENATE FINANCE
COMMITTEE

O-IS0463/Z

Amendment Number: 5

Bill Number: HB 116

Sponsor: Adams Date: 5/8/98

Logged In By: Kottler

Page 4, at line 11, insert new language to read:

m
moved Sen Adams's
objection

(8) A self-insured group shall have and maintain surplus, in a form and manner acceptable to the director, equal to the greater of

FAIL 3-3-1
Dorley, Jackson
Parnell Nay
Peace absent

(A) \$750,000 or 75 percent of its first year's estimated annual standard premium, at the time a group makes its application for a certificate of approval, until January 1 of the first year following the issuance of its certificate of approval:

(B) \$800,000 or 80 percent of its next year's estimated annual standard premium as of January 1 of the second year following issuance of its certificate of approval:

(C) \$850,000 or 85 percent of its next year's estimated annual standard premium as of January 1 of the third year following the issuance of its certificate of approval:

(D) \$900,000 or 90 percent of its next year's estimated annual standard premium as of January 1 of the fourth year following the issuance of its certificate of approval:

(E) \$1,000,000 or 100 percent of its next year's estimated annual standard premium as of January 1 of the fifth year following the issuance of its certificate of approval.

0-LS0463VZ

Page 4, at line 11, insert new language to read:

(S) A self-insured group shall have and maintain surplus, in a form and manner acceptable to the director, equal to the greater of

~~(A) \$250,000 or 25 percent of its first year's estimated annual standard premium, at the time a group makes its application for a certificate of approval, until January 1 of the first year following the issuance of its certificate of approval;~~
^{# 750,000 75%}

~~(B) \$500,000 or 50 percent of its next year's estimated annual standard premium as of January 1 of the second year following issuance of its certificate of approval;~~
^{# 750,000 75%}

~~(C) \$750,000 or 75 percent of its next year's estimated annual standard premium as of January 1 of the third year following the issuance of its certificate of approval;~~

~~(D) \$1,000,000 or 100 percent of its next year's estimated annual standard premium as of January 1 of the fourth and each subsequent year following the issuance of its certificate of approval.~~
^{800,000 or 80%}

(D) 900,000 or 90%

(E) 1,000,000 or 100%

- a 750 - 75%
- b 800 80
- c 850 85
- d 900 90
- ~~e 950 95~~
- E 1,000,000 100%

HB

127

HFIN

FILE

HOUSE COMMITTEE REPORT

(11)

Date Referred to Committee: April 23, 1997

FURTHER REFERRALS:

Date of Committee Action: 5/2/97

The FINANCE Committee considered:

HB 127

HOUSE BILL NO. 127

FOSTER CARE REVIEW BOARD

"An Act relating to the citizen review board and panels for permanency planning for certain children in state custody; renaming the Citizens' Review Panel For Permanency Planning as the Citizens' Foster Care Review Board; extending the termination date of the Citizens' Foster Care Review Board; and providing for an effective date."

recommends it be replaced with the following committee substitute CS HB 127 (FIN) the same title a new title

additional referral to _____ Committee
 attached amendment(s)

ADOPTS: _____ Letter of Intent

ATTACHES NEW FISCAL NOTE(S): (Dept)


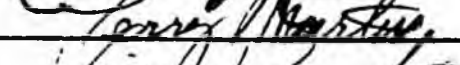

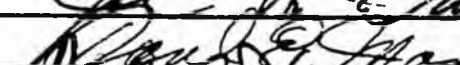
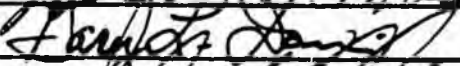


APPROVES PREVIOUS: (Dept/Date)

fiscal note(s) HFC

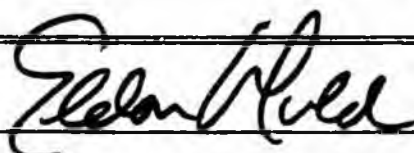
fiscal note(s) DOA 4/23/97

zero fiscal note(s)

zero fiscal note(s) DHSS 4/23/97

SIGNING WITH RECOMMENDATIONS	DP	DNP	NR	AM
	x			
	x			
	x			
			x	
			x	
	x			
	x			

Acting CHAIR'S SIGNATURE



MULDER

FISCAL NOTE

STATE OF ALASKA
1997 LEGISLATIVE SESSION

BILL NO. CSHB 127 (FIN)

Title: Related to the citizen review board & panels for
permanency planning for certain children in state custody

Sponsor: House HESS

Requestor: _____

Dept. Affected Administration

BRU: Central Admin. Services

Components: Citizen's Foster Care Review

Serial # 188^c

EXPENDITURES/REVENUES: (THOUSANDS OF DOLLARS)

OPERATING	FY 98	FY 99	FY 00	FY 01	FY 02	FY 03
Personal Services	45.0	68.0	68.0	68.0	68.0	68.0
Travel	5.0	15.0	15.0	15.0	15.0	15.0
Contractual	50.0	0.0	0.0	0.0	0.0	0.0
Supplies	4.0	4.0	4.0	4.0	4.0	4.0
Equipment	5.0	0.0	0.0	0.0	0.0	0.0
Land & Structures	0.0	0.0	0.0	0.0	0.0	0.0
Grants, Claims	50.0	200.0	400.0	400.0	400.0	400.0
Miscellaneous	0.0	0.0	0.0	0.0	0.0	0.0
TOTAL OPERATING	160.0	287.0	487.0	487.0	487.0	487.0

CAPITAL	0.0	0.0	0.0	0.0	0.0	0.0
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REVENUE	0.0	0.0	0.0	0.0	0.0	0.0
---------	-----	-----	-----	-----	-----	-----

FUNDING: (THOUSANDS OF DOLLARS)

General Fund	160.0	287.0	487.0	487.0	487.0	487.0
Federal Fund	0.0	0.0	0.0	0.0	0.0	0.0
Other	0.0	0.0	0.0	0.0	0.0	0.0
TOTAL	160.0	287.0	487.0	487.0	487.0	487.0

POSITIONS :

Full-Time	1	1	1	1	1	1
Part-Time	0	0	0	0	0	0
Temporary	0	0	0	0	0	0

ANALYSIS: (ATTACH A SEPARATE PAGE IF NECESSARY)

see attached analysis

Prepared by:

House Finance Committee

Rep. Mark Hanley, Co-Chair

Rep. Gene Therriault, Co-Chair

Date: 5/2/97

Phone: 465-4939

Phone: 465-4797

Fiscal Note

STATE OF ALASKA
1997 Legislative Session

Bill No. CS HB 127(FIN)

Updated Analysis (5/2/97)

Personal Services (45.0)

This money will fund a new program coordinator (range 20) for 9 months, totaling 51.2. It will also bring the existing Social Worker II position, which is currently funded at 10.5 months to a full 12 months, costing 6.0. An additional Administrative Clerk III (Range 10) has been funded for 9 months at a cost of 37.6. The funding level also assumes the elimination of the Social Worker IV position, with a cost savings of 49.8.

Travel (6.0)

Travel will fund one face to face board meeting the first year.

Contractual (50.0)

Contractual line will fund a one-time contract with an attorney to complete regulation writing and review and to prepare policies and procedures.

Supplies (4.0)

Equipment (5.0)

Grants (50.)

Grant funds are for grants to local nonprofit agencies to support the work of the local volunteers panels, to help panel members gather information about cases, arrange and coordinate case review hearing/witness notification, etc. Amount listed for FY 98 will fund the last quarter of FY 98 to bring Anchorage in full operation (remaining 2/3 of the reviews). In following years, additional money has been listed to cover the rest of the state.

CS FOR HOUSE BILL NO. 127()

IN THE LEGISLATURE OF THE STATE OF ALASKA

TWENTIETH LEGISLATURE - FIRST SESSION

BY

Offered:

Referred:

Sponsor(s): HOUSE HEALTH, EDUCATION AND SOCIAL SERVICES COMMITTEE

A BILL

FOR AN ACT ENTITLED

1 "An Act relating to the citizen review board and panels for permanency planning
2 for certain children in state custody; renaming the Citizens' Review Panel for
3 Permanency Planning as the Citizens' Foster Care Review Board; extending the
4 termination date of the Citizens' Foster Care Review Board; relating to disclosures
5 about certain minors; and providing for an effective date."

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

7 * Section 1. AS 44.66.010(17) is amended to read:

8 (17) Citizens' Foster Care Review Board [PANEL FOR
9 PERMANENCY PLANNING] under AS 47.14.200 - June 30, 2000 [1997];

10 * Sec. 2. AS 47.10.080(m) is amended to read:

11 (m) Within 60 days after the date a child is removed from the child's home
12 by the department, the department shall notify the Citizens Foster Care Review
13 Board [APPROPRIATE LOCAL CITIZEN OUT-OF-HOME CARE REVIEW

1 PANEL] established in AS 47.14.200 [UNDER AS 47.14.220].

2 * Sec. 3. AS 47.10.080(n) is amended to read:

3 (n) Within 60 days after a court orders a child committed to the department
4 under (c) of this section and at a review under (f) or (l) of this section, the department
5 shall inform the parties about the local [CITIZEN OUT-OF-HOME CARE] review
6 panel established under AS 47.14.220.

7 * Sec. 4. AS 47.10.093(b) is amended to read:

8 (b) A state or municipal agency or employee may disclose information
9 regarding a case to

10 (1) a guardian ad litem appointed by the court or to a citizen review
11 board or local review panel for permanency planning authorized by AS 47.14.200 or
12 47.14.220;

13 (2) a person or an agency requested to provide consultation or services
14 for a minor who is subject to the jurisdiction of the court under AS 47.10.010;

15 (3) school officials as may be necessary to enable the school to
16 provide appropriate counseling and support services to the minor who is the
17 subject of the case, to protect the safety of the minor who is the subject of the
18 case, and to protect the safety of school students and staff;

19 (4) a governmental agency as may be necessary to obtain that agency's
20 assistance for the department in its investigation or to obtain physical custody of a
21 child; and

22 (5) a state or municipal law enforcement agency as may be necessary
23 for a specific investigation being conducted by that agency or for disclosures by that
24 agency to protect the public safety.

25 * Sec. 5. AS 47.10.142(g) is amended to read:

26 (g) Within 60 days after a court orders a child committed to the department
27 under this section, the department shall inform the parties about the local [CITIZEN
28 OUT-OF-HOME CARE] review panel established under AS 47.14.220.

29 * Sec. 6. AS 47.12.120(h) is amended to read:

30 (h) Within 60 days after the date a minor is removed from the minor's home
31 by the department, the department shall notify the Citizens' Foster Care Review

1 **Board** [APPROPRIATE LOCAL CITIZEN OUT-OF-HOME CARE REVIEW
2 PANEL] established in AS 47.14.200 [UNDER AS 47.14.220].

3 * Sec. 7. AS 47.12.310(b) is amended to read:

4 (b) A state or municipal agency or employee may disclose information
5 regarding a case to

6 (1) a guardian ad litem appointed by the court or to a citizen review
7 board or local review panel for permanency planning authorized by AS 47.14.200 -
8 47.14.220;

9 (2) a person or an agency requested to provide consultation or services
10 for a minor who is subject to the jurisdiction of the court under this chapter;

11 (3) school officials as may be necessary to protect the safety of the
12 minor who is the subject of the case and the safety of school students and staff;

13 (4) a governmental agency as may be necessary to obtain that agency's
14 assistance for the department in its investigation or to obtain physical custody of a
15 minor;

16 (5) a state or municipal law enforcement agency as may be necessary
17 for a specific investigation being conducted by that agency or for disclosures by that
18 agency to protect the public safety; and

19 (6) a victim as may be necessary to inform the victim about the
20 disposition or resolution of a case involving a minor.

21 * Sec. 8. AS 47.14.200(a) is repealed and reenacted to read:

22 (a) There is created in the Department of Administration the Citizens' Foster
23 Care Review Board. The board consists of nine public members appointed by the
24 governor from among persons who have training, experience, special knowledge, or
25 a demonstrated interest in the welfare of children. An out-of-home care provider or
26 a person employed by the court system, the Department of Health and Social Services,
27 the office of public advocacy, the Public Defender Agency, or the Department of Law
28 may not serve as a public member of the board. The governor shall appoint at least
29 one public member from each judicial district and shall appoint persons who are
30 reasonably representative of the various social, economic, racial, ethnic, and cultural
31 groups of the judicial district from which the members are appointed. The governor

1 may not appoint a person who has committed a felony or violated AS 11.51.130 or a
2 law with substantially similar elements. The board also includes, as nonvoting
3 members, the following state officials or their designees:

4 (1) the commissioner of health and social services;

5 (2) the director of the office of public advocacy.

6 * Sec. 9. AS 47.14.200(b) is amended to read:

7 (b) Public [APPOINTED] members of the board [STATE PANEL] serve at
8 the pleasure of the governor for staggered terms of three years or until their successors
9 are appointed. These members may not serve more than two consecutive full terms,
10 except that they may be reappointed to one or two additional consecutive full
11 terms if they have been off the board for at least three years immediately
12 preceding the reappointment.

13 * Sec. 10. AS 47.14.200(c) is amended to read:

14 (c) The voting members of the board [STATE PANEL] shall elect from
15 among the voting members a chair who shall serve for one year. Five [THREE]
16 voting members of the board [STATE PANEL] constitute a quorum for the transaction
17 of business. The board [PANEL] may not take official action without the affirmative
18 vote of at least five [THREE] of its voting members.

19 * Sec. 11. AS 47.14.200(d) is amended to read:

20 (d) Members of the board [STATE PANEL] are entitled to reimbursement for
21 actual expenses necessary to perform their duties as board [STATE PANEL] members.
22 The reimbursement may not exceed the amount of per diem and travel expenses
23 authorized for boards and commissions under AS 39.20.180.

24 * Sec. 12. AS 47.14.200(e) is amended to read:

25 (e) The board [STATE PANEL] shall meet at least once [TWICE] annually.
26 Meetings may take place telephonically.

27 * Sec. 13. AS 47.14.200(f) is amended to read:

28 (f) The board [STATE PANEL] may employ a program coordinator who shall
29 serve at the pleasure of the board [STATE PANEL]. The program coordinator shall
30 employ staff as necessary to carry out the program coordinator's duties under board
31 [STATE PANEL] directives and to provide technical [CLERICAL] assistance to local

1 review panels. The board may delegate duties to the program coordinator as
2 necessary to assist the board in administering AS 47.14.200 - 47.14.299.

3 * Sec. 14. AS 47.14.210 is amended to read:

4 Sec. 47.14.210. Powers and duties [DUTIES] of the board [STATE
5 PANEL]. (a) The board [STATE PANEL] shall

6 (1) hold regular and special meetings the board considers
7 necessary;

8 (2) adopt regulations necessary [BY REGULATION ADOPT
9 POLICIES AND PROCEDURES] to carry out its duties and to govern the performance
10 of the duties of the local review panels established under AS 47.14.220; the
11 regulations must include provisions that

12 (A) ensure that reviews conducted by local review panels
13 meet the permanency planning review requirements for state compliance
14 with 42 U.S.C. 671 - 675;

15 (B) set priorities to be followed by local review panels so
16 that the cases that have the highest priority for review include cases that
17 involve children who are likely to be in out-of-home placement for longer
18 than 90 days, who have been in more than one out-of-home placement,
19 whose siblings have been in more than one out-of-home placement, or
20 whose parents' parental rights are likely to be terminated;

21 (C) establish procedures for expedited review of cases
22 described in (B) of this paragraph; and

23 (D) establish the minimum number of local review panel
24 members that must review a case and provide for the appointment of
25 substitute local review panel members to participate in the review of a case
26 when a member cannot be available due to an emergency;

27 (3) [(2)] ensure that the public members of the board and of the
28 local review panels [PANEL MEMBERS] receive the [MINIMUM] level of training
29 necessary to effectively carry out their duties, document in the board's records that
30 the public members of local review panels have completed the training, and
31 ensure that a public member of a local review panel does not review a case until

1 training has been received;

2 (4) [(3)] coordinate and review the activities of the local review panels;

3 (5) apply for private and federal grants and solicit contributions,

4 gifts, and bequests to administer and implement AS 47.14.200 - 47.14.299;

5 (6) award grants or contracts from available money to local

6 governmental or public or private nonprofit agencies to provide assistance to the

7 state board and local review panels, to support their activities, and to carry out

8 projects or studies related to improving the system for permanency needs of

9 children in state foster care;

10 (7) review and make recommendations to the department about the

11 department's regulations that govern out-of-home placement of children;

12 (8) use board staff to evaluate applicants for public members of

13 local review panels and to provide training to local review panel members [AND

14 MAKE RECOMMENDATIONS TO THE GOVERNOR ON APPOINTMENTS TO

15 THE LOCAL PANELS];

16 (9) [(4)] prepare a report annually, by the 10th day of each regular

17 session of the legislature, concerning the activities of the state board and the local

18 review panels during the previous fiscal year; the report must include the number of

19 cases reviewed by each local review panel, a description of the characteristics of the

20 children whose cases were reviewed by the local review panels, the number of

21 children reunited with their families, the number of children placed in other permanent

22 homes, systemic barriers to achieving permanency for children, and

23 recommendations and justifications for [PROGRAM] improvement in services and

24 programs provided to children, including recommendations relating to state agencies

25 and to the panel review system; the report may contain other information on the

26 experience of the local review panels; the board [STATE PANEL] shall ^{NOTIFY} provide the

27 governor and [NOTIFY] the legislature ~~with~~ [THAT] the report ~~[IS AVAILABLE]~~;

28 * Sec. 15. AS 47.14.210 is amended by adding a new subsection to read:

29 (b) The board may by regulation require the department to provide to the

30 board or to a local review panel aggregate data about the permanency planning system

31 and information about particular cases that is not required under AS 47.14.240. The

1 department shall provide the data and information requested under these regulations.

2 * Sec. 16. AS 47.14.220 is amended to read:

3 Sec. 47.14.220. Appointment of local review panels. (a) Except as
4 provided in regulations adopted under AS 47.14.210(a)(2)(D) relating to
5 substitutes, the board [THE GOVERNOR] shall appoint for each judicial district at
6 least [A LOCAL CITIZEN OUT-OF-HOME CARE REVIEW PANEL COMPOSED
7 OF] five persons available to serve as public members on local review panels [AND
8 TWO ALTERNATES] who are residents of the judicial district. Public members
9 [MEMBERS] shall serve staggered [THREE-YEAR] terms of three years or until
10 their successors are [EXCEPT THAT, WHEN A LOCAL PANEL IS INITIALLY]
11 appointed. Public members may not serve more than two consecutive full terms,
12 except that, after being off all panels for at least three years, a member may be
13 reappointed to one or two consecutive full terms [, TWO MEMBERS SHALL BE
14 APPOINTED FOR THREE-YEAR TERMS, TWO MEMBERS FOR TWO-YEAR
15 TERMS, AND ONE MEMBER FOR A ONE-YEAR TERM. ALTERNATES SHALL
16 BE APPOINTED TO THREE-YEAR TERMS].

17 (b) The board [GOVERNOR] shall appoint as public members [TO A
18 LOCAL PANEL] persons who have training, experience, special knowledge, or a
19 demonstrated interest in the welfare of children. An out-of-home care provider or a
20 person employed by the court system, the department, the office of public advocacy,
21 the Public Defender Agency, or the Department of Law may not serve as a public
22 member [OR ALTERNATE MEMBER] of a local review panel. The board
23 [GOVERNOR] may not appoint a person who has committed a felony or violated
24 AS 11.51.130 or a law with substantially similar elements.

25 (c) The public members [COMPOSITION] of a local review panel must be
26 reasonably representative of the various social, economic, racial, ethnic, and cultural
27 groups of the district from which the members are appointed.

28 (d) If the board [STATE PANEL] determines that additional public members
29 [LOCAL PANELS] are necessary in a judicial district because of excessively large or
30 complex caseloads for review or because of the demographics of cases [, OR
31 DETERMINES THAT A LOCAL PANEL IS NOT NECESSARY BECAUSE OF A

1 REDUCED CASELOAD], the board [GOVERNOR] may appoint additional public
2 members [CREATE OR DISSOLVE A LOCAL PANEL. THE GOVERNOR MAY
3 NOT REDUCE THE NUMBER OF PANELS IN A JUDICIAL DISTRICT TO
4 FEWER THAN ONE]. Appointments of public members [TO A PANEL
5 ESTABLISHED] under this subsection are governed by (a) - (c) of this section.
6 Public members serve on the panel at the pleasure of the board.

7 (e) When a person is appointed to serve as a public member on a local
8 review panel, the person shall swear or affirm in writing to keep confidential all
9 information that comes before the local review panel except for nonidentifying case
10 information included in a report to the state board [PANEL], information for reports
11 required under AS 47.17, or as required by court order for good cause shown. A
12 public member of a local review panel [MEMBER] may also share confidential
13 information, on a need to know basis, with other members of the local review panel,
14 the board, and the staff who serve the board or local review panel.

15 * Sec. 17. AS 47.14.230(a) is amended to read:

16 (a) A local review panel shall conduct its meetings in the judicial district in
17 which its public members reside.

18 * Sec. 18. AS 47.14.230(d) is amended to read:

19 (d) A public member of a local review panel [MEMBER] is not eligible for
20 travel expenses, per diem, or other expenses for service on the local review panel
21 unless the state board [PANEL] requires the public [A LOCAL PANEL] member to
22 travel to attend a meeting. If the state board [PANEL] requires a public member of
23 a local review panel [MEMBER] to travel to attend a meeting, the public [LOCAL
24 PANEL] member is entitled to reimbursement for actual expenses incurred by the
25 member in attending the meeting, except that the reimbursement may not exceed the
26 amount of per diem and travel expenses authorized for boards and commissions under
27 AS 39.20.180.

28 * Sec. 19. AS 47.14.240 is amended to read:

29 Sec. 47.14.240. Duties of local review panel. (a) A local review panel shall
30 review the case plan of each child in the custody of the department who is in a
31 placement other than the child's own home under AS 47.10.080(c)(1) or (3),

1 47.10.142, [AS 47.12.120(b)(3),] or AS 47.14.100(c) if the case is under the
2 jurisdiction of a court in the judicial district served by the local review panel. A local
3 review panel may request a local review panel in another judicial district to conduct
4 a review and make a report if that local review panel is more convenient for the child
5 and other persons involved.

6 (b) The local review panel shall review a case as required under 42 U.S.C. 671
7 - 675 (P.L. 96-272) within 90 [180] days after the day the child is initially removed
8 from the child's home for a case that is determined under the board's regulations
9 to be of highest priority and within 180 days after the child is initially removed
10 for other cases and every six months after the date of the first court hearing on the
11 child's case [THEREAFTER]. A court review may be substituted for a review
12 required under this subsection if the court review meets the requirements of this
13 subsection.

14 (c) At least 30 days before the local review panel [IT] begins a review, or
15 as soon as practicable, the local review panel or the state board shall provide
16 written notice to the following persons that a review will be conducted and that each
17 person notified may participate in the review:

- 18 (1) the appropriate employees of the department;
- 19 (2) the child or the child's legal representative;
- 20 (3) the child's parents;
- 21 (4) the child's guardian;
- 22 (5) the child's guardian ad litem;
- 23 (6) the child's out-of-home care provider; and
- 24 (7) if the case is governed by 25 U.S.C. 1901 - 1963 (Indian Child
25 Welfare Act),

26 (A) the child's Indian custodian; and

27 (B) the designated representative of the child's Indian tribe if
28 the tribe has intervened in the court case.

29 (d) In reviewing a case, the local review panel shall consider the case plan and
30 any progress report of the department or the child's guardian ad litem, court records,
31 and other relevant information about the child and the child's family. The local panel

1 shall [ALSO] provide to the following persons an opportunity to be interviewed by the
2 local review panel in person or by telephone or to provide written material to the local
3 review panel:

4 (1) the child whose case is being reviewed if the child is 10 years of
5 age or older;

6 (2) the parents, custodians, or other relatives of the child;

7 (3) the child's out-of-home care provider;

8 (4) the child's guardian;

9 (5) the child's guardian ad litem;

10 (6) the case worker or social worker assigned to the case;

11 (7) if the case is governed by 25 U.S.C. 1901 - 1963 (Indian Child
12 Welfare Act),

13 (A) the child's Indian custodian; and

14 (B) the designated representative of the child's Indian tribe if
15 the tribe has intervened in the court case; and

16 (8) other persons with a close personal knowledge of the case.

17 (e) At the discretion of the child's guardian ad litem, if the child whose case
18 is being reviewed is under 10 years of age, the child may be present at interviews
19 conducted under (d) of this section and during review by the local review panel [,] or
20 may be interviewed. At the child's request, a child who is 10 years of age or older
21 shall be allowed to be present at interviews or a review of the local review panel that
22 concerns the child's case unless the panel determines that for good cause the child's
23 presence would be contrary to the best interests of the child or there is other good
24 cause for denying the child's request.

25 (f) During a review under (a) of this section, a local review panel shall

26 (1) determine whether the child has a case plan designed to achieve
27 placement in the least restrictive, most family-like setting available in close proximity
28 to the home of the child's parents that is consistent with the best interests [OF] and
29 special needs and circumstances of the child;

30 (2) evaluate the continuing necessity and appropriateness of the child's
31 placement, the extent of the compliance with the child's case plan, and the extent of

1 progress that has been made toward mitigating the causes that necessitated placement
2 away from the child's parents;

3 (3) ascertain the date by which it is likely the child may be returned
4 to the home or placed for adoption or legal guardianship;

5 (4) determine whether there has been compliance with applicable
6 provisions of 25 U.S.C. 1901 - 1963 (Indian Child Welfare Act) and other applicable
7 state and federal laws; and

8 (5) determine whether there has been compliance with court review
9 requirements of AS 47.10.080(f) and (l) and [,] 47.10.142(h) [, AND AS 47.12.120(d)
10 AND (g)].

11 (g) The local review panel shall within 15 working [30] days after reviewing
12 the case submit a written report to the persons listed in (c) of this section.

13 (h) The report required under (g) of this section must make advisory
14 recommendations based on the best interests of the child in accordance with
15 AS 47.10.082 and must include notification of the right to request court review under
16 AS 47.10.080(f) [OR AS 47.12.120(d), AS APPROPRIATE]. If the court has
17 scheduled the case for review, the local review panel shall submit its report at least
18 20 days before the hearing.

19 (i) The local review panel shall report to the state board [PANEL] information
20 needed by the state board [PANEL] to prepare the report required under
21 AS 47.14.210.

22 * Sec. 20. AS 47.14.250 is amended to read:

23 **Sec. 47.14.250. Cooperation with state board and local review panels.** The
24 department, Department of Law, other departments of the executive branch, public
25 defender, office of public advocacy, and court system shall cooperate with the state
26 board [PANEL] and the local review panels to facilitate timely review of plans for
27 children whose cases are reviewed under AS 47.14.200 - 47.14.299. The duty of
28 executive branch agencies to cooperate under this section extends to the provision
29 of addresses and other information necessary for a local panel to locate a person
30 entitled to participate in a review under AS 47.14.240(c) or (d) if the addresses
31 and other information may be disclosed by the agency to the department for

1 conducting its child protection and child placement duties under this title
2 notwithstanding that providing the addresses or other information to entities
3 other than the department may be prohibited under other laws relating to those
4 agencies [THE JURISDICTION OF THE PANELS].

5 * Sec. 21. AS 47.14.250 is amended by adding a new subsection to read:

6 (b) The department shall cooperate and consult with the state board in the
7 development of departmental information systems relating to children in out-of-home
8 placements whose cases are subject to review by local review panels. The department
9 shall develop information systems that ensure that aggregate data and individual case
10 information needed by the state board and the local review panels for the performance
11 of their duties are readily available from all of the department's information systems.

12 * Sec. 22. AS 47.14.260 is amended to read:

13 **Sec. 47.14.260. Records: communications.** (a) Notwithstanding
14 AS 47.10.090 and [,] 47.10.093 [, AS 47.12.300, AND 47.12.310], at the request of
15 a local review panel, the department, a municipality, the child's guardian ad litem,
16 and the court shall furnish to the local review panel relevant records concerning a
17 child and the child's family who are the subjects of a local panel review. At the
18 conclusion of a review, all copies of records provided to a local review panel under
19 this section shall be returned to the staff that serves the local review panel or to the
20 agency from which the original copy was obtained unless the local review panel
21 members need the copies to prepare the reports required under AS 47.14.240(g) - (i).
22 Copies retained for preparation of the reports shall be returned to the staff that serves
23 the local review panel or to the originating agency upon completion of the reports.
24 Notwithstanding AS 44.62.310, records and reports of the local review panel,
25 testimony before the local review panel, and deliberations of the local review panel
26 are confidential under AS 47.10.090 [AND AS 47.12.310].

27 (b) A public member of a local review panel [MEMBER] may not reveal to
28 another person, other than another member of the local review panel or the staff
29 serving the local review panel, a communication made to the member while
30 performing the member's duties under AS 47.14.200 - 47.14.299 except as required
31 under AS 47.17 or as required by court order for good cause shown. A public

1 member of a local review panel [MEMBER] may share with the state board
2 [PANEL] communications made during the public [LOCAL PANEL] member's
3 performance of official duties if the public [LOCAL PANEL] member omits
4 identifying information.

5 (c) A local review panel proceeding is not governed by AS 44.62.310.

6 * Sec. 23. AS 47.14.270 is repealed and reenacted to read:

7 **Sec. 47.14.270. Court review of report.** (a) The local review panel shall
8 submit its final report to the court to aid the court in its review of temporary custody
9 orders issued under AS 47.10.142 and in its dispositional hearings and reviews under
10 AS 47.10.080 and 47.10.083.

11 (b) The court may refer to the board for assignment to a local review panel a
12 case called for a special review under AS 47.10.080(f), as appropriate.

13 * Sec. 24. AS 47.14.280 is amended to read:

14 **Sec. 47.14.280. Immunity** [INDEMNIFICATION] of board and panel
15 members and staff. A state board [PANEL] member, [AND] a local review panel
16 member, and a person serving as staff to the state board or a local review panel
17 shall be immune from [INDEMNIFIED BY THE STATE FOR] civil liability for a
18 negligent act or omission of the board or panel member or a person serving as staff
19 to the board or a local review panel that occurs in the performance of the member's
20 or person's duties under AS 47.14.200 - 47.14.299 unless the civil liability results
21 from the board or panel member's or other person's gross negligence or violation
22 of

23 (1) AS 47.14.260(b); or

24 (2) the oath or affirmation required under AS 47.14.220(e).

25 * Sec. 25. AS 47.14.299 is amended to read:

26 **Sec. 47.14.299. Definitions.** In AS 47.14.200 - 47.14.299,

27 (1) "board" means the state board;

28 (2) "department" means the Department of Health and Social

29 Services;

30 (3) [(1)] "local review panel" means a local [CITIZEN OUT-OF-
31 HOME CARE] review panel appointed under AS 47.14.220;

1 (4) [(2)] "out-of-home care provider" means an agency or person, other
2 than the child's legal parents, with whom a child who is in the custody of the state
3 under AS 47.10.080(c)(1) or (3), 47.10.142, [AS 47.12.120(b)(3),] or AS 47.14.100(c)
4 is currently placed; in this paragraph, "agency or person" includes a foster parent, a
5 relative other than a parent, a person who has petitioned for adoption of the child, and
6 a residential child care facility;

7 (5) "panel" means a local review panel;

8 (6) [(3)] "state board [PANEL]" means the Citizens' Foster Care
9 Review Board [PANEL FOR PERMANENCY PLANNING] established in [UNDER]
10 AS 47.14.200.

11 * Sec. 26. AS 47.14.230(b) and 47.14.230(c) are repealed.

12 * Sec. 27. This Act takes effect immediately under AS 01.10.070(c).

NO/OB1
amended
AMENDMENT 1

OFFERED IN THE HOUSE
TO: CSHB127(FIN)

BY REPRESENTATIVE THERRIault

Page 4, line 26

after "meetings"

delete "may"

insert "shall"

Page 4, line 26

after "telephonically"

insert "whenever practical"

and ^{may meet} By video conference

FISCAL NOTE

STATE OF ALASKA
1997 LEGISLATIVE SESSION

BILL NO. CSHB 127 (FIN)

Dept. Affected Administration
BRU: Central Admin. Services

Title: Related to the citizen review board & panels for
permanency planning for certain children in state custody
Sponsor: House HESS
Requestor: _____

Components: Citizen's Foster Care Review
Serial # 1888

EXPENDITURES/REVENUES: (THOUSANDS OF DOLLARS)

OPERATING	FY 98	FY 99	FY 00	FY 01	FY 02	FY 03
Personal Services	45.0	45.0	45.0	45.0	45.0	45.0
Travel	6.0	15.0	15.0	15.0	15.0	15.0
Contractual	50.0	0.0	0.0	0.0	0.0	0.0
Supplies	4.0	4.0	4.0	4.0	4.0	4.0
Equipment	5.0	0.0	0.0	0.0	0.0	0.0
Land & Structures	0.0	0.0	0.0	0.0	0.0	0.0
Grants, Claims	50.0	200.0	400.0	400.0	400.0	400.0
Miscellaneous	0.0	0.0	0.0	0.0	0.0	0.0
TOTAL OPERATING	160.0	264.0	464.0	464.0	464.0	464.0

CAPITAL	0.0	0.0	0.0	0.0	0.0	0.0
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REVENUE	0.0	0.0	0.0	0.0	0.0	0.0
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FUNDING: (THOUSANDS OF DOLLARS)

General Fund	160.0	264.0	464.0	464.0	464.0	464.0
Federal Fund	0.0	0.0	0.0	0.0	0.0	0.0
Other	0.0	0.0	0.0	0.0	0.0	0.0
TOTAL	160.0	264.0	464.0	464.0	464.0	464.0

POSITIONS :

Full-Time	1	1	1	1	1	1
Part-Time	0	0	0	0	0	0
Temporary	0	0	0	0	0	0

ANALYSIS: (ATTACH A SEPARATE PAGE IF NECESSARY)

see attached analysis

Prepared by: House Finance Committee Date: 5/2/97
Rep. Mark Hanley, Co-Chair Phone: 465-4939
Rep. Gene Therriault, Co-Chair Phone: 465-4797

Fiscal Note

STATE OF ALASKA
1997 Legislative Session

Bill No. CS HB 127(FIN)

Updated Analysis (5/2/97)

Personal Services (45.0)

This money will fund a new program coordinator (range 20) for 9 months, totaling 51.2. It will also bring the existing Social Worker II position, which is currently funded at 10.5 months to a full 12 months, costing 6.0. An additional Administrative Clerk III (Range 10) has been funded for 9 months at a cost of 37.6. The funding level also assumes the elimination of the Social Worker IV position, with a cost savings of 49.8.

Travel (6.0)

Travel will fund one face to face board meeting the first year.

Contractual (50.0)

Contractual line will fund a one-time contract with an attorney to complete regulation writing and review and to prepare policies and procedures.

Supplies (4.0)

Equipment (5.0)

Grants (50.)

Grant funds are for grants to local nonprofit agencies to support the work of the local volunteers panels, to help panel members gather information about cases, arrange and coordinate case review hearing/witness notification, etc. Amount listed for FY 98 will fund the last quarter of FY 98 to bring Anchorage in full operation (remaining 2/3 of the reviews). In following years, additional money has been listed to cover the rest of the state.

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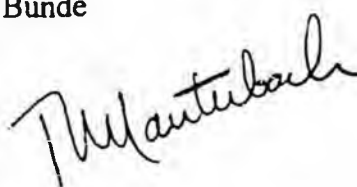
MEMORANDUM

April 22, 1997

SUBJECT: Disclosure of records to local panels (CSHB 127(HES), "H" version)

TO: Representative Con Bunde
Attn: Patti Swenson

FROM: Terri Lauterbach
Legislative Counsel



You have asked whether there need to be changes made in sec. 22 of the "H" version of HB 127 if the panels are to be able to receive both delinquency and CINA records, as you say they currently do.

Yes, given your goal, there need to be changes in sec. 22. The citations on page 12, lines 13 and 25, should all be restored, not deleted.

It will be slightly redundant to restore the citation to AS 47.12.310 on page 12, line 13, because sec. 7 of the CS already ensures receipt of agency records under AS 47.12.310, (so a "notwithstanding...AS 47.12.310" is unnecessary on page 12) but that redundancy is also in current law. To fend away any argument that the legislature meant for there to be a change from current law, the redundancy should also be restored.

Please let me know if I can be of further assistance.

TML:jdr
97-285.jdr

A M E N D M E N T |

OFFERED IN THE HOUSE

TO: CSHB 127(HES)

1 Page 12, line 11:

2 Delete "AS 47.10.090 and [,] 47.10.093 [, AS 47.12.300, and 47.12.310]"

3 Insert "AS 47.10.090, 47.10.093, AS 47.12.300, and 47.12.310"

4 Page 12, line 23:

5 Delete "[AND AS 47.12.310]"

6 Insert "and AS 47.12.310"

Alaska State Legislature

CHAIR
HOUSE HEALTH, EDUCATION
& SOCIAL SERVICES COMMITTEE

VICE-CHAIR
HOUSE JUDICIARY COMMITTEE

MEMBER
LEGISLATIVE BUDGET & AUDIT COMMITTEE
HOUSE SPECIAL COMMITTEE ON OIL & GAS
SELECT COMMITTEE ON LEGISLATIVE ETHICS



REPRESENTATIVE CON BUNDE

District 18

DURING SESSION
STATE CAPITOL, ROOM 104
JUNEAU, AK 99801-1182
(907) 465-4843 (800) 892-4843

DURING INTERIM
716 W. FOURTH AVE.
ANCHORAGE, AK 99501-2133
(907) 258-8168

E-MAIL
Representative_Con_Bunde@legis.state.ak.us

SPONSOR STATEMENT CSHB 127 (HESS)

" An Act relating to the Citizens' Review Board and panels for permanency planning for certain children in state custody; renaming the Citizens' Review Panel for Permanency Planning as the Citizens' Foster Care Review Board; relating to disclosures about certain minors; and providing for an effective date."

HB 127 changes existing state laws for the Citizens' Foster Care Review Panel because they are inadequate. The existing statutes don't give enough power to the local panels.

- They make foster care review panels look like a weak duplication of some Division of Family and Youth Services (DFYS) functions.
- They do not permit the local panel's recommendations to be placed into the court records for consideration in the disposition of a case.
- They do not require state departments to supply necessary aggregate data. Specific data is needed to measure the performance of the child protection system.
- They do not give local panels the authority to develop priorities for early reviews of the worst cases.
- They require the existing foster care review system to sunset on June 30, 1997.

HB 127 corrects the weaknesses in our current statutes and gives a strong independent voice to local review panels. This legislation will establish local review panels throughout the state that will advocate for children, their families and for needed changes in our child protection system.

The National Association for Foster Care Reviewers will guide the implementation of our program in Alaska. There are 26 states with active state review boards and foster care review panels. Those who have served on foster care review panels throughout the United States have found the effort worth their time. All state boards and local review panels share the same goal to decrease the amount of time children linger in out-of-home care. This legislation is needed by everyone who deals with our child protection system. I urge your positive consideration of CSHB 127 (HES).

NECESSARY CHANGES:

The reasons why

HB 127 changes existing state laws for the Citizens' Foster Care Review Panel because they are inadequate. The existing statutes don't give enough power to the local panels.

- They make foster care review panels look like a weak duplication of some Division of Family and Youth Services (DFYS) functions.
- They do not permit the local panel's recommendations to be placed into the court records for consideration in the disposition of a case.
- They do not require state departments to supply necessary aggregate data. Specific data is needed to measure the performance of the child protection system.
- They do not give local panels the authority to develop priorities for early reviews of the worst cases.
- They require the existing foster care review system to sunset on June 30, 1997.

HB 127 corrects the weaknesses in our current statutes. This legislation will give a strong independent voice to the Citizens' Foster Care Review Panels.

The existing statutes make foster care review panels look like a weak duplication of some DFYS functions.

Currently, DFYS does federally mandated Title IV-E reviews of eligible children in out-of-home care every 180 days. The review process allows DFYS to collect federal funds for eligible children. The local panel reviews the same children every 180 days. The two separate reviews are seen as duplicative, but in reality the hearings are very different.

The differences are noted:

- DFYS schedules reviews every 30 minutes; half of that time is used to finish paperwork.
- The Citizens' Foster Care Review Panel's reviews take from 30 minutes to more than an hour.

- DFYS reviews are completely internal.
- The Citizens' Foster Care Review Panel's reviews are external; volunteers who are objective and independent of the system perform review.

- DFYS reviews include one community member chosen from employees of the department.
- The Citizens' Foster Care Review Panel members are chosen from the local community and have no vested interest in the system.

- DFYS makes no special effort to locate interested parties.
- The Citizens' Foster Care Review Panel goes to great lengths to locate and obtain information from all parties in a case.

- DFYS reviews are used as an advocacy forum for parents and lawyers.
- The Citizens' Foster Care Review Panel obtains factual information by reading case files and interviewing all parties, then writes recommendations to change case plans.

- DFYS reviews often run ahead of schedule which allows them to complete more reviews than anticipated. The problem with an unanticipated review is, interested parties are not notified and are unable to attend, eg, GAL, CASA, PD, parents, foster parents, relatives.
- The Citizens' Foster Care Review Panel notifies all interested parties 30 days in advance of reviews, sends questionnaires, and confirms attendance of the participants.

The perception of duplicate functions makes it difficult for the Legislature to fund foster care review panels as a statewide program. HB 127 clearly gives the authority to the local review panels to do the Title IV-E reviews. The burden of doing reviews is taken away from DFYS and allows their staff more time to focus on higher-level work.

The existing statutes do not permit the recommendations of a local panel to be placed in the court records for consideration in the disposition of a case.

The Citizens' Foster Care Review Panel in Anchorage reviews more than 200 cases per year. The existing statutes do not give the local panels the ability to advocate for children in the court system. HB 127 authorizes the local panels to submit their recommendations to the court for consideration in the disposition of a case. This provision gives the local panels credibility in a system that has discounted and often ignored their recommendations.

The existing statutes do not require state departments to supply any type of aggregate data.

Local panels need the authority to collect data from various state offices. With such data, the panels could locate interested parties and notify them of scheduled hearings. Access to such data would also make it easier to identify what policies and practices are succeeding in reducing the amount of time a child spends in out-of-home care. HB 127 gives the state board and the local panels the authority to collect data on all cases and requires agencies to cooperate. The information gained through data collection will result in an objective independent overview of our state's child protection system. The data will also be an excellent tool for future improvements to our system.

The existing statutes do not give local panels the authority to develop priorities for early reviews of the worst cases.

The depth of the cases reviewed by a local panel varies. The state board needs the ability to develop priorities for hearing cases, so that the worst cases can be heard early, and others can be heard later. Existing statute sets the first date for a case review at 180 days after the child has been removed from the home. HB 127 moves the first hearing forward to 90 days and authorizes the state board to set priorities for cases that need expedited hearings. The earlier a case is reviewed, the better the chance of decreasing the time a child spends in out-of-home care, and the more state dollars we can save.

The existing foster care review system will sunset on June 30, 1997.

HB 127 extends the Foster Care Review Board to June 30, 2000. The extension will provide enough time to create a state board, expand the Anchorage panel and implement new local review panels in Fairbanks and in Southeast Alaska.

The National Association for Foster Care Reviewers guides the implementation of our program in Alaska. There are 26 states with active state review boards and foster care review panels. Those who have served on foster care review panels throughout the United States have found the effort worth their time. All state boards and local review panels share the same goal to decrease the amount of time children linger in out-of-home care. HB 127 corrects the inadequacies in our existing statutes. It will help our existing review panel function at a higher level and it will expand the use of local review panels throughout Alaska. This legislation is needed by everyone who deals with our child protection system. I urge your positive consideration of this legislation.

FISCAL NOTE

STATE OF ALASKA
1997 LEGISLATIVE SESSION

BILL NO. CSHB 127 (FIN)

Dept. Affected Administration

BRU: Central Admin. Services

Title: Related to the citizen review board & panels for permanency planning for certain children in state custody

Components: Citizen's Foster Care Review

Sponsor: House HESS

Serial # 1888

Requestor: _____

EXPENDITURES/REVENUES: (THOUSANDS OF DOLLARS)

OPERATING	FY 98	FY 99	FY 00	FY 01	FY 02	FY 03
Personal Services	45.0	68.0	68.0	68.0	68.0	68.0
Travel	6.0	15.0	15.0	15.0	15.0	15.0
Contractual	50.0	0.0	0.0	0.0	0.0	0.0
Supplies	4.0	4.0	4.0	4.0	4.0	4.0
Equipment	5.0	0.0	0.0	0.0	0.0	0.0
Land & Structures	0.0	0.0	0.0	0.0	0.0	0.0
Grants, Claims	50.0	200.0	400.0	400.0	400.0	400.0
Miscellaneous	0.0	0.0	0.0	0.0	0.0	0.0
TOTAL OPERATING	160.0	287.0	487.0	487.0	487.0	487.0

CAPITAL	0.0	0.0	0.0	0.0	0.0	0.0
---------	-----	-----	-----	-----	-----	-----

REVENUE	0.0	0.0	0.0	0.0	0.0	0.0
---------	-----	-----	-----	-----	-----	-----

FUNDING: (THOUSANDS OF DOLLARS)

General Fund	160.0	287.0	487.0	487.0	487.0	487.0
Federal Fund	0.0	0.0	0.0	0.0	0.0	0.0
Other	0.0	0.0	0.0	0.0	0.0	0.0
TOTAL	160.0	287.0	487.0	487.0	487.0	487.0

POSITIONS :

Full-Time	1	1	1	1	1	1
Part-Time	0	0	0	0	0	0
Temporary	0	0	0	0	0	0

ANALYSIS: (ATTACH A SEPARATE PAGE IF NECESSARY)

see attached analysis

Prepared by:

House Finance Committee

Rep. Mark Hanley, Co-Chair

Rep. Gene Therriault, Co-Chair

Date: 5/2/97

Phone: 465-4939

Phone: 465-4797

Fiscal Note

STATE OF ALASKA
1997 Legislative Session

Bill No. CS HB 127(FIN)

Updated Analysis (5/2/97)

Personal Services (45.0)

This money will fund a new program coordinator (range 20) for 9 months, totaling 51.2. It will also bring the existing Social Worker II position, which is currently funded at 10.5 months to a full 12 months, costing 6.0. An additional Administrative Clerk III (Range 10) has been funded for 9 months at a cost of 37.6. The funding level also assumes the elimination of the Social Worker IV position, with a cost savings of 49.8.

Travel (6.0)

Travel will fund one face to face board meeting the first year.

Contractual (50.0)

Contractual line will fund a one-time contract with an attorney to complete regulation writing and review and to prepare policies and procedures.

Supplies (4.0)

Equipment (5.0)

Grants (50.)

Grant funds are for grants to local nonprofit agencies to support the work of the local volunteers panels, to help panel members gather information about cases, arrange and coordinate case review hearing/witness notification, etc. Amount listed for FY 98 will fund the last quarter of FY 98 to bring Anchorage in full operation (remaining 2/3 of the reviews). In following years, additional money has been listed to cover the rest of the state.

FISCAL NOTE

STATE OF ALASKA
1997 LEGISLATIVE SESSION

BILL NO. CSHB 127 (FIN)

Title: Related to the citizen review board & panels for
permanency planning for certain children in state custody

Dept. Affected Administration

BRU: Central Admin. Services

Sponsor: House HESS

Components: Citizen's Foster Care Review

Requestor: _____

Serial # 1888

EXPENDITURES/REVENUES: (THOUSANDS OF DOLLARS)

OPERATING	FY 98	FY 99	FY 00	FY 01	FY 02	FY 03
Personal Services	45.0	45.0	45.0	45.0	45.0	45.0
Travel	6.0	15.0	15.0	15.0	15.0	15.0
Contractual	50.0	0.0	0.0	0.0	0.0	0.0
Supplies	4.0	4.0	4.0	4.0	4.0	4.0
Equipment	5.0	0.0	0.0	0.0	0.0	0.0
Land & Structures	0.0	0.0	0.0	0.0	0.0	0.0
Grants, Claims	50.0	200.0	400.0	400.0	400.0	400.0
Miscellaneous	0.0	0.0	0.0	0.0	0.0	0.0
TOTAL OPERATING	160.0	264.0	464.0	464.0	464.0	464.0

CAPITAL	0.0	0.0	0.0	0.0	0.0	0.0
---------	-----	-----	-----	-----	-----	-----

REVENUE	0.0	0.0	0.0	0.0	0.0	0.0
---------	-----	-----	-----	-----	-----	-----

FUNDING: (THOUSANDS OF DOLLARS)

General Fund	160.0	264.0	464.0	464.0	464.0	464.0
Federal Fund	0.0	0.0	0.0	0.0	0.0	0.0
Other	0.0	0.0	0.0	0.0	0.0	0.0
TOTAL	160.0	264.0	464.0	464.0	464.0	464.0

POSITIONS:

Full-Time	1	1	1	1	1	1
Part-Time	0	0	0	0	0	0
Temporary	0	0	0	0	0	0

ANALYSIS: (ATTACH A SEPARATE PAGE IF NECESSARY)

see attached analysis

Prepared by:

House Finance Committee

Date: 5/2/97

Rep. Mark Hanley, Co-Chair

Phone: 465-4939

Rep. Gene Therriault, Co-Chair

Phone: 465-4797

Fiscal Note

STATE OF ALASKA
1997 Legislative Session

Bill No. CS HB 127(FIN)

Updated Analysis (5/2/97)

Personal Services (45.0)

This money will fund a new program coordinator (range 20) for 9 months, totaling 51.2. It will also bring the existing Social Worker II position, which is currently funded at 10.5 months to a full 12 months, costing 6.0. An additional Administrative Clerk III (Range 10) has been funded for 9 months at a cost of 37.6. The funding level also assumes the elimination of the Social Worker IV position, with a cost savings of 49.8.

Travel (6.0)

Travel will fund one face to face board meeting the first year.

Contractual (50.0)

Contractual line will fund a one-time contract with an attorney to complete regulation writing and review and to prepare policies and procedures.

Supplies (4.0)

Equipment (5.0)

Grants (50.)

Grant funds are for grants to local nonprofit agencies to support the work of the local volunteers panels, to help panel members gather information about cases, arrange and coordinate case review hearing/witness notification, etc. Amount listed for FY 98 will fund the last quarter of FY 98 to bring Anchorage in full operation (remaining 2/3 of the reviews). In following years, additional money has been listed to cover the rest of the state.

FISCAL NOTE

STATE OF ALASKA
1997 LEGISLATIVE SESSION

No. 1
 Bill Version: CSHB 127(HES)
 (H) Publish Date: 4/23/97

Revision Date: _____
 Title: Relating to Foster Care Review Boards

Dept. Affected: Health and Social Services
 BRU: Family and Youth Services

Sponsor: Bunde
 Requestor: House (HES)

Component: DFYS Central Office
 COMPONENT SERIAL NO. 259
 See also (SN#): _____

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						
-----------------------------	--	--	--	--	--	--

CHANGES IN REVENUES ()						
--------------------------------	--	--	--	--	--	--

FUND SOURCE

(Thousands of Dollars)

	FY98	FY99	FY00	FY01	FY02	FY03
1002 Federal Receipts						
1003 GF Match						
1004 GF						
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)

There would be no fiscal impact to the Division if this bill were to become law.

3/19/97

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

Phone: 465-3191
 Date: 03/11/97

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

Date: 3/14/97

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FISCAL NOTE

No. 2
 Bill Version: CSHB 127(HES)
 (H) Publish Date: 4/23/97

STATE OF ALASKA
 1997 LEGISLATIVE SESSION

Revision Date: _____
 Title: "An Act relating to the citizen review board and panels for permanency planning for certain children in state custody."
 Sponsor: (S) HES
 Requestor: (H) HES

Department Affected: Administration
 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	***	***	***	***	***	***
CAPITAL EXPENDITURES	***	***	***	***	***	***
CHANGE IN REVENUES ()	***	***	***	***	***	***

FUND SOURCE:

(Thousands of Dollars)

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

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

POSITIONS:

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

ANALYSIS: (Attach a separate page if necessary.) This bill would establish citizens' foster care review in CINA cases. The Public Defender Agency (PDA) was appointed by the court to represent parents in 623 CINA cases in FY 1996. We estimate that in roughly 50% of our cases out-of-home placement extends long enough to require placement review.

It is difficult to estimate how much attorney time would be required to participate in these reviews. The current citizens' panels only review a limited number of CINA cases. Currently, we do not routinely attend the review hearings.

If the proposed legislation results in local review panels being established statewide and the review panel reports are considered in court decisions (see Sec. 21), we would have to start participating in the review process. It is impossible to accurately estimate how many of these cases would require our participation. But where the placement of a child is in controversy and the court would rely on a review panel report, we will have to participate.

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

Phone: (907) 264-4414
 Date: _____

Approved by Commissioner: Mark Poyer
 Agency: Department of Administration

Date: 4/21/97

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FISCAL NOTE

No. 3
 Bill Version: CSHB 127(HES)
 (H) Publish Date: 4/23/97

STATE OF ALASKA
 1997 LEGISLATIVE SESSION

Revision Date: _____
 Title: An Act related to the citizen review board and panels for permanency planning for certain children in state custody...
 Sponsor: (S) HESS
 Requestor: (H) HESS

Department Affected: Administration
 BRU: Central Admin. Services
 Component: Citizen's Foster Care Review
 COMPONENT SERIAL NO. 1888

EXPENDITURES/REVENUES: (Thousands of Dollars)

OPERATING EXPENDITURES	FY 98	FY 99	FY 00	FY 01	FY 02	FY 03
PERSONAL SERVICES	76.8	76.8	76.8	76.8	76.8	76.8
TRAVEL	29.0	29.0	29.0	29.0	29.0	29.0
CONTRACTUAL	118.0	68.0	68.0	68.0	68.0	68.0
SUPPLIES	8.0	5.0	5.0	5.0	5.0	5.0
EQUIPMENT	20.0	0.0	0.0	0.0	0.0	0.0
LAND & STRUCTURES	0.0	0.0	0.0	0.0	0.0	0.0
GRANTS, CLAIMS	200.0	350.0	450.0	500.0	600.0	600.0
MISCELLANEOUS						
TOTAL OPERATING	451.8	528.8	628.8	678.8	778.8	778.8

CAPITAL EXPENDITURES						
----------------------	--	--	--	--	--	--

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

FUND SOURCE: (Thousands of Dollars)

1002 Federal Receipts						
1003 GF Match						
1004 GF	451.8	528.8	628.8	678.8	778.8	778.8
1005 GF/Program Receipts						
1037 GF/Mental Health						
OTHER						
TOTAL						

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

POSITIONS:

FULL-TIME	1	1	1	1	1	1
PART-TIME						
TEMPORARY						

ANALYSIS: (Attach a separate page if necessary.) This fiscal note would allow the Board to hire the executive director (Range 20, Social Services Program Coordinator, \$68.3) as authorized in the legislation, and the remaining \$8.5 in personal services would bring three existing PFT positions from 30 hours/week per person to actually working full time. (Existing staff include a Social Worker IV (R 18), a social Worker II (R 14), and an Administrative Clerk III (R 10)). The travel funds will allow the newly appointed statewide Board to meet twice a year face to face, and fund travel by staff and board members to all judicial districts to offer start-up training to volunteer citizens who wish to serve on local review panels. The contractual funds will purchase the additional telephone, teleconference, printing and other charges needed to support the state Board and communication with all the local panels. In addition, contractual funds will be used to fund one-time contracts for regulations writing and review, for the preparation of policies and procedures, and for curriculum and training materials development. An increase in supplies to support additional training materials and start-up costs is included. A one-time purchase of furniture, computer equipment and software for the new executive director, and computer/software and communications upgrades for all staff are included in the equipment line. Funds are included in the grants line for grants to local nonprofit agencies to support the work of the local volunteer panels, to help panel members gather information about cases, arrange and coordinate case review hearings/witness notification/etc.. (continued on page 2)

Prepared by: Connie J. Sior
 Division: Senior Services

Phone: 907-563-5654
 Date: April 7, 1997

Approved by Commissioner: Mark Boyer
 Agency: Department of Administration

Alison M. Elger
 Date: 4/9/97

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FISCAL NOTE

STATE OF ALASKA

BILL NO. CSHB 127

1997 LEGISLATIVE SESSION

ANALYSIS: (continued)

and to provide meeting space for the review hearings. In Anchorage alone, a pool of 60-80 active volunteers will be needed to hear all the cases for at least one day every month, and hearings will have to be held about 20 days per month to accommodate the need. The first year, grants will be made to one agency in Anchorage and in Fairbanks. In the second year, the Fairbanks grant would be expanded, and a start-up grant would be awarded in the Southeast Judicial District. In year three, funds would be used for full implementation in the Southeast Judicial District, and in subsequent years would allow for expansion to the remainder of the state.

LEGAL SERVICES

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LEGISLATIVE AFFAIRS AGENCY
STATE OF ALASKA

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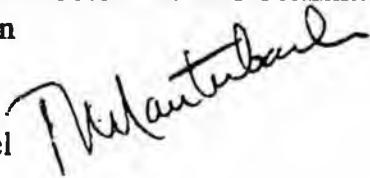
130 Seward Street, Suite 409
Juneau, Alaska 99801-2105

MEMORANDUM

April 25, 1997

SUBJECT: Sectional Summary of CSHB 127(HES) (Foster Care Review System)

TO: Representative Con Bunde, Chair
Health, Education and Social Services Committee
Attn: Patti Swenson

FROM: Terri Lauterbach
Legislative Counsel 

You have requested a sectional summary of the above-described bill.

As a preliminary matter, please note that a sectional summary of a bill should not be considered an authoritative interpretation of the bill and the bill itself is the best statement of its contents. If you would like an interpretation of the bill as it may apply to a particular set of circumstances, let me know.

In general, this bill renames the Citizens' Review Panel for Permanency Planning as the Citizens' Foster Care Review Board and renames the local citizen out-of-home care review panels as, more simply, local review panels.

Section 1. Reflects the new name for the former Citizens' Review Panel for Permanency Planning and extends its termination date to the year 2000.

Section 2. Requires DHSS to notify the state board, rather than a local panel, about a child that DHSS removes from a home.

Section 3. Reflects the name change for the local panels.

Section 4. Reflects the name changes and adds the "safety of the minor" as a reason for disclosure of otherwise confidential information to school officials.

Section 5. Reflects the name changes.

Section 6. Requires DHSS to notify the state board, rather than a local panel, about a child that DHSS removes from a home.

Section 7. Reflects the name changes and adds the "safety of the minor" as a reason for disclosure of otherwise confidential information to school officials.

Section 8. Renames and reconstitutes the state board for review of foster care.

Section 9. Reflects the new make-up and name of the state board'. Allows for reappointment of board members.

Section 10. Sets quorum and voting requirements for the state board.

Section 11. Reflects the name change of the state board.

Section 12. Sets twice yearly meeting requirement as a minimum.

Section 13. Allows the state board to have an executive director to whom the board may delegate its powers.

Section 14. Adds new duties for the state board: to ensure that board members and local panel members have received adequate training, to apply for private and federal grants and solicit contributions, to award grants or contracts to carry out projects or studies related to improving the foster care system, and to use board staff to evaluate applicants for positions on local review panels and to provide training of board members and local review panel members. Changes the board's annual reporting requirement so that the report must include a description of systemic barriers to achieving permanency for children and so that the report itself must be provided to the legislature rather than just a notification that the report is available. (The legislature recently changed almost all annual reporting requirements to be a notification to the legislature; this change would reverse that decision for this board.) Also specifies certain provisions that must be in the board's regulations, including provisions that set priorities for expedited review of the cases of certain children.

Section 15. Allows the board to adopt regulations to require DHSS to provide certain types of information to the board or to a local review panel.

Section 16. Sets the composition requirements for local review panels and makes miscellaneous other changes relating to local panels.

Section 17. Reflects the name change and new composition of the local review panels.

Section 18. Reflects the name change and new composition of the local review panels.

Section 19. Reflects the name change of the local panels. In subsection (b), changes the review time to 90 days after the child is initially removed from home in a priority case. In

subsection (c), adds a provision to give flexibility to the 30-day notice requirement of current law. In subsection (g), shortens the time for submission of a report on a case.

Section 20. Requires other executive branch agencies to disclose confidential information to the local panels to assist them in locating persons entitled to participate in a case review.

Section 21. Requires DHSS to cooperate with the state board in the development of DHSS's information systems so that information about children's cases is readily available to the board and local panels.

Section 22. By deleting references to AS 47.12.300 and 47.12.310 in subsection (a), this section apparently seeks to restrict the review panels' access to delinquency records. AS 47.12.300 relates to court records, and AS 47.12.310 relates to agency records. However, sec. 7 of the bill allows disclosure of agency records to the board and local review panels, so there is some inconsistency here. If the legislature wishes to ensure that the panels have access to both court and agency delinquency records, I recommend that sec. 22 be amended to restore the references to AS 47.12.300 and 47.12.310 throughout the section.

Section 23. Describes the interaction between the court and the local review panels.

Section 24. Reflects the name changes for the board and local panels and introduces a new gross negligence standard for their civil liability. Adds immunity for persons serving as staff to the board or to a local panel.

Section 25. Changes definitions to reflect the name changes for the board and local panels.

Section 26. Repeals subsections of law whose subject matter (quorum and officers) has been added in other parts of the bill.

Section 27. Allows phased-in implementation of the bill with full implementation within two years.

Section 28. Gives the bill an immediate effective date.

TML:jdr
97-299.jdr

HOW THE REVIEW PROCESS WORKS

The Citizens' Foster Care Review Panel (CFCRP) is a unique partnership between a state program and private citizen volunteers working together to benefit children in Alaska. Panel members are dedicated volunteers appointed by the Governor. They donated hundreds of hours of time and emotional energy to help children exit the foster care system as quickly as possible. CFCRP offers an independent, objective, community-based forum where our state's response to children who are in trouble due to abuse and neglect is monitored. The panelists play an active role in the child protection process by participating in case review hearings, monitoring the progress of cases, and offering specific recommendations for achieving a permanent placement for each child as quickly as possible.

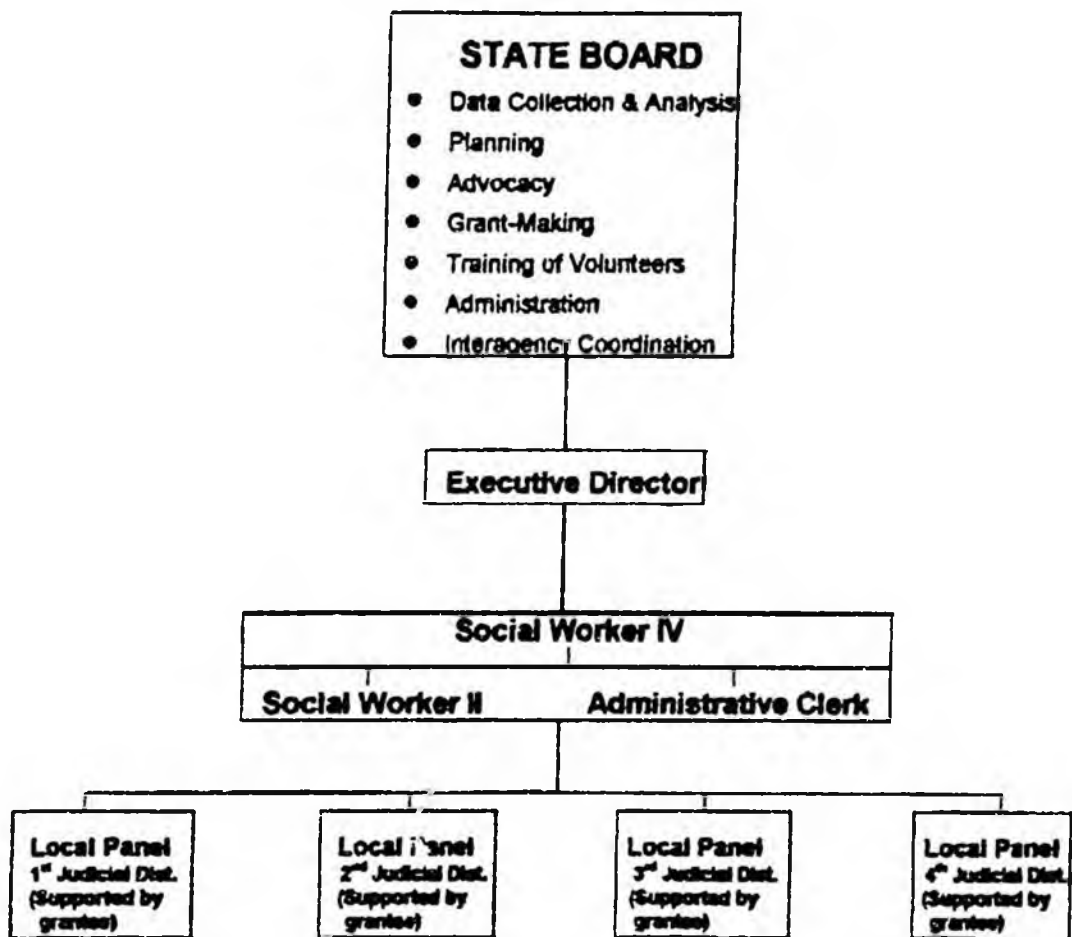
Volunteers complete mandatory training before they serve on a review panel. The panelists' basic skills, abilities and commitments to ensure every child has a permanent safe home are enhanced by their participation in required training on topics relating to children who have been abused and neglected. This training teaches volunteers about the legal systems in Alaska, the child protection system, children's and parents' mental health problems, dynamics of dysfunctional families, and children's special needs.

An administrative clerk and two review specialists support the review panel. DFYS produces a list of cases that need reviews each month. The review specialist choose cases from that list for the panel to review. They select a combination of cases some are new and have never had a panel review and others are selected for a second or third review because the child or children are still in out-of-home care.

The review specialist and the DFYS caseworker identify all interested parties in a case. The CFCRP administrative clerk invites all of the interested parties 30 days in advance. The number of parties invited varies from three to as many as 20 in some cases. Interested parties include the child if over 10 years old and the child's parents, relatives, out-of-home care provider, guardian, guardian ad litem, caseworker, designated representative of the child's tribe, Indian custodian, and others with a close personal knowledge of the case. Bringing all interested parties in a case together offers a forum for communication that results in greater cooperation and understanding among the most important people in the child's life.

The review specialist writes a case summary for each case from material in the DFYS files. Three or four volunteers attend each review, with one of them takes the lead in questioning each participant. CFCRP reviews are thorough and comprehensive; they often last up to an hour per case. When the review is complete the panelists discuss their findings, reach a unanimous conclusion, then forward their recommendations to the CFCRP's administrative clerk for processing. Upon approval by the lead questioner the clerk mails copies to all participants.

**CITIZENS' FOSTER CARE REVIEW PANEL
for
PERMANENCY PLANNING**



CITIZEN FOSTER CARE REVIEW PANEL
Review of Children in Out of Home Care

Guidelines for Panel Members

I. PRE-REVIEW INFORMATION PACKET -- DUTIES FOR PANEL MEMBERS:

Prior to a review, each panel member will receive a panel packet for each case to be reviewed. This information will have been prepared by that panel's review specialist. This packet will be mailed to each panel member by the review specialist two weeks prior to the panel meeting.

It is each panel member's responsibility to:

A. Read the information carefully and take notes on any issues that should be further addressed, using blue Case Notes sheet.

B. Keep the information and the packet in a closed drawer, preferably under lock and key, and be acutely sensitive to the rules of confidentiality. Information should never be discussed with anyone, including family members, interested parties, or even other members of the panel, outside the confines of the review.

C. Bring this information to the review. If a panel member is unable to attend a panel meeting, the panel member must get the packet(s) back to the panel chairperson or the panel's review specialist prior to the meeting. If this is not possible, the packet(s) should be delivered or mailed to the review specialist as soon as possible. The review specialist keeps track of all panel packets and is responsible for ensuring that all materials are accounted for.

II. CONTENTS OF PANEL PACKETS:

The contents of panel packets will vary according to the situation, the availability of information, whether or not the review is the first review or a subsequent review, etc. In general, the packet will contain the following:

A. Case Review Schedule/Agenda

A Case Review Schedule/Agenda will be sent along with the panel packets. This agenda will include:

1. The date, time and location of the panel meeting.
2. A listing of the cases to be reviewed (coded according to whether it is a first review or a re-review)
3. The review specialist's name for that case.

4. The panel member who is assigned to be the lead questioner for that case.
5. The amount of time allotted for each case.

B. Case Review Report

Each case will contain a Case Review Report prepared by the review specialist. The Case Review Report is based on the information obtained from the files of the Division of Family and Youth Services case file and the child's court file. The review specialist consolidates this information and attempts to include the following:

1. Case History--the history of the case, including when, why, and how a child came into care and the legal involvement to date.
2. Any special needs of the child and family (medical, physical, education, psychological, etc.)
3. The child's permanency plan.
4. Summary of the services that have been or are being provided to the child and family, those services that have been proposed, or those services which have been offered, but refused.
5. Progress that has been made to resolve the problems that resulted in the out-of-home placement.
6. Visitation arrangements, including sibling visitation.
7. Relevant "other" information (e.g., paternity, Indian Child Welfare Act applicability, etc.)

C. Division of Family and Youth Services Documentation

Relevant DFYS documentation, obtained from the DFYS case file by the review specialist, will also be included in the panel packet. Generally, this documentation will be in the form of the Case Plan(s), placement history, or other relevant documents.

D. Legal Status Documentation

Documentation of the child's legal status will include copies of court orders for custody, visitation, etc. as appropriate, and other relevant documents, such as notice to an Indian child's tribe, verification of tribal intervention, etc.

E. Other Information

Additional information will be included in the panel packet as needed. This additional information could be a psychological evaluation on the child or family, a significant therapy report, a significant school report, etc.

F. Case Notes

A blue sheet for your Case Notes will also be included for each case in the panel packet. Please use this to make notes on specific questions, comments, or concerns that arise during your preview of the materials in each case. The Case Notes may also be used for taking notes during the panel meeting.

At the conclusion of the panel meeting, all materials, including Case Notes will be collected and saved in the case file for use the next time that the case is reviewed or destroyed as appropriate.

III. The Review

A. Bringing the Meeting to Order

1. The review specialist will distribute each panel member's name tag or name plate and questionnaires from the invited parties who were unable to attend and who responded in writing to the invitation.
2. The Chairperson of the panel shall ensure that a quorum is present and shall call the meeting to order.
3. The Greeter shall ensure that all nametags or name plates are visible and shall verify that the review specialist has posted the meeting signs.
4. The Secretary will make sure that every panel member has signed in.
5. The Timekeeper shall record the time that the meeting is brought to order and shall continue to record when each review starts and finishes. The panel will at all times attempt to remain on schedule. The Timekeeper will also assist in ensuring that the schedule is adhered to as closely as possible.

B. Administrative Time

At the beginning of each panel meeting, the review specialist will review the day's agenda and ask if any panel member has a conflict of interest with any of the cases scheduled. Any announcements, training or other relevant information will be made at that time.

C. Recording

Throughout the review process, the review specialist will be taking notes and recording all the proceedings.

D. Case Introduction by the Lead Questioner

Before any interested party is escorted in to the panel review, the lead questioner shall give a brief summary of the case, discuss specific concerns and issues to be raised with the interested parties, and shall seek input from the other panel members.

E. Participation of Interested Parties in the Review Process

1. Interested parties will have a limited time to address the panel or answer questions from the panel.
2. Only the following parties may be present for the statements of other interested parties:
 - a. the child in question, if over ten years of age, unless the panel determines it is in the child's best interest not to be present. (Children under ten may be present at the discretion of their G.A.L.)
 - b. the biological parents (and their legal counsel);
 - c. the DFYS Social Worker (and their legal counsel); and
 - d. the child's G.A.L.
3. Although allowed to remain for the statements of other interested parties, the child, parents, G.A.L.s and DFYS Social Workers will not be permitted to question other interested parties. Questioning is the prerogative of panel members only.
4. The panel may deviate from this policy where restraining orders, other court orders, or good cause indicate that another arrangement is necessary.
5. At the scheduled time other interested parties, in an order determined by the panel, will be escorted by the review specialist into the meeting room. The review specialist will introduce each participant to the panel and the other interested parties and the panel members to the interested party.
6. No interested parties may be present during the panel's discussion and development of recommendation.

F. Procedures for Review with Interested Parties

The following may be considered a general outline of the actual case review process with participants present.

1. The child, parents, DFYS Social Worker and G.A.L., if present, shall be invited in to the review.
2. Introduction by Chairperson. The Panel's chairperson shall announce the case name and the juvenile court docket number and shall introduce the individuals in attendance, and the lead questioner for that particular case.
3. Lead Questioner Initiates Discussion. At this time, the lead questioner shall begin questioning participants, in the order determined by the panel, using her or his Case Notes as a general guideline. Other panel members may also question the interested parties.
4. Case Discussion and Findings. The lead questioner will lead the discussion for that case, with all panel members expressing their views as well.
 - a. Questions by the panel should focus on:
 - 1) the case/permanent plan for the child;
 - 2) progress toward implementation of the plan; and
 - 3) barriers to implementation of the plan.
 - b. To guide the discussion and for interviews with interested parties, the panel members should utilize:
 - 1) reasonable efforts guidelines;
 - 2) lists of possible services for the child and parents;
 - 3) the barriers list; and
 - 4) their own Case Notes.

G. Thanking the Participants

At the conclusion of the review, all interested parties will be thanked for their participation and told they will be receiving a copy of the panel's recommendations within thirty (30) days.

H. Development of Recommendation

Recommendations of the Foster Care Review Panels are, by statute, advisory.

1. Recommendations are required to be contained in a written report and must be provided, at least, to:
 - a. the Division of Family and Youth Services;
 - b. the child or the child's representative;
 - c. the child's parents;
 - d. the child's guardian;
 - e. the child's guardian ad litem;
 - f. the child's out of home care provider; and if appropriate,
 - g. the child's Indian Custodian; and
 - h. the designated representative of the child's Indian tribe, if the tribe has intervened in the case.
AS 47.10.440 (g)
2. In addition to the parties listed in the above section, the report may be provided to other interested parties who have participated in the panel review process.
3. The court may consider the report of the local panel if the report is admissible under court rules.
AS 47.10.470 (a)

CITIZEN FOSTER CARE REVIEW PANEL
OUTLINE OF DUTIES

The following is a brief outline of events occurring before, during, and after a review.

BEFORE THE REVIEW

Notify Panel Chairperson if unable to attend.

Review all materials of all cases to be presented at your review using the blue "Case Notes Work Sheet".

Prepare case summaries for those cases assigned to you using the "Case Notes Work Sheet" and "Permanency Barriers" sections. Be brief; include "who, what, when, where, and why" of the case in question.

Review interested parties list to be sure that all appropriate people were invited. If not, make a note to inform the Review Specialist for the case.

AT THE REVIEW

Panel Chairperson opens meetings by reading "REVIEW INTRODUCTION". (If people arrive late, the proceedings must be halted and introduction repeated.)

Each panel member introduces herself/himself and each interested party is asked to give her/his name and relationship to client.

The individual panel member who is assigned the case summary will present the entire summary before asking questions or taking comments. The same individual will act as lead questioner during the review process.

Since case materials are frequently not up-to-date, it is customary to ask the caseworker to up-date the summary.

BE SURE YOU ARE CLEAR ABOUT THE FOLLOWING SPECIFIC INFORMATION

1. Reason the child came into care including specific barriers that prohibit the child from living at home.
2. Current placement, total number of placements and date of first custody.
3. The case plan for the child.
4. Date stated for achieving permanency goal.

Citizen Foster Care Review Panel

PACKET CHECKLIST

Child Name: _____

Permanency Plan: _____

Reviews scheduled: Day/Date _____ Time _____
Location: _____

Date packet submitted to Panel Members: _____

Review Specialist: _____ DFYS Caseworker: _____

CASE INFORMATION IN PACKETS

- ___ 1. Current Summary Report by Review Specialist
- ___ 2. Current DFYS "Face Sheet" on child to be reviewed
- ___ 3. Current DFYS Case Plan
- ___ 4. Current DFYS Report of Compliance with case plan
(IV-E Review, eg. social history, pre-disposition court
report, etc.)
- ___ 5. Family/Child Visitation Plan and Schedule
- ___ 6. Most Recent Court Order(s)
- ___ 7. Most recent psychological reports, if any
(child, parent, and significant others.)
- ___ 8. Most recent medical reports
- ___ 9. Educational reports (diagnostics, individual education
plans, progress reports, etc.)
- ___ 10. Identification of Current Substitute Care Provider
(foster home, relative, group home, residential treatment
center, etc.)
- ___ 11. If not the initial review, the panel's recommendations
from previous reviews.
- ___ 12. Other: _____

SUBSEQUENT REVIEWS

*Provide any of the above reports and/or any court orders updated or
revised since the last panel review meeting.*

Form 11/93

Panel member: _____

PANEL MEMBER'S CASE NOTES WORK SHEET

Child's Initials: _____ DOB: _____ Review date: _____

Review Specialist: _____

DFYS Caseworker's Name: _____

1. Permanency goal: _____

2. Date stated for achieving permanency goal: _____

3. Stated reasons for substitute care: _____

4. Current placement of child: _____

5. Total # of placements: _____ Date of first custody: _____

6. Questions to be answered at this review:

- a. _____
- b. _____
- c. _____
- d. _____

7. Barriers present in case:

- a. _____
- b. _____
- c. _____

8. Information I need at the upcoming review:

- a. _____
- b. _____
- c. _____

9. Information I would like at the next review:

- a. _____
- b. _____
- c. _____

10. Services that appear to be needed in the next six months:

- a. for the child _____
- b. for the parents _____

11. Last court hearing date: _____

Next court hearing date: _____

LEAL QUESTIONER GUIDELINES

The Lead Questioner should focus on:

1. What steps have been taken since the last review (or since the child entered into care, if initial review) to provide permanency for the child?
2. What reports have been received and what reports are needed to provide additional information?
3. What problems/barriers exist to achieving permanency plan?
4. Does the treatment plan provide services to overcome problems/barriers to accomplish the permanency plan?
5. Keep meeting on track, allowing time for all interested parties.
6. Excuse ALL interested parties and DFYS caseworker from meeting room BEFORE deliberations; remind them they will receive a copy of the panel's recommendations. Discuss permanent plan and agree on any recommendations to be made.
7. Make sure panel staff has all recommendations noted accurately.

After the review:

Return ALL materials to Review Specialist including personal notes.

SAMPLE QUESTIONS FOR PANELISTS

QUESTIONS FOR THE CHILD'S FAMILY:

Do you understand the Case Plan? If you are out of compliance with the plan, why?

Are there any other services you need from DFYS or other agencies?

Is visitation, if applicable, going well? If not, why not?

What would you like to see happen with your children in the next six months?

QUESTIONS FOR THE G.A.L.:

Have you seen the child? How often? When?

What is your assessment and recommendation?

Note: if G.A.L. is not present and has sent no written assessment to the panel, make note of that in your case review notes.

QUESTIONS FOR THERAPISTS, PSYCHOLOGISTS, SCHOOL COUNSELORS:

What type of therapy do you provide?

What is the progress and prognosis?

Are clients attending on a regular basis?

Any problems with therapy? Any recommendations in that regard?

QUESTIONS FOR THE CHILD:

What do you want to happen?

What problems are you having with therapy, school or placement?

What would help you solve those problems?

QUESTIONS FOR THE DFYS CASEWORKER:

Where is the child currently? For how long?

How often have you met with the child face to face in the last three months? When did you last meet with the child face to face?

What is the status of the child's health, education, visitation, therapy?

What is the case plan? What progress is being made toward achieving it?

What is the permanency goal?

What barriers do you see to achieving the plan or the goal?

What new options have you explored if the plan is not progressing?

QUESTIONS FOR FOSTER PARENTS:

How long has the child been in your care?

Status of the child's behavior, progress, health?

Is the child receiving all the needed and promised services?

What additional services does the child require?

What perceptions of the child do you have that are relevant to this review?

What observations have you made regarding the parental contact and visitation with the child?

What observations have you made regarding the caseworker's contact and visitation with the child?

ANALYZING REASONABLE EFFORTS *

Factors to be considered in analyzing whether reasonable efforts to prevent placement or to reunify families have been made:

- A. Relevance of services - a match between:
 - 1. Family problems and services offered (problem that justifies state intervention and services to address that problem.)
 - 2. Family's view of its service needs.
- B. Adequacy of Services
 - 1. Quality of effort
 - 2. Quantity of effort - # of contacts, duration, frequency
 - 3. Least intrusive
 - 4. Unsuccessful service - why?
- C. Coordination of services - compatible goals
- D. Accessibility of services
 - 1. Agency has duty to encourage and facilitate use of services by parents.
 - 2. Accommodate to parent's schedule.
 - 3. Service in parent's language.
 - 4. In client's neighborhood or near public transportation.
 - 5. Financial assistance/child care.
- E. Availability of Services
 - 1. Unavailable service does not mean reasonable efforts requirement has been met.
 - 2. Agency must request additional funding where necessary to provide services.
- F. Diligence of effort - affirmative, repeated, meaningful and sincere efforts - perseverance (futility, burdensomeness, difficulty does not excuse reasonable effort.)
- G. Realistic Expectations

* (excerpted from D. Ratterman, Reasonable Efforts: A Manual for Judges, American Bar Association, 1987.)

Additional notes on "Reasonable" Efforts

Preventative Services - include (at least)

- homemaker
- day care
- 24 hour crisis intervention
- emergency caretaker services
- emergency temporary shelter and group homes for adolescents
- emergency counseling
- respite care

H.R. Report #136, 96th Congress, 1st session, 46-47 (1979)

Reunification Services - return to and remain at home

- transportation
- family and individual therapy
- psychiatric counseling
- homemaker and housekeeper services
- day care
- consumer education
- respite care
- I & R
- various transition and follow up services

Id. at 49

CITIZEN FOSTER CARE REVIEW

RESOURCES TO BE CONSIDERED IN PERMANENCY PLANNING

CASH PAYMENTS TO MEET BASIC NEEDS:

- Aid to Families with Dependent Children Emergency Assistance (AFDC-EA) allows payments to families with children when a child is without resources to meet his or her needs.
- Unemployed Parent (AFDC-U)
- Supplemental Security Income (SSI)
- Child Support Enforcement provisions of Social Security Act Title IV-D
- Food Stamps

NON-CASH SERVICES TO MEET BASIC NEEDS:

- Women, Infants, and Children (WIC) program
- Food Banks
- Housing Referral and
- Emergency Shelter

NON-CASH SERVICES, SPECIFIC PROBLEMS:

- Parenting classes or individual instruction
- Homemaker classes or individual instruction
- Parent Aides
- Respite Care, in or out of the home
- Transportation; rides, bus tokens
- Child Care
- In-home family education or support services

MENTAL HEALTH AND EMOTIONAL SUPPORT:

- Psychological/Psychiatric Evaluations
- Individual, Family and Group Counseling
- Parent Self-Help Support Groups
- Substance Abuse/Chemical Dependency Treatment
- Specialized Placements for Child
- Day Support Programs

PHYSICAL HEALTH:

- Medical Exams/Treatment, (child) including dental and eye care
(Early Periodic Screening, Diagnostic & Treatment -- EPSDT)
- Rehabilitative Services (child)

INCOME/VOCATIONAL ASSISTANCE:

- Vocational Rehabilitation
- Employment services, job training programs, vocational counseling, unemployment benefits

GENERAL FACILITATIVE SERVICES:

- Regular and planned visitation between child, parent, and DFYS Social Worker
- Regularly held case staffings
- Court appointed attorneys for the child and parents
- Court Appointed Special Advocates (CASA); Guardian Ad Litem (GAL)
- Regular Foster Care Review Panel reviews and juvenile court hearings
- Mediation Services
- Explanation of legal procedures and rights of legal representation in court

FINDINGS AND RECOMMENDATIONS BY THE PANEL

Development of the Panel's Findings and Recommendations will take place after all interested parties have been heard from and excused.

The Panel Chairperson or Lead Questioner, together with the Review Specialist, will record the Panel's Findings and Recommendations in order to prepare the written report of Findings and Recommendations.

Findings and Recommendations will be distributed to all Interested Parties within 30 days after the date of the review. The child's copy of the Findings and Recommendations shall be hand-delivered to, and discussed with, the child by the Review Specialist, the child's Guardian Ad Litem, or social worker.

FINDINGS

Using the attached Guidelines for Making Findings, the Panel makes Findings regarding:

- 1) whether a current case plan exists for the child;
- 2) whether the child's current case plan is appropriate;
- 3) whether the current case plan appears to be in the child's best interests;
- 4) whether the Panel concurs with the current case plan;
- 5) whether, if the current case plan appears to be in the child's best interests, progress is being made to achieve the case plan;
- 6) whether, as part of the plan, reasonable efforts have been made to re-unify the child and the family, or to achieve another permanent placement for the child;
- 7) whether, if the current case plan is reunification with the parents, adequate visitation is occurring;
- 8) whether the child's current placement is appropriate; and
- 9) other findings as indicated.

RECOMMENDATIONS

Using the attached Guidelines for Making Recommendations, the Panel will, if it concurs with the current case plan, make Recommendations regarding:

- 1) what the Panel views as the barriers to accomplishment of the case plan (see list of possible barriers); and

- 2) services that should be made available to the child and or the family (see list of possible services).

Using the attached Guidelines for Making Recommendations, the Panel will, if it does not concur with the current case plan, make Recommendations regarding:

- 1) what the Panel recommends the case plan should be; and
- 2) services that should be made available to the child and or the family (see list of possible services) to achieve that plan.

GUIDELINES FOR MAKING FINDINGS

- A. Findings are arrived at by group consensus, which is defined as a simple majority.
- B. Findings are focused on the presenting problem or on the goal of permanence.
- C. Facts should not contain value judgments, opinions, or conclusions.
- D. Findings should be attributed to the appropriate interested party or to the appropriate source.
- E. Highlights from the case report may be included at the review board's discretion. When used, highlights should be placed in chronological order.
- F. Statements related to each interested party attending the review should be included when feasible. The review board may also note in the findings when an interested party does not contribute to the review.
- G. Findings related to a particular child or other interested party should all be grouped together.
- H. Findings should reasonably reflect information which is determined to be essential.
- I. To accomplish guidelines F and G above, the review board may use a shorthand method, for example, "The caseworker stated: (then list the statements)."
- J. Be consistent in use of a child's name or nickname, for example, use Russell or Rusty, but do not use both.
- K. Formulated statements will be read back by program staff to ensure that each statement is complete and as the review board intends.

GUIDELINES FOR MAKING RECOMMENDATIONS

- I. Recommendations should include answers to the following questions and any other points the review board determines pertinent:
- A. Is there a permanency plan?
 - B. Is the plan appropriate for the facts of this particular case?
 - C. Is the plan being carried out in a timely manner?
 - D. Are the participants in the plan fulfilling their obligations?
- II. Guidelines
- A. Recommendations are arrived at by group consensus. It is advisable to make both findings and recommendations immediately following each case review rather than waiting until the end of the review board meeting.
 - B. Recommendations are to be based and supported by a finding.
 - C. Recommendations should focus on the goal of permanency.
 - D. Recommendations may not:
 - 1. order interested/legal parties to do things;
 - 2. recommend specific placements (except under the most unusual circumstances); or
 - 3. make moral or value judgements.
- NOTE: Keep in mind that your recommendations are sent to all interested parties. Certain information may be deleted from the recommendations which are sent to some of the interested parties if it is in the best interest of the child to do so.
- E. Recommendations regarding types of placements may be made; e.g. residential placement may be recommended.
 - F. Recommendations should reflect information which is determined to be essential.
 - G. Program staff will read back formulated recommendations to ensure that each is complete and as the review board intends.
 - H. The chairperson should check the completed findings and recommendations form for accuracy and sign the form.

STATE OF ALASKA

DEPARTMENT OF ADMINISTRATION

OFFICE OF THE COMMISSIONER
Citizen Foster Care Review
900 West 5th Avenue Suite 710 Anchorage, Alaska 99501

Example Only
WALTER J. HICKEL, GOVERNOR

P.O. BOX 110200
JUNEAU, ALASKA 99811-0200
PHONE: (907) 465-2200
FAX: (907) 465-2135
907/258-6104

November 12, 1993

Robert Sample
Post Office Box 123456
Anchorage, Alaska 99512-1234

Dear Mr. Sample:

Jacob Sample's case has been selected for review by the Anchorage Citizen's Foster Care Review Panel. The panel will look at the work of the social worker, guardian ad litem, attorneys, the court and the family to be sure that they are all actively working on the problems that resulted in Jacob's placement in out of home care. The panel members who will be doing the reviews are volunteers from the community who are specially trained to evaluate cases and make recommendations. The ultimate goal is for the child to be returned home safely or, if home is not an option, to determine an alternate and permanent safe place to live.

As a person with an interest in Jacob, this letter invites you to participate in the review and notifies you of the time and place of the panel meeting. We encourage you to attend as your information is significant to the review panel process. If you plan to attend the review in person, please call our office at 258-6104 to confirm. At that time, you can advise us if there is a need for a translator or interpreter during the review meeting. I will be the review specialist coordinating Jacob's review and have enclosed general instructions about the meeting.

If you are unable to attend the meeting in person, you may participate as an interested party in the review in other ways. You can complete the attached questionnaire or write your own statement and return it to us by mail by November 24, 1993. You may also telephone me at 258-6104 to provide information to share with the panel.

After each review meeting, the panel will develop a written report of findings and recommendations. It will report the panel's view of the progress and remaining barriers to the resolution of Jacob's situation. It may also recommend other services for the family and child to help solve the problems and achieve the permanency goal. This report will be provided to the child or the child's legal representative, the child's parents, legal guardian, the social

worker, the guardian ad litem and the out of home care provider. For Native American children, a copy of the report will also be given to the tribal representative if the tribe has intervened in the case. Information discussed in the review panel meetings is confidential. Only the people involved with the child's court case will receive a copy of the report.

The review panel will review this case every six months to assure continuing progress toward the permanency goal. The case will cease to be reviewed when the child has achieved a permanent placement and the Division of Family and Youth Services has released custody.

Thank you for your help with this case review. We think this process will prove helpful in enabling the parties and the system to work together to secure a permanent home for Jacob.

Sincerely,

Joe Ryan
Review Specialist
Anchorage Foster Care Review Panel
Telephone: 258-6104

Attachments:

Questionnaire/return envelope
Meeting Format Instructions

Child's Name: Jacob Sample

Scheduled review:

Day/Date: Monday, December 13, 1993 Time: 1:30 p.m.
Location: 900 West 5th Avenue, Suite 710
Fifth Avenue Building (Corner 5th and I Street)
Anchorage, Alaska

Telephone number: (907) 258-6104

FAX number: (907) 258-1651

ANCHORAGE CITIZEN FOSTER CARE REVIEW PANEL
Parent Questionnaire

Date of Review: _____

Name of Child _____ Please return by _____

1. Do you understand why your child is in foster care? _____
2. Can you think of anything that might have prevented this from happening? _____

3. Have you asked the caseworker for help? _____ Are you receiving what you asked for? _____
4. How were you involved in developing your child's Case Plan? _____
5. What do you need to do according to this Case Plan? _____

6. How have you followed through with this Case Plan or Court Order? _____

7. Have you had enough time? _____
8. What do you think will happen if you do not follow through with the Case Plan or Court Order? _____

9. What changes do you feel are needed in the Case Plan? _____

10. Describe how often, when, and where you visit your child or children. _____

11. Are there any new problems since your child entered care? _____

12. What would you need for your child to be returned home at this time? _____

13. Is there anything else about your child or family that you would like the Board to know? _____

Form completed by: _____ Date: _____

THANK YOU. PLEASE RETURN FORM TO:

State of Alaska Department of Administration
Foster Care Review Division
900 West 5th Avenue Suite 710
Anchorage, Alaska 99501

Call 907/258-6104 to respond to questionnaire by phone.
FAX NUMBER ONLY: 907/258-1651

Foster Parent Questionnaire

Date of Review: _____

Name of Child _____ Please return by _____

1. When did this child come to your home? _____ Child's last physical exam? _____
2. What is your understanding of why this child came into care? _____

3. What are this child's special needs? (medical, dental, psychological, educational) _____

4. Describe how these needs are or are not being met. _____

5. Have you requested services? _____
Are these services being provided? _____
6. What do you understand to be the plan for this child? _____

7. Describe the child's visitation arrangement. _____

8. Have there been any problems with these arrangements? _____

9. Describe the contact you have had with the child's caseworker. _____

10. Describe the contact you have had with the child's guardian ad litem. _____

11. In general, how has this child been doing in your home? _____

12. Is the foster care payment you receive enough to care for this child and her/his needs? _____
13. Is there anything else about the child or family that you would like the Board to know? _____

14. My home is licensed for _____ foster children. I have _____ foster children in my home as of this date.

Form completed by: _____ Date: _____

THANK YOU. PLEASE RETURN FORM TO:

State of Alaska Department of Administration
Foster Care Review Division
900 West 5th Avenue Suite 710
Anchorage, Alaska 99501

Call 907/258-6104 to respond to questionnaire by phone.
FAX NUMBER ONLY: 907/258-1651