

800 THE INSTANT - CHIT LORNS
800 THE INSTANT - CHIT LORNS

STATE
HEALTH
INSURE.

#5

HB 977

SB 227

FISCAL

NOTES

1	POSITION TITLE Assistant Director			RANGE/STEP 21A	BARG. UNIT. Sup.	LOCATION Juneau	GOV	APPROV.	DISAPP
2	TYPE OF POSITION PFT	STAFF MONTHS 12	RP No.	PCN No.	PRIORITY	FORM 12 PAGE/LINE	LEG.		
3	TYPE OF EXPENDITURE			AMOUNT		JUSTIFICATION: <u>Pers. Services:</u> Salary Schedule eff. 3/16/80. <u>Travel:</u> Fairbanks, Anchorage, Hawaii, Seattle. <u>Contractual Svcs:</u> Based on cost per position for Juneau. (See attachment for detailed breakdown). <u>Commodities:</u> Supplies based on cost per position. <u>Equipment:</u> Desk, Chair, Bookcase, Dictation Equipment, Guest Chair, Panelling. <u>Justification:</u> This position will be responsible for developing the administrative, fiscal, management and program policies governing the investigative, auditing and mediation functions of the Section, assuming the legislative intent of the Act. This position will coordinate activities with other departments and agencies, issue periodic reports as required and provide advice and counseling on controversial issues to staff, employees, employers, insurance representatives and the medical profession.			
	1	2	3						
4	PERSONAL SERVICES:								
	SALARY	3,113/mo.	37,356						
5	BENEFITS	.1542	5,760						
6	FICA	.0665	2,484						
7	HEALTH INS.	\$127/mo.	1,524						
8	TOTAL PERSONAL SERVICES			47,124					
9	TRAVEL			3,144					
10	CONTRACTUAL			9,000					
11	COMMODITIES			600					
12	EQUIPMENT			3,646					
13	OTHER								
14	TOTAL COST			63,514					
	CODE	FUNDING SOURCE							
15		FED RCPTS							
16		GF MATCH							
17		GEN FUND		63,514					
18		I-A RCPTS							
19		PGM RCPTS							
20		OTHER							
21	CONTINUATION								
22	ADDITION	XXX	FOR S&M USE ONLY						
1A KEY NUMBER		COLUMN NO.							

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REVISED DATE _____

FY 81

13 REQUEST FOR NEW POSITION.

1	POSITION TITLE Administrative Assistant III			RANGE/STEP 16A	BARG. UNIT. GGU	LOCATION Juneau	GOV	APPROV.	DISAPP
2	TYPE OF POSITION PFT	STAFF MONTHS 12	RP No.	PCN No.	PRIORITY	FORM 12 PAGE/LINE	LEG.		
3	TYPE OF EXPENDITURE			AMOUNT		JUSTIFICATION:			
	1	2	3						
4	PERSONAL SERVICES:								
	SALARY	2,132/mo.	25,584						
5	BENEFITS	.1542	3,945						
6	FICA	.0655	1,701						
7	HEALTH INS.	\$127	1,524						
8	TOTAL PERSONAL SERVICES			32,754	<u>Pers. Services:</u> Salary Schedule eff. 3/16/80 <u>Travel:</u> Anchorage 2 x @ 2 days Fairbanks 2 x @ 2 days <u>Contractual Svcs:</u> Based on cost per position for Juneau (See attachment for detailed breakdown) <u>Commodities:</u> Supplies cost per position. <u>Equipment:</u> Desk, Chair, Bookcase, Dictation Equip. Guest Chair, Panelling. <u>Justification:</u> The Administrative Assistant position is needed to implement and operate a management information system, designed to pro- vide immediate access to employer/insurance carrier file data and current claim status to the field offices. The position is an integral part of an effective management plan, providing for supervision of the administrative process required to support the audit, investigative and hearing functions of the investigators. Supervision of Clerk Typist III.				
9	TRAVEL			1,490					
10	CONTRACTUAL			9,000					
11	COMMODITIES			550					
12	EQUIPMENT			3,452					
13	OTHER								
14	TOTAL COST			47,246					
	CODE	FUNDING SOURCE							
15		FED RCPTS							
16		GF MATCH.							
17		GEN. FUND		47,246					
18		I-A RCPTS							
19		PGM RCPTS							
20		OTHER							
21	CONTINUATION								
22	ADDITION	XXX	FOR B&M USE ONLY						
44 KEY NUMBER				COLUMN NO.					

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13 REQUEST FOR NEW
POSITION.

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1	POSITION TITLE Investigator			RANGE/STEP 18A	BARG. UNIT. GGU	LOCATION Juneau	GOV.	APPROV.	DISAPP.
2	TYPE OF POSITION PFT	STAFF MONTHS 12	RP No.	PCN No.	PRIORITY	FORM 12	PAGE/LINE	LEG.	
3	TYPE OF EXPENDITURE			AMOUNT		JUSTIFICATION:			
	1	2	3						
4	PERSONAL SERVICES:								
	SALARY	2,465/mo.	29,580						
5	BENEFITS	.1542	4.561						
6	FICA	.0665	1,967						
7	HEALTH INS.	\$127/mo.	1,524						
8	TOTAL PERSONAL SERVICES			37,632					
9	TRAVEL			11,000					
10	CONTRACTUAL			9,000					
11	COMMODITIES			550					
12	EQUIPMENT			4,786					
13	OTHER								
14	TOTAL COST			62,968					
	CODE	FUNDING SOURCE							
15		FED RCPTS.							
16		GF MATCH.							
17		GEN. FUND		62,968					
18		I-A RCPTS							
19		PGM RCPTS							
20		OTHER							
21	CONTINUATION								
22	ADDITION	XXX	FOR B&M USE ONLY						
4A KEY NUMBER				COLUMN NO.					

Pers. Services: Salary Schedule effective 3/16/80.

Travel: All Southeast Communities
1 trip per week @ 2 days

Contractual Svcs: Based on cost per position for Juneau. (See attachment for detailed breakdown).

Commodities: Cost per position for supplies.

Equipment: Desk, Chair, Bookcase, Dictation Equipment
Calculator, Tape Recorder, Guest Chair, Panelling.

Justification: The Investigator position will provide advisory service to employees, employers, insurance companies and medical facilities as to procedures and all party's rights and obligations under the Act.

This position will be responsible for investigating claims or complaints, auditing employer and insurance carrier records to ensure compliance with the Act, conducting hearings on disputed claims and cases of employer non-compliance and perfecting the case file for prosecution by the Attorney General's office.

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13 REQUEST FOR NEW POSITION.

1	POSITION TITLE Investigator			RANGE/STEP 18A	BARG. UNIT. GGU	LOCATION Anchorage	GOV.	APPROV.	DISAPP.
2	TYPE OF POSITION PFT	STAFF MONTHS 12	HP No.	PCN No.	PRIORITY	FORM 12	PAGE/LINE	LEG.	
3	TYPE OF EXPENDITURE			AMOUNT		JUSTIFICATION:			
	1	2	3						
	PERSONAL SERVICES:								
4	SALARY	2,465/mo.	29,580						
5	BENEFITS	.1542	4,562						
6	FICA	.0665	1,967						
7	HEALTH INS.	\$127/mo.	1,524						
8	TOTAL PERSONAL SERVICES			37,632					
9	TRAVEL			11,370					
10	CONTRACTUAL			10,715					
11	COMMODITIES			550					
12	EQUIPMENT			4,786					
13	OTHER								
14	TOTAL COST			65,053					
	CODE	FUNDING SOURCE							
15		FED RCPTS							
16		GF MATCH							
17		GEN. FUND		65,053					
18		I-A RCPTS							
19		PGM RCPTS							
20		OTHER							
21	CONTINUATION								
22	ADDITION	XXX	FOR B&M USE ONLY						
1A KEY NUMBER				COLUMN NO.					

Pers. Services: Salary Schedule effective 3/16/80.

Travel: All Central Region Communities
1 trip per week @ 2 days

Contractual Svcs: Based on cost per position for
Anchorage. (See attachment for detailed breakdown).

Commodities: Cost per position for supplies.

Equipment: Desk, Chair, Bookcase, Dictation Equipment
Calculator, Tape Recorder, Guest Chair, Panelling.

Justification: The Investigator position will provide
advisory service to employees, employers, insurance
companies and medical facilities as to procedures
and all party's rights and obligations under the
Act.

This position will be responsible for investigating
claims or complaints, auditing employer and
insurance carrier records to ensure compliance with
the Act, conducting hearings on disputed claims and
cases of employer non-compliance and perfecting the
case file for prosecution by the Attorney General's
office.

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13 REQUEST FOR NEW
POSITION.

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REVISED
DATE

FY 81

1	POSITION TITLE Investigator			RANGE/STEP 18A	BARG. UNIT. GGU	LOCATION Fairbanks	GOV	APPROV.	DISAPP
2	TYPE OF POSITION PFT	STAFF MONTHS 12	RF No.	PCN No.	PRIORITY	FORM 12 PAGE/LINE	LEG.		
3	TYPE OF EXPENDITURE			AMOUNT					
	1	2	3						
4	PERSONAL SERVICES:								
	SALARY	2,746/mo.	32,952						
5	BENEFITS	.1542	5,011						
6	FICA	.0665	2,191						
7	HEALTH INS.	\$127/mo.	1,524						
8	TOTAL PERSONAL SERVICES			41,748					
9	TRAVEL			17,420					
10	CONTRACTUAL			10,890					
11	COMMODITIES			550					
12	EQUIPMENT			4,786					
13	OTHER								
14	TOTAL COST			75,394					
JUSTIFICATION:									
<u>Pers. Services:</u> Salary Schedule effective 3/16/80.									
<u>Travel:</u> All Northern Region Communities 1 trip per week @ 2 days									
<u>Contractual Svcs:</u> Based on cost per position for Fairbanks. (See attachment for detailed breakdown).									
<u>Commodities:</u> Cost per position for supplies.									
<u>Equipment:</u> Desk, Chair, Bookcase, Dictation Equipment Calculator, Tape Recorder, Guest Chair, Panelling.									
<u>Justification:</u> The Investigator position will provide advisory service to employees, employers, insurance companies and medical facilities as to procedures and all party's rights and obligations under the Act.									
This position will be responsible for investigating claims or complaints, auditing employer and insurance carrier records to ensure compliance with the Act, conducting hearings on disputed claims and cases of employer non-compliance and perfecting the case file for prosecution by the Attorney General's office.									
	CODE	FUNDING SOURCE							
15		FED RCPTS							
16		GF MATCH							
17		GEN. FUND			75,394				
18		I-A RCPTS							
19		FGM RCPTS							
20		OTHER							
21	CONTINUATION								
22	ADDITION	XXX	FOR BSM USE ONLY						
40 KEY NUMBER _____ COLUMN NO. _____									

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REVISED DATE _____

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13 REQUEST FOR NEW
POSITION.

1	POSITION TITLE Data Control Clerk			RANGE/STEP 11A	BARG UNIT. GGU	LOCATION Juneau	GOV.	APPROV.	DISAPP
2	TYPE OF POSITION PFT	STAFF MONTHS 12	RP No.	PCN No.	PRIORITY	FORM 12	PAGE/LINE	LEG.	
3	TYPE OF EXPENDITURE			AMOUNT					
	1	2	3						
4	PERSONAL SERVICES:								
	SALARY	1,533/mo.	18,396						
5	BENEFITS	.1542	2,837						
6	FICA	.0665	1,223						
7	HEALTH INS.	\$127/mo.	1,524						
8	TOTAL PERSONAL SERVICES			23,980					
9	TRAVEL			-					
10	CONTRACTUAL			9,000					
11	COMMODITIES			550					
12	EQUIPMENT			1,390					
13	OTHER								
14	TOTAL COST			34,920					
	CODE	FUNDING SOURCE							
15		FED RCPTS.							
16		GF MATCH.							
17		GEN. FUND			34,920				
18		I-A RCPTS.							
19		PGM RCPTS							
20		OTHER							
21	CONTINUATION								
22	ADDITION	XXX	FOR B&M USE ONLY						
4A	KEY NUMBER			COLUMN NO.					

JUSTIFICATION:

Pers. Services: Salary Schedule eff. 3/16/80

Contractual Svcs: Cost per position for Juneau (See attachment for detailed breakdown).

Commodities: Cost per position for supplies.

Equipment: Desk, Chair, Calculator, Credenza, Guest Chair.

Justification: The Data Control Clerk position will prepare input data and maintain file reference records schedule and coordinate data processing operations, develop and maintain control procedures, code, classify and catalog data information, design forms and assist staff and other agencies in use of forms and procedures, review and correct data errors.

Establishing and maintaining complete and accurate records is necessary to enable proper and timely service to those party's covered under the provisions of the Act.

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13 REQUEST FOR NEW POSITION.

1	POSITION TITLE Clerk Typist III			RANGE/STEP 8A	BARG. UNIT. GGU	LOCATION Juneau	GOV.	APPROV.	DISAPP.
2	TYPE OF POSITION PFT	STAFF MONTHS 12	RP No.	PCN No.	PRIORITY	FORM 12	PAGE/LINE	LEG.	
3	TYPE OF EXPENDITURE			AMOUNT					
	1	2	3						
4	PERSONAL SERVICES:								
	SALARY	1,277/mo.	15,324						
5	BENEFITS	.1542	2,363						
6	FICA	.0665	1,019						
7	HEALTH INS.	\$127/mo.	1,524						
8	TOTAL PERSONAL SERVICES			20,230					
9	TRAVEL			-0-					
10	CONTRACTUAL			9,000					
11	COMMODITIES			550					
12	EQUIPMENT			950					
13	OTHER								
14	TOTAL COST			30,730					
	CODE	FUNDING SOURCE							
15		FED RCPTS.							
16		GF MATCH							
17		GEN. FUND			30,730				
18		I-A RCPTS.							
19		PGM RCPTS							
20		OTHER							
21	CONTINUATION								
22	ADDITION			XXX FOR B&M USE ONLY					
AA KEY NUMBER _____ COLUMN NO. _____									

JUSTIFICATION:

Pers. Services: Salary Schedule effective 3/16/80.

Contractual Svcs: Cost per position for Juneau
(See attachment for detailed breakdown).

Commodities: Cost per position for supplies.

Equipment: Desk, Chair, File Cabinet.

Justification: The Clerk Typist position will provide clerical assistance to maintain case files, current correspondence, transcription and legal typing services and will assist the investigator in scheduling cases for audit and hearing.

This position will also provide assistance to employees in filing claims or complaints and will advise employees, employers and insurance carriers as to procedures and all party's rights and obligations under the Act. Functions as the receptionist, administrative support person, etc.

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REVISED DATE _____

FY 81

13 REQUEST FOR NEW POSITION.

1	POSITION TITLE Clerk Typist III			RANGE/STEP 8A	BARG. UNIT. GGU	LOCATION Anchorage	GOV.	APPROV.	DISAPP.
2	TYPE OF POSITION PFT	STAFF MONTHS 12	RP No.	PCN No.	PRIORITY	FORM 12 PAGE/LINE	LEG.		

3	TYPE OF EXPENDITURE		AMOUNT
	1	2	3
	PERSONAL SERVICES:		
4	SALARY	1,277/mo.	15,324
5	BENEFITS	.1542	2,363
6	FICA	.0665	1,019
7	HEALTH INS.	\$127/mo.	1,524
8	TOTAL PERSONAL SERVICES		20,230
9	TRAVEL		-0-
10	CONTRACTUAL		10,715
11	COMMODITIES		550
12	EQUIPMENT		950
13	OTHER		
14	TOTAL COST		32,445

JUSTIFICATION:

Pers. Services: Salary Schedule effective 3/16/80.

Contractual Svcs: Cost per position for Anchorage.
(See attachment for detailed breakdown).

Commodities: Cost per position for supplies.

Equipment: Desk, Chair, File Cabinet.

Justification: The Clerk Typist position will provide clerical assistance to maintain case files, current correspondence, transcription and legal typing services and will assist the investigator in scheduling cases for audit and hearing.

This position will also provide assistance to employees in filing claims or complaints and will advise employees, employers and insurance carriers as to procedures and all party's rights and obligations under the Act. Functions as the receptionist, administrative support person, etc.

	CODE	FUNDING SOURCE	
15		FED RCPTS	
16		GF MATCH.	
17		GEN FUND	32,445
18		I-A RCPTS	
19		PGM RCPTS	
20		OTHER	
21	CONTINUATION		
22	ADDITION	XXX	FOR SAM USE ONLY

4A KEY NUMBER

COLUMN NO.

AGENCY Labor PROGRAM AREA Worker Protection

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13 REQUEST FOR NEW POSITION.

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REVISED DATE _____

FY 81

1	POSITION TITLE Clerk Typist III			RANGE/STEP 8A	BARG. UNIT. GGU	LOCATION Fairbanks	APPROV.	DISAPP.
2	TYPE OF POSITION PFT	STAFF MONTHS 12	RF No.	PCN No.	PRIORITY	FORM 12 PAGE/LINE	GOV.	LEG.
3	TYPE OF EXPENDITURE			AMOUNT				
	1	2	3					
4	PERSONAL SERVICES:							
4	SALARY	1,440/mo.	17,280					
5	BENEFITS	.1542	2,665					
6	FICA	.0665	1,149					
7	HEALTH INS.	\$127/mo.	1,524					
8	TOTAL PERSONAL SERVICES			22,618				
9	TRAVEL			-				
10	CONTRACTUAL			10,890				
11	COMMODITIES			550				
12	EQUIPMENT			950				
13	OTHER							
14	TOTAL COST			35,008				
	CODE	FUNDING SOURCE						
15		FED RCPTS.						
16		GF MATCH.						
17		GEN. FUND		35,008				
18		I-A RCPTS.						
19		PGM RCPTS						
20		OTHER						
21	CONTINUATION							
22	ADDITION			XXX FOR B&M USE ONLY				
4A KEY NUMBER				COLUMN NO.				

JUSTIFICATION:

Pers. Services: Salary Schedule effective 3/16/80.

Contractual Svcs: Cost per position for Fairbanks.
(See attachment for detailed breakdown).

Commodities: Cost per position for supplies.

Equipment: Desk, Chair, File Cabinet.

Justification: The Clerk Typist position will provide clerical assistance to maintain case files, current correspondence, transcription and legal typing services and will assist the investigator in scheduling cases for audit and hearing.

This position will also provide assistance to employees in filing claims or complaints and will advise employees, employers and insurance carriers as to procedures and all party's rights and obligations under the Act. Functions as the receptionist, administrative support person, etc.

AGENCY Labor PROGRAM AREA Worker Protection

BRU Health Administration

COMPONENT Health Care Act

13 REQUEST FOR NEW POSITION.

FISCAL NOTE

ATTACHMENT FOR CONTRACTUAL SERVICES

No. Staff	5	2	2	9
Location	Juneau	Anchorage	Fairbanks	Total
330 <u>Rent</u>				
5 pos. x 150 sq. x \$1.70	15,300			15,300
2 pos. x 150 sq. x \$1.25		4,500		4,500
2 pos. x 150 sq. x \$1.25			4,500	4,500
310 <u>Telephone</u>				
Installation	200	80	80	360
Local/Centrex	1,500	250	600	2,350
*Long Distance \$1,500/pos.	7,500	3,000	3,000	13,500
Postage	3,000	1,000	1,000	5,000
320 <u>Printing</u>				
Forms, Envelopes etc.	6,000	2,000	2,000	10,000
320 <u>Advertising</u>				
TV, Radio, Newspaper	6,000	2,000	2,000	10,000
320 <u>Subscriptions</u>	400	300	300	1,000
360 <u>Equipment Rent</u>				
364 Word Processing	3,600	3,600	3,600	10,800
368 Highway Working Cap.		3,600	3,600	7,200
340 Repairs & Maintenance		500	500	1,000
390 Other	1,500	600	600	2,700
	<u>45,000</u>	<u>21,430</u>	<u>21,780</u>	<u>88,210</u>
Cost per position	9,000	10,715	10,890	9,800

*1 - Based on actual exp. FY '75 for Wage & Hour Budget (Similar work).



Official Business

Alaska State Legislature

House of Representatives

Committee on

Health, Education & Social Services

Pouch V
State Capitol
Juneau, Alaska 99811

To: J. Hogan, House Finance

From: Thelma Buchholdt
House HESS

Re: HCS CS SSSB227

Please prepare a fiscal note for HCS CS SS SB227.

I would appreciate this information as soon as possible, as

I would like to bring the bill up in Committee next week.

Thank you.

THE LEGISLATURE OF THE STATE OF ALASKA
ELEVENTH LEGISLATURE

FISCAL NOTE

I. REQUEST

Bill/Resolution No. HCS 6555B 227 (HES)
 Title "An act relating to the health of residents of the state"
 Requested by Health, Education, and Social Services Committee Date _____

II. FISCAL DETAIL

Agency Affected Division of Insurance
 Program Category Affected Public Protection
 BRU, Program, or Subprogram(s) Affected Division of Insurance
 (Note: If more than one budget component is affected, separate line-item amounts and funding for each component in the analysis section.)

EXPENDITURES (Thousands of Dollars)

	FY 80	FY 81	FY 82	FY 83	FY 84	FY 85
100 PERSONAL SERVICES		49.2				
200 TRAVEL		5.0				
300 CONTRACTUAL		24.9				
400 COMMODITIES		.8				
500 EQUIPMENT		4.0				
600 LAND & STRUCTURES						
700 GRANTS, CLAIMS, ETC.						
Reduction of Unrestricted Tax Receipt #019		90.0				
TOTAL		173.8				

FUNDING (Thousands of Dollars)

GENERAL FUND		83.8				
FEDERAL FUNDS						
OTHER (Specify Fund Source)						
Reduction of Unrestricted Tax Receipt #019		90.0				

POSITIONS

FULL TIME <u>Market Analyst III</u>		1				
PART TIME <u>Clerk Typist III</u>		1				
TEMPORARY						

III. ANALYSIS (See Fiscal Note Preparation Instructions, Section III)

IV. DATE May 19, 1980 PREPARED BY HES Staff
 AGENCY _____
 PHONE _____
 Original: Legislative Finance
 cc: Budget and Management
 Prime Sponsor (First Legislator Named)

FISCAL NOTE

PERSONAL SERVICES

The law in Connecticut on which this bill is based was implemented with no additional staff. Most of the substantive work was performed by the industry. One new position with clerical support may be justified, however, for drafting the regulations, reviewing the organization of the Health Reinsurance Association and approving the rates and policy forms developed by the carriers for the comprehensive health plan.

Market Analyst III Range 18A 12 months	\$29,580
Clerk Typist III Range 8A half-time, 12 months	8,162
	<u>\$37,742</u>
benefits (.188)	7,095
FICA	
(.0613 x 8162 + 1588)	2,088
health insurance	
(127 x 1.5 x 12)	2,286
	<u>\$49,211</u>

TRAVEL

Travel to Connecticut and Minnesota and to Health Reinsurance Association board meetings	\$5,000
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CONTRACTUAL

Rent 2 positions x 150 sq. ft. x \$1.70 x 12 mo.	\$6,120
Phone (80 install + 600 local + 3,000 long distance)	3,680
Postage	1,000
Printing	1,000
Equipment Rental (typewriter)	2,500
Consulting	10,000
Other	600
	<u>\$24,900</u>

<u>COMMODITIES</u> (1.5 x 500)	\$750
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EQUIPMENT

desks, chairs, bookcase, filing cabinet, caculator, etc.	\$ 4,000
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PREMIUM TAX OFFSET

Estimate #1:

Loss experience under Minnesota Comprehensive Health Plan for 1979:
\$800,000

Alaska population/Minnesota population = 400,000/4,000,000 = .1
Alaska rates/Minnesota rates \approx 1.12

$$\$800,000 \times .1 \times 1.12 = \underline{\$89,600}$$

Estimate #2:

Total comprehensive Health Plan Premiums in Connecticut for 1979:
\$2,785,367 *incl costs*
Total HRA Assessment since April 1, 1976: \$80,000 *incl 1976*

Alaska population/Connecticut population = 400,000/3,000,000 = .133
Alaska rates/ Connecticut rates \approx 1.12
Loss factor 1: (135% - 125%)/135% = .074
Loss factor 2: (150% - 125%)/150% = .166

$$(a) \$2,785,367 \times .133 \times 1.12 \times .074 + (\$80,000/4) = \underline{\$50,703}$$

$$(b) \$2,785,367 \times .133 \times 1.12 \times .166 + (\$80,000/4) = \underline{\$88,875}$$

While estimate 2(a) is the best estimate from available information, rounding the higher estimates up to \$90,000 is the safest estimate.

*benefits pkg. different
slightly more
high rate
loss rates greater*

*7.4% prem. would
show up as loss
w/ rolling
in 1976
to*

*total prem. will be
92.59% of actual cost*

THE LEGISLATURE OF THE STATE OF ALASKA
ELEVENTH LEGISLATURE

FISCAL NOTE

I. REQUEST

Bill/Resolution No. CS CSS SB 227

Title _____

Requested by _____

Date _____

II. FISCAL DETAIL

Agency Affected _____

Program Category Affected _____

BRU, Program, or Subprogram(s) Affected _____

(Note: If more than one budget component is affected, separate line-item amounts and funding for each component in the analysis section.)

EXPENDITURES (Thousands of Dollars)

	FY 80	FY 81	FY 82	FY 83	FY 84	FY 85
100 PERSONAL SERVICES		48.3	53.2	58.2		
200 TRAVEL		5.0	3.0	3.3		
300 CONTRACTUAL		40.9	26.8	29.4		
400 COMMODITIES		.8	.8	.9		
500 EQUIPMENT		4.0	—	—		
600 LAND & STRUCTURES						
700 GRANTS, CLAIMS, ETC.						
Reduction of Unrestricted Tax Receipt #169		—	45.0 *	99.0 *		
TOTAL						
Assumes 10% inflation		99.0	128.8	190.8		

FUNDING (Thousands of Dollars)

GENERAL FUND		99.0	83.8			
FEDERAL FUNDS						
OTHER (Specify Fund Source)						
Reduction of Unrestricted Tax Receipt #169			45.0	99.0		

POSITIONS

FULL TIME market Analyst III		1	1	1		
PART TIME Clerk Typist III		1	1	1		
TEMPORARY						

III. ANALYSIS (See Fiscal Note Preparation Instructions, Section III)

* overestimates costs for numerous reasons:

1. assumes full scale operation (only attained in Connecticut after 4 years) in first year
2. includes \$20,000 per year of assessments as losses which were primarily administrative costs and therefore could not be passed on to the state under the Alaska bill
3. generous estimates and margins used throughout.

IV. DATE 5/16/80

PREPARED BY _____

AGENCY _____

Original: Legislative Finance

PHONE _____



THE LEGISLATURE OF THE STATE OF ALASKA
ELEVENTH LEGISLATURE

FISCAL NOTE

I. REQUEST

Bill/Resolution No. HCS C55SB 227 (HESS)

Title An act relating to health insurance for employees in the state

Requested by House Health, Education & Social Service Committee Date _____

II. FISCAL DETAIL

Agency Affected Division of Insurance

Program Category Affected Public Protection

BRU, Program, or Subprogram(s) Affected Division of Insurance

(Note: If more than one budget component is affected, separate line-item amounts and funding for each component in the analysis section.)

EXPENDITURES (Thousands of Dollars)

	FY 80	FY 81	FY 82	FY 83	FY 84	FY 85
100 PERSONAL SERVICES		537.4	609.1	670.1	737.5	811.5
200 TRAVEL		8.0	9.0	13.0	14.0	15.0
300 CONTRACTUAL		170.0	95.0	100.0	105.0	110.0
400 COMMODITIES		2.5	2.5	2.5	2.5	2.5
500 EQUIPMENT		18.5	1.0	1.0	1.0	1.0
600 LAND & STRUCTURES						
700 GRANTS, CLAIMS, ETC.		-	39,305.0	43,236.0	47,560.0	52,316.0
Reduction of unrestricted tax receipt #019		-	3,344.0	3,678.0	4,046.0	4,451.0
TOTAL		736.4	43,365.6	47,700.6	52,466.0	57,707.0

FUNDING (Thousands of Dollars)

GENERAL FUND		736.4	40,021.6	44,022.6	48,420.0	53,256.0
FEDERAL FUNDS						
OTHER (Specify Fund Source)						
Reduction of unrestricted tax receipt #019		-	3,344.0	3,678.0	4,046.0	4,451.0

POSITIONS

FULL TIME		20	20	20	20	20
PART TIME						
TEMPORARY						

III. ANALYSIS (See Fiscal Note Preparation Instructions, Section III)

100 Personal Services

- There will be a substantial increase in the filing of health insurance made in Alaska and in the kind of review given. A review of rates being charged by the carriers is necessary, not only upon initial use, but also for renewal. Heretofore, the division's role has been to approve or disapprove filings, in addition, we will now be required to determine that plans of health coverage written by the combination of catastrophic with basic hospital and medical-surgical plans provide at least equivalent benefits as outlined in Section 21.50.020. Also, Section 1 of the Act calls for a substantial number of regulations to be promulgated with some regulations needing to be repromulgated on a yearly basis.

IV. DATE 5-9-80

PREPARED BY James J. Jordan

AGENCY Division of Insurance

PHONE 274-3546

Original: Legislative Finance

cc: Budget and Management

Prime Sponsor (First Legislator Named)

THE LEGISLATURE OF THE STATE OF ALASKA
ELEVENTH LEGISLATURE

FISCAL NOTE

I. REQUEST

Bill/Resolution No. HB 977

Title An Act relating to the health of residents of the state

Requested by Health, Education & Social Services Committee Date 4/17/80

II. FISCAL DETAIL

Agency Affected Labor

Program Category Affected Worker Protection

BRU, Program, or Subprogram(s) Affected Health Administration

(Note: If more than one budget component is affected, separate line-item amounts and funding for each component in the analysis section.)

EXPENDITURES (Thousands of Dollars)

	FY 80	FY 81	FY 82	FY 83	FY 84	FY 85
100 PERSONAL SERVICES		283.9	283.9	283.9	283.9	283.9
200 TRAVEL		44.4	48.8	53.7	59.1	65.0
300 CONTRACTUAL		88.2	97.0	106.7	117.4	129.1
400 COMMODITIES		5.0	3.3	3.6	4.0	4.4
500 EQUIPMENT		25.7	-	-	-	-
600 LAND & STRUCTURES						
700 GRANTS, CLAIMS, ETC.	?	?	?	?	?	?
TOTAL	See Note 3	?	?	?	?	?

FUNDING (Thousands of Dollars)

	FY 80	FY 81	FY 82	FY 83	FY 84	FY 85
GENERAL FUND		x	x	x	x	x
FEDERAL FUNDS						
OTHER (Specify Fund Source)						

POSITIONS

	FY 80	FY 81	FY 82	FY 83	FY 84	FY 85
FULL TIME		9	9	9	9	9
PART TIME						
TEMPORARY						

III. ANALYSIS (See Fiscal Note Preparation Instructions, Section III)

- Assumes annual inflation rate of 10%. Personal Services based on Hawaii Program.
- Commodities for FY '81 are 5.0 for initial set up of forms etc. Afterward, it will drop to 3.0 plus inflation.
- Annual operating cost, excluding grants and claims are:

FY '81	FY '82	FY '83	FY '84	FY '85
447.2	433.0	447.9	464.4	482.4

Grants and claims are impossible to estimate. This bill provides for a premium supplementation fund. Currently, ALASKA has 10,424 employers; 72% or 7,463 of these employers would be eligible based on number employed. Without cost containment for coverage, premium costs cannot be estimated.

IV. DATE 4/14/80

PREPARED BY James Souby

AGENCY Labor

PHONE 465-2720

Original: Legislative Finance

cc: Budget and Management

Prime Sponsor (First Legislator Named)

Positions required would be: one - Market Analyst III, two - Market Analyst II, and one - Clerk/Typist III. In addition, the availability of qualified personnel in Alaska is limited. These persons would be in the Market Surveillance Section.

2. Section 21.50.090 of this Act calls for the Division of Insurance to administer a premium supplementation program for employers having ten or less regular employees who meet certain criteria as outlined. The administration of a program of this nature is quite foreign to the Division of Insurance. In function, it is more indigenous to the operation of the Department of Revenue. Primarily, the division will have to develop a quasi-tax return to determine the amount of supplementation and also to provide reasonable audit control. The Department of Revenue has assisted us in analyzing this portion of the fiscal note.

Department of Revenue has indicated that the most expedient way to administer this program is by use of the Federal Tax Return and utilizing primarily "desk audits." If the Federal Tax Return cannot be utilized for legal reasons, the Division of Insurance would, in effect, be required to adopt regulations which would define all items of income and deductible expense in order to effectuate the premium supplementation guidelines. The audit functions would then move from a "desk audit" approach to almost entirely a "field audit" approach requiring definitive audit of the employer's books. If this were to be the case, the following number of positions would need to be doubled. Positions required would be: one - Revenue Auditor III, four - Revenue Auditor II, ten - Tax Examiners, and one - Clerk/Typist III. Anchorage will be the location for these positions. These persons will be in the Financial Examination Section. The availability of qualified personnel to fill these positions is limited.

200 Travel

1. The establishment of the Health Reinsurance Association will require travel and, to a large degree, outside in order to participate in the periodic meetings of the board. The travel outside is due to the fact that the carriers forming the membership are located there.

The implementation phase for this Act will require outside travel to both Connecticut and Minnesota in order to expedite the formation of the Health Reinsurance Association, and to aid in the development of actuarial equivalence standards.

Travel will also be required to perform audits of carriers to verify compliance with the rate standards established by this Act.

2. Travel for the audit of the premium supplementation program will be necessary. The travel will be limited and primarily in-state. The travel item associated is the best possible scenario with the assumption of the primary use of "desk audits." This item would have to increase significantly in the case of the worst scenario of "field audits."

300 Contractual

1. It is anticipated that a substantial amount of contract services will be required in order for the division to develop actuarial equivalence standards, basis for approval or disapproval of rates for coverage written by or through the Health Reinsurance Association, and perhaps to assist in the development of the proto-type forms the association will be utilizing.
2. The premium supplementation program will require the rental of office space in Anchorage, allowance for telephone charges, and a substantial printing allowance for the application forms.

In addition, due to the foreign nature of such a function to the division, contractual services, provided perhaps by the Department of Revenue, will be necessary to establish the parameters and methods of operation for this group of employees.

400 Commodities

Sufficient commodities will be required for the 20 new positions.

500 Equipment

Sufficient office equipment will be required for the 20 new positions. In addition to what normal equipment is necessary, additional storage equipment will be necessary plus equipment that will assure a reasonable level of security in view of the documents to be on hand (e.g., Federal Tax Return).

700 Grants, Claims, Etc.

The fiscal item in this category is comprised entirely of the expected expenditures for the amounts paid to employers pursuant to the premium supplementation program as called for in Section 21.50.090.

A number of assumptions had to be made in arriving at the numbers displayed due to the lack of proper data in a number of areas. The assumptions were chosen, for the most part, to establish the worst possible scenario in order to set the upper bounds of anticipated cost. The assumptions made follow:

1. Employers income, as defined in Section 21.50.200(10), is -0-. This assumption will tend to overstate the result.
2. All effected employers will have coverage and will apply for the premium supplementation. This assumption will tend to overstate the result.
3. All employees have covered dependents. This assumption will tend to overstate the result.
4. All employers contribute 100% of the premium for the health plan. This assumption will tend to overstate the result.
5. The Department of Labor statistics relating to nongovernmental employer units, employees, and wages do not include employers with exactly ten employees. Therefore, the analysis only included employers with nine or less employees. This assumption will tend to understate the result.
6. The employer demographics will not change in the future. The result of the assumption is not determinable as it relates to the complexity of the Alaskan economic situation.
7. The premium rates utilized were 125% of the State of Alaska's rates. This results in an assumption of a rate of \$150/month/employee (125% times \$120). The development was accomplished by using employer size breakdowns of 0-3, 4-6, and 7-9 employees separately. In all breakdowns, the \$150 rate will be less than that for which the coverage will be able to be purchased. This assumption will tend to understate the result.

There will not be a fiscal impact until FY 82 because the Act would not be effective until January 1, 1981 and employers would file for supplementation of premium paid during calendar year 1981 in the first half of 1982.

Reduction of Unrestricted Tax Receipt #019

Section 21.50.050(m) allows a carrier to offset any assessments paid to the Health Reinsurance Association against its income tax under AS 43.20 or its Alaska state premium tax. In addition, it calls for the Commissioner of Revenue to directly reimburse the carrier for assessments paid in excess of the taxes. This item only includes the loss in the premium taxes.

The assumptions made in developing these numbers will produce the worst result. It was assumed that all premium taxes would be offset by the assessments paid. The basis for the amounts were the premium taxes actually paid by carriers for calendar year 1979.

There will not be a fiscal impact until FY '82 because effective the date of this Act is January 1, 1981 and the carriers would not be able to apply the offset for calendar year 1981 premium taxes until 1982.

FISCAL NOTE



I. REQUEST

Bill/Resolution No. _____
Title _____
Requested by _____ Date _____

II. FISCAL DETAIL

Agency Affected _____
Program Category Affected _____
BRU, Program, or Subprogram(s) Affected _____

(Note: If more than one budget component is affected, separate line-item amounts and funding for each component in the analysis section.)

EXPENDITURES (Thousands of Dollars)

	FY 80	FY 81	FY 82	FY 83	FY 84	FY 85
100 PERSONAL SERVICES						
200 TRAVEL						
300 CONTRACTUAL						
400 COMMODITIES						
500 EQUIPMENT						
600 LAND & STRUCTURES			334	368	406	445
700 GRANTS, CLAIMS, ETC.		1000	3040	3040	3040	3040
TOTAL		1000	3040	3040	3040	3040

FUNDING (Thousands of Dollars)

GENERAL FUND						
FEDERAL FUNDS						
OTHER (Specify Fund Source)						

POSITIONS

FULL TIME						
PART TIME						
TEMPORARY						

III. ANALYSIS (See Fiscal Note Preparation Instructions, Section III)

IV. DATE _____ PREPARED BY _____
AGENCY _____
PHONE _____
Original: Legislative Finance
cc: Budget and Management
Prime Sponsor (First Legislator Named)

Tim ... of back office
call me please when you're
free

B

3 mill. premium tax collected
from carriers + B +
assuming

Can't estimate losses
only can est. assessment exhaust
perm. tax

III.

Premium Taxes Ad 1979

Commercial	{	ad 79	\$ 2,932,789.72
		LICA	6,419.00
			<u>\$ 2,939,209</u>

Hosp. Sec.	Blue X	97,296.44
		<u><u>\$ 3,036,515</u></u>

FY 81 only 1/2 year taxes involved
 worst scenario - ~~at~~ amounts ^{equal} premium tax paid.
 Premium tax will be dependent in future FY based
 on writings of Co. in Alaska - Problems
 with estimating - ~~at~~ much depend on how
 Co's view Alaska & the economy. - Use 10%
 to extrapolate

FY 82	$3,040 \times 1.10 =$	3,344
83		3,678
84		4,046
85		4,451

shown in note as "reduction in unrestricted tax
 receipt #019"

THE LEGISLATURE OF THE STATE OF ALASKA
ELEVENTH LEGISLATURE

FISCAL NOTE

I. REQUEST

Bill/Resolution No. HCS CSSSSSB 227 (HESS)

Title An act relating to the health of residents of the State

Requested by _____ Date _____

II. FISCAL DETAIL

Division of Insurance

Agency Affected _____

Program Category Affected Public Protection

BRU, Program, or Subprogram(s) Affected Division of Insurance

(Note: If more than one budget component is affected, separate line-item amounts and funding for each component in the analysis section.)

EXPENDITURES (Thousands of Dollars)

	FY 80	FY 81	FY 82	FY 83	FY 84	FY 85
100 PERSONAL SERVICES		127.4	140.1	154.1	169.5	186.5
200 TRAVEL		5.0	6.0	10.0	11.0	12.0
300 CONTRACTUAL		100.0	50.0	55.0	60.0	65.0
400 COMMODITIES		.5	.5	.5	.5	.5
500 EQUIPMENT		2.5	--	--	--	--
600 LAND & STRUCTURES						
700 GRANTS, CLAIMS, ETC.						
Reduct. of Unrestricted Tax Rcpt. #019 --	--	--	3,344.0	3,678.0	4,046.0	4,451.0
TOTAL		235.4	3,540.6	3,897.6	4,287.0	4,715.0

FUNDING (Thousands of Dollars)

GENERAL FUND		235.4	196.6	219.6	241.0	264.0
FEDERAL FUNDS						
OTHER (Specify Fund Source)						
Reduction of Unrestrict. Tax Rcpt. #019 --	--	--	3,344.0	3,678.0	4,046.0	4,451.0

POSITIONS

FULL TIME		4	4	4	4	4
PART TIME						
TEMPORARY						

III. ANALYSIS (See Fiscal Note Preparation Instructions, Section III)

IV. DATE May 21, 1980

PREPARED BY Donald P. Koch

AGENCY Division of Insurance

PHONE 465-2577

Original: Legislative Finance

cc: Budget and Management

Prime Sponsor (First Legislator Named)

100 Personal Services

There will be a substantial increase in the filing of health insurance contracts and forms made in Alaska as new contracts are generated to comply with the requirement to offer such. In addition, the division will newly be required to conduct rate review on a heretofore uncontrolled line of business. This review will have to be made annually in view of the requirement to upgrade minimum benefit standards as appropriate due to inflation or changes in the prevailing standards in the industry.

The conduct of audits is a time consuming function which is appropriate but necessitate adequate staffing. The section calls for regulations with the need to be repromulgated on a yearly basis. Positions required would be: one - Market Analyst III, two - Market Analyst II, and one - Clerk Typist III. These persons would be in the Market Surveillance Sector.

200 Travel

The establishment of the Health Reinsurance Association will require travel and, to a large degree, outside in order to participate in the periodic meetings of the Board. The travel outside is due to the fact that the carriers forming the membership are located there.

The implementation phase for this Act will require outside travel in order to expedite the formation of the Health Reinsurance Association, and to aid in the development of the prototype.

Travel will also be required to perform audits of carriers to verify compliance with the rate standards established by this Act.

300 Contractual

It is anticipated that a substantial amount of contract services will be required in order for the division to develop basis for approval or disapproval of rates for coverage written by or through the Health Reinsurance Association, and perhaps to assist in the development of the proto-type forms the association will be utilizing.

400 Commodities

Sufficient commodities will be required for the 4 new positions.

500 Equipment

Sufficient office equipment will be required for the 4 new positions.

Reduction of Unrestricted Tax Receipt #019

Section 21.50.040(d) allows a carrier to offset any assessments paid to the Health Reinsurance Association against its income tax under AS 43.20 or its Alaska state premium tax. In addition, it calls for the Commissioner of Revenue to directly reimburse the carrier for assessments paid in excess of the taxes. This item only includes the loss in the premium taxes.

The assumptions made in developing these numbers represent a worst possible scenario. It was assumed that all premium taxes would be offset by the assessments paid. The basis for the amounts were the premium taxes actually paid by carriers for calendar year 1979.

I. REQUEST
 Bill/Resolution No. HB 977
 Title An Act relating to the health of residents of the state
 Requested by Health, Education & Social Services Committee Date 4/14/80

II. FISCAL DETAIL

Agency Affected Labor
 Program Category Affected Worker Protection
 BRU, Program, or Subprogram(s) Affected Health Administration
 (Note: If more than one budget component is affected, separate line-item amounts and funding for each component in the analysis section.)

EXPENDITURES (Thousands of Dollars)

	FY 80	FY 81	FY 82	FY 83	FY 84	FY 85
100 PERSONAL SERVICES		283.9	283.9	283.9	283.9	283.9
200 TRAVEL		44.4	48.8	53.7	59.1	65.0
300 CONTRACTUAL		88.2	97.0	106.7	117.4	129.1
400 COMMODITIES		5.0	3.3	3.6	4.0	4.4
500 EQUIPMENT		25.7	-	-	-	-
600 LAND & STRUCTURES						
700 GRANTS, CLAIMS, ETC.	?	?	?	?	?	?
TOTAL	See Note 3	?	?	?	?	?

FUNDING (Thousands of Dollars)

GENERAL FUND		x	x	x	x	x
FEDERAL FUNDS						
OTHER (Specify Fund Source)						

POSITIONS

FULL TIME		9	9	9	9	9
PART TIME						
TEMPORARY						

III. ANALYSIS (See Fiscal Note Preparation Instructions, Section III)

- Assumes annual inflation rate of 10%. Personal Services based on Hawaii Program.
- Commodities for FY '81 are 5.0 for initial set up of forms etc. Afterwards it will drop to 3.0 plus inflation.
- Annual operating cost, excluding grants and claims are:

<u>FY '81</u>	<u>FY '82</u>	<u>FY '83</u>	<u>FY '84</u>	<u>FY '85</u>
447.2	433.0	447.9	464.4	482.4

Grants and claims are impossible to estimate. This bill provides for a premium supplementation fund. Currently, ALASKA has 10,424 employers; 72% or 7,463 of these employers would be eligible based on number employed. Without cost containment for coverage, premium costs cannot be estimated.

IV. DATE 4/14/80 PREPARED BY James Souby
 AGENCY Labor
 PHONE 465-2720

Original: Legislative Finance
 cc: Budget and Management
 Prime Sponsor (First Legislator Named)

To: Representative Buchholz
From: Kay Shelton, Legislative Reference Librarian

2/1/80

The enclosed folder was part of the information sent to us to place in our information files. I would appreciate your reviewing the information and indicating (on the release form) how you wish such material handled.

Thank you for your attention to this matter.

CHILDRENS

CODES

SB106

HB 204

1977-78

You should check on Chanay's
Resolution on the Ch. 3 Code
from last year - or 1977.

6-2565

Rudge Klenikoff - 272-5522 ext 345
Betsy McGuire
Childs Booklet
hm 279-4824

CHILDREN'S CODE

BETSY MCQUIRE: Former Director of the Office of Child Advocacy. Ms. McGuire informed us that a task force was appointed in 1975 as a result of two conferences. Had support of the Governor's office. Task force was funded by the Legislative Council. Introduced in 1976, passed in 1977. A change was made in the language, instead of Dependent children, they are "children in need of aid."

MILES: Asked if we had a Children's Code now.

MCGUIRE: Said we have a change in the law, but the Legislative Affairs agency has not followed up. They would like to see the childrens' code under a separate chapter. One title.

CHAT: Asked if it was under the same title?

MCGUIRE: No.

ELIZABETH MUKTARIAN: Division of Social Services.

Spoke on implementing the Children's Code. Stressed the need of solid justification before removal of children from the home.

RICK ROBERTSON: Mentioned that Title 9, which deals with divorce and Title 20, which deals with adoption should be under the same title as the children's code. He stated that the change in the law was very fundamental. He went on to give us examples of how the law works:

1. Adudicary - demonstrates court's power - to prove that the child is in need of aid.
2. Disposition - Court. Showing best interests of the child.

① Reference Library -
Children's Codes - of Other
States.

KF 479 A75
K. 38

KFH 20 .H 38 1973

25

Children's Code

Invitation -

Betsy McGuire - Former Director office of
Child Advocacy. Support from Gov.
office. Task Force. Appointed 1975
(Results) of Conferences
1st Introduced 1976. Funded^{by} Legis. Council.
Passed 1977. Children's Code.
Formerly Dependent Children. "Children in
need of aid!"
Sept/Oct

Mile Do we have C.C. Now

Betsy Changes in laws - Under separate
Chapters Legis. Affairs not followed
up. 1 title.

Chat: Same title?

Betsy No

Elizabeth Muctarian - Div S.S.
implementing C.C.

Analysis of C.C. Solid justification
for removal from home.

Chat: Adm. introduce proposal to accomplish
this?

Burres:

Rick Robertson - AG's

Title 9 - Divorce

" 20 - Adoption

RS. 47.10 - modern day statutory embodiment
Change was fundamental

1977 - parental conduct. Vague.

Prof Stanford

- ① adjudicans - demonstrate courts power - showing child is in need of aid
- ② Disposition - court. Best interest of child.

Chat: Guardianship?

Robertson: Minors? Social workers usually one of concern.

Murson: Is there a way to get a guardian ad litem

Robertson: yes. usually lawyers. Represent best interests.

★

SB-34

Parent orientated statute.

Clear & convincing evidence.

Mike: Bad environment?

Robertson: - abused. physically, emotionally etc.

Shubert: True on poverty level?

Robertson: if contested case, obviously parent care. To provide for certain needs.

Jurisdictional evidence:

Thelma parents rights hard to terminate.

Robertson when parents recognize the problem, it's a lot easier.

Most cases alcohol related.

Prior to 1977 - if went into court - have to provide actual notice to parent.

Statute says let them know - often hard to find parents.

Chet Guardianship proceedings?

Robertson File Detector, Incompatibility.

→

AS. 13.26

Munson - Is it necessary for consolidation

Robertson - not very high priority. Supreme Ct hasn't had chance to interpret. Worthy of further study

Mills Codification better for children? →

Robertson - if don't change language of statute. Easier to read. Specific change in language of statutes.

McGuire Revision in Adapters did not get out of Committee.

Chet Committee project.

Barbara McPherson - Criminal Children's Rules

Children's Codes:

Oklahoma Statutes

HB-1089 - Juveniles - Records destruction

SB-8 - Children - Confinement - Release

* ALASKA LAW - AS HB-204 Judiciary Comm.
SB-106

AS 47.10.290(17)

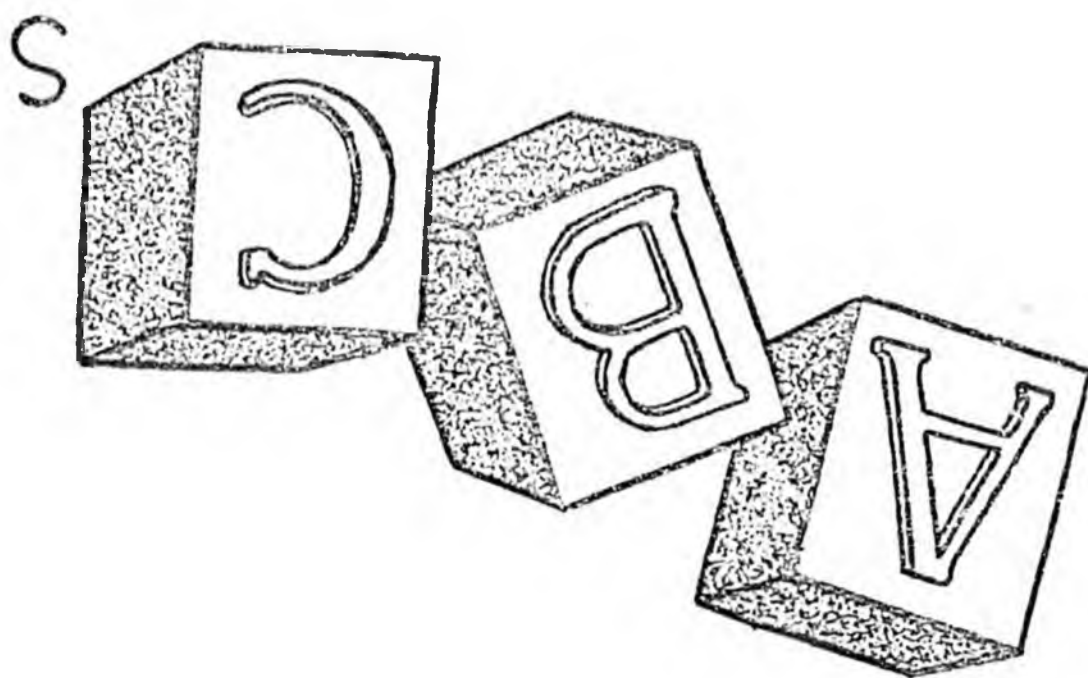
① Dependent minor ② Child in need of supervision ③ Delinquent ~~child~~ minor

Children's Code:

- ① Handling children in need of supervision
- ② Protection of neglected & abused & battered
- ③ Delinquent children.

Name	Organization	address	Bill No.
Thomas H. Robertson	Attorney General's Office	GAL-1	---
Betsey W.M. 'Guine	Former - Exec. Dir. Office of Ch. Advocacy	.	
Barbara J. McPherson	Criminal Justice Planning Agency	Pouch A-1	
ELIZABETH MUKTARIAN	DIVISION OF SOCIAL SERVICES	POUCH HDS	
Rosl. Soboleff	Rural Alaska Community Action Prog	c/o 165 S. Franklin St. Juneau	

OF THE
COLORMEN
CHILDREN
CODE



THE

FOREWORD

This booklet is designed to answer some of the more common questions about the Children's Code. The answers are not legal opinions and should not be relied on as such. Rather, they are the most usual interpretations given to the sections of the Code they cover. Some variation may be found in different judicial districts. Where a legal opinion is needed, an attorney should be consulted.

* * * * *

Prepared and released as a public service by:

Colorado Juvenile Court Judges Association

With the cooperation and support of:

Colorado Parent-Teacher Association

League of Women Voters

Colorado Juvenile Council

Metropolitan Council for Community Service

Family Law Committee of the Colorado Bar Association

Illustrations:

Frank J. Jacobucci

THE A B C's OF THE
COLORADO CHILDREN'S CODE

* * * *

Q. What is the Colorado Children's Code?

A. It is a single chapter of the Colorado Revised Statutes which includes all Colorado laws relating to children.

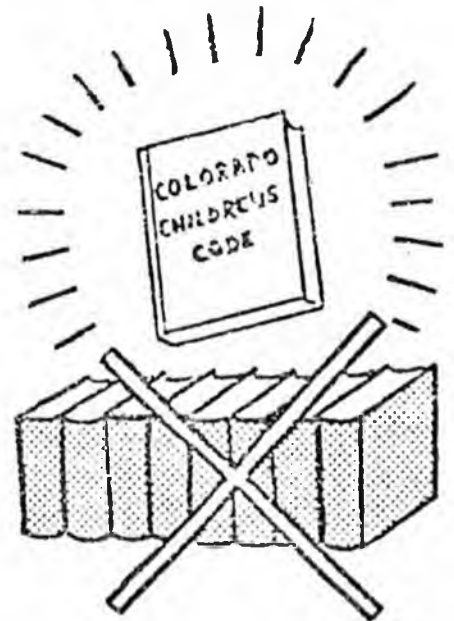
Q. Is the Children's Code a completely new law?

A. Not really. Parts of it are new but much is a regrouping in a single chapter laws formerly found in many of the 155 chapters of the Colorado Revised Statutes. For example, before the Children's Code, parts of children's laws were found in Chapter 3, Administrative Code, Chapter 4, Adoptions, Chapter 22, Children, Chapter 37, Courts, Chapter 39, Criminal Procedure,

Chapter 40, Crimes, Chapter 105, Penal and Correctional Institutions, and Chapter 119, Public Welfare. Many of these laws remain unchanged but have been brought together in one place under the title Colorado Children's Code.

Q. Why was the Children's Code adopted?

A. To up-date Colorado's juvenile laws and to set up standard court procedures, something not covered by the old law.



Q. How does the present Children's Code differ from the former laws?

A. Here are some comparisons:

<u>Definition</u>	<u>Old Law</u>	<u>New Law</u>
Delinquency:	Child 10 to 13 who has violated state or federal law or municipal ordinance, who is habitually truant from school or who is beyond control of parent. Exceptions: One over 16 charged with a capital offense shall be treated as an adult offender.	Child 10 to 18 who has violated a state or federal law, or municipal ordinance if penalty is a jail sentence. Exceptions: One over 14 charged with capital offense shall be treated as an adult offender.
Child in Need of Supervision:	No provision.	Child under 18 who indulges in anti-social although non-criminal conduct; i.e., who is truant, runaway, or beyond parental control.
Dependent or Neglected Child:	Child under 18 who is abandoned, homeless, neglected, who fails to receive proper parental care or who is dependent on charity for support.	Child under 18 whose parents abuse or neglect him. Note: New law eliminates poverty or dependence on welfare as a ground for declaring a child dependent or neglected.
<u>Procedures</u>		
Petition:	No provision as to contents.	Must state the specific offense.
Hearing:	No provision.	<u>Allegations of petition must be proved beyond reasonable doubt.</u> Child entitled to counsel and hearing must be recorded. Child has right to appeal from Court's judgment.
Disposition:	If child is found delinquent, may be left with parents under probation or may be placed in foster home, training school, or state reformatory.	Same disposition but child <u>may not be committed to state reformatory.</u>
Transfer Hearing:	No provision.	If child is over 14 and accused of serious offense (felony), court may transfer to adult criminal court.
Records:	No limitation on use.	Police must keep record of child in separate file. No release to public; may not be sent to FBI.

Q. Was a change in the law necessary?

A. Yes. Many recent U. S. Supreme Court decisions, especially those relating to the 5th and 14th Amendments, have radically changed court procedures for both adults and juveniles. Recently, the Colorado Supreme Court, in response to such changes, adopted a whole new

"Code of Criminal Procedure." The Children's Code is, in a more limited way, an up-to-date code of juvenile procedures.



Q. Is the Colorado Children's Code radically different from Children's laws in other states?

A. Colorado has always been a leader in Children's laws. Denver, with Chicago, pioneered the juvenile court movement. Hence, children's laws of many states have followed Colorado.



Where changed, the Children's Code follows closely the Standard Juvenile Court Act developed by the National Council on Crime and Delinquency, the U. S. Children's Bureau, and the National Council of Juvenile Court Judges. This model law served as a basis for new juvenile codes for such states as New York, Illinois, Maryland, Oregon, and Utah. South Dakota has since adopted a Children's Code almost identical to Colorado's. Oklahoma also updated its children's laws along the same lines.

Q. How does the present Children's Code differ from the former laws?

A. Here are some comparisons:

<u>Definition</u>	<u>Old Law</u>	<u>New Law</u>
Delinquency:	Child 10 to 13 who has violated state or federal law or municipal ordinance, who is habitually truant from school or who is beyond control of parent. Exceptions: One over 16 charged with a capital offense shall be treated as an adult offender.	Child 10 to 18 who has violated a state or federal law, or municipal ordinance if penalty is a jail sentence. Exceptions: One over 14 charged with capital offense shall be treated as an adult offender.
Child in Need of Supervision:	No provision.	Child under 18 who indulges in anti-social although non-criminal conduct; i.e., who is truant, runaway, or beyond parental control.
Dependent or Neglected Child:	Child under 18 who is abandoned, homeless, neglected, who fails to receive proper parental care or who is dependent on charity for support.	Child under 18 whose parents abuse or neglect him. Note: New law eliminates poverty or dependence on welfare as a ground for declaring a child dependent or neglected.
<u>Procedures</u>		
Petition:	No provision as to contents.	Must state the specific offense.
Hearing:	No provision.	Allegations of petition must be proved beyond reasonable doubt. Child entitled to counsel and hearing must be recorded. Child has right to appeal from Court's judgment.
Disposition:	If child is found delinquent, may be left with parents under probation or may be placed in foster home, training school, or state reformatory.	Same disposition but child may not be committed to state reformatory.
Transfer Hearing:	No provision.	If child is over 14 and accused of serious offense (felony), court may transfer to adult criminal court.
Records:	No limitations on use.	Police must keep record of child in separate file. No release to public; may not be sent to FBI.

Old Law

New Law

Expungement: No provision.

If adjudicated delinquent, two years after closing of case, if there has been no further misconduct, child may apply for and the court may expunge the juvenile record.

Publicity: Name and picture of youth accused of delinquency may not be published without leave of court.

Same provision.

Q. May the police arrest a child accused of a delinquent act?

A. Any form of police detention is called "custody."

A child may be taken into custody without court order:

For any violation of law committed in presence of the police, or where there is good reason to think the child committed such offense.

When he is lost, abandoned; when he is a runaway or when he is a danger to himself or others.

Q. When is a child considered to be "in custody"?

A. Only when suspicion focuses on him as an offender and he is questioned, not about an offense in general, but about his involvement and he is no longer free to leave. A runaway child or one who endangers himself or others may likewise be detained "in custody".

Q. May the police take a child into a police car or to headquarters to question him?

A. Yes. In most cases it is needlessly embarrassing to a child to be questioned in a public place. It may be necessary to consult the police files to determine whether the juvenile court has issued a "Request to take into Custody." Finally, since parents should be notified of the





police contact with their child and may be asked to take him home, the police department, a sub-station, or a juvenile detention center, if there is such, are appropriate places to hold the child until the parents arrive.

Q. May the police question a child without his parents being present?

A. Certainly. As a practical matter, if the police did not question a child thought to have committed some unlawful act, or who is on the street at late or unusual hours, or is behaving in a way which might be dangerous to himself or others, they could never learn his name, his address, or who his parents are, receive an explanation of



his conduct, or otherwise determine whether there is cause to take the child into custody, make an official report, or refer the matter to a juvenile court.

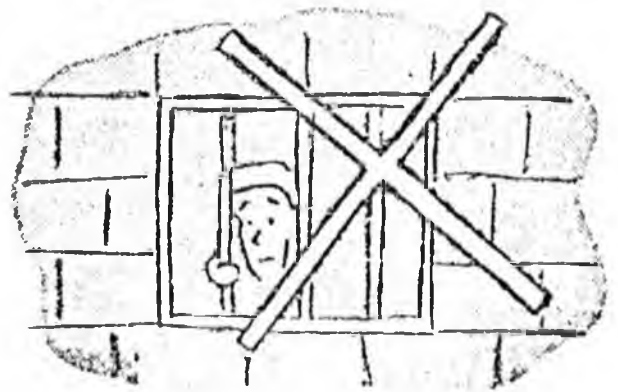
No statement of a child may be used in evidence against him unless a parent or guardian was present and the child and parent were advised of their right to remain silent, that any statement made might be used against the child, and of the right to legal counsel.

Q. What if the child refuses to give the police officer any information?

A. In most communities, ordinances require a person, including a juvenile, to give information to a police officer. Refusal to do so would be a violation of an ordinance, committed in the presence of an officer, warranting taking the child into custody. He is not obliged, however, to make self-incriminating statements.

Q. If a child is taken into custody, what happens then?

A. The Children's Code provides that the child's parents must be notified as soon as possible, and he should be released to them unless his safety, or that of others, indicates he should be detained. A child under 14 may not be placed in jail. If over 14, he may be kept in a juvenile detention center or in a jail, if separated from adult inmates.



Q. If a child is taken into custody, must he post a bail bond for his release?

A. Usually, no. The Code provides a child should be released to his parents if they give a written promise to appear in court with the child if and when notified to do so. Such a promise subjects parents to court action if they fail to appear when requested.

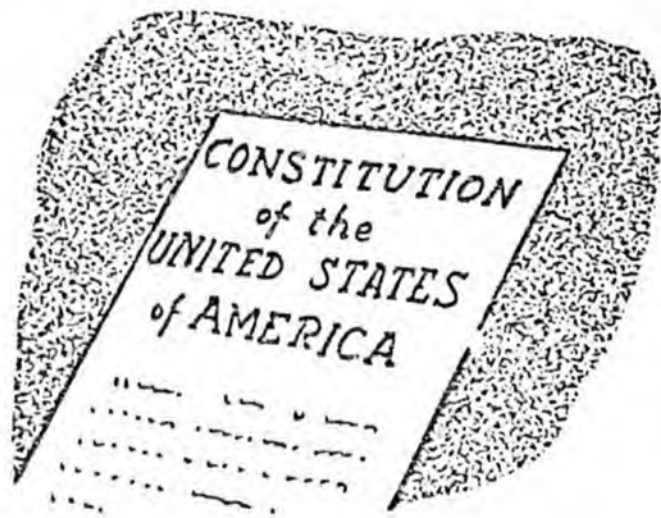


Q. Do the limits on arrest and questioning of a juvenile hamper the police in their work?

A. Yes; any restrictions of this kind probably make police work more difficult.

Q. Why should the Children's Code limit the police?

A. It is the United States and Colorado Constitutions which impose these limits, which provide for privilege against self-incrimination, right to counsel, and to release on reasonable bail, presumption of innocence, require proof beyond reasonable doubt, and similar protections guaranteed alike to adults and juveniles. The Children's Code merely sets up procedures which apply these principles and insure that these rights are protected.



Q. Why has the Children's Code been criticized by some?

A. The Children's Code, like many new laws, is not always well or fully understood by all. Yet it imposes limits on the police, the district attorneys and the courts in the handling of juvenile cases, especially in the areas of greater personal safeguards for children. Hence, it has been subject to criticism by many who would rather not change a previously



traditional procedure. Further, such safeguards for the rights and liberties of children and their parents does make more work for the police, prosecution and court, but are essential if we are to maintain constitutional government.

Q. Is the Children's Code concerned only with delinquency?

A. By no means. In addition to delinquency, the Code provides for handling children in need of supervision, protection for those neglected and abused, and for the battered child, i.e., the infant who receives severe, non-accidental injuries not adequately accounted for by parents; for termination of parental rights where appropriate; for hospitalization and treatment of the mentally ill child; for paternity proceedings; for orders to compel payment of support; for court orders to protect a child from mistreatment or other improper conduct by others; for the relinquishment of children where the parent wishes to give up the child; for the adoptive placement of relinquished or other children available for adoption; and for the prosecution and punishment of those who abuse or mistreat children or contribute to their delinquency.

Q. Early complaints by law enforcement stated the Children's Code was not workable. Have changes been made in the law?

A. Yes. In 1968 the legislature changed from 16 to 14 the age at which a child, accused of a capital offense (murder or other offense punishable by death or life imprisonment) may be charged as an adult criminal.

Another change lowered the age at which a child, accused of a serious offense (felony) may be transferred to the adult criminal court.

Still another change now permits a police officer to take a child into custody if there is probable cause to believe he committed a delinquent act.

In 1969 the legislature made other significant changes:

Child abuse cases may be proved by a preponderance of evidence rather than beyond reasonable doubt.

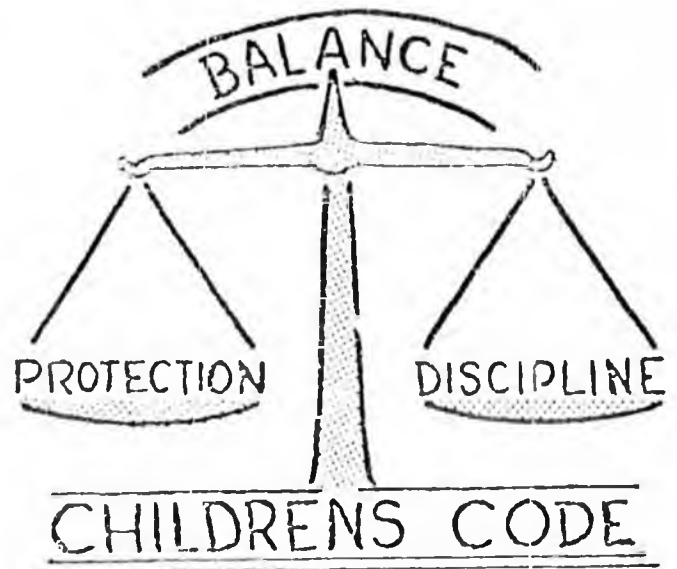
If an infant or small child receives unexplained injuries, it is not necessary to prove these were the result of abuse or neglect by the parent or guardian. Such neglect or abuse is presumed from the injury, although the parent may rebut this presumption by showing otherwise.

Adoptive procedure was simplified.

A separate juvenile section was created at Colorado State Reformatory for boys over 16 who run away from or otherwise cannot be handled adequately at Lookout Mountain School for Boys.

Q. Why a special set of laws for children?

A. Without the Children's Code children who broke a public law would be held to the same degree of responsibility as adults. It affords children protection against abuse and neglect and makes the compulsory school law enforceable. It provides adoption procedures, and empowers the court to enter protective orders for children, to determine paternity, and institute action for support of children. In short, the law recognizes that children have their own special



basic rights which the Children's Code defines and safeguards. The law also holds the child accountable for his own conduct according to his age, maturity and the kind of home in which he lives.

Q. If I know of a case of child abuse or neglect, should I report it and, if so, where?

A. Such a case should be reported immediately to the police or sheriff's office, depending upon where you live, since such conduct may be both a civil and criminal matter. You may also report the incident to your local Welfare Department or to the Juvenile Court. If you request, your name will not be used unless you should be needed as a witness.

Q. Where may one apply to adopt a child?

A. Adoptive placements are made to a licensed child placement agency. These include your local Department of Welfare and, among private agencies, Catholic Charities, Family and Children's Service, Jewish Family and Children's Service and Lutheran Service Society.

Q. May a step parent adopt his step child?

A. Yes, with consent of the spouse and the other natural parent. Such adoptive petitions are filed with the Juvenile Court.

Q. How does the Children's Code affect the Department of Welfare and private social work agencies?

A. The Code gives such agencies the responsibility for most non-institutional placements for children and casework services to families. They also establish and supervise family and group foster homes, provide protective services to children, investigate child abuse complaints, counsel with parents who wish to relinquish children, make adoptive studies and

adoptive placements and furnish the multitude of social services today's complex society demands.

Q. How can we prevent or reduce juvenile crime and child abuse?

A. By good example; by observing all laws and encouraging others to do so.

By supporting, with respect, better pay and full cooperation, your local police and law enforcement officers; when in referring to a police officer, by eliminating such names as "cop" and "fuzz".

By setting firm limits of conduct for your children; requiring regular school attendance and reasonable effort and by knowing your children's companions and whereabouts.

By insisting that schools devise courses for those students who do not fit into the regular school program and by substantial reduction in the dropout rate.

By assisting the communities in securing better treatment facilities for delinquent children.

SECOND REGULAR SESSION

SENATE BILL NO. 511

77TH GENERAL ASSEMBLY

INTRODUCED BY SENATOR SCHNEIDER

Pre-filed December 20, 1973, and 1,000 copies ordered printed.

VINITA E. RAMSEY, Secretary.

A N N O U N C E M E N T

To provide for the State of Missouri to enter into an Interstate Compact on the Placement of Children with other states and setting forth in full the terms of such Compact.

Be it enacted by the General Assembly of the State of Missouri, as follows:

Section 1. The Interstate Compact on the Placement of

2 Children is hereby enacted into law and entered into with all
3 other jurisdictions legally joining therein, in form substan-
4 tially as follows:

5 ARTICLE I.

6 It is the purpose and policy of the party states to cooperate
7 with each other in the interstate placement of children to the
8 end that:

9 (a) Each child requiring placement shall receive the
10 maximum opportunity to be placed in a suitable environment
11 and with persons or institutions having appropriate qualifi-

12 cations and facilities to provide a necessary and desirable
13 degree and type of care.

14 (b) The appropriate authorities in a state where a child
15 is to be placed may have full opportunity to ascertain the cir-
16 cumstances of the proposed placement, thereby promoting
17 full compliance with applicable requirements for the pro-
18 tection of the child.

19 (c) The proper authorities of the state from which the
20 placement is made may obtain the most complete information
21 on the basis of which to evaluate a projected placement be-
22 fore it is made.

23 (d) Appropriate jurisdictional arrangements for the
24 care of children will be promoted.

25 ARTICLE II.

26 As used in this compact:

27 (a) "Child" means a person who, by reason of minority,
28 is legally subject to parental, guardianship or similar con-
29 trol.

30 (b) "Sending agency" means a party state, officer or em-
31 ployee thereof; a subdivision of a party state, or officer or
32 employee thereof; a court of a party state; a person, cor-
33 poration, association, charitable agency or other entity which
34 sends, brings, or causes to be sent or brought any child to
35 another party state.

36 (c) "Receiving state" means the state to which a child
37 is sent, brought, or caused to be sent or brought, whether by
38 public authorities or private persons or agencies, and whether
39 for placement with state or local public authorities or for
40 placement with private agencies or persons.

41 (d) "Placement" means the arrangement for the care
42 of a child in a family free or boarding home or in a child-
43 caring agency or institution but does not include any institu-
44 tion caring for the mentally ill, mentally defective or epileptic

45 or any institution primarily educational in character, and any
46 hospital or other medical facility.

47 ARTICLE III.

48 (a) No sending agency shall send, bring, or cause to be
49 sent or brought into any other party state any child for
50 placement in foster care or as a preliminary to a possible
51 adoption unless the sending agency shall comply with each
52 and every requirement set forth in this article and with the
53 applicable laws of the receiving state governing the place-
54 ment of children therein.

55 (b) Prior to sending, bringing or causing any child to
56 be sent or brought into a receiving state for placement in
57 foster care or as a preliminary to a possible adoption, the
58 sending agency shall furnish the appropriate public authori-
59 ties in the receiving state written notice of the intention
60 to send, bring, or place the child in the receiving state. The
61 notice shall contain:

- 62 1. The name, date and place of birth of the child.
- 63 2. The identity and address or addresses of the parents
64 or legal guardian.
- 65 3. The name and address of the person, agency or in-
66 stitution to or with which the sending agency proposes to
67 send, bring, or place the child.
- 68 4. A full statement of the reasons for such proposed
69 action and evidence of the authority pursuant to which the
70 placement is proposed to be made.

71 (c) Any public officer or agency in a receiving state
72 which is in receipt of a notice pursuant to paragraph (b) of
73 this article may request of the sending agency, or any other
74 appropriate officer or agency of or in the sending agency's
75 state, and shall be entitled to receive therefrom, such sup-
76 porting or additional information as it may deem necessary
77 under the circumstances to carry out the purpose and policy
78 of this compact.

79 (d) The child shall not be sent, brought, or caused to
80 be sent or brought into the receiving state until the appro-
81 priate public authorities in the receiving state shall notify
82 the sending agency, in writing, to the effect that the proposed
83 placement does not appear to be contrary to the interests of
84 the child.

85 ARTICLE IV.

86 The sending, bringing, or causing to be sent or brought
87 into any receiving state of a child in violation of the terms
88 of this compact shall constitute a violation of the laws re-
89 specting the placement of children of both the state in which
90 the sending agency is located or from which it sends or brings
91 the child and of the receiving state. Such violation may be
92 punished or subjected to penalty in either jurisdiction in ac-
93 cordance with its laws. In addition to liability for any such
94 punishment or penalty, any such violation shall constitute
95 full and sufficient grounds for the suspension or revocation
96 of any license, permit, or other legal authorization held by
97 the sending agency which empowers or allows it to place,
98 or care for children.

99 ARTICLE V.

100 (a) The sending agency shall retain jurisdiction over
101 the child sufficient to determine all matters in relation to the
102 custody, supervision, care, treatment and disposition of the
103 child which it would have had if the child had remained in
104 the sending agency's state, until the child is adopted, reaches
105 majority, becomes self-supporting or is discharged with the
106 concurrence of the appropriate authority in the receiving
107 state. Such jurisdiction shall also include the power to ef-
108 fect or cause the return of the child or its transfer to another
109 location and custody pursuant to law. The sending agency
110 shall continue to have financial responsibility for support
111 and maintenance of the child during the period of the place-

112 ment. Nothing contained herein shall defeat a claim of juris-
113 diction by a receiving state sufficient to deal with an act of
114 delinquency or crime committed therein.

115 (b) When the sending agency is a public agency, it may
116 enter into an agreement with an authorized public or private
117 agency in the receiving state providing for the performance
118 of one or more services in respect of such case by the latter
119 as agent for the sending agency.

120 (c) Nothing in this compact shall be construed to pre-
121 vent a private charitable agency authorized to place children
122 in the receiving state from performing services or acting as
123 agent in that state for a private charitable agency of the send-
124 ing state; nor to prevent the agency in the receiving state
125 from discharging financial responsibility for the support and
126 maintenance of a child who has been placed on behalf of the
127 sending agency without relieving the responsibility set forth
128 in paragraph (a) hereof.

129 ARTICLE VI.

130 A child adjudicated delinquent may be placed in an in-
131 stitution in another party jurisdiction pursuant to this com-
132 pact but no such placement shall be made unless the child is
133 given a court hearing on notice to the parent or guardian with
134 opportunity to be heard, prior to his being sent to such other
135 party jurisdiction for institutional care and the court finds
136 that:

137 1. Equivalent facilities for the child are not available
138 in the sending agency's jurisdiction; and

139 2. Institutional care in the other jurisdiction is in the
140 best interest of the child and will not produce undue hard-
141 ship.

142 ARTICLE VII.

143 The executive head of each jurisdiction party to this
144 compact shall designate an officer who shall be general co-

145 ordinator of activities under this compact in his jurisdiction
146 and who, acting jointly with like officers of other party
147 jurisdictions, shall have powers to promulgate rules and regu-
148 lations to carry out more effectively the terms and provisions
149 of this compact.

150

ARTICLE VIII.

151 This compact shall not apply to:

152 (a) The sending or bringing of a child into a receiving
153 state by his parent, step-parent, grandparent, adult brother
154 or sister, adult uncle or aunt, or his guardian and leaving the
155 child with any such relative or non-agency guardian in the
156 receiving state.

157 (b) Any placement, sending or bringing of a child into
158 a receiving state pursuant to any other interstate compact to
159 which both the state from which the child is sent or brought
160 and the receiving state are party, or to any other agreement
161 between said states which has the force of law.

162

ARTICLE IX.

163 This compact shall be open to joinder by any state, ter-
164 ritory or possession of the United States, the District of
165 Columbia, the Commonwealth of Puerto Rico, and with the
166 consent of Congress, the Government of Canada or any prov-
167 ince thereof. It shall become effective with respect to any
168 such jurisdiction when such jurisdiction has enacted the
169 same into law. Withdrawal from this compact shall be by the
170 enactment of a statute repealing the same, but shall not take
171 effect until two years after the effective date of such statute
172 and until written notice of the withdrawal has been given
173 by the withdrawing state to the Governor of each other party
174 jurisdiction. Withdrawal of a party state shall not affect the
175 rights, duties and obligations under this compact of any send-
176 ing agency therein with respect to a placement made prior to
177 the effective date of withdrawal.

178

ARTICLE X.

179 The provisions of this compact shall be liberally con-
180 strued to effectuate the purposes thereof. The provisions of
181 this compact shall be severable and if any phrase, clause,
182 sentence or provision of this compact is declared to be con-
183 trary to the constitution of any party state or of the United
184 States or the applicability thereof to any government, agency,
185 person or circumstance is held invalid, the validity of the
186 remainder of this compact and the applicability thereof to
187 any government, agency, person or circumstance shall not be
188 affected thereby. If this compact shall be held contrary to the
189 constitution of any state party thereto, the compact shall
190 remain in full force and effect as to the remaining states
191 and in full force and effect as to the state affected as to all
192 severable matters.

Section 2. The financial responsibility for any child
2 placed pursuant to the Provisions of the Interstate Compact
3 on the Placement of Children shall be determined in ac-
4 cordance with the provisions of Article V thereof, in the
5 first instance. However, in the event of partial or complete
6 default of performance thereunder, the provisions of state
7 laws fixing responsibility for the support of children also
8 may be invoked.

Section 3. The "appropriate public authorities" as used
2 in Article III of the Interstate Compact on the Placement of
3 Children shall, with reference to this state, mean Division of
4 Welfare, and said Division of Welfare shall receive and act
5 with reference to notices required by said Article III.

Section 4. As used in paragraph (a) of Article V "ap-
2 propriate authority in the receiving state" shall mean th'
3 Division of Welfare.

Section 5. Any court having jurisdiction to place de-
2 linquent children may place such a child in an institution of

3 or in another state pursuant to Article VI of the Interstate
4 Compact on the Placement of Children and shall retain
5 jurisdiction as provided in Article V thereof.

Section 6. As used in Article VII of the Interstate Com-
2 pact on the Placement of Children the term "executive head"
3 means the Governor. The Governor is hereby authorized to
4 appoint a compact administrator in accordance with the terms
5 of said Article VII.

Section 7. No placement made into this state from a
2 jurisdiction not party to the Interstate Compact on the Place-
3 ment of Children shall be lawful unless the person or agency
4 making the placement complies with and follows the pro-
5 cedures and requirements of Article III of that compact as
6 though the state or jurisdiction from which the child is sent
7 or brought were party thereto. This section shall not apply
8 to any placement which would not be subject to the terms of
9 the Interstate Compact on the Placement of Children if both
10 this state and the other state or jurisdiction from which the
11 child is sent or brought were parties thereto.

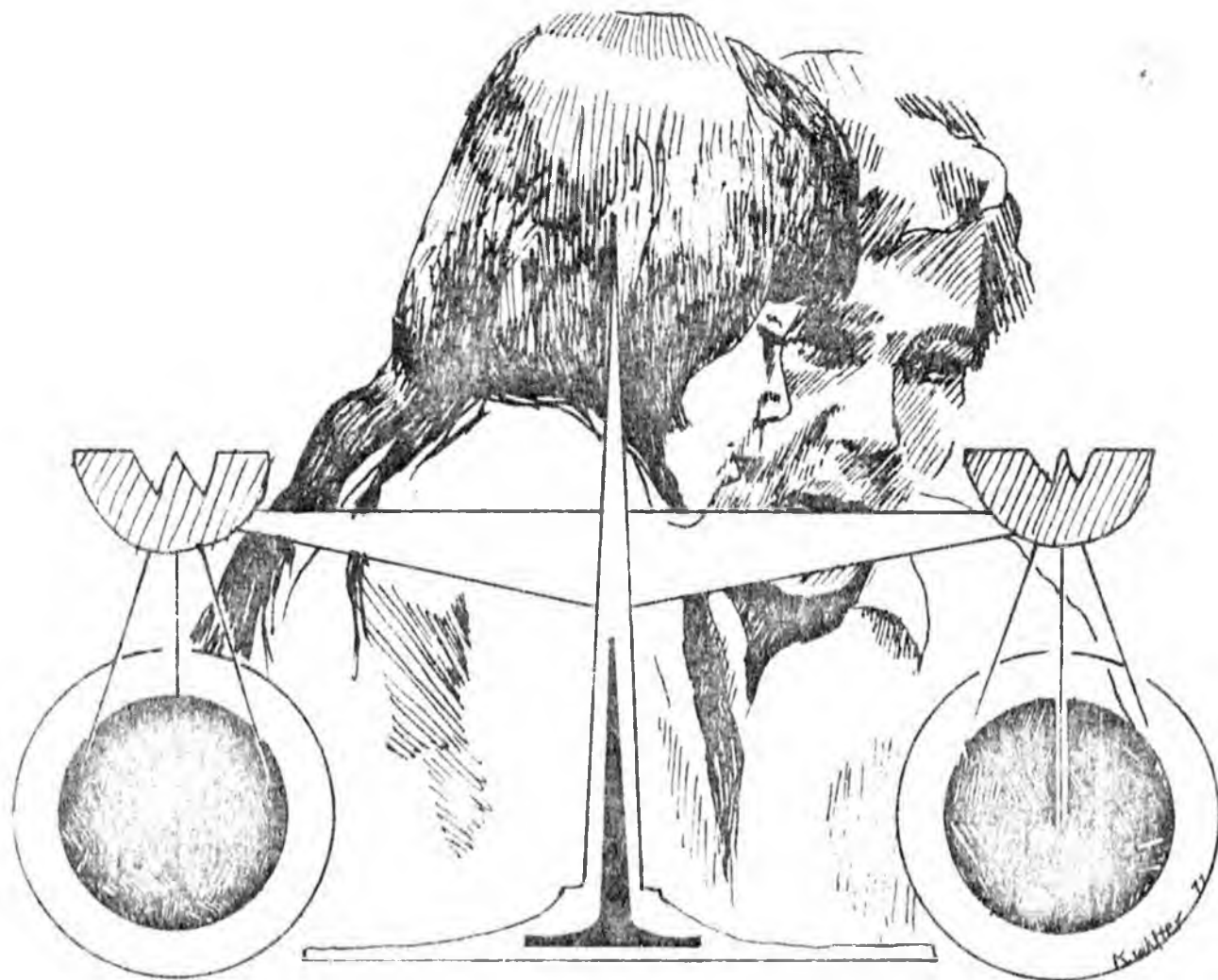
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BEIRNE

STATE OF ALASKA

2/1/79

Department of Health and Social Services



ANALYSIS

W. K. Robertson AG

of

1977 CHILDRENS CODE

DIVISION OF SOCIAL SERVICES

CHILDREN'S CODE ANALYSIS

AUGUST, 1977

THIS REPORT WAS PREPARED BY
NINA KINNEY AND ELIZABETH MUKTARIAN ✓

INTRODUCTION

This report has been prepared by the Division of Social Services to assist you in understanding the changes in Alaskan statutes relating to children which are effective on August 26, 1977.

This report has been organized in the following manner. On the right hand pages are the new statutes. Deletions in the previous statutes are included in parentheses in the appropriate sections on the right hand side. Likewise, additions to the statutes are underlined in the new statutes.

On the left hand page, you will find two types of notations. First, whenever a section of the old statute has been repealed and re-enacted, opposite that new section you will find the section which has been repealed.

The significant changes in the new statute are outlined in black boxes on the left hand page.

It must be recognized that the Children's Code, as any set of statutes, will require a period of adjustment after implementation. However, after you have worked under these new statutes you may find areas you consider to be problematic. We suggest that Division of Social Services staff communicate such areas to their Regional Manager who will forward their concerns to the Director's Office. Some areas may require policy decisions within the Division. For other areas it may be necessary to consult the Attorney General's Office for further interpretation.

We hope that this report, by contrasting old and new sections, will help to clarify the significant areas of change in Alaska's Children's Code. We wish to thank Elizabeth Arnold, Assistant Attorney General for her assistance in reviewing the draft of this report, and to acknowledge the Legislative Affairs Agency for their preparation of the type-script of the statute.

Sec. 1. AS 09.55.205 Enumerates criteria to be utilized by a court in determining the "best interests of the child" in awarding custody of children; in addition it specifies what is in the best interests of the child.

Sec. 09.55.205. Judgments for custody. In an action for divorce or for legal separation the court may, during the pendency of the action, or at the final hearing or at any time thereafter during the minority of any child of the marriage, make an order for the custody of or visitation with the minor child which may seem necessary or proper and may at any time modify or vacate the order. Appointment of a guardian ad litem or attorney for the child shall be made under the terms of AS 09.65.130. In awarding custody the court is to be guided by the following considerations:

(1) by what appears to be for the best interests of the child and if the child is of a sufficient age and intelligence to form a preference, the court may consider that preference in determining the question;

(2) as between parents adversely claiming the custody neither parent is entitled to it as of right. (§ 1 ch 160 SLA 1968; am § 1 ch 167 SLA 1975)

1
2
3
4
5
6 "An Act relating to children's laws and related judi-
7 cial proceedings; changing the court's responsibilities
8 and authority under Children's Rules 11(a), 12(a) and
9 (b), 14, 15, 21 and 28, and Rule of Civil Procedure
10 17(b)."

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

12 * Section 1. AS 09.55.205 is repealed and re-enacted to read:

13 Sec. 09.55.205. JUDGMENTS FOR CUSTODY. In an action for divorce
14 or for legal separation the court may, if it has jurisdiction under AS
15 25.30.020, and is an appropriate forum under AS 25.30.050 and 25.30.060,
16 during the pendency of the action, or at the final hearing or at any
17 time thereafter during the minority of any child of the marriage, make
18 an order for the custody of or visitation with the minor child which may
19 seem necessary or proper and may at any time modify or vacate the order.
20 Any appointment of a guardian ad litem for a child shall be made under
21 the terms of AS 09.65.130. The court shall determine custody in accor-
22 dance with the best interests of the child. Neither parent is entitled
23 to preference as a matter of right in awarding custody of the child. In
24 determining the best interests of the child the court shall consider all
25 relevant factors including:

- 26 (1) the physical, emotional, mental, religious and social
27 needs of the child;
28 (2) the capability and desire of each parent to meet these
29 needs;

Sec. 2. AS 09.65.130 deals with representation of a child. The changes clarify the responsibilities of a guardian ad litem and attorney for a child, and provides for the appointment of both and procedures for both.

The new subsection (c) clarifies that the guardian ad litem is to represent the best interests of the child, not his preferences. It also delineates the limits of the guardian ad litem's authority.

(3) the child's preference;

(4) the love and affection existing between the child and each parent;

(5) the length of time the child has lived in a stable, satisfactory environment and the desirability of maintaining continuity;

(6) the desire and ability of each parent to allow an open and loving frequent relationship between the child and his other parent.

* Sec. 2. AS 09.65.130(a) is amended to read:

(a) The court may, upon the motion of either party or upon its own motion, appoint an attorney [OR GUARDIAN AD LITEM] to represent the [INTERESTS OF A] minor [OR DEPENDENT CHILD] with respect to his custody, support, and visitation or in any other legal proceeding involving his welfare. When custody, support, or visitation are at issue in a divorce, it is the responsibility of the parties or their counsel to notify the court that those matters are at issue. Upon notification, the court shall determine whether the child should have legal representation [ASSISTANCE] or other services and shall make a finding on the record before trial. The court shall enter an order for costs, fees, and disbursements in favor of the child's attorney [OR GUARDIAN AD LITEM] and may further order that other services be provided for the protection of the child.

* Sec. 3. AS 09.65.130 is amended by adding a new subsection to read:

(c) Instead of, or in addition to, appointment of an attorney under (a) of this section, the court may, upon the motion of either party or upon its own motion, appoint an attorney or other person to serve as guardian ad litem to represent the best interests of a minor in any legal proceedings involving his welfare. The court shall appoint a guardian ad litem when, in the opinion of the court, representation of the child's best interests, to be distinguished from his preferences,

The guardian ad litem should, when reasonable, be appointed from among persons in the community where the child's parents or the person having legal custody or guardianship of the child's person reside.

Sec 4. AS 30.15.050 deals with consent to adoption. This does not change the requirement; it was added for clarification.

Sec. 5. AS 25.20.010 changes the age of majority from 19 to 18 years. Those statutes which specifically provide an age requirement of 19, such as drinking, jury duty, and selling/serving liquor remain unchanged.

1 would serve the welfare of the child. The person appointed under (a) of
2 this section may also be appointed as guardian ad litem under this
3 subsection. The court in its order appointing a guardian ad litem shall
4 limit the duration of the appointment of the guardian ad litem to the
5 pendency of the legal proceedings affecting the child's interests, and
6 shall outline the guardian ad litem's responsibilities and limit his
7 authority to those matters related to his effective representation of
8 the child's best interests in the pending legal proceeding. The court
9 shall make every reasonable effort to appoint a guardian ad litem from
10 among persons in the community where the child's parents or the person
11 having legal custody or guardianship of the child's person reside. When
12 custody, support, or visitation are at issue in a divorce, it is the
13 responsibility of the parties or their counsel to notify the court that
14 these matters are at issue. Upon notification, the court shall deter-
15 mine if the child's best interests need representation or if the child
16 needs other services and shall make a finding on the record before
17 trial. The court shall enter an order for costs, fees, and disburse-
18 ments in favor of the child's guardian ad litem and may further order
19 that other services be provided for the protection of the child.

20 * Sec. 4. AS 20.15.050(a)(1) and (5) are amended to read:

21 (1) for purposes of this section, a parent who has abandoned
22 a child for not less than six months [WITHOUT AFFORDING MEANS OF IDENTI-
23 FICATION, OR WHO HAS ABANDONED A CHILD AS DETERMINED UNDER AS 47.10.080-
24 (c)(3)(B)];

25 (5) a parent whose parental rights have been terminated by
26 order of the court under AS 47.10.080(c)(3) [SEC. 180 OF THIS CHAPTER]

27 * Sec. 5. AS 25.20.010 is amended to read:

28 Sec. 25.20.010. AGE OF MAJORITY. A person is considered to have
29 arrived at majority at the age of 18 [19] years, and thereafter has

Sec. 6. AS 25.20.060 provides for resolution of a child custody controversy between claimants not parties to an action for divorce or legal separation. The significance of this amendment is that it clarifies that it applies to persons who are not married or to custodians who are not related.

Sec. 47.10.010. Jurisdiction. (a) Proceedings relating to a minor under 18 years of age residing or found in the state are governed by this chapter, except as otherwise provided in this chapter, when the minor

(1) violates a law of the state, or an ordinance or regulation of a political subdivision of the state;

(2) by reason of being wayward or habitually disobedient is uncontrolled by his parent, guardian or custodian;

(3) is habitually truant from school or home, or habitually so conducts himself as to injure or endanger the morals or health of himself or others;

(4) is abandoned by his parent, guardian or custodian;

(5) lacks proper parental care by reason of the faults, habit or neglect of his parent, guardian or custodian;

(6) associates with vagrant, vicious or immoral people, or engages in an occupation or is in a situation dangerous to life or limb or injurious to the health, morals, or welfare of himself or others;

(7) is an orphan who has no relatives willing and able to assume custody and care;

(8) has been released by his parent or parents, or guardian, to the department for adoptive purposes; or

(9) is in need of special care or training not otherwise provided.

Sec. 7. AS 47.10.010(a) is a crucial section for Division of Social Services' staff. It includes major statutory changes. The whole concept of status offenders is removed except for runaway children. In addition, it eliminates the categories "child in need of supervision" (CHINS) and "dependent child" and in substitution grants the court jurisdiction over a child to be a "child in need of aid" (CINA), and significantly changes the types of situations which could result in such a finding. The criteria is much more specific and focuses on actual or imminent harm to the child rather than on conduct of the parent or guardian unless it endangers the child. Note that "caring" (Sec. 7., (2), (A)), means more than physical care. See Sec. 28, (9).

1 control of his own actions and business and has all the rights and is
2 subject to all the liabilities of citizens of full age, except as other-
3 wise provided by statute.

4 * Sec. 6. AS 25.20 is amended by adding a new section to read:

5 Sec. 25.20.060. CUSTODY OF THE CHILD. If there is a dispute over
6 child custody, either parent may petition the superior court for reso-
7 lution of the matter under this section unless an action between the
8 parents is pending under AS 09.55. The court shall award custody on the
9 basis of the best interests of the child. In determining the best
10 interests of the child, the court shall consider all relevant factors
11 including those factors enumerated in AS 09.55.205. Neither parent,
12 regardless of the question of the child's legitimacy, is entitled to
13 preference in the awarding of custody.

14 * Sec. 7. AS 47.10.010(a) is repealed and re-enacted to read:

15 (a) Proceedings relating to a minor under 18 years of age residing
16 or found in the state are governed by this chapter, except as otherwise
17 provided in this chapter, when the court finds the minor

18 (1) to be a delinquent minor as a result of violating a
19 criminal law of the state or of a municipality of the state; or

20 (2) to be a child in need of aid as a result of

21 (A) the child being habitually absent from his home or
22 refusing to accept available care, or having no parent, guardian,
23 custodian or relative caring or willing to care for him, including
24 physical abandonment by

25 (i) both parents,

26 (ii) the surviving parent, or

27 (iii) one parent if the other parent's rights and
28 responsibilities have been terminated under sec. 80 of this
29 chapter or voluntarily relinquished;

Sec. 8. AS 47.10.010(b) deals with jurisdiction. This amendment provides that a child shall be prosecuted as an adult for misdemeanor fish and game and parks and recreational facilities violations.

1 (B) the child being in need of medical treatment to
2 cure, alleviate, or prevent his suffering substantial physical
3 harm, or mental harm as evidenced by failure to thrive, severe
4 anxiety, depression, withdrawal, or untoward aggressive behavior or
5 hostility toward others, and his parents are unwilling to provide
6 the medical treatment;

7 (C) the child having suffered substantial physical harm
8 or if there is an imminent and substantial risk that the child will
9 suffer such harm as a result of the actions done by or conditions
10 created by his parent, guardian or custodian or the failure of his
11 parent, guardian or custodian adequately to supervise him;

12 (D) the child having been sexually abused either by his
13 parent, guardian or custodian, or as a result of conditions created
14 by his parent, guardian or custodian, or by the failure of his
15 parent, guardian or custodian adequately to supervise him;

16 (E) the child committing delinquent acts as a result of
17 pressure, guidance, or approval from his parents, guardian or
18 custodian.

19 * Sec. 8. AS 47.10.010(b) is amended to read:

20 (b) When a minor is accused of violating a traffic statute or
21 regulation, [OR] a traffic ordinance or regulation of an incorporated
22 municipality, a fish and game statute or regulation under AS 16 or a
23 park and recreational facilities statute or regulation under AS 41.20,
24 excepting a statute the violation of which is a felony, the procedure
25 prescribed in secs. 20 - 90 of this chapter may not be followed, except
26 that a parent, guardian or legal custodian shall be present at all
27 proceedings. The minor accused of a traffic offense, a fish and game
28 statute or regulation under AS 16 or parks and recreational facilities
29 violation under AS 41.20 shall be charged, prosecuted, and sentenced in

Sec. 9. AS 47.01.030(b) requires notice to be given to each parent in any children's proceeding. It requires efforts to notify absent parents regardless of the length of absence. Proof of notice must be filed before the petition is heard. If proof of notice cannot be given, you must give proof that you tried to give notice.

Sec. 9. AS 47.10.030(b) If the person summoned is not the parent or guardian of the minor, the court shall also give the parent or guardian notice of the place and time of the hearing. The court may also subpoena the parent of the minor, or any other person whose testimony may be necessary at the hearing. A summons, subpoena or other process may be served by a person authorized by law to make the service. Where personal service cannot be made, the court may direct that service of process be made by registered mail.

Sec. 10. AS 47.10.040 The significant change is that the arbitrary 14 year age requirement is removed.

1 the district court in the same manner as an adult.

2 * Sec. 9. AS 47.10.030(b) is repealed and re-enacted to read:

3 (b) In all cases under this chapter the minor, each parent of the
4 minor and the guardian of the minor shall be given notice adequate to
5 give actual notice of the proceedings and the possibility of termination
6 of parental rights and responsibilities, taking into account education
7 and language differences which are known or reasonably ascertainable by
8 the petitioner or the department. The notice of the hearing shall
9 contain all names by which the minor has been identified. Notice shall
10 be given in the manner appropriate under rules of civil procedure for
11 the service of process in a civil action under Alaska law or in any
12 manner the court by order directs. Proof of the giving of the notice
13 shall be filed with the court before the petition is heard. The court
14 may also subpoena the parent of the minor, or any other person whose
15 testimony may be necessary at the hearing. A subpoena or other process
16 may be served by a person authorized by law to make the service, and
17 where personal service cannot be made, the court may direct that service
18 of process be in a manner appropriate under rules of civil procedure for
19 the service of process in a civil action under Alaska law or in any
20 manner the court directs.

21 * Sec. 10. AS 47.10.040 is amended to read:

22 Sec. 47.10.040. RELEASE OF MINOR. A minor who is taken into
23 custody may, in the discretion of the court and upon the written promise
24 of the parent, guardian or custodian to bring the minor before the court
25 at a time specified by the court, be released to the care and custody of
26 the parent, guardian or custodian. The minor, if not released, shall be
27 detained as provided by sec. 140 of this chapter. The court may deter-
28 mine whether the father or mother or another person shall have the cus-
29 tody and control of the minor for the duration of the proceedings. If