

920 HB - 792 HB 812

1 registrar stating that the information in the original certificate of  
2 birth may be disclosed, the state registrar shall release the requested  
3 information to the adopted person.

4 (h) If a biological parent identified on the original certificate  
5 of birth has filed with the state registrar an affidavit stating that  
6 the information on the original certificate of birth should not be  
7 disclosed, the state registrar may not disclose the information re-  
8 garding that biological parent to the adopted person until the affidavit  
9 is revoked.

10 \* Sec. 4. AS 18.50 is amended by adding a new section to read:

11 Sec. 18.50.311. JUDICIAL DISCLOSURE. The court may order the  
12 state registrar to release information identifying the biological parents  
13 of the adopted person on application of the adopted person and on the  
14 determination by the court that disclosure of the information would be  
15 of greater benefit than nondisclosure.

16 \* Sec. 5. AS 18.50 is amended by adding a new section to read:

17 Sec. 18.50.362. INFORMATION FOR BIOLOGICAL PARENT. (a) The  
18 commissioner shall provide information to a biological parent relating  
19 to his rights and the rights of an adoptive child under AS 18.50.310,  
20 18.50.311 and 18.50.362 when the parent is involved in a juvenile pro-  
21 ceeding under AS 47.10.080(c)(3) and the commissioner consents to an  
22 adoption under AS 47.10.080(d).

23 (b) The commissioner shall provide a biological parent described  
24 in (a) of this section with the following information:

25 (1) the right of a biological parent to file a consent to the  
26 disclosure of information with the state registrar stating that the  
27 information on the original certificate of birth should be disclosed at  
28 any time; and

29 (2) the right of the biological parent to file an affidavit

1 stating that the information on the original certificate of birth should  
2 not be disclosed.

3 \* Sec. 6. AS 18.50.370 is amended by adding new paragraphs to read:

4 (14) "adoptive parent" means a parent who adopted a person;

5 (15) "biological parent" means a birth parent of the adopted  
6 person who is listed on the original certificate of birth of an adopted  
7 person which is not subject to inspection;

8 (16) "commissioner" means the commissioner of health and  
9 social services.

10 \* Sec. 7. AS 20.15.060 is amended by adding a new subsection to read:

11 (c) If the consent is executed in the presence of the court, the  
12 court shall advise the person who is executing the consent, if he is a  
13 biological parent as defined in AS 18.50.370(15), of

14 (1) the right of the biological parent to file a consent to  
15 the disclosure of information with the state registrar stating that the  
16 information on the original certificate of birth may be disclosed at any  
17 time; and

18 (2) the right of the biological parent to file an affidavit  
19 stating that the information on the original certificate of birth should  
20 not be disclosed.

21 \* Sec. 8. AS 20.15.180 is amended by adding a new subsection to read:

22 (h) A representative of an agency taking custody of the child,  
23 whether the agency is inside or outside the state or a court whether  
24 inside or outside the state shall advise the person who is executing the  
25 consent, if he is a biological parent as defined in AS 18.50.370(15), of

26 (1) the right of the biological parent to file a consent to  
27 the disclosure of information with the state registrar stating that the  
28 information on the original certificate of birth may be disclosed at any  
29 time; and

1 (2) the right of the biological parent to file an affidavit  
2 stating that the information on the original certificate of birth should  
3 should not be disclosed.

4 \* Sec. ~~2~~<sup>1</sup> AS 20.15.190 is amended to read:

5 Sec. 20.15.190. ADOPTION ASSISTANCE. A hard-to-place child in the  
6 permanent custody of the department in a foster home [FOR NOT LESS THAN  
7 ONE YEAR] may not be denied the opportunity for adoption [A PERMANENT  
8 HOME] if the adoption [ACHIEVEMENT OF THIS] depends on continued subsidy  
9 by the state.

10 \* Sec. ~~10~~<sup>2</sup> AS 20.15.190 is amended by adding new subsections to read:

11 (b) A hard-to-place child adopted independently or through a  
12 private agency may be granted a subsidy or medical assistance by the  
13 state if the department determines that the child was hard to place and  
14 the need for assistance exists.

15 (c) The department shall establish application procedures and  
16 eligibility standards under regulations adopted under the Administrative  
17 Procedure Act (AS 44.62) to implement this section.

18 \* Sec. ~~11~~<sup>3</sup> AS 20.15 is amended by adding a new section to read:

19 Sec. 20.15.220. AMOUNT AND DURATION OF MEDICAL ASSISTANCE. The  
20 amount of assistance for medical services and length of time for which a  
21 hard-to-place child is granted assistance are left to the discretion of  
22 the commissioner and may vary from a small sum to an amount no greater  
23 than the reimbursement level for service under AS 47.07.010 - 47.07.080.  
24 Payments shall be made to vendors of services. A hard-to-place child  
25 determined eligible by the department may be eligible for assistance  
26 until the child reaches the age of majority if the need continues to  
27 exist.

28 \* ~~Sec. 12. Sections 9 - 13 of this Act take effect July 1, 1980.~~

29 \* ~~Sec. 13. Sections 1 - 8 of this Act take effect January 1, 1981.~~ } delete

Sec. 4. This Act takes effect immediately in accordance with AS 01.10.070 CSHB 792

# STATE OF ALASKA

DEPT. OF HEALTH AND SOCIAL SERVICES

OFFICE OF THE COMMISSIONER

JAY S. HAMMOND, GOVERNOR

POUCH H 01 - JUNEAU 99811

March 11, 1980

Document# 24-80

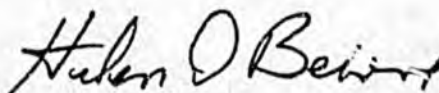
The Honorable Charles H. Parr  
Chairman, House Judiciary Committee  
Alaska State Legislature  
Pouch V  
Juneau, Alaska 99811

Dear Mr. Parr:

Enclosed please find the information you requested regarding modification of the Alaska statutes to permit subsidies to be paid to families that have privately adopted a hard-to-place child and to cover certain medical expenses for that might be a barrier to placement of such children. A budget for the program modification is enclosed.

Thank you for your interest in this program. If the department can be of further assistance to you, please do not hesitate to contact me at 465-3030.

Sincerely,



Helen D. Beirne  
Commissioner

Enclosures

*reproactive?*

4/1/80 cont

~~8-20 people  
state of affairs  
publicity~~

Thomas -

- present FOI law prevents from keeping complaints confidential
- favors confidentiality until go to hearing

Soldotna

Tom Harvey -

- no info available in Soldotna
- janitorial service - resp to customers
- wants employers free to hire as they choose

Dillingham

Kary Sersos -

- need office in Dillingham

Mark Beltz -

Don White -

- why pro-gays appointed to HRC

4/2/80

Muse -

- no chance of OK office.
- \$350 per case - standard

Rome

Johnson -

- villages don't know about HRC

Carr - Lundfelt - Asst Director

- 2 full-time investigators - need 3 (min)

- 1 intake officer

- 180-day target for case, 120 days if get budget

Charles Williams - Black Caucus

- abysmal job in black communities
- HRC laws on marital status
- need fill position in Fbks

Charles Williams (cont)

- against SB 575
- case filed with EEOC took 6 months to receive acknowledgment
- would like systemic

Gail Vick - TCC

- no go to EEOC
- fill vacancy

Car - Lundfelt - Bachman said start re-furbishing camps in 1981.

Carol Smith (member HRC)

- EEOC average 684 days on Ak cases

Penny Ladd - women's issues

- require notice in contracts of ~~how to~~ <sup>rights, how</sup> to complain, etc

Joan Justice - female minority

- HRC serves business owners + public figures -

Sandra Schnabel -

- 2 cases filed w/ HRC
- time causes problem - risk to potential employer
- need more people

4/3/80

Andy Ebona -

- backlog can be attributed to lack of funding
- HRC officers Jurnan + Ketchikan
- Commission - Ak Native members?
- need more info about HRC so people know how to file cases - esp rural cases

4/3/80

Ebona (cont) -

- longer time w/ Fed. than HRC
- 

Bob Cooksey - NEA

- favors continuation, EEOC not answer
- maybe because of attitude toward Fed govt
- has been helpful to teachers, lawsuit would have been expensive

Mary Alice McKean - attorney

- against transfer to EEOC. Backlog will get worse, complaints wouldn't be made.
- not consistent w/ general attitude of state running its own affairs -
- advantages to permanent offices here

John Gonzalez - Chairman HRC

Karen Robinson - Network Domestic Violence - Sexual Assault

- favors continuation HRC

Bruce Horowitz - See Juneau HRC

- HRC rep meets with them
- HRC better time wise than EEOC
- " cheaper if SD court time
- Ak law broader than Fed law, eg age dis.
- 

Jim Dalton - <sup>staff</sup> member of HRC in early 1970's

- charge filed in May 78 not yet resolved, feels due to lack of staff & money
- O'Connell questions why not use private attorney

Mary M<sup>c</sup>Clinton - no answers but opinions  
- investigations are expensive  
- not in favor of EEOC transfer  
- doesn't believe local govt will do it

Janet Bradley -

- Director, sec, investigator, intake officer, four positions authorized but only three funded
- had 35 invest. Off <sup>Dec</sup> Jan 78, senior investigator left. Dec 79 had 89 cases.
- FY 80 budget \$800 travel budget, although 1/3 cases filed from outside Juneau.
- Travel fund cut kept Niel T. from coming to Juneau, she has to do admin jobs of govt
- 98 case load now -
- 1975 load of pipeline cases, number were closed because complainants ~~lost~~ gone out of state, lost contact with.
- now using "rapid-charge" system, get about 40% settlement at conference.

FISCAL NOTE

I. REQUEST

Bill/Resolution No. House Bill No. 792  
 Title "An Act providing for adoption assistance"  
 Requested by Charles H. Parr, Chairman, House Judiciary Comm. Date 3/11/80

II. FISCAL DETAIL

Agency Affected Department of Health and Social Sevicees  
 Program Category Affected Social Services  
 BRU, Program, or Subprogram(s) Affected Program Services, Foster Care  
 (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						
700 GRANTS, CLAIMS, ETC.		100.3				
<b>TOTAL</b>		100.3				

FUNDING (Thousands of Dollars)

GENERAL FUND		100.3				
FEDERAL FUNDS						
OTHER (Specify Fund Source)						

POSITIONS

FULL TIME		0				
PART TIME		0				
TEMPORARY		0				

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

This bill would modify the statutes to permit subsidies to be paid to families that have privately adopted a hard-to-place child and to cover certain medical expenses that might be a barrier to placement of such children. This Fiscal Note is based upon the following assumptions:

1. That 10 hard-to-place children will be adopted privately; that the estimated average cost will be consistent with the estimated average daily cost for a child in foster care; and that \$50,260.50 will be required for the subsidies (10 children x \$13.77 a day x 365 days).
2. That the children will be in need of extensive medical, dental and possibly psychological or psychiatric treatment, which will not be covered by medical insurance coverage. Estimated costs are \$50,000.00 (10 children x \$5,000 each).

No projections for future years has been attempted since there is no experience upon which to base such estimates.

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

Prepared by: John Pugh, Act. DiBate Date: 3/11/80  
 Division/Office: Social Services PH: 465-3170  
 Department of Health & Social Services

POSITION PAPER/Department of Health & Social Service

POSITION PAPER  
ON  
HOUSE BILL NO. 792

"An Act relating to access to adoption records; and providing for an effective date."

The current practice regarding access to adoption records in Alaska is that an adopted person of legal age can view his original birth certificate upon application to the State Registrar of Vital Records. This practice is allowed by 7 AAC 05.730 and is by authority of AS 18.50.220 and AS 25.20.050. The State Registrar suggests to those adopted, to biological parents, and to natural brothers and sisters that letters of interest in making contact may be placed in the sealed file. When interest is expressed by the parties involved the State Registrar assists in facilitating contact.

House Bill 792 provides for an adopted person to apply for his original birth certificate and sets up a rather cumbersome system of notification of biological parents to give them the option to object to the disclosure. Such a system requires the Bureau of Vital Statistics, or an adoption agency, to attempt to contact the biological parents without using the mails; presumably, in person, or by telephone. This notification process could be quite burdensome to the Bureau of Vital Statistics and/or adoption agencies, requiring additional manpower to handle request, the number of which is impossible to determine. However, the experience of states and countries who have opened adoptive records indicates that there has not been a great rush by persons to find their parents; simply having the original birth certificate to look at is often enough. Thus, the requirements of notification in House Bill 792 do not appear warranted. No mail contact with the biological parents may be made so efforts of the State Registrar would have to be in person or by telephone. To some biological parents such a contact 18 or more years after deciding to give up a child could be upsetting, create family conflict or be considered an invasion of privacy. Many adoptions are of illegitimate children. The bureau has numerous experiences where a mother has named two fathers because of uncertainty on her part about true facts.

Close to 700 adoptions occur each year in Alaska, of which 500 or more are handled privately and not through the two certified adoption agencies. Therefore the majority of requests will have to be filled by obtaining the required information from the biological parents unless attorneys and doctors will open their files to the State Registrar. About 30 percent of children adopted in Alaska are from other states and another 6 percent are alien born. Having only the report of adoption and no authority to obtain information from out-of-state agencies would prevent about 40 percent of persons adopted in Alaska from benefiting from the provisions of this bill.

Adoptive parents go through much in the way of waiting, paper work, expense and anxiety in adopting a child. While the child at 18 has the right to see his original birth certificate, the reasons for his placement for adoption may be very

sensitive such as cases of rape or incest. The bill also calls for health histories on blood relatives. Not all blood relatives are aware of an adoption yet their medical history could be provided without consent.

If a biological parent, who has refused release of information, dies in another state we would not know about it and therefore, under the provision of 18.50.550 the adoptee could not petition the court for review.

Under 18.50.600, Definitions, the following change is suggested:

An "Adoptive parent" means a parent who adopted a person through legal petition to the court.

This change is suggested because there can be instances in which a biological father who is not married to the biological mother later adopts the person after marrying the mother.

The Department would also call attention to the Model State Adoption Act, which has recently been printed in the Federal Register for Friday, February 15, 1980 (Part V). This model act was developed by a panel of nationwide experts after considerable study of all the current issues in the adoption field. Section 502 of the Model Act addresses the issue of access to birth certificates by adult adoptees.

This bill, if passed, would not address nearly three-fourths of the adoptees because it does not require attorneys and doctors to open and make available their files.

This department recommends that HB 792 not be passed.

Recommended by: Joan P. Brooks 4/11/80  
Joan P. Brooks  
State Registrar  
Office of Information Systems  
(Date)

Recommended by: John Pugh 4/11/80  
John Pugh  
Acting Director  
Division of Social Services  
(Date)

Approved by: Helen D. Beirne 4-11-80  
Helen D. Beirne  
Commissioner  
Department of Health &  
Social Services  
(Date)

THE LEGISLATURE OF THE STATE OF ALASKA  
ELEVENTH LEGISLATURE

FISCAL NOTE

I. REQUEST

Bill/Resolution No. HOUSE BILL NO. 792  
 Title "An Act Relating to Access to Adoption Records"  
 Requested by \_\_\_\_\_ Date \_\_\_\_\_

II. FISCAL DETAIL

Agency Affected Department of Health and Social Services  
 Program Category Affected Vital Statistics  
 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		17.2	36.7			
200 TRAVEL		10.0	21.0			
300 CONTRACTUAL		3.5	4.0			
400 COMMODITIES		.5	1.0			
500 EQUIPMENT		2.0	.5			
600 LAND & STRUCTURES						
700 GRANTS, CLAIMS, ETC.						
<b>TOTAL</b>		<b>33.7</b>	<b>63.2</b>			

FUNDING (Thousands of Dollars)

	FY 80	FY 81	FY 82	FY 83	FY 84	FY 85
GENERAL FUND		33.7	63.2			
FEDERAL FUNDS						
OTHER (Specify Fund Source)						

POSITIONS

	FY 80	FY 81	FY 82	FY 83	FY 84	FY 85
FULL TIME		1	1			
PART TIME		-0-	-0-			
TEMPORARY		-0-	-0-			

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

A. Assumptions

1. Investigator funded for 2nd half of FY1981
2. Investigator position budgeted for 12 months in FY1982
3. 7% inflation factor added for FY1982

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

Prepared by: Acad. P. Bunker 3/6/80  
 Division/Office: Vital Statistics PH: 465-3393  
 Department of Health & Social Services

Approval DHSS Mgt. & Bdgt: P. Bunker Date: 3-10-80

TITLE: An Act Relating to Access to Adoption Records.

III Analysis (Continuation)

B. Program Summary

New Position

<u>Title</u>	<u>Salary</u>	<u>Benefits</u>	<u>Related Costs</u>	<u>Total</u>
Investigator	13.8	3.4	16.5	33.7

HOUSE BILL NO. 792  
Relating To Access To Adoption Records

—  
Testimony  
to  
Judiciary Committee  
Alaska House of Representatives

April 16, 1980

Presented on behalf of  
Catholic Social Services, Inc.

by

Sister Mary Clare Ciulla, A.C.S.W., Director  
Catholic Social Services  
Anchorage, Alaska

Catholic Social Services supports the concept of House Bill 792 regarding access to adoption records. Three important interests must be considered when releasing confidential information. These are the interests of the natural parents, the child and the adoptive parents.

### Natural Parents

The natural parents have right to strict confidentiality of their identity. Under current law and regulation, AS 18.50.220 and 7 AAC 05.730, a child upon reaching 18 may see the original birth certificate without the natural parents' consent. This is inconsistent with the requirement of the confidentiality principle contained in the adoption statute, AS 20.15.150, and in Section 301 of the Indian Child Welfare Act. We believe that no identifying information should be disclosed over the objection of the person identified. Since the natural parents and the adopted child are legally strangers to each other we believe that disclosure of government information identifying the parent without consent violates that parent's right of privacy guaranteed by Article

2.

I, Section 22 of the Alaska Constitution. The affidavit system created by HB 792 appears to satisfy this requirement.

#### Adopted Child

The child has the right, in our opinion, to all non-identifying information. It is our practice to provide such information to the adoptive parents at the very beginning. As long as the rights of the natural parents are not overridden, there is also a right to identifying information. HB 792 appears to strike the correct balance between competing rights.

#### Adoptive Parents

The adoptive parents should have the right to raise the child without any fear of the reappearance of the natural parents. Therefore, we believe that no identifying information should be released,

3.

even with consent, until the child reaches the age of majority. HB 792 follows this principle.

As a technical matter, AS 18.50.220 and 20.15.150 should be conformed if HB 792 is to pass. In addition, the Committee should consider limiting the non-identifying information contained in Sec. 18.50.570 in cases where the information may be harmful. For example, young children can be abused prior to adoption. Time, care and professional treatment can wipe out the memory of this abuse. It should not be rekindled by the release of information relating to the problem.

In conclusion, we are in favor of the thrust of HB 792. The current practice contained in 7 AAC 05.730 is wrong and perhaps unconstitutional. We urge passage of legislation along the lines of HB 792.

TO: REPRESENTATIVE PARR

FROM: JAMIE ROBINSON, 7129 SHOORESIN CIRCLE, ANC.99504 337-6735

MY FAMILY AND I STRONGLY SUPPORT THE TWO ADOPTION BILLS THAT ARE COMING UP ON APRIL 16.

#####

Re: HB 792 - adoption records disclosure

Suggested improvements to HB 792  
(which I heartily support).

1) Insert a new subpara. (11) into Sec. 18.50.570:

"(11) For each biological parent, any hereditary diseases present ~~to~~ in the family"

Example: sex-linked diseases such as hemophilia must be known to be dealt with, and might not be disclosed under (10).

[then renumber existing subpara's (11) & (12) to (12) & (13)]

2) Provide for the records to be given to the person (adopted person) so that person can make his/her own search, if after a specified time limit the state agency has been unable to locate either biological parent.

The adopted person has more time and motivation, and may often succeed where a staff-limited state agency has failed.

The rights of the biological child to seek the biological parents should outweigh the instances where biol parents prefer privacy. (I speak from the personal experience of being a biological parent, delighted to have the child find me 22 years later,

and note the biological parent  
is unable to get records disclosure  
to seek the adopted person.)

Elizabeth Cuadra

office: 586.3340

*Copies to members  
pockets*



# Alaska State Legislature House of Representatives

## M E M O R A N D U M

POUCH V  
JUNEAU, ALASKA 99811  
OFFICIAL BUSINESS

To: Representative Charlie Parr  
Chairman, House Judiciary Committee

From: Representative Terry Gardiner *TG*

Date: February 29, 1980

Re: HB 792, An Act relating to adoption records, and  
providing for an effective date.  
Sponsor: Gardiner

Linda Cuadra brought the attached amendment to my office;  
I would ask the House Judiciary's consideration of the amend-  
ment.

STATE OF ALASKA  
Inter-Department Route Slip

TO:  
MAIL STATION NUMBER ~~3100~~ 3100

DEPARTMENT House Judiciary

ATTENTION Richard Adingue

- |                                        |                                              |
|----------------------------------------|----------------------------------------------|
| <input type="checkbox"/> Approval      | <input type="checkbox"/> Note & Return       |
| <input type="checkbox"/> Signature     | <input type="checkbox"/> Initial & Return    |
| <input type="checkbox"/> Comment       | <input type="checkbox"/> Return As Requested |
| <input type="checkbox"/> Contact Me    | <input type="checkbox"/> Return For Approval |
| <input type="checkbox"/> Prepare Reply | <input type="checkbox"/> Necessary Action    |
| <input type="checkbox"/> For Your File | <input type="checkbox"/> Your Information    |

Remarks:

FROM:  
MAIL STATION NUMBER 0600

DEPARTMENT H+SS APR 25 1980

BY D. Rebel DATE \_\_\_\_\_

STATE OF ALASKA

DEPT. OF HEALTH AND SOCIAL SERVICES

OFFICE OF THE COMMISSIONER

*file copy*  
JAY S. HAMMOND, GOVERNOR

POUCH H 81 - JUNEAU 99811

APR 25 1980

Wes Coyner  
Blue Cross of Washington  
and Alaska  
Juneau, Alaska 99801

Dear Wes:

I need to request your assistance in obtaining cost figures for providing health insurance to the attached list of children in the Department's supervision. As we discussed, some of the children need special medical or dental services, such as orthodontia, that we would want to include in the child's health insurance policy. The Department also wishes to make the deductible as low as possible to encourage low income persons to adopt these special needs of children. Coverage would continue for the child until he or she reaches the age of majority.

We also have specific questions concerning insurance for this group:

1. Can a group policy be formed for these individuals?
2. Can insurance be purchased by the State for the children on a monthly, quarterly, or annual basis?

I appreciate your assistance in this matter.

Sincerely,

*Deborah Behr*

Deborah Behr  
Special Assistant  
to the Commissioner

To: Judiciary Committee  
of Charles Parr

RE HB 682

Attached please note a copy of the minutes for LTV of Anchorage who served as moderator for a meeting on adoption on Dec. 8, 1979 at U. of A.

I attended that meeting at take exception with "Pudge" Kleinbaum's article published in the Daily News in early April.

There were indeed three resolutions to come from that meeting. None of them suggested that private adoptions should be outlawed.

Although Mrs Kleinbaum tried very hard to pass this resolution there was not enough support for it. In fact the state social workers were the only ones who pushed for it. Most others seemed to feel private adoptions fill a need in this state. On close examination

Ms. Kleinkauf's arguments are too shallow to warrant changes in the present laws allowing private adoptions in Alaska.

Horror stories about adoptions don't begin to tell the whole story on adoptions. They only create sensationalism.

Please consider this question carefully. It will be a sad day in Alaska if private adoptions are not possible. And many children will be left a state burden instead of a happy child with a family of its own.

Sincerely

Janet A. Boylan  
409 E. 23

Anchorage, Alaska

99503

Sandy Stringer / Rep. Parr's Office

April 18, 1980

Page 1 of 3

Dear Mr. Stringer,

Private adoptions fill a need in this state and should not be outlawed.

1) Black market operations in this state seem to be all but non-existent. Besides black marketers disregard the law regardless.

2) Babies adopted privately do not create a financial burden for the state.

3) Babies adopted privately are born in their adoptive homes when released from the hospital. Agency adoptions require a 10 day waiting period. Adoptive parents realize this first 2 weeks is a period in which the biological parents may change their mind. If adoptive parents are willing to take this chance it is not the state's right to interfere.

4) There is not any statistical evidence to prove that agency adoptions produce results superior to private adoptions.

5) The general population has been made well aware of the fact that covering

is available for anyone desiring consulting on any matter. Doctors and Attorneys are people who have flaws like anyone else. However most do not encourage someone to do anything they have not already decided on doing.

1) Some provision should be made so that records of adoptions are kept on the state level for future reference by adoptees. Doctors and attorneys could send records to the state. Or the court could handle records in the locality where the adoption is finalized.

2) People who marry later in life and find themselves unable to bear children may not have 5-10 years to wait in line at an adoption agency. Doctors or churches can aid these couples in adopting babies.

3) The present adoption laws do not appear to be creating problems in this state. When something works - leave it alone.

Stringer

Ms. Kleinbaum seems to be the person pushing for changes in the adoption laws. Her experience with adoption is entirely second-hand, and her "facts" seem to get twisted according to the degree of her commitment!

Please note what she claims come from the meeting on adoption at Uga on December 8, 1979. Then compare that to minutes from the meeting by the League of Women Voters.

Thank you for your time. I appreciate any help you can give to help keep private adoptions possible in our great state.

Sincerely,

Janet A. Bayler

409 E. 23

Anchorage, Alaska

99503

# Judiciary Cmte / Stringer Trying to shed some

By CECILIA KLEINKAUF

The secrecy with which our society has cloaked adoption in modern times, is presently undergoing significant re-examination across the country.

Socially, legally and psychologically we are questioning whether such mystery adequately serves the full range of needs and rights of all parties involved in the adoption

and racial heritage and a belief that Indian children — even though adopted — had a right to participation in their tribe prompted passage of the Indian Child Welfare Act by Congress in 1978. This act gives Indian adoptees 18 years of age or older access to information about the tribal affiliation of their biological parents. This legislation provides that in the future, unless biological parents sign an affidavit which stipulates that their identity remain confidential, their names will be released to the adoptee after age 18, to the tribe or even to the adoptive or foster parent.

On the state level Minnesota, Connecticut and North Dakota have already passed legislation to "open" their adoption records, and many other states (prompted by the Indian Child Welfare Act) had legislation on adoption pending in 1979.

The dilemma of conflicting "rights" is having its effect on the content of such laws. There is:

- The "right" of the adoptee to know his origins;
- The "right" of the biological parents to the confidentiality promised at the time of the release of the child;
- The "right" of the adoptive parents to maintain the adoptive parent-child relationship free from interference by the biological parent.

Generally the new laws provide for increased access to information by adult adoptees in two categories — first, identifying information (names and birthdates) and second, non-identifying information (genetics, racial background, siblings medical and educational history, etc.). The new laws are attempting to balance rights by removing the requirement of a court order for access to non-identifying information, but requiring written consent for the release of identifying information about any of the parties.

While this approach does not entirely satisfy adoptees who argue

that denying them access to the names of their biological parents constitutes a form of discrimination practiced against no other group, it does represent an improvement over today's law.

At the request of the Alaska Chapter of the National Association of Social Workers, the legislature will be considering amendments to Alaska's adoption laws this year, one aspect of which will be "opening" adoption records.

The bill seeks to amend present adoption laws to delete the requirement of a court order for the release of non-identifying information to an adult adoptee over 18 years of age.

The kinds of information which could be released will center around racial-ethnic heritage, medical-genetic information and educational information about the biological parents. The second area of adoption laws which will be addressed by the bill is that of "private" adoption. The bill would require that adoptions in Alaska be done by either a licensed adoption agency or the state service office, except for adoptions by relatives or step-parents.

Such a requirement is necessary to guard against potential abuses, such as "black market" adoptions.

Anticipating this legislation, a public issues discussion on adoption in Alaska was sponsored by the Alaska chapter of the National Association of Social Workers, the Anchorage League of Women Voters and the Social Work Department at the University of Alaska, Anchorage in December, 1978. Three resolutions were approved, supporting: The opening of adoption records to provide for access to non-identifying information;

The requirement of consent for the release of identifying information about any party to an adoption;

Limiting adoptions to licensed adoption agencies or the state (except for step-parent or relative adoptions).

An interesting quirk in law has resulted in conflicting statutes regarding release of identifying information about an adoptive parent. While the Alaska statute requires release of the original adoption records to an adult adoptee, the legislature may deal with this discrepancy by amending the statute to provide for the release of non-identifying information.

The social work department surveyed those in discussion on opinions regarding changes in the law, and also attempting to gain opinion. We are, therefore, presenting the brief questions that was distributed at the time and asking for your comments.

Daily

HUMAN RESOURCES

The Adoption Issues Forum held on December 8 at the University of Alaska was a very enlightening project. Sponsored by UAW of Anchorage, the National Association of Social Workers, and the University of Alaska, the forum produced questions about, and insight into, Alaska's current status on adoption.

Guest panelists were Marjorie Bell, Probate Court Master of the Third Judicial District, Ed Wolfe, attorney from Alaska Legal Services in Kotzebue, and Melody Jameson of Fairbanks Counseling and Adoptions (formerly Catholic Community Services). The three discussed adoptions from their roles and provided expertise as resource persons.

Ronnie Esch, a social worker as well as an adoptee, presented a videotape of a Minnesota agency's practices in implementing their State law allowing adoptees over age 21 to research their birth background if both parents agree. Her personal experience was positive and intense, and utilized agency counseling services for all three parties involved.

Small groups were formed to discuss issues based on the understanding that each adoption is a contract involving three parties, including birth parents, adoptees, and adoptive parents. Groups included all three, plus agency representatives, attorneys, students, and interested citizens. Senators Arliss Sturgulewski and Terry Stinson were also group participants.

General consensus included concerns that rights of all three adoption parties must be regarded in order to have adequate adoption standards. Unanimous agreement was reached on the following:

1. That additional study be made into "open" adoption records in the State of Alaska.
2. That some means of information exchange be made possible between birth parents, adoptees, and adoptive parents.
3. That present inconsistency between adoption statutes and vital statistics regulations be corrected. (Currently vital statistic reqs allow release of original birth records: adoption law seal them.)

In general, agency roles most often include provision of services to all three parties but in Alaska this is not guaranteed. Although licensing of child-placing agencies has been required since 1955, Alaska as yet has no regulations for its licenses. Alaska allows private adoptions to be transacted between parties who do not use agencies and who are unrelated, but requires home studies following the child placement. Proponents of private adoptions feel the process is faster; those opposed say that the rights of the parties are much harder to protect.

If a family has problems after accepting a child of unknown health and background, there is no agency to intervene or recover custody. Other concerns included questionable legality of a mother's consent to adopt out a child without terminating her rights to the child. Some solutions to these concerns could involve requiring home studies prior to placement of the children. Also, agencies could be required in all adoptions. Both practices exist in other states and could be studied further.

Judiciary Cont./Stringer

Page 3 of 3

The first hand experiences of group members made very real the reasons for looking at these issues. Another who relinquished a child as a teenager withheld information to hasten the adoption and now wishes to make known information to the adoptive family. An adoptee may want to let her birth mother know she made a good decision. An adoptive parent described the feelings she had when her adopted child was a baby compared to now, as her teenaged daughter seeks birth information. A mother trying to share important medical information with an adoption agency in another state has joined a national organization to aid her in eliciting a response from her agency. The obvious need for careful handling and protection of identities when desired as well illustrated; many other issues were brought out.

The small groups were moderated by LW members Hazel Johnson, Karen Koeder, and Marge Freeman. They shared the role with NASW members Mary Lee Nicholson, sponsoring groups, did the major organizing. We appreciate their help and were really stimulated by the session.

League does not have a specific position on adoption, but participated to aid in providing citizen information. More information can be obtained from Marilyn Kerr, Human Resources Chair.

\*\*\*\*\*

A Reminder.....

The White House Conference on Families will take place in Baltimore, Minneapolis and Los Angeles next summer. Your input is requested now for area hearings scheduled on January 11 in Seattle. Testimony should focus on pressing concerns facing American families today as we go into the 1980's, with any recommended policies, programs and strategies for meeting these concerns. Input is solicited from all types of families and views, rather than just experts and organizations. Your letters may be sent to:

White House Conference on Families  
330 Independence Avenue, S.W.  
Washington, D.C. 20201

HAPPY 1980!

Marilyn Kerr  
Chair, Human Resources Committee

263-725

2 pm 4/13

Sandra - Just received this.  
Please advise after you read this.

Joan

SIoux FROM CAROL

FUDGE KLEINKAUF HAS ASKED THAT THE HOUSE JUDICIARY COMMITTEE BE ADVISED THAT SHE WILL HAVE A 20-MINUTE VIDEO CASSETTE TAPE MADE BY A MINNESOTA TV STATION AFTER MINNESOTA OPENED ITS ADOPTION LAWS THAT SHE WOULD BE WILLING TO SHOW TO THE COMMITTEE AT ITS HEARING ON WED. MARCH 16 IF THE COMMITTEE IS WILLING AND IF THERE IS TIME.

BONNIE ESCH IS THE INDIVIDUAL WHO HAS MADE THE 5 MIN. VIDEO CASSETTE TAPE WHICH WE DISCUSSED LAST WEEK. AM I CORRECT IN ASSUMING THAT THERE WERE BE EQUIPMENT AVAILABLE AT THE HEARING TO HANDLE VIDEO CASSETTES? PLS. ACK.

Sandra -  
you need to  
Call Media Center  
and ask that +4  
minutes be provided

Video cassette machine

file copy

CHARLIE PARR

ALASKA LEGISLATURE

S. R. Box: 50599  
Fairbanks, Alaska 99701  
456-5029

Pouch V  
Juneau, Alaska 99811  
465-3797

Judiciary Committee Members —  
Please take a look at the attached.  
I'd like you to consider it as an  
amendment to one of the adoption  
bills today.

Charlie Parr  
4/21/80

*members files*

# STATE OF ALASKA

DEPT. OF HEALTH AND SOCIAL SERVICES

OFFICE OF THE COMMISSIONER

JAY S. HAMMOND, GOVERNOR

POUCH H 01 - JUNEAU 99811

March 11, 1980

Document# 24-80


The Honorable Charles H. Parr  
Chairman, House Judiciary Committee  
Alaska State Legislature  
Pouch V  
Juneau, Alaska 99811

Dear Mr. Parr:

Enclosed please find the information you requested regarding modification of the Alaska statutes to permit subsidies to be paid to families that have privately adopted a hard-to-place child and to cover certain medical expenses for that might be a barrier to placement of such children. A budget for the program modification is enclosed.

Thank you for your interest in this program. If the department can be of further assistance to you, please do not hesitate to contact me at 465-3030.

Sincerely,



Helen D. Beirne  
Commissioner

Enclosures

House Bill \_\_\_\_\_

For an Act entitled: "An Act providing for adoption assistance; and providing for an effective date."

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

\* Section 1. AS 20.15.190 is repealed and reenacted to read:

Sec. 20.15.190. ADOPTION ASSISTANCE. (a) A hard-to-place child in the permanent custody of the department may not be denied the opportunity for a permanent home if the achievement of this depends on continued subsidy or medical assistance by the state.

(b) A child adopted independently or through a private agency may be eligible for subsidy or medical assistance by the state, if the department determines that the child was hard-to-place and the need for assistance exists. The department shall adopt regulations regarding application procedures and eligibility standards.

\* Sec. 2. AS 20.15 is amended by adding a new section to read:

Sec. 20.15.220. AMOUNT AND DURATION OF MEDICAL ASSISTANCE. The amount of assistance for medical services and length of time for which a hard-to-place child is granted assistance are left to the discretion of the commissioner and may vary from a small sum to the amount no greater than that reimbursement level for service under AS 47.07.010-.080. Payments shall be made to vendors of services. A hard-to-place child determined eligible by the department may be eligible for assistance until the child reaches the age of majority, if the need continues to exist.

\* Sec. 3. This Act takes effect immediately in accordance with AS 01.10.070(c).

FISCAL NOTE

I. REQUEST

Bill/Resolution No. House Bill No.  
 Title "An Act providing for adoption assistance"  
 Requested by Charles H. Parr, Chairman, House Judiciary Comm. Date 3/11/80

II. FISCAL DETAIL

Agency Affected Department of Health and Social Sevice  
 Program Category Affected Social Services  
 BRU, Program, or Subprogram(s) Affected Program Services, Foster Care  
 (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						
700 GRANTS, CLAIMS, ETC.		100.3				
TOTAL		100.3				

FUNDING (Thousands of Dollars)

GENERAL FUND		100.3				
FEDERAL FUNDS						
OTHER (Specify Fund Source)						

POSITIONS

FULL TIME		0				
PART TIME		0				
TEMPORARY		0				

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

This bill would modify the statutes to permit subsidies to be paid to families that have privately adopted a hard-to-place child and to cover certain medical expenses that might be a barrier to placement of such children. This Fiscal Note is based upon the following assumptions:

1. That 10 hard-to-place children will be adopted privately; that the estimated average cost will be consistent with the estimated average daily cost for a child in foster care; and that \$50,260.50 will be required for the subsidies (10 children x \$13.77 a day x 365 days).
2. That the children will be in need of extensive medical, dental and possibly psychological or psychiatric treatment, which will not be covered by medical insurance coverage. Estimated costs are \$50,000.00 (10 children x \$5,000 each).

No projections for future years has been attempted since there is no experience upon which to base such estimates.

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

Prepared by: John Pugh, Act. Dir. Date: 3/11/80  
 Division/Office: Social Services PH: 465-3170  
 Department of Health & Social Services



# Alaska State Legislature

## House of Representatives

### Committee on Judiciary

Official Business

Pouch V  
State Capitol  
Juneau, Alaska 99811

TO: Legislative Affairs Agency

FROM: Margaret W. Berck, Staff

DATE: April 29, 1980

RE: Request for CS for HB 792.

-----  
Please provide the House Judiciary Committee with a CS for HB 792 in final version form that comports with the Committee's intent on the following issues:

1. Insert the statutory changes to AS 20.15.220 Amount and Duration of Medical Assistance as originally requested by the Committee. See attached language. The Committee does not desire to give the Department of Health and Social Services carte blanche authority to adopt regulations on this issue.
2. Sec. 5, page 2. The Committee desires that the information be withheld from an adoptive child who has reached the age of majority if no affidavit has been filed by the biological parent. In this situation the only way the person could get the information is to get a court order to open up the records. If an affidavit has been filed with the registrar consenting to the release of information, the information should be made available to the child only if the child is 18 years of age or older and the original consenting affidavit had not subsequently been revoked by the biological parent before the child turned a major.

Sec. 5 as it reads now, has no age qualification. Furthermore it seems that the information would be disclosed if no affidavit had been filed requesting the information not be disclosed. The Committee desires the reverse of this. If the bill tracks the Committee's desires on this point, subsection (h) should be changed to cover the situation where a biological parent files a consenting affidavit and later revokes that affidavit. The Committee desires that the Court have the authority to release the information regardless of whether the biological parent has revoked a consenting affidavit. Thus subsection (h) should probably be moved to the section 6 which deals with court disclosure and it wouldn't seem to matter whether the parent was dead or alive.

3. Section 6 on page 3 should be amended so that there is no age requirement. The court itself is enough of a safeguard. The Committee wants to empower the court to divulge this information to an adoptive child of any age.

Furthermore delete subsection (b) and (c) of Sec. 6.

4. Section 7 . As the Commissioner is only involved in proceedings under AS 47.10.080, she would not be in a position to notify biological parents under AS 20.15.180 or AS 20.15. Additionally the statutes seem to permit a private cause of action under AS 47.10.080, so even under those proceedings the Commissioner may not be involved. I am familiar with one such action that was filed here in town recently. To solve these problems can't we just require a brief provision providing notice in the relinquish form used in AS 20.15.180 and in the petitions filed under AS 20.15. and AS 47.10.080?

5. Sec. 8, definition of adoptive parent. As a biological parent might later adopt his child, ie the biological father adopting his son born out of wedlock, the Committee desires this definition to be changed. The following is suggested: An adoptive parent means a parent who adopted a person through legal petition to the court.

Call me if you have questions concerning these directions.

obtaining original birth cert.)

House Bill 792

For an Act entitled: "An Act providing for adoption assistance; and providing for an effective date."

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

\* Section 1. AS 20.15.190 is repealed and reenacted to read:

Sec. 20.15.190. ADOPTION ASSISTANCE. (a) A hard-to-place child in the permanent custody of the department may not be denied the opportunity for a permanent home if the achievement of this depends on continued subsidy or medical assistance by the state.

(b) A child adopted independently or through a private agency may be eligible for subsidy or medical assistance by the state, if the department determines that the child was hard-to-place and the need for assistance exists. The department shall adopt regulations regarding application procedures and eligibility standards.

\* Sec. 2. AS 20.15 is amended by adding a new section to read:

Sec. 20.15.220. AMOUNT AND DURATION OF MEDICAL ASSISTANCE.

The amount of assistance for medical services and length of time for which a hard-to-place child is granted assistance are left to the discretion of the commissioner and may vary from a small sum to the amount no greater than that reimbursement level for service under AS 47.07.010-.080. Payments shall be made to vendors of services. A hard-to-place child determined eligible by the department may be eligible for assistance until the child reaches the age of majority, if the need continues to exist.

\* Sec. 3. This Act takes effect immediately in accordance with AS 01.10.070(c).

Original sponsor: Gardiner

IN THE HOUSE

BY THE JUDICIARY COMMITTEE

CS FOR HOUSE BILL NO. 792

IN THE LEGISLATURE OF THE STATE OF ALASKA

ELEVENTH LEGISLATURE - SECOND SESSION

A BILL

For an Act entitled: "An Act relating to adoption; and providing for an effective date."

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

*Act of privacy*

\* Section 1. LEGISLATIVE DETERMINATION. The legislature determines that information on the original birth certificate of a person subsequently adopted and for whom a new birth certificate is issued is protected from disclosure under art. 1, sec. 22 of the state constitution and may not be disclosed except under the provisions of state law.

\* Sec. 2. AS 20.15.190 is amended to read:

Sec. 20.15.190. ADOPTION ASSISTANCE. A hard-to-place child in the permanent custody of the department in a foster home [FOR NOT LESS THAN ONE YEAR] may not be denied the opportunity for a permanent home if the achievement of this depends on continued subsidy by the state.

\* Sec. 3. AS 20.15.190 is amended by adding new subsections to read:

(b) A hard-to-place child adopted independently or through a private agency may be granted a subsidy or medical assistance by the state if the department determines that the child was hard to place and the need for assistance exists.

(c) The department shall establish application procedures and eligibility standards under regulation adopted under the Administrative Procedure Act (AS 44.62) to implement this section.

\* Sec. 4. AS 18.50.220(b)(1) is amended to read:

*leaves out 20.15.220 funds*

(1) thereafter, the original certificate and the evidence of adoption or legitimation are not subject to inspection except upon order

1 of the superior court or as provided under AS 18.50.310, 18.50.311, and  
2 18.50.362 [BY REGULATION; HOWEVER, THE REGULATION SHALL ALLOW INSPECTION  
3 BY AN AGENT OF THE STATE OR FEDERAL GOVERNMENT ACTING IN THE PERFORMANCE  
4 OF HIS OFFICIAL DUTIES];

5 \* Sec. 5. AS 18.50.310 is amended by adding new subsections to read:

6 (f) If neither biological parent has filed an unrevoked affidavit  
7 with the state registrar stating that the information on the original  
8 certificate of birth may not be disclosed, information shall be dis-  
9 closed as follows: *if not filed - info disclosed;*

10 (1) If the person was adopted before January 1, 1981, he may  
11 petition the superior court for disclosure of the original certificate  
12 of birth and the court shall consider the petition under AS 18.50.312.

13 (2) If the person was adopted on or after January 1, 1981,  
14 the state registrar shall release the requested information to the  
15 adopted person. *no age factor*

16 (g) If a biological parent identified on the original certificate  
17 of birth has filed with the state registrar an affidavit stating that  
18 the information on the original certificate of birth should not be  
19 disclosed, the state registrar may not disclose the information re-  
20 garding that biological parent to the adopted person until the affidavit  
21 is revoked.

22 (h) If a biological parent named on an original certificate of  
23 birth had filed with the state registrar an unrevoked affidavit stating  
24 that the information on the original certificate of birth should not be  
25 released and that biological parent dies, the adopted person may peti-  
26 tion the superior court for disclosure of the original certificate of  
27 birth. The court shall grant the petition if, after consideration of  
28 the interests of all persons involved, the court determines that dis-  
29 closure of the information would be of greater benefit than nondisclo-

sure.

\* Sec. 6. AS 18.50 is amended by adding a new section to read:

Sec. 18.50.311. JUDICIAL DISCLOSURE. (a) The court may order the state registrar to release information identifying the biological parents of the adopted person on application of the adopted person who is 18 years of age or older and on the <sup>intent - no age</sup> determination by the court that disclosure of the information would be of greater benefit than non-disclosure.

<sup>notice to parties</sup>  
(b) ~~The court may require the state registrar or the child adoption agency to advise the adoptive parents and biological parents of an application for disclosure of identifying information under this section.~~

~~(c) In making its determination under (a) of this section, the court shall consider the effect of disclosure on the biological parents, the adoptive parents, and the adopted person.~~

\* Sec. 7. AS 18.50 is amended by adding a new section to read:

Sec. 18.50.362. INFORMATION FOR BIOLOGICAL PARENT. (a) The commissioner shall provide information to a biological parent relating to his rights and the rights of an adoptive child under AS 18.50.310, 18.50.311 and 18.50.362 when the parent is

(1) relinquishing parental rights under AS 20.15.180;

(2) involved in a juvenile proceeding under AS 47.10.080(c)-  
only one report

(3);

(3) releasing a child for adoption under AS 20.15.

(b) The commissioner shall provide a biological parent in the situations described in (a) of this section with the following information:

(1) the right of a biological parent to file a consent to the disclosure of information with the state registrar stating that the

1 information on the original certificate of birth should be disclosed at  
2 any time;

3 (2) the right of the biological parent to file an affidavit  
4 stating that the information on the original certificate of birth should  
5 not be disclosed; and

6 (3) the effect of a failure of a biological parent to file  
7 either a consent to disclosure or an affidavit stating that the informa-  
8 tion on the original certificate of birth should not be disclosed.

9 \* Sec. 8. AS 18.50.370 is amended by adding new paragraphs to read:

10 (14) "adoptive parent" means a parent who adopted a person but  
11 who is not the biological parent of the person; *not always*

12 (15) "biological parent" means a birth parent of the adopted  
13 person who is listed on the original certificate of birth of an adopted  
14 person which is not subject to inspection;

15 (16) "commissioner" means the commissioner of health and  
16 social services.

17 \* Sec. 9. Sections 2, 3, 9 and 10 of this Act take effect July 1,  
18 1980.

19 \* Sec. 10. Sections 1 and 4 - 8 of this Act take effect January 1, 1981.  
20  
21  
22  
23  
24  
25  
26  
27  
28  
29

APR 25 1980

Wes Coyner  
Blue Cross of Washington  
and Alaska  
Juneau, Alaska 99801

Dear Wes:

I need to request your assistance in obtaining cost figures for providing health insurance to the attached list of children in the Department's supervision. As we discussed, some of the children need special medical or dental services, such as orthodontia, that we would want to include in the child's health insurance policy. The Department also wishes to make the deductible as low as possible to encourage low income persons to adopt these special needs of children. Coverage would continue for the child until he or she reaches the age of majority.

We also have specific questions concerning insurance for this group:

1. Can a group policy be formed for these individuals?
2. Can insurance be purchased by the State for the children on a monthly, quarterly, or annual basis?

I appreciate your assistance in this matter.

Sincerely,

Deborah Behr  
Special Assistant  
to the Commissioner

bcc: Sandra Stringer  
House Judiciary

Current Children

Receiving Adoption Subsidies

<u>Age</u>	<u>Sex</u>	<u>Special Considerations</u>
14	F	Part of sibling group; no special medical needs; covered by Indian Health Service (Native).
12	F	Part of sibling group; no special medical needs; covered by Indian Health Service (Native).
10	F	Part of sibling group; medical needs - \$2,500 worth of orthodontia needed.
12	F	Part of sibling group; medial needs - \$2,500 worth of orthodontia needed.
5	F	Fetal alcohol syndrome; no unusual medical problems known at this time.
10	M	Moderately retarded; no special medical need.
18	M	Mental health problems; no special medical needs.
16	F	Orthodontia needed; vision problems.
6	F	Down's Syndrome; upper respiratory infections common.

Children in Department's Supervision  
that may need Subsidized Health Coverage

<u>Age</u>	<u>Sex</u>	<u>Special Considerations</u>
16	F	Mental health counseling; psychiatric Services
13	F	Mental health counseling
6	F	Psychiatric diagnostic work and counseling
17	F	Multiple handicapped; in wheelchair; partially blind; MR (mentally retarded), hospitalized 3 - 4 times a year for upper respiratory infections
12	M	Meningomyelocele and colostomy; otherwise in good health; mentally retarded IQ 45 - 55.

Additionally 10 - 12 children under 18 need orthodontia; otherwise in good health

Kleinkauf -

no adoption until child relinquishment  
" private adoptions

Sister Mary Clare -

- takes away parent's right to choose adoptive parents
- worked w/ 100 girls last yr, 26 gave up babies
- 

Nina & money -

- not clear as to extent of coercion

How of adoptions -

Kleinkauf -

Need to get info from courts as well as registrar.  
p 5, line 2 - change, delete & date

Sister Mary Clare -

- some info can be ~~helpful~~ harmful

Brooks -

- one-parent adoption
- 3-5 month requests for birth certificates
- 

64% "private" adoptions relative or step parent

979 - 3d Jud Dist only 28 private adoptions  
12-14 est 1980 so far

2324 | 446.05  
 2324 | 213.00  
2091
 770  
 2324  
 446



Close

Barnes

Buehler

O'Connell

Malone

Open

Brown

Phillips

Original sponsor: Gardiner

1 IN THE HOUSE

BY THE JUDICIARY COMMITTEE

2 CS FOR HOUSE BILL NO. 792

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 ELEVENTH LEGISLATURE - SECOND SESSION

5 A BILL

6 For an Act entitled: "An Act relating to adoption; and providing for an  
7 effective date."

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

9 \* Section 1. LEGISLATIVE DETERMINATION. The legislature determines that  
10 information on the original birth certificate of a person subsequently  
11 adopted and for whom a new birth certificate is issued is protected from  
12 disclosure under art. 1, sec. 22 of the state constitution and may not be  
13 disclosed except under the provisions of state law.

14 \* Sec. 2. AS 18.50.220(b)(1) is amended to read:

15 (1) thereafter, the original certificate and the evidence of  
16 adoption or legitimation are not subject to inspection except upon order  
17 of the superior court or as provided under AS 18.50.310, 18.50.311, and  
18 18.50.362 [BY REGULATION; HOWEVER, THE REGULATION SHALL ALLOW INSPECTIO  
19 BY AN AGENT OF THE STATE OR FEDERAL GOVERNMENT ACTING IN THE PERFORMANC  
20 OF HIS OFFICIAL DUTIES];

21 \* Sec. 3. AS 18.50.310 is amended by adding new subsections to read:

22 (f) If ~~neither biological parent has filed an unrevoked affidavit~~  
23 with the state registrar stating that the information on the original  
24 certificate of birth may be disclosed, <sup>or has revoked such an affidavit</sup> information may be disclosed only  
25 if the person files a petition with the superior court for disclosure of  
26 the original certificate of birth. The court shall consider the  
27 petition under AS 18.50.311.

28 (g) If the person has reached the age of majority and <sup>a</sup> both  
29 biological parents <sup>has</sup> have filed an unrevoked affidavit with the state

1 registrar stating that the information in the original certificate of  
2 birth<sup>REGARDING THAT biological parent</sup> may be disclosed, the state registrar shall release the requested  
3 information to the adopted person.

4 (h) If a biological parent identified on the original certificate  
5 of birth has filed with the state registrar an affidavit stating that  
6 the information on the original certificate of birth should not be  
7 disclosed, the state registrar may not disclose the information re-  
8 garding that biological parent to the adopted person until the affidavit  
9 is revoked. *and the adopted person has reached the*  
*age of majority.*

10 \* Sec. 4. AS 18.50 is amended by adding a new section to read:

11 Sec. 18.50.311. JUDICIAL DISCLOSURE. The court may order the  
12 state registrar to release information identifying the biological parent  
13 of the adopted person on application of the adopted person and on the  
14 determination by the court that disclosure of the information would be  
15 of greater benefit than nondisclosure.

16 \* Sec. 5. AS 18.50 is amended by adding a new section to read:

17 Sec. 18.50.362. INFORMATION FOR BIOLOGICAL PARENT. (a) The  
18 commissioner shall provide information to a biological parent relating  
19 to his rights and the rights of an adoptive child under AS 18.50.310,  
20 18.50.311 and 18.50.362 when the parent is involved in a juvenile pro-  
21 ceeding under AS 47.10.080(c)(3) and the commissioner consents to an  
22 adoption under AS 47.10.080(d).

23 (b) The commissioner shall provide a biological parent described  
24 in (a) of this section with the following information:

25 (1) the right of a biological parent to file a consent to the  
26 disclosure of information with the state registrar stating that the  
27 information on the original certificate of birth should be disclosed at  
28 any time; *and after the adopted person has reached the age of majority*

29 (2) the right of the biological parent to file an affidavit

1 stating that the information on the original certificate of birth should  
2 not be disclosed.

3 \* Sec. 6. AS 18.50.370 is amended by adding new paragraphs to read:

4 (14) "adoptive parent" means a parent who adopted a person;

5 (15) "biological parent" means a birth parent of the adopted  
6 person who is listed on the original certificate of birth of an adopted  
7 person which is not subject to inspection;

8 (16) "commissioner" means the commissioner of health and  
9 social services.

10 \* Sec. 7. AS 20.15.060 is amended by adding a new subsection to read:

11 (c) If the consent is executed in the presence of the court, the  
12 court shall advise the person who is executing the consent, if he is a  
13 biological parent as defined in AS 18.50.370(15), of

14 (1) the right of the biological parent to file a consent to  
15 the disclosure of information with the state registrar stating that the  
16 information on the original certificate of birth may be disclosed at any  
17 time; and *after the adopted person has reached the age of majority*

18 (2) the right of the biological parent to file an affidavit  
19 stating that the information on the original certificate of birth should  
20 not be disclosed.

21 \* Sec. 8. AS 20.15.180 is amended by adding a new subsection to read:

22 (h) A representative of an agency taking custody of the child,  
23 whether the agency is inside or outside the state or a court whether  
24 inside or outside the state shall advise the person who is executing the  
25 consent, if he is a biological parent as defined in AS 18.50.370(15), of

26 (1) the right of the biological parent to file a consent to  
27 the disclosure of information with the state registrar stating that the  
28 information on the original certificate of birth may be disclosed at any  
29 time; and

1 (2) the right of the biological parent to file an affidavit  
2 stating that the information on the original certificate of birth should  
3 should not be disclosed.

4 \* Sec. 9. AS 20.15.190 is amended to read:

5 Sec. 20.15.190. ADOPTION ASSISTANCE. A hard-to-place child in the  
6 permanent custody of the department in a foster home [FOR NOT LESS THAN  
7 ONE YEAR] may not be denied the opportunity for adoption [A PERMANENT  
8 HOME] if the adoption [ACHIEVEMENT OF THIS] depends on continued subsid  
9 by the state.

10 \* Sec. 10. AS 20.15.190 is amended by adding new subsections to read:

11 (b) A hard-to-place child adopted independently or through a  
12 private agency may be granted a subsidy or medical assistance by the  
13 state if the department determines that the child was hard to place and  
14 the need for assistance exists.

15 (c) The department shall establish application procedures and  
16 eligibility standards under regulations adopted under the Administrative  
17 Procedure Act (AS 44.62) to implement this section.

18 \* Sec. 11. AS 20.15 is amended by adding a new section to read:

19 Sec. 20.15.220. AMOUNT AND DURATION OF MEDICAL ASSISTANCE. The  
20 amount of assistance for medical services and length of time for which  
21 hard-to-place child is granted assistance are left to the discretion of  
22 the commissioner and may vary from a small sum to an amount no greater  
23 than the reimbursement level for service under AS 47.07.010 - 47.07.080  
24 Payments shall be made to vendors of services. A hard-to-place child  
25 determined eligible by the department may be eligible for assistance  
26 until the child reaches the age of majority if the need continues to  
27 exist.

28 \* Sec. 12. Sections 9 - 13 of this Act take effect July 1, 1980.

29 \* Sec. 13. Sections 1 - 8 of this Act take effect January 1, 1981.

HB

806



STATE OF ALASKA  
THE LEGISLATURE

POUCH V, STATE CAPITOL  
JUNEAU, ALASKA 99811

HOUSE OF REPRESENTATIVES

TO

*Judiciary*

REMARKS:

*Please attach  
to your committee  
copy.*

FROM

DATE

*4/24*

LAA 25-H

THE LEGISLATURE OF THE STATE OF  
ELEVENTH LEGISLATURE

FISCAL NOTE

I. REQUEST  
 Bill/Resolution No. CSSSHB 806 An Act relating to heads, dep. heads, and directors  
Title of divisions in depts. of the ex. branch & to members of req. bds. &  
Requested by commissions. (H) State Affairs Date April 22, 1980

II. FISCAL DETAIL  
 Agency Affected Commerce and Economic Development  
 Program Category Affected Protection  
 BRU, Program, or Subprogram(s) Affected All  
 (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						
700 GRANTS, CLAIMS, ETC.						

TOTAL

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)

There is no fiscal impact associated with passage of this bill.

IV. DATE April 22, 1980 PREPARED BY David Creekman  
 AGENCY Dept. of Commerce and Economic Dev.  
 Original: Legislative Finance PHONE 465-2504  
 cc: Budget and Management  
 Prime Sponsor (First Legislator Named)

(9)

# COMMITTEE REPORT

## HOUSE

4/22/80

FURTHER:

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

Mr. Speaker:

The Committee on JUDICIARY has had SSHB 806

"An Act relating to heads, deputy heads, and directors of divisions of principal departments of the executive branch and to members of regulatory boards and commissions."

under consideration and (a majority of the committee) (the committee) reports it back with the following recommendations:

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

MEMBERS SIGNING  
DO PASS

MEMBERS HAVING  
OTHER RECOMMENDATIONS:

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\_\_\_\_\_  
CHAIRMAN

COMMITTEE REPORT

(7)

HOUSE

4/3/80

FURTHER: <sup>4/22</sup> JUDICIARY

Date: 4-17-80

Mr. Speaker:

The Committee on STATE AFFAIRS has had SSHB 806

"An Act relating to heads, deputy heads, and directors of divisions of principal departments of the executive branch and to members of regulatory boards and commissions."

under consideration and (a majority of the committee) (the committee) reports it back with the following recommendations:

- do pass  do not pass
- do pass with attached amendments(s)
- replace with CS for SSHB 806  same title  
 new title
- and recommends CSSSHB 806 do pass
- AND attaches a "Letter of Intent"  New Fiscal Note
- reports it back without recommendation *Forthcoming*
- referred to the \_\_\_\_\_ Committee

MEMBERS SIGNING  
DO PASS

*[Signature]*  
*[Signature]*  
Bin Parker  
*[Signature]*  
 \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_

MEMBERS HAVING  
OTHER RECOMMENDATIONS:

*Tony Martin no rec do to*  
*being in next comm*  
 \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_

*[Signature]*  
 CHAIRMAN

ALASKA STATE LEGISLATURE

ELEVENTH Legislature SECOND... Session  
 SPONSOR SUBSTITUTE FOR  
 HOUSE BILL.... NO. 806...  
 By .....MALONE.....

"An Act relating to heads, deputy heads, and directors of divisions of principal departments of the executive branch and to members of regulatory boards and commissions."

Heads of executive branches and boards and commissions

Introduced in the House 4/3....., 19... 80

HISTORY IN THE HOUSE

19 80	Read first time and referred to Committee on
Apr 3	State Affairs and Judiciary Reported back with recommendation that
	Read second time and
	Read third time and
	PASS Effective Date
	Yeas Yeas
	Nays Nays
	Absent Absent
	Excused Excused
	Reconsideration
	PASS Effective Date
	Yeas Yeas
	Nays Nays
	Absent Absent
	Excused Excused
	Reported correctly engrossed
	Signed by Speaker
	Sent to Senate

CHIEF CLERK OF THE HOUSE

HISTORY IN THE SENATE

19	Read first time and referred to Committee on
	Reported back with recommendation that
	Read second time and
	Read third time and
	PASS Effective Date
	Yeas Yeas
	Nays Nays
	Absent Absent
	Excused Excused
	Reconsideration
	PASS Effective Date
	Yeas Yeas
	Nays Nays
	Absent Absent
	Excused Excused
	Reported correctly engrossed
	Signed by President
	Returned to House

SECRETARY OF THE SENATE

HISTORY IN THE HOUSE

19	Received from Senate
	Concurred in Senate amendment thus adopting: VOTE
	Failed to concur in Senate amendment; asked Senate to recede VOTE
	Senate receded from amendment VOTE
	Senate failed to recede from amendment VOTE
	CC appointed by House
	CC appointed by Senate
	CC adopted by House VOTE
	CC adopted by Senate VOTE
	To enrolling Reported correctly enrolled Sent to Governor ..... by Governor
	Filed with Lt. Governor
	Chapter No. ....

HB

812

# COMMITTEE REPORT

## HOUSE

(9)

2/18/80

FURTHER: FINANCE

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

Mr. Speaker:

The Committee on JUDICIARY has had HB 812

"An Act establishing a Commission to Secure Equality of Justice; and providing for an effective date."

under consideration and (a majority of the committee) (the committee) reports it back with the following recommendations:

- do pass  do not pass
- do pass with attached amendments(s)
- replace with CS for HB 812  same title  
 new title
- and recommends \_\_\_\_\_
- AND attaches a "Letter of Intent"  New Fiscal Note
- reports it back without recommendation
- referred to the \_\_\_\_\_ Committee

MEMBERS SIGNING  
DO PASS

Charles R. ...  
...  
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MEMBERS HAVING  
OTHER RECOMMENDATIONS:

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...

Charles R. ...

CHAIRMAN

FISCAL NOTE

I. REQUEST

Bill/Resolution No. Working draft: CS for HB 812  
 Title Advisory Commission on Justice  
 Requested by \_\_\_\_\_ Date April 17, 1980

II. FISCAL DETAIL

Agency Affected Alaska Judicial Council or Legislature  
 Program Category Affected Same  
 BRU, Program, or Subprogram(s) Affected Same  
 (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 79	FY 80	FY 81	FY 82	FY 83	FY 84
100 PERSONAL SERVICES			175,487			
200 TRAVEL		52,130	97,720			
300 CONTRACTUAL			129,200			
400 COMMODITIES			4,000			
500 EQUIPMENT			15,000			
600 LAND & STRUCTURES			0			
700 GRANTS, CLAIMS, ETC.			0			
<b>TOTAL</b>			<b>\$421,407</b>			

FUNDING (Thousands of Dollars)

GENERAL FUND		\$421.4				
FEDERAL FUNDS						
OTHER (Specify Fund Source)						

POSITIONS

FULL TIME			5			
PART TIME			0			
TEMPORARY			0			

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

IV. DATE April 17, 1980 PREPARED BY \_\_\_\_\_

AGENCY \_\_\_\_\_  
 PHONE \_\_\_\_\_

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

Draft

7

Personal Services

A. Executive Director ( <sup>26 C</sup> <del>district court judge</del> )	54,480
<del>4540</del> /mo/ by 12 months	<del>54,480</del>
4540	
B. Investigators (Attorney I) - 2 (Range 16)	46,904
<del>2132</del> /mo x 11 months = \$27,500 ea x 2	<del>46,904</del>
2132	
C. Administrative Assistant (Range 14A)	22,200
<del>1850</del> /mo x 12 months =	<del>22,200</del>
1850	
D. Clerk-Typist II. (Range 10)	13,515
<del>1126.25</del> /mo x 11 months =	<del>13,515</del>
\$1126.25	
Benefits @ 28% of \$137,019	38,388
	<u>175,487</u>

2. Travel

A. Staff administrative & conference travel and per diem	20,000
B. Commission travel <del>and per diem</del> public hearings and meetings	50,000
per diem: 36 days x 11 members x \$70 average	27,720
	<u>\$97,720</u>

3. Contractual Services

a) telephone (installation, long distance, monthly service charge) @ \$833.33/mo.	10,000
b) postage @ \$250/mo.	3,000
c) printing and advertising (public hearing notices, printing reports)	6,000
d) Installation of equipment and maintenance	1,000
e) Word processing and copying (Wang system + IBM Copier II or Xerox 3750) Lease/purchase, + initial supplies & installation + operating expenses for 1 year	15,000
f) Professional services	
a) Federal Council RSA	non-add <30,000>
b) Computer, programming, witnesses & various investigation costs	40,000

Fiscal Note: Advisory Commission on Justice

3. Contractual Services (cont.)

g) office rental 1400 sq. ft. @ \$150/ft. (\$2100/mo) \$ 25,200  
 X 12 mo.

h) Rental of public hearing space & security charges 2,000

i) Commissioners: 5 @ \$150/day x 36 days/year 27,000

Total, Contractual \$ 129,200

4. Supplies

a) One-time start-up costs \$ 1,000

b) Operational: \$250/mo x 12 mo. 3,000

Total, Supplies: \$ 4,000

5. Equipment

Estimated costs for purchase of:

desks, chairs, 1 Copiering Selectric typewriter, conference table, filing cabinets, bookcases, equipment stands, storage cabinets, coat racks, wastebaskets, etc.

\$ 15,000

Total, Equipment \$ 15,000

100: Personal Services \$ 175,487

200: Travel 97,720

300: Contractual 129,200

400: Supplies 4,000

500: Equipment 15,000

\$ 421,407

+ contract w/ AJC 30,000

Total cost: \$ 451,407

# STATE OF ALASKA

264  
7730  
Per  
Hall

## THE LEGISLATURE

BUDGET AND AUDIT COMMITTEE

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

February 22, 1980

### MEMORANDUM

TO: Diann Morrison, Administrative Assistant  
to Representative Osterback

FROM: J.H. Hogan, Director  
Legislative Finance Division

SUBJECT: Fiscal Note Backup - HB 812

You requested information to help in the preparation of a fiscal note for the proposed minority sentencing commission. I have enclosed budget summary sheets for the Alaska Renewable Resources Corporation which presumably provide a good guide for funding requirements for the proposed Commission. For a new commission I would suggest using the line item figures shown under the continuation column (5) for renewable resources. Since that column funds salaries for three commissioners and your proposed commission has five members, I would suggest adding an additional \$160,000 to the personal services line item to provide funding for five commissioners and three staff positions. If that seems reasonable, the budget would read:

Personal Services	\$150.8
Travel	31.8
Contractual	331.3
Commodities	5.7
Equipment	1.0

\$820.6

08-04-01-00-00 (04-71-1-02-01-00)

## STATE OF ALASKA --- COMPONENT BUDGET ANALYSIS

13:10

1/28

CATEGORY: DEVELOPMENT  
AGENCY: DEPARTMENT OF REVENUEPROGRAM: AK RENEWABLE RESOURCES CORP  
SUB-PROGRAM:

\* \* \* \* GOVERNOR ANALYSIS \* \* \* \*

FY80 ATHS REC 6638.6

OBJECT GROUP	VARIATION		DESCRIPTION: GOVERNOR VERSUS FY80 ATH
01 PERS. SERV.	229.6	78.0%	SALARY INCREASE 5.2. PERSONAL SERVICES ADJUSTMENT <3.6>. ADD 92.5 FOR CHIEF EXECUTIVE OFFICER AND SECRETARY II AND ASSOCIATED COSTS. ADD 90.5 FOR SENIOR FINANCIAL OFFICER AND COMMERCIAL LOAN ASSISTANT AND ASSOCIATED COSTS. ADD 45.0 FOR ECONOMIC DEVELOPMENT SPECIALIST.
02 TRAVEL	17.2	57.7%	INFLATION 2.0. ADD 8.0 FOR TRAVEL BY CHIEF EXECUTIVE OFFICER. ADD 6.2 FOR TRAVEL BY SENIOR FINANCIAL OFFICER AND COMMERCIAL LOAN ASSISTANT. ADD 1.0 FOR TRAVEL BY ECONOMIC DEVELOPMENT SPECIALIST.
03 CONTRACTUAL	588.6	190.3%	INFLATION 22.0. ADD .9 FOR CONTRACTUAL COSTS INCURRED BY CHIEF EXECUTIVE OFFICER. ADD .6 FOR CONTRACTUAL LOAN ASSISTANT. ADD 31.3 WITH 31.0 FOR RSA WITH MANAGEMENT SERVICES, ADD 100.0 FOR LEGAL CONSULTANTS AND AUDIT MANAGEMENT CONTRACTS. ADD 433.8 FOR VENTURE ANALYSES AND MONITORING.
04 COMMODITIES	1.1	21.6%	INFLATION .6. ADD .2 FOR OFFICE SUPPLIES FOR CHIEF EXECUTIVE OFFICER AND SECRETARY II ADD .2 FOR OFFICE SUPPLIES FOR SENIOR FINANCIAL OFFICER AND COMMERCIAL LOAN ASSISTANT. ADD .1 FOR OFFICE SUPPLIES FOR ECONOMIC DEVELOPMENT SPECIALIST.
05 EQUIPMENT	1.0	100.0%	ADD 1.0 FOR FY 81 REPLACEMENT.
** TOTAL	837.5	131.1%	
GOVERNOR FIGURE	91,476.1		

POSITIONS AUTHORIZED  
TITLE

TITLE	LOCATION	TYPE	APP	S&B COSTS	FED.FUND	GEN.FUND	OTH.FUND
1 CHIEF EXECUTIVE OFFICER	ANCHORAGE	FULL	1	72.4		72.4	
2 SENIOR FINANCIAL OFFICER	ANCHORAGE	FULL	1	58.6		58.6	
3 ECONOMIC DEVELOPMENT SPECIALIST	ANCHORAGE	FULL	1	45.0		45.0	
4 COMMERCIAL LOAN ASSISTANT	ANCHORAGE	FULL	1	31.9		31.9	
5 SECRETARY II	ANCHORAGE	FULL	1	20.1		20.1	
** TOTALS			5	228.0		228.0	

\* \* \* \* PROGRAM DESCRIPTION &amp; PRIOR YEAR INFORMATION \* \* \* \*

FY 80 INTENT: IT IS THE INTENT OF THE LEGISLATURE THAT THE BOARD OF TRUSTEES OF THE ALASKA RENEWABLE RESOURCES CORPORATION SHALL SUBMIT ITS ANNUAL REPORT FOR 1979 WITH THE FY 81 BUDGET OR ON THE 10TH DAY AFTER THE CONVENING SECOND SESSION OF THE 11TH LEGISLATURE, WHICHEVER COMES FIRST. THE REPORT SHALL INCLUDE, IN ADDITION TO THE INFORMATION REQUIRED BY AS 37.12.090(B), THE FOLLOWING: (1) POLICY AND CRITERIA FOR (A) INVESTMENT OR FINANCIAL ASSISTANCE IN EACH OF THE RESOURCE SECTORS OF AGRICULTURE, TIMBER, FISHERIES AND RENEWABLE ENERGY RESOURCES,

08-04-01-00-00 (04-71-1-02-01-00)

STATE OF ALASKA -- COMPONENT\_BUDGET\_SUMMARY

13:10

1/28/80

CATEGORY: DEVELOPMENT  
 AGENCY: DEPARTMENT OF REVENUE

PROGRAM: AK RENEWABLE RESOURCES CORP  
 SUB-PROGRAM:

EXPENDITURES & FUNDING	FISCAL YEAR 1981												
	(01) FY79 ACT	(02) FY80 ATH	(03) FY80 RP	(04) FY80 SUP	(05) CONT	(06) REQUEST	(07) GOV AMD	(08) GOVERNOR	(09) HOUSE	(10) SENATE	(11) F.C.C.	(12) BILLS	(13) LEG.REC.
01 PERS. SERV.	96.7	294.4			290.8	518.8		524.0					
02 TRAVEL	12.7	29.8			11.8	47.0		47.0					
03 CONTRACTUAL	75.9	309.3			331.3	897.9		897.9					
04 COMMODITIES	1.8	5.1			5.7	6.2		6.2					
05 EQUIPMENT	28.8				1.0	1.0		1.0					
06 LANDS/BLDGS													
07 GRANTS, CLMS													
08 MISC.													
XX TOTAL EXPEND	215.9	638.6			660.6	1470.9		1476.1					
09 I-A TRANSFER													
10 FED. RECEIPT													
11 G. F. MATCH													
12 GENERAL FUND	215.9	638.6			660.6	1470.9		1476.1					
13 PGM RECEIPTS													
14 OTHER FUNDS													
15 FULL-TIME	9.0	6.0			6.0	11.0		11.0					
16 PART-TIME													
17 TEMPORARY													
18 MAN-MONTHS	49.5	72.0			72.0	132.0		132.0					

NEW POSITIONS

TITLE	LOCATION	TYPE	REQ	S&B COST	OTH.COST	TOT.COST	FED.FUND	GEN.FUND	OTH.FUND	GV	HS	SN	FC	FH
1 CHIEF EXECUTIVE OFFICER	ANCHORAGE	FULL	1	72.4	7.4	79.8		79.8						1
2 SENIOR FINANCIAL OFFICER	ANCHORAGE	FULL	1	58.6	5.4	64.0		64.0						1
3 ECONOMIC DEVELOPMENT SPECIALIS	ANCHORAGE	FULL	1	45.0	.4	45.4		45.4						1
4 COMMERCIAL LOAN ASSISTANT	ANCHORAGE	FULL	1	31.9	1.6	33.5		33.5						1
5 SECRETARY II	ANCHORAGE	FULL	1	20.1	1.7	21.8		21.8						1
XX NEW POSITION TOTALS			5	228.0	16.5	244.5		244.5						5

Introduced: 2/18/80  
Referred: Judiciary and  
Finance

BY OSTERBACK, ANDERSON AND  
HURLBERT

1 IN THE HOUSE

2 HOUSE BILL NO. 812

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 ELEVENTH LEGISLATURE - SECOND SESSION

5 A BILL

6 For an Act entitled: "An Act establishing a Commission to Secure Equality of  
7 Justice; and providing for an effective date."

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

9 \* Section 1. COMMISSION TO SECURE EQUALITY OF JUSTICE. There is estab-  
10 lished as a temporary commission the Commission to Secure Equality of Jus-  
11 tice. The purpose of the commission is to review, investigate, and formulate  
12 responses to instances of apparent discrimination against members of minori-  
13 ties by the justice system of the state.

14 \* Sec. 2. MEMBERSHIP. (a) The commission is composed of five members  
15 appointed as follows:

16 (1) Two members shall be appointed by the speaker of the house of  
17 representatives. Of the two members appointed by the speaker, one shall be  
18 an Alaska Native and one shall be an attorney admitted to practice in the  
19 state whose practice includes representation of members of minorities in  
20 criminal matters.

21 (2) Two members shall be appointed by the president of the senate.  
22 One of the two members appointed by the president shall be an Alaska Native,  
23 and one shall be a Black person.

24 (3) One member shall be appointed by the governor.

25 (b) Appointments to the commission shall be made with consideration of

26 (1) the availability and willingness of an appointee to devote the  
27 time and effort necessary to permit the commission to function effectively;  
28 and

29 (2) the degree of commitment of an appointee to the principle of

1 equal justice under law for all people.

2 (c) Appointments to the commission shall be without regard to political  
3 affiliation, and shall be made, if possible, within 20 days of the effective  
4 date of this Act, or of the effective date of a vacancy on the commission.

5 (d) Vacancies on the commission shall be filled by the governor so as  
6 to maintain the racial and professional balance required by (a) of this  
7 section.

8 \* Sec. 3. COMPENSATION. Members of the commission are in the exempt  
9 service and shall receive an annual salary equal to the salary paid to the  
10 heads of principal executive departments. Members are entitled to the same  
11 travel pay and per diem as state officials and employees.

12 \* Sec. 4. OFFICERS. The commission shall elect a chairman and vice-  
13 chairman from its membership.

14 \* Sec. 5. MEETINGS. The commission shall meet at least once every two  
15 months to carry out its duties under this Act. The first meeting of the  
16 commission shall be convened at the call of the governor not later than 20  
17 days following appointment of the members of the commission.

18 \* Sec. 6. DUTIES. (a) The commission shall

19 (1) investigate and report on any part of the justice system under  
20 which individuals who are members of racial minorities suffer violations of  
21 their civil rights or are unfairly disadvantaged in their involvement with  
22 the civil, criminal or juvenile justice system;

23 (2) receive and review reports concerning arrest, admission to  
24 bail, prosecution, sentencing, correction, probation, parole practices and  
25 procedures, and other facets of the criminal justice system, with particular  
26 regard to the treatment of individuals who are members of racial minorities;

27 (3) recommend to the judicial council and to the supreme court

28 (A) procedures by which members of racial minorities may be  
29 recruited for appointment to or employment by the judicial system;

1 (B) a program by which persons concerned with the adminis-  
2 tration of justice may become more sensitive to attitudes and manner of  
3 personal expression and communication of members of racial minorities;

4 (C) a program for development and distribution of a statewide  
5 comprehensive sentencing report, collecting and publishing information  
6 about disposition of criminal cases on a monthly basis; and

7 (D) changes in post-conviction procedures by which to improve  
8 the opportunity of members of racial minorities to secure review of  
9 sentences and reduction of sentences when circumstances warrant;

10 (4) hold public hearings and meetings to determine whether members  
11 of racial minorities are being unfairly disadvantaged in their involvement  
12 with the justice system; and

13 (5) complete interim reports and a final report with recommenda-  
14 tions for the correction abuses and violations of the civil rights of  
15 members of racial minorities that may be found to exist in the justice  
16 system, and submit all reports to the judicial council, the governor, and the  
17 presiding officer of each house of the legislature.

18 (b) The final report of the commission shall be submitted by  
19 February 1, 1985.

20 \* Sec. 7. POWERS. (a) The commission may

21 (1) hire staff which may be necessary to assist the commission in  
22 the performance of its duties under this Act; and

23 (2) contract for services necessary to carry out the duties of the  
24 commission.

25 (b) Subject to the privileges which witnesses have in state court, the  
26 commission may

27 (1) compel by subpoena, at a specified time and place, the appear-  
28 ance and sworn testimony of a person who the commission reasonably believes  
29 may be able to give information relating to a matter under investigation; and

*Director of  
CT  
System*

1 (B) a program by which persons concerned with the adminis-  
2 tration of justice may become more sensitive to attitudes and manner of  
3 personal expression and communication of members of racial minorities;

4 (C) a program for development and distribution of a statewide  
5 comprehensive sentencing report, collecting and publishing information  
6 about disposition of criminal cases on a monthly basis; and

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8 the opportunity of members of racial minorities to secure review of  
9 sentences and reduction of sentences when circumstances warrant;

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11 of racial minorities are being unfairly disadvantaged in their involvement  
12 with the justice system; and

13 (5) complete interim reports and a final report with recommenda-  
14 tions for the correction of abuses and violations of the civil rights of  
15 members of racial minorities that may be found to exist in the justice  
16 system, and submit all reports to the judicial council, the governor, and the  
17 presiding officer of each house of the legislature.

18 (b) The final report of the commission shall be submitted by  
19 February 1, 1985.

20 \* Sec. 7. POWERS. (a) The commission may

21 (1) hire staff which may be necessary to assist the commission in  
22 the performance of its duties under this Act; and

23 (2) contract for services necessary to carry out the duties of the  
24 commission.

25 (b) Subject to the privileges which witnesses have in state court, the  
26 commission may

27 (1) compel by subpoena, at a specified time and place, the appear-  
28 ance and sworn testimony of a person who the commission reasonably believes  
29 may be able to give information relating to a matter under investigation; and

*duties of  
CF  
SYSTEM*

1 (2) compel a person, by subpoena, to produce documents, papers, or  
2 objects which the commission reasonably believes may relate to the matter  
3 under investigation.

4 (c) If a person refuses to comply with a subpoena issued under (b) of  
5 this section, the superior court may, on application of the commission,  
6 compel obedience by proceedings for contempt in the same manner as in the  
7 case of disobedience to the requirements of a subpoena issued by the court or  
8 refusal to testify in the court.

9 \* Sec. 8. DEFINITION. In this Act "commission" means the Commission to  
10 Secure Equality of Justice.

11 \* Sec. 9. TERMINATION. The commission terminates February 28, 1985.

12 \* Sec. 10. EFFECTIVE DATE. This Act takes effect immediately in accord-  
13 ance with AS 01.10.070(c).

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CENTRAL COUNCIL  
Tlingit and haida Indians of Alaska  
One Sealaska Plaza - Suite 200  
Juneau, Alaska 99801  
(907) 586-1432 or 586-3613

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TESTIMONY OF ANDREW W. EBONA

on

HOUSE BILL 812, "AN ACT TO CREATE A COMMISSION  
TO SECURE THE EQUALITY OF JUSTICE"

(Presented at the House Judiciary  
Committee Hearing on March 27, 1980  
in Juneau, Alaska.)

HONORABLE CHAIRMAN CHARLES PARR, JUDICIARY COMMITTEE MEMBERS,  
CONCERNED CITIZENS ... ALLOW ME TO INTRODUCE MYSELF. I AM ANDREW W. EBONA,  
EXECUTIVE DIRECTOR OF THE CENTRAL COUNCIL OF THE TLINGIT AND HAIDA INDIAN  
TRIBES OF ALASKA. I AM A TLINGIT INDIAN FROM THE JUNEAU AREA AND AN IN-  
DIVIDUAL THAT IS EXTREMELY INTERESTED IN ASSURING THAT THE EQUALITY OF  
JUSTICE PREVAILS.

I WOULD LIKE TO GIVE YOU SOME BACKGROUND ON THE CENTRAL COUNCIL.  
WE ARE THE CONGRESSIONALLY-RECOGNIZED GENERAL GOVERNING BODY FOR OVER  
16,000 TLINGIT AND HAIDA INDIANS IN SOUTHEAST ALASKA. YOU CAN THEREFORE  
SEE WHY WE MUST EXPRESS OUR CONCERN ABOUT HOW DISCRIMINATION MAY MANI-  
FEST ITSELF WITHIN THE CRIMINAL JUSTICE SYSTEM. IT IS EXACTLY THOSE CON-  
STITUENTS THAT WOULD BE, AND ARE, NEGATIVELY AFFECTED BY DISCRIMINATION.

WE HAVE BEEN MONITORING ON A LIMITED BASIS BOTH AGENCY AND COM-  
MITTEE ACTIVITY IN THE CRIMINAL JUSTICE AREAS. THE STUDIES THAT HAVE  
BEEN CONDUCTED TO DATE GO A LONG WAY TO PROVE AND CONFIRM LONGSTANDING  
SUSPICIONS AND BELIEFS THAT WE HAVE ALL HAD CONCERNING DISCRIMINATION IN

THE SYSTEM. IT HAS BECOME APPARENT THAT THE EXISTING STRUCTURE WILL NOT CORRECT ITSELF. WE ARE HERE TODAY, IN RECOGNITION OF THIS, TO OFFER STRONG SUPPORT FOR HOUSE BILL 812, "AN ACT TO CREATE A COMMISSION TO SECURE THE EQUALITY OF JUSTICE". A COMMISSION OF THIS NATURE WILL OFFER SOME ASSURANCE THAT THE SYSTEM IS WILLING TO LOOK AT ITSELF. THE SITUATION NEEDS TO BE ADDRESSED AND MANY OF US WILL REST EASIER KNOWING THE SYSTEM IS WILLING TO CORRECT ITSELF.

WE URGE YOU, OUR ELECTED REPRESENTATIVES, AS COMMITTEE MEMBERS, TO PASS THIS BILL OUT OF COMMITTEE IN UNAMENDED FORM. IT IS UNFORTUNATE THAT WE NEED THIS "WATCHDOG COMMISSION", BUT WE CANNOT LET THE SYSTEM CONTINUE ON ITS PRESENT COURSE. IT IS EVIDENT THAT YOU, OUR ELECTED OFFICIALS, MUST TAKE STRONG MEASURES TO ASSURE THAT DOESN'T.

ONCE THIS BILL HAS BEEN ENACTED AND THE COMMISSION MEMBERS APPOINTED, WE NOT ONLY URGE, BUT DEMAND, THAT THEY LOOK AT LOCAL ENFORCEMENT AGENCIES IN MORE DETAIL. IT IS AT THIS POINT THAT THE INDIVIDUAL ENTERS THE SYSTEM. IF DISCRIMINATION OCCURS AT THAT POINT (AND IT HAPPENS MORE OFTEN THAN OFFICIALS WILL ADMIT TO) THEN IT MULTIPLIES AND MAGNIFIES AS THE INDIVIDUAL PROGRESSES THROUGH THE SYSTEM. THE CUMULATIVE RESULT IS THAT YEARS OF PEOPLE'S LIVES ARE WASTED. YOU CANNOT LET THIS CONTINUE. A COMMISSION TO SECURE THE EQUALITY OF JUSTICE WOULD MINIMIZE INCONSISTENCIES IN THE TREATMENT OF INDIVIDUALS.

IN LOOKING AT THE BILL ITSELF, THERE ARE SEVERAL NOTABLE PROVISIONS. THE COMPOSITION OF THE BOARD, AS A RESULT OF ITS TAKING INTO CONSIDERATION REPRESENTATION OF THE AFFECTED GROUPS, IS MOST APPROPRIATE. THE APPOINTMENT PROCESS MINIMIZES THE POSSIBILITY THAT INDIVIDUALS WHO ARE APPOINTED WILL HAVE CONFLICTING COMMITMENTS OR FEELINGS ON CARRYING OUT THE INTENT OF THE

Testimony of Andrew W. Ebona  
RE: HB 812  
Page 3

ACT CREATING THE COMMISSION. THE SUPEONA AUTHORITY WILL FACILITATE THE COMMISSIONS EFFORTS ALSO IN LIVING UP TO THE INTENT OF THE ACT ONCE PASSED.

IN CONCLUSION, WE REITERATE OUR STRONG SUPPORT FOR HB 812. WE ARE SURE THAT YOU REALIZE, AS WE REALIZE, THAT THERE CAN BE NO QUESTION THAT IT IS NEEDED AND IT MUST BE PASSED.

Andrew W. Ebona. Executive Director  
Central Council of the Tlingit &  
Haida Indian Tribes of Alaska  
One Sealaska Plaza, Suite 200  
Juneau, Alaska 99801  
(907) 586-1432

President Bert Campbell  
Vice Pres. Pat Anderson  
Secretary Myron Igtanloc  
Treasurer Jackie Guzalek  
Sgt-at-Arms Gary Bader

## ANCHORAGE NATIVE CAUCUS

P.O. Box 476  
Anchorage, Alaska 99510  
02/10/80

Dear Legislator:

The Anchorage Native Caucus fully supports and endorses House Bill 812 and we urge your support for the passage of this bill.

The overwhelming evidence of racial discrimination occurring in the criminal justice system of the State of Alaska cannot be denied.

The Advisory Committee on Minority Sentencing Practices has put forth the premise that the racial disparity was caused by a systematic skew at all levels of the criminal justice system, and whether it was an unconscious or conscious racial bias is not the question. The question is, what steps should be taken to insure equality and equal protection under the law? It seems very evident that the system is either incapable or unwilling to evaluate itself and to make any significant changes as evidenced by the countless reports written about the criminal justice system and the numerous complaints and allegations of racial discrimination that are occurring. If the State of Alaska is serious about correcting some obvious problems, it must take some very dramatic and forceful steps to evaluate and critically analyze the entire criminal justice system.

We believe that this can only be accomplished by establishing a Commission to Secure Equality of Justice to act as a watchdog and to build automatic safeguards into the entire system to insure that a crisis situation does not develop again. Must we be in a crisis situation before it gains the notice of the public? Is justice and equality a political issue in which one must round up votes and campaign vigorously to achieve? Do we put it on the ballot and call for a referendum? We think the constitution is quite explicit in guaranteeing equality.

We have a chance to make a model justice system. Let us not put equality and justice on a par with a library or a road appropriation.

If EQUALITY and JUSTICE is denied for one group, the entire population is in jeopardy.

*Bert Campbell*  
Bert Campbell  
President

Redraft WO 8290  
Cook

1 IN THE HOUSE

2 HOUSE BILL NO.

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 ELEVENTH LEGISLATURE - SECOND SESSION

5 A BILL

6 For an Act entitled: "An Act establishing an Advisory Commission on  
7 Justice; and providing for an effective date."

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

9 \* Section 1. ADVISORY COMMISSION ON JUSTICE. There is established as  
10 a temporary commission the Advisory Commission on Justice to review the  
11 entire justice system of the state, consider alternatives, and make  
12 recommendations to the legislature, the executive, and the judiciary for  
13 statutory, court rule, and procedural changes designed to improve and  
14 simplify the justice system so that it is accessible and affordable while  
15 guaranteeing the basic right of due process.

16 \* Sec. 2. MEMBERSHIP. (a) The commission consists of ten members as  
17 follows:

18 (1) the chairman of the senate judiciary committee and the  
19 chairman of the house judiciary committee;

20 (2) the attorney general or his designee;

21 (3) the public defender or his designee;

22 (4) one justice of the state supreme court appointed by the chief  
23 justice or his designee;

24 (5) five members appointed by the governor who are not attorneys;  
25 at least one of these appointments shall be based on the ability of the  
26 individual to represent rural persons and on the experience of the individual  
27 with rural persons; at least one of these appointments shall be based on the  
28 ability of the individual to represent low income persons and on the  
29 experience of the individual with low income persons.

1 (b) Appointments to the commission shall be made with consideration of

2 (1) the availability and willingness of an appointee to devote  
3 the time and effort necessary to permit the commission to function  
4 effectively; and

5 (2) the degree of commitment of an appointee to the principle  
6 of equal justice under law for all people.

7 (c) Members of the commission serve at the pleasure of the appointing  
8 authority.

9 (d) Appointments shall be made within one month of the effective date  
10 of this Act, or of the effective date of a vacancy on the commission.

11 \* Sec. 3. COMPENSATION AND EXPENSES FOR COMMISSION MEMBERS. Members  
12 of the commission, except those appointed by the governor, serve without  
13 compensation but are entitled to per diem and travel expenses provided by  
14 law for state boards and commissions. Members appointed by the governor  
15 shall receive \$150 for each day they devote to work of the commission and  
16 are entitled to per diem and travel expenses provided by law for state boards  
17 and commissions.

18 \* Sec. 4. DUTIES. (a) The commission shall

19 (1) investigate and report on any part of the justice system under  
20 which persons who are minorities, who live in rural areas, or who have low-  
21 incomes suffer violations of their civil rights or are unfairly disadvantaged  
22 in their involvement with the civil, criminal or juvenile justice system;

23 (2) investigate and report on trial court procedures, both civil  
24 and criminal, with the aim of simplifying those procedures and reducing costs;

25 (3) investigate and report on alternatives to the formal justice  
26 system for dispute resolution;

27 (4) hold public hearings in all regions of the state for the  
28 purpose of receiving testimony on complaints with the present justice system  
29 and recommendations for improvement of the current processes;