

ALASKA LEGISLATURE COMMITTEE FILES 1985-1986 86/2

3214.67 HESS HB 88 - HB 92 67

Legal Mandate:

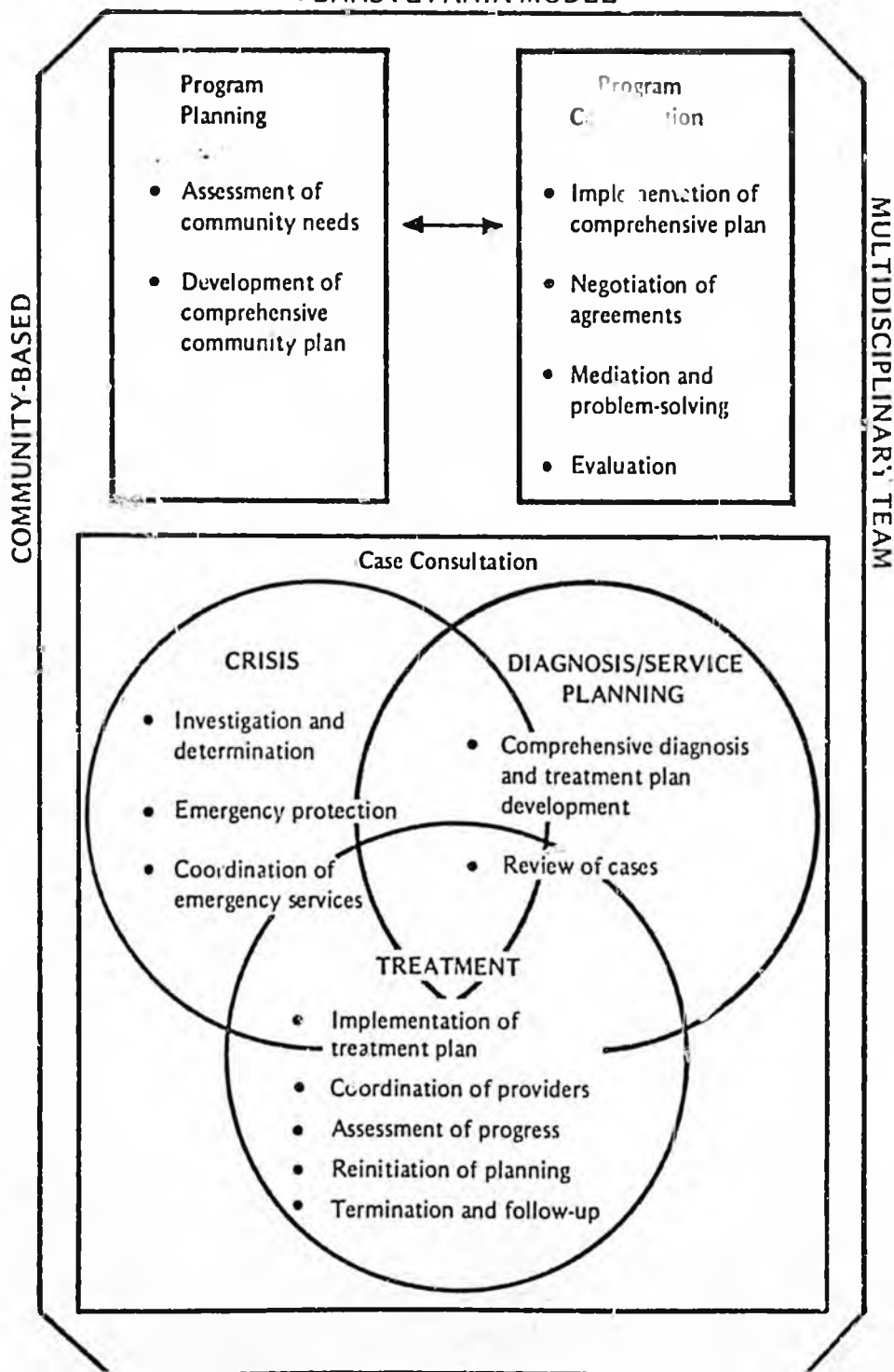
The Child Protective Services Law, Act of November 26, 1975, P.L. 438 (No. 124) mandates each county's child protective service to make available among its services for the prevention and treatment of child abuse the benefits of a Multidisciplinary Team. Attending departmental regulations, Chapter II, Section 23, stipulate that the Child Protective Service shall consult with and utilize the services of professional disciplines within their communities such as health, mental health, social services, education, law and law enforcement for the purposes of developing, reviewing, and implementing treatment plans for abused children and their families, and for receiving recommendations as to the improvement of overall service delivery by the Child Protective Service.

Acknowledgements:

In 1974 Congress enacted the Child Abuse Prevention and Treatment Act which made available for the first time monies to be used specifically for research and training in the area of child abuse and neglect. Part of this money was used to develop a contract with Development Associates, Inc., a Management and Governmental Consulting Firm located in Washington, D.C. The purpose of this contract was to conduct needs assessment surveys in all ten Federal Regions to ascertain what state and county agencies perceived as their greatest need in delivering services to abused and neglected children. The consensus of the various professions engaged in the planning and delivery of services to abused and neglected children in Region III was that there was a need for assistance in planning for and carrying out the roles of a Multidisciplinary Team as well as staff development assistance for the various state agencies involved in serving abusing and neglecting families.

The Office of Child Development which is implementing this act awarded a second contract to Development Associates to assist the states in Region III in developing a state model for Multidisciplinary Teams based on the uniqueness of each state's law and administrative structure for delivering services to abused children and their parents. The first step in this process was to designate a Team composed of the various professions that carried program planning and development responsibilities for child abuse at the state level. One of the functions of this team was to develop the following model and guidelines for local communities to use in developing Multidisciplinary Teams. The Bureau of Child Welfare in the Department of Public Welfare was assigned primary responsibility to coordinate the activities of this Team.

PENNSYLVANIA MODEL



DESCRIPTION OF THE PENNSYLVANIA MODEL: COMPONENTS OF SERVICE

The schematic on page five (5) is a functional model for community-based teams – that is, it outlines the essential, interdependent functions necessary to a coordinated community approach to child abuse. The organizational structure adopted by different communities, however, will differ with their characteristics and needs. One community might, for example, develop a single group to undertake these functions while another might develop a number of highly specialized subcommittees. A team might also be composed of permanent members who meet regularly and consulting members who undertake a specific task or who bring special knowledge or skills needed for an individual case consultation.

It is anticipated that the process of implementing the total model will be a gradual one, with each community determining which functions it will address first. Because of any number of variables, counties are in a continuum in establishing MDT's. The Department of Public Welfare does not expect every county to implement MDT as described in this booklet. The purpose of the model, standards and guidelines is to assist communities in establishing a MDT. Counties are not required to develop their MDT's after the model described herein, but encouraged to take those parts or suggestions that would be of benefit to them.

This book should be considered as a beginning. Comments on its usefulness and suggested techniques would be appreciated.

I. Team Functioning/Organizational Issues

A. THE COMMUNITY-BASED TEAM SHALL HAVE A WRITTEN STATEMENT CLEARLY DELINEATING IT'S MISSION OR PURPOSE AND MEASURABLE GOALS.

1. The team should establish priorities among its goals and objectives which should include the following:

- review and assess community needs and resources
- assist the child welfare agency in the development of its local plan
- assist in developing needed resources
- develop public awareness of the problem of child abuse
- develop a component to provide consultation to the child welfare agency in specific cases
- assist in the identification and development of interagency relationships
- assist in educating organizations and individuals in identifying and reporting suspected child abuse
- seek citizen participation (Sec. III, Citizen Participation)

2. Specific objectives leading to the achievement of each goal should be identified.

3. Specific action steps, members' responsibilities and deadlines should be outlined.

B. THE COMMUNITY-BASED TEAM SHALL HAVE A WRITTEN STATEMENT OF HOW IT WILL OPERATE (OR A CONSTITUTION AND BY-LAWS IF MORE FORMAL STRUCTURE IS REQUIRED).

1. The statement should include:

- a method of nominating and selecting officers
- responsibilities of officers and members
- term of service for officers and members
- frequency, times and locations of meetings
- whether meetings are open or closed to the public
- a set of ground rules for the conduct of meetings
- attendance at meetings
- use of subcommittees

C. THE COMMUNITY-BASED TEAM, NOT THE INDIVIDUAL MEMBERS, SHALL BE PERMANENT SINCE EFFECTIVE PLANNING AND COORDINATION ARE A COMPLEX AND DYNAMIC PROCESS.

D. THE COMMUNITY-BASED TEAM SHALL SEEK THE SUPPORT OR SANCTION OF GOVERNMENTAL GROUPS IN THE COMMUNITY.

1. The community-based team should advise the political leadership of its efforts and provide periodic reports on its progress.
2. Plans and mechanisms for coordination of efforts with other pertinent public and voluntary citizens' committees should be developed by the team.
3. Firm linkages should exist between program planning/coordination and case coordination.
4. The team should meet regularly with the administrators of cooperating programs to review progress being made in the development of a coordinated service delivery system.

COMMENTS

The purpose of developing by-laws or statements of operation is to provide clarity in goals and objectives as well as a permanent structure for the team. Equally important is a clear understanding of how the team is to operate. Each member should understand his or her responsibilities as well as such ground rules as how decisions are to be made. The team can also begin to build a support base in the community by informing the political leadership, other significant public and voluntary citizens' committees or councils as well as the community at large of its goals and progress in achieving them.

II. Team Composition

A. THE COMPOSITION OF THE COMMUNITY-BASED TEAM SHALL REFLECT THE RANGE OF AMELIORATIVE AND TREATMENT RESOURCES AVAILABLE TO ABUSED AND NEGLECTED CHILDREN AND THEIR FAMILIES.

1. Representatives from the fields of social service, health, mental health, education, law enforcement, legal profession, and elected governmental officials should be included.
2. In areas where military bases are located, a representative of this sector should be included.
3. There should be representatives from the community at large (non-agency members) selected on the basis of geographical distribution; community patterns of ethnic background, income levels, educational levels, and occupations, as well as willingness to serve, expertise, and concern.

B. QUALIFICATIONS OF TEAM MEMBERS SHALL INCLUDE THE ABILITY TO CONTRIBUTE TO THE SOLUTION OF PROBLEMS AND TO CARRY OUT THE RESPONSIBILITIES OF MEMBERSHIP THROUGH A WILLINGNESS TO SERVE ON A CONTINUING BASIS. MINIMALLY, MEMBERS SHALL HAVE DEMONSTRATED AN INTEREST IN AND CONCERN ABOUT CHILD ABUSE AND NEGLECT.

1. Members who represent agencies should be persons of sufficient stature that their actions reflect their agencies' policies. At the program coordination level, these members should be administrators; at the case level, supervisory and direct service staff. In either case, members should be able to make commitments on behalf of their individual organizations.

COMMENTS

7. Initial composition and size of a team will most often be determined by purpose and goals as well as by the level of interest and commitment on the part of agencies and individuals. A team should strive to incorporate all organizations in the community which are or which could be providing ameliorative and treatment services. While a team should be large enough to be representative of the area it serves, caution must be taken so that it does not become unwieldy. A team might, for example, be composed of permanent and consulting members or might use mechanisms such as ad hoc committees.

If a community-based team is to become a realistic and effective joint planning and decision-making body, it is critical that members appointed by various organizations have the authority to represent their agencies' interests and points of view. Members should be able to stimulate implementation of plans by influencing the necessary political and administrative action and financing.

III. Citizen Participation

A. THE COMMUNITY-BASED TEAM SHALL DEVELOP MECHANISMS TO SEEK CITIZEN PARTICIPATION IN ORDER TO ENSURE AN ACCURATE VIEW OF AREA NEEDS AND PATTERNS AS WELL AS CITIZENS' SUPPORT OF PROGRAMS WITH THEIR IDEAS, LABOR, FUNDS, AND UTILIZATION OF THE SERVICES.

1. The team should identify sources of leadership in both the public and private sector.
2. The team should identify persons or groups in the community which do or could help in preventing child abuse and neglect.
3. The team should identify social and economic problems or patterns in the community which contribute to the problem of child abuse and neglect.
4. The team should make reports to the community detailing problems and needs, program plans and progress, and recommendations for changes needed to improve service effectiveness.
5. Team meetings dealing with community needs assessment, program planning, and program evaluation must be open to the public.
6. The team should develop linkages with voluntary organizations and citizens' groups.
7. The team should assist in the development of public awareness and education campaigns.

IV. Area/Coverage

- A. THE CPS IN ALMOST ALL CASES FUNCTIONS ON A SINGLE COUNTY BASIS. HOWEVER, THE COMMUNITY-BASED TEAM MAY DEFINE ITS SERVICE AREA DIFFERENTLY, BASED ON SUCH FACTORS AS:
1. Sufficient population base;
 2. Necessary financial resources;
 3. Linkage through common business and social interests and transportation systems;
 4. Political boundaries;
 5. Existing service delivery boundaries or catchment areas.

COMMENTS

One of the first decisions which a team must make is the area which it will serve -- a single county; sections of a large city; or, particularly in some rural areas, all or part of several counties. Factors such as the type of team, size of the population requiring services, proximity of the people to the services, team staffing and budgetary constraints will all affect this decision. The team should also determine whether or not the area chosen has common problems which are amenable to solution through joint efforts.

V. Community Standards of Care

- A. THE COMMUNITY-BASED TEAM SHALL WORK WITH THE CPS IN DEVELOPING REALISTIC AND ATTAINABLE STANDARDS AND GUIDELINES COMPATIBLE WITH EXISTING REGULATIONS FOR USE BY COOPERATING AGENCIES AND INDIVIDUAL PROFESSIONS IN WORKING WITH CHILD ABUSE/NEGLECT CASES.

1. The standards and guidelines should include at least the following areas:

- criteria for treatment plans
- minimum frequency of contacts with families
- criteria for format and timing of case review
- criteria for maximum caseload size-for team and type of staff
- criteria for determining timing and procedures for termination of stabilization of cases
- time between maximum progress and termination/stabilization
- policies re follow up of terminated/stabilized cases
- procedures for monitoring follow up contacts

COMMENTS

The team should bear in mind that if standards are set too low, they may be easily achieved but may restrict progress. On the other hand, standards that are set too high may not be attainable in some communities, and frustration can be the result. By determining desirable patterns of services that are within the realm of reality and practicality, teams can measure needs by comparing existing patterns with the desirable ones. This process will provide the necessary groundwork for thorough program planning and development.

VI. Program Planning/Development

- A. THE COMMUNITY-BASED TEAM SHALL IDENTIFY, REVIEW AND ASSESS COMMUNITY PROGRAMS FOR ABUSING AND NEGLECTING FAMILIES, WITH A VIEW TOWARDS DESCRIBING THE EXISTING SERVICE DELIVERY SYSTEM. THE TEAM SHALL DEVELOP A REPORT OUTLINING ITS CONCLUSIONS AS TO THE COMMUNITY'S PROBLEMS, SIGNIFICANT GAPS OR OVERLAPS, AND OBSTACLES TO THE DEVELOPMENT OF A COORDINATED SERVICE DELIVERY SYSTEM.

THE DEVELOPMENT OF A COORDINATED SERVICE DELIVERY SYSTEM.

1. The elements of a coordinated system include:
 - identification and reporting
 - investigation
 - diagnosis and treatment planning
 - long and short term treatment and follow up
 - training of professionals
 - community education
 - prevention
 - program evaluation and monitoring
2. The review and assessment should include not only those organizations and individuals currently providing services but also others in the community which could provide ameliorative or treatment services.
3. Input should be sought from any human service agencies and/or planning groups in the community.
4. Information on problems and needs should be sought from clients of the service delivery system.
5. The team should review coordination procedures within and among agencies.
6. The report on conclusions should describe the procedures currently used to serve abusing and neglecting families, the types of services provided, and the agencies providing services. The assessment should consist of relevant statistical information as well as opinion, and the analysis of these to determine problems.

B. BASED ON THE CONCLUSIONS AND FINDINGS OF THE REVIEW AND ASSESSMENT, A COMPREHENSIVE COMMUNITY PLAN SHALL BE DEVELOPED TO STRENGTHEN THE SERVICE DELIVERY SYSTEM.

1. The plan should establish roles and responsibilities for cooperative community structures to prevent and treat child abuse and neglect.
2. The plan should recognize Child Welfare's mandate and legal responsibility to establish and maintain a MDT.
3. The plan should include:
 - measurable goals (short term, intermediate, and long term)
 - priorities
 - operational objectives
 - specific action steps to be undertaken by the team
 - mechanisms for ongoing evaluation
4. The plan should consider adaptation of existing services as well as development of new ones.
5. Recommendations for coordination needed at both the program or system level and case level should be included.
6. The broadest possible community participation should be sought in the development of the plan.
7. This plan should include recommendations to assist the agency director in developing the "Local Plan."

C. THE COMMUNITY-BASED TEAM SHALL ASSIST THE COMMUNITY, LOCAL CITY AND COUNTY GOVERNMENTAL OFFICIALS AND STATE LEGISLATORS IN UNDERSTANDING CHILD ABUSE AND NEGLECT AND IN THE FORMULATING OF LEGISLATION AND REALISTIC APPROPRIATIONS FOR SERVICES TO ABUSING AND NEGLECTFUL FAMILIES.

1. The team should inform the community and its political leadership of the results of its needs assessment.
2. The team should be an advocate for its comprehensive plan with public and private agencies and the political leaders.
3. The team should participate in the public hearings for the local plan.

D. THE COMMUNITY-BASED TEAM SHALL SET THE DIRECTION FOR SOCIAL ACTION TO IMPROVE THE ECONOMIC AND SOCIAL CONDITIONS WHICH CONTRIBUTE TO THE PROBLEM OF ABUSE AND NEGLECT THROUGH THE DEVELOPMENT OF PUBLIC POLICIES WHICH STRENGTHEN FAMILY LIFE.

E. THE TEAM SHALL OBTAIN WRITTEN AGREEMENTS FROM THE AGENCIES AND ORGANIZATIONS WITHIN THE COMMUNITY'S SERVICE DELIVERY SYSTEM SPECIFYING THEIR ROLE IN IMPLEMENTING THE COMPREHENSIVE COMMUNITY PLAN.

1. The agreements might include:

- referral procedures
- criteria for cases to be accepted by each
- procedures for sharing information on the diagnosis and progress of cases involving more than one agency
- mechanisms for regular review of agreements and revision as necessary
- procedures for joint staff training
- financial agreements

COMMENTS

A thorough needs assessment must be undertaken before an effective plan can be developed. It is crucial that real needs based on facts, not merely opinion be identified. The problems which appear most obvious may be those for which a solution is already known and may not reflect the more critical problems underlying the service delivery system which should be addressed in the plan.

The more directly that a goal can be related to a specific part of a problem, the more successful planning efforts will be. Although it is difficult to develop realistic long-range plans because changes in conditions upon which goals are based are not always predictable, it is important that community-based teams attempt long-range planning to set the overall framework of their shorter term goals and efforts. It is also essential that the team establish priorities among its goals to reduce confusion as to which activity is most important and to provide direction as to where scarce resources can best be used. In doing this, the team should always keep in mind the interdependence of various activities.

Using the service delivery standards, data from their needs assessment, and the comprehensive plan as a foundation, the team should seek appropriate agreements from all of the organizations in the service delivery system, specifying their roles and responsibilities and how they will interface with others. Most organizations have written policies and regulations which govern their actions and determine the area they serve, clients served, and kinds of services provided. The inter-agency agreements will serve as mechanisms for implementing the comprehensive community plan.

VII. Case Consultation

THE COMMUNITY-BASED TEAM SHALL OFFER THE SERVICES OF MULTIDISCIPLINARY CASE CONSULTATION GROUP(S) TO THE CHILD WELFARE AGENCY. WHEN THE AGENCY UTILIZES SUCH CONSULTATION, THE MULTIDISCIPLINARY GROUP BECOMES A PART OF THE CHILD PROTECTIVE SERVICES. AS SUCH THEY ARE BOUND BY THE SAME CONFIDENTIALITY STRICTURES AS THE CPS STAFF.

- * Multidisciplinary consultation should be available during the three basic phases of the management of child abuse cases - crisis intervention, diagnosis/treatment planning, and treatment implementation.
- * Depending on a county's characteristics and its needs, the community based team might develop one group which could coordinate services in each of the three phases; or it might develop a number of specialized groups.
- * The multidisciplinary consultation group(s) should provide a forum for the sharing of appropriate information on diagnosis, treatment plans and progress among professionals involved with a child abuse case.
- * The multidisciplinary group(s) should ensure that information on problems of coordination and needs for resources is shared with program planning and coordination components of the community based team.

THE LOCAL CHILD WELFARE AGENCY SHALL DETERMINE WHICH CASES ARE IN NEED OF A MULTIDISCIPLINARY CASE CONSULTATION GROUP'S ASSISTANCE.

- * Appropriate cases for referral to a multidisciplinary group should include those where it is questionable whether or not a child can safely remain in the home, where specific treatment needs are not clear, where it is questionable whether or not a child can be safely returned to the home, or where numerous community resources and treatment services must be coordinated.

MULTIDISCIPLINARY CONSULTATION GROUPS DEALING WITH CRISIS INTERVENTION SHALL INCLUDE THOSE PROFESSIONALS NECESSARY TO ASSIST CPS WITH ITS INVESTIGATION, PROVIDE IMMEDIATE PROTECTION TO THE CHILD, AND COORDINATE EMERGENCY SERVICES TO THE FAMILY.

- * A crisis group should meet when child abuse is suspected and pool and evaluate available information in order to make two critical decisions - do the injuries seem to indicate child abuse and is the home safe for the immediate return of the child.
- * The crisis group should coordinate the provision of emergency services to ensure that the family is served more efficiently in times of crisis by the various disciplines without long waits for services. Services might include short term counseling, medical assistance, emergency homemaker or child care, emergency financial assistance, family shelters, crisis nursery, emergency removal and placement of the child.
- * The crisis group should ensure that duplicate investigations of a family do not occur, i.e., that information already collected is used where possible and allowable by law.

THE MULTIDISCIPLINARY GROUP PROVIDING CONSULTATION TO CPS ON DIAGNOSIS AND THE DEVELOPMENT OF TREATMENT PLANS FOR CHILD ABUSE CASES SHALL INCLUDE ONLY PROFESSIONALS WITH THE REQUIRED EXPERTISE TO FULFILL THE PURPOSE OF THE GROUP, I.E. ASSESSING MEDICAL, PSYCHOLOGICAL, LEGAL, AND SOCIAL ASPECTS OF COMPLEX CASES AND DEVELOPING A COMPREHENSIVE TREATMENT PLAN.

- * The group should include skilled representatives of the various disciplines who will meet regularly as a core group to provide consultation to CPS on cases as well as ad hoc consulting members who have knowledge or a special skill needed for a particular case. The specific professions represented on the core group will vary with availability as well as the contribution they may be expected to make to the team. Where possible, professionals should be drawn from local treatment agencies in order to provide a referral liaison between the team and agency.
- * This group should assist the CPS by developing a comprehensive diagnosis and treatment plan for each case referred to it. The plan should include:
 - a. a statement of the specific problems a family has and possible causes
 - b. an assessment of the needs and strengths of the family
 - c. treatment goals, short and long range objectives—with dates
 - d. identification of resources to be used
 - e. a schedule for providing services, coordinating the needs of a family and those of the service providers
 - f. a schedule for reviewing treatment progress
 - g. designation of a case monitor to maintain frequent and supportive contact with the family and service providers.
- * This group should also assist in:
 - a. identifying and resolving potential problems in service delivery
 - b. developing a recall system to ensure that cases will be reviewed at predetermined intervals
 - c. reviewing a representative sample of cases to assess whether services are being utilized as planned and whether agencies are responsive to referrals of abusing families
 - d. ascertaining reasons for inadequate utilization of services
 - e. developing procedures for intervening when serious problems of coordination of service delivery occur.

COMMENTS

The county child welfare agency should assume the leadership role in establishing a MDT in the county. If there are two or more component groups, a member of the CPS does not necessarily have to be chairperson of each component. Because the CPS has the legal mandate to provide protective services, a member of the CPS should be directly responsible for the Case Management Component.

VIII. Parents'/Children's Rights

THE CASE MANAGEMENT TEAM SHALL ADHERE TO THE CPS LAW AND REGULATIONS CONCERNING THE RIGHTS OF PARENTS AND CHILDREN INCLUDING BUT NOT LIMITED TO THE FOLLOWING.

- * Their rights to confidentiality of information.
- * Their right to legal representation at any stage of the proceeding.
- * Their right to receive all necessary treatment and social services to prevent future abuse and/or neglect if appropriate.
- * Their right to court hearings for detention hearings, transfer of custody, etc.
- * Their rights regarding amending, sealing, and expunging reports in which they are named.
- * Children's right to admission to any public or private hospital for treatment
- * Their right to a completed investigation within 30 days
- * Children's right to protective custody
- * Their right to appropriate and proper notification regarding receipt of the report status, changes, etc.

THE CASE MANAGEMENT TEAM SHALL ENDEAVOR TO INVOLVE THE PARENT(S) AND, IF APPROPRIATE, THE CHILD IN THE DIAGNOSIS AND TREATMENT PLANNING PROCESS AND DURING ONGOING REVIEWS.

- * The team should invite the parent(s) and the child, if appropriate, to participate in meetings during which decisions are made about them.
- * The case management team should develop procedures for assisting the family in understanding the results of meetings, decisions, and the status of the child.
- * The team should endeavor to obtain the family's agreement to (or at least acknowledgement of) the treatment plan selected.

THE CASE MANAGEMENT TEAM SHALL DEVELOP A MECHANISM FOR CLIENT PARTICIPATION IN PROGRAM PLANNING AND EVALUATION.

COMMENTS

While the team must be guided by existing law and regulations regarding parents' and children's rights, it should give careful consideration to developing procedures for involving families in the decisions made about them in order to secure their cooperation in the treatment plan.

There has been increased legislative activity and litigation concerning the individual's right to privacy and freedom of information as well as parents' rights and professional malpractice. Case management teams should be aware of these trends in order to make fully informed decisions in regard to their own practices and procedures.

IX. Program Evaluation/Research

A. THE COMMUNITY-BASED TEAM SHALL ENCOURAGE ALL AGENCIES TO MAINTAIN THE TYPES AND AMOUNT OF DATA NECESSARY FOR PROGRAM PLANNING AND EVALUATION.

1. The team should have access to data such as:

- number of cases identified--by source
- number of cases investigated
- number of cases founded, indicated, unfounded
- classification of cases (type of abuse or neglect)
- amount of recidivism in founded and indicated cases
- number of organizations providing services -- by organization
- services provided--by organization
- cost of services--by type and per client
- number of case conferences held
- number of joint treatment plans developed
- number of cases terminated
- number of professional training sessions--by source
- number and types of public awareness endeavors
- other information as might be necessary e.g., age, sex, and location of child.

B. THE COMMUNITY-BASED TEAM SHALL REVIEW AND EVALUATE THE COMMUNITY'S OVERALL SERVICE DELIVERY SYSTEM FOR CHILD ABUSE/NEGLECT CASES ON A REGULAR BASIS--THE EFFECTIVENESS AND EFFICIENCY AS WELL AS THE ACCEPTABILITY OF SERVICES.

1. The team should establish mechanisms which will assure a regular means of securing feedback from all cooperating agencies providing services and from service recipients.
 2. The team should build measurable factors into all goal statements.
- C. THE COMMUNITY-BASED TEAM SHALL COOPERATE WITH INDIVIDUALS AND GROUPS WHO ARE CONDUCTING BONA FIDE RESEARCH ON CHILD ABUSE AND NEGLECT BY PROVIDING APPROPRIATE INFORMATION.
1. The team should ensure the confidentiality of clients by providing only non-identifiable information.
 2. The team should ensure that the researcher is adhering to acceptable research practices such as those governing the protection of human subjects.

COMMENTS

In order to do effective planning, the team must evaluate, on a regular basis, the total system's effectiveness and efficiency as well as its impact on individual families. An assessment which includes management policies and procedures as well as service practices will provide the team with the data necessary to inform policy makers and the community at large of needs for progressive changes in policies and procedures as well as the need for additional and/or different resources.

State Action on Child Protection

Attachment C

	Alabama	Alaska	Arizona	Arkansas	California	Colorado	Connecticut	Delaware	Florida	Georgia	Hawaii	Idaho	Illinois	Indiana	Iowa	Kansas	Kentucky	Louisiana	Missouri	Maryland	Massachusetts	Michigan	Minnesota	Mississippi	Missouri	Montana	Nebraska
What Elements of Child Abuse Must Be Reported																											
nonaccidental	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X
neglect	X	X	X	X	X	X	X	X	X	X	X	1	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X
sexual abuse	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X
emotional abuse	X			X	X		X	X	X			X	X			X	X	X		X	X	X		X	X	X	
Who Must Report																											
doctors	X	X	X	X	X	X	X	X	X	X	X	X	X	2	X	X	X	X	X	X	X	X	X	X	X	X	X
social workers	X	X	X	X	X	X	X	X	X	X	X	X	X	2	X	X	X	X	X	X	X	X	X	X	X	X	X
teachers	X	X	X	X	X	X	X	X	X	X	X	X	2	X	X	X	X	X	X	X	X	X	X	X	X	X	X
law enforcement	X	X	X	X	X	X	X			X		X	2	X	X	X			X	X	X	X	X	X	X	X	
When Must Report Be Made <i>(I = Immediately, P = Promptly, S = Soon, L = Longer)</i>	I	I	I	I	L	I	I	I	I	I	P	L	I	I	L	P	I	I	I	S	I	I	I	I	I	P	3
To Whom Must Report Be Made <i>(SS = Social Services, C = Court, PO = Law Enforcement)</i>	SS PC	SS	SS PO	SS PO	SS PO	SS PO	SS PO	SS	SS	SS	SS	PO	SS	SS/ PO	SS	SS/ C	SS	SS/ PO	SS	SS/ SS	SS SS	SS	SS PO	SS	SS	SS	PC
Immunity for Good Faith Report	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X
Penalty for Not Making Report <i>(CR = Criminal, CI = Civil)</i>	CR		CR	CR/ CI	CR	CR/ CI	CR	CR	CR	CR				CR	CR/ CI	CR	CR	CR	CI		CR	CI	CR	CR	CR	CR	CI
Abrogation of Privileged Communication																											
husband		X				X	X				X		X	X						X	X					X	X
doctor		X				X					X		X	X												X	X
all but attorney/client	X		X	X				X	X			X			X	X	X	X		X	X				X		X
Photographs and X-rays			PX	PX	PX	PX			PX			PX	PX	PX			PX		PX		PX				PX		PX
Temporary Protective Custody - Emergency Removal	X	X	X	X	X	X	X		X			X	X	X		X	X	X		X	X	X	X	X	X	X	X
Central Registry	X	X	X	X	X	X	X	X	X	5	X	X	X	5	X		5	X		X	X	X	5	X	X	X	X
Child Protection Team					6	X							X							6	6				6		
Guardian ad Litem/Counsel	X	X	X	X	X	X	X		X	X		X	X	X		X	X		X	X		X	X	X	X	X	X
Public Education					X				X						X	X		X							X		

	Nevada	New Hampshire	New Jersey	New Mexico	New York	North Carolina	North Dakota	Ohio	Oklahoma	Oregon	Pennsylvania	Rhode Island	South Carolina	South Dakota	Tennessee	Texas	Utah	Vermont	Virginia	Washington	West Virginia	Wisconsin	Wyoming	Washington, D.C.	Total
What Elements of Child Abuse Must Be Reported																									
nonaccidental	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	51
neglect	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	50
sexual abuse	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	46
emotional abuse	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	37
Who Must Report																									
doctors	X	X	2	X	X	X	X	2	X	X	X	2	X	X	2	2	2	X	X	X	X	X	2	X	51
social workers	X	X	2	X	X	X	X	X	X	X	X	2	X	X	2	2	2	X	X	X	X	X	2	X	51
teachers	X	X	2	X	X	X	X	X	X	X	X	2	X	X	2	2	2	X	X	X	X	X	2	X	51
law enforcement	X		2	X	X	X	X	X	X	X	X	2	X	X	2	2	2	X	X		X	X	2	X	42
When Must Report Be Made <i>(I = Immediately, P = Promptly, S = Soon, L = Longer)</i>	P		P	I	I	3	I	I	P	I	I	L	3	I	I	I	I	3	I	I	I	I	I	I	I=36, P=6, L=4, S=1
To Whom Must Report Be Made <i>(SS = Social Services, C = Court, PO = Law Enforcement)</i>	SS/ PO	SS	SS	4/ SS	SS	SS	SS	SS/ PO	SS	SS/ PO	SS	SS	SS/ PO	4/ SS	all	SS/ PO	SS/ PO	SS	SS	SS/ PO	SS	SS/ PO	SS/ PO	SS/ PO	SS=28, SS/PO=19, PO=2, SS/CI=1, all=1
Immunity for Good Faith Report	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	51
Penalty for Not Making Report <i>(CR = Criminal, CI = Civil)</i>	CR	CR	CR	CR	CR/ CI	CR		CR	CR	CR	CR	CR	CR/ CI	CR	CR	CR	CR	CR	C	CR	CR	CR	CR	CR	CR=33, CI=2, CR/CI=5
Abrogation of Privileged Communication																									
husband					X	X				X	X			X					X					X	19
doctor				X	X	X		X	X	X	X			X					X		X			X	22
all but attorney/client	X	X		X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	20
Photographs and X-rays			PX	PX			PX		P	PX		PX							PX		PX			PX=21, P=2, X=1	
Temporary Protective Custody - Emergency Removal			X	X	X	X	X	X		X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	38
Central Registry	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	5	X	X	41
Child Protection Team											6		6		X				X				X	6	
Guardian ad Litem/Counsel	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	46
Public Education					X					X														X	13

1 "Neglected child" is defined but not included in the required reporting statute.
2 Require reporting by "any person."

Trends in Child Protection Laws - 1979


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January H. Scott

October 24, 1983

Heidi Borson
c/o House Research Agency
Pouch Y
Juneau, AK 99881

Dear Ms. Borson:

Enclosed is the information you requested on the Kansas Family & Children's Trust Fund legislation.

I hope this information will be helpful to you. If you should have further questions, please do not hesitate to contact our office.

Sincerely,

January H. Scott

January H. Scott
Executive Director

JHS:jh
Enc.

STATUTES ESTABLISHING THE KANSAS FAMILY AND CHILDREN TRUST FUND

23-110. Index of records; certified copies; fees; disposition of moneys; family and children trust fund; vital statistics fee fund. The secretary of health and environment shall index all records thus received and, when applied to, shall issue a certified copy of the same which shall be prima facie evidence in all courts and places of the facts stated therein. For each certified copy a fee shall be paid to the secretary in an amount prescribed in accordance with K.S.A. 65-2418 and amendments thereto and to be disposed of in the manner provided therein. The secretary shall keep an accurate account of all fees received from the judges of the district court and all other sources. Such secretary shall remit all moneys received by or for such secretary from the marriage license fee provided for by K.S.A. 1980 Supp. 23-108 and amendments thereto to the state treasurer at least monthly. Upon receipt of each such remittance the state treasurer shall deposit the entire amount thereof in the state treasury. Twenty percent (20%) of each such deposit shall be credited to the state general fund and of the balance of each such deposit, seventy percent (70%) shall be credited to the family and children trust fund, and thirty percent (30%) shall be credited to the vital statistics fee fund. All expenditures from the family and children trust fund shall be made in accordance with K.S.A. 1980 Supp. 75-5328, and all expenditures from the vital statistics fee fund shall be made in accordance with K.S.A. 65-2418.

75-5328. Family and children trust fund; grants, gifts and bequests; expenditures for certain purposes; "educational programs" defined; director of services to children and youth to exercise powers and duties under section. (a) There is hereby created in the state treasury the family and children trust fund. The secretary of social and rehabilitation services may apply for, receive and accept grants, gifts and bequests from any source, governmental or private, for the purposes for which money may be expended from the family and children trust fund under subsection (b), and the secretary shall remit all moneys so received to the state treasurer at least monthly. Upon receipt of any such remittance the state treasurer shall deposit the entire amount thereof in the state treasury and the same shall be credited to the family and children trust fund.

(b) Moneys in the family and children trust fund shall be used for the following purposes: (1) Matching federal moneys to purchase services relating to community-based programs for the prevention of problems of families and children; (2) providing start-up or expansion grants for community-based prevention projects or educational programs for the problems of families and children, primarily but not limited to, child abuse and neglect and family abuse; and (3) study and evaluate community-based prevention projects and educational programs for the problems of families and children. For the purpose of this subsection (b), "educational programs" shall include instructional and demonstration programs whose main purpose is to disseminate information and techniques or to provide services for the prevention of problems of families and children. No moneys in the family and children trust fund shall be used for the purpose of providing services for the voluntary termination of pregnancy.

(c) The advisory committee to the division of services to children and youth established by K.S.A. 75-5325, or its successor, shall advise the secretary and the director of services to children and youth in detail on the expenditures of moneys in the family and children trust fund.

(d) All expenditures from the family and children trust fund shall be made in accordance with appropriation acts upon warrants of the director of accounts and reports issued pursuant to vouchers approved by the secretary of social and rehabilitation services or by a person or persons designated by the secretary.

(e) The secretary shall designate the director of services to children and youth to exercise the powers and perform the duties granted to and imposed upon the secretary under this section.

CHILDREN AND YOUTH ADVISORY COMMITTEE

The Secretary of Health and Environment or designee
The Secretary of Social & Rehabilitation Services or designee
The Secretary of Human Resources or designee
The Commissioner of Education or designee
The Chief Justice of the Supreme Court or designee
Two State Senators appointed by the President of the Senate
Two State Representatives appointed by the Speaker of the House
Five Members appointed by the Governor

Has broad general powers of oversight with regard to children's programs. Is the final awarding authority for the Family and Children Trust Fund Grants.

FAMILY AND CHILDREN TRUST FUND SUBCOMMITTEE

Four Members of the Children and Youth Advisory Group

One Member Representing Kansas Action for Children
One Member Representing Kansas Committee for the Prevention of Child Abuse
One Member Representing Kansas Association of Domestic Violence Programs
One Member Representing Mental Health Association in Kansas
One Member Representing Kansas Congress of Parents and Teachers

Has primary responsibility for developing guidelines, reviewing grant applications, and monitoring the progress of projects.

FAMILY AND CHILDREN TRUST FUND GRANT AWARDS

GRANTEE: Regional Crisis Center
 PROJECT TITLE: Children in Crisis
 FUNDING: \$11,940 (2nd yr)
 DESCRIPTION: A support program geared to identifying and alleviating stress as it impacts upon children in crisis. A comprehensive approach of assessment, treatment and/or referral will be conducted under the direction of a child specialist. Assistance via parental skill building and counseling for mothers/parents will be facilitated by a family therapist. Training for staff and volunteers in child development, assessment and case management will be provided on a weekly basis.

GRANTEE: Parents Time Out
 PROJECT TITLE: Parents Time Out
 FUNDING: \$12,000 (2nd yr)
 DESCRIPTION: This program is designed to provide parent educational support to families. The focus is on positive parenting without overt identification of high risk families. The service is provided based upon ability to pay with low-or-no pay slots reserved for referred or identified high stress families.

Services include: 1) Respite child care with age appropriate programming focused on development of positive self-image; 2) parent education, including intervention with child care staff about each child and his/her development, a resource library and room, weekly opportunity for support, group discussion and periodic parenting program; and 3) support for identified support and interaction/counseling by the project coordinator around parent/child issues.

GRANTEE: Domestic Violence Assoc. of Central Kansas
 PROJECT TITLE: Implementation of Educational Services to USD #305 Public Schools on Prevention of Sexual Abuse to Children and Domestic Violence
 FUNDING: \$7,540
 DESCRIPTION: The implementation of educational services to the USD #305 Public School system. Two components of this project are the prevention of sexual abuse of children and understanding of the dynamics of domestic violence within the family unit from a child's perspective.

GRANTEE: Reno County Health Department
 PROJECT TITLE: Parental Support Project
 FUNDING: \$14,986
 DESCRIPTION: Establish a Basic Parenting Educational Program consisting of 12 two hour sessions; child growth and development, parenting skills and techniques and resources available to assist parents. The course would cover needs of children from infancy to 18 years, and entered at any age level needed by parents.

GRANTEE: USD #259, Wichita Public Schools, Curriculum Services Division
 PROJECT TITLE: Pilot Project Program for Implementing a Prevention Program on Child Sexual Assault in grades 4-6.
 FUNDING: \$4,905
 DESCRIPTION: This educational program is focused on 1) providing teachers with an understanding of child sexual assault and 2) making children aware

The Children's Trust Fund



Children's Trust Fund

In the spring of 1980 Kansas became the first state to pass legislation creating a Family and Children's Trust Fund that would use revenues from surcharges placed on marriage licenses for prevention programs for children.

We reported on the new program in our January-February 1981 issue and carried an update, "Kansas and The Children's Trust Fund" by Jean Glenn in the May-June 1982 issue. Now we thought readers would like to know that six other states—Washington, Iowa, Virginia, Michigan, Rhode Island and California—have also established public funds to support preventive services. Thomas L. Birch describes the growth and operation of the Trust Fund concept in the following article, condensed and reprinted with permission from *Caring* (Vol. 8, No. 4), published by the National Committee for Prevention of Child Abuse.

An approach to preventing child abuse that is catching on rapidly is the Children's Trust Fund. . . .

Thomas L. Birch is coordinator of the National Child Abuse Coalition, Washington, D.C.

Revenues to build the Children's Trust Funds are generated by surcharges on marriage licenses, birth certificates, or divorce decrees, or by specially designated refunds of the state income tax. Grants from the fund go to preventive programs for child and family abuse, and dis-

tribution of the grants is supervised by an advisory group of individuals with a demonstrated interest in preventing child abuse.

Prevention is the central focus of the Children's Trust Fund concept. The idea was first conceived by Ray E. Helfer, M.D., a pediatrician widely recognized for his pioneer work in the field of child abuse. Helfer is a former vice president of the National Committee for Prevention of Child Abuse (NCPCA).

NCPCA state chapters have been in the forefront of the Children's Trust Fund movement. Through the efforts of NCPCA volunteers, Kansas, in April 1980, became the first state to create this funding mechanism. The Kansas statute resulted from two pieces of legislation. One established a Family and Children's Trust Fund by placing a \$7 surcharge on each marriage license issued. The second bill created a 14-member Children and Youth Advisory Committee of nine state agency members and five concerned citizens appointed by the governor.

Approximately \$130,000 is generated each year for the Kansas Family and Children's Trust Fund. The fund is administered by the Division of Services to Children and Youth under the guidance of the advisory committee. The members of the committee, acting as children's advocates, also advise state agencies serving children and recommend statutory policy to the governor and the legislature.

Grants from the Kansas fund are limited to \$15,000 and go to community-based preventive projects or educational programs. Examples of projects that have received help are

(Continued on inside back cover)

GRANTEE: Catholic Social Services
PROJECT TITLE: ASSIST project
FUNDING: \$11,999.20 (2nd yr)
DESCRIPTION: Single Parents and Family Support Program focused on information, socialization, and recreation, operating on the philosophy that family functioning may be enhanced by providing single parents the opportunity to learn, share, and have some of their own needs met, thereby child abuse or neglect may be reduced or prevented.

The Grantparent group is based on the belief that general family functioning in households incorporating single parents and their children can be enhanced by addressing concerns of grandparents and acknowledging their importance in the parenting process.

These "high risk" families are single, poor, isolated, immature, and have unrealistic expectations of children, personal difficulties and usually reside with own family.

GRANTEE: Johnson County Coalition for Prevention of Child Abuse
PROJECT TITLE: Self-Care Education Project
FUNDING: \$4,800 (2nd yr)
DESCRIPTION: This will be used to develop a manual and provide training (not printing costs or printing plastic cards) "I'm in Charge" for latchkey children and their parents.

GRANTEE: Kansas Research Institute
PROJECT TITLE: Family Life Education: On the Job
FUNDING: \$13,900
DESCRIPTION: This project was to establish and develop a primary child abuse prevention program through a family life education curriculum applicable to industrial and other business settings. Objectives are to improve family functions, reductions in number of children separated from their families, increase job satisfaction and lower overall public costs. Provide a course in family functioning skills through training workshops for company employees during working hours.

GRANTEE: Ourselves and our Families
PROJECT TITLE: Ourselves and our Families
FUNDING: \$15,000
DESCRIPTION: To establish community awareness and prevention program for the prevention of child abuse and neglect through on-going training program for parents to establish effective disciplining skills and education in the role of effective parenting. To establish trained elementary teachers in the program on self-esteem, peer pressure, communication skills, decision-making and problem solving techniques. A primary prevention program for parents in pre-natal care and post-natal care in the home through home visitors.

GRANTEE: Kansas Committee for Prevention of Child Abuse
PROJECT TITLE: Prevention Assistance
FUNDING: \$5,000
DESCRIPTION: This project will provide assistance to the Family & Children Trust Fund Subcommittee in assessing the progress of five trust fund projects and planning for improvement in the second year of the projects of the Trust Fund Subcommittee.

FAMILY AND CHILDREN TRUST FUND GUIDELINES

The Family and Children Trust Fund was authorized in the 1980 Kansas legislative session by Senate Bill 609. The Trust Fund will provide funding for community based projects for the prevention of child abuse/neglect or spouse abuse. The program is administered by the Kansas State Department of Social and Rehabilitation Services. The Children and Youth Advisory Committee is responsible for review and approval of proposals.

I. Eligibility of Applicants

To be eligible to receive Trust Fund grants, applicants must be organizations, agencies, community groups, governmental units or sub-units, public schools, colleges, or universities.

II. Proposals Eligible for Funding Consideration

All proposals will be reviewed on the following criteria. If the criteria are met, the proposals are eligible for further review for funding consideration.

- A. Projects which focus on the prevention of child abuse/neglect or spouse abuse will be considered for funding. Prevention projects are those which are directed toward decreasing occurrences of abuse and neglect through community education, parent education, and services to families and children. Projects targeting either high-risk groups or the population at large are eligible.
- B. Projects dealing primarily with alcohol and drug abuse, juvenile delinquency, the developmentally disabled, or providing funds for day care centers will not be considered for funding as there are other grant funds specifically targeted for these services.
- C. The service to be provided is not a duplication of existing services available in the community.
- D. The project develops a new service or substantially expands on existing service. Proposals to simply maintain existing services will not be considered.

III. Proposal Review Criteria

- A. The following criteria will be used in reviewing proposals that are found eligible for funding consideration.
 - 1. Does this project focus on prevention as opposed to treatment?
 - 2. Does the service to be provided offer a reasonable approach to the prevention of child abuse/neglect or spouse abuse in general, and for the target community or group in particular?
 - 3. Innovativeness of the project.
 - 4. Demonstration of community need for the particular type of service.
 - 5. Soundness of project start-up plans. Soundness of plan for on-going provision and administration of the services.
 - 6. Ability of agency to administer the program and deliver the service. Adequacy of staffing pattern and personnel qualifications.
 - 7. Degree to which the proposal reflects cooperation with and support from community, professional and voluntary organizations and individuals.
 - 8. Reasonableness of the budget.
 - 9. Adequacy of plan for assumption of cost by non-Trust Fund sources.

THE FAMILY AND CHILDREN'S TRUST FUND

The Kansas Committee learned a great deal from the process involved in implementing the Family and Children's Trust Fund. The following key steps are necessary in attempting to pass an original piece of legislation.

1) BEGIN EARLY AND ORGANIZE

We formed an Advocacy Committee six months prior to the opening of the legislative session. This committee was composed of representatives from the Governor's office, state agencies, children's advocacy organizations, legislators wives, and interested citizens. The First Lady of Kansas, Ramona Carlin, acted as co-chairperson of this committee. The adoption of the Trust Fund by the Governor in his legislative program was crucial in its passage.

2) DRAFT LEGISLATION AND DISTRIBUTE FOR REACTIONS

Our first draft was disseminated five months prior to the session to legislators and other interested individuals. Their reactions were extremely important in defining problem areas and possible solutions.

3) ALWAYS BE AWARE OF YOUR OPPOSITION THROUGHOUT THE PROCESS

It came to our attention that women's groups were interested in enacting similar legislation for shelters, which had been precendented in other states. We met with individuals from these groups, and broadened our concept to prevention of family abuse and family problems.

4) CHOOSE CAREFULLY THE LEGISLATORS WHO WILL ACT AS SPONSORS OF THE LEGISLATION

A DIVERSE GROUP IS IMPORTANT. Senator Frank Smith was very instrumental in this process, due to his committment to the bill and his awareness of the political climate in the Kansas Legislature.

5) DEVELOP A BROAD-BASED, STATEWIDE CONSTITUENCY NETWORK

We had the endorsement of 38 organizations and agencies. Within many of these organizations, there was an available statewide network. This component is of vital

importance from the beginning to the end of the process. Legislators vote according to their constituency's concerns. We prepared guidelines for support letters to enable individuals to feel more comfortable in their letter writing and phone calls.

6) BE AWARE OF COMMON CONCERNS EXPRESSED BY LEGISLATORS

One concern we heard continuously was regarding the means of funding. We prepared a statement explaining our rationale for using the marriage license fee, and distributed this to every legislator. Another concern was regarding what type of programs this money would be funding. Again, we prepared a concise outline or fact sheet explaining the various programs, and distributed it to every legislator.

7) LOBBY, LOBBY, LOBBY

We visited almost every legislator to explain the bill, answer questions, and confirm votes. If we received an indication of a possible "no" or a "maybe" from a legislator, we called on our constituency network. It worked miracles!

We encountered many potential crises in the last days of the session. It is important to anticipate possible problems, and above all, be aware of and available to your key legislators. Do not afford yourself the luxury of being secure no matter how positive it appears. It is our hope that every state will secure a Family and Children's Trust Fund. It makes a powerful statement of our commitment to the importance of the well-being of the family in our society. We are extremely proud of the process and of the time, support and commitment of the many, many individuals in our state which led to the enactment of the first state children's trust fund legislation, the Kansas Family and Children's Trust Fund law.

Child Abuse Model Standards and Guidelines

FOR MULTIDISCIPLINARY TEAMS
IN PENNSYLVANIA

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INTRODUCTION

This handbook is intended to assist county child welfare agency staffs and other interested parties to develop and improve Multidisciplinary Team services to abused and neglected children and their families.

On October 1, 1976 Frank S. Beal, Secretary of the Department of Public Welfare, requested top level staff assistance from various State Departments to join with the Department of Public Welfare to establish a State level Multidisciplinary Team.

The Team's major goal for 1976-77 was to develop a model with standards and guidelines for use by county child welfare agencies in establishing a county Multidisciplinary Team. This booklet represents the Team's efforts at pulling together all the general ideas on the Multidisciplinary Team concept and adapting them to Pennsylvania's law and particular needs.

The following individuals were assigned to represent their respective departments on this Statewide Team:

DEPARTMENT OF JUSTICE

Attorney General's Office
Mr. Paul Schilling, Deputy Attorney General

JUVENILE COURT JUDGES COMMISSION

Honorable Harvey N. Schmidt

DEPARTMENT OF EDUCATION

Ms. Frances DeWitt, Special Assistant,* Deputy Secretary's Office
Mr. John Christopher, Director, Bureau of Instructional Support Services
Ms. Marian Lohr, Coordinator**, School Health Services

DEPARTMENT OF HEALTH

Dr. Annette Lynch, Director, Bureau of Children's Services

PENNSYLVANIA STATE POLICE

Captain Salvador Rodriquez, Director, Community Relations Division

GOVERNOR'S COUNCIL ON DRUG & ALCOHOL ABUSE

Mr. Peter Pennington, Executive Assistant Director
Ms. Debbie Metz, Co-member**

DEPARTMENT OF PUBLIC WELFARE

Office of Mental Health:

Dr. Alan Handford, Director, Children & Youth Services

Dr. James Reisinger, Staff Assistant

Office of Mental Retardation:

Ms. Carol Chalick, Chief, Division of Preventive Services

Office of Children and Youth:

Mr. Joseph Spear, Child Welfare Specialist***

Mr. Lee Miller, Administrator, ChildLine

FEDERAL REGION III

Mr. Gary Koch, Child Development Specialist, Department of Health,
Education & Welfare

DEVELOPMENT ASSOCIATES

Ms. Patricia Vasquez, Project Director, Development Associates

I thank those Team Members who took time, including weekends, from their busy schedules and contributed valuable information and assistance to us.

We hope the remaining pages of information are meaningful to you and we welcome your comments.

Gordon Johnson, Team Coordinator
Director, Bureau of Child Welfare

- * Resigned from the Team
- ** New Member
- *** Assistant Team Coordinator

PREFACE

The management of child abuse cases cuts across various professional disciplines and at one time or another may require the expertise of physicians, social workers, attorneys, psychologists, nurses, etc. With this in mind the concept of the Multidisciplinary Team was developed to prevent confusion to the child and parents and to allow the various professionals involved to work cooperatively for the betterment of all concerned. The treatment approach can be planned and implemented and services increased or decreased as the need arises. Through proper case management by the Team, the child can be maintained in his/her home environment with minimal risk and maximum treatment benefits.

The use of Multidisciplinary Teams also removes the awesome decisions and responsibilities from one person and distributes the responsibility among the various Team members. Since it does transcend one profession, it is appropriate that all professions involved in a particular case should meet to discuss the best approach to helping each particular family.

The use of Multidisciplinary Teams has the added advantage of minimizing the confusion to the client because it presents a systemized approach and coordinates the activities of all concerned and involved. This prevents a flood of helping persons from visiting the family and offering services which may be in direct contradiction to one another. It allows one person to take the leadership role with a particular family and to coordinate and arrange for other services as they are needed or indicated.

Multidisciplinary Teams can serve another valuable function for both the community in general and the child welfare agency administrator in particular by identifying gaps in service in the community and working to see that the necessary services are developed to fill this void. The Multidisciplinary Team can either develop these services directly or use their influence to convince the appropriate political structure that expansion or development of services is necessary.

Legal Mandate:

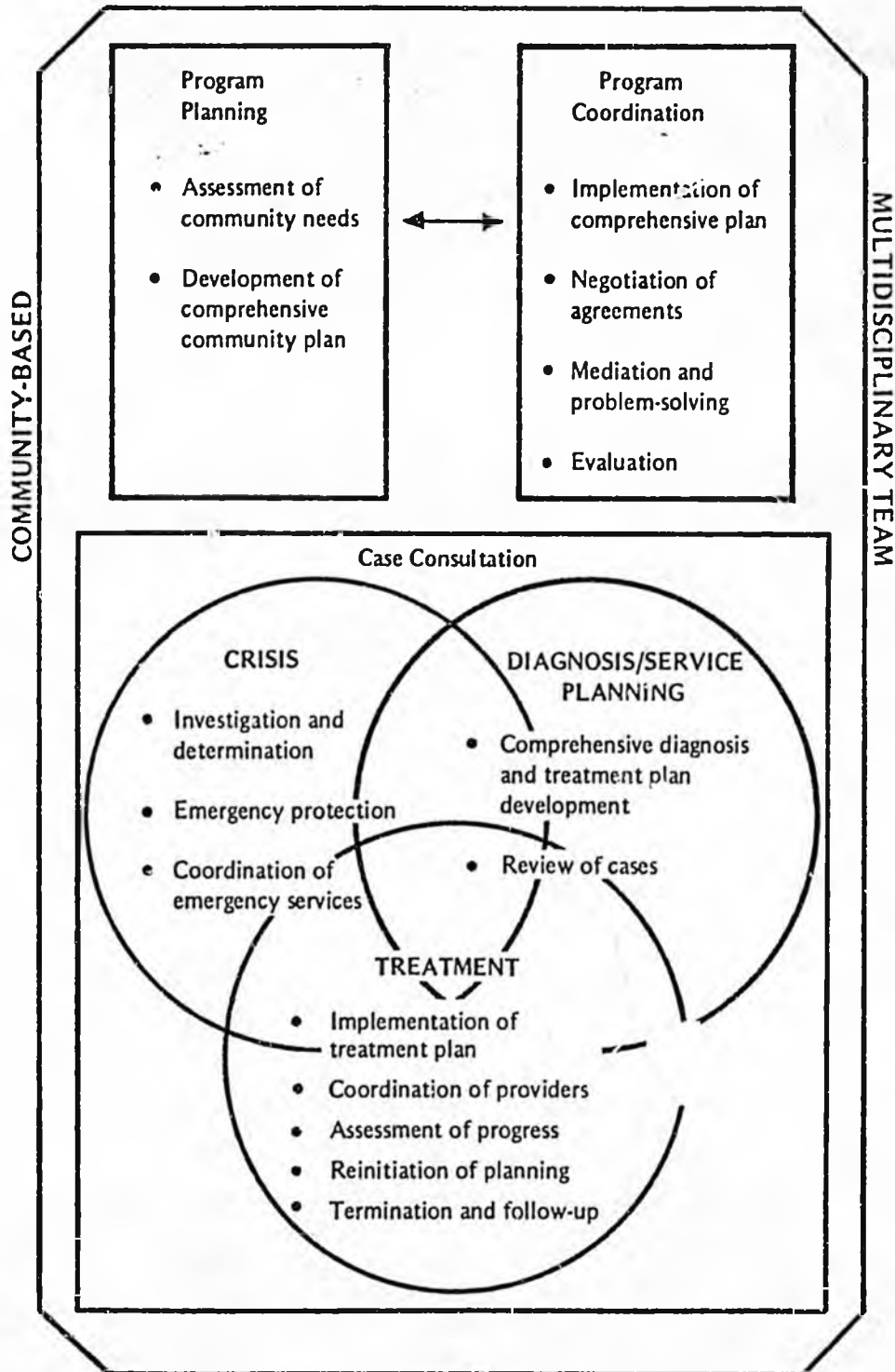
The Child Protective Services Law, Act of November 26, 1975, P.L. 438 (No. 124) mandates each county's child protective service to make available among its services for the prevention and treatment of child abuse the benefits of a Multidisciplinary Team. Attending departmental regulations, Chapter II, Section 23, stipulate that the Child Protective Service shall consult with and utilize the services of professional disciplines within their communities such as health, mental health, social services, education, law and law enforcement for the purposes of developing, reviewing, and implementing treatment plans for abused children and their families, and for receiving recommendations as to the improvement of overall service delivery by the Child Protective Service.

Acknowledgements:

In 1974 Congress enacted the Child Abuse Prevention and Treatment Act which made available for the first time monies to be used specifically for research and training in the area of child abuse and neglect. Part of this money was used to develop a contract with Development Associates, Inc., a Management and Governmental Consulting Firm located in Washington, D.C. The purpose of this contract was to conduct needs assessment surveys in all ten Federal Regions to ascertain what state and county agencies perceived as their greatest need in delivering services to abused and neglected children. The consensus of the various professions engaged in the planning and delivery of services to abused and neglected children in Region III was that there was a need for assistance in planning for and carrying out the roles of a Multidisciplinary Team as well as staff development assistance for the various state agencies involved in serving abusing and neglecting families.

The Office of Child Development which is implementing this act awarded a second contract to Development Associates to assist the states in Region III in developing a state model for Multidisciplinary Teams based on the uniqueness of each state's law and administrative structure for delivering services to abused children and their parents. The first step in this process was to designate a Team composed of the various professions that carried program planning and development responsibilities for child abuse at the state level. One of the functions of this team was to develop the following model and guidelines for local communities to use in developing Multidisciplinary Teams. The Bureau of Child Welfare in the Department of Public Welfare was assigned primary responsibility to coordinate the activities of this Team.

PENNSYLVANIA MODEL



DESCRIPTION OF THE PENNSYLVANIA MODEL: COMPONENTS OF SERVICE

The schematic on page five (5) is a functional model for community-based teams -- that is, it outlines the essential, interdependent functions necessary to a coordinated community approach to child abuse. The organizational structure adopted by different communities, however, will differ with their characteristics and needs. One community might, for example, develop a single group to undertake these functions while another might develop a number of highly specialized subcommittees. A team might also be composed of permanent members who meet regularly and consulting members who undertake a specific task or who bring special knowledge or skills needed for an individual case consultation.

It is anticipated that the process of implementing the total model will be a gradual one, with each community determining which functions it will address first. Because of any number of variables, counties are in a continuum in establishing MDT's. The Department of Public Welfare does not expect every county to implement MDT as described in this booklet. The purpose of the model, standards and guidelines is to assist communities in establishing a MDT. Counties are not required to develop their MDT's after the model described herein, but encouraged to take those parts or suggestions that would be of benefit to them.

This book should be considered as a beginning. Comments on its usefulness and suggested techniques would be appreciated.

i. Team Functioning/Organizational Issues

A. THE COMMUNITY-BASED TEAM SHALL HAVE A WRITTEN STATEMENT CLEARLY DELINEATING ITS MISSION OR PURPOSE AND MEASURABLE GOALS.

1. The team should establish priorities among its goals and objectives which should include the following:

- review and assess community needs and resources
- assist the child welfare agency in the development of its local plan
- assist in developing needed resources
- develop public awareness of the problem of child abuse
- develop a component to provide consultation to the child welfare agency in specific cases
- assist in the identification and development of interagency relationships
- assist in educating organizations and individuals in identifying and reporting suspected child abuse
- seek citizen participation (Sec. III, Citizen Participation)

2. Specific objectives leading to the achievement of each goal should be identified.

3. Specific action steps, members' responsibilities and deadlines should be outlined.

B. THE COMMUNITY-BASED TEAM SHALL HAVE A WRITTEN STATEMENT OF HOW IT WILL OPERATE (OR A CONSTITUTION AND BY-LAWS IF MORE FORMAL STRUCTURE IS REQUIRED).

1. The statement should include:

- a method of nominating and selecting officers
- responsibilities of officers and members
- term of service for officers and members
- frequency, times and locations of meetings
- whether meetings are open or closed to the public
- a set of ground rules for the conduct of meetings
- attendance at meetings
- use of subcommittees

C. THE COMMUNITY-BASED TEAM, NOT THE INDIVIDUAL MEMBERS, SHALL BE PERMANENT SINCE EFFECTIVE PLANNING AND COORDINATION ARE A COMPLEX AND DYNAMIC PROCESS.

D. THE COMMUNITY-BASED TEAM SHALL SEEK THE SUPPORT OR SANCTION OF GOVERNMENTAL GROUPS IN THE COMMUNITY.

1. The community-based team should advise the political leadership of its efforts and provide periodic reports on its progress.
2. Plans and mechanisms for coordination of efforts with other pertinent public and voluntary citizens' committees should be developed by the team.
3. Firm linkages should exist between program planning/coordination and case coordination.
4. The team should meet regularly with the administrators of cooperating programs to review progress being made in the development of a coordinated service delivery system.

COMMENTS

The purpose of developing by-laws or statements of operation is to provide clarity in goals and objectives as well as a permanent structure for the team. Equally important is a clear understanding of how the team is to operate. Each member should understand his or her responsibilities as well as such ground rules as how decisions are to be made. The team can also begin to build a support base in the community by informing the political leadership, other significant public and voluntary citizens' committees or councils as well as the community at large of its goals and progress in achieving them.

II. Team Composition

A. THE COMPOSITION OF THE COMMUNITY-BASED TEAM SHALL REFLECT THE RANGE OF AMELIORATIVE AND TREATMENT RESOURCES AVAILABLE TO ABUSED AND NEGLECTED CHILDREN AND THEIR FAMILIES.

1. Representatives from the fields of social service, health, mental health, education, law enforcement, legal profession, and elected governmental officials should be included.
2. In areas where military bases are located, a representative of this sector should be included.
3. There should be representatives from the community at large (non-agency members) selected on the basis of geographical distribution; community patterns of ethnic background, income levels, educational levels, and occupations, as well as willingness to serve, expertise, and concern.

B. QUALIFICATIONS OF TEAM MEMBERS SHALL INCLUDE THE ABILITY TO CONTRIBUTE TO THE SOLUTION OF PROBLEMS AND TO CARRY OUT THE RESPONSIBILITIES OF MEMBERSHIP THROUGH A WILLINGNESS TO SERVE ON A CONTINUING BASIS. MINIMALLY, MEMBERS SHALL HAVE DEMONSTRATED AN INTEREST IN AND CONCERN ABOUT CHILD ABUSE AND NEGLECT.

1. Members who represent agencies should be persons of sufficient stature that their actions reflect their agencies' policies. At the program coordination level, these members should be administrators; at the case level, supervisory and direct service staff. In either case, members should be able to make commitments on behalf of their individual organizations.

COMMENTS

The initial composition and size of a team will most often be determined by its purpose and goals as well as by the level of interest and commitment on the part of agencies and individuals. A team should strive to incorporate all organizations in the community which are or which could be providing ameliorative and treatment services. While a team should be large enough to be representative of the area it serves, caution must be taken so that it does not become unwieldy. A team might, for example, be composed of permanent and consulting members or might use mechanisms such as ad hoc committees.

If a community-based team is to become a realistic and effective joint planning and decision-making body, it is critical that members appointed by various organizations have the authority to represent their agencies' interests and points of view. Members should be able to stimulate implementation of plans by influencing the necessary political and administrative action and financing.

III. Citizen Participation

A. THE COMMUNITY-BASED TEAM SHALL DEVELOP MECHANISMS TO SEEK CITIZEN PARTICIPATION IN ORDER TO ENSURE AN ACCURATE VIEW OF AREA NEEDS AND PATTERNS AS WELL AS CITIZENS' SUPPORT OF PROGRAMS WITH THEIR IDEAS, LABOR, FUNDS, AND UTILIZATION OF THE SERVICES.

1. The team should identify sources of leadership in both the public and private sector.
2. The team should identify persons or groups in the community which do or could help in preventing child abuse and neglect.
3. The team should identify social and economic problems or patterns in the community which contribute to the problem of child abuse and neglect.
4. The team should make reports to the community detailing problems and needs, program plans and progress, and recommendations for changes needed to improve service effectiveness.
5. Team meetings dealing with community needs assessment, program planning, and program evaluation must be open to the public.
6. The team should develop linkages with voluntary organizations and citizens' groups.
7. The team should assist in the development of public awareness and education campaigns.

IV. Area/Coverage

A. THE CPS IN ALMOST ALL CASES FUNCTIONS ON A SINGLE COUNTY BASIS. HOWEVER, THE COMMUNITY-BASED TEAM MAY DEFINE ITS SERVICE AREA DIFFERENTLY, BASED ON SUCH FACTORS AS:

1. Sufficient population base;
2. Necessary financial resources;
3. Linkage through common business and social interests and transportation systems;
4. Political boundaries;
5. Existing service delivery boundaries or catchment areas.

COMMENTS

One of the first decisions which a team must make is the area which it will serve -- a single county; sections of a large city; or, particularly in some rural areas, all or part of several counties. Factors such as the type of team, size of the population requiring services, proximity of the people to the services, team staffing and budgetary constraints will all affect this decision. The team should also determine whether or not the area chosen has common problems which are amenable to solution through joint efforts.

V. Community Standards of Care

A. THE COMMUNITY-BASED TEAM SHALL WORK WITH THE CPS IN DEVELOPING REALISTIC AND ATTAINABLE STANDARDS AND GUIDELINES COMPATIBLE WITH EXISTING REGULATIONS FOR USE BY COOPERATING AGENCIES AND INDIVIDUAL PROFESSIONS IN WORKING WITH CHILD ABUSE/NEGLECT CASES.

1. The standards and guidelines should include at least the following areas:

- criteria for treatment plans
- minimum frequency of contacts with families
- criteria for format and timing of case review
- criteria for maximum caseload size--for team and type of staff
- criteria for determining timing and procedures for termination of stabilization of cases
- time between maximum progress and termination/stabilization
- policies re follow up of terminated/stabilized cases
- procedures for monitoring follow up contacts

COMMENTS

The team should bear in mind that if standards are set too low, they may be easily achieved but may restrict progress. On the other hand, standards that are set too high may not be attainable in some communities, and frustration can be the result. By determining desirable patterns of services that are within the realm of reality and practicality, teams can measure needs by comparing existing patterns with the desirable ones. This process will provide the necessary groundwork for thorough program planning and development.

VI. Program Planning/Development

- A. THE COMMUNITY-BASED TEAM SHALL IDENTIFY, REVIEW AND ASSESS COMMUNITY PROGRAMS FOR ABUSING AND NEGLECTING FAMILIES, WITH A VIEW TOWARDS DESCRIBING THE EXISTING SERVICE DELIVERY SYSTEM. THE TEAM SHALL DEVELOP A REPORT OUTLINING ITS CONCLUSIONS AS TO THE COMMUNITY'S PROBLEMS, SIGNIFICANT GAPS OR OVERLAPS, AND OBSTACLES TO THE DEVELOPMENT OF A COORDINATED SERVICE DELIVERY SYSTEM.

THE DEVELOPMENT OF A COORDINATED SERVICE DELIVERY SYSTEM.

1. The elements of a coordinated system include:
 - identification and reporting
 - investigation
 - diagnosis and treatment planning
 - long and short term treatment and follow up
 - training of professionals
 - community education
 - prevention
 - program evaluation and monitoring
2. The review and assessment should include not only those organizations and individuals currently providing services but also others in the community which could provide ameliorative or treatment services.
3. Input should be sought from any ~~part~~ in service agencies and/or planning groups in the community.
4. Information on problems and needs should be sought from clients of the service delivery system.
5. The team should review coordination procedures within and among agencies.
6. The report on conclusions should describe the procedures currently used to serve abusing and neglecting families, the types of services provided, and the agencies providing services. The assessment should consist of relevant statistical information as well as opinion, and the analysis of these to determine problems.

B. BASED ON THE CONCLUSIONS AND FINDINGS OF THE REVIEW AND ASSESSMENT, A COMPREHENSIVE COMMUNITY PLAN SHALL BE DEVELOPED TO STRENGTHEN THE SERVICE DELIVERY SYSTEM.

1. The plan should establish roles and responsibilities for cooperative community structures to prevent and treat child abuse and neglect.
2. The plan should recognize Child Welfare's mandate and legal responsibility to establish and maintain a MDT.
3. The plan should include:
 - measurable goals (short term, intermediate, and long term)
 - priorities
 - operational objectives
 - specific action steps to be undertaken by the team
 - mechanisms for ongoing evaluation
4. The plan should consider adaptation of existing services as well as development of new ones.
5. Recommendations for coordination needed at both the program or system level and case level should be included.
6. The broadest possible community participation should be sought in the development of the plan.
7. This plan should include recommendations to assist the agency director in developing the "Local Plan."

C. THE COMMUNITY-BASED TEAM SHALL ASSIST THE COMMUNITY, LOCAL CITY AND COUNTY GOVERNMENTAL OFFICIALS AND STATE LEGISLATORS IN UNDERSTANDING CHILD ABUSE AND NEGLECT AND IN THE FORMULATING OF LEGISLATION AND REALISTIC APPROPRIATIONS FOR SERVICES TO ABUSING AND NEGLECTFUL FAMILIES.

1. The team should inform the community and its political leadership of the results of its needs assessment.
2. The team should be an advocate for its comprehensive plan with public and private agencies and the political leaders.
3. The team should participate in the public hearings for the local plan.

D. THE COMMUNITY-BASED TEAM SHALL SET THE DIRECTION FOR SOCIAL ACTION TO IMPROVE THE ECONOMIC AND SOCIAL CONDITIONS WHICH CONTRIBUTE TO THE PROBLEM OF ABUSE AND NEGLECT THROUGH THE DEVELOPMENT OF PUBLIC POLICIES WHICH STRENGTHEN FAMILY LIFE.

E. THE TEAM SHALL OBTAIN WRITTEN AGREEMENTS FROM THE AGENCIES AND ORGANIZATIONS WITHIN THE COMMUNITY'S SERVICE DELIVERY SYSTEM SPECIFYING THEIR ROLE IN IMPLEMENTING THE COMPREHENSIVE COMMUNITY PLAN.

1. The agreements might include:

- referral procedures
- criteria for cases to be accepted by each
- procedures for sharing information on the diagnosis and progress of cases involving more than one agency
- mechanisms for regular review of agreements and revision as necessary
- procedures for joint staff training
- financial agreements

COMMENTS

A thorough needs assessment must be undertaken before an effective plan can be developed. It is crucial that real needs based on facts, not merely opinion be identified. The problems which appear most obvious may be those for which a solution is already known and may not reflect the more critical problems underlying the service delivery system which should be addressed in the plan.

The more directly that a goal can be related to a specific part of a problem, the more successful planning efforts will be. Although it is difficult to develop realistic long-range plans because changes in conditions upon which goals are based are not always predictable, it is important that community-based teams attempt long-range planning to set the overall framework of their shorter term goals and efforts. It is also essential that the team establish priorities among its goals to reduce confusion as to which activity is most important and to provide direction as to where scarce resources can best be used. In doing this, the team should always keep in mind the interdependence of various activities.

Using the service delivery standards, data from their needs assessment, and the comprehensive plan as a foundation, the team should seek appropriate agreements from all of the organizations in the service delivery system, specifying their roles and responsibilities and how they will interface with others. Most organizations have written policies and regulations which govern their actions and determine the area they serve, clients served, and kinds of services provided. The inter-agency agreements will serve as mechanisms for implementing the comprehensive community plan.

VII. Case Consultation

THE COMMUNITY-BASED TEAM SHALL OFFER THE SERVICES OF MULTIDISCIPLINARY CASE CONSULTATION GROUP(S) TO THE CHILD WELFARE AGENCY. WHEN THE AGENCY UTILIZES SUCH CONSULTATION, THE MULTIDISCIPLINARY GROUP BECOMES A PART OF THE CHILD PROTECTIVE SERVICES. AS SUCH THEY ARE BOUND BY THE SAME CONFIDENTIALITY STRICTURES AS THE CPS STAFF.

- * Multidisciplinary consultation should be available during the three basic phases of the management of child abuse cases - crisis intervention, diagnosis/treatment planning, and treatment implementation.
- * Depending on a county's characteristics and its needs, the community based team might develop one group which could coordinate services in each of the three phases; or it might develop a number of specialized groups.
- * The multidisciplinary consultation group(s) should provide a forum for the sharing of appropriate information on diagnosis, treatment plans and progress among professionals involved with a child abuse case.
- * The multidisciplinary group(s) should ensure that information on problems of coordination and needs for resources is shared with program planning and coordination components of the community based team.

THE LOCAL CHILD WELFARE AGENCY SHALL DETERMINE WHICH CASES ARE IN NEED OF A MULTIDISCIPLINARY CASE CONSULTATION GROUP'S ASSISTANCE.

- * Appropriate cases for referral to a multidisciplinary group should include those where it is questionable whether or not a child can safely remain in the home, where specific treatment needs are not clear, where it is questionable whether or not a child can be safely returned to the home, or where numerous community resources and treatment services must be coordinated.

MULTIDISCIPLINARY CONSULTATION GROUPS DEALING WITH CRISIS INTERVENTION SHALL INCLUDE THOSE PROFESSIONALS NECESSARY TO ASSIST CPS WITH ITS INVESTIGATION, PROVIDE IMMEDIATE PROTECTION TO THE CHILD, AND COORDINATE EMERGENCY SERVICES TO THE FAMILY.

- * A crisis group should meet when child abuse is suspected and pool and evaluate available information in order to make two critical decisions – do the injuries seem to indicate child abuse and is the home safe for the immediate return of the child.
- * The crisis group should coordinate the provision of emergency services to ensure that the family is served more efficiently in times of crisis by the various disciplines without long waits for services. Services might include short term counseling, medical assistance, emergency homemaker or child care, emergency financial assistance, family shelters, crisis nursery, emergency removal and placement of the child.
- * The crisis group should ensure that duplicate investigations of a family do not occur, i.e., that information already collected is used where possible and allowable by law.

THE MULTIDISCIPLINARY GROUP PROVIDING CONSULTATION TO CPS ON DIAGNOSIS AND THE DEVELOPMENT OF TREATMENT PLANS FOR CHILD ABUSE CASES SHALL INCLUDE ONLY PROFESSIONALS WITH THE REQUIRED EXPERTISE TO FULFILL THE PURPOSE OF THE GROUP, I.E. ASSESSING MEDICAL, PSYCHOLOGICAL, LEGAL, AND SOCIAL ASPECTS OF COMPLEX CASES AND DEVELOPING A COMPREHENSIVE TREATMENT PLAN.

- * The group should include skilled representatives of the various disciplines who will meet regularly as a core group to provide consultation to CPS on cases as well as ad hoc consulting members who have knowledge or a special skill needed for a particular case. The specific professions represented on the core group will vary with availability as well as the contribution they may be expected to make to the team. Where possible, professionals should be drawn from local treatment agencies in order to provide a referral liaison between the team and agency.
- * This group should assist the CPS by developing a comprehensive diagnosis and treatment plan for each case referred to it. The plan should include:
 - a. a statement of the specific problems a family has and possible causes
 - b. an assessment of the needs and strengths of the family
 - c. treatment goals, short and long range objectives—with dates
 - d. identification of resources to be used
 - e. a schedule for providing services, coordinating the needs of a family and those of the service providers
 - f. a schedule for reviewing treatment progress
 - g. designation of a case monitor to maintain frequent and supportive contact with the family and service providers.
- * This group should also assist in:
 - a. identifying and resolving potential problems in service delivery
 - b. developing a recall system to ensure that cases will be reviewed at predetermined intervals
 - c. reviewing a representative sample of cases to assess whether services are being utilized as planned and whether agencies are responsive to referrals of abusing families
 - d. ascertaining reasons for inadequate utilization of services
 - e. developing procedures for intervening when serious problems of coordination of service delivery occur.

COMMENTS

The county child welfare agency should assume the leadership role in establishing a MDT in the county. If there are two or more component groups, a member of the CPS does not necessarily have to be chairperson of each component. Because the CPS has the legal mandate to provide protective services, a member of the CPS should be directly responsible for the Case Management Component.

VIII. Parents'/Children's Rights

THE CASE MANAGEMENT TEAM SHALL ADHERE TO THE CPS LAW AND REGULATIONS CONCERNING THE RIGHTS OF PARENTS AND CHILDREN INCLUDING BUT NOT LIMITED TO THE FOLLOWING.

- * Their rights to confidentiality of information.
- * Their right to legal representation at any stage of the proceeding.
- * Their right to receive all necessary treatment and social services to prevent future abuse and/or neglect if appropriate.
- * Their right to court hearings for detention hearings, transfer of custody, etc.
- * Their rights regarding amending, sealing, and expunging reports in which they are named.
- * Children's right to admission to any public or private hospital for treatment
- * Their right to a completed investigation within 30 days
- * Children's right to protective custody
- * Their right to appropriate and proper notification regarding receipt of the report status, changes, etc.

THE CASE MANAGEMENT TEAM SHALL ENDEAVOR TO INVOLVE THE PARENT(S) AND, IF APPROPRIATE, THE CHILD IN THE DIAGNOSIS AND TREATMENT PLANNING PROCESS AND DURING ONGOING REVIEWS.

- * The team should invite the parent(s) and the child, if appropriate, to participate in meetings during which decisions are made about them.
- * The case management team should develop procedures for assisting the family in understanding the results of meetings, decisions, and the status of the child.
- * The team should endeavor to obtain the family's agreement to (or at least acknowledgement of) the treatment plan selected.

THE CASE MANAGEMENT TEAM SHALL DEVELOP A MECHANISM FOR CLIENT PARTICIPATION IN PROGRAM PLANNING AND EVALUATION.

COMMENTS

While the team must be guided by existing law and regulations regarding parents' and children's rights, it should give careful consideration to developing procedures for involving families in the decisions made about them in order to secure their cooperation in the treatment plan.

There has been increased legislative activity and litigation concerning the individual's right to privacy and freedom of information as well as parents' rights and professional malpractice. Case management teams should be aware of these trends in order to make fully informed decisions in regard to their own practices and procedures.

IX. Program Evaluation/Research

A. THE COMMUNITY-BASED TEAM SHALL ENCOURAGE ALL AGENCIES TO MAINTAIN THE TYPES AND AMOUNT OF DATA NECESSARY FOR PROGRAM PLANNING AND EVALUATION.

1. The team should have access to data such as:

- number of cases identified--by source
- number of cases investigated
- number of cases founded, indicated, unfounded
- classification of cases (type of abuse or neglect)
- amount of recidivism in founded and indicated cases
- number of organizations providing services -- by organization
- services provided--by organization
- cost of services--by type and per client
- number of case conferences held
- number of joint treatment plans developed
- number of cases terminated
- number of professional training sessions--by source
- number and types of public awareness endeavors
- other information as might be necessary e.g., age, sex, and location of child.

B. THE COMMUNITY-BASED TEAM SHALL REVIEW AND EVALUATE THE COMMUNITY'S OVERALL SERVICE DELIVERY SYSTEM FOR CHILD ABUSE/NEGLECT CASES ON A REGULAR BASIS--THE EFFECTIVENESS AND EFFICIENCY AS WELL AS THE ACCEPTABILITY OF SERVICES.

1. The team should establish mechanisms which will assure a regular means of securing feedback from all cooperating agencies providing services and from service recipients.
 2. The team should build measurable factors into all goal statements.
- C. THE COMMUNITY-BASED TEAM SHALL COOPERATE WITH INDIVIDUALS AND GROUPS WHO ARE CONDUCTING BONA FIDE RESEARCH ON CHILD ABUSE AND NEGLECT BY PROVIDING APPROPRIATE INFORMATION.
1. The team should ensure the confidentiality of clients by providing only non-identifiable information.
 2. The team should ensure that the researcher is adhering to acceptable research practices such as those governing the protection of human subjects.

COMMENTS

In order to do effective planning, the team must evaluate, on a regular basis, the total system's effectiveness and efficiency as well as its impact on individual families. An assessment which includes management policies and procedures as well as service practices will provide the team with the data necessary to inform policy makers and the community at large of needs for progressive changes in policies and procedures as well as the need for additional and/or different resources.

State Action on Child Protection

Attachment C

	Alabama	Alaska	Arizona	Arkansas	California	Colorado	Connecticut	Delaware	Florida	Georgia	Hawaii	Idaho	Illinois	Indiana	Iowa	Kansas	Kentucky	Louisiana	Maine	Maryland	Massachusetts	Michigan	Minnesota	Mississippi	Missouri	Montana	Nebraska
What Elements of Child Abuse Must Be Reported																											
nonaccidental	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X
neglect	X	X	X	X	X	X	X	X	X	X	X	1	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X
sexual abuse	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X
emotional abuse	X			X	X		X	X	X		X		X										X	X	X	X	
Who Must Report																											
doctors	X	X	X	X	X	X	X	X	X	X	X	X	X	2	X	X	X	X	X	X	X	X	X	X	X	X	X
social workers	X	X	X	X	X	X	X	X	X	X	X	X	X	2	X	X	X	X	X	X	X	X	X	X	X	X	X
teachers	X	X	X	X	X	X	X	X	X	X	X	X	X	2	X	X	X	X	X	X	X	X	X	X	X	X	X
law enforcement	X	X	X	X	X	X	X			X		X	2	X	X	X			X	X	X	X	X	X	X	X	
When Must Report Be Made <i>(I = Immediately, P = Promptly, S = Soon, L = Longer)</i>	I	I	I	I	L	I	I	I	I	I	P	L	I	I	L	P	I	I	I	S	I	I	I	I	I	P	3
To Whom Must Report Be Made <i>(SS = Social Services, C = Court, PO = Law Enforcement)</i>	SS/PO	SS	SS/PO	SS	SS/PO	SS/PO	SS/PO	SS	SS	SS	SS	PO	SS	SS/PO	SS	SS/C	SS	SS/PO	SS	SS/SS	SS	SS	SS/PO	SS	SS	SS	PO
Immunity for Good Faith Report	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X
Penalty for Not Making Report <i>(CR = Criminal, CI = Civil)</i>	CR		CR	CR/CI	CR	CR/CI	CR	CR	CR	CR			CR	CR/CI	CR	CR	CR	CR	CI		CR	CI	CR	CR	CR	CR	CR
Abrogation of Privileged Communication																											
husband		X				X	X				X		X	X	X				X	X		X		X		X	X
doctor		X				X					X		X	X	X					X		X		X		X	X
all but attorney/client...	X		X	X				X	X			X			X	X	X	X				X			X		X
Photographs and X-rays			PX	PX	PX	PX			PX				PX	PX	PX		PX		PX				PX			PX	
Temporary Protective Custody - Emergency Removal	X	X	X	X	X	X	X		X			X	X	X	X	X	X	X		X	X	X	X	X	X	X	X
Central Registry	X	X	X	X	X	X	X	X	X	5	X	X	X	5	X		5	X		X	X	X	5	X	X	X	X
Child Protection Team					6	X							X								6	6			6		
Guardian ad Litem/Counsel	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X
Public Education					X				X						X	X		X				X		X		X	

	Nevada	New Hampshire	New Jersey	New Mexico	New York	North Carolina	North Dakota	Ohio	Oklahoma	Oregon	Pennsylvania	Rhode Island	South Carolina	South Dakota	Tennessee	Texas	Utah	Vermont	Virginia	Washington	West Virginia	Wisconsin	Wyoming	Washington, D.C.	Total	
What Elements of Child Abuse Must Be Reported																										
nonaccidental	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	51
neglect	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	50
sexual abuse	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	46
emotional abuse	X	X	X	X	X		X	X	X	X	X	X	X		X	X	X		X		X		X		X	37
Who Must Report																										
doctors	X	X	2	X	X	X	X	X	2	X	X	2	X	X	2	2	2	2	X	X	X	X	X	2	X	51
social workers	X	X	2	X	X	X	X	X	X	X	X	2	X	X	2	2	2	2	X	X	X	X	X	2	X	51
teachers	X	X	2	X	X	X	X	X	X	X	X	2	X	X	2	2	2	2	X	X	X	X	2	X	51	
law enforcement		X	2	X	X	X	X	X	X	X	X	2	X	X	2	2	2	X			X		2	X	42	
When Must Report Be Made <i>(I = Immediately, P = Promptly, S = Soon, L = Longer)</i>	P	I	P	I	I	3	I	I	P	I	I	L	3	I	I	I	I	3	I	I	I	I	I	I	I	I=36, P=6, L=4, S=1
To Whom Must Report Be Made <i>(SS = Social Services, C = Court, PO = Law Enforcement)</i>	SS/PO	SS	SS	4/SS	SS	SS	SS	SS/PO	SS	SS/PO	SS	SS	SS/PO	4/SS	all	SS/PO	SS/PO	SS	SS	SS/PO	SS	SS/PO	SS/PO	SS/PO	SS/PO	SS=28, SS/PO=19, PO=2, SS/C=1, all=1
Immunity for Good Faith Report	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	51
Penalty for Not Making Report <i>(CR = Criminal, CI = Civil)</i>	CR	CR	CR	CR	CR/CI		CR		CR	CR	CR		CR/CI	CR	CR	CR	CR	CR	CR	CR	CR	CR	CR	CR	CR	CR=33, CI=2, CR/CI=5
Abrogation of Privileged Communication																										
husband					X	X				X	X			X						X				X		19
doctor				X	X	X		X	X	X	X			X					X	X		X		X		22
all but attorney/client	X	X			X		X	X	X	X		X		X		X		X	X		X		X		X	20
Photographs and X-rays			PX		PX			PX		P	PX		PX			X	PX		PX	P	PX		PX		PX=21, P=2, X=1	
Temporary Protective Custody - Emergency Removal			X	X	X	X	X	X		X	X	X	X	X	X	X	X		X	X		X	X	X	X	38
Central Registry	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	5	X	X	5	41
Child Protection Team										6		6													6	
Guardian ad Litem/Counsel	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	46
Public Education					X					X											X		X		X	13

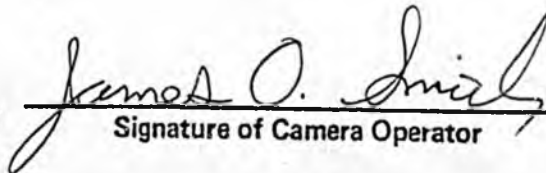
1 "Neglected child" is defined but not included in the required reporting statute.
 2 Require reporting by "any person."
 3 No...

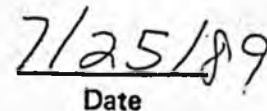
Trends in Child Protection Laws - 1979



RECORDS CERTIFICATION

I, the undersigned, an employee of the State of Alaska, do hereby certify that the microfilm images on this microform are accurate reproductions of the original records of the State of Alaska as accumulated during the regular course of business, and that it is the established policy and practice of this State to microfilm its records and to dispose of the original records after microfilm reproductions have been made.


Signature of Camera Operator


Date

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COMMITTEE REPORT

HOUSE

Judiciary

(7)

FURTHER: Finance

1/18/85

Date: 14 Feb, 1985

The Committee on Health, Education and Social Services has had HB 92

"An Act relating to child and spousal support; and providing for an effective date."

under consideration and recommends:

- do pass do not pass
- do pass with attached amendments(s)
- replace with CS for HB 97 same title
- do pass new title
- AND attaches a "Letter of Intent" New Fiscal Note
- reports it back without recommendation Zero Fiscal Note Attached
- referred to the _____ Committee:

MEMBERS SIGNING
DO PASS

W. K. ...

...

Katie ...

...

...

...

...

...

MEMBERS HAVING
OTHER RECOMMENDATIONS:

Adrian L. Taylor (Don't know)

W. K. ... co-chair

CHAIRMAN

...

C. ...

MEMORANDUM

TO: HOUSE HESS COMMITTEE MEMBERS

FROM: NANCY BENNETT, COMMITTEE STAFF

RE: CS FOR HB 92 (HESS) - CHANGES IN THE BILL

DATE: FEBRUARY 13, 1985

SECTION 1 and 3 were deleted from the original bill because the committee determined that existing state law already provides remedies for paternity determination better than what was proposed in HB 92.

SECTION 4 was deleted because the subcommittee decided to pursue a different route in providing for interstate income withholding of support payments (see section 4) rather than adoption of a Model Law.

Page 1, lines 25-29 and page 2 lines 1-3: The language was rewritten to be more concise and readable. "May" on page 1, line 28 was changed to "shall" to comply with PL 98-378 which requires income withholding orders.

Page 2, line 22: The language "or if there are any other legal defenses" was added to the sentence as a finding of the court hearing.

Page 2, lines 22-25: This amendment was suggested by Judge Carlson, to make the law comply with the reality of court operations.

Page 3, lines 14-16: Removed language which provided for a misdemeanor for an employer who violates the section.

Page 3, line 29: Added "and reasonable attorney fees" to what the court may order in addition to court costs.

Page 4, line 20: Added "reduce" to grant more discretion to the court in adjusting orders.

Page 4, lines 21-23: Language re-written to comply with federal law. It provides that payments can be terminated or reduced if all arrears are paid but language allowing termination upon a good payment history was deleted since it was determined out of compliance with federal regulations.

Page 4, lines 26-29: Language was added to allow the agency to proceed with interstate support obligations.

Page 5, line 10: Deleted language relating to penalties since the committee determined, upon testimony by the agency director, that penalties are administratively difficult to determine and rarely collected.

Page 5, lines 23-25: Deleted previous language concerning penalties and added language allowing the agency to work interstate support obligations through the courts of the state.

Page 6, line 3: Added "spousal" to the provision for medical support order since many orders are combined for child and spousal support.

Page 6, line 5-17: Added a new section to the bill to apply all state laws relating to support enforcement to interstate obligations the agency may receive.

Page 6, lines 19-21: Deleted all language related to penalties.

Page 7, line 12: Added "or spousal".

Page 7, line 18-23: Added language to this section to guarantee non-discrimination on the basis of receipt of public assistance.

Page 8, lines 5-8: Judge Carlson suggested language to make clear the intent of the section. Also changed "petition" (line 8) to "motion"

Page 9, line 7: Added "attorney fees" to be consistent with language in other sections of the bill.

Page 10, line 5: Added language concerning notice to make the section consistent with other parts of the bill amending notice provisions.

Page 10, lines 11-13: Added a new section to the bill providing that undistributed payments may be returned to the obligor after seven years.

assistance.

- Sec 9 Language corrects oversight in Ch. 144, SLA 84 when AS 47.23.265 was enacted, which sets out general notice provisions in all of AS 47.23.
- Sec 10 Clean up language suggested by Judge Carlson (lines 5-8). Other provisions change general notice requirements in compliance with section 9.
- Sec 11 PL 98-378 requires that withholding orders are subject to 15 USC 1673 (b), Consumer Credit Reporting Act.
- Sec 12 Language changes consistent with other sections, and allows the agency to retain costs of attorney fees.
- Sec 13 Language changes consistent with other sections.
- Sec 14 Notice changes consistent with section 9.
- Sec 15 New section which allows undistributed support payments to be returned to obligor.
- Sec 16 Immediate effective date.

Original sponsor: Rules/Governor

1 IN THE HOUSE

BY THE HEALTH, EDUCATION AND
SOCIAL SERVICES COMMITTEE

2 CS FOR HOUSE BILL NO. 92 (HESS)

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 FOURTEENTH LEGISLATURE - FIRST SESSION

5 A BILL

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

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

9 * Section 1. AS 09.65.132 is amended to read:

10 Sec. 09.65.132. INCOME WITHHOLDING [ASSIGNMENT] ORDER FOR CHILD
11 SUPPORT. (a) A judgment, court order, or order of the child support
12 enforcement agency under AS 47.23 [(AS 47.23)] providing for the
13 support of a minor child must [SHALL] contain an income withholding
14 [ASSIGNMENT] order.

15 (b) An income withholding [ASSIGNMENT] order must [SHALL] direct
16 the obligor, the obligor's employer, future employer, and any person,
17 political subdivision, or department of the state to withhold [ASSIGN]
18 money due or to be due the obligor and pay the money to the [OBLIGEE
19 OR, WHERE THE ORDER IS ISSUED TO THE CHILD SUPPORT ENFORCEMENT AGENCY
20 (AS 47.23) OR COLLECTIONS ARE BEING MADE THROUGH THE CHILD SUPPORT EN-
21 FORCEMENT AGENCY, TO THAT] agency, in an amount determined under (h)
22 of this section [SUFFICIENT TO MEET THE SUPPORT PAYMENTS IMPOSED BY
23 THE COURT OR BY THE CHILD SUPPORT ENFORCEMENT AGENCY UNDER AS 47.23.-
24 140].

25 (c) If support payments are in arrears in an amount at least
26 equal to support payable for one month, the agency, on behalf of an
27 [AN] obligee or person or public agency designated to receive support
28 payments, shall [MAY] request an income withholding [ASSIGNMENT] order
29 against the obligor [TO TAKE EFFECT] by filing a sworn statement with

1 the court that alleges [ALLEGING IN A SWORN STATEMENT] that the
2 obligor is in arrears in an amount at least equal to the support
3 payable for one month [HAS FAILED TO MAKE A SUPPORT PAYMENT IN FULL
4 WITHIN 45 DAYS OF THE DATE THE PAYMENT WAS DUE AND BY FILING THAT
5 STATEMENT WITH THE COURT].

6 (d) If an application is [HAS BEEN] filed with the clerk of
7 court, notice shall be served upon the obligor in the manner provided
8 by Rule 5, Alaska Rules of Civil Procedure or any other method permit-
9 ted by law. The notice shall [BE SENT BY CERTIFIED MAIL, RETURN
10 RECEIPT REQUESTED, TO THE LAST KNOWN ADDRESS OF THE OBLIGOR. THE
11 NOTICE SHALL BE POSTMARKED NO LATER THAN 10 DAYS AFTER THE DATE ON
12 WHICH THE APPLICATION WAS FILED AND SHALL] inform the obligor that the
13 income withholding order [ASSIGNMENT] will take effect 15 days after
14 the date on which the notice is served [WAS RECEIVED] unless the
15 obligor requests a hearing within the 15 days after the notice is
16 served [WAS SENT]. If the obligor requests a hearing, an income
17 withholding order [ASSIGNMENT] may not take effect until the conclu-
18 sion of the hearing. The court shall hold a hearing requested under
19 this section within 15 days after the date the obligor requests the
20 hearing, to determine if there are any mistakes of fact that make the
21 withholding order improper, if the amount to be withheld is incorrect,
22 or if there are any other legal defenses. The court shall inform the
23 obligor, either at the hearing or within 15 days after the hearing,
24 whether or not the withholding will occur and of the date on which it
25 is to commence. [IF THE OBLIGOR PAYS ALL SUPPORT PAYMENTS DUE BEFORE
26 THE HEARING, AN INCOME ASSIGNMENT ORDER MAY NOT TAKE EFFECT.]

27 (e) The obligee or person or public agency that requested the
28 income withholding [ASSIGNMENT] order shall immediately send a copy of
29 the income withholding [ASSIGNMENT] order and a copy of AS 47.23.260

1 and 47.23.270 by certified mail to persons who may owe money to an
2 obligor. An income withholding [ASSIGNMENT] order made under this
3 section is binding upon a person, employer, political subdivision, or
4 department of the state immediately upon receipt of a copy of the
5 income withholding [ASSIGNMENT] order. An employer shall begin with-
6 holding the specified amount from the employee's wages 14 days after
7 the mailing date on the notice or on the first day of the next pay
8 period, if earlier. The amount withheld shall be sent to the agency.

9 (f) An employer may not discharge, discipline, or refuse to em-
10 ploy an obligor on the basis of an income withholding order issued
11 [ASSIGNMENT] under this section. If an employer discharges, disci-
12 plines, or refuses to employ an obligor because of an income withhold-
13 ing obligation, the court, after notice and hearing, may order rein-
14 statement or restitution to the obligor, or both. A person who vio-
15 lates this subsection or a regulation adopted to implement it, is
16 liable for a fine of not more than \$1,000.

17 (g) An income withholding order [ASSIGNMENT] under this section
18 has priority over all other attachments, executions, garnishments, or
19 other legal process brought under state law against the same wages
20 [ASSIGNMENTS] unless otherwise ordered by the court. An income with-
21 holding order [ASSIGNMENT] is not limited to the wages of an obligor
22 but may include all money owed to the obligor not otherwise exempt by
23 law. Exemptions under AS 09.38 do not apply to income assignments
24 under this section[; HOWEVER, 50 PERCENT OF THE OBLIGOR'S NET DISPOS-
25 ABLE EARNINGS IS EXEMPT FROM EXECUTION UNDER THIS SECTION. IN THIS
26 SUBSECTION, "NET DISPOSABLE EARNINGS" HAS THE MEANING GIVEN IN 15
27 U.S.C. 1672].

28 (h) The court may order an obligor to pay the plaintiff's court
29 [ALL COURTS] costs and reasonable attorney fees which resulted from

1 [INVOLVED IN] an income withholding [ASSIGNMENT] proceeding under this
2 section.

3 * Sec. 2. AS 09.65.132 is amended by adding new subsections to read:

4 (i) An employer shall, to the extent permitted under 15 U.S.C.
5 1673(b), withhold the current support obligation from an obligor's
6 wages. An employer shall withhold additional income, to the extent
7 permitted under 15 U.S.C. 1673(b), from an obligor's wages for any
8 support arrearage.

9 (j) An employer may combine into a single payment amounts with-
10 held from more than one obligor if the employer specifies the portion
11 of the payment attributable to each obligor. If in receipt of more
12 than one income withholding order regarding one obligor, the employer
13 shall honor the orders by paying each in full in the sequence of its
14 receipt to the extent permitted under 15 U.S.C. 1673(b).

15 (k) At the time an obligor terminates employment with an em-
16 ployer then in receipt of an unsatisfied income withholding order
17 regarding the obligor, the employer shall immediately inform the
18 agency of the obligor's name and last known address and the name and
19 address of all other known employers of the obligor.

20 (l) An obligor may petition the court to terminate or reduce the
21 withholding of income, if all support payments are current, upon good
22 cause shown, such as the emancipation of a child for whom support is
23 paid, or the lack of contact by the agency with the obligee.

24 * Sec. 3. AS 47.23.020(a) is amended to read:

25 (a) The agency shall

26 (1) seek enforcement of [OBTAIN, ENFORCE, AND ADMINISTER]
27 child support orders of the superior courts of the state in other
28 jurisdictions and shall obtain, enforce, and administer the orders in
29 this state;

1 (2) adopt regulations to carry out the purposes of this
2 chapter, including regulations that [WHICH] establish

3 (A) schedules for determining the amount an obligor is
4 liable to contribute toward the support of an obligee under this
5 chapter and under 42 U.S.C. 651 - 665 (Title IV-D, Social Secur-
6 ity Act);

7 (B) procedures for hearings conducted under AS 47.23.-
8 170; and

9 (C) subject to AS 47.23.025 and to federal law, a
10 uniform [SCHEDULE OF PENALTIES AND A] rate of interest on arrear-
11 ages of support that shall be charged the obligor upon notice if
12 child support payments are 10 or more days overdue or if payment
13 is made by a check backed by insufficient funds;

14 (3) administer and enforce the Uniform Reciprocal Enforce-
15 ment of Support Act (AS 25.25);

16 (4) establish, enforce, and administer child support obli-
17 gations administratively in accordance with this chapter;

18 (5) administer the state plan required under 42 U.S.C.
19 651 - 665 (Title IV-D, Social Security Act) as amended;

20 (6) disburse child support payments collected by the agency
21 to the obligee together with interest charged under (2)(C) of this
22 subsection; [AND]

23 (7) establish and enforce through the superior courts of
24 the state child support orders from other jurisdictions pertaining to
25 obligors within the state: [DEPOSIT PENALTIES CHARGED UNDER (2)(C) OF
26 THIS SUBSECTION IN THE GENERAL FUND]

27 (8) enforce and administer spousal support orders if a
28 spousal support obligation has been established with respect to the
29 spouse and if the support obligation established with respect to the

1 child of that spouse is also being administered; and

2 (9) obtain a medical support order as part of a child or
3 spousal support order if health care coverage is available to the
4 obligor at a reasonable cost.

5 * Sec. 4. AS 47.23 is amended by adding a new section to read:

6 Sec. 47.23.022. ENFORCEMENT REQUESTS FROM OTHER STATES. (a)

7 The agency may act, under the laws of this state, upon requests from
8 similar state agencies in other states that operate child support
9 enforcement programs under 42 U.S.C. 651 - 665 (Title IV-D Social
10 Security Act) to establish and enforce against obligors within this
11 state support obligations determined in other states.

12 (b) Requests from child support enforcement agencies in other
13 states shall be made by application containing the information that
14 this state's agency requires and including written authorization from
15 the requesting state agency and the obligee for this state's agency to
16 initiate action necessary to establish, enforce, and collect the
17 support obligation on their behalf.

18 * Sec. 5. AS 47.23.025 is amended to read:

19 Sec. 47.23.025. RATES OF [PENALTY AND] INTEREST. [A PENALTY
20 IMPOSED UNDER AS 47.23.020(a)(2)(C) MAY NOT BE AT A RATE THAT EXCEEDS
21 THE RATE OF INTEREST IMPOSED ON DELINQUENT TAXES UNDER AS 43.05.225.]
22 The rate of interest imposed under AS 47.23.020(a)(2)(C) shall equal
23 the rate imposed under AS 43.05.225 or a lesser rate that is the
24 maximum rate of interest permitted to be imposed under federal law.

25 * Sec. 6. AS 47.23.045 is amended to read:

26 Sec. 47.23.045. DETERMINATION OF SUPPORT OBLIGATION. The agency
27 may appear in an action seeking an award of support on [IN] behalf of
28 a child owed a duty of support, or to enforce a spousal support order
29 if a spousal support obligation has been established and if a support

1 obligation, established with respect to a child of that spouse, is
2 also being administered. and may also appear in an action seeking
3 modification of a support order, decree or judgment already entered.
4 Action under this section may be undertaken upon application of an
5 obligee, or at the agency's own discretion if the obligor is liable to
6 the state under AS 47.23.120(a) or (b).

7 * Sec. 7. AS 47.23.050(c) is amended to read:

8 (c) In a court proceeding where the support of a minor child is
9 at issue, the court may order either or both parents to pay the amount
10 necessary for support, maintenance, nurture, and education of the
11 child. The court shall issue a medical support order as part of a
12 child or spousal support order if health care coverage is available to
13 the obligor at a reasonable cost. Upon a showing of good cause the
14 court may order the parents required to pay support to give reasonable
15 security for payments. An order for prospective child support may be
16 modified or revoked as the court considers necessary.

17 * Sec. 8. AS 47.23.100 is amended to read:

18 Sec. 47.23.100. ALL PERSONS MAY USE AGENCY. The agency shall
19 provide aid upon application to any person due child support under the
20 laws of this state regardless of whether assistance is received under
21 AS 47.25.310 - 47.25.410 [UPCN APPLICATION]. The agency may not
22 impose a fee for services provided under AS 47.23.010 - 47.23.280
23 unless required by federal law.

24 * Sec. 9. AS 47.23.150(a) is amended to read:

25 (a) Action to enforce a support order administratively under
26 AS 47.23.230 - 47.23.270 is initiated by the agency serving a notice
27 on the obligor of the obligor's liability under the support order.
28 [NOTICE UNDER THIS SUBSECTION SHALL BE SERVED PERSONALLY OR BY REGIS-
29 TERED, CERTIFIED, OR INSURED MAIL, RETURN RECEIPT REQUESTED, FOR

1 RESTRICTED DELIVERY ONLY TO THE PERSON TO WHOM THE NOTICE IS DIRECTED
2 OR TO THE PERSON AUTHORIZED UNDER FEDERAL REGULATION TO RECEIVE THAT
3 PERSON'S RESTRICTED DELIVERY MAIL.]

4 * Sec. 10. AS 47.23.226 is amended to read:

5 Sec. 47.23.226. COLLECTION OF [ACTION TO COLLECT] CHILD SUPPORT.
6 To [COMMENCE AN ACTION TO] collect the payment due, the custodian of a
7 child, or the agency on behalf of that person, shall file with the
8 court (1) a motion [PETITION] requesting establishment of a judgment;
9 (2) an affidavit that states that one or more payments of child sup-
10 port are 30 or more days past due and that specifies the amounts past
11 due and the dates they became past due; and (3) notice of the ob-
12 ligor's right to respond. Service on the obligor shall be in the
13 manner provided in AS 47.23.265 [BY THE RULE OF CIVIL PROCEDURE FOR
14 SERVICE OF SUMMONS IN A CIVIL ACTION]. The child's custodian, or the
15 agency on behalf of the custodian, shall file with the court proof of
16 service of the petition, affidavit, and notice. The obligor shall
17 respond no later than 15 days after service by filing an affidavit
18 with the court. If the obligor's affidavit states that the obligor
19 has paid any of the amounts claimed to be delinquent, describes in
20 detail the method of payment or offers any other defense to the peti-
21 tion, then the obligor is entitled to a hearing. After the hearing,
22 if any, the court shall enter a judgment for the amount of money owed.
23 If the obligor does not file an affidavit under this section, the
24 court shall enter a default judgment against the obligor.

25 * Sec. 11. AS 47.23.250(i) is amended to read:

26 (i) Exemptions under AS 09.38 do not apply to proceedings to
27 enforce the payment of child support under AS 47.23.230 - 47.23.270;
28 however, 50 percent of the obligor's net disposable earnings is exempt
29 from execution under AS 47.23.230 - 47.23.253 [47.23.270]. In this

1 subsection, "net disposable earnings" has the meaning given in 15
2 U.S.C. 1672.

3 * Sec. 12. AS 47.23.255 is amended to read:

4 Sec. 47.23.255. INCOME WITHHOLDING [ASSIGNMENT] ORDERS. (a)
5 The agency shall pay the obligee all money recovered by the agency
6 under an income withholding [ASSIGNMENT] order except for costs and
7 attorney fees that are recovered from the obligor.

8 (b) Notwithstanding AS 47.23.250, an income withholding [ASSIGN-
9 MENT] order contained in a decision of the agency that has not been
10 set aside by the superior court under AS 47.23.220 shall be enforced
11 under the procedure established in AS 09.65.132.

12 * Sec. 13. AS 47.23.260 is amended to read:

13 Sec. 47.23.260. CIVIL LIABILITY UPON FAILURE TO COMPLY WITH AN
14 ORDER OR LIEN. If any person, political subdivision, or department of
15 the state (1) fails to make an answer to an order to withhold and
16 deliver within the time prescribed in AS 47.23.250; (2) fails or
17 refuses to deliver property in accordance with an order issued under
18 AS 47.23.250; (3) pays over, releases, sells, transfers, or conveys
19 real property subject to a lien filed under AS 47.23.230 to or for the
20 benefit of the obligor or any other person; (4) fails or refuses to
21 surrender upon demand property attached; (5) fails or refuses to honor
22 an assignment of wages or an income withholding [ASSIGNMENT] order
23 under AS 09.65.132 presented by the agency, the person, political
24 subdivision, or department of the state is liable to the agency in an
25 amount equal to 100 percent of the amount constituting the basis of
26 the lien, order to withhold and deliver, attachment, or withholding
27 [ASSIGNMENT] of wages or income, together with costs, interest, and
28 reasonable attorney fees.

29 * Sec. 14. AS 47.23.265(a) is amended to read:

1 (a) Except as otherwise provided under this chapter, when a
2 notice, paper, or other document is required by this chapter to be
3 given or served upon a person by the agency, the notice, paper, or
4 other document may be served as required by Rule 5, Alaska Rules of
5 Civil Procedure or any other method permitted by law [SENT BY REGIS-
6 TERED OR CERTIFIED MAIL TO THE LAST KNOWN ADDRESS OF THAT PERSON.
7 SERVICE BY MAIL UNDER THIS CHAPTER IS EFFECTED WHEN THE NOTICE, PAPER,
8 OR OTHER DOCUMENT IS PROPERLY ADDRESSED REGISTERED OR CERTIFIED, AND
9 MAILED].

10 * Sec. 15. AS 47.23 is amended by adding a new section to read:

11 Sec. 47.23.278. PAYMENTS NOT DISBURSED. Support payments col-
12 lected and held by the agency for seven years without disbursement shall
13 be returned to the obligor.

14 * Sec. 16. This Act takes effect immediately in accordance with AS 01.-
15 10.070(c).



OFFICIAL BUSINESS

Alaska State Legislature

House of Representatives

COMMITTEE ON HEALTH, EDUCATION
AND SOCIAL SERVICES

POUCHV
JUNEAU, AK 99811
465-3759

Proposed amendment

Sec. 25.24.160 Judgment.

change as follows:

(2) for the payment by either or both parties of an amount of money or goods, in gross or installments, as may be just and proper for the parties to contribute toward the nurture and education of their children, such an order may include an automatic cost-of-living increase, and the court may order the parties to arrange with their employers for an automatic payroll deduction each month or each pay period, if the period is other than monthly, of the amount of the installment; if the employer agrees, the installment shall be forwarded by the employer to the clerk of the superior court which entered the judgment or to the court trustee, and the amount of the installment is exempt from execution.

King v. King, Sup. Ct. Op. No. 650 (File No. 1235), 477 P.2d 356 (1970).

The "clean hands" doctrine serves no purpose in a setting where the court is asked to modify its own custody award as specifically allowed by the statute. King v. King, Sup. Ct. Op. No. 650 (File No. 1235), 477 P.2d 356 (1970).

Courts will recognize and enforce custody decrees of a sister state without reexamination of their merits, regardless of change of conditions, when there is mis-

conduct or malfeasance on the part of the parent seeking such reexamination, by invoking the doctrine of "clean hands." This misconduct generally consists of defiantly leaving a sister state, usually the marital domicile, with the minor to avoid its jurisdiction and for the purpose of seeking redetermination of the issue in a more favorable forum. King v. King, Sup. Ct. Op. No. 650 (File No. 1235), 477 P.2d 356 (1970).

Collateral references. — Consent of natural parents as essential to adoption where parents are divorced, 47 ALR2d 824.

Court's power as to custody and visitation of children in marriage annulment proceedings, 63 ALR2d 1008.

Mental health of contesting parent as factor in award of child custody, 74 ALR2d 1073.

Power of court which denied divorce, legal separation or annulment, to award custody or make provisions for support of child, 7 ALR3d 1096.

Withholding or denying visitation rights for failure to make alimony or support payments, 51 ALR3d 520.

Right, in child custody proceedings, to cross-examine investigating officer whose report is used by court in its decision, 59 ALR3d 1337.

Effect in subsequent proceedings, of paternity findings or implications in divorce or annulment decree or in support or custody made incident thereto, 78 ALR3d 846.

Grandparents' visitation rights, 90 ALR3d 222.

Rights and remedies of parents inter se with respect to the names of their children, 92 ALR3d 1091.

Admissibility of social worker's expert testimony on custody issue, 1 ALR4th 837.

Visitation rights of persons other than natural parents or grandparents, 1 ALR4th 1270.

Parent's physical disability or handicap as factor in custody award or proceedings, 3 ALR4th 1044.

Initial award or denial of child custody to homosexual or lesbian parent, 6 ALR4th 1297.

Race as factor in custody award or proceedings, 10 ALR4th 796.

Desire of child as to geographical location of residence or domicile as factor in awarding custody or terminating parental rights, 10 ALR4th 827.

Right of incarcerated mother to retain custody of infant in penal institution, 14 ALR4th 748.

Propriety of awarding joint custody of children, 17 ALR4th 1013.

Propriety of awarding custody of child to parent residing or intending to reside in foreign country, 20 ALR4th 677.

Sec. 25.24.160. Judgment. In a judgment in an action for divorce or action declaring a marriage void or at any time after judgment, the court may provide

(1) *[Repealed, § 2 ch 160 SLA 1968.]*

(2) for the payment by either or both parties of an amount of money or goods, in gross or installments, as may be just and proper for the parties to contribute toward the nurture and education of their children, and the court may order the parties to arrange with their employers for an automatic payroll deduction each month or each pay period, if the period is other than monthly, of the amount of the installment; if the employer agrees, the installment shall be forwarded by the employer to the clerk of the superior court which entered the judgment

such an order may include an automatic cost of living increase,

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or to the court trustee, and the amount of the installment is exempt from execution;

(3) for the recovery by one party from the other of an amount of money for maintenance, in gross or in installments, as may be just and necessary without regard to which of the parties is in fault;

(4) for the delivery to either party of that party's personal property in the possession or control of the other party at the time of giving the judgment;

(5) [Repealed, § 5 ch 251 SLA 1976.]

(6) for the division between the parties of their property, whether joint or separate, acquired only during coverture, in the manner as may be just, and without regard to which of the parties is in fault; however, the court, in making the division, may invade the property of either spouse acquired before marriage when the balancing of the equities between the parties requires it; and to accomplish this end the judgment may require that one or both of the parties assign, deliver, or convey any of their real or personal property to the other party;

(7) to change the name of one of the parties. (§ 12.14 ch 101 SLA 1962; am § 1 ch 84 SLA 1966; am §§ 2 — 6 ch 160 SLA 1968; am §§ 72, 73 ch 127 SLA 1974; am § 5 ch 251 SLA 1976)

Revisor's notes. — Formerly AS 09.55.210. Renumbered in 1983.

NOTES TO DECISIONS

- I. General Consideration.
- II. Child Support.
- III. Alimony.
- IV. Division of Property.
 - A. In General.
 - B. What Constitutes Property.

I. GENERAL CONSIDERATION.

This section and AS 09.55.220 (now AS 25.24.170) are predicated upon the court's jurisdiction of the parties and the subject matter. *Weber v. Weber*, 10 Alaska 214 (1942).

And jurisdiction of defendant's person is necessary for money judgment for alimony. — Where the plaintiff was a resident of Connecticut and the defendant a resident of Alaska, constructive service of summons being made on the defendant in Alaska, the court of the forum had jurisdiction of the marital status but did not have jurisdiction of the person of the defendant which is essential for the entry of a money judgment for alimony. *Thornhill v. Huston*, 13 Alaska 150 (1951).

Quoted in *Balchen v. Balchen*, Sup. Ct. Op. No. 1469 (File No. 3178), 566 P.2d 1324 (1977); *Allen v. Allen*, Sup. Ct. Op.

No. 2514 (File No. 6006), 645 P.2d 774 (1982).

Cited in *Otton v. Zaborac*, Sup. Ct. Op. No. 1072 (File No. 2050), 525 P.2d 537 (1974); *Gutterman v. First Nat'l Bank*, Sup. Ct. Op. No. 1876 (File No. 3996), 597 P.2d 969 (1979).

II. CHILD SUPPORT.

The trial court is given broad discretion in fashioning suitable visitation rights and support obligations. *Curgus v. Curgus*, Sup. Ct. Op. No. 943 (File No. 1837), 514 P.2d 647 (1973).

Continuation of educational support beyond age of majority. — A reasonable construction of this section allows for the continuation of educational support of children beyond the age of majority. *Hinchey v. Hinchey*, Sup. Ct. Op. No. 2312 (File No. 3528), 625 P.2d 297 (1981).



Alaska State Legislature
House of Representatives
COMMITTEE ON HEALTH, EDUCATION
AND SOCIAL SERVICES

OFFICIAL BUSINESS

POUCHY
JUNEAU, AK 99811
465-3759

MEMORANDUM

TO: HOUSE HESS COMMITTEE MEMBERS

FROM: NANCY BENNETT, COMMITTEE STAFF

RE: HB 92 - CHILD AND SPOUSAL SUPPORT

DATE: FEBRUARY 13, 1985

THE SUBCOMMITTEE ASSIGNED TO HB 92 HAD QUESTIONS CONCERNING TWO SECTIONS OF THE BILL:

1. Page 3, lines 14 to 16 provides that an employer who discharges, disciplines or refuses to employ an obligor because of an income withholding order is liable for a fine of not more than \$1,000. PL 98-378 requires that such a fine be imposed (see attached language from the law). The question raised by the subcommittee was if the fine could be held in trust by the agency against future non payment of child support. Drafting attorney, George Edwards, says that any money designated as a fine imposed through the courts must be paid into the General Fund according to AS 22.15.250 (also attached). Since the federal law specifically demands a fine, it would appear that the funds collected would be required to be placed into the General Fund.
2. Page 4, lines 20-24 provides that an obligor may petition the court to reduce or terminate the withholding of income. The original bill had provided that an obligor could petition for termination or reduction on the basis of a flawless three year payment record, but the people from Region X (who checked with Washington D.C.) said this will not be allowed in the final regulations (relevant draft regulation attached, which are not as clear as the final draft will apparently become).

subsection, as is necessary to comply with the order and provide for the payment of any fee to the employer which may be required under paragraph (6)(A), up to the maximum amount permitted under section 303(b) of the Consumer Credit Protection Act (15 U.S.C. 1673(b)). If there are arrearages to be collected, amounts withheld to satisfy such arrearages, when added to the amounts withheld to pay current support and provide for the fee, may not exceed the limit permitted under such section 303(b), but the State need not withhold up to the maximum amount permitted under such section in order to satisfy arrearages.

"(2) Such withholding must be provided without the necessity of any application therefor in the case of a child (whether or not eligible for aid under part A) with respect to whom services are already being provided under the State plan under this part, and must be provided in accordance with this subsection on the basis of an application for services under the State plan in the case of any other child in whose behalf a support order has been issued or modified in the State. In either case such withholding must occur without the need for any amendment to the support order involved or for any further action (other than those actions required under this part) by the court or other entity which issued such order.

"(3) An absent parent shall become subject to such withholding, and the advance notice required under paragraph (4) shall be given, on the earliest of—

"(A) the date on which the payments which the absent parent has failed to make under such order are at least equal to the support payable for one month,

"(B) the date as of which the absent parent requests that such withholding begin, or

"(C) such earlier date as the State may select.

"(4)(A) Such withholding must be carried out in full compliance with all procedural due process requirements of the State, and (subject to subparagraph (B)) the State must send advance notice to each absent parent to whom paragraph (1) applies regarding the proposed withholding and the procedures such absent parent should follow if he or she desires to contest such withholding on the grounds that withholding (including the amount to be withheld) is not proper in the case involved because of mistakes of fact. If the absent parent contests such withholding on those grounds, the State shall determine whether such withholding will actually occur, shall (within no more than 45 days after the provision of such advance notice) inform such parent of whether or not withholding will occur and (if so) of the date on which it is to begin, and shall furnish such parent with the information contained in any notice given to the employer under paragraph (6)(A) with respect to such withholding.

"(B) The requirement of advance notice set forth in the first sentence of subparagraph (A) shall not apply in the case of any State which has a system of income withholding for child support purposes in effect on the date of the enactment of this section if such system provides on that date, and continues to provide, such procedures as may be necessary to meet the procedural due process requirements of State law.

"(5) Such withholding must be administered by a public agency designated by the State, and the amounts withheld must be expeditiously distributed by the State or such agency in accordance with section 457 under procedures (specified by the State) adequate to document payments of support and to track and monitor such payments, except that the State may establish or permit the establishment of alternative procedures for the collection and distribution of such amounts (under the supervision of such public agency) otherwise than through such public agency so long as the entity making such collection and distribution is publicly accountable for its actions taken in carrying out such procedures, and so long as such procedures will assure prompt distribution, provide for the keeping of adequate records to document payments of support, and permit the tracking and monitoring of such payments.

"(6)(A)(i) The employer of any absent parent to whom paragraph (1) applies, upon being given notice as described in clause (ii), must be required to withhold from such absent parent's wages the amount specified by such notice (which may include a fee, established by the State, to be paid to the employer unless waived by such employer) and pay such amount (after deducting and retaining any portion thereof which represents the fee so established) to the appropriate agency (or other entity authorized to collect the amounts withheld under the alternative procedures described in paragraph (5)) for distribution in accordance with section 457.

"(ii) The notice given to the employer shall contain only such information as may be necessary for the employer to comply with the withholding order.

"(B) Methods must be established by the State to simplify the withholding process for employers to the greatest extent possible, including permitting any employer to combine all withheld amounts into a single payment to each appropriate agency or entity (with the portion thereof which is attributable to each individual employee being separately designated).

"(C) The employer must be held liable to the State for any amount which such employer fails to withhold from wages due an employee following receipt by such employer of proper notice under subparagraph (A), but such employer shall not be required to vary the normal pay and disbursement cycles in order to comply with this paragraph.

"(D) Provision must be made for the imposition of a fine against any employer who discharges from employment, refuses to employ, or takes disciplinary action against any absent parent subject to wage withholding required by this subsection because of the existence of such withholding and the obligations or additional obligations which it imposes upon the employer.

"(7) Support collection under this subsection must be given priority over any other legal process under State law against the same wages.

"(8) The State may take such actions as may be necessary to extend its system of withholding under this subsection so that such system will include withholding from forms of income other than wages, in order to assure that child support owed by absent parents in the State will be collected without regard to the types of such absent parents' income or the nature of their income-producing activities.

ISIONS

I must modify the sentence ^{be is} be is convinced that the district court was ^{erly} erly mistaken in imposing the sanction. *Galaktionoff v. State*, Sup. Ct. Op. No. 700 (File No. 1291), 486 P.2d 919 (1971).

trial de novo on appeal prior to 1980 amendment. — For cases discussing the superior court to grant new trial prior to 1980 amendment, which deleted the superior court, in its discretion grants a trial de novo, in whole or in part from the end of subsection (c), see *State*, Sup. Ct. Op. No. 107 (File No. 1523), 374 P.2d 868 (1962); *Kinsman v. State*, Sup. Ct. Op. No. 786 (File No. 1523), 496 P.2d 63 (1972); *Lopez v. Anchorage*, Sup. Ct. Op. No. 1863 (File No. 3883), 697 P.2d 146 (1979).

court can hear argument of counsel. — The superior court can, on a proper motion, based on an appropriate motion, hear argument of counsel for the appellant to be heard in argument before the appeal is decided on the record. *Lee v. State*, Sup. Ct. Op. No. 107 (File No. 193), 374 P.2d 962 (1962).

superior court has the power to grant appropriate motions. — *State*, Sup. Ct. Op. No. 786 (File No. 1523), 496 P.2d 63 (1972).

"appropriate motions". — The state's motions for a more particular statement of facts, of prejudice and the stipulations of the parties were "appropriate motions" and the superior court was not to exercise its powers in ordering a time schedule for briefing. *Kinsman v. State*, Sup. Ct. Op. No. 786 (File No. 1523), 496 P.2d 63 (1972).

may not be applied to work an injustice. — While inherent in its power to obtain "appropriate motions" is the power to police compliance with its orders pursuant to those motions, the superior court may not apply its rules in a way as to work an injustice. *Kinsman v. State*, Sup. Ct. Op. No. 786 (File No. 1523), 496 P.2d 63 (1972).

dismissal without warning. — The superior court abused its discretion in granting a dismissal without first warning that continued failure to comply with the ordered schedule for briefs would result in dismissal. *Kinsman v. State*, Sup. Ct. Op. No. 786 (File No. 1523), 496 P.2d 63 (1972).

crime of conviction considered. — The fair approach in

reviewing sentences is to treat the case as if only the crime of which the defendant has been convicted. Other offenses, for which guilt has not been established, should not be considered. *Galaktionoff v. State*, Sup. Ct. Op. No. 700 (File No. 1291), 486 P.2d 919 (1971).

The superior court judge's estimation of the crimes committed but not charged cannot provide support for the affirmation of the sentence. *Galaktionoff v. State*, Sup. Ct. Op. No. 700 (File No. 1291), 486 P.2d 919 (1971).

Indue consideration given district judge's opportunity to observe defendant. — The superior court judge gave due influence and consideration to the district judge's opportunity to observe the defendant, and, in so doing, the reviewing judge failed to make the requisite full and independent examination of the record with a view to determining if the district judge was clearly mistaken in imposing the sentence he did. *Galaktionoff v. State*, Sup. Ct. Op. No. 700 (File No. 1291), 486 P.2d 919 (1971).

Sec. 22.15.250. Disposition of fines. When by law any fees, fines, forfeitures, or penalties are levied and collected by the district judge or magistrate, the proceeds and all other money collected shall be accounted for and transmitted to the administrative director of the judicial system for transfer to the general fund of the state except as provided in AS 22.15.270. (§ 21 ch 184 SLA 1959; am § 3 ch 24 SLA 1966)

Sec. 22.15.260. Bond. Before entering upon his duties each district judge and magistrate shall execute and file with the administrative director a surety bond in form and amount to be determined by rule of the supreme court. The state shall pay for the bond. (§ 22 ch 184 SLA 1959; am § 3 ch 24 SLA 1966)

Sec. 22.15.270. Retention of fines, etc., by political subdivisions. All fines, penalties and forfeitures resulting from violations of ordinances of political subdivisions shall be returned to the political subdivision whose ordinance is involved in the manner provided by rule of the supreme court. Fines, penalties and forfeitures imposed after appeals accrue to the state, unless the appeal is prosecuted by the political subdivision. (§ 23 ch 184 SLA 1959; am § 3 ch 24 SLA 1966; am § 1 ch 219 SLA 1976)

Revisor's notes. — In implementing AS 22.15.270, ch. 24, SLA 1966, in AS 22.15.270 "district judge" was added to rather than substituted for "magistrate" because it is clear that, as used in the old version, the word "magistrate" included both the dis-

P.2d 919 (1971). Prosecution of appeal does not change offense from petty to serious. — Where a defendant had no constitutional or statutory right to trial by jury when he originally appeared before a magistrate on a charge of violating a municipal ordinance, the fact that he chose to prosecute an appeal does not change the nature of the offense from petty to serious; the possible penalty is not increased; no additional constitutional or statutory right sprang into existence on his appeal to give him a right to trial by jury. *Knudsen v. City of Anchorage*, Sup. Ct. Op. No. 21 (File No. 58), 358 P.2d 375 (1960).

Appeal from joint judgment. — See *Stanley v. Greenberg*, 5 Alaska 178 (1914). Applied in *Hanrahan v. City of Anchorage*, Sup. Ct. Op. No. 121 (File No. 247), 377 P.2d 361 (1962); *State v. Marathon Oil Co.*, Sup. Ct. Op. No. 1098 (File No. 2199), 528 P.2d 293 (1974); *Halligan v. State*, Sup. Ct. Op. No. 2299 (File No. 5035), 624 P.2d 281 (1981).

district magistrate and the deputy magistrate. Therefore both the district judge and the magistrate are now included. For cases construing this section prior to the 1976 amendment, see *Alexander v. City of Anchorage*, Sup. Ct.

In accordance with section 466(b)(2) of the Act, proposed § 303.100(a)(4) requires that the State law be designed so that, in the case of a support order being enforced under the State plan, withholding occurs without the need for any amendment to the support order involved or any further action by the court or entity that issued it. This blanket provision of State law must apply to both existing and new support orders.

Section 466(a)(8) of the Act and § 303.100(h), which implements the second required State procedure discussed above, provide that new or modified support orders established after the effective date of the new law must have a specific provision for withholding. As stated earlier, this is to ensure that withholding as a means of collecting support is available if arrearages occur without the necessity of applying for IV-D services. Notwithstanding, if a new or modified support order does not include a provision for withholding and the order is being enforced by the IV-D agency, withholding must occur as required in § 303.100 (a) through (g).

To implement the requirements under section 466(b)(3) of the Act for triggering withholding, proposed § 303.100(a)(4) requires that the State take steps to begin withholding on the date on which the parent fails to make payments in an amount equal to one month's support obligation. This does not mean that the individual must miss paying the support obligation for one month. Any combination of unpaid support totalling one month's accrued arrearages would trigger a withholding. Paragraph (a)(4) would also permit the State to take steps to implement the withholding at any earlier time that is in accordance with State law or that the absent parent may request. This means that a State could use withholding to collect support in all cases if it chose to do so.

Section 466(b)(4) of the Act and proposed § 303.100(a)(5) require that withholding be carried out in full compliance with all procedural due process requirements under the State's laws. Section 303.100(a)(6) requires States to have procedures for terminating the withholding promptly, in accordance with section 466(b)(10) of the Act. For instance, a State would terminate a withholding when there is no further support obligation or when the whereabouts of the child and custodial parent are unknown preventing the forwarding of payments. In paragraph (a)(7), we propose to require States to have procedures for promptly refunding to individuals

monies that have been improperly withheld.

Under section 466(b)(4), States must provide notice to an individual before notifying the individual's employer concerning a withholding. The notice must inform the individual of the intent to withhold and of the procedures to follow to contest the withholding. An individual may contest the withholding only on the basis of a mistake of fact. If the individual contests the proposed withholding, the State must determine whether or not the withholding will occur and, if so, notify the individual, within no more than 45 days after the provision of the advance notice, of the timeframe within which the withholding is to begin. To implement these requirements, § 303.100 (b) and (c) set forth the criteria that States must meet in giving advance notice and providing an opportunity to contest the withholding. In proposed paragraph (b)(1), States must provide advance notice to the absent parent of the delinquency of support payments and the potential withholding. The notice must inform individuals: (1) of the amount to be withheld; (2) that the withholding applies to current and subsequent periods of employment; (3) of the methods available for contesting the withholding on the grounds that the withholding is not proper because of mistakes of fact; (4) of the period within which the State must be contacted in order to contest the withholding and that failure to contact the State within the specified time limit will result in the State notifying the employer to begin the withholding; and (5) of the actions the State will take if the individual contests the withholding. Although we are not specifying a period of time within which an individual must notify the State to contest the withholding, States should establish a standard time period (for example, 10 days) that would allow them to complete all required action within the statutory 45-day limit contained in paragraph (c).

As specified in section 466(b)(4) of the Act, proposed paragraph (b)(2) exempts any State which has a withholding system in effect as of August 16, 1984, if the system provides, on that date and afterwards, any other procedures necessary to meet the State's procedural due process requirements.

Paragraph (c) would require that States establish procedures for use when an absent parent contests a withholding. At a minimum, the procedures must provide that the State, within 45 days of giving advance notice to the individual, will: (1) Give the

individual an opportunity to present his or her case; (2) decide if the withholding will occur based on an evaluation of the facts; and (3) notify the individual whether or not the withholding is to occur and if so, include in the notice the timeframe within which withholding will begin and the information provided to the employer in the notice required in paragraph (d).

When the absent parent does not contest the withholding or has exhausted all procedures established by the State in accordance with paragraph (c), the State must give notice of the withholding to the employer, in accordance with section 466(b)(6)(A) of the Act and § 303.100(d). Clear Congressional intent in the Conference report indicates that Federal employees are subject to the withholding provisions of the new statute. Therefore, in cases involving Federal employees and members of the uniformed services, the notice to the employer must be directed to the appropriate designated official identified in: Appendix A of 5 CFR Part 581 for Federal employees; 32 CFR 54.6(g) of proposed regulations issued October 18, 1982 (47 FR 46297) for members of the military; 42 CFR 21.74 for members of the Public Health Service; and 33 CFR 54.07 for members of the Coast Guard. In cases involving members of the uniformed services, requests for withholding must meet the requirements in the above regulations.

Section 466(b)(6) of the Act sets forth specific requirements with respect to notice to the employer as well as responsibilities of the employer and the State in withholding wages. To meet these requirements, the notice to the employer must contain the elements listed in the proposed § 303.100(d)(1). Under paragraph (d)(1)(i) the notice would require the employer to withhold the amount specified in the notice (and include a statement that the amount actually withheld for support and for other purposes may not be in excess of the amount allowed under section 303(b) of the Consumer Credit Protection Act.) Under paragraph (d)(1)(ii), the notice would instruct the employer to pay the amount to the State (or other individual or entity that the State designates) at the same time the employee is paid. Under paragraph (d)(1)(iii), the State may allow the employer to deduct a fee established by the State and specified in the notice for the administrative costs of each withholding. Under this provision, the State must specify that the fee be withheld from the absent parent's wages in addition to the amount to be withheld to satisfy support.



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Proposed amendment

Sec. 25.24.160 Judgment.

change as follows:

(2) for the payment by either or both parties of an amount of money or goods, in gross or installments, as may be just and proper for the parties to contribute toward the nurture and education of their children, such an order may include an automatic cost-of-living increase, and the court may order the parties to arrange with their employers for an automatic payroll deduction each month or each pay period, if the period is other than monthly, of the amount of the installment; if the employer agrees, the installment shall be forwarded by the employer to the clerk of the superior court which entered the judgment or to the court trustee, and the amount of the installment is exempt from execution.

King v. King, Sup. Ct. Op. No. 650 (File No. 1235), 477 P.2d 356 (1970).

The "clean hands" doctrine serves no purpose in a setting where the court is asked to modify its own custody award as specifically allowed by the statute. King v. King, Sup. Ct. Op. No. 650 (File No. 1235), 477 P.2d 356 (1970).

Courts will recognize and enforce custody decrees of a sister state without reexamination of their merits, regardless of change of conditions, when there is mis-

conduct or malfeasance on the part of the parent seeking such reexamination, by invoking the doctrine of "clean hands." This misconduct generally consists of defiantly leaving a sister state, usually the marital domicile, with the minor to avoid its jurisdiction and for the purpose of seeking redetermination of the issue in a more favorable forum. King v. King, Sup. Ct. Op. No. 650 (File No. 1235), 477 P.2d 356 (1970).

Collateral references. — Consent of natural parents as essential to adoption where parents are divorced, 47 ALR2d 824.

Court's power as to custody, visitation of children in marriage-annulment proceedings, 63 ALR2d 1008.

Mental health of contesting parent as factor in award of child custody, 74 ALR2d 1073.

Power of court which denied divorce, legal separation or annulment, to award custody or make provisions for support of child, 7 ALR3d 1096.

Withholding or denying visitation rights for failure to make alimony or support payments, 51 ALR3d 520.

Right, in child custody proceedings, to cross-examine investigating officer whose report is used by court in its decision, 59 ALR3d 1337.

Effect in subsequent proceedings, of paternity findings or implications in divorce or annulment decree or in support or custody made incident thereto, 78 ALR3d 846.

Grandparents' visitation rights, 90 ALR3d 222.

Rights and remedies of parents inter se with respect to the names of their children, 92 ALR3d 1091.

Admissibility of social worker's expert testimony on custody issue, 1 ALR4th 837.

Visitation rights of persons other than natural parents or grandparents, 1 ALR4th 1270.

Parent's physical disability or handicap as factor in custody award or proceedings, 3 ALR4th 1044.

Initial award or denial of child custody to homosexual or lesbian parent, 6 ALR4th 1297.

Race as factor in custody award or proceedings, 10 ALR4th 796.

Desire of child as to geographical location of residence or domicile as factor in awarding custody or terminating parental rights, 10 ALR4th 827.

Right of incarcerated mother to retain custody of infant in penal institution, 14 ALR4th 748.

Propriety of awarding joint custody of children, 17 ALR4th 1013.

Propriety of awarding custody of child to parent residing or intending to reside in foreign country, 20 ALR4th 677.

Sec. 25.24.160. Judgment. In a judgment in an action for divorce or action declaring a marriage void or at any time after judgment, the court may provide

(1) *[Repealed, § 2 ch 160 SLA 1968.]*

(2) for the payment by either or both parties of an amount of money or goods, in gross or installments, as may be just and proper for the parties to contribute toward the nurture and education of their children, and the court may order the parties to arrange with their employers for an automatic payroll deduction each month or each pay period, if the period is other than monthly, of the amount of the installment; if the employer agrees, the installment shall be forwarded by the employer to the clerk of the superior court which entered the judgment

such an order may include an automatic cost of living increase,