

ALASKA LEGISLATURE COMMITTEE FILES 1987-1988 8672  
4578 HHS HCR 4

HCR

4

STATE OF ALASKA  
THE LEGISLATURE

POUCH Y - STATE CAPITOL  
JUNEAU, ALASKA 99811  
907.465.3800

LEGISLATIVE AFFAIRS AGENCY  
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May, 1988

Copies of minutes listed below were originally included in this file. The minutes are available on the STAIRS database CMPR. In order to save space copies of minutes have not been left in the files.

Mary Van Nimwegen

H HESS	3-6-87	8:30 a.m.
H HESS	2-11-88	8:30 a.m.



Official Business

**COMMITTEE:**

HOUSE HESS

**DATE:** 2-11-88

**SIGN-IN**

**Subject of meeting:**

HB 277 Immunization of Minors  
 HCR 4 Children's Law Task Force  
 HB 332 Burn Injuries  
 HB 409 WAMI

NAME	ADDRESS	PHONE	REPRESENTING	DO YOU WANT TO TESTIFY? if yes, which one
CHRIS CUREK		2823	REP. COLLINS	HB 277 ✓
Elizabeth Ward	Box H-26 Juneau	5-3092	HSS	277 yes
John Wynnard	Box FP	284	ACPE	no
Shannon Kohler	Box 1746 Soldotna, AK	262-3825		Yes 277 ✓
David B. Alexander	9601 Prospect Anchorage 99516	316-2147	ASMA	HB @ 1:30... 277 yes
Gayle Horvatski	Box N Juneau 99811	465-4322	DPS	HB 332 yes
CHARLES STEINER C. Steiner	1001 Noble FBX AK	452-1611	SELF, NSMA	HB 277 Here @ 1:30 yes
Nina Kieck Kinney	Dept of Public Safety PO Box 11 Juneau 99811	465-4356	Dept. of Public Safety	HCR 4 Available for questions ✓
DAVID JOHNSON	3612 TONGASS AVE KETCHIKAN	225-5146	ALASKA STATE MEDICAL ASSOCIATION	YES HB 332
Commissioner Munsen Yvonne Chase	Box H-05 Juneau	465-3030	DHSS	YES

# HOUSE COMMITTEE REPORT

(7)

Judiciary

Date referred: 1/23/87

FURTHER REFERRALS: Finance

DATE: 2-11-88

The Health, Education and Social Services Committee has considered HCR 4

Establishing a Children's Law Task Force.

**RECOMMENDS:**

- replace with CSHCR 4 (HESS)  the same title
- attached amendment(s)  a new title
- do pass
- do not pass
- no recommendation
- individual recommendations
- additional referral to the \_\_\_\_\_ Committee

**ADOPTS:**  \_\_\_\_\_ letter of intent

**ATTACHES NEW FISCAL NOTE(S):**

- fiscal impact  same as previous fiscal note published \_\_\_\_\_
- zero fiscal note  same as previous zero fiscal note published \_\_\_\_\_
- zero with analysis

**SIGNING DO PASS:**

**SIGNING OTHER RECOMMENDATIONS:**

Roll E. Kelly  
Ch. Ellis  
Neil Karparg  
Bill White  
Gene Stanley  
Mr. [unclear]  
David Dooly

\_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_

Neil Karparg  
 20 - Chairman's signature  
Ch. Ellis

FISCAL NOTE

REQUEST:

Revision Date: \_\_\_\_\_  
Title: Establishing a Children's Law  
Task Force  
Sponsor: Rep. Virginia Collins  
Requestor: House HESS

Agency Affected: Legislative Affairs Agency  
BRU: Legislative Council  
Legislative Operating Budget  
Components: Session Expenses  
Legislative Operating Budget

EXPENDITURES/REVENUES: (Thousands of Dollars)

OPERATING	FY 88	FY 89	FY 90	FY 91	FY 92	FY 93
PERSONAL SERVICES	23.7	11.9	-0-	-0-	-0-	-0-
TRAVEL						
CONTRACTUAL						
SUPPLIES						
EQUIPMENT						
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
TOTAL OPERATING	23.7	11.9	-0-	-0-	-0-	-0-

CAPITAL	-0-	-0-	-0-	-0-	-0-	-0-
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REVENUE	-0-	-0-	-0-	-0-	-0-	-0-
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FUNDING: (Thousands of Dollars)

GENERAL FUND	23.7	11.9	-0-	-0-	-0-	-0-
FEDERAL FUNDS						
OTHER						
TOTAL						

POSITIONS:

FULL-TIME						
PART-TIME						
TEMPORARY						

ANALYSIS : (Attach a separate page if necessary)

No additional funding is requested for a staff person being hired by the task force. Funding will be provided by existing funding under Session Expenses and Legislative Operating Budget. However, travel funds for public members and other legislative task force members is requested - \$23.7.

(Continuation of Page 2)

Prepared by: Pamela A. Stoops, Manager *Pamela Stoops* Phone: 465-3850  
Division: Administrative Services Date: 2/10/88

Approved by: Executive Director Warren Endicott *Warren Endicott* Date: 2/10/88  
Agency: Legislative Affairs Agency

Distribution (by preparer):

- Legislative Finance
- Legislative Sponsor
- Requestor
- Office of Management and Budget
- Impacted Agency(ies)

CONTINUATION OF FISCAL NOTE ANALYSIS

For Bill/Resolution No. HCR 4

4 trips @ \$352 x 10 members	=	\$ 14,080
3 days per diem (\$80) x		
4 trips x 10 members	=	<u>9,600</u>
		\$ 23,680

The expiration date of the task force is in the middle of FY 89 on January 10, 1989. One half of the travel funding is requested fy FY 89.

It is assumed that contractual services, supplies and equipment funding for the task force will also be provided by existing funding within Session Expenses and Legislative Operating Budget components.

STATE OF ALASKA  
1988 LEGISLATIVE SESSION

BILL VERSION: HCR 4  
PUBLISH DATE: 1/23/87

FISCAL NOTE

REQUEST:

Revision Date: \_\_\_\_\_  
Title: Establishing a Children's  
Law Task Force.  
Sponsor: Collins, Phillips, et al.  
Requestor: HESS, Judiciary, Finance

Agency Affected: Administration  
BRU: Office of Public Advocacy

Components: \_\_\_\_\_

EXPENDITURES/REVENUES: (Thousands of Dollars)

OPERATING	FY 88	FY 89	FY 90	FY 91	FY 92	FY 93
PERSONAL SERVICES	0	0	0	0	0	0
TRAVEL						
CONTRACTUAL						
SUPPLIES						
EQUIPMENT						
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
TOTAL OPERATING	0	0	0	0	0	0

CAPITAL						
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REVENUE						
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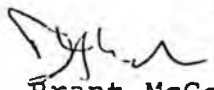
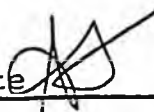
FUNDING: (Thousands of Dollars)

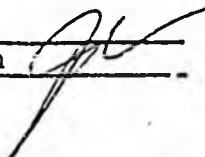
GENERAL FUND	0	0	0	0	0	0
FEDERAL FUNDS						
OTHER						
TOTAL	0	0	0	0	0	0

POSITIONS:

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

ANALYSIS : (Attach a separate page if necessary)

Prepared by: Brant McGee, Public Advocate  Phone: 274-1684  
Division: Office of Public Advocacy  Date: \_\_\_\_\_

Approved by Commissioner: John Andrews  Date: 1/27/88  
Agency: Department of Administration

Distribution (by preparer):  
Legislative Finance  
Legislative Sponsor  
Requestor  
Office of Management and Budget  
Impacted Agency(ies)

BILL NO: HCR 4

DATE: March 2, 1987

TITLE: "Establishing a Children's Law Task Force."

CONTACT: Maj. Walter J. Gilmour  
Acting Director

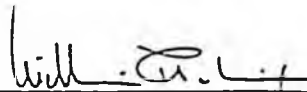
DEPARTMENT OF  
PUBLIC SAFETY

This legislation would form a task force that would be charged with reviewing the numerous existing statutes and regulations pertaining to children within the state and issues concerning these children. From this task force, there would result effective and more cohesive state programs, thus better assisting the children in reaching the goals of being safe, healthy and positive members of our society.

The task force created by this piece of legislation would, after review, provide a written report of its findings along with recommendations and proposals such as program and legislation changes that would assist in reaching the above state goals.

~~There is no specific mention of members of law enforcement being part of the task force. Based on the role of law enforcement in dealing with children in multiple state programs, it is recommended that a proposed amendment include positions on the task force for the Alaska State Troopers and other law enforcement members in the state.~~

The Division of Alaska State Troopers is neutral on this legislation.



WILLIAM R. NIX  
Acting Commissioner

STATE OF ALASKA 1987 LEGISLATIVE SESSION  
FISCAL NOTE

Bill Version: HCR 4  
Publish Date: \_\_\_\_\_

REQUEST  
Revision Date: \_\_\_\_\_  
Title: "Establishing a Children's Law  
Task Force."  
Sponsor: Rep. Collins  
Requestor: House HESS

Agency Affected: Public Safety  
BRU: Alaska State Troopers

Components: Detachments & CIB

EXPENDITURES/REVENUES: (Thousands of Dollars)

	FY 87	FY 88	FY 89	FY 90	FY 91	FY 92
OPERATING						
PERSONAL SERVICES						
TRAVEL						
CONTRACTUAL						
SUPPLIES						
EQUIPMENT						
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
TOTAL OPERATING	0	0	0	0	0	0

CAPITAL	0	0	0	0	0	0
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REVENUE						
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FUNDING: (Thousands of Dollars)

GENERAL FUNDS	0	0	0	0	0	0
FEDERAL FUNDS						
OTHER						
TOTAL						

POSITIONS:

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

ANALYSIS: (Attach a separate page if necessary)

No fiscal impact is anticipated.

*Jml*  
*3/2/87* Prepared by: Francis C. Allan  
Division: Alaska State Troopers

Phone: 269-5691  
Date: 3/02/87

Approved by Commissioner: William R. Nix *WRN*  
Agency: Public Safety

Date: 3/2/87

Distribution (by preparer):  
Legislative Finance  
Legislative Sponsor  
Requestor  
Office of Management and Budget  
Impacted Agency(ies)  
Senate Secretary

POSITION PAPER

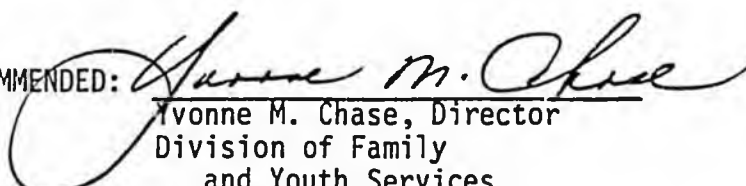
HOUSE CONCURRENT RESOLUTION NO. 4

For a Resolution establishing a Children's Law Task Force.

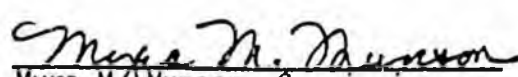
This Resolution would establish a task force to study Alaska statutes and regulations relating to children and the problems of implementing those statutes and regulations. The task force is charged with making recommendations to the Legislature on any changes to the statutes appropriate and necessary to improving the condition of children in the State.

The Department supports the concept of establishing a task force to study the circumstances of Alaska's children. Periodic review and evaluation of statutes, regulations and programs implementing the laws are useful in assessing the effectiveness of policy directions and administrative efforts. A similar task force was an effective mechanism in accomplishing the major revision of Alaska's Children's Code which occurred in 1977.

However, comprehensive and practical evaluations of statutory and administrative effectiveness must include a review of the needs or issues being addressed and of the adequacy of resources devoted to implementing the policies embodied in the laws. For this reason, the Department recommends that the task force also be explicitly charged with assessing the needs of children in the State, the adequacy of current resources available to carry out existing law, and the level of resources necessary to effectively implement any recommended statutory or regulatory changes. With the inclusion of such language, the Department would fully support the resolution.

RECOMMENDED:   
Yvonne M. Chase, Director  
Division of Family  
and Youth Services

DATE: 2-20-87

APPROVED:   
Myra M. Munson, Commissioner  
Department of Health  
and Social Services

DATE: 2-24-87

**STATE OF ALASKA 1987 LEGISLATIVE SESSION  
FISCAL NOTE**

**REQUEST:** \_\_\_\_\_

Bill Version: HCR No. 4  
Publish Date: \_\_\_\_\_

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

Agency Affected: Health & Social Services

Title: A Resolution Establishing a  
Children's Law Task Force.

BRU: Social Services

Sponsor: Collins, et al.

Youth Services

Requestor: \_\_\_\_\_

Components: \_\_\_\_\_

**EXPENDITURES/REVENUES: (Thousands of Dollars)**

OPERATING	FY 87	FY 88	FY 89	FY 90	FY 91	FY 92
PERSONAL SERVICES	-0-	-0-	-0-	-0-	-0-	-0-
TRAVEL						
CONTRACTUAL						
SUPPLIES						
EQUIPMENT						
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
<b>TOTAL OPERATING</b>	<b>-0-</b>	<b>-0-</b>	<b>-0-</b>	<b>-0-</b>	<b>-0-</b>	<b>-0-</b>
<b>CAPITAL</b>	<b>-0-</b>	<b>-0-</b>	<b>-0-</b>	<b>-0-</b>	<b>-0-</b>	<b>-0-</b>
<b>REVENUE</b>	<b>-0-</b>	<b>-0-</b>	<b>-0-</b>	<b>-0-</b>	<b>-0-</b>	<b>-0-</b>

**FUNDING: (Thousands of Dollars)**

GENERAL FUND	-0-	-0-	-0-	-0-	-0-	-0-
FEDERAL FUNDS						
OTHER						
<b>TOTAL</b>	<b>-0-</b>	<b>-0-</b>	<b>-0-</b>	<b>-0-</b>	<b>-0-</b>	<b>-0-</b>

**POSITIONS:**

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

**ANALYSIS : (Attach a separate page if necessary)**

Advice from the primary sponsor's aide indicates that these meetings would be held by teleconference. If travel and meetings are involved by staff as Division representatives, a fiscal note will be necessary.

Prepared by: Yvonne M. Chase, Director *YMC*

Phone: 465-3170

Division: Division of Family and Youth Services

Date: 02/19/87

Approved by Commissioner: Myra M. Munson, Commissioner *Myra M. Munson*

Date: 2/6/87

Agency: Department of Health and Social Services

**Distribution (by preparer):**

- Legislative Finance
- Legislative Sponsor
- Requestor
- Office of Management and Budget
- Impacted Agency(ies)
- Senate Secretary

JEVE COWPER, GOVERNOR

REPLY TO:

1031 W 4th AVENUE  
SUITE 200  
ANCHORAGE, ALASKA 99501  
PHONE: (907) 276-3550

1st NATIONAL CENTER  
100 CUSHMAN ST.  
SUITE 400  
FAIRBANKS, ALASKA 99701  
PHONE: (907) 452-1568

P.O. Box K  
JUNEAU, ALASKA 99811  
PHONE: (907) 465-3600

465-3603

**DEPARTMENT OF LAW**

OFFICE OF THE ATTORNEY GENERAL

February 23, 1987

The Honorable Virginia Collins  
Alaska State Legislature  
P.O. Box V  
Juneau, AK 99811

Dear Representative Collins:

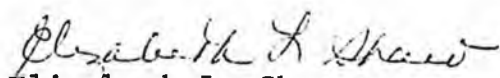
At your request, I have reviewed HCR 4 regarding the establishment of a Children's Law Task Force. The resolution does not present any constitutional or other legal difficulties.

I would point out, however, that because the task force would be concerned with problems with which the police and prosecutors are regularly involved that you may wish to consider the inclusion of representatives of law enforcement on the task force. I would also suggest that the term "correction and probation officers" refers to the title given to persons who work with adult offenders. I believe that the job titles for the equivalent workers with juveniles are different.

If you have any further questions, please feel free to let me know. The Department of Law would be happy to work with the task force in a review of the laws which affect the children and families of Alaska.

Sincerely yours,

GRACE BERG SCHAIBLE  
ATTORNEY GENERAL

By:   
Elizabeth L. Shaw  
Assistant Attorney General

ELS:bap

cc: B. J. Jordan  
Legal Text Editor

Bob Evans  
Legislative Liaison



# UNIVERSITY OF ALASKA, ANCHORAGE

3211 Providence Drive  
Anchorage, Alaska 99508

FEB 23 1987

COLLEGE OF ARTS AND SCIENCES  
DEPARTMENT OF SOCIAL WORK

February 23, 1987

TO: Representative Virginia Collins

RE: HCR - 4 - Childrens Law Task Force

Dear Representative Collins:

This letter is to convey my very strongest support for HCR 4 - The Childrens Law Task Force Resolution. It has been nearly ten years since Alaska last conducted an overall review of childrens statutes, and we must once again approach the many problems and issues in the law and in services related to children in as comprehensive a manner as possible.

The approach to children's law and services embodied in HCR 4 is similar to that employed in 1975 and 1976 when I had the privilege of being appointed to the original Children's Code Task Force in Alaska. As the attached article indicates, professionals and lay citizens from around the State, supported by legal and research staff, were appointed jointly by the Governor and the Alaska Legislature to undertake law review and subsequently make recommendations to the Alaska Legislature. This approach enabled many points of view to be heard, many other state's approaches to be considered and Federal laws and/or funding requirements to be reviewed as part of making recommendations.

Your willingness to introduce the resolution to re-establish a law review effort is to be commended. Be assured that I am available to provide information on the previous effort or to assist in any other way I can. Please feel free to share this letter and/or the attached article with other legislators or committees as the resolution is being debated.

Again, my thanks for your efforts.

Sincerely,

A handwritten signature in cursive script that reads "Cecilia Kleinkauf".

Cecilia Kleinkauf, ACSW, MSW  
Associate Professor and Chair  
Department of Social Work, UAA

# Our Greatest Natural Resource

## Investing in the Future of Alaska's Children



A report of the Governor's Interim Commission on Children and Youth

**Uniform Dropout Definition:** 82

Uniform definition and reporting standards should be developed and monitored so that dropout statistics are comparable across the state. *Page 93*

**Truancy and Suspension:** 83

School districts should create local working groups to review truancy and suspension policies. *Page 93*

**Multicultural Experiences:** 84

Schools should provide more multicultural experiences so students will appreciate their own and other cultures. Elders should more frequently be asked to teach Native languages, survival skills, crafts and history in schools. *Page 94*

**BRIDGE TO THE FUTURE**

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**Permanent Commission:** 85

The Legislature should establish a permanent Commission on Children and Youth to advocate for continuing support for Alaska's children and youth and to address many other issues we did not cover. *Page 100*



---

and Youth has learned that Alaska's children need that voice on their behalf. If we are to have equity across generations, children's needs cannot be addressed every 10 years or so with a new Commission or advocacy effort.

---

*We often call children our greatest natural resource, but we don't often back that statement with hard cash.*

---

Ten years from now, Alaska's children still won't be able to vote. Who will speak for them?

This recognition has led the Interim Commission on Children and Youth to the following key recommendation:

### **Permanent Commission: 85**

---

The Legislature should establish a permanent Commission on Children and Youth to advocate for continuing support for Alaska's children and youth and to address many other issues we did not cover. Other urgent and important issues brought to the Commission that were not addressed because of time constraints deserve the research and discussion we devoted to those issues presented here. These additional issues and our initial work on them are the legacy we pass on.

The Commission would develop a comprehensive service plan for children, youth and family that focuses attention on children and youth and their place on our public policy agenda. This plan would include the full development of an implementation plan for the recommendations in this report. The Commission would also promote prevention efforts aimed at healthy child development and would continue to investigate the important issues this Interim Commission could not adequately pursue. The Commission would also have the following responsibilities:

a. serve as a statewide clearinghouse of model programs and resources for technical assistance,

b. require all departments to identify in the budget process and describe the purposes of the resources they devote to children and youth,

c. prior to each annual legislative session, convene officials and citizen groups to formulate recommendations on proposed legislation or code changes and develop mechanisms to review and coordinate advocacy during the session,

d. advocate for studies and basic data collection on children and youth to fill a distressing amount of gaps in the census data we have on our children. This would also include studies such as the Minnesota Adolescent Health Survey that ask children and youth to tell adults what their perceived needs are so that we can bring an expanded children's voice into the planning process.

---

*If we are to have equity across generations, children's needs cannot be addressed every 10 years or so with a new Commission or advocacy effort.*

---

Washington State and Nebraska, among others, have recently constituted ongoing children's commissions through legislative actions. Their models are available for us to consider.

The critical role of an ongoing Commission would be as a strategic planning nerve center and advocate for children's issues, a place where an opinion can be offered on the impact of government policies on children and families, just as we must prepare environmental impact statements to guide development strategies.

During 1988 and beyond, a permanent Commission will play these roles. In addition, the Governor's Interim Commission on Children and Youth received a federal grant, "Youth 2000," that will enable us to stimulate and

support several pilot projects that put into action some of these recommendations for enhancing youth's economic self-sufficiency.

---

*The critical role of an ongoing Commission would be as a strategic planning nerve center and advocate for children's issues, a place where an opinion can be offered on the impact of government policies on children and families, just as we must prepare environmental impact statements to guide development strategies.*

---

Through these activities, Alaska's children can be assured of having a sounding board at the state level, a body whose principal responsibility would be to ensure quality in children's programs and an ongoing awareness that children's well-being must be high on everyone's public policy agenda. We know that genuine solutions mandate social change. These require committed effort, creativity and innovation to cut across the boundaries that can divide governmental departments from each other, and government from families and community institutions. An ongoing Children's Commission can help bridge these boundaries.

Always, where our children are concerned, we must have a vision. Visions are not always practical, but they represent the best, the ideal we hope for. Apart from our formal recommendations, here are some of the ideals Commission members hoped for our children:

- an adequate income for every Alaskan family to be able to afford shelter, food, care and clothes for children;
- a quality education that instills self-esteem

and love of learning in each child and which respects and honors each child's culture and heritage;

- a redesigned world of parks, playgrounds, and child care development centers for small children who live in the world of giants and see everything from the level of our knees so they can look us in the eye;

- a legal system that ensures that the child victim of sexual assault lives in a safe, warm and loving home and under which the perpetrator suffers the consequences of the crime, rather than the child;

- a requirement all parents and teachers to return to school to learn what it is like to be a child and not be able to have any say in solving problems that directly affect you;

- a provision for free parenting classes for every Alaskan with incentives, such as union hours credit towards benefit eligibility, for attending;

- a change of the attitude and understanding of all people in Alaska toward children: government, for all its power and wisdom, is only a reflection of the public will and until the public perception changes we'll only scratch the surface.

That is a vision filled with wishful thinking. But if Alaskans are truly serious about children being our greatest natural resource, if we are truly serious about investing in their future—and ours—then wishful thinking is exactly where we've got to start.

---

*That is a vision filled with wishful thinking. But if Alaskans are truly serious about children being our greatest natural resource, if we are truly serious about investing in their future—and ours—then wishful thinking is exactly where we've got to start.*

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STATE OF ALASKA  
OFFICE OF THE GOVERNOR

**BILL ANALYSIS**

DEPARTMENT Public Safety	DIVISION Alaska State Troopers	BILL NUMBER HCR 4	SPONSOR Rep. Collins
SHORT TITLE OF BILL Establishing a Children's Law Task Force			
DEPARTMENT POSITION Neutral			
PREPARED BY Col. Robert E. Jent	DATE 2/10/88	COMMISSIONER'S SIGNATURE Arthur English <i>[Signature]</i>	DATE 2/10/88

**SUMMARY**

OTHER AGENCIES AFFECTED BY BILL	CONSTITUENT GROUP(S) AFFECTED BY BILL
ORGANIZATIONAL SUPPORT FOR BILL	ORGANIZATIONAL OPPOSITION TO BILL

FISCAL IMPACT:  NONE  FISCAL NOTE ATTACHED

BACKGROUND/LEGISLATIVE INTENT

This legislation would form a task force that would be charged with reviewing the numerous existing statutes and regulations pertaining to children within the state and issues concerning these children. From this task force, there would result effective and more cohesive state programs, thus better assisting the children in reaching goals of being safe, healthy and positive members of our society.

ANALYSIS OF BILL/PROGRAM EFFECTS

The task force created by this piece of legislation would, after review, provide a written report of its findings along with recommendations and proposals such as program and legislation changes that would assist in reaching the above state goals.

AMENDMENTS PROPOSED

There is no specific mention of members of law enforcement being part of the task force. Based on the role of law enforcement in dealing with children in multiple state programs, it is recommended that a proposed amendment include positions on the task force for the Alaska State Troopers and other law enforcement members in the state.

PLEASE ATTACH A SEPARATE SHEET FOR ADDITIONAL COMMENTS OR ANALYSIS.

FISCAL NOTE

REQUEST

Revision Date: 2/10/88  
Title: "Establishing a Children's Law Task Force"  
Sponsor: Rep. Collins  
Requestor: House HESS

Agency Affected: Public Safety  
BRU: Alaska State Troopers  
Components: Detachments and CIB

EXPENDITURES/REVENUES: (Thousands of Dollars)

OPERATING	FY88	FY89	FY90	FY91	FY92	FY93
PERSONAL SERVICES						
TRAVEL						
CONTRACTUAL						
SUPPLIES						
EQUIPMENT						
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
TOTAL OPEKATING	0	0	0	0	0	0

CAPITAL	0	0	0	0	0	0
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REVENUE						
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FUNDING: (Thousands of Dollars)

GENERAL FUNDS						
FEDERAL FUNDS						
OTHER						
TOTAL	0	0	0	0	0	0

POSITIONS:

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

ANALYSIS: (Attach a separate page if necessary)

No fiscal impact is anticipated.

Prepared by: Francis C. Allan  
Division: Alaska State Troopers

Phone: 269-5691  
Date: 2/10/88

Approved by Commissioner: Arthur English  
Agency: Public Safety

Date: 2/10/88

Distribution: (by preparer):

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- Office of Management and Budget
- Impacted Agency(ies)

# Alaska State Legislature

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MEMBER  
Community and Regional  
Affairs


Special Committee  
on Telecommunications  
Finance Sub-Committee  
for Labor

Anchorage Caucus,  
House Chair

Representative Virginia M. Collins

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

To: Rep. Niilo Koponen, Co-Chair  
Rep. Johnny Ellis, Co-Chair  
House Health, Education, and Social Services  
Committee

From: Rep. Virginia Collins 

Date: March 5, 1987

Re: HCR 4, Establishing a Children's Law Task Force

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During the past several years, new attention has focused on the many problems children in all age groups in today's society face such as child abuse, child sexual assault as well as issues relating to runaways and teenage pregnancies. Do our state agencies take too much or too little action in cases involving children?

As this week's HESS hearings on children's issues have proved, a comprehensive approach to the myriad of problems facing children is needed rather than a piecemeal one.

HCR 4 would establish a Children's Law Task Force to study Alaska laws relating to children and the problems of implementing those laws. Like the 1975 Children's Code Task Force whose members included legislators and those involved with children's issues, the task force would recommend to the legislature changes necessary for improving the condition of children and the administration of laws relating to children.

A plethora of research, studies, reports, and written testimony are available on children's issues providing the Legislature with an invaluable opportunity to effectively address this topic.

THE PRECEDING PAGES WERE TREATED AS  
A UNIT IN THE ORIGINAL FILE.

TABLE OF CONTENTS

HCR 4--Establishing a Children's Law Task Force

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- I.....Bill, Analysis, Position Papers, and Fiscal Notes
- II.....Legislative Budget & Audit Summary and August 15, 1986 Special Report on the Division of Family and Youth Services
- III.....Ombudsman's September 24, 1986 letter on the number of complaints regarding DFYS and November 20, 1986 Recommendations
- IV.....Minutes from September 23, 1986 Public Hearing on Child Protection Laws
- V.....Articles on Child Protection including Catherine Stadem's February 8-10, 1987 report in the Anchorage Times; Work Plan for the 1975 Legislative Council Task Force on Children's Law Revision and "Alaska's Children's Code" from Child Welfare (1978)
- VI.....The Senate Finance Committee's 1986 Reports--"Running Toward Prison" and "Running Toward Success"
- VII.....Overview of the Division of Family and Youth Services presented by Director Yvonne Chase
- VIII.....Alaska Statute 47.10-.23 (Delinquent Minors and Children in Need of Aid; Child Protection; Child Support Enforcement Agency)

Overview of HCR 4  
Establishing a Children's Law Task Force

Objective

HCR 4 would establish a Children's Law Task Force to study Alaska laws relating to children and the problems of implementing those laws. Like the 1975 Children's Code Task Force whose members included legislators and those involved with children's issues, the task force would recommend to the legislature changes necessary for improving the condition of children and the administration of laws relating to children.

Why This Resolution Is Needed

The Division of Family and Youth Services (DFYS) has received heavy criticism for failing to take enough action in cases involving child protection while, at the same time, receiving criticism for taking too much action in others.

The state has wide discretionary authority in instances where child abuse or neglect is suspected. Along with a heightened public awareness of child abuse, this has caused a tremendous workload for DFYS and has contributed to Legislative Budget and Audit's suggestion that DFYS, in conjunction with the legislature, should review statutes governing the agency's responsibilities and duties to determine the extent of the state's role in child protection and to restructure the division's funding and statutes to better provide child protection services at a determined level.

The purpose of the task force would be to make a comprehensive-- rather than a piecemeal--approach to child protection.

What This Resolution Does

The resolution enumerates what issues Alaska children's law addresses, mentions how parents and other concerned parties have expressed concern about those laws and how they are administered, and then states that a comprehensive review of those laws is needed to deal with problems relating to children.

The resolve sections establish a Children's Law Task Force consisting of the chairs of the Senate and House Judiciary Committees and the Health, Education, and Social Services Committees, and persons involved with children's issues who are appointed by the presiding officers of the House and Senate.

The term of the task force would begin on July 1, 1987 and end on January 10, 1989 at which time it would submit a report to the legislature of its findings and recommendations. The Legislative Affairs Agency shall provide administrative and legal support and the task force may hire one staff person.

STATE OF ALASKA 1987 LEGISLATIVE SESSION  
FISCAL NOTE

REQUEST: \_\_\_\_\_

Bill Version:  HCR 4   
Publish Date: \_\_\_\_\_

Revision Date: \_\_\_\_\_  
Title:  Establishing a Children's Law Task Force

Agency Affected:  Legislative Affairs Agency   
BRU:  Legislative Council   
 Leadership

Sponsor:  Rep. Virginia Collins   
Requestor:  Rep. Virginia Collins

Components:  Session Expenses   
 Legislative Leadership

EXPENDITURES/REVENUES: (Thousands of Dollars)

OPERATING	FY 87	FY 88	FY 89	FY 90	FY 91	FY 92
PERSONAL SERVICES						
TRAVEL	-0-	23.7	11.9	-0-	-0-	-0-
CONTRACTUAL						
SUPPLIES						
EQUIPMENT						
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
TOTAL OPERATING	-0-	23.7	11.9	-0-	-0-	-0-

CAPITAL	-0-	-0-	-0-	-0-	-0-	-0-
---------	-----	-----	-----	-----	-----	-----

REVENUE	-0-	-0-	-0-	-0-	-0-	-0-
---------	-----	-----	-----	-----	-----	-----

FUNDING: (Thousands of Dollars)

GENERAL FUND	-0-	23.7	11.9	-0-	-0-	-0-
FEDERAL FUNDS						
OTHER						
TOTAL						

POSITIONS:

FULL-TIME						
PART-TIME						
TEMPORARY						

ANALYSIS : (Attach a separate page if necessary)

No additional funding is requested for a staff person being hired by the task force. Funding will be provided by existing funding under Session Expenses and Legislative Leadership. However, travel funds for public members and other legislative task force members is requested - \$23.7. (Continued on Page 2)

Prepared by:  Pamela A. Stoops, Manager  *Pamela Stoops* Phone:  465-3850   
Division:  Administrative Services  Date:  3/5/87

Approved by:  Warren W. Endicott, Executive Director  *Warren Endicott* Date:  3/5/87   
Agency:  Legislative Affairs Agency

- Distribution (by preparer):
- Legislative Finance
  - Legislative Sponsor
  - Requestor
  - Office of Management and Budget
  - Impacted Agency(ies)
  - Senate Secretary

# CONTINUATION of FISCAL NOTE ANALYSIS

For Bill/Resolution No. HCR 4

4 trips @\$352 x 10 members	=	\$ 14,080
3 days per diem (\$80) x		
4 trips x 10 members	=	<u>9,600</u>
		\$ 23,680

The expiration date of the task force is in the middle of FY 89 on January 10, 1989.  
One half of the travel funding is requested for FY 89.

It is assumed that contractual services, supplies and equipment funding for the task force will also be provided by existing funding within Session Expenses and Legislative Leadership components.

STATE OF ALASKA 1987 LEGISLATIVE SESSION  
FISCAL NOTE

Bill Version: HCR 4  
Publish Date: \_\_\_\_\_

REQUEST: \_\_\_\_\_

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

Agency Affected: Administration  
BRU: Office of Public Advocacy

Title: "An Act establishing a children's law task force..."

Sponsor: Collins, Phillips, et.al.

Components: \_\_\_\_\_

Requestor: House Judiciary

EXPENDITURES/REVENUES: (Thousands of Dollars)

OPERATING	FY 87	FY 88	FY 89	FY 90	FY 91	FY 92
PERSONAL SERVICES		0	0	0	0	0
TRAVEL						
CONTRACTUAL						
SUPPLIES						
EQUIPMENT						
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
TOTAL OPERATING		0	0	0	0	0
CAPITAL						
REVENUE						

FUNDING: (Thousands of Dollars)

GENERAL FUND		0	0	0	0	0
FEDERAL FUNDS						
OTHER						
TOTAL		0	0	0	0	0

POSITIONS:

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

ANALYSIS : (Attach a separate page if necessary)

Prepared by: Brant McGee, Public Advocate  
Division: Office of Public Advocacy

Phone: 274-1684  
Date: 2/22/87

Approved by Commissioner: Garrey Peska  
Agency: Department of Administration

Date: 2/27/87

Distribution (by preparer):

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- Legislative Sponsor
- Requestor
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- Senate Secretary

POSITION PAPER

House Concurrent Resolution No. 4  
"An Act Establishing a  
Children's Law Task Force"

This concurrent resolution would mandate the creation of a Children's Law Task Force composed of agency representatives as well as public members to study current Alaska Statutes and agency operations in order to make reform recommendations.

The resolution would have no immediate impact on Office of Public Advocacy or its programs.

The Office of Public Advocacy supports House Concurrent Resolution No. 4 because it would create a needed forum in which a comprehensive study of laws affecting children and agencies' implementation of such laws could be conducted.

*Brant McGee*

\_\_\_\_\_  
Brant McGee, Public Advocate  
Office of Public Advocacy

*2/22/87*

\_\_\_\_\_  
Date

*Garrey Peska*

\_\_\_\_\_  
Commissioner Garrey Peska  
Department of Administration

*2/27/87*

\_\_\_\_\_  
Date

BILL NO: HCR 4

DATE: March 2, 1987

TITLE: "Establishing a Children's  
Law Task Force."

CONTACT: Maj. Walter J. Gilmour  
Acting Director

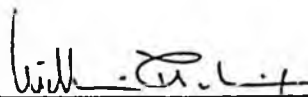
DEPARTMENT OF  
PUBLIC SAFETY  
/  
ALASKA  
STATE  
TROOPERS

This legislation would form a task force that would be charged with reviewing the numerous existing statutes and regulations pertaining to children within the state and issues concerning these children. From this task force, there would result effective and more cohesive state programs, thus better assisting the children in reaching the goals of being safe, healthy and positive members of our society.

The task force created by this piece of legislation would, after review, provide a written report of its findings along with recommendations and proposals such as program and legislation changes that would assist in reaching the above state goals.

There is no specific mention of members of law enforcement being part of the task force. Based on the role of law enforcement in dealing with children in multiple state programs, it is recommended that a proposed amendment include positions on the task force for the Alaska State Troopers and other law enforcement members in the state.

The Division of Alaska State Troopers is neutral on this legislation.



WILLIAM R. NIX  
Acting Commissioner

STATE OF ALASKA 1987 LEGISLATIVE SESSION  
FISCAL NOTE

Bill Version: HCR 4  
Publish Date: \_\_\_\_\_

REQUEST  
Revision Date: \_\_\_\_\_  
Title: "Establishing a Children's Law  
Task Force."  
Sponsor: Rep. Collins  
Requestor: House HESS

Agency Affected: Public Safety  
BRU: Alaska State Troopers  
Components: Detachments & CIB

EXPENDITURES/REVENUES: (Thousands of Dollars)

	FY 87	FY 88	FY 89	FY 90	FY 91	FY 92
OPERATING						
PERSONAL SERVICES						
TRAVEL						
CONTRACTUAL						
SUPPLIES						
EQUIPMENT						
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
TOTAL OPERATING	0	0	0	0	0	0

CAPITAL	0	0	0	0	0	0
---------	---	---	---	---	---	---

REVENUE						
---------	--	--	--	--	--	--

FUNDING: (Thousands of Dollars)

GENERAL FUNDS	0	0	0	0	0	0
FEDERAL FUNDS						
OTHER						
TOTAL						

POSITIONS:

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

ANALYSIS: (Attach a separate page if necessary)

No fiscal impact is anticipated.

*JML*  
*3/2/87* Prepared by: Francis C. Allan  
Division: Alaska State Troopers

Phone: 269-5691  
Date: 3/02/87

Approved by Commissioner: William R. Nix *W. Nix*  
Agency: Public Safety

Date: 3/2/87

Distribution (by preparer):  
Legislative Finance  
Legislative Sponsor  
Requestor  
Office of Management and Budget  
Impacted Agency(ies)  
Senate Secretary



# UNIVERSITY OF ALASKA, ANCHORAGE

3211 Providence Drive  
Anchorage, Alaska 99508

FEB 27 1987

COLLEGE OF ARTS AND SCIENCES  
DEPARTMENT OF SOCIAL WORK

February 23, 1987

TO: Representative Virginia Collins

RE: HCR - 4 - Childrens Law Task Force

Dear Representative Collins:

This letter is to convey my very strongest support for HCR 4 - The Childrens Law Task Force Resolution. It has been nearly ten years since Alaska last conducted an overall review of childrens statutes, and we must once again approach the many problems and issues in the law and in services related to children in as comprehensive a manner as possible.

The approach to children's law and services embodied in HCR 4 is similar to that employed in 1975 and 1976 when I had the privilege of being appointed to the original Children's Code Task Force in Alaska. As the attached article indicates, professionals and lay citizens from around the State, supported by legal and research staff, were appointed jointly by the Governor and the Alaska Legislature to undertake law review and subsequently make recommendations to the Alaska Legislature. This approach enabled many points of view to be heard, many other state's approaches to be considered and Federal laws and/or funding requirements to be reviewed as part of making recommendations.

Your willingness to introduce the resolution to re-establish a law review effort is to be commended. Be assured that I am available to provide information on the previous effort or to assist in any other way I can. Please feel free to share this letter and/or the attached article with other legislators or committees as the resolution is being debated.

Again, my thanks for your efforts.

Sincerely,

A handwritten signature in cursive script that reads "Cecilia Kleinkauf".

Cecilia Kleinkauf, ACSW, MSW  
Associate Professor and Chair  
Department of Social Work, UAA

# STATE OF ALASKA

AUDIT DIVISION  
POUCH W  
JUNEAU, ALASKA 99811

## THE LEGISLATURE

BUDGET AND AUDIT COMMITTEE

February 10, 1986

SUMMARY OF: A Special Follow-Up Review on the Department of Health and Social Services, Division of Family and Youth Services, Intake and Emergency Custody Procedures, (Originally Released October 29, 1984) January 24, 1986.

### PURPOSE OF THE REPORT

In accordance with a Legislative Budget and Audit Committee special request and Title 24 of the Alaska Statutes, a follow-up review of our previous report on the Department of Health and Social Services, Division of Family and Youth Services (DFYS) was conducted to determine the nature and extent to which our prior recommendations had been implemented. We focused our review in particular on changes implemented in intake and emergency custody procedures in DFYS's Fairbanks office.

### AUDITOR'S COMMENTS AND SUMMARY

In recent years there has developed an increased concern and awareness about child abuse and neglect. In Alaska, the Legislature has toughened laws giving the State wider discretionary authority in instances where child abuse or neglect is suspected. Health care and educational professionals are mandated to report suspected cases of abuse or neglect with children they observe or examine.

This increase in statutory responsibility along with the heightened public awareness has resulted in a tremendous increase in the workload of DFYS. In a report we issued in October 1984, we identified two major obstacles to DFYS's ability to adequately investigate reports of child abuse and neglect - understaffing and insufficient management direction.

As a result of these two factors, we found that children were not consistently receiving services, and parents' rights were at times being ignored.

Since the time of the report both the underlying problems identified have been addressed. Accordingly, the overall performance of DFYS has improved.

A SPECIAL REPORT ON THE  
DEPARTMENT OF HEALTH AND SOCIAL SERVICES  
DIVISION OF FAMILY AND YOUTH SERVICES .

August 15, 1986

Audit Control Number

06-4261-86-S

Commissioner, Department of  
Health and Social Services

John Pugh

Deputy Commissioner, Department  
of Health and Social Services

Connie Sipe

## PURPOSE AND SCOPE OF THE REPORT

In accordance with a Legislative Budget and Audit Committee special request and Title 24 of the Alaska Statutes, a special review of the Department of Health and Social Services, Division of Family and Youth Services (DFYS) was conducted to determine if the Division's performance is acceptable in terms of economy, efficiency, and effectiveness.

We reviewed the entire range of DFYS activities focusing primarily on juvenile intake, detention and correctional facilities; child protection investigation and case management; and foster parent licensing, training, and support.

The policy and audit approach by the Division of Legislative Audit for performance reviews can best be described as "audit by exception." This methodology focuses audit effort on areas of an auditee's operations that have been identified by a preliminary survey as having a high degree of probability for needing improvements.

Therefore, by design, finite audit resources are used to identify where and how improvement can be made, and little time is devoted to reviewing well-run operations or programs. Consequently, this report highlights those areas needing improvement and does not emphasize those operations and programs that are properly functioning.

## ORGANIZATION AND FUNCTION

Title 47 of the Alaska Statutes charges the Department of Health and Social Services with responsibility for providing a range of services designed to remedy or prevent abuse, neglect and exploitation of children, youth and adults. In addition to protective services for the general population at risk, the Department is responsible for providing care and protection for juveniles committed to their custody by the Superior Court. To meet these statutory responsibilities, the Department created the Division of Family and Youth Services (DFYS) in 1980 by combining the Division of Social Services with the youth section of the Division of Corrections.

DFYS' wide range of activities can be broadly separated in those of Family Services and Youth Services.

### Family Services

Social services are provided by 138 line staff working out of 33 field offices across the state. Communities without a field office are served on an itinerant basis by the nearest office. Family Services is supervised out of five regional offices in Nome, Fairbanks, Bethel, Anchorage, and Juneau. Family Services provides protective, information and referral, and family counseling services to their clients.

Protective services are provided to both children and adults when a Report of Harm is received by DFYS. These reports alleging abuse or neglect can be made by anyone, but certain health care and other professionals are statutorily mandated to report suspected harm. Once a report of harm is substantiated, DFYS line staff provide services not only to the victim, but to the victim's family as well.

DFYS' prenatal program funds private organizations to provide socially and economically deprived pregnant women with services such as counseling, foster home and residential care, adoption assistance, parenting skills training, and transportation.

Ways in which DFYS serves their clients include providing or arranging for community-based counseling, foster and residential care, emergency shelter, and homemaker services. DFYS' philosophy emphasizes providing services in the least restrictive manner and attempts to do so as early as possible recognizing that behavior not firmly engrained is easier to modify.

DFYS licenses and monitors foster homes, residential care facilities, day care centers, and homes.

Nome Youth Facility is the least restrictive of the State's youth correctional facilities and has been in operation since 1981. It has a nine bed treatment capacity designed to serve male and female delinquent adolescents, especially youth from the Native population. Youth placed in this facility must be able to handle the responsibilities of an open community-based program as all residents are required to attend Nome's public school and hold a job in the community. The facility also houses a three bed detention unit used for both boys and girls.

Johnson Human Services Center in Juneau began operations in 1982. It is purely a detention facility for male and female adolescents. As with all of the detention facilities, youth are housed here pending adjudication, or following adjudication and classification to a correctional facility while awaiting available space. The 16 bed capacity has been exceeded occasionally. All residents are required to attend the school at the facility which is operated by the school district. Appropriations have been made to construct an addition for a long-term treatment program, but construction plans may be postponed or eliminated due to the State's current revenue situation.

Bethel Youth Facility is currently being completed and was scheduled to begin operations during FY 87. However, due again to revenue shortfalls, this facility will remain unopened for the immediate future. The facility is designed to serve both male and female adolescents in an eight bed detention unit and a twelve bed treatment program.

# **CORRECTION**

**THIS DOCUMENT  
HAS BEEN REPHOTOGRAPHED  
TO ASSURE LEGIBILITY**

## PURPOSE AND SCOPE OF THE REPORT

In accordance with a Legislative Budget and Audit Committee special request and Title 24 of the Alaska Statutes, a special review of the Department of Health and Social Services, Division of Family and Youth Services (DFYS) was conducted to determine if the Division's performance is acceptable in terms of economy, efficiency, and effectiveness.

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Ways in which DFYS serves their clients include providing or arranging for community-based counseling, foster and residential care, emergency shelter, and homemaker services. DFYS' philosophy emphasizes providing services in the least restrictive manner and attempts to do so as early as possible recognizing that behavior not firmly engrained is easier to modify.

DFYS licenses and monitors foster homes, residential care facilities, day care centers, and homes.

## Youth Services

Youth Services is responsible for providing a variety of diversion, intervention and rehabilitation services to juveniles found delinquent by the courts. In its three regions, Youth Services employs over 230 staff who operate Alaska's youth correctional facilities and perform field services throughout the state.

In December 1984, DFYS replaced the court system in Anchorage, Fairbanks, Palmer, and Kenai in deciding whether to seek a judgement against a youth accused of a crime. This gave DFYS statewide responsibility for this intake decision. Court system intake positions were transferred to DFYS when the responsibility changed.

In addition to performing intakes, Youth Services' probation officers make recommendations to the courts for adjudicated youth, and monitor youth on probation, both formal and informal. Services offered to rehabilitate youth on probation include supervision, counseling, advocacy, and arranging for specialized services.

Nonprofit organizations serving troubled youth are funded through preventive youth service grants. Youth Services recruits and licenses foster homes for placement of youth in their care.

Youth Services operates a number of institutional facilities across the state for the detention and treatment of youth in their custody.

McLaughlin Youth Center located in Anchorage, has been in operation since 1968. It is currently a statewide facility and operates the only Closed Treatment Unit in Alaska providing treatment to seriously violent and out-of-control youth in a more restrictive and structured environment. Besides this eight bed unit, MYC operates four 20 bed cottages (three for boys and one for girls) and detention units for both boys and girls. School attendance is part of treatment for all youth without a high school diploma or GED. The school district operates a school within the facility.

Fairbanks Youth Facility has been in operation since 1981. It provides secure long-term treatment for boys and has a capacity of 12. Up to three youths from detention can be included in the treatment program while waiting for bed space to become available. Attendance at the district-operated school within the facility is required of youth in treatment. The facility includes an eight bed detention unit for both boys and girls which often operates beyond capacity. A 20 bed addition is currently being completed to replace the existing detention unit.

Nome Youth Facility is the least restrictive of the State's youth correctional facilities and has been in operation since 1981. It has a nine bed treatment capacity designed to serve male and female delinquent adolescents, especially youth from the Native population. Youth placed in this facility must be able to handle the responsibilities of an open community-based program as all residents are required to attend Nome's public school and hold a job in the community. The facility also houses a three bed detention unit used for both boys and girls.

Johnson Human Services Center in Juneau began operations in 1982. It is purely a detention facility for male and female adolescents. As with all of the detention facilities, youth are housed here pending adjudication, or following adjudication and classification to a correctional facility while awaiting available space. The 16 bed capacity has been exceeded occasionally. All residents are required to attend the school at the facility which is operated by the school district. Appropriations have been made to construct an addition for a long-term treatment program, but construction plans may be postponed or eliminated due to the State's current revenue situation.

Bethel Youth Facility is currently being completed and was scheduled to begin operations during FY 87. However, due again to revenue shortfalls, this facility will remain unopened for the immediate future. The facility is designed to serve both male and female adolescents in an eight bed detention unit and a twelve bed treatment program.

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## AUDITOR'S COMMENTS AND SUMMARY

DFYS does not provide services to runaway youths who do not want the agency's help. If a runaway is arrested for a crime they will generally receive the same services as other juvenile offenders. When a runaway receives DFYS services, the agency provides assistance to essentially the same extent that they serve abused/neglected children or juvenile offenders. As discussed in Recommendation No. 1 of this report, DFYS is not consistently providing child protection services to the extent required by statute. However, we found no discernible difference between either the services provided to runaways who wanted them and those provided the rest of the agency's caseload.

### DFYS & Runaways

There are two basic ways that youth come into contact with the services provided by DFYS. The first way is the "report of harm" that DFYS receives that a youth, usually a younger child under the age of 12, is being neglected and/or abused. The second way is generally through an arrest by a peace officer who brings the youth to DFYS for further review and process. Arrests usually involve older youth, ages 13-18.

At present, DFYS generally does not become involved with runaway youth unless they are a reported victim of abuse or have been arrested. To the dismay of many parents, the act of running away from home is not a crime. Parents can ask law enforcement agencies to pick-up and locate their children; however, we have been told by DFYS probation officers that this duty generally receives low priority. If runaways are picked up by police DFYS will attempt to arrange a meeting with the parents, offer their services to provide some reconciliation, but the youth can refuse. Generally, until a runaway youth is either arrested for a crime or is reported as being abused or neglected, DFYS does not get involved in providing services, unless requested by the youth.

### Youth Services & Runaways

Upon arrest juveniles are brought to DFYS by law enforcement officers for further screening. Using criteria established by DFYS, probation officers review various circumstances involved in the arrest such as: the severity of the offense, the age of the youth, prior record, probation status, and the availability and willingness of the parents to supervise and control the youth. Based on this review, the intake probation officer makes a determination on how the case should be processed. A key aspect in the processing of the case is the detention decision, involving whether the juvenile should be locked up pending further action.

In the vast majority of cases (some 80%) the decision is made not to detain. In our review of a sample of recent detention decisions we found that juveniles who were runaways were slightly more likely to be detained than non-runners for similar offenses. Runners are more often detained because it is sometimes difficult to locate their parents or other relatives, and they are less likely to appear in court for adjudication of their case.

Under DFYS criteria, the primary question that is involved in considering detention is: Is the youth a danger to themselves or others? Danger seems to be assessed as the probability of short-term physical injury rather than the prospect of any long-term physical or emotional harm. For example, if a 15 year old runaway girl is arrested for prostitution, it is likely that DFYS' intake officer would not feel she presented a danger to herself or others, although clearly she is doing long-term harm to herself. By expanding the definition of danger, DFYS probably could develop a basis for detaining more runaways and accordingly make some limited treatment available to them.

The DFYS intake officer would offer to provide the girl agency social services, she may be placed temporarily in an emergency shelter, and an attempt may be made to contact parents or relatives and setup a meeting aimed at reunification. However, if the girl refuses services, does not meet with her parents, is not formally prosecuted, and/or runs away from the emergency shelter, there is little DFYS can legally do. By expanding the definition of danger, DFYS probably could develop a basis for detaining more runaways and accordingly make some limited treatment available to them.

Some argue that runaways should be accorded different treatment as a preventative measure. Advocates argue that runaways develop criminal behavior to survive on the streets, and will grow into adult criminals. They argue runaways should be sought out by DFYS, detained if necessary, and provided appropriate counseling and treatment.

Given the other responsibilities of DFYS, such an approach would appear to us to be very difficult statutorily, logistically, and fiscally. As a practical matter, any such change in approach to runaways would require changes in statutes regarding juvenile criminal activity. Just redefining detention criteria so that more runaways would be locked up would not really provide for better service delivery. As cited in Recommendation No. 4 detention facilities are already overcrowded and, by design, provide limited treatment. Increased funding would be required to expand confinement facilities and provide more extensive treatment.

### Social Services & Runaways

DFYS does provide certain services for runaway youth. Runaways are often referred to social workers by policemen, social service agencies, probation officers, or contact the agency directly. These youth do receive services from DFYS to the extent that the agency can provide them, if the youth wants them. For example, in Tok, runaways just coming into the State are sometimes sent to DFYS by troopers. The social worker may do things like: encourage the runners to call home; contact their parents or relatives who may be in the State; refer them DFYS offices in Fairbanks; but, if the runaway refuses to accept services DFYS must accept the youth's decision.

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## FINDINGS AND RECOMMENDATIONS

### Recommendation No. 1

The Division of Family and Youth Services (DFYS), in conjunction with the Legislature, should review statutes governing the agency's responsibilities and duties. The goals of such a review should be twofold:

- A. The determination of the extent of the State's role in child protection.
- B. Restructure DFYS' funding and statutes to better provide child protection services at the determined level.

DFYS social service offices are struggling to keep up with the reports of neglect and abuse of children, and comply with related statutory investigation requirements. In attempts to meet the 72-hour statutory requirement for initial investigation of child abuse reports, ongoing caseloads suffer. DFYS often must overlook the needs and care of children already in State custody in order to respond to new reports of abuse and neglect.

In Anchorage during April 1986, the number of reports of suspected harm increased by more than 50%. Social workers responsible for ongoing services to children were shifted to assist with the report of harm investigations. Still, many reports could not be investigated in the statutorily required time period.

In Juneau investigations of suspected abuse are typically initiated in a timely fashion, but children already in State custody often receive insufficient services because, out of necessity, investigative social workers must continue to be responsible for case management even after custody is assumed. Our review of Juneau case files indicates that after adjudication of custody, client contact is often infrequent and initiated by the client or care provider (foster parent, counsellor, etc.) rather than the social worker.

### DFYS Efforts

These service deficits are not due to lack of effort or commitment by DFYS. Management is continually reallocating tight resources, "robbing Peter to pay Paul," in response to one crisis after another. Social workers typically donate many extra hours in an attempt to maintain some control of their caseloads.

DFYS has attempted various strategies to stretch the service dollar to improve the quantity and quality of services without reducing the groups of people served. More

cost-effective ways of purchasing services from residential care providers; reorganization of personnel structure and responsibilities; and proposals for an improved management information system all are among the strategies tried. Although some strategies have improved the level of services, in most cases funding has tended to follow the crises.

Administratively, DFYS management should continue efforts to improve the effectiveness and efficiency of available resources, by:

1. Upgrading its management information system. As discussed in Recommendation No. 2 of this report, and in previous reports, the current management information at DFYS does not provide adequate support and/or information to management or on-line social workers. (See Recommendation No. 2)
2. Increase the emphasis on home-based and preventative services. Presently, DFYS is in the process of expanding home-based programs, whereby services are provided to families in their homes, in order to protect children in their homes and hopefully avoiding more extensive and long-term intervention on the part of the State.
3. Management should continue to streamline policies in order to free staff time for carrying out their most important mandated functions. As an example, DFYS recently obtained a statutory change allowing day care centers to be licensed biennially rather than annually.

#### Statutory and Funding Changes

Reflecting a growing public concern, relatively recent changes in both State and Federal laws have significantly increased DFYS' responsibilities. In recent years, statutory changes have 1) required professionals to report all cases of suspected child abuse; 2) mandated duties such as adult protective services, licensing (foster parents, residential and day care) and services to certain runaways, and 3) required increased documentation of certain legal and casework procedures.

Ostensibly intended to better protect children and other vulnerable individuals, these statutes may actually have adversely affected DFYS' ability to adequately provide services to children already in State custody. In addition the rise in the general public's awareness and reporting of child abuse (a national trend), and the dramatic growth in Alaska's population during the past ten years have significantly increased the demand for DFYS services. DFYS budgets have not kept pace with this growth in demand.

However, given the present prospective funding levels, a fundamental reassessment of DFYS' statutory authority and service priorities should take place. For example, consideration could be given to amending statutes, that would:

- A. Reconfigure DFYS appropriations in order to shift funding away from the provision of indirect discretionary programs, over which DFYS exercises little management control, to services that would allow the agency to provide more direct intervention and prevention services.
- B. Allow DFYS to determine which reports require Department of Law review. Presently, all reports of physical and sexual abuse are required to be forwarded to DOL for their review, whether or not the report is substantiated.
- C. Transfer DFYS services not directly related to child protection, such as adult protective services and day care licensing to other state agencies or local governments.

Statutes and funding priorities establish the limits of the State's responsibilities to intervene and protect children. Accordingly, the Legislature will have to play an active role in implementing statutory changes and/or reconfigured budgetary actions in order that the State's responsibilities for child protection are better aligned with the resources allocated for that purpose.

#### Recommendation No. 2

DFYS should develop a management information system to replace its current computerized payment system.

DFYS' current computer system was created in 1977 in response to Federal Title XX reporting requirements. It has been the subject of recommendations in each of this Division's last three reviews of DFYS. Problems with the system noted in previous audits which still plague DFYS include:

1. Inaccurate information due to time lags prior to data input. While there has been some improvement in timeliness of data entry as a result of on-line capability in a few offices, updating of data on the system remains a low priority. Personnel are generally entering licensing data on-line, however most social workers across the state, including those in the Anchorage Service Unit, are still manually completing forms and sending them to the central office for data entry. Documents filter into Juneau from across the state, creating a serious weakness in input controls.

2. Inability to provide any case management information. DFYS manually collects and maintains a large amount of information on each client. Except for a few items which have been retrofitted as "enhancements" to the current system, the only way to access this information is through time-consuming monthly hand tallies of individual case files.
3. Difficulty in extracting pertinent information maintained on the computer system. DFYS' data processing staff produces several standard reports monthly. Many of these go unused by managers due to lack of timeliness or mistrust of the underlying data. The need for any customized or historical information requires significant programming time.

DFYS' data processing staff has devoted much time and effort toward laying the groundwork for a new management information system. The requirements analysis which was completed in 1984 for SYSMIS (Social and Youth Services Management and Information System) was a major effort of the staff and included input from all DFYS personnel. Funding for this system in DFYS' FY 86 budget request was denied by the Legislature. The following year DFYS scaled down their request to a pilot project known as OVATS (Offender and Victim Automated Tracking System). Based upon the original requirements analysis, this system emphasized tracking of service outcomes and included office automation features. It was not included in the Governor's FY 87 budget request.

The emphasis on obtaining a new management information system has had a negative impact on maintenance of the current system. Production problems arise on a daily basis. Just recently, all programming for management reports was rewritten in a new software version on an emergency basis despite urgings from the Department of Administration for well over a year that users make this conversion. Staff estimated they currently have a 67 man-month backlog of information requests and problem reports concerning the system.

Certainly, the initial costs of a new system appear cost prohibitive in the face of declining oil revenues. However, we believe the cost of continued operation of the existing system justifies continued efforts to implement a new, scaled down version of SYSMIS. Costs of maintaining the current system go beyond retaining three Analyst/Programmers (at over \$150,000 annually), indirect costs such as ineffective use of staff time spent manually gathering and summarizing data; and the low morale and frustration which results. The difficulty in obtaining information has been a major obstacle in obtaining Federal funds under Title IV-E.

Legislative Audit continues to support a better management information system for DFYS. Ending the need for maintaining both an antiquated automated payments system and a manual information system would allow overburdened line staff to devote more time to actual social work. The need for timely, accurate, pertinent information is absolutely critical to the effective management of a division as large, complex, and geographically dispersed as DFYS.

Recommendation No. 3

DFYS should develop standardized foster care procedures and encourage compliance through improved training and supervisory review. In addition, DFYS should continue working toward improved relations with foster parents in order to sustain a more viable foster care program.

Foster care costs have increased by more than two-thirds in the last three years to over \$6.3 million in FY 86. Over the last five years, foster care expenditures have almost doubled while there has been little growth in residential care expenditures making foster care even more important to DFYS' service delivery system. The increasing use of foster care has also resulted in more difficult children being placed in the care of foster parents.

Our current review revealed several areas in foster care which would benefit from increased DFYS commitment:

1. Licensing activities are not in compliance with DFYS procedures due to lack of timeliness.
2. Complaints are not classified and investigated consistently and often are not adequately documented.
3. Augmented rates for specialized foster care are not being equitably administered.
4. Training provided varies across the state and is rarely documented in foster parent files.
5. Foster parents are not fully informed about liability and loss which may result from foster care.
6. Relations between DFYS and foster parents are often less than cooperative.

Many of these deficiencies were identified in a 1983 Legislative Audit report. Management should review the situation in each area and act according to DFYS priorities.

## Foster Home Licensing

Besides ensuring some minimum level of safety, the licensing of foster homes is important in order to match the abilities and interests of foster parents with the needs of placements. This theoretical matching of homes and children has been subjugated by the reality that there are not enough slots for all the children needing placement.

Licensing activities are behind, as evidenced by:

1. Over 30% of the homes reviewed were issued licenses which were more than one month retroactively effective.
2. Over half of the homes in our review did not have a home study performed prior to licensing. (The home study is a time-consuming licensing prerequisite to ensure compliance with foster care standards).
3. Of the 75 homes with foster care placements reviewed, more than 60% were either without a current home study or license during the time a child was in the home.
4. As of June 1986, over 25% of foster care licenses have been expired for over one month.

A major factor that contributes to the situation is DFYS licensing priorities. Licensing duty priorities are not conducive to the timely licensing of foster homes. Investigations of complaints is the first priority while processing new foster home applications ranks last in a list of 15. As a result, emergency licensing of foster homes is the rule rather than the exception.

We recommend management reassess licensing duty priorities and personnel practices in order to make the licensing process a more timely and meaningful one. The annual review of licensing files by supervisors, as proposed in DFYS' response to our 1983 audit report, would aid in identifying and correcting current discrepancies in foster home license files. During our file review, only a few Youth Service foster parent files, most notably the Southcentral Region, evidenced any such review.

## Complaint Investigations

Licensing complaint investigations have long been a point of contention between foster parents and DFYS. Many foster parents view the process as arbitrary, covert, even vindictive. DFYS views it as necessary for the protection of children, even supportive of the foster home in that compliance is encouraged.

While our review noted problems of inconsistent treatment and poor documentation, overall we found investigations of complaints to be reasonable and fair. The only examples of investigations with questionable motives and dispositions were performed by a Palmer licensing worker no longer employed by DFYS.

Procedures for complaint investigations are outlined in the Community Care Licensing Manual. Despite the statewide applicability of these procedures, our review of complaint investigations found wide variations in how complaints are handled both between and within offices. Investigations often do not result in any constructive resolution. Investigator recommendations for bringing the home into compliance are not consistently made nor implemented by DFYS. Recommended licensing actions are not being taken and are often overridden by placement decisions when they are taken.

Documentation of investigations varied from adequate to non-existent. Evidence that the investigated party had been notified was often missing from the file. Standardizing the use of the Notification of Complaint form would not only improve documentation, but would also alleviate foster parent protests that DFYS never tells them why they are being investigated.

We found only the Southcentral Family Services office maintains a complaint log. We were told at Youth Services in Fairbanks that they had been instructed to discontinue logging of complaints. We feel the information which can be gained from an independent listing of complaints more than offsets the increased paperwork. Accordingly, we recommend all DFYS offices maintain complaint logs similar to that discussed in DFYS' response to our 1983 audit recommendation.

We reiterate our 1983 recommendation that DFYS train licensing personnel in their complaint investigation procedures and conduct supervisory reviews for compliance. DFYS has adequate procedures in place for complaint investigation; now it needs some training and monitoring to achieve adequate implementation of these procedures.

#### Specialized Foster Care

Our 1983 audit report recommended executive and legislative support for specialized foster care. We continue to support the concept of paying augmented rates to foster parents for providing care to children who would otherwise be in more expensive residential care. While not appropriate for all children, an augmented rates program allows many to be

placed in a less restrictive foster home setting. This lesser restrictive placement, coupled with the cost savings involved, makes specialized foster care in the best interest of both the children and the State.

Augmented rates are not being equitably administered by DFYS. Family Services' Child Protective Service Manual defines augmented rates as "an increased payment which is paid for extra costs incurred in caring for children who have special problems." Interpretations of what constitute extra costs are made by line staff resulting in inequities such as:

1. Different amounts of augmentation for foster children with the same special problems.
2. Some foster parents are compensated for their time, while others are reimbursed only for defined costs.
3. Foster parents who complain the most tend to get the most augmentation. In some cases, the foster parent sets the rate DFYS pays.

Youth Services has their own augmented rates program. Youth are assessed for placement level of difficulty with Level I being standard rate and Level III being the most highly augmented rate. To care for Level II and III youth, foster parents must meet certain training and experience requirements. We found that both youth and foster parents are being consistently assessed across the state, however, the rates paid are not consistent. Payment for a Level III youth in the Northern Region is 250% of the standard rate; while in the Southcentral Region, DFYS pays 300% of the standard rate for a Level III youth.

In order to develop a more equitable augmented rates program, we recommend DFYS initiate changes to both the Family Services and the Youth Services programs. Family Services should update its 1978 criteria to more specifically define which extra costs will be reimbursed as augmented rates. This would reduce the current latitude line staff and foster parents have which results in negotiated augmented rates. Youth Services should make payment for a Level III youth constant across regions. Given Alaska's current revenue picture, we advise bringing the Southcentral Region in line with the Northern Region.

#### Foster Parent Training

The extent of foster parent training by DFYS varies across Alaska. It ranges from comprehensive, formal programs in Southcentral Alaska to almost nonexistent in other areas of the state. Some areas require attendance at established

foster parent orientation classes prior to licensing, while others use a home visit and an informal review of the regulations as orientation for foster parents.

During FY 86, DFYS contracted with the Alaska Foster Parent Association to provide statewide ongoing training. The contract required DFYS to jointly participate in implementation, however, DFYS did little to facilitate the successful completion of this contract. The training that was provided was geographically limited and of questionable value to some of the purported beneficiaries.

Foster parents who want training have been obtaining it through their local foster parent associations, college classes, and training sponsored by DFYS. In recent years, DFYS has been considering the possibility of requiring a certain amount of training to receive and maintain a foster care license. Those foster parents receiving augmented rates under the Youth Services program are currently required to have a certain amount of training. In our review of foster home license files across the state, we found only Southcentral Youth Services files to reflect a record of training received.

Increased DFYS commitment to foster parent training would not only promote better relations between foster parents and DFYS, but would also provide DFYS with a more qualified pool of foster parents. A multi-media self-study program such as that being developed by Southcentral Youth Services may be a cost-effective method for providing statewide training. Maintaining a record of training received in each foster home file would make it easier for those making placements to match the child's needs with the qualifications of the foster home.

#### Foster Parent Liability

Liability is currently an extremely volatile issue for foster parents. In 1981, DFYS made efforts to define areas of responsibility for various types of liability or losses resulting from foster care. The Foster Parents' Handbook tells foster parents that they are protected by the State against legal actions for accidental injury to the child and against suit for damages caused to third parties by the child.

In an effort to address foster parents' current concerns over liability, DFYS has contacted the Attorney General's Office and the Division of Risk Management. Discussions with Risk Management confirm that in the absence of gross negligence, foster parents will be protected by the State

for both injury to the child and to third parties. However, this assurance is not echoed in a recent memo from the Attorney General's Office which concludes:

foster parents will generally be shielded from liability for injury to a child where they have attempted, in good faith, to conduct themselves reasonably. There is no insurance protecting a foster parent from the negligence of a child. And, except for the possible protection of AS 34.50.020 there is no protection against suit by third persons against foster parents because of negligent conduct of a child.

The foster care regulations make clear that this liability insurance "will not cover matters for which foster parents are normally expected to have insurance, such as fire insurance for their home." The implication that foster parents' insurance will cover their loss if the foster child burns their home is true only if the act was accidental. As DFYS discovered in their 1981 efforts, deliberate acts by foster children are generally not covered by homeowner's insurance policies.

We recommend that DFYS, in conjunction with the Attorney General and the Division of Risk Management, develop some cohesive guidelines in the area of foster parent liability with regard to third party damages. Once determined, this information should be included in the Foster Parents' Handbook, as should some warning of the limitations of common homeowner's insurance. Foster parents need this information in order to make informed choices in accepting and rejecting placements.

#### Relations With Foster Parents

In our 1983 audit we noted that DFYS neglected to maintain a cooperative relationship with the foster parent community. In a March 1986 letter to the president of the Alaska Foster Parent Association (AFPA), the director of DFYS states "It would be less than candid of me to not admit that there has been a history of conflict and resentment between AFPA and the division."

The training contract for fiscal year 1986 was a disappointment for both parties. This contract emphasized "joint" responsibility for both DFYS and AFPA, but neither was satisfied with the other's performance. The quality and quantity of training which resulted would likely have increased if DFYS and AFPA had been more cooperative in implementing the terms of the contract.

We feel that the rift between DFYS and AFPA is diminishing. With DFYS' encouragement, there has been an influx of more moderates on the AFPA Board of Directors. DFYS efforts such as the June 1986 Foster Care Working Group encourage foster parent input and interaction with DFYS. With adequate follow through, such efforts could be major steps toward rebuilding a good working relationship.

DFYS needs the different perspective offered by foster parents. Despite their relatively low membership, AFPA is the only statewide organization of foster parents. Given the crucial role that foster care plays in DFYS' service delivery, a better relationship with foster parents in general, and AFPA in particular, will benefit all concerned.

#### Recommendation No. 4

DFYS should comply with the American Correctional Association (ACA) national standards in order to receive accreditation for its juvenile confinement facilities.

In May the three juvenile confinement facilities which house both detention and treatment programs were reviewed by the American Correctional Association (ACA). DFYS arranged the reviews in order to receive accreditation by the ACA, a national organization of correctional professionals. The review, for which DFYS had been preparing for four years, involved a thorough review of their physical plants; policies and procedures; and general program.

The ACA review committee compared these facilities with national standards developed for detention, training school, and community residential care facilities. To receive accreditation a facility must be in compliance with 100% of the mandatory standards and over 90% of the non-mandatory standards. The review committee's reports for all three of the facilities commented positively on the quality of life within the facilities, especially regarding the communication between staff and residents and the dedicated nature of personnel. Other major ACA findings are presented below:

#### Detention Overcrowding

The detention units at both McLaughlin Youth Center (MYC) and Fairbanks Youth Facility (FYF) were found to be continually operating over capacity. MYC, with a design capacity of 50, had an average daily population of 68 in FY 85; FYF, with a capacity of 8, had an average daily population during the first four months in 1986 of 12.8 recording highs of over 20 youth. The overcrowding was a major concern of the ACA review committee which they felt needed immediate relief.

FYF is completing a new 20-bed detention addition which is slated to open during FY 87 which should eliminate its overcrowding. MYC has recently contracted an architect to design the remodeling necessary to alleviate its overcrowding.

### Fire Safety

Mandatory fire safety standards were not completely met at all three facilities. These were of most concern at MYC and the Nome Youth Facility (NYF). FYF has addressed its fire safety deficiencies, making the necessary changes to achieve compliance. NYF and MYC must complete more extensive physical repairs and renovations to come in compliance with ACA's mandatory standards. Compliance with the fire safety standards is the major obstacle preventing MYC from receiving accreditation.

### Training

All facilities were found deficient in the area of training. Although training standards are non-mandatory, we feel the common deficiency is significant. (See Recommendation No. 5) Both MYC and FYF were weak in the training area, and NYF did not meet any of the training standards, which seriously reduced its overall rating. According to DFYS Nome needs additional training funds to achieve full compliance with ACA standards.

### Fairbanks Program

The ACA audit committee found that at the Fairbanks facility the detention philosophy dominated and influenced the treatment program resulting in a overly restrictive environment. The accreditation team felt that this environment hindered the youths' development by providing little opportunity for them to try out the new behaviors acquired through treatment. Fairbanks addressed this finding immediately by revising their four step program allowing residents to earn the privilege of participation in supervised activities in the community at an earlier point in treatment.

FYF has completed the improvements necessary to achieve compliance with national standards and will likely receive ACA accreditation by the end of FY 87. MYC and NYF may require additional funding to achieve compliance, therefore, their accreditation does not seem likely in the near future.

### Recommendation No. 5

DFYS should take steps to improve and increase training of social workers and personnel working in youth detention facilities.

Since FY 81, DFYS' budget for training personnel has been significantly reduced from more than \$500,000 to less than

\$100,000 for FY 86. Much of the previously larger training budget was the result of Federal monies, which have not been available to DFYS in recent fiscal years. With the reduction in available training funds, it has been more difficult for DFYS to provide the necessary ongoing training that is needed to promote informed and consistent casework decisions. Currently, DFYS primarily provides orientation training for newly hired social workers and specialized training in newly established policy and procedures. For example, over the past year social workers received training in the new emergency custody procedures.

The significant reduction in DFYS' training budget has been largely beyond the control of the division. However, we feel that there are two particular areas where DFYS should make an effort to develop and provide more training: 1) oversight and management skills for supervisors, and 2) individuals working with confined juveniles should receive specialized training.

It was our observation, particularly in the Anchorage area, that social worker supervisors often dealt with their subordinates in a discordant manner. For example, when proposed reorganizational changes were being considered in Anchorage, supervisors elected not to inform the social workers. The workers felt that the supervisors were conspiring against them and that were not treating them as professionals. It is management's prerogative to reconfigure the delivery of services; however, better supervisory skills on the part of middle management could have increased cooperation on the part of social workers.

In the accreditation reviews of DFYS' youth facilities (See Recommendation No. 4) the reviewers cited the lack of specialized training and continuing education opportunities for staff at the facilities. There were also other criticisms that any training that was provided, particularly in the area of health-related situations, was not documented in employee files.

When program funding must be reduced, it is tempting to cut back in training rather than reduce direct service staff. However, in a division that is as widespread as DFYS, training is critical part of the communications needed to maintain uniform casework standards and decision-making in accordance with statutes and division policy.

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DEPT. OF HEALTH AND SOCIAL SERVICES

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December 15, 1986

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DEC 15 1986

LEGISLATIVE  
AUDIT

CONFIDENTIAL

Dear Mr. Wilkerson:

Thank you for the opportunity to respond to the preliminary audit report on the Division of Family and Youth Services (DFYS). I believe our agency's perspective on the issues raised in the report will help legislators better understand these issues, their interrelationship, and their relative importance to addressing the statutory goals of the agency.

Although we do not completely agree with the auditors' conclusions and recommendations, we commend them for identifying and focusing on the fundamental issue which influences every aspect of agency performance--resources available to carry out the agency's statutorily defined mission. Given the broad scope of the review of DFYS, it would not have been surprising for the report to focus on a variety of specific problems of lesser importance while overlooking the most basic issue affecting agency services.

We agree with the conclusion implicit throughout the audit report that most of the services deficits and problems attendant to DFYS mandated service activities are related directly or indirectly to insufficient resources available to the agency to carry out its responsibilities.

This has been clearly demonstrated in a variety of inter-agency studies and confirmed by several reviews of DFYS by the Division of Legislative Audit over the past few years. DFYS options for dealing with the limitations of agency resources in a systematic way are presented in the response to recommendation number one of the legislative audit.

For purposes of clarity and ease of understanding, comments concerning specific audit findings and recommendations are organized in accord with the organization of the audit report.

Auditor's Comments and Summary

While we generally agree with auditors' assessment of services provided by DFYS, certain inaccuracies require clarification, and additional explanation is necessary to fully understand issues raised in the report.

# **CORRECTION**

**THIS DOCUMENT  
HAS BEEN REPHOTOGRAPHED  
TO ASSURE LEGIBILITY**

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Auditor's Comments and Summary

While we generally agree with auditors' assessment of services provided by DFYS, certain inaccuracies require clarification, and additional explanation is necessary to fully understand issues raised in the report.

It is true that services are generally provided to runaway youth in conjunction with the youth's identification as a victim of abuse or neglect or consequent to an arrest. However, services may be and are provided to runaways who are neither victims of abuse or neglect nor alleged juvenile offenders. DFYS may intervene to provide services to runaway youth on an involuntary basis. DFYS may assume emergency custody or initiate Child in Need of Aid proceedings if a child is ". . . habitually absent from home or refusing to accept available care . . ." DFYS is not required to defer to the refusal of a runaway to accept services, although as a practical matter, if no other reason for intervention exists and the youth is not in danger of immediate or serious harm, DFYS services are generally restricted to short-term attempts at family reconciliation or referral for these or other services. More intrusive interventions rarely occur in such instances because of the pressing need to serve more vulnerable youth.

Runaway youth would be a difficult group to serve adequately even if DFYS had sufficient resources. Most runaways are not readily identifiable as victims of abuse or neglect (although many are victims), and often these youth are not receptive to services. Moreover, their behavior and circumstances do not usually place them in the type of clear or immediate danger of serious harm generally necessary for the assumption of emergency custody or other high levels of agency intervention. Given these facts and DFYS' mandates and resource levels, it is almost inevitable that higher priority will be accorded other more vulnerable youth.

We agree fully with auditors' conclusions that re-criminalization of runaways would not provide better service and would be far more expensive than providing appropriate noncoercive services. It is far more productive to provide preventive and noncoercive intervention services than to address complex and longstanding problems through coercive measures such as detention (although such measures are available under present law with appropriate limitations). Alaska's difficulty has been that needed levels of noncoercive treatment and family reconciliation services have not been available because of lack of resources.

Even appropriate use of judicial intervention, such as court ordered in-home treatment plans or temporary out of home placements for runaways, has not been effectively utilized because resources necessary to initiate court action and carry out treatment have been lacking.

As auditors astutely perceived, simply detaining more runaways would not solve the fundamental systematic resource problem, but would only force shifting of resources from one area of focus to another. Implementing a more coercive approach would undoubtedly require additional detention facilities (already overcrowded), and restrictive services such as detention are far more expensive than noncoercive services. Also, detention of runaways would not address the underlying problems precipitating runaway behavior, and would not eliminate the need for family reconciliation and treatment services.

The criteria used by DFYS' delinquency intake officers in making preliminary detention decisions follow statutory guidance, criteria established in

Alaska's Rules of Court, case law, and nationally established standards. These criteria focus on immediacy of risk and stress physical harm rather than the potential for emotional harm, for several reasons. An assessment of risk of physical harm, difficult though it may be, is generally far easier to make on an objective basis than is risk of emotional harm. This is particularly true when the assessment is made on the basis of limited information, which is generally the case in intake detention decisions. Focusing on objective, factual criteria for assessing risk reduces the possibility for abuse of discretion and overuse of detention. Also, because detention screening occurs prior to a court proceeding, it is appropriate that the focus of the decision be on immediate rather than long-term risk. An assessment of risk on a long-term basis (such as risk of emotional harm) should appropriately be the subject of more complete inquiry made by the court.

Little impact on potential long-term physical or emotional harm is likely to occur from a decision not to detain a youth pending court inquiry if other less restrictive alternatives are utilized. In fact, national standards to this effect were developed as a result of findings that the risk of harm to youth is greater if the youth is detained than if the youth is released on a short-term basis pending court proceedings. (This is particularly true when youth are detained in adult jail facilities, as many are in smaller communities in Alaska.)

DFYS' overall response to runaways is most influenced by two factors: agency resources and statutory mandates. The critical failure in Alaska's approach to runaways has not been in the law or philosophy underlying the law but in the resources devoted to addressing the problem.

Under present economic conditions, additional resources are unlikely to be made available to provide services to runaways and their families at needed levels. However, service improvements can be made through development of better techniques for assessing and prioritizing services for runaways. Well defined criteria for runaways will be developed and implemented as DFYS' intake policies are regularly reviewed, and during the implementation of a new case management system. These screening criteria should provide guidance for assessing the risk of harm presented by the youth's behavior and circumstances, and will establish priorities for intervention ranked with those established in other child protection cases.

Implementation of these criteria will help utilize existing resources more efficiently and effectively. However, it will not alter the fact that expanded services for runaways will require additional resources whether the approach used is coercive, such as incarceration, or more preventive in nature.

As the auditors recognized, assignment of increasingly stringent statutory responsibilities to an agency will not expand or improve services unless the fundamental inadequacy of agency resources is also addressed. Service priorities will be shifted to address more rigorous requirements, but this will occur at the expense of other services. As DFYS' responsibilities have increased in several service areas in response to public policy changes or

perceived problems in service provision, other service areas have suffered. This is manifested clearly in the case of runaway youth and would not be changed simply by requiring use of already overcrowded detention facilities for coercive treatment of runaways.

#### Recommendation No. 1

The Division of Family and Youth Services (DFYS), in conjunction with the Legislature, should review statutes governing the agency's responsibilities and duties. The goals of such a review should be twofold:

- A. The determination of the extent of the State's role in child protection.
- B. Funding for DFYS to adequately provide child protection services at the determined level.

#### Response

The division agrees that a DFYS review of statutes governing the agency's responsibilities and duties in conjunction with the Legislature would be a valuable undertaking. Legislators should have a sound understanding of and ownership of those critical statutes, particularly those addressing child protection. Recommendation No. 1 sets the goals for such a review as determining the State's role in child protection and then funding the determined level. It is laudable that auditors are proposing coming to grips with the disparity between child protection mandates and State personnel resources available to meet those mandates. The division will present several options for addressing the limitations of agency resources that recognize declining revenues, as opposed to prematurely considering reducing statutory protection for vulnerable populations.

#### DFYS Efforts

The audit recognition of DFYS efforts to improve effectiveness and efficiency are appreciated. Certainly DFYS will continue the three management strategies outlined on page 12 of the audit. Legislative support is required to implement all three strategies, i.e., funding support for a management information system (MIS); approval of the consolidation of the Child and Youth Custody and Purchased Services BRU's to allow for the gradual shift of funds from restrictive and costly out-of-home care to services which will make the child's home a safe environment; and support of adequate levels of state office staff to streamline policies, train, and to effect other staff time savings.

#### Statutory and Funding Changes

As auditors noted, certain changes in Federal and State laws have added responsibilities to and imposed additional administrative requirements on DFYS. The difficulty encountered by the agency in implementing the changes has not been that these responsibilities or accountability measures are

unnecessary, or unreasonable. In fact, we generally support the changes as appropriate to meet the need for protection of vulnerable persons and as prudent means to ensure proper accountability and investigative or casework practice. The problems in carrying out new responsibilities or meeting additional accountability requirements are attributable almost invariably to inadequate State personnel resources.

The "tool" for the delivery of child protective services is not equipment or machinery. Direct personal attention from a qualified professional is the primary agency tool for facilitating improvements in a home environment. People who abuse and neglect their children and the child victim are in need of intervention attention from another individual. This can only occur if the state agency has been staffed with a professional to provide the intervention attention.

DFYS has historically been understaffed to fully meet its responsibilities, but has managed to meet those responsibilities at marginal levels with little public or official interest or attention until recently. Unfortunately, recent increased public awareness, higher expectations, and increased service needs have not resulted in commensurate increases in staff resources, in large part because enhanced public awareness and concern have occurred at a time when total state resources are declining. In the past, even when resources were relatively abundant, other priorities have taken funding precedence over fundamental protective and rehabilitative services provided by DFYS staff. While this pattern has changed somewhat in recent years, obtaining necessary resources in the face of state government contraction and extreme competition among government agencies would require assignment of higher priority to these services by the Legislature than has previously occurred.

DFYS recommends consideration of the following options for addressing the disparity between DFYS statutory mandates and state personnel resources to carry out those mandates:

- Assignment of a high priority to fully fund DFYS statutory mandates as discussed immediately above.
- Reconfigure existing resources through the budget process to allow for increased levels of home-based services. Under a desirable scheme for resource allocation, client needs would be identified and met at the earliest possible time in the least restrictive setting and at the lowest cost. Under a desirable configuration for resource allocation, the greatest amount of resources would be allocated to provide early intervention in the client's own home. The current scheme and configuration is opposite what it should be. If one-half the funding currently allocated to costly care in foster homes and residential child care facilities were redirected to purchase or create agency staff to provide intensive early intervention, home-based and permanency planning services, more children would be protected in their own homes during family crises, fewer children would be removed from their homes, and fewer children and families would progress over time to the most costly

restrictive care and services. Keeping families together is a priority of state and federal statutes; a child should remain in the child's own home if safety can be assured. As mentioned under "DFYS Efforts", consolidation of the Child and Youth Custody and Purchased Services BRU's would allow flexibility to shift funds from more restrictive and costly out of home care to services which will make the child's home a safe environment.

- Divert a significant portion of legislatively designated or competitive preventive services grant funds to create new staff positions within DFYS, thus enabling DFYS to meet statutory mandates. Focus remaining legislatively designated and preventive services grants to better fulfill primary DFYS statutory mandates. In recent years, the Legislature has placed millions of dollars into discretionary community-based social services, including large grants to Anchorage and Fairbanks. Many of these programs are designed to prevent child abuse, neglect, and delinquency, or to enhance the quality of life of "at risk" Alaskans. While well intentioned, these programs are not statutorily mandated, and many do not effectively assist the division in meeting statutory mandates. For example, refocusing of designated and competitively awarded grants on intensive home-based services could free social workers' time to better meet the deficient areas of responsibilities noted in the audit, i.e., investigation of reports of abuse within 72 hours and ongoing case management functions.
- DFYS management will implement a case management system as part of an approach to deal with the limitations of agency resources in a systematic way. This will involve reviewing agency goals and responsibilities, determining resources needed to meet the goals and responsibilities, establishing service priorities and standards, and allocating existing resources among services in keeping with the priorities established and the services' standards. This effort will make it possible for DFYS to clearly inform the administration, legislators, and the public of the service levels which can occur at various levels of funding. Perhaps, most importantly, it will enable DFYS to provide information on the activities and services which cannot be performed. This will help public and official expectations with the reality of funding levels. This effort will provide a firm and rational basis for legislative decisions concerning the agency's statutory responsibilities and the levels of funding provided to carry out those responsibilities. However, prior to implementation of a case management system to provide basic information, major legislative changes would be premature.

DFYS agrees with the audit finding, "DFYS budgets have not kept pace with growth in demand." DFYS also agrees with the need for a "fundamental reassessment...of service priorities" and will accomplish that reassessment through the case management process already begun. DFYS, however, strongly disagrees that a "fundamental reassessment of DFYS' statutory authority... should take place given the prospective funding levels." The primary issue affecting the quality of service delivery within the division is lack of staff resources, not whether the scope of statutory authority is too broad.

Before considering any statutory change that would increase risk to vulnerable Alaskans, and before considering any budget reduction of DFYS staff who are carrying out statutory mandates, redirecting or refocusing non-mandated social services must responsibly be considered as a response to the current revenue crisis. As detailed above, there are at least four options other than "fundamental statutory reassessment" which should be explored.

Following are considerations regarding the specific "examples" for amending statutes that were cited in the audit:

- A. The DFYS strongly supports Recommendation A to reconfigure DFYS appropriations away from the provision of indirect discretionary programs to permit DFYS management control to deliver "direct intervention and prevention services." This recommendation aligns with DFYS options for addressing the disparity between statutory mandates and State personnel resources to carry out those mandates discussed earlier. The DFYS would clarify, however, that funding "primary" prevention programs directed at children who have not been harmed should not take priority over funding intervention and restorative services to children who have been harmed. Other states utilize creative funding mechanisms, such as a children's trust fund, to dedicate resources for primary prevention services. Alaskan constitutional restrictions to such a concept would need to be examined in considering a trust fund approach.
- B. Auditor's Recommendation B would allow DFYS discretion in forwarding copies of physical and sexual abuse reports to the Department of Law for review. The division has not completed any objective analysis of whether or not the requirement to forward all reports of abuse is necessary or appropriate for prosecution purposes, nor has the division discussed the recommendation with the Department of Law. An analysis would more appropriately be left to a disinterested agency.
- C. Auditor's Recommendation C would transfer services not directly related to child protective services, such as adult protective services and day care licensing, to other state agencies or local governments. If day care licensing transfer to another agency were accomplished without transfer of division budget and personnel, the result would substantially decrease division workload and would be favored. However, this recommendation assumes that there are agencies which have the resources, motivation, and administrative capability to assume this function. The reality is that without additional resources, the transfer of responsibilities from one agency to another results in the "robbing Peter to pay Paul" principle. If funding were made available through an increment, current provisions which allow for contracting the investigation responsibilities for day care licensing could be implemented.

The division agrees that adult protective services could be assessed for transfer to another agency, including the initial assessment of harm. Adult services have been separated from services to children, youth, and their families, previously, and so transfer is a possibility. It may be appropriate for the division to retain investigation of elder abuse

because the discipline is similar to child protection and because of the availability of division staff in five social services regional and 34 field offices. After initial assessment, service responsibilities including ongoing case management could be contracted to private agencies if DFYS retained adequate resources to do the initial assessment and investigation. It should be noted that the division does perform investigations on a voluntary basis for adults who are under the age specified in the Elder Abuse Reporting statute. Younger adults who have physical and mental health problems and who are younger than age 65 occasionally require protective services. Without a clear statutory mandate, the division will consider curtailing services to adults younger than age 65.

Recommendation No. 2

The Division of Family and Youth Services should develop a management information system to replace its current computerized payment system.

The Department agrees completely with this recommendation. Development of such a system is essential, not only to effective management, but, more importantly, to effective service delivery.

As auditors noted, much data processing staff time must now be diverted to maintenance of DFYS' outmoded payment system while essential client, service, and case management information must be manually collected by direct service staff. The DFYS management has long recognized that continuation of this approach to information management was untenable. The severe limits and inherent inefficiencies of the existing system, and the need to reduce the amount of time direct service staff spends on activities related to information gathering led to a 1983 review of the division's information needs. Analysis of these needs and of the relative costs and benefits of altering the existing system to meet those needs versus development of a new system showed clearly that development of a new system was the more beneficial and prudent approach. DFYS developed a plan for addressing both short- and long-term needs which called for:

- immediate efforts devoted to maintaining operation of DFYS' payment system (since its failure would have meant complete loss of management data and, because of the magnitude of payments involved, manual payments would be virtually impossible to accomplish);
- making such additional alterations to the existing computerized system as could be readily accomplished to improve its functioning and usefulness, both as a payment system and to provide at least minimal client and service information essential to management decisions and client services;
- development and funding of a comprehensive management information system which would provide a variety of management information essential to division functioning, and accomplish the limited functions of the old payment system.

Based on a system-wide effort to identify information needs, DFYS submitted a capital improvement project (CIP) request in its FY 86 budget request to develop and implement a comprehensive management information system. Although included within the departmental and Governor's budget request, the project was not funded by the Legislature. In FY 87, the division included within its budget request a scaled down capital improvement project to develop and implement an offender and victim automated tracking system, a project of smaller scope than the original project and with a slightly different focus. This project was not included in the Governor's FY 87 budget request.

In its FY 88 budget request, the division is seeking funding for a client tracking and office automation project. This several phase project would ultimately result in development of a complete system for tracking juvenile offenders and victims of child abuse, and standardization and automation of office support functions. It would also increase staff efficiency and productivity.

Development of the new management information system would occur in phases and must be integrated as an essential element of another major division initiative mentioned earlier, development of a comprehensive case management system. Completion of these two initiatives will accomplish many of the recommendations made to DFYS by the Legislative Audit Division and others. For example, review of DFYS' governing statutes, implementation of uniform policies and procedures, and implementation of a monitoring system will all occur as an integral part of these projects.

Because of failure to receive funding for prior capital improvement projects to fund a management information system, DFYS has contracted for a review of past efforts and present needs to ensure that the current CIP addresses shortcomings noted in past projects which influenced funding decisions. DFYS is presently in the process of reviewing a draft report from Wolfe and Associates outlining a recommended approach to meeting the needs for management information system within the guidelines of the FY 88 Capital Improvement Project request.

Unfortunately, deficiencies in the existing system have been compounded by the recent reduction of resources and will make maintenance of the existing system more difficult. Cutbacks in the FY 87 budget require that a key data processing position be held vacant, and changes in the data processing environment will necessitate devoting approximately 90 percent of remaining data processing staff time to language conversions essential to maintain operation of our existing system.

We agree with auditors that the true costs of maintaining the current system extend far beyond data processing staff costs. These more-difficult-to-measure costs include decreased management effectiveness due to lack of essential planning information and ineffective use of direct service staff time. The drain on direct service staff time is compounded over time as decisions are made which directly affect services. For example, when the Sheffield Administration undertook its major child protection initiative,

DFYS staffing requests were held to only thirty-five positions on the basis that implementation of the requested new management information system would free staff time for direct service provision and offset the need for additional staff. However, because the MIS request was not funded and caseloads have increased, staff shortages were exacerbated despite the addition of the 35 positions.

In recognition of DFYS' critical need for a comprehensive management information system and need to capture the maximum federal funds, I have made funding and development of this system a departmental priority. I am also assigning the newly organized Department of Health and Social Services data processing group to aid DFYS staff in their development efforts and will make other department level resources available as necessary to ensure success.

### Recommendation No. 3

The Division of Family and Youth Services (DFYS) should develop standardized foster care procedures and encourage compliance through improved training and supervisory review. In addition, DFYS should continue working toward improved relations with foster parents in order to sustain a more viable foster care program.

DFYS generally agrees with auditors' identification of issues to be addressed to improve Alaska's foster care system. Much progress has been made to address problems since the 1983 Legislative Audit on Foster Care. In 1984, a systematic approach to achieving goals was jointly developed by foster parents and DFYS. Nearly one hundred issues in nine categories were identified for research, planning, and resolution. It was the consensus of foster parents and DFYS staff that five years would be needed for resolution of identified issues. There have never been "dedicated" resources for central management staff to oversee administration of the foster care program. State office management and program development staff are limited, comprising less than three percent of the DFYS budget. Despite the staff shortages, in the last year and one half, substantial action was taken to improve the foster care system and relationships with the Alaska Foster Parents Association (AFPA). New actions include:

- ° quarterly meetings with AFPA and state office personnel;
- ° follow-up contact between quarterly meetings on a weekly or more frequent basis;
- ° revision of the policy and procedure manual to include: a copy of case plans for foster parents; two weeks notice, when possible, to foster parents before removing a child from the home; and notification to parents when there are changes in case plans;
- ° adoption of several forms suggested by AFPA;
- ° case plan revisions including suggestions from AFPA:

- notification to all care providers of revisions to policy and procedures;
- consistent standards for parent support payments finalized in regulations;
- grievance procedure readied for promulgation in regulations;
- resolution of late payment issues;
- specialized foster care program being explored and developed including technology dependent infant program, and the Alaska Youth Initiative program;
- initiation of Youth Services specialized foster care program on a pilot basis;
- a new policy to fill vacancies with persons holding an MSW or BSW degree resulting in fifty-two professionals with a Master's degree in Social Work or a closely related field;
- training programs for foster parents provided jointly by AFPA and division staff;
- a comprehensive inventory of all children in DFYS custody in out of home care, information on each child's placement history, and a preliminary analysis; and
- specialized regional positions designated, monitoring procedures drafted, and piloting begun to ensure the systematic review of all children in foster care as required under Public Law 96-272 and Alaska statutes, and, on a limited basis, to perform case file monitoring and licensing file monitoring.

#### Foster Home Licensing

The DFYS agrees that licensing activities are behind. Here, as well as in Child Protective Services, staff resources have not kept pace with growth. To meet Child Welfare League standards, time devoted to the licensing of foster homes would need to be doubled. The audit correctly notes the importance of the licensing function and the need for additional recruitment efforts. However, with little likelihood of additional revenue and increased field staff to carry out these functions, expectations must be adjusted accordingly. State Office program staff have planned or are working on a number of regulatory and policy improvements to address field staff shortages. The following improvements will be completed or nearly completed this fiscal year:

- finalize licensing regulation changes with the assistance of the Foster Care Working Group, scheduled to submit recommendations in December, 1986;

- reduce the number of licensing criteria to be measured to those critical to ensuring safe and appropriate care in order to reduce staff time necessary for licensing;
- streamline the procedures to make them similar to licensing other facility types to avoid worker confusion;
- revise licensing manual procedures to include a supervisory review of some licensing files each year; and
- prioritize new foster home applications in order to train experienced foster parents for specialized foster care and to meet child placement needs by age range, specialization, and location rather than by new applicant interest.

### Complaint Investigations

The DFYS concurs with auditors' conclusion that complaint investigations are generally "reasonable and fair". However, the conclusion that despite the existence of policies and procedures addressing complaint investigations, there are wide variations in how complaints are handled both between and within offices, is disturbing but consistent with DFYS management perception. To improve consistency with limited resources, the following is the division's plan for addressing this problem this fiscal year:

- promulgation of revised licensing regulations, currently described by some as "vague", to provide clear guidance to workers investigating violations of those standards;
- review the findings of the Foster Care Working Group on complaint investigations scheduled for completion in December, 1986, and consider the recommendations for policy adoption;
- require logging complaint receipt date, level of danger, and disposition into the computerized system using the on-line capability (this is currently available, but not mandatory); and
- utilize supervisory staff for orientation and training of new workers in light of inadequate training funds.

### Specialized Foster Care

In recognizing the need for specialized foster care, the division developed a Youth Services pilot project. With the implementation of Title IV-E of the Social Security Act (federal Public Law 96-272), it became apparent that the division would need to develop a consistent definition of specialized foster care to ensure federal claiming. We agree with the audit finding that there are inconsistencies and that there should be equitable augmented rates applicable to both the Youth Services and Social Services foster care programs. Revised foster care purchase regulations, with the December, 1986,

recommendations of the Foster Care Working Group, will contain criteria applicable statewide for augmenting foster care rates. Foster care purchase regulation changes are scheduled for completion this fiscal year.

It should be noted that licensing, complaint investigation, and specialized foster care policy improvements are dependent on State Office program development staff. Further, cuts at the management level would result in delays or elimination of policy improvements.

#### Foster Parent Training

The division has long recognized that foster parents need skills and training in order to care for difficult children, and often, also, to maintain their family life in a positive and fulfilling manner. During FY 86, the division contracted with the AFPA, for the first time, to provide joint statewide training. A national expert provided consultation to foster parents, division foster care specialists, and division management in a special "kick-off" session. In spite of this effort, there were problems--some due to the lack of specific language in the contract, and some due to forces beyond the control of either AFPA or the division; for example, underfunding of child protection positions created in HB 88 resulted in delay of the foster care specialist positions being filled. It was necessary to establish effective new relationships at the regional rather than the state level, both for AFPA and the division. Expectations and goals were, in retrospect, exceptionally high for both AFPA and the division. The division remains committed to teaming with AFPA and is continuing the contract with the expectation that the experience of the first year will allow greater gains. If proposed regulations to require foster parent training are retained through the public hearing process, training of foster parents will be documented annually in each file.

#### Foster Parent Liability

Participation in a national teleconference on provider liability issues would indicate that the problems in Alaska are highly similar to the problems experienced in other states. The Foster Care Working Group is studying liability issues and will make recommendations to the division. The Division of Risk Management has agreed to provide a written statement to clarify liability coverage for foster parents and is recommending a review of AS 34.50.020 for an assessment of need for statutory clarification. Improvement and clarity of licensing regulations may also clarify some liability issues.

#### Relations With Foster Parents

The audit recognition of improved relations between the division and AFPA is appreciated. The DFYS and the AFPA continue to be committed to working together for the benefit of children. There have been difficulties, as noted earlier, at specific times, but this is not unusual given the natural tension that occurs in attempting to meet competing interests: child, natural

parent, foster parents, and agency. The fact that the tension is recognized, and there exists an agreement to work together, is positive. Despite major differences on some issues, the two organizations continue to work together on a frequent and planned basis.

Recommendation No. 4

DFYS should comply with the American Correction Association (ACA) national standards in order to receive accreditation for its juvenile confinement facilities.

The division fully agrees. In fact, the process of accreditation of its facilities was initiated unilaterally by DFYS, to evaluate and strengthen detention and treatment services.

It should be noted that meeting these standards does not simply mean that minimum requirements for safety and adequate program services are met. ACA standards require documentation that institutions exceed basic standards. Compliance ensures that the services provided are of high quality and in accordance with nationally recognized and respected indicators.

The division has asked for and has received some capital funding for the costs associated with meeting these standards. The division still intends to meet these standards, within revenue limitations.

The youth services facilities serve only a fraction of the number of youth who enter the system, and the facilities do not function in isolation from other parts of the justice system. It is important to consider the impact of the other parts of the system--the police, courts, intake, diversion, and probation--on the institutions' functioning. Agencies must coordinate to form a sensible, practical scheme of services to meet the two major goals of rehabilitating youth and protecting the community. The long-range goal of DFYS is to achieve accreditation of all aspects of its Youth Services system--intake, community services, and institutions. Accreditation of facilities was the initial step.

The division is aware of other aspects of the Youth Services system which must be addressed before accreditation is feasible. Among these are lack of adequate resources, such as specialized probation staff and community support services. Other factors beyond DFYS control include: 1) lack of control over the numbers of clients entering the system, especially institutions; 2) necessity of addressing unusual and increasing demands made on the system including individual treatment decisions made by the court, meeting federal criteria, serving children requiring specialized treatment, increasing demands from the public to arrest and incarcerate youth offenders and non-offenders such as runaways.

The complexities of treating juvenile offenders, assisting their families, and protecting the community in the context of shrinking social services dollars and multiple agency involvement impact DFYS' ability to provide the high levels of DFYS' institution services necessary to achieve accreditation.

December 15, 1986

Recommendation No. 5

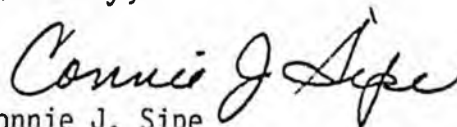
DFYS should take steps to improve and increase training of social workers and personnel working in youth detention facilities.

The division shares the concerns of the audit team regarding the need for adequate funding for training of DFYS staff. With its statutory mandates to provide protective services to children, delinquent youth, and to license facilities, division staff assume responsibility for dealing with sensitive and complex human issues which require unique specialized skills and understanding of complex laws and regulations.

As identified in the interim report, training funds have been drastically reduced, resulting in the ability to provide only orientation and minimal training regarding Alaska statutes and the policies and procedures of the division. Specialized intervention and treatment skills have been deleted from the training plan. With this evident lack of comprehensive training, the state is in a liable position, and more importantly, the quality of services for Alaska's youth and children is compromised.

DFYS has also identified the need to focus more attention on the inclusion of field supervisory staff in planning and training. All supervisors met in a management training session this year. It is recognized that supervisory staff are an essential link to the field's direct delivery of client services. Their inclusion in the overall philosophical direction of the division as expressed in policy and procedure is essential. Additional emphasis will also be made on training of institutional staff to work more adequately with confined juveniles. Meanwhile, training will focus primarily on basic knowledge and skills essential to job functioning. This will be accomplished through limited scheduled training sessions for selected staff groups and through direct supervision.

Sincerely,



Connie J. Sipe  
Acting Commissioner

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# STATE OF ALASKA

AUDIT DIVISION  
POUCH W  
JUNEAU, ALASKA 99811-3300

## THE LEGISLATURE BUDGET AND AUDIT COMMITTEE

December 15, 1986

Members of the Legislative Budget  
and Audit Committee:

We have reviewed the Department of Health and Social Services, Division of Family and Youth Services (DFYS) response to our preliminary report. Our comments follow:

### Auditor's Comments and Summary

In his response, the Commissioner indicates that DFYS has the statutory authority to intervene and provide services to runaway youths and that the agency is not required to defer to the refusal of the runaway. It should be emphasized that the report reflects the current DFYS policy and practice regarding service to runaways. Virtually everyone we spoke to during the course of our review, from the Commissioner to the local social worker in Tok, indicated that DFYS intervened in a limited and passive way when dealing with runaway youths who were not per se victims of abuse and neglect.



Gerald L. Wilkerson, CPA  
Legislative Auditor  
Division of Legislative Audit



SEP 20 1986

State of Alaska

September 24, 1986

Representative Virginia Collins  
2600 Denali, Suite 501  
Anchorage, Alaska 99503

RE: Complaints against DFYS

Reply to:

3201 C Street, Suite 403  
Anchorage, Alaska 99503  
(907) 563-3673

P.O. Box WO  
Juneau, Alaska 99811  
(907) 465-4970

P.O. Box 74358  
Fairbanks, Alaska 99707  
(907) 452-4001

Dear Representative Collins:

I enjoyed meeting you and your staff yesterday. As I told you, the Ombudsman's office has investigated a number of complaints against DFYS, and the summaries of these complaints are open to the public. In fact, your staff has access to the "OMBD" data base in "STAIRS" and can pull up lists of closed cases such as the one I have enclosed. I would be happy to assist you or your staff in doing stairs searches in our closed cases if you have an interest in doing so.

The Ombudsman's office has received 673 complaints against DFYS since January 1, 1984. Of these, 25 were "fully investigated," meaning the Ombudsman made a finding and recommendation if warranted. I have highlighted the first case to try to make the computer printout a little more comprehensible. One case was particularly significant: F83-1576 (listed as document 10) involved the death of the child, and the Ombudsman determined the agency failed to follow the law. The Ombudsman's investigation was eventually released to the press (not by this office) and received substantial attention.

In my experience, complaints against DFYS child protection services are frequently the most difficult and challenging this office investigates. I think there is a continuing need for a neutral agency to investigate these cases in order to provide a fair and unbiased analysis of the agency's actions, and I am doing my best to insure that the Ombudsman's office fulfills that role.

If you have any questions, please do not hesitate to contact me.

Sincerely,

Robert G. Walton  
Acting Ombudsman

RGW1:cm1  
enclosure: stairs search

November 20, 1986

Post Office Box  
Juneau, Alaska 99802

RE: Ombudsman Complaint J86-0338

Dear :

As I told you by phone, I received a response to my findings and recommendations from the director of the Division of Family and Youth Services, Mike Price. I have discussed the release of information with Mr. Price, the Attorney General's office, and the Director of the Division of Legal Services. This letter contains only the information about the investigation, findings, recommendations, and the agency's response that I am legally permitted to release at this time. Because the division's attorney believes that much of the material in my original report is confidential, and the law is clear that unauthorized release of confidential material is a misdemeanor, I have omitted most of the details.

I have enclosed the pertinent laws governing the release of confidential information for your information; you may wish to consult with an attorney if you want to obtain additional information.

Your allegation, as Ombudsman Assistant Dave Haas received it, was:

The Division of Family and Youth Services performed inefficiently in not thoroughly pursuing allegations of child abuse.

The investigation revealed there were inefficiencies in the way this case was handled by DFYS in four separate areas: mandatory reports, contacting those who reported concerns about this child, internal message handling within the division, and documentation in the file. I therefore found your complaint justified. However I cannot infer from this investigation and finding whether or not the actions DFYS took or the ultimate fate of the child would have been any different if no "inefficiencies" had occurred.

I submitted my findings on this matter to the director along with my findings in another case, in which the division was accused of overreacting to a report of harm. These two cases dramatically point to the challenge the division faces: criticism for failing to take enough action in some cases, criticism for taking too much in others.

November 20, 1986

In an effort to help improve the division's response to reports of concern and harm in the future, I offered recommendations to DFYS, including the following:

1. This investigation substantiates the facts that DFYS social workers have an enormous responsibility and that they are subject to severe criticism for their actions or inactions. My first recommendation is that the division place a high priority on initial and continuing training for social workers. The difficulty and significance of risk assessment in child protection clearly warrants a substantial level of training. I therefore encourage you to refer to this Ombudsman recommendation in your future budget submissions, if you think it is appropriate, to justify a training budget that is adequate.

2. Staff should file both the report of abuse and DOL report whenever required.

The value of the report required by AS 47.17.025 was questioned by several social workers and assistant attorneys general; it may be appropriate for me to bring this statute to the attention of the legislature and suggest a review to see if the requirement is achieving the purpose for which it was intended; I asked for the director's opinion.

3. The division's procedures manual should be clarified in several areas.

My opinion is that the manual has been improved and refined greatly in recent years, but there are several areas where the language and division performance are not consistent.

I recommend the division review the tenor of section 300.05.080 (f) (2)(E) and (F). If this is meant as a guideline, not as a mandate to interview all witnesses, regardless of their expected contribution, the current language should be modified. If it is meant to be a mandate, division staff should be so informed.

I also suggest the division add a guideline that staff normally interview the person who contacts the state about a report of harm as an initial step in the investigation, unless there is valid reason for not doing so (such as non-availability of the person who reported). The division should also add a specific reference to "boyfriends or girlfriends" in section 05.080, as an example of a regular member of a household.

4. The Juneau regional office should ensure that messages involving child abuse are handled in accordance with agency procedures. Also, the office should ensure there is better documentation (ROC notes) regarding calls made and what was said and about unsuccessful attempts to call.

5. The division should take an active role in annually communicating with other pertinent sectors of the community about reporting and investigating child abuse. The responsibility for protecting children is given to DFYS by statute, but in fact this is shared by others, including the families, persons required to report harm, and the public. The significance of the issue clearly warrants a statewide effort to establish and maintain good communication between these parties. I would like your comments on the value and practicality of a statewide forum, or series of forums that involve other agencies and groups in addition to DFYS.

One step might be for DFYS to make a presentation in the near future at the monthly medical meeting in Juneau. The subject should be child protection and abuse, including reporting requirements, standards and practices which might apply to the audience.

In the interests of maintaining a good working relationship with the medical community, medical personnel and others who report child abuse need feedback from the division. They should be recontacted.

We learned DFYS is administering a federal grant for child abuse training in the medical community. I understand this project is to include training at all hospitals in Alaska. As described, this project addresses one of the major conclusions of this investigation--that all sectors of society involved with child abuse need to be trained and reeducated so they can work together as effectively as possible. I strongly endorse this training.

6. The division should provide training in telephone procedures regarding reports of harm.

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I also offered this statewide perspective of the division's role in preventing child abuse:

The impassioned nature of this complaint dramatically focuses attention on the DFYS role in responding to reports of child abuse. As a neutral reviewer, I have been careful to analyze these complaints as

November 20, 1986

objectively as possible, particularly since the Ombudsman's Office is providing a type of "post-fatality review" that has in some states warranted a special commission. One conclusion I reached during the course of my review of these investigations is that the division's role in preventing child abuse should be put into careful perspective. As you may know, a Mat-Su Physician, Dr. George Brown, recently received an international award for his work in preventing child abuse. I briefly discussed the role of DFYS with him, and he referred me to the booklet "Child Abuse" by Ruth and Henry Kempe. The following, quoted from the chapter entitled "A Community-Wide Approach," seemed particularly relevant to me:

Child abuse . . . is a very widespread problem, and the consciousness is growing that traditional child-protection agencies are simply not equal to it. It is no criticism of them to say that they have neither the funds nor the staff to make the necessary impact. Nor can they possibly bring to bear all the skills this multifaceted problem requires. What is needed, and what is now beginning to be created, is a new and more broadly based approach that will draw more effectively on the resources of the community. . . .

What are the basic ingredients of a community-wide plan? First, there must be recognition that putting the whole burden of responsibility on the social worker will no longer work and that a broadly based team effort--using experts from many disciplines--should take the place of that system. . . .

I am of the opinion that DFYS alone cannot adequately address this major social issue, particularly as the division faces budget constraints and unrelenting workloads. I am considering a press release upon closing this complaint, with the intent of reemphasizing the "shared responsibility" needed to address child abuse. It is my impression that the medical community, school systems, and other related sectors of society could support DFYS better if the communication were better between all groups; if this office can contribute to that, I intend to do so.

Michael Price, director of the division, responded to me on November 17. He stated in part:

This is in response to your . . . preliminary findings and proposed recommendations . . . Before responding to individual findings and recommendations, it is necessary to first set forth the position of the division regarding the

November 20, 1986

fundamental system deficiencies responsible for situations which resulted in the filing of both of these complaints. While the division supports and agrees with specific recommendations in your report, there is a fundamental disagreement with the primary focus of causes contributing to the filing of both complaints. Your report emphasizes policy deficiencies and lack of training in relation to both situations and to inefficient operations systems within the Juneau office as the primary factors contributing to difficulties in service delivery. It is the position of the division that the lack of adequate resources is the major factor contributing to each of these cases, not policy issues or office systems. . . .

The usual clientload in the Juneau office has been averaging over 100 clients per worker, which is far above the standard of 50 clients per worker . . . the most relevant issue in the handling of the case was lack of manpower to enable the existing system to operate efficiently. While the division does plan to make recommended adjustments to policy and procedure and training, such change will not compensate for the failure to provide the proper ratio of staff to clients. Enclosed for your review is a brief comparison study of the agency clientload and staff available in 1983 and 1986. The enclosure shows that in Juneau, the adult and child protective services clientload grew from 373 in January 1983 to 725 in August 1986. This represents a 94% increase in the total clientload and a need for 7.5 additional Social Worker positions to meet a standard of 50 clients per social worker. These numbers were validated by an administrative review of all open client cases on November 5 and 6, 1986. The review resulted in the closure of 25 client cases; the remaining 700 client cases are actively being served.

The division has and is making efforts to carry the message to the public, the Legislature, and the Governor that the ability to carry out this agency's mandate to protect children in Alaska from abuse and neglect is seriously eroded because of inadequate resources. . . .

The division plans to implement recommendations made in relation to this case--others are beyond the ability of the division to unilaterally implement without necessary financial support.

Re: Recommendation #1

November 20, 1986

Response

In the past year, the division assumed responsibility for personnel functions related to recruitment and processing of applications for Social Worker positions in an effort to more quickly and efficiently recruit and hire and to upgrade the entry level requirements for new social worker appointments. The register point system was revised to give additional points to persons with Master of Social Work (MSW) and Bachelor of Social Work (BSW) degrees which has resulted in increased ability to hire persons with formal education in social work. Currently there are 39 social workers with the division who have MSW degrees, and 21 have Master's degrees in a related field. Eleven social workers have BSW degrees, and 54 have BA degrees in a related field. There is one social worker with a doctorate.

However, in addition to formal educational background, training of personnel in agency policy and procedure, state laws, and other issues relevant to Child Protective Services in Alaska is critical to an effective service delivery system. An MSW does not prepare personnel in these areas. In the past few years, funding for training in this division was dropped from one half million dollars to less than \$100,000 excluding the salary and benefits of the remaining staff position designated to coordinate training for the division's more than 500 employees. Training continues to be a priority for the division, and requests for adequate funding of a training component are documented each year. However, adequate levels of funding have not been included in final budget submissions or have not been appropriated at sufficient levels to enable the division to provide a solid training program.

Re: Recommendation #2

Response

Filing of the Report of Abuse with the Department of Law is a legal requirement that will continue to be reinforced with division staff in policy and training. The value of filing this report has also been questioned by a recent preliminary report of the Division of Legislative Audit. With diminishing state resources and the concomitant necessity to review priorities, it may be appropriate to present this issue to the Legislature for review. The division, however, has not completed any objective analysis of whether or not the requirement is

November 20, 1986

necessary to achieve its purpose. Such an analysis would more appropriately be left to a disinterested agency.

Re: Recommendation #3

Response

As recommended, the Intake Manual will be amended to make specific reference to girlfriends and boyfriends as examples of regular household members.

The manual language will clarify expectations with regard to re-interviewing the reporter of abuse or neglect. If the report is made directly to the division, and not through a second party as in the Fairbanks situation, and if the screener accepting the complaint follows current division procedures regarding information which must be ascertained to initiate an investigation, it would be an unnecessary duplication of effort to re-contact the reporter before beginning the investigation. Re-contact certainly should occur if new questions arise as the investigation proceeds. . . .

Re: Recommendation #4

Response

The division has recently completed a two level review of office procedures. As a result of the Regional Review, the following measures will be undertaken to improve weaknesses identified.

1. Reports of Harm

In order to ensure timely reporting to the Department of Law, the Juneau office has instituted a system where need for filing a Report of Harm is noted in the supervisor's intake report log along with the date the reports should actually leave the office. As an additional check, the actual "Report of Child Abuse" is routed through the supervisor. The date of the report is noted in the log and distributed.

2. Messages and Case Information Systems

A new "on-call" or night-intake message distribution policy was initiated in June of this year.

The "on-call" worker not logs all contacts in narrative format and includes the date and the time of the call. These reports or logs are then given to the supervisor the next working day for review. The log notes are then reviewed by the supervisor, and any further needed action is taken.

A review of the case filing system is also underway to ensure more timely filing of messages and other case documents and to ensure ready access to all recent information for staff who might be working with the case.

### 3. Weekly Intake Planning

The Juneau office has initiated a weekly intake planning session in order to further ensure that various messages and contacts are provided to the appropriate staff. All Reports of Harm are reviewed to ensure appropriate and timely action and efficient communication between workers.

State Office also conducted an extensive review of the Juneau office procedures which will result in broader recommendations for possible redistribution of workload for some positions and methods to enhance communication between the regional and the field offices.

A major finding reconfirmed the need for additional staff resources in the Juneau office. A plan for emergency transfer of an existing Social Worker III position in another part of the state to Juneau is being considered to assist with the workload until a new position can be made permanently available to the Juneau office.

Re: Recommendation #5

#### Response

In the past several years, the division has taken a very active role in public education. Two years ago

November 20, 1986

the division received a grant which allowed development of a statewide campaign to improve identification and reporting of abuse and neglect by the general public. Sixty thousand brochures were printed and distributed to all professionals required to report. The brochures were designed to address the individual needs of the various professional groups. Television and radio spots were produced and aired, with the goal of increasing public awareness.

The division has also received funding for another year to continue statewide education of medical providers in the identification, diagnosis, and reporting of child abuse and neglect. The training provided this year was very successful, and the division agrees that continued efforts to educate the community about child abuse and neglect are very important. However, these efforts are possible only with continued funding made available specifically for training purposes and, therefore, state and national support is necessary to support such activities.

Re: Recommendation #6

Response

The manual section regarding procedures for receiving a report of harm will be revised to include this recommendation.

I intend to further review the director's response, and give additional consideration to the issue of confidentiality. I will then advise you whether I will close the case or take further action.

If you have any questions, please call me.

Sincerely,



Robert Walton  
Acting Ombudsman

RW:jjb  
Enclosures: AS 47.17.040  
7 AAC 36.020  
7 AAC 36.060  
21 AAC 20.360

# Alaska State Legislature

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Special Committee on  
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Finance Sub-Committee

Minority Whip

Representative Virginia M. Collins

October 9, 1986

Steve Cowper  
P. O. Box 10-0019  
Anchorage, Alaska 99510

Senator Arliss Sturgulewski  
4417 Old Seward Highway  
Anchorage, Alaska 99503

Dear Mr. Cowper and Senator Sturgulewski:

Recently, I held a public meeting on Child Protection Laws in Alaska. The meeting was held at the Anchorage Legislative Information Office and was attended by over 100 concerned citizens from the Anchorage area as well as officials from the Division of Family and Youth Services and Attorney General's office. The purpose of the meeting was to gather information from DFYS and the general public on the effectiveness of Alaska's Child Protection Laws.

Enclosed for your information is a transcript of the meeting testimony which I think you will find very revealing. After reading the transcript, I'm sure you will agree that Alaska's Child Protection Codes may require a thorough review. That is why I am requesting that you make this issue a major consideration for your administration, in the event you are elected Governor.

Specifically, I am requesting your new administration make it a top priority to re-establish the Children's Code Task Force to review and make recommendations on state statutes, regulations, and policy dealing with runaways, juvenile waivers, housing for juvenile offenders and child sexual assault.