

ALASKA LEGISLATURE COMMITTEE FILES 1987-1988 8672

5311 SJUD SB 141 - SB 176 83

Metallic soaps are commonly found in coating formulations. These compounds are made up of metals such as:

copper, iron, lead, mercury, tin, and zinc;

and another chemical usually listed as:

lineolate, naphthenate, octoate, oleate, palmitate, stearate, or tallate, and others.

The amount of metallic soap in a formulation is small, minimizing the hazard of exposure. However, some metals (lead, mercury) can accumulate once they enter the body and this may result in poisoning. A special warning statement should appear on the label if the coating contains mercury at or above 0.02% or lead. For information concerning exposure to metals, see Pigment section above.

Organo-metallic compounds such as phenylmercury oleate and dibutyltin dioctoate are used in formulations as preservatives and fungicides. Organic tin can cause irritation of the eyes, throat and skin. Severe exposures may cause liver and nervous system damage if swallowed or inhaled.

Organic mercury may also cause irritation of the eyes and respiratory system and allergic skin rashes may occur. Higher exposures or continued exposure over a long period of time may cause mercury poisoning. Symptoms can include numbness and tingling of the lips, hands and feet; tunnel vision; hearing difficulties and emotional disturbances. In severe cases these effects may become permanent. Onset of symptoms may be delayed for months.

Chlorinated phenols, such as pentachlorophenol, are another class of compounds used as preservatives and fungicides. They may be present in concentrations up to 0.5%. Skin contact is the most common route of exposure. Symptoms include pain and inflammation at the point of contact. Prolonged exposure can cause chemical acne, profuse sweating and elevated temperature. Some chlorinated phenols are readily absorbed through the skin and this has resulted in at least one fatality.

#### PROTECTIVE MEASURES:

The two most likely kinds of exposure from paint products are through inhalation of vapor and skin contact. Good ventilation is a necessity. This may mean painting only when weather permits opening windows or supplying forced ventilation where needed. In spray painting operations, a protective mask may also be required if droplets are carried into the breathing zone. Skin contact can be avoided by wearing coveralls, a hat and, if necessary, gloves. If you do get paint on large areas of skin or clothing, remove the contaminated clothing and wash affected area promptly.

Although eye contact and ingestion are accidental types of exposures, you should be prepared for this possibility. Because you cannot remove paint from the eye with normal paint cleaners, having emergency water on hand is advised. Avoid storing, preparing, or eating food in the work area, and be sure to clean your hands thoroughly before touching food. And, because paint solvents will be in the air, you should not smoke while painting.

Chemical Fact Sheets are available from the New York State Department of Health on the following paint related chemicals:

Acetone	Isopropyl alcohol(Isopropanol)	Nickel
Benzene	Kerosene	Pentachlorophenol(PCP)
2-Butanone(MEK)	Lead	Petroleum distillates
Chromium	Manganese	Petroleum ether
Copper	Mercury	Titanium dioxide
Ethyl alcohol(Ethanol)	Methyl alcohol(Methanol)	Toluene
Ethylene glycol	Methylene chloride	Xylene;
Gasoline	Mineral Spirits	Zinc
Iron	Naphthalene	

For additional information:

Contact the Safety Officer or Industrial Hygienist at your worksite or the Bureau of Toxic Substance Assessment, Tower Building, Empire State Plaza, Albany, New York 12237.

Bill No. Committee Substitute for Senate Bill 141 (L&C) Date January 15, 1988  
Title "An Act relating to hazardous painting certification." Contact: Richard Arab  
465-4856  
Eileen Plate  
465-2700

Committee Substitute for Senate Bill 141 is designed to assure the competency of persons employed to perform hazardous painting in the state and thereby prevent harmful exposures to workers who apply toxic and hazardous paints, to their co-workers and to the public.

Under the provisions of this bill, persons who are employed to perform hazardous painting must complete an approved training program and be certified. The training program would consist of instruction in and a demonstration of each person's knowledge and skill in using safe work practices and appropriate protective equipment. The bill limits the certification requirements to only the more hazardous painting applications and thereby excludes from the certification requirements low toxicity water-based paints widely used in residential painting.

Today, many solvents, metals, pesticides, isocyanates, and carcinogens are applied to surfaces in Alaska because highly resistant surfaces are needed for the harsh environment which exists in many parts of the state. Exposure to those toxic and hazardous substances can cause a variety of adverse health effects. For example:

- Nerve and brain damage, including memory and coordination impairment, result from chronic solvent exposures. Hepatitis and increased incidence of accidents also result from acute solvent exposures;
- Heavy metal poisoning occurs from exposure to lead, cadmium and other metals;
- Asthma and anaphylactic shock occurs from isocyanate exposures;
- Pesticide poisoning occurs from exposure to wood preservative additives such as penta chlorophenol.
- Heart attacks can occur from overexposure to methylene chloride; and
- Cancer can result from exposure to chromate paint pigments and benzene solvents;

These occupational diseases and injuries can be prevented by using appropriate work practices and proper protective equipment. The public and building occupants near painting projects can be better warned and protected by certified painters who use appropriate isolation and curing times. Workers' families, as well as other members of the community, need to be protected from the exposure to toxic material, such as lead chromate, brought home on the individual worker's person or clothing.

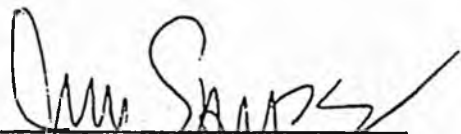
**POSITION PAPER/Department of Labor**

Under the provisions of this bill, the Department of Labor would establish minimum requirements for certification training programs; review and approve such programs; issue certificates to persons who present evidence of having completed an approved training program; and enforce the certification requirements.

The effective date set out in Section 3 of the bill needs to be changed. The Department recommends a January 1, 1989, effective date. This will provide the lead time needed to develop the training program curriculum and to educate employers on the certification requirements. The industry will likewise need this lead time to have training programs in place and workers trained by the effective date.

The Department supports the provisions of this bill.

APPROVED:



Jim Sampson, Commissioner  
Department of Labor

FISCAL NOTE

REQUEST:

Revision Date: \_\_\_\_\_  
Title: "An act relating to hazardous painting certification."  
Sponsor: Josephson  
Requestor: Senate Judiciary

Agency Affected: Labor  
BRU: Labor Standards and Safety  
Components: Occupational Safety and Health

EXPENDITURES/REVENUES: (Thousands of Dollars)

OPERATING	FY 88	FY 89	FY 90	FY 91	FY 92	FY 93
PERSONAL SERVICES		64.8	77.5	77.5	77.5	77.5
TRAVEL		10.0	5.0	5.2	5.3	5.5
CONTRACTUAL		13.2	17.3	17.8	18.4	18.9
SUPPLIES		1.1	1.4	1.4	1.5	1.5
EQUIPMENT		1.6	0	0	0	0
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
TOTAL OPERATING	0	90.7	101.2	101.9	102.7	103.4
CAPITAL						
REVENUE	0	100.0	150.0	50.0	100.0	150.0

FUNDING: (Thousands of Dollars)

GENERAL FUND		90.7	101.2	101.9	102.7	103.4
FEDERAL FUNDS						
OTHER						
TOTAL	0	90.7	101.2	101.9	102.7	103.4

POSITIONS:

FULL-TIME		2.0	2.0	2.0	2.0	2.0
PART-TIME						
TEMPORARY						

ANALYSIS : (Attach a separate page if necessary)

Prepared by: Tom Stuart, Director Phone: 465-4870  
Division: Labor Standards and Safety Date: 1/15/88  
Approved by Commissioner: Jim Sampson Date: 1/15/88  
Agency: Labor

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

Fiscal Note Analysis  
CSSB 141 (L&C)

This bill would require the department to adopt regulations covering persons who are employed in "hazardous painting." The department would issue certificates, for a fee, to persons who complete an approved training course. The department would also enforce the provisions of the bill by inspections and through the issuance of citations.

Expenditures:

In order to effectively administer this program the department would require two new positions, an Industrial Hygienist I, and a Clerk Typist III. The Industrial Hygienist would help develop the required regulations and training program guidelines. Also, a tracking system would be created to monitor approved training programs and to account for certificates and fees. This position would travel to inform employer and employee organizations of the new law.

The Clerk Typist III would begin work six months after the Hygienist. This would allow time for the regulations to be developed and implemented. The Clerk would then process the requests for certification and operate the in-house tracking systems.

Revenues:

It is estimated that 1,000 persons will take the required training course and apply for a certificate during the last six months of FY 1989. During the second year, the number of applications is expected to increase to 1,500 as most persons who want to be certified will have completed training by the end of FY 1990. During the third year, the number of applicants is estimated to drop to approximately 500 as only new entrants into the painting occupation will need certification. In FY 92 and FY 93, activity is expected to increase as persons who received certificates in FY 89 and FY 90 must be re-certified. (The certification will be valid for three years).

Estimated Revenue:

	<u>FY 89</u>	<u>FY 90</u>	<u>FY 91</u>	<u>FY 92</u>	<u>FY 93</u>
Certificates Issued	1,000	1,500	500	1,000	1,500
Fee	<u>\$ 100</u> \$100,000	<u>\$ 100</u> \$150,000	<u>\$ 100</u> \$50,000	<u>\$ 100</u> \$100,000	<u>\$ 100</u> \$150,000

Assumptions:

1. An effective date of July 1, 1988 for the program except for the certification requirement that will go into effect on January 1, 1989.
2. The certificate fee would be established at \$100.
3. Inflation on non-personal services items will be 3% per year.

Position Title <b>Industrial Hygienist I</b>		No. of Positions <b>1</b>	Range/Step <b>19A</b>	Barg. Unit <b>GGU</b>
Time Status <b>PFT</b>	Staff Months <b>12</b>	Location <b>Anchorage</b>		Election District
Type of Expenditure		Amount		
1	2	3		
Salary	40,032			
Benefits	12,009			
Premium Pay				
Other				
Total Personal Services		52,041		
Travel		10,000		
Contractual		9,700		
Commodities		700		
Equipment		1,600		
Other				
Total Cost		74,041		
Funding Source for Total Cost				
Federal Receipts	1002			
G. F. Match	1003			
General Fund	1004	74,041		
GF Program Receipts	1005			
Other				
Justification				
<p>This position would work on developing the required regulations and training programs necessitated by the bill. Also, the position would develop an in-house system to keep track of the training programs and certificate holders. As training programs are implemented, this position would ensure compliance with the provisions of this bill.</p> <p>Costs include \$10,000 for travel to inform workers and employers of the new law. Normal contractual, commodities and one-time furniture purchases are also included.</p>				

**Request For  
New Position**

Agency Labor  
 BRU Occupational Safety and Health  
 Component Occupational Safety and Health

Page 4 of 5  
 Revised Date

**FY 89**

Position Title <b>Clerk Typist III</b>		No. of Positions 1	Range/Step 8A	Barg. Unit GGU
Time Status PFT	Staff Months 6	Location Anchorage		Election District
Justification				
Type of Expenditure			Amount	
1	2	3		
Salary	9,786			
Benefits	2,936			
Premium Pay	--			
Other	--			
Total Personal Services		12,722		
Travel		0		
Contractual		3,522		
Commodities		350		
Equipment		0		
Other		0		
Total Cost		16,594		
Funding Source for Total Cost				
Federal Receipts	1002			
G. F. Match	1003			
General Fund	1004	16,594		
GF Program Receipts	1005			
Other				

This clerical position would provide support for the in-house tracking system and would process the requests for certification. Costs include normal contractual and commodities.

The position would start six months after the program has begun to allow time for the regulations and tracking system to be implemented. The position would work 12 months after the first year.

**Request For  
New Position**

Agency Labor  
 BRU Occupational Safety and Health  
 Component Occupational Safety and Health

Page 5 of 5  
 Revised Date

**FY 89**

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

Bill Version : CSSB 141 (L&C)

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

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

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

Agency Affected: Labor

Title: "An Act relating to hazardous painting certification."

BRU: Occupational Safety and Health

Sponsor: Josephson

Components: Occupational Safety and Health

Requestor: Senate Labor and Commerce

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

OPERATING	FY 87	FY 88	FY 89	FY 90	FY 91	FY 92
PERSONAL SERVICES		64.8	77.5	77.5	77.5	77.5
TRAVEL		10.0	5.0	5.2	5.3	5.5
CONTRACTUAL		13.2	17.3	17.8	18.4	18.9
SUPPLIES		1.1	1.4	1.4	1.5	1.5
EQUIPMENT		1.6	0	0	0	0
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
TOTAL OPERATING	0	90.7	101.2	101.9	102.7	103.4

CAPITAL						
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REVENUE		200.0	100.0	50.0	150.0	75.0
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**FUNDING: (Thousands of Dollars)**

GENERAL FUND		90.7	101.2	101.9	102.7	103.4
FEDERAL FUNDS						
OTHER						
TOTAL		90.7	101.2	101.9	102.7	103.4

**POSITIONS:**

FULL-TIME		2	2	2	2	2
PART-TIME						
TEMPORARY						

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

(See attached)

Prepared by: Tom Stuart, Director *Stuart*

Phone: 465-4870

Division: Labor Standards and Safety

Date: 4/14/87

Approved by Commissioner: Jim Sampson *Sampson*

Date: 4/14/87

Agency: Labor

**Distribution (by preparer):**

Legislative Finance

Legislative Sponsor

Requestor

Office of Management and Budget

Impacted Agency(ies)

Senate Secretary

## Fiscal Note Analysis

### CSSB 141 (L&C)

This bill would require the department to adopt regulations concerning persons who are employed in "hazardous painting." The department would issue certificates, for a fee, to persons who complete an approved training course. The department would also enforce the provisions of the bill by inspections and through the issuance of citations.

#### Expenditures

In order to effectively run this program the department would require two new position, an Industrial Hygienist I and Clerk Typist III. The Industrial Hygienist would help develop the regulations to enforce this bill. Training program guidelines would be developed, and fees for certifications set. Also, an in-house tracking system would be created to monitor approved training programs and to account for certificates and fees. This position would travel to inform employer and employee organizations of the new law.

The Clerk Typist III would begin work six months after the Hygienist. This would allow time for the regulations to be developed and implemented. The Clerk would then process the requests for certification and operate the in-house tracking systems.

#### Revenues

We are estimating 2,000 persons will take the required training course and apply for a certificate the first year. This would cover persons employed to paint commercially as well as those self-employed. During the second and third year we estimate the number of applications would drop by 50%, but in the fourth year the number will increase as re-certification will be required. (The certification will be valid for three years).

#### Estimated Revenues:

	<u>FY 88</u>	<u>FY 89</u>	<u>FY 90</u>	<u>FY 91</u>	<u>FY 92</u>
Certificates Issued	2,000	1,000	500	1,500	750
Fee	<u>100</u>	<u>100</u>	<u>100</u>	<u>100</u>	<u>100</u>
	200,000	100,000	50,000	150,000	75,000

#### Assumptions

1. An effective date of July 1, 1987.
2. The certificate fee would be established at \$100.
3. Inflation of non-personal services items will be 3% per year.

Position Title <b>Industrial Hygienist 1</b>			No. of Positions <b>1</b>	Range/Step <b>19A</b>	Org. Unit <b>GGU</b>	Gov. <b>Leg.</b>	Approv.	Dispositi	
Time Status <b>PFT</b>	Staff Months <b>12</b>	RP Number	Location <b>Anchorage</b>		Election District				
Type of Expenditure			Justification						
1		2	3						
Salary	40,032								
Benefits	12,009								
Premium Pay	---								
Other	---								
Total Personal Services		52,041	<p>This position would work on developing the required regulations and training programs necessitated by the bill. Also, the position would develop an in-house system to keep track of the training programs and certificate holders. As training programs are implemented, this position would ensure compliance with the provisions of this bill.</p> <p>Costs include \$10,000 for travel to inform workers and employers of the new law. Normal contractual, commodities and one-time furniture purchases are also included.</p>						
Travel		10,000							
Contractual		9,700							
Commodities		700							
Equipment		1,600							
Other									
Total Cost		74,041							
Receipt Code	Funding Source								
	Federal Receipts	1002							
	G. P. Match	1003							
	General Funds	1004							74,041
	I-A Receipts	1005							
	Program Receipts	1028							
	CIP Receipts	1061							
	Other								
For B&M Use Only									
Key Number									

**Request For  
New Position**

Agency Labor  
 BRU Occupational Safety and Health  
 Component Occupational Safety and Health

Page 1 of 2  
 Revised Date

**FY 87**

Position Title <b>Clerk Typist III</b>			No. of Positions	Range/Step BA	Barg. Unit GGU	Gov.	Approv.	Disapp.	
Time Status PFT	Staff Months 6	RP Number	Location Anchorage		Election District	Leg.			
Type of Expenditure			Justification						
		Amount	<p>This clerical position would provide support for the in-house tracking system and would process the requests for certifications. Costs include normal contractual and commodities.</p> <p>The position would start six months after the program has begun to allow time for the regulations and tracking system to be implemented. The position would work 12 months after the first year.</p>						
1	2	3							
Salary	9,786								
Benefits	2,936								
Premium Pay	---								
Other	---								
Total Personal Services		12,722							
Travel		0							
Contractual		3,522							
Commodities		350							
Equipment		0							
Other		0							
Total Cost		16,594							
Receipt Code	Funding Source								
	Federal Receipts	1002							
	G. F. Match	1003							
	General Funds	1004							16,594
	I-A Receipts	1005							
	Program Receipts	1028							
	CIP Receipts	1061							
	Other								
For B&M Use Only Key Number _____									

**Request For  
New Position**

Agency Labor  
 BRU Occupational Safety and Health  
 Component Occupational Safety and Health

Page 2 of 2  
 Revised Date

**FY 87**

SB

153

294

STATE OF ALASKA 1987 LEGISLATIVE SESSION  
FISCAL NOTE

Bill Version:  
Publish Date:

SB 153  
4-28

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

Revision Date:  
Title: An act relating to the penalty  
imposed for certain traffic offenses  
Sponsor: Fahrenkamp  
Requestor:

Agency Affected: Alaska Court System  
BRU: Trial Courts

Components:

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	. . . .	. . . .	. . . .	. . . .	. . . .	. . . .
TOTAL OPERATING	0.0	0.0	0.0	0.0	0.0	0.0
CAPITAL	. . . .	. . . .	. . . .	. . . .	. . . .	. . . .
REVENUE	(19.2)	(19.2)	(19.2)	(19.2)	(19.2)	(19.2)

FUNDING:		(Thousands of Dollars)				
	FY 87	FY 88	FY 89	FY 90	FY 91	FY 92
General Funds	0.0	0.0	0.0	0.0	0.0	0.0
Federal Funds	. . . .	. . . .	. . . .	. . . .	. . . .	. . . .
Other	. . . .	. . . .	. . . .	. . . .	. . . .	. . . .
TOTAL	0.0	0.0	0.0	0.0	0.0	0.0

POSITIONS:						
	FY 87	FY 88	FY 89	FY 90	FY 91	FY 92
Full-time	. . . .	. . . .	. . . .	. . . .	. . . .	. . . .
Part-time	. . . .	. . . .	. . . .	. . . .	. . . .	. . . .
Temporary	. . . .	. . . .	. . . .	. . . .	. . . .	. . . .

ANALYSIS: \_\_\_\_\_

See attached analysis.

Prepared by: Robert G. Fisher, Fiscal Officer  
Division: Alaska Court System  
Approved by: *Stephanie J. Cole*, Deputy Director  
Agency: Alaska Court System

Phone: 264-8215  
Date: 3-19-87  
Date: 3-19-87

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

ALASKA COURT SYSTEM

FISCAL NOTE

SB 153

HB 158

This legislation allows a 10 percent reduction in traffic bail or fine amounts for moving violations, if all persons in the vehicle are wearing seatbelts at the time of committing the infraction. This legislation will reduce fine and forfeiture revenues to the state.

To estimate fiscal impact, the Court obtained information from the Alaska Seatbelt Use Coalition on seatbelt utilization. The Coalition's studies indicate that approximately 35% of Anchorage drivers and 39% of Fairbanks drivers wear seatbelts or a simple average of 37% for both areas. Information is not available for other areas of the state or for passenger seatbelt usage. For estimating the impact of this legislation on revenues, it is assumed that driver and passenger seatbelt utilization will average 37% for the entire state.

The fiscal impact is estimated as follows.

Estimated statewide traffic violation revenues from moving violations	\$520,000
Estimated percentage of seatbelt usage	37% -----
Estimated statewide revenues for traffic violations involving drivers and passengers using seatbelts	192,400
Bail or fine reduction percentage for seatbelt use	10% -----
Estimated reduction in statewide traffic violation revenues	\$19,240 =====

294

STATE OF ALASKA 1987 LEGISLATIVE SESSION  
FISCAL NOTE

Bill Version: SB 153 *a*

Publish Date: *4-28*

REQUEST

Revision Date: \_\_\_\_\_  
Title: "An Act relating to the penalty imposed for certain traffic offenses."  
Sponsor: Sen. Fahrenkamp  
Requestor: Senate State Affairs

Agency Affected: Public Safety  
BRU: Alaska State Troopers

Components: Detachments & CIB

EXPENDITURES/REVENUES: (Thousands of Dollars)

OPERATING	FY 87	FY 88	FY 89	FY 90	FY 91	FY 92
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:

\_\_\_\_\_

*JNR*  
*3/9/87*

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

Phone: 269-5691  
Date: 3/6/87

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

Date: 3/9/87

Distribution (by preparer):

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

295

STATE OF ALASKA 1987 LEGISLATIVE SESSION  
FISCAL NOTE

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

Bill Version: HB 158 / SB 153b  
Publish Date: 3/23/87 4-2V

Revision Date: \_\_\_\_\_  
Title: An act relating to the penalty  
Imposed for certain traffic offenses  
Sponsor: Davis, Pearce, Shultz, & Donley  
Requestor: \_\_\_\_\_

Agency Affected: Health  
State Health Services  
BRU: \_\_\_\_\_  
Components: Public Health Administration  
Services - EMS

EXPENDITURES/REVENUES: (Thousands of Dollars)

OPERATING	FY 87	FY 88	FY 89	FY 90	FY 91	FY 92
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	-0-	-0-	-0-	-0-	-0-	-0-
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FUNDING: (Thousands of Dollars)

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

POSITIONS:

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

ANALYSIS:

Enactment of HB 158 would have no direct fiscal impact on the Department of Health and Social Services.

Prepared by: Elizabeth Ward, MN, Director  
Division: Public Health

Phone: 465-3090  
Date: March 18, 1987

Approved by Commissioner: *Maria M. Munson*  
Agency: Dept. of Health & Social Services

Date: 3/23/87

Distribution (by preparer):

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

Public Health

SB 153 An Act Relating to the penalty imposed for certain traffic offenses by Senator Fahrenkamp.

Sectional Analysis by Senator Fahrenkamp's office 4/27/87

Section 1. AS 28.05.151(b) Form and Issuance of Citation

Amended to include reference to proposed Section 2 of the bill.

Section 2. AS 28.40.050 Penalty for violations of law, regulations, and municipal ordinances.

Adds a new subsection (f) which would give a 10% reduction in the amount of a bail or fine if the driver and any passengers were wearing seatbelts at the time of a commission of a moving traffic violation for which the Supreme Court has established a scheduled amount of bail.

Examples of such infractions are speeding, running a stop sign or red light, or equipment violations, i.e. infractions that do not carry jail time. It does not apply to infractions requiring court appearances, misdemeanors, or felonies, such as driving while intoxicated, reckless driving, or negligent homicide.

This bill would apply only to those municipalities for which the Supreme Court has established jail for violations of municipal ordinances.

*Back-up SB153*



Alaska Court System  
State of Alaska

OFFICE OF ADMINISTRATIVE DIRECTOR

KARLA L. FORSYTHE  
STAFF COUNSEL

303 K Street  
Anchorage, Alaska 99501

(907) 264-8228

March 18, 1987

Senator Bettye Fahrenkamp  
Alaska State Legislature  
P. O. Box V  
Juneau, Alaska 99811

Dear Senator Fahrenkamp:

I am writing to bring to your attention some court system concerns relating to Senate Bill 153, an act relating to the penalty imposed for certain traffic offenses. This bill would require the supreme court to issue a revised bail schedule incorporating a ten percent reduction in the amount of bail if a person and passengers in a car were wearing seatbelts at the time the infraction was committed.

The bill appears on its face to apply only to infractions. However, vehicle and traffic offenses which the supreme court has listed on the bail schedule include some misdemeanors as well. These provisions could be covered by the statute by amending lines 20 and 25 to change the word "infraction" to the word "offense."

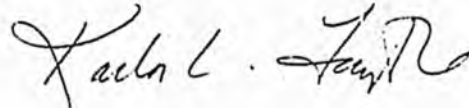
It would also be helpful if the legislation could clarify whether this legislation applies only to offenses under state law, or whether it applies to offenses under municipal ordinances as well.

With regard to the overall impact of this legislation, it appears that the greatest impact would be on enforcement officers, who would be required to determine whether the driver and passengers are wearing seatbelts, to write down the correct bail amount, and to appear in court to testify at a hearing if a person requested a court appearance to question the amount of bail. Any impact on court procedures could be absorbed with existing resources. The court system's fiscal notes is based solely on the anticipated revenue reduction.

Senator Bettye Fahrenkamp  
March 18, 1987  
Page Two

I hope this information is helpful. Please let me know if you have additional questions.

Sincerely,



Karla L. Forsythe  
Staff Counsel

KLF:bs

cc: Senator Mitchell Abood, Chair, State Affairs  
Senator Jay Kerttula, Chair, Senate Judiciary Committee.  
Arthur H. Snowden, II, Administrative Director  
Robert G. Fisher, Fiscal Officer

3/11/87-

Position Paper

House Bill No. 158/SB 153

For an Act entitled: "An Act relating to the penalty imposed for certain traffic offenses."

This Act would amend AS 28.05.151(b) to allow a ten percent (10%) reduction in the fine or ball that would otherwise be applicable for a moving traffic violation if the driver and passengers are wearing their seatbelts at the time of the offense.

Motor vehicle crashes are a leading cause of death, injury and long-term disability. They are the leading cause of death to persons between 1 and 35 years of age. For teenagers, car crash fatalities outnumber the next five causes of death combined. Numerous studies have shown that seat belts and other vehicle safety restraints substantially reduce the likelihood of death or injury to motor vehicle occupants involved in crashes. Efforts to educate the public about the benefits of seatbelts have failed to convince the majority of vehicle occupants to use their safety belts.

This act would provide an incentive for some individuals to wear their seat belts by reducing the fine or ball imposed for a traffic violation. The Department does not believe that such a law would have as much of a measurable impact on motor vehicle deaths and injuries, as would legislation requiring mandatory safety belt use.

Position

The Department believes that the use of seatbelts can greatly reduce the number of deaths and injuries from motor vehicle crashes. The intent of this act is to encourage such use, but will probably have a minimal impact. The Department's position is neutral on this legislation.

Recommended by:

Elizabeth Ward  
Elizabeth Ward, M.N.  
Director  
Division of Public Health

Date:

March 19, 1987

Approved by:

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

Date:

March 23, 1987

BILL NO: SB 153

DATE: 3/9/87

TITLE: "An Act relating to the penalty imposed for certain traffic offenses."

CONTACT: Major Walter J. Gilmour  
Acting Director  
Alaska State Troopers

DEPARTMENT OF PUBLIC SAFETY

Provides an incentive for seatbelt use by motorists.

This bill may be an incentive for persons to wear seatbelts. Violators are given reduced fines provided they and their passengers are wearing seat belts when contacted by the citing officer.

The citing officer would have to be very alert to know if the occupants were actually utilizing seat belts or simply put them on when they realized they were being stopped for the violation.

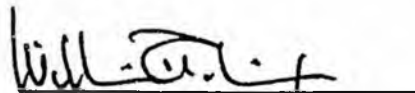
This may confuse some people who mail in bail. They may not discount the 10% when deserved while others may discount the 10% when they in fact were not wearing belts. (The issue may be in dispute).

The bill may encourage more people to wear belts.

The bill will reduce the amount of funds generated by fines.

The bill may put additional burden on the court and the Troopers. The Court may have to issue a warrant for an individual if there is a dispute as a result of the 10% discount. The Alaska State Troopers would be required to serve these warrants.

The Department of Public Safety is neutral on this legislation.



William R. Nix  
Acting Commissioner

ALASKA STATE TROOPERS

SB

156

# Alaska State Legislature

INTERIM OFFICE  
1024 WEST SIXTH AVENUE  
ANCHORAGE, ALASKA 99501  
(907) 274-2843

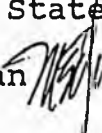
Senator Mitch Abood  
CHAIRMAN



IN SESSION:  
POUCH V  
JUNEAU, ALASKA 99811  
(907) 465-4714

## Senate Committee on State Affairs

### MEMORANDUM

TO: Members of the Committee on State Affairs  
FROM: Senator Mitch Abood, Chairman   
DATE: March 27, 1987  
SUBJECT: CS for Senate Bills 156; 173 and 180

I have prepared committee substitutes for three bills that provide for contributions from permanent fund dividends for various uses - SB 156, SB 173 and SB 180. All the programs have been placed under the administration of the Department of Revenue and each bill is identical, so that all the contribution provisions that pass can be placed in the same section of the law, instead of being scattered throughout the statutes as is presently the case.

If more than one of these committee substitutes are enacted, the revisor of statutes will simply renumber the paragraphs listing check-offs to accomodate all that are enacted.

The Department of Revenue has also suggested that language be inserted in all of the check-off bills that would provide for a system of prioritization among the dividend programs in cases where there are insufficient funds to honor all of the programs which an individual has chosen to contribute through his or her dividend.

Our legislative legal counsel has advised the committee that providing a system for prioritization is not possible in the current individual committee substitutes unless the three check-off plans are incorporated into one bill and presented as a list which can then be prioritized.

The Committee may want to transmit a letter to either the Finance Committee or the Rules Committee along with CSSB 156, 173 and 180, requesting that they provide a system for prioritizing the various dividend plans which will ultimately reach them this session.

POSITION PAPER  
SB 156

SB 156 creates an option on the Permanent Fund Dividend Application so applicants can direct that \$25 of their dividend be donated to the political party they indicate. The Department of Revenue may use a portion of the funds to pay administrative costs.

The Department of Administration must hold the funds in trust for distribution to the political parties.

The bill has no direct impact on the Alaska Public Offices Commission. The political parties would not receive a list of the individuals who donated through this method but that would not be particularly troublesome. Under the Commission's regulations, an organization may hold a fund-raiser at which the names of contributors are not recorded so long as there are 25 or more paying participants and no one contributes more than \$50. Since SB 156 would limit the maximum donation per individual to \$25, the proposal could be considered consistent with the regulation which was designed to alleviate some of the recordkeeping burdens associated with low cost fund-raisers where large numbers of people attended.

The Commission's position on SB 156 is neutral.

Sheda Pittman 3/20/87  
Exec. Director, Alaska Public Offices Commission Date

Jan Rogers / for 3-23-87  
Chairman, Alaska Public Offices Commission Date

STATE OF ALASKA 1987 LEGISLATIVE SESSION  
FISCAL NOTE

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

Bill Version: SB 156

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

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

Agency Affected: Administration  
BRU: Alaska Public Offices Commission

Title: An act relating to contributions from permanent fund...

Sponsor: Hensley, Coghill, et. al.

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

Requestor: Senate State Affairs

EXPENDITURES/REVENUES: (Thousands of Dollars)

OPERATING	FY 87	FY 88	FY 89	FY 90	FY 91	FY 92
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	0	0	0	0	0	0
---------	---	---	---	---	---	---

FUNDING: (Thousands of Dollars)

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

POSITIONS: 0 0 0 0 0 0

FULL-TIME						
PART-TIME						
TEMPORARY						

ANALYSIS : (Attach a separate page if necessary)

Prepared by: Theda Pittman *Theda Pittman* Phone: 276-4176  
Division: Alaska Public Offices Commission Date: 3/20/87

Approved by Commissioner: Jean Rogers *Jean Rogers* Date: 3-23-87  
Agency: Chairman, Alaska Public Offices Commission

Distribution (by preparer):

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

# Alaska State Legislature

INTERIM OFFICE  
1024 WEST SIXTH AVENUE  
ANCHORAGE, ALASKA 99501  
(907) 274-2843

IN SESSION:  
POUCH V  
JUNEAU, ALASKA 99811  
(907) 465-4714



Senator Mitch Aboud  
CHAIRMAN

## Senate Committee on State Affairs

CSSB 156 SA  
CSSB 180 SA  
CSSB 173 SA

### LETTER OF INTENT

The Senate Committee on State Affairs has considered CSSB 156 (State Affairs) "An Act relating to contributions from permanent fund dividends for political parties; and providing for an effective date"; CSSB 173 (State Affairs), "An Act relating to contributions from permanent fund dividends to the community school grant fund; and providing for an effective date"; and SB 180 (State Affairs), An Act relating to contributions from permanent fund dividends for the World Eskimo-Olympics; and providing for an effective date.

It is the intent of the Senate Committee on State Affairs that language be inserted in all of the permanent fund dividend check-off bills which would devise a system of prioritizing the check-off programs to provide for instances where garnishments or assignments reduce the dividend, leaving insufficient funds to honor all of the programs which the individual has selected. The Committee proposes that the order of prioritization be based on date of enactment. In cases where two bills have the same date of enactment, it is the intent of the Committee that the bills be listed in alphabetical order.

STATE OF ALASKA 1987 LEGISLATIVE SESSION  
FISCAL NOTE

Bill Version: SSB 156 SA

Publish Date: 3-31

REQUEST

Revision Date: \_\_\_\_\_  
Title: Contributions from PFD's to political parties  
Sponsor: Hensley, et al  
Requestor: Senate State Affairs

Agency Affected: Revenue  
BRU: Administrative Services

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

EXPENDITURES/REVENUES: (Thousands of Dollars)

	FY 87	FY 88	FY 89	FY 90	FY 91	FY 92
OPERATING						
PERSONAL SERVICES	-	21.9	10.7	10.7	10.7	10.7
TRAVEL	-	-	-	-	-	-
CONTRACTUAL	-	11.0	11.0	11.0	11.0	11.0
SUPPLIES	-	0.2	0.2	0.2	0.2	0.2
EQUIPMENT	-	-	-	-	-	-
LANDS & STRUCTURES	-	-	-	-	-	-
GRANTS, CLAIMS	-	-	-	-	-	-
MISCELLANEOUS	-	-	-	-	-	-
TOTAL OPERATING	-	33.1	21.9	21.9	21.9	21.9
CAPITAL	-	-	-	-	-	-
REVENUE	-	-	-	-	-	-

FUNDING: (Thousands of Dollars)

GENERAL FUND	-	33.1	-	-	-	-
FEDERAL FUNDS	-	-	-	-	-	-
OTHER (political party acct)	-	-	21.9	21.9	21.9	21.9
TOTAL	-	33.1	21.9	21.9	21.9	21.9

POSITIONS:

FULL-TIME	-	-	-	-	-	-
PART-TIME	-	3	2	2	2	2
TEMPORARY	-	-	-	-	-	-

ANALYSIS: Attach a separate page if necessary

(See attached)

Prepared By: Ervin B. Jones  
Division: Administrative Services

Phone: 465-2313  
Date: 3/19/87

Approved by Commissioner: [Signature]  
Agency: Revenue

Date: 3/20/87

Distribution (by Agency preparing fiscal note):

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

Department of Revenue  
Administrative Services Division  
Fiscal Note Analysis  
SB 156  
3/19/87

Assumptions:

- 1) The bill will take effect for the 1988 permanent fund dividend year and application. The 1987 dividend application has already been printed.
- 2) There are nine other bills which if signed into law, would result in some form of "check-off" on the 1988 dividend application. The Department of Revenue has no insight as to which, and how many, of these bills will become law. This fiscal note, and all related fiscal notes, is prepared on the assumption that the subject bill is the only bill of this nature which will become law. The passage of multiple bills with varying formulas (\$5, \$25, half of dividend, all or part of dividend, etc.) will inevitably have a compounding effect. Whereas there may be savings in some areas, there will be increased costs in others.
- 3) All FY88 costs of administering this law will be borne by the general fund, since no funds will be available to the political party account until October 1, 1988. Funding for administrative costs in FY89 and thereafter will be taken from the political party account as appropriated by the legislature.
- 4) The incremental cost of computer resources will result in a chargeback by the Department of Administration.
- 5) Whereas the cost of programming changes will be a one-time cost, the cost of document review, data capture, data processing chargeback, and the extra page in the dividend application will be continuing.
- 6) Contributions will only be honored to the extent of available funds. Garnishments and assignments will take precedence in the order established by statute. Contributions will then be honored in the order listed on the form schedule, which will be in the order they become law.
- 7) The Department of Revenue will determine qualifying political parties in cooperation with the Division of Elections and will list the parties by name on the PFD application.
- 8) It is assumed that each applicant will contribute to only one political party.

Program Summary:

The provision of a new contribution decision on the dividend application will cause additional administrative cost in several areas:

- a) An additional page added to each application, a schedule of contribution decisions.
- b) The computer system will need to be changed to account for the change in the program, to establish new accounting controls and to provide for the transfer of funds to the trust account (see Attachment A).

*Back up SB 156 SA*

- c) Each of approximately 540,000 PFD applications will need to be visually reviewed and coded as to decision on the contribution decision. Each application will be data captured with additional attention and keystrokes expended on each positive decision.
- d) The accounting for the political party account will be performed by existing staff in the Fiscal Section of Administrative Services.

1. Positions

1 PPT Analyst/Programmer V, R21  
 @ \$5,638.47/Mo including salary  
 and benefits for 2 months = \$11.2

PCN 04-1125 would be funded for an additional two months, in accordance with Attachment A. Ongoing maintenance of new programs would be accomplished by existing staff.

1 PPT Document Processor I, R7  
 @ \$2,117.76/Mo, including salary and  
 benefits for 3 months = \$6.3

This position would assist in the manual review and coding of 540,000 applications for the new contribution decision. This position represents the equivalent of the additional time and effort.

1 PPT Data Processing Clerk I, R8,  
 @ \$2,221.64/Mo, including salary and  
 benefits for 2 months = \$4.4

This position would assist in the data capture of the additional contribution decisions. The position represents the equivalent value of the additional time and effort.

TOTAL Personal Services \$21.9

2. Other Expenditures:

a) Travel: None.

b) Contractual:

Data Processing Chargeback \$5.0  
 Add additional page to PFD  
 booklet \$6.0

c) Supplies: \$0.2

d) Equipment: Use existing equipment 0.0

TOTAL COST \$33.1

3. Funding: General Fund.

4. Section Cost Analysis: N/A.

Computations: N/A.

Economic Impact: N/A.

Impact on Local Government: N/A.

Suggested Amendments: The following amendment #1 should be considered.

1. Sec. 1, line 12-16 is amended to read:

". . . The Department of Revenue shall prepare the permanent fund dividend application to allow [AN APPLICANT] individuals who are 18 years of age or older to direct that \$25 of their dividend be subtracted from the check and contributed to the political party designated by the applicant."

Current state law (AS15.13.120(a)(4)) prohibits an individual from making a political contribution in the name of another person. Since the child's permanent fund dividend application is filed on behalf of the child by the parent or other sponsor, it is arguable that an election on the PFD Child's application, executed by the parent, may be contrary to the above referenced statute.

2. Sec. 1, line 18-20 is amended to read:

". . . The Department of Revenue [MAY] shall use money in the account to pay administrative costs incurred under this section [.] as appropriated by the legislature. . ."

Attachments: Attachment A: "Summary of DP Needs"

Department of Revenue  
Administrative Services Division  
Fiscal Note Analysis  
SB 156  
Summary of Data Processing Requirements  
3/19/87

Wang data entry processing	75.0 hours
Includes:	Data entry Batch lists Corrections Wang to IBM transfer
IBM Update jobs	30.0 hours
Includes:	Edits Batch listings Log sheets
DMS Online programs for lookup and changes	37.5 hours
Nightly Update of Changes	22.5 hours
Warrant Jobs	90.0 hours
Includes:	Printing warrants with different amounts. Include check stub messages. Modify warrant registers as needed for balancing. Create new program(s) for transferring accumulated contributions to the Political Party Account, and to account for the reserve necessary due to returned and cancelled PFD warrants.
Miscellaneous	45.0 hours
Includes:	Setting up test files on IBM Systems testing Administrative functions, i.e. paper work required by Admin. DP to add files and programs to tables.
TOTAL HOURS	300.0 hours

# The Republican Party of Alaska



Jim Crawford  
Chairman

Marylin Palne  
National Committeewoman

Eldon Ulmer  
National Committeeman

Jack Wilbur  
Vice Chairman

Gail Phillips  
Secretary

Tim McKeever  
Treasurer

Charlot Thickstun  
Asst. Secretary

Lloyd James  
Asst. Treasurer

Dave Harbour  
Finance Chairman

Cliff Groh  
Legal Counsel

750 E. Fireweed Lane, Suite 102  
Anchorage, Alaska 99503  
(907) 276-4467

March 25, 1987

Senator Willie Hensley  
P.O. Box V  
Juneau, AK 99811

Dear Senator Hensley:

Thank you for your request for comments from the Republican Party of Alaska in regard to SB 156. This bill would provide a check off on Permanent Fund applications that would allow Alaskans to direct a portion of their dividend to support political parties.

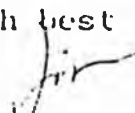
We appreciate your recognition that political parties deserve financial support from the citizenry because of their role in charting the future of our state. We want to thank you and your fellow sponsors for their intentions.

The most important part of the bill as we read it is that it protects the Permanent Fund from administrative charges that would be incurred by the establishment of this new program. Our party has spoken strongly about defending the Permanent Fund. We believe that, even if our party benefits from a program, the program should not impair the ability of the Fund to provide for future needs of our state's citizens.

Current Alaska law forbids the contribution of money to a political party in the name of another. We strongly urge you to continue to honor that principle by slightly revising the current bill. Political parties should be given the names of those who direct a portion of their dividend to the party of their choice. That way we could thank each donor and report their contribution according to the APOC regulations.

Thank you for your efforts, and thank you for offering us the opportunity to comment on your bill.

With best regards,

  
Jim Crawford  
Chairman, Republican Party of Alaska

*Committee B  
SB 156*



# Democratic Party of Alaska

MAR 23 1987

Jack Roderick  
State Chair

March 20, 1987

Virgie King  
1st Vice Chair

State Affairs Committee  
Pouch V  
Juneau, AK 99811

Hilda Woods  
Treasurer

Dear Committee Members;

Carolyn Covington  
Secretary

This letter is in support of SB #156, which would allow individuals to donate to political parties by a "check off" system from one's Permanent Fund Dividend application.

Pegge Begich  
Finance Director

Bob Goldberg  
Legal Counsel

There seems to be public concern with the way political campaigns are financed. The common thread that runs through legislation pending before the 15th Session of the Alaska Legislature is that too much "special interest" money is bankrolling campaigns in Alaska. I see much of the campaign related legislation as intending to strengthen the political parties as a way of negating the affects of the "special interest" contributions. Senate Bill #156 works toward the goal of strengthening political parties in Alaska. This is a step in the right direction towards lessening the influence of "special interest" contributions, thereby helping to reform campaign practices in Alaska.

Doris Volske  
National Committeewoman

Vander Pearson  
National Committeeman

Chancy Croft  
Policy Commission

Peg Tileston  
Alaska Democrat

The Alaska Democratic Party is solidly behind this legislation. Thank you.

Sincerely,

*Jack Roderick*

Jack Roderick,  
Party Chair

WDB

Bill Bobrick  
Exec. Director

Susie Barnett  
Office Manager

(907) 562-3050

P.O. Box 10-4199 • Anchorage, AK 99510

Effect of amendments. — The 1984 amendment changed the internal reference in the introductory language of subsection (b).

**Chapter 21. Oil and Gas Corporate Income Tax.**

*[Repealed, § 19 ch 116 SLA 1981.]*

Editor's notes. — This chapter repeal line is set out above to correct a minor error in the main pamphlet.

**Chapter 23. Permanent Fund Dividends.**

- Section 25. Amount of dividend
- 45. Dividend fund
- 55. Duties of the department

- Section 65. Exemption of permanent fund dividends

Cross references. — For 1982 permanent fund dividend distribution, see § 19, ch. 102, SLA 1982, in the Temporary and Special Acts; for extension of application period for 1982 and 1983 dividends, see § 4, ch. 55, SLA 1983 and § 1, ch. 43, SLA 1984, respectively, in the Temporary and Special Acts.

Opinions of attorney general. — If

**Sec. 43.23.005. Eligibility.**

Revisor's notes. — Sections 2 and 3, ch. 99, SLA 1985, amend (e) and (d) of this section respectively. The amendments are effective if § 1, ch. 99, SLA 1985 is repealed (see § 25, ch. 99, SLA 1985). If the amendments become law, the subsection will read: "(c) A parent, guardian, or other authorized representative may claim a permanent fund dividend on behalf of an unemancipated minor or on behalf of an incompetent individual who is eligible to receive a dividend under this section.

"(d) A person who is eligible to receive a permanent fund dividend under this section, or who is authorized to claim a divi-

the legislature enacts any other distribution program which is consistent with the intent of the permanent fund dividend law (AS 43.23), any appropriation to implement that program will be exempt from the appropriation limit of § 16, art. IX, of the state constitution. 1983 Op. Att'y Gen. No. 01.

depend on behalf of another under (e) of this section, may elect to receive the dividend either in cash or as an annuity credit. Alternatively, a person may elect to receive 25 percent, 50 percent, or 75 percent of the dividend in cash and the remainder as an annuity credit. A person who is 65 years of age on or before January 1, 1988 may only receive the permanent fund dividend in cash and may not elect to receive an annuity credit."

Section 22, ch. 99, SLA 1985 provides for an advisory vote to be held at the general election in 1986. For the text of that provision, see § 22, ch. 99, SLA 1985 in the Temporary and Special Acts.

5B 156

**NOTES TO DECISIONS**

Stated in *Alaska Oil Co. v. Alaska*, 45 Bankr. 358 (D. Alaska 1985).

**Sec. 43.23.015. Application and proof of eligibility.**

Revisor's notes. — Sections 4 — 8, ch. 99, SLA 1985, amend (a), (b), (e) and (f) of this section, and add a new (d). The amendments are effective if § 1, ch. 99, SLA 1985 is repealed (see § 25, ch. 99, SLA 1985). If the amendments become law, the section will read: "(a) The commissioner shall adopt regulations under the Administrative Procedure Act (AS 44.62) establishing the process for determining the eligibility of individuals for permanent fund dividends. The commissioner may require an individual to provide proof of eligibility, and the commissioner may use other information available from other state departments or agencies to determine the eligibility of an individual.

"(b) The department shall prescribe and furnish an application form for claiming a permanent fund dividend. The application must contain a statement of eligibility and a certification of residency in substantially the following form:

I certify that  
 (1) I am a state resident on the date of this application and I have been a state resident for at least six months immediately preceding the date of this application; or

(2) I (name), the individual on whose behalf I am applying, is a state resident and has been a state resident for at least six months immediately preceding the date of this application.

I understand that a false claim of residency to obtain a permanent fund dividend for myself or for another is a criminal offense and that if convicted I will forfeit future permanent fund dividends and

that I will bear or must repay all permanent fund dividends that have been credited or paid to me, and any accrued interest in my annuity account. I understand that this penalty is in addition to any criminal penalties imposed.

(signature of individual, parent, guardian, or other authorized representative)

"(c) If a public agency claims a dividend on behalf of an individual under this section, the public agency shall elect 100 percent cash under AS 43.23.005(d) and hold the dividend in trust for the individual. Money held in trust under this subsection shall be invested by the commissioner in accordance with AS 37.10.070.

"(d) A minor or an incompetent individual may not maintain a claim against the state or an officer or employee of the state based either on the manner in which the parent, guardian, or authorized representative other than a public agency of the state managed or disposed of permanent fund dividends received on behalf of the minor or incompetent, or an election made or not made on that individual's behalf under AS 43.23.005(d).

"(e) The permanent fund dividend application form shall be prepared to allow an applicant, other than a person who is exempt under AS 47.45.015(b), to elect to receive the dividend either in cash or as an annuity credit."

Section 22, ch. 99, SLA 1985 provides for an advisory vote to be held at the general election in 1986. For the text of that provision, see § 22, ch. 99, SLA 1985 in the Temporary and Special Acts.

**Sec. 43.23.025. Amount of dividend.** By October 1 of each year the commissioner shall give public notice of the value of each permanent fund dividend for that year. The commissioner shall determine the value of a permanent fund dividend by

(1) determining the amount of income of the Alaska permanent fund transferred to the dividend fund under AS 43.23.045(b) during the current year;

SB

176

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

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

Bill Version: Senate Bill No. 176

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

Revision Date: \_\_\_\_\_  
 Title: An Act relating to the Office of  
 Public Advocacy & Volunteer GAL  
 Sponsor: Uehling  
 Requestor: \_\_\_\_\_

Agency Affected: Division of Family & Youth  
 Social Services  
 BRU: Youth Services  
 Components: \_\_\_\_\_

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

OPERATING	FY 87	FY 88	FY 89	FY 90	FY 91	FY 92
PERSONAL SERVICES						
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						
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)

N/A

Prepared by: Yvonne M. Chase, Director *JMC*  
 Division: Division of Family & Youth Services

Phone: 465-3170

Date: 3/17/87

Approved by Commissioner: Myra M. Munson, Commissioner *MM*  
 Agency: Department of Health & Social Services

Date: 3/20/87

Distribution (by preparer):

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

STATE OF ALASKA 1987 LEGISLATIVE SESSION  
FISCAL NOTE

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

Bill Version: SB 176 b  
Publish Date: 3/19/87 - 2-1-87

Revision Date: \_\_\_\_\_  
Title: "An Act relating to volunteer guardian ad litem program..."  
Sponsor: Uehling  
Requestor: Senate Judiciary

Agency Affected: Administration  
BRU: Office of Public Advocacy

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

EXPENDITURES/REVENUES: (Thousands of Dollars)

OPERATING	FY 87	FY 88	FY 89	FY 90	FY 91	FY 92
PERSONAL SERVICES		53.1	84.2	87.6	91.1	94.7
TRAVEL		3.6	3.7	3.8	4.0	4.2
CONTRACTUAL		2.0	0	0	0	0
SUPPLIES		2.0	2.1	2.2	2.3	2.4
EQUIPMENT		2.4	9.3	0	0	0
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
TOTAL OPERATING		63.1	99.3	93.6	97.4	101.3

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

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

FUNDING: (Thousands of Dollars)

GENERAL FUND		63.1	99.3	93.6	97.4	101.3
FEDERAL FUNDS						
OTHER						
TOTAL		63.1	99.3	93.6	97.4	101.3

POSITIONS:

FULL-TIME		1.0	2.0	2.0	2.0	2.0
PART-TIME						
TEMPORARY						

ANALYSIS : (Attach a separate page if necessary)

\_\_\_\_\_  
Prepared by: Philip J. McLeath  
Division: Office of Public Advocacy

Phone: 274-1684

Approved by: Brant McGee, Public Advocacy

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

Approved by Commissioner: Garrey Paska  
Agency: Department of Administration

Date: 3/20/87

Distribution (by preparer):

- Legislative Finance
- Legislative Sponsor
- Requestor
- Office of Management and Budget
- Impacted Agencies
- Senate Secretary

## CONTINUATION of FISCAL NOTE ANALYSIS

For Bill/Resolution No. SB 176

This bill relates to the establishment of a volunteer guardian ad litem program within the Office of Public Advocacy. This bill would substantially improve the ability of the Office of Public Advocacy to provide guardian ad litem representation to children in abuse and neglect cases as well as contested custody cases.

It is anticipated that the Office of Public Advocacy would need a program director position in FY88 and a clerk typist III position in FY89 in order to implement a volunteer guardian ad litem program.

BUDGET ANALYSIS

<u>Personal Services</u>	<u>FY88</u>	<u>FY89</u>
Associate Attorney II - Range 19/A (FY88)	53.1	55.2
Clerk Typist III - Range 08/A (FY89)	0	29.0
	<u>53.1</u>	<u>84.2</u>
<u>Travel</u>		
3 Trips to Ketchikan		
3 Trips to Fairbanks	3.6	3.7
<u>Contractual</u>		
Advertising		
Printing Training Material	2.0	0
<u>Supplies</u>	2.0	2.1
<u>Equipment</u>		
Associate Attorney II (FY88)	2.4	
Clerk Typist III (FY89)		9.3
	<u>2.4</u>	<u>9.3</u>
TOTAL:	63.1	99.3

Position Title <b>Associate Attorney II</b>		Nu. of Positions <b>I</b>	Range/Step <b>19/A</b>	Barg. Unit <b>X</b>
Time Status <b>PFT</b>	Staff Months <b>12</b>	Location <b>Anchorage-EBA</b>		Election District <b>8</b>
Justification				
An Associate Attorney II position to act as program director is essential if the CASA, volunteer guardian ad litem program is to be successfully implemented. It is not possible for present staff positions to carry a full guardian ad litem case-load and assume the duties of establishing and coordinating the volunteer program. The half-time position that is currently funded by federal and private money is inadequate and ends in February, 1988. It is anticipated that the program director will coordinate recruitment, screening and training of volunteers in the Anchorage area. The program director will also be responsible for establishing similar volunteer programs in Fairbanks and Ketchikan, and will study the feasibility of establishing such a program in the rural areas of Alaska. Additionally, the position will be devoted to extensive community education and fundraising for the project.				
Type of Expenditure		Amount		
1	2	3		
Salary	40,236			
Benefits	12,882			
Premium Pay				
Other				
Total Personal Services		53,118		
Travel				
Contractual		2,000		
Commodities		2,000		
Equipment		2,429		
Other				
Total Cost		59,547		
Funding Source for Total Cost				
Federal Receipts	1002			
G. F. Match	1003			
General Fund	1004	59,547		
I A Receipts	1006			
CP Receipts	1001			
Other				

**Request For  
New Position**

Agency Department of Administration  
 DRU Office of Public Advocacy  
 Component Office of Public Advocacy

Page 3 of 4  
 Revised Date

**FY 88**

Position Title <b>Clerk Typist III</b>		No. of Positions <b>1</b>	Range/Step <b>08/A</b>	Barg. Unit <b>G</b>
Time Status <b>PFT</b>	Staff Months <b>12</b>	Location <b>Anchorage-EBA</b>		Election District <b>8</b>
<b>Justification</b>				
A Clerk Typist III position will be needed to provide clerical support to the volunteer guardian ad litem program director. At present, Office of Public Advocacy has only 3 clerical support positions who provide clerical support to a professional staff of 12 in the Anchorage office. It is not possible for the present secretarial positions to absorb the additional clerical support generated by the program director and the volunteer program.				
<b>Type of Expenditure</b>		<b>Amount</b>		
<b>1</b>	<b>2</b>	<b>3</b>		
Salary	<b>21,078</b>			
Benefits	<b>7,954</b>			
Premium Pay				
Other				
<b>Total Personal Services</b>		<b>29,032</b>		
Travel				
Contractual				
Commodities				
Equipment		<b>9,338</b>		
Other				
<b>Total Cost</b>		<b>38,370</b>		
<b>Funding Source for Total Cost</b>				
Federal Receipts	1002			
G. F. Match	1003			
General Fund	1004	<b>38,370</b>		
IA Receipts	1006			
CFP Receipts	1061			
Other				

**Request For  
New Position**

Agency Department of Administration  
 DRU Office of Public Advocacy  
 Component Office of Public Advocacy

**1<sup>st</sup>Y 89**

Page 4 of 4  
 Revised Date



# Alaska State Legislature

## Senate

SENATOR RICK UEHLING

P.O. BOX V  
State Capitol  
Juneau, Alaska 99811

Official Business

Senate Finance  
Committee

To; Senator Mitch Abood, Chairman  
Senate State Affairs Committee  
From: Senator Rick Uehling

Subject: SB 176, "An Act relating to the office of public advocacy and volunteer guardians ad litem."

Date: March 19, 1987

I have asked staff to provide the following background and information regarding SB 176, "An Act relating to the office of public advocacy and volunteer guardians ad litem."

The Office of Public Advocacy was created in 1984 to provide guardian ad litem representation to abused and neglected children who are the subject of child in need of aid actions and delinquency proceedings.

This legislation would allow the Office of Public Advocacy to develop and coordinate a volunteer guardian ad litem program and allow the agency to accept grants of funds from local governments and private persons.

The Office of Public Advocacy has begun a pilot volunteer guardian ad litem project with a Federal Grant of 23,000 dollars and a grant of 11,000 dollars from the National Council of Juvenile and Family Court Judges. However, these funds will run out in February, 1988. The program currently has 12 volunteers who have completed training with another 12 soon to complete training. The program has been a success so far and SB 176 will allow the program to continue.

There is a fiscal note of 60,000 dollars which would allow the Department to hire a program coordinator.

In addition, there is one amendment I wish to have made which clarifies questions about civil liability and requires that volunteer guardian ad litem do not act as attorneys. This would bring SB 176 into conformance with its companion bill, HB 7.

A M E N D M E N T

Offered in the SENATE

By Uehling

TO: SB 176

Page 2, lines 19 - 21:

Delete "the federal government, local governments, and [FROM] private persons [FOUNDATIONS],"

Insert "governments [THE FEDERAL GOVERNMENT] and from persons [PRIVATE FOUNDATIONS],"

Page 2, line 23:

Delete "a new section"

Insert "new sections"

Page 2, line 24, following "GUARDIANS."

Insert "(a)"

Page 2, following line 28:

Insert the following to read:

"(b) This section does not affect the civil liability of the office of public advocacy.

Sec. 44.21.460. NONATTORNEY VOLUNTEER GUARDIANS AD LITEM. A nonattorney volunteer guardian ad litem may not give legal advice or act in the capacity of attorney for a minor before a court or administrative agency.

Sec. 44.21.490. DEFINITION. In AS 44.21.410 - 44.21.490,  
"volunteer guardian ad litem" means a court-appointed special advocate  
(CASA)."

POSITION PAPER

SENATE BILL NO. 176

For an Act entitled: "An Act relating to the office of public advocacy and volunteer guardians ad litem."

This bill amends AS 44.21.410 to allow the Office of Public Advocacy to expand services of guardians ad litem by developing and maintaining a corps of volunteer guardians ad litem.

AS 47.17.030(e) states that "in all" actions taken by the Department or a Health and Social Services agency of a local government under this chapter that result in a judicial proceeding, the child shall be represented by a guardian ad litem in that proceeding. Funds available for salaried guardians ad litem are not adequate to retain sufficient personnel to serve all Alaskan children, who have a legal right to the services of a guardian ad litem under AS 47.17.030(e). This results in assignment of guardians only to those cases determined to be the most complicated and a lowering in quality of guardian services due to excessive caseloads. The average caseload in Anchorage is 150 cases per guardian ad litem. This is well above the level at which adequate services can be provided.

Volunteer guardian ad litem programs such as proposed in this bill have proven successful in many states. A stable corps of paid professional staff would be able to maintain a quality service at an expanded level by providing necessary recruitment, training, and supervision for a volunteer corps.

The Department strongly supports this bill.

RECOMMENDED:

Worne M. Chase  
Worne M. Chase, Director  
Division of Family  
and Youth Services

DATE:

March 17, 1987

APPROVED:

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

DATE:

March 20, 1987

*Backup SB176*

POSITION PAPER

SB 176

An Act relating to Volunteer Guardian  
ad litem/Court Appointed Special Advocates  
(VGAL/CASA) in the Office of Public Advocacy

Senate Bill 176 mandates that the Office of Public Advocacy (OPA) develop a volunteer guardian ad litem program and allows the agency to receive funds from additional sources for this purpose.

The following review of the history of OPA and the volunteer concept will provide the background underlying the OPA's support of SB176.

HISTORY AND DUTIES OF OFFICE OF PUBLIC ADVOCACY:

The Office of Public Advocacy was created and placed within the Department of Administration in the Spring of 1984. The Office of Public Advocacy is required by Statute (A.S. 44.21.410) to provide services in the following three areas.

(1) Guardian ad litem representation to abused children in Child In Need of Aid proceedings, guardian ad litem representation of children in custody disputes, legal representation of parents in Child In Need of Aid proceedings where there is a conflict with the Public Defender's Office, guardian ad litem activities in guardianships for minors, and a host of other civil functions, including legal representation of parents involved in custody disputes where the other party is represented by a public agency, i.e. Alaska Legal Services.

(2) Legal representation of indigent persons charged with crimes where the Alaska Public Defender Agency has a conflict of interest;

(3) Public Guardian services as well as payment to visitors, experts and attorneys for the respondent.

Prior to 1984, the Alaska Court System had provided these services primarily through a system of court appointed attorneys. The Public Guardian function was also within the Alaska Court System.

RESPONSIBILITIES OF A VOLUNTEER GUARDIAN AD LITEM/COURT APPOINTED SPECIAL ADVOCATE:

A Court Appointed Special Advocate/Volunteer Guardian ad litem (hereinafter known as VGAL/CASA) is an individual who is an advocate for a child's best interests in court proceedings. A

VGAL/CASA does not have the legal authority to make decisions effecting the child's person or property, i.e. medical decisions or financial investments. A VGAL/CASA's obligation is to objectively insure that the court receives all pertinent information necessary to make a decision which is in the child's best interest. A major difference between an attorney appointed to represent a child and a VGAL/CASA for a child is that the VGAL/CASA may disagree with the position of the child. A guardian ad litem from the Office of Public Advocacy or its contractors are appointed for every child for which the State of Alaska, Department of Health and Social Services petitions to be a Child In Need of Aid under A.S. 47.10.010 due to abuse or neglect. A child may also have a GAL in contested divorce custody proceedings, contested adoptions, and guardianships.

### HISTORY OF CASA

In 1976, King County, Seattle, Washington, Superior Court Presiding Judge David W. Soukop began exploring ways to insure abused and neglected children's best interests were consistently presented to the court. Traditionally, the court appointed attorneys to serve as guardians ad litem for these children. However, due to the high number of cases involving children and the lack of adequate training by many attorneys, as well as cost considerations, Judge Soukop decided to recruit and train community volunteers who would be asked to make a long-term commitment to each child for whom they serve as GAL. The term Court Appointed Special Advocates (CASA) was coined by the National Council of Juvenile and Family Court Judges in 1982. This organization of judicial experts also recommended that every juvenile court in the United States implement a CASA project.

In May of 1985, the Office of Public Advocacy became a member of the National Court Appointed Special Advocate Association and began exploring the feasibility of a VGAL/CASA program in Alaska. The Office of Public Advocacy had informal meetings in Anchorage with judges, family and children's court masters, the Division of Family and Youth Services, Alaska Youth Advocates, the District Attorney's Office, Attorney General's Office, Public Defender's Office, community mental health providers, and the Alaska Bar Association to request their input and recommendations as to whether or not a VGAL/CASA program would be acceptable in the Anchorage area. Due to the overwhelming support of the concept, the Office of Public Advocacy recruited and trained five volunteers in the summer of 1985. The five volunteers were screened by an Advisory Committee. The Advisory Committee continues to assist Office of Public Advocacy staff in the development and operation of the VGAL/CASA program.

### THE OFFICE OF PUBLIC ADVOCACY'S SUPPORT FOR SENATE BILL 176:

The Office of Public Advocacy strongly supports passage of SB176. The Office of Public Advocacy would request that the statute be amended to state Volunteer Guardian ad litem/Court

Appointed Special Advocate so as to be able to utilize the efforts of the National Court Appointed Special Advocate Association. The passage of SB176 would require that the Office of Public Advocacy recruit and develop a permanent VGAL/CASA program. Passage of SB176 would require creating the position of Program Director. It is believed that a non-attorney should be hired in order to implement the VGAL/CASA program first in Anchorage, then in Fairbanks and Ketchikan, and then study the feasibility of developing such a program in other areas of Alaska.

A national survey of all VGAL/CASA programs in the nation was undertaken by the National Court Appointed Special Advocates Association in July, 1985. This nationwide survey found that the average volunteer handled 2.56 cases. It is the belief of the Office of Public Advocacy that a VGAL/CASA program in Anchorage would result in the recruitment of at least 30 volunteers in its first year who could be assigned at least 60 cases. It is believed that a system could be developed in 3 years to have in excess of 100 volunteers in the Anchorage area providing advocacy services to children.

Passage of SB176 would substantially improve the ability of the Office of Public Advocacy to provide guardian ad litem representation to children. Since the Anchorage Office of Public Advocacy began accepting guardian ad litem cases, approximately 1200 cases in Anchorage alone have been opened from the period of January, 1955 through January, 1987. The Office of Public Advocacy currently has two attorney and two associate attorney positions who handle guardian ad litem responsibilities. Under Alaska law a guardian ad litem does not need to be an attorney. The Office of Public Advocacy is attempting to use non-attorneys with training in the needs of children to provide the effective delivery of guardian ad litem services.

A 1985 national study by Donald N. Duquette, J.D., of the Child Advocacy Law Clinic at the University of Michigan Law School and Sarah H. Ramsey, J.D. of the Syracuse College University of Law clearly indicates that a trained and supervised VGAL/CASA provides superior services than an attorney without specific training in child abuse, and services equal to that of trained social workers and attorneys. However, it is essential that non-attorney VGAL/CASA's have the backup support of an attorney to ensure that the best interests of the child are adequately litigated in contested court cases. Staff attorneys at the Office of Public Advocacy would provide this function.

It is anticipated that the trend of dramatic increases in child abuse and neglect cases will continue. Additionally, the State of Alaska, Department of Health and Social Services' decision in October of 1985 to be in compliance with the Adoption Assistance and Child Welfare Act of 1980, Public Law 96-272, will result in the involvement of the guardian ad litem past the

dispositional stage of a Child In Need of Aid proceeding. The effect of Public Law 92-272 will be higher caseloads for the Office of Public Advocacy due to the continued monitoring of cases by a guardian ad litem. With current average caseloads of 150 children per staff person at the Anchorage Office of Public Advocacy, there is grave concern that the quality of representation will decline with these projected increases. The implementation of the VGAL/CASA project is a viable solution to this impending crisis.

AR Philip S. McGehee  
Brant McGee  
Public Advocate

March 19, 1987  
Date

Garrey Peska  
Commissioner Garrey Peska  
Department of Administration

3/20/87  
Date

*What is a Volunteer  
Guardian Ad Litem?*

An  
Informational  
Pamphlet  
for  
Potential  
Volunteer  
GALs

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STATE OF ALASKA  
DEPARTMENT OF ADMINISTRATION  
Office of Public Advocacy  
900 W. 5th Avenue, Suite 525  
Anchorage, Alaska 99501  
(907) 274-1684

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## What is a guardian ad litem?

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A Guardian Ad Litem (GAL) is a legal term meaning guardian for a court case. A GAL does *not* have the legal authority to make medical or legal decisions affecting the child's person or property. The role of the GAL is to be an advocate for the child and to represent to the court what is in the best interest of the child. The GAL independently investigates the child's case, talking with parents, social workers, counselors and teachers as well as the child. Sometimes the GAL and the child may not agree about what is in his/her best interest. In the event the child and GAL disagree, the GAL still has the responsibility of telling the court what he or she truly believes is in the child's best interest as well as the child's position and the reasons they do not agree. GALs are appointed in any abuse or neglect case where the State of Alaska has filed a Child In Need of Aid petition with the court. Additionally, children may need a GAL in contested child custody or adoption cases.

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## Who qualifies as a GAL?

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The Office of Public Advocacy is appointed as GAL for a child. Through the volunteer guardian ad litem program,

individuals from the community can be trained to perform this role. Almost anyone who cares about children and who can help the court make informed decisions can be a GAL.

---

## What would my TIME commitment be?

---

Initially, the volunteer guardian ad litem would be screened by the Office of Public Advocacy and then attend training sessions designed to further explain one's role as GAL. Once training is completed, a post-screening process is conducted before a volunteer GAL is assigned a case.

Time commitments will vary with the individual case, but the volunteer GAL can usually be expected to attend at least three court hearings over the period of one year. The GAL will also meet with the child in person or contact them by telephone on a regular basis depending on the nature of the case. The GAL also maintains contact with social workers, counselors and teachers who are working with the child. The volunteer GAL's supervisor will be able to provide guidance as to the amount of time necessary for each case.

If the volunteer GAL's individual case requires the assistance of legal counsel, an attorney with the Office of Public Advocacy will be available to assist the volunteer.

---

## What kind of TRAINING will I receive?

---

During the training sessions, the volunteer GAL will be presented information on many topics. Included in the curriculum will be the following:

- (1) child abuse and neglect issues,
- (2) the role of the GAL in court,
- (3) special considerations for Native American children, and
- (4) working with the various members of the child protection system.

Additional training sessions will be conducted on an ongoing basis after one has become an active volunteer GAL.

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## How can I get more information?

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To learn more about the volunteer GAL program, contact the program coordinator at:

**(907) 274-1684**

or write to the:

**Office of Public Advocacy  
900 W. 5th Avenue, Suite 525  
Anchorage, Alaska, 99501**

Periodic orientation sessions to provide information will be scheduled throughout the year for persons who are interested in learning more about the program.

POSITION PAPER  
House Bill 7

An Act relating to Volunteer Guardian  
ad litem/Court Appointed Special Advocates  
(VGAL/CASA) in the Office of Public Advocacy

House Bill 7 mandates that the Office of Public Advocacy (OPA) develop a volunteer guardian ad litem program and allows the agency to receive funds from additional sources for this purpose.

The following review of the history of OPA and the volunteer concept will provide the background underlying the OPA's support of HB7.

HISTORY AND DUTIES OF OFFICE OF PUBLIC ADVOCACY:

The Office of Public Advocacy was created and placed within the Department of Administration in the Spring of 1984. The Office of Public Advocacy is required by Statute (A.S. 44.21.410) to provide services in the following three areas.

(1) Guardian ad litem representation to abused children in Child In Need of Aid proceedings, guardian ad litem representation of children in custody disputes, legal representation of parents in Child In Need of Aid proceedings where there is a conflict with the Public Defender's Office, guardian ad litem activities in guardianships for minors, and a host of other civil functions, including legal representation of parents involved in custody disputes where the other party is represented by a public agency, i.e. Alaska Legal Services.

(2) Legal representation of indigent persons charged with crimes where the Alaska Public Defender Agency has a conflict of interest;

(3) Public Guardian services as well as payment to visitors, experts and attorneys for the respondent.

Prior to 1984, the Alaska Court System had provided these services primarily through a system of court appointed attorneys. The Public Guardian function was also within the Alaska Court System.

RESPONSIBILITIES OF A VOLUNTEER GUARDIAN AD LITEM/COURT APPOINTED SPECIAL ADVOCATE:

A Court Appointed Special Advocate/Volunteer Guardian ad litem (hereinafter known as VGAL/CASA) is an individual who is an advocate for a child's best interests in court proceedings. A

VGAL/CASA does not have the legal authority to make decisions effecting the child's person or property, i.e. medical decisions or financial investments. A VGAL/CASA's obligation is to objectively insure that the court receives all pertinent information necessary to make a decision which is in the child's best interest. A major difference between an attorney appointed to represent a child and a VGAL/CASA for a child is that the VGAL/CASA may disagree with the position of the child. A guardian ad litem from the Office of Public Advocacy or its contractors are appointed for every child for which the State of Alaska, Department of Health and Social Services petitions to be a Child In Need of Aid under A.S. 47.10.010 due to abuse or neglect. A child may also have a GAL in contested divorce custody proceedings, contested adoptions, and guardianships.

#### HISTORY OF CASA

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In May of 1985, the Office of Public Advocacy became a member of the National Court Appointed Special Advocate Association and began exploring the feasibility of a VGAL/CASA program in Alaska. The Office of Public Advocacy had informal meetings in Anchorage with judges, family and children's court masters, the Division of Family and Youth Services, Alaska Youth Advocates, the District Attorney's Office, Attorney General's Office, Public Defender's Office, community mental health providers, and the Alaska Bar Association to request their input and recommendations as to whether or not a VGAL/CASA program would be acceptable in the Anchorage area. Due to the overwhelming support of the concept, the Office of Public Advocacy recruited and trained five volunteers in the summer of 1985. The five volunteers were screened by an Advisory Committee. The Advisory Committee continues to assist Office of Public Advocacy staff in the development and operation of the VGAL/CASA program.

#### THE OFFICE OF PUBLIC ADVOCACY'S SUPPORT FOR HOUSE BILL 7:

The Office of Public Advocacy strongly supports passage of HB7. The Office of Public Advocacy would request that the statute be amended to state Volunteer Guardian ad litem/Court

Appointed Special Advocate so as to be able to utilize the efforts of the National Court Appointed Special Advocate Association. The passage of HB7 would require that the Office of Public Advocacy recruit and develop a permanent VGAL/CASA program. Passage of HB7 would require creating the position of Program Director. It is believed that a non-attorney should be hired in order to implement the VGAL/CASA program first in Anchorage, then in Fairbanks and Ketchikan, and then study the feasibility of developing such a program in other areas of Alaska.

A national survey of all VGAL/CASA programs in the nation was undertaken by the National Court Appointed Special Advocates Association in July, 1985. This nationwide survey found that the average volunteer handled 2.56 cases. It is the belief of the Office of Public Advocacy that a VGAL/CASA program in Anchorage would result in the recruitment of at least 30 volunteers in its first year who could be assigned at least 60 cases. It is believed that a system could be developed in 3 years to have in excess of 100 volunteers in the Anchorage area providing advocacy services to children.

Passage of HB7 would substantially improve the ability of the Office of Public Advocacy to provide guardian ad litem representation to children. Since the Anchorage Office of Public Advocacy began accepting guardian ad litem cases, approximately 1200 cases in Anchorage alone have been opened from the period of January, 1985 through January, 1987. The Office of Public Advocacy currently has two attorney and two associate attorney positions who handle guardian ad litem responsibilities. Under Alaska law a guardian ad litem does not need to be an attorney. The Office of Public Advocacy is attempting to use non-attorneys with training in the needs of children to provide the effective delivery of guardian ad litem services.

A 1985 national study by Donald N. Duquette, J.D., of the Child Advocacy Law Clinic at the University of Michigan Law School and Sarah H. Ramsey, J.D. of the Syracuse College University of Law clearly indicates that a trained and supervised VGAL/CASA provides superior services than an attorney without specific training in child abuse, and services equal to that of trained social workers and attorneys. However, it is essential that non-attorney VGAL/CASA's have the backup support of an attorney to ensure that the best interests of the child are adequately litigated in contested court cases. Staff attorneys at the Office of Public Advocacy would provide this function.

It is anticipated that the trend of dramatic increases in child abuse and neglect cases will continue. Additionally, the State of Alaska, Department of Health and Social Services' decision in October of 1985 to be in compliance with the Adoption Assistance and Child Welfare Act of 1980, Public Law 96-272, will result in the involvement of the guardian ad litem past the

dispositional stage of a Child In Need of Aid proceeding. The effect of Public Law 92-272 will be higher caseloads for the Office of Public Advocacy due to the continued monitoring of cases by a guardian ad litem. With current average caseloads of 150 children per staff person at the Anchorage Office of Public Advocacy, there is grave concern that the quality of representation will decline with these projected increases. The implementation of the VGAL/CASA project is a viable solution to this impending crisis.

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Brant McGee  
Public Advocate

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Date

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Commissioner Garrey Peska  
Department of Administration

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Date

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## WHAT IS CASA?

Each year nearly 300,000 children in the United States are thrust into court through no fault of their own.

Some are victims of violence, psychological torment or sexual abuse. Others have been neglected or even abandoned by their own parents. Most of them are frightened and confused.

Often these children also become victims of this country's overburdened juvenile justice system -- a complex legal network of lawyers, social workers and judges who frequently are too busy to give thorough, detailed attention to each child who comes before them.

The consequences can be severe.

A nine-year-old boy is discovered in a Kentucky foster home so malnourished he weighs only 17 pounds. A child dies in a state-licensed "temporary care" shelter, where seven children had been sharing one bedroom for more than a year. An 18-year-old boy moves out of his seventh New York foster home, unable to read, write or care for himself as an adult.

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Annual foster care costs total \$2 billion

These are just three of thousands of children who will never know what it is like to have a permanent home -- with their formative years "lost" in temporary care while the court decides their fate. The annual foster care bill to the taxpayers is well over \$2 billion, but the cost in human potential is even greater. Studies show there is a very good chance many of the children will end up juvenile delinquents or adult criminals.

Enter the CASA concept. The Court Appointed Special Advocate (CASA) program was created in 1977 to make sure the abuse and neglect these children originally suffered at home don't continue as abuse and neglect at the hands of the system.

A CASA worker is a trained community volunteer who is appointed by a juvenile or family court judge to speak for children who are brought before the court. The majority of a CASA volunteer's assignments are home placement cases where an abused or neglected child has been removed for protection from the care of his or her parents.

Volunteer has three roles

As a child advocate, the CASA volunteer has three main responsibilities: 1) to serve as a fact-finder for the judge

by thoroughly researching the background of each assigned case; 2) to speak for the child in the courtroom, representing the child's best interests; and 3) to continue to act as a "watchdog" for the child during the life of the case, ensuring that it is brought to a swift and appropriate conclusion.

CASA based on child's rights

The CASA concept is based on the commitment that every child has a right to a safe, permanent home. In court jurisdictions that have adopted the program, the juvenile or family court judge turns to a specially trained pool of CASA volunteers each time a case involving a child is received.

The judge appoints a volunteer to the child's case. The volunteer then becomes an official part of the judicial proceedings, working alongside attorneys and social workers as an appointed officer of the court. Unlike attorneys and social workers, however, the CASA volunteer speaks exclusively for the child's best interests.

By handling only two or three cases at a time (compared to a social agency caseworker's average load of 60-90), the CASA volunteer has the time to explore thoroughly the history of each assigned case. The volunteer talks with the child, parents and family members, neighbors, school officials,

doctors and other involved in the child's background who might have facts about the case. The volunteer then reviews all records and documents pertaining to the child. He or she then submits a formal report to the court recommending placement: should the child be returned to his or her parents, be placed in foster care, or legally freed from parents to be adopted?

If the court leaves the child in temporary care, the CASA volunteer provides continuity by staying on the case until it is permanently resolved.

#### CASA helps children nationwide

There are 201 CASA programs in 41 states. Research shows these programs utilize approximately 5,000 volunteers, who help an estimated 7 percent of the nation's abused and neglected children. In 1985, they worked with approximately 10,000 children. Local CASA programs vary in size and scope from jurisdiction to jurisdiction. The largest and oldest is the Seattle program with 375 volunteers. Newer programs start up with about 20-25 volunteers.

Programs often differ from one jurisdiction to another, with varying operating methods and sources of funding. In all states the CASA volunteer is a monitor, providing research and background, and following through on each case to see

that the court's recommendations are carried out. In some states, the CASA volunteer is a full party to court proceedings to the extent that he or she may call witnesses and solicit testimony through the services of an attorney.

CASA also is known at the local level by a variety of other names. In Texas, for example, the program is called FOCAS; in Cincinnati, it's Pro-Kids. One of the largest CASA operations in the nation is the Florida Guardian Ad Litem program, managed by state government.

The CASA concept has been implemented in both urban and rural areas, from Los Angeles, Calif. to Lewiston, Maine. It is a young program. One-fourth of all CASA programs are less than one year old, and only three percent have been in existence for more than six years. Only five states do not have the CASA concept in at least one of their courts: Georgia, New Hampshire, North Dakota, Pennsylvania and Wyoming.

The National CASA Association, based in Seattle, Wash., was established in 1982 to provide a national focus for individual CASA programs, promote the national CASA concept, provide training assistance to new programs, and encourage volunteer recruitment and fundraising.

# # #

April, 1986



## CASA FACT SHEET

### What is CASA?

A Court Appointed Special Advocate (CASA) volunteer is a trained citizen who is appointed by a judge to represent the best interest of a child in court. Children helped by CASA volunteers include those for whom home placement is being determined in juvenile court. Most of the children are victims of abuse and neglect.

### What is the CASA volunteer's role?

A CASA volunteer provides a judge with a carefully researched background of the child to help the court make a sound decision about that child's future. Each home placement case is as unique as the child involved. The CASA volunteer must determine if it is in a child's best interest to stay with his or her parents or guardians, be placed in foster care, or be freed for permanent adoption. The CASA volunteer makes a recommendation on placement to the judge, and follows through on the case until it is permanently resolved.

### How does a CASA volunteer investigate a case?

To prepare a recommendation, the CASA volunteer talks with the child, parents, family members, social workers, school officials, health providers and others who are knowledgeable about the child's history. The CASA volunteer also reviews all records pertaining to the child -- school, medical and case worker reports; and other documents.

### How does a CASA volunteer differ from a social service caseworker?

Social workers generally are employed by state governments. They sometimes work on as many as 60 to 90 cases at a time and are frequently unable to conduct a comprehensive investigation of each. The CASA worker is a volunteer with more time and a smaller caseload (an average of 2-3 cases at a time). The CASA volunteer does

not replace a social worker on a case; he or she is an independent appointee of the court. The CASA volunteer can thoroughly examine a child's case, has knowledge of community resources, and can make a recommendation to the court independent of state agency restrictions.

How does the role of a CASA volunteer differ from an attorney?

The CASA volunteer does not provide legal representation in the courtroom. That is the role of the attorney. However, the CASA volunteer does provide crucial background information that assists attorneys in presenting their cases.

Is there a "typical" CASA volunteer?

CASA volunteers come from all walks of life, with a variety of professional, educational and ethnic backgrounds. There are between 5,000 and 6,000 CASA volunteers nationally. Local programs vary in the number of volunteers they utilize. Aside from their CASA volunteer work, 85 percent are employed in regular full-time jobs; the majority tend to be professionals. Two-thirds of the volunteers nationwide are women; one-third are men.

Can anyone volunteer to be a CASA worker?

CASA volunteers are ordinary citizens. No special or legal background is required. However, volunteers are screened closely for objectivity, competence and commitment.

What training does a CASA volunteer receive?

CASA volunteers undergo a thorough training course conducted by the local CASA program. Training requirements vary from program to program, but an average course is approximately 20 hours. Volunteers learn about courtroom procedure from the principals in the system -- from judges, lawyers, social caseworkers, court personnel, and others. CASA volunteers also learn effective advocacy techniques for children, and are educated about specific topics ranging from seminars on child sexual abuse to discussions on early childhood development and adolescent behavior.

How does the CASA volunteer relate to the child he or she represents?

CASA volunteers offer children trust and advocacy during complex legal proceedings. They explain to the child the events that are happening, the reasons they all are in court, and the roles the judge, lawyers and social workers play. CASA volunteers also encourage the child to express his or her own opinion and hopes.

How many cases on the average does a CASA volunteer carry at a time?

The number varies from jurisdiction to jurisdiction, but an average caseload is two or three.

Do lawyers, judges and social caseworkers support CASA?

Yes. Juvenile and family court judges implement the CASA program in their courtrooms and appoint the volunteers. CASA has been endorsed by the American Bar Association, the National Council of Juvenile and Family Court Judges, and the National Association of Public Child Welfare Administrators.

Does the federal government support CASA?

CASA is a priority project of the Department of Justice's Office of Juvenile Justice and Delinquency Prevention. The office encourages the establishment of new CASA programs, assists established CASA programs, and provides partial funding for the National CASA Association.

How many CASA programs are there?

There are now 175 CASA programs in 45 states. Only five states do not have CASA programs: Georgia, New Hampshire, North Dakota, Pennsylvania and Wyoming.

How effective have CASA programs been?

Preliminary findings show that children who have been assigned CASA volunteers tend to spend less time in court and less time within the foster care system than those who do not have CASA representation. Judges have observed that CASA children also have better chances of finding permanent homes than non-CASA children.

How much time does it require?

Each case is different. A CASA volunteer usually spends about 10 hours doing research and conducting interviews prior to the first court appearance. More complicated cases take longer. Once initiated into the system, volunteers work about 10-15 hours a month.

How long does a CASA volunteer remain involved with a case?

The Volunteer continues until the case is permanently resolved. One of the primary benefits of the CASA program is that, unlike other court principals who often rotate cases, the CASA volunteer is a consistent figure in the proceedings, and provides continuity for a child.

Are there any other agencies or groups that provide the same service?

No. There are other child advocacy organizations, but CASA is the only program where volunteers are appointed by the court to represent a child's best interests.

What children are assigned CASA volunteers?

Children who are victims of abuse and neglect are assigned CASA volunteers. The program is most common in juvenile and family court cases.

What is the role of the National CASA Association?

The National CASA Association is a non-profit organization that represents and serves the local CASA programs. It provides training, technical assistance, research, news and public awareness services to members.

How is CASA funded?

At the local level, CASA programs are generally funded through a state's department of justice. The National CASA Association is funded through a combination of private grants, federal funds, memberships and contributions.

How do I get more information about becoming a CASA volunteer or a joining the National CASA Association?

Write the National CASA Association office at 909 N.E. 43rd, Suite 202, Seattle, Wash. 98105-6020, or call (206) 547-1059.



### WHAT PROMPTED CASA?

In 1976, Superior Court Judge David Soukup of Seattle, Wash., saw a recurring problem in his courtroom:

"In criminal and civil cases, even though there were always many different points of view, you walked out of the courthouse at the end of the day and you said, 'I've done my best; I can live with this decision,'" he explains.

"But when you're involved with a child and you're trying to decide what to do to facilitate that child's growth into a mature and happy adult, you don't feel like you have sufficient information to allow you to make the right decision. You can't walk away and leave them at the courthouse at 4 o'clock. You wonder, 'Do I really know everything I should? Have I really been told all of the different things? Is this really right?'"

To ensure he was getting all the facts and the long-term welfare of each child was being represented, the Seattle judge came up with an idea that would change America's judicial procedure and the lives of thousands of children: He obtained funding to recruit and train community volunteers to step into courtrooms on behalf of the children: the Court

Appointed Special Advocate (CASA) volunteers.

This unique concept was implemented in Seattle under the leadership of Carmen Ray as a pilot program in January 1977. During that first year, the program provided 110 trained CASA volunteers for 498 children in 376 dependency cases.

In 1978 the National Center of State Courts selected the Seattle program as the "best national example of citizen participation in the juvenile justice system." This recognition, along with a grant from the Edna McConnell Clark Foundation of New York City (one of CASA's earliest and strongest supporters), resulted in the replication of the Seattle CASA program in courts across the country.

As CASA projects developed, each new local program director made an on-site visit to the original Seattle host program for observation and training.

By 1982 it was clear that a national association was needed to direct CASA's emerging national presence. The National Court Appointed Special Advocate Association was formed that year.

By 1984 the National CASA Association had received financial support from several significant sources: a grant from the National Council of Juvenile and Family Court Judges, under the direction of the U.S. Department of

Justice, Office of Juvenile Justice and Delinquency Prevention; funding from the U.S. Department of Health and Human Services; and two one-year grants from the Edna McConnell Clark Foundation.

The Association then launched a national membership and fundraising drive.

On April 22, 1985, President Ronald Reagan presented the National CASA Association the President's Volunteer Action Award for "outstanding volunteer contribution, demonstrating accomplishment through voluntary action."

Today the National CASA Association represents 201 CASA programs in 41 states. It provides support with training, legal expertise, research, fundraising, news and public awareness services. The National Association is headquartered in Seattle, Wash.

# # #

July, 1986



A child's voice in court.

## CASA IN ACTION

Some examples of the unique role which the CASA volunteer can play are found in the following case examples:

### Neglect

A three-year-old girl is allegedly neglected by her teenage mother. The social worker assigned to the case believes the child should be placed in a foster home. The lawyer for the state is compelled to advocate the caseworker's position. Consequently the mother has begun to view the caseworker as an adversary. The attorney for the mother staunchly supports an outright dismissal. A CASA volunteer is assigned to the case. Hoping that some middle ground can be agreed upon which would adequately protect the child, the CASA volunteer recommends homemaker services for the mother and a special school program for the child. Through these mediation efforts, an agreement is reached. This results in a treatment plan ensuring the family will receive preventative services so the child will not have to be put in foster care.

### Physical Abuse

A 14-year old boy tells his aunt he was physically abused by his stepfather. A medical examination reveals serious welts and bruises on the boy's back and arms and an old fracture which the boy says was caused when the stepfather knocked him down a flight of stairs. The social worker asks the court to place the boy temporarily in a foster home. The boy, however, is afraid of being sent to live with strangers. He wants to live with his aunt, but his mother and stepfather won't allow it. The aunt says she can't afford to keep the boy without some state aid, which the social worker says cannot be provided. The CASA volunteer successfully argues to the court that the boy be placed with his aunt, and helps the aunt obtain foster care payments for his upkeep.

### Neglect and Abuse

Police officers are horrified by a report describing

-more-

CASA in action

page 2

severe abuse of an 11-year-old girl by her mother's live-in boyfriend. The police contact the district attorney and the welfare department; and soon criminal and child neglect charges are filed against the mother and her boyfriend. This means appearances in two different courts are required for the child -- a prospect which both frightens and confuses her. Additionally she wants to live with her mother, but is scared of the boyfriend. The juvenile court judge involved in the child's neglect case appoints a CASA volunteer for the child, with instructions the CASA volunteer also attend the proceedings in the criminal court and act as the child's advocate. The CASA volunteer works closely with the child and the district attorney, preparing the girl for her testimony and pushing for a prompt trial date. As a result, the boyfriend is ordered out of the home under the threat of a long prison sentence. The mother, thankful both to be rid of the man and to get her daughter back home, openly praises the CASA volunteer's work.

Abuse -- and an unrecognized problem

A 17-year-old mother has been accused of abusing her 18-month-old son. The boy has bruises on his body and indiscriminately shows affection for strangers, a trait common among abused children. The social caseworker recommends the child be placed in foster care, apart from his mother. A CASA volunteer is assigned to the case. She spends many hours observing the boy, and has suspicions there may be more to his story. She requests the court order a complete medical examination for the boy. This study reveals he is nearly blind and suffers from a neurological disturbance that causes clumsy behavior and often makes him run into things. The boy's poor vision prevents him from recognizing individuals at a distance, and leads him to approach strangers and friends alike because touch is his only sure means of identifying people. Despite the severity of the boy's problems, his adolescent mother has never known about her son's special needs. On the CASA volunteer's recommendation, the court orders the boy returned home, with a provision the adolescent mother be taught the skills required to care for her son.

# # #



## TESTIMONIALS: BROAD SUPPORT FOR CASA

### The judges speak:

"The strongest witness we ever have in our jury cases is the CASA volunteer. I can say that of all the things I've ever had in court with regards to child abuse, the best single program, without question, has been the CASA program." -- Judge Craig Penfold, Dallas, Texas

"We find that the benefits of CASA are just fantastic. We have found we have reunited more families, freed children for adoption, and tried to stop this constant turntable of moving children from foster home to foster home and on and on." -- Judge John Mendoza, Las Vegas, Nevada

"Now we probably have 10 times more information about a child's background and family situation. CASA makes my job much easier." -- Judge Robert Burnside, Columbia, South Carolina

"Because of the professional approach the volunteers have taken, they have been able to dispel any initial suspicions. Their comments are welcome, especially by agency workers who have realized they're not out to show them up, but be of assistance to them in an area they have not had time to cover." -- Judge Edith Miller, New York, New York

### Attorneys & social workers voice support:

"We have advocated for these programs." -- Howard Davidson, Director, American Bar Association's National Center for Child Advocacy, Washington, D.C.

"The CASA volunteer enhances the caseworker's ability to do their own job by providing support, reference and community involvement." -- Elizabeth Cole, Director, Permanent Families for Children Project, Child Welfare League of America, New York City

-more-

A government priority:

"Dedicated CASA volunteers are critical to helping the courts sustain America's families and assure hundreds of thousands of abused and neglected children of permanent, nurturing homes." -- Verne L. Speirs, Acting Administrator, Office of Juvenile Justice & Delinquency Prevencion, Washington, D.C., U.S. Department of Justice.

Private supporters speak out:

"This is a movement where the community itself becomes concerned about its own kids. It gets involved not by giving money or doing something distant, but by doing something with its own time, energy, skills, and compassion." -- Peter Forsythe, Vice President, Edna McConnell Clark Foundation, New York City

CASA volunteers see results:

"My case went to court 35 times before I received it. It was a waste of time and money. I honestly believe if a volunteer hadn't come in that it would still be "status quo" for the next two years." -- Paulette Fay, Volunteer, Providence, Rhode Island

"The attorney decides what position to present, but in 99 percent of our cases they're presenting the position of the CASA volunteer." -- Margaret Brown, Program Director, Kalamazoo, Michigan

"It is hard for me to perceive what judges would do if there was not a CASA program, in terms of them not having adequate time." -- Kathy Jones, Volunteer, Seattle, Washington

# # #



A child's voice in court.

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Ricky Rogers • Staff

Locating an apartment in the James A. Cayce Homes meant a reunion for Sylvia Griffin and her son Quinston, now 10. The family is back together thanks to the efforts of Beverly Reeves, a volunteer with the CASA program.

## CASA cares about people; just ask the Griffin family

**RENEE VAUGHN**

*Staff Writer*

When Sylvia Griffin lost custody of 9-year-old Quinston, she felt powerless in her efforts to get her son back home.

Griffin, 28, a welfare mother of four, was living in a one-room, boarding house apartment. She knew she would have to find a better place for her family to live before the Department of Human Services would consider returning her son to her.

"I had one room and four kids," said Griffin, whose name had been on the waiting list for subsidized housing for several months. "The people at the housing office told me it would be several years before we could get an apartment."

One year after Quinston entered foster care — in March 1985 — nothing much had changed for the young family.

Still dependent on the income

provided by food stamps and Aid to Families with Dependent Children, Griffin saw no help in sight. With each day she grew more and more discouraged.

"I really missed my son," she said.

Then Griffin met Beverly Reeves, an energetic Belmont College junior who was assigned by Metro Juvenile Court to become a volunteer advocate for Quinston through the Court Appointed Special Advocates (CASA) program.

Griffin was surprised by Reeves' concern.

"She was the first one to ever want to help me," Griffin said. "She's the only help I ever had."

After meeting Sylvia Griffin and her other three children — Michael, 10, Deborah, 6, and Hershel, 5 — Reeves realized that the key to reuniting Quinston with his family was to find them suitable housing.

"I finally got hold of the woman

in the Metro Housing and Development Agency office five minutes before Quinston's case was to come up for DHS review," Reeves said. "I told her, 'I really want to be able to tell the review board something positive.'

"She told me I could come down the next day to talk about the case."

Griffin considers that meeting involving her, Reeves and housing officials as the end of "the run-around."

"Beverly took me down to the housing office, and we got in," said Griffin, who walked out of the housing office that day assigned to a three-bedroom apartment.

Meanwhile, Reeves was nurturing a close relationship with young Quinston, taking him to visit his family and on other special outings. ■

METRO•STATE

The TENNESSEAN SUNDAY, April 6, 1986

## Court system poised to move foster kids to new homes faster

By Kurt Greenbaum

When Jason was 2 years old, he was hospitalized suffering from malnutrition and starvation-like symptoms. During the next two years, he was hospitalized for poor nutrition and another time for having a "suspicious" head injury.

But neither the Department of Children and Family Services nor the Juvenile Court system got involved.

When he was 4, he was sexually abused by his father.

He was placed in a foster home for six months, but because of his behavior problems, he was moved to another home. He stayed there a year and a half before he was moved to a pre-adoptive home.

Because of various delays, Jason's adoption proceedings were delayed 15 months after his mother voluntarily signed papers to give up custody of the boy. He was lucky, because she voluntarily gave up custody.

About a year ago, when Jason was 3 years old, he finally was adopted.

For want of a medical report, a police witness, or because of any number of other delays, hundreds of foster children like Jason slip through the cracks of Chicago's Juvenile Court system and run an ever-increasing risk of spending their entire childhood without a stable home.

Neglected, abused and abandoned children, who become wards of the state when they are removed from their natural homes, can spend months and years in foster care, waiting for the court to decide where the best home would be.

"There's a sense of urgency that I don't believe is felt by any particular segment of the court," said Sue Hub, who directs a new volunteer program designed to speed the process and put foster children into permanent homes.

With presiding Juvenile Court Judge Arthur Hamilton, Hub soon will announce Illinois' first Court Appointed Special Advocate (CASA) program, a national program that helps move foster children more quickly through the complex legal wrangling, out of the court system and into a real home.

Hub rolls her eyes and her tone becomes laden with exasperation as she describes incident after incident in which abused, neglected or abandoned children have spent six, eight, sometimes as many as 10 years in foster care because their cases have become bogged down in court.

They live with relatives, or in group homes and other institutions, and they don't know where they will be in six months or a year.

According to the state Department of Children and Family Services, 42 percent of Illinois foster children are moved at least five times before their cases are resolved.

"They are being kept away from their parents for a severely long time, which is very damaging to kids," Hub said.

"There are all these things that could be avoided if somebody was keeping track," she explained. "Nobody is in charge of the whole case. . . . There's no one who's taking an overall look and saying, 'Now is everything ready?'"

A child's case could be resolved in just a few months if all the evidence is available on time, if all the witnesses show up at the right time and if the parents are found fit to care for the child. If not, the litigation continues and the child grows up.

So in a small third-floor office behind the stained glass and beige stonework of La Grange's First Presbyterian Church, Hub has organized a Cook County CASA program, modeled after 175 similar programs in 42 states across the nation. The program began in Seattle in 1977.

Hamilton recently swore-in 17 Cook County residents as volunteer special advocates.

Judges, attorneys, parents or caseworkers can recommend that a particular case would benefit from a volunteer advocate, Hub said. Most cases, in fact, would benefit, but with such limited initial resources, the CASA program must be very selective, she said.

Applicants to the program are carefully screened by Hub and Pam Elsner, executive director of Illinois Action for Children, a private, nonprofit organization that "serves children who are dependent on public policy for their well-being," Elsner said. CASA operates through Illinois Action.

The advocates attend two training sessions with various specialists such as lawyers, psychologists and caseworkers from the Department of Children and Family Services. Then they are assigned a child's case. During a final hands-on training session with either Elsner or Hub, the advocates learn the finer points of keeping that child's case moving.

"The training we have received has been superb," said Susan Veatch, a Northbrook resident who is among the first 17 volunteers.

Veatch serves as president of the parent-teacher association in her local school district and plans to attend law school in May, but she

isn't concerned about excessive volunteer time.

"I felt it was a program that was very, very worthwhile," she said. "They ask you whether you have the time frame for it."

Eventually, Hub said she hopes that the advocates, who often have full-time jobs, will be able to give three or four children the individual attention their case needs.

With only 17 approved volunteers now, and about 20 on line to begin training, Hub wants the advocates to handle as many cases as they can, without losing the individual attention.

More than 60 percent of the 15,000 foster children in Illinois are tied up in the Cook County Juvenile Court system, a system that the Department of Children and Family Services, local judges and attorneys all agree is overloaded.

"Although we have a staff of attorneys for children who are brought before the court, those attorneys are so overwhelmed by the volume of their cases that they need the assistance that will be afforded by volunteers," Hamilton said.

Leonard Goodman, who directs a team of lawyers who represent foster children in court, agrees that the system doesn't have the resources to deal quickly with the cases.

"That has been the bugaboo for years," he said. "But we don't have the numbers to do what we'd like. It all really gets down to lack of money."

But those who have been involved in CASA say the program has proved itself by getting tangible results.

Nationally, the number of foster children has decreased from 500,000 to about 300,000 since 1977; "even though the reporting of child neglect and abuse has increased," said Carmen Ray, executive director of the National CASA Association in Seattle.

# LIFEstyle

Alice Palach, editor

## CASA volunteers try to seal foster care cracks

By STEPHANIE HANSON

It's just one piece of paper, but it could keep a child in the county's care and out of a permanent home for up to two years.

Living in uncertainty while court battles are waged over parents' competence can do considerable and long-lasting emotional harm to a young child.

Containing that damage is the goal of the La Grange-based Court Appointed Special Advocates (CASA) program, according to executive director Sue Hub, a 20-year La Grange resident.

"The lack of a permanent, stable place for a child is very damaging," she explained. "The longer the court proceedings take, the worse the damage."

CASA, working under the auspices of the Illinois Action for Foster Children, interjects volunteers to streamline as much as possible the time a child spends out of a permanent home while courts decide dependency, abuse and neglect cases.

Permanent homes are aim. Working out of a small office on the third floor of the First Presbyterian Church of La Grange, Hub and a small staff help volunteers track cases of almost 50 children in temporary foster homes.

After its inauguration last fall, CASA has graduated a crew of 42 volunteers who "do

what needs to be done" to avoid court delays and resolve a case. The aim is to provide a stable home for a child, be it re-unification with his family as is preferred by courts or placement with an adoptive family, as quickly as possible.

"The CASA worker helps... with things others have no time to do," Hub said.

Some of those tasks are as mundane as ensuring that legal notices seeking a family member run and copies are made or reminding witnesses of their court date.

Mundane or not, the information is often crucial and when it is missing court continuances can add months and possibly years to a child's stay in what is supposed to be temporary foster care.

### Focus on children

"Children can be victimized even further if their cases are delayed and delayed and delayed or if they are given inappropriate placement," she said.

One goal of CASA is to coordinate details that will speed the case through the court "so kids don't get lost in the system," she said.

The Cook County court system is one of the largest in the country. It includes a juvenile court system that handles 9,000 cases a year where children have been removed and placed in foster homes because the parent or parents have been charged with abuse or neglect.

An array of public employees from a social case worker to attorneys work on the case and its cast of involved adults. Often overlooked, however, are the children.

"CASA concentrates on just what is good for the child," Hub explains. "There is one person who is focusing on this one child."

### Volunteer is facilitator

Working as an impartial observer and "facilitator," a CASA volunteer assists the attorney working as the child's legal guardian. The volunteer also helps the social worker monitor a teen-age mother's appointments at her parenting class, helps gather legal documents, or supervises a family visit.

The program began in Seattle in 1977 and has spread to more than 130 other locations in 35 states. It was sanctioned last fall by Juvenile Court Judge Arthur Hamilton for Cook County.

Volunteers need no special education to be a CASA, Hub said. After their applications are reviewed and criminal background checks are completed, the people who emerge are screened for sensitivity, dependability, and common sense, Hub said.

They then attend two general training sessions that are followed by an individual training with Hub or another staffer.

The time a volunteer can

spend on the one to three cases he or she is assigned varies as the case goes through various stages in court. CASAs may spend a lot of time when a case begins as they investigate the circumstances of the case. That time will slack off, and Hub estimates volunteers could spend an average of 15 hours a month.

### Results immediate

"I'm so impressed with the caliber of volunteers," Hub said. "They're just terrific."

CASA provides an opportunity for volunteers to see the fruits of their labor fairly immediately, unlike many programs where results take years if they are discernible at all, Hub indicates.

"It's a program a person can actually see the impact of their efforts."

Hub's involvement seemingly is an outgrowth of her tour of duty with the Cook County Court Watching Project, initially spearheaded by the League of Women Voters in which she was involved locally.

Hub hopes the 42 trained CASAs and 12 now in training will be augmented by 50 additional volunteers a year. They will go a long way in easing the trauma of disruption for children involved in the county's 1,000 court cases of neglect and abuse. To volunteer or for more information, call 579-0179.



LIFE photo by Randy Bell

SUE HUB checks over a report submitted by a Court-Appointed Special Advocate volunteer on the case history of a foster child. Hub, director of the La Grange-based CASA program, helps volunteers speed cases of foster children through the courts to provide a permanent home as quickly as possible.

## Advocates work to aid children 'lost in system'

By DAN HORISCH  
of the Oregonian staff

"Lost in the system" conjures images of bedevilment by bureaucracy or computers, but to a small child who has been the victim of abuse or neglect, the reality of being "lost in the system" is a potentially harmful experience.

Court Appointed Special Advocates have started work to help such children avoid becoming victims of the overloaded juvenile court system — as well as of the adult ignorance or violence that put them there.

Three of the first six advocates, all volunteers, were sworn in Thursday by Multnomah County Circuit Judge Stephen B. Herrell. The six — three were unable to make the swearing-in ceremony for weather or other reasons — are the advance guard of what Susan Holloway, executive director of the Court Appointed Special Advocate project, hopes will be a force 100 strong a year from now.

Herrell said the advocates would be appointed to "tough" cases in which a child might otherwise "get caught in the foster care grip."

When children are found to be severely neglected or abused in the home, they become cases in the juvenile court system and temporarily are placed in foster homes or with other relatives. In extreme cases, they can be taken from their parents permanently and put up for adoption.

But the numbers of cases are staggering — in 1981, more than 1,800 children were in foster care in Multnomah County for an average of nine months — and the interests of the child can be misjudged or overlooked.

That can happen, Herrell said, because the various parties — parents, Children's Services Division, the district attorney's office — "get advocating for their own interests," and even the juvenile court "is caught in its own bureaucratic machinery."

Given that problem, Holloway, the coordinator of a state task force on finding permanent solutions for juvenile neglect and abuse cases, found the concept of impartial advocates appealing.



The Oregonian/JOEL DAVIS

Multnomah Circuit Judge Stephen Herrell (left) swears in three Court Appointed Special Advocates Kelly DeHart, Nick Ure, and Bob Tayler (right).

"It became obvious to me that this is at least one answer for the juvenile court system," said Holloway, whose position with the project is a part-time job.

The program began in 1977 in King County, Wash., and has spread to 140 programs in 44 states. The 1985 Oregon Legislature mandated two pilot projects, one in Multnomah County and another in Josephine County. The Multnomah County project was started with a \$17,000 grant from the National Council of Child Abuse and Neglect and will have to raise additional funds to meet an annual budget of nearly \$60,000.

Jamie Tillman, former director of

the Greenhouse, a downtown shelter for street youths, is program manager for the project, which has offices in the county Juvenile Court building at 1401 N.E. 68th Ave.

The three people sworn in Thursday were Nick Ure, 25, a former counselor at the Greenhouse; Bob Tayler, 52, a member of the faculty at Portland State University who works in university relations; and Kelly DeHart, 25, a social worker at Harry's Mother, a youth program, and another former counselor at the Greenhouse.

DeHart said she already had been assigned a case and would be attending the pre-trial hearing the next day.

Volunteer advocates will be

assigned to one or two cases at a time and will investigate the child's home and school life, health and other circumstances. The advocate also will participate — on equal footing with the state and the parents — in the court hearings and offer an impartial review of the child's situation. As long as the child remains in the system — and that could be 18 months or more — the volunteer will monitor the case to see that all parties are in compliance with court orders.

The responsibilities and time required could be intimidating, but the new advocates look forward to their tasks.

Ure said he became involved

because "I've got some skills to offer, and I'd like to use them with abused children. They need all the support they can get."

Tayler said that his wife, Faye Lindemann-Tayler, is a Children's Services social worker in Salem, and he has become aware of "how destructive" child abuse can be.

Holloway said the next group of volunteers will start training March 20 and that people interested can reach Tillman at the project's office.

Marty Gruhr, the program manager for the Josephine County Juvenile Department, attended the Thursday session. He said the pilot project there will begin in April or May.