

ALASKA LEGISLATURE COMMITTEE FILES, 1989-1990 8672

6255 SENATE HEALTH, EDUCATION AND SOCIAL SERVICES

659

WEST VIRGINIA

Three tuition plans were passed; a Savings Bond Plan under the State Board of Education; a Tuition Savings Trust Fund and a Prepayment Plan similar to Michigan's. The last two are under the Treasurer's office, and implementation procedures are currently being developed.

WYOMING

Advance Payment of Higher Education Costs, Enrolled Act No. 9, provides for advance payment of resident and non-resident tuition; also for room and board. Cost for a contract maturing in 2004 are approximately \$6,393 (for 4 years) as of 1 August 1988.

State legislatures April 1987

ON FIRST READING ISSUES AND POLICY IN BRIEF

States Look at Pre-Payment Plan to Ease College Costs

Escalating education costs and runaway student debts have caused several states to consider plans in which parents can pay their children's college tuition years ahead of time.

In Pennsylvania, for instance, Senate President Pro Tem Robert Jubelirer has introduced legislation that will allow parents to pre-purchase college tuition by investing in an account managed by the state. In return, parents would be guaranteed that the future fees would be completely covered, regardless of how much costs rise.

Jubelirer says the plan insures that the emerging generation will have a chance to pursue the advanced education they will need in our "increasingly technological and competitive economic environment."

The proposal has bipartisan support and may be part of the solution to Pennsylvania's underfunding of higher education and resulting tuition hikes. *Education Daily* reports that Pennsylvania ranks 50th among all states in per-capita spending on higher education. Tuition at the 14

state-owned universities has increased 87 percent in the last decade.

Pennsylvania is not the only state considering such legislation. Maine House Majority Leader John Diamond has introduced the Student Educational Enhancement Deposit Plan, or SEED Plan, which would work much like the Pennsylvania plan. Diamond says there is a "sense of frustration" among families because the cost of a college education continues to rise.

In California, Assemblyman Tom Hayden introduced the Educational Security Account Act in January. "Parents need to know that a college education is still attainable, that they will be able to afford to send their kids to college in the year 2020," says Hayden, chair of the Assembly's Subcommittee on Higher Education. "My proposal is that California adopt an 'education security account,' just like we have with the 'individual retirement accounts.'"

Both Diamond and Hayden's proposals are patterned after Michigan's program, which hinges on a review by the Internal Revenue Ser-

vice. Experts believe, however, that interest earnings and the subsequent value of the tuition will be made exempt from federal taxation.

Part layaway plan, part mutual fund, Michigan's program offers parents steep tuition discounts if they pay ahead. The younger the child, the cheaper the price. The plan guarantees four years tuition at any public college or university in the state if parents deposit as little as \$2,000, either paid in a lump sum or installments or through payroll deductions. Parents can deduct their contribution from their income subject to Michigan income tax.

Parents who move out of the state, or whose children decide to go to college somewhere else or nowhere, or do not meet admission requirements, can get their money back. A student who decides to attend an independent college in Michigan may have payments up to the average tuition cost at a public four-year college transferred to and applied against the tuition charges of the independent college.

College-Tuition Plan in Michigan Seen as Model

YOUR MONEY MATTERS

By JOE DANINON

Staff Reporter of THE WALL STREET JOURNAL

The save-now, pay-later tuition plans offered by some private colleges are spreading to public universities—with legislators aiming to overcome parents' and educators' objections to the current programs.

The tuition plans, designed to help parents prepare for future college costs, are "hot items on many 1987 state legislative agendas," says Aims McGuinness, assistant executive director for higher education at the Education Commission of the States, a research group with 48 states as members. According to the commission, 42 states, including California, Massachusetts and New Jersey, are considering tuition-financing plans. Most are patterned after a program set to begin in Michigan.

Under the Michigan Education Trust, parents deposit with the state \$3,000 to \$1,500, depending on the age of the child and the plan chosen, either in a lump sum or through a payment plan. The state invests the money, expecting that it will grow enough to cover undergraduate tuition at any of Michigan's 13 universities and 29 community colleges.

Freedom From Worry

For Anne Burke, a Lansing mother of girls ages two and five, the trust represents a way "to assure our children of a college education and not have to worry about how much we'd have to save." Four-year tuition at state schools in Michigan now averages \$8,000 for residents. In 15 years, the state calculates that would jump to \$22,835 if tuition increases average 6%, and to \$37,737 if increases average 9%.

The Michigan program can't start until the Internal Revenue Service grants it tax-exempt status. But officials expect the first trust contract to be signed by early summer. So far the state has received more than 24,000 inquiries about the plan.

Michigan officials say a major advantage of the trust over many private plans is that the state tuition payment is guaranteed, even if the investments don't keep up with increased costs. Moreover, the program provides a moderate-cost alternative for families who can't afford similar programs at private colleges.

The Michigan program also lets students choose from a wider variety of admissions standards and academic programs than the private plans. And the trust is more flexible than private programs about students entering a college outside the plan. In such a case, the Michigan program will pay up to the average of state-school tuitions; the student must fund any difference. Many private plans allow a student to take their money elsewhere only if he transfers from the college in question and meets certain grade requirements.

But the Michigan trust has some drawbacks similar to those in the private-college plans. Under one Michigan plan, if the student dies or doesn't attend college, only the principal—minus administrative costs—would be refunded, regardless of the amount of interest earned over many years. With an alternative Michigan plan, the initial investment is higher, but some interest earnings are included in the refund if the contract is terminated.

Not for Everyone

Even the wider choice of schools under programs like Michigan's may not be enough for everyone, says Sharon Hart, a research assistant at the Education Commission. "People who move often will have problems with it," she says, because someone who moves out of state would face higher tuition at the schools in the plan.

Under the Michigan program, as in most private plans, students will still have to pay for room and board and other fees not covered by tuition. But programs in some other states are being set up to include such costs. A new Wyoming plan covers room and board as well as tuition. And if a child in the Wyoming plan chooses not to use the fund, the principal and 4% interest, compounded annually, is refunded.

Richard Anderson, a financing specialist at Columbia University's Teachers College, says the tuition plans are so popular that politicians are "stumbling over themselves" to get them passed, he says. But he worries that it is "much too easy for legislators to overpromise what can be delivered" by underestimating the amount that should be invested today for tuition nearly two decades away.

These concerns aren't primary to parents such as Mrs. Burke in Michigan. "We don't think there are too many ways you could necessarily lose," she says. "It would be easier to take the chance than to project how much you'd have to save for 13 to 15 years down the road."

Wall Street Journal

4/13/87

A M E N D M E N T

OFFERED IN THE SENATE

BY KERTTULA

TO: SB 136

Page 5, after line 22:

Insert a new bill section to read:

"* Sec. 2. TAX DETERMINATION. The Department of Revenue shall request that the Internal Revenue Service determine if the income earned by the Alaska education trust fund established in sec. 1 of this Act is taxable income under federal law. The Alaska Commission on Postsecondary Education may not contract with a purchaser for the advanced payment of tuition under AS 14.42.430, added by sec. 1 of this Act, until the Department of Revenue has received a determination from the Internal Revenue Service regarding the applicability of federal income taxes to the Alaska education trust fund."

Renumber the following bill section accordingly.

SENATE COMMITTEE REPORT

FIRST COMMITTEE OF REFERRAL

Date of 5-DAY NOTICE 3/15/89
IN ACCORDANCE WITH UNIFORM RULE 23

FURTHER FINANCE

**FISCAL NOTE(S) MUST BE ATTACHED
IN ACCORDANCE WITH AS 24.08.035

DATE TURNED INTO OFFICE 4/6/89

1/23/89

Mr. President:

HESS

Committee considered

SB 136

establishing the Alaska education trust fund and authorizing advance tuition payment contracts; efd

and recommended:

replace with CS SB (HESS) same title
 new title

attached amendment(s) and

_____ letter of intent adopted

do pass

Fiscal Note

do not pass

Forthcoming -

no recommendation

Revenue & Education

individual recommendations

further referral to _____

FISCAL NOTE(S) attached zero

appropriation no FN attached

fiscal impact

Gov. FN introduced w/ bill

MEMBERS SIGNING DO PASS

Tim Kelly

OTHER RECOMMENDATIONS

Ray Jones (No Rec)
Al Adams - No Rec

Paul Trish (Do Pass)

Chairman signature and recommendation

Committee backup attached

Original sponsors: Kerttula and Kelly

1 IN THE SENATE

BY THE HEALTH, EDUCATION AND
SOCIAL SERVICES COMMITTEE

2 CS FOR SENATE BILL NO. 136 (HESS)

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 SIXTEENTH LEGISLATURE - FIRST SESSION

5 A BILL

6 For an Act entitled: "An Act establishing the Alaska education trust fund
7 and authorizing advance tuition payment contracts;
8 and providing for an effective date."

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

10 * Section 1. AS 14.42 is amended by adding new sections to read:

11 ARTICLE 3. ALASKA EDUCATION TRUST FUND.

12 Sec. 14.42.400. ALASKA EDUCATION TRUST FUND ESTABLISHED. (a)

13 The Alaska education trust fund is established as an endowment trust
14 fund separate from the general fund. The fund may be divided into
15 separate accounts for accounting purposes.

16 (b) The fund consists of

17 (1) permanent fund dividend and cash contributions made
18 under AS 14.42.420 under the terms of an advance tuition payment
19 contract;

20 (2) gifts, bequests, and contributions of cash or other
21 assets from a person; and

22 (3) income and earnings of the fund.

23 (c) Assets of the fund shall be expended in the following order
24 of priority:

25 (1) to make payments to the University of Alaska on behalf
26 of qualified beneficiaries;

27 (2) to make refunds upon termination of an advance tuition
28 payment contract;

29 (3) to pay the costs of...

1 Sec. 14.42.410. POWERS AND DUTIES OF THE COMMISSIONER OF REVE-
2 NUE. The commissioner of revenue is the treasurer of the fund and has
3 the following powers and duties under this section:

4 (1) to act as official custodian of the cash and invest-
5 ments belonging to the fund by securing adequate and safe custodial
6 facilities;

7 (2) to receive all items of cash and investments belonging
8 to the fund;

9 (3) to collect the principal and income from investments
10 owned or acquired by the state treasury and deposit the amounts in
11 separate principal and income accounts for the fund;

12 (4) to invest and reinvest the assets of the fund as pro-
13 vided in this section and as provided for the investment of retirement
14 funds under AS 14.25.180(b), (c), and (e) - (h);

15 (5) to exercise the powers of an owner with respect to the
16 assets of the fund;

17 (6) to do all acts, whether or not expressly authorized,
18 that the commissioner of revenue considers necessary or proper in
19 administering the assets of the fund;

20 (7) to maintain accounting records of the fund in accor-
21 dance with investment accounting principles and with distinction
22 between the principal and income accounts of the fund;

23 (8) to engage an independent firm of certified public
24 accountants to annually audit the financial condition of the fund's
25 investments and investment transactions;

26 (9) to enter into and enforce contracts or agreements
27 considered necessary for the investment purposes of the fund;

28 (10) to report to the commission the condition and invest-
29 ment performance of the fund.

1 Sec. 14.42.420. CONTRIBUTION TO THE ALASKA EDUCATION TRUST FUND.

2 (a) Contributions to the fund under the terms of an advance payment
3 contract may be made by direct cash payments or by contributions from
4 the permanent fund dividend. The Department of Revenue shall prepare
5 the permanent fund dividend application to allow an applicant to
6 contribute all or part of a dividend to the fund under the terms of an
7 advance tuition payment contract.

8 (b) The Department of Revenue shall pay contributions directly
9 to the fund.

10 Sec. 14.42.430. POWERS AND DUTIES OF THE COMMISSION. (a) The
11 commission may contract with a purchaser for the advance payment of
12 tuition by the purchaser for a qualified beneficiary to attend a
13 branch of the university to which the qualified beneficiary is admit-
14 ted, without further tuition cost to the qualified beneficiary.

15 (b) The commission shall

16 (1) make appropriate arrangements with the university as
17 necessary to fulfill the commission's obligations under an advance
18 tuition payment contract, including arrangements for the payment of
19 current tuition rates to the university from the fund;

20 (2) establish standard payment plans to be used under
21 advance tuition payment contracts;

22 (3) establish the circumstances under which an advance
23 tuition payment contract may be terminated and the amount of the
24 refund the person entitled to terminate the contract may receive.

25 Sec. 14.42.440. ADVANCE TUITION PAYMENT CONTRACTS. (a) An
26 advance tuition payment contract shall include

27 (1) the amount of payments required from the purchaser on
28 behalf of the qualified beneficiary;

29 (2) the terms and conditions for making the payments;

(3) provisions for late payment charges and for default;

(4) the name and age of the qualified beneficiary under the contract and a statement that the purchaser, with the approval of the commission, may substitute another person for the qualified beneficiary originally named in the contract;

(5) the number of credit hours to be provided to the qualified beneficiary under the contract;

(6) the name of the persons entitled to terminate the contract, the terms and conditions under which the contract may be terminated, and the amount of the refund to which the person terminating the contract is entitled;

(7) the assumption of a contractual obligation by the commission to provide for credit hours of higher education at the university;

(8) the number of credit hours the qualified beneficiary may receive if the qualified beneficiary is not entitled to in-state tuition at the time of enrollment at the university;

(9) the period of time during which the qualified beneficiary may receive the benefits of the contract; and

(10) other terms and conditions the commission determines to be appropriate.

(b) An advance tuition payment contract may be terminated

(1) if the qualified beneficiary dies;

(2) if the qualified beneficiary is not admitted to a branch of the university after making a proper application;

(3) if the qualified beneficiary certifies to the commission that the qualified beneficiary has been accepted by a degree granting institution of postsecondary education other than the Univer-

1 (4) if the qualified beneficiary certifies to the commis-
2 sion, after the qualified beneficiary has received a high school
3 diploma or reached the age of majority, that the qualified beneficiary
4 has decided not to attend the university;

5 (5) if the commission determines that the number of pur-
6 chasers is insufficient to maintain the fund on an actuarially sound
7 basis; or

8 (6) under other circumstances determined by the commission
9 and set out in the advance tuition payment contract.

10 Sec. 14.42.490. DEFINITIONS. In AS 14.42.400 - 14.42.490

11 (1) "advance tuition payment contract" means a contract
12 entered into by the commission and a purchaser to provide for the
13 higher education of a qualified beneficiary;

14 (2) "commission" means the Alaska Commission on Postsecond-
15 ary Education;

16 (3) "fund" means the Alaska education trust fund (AS 14.-
17 42.400);

18 (4) "purchaser" means a person who makes or is obligated to
19 make advance tuition payments under an advance tuition payment con-
20 tract;

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22 who has rights under an advance tuition payment contract;

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24 a community college affiliated with the university.

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29 may not contract with a purchaser for the advanced payment of tuition under

1 AS 14.42.430, added by sec. 1 of this Act, until the Department of Revenue
2 has received a determination from the Internal Revenue Service regarding
3 the applicability of federal income taxes to the Alaska education trust
4 fund.

5 * Sec. 3. This Act takes effect July 1, 1989.
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6-0557E
Ford
3/28/89

Original sponsor: Kerttula

Adopted

Passed

4/5/89

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BY THE HEALTH, EDUCATION AND
SOCIAL SERVICES COMMITTEE

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5 * Sec. 3. This Act takes effect July 1, 1989.
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138

LEGISLATIVE REFERENCE LIBRARY

Pouch Y - State Capitol
Juneau, Alaska 99811
Phone (917) 465-3808

See also SHESS Committee file on SB169 (1987)

02 Thanks Name who with

0.5 Senator F wanted to be here

1. Thanks for the timely manner in which the Committee has taken up this bill.
2. The intent behind this bill was to help address some of the needs of foster parents.
3. This bill would provide annual training for foster parents. By providing the training to foster parents, we help improve the quality of care and reduce foster parent burnout.
4. Foster Care is most cost effective care available. The only alternative is some type of institutional care.

SENATE COMMITTEE REPORT

FIRST COMMITTEE OF REFERRAL

Date of 5-DAY NOTICE 2/2/89
IN ACCORDANCE WITH UNIFORM RULE 23

FURTHER

FINANCE

**FISCAL NOTE(S) MUST BE ATTACHED
IN ACCORDANCE WITH AS 24.08.035

1/23/89

DATE TURNED INTO OFFICE 2/7/89

Mr. President:

HESS

Committee considered

SB 138

training of foster parents

and recommended:

replace with CS _____ same title

attached amendment(s) and new title

_____ letter of intent adopted

maroul
 do pass

do not pass

no recommendation

individual recommendations

OFN

further referral to Finance

FISCAL NOTE(S) attached zero
 appropriation no FN attached

fiscal impact
 Gov. FN introduced w/ bill

MEMBERS SIGNING DO PASS

OTHER RECOMMENDATIONS

Theresa Jones
Jim Keel
John Duncan

Paul Fisk - Do Pass
Chairman signature and recommendation

Committee backup attached

(HESS) REPORT

PUBLIC OPINION MESSAGE

DEAR: SENATOR FISCHER

JAN 26 1989

NAME: CHERYL SMITH
TITLE:
ADDRESS: 20614 RAVEN
CITY: EAGLE RIVER
PHONE: 694-7664

ZIP: 99577

BILL NO: SB 138
SUBJECT: TRAINING OF FOSTER PARENTS

MESSAGE: CONTINUOUS MANDATORY RELEVANT TRAINING OF FOSTER PARENTS IS VITAL TO THE QUALITY OF FOSTER CARE. KEEPING THE FOSTER PARENT CURRENT IN ISSUES RELATING TO CHILDREN IN CARE PRODUCES A WELL INFORMED FOSTER PARENT WITH LOWER INCIDENTS OF BURN OUT AND HIGHER CONSISTENCY AND QUALITY OF CARE.

POMID: 03131214
DATE: 01/25/89
TIME: 13:12:14
LIONAME: ANCHORAGE LIO

COPIES: SENATORS

DUNCAN
ADAMS
JONES
KELLY

PUBLIC OPINION MESSAGE

DEAR: SENATOR FISCHER

JAN 26 1989

NAME: PATRICIA NEVAK
TITLE:
ADDRESS: 1749 SKILAK CIRCLE
CITY: ANCHORAGE ZIP: 99504
PHONE: 337-7066
BILL NO: SB 138
SUBJECT: TRAINING OF FOSTER PARENTS

MESSAGE: I AM CONCERNED ABOUT THIS BILL. WE DO NEED TRAINING BUT WE NEED A MEASURE OF TIME WHICH IS NOT DETERMINED IN A FLUTUATING SCALE. EACH FOSTER PARENT SHOULD KNOW THAT IN ONE YEAR OR TWO YEARS SO MANY HOURS SHOULD ACCUMULATED.

POMIC: 03121415
DATE: 01/25/89
TIME: 12:14:15
LIONAME: ANCHORAGE LIO

COPIES: SENATORS

DUNCAN
ADAMS
JONES
KELLY

PUBLIC OPINION MESSAGE

DEAR: SENATOR FISCHER

JAN 26 1989

NAME: TERRY MASON
TITLE:
ADDRESS: 5824 CRAIG DRIVE
CITY: ANCHORAGE
PHONE: 337-9653

ZIP: 99504

BILL NO: SB 136
SUBJECT: TRAINING OF FOSTER PARENTS
MESSAGE: DFYS PERSONNEL COULD AND WILL INTERPRET THIS BILL TO MEAN ANYTHING FROM ONE HOUR TO INFINITY OF ORIENTATION AND-OR YEARLY TRAINING. BE MORE SPECIFIC!

POMID: 03101035
DATE: 01/25/89
TIME: 10:10:35
LIONAME: ANCHORAGE LIO

COPIES: REPRESENTATIVES REPRESENTATIVES SENATORS

BARNES	BOUCHER	ADAMS
BOYER	BROWN	BINKLEY
CATO	COLLINS	COGHILL
COTTEN	DAVIDSON	DUNCAN
DAVIS, C.	DAVIS, M.	ELIASON
DONLEY	ELLIS	FAHRENKAMP
FOSTER	FURNACE	FAIKS
GOLL	GRUENBERG	FRANK
GRUSSENDORF	HANLEY	HALFORD
HOFFMAN	HUDSON	JONES
JACKO	KOPONEN	KELLY
LARSON	LEMAN	KERTTULA
MACLEAN	MARTIN	PEARCE
MENARD	MILLER	FOURCHOT
NAVARRE	PETTYJOHN	RODEY
PHILLIPS	RIEGER	STURGULEWSKI
SHARP	SHULTZ	SZYMANSKI
SPOHNHOLZ	SNACKHAMMER	UEHLING
TAYLOR	ULMER	ZHAROFF
WALLIS	ZANACKI	

FRANK H. WASMER
5017 EAST 25th PLACE
ANCHORAGE, ALASKA 99508

April 26, 1989

Goals for improvement in the relationship between DFYS and AFPA:

DFYS must recognize AFPA as an entity. It would be helpful if the department/division go on record as supporting AFPA. There should be a memo stating support that can be disseminated to both workers and foster parents. A statement supporting AFPA in the division newsletter would be appropriate. A memo to all department workers (internal) that department personnel will not discourage membership or participation in AFPA or local associations. The division should advise all new foster parents of the association during orientation training.

The department should fund AFPA at some level as they have in the past.

There should be a revision of the grievance process to include a stop action clause except in those cases where allegations of abuse have been reasonably proven or that there is a compelling reason to believe that the child is in danger if not moved. There should also be an appeal process outside the division. The division should follow current policy in that the worker or supervisor named in the grievance is not the person who hears the grievance.

Foster parents under investigation for allegations of neglect/abuse should still be treated with respect and advised of their alternatives. The department should work with AFPA to establish foster parent support teams who would provide emotional support to foster parents under investigation. Peer review by foster parents would also be helpful in separating frivolous allegations from real concerns. These actions would help weed out unsuitable foster homes as well as supporting retention of quality foster parents.

The department should include AFPA in the training loop. There are many qualified foster parents who could be instructors, facilitators or co-facilitators. They could inject a great deal of practicality into foster parent training.

The department should give clear guidelines to personnel that coercion, threatening remarks or manipulation will not be tolerated. This includes behavior toward employees as well as foster and natural parents. We are all adults and should be treated as such.

There are some, if not many, foster parents who have a view of natural parents that is quite negative. They need a good deal of education in that respect so that they have a clearer understanding. Foster parents should be encouraged to form a friendly supportive relationship with natural parents whenever possible. There are some cases where the behavior of natural parents prohibits this, but positive results occur where foster families can act as role models and mentors to natural families in trouble.

Finally, the division should work with AFPA to develop a real "team" effort. This means that foster parents are involved in case planning and execution of that plan. The plan should not be deviated from without compelling cause. While the case plan must be flexible and dynamic, it should not change without a consensus of the team. Presently, all too often there is no plan or if one exists it is not followed. The department, natural parents, foster parents and others involved need a clear understanding of the plan, the goals and each persons role in accomplishing the plan. Court stipulated actions should be adhered to at all times. If the court stipulates that an substance abuse program be successfully completed, there should be no deviation from that stipulation. When parents are told that they must do something specific and the department ignores the requirement and replaces the children, they have just taught a family that there is no need to comply or be responsible.



Frank H. Wasmer.



Alaska Foster Parents Association

P. O. BOX 140651 • ANCHORAGE, ALASKA 99508



February 15, 1989

Senate Finance Committee
Alaska State Legislature
Juneau, Alaska 99801

Subject: SB-138, Training of Foster Parents

The Alaska Foster Parent Association supports, as it has for several years, mandatory training for foster parents. The benefits of training are well known. High quality training results in superior knowledge, which in return generates superior performance. If you want a task completed properly, you must assure that the people who are to perform that task have the level of training required to accomplish the responsibilities you assign to them.

Foster parents are given a difficult task, and for them to perform adequately, they must have training to equip them to meet a variety of challenges. The children that they receive into their families are not coming from loving and nurturing backgrounds. They have been neglected, abused and mistreated in ways that often affect them for the remainder of their lives. They often have learning disabilities, behavioral problems and sometimes severe emotional impairment. Foster parents must be able to recognize indications of other than normal behavior so that they may bring them to the attention of their social worker and assist in delivery of services to address the child's need. While there may be professional counseling or other services on a recurrent basis, it is the foster parent who is there for that child twenty-four hours a day. They need to know what they can do to help that child overcome obstacles to growth and development.

The training needs of foster parents are varied. We have some foster parents who do not have a high school diploma, and others who have Phd's. Some have years of experience while others have been foster parents only a few days. Some have attended training here or in other states, while some have had no training at all. Foster parents have busy schedules and time to attend training may be difficult



Alaska Foster Parents Association

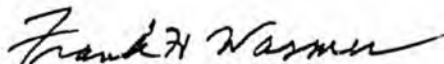
P. O. BOX 140651 • ANCHORAGE, ALASKA 99508



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to arrange during normal business hours. The best possible training would be community based and flexible enough to allow participation. It should be interesting, informative, and provided at various skill levels. To force an experienced foster parent to sit through 16 hours of basic parenting 101 is not only wasteful, but also frustrating in that the foster parent gives up personal time with expectations of learning something helpful to themselves and the children they foster.

We support SB-138 wholeheartedly and thank the sponsor, Senator Fischer, and all of you for your continued support of children in need.


Frank H. Wasmer
Vice President

ALASKA FOSTER PARENT ASSOCIATION
PO BOX 140651
Anchorage, Ak. 99514

RE: SB 138 Foster Parent Training

February 16, 1989

Senate Finance Chairman and Committee Members:

My name is Miriam Sumner, President of Alaska Foster Parent Association. I have been an officer and/or board member of Alaska Foster Parent Association for 13 years--and in all those years, the primary goal and function of AFPA has been foster parent training. AFPA provided monthly foster parent training/educational opportunities beginning in Anchorage and expanding statewide as local foster parent groups were formed. Between monthly training opportunities; local, regional, and statewide conferences (partially funded by a contract with the Division of Family & Youth Services), 20-24 hours of training was available to most of the foster parents in Alaska. With the added usage of video tapes of many of these training sessions, the rest of the foster parents could have been reached. The primary difficulties AFPA encountered were foster parents understanding the need and benefits of training and encouragement by DFYS for foster parents to attend. It became obvious to AFPA that it was necessary to make a minimum amount of training mandatory for all foster parents.

The purpose of this legislation was to require foster parents to access a minimum of 15 hours per year of training that related to foster care--regardless of the source of that training. In most communities statewide educational opportunities have been numerous and varied--from sources such as the foster parent association, mens resource groups, mental health, drug and alcohol centers, community schools, etc. It is vital that foster parent training be localized so training is regular and on-going to enable foster parents to attend not only that training that is relevant to their skills and type of foster care they provide, but also to their schedules and ability to attend. It has also been vital to successful foster parent training that training be provided on a grassroots level using foster parents as trainers or to select speakers and workshops that are directly related to the needs of those foster parents and that communities needs.

We ask that you support this legislation fully. It does not require any new funding as \$365,000. has been contained in the DFYS budget for foster parent training since at least 1984. Federal monies through Title IVE and IVB can also be used

DFYS has Federal Funds Available

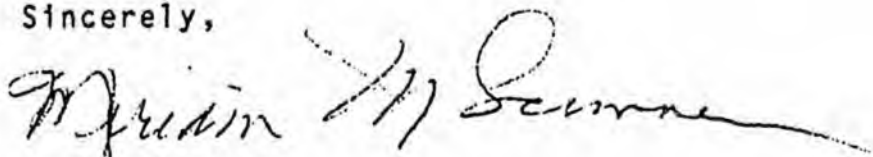
for foster parent training. Usage of the foster parent network for regular and ongoing training could be utilized again for a great reduction in costs and increase in service provided.

Foster parents must be educated about the types of children they will be caring for, how to best meet their needs, how the system works, managing behaviors, working with parents and agency staff--to name just a few. This education will not only improve the quality of services to foster children and youth, but will retain foster parents longer and reduce burnout--therefore creating more experienced and educated foster parents to meet the needs of Alaskan children who must live away from their families. When we can educate foster parents to successfully treat abused, neglected, and delinquent youth, we can help break the cycle of abuse and neglect and violence. Foster parents are a vital part of providing that treatment for children and youth; they are capable of being a real asset to and intragal part of the treatment and prevention of abuse and neglect with some training and supports. That must start with this bill to make a minimum of 15 hours of training mandatory.

If you need further information regarding the need for foster parent training, why it must be mandatory, history, or implementation, please contact me at 745-2196 or 745-7797 days or write me at the above address.

Thank you for this opportunity to talk to you about foster parent training.

Sincerely,

A handwritten signature in cursive script that reads "Miriam Sumner". The signature is written in dark ink and is positioned above the typed name.

Miriam Sumner
President, AFPA

Alaska State Legislature

Senator Paul Fischer
Senate District D
Box 784
Soldotna, Alaska 99669
(907) 262-9420 W
262-9269



State Senate

While in Juneau:
P.O. Box V
Juneau, Alaska 99811
(907) 465-3791

To: Senators Rick Uehling and John Binkley, Co-Chairmen
Senate Finance Committee.

From: Senator Paul Fischer

Subject: SB 138, Foster Parent Training

Date: February 15, 1989

Thank you for scheduling this bill in such a timely manner.

SB 138 would require potential foster parents to undergo orientation approved by the department before they are issued a license to run a foster home.

Also, to maintain a license under this chapter for the maintenance or conduct of a foster home, a licensee shall complete annual foster parent training approved by the department.

The Alaska Foster Parents Association and the department are in support of required training for foster parents. It has been well established that foster parents who know what they are getting into are much more likely to go the distance without "burning out". Unanticipated burn-outs are very disruptive for both the child and the foster parents. Foster care is the most cost effective and practical care available for displaced children. The only other alternative is some type of institutional care which does not provide the same nurturing of a home environment not to mention the prohibitive expense.

Thank you.



Alaska Foster Parents Association

P. O. BOX 140651 • ANCHORAGE, ALASKA 99508



February 17, 1989

Senator Paul Fischer
Alaska State Legislature
Pouch V, MS 3500
Juneau, Alaska 99801

Senator Fischer,

The following information is provided to address issues raised during testimony on SB-138 in the senate finance committee, February 16, 1989.

Training of foster parents who specialize in adult placements:

These families have no association of their own, they rely on the Alaska Foster Parents Association. The training requirements meet their need and we would adopt any special needs they might generate into our programs. The adults fostered are often mentally disadvantaged and although their chronological age may place them in adult status, their mental and emotional age puts them in a more juvenile category.

Concerning the remarks of Senator Frank pertaining to making the training more responsive to the needs of foster parents:

I would welcome any language that would give foster parents the means to provide input into scheduling and content. As I stated before the committee, the foster parent community is quite diverse and the program must be flexible so that the training has value and accomplishes its goal. This could be accomplished at no additional cost to the state by utilizing the volunteer resources of AFPA.

You might consider amending section 1 as follows:

Change paragraph (c) to (d) and add paragraph (c)

(c) To assure that training programs meet the needs of foster parents, the department will rely on the advice of the governing body of the Alaska Foster Parent Association, a non profit organization.



Alaska Foster Parents Association

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Another means to the same end might be intent language to the effect that the department will make maximum utilization of the resources of AFPA through grants to support the training process.

As I stated yesterday, AFPA could do a more effective job of training foster parents and do it at half the cost. Federal funds are available under title IV-E for training as well as additional resources for foster parent support and networking, which PL 96-272 mandates, which could further reduce the cost to the state.

We'll rely on your good judgement on how this might best be addressed, our main concerns are quality and effectiveness of training as well as expense. We are just as concerned with getting the most value from the states dollars as you.

Sincerely,

Frank H. Wasmer
Vice President

STATE OF ALASKA
THE LEGISLATURE

POUCH Y. STATE CAPITOL
JUNEAU, ALASKA 99811
907 465-3800

LEGISLATIVE AFFAIRS AGENCY

MEMORANDUM

March 2, 1989

SUBJECT: State's Civil Liability under SB 138
TO: Senator Paul Fischer
FROM: Terri Lauterbach *TL*
Legislative Counsel

You have asked whether the provisions of SB 138, a bill relating to the training of foster parents, expands the state's potential civil liability in the area of foster care. You ask, in particular, whether putting into statute the training requirements that might already be in regulations affects the state's potential liability.

The state's potential civil liability is not affected by whether foster parent training requirements are in statutes or in regulations. The nonwaiver aspect of SB 138 might affect the type of proof offered by a plaintiff against the state in a damages action but would not alter the state's existing responsibility to be nonnegligent when licensing foster parents.

AS 47.35 gives very broad authority to the Department of Health and Social Services to adopt regulations that set licensing requirements for foster parents. If SB 138 merely put into statute a regulation of the department requiring orientation and training, the legal effect of enacting SB 138 with respect to potential state liability for negligence in relation to the training would be insignificant. Regulations properly adopted under statutory authority have the force of law. Enactment of a statute with the same content does not change the legal force of a regulatory requirement in this context.

However, SB 138 does not merely put into statute an existing regulation. AS 47.35.035(c), as enacted in sec. 1 of the bill and as amended on the floor March 1, 1989, makes the training requirement of SB 138 nonwaivable by the department except in emergency situations. If there are existing

Senator Paul Fischer
Page 2
March 2, 1989

training requirements in regulations, they are waivable under AS 47.35.040(c), amended in sec. 2 of the bill. So, SB 138 would differ from the regulations in this respect.

However, this difference does not significantly affect the state's potential liability related to improper licensing of foster parents. Waiver of training under current law is proper only if the department finds that an "acceptable alternative is established . . . that reasonably assures the well-being of persons in care." AS 47.35.040(c).

It might, as a practical matter, be easier for a plaintiff to prove that a foster parent was not trained as required by SB 138 than it would be to show that the department chose an unacceptable alternative under current law. However, in either case, the plaintiff would have to show also that the lack of training or choice of alternative was the cause of the harm for which the state should be liable.

In essence, with or without a training requirement, and whether or not that requirement is waivable, the state is required to exercise due care in its licensure of foster parents. SB 138 does not alter that duty. Therefore, I see no significant adverse effect of SB 138 on the potential civil liability of the state. With or without SB 138, the state's judgement in licensing a particular person would be at issue.

SB 138 might in fact, have a beneficial effect from the state's perspective. Just as a plaintiff would be free to show in some cases that there might be state negligence if an untrained foster parent was improperly licensed, the state would be free in other cases to show that there was lack of state negligence by proving that a particular foster parents had completed a training program.

I hope you find this discussion helpful. If I can be of further assistance, please let me know.

TL:gc
WKG7/079

STATE OF ALASKA

STEVE COWPER, GOVERNOR

MAR 1 1989

DEPT. OF HEALTH AND SOCIAL SERVICES

P.O. BOX H-05
JUNEAU, ALASKA 99811-0630
PHONE: (907) 465-3170

DIVISION OF FAMILY AND YOUTH SERVICES

February 23, 1989

The Honorable Drue Pearce
P.O. Box V
Juneau, Alaska 99811

Dear Senator Pearce:

Judy Jordan of your staff has requested information explaining the need for change in the language of SB 138 to allow for exceptions to the requirement that foster parents receive orientation before being licensed to provide foster care. I hope the following will be helpful.

The language of SB 138 would essentially eliminate the Department's ability to issue foster care licenses on an emergency basis. This would be problematic for several reasons.

It would prevent the Department from utilizing many of the most desirable foster care placements in emergency situations. Such placements include the homes of relatives of the child, and others in the child's home community (or tribe in the case of Native children) who are willing to care for a specific child but have not previously contemplated being foster parents.

These placements are generally preferable to placements with non-relatives or those outside a child's community since they minimize disruption of the child's life, maintain community and family ties, and facilitate efforts to reunite the child and family. This is particularly true in the case of placements in the home of relatives. Recent analysis has shown that where children are placed with relatives as the first out-of-home placement they tend to have fewer subsequent placements. In addition there are established preferences for these or similar types of placements in both Alaska and federal law (AS 47.10.230 and the Indian Child Welfare Act respectively).

However, it is frequently the case that relatives and family friends or others in a community (particularly in small communities) who have not previously contemplated being foster parents are willing to care for a particular child or children. Such persons would not have received the orientation required by SB 138 and would not be eligible for licensure. Under the provisions of SB 138 the Department would be unable to place children in these otherwise qualified and appropriate homes while an application for a non-emergency license is being processed.

This would prove a particular hardship where relatives were willing to care for a child but unable to do so without the financial support provided through foster care payments. Such support could not be provided unless the families were licensed and they could not be licensed because they had not received orientation required for licensure.

The effective prohibition of emergency licensure resulting from SB 138 would undoubtedly result in fewer children being placed in the homes of relatives and greater numbers placed outside their home communities. These impacts would be greatest in rural areas and smaller communities where it is difficult to recruit and train a pool of available foster parents. Also because of the distribution of the population it would have a greater effect on Alaska Native children and would hinder the State's efforts to comply with the provisions of the Indian Child Welfare Act.

Approximately 10 - 12% of foster homes are licensed on an emergency basis at any given time. These licenses are effective for a maximum of 120 days. The exception to the orientation requirements of SB 138 sought by the Department would allow for continued emergency licensure of foster homes. It would continue the Department's current ability to license qualified foster parents on an emergency basis and allow a period of time within which the required orientation could be provided. Licensure on a regular basis would occur after the required orientation had been provided.

It is important to note that many foster parents who are first licensed on an emergency basis because of an interest in a particular child serve as foster parents for other children after that particular child is no longer in placement in their home. In this respect emergency licensure serves as an effective mechanism for increasing the number of qualified foster parents who would not otherwise apply for licensure.

As you know the Department believes that training for foster parents is essential. Training is an important means of improving the quality of care provided to children in state custody and retaining qualified foster parents. Because of this the Department has committed substantial funds to foster parent training. We have also drafted regulations which establish training requirements similar to but more specific than those contained in SB 138. While we believe that current law provides sufficient statutory authority to accomplish the objectives of SB 138 we do not oppose the bill. However, without adequate language providing for exceptions to the orientation requirements contained in the bill our efforts to place children, particularly those from rural areas, in the best setting possible will be severely hampered.

Senator Drue Pearce

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I appreciate your interest in this issue and your willingness to address the concern's raised by the Department.

Sincerely,

Russell Webb for
Yvonne M. Chase, ACSW
Director

POSITION PAPER

SENATE BILL NO. 138

For an Act entitled: "An Act relating to the training of foster parents."

The Division of Family and Youth Services (DFYS), within the Department of Health and Social Services, has primary responsibility for foster placements. On June 30, 1988, there were 1,056 children in foster care and 895 state licensed foster homes.

The Division believes that foster parent training is essential. Placement in out-of-home care is, unfortunately, a reality for many of Alaska's children, and if they are to receive not only the food, shelter and nurturance that they need, but an environment which will assist them in meeting their own special needs, training for foster parents is not only important, but essential.

The goal of foster parent training is to increase knowledge, and enhance skills of foster parents to work with children who usually enter foster care with a number of emotional and behavioral disturbances. These children often require specialized skills and foster parents, as significant participants in the child welfare service delivery system, are better equipped to participate as an active member of the service team when appropriately trained. In addition, studies in other states have shown that foster parent retention is significantly lengthened when foster parents receive appropriate training.

In October, the Division of Family and Youth Services awarded a contract to Northwest Resource Associates to establish the Alaska Foster Parent Training Center in its Fairbanks office and provide training services. During the first nine months of operation, the center will provide training to at least half of the foster parents licensed by the State. In addition the Training Center will provide the following:

- * A confidential opinion survey of all foster parents which will compile information on foster parents' attitudes about foster parenting and training, as well as the kinds of training in which foster parents are most interested.
- * Statewide training on, "Issues in Foster Parenting" and "Discipline."
- * The development of seven new courses: "The Impact of Physical Abuse;" "The Impact of Sexual Abuse;" "Child Development Specific to Foster Parenting;" "Preparing Youth for Emancipation;" "and a self-instructional orientation course". Two additional courses will be selected for development within the next two months.
- * Researching and cataloging alternative training resources for foster parents, and implementing a data system to record information about training that each foster parent takes.
- * Establishment of a circulating library of books, articles, videos and periodicals specifically for foster parents.

- * Establishment of a toll-free phone number for foster parents to use to reach the center to learn of training opportunities and resource materials. The number is 1-800-478-7307.
- * Publishing of a bimonthly Foster Parent Training Bulletin, to announce training events and new resources, which will be included in the Division's newsletter and distributed to foster parents, child residential care providers, DFYS staff, grantees, and other human service agencies. (e.g. domestic violence programs)
- * Thorough evaluation of all Center training and activities.

The Department suggests that one exception to the orientation requirement of section 1, lines 11-16, be added to the bill. The suggested change could be placed under subsection (a) page 1, line 9 and would read (a) Except for an initial emergency foster care license which shall not exceed 120 days, [A] a. There are situations where the Department has taken custody of a child and no foster home is available, particularly in village areas. In order to place that child in a home immediately, sometimes in the home of a relative of the child, the Department needs to issue an emergency license with no opportunity to fully orient the foster parents. Under the proposed new foster care regulations, a foster home can only be an emergency foster home once, and 120 days is the maximum period of time a home can maintain an emergency foster home license. As a result, there should be no danger of abusing this exception.

The Department is supportive of required training of all foster parents. However, the Department believes that its regulations requiring foster parent training are sufficient to insure that mandatory training occurs. The Department does not disagree with the intent of the legislation but believes that it may not be necessary. The Division of Family and Youth Services has developed foster care regulations which require that foster parents receive annual training. These regulations will be available for public comment on February 1st. Through the regulations, levels of training for different types of care and for different geographical areas of the State will be established.

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

DATE: 1/27/89

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

DATE: 1/29/89

FISCAL NOTE

REQUEST:

Revision Date: _____
Title: "An act relating to the training
of foster parents."
Sponsor: Senator Fischer
Requestor: _____

Agency Affected: Health and Social Services
BRU: _____
Components: _____

EXPENDITURES/REVENUES: (Thousands of Dollars)

OPERATING	FY 89	FY 90	FY 91	FY 92	FY 93	FY 94
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	-0-	-0-	-0-	-0-	-0-	-0-
PART-TIME	-0-	-0-	-0-	-0-	-0-	-0-
TEMPORARY	-0-	-0-	-0-	-0-	-0-	-0-

ANALYSIS : (Attach a separate page if necessary)

Prepared by: James M. Chase
Division: DIVISION OF YOUTH
Approved by Commissioner: Nick M. Nelson
Agency: DEPT. OF HEALTH AND SOCIAL SERVICES

Phone: 465-3170
Date: 1/27/89
Date: 1/29/89

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



Alaska Foster Parents Association

P. O. BOX 140651 • ANCHORAGE, ALASKA 99508



January 13, 1989

Dear Legislators and Friends of Foster Care:

On the next few sheets, you will find the legislative priorities of Alaska Foster Parent Association for this year. There are many -- too many some might say. But the needs of foster children are many and have been neglected for so long; the needs of those who provide volunteer care and treatment for these children are many and have been forgotten for years. When children must live outside their own family homes, it is everyone's responsibility to insure they get the best care, treatment, and services possible. In order to insure a good resource of quality foster parents, they must be treated with respect, kindness, and have fair and consistent treatment. These items have been identified over the years, and nationally recognized, to insure the best quality care for children in foster care or fair and equitable treatment for those foster parents who care for them.

Please support these issues. If you need or would like further information, packets are available by writing or call Miriam at 745-2196 days or 373-5239 evenings. Please consider introducing legislation on these items--or cosponsoring. **YOU DON'T HAVE TO BE A FOSTER PARENT TO HELP A FOSTER CHILD.** You can help by insuring the best possible laws and services are available.

Thank you for caring.

Sincerely,

Miriam Sumner, President

FOSTER CARE REVIEW BOARDS:

HB 19 has already been introduced to provide for professional, volunteer, citizen review boards to be responsible to the court for reviewing each child's caseplan, implementation of the caseplan, and make recommendations. In other states where citizen review boards have been implemented, not only do children and youth spend less time in foster care, but higher quality services and care are provided; accountability and checks & balances are a reality. There is an initial start-up cost to establish these review boards, but become very cost effective in the savings realized almost immediately. Please support this legislation. PL 692

RESPIRE CARE FOR FOSTER PARENTS:

When you care and provide treatment for children & youth 24 hours a days, 7 days a week, 365 days a year burnout is inevitable. It is difficult to find someone to care for the more difficult youth and/or teens. Foster parents need time off for vacations, appointments, emergencies.

Last year SB325 passed to liberalize respite care and AFPA agreed to 1 year of providing that respite care between foster parents while statistics were being gathered. Unfortunately, even the most needy foster parents have been unable to get respite care and the year is almost up.

Funding must be allocated under DFYS foster care budget for respite care. We suggest contracting with AFPA to recruit, study, training, and organize respite care homes. \$150,000. could provide administration, recruitment, training, and paid respite care for 1/2 the foster children for 6-7 days per year under the AFPA plan. Please support getting respite care to the foster parents this year.

MANDATORY TRAINING FOR FOSTER PARENTS:

Intro Bill → ~~SB169~~ Last year would have made mandatory 15 hours of training for all foster parents yearly; this would increase the quality of foster care and help retain foster parents. DFYS plans to make this part of regulation revisions, but we would like the statutes to reflect this need. The past 2 years have also seen existing funding for training of foster parents channeled into development of various curriculums, rather than getting existing curriculums, workshops, and classes to foster parents.

This bill must be introduced, passed, and funding continued.

APPEAL PROCESS FOR FOSTER PARENTS:

Legislation must be introduced and passed to provide for a fair, equitable, and workable fair hearing appeal process for foster parents. This process helps insure quality care for youth, accountability of DFYS, increased ability to determine the best interests of children, and promotion of

the teamwork concept of foster caring. Although a draft grievance process has been developed, it has numerous weaknesses including the same people named in a grievance being involved in "hearing" that grievance and making decisions, inability to appeal decisions made by any staff over the rank of regional manager, total in-agency decision-making, and no accountability.

Legislation must provide for a timely, informal grievance/hearing process within the agency to attempt resolution, but provision of a hearing through other means for all levels of DFYS staff and administration.

LICENSING OF SOCIAL WORKERS:

Although a bill passed last year, it exempted those social workers with municipal, state, or native organizations. State hired social workers are the ones who make decisions about removal and replacement of children in their homes, treatment plans, family contacts, etc. They have vital control over the child, the family, and the foster parents. We must provide for licensing of those workers to insure the education and experience necessary to make those decisions and sanctions as needed. They could be added to the licensing board as now established and existing workers grandfathered in.

Please sponsor or cosponsor needed legislation.

FUNDING:

The past 12 years, AFPA has provided statewide networking, support, and information which has been available for all foster parents. FY89 funding stayed with DFYS. Foster parents are providing a valuable, volunteer service to foster children, DFYS, and the community and deserve the best support they can provide--by and for themselves. Please consider designating those already existing and dedicated funds to Alaska Foster Parent Association for foster parent support--it really works for keeping foster parents and sharing information. FY88 level of funding was \$60,000 + \$20,000 for a statewide conference. This is only \$66. per year per foster parent--where can you get a more economical, effective support network statewide?

COMPLAINT INVESTIGATIONS:

AFPA supports the mandate of DFYS to investigate allegations of child abuse and neglect, and of licensing violations. AFPA also believes in the uniqueness of foster care relationships, inherent risks, and conflicts of interest. Consistency, common sense, and innocent until proven guilty must be written into this process. At this time little if any credence is given to the type of complaint, type of child involved, type of foster home, length of placement, length of service of the foster home, or other pertinent factors.

Legislation should provide for separation of investigative function (including determination of removal

necessity) from other agency staff functions, definitions of what foster parents can be investigated for, and clear procedures to be followed. This can be accomplished by contracting out investigative functions, licensing, or contracting all foster care with DFYS retaining investigative functions.

CIVIL LIABILITY OF FOSTER PARENTS:

At this time, all liability of foster parents is in question, so legislation is necessary in at least 3 areas:

1. Covering foster parents under the good samaritan laws.
2. Providing immediate reimbursement for damage or theft by a foster child
3. Providing legal assistance (attorney) as needed for foster parents (lawsuits, licensing actions, etc.)

Since foster parents provide such a valuable, yet volunteer service, we must protect their person, reputation belongings, and sanity through limiting their liability.

CONFIDENTIALITY LAW REVISIONS:

At this time, confidentiality laws make it difficult for DFYS to provide the needed full and accurate information about a youth when placing them in foster care. Without this information foster parents may be taking unnecessary or unwarranted risks, have limited information to work from, may cause harm without knowing, and are excluded from decisions, meetings, psychological/therapy information, etc. that is all vital to meeting the treatment needs of youth in foster care.

Legislation is necessary to revise existing laws to allow for information sharing with foster parents.

CHILD/YOUTH OMBUDSMAN:

We believe the creation of an ombudsman specifically related to children would help insure all children and youth receive necessary services and enable all concerned to guarantee the bests interests of that child are met. Specifically, it would be vital that the Child Ombudsman office have the power to intervene in situations with children and youth in out-of-home care, to investigate, and make necessary changes. This office would/could be located under the states Ombudsman Office to reduce costs but the person hired as Ombudsman must have a strong background in chld welfare issues.

Legislation to create the Office of Child/Youth Ombudsman would provide accountability and higher quality of care and services to youth.

FOSTER CARE ADVISORY BOARD:

Please consider legislation to create a volunteer foster care advisory board on local, regional, and statewide levels. These boards must have the authority to make and pursue recommendations regarding all facets of foster care

at their level. They could be used to hear grievances and/or administer fair hearings for foster parents. They could review laws, policies, procedures, actions, etc. that effect foster care individually or systemically. Their creation would increase the quality of Alaska's foster care system hundreds of per cent, inject accountability and common sense, and promote services for children and youth who must live in foster care.

Costs would be minimal if administered as volunteer boards providing only for part-time staff and reimbursement of costs.



Alaska State Legislature

House of Representatives

COMMITTEE ON HEALTH, EDUCATION AND SOCIAL SERVICES

OFFICIAL BUSINESS

PRELIMINARY RECOMMENDATIONS for the STATE FOSTER CARE SYSTEM

POUCH V
JUNEAU, AK 99811
465-3759

October 1988

There are few state responsibilities greater than our obligation to care for our most vulnerable citizens: abused, neglected and abandoned children. The state has the moral and legal duty to provide the best possible care so that these children have the chance to become healthy, happy and productive citizens.

We are not doing the best job of fulfilling this mandate. Many children are inadequately served, many are not served at all. Our child protection system is understaffed, overstressed and lacks the resources necessary to provide adequate protection and care. In particular, the state's foster care system needs to do a better job of providing the nurturing environment that the child lacks in the natural home. State law may need to be changed in order to provide clearer direction for the welfare of children.

Recognizing these problems and the possibilities for positive change, the House Health, Education and Social Services Committee has been conducting a comprehensive review of the state's foster care system. The Committee has been working with the cooperation of the Division of Family and Youth Services, the Alaska Foster Parents Association, the Governor's Interim Commission on Children and Youth, plus other concerned organizations, agencies and individuals. The Committee recently completed two days of hearings on the foster care system. What follows is a preliminary list of recommendations for improvement. The Committee is open to additions and further refinement before we move forward with specific legislative action.

As an introduction, we have proposed basic mission and goal statements which will serve as a foundation for the preliminary Committee recommendations which follow. After each of the recommendations is a code which indicates the type of action(s) necessary. The codes mean: \$ = requires funding; L = requires legislation; A = requires administrative regulation, policy or procedural change; ? = action not clear.

Mission: THE BEST INTERESTS OF THE CHILD

The mission of the state's child protection system should be to promote the best interests of the child. Preservation of the family or reunification with a child's natural parents is often the best alternative, but these efforts should be driven by and for the best interests of the child.

- * The state children's code should be reviewed and possibly modified to insure the promotion of the best interests of the child. L

Goal One: SAFETY, STABILITY AND PERMANENCY FOR CHILDREN

Beyond initial efforts to insure a child's safety, the state's highest priority should be the ultimate stability and permanency of the child. The best efforts must be made to keep families together, if appropriate, or to reunify, if possible. If these options are not possible, the state should consider quick action to terminate parental rights, reduce the length of time a child lingers in temporary foster care, and secure a long-term nurturing home for the child or prepare the child for emancipation.

- * Expand intensive homebased family treatment programs to more quickly get help to families and determine the fate of the child. Funding could come from saved foster care stipends. Treatment should include an alcohol and drug abuse component. \$
- * Clarify criteria for termination of parental rights so that the best interests of the child and the child's need for a permanent plan are highest priorities. Consider different standards for different ages. L
- * Change confidentiality statutes so that foster parents and others with a "need to know" have access to information. L
- * Continue pilot citizen review permanency planning board projects in Anchorage and Sitka. \$
- * Create a permanent, state-wide citizen review board system. L, \$
- * Expand the role of foster parents as part of the permanency planning team. A
- * Make greater use of subsidized adoption; beyond just hard to place kids. ?
- * Establish use of subsidized guardianships to increase stability of certain placements. L, \$
- * Make long term foster care more viable. A, \$
- * Establish minimum standards for emancipation. L
- * Provide more pre-emancipation services for youth. L,\$
- * Examine the impediments to adoption. A

Goal Two: IMPROVEMENTS IN FOSTER CARE

Recognizing that temporary foster care placement will always be necessary and that long term foster care is an important permanent placement alternative, the foster care system must be improved to provide better care for children and to enable foster parents to be better guardians.

- * Establish expanded and mandatory training for foster parents. L, \$
- * Provide additional respite care services for foster parents. Include respite on a regular basis, not only in emergencies. Use other services for respite, e.g. Big Brothers/Sisters. Consider using foster parent groups to coordinate respite program. \$, A
- * Correct problems with late stipends. Examine payment system and possibly contract out. A
- * Finalize grievance procedure. Consider using unified form that includes grievances, liability claims, problems with foster kids, and recommendations for change. Provide for stop action clause as part of the grievance procedure or elsewhere. A
- * Establish Foster Care Advisory Board. L, \$
- * Improve foster care liability insurance. Have claims go directly to Risk Management. Dovetail with state self insurance. L?, A, \$?
- * Insure state defense of foster parents in lawsuits. ?
- * Develop a system that combines foster parent training, competency levels and rate augmentation. A
- * Develop better targeted recruitment of foster parents. A
- * Provide better orientation for foster parents. A
- * Establish complaint investigations of foster parents by a neutral party. L?, A
- * Provide funding for foster parent networking/support. \$
- * Examine charges of Department retaliation against foster parents. ?

Goal Three: IMPROVEMENTS FOR DFYS

The fate of foster children lies primarily with the Division of Family and Youth Services. The Division does not have the necessary resources to provide for adequate protection and care of children. Social workers are overworked; largely undertrained and too often mired in paperwork. Huge caseloads do not allow for adequate attention to particular cases. Other aspects of the child protection system should be modified so the state can do a better job.

- * Devote additional resources to reduce social worker case loads. \$

- * Implement automated case management system to increase social worker efficiency. A, \$
- * Use para-professionals (social worker aides) to assist social workers. L?, A
- * Provide more frequent training of social workers. Evaluate use of GICCY funds for this purpose. \$, A
- * License social workers who work for the state. L
- * Establish Master of Social Work Program at the University of Alaska. A
- * Create Office of the Child Ombudsman. L, \$
- * Continue efforts to capture additional federal funds for foster care programs. A
- * Clarify the policy regarding use of a child's permanent fund dividend check. L?, A
- * Provide evaluation of social workers by foster parents. A
- * Use foreclosed homes for residential care facilities. A, \$

Rep. Niilo Koponen, Co-Chair, House HESS Committee
 Rep. Johnny Ellis, Co-Chair, House HESS Committee

Sen Fischer

HEALTH, EDUCATION AND SOCIAL SERVICES COMMITTEE

ALASKA STATE LEGISLATURE
HOUSE OF REPRESENTATIVES

P.O. BOX V, JUNEAU 99811
(907) 465-3759



FEB 09 1989

M E M O R A N D U M

TO: HOUSE HESS COMMITTEE MEMBERS OF THE 15TH
AND 16TH LEGISLATURES

FROM: REP. JOHNNY ELLIS, CHAIR *JE*
HOUSE HESS COMMITTEE

RE: COMMITTEE LEGISLATION RELATED TO FOSTER CARE

DATE: FEBRUARY 9, 1989

During the past interim the House HESS Committee, under th Co-chairmanship of Rep. Koponen and myself, held a series of hearings dealing with the state's foster care system. Based on these hearings, the committee adopted a list of recommendations (attached) suggesting legislative, administrative and funding changes to the foster care system.

We will continue this session to pursue legislative remedies to problems in the foster care system. Attached are three bills and two resolutions, which I plan to introduce as committee legislation next week. This package includes:

- * A bill that more clearly declares the best interests of the child in statute and modifies the criteria for termination of parental rights;
- * A bill that provides for civil liability protection for foster parents;
- * A bill that provides for pre-emancipation services for youths in state custody;
- * A resolution that encourages the continuation of demonstration foster care citizen review boards;
- * A resolution that encourages the establishment of a master of social work program at the University of Alaska.

Memorandum
February 9, 1989
Page Two

In addition to these bills, the committee is supportive of and will hear bills by Senator Fischer, SB 138 regarding foster parent training, and by Representative Collins, HB 19, regarding foster care review boards, as well as a bill that I will introduce establishing an advisory council on foster care. The committee is also interested in other potential legislation, but has refrained from introduction thus far. Measures in this category include expanding the licensure of social workers and easing the confidentiality requirements of minors' records for good cause.

It is my intention to devote a week of hearings to these measures. During that week, we will also receive a briefing from the Division of Family and Youth Services on administrative changes to the system.

At next Tuesday's meeting, we will discuss this and other potential committee legislation. Please contact Jim Nordlund of my staff at 465-3759 with any comments or suggestions regarding the proposed committee legislation.

CODE	CONTRACTUAL SERVICES CLASSIFICATION	PRIOR YEAR FY 88 ACTUAL	CURRENT YEAR FY 89 AUTHORIZED	BUDGET YEAR - FY 90		
				ADJUSTED BASE	INCREMENT/ DECREMENT	AGENCY REQUEST
73100	Professional Services	464.6	900.2	900.2		900.2
73253	DP Chargeback (DOA)					
73300	Communication					
73400	Transportation	.1				
73420	Transportation - State Equipment Fleet Fees					
73500	Advertising, Printing and Binding	.7				
73600	Public Utilities Services					
73700	Minor Repair and Maintenance					
73800	Rental for Land, Buildings and Space					
73860	Rental for Machinery and Equipment					
73900	Other Expenditures and Services					
73000	TOTAL CONTRACTUAL	465.4	900.2	900.2		900.2
	INTER-AGENCY TRANSFERS (NON-ADD)					

CODE	EXPLANATION	ADJUSTED BASE	INCREMENT/ DECREMENT
73100	<p><u>Professional Services:</u> Funds are for the purchase of statewide foster parent training and support; adoption exchange services; and purchase from private providers of service designed to prevent out of home placements of abused, neglected, runaway, and delinquent youth.</p> <p>During FY 89 the Division continued the development and implementation of its foster parent training program. Specialized training is needed to respond to increasingly complex placement needs of children and youth and is essential to decrease foster parent turnover and unnecessary multiple placements of children.</p> <p>Foster Care Training \$300,000</p>	900.2	

C300	CONTRACTUAL SERVICES
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AGENCY Health and Social Services

BRU Purchased Services

COMPONENT Foster Care

Page 1	of 2
Revised Date	

FY 90

1111 483

Adoption exchange services assist in locating and recruiting adoptive families, and in providing consultation on difficult to place children. In FY 89, these services were purchased through contract with the Northwest Adoption Exchange.

Adoption Exchange Contract \$ 20,000

Funds are for home-based projects in Anchorage and Fairbanks to implement an early intervention model utilizing a team approach comprised of social workers and nurses. The purpose is to provide intensive services for high risk children and families to reduce out-of-home placements by providing supervision, consultation, and training for parents and the children.

Home-Based Projects \$325,200

Two Foster Care demonstration projects to enable agencies or local foster care organizations to implement innovative ideas in foster care.

Foster Care Demonstration Projects \$130,000

Volunteer services demonstration projects in the Anchorage Service Unit to provide a program to recruit, train, and supervise volunteers performing a variety of duties from transporting children to processing minimal paper work for foster parents, e.g. clothing.

Volunteer Demonstration Project \$125,000

C300 ADDITIONAL EXPLANATION FORM

AGENCY Health and Social Services

BRU Purchased Services

COMPONENT Foster Care

FY980

Page 2 of 2

Revised Date

1001480

CODE	EXPENDITURE CLASSIFICATION	PRIOR YEAR FY 88 ACTUAL	CURRENT YEAR FY 89 AUTHORIZED	BUDGET YEAR - FY 90		
				ADJUSTED BASE	INCREMENT/ DECREMENT	AGENCY REQUEST
75050	Land and Interest in Land					
75300	Buildings					
75500	Improvements Other Than Buildings					
75025	TOTAL LAND, BUILDING, NON-STRUCTURAL IMPROVEMENTS					
	INTER-AGENCY TRANSFERS (NON-ADD)					

77100	Local Assistance, State Sources					
77240	Benefits to Individuals	6,934.3	7,195.3	7,195.3	1,183.2	8,378.5
77350	Grants and Awards to Individuals					
77440	Grants, Other Agencies	.3				
77570	Health Benefits	125.1				
77700	General Relief	154.1				
77000	TOTAL ASSISTANCE GRANTS AND BENEFITS	7,213.8	7,195.3	7,195.3	1,183.2	8,378.5
	INTER-AGENCY TRANSFERS (NON-ADD)					

CODE	EXPLANATION	ADJUSTED BASE	INCREMENT/ DECREMENT
77240	<p><u>Benefits to Individuals:</u> This line item funds the purchase of foster care for children who must reside away from their homes in order to be protected from neglect and abuse, and for delinquent youth requiring out-of-home care.</p> <p><u>Increment:</u> Increase funding for foster care to allow for 925 FTE's and 94 FTE's for subsidized adoptions.</p>	7,195.3	1,183.2

C700 LAND AND GRANTS

AGENCY Health and Social Services

BRU Purchased Services

COMPONENT Foster Care

Page 1 of 2

Revised Date 12/12/88

FY 90

000490

The following is an allocation for Foster Care by regions/districts:

SOCIAL SERVICES

Southcentral
Regional Office

Adj. Base	Incr.
2,998.7	493.2

Northern
Regional Office

Adj. Base	Incr.
1,641.1	269.9

Northwestern
Regional Office

Adj. Base	Incr.
252.1	41.4

Southeastern
Regional Office

Adj. Base	Incr.
883.3	145.2

Western
Regional Office

Adj. Base	Incr.
646.8	106.3

YOUTH SERVICES

1st
District

Adj. Base	Incr.
42.6	7.1

2nd and 4th
District

Adj. Base	Incr.
269.4	44.3

3rd
District

Adj. Base	Incr.
461.3	75.8

Adjusted Base: \$7,195.3

Increment/Decrement: \$1,183.2

C700

ADDITIONAL
EXPLANATION
FORM

AGENCY Health and Social Services

BRU Purchased Services

COMPONENT Foster Care

FY980

Page 2 of 2

Revised Date

000491

#3

SENATE AMENDMENT

BY: Coghill

TO: _____ SENATE BILL NO. SB 138

TO: _____ HOUSE BILL NO. _____

Page 1, LINE 22, after "~~parents~~" ^{Department}

INSERT ; ^{AND} ~~ET~~ RECOGNIZED FOSTER
PARENT ASSOCIATION ~~§~~

1 IN THE SENATE

BY FISCHER

2

SENATE BILL NO. 138

3

IN THE LEGISLATURE OF THE STATE OF ALASKA

4

SIXTEENTH LEGISLATURE - FIRST SESSION

5

A BILL

6 For an Act entitled: "An Act relating to the training of foster parents."

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

8 * Section 1. AS 47.35 is amended by adding a new section to read:

9 Sec. 47.35.035. FOSTER PARENT TRAINING. (a) A person may not
10 be licensed under this chapter to maintain or conduct a foster home
11 unless the person has completed an orientation for foster parents
12 approved by the department. An orientation required under this sub-
13 section must provide information about foster care regulations, poli-
14 cies, and procedures; practical instruction about the realities of
15 caring for a child who is placed in a foster home; and other appro-
16 priate information.

17 (b) To maintain a license issued under this chapter for the
18 maintenance or conduct of a foster home, a licensee shall complete
19 ~~annual foster parent training~~ approved by the department. Training
20 under this subsection need not be conducted in a classroom setting,
21 ~~but must include methods of instruction that meet the varying needs of~~
22 ~~foster parents and the department.~~ *THE ALASKA FOSTER PARENTS ASSN*

23 (c) The requirements for training under this section may not be
24 waived.

25 * Sec. 2. AS 47.35.040(c) is amended to read:

26 (c) Except as provided in AS 47.35.035, the [THE] department may
27 waive compliance with a standard set out in regulations adopted under
28 AS 47.35.010 - 47.35.080 if an acceptable alternative is established
29 that meets the purpose of the provision and reasonably assures the

1 well-being of persons in care.

2 * Sec. 3. Notwithstanding the provisions of AS 47.35.035, as enacted by
3 sec. 1 of this Act, and AS 47.35.040(c), as amended by sec. 2 of this Act,
4 a licensee shall be considered to have completed annual training if the
5 licensee completes the training during either fiscal year 1990 or fiscal
6 year 1991. The Department of Health and Social Services may schedule
7 training so that approximately one-half of licensees receive training
8 during each of the fiscal years 1990 and 1991.

1 IN THE SENATE

BY FISCHER

2

SENATE BILL NO. 138

3

IN THE LEGISLATURE OF THE STATE OF ALASKA

4

SIXTEENTH LEGISLATURE - FIRST SESSION

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15 caring for a child who is placed in a foster home; and other appro-
16 priate information.

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28 AS 47.35.010 - 47.35.080 if an acceptable alternative is established
29 that meets the purpose of the provision and reasonably assures the

A M E N D M E N T

OFFERED IN THE SENATE

BY PEARCE

TO: SB 138

Page 1, line 24, after "waived":

Insert "except that, in an emergency situation, the department may place a child with an untrained licensee, but only until a trained licensee is available"

AMENDMENT #1

OFFERED IN THE SENATE

TO: §B 138

BY PEARCE
Fischer
Fahrenkamp

Page 1, line 24, after "waived":

Insert "except that, in an emergency situation, the department may place a child with an untrained licensee, but only until a trained licensee is available"

Jan - Legal Problems/Liability
Al - in Training
Jack -

A M E N D M E N T

OFFERED IN THE SENATE

BY FISCHER

TO: SB 138

Page 1, line 22, after "parents":

Insert ", the Alaska Foster Parents Association,"

Intent language: SB 138, An Act relating to training of foster parent.

It is the intent of this legislation, that provisions for emergency licensing under section 1, paragraph (c) that emergency licenses shall be granted only in the event that the placement is made with a relative or in a small community where no trained foster parents are available. Additional consideration should be given to the needs of the child and the ability of the placement to meet those needs.

It is further intended that orientation training should be at least 12 hours and that annual training should be at least 15 hours.

6-0717A
Lauterbach
2/9/89

1 IN THE HOUSE

BY THE HEALTH, EDUCATION AND
SOCIAL SERVICES COMMITTEE

2

HOUSE BILL NO.

3

IN THE LEGISLATURE OF THE STATE OF ALASKA

4

SIXTEENTH LEGISLATURE - FIRST SESSION

5

A BILL

6

For an Act entitled: "An Act relating to programs and proceedings concern-
7 ing children; and emphasizing that the best interests
8 of the child must be considered under certain pro-
9 grams and during certain proceedings involving chil-
10 dren."

11

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

12

* Section 1. AS 47.05.060 is amended to read:

13

Sec. 47.05.060. PURPOSE AND POLICY RELATING TO CHILDREN. The
14 purpose of this title as it relates to children is to secure for each
15 child the care and guidance [, PREFERABLY IN THE CHILD'S OWN HOME,]
16 that will serve the moral, emotional, mental, and physical welfare of
17 the child and the best interests of the community; to preserve and
18 strengthen the child's family ties to the extent that those ties are
19 in the best interests of the child [WHENEVER POSSIBLE], removing the
20 child from the custody of the parents only when necessary because [AS
21 A LAST RESORT WHEN] the child's welfare or safety or the protection of
22 the public cannot be adequately safeguarded without removal; and, when
23 the child is removed from the family, to secure for the child adequate
24 custody and care.

25

* Sec. 2. AS 47.10.080(c) is amended to read:

26

(c) If the court finds that the minor is a child in need of aid,
27 it shall

28

(1) order the minor committed to the department for place-
29 ment in an appropriate setting for a period of time not to exceed two

1 years or in any event past the date the minor becomes 19 years of age,
2 except that the department may petition for and the court may grant in
3 a hearing (A) two-year extensions of commitment which do not extend
4 beyond the minor's 19th birthday if the extension is in the best
5 interests of the minor and the public; and (B) an additional one-year
6 period of supervision past age 19 if the continued supervision is in
7 the best interests of the person and the person consents to it; the
8 department may transfer the minor, in the minor's best interests, from
9 one placement setting to another, and the minor, the minor's parents
10 or guardian, and the minor's attorney are entitled to reasonable
11 notice of the transfer;

12 (2) order the minor released to the minor's parents, guard-
13 ian, or some other suitable person, and, in appropriate cases, order
14 the parents, guardian, or other person to provide medical or other
15 care and treatment; if the court releases the minor, it shall direct
16 the department to supervise the care and treatment given to the minor,
17 but the court may dispense with the department's supervision if the
18 court finds that the adult to whom the minor is released will ade-
19 quately care for the minor without supervision; the department's
20 supervision may not exceed two years or in any event extend past the
21 date the minor reaches age 19, except that the department may petition
22 for and the court may grant in a hearing

23 (A) two-year extensions of supervision which do not
24 extend beyond the minor's 19th birthday if the extension is in
25 the best interests of the minor and the public; and

26 (B) an additional one-year period of supervision past
27 age 19 if the continued supervision is in the best interests of
28 the person and the person consents to it; or

29 (3) by order, upon a showing in the adjudication by clear

1 and convincing evidence that there is a child in need of aid under
2 AS 47.10.010(a)(2) as a result of parental conduct and upon a showing
3 in the disposition by clear and convincing evidence that the parental
4 conduct is likely to continue to exist if there is no termination of
5 parental rights, terminate parental rights and responsibilities of one
6 or both parents and commit the child to the department or to a legally
7 appointed guardian of the person of the child, and the department or
8 guardian shall report annually to the court on efforts being made to
9 find a permanent placement for the child; there is a rebuttable pre-
10 sumption in a proceeding under this paragraph that the parental con-
11 duct is likely to continue if there is no termination of a person's
12 parental rights upon a showing by clear and convincing evidence that
13 the person has failed, without good cause, to substantially partici-
14 pate in services offered by the department that were determined by a
15 court to be appropriate for facilitating reunification of the child
16 with the parent or in equivalent services; in order to establish the
17 presumption described in this paragraph, the department shall also
18 show by clear and convincing evidence that it provided assistance to
19 the parent to enable the parent to participate in the services offered
20 by the department.

21 * Sec. 3. AS 47.17.010 is amended to read:

22 Sec. 47.17.010. PURPOSE. In order to protect children whose
23 health and well-being may be adversely affected through the inflic-
24 tion, by other than accidental means, of harm through physical abuse
25 or neglect or sexual abuse or sexual exploitation, the legislature
26 requires the reporting of these cases by practitioners of the healing
27 arts and others to the appropriate public authorities. It is the
28 intent of the legislature that, as a result of these reports, protec-
29 tive services will be made available in an effort to prevent further

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harm to the child, to safeguard and enhance the general well-being of the children in this state, and to preserve family life to the extent that it is in the best interests of the child to do so [WHENEVER POSSIBLE].

6-0696A
Lauterbach
2/8/89

1 IN THE HOUSE

BY THE HEALTH, EDUCATION AND
SOCIAL SERVICES COMMITTEE

2 HOUSE BILL NO.

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 SIXTEENTH LEGISLATURE - FIRST SESSION

5 A BILL

6 For an Act entitled: "An Act establishing an advisory council on foster
7 care."

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

9 * Section 1. AS 47.10 is amended by adding a new section to read:

10 Sec. 47.10.265. ADVISORY COUNCIL ON FOSTER CARE. (a) There is
11 created in the department an advisory council on foster care consist-
12 ing of seven members as follows:

13 (1) three foster parents appointed by the governor, one of
14 whom must be a member of the Alaska Foster Parents Association, a
15 nonprofit organization;

16 (2) one person with a history of significant involvement
17 with ~~issues~~ related to children and youth, appointed by the governor;

18 (3) one licensed social worker who is not a state employee,
19 appointed by the governor;

20 (4) the director of the division of family and youth ser-
21 vices of the department; and

22 (5) the director of the office of public advocacy.

23 (b) Members of the council serve three-year terms except that a
24 member appointed to fill a vacancy serves the unexpired portion of a
25 term. The council members shall elect one of its members as chairper-
26 son. The council shall meet at least three times a year. Additional
27 meetings may be called by the chairperson.

28 (c) Members of the council serve without compensation but are
29 entitled to per diem and travel expenses authorized by law for state

1 boards and commissions under AS 39.20.180.

2 (d) The council shall advise the commissioner of health and
3 social services, the director of the office of public advocacy, and
4 the judicial branch on matters relating to the state's foster care
5 system. The council shall review current practices and advise on ways
6 for the foster care system to be improved in the following areas:

7 (1) promotion of the best interests of foster children;

8 (2) planning for long-term permanent placement of foster
9 children in compliance with 42 U.S.C. 671-675;

10 (3) programs to reunite foster children with their fam-
11 ilies;

12 (4) increasing the role for foster parents in the placement
13 plans for foster children and in the operation and improvement of the
14 state foster care system;

15 (5) screening, recruitment, training, and respite programs
16 for foster parents;

17 (6) the grievance process and compensation system for, and
18 liability of, foster parents;

19 (7) the competency and effectiveness of social workers,
20 guardians ad litem, and other officers of the court and state employ-
21 ees involved in the foster care system.

22 (e) The council shall also gather and disseminate information on
23 foster care in the state and annually report its findings and rec-
24 ommendations to the commissioner of health and social services, the
25 director of the office of public advocacy, and the administrative
26 director of the court system.

27 * Sec. 2. Notwithstanding AS 47.10.265(b), enacted by sec. 1 of this
28 Act, and AS 39.05.055, the terms of the initial members appointed by the
29 governor to the advisory council on foster care shall be set by the

1 governor so that one member serves a one-year term, two members serve two-
2 year terms, and two members serve three-year terms.

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6-0752A
Lauterbach
2/8/89

1 IN THE HOUSE

BY THE HEALTH, EDUCATION AND
SOCIAL SERVICES COMMITTEE

2

HOUSE BILL NO.

3

IN THE LEGISLATURE OF THE STATE OF ALASKA

4

SIXTEENTH LEGISLATURE - FIRST SESSION

5

A BILL

6

For an Act entitled: "An Act relating to civil liability and uninsured
7 property losses related to foster children."

8

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

9

* Section 1. AS 09.65 is amended by adding a new section to read:

10

Sec. 09.65.093. CIVIL LIABILITY RELATED TO FOSTER CARE. (a)

11

Notwithstanding other provisions of law, the foster parent, a state
12 employee, and a representative of the state are not liable for civil
13 damages as a result of

14

(1) acts or omissions by a minor placed in the care of the
15 foster parent under AS 47; or

16

(2) negligent acts or omissions by the foster parent, state
17 employee, or representative of the state that result in harm to a
18 minor placed in the care of the foster parent under AS 47.

19

(b) This section does not preclude liability for civil damages
20 as a result of gross negligence or reckless or intentional misconduct
21 of a foster parent, state employee, or representative of the state.

22

* Sec. 2. AS 47.35 is amended by adding a new section to read:

23

Sec. 47.35.110. UNINSURED PROPERTY LOSS. (a) The state shall
24 reimburse a licensed foster parent for the uninsured loss of, or
25 uninsured damage to, tangible property under the lawful control of a
26 foster parent to the extent that the loss or damage exceeds \$100 if
27 the loss or damage resulted from the intentional misconduct of a child
28 in the custody of the state who was placed in the care of the foster
29 parent under this title.

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(b) Under the conditions described in (a) of this section, the state may reimburse a foster parent for an uninsured loss or uninsured damage that does not exceed \$100.

6-0691A
Lauterbach
1/27/89

1 IN THE HOUSE

BY THE HEALTH, EDUCATION AND
SOCIAL SERVICES COMMITTEE

2

HOUSE BILL NO.

3

IN THE LEGISLATURE OF THE STATE OF ALASKA

4

SIXTEENTH LEGISLATURE - FIRST SESSION

5

A BILL

6

For an Act entitled: "An Act relating to the pre-emancipation services for
7 certain minors."

8

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

9

* Section 1. AS 47.10.080(b) is amended to read:

10

(b) If the court finds that the minor is delinquent, it shall

11

(1) order the minor committed to the Department of Health
12 and Social Services for a period of time that does not [TO] exceed two
13 years and that does not [OR IN ANY EVENT] extend past the minor's 19th
14 birthday [DAY THE MINOR BECOMES 19], except that the department may
15 petition for and the court may grant in a hearing (A) two-year ex-
16 tensions of commitment that [WHICH] do not extend beyond the minor's
17 [CHILD'S] 19th birthday if the extension is in the best interests of
18 the minor and the public; and (B) an additional one-year period of
19 supervision past the minor's 19th birthday [AGE 19] if continued
20 supervision is in the best interests of the minor or the minor is
21 receiving pre-emancipation services, [PERSON] and the minor [PERSON]
22 consents to the additional period of supervision [IT]; the department
23 shall place the minor in the juvenile facility [WHICH] the department
24 considers appropriate, [AND] which may include a juvenile correctional
25 school, detention home, or detention facility; the minor may be re-
26 leased from placement or detention and placed on probation on order of
27 the court and may also be released by the department, in its dis-
28 cretion, under AS 47.10.200;

29

(2) order the minor placed on probation, to be supervised

1 by the department, and released to the minor's parents, guardian, or a
2 suitable person; if the court orders the minor placed on probation, it
3 may specify the terms and conditions of probation; the probation may
4 be for a period of time that does [,] not [TO] exceed two years and
5 that does not [IN NO EVENT] extend past the minor's 19th birthday [DAY
6 THE MINOR BECOMES 19], except that the department may petition for and
7 the court may grant in a hearing

8 (A) two-year extensions of supervision that [WHICH] do
9 not extend beyond the minor's [CHILD'S] 19th birthday, if the
10 extension is in the best interests of the minor and the public;
11 and

12 (B) an additional one-year period of supervision past
13 the minor's 19th birthday, [AGE 19] if the continued supervision
14 is in the best interests of the minor [PERSON] and the minor
15 [PERSON] consents to it;

16 (3) order the minor committed to the department and placed
17 on probation, to be supervised by the department, and released to the
18 minor's parents, guardian, other suitable person, or suitable non-
19 detention setting such as a family home, group care facility, [OR]
20 child care facility, or supervised independent residence, whichever
21 the department considers appropriate to implement the treatment plan
22 of the predisposition report; if the court orders the minor placed on
23 probation, it may specify the terms and conditions of probation; the
24 department may transfer the minor, in the minor's best interests, from
25 one of the probationary placement settings listed in this paragraph to
26 another, and the minor, the minor's parents or guardian, and the
27 minor's attorney are entitled to reasonable notice of the transfer;
28 the probation may be for a period of time that does not [, NOT TO]
29 exceed two years and that does not [IN NO EVENT] extend past the

1 minor's 19th birthday [DAY THE MINOR BECOMES 19], except that the
2 department may petition for and the court may grant in a hearing

3 (A) two-year extensions of commitment that [WHICH] do
4 not extend beyond the minor's [CHILD'S] 19th birthday, if the
5 extension is in the best interests of the minor and the public;
6 and

7 (B) an additional one-year period of supervision past
8 the minor's 19th birthday, [AGE 19] if the continued supervision
9 is in the best interests of the minor or the minor is receiving
10 pre-emancipation services, [PERSON] and the minor [PERSON] con-
11 sents to the additional period of supervision; [IT; OR]

12 (4) order the minor to make suitable restitution in lieu of
13 or in addition to the court's order under (1), (2) or (3) of this
14 subsection; or [.]

15 (5) order the minor committed to the Department of Health
16 and Social Services for placement in an adventure-based education
17 program established under AS 47.21.020 with conditions the court
18 considers appropriate concerning release upon satisfactory completion
19 of the program or commitment under (1) of this subsection if the
20 program is not satisfactorily completed.

21 * Sec. 2. AS 47.10.080(c) is amended to read:

22 (c) If the court finds that the minor is a child in need of aid,
23 it shall

24 (1) order the minor committed to the department for place-
25 ment in an appropriate setting, which may include a supervised in-
26 dependent residence, for a period of time that does not [TO] exceed
27 two years and that does not extend [OR IN ANY EVENT] past the minor's
28 19th birthday [DATE THE MINOR BECOMES 19 YEARS OF AGE], except that
29 the department may petition for and the court may grant in a hearing

1 (A) two-year extensions of commitment that [WHICH] do not extend
2 beyond the minor's 19th birthday, if the extension is in the best
3 interests of the minor and the public; and (B) an additional one-year
4 period of supervision past the minor's 19th birthday, [AGE 19] if the
5 continued supervision is in the best interests of the minor or the
6 minor is receiving pre-emancipation services, [PERSON] and the minor
7 [PERSON] consents to the additional period of supervision [IT]; the
8 department may transfer the minor, in the minor's best interests, from
9 one placement setting to another, and the minor, the minor's parents
10 or guardian, and the minor's attorney are entitled to reasonable
11 notice of the transfer;

12 (2) order the minor released to the minor's parents, guard-
13 ian, or some other suitable person, and, in appropriate cases, order
14 the parents, guardian, or other person to provide medical or other
15 care and treatment; if the court releases the minor, it shall direct
16 the department to supervise the care and treatment given to the minor,
17 but the court may dispense with the department's supervision if the
18 court finds that the adult to whom the minor is released will ade-
19 quately care for the minor without supervision; the department's
20 supervision may not exceed two years and may not [OR IN ANY EVENT]
21 extend past the minor's 19th birthday [DATE THE MINOR REACHES AGE 19],
22 except that the department may petition for and the court may grant in
23 a hearing

24 (A) two-year extensions of supervision that [WHICH] do
25 not extend beyond the minor's 19th birthday, if the extension is
26 in the best interests of the minor and the public; and

27 (B) an additional one-year period of supervision past
28 the minor's 19th birthday, [AGE 19] if the continued supervision
29 is in the best interests of the minor [PERSON] and the minor

CORRECTION

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

1 (A) two-year extensions of commitment that [WHICH] do not extend
2 beyond the minor's 19th birthday, if the extension is in the best
3 interests of the minor and the public; and (B) an additional one-year
4 period of supervision past the minor's 19th birthday, [AGE 19] if the
5 continued supervision is in the best interests of the minor or the
6 minor is receiving pre-emancipation services, [PERSON] and the minor
7 [PERSON] consents to the additional period of supervision [IT]; the
8 department may transfer the minor, in the minor's best interests, from
9 one placement setting to another, and the minor, the minor's parents
10 or guardian, and the minor's attorney are entitled to reasonable
11 notice of the transfer;

12 (2) order the minor released to the minor's parents, guard-
13 ian, or some other suitable person, and, in appropriate cases, order
14 the parents, guardian, or other person to provide medical or other
15 care and treatment; if the court releases the minor, it shall direct
16 the department to supervise the care and treatment given to the minor,
17 but the court may dispense with the department's supervision if the
18 court finds that the adult to whom the minor is released will ade-
19 quately care for the minor without supervision; the department's
20 supervision may not exceed two years and may not [OR IN ANY EVENT]
21 extend past the minor's 19th birthday [DATE THE MINOR REACHES AGE 19],
22 except that the department may petition for and the court may grant in
23 a hearing

24 (A) two-year extensions of supervision that [WHICH] do
25 not extend beyond the minor's 19th birthday, if the extension is
26 in the best interests of the minor and the public; and

27 (B) an additional one-year period of supervision past
28 the minor's 19th birthday, [AGE 19] if the continued supervision
29 is in the best interests of the minor [PERSON] and the minor

1 [PERSON] consents to it; or

2 (3) by order, upon a showing in the adjudication by clear
3 and convincing evidence that there is a child in need of aid under
4 AS 47.10.010(a)(2) as a result of parental conduct and upon a showing
5 in the disposition by clear and convincing evidence that the parental
6 conduct is likely to continue to exist if there is no termination of
7 parental rights, terminate parental rights and responsibilities of one
8 or both parents and commit the child to the department or to a legally
9 appointed guardian of the person of the child, and the department or
10 guardian shall report annually to the court on efforts being made to
11 find a permanent placement for the child.

12 * Sec. 3. AS 47.10.230 is amended by adding new subsections to read:

13 (h) The department shall provide appropriate pre-emancipation
14 services to a child 16 years of age or older who has been committed to
15 the custody of the department and who makes a request to receive the
16 services, unless the department finds that pre-emancipation services
17 are inappropriate for the child. The commissioner shall adopt regu-
18 lations establishing criteria for determining whether pre-emancipation
19 services are inappropriate for a child. The services may include

20 (1) assistance in completing academic or vocational train-
21 ing designed to make the child employable;

22 (2) assistance in acquiring suitable housing;

23 (3) training in skills needed for independent living;

24 (4) assistance in petitioning for removal of the disabili-
25 ties of minority; and

26 (5) social support and services coordination.

27 (i) The department may award a grant to or contract with a
28 municipality or with an entity incorporated under AS 10.20 to provide
29 pre-emancipation services under (h) of this section. The commissioner

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shall adopt regulations establishing criteria for the award of grants under this subsection.

6-0785A
Lauterbach
2/8/89

1 IN THE HOUSE

BY THE HEALTH, EDUCATION, AND
SOCIAL SERVICES COMMITTEE

2 HOUSE CONCURRENT RESOLUTION NO.

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 SIXTEENTH LEGISLATURE - FIRST SESSION

5 Relating to citizen review boards for
6 the foster care system.

7 BE IT RESOLVED BY THE LEGISLATURE OF THE STATE OF ALASKA:

8 WHEREAS all children need the stability, support, sense of lifelong
9 belonging and continuity that only a permanent home and family can provide;
10 and

11 WHEREAS the purpose of foster care is for the temporary care of abused
12 and neglected children before they are returned to their natural homes or
13 another permanent home; and

14 WHEREAS foster care placement has often resulted in foster care drift,
15 a term that describes a situation when children are moved from foster home
16 to foster home, obscured within the child welfare system, without a perma-
17 nent placement plan that is adhered to in a timely manner; and

18 WHEREAS the problem of foster care drift was addressed by the Congress
19 in 1980 by the enactment of the Adoption Assistance and Child Welfare Act
20 (P.L. 96-272) which provides monetary incentives to states for the develop-
21 ment of permanent case plans and regular case reviews for children in
22 foster care; and

23 WHEREAS states are increasingly using independent volunteer citizens
24 or case review boards in order to provide oversight for the problems of the
25 family, the intervention efforts of the state, and the final authority of
26 the court as a means of ensuring that the entire system is working in the
27 best interests of the child; and

28 WHEREAS citizen reviewers, acting as advocates for foster children,
29 consider the necessity and appropriateness of the current placement and the

1 progress toward alleviating the cause of the placement, determine the
2 compliance and participation in the case plan by all parties, and estimate
3 a likely date for the child's return home or placement in another permanent
4 home; and

5 WHEREAS citizen review boards enhance the ability of the courts to
6 make difficult and complex permanency planning decisions; and

7 WHEREAS citizen review boards broaden local community responsibility
8 for abused and neglected children; and

9 WHEREAS the Alaska Office of Public Advocacy received funding from the
10 National Association of Foster Care Reviewers for a demonstration citizen
11 review board in Anchorage and from the legislature for a demonstration
12 citizen review board in Ketchikan, with the objective of establishing a
13 statewide citizen review system; and

14 WHEREAS the grant funding for the Anchorage project was obtained for
15 one year only with the understanding that alternative funds would be sought
16 to continue the project; and

17 WHEREAS the establishment of an efficient and cost-effective statewide
18 citizen review system will rely upon the information developed from these
19 demonstration projects;

20 BE IT RESOLVED that the Alaska State Legislature is committed to the
21 establishment of a statewide foster care citizen review system as a neces-
22 sary and effective way to ensure that foster children do not linger un-
23 necessarily in foster care and that they are returned home or placed in
24 another permanent home as expeditiously as possible; and be it

25 FURTHER RESOLVED that the Alaska State Legislature intends to fund the
26 continuation of the citizen review demonstration projects in Anchorage and
27 Ketchikan through fiscal year 1990 so that adequate information can be
28 assembled for the establishment of a permanent statewide citizen review
29 system.

6-0734A
Lauterbach
2/8/89

1 IN THE HOUSE

BY THE HEALTH, EDUCATION AND
SOCIAL SERVICES COMMITTEE

2 HOUSE CONCURRENT RESOLUTION NO.

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 SIXTEENTH LEGISLATURE - FIRST SESSION

5 Supporting the establishment of a pro-
6 gram leading to a Master of Social Work
7 degree at the University of Alaska.

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

9 WHEREAS there is a substantial need for a program leading to a Master
10 of Social Work degree (MSW) in the state, as evidenced by the most recent
11 assessment conducted by Dr. Diane Bernard, who was formerly with the Coun-
12 cil of Social Work Education and is eminently qualified to conduct this
13 type of assessment; and

14 WHEREAS, of the 18 agencies in Anchorage, Fairbanks, and Juneau that
15 were contacted as part of the assessment, 16 indicated that there was an
16 immediate need for state-trained master social workers to provide basic
17 social work services, including rural, cross-cultural, and substance abuse
18 services; and

19 WHEREAS social workers are specifically trained to address rural,
20 cross-cultural, and substance abuse issues and are trained to bring re-
21 sources in line with human needs; and

22 WHEREAS state agencies, particularly the division of family and youth
23 services in the Department of Health and Social Services, have expressed a
24 desperate need for additional qualified social workers; and

25 WHEREAS, in a follow-up study of Bachelor of Social Work graduates
26 from the University of Alaska, 60 percent wanted to pursue a MSW and would
27 prefer to obtain that degree in the state; and

28 WHEREAS an advisory committee composed of representatives of the
29 University of Alaska, the Department of Health and Social Services, Native

1 organizations, students, private practitioners, and state legislators was
2 created to address the feasibility of a program leading to the MSW degree
3 in the state, and that committee recommended the implementation of the
4 program;

5 BE IT RESOLVED that the Alaska State Legislature supports the addition
6 of a program leading to the Master in Social Work degree to the University
7 of Alaska and encourages the University of Alaska to initiate the develop-
8 ment and implementation of that program as expeditiously as possible.

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