

ALASKA LEGISLATURE COMMITTEE FILES 1993-1994 8672

8281 SENATE HEALTH EDUCATION & SOCIAL SERVICES

**HB**

**3**

# Alaska State Legislature

REPRESENTATIVE  
JERRY MACKIE



ALASKA STATE CAPITOL  
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## House of Representatives

### SPONSOR STATEMENT FOR HB 3

HB 3, An Act relating to public home care providers, restricts the ability of a home care provider to assume power of attorney and requires criminal background checks on any individual providing home care services paid for by public funds for an elderly or disabled person.

This bill will provide some protection to elderly and disabled persons from those responsible for their care; these groups are particularly vulnerable to abuse because of age, illness, disability and the isolation of being alone in their home with a caregiver.

It is important to take these steps now, while Alaska is on the brink of an explosion in home care services. Our senior citizen population is rapidly expanding and the state has just received approval for a Medicaid Waiver to provide home and community based services as an alternative to institutionalization. Once the Medicaid Waiver is effective, and there is a payment system available for expanded home based services, the home care services industry will see rapid growth - as it has in other states. This bill also requires background checks on home care providers paid through Older Alaskans Commission grants, and respite care providers paid through the Division of Family and Youth Services.

An important aspect of this bill is that the Department of Health and Social Services is required to implement regulations identifying actions to be taken upon reports of harm by a home care provider; it also protects the due process rights of the provider. My companion bill, HB 4, provides that conviction of a person licensed, certified or regulated by a board or the Department of Commerce, for abuse of an elderly or disabled person may be considered ground for disciplinary proceedings or sanctions.

I think this bill is both important and timely and urge your support.

# FISCAL NOTE

STATE OF ALASKA  
1993 LEGISLATIVE SESSION

BILL NO. HB 3

Revision Date: March 31, 1993 Dept. Affected: Health and Social Services  
 Title: "An act relating to Public Home Providers" BRU: Family and Youth Services  
 Component: Central Office  
 Sponsor: Representative Mackie, Ulmer  
 Requestor: Representative Mackie COMPONENT SERIAL NO. 259

**Expenditures/Revenues:**

(Thousands of Dollars)

OPERATING	FY94	FY95	FY96	FY97	FY98	FY99
PERSONAL SERVICES						
TRAVEL						
CONTRACTUAL	15.0					
SUPPLIES						
EQUIPMENT						
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
<b>TOTAL OPERATING</b>	<b>15.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>

**CAPITAL**

**REVENUE FUND SOURCE**

**FUNDING:**

(Thousands of Dollars)

FUNDING:	FY94	FY95	FY96	FY97	FY98	FY99
1002 Federal Receipts						
1003 GF Match						
1004 GF	15.0					
1005 GF/Program Receipts						
1006 GF/MHTIA						
Other						
<b>TOTAL</b>	<b>15.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>

**POSITIONS:**

FULL-TIME						
PART-TIME						
TEMPORARY						

Estimate of current year (FY93) impact: None

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

Section 2 of this bill requires that the Department develop regulations on circumstances requiring reassignment, suspension, or termination of a home care provider alleged to have perpetrated harm and on the appeal rights and due process for such an individual. Section 9 requires that the regulations be adopted by March 15, 1994. The department had frequently been given legislative responsibility for promulgating regulations without funding to accomplish the task. DFYS within the department has received criticism during this session for taking too much time to write or update regulations. There are several critical regulatory projects ahead of this one. For this reason a moderate fiscal note is required to implement the provisions of this bill. A contract will be obtained to draft, conduct public hearings on, and finalize the regulations. The contractor will revise the Adult and the Child Protective Services staff manuals to implement the changes and will work with data processing to plan protective services data collection on home care providers under Section 4 of the bill.

Prepared by: Deborah R. Wing, Director *Deborah R. Wing*  
 Division: Department of Health & Social Services

Phone: 465-3191  
 Date: 03/31/93

Approved by Commissioner: NA *Theodore A. Mala*  
 Agency: Department of Health & Social Services

Date: 4/1/93

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# FISCAL NOTE

STATE OF ALASKA  
1993 LEGISLATIVE SESSION

BILL NO. HB 03

Revision Date: March 30, 1993 Dept. Affected: Health and Social Services  
 Title: An act relating to public home care providers BRU: State Health Services  
 Sponsor: Mackie, Ulmer Component: Nursing  
 Requestor: House HES COMPONENT SERIAL NO. 4288

**Expenditures/Revenues:** (Thousands of Dollars)

OPERATING	FY94	FY95	FY96	FY97	FY98	FY99
PERSONAL SERVICES						
TRAVEL						
CONTRACTUAL						
SUPPLIES						
EQUIPMENT						
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
<b>TOTAL OPERATING</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>

CAPITAL						
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REVENUE FUND SOURCE	GF	GF	GF	GF	GF	GF
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**FUNDING:** (Thousands of Dollars)

1002 Federal Receipts						
1003 GF Match						
1004 GF						
1005 GF/Program Receipts						
1006 GF/MHTIA						
Other						
<b>TOTAL</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>

**POSITIONS:**

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

Estimate of current year (FY93) impact: NONE

ANALYSIS: (Attach a separate page if necessary)

Cost of the security clearance for Personal Care Attendants will be covered within the grant awards to home care agencies.

Prepared by: Peter M. Nakamura, MD, MPH  
 Division: Public Health

Phone: (907) 465-3090

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

Approved by Commissioner: [Signature]  
 Agency: Department of Health and Social Services

Date: 4/1/93

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FISCAL NOTE

STATE OF ALASKA  
1993 LEGISLATIVE SESSION

BILL NO. HB 3

Revision Date: \_\_\_\_\_  
Title: "An Act relating to public home care providers: and providing for an effective date."  
Sponsor: Representative Mackie  
Requestor: \_\_\_\_\_

Department Affected: Administration  
BRU: Older Alaskans Commission  
Component: Older Alaskans Commission  
COMPONENT SERIAL NO. 36

EXPENDITURES/REVENUES:

OPERATING	FY 94	FY 95	FY 96	FY 97	FY 98	FY 99
PERSONAL SERVICES	0	0	0	0	0	0
TRAVEL	0	0	0	0	0	0
CONTRACTUAL	0	0	0	0	0	0
SUPPLIES	0	0	0	0	0	0
EQUIPMENT	0	0	0	0	0	0
LAND & STRUCTURES	0	0	0	0	0	0
GRANTS, CLAIMS	0	0	0	0	0	0
MISCELLANEOUS	0	0	0	0	0	0
TOTAL OPERATING	0	0	0	0	0	0

CAPITAL	0	0	0	0	0	0
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REVENUE FUND SOURCE:	0	0	0	0	0	0
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FUNDING:

1002 Federal Receipts	0	0	0	0	0	0
1003 GF Match	0	0	0	0	0	0
1004 GF	0	0	0	0	0	0
1005 GF/Program Receipts	0	0	0	0	0	0
1006 GF/MHTIA	0	0	0	0	0	0
OTHER	0	0	0	0	0	0
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

Estimate of current year (FY93) impact: None

ANALYSIS: (Attach a separate page if necessary.)

Prepared by: Connie J. Sice, Director  
Division: Older Alaskans Commission

Phone: 465-3250  
Date: January 21, 1993

Approved by Commissioner: Nancy Bear Usara  
Agency: Administration

Date: 1/25/93

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# Alaska State Legislature

REPRESENTATIVE  
JERRY MACKIE



House of Representatives

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## SECTIONAL ANALYSIS - HB 3

### "AN ACT RELATING TO PUBLIC HOME CARE PROVIDERS; EFD"

- Section 1 Title 13, Chapter 26 (Protection of persons under disability and their property) is amended by adding a new section which provides that a public home care provider may not accept a designation of attorney in fact or power of attorney for a person to whom they provide services unless that power is shared with another person who is not a home care provider.
- Section 2 Amends Chapter 47, Title 5, which relates to the powers and duties of the Department of Health and Social Services, by adding a new section which: 1) provides that state funds may not be used to pay for the services of a home care provider unless a criminal background check is completed under AS 12.62.035(a) and reviewed within 5 days of receipt; 2) requires the department to require these background checks by home care provider contractors and grantees; 3) requires the department to implement regulations on actions subsequent to reports of harm by a home care provider and protection of due process rights of providers subject to reports of harm; and defines home care provider in this section.
- Section 3 Adds a new subsection to AS 47.10.230, powers and duties of the department over care of children, which provides that the department may not pay for respite care services unless a criminal background check has been requested and reviewed.
- Section 4 Amends AS 47.24.050(b) to allow the department to disclose the number of verified reports of harm to the elderly by home care providers.
- Section 5 Defines home care provider under Chapter 24.
- Section 6 Adds a new subsection to AS 47.65.050 which provides that payments to a sponsor for respite or home care

services under the programs of the Older Alaskans Commission may not be made unless the sponsor agrees to request a criminal background check on the person providing services.

Section 7 Adds a new subsection to AS 47.65.100 which provides that the Older Alaskans Commission may not award a grant for day care and respite services unless the grantee agrees to request criminal background checks on individuals providing service.

Section 8 Adds a new section to AS 47.65.100 which defines home care services under the Older Alaskans Commission statutes.

Section 9 Requires the Department of Health and Social Services to adopt home care provider regulations by March 15, 1994 and issue a report to the legislature on the status of the regulation process by February 1, 1994.

Section 10 Provides for an immediate effective date.

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## Older Alaskans Commission

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### POSITION PAPER ON HOUSE BILL 3

#### "An Act Relating to public home care workers"

The Older Alaskans Commission supports passage of House Bill 3.

This bill adds several new protections for seniors and other disabled persons who use the services of public home care providers.

Section 1 states that any type of publicly paid for home care provider may not accept a designation to hold a power of attorney for a home care client unless the power of attorney is held jointly (possible under the law) with someone else who is not employed as a home care worker.

Older Alaskans Commission recommends an amendment that strengthens Section 1 to forbid any situation where a power of attorney is held by a publicly paid home care worker for a client, unless there is some protection and oversight, such as a court order or a waiver based upon particular facts given by the state agency which is paying for the home care. Alternatively, the person with whom the home care worker jointly holds the power of attorney should be required to be a person who has no personal or financial relationship with the home care worker.

Section 2 is added to the general duties of the Department of Health and Social Services. This section mandates that state funds may not be used for payment to a home care provider unless the contractor or grantee which hires the home care workers agrees to file a request, within 10 days after hiring each individual worker, for that worker's state criminal records, as such a request is provided for in existing law at AS 12.62.035. The employer must also promptly review the criminal records once received.

This section instructs DH&SS to adopt regulations about how it will take action when a report of harm is filed under either the child or the elder abuse reporting statutes, when the allegation is that the harm was caused by a public home care provider. Specifically, the regulations must include procedures for when and how the department will require the contractor or grantee employer to reassign, suspend or terminate the alleged abuser, including procedural safeguards of the individual home care worker's due process rights in such a case.

Finally, this section defines "public home care provider" as any worker under a state contract or grant who provides any of the following types of service: homemaker, chore, personal care, home health, or similar services in or around a client's personal residence; or respite care service whether provided in the client's home or the provider's home or facility.

Section 3 states that DH&SS may not pay for any respite care unless the same procedures for requiring criminal background checks are put into the contracts or grants.

Section 4 broadens the mandate that DH&SS must, upon request, release the number of verified reports of harm to elderly persons at an institution to also require the same disclosure about a publicly paid home care provider.

Section 5 adds a definition of "public home care provider," basically anyone paid by the state under contract or grant to provide homemaker services at an institution to also require the same disclosure about a publicly paid home care provider.

Section 6 states that the Older Alaskans Commission must also require the same types of criminal background checks for any home care workers under OAC grants for family respite or home care services.

Section 7 states that the OAC must require the same types of criminal background checks for any home care workers under grants for family respite care or for adult day care services.

Section 8 adds a new definition of "home care services" to the services to Older Alaskans act, which puts all homemaker, chore, personal care, home health or similar services in or around a client's residence in this category.

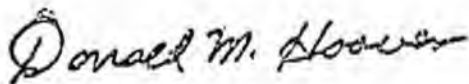
Section 9 sets a time deadline when the Department of Health & Social Services must adopt the new regulations required by Section 2 of this act, specifically by March 15, 1994. A status report is due to the legislature by February 1, 1994.

Section 10 gives the act an immediate effective date.

This bill, by requiring criminal background checks, may slightly increase the costs of providing publicly paid for in-home care services for some agencies which are not already doing these checks. This higher cost may result in slightly reduced hours of service available for clients. However, even if hours of services were slightly decreased, this would be a worthwhile trade-off in order to give greater assurance of physical and financial security to the vulnerable home care clients.

The Older Alaskans Commission believes that abuse of elders and disabled adults is a grievous problem that Alaska must better address.

The Commission urges passage of House Bill 3.



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Donald M. Hoover, Chairman  
Older Alaskans Commission

Dated: 3/29, 1993

# STATE OF ALASKA

## DEPARTMENT OF HEALTH AND SOCIAL SERVICES

OFFICE OF THE COMMISSIONER

WALTER J. HICKEL, GOVERNOR

THEODORE A. MALA, COMMISSIONER

P.O. BOX 110601  
JUNEAU, ALASKA 99811-0601  
PHONE: (907) 465-3030

March 4, 1992

Honorable Jerry Mackie  
Alaska State House of Representatives  
State Capitol  
Juneau, AK 99811

Dear Representative Mackie:

Thank you for your February 20 memo regarding home health care services for the elderly and disabled. Following are the answers to the questions you set out:

1. How many disabled adults and elderly persons were receiving services under home health care services programs throughout all the divisions of H&SS for FY87 - FY91?

ANSWER: The Division of Public Health, through the section of Nursing, has only been overseeing the Adult Homemaker Services contract (AMTECH) since FY90. Prior to that time the Homemaker Services were administered by DFYS.

In FY91 there were:

492 age 68-80

214 over age 80

706 total clients over age 65

The total number of all clients served by AMTECH in FY91 was 1,122.

The above FY90 information was requested of the contractor for the purpose of this report; AMTECH was unable to provide information at this time.

The section of Nursing provides home health to a limited number of clients each year in a small number of communities, using State

Honorable Jerry Mackie  
March 4, 1992  
Page 2

general funds. Home Health Aide services are, or have been, available in the following communities:

Mat-Su/Palmer/Wasilla/Talkeetna  
Fairbanks/North Star Borough  
Juneau  
Sitka  
Seward/Kenai  
Soldotna/Homer  
Ketchikan  
Wrangell  
Petersburg  
Bethel

In three locations (Fairbanks, Ketchikan, Juneau) skilled (Registered Nurse) services are available through a pilot project (which began in 1981) with services provided by state employees (PHN II's and Nurse II's).

The following chart shows the number of clients served through the Home Health Aide and Home Health Skilled Nursing programs:

FY	Number of Clients/Patients	
91	376	(330 are over age 65)
90	358	(311 are over age 65)
89	349	(341 are over age 65)
88	363	(315 are over age 65)
87	359	(319 are over age 65)

The data system does not break-out the number of disabled children or adults, although only those clients with moderate to severe needs are provided services. Most clients are not Medicaid eligible due to income level that places them slightly above the financial criteria and do not have third-party insurance that will reimburse for homecare for health aide services.

2. How much money was spent on salaries for public home health care providers throughout all the divisions of H&SS from FY87 - FY91?

ANSWER: The following is cost of personal services to provide skilled, home health nursing in the communities of Fairbanks, Juneau, and Ketchikan:

	FY88	FY89	FY90	FY91
PERSONAL SERVICES	348,018	385,174	448,501	384,579

Note that cost of personal services were lower in FY91. This was due to a turnover in home health staff at the Fairbanks Health Center. Senior employees at advanced salary steps were replaced by employees at lower salary steps.

How many individuals were employed as public home health care providers in these same fiscal years?

Since its beginning, the staffing pattern for the Home Health Program has remained the same with one exception. In FY91 the Juneau Health Center Clerk Typist III position was transferred out of the Home Health program (\*).

Program Nurse Consultant	Central Office
Public Health Nurse II	Juneau Health Center
Nurse II	Juneau Health Center
*Clerk Typist III	Juneau Health Center
Community Health Aide	Ketchikan Health Center
Clerk Typist III	Ketchikan Health Center
Public Health Nurse II	Fairbanks Health Center
Nurse II	Fairbanks Health Center
Nurse II	Fairbanks Health Center
Clerk Typist III	Fairbanks Health Center

3. How much money was spent on contracts with private home health care services agencies?

The Section of Nursing has approximately 65 -- 75 active Home Health Aides working under agreements. Due to turnover of the Home Health Aides, there may be as many as 100 individuals who have agreements (active or inactive) with the Department during the fiscal year. An additional 8 -- 10 Registered Nurses are working under professional services contracts to provide home health services.

Honorable Jerry Mackie  
 March 4, 1992  
 Page 4

CONTRACTED SERVICES	FY88	FY89	FY90	FY91
SKILLED NURSING (RN'S)	\$ 92,882	\$ 84,166	\$103,001	\$ 83,845
Total number of hours (paid at \$18 PerHour)	(4,604)	(4,675)	(5,722)	(4,658)
HOME HEALTH AIDES (HHA)	\$222,868	\$264,000	\$264,000	\$264,000
Total number of hours (paid at \$12 PerHour)	(18,572)	(22,000)	(22,000)	(22,000)
PROVIDENCE	\$229,612	\$238,000	\$238,000	\$238,000
Total number of visits (paid at \$39. Per HA visit)	(5,259)	(5,685)	(5,471)	(5,471)
(paid at \$90. Per RN visit)	( 385)	( 368)	( 370)	( 370)
AMTECH			\$1,455,775	\$1,488,600
Training Funds			<\$42,689>	<\$32,865>
Total number of hours paid at \$20.34 per hr			(71,568)	
paid at \$21.72 per hr				(68,535)

Is there breakout information available as to amounts spent for services provided to children, disabled adults and elderly adults?

This is information for the Home Health skilled nursing contract with Home Health Care/Providence Hospital

FY	Total No. Clients	HHA Visits	RN Visits	Over 60	disabled	cost
91	127	5,471	370	107 (84%)	11 (9%)	\$239,000
90	125	5,471	370	102 (82%)	14 (11%)	\$238,000
89	137	5,685	368	115 (89%)	12 (9%)	\$238,000
88	116	5,259	385	99 (86%)	12 (10%)	\$229,612
87	107	5,920	358	86 (80%)	15 (14%)	\$249,107

The existing data system and reports have no simplified means of extracting the information pertinent to the number of disabled children and adults, so the percentages listed above are an estimate of the total number of clients from reports submitted.

4. Can you provide an update as to the status of the Medicaid Waiver Application of the State of Alaska?

Honorable Jerry Mackie

March 4, 1992

Page 5

Answer: We will be applying for our package of waivers in the very near future. The applications are first filed with the federal Department of Health and Human Services, Region X. We anticipate that we will have approval and be fully operational by July 1993.

If you need further information on these or any other Department programs, please contact me.

Sincerely,



Theodore A. Mala, MD, MPH  
Commissioner

TAM:TB:AW

bcc: Peter Nakamura, Director  
Dwayne Peoples, Health Program Specialist  
Alice Walters, Health Program Nurse Consultant

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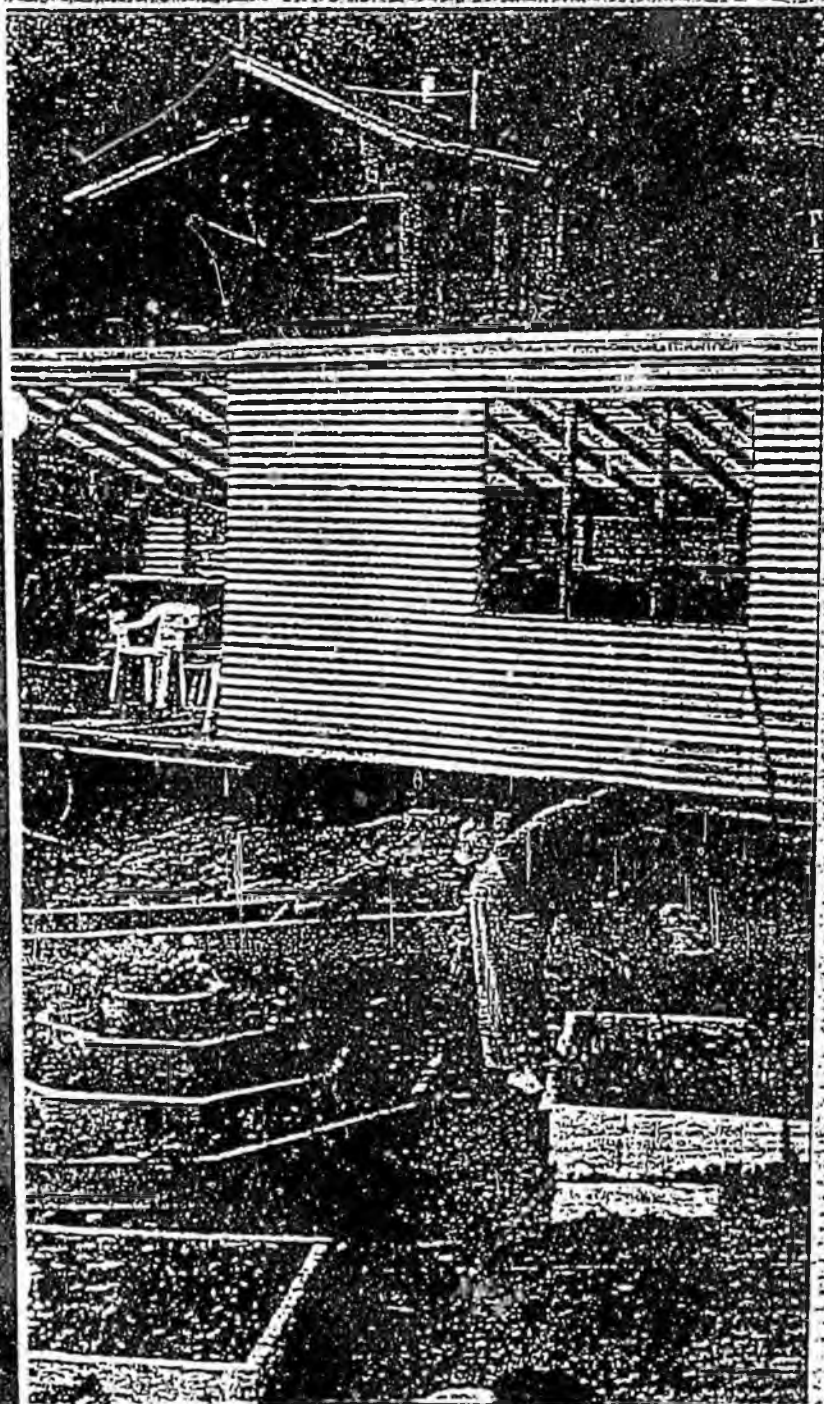
sure we're not a jumbled-up town. A lot of things are going on right this time.

—Johnnie Laird

# Lowering

THE MARCH OF

# Progress



# Alaska's growing, graying

Census reports state is second nationwide in population gain

By PATRICIA SOLOVECHIK

TIMES BUSINESS WRITER

Alaska is growing and graying far more rapidly than the rest of the nation, a trend spurred by workers lured by tales of high-paying jobs and incentives for senior citizens who are remaining in the state or relocating here.

Alaska's population increased 3.7 percent to 570,000 people between April 1990 and July 1991 — the nation's second-fastest growth rate for the 15-month period after Nevada, which gained 6.8 percent, according to U.S. Bureau of the Census data.

However, Scott Goldsmith, an economist with the Institute for Social and Economic Research at the University of Alaska Anchorage, said the trend will not continue.

The growth rate will drop off pretty dramatically between this year and next, Goldsmith said. There will always be people coming to look for work, but as the economy in the lower 48 improves, that will take some of the pressure off.

But the startling rise in older baby boomers and senior citizens among Alaska residents is a trend that will remain with the state as long as incentives are offered to bring them in and keep them here, he said.

Alaska's 88,000 residents in the 45-to-64 age group grew 7.1 percent between the spring of 1990 and last summer, the nation's fastest rate for that population segment. Nationally, the 45-to-64 age group grew at a rate of 1.2 percent during the 15-month period, which is the latest for which census data is available.

And Alaska is second only to Nevada in population growth among people age 65 and older, Census Bureau statistics showed.

The statistics are further indication of a trend that has concerned Alaska officials enough to begin planning sessions on how to deal with caring for that very expensive segment of the population.

The state has been very involved in looking at the growth of seniors and doing some planning related to what we're going to do about it, said Ruth Galias, director of long-term care planning with the Commission on Older Alaskans.

Several projects, funded by state and federal sources, are looking for alternatives to expensive institutionalization of frail or impaired elderly residents in an effort to control costs, she said.

The elderly population is growing at such a phenomenal rate, it is incumbent on us to plan for this

See Census, page A13

# Census

Continued from page A1

group, she said. Meanwhile, the under age 5 population in Alaska is growing at a rate of 1.3 percent, which is far slower than the national average of 2.5 percent.

Children 5 to 17 years old in Alaska have the second-fastest growth rate in the nation for that age group behind Nevada.

However, the number of 18- to 24-year-olds in Alaska shrank by half a percentage point, while nationwide the number shrank by 2.1 percent.

The remaining adult segment of Alaska residents ages 25 to 44 grew at a respectable rate of 2.9 percent between April 1990 and July 1991. That compared with 1.9 percent for the entire United States.

"We are still responding to the employment bank we got from the oil spill cleanup," Goldsmith said.

"And the recession in the Lower 48 has caused people to look to Alaska more than usual as a place of sanctuary from that," he said. "It is typical of what has happened in past recessions that hit the Lower 48."

Workers continue to flood the state in a "delayed response" to the jump in employment during the cleanup phase.



SOURCE: U.S. Bureau of Census. The Anchorage Times

"People hear about the good times and even after the good times have passed and the jobs are taken, they continue to come looking for work," he said.

That may explain why the state's 18- to 24-year-olds show a smaller loss than most states as the baby bust plays itself out. Young workers are able to go far afield in search of work, said Greg Williams, a demographer for the Alaska Department of Labor.

Moreover, the 25- to 44-year-old range grew at a faster pace in Alaska than it did nationally, likely due to adventurous job seekers, the experts said.

Williams said growth rates among Alaska's children fell into a pattern according to parental age, with the 57,000 residents in the under age 5 group probably parented by the state's 56,000 18- to 24-year-olds and Alaska's 123,000 5- to 17-year-olds likely parented by the 222,000 25- to 44-

year-olds. "The rises in school-age population are tied to the ages of their parents. We have more mature families coming in and the highest migration ages are people in their 20s, with kids under 5," he said.

But because Alaska has such a small population, the data tends to be slightly skewed by even minor changes that can appear as large percentages, Williams said.

However, it is clear that Alaska's population is growing and aging far more rapidly than the nation as a whole, Goldsmith said.

"The over 65 group shows strong growth that represents that population group doubling in 10 years," he said. "That is consistent with the growth rate we had between 1980 and 1990."

Goldsmith attributed much of the rise in the number of senior citizens to state fiscal policies that

encourage older people to stay here or migrate to Alaska. To someone on a fixed income, as many seniors are, the longevity bonus, Permanent Fund dividend, property tax rebate and the lack of state income tax are strong incentives.

Alaska's encouragement of a graying population is just beginning to put increasing demands on public services at a time when the state can least afford it, he said. And as budgets tighten, more senior citizens will need the expensive basics of medical care and shelter.

"Our population growth doesn't indicate an increase in our tax capacity," Goldsmith said.

Paring down the services likely will discourage elderly residents from moving here and those who are staying in the state strictly for the financial benefits offered, he said.

There is a real financial incentive to these public programs, and it is a large reason why the over 65 population has doubled in the past 10 years," he said.

Goldsmith said the rise in older baby boomers, Alaska residents ages 45 to 64, is too steep compared with the national average to be a natural increase.

"This is not just an aging of the population. It is people coming in and fewer residents cycling out," he said.

Williams attributed the rise in part to "a wall of folks going over

that 44-year-old boundary," who came to Alaska as young adventurers when statehood was attained.

"A lot of our growth came at statehood, and those age groups are now getting older," Williams said. "In addition, the baby boom is more noticeable here because we have not had a larger older population."

Added to that is the tendency for the 44-plus group to bring parents to live with them as they raise their own children.

"It doesn't hurt that there are (state) benefits, and that may be an incentive. But I think of it more in family terms. We don't attract a lot of single older people as a place to retire, although it does happen, such as ex-military," he said.

Alaska is following a national trend in the graying of its population, said Ruth Golias, long-term care coordinator for the Older Alaskans Commission.

"The 75-plus and 85-plus groups are growing even faster," she said. "It is of increasing concern to all of us." But those over 60 comprise just 6.4 percent of the population, and the 24,000 residents over 65 number about 4 percent.

Connie Sipe, executive director of the Older Alaskans Commission, said that while the number of people over 65 almost doubled between 1980 and 1990, those over 75 grew 110 percent. Nation-

ally, the latter group increased by 25 percent.

"People are living longer, more seniors are staying here, Native elders are living longer, and Alaska is following the national trend of bringing elderly parents to live in the same household as their children and grandchildren," Sipe said. "And they don't necessarily come as dependents. It is often to help out."

State leaders already are grappling with the question of whether or not they can afford to actively encourage seniors to stay in the state, she said.

"We may not be able to afford the same benefits we offered to a much smaller population of elderly," she said. "We are not sure we can keep it up."

Already, waiting lists at pioneers' homes are two to four years, and the average admission age has risen to 82, Sipe said.

"One slip and fall on the ice, and that person can be a long-term care client," she said. "The people in our pioneer homes have much more serious care needs that we used to see."

But the news is not all troubling. More children are growing up with grandparents and contact with older people to enrich their lives. And the economy benefits greatly from the money that comes in from out-of-state in the form of federal funds and retirement checks from corporations and the military.

## Hitchhikers' double murder captivated rural community

By TERRY WALLACE

Woollard said she remembers the day the bodies



## Spell

Continued from page A1

nose), only to be bamboozled by "brannigan," an Irish slang term for a noisy night.

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housing and household statistics from the 1990 census show that for persons age 65 years and over, 74.3% of their housing units were owner occupied. Only 67.2% of housing units were owner occupied for the age group 35-64 years. In Alaska 22.1% of all households consist of one person living alone, with 13.7% of these households consisting of persons over the age of 65.

The number of persons age 65 years or older living alone increased 108% from 1980-1990 from 2,758 to 5,737. The United States' 1990 figures show 39.1% of one person households are persons over the age of 65.

There is no single explanation for the large increase in Alaska's older population during the 1980s. However, the primary factor is likely the aging of the population that migrated to Alaska during the post statehood period. Alaska's median age has increased from 22.9 in 1970 to 29.4 in 1990. The United States' median age in 1990 was 32.9 years. Other factors that have contributed to keeping Alaska's older population in Alaska include improved health care and long term care facilities, elimination of Alaska's income tax, the Permanent Fund Dividend program, the Longevity Bonus program, and property and sales tax exemptions.

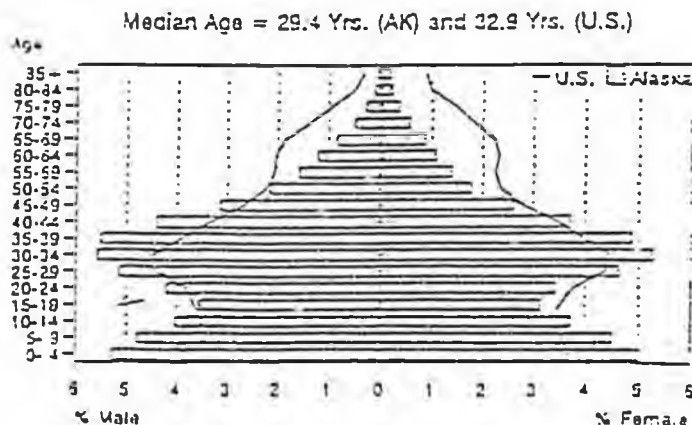
Table 1  
Population Comparison for  
Persons 65 Years and Older for the  
State/Census Areas/Boroughs — 1980 & 1990

	1980	1990	Change 1980-90	Percent
Alaska	11,547	22,369	10,822	93.72
Aleutians East Borough	45	58	13	29.39
Aleutians West C.A.*	62	82	20	32.26
Anchorage Borough	3,520	8,256	4,736	134.50
Bethel C.A.	431	657	226	52.44
Bristol Bay Borough	25	42	17	68.00
Dillingham C.A.	122	205	83	68.03
Fairbanks North Star Borough	1,276	2,540	1,264	99.06
Haines Borough	78	182	104	133.33
Juneau Borough	771	1,364	593	76.91
Kenai Peninsula Borough	327	2,015	1,188	143.55
Ketchikan Gateway Borough	642	907	265	41.28
Kodiak Island Borough	255	425	170	66.67
Lake and Peninsula Borough	47	85	38	80.85
Matanuska-Susitna Borough	730	1,966	1,136	155.62
Nome C.A.	339	419	80	23.60
North Slope Borough	148	197	49	33.11
Northwest Arctic Borough	249	251	32	12.85
Prince of Wales-Outer Ketchikan C.A.	151	216	65	43.05
Sitka Borough	361	492	131	36.29
Skagway-Yakutat-Angoon C.A.	192	235	43	22.40
Southeast Fairbanks C.A.	142	223	81	57.04
Valdez-Cordova C.A.	295	463	168	56.95
Wade Hampton C.A.	178	258	80	44.94
Wrangell-Petersburg C.A.	353	507	154	43.63
Yukon-Koyukuk C.A.	308	392	84	27.27

\*C.A. = Census Area

Source: 1990 Census of Population and Housing, STF1A

### Alaska and U.S. Population Percent Distribution by Age and Sex 1990



Alaska Dept. of Labor, Research and Analysis  
Demographics Unit

**HB**

**4**

§ 47.21.020

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§ 47.24.010 WELFARE, SOCIAL SERVICES & INSTITUTIONS § 47.24.010

Article 1. Protection of the Elderly.

Section

- 10. Reports of harm
- 20. Action on reports
- 30. Protective services
- 40. Review and referral
- 50. Confidentiality of reports

Section

- 60. Authority of the department
- 70. Regulations
- 75. Quarterly report
- 100. Definitions

Cross references. — For statement of SLA 1983, in the Temporary and Special legislative purpose in enacting AS Acts. 47.24.010 — 47.24.100, see § 1, ch. 36.

HB 4 SECTION 2

Sec. 47.24.010. Reports of harm. (a) The following persons who, in the performance of their professional duties, have reasonable cause to believe that an elderly person has suffered harm shall, not later than 24 hours after first having cause for the belief, report the harm to the Department of Health and Social Services:

- (1) a physician or other licensed health care provider;
- (2) a mental health professional as defined in AS 47.30.915(11);
- (3) a pharmacist;
- (4) an administrator of a nursing home, residential care or health care facility;
- (5) a guardian or conservator;
- (6) a police officer;
- (7) a village public safety officer;
- (8) a village health aide;
- (9) a social worker;
- (10) a member of the clergy;
- (11) a staff employee of a project funded by the Older Alaskans Commission;
- (12) an employee of a homemaker program or home health aide program;
- (13) an emergency medical technician or a paramedic in the mobile intensive care program.

(b) A report of harm made under this section may include the name and address of the person reporting the harm and shall include

- (1) the name and address of the elderly person;
- (2) information relating to the nature and extent of the harm;
- (3) other information that the person reporting the harm believes might be helpful in an investigation of the case or in providing protection for the elderly person.

(c) A person who fails to comply with this section is guilty of a violation as defined in AS 11.81.900(b).

(d) This section does not prohibit a person listed in (a) of this section from reporting cases of economic or physical harm to an elderly person that have come to the person's attention in a nonprofessional capacity. This section does not prohibit any other person from reporting economic harm to an elderly person that the person has reasonable cause to believe is a result of theft, fraud, or coercion by a caretaker of the elderly person, or physical harm to an elderly person that the person has reasonable cause to believe is a result of abuse, neglect, or abandonment.

(e) If immediate action is necessary to protect the elderly person from imminent harm, the person shall make the report of harm to a police officer or a village public safety officer. The police officer or village public safety officer shall take immediate action to protect the elderly person and shall, at the earliest opportunity, notify the department.

(f) A person who, in good faith makes a report of economic or physical harm to an elderly person under AS 47.24.010 — 47.24.100, or who participates in judicial proceedings related to the submission of reports under AS 47.24.010 — 47.24.100, is immune from any civil or criminal liability that might otherwise be incurred or imposed.

(g) Failure to make a report under subsections (a) and (d) of this section is not the basis of civil liability unless otherwise provided by law.

(h) If a person makes a good faith report of harm under this section, an employer or supervisor of the person, or a public or private agency or entity that provides benefits, services, or housing to the person, may not discharge, demote, transfer, reduce the pay or benefits or work privileges of, prepare a negative work performance evaluation of, deny or withhold benefits or services, evict, or take other detrimental action against the person because of the report. The person making the report may bring a civil action for compensatory and punitive damages against an employer, supervisor, agency, or entity that violates this subsection. In the civil action there is a rebuttable presumption that the detrimental action was retaliatory if it was taken within 90 days after the report of harm was made. (§ 2 ch 36 SLA 1983; § 4 ch 108 SLA 1989)

Effect of amendments. — The 1985 amendment added subsection (h).

Sec. 47.24.020. Action on reports. (a) Upon receiving a report of harm, the department shall promptly initiate an investigation to determine the economic or physical condition of the elderly person named in the report and whether action or services are needed for the protection of the elderly person. The department shall personally interview the elderly person during the investigation unless the elderly

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person is unconscious or otherwise physically or mentally impaired to such an extent as to be unable to respond to questions.

(b) The department shall prepare a written report of the investigation, including findings, recommendations, and a determination of whether and what kind of protective services are to be offered to the elderly person. Upon request, the person who reported harm to the elderly person shall be notified of the status of the investigation. The department shall provide to the Department of Law a copy of each report of an investigation of harm to an elderly person if the report of harm is confirmed to be true.

(c) The department shall immediately terminate an investigation under this section upon the request of an elderly person who is the subject of a report of harm. However, if the department has reasonable cause to believe that the elderly person is incapacitated, the department may petition the superior court under AS 13.26 for appointment of a guardian or temporary guardian for the elderly person for the purpose of obtaining consent to continue the investigation. (§ 2 ch 36 SLA 1983)

Sec. 47.24.030. Protective services. (a) The department shall provide available protective services to a harmed elderly person if and to the extent to which the elderly person consents. If the department has reasonable cause to believe that the elderly person lacks the capacity to consent to receiving protective services, it may petition the superior court under AS 13.26 for appointment of a guardian or temporary guardian for the elderly person for the purpose of obtaining consent.

(b) If an elderly person who has consented to receiving protective services is prevented by a caretaker from receiving the services, the department may assist the elderly person to petition the superior court for an injunction restraining the caretaker from interfering with the provision of protective services to the elderly person. (§ 2 ch 36 SLA 1983)

Sec. 47.24.040. Review and referral. The department shall, not later than 90 days after initiating the provision of protective services to an elderly person, initiate a review of the case to determine whether continuation or modification of protective services that are being provided is warranted. The department shall reevaluate the case every 90 days thereafter until the case is closed. (§ 2 ch 36 SLA 1983)

Sec. 47.24.050. Confidentiality of reports. (a) Investigation reports and reports of harm filed under AS 47.24.010 — 47.24.100 are confidential and are not subject to public inspection and copying under AS 09.25.110 — 09.25.125. However, in accordance with AS 47.24.010 — 47.24.100 and regulations adopted under AS 47.24.010 — 47.24.100, investigation reports may be used by appropriate governmental agencies inside and outside the state, in connection with investigations or judicial proceedings involving harm to an elderly person.

(b) The department shall disclose a report of harm if the elderly person who is the subject of the report consents in writing. The department shall, upon request, disclose the number of verified reports of harm that occurred at an institution for care of the elderly. (§ 2 ch 36 SLA 1983)

Sec. 47.24.060. Authority of the department. In performing its duties under AS 47.24.010 — 47.24.100, the department may, subject to the elderly person's consent, initiate actions necessary to assure the health, safety and welfare of an elderly person, including the transfer of the elderly person from a nursing home, residential care or health care facility. (§ 2 ch 36 SLA 1983)

Sec. 47.24.070. Regulations. Regulations to implement AS 47.24.010 — 47.24.100 shall be approved by the Older Alaskans Commission (AS 44.21.200) before adoption by the department. (§ 2 ch 36 SLA 1983)

Sec. 47.24.075. Quarterly report. The department shall submit to the Older Alaskans Commission each quarter a statistical report of the department's activities related to the protection of elderly persons in the state. The report may not disclose the identity of victims or perpetrators of the harm. (§ 2 ch 36 SLA 1983)

Sec. 47.24.100. Definitions. In AS 47.24.010 — 47.24.100

(1) "abandonment" means desertion of an elderly person by a caretaker;

(2) "abuse" means the infliction of physical pain or injury, the infliction of mental anguish that requires medical attention, or the deprivation by a caretaker of services that are necessary to maintain the physical and mental health of an elderly person;

(3) "caretaker" means a person who is responsible for the care of an elderly person as a result of a family relationship, or who has assumed responsibility for the care of an elderly person voluntarily, by contract, or by court order;

(4) "department" means the Department of Health and Social Services;

(5) "economic harm" means intentional economic exploitation of an elderly person resulting from theft, fraud, or coercion by a caretaker of the elderly person;

(6) "elderly person" means a resident of Alaska who is 65 years of age or older;

(7) "harm" means physical harm or economic harm;

(8) "incapacitated" means a person's ability to receive and evaluate information or to communicate decisions is impaired for reasons other than minority to the extent that the person lacks the ability to obtain the essential requirements for physical health or safety without court-ordered assistance;

(9) "neglect" means the failure by the caretaker of an elderly person to provide services necessary to maintain the physical and mental health of the elderly person;

(10) "physical harm" means injury to the person of an elderly person resulting from abuse, neglect or abandonment;

(11) "police officer" has the meaning given in AS 18.65.290;

(12) "protective services" means services intended to prevent or alleviate harm resulting from abuse, neglect, exploitation, or abandonment. (§ 2 ch 36 SLA 1983)

Article 2. Protection of Disabled Adults.

Section

110. Reports of physical or sexual assault

120. Immunity from liability: retaliation prohibited

EXISTING SECTION #3

Sec. 47.24.110. Reports of physical or sexual assault. (a) The following persons who, in the performance of their professional duties, have reasonable cause to believe that a disabled adult is a victim of assault under AS 11.41.200 — 11.41.230 or sexual assault under AS 11.41.410 — 11.41.420, and that the disabled adult is unable to report the crime, shall promptly report the crime to the nearest law enforcement agency:

(1) a physician or other licensed health care provider;

(2) a mental health professional as defined in AS 47.30.915;

(3) a pharmacist;

(4) an administrator or employee of a nursing home, residential care, or health care facility;

(5) a caretaker of the disabled adult;

(6) a guardian or conservator of the disabled adult;

(7) a police officer as defined in AS 18.65.290;

(8) a village public safety officer;

(9) a village health aide;

(10) a social worker;

(11) a member of the clergy;

(12) a staff employee of a program or project serving disabled adults;

(13) a licensed foster care provider;

(14) a paid employee of a domestic violence and sexual assault program or a crisis intervention and prevention program as defined in AS 18.66.900;

(15) an employee of a homemaker program or home health aide program;

(16) an emergency medical technician or paramedic in the mobile intensive care program.

(b) A person who knowingly fails or refuses to make a report required under (a) of this section is guilty of a class B misdemeanor.

(c) In this section, "disabled adult" means a person 18 years of age or older who has a physical or mental disability, or physical or mental impairment, as defined in AS 18.80.300. (§ 3 ch 42 SLA 1988)

Sec. 47.24.120. Immunity from liability; retaliation prohibited. (a) A person who in good faith makes a report under AS 47.24.110, regardless of whether the person is required to do so, is immune from civil or criminal liability that might otherwise be incurred or imposed for making the report.

(b) An employer or supervisor of a person who in good faith makes a report under AS 47.24.110 may not discharge, demote, transfer, reduce pay or benefits or work privileges of, prepare a negative work performance evaluation of, or take other detrimental action against the person because the person made the report. The person making the report may bring a civil action for compensatory and punitive damages against an employer or supervisor who violates this subsection. In the civil action there is a rebuttable presumption that the detrimental action by the employer or supervisor was retaliatory if it was taken within 90 days after the report was made. (§ 3 ch 42 SLA 1988)

## Chapter 25. Public Assistance.

### Article

1. General Relief Assistance (§§ 47.25.120 — 47.25.300)
2. Aid to Families with Dependent Children Act (§§ 47.25.310 — 47.25.420)
3. Job Opportunity and Basic Skills Program (JOBS) (§§ 47.25.421 — 47.25.429)
4. Adult Public Assistance (§§ 47.25.430 — 47.25.615)
5. Food Stamp Program (§§ 47.25.975 — 47.25.990)

# Alaska State Legislature



REPRESENTATIVE  
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## House of Representatives

### SPONSOR STATEMENT FOR CSHB 4 (JUD)

HB 4, An Act relating to failure to report harm or assaults of the elderly or disabled, will place into state law deterrents to crimes against the elderly and disabled.

HB 4 will amend the protection of the elderly and disabled adult protection laws to consistently provide a penalty of a class B misdemeanor for conviction of failure to report a crime under these statutes; it would also require the court to report convictions to the appropriate licensing/regulatory entity. Conviction of a professionally licensed person for a crime against an elderly or disabled person could lead to disciplinary actions or sanctions.

Elderly and handicapped persons are more vulnerable and disproportionately damaged by crimes against them because they are less able to escape offenders and tend to suffer greater relative deprivation. Additionally, the elderly and disabled take longer to recover from the impacts of financial, emotional and physical abuse.

The senior citizen population in Alaska is rapidly growing; between the 1980 and 1990 census, four areas of the state have seen over 130% growth in the senior population (Anchorage, Kenai, Mat-Su and Haines); the statewide average growth for this population group is 93.7%. The number of seniors living alone has grown by 108%.

26 states have adult protection laws, although many of them are underfunded as our services are here in Alaska. About 200 reports of elderly abuse are made in Alaska each year; HB 4, if enacted, will provide both an incentive to report abuse and a deterrent to crimes against the elderly.

I believe this legislation is timely and urge your support.

# Alaska State Legislature

REPRESENTATIVE  
JERRY MACKIE



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## House of Representatives

### SECTIONAL ANALYSIS - HB 4

"AN ACT RELATING TO FAILURE TO REPORT HARM OR ASSAULTS OF THE ELDERLY OR DISABLED"

- Section 1 Amends the centralized licensing statute by adding a new section which provides that conviction of a person licensed or regulated by a board or the department under the adult protection or protection of disabled persons statutes may be grounds for disciplinary actions or sanctions.
- Section 2 Amends AS 47.24.010(c) to provide that a person required to report harm to an elderly person under the Protection of the Elderly statute who knowingly fails to report is guilty of a class B misdemeanor. The section also requires the court to report convictions under this section to the appropriate professional regulatory body.
- Section 3 Amends AS 47.24.110(b) to provide that a person required to report physical and sexual assault of a disabled person under the Protection of the Disabled statute who knowingly fails to report the assault is guilty of a class B misdemeanor. The section also requires the court to report convictions under this section to the appropriate professional regulatory body.

# FISCAL NOTE

STATE OF ALASKA  
1993 LEGISLATIVE SESSION

BILL NO. CSHB 4 (JUD)

Revision Date: April 1, 1993 Dept. Affected: Health and Social Services  
 Title: "An Act relating to Assault of Elderly/Disabled and Failure to Report Harm" ERU: Family & Youth Services  
 Component: SERO, SCRO, NRO  
 Sponsor: Representative Mackie  
 Requestor: House Finance Committee COMPONENT SERIAL NO. 0253, 0254, 0255

Expenditures/Revenues:	(Thousands of Dollars)					
OPERATING	FY94	FY95	FY96	FY97	FY98	FY99
PERSONAL SERVICES						
TRAVEL					-	
CONTRACTUAL						
SUPPLIES						
EQUIPMENT						
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
<b>TOTAL OPERATING</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>
CAPITAL						
REVENUE FUND SOURCE						

FUNDING:	(Thousands of Dollars)					
1002 Federal Receipts						
1003 GF Match						
1004 GF						
1005 GF/Program Receipts						
1006 GF/MHTA						
Other						
<b>TOTAL</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>

POSITIONS:						
FULL-TIME						
PART-TIME						
TEMPORARY						

Estimate of current year (FY93) impact: NONE

**ANALYSIS:** (Attach a separate page if necessary)  
 Alaska, like many states in the early 80's, passed but failed to fund a Protection of the Elderly statute. A decade after Alaska's law was passed, the Department still is not adequately funded for this mandate. There is concern over raising the penalty when mandated professionals fail to report abuse and neglect to elderly persons to the Department as the existing response system is inadequate. This bill, if passed, would not directly create an additional workload on the Department.

Prepared by: Deborah R. Wing, Director *Deborah R. Wing* Phone: 465-3191  
 Division: Department of Health & Social Services Date: 04/01/93  
 Approved by Commissioner: Theodore A. Mala, MD, MPH *Theodore A. Mala* Date: 5/1/93  
 Agency: Department of Health & Social Services

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# FISCAL NOTE

STATE OF ALASKA  
1993 LEGISLATIVE SESSION

BILL NO. CSHB 4 (JUD)

Revision Date:	<u>03-23-93</u>	Dept. Affected:	<u>Corrections</u>
Title:	<u>"...adding an aggravating factor at sentencing."</u>	BRU:	<u>Statewide Programs</u>
Sponsor:	<u>Rep. Mackie</u>	Component:	<u>Statewide Programs</u>
Requestor:	<u>House Judiciary</u>	COMPONENT SERIAL NO.:	<u>1858</u>

**Expenditures/Revenues:**

(Thousands of Dollars)

OPERATING	FY94	FY95	FY96	FY97	FY98	FY99
PERSONAL SERVICES						
TRAVEL						
CONTRACTUAL	-0-	-0-	-0-	-0-	-0-	-0-
SUPPLIES						
EQUIPMENT						
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
<b>TOTAL OPERATING</b>	-0-	-0-	-0-	-0-	-0-	-0-

CAPITAL						
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REVENUE FUND SOURCE:						
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**FUNDING:**

(Thousands of Dollars)

FUNDING	FY94	FY95	FY96	FY97	FY98	FY99
1002 Federal Receipts						
1003 GF Match						
1004 GF	-0-	-0-	-0-	-0-	-0-	-0-
1005 GF/Program Receipts						
1006 GF/MHTIA						
Other						
<b>TOTAL</b>	-0-	-0-	-0-	-0-	-0-	-0-

**POSITIONS:**

POSITIONS	FY94	FY95	FY96	FY97	FY98	FY99
FULL-TIME						
PART-TIME						
TEMPORARY						

Estimate of current year (FY93) impact: -0-

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

CSHB 4 (Jud) removes Section 2 of H.B. 4, and therefore removes the fiscal impact on the Department of Corrections.

Prepared by:	Dana LaTour, Special Assistant <i>[Signature]</i>	Phone:	<u>465-3376</u>
Division:	<u>Office of the Commissioner</u>	Date:	<u>03/23/93</u>
Approved by Commissioner:	Lloyd G. Rupp <i>[Signature]</i>	Date:	<u>03/23/93</u>
Agency:	<u>Office of the Commissioner</u>		

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# FISCAL NOTE

STATE OF ALASKA

BILL NO.                      HB 4

1993 LEGISLATIVE SESSION

Revision Date: 3/25/93 Dept. Affected: Commerce & Economic Development  
 Title: Failure to report harm or assaults BRU: Occupational Licensing  
of the elderly or disabled. Component: Operations  
 Sponsor: Rep. Mackle  
 Requestor: Rep. Mackle COMPONENT SERIAL NO. 1844

**Expenditures/Revenues:**

(Thousands of Dollars)

OPERATING	FY 94	FY 95	FY 96	FY 97	FY 98	FY 99
PERSONAL SERVICES	.01	.01	.01	.01	.01	.01
TRAVEL	.01	.01	.01	.01	.01	.01
CONTRACTUAL	.01	.01	.01	.01	.01	.01
SUPPLIES	.01	.01	.01	.01	.01	.01
EQUIPMENT						
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
<b>TOTAL OPERATING</b>	<b>.01</b>	<b>.01</b>	<b>.01</b>	<b>.01</b>	<b>.01</b>	<b>.01</b>
<b>CAPITAL</b>						
<b>REVENUE FUND SOURCE:</b>	<b>.01</b>	<b>.01</b>	<b>.01</b>	<b>.01</b>	<b>.01</b>	<b>.01</b>

**FUNDING:**

(Thousands of Dollars)

1002 Federal Receipts						
1003 GF Match						
1004 GF						
1005 GF/Program Receipts	.01	.01	.01	.01	.01	.01
1006 GF/MHTIA						
Other						
<b>TOTAL</b>	<b>.01</b>	<b>.01</b>	<b>.01</b>	<b>.01</b>	<b>.01</b>	<b>.01</b>

**POSITIONS:**

FULL-TIME	01	01	01	01	01	01
PART-TIME	01	01	01	01	01	01
TEMPORARY	01	01	01	01	01	01

Estimate of current year (FY 93) impact: \$ None

**ANALYSIS:** (Attach a separate page if necessary)  
 HB4 amends the centralized licensing statutes (AS 08.01) by adding a new section to provide that a licensee who is convicted of failing to report abuse of an elderly or disabled person may subject their license to disciplinary proceedings or sanctions. The bill also mandates the court to notify licensing authorities upon a conviction of a licensee.

(Continued on attached)

Prepared by: Jennifer Strickler, Administrative Officer  
 Division: Occupational Licensing

Phone: 465-2144  
 Date: 3/25/93

Approved by Commissioner: Paul Fuchs  
 Agency: Commerce & Economic Development

Date: 3-25-93

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CONTINUATION of FISCAL NOTE ANALYSIS  
FOR BILL/RESOLUTION NO. HB 4

The division was informed that within the past 10 years, there has not been a conviction of individuals for failing to report abuse of elderly or disabled persons. However, should a conviction occur and a report made to the licensing authority, the division will immediately seek new funding through available sources, prior to considering the reported information for disciplinary action.

In the event a conviction is reported and the report is considered by the licensing authority, the licensee is protected by due process under the Administrative Procedure Act; therefore, a hearing and other costs will be generated as part of the hearing process. This bill affects approximately 10,000 licensees and their possible failure to report abuse. If .001% of the licensees fail to report abuse, 10 investigative cases and/or licensing actions will be generated per year.

The Occupational Licensing Investigative Unit is more often than not the first government agency to be notified in similar cases. Rather than to make a report to the State Troopers to investigate events that occur at a health care facility, complaints are lodged with the investigative unit against a licensee. As we have experienced in the past, the State Troopers will usually take over when the investigative unit has developed some hard evidence that they can work with; consequently, there will be expenses involved when it becomes illegal to abuse elderly or disabled persons.

In summary, new funds are not requested at this time to carry out the provisions of HB 4, however, should a conviction occur and a report be filed with the licensing authorities or investigation be deferred to this division, there is a high possibility that disciplinary action will not be initiated unless a position and funding support can be obtained.

## FISCAL NOTE

STATE OF ALASKA  
1993 LEGISLATIVE SESSION

BILL NO. CSHB 4 (Jud)

Revision Date: \_\_\_\_\_ Dept. Affected: Administration  
 Title: "An Act relating to failure to report harm..." BRU: Public Defender Agency  
 Component: Public Defender Agency  
 Sponsor: Representative Mackie  
 Requestor: \_\_\_\_\_ COMPONENT SERIAL NO. 1631

Expenditures/Revenues: (Thousands of Dollars)

OPERATING	FY 94	FY 95	FY 96	FY 97	FY 98	FY 99
PERSONAL SERVICES	0	0	0	0	0 -	0
TRAVEL	0	0	0	0	0	0
CONTRACTUAL	0	0	0	0	0	0
SUPPLIES	0	0	0	0	0	0
EQUIPMENT	0	0	0	0	0	0
LAND & STRUCTURES	0	0	0	0	0	0
GRANTS, CLAIMS	0	0	0	0	0	0
MISCELLANEOUS	0	0	0	0	0	0
<b>TOTAL OPERATING</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>

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

REVENUE FUND SOURCE:	0	0	0	0	0	0
----------------------	---	---	---	---	---	---

FUNDING:

1002 Federal Receipts	0	0	0	0	0	0
1003 GF Match	0	0	0	0	0	0
1004 GF	0	0	0	0	0	0
1005 GF/Program Receipts	0	0	0	0	0	0
1006 GF/MHTIA	0	0	0	0	0	0
Other	0	0	0	0	0	0
<b>TOTAL</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>

POSITIONS:

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

Estimate of current year (FY93) impact: \$ none

ANALYSIS: (attach a separate page if necessary.)

Prepared By: John Salemi, Public Defender Phone: 274-1684  
 Division: Public Defender Agency Date: \_\_\_\_\_  
 Approved by Commissioner: Nancy Bear Usery Date: 4/12/93  
 Agency: Department of Administration

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FISCAL NOTE

STATE OF ALASKA  
1993 LEGISLATIVE SESSION

BILL NO. CSHB 4 (Iud)

Revision Date: \_\_\_\_\_ Dept. Affected: Administration  
 Title: "An Act relating to failure to report harm or assaults of the ..." BRU: Office of Public Advocacy  
 Component: Office of Public Advocacy  
 Sponsor: Representative Mackie  
 Requestor: \_\_\_\_\_ COMPONENT SERIAL NO. 43

Expenditures/Revenues: (Thousands of Dollars)

OPERATING	FY 94	FY 95	FY 96	FY 97	FY 98	FY 99
PERSONAL SERVICES	0	0	0	0	0	0
TRAVEL	0	0	0	0	0	0
CONTRACTUAL	0	0	0	0	0	0
SUPPLIES	0	0	0	0	0	0
EQUIPMENT	0	0	0	0	0	0
LAND & STRUCTURES	0	0	0	0	0	0
GRANTS, CLAIMS	0	0	0	0	0	0
MISCELLANEOUS	0	0	0	0	0	0
TOTAL OPERATING	0	0	0	0	0	0

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

REVENUE FUND SOURCE:	0	0	0	0	0	0
----------------------	---	---	---	---	---	---

FUNDING:

1002 Federal Receipts	0	0	0	0	0	0
1003 GF Match	0	0	0	0	0	0
1004 GF	0	0	0	0	0	0
1005 GF/Program Receipts	0	0	0	0	0	0
1006 GF/MHTIA	0	0	0	0	0	0
Other	0	0	0	0	0	0
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

Estimate of current year (FY93) impact: \$ None

ANALYSIS: (attach a separate page if necessary.)

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

Approved by Commissioner: Nancy Bear Usara Date: 4/12/93  
 Agency: Department of Administration

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# FISCAL NOTE

STATE OF ALASKA  
1993 LEGISLATIVE SESSION

BILL NO: CSHB 4(JUD)

Revision Date: \_\_\_\_\_ Dept. Affected: Public Safety  
 Title: "An act relating to failure to report harm  
or assault of the elderly or disabled." BRU: Alaska State Troopers  
 Component: Detachments  
 Sponsor: Representative Mackie  
 Requestor: House Rules COMPONENT SERIAL NO. 799

**EXPENDITURES/REVENUES: (Thousands of Dollars) (inflation not included)**

OPERATING	FY 94	FY 95	FY 96	FY 97	FY 98	FY 99
PERSONAL SERVICES					-	
TRAVEL						
CONTRACTUAL						
SUPPLIES						
EQUIPMENT						
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
<b>TOTAL OPERATING</b>	0.0	0.0	0.0	0.0	0.0	0.0
<b>CAPITAL</b>	0.0	0.0	0.0	0.0	0.0	0.0
<b>REVENUE FUND SOURCE:</b>	0.0	0.0	0.0	0.0	0.0	0.0

**FUNDING: (Thousands of Dollars)**

1002 Federal Receipts						
1003 GF Match						
1004 GF						
1005 GF/Program Receipts						
1006 GF/MHTIA						
Other						
<b>TOTAL</b>	0.0	0.0	0.0	0.0	0.0	0.0

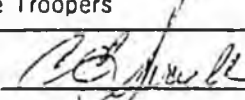
**POSITIONS:**

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

Estimate of current year (FY 93) impact: \$ \_\_\_\_\_

ANALYSIS: (Attach a separate page if necessary.)

No fiscal impact is anticipated.

Prepared By: Francis C. Allan Phone: 269-5691  
 Division: Alaska State Troopers Date: 4/02/93  
 Approved by Commissioner:  Date: 4/02/93  
 Agency: Richard L. Burton, Dept. of Public Safety

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## Older Alaskans Commission

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### POSITION PAPER ON HOUSE BILL 4

"An Act relating to criminal offenses and penalties for offense involving the disabled or elderly"

The Older Alaskans Commission supports passage of this bill.

This bill would add an aggravating factor to the criminal sentencing statutes; specifically to recognize the aggravated harm done when any type of physical or financial criminal harm is perpetrated upon a senior citizen (over 65) or a mentally or physically impaired citizen.

In addition, this bill will expand and enhance Alaska's Elder Abuse Reporting Law. The bill will allow a professional or occupational licensing board to discipline or sanction a licensed professional who is convicted for a knowing failure to report abuse or an elderly or disabled person as required by law. (The Elder and Disabled Abuse reporting statutes list the specific health, social service, and legal professional categories which are required to report abuse.)

Finally, this bill strengthens the existing abuse reporting laws by making the criminal penalty language consistent with the current criminal code, and by adding to the elder abuse law the requirement that the person who fails to report must do so "knowingly" in order to be held to a criminal penalty (consistent with the disabled report law). The bill also adds new provisions that the court system will send notice of the conviction to the licensing board which regulates a professional convicted of failure to report abuse.

The Older Alaskans Commission believes that abuse of elders and disabled adults is a grievous problem that Alaska must better address. The Commission urges passage of HB 4.

*Donald M. Hoover*

Donald M. Hoover, Chairman  
Older Alaskans Commission

Dated: 3/22, 1993

Housing and household statistics from the 1990 census show that for persons age 65 years and over, 74.3% of their housing units were owner occupied. Only 67.2% of housing units were owner occupied for the age group 35-64 years. In Alaska 22.1% of all households consist of one person living alone, with 13.7% of these households consisting of persons over the age of 65. The number of persons age 65 years or older living alone increased 108% from 1980-1990 from 2,753 to 5,737. The United States' 1990 figures show 39.1% of one person households are persons over the age of 65.

There is no single explanation for the large increase in Alaska's older population during the 1980s. However, the primary factor is likely the aging of the population that migrated to Alaska during the post statehood period. Alaska's median age has increased from 22.9 in 1970 to 29.4 in 1990. The United States' median age in 1990 was 32.9 years. Other factors that have contributed to keeping Alaska's older population in Alaska include improved health care and long term care facilities, elimination of Alaska's income tax, the Permanent Fund Dividend program, the Longevity Bonus program, and property and sales tax exemptions.

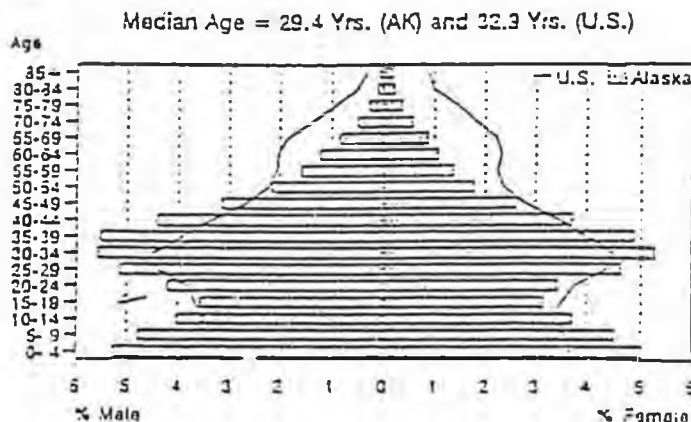
Table 1  
Population Comparison for  
Persons 65 Years and Older for the  
State/Census Areas/Boroughs — 1980 & 1990

	1980	1990	Change	
			1980-90	Percent
Alaska	11,547	22,369	10,322	93.72
Aleutians East Borough	45	53	13	28.39
Aleutians West C.A.	62	82	20	32.26
Anchorage Borough	3,520	8,258	4,738	134.50
Bethel C.A.	431	657	226	52.44
Bristol Bay Borough	25	42	17	68.00
Dillingham C.A.	122	205	83	68.03
Fairbanks North Star Borough	1,276	2,540	1,264	99.06
Haines Borough	73	132	104	133.33
Juneau Borough	771	1,364	593	76.91
Kenai Peninsula Borough	827	2,015	1,153	143.55
Ketchikan Gateway Borough	642	907	265	41.29
Kodiak Island Borough	255	425	170	66.57
Lake and Peninsula Borough	47	85	38	80.35
Matanuska-Susitna Borough	730	1,966	1,136	155.62
Nome C.A.	339	419	80	23.60
North Slope Borough	143	197	49	33.11
Northwest Arctic Borough	249	281	32	12.95
Prince of Wales-Outer Ketchikan C.A.	151	216	65	43.05
Sitka Borough	361	492	131	36.29
Skagway-Yakutat-Angoon C.A.	192	235	43	22.40
Southeast Fairbanks C.A.	142	223	81	57.04
Valdez-Cordova C.A.	295	463	166	56.95
Wade Hampton C.A.	173	258	80	44.94
Wrangell-Petersburg C.A.	353	507	154	43.53
Yukon-Koyukuk C.A.	308	392	84	27.27

\*C.A. = Census Area

Source: 1990 Census of Population and Housing, STF1A

### Alaska and U.S. Population Percent Distribution by Age and Sex 1990



Alaska Dept. of Labor, Research and Analysis  
Demographics Unit

## ADULT PROTECTIVE SERVICES

### INCIDENCE

In the fall of 1990, the Division of Family and Youth Services in collaboration with the Older Alaskan's Commission sponsored the first Adult Protective Services Conference held in Alaska. More than 100 concerned Alaskans attended.

Dr. Sue Parkins of St. Vincent Medical Center of Toledo, Ohio, spoke on Elder Abuse: A Front Line and National Perspective. She noted that Alaska's reporting of abused and neglected elders and other vulnerable adults is higher than reporting in other states. Yet she also noted that the actual incidence of abuse and neglect to elders is believed to be much higher than the number reported in any state.

Alaska's abused and neglected vulnerable adult profile can be seen in the attached chart of statistics. Due to a transition in statistical record keeping, adult protective services reports of harm statistics after 1989 are not available.

In the 1990 conference, Dr. Parkins indicated nationally there are 9.8 incidents reported per 1000 seniors or about 10 per thousand. About one in eight cases of abuse are actually reported, so perhaps 80 cases per 1000 seniors would reflect actual incidence of abuse and neglect. National incidence data for abused disabled adults younger than age 65 is not available, however, about 1/3 of adult protective services cases nationally and in Alaska are under age 65. Conferees set about exploring actual incidence and an Alaskan response to the problem. Rough projections done in 1990 for Alaska's elder abuse situation follow:

CITY	# SENIORS	PROJECTED ELDER ABUSE/YEAR
Statewide	20,000	1,600
Anchorage	7,300	584
Fairbanks	2,300	184
Mat-Su	1,600	128
Kenai	1,900	152
Juneau	1,200	96
Bethel	700	56
Wrangell/Petersburg	500	40

All other communities in Alaska: probably fewer than 40 cases of elder abuse. These figures do not include abused vulnerable adults under age 65.

DEPARTMENT OF HEALTH AND SOCIAL SERVICES  
Division of Family and Youth Services

Adult Protective Services Reports of Harm\*

<u>Number of Reports:</u>	<u>1985</u>	<u>1986</u>	<u>1987</u>	<u>1988</u>	<u>1989</u>	<u>Ave.</u>	<u>%</u>
65 and over:	137		155	275	226	198	54
60 - 64	21		40	28	39	32	9
18 - 60	37		122	185	143	134	37
<u>Sex of Victim:</u>							
Male	35		118	135	161	137	38
Female	160		199	303	247	227	62
<u>Type of Harm:</u>							
Abandonment	10	11	11	17	7	11	3
Abuse	128	117	65	171	126	121	34
Economic Harm	40	69	133	127	98	93	26
Neglect	67	129	100	173	177	129	37
<u>Relationship of Perpetrator to Victim:</u>							
Wife	18		3	7	8	10	4
Husband	41		30	40	31	36	14
Son	40		24	43	64	43	17
Daughter	16		18	19	41	24	10
Other Male Family Member	32		10	30	34	27	10
Other Female Family Member	25		15	19	25	21	3
Other Male	31		64	46	65	51	20
Other Female	20		38	62	51	43	17
<u>Did the Victim Request That the Investigation be Terminated?</u>							
Yes	61		80	117	163	105	44
No	116		35	160	183	136	56
<u>Type of Report</u>							
Mandatory	38		123	169	151	133	67
Other	63		79	77	48	57	33
<u>Was the Report Confirmed?</u>							
Yes	142	202	152	150	222	174	62
No	31	94	145	124	129	105	38

REPORTS OF HARM\*

	<u>65 and older</u> (all ages combined)	<u>60-65</u>	<u>18-59</u>	<u>TOTAL</u>
FY84				72
FY85	137	21	87	245
FY86	98	39	195	332
FY87	155	40	122	317
FY88	275	28	185	488
FY89	226	39	143	408

\*Due to a transition in data collection to Prober, Reports of Harm to adults data is not available after FY89.

## ADULT PROTECTIVE SERVICES CLIENTS AND DFYS SERVICES

<u>Age</u>	<u>FY87</u>	<u>FY88</u>	<u>FY89</u>	<u>FY90*</u>	<u>FY91*</u>
18-59	609	577	568	362	279
60 & up	1326	1326	1272	894	846
<u>Sex</u>					
Female	1268	1289	1256	810	725
Male	666	656	625	446	400
<u>Race</u>					
AK Native	792	790	672	461	483
Black	58	59	69	42	36
Caucasian	1020	1000	976	603	511
Unknown	65	91	117	148	178
<u>Services Turnover</u>					
Clients Exiting					
System in the FY	556	438	445	177	137
Clients Began in the FY	301	487	446	122	50
Clients Continued Thru to the next FY	554	543	569	871	853
Clients Interrupted During the FY	87	47	51	2	3
Clients Entered and Exited in the FY	437	428	371	84	86
<u>Homemaker Services</u>					
Number of Clients	1260	1430	1363	76	61
<u>Adult Foster Care</u>					
Number of Clients	27	41	38	28	28
<u>Adult Residential Care</u>					
Number of Clients	66	69	70	77	63

\*Homemaker Services were transferred to Public Health in FY90, resulting in a substantial drop in DFYS delivered homemaker services to "at risk" elders and vulnerable adults under the APS program. In addition beginning in FY90 social workers began to transition from the mainframe data system to a new system called Prober. Figures given for FY 90 and 91 are fewer than actual cases, as some cases were recorded only in the new Prober system and are not represented here.

## ELDER ABUSE

### WHO IS AN ELDERLY PERSON?

Under AS 47.24 an elderly person means a resident of Alaska who is 65 years of age or older.

### WHAT CONSTITUTES ELDER ABUSE?

Elder abuse means the infliction of physical pain or injury that requires medical attention, or the infliction of mental anguish that requires medical attention or the deprivation by a caretaker of services which are necessary to maintain the physical and mental health of an elderly person.

### WHO IS A CARETAKER?

AS 47.24 defines a caretaker as any individual who is responsible for the care of an elderly person as a result of family relationship or who has assumed responsibility for the care of an elder person voluntarily, by contract, or by court order.

### WHO SHOULD REPORT ELDER ABUSE?

Anyone who suspects that abuse may be occurring should report it. Additionally, the following persons are required to report suspected abuse within 24 hours: physicians or other licensed health care provider; mental health professionals; pharmacists; administrators of nursing homes, residential care or health care facilities; guardians/conservators; police officers; village public safety officers; village health aides; social workers; clergy; employees of a project funded by the Older Alaskans Commission; employees of a homemaker program or home health aide program; and emergency medical technicians or paramedics in the mobile intensive care program. Reports are confidential and persons reporting are immune from any civil or criminal liability.

### WHERE DO I REPORT ELDER ABUSE?

Call the nearest office of the Division of Family and Youth Services. If immediate action is necessary to protect the elderly person from imminent harm, report the harm to a police officer or a village public safety officer. The police officer will take immediate action to protect the elderly person and will notify the Division.

#### WHAT WILL THE DIVISION OF FAMILY AND YOUTH SERVICES DO?

The social worker interviews the suspected victim to verify the report and explain possible options for resolving the problem. Together, they will decide which steps to take. It is important to remember that the social worker may act only if the elderly person consents.

#### WHAT RIGHTS DOES THE ELDERLY PERSON HAVE?

The elderly person has the right to privacy and self-determination and to deny the need for services. If someone is unconscious or otherwise lacks capacity to give consent, the social worker may ask the court to appoint a guardian.

#### WHAT IF I'M ACCUSED OF ELDER ABUSE?

The social worker would talk with you and the elderly person to determine the extent of the problem and explore possible solutions. Depending on the circumstances, the elderly person may elect to file charges. In most instances however, the problems can be resolved with adequate support services.

#### WHAT HAPPENS AFTER THE INVESTIGATION?

The Division only provides services with the consent of the elderly person. If the person lacks capacity to give consent, or requests Division assistance, the social worker will provide supportive services to reduce stress and prevent further abuse.

#### WHAT TYPES OF SERVICES WOULD BE AVAILABLE TO THE ELDERLY PERSON AND HIS FAMILY?

Individual and family counseling, respite care, homemaker or home health aide services, transportation, home delivered meals, day activity center, adult residential care, adult foster homes, etc., may be provided. However, not all services are available in all communities. Occasionally it is necessary to request the appointment of a conservator or guardian to safeguard the individual and his resources.

#### WILL OTHER PEOPLE KNOW?

All information will be kept confidential. The elderly person must give consent for information to be shared.

## ADULT PROTECTIVE SERVICES

The state agency responsible to carry out adult protective services is the Division of Family and Youth Services or grantee in the case on Manniilaq or Kawarek. A protective services response generally should include the following activities:

- (1) the operation of a system to receive reports and referrals of suspected elder abuse, as defined by state law (i.e., abandonment, abuse, neglect, and economic harm); younger vulnerable adults are included under the division's Title XX Plan;
- (2) the investigation of cases of maltreatment by gathering evidence from the victim, family members, appropriate professionals, neighbors and friends, and others determined to be appropriate;
- (3) the substantiation or unsubstantiation of abuse reports based on evidence and agency policy;
- (4) the provision of emergency services to victims or their family members, as needed and as resources permit;
- (5) the administration of assessments, tests, or evaluations, as needed;
- (6) the preparation of legal procedures, as needed;
- (7) the referral of cases to treatment and rehabilitation programs, substitute care programs, long-term care programs, and law enforcement agencies, as appropriate;
- (8) arrangements for the removal of the victim or the perpetrator from the home, when necessary;
- (9) the provision of support, protective, and advocacy services;
- (10) the training of agency staff, related professions, and volunteers;
- (11) the administration of public awareness programs; and
- (12) the collection of statistics for clients and services.

There are currently three workers specializing in Adult Protective Services (two in Anchorage and one in Fairbanks). In all other areas of the state adult protective services are provided by staff who are assigned to provide protective services to both children and adults.

by  
*National Association of State Units on Aging*

Individual and collective advocacy is the essential core of the Older Americans Act and a central mission of the network of state and area agencies that the Act has established across the nation. The OAA network's primary purpose is to assure that individual older people have their civil rights, autonomy and dignity protected, their claims to entitlements honored and their contracts and covenants for care and benefits fulfilled. This responsibility is paramount with respect to those who are unable to secure and protect their own interests. This advocacy mission calls for enhanced federal, state and community leadership and action to design and implement comprehensive and coordinated elder rights systems for older persons.

In our increasingly complex society, we find continuing and growing evidence of threats to and violation of the rights of older persons:

- The incidents of elder abuse and exploitation in domestic settings are estimated at approximately 1.5 million per year and only 1 in 8 individuals receives protective services. Law enforcement is reluctant to prosecute even serious cases. The interventions of key community services which address alcohol and substance abuse, domestic violence, protective service and mental health are seldom linked. Health care professionals, financial institutions and other important gatekeepers are not adequately involved in prevention, reporting and assistance activities.
- Approximately 2 million older persons reside in an estimated 90,000 long term care facilities with growing reports of abuse, loss of autonomy and complaints concerning the quality of care. Although enforcement of protections has been strengthened under OBRA, the full scope and spirit of the Nursing Home Reform Act has yet to be realized. The public is not knowledgeable of these new protections; residents are not aware of avenues of redress.
- In growing numbers, older persons lose their rights often with no due process safeguards. Guardianship may be awarded with little or no consideration of alternative services or limited orders. The availability of training or support services for guardians and the courts are limited. Required reporting is not reviewed and the courts have little capacity to exercise oversight.
- More than any other age group older persons rely on increasingly complex and

## Elder Rights

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changing public benefit programs, services and protections to meet income, housing, health and supportive service needs. Yet millions of older individuals eligible for benefits under the Supplemental Security Income (SSI), food stamp, Medicaid and the Qualified Medicare Beneficiaries (QMB) programs are not currently enrolled. Older people are shifted among various providers and levels of government in order to apply for or receive benefits. Restrictive eligibility criteria, exclusionary and complex application rules and appeal procedures deter too many eligible older people from pursuing benefits. In addition, insensitivity to racial and cultural issues further impedes access to benefits for many older persons.

- In the paramount area of health care, millions of older people are denied benefits to which they are entitled under the Medicare program. Claims processing errors, denials of benefits, provider over billing and inconsistent Medigap coverage add substantially to the confusion older persons face in attempting to pay for their health care and results in substantial and unnecessary out-of-pocket costs.
- Many older persons lose their autonomy and their financial, legal, or personal rights through actions outside the formal legal system. Family members, caregivers and medical and social service providers often assume power and control over the older person's choices and resources, both through quasi-legal transfers of authority and through failure to fully inform elders. As a result elders can not make a truly informed and dignified choice about services,

treatments, residential choices, and expenditures of their resources.

- A growing number of private sector services and products are targeted to older consumers. Fraud and exploitation are on the rise in the marketing of insurance, retirement housing, investment and financial planning, private care management, homecare and medical services and supplies.
- Opportunities for employment are constricted by discriminatory practices. The recent and dramatic 12% increase in the numbers of age discrimination cases brought before the Equal Employment Opportunity Commission in 1991 illustrates that discriminating practices continue to force older people into involuntary retirement, low wage jobs, and limited employment choices.

These growing and increasingly complex threats to, and violation of, the rights of older persons call for the development of a comprehensive system of programs, services, and protections at the community, state and national levels which assist older persons to:

- Understand and exercise their rights.
- Exercise choice through informed decisionmaking.
- Benefit from support and opportunities promised by law.
- Maintain autonomy consistent with capacity.
- Resolve grievances and disputes through appropriate representation and assistance.

## A Call For Enhanced Leadership and Action

These emerging elder rights needs have resulted in recent years in numerous initiatives at the federal, state and community levels. Protections in federal law provide an important foundation for the rights of vulnerable citizens. The Older Americans Act, the Civil Rights Act of 1990, the Americans with Disabilities Act, the National Affordable Housing Act, the Spousal Impoverishment Protections, the Nursing Home Reform Amendments, the Age Discrimination Act, the Employee Retirement Income Security Act, the Age Discrimination in Employment Act — all include provisions to protect the rights of older persons. However, these laws are difficult to understand, not enforced uniformly and pose a significant challenge for older persons who want to take advantage of their protections.

At the state level, laws have addressed new issues such as guardianship reform, insurance regulation, consumer protection, financial exploitation, surrogate decisionmaking, advance directives, board and care regulation, and elder abuse intervention. However, progress in these areas has been uneven and incremental, often due to a lack of coordination among agencies and a lack of available resources to ensure enforcement and compliance.

At the community level, the demand for services provided under the long term care ombudsman program, legal assistance, insurance and benefits counseling, elder abuse/protective service, employment and consumer education initiatives far exceeds the capacity to respond. Though they constitute the vanguard for elder rights, these programs are severely constricted by limited resources.

Thus, today the rights of older persons are addressed by a collection of problem specific laws, programs and services — each with its own source of limited funds, its own plan, its own administrative mechanisms, delivery system and, ultimately, its own beneficiaries. While such specialization has merit, it also contributes to the current situation which:

- discourages coordination among the various laws/programs/services;
- remains unresponsive to the vulnerable older person with multiple problems;
- hinders effective management;
- encourages competition for resources;
- lacks flexibility in responding to changing needs and priorities;
- frustrates targeting of resources;
- discourages innovation, except around service specific issues;
- diffuses responsibility and accountability for advocacy; and
- duplicates outreach and access.

NASUA recommends that a systematic effort be undertaken across the nation to address the current and emerging threats to the rights of older persons; to assess the ability of current laws, programs and services to address these threats; to improve the effectiveness of those current protections and interventions; and to make recommendations for new laws and programs as well as new resource, design and implementation strategies. The success of

such an undertaking will require leadership by the Older Americans Act network and other appropriate agencies and organizations at the federal, state and community levels working in partnership to design and develop a truly comprehensive, coordinated and responsive elder rights system for older persons.

Further, NASUA recommends that this national effort be built upon the following framework for action:

- Establish consumer centered elder rights programs which facilitate choice, promote autonomy and support decisionmaking with a minimum of administrative intrusion or confusion.
- Inform and empower older persons to act on their own behalf in exercising their rights.
- Give priority to older persons unable to secure benefits to which they are entitled or protect their own interests.
- Establish a full continuum of laws, programs and services responsive to elder rights needs ranging from information to legal representation and advocacy.
- Secure adequate resources to supply needed services and to enforce laws and protections.
- Identify and address emerging elder rights issues and needs.
- Ensure that new elder rights initiatives be coordinated with and built upon the strengths of the existing infrastructure.

- Identify and respond to needs for collective advocacy on behalf of older persons.

- Respond flexibly to the complex rights and diverse needs of older persons.

The way in which each state will use this framework to build an effective elder rights system will vary according to its elders' needs, current structures and prevailing customs. However, across the country each state agency on aging must assume the primary leadership role in advocating for and designing such a system. It is the aging network which must serve as a vehicle to convey policy relevant information to older people; involve older persons and their families in expressing their values and preferences about the principles, benefits and organization of elder rights systems; and be a forum through which empowered and informed older people can influence the social, economic and political directions of their communities, states and country.

NASUA recognizes the complexity of this undertaking and the need for partnerships among a wide and diverse group of organizations and agencies to quickly advance the elder rights agenda of older persons. NASUA commits itself to this important partnership in meeting the challenges of developing national, state and community strategies to address the elder rights needs of the older population.

NASUA Board of Directors  
Adopted March 13, 1992

**HB**

**79**

# SENATE COMMITTEE REPORT

DATE: 4/16/93

FURTHER: JUDICIARY

DATE TURNED INTO OFFICE: 2/3/94

HES Committee considered CS HB 79(FIN) am

"An Act relating to recovery from a parent or legal guardian of wilful or malicious destruction of property by a minor."

and recommends:

- replace with Senate CS CSHB 79 (HES)
- or  adopt previous \_\_\_\_\_ CS \_\_\_\_\_
- attaches amendment(s)

- same title
- new title
- technical title change (HB only)

adopts \_\_\_\_\_ Letter of Intent

further referral to the \_\_\_\_\_

do pass

do not pass

no recommendation

individual recommendations

**NEW FISCAL NOTES**

Department	Date	Zero	Fiscal
Administration	1/28/94	✓	
Law	1/28/94	✓	
Health + Social Services	1/27/94	✓	

**PREVIOUS FISCAL NOTES**

Department	Date	Zero	Fiscal

Appropriation No Fiscal Note

DO PASS

Mike Miller  
Karen A. Leman  
Bob May

OTHER RECOMMENDATIONS:

Judith E. Salo No Rec

Mr. A. Kim No Rec  
 Chair: Signature and Recommendation

dated and CS:

House of Representatives

Sponsor Summary  
House Bill 79

HB 79 amends AS 34.50.020 (a) by increasing the amount of money that is recoverable from parents or legal guardians by a person who has experienced wilful or malicious destruction of property by a minor. AS. 34.50.020 has been in existence since 1957 and almost every state in the nation has a similar statute. However, the recoverable amounts vary from state to state, averaging \$10, 000 - \$15,000.

HB 79 originally called for an increase in the recoverable amount from \$2000 to \$50,000, which is the maximum allowed in district court. Through the committee process, the recoverable amount was decreased to \$5000. I believe this amount should be increased to a level that would accurately reflect today's cost of living and potential cost of damages.

I urge the committee to pass HB 79 because this legislation will ensure adequate recovery for those victimized by wilful or malicious destruction of property by juveniles.

# FISCAL NOTE

**STATE OF ALASKA**  
**1994 LEGISLATIVE SESSION**

**BILL NO. CSHB 79 (Fin) am**

Revision Date: \_\_\_\_\_ Dept. Affected: Administration  
 Title: \*An Act relating to recovery from a parent or BRJ: Risk Management  
legal guardian Component: Risk Management  
 Sponsor: Representatives Bunde, Toohey  
 Requestor: (S) Hes COMPONENT SERIAL NO. 71

**Expenditures/Revenues**

(Thousands of Dollars)

OPERATING EXPENDITURES	FY95	FY96	FY97	FY98	FY99	FY00
PERSONAL SERVICES	0.0	0.0	0.0	0.0	0.0	0.0
TRAVEL	0.0	0.0	0.0	0.0	0.0	0.0
CONTRACTUAL	0.0	0.0	0.0	0.0	0.0	0.0
SUPPLIES	0.0	0.0	0.0	0.0	0.0	0.0
EQUIPMENT	0.0	0.0	0.0	0.0	0.0	0.0
LAND & STRUCTURES	0.0	0.0	0.0	0.0	0.0	0.0
GRANTS, CLAIMS	0.0	0.0	0.0	0.0	0.0	0.0
MISCELLANEOUS	0.0	0.0	0.0	0.0	0.0	0.0
<b>TOTAL OPERATING</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>

<b>CAPITAL EXPENDITURES</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>
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<b>CHANGE IN REVENUES ( )</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>
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**FUND SOURCE**

(Thousands of Dollars)

1002 Federal Receipts	0.0	0.0	0.0	0.0	0.0	0.0
1003 GF Match	0.0	0.0	0.0	0.0	0.0	0.0
1004 GF	0.0	0.0	0.0	0.0	0.0	0.0
1005 GF/Program Receipts	0.0	0.0	0.0	0.0	0.0	0.0
1006 GF/MHTIA	0.0	0.0	0.0	0.0	0.0	0.0
Other	0.0	0.0	0.0	0.0	0.0	0.0
<b>Total</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>

Estimate of current year (FY94) cost: none

**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: Brad Thompson, Director Phone: 465-2180  
 Division: Risk Management Date: \_\_\_\_\_  
 Approved by Commissioner: Nancy Bear Usura Date: 1/28/94  
 Agency: Administration

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FISCAL NOTE

STATE OF ALASKA  
1994 LEGISLATIVE SESSION

BILL NO. CSHB 79 (FIN) am

Revision Date: January 28, 1994  
Title: "...relating to recovery from a parent or legal guardian...destruction of property by a minor."  
Sponsor: Representative Bunde  
Requestor: Governor's Office

Department Affected: Department of Law  
BRU: Legal Services  
Component: Operations  
COMPONENT SERIAL NO. 0093

EXPENDITURES/REVENUES:

OPERATING	FY 95	FY 96	FY 97	FY 98	FY 99	FY 00
PERSONAL						
TRAVEL						
CONTRACTUAL						
SUPPLIES						
EQUIPMENT						
LAND &						
GRANTS, CLAIMS						
MISCELLANEOUS						
TOTAL OPERATING		-0-	-0-	-0-	-0-	-0-

CAPITAL						
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REVENUE						
---------	--	--	--	--	--	--

FUNDING:

1002 Federal						
1003 GF Match						
1004 GF						
1005 GF/Program						
1006 GF/MHTIA						
OTHER						
TOTAL	-0-	-0-	-0-	-0-	-0-	-0-

POSITIONS:

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

Estimate of current year (FY94) impact: -0-

ANALYSIS: (Attach a separate page if necessary.)  
Please see the attached analysis.

Prepared by: Richard I. Pegues, Director  
Division: Administrative Services Division

Phone: 465-3672  
Date: January 28, 1994

Approved by Commissioner: Bruce M. Botelho, Attorney General  
Agency: Department of Law

Date: January 28, 1994

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FISCAL NOTE

STATE OF ALASKA  
1994 LEGISLATIVE SESSION

BILL NO. CSHB 79 (FIN) am

ANALYSIS CONTINUATION:

The Finance Committee Substitute for HB 79 amends AS 34.50 to provide that a person, municipal corporation, association, village, school district, or religious or charitable organization may recover damages in an amount not to exceed \$5,000, plus costs, interest and attorney fees, from either parent or both parents or the legal guardian or person having legal custody of an unemancipated minor under the age of 18 years, who maliciously or willfully destroys real or personal property belonging to the above parties seeking recovery. Currently, the maximum amount that may be recovered is \$2,000. However, the bill also provides that a parent, legal guardian, or person having the legal custody of an unemancipated minor under the age of 18 years who is a runaway minor would not be liable under the foregoing provision if the person having legal custody of the minor makes a report to a law enforcement agency, as authorized by AS 47.10.141(2), that the minor has run away or is missing. This bill deals with the recovery remedies of parties other than the state and, consequently, there will not be a fiscal impact for the Department of Law.

# FISCAL NOTE

STATE OF ALASKA  
1994 LEGISLATIVE SESSION

BILL NO. CSHB79(FIN)am

Revision Date: 01/27/94 Dept. Affected: Health and Social Services  
 Title: An Act Relating to Recovery From a Parent or Legal Guardian of Damages by Minor BRU: Purchased Services  
 Component: Residential Child Care  
 Sponsor: Representative(s) Bunde, Toohy et al  
 Requestor: S (HES) COMPONENT SERIAL NO. 0253

**Expenditures/Revenues:**

(Thousands of Dollars)

OPERATING	FY95	FY96	FY97	FY98	FY99	FY00
PERSONAL SERVICES						
TRAVEL						
CONTRACTUAL						
SUPPLIES						
EQUIPMENT						
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
<b>TOTAL OPERATING</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>

<b>CAPITAL EXPENDITURES</b>						
-----------------------------	--	--	--	--	--	--

<b>CHANGES IN REVENUES</b>						
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**FUND SOURCE**

(Thousands of Dollars)

1002 Federal Receipts						
1003 GF Match						
1004 GF						
1005 GF/Program Receipts						
1006 GF/MHTIA						
Other						
<b>TOTAL</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>

**POSITIONS:**

FULL - TIME						
PART - TIME						
TEMPORARY						

Estimate of current year (FY94) impact: 0.0

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

There would be no program or fiscal impact for the Department if this bill were to become law.

Prepared by: Deborah R. Wing, Director *Deborah R. Wing* Phone: 465-3191  
 Division: Division of Family & Youth Services Date: 01/26/94  
 Approved by Commissioner: Margaret R. Lowe, M.Ed., Ed.S. *Margaret R. Lowe* Date: 1-27-94  
 Agency: Department of Health & Social Services

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**LEGISLATIVE AFFAIRS AGENCY  
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Juneau, Alaska 99801-2105

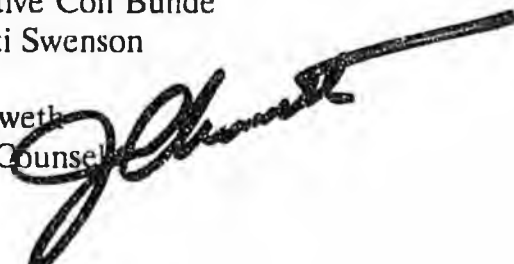
**MEMORANDUM**

January 28, 1994

**SUBJECT:** CSHB 79 (Finance) amended -- sectional analysis (Work Order No. 8-LS0437J)

**TO:** Representative Con Bunde  
ATTN: Patti Swenson

**FROM:** Jack Chenoweth  
Legislative Counsel



The measure relates to the ability of the victim of an offense involving damage to property caused by a minor to recover for the damaged property.

Bill section 1, amending AS 34.50.020(a), would raise from \$2,000 to \$5,000 the amount of damages that the owner of real or personal property may recover in a civil action from the parent, parents, legal guardian, or person having the legal custody of an unemancipated minor when the minor has maliciously or wilfully destroyed the property.

Bill section 2, adding a new subsection, subsection (c), to AS 34.50.020, would preclude liability for the payment of property damage by the parent, parents, legal guardian, or person having the legal custody of the minor if the damage occurred while the minor was a runaway or was missing. The provision supplies a definition for the term "runaway minor."

JBC:gc  
94-061.glc

**T OF TITLES**

58. Waters and Water Supply.  
59. Claims Against Public Enti-  
ties.  
Public Appendix A. Emergency and  
Temporary Acts.  
ks Acts Saved from Repeal.  
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**NEW JERSEY STATUTES  
ANNOTATED**

**Title 18A  
EDUCATION  
18A:20 to 18A:54D**

**ST. PAUL, MINN.  
WEST PUBLISHING CO.**

18A:37-2

Note 5

EDUCATION

5. Due process

Statutes relating to suspension of pupils from school must be construed to require public school officials to afford students facing disciplinary action involving possible imposition of serious sanctions, such as suspension or expulsion, the procedural due process guaranteed by Fourteenth Amendment. R.R. v. Board of Ed. of Shore Regional High School Dist., 109 N.J.Super. 337, 263 A.2d 180 (Ch. 1970).

Where public school officials have reasonable cause to believe that a student, by virtue of activities after school hours and off school property, presents a danger to himself, to others or to school property, they may temporarily suspend

the student for a short period of time pending a full hearing which will afford such student procedural due process, but they must, however, under ordinary circumstances afford the student a preliminary hearing. Id.

Due process procedural requirements for a pupil facing an expulsion or long term suspension by the board requires school authorities to give the pupil written notice of the charge, a list of witnesses to be called in support of the charge, and to advise the pupil of rights to cross-examination, to counsel, and to enter their own defense. G. F. v. Board of Education, Washington Township, 1 N.J. A.R. 55 (1979).

18A:37-2.1. Assaults by pupil upon teacher, administrator, board member or employee of board of education; suspension; expulsion proceedings

Any pupil who commits an assault, as defined pursuant to N.J.S. 2C:12-1, upon a teacher, administrator, board member or other employee of a board of education, acting in the performance of his duties and in a situation where his authority to so act is apparent, or as a result of the victim's relationship to an institution of public education of this State, shall be immediately suspended from school consistent with procedural due process pending expulsion proceedings before the local board of education. Said proceedings shall take place no later than 21 calendar days following the day on which the pupil is suspended.

L.1979, c. 189, § 2, eff. Sept. 11, 1979.

Historical Note

Title of Act:

An Act concerning education, amending N.J.S. 18A:37-2 and supplementing

chapter 37 of Title 18A of the New Jersey Statutes. L.1979, c. 189.

Library References

Schools ¶177.  
WESTLAW Topic No. 345.

C.J.S. Schools and School Districts  
§§ 503 to 505.

18A:37-3. Liability of parents or guardian of minor for damage to property

The parents or guardian of any minor who shall injure any public or nonpublic school property shall be liable for damages for the amount of injury to be collected by the board of education of the

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for a short period of time  
 full hearing which will afford  
 procedural due process, but  
 however, under ordinary cir-  
 afford the student a prelimi-  
 g. Id.

ess procedural requirements  
 facing an expulsion or long-  
 sion by the board requires  
 orities to give the pupil writ-  
 f the charge, a list of witness-  
 ed in support of the charge,  
 e the pupil of rights to cross-  
 u, to counsel, and to enter  
 fense. G. F. v. Board of  
 Washington Township, 1 N.J.  
 9).

acher, administrator,  
 yee of board of edu-  
 sion proceedings

ned pursuant to N.J.S.  
 ard member or other  
 he performance of his  
 to so act is apparent,  
 n institution of public  
 suspended from school  
 ing expulsion proceed-  
 said proceedings shall  
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Title 18A of the New Jersey  
 979, c. 189.

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of minor for damage

hall injure any public  
 for damages for the  
 d of education of the

district or the owner of the premises in any court of competent jurisdiction, together with costs of suit.

L.1967, c. 271, § 18A:37-3, eff. Jan. 11, 1968. Amended by L.1983, c. 302, § 1, eff. Aug. 11, 1983.

Assembly Education Committee Statement

Assembly, No. 593—L.1983, c. 302

\*\*\*\*\*

BACKGROUND:

In a recent New Jersey Supreme Court opinion, *Piscataway Township Board of Education v. Caffiero*, 86 N.J. 308 (1981), the court determined that the statute that extends liability to parents and guardians of pupils who vandalize school property, N.J.S. 18A:37-3, does not apply to pupils in nonpublic schools. Assembly Bill No. 593 proposes to amend 18A:37-3 to extend parental and guardian liability to parents and guardians of any person who destroys either public or nonpublic school property. According to the court:

"... although its language does not limit the statute strictly to the parents of public school pupils, it is clear from the position of N.J.S.A. 18A:37-3 among other statutory sections concerning public school children that the word 'pupil' has that limited meaning. The statute is not applicable to parents generally for damages caused by their children whether attending a public school or not."

Assembly Bill No. 593 proposes to amend the statute by replacing the word "pupil" with the word "minor" so that liability extends to the parent or guardian of the person committing the damage regardless of whether the person is attending school and regardless of whether it is a public or nonpublic school that is damaged.

\*\*\*\*\*

LEGISLATIVE INTENT:

In the Supreme Court decision, *Piscataway Township Board of Education v. Caffiero*, the court interpreted N.J.S. 18A:37-3 to apply only to damages resulting from the "willful and malicious acts" of students. The Assembly Education Committee agrees with the court's interpretation and finds it consistent with its own purpose and intent.

Historical Note

Source: R.S. 18:14-51.  
 Prior Laws: L.1903 (2d Sp.Sess.), c. 1, § 120, p. 46 [C.S. p. 4766, § 120].  
 The 1983 amendment substituted "minor" for "pupil"; inserted "public or nonpublic" preceding "school property"; and inserted "or the owner of the premises" following "district".

Cross References

Liability of parent or guardian for wilful destruction of property by minor, see § 2A:53A-15.

CALIFORNIA LEGISLATURE—1993-04 REGULAR SESSION

**ASSEMBLY BILL****No. 308**

Introduced by Assembly Members Andal, Agular,  
Ferguson, Hoge, Richter, and Woodruff  
(Coauthors: Senators Kopp and Russell)

February 3, 1993

An act to amend Section 1714.1 of the Civil Code, relating to liability.

## LEGISLATIVE COUNSEL'S DIGEST

AB 308, as introduced, Andal. Liability: parents.

Existing law provides that the parent or guardian of a minor shall be liable for any act of willful misconduct on the part of that minor which results in injury or death to another person, or which results in injury to the property of another, as specified. Existing law provides that the parent or guardian shall be jointly and severally liable for up to \$10,000 for each tort of the minor.

This bill would increase the maximum liability of the parent or guardian to \$25,000. In addition, the bill would provide that this amount shall be adjusted annually by the Judicial Council to reflect increases in the cost of living, as specified.

Vote: majority. Appropriation: no. Fiscal committee: yes. State-mandated local program: no.

*The people of the State of California do enact as follows:*

- 1 SECTION 1. Section 1714.1 of the Civil Code is
- 2 amended to read:
- 3 1714.1. (a) Any act of willful misconduct of a minor
- 4 which results in injury or death to another person or in
- 5 any injury to the property of another shall be imputed to
- 6 the parent or guardian having custody and control of the

AB 308

- 2 -

1 minor for all purposes of civil damages, and the parent or  
2 guardian having custody and control shall be jointly and  
3 severally liable with the minor for any damages resulting  
4 from the willful misconduct.

5 *The Subject to the provisions of subdivision (c), the*  
6 *joint and several liability of the parent or guardian having*  
7 *custody and control of a minor under this subdivision*  
8 *shall not exceed ten twenty-five thousand dollars*  
9 *~~(\$10,000)~~ (\$25,000) for each tort of the minor, and in the*  
10 *case of injury to a person, imputed liability shall be*  
11 *further limited to medical, dental and hospital expenses*  
12 *incurred by the injured person, not to exceed ten*  
13 *twenty-five thousand dollars ~~(\$10,000)~~ (\$25,000). The*  
14 *liability imposed by this section is in addition to any*  
15 *liability now imposed by law.*

16 (b) Any act of willful misconduct of a minor which  
17 results in the defacement of property of another with  
18 paint or a similar substance shall be imputed to the parent  
19 or guardian having custody and control of the minor for  
20 all purposes of civil damages, including court costs, and  
21 attorney's fees, to the prevailing party, and the parent or  
22 guardian having custody and control shall be jointly and  
23 severally liable with the minor for any damages resulting  
24 from the willful misconduct, not to exceed ten  
25 twenty-five thousand dollars ~~(\$10,000)~~ (\$25,000), except  
26 as provided in subdivision (c), for each tort of the minor.

27 (c) *The amounts listed in subdivisions (a) and (b)*  
28 *shall be adjusted annually by the Judicial Council to*  
29 *reflect any increases in the cost of living in California, as*  
30 *indicated by the annual average of the California*  
31 *Consumer Price Index. On or before July 1, 1993, and on*  
32 *or before July 1 of each year thereafter, the Judicial*  
33 *Council shall compute and publish the amounts listed in*  
34 *subdivisions (a) and (b), as adjusted according to this*  
35 *subdivision.*

O

### **Inconvenience the thieves**

The Feb. 5 Daily News article titled "Rare snowmachine stolen from racer's Hillside home" further convinces me that Anchorage is turning into a cesspool of crime. Being a victim of snowmachine thefts myself, I have to sympathize with Bill Long's recent mishap.

It is a great inconvenience to be a victim of such a crime. I experienced increased insurance premiums, a minimum waiting recovery period of 30 days before my insurance company would satisfy my claim, and the hassle of spending time and money searching for my stolen snowmachine.

In order to minimize the chance of another stolen snowmachine, I have taken several precautions that are also inconvenient but necessary. These precautions include storing my snowmachines and trailer in the garage (leaving my car outside), removing original decals and replacing them with pinstriping to make the machine easier to identify, and locking my trailer tongue with a padlock.

It is my understanding that most snowmachine thefts are committed by juveniles. Alaska law states that juveniles of 18 years or younger convicted of committing such a crime are subject only to restitution of a maximum of \$2,000, which usually fails to cover replacement costs. I say let's start making it inconvenient for the thieves instead of the victims by creating laws that can be used as a deterrent instead of an invitation for crime. Raising the penalty to the actual cost of the property stolen and making the parents monetarily responsible for crimes of their children would be a step in the right direction.

*ADN 2/15/53 - William P. Clary*

# Pranksters purloin holiday decorations

ANCHORAGE DAILY NEWS  
By DONNA FREEDMAN  
Daily News reporter  
12/17/92

More than two dozen Anchorage teen-agers took part in what police called a holiday season scavenger hunt early Wednesday, vandalizing several homes around Dimond High School before they were caught in the school parking lot.

Police found 25 juveniles at the school piling up plastic Nativity scenes, snowmen, Santa Clauses and other Christmas ornaments

lifted from area yards. City street signs, advertising banners and construction barricades were also among the stolen decorations. Other youths involved in the hunt got away, police said.

The holiday pilfering came just two days after local furniture dealer Jim Lowe was convicted of manslaughter in the shooting death of another teen involved in a scavenger hunt in May. The youth was with a group trying to steal an

advertising balloon from the roof of Lowe's downtown store.

Police did not identify the youths caught in Wednesday's scavenger hunt.

"It was reported as a theft in progress, but once the officers got out there and found cars running all over the place, it was clearly a scavenger hunt," said police spokeswoman JoAnn Brandlen. "The officers described it as a scavenger hunt, and they got the

students to say as much."

Dimond High principal Gail Opalinski disagreed, calling the event an early senior prank. She said she had talked with some students who were believed to have been involved.

"They decided they were going to decorate the high school with Christmas decorations," Opalinski said. "I would imagine some of

Please see Page B-3, PRANK

## PRANK: Teen-agers steal decorations during a holiday scav

Continued from Page B-1

them picked up street signs while they were at it."

She stressed that the hunt was not sanctioned or approved by the school district.

"We very much regret it," she said. "We're concerned about the safety of the kids, and about the property damage done. Kids this age don't always use their best judgment."

It isn't known how many homes were hit, since not all of the decorations had been claimed by late Wednesday afternoon.

For David and Carol Jensen, this was the second time their home on Greenhill Way had been vandalized this holiday season.

The Jensen yard is famous in the neighborhood for its elaborate decorations, which include a trio of penguins warming themselves by a

campfire, several snowmen and Santa Clauses, a small wooden Santa's Workshop filled with toy animals, thousands of lights, and signs with rhymes like the old Burma Shave ads.

David Jensen said a large toy soldier was stolen from the yard last week. After that, they tied all their decorations together with steel cable and installed motion detectors around the displays.

Those detectors woke them early Wednesday. The couple turned on the lights and saw teens piling into a pickup truck.

The Jensens found two plastic Santa Clauses and a homemade wooden sleigh, with electric lights, missing. They later retrieved them at Dimond High.

The youths had apparently tried to take the penguins and some gingerbread men, but "they were wired in so

well they couldn't have done it without taking a tree along with them," David Jensen said.

The vandals also destroyed strings of lights, extension cords and two handmade wooden moose. Jensen said it will cost about \$350 to fix or replace the damaged decorations.

Another Dimond area resident, Arthur Anderson, was luckier. He found a plastic candy cane and snowman

## scavenger hunt

stolen from his yard at the high school.

The theft was an inconvenience. But what chilled Anderson was that police told him it was part of a scavenger hunt.

"The Jim Lowe case just got decided. Evidently these kids aren't familiar with what's happening around town," Anderson said. "They're setting themselves up for another incident like that."

NEWS CLIPPING

**HB**

**88**

FISCAL NOTE

STATE OF ALASKA  
1993 LEGISLATIVE SESSION

BILL NO. HB 88

Revision Date: \_\_\_\_\_  
Title: "An Act establishing May 1 as Family Day. . ."  
Sponsor: Representatives Bunde, Toohy, Green, Porter  
Requestor: (H) HESS

Department Affected: Administration  
BRU: Division of Personnel/OEEO  
Component: Division of Personnel/OEEO  
COMPONENT SERIAL NO. 56

EXPENDITURES/REVENUES:

OPERATING	FY 94	FY 95	FY 96	FY 97	FY 98	FY 99
PERSONAL SERVICES	0	0	0	0	0	0
TRAVEL	0	0	0	0	0	0
CONTRACTUAL	0	0	0	0	0	0
SUPPLIES	0	0	0	0	0	0
EQUIPMENT	0	0	0	0	0	0
LAND & STRUCTURES	0	0	0	0	0	0
GRANTS, CLAIMS	0	0	0	0	0	0
MISCELLANEOUS	0	0	0	0	0	0
TOTAL OPERATING	0	0	0	0	0	0

CAPITAL	0	0	0	0	0	0
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REVENUE FUND SOURCE:	0	0	0	0	0	0
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FUNDING:

1002 Federal Receipts	0	0	0	0	0	0
1003 GF Match	0	0	0	0	0	0
1004 GF	0	0	0	0	0	0
1005 GF/Program Receipts	0	0	0	0	0	0
1006 GF/MHTIA	0	0	0	0	0	0
OTHER	0	0	0	0	0	0
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

Estimate of current year (FYS3) impact: \_\_\_\_\_

ANALYSIS: (Attach a separate page if necessary.)

Prepared by: R. H. King, Director  
Division: Personnel/OEEO

Phone: 465-4430  
Date: \_\_\_\_\_

Approved by Commissioner: Nancy Bear Usura  
Agency: Administration

Date: 7/24/93

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# Alaska State Legislature

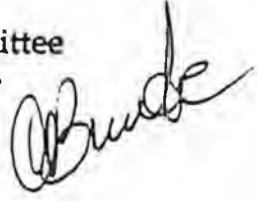
DURING SESSION  
STATE CAPITOL  
JUNEAU, ALASKA 99801-1182  
CAPITOL ROOM 112  
OFFICE (907) 465-4643

## House of Representatives

### MEMORANDUM

DATE: January 26, 1993

TO: Representative Cynthia Toohey, Co-Chair HESS Committee  
Representative Con Bunde, Co-Chair HESS Committee

FROM: Representative Con Bunde, Co-Chair HESS Committee 

RE: Sponsor statement HB 88 "An Act establishing May 1 as Family Day and the month of May as Preservation of the Family Month."

The purpose of HB 88 is to permanently designate a day and a month that would focus attention on the family. By designating May 1 as Family Day, and the month of May as Preservation of the Family Month our state will be giving families the recognition and attention they deserve.

Families are the fiber that bind our society together, they are the core of our way of life. In every way we, as a state, should support the family unit and strengthen its position and standing. The passage of HB 88 is important to the 132,837 families in Alaska and to all the Alaskan families of the future.

Family Day, and Preservation of the Family Month have been introduced as a bill to give this day and this month a permanent spot in Alaska law. A resolution, if introduced, would only bind this legislature to the extent that a resolution can bind. Therefore, I urge the the passage of HB 88, as a permanent measure to focus awareness on the family.



PROMPT Foundation, Inc.  
PO BOX 22234  
JUNEAU, AK 99802

I am requesting the passage of this Bill.

This is why I believe that it is so important!

Today more than ever the institution of Family needs our individual and global attention! Why? Because family is the core of the Society and when the institution of family is falling apart, the whole Society is collapsing!

In my last twenty-five years of observation and research in this country I have noticed a gradual disintegration of the institution of family not only in the United States of America, but in the whole world.

I urge each of us to pay our immediate attention to preservation of this very basic and important institution in our Society by calling May-day on family and asking you to call upon May 1st of each year as the "Family Day" and the month of May as the "Preservation of the Family Month".

Family is where as children we all learn our basic and very important positive values such as loving, caring, sharing, and socializing.

In the last few decades the institution of family has been torn apart from outside with poverty, unemployment, lack of proper medical care, suitable housing, prejudice, ignorance, violence and a fast growing social disease called apathy; and from inside family has been disrupted by lack of education, drugs, alcohol, physical, sexual and psychological abuse, a total collapse of family time, communication and above all a rapid growth in a philosophy of "I ism" and self centeredness.

We can no longer indulge ourselves with a constant demand for our rights when we are not taking our obligations and responsibilities seriously as an individual within our homes or communities, states, country, and the whole world as one big family.

Inside each one of us there is a little unattended child who feels abandoned in the spirit. This child desperately needs to be loved and to love; to be needed and to do his/her part for the rest of the community, state, country, and the whole world as one big family in order to feel good and right in the self. Some experts have called it a sense of belonging, some others have called it a sense of purpose. What is important, is that we can no longer ignore these needs as we have been paying a high price for neglecting them for a long time.

Let us set aside a day called "Family Day", May 1st of each year a May day to remind ourselves of the seriousness of the situation; and in a such a day we try to take time to celebrate the institution of family and focus on peace and harmony within our homes, community, state, and countries as one big family.

A day chosen to make a contribution and to do something good for our homes, family members, a neighbor, or a fellow human being in order to rejuvenate our faith in good and goodness, loving, caring and peace.

Therefore let us feel good about ourselves in doing such right things for others and realizing how important and useful we can be to each other at home, at work, in our community, state, our country, and even in the world.

Because each one of us can make a difference no matter how little it may seem! It is not for us to underestimate the good, misjudge the result and get discouraged, for together we can make a big difference.

Let us set a mark in history that it simply can be done; So, with a little effort from each one of us!

Let us set a whole month aside, as "Preservation of the Family Month", Month of May in which flowers grow all over and spring is at its peak; and let us say to each other at our homes or at our place of work, in our communities, and in our country, or to a fellow human being on this planet of earth that we care as an individual, as a group of people in a community, state or as a leading and peace loving nation, about each other's health, stability and welfare.

Let us be a pioneer individual, community, state and nation in this peace loving effort for the sake of a better tomorrow for our children.

Let our children and their generations after, to say; that it all began with a flash of an idea, a spark of hope, little prayer, and combined efforts of those who cared! And let us continue to care a little more and do a little more as an individual or as a group, community, state, or nation, because it can simply be done!

So, let us give it our best effort during this selected day of May 1st, "Family Day", and this dedicated Month of May as the "Preservation of the Family Month" to get involved in doing a little extra; something good for each other from within our homes, to the community, state, our country, and that of the whole world and light a candle of hope and prayer for peace and bring some more goodness around us. Let us begin a construction of a caring and loving home and a better world for our children to live in; we certainly can not neglect this least effort for their best interest as well as ours.

I sincerely urge you to pass this Bill.

Thank-you.

Massoud Shadzad, M.A.  
PROMPT Foundation, Inc.



STATE OF NEW JERSEY  
EXECUTIVE DEPARTMENT

## Proclamation

WHEREAS, *May-Day is a call for help, alerting others of distress and danger; and*

WHEREAS, *the institution of the family has been in great danger of a gradual disintegration for a long time and we need to pay our immediate attention to it; and*

WHEREAS, *in the month of May we also celebrate Mother's Day, which should remind us of the famous quotation, "The hand that rocks the cradle rocks the world"; and we all agree on the importance of the parental role in any society and the impact of a loving and caring family as the best environment for the healthy growth of our children; and*

WHEREAS, *May 1st follows the month of April which is designated for "Prevention of Child Abuse"; and*

WHEREAS, *May also represents early spring, growth of flowers and rejuvenation of plants, life and activities in nature again;*

NOW, THEREFORE, I, JIM FLORIO, Governor of the State of New Jersey, do hereby proclaim

MAY, 1992

as

### PRESERVATION OF THE FAMILY MONTH

*in New Jersey, and encourage all citizens to join in this observance.*

GIVEN, under my hand and the Great Seal of the State of New Jersey, this sixth day of May in the year of Our Lord one thousand nine hundred and ninety-two and of the Independence of the United States, the two hundred and sixteenth.

  
GOVERNOR



BY THE GOVERNOR:



DANIEL J. DALTON, SECRETARY OF STATE

# Office of the Governor

## PROCLAMATION

• PRESERVATION OF THE FAMILY MONTH •

WHEREAS, the family unit is the most important and basic institution in any society and must be safeguarded against the danger of disintegration; and

WHEREAS, May-Day is a signal signifying distress or danger; and

WHEREAS, in the month of May, Mother's Day is celebrated, reminding us of the quotation, "The hand that rocks the cradle rocks the world;"

NOW, THEREFORE, I, Fife Symington, Governor of the State of Arizona, do hereby proclaim May, 1992, as

• PRESERVATION OF THE FAMILY MONTH •

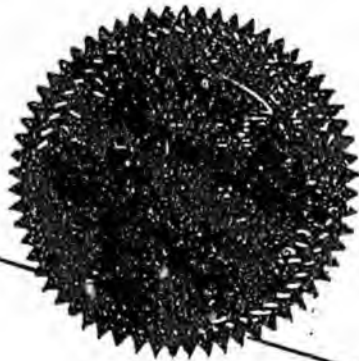
in Arizona.

IN WITNESS WHEREOF, I have hereunto set my hand and caused to be affixed the Great Seal of the State of Arizona.

DONE at the Capitol in Phoenix on this thirteenth day of April in the Year of Our Lord One Thousand Nine Hundred and Ninety-two and of the Independence of the United States of America the Two Hundred and Sixteenth.

ATTEST:

*Richard D. Anthony*  
Secretary of State



# A Proclamation

by  
Caston Caperton  
Governor of the State of West Virginia

- WHEREAS, family is the most important institution in any society, and it is where children learn their basic values and the art of civilization; and,
- WHEREAS, the importance of the parental role in the safe discipline of our children was very well said in the famous quotation, "The hand that rocks the cradle rocks the world"; and,
- WHEREAS, a loving and caring family is the best environment for the healthy growth of our children; and,
- WHEREAS, it is fitting that official recognition be given to the importance of the preservation of family loyalties and ties; and,
- WHEREAS, even the strongest of families face serious difficulties, and, on occasion, face the danger of disintegration, not only in the United States of America but also in the world; and,
- WHEREAS, families have been threatened by outside factors such as violence and crime; unemployment; lack of education, medical care and housing; poverty; drug abuse and alcohol;

NOW, THEREFORE, Be it Resolved that I, Caston Caperton, Governor of the State of West Virginia, do hereby proclaim May 1992 as:

## Preservation of Family Month

in West Virginia and encourage all citizens to join in this observance.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the Great Seal of the State of West Virginia to be affixed.

DONE at the Capitol, City of Charleston, State of West Virginia, this the Twenty-ninth day of March, in the year of our Lord, One Thousand Nine Hundred Ninety-two and in the One Hundred Twenty-ninth year of the State.



*Caston Caperton*

CASTON CAPERTON  
Governor

By the Governor

*Ken Hatcher*  
SECRETARY OF STATE

STATE OF ARKANSAS  
EXECUTIVE DEPARTMENT

PROCLAMATION

TO ALL TO WHOM THESE PRESENTS SHALL COME--GREETINGS:

WHEREAS, The institution of the family has been in great danger of a gradual disintegration for a long time and we need to pay our immediate attention to it; and

WHEREAS, We all agree on the importance of the parental role in any society and the impact of a loving and caring family as the best environment for the healthy growth of our children; and

WHEREAS, The family is the basic strength of any free and orderly society; and

WHEREAS, It is appropriate to honor the family as a unit essential to the continued well-being of the State of Arkansas;

NOW, THEREFORE, I, Bill Clinton, Governor of the State of Arkansas, do hereby proclaim May 1, 1992, as

*PRESERVATION OF THE FAMILY MONTH*

in Arkansas and urge all family members to join together to strengthen their home life through devotion, love, understanding and the enjoyment of working and living as a family.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the Great Seal of the State of Arkansas to be affixed at the Capitol in Little Rock on this ~~20th~~ day of April in the year of our Lord ~~1992~~ nineteen hundred ninety-two.

*Bill Clinton*  
GOVERNOR

*Bin Dof. Law*  
SECRETARY OF STATE





OFFICIAL MEMORANDUM  
STATE OF TEXAS  
OFFICE OF THE GOVERNOR

The institution of the family has been in great danger of gradual disintegration for a long time, and we need to pay immediate attention to it.

In the month of May, we also celebrate Mother's Day, which should remind us of the famous quotation, "The hand that rocks the cradle rocks the world." We all agree on the importance of the parental role in any society and the impact of a loving and caring family as the best environment for the healthy growth of our children.

May also represents early spring, growth of flowers and rejuvenation of plants, life, and activities in nature.

For these reasons, May seems an appropriate time to celebrate the strength and importance of families, in Texas and around the world.

Therefore, I, Ann W. Richards, Governor of Texas, do hereby proclaim the month of May, 1992, as:

**PRESERVATION OF THE FAMILY MONTH**

in Texas and urge the appropriate recognition thereof.



In official recognition whereof I hereby affix my signature this  
15th day of April, 1992

STATE OF ALASKA



*Executive Proclamation*  
by  
*Walter J. Hickel, Governor*

MAYDAY is a call for help, alerting others of distress and danger. The institution of the family has been in great danger of gradual disintegration and we need to give immediate attention to it.

During the month of May, we celebrate Mother's Day, which should remind us of the famous quotation, "The hand that rocks the cradle rocks the world," and we all agree on the importance of the parental role in any society and the impact of a loving and caring family as the best environment for the healthy growth of our children. May also represents early spring, growth of flowers, and rejuvenation of life.

NOW, THEREFORE, I, Walter J. Hickel, Governor of the State of Alaska do hereby proclaim the month of May 1992 as:

***PRESERVATION OF THE FAMILY AWARENESS  
MONTH***

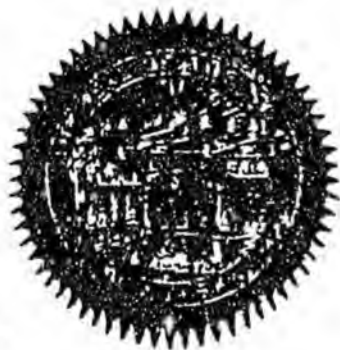
in Alaska, and encourage all citizens to recognize the vital role family plays in our lives.

DATED: April 30, 1992

Done by —

A handwritten signature of Walter J. Hickel in cursive script.

Walter J. Hickel, Governor  
who has also authorized the seal  
of the State of Alaska  
to be affixed to this proclamation.



## LOCAL

# Family Day celebration set for Ashland

By Monica Allevan  
Of The Tidings

Saving the family from disintegration is the mission behind an Ashland-based foundation for the prevention of domestic violence and child abuse.

Massoud Shadzad, 48, and Sharon Shadzad, 40, are campaigning for a statewide Family Day on May 1, and they're planning a second annual Family Day celebration in Ashland on Wednesday.

The celebration will be from 1 to 7 p.m. Wednesday at the Lithia Park handshell. The Rogue Drifters will perform country-western music beginning at 2:30 p.m. People are invited to bring picnics, friends, family and children.

The Shadzads are founders of Problem Resolving and Management Team Foundation, Inc. (PROMPT), a non-profit organization for the prevention of child abuse and domestic violence.

Since its inception about two years ago, the foundation has secured proclamations from the counties of Jackson, Josephine, Malheur and Baker designating May 1 as "Family Day" and the month of May as "Preservation of the Family Month."

Even though the week of Nov. 18-24 has been designated family week on a national basis, May Day calls for immediate attention, and letters are being sent to state governors, Congress and Presi-



Staff photo by Monica Allevan

Massoud Shadzad and Sharon Shadzad are founders of PROMPT, which will hold Family Day in Lithia Park on Wednesday.

nate a national Family Day on a permanent basis, he said. Eventually, they would like to make it an international day.

The couple say the family as an institution has disintegrated and requires immediate attention because of problems associated with drugs, unemployment, violence, homelessness, physical and verbal abuse and child abuse.

"We pay attention to other institutions in society, and family as an institution has been ignored," Massoud Shadzad said. "As far as this country, if the family falls

apart, the whole society will fall apart and that's what's happening."

May Day was chosen for Family Day because "mayday" is a call for help. Mother's Day is celebrated in May, and May follows April, which is designated the month for child abuse prevention. Plus, May 1 is Law Day, and spring symbolizes a time for regrowth.

"Basically, it's to take a look at what's important to us in our life," he said.

The No. 1 cause of child abuse is stress, which

home from the workplace, he said. "The most important thing that I would suggest for parents to do is never, never discipline children when they are angry," he said. "Just to walk away, take time out."

Children need to be taught that violence is not okay. "We should stop entertaining ourselves with violence," he said. By tuning into television programs that portray violence, "we're getting addicted to violence."

One of PROMPT's primary objectives is to get citizen and community involvement. A membership drive is just getting underway, and a new board of directors is being organized. The goal is to have six to 12 members, including a husband and wife team and a youth representative who must be at least 18 years old.

Plans call for an education and prevention center and a team of mobile professionals to some day travel around the country giving lectures and seminars.

PROMPT would like to organize seminars this year on stress management, coping with anger and other topics, and they're looking for volunteers to help with the organization. For more information, call 482-7772.

The couple will celebrate their first wedding anniversary on May 1. "Believe me, we have our shares, too," he said, referring to their five children. "They teach us."

"It's a continual learning process," she added.

# Siskiyou

Vol. 64, Issue 27 Ashland, Oregon

May 9, 1991

## County celebrates Family Day

*Karen Leishman  
of the Siskiyou staff*

May 1 marked the second annual Family Day in Jackson County. The band's music rang out, the children played, and families gathered in Lithia Park to kick off the Preservation of Family Month.

Massoud and Sharon Shadzad, the founders of PROMPT, the nonprofit organization responsible for the creation of Family Day, said the celebration was a "great success." According to Massoud, 30 to 50 men, women and children participated in the day long celebration.

The focus of PROMPT, problem resolving and/or management program team, is the prevention of child abuse and family violence.

Massoud said he chose May 1, the traditional Mayday, as a "sign of danger."

"Mayday calls attention to those families in a time of crisis," said Sharon.

Massoud said he believes "family is the core to society and if family falls apart, society falls apart."

"A dysfunctional family is a sign of a dysfunctional society," he said.

According to Massoud, the institution of family is critically "disrupted by inside and outside threats." He said these threats include: poverty, unemployment, homelessness, lack of medical care, drug abuse, violence, and alcohol.

"As a scholar I am disappointed because the issue

of domestic violence and child abuse has been nothing but a political football game among politicians. These issues have not been given the political priority that they deserve."

Massoud said he has been unable to successfully call attention to the need for a Family Day with the Oregon legislature and Gov. Barbara Roberts. As a result, Massoud and Sharon have approached local county governments with PROMPT's proclamation for a Family Day.

"We are succeeding, and we are not going to quit," Massoud said.

As of this May, Massoud and Sharon's efforts have been successful. Six counties, Baker, Clatsop, Malheur, Tillamook, Wasco, and Yamhill, have

passed proclamations to observe May 1 as Family Day, and the month of May as the Preservation of Family Month.

Although Nov. 18 through 24 is nationally observed as family week, the mission of PROMPT is to designate a national Family Day on a permanent basis. Eventually, Massoud said they will strive for international observance.

According to Massoud, PROMPT is "already looking forward to, and planning, 1992's Family Day."

He said he believes "the 1990s is the decade of involvement." The PROMPT organization is looking for volunteers as the organization continues to grow, said Massoud.

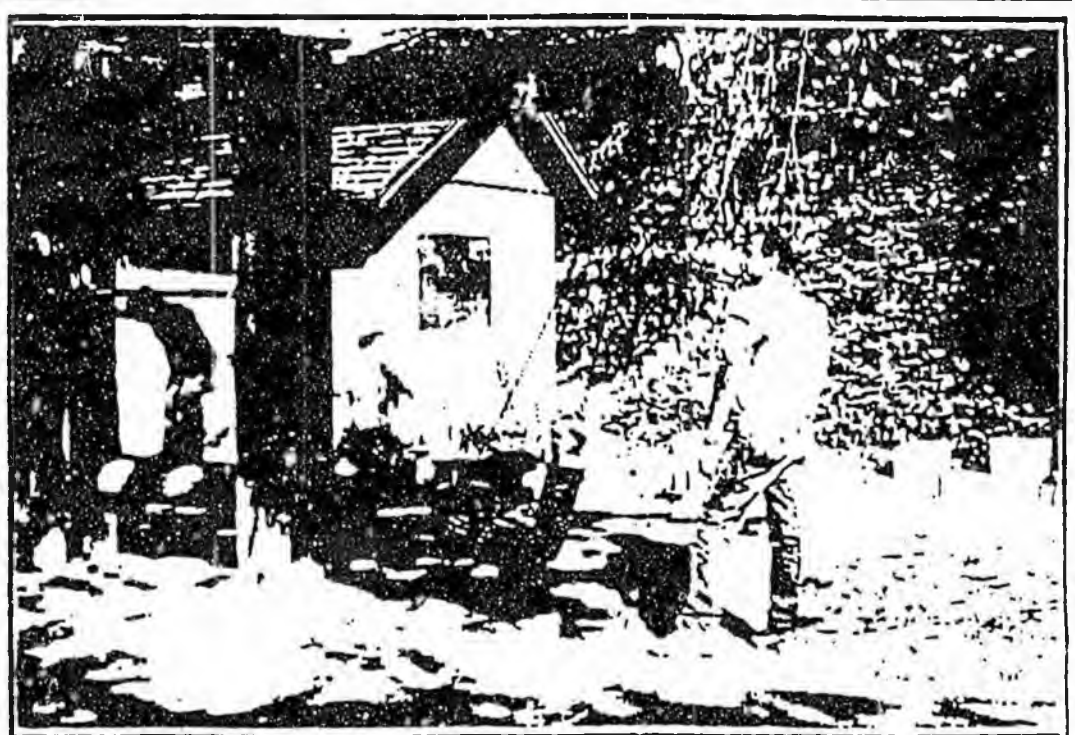
### Inside



#### Family Day arrives

Jackson County residents gathered in Lithia Park to kick off Preservation of the Family Month.

See page 3



# Daily Findings



Staff photo by Randy Wright.

## Family Day in the park

May Day in Ashland was also Family Day at the Lithia Park Bandshell, sponsored by the PROMPT Foundation, a local group dedicated to the prevention of domestic violence and child abuse. The turnout at the park was light, but those who did attend enjoyed live music and folk dancing. In photo above, Chelsea Winner, 4, and her grandmother, Sharon Champion of Ashland, watch the activities.

Chelsea is the daughter of Nathan and Devin Winner of Medford. PROMPT stands for Problem Resolving and/or Management Program Team, and is led by Massoud Shadzad. The group is calling for designation of May 1 as a national Family Day holiday to focus attention to the "great danger of a gradual disintegration" of families. — M. Shadzad

