

ALASKA LEGISLATURE COMMITTEE FILES 1997-1998 8672

9126 HOUSE HEALTH EDUCATION & SOCIAL SERVICES

In 1997, the Uniform Law Commissioners have drafted a new Uniform Child Custody Jurisdiction and Enforcement Act (UCCJEA). It does two very important things. It reconciles UCCJA principles with the PKPA. It adds interstate civil enforcement for child custody orders. These two broad strokes will make kidnapping by non-custodial parents much more difficult.

HOME STATE PRIORITY

In the UCCJA, there are four principles, or bases, for taking jurisdiction over a child custody dispute. These are child's home state, significant connection between state and some contestants to a dispute, emergency jurisdiction when the child is present and the child's welfare is threatened, and presence of the child in the event there is no other state with another sound basis for taking jurisdiction. It was always assumed the great majority of disputes would be resolved in the child's home state, but the home state has no particular priority over any other state with one of the other bases for taking jurisdiction. (The term "taking jurisdiction" simply means that a state's courts have a good reason for summoning the contestants to come before them to adjudicate the dispute no matter where they reside. If there is jurisdiction, the court's orders are valid and enforceable.)

From the beginning the state that is the home state of the child was thought to be the state with the best information for adjudicating the child's custody in the best interests of the child. But it was also assumed that once a court took jurisdiction on any acceptable basis, that state should be able to proceed without spending contestants' time and money while sorting out the issue of which state has the best access to the evidence before adjudicating the dispute.

But the drafters of the PKPA took the opposite position, regarding "home state" as so significantly better than the other jurisdictional grounds, that it should always be the priority ground. Under the PKPA the home state always has the first opportunity to take jurisdiction.

The UCCJEA now supports the PKPA position. Any state that is not the "home state" of the child will defer to the "home state," if there is one, in taking jurisdiction over a child custody dispute. Temporary emergency jurisdiction may be taken, but only long enough to secure the safety of the threatened person and to transfer the proceeding to the home state, or if none, to a state with another ground for jurisdiction.

CONTINUING EXCLUSIVE JURISDICTION

The UCCJEA also provides for continuing exclusive jurisdiction. If a state once takes jurisdiction over a child custody dispute, it retains jurisdiction so long as that state, by its own determination, maintains a significant connection with the disputants or until all disputants have moved away from that state. In contrast, the UCCJA allows jurisdiction to shift if one of the grounds for taking jurisdiction ceases to exist. Thus, if a state takes jurisdiction over a child custody dispute because that state is the home state of the child, and the child subsequently establishes a new home state, jurisdiction can shift to the new home state, even if one parent remains in the child's original home state. The UCCJEA would not allow the jurisdiction to shift in this fashion, keeping it in the original home state so long as the parent remained there.

TEMPORARY EMERGENCY JURISDICTION

Under the UCCJA, grounds for taking emergency jurisdiction are on an equal footing with the other grounds for taking jurisdiction, including the "home state" of the child. If the child is present in a state and there is evidence of abandonment or abuse to or mistreatment of the child, that state can take jurisdiction under the UCCJA.

The UCCJEA provides for temporary emergency jurisdiction, that can ripen into continuing jurisdiction only if no other state with grounds for continuing jurisdiction can be found or, if found, declines to take jurisdiction. The child's presence and its abandonment, mistreatment or abuse still trigger the taking of emergency jurisdiction, but threats to siblings or a parent also can trigger the taking of emergency jurisdiction. Because of the priority given to the home state of the child, the home state will most often be the state from which continuing jurisdiction is exercised.

The impact of these changes in the UCCJEA from the UCCJA is to reinforce the impact of the PKPA. Priority for home state jurisdiction, continuing exclusive jurisdiction and temporary emergency jurisdiction mean that orders made pursuant to the UCCJEA will have the full weight of the Full Faith and Credit Clause of the U.S. Constitution behind them.

ENFORCEMENT OF CUSTODY AND VISITATION ORDERS

The UCCJEA also adds enforcement provisions to the jurisdictional provisions. Interstate enforcement of custody and visitation decrees in any form in which they issue has been frustrating. The UCCJEA requires a state to enforce a custody or visitation order from another state that conforms substantially with this Act. An order from a state that has continuing exclusive jurisdiction, therefore, will have its order enforced.

One enforcement procedure is reminiscent of procedures for enforcement under the Uniform Interstate Family Support Act for interstate spousal and child support orders and the Uniform Enforcement of Foreign Judgments Act, which governs the enforcement of any civil order from another state in an enacting state. The basic procedure is to register the out-of-state order. If the registration is not contested, the registered order may be enforced by any means available to enforce a domestic order. This would ordinarily mean using the contempt powers of the court to assure that the custody or visitation order is honored by the parent subject to it.

There is an expedited remedy, however, that also is available. Upon receiving a verified petition, the court orders the party with the child to submit to an immediate hearing, the next judicial day unless impossible, for enforcement. The court may rule with respect to enforcement at the hearing, although there are provisions to allow for extended hearing and standards to contest enforcement. This remedy operates much like habeas corpus, in which the body subject to the writ must be presented immediately to the court for disposition.

If there is danger to a child or if it appears that the child will be removed from the enforcing jurisdiction, a petition may also be filed for a warrant to take physical custody of the child along with

a petition for an expedited proceeding. If the warrant issues, law enforcement officers will serve the warrant and obtain physical custody of the child.

CONCLUSION

It is not possible to cover all the details of the UCCJEA in a short summary. The best that it can do is point out the impact of major provisions. The UCCJEA does much more to update and streamline the original UCCJA, which was promulgated in 1968. It will provide much better relief for parents and children who suffer from interstate child-custody disputes, and ought to be adopted in all the states as soon as possible.

National Conference of Commissioners on **U** Uniform State Laws

676 North St. Clair Street, Suite 1700
Chicago, Illinois 60611
(312) 915-0195 Facsimile (312) 915-0187

L **C**

NEW UNIFORM STATE LAW AIMS AT OVERCOMING OBSTACLES TO ENFORCING CHILD CUSTODY DETERMINATIONS Uniform Enactment Nationwide Crucial to Its Effectiveness

When state legislatures around the country were enacting the original Uniform Child Custody Jurisdiction Act (UCCJA) in the late 1970s and early 1980s, the hope was that uniformity nationwide would eliminate interstate parental child-snatching. UCCJA was designed to prevent a fairly common legal standoff of the day, whereby one parent gained legal custody of a child in one state, and the other parent managed to take the child to a "haven state" in search of a court willing to change the initial lawful custody order.

The quest to curb parental child-snatching was intensified in 1980 with the signing of the Parental Kidnapping Prevention Act (PKPA) by President Carter. This federal law was primarily meant to give states the basic rules for them to recognize child custody decisions made under the UCCJA as part of their constitutional obligations under the "full faith and credit" clause of the U.S. Constitution.

By 1983 UCCJA, a product of the Uniform Law Commissioners (ULC), had been enacted in all 50 states, the District of Columbia, and Puerto Rico. Despite some difference with the PKPA, these statutes have been effective at eliminating the kind of forum shopping in child custody cases that plagued the courts in prior decades. Yet according to a study by the U.S. Department of Justice, in 1988 the abductors of 163,200 children—nearly one half of an estimated 354,100 children abducted by parents or family members in the U.S. that year—took the children across state lines, concealed them, or prevented contact.

Among the obstacles enabling parents to obtain conflicting custody orders from courts in different states has been a lack of uniformity in state enactments of the UCCJA and court opinions interpreting that statute. In addition, some unfortunate differences between the PKPA and the UCCJA have hindered effective child custody orders.

Now, after two years of drafting and deliberation, the Uniform Law Commissioners have approved a new Uniform Child Custody Jurisdiction and Enforcement Act (UCCJEA) that is available for enactment by every state legislature. Uniform enactment nationwide is crucial to its effectiveness.

"The new law significantly eliminates the conflicts and problems which surround interstate custody and visitation cases," say Marian P. Opala, chairman of the drafting committee. UCCJEA erases the differences between its predecessor UCCJA and the PKPA and other federal statutes, and

makes changes necessary after almost 30 years of inconsistent court interpretations.

Most importantly, it covers new territory as well, including provisions for enforcing interstate custody orders, an issue the original UCCJA did not address. The enforcement provisions are aimed at the continuing problems of child abduction, concealment and evasion when parents and families are at war with each other.

The original act authorized four different bases for jurisdiction, and did not provide for home state priority. Like the federal law, the new act prioritizes home state jurisdiction, defining it as the state in which a child lived with a parent, or a person acting as parent, for at least six consecutive months immediately before the beginning of a child custody proceeding. If there is more than one child custody order, therefore, the one from the child's home state is the one that gets enforced.

The new act further provides that a state which makes the initial custody determination has continuing exclusive jurisdiction, so long as a party to the original custody determination remains in that state. Continuing exclusive jurisdiction was not a provision in the original UCCJA, although the federal PKPA later recognized the concept. The order of a state with continuing exclusive jurisdiction is entitled to be enforced in every other state. No other state can modify the order unless the first state relinquishes jurisdiction to the courts of another state, because they can do a better job of adjudication.

UCCJEA also clarifies how and when emergency jurisdiction should be used, allowing a court to take temporary jurisdiction (e.g. child abuse orders or domestic violence orders of protection) even though it does not have grounds for taking permanent jurisdiction. This provision extends the emergency jurisdiction provision of the UCCJA to include abuse of a parent or sibling of an abducted child as grounds.

New to the UCCJEA is an expedited process to enforce interstate child custody and visitation determinations. As documented in an extensive study by the American Bar Association's Center on Children and the Law, *Obstacles to the Recovery and Return of Parentally Abducted Children (1993)*, neither the UCCJA nor the PKPA provides for enforcement of child custody orders. It was assumed that local law would be adequate for enforcement of out-of-state orders. Time has proved the error of that assumption.

Drafters of the new act recognized the need for swift enforcement for a left-behind parent who seeks to have a child custody order enforced. If enforcement does not happen quickly, the child may be lost permanently. Drafters chose an extremely swift remedy along the lines of habeas corpus: the child must be produced before the court. And if the enforcing court is concerned that the parent will flee or harm the child, a warrant to take physical possession of the child is available.

In this and other respects, the act accomplishes for custody and visitation determination the same certainty that has occurred in interstate child support law with the promulgation of the Uniform Interstate Family Support Act.

The UCCJEA also establishes the option of a role for public prosecutors and law enforcement in the civil enforcement of child custody and visitation determinations.

The ULC, officially called the National Conference of Commissioners on Uniform State Laws, is now in its 106th year. The organization is comprised of more than 300 lawyers, judges, law professors, legislators, and other state officials, appointed by the states as well as the District of Columbia, Puerto Rico, and the U.S. Virgin Islands, to draft proposals for uniform and model laws and work toward their enactment in the state legislatures. Since 1892, the group has promulgated more than 200 acts, among them such bulwarks of state statutory law as the Uniform Commercial Code, the Uniform Probate Code, the Uniform Partnership Act, and the Uniform Controlled Substances Act.

STATE OF ALASKA

DEPARTMENT OF LAW

OFFICE OF THE ATTORNEY GENERAL

November 17, 1997

Honorable Mike Miller
Honorable Gail Phillips
Alaska State Capitol
Juneau, Alaska 99801

Dear President Miller and Speaker Phillips:

On behalf of Alaska's delegation to the National Conference of Commissioners on Uniform State Laws, I submit this year's annual report.

I. HISTORY OF THE NATIONAL CONFERENCE OF COMMISSIONERS ON UNIFORM STATE LAWS

In August, 1892, the first National Conference of Commissioners on Uniform State Laws (ULC) convened in Saratoga, New York, three days preceding the annual meeting of the American Bar Association. By 1912, every state was participating in the ULC. The Territory of Alaska joined the conference that year.

The ULC is a confederation of states. It arose out of the concerns of state government for the improvement of the law and for better interstate relationships. Its sole purpose has been, and remains, service to state government and improvement of state law.

II. THE OPERATION OF THE ULC

The National Conference is convened as a body once a year. It meets for a period of eight days, usually in mid-summer. In the interim period between the annual meetings, drafting committees composed of commissioners meet to supply the working drafts that are considered at the annual meeting. At each annual meeting, the work of the drafting committees is read and debated. Each Act must be considered over a substantial period of years. No Act becomes officially recognized as a Uniform Act until the National Conference is satisfied that it is

TONY KNOWLES, GOVERNOR

PLEASE REPLY TO

101 WEST 4TH AVENUE, SUITE 200
ANCHORAGE ALASKA 99501-1954
PHONE 907/259-5100
FAX 907/275-2697

KEY BANK BUILDING
100 CUSHMAN ST., SUITE 400
FAIRBANKS ALASKA 99701-3679
PHONE 907/451-2811
FAX 907/451-2816

P.O. BOX 110300, DIMOND COURT - C-2
JUNEAU ALASKA 99811-0300
PHONE 907/465-3600
FAX 907/465-6735

ready for consideration in the state legislatures. It is then put to a vote of the states, during which each state caucuses and votes as a unit.

A small staff located in Chicago operates the national office of the ULC. The national office handles meetings arrangements, publications, legislative liaison, and general administration for the ULC. The total staff numbers only seven people.

The ULC maintains relationships with several sister organizations. Official liaison is maintained with the American Bar Association, which contributes an amount each year to the operation of the ULC. Liaison is also maintained with the American Law Institute, the Council of State Governments, and the National Conference of State Legislatures on an ongoing basis. Liaison and activities may be conducted with other associations as interests and activities necessitate.

III. ANNUAL MEETING

The 1997 annual meeting of the National Conference of Commissioners on Uniform State Laws was held July 25 - August 1 in Sacramento, California. The meeting attendees considered draft Acts amending Articles 2 and 9 of the Uniform Commercial Code; proposed new Article 2B of the Uniform Commercial Code; Uniform Interstate Child Custody Jurisdiction and Enforcement Act; Uniform Principal and Income Act; Uniform Management of Public Employee Retirement Systems Act; and Uniform Guardianship and Protective Proceedings Act. (See attached short summaries briefly describing each Act.)

The conference approved the Uniform Interstate Child Custody Jurisdiction and Enforcement Act; the Uniform Principal and Income Act; the Uniform Management of Public Employment Retirement Systems Act; and the Uniform Guardianship and Protective Proceedings Act. Alaska commissioners served on the Uniform Instate Child Custody Jurisdiction and Enforcement Act Committee and Uniform Principal and Income Act Committee.

This work will benefit many Alaskans, since the state's enactment of the Uniform Act will aid interstate commerce and investment and the enforcement of visitation orders across state lines. Also, the work will aid in the resolution of legal issues arising from electronic commerce, especially transactions made over the internet. Alaska business should benefit directly from the conference work in making these transactions more easily legally enforced. These issues have been of interest to the Alaska State Legislature and the executive branch.

IV. ACTIVITIES OF THE ALASKA COMMISSIONERS

A. The Alaska Commissioners are:

The Honorable Jay Rabinowitz (retired chief justice of Alaska Supreme Court and life member of the ULC)

Art Peterson (lawyer, private practice, and life member of the ULC)

Jerry Kurtz (lawyer, private practice)

Grant Callow (lawyer, private practice)

Deborah Behr (lawyer, Assistant Attorney General)

B. The Alaska associate member is Tamara Brandt Cook (lawyer, Director of Division of Legislative Legal and Research Services)

C. The ULC committee assignments for Commissioners from Alaska are:

Art Peterson - member of paternity Act drafting committee; member of family law study committee; and member of legislative committee

Deborah Behr - member of enforcement of custody and visitation laws stand-by committee; and member of family law study committee

Jerry Kurtz - member of principal and income stand-by committee; and member of pension funds study committee

Grant Callow - member of committee to reverse Uniform Rules of Evidence; and member of ULC committee on scope and program

Jay Rabinowitz - member of native law study committee

Hon. Mike Miller
Hon. Gail Phillips

November 17, 1997

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D. Alaska Commissioners hold regular telephone conference meetings during the year.

E. Alaska Commissioners attending the 1997 ULC Annual Meeting in Sacramento were:

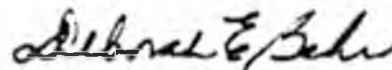
Art Peterson
Jerry Kurtz
Grant Callow
Deborah Behr

F. In the year 1997, the Alaska Commissioners made several legislative appearances, in person or by teleconference, to explain HB 178 - Uniform Commercial Code, article 5 (letters of credit); SB 154 - Uniform Family Support Act amendments; and SB 198 - Uniform Partnership Act.

V. Recommendation for Passage During 1998 Legislative Session:

The Alaska Uniform Law commissioners are recommending passage during the 1998 legislative session of the following matters: (A) update of the Uniform Partnership Act (SB 198); (B) the Uniform Commercial Code, article 5 (HB 178); and (C) Uniform Child Custody Jurisdiction and Enforcement Act.

Sincerely,



Deborah E. Behr
Alaska Uniform Law Commissioner

DEB:ng

Attachment

cc: Gene N. Lebrun, President
National Conference of Commissioners
on Uniform State Laws

LAW OFFICES

DILLON & FINDLEY

A PROFESSIONAL CORPORATION

JUNEAU:

Dennis C. Buley
Caroline Cronin
Paul L. Fallon
Thomas W. Findley
Devon P. Givens
Richard D. Monkman
Arthur H. Peterson
Peter K. Putzer
Paralegal
Ten Heuschel
Firm Administrator
Melanie E. Mickelson

The Ebner Building
350 North Franklin Street
Juneau, Alaska 99801
Telephone (907) 586-4000
Facsimile (907) 586-3777

January 28, 1998

ANCHORAGE:

Ray G. Brown
Marian Long
Kristen D. Peterson
Paralegal
M. Debra Raymond

511 E. Street, Suite 621
Anchorage, Alaska 99501
Telephone (907) 277-3430
Facsimile (907) 277-0906

Honorable Con Bunde, Chair
House HESS Committee
Alaska State Legislature
Room 104, State Capitol
Juneau, Alaska 99811

HAND DELIVERED

Re: HB 335 (Uniform Child Custody Jurisdiction and Enforcement Act)

Dear Representative Bunde:

I understand that HB 335 is scheduled for a hearing in your committee tomorrow, January 29. I will not be able to attend the hearing, but wanted to make sure that you knew of my support for this bill.

As I'm sure you already know, this bill revises the 1968 Uniform Child Custody Jurisdiction Act, which was adopted in every state. That act and this revision are products of the National Conference of Commissioners on Uniform State Laws. Besides generally updating the original Act and addressing issues that have been litigated under it, this new version brings the substance of the old one into compliance with the federal Parental Kidnapping Prevention Act. A major feature of this revision is its limitation of child custody jurisdiction to one state, thus greatly streamlining the procedures and avoiding complications that negatively affect the children and their families. Another major feature is this version's addition of enforcement provisions for child custody orders.

It is anticipated that this revision will sweep the country as the original version did. Therefore, it is necessary for Alaska to keep up with developments in the law and to provide this protection to our children and families.

Therefore, I strongly urge a "do pass" recommendation from your committee. Thank you for considering these comments.

Yours truly,



Arthur H. Peterson
Uniform Law Commissioner
for Alaska

Honorable Con Bunde
January 28, 1998

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CC: Pat Porchot, Legislative Director, Governor's Office
Rest of Alaska's ULC Delegation:
Deborah E. Behr
Tamara Brandt Cook
W. Grant Callow
L.S. (Jerry) Kurtz, Jr.
Jay A. Rabinowitz

HB

340

HOUSE COMMITTEE REPORT

(7)

Date Referred to Committee: April 3, 1998

FURTHER REFERRALS:

Judiciary

Date of Committee Action: 4/30/98

The HEALTH, EDUCATION AND SOCIAL SERVICES Committee considered:

SSHB 340

SPONSOR SUBSTITUTE FOR HOUSE BILL NO. 340

TESTIMONY AT CINA HEARINGS; CHILD ABUSE

"An Act relating to child abuse and neglect, child-in-need-of-aid proceedings, delinquency hearings, and review of cases involving certain children who are in the custody of the state; relating to the crime of endangering the welfare of a minor; relating to disclosure of information about children and their families; amending Rules 3, 7, 10, 15, 17 - 19, and 22, Alaska Child in Need of Aid Rules; amending Rules 3, 7, 10, 12, 21, 23, and 25, Alaska Delinquency Rules; and providing for an effective date."

recommends it be replaced with the following committee substitute CS SS HB 340 (HES) [X] the same title [] a new title

[] additional referral to _____ Committee
[] attached amendment(s)

ADOPTS: _____ Letter of Intent

ATTACHES NEW FISCAL NOTE(S): (Dept)

APPROVES PREVIOUS: (Dept/Date)

[X] fiscal note(s) 4 H+SS, 2 Law, Court System

[] fiscal note(s)

[] zero fiscal note(s)

[] zero fiscal note(s)

Table with 5 columns: SIGNING WITH RECOMMENDATIONS, DP, DNP, NR, AM. Contains handwritten signatures and checkmarks.

CHAIR'S SIGNATURE [Signature]

FISCAL NOTE

**STATE OF ALASKA
1998 LEGISLATIVE SESSION**

BILL NO. SSHB 340 |

Revision Date (Note if correction) _____	Dept Affected <u>Law</u>
Title <u>An Act related to child abuse and neglect, child-</u>	BRU <u>Criminal Division</u>
<u>in-need-of-aid proceedings, delinquency hearings, and</u>	Component <u>3rd Judicial District Anchorage</u>
Sponsor <u>Rep. Hodgins</u>	
Requester <u>House HESS Committee</u>	Component Senal No <u>2281</u>

Expenditures/Revenues

(Thousands of Dollars)

OPERATING EXPENDITURES	FY 99	FY 00	FY 01	FY 02	FY 03	FY 04
Personal Services	187.3	187.3	187.3	187.3	187.3	187.3
Travel	0.5	0.5	0.5	0.5	0.5	0.5
Contractual	31.2	31.2	31.2	31.2	31.2	31.2
Supplies	3.0	3.0	3.0	3.0	3.0	3.0
Equipment	13.0					
Land & Structures						
Grants & Claims						
Miscellaneous						
TOTAL OPERATING	235.0	222.0	222.0	222.0	222.0	222.0

CAPITAL EXPENDITURES						
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CHANGE IN REVENUES ()						
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FUND SOURCE

(Thousands of Dollars)

1002 Federal Receipts						
1003 GF Match						
1004 GF	235.0	222.0	222.0	222.0	222.0	222.0
1005 GF/Program Receipts						
1037 GF/Mental Health						
Other (Specify Type)						
TOTAL	235.0	222.0	222.0	222.0	222.0	222.0

Estimate of any current year (FY98) cost: _____

POSITIONS

Full-time	2	2	2	2	2	2
Part-time						
Temporary						

ANALYSIS: (Attach a separate page if necessary)

SSHB 340 creates a new C felony crime for a parent or guardian who has the child (under 10 years of age) in their care to be incapacitated by alcohol or drugs, or to have drugs in the house. In addition, the bill makes false report of child abuse or neglect a C felony as well.

A person being prosecuted of a felony offense is entitled to a jury trial, with all the associated costs. Several hundred felony drug cases are prosecuted annually in Anchorage alone, and alcohol is a factor in most crimes in Alaska. The department believes that Section 1 has the potential to create hundreds of new felony cases. However, at least with cases involving drugs, many of these individuals would likely be charged with a felony drug offense in any event, and the crime of endangering the welfare of a child would be another charge in a case already being prosecuted. The

Prepared by Joan M. Kasson *Joan M. Kasson*
 Division Attorney General's Office
 Approved by Commissioner Bruce M. Botelho Attorney General
 Agency Department of Law

Phone 485-5370
 Date 4/22/98
 Date 4/22/98

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FISCAL NOTE

STATE OF ALASKA
1998 LEGISLATIVE SESSION

BILL NO. SSB 340

ANALYSIS CONTINUATION

department anticipates the addition of one attorney and one paraprofessional in the Anchorage District Attorney's Office would be necessary to respond to this new crime, simply due to the volume of cases in that community. No positions are requested for the rest of the state, and the department would want to wait and assess the impact of the change in law after it occurred.

The potential impact of making false report of child abuse and neglect a felony is uncertain. The department believes that many people who are alleged to have committed child abuse and neglect will claim in retaliation that the report was falsely represented. This change has the potential for a great deal of new work for both police and prosecutors, but the outcome is too speculative to assign costs at this time.

Costs are based on the FY98/99 Civil Division standard cost allocation plan (\$133,516 per attorney and \$88,486 per paraprofessional), and include normal overhead costs such as copies, telecommunication, leases and clerical support. One time new equipment costs of \$6,500 per position are not included in the rate and are added separately.

ANALYSIS (cont.):

The additional .75 hours of social work time per hearing required by HB 340, applied against the actual social worker time available for direct client work, will result in 12 full months in SCRO, 6 full months in NRO. The incidental time SERO will be supported by existing staff.

Sec. 7 requires that the department report monthly, rather than annually, on efforts to secure a permanent placement for a child whose parental rights have been terminated and who has been placed with the department for adoptive purposes. Such reports will require, at a minimum, 1 hour to prepare. The division currently has 115 children with both parents' rights terminated in SCRO, 73 in NRO, and 13 in SERO. This provision of HB 340 will result in the need for 1 full-time Social Worker III in SCRO and 6 full months for a SW III in NRO. The incidental time in SERO will be supported by existing staff.

Sec. 28 requires that respite shall be paid in addition to the moneys paid for basic care. If respite were required for each client and incorporated into the payment the projected cost would be \$2,691,275. This is calculated by utilizing FY97 Full Time Equivalent (FTE's) 850.5 and increasing it by 20% to account for the increase in clients in foster care. The total projected FTE's for FY99 would be a conservative 1,021. Thus 1,021 FTEs multiplied by the annual projected respite cost of \$2,635.92 per client totals \$2,691,275.

In FY97 69 Foster Care Rate Augmentations included respite:

Average hours per month for each client was 42.57 hours (2,937.06 hours / 69 clients)

Average cost per hour for each client was \$5.16 (\$15,157.70 hours / 2,937.06 hours)

Average monthly cost for each client would be \$219.66 (42.57 hours * \$5.16/hour)

Average annual cost for each client would be \$2,635.92 (\$219.66/mos * 12 mos/year)

Other factors to be included would be the projected cost to rewrite the DFYS regulations for respite care which is estimated at \$ 50,000.

FISCAL NOTE

STATE OF ALASKA
1998 LEGISLATIVE SESSION

BILL NO. SSHB 340

Revision Date (Note if correction) _____ Dept. Affected Law
 Title An Act related to child abuse and neglect, child- BRU Civil Division
in-need-of-aid proceedings, delinquency hearings, and Component Human Services
 Sponsor Rep. Hodgins
 Requester House HESS Committee Component Serial No. 2208

Expenditures/Revenues (Thousands of Dollars)

OPERATING EXPENDITURES	FY 99	FY 00	FY 01	FY 02	FY 03	FY 04
Personal Services	175.6	175.6	175.6	175.6	175.6	175.6
Travel	0.5	0.5	0.5	0.5	0.5	0.5
Contractual	28.7	28.7	28.7	28.7	28.7	28.7
Supplies	2.8	2.8	2.8	2.8	2.8	2.8
Equipment	13.0					
Land & Structures						
Grants & Claims						
Miscellaneous						
TOTAL OPERATING	220.6	207.6	207.6	207.6	207.6	207.6

CAPITAL EXPENDITURES						
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CHANGE IN REVENUES ()						
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FUND SOURCE (Thousands of Dollars)

FUND SOURCE	FY 99	FY 00	FY 01	FY 02	FY 03	FY 04
1002 Federal Receipts						
1003 GF Match						
1004 GF	220.6	207.6	207.6	207.6	207.6	207.6
1005 GF/Program Receipts						
1037 GF/Mental Health						
Other (Specify Type)						
TOTAL	220.6	207.6	207.6	207.6	207.6	207.6

Estimate of any current year (FY98) cost: _____

POSITIONS

	FY 99	FY 00	FY 01	FY 02	FY 03	FY 04
Full-time	1	1	1	1	1	1
Part-time	1	1	1	1	1	1
Temporary						

ANALYSIS: (Attach a separate page if necessary)

SSHB 340 makes numerous amendments to the the child in-need-of-aid (CINA) and juvenile delinquency statutes. Several of these changes are anticipated to increase costs to the Civil Division's Human Services sections.

The bill requires notice to certain individuals for all proceedings, and adds to the list of individuals who must be notified of CINA proceedings to include grandparents, healthcare providers, and current and previous foster parents, if any. Under current law, only parents of the child or the child's guardian, and the guardian ad litem must be notified. In addition, these persons are entitled to be heard by the court during the proceeding.

Prepared by Joan M. Kasson
 Division Attorney General's Office
 Approved by Commissioner Bruce M. Botelho, Attorney General
 Agency Department of Law

Phone 485-5370
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FISCAL NOTE

STATE OF ALASKA
1998 LEGISLATIVE SESSION

BILL NO. SSB 340

ANALYSIS CONTINUATION

The Department of Law assumes, that since most of the additional individuals who must be notified of proceedings under this bill are not parties to the cases, the courts will permit notice by mail, rather than requiring process servers to actually physically serve the individuals, with newspaper advertising follow-up when an individual cannot be readily located. This latter, more rigorous, notice process would likely lead to delays of hearings as the individuals are located, and to associated increases in costs. The fiscal note estimates are based on this assumption. If the more rigorous notice process is required, the costs will be greater.

Extrapolating statewide from information provided by the Anchorage Children's Court, the Department of Law estimates that there may be approximately 2,400 hearings annually. Providing notice will require getting the names and addresses of the individuals, mailing the notice, and providing proof of service to the court. Presumably, the Division of Family and Youth Services (DFYS) will be able to provide names and addresses from their file. In some circumstances, however, further research will be necessary to determine who should receive notice. The Department of Law anticipates that any difficulty would be primarily associated with finding grandparents, and estimates approximately 30 minutes of paraprofessional time will be necessary, at least for notice of the first hearing on probable cause, and perhaps 5 to 10 minutes per remaining hearing. Probable cause hearings are estimated to be approximately 30 percent of the total number of hearings. Total paraprofessional time anticipated to be necessary to do the research on notice is between 500 and 640 hours.

The court system estimates that accepting testimony from the additional individuals will lengthen hearings, on the average, by 30 minutes each, for a total of approximately 1,193 attorney hours (2,385 x 15).

Section 7 of the bill requires the Department of Health and Social Services report monthly to the court, rather than annually, on efforts to secure permanent placement for a child whose parental rights have been terminated. These reports must be filed, and read, by Assistant Attorney Generals. DFYS estimates there will be approximately 192 reports to be filed each month. Estimating 15 minutes for each report, approximately 576 additional attorney hours per year will be needed.

The total effect of these changes will require the addition of a three-quarter time attorney position in Anchorage, a half-time attorney position in Fairbanks, and \$40,754 for 566 hours of additional paraprofessional time. Costs are based on the FY98/99 standard cost allocation schedule (\$133,517 per full-time equivalent attorney, and \$71.94/hour for paraprofessionals), and include all normal overheads such as clerical support, communication, and lease space. One-time new equipment purchases are not included in the rate, and \$6,500 per position are added separately.

FISCAL NOTE

STATE OF ALASKA
1998 LEGISLATIVE SESSION

BILL NO. SSHB 340

Revision Date: _____
Title: An Act relating to Child Abuse & Neglect

Dept. Affected: Alaska Court System
BRU: Trial Courts

Sponsor: Rep. Hodgins
Requestor: House HESS

Component: _____
COMPONENT SERIAL NO. 788

Expenditures/Revenues (Thousands of Dollars)

OPERATING EXPENDITURES	FY 99	FY 00	FY 01	FY 02	FY 03	FY 04
PERSONAL SERVICES	69.9	69.9	69.9	69.9	69.9	69.9
TRAVEL						
CONTRACTUAL						
SUPPLIES						
EQUIPMENT						
LAND & STRUCTURES						
GRANTS & CLAIMS						
MISCELLANEOUS						
TOTAL OPERATING	69.9	69.9	69.9	69.9	69.9	69.9

CAPITAL EXPENDITURES						
-----------------------------	--	--	--	--	--	--

CHANGE IN REVENUES ()						
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Fund Source (Thousands of Dollars)

1002 Federal Receipts						
1003 GF Match						
1004 OF	69.9	69.9	69.9	69.9	69.9	69.9
1005 GF/Program Receipts						
1007 GF/Mental Health						
Other						
TOTAL	69.9	69.9	69.9	69.9	69.9	69.9

Estimate of any current year (FY 98) cost: \$ None

Positions

Full-Time						
Part-Time	4	4	4	4	4	4
Temporary						

ANALYSIS: (Attach a separate page if necessary)

See attached fiscal analysis.

Prepared by: Doug Wooliver, Administrative Attorney
Agency: Alaska Court System

Approved by: Stephanie J. Cole, Administrative Director
Agency: Alaska Court System

Phone: 284-8265
Date: 04/23/98

Date: 04/23/98

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**SSHB 340
Fiscal Analysis
Alaska Court System**

SSHB 340 makes several changes to the laws governing child in need of aid (CINA) cases. Most directly impacting the court system are the changes that allow a broader class of persons the right to be heard in CINA hearings.

Currently, in most CINA hearings the court will hear from the Department of Law (representing the Department of Health and Social Services), the guardian ad litem, the parents or guardian (or the attorney representing the parents or guardian) and, when appropriate, a tribal representative. Under the proposed changes to AS 47.10.030(b) and AS 47.10.070(a), the right to be heard would be expanded to include the child's custodian, grandparents, healthcare providers, and current and former foster parents.

In calendar year 1997, there were over 2,300 CINA hearings statewide. At the current rate there will be well over 2,500 this year.

Currently, the vast majority of CINA hearings are scheduled for one half hour. However, if additional witnesses are anticipated they are scheduled for one hour. Because it is assumed that most hearings will hear from at least some additional witnesses under this bill, it is estimated that CINA hearings will be scheduled for one hour rather than the current one half hour. This is a conservative estimate because it assumes that no hearings will actually have testimony presented by all, or even most, of the persons entitled to be heard under this bill. Such hearings would last considerably longer than one hour.

This increase will require additional standing master time in Anchorage as well as additional pro tem time for superior court judges in Bethel and Fairbanks.

This note does not include any additional costs associated with the criminal law changes made by the bill nor any additional costs associated with the likely lengthening of delinquency hearings due to the right of foster parents to be heard. Although both of these provisions will likely increase court costs, they are too speculative to estimate at this time.

Finally, this note does not reflect the significant increase in CINA cases that will result from the additional caseworkers and attorneys the Department of Health and Social Services plans to enlist to handle CINA issues in the future. Again, although this increase is certain, its impact is too speculative to estimate at this time.

Alaska Court System
Fiscal Analysis
SSHB 340

Personal Services

	<u>Salary</u>	<u>Benefits</u>	<u>Total</u>
Family Master, 24A, Anchorage, PPT, 4 months	\$ 21,712	\$ 4,707	\$ 26,419
In-Court Clerk, 12A, Anchorage, PPT, 4 months	9,644	2,091	11,735
Pro Tem Superior Court Judge, Fairbanks/Bethel, PPT, 3 months	14,625	7,129	21,754
In-Court Clerk, 12A, Fairbanks/Bethel, PPT, 3 months	8,214	1,781	<u>9,995</u>
Total Personal Services			<u>\$ 69,903</u>

STATE OF ALASKA
1998 LEGISLATIVE SESSION

FISCAL NOTE

BILL NO. SSH8.40

Revision Date: _____
Title: Relating to child abuse and neglect
Sponsor: Hodgins
Requestor: House (HES)

Dept. Affected: Health and Social Services
BRU: Family and Youth Services
Component: Southcentral Region
COMPONENT SERIAL NO. 254
See also (SN#): 255,2238,254

Expenditures/Revenues:

(Thousands of Dollars)

OPERATING	FY99	FY00	FY01	FY02	FY03	FY04
PERSONAL SERVICES	107.8	107.8	107.8	107.8	107.8	107.8
TRAVEL						
CONTRACTUAL						
SUPPLIES						
EQUIPMENT						
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
TOTAL OPERATING	107.8	107.8	107.8	107.8	107.8	107.8

CAPITAL EXPENDITURES						
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CHANGES IN REVENUES ()						
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FUND SOURCE

(Thousands of Dollars)

1002 Federal Receipts						
1003 GF Match						
1004 GF	107.8	107.8	107.8	107.8	107.8	107.8
1005 GF/Program Receipts						
1037 GF/Mental Health						
Other (please specify)						
TOTAL	107.8	107.8	107.8	107.8	107.8	107.8

POSITIONS:

FULL-TIME	2					
PART-TIME						
TEMPORARY						

Estimate of any current year (FY98) cost: \$0.0

ANALYSIS: (Attach a separate page if necessary)

Secs. 4, 5, and 6 of this sponsor substitute require that notice of every Child in Need of Aid hearing be given to grandparents, current and former foster parents, and health care providers. The court system estimates that accepting testimony from all additional individuals who wish to attend will lengthen hearings by 30 minutes. The division estimates that it will take, at minimum, an additional fifteen minutes to check the records to make sure that the Assistant Attorneys General have current information regarding foster parents and health care providers.

Although no state agency has statewide information on how many CINA hearings are held each year, the Anchorage Family Court does track that information. According to those records, 1145 CINA hearings were held in Anchorage during calendar year 1997, and the Anchorage court hears 48% of the state's CINA cases. Consequently, it is estimated that there are 2385 CINA hearings held in Alaska per year. According to Division of Family and Youth Services records as of 4/1/98, SCRO had 1340 cases with CINA orders (62% of the statewide total), NRO had 674 (31%), and SERO had 148 (17%). Therefore, we estimate that SCRO staff must participate in 1,479 hearings (X 75 hours = 1,109 hours), NRO in 739 hearings (615 hours), and SERO in 167 hearings (125 hours).

[Signature]
4/22/98

Prepared by: Russ E. Webb, Deputy Commissioner
Division: Family & Youth Services
Approved by Commissioner: Karen Perdue, Commissioner
Agency: Department of Health & Social Services

Phone: 465-3030
Date: 04 22 98
Date: 4/22/98

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ANALYSIS (cont.):

The additional .75 hours of social work time per hearing required by HB 340, applied against the actual social worker time available for direct client work, will result in 12 full months in SCRO, 6 full months in NRO. The incidental time SERO will be supported by existing staff.

Sec. 7 requires that the department report monthly, rather than annually, on efforts to secure a permanent placement for a child whose parental rights have been terminated and who has been placed with the department for adoptive purposes. Such reports will require, at a minimum, 1 hour to prepare. The division currently has 115 children with both parents' rights terminated in SCRO, 73 in NRO, and 13 in SERO. This provision of HB 340 will result in the need for 1 full-time Social Worker III in SCRO and 6 full months for a SW III in NRO. The incidental time in SERO will be supported by existing staff.

Sec. 28 requires that respite shall be paid in addition to the moneys paid for basic care. If respite were required for each client and incorporated into the payment the projected cost would be \$2,691,275. This is calculated by utilizing FY97 Full Time Equivalent (FTE's) 850.5 and increasing it by 20% to account for the increase in clients in foster care. The total projected FTEs for FY99 would be a conservative 1,021. Thus 1,021 FTEs multiplied by the annual projected respite cost of \$2,635.92 per client totals \$2,691,275.

In FY97 69 Foster Care Rate Augmentations included respite.

Average hours per month for each client was 42.57 hours (2,937.06 hours / 69 clients)

Average cost per hour for each client was \$5.16 (\$15,157.70 hours / 2,937.06 hours)

Average monthly cost for each client would be \$219.66 (42.57 hours * \$5.16/hour)

Average annual cost for each client would be \$2,635.92 (\$219.66/mos * 12 mos/year)

Other factors to be included would be the projected cost to rewrite the DFYS regulations for respite care which is estimated at \$ 50,000.

STATE OF ALASKA
1998 LEGISLATIVE SESSION

FISCAL NOTE

BILL NO. SSH8340

Revision Date: _____
Title: Relating to child abuse and neglect
Sponsor: Hodgins
Requestor: House (HES)

Dept. Affected: Health and Social Services
BRU: Family and Youth Services
Component: Northern Region
COMPONENT SERIAL NO: 255
Sec also (SN#): 254,259,2238

Expenditures/Revenues:

(Thousands of Dollars)

OPERATING	FY99	FY00	FY01	FY02	FY03	FY04
PERSONAL SERVICES	57.9	57.9	57.9	57.9	57.9	57.9
TRAVEL						
CONTRACTUAL						
SUPPLIES						
EQUIPMENT						
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
TOTAL OPERATING	57.9	57.9	57.9	57.9	57.9	57.9

CAPITAL EXPENDITURES						
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CHANGES IN REVENUES						
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FUND SOURCE

(Thousands of Dollars)

1002 Federal Receipts						
1003 GF Match						
1004 GF	57.9	57.9	57.9	57.9	57.9	57.9
1005 GF/Program Receipts						
1037 GF/Mental Health						
Other (please specify)						
TOTAL	57.9	57.9	57.9	57.9	57.9	57.9

POSITIONS:

FULL-TIME	1					
PART-TIME						
TEMPORARY						

Estimate of any current year (FY98) cost: \$0.0

ANALYSIS: (Attach a separate page if necessary)

Secs. 4, 5, and 6 of this sponsor substitute require that notice of every Child In Need of Aid hearing be given to grandparents, current and former foster parents, and health care providers. The court system estimates that accepting testimony from all additional individuals who wish to attend will lengthen hearings by 30 minutes. The division estimates that it will take, at minimum, an additional fifteen minutes to check the records to make sure that the Assistant Attorneys General have current information regarding foster parents and health care providers.

Although no state agency has statewide information on how many CINA hearings are held each year, the Anchorage Family Court does track that information. According to those records, 1145 CINA hearings were held in Anchorage during calendar year 1997, and the Anchorage court hears 48% of the state's CINA cases. Consequently, it is estimated that there are 2385 CINA hearings held in Alaska per year. According to Division of Family and Youth Services records as of 4/1/98, SCRO had 1340 cases with CINA orders (62% of the statewide total), NRO had 674 (31%), and SERO had 148 (7%). Therefore, we estimate that SCRO staff must participate in 1,479 hearings (X .75 hours = 1,109 hours), NRO in 739 hearings (615 hours), and SERO in 167 hearings (125 hours).

4/22/98

Prepared by: Russ E. Webb, Deputy Commissioner
Division: Family & Youth Services
Approved by Commissioner: Karen Perdue, Commissioner
Agency: Department of Health & Social Services

Phone: 465-1010
Date: 04/22/98
Date: 4/22/98

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ANALYSIS (cont.):

The additional .75 hours of social work time per hearing required by HB 340, applied against the actual social worker time available for direct client work, will result in 12 full months in SCRO, 6 full months in NRO. The incidental time SERO will be supported by existing staff.

Sec. 7 requires that the department report monthly, rather than annually, on efforts to secure a permanent placement for a child whose parental rights have been terminate and who has been placed with the department for adoptive purposes. Such reports will require, at a minimum, 1 hour to prepare. The division currently has 115 children with both parents' rights terminated - SCRO, 73 in NRO, and 13 in SERO. This provision of HB 340 will result in the need for 1 full-time Social Worker III in SCRO, and 6 full months for a SW III in NRO. The incidental time in SERO will be supported by existing staff.

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Average monthly cost for each client would be \$219.66 (42.57 hours * \$5.16/hour)

Average annual cost for each client would be \$2,635.92 (\$219.66/mos. * 12 mos./year)

Other factors to be included would be the projected cost to rewrite the DFYS regulations for respite care which is estimated at \$ 50,000.

Revision Date: _____
 Title: Relating to child abuse and neglect
 Sponsor: Hodgins
 Requestor: House (HES)

Dept. Affected: Health and Social Services
 BRU: Family and Youth Services
 Component: DFYS Central Office
 COMPONENT SERIAL NO. 259
 See also (SN#): 254,255,2238

Expenditures/Revenues:

(Thousands of Dollars)

OPERATING	FY99	FY00	FY01	FY02	FY03	FY04
PERSONAL SERVICES						
TRAVEL						
CONTRACTUAL	50.0					
SUPPLIES						
EQUIPMENT						
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
TOTAL OPERATING	50.0	0.0	0.0	0.0	0.0	0.0

CAPITAL EXPENDITURES						
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CHANGES IN REVENUES						
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FUND SOURCE

(Thousands of Dollars)

FUND SOURCE	FY99	FY00	FY01	FY02	FY03	FY04
1002 Federal Receipts						
1003 GF Match						
1004 GF	50.0					
1005 GF/Program Receipts						
1037 GF/Mental Health						
Other (please specify)						
TOTAL	50.0	0.0	0.0	0.0	0.0	0.0

POSITIONS:

POSITIONS	FY99	FY00	FY01	FY02	FY03	FY04
FULL-TIME						
PART-TIME						
TEMPORARY						

Estimate of any current year (FY98) cost: \$0.0

ANALYSIS: (Attach a separate page if necessary)

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S 4/22/98

Prepared by: Russ E. Webb, Deputy Commissioner
 Division: Family & Youth Services
 Approved by Commissioner: Karen Perdue, Commissioner
 Agency: Department of Health & Social Services

Phone: 465-3030
 Date: 04/22/98
 Date: 4/22/98

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ANALYSIS (cont.):

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Sec. 7 requires that the department report monthly, rather than annually, on efforts to secure a permanent placement for a child whose parental rights have been terminate and who has been placed with the department for adoptive purposes. Such reports will require, at a minimum, 1 hour to prepare. The division currently has 115 children with both parents' rights terminated in SCRO, 73 in NRO, and 13 in SERO. This provision of HB 340 will result in the need for 1 full-time Social Worker III in SCRO, and 6 full months for a SW III in NRO. The incidental time in SERO will be supported by existing staff.

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Average monthly cost for each client would be \$219.66 (42.57 hours * \$5.16/hour)

Average annual cost for each client would be \$2,635.92 (\$219.66/mos * 12 mos/year)

Other factors to be included would be the projected cost to rewrite the DFYS regulations for respite care which is estimated at \$ 50,000.

CS FOR SPONSOR SUBSTITUTE FOR HOUSE BILL NO. 340(HES)

IN THE LEGISLATURE OF THE STATE OF ALASKA

TWENTIETH LEGISLATURE - SECOND SESSION

BY THE HOUSE HEALTH, EDUCATION AND SOCIAL SERVICES COMMITTEE

Offered:

Referred:

Sponsor(s): REPRESENTATIVE HODGINS

A BILL

FOR AN ACT ENTITLED

1 "An Act relating to child abuse and neglect, child-in-need-of-aid proceedings,
2 delinquency hearings, and review of cases involving certain children who are in
3 the custody of the state; relating to the crime of endangering the welfare of a
4 minor; relating to disclosure of information about children and their families;
5 amending Rules 3, 7, 10, 15, 17 - 19, and 22, Alaska Child in Need of Aid
6 Rules; amending Rules 3, 7, 10, 12, 21, 23, and 25, Alaska Delinquency Rules;
7 and providing for an effective date."

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

9 * Section 1. AS 11.51.100(a) is amended to read:

10 (a) A person commits the crime of endangering the welfare of a minor if,
11 being a parent, guardian, or other person legally charged with the care of a child under
12 10 years of age, the person

13 (1) intentionally deserts the child in any place under circumstances

1 creating a substantial risk of physical injury to the child;

2 (2) with criminal negligence, has the child in the person's care and
 3 the person's physical or mental condition is impaired as a result of the
 4 introduction of an intoxicating liquor or a controlled substance into the person's
 5 body; or

6 (3) with criminal negligence, has the child in the person's care

7 (A) in a place where the person knows or reasonably ought
 8 to know that a controlled substance is possessed in violation of law; or

9 (B) while the person illegally possesses a controlled
 10 substance.

11 * Sec. 2. AS 11.56 is amended by adding a new section to read:

12 **Sec. 11.56.802. False report of child abuse or neglect.** (a) A person
 13 commits the crime of making a false report of child abuse or neglect if the person
 14 knowingly makes a false report to the Department of Health and Social Services that
 15 the person suspects that a child has suffered harm as a result of child abuse or neglect.

16 (b) Making a false report of child abuse or neglect is a class C felony.

17 * Sec. 3. AS 47.10.010 is amended by adding a new subsection to read:

18 (f) The court may not find a child to be a child in need of aid under this
 19 section solely on the basis that the child's family is poor, lacks adequate housing, or
 20 lives a lifestyle that is different from the generally accepted lifestyle standard of the
 21 community where the family lives. However, this subsection may not be construed to
 22 prevent a court from finding that a child is in need of aid if the child has been
 23 subjected to conduct or conditions described in (a) of this section.

24 * Sec. 4. AS 47.10.030(b) is amended to read:

25 (b) In all cases under this chapter, the child [MINOR], each parent or
 26 custodian of the child, [MINOR] and the child's guardian, grandparents, healthcare
 27 providers, current and previous foster parents, and guardian ad litem, if any, [OF
 28 THE MINOR] shall be given notice adequate to give actual notice of all [THE]
 29 proceedings and the possibility of termination of parental rights and responsibilities,
 30 taking into account education and language differences that are known or reasonably
 31 ascertainable by the petitioner or the department. The notice of the hearing must

1 contain all names by which the child [MINOR] has been identified. Notice shall be
 2 given in the manner appropriate under rules of civil procedure for the service of
 3 process in a civil action under Alaska law or in any manner the court by order directs.
 4 Proof of the giving of the notice shall be filed with the court before the petition is
 5 heard. The court may also subpoena the parent of the child [MINOR], or any other
 6 person whose testimony may be necessary at the hearing. A subpoena or other process
 7 may be served by a person authorized by law to make the service, and where personal
 8 service cannot be made, the court may direct that service of process be in a manner
 9 appropriate under rules of civil procedure for the service of process in a civil action
 10 under Alaska law or in any manner the court directs.

11 * Sec. 5. AS 47.10.070(a) is amended to read:

12 (a) The court may conduct the hearing on the petition in an informal manner
 13 in the courtroom or in chambers. The court shall give notice of the hearing to the
 14 department and it may send a representative to the hearing. The department shall
 15 send a notice of the hearing to the persons entitled to notice under
 16 AS 47.10.030(b). The court shall also transmit a copy of the petition to the
 17 department. The persons to whom the department must send notice of the hearing
 18 are entitled to [REPRESENTATIVE OF THE DEPARTMENT MAY ALSO] be heard
 19 at the hearing. The public shall be excluded from the hearing, but the court shall [.
 20 IN ITS DISCRETION, MAY] permit persons who are given notice under
 21 AS 47.10.030(b) [INDIVIDUALS] to attend a hearing and remain present unless [IF]
 22 their attendance is incompatible [COMPATIBLE] with the best interests of the child.
 23 This subsection may not be construed to require that persons to whom notice is
 24 given under AS 47.10.030(b) are required to be made parties to the proceedings
 25 [MINOR].

26 * Sec. 6. AS 47.10.070 is amended by adding a new subsection to read:

27 (c) In all cases under this chapter, the court shall provide to the child's
 28 grandparents, the child's current and previous foster parents, and any relative or other
 29 custodian who is providing out-of-home care for the child notice of, and an
 30 opportunity to be heard in, any hearing held with respect to the child. This subsection
 31 may not be construed to require that these persons be made a party to the proceedings.

1 * Sec. 7. AS 47.10.080(c) is amended to read:

2 (c) If the court finds that the child [MINOR] is a child in need of aid, it shall

3 (1) order the child [MINOR] committed to the department for
 4 placement in an appropriate setting for a period of time not to exceed two years or in
 5 any event past the date the child [MINOR] becomes 19 years of age, except that the
 6 department or the child's guardian ad litem may petition for and the court, upon a
 7 showing of exceptional circumstances, may grant in a hearing (A) one-year [TWO-
 8 YEAR] extensions of commitment that do not extend beyond the child's [MINOR'S]
 9 19th birthday if the extensions are [EXTENSION IS] in the best interests of the child
 10 [MINOR]; and (B) an additional one-year period of supervision past age 19 if the
 11 continued supervision is in the best interests of the person and the person consents to
 12 it; the department may transfer the child [MINOR], in the child's [MINOR'S] best
 13 interests, from one placement setting to another, and the child, the child's foster
 14 parent [MINOR], the child's [MINOR'S] parents or guardian, and the child's
 15 [MINOR'S] attorney and guardian ad litem are entitled to reasonable notice of the
 16 transfer;

17 (2) order the child [MINOR] released to the child's [MINOR'S]
 18 parents, guardian, or some other suitable person, and, in appropriate cases, order the
 19 parents, guardian, or other person to provide medical or other care and treatment; if
 20 the court releases the child [MINOR], it shall direct the department to supervise the
 21 care and treatment given to the child [MINOR], but the court may dispense with the
 22 department's supervision if the court finds that the adult to whom the child [MINOR]
 23 is released will adequately care for the child [MINOR] without supervision; the
 24 department's supervision may not exceed two years or in any event extend past the
 25 date the child [MINOR] reaches age 19, except that the department or the child's
 26 guardian ad litem may petition for and the court, upon a showing of exceptional
 27 circumstances, may grant in a hearing

28 (A) one-year [TWO-YEAR] extensions of supervision that do
 29 not extend beyond the child's [MINOR'S] 19th birthday if the extensions are
 30 [EXTENSION IS] in the best interests of the child [MINOR]; and

31 (B) an additional one-year period of supervision past age 19 if

1 the continued supervision is in the best interests of the person and the person
2 consents to it; or

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

12 * Sec. 8. AS 47.10.080(f) is amended to read:

13 (f) A child [MINOR] found to be a child in need of aid is a ward of the state
14 while committed to the department or the department has the power to supervise the
15 child's [MINOR'S] actions. The court shall review an order made under (c)(1) or (2)
16 of this section semi-annually [ANNUALLY], and may review the order more
17 frequently to determine if continued placement or supervision, as it is being provided,
18 is in the best interest of the child [MINOR]. If a [ANNUAL] review under this
19 subsection would arise within 90 days of the hearing required under (l) of this section,
20 the court may postpone review under this subsection until the time set for the hearing.
21 The department, the child [MINOR], and the child's [MINOR'S] parents,
22 grandparents, current and previous foster parents, guardian, guardian ad litem,
23 or other custodian are entitled, when good cause is shown, to a review on application.
24 If the application is granted, the court shall afford these parties and their counsel
25 reasonable notice in advance of the review and hold a hearing where these parties and
26 their counsel and the child's health care providers shall be afforded an opportunity
27 to be heard. The child [MINOR] shall be afforded the opportunity to be present at the
28 review.

29 * Sec. 9. AS 47.10.080(1) is amended to read:

30 (1) Within 18 months after the date a child is initially removed from the child's
31 home by the department under AS 47.10.142(c) or committed to the custody of the

1 department under (c)(1) or (3) of this section or AS 47.14.100(c), the court shall hold
 2 a hearing to review the placement and services provided and to determine the future
 3 status of the child. The persons entitled to be heard at the hearing under
 4 AS 47.10.070 or under (D) of this section are also entitled to be heard at the
 5 hearing under this subsection [MINOR]. The court shall make appropriate written
 6 findings, including findings related to the following:

7 (1) whether the child should be returned to the parent;

8 (2) whether the child should remain in out-of-home care for a specified
 9 period;

10 (3) whether the child should remain in out-of-home care on a
 11 permanent or long-term basis because of special needs or circumstances;

12 (4) whether the child should be placed for adoption or legal
 13 guardianship.

14 * Sec. 10. AS 47.10.090(e) is amended to read:

15 (e) The court's official records under this chapter may be inspected only with
 16 the court's permission and only by persons having a legitimate interest in them. Δ
 17 foster parent is considered to have a legitimate interest in the records of a child
 18 who is already placed with the foster parent or who is recommended for
 19 placement with the foster parent.

20 * Sec. 11. AS 47.10.092(a) is amended to read:

21 (a) Notwithstanding AS 47.10.090 and 47.10.093, a parent or legal guardian
 22 of a child [MINOR] subject to a proceeding under AS 47.10.010 - 47.10.142 may
 23 disclose confidential or privileged information about the child or the child's family
 24 [MINOR], including information that has been lawfully obtained from agency or court
 25 files, to the governor, the lieutenant governor, a legislator, the ombudsman appointed
 26 under AS 24.55, the attorney general, and the commissioners of health and social
 27 services, administration, or public safety, or an employee of these persons, for review
 28 or use in their official capacities. The department shall [MAY] disclose additional
 29 confidential or privileged information about the child or the child's family and make
 30 copies of all documents contained in the file about the child or the child's family
 31 available for inspection [DOCUMENTS ABOUT THE MINOR] to these state officials

1 or employees for review or use in their official capacities upon request of the official
 2 or employee and submission of written evidence that a parent or legal guardian
 3 of the child has requested the state official's assistance in the case as part of the
 4 official's duties. A person to whom disclosure is made under this section may not
 5 disclose confidential or privileged information about the child or the child's family
 6 [MINOR] to a person not authorized to receive it.

7 * Sec. 12. AS 47.10.092 is amended by adding a new subsection to read:

8 (d) Notwithstanding AS 47.10.090 and 47.10.093, current or previous foster
 9 parents or grandparents of a child subject to a proceeding under AS 47.10.010 -
 10 47.10.142 may disclose confidential or privileged information about the child,
 11 including information that has been lawfully obtained from agency or court files, to
 12 the governor, the lieutenant governor, a legislator, the ombudsman appointed under
 13 AS 24.55, the attorney general, and the commissioners of health and social services,
 14 administration, or public safety, or an employee of these persons, for review or use in
 15 their official capacities. The department shall disclose additional confidential or
 16 privileged information about the child and make copies of all documents in the file
 17 about the child available for inspection to these state officials or employees for review
 18 or use in their official capacities upon request of the official or employee and
 19 submission of written evidence that a current or previous foster parent or a grandparent
 20 of the child has requested the official's assistance in the case as part of the official's
 21 duties. A person to whom disclosure is made under this section may not disclose
 22 confidential or privileged information about the child to a person not authorized to
 23 receive it.

24 * Sec. 13. AS 47.10.093(b) is amended to read:

25 (b) A state or municipal agency or employee shall [MAY] disclose
 26 appropriate information regarding a case to

27 (1) a guardian ad litem appointed by the court or to a citizen review
 28 board or local review panel for permanency planning authorized by AS 47.14.200 or
 29 47.14.220;

30 (2) a person or an agency requested to provide consultation or services
 31 for a child [MINOR] who is subject to the jurisdiction of the court under

1 AS 47.10.010;

2 (3) school officials as may be necessary to enable the school to provide
3 appropriate counseling and support services to the child [MINOR] who is the subject
4 of the case, to protect the safety of the child [MINOR] who is the subject of the case,
5 and to protect the safety of school students and staff;

6 (4) a governmental agency as may be necessary to obtain that agency's
7 assistance for the department in its investigation or to obtain physical custody of a
8 child; [AND]

9 (5) a state or municipal law enforcement agency as may be necessary
10 for a specific investigation being conducted by that agency or for disclosures by that
11 agency to protect the public safety; and

12 (6) a foster parent who requests information about a child who is
13 already placed with the foster parent or who is recommended for placement with
14 the foster parent.

15 * Sec. 14. AS 47.10.093 is amended by adding a new subsection to read:

16 (k) A state or municipal agency or employee shall disclose information
17 regarding a case to a foster parent or to the administrator of a facility or an agency
18 concerning a child placed with the foster parent, facility, or agency as may be
19 necessary to protect the safety of the child who is the subject of the case and the safety
20 of the foster parent and all persons residing with the foster parent and of the
21 employees and residents of the facility or agency.

22 * Sec. 15. AS 47.12.010 is amended to read:

23 **Sec. 47.12.010. Purpose of chapter.** The purposes of this chapter are to

24 (1) [TO] protect the public and to reform juvenile offenders;

25 (2) [TO] provide that, for the most common offenses committed by
26 minors, those punishable as misdemeanors, resolution should require some form of
27 sanction, that the form of the sanction should be certain, that the imposition of the
28 sanction should be swift, and that the sanction may take the form of a reasonable claim
29 on the time and talents of the minor who has committed the offense; and

30 (3) [TO] provide that counseling provided to the minor should, if
31 appropriate, include the minor's family or guardian, that the minor's family, foster

1 parent, or guardian has the right to offer suggestions and make recommendations for
 2 the correction of the minor's behavior, and that the minor's family or guardian may be
 3 asked to participate in supervision of the minor's treatment.

4 * Sec. 16. AS 47.12.050(a) is amended to read:

5 (a) Except as may be otherwise specifically provided, in all cases under this
 6 chapter, the minor, each parent of the minor, the foster parent of the minor, and the
 7 guardian of the minor are entitled to notice adequate to give actual notice of the
 8 proceedings, taking into account education and language differences that are known
 9 or reasonably ascertainable by the party giving the notice. The notice must contain all
 10 names by which the minor has been identified.

11 * Sec. 17. AS 47.12.060(b) is amended to read:

12 (b) When the agency decides that an informal adjustment of a matter should
 13 be made, that informal adjustment may not be made without the agreement or consent
 14 of the minor and the minor's parents or guardians to the terms and conditions of the
 15 adjustment. In addition, the agency shall give the minor's foster parent an
 16 opportunity to be heard before the informal adjustment is made. An informal
 17 action to adjust a matter is not successfully completed unless, among other factors that
 18 the agency considers, as to the victim of the act of the minor that is the basis of the
 19 delinquency allegation, the minor pays restitution in the amount set by the agency or
 20 agrees as a term or condition set by the agency to pay the restitution.

21 * Sec. 18. AS 47.12.110(a) is amended to read:

22 (a) The court shall conduct a hearing on the petition. The court shall give
 23 notice of the hearing to the department, and the department shall send a representative
 24 to the hearing. The representative of the department may also be heard at the hearing.
 25 The department shall give notice of the hearing and a copy of the petition to the
 26 minor's foster parent, and the court shall give the foster parent an opportunity
 27 to be heard at the hearing. The public shall be excluded from the hearing, but the
 28 court, in its discretion, may permit individuals to attend a hearing [,] if their attendance
 29 is compatible with the best interests of the minor. Nothing in this section may be
 30 applied in such a way as to deny a minor's rights to a public trial and to a trial by jury.

31 * Sec. 19. AS 47.12.120(b) is amended to read:

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

2 (1) order the minor committed to the department for a period of time
3 not to exceed two years or in any event extend past the day the minor becomes 19,
4 except that the department may petition for and the court may grant in a hearing (A)
5 two-year extensions of commitment that do not extend beyond the child's 19th birthday
6 if the extension is in the best interests of the minor and the public; and (B) an
7 additional one-year period of supervision past age 19 if continued supervision is in the
8 best interests of the person and the person consents to it; the department shall place
9 the minor in the juvenile facility that the department considers appropriate and that
10 may include a juvenile correctional school, juvenile work camp, treatment facility,
11 detention home, or detention facility; the minor may be released from placement or
12 detention and placed on probation on order of the court and may also be released by
13 the department, in its discretion, under AS 47.12.260;

14 (2) order the minor placed on probation, to be supervised by the
15 department, and released to the minor's parents, guardian, or a suitable person; if the
16 court orders the minor placed on probation, it may specify the terms and conditions
17 of probation; the probation may be for a period of time, not to exceed two years and
18 in no event extend past the day the minor becomes 19, except that the department may
19 petition for and the court may grant in a hearing

20 (A) two-year extensions of supervision that do not extend
21 beyond the child's 19th birthday if the extension is in the best interests of the
22 minor and the public; and

23 (B) an additional one-year period of supervision past age 19 if
24 the continued supervision is in the best interests of the person and the person
25 consents to it;

26 (3) order the minor committed to the department and placed on
27 probation, to be supervised by the department, and released to the minor's parents,
28 guardian, other suitable person, or suitable nondetention setting such as a family home,
29 group care facility, or child care facility, whichever the department considers
30 appropriate to implement the treatment plan of the predisposition report; if the court
31 orders the minor placed on probation, it may specify the terms and conditions of

1 probation; the department may transfer the minor, in the minor's best interests, from
2 one of the probationary placement settings listed in this paragraph to another, and the
3 minor, the minor's foster parent, the minor's parents or guardian, and the minor's
4 attorney are entitled to reasonable notice of the transfer; the probation may be for a
5 period of time, not to exceed two years and in no event extend past the day the minor
6 becomes 19, except that the department may petition for and the court may grant in
7 a hearing

8 (A) two-year extensions of commitment that do not extend
9 beyond the child's 19th birthday if the extension is in the best interests of the
10 minor and the public; and

11 (B) an additional one-year period of supervision past age 19 if
12 the continued supervision is in the best interests of the person and the person
13 consents to it;

14 (4) order the minor and the minor's parent to make suitable restitution
15 in lieu of or in addition to the court's order under (1), (2), or (3) of this subsection;
16 under this paragraph.

17 (A) except as provided in (B) of this paragraph, the court may
18 not refuse to make an order of restitution to benefit the victim of the act of the
19 minor that is the basis of the delinquency adjudication; and

20 (B) the court may not order payment of restitution by the parent
21 of a minor who is a runaway or missing minor for an act of the minor that was
22 committed by the minor after the parent has made a report to a law
23 enforcement agency, as authorized by AS 47.10.141(a), that the minor has run
24 away or is missing; for purposes of this subparagraph, "runaway or missing
25 minor" means a minor who a parent reasonably believes is absent from the
26 minor's residence for the purpose of evading the parent or who is otherwise
27 missing from the minor's usual place of abode without the consent of the
28 parent;

29 (5) order the minor committed to the department for placement in an
30 adventure-based [ADVENTURE BASED] education program established under
31 AS 47.21.020 with conditions the court considers appropriate concerning release upon

1 satisfactory completion of the program or commitment under (1) of this subsection if
2 the program is not satisfactorily completed;

3 (6) in addition to an order under (1) - (5) of this subsection, if the
4 delinquency finding is based on the minor's violation of AS 11.71.030(a)(3) or
5 11.71.040(a)(4), order the minor to perform 50 hours of community service; for
6 purposes of this paragraph, "community service" includes work

7 (A) defined as community service under AS 33.30.901; or

8 (B) that, on the recommendation of the city council or
9 traditional village council, would benefit persons within the city or village who
10 are elderly or disabled; or

11 (7) in addition to an order under (1) - (6) of this subsection, order the
12 minor's parent or guardian to comply with orders made under AS 47.12.155, including
13 participation in treatment under AS 47.12.155(b)(1).

14 * Sec. 20. AS 47.12.120(d) is amended to read:

15 (d) A minor found to be delinquent is a ward of the state while committed to
16 the department or while the department has the power to supervise the minor's actions.
17 The court shall review an order made under (b) of this section annually [.] and may
18 review the order more frequently to determine if continued placement, probation, or
19 supervision, as it is being provided, is in the best interest of the minor and the public.
20 If annual review under this subsection would arise within 90 days of the hearing
21 required under (g) of this section, the court may postpone review under this subsection
22 until the time set for the hearing. The department, the minor, and the minor's parents,
23 guardian, or custodian are entitled, when good cause is shown, to a review on
24 application. If the application is granted, the court shall afford these parties and their
25 counsel and the minor's foster parent reasonable notice in advance of the review and
26 hold a hearing where these parties and their counsel and the minor's foster parent
27 shall be afforded an opportunity to be heard. The minor shall be afforded the
28 opportunity to be present at the review.

29 * Sec. 21. AS 47.12.120(g) is amended to read:

30 (g) Within 18 months after the date a minor is committed to the custody of the
31 department under (b)(3) of this section, the court shall hold a hearing to review the

1 placement and services provided and to determine the future status of the minor. The
 2 minor's foster parent is entitled to notice of the hearing, and, if the foster parent
 3 attends, the foster parent is entitled to be heard at the hearing. The court shall
 4 make appropriate written findings, including findings related to the following:

5 (1) whether the minor should be returned to the parent;

6 (2) whether the minor should remain in out-of-home care for a
 7 specified period;

8 (3) whether the minor should remain in out-of-home care on a
 9 permanent or long-term basis because of special needs or circumstances;

10 (4) whether the minor should be placed for adoption or legal
 11 guardianship.

12 * Sec. 22. AS 47.12.250(b) is amended to read:

13 (b) A peace officer who has a minor detained under (a) of this section shall
 14 immediately, and in no event more than 12 hours later, notify the court and make
 15 reasonable efforts to notify the minor's parents or guardian, the minor's foster parent,
 16 and the department of the officer's action. The department may file with the court a
 17 petition alleging delinquency before the detention hearing.

18 * Sec. 23. AS 47.12.250(c) is amended to read:

19 (c) The court shall immediately, and in no event more than 48 hours later, hold
 20 a hearing at which the minor and the minor's parents or guardian if they can be found
 21 shall be present. The court shall determine whether probable cause exists for believing
 22 the minor to be delinquent. The court shall inform the minor of the reasons alleged
 23 to constitute probable cause and the reasons alleged to authorize the minor's detention.
 24 The minor is entitled to counsel and to confrontation of adverse witnesses. The court
 25 shall give the minor's foster parent the opportunity to be heard at the hearing.

26 * Sec. 24. AS 47.12.300(e) is amended to read:

27 (e) The court's official records under this chapter may be inspected only with
 28 the court's permission and only by persons having a legitimate interest in them. A
 29 person with a legitimate interest in the inspection of an official record maintained by
 30 the court includes a foster parent who requests information about a child who is
 31 already placed with the foster parent or who is recommended for placement with

1 the foster parent and a victim who suffered physical injury or whose real or personal
 2 property was damaged as a result of an offense that was the basis of an adjudication
 3 or modification of disposition. If the victim knows the identity of the minor, identifies
 4 the minor or the offense to the court, and certifies that the information is being sought
 5 to consider or support a civil action against the minor or against the minor's parents
 6 or guardians under AS 34.50.020, the court shall, subject to AS 12.61.110 and
 7 12.61.140, allow the victim to inspect and use the following records and information
 8 in connection with the civil action:

9 (1) a petition filed under AS 47.12.040(a) seeking to have the court
 10 declare the minor a delinquent;

11 (2) a petition filed under AS 47.12.120 seeking to have the court
 12 modify or revoke the minor's probation;

13 (3) a petition filed under AS 47.12.100 requesting the court to find that
 14 a minor is not amenable to treatment under this chapter and that results in closure of
 15 a case under AS 47.12.100(a); and

16 (4) a court judgment or order entered under this chapter that disposes
 17 of a petition identified in (1) - (3) of this subsection.

18 * Sec. 25. AS 47.12.310(b) is amended to read:

19 (b) A state or municipal agency or employee may disclose information
 20 regarding a case to

21 (1) a guardian ad litem appointed by the court or to a citizen review
 22 board or local review panel for permanency planning authorized by AS 47.14.200 -
 23 47.14.220;

24 (2) a person or an agency requested to provide consultation or services
 25 for a minor who is subject to the jurisdiction of the court under this chapter;

26 (3) school officials as may be necessary to protect the safety of the
 27 minor who is the subject of the case and the safety of school students and staff or to
 28 enable the school to provide appropriate counseling and supportive services to meet
 29 the needs of a minor about whom information is disclosed;

30 (4) a governmental agency as may be necessary to obtain that agency's
 31 assistance for the department in its investigation or to obtain physical custody of a

1 minor;

2 (5) a state or municipal law enforcement agency as may be necessary
3 for a specific investigation being conducted by that agency or for disclosures by that
4 agency to protect the public safety; [AND]

5 (6) a victim as may be necessary to inform the victim about the
6 disposition or resolution of a case involving a minor; ~~and~~

7 (7) a foster parent who requests information about a child who is
8 already placed with the foster parent or who is recommended for placement with
9 the foster parent.

10 * Sec. 26. AS 47.12.310 is amended by adding a new subsection to read:

11 (k) A state or municipal agency or employee shall disclose information
12 regarding a case to a foster parent or to the administrator of a facility or an agency
13 concerning a minor placed with the foster parent, facility, or agency as may be
14 necessary to protect the safety of the minor who is the subject of the case and the
15 safety of the foster parent and all persons residing with the foster parent and of the
16 employees and residents of the facility or agency.

17 * Sec. 27. AS 47.14.100(a) is amended to read:

18 (a) Subject to (e) and (f) of this section, the department shall arrange for the
19 care of every child committed to its custody by placing the child in a foster home or
20 in the care of an agency or institution providing care for children inside or outside the
21 state. The department may place a child in a suitable family home, with or without
22 compensation, and may place a child released to it, in writing verified by the parent,
23 or guardian or other person having legal custody, for adoptive purposes, in a home for
24 adoption in accordance with existing law. After a child has been placed in a foster
25 home, the department shall, on request of the foster parent, consider the views of
26 the foster parent concerning appropriate treatment plans for the child and shall
27 give the foster parent an opportunity to be heard before subsequent placement
28 decisions are made by the department about the child.

29 * Sec. 28. AS 47.14.100(d) is amended to read:

30 (d) In addition to money paid for the maintenance of foster children under (b)
31 of this section, the department

1 (1) shall pay the costs of caring for physically or mentally handicapped
 2 foster children, including the additional costs of medical care, habilitative and
 3 rehabilitative treatment, services, [AND] equipment, special clothing, and the indirect
 4 costs of medical care, including child care and transportation expenses:

5 (2) shall [MAY] pay for respite care: in this paragraph. "respite care"
 6 means child care for the purpose of providing

7 [(A)] temporary relief from the stresses of caring for a foster
 8 child [WHO HAS A PHYSICAL OR MENTAL DISABILITY OR A
 9 PHYSICAL OR MENTAL IMPAIRMENT; IN THIS SUBPARAGRAPH,

10 (i) "PHYSICAL OR MENTAL DISABILITY" HAS
 11 THE MEANING GIVEN IN AS 18.80.300(12)(A), (B), AND (D);
 12 AND

13 (ii) "PHYSICAL OR MENTAL IMPAIRMENT" HAS
 14 THE MEANING GIVEN IN AS 18.80.300; AND

15 (B) PROTECTION FOR THE CHILD WHEN THE FOSTER
 16 PARENT IS

17 (i) AWAY FROM THE HOME BECAUSE OF AN
 18 EMERGENCY AND OTHER CARE IS NOT AVAILABLE FOR THE
 19 CHILD; OR

20 (ii) ON VACATION AND THE CHILD, BECAUSE OF
 21 AGE OR INFIRMITY, CANNOT BE PLACED IN ANY OTHER
 22 TYPE OF TEMPORARY CARE FACILITY]; and

23 (3) may pay a subsidized guardianship payment under AS 25.23.210
 24 when a foster child's foster parents or other persons approved by the department
 25 become court-appointed legal guardians of the child.

26 * **Sec. 29.** AS 47.14 is amended by adding a new section to read:

27 **Sec. 47.14.115. Training of foster parents.** On a quarterly basis and at no
 28 cost to the foster parent, the department shall offer a training seminar or consultation
 29 opportunity to a foster parent that is designed to help the foster parent understand and
 30 care for the particular child who has been placed with the foster parent.

31 * **Sec. 30.** AS 47.14.240(d) is amended to read:

1 (d) In reviewing a case, the local review panel shall consider the case plan and
 2 any progress report of the department or the child's guardian ad litem, court records,
 3 and other relevant information about the child and the child's family. The local
 4 review panel shall provide to the following persons an opportunity to be interviewed
 5 by the local review panel in person or by telephone or to provide written material to
 6 the local review panel:

7 (1) the child whose case is being reviewed if the child is 10 years of
 8 age or older;

9 (2) the parents, custodians, or other relatives of the child;

10 (3) the child's out-of-home care provider;

11 (4) the child's guardian;

12 (5) the child's guardian ad litem;

13 (6) the case worker or social worker assigned to the case;

14 (7) the child's health care providers;

15 (8) if the case is governed by 25 U.S.C. 1901 - 1963 (Indian Child
 16 Welfare Act),

17 (A) the child's Indian custodian; and

18 (B) the designated representative of the child's Indian tribe if
 19 the tribe has intervened in the court case; and

20 (9) [(8)] other persons with a close personal knowledge of the case.

21 * Sec. 31. AS 47.14.240(h) is amended to read:

22 (h) The report required under (g) of this section must make advisory
 23 recommendations based on the best interests of the child in accordance with
 24 AS 47.10.082 and must include notification of the right to request court review under
 25 AS 47.10.080(f). If the court has scheduled the case for review, the local review panel
 26 shall submit its report at least 20 days before the hearing, and the department shall
 27 ensure that the court has a copy of the recommendations that are made in the
 28 report.

29 * Sec. 32. COURT RULE CHANGE: CINA PROCEEDINGS. (a) AS 47.10.030,
 30 47.10.070, and 47.10.080, as amended by secs. 4 - 9 of this Act, have the effect of amending
 31 Rules 3, 7, 10, 15, 17, and 19, Alaska Child in Need of Aid Rules, by requiring certain

1 information about children's hearings to be sent to additional persons and by providing that
2 those persons are entitled to testify and be present at the hearings.

3 (b) Sections 4 - 9 of this Act take effect only if this section receives the two-thirds
4 majority vote of each house required by art. IV, sec. 15, Constitution of the State of Alaska.

5 * Sec. 33. COURT RULE CHANGE: DELINQUENCY RULES. (a) AS 47.12.050,
6 47.12.060, 47.12.110, 47.12.120, and 47.12.250, as amended by secs. 16 - 23 of this Act, have
7 the effect of amending Rules 3, 7, 10, 12, 21, 23, and 25, Alaska Delinquency Rules, by
8 requiring certain information about delinquency hearings to be sent to foster parents and by
9 providing that foster parents are entitled to testify at the hearings.

10 (b) Sections 16 - 23 of this Act take effect only if this section receives the two-thirds
11 majority vote of each house required by art. IV, sec. 15, Constitution of the State of Alaska.

12 * Sec. 34. COURT RULE CHANGE: REVIEWS. (a) To the extent that AS 47.10.080(f)
13 is amended by sec. 8 of this Act to require semi-annual court review of orders regarding a
14 child in need of aid, that provision amends Rule 19(a), Alaska Child in Need of Aid Rules,
15 which currently provides for annual review.

16 (b) The amendment described in (a) of this section takes effect only if this section
17 receives the two-thirds majority vote of each house required by art. IV, sec. 15, Constitution
18 of the State of Alaska.

19 * Sec. 35. COURT RULE CHANGE: REPORTS. (a) AS 47.10.080(c)(3), as amended
20 by sec. 7 of this Act, has the effect of amending Rule 18(e), Alaska Child in Need of Aid
21 Rules, by requiring the Department of Health and Social Services to report monthly, instead
22 of annually, on its efforts to find a permanent placement for a child.

23 (b) The amendment made to AS 47.10.080(c)(3) by sec. 7 of this Act takes effect only
24 if this section receives the two-thirds majority vote of each house required by art. IV, sec. 15,
25 Constitution of the State of Alaska.

26 * Sec. 36. COURT RULE CHANGE: EXTENSIONS OF COMMITMENT OR
27 SUPERVISION. (a) To the extent that AS 47.10.080(c)(1) and (2) are amended by sec. 7
28 of this Act to allow a child's guardian ad litem to petition for an extension of the child's
29 commitment or supervision and to require a showing of exceptional circumstances, those
30 provisions amend Rule 19(e), Alaska Child in Need of Aid Rules, relating to petitions for
31 extensions of commitment or supervision of a child.

1 (b) The amendments described in (a) of this section take effect only if this section
2 receives the two-thirds majority vote of each house required by art. IV, sec. 15, Constitution
3 of the State of Alaska.

4 * **Sec. 37. COURT RULE CHANGE; CONFIDENTIAL INFORMATION.** (a)
5 AS 47.10.092, as amended by secs. 11 and 12 of this Act, amend Rule 22, Alaska Child in
6 Need of Aid Rules, by providing exceptions to the confidentiality of information pertaining
7 to a child who is the subject of child-in-need-of-aid proceedings.

8 (b) Sections 11 and 12 of this Act take effect only if this section receives the two-
9 thirds majority vote of each house required by art. IV, sec. 15, Constitution of the State of
10 Alaska.

11 * **Sec. 38. APPLICABILITY.** (a) The changes made by secs. 4 - 9 and 16 - 23 of this
12 Act apply to hearings described in this Act for which notice has not been sent by the court
13 or the Department of Health and Social Services before the effective date of this Act.

14 (b) AS 11.56.802, added by sec. 2 of this Act, applies to a report of suspected child
15 abuse that is made on or after the effective date of this Act.

16 * **Sec. 39.** This Act takes effect immediately under AS 01.10.070(c).

ALASKA STATE LEGISLATURE

Session:

State Capitol
Juneau, Alaska 99801-1182
(907) 465-3779 - Phone
(907) 465-2833 - Fax



Interim:

145 Main St. Loop Suite 221
Kenai, Alaska 99611
(907) 283-7223 - Phone
(907) 283-3075 - Fax

REPRESENTATIVE MARK D. HODGINS
House District 9

SPONSOR STATEMENT

HB-340: "An Act relating to child abuse and neglect, child-in-need-of-aid proceedings, delinquency hearings, and review of cases involving certain children who are in the custody of the state and relating to disclosure of information about minors."

This Act implement's an enforceable penalty for "False reporting of child abuse or neglect" and "Endangering the welfare of a child, with respect to intoxicating liquor or a controlled substance." Gives notice of all hearings and an opportunity to be heard at all hearings for a child in need of aid, to the child's grandparents, child's current and previous foster parents, and the child's health care providers. To give a foster parent or grandparent the right to disclose confidential or privileged information about a child in need of aid to a government official or their employee. The court can not find a child in need of aid solely on the basis that the childs family is poor, lacks adequate housing, or lives a lifestyle that is different from the generally accepted lifestyle of the community.

Sponsor Statement

Dean & Catherine Atkinson

HC 2 - Box 433
Soldotna, AK 99669
(907) 262-7408

March 28, 1998

TO ALL MEMBERS OF THE HOUSE OF REPRESENTATIVE - STATE OF ALASKA

I would sincerely urge you to vote for HB 340 and HB 384

These two bills will certainly help children, parents and all the other parties involved in children custody cases. At the present time DFYS by using their OWN LAWS are making a mockery of our total justice system and a person has no recourse to deal with them

These people have taken a totally false allegation placed against me a few years ago and have since been using this as a way to place an inhuman condition against me and my wife

I was investigated by the Alaska State Troopers, the report sent to the District Attorneys Office and was cleared completely. No charges were ever filed against me. DFYS told me that none of that mattered. They said they couldn't find that I did anything wrong but also they couldn't find that I didn't so they were just going to assume me guilty. When I told Caseworker Tory Sandoz in her office that I thought a person was innocent until proven guilty, she told me that didn't matter and that they had their OWN LAWS and could do what they want. At a later meeting with Tory Sandoz and Bill Galic in his office, I offered to take a lie detector test and also be tested for a profile. He said this was all inconclusive and they would not accept anything and their decision was final

I have asked for placement of our granddaughter under Title 47-Sec 4714 100 (e). They will not respond to this request and have now told me they were not going to answer any of my questions nor answer any of my letters

There just has to be a better way of dealing with these people than the present system. These people have made our lives a living Hell. We have lost two sons in the past, one a twenty one year old on a motorcycle and a seven year old by drowning. I can tell you sincerely that this ordeal with DFYS and our granddaughter have caused more hurt in our hearts because it is so never ending

I would also urge you NOT TO VOTE FOR HB 375. This would only give more power and money to an already abusive department of government who care about numbers more than anything else. If Governor Knowles would have a false allegation placed against him and had to deal with DFYS for about a day or two, he would certainly change his mind about the good they do and the way they run that department

Sincerely,


Dean Atkinson

*All want to head
Mark also!
Dew*

HB

344

FISCAL NOTE

No: 1

**STATE OF ALASKA
1998 LEGISLATIVE SESSION**

Bill Version: HB 344
(H) Publish Date: 1/23/98

Revision Date (Note if correction) _____	Dept Affected _____ Administration _____
Title _____	DRU _____ <u>Legal and Advocacy Services</u>
"An Act relating to paternity establishment and child support..."	Component _____ <u>Public Defender Agency</u>
Sponsor _____ <u>Rules Committee</u>	
Requester _____ <u>Governor</u>	Component Serial No. _____ <u>1631</u>

Expenditures/Revenues (Thousands of Dollars)

OPERATING EXPENDITURES	FY 99	FY 00	FY 01	FY 02	FY 03	FY 04
Personal Services	***	***	***	***	***	***
Travel						
Contractual						
Supplies						
Equipment						
Land & Structures						
Grants & Claims						
Miscellaneous						
TOTAL OPERATING	***	***	***	***	***	***

CAPITAL EXPENDITURES	***	***	***	***	***	***
-----------------------------	-----	-----	-----	-----	-----	-----

CHANGE IN REVENUES ()	***	***	***	***	***	***
-------------------------------	-----	-----	-----	-----	-----	-----

FUND SOURCE (Thousands of Dollars)

1002 Federal Receipts						
1003 GF Match						
1004 GF	***	***	***	***	***	***
1005 GF/Program Receipts						
1037 GF/Mental Health						
Other (Specify Type)						
TOTAL	***	***	***	***	***	***

Estimate of any current year (FY98) cost: 00

POSITIONS

Full-time	***	***	***	***	***	***
Part-time						
Temporary						

ANALYSIS: (Attach a separate page if necessary)

The main concern the Public Defender Agency has with this bill is the effect it will have on people who need "sport" fishing and hunting licenses for subsistence. Although it is obviously important to comply with federal law, there should be an exception or temporary licensing provision for subsistence hunting and fishing.

This bill may result in a slight increase to the Public Defender Agency caseload. Adding loss of sport fishing and hunting licenses to the already existing criminal laws on non-support probably would not have an effect, although given the importance of sport fishing and hunting licenses in Alaska, more cases may go to trial. The main effect would most likely be in contempt of court cases. Indigent native fathers who do not complete genetic testing would have a right to a court-appointed attorney in contempt of court.

Prepared by <u>Barbara K. Brink, Director</u>	Phone <u>7-264-4614</u>
Division <u>Public Defender Agency</u>	Date _____
Approved by <u>Commissioner Mark Boyer</u>	Date <u>11/28/97</u>
Agency <u>Department of Administration</u>	

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FISCAL NOTE

No: 2

STATE OF ALASKA
1998 LEGISLATIVE SESSION

Bill Version: HB 344
(H) Publish Date: 1/23/98

Revision Date (Note if correction) _____ Title <u>"An Act relating to paternity</u> <u>establishment and child support..."</u> Sponsor <u>Rules Committee</u> Requester <u>Governor</u>	Dept. Affected <u>Administration</u> BRU <u>Office of Public Advocacy</u> Component <u>Office of Public Advocacy</u> Component Serial No. <u>43</u>
---	--

Expenditures/Revenues (Thousands of Dollars)

OPERATING EXPENDITURES	FY 99	FY 00	FY 01	FY 02	FY 03	FY 04
Personal Services						
Travel						
Contractual						
Supplies						
Equipment						
Land & Structures						
Grants & Claims						
Miscellaneous						
TOTAL OPERATING	0.0	0.0	0.0	0.0	0.0	0.0

CAPITAL EXPENDITURES						
-----------------------------	--	--	--	--	--	--

CHANGE IN REVENUES ()						
-------------------------------	--	--	--	--	--	--

FUND SOURCE (Thousands of Dollars)

.002 Federal Receipts						
.003 GF Match						
1004 GF						
1005 GF/Program Receipts						
1037 GF/Mental Health						
Other (Specify Type)						
TOTAL	0.0	0.0	0.0	0.0	0.0	0.0

Estimate of any current year (FY98) cost: _____

POSITIONS

Full-time						
Part-time						
Temporary						

ANALYSIS: (Attach a separate page if necessary)

Prepared by	<u>Brant McGee</u>	Phone	<u>269-3500</u>
Division	<u>Office of Public Advocacy</u>	Date	_____
Approved by	<u>Mark Boyer, Commissioner</u>	Date	<u>11/28/97</u>
Agency	<u>Department of Administration</u>		

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FISCAL NOTE

No: 3

STATE OF ALASKA
1998 LEGISLATIVE SESSION

Bill Version: HB 344
(H) Publish Date: 1/23/98

Revision Date (Note if correction) _____	Dept. Affected _____	Administration _____
Title "An Act relating to paternity establishment and child support"	BRU	Division of Motor Vehicles
Sponsor Rules Committee	Component	Field Services
Requester Governor	Component Serial No.	2150

Expenditures/Revenues (Thousands of Dollars)

OPERATING EXPENDITURES	FY 99	FY 00	FY 01	FY 02	FY 03	FY 04
Personal Services						
Travel						
Contractual						
Supplies						
Equipment						
Land & Structures						
Grants & Claims						
Miscellaneous						
TOTAL OPERATING	0.0	0.0	0.0	0.0	0.0	0.0

CAPITAL EXPENDITURES						
-----------------------------	--	--	--	--	--	--

CHANGE IN REVENUES ()						
-------------------------------	--	--	--	--	--	--

FUND SOURCE (Thousands of Dollars)

FUND SOURCE	FY 99	FY 00	FY 01	FY 02	FY 03	FY 04
1002 Federal Receipts						
1003 GF Match						
1004 GF						
1005 GF/Program Receipts						
1037 GF/Mental Health						
Other (Specify Type)						
TOTAL	0.0	0.0	0.0	0.0	0.0	0.0

Estimate of any current year (FY98) cost: 00

POSITIONS

POSITION TYPE	FY 99	FY 00	FY 01	FY 02	FY 03	FY 04
Full-time						
Part-time						
Temporary						

ANALYSIS: (Attach a separate page if necessary)

No fiscal impact anticipated.

Prepared by Juanita Hensley
 Division Motor Vehicles

Approved by Mark Boyer, Commissioner
 Agency Department of Administration

Phone 465-5848
 Date 12/17/97

Date 12/17/97

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FISCAL NOTE

NO. 4

STATE OF ALASKA
1998 LEGISLATIVE SESSION

Bill Version: HB 344
(H) Publish Date: 1/23/98

Revision Date: _____ Dept. Affected: Revenue
 Title: Federal Welfare Reform BRU: Child Support Enforcement Division
 Component: Child Support Enforcement Division
 Sponsor: Rules
 Requestor: Governor COMPONENT SERIAL NO. 111

Expenditures/Revenues	(Thousands of Dollars)					
OPERATING EXPENDITURES	FY 99	FY 00	FY 01	FY 02	FY 03	FY 04
PERSONAL SERVICES						
TRAVEL						
CONTRACTUAL						
SUPPLIES						
EQUIPMENT						
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
TOTAL OPERATING	0.0	0.0	0.0	0.0	0.0	0.0

CAPITAL EXPENDITURES						
----------------------	--	--	--	--	--	--

CHANGE IN REVENUES ()	0.0	0.0	0.0	0.0	0.0	0.0
------------------------	-----	-----	-----	-----	-----	-----

FUND SOURCE	(Thousands of Dollars)					
1002 Federal Receipts						
1003 GF Match						
1004 GF						
1005 GF/Program Receipts						
1006 GF/MHTIA						
1016 Federal Incentive Payments						
TOTAL	0.0	0.0	0.0	0.0	0.0	0.0

Estimate of any current year (FY98) cost: \$ 0.0

POSITIONS						
FULL-TIME						
PART-TIME						
TEMPORARY						

ANALYSIS: (Attach a separate page if necessary)

This legislation was developed so that Alaska will be in compliance with the mandates of 1996 federal welfare reform and subsequent technical amendments. This legislation is required to avoid fiscal sanctions that the federal government will impose if the state does not comply with federal law. Failure to satisfy the mandates could mean a drastic reduction in federal funding of Alaska's Child Support Enforcement and Public Assistance Divisions.

The legislation requires employers to report all new hires or rehires within 20 days; gives courts the authority to revoke sport fishing and hunting licenses if the license holder fails to honor a child support or paternity subpoena or is substantially in arrears on child support; mandates that social security numbers be provided on applications for driver's licenses and hunting and sport fishing licenses and that the information will be shared with child support enforcement agencies; and gives support liens from other states the same standing as Alaskan liens and provides for

(Continued on Page 2)

Prepared by: Barbara Miles, Director Phone: 269-4800
 Division: Child Support Enforcement Division Date: 11/26/97
 Approved by: [Signature]
 Commissioner: Wilson Condon Date: 11/24/97
 Agency: Dept. of Revenue

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**DEPARTMENT OF REVENUE
CHILD SUPPORT ENFORCEMENT DIVISION**

Federal Welfare Reform
November 26, 1997
Work Draft #0007
Page 2 of 2

Fiscal Note Analysis, continued

liens to arise as a matter of law. This legislation also makes changes in statutes to assure that the Alaskan child support program is able to operate under federal requirements.

Child support enforcement is a cornerstone of federal welfare reform. Congress has recognized that it is very difficult for families with low incomes to adequately support their children without the assistance of both parents. Therefore, the federal legislation increases requirements for CSED to meet various deadlines and improve processes for obtaining child support.

CSED does not associate increased costs directly with this legislation. Therefore, the fiscal note is zero. However, it must be recognized that changes mandated by welfare reform not addressed in this legislation require additional resources in order for CSED to meet federal requirements.

FISCAL NOTE

STATE OF ALASKA
1998 LEGISLATIVE SESSION

BILL NO. HB 344

Revision Date: (Note if correction)
 Title: "An Act relating to paternity establishment and child support..."
 Sponsor: Rules by Request of Governor
 Requestor: (H) HES

Department Affected: Administration
 BRU: Public Defender Agency
 Component: Public Defender Agency
 COMPONENT SERIAL NO. 1631

EXPENDITURES/REVENUES: (Thousands of Dollars)

OPERATING EXPENDITURES	FY 99	FY 00	FY 01	FY 02	FY 03	FY 04
PERSONAL SERVICES						
TRAVEL						
CONTRACTUAL						
SUPPLIES						
EQUIPMENT						
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
TOTAL OPERATING	0.0	0.0	0.0	0.0	0.0	0.0

CAPITAL EXPENDITURES						
-----------------------------	--	--	--	--	--	--

CHANGE IN REVENUES ()						
-------------------------------	--	--	--	--	--	--

FUND SOURCE: (Thousands of Dollars)

1002 Federal Receipts						
1003 GF Match						
1004 GF						
1005 GF/Program Receipts						
1037 GF/Mental Health						
OTHER						
TOTAL	0.0	0.0	0.0	0.0	0.0	0.0

Estimate of any current year (FY 98) cost: \$ none

POSITIONS:

FULL-TIME						
PART-TIME						
TEMPORARY						

ANALYSIS: (Attach a separate page if necessary.)

There is no fiscal impact to the Department of Administration.

Prepared by: Barbara Brink, Director
 Division: Public Defender Agency

Phone: 264-4414
 Date: _____

Approved by Commissioner: Mark Boyer
 Agency: Department of Administration

Date: 2/10/98

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HOUSE COMMITTEE REPORT

(7)
Date Referred to Committee: January 23, 1998
FURTHER REFERRALS: Judiciary
Finance

Date of Committee Action: 2/17/98

The HEALTH, EDUCATION AND SOCIAL SERVICES Committee considered: HB 344

HOUSE BILL NO. 344 PATERNITY/CHILD SUPPORT/NONSUPPORT CRIMES

"An Act relating to paternity establishment and child support; relating to the crimes of criminal nonsupport and aiding the nonpayment of child support; and amending Rule 37(b)(2)(D), Alaska Rules of Civil Procedure; and providing for an effective date."

recommends it be replaced with the following committee substitute CS HB 344 (HES) the same title a new title

additional referral to _____ Committee
 attached amendment(s)

ADOPTS: _____ Letter of Intent

ATTACHES NEW FISCAL NOTE(S): (Dept) _____ APPROVES PREVIOUS: (Dept/Date) _____
 fiscal note(s) _____ fiscal note(s) _____

zero fiscal note(s) Admin zero fiscal note(s) Revenue/1/23/98
(2) Admin 1/23/98

SIGNING WITH RECOMMENDATIONS	DP	DNP	IR	AM
<i>Joseph D. ...</i>			<input checked="" type="checkbox"/>	
<i>Car Beards</i>	<input checked="" type="checkbox"/>			
<i>Brian Foster</i>	<input checked="" type="checkbox"/>			
<i>...</i>		<input checked="" type="checkbox"/>		
<i>...</i>		<input checked="" type="checkbox"/>		
<i>Tom Bessie</i>			<input checked="" type="checkbox"/>	

CHAIR'S SIGNATURE *Car Beards*

LEGAL SERVICES

DIVISION OF LEGAL AND RESEARCH SERVICES
LEGISLATIVE AFFAIRS AGENCY
STATE OF ALASKA

(907) 465-3867 or 465-2450
FAX (907) 465-2029
Mail Stop 3101

130 Seward Street, Suite 409
Juneau, Alaska 99801-2105


MEMORANDUM

February 13, 1998

SUBJECT: Paternity; Support (CSHB 344(HES), version "E")

TO: Representative Con Bunde
Attn: Lynne

FROM: Terri Lauterbach
Legislative Counsel



Enclosed is a draft HES CS for HB 344. We have added the Porter amendment, as requested.

Since this was our first opportunity to review the underlying governor's bill, we have also made some technical changes at a number of other places in the bill, chief among them the following:

(1) changing the first part of the bill title so that it refers to "support orders" rather than "child support"; this change, or something similar, is needed because of the change in the definition of "support order" in sec. 26 of the bill; it appears that a support order may now include only an alimony order as long as a child is living in the same household;

(2) deletion of the phrase "occurring after the effective date of this bill section" in AS 25.27.075(a) and the addition of a corresponding applicability section at the end of the bill.

Please let us know if we can be of further assistance.

TML:lmb
98-012.lmb

Enclosure

0-GH2007E
Lauterbach
2/13/98

CS FOR HOUSE BILL NO. 344(HES)

IN THE LEGISLATURE OF THE STATE OF ALASKA

TWENTIETH LEGISLATURE - SECOND SESSION

BY THE HOUSE HEALTH, EDUCATION AND SOCIAL SERVICES COMMITTEE

Offered:

Referred:

Sponsor(s): HOUSE RULES COMMITTEE BY REQUEST OF THE GOVERNOR

A BILL

FOR AN ACT ENTITLED

1 "An Act relating to paternity establishment and to support orders; relating to the
2 crimes of criminal nonsupport and aiding the nonpayment of child support;
3 amending Rule 37(b)(2)(D), Alaska Rules of Civil Procedure; and providing for
4 an effective date."

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

6 * Section 1. PURPOSE. The primary purpose of this Act is to amend the Alaska Statutes
7 to comply with the mandates of the federal Personal Responsibility and Work Opportunity
8 Reconciliation Act of 1996 and other federal law to ensure continued federal financial
9 participation for Alaska's child support enforcement, public assistance, and unemployment
10 programs.

11 * Sec. 2. AS 09.10.040(a) is amended to read:

12 (a) Δ [EXCEPT AS PROVIDED IN (b) OF THIS SECTION, A] person may
13 not bring an action upon a judgment or decree of a court of the United States, or of
14 a state or territory within the United States, and an action may not be brought upon

1 a sealed instrument, unless the action is commenced within 10 years.

2 * Sec. 3. AS 09.50.020 is amended by adding a new subsection to read:

3 (b) In addition to the penalty specified in (a) of this section, the court may
4 suspend or revoke, for a period not to exceed one year, a hunting license, sport fishing
5 license, or both, issued under AS 16.05, or the person's ability to obtain the licenses,
6 if

7 (1) the person is a natural person;

8 (2) the contempt is one under AS 09.50.010(4) - (10); and

9 (3) the court, sitting without a jury, finds by a preponderance of
10 evidence that

11 (A) the contempt related to failure to pay money in connection
12 with a child support action or proceeding; or

13 (B) it appears that a right or remedy of a party in a child
14 support action or proceeding was defeated or prejudiced by the contempt.

15 * Sec. 4. AS 11.51.120(c) is amended to read:

16 (c) Criminal nonsupport is a class A misdemeanor and is also punishable by
17 loss of hunting and sport fishing licenses as provided in AS 12.55.139.

18 * Sec. 5. AS 11.51.122(d) is amended to read:

19 (d) Aiding the nonpayment of child support is a class A misdemeanor and is
20 also punishable by loss of hunting and sport fishing licenses as provided in
21 AS 12.55.139.

22 * Sec. 6. AS 12.55 is amended by adding a new section to read:

23 Sec. 12.55.139. Penalties for criminal nonsupport or aiding the
24 nonpayment of child support. In addition to other penalties imposed, for the offense
25 of criminal nonsupport under AS 11.51.120 or aiding the nonpayment of child support
26 under AS 11.51.122, the court may suspend or revoke, for a period not to exceed one
27 year, a hunting license, sport fishing license, or both, issued under AS 16.05, if the
28 defendant is a natural person.

29 * Sec. 7. AS 16.05.330 is amended by adding a new subsection to read:

30 (e) A natural person applying for a license or tag for hunting or sport fishing
31 shall provide the person's social security number on the license application. Upon

1 request, the department shall provide the social security number to the child support
2 enforcement agency created in AS 25.27.010, or the child support agency of another
3 state, for child support purposes authorized by law.

4 * Sec. 8. AS 16.05.346 is amended by adding a new subsection to read:

5 (d) A person applying for a permit under this section shall provide the person's
6 social security number on the permit application. Upon request, the department shall
7 provide the social security number to the child support enforcement agency created in
8 AS 25.27.010, or the child support agency of another state, for child support purposes
9 authorized by law.

10 * Sec. 9. AS 16.05.360 is amended to read:

11 **Sec. 16.05.360. Commissioner charged with license issuance.** The
12 commissioner or an authorized deputy shall issue each license and tag to a qualified
13 person under written application containing such reasonable information as required
14 by the commissioner. The commissioner shall designate the license and tag form or
15 type. The form or type must be sufficient to identify and locate the applicant, [AND]
16 establish the applicant's status as to residency and citizenship, and supply the
17 person's social security number if required by this chapter. Each application shall
18 be subscribed and sworn to by the applicant before an officer authorized to administer
19 oaths in the state.

20 * Sec. 10. AS 16.05.360 is amended by adding a new subsection to read:

21 (b) Upon request, the department shall provide a social security number
22 provided by an applicant under (a) of this section to the child support enforcement
23 agency created in AS 25.27.010, or the child support agency of another state, for child
24 support purposes authorized by law.

25 * Sec. 11. AS 25.20.050 is amended by adding a new subsection to read:

26 (p) An order for genetic testing issued by a tribunal under (e) of this section
27 in an action to establish paternity may be enforced by a superior court through the use
28 of the court's contempt powers. If the tribunal is the child support enforcement
29 agency, it may use the procedure set out in AS 25.27.167 for enforcement of
30 administrative orders.

31 * Sec. 12. AS 25.25.602(a) is amended to read:

1 (a) A support order or income withholding order of another state may be
2 registered in this state by sending the following documents and information to a
3 tribunal of this state:

4 (1) a letter of transmittal to the tribunal requesting registration and
5 enforcement;

6 (2) two copies, including one certified copy, of all orders to be
7 registered, including any modification of an order;

8 (3) a sworn statement by the party seeking registration or a certified
9 statement by the custodian of the records showing the amount of any arrearage;

10 (4) the name of the obligor and, if known,

11 (A) the obligor's address and social security number;

12 (B) the name and address of the obligor's employer and any
13 other source of income of the obligor; and

14 (C) a description and the location of property in this state of the
15 obligor not exempt from execution; and

16 [(D) THE NAMES AND ADDRESSES OF ALL POTENTIAL
17 THIRD-PARTY RESOURCES, INCLUDING A HEALTH INSURER, THAT
18 MIGHT BE AVAILABLE TO MEET THE REQUIREMENTS OF A
19 MEDICAL SUPPORT ORDER; AND]

20 (5) the name and address of the obligee and, if applicable, the agency
21 or person to whom support payments are to be remitted.

22 * Sec. 13. AS 25.25.611(a) is amended to read:

23 (a) After a child support order issued in another state has been registered in
24 this state, unless the provisions of AS 25.25.613 apply, the responding tribunal of this
25 state may modify that order only if, after notice and an opportunity for hearing, it finds
26 that

27 (1) the following requirements are met:

28 (A) the child, the individual obligee, and the obligor do not
29 reside in the issuing state;

30 (B) a petitioner who is not a resident of this state seeks
31 modification; and

1 (C) the respondent is subject to the personal jurisdiction of the
2 tribunal of this state; or

3 (2) [AN INDIVIDUAL PARTY OR] the child, or a party who is an
4 individual, is subject to the personal jurisdiction of the tribunal and all of the
5 [INDIVIDUAL] parties who are individuals have filed a written consent in the issuing
6 tribunal providing that a tribunal of this state may modify the support order and
7 assume continuing, exclusive jurisdiction over the order; however, if the issuing state
8 is a foreign jurisdiction that has not enacted a law or procedure substantially similar
9 to this chapter, the written consent of an [THE] individual [PARTY] residing in this
10 state is not required for the tribunal to assume jurisdiction to modify the child support
11 order.

12 * Sec. 14. AS 25.27.022(b) is amended to read:

13 (b) Except for requests for assistance made under (c) of this section or
14 AS 25.25.501, requests [REQUESTS] from child support enforcement agencies in
15 other states shall be made by application containing the information that this state's
16 agency requires and including written authorization from the requesting state agency
17 and the obligee for this state's agency to initiate necessary action.

18 * Sec. 15. AS 25.27.022 is amended by adding new subsections to read:

19 (c) Requests from a child support agency of another state for assistance in
20 enforcing support orders through high-volume automated administrative enforcement
21 may be made by electronic or other means and must include the information required
22 by 42 U.S.C. 666(a)(14).

23 (d) An employer receiving an income withholding order from a child support
24 agency of another state shall comply with the choice of law provisions of
25 AS 25.25.502(d), 25.25.503, and 42 U.S.C. 666(b)(6)(A)(i)(V).

26 * Sec. 16. AS 25.27.062(e) is amended to read:

27 (e) The agency or the person who obtains an income withholding order under
28 this chapter shall immediately send a copy of the income withholding order, a copy
29 of the relevant provisions of AS 25.27.260 and this section, and an explanation of the
30 effect of the statutes to persons who may owe money to an obligor. These items may
31 be sent by first class mail or certified mail, return receipt requested, or they may be

1 served personally by a process server, except that the agency alternatively may send
2 the items by electronic means. An income withholding order made under this chapter
3 is binding upon a person, employer, political subdivision, or department of the state
4 immediately upon receipt of a copy of the income withholding order. A person
5 receiving an income withholding order [AN EMPLOYER] shall immediately begin
6 withholding the specified amount from the obligor's earnings [EMPLOYEE'S
7 WAGES]. The amount withheld shall be sent to the agency within seven business
8 days after the date the amount would otherwise have been paid or credited to the
9 obligor [EMPLOYEE]. An employer may, for each payment made under an order,
10 deduct \$5 from other wages or salary owed to the obligor.

11 * Sec. 17. AS 25.27.063(b) is amended to read:

12 (b) If an obligor who is required to provide health care coverage under a
13 medical support order is eligible for family health coverage through an employer
14 [DOING BUSINESS IN THE STATE], the court or agency issuing the medical
15 support order shall send a copy of the medical support order to the employer. If the
16 agency has notice that the obligor has changed or will be changing employment
17 and is or will be eligible for family health coverage through the new employer, the
18 agency shall send a copy of the medical support order to the new employer.

19 * Sec. 18. AS 25.27.075 is repealed and reenacted to read:

20 Sec. 25.27.075. **Employment information.** (a) An employer doing business
21 in the state shall report to the agency the hiring, rehiring, or return to work of each
22 employee. The report shall be made within the time limits set out in (b) of this
23 section. The report must contain the name, address, and social security number of the
24 newly hired employee, the name and address of the employer, and the identifying
25 number assigned to the employer by the United States Department of the Treasury,
26 Internal Revenue Service.

27 (b) An employer required to report under (a) of this section shall use the
28 following procedures to make the report:

29 (1) if the report is submitted magnetically or electronically, the report
30 shall be made in a format mutually agreed upon by the employer and the agency; an
31 employer reporting under this paragraph shall make two transmissions a month, not

1 less than 12 days nor more than 16 days apart; or

2 (2) if the report is not submitted magnetically or electronically, the
3 report shall be made on a United States Department of the Treasury, Internal Revenue
4 Service, W-4 form or, at the option of the employer, on an equivalent form; an
5 employer reporting under this paragraph shall make the report to the agency not later
6 than 20 days after the date of the hiring, rehiring, or return to work of the employee;
7 the report shall be transmitted by the employer by first class mail.

8 (c) An employer that does business in this state and that has employees in at
9 least one other state is not required to comply with (a) of this section if, in compliance
10 with the laws of that state, the employer

11 (1) submits timely magnetic or electronic reports of hires, rehires, or
12 returns to work to the state directory of new hires of another state in which the
13 employer has employees; and

14 (2) has provided written notification of its election under this subsection
15 to the United States Secretary of Health and Human Services.

16 (d) In addition to reporting under (a) of this section, a labor organization of
17 which an obligor is a member or another employer of the obligor shall promptly
18 provide to the agency, or the child support enforcement agency of another state,
19 information requested regarding the obligor's compensation, employment, wages or
20 salary, and occupation.

21 (e) An employer may charge \$1 to each employee who is reported to the
22 agency under this section to cover the cost of the reporting.

23 (f) In addition to other sanctions available under the law, a labor organization
24 or another employer that violates this section is liable for a civil penalty for each
25 failure to meet the requirements of this section of not more than

26 (1) \$25 for each employee who is newly hired, rehired, or newly
27 returned to work; and

28 (2) \$500 if the failure is the result of a conspiracy between the
29 employee and either a labor organization or another employer not to supply the
30 required report or to supply a false or incomplete report concerning an employee.

31 (g) In this section.

1 (1) "employee" has the meaning given in 26 U.S.C. 3401(c);
2 "employee" does not include an employee of a federal or state agency performing
3 intelligence or counterintelligence functions if the head of that agency has determined
4 that reporting under this section on the employee could endanger the safety of the
5 employee or compromise an ongoing investigation or intelligence mission;

6 (2) "employer" has the meaning given in 26 U.S.C. 3401(d);
7 "employer" includes a governmental entity and a labor organization;

8 (3) "labor organization" has the meaning given in 29 U.S.C. 152; "labor
9 organization" includes an entity that is used by the labor organization and another
10 employer to carry out hiring or other requirements described in 29 U.S.C. 158(f)(3) in
11 accordance with an agreement between the labor organization and the other employer.

12 * Sec. 19. AS 25.27.085 is amended by adding a new subsection to read:

13 (g) If a person fails to comply with a subpoena issued under this section, the
14 agency may apply to the court for an order to compel obedience by proceedings for
15 contempt as in the case of disobedience of the requirements of a subpoena issued by
16 a court. In addition to the other remedies available to the court to compel compliance
17 with a subpoena under this section, the court may take an action described in
18 AS 09.50.020(b) regarding hunting and sport fishing licenses of a person failing to
19 comply with the subpoena.

20 * Sec. 20. AS 25.27.165(c) is amended to read:

21 (c) A person served with a notice of paternity and financial responsibility and
22 accompanying orders under (b) of this section shall file a response, admitting or
23 denying paternity and providing the required financial information, within 20 days after
24 the date of service of the notice of paternity and financial responsibility. If the
25 putative father admits paternity, the agency shall issue, within 20 days after the
26 admission of paternity, a decision establishing paternity. If the putative father denies
27 paternity, the putative father shall submit to genetic testing, as provided in (b) of this
28 section, within 30 days after the date of service of the notice of paternity and financial
29 responsibility. If the putative father fails to file a response or fails to comply with
30 an accompanying order within the time and in the manner required in this
31 subsection, the agency may issue a decision by default establishing paternity and

1 financial responsibility, except that, if the proceeding was instituted at the request
2 of the putative father, the agency shall dismiss the proceeding without prejudice.

3 * Sec. 21. AS 25.27 is amended by adding a new section to read:

4 Sec. 25.27.167. Contempt of order for genetic testing. (a) If a person who
5 is located in this state fails to comply with an order for genetic testing issued by the
6 agency in this state, or the tribunal of another state, the agency in this state may certify
7 the facts to the superior court of this state.

8 (b) Upon certification under (a) of this section, the court shall issue an order
9 directing the person to appear and show cause why the person should not be punished
10 for contempt. The order and a copy of the certified statement shall be served on the
11 person in the manner required for service of court orders to show cause.

12 (c) After service under (b) of this section, the court has jurisdiction of the
13 matter brought under this section.

14 (d) The law of this state applicable to contempt of a court order applies to a
15 proceeding for contempt of order for genetic testing brought under this section.

16 * Sec. 22. AS 25.27.230(a) is repealed and reenacted to read:

17 (a) The agency shall assert a lien upon the real or personal property of the
18 obligor in the amount of the obligor's liability if an arrearage occurs under a support
19 order being enforced by the agency.

20 * Sec. 23. AS 25.27.230 is amended by adding new subsections to read:

21 (e) A lien arising in another state under the child support laws of that state
22 shall be given full faith and credit in this state. The lien may be asserted in this state
23 upon the real or personal property of the obligor in the amount of the obligor's liability
24 by complying with the requirements of this section.

25 (f) A lien recorded under this section is a judgment lien and may be enforced
26 by execution under AS 09.35 in the full amount of the obligor's liability at the time
27 of execution.

28 * Sec. 24. AS 25.27.240(a) is amended to read:

29 (a) The agency of this state or another state, or a party or other entity
30 seeking to enforce a child support obligation, may, at any time after recording of a
31 lien recorded under AS 25.27.230, serve a copy of the lien upon any person, political

1 subdivision, or department of the state possessing earnings, or deposits or balances
2 held in any bank account of any nature that are due, owing, or belonging to the
3 obligor.

4 * Sec. 25. AS 25.27.250(a) is repealed and reenacted to read:

5 (a) Without prior notice to the obligor, the agency may issue to any person,
6 including an entity, political subdivision, or state agency, an order to withhold and
7 deliver property under this section; the order may be issued

8 (1) immediately upon issuance of an income withholding order that
9 provides for immediate income withholding under AS 25.27.062(a);

10 (2) immediately after an arrearage occurs under a support order
11 described in AS 25.27.150(a);

12 (3) at the expiration of 30 days after the date of service of a notice and
13 finding of financial responsibility under AS 25.27.160; or

14 (4) at the expiration of 30 days after service of a decision establishing
15 paternity and financial responsibility under AS 25.27.165.

16 * Sec. 26. AS 25.27.900(9) is amended to read:

17 (9) "support order" means any judgment, decree, or order that is issued
18 by a tribunal for the support and maintenance of a child or of [A CHILD AND] a
19 parent with whom the child is living; "support order" includes a judgment, decree, or
20 order

21 (A) on behalf of a child who has reached the age of majority
22 if the judgment, decree, or order was lawfully issued; and

23 (B) for

24 (i) monetary support, including arrearages;

25 (ii) payment of health care costs or maintenance of
26 health insurance;

27 (iii) reimbursement of related costs;

28 (iv) payment of attorney fees and legal costs and other
29 fees; and

30 (v) penalty, interest, and other relief as required by a
31 tribunal; [.]

1 * Sec. 27. AS 25.27.900 is amended by adding new paragraphs to read:

2 (11) "arrearage" means a debt for support that is past due and equal to
3 at least one monthly obligation under the support order;

4 (12) "high-volume automated administrative enforcement" means the
5 use of automatic data processing to search various state data bases, including license
6 records, employment service data, and state new-hire registries, to determine whether
7 information is available regarding a parent who owes a child support obligation.

8 * Sec. 28. AS 28.15.061(b) is amended to read:

9 (b) An application under (a) of this section must

10 (1) contain the applicant's full name, social security number, date and
11 place of birth, sex, and mailing and residence addresses;

12 (2) state whether the applicant has been previously licensed as a driver
13 and, if so, when and by what jurisdiction;

14 (3) state whether any previous driver's license issued to the applicant
15 has ever been suspended or revoked or whether an application for a driver's license has
16 ever been refused and, if so, the date of and reason for the suspension, revocation, or
17 refusal; and

18 (4) contain other information that the department may reasonably
19 require to determine the applicant's identity, competency, and eligibility.

20 * Sec. 29. AS 28.15.061 is amended by adding a new subsection to read:

21 (g) Upon request, the department shall provide a social security number
22 provided under this section to the child support enforcement agency created in
23 AS 25.27.010, or the child support agency of another state, for child support purposes
24 authorized by law.

25 * Sec. 30. AS 09.10.040(b) is repealed.

26 * Sec. 31. Section 148(c), ch. 87, SLA 1997, is repealed.

27 * Sec. 32. The provisions of AS 25.20.050(p), added by sec. 11 of this Act, and
28 AS 25.27.167, added by sec. 21 of this Act, have the effect of amending Rule 37(b)(2)(D),
29 Alaska Rules of Civil Procedure, by permitting the use of contempt of court powers to enforce
30 orders for genetic testing.

31 * Sec. 33. The provisions of AS 25.20.050(p), added by sec. 11 of this Act, and

1 AS 25.27.167, added by sec. 21 of this Act, take effect only if sec. 32 of this Act receives the
2 two-thirds majority vote of each house required by art. IV, sec. 15, Constitution of the State
3 of Alaska.

4 * **Sec. 34. APPLICABILITY.** The report required under AS 25.27.075(a), enacted by sec.
5 18 of this Act, applies to the hiring, rehiring, or return to work of an employee that occurs on
6 or after the effective date of this Act.

7 * **Sec. 35.** This Act takes effect immediately under AS 01.10.070(c).

1

AMENDMENT

OFFERED IN THE HOUSE

BY REPRESENTATIVE PORTER

TO: HB 344

1 Page 1, following line 10:

2 Insert a new bill section to read:

3 "* Sec. 2. AS 09.10.040(a) is amended to read:

4 (a) A [EXCEPT AS PROVIDED IN (b) OF THIS SECTION, A] person may
5 not bring an action upon a judgment or decree of a court of the United States, or of
6 a state or territory within the United States, and an action may not be brought upon
7 a sealed instrument, unless the action is commenced within 10 years."

8 Renumber the following bill sections accordingly.

9 Page 11, following line 20:

10 Insert a new bill section to read:

11 "* Sec. 30. AS 09.10.040(b) is repealed."

12 Renumber the following bill sections accordingly.

13 Renumber internal references to bill sections in accordance with this amendment. Internal
14 bill section references are in the following places:

- 15 Page 11, line 22
- 16 Page 11, line 23
- 17 Page 11, line 26
- 18 Page 11, line 27

TONY KNOWLES
GOVERNOR



HB 344

P O Box 110001
Juneau Alaska 99811-0001
(907) 465-3500
Fax (907) 465-3532

STATE OF ALASKA
OFFICE OF THE GOVERNOR
JUNEAU

January 21, 1998

The Honorable Gail Phillips
Speaker of the House
Alaska State Legislature
State Capitol
Juneau, AK 99801-1182

Dear Speaker Phillips:

While federal welfare reform law gave our state greater flexibility for providing public assistance, it also required Alaska and other states to make extensive changes to their state child support laws. The attached bill is needed to satisfy mandates placed on Alaska by the federal Personal Responsibility and Work Opportunity Reconciliation Act of 1996.

Failure to comply with the federal child support mandates may result in a significant reduction in federal financial participation to the state for public assistance, unemployment, and child support enforcement programs.

The state's enactment of Senate Bill 154 last year met most, but not all, of the federal child support mandates of federal welfare reform. More needs to be done to finish the job. This bill will do that by making additional changes to Alaska's statutes.

Under this bill, all employers in the state would be required to report each new hire to the state child support enforcement agency within 20 days. The state will share this information with the federal child support agency and the child support agencies of other states. Timely access to this information may help avoid significant delays in support payments for some children.

The bill would also fine-tune state procedures for establishing paternity and for enforcing child support orders. The bill would also make state law conform to new federal requirements regarding reporting of social security numbers for certain licensees not already required to report under state law. The social security numbers provide an invaluable means of ensuring that support payments are timely received and accurately recorded.

GOVERNOR'S TRANSMITTAL LETTER

The Honorable Gail Phillips
January 21, 1998
Page 2

The bill also amends the Uniform Interstate Family Support Act (UIFSA), which Alaska enacted in 1995, to reflect subsequent changes to the uniform Act adopted by the National Conference of Commissioners on Uniform State Laws. Congress requires that our state child support laws be consistent with the uniform Act.

Finally, this bill will give state courts the power to suspend or revoke, in appropriate circumstances, the recreational hunting and fishing licenses and certain permits of obligors who are out of compliance with child support laws.

I urge your prompt attention to this important matter. Alaska's children are our most precious resource and they deserve timely access to child support necessary for their care.

Sincerely,



Tony Knowles
Governor



DEPARTMENT OF HEALTH & HUMAN SERVICES

Administration for
Children and Families

2201 Sixth Avenue, Suite 600
Seattle, WA 98121-1827

JAN 15 1998

Barbara Miklos, Director
Child Support Enforcement Division
550 West 7th, 4th Floor
Anchorage, AK 99501-3556

Dear Ms. Miklos:

This is in response to your request for clarification of:

- The consequences if a State fails to enact laws or otherwise conform to the requirements of the Personal Responsibility and Work Opportunity Reconciliation Act of 1996 (PRWORA), Public Law 104-193, and
 - Nationwide information on state compliance with PRWORA.
1. In order for a State to receive Federal funding for the operation of its child support enforcement program, it must have an approved State IV-D plan which meets the requirements of section 454 of the Social Security Act (the Act). One of those requirements, specified at section 454(20)(A), is that the State must have in effect all of the laws required by section 466.

PRWORA made numerous changes to sections 454 and 466 of the Act. When a State fails to comply with all statutory requisites, its plan is subject to disapproval by the Office of Child Support Enforcement (OCSE). In accordance with sections 452(a)(3) and 455(a)(1)(A) of the Act, there would then be no authority to expend Federal funds under Title IV-D of the Act for the operation of the State's child support enforcement program.

Therefore, a determination that a State IV-D plan is disapproved will result in immediate suspension of all Federal payments for the State's child support enforcement program, and such payments will continue to be withheld until the State IV-D plan can be approved by OCSE. Alaska received approximately \$12.4 million in Title IV-D funding for the administration of its child support program in FY 1997, and over \$3.2 million in Title IV-D performance related child support incentives.


Page 2 - Barbara Miklos

In addition, in order to be eligible for a block grant for Temporary Assistance to Needy Families (TANF), section 402(a)(2) of the Act requires a State to certify that it will operate a child support enforcement program under the State plan approved under part D. Therefore, TANF funding would also be jeopardized if the State failed to enact the required child support legislation on a timely basis. Alaska's Federal funding for IV-A for FY 1997 was approximately \$63 million.

2. Data on state compliance with PRWORA changes frequently. We are therefore unable to provide you with an accurate and up to date listing of which states have fully complied with its provisions. Most states have either passed legislation that has been found complete, or is under review. Alaska is in the category of states which did not pass enabling legislation in 1997, but which have expressed an intent to do so and are working with its Regional Office to develop such legislation. Only one state, Idaho, has failed to enact enabling legislation and has stated it is unwilling to do so. Attached is a "notice of intent" to disapprove Idaho's state plan, with the resulting loss of Federal funding. If proposed legislation is not enacted in Alaska, our office would begin the process of issuing a similar notice of intent to disapprove.

Please contact Michael Furtado at (206) 615-2552, ext. 3045 if you have any further questions.

Sincerely,


Stephen S. Henigson
Regional Administrator

Attachment: Idaho Notice of Intent to Disapprove

Proposed Child Support Legislation to Meet Federal Mandates

HB344 has been introduced to bring Alaska into compliance with mandates of the federal Personal Responsibility and Work Opportunity Reconciliation Act of 1996 as amended. This informal analysis shows how the proposed legislation is designed to comply with specific federal mandates.

- **Action Against Recreational Licenses:** 42 USC 666(a)(16) requires Alaska to have laws giving the state authority to withhold, suspend, or restrict recreational or sporting licenses of individuals owing overdue child support or who have failed, after receiving notice, to comply with a subpoena or warrant relating to paternity or child support. Sections 2, 3, 4, 5, 10, 18, and 20 of the bill are designed to bring Alaska into compliance with 42 USC 666(a)(16). These sections give Alaska courts, in criminal and civil proceedings, the authority to punish contempt of a child support order, or a child support or paternity subpoena, with the loss of hunting or sport fishing licenses.
- **Social Security Numbers on Licenses:** 42 USC 666(a)(13), as amended by technical amendments to the Personal Responsibility and Work Opportunity Act of 1996, now requires Alaska to have laws requiring that applicants for driver's licenses or recreational licenses record their social security numbers on applications and requiring the licensing agencies to share the numbers with the child support agency of this and other states. Sections 6, 7, 8, 9, 27 and 28 are designed to bring Alaska into compliance with 42 USC 666(a)(13).
- **Enforcing Paternity Testing Orders of Other States:** 42 USC 666(c)(1)(A) requires Alaska to have laws which provide for the recognition and enforcement of the genetic testing orders of other states. Section 20 would permit Alaska to honor this commitment by allowing a superior court in Alaska to enforce out of state genetic testing orders with the court's contempt powers.
- **Default Administrative Paternity Orders:** 42 USC 666(a)(5)(H) requires Alaska to have laws which permit the entry of default paternity orders. AS 25.20.050(g) currently allows such orders in court paternity cases. Section 19 of the bill would allow entry of default orders in administrative paternity cases.
- **Additional Amendments to UIFSA:** 42 USC 666(f) requires Alaska to adopt the most current version of the Uniform Interstate Family Support Act (UIFSA). The federal Office of Support Enforcement has stated that states must adopt a verbatim version of the uniform law. Alaska's version of UIFSA is not identical with the uniform law. An attorney for the National Conference of Commissioners on Uniform State Laws has reviewed Alaska's current version of UIFSA and found it acceptable, if amendments are made to two sections of Alaska's UIFSA. Sections 11 and 12 of the bill would make the suggested changes.

- **High Volume Enforcement of Interstate Orders:** 42 USC 666(a)(14) requires Alaska to have laws which permit child support agencies from other states to make electronic requests for high volume automated administrative enforcement of their out of state orders if Alaska provides such enforcement for Alaska orders. Sections 13, 14 and 26 would permit other states to make such a requests.
- **Requirements for honoring interstate withholding orders:** 42 USC 666(b)(6)(A)(I)(V) requires Alaska to have a law stating that employers who receive a withholding order from another state, must follow the laws of the issuing state concerning any terms of withholding that are not stated in the order. Section 14 would satisfy this requirement.
- **Definition of Income:** Section 15 of the bill would amend AS 25.27.062 so that income withholding orders issued by courts will reach all earnings which qualify as "income" under the federal definition of the term set out in 42 USC 666(b)(8). It would do this by replacing the word, "wages" with "earnings" and the words "an employer" with "a person receiving an income withholding order" in AS 25.27.062(e). The current version of AS 25.27.900(4) sets out a definition for "earnings" that is the same definition provided for "income" by 42 USC 666(b)(8). Since 666(b)(8) provides the definition of "income" for the mandatory income withholding provisions of 42 USC 666, section 15 would insure that Alaska will comply with those mandatory income withholding provisions.
- **Medical Support Orders:** In cases where a child support obligor changes employment and the new employer offers health care coverage for the obligor's children, 42 USC 666(a)(19) requires Alaska to have laws which require CSED to send a copy of a medical support order to the new employer. The federal mandate also requires Alaska to have laws which require that the obligor's children will be automatically enrolled in the health care coverage. Section 16 of the bill would comply with the mandates.
- **Employer New Hire:** 42 USC 653A requires Alaska to have a law requiring all employers in the state to report each new hire, rehire, or return to work of every employee to CSED within 20 days of the event. Section 17 of the bill would bring Alaska into compliance with this mandate.
- **Liens:** 42 USC 666(a)(4) requires Alaska to have laws which provide that child support liens arise by operation of law when the obligor is in arrears on his child support debt. The federal law also mandates that Alaska give full faith and credit to the child support liens of other states, and requires Alaska to allow the enforcement of intrastate and interstate child support liens without judicial notice or hearing. These mandates would be satisfied with the passage of sections 21, 22, and 23 of the bill.
- **Income Withholding:** 42 USC 666(c)(1)(G) requires Alaska to have laws which permit the seizure of a child support obligor's assets without the need to first obtain leave from the court or an administrative tribunal if the obligor is in arrears on his obligation. Section 24 would satisfy this mandate.

- **Definition of Support Order:** 42 USC 653(p) provides a definition of "support order" for purposes of the federal child support laws. In SB 154, Alaska adopted the then-current definition of "support order," however Congress subsequently amended 653(p). Section 25 of the bill would make corresponding amendments to "support order" in AS 25.27.900.
- **Definition of Arrearage:** 42 USC 666(b)(3)(B) describes what constitutes an arrearage for purposes of its mandatory income withholding provisions. Section 26 would adopt the same definition for Alaska's child support laws, thereby helping to insure that the Alaska income withholding provisions comply with the federal mandate.
- **Repealing Sunset Provision of SB 154:** In 1997 the Alaska Legislature passed SB 154 in an effort to comply with the mandates of the federal Personal Responsibility and Work Opportunity Reconciliation Act. Section 148(c) of SB 154 provides that all these necessary changes to state law will be repealed on July 1, 1999. Section 29 of the bill would repeal this sunset provision, thereby protecting Alaska from being found drastically out of compliance with federal law.

STATE OF ALASKA

TONY KNOWLES, GOVERNOR

DEPARTMENT OF REVENUE

OFFICE OF THE COMMISSIONER

January 30, 1998

P.O. BOX 110400
JUNEAU, ALASKA 99811-0400
TELEPHONE: (907) 465-2300
FACSIMILE: (907) 465-2389

The Honorable Con Bunde
Chairman, House Health, Education
and Social Services Committee
State Capitol
Juneau, AK 99801

Dear Representative Bunde:

Re: House Bill 344

I am writing to ask that you schedule a hearing on House Bill 344. This legislation follows up on requirements of the federal welfare reform bill -- the Personal Responsibility and Work Opportunity Reconciliation Act of 1996. It is needed to bring Alaska into full compliance with the federal legislation aimed at reducing the dependence on government-funded public assistance by increasing personal responsibility for child support.

In approving welfare reform, Congress adopted several requirements that states must meet in order to retain federal funding of child support enforcement and federal public assistance services. Alaska met many of those when the Legislature last year approved changes in child support statutes. This year's measure would finish the job.

When the Congress adopted welfare reform, it sent a strong message to the states to strengthen their laws for child support enforcement. The belief is that by adding more tools to child support agencies, it will enable them to improve the efficiency and accuracy of collection efforts. The more the states are able to collect for child support, the less the states and the federal government have to pay out in public assistance.

HB 344 will help parents who are raising their children. It will help the state in its continuing drive to help people off the welfare rolls. And it will allow Alaska to maintain federal support for its child support enforcement budget. I look forward to working with you and ask that you schedule a hearing on this bill at your earliest convenience.

Sincerely,



Wilson L. Condon
Commissioner

98-006