

ALASKA LEGISLATURE COMMITTEE FILES 1997-1998 8672

9211 HOUSE JUDICIARY

HB

375

File 2

FISCAL NOTE

STATE OF ALASKA
1998 LEGISLATIVE SESSION

BILL NO. HB 375

Revision Date:

Dept. Affected: Alaska Court System

Title: An Act relating to children in need of
aid matters & proceedings

BAU: Trial Courts

Sponsor: Rules Committee

Component:

Requestor: Governor

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	141.2	141.2	141.2	97.6	97.6	97.6
TRAVEL	5.0	5.0	5.0	5.0	5.0	5.0
CONTRACTUAL						
SUPPLIES	5.0	5.0	8.0	5.0	5.0	5.0
EQUIPMENT						
LAND & STRUCTURES						
GRANTS & CLAIMS						
MISCELLANEOUS						
TOTAL OPERATING	151.2	151.2	151.2	107.6	107.6	107.6

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	151.2	151.2	151.2	107.6	107.6	107.6
1006 GF/Program Receipts						
1037 GF/Mental Health						
Other						
TOTAL	151.2	151.2	151.2	107.6	107.6	107.6

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

Positions

Full-Time	3	3	3	3	3	3
Part-Time	2	2	2			
Temporary						

ANALYSIS: (Attach a separate page if necessary)

See attached analysis.

Prepared by: C. S. Christensen III, General Counsel

Agency: Alaska Court System

Phone: 264-8228

Date: 03/19/98

Approved by: Stephanie J. Cole, Administrative Director

Agency: Alaska Court System

Date: 03/19/98

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10:31 AM

Rev 1/98

Page 1 of 2

Alaska Court System**Fiscal Analysis****HB 375****FUNDING OVERVIEW**

This fiscal note reflects only the costs of implementing this legislation. This legislation forms a part of a multifaceted effort by the Executive Branch to improve the child protection legal system. The court system recognizes the anticipated impact in three separate but related funding requests. The court's FY 99 operating budget request includes an increment for \$386,500 which reflects the impact on the judicial system of the Governor's Smart Start children's initiative. This proposed increment was based on the Department of Law's budget request for 8 additional child protection attorneys. In a related supplemental budget request, the court system is seeking \$84,000 for judicial staff, courtroom support staff and travel funds to deal with the new emphasis on processing adoptions of children in foster care. Finally, the court is requesting \$151,200 via this fiscal note for the impact of this legislation. Please note that the supplemental budget request duplicates portions of the FY 99 operating budget request and the fiscal note. The schedule below summarizes our funding requests.

	Funding Requested in		
	Operating Budget	Fiscal Note	FY 98 Supple- mental ^a (Duplicates funding in operating & budget & FY request)
Personal Services			
Pro Tem Superior Court Judge, Anchorage, PPT, 12 months	\$ 87,000		\$ 54,300
Family Court Master, Anchorage, 24A, PFT, 12 months	84,700		
Family Court Master, Fairbanks, 24A, PFT, 12 months	96,000		
In-Court Clerk, Anchorage, 12A, PFT, 12 months (support to judge & master)	40,600		24,700
In-Court Clerk, Anchorage, 12A, PFT, 12 months (support to judge & master)	20,300	20,300	
In-Court Clerk, Fairbanks, 12A, PFT, 12 months (support to judge & master)	45,400		
Pro Tem Superior Court Judge, Fairbanks, PPT, 4 months		27,000	
Pro Tem Superior Court Judge, Juneau, PPT, 2.5 months		16,700	
Court Clerk II, Anchorage, 10A, PFT, 12 months		38,600	
Court Clerk II, Fairbanks, 10A, PFT, 12 months		40,600	
Total Personal Services	374,000	141,200	79,000
Travel		5,000	5,000
Supplies		5,000	
Equipment	12,600		
	\$ 386,600	\$ 151,200	\$ 84,000

^a The FY 98 Supplemental budget request covers a 15-month period: 3 months in FY 98 and 12 months in FY 99.

FISCAL NOTE*Incremental costs of HB 375 only*

The court's fiscal note is based on information from the Department of Law and the Division of Family and Youth Services. According to this information, the courts are experiencing a dramatic increase in child in need of aid (CINA) cases and can expect additional work as a backlog of cases for children in foster care is processed. This workload will severely impact both the judicial and clerical resources of the court. It is anticipated that the increase in CINA cases will have a long-term impact while the impact from processing the backlog of cases is expected to end after three fiscal years. The

Alaska Court SystemFiscal AnalysisHB 375

court plans to use pro tem superior court judges to handle the judicial workload. Permanent judges would actually be assigned to the CINA cases and the pro tem judges would assume their existing non-CINA workloads. The Department of Law estimates that there is a backlog of 450 cases, which require a petition for termination of parental rights. The court has assumed that 75% of these petitions will result in a trial. Each trial is estimated to last 2 1/2 days. The judicial staffing assumes that 1/3 of the backlogged cases will be processed in each of the next 3 fiscal years. A small amount of time has been added to the estimated judicial time to accommodate travel to courts outside the assigned location.

Personal Services

<u>Position</u>	<u>Salary</u>	<u>Benefits</u>	<u>Total</u>
Pro Tem Superior Court Judge, Fairbanks, PPT, 4 months (FY 99 - FY 01 only)	19,378	7,650	27,029
Pro Tem Superior Court Judge, Juneau, PPT, 2.5 months (FY 99 - FY 01 only)	11,944	4,715	16,659
In-Court Clerk, Anchorage, 12A, PFT, 12 months (support to judge & master)	14,468	5,845	20,311
Court Clerk II, Anchorage, 10A, PFT, 12 months	25,644	10,978	36,622
Court Clerk II, Fairbanks, 10A, PFT, 12 months	28,932	11,691	40,623

Total Personal Services	141,244
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Travel

Travel to other courts to process caseload	5,000
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Supplies

Case processing supplies and supplies for new positions	5,000
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Estimated total cost	<u>\$ 151,244</u>
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FISCAL NOTE

STATE OF ALASKA
1998 LEGISLATIVE SESSION

BILL NO. HB 375

Revision Date (Note if correction) _____ Dept. Affected Corrections
 Title An Act relating to children in need of aid matters BRU Administration and Operations
and proceedings: relating to murder of children. Component ALL
 Sponsor Rules Committee
 Requester Governor Component Serial No. #0694

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	0.0	58.1	58.1	106.9	203.9	240.4
TOTAL OPERATING	0.0	58.1	58.1	106.9	203.9	240.4

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	0.0	58.1	58.1	106.9	203.9	240.4
1005 GF/Program Receipts						
1037 GF/Mental Health						
Other (Specify Type)						
TOTAL	0.0	58.1	58.1	106.9	203.9	240.4

Estimate of any current year (FY98) cost: 00

POSITIONS

Full-time						
Part-time						
Temporary						

ANALYSIS: (Attach a separate page if necessary)

This legislation amends several titles under Alaska statutes. This fiscal note only reflects the sections of the bill that incur costs for the Department of Corrections.

Section 4. The Department of Law (DOL) estimates the changes made to AS 11.41.110(a) will increase the minimum sentence from five (5) years to fifteen (15) years for a net gain of ten (10) years. Subtracting one third for good time, the actual increase in sentence is 6.7 years. The DOL estimates this change will effect one (1) case per year, the additional cost for incarcerations will be \$243,670. (continued)

Prepared by Bruce Richards Phone 465-3307
 Division Commissioner's Office Date 3/11/98
 Approved by Commissioner Margaret M. Pugh Margaret M. Pugh Date 3/11/98
 Agency Department of Corrections

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Section 5. Increases the penalty for criminally negligent homicide from a class C felony to a class B felony. This will result in an additional sentence of one and a half (1.5) years. Subtracting one third for good time results in a total increase in sentence of one (1) year. The DOL estimates this change will effect one (1) case per year. the additional cost for incarceration for one year will be \$36,525

Sections 8 & 9. This section will increase the penalty for one form of indecent exposure from a misdemeanor to a class C felony. The DOL estimates that three people would be convicted annually under the felony provision. This is expected to increase the current average sentence of 28 days to 90 days for a net gain of 62 days. Subtracting one third for good time, the actual increase is 32 days. The additional cost of incarceration for the three cases will be \$9,600.

Section 10. The DOL estimates the changes made in this section will affect one case per year. Under current statute the sentence would have been 6 months. With the changes that sentence will increase one year for a net gain of 182 days incarceration. Subtracting one third for good time, the actual increase is 120 days, the additional cost of incarceration for one case will be \$12,009.

Section 13. The DOL estimates the changes made in this section will affect one case per year. Under current statute the offender would be sentenced to a five (5) year presumptive sentence. This proposed change will result in a seven (7) year presumptive sentence for a net gain of two (2) years. Subtracting one third for good time, the actual increase in sentence will be 482 days. The additional cost of incarceration for one case will be \$48,214.

Section 24. This section would require the Department of Corrections to register sex offenders 30 days prior to their release from incarceration. The DOC began doing this in September of 1997 and therefore does not anticipate an increase in costs.

Revision Date: _____ Dept. Affected: Health and Social Services
 Title: Child Protection BRU: State Health Services
 Sponsor: Rules Committee Component: State Medical Examiner
 Requestor: Governor COMPONENT SERIAL NO. 293
 See also (SN#): _____

Expenditures/Revenues:

(Thousands of Dollars)

OPERATING	FY99	FY00	FY01	FY02	FY03	FY04
PERSONAL SERVICES		35.0	35.9	36.8	37.7	38.6
TRAVEL		3.0	3.0	3.0	3.0	3.0
CONTRACTUAL						
SUPPLIES						
EQUIPMENT		5.0				
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
TOTAL OPERATING	0.0	43.0	38.9	39.8	40.7	41.6

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		43.0	38.9	39.8	40.7	41.6
1005 GF/Program Receipts						
1037 GF/Mental Health						
Other (please specify)						
TOTAL	0.0	43.0	38.9	39.8	40.7	41.6

POSITIONS:

FULL-TIME		1	1	1	1	1
PART-TIME						
TEMPORARY						

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

ANALYSIS: (Attach a separate page if necessary)

The State Medical Examiner will be able to absorb the cost associated with a full-time clerk as the State Child Fatality Review is being established. By FY00, a full-time Administrative Clerk II will be needed to collect, collate and distribute the data, make travel arrangements and arrange for physical space for the review teams meetings, and advise attendees as to the material being discussed. The Division of Public Health will absorb the cost of the expertise needed to perform the analytical portion of the program within its existing resources.

\$3.0 is being requested in Line 200 Travel for members of the review team to attend the meetings. Also included in the travel line is funding to travel to other communities to train and support local community review boards.

\$5.0 is requested in FY 00 in Line 500 Equipment for office furniture and a computer for the Administrative Clerk II.

Prepared by: Peter M. Sakamura, MD, MPH
 Division: Public Health
 Approved by Commissioner: Karen Perdue, Commissioner
 Agency: Department of Health & Social Services

Phone: (907) 465-3090
 Date: 03/12/98

Date: 3/12/98

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FISCAL NOTE

Bill Version: HB 375

(H) Publish Date: 2/2/98

**STATE OF ALASKA
1998 LEGISLATIVE SESSION**

Revision Date (Note if correction) Original Dept. Affect Multiple (see analysis)
 Title "An Act relating to children in need of aid BRU
matter and proceedings; relating to murder of children ..." Component
 Sponsor Rules Committee
 Requester Governor Component Serial No. _____

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						
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CHANGE IN REVENUES ()						
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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: 0.0

POSITIONS

Full-time						
Part-time						
Temporary						

ANALYSIS: (Attach a separate page if necessary)

The costs of implementing a zero tolerance policy for reports of harm to children by investigating all such reports are part of the comprehensive \$14 million child protection element of the Governor's Smart Start Initiative included in the FY 99 budget. The Executive Branch agencies with significant budgetary issues related to the criminal and civil provisions set out in this bill are the Departments of Administration, Corrections, Health and Social Services, and Law. If the FY 99 Smart Start increments for those agencies are not funded, this bill cannot be fully implemented.

Continued on next page ...

Prepared by Laura Baker, Budget Analyst Phone 465-4684
 Division Office of Management and Budget Date 1/30/98
 Approved by Annalee McConnell, Director *for David R. Sperry* Date 1/30/98
 Agency Office of Management and Budget

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Analysis Continued: "(An Act relating to children in need of aid...")

The interrelationships of the agencies' efforts are complex. The bill had not been finalized at the time the FY 99 budget was submitted, so some adjustments may be necessary to the child protection elements of Smart Start. If so, they will be presented as Governor's budget amendments within the overall amount already budgeted for Smart Start.

Agencies and programs involved:

Department of Administration

Office of Public Advocacy - The appointment of a guardian ad litem is legally required upon the filing of a child in need of aid (CINA) petition. These guardians ad litem must, following their appointment by the court, represent the best interests of the child throughout the CINA proceedings. An increase in cases will result from additional investigations expected to be undertaken by the Division of Family and Youth Services.

Public Defender - As a result of changes in policies of the Division of Family and Youth Services, the number of CINA cases is expected to significantly increase case activity. Parents have a right under Alaska law to representation by court-appointed counsel in CINA cases and criminal cases if they cannot afford their own attorney.

Department of Corrections

This legislation would expand penalties relating to certain crimes against children. These changes are expected to increase the number of incarcerations and the length of time served.

Department of Health and Social Services

This bill affects a broad range of departmental programs, including substance abuse treatment and family support services; social services for children in need; and temporary foster care or permanent adoption homes.

Additional adoption placements resulting from these changes in the law are separate from the placement backlog.

Department of Law

Criminal Division - Enactment of this legislation will add new criminal provisions as well as increase the penalties for those people who kill or harm children by abuse and neglect. The bill would make it easier to charge individuals who harm children with more serious offenses, and increase the sentences they may receive.

Civil Division - Changes in this bill include tightening definitions to clarify when a child is in need of aid and when state intervention is justified. A significant change involves time limits, the setting of deadlines, and a more concrete definition of parental responsibilities. Cases will proceed to a termination trial much faster to ensure that when reunification with family is not in the child's best interest, the child can be made legally eligible for placement in a permanent home more quickly.

Court System

The Alaska Court System is anticipated to submit a separate fiscal note regarding impacts of the bill.

(7)
Date Referred to Committee: February 2, 1998

FURTHER REFERRALS:

Judiciary
Finance

Date of Committee Action: 4/2/98

The HEALTH, EDUCATION AND SOCIAL SERVICES Committee considered:

HB 375

HOUSE BILL NO. 375

CRIMES AGAINST CHILDREN/FOSTER CARE

"An Act relating to children in need of aid matters and proceedings; relating to murder of children, criminally negligent homicide, kidnapping, criminal nonsupport, the crime of indecent exposure, and the crime of endangering the welfare of a child; relating to registration of certain sex offenders; relating to sentencing for certain crimes involving child victims; relating to the state medical examiner and reviews of child fatalities; relating to teacher certification and convictions of crimes involving child victims; relating to access, confidentiality, and release of certain information concerning the care of children, child abuse and neglect, and child fatalities; authorizing the Department of Health and Social Services to enter into an interstate compact concerning adoption and medical assistance for certain children with special needs; authorizing the establishment of a multidisciplinary child protection team to review reports of child abuse or neglect; relating to immunity from liability for certain state actions concerning matters involving child protection and fatality reviews and children in need of aid; relating to persons required to report suspected child abuse or neglect; relating to foster care placement and to payment for children in foster and other care and the waiver of certain foster care requirements; relating to the access to certain criminal justice information and licensure of certain child care facilities; amending Rule 218, Alaska Rules of Appellate Procedure; amending Rules 1, 3, 15, 18, and 19, Alaska Child in Need of Aid Rules; and providing for an effective date."

recommends it be replaced with the following committee substitute CS HB 375 (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) Corrections, H+SS
Court System

fiscal note(s) Multiple 2/2/98

zero fiscal note(s) _____

zero fiscal note(s) _____

SIGNING WITH RECOMMENDATIONS	DP	DNP	NR	AM
<i>Fred Dyer</i>	✓			
<i>Don Bueck</i>	✓			
<i>Don Bueck</i>	✓			
<i>Don Bueck</i>	✓			
<i>Don Bueck</i>	✓			

CHAIR'S SIGNATURE

Don Bueck

*Elmer Lindstrom***OFFICE OF THE GOVERNOR**

OFFICE OF MANAGEMENT AND BUDGET

P.O. BOX 110020
JUNEAU, ALASKA 99811-0020
PHONE: (907) 465-4660
FAX: (907) 465-3008

March 13, 1998

The Honorable Mark Hanley, Representative
 The Honorable Con Bunde, Representative
 Alaska State Legislature
 State Capitol Building, Rm 104
 Juneau AK 99801-1182

RECEIVED

MAR 13 1998

OFFICE OF THE COMMISSIONER
DHSS JUNEAU

Dear Rep. Hanley and Rep. Bunde:

The governor's FY99 budget included resources for all the agencies involved in child protection to implement a zero tolerance policy for child abuse and neglect. We know for certain that a piecemeal approach will not work to solve the immediate crisis or to establish the child protection system Alaskans demand. We must construct and fund a comprehensive, interdisciplinary approach that goes beyond a single division or department. It must balance resources to provide for prevention, early intervention and swift definitive action to protect children and provide them with safe permanent homes. This necessarily involves adding resources not only for social workers and foster care, but for troopers and VPSO's, the legal system, substance abuse treatment, and community-based prevention efforts. While these efforts are essential under current statutes, the timeframes and other provisions of HB 375 make the urgency for additional resources even greater. If stricter timelines become law, failing to adequately fund the interrelated pieces could cause further crises in an already overburdened system. I know that consequence is unacceptable to all of us.

We proposed to fund the additional resources needed for child protection with reallocated state dollars previously required to match federal Medicaid funds. As we have pointed out in testimony to your committees and others, implementing a policy of appropriate response to all reports of child abuse and neglect does not require a change in law. In fact, our current law requires such a response. The child protection resources proposed in the governor's FY99 budget are necessary to enable our child protection system to function as intended by current law. Passage of HB 375 would improve our ability to achieve the policy goal of protecting children earlier and more effectively, but we need the resources proposed in our budget regardless of any change in law.

The Honorable Mark Hanley
The Honorable Con Bunde
March 13, 1998
Page 2

The usual test for a fiscal note is whether the proposed law would cause or require a programmatic change with a fiscal impact. HB 375 would not change the current statutory policy on response to reports of harm. It would assist in achieving the goals of a zero tolerance policy by allowing earlier, more effective interventions, and establishing clear timelines for movement toward safe permanent homes for abused children.

Since the cost of strengthening our child protection teams to implement zero tolerance did not require statutory change and was already included in our Smart Start budget proposal (as subsequently modified in our amendments), we did not believe a fiscal note was appropriate. The exceptions are Corrections, where there would be additional costs because of longer sentences and the State Medical Examiner's Office to establish a Child Fatality Review process. The first year Corrections cost of \$21.6 was so minimal that we intended to absorb it within the FY99 proposed budget; likewise for the State Medical Examiner. However, as longer sentences are implemented, the cost will increase over time. Due to a miscommunication on my part, that fiscal note was not forwarded along with the bill. It is, however, a cost that will be borne only if the bill passes and therefore is appropriate for a fiscal note.

Since new staff are phased in throughout FY99, some additional costs will be incurred to annualize these positions in FY00, which we would have incorporated in next year's budget. However, it is not appropriate to assume that this will mean an overall increase in the budget. The difficult decisions about how to balance these increases within an overall responsible budget level would have taken place in the normal course of developing the governor's FY00 budget next fall.

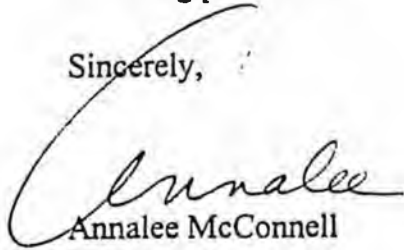
Several forces are occurring simultaneously that make it difficult to precisely define the cost of zero tolerance. First, additional staff will be required to meet statutory mandates under either the existing law or the law as revised by HB 375. Second, the heightened public awareness has already increased both reports of harm and formal legal child protection interventions significantly above the previous level. Third, many of the provisions of HB 375 would allow earlier intervention and assist in placing children in permanent homes more quickly. More intensive initial efforts may help offset the impact of increased reports. Finally, increased prevention efforts proposed in Smart Start are designed to reduce the future need for child protection response, helping to level and reduce the costs over time.

The legislature may prefer to fund the additional resources necessary for child protection through fiscal notes. If so, the attached information shows the reallocation in the

The Honorable Mark Hanley
The Honorable Con Bunde
March 13, 1998
Page 3

governor's budget needed to implement zero tolerance. Additional funds for child protection—either appropriated in the budget process or as a fiscal note associated with HB 375—will be essential to meet our legal mandate either under the current law or with changes proposed under HB 375. It will be critical to balance funding throughout the departments involved in the child protection system to assure that the system can operate effectively and that one agency's lack of resources does not prevent children from receiving protection.

Sincerely,



Annalee McConnell
Director

cc: Finance Co-Chairs

attachments



STATE OF ALASKA
OFFICE OF THE GOVERNOR
JUNEAU

HB 375

P.O. Box 11000
Juneau, Alaska 99811-0001
(907) 465-3500
Fax: (907) 465-3511

January 30, 1998

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

Dear Speaker Phillips:

More than 15,500 reports of child abuse or neglect were filed last year in Alaska. National statistics have shown Alaska has the highest rate of child abuse and neglect among all 50 states with 38 substantiated cases for every 1,000 children in the state's population. These disturbing numbers have steadily increased since the 1980's along with increases in substance abuse and domestic violence. One abuse feeds another. The cycle must stop. We are shirking our greatest responsibility if we don't face this tragedy head on and demand the tools, laws and resources to put an end to it.

This child protection bill I am transmitting to you today is my Administration's effort to improve Alaska's laws to protect our children and prevent the crime that inevitably results when abused kids become angry teens and adults. This bill is part of my Smart Start for Alaska's Children initiative – a comprehensive approach to breaking the cycle of abuse and neglect, stopping family violence, preventing crime, and working together for a bright future for all of Alaska's children.

The bill makes many changes in Alaska law to protect children and prevent crime. The most significant include:

- Updating the child in need of aid laws to put children first and make sure every effort is made to reunify the family when appropriate, and to expedite making the child legally eligible for permanent placement when reunification is clearly not in the child's best interest.
- Increasing penalties for people who kill or harm children by abuse or neglect.

711-211
The Honorable Gail Phillips
January 30, 1998
Page 2

- Establishing a child fatality review team and facilitating the sharing of information to improve our legal tools to investigate child fatalities and more comprehensively address situations that put Alaska children at risk.

- Requiring incarcerated sex offenders to register as sex offenders prior to release from prison.

- Improving criminal laws regarding criminal nonsupport of children by heightening penalties to be sure parents who are able, but choose not to support their children are appropriately punished.

- Authorizing the Department of Health and Social Services to enter into the interstate Compact on Adoption and Medical Assistance to facilitate adoption of hard-to-place children when they move from state to state.

I have proposed attacking Alaska's escalating problem with child abuse on three major fronts: health care, prevention programs, and intervention when children are in peril. Earlier this session, I introduced a bill to expand Medicaid eligibility for children, giving our kids a chance for a healthy start in life. That legislation, along with several initiatives in my proposed budget, boosts programs such as Healthy Families and Head Start to prevent child abuse through education and counseling. This bill completes my Smart Start package by providing the necessary intervention tools to stop abusive situations. It represents my Administration's effort to say we will not allow this harmful situation to continue. I urge you to give this bill and my entire Smart Start package thorough and swift attention.

Sincerely,



Tony Knowles
Governor

**SUMMARY OF CRIMINAL CHANGES
CHILD PROTECTION LEGISLATION**

• **PEOPLE WHO KILL CHILDREN WILL BE CHARGED WITH MORE
SERIOUS CRIMES AND SERVE LONGER JAILTERMS:**

- (A) murder one if a child dies after two acts of violence, conduct knowingly directed toward the child (same child)
- (B) murder one if a child dies during an act of sexual abuse or while kidnapped
murder one sentence is 20 - 99 years
under old law, these would probably be murder two
- (C) murder two if a child dies, negligence, and the person has a prior conviction for a violent crime against a child (different or same child)
murder two sentence is 5 - 99 years.
- (D) minimum 7 years for manslaughter when the victim is a child.
under the old law, 5 year minimum
maximum is 20 years.
- (E) "shaken baby" deaths. death due to brain damage from being shaken. Criminally Negligent Homicide
under the old law, a C felony
under the old law, 0-5 (0-2 benchmark)
under the new law, a B felony
under the new law, 0 - 10 and no benchmark)

• **ADDITION OF FELONY INDECENT EXPOSURE WHEN THE VICTIM IS A CHILD**

- **ENDANGERING THE WELFARE OF A CHILD** expanded -
abandonment of a child
leaving a child with a known sex offender
leaving a child with someone known to injure children

Penalties:

- | | |
|------------------|-------------------------------------|
| Death | - B felony, faces up to 10 years |
| Serious Injury | - C felony, faces up to 5 years |
| Injury | - A misdemeanor, faces up to 1 year |
| Poor supervision | - B misdemeanor (drugs/alcohol) |

- Failure to pay child support will be treated as criminal neglect of a child
- Sex offenders will register before they leave the jail, rather than be given 7 days after they leave the jail.

SUMMARY OF CHANGES TO THE CIVIL CHILD PROTECTION STATUTES

- Child Fatality Review Team in statute with other death investigations.
- Teachers who have sexually abused children will lose their teaching certificates for life.
- Alaska will join the Interstate Compact on Adoption and Medical Assistance
- Children in Need of Aid statutes more precise and practical to work with.
 - Revised definition of abandonment
 - A. more serious w/younger children.
 - B. incarceration
 - C. children left with caretakers and not retrieved
 - D. runaways
 - Medical neglect
 - Physical harm
 - Sexual abuse
 - Emotional harm - dangerous to self or others, observable
 - Physical neglect
 - Substance abuse impairs parenting
 - Mental illness impairs parenting
 - Parents approving illegal and delinquent acts
- Timelines imposed on court process to keep cases moving.
- More participation in hearings by relatives and foster parents.
- Parents have a time-limited window to remedy the problems at home.
- Rehabilitation efforts to return the child home will not be required in aggravated cases:
 - homicide of a child,
 - felony assault on a child,
 - sexual abuse of a child.
- Multidisciplinary teams review DFYS files.
- Criminal background checks required on any licensed home:
 - adults in home
 - juveniles in home;
 - regular rechecks.

Comparing Child Protection Proposals		
LAW	GOVERNOR'S BILL	OTHER BILLS
Murder One AS 11.41.100	Amended in Governor's Bill	Amended in SB 218
Murder Two AS 11.41.110	Amended in Governor's Bill	Amended in SB 218
Crim Neg Homicide AS 11.41.130	Amended in Governor's Bill	Amended in SB 218
Indecent Exposure One AS 11.41.458	Additional statute in Governor's Bill	Additional statute in SB 323
Indecent Exposure Two AS 11.41.460	Amended in Governor's Bill	Additional statute in SB 323
Possession of Child Pornography AS 11.61.127	No change in current law.	Amended in SB 323.
Endangering the Welfare of a Minor One AS 11.51.100	Amended in Governor's Bill	Amended in HB 333; SB 282.
Endangering the Welfare of a Minor Two AS 11.51.110	Amended in Governor's Bill	Amended in HB 333; SB 282.
Criminal Nonsupport One AS 11.41.115	Amended in Governor's Bill	
Criminal Nonsupport Two AS 11.51.120	Amended in Governor's Bill	
Manslaughter AS 12.55.125 (c)	Amended in Governor's Bill	Amended in SB 218

LAW	GOVERNOR'S BILL	OTHER BILLS
First Felony Sentence AS 12.55.125 (k)	Amended in Governor's Bill	Amended in SB 218
Sex Offender Registration AS 12.63.010	Amended in Governor's Bill	Amended in SB 326; HB 252
Notice to Public of Sex Offenders AS 18.65.087.	Amended in Governor's Bill	Amended in HB 273; HB 326; HB 252.
Child Fatality Review Team AS 12.65.005	Additional statute in Governor's Bill	
Notice of Release of Sex Offender AS 33.30.012	Amended in Governor's Bill	Amended in HB 252.
Child Abuse Investigations AS 47.17	Amended in Governor's Bill	Amended in SB 323; SB 295; HB 453; HB 340.
Child in Need of Aid Jurisdiction AS 47.10.010	Amended in Governor's Bill	Addressed in HB 366.
Preference for Kinship Care AS 47.14.100 (e)	No amendment to current law	Addressed in HB 332.
Access to CINA Proceedings AS 47.10.	Amended in Governor's Bill	Amended in HB 340; HB 456; HB 371; HB 340.
Timelines for Permanency	Amended in Governor's Bill	Amended in HB 456.
Permanency Planning for CINA Cases	Amended in Governor's Bill	Amended in HB 456.
Confidentiality in CINA and JD cases AS 47.10.093; AS 47.12.310	Amended in Governor's Bill	Amended in HB 453; HB 456.

LAW	GOVERNOR'S BILL	OTHER BILLS
Licensing Child Placements AS 47.35	Amended in Governor's Bill	Amended in HB 453.
No Teaching Certificates for Sex Offenders AS 14.20.	Amended in Governor's Bill	Amended in SB 323.
Child Protection Teams AS 47.14	Amended in Governor's Bill	Amended in HB 340.
Poverty as CINA Jurisdiction AS 47.10	No change in current law.	Specified in HB 366.
Custodial Rights AS 47.10.084	No change in current law.	Amended in HB 391.
Runaways AS 47.10.141	No substantive change.	Amended in HB 391.
Reasonable Efforts to Return Child Home	Amended in Governor's Bill	
Resources for Foster Parents	Amended in Governor's Bill	Amended in HB 456.

Child Protection Bill Comparison

Governor's HB	Governor's HB 375	CS HB 375	CS HB 375	Other Bill
AS 11.41.100 (a) (2)	Murder One when 2 violent acts toward a child result in death	AS 11.41.100 (a) (2)	Same as original.	SB 218
AS 11.41.100 (a) (3)	Murder One when child dies during sex crime or kidnapping	AS 11.41.100 (a) (3)	Same as original.	SB 218
AS 11.41.110 (a) (5)	Murder Two when child dies and offender has a prior conviction for a violent crime against a child	AS 11.41.110 (a) (5)	Same as original.	SB 218
AS 11.41.130 (b)	Criminally Negligent Homicide is a B felony, rather than a C felony.	AS 11.41.130 (a)	Deleted per single subject rule.	SB 218
AS 11.41.300 (a)(1)(F)	Kidnapping includes restraint with sexual abuse of a minor or fear of sexual abuse	AS 11.41.300 (a)(1)(F)	Same as original.	
AS 11.41.300(d)	Kidnapping mitigated by release of victim without committing sexual assault or sexual abuse in first or second degree	AS 11.41.300 (d)	Same as original.	
AS 11.41.458	Creates felony indecent exposure for sex act in presence of a child	AS 11.41.458	Same as original.	SB 323
AS 11.41.460	Misdemeanor indecent exposure amended to knowing exposure, rather than intentional exposure	AS 11.41.460		SB 323

Child Protection Bill Comparison

Governor's HB	Governor's HB 375	CS HB 375	CS HB 375	Other Bill
AS 11.51.100	Endangering the Welfare of a Child expanded. Leave child under 6 with sex offender or violent person. Babysitter	AS 11.51.100	Broadens original to include any child under 16 as the victim, and eliminates "babysitter" defense.	HB 333; SB 282
AS 11.51.110	Creates a violation for Endangering: caring for child under 6 while possessing drugs, incapacitated or unattended child.	AS 11.51.110	Broadens original to include any child under 10 as a victim and use of drugs during childcare as a violation.	HB 333; SB 282
AS 11.51.115	Felony criminal nonsupport for: hiding assets and accumulating a \$10,000 debt.	AS 11.51.115	Requires \$30,000 cumulative debt.	
AS 11.51.120	Misdemeanor: criminal nonsupport for failure to pay when ordered by an administrative agency or court	AS 11.51.120	Order must be from court, not administrative agency.	
AS 12.55.025 (i)	No amendment	AS 12.55.025 (i)	Prompted by amendment to AS 12.55.125 (k) that adds (1) and maintains (2).	
AS 12.55.125 (c)(2) (B)	Manslaughter minimum raised from 5 to 7 years when the victim is a child	AS 12.55.125 (c)(2)(B)	Same as original.	SB 216
AS 12.55.155 (e)	citation should read AS 12.55.125 (c) (2) (A)	AS 12.55.155 (e)	citation corrected AS 12.55.125 (c) (2) (A)	
AS 12.55.125 (k)	Can aggravate sentence for crim neg homicide when the victim is a child	AS 12.55.125 (k)	Same as original. Amendment to AS 12.55.025 (i).	SB 218

Child Protection Bill Comparison

Governor's HB	Governor's HB 375	CS HB 375	CS HB 375	Other Bill
AS 12.63.010 (a) and (b)	Tightens sex offender registration.	AS 12.63.010 (a) and (b)	Deleted per single subject rule.	HB 252
AS 12.65.005 (a) - 12.65.140	Creates child fatality review team in statute.	AS 12.65.005 (a) - 12.65.140	Open provisions in draft re: who appoints; composition; duties; records	
AS 14.20.020 (f); 14.20.030 (b)	No teaching certificates for sex offenders.	AS 14.20.020 (f) ; 14.20.030 (b)	Same as original.	SB 323
AS 18.65.087 (a)	Allows DOC to register sex offenders	AS 18.65.087 (a)	Deleted per single subject rule.	HB 252
AS 22.15.100	Changes minor to child to clarify CINA rather than JD status.	AS 22.15.100	No change to existing statute.	
		AS 25.23.180 (c)	Amend citation to termination statutes.	
AS 33.30.012 (a)	Allows DOC to register sex offender prior to release and forward info to DPS	AS 33.30.012 (a)	Deleted per single subject rule.	HB 252
	Legislative intent not in statute.	AS 47.05.065	Legislative intent in statute. Broader protections for children in policy	

Child Protection Bill Comparison

Governor's HB	Governor's HB 375	CS HB 375	CS HB 375	Other Bill
AS 47.05.090	Medicaid eligibility for special needs children being adopted out of state.	AS 47.05.090	Same as original.	
AS 47.10.005	Statement to courts on how to construe statute.	AS 47.05.005	Same as original.	
AS 47.10.010	Jurisdictional statement.	AS 47.10.010	Same as original.	
AS 47.10.011	Situations where the state may legally take custody of children.	AS 47.10.011	Situations where the state may legally take custody of children.	
	(a)(1) abandoned child		(a)(1) abandoned by 1 parent and the other parent creates CINA status	
	(a)(2) incarcerated parent for DV and failure to provide care		(a)(2) one parent incarcerated and the other parent creates CINA status	
	(a)(3) child left with unwilling or unable custodian		(a)(3) same as original	
	(a)(4) runaway status creates risk to child's physical or emotional health or safety		(a)(5) same as original	

Child Protection Bill Comparison

Governor's HB	Governor's HB 375	CS HB 375	CS HB 375	Other Bill
	(a)(5) medical neglect for both physical and emotional disorders		(a)(4) medical neglect for both physical and mental disorders	
	(a)(6) child has suffered physical harm or is at substantial risk		(a)(6) child has suffered substantial physical harm or is at substantial risk	
	(a)(7) child has suffered sexual abuse or is at substantial risk		(a)(7) same as original	
	(a)(8) emotional harm; DV as prima facie evidence of emotional harm		(a)(8) mental injury (no DV)	
	(a)(9) physical neglect		(a)(9) physical neglect	
	(a)(10) substance abuse impairs ability to parent; relapse provision.		(a)(10) Brice's proposed amendments incorporated	
	(a)(11) mental illness renders incapable of proper care for extended periods of time		(a)(11) mental illness caused physical harm or creates risk of substantial physical harm	
	(a)(12) parents pressure child to act illegally		(a)(12) same as original	

Child Protection Bill Comparison

Governor's HB	Governor's HB 375	CS HB 375	CS HB 375	Other Bill
AS 47.10.013	Abandonment defined so that younger children can get permanent homes faster.	AS 47.10.013	Amended to require state to prove "intent." 3-month period for all ages.	
AS 47.10.014	Neglect defined more specifically than in AS 47.17.290	AS 47.10.014	Deletes "emotional health and development;" uses mental health and development	
AS 47.10.017	Defines physical harm as a criminal assault by a parent; includes substantial risk of injury	AS 47.10.017	Same as original.	
		AS 47.10.019	Limits jurisdiction solely based on poverty, housing, or peculiar lifestyle.	HB 366
AS 47.10.020 (a)	Format for Child In Need of Aid (CINA) petition	AS 47.10.020 (a)	Same as original, with "if known" tribe, rather than "if any."	
		AS 47.10.030(b)	Notice of hearing expanded to out of home caregivers for child; requires proof of notice by service and filed prior to hearing	
AS 47.10.050 (a)	GAL should be appointed in any CINA proceeding.	AS 47.10.050 (a)	Same as original.	
AS 47.10.070 (c)	Allows foster parents to receive notice of hearings, attend hearings, and be heard.	AS 47.10.070(a)	Department sends notice to parties and out of home caregivers.	

Child Protection Bill Comparison

Governor's HB	Governor's HB 375	CS HB 375	CS HB 375	Other Bill
AS 47.10.080 (a)	Allegations must be proven within 120 days of probable cause finding	AS 47.10.080 (a)	Same as original.	
AS 47.10.080 (c)(1)	GAL can request extension of legal custody; Parties get advance notice of move and may request a hearing.	AS 47.10.080(c)(1)	Amended to allow a one-year extension of custody; prior notice of a transfer to parties, caregivers, and healthcare providers	
AS 47.10.080 (c) (2)	GAL can request extension of supervision by DHSS	AS 47.10.080(c)(2)	Amended to allow a one-year extension of custody, rather than two years. GAL can request extension.	
AS 47.10.080 (c) (3)	Termination of Parental Rights Order followed by annual reports on permanency	AS 47.10.080(c)(3)	Requires quarterly reports on permanency	
AS 47.10.080 (f)	Requires at least annual permanency hearings; GAL can request review.	AS 47.10.080(f)	Requires at least annual permanency hearings; GAL can request review. Notice to healthcare providers.	
AS 47.10.080 (i)	Decision on appeal within 90 days.	AS 47.10.080(i)	Decision on appeal within 90 days; deadline using oral argument.	
AS 47.10.080 (l)	Permanency hearing within 12 months of removal as calculated in AS 47.10.088(f)	AS 47.10.080(l)	Same as original.	
AS 47.10.080 (l)	Court findings on permanent plan for child	AS 47.10.080(l)	Findings expanded to meet new federal language.	

Child Protection Bill Comparison

Governor's HB	Governor's HB 375	CS HB 375	CS HB 375	Other Bill
AS 47.10.080 (o)	Grounds to terminate parental rights based on incarceration of parent	AS 47.10.080 (o)	Addition of "not another parent willing and able to care for the child;"	
		AS 47.10.080(p)	Visitation order requires visit w/in 72 hours and weekly.	
		AS 47.10.080(q)	Info Department must provide to foster parents	
		AS 47.10.080 (r)	Info parents must provide to the Department	
		AS 47.10.080(s)	Department may not change a placement without a court order unless: requested;abuse;return or adoption	
		AS 47.10.080(t)	Department shall give 14 days advance written notice by certified mail to request a change in placement.	
AS 47.10.082	Best interests of child must be considered at disposition	AS 47.10.082	Addition of "health and safety of the child shall be the paramount concern."	
AS 47.10.086	Amendments to "reasonable efforts" requirement to conform to federal law, with (c) (4) and (5) added by state.	AS 47.10.086		

Child Protection Bill Comparison

Governor's HB	Governor's HB 375	CS HB 375	CS HB 375	Other Bill
		AS 47.10.086 (a)	(a)(1)(2)(3)case planning and documentation	
		AS 47.10.086(c)(1)	deletes sexual abuse; needs chronic mental harm to comply with federal standard	
AS 47.10.086 (i) 4-5		AS 47.10.086(c) 4-9	additional grounds to stop reasonable efforts to return the child home	
		AS 47.10.086 (d)	Stop reasonable efforts to return child home if parents fail to make reasonable efforts for 12 months.	
AS 47.10.088	Amendments to "termination of parental rights" to conform to federal law, with (d) (4) and (5); (g) added by state.	AS 47.10.088	same as original	
AS 47.10.088(j)	Requires trial on petition to terminate parental rights within 6 months of filing.	AS 47.10.088(j)	same as original	
AS 47.10.088 (k)	Requires decision on termination of parental rights within 90 days of trial completion.	AS 47.10.088(k)	same as original	
AS 47.10.092 (a)	Allows DHSS to respond to legislators with info about child and family, not just the child.	AS 47.10.092(a)	Requires DHSS to copy documents; get proof of request; and makes it a duty to respond to a request	

Child Protection Bill Comparison

Governor's HB	Governor's HB 375	CS HB 375	CS HB 375	Other Bill
AS 47.10.093(b)	Loosens confidentiality restrictions: state ME; teams; reporter of harm; federal law enforcement; CSED.	AS 47.10.093 (b)	Specific amendment for foster parents.	
AS 47.10.142(a)	Emergency custody when a sibling is sexually abused	AS 47.10.142(a)	removes requirement of "gross" neglect;	
		AS 47.10.142 (c)	Requires department to provide why released and to whom released, to parents.	
		AS 47.10.960	No duty of care.	
AS 47.10.990	Definitions amended to include additional terms. Some definitions from CINA Rule 2.	AS 47.10.990	Emotional harm deleted; mental injury inserted.	
	(a)(18) reasonable efforts are time-limited services to prevent removal and to return home		(a)(18) reasonable efforts are consistent attempts to offer services	
AS 47.12.310 (b)	Loosens confidentiality in JD cases, includes federal law enforcement, ME.	AS 47.12.310(b)	Mandates a response by the department; adds specific amendments for foster parents.	
AS 47.14.100 (d)	Allows DHSS to provide respite care to foster parents for stress relief.	AS 47.14.100(d)	same as original	

Child Protection Bill Comparison

Governor's HB	Governor's HB 375	CS HB 375	CS HB 375	Other Bill
		AS 47.14.100 (e)(1)and(2)	Amends blood relative preference to comply with requirements of licensed caregivers	
		AS 47.14.100(i)	Requires department to consider removing risk from home before removing child from home	
		AS 47.14.100(d) and (h)	Department must present review panel recommendations to court.	
AS 47.14.300	Allows the use of multidisciplinary teams as a resource for CINA cases. Alternate proposal to be made as amendment.	AS 47.14.300	Alternate proposals to be made as amendments	
AS 47.17.020 (a)	Mandates members of child fatality review team and multidisciplinary team to report child abuse and neglect.	AS 47.17.020(a)	same as original	
AS 47.17.020 (h) and (i)	Clarifies when DV and Alcohol treatment providers must make mandated reports.	AS 47.17.020(h)and (i)	same as original	
		AS 47.17.030(g)	adds subsection requiring worker to go to AG to seek a TRO, to prevent removal	
AS 47.17.033	Allows DHSS to investigate criminal histories of parents and perpetrators.	AS 47.17.033	same as original	

Child Protection Bill Comparison

Governor's HB	Governor's HB 375	CS HB 375	CS HB 375	Other Bill
	Proposed amendments to AS 47.17.035(b) through Rep. Brice	AS 47.17.035(b)	Amendments to duties of DFYS in DV cases	
AS 47.35.017 (b)	Requires criminal background check, including fingerprints, for licensed homes.	AS 47.35.017(b)	Adds OL and SSN to application; also requires criminal background checks	
AS 47.35.022	No license when certain criminal histories uncovered; procedure for rechecks.	AS 47.35.022	same as original.	
AS 47.35.023 (b)	Emergency license for 180 with partial compliance with criminal background check	AS 47.35.023(b)	Emergency license for 90-day period, to be extended, after partial compliance.	
AS 47.35.047 (b)	Licensee has duty to report new offenses.	AS 47.35.047(b)	same as original	

Child Protection Law Comparison

SUBJECT	CURRENT STATE LAW	FEDERAL LAW	GOVERNOR'S PROPOSAL
Abandonment	Requires no one caring or willing to provide care	No change	Requires a conscious disregard of parental duties without justifiable cause; more serious with children younger than 6 years old.
Incarceration	Not grounds to take legal custody of children. May be grounds for termination of parental rights.	No change	Incarceration for DV and incarceration that leaves children unattended may be grounds for: jurisdiction, stop reasonable efforts; termination
Child left with unwilling custodian	Abandonment	No change	Specifically addressed and separated from abandonment
Child refuses to go home	Abandonment	No change	Child refuses to go home and that conduct places the child at risk of harm; separated from abandonment.
Medical Neglect	Knowing failure to provide needed physical or mental health treatment to prevent "substantial" physical harm or for observable severe mental harm	No change	Knowing failure to provide treatment for any physical condition and observable severe emotional conditions
Physical Harm	Child has suffered substantial physical harm or is at imminent and substantial risk of suffering such harm	No change	Child has suffered physical harm or is at substantial risk of suffering such harm
Sexual Abuse	Child has been sexually abused or is at imminent and substantial risk of being sexually abused	No change	Child has suffered sexual abuse or is at risk of suffering sexual abuse. Some types of risk are specifically defined.

SUBJECT	CURRENT STATE LAW	FEDERAL LAW	GOVERNOR'S PROPOSAL
Emotional Harm	Not grounds to take legal custody of children.	Federal law mandates reporting of mental injury; 42 USC 671 (a) (9) (A)	Requires an observable impairment which creates a serious risk to the child or others
Physical Neglect	Requires that the child has suffered substantial physical neglect	No change	Failure to provide for basic needs; Endangering the Welfare of a Minor; Criminal Nonsupport; Contributing to the Delinquency of a Minor; failure to pay child support is neglect.
Addiction or Habitual Use of Intoxicants	Not grounds to take legal custody of children unless there is substantial physical neglect or imminent and substantial risk of physical harm.	No change	Ability to parent is impaired by habitual or addictive use; relapse creates risk.
Mental illness	Not grounds to take legal custody of children unless there is substantial physical neglect or imminent and substantial risk of physical harm.	No change	Ability to parent is impaired for extended periods of time due to mental illness of parent
Delinquency	Requires that parents pressure, guide, or approve commission of delinquent acts	No change	No change
Petition	12 hours to file once children are removed	Not in statute	24 hours to file once children are removed
Reasonable Efforts	Reasonable efforts to prevent removal and to return child home required	No longer requires reasonable efforts if: homicide of child; felony assault of child; sexual abuse; chronic abuse or neglect. 42 USC 671 (a) (15)	Same as federal law, with additional provisions when: parental rights to sibling terminated; long-term incarceration; one parent kills the other parent. AS 47.10.086(c)
Confidentiality	Files confidential with limited exceptions	Requires procedures to protect confidentiality of files 42 USC 671 (a) (8).	Expands exceptions to include: child fatality review team; multidisciplinary team; CSED; federal law enforcement; mandated reporters.
Adjudication	No time requirement	No provision	Must be completed within 120 days of probable cause finding. AS 47.10.080 (a).

SUBJECT	CURRENT STATE LAW	FEDERAL LAW	GOVERNOR'S PROPOSAL
Permanency Hearing	18 months after child is removed from home	12 months after date of removal as calculated under federal law. 42 USC 675 (5) (C)	12 months from removal as calculated in federal law. AS 47.10.080 (l).
Date of removal	Date of child's removal from home.	Date of removal is whichever occurs first: 1) first judicial finding of abuse or neglect, or 2) 60 days from removal. 42 USC 675 (5) (F).	Date of removal is whichever occurs first: 1) first judicial finding of abuse or neglect, or 2) 60 days from date of removal. AS 47.10.088 (f).
Termination of Parental Rights	Always permissive; requires clear and convincing evidence that the parental conduct is likely to continue; reasonable efforts by a preponderance. 47.10.080 (c) (3).	Mandatory petitions when: 1) child in foster care 15 of 22 months; 2) homicide; 3) felony assault; 4) abandoned infant. 42 USC 675 (5) (E).	Must prove by clear and convincing evidence that the parents have not changed; by preponderance that reasonable efforts complied with; mandatory petitions. AS 47.10.088.
Timelines for Termination	No specific timelines.	No specific timelines.	Trial 6 months after petition filed. AS 47.10.088 (j); Ruling 90 days after trial. AS 47.10.088 (k); Appellate ruling 90 days after briefing. AS 47.10.080 (i).
Concurrent Planning	No provision.	Required during reasonable efforts and during permanency proceedings. 42 USC 671 (a) (15) (F) and 42 USC 675 (E)	Required during reasonable efforts and during permanency proceedings. AS 47.10.086 (e) and AS 47.10.088 (i).
Documentation of Efforts to Find Permanent Home	No provision.	Required documentation of child-specific recruitment efforts, including efforts to find an adoptive home in another state. 42 USC 675 (1) (E)	Required documentation of child-specific recruitment efforts. AS 47.10.088 (i).
Criminal Background Checks	Required checks of parents to determine history of domestic violence - AS 47.17.035; Self-report on licensed placements - AS 47.35.047.	Required criminal background checks on any licensed placement. 42 USC 671 (a) (20).	Required criminal background checks on any licensed placement with rechecks. AS 47.35.017; 47.35.022; 47.35.023; 47.35.047.
Healthcare Coverage	Duty to kids in custody and out of home. AS 47.10.084 (a); subsidize special needs and hard to adopt kids.	Required insurance coverage on all special needs and hard to adopt children. 42 USC 671 (a) (21).	Subsidy continues. State joins Interstate Compact on Adoption and Medical Assistance. AS 47.05.090.
Participation in Hearings	Parties to the case, otherwise in the court's discretion. AS 47.10.070.	Foster parents and relative caretakers get notice and an opportunity to be heard. 42 USC 675 (5) (G).	Foster parents and relative caretakers get notice and an opportunity to be heard. AS 47.10.070 (c).

SUBJECT	CURRENT STATE LAW	FEDERAL LAW	GOVERNOR'S PROPOSAL
Multidisciplinary Team	No provision.	Allows the state to create multidisciplinary teams. 42 USCS 5106a(a) (2) (A).	Allows DFYS to create multidisciplinary teams. AS 47.14.300.
Kinship Care	Blood relative must be used as a placement unless there is clear and convincing evidence that physical or emotional damage will occur. AS 47.14.100 (e).	Requires state to give preference to adult relative provided the relative meets state child protection standards. 42 USC 671 (a) (19).	No change.
Citizen Review for Permanency Planning	Reviews all cases of out-of-home children every 6 months. Child must be in least restrictive and most family-like setting in close proximity to home. AS 47.17.200 - 299.	Requires creation of Citizen Review Panels. 42 USC 5106a (c). Requires least restrictive most family-like setting, most appropriate setting, in close proximity to home. 62 USC 675 (5).	No change.
Appointment of Guardian Ad Litem	Mandatory if an investigation results in a judicial proceeding. AS 47.17.030 (e).	Mandatory if a judicial proceeding results. 42 USCS 5106a (b) (2) (A) (ix).	Addition of mandatory language to AS 47.10.050.
Child Fatality Review Panel	Not in statute	Allowed in statute with provision mandating disclosure or reports. 42 USC 5106a (b) (2) (A) (vi).	In statute. AS 12.65. Disclosure of reports in AS 12.65.140 (b).
Investigation	Criminal background checks on parents required to determine if DV involved. AS 47.17.035	Not addressed.	Criminal background checks of every parent or perpetrator of abuse or neglect is allowed. AS 47.17.033.
Respite Care for Foster Parents	Only when child has a mental or physical impairment or disability; or for emergencies. AS 47.14.100 (d) (2).	Allowed as temporary relief to foster parents. 42 USC 629a (1) (D).	Respite care for foster parents as temporary relief. AS 47.14.100 (d).
Appeal of Agency Finding	Grievance procedure in 7 AAC 54.205 - 240.	Requires appeal process for agency findings. 42 USCS 5106a (2) (A) (xi) (II).	No change.
Racial Discrimination	Not in statute	Race cannot be the basis of delaying an adoption or placement. 42 USC 671 (a) (18).	No change.

SUBJECT	CURRENT STATE LAW	FEDERAL LAW	GOVERNOR'S PROPOSAL
Expedited Permanence for Infants	Not in statute.	Required in 42 USCS 5106a (b) (2) (A) (xi) (I) for abandoned infants.	Expedited for children younger than 6 years old. AS 47.10.013 and 47.10.088 (d) (2).
Child Rights vs. Parental Rights	Outcome of case is determined by burden of proof and best interests of child.	Child's health and safety is of paramount concern. 42 USC 671 (a) (15) and 42 USC 629b (a) (9).	Best interests of child is primary concern. AS 47.10.086 (f) and 47.10.088 (b) and (c).



CHILD PROTECTION BRIEFING PAPER

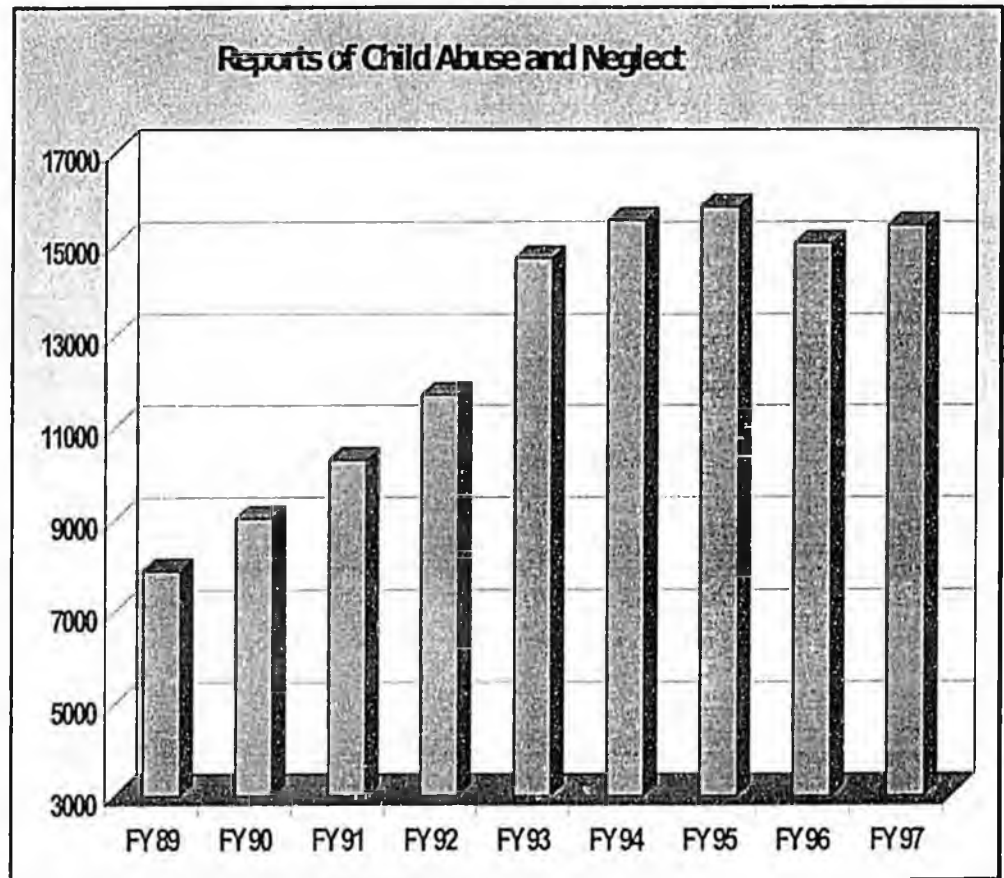
State of Alaska

Division of Family and Youth Services

Finding new solutions to old problems

Audits steer Alaska toward a better child protection system

Alaska must do a better job of protecting its children. During the past nine years, the number of reports of child abuse and neglect has nearly doubled with no increase in staff to respond. As a result, numerous reports of harm are never investigated. At-risk children are left too long in unsafe homes, and children who need a safe, permanent place to live often languish in state custody. Often-preventable substance abuse and domestic violence continue to ravage families, leaving the children with a shattered childhood and a future likely filled with continued abuse and neglect.



During the past six years, the Division of Family and Youth Services – Alaska’s lead child protection agency – has been the subject of several major audits and reviews. Most of these were internal audits prompted and conducted by the Department of Health and Social Services; some were independent reviews commissioned by the department. The Legislature also conducted an audit of its own in 1992.

The reviews identified key issues impacting the effectiveness of Alaska’s child protection system. Among these are lack of coordination between child protection agencies, insufficient access to critical information needed by child protection to support effective case work decisions, statutes that are unclear or inadequate to allow effective early intervention, outdated policies that do not provide clear guidance, inconsistent and insufficient social worker training, and a management structure that promotes inconsistency.

Aside from concerns raised in the audits and reviews, the department has identified other problems within DFYS. For instance, the division for years has experienced unacceptably high vacancy and turnover rates. This has compounded the division's troubles by contributing to already excessive child protection caseloads.

These and other problems must be confronted and fixed. The Knowles administration recognizes this fact and is committed to making sure DFYS and other state agencies have the resources and tools they need to protect Alaska's children from abuse and neglect.

This briefing paper will give a history of the DFYS audits and reviews, summarize the primary concerns raised in the reports, and then outline what the Department of Health and Social Services is doing internally to address those concerns.

Chronology of audits and reviews:

- 1992 – Legislative audit: DFYS, selected issues and concerns
- 1996 – Administrative review, DFYS Anchorage office
- 1996 – University of Washington full case-file audit of Anchorage office
- 1997 – Fairbanks Child Fatality Review, Departments of Law, Corrections, Public Safety and Health and Social Services
- 1997 – Child Protection Review Team report to Gov. Knowles
- 1997 – Review of five child protection cases, Kempe Children's Center
- 1997 – Statewide review of cases with multiple (6+) reports of harm, Department of Health and Social Services

What did we learn from the audits and reviews?

The reports found numerous things the Division of Family and Youth Services should be doing to assure Alaska's children are better protected. What follows is a summary of those findings and recommendations.

Management

- For much of the past decade, DFYS has been organized on a regional basis, instead of along program lines. This has resulted in:
 - blurred lines of accountability and reduced management effectiveness;
 - inconsistent policies and practices between regions;
 - reduced effectiveness of statewide program development;
 - decreased focus on child protection efforts;
 - reduced effectiveness of the agency training program.
- The division's business processes need to be re-examined and re-engineered to:
 - improve record-keeping and record management;
 - increase accessibility of key information to support fully-informed casework decisions;
 - increase effectiveness in carrying out mission-critical activities;
 - improve work flow across units;
 - improve efficiency and increase support for social workers.

'... The Department shall, for each report received, investigate and take action ... that may be necessary to prevent further harm to the child or to ensure the proper care and protection of the child.'

AS 47.17.030

Casework Practice

- Screening and investigations:
 - Alaska's statutory mandate to investigate all reports of harm is not being met – children are being left at risk.
 - Screening of reports to assess priority for investigation is inconsistent from region to region.
 - Investigative practices have been strongly influenced by the “family-preservation” policy that was implemented in 1991-92. The policy sought to minimize agency intervention and emphasized preservation of the family over focus on child safety. As a result, the minimum level of investigation necessary for a reliable assessment of risk too often does not occur.
 - Investigative practices have also been shaped by law and court decisions, resulting in a de-facto practice under which intervention occurs only after a report of harm has been substantiated. This often prevents effective early intervention.
 - Investigations too often focus on determination of a specific allegation rather than looking at cumulative of risk of harm – a “single-event” perspective in which reports tend to be viewed in isolation rather than comprehensively. This often prevents a full understanding of family circumstances and real risk to children.
- Case planning and follow-up services:
 - Inadequate training too frequently results in cases that lack a full assessment of family dynamics and the circumstances that underlie or present risks to children.
 - Case plans tend to be task-oriented, rather than outcome-oriented. Instead of focusing on demonstrated changes in behaviors or circumstances that eliminate risk of harm to children, case-plans too often focus on whether the specific tasks have been undertaken.
 - Case workers have too few direct contacts with families.
 - Concurrent planning – simultaneously developing plans for reunification and alternative placement – needs to start at the beginning of the case.

Supervision

- Supervisory responsibilities in casework decision making, quality assurance, training and staff development needs have been poorly defined. This limits the effectiveness and accountability of supervisors.
- Supervisory oversight and decisions need to be accurately and consistently documented in case files.
- DFYS lacks a standardized quality-assurance process for continuous case reviews by supervisors to ensure consistent adherence to practice standards by staff agency-wide and to make sure staff constantly identify and correct problems and improve casework.

Training

- Training has been inconsistent over time and across regions, which has diminished the quality and efficiency of casework.
- Efforts to develop an overall, competency-based education program for staff have been hampered by continuing shifts in administration, policy and funding.
- Key areas of training needs are:
 - investigation methods;
 - risk assessment;
 - outcome-based case planning and case management;
 - substance abuse assessment and treatment dynamics;
 - understanding the link between domestic violence and child abuse and improving planning skills to ensure the protection of child and mother in domestic violence situations.

Coordination and Collaboration

- Coordination among key agencies with child protection responsibilities must be improved through regular meetings, protocols for coordinated efforts, and informal cooperation at all levels.
- Increased sharing of information among agencies is critical to assure that key decisions made in child protection processes are sound and effective.
- Multidisciplinary teams – made up of officials from all agencies with a role in child protection – should be formed to improve decision making in particularly complex or difficult cases.

Policies

- Alaska's risk-assessment policies, tools and processes need to be revised to provide better guidance for social workers. Policies that determine the basis for intervention and case-planning decisions also should be strengthened.
- Investigation policies and guidelines need to be updated and improved. Policies and procedures have not been comprehensively updated in nearly 10 years. Many changes in law and practice have occurred and the framework guiding practice should be revised and formatted to be more useful for social workers.
- Child fatalities from abuse or neglect went undetected.

Laws

- Alaska child protection laws lack clear statement of purpose and intent, leaving them open to broad and sometimes conflicting interpretation.
- Alaska laws are narrower than almost any other state in some respects, limiting intervention in neglect case to those in which physical harm has occurred.
- Current court interpretation of statutes make early intervention very difficult or impossible in cases of chronic neglect.
- State law does not set out clear schedules or time-limits that would move cases more quickly toward permanency and focus on the best interests of children.
- Current law does nothing to promote collaboration and effective coordination among various child protection agencies.

What are we doing to fix the problems and meet the recommendations?

By undertaking these extensive audits and reviews, the Department of Health and Social Services has taken the first step toward fixing Alaska's child protection system. But department officials recognize that the harder and more important work remains ahead.

Based on what was learned from the audits and reviews, the department has identified a number of actions that will make sure Alaska does a better job of protecting children from abuse and neglect. Some changes are already in place, and plans for numerous other fixes are in the works. Many of the solutions call for administrative changes that the department and other agencies can make on their own. But many more of the solutions will require help from the Legislature.

Following is a detailed list and brief description of the major changes that are being made or proposed by the department and the Division of Family and Youth Services.

Ensuring Alaska's children are as safe as they can be

- Develop a zero-tolerance policy toward reports of child abuse and neglect to assure an appropriate response to all reports of harm, as required by law. (Eliminate the policy and practice allowing no response to some reports -the division's "workload adjusting" procedure.) To make this possible, fill all existing social worker positions and add new social workers.

Screening Outcome of all Reports of Harm – FY 97					
	Total Reports of Harm	Assigned for Investigation		Workload Adjusted	
Office		Number	Percentage	Number	Percentage
Bethel	1361	668	49%	482	35%
Anchorage	5725	5090	89%	589	10%
Kenai	881	669	76%	155	18%
Mat-Su	1052	343	33%	707	67%
Fairbanks	2534	990	39%	1403	55%
Juneau	752	393	52%	182	24%
Ketchikan	422	207	49%	108	26%
All Chtrs	2820	2169	77%	114	4%
Statewide	15547	10529	68%	3739	24%

* Of the total Reports of Harm, 922 (6%) were screened out as non-child protection issues and 358 (2%) were screened out due to insufficient information.

To ensure the safety of our children, we must be able to respond appropriately to all reports of harm in an efficient and timely manner. A zero-tolerance policy, combined with a realistic approach to staffing and training needs, will get us there. It is important to remember that even existing social worker positions are not fully funded – despite large caseloads and a near universal cry to protect our children from harm.

- Establish permanent Child Fatality Review Team.

To prevent abuse- or neglect-related child deaths from going undetected, a review team has been established under the auspices of the State Medical Examiner. The team is made up of the medical examiner, head of the State Trooper Criminal Investigation Bureau, a prosecutor, a local law enforcement official and an experienced social worker. The team reviews all child deaths to assure that those caused by abuse or neglect are investigated and prosecuted – and to make sure surviving children are protected.

- Develop a pilot project that allows a community-based agency to respond to some low-risk reports.

Communities must be a part of the solution. In its FY 99 budget, the department proposes creating an innovative pilot project called triple-track that would promote community collaboration by funding private agencies in at least two pilot communities to provide initial risk assessment and support in low-priority reports of harm. If these assessments indicate a need for greater intervention, they would be returned to DFYS.

- Develop a pilot project to ensure supervised visitation to promote increased family involvement when children are in out of home care, to speed reunification whenever possible, and to identify early on families where reunification is not in the best interest of the children.
- Establish emergency child-care resources in Alaska's three largest cities.

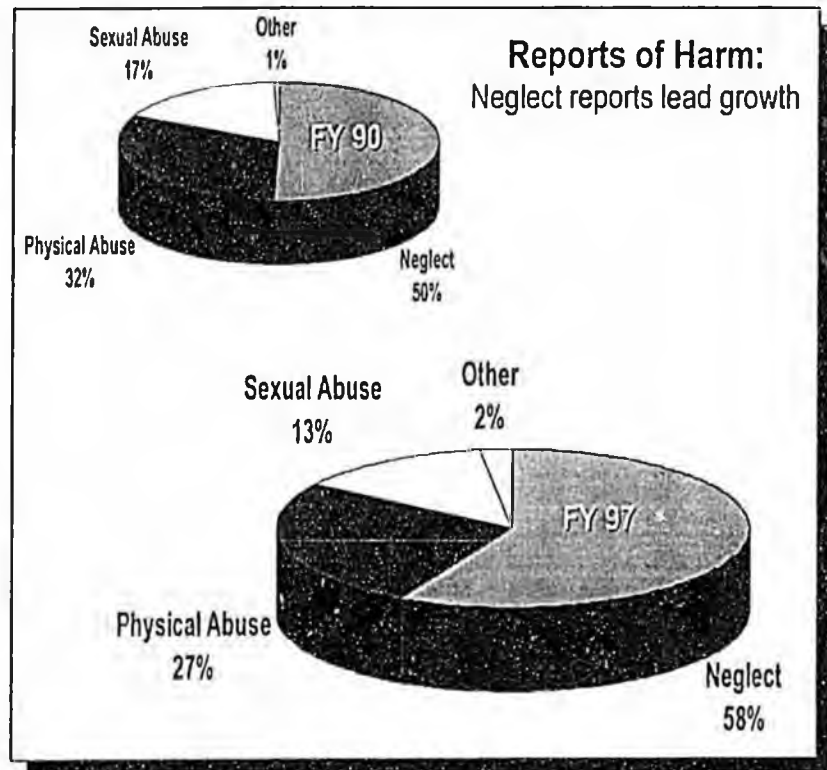
As part of the department's safety net of immediate assistance for children, three new five-bed emergency foster care group home units are planned for Anchorage, Juneau, and Fairbanks.

- Formalize and assure continuation of interdepartmental work by creating regional and community Multidisciplinary Child Protection Teams. These teams would help develop local response capacity to provide on-site, immediate assistance to child victims in rural communities that have few formal resources. The teams would also support community-based collaborative efforts in all Alaskan communities to ensure that responsibility for child protection needs are owned by all of us.

It is the goal of the department to have Multidisciplinary Child Protection Teams in all of Alaska's communities. While this effort will be initiated immediately, it will take some time to develop these community-based, inter-agency safety nets in Alaska's smaller towns and villages. These teams would include local law enforcement, social workers, community leaders, representatives of the court and legal system and other appropriate persons.

- Increase coordination and information exchange with law enforcement on high-risk cases.

Steps have already been taken to increase social worker access to criminal history and domestic violence information, improving their ability to identify and assess risk. Efforts are under way to make sure other crucial information is available to child protection workers. These include cross referencing



sex offender registries with child care licenses and analyzing technologies to increase information exchange within existing systems. A multi-agency effort will also be undertaken to analyze the feasibility, costs, and steps required to develop an integrated information system accessible by all agencies with child protection responsibilities. Work on this action item can begin immediately, but will take time to accomplish.

- Enhance capacity to provide substance abuse, domestic violence (consistent with requirements in the 1996 Domestic Violence Act) and mental health assessments and treatment targeted specifically to abusive/neglectful parents. This will assure problems causing harm can be identified and addressed early so children can remain in their own homes or return home quickly.

With a fully funded child protection team in place, multi-disciplinary teams in the community and a better working relationship among agencies, enhanced assessment and intervention is possible. Placing substance abuse treatment professionals and mental health clinicians in DFYS offices will make assessments and treatment referrals speedier and more accessible to families and consultations more accessible to DFYS staff to assist in case planning.

- Strengthen alcohol treatment services for women and children, and adopt policies that prioritize substance abuse treatment for all parents who are referred for treatment by DFYS workers. Increase domestic violence support services targeted to families in which domestic violence contributes to harm, abuse or neglect of children.

Breaking the cycle of harm requires providing protection for the child and the necessary services to ensure that the home is safe. Enhancing alcohol treatment and domestic violence support services will ensure that children are not returned to unsafe homes.

Building strong and stable families for Alaska's children

- Launch an aggressive foster- and adoptive-home recruitment campaign.

The department plans to offer small community grants to groups who understand the foster care system to immediately respond to prospective foster parents' inquiries of interest. These 25 grants – at an overall cost of \$107,000 – will help increase our foster system's capacity.

- Study relative care in Alaska, and explore different program models that would work best, including the closure of these cases with annual subsidy reviews (possibly through Title IV-E Kinship Care Waivers).

Increasing numbers of foster children find themselves living with their extended families. These foster parents must meet the obligations necessary to protect the child, but are usually ineligible for foster care funding. This study will help us determine the best way to ensure a strong continuity in our foster care system that includes relatives.

- Improve foster care reimbursement rates and provide additional respite care for foster parents.

Qualified foster parents are being driven from the system by a foster care reimbursement rate that has not changed since FY 92 and a lack of adequate funding for needed respite care. These rates must be increased and we must provide needed respite if we are to retain our foster families.

- Increase the support foster parents receive from DFYS.

With our new licensing regulations and a new foster care handbook, we have taken the first step to creating more effective support for foster care. We also plan to enhance the support services we provide through more social worker /foster parent contacts, communication, and training.

- Develop a comprehensive system of foster parent training.

By taking actions to increase access to federal dollars, DFYS has an opportunity to enhance training for staff and foster parents at no expense to the state.

- Adopt agreements with Alaska Native organizations that will enable these groups to receive federal funding for foster care placements made by tribes.

About half of the kids in the custody of DFYS are Alaska Native. Working more closely with this community will help provide a more consistent environment for Native Alaskan children and support tribes' efforts to protect children. Making federal funding accessible to support tribal placements will expand child protection resources at no cost to the state and may help prevent some children coming into state care.

- Help develop strong community-based foster care volunteer support networks.

Supporting foster care cannot be the state's responsibility alone. It is important to promote community-based volunteer efforts to assure that children at risk have full access to a strong foster care system.

- Provide increased funding individualized mental health services for children and youth at the next level below the Alaska Youth Initiative (AYI) program.

While supporting the wrap-around concept that AYI was founded upon, these services will divert lower-risk youth from AYI who were not intended to be served by that program.

- Provide a therapeutic foster care program for seriously emotionally disturbed (SED) children.

It is important to develop a better, community-based approach to providing therapeutic foster care. By contracting with a private non-profit agency, the department will be able to ensure recruitment and training of treatment foster parents who have the ability to serve SED children.

- Increase the availability of family preservation services and better focus these services on critical outcomes.

When possible – and safe for the child – we must seek ways to keep a family together. Expanding the availability of family preservation services can help families remedy conditions that put children at risk and prevent the need for removing children from their homes. Increasing the focus of these

services on achieving key outcomes will increase their effectiveness in achieving the results that are important to both child safety and maintaining families.

- Increase social work staffing to the level necessary to achieve permanent placements within twelve months of a child coming into custody and to reduce the time required for permanent placements for children already in custody. This includes implementing concurrent planning for every child.

Proposed social work staff increases will improve the effectiveness and speed of interventions and help move children through the system faster. While working to place a child back with their family, it is also important that we plan for situations when such placements fail. The faster a child can be placed in a permanent and stable home, the better that child's opportunity to succeed.

- Double the number of children placed in adoptive homes by FY 00 and increasing staff to a level necessary to achieve this.

Proposed staffing increases will help meet the backlog of adoption cases and help move cases through the legal process. We must evaluate the entire system to be sure that we understand the strengths and weaknesses in the continuum of care.

- Support the addition of assistant attorneys general, guardians ad litem, public defenders and support staff necessary to achieve timely and effective legal action to protect children and provide them with permanent, nurturing homes as quickly as possible.

Ensuring Alaska's Child Protection Team is the best it can be

- Work with the University of Alaska to found the Family Services Training Academy. Appoint a Training Advisory Board for DFYS to develop a comprehensive training system to ensure social workers have the knowledge and skills needed to be efficient and effective in making critical decisions. The academy will provide educational opportunities for current workers and supervisors, and the development of a future competent workforce.

The partnership with the University of Alaska will provide pre-employment practicum experience (an essential tool for recruitment); extensive worker training; and an option for child protection workers to return to school and enhance their ability to do their job. These training opportunities will also include a thorough orientation program for all new employees so they will be prepared before handling cases.

- Implement agency-wide training on intake and investigation procedures to improve accuracy and consistency in assessing reports and investigating abuse and neglect, identifying and assessing the risks presented by substance abuse and domestic violence in families, and identifying appropriate responses.

Practices for intake and investigation vary from region to region. We must implement agency-wide training to ensure consistent good practices in our approach to children and families.

- Maximize federal financial support by leveraging existing state resources to ensure continuity, quality, and consistency of training.

Improving methods for claiming federal training funds and the department's partnership with the university should allow us to draw new federal dollars into the state. This allows us to continue to broaden the scope and reach of our training efforts at little or no additional cost to the state.

- Examine, and if necessary, revise the minimum qualifications and job descriptions for all social worker positions.

Standards have not been improved since 1977. As part of our comprehensive approach to quality assurance, we must be sure our child protection team has the qualifications to do the job.

- Assign one personnel specialist in the department's Division of Administrative Services to assist DFYS.

Updating and rewriting job descriptions is a critical need in the division as it moves through its restructuring process.

- Maintain special opening of job registers or ensure that registers remain continuously open throughout the year to fill current vacancies. Propose a letter of agreement with the union to allow the department to use Workplace Alaska for all social work hires.

Maintaining a full work force to handle caseloads requires a strong commitment to flexible hiring practices. Keeping registers open and working through Workplace Alaska will help ensure that positions are filled with the most qualified applicants when vacancies occur – not months later.

- Delegate hiring authority for field positions to regional administrators.

A backlog of hiring decisions has been relieved simply by delegating this authority to regional administrators.

- Determine why workers do not stay with the division.

In addition to efforts to better train and recruit social workers, it is also important to know why child protection workers leave the system in the first place. A survey of present and past employees will help build a more stable system as we identify its strengths and weaknesses from the employee perspective.

- Implement a new agency structure that will provide more direct management focus on child protective efforts statewide and at the regional level.

The division has developed a new structure that places more responsibilities on statewide and regional managers to supervise and support line staff. Working as a more integrated team, our child protection system will do a better job of serving children and families.

- Develop new supervisory standards, including ongoing quality assurance audits. Implement regular, senior level staff meetings to ensure that knowledge of the agency mission and actions is consistent throughout the regions.

To do their part, supervisors also need orientation and training as well as clear standards. With an improved knowledge base, they will be able to adequately monitor and support case practices.

- Contract with the Child Welfare League of America to:
 - Assist in developing a supervisory case-review system;
 - Develop a description of the supervisory role in quality assurance and of related expectations of supervisors;
 - Develop a case-review instrument, a supervisory case-review procedural manual, and a training curriculum for the supervisory case-review process.

This recently implemented contract provides the necessary expertise to comprehensively review our training, orientation, and quality assurance efforts. When complete, there will be clear standards, procedures, and training curriculum to meet ongoing child protection needs.

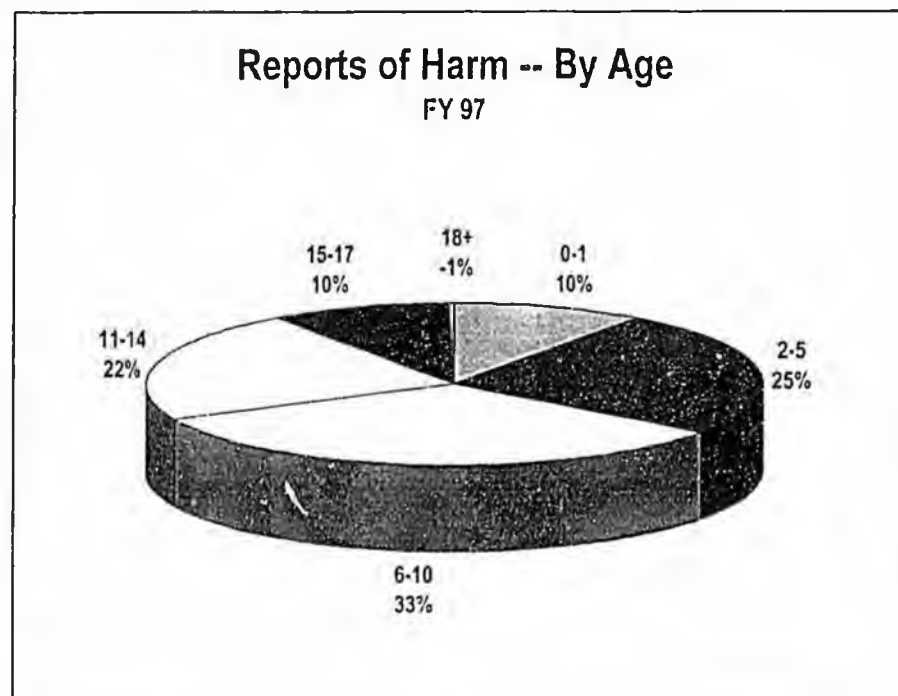
Making laws that work for children

- Develop a comprehensive revision to Alaska's child protection laws to increase the ability to intervene early to protect children and ensure their speedy placement in a safe, permanent home.

Alaska's child protection laws are largely unchanged since the last major revision in 1977. Court decisions in the intervening years have limited the effectiveness of the laws in supporting early intervention and permanent homes for children. Circumstances in child

protection cases have changed significantly in complexity and difficulty over the last 20 years and much has been learned about the impact of abuse and neglect on children and of failure to achieve early permanency and bonding. There is a need to revise our laws to reflect these changes in a number of ways.

- Define "reasonable effort" requirements in state law to eliminate this as a barrier to early permanent placement of children.



The definition of “reasonable effort” to return the child to the home is a floating target, subject to interpretation. These murky definitions threaten a child’s transition to a permanent and safe home, often allowing for unreasonable delays.

- Eliminate the current problem regarding termination of parental rights when parents are “willing but unable” to care properly for their children.

Under current law, a parent who is willing but unable to care for their child may still retain parental rights even if there is no prospect for improvement. Without this necessary change, children suffer by not being allowed an opportunity for a permanent and safe placement.

- Establish a clear standard and/or quicker timelines for decisions on termination of parental rights when very young children are involved.

Young children are our most vulnerable and most salvageable. We must be sure that they are quickly moved to safe, permanent homes before they suffer lasting damage in temporary or unstable settings.

- Include provisions that would change permanency planning hearings from eighteen to twelve months.

All children deserve a quick hearing and a quick decision. Combined with concurrent planning, this provision would speed up the process of providing a child with a strong and stable home.

- Authorize a “foster care waiver” to allow the use of foster care funds to support in-home services as an alternative to out-of-home placements.

A child kept in a home – as long it is a safe home – is likely to do better than one who remains in temporary care for a long period of time. Finding creative incentives to help sustain the family is one way of addressing this concern. DFYS interventions must not be limited to removal of children. Social workers must have the ability to provide real assistance to families so children are not removed from home only because services to keep the family together cannot be provided.

- Eliminate legal and/or policy barriers to using kinship care as permanent placement alternatives for children.

With 40 percent of DFYS children in the care of relatives, it just makes sense to be able to offer incentives to maintain these placements.

- Increase monitoring and prosecution of sexual predators who victimize children.

The damage done to a child by a sexual predator makes transition to adulthood much more difficult. We must ensure that offenders are aware that we will not tolerate their behavior – especially when it is directed to our most vulnerable citizens.

- Pursue fast-track prosecutions in all cases where harm to children involves a crime.

A parent who commits a crime in the presence of or against a child should suffer greater consequences. Just as the use of a weapon in a crime increases the risk to society, so does the victimization of a child who, traumatized by the crime they have witnessed, may have difficulty

adjusting to society and exhibit anti-social behaviors that hurt all of us. Creating stiffer penalties underscores a zero-tolerance policy toward child abuse that will help protect children in the long run.

- Develop new policies to ensure that those who are required by law to make reports of harm hear back from social worker staff within a specific minimum amount of time. (The department also plans to review a California state law that mandates a "reporting back" policy.)

Mandatory reporters often do not know the outcomes of the reports of harm they have made. When a child that they have reported to DFYS comes under their care again, they may not be informed of how the case was dealt with and what actions were taken. To ensure that they provide the best possible service to the child, they should know the outcome of their reports of harm.

- Seek legislation to allow foster or adoptive parents to be at all case staffings or hearings relating to the child.

Foster or adoptive parents should be fully informed about the children they care for and should have the opportunity to share their knowledge of the child to assure decisions made about the child are fully informed. This serves the best interests of the child and their new families.

- Propose legislation to broaden the definition of "neglect" to ensure that children suffering from from emotional and mental neglect are also protected.

A recent court hearing narrowed the definition of "neglect," potentially leaving children at risk. We must strengthen the definition to ensure that children are not needlessly placed at risk.

- Commit \$2.3 million from the General Fund to maintain the current level of funding for the Healthy Families Program and to establish six new program sites.

Healthy Families programs provide necessary pre- and post-natal care, intense home visitation, and parenting training. Together, they ensure that high-risk families have the resources and support they need to raise healthy children.

- Develop a statewide home-visiting service under the Medicaid Program.

This proposal would allow use of Medicaid funds to extend Healthy Families-like programs to Alaska's smaller, rural, predominantly Alaska Native communities.

- Implement a campaign to increase public awareness and understanding of child abuse and neglect and its impact on children. Such a campaign would promote individual and community actions that prevent and help reduce child abuse and neglect.

The public must understand the full extent of our child abuse and neglect problem and they must be engaged in efforts to improve child welfare. Community action underscores the most important message: we are all partners in protecting our children, and we are all responsible when children are harmed.

MEMORANDUM

ALASKA PUBLIC DEFENDER AGENCY

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TO: Rep. Con Bunde, Chairman
House Health & Social Services Committee
ATTN: Lynn Smith

FROM: Blair McCune, Deputy Public Defender *Blair McCune*

RE: HB 375 -- Child Protection legislation

DATE: February 26, 1998

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I have comments on the proposed legislation on behalf of the Alaska Public Defender Agency.

Comments on the Legislation

The Public Defender Agency (PDA) has considerable interest in this legislation. PDA represents parents in the Child in Need of Aid (CINA) cases covered by this bill. CINA cases represent a significant part of PDA's work. PDA gets involved in child protection cases after we are appointed by Superior Court Judges to represent parents. Alaska Statutes and Court Rules require the court to appoint of counsel in CINA cases "for a parent or guardian who is financially unable to employ counsel."

First, we want to note that a lot of hard work went into this bill. We were able to provide our comments at all stages of the drafting of this legislation. A lot of our comments resulted in changes to the bill -- many did not. Obviously, these are difficult policy matters. The basic policy question is the age-old problem of the power of the government to intervene to protect children, versus the family's right to raise their kids on their own.

PDA thinks it is worthwhile for the legislature to have the parent's perspective on the bill. PDA is concerned about whether the legislation strikes the proper balance between parents' rights to raise their children and the government's right to intervene. The current law allows intervention only when there are "serious

forms of parental misconduct" or "to remedy severe parenting deficiencies and prevent significant harm to children." The legislation radically changes this balance.

An example of how the government's power to intervene is increased is intervention for "emotional harm." Under the bill, DFYS can intervene if it can prove that a parent has caused a child to suffer "emotional harm." "Emotional harm" is defined as "injury to the emotional well-being or intellectual or psychological capacity of a child ...". We are concerned that a law which allows the state to intervene if it believes a child's "emotional well-being or intellectual or psychological capacity" is injured opens up a family's decisions to second guessing by social workers and therapists.

Specific Provisions in CINA Legislation

Section 1

This section includes broad language on the rights of children. PDA is concerned that it is too broad.

Section (a)(1)(B) and (C). We believe that it is too much to expect to guarantee all children the right to freedom from "emotional abuse."

Section (a)(2). We do not believe that parents should have a duty to "remove any impediment" to their ability to perform their parental duties. A parent should not always have to subordinate his or her interests to the interests of the child.

Section (a)(4)(A) and (a)(6). We support including offering "family support services" as a "policy" of the state and not moving children unnecessarily.

PDA does not believe that there is a need to overrule In Re S.A., 912 P.2d 1235 (Alaska 1996). In S.A. the state petitioned to terminate a mother's parental rights even though she had two years of sobriety. The mother had custody of another child and was a good parent to that child. Despite this clear evidence of parental fitness, the state convinced a superior court judge to terminate the mother's parental rights based on a therapist's opinion that the child would be better off in another home. The Alaska Supreme Court overturned the termination. It found that the court and state misinterpreted the CINA laws as follows:

[The State's] interpretation [of the CINA statute] would permit the State to assume custody over any child who had needs the child's parents could not meet. Applied to the facts of this case, the State's interpretation would justify terminating [the mother's] parental rights on the grounds that [the children] would not "meet their

potential" with [the mother] because she would not be able to satisfy their needs for "structure and consistency."

Criminal Law Provisions

We generally believe that the proposed legislation takes a well-ordered, logical system of laws and changes them in an unwarranted way to make additional offenses based solely on the victim's status as a child. The sentencing laws already provide for punishment to be enhanced if the victim is "vulnerable," e.g. a child. The punishment for crimes against children or elderly, disabled, or otherwise vulnerable victims, can already be enhanced whenever it is appropriate. There is no need to make separate laws based solely on the victim's status as a child.

Because the law already takes into account vulnerable nature of children, we believe the changes are unnecessary.

AS 47.10.011

General Comments

This section of the legislation sets out the criteria which must be met before the state can take custody of a child. As noted above, PDA believes that the legislation is clearer and more concise than the previous version. Nevertheless, we believe that it does not correctly draw the difficult line between excessive and appropriate government intervention in the lives of Alaska's family's.

The proposed legislation sets out a number of instances of bad parental conduct which, in themselves, automatically make the child a child in need of aid whether or not the parental conduct has a bad effect on the child. For example, if a parent's substance abuse substantially impairs that parent's "ability to parent," the state can intervene.

The problem with this approach is that it fails to recognize the strengths of extended families to take care of their problems without the help of government. There are many families in Alaska in which one parent's abilities are impaired by substance abuse. In such cases, the other parent, or grandparent or aunt or uncle or brother or sister, steps in and takes over. If family or friends are there to take over when a parent stumbles, why should the state be involved at all? Clearly, the statute is overbroad if it allows the government to intervene in such situations.

Another example is where one parent abandons the child, but the other parent is still in the home and is able and willing to care for the child. It's difficult

to imagine the Dept. would take custody in such a situation, but, under Subsection 1, it could.

AS 47.10.011's Subsections

Subsection 1 of the new statute lists "abandonment" as one of the criteria. "Abandonment" is very broadly defined in a separate Section as "the conscious disregard ... of parental responsibility ... which threatens the parent-child relationship." Although the definition section goes on to list some specific criteria, this initial definition seems very broad. Another problem we noted is that in the current law, a child is not a Child In Need of Aid unless "both" parents abandon the child or a single parent abandons the child, when the other parent is not alive or has had his or her parental rights terminated.

Subsection 2 provides that if "a parent" is "incarcerated" for harm done to a child, the state can intervene. We think the rest of the statute picks up enough situations of abuse or neglect so that this subsection should only say: "...incarcerated or institutionalized [and the parent, guardian or custodian] has not arranged for safe and appropriate care ..."

Subsection 5 includes the term "emotional harm." As discussed above, we believe that the term gives too much power to the state to intervene in a family's life. AS 47.17.290(9) says that emotional harm or mental injury is evidenced by an "observable and substantial impairment." The "and substantial" is omitted and we think it should be in there.

Subsection 6 makes some significant changes to the current law. Currently, the statute allows intervention only when there has been "substantial" physical harm or if there is an "imminent and substantial risk" of such harm. The new statute omits the requirement of that the harm be "substantial" or the risk be "imminent." We think it's better to include these qualifiers.

Subsection 7 is similar to the current law, but includes a provision that makes leaving the child unsupervised with a person convicted of or being investigated for a sex offense prima facie evidence of substantial risk.

Subsection 8 deals with "emotional harm." This is discussed above.

Subsection 10 includes alcohol or controlled substance use as a separate grounds for intervention. This new section would allow the state to take custody if "habitual" drinking "substantially impair(s)" an "ability to parent." This is a collection of new terms that courts will have difficulty defining. If the terms are defined broadly, they will allow the state to intervene in homes with even the mildest of drinking problems. This section also apparently allows intervention where only one parent abuses alcohol or drugs. Even if one parent kicked the other

parent out of the home at the first sign of substance abuse, the state could still say the child was a child in need of aid based on the substantial impairment of the substance abusing parent's ability to parent.

Subsection 11 has problems from our point of view. What is "emotional illness"? "Mental illness" could include minor depression or minor adjustment disorders based on grief or situational stress. We think it should be restricted to major mental illnesses. What is "proper care" for the child? Also, the statute does not take into account a situations where a parent undergoing these difficulties makes appropriate provisions for a child, such as leaving a child with a close friend or relative. Furthermore, it does not address a situation where only one parent has the mental or emotional problem, but the other parent is fully able to care for the child and willing to do so.

The New Termination Statute AS 47.10.087

This section related to AS 47.10.011. Parental rights can be terminated based on the CINA finding. If AS 47.10.011 is too broad, a parent could lose his or her parental rights for problems that do not make the parent unfit.

Thank you for considering these comments.



**INTERSTATE COMPACT ON ADOPTION & MEDICAID
ASSISTANCE
(AS 47.05.090)**

**Susan Wibker
Dept. of Health & Social Services
March 1998**

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AN ACT

To authorize the Department of Health and Social Services by and through its Commissioner, to enter into interstate agreements to provide for medical and other necessary services for special needs children; establishing procedures for interstate delivery of adoption assistance and related services and benefits; and providing for the adoption of related regulations.

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

ARTICLE I: FINDINGS

The legislature finds that:

- (a) Finding adoptive families for children, for whom state assistance is desirable pursuant to AS 25.23.05 - AS 25.23.240, and assuring the protection of the interest of the children affected during the entire assistance period, require special measures when the adoptive parents move to other states or are residents of another state.
- (b) Provision of medical and other necessary services for children, with state assistance, encounters special difficulties when the provision of services takes place in other states.

ARTICLE II: PURPOSES

The purposes of the Act are to:

- (a) Authorize the Department of Health and Social Services to enter into interstate agreements with agencies of other states for the protection of children on behalf of whom adoption assistance is being provided by the Department of Health and Social Services.
- (b) Provide procedures for interstate children's adoption assistance payments, including medical payments.

ARTICLE III: DEFINITIONS

As used in this act, the following terms shall have the following meanings, respectively, unless the context clearly indicates otherwise:

- (b) "State" means a state of the United States, the District of Columbia, the Commonwealth of Puerto Rico, the Virgin Islands, Guam, the Commonwealth of the Northern Mariana Islands, or at Territory or Possession of or administered by the United States.
- (c) "Adoption assistance state" means the state that is signatory to an adoption assistance agreement in a particular case.

1 (d) "Residence state" means the state where the child is living.

2
3 **ARTICLE IV: COMPACTS AUTHORIZED**

4
5 (a) The Department of Health and Social Services is authorized to develop, participate
6 in the development of, negotiate and enter into one or more interstate compacts on
7 behalf of this state with other states to implement one or more of the purposes set
8 forth in this Act. When so entered into, and for so long as it shall remain in force,
9 such a compact shall have the force and effect of law.

10
11 **ARTICLE V: CONTENTS OF COMPACTS**

12
13 A compact entered into pursuant to the authority conferred by this Act shall have the following
14 content:

- 15
16 (a) A provision making it available for joinder by all states.
- 17
18 (b) A provision or provisions for withdrawal from the compact upon written notice to
19 the parties, but with a period of one year between the date of the notice and the
20 effective date of the withdrawal.
- 21
22 (c) A requirement that the protections afforded by or pursuant to the compact
23 continue in force for the duration of the adoption assistance and be applicable to all
24 children and their adoptive parents who on the effective date of the withdrawal are
25 receiving adoption assistance from a party state other than the one in which they
26 are resident and have their principal place of abode.
- 27
28 (d) A requirement that each instance of adoption assistance to which the compact
29 applies be covered by an adoption assistance agreement in writing between the
30 adoptive parents and the state child welfare agency of the state which undertakes
31 to provide the adoption assistance, and further, that any such agreement be
32 expressly for the benefit of the adopted child and enforceable by the adoptive
33 parents, and the state agency providing the adoption assistance.
- 34
35 (e) Such other provisions as may be appropriate to implement the proper
36 administration of the compact.

37
38 **SECTION VI: OPTIONAL CONTENTS OF COMPACTS**

39
40 A compact entered into pursuant to the authority conferred by this Act may contain provisions in
41 addition to those required pursuant to Section V of this Act, as follows:

- 42
43 (a) Provisions establishing procedures and entitlement to medical and other necessary
44 social services for the child in accordance with applicable laws, even though the
45 child and the adoptive parents are in a state other than the one responsible for or
46 providing the services or the funds to defray part or all of the costs thereof.
- 47
48 (b) Such other provisions as may be appropriate or incidental to the proper
49 administration of the compact.
- 50
51

1 **ARTICLE VII: MEDICAL ASSISTANCE**

- 2
- 3 (a) A child with the special needs resident in this state who is the subject of an
4 adoption assistance agreement with another state shall be entitled to receive a
5 medical assistance identification from this state upon the filing in the Division of
6 Public Assistance office of a certified copy of the adoption assistance agreement
7 obtained from the adoption assistance state. In accordance with regulations of the
8 the Division of Public Assistance, the adoptive parents shall be required at least
9 annually to show that the agreement is still in force or has been renewed.
- 10
- 11 (b) The Division of Medical Assistance shall consider the holder of a medical
12 assistance identification pursuant to this section as any other holder of a medical
13 assistance identification under the laws of this state and shall process and make
14 payment on claims on account of such holder in the same manner and pursuant to
15 the same conditions and procedures as for other recipients of medical assistance.
- 16
- 17 (c) The Division of Medical Assistance shall provide coverage and benefits for a child
18 who is in another state and who is covered by an adoption assistance agreement
19 made by the Division of Family and Youth Services for the coverage or benefits, if
20 any, not provided by the residence state. To this end, the adoptive parents acting
21 for the child may submit evidence of payment for services or benefit amounts not
22 payable in the residence state and shall be reimbursed therefore. However, there
23 shall be no reimbursement for services or benefit amounts covered under any
24 insurance or other third party medical contract or arrangement held by the child or
25 the adoptive parents. The Division of Family and Youth Services shall make
26 regulations implementing this subsection. The additional coverage and benefit
27 amounts provided pursuant to this subsection shall be for services to the cost of
28 which there is no federal contribution, or which, if federally aided, are not provided
29 by the residence state. Among these things, such regulations shall include
30 procedures to be followed in obtaining prior approvals for services in those
31 instances where required for the assistance.
- 32
- 33 (d) The submission of any claim for payment or reimbursement for services or benefits
34 pursuant to this Section or the making of any statement in connection therewith,
35 which claim or statement the maker knows or should know to be false, misleading
36 or fraudulent shall be punishable as perjury and shall also be subject to a fine not to
37 exceed [\$10,000] or imprisonment for not to exceed [2] years, or both.
- 38
- 39 (e) The provisions of this section shall apply only to medical assistance for children
40 under adoption assistance agreements from states that have entered into a compact
41 with this state under which the other state provided medical assistance to children
42 with special needs under adoption assistance agreements made by this state. All
43 other children entitled to medical assistance pursuant to adoption assistance
44 agreement entered into by this state shall be eligible to receive it in accordance
45 with the laws and procedures applicable thereto.

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ARTICLE VIII: FEDERAL PARTICIPATION

Consistent with federal law, the Department of Health and Social Services, in connection with the administration of this Act and any compact pursuant hereto shall include in any state plan made pursuant to the Adoption Assistance and Child Welfare of 1980 (P.L. 96-272), Titles IV (e) and XIX of the Social security Act, and any other applicable federal laws, the provision of adoption assistance and medical assistance for which the federal government pays some or all of the cost. The aforementioned department(s) shall apply for and administer all relevant federal aid in accordance with law.



NATIONAL ASSOCIATION OF SOCIAL WORKERS
ALASKA CHAPTER

318 4th Street, Juneau AK 99801
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Testimony Regarding

HB 375 - CHILD PROTECTION AND FOSTER CARE

Before the
HEALTH EDUCATION AND SOCIAL SERVICES COMMITTEE
ALASKA HOUSE OF REPRESENTATIVES
March 11, 1998

Presented by
Angela M. Salerno, ACSW
Executive Director,
National Association of Social Workers Alaska Chapter



ALASKA CHAPTER

NATIONAL ASSOCIATION OF SOCIAL WORKERS ALASKA CHAPTER

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The National Association of Social Workers (NASW) is the world's largest organization of professional social workers. NASW's 155,000 members nationwide and 460 in Alaska work in a wide range of settings at all levels in the public and private sectors. Professional social workers focus on vulnerable populations and promote state and federal policies which enhance the lives of the clients we serve.

NASW supports HB 375 and urges its passage.

Families are the first caregivers for children. Families have the first responsibility for the physical and emotional well-being of children. Families also have a right to care for their children free from state interference in basic decisions about child-rearing practices. But we believe that parental rights derive from parental obligations. And when these obligations are unfulfilled, the corresponding rights may be abrogated. This is the basis for the state's role in child protection. Each year, thousands of Alaskan children are subjected to abuse and neglect at the hands of their caregivers. When a child is harmed by his or her caregiver, the state must provide the child with some assurance of outside protection and support.

HB 375 begins the process of improving child protection services in Alaska by making changes in law which better protect the rights of abused and neglected children. The changes proposed will assist the Division of Family and Youth Services fulfill its mandate to protect abused children from further maltreatment and to alleviate the consequences of maltreatment. Child protection workers will be able to intervene earlier in cases of neglect and perhaps prevent more severe consequences. Parents will find new motivation imposed by enforced timelines for fulfilling their parental obligations. And there will be no confusion about the basis for decisions made by child protection workers - safety, permanence and the best interests of the child.

While we support the provisions of HB 375, we want to bring to your attention the social work profession's historic commitment to child protection through comprehensive efforts to ensure the safety and healthy development of children. In promotion of these efforts, NASW supports the following principles:

- Sufficient public and private funding, staff and resources should be provided to meet the needs of abused and neglected children and their families. The state of Alaska is guilty of "collective neglect" when it fails to staff child protection adequately and over 3500 cases of neglect go uninvestigated. More serious may be the institutional maltreatment experienced by foster children now languishing in long-term foster care.
- Public and private agencies and systems that serve children and families should work collaboratively to maximize their resources and effectiveness in preventing child abuse and neglect and effectively treating victims and their families. Such a collaborative network would include child protective services, courts and law enforcement agencies, and medical, education, and mental health providers.
- A comprehensive approach to the prevention of child abuse and neglect should include increased public awareness and availability of family support services, parenting education, and training for staff in the identification of risk factors for children and families. A comprehensive approach to prevention must also address the stressors that precipitate family violence. Community-based services to enhance and support healthy family life include child care, counseling, case management, job training, health, mental health and substance abuse services and adequate financial support for families.
- Public policy and resource allocation to protect children should support specialized law enforcement, child abuse investigative units, child advocacy services, mandatory reporting of suspected child neglect and abuse, continued professional training of staff working with children and families, and community-based efforts toward identification and early intervention in situations of suspected child abuse and neglect.

FACSIMILE COVER PAGE

To : Con Bunde, Chai HESS COMMITTEE

From :

Sent : 3/12/1998 at 11:47:18 AM

Pages : 4 (including Cover)

Subject : Written Testimon On HB 375

Please accept the attached written testimony opposing HB 375 from Advocates For Children, Inc.

ADVOCATES FOR CHILDREN INCORPORATED

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Anchorage, Alaska 99518

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(907) 522-9268

Karen L. Leonard

Chairman and CEO

WRITTEN TESTIMONY

HOUSE BILL 375

March 13, 1998

A. Advisory Legal Committee. HB 375 attempts to address issues of legitimate concern regarding child welfare. However, drafting and interpreting the ramifications of the statutory language, as well as opinions regarding the mandatory versus permissive requirements of the new federal requirements under PL 105-89, have been left entirely up to the Office of the Attorney General and the Department. The result has been an unbalanced piece of legislation that lacks clearly reflects the best interests of the DFYS but contributes very little to the best interests of *children or the general public.*¹ It is clear that both the legislature and the Department need the advice of attorneys who have been in the trenches, but from a team composed of both sides of the, instead of only the state AG's office. *I strongly urge legislators to place HB 375 on hold and form a committee of state attorneys and private attorneys to: (1) review Public Law 105-89 and determine the minimum mandatory requirements, and (2) draft balanced statutory language that implements those requirements. Scrap the balance of the bill and take the next year to do it right.* In the event such a committee is formed, I request the opportunity to submit the names of private attorneys for appointment who have substantial criminal and CINA experience. In the event that the bill is not placed on hold and a committee is not formed, I very strongly urge the Committee to kill HB 375 in its entirety in committee as the public wishes.

Administrative Reform. House Bill 375 and its companion, Senate Bill 272, puts the proverbial "cart before the horse." Common sense dictates that we must first identify and correct the administrative and system failures within the agency itself that have caused it to inadequately perform its existing mandate for protecting children. For that purpose, the Legislative Budget and Audit Committee properly undertaken the considerable expenditure of DFYS performance and financial audits. These audits will produce information that is *critical* to enabling legislators to make informed, quality decisions regarding reform. Then, in response to those audits, it will take *considerable time* for administrators to implement decisions and programs to cure the faults disclosed by the audits. To rush into a "quick fix" based upon the emotions of the moment would be imprudent, and can and will result only in *increasing* the types of tragedies that have

¹ The Dept and the AG's office see the worst of human behavior that *none of us* want to deal with. Some of the most horrendous examples of human behavior are observed by them, and may be the hardest to prosecute effectively. We cannot, however, overreact by providing such a broad extension of the state's authority to intrude into the family in an attempt to make it easier to prosecute the few without disastrous affects upon the majority of families who will (for right or wrong reasons) encounter intrusion by the state into their families. We cannot sacrifice the majority for the minority.

dominated Alaskan news for the past year. I urge you to wait upon the completion of these audits and give the Department the needed time over the next year for to make appropriate administrative and procedural changes internally before enacting major reforms that "widen the net" such as HB 375.

Foster Care System Overload. We cannot even properly take care of the children we place in state's custody under existing law. We can't properly support the foster parents and foster children we have now, and are incapable of recruiting enough foster parents for children now in custody. *Where are you going to place the dramatic increase in foster children that will certainly result in such a widening of the net? How are you going to pay for the increased foster care expenditures?* Logic dictates strengthening our foster care system first, then and then considering extending DFYS' authority to widen the net.

Correctional System Overload. Criminalizing nonsupport creates a new criminal class. We're under court orders for overcrowding of correctional facilities now for the real criminals, i.e., murders, rapists, drug dealers, etc. *Where will you put this new class of criminals?* More importantly, *the public does not want to support deadbeats with housing, food and clothing via prison or jails. Why would you?* Scare tactics via contempt proceedings have proven costly and ineffective.

Accountability. Over the past year, the demand for Department/DFYS accountability from legislators and the public has been loud and clear. HB 375 fails to increase DFYS accountability. To the contrary, by providing DFYS with immunity it reduces DFYS' existing accountability to zero. While it may be great for the state, it is very detrimental to children and families receiving services. *Would you want your child in the care of anyone who legally had no duty of care to your child? What would your child want?* Why would you demand a lesser standard of care for abused children than that which you would demand for your own child? If DFYS is incapable of protecting children without immunity as they claim, then it is time to privatize the Department entirely.

Family Preservation (Homebuilders). Family preservation, *if and when implemented correctly by the agency*, has proven in other states to not only significantly decrease child fatalities and child abuse, but also decrease the cost of child protection services. Family preservation does not cause children to *linger* in the state system or prevent early termination when warranted, *if and when implemented correctly by the agency*. The Department has not implemented family preservation properly.² Family preservation services have actually been proven to assist the agency to more quickly identify cases in which early termination is warranted. We can and should learn from other states which have accomplished phenomenal safety records for children through

² Inadequate resources that cause a system of "crisis management" by social workers often causes the social worker to offer appropriate services to the family only shortly before having to attend a hearing and make a showing of "reasonable effort"

family preservation.³ Commissioner Perdue acknowledged that she was reviewing family preservation for Alaska at the foster care hearing sponsored by Representative Hodgins about December 15, 1997. However, to enact major reforms that "widen the net" to the degree of HB 375 prior to implementing family preservation can and will prove to be disastrous for our children. I urge legislators to learn the facts about family preservation principals and, and armed with the results of the DFYS and OPA audits, enact legislation *based upon informed decision making* that incorporates homebuilder principals into child protection services and provides for early termination when justified.

Karen L. Leonard
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³ Since adopting family preservation, in the past ten years Minnesota has had only *two* fatalities of children receiving child protection services whether services were provided in the home and during foster care. Representative Fred Dyson and I have conferenced with the Director of Minnesota who offered the services of Minnesota to help Alaska in any way possible, including by sending trainers, and remains a valuable resource to help Alaska enter into meaningful reform. To my knowledge, no requests from Alaska for help have been made.

Reports of Harm

Total Reports: 15,547

Children: 10,638

Families: 6,349

Screening

Cases Assigned: 10,529

Screened out: 1,279

Workload Adjusted: 3,739

Custody

New children in out-
of-home care: 845

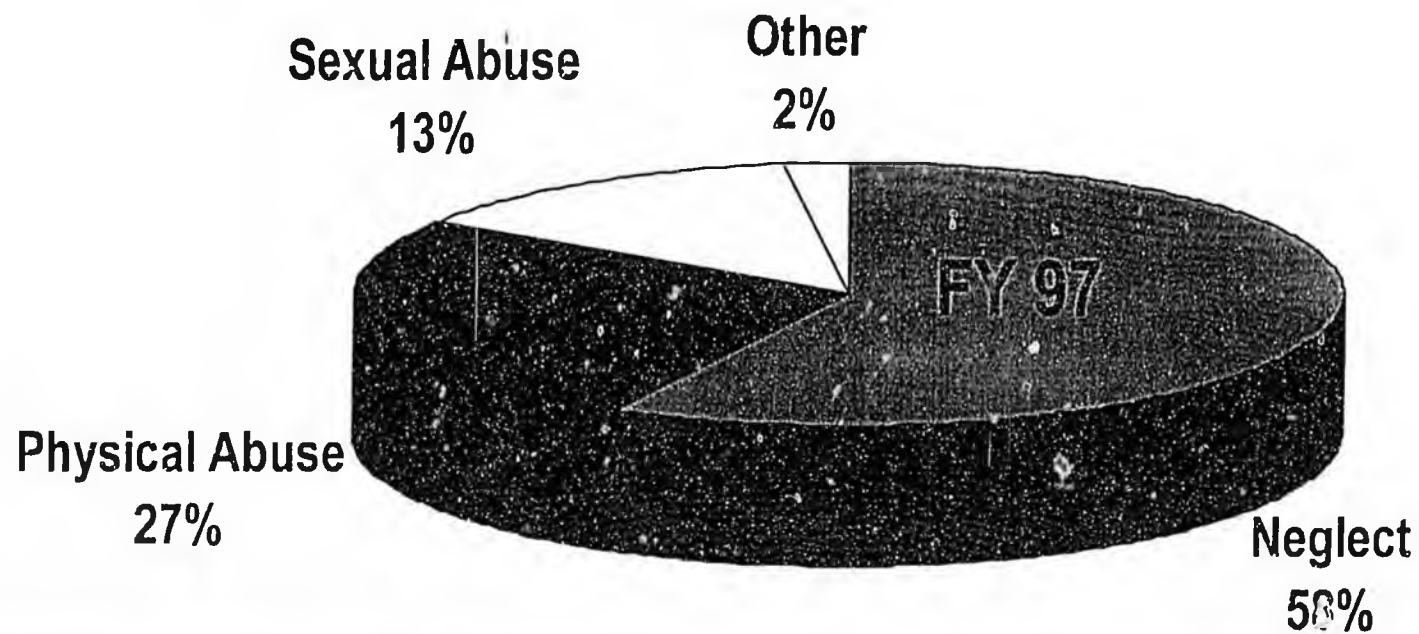
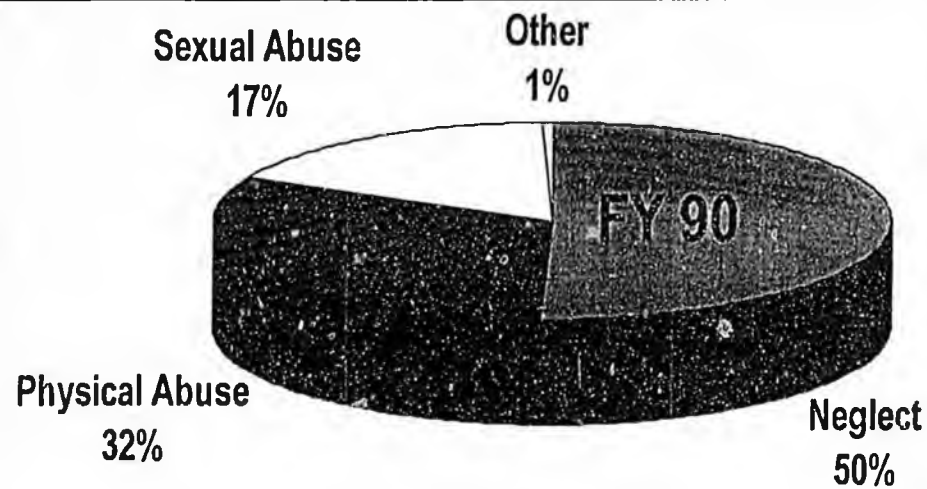
New adoptions,
guardianships:

161

Child Protection in Alaska

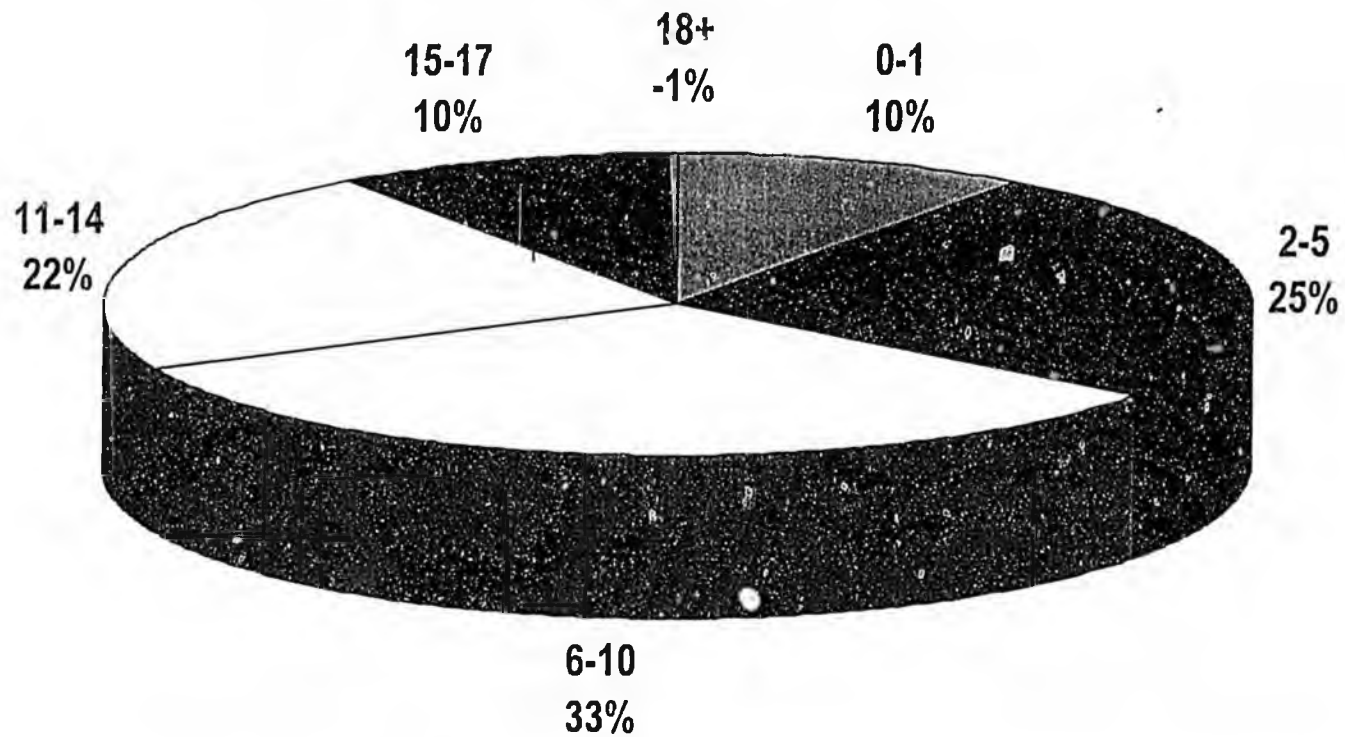
A snapshot of FY 97

Reports of Harm: Neglect reports lead growth



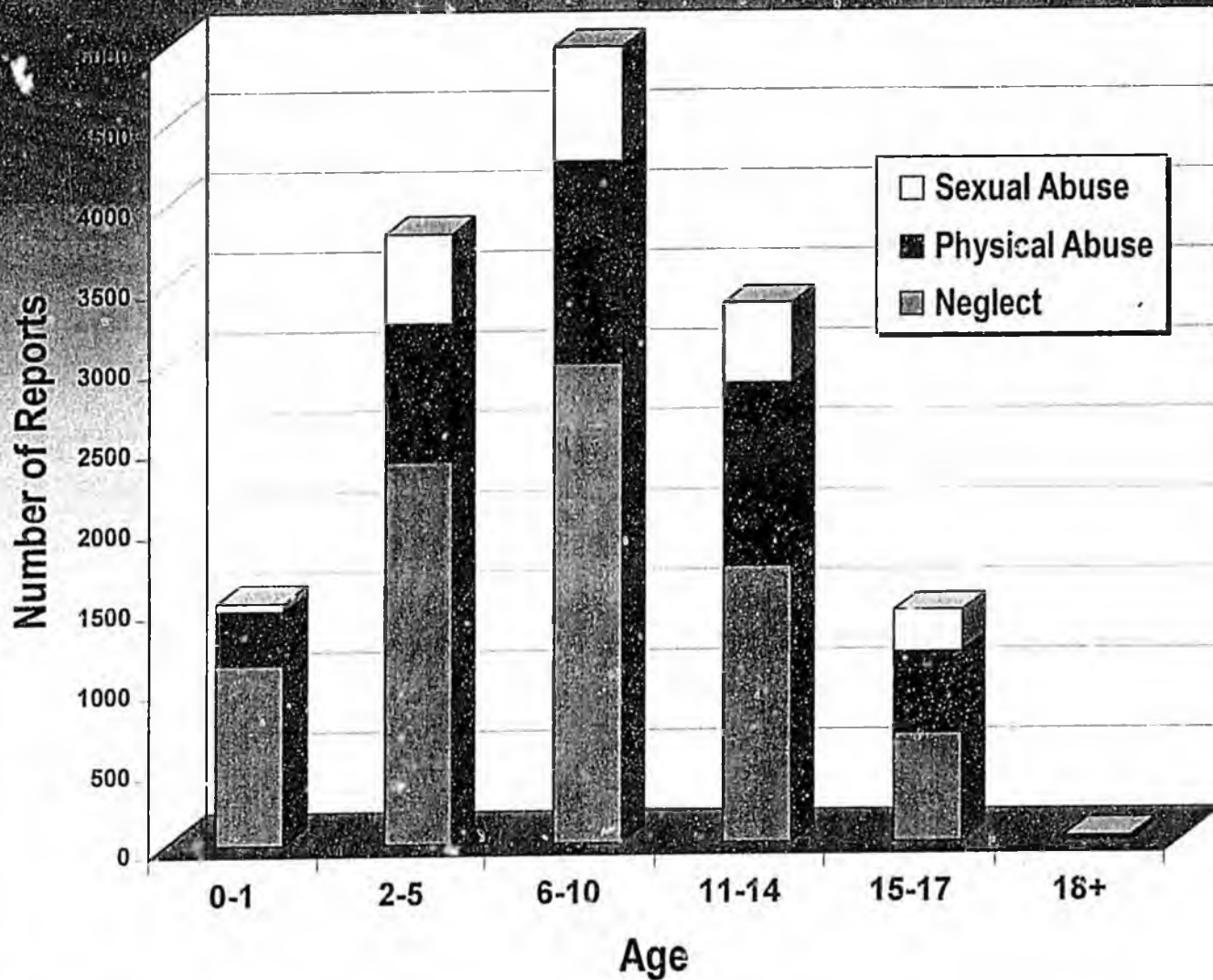
Reports of Harm -- By Age

FY 97

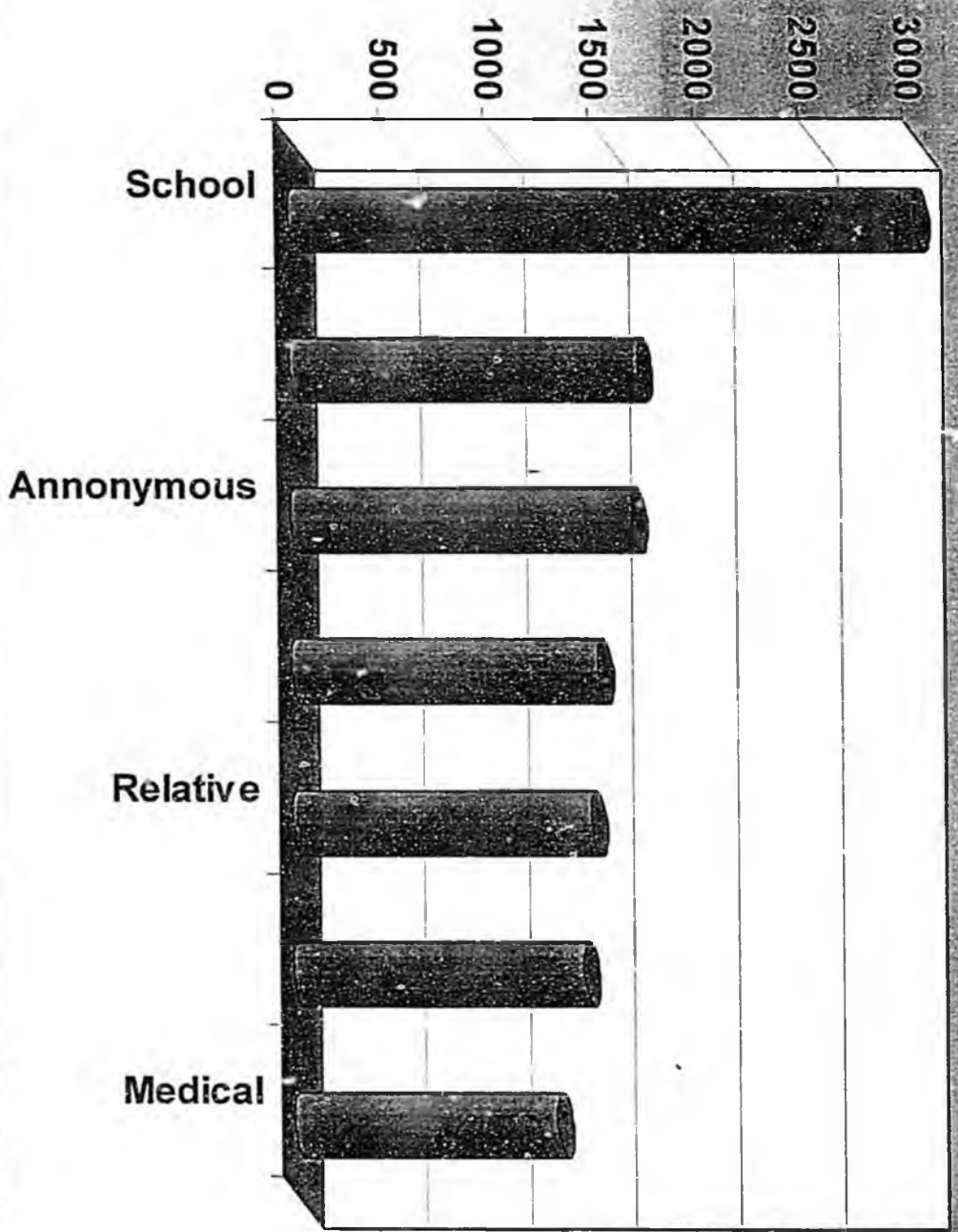


Nearly 70 percent of all reports involve children under 10 years old

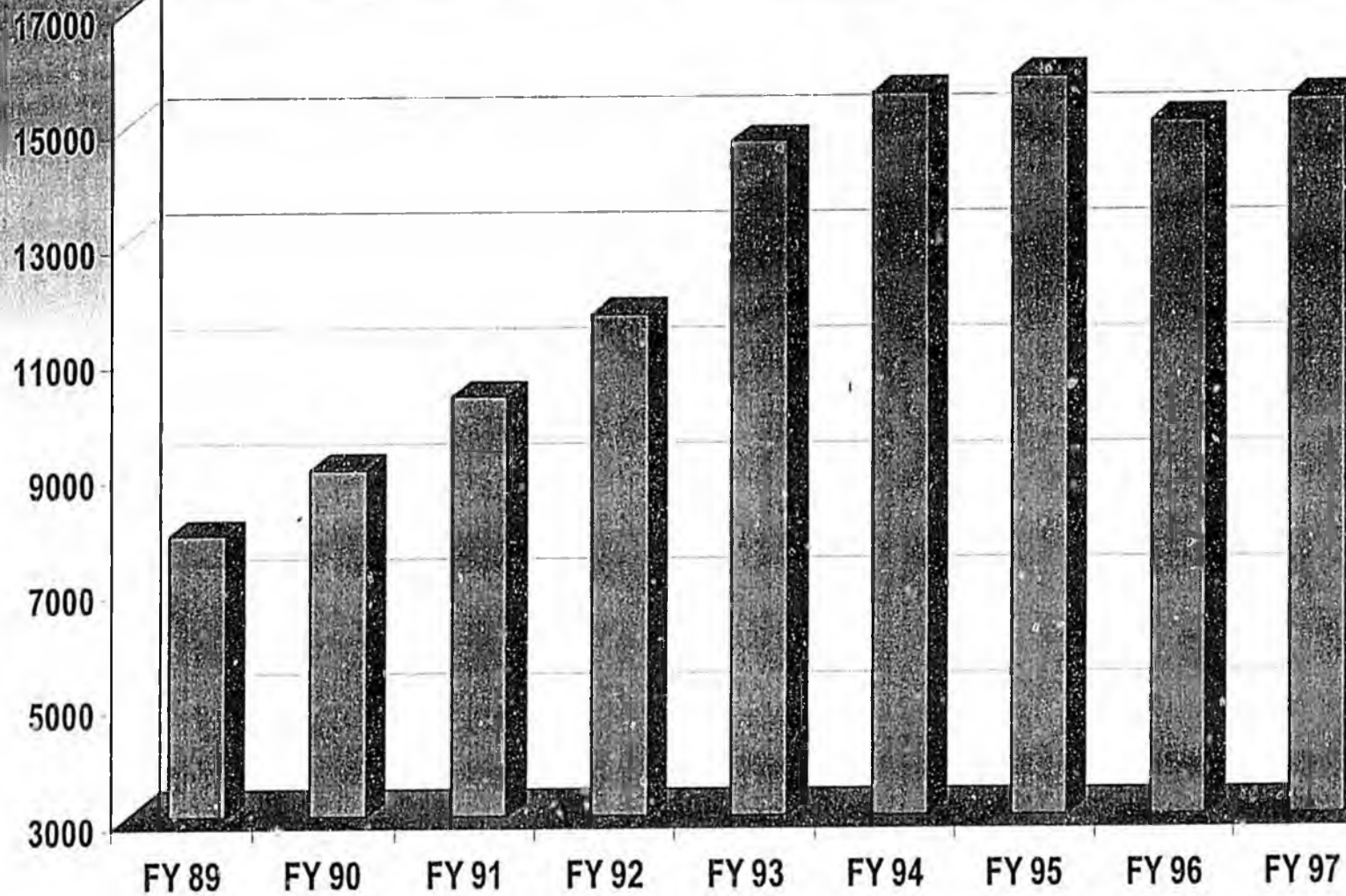
FY 97 Reports of Harm -- By Type and Age



Top Reporters of Harm -- 1997



Reports of Child Abuse and Neglect



So far in FY 98...

- ❑ 13 percent increase in reports of abuse and neglect
- ❑ 60 percent increase in custody petitions
- ❑ Total children in custody tops 1,600
- ❑ 1,655 reports that should have been investigated were screened out due to workload
- ❑ DFYS down to 12 social worker vacancies statewide

Building a better child protection system.

Finding new solutions to old problems

- 1992 -- Legislative Audit criticizes DFYS reorganization
- 1996 -- Commissioner establishes DFYS Evaluation, Research and Development Unit
- Over the next two years, commissioner orders five separate internal audits of DFYS

History of internal audits

- ❑ Administrative review of DFYS Anchorage office
- ❑ University of Washington full case-file audit of Anchorage office
- ❑ Fairbanks child fatality review
- ❑ Kempe Center review of five DFYS cases
- ❑ Statewide audit of cases involving multiple (6+) reports of harm

What did we learn from the audits?

Our statewide audit of cases with multiple (6+) reports of harm asked some basic questions:

- ***Are children safe?***
- ***Did DFYS accurately assess each report of harm?***
- ***Was appropriate action taken to assure the safety of the children?***

The audit covered 475 family case records involving approximately 838 children.