

ALASKA LEGISLATURE COMMITTEE FILES 1997-1998 8672

9212 HOUSE JUDICIARY

□ 78 cases involving 131 children were referred back to DFYS for further investigation

□ As a result, children in six of the cases were taken into state custody

□ The audit also shed light on some of our most disturbing problems:

- Too many reports of harm are never investigated
- Substance abuse is a factor in more than 80 percent of child abuse or neglect cases
- Domestic violence is a factor in nearly 60 percent of the cases

Of cases reviewed, 20 percent were 'workload adjusted'

Screening Outcomes by Region and Type

Cases with 6 or more reports of harm between July 1994 and Sept. 1997

Region	Total Reports	Assigned for Investigation		Workload Adjusted		Non-CPS		Insufficient Information	
		Number	Percent	Number	Percent	Number	Percent	Number	Percent
Northern	3235	1725	53%	880	27%	439	14%	191	6%
Southeccentral	2690	2207	82%	431	16%	35	1%	17	1%
Southeast	675	345	51%	4	1%	314	47%	12	2%
Totals	6600	4277	65%	1315	20%	788	12%	220	3%

Screening Outcome of all Reports of Harm -- FY 97

Office	Total Reports of Harm	Assigned for Investigation		Workload Adjusted	
		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 Ohters	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.*

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

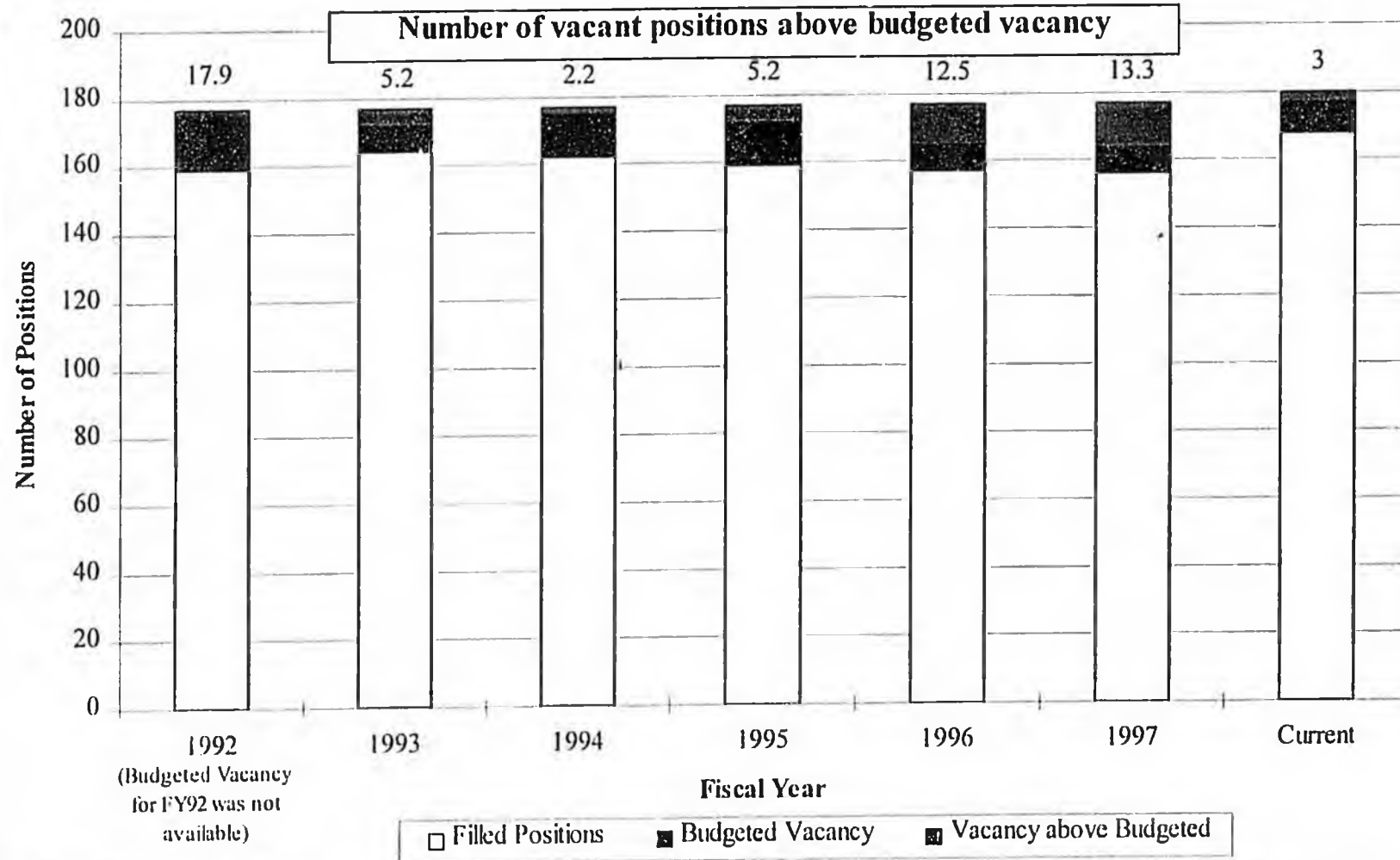
-- AS 47.17.030 (emphasis added)

What did we learn from the audits?

Casework Practice:

- ❑ Lack of consistent practices between regions
- ❑ Poor record keeping, case documentation
- ❑ Lack of coordination between agencies
- ❑ 'Single event' approach to child protection
- ❑ Overlap of substance abuse, domestic violence

Department of Health & Social Services Social Worker Positions, FY92-97 Averages and Current



What did we learn from the audits?

Staff issues:

- ❑ Caseloads exceed recommended national standard
- ❑ Inadequate training and education opportunities
- ❑ In the past, high turnover and vacancy rates
- ❑ Expectations of supervisors not clearly defined
- ❑ Inadequate safety and support for social workers

CORRECTION

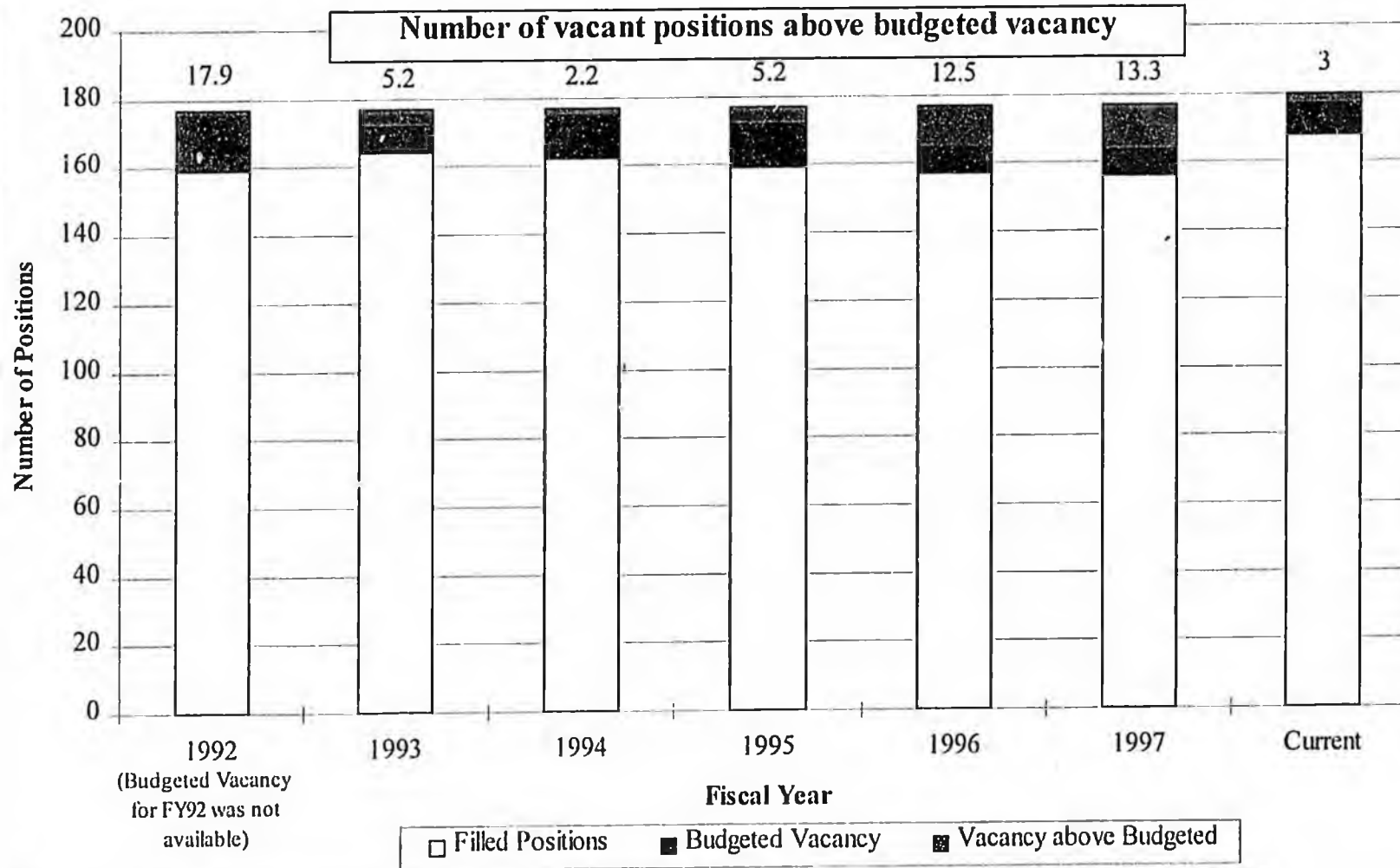
THE FOLLOWING DOCUMENT(S)
HAVE BEEN REFILMED TO
ASSURE LEGIBILITY OR PAGINATION



Rev. 6/98

Central Microfilm Services
Department of Education
State of Alaska

Department of Health & Social Services Social Worker Positions, FY92-97 Averages and Current



What did we learn from the audits?

Staff issues:

- ❑ Caseloads exceed recommended national standard
- ❑ Inadequate training and education opportunities
- ❑ In the past, high turnover and vacancy rates
- ❑ Expectations of supervisors not clearly defined
- ❑ Inadequate safety and support for social workers

What did we learn from the audits?

Placement:

- ❑ Shortage of foster homes, other residential care
- ❑ Inadequate foster parent training and respite care
- ❑ Poor communication with foster parents
- ❑ Delays prevent timely adoptions

What other problems have we identified?

- ❑ At-risk kids are left in homes too long, or returned home too soon
- ❑ Children languish in foster care
- ❑ Reasonable efforts must be made to help families with chronic and difficult problems
- ❑ Some child fatalities caused by neglect or abuse are not detected or investigated

*"When you have a hammer,
every problem looks like a
nail."*

What are we doing to fix the problems?

- ❑ Established permanent Child Fatality Review Team to review all child deaths
- ❑ Will help assure that all deaths caused by neglect or abuse are investigated and prosecuted
- ❑ Child Fatality Review Team includes:
 - State medical examiner
 - State Trooper and local law enforcement officer
 - Prosecutor and experienced social worker

What are we doing to fix the problems?

- Restructuring DFYS to improve accountability
- Zero Tolerance -- all reports of harm checked out
 - Triple-track pilot projects turn some low-risk cases over to community-based groups
 - Additional social workers to better protect kids
- Working with Child Welfare League of America to create detailed quality-assurance program

What are we doing to fix the problems?

- Improving Alaska's child protection work force
 - Family Services Training Academy
 - Increasing minimum qualifications for social workers
 - Reducing vacancies to below budgeted levels
- Improving teamwork by creating multi-agency teams to oversee child-protection issues
- Better, faster access to criminal records and family abuse histories

What are we doing to fix the problems?

□ Foster care improvements

- Increase reimbursement rates and respite care
- Aggressive recruitment program
- Emphasis on foster parent training
- Formal role for foster parents

□ Greater efforts to tackle substance abuse

- Treatment priority for DFYS clients
- Additional substance abuse screeners
- FY 99 budget expands treatment programs

What are we doing to fix the problems?

- Improving response to mental health issues
 - Additional clinicians in DFYS offices
 - Regional meetings of Mental Health, Developmental Disabilities, Substance Abuse and DFYS staffs
 - Increase therapeutic foster care and community-based funds

- Faster adoptions
 - Contract with private adoption agencies
 - Special legal resources to speed termination

“Alaska statutes are more narrowly drawn in certain respects than those of almost any other state.”

Kempe Children’s Center, December 1997

Under current state law, the harm is often done before the state can intervene:

AS 47.10.010 defines an abused child as one “having suffered substantial physical harm or if there is an imminent and substantial risk that the child will suffer such harm.”

What are we doing to fix the problems?

HB 375 -- Omnibus Child Protection Bill

- Increases penalties for homicides of children
- Tightens sex offender registration requirements
- Allows early intervention in cases of abuse and neglect
- Assure faster transition to permanent, safe homes
- Gives caregivers access to child welfare hearings
- Confidentiality fixes improve teamwork, accountability

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

Custody and Foster Care

Children in out-of-home care: 1,607

Living with relative: 515

In foster care: 891

In residential care: 78

In other setting: 123

Guardianship & Adoption

Children in line for adoption or
alternative placement: 416

Termination

Children with at least
one parent's rights
terminated: 202

Total adoption
& guardianship
subsidies: 933

Child Protection in Alaska

Ongoing care -- As of 2/1/98

TALLY SHEET FOR SUPPLEMENTAL PROBER DATA REGARDING ADOPTION, PERMANENCY PLANS FOR CHILDRENT IN THE CUSTODY OF THE DIVISION OF FAMILY AND YOUTH SERVICES

TALLY SHEET FOR: TALLY SHEET FOR SUPPLEMENTAL DATA

- OFFICE
- GOAL:
- A. ADOPTION
- B. GUARDIANSHIP
- C. PENDING ADOPTION
- D. PENDING GUARDIANSHIP
- TIME IN CUSTODY
- SPECIAL NEEDS

- 1. . Physical disability:
- 2. . Mental disability:
- 3. . Emotional disturbance:
- 4. . Recognized high risk of physical or mental disease:
- 5. . Membership in sibling group:
- 6. . Racial or ethnic factors:
- 7. . Hearing/visually impaired
- 8. . Other:
- BARRIERS.

- 9. . Court Delay
- 10. . AG delay
- 11. . Permanency Plan staffing needed
- 12. . Multiple Workers, Case transfers
- 13. . Other case work demands
- 14. . Lack of homostudy
- 15. . Late Interventions (3rd parties)
- 16. . Locating absent parent
- 17. . No Placement for Child
- 18. . Other

Date/Goal. Date goal was changed to adoption or guardianship

In P PLM'T. Indicates the child is in a permanent placement or not

C3 or C4 Indicates that one (C3) or both parents (C4) rights have been terminated

OFFICE Galena FS

a.	17	Y	93	2 (disassociative disorder)	13, 18 (disrupting sa.	n/a	N	N
b.	10	Y	1,914	3	13, 18 disrupted	11/1/93	N	N
a	7	Y	1011	2,4, FAE	9 13, 17, 18 disrupt	8/2/95	Y	N
b.	16	N	574	2 SEC	13, 17, 18 disrupt	12/5/96	N	N
b.	7	Y	1914	3, ADHD, 4, drug	13, 17, 18 disrupt	4/28/94	N	N
b.	12	Y	130	3, ADHD, anger, Depres	13, 17, 18 disrupt	5/13/96	Y	N

OFFICE McGRATH

GOAL	AGE	ICWA	TIME	SPECIAL NEEDS	BARRIERS	DATE/GOAL	IN P PLM'T	C3 or C4
A	4	Y	1563)	13	4/23/96	N	N
A	13	Y	1843	0	13	10/2/96	N	N
A	11	y	1843	5	13	10/2/96	n	N
A	9	Y	1843	5	13	10/2/96	N	N
E	17	y	2024	0	13	9/4/96	N	N
A	7	Y	2172	0	13	10/2/96	N	Y

OFFICE Dillingham FS

GOAL	AGE	ICWA	TIME	SPECIAL NEEDS	BARRIERS	DATE/GOAL	IN P PLM'T	C3,4
c.	8	y	356	5 (4 sibs)	11,12 pp 11/97	5/28/90	N	N
c.	2	Y	356	5 (4 sibs)	11, 12 pp 11/97	8/26/95	N	N
d.	11	Y	461	5 (3 sibs)	9, 14 pp?	8/12/94	Y	N
d.	2	Y	461	5 (3 sibs)	9, 14 pp?	10/25/95	Y	N
c.	7	Y	431	5 (4 sibs)	11, 12 pp11/97	6/3/96	N	N
c.	5	Y	431	4, FAS, 5 (4 sibs)	11, 12 pp11/97	6/3/96	N	N
c.	8	Y	431	3, behavior, 5 (4 sibs)	11, 12 pp11/97	6/3/96	N	N
c.	9	Y	1,560	5 (4sibs)	11, 12 pp11/97	6/3/96	N	N
c.	11	Y	507		11, 12	5/22/92	Y	1/2

OFFICE PETERSBURG FS

GOAL	AGE	ICWA	TIME	SPECIAL NEEDS	BARRIERS	DATE/GOAL	IN P PLM'T	C3,4
*e.	12	Y	1952	1,3,4, ADHD, drug exp.	18. Tribe supports FC	12/20/96	Y N	
c.	2	Y	484	5, 4 sibs.	11, 18	4/5/96	U	N
c.	7	Y	484	5, 4 sibs	11, 18	4/5/96	U	N
c.	5	Y	484	5, 4 sibs	11, 18	4/5/96	U	N

c.	13	Y	484	5, 4 sibs	11, 18	4/5/96	U	N
OFFICE KETCHIKAN								
<i>GOAL</i>	<i>AGE</i>	<i>ICWA</i>	<i>TIME</i>	<i>SPECIAL NEEDS</i>	<i>BARRIERS</i>	<i>DATE/GOAL</i>	<i>IN P PLM'T</i>	<i>C3,4</i>
a.	9	n	2166	2,3,4, SED, ADHD	17	10/23/95	N	Y
b.	15	n	362	2,3, 5 runner, Neur diso	18 behaviors	8/7/96	N	N
KETCHIKAN cont								
<i>GOAL</i>	<i>AGE</i>	<i>ICWA</i>	<i>TIME</i>	<i>SPECIAL NEEDS</i>	<i>BARRIERS</i>	<i>DATE/GOAL</i>	<i>IN P PLM'T</i>	<i>C3,4</i>
b.	9	n	1570	none	18, 15 return home	1/794	Y w/Dad	NA
d.	16	Y	683	2 PTSD	11	9/19/95	N	N
c.	8 mos	Y	117	4 M-FAS F-Alcohol	9, 11	9/19/95	N	N
c.	9	Y	687		11	5/16/97	U	N
d.	15	n	683	2,3,8, Severe behaviors	11	9/15/96	U	N
c.	16	n	299	3	11	9/19/95	Y	N
e.	13	y	2524	1,2,3, OpDefi, FAE	17	9/12/96	U	N
c.	7	y	1227	2,4 FAE	11	9/1791	PFC	N
c.	5	y	1227	1,3 FAE	11, 12	3/24/94	Y	N
c.	4	y	1227	1, 4 FAE	11, 17	3/24/94	U	N
d.	11	y	2123	1,2,4 DD/LD/FAE	11	3/24/94	N	N
c.	13	n	807	2,3 ADHD, SED	18, 16 Guardfiled	10/29/93	Y	N
c.	4	y	597	1 DD	11, 12	10/19/93	U	N
c.	9	y	597	8 multiple placements	11, 12	9/10/93	U	N
c.	13	Y	597		11,12, 16	8/30/93	U	N
a.	10	N	2,242		Adopted	8/11/93	Y	Y
OFFICE UNALASKA								
<i>GOAL</i>	<i>AGE</i>	<i>ICWA</i>	<i>TIME</i>	<i>SPECIAL NEEDS</i>	<i>BARRIERS</i>	<i>DATE/GOAL</i>	<i>IN P PLM'T</i>	<i>C3,4</i>
a.	13	Y	1780	1,2,3,6, hrg imp. FARND	13,18 disr plc5/96		U	N
a	8	Y	457	4, FAS, 5	16	5/2/96	Y	N
e	10	Y	457	3.PSTD, 4 FAS	13,17	11/5/96	N	N

OFFICE NOME								
<i>GOAL</i>	<i>AGE</i>	<i>ICWA</i>	<i>TIME</i>	<i>SPECIAL NEEDS</i>	<i>BARRIERS</i>	<i>DATE/GOAL</i>	<i>IN P PLM'T</i>	<i>C3,4</i>
a.	6	Y	674	1, med fragile/complex	18, family needS	5/6/97	Y	N
A	6	y	936	5	9, 10	5/8/92	Y	Y
A	3	y	936	5	9,10	1/9/95	Y	Y
a.	13	Y	610	6	18 Child reluctant	10/23/96	Y	N
b.	13	Y	530	0	18 mom delays	10/12/95	Y	Y
OFFICE JUNEAU								
<i>GOAL</i>	<i>AGE</i>	<i>ICWA</i>	<i>TIME</i>	<i>SPECIAL NEEDS</i>	<i>BARRIERS</i>	<i>DATE/GOAL</i>	<i>IN P PLM'T</i>	<i>C4</i>
a.	3.	Y	915	5	12,18 adopt mom health	1/30/95	Y	Y
a.	4	Y	915	5	12, 18 adopt mom health	"	Y	Y
a.	8	N	2005	3,4,5	9 on appeal	4/26/95	Y	Y
a.	5	N	1544	1,2,3,4.5 DD	9 on appeal	4/26/95	Y	Y
a.	3	N	848	0	16 recent location of f.	5/11/95	Y	N
a.	11	Y	1773	3,4,5 fail plm/ts	12,17 wkr has 7 terms	10/3/92	N	N
a.	10	Y	1773	2,3,4 DD,	12, 17 "	10/3/92	N	N
b.	15	Y	732	2,3,4,8 sev.sa	17	8/1/95	N	N
a.	7	Y	915	5, 8 gm sep from sibs	15, 12 tribal in	1/30/95	U	Y
a.	6	N	647	3,5 loss, PTSD	10, (open adopt plan)	11/1/96	Y	N
a.	4	N	563	3, 5 loss	10	11/1/96	Y	N
a.	5	N	871	2,3,4,5 DD	15 tribal intv	9/21/94	Y	N
a.	4	Y	871	3,45 behaviors	15	9/21/94?	Y	N
b.	17	Y	543	3, grief, abandonment	15	2/796	N	N
a.	10	Y	818	2, 5	17	2/12/97	N	N
a.	4	N	939	4,5	17, failed	1/6/95	N	N
a.	3	N	939	4,5	17 failed	1/6/95	N	N
a.	10	N	2577	3,5 loss, abuse	9 2nd appeal	2/22/91	Y	Y
a.	7	N	2577	3,5	9 " "	" "	Y	Y
a.	3	N	969	4	18 divorce	5/30/94	Y	Y
b.	14	N	365	4,5	18 rela decision	8/23/96	Y	N

b.	15	Y	365	5	18	8/23/96	Y	N	
a.	5	Y	577	3,5	18	unk	Y	N	
a.	7	Y	577	3, 5	18	" "	Y	N	
a.	12	Y	2427	1,2,3,4, FAE, Loss	9,13	Fappeal den. 3/11/94	Y	Y	
a.	8	Y	2427	1,2,3,4, FAE loss	9,13	" 3/11/94	Y	Y	
OFFICE FAIRBANKS									
GOAL	AGE	ICWA	TIME	SPECIAL NEEDS	BARRIERS	DATE/GOAL	IN P	PLM'T	C4
a.	2	Y	991	1,2,4	8, 16	3/30/95	Y	Y	Y
b.	14	N	520	4,5,6, abused Black	13,14	2/6/97	Y	N	N
b.	16	N	520	1,3,4,5,6	" 13,14	2/6/97	Y	N	N
b.	16	Y	544	5,6	14,15	1/30/97	N	N	N
b.	13	Y	543	4,5,6, multi plc	16,17	1/20/97	N	N	N
b	17	Y	1010	1,4,5, neurofibramatosis	9, 16	1/26/95	N	N	N
a.	1	Y	292	4,5 abuse,negl.	9,17	5/7/97	N	N	N
a.	6	N	1291	1,2,4,FAS,DD,ADHD	17	10/27/94	N	Y	Y
a.	14	N	1214	1,4,5,	11,	10/27/94	N	Y	Y
a.	7	N	607	6 rela search	12,14	10/8/96	N	Y	Y
b.	15	Y	439	4,5, abuse,sa	12, 17	12/10/96	N	N	N
a.	7	Y	2033	1,2,4,5, FAE,SED	9, 12	appeal 12/16/93	Y	Y	Y
a.	6	Y	2033	1,2,4,5, FAS,SED	9, 12	appeal 12/16/93	Y	Y	Y
a.	8	Y	2033	1,2,4,5 FAS,SED	9, 12	appeal 12/16/93	Y	Y	Y
a.	3	Y	1052	1, FAS, DD	12, 18	10/27/94	Y	Y	Y
a.*	6	Y	1243	4,6 abuse,sa, negl	9, 14	5/25/95 tpr pend	Y	N	N
a.*	7	Y	1243	1,4,"	9, 14	5/25/95	Y	N	N
a.	0	N	342	1, DD FAE?	12, 18 hrg	11/97 1/2/07	Y	N	N
a.	6	Y	635	1, 4, ADD,	9,16	pet file 5/13/97	Y	N	N
a.	0	N	228	1,4 DD? exposed	12	pet file 6/12/97	Y	N	N
a.	10	Y	437	3,4,5 negl	12,13	12/10/96	N	N	N

b.	10	N	477	4,5 negl	13,14	7/31/97	Y	N
b.	12	N	477	4,5 "	13, 14	7/31/97	N	N
b.	7	N	477	3,4,5, sa	13, 14	7/31/97	Y	N
a.	0	N	256	1, 4 cocaine	18, hrg 10/97	5/8/97	N	N
a.	2	N	822	1, 4 cocaine	16	12/27/95	Y	N

FAIRBANKS cont

GOAL	AGE	ICWA	TIME	SPECIAL NEEDS	BARRIERS	DATE/GOAL	IN P PLM'T	C4
d.	14	N	687	4, mom sub a	11	OCT 9/15/95	Y	N
a.	4.	N	1285	1,3,4 expo DD, Hyper	12,18	3/22/95	Y	Y
a.	1	y	545	1, 4 EXPO, FAE	12,14	5/7/97	y	N
b.	15	Y	200	1,3,4, FAS, ADHD,DD	12,17	3/18/84	N	N
a.	11	N	810	3,5 abuse,negl	9, 12,14	4/17/96	Y	N
a	12	N	1479	3,4,	9, 12,	6/27/96	N	Y
a.	1	N	553	1,4, cocaine	9, 12	6/17/97	Y	Y
a.	7	N	810	3, 5 w/2 sibs	9, 14	4/17/96	Y	N
a.	8	N	810	3,5 w/2 sibs	9,14	4/17/96	Y	N
a.	6	N	810	3,5 w/2 sibs	9, 14	4/17/96	Y	N
b.	10	N	1002	3,4,5, w/1 sib	9, 14	8/7/97	ICPC	N
b.	12	N	1002	3,4,5, w/1 sib	9, 14	8/7/97	ICPC	N
a.	8	Y	1460	1,4, FAE negl w/1sib	13, 14	5/12/94	Y	Y
a.	7	Y	1460	1,4, FAE ADHD w/1sib	13,14	5/12/94	Y	Y
a.	3	N	1144	1,4 cocaine, asthma	9, 12	7/5/94	Y	Y
b.	17	y	584	1,3 sub abuse	18 guard. in trmt	2/1/96	Y	N
a.	10	N	830	1,2,4, SED, loss	12,16	4/17/97	Y	N
a.	9	N	830	3,4, SED,abused	12,16	4/17/97	Y	N
b.	15	N	660	3,5 SED 1 sib	12, 16	5/1/96	U	N
a.	8	N	1214	5, w/2 sibs	13, 12	ICPC 10/27/94	Y	Y
a.	5	N	1214	1,5 FAS w/2 sibs	13,12 "	"	Y	N

a.	7	N	1214	1,4,5 sickle cell w/2	13,12 "	"	Y	N
b.	17	Y	1067	3,4, 5 w	18 guard in txmt	2/1/96	Y	N
b.	10	Y	584	3,5, w/2sib	18 "	"	Y	N
a.	8	Y	1002	1,3,4,5 FAE,SED	18 multiple plc	6/30/97	U	N
a.	9	Y	1002	1,3,4,5 FAE,SED	18 "	"	U	N
a.	11	Y	1002	1,3,4,5 FAE,SED	18 "	"	U	N

FAIRBANKS cont

GOAL	AGE	ICWA	TIME	SPECIAL NEEDS	BARRIERS	DATE/GOAL	IN P PLM'T	C4
a.	3	Y	1275	1,4, ADHD, FAE?	9 m-tpr D-hrg	2/98 5/7/97	Y	C3,
a.	14	Y	1010	4,5 abused	16,18 late file pet	4/2/97	U	N
a.	11	N	843	1,4 ADHD, sub ab	12,14	6/19/97	Y	N
a.	0	N	166	1, 4 DD multi sub	9, 16	8/14/97	U	N
a.	2	N	865	1,4 DD mom DD	9, 16	2/695	U	C3
a.	2	Y	737	4, sib MenIII, sub a	14,18 delays	10/26/95	Y	C3

OFFICE DELTA

GOAL	AGE	ICWA	TIME	SPECIAL NEEDS	BARRIERS	DATE/GOAL	IN P PLM'T	C4
a.	6	Y	1135	5 w/1 sib	14,16	7/13/95	Y	N
a.	7	Y	1135	5 w/1 sib	14,16 tpr	12/8/97 1/11/96	Y	N
a.	3	Y	1135	1, 5 w/1 sib, med	12 m-reling	8/97 7/2/97	Y	C3
b.	13	Y	772	3, sex a., abandon	23,1	8/13/97	U	N

OFFICE KODIAK

GOAL	AGE	ICWA	TIME	SPECIAL NEEDS	BARRIERS	DATE/GOAL	IN P PLM'T	C4
b.	12	N	808	0	18 change guard	5/17/95	Y	N
a/b	3	Y	1104	0	11,10	7/25/94	U	Y
a/b	9	Y	555	5 w/1 twin	11, 13	8/19/93	Y	N
a/b	9	Y	555	5 w/1 twin	11, 13	8/19/93	Y	N
a/b	8	Y	555	5 w/twin	11, 13	8/19/93	Y	N
a/b	8	Y	555	5 w/twin	11, 13	8/19/93	Y	N
a/b	1	y	675	2,4, FAE twin	13, 14	9/27/95	Y	N

a/b	1	Y	675	2,4 FAE, twin	13, 14	9/27/95	Y	N
OFFICE HOMER								
<i>GOAL</i>	<i>AGE</i>	<i>ICWA</i>	<i>TIME</i>	<i>SPECIAL NEEDS</i>	<i>BARRIERS</i>	<i>DATE/GOAL</i>	<i>IN P PLM'T</i>	<i>C4</i>
a.	11	U	372	2,3, LD, SEC, PTSD	16	8/27/97	U	N
a.	14	N	799	1,3,4, FAS	17, 14	8/27/97	N	N
HOMER cont.								
<i>GOAL</i>	<i>AGE</i>	<i>ICWA</i>	<i>TIME</i>	<i>SPECIAL NEEDS</i>	<i>BARRIERS</i>	<i>DATE/GOAL</i>	<i>IN P PLM'T</i>	<i>C4</i>
b.	13	N	519	3, mom dead, depres	16	8/27/97	Y	N
b.	16	n	687	1,3, sed, perpetrator	17	8/27/97	N	N
OFFICE SEWARD								
<i>GOAL</i>	<i>AGE</i>	<i>ICWA</i>	<i>TIME</i>	<i>SPECIAL NEEDS</i>	<i>BARRIERS</i>	<i>DATE/GOAL</i>	<i>IN P PLM'T</i>	<i>C4</i>
*e.	12	Y	2,178	4	16, 18 lack \$	4/12/93	Y	N
*e.	4	N	1573	4	16, 18 lack fo \$	4/12/93	Y	N
a.	9	Y	2549	3,4 sib	18 F-aids M-reap	3/12/94	U	N
*e.	15	Y	854	4,6 racial id imp.	18 " "	2/18/94	U	N
*e.	12	Y	2549	4, 6 "	18 " "	2/18/94	U	N
a/b	10	Y	674	1,3,4 FAS,DD	17,18	10/3/95	N	N
*e	10	N	1025	4	16	10/12/94	U	N
a.	6	Y	790	0	14	6/5/95	Y icpc	N
a.	17	Y	3287		17	8/2/88	N will age out	
*e.	15	N	2488	4	18 no \$ to adop	6/15/91	Y	N
*e.	16	N	2488	4	18 "	6/15/91	Y	N
OFFICE ANIAK								
<i>GOAL</i>	<i>AGE</i>	<i>ICWA</i>	<i>TIME</i>	<i>SPECIAL NEEDS</i>	<i>BARR' S</i>	<i>DATE/GOAL</i>	<i>IN P PLM'T</i>	<i>C4</i>
a.	7	Y	452	4 FAE	13, 1-,17	7/15/97	N	N
a.	12	Y	1108	8 open adopt	13,10,16	7/7/95	Y	Y C3
OFFICE MAT-SU								

GOAL	AGE	ICWA	TIME	SPECIAL NEEDS	BARRIERS	DATE/GOAL	IN P PLM'T	C4
b.	14	N	795	3, PTSD	9	8/7/92	Y	N
a.	11	N	911	3,4, SED 4 sibs	18 psychi.hosp	7/27/96	N	N
a.	8	N	911	3,4 " "	18 "	"	N	N
a.	10	N	911	3,4, " "	18 "	"	N	N
a.	12	N	911	3,4, " "18 "	:	"	N	N
a.	14	N	911	3,4,	13	7/24/96	N	N
a.	9	N	215	3,4	13,14	6/15/97	N	N
OFFICE SITKA								
GOAL	AGE	ICWA	TIME	SPECIAL NEEDS	BARRIERS	DATE/GOAL	IN P PLM'T	C4
a.	2	Y	737	1, build thumbs	18 delay for sub	xxx	Y	Y
OFFICE BARROW								
GOAL	AGE	ICWA	TIME	SPECIAL NEEDS	BARRIERS	DATE/GOAL	IN P PLM'T	C4
A.	6	y	1554	1,4, alco ex	9,13	1/26/93	Y	Y
a.	9	Y	593	1,4,5 2/sibs FAE	593	9/30/96	N	N
a.	3	Y	814	1,4, alco	9, 13	9/23/96	N	YC3
a.	7	Y	593	1,4,5 2/sibs FAE	9, 13	9/30/96	U	N
a.	10	Y	593	1,3,4,5 2/sibs	9,13	9/30/96	N	N
a.	10	Y	1106	4,5 1 of 5 sibs	16,10,12,14	11/21/96	Y	N
a.	4	Y	1236	2,3,4,5	12, 18	1/27/97	Y	N
a.	14	Y	1106	2,3,4,5 1 of 5 sib	10, 16	11/21/96	Y	N
a/	13	Y	1106	1,2,3,4,5 "	11,10	11/21/96	Y	N
a.	15	Y	1106	1,2,3,4,5 5 sibs	10, 16	11/21/96	Y	N
a.	5	Y	1106	1,2,3,4,5, 5 sibs	10,15	11/21/96	Y	N
OFFICE BETHEL								
GOAL	AGE	ICWA	TIME	SPECIAL NEEDS	BARRIERS	DATE/GOAL	IN P PLM'T	C4
b.	16	y	4206	2,3,	18 MEDICAID	1/22/97	Y	N
a.	11	Y	828	3,4 sib/1	10, 12	4/30/96	Y	N
a.	13	Y	828	3, 4 sib/1	10,12	4/30/95	N	N
a.	0	Y	303	1, alco seizures	10	1/14/97	Y	N

a.	13	Y	828	3,4, depres SED	11, 20	4/30/96	Y	N
a.	8	Y	641	4	18 to comp	1/14/97	Y	N
a.	4	Y	1310	4	9,12,18	11/20/95	Y	N
<i>GOAL</i>	<i>AGE</i>	<i>ICWA</i>	<i>TIME</i>	<i>SPECIAL NEEDS</i>	<i>BARRIERS</i>	<i>DATE/GOAL</i>	<i>IN P PLM'T</i>	<i>C4</i>
a.	6	y	1052	2,4 4SIBS	11,	12/1/95	Y	N
a	9	Y	1052	3, 4sibs	11	12/1/95	Y	N
	A.	1	N 616	4 4 sibs	11	12/1/95	Y	N
a.	5	Y	1052	4 4 sibs	11	12/1/95	Y	N
a.	10	Y	1052	3,4 4sibs	11	12/1/95	Y	N
a.	9	Y	2127	2, 4 1 sib	18 process delay	9/13/95	Y	Y
a.	13	Y	2127	3,4,5 1 sib	18 "	"	Y	Y
a.	4	Y	677	3	12	10/15/96	Y	YC3
a.	8	Y	2587	3	18 IV-E elig	10/7/94	Y	Y
a.	6	Y	1882	5 2sibs	11,13,14	6/11/97	N	N
a.	6	Y	2227	1,4	18 process delay	5/30/93	Y	Y
a.	6	Y	1426	1,5 2 sibs, DD, CPI	17, 18	4/2/96	N	Y
a.	13	Y	2025	1,3, ADHD	18 wait consent	11/20/95	Y	YC3
a/	3	Y	1071	1, 5 FAS 1sib	18 "	1/12/96	Y	Y
*e.	17	Y	4036	3,4, suicidal	17, 18	7/2/97	to long term foster care	
a.	12	Y	4036	2,3, loss, DD	12,17	3/6/95	Y	Y
a.	11	Y	1766	0	11,15, may go home	1/7/95	N	N
a.	7	Y	1882	5 2sibs	13	6/11/97	N	N
	a.	7	Y 1882	5 2 sibs	13,14	6/11/97	N	N
b.	15	Y	1591	age	11	11/13/93	N	N
b/	14	Y	5294	3.4. SED	18 wait stable	4/10/95	N	N
a.	9	Y	1644	0	16	1/12/96	Y	N
a.	8	Y	1766	4	11, 15	2/7/95	N	N
a.	12	Y	1766	0	11,15	2/7/95	N	N
a.	7	Y	1766	0	13,10	7/18/94	Y	N

a.	7	Y	913	1,2,4 braincancer	12, 18 tribe approval	6/4/97	Y	N	
a.	11	Y	337	3,4	17	5/21/97	N	N	
a.	6	Y	1892	0	10,14	2/15/96	N	N	
a.	11	Y	828	3,5 SED 1sib	10	4/30/96	N	N	
a.	13	Y	828	3,5 SED 1 sib	10	4/30/96	N	N	
a.	9	Y	2132	0	10, 14	11/22/94	N	N	
a.	8	Y	2130	0	10,14, 16	11/22/94	N	N	
a.	11	Y	2132	2,3 SED, DD	10	11/22/94	N	N	
a.	11	y	1453	3,4 many 1/2 sib	10, 14	2/2/96	N	N	
*e.	15	Y	2648	0 listed	0 listed	6/18/97	goal changed to perm fc		
b.	13	Y	666	3,4 SED, sniffer	11	4/30/96	N	N	
a.	4	Y	1309	5	18 icpc	6/10/94	Y	N	
OFFICE KENAI									
<i>GOAL</i>	<i>AGE</i>	<i>ICWA</i>	<i>TIME</i>	<i>SPECIAL NEEDS</i>	<i>BARRIERS</i>	<i>DATE/GOAL</i>	<i>I</i>	<i>N P PLM'T</i>	<i>C4</i>
a.	9	N	2955	3,4,5 attachment	12	12/22/92		N	Y
a.	11	N	2955	3,4,5, "	12	12/22/82		N	Y
a.	8	N	1879	3,4,5 SED	13,14	1/27/96		U	N
a.	5	N	1879	3,4,5 SED	13,14	4/18/95		U	N
a.	8	N	1536	1,3,5 3sibs SED	9,10	5/19/93		U	N
b.	15	N	505	3, SED loss, 24hr	11, 17	3/15/96		N	N
a.	7	N	1536	1,3,5 3sibs	9	5/19/93		U	N
a.	12	N	1536	1,2,3,5 SED 24	9,10	5/19/93		U	N
a.	6	N	2333	3,4,5	13,14	2/15/94		U	N
a.	4	N	1262	1,3,4,5 SED	13,14	11/4/94		U	Y
a.	6	N	722	6 child black	13,14,16	8/11/95		Y	N
b.	2	N	554	4,	11,14	1/26/96		Y	N
a.	9	N	1536	1,2,3,5 3sibs	9	5/19/93		N	N
a.	1	N	610	1,2,3,4, FAS	9, 13	12/1/95		Y	N
b.	15	N	418	3,age SED	11,14	6/10/96		N	N

a.	2	N	722	1,4,, FAS/FAE	13,14,16	8/11/95	Y	N	
a.	14	N	3410	1,3,5 depress 2sibs	11,13,12,17	9/17/94	N	Y	
a.	5	Y	1689	0	13,12,16	2/13/93	Y	N	
c/d	15	Y	228	5 lsib	11,13	6/10/96	N	N	
c/d	15	N	4097	5 2sibs	11,12,13	6/8/94	N	N	
c/d	13	N	4097	5, 2 sibs	11,12,13	9/22/92	N	N	
c/d	8	N	736	1,3, ADHD, PTSD	11,13	11/15/96	N	N	
c/d	7	N	725	5 3sibs	11	8/7/95	N	N	
c/d	7	N	101	5, 1 sib	11,14, relative sea	4/23/97	N	N	
c/d	5	N	101	1,2,3,5 1 sib	11,14, "	4/23/97	N	N	
*e	2	Y	950	1,2,4,5 2sibs	11,16	12/7/95	Y	N	
d.	13	N	850	3,5, 3sibs mdead	11	9/27/95	Y	N	
c.	4	N	604	3,5,1sib	11,18 mom h/c	12/7/95	Y	N	
c/d	6	N	639	2,5 3sibs	11, 14	11/20/91?	Y	N	
c/d	3	N	639	5 3sibs	11,14	11/2/95	Y	N	
e	7	N	781	4, poss.FAS/FAE	13	4/15/96	Y	NA	
e	3	Y	781	1,cocaine4,FAS?	13	6/15/95	Y	NA	
e	2	Y	780	1,cocaine,4,FAS	13	6/14/95	Y	NA	
e	6	Y	781	4 FAS/FAE 5	13	4/15/96	Y	NA	
office McGRATH									
<i>GOAL</i>	<i>AGE</i>	<i>ICWA</i>	<i>TIME</i>	<i>SPECIAL NEEDS</i>	<i>BARRIERS</i>	<i>DATE/GOAL</i>	<i>I</i>	<i>N P PLM'T</i>	<i>C4</i>
A.	4	Y	1563	4,5, FAE	9,13, 10 DIF.FINDP	4/23/96		Y	N
Office ANCHORAGE									
<i>GOAL</i>	<i>AGE</i>	<i>ICWA</i>	<i>TIME</i>	<i>SPECIAL NEEDS</i>	<i>BARRIERS</i>	<i>DATE/GOAL</i>	<i>I</i>	<i>N P PLM'T</i>	<i>C4</i>
a.	5	N	830	3,4,5,6,	8 adopt fam conc	4/25/95		Y	U
a	7	N	830	3,4,5,6,	8 above	4/25/95		Y	U
a	7	Y	2734	3,4,fetal hydantoin	9 court delay	3/5/94		N	Y
ANCHORAGE									

GOAL	AGE	ICWA	TIME	SPECIAL NEEDS	BARRIERS	dATE/GOAL	I	N P PLM'T	C4
a	7	Y	743	4, FAS, 5	n/a	7/21/95		Y	Y
a.	6	Y	743	4, FAE, 5	n/a	7/21/95		Y	Y
a.	8	N	1079	o	12	9/1/94		U	C3
a.	0	N	290	4	9	10/16/96		U	N
a.	4	Y	1432	4	12,18 wrk delay	3/32/94		Y	Y
a.	0	N	186	4	13	2/297		Y	C3
a.	5	Y	1130	4	scheduled adopt 11/97	6/29/94		Y	Y
a.	1	Y	589	4	9	4/30/97		Y	N
a	3	Y	667	4	scheduled 10/23	10/29/96		Y	Y
b	15	Y	1647	2,3,8 behaviors	0	10/15/93		U	N/a
a	4	N	1347	4	est pat, out state	1/30/95		U	N
b	9	N	1366	3, SED,t	13	11/10/93		Y	C3
a	0	U	177	6	13	2/7/97		U	N
a	5	Y	551	3,6	13	9/21/93		U	C3
a	1	Y	478	4, FAS	13	12/19/96		U	C3
a	13	Y	1177	0	0	5/12/95		U	Y
b	15	Y	1177	3, SED	13 lost oppo for adopt	5/12/95		U	Rights Reins
a.	3	Y	738	4 FAE	9, 13	8/17/95		U	N
b	2	Y	738	4 SED	9, 13, 17	8/17/95		U	N
g	9	Y	738	4 SED	9, 13, 17	8/17/85		U	N
a.	1	Y	513	0	13	3/7/96		U	N
b	11	N	2617	3, PSTD	9,10,13 Complexcase	2/23/96		U	N
a	13	N	1140	3 SED	13	6/19/94		Y	Y
a	9	N	1096	3 SED	13,17	8/2/94		N	Y
a	1	N	668	4 drug exp	13, 18 trial post t	4/30/97		Y	N
a	2	Y	549	4 FAE	13	1/31/96		Y	Y
b	8	Y	738	3 SED	9, 13, 17	8/17/95		N	N

ANCHORAGE continued

GOAL	AGE	ICWA	TIME	SPECIAL NEEDS	BARRIERS	DATE/GOAL	I	N P PLM'T	C4
a	5	Y	738	3,4FAE, 6	9,13,17	8/17/95		N	N
b	16	Y	814	6	13	5/31/91		Y	NA
a	5	N	497	6	13	4/3/96		N	N
a	4	N	497	6	13	3/23/96		U	N
a	6	Y	497	6	13	3/23/96		U	N
a	5	Y	1460	6	13	4/11/96		U	?
a.	7	N	2262	6	13	1/6/96		U	C3
a	8	N	1460	6	13	1/6/96		U	C3
a	4	Y	810	3	13 not time find home	1/8/97		Y	Y
b	13	Y	3382	3 SED	13	9/3/93		U	NA
a	1	Y	425	2,FAE,3,4, Asthma	17 no place	6/9/97		N	N
a	1	Y	634	2,DD,4	15 Tribe	12/5/96		U	Y
a	8	N	540	2,3 ADHD Condu	12,18 trial plc	2/12/96		Y	Y
a	2	N	821	2,4, FAS/FAE	13 TWIN	6/6/97		Y	N
a	2	N	821	2,4 FAs/FAE	13 twins	6/6/97		y	n
b	15	N	638	3 PTSD	18 fail guard	5/9/97		N	NA
a	13	N	1633	0	12, 13	11/16/95		Y	Y
a	2	Y	872	0	18 GAL op GM	6/28/97		Y	Y
a	10	Y	2833	3 SED	18 entry Casey	5/24/94		N in hosp	Y
a	13	Y	1912	4	9,18 need good c	6/3/92		Y	Y
a	15	Y	1912	4	9,18 "	6/3/92		Y	Y
a	9	Y	1912	4	9,18"	5/25/92		Y	Y
a	7	Y	1912	4	9,18 "	5/26/92		Y	Y
a	7	Y	1115	1,4 neurofibro	10	7/28/94		U	N
a	6	Y	1115	1,2,4	10	7/28/94		U	N
a	9	Y	1115	1,4,6	10	7/28/94		U	N

ANCHORAGE continued

GOAL	AGE	ICWA	TIME	SPECIAL NEEDS	BARRIERS	DATE/GOAL	I	IN P PLM'T	C4
b	14	Y	1228	3, SA alcohol	17,18 residential	6/6/91		N	Y
a	3	N	1115	0	12	12/21/95		Y	Y
a	0	N	316	4 parents DD	18 mom rel, d.dead	2/11/97		Y	N
a	1	Y	558	4	10, 18 GAL delay	6/3/97		Y	N
a	2	Y	726	6	10, 18 GAL delay	6/3/97		Y	N
a	11	n	1208	6, sed	17, fail a plc	4/12/94		N	Y
a	1	Y	610	1, HIV, 4	10, 16	12/1/95		N	C3
a	5	N	193	3, SA, nightmare	10, 16	1/21/97		U	N
a	4	N	913	4	10, 18	2/15/94		Y	C3
a	5	Y	1110	6	9,10,13,15	8/1/94		Y	N
a	1	N	540	1,4,twin	16, 18	2/9/96		U	Y
a	1	N	540	1,4 twin	16,18	2/9/96		U	Y
a	10	n	1054	3	14,16	7/2/95		Y	Npend
a	1	N	549	4	10, 18 AAG&GAL	12/14/96		N	N
a.	4	Y	1344	4, FAE, DD 6	18 mom tried	4/25/97		Y	N
a	6	Y	1344	4 FAS/FAE 6	18 "	2/22/94		Y	N
a	5	Y	1344	4 FAS/FAE 6	18 "	4/25/97		Y	N
a	7	N	1654	2, SED, ADHD SA	17 failed 3 a plc	2/11/94		N	Y
a	12	Y	568	3, PA severe	17, 18 residential	1/2/96		N	N
a	3	Y	909	1, torticollis	18 mom tried	2/2/96		Y	C3
a	5	Y	780	1,4, malnourish	18 "	6/14/95		Y	C3
a	5	N	1152	2,3, odd persona	13.	7/7/94		Y	N
a	10	N	1208	2, mental ill, SA	17 child unstable	11/2/94		N	Y
a	7	Y	1054	6	9,12, 16l, 15, 18	9/19/94		Y	Npend
a	12	N	1654	3 SED 6	17	2/17/94		N	Y
b	10	N	676	3,4, SED	15 Dad	9/26/95		N	N

ANCHORAGE continued

GOAL	AGE	ICWA	TIME	SPECIAL NEEDS	BARRIERS	DATE/GOAL	I	IN P PLM'T	C4
a	14	N	838	2, SpecED behav	12,13	3/13/95		N	N
a	10	N	577	6	12,13	5/18/96		N	N
a	13	Y	179	3, behavior	12,13	4/1/91		N	N
b	9	N	457	2 ADHD,3 Aband	18 contest G	5/2/96		Y	NA
d	14	N	585	3 SA	11	12/26/95		Y	NA
a	8	N	679	3 ADHD 6	9	10/97		U	N
a	6	N	679	3 ADHD in fantasy	9	10/97		U	N
a	5	N	679	1,3 ADHD	9	10/97		U	N
b	15	Y	2124	3 ADHD	16 17	4/20/94		N	N
b	16	N	869	1,2,3 ADHD, DD	13	11/23/92		N	NA
a	7	N	101	2 SED attachment	3	4/23/97		N hosp	N
a	14	N	1348	3 attachment		11/14/94		N MYC	Y
a	8	N	2745	0	18 ICPC refusal	7/18/91		Y	C3
a	10	N	2745	0	18 ICPC refusal	7/18/91		Y	C3
b	13	N	694	0	11	4/30/93		U	NA
b	12	N	694	0	11	4/30/93		U	NA
b	9	N	694	0	11	4/30/93		U	NA
a	7	Y	753	3 SED attach	11	8/2/95		N	N
b	7	N	878	0	11	3/14/95		N	NA
b	4	N	878	0	11	3/14/95		N	NA
a	7	N	2745	0	18 ICPC refusal	7/18/91		Y	C3
a	3	N	968	0	13 need TP wkup	8/10/97		N	N
a	10	Y	253	0	13 "	8/26/97		N	N
a	14	Y	255	2,3, SED	13 "	8/26/97		N	N
A	1	Y	590	0	13 T/P workup	12/10/96		N	N
A	3	N	674	3, sep. anxiety	10	6/25/96		N	N
A	8	N	968	0	13, 14	8/10/97		U	N

ANCHORAGE continued

GOAL	AGE	ICWA	TIME	SPECIAL NEEDS	BARRIERS	DATE/GOAL	I	IN P PLM'T	C4
B	9	Y	659	0	9, 16	5/27/97		N	N
A	3	Y	957	3 sep anxiety	9	1/26/97		N	N
b	14	Y	659	0	16	5/27/97		N	NA
b	12	Y	659	0	16	5/27/97		N	NA
b	9	Y	539	2,3, SED	16	2/24/97		N	NA
a	3	N	1079	4	12	4/8/96		N	N
a	4	Y	774	2,3,4 SED FAS/FAE	16 parents reling slowly	3/15/96		N	N
a	3	Y	774	3,4 lang delay	16	3/15/96		N	N
a	1	Y	425	2,3,4, FAS asthma	17,13	6/9/97		N	N
a	3	Y	425	2,3,4 FAS	9	6/9/97		N	N
a	4	N	674	3, depression anxiety	10	6/25/96		N	N
a	0	N	309	2,4, drug	0	5/4/97		U	N
b	12	Y	3302	6	14,16,	7/22/97		U	NA
a	5	N	572	2, ADD	15, 12	12/3/96		U	N
a	6	N	572	2 ADD	12, 15	12/3/96		U	N
a	4	N	572	2 ADD	12, 15	12/3/96		U	N
a	8	Y	1105	2,3,5 SED	10, 16	9/9/97		N	N
a	7	Y	1105	2 SED	10 16	9/9/97		N	N
b	4	N	409	5	0	1/6/97		N	NA
a	2	Y	787	1,2,5 Head inj. DD	17, 18	12/9/96		N	N
a	8	N	1207	5	16, 18 failed plcmt	12/20/93		N	N
c	1	U	536	1, med Frq2, DD	9,11,13	2/13/96		N	N
c	0	Y	236	4,5	11,13,14	12/9/96		N	N

LEGAL SERVICES

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

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

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

MEMORANDUM

April 6, 1998

SUBJECT: CSHB 375(HES), version H (Child Protection)

TO: Representative Con Bunde
Attn: Lynne Smith

FROM: Terri Lauterbach *101 Apr 7 1998*
Legislative Counsel

Enclosed is CSHB 375(HES) in final.

Per your directive, I have not incorporated the conceptual amendment to page 18, line 14, of the "F" version, and I have eliminated the section at the end of the bill that would have been a revisor's instruction to change "minor" to "child" in undetermined sections of AS 47.10 because the blank lines of the revisor's instruction in the "F" version were not filled in and blank lines cannot be retained in a final. I have added sec. 26 to accommodate the changes made in AS 25.20.061 by Amendment #7.

Please let me know if I can be of further assistance on this matter.

TML:glc
98-209.glc

Enclosure

LEGAL SERVICES

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

(907) 465-3887 or 465-2450
FAX (907) 465-2029
Mail Stop 3101

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

MEMORANDUM

April 3, 1998

SUBJECT: Domestic Violence as a CINA factor (CSHB 375(HES))

TO: Susan Wibker
Assistant Attorney General

FROM: Terri Lauterbach *T. Lauterbach*
Legislative Counsel

Lynne Smith, House HESS Committee staff, has requested that I get your point of view as to whether the following language, to be used at page 18, lines 13 - 14 of the F version of HB 375, would implement the HESS Committee's conceptual amendment relating to mental injury and domestic violence:

(8) conduct by or conditions created by the parent, guardian, or custodian have resulted in mental injury to the child; if the court finds that the child has been exposed to domestic violence involving a member of the child's household, there is a rebuttable presumption that mental injury to the child has occurred because of conduct by or conditions created by the parent, guardian, or custodian;

Please respond as to the appropriateness of this language at your earliest convenience so that the final (HES) version can be prepared. Thank you.

TML:jdr
98-229.jdr

✓ cc: Representative Con Bunde, Chair
House Health, Education and Social Services Committee

Post-It® Fax Note	7671	Date	4/3	# of pages	1
To	Lynne Smith	From	Terri Lauterbach		
Co./Dept.	Rep. Bunde	Co.			
Phone #		Phone #			
Fax #		Fax #			

A couple of more amendments

Page 17, line 18,

After "incarcerated," insert "and the incarcerated parent has not made satisfactory arrangements for the child"

(please feel free to make technical changes to fit the existing language)

Page 18, line 14,

After ";" insert "exposure to domestic violence shall be treated as in AS 25.20.061"

(again your technical assistance with this is appreciated.)

CHILD PROTECTION - SUMMARY OF ADDITIONAL RESOURCES NEEDED

Dept Name	BRU or Component	Action	FY 99		FY 2000
			FY 99 General Funds	FY 99 Other Funds	FY 2000 Increment to Annualize Staff
Direct Impacts of HB 375					
Corrections	Admin and Operations	Increased length of incarcerations due to changes in law (cost of \$21.6 will be absorbed in FY 99)			36.5
Hlth & Soc Svcs	State Medical Examiner	Costs related to State Child Fatality Review - no impact FY 99			43.0
Child Protection Resources Needed with or without HB 375 (already in Governor's budget)					
Administration	Office of Public Advocacy	Child Abuse Response Caseload Increase and development of volunteer program to support families in crisis.	744.0		74.8
Administration	Public Defender	Child Abuse Response Caseload Increase	875.9		67.4
Corrections	Community Corrections Director's Office	Increase Supervision of Sexual Predators	350.0		
Hlth & Soc Svcs	DFYS - Central	Increase Staff Training	100.0	300.0	
Hlth & Soc Svcs	DFYS - Northern	Increase Child Protection Services	245.5	558.3	145.6
Hlth & Soc Svcs	DFYS - Southcentral	Increase Child Protection Services	306.1	941.9	158.7
Hlth & Soc Svcs	Family Preservation	Community Based Family Assessment / Case Management Pilot	835.9	49.8	
Hlth & Soc Svcs	Foster Care Augmented Rate	Emergency child care placements	262.8	65.7	
Hlth & Soc Svcs	Purchased Services - Foster Care Special Needs	Respite Care for Foster Families	225.0	75.0	
Hlth & Soc Svcs	Purchased Services/ Family Preservation	Budget Amendment Family Intervention		500.0	
Hlth & Soc Svcs	Purchased Services/ Family Preservation	Budget Amendment Substance Abuse Treatment		350.0	
Hlth & Soc Svcs	Residential Child Care	Emergency Shelter Care	164.5	22.4	
Law	Civil Division - Human Svcs	Respond to Increase in Child Protection Cases in Court	989.0		220.9
Law	Criminal Division - Anchorage	Increase Child Abuse Criminal Prosecutions	250.0		
Public Safety	Troopers - Detachments	Increase Troopers for Child Protection and Abuse Response and Sex Offender Tracking	1,700.0		
Public Safety	VPSO - Contracts	Increase VPSOs for Child Abuse Response in Villages	428.0		

For the record, my name is Michael Coons from Palmer. I am a Paramedic and have worked in the Emergency Medical Services since 1981.

I have read HB 375 submitted by Governor Knowles. Bottom line is I don't see any real change in this legislation pertaining to DFYS, meaningful punishment for those who neglect, abuse or exploit children, nor increased law enforcement role. I do have comments on some points to be specific. Due to time I would like these concerns to be placed on the record by my written comments that I have FAXed. I would instead like to give some examples of abuse by "parents" and "Social Services" that I have witnessed as a Paramedic.

Fortunately, I have not had any contact with DFYS since moving to Alaska. However, Social Services from state to state are very similar. The problem as I see it, as the following incidents will show, is fairly typical of Child Protective Services. What we need is the ability for law enforcement to make the decision on site to start an investigation at least, if not to remove the children on the spot.

So as not to compromise patient confidentiality, I will not indicate what state or city this occurred in. I was dispatched to a residence on an unknown situation. All we knew from dispatch (over the phone) was a neighbor had called concerned about the noise coming from his neighbors house. When we talked to the neighbor (with a police officer present), the neighbor said that the guy next door has children, no spouse, and a lot of yelling and other noise coming from the house. The neighbor was concerned for the children's safety and thought that the children may be hurt. The deputy stated he didn't have probable cause to enter the house, but if we as EMS were to gain entry, and he (deputy) was allowed in as well, we could see what the situation was. The exterior of the house was dark and we weren't too keen on knocking on the door, but we did. An adult male answered the door, we told him that we had received a call about a possible injury at his residence and could we come in. He stated that nothing was wrong. We then said, OK, but can we come in so we can fill out our report and be on our way. He allowed us, and the deputy inside. Inside the house, the living room had dog and cat droppings everywhere, a kitchen knife on the coffee table and the smell was overpowering of urine and feces. We asked if we could check on the children. He gave permission. We found one bedroom with a filthy mattress on the floor with 2 children asleep, another bedroom the same condition with two more, all male. The second "bedroom" was more like a closet than a bedroom. In the "master bedroom" we found a 10 year old girl between the bed and the wall, on her knees rocking back and forth. At this point we are concerned and suspected at least child neglect, if not child sexual assault. The deputy called in for his supervisor. To give the officers time, we asked the "father" for information to "fill out our reports" so as to buy the officers time to investigate what was going on. The girl won't hardly say anything but denied any problems. I will never forget the blank look on her face! All of us felt that something very wrong was going on. The "father" was non-cooperative and vague. Total time in the house was about 30 minutes but the deputies didn't find enough probable cause to do anything, so we left. Outside the house I asked the officer in charge if he was reporting this to Child Social Services and he said he was. Under state law, I was, as the lead medic, was required to do the same. That morning, I called Child Social Services and reported what we had found. The "social worker" I talked to was rude and actually accused me of making a false report. She also wanted to know why I had even bothered calling! I reminded her of the state law requiring that health care providers were required to report possible child neglect, abuse and or sexual abuse! Her attitude was such and her comments were such that it was apparent to me that no investigation into this matter was going to happen. To make a long story

short, I went over her head, her supervisors head and finally up to the Assistant Director of the department before I got someone who seemed to care! We never went back to that house, nor heard what happened. A few years later, at a college course about social services that I took, I found that the law required Social Services to inform the reporting agencies, i.e. EMS and law enforcement on the outcome of the investigation. To this day, I do not know what happened.

The attitude I found by Social Services in this case was not just one occurrence but several in my experience. Unless you know the law and can quote it, the "case workers" will treat the reporter very rudely and try to make the reporter out to be the "bad guy". In a follow-up case once, the status of the elderly person who was in jeopardy was refused to me, until I quoted chapter and verse of the law. Even then, the required information was like pulling "hens teeth".

I personally know about and have seen several cases of child abuse, one resulting in the death of the infant, others resulting in hospitalization. In the case of the death, the "boyfriend" received 5 years, the "mother" wasn't even charged! In another case, Quaaludes being given to a 3 year old, and ALL indicators of gross child abuse being found, the child was returned in 24 hours to the drug addicted "mother"! Only in two cases have I seen a positive outcome, one dealing with children and one dealing with an elderly lady. Both "positive" outcomes seemed to only come about AFTER we knew the law and how to use it! It was apparent to us that without our pressure, neither one of these cases would have shown any improvement. As a note to how we saw the improvement, the places were places we responded to on a regular basis.

Unfortunately, I have also heard from friends and even parents of hurt children that I have responded to, that Social Services have accused parents of abuse, when no abuse was indicated or found! For some reason that I have never been able to understand, a normally healthy, clean, well fed and loved child who breaks an arm falling from a swing is "abused" when a 3 year old who has old dirt, old bruises, new bruises, unconscious from Quaaludes is not "abused"!

DFYS, according to what I am reading, doesn't seem much better than what I have seen in the "Lower 48". I strongly feel that what is needed is a partnership between law enforcement, the DA office, and DFYS in investigating and if need be, prosecuting child/elderly neglect, abuse and sexual abuse to the fullest extent of the law (law enforcement and DA being the lead)! How this is done must be carefully thought out and monitored. As indicated above I have seen abuse of the "system" both ways. The manner of the investigation should be based on sound evidence and probable cause. In my experience, Social Services does not have the training to understand what is good evidence and what is fabrication!

As a last example to back up the need for law enforcement doing the investigating was a situation that happened to me and 150 other fellow EMT's. We went to a symposium on medical legal and child abuse. When the speaker from Social Services came out she stated that there are two victims in a child abuse, the child and the abuser. Then proceeded to "cry" about the "poor abuser"!!! Our squad Chief told her in no uncertain terms that we were there to learn about the law, what to do to protect the child, and evidence, how we deal with the abuse and what we needed to do to document what we saw. The "Social Worker" told us that she would not cover those areas. 150 of us started to leave! The person in charge of the symposium stopped us, and threw out the Social Worker. We then broke into groups and found out what other departments were doing. We learned more that way, than any other course or lecture on this topic that I have since attended! This attitude by Social

Services must be changed! I feel that strong involvement by law enforcement may turn this around by example. I don't know if this will be the case, however, the present situation cannot be allowed to continue!

Please, talk to us folks in the trenches who have to see this and have to deal with not only the tragedies but the apathy of Social Workers! The more you ask of professionals from EMS and law enforcement the clearer picture you will find of the problems, and hopefully answers that will make a difference to the children and elderly who are most at risk

As to my concerns over HB 375, the following are my comments and concerns.

Lines 8-14 pertaining to children rights raises a question on are we opening a "Pandora's Box"? There have been pushes for "Children's rights" that have not received support because of what it would do to parents for "normal discipline". By stating these rights are we not opening the door to the fanatical left to say, "Now we have rights listed, let's take it further". This part is just something that makes the hairs stand up on my neck as a warning light.

Lines 24-31 "(2) the person knowingly engages in conduct directed toward the person recklessly or with 31 criminal negligence causes [INFLICTS] serious physical injury to the child by at least two separate acts, and one of the acts results in the death of the child ; or". Two acts? This paragraph relates to Murder in the First Degree! Isn't ONE act too much, much less TWO!

"20 (b) Indecent exposure in the second degree before a person under 16 to 21 years of age is a class A misdemeanor. Indecent exposure in the second degree before a 22 person 16 years of age or older is a class B misdemeanor." So this would mean that the person who exposes him/herself walks on a Misdemeanor? This behavior is an alarm that there has, is or soon will be something worse happening to a child! This is inexcusable behavior that must be stopped with such a deterrent that even a "sicko" will think twice about it!

Sec. 12. AS 11.51.120. amended. I have a problem with. There has been enough Letters to the Editors with sound comments about the so called "Deadbeat Dad" laws that makes me wonder if we haven't gone overboard on this already. Now, with this proposed amendment it takes it even further. I would like this stricken until such time as the positive and negative impacts are looked at. If it is needed, then let legislation on this topic be on it's own for open debate.

Sec. 13. AS 12.55.125(c), specifically the years sentenced and attacks against law enforcement and EMS care providers are way too LOW! Right, I get attacked by someone with a deadly weapon and he/she only gets 7 years! I put my life on the line for this? This whole section makes me SICK!!! We need DETERRENTS, not continued coddling! Sorry, but these light sentences really raise the hackles. We will NEVER get a handle on criminal activity if we don't have the guts to show that criminal behavior has severe repercussions!

"Sec. 16. AS 12.63.010(b)", I agree with!

"Sec. 18. AS 12.65.015 is amended by adding a new subsection to read: e) The state medical examiner". This section I understand that it would only be used in a death of a child. I do agree with the team concept, however, I do not see this team approach with reports of child neglect/abuse/sexual assault not resulting in a death. The only thing I see is DFYS still doing what it doesn't do well for those cases.

"Sec. 21. AS 14.20.030(b)" I agree with! As well as requiring a criminal search of teaching applicants! If we had had this just this last year we may not have had so many teachers molesting school children!

The rest of the bill is legalese and I had a hard time getting through all of it. Suffice to say, there wasn't anything that gave me a good feeling that the problems will be taken care of much better than they are now.

Please let me know more about what these 60 pages really means to us lay-people who are overwhelmed by legalese. If you believe my comments are wrong, please let me know what and why. Rep Dyson said something to the effect that this shouldn't just be jumped into. I couldn't agree more!

Michael C. Coons, MICP, NREMT-P, AAS EMS
P.O. Box 4229
Palmer, Ak 99645
(907) 745-6779

P.S. The law to educate EMS on what to do in these cases (Continuing Education Requirement) is too vague. DFYS has been contacted by our Borough head of EMS and they didn't know what to do. We are getting a State Trooper to teach the course and even she doesn't know what the course outline is to be like!

P.S.S. Plea bargaining by the DA offices needs to be looked at! I see far too much in the press about plea bargaining child abuse/sexual abuse down to short years, with parole. Mandatory sentencing on any counts of child abuse/sexual abuse must be in the law. Otherwise, the law is hollow and means nothing!



Alaska State Legislature

Please enter into the record my testimony to the HHS
committee name
committee on HB 375, dated 3-5-98
bill # / subject

3 PGS ATTACHED

Signed: Cindy Houser
Testifier
Foster Parents Kenai area
Representing (Optional)
HC 2 Box 596 Kaslof Ak. 99616
Address
907-262-7937
Phone number

Cindy Houser

~~For~~ Trees
Voice for the Children

Some of the problems I see
are:

(1) Children given back to parents,
just to be taken back into custody.
I have had Social workers
say to me that they know
they will have to pull them again
in a few weeks, after putting
them back with parent.

(2) Parents lying about jobs
& situations & doing just enough
of the case plan at the last
minute and getting the child back
without having anything changed in
the situation they had been taken
out of in the first place.

This causes children to be
placed numerous times & ending
up in numerous foster homes for years.

These are some of mess up hard to
place teenagers we have in care now.

2

(3) I have a real problem with D.F.Y.S. social workers etc. Not being held liable or accountable but we as Foster Parents are held liable. If they aren't liable then we as Foster Parents should have to some protection. We shouldn't be accountable for something a foster child has done. Who has custody of this child? the state Right. Fine starter

Solution:

(1) Automatic Termination of Parental rights on having children taken away for the second time or if the child was severely abused, torture or sexually abuse. That would keep children for going back & forth numerous times, ending up ruined in the process.

(2) Have Judges, D.F.Y.S. & Social ^{Supervisor} workers etc held accountable for the children.

3

They send back to questionable
Parents.

(3) Supplying our G.A.'s with an
attorney to help them fight for the
best interest of the children.

(4) Foster Parents need to have a
say in all hearings & in court.
We are the ones that know the
children.

(5) Foster Parents need to be protected
from liability. You would keep your
Foster Parent without the large turn
over you have now.

(6) DFWS workers all should have a
yearly drug test (Mar 02) All Foster
Parent should have care to get their

Licenses & Deuce again renewal
Desist DECE with Children.

HB 375 to many keep holes goes
against Foster Parents SHOULD NOT BE
PASSED IN

TO: Health, Education & Social Services Committee
SUBJECT: Testimony at Public Hearing on HB 375
FROM: Michael C. Coons, MICP, NREMT-P

In addition to testimony I gave at the last public hearing, I am still opposed to this bill, not so much as to its intent but as to the substance. My concerns today are about the Child Fatality Review and Multidisciplinary Child Protection Teams.

These sections loosely resemble the SART/SANE teams in existence to investigate rape cases. However, as written, the similarities are only superficial. The success of SART has been because of a small and highly trained team whose primary function is to find out the truth and give the District Attorney's the information needed for a conviction.

There are several sections that most concern me and would like to speak to those specifically. First the Child Fatality Review Team.

"A person appointed to a local, regional, or district child fatality review team is not eligible to receive compensation from the state for service on the team"

How are you going to get team members to volunteer for this? As the list of members are stated you will be taking Physicians away from their normal jobs without compensation? As to the State Trooper, and Social Workers, will their departments be funded for this? If not this is a budget breaker for them.

"(2) the following persons, or that person's designee, appointed by the commissioner of health and social services:

- (A) a physician licensed under AS 08.64 who*
 - (i) specializes in neonatology or perinatology; or*
 - (ii) is certified by the American Board of Pediatrics;"*

With the SART team in the Valley is a physician who works with the Nurse Practitioners. She is, according to a member of the SART team, a very special person. However, relying on only physicians for this team to cover the medical aspects is not realistic. Physicians, though qualified are going to be hard to find when you consider having them to break away from their practice, without compensation. The alternative is to use Nurse Practitioner's who have extensive experience in pediatrics. Nurse Practitioners will add depth to the team. Nurse Practitioners already are used in the SART Team with great success. They are more available, trained better in dealing with families and have proven that they can perform the same history and assessment functions consistently and with objectivity. Compensation is still a matter that must be addressed.

"Sec. 12.65.120.

(C) an investigator with the state troopers who has experience in conducting investigations of homicide, child abuse, or child neglect, appointed by the commissioner of public safety;

(D) a social worker with the Department of Health and Social Services who has experience in conducting investigations of child abuse and neglect, appointed by the commissioner of health and social services;"

In the SART Team the Social Worker is the **victim's advocate**, not an investigator. During our department training the Social Worker on the SART team made it very clear that investigation should be by law enforcement, **NOT** Social Services. Not only philosophically do I agree with this, but the SART teams conviction rate bears this out!

"Sec. 12.65.140. Records; information; meetings; confidentiality; immunity.

(f) A person who is a member or an employee of, or who furnishes services to or advises the state child fatality review team, is not liable for damages or other relief in an action brought by reason of the performance of a duty, a function, or an activity of the review team."

Based on past Social Services abuses, I find this section deplorable! As a Paramedic, I am liable for civil litigation, no matter if I have done something wrong or not! Nationally, people have been wrongfully accused by Social Services and their lives are never the same again! The SART Team in there approach have determined false reports and based on their two year history, those that were guilty of rape were prosecuted where the false report, as far as I'm aware, never made it past initial investigation, much less to a Grand Jury. With rape and child abuse the perception by the community is that once it gets to the publics attention, then the person did it! The stigma is always there even after being found not guilty!. Wrongful accusation must be accountable!

*** Sec. 52. AS 47.14 is amended by adding a new section to read: Multidisciplinary child protection team.*

(a) The department may create a multidisciplinary child protection team to assist in the evaluation and investigation of reports made under AS 47.17 and to provide consultation on child protection cases to the department under AS 47.10.

(b) If a team is created under (a) of this section, the department shall appoint persons with knowledge of and experience in child abuse and neglect matters to the 21 team, whenever possible. These persons include

- (1) mental and physical health practitioners licensed under AS 08;*
- (2) child development specialists;*
- (3) educators;*

- (4) peace officers as defined in AS 11.81.900;*
- (5) victim counselors as defined in AS 18.66.250; and*
- (6) experts in the assessment and treatment of substance abuse."*

My main question is who is the lead agency here? If it is DFYS, then I strongly object! If it is law enforcement, I couldn't agree more! This goes back toward my earlier comments on investigative skills compared to law enforcement versus Social Services.

"(h) A person who serves on a multidisciplinary child protection team is not liable for damage or other relief in an action brought by the reason of the performance of a duty, a function, or an activity of the team.

* Sec. 53. AS 47.14 is amended by adding a new section to read:

. Immunity from liability. Nothing in this title creates a duty or standard of care for services to children and their families being served under AS 47.10. The department and its officers, agents, employees, or contractors and the state are not liable for civil damages as a result of an act or omission in the provision of services to children and their families under AS 47.10. This section does not preclude liability for civil damages as a result of gross negligence or reckless or intentional misconduct.

Again, my comments on accountability on this subject with the Fatality Review Team are the same. Where I really object is: *Nothing in this title creates a duty or standard of care for services to children and their families being served under AS 47.10.* Police Officers, EMT's, Paramedics, Nurses and Doctors ALL have duty and standards of care that we must follow! **Why should Social Services be held to a lower standard?** Of note in this section, "Sec 53. AS 47.14 is amended to: *"....This section does not preclude liability for civil damages as a result of gross negligence or reckless or intentional misconduct"*. Why wasn't this in the previous section pertaining to the Fatality Board? This sentence I do agree with.

One last point, that I have not discussed but must be, is the funding for these teams and the SART/SANE teams. In order to correct the problems we have, not only takes good programs but money to allow those programs to work efficiently. Using SART/SANE as an example, the State Troopers and Social Services pay for the team members time through their department budgets. Once that money is gone do the rapes stop? As to the Nurse Practitioners, they are funded by Valley Hospital (payroll) and a Federal Grant. However, the Grant money is being depleted, again, when that is gone will rapes stop until more funding is available? I am not opposed to funding programs that work! I am however, very vocally opposed to throwing money at a problem without a history of quality results!

In closing, the intent in these sections is to develop a team approach in investigating child abuse fatalities and child abuse. I applaud this! Now, take this intent, look closely at what already works, the SART/SANE Teams, and develop programs that will work based on success!

MICHAEL C. COONS, MICP, NREMT-P, AAS EMS
P.O. Box 4229
Palmer, Ak 99645
Phone (907) 745-6779

Alaska State Legislature

Please enter into the record my testimony to the _____ (committee name)
committee on HB 375 dated March 12, '98
bill/subject:

I am in favor of passage of the Smart Start legislation because it acknowledges the importance of early child care and because it addresses health, prevention and protection. Early health care and support of parents and foster parents will in the long run benefit our society and our economy. I am pleased to see that foster parents are included in this bill. As a former foster parent and as a current foster parent trainer & support provider, I know the incredible responsibility given foster parents. The stipend which foster parents receive

Signed: Paul Linney Phone: 247-2356 (H)
TRANS - APTC 225-4135 (u)
Representing (Optional)
12767 N. Tongass, Pt., AK
Address 99901

Fax transmitted from Ketchikan Legislative Information Office
Phone: 225-9675 Fax: 225-8546

Alaska State Legislature

Please enter into the record my testimony to the _____
(committee name)
committee on HB 375 dated 3-18-98
bill/subject:

we not pay for their efforts, but a reimbursement for expenses. In many cases, the daily stipend is less than the cost of a few hours of child care. Therefore, the amount proposed for respite care will benefit foster parents greatly. Presently, foster parents must pay for child care while attending required foster parent training. The provision of respite care will help foster parents participate in training and have a break from the difficult job they are doing for our society.

Signed: Grace Kinney Phone: 947-2356
Representing (Optional)
Address

Fax transmitted from Ketchikan Legislative Information Office
Phone: 225-9675 Fax: 225-8546

Marci Schmidt
2040 Wasilla Fishhook Road
Wasilla, Alaska 99654
(907) 357-3618
E-Mail: cmspub@juno.com

March 12, 1998

Dear HESS Committee Representatives:

On March 5th, the HESS Committee held a public hearing on House Bill 375 (Crimes Against Children). Susan Wibker stated that this piece of legislation was based in part on Public Law 105-89 (The Adoption and Safe Families Act of 1997). As a staunch child advocate, a member of "Hear My Voice" and "Parents United for Custodial Justice" ("Hear My Voice", a national organization that advocates for safe, permanent homes for all children and worked with other child advocacy organizations for the passage of PL 105-89), I am dishearten at HB 375's attempt to comply with PL 105-89. After a week of research, which includes speaking with US Congressman Camp's office (the sponsor of PL 105-89), I present the following argument against this piece of legislation and hope for its rejection.

PL 105-89 was enacted to promote reasonable efforts for the placement of foster care children that are languishing in the system to permanent, safe homes. Reports from the National Center for the Prevention of Child Abuse have added up years of rising child abuse deaths in this country. Each year, 1,200 to 2,000+ children die of abuse and neglect at the hands of their caregivers. Of deceased children, over 80 percent are four years of age and younger, and over 50 percent are infants under one year of age. Worse yet, *almost fifty percent of all children who have been killed by their caregivers die following or during an open child welfare contact. In other words, these children were killed after having been sent or left home by child welfare workers.* It has been the public outcry of these cases, most tragic was that of Elisa Izquierdo in New York, that demanded Congress to act and put together legislation that *finally* clarifies that the safety and permanence of abused and neglected children. Enactment of this law begins to correct seventeen years of suffering children have had to endure due to legislation created in the 80's (PL 96-272). By understanding what prompted this Congress to act, please understand why HB 375 can't be passed the way it is written.

There is no language in the federal law that demands DFYS to become a "police force". Why is the continued language about what is a crime and prison terms outlined here? Why isn't it a crime to commit these acts all ready and why aren't they in our criminal codes, investigated by the police and sentenced by judges? You will be bring CSED into this legislation with the language of criminal non-support. These areas are not part of the federal law.

The federal law clearly mandates that if a parent has subjected a child (or that child's sibling) to abuse (abandonment, torture, sexual abuse) that these are grounds for termination. Up until this law, parents have been able to have their children returned to them (current cases in the District of Columbia and Wisconsin have made national news) even when they have murder another

of Columbia and Wisconsin have made national news) even when they have murder another child. Social workers and judges have repeatedly said that it is mandated by law to reunify the family [at any cost, Elisa and little Lance Helms of CA]. To have this language in HB 375 will granted DFYS the same powers as our police force and judicial system. This may not be apparent at this moment but it will happen and most noted, it is not what Congress intended or wrote.

Another issue in this bill, not written in the federal law, is the immunity of the Child Fatality Review Team. Why do they need immunity? Personally, I become nervous when there is no accountability in an area of public service. We don't continually sue our coroners, unless they make a horrible error and are held accountable, why should we be granting immunity to the Child Fatality Review Team? This is not in the federal law.

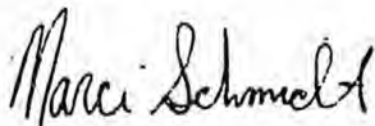
HB 375 has no language regarding the use of the Federal Parent Locator Service to assist with the enforcement of child custody or visitation orders. If a parent has been forced out of a child's life and comes into the foster care system, where is the language on locating that parent within a reasonable amount of time. This is in the federal law but not HB 375.

The one area that no one has mentioned is money. If PL 105-89 is not placed into Alaskan law, DFYS could lose an estimated 30 million dollars in federal funds. It would distress many people if this bill is being passed on money issues. HB 375 should have been written to follow the federal law regarding the adoption and placement of foster care children, not as an opportunity to add extra power and immunity because money will be lost if some form of the federal law isn't passed. HB 375 needs go back to the writing table with the first and foremost effort in following the federal law pristine. It will do more damage than good if passed in this form.

Our children's' lives should not be bought off with this bill. Please consider the State of Colorado as an example of compliance. Short, sweet and simple. I included this ten page piece of legislation in the hopes that you will make DFYS and the Governor go back and ask for what is written in PL 105 89 (word for word) and not what can be seen as an opportunity to add on language that is not federal intent.

Remember, many children have died to make PL 105-89 a reality. Don't let more children suffer another seventeen years to correct Alaska's law if HB 375 is passed. Thank you for your time and consideration with regard to this matter and for letting the voices of children be heard in this letter.

Sincerely,



Marci Schmidt
Parent and Child Advocate

Second Regular Session**Sixty-first General Assembly**

LLS NO. 98-0560.01 JGG HOUSE BILL 98-1307

STATE OF COLORADO

BY REPRESENTATIVES Keller and K. Alexander;

also SENATOR Hopper.

JUDICIARY**A BILL FOR AN ACT****CONCERNING IMPLEMENTATION OF THE FEDERAL "ADOPTION AND SAFE FAMILIES ACT OF 1997".****Bill Summary**

(Note: This summary applies to this bill as introduced and does not necessarily reflect any amendments that may be subsequently adopted.)

Makes the following changes to the "Colorado Children's Code" in order to comply with the federal "Adoption and Safe Families Act of 1997":

- ! Recognizes that one of the goals of all child placement decisions is the safety of the child;
- ! Defines the term "foster care" as the placement of a child into the legal custody or authority of a county department of social services for residence in a certified or licensed facility;
- ! Amends the definition of "reasonable efforts" to specify that in determining whether reasonable efforts are appropriate, the child's health and safety is to be the paramount concern;
- ! In determining reasonable efforts with respect to a child, requires a guardian ad litem to make the child's health and safety the paramount concern;
- ! Requires the court to provide to the foster parents, preadoptive parents, or relative providing care to a child notice of hearings and review concerning the child, and specifies that the notices shall not reveal addresses, last names, or other identifying information;
- ! Directs the court to proceed with a permanency planning hearing when it finds that an appropriate treatment plan cannot be devised;

! Specifies that efforts to place a child for adoption or with a legal guardian may be made concurrently with reasonable efforts to reunify the family;

! With regard to the criteria for terminating the parent-child relationship, changes the phrase "gravely disabling" injury to "serious bodily" injury and adds existence of an identifiable pattern of sexual abuse of the child as a criterion;

! Makes the fact that a child has been in foster care for 15 of the most recent 22 months a basis for termination of parental rights unless certain factors exist;

! Makes the murder or the voluntary manslaughter of a child's sibling and related inchoate crimes the basis for termination of parental rights;

! Makes felony assault that results in serious bodily injury to the child or another child of the parent a basis for termination of parental rights;

! Requires a permanency planning hearing to be held no later than 12, rather than 18, months after the child has entered foster care;

! States that a child is deemed to have entered foster care at the time of the first judicial finding that the child has been subjected to child abuse or neglect or the date that is 60 days after the child was removed from his or her home, whichever is earlier;

! Directs the permanency planning hearing to occur no later than 30 days after a determination that an appropriate treatment plan cannot be devised;

! Specifies what the court findings shall include with respect to placement goals for the child;

! Changes focus of periodic reviews to the safety of the child;

! Requires the county department of social services or child placement agency to conduct a criminal background check of the prospective adoptive parent and directs the court to deny the final adoption decree if it determines that the prospective adoptive parent has been convicted of certain felony offenses.

Be it enacted by the General Assembly of the State of Colorado:

SECTION 1. 19-3-100.5, Colorado Revised Statutes, is amended to read:

19-3-100.5. Legislative declaration. (1) The general assembly hereby finds and declares that the stability and preservation of the families of this state and the safety and protection of children are matters of statewide concern. The general assembly finds that the federal "Adoption Assistance and Child Welfare Act of 1980", Federal Public Law 96-272, requires that each state

make a commitment to make "reasonable efforts" to prevent the placement of abused and neglected children out of the home and to reunify the family whenever appropriate.

(2) THE GENERAL ASSEMBLY FURTHER FINDS THAT THE FEDERAL "ADOPTION AND SAFE FAMILIES ACT OF 1997", FEDERAL PUBLIC LAW 105-89, CLARIFIES WHAT CONSTITUTES "REASONABLE EFFORTS" BY DECREERING THAT WHEN DECIDING WHETHER TO MAKE SUCH EFFORTS AND IN THE PROCESS OF MAKING SUCH EFFORTS, THE HEALTH AND SAFETY OF THE CHILD IS THE PARAMOUNT CONCERN. THIS FEDERAL LAW FURTHER ENCOURAGES EXPEDITING PERMANENCY PLANNING FOR CHILDREN IN OUT-OF-HOME PLACEMENT BY REMOVING BARRIERS TO PERMANENCY AND STREAMLINING ENTITLEMENT SERVICES. THE LAW SPECIFIES THAT ONE OF THE GOALS OF ALL PLACEMENT DECISIONS, WHETHER LEAVING THE CHILD IN THE HOME OR PLACING THE CHILD OUTSIDE THE HOME, IS SAFETY FOR THE CHILD.

(3) The general assembly further finds that the implementation of the federal "Adoption Assistance and Child Welfare Act of 1980", Federal Public Law 96-272, is not the exclusive responsibility of the state department of social services or of local departments of social services. Elected officials at the state and local levels must ensure that resources and services are available through state and local social services agencies and through the involvement of the resources of public and private sources. Judges, attorneys, and guardians ad litem must be encouraged to take independent responsibility to ensure that "reasonable efforts" TO PREVENT OUT-OF-HOME PLACEMENTS have been made ONLY WHEN APPROPRIATE, THAT PERMANENCY OCCURS FOR CHILDREN IN FOSTER CARE, AND THAT SAFE CHILD PLACEMENTS OCCUR in each case.

(4) Therefore, in order to carry out the requirements addressed in this section, and to decrease the need for out-of-home placement, the general assembly shall define "reasonable efforts" and identify the services and processes which THAT must be in place to ensure that "reasonable efforts" have been made. The general assembly shall provide that "reasonable efforts" are deemed to be met when a county or city and county provides services in accordance with section 19-3-208.

SECTION 2. 19-1-103 (89), Colorado Revised Statutes, is amended, and the said 19-1-103 is further amended BY THE ADDITION OF A NEW SUBSECTION, to read:

19-1-103. Definitions. As used in this title or in the specified portion of this title, unless the context otherwise requires:

(51.3) "FOSTER CARE" MEANS THE PLACEMENT OF A CHILD INTO THE LEGAL CUSTODY OR LEGAL AUTHORITY OF A COUNTY DEPARTMENT OF SOCIAL SERVICES FOR PHYSICAL PLACEMENT OF THE CHILD IS IN A CERTIFIED OR LICENSED FACILITY.

(89) "Reasonable efforts", as used in article 3 of this title, means the exercise of diligence and care throughout the state of Colorado for children who are in out-of-home placement, or are at imminent risk of out-of-home placement, to provide, purchase, or develop the supportive and rehabilitative services to the family that are required both to prevent unnecessary placement of children outside of such children's homes and to foster, whenever appropriate, the SAFE reunification of children with the families of such children. IN DETERMINING WHETHER REASONABLE EFFORTS ARE APPROPRIATE, AS DESCRIBED IN SECTION 19-3-208, AND IN MAKING SUCH REASONABLE EFFORTS, THE CHILD'S HEALTH AND SAFETY SHALL BE THE PARAMOUNT CONCERN. Services provided by a county or city and county in accordance with section 19-3-208 are deemed to meet the reasonable effort standard described in this subsection (89). Nothing in this subsection (89) shall be construed to conflict with federal law. SECTION 3. 19-3-203 (3), Colorado Revised Statutes, is amended to read:

19-3-203. Guardian ad litem. (3) The guardian ad litem shall be charged in general with the representation of the child's interests. To that end, the guardian ad litem shall make such further investigations as the guardian ad litem deems necessary to ascertain the facts and shall talk with or observe the child involved, examine and cross-examine witnesses in both the adjudicatory and dispositional hearings, introduce and examine the guardian ad litem's own witnesses, make recommendations to the court concerning the child's welfare, appeal matters to the court of appeals or the supreme court, and participate further in the proceedings to the degree necessary to adequately represent the child. In addition, the guardian ad litem, if in the best interest of the child, shall seek to assure that reasonable efforts are being made to prevent unnecessary placement of the child out of the home and to facilitate reunification of the child with the child's family. IN DETERMINING WHETHER SAID REASONABLE EFFORTS ARE MADE WITH RESPECT TO A CHILD, AND IN MAKING SUCH REASONABLE EFFORTS, THE CHILD'S HEALTH AND SAFETY SHALL BE THE PARAMOUNT CONCERN.

SECTION 4. 19-3-502, Colorado Revised Statutes, is amended BY THE ADDITION OF A NEW SUBSECTION to read:

19-3-502. Petition form and content - limitations on claims in dependency or neglect actions - notice. (7) THE COURT SHALL PROVIDE NOTICE OF ALL HEARINGS AND REVIEWS HELD REGARDING A CHILD TO FOSTER PARENTS, PREADOPTIVE PARENTS, OR RELATIVES PROVIDING CARE TO THE CHILD. SUCH PERSONS SHALL BE PROVIDED THE OPPORTUNITY TO BE HEARD AT SUCH HEARINGS AND REVIEWS. THE FOSTER PARENT, PREADOPTIVE PARENT, OR RELATIVE PROVIDING CARE TO A CHILD SHALL NOT BE MADE A PARTY TO THE ACTION FOR PURPOSES OF ANY HEARINGS OR REVIEWS SOLELY ON THE BASIS OF SUCH NOTICE AND OPPORTUNITY TO BE HEARD. NOTICE OF HEARINGS AND REVIEWS SHALL NOT REVEAL TO THE RESPONDENT PARENT OR OTHER RELATIVE THE ADDRESS, LAST NAME, OR OTHER SUCH IDENTIFYING INFORMATION REGARDING ANY PERSON PROVIDING CARE TO THE CHILD.

SECTION 5. 19-3-508 (1) (e) (I), Colorado Revised Statutes, is amended, and the said 19-3-508 is further amended BY THE ADDITION OF A NEW SUBSECTION, to read:

19-3-508. Neglected or dependent child - disposition - concurrent planning. (1) When a child has been adjudicated to be neglected or dependent, the court may enter a decree of disposition the same day, but in any event it shall do so within forty-five days unless the court finds that the best interests of the child will be served by granting a delay. In a county designated pursuant to section 19-1-123, if the child is under six years of age at the time a petition is filed in accordance with section 19-3-501 (2), the court shall enter a decree of disposition within thirty days after the adjudication and shall not grant a delay unless good cause is shown and unless the court finds that the best interests of the child will be served by granting the delay. It is the intent of the general assembly that the dispositional hearing be held on the same day as the adjudicatory hearing, whenever possible. If a delay is granted, the court shall set forth the reasons why a delay is necessary and the minimum amount of time needed to resolve the reasons for the delay and shall schedule the hearing at the earliest possible time following the delay. When the proposed disposition is termination of the parent-child legal relationship, the hearing on termination shall not be held on the same date as the adjudication, and the time limits set forth above for dispositional hearings shall not apply. When the proposed disposition is termination of the parent-child legal relationship, the court may continue the dispositional hearing to the earliest available date for hearing in accordance with the provisions of part 6 of this article. When the decree does not terminate the parent-child legal relationship, the court shall approve an appropriate treatment plan that shall include but not be limited to one or more of the following provisions of paragraphs (a) to (d) of this subsection (1):

(e) (I) Except where the proposed disposition is termination of the parent-child legal relationship, the court shall approve an appropriate treatment plan involving the child named and each respondent named and served in the action. However, the court may find that an appropriate treatment plan cannot be devised as to a particular respondent because the child has been abandoned as set forth in section 19-3-604 (1) (a) and the parents cannot be located, or because the child has been adjudicated as neglected or dependent based upon section 19-3-102 (2), or due to the unfitness of the parents as set forth in section 19-3-604 (1) (b). WHEN THE COURT FINDS THAT AN APPROPRIATE TREATMENT PLAN CANNOT BE DEVISED, THE COURT SHALL CONDUCT A PERMANENCY PLANNING HEARING AS SET FORTH IN SECTION 19-3-702 (1).

(7) EFFORTS TO PLACE A CHILD FOR ADOPTION OR WITH A LEGAL GUARDIAN MAY BE MADE CONCURRENTLY WITH REASONABLE EFFORTS TO PRESERVE AND REUNIFY THE FAMILY.

SECTION 6. 19-3-604 (1) (b), Colorado Revised Statutes, is amended, and the said 19-3-604 (1) is further amended BY THE ADDITION OF A NEW PARAGRAPH, to read:

19-3-604. Criteria for termination. (1) The court may order a termination of the parent-child legal relationship upon the finding by clear and convincing evidence of any one of the

following:

(b) That the child is adjudicated dependent or neglected and the court finds that no appropriate treatment plan can be devised to address the unfitness of the parent or parents. In making such a determination, the court shall find one of the following as the basis for unfitness:

(I) That the parent or parents have surrendered physical custody of the child for a period of six months or more and have not manifested during such period the firm intention to resume physical custody of the child or to make permanent legal arrangements for the care of the child except in cases when voluntary placement is renewable under section 19-3-701 (1);

(II) A single incident resulting in ~~a gravely disabling~~ SERIOUS BODILY injury or disfigurement of the child;

(III) Long-term confinement of the parent of such duration that the parent is not eligible for parole for at least six years after the date the child was adjudicated dependent or neglected or, in a county designated pursuant to section 19-1-123, if the child is under six years of age at the time a petition is filed in accordance with section 19-3-501 (2), the long-term confinement of the parent of such duration that the parent is not eligible for parole for at least thirty-six months after the date the child was adjudicated dependent or neglected and the court has found by clear and convincing evidence that no appropriate treatment plan can be devised to address the unfitness of the parent or parents;

(IV) ~~Gravely disabling~~ SERIOUS BODILY injury or death of a sibling due to proven parental abuse or neglect;

(V) An identifiable pattern of habitual abuse to which another child has been subjected and, as a result of which, a court has adjudicated another child as neglected or dependent based upon allegations of sexual or physical abuse, or a court of competent jurisdiction has determined that such abuse has caused the death of another child;

(VI) AN IDENTIFIABLE PATTERN OF SEXUAL ABUSE OF THE CHILD.

(d) THAT THE CHILD HAS BEEN IN FOSTER CARE UNDER THE RESPONSIBILITY OF THE COUNTY DEPARTMENT FOR FIFTEEN OF THE MOST RECENT TWENTY-TWO MONTHS, UNLESS:

(I) THE CHILD IS BEING CARED FOR BY A RELATIVE OF THE CHILD;

(II) THE COUNTY DEPARTMENT OR A STATE AGENCY HAS DOCUMENTED IN THE CASE PLAN, WHICH SHALL BE AVAILABLE FOR COURT REVIEW, A COMPELLING REASON FOR DETERMINING THAT FILING SUCH A PETITION WOULD NOT BE IN THE BEST INTERESTS OF THE CHILD; OR

(III) THE STATE HAS NOT MADE REASONABLE EFFORTS TO ASSURE THAT

SERVICES HAVE BEEN PROVIDED TO THE FAMILY AND CHILD FOR THE SAFE RETURN OF THE CHILD TO THE CHILD'S HOME.

SECTION 7. The introductory portion to 19-3-604 (2) and 19-3-604 (2) (d) and (2) (g), Colorado Revised Statutes, are amended, and the said 19-3-604 (2) is further amended BY THE ADDITION OF A NEW PARAGRAPH, to read:

19-3-604. Criteria for termination. (2) In determining unfitness, conduct, or condition for purposes of paragraph (c) of subsection (1) of this section, the court shall find that continuation of the legal relationship between parent and child is likely to result in grave risk of death or serious BODILY injury to the child or that the conduct or condition of the parent or parents renders the parent or parents unable or unwilling to give the child reasonable parental care to include, at a minimum, nurturing and safe parenting sufficiently adequate to meet the child's physical, emotional, and mental health needs and conditions. In making such determinations, the court shall consider, but not be limited to, the following:

(d) A single incident of life-threatening or ~~gravely disabling~~ SERIOUS BODILY injury or disfigurement of the child;

(g) Injury or death of a sibling due to proven parental abuse or neglect, MURDER, VOLUNTARY MANSLAUGHTER, OR CIRCUMSTANCES IN WHICH A PARENT AIDED, ABETTED, OR ATTEMPTED THE COMMISSION OF OR CONSPIRED OR SOLICITED TO COMMIT MURDER OF A CHILD'S SIBLING;

(j) WHETHER A PARENT COMMITTED FELONY ASSAULT THAT RESULTED IN SERIOUS BODILY INJURY TO THE CHILD OR TO ANOTHER CHILD OF THE PARENT.

SECTION 8. 19-5-105 (3.1) (a) (II), Colorado Revised Statutes, is amended to read:

19-5-105. Proceeding to terminate parent-child legal relationship. (3.1) The court may order the termination of the other birth parent's parental rights upon a finding that termination is in the best interests of the child and that there is clear and convincing evidence of one or more of the following:

(a) That the parent is unfit. In considering the fitness of the child's parent, the court shall consider, but shall not be limited to, the following:

(II) A single incident of life-threatening or ~~gravely disabling~~ SERIOUS BODILY injury or disfigurement of the child or other children;

SECTION 9. 19-3-702 (1), (3), (4), and (6), Colorado Revised Statutes, are amended to read:

19-3-702. Permanency planning hearing. (1) In order to provide stable permanent homes for children in as short a time as possible, a court on its own motion or upon motion brought by any

party shall conduct a permanency planning hearing if a child cannot be returned home under section 19-1-115 (4) (b) for the purpose of making a determination regarding the future status of the child. Such permanency planning hearing shall be held as soon as possible following the dispositional hearing but shall be held no later than ~~eighteen months after the original placement~~ TWELVE MONTHS AFTER THE DATE THE CHILD IS CONSIDERED TO HAVE ENTERED FOSTER CARE and from time to time as deemed necessary by the court; except that, in a county designated pursuant to section 19-1-123, if the child is under six years of age at the time a petition is filed in accordance with section 19-3-501 (2), such permanency planning hearing shall be held no later than three months after the decree of disposition of the child. A CHILD SHALL BE CONSIDERED TO HAVE ENTERED FOSTER CARE ON THE DATE OF THE FIRST JUDICIAL FINDING THAT THE CHILD HAS BEEN SUBJECTED TO CHILD ABUSE OR NEGLECT OR THE DATE THAT IS SIXTY DAYS AFTER THE DATE ON WHICH THE CHILD WAS REMOVED FROM THE HOME, AS PROVIDED FOR IN SECTION 19-3-403 (2), WHICHEVER IS EARLIER. IF THE COURT FINDS THAT AN APPROPRIATE TREATMENT PLAN CANNOT BE DEvised AT A DISPOSITIONAL HEARING IN ACCORDANCE WITH SECTION 19-3-508 (1) (e) (I), THE PERMANENCY PLANNING HEARING SHALL BE HELD NO LATER THAN THIRTY DAYS AFTER SUCH DETERMINATION. WHERE POSSIBLE, the permanency planning hearing shall be combined with the six-month review as provided for in section 19-1-115 (4) (c).

(3) Except as provided in subsection (2.5) of this section, at the permanency planning hearing, the court shall first determine whether the child ~~should~~ SHALL be returned to the child's parent or guardian, pursuant to section 19-1-115 (4) (b) AND, IF APPLICABLE, THE DATE ON WHICH THE CHILD SHALL BE RETURNED. If the child is not returned to the custody of the child's parent or guardian, the court shall determine whether there is a substantial probability that the child will be returned to the physical custody of the child's parent, guardian, or legal custodian within six months. If the court so determines, it shall set another review hearing for not more than six months, which shall be a permanency planning hearing.

(4) If the court determines that the child cannot be returned to the physical custody of such child's parent or guardian and that there is not a substantial probability that the child will be returned to the physical custody of such child's parent or guardian within six months, the court shall enter an order determining the future status or placement of the child. Any court order regarding future status or placement of a child out of the home shall include specific findings concerning the placement goal for the child. Such findings shall include a determination of whether the placement goal for the child is that the child be returned to the parent, ~~continue in foster care for a specified period, remain in foster care on a permanent or long-term basis because of special needs or circumstances, be placed for adoption, be placed in legal guardianship or guardianship of the person, or be considered for emancipation or independent living~~ BE REFERRED FOR LEGAL GUARDIANSHIP, OR BE PLACED FOR ADOPTION, IN WHICH CASE THE COUNTY DEPARTMENT SHALL FILE A PETITION FOR TERMINATION OF PARENTAL RIGHTS. IN CASES IN WHICH THE COUNTY DEPARTMENT HAS DOCUMENTED TO THE COURT A COMPELLING REASON FOR

DETERMINING THAT IT WOULD NOT BE IN THE BEST INTERESTS OF THE CHILD TO RETURN HOME, THE COURT'S FINDINGS SHALL INCLUDE A DETERMINATION OF WHETHER THE PLACEMENT GOAL FOR THE CHILD IS THAT THE CHILD BE REFERRED FOR TERMINATION OF PARENTAL RIGHTS, BE PLACED FOR ADOPTION, BE PLACED WITH A FIT AND WILLING RELATIVE, BE PLACED WITH A LEGAL GUARDIAN, OR BE PLACED IN ANOTHER PERMANENT LIVING ARRANGEMENT.

(6) Periodic reviews conducted by the court or, if there is no objection by any party to the action, in the court's discretion, through an administrative review conducted by the state department of human services, shall determine WHETHER THE CHILD'S SAFETY IS PROTECTED IN THE PLACEMENT, the continuing necessity for and appropriateness of the placement, the extent of compliance with the case plan, and the extent of progress which has been made toward alleviating or mitigating the causes necessitating placement in foster care and shall project a likely date by which the child may be returned to AND SAFELY MAINTAINED AT the home, placed for adoption, legal guardianship, or guardianship of the person, or be placed in another permanent SAFE placement setting.

SECTION 10. 19-5-207, Colorado Revised Statutes, is amended BY THE ADDITION OF A NEW SUBSECTION to read:

19-5-207. Written consent and report - criminal records check. (2.5) (a) IN ALL PETITIONS FOR ADOPTION, WHETHER BY THE COURT, THE COUNTY DEPARTMENT OF SOCIAL SERVICES, OR CHILD PLACEMENT AGENCIES, IN ADDITION TO THE WRITTEN REPORT DESCRIBED IN SUBSECTION (2) OF THIS SECTION, THE COURT SHALL REQUIRE EITHER THE COUNTY DEPARTMENT OF SOCIAL SERVICES OR THE CHILD PLACEMENT AGENCY TO CONDUCT A CRIMINAL RECORDS CHECK FOR ANY PROSPECTIVE ADOPTIVE PARENT AND TO REPORT TO THE COURT ANY CASE IN WHICH A RECORD CHECK REVEALS THAT THE PROSPECTIVE ADOPTIVE PARENT WAS CONVICTED AT ANY TIME OF FELONY CHILD ABUSE OR NEGLECT, SPOUSAL ABUSE, ANY CRIME AGAINST A CHILD, OR ANY CRIME INVOLVING VIOLENCE, RAPE, SEXUAL ASSAULT, OR HOMICIDE, EXCLUDING OTHER PHYSICAL ASSAULT OR BATTERY OR IF THE RECORD CHECK REVEALS THAT THE PROSPECTIVE ADOPTIVE PARENT WAS CONVICTED IN THE FIVE YEARS IMMEDIATELY PRECEDING THE ADOPTION OF FELONY PHYSICAL ASSAULT, BATTERY, OR A DRUG-RELATED OFFENSE.

(b) THE STATE BOARD OF HUMAN SERVICES SHALL PROMULGATE RULES SETTING FORTH THE PROCEDURES FOR THE CRIMINAL RECORDS CHECK DESCRIBED IN PARAGRAPH (a) OF THIS SUBSECTION (2.5).

SECTION 11. 19-5-207 (6), Colorado Revised Statutes, is amended to read:

19-5-207. Written consent and report. (6) The department shall establish rules and regulations that provide for county departments of social services to charge a fee, not to exceed

five hundred dollars in the case of a first adoption and not to exceed two hundred fifty dollars for a second or subsequent adoption by the same party or parties, for reports, ~~and~~ investigations, AND CRIMINAL RECORDS CHECKS provided in accordance with this article.

SECTION 12. 19-5-210 (2) and (4), Colorado Revised Statutes, are amended to read:

19-5-210. Hearing on petition. (2) No sooner than six months after the date of the placement, unless for good cause shown that time is extended or shortened by the court, the court shall hold a hearing on the petition and shall enter a decree setting forth its findings and grant to the petitioner a final decree of adoption if it is satisfied as to:

(a) The availability of the child for adoption;

(b) The good moral character, the ability to support and educate the child, and the suitability of the home of the person adopting such child;

(b.5) THE CRIMINAL RECORDS CHECK OF THE PROSPECTIVE ADOPTIVE PARENT AS REPORTED TO THE COURT BY THE COUNTY DEPARTMENT OF SOCIAL SERVICES OR THE CHILD PLACEMENT AGENCY PURSUANT TO SECTION 19-5-207 (2.5) DOES NOT REVEAL A CRIMINAL HISTORY DESCRIBED IN 19-5-207 (2.5) (a);

(c) The mental and physical condition of the child as a proper subject for adoption in said home; and

(d) The fact that the best interests of the child will be served by the adoption.

(4) If, after the hearing, the court is not satisfied as to the matters listed in subsection (2) of this section, the petition for adoption may be either continued or dismissed in the discretion of the court. IF THE COURT DETERMINES THAT THE PROSPECTIVE ADOPTIVE PARENT WAS CONVICTED AT ANY TIME BY A COURT OF COMPETENT JURISDICTION OF FELONY CHILD ABUSE OR NEGLECT, SPOUSAL ABUSE, ANY CRIME AGAINST A CHILD, OR ANY CRIME INVOLVING VIOLENCE, RAPE, SEXUAL ASSAULT, OR HOMICIDE, EXCLUDING OTHER PHYSICAL ASSAULT OR BATTERY OR IF THE COURT DETERMINES THAT THE PROSPECTIVE ADOPTIVE PARENT WAS CONVICTED SOMETIME DURING THE FIVE YEARS IMMEDIATELY PRECEDING THE ADOPTION OF FELONY PHYSICAL ASSAULT, BATTERY, OR A DRUG-RELATED OFFENSE, THEN THE COURT SHALL NOT GRANT THE DECREE OF FINAL ADOPTION.

SECTION 13. Effective date - applicability. This act shall take effect July 1, 1998, and shall apply to causes of action commenced on or after said date.

SECTION 14. Safety clause. The general assembly hereby finds, determines, and declares that this act is necessary for the immediate preservation of the public peace, health, and safety.



ALASKA STATE LEGISLATURE

Please enter into the record my testimony to the HOUSE ME.S.S.
 Committee on HB 375 Committee Name Dated 3-12-98
Bill / Subject

MY TESTIMONY WAS
 CENSORED BY CHAIRMAN
 CON BUNDE, SO THAT
 PROPONENTS OF HB 375
 WOULD BE PREDOMINANT;
 AND, TODAY, FAVORABLE
 TESTIMONY HAS BEEN
 MARSHALLED FROM AMONG
 AGENCIES AND SEVERAL OTHER
 SPECIAL INTERESTS.

I HAVE NOTED CENSORSHIP
 ON THE PUBLIC HEARING SIGNUP LIST.

SIGNED:

Testifier

SCOTT TRAFFORD CALDER

Representing

P.O. 75011 FBKS 99707/474-0174

Address / Phone Number

Alaska State Legislature

Please enter into the record my testimony to the HESS Committee
(committee name)
committee on 375 /, dated _____
bill/subject

I urge you to support this bill for all Alaskan children. I have been a foster parent for over 20 years and strongly support a permanent plan be implemented after 12 months instead of the 18 months now in place. Too many of these kids are ~~long~~ lingering in foster care. These kids deserve a permanent home and parents and social workers need to be held responsible. I also am on the review board as a community representative. I have seen children remain in foster care for many years - often too long to be able to be placed for adoption. I am now seeing infants I had many years ago ^{as emergency placement} now in the criminal system. We need to prevent this cycle.

Signed: Jacqui O'Sullivan Phone: 225-4378

Testifier: Foster Parent & Adoptive Parent

Representing (Optional)

1788 - 15th Ave

Address Ketchikan

Fax transmitted from Ketchikan Legislative Information Office
Phone: 225-9675 Fax: 225-8546

Palmer Junior Middle School

1159 S. Chugach, Palmer, Alaska 99645

Phone 745-3812 745-3028

Fax 907-745-4833

George Troxel, Principal

Phil Milton, Assistant Principal

3/12/98

To Whom it May Concern:

I would like to show my support for the Division of Youth and Family Services and the Child Protective Services. Since 1980, the population of the Mat-Su Valley has increased 400% with no increase in staffing to support children's safety.

With over 1400 reports of possible child abuse or neglect - investigations can only be done on about 600 - less than 50%.

This program is an invaluable part of the child safety net in the valley. Without the ability to investigate and act on findings - our children will be at risk.

Shelley Milton RD
school nurse

P O Box 871631

Wasilla 99687-1631

746-1674



Alaska State Legislature

Please enter into the record my testimony to the House HESS
committee name

committee on HB #375, dated March 12, '98.
bill/subject

Thank-you for this opportunity to speak.

My concern is with sec. 11, on page 9 which "criminalizes non-payment in the first degree for a parent under a support-order (sec. 11(b)), and sec 12, on page 10, which "criminalizes in the second degree for non-support of a support order with arrearages over \$10,000. Our jails are already full; so why should we criminalize more non-custodial parents for non-payment. Please delete sec 11 & 12 as these are not detailed enough & would probably be "misconstructed" & criminalize an innocent parent. These sec. 11 & 12 do Not belong in this bill. Please delete sec. 11 & 12 from this Bill.

Please read seriously read Marci Schmidt's letter relating to Public Law 105-89. We believe that this bill ~~should~~ ^{was} be written according to Public Law 105-89, but does a very poor job, & is so vague.

Signed: Carol Palmer

Testifier

"Parents United for Custodial Justice"

Representing (Optional)

P.O. Box 2402, Palmer, AK 99645

Address

746-2863

Phone No.

TO: House Health, Education and Social Services Committee
 From: Mary Lou Canney
 re: HB 375, before the House HESS Committee, March 12, 1998

I would like to relate a story about my sister-in-law who lives in Holy Cross, Ak. Two Thanksgivings ago she spent the day with us because she was staying at an alcohol treatment center in Fairbanks. She was sort of proud of herself because she was moving along in her program and was looking forward to going back to Holy Cross soon. She told me that she was almost finished with her "phrases" and then she would be finished. I asked her what the "phrases" were. She said that after she talked to her counselor she wrote phrases on paper to answer questions.

Two days later she called to say that she was kicked out of the program, and could she stay with us for a day until she could get a flight home. I asked why she was kicked out and she didn't know. She let me talk to her counselor. The counselor said that she had not moved from the second phase in a timely manner. I asked the counselor if she realized that my sister-in-law did not understand the program, did not even understand that there were Phases and not "phrases". It is disturbing to me that the counselor did not pick up on this basic fact! This is more disturbing than the fact that the woman from Holy Cross had not understood the program.

Can you terminate someone's rights when the treatment has been innappropriate and ineffective? Actually it did more harm than good because it was another failure for the client.

I am not a radical parents rights advocate. I fall on the side of the child.

I do not believe in having children in foster homes for years. But I also know we do not have a system that can support the families to get back on track. I often get calls from foster parents who are referring to the child as "possible foster adopt" when the child has just been taken away from the parents. I would not like to see them give up on me immediately and I'm sure you wouldn't either.

I hope that DFYS can put the following in place:

Professional foster homes that are trained to work with the families aggressively and immediately to get the children back in the home. This would mean foster homes that were paid well enough to do this as a job. Supports that include respite, transportation, parenting, support groups, in home visiting and meeting basic needs.

Social workers that are trained to have the view that the child belongs with the parent and the sooner the better and the expertise to make it happen.

As a person who has been sober for 14 years I can tell you that support is the only thing that will work. I often say that having a car and a high school diploma made the difference between my success and someone elses failure.

We don't have enough foster homes for the amount of children that this bill is talking about. Aside from the fact that the children will be loyal to their parents. It is something that you can't take away from these children. And it is worse if they are FAS or FAE because loyalty is one of their biggest traits. **We should look honestly and realistically at the homes and realize that some parents will never be able to be the full time care giver for their child. This is true for a lot of parents who are FAS or FAE themselves.** They have value for their children but will need open adoptions or some kind of supported living to remain part of their child's life.

These are very difficult issues that are being looked at. **I am glad that DFYS is there and does the hard job that they do.** As a family advocate at Head Start I was glad they were there to step in when needed. **I know that they save lives even though it only hits the newspaper when there is a death.** I appreciate their honesty when they reviewed their department this year.

Thank You.

Mary Lou Canney

1-888-456 6770