

ALASKA LEGISLATURE COMMITTEE FILES 2001-2002 8672

10276 HOUSE JUDICIARY

FISCAL NOTE

STATE OF ALASKA
2001 LEGISLATIVE SESSION

Fiscal Note Number: _____
 Bill Version: HB 179
 () Publish Date: _____

Revision Date/Time(Note if Correction): _____ Dept. Affected: Corrections
 Title: An Act relating to underage drinking and drug BRU: Administration & Operations
offenses; and providing for an effective date. Component: Institutions
 Sponsor: House Judiciary Committee
 Requester: House Judiciary Committee Component Number: 1381

Expenditures/Revenues (Thousands of Dollars)

Note: Amounts do not include inflation unless otherwise noted below.

OPERATING EXPENDITURES	FY 2002	FY 2003	FY 2004	FY 2005	FY 2006	FY 2007
Personal Services						
Travel						
Contractual						
Supplies						
Equipment						
Land & Structures						
Grants & Claims						
Miscellaneous						
TOTAL OPERATING	0.0	***	***	***	***	***

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

1002 Federal Receipts						
1003 GF Match						
1004 GF						
1005 GF/Program Receipts						
1037 GF/Mental Health						
Other (Specify Type)						
TOTAL	0.0	***	***	***	***	***

Estimate of any current year (FY2001) cost: 0.0

Check this box (X) if funding for this bill is included in the Governor's FY 2002 budget proposal:

POSITIONS

Full-time						
Part-time						
Temporary						

ANALYSIS: (Attach a separate page if necessary)

This bill would make a 3rd time conviction for minor consuming or in possession or control a class B Misdemeanor. It also provides graduated sanctions for 1st and 2nd time offenders and requires treatment for 3rd time offenders. It is anticipated that the first year, the Department of Corrections would be able to absorb any incarceration associated with this legislation since the bill will not encompass those with convictions prior to the effective date of the legislation.

It is the Department of Corrections' position that providing JSAP and making it a requirement of probation, in concert with graduated sanctions, will lessen the ultimate fiscal impact on the Department. Early intervention is believed to aid in prevention of further drinking and concomitant dependence. If the treatment component is not required/available, it is likely that Corrections will be taxed in subsequent years and may require additional funding. It is unclear at this time what that impact would be but court records indicate that there were 1,744 unduplicated individuals who were 18 or older as of 1/1/01 and had 2 convictions for MCA and 1,427 who had 3 or more convictions. Depending on what sanctions the court

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 Division: Commissioner's Office Date/Time 3/29/01/4:30 pm
 Approved by: Marqaret Pugh Date 3/29/01
 Agency: Department of Corrections

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22nd Legislative Session

HB 179 cont.

3/29/01

Page 2

would impose for these B misdemeanants, there could become a serious influx of these offenders who were previously dealt with by violations/citations. It is hoped that graduated sanctions and education/treatment will provide the deterrence necessary to prevent incarceration in the future.

HB 179 Underage Drinking
Administration Proposal

	First Offense	Second Offense	Third+ Offense (Age 18 or older)	Third+ Offense (Under 18)
Fine	\$600 - all suspended	\$1000 - up to half suspended	up to \$1000, all can be suspended	Referred to Juvenile Court
Jail	not available	not available	up to 90 days, all can be suspended	Referred to Juvenile Court
License Revocation	not available	6 months, but only if treatment is not completed or community work not performed	6 months upon conviction, plus 6 more months if treatment is not completed or community work not performed	6 months upon conviction, plus 6 more months if treatment is not completed or community work not performed
Community Work	not available	48 hours	96 hours	96 hours
Referral to Juvenile Alcohol Safety Action Program	Yes, offender must pay for screening and any education or treatment	Yes, offender must pay for screening and any education or treatment	Yes, offender must pay for screening and any education or treatment	Yes, offender must pay for screening and any education or treatment
<p>Note: This proposal "wipes the slate clean" and only applies to minor consuming offenses after the effective date of the Act.</p>				

FASAP MISDEMEANOR SERVICES

911 CUSHMAN, Suite 205

FAIRBANKS, AK. 99701

Phone 907-452-8144
 Fax 907-452-7845

Minor Consuming/Possession Pilot Program**Static's for FY 2000 and to date for FY 2001**

	*FY2000	**FY2001
New Cases Open	317	319
Cases Completed	192	225
No Priors	82%	78%
One Prior	13%	13%
Two Priors	3%	6%
Three or more Priors	2%	3%
Caucasian	73%	72%
Black	5%	7%
Indian	10%	11%
Eskimo	6%	3%
Other	6%	2%
Male	72%	53%
Female	28%	47%
Type of Treatment Completed		
AIS	78%	78%
Outpatient	21%	20%
Residential	1%	2%

* FY2000 - September 1999 - June 2000

** FY2001 - July 2000 - February 2001

- 66% - 70% have completed some form of treatment
- Out of 417 completion 4 have re-offended for Minor Consuming
- Out of 417 completions 2 have re-offended with the charge of DWI

Without funding, it makes a program like this difficult if not impossible to operate.

New research indicates that teenagers who drink too much may lose as much as 10 percent of their brainpower—the difference between passing and failing in school . . . and in life

g e t t i n g

Stupid

By Bernice Wuethrich Photographs by Danielle Levitt

Sarah, a high school senior, drinks in moderation, but many of her friends do not. At one party, a classmate passed out after downing more than 20 shots of hard liquor and had to be rushed to a local emergency room. At another party a friend got sick, so Sarah made her drink water, dressed her in a sweatshirt to keep her warm, and lay her in bed, with a bucket on the floor. Then she brushed the girl's long hair away from her face so that it wouldn't get coated with vomit. "Every weekend, drinking is the only thing people do. Every single party has alcohol," says Sarah. (The names of the teenagers in these stories have been changed to protect their privacy.)

THE MOST RECENT STATISTICS FROM THE U.S. Substance Abuse and Mental Health Services Administration's National Household Survey on Drug Abuse indicate that nearly 7 million youths between the ages of 12 and 20 binge-drink at least once a month. And despite the fact that many colleges have cracked down on drinking, Henry Wechsler of the Harvard School of Public Health says that two of every five college students still binge-drink regularly. For a male that means downing five or more drinks

THE
FOLLOWING
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COPIES

Jason, 19

DRINKING HISTORY:
First drink: age 14, at a party with 18-year-olds. Now drinks three or four times a week.

MOST ALCOHOL EVER CONSUMED: "In school we play beer for beer. I think I got up to 17 beers. One night when I was 15, I had 14 shots of whatever there was, until my friend got really sick and I had to take care of her."

AFTEREFFECTS: "I have been sick from drinking, but I have never blacked out. My social life affects my schoolwork, but drinking does not."

Sofia, 18

DRINKING HISTORY:
First drink: age 14, "Kahlua in warm milk to help me sleep." Now drinks "once every couple of weeks."

MOST ALCOHOL EVER CONSUMED:
"I'm not sure. I drink until I'm buzzed, stop until my buzz wears off, then maybe have more. I've never had enough to be out of control or even be hungover."

AFTEREFFECTS: "I'm a pretty conscientious student, and I don't drink enough to affect my schoolwork."

Terry, 19

DRINKING HISTORY:
First drink: age 13, stole wine from liquor cabinet. Drinks about two or three times a week.

MOST ALCOHOL EVER CONSUMED: nine shots of liquor.

AFTEREFFECTS: "I have been sick many times, but I always remember what I did. Sometimes if I know I've had too much to drink, it feels better to get it out of my system. If I felt that my drinking was at all hindering my work, I would stop."

Stanley, 19

DRINKING HISTORY:
First drink: age 14, at a friend's house. Now drinks every weekend.

MOST ALCOHOL EVER CONSUMED: two 40 oz. beers and three shots of liquor.

AFTEREFFECTS: "I've been sick and blacked out. After a night of drinking I don't get out of bed until 12:00 or 1:00 p.m. So I'm unable to do all my schoolwork."

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in a row; for a female it means consuming four drinks in one session at least once in a two-week period.

Few teens seem to worry much about what such drinking does to their bodies. Cirrhosis of the liver is unlikely to catch up with them for decades, and heart disease must seem as remote as retirement. But new research suggests that young drinkers are courting danger. Because their brains are still developing well into their twenties, teens who drink excessively may be destroying significant amounts of mental capacity in ways that are more dramatic than in older drinkers.

Scientists have long known that excessive alcohol consumption among adults over long periods of time can create brain damage, ranging from a mild loss of motor skills to psychosis and even the inability to form memories. But less has been known about the impact alcohol has on younger brains. Until recently, scientists assumed that a youthful brain is more resilient than an adult brain and could escape many of

the brain that is similar in rats and humans. Six years ago, when Swartzwelder published his first paper suggesting that alcohol disrupts the hippocampus more severely in adolescent rats than in adult rats, "people didn't believe it," he says. Since then, his research has shown that the adolescent brain is more easily damaged in the structures that regulate the acquisition and storage of memories.

Learning depends on communication between nerve cells, or neurons, within the hippocampus. To communicate, a neuron fires an electrical signal down its axon, a single fiber extending away from the cell's center. In response, the axon releases chemical messengers, called neurotransmitters, which bind to receptors on the receiving branches of neighboring cells. Depending on the types of neurotransmitters released, the receiving cell may be jolted into action or settle more deeply into rest.

But the formation of memories requires more than the simple firing or inhibition of nerve cells. There must be

lescent brain tissue much more than in adult tissue. Next, Swartzwelder identified a likely explanation. Long-term potentiation—and thus memory formation—relies in large part on the action of a neurotransmitter known as glutamate, the brain's chemical kingpin of neural excitation. Glutamate strengthens a cell's electrical stimulation when it binds to a docking port called the NMDA receptor. If the receptor is blocked, so is long-term potentiation, and thus memory formation. Swartzwelder found that exposure to the equivalent of just two beers inhibits the NMDA receptors in the hippocampal cells of adolescent rats, while more than twice as much is required to produce the same effect in adult rats. These findings led him to suspect that alcohol consumption might have a dramatic impact on the ability of adolescents to learn. So he set up a series of behavioral tests.

First, Swartzwelder's team dosed adolescent and adult rats with alcohol and ran them through maze-learning tests.

The younger the brain, the more it may be at risk

the worst ills of alcohol. But some researchers are now beginning to question this assumption. Preliminary results from several studies indicate that the younger the brain is, the more it may be at risk. "The adolescent brain is a developing nervous system, and the things you do to it can change it," says Scott Swartzwelder, a neuropsychologist at Duke University and the U.S. Department of Veterans Affairs.

Teen drinkers appear to be most susceptible to damage in the hippocampus, a structure buried deep in the brain that is responsible for many types of learning and memory, and the prefrontal cortex, located behind the forehead, which is the brain's chief decision maker and voice of reason. Both areas, especially the prefrontal cortex, undergo dramatic change in the second decade of life.

Swartzwelder and his team have been studying how alcohol affects the hippocampus, an evolutionarily old part of

some physical change in the hippocampal neurons that represents the encoding of new information. Scientists believe that this change occurs in the synapses, the tiny gaps between neurons that neurotransmitters traverse. Repeated use of synapses seems to increase their ability to fire up connecting cells. Laboratory experiments on brain tissue can induce this process, called long-term potentiation. Researchers assume that something similar takes place in the intact living brain, although it is impossible to observe directly. Essentially, if the repetitive neural reverberations are strong enough, they burn in new patterns of synaptic circuitry to encode memory, just as the more often a child recites his ABCs, the better he knows them.

Swartzwelder's first clue that alcohol powerfully disrupts memory in the adolescent brain came from studying rat hippocampi. He found that alcohol blocks long-term potentiation in ado-

Compared with the adult rats, the adolescents failed miserably. To see whether similar results held true for humans, Swartzwelder recruited a group of volunteers aged 21 to 29 years old. He couldn't use younger subjects because of laws that forbid drinking before age 21. He chose to split the volunteers into two groups: 21 to 24 years old and 25 to 29 years old. "While I wouldn't argue that these younger folks are adolescents, even in their early twenties their brains are still developing," Swartzwelder says. After three drinks, with a blood-alcohol level slightly below the National Highway Traffic Safety Administration's recommended limit—.08 percent—the younger group's learning was impaired 25 percent more than the older group's.

Intrigued by these results, Swartzwelder's colleague Aaron White, a biological psychologist at Duke, set out to discover how vulnerable the adolescent brain is to long-term damage. He gave



Alcohol triggers "a lower sedative response" in the brains of adolescents than in adults, says Fulton Crews, director of the Center for Alcohol Studies at the University of North Carolina at Chapel Hill. As a result, teenagers "can drink more and damage their brains more."



"We think that a blackout is alcohol shutting down the hippocampus. During that time, the hippocampus can no longer form new memories," says biological psychologist Aaron White (right), with neuropsychologist Scott Swartzwelder in their Duke University lab.

adolescent and adult rats large doses of alcohol every other day for 20 days—the equivalent of a 150-pound human chugging 24 drinks in a row. Twenty days after the last binge, when the adolescent rats had reached adulthood, White trained them in a maze-memory task roughly akin to that performed by a human when remembering the location of his car in a parking garage.

Both the younger and older rats performed equally well when sober. But when intoxicated, those who had binged as adolescents performed much worse. "Binge alcohol exposure in adolescence appears to produce long-lasting changes in brain function," White says. He suspects that early damage caused by alcohol could surface whenever the brain is taxed. He also suspects that the NMDA receptor is involved, because just as alcohol in the system inhibits the receptor, the drug's withdrawal overstimulates it—which can kill the cell outright.

During the fall semester last year, at least 11 college students died from alcohol-related causes—at California State University at Chico, Colgate University in New York, Old Dominion University in Virginia, the University of Michigan,

Vincennes University in Kentucky, Washington and Lee University in Virginia, and Washington State University. No one knows how many other students were rushed to emergency rooms for alcohol poisoning, but at Duke, 11 students had visited local ERs in just the first three weeks of school, and in only one night of partying, three students from the University of Tennessee were hospitalized.

STUDENTS WHO DRINK HEAVILY sometimes joke that they are killing a few brain cells. New research suggests that this is not funny. Some of the evidence is anatomical: Michael De Bellis at the University of Pittsburgh Medical Center used magnetic resonance imaging to compare the hippocampi of subjects 14 to 21 years old who abused alcohol to the hippocampi of those who did not. He found that the longer and the more

a young person had been drinking, the smaller his hippocampus. The average size difference between healthy teens and alcohol abusers was roughly 10 percent. That is a lot of brain cells.

De Bellis speculates that the shrinkage may be due to cell damage and death that occurs during withdrawal from alcohol. Withdrawal is the brain's way of trying to get back to normal after prolonged or heavy drinking. It can leave the hands jittery, set off the classic headache, generate intense anxiety, and even provoke seizures, as neurons that had adjusted to the presence of alcohol try to adjust to its absence. Because alcohol slows down the transmission of nerve signals—in part by stopping glutamate from activating its NMDA receptors—nerve cells under the influence react by increasing the number and sensitivity of these receptors. When drinking stops, the brain is suddenly stuck with too many hyperactive receptors.

Mark Prendergast, a neuroscientist at the University of Kentucky, recently revealed one way these hyperactive receptors kill brain cells. First, he exposed rat hippocampal slices to alcohol for 10

that if overexcitability during alcohol withdrawal was causing cell death, blocking the receptors should minimize the carnage. It did, by about 75 percent.

Now Prendergast is examining what makes the receptors so lethal. By tracking radioactive calcium, he found that the overexcited receptors open floodgates that allow calcium to swamp the cell. Too much calcium can turn on suicide genes that cause the neuron to break down its own membrane. Indeed, that is exactly what Prendergast observed during alcohol withdrawal: Overactive receptors opened wide, and the influx of calcium became a raging flood.

Prendergast says that four or five drinks may cause a mild withdrawal. And, according to Harvard's Wechsler, 44 percent of college students binge in this manner. More alarming, 23 percent of them consume 72 percent of all the alcohol that college students drink.

Chuck was 15 the first time he binged—on warm beers chugged with friends late at night in a vacant house. Six years later, celebrating his 21st birthday, he rapidly downed four shots of vodka in his dorm

Brown, Susan Tapert, and Gregory Brown have been following alcohol-dependent adolescents for eight years. Repeated testing shows that problem drinkers perform more poorly on tests of cognition and learning than do nondrinkers. Furthermore, "the single best predictor of neuropsychological deficits for adolescents is withdrawal symptoms," says principal investigator Sandra Brown.

The psychologists recruited a group of 33 teenagers aged 15 and 16, all heavy drinkers. On average, each teen had used alcohol more than 750 times—the equivalent of drinking every day for two and a half years. Bingeing was common: The teens downed an average of eight drinks at each sitting. The researchers matched drinkers with nondrinkers of the same gender and similar age, IQ, socioeconomic background, and family history of alcohol use. Then, three weeks after the drinkers had their last drink, all the teens took a two-hour battery of tests.

The teens with alcohol problems had a harder time recalling information, both verbal and nonverbal, that they had learned 20 minutes earlier. Words such as *apple* and *football* escaped them. The

Hyperactive receptors

can cause cell death

days, then removed the alcohol. Following withdrawal, he stained the tissue with a fluorescent dye that lit up dead and dying cells. When exposed to an alcohol concentration of about .08 percent, cell death increased some 25 percent above the baseline. When concentrations were two or three times higher, he wrote in a recent issue of *Alcoholism: Clinical and Experimental Research*, the number of dead cells shot up to 100 percent above the baseline.

Prendergast says that the younger brain tissue was far more sensitive. Preadolescent tissue suffered four to five times more cell death than did adult tissue. In all cases, most of the death occurred in hippocampal cells that were packed with NMDA receptors. To home in on the cause, he treated another batch of brain slices with the drug MK-801, which blocks NMDA receptors. He reasoned

room. Then he and his friends drove through the snowy night to a sorority party at a bar, where he consumed another 16 drinks. Chuck's friends later told him how the rest of the night unfolded. He danced in a cage. He spun on the floor. He careened around the parking lot with a frierl on his back. Halfway home, he stumbled out of the car and threw up. A friend half carried him home down frozen roads at 2 a.m. "I don't remember any of this," Chuck says. But he does remember the hangover he lived with for two days, as his brain and body withdrew from the booze.

RECENT HUMAN STUDIES SUPPORT a conclusion Prendergast drew from his molecular experiments: The greatest brain damage from alcohol occurs during withdrawal. At the University of California at San Diego and the VA San Diego Health Care System, Sandra

performance difference was about 10 percent. "It's not serious brain damage, but it's the difference of a grade, a pass or a fail," Tapert says. Other tests evaluated skills needed for map learning, geometry, or science. Again, there was a 10 percent difference in performance.

"The study shows that just several years of heavy alcohol use by youth can adversely affect their brain functions in ways that are critical to learning," Sandra Brown says. She is following the group of teenagers until they reach age 30, and some have already passed 21. "Those who continue to use alcohol heavily are developing attentional deficits in addition to the memory and problem-solving deficits that showed up early on," Brown says. "In the past we thought of alcohol as a more benign drug. It's not included in the war on drugs. This study clearly demonstrates



Cindy, 18

DRINKING HISTORY: First drink: age 14, at a party. "In high school I drank every weekend."
MOST ALCOHOL EVER CONSUMED: three shots vodka, four shots rum, two screwdrivers, one strawberry daiquiri, and one beer.
AFTEREFFECTS: "In high school I had all B+'s and A-'s. I don't drink that much in college, and I have a B/B- average. Go figure. I put more effort into my college work though because I'm not rushing out at 6 o'clock to get a good six hours in of drinking."

that the most popular drug is also an incredibly dangerous drug."

Brown's research team is also using functional magnetic resonance imaging to compare the brain function of alcohol abusers and nondrinkers. Initial results show that brains of young adults with a history of alcohol dependence are less active than the brains of nondrinkers during tasks that require spatial working memory (comparable to the maze task that White conducted on rats). In addition, the adolescent drinkers seem to exhibit greater levels of brain activity when they are exposed to alcohol-related stimuli. For instance, when the drinkers read words such as *wasted* or *tequila* on a screen, the nucleus accumbens—a small section of the brain associated with craving—lights up.

The nucleus accumbens is integral to the brain's so-called pleasure circuit, which scientists now believe undergoes major remodeling during adolescence. Underlying the pleasure circuit is the neurotransmitter dopamine. Sex, food, and many drugs, including alcohol, can all induce the release of dopamine, which

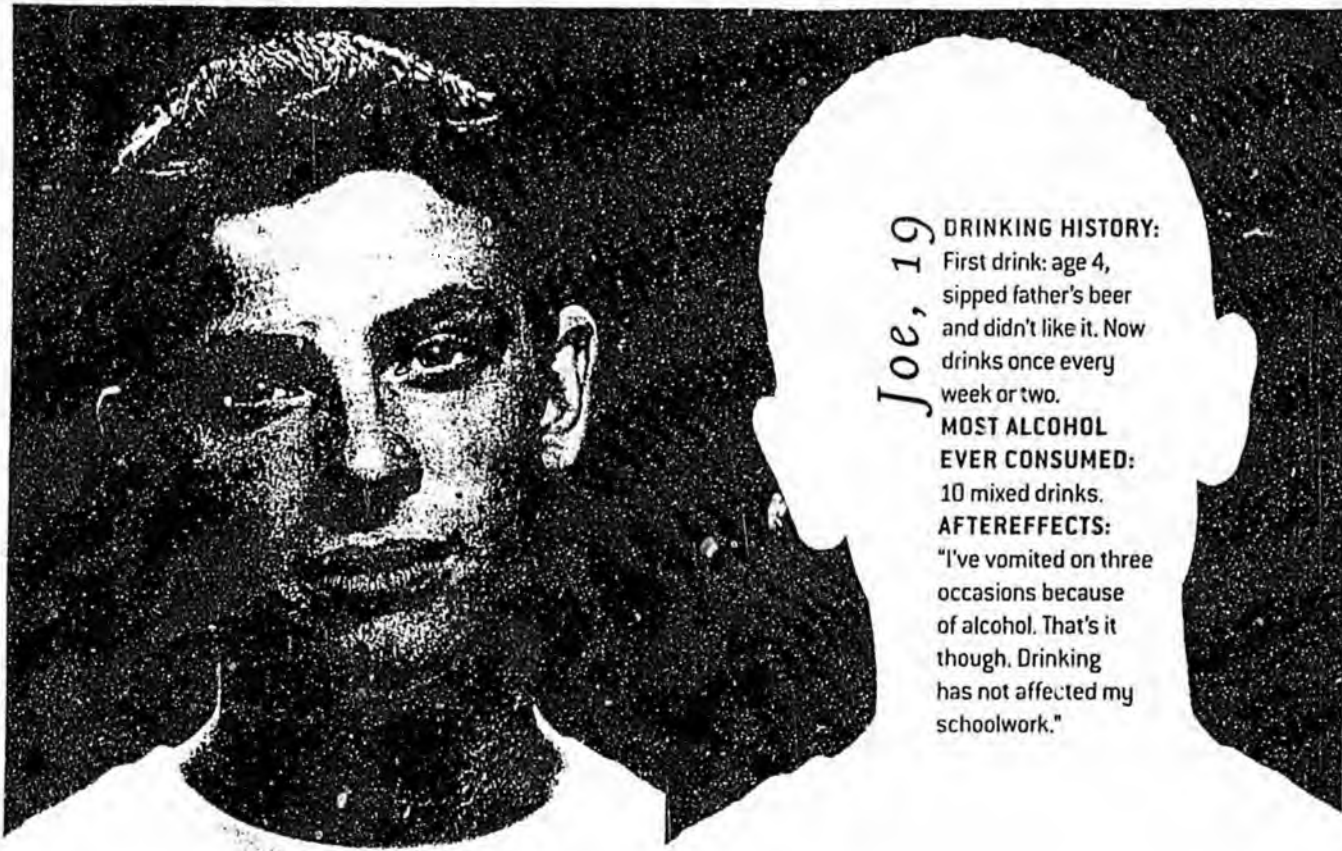
creates feelings of pleasure and in turn encourages repetition of the original behavior. During adolescence, the balance of dopamine activity temporarily shifts away from the nucleus accumbens, the brain's key pleasure and reward center, to the prefrontal cortex. Linda Spear, a developmental psychobiologist at Binghamton University in New York, speculates that as a result of this shift in balance, teenagers may find drugs less rewarding than earlier or later in life. And if the drugs produce less of a kick, more will be needed for the same effect. "In the case of alcohol, this may lead to binge drinking," she says.

When Lynn was a freshman in high school, she liked to hang out at her friend John's apartment. More often than not, his father would be drinking beer. "He was like, 'Help yourself,'" Lynn says. Friends would come over and play drinking games until four or five in the morning. The longer the games continued, the tougher the rules became, doubling and tripling the number of drinks consumed. One night, Lynn came home drunk. Her

mother talked her through her options, sharing stories of relatives who had ruined their lives drinking. Lynn struggled with her choices. A year later she still drinks, but she's kept a pact with her girlfriends to stop bingeing.

DURING ADOLESCENCE, THE PREFRONTAL cortex changes more than any other part of the brain. At around age 11 or 12, its neurons branch out like crazy, only to be seriously pruned back in the years that follow. All this tumult is to good purpose. In the adult brain, the prefrontal cortex executes the thought processes adolescents struggle to master: the ability to plan ahead, think abstractly, and integrate information to make sound decisions.

Now there is evidence that the prefrontal cortex and associated areas are among those most damaged in the brains of bingeing adolescents. Fulton Crews, director of the Center for Alcohol Studies at the University of North Carolina at Chapel Hill, has studied the patterns of cell death in the brains of adolescent and adult rats after four-day drinking



Joe, 19

DRINKING HISTORY:

First drink: age 4, sipped father's beer and didn't like it. Now drinks once every week or two.

MOST ALCOHOL EVER CONSUMED:
10 mixed drinks.

AFTEREFFECTS:

"I've vomited on three occasions because of alcohol. That's it though. Drinking has not affected my schoolwork."

bouts. While both groups showed damage in the back areas of the brain and in the frontally located olfactory bulb, used for smell, only the adolescents suffered brain damage in other frontal areas.

That youthful damage was severe. It extended from the rat's olfactory bulb to the interconnected parts of the brain that process sensory information and memories to make associations, such as "This smell and the sight of that wall tell me I'm in a place where I previously faced down an enemy." The regions of cell death in the rat experiment corresponded to the human prefrontal cortex and to parts of the limbic system.

The limbic system, which includes the hippocampus, changes throughout adolescence, according to recent work by Jay Giedd at the National Institute of Mental Health in Bethesda, Maryland. The limbic system not only encodes memory but is also mobilized when a person is hungry or frightened or angry; it helps the brain process survival impulses. The limbic system and the prefrontal cortex must work in concert for a person to make sound decisions.

Damage to the prefrontal cortex and the limbic system is especially worrisome because they play an important role in the formation of an adult personality. "Binge drinking could be making permanent long-term changes in the final neural physiology, which is expressed as personality and behavior in the individual," Crews says. But he readily acknowledges that such conclusions are hypothetical. "It's very hard to prove this stuff. You can't do an experiment in which you change people's brains."

Nonetheless, evidence of the vulnerability of young people to alcohol is mounting. A study by Bridget Grant of the National Institute on Alcohol Abuse and Alcoholism shows that the younger someone is when he begins to regularly drink alcohol, the more likely that individual will eventually become an alcoholic. Grant found that 40 percent of the drinkers who got started before age 15 were classified later in life as alcoholic, compared with only 10 percent of those who began drinking at age 21 or 22. Overall, beginning at age 15, the risk of future alcohol de-

pendence decreased by 14 percent with each passing year of abstinence.

The study leaves unanswered whether early regular drinking is merely a marker of later abuse or whether it results in long-term changes in the brain that increase the later propensity for abuse. "It's got to be both," Crews says. For one thing, he points out that studies of rats and people have shown that repeated alcohol use makes it harder for a person—or a rat—to learn new ways of doing things, rather than repeating the same actions over and over again. In short, the way alcohol changes the brain makes it increasingly difficult over time to stop reaching for beer after beer after beer.

Ultimately, the collateral damage caused by having so many American adolescents reach for one drink after another may be incalculable. "People in their late teens have been drinking heavily for generations. We're not a society of idiots, but we're not a society of Einsteins either," says Swartzwelder. "What if you've compromised your function by 7 percent or 10 percent and never know the difference?"

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Varying tactics, same violent results for Mardi Gras cities

By BERNARD MCGHEE
THE ASSOCIATED PRESS

SEATTLE - Cities may have tried different tactics to control Mardi Gras violence, but the results were similar to those in Seattle, where 70 people were injured and one died.

Police Chief Gil Kerlikowske met Sunday with police from Philadelphia, Austin, Texas, and Fresno, Calif., which all saw Fat Tuesday festivities turn into drunken melees, ripe with violence, looting and vandalism.

"We're not going to end today with a conclusion," Kerlikowske said. "This is a much larger, more significant, societal problem that involves alcohol-fueled youth violence."

Rick Coy, assistant chief of the Austin Police Department, said he could barely distinguish between video footage of Austin and violence elsewhere.

Austin police used tear gas and

rubber bullets to break up a crowd of 100,000 in which 31 were injured in pre-Mardi Gras reveling.

In all cities, police said crowds consumed a large amount of alcohol and found a trend toward teenagers taking part in the violence.

Philadelphia didn't even sponsor a Mardi Gras celebration, but radio stations encouraged youths to come out and have a good time, said Frank Pryor, chief inspector for the Philadelphia Police Department.

"It was a booze-fest, a drunk-fest," Pryor said.

Some 40,000 people converged on South Street and Philadelphia police arrested 83 people in connection with fights, vandalism, underage drinking and store looting. Philadelphia's decision to use barricades backfired when an inebriated crowd knocked the barricades down, hindering police from clearing the area.

In Fresno, one person was stabbed when a crowd stormed the

city's Tower District, overturning portable toilets, smashing windows and hurling bottles at police officers.

Critics have assailed Seattle police for not moving in immediately as Mardi Gras celebrations turned ugly and groups began randomly attacking people. The crowds were estimated at about 4,000.

By contrast, the more notorious pre-Lenten partying in New Orleans was largely peaceful, even though about a million people jammed the streets. During the city's 12-day parade season, police made 512 arrests, fewer than the 589 arrests made last year.

Kerlikowske said that talking to fellow police from other cities reaffirmed that his force made the right decisions on that night.

Following the meeting, Kerlikowske joined the mayor in a peace march to Pioneer Square, the site of Seattle's Feb. 28 violence.

Curbing student drinking

This spring I am asking our students to help educate their peers about the devastating effects certain social activities typically associated with college life can have on academic careers and personal lives. I'm talking about binge drinking.

University of Alaska Fairbanks students are among Alaska's most valuable resources. At UAF, we are not alone in our efforts to find effective ways to educate our students about the risks they face when they drink too much. University presidents and chancellors nationwide are searching for the right formula that will stamp out binge drinking on their campuses.

Research indicates that there

Marshall Lind

Guest Opinion



is a significant disparity between student estimates of binge drinking and actual campus behavior. Binge drinking is typically defined as five or more drinks in a row for men, four or more for women and is depicted as traditional student behavior in movies like "Animal House."

After more traditional alcohol abuse prevention efforts failed to change drinking behavior on college campuses across the nation, places like Northern Illinois University and the University of Oregon implemented campus-based mass media campaigns to change student perceptions of drinking norms. They found that they were able to reduce binge drinking, some by as much as 35 percent over a six-year period.

Most students think that most of their peers binge drink. Surveys at the UAF indicate that one in four of our students typically do not drink and 77 percent report that they do not binge drink; this is based on a survey of a statistically significant random sample of students conducted in

November 1999. The survey was sponsored by Akeela Treatment Services Inc. and the Alaska Council on Prevention of Alcohol and Drug Abuse, and was conducted by the Battle of the Binge Coalition, representing UAF, the University of Alaska Southeast and Alaska Pacific University.

UAF already has several programs in place aimed at educating our students about the risks associated with alcohol and substance abuse. As with our alcohol awareness and education programs, information about drug abuse is a key component of our outreach efforts and has been for a very long time. We encourage our students to make healthy choices in all aspects of their lives and we are committed to providing an environment in which faculty, staff and students can live, work and learn in a safe environment.

Our university is a reflection of the society in which we live. While we encourage students to make healthy choices, our crime statistics are sobering. Incidents involving alcohol are the biggest problem university police and student services staff have to deal with on campus. Students need to know that alcohol abuse increases the chances of being victim of robbery, assault and sexual assault.

There are things we can do to reduce alcohol-related incidents and ensure the safety of our students. Our residence life program requires a party permit for students who want to have a gathering in residence halls. We have established a coalition that partners hospital practitioners with university staff to offer students specialized evaluation, direct intervention and rapid treatment referral for alcohol or other drug problems. The program is a joint effort by UAF Student Services, the Center for Health and Counseling and the Family Recovery Center at Fairbanks Memorial Hospital.

The Fairbanks community has an opportunity to be a partner in protecting our students by carding students who frequent their alcoholic establishments, providing non-alcoholic beverages for designated drivers, encouraging frequent cab rides and making sure that all bartenders are certified to recognize the effects of alcohol and how to deal with patrons who may have had too much to drink.

Marshall Lind is chancellor of the University of Alaska Fairbanks.



**Volunteers
of America**

Alaska

441 W. 5th Ave., Suite 301
Anchorage, AK 99501

Phone: (907) 279-9634
Fax: (907) 276-5489
Email: lauragoss@ak.net

Fax Transmittal Form

To:

Name:

State of AK

Organization Name/Dept: Legislative Ofc

Phone number:

Fax number:

269-0229

From:

Laura J. Goss

Community Outreach Coordinator
and VCG Advisor

Phone: (907) 279-9634

Fax: (907) 276-5489

Email: lauragoss@ak.net

Urgent

For Review

Please Comment

Please Reply

Date sent: 3-30-01

Time sent: 4:10pm

Number of pages including cover page: 3

Message:

Here is the testimony of Volunteers
of America Alaska regarding House
Bill 179 - underage drinking. I
have included the statistics
Chairman requested after I testified
this afternoon.

(H)Jod



Volunteers of America
Alaska

My name is Laura Goss and I am the Community Outreach Coordinator for Volunteers of America Alaska's Adolescent Alcohol and other Drug Treatment Programs. Volunteers of America Alaska offers a Youth Intervention Program for first time offenders aged 13-21, Outpatient and Intensive Outpatient Treatment Programs in Anchorage for youths aged 12 - 18, and a Residential Treatment Center serving adolescents aged 12 - 18 from statewide.

Thank you for allowing me this opportunity to convey our opinions on House Bill 179.

House Bill 179 does not go far enough. It is attempting to get tougher on underage drinking, but it fails to address the underlying issues that lead to that behavior. Youths who are misusing alcohol and other substances need to be screened for dependency and educated about the choices they are making early on, before they develop into problem drinkers, before they escalate and become a danger to those around them on the roads and in their homes.

It is imperative for the well being of each individual in the community to intervene on youth that are engaging in high-risk behaviors. To allow a known substance abuser to continue in life without the benefit of learning just how consequential his or her behavior can be is nothing but irresponsible. Not only is it irresponsible toward that youth, but it is irresponsible toward the entire community.

We would like to see a provision added to the Act that would allow the courts to offer first and second time violators an incentive for participating in alcohol screening and any education or treatment recommendations indicated. Incentives would include fine reduction or offset screening costs and citation dismissal, if appropriate. Such a provision would allow the courts to respond to the problem of underage drinking in a more flexible manner, and would help to ensure that the youth appearing before them received appropriate intervention at an earlier, more treatable stage.

For youth charges with driving under the influence or driving while intoxicated, it is further proposed that the individual's driving privileges not be reinstated until the youth complies with the assessment process and follows through on the subsequent recommendation.

In addition, we would ask that you consider the impact of the community work service component upon the first and second time offenders. As written, it is an unenforceable consequence. There is little or no recourse in those instances where the youth fail to comply. That sends the wrong message to youth that have already shown a disregard for the law. Should it be left in the act, we encourage you to consider the creation of a

juvenile monitoring program, similar to the adult monitoring program, to track compliance and report back to the court.

The importance of consistent imposition of sanctions and adequate monitoring cannot be emphasized enough. We as a community have the responsibility to clearly and consistently convey the message that substance abuse is a high-risk behavior that has potentially deadly consequences and will not be tolerated as simply a matter of "kids will be kids". We want our kids to be kids, and we want them to grow up to be happy, functional, and productive adults. We certainly do not want our children's behavior to be the factor in the loss of life in our community.

In summary, we believe that intervention and education are of paramount importance in combating the problem of underage drinking and should be included at an earlier stage. We also urge you to include a diversion provision into the act.

Thank you.

* Mr. Chairman, you asked me some statistical and financial information about our programs after my testifying. I'd like to accurately address that information:

- Volunteers of America Alaska is a non-profit organization funded by grants from the State of AK Division of Alcoholism and Drug Abuse, and by private donations. Assessments for all of our programs are FREE of charge.
- ARCH, our residential treatment program, served 46 youths in fiscal year 2000. It is a 16-bed facility, with 12 male beds and 4 female beds. The length of stay ranges from 4 - 6 months. Monthly cost varies from \$5,500 to \$6,500 depending on activities client and parents participate in. We bill insurance, Medicaid/Denali Kid Care, offer a sliding fee scale, and do not turn anyone away for the inability to pay for services.
- Assist, our Outpatient and Intensive Outpatient programs, served 152 clients in fiscal year 2000. The average length of treatment for Outpatient is 12 weeks and for Intensive Outpatient it is 24 weeks (6 months). Average cost of Outpatient treatment per month is about \$650 and average cost of Intensive Outpatient per month is about \$2,400, depending on activities the client and parents participate in. We bill insurance, Medicaid/Denali Kid Care, offer a sliding fee scale, and do not turn anyone away for the inability to pay for services.
- Youth Intervention Program is a 10-hour reality and experiential-based substance abuse education class and served 256 youths in fiscal year 2000. It costs \$125.00. Scholarships are available to those who cannot afford the course fee.

March 27, 2001

Representative Norm Rokeberg
Chairman of House Judiciary Committee
Juneau, Alaska

MAR 27 2001

Representative Rokeberg,

I am writing in response to HB 179 "relating to underage drinking... " I have been coordinating a very committed group of judicial officers, social workers, parents, DMV administrators, Division of Alcohol and Drug Abuse for *2 years and 7 months* because we know that underage drinking is a precursor to all future alcohol related problems. We have followed legislation and its impact on minor consuming since 1996, when the "Use it and Loose It" legislation was passed. Recent Alaska studies report that minor consuming continues to increase.

Though this bill tries to build on increasing monetary sanctions, it does not go far enough for 1st and/or 2nd alcohol infractions. We would like to see a provision that allows the therapeutic model to be offered right away. Magistrates, statewide, need to be able to offer incentives to youth who agree to comply with an alcohol screening, specific for adolescents, and treatment or education recommendations. Recommendations may include an approved adolescent alcohol education/intervention program or treatment if so recommended. Recommendations can be flexible to allow for regional differences. A Juvenile Monitoring Program, like we have for adults, is needed to communicate compliance back to the courts. Incentives should include the option of allowing for a reduction in the fine to offset the costs screening and treatment or education and, in appropriate cases, dismissal of the charges upon proof of compliance with the screening recommendations.

We have personally seen the escalation of young people, who drink before 15 years, never held accountable, and become the problem drinkers who drive and assault the people around them. We encourage some changes to the bill that reflect a mandatory screening (specific for adolescents) and compliance with recommendations that include monitoring of effective education/intervention and/or treatment.

Attached is a list of people who are involved on the Teenage Alcohol Infractions Working Committee. We will be available at the hearing on March 28, 2001 at 1:00PM.

Sincerely,

Joan Diamond
Public Health, Injury Prevention, 343-6583
Anchorage, Alaska 99519

Teenage Alcohol Infractions Working Group

Name	Organization	Phone	Fax	Email
Joan Diamond Box 19-6650 Anchorage, AK.99519	MOA/DHHS Injury Prevention	343-6583	343-6564	diamondjw@ci.anchorage.ak.us
Mark Mew	APD, Deputy Chief	786-8552	786-8638	mnew@ci.anchorage.ak.us
Tamara Venator 441 W. 5 th Ave. #201 Anchorage, Alaska 99501	Youth Rest. Program (VOA)	279-9686	276-5489	yvp@alaska.net
Bill Hitchcock 303 K. St., Rm 280 Anchorage, AK. 99501	Juvenile Master	264-0421	264-0522	whitchcock@courts.state.ak.us
Kerry Hennings 2150 E. Dowling Rd. Anchorage, Alaska 99505	DMV	269-3771	269-3774	<u>kerry_hennings@admin.state.ak.us</u>
Karen Schaft (McCallister) Kate Howl 441 W. 5 th Ave. Suite 201 Anchorage, Alaska 99501-2340	VOA	279-9634 279-9677	279-5489	
Bruce Roberts, JR Richards 420 L. St. Ste. 100 Anchorage, AK. 99501	Municipal attorneys, MOA, prosecution	343-6445	274-6689	
Susan Soule Tony Piper PO 240249 3601 C. St. Ste.352 Anchorage, AK. 99524	Alcoholism/Drug Abuse	269-3792 269-3781	269-3786	susan_soule@health.state.ak.us apiper@health.state.ak.us

Jennifer Wells	Standing Masters			jwells@courts.state.ak.us
Suzanne Cole	Standing Masters	264-0691	264-0522	srcole@courts.state.ak.us
Wendy Lyford	Court Admin.	264-0415		wlyford@courts.state.ak.us
Cynthia Cooper	Attorney General's	269-6379		cynthia_cooper@law.state.ak.us
Brant McGee	Office of Public Advocacy	269-3501		
Ron Taylor/Harvey Homan 303 K. St. Anchorage, AK. 99501	Alcohol Safety Action Program	264-0776 264-0779	264-0786	ronald_taylor@health.state.ak.us
Linda Moffitt 2600 Providence Dr. Anchorage, AK. 99508	Juvenile Intake	261-4527	261-4555	linda_moffitt@health.state.ak.us
Sbaron Leon 310 K. St. Anchorage, AK. 999501	Youth Court Director	274-5986	272-0491	ayc@alaska.net
Peter Ashman 825 W. 4 th St. Anchorage, AK 99501-2004	District Court Judge	264-0643	264-0503	pashman@courts.state.ak.us
Marty Greesen 3600 Arctic Blvd. Anchorage, AK 99503	MADD	522-6233	562-6896	madd@corecom.net

STATE OF ALASKA

ALCOHOL COURSES APPROVED FOR DEFENSIVE DRIVING (2PT) DT2

Alaska Human Services
3305 Arctic Blvd. Ste 105
Anchorage, AK 99523
561-4345

Aurora Consultants
3701 E. Tudor, #201
Anchorage, AK 99507
563-7669

Starting Point (562-6116)
341 W. Tudor Suite 205
Anchorage, AK 99503

APIA (Aleutian Pribilof
Island Assoc).
201 E, 3rd Ave
Anchorage, AK 99501

Pacific Rim Consultants
4141 B. Street #210
Anchorage, AK 99503
561-5252

RITE
Rational Insight Treatment)
301 E Firweed. #102
Anchorage, AK 99503
562-7483

Starting Point
Old Glenn Hwy, #105
Eagle River, AK 99577

Pacific Rim Consultants
529-6th Ave, #200
Fairbanks, AK 99701
800-478-5252

Ralph Purdue Center (PNA)
PO Box 74450
Fairbanks, AK 99707
452-8251

Creative Living
Publications
PO Box 620
Girdwood, AK 99587

CICADA-Homer
(Cook Inlet Council)
PO Box 2352
Homer, AK 99603
235-8001

Gastineau Human Services
5597 Aizak St.
Juneau, AK 99801
780-4135

National Council
on Alcoholism
211-4th St. #102
Juneau, AK 99801
463-3755

Tongass Safety Council
PO Box 6251
Ketchikan, AK 99901
247-3469

Gateway Center for
Human Services
3050-3052 5th Avenue
Ketchikan, AK 99901
225-4135

CICADA-Homer
(Cook Inlet Council)
PO Box 882
Kanni, AK 99611
283-3658

Safe Harbor
115 Mill Bay Road
Kodiak, AK 99615

Starting Point
415 S. Bailey St. #B
Palmer, AK 99645

Changing Tides Counseling
PO Box 1066
Petersonburg, AK 99833

Mrs. Catherine Gage
Providence Breakthrough
2401 E. 42nd Avenue #103
Anchorage AK 99508

Sea View Comm. Serv
PO Box 1045
Seward, AK 99664

Starting Point
1075 Creek St. #102
Wasilla, AK 99654

RITE (Rational Insight
Treatment)
851 E West Point Dr. #207
Wasilla, AK 99654
373-7480

Avenues
PO Box 1108
Wrangell, AK 99929
874-3338

Mat-Su Concil
Recovery Center
291 E. Swabson Ave
Wasilla, AK 99654
376-4000

Gregory Smith
Norton Sound Hosp. Behav. Health Svcs.
P.O. Box 966
Nome AK 99762

Carlos Salazar
Manilaq Association
P.O. Box 256
Kotzebue AK 99572

Lonnie Walters
C.O.H.O
P.O. box 805
Craig AK 99201

Anchorage Area Approved Treatment Programs for Minors
Compliance letter (first offense)
Completion letter (2 or more offenses)
Letters must be on the approved programs letterhead

Alaska Human Services
3305 Arctic Blvd Suite 105
Anchorage, AK 99503
561-4535

The Recovery Connection
1251 Muldoon Road Suite 104B
Anchorage AK
332-7660

Aleutian/Pribiloff Island Assc.
401 E. Fireweed Lane
Anchorage, Alaska 99503
276-2700

RITE, Inc
301 E. Fireweed, #102
Anchorage, AK 99508
562-7483

The Arc of Anch./Bryn Mawr
Substance Abuse Program
2211 Arca Drive(18 Yrs-Above)
Anchorage, Alaska 99508
338-3688

Starting Point
341 W. Tudor Rd., Suite 205
Anchorage, AK 99503
582-6116

Booth Memorial Youth & Family
Services
3600 E. 20th Avenue
Anchorage, Alaska 99508
279-0522



Volunteers of America (ASSIST)
441 W. 5th Ave., Suite 301
Anchorage, AK 99501-2340
279-9634

Clltheroe Center/Reflections
The Salvation Army (18 Yrs-Above)
1709 South Bragaw, Ste. B
Anchorage, Alaska 99519-0567
276-2898

**Approved for Military personal and
their dependents:**
Community Counseling Center
Fort Richardson
384-7370

Genesis Recovery Service, Inc.
2825 W. 42nd Place
Anchorage, AK 99517-2840
243-5130

Pacific Rim Counseling
4141 B Street, Suite 210
Anchorage, Alaska 99507
561-5262

C. Supporting Community Substance Abuse Services—Core Functions, March 12, 2001** Policies and  Procedures related to delivering services to ASAP clients:
Alcohol and Drug Information School (ADIS)****Scope, purpose, and goal**

The Division of Alcoholism and Drug Abuse (ADA) has statutory authority under AS 47.37.040 (14) and AS 28.15.253 to develop and approve Alcohol and Drug Information School (ADIS) programs. ADIS programs provide education to first-time Driving While Intoxicated (DWI) offenders, as well as to non-abusive offenders convicted of alcohol and/or other drug-related misdemeanors. ADIS programs cover the effects of alcohol and other drugs on driving and social behavior. **These programs are educational only and are not considered treatment.** Their goal is to reduce subsequent alcohol and/or other drug-related offenses among adults. ADIS programs are designed to be available to all Alaskans involved in alcohol and/or other drug-related misdemeanors.

How ADIS works

The court may require that anyone convicted of an alcohol/drug-related misdemeanor be referred to the Alcohol Safety Action Program (ASAP) for screening and monitoring. If screening indicates no underlying substance abuse problem, ASAP refers the offender to an ADIS program. If no ASAP office exists in the area, the court may refer potential students to ADIS directly. Students referred by the court may have received no screening other than a court determination that they have no previous offenses or, alternatively, an evaluation from an approved substance abuse program that they are non-abusive.

When an ADIS course has been conducted, the ADIS program reports to referring agencies [ASAP, the court, Division of Motor Vehicles (DMV), and/or treatment programs] the names of students who passed or failed the course. Students seeking a two-point reduction on their license must be reported to the DMV. The DMV records an individual's course completion and credits his or her driving record toward re-issuance of a driver's license. A first-time DWI offender may receive credit only for ADA-approved ADIS programs.

Approved ADIS programs are built around the ADIS Core Curriculum Student Journal developed by the Division of Alcoholism and Drug Abuse (which includes a pre-test and post-test that must be passed with a score of 70% or better). Except for "itinerant" programs (see below), approved ADIS programs are at least 12 hours long, with no more than 4 hours presented on a single day. Itinerant programs may deliver two 3-hour sessions on the same day, with a 1-hour break between sessions. Approved ADIS classes are limited to no more than 20 students.

C. Supporting Community Substance Abuse Services—Core Functions, March 12, 2001

Approved programs demonstrate compliance with ADIS standards, health and safety regulations, and policies and procedures described in their program manual. Program manuals also accurately describe overall curriculum and program operations and include procedures for reporting required information to ASAP, DMV, and/or the court, as applicable, in prescribed formats. Approved ADIS programs may be delivered at fixed sites, at temporary "itinerant" sites, or through correspondence. Approved programs use trained instructors with appropriate knowledge of alcohol rehabilitation. Instructors must receive initial training in the ADIS Core Curriculum and continuing education in substance abuse.

Approval process

A program wishing to provide approved ADIS services applies for approval through the ADA ADIS Coordinator by requesting and submitting an application packet. If the program meets ADA standards, ASAP and DMV list it as an approved program. Only course certificates (and/or letters of completion) from approved programs will be recognized by ASAP, DMV, or the court.

To be approved, a program must submit to the ADIS Coordinator an acceptable program design (which must be based on the ADIS Core Curriculum Student Journal) and specified policies and procedures, which are outlined in the following tables. Following review of these materials, and a possible site visit, approval may be granted for one year initially and two years upon renewal. The ADIS Coordinator must approve any change in an approved program's curriculum at least 30 days prior to its implementation.

Initial application procedure and renewal

A program seeking approval requests application materials from the ADIS Coordinator. An ADIS application packet is sent to the program, which completes the packet and returns it to the ADIS Coordinator with supporting documents and an outline of its curriculum. The ADIS Coordinator reviews submitted materials within 30 days of receipt and either grants or denies approval. As part of this process, the ADIS Coordinator or a designate may visit the program. When approved, the program is notified by mail. ASAP and DMV are then notified of approval so that the program may be placed on the approved program list. Application materials are obtained from and returned to:

Division of Alcoholism and Drug Abuse
ADIS Coordinator
P.O. Box 240249
3601 C Street, Suite 358
Anchorage, AK 99524-0249

C. Supporting Community Substance Abuse Services—Core Functions, March 12, 2001

Although initial program approval is granted for one year, subsequent renewals may be granted for two. A program applies for renewal in writing to the ADIS Coordinator. The Coordinator then reviews submitted materials, including any program changes made since prior approval, and may again conduct a site visit. If renewal is approved, a letter is sent to the program, and ASAP and DMV are notified. The ADIS Coordinator remains available for technical assistance throughout the approval process.

ADIS program models

An ADIS program may operate as a fixed site, an itinerant service, or a correspondence course. Fixed site and itinerant programs follow the same rules and guidelines. A fixed site typically provides a home base for an itinerant program. An itinerant program provides a traveling counselor who delivers courses at various sites in a region. Rules for reporting, health and safety, capacity, and course content are the same for fixed and itinerant programs. ADIS standards for session length differ between the two. A program may develop a correspondence course for individuals who cannot be reached by an itinerant counselor nor reasonably travel to a fixed site. ADIS Core Curriculum remains the basis for such programs.

Itinerant programs may choose to deliver their services as part of a larger event, either on a one-time or an occasional basis. Court diversion programs, spirit camps, or health fairs are typical venues for itinerant ADIS programs. Such programs must meet all ADIS Core Curriculum, health and safety, and recording and reporting standards, and must be approved by the ADIS Coordinator at least 30 days prior to their implementation.

ADIS curriculum

The ADIS Core Curriculum Student Journal combines appropriate "best practices" from programs throughout the nation and reflects current trends in service delivery and research. It is designed to be relevant to all segments of Alaska's diverse population while ensuring uniformity of ADIS program content throughout the state. Responsible Decisions, Inc. (RDI), which has assisted many states in developing ADIS curricula, worked with ADA to develop the ADIS Core Curriculum. Each ADIS program purchases the ADIS Core Curriculum Student Journal from RDI for a nominal fee, which is passed on to program participants. RDI can be reached at:

Responsible Decisions, Inc.
6795 East Tennessee Ave., Suite 250
Denver, CO 80224
1-888-831-0046

C. Supporting Community Substance Abuse Services—Core Functions, March 12, 2001

The ADIS Core Curriculum Student Journal ensures that each successful student will:

- Take a standardized pre-test and pass a post-test based on the ADIS Core Curriculum, (70% represents a passing score);
- Learn Alaska laws and sanctions pertaining to DWI (applicable to all motor vehicles on land, water, and air);
- Apply learned sanctions to himself or herself;
- Describe his or her substance use patterns and behavior;
- Demonstrate an understanding of the effects of increased blood alcohol levels on his or her functioning;
- Be able to state some of the effects on human behavior of common combinations of drugs;
- State the cost to his or her own person, family, and community of his or her alcohol and other drug use;
- Be able to describe the progressive symptoms of addiction;
- Demonstrate an understanding of the disease concept of addiction;
- Demonstrate an understanding of the role of substance abuse in FAS/FAE, STDs, HIV/AIDS, and domestic violence;
- Demonstrate an understanding of the impact of substance abuse on relationships with significant others, children, and other family members;
- Demonstrate refusal skills for substance use;
- Complete a self-evaluation of substance abuse behavior;
- Develop an action plan for avoiding a subsequent DWI or other substance-related incident;
- Be able to identify an available substance abuse and/or mental health treatment resource and how to contact it;
- Where possible, the student should attend a Victims Panel;
- Complete a program evaluation.

ADA role

The Division of Alcoholism and Drug Abuse/ADIS Coordinator is responsible for approval of ADIS programs. ADA sets standards for curriculum and operation, monitors program activity, and evaluates program compliance. ADA supports development of new programs, as well as approval for existing programs, and acts as a clearinghouse for information and technology related to substance abuse education.

C. Supporting Community Substance Abuse Services—Core Functions, March 12, 2001

The Alaskan Court must be assured that an offender will receive the same quality of services, requested under a sentencing sanction, regardless of location or ADIS program. ADA approval ensures program consistency, as well as quality of each program's instruction, record keeping, and procedures for reporting to the court, ASAP, and DMV.

Reports of program completions are sent on DMV form DI-16-75, rev. 5/95, or the ASAP Referral form to the referring ASAP program or, where an ASAP program is not involved, directly to DMV at:

Driver Improvement Bureau
2150 Dowling Road
Anchorage, AK 99507

VI. Substance Abuse Treatment Resources for Minors.

A. Introduction to Treatment Concepts. Substance abuse treatment is a subject that gets a great deal of mention in literature, interviews, and discussions of underage drinking. While treatment is often referred to generically, there is a wide range of activities and services that constitute substance abuse treatment. Any given community can have some, none, or all of these services available in the community as well as access to other services through the use of itinerant professionals and patient transfer to other communities. The following is an overview to the principles of substance abuse treatment.

1. Range of Services. Substance abuse treatment services include all of the services on a continuum from alcohol screening to long-term residential care. The following is a brief description of the major components in a comprehensive substance abuse treatment program. Targeted services for special populations will be covered in the following sub-paragraphs.

a. *Alcohol Screening.* Alcohol screening is a service designed to “screen out” individuals who have an indication of alcohol involvement but who obviously do not need treatment. Given that alcohol consumption is legal (for adults), it is logical that a certain percentage of these will experience an incident or adverse consequences in which alcohol plays a role. Not all of these individuals, however, need substance abuse treatment. Screening is a process designed to provide a quick overview of the alcohol involvement of these individuals and eliminate those individuals who apparently do not need treatment. Those who do not “screen out” are provided with a more detailed assessment.

b. *Assessment.* For individuals who appear to have a problem with alcohol that might be well served through treatment services, a comprehensive assessment is performed to determine (1) the extent of their problem, and (2) needed treatment services. It is a more detailed and exhaustive process than the screening. A variety of assessment tools and instruments are used to help ensure that appropriate treatment referrals are made. One of the things accomplished in a thorough assessment is the assignment of a diagnosis, which formally identifies the type and severity of the problem.

c. *Alcohol Information School.* While not formally a component of treatment, alcohol information school is typically the first level of intervention in alcohol abuse (other than population-based prevention). It is generally appropriate for individuals without a history of alcohol abuse, those individuals who have experienced a problem for the first or even second time. Although the length of alcohol information school varies from program to program, they are typically between eight and 20 hours long. The goal of alcohol information school is to provide individuals with sufficient information to make good decisions about alcohol use. It is not generally considered to be appropriate for persons who are alcohol dependent since the only accepted choice for those individuals is to not consume alcohol at all.

d. *Outpatient Treatment.* Outpatient treatment services include one-to-one counseling, group counseling, and education. It is appropriate for persons that do not need the structure of a residential program and who are functional enough to manage their own affairs, keep appointments, and maintain a day-to-day life. Outpatient treatment is the least restrictive of



Mothers Against Drunk Driving • Juneau Chapter
211 Fourth St. Suite 102 • Juneau, AK 99801

April 18, 2001

MADD thanks the Judiciary committee for sponsoring HB 179 and we wish to speak in support of it.

MADD believes there should be more effective and stringent enforcement of the minimum drinking age law, by means of administrative, civil and criminal measures, to further limit illegal underage access to alcohol and thus reduce youthful involvement in alcohol and other drug-related traffic crashes.

MADD advocates that it be illegal for those under 21 to drive with any measurable level of blood alcohol. Zero tolerance shall establish as a maximum legal limit, a blood alcohol level of .02 BAC.

MADD advocates that each state adopt and implement laws which provide driver's license sanctions for underage persons convicted of purchasing or possession of alcoholic beverages.

MADD advocates that each state adopt laws providing that persons under 21 receive driver's licenses which are more restrictive than full licenses, under which violations would result in driver improvement actions and license revocation and civil sanctions in addition to any criminal sanctions and penalties. MADD advocates that each state adopt laws providing for graduated licensing privileges to persons under 21. Early driving experiences must be acquired in lower risk environment through extended restriction of no alcohol use, primary belt enforcement, limitation on night time driving and teenage passengers. Appropriate restriction should be lifted in stages, base in clean driving records.

MADD feels HB 179 addresses some of the above statements and therefore would make a difference in preventing underage drinking as well as drinking & driving in the #2 state in the nation for drunk driving fatalities.

To Heather (Judiciary
Committee)
Representative
Norm Rokeberg

MAR 22 2001

Re: HB179 Underage drinking

Post-It [®] Fax Note 7871	Date 3/22/01	# of pages 2
To Heather (Rokeberg)	From Joan Diamond	
Co/Dept.	Co. OGDHS	
Phone #	Phone # 7343-6583	
Fax # 465-7840	Fax # 734-8376	

Attention to
"Offenses alcohol"
42% are repeat offenders

Under 21 Violations

DMV

UNDER 21 VIOLATIONS 2000													
	JAN	FEB	MAR	APR	MAY	JUN	JUL	AUG	SEP	OCT	NOV	DEC	ANNUAL
ANCHORAGE													
PD	67	71	79	52	82	191	131	168	100	106	104	156	1307
AST	1						4						5
TOTAL	68	71	79	52	82	191	135	168	100	106	104	156	1312
ANCH AIR PATROL													
PD						1		3	2	4	1		11
AST													0
TOTAL	0	0	0	0	0	1	0	3	2	4	1	0	11
BETHEL													
PD	3		3		2		3				3		14
AST													0
TOTAL	3	0	3	0	2	0	3	0	0	0	3	0	14
CORDOVA													
PD	2	23		6	1	10		9	2				53
AST													0
TOTAL	2	23	0	6	1	10	0	9	2	0	0	0	53
CRAIG													
PD	1	2	4	6	8	10	18	11	4	1	4	2	71
AST													0
TOTAL	1	2	4	6	8	10	18	11	4	1	4	2	71
DILLINGHAM													
PD	1		1		2	1		3		1		1	10
AST													0
TOTAL	1	0	1	0	2	1	0	3	0	1	0	1	10
FAIRBANKS													
PD	13	39	33	18	26	70	42	32	25	18	29	22	367
AST	21	15	33	50	21	29	33	35	20	10	11	12	290
TOTAL	34	54	66	68	47	99	75	67	45	28	40	34	657

PAGE 02

COMM HEALTH PROMOTIO

9873434884

16:59

03/22/2001

Under 21 Violations

	JAN	FEB	MAR	APR	MAY	JUN	JUL	AUG	SEP	OCT	NOV	DEC	ANNUAL
FBK AIR PATROL													
PD					3	4		2	1			1	11
AST													0
TOTAL	0	0	0	0	3	4	0	2	1	0	0	1	11
HAINES													
PD	1	4						2	1	5	1	7	21
AST									3		2	1	6
TOTAL	1	4	0	0	0	0	0	2	4	5	3	8	27
HOMER													
PD	2	2	5	1	9	2	5	3	6	6	7	9	57
AST					5	1		2	1	1	3	1	14
TOTAL	2	2	5	1	14	3	5	5	7	7	10	10	71
JUNEAU													
PD	26	20	18	16	21	39	13	33	20	11	13	35	285
AST				1									1
TOTAL	26	20	18	17	21	39	13	33	20	11	13	35	266
KENAI													
PD	3	7	1	5	9	4	5	15	2	3	2	2	58
AST													0
TOTAL	3	7	1	5	9	4	5	15	2	3	2	2	58
KETCHIKAN													
PD	26	13	24	16	14	19	43	28	16	21	18	9	247
AST			2	7		2	4	2					17
TOTAL	26	13	26	23	14	21	47	30	16	21	18	9	264
KODIAK													
PD	19	13	7	8	7	4	2	16	20	15	5	10	126
AST	7			1	1	6	8	5	35	17	10	3	91
TOTAL	26	13	7	9	8	10	8	21	55	32	15	13	217
KOTZEBUE													
PD	5	3	12	9	18	31	21	8	13	18	9	17	164
AST													0
TOTAL	5	3	12	9	18	31	21	8	13	18	9	17	164
NOME													
PD			1				2			3		2	8

PAGE 03

COMM HEALTH PROMOTIO

03/22/2001 16:59 9873434004

Under 21 Violations

	JAN	FEB	MAR	APR	MAY	JUN	JUL	AUG	SEP	OCT	NOV	DEC	ANNUAL
AST													0
TOTAL	0	0	1	0	0	0	2	0	0	3	0	2	8
NORTH POLE													
PD	13	2	10	5	2	14	3		1	1	6	3	60
AST													0
TOTAL	13	2	10	5	2	14	3	0	1	1	6	3	60
NORTH SLOPE (BARROW)													
PD	3	3	1	5	3	4	11	2	14	17	4	5	72
AST													0
TOTAL	3	3	1	5	3	4	11	2	14	17	4	5	72
PALMER													
PD	1		4	6	10	4	5	11	17	1	1	7	67
AST	1	10	22	17	38	89	55	42	36	14	23	7	354
TOTAL	2	10	26	23	48	93	60	53	53	15	24	14	421
PETERSBURG													
PD	1	4	3	5	2	4	7	7	1	1	1	1	37
AST													0
TOTAL	1	4	3	5	2	4	7	7	1	1	1	1	37
SEWARD													
PD	1	1	6	3	3	3	5	2	2	3	8	6	43
AST	1			2	1		3		1	2	4		14
TOTAL	2	1	6	5	4	3	8	2	3	5	12	6	57
SITKA													
PD	33	14	37	33	27	42	42	37	21	16	15	9	326
AST													0
TOTAL	33	14	37	33	27	42	42	37	21	16	15	9	326
SOLDOTNA													
PD		14	9	4	9	13	7	8	6	23	7	6	106
AST	6	6	5	1	2	16	4	8	2	6	3	1	60
TOTAL	6	20	14	5	11	29	11	16	8	29	10	7	166
UNIVERSITY - ANCHORAGE													
PD	9	13	18	3	10		3		15	11	32	10	124
AST													0
TOTAL	9	13	18	3	10	0	3	0	15	11	32	10	124

Under 21 Violations

	JAN	FEB	MAR	APR	MAY	JUN	JUL	AUG	SEP	OCT	NOV	DEC	ANNUAL
UNIVERSITY - FAIRBANKS													
PD	3	23	14	15	12	3	2	4	14	25	18	3	136
AST													0
TOTAL	3	23	14	15	12	3	2	4	14	25	18	3	136
US MILITARY													
PD	8	1	2	10	4	5	7	12	11	11	7	9	87
AST													0
TOTAL	8	1	2	10	4	5	7	12	11	11	7	9	87
VALDEZ													
PD	2		5	7	1	5	13	4	15	1	6	2	61
AST													0
TOTAL	2	0	5	7	1	5	13	4	15	1	6	2	61
WASILLA													
PD	6	5	12	16	5	19	11	8	8	23	7	8	128
AST			1										1
TOTAL	6	5	13	16	5	19	11	8	8	23	7	8	129
WRANGELL													
PD	3	8	8	3	15	8	17	6	5	4	2	4	83
AST													0
TOTAL	3	8	8	3	15	8	17	6	5	4	2	4	83
OTHER													
PD	13	7	15	10	5	31	25	32	12	3	13	9	175
AST	15	7	4	14	20	25	21	10	7	15	20	5	163
TOTAL	28	14	19	24	25	56	46	42	19	18	33	14	338
TOTALS													
PD	265	292	332	262	310	541	443	466	354	352	323	355	4295
AST	52	38	67	93	88	168	130	104	105	65	77	30	1017
GRAND TOTAL	317	330	399	355	398	709	573	570	459	417	400	385	5312
OFFENSES: ALCOHOL													
FIRST	135	187	214	176	208	390	288	324	281	204	193	192	2752
SECOND	56	58	55	75	73	136	105	93	76	67	74	69	937
THIRD + UP	71	58	88	69	82	137	140	72	78	97	85	71	1048
TOTAL	262	283	357	320	363	663	533	489	415	368	352	332	4737

Under 21 Violations

	JAN	FEB	MAR	APR	MAY	JUN	JUL	AUG	SEP	OCT	NOV	DEC	ANNUAL
OFFENSES: DRUG													
FIRST	17	24	29	26	12	32	22	36	9	42	31	29	309
SECOND	2	9	7	8	13	5	5	5	5	5	9	4	77
THIRD + UP	0	4	3	6	2	5	4	5	6	6	3	5	49
TOTAL	19	37	39	40	27	42	31	46	20	53	43	38	435
OFFENSES: FRAUDULENT USE													
FIRST	10	2	3	2	5	11	8	6	7	3	5	6	68
SECOND							1						1
THIRD + UP													0
TOTAL	10	2	3	2	5	11	9	6	7	3	5	6	69
OFFENSES: ZERO TOLERANCE AND REFUSAL													
FIRST	12	8	12	20	14	22	21	24	11	10	10	15	179
SECOND	4	1	5	9	7	8	5	22	5	3	4	3	76
THIRD + UP	2	6	6	4	2	3	4	2	7	3	4	7	50
TOTAL	18	15	23	33	23	33	30	48	23	16	18	25	305
TOTAL OFFENSES	309	337	422	395	418	749	603	589	485	440	418	401	5546
* Discrepancy between citation totals and offense totals due to multiple charges stemming from single incidents.													
MINOR DWI W/BAC OVER .10													
Data on U21 DWI's is incomplete				14	18	22	12	3	3	32			

PAGE 06

COMM HEALTH PROMOTIO

03/22/2001 16:59 9073434004

HB

180

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

State Capitol
Juneau, Alaska 99801-1182
Deliveries to: 129 6th St., Rm. 329

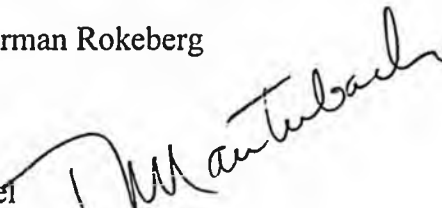
MEMORANDUM

April 25, 2002

SUBJECT: Background checks (CSHB 180(JUD), version "G")

TO: Representative Norman Rokeberg
Attn: Heather

FROM: Terri Lauterbach
Legislative Counsel



Enclosed is a new CS (JUD) for HB 180. I understood my instructions to be based on a conceptual amendment made by the committee to remove "under investigation or arrest for," on page 3, line 24, and anywhere else in the "U" version of the CS where that kind of language occurred.

In line with that concept, I have made the following changes that are in addition to the change specifically requested for page 3, line 24:

(1) I removed "or is or has been under investigation or arrest for" on page 7, line 10, of the "U" version; and

(2) I removed "under investigation or arrest for," on page 7, lines 25 - 26, of the "U" version.

After checking with your staff, who confirmed that the conceptual amendment was intended to apply also to civil situations, not just criminal ones, I also made the following changes:

(1) I removed "is under investigation for, or" on page 3, line 26, of the "U" version;

(2) I removed "under investigation for, or" on page 7, lines 27 - 28, of the "U" version;

(3) I removed "has been the subject of, is under investigation for, or" on page 8, lines 11 - 12, of the "U" version.

I was told by your staff that the committee did not discuss whether licenses should be restricted or revoked on the basis that a person is a respondent in a civil proceeding

Representative Norman Rokeberg

April 25, 2002

Page 2

related to child abuse or neglect, so this CS retains "respondent" language where it existed in the "U" version.

If any of the changes made do not comport with your intent, if you want other changes in this CS, or if I may be of other assistance, please advise.

TML:med
02-415.med

Enclosure

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

State Capitol
Juneau, Alaska 99801-1182
Deliveries to: 129 6th St., Rm. 329

MEMORANDUM

April 24, 2002

SUBJECT: Background Checks (CSHB 180(), draft version "U")

TO: Representative Norman Rokeberg
Attn: Heather

FROM: Terri Lauterbach
Legislative Counsel *Terri Lauterbach*

Enclosed is the blank CS you requested.

The changes, compared to the "W" version previously passed out by the committee, are as follows:

Page 4, line 25: The word "indicted" has been removed. The other alternative to deal with the equal protection issue raised in my memorandum would be to add the following phrase after "license" on page 4, line 25: "is charged by information or complaint with, is under indictment or presentment for, or".

Page 9, line 12: The public members would no longer be entitled to per diem or travel expenses. (This is a new change, unrelated to any legal issue in my previous memo.)

Page 9, line 21: The due date for the task force's report has been changed to coincide with the termination date of the task force.

If I may be of further assistance, please advise.

cc: Representative Lesil McGuire
ATTN: David Brewster

TML:med
02-411.med

Enclosure

*Amended
Adopted
4.24.02*

22-LS0642\U
Lauterbach
4/24/02

CS FOR HOUSE BILL NO. 180()

**IN THE LEGISLATURE OF THE STATE OF ALASKA
TWENTY-SECOND LEGISLATURE - SECOND SESSION**

BY

**Offered:
Referred:**

Sponsor(s): REPRESENTATIVES MCGUIRE, Murkowski, Dyson, Croft, Stevens

A BILL

FOR AN ACT ENTITLED

1 **"An Act relating to persons who provide services related to children; establishing a**
2 **legislative task force on child services; and providing for an effective date."**

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

4 *** Section 1.** AS 47.35.010(a) is amended to read:

5 (a) The department may

6 (1) license and supervise foster homes, residential child care facilities,
7 semi-secure residential child care facilities, secure residential psychiatric treatment
8 centers, child placement agencies, and maternity homes;

9 (2) investigate applicants, licensees, and persons that the department
10 reasonably believes are operating a facility without a license in violation of this
11 chapter;

12 (3) adopt regulations to implement the provisions of this chapter,
13 including regulations establishing licensure and renewal procedures, standards, and
14 fees; establishing requirements for operation of facilities or agencies licensed under

1 this chapter; and distinguishing between types of facilities;

2 (4) enter into agreements with private entities, municipalities, or
3 individuals to investigate and make recommendations to the department for the
4 licensing and supervision of foster homes, residential child care facilities, semi-secure
5 residential child care facilities, secure residential psychiatric treatment centers, child
6 placement agencies, and maternity homes under procedures and standards of operation
7 established by the department;

8 (5) accept licenses issued by other organizations or state agencies
9 that have licensing authority under federal or state law for the facilities listed in
10 (1) of this subsection.

11 * Sec. 2. AS 47.35.015 is amended by adding a new subsection to read:

12 (h) A person, including a school district, may not provide domiciliary services
13 to students as a charter school, state boarding school, or public school unless that
14 school is licensed as a residential child care facility under this chapter.

15 * Sec. 3. AS 47.35 is amended by adding a new section to read:

16 **Sec. 47.35.019. Mandatory denial of initial license.** (a) The department
17 may not issue an initial license under this chapter if the applicant for the license who is
18 a natural person or a person who is required to submit a release under
19 AS 47.35.017(b)(5) in connection with a license has been previously convicted of any
20 of the following crimes or of violating a law or ordinance of this or another
21 jurisdiction with similar elements, or of an attempt, solicitation, or conspiracy to
22 commit any of the following crimes or to violate a law or ordinance of this or another
23 jurisdiction with similar elements:

24 (1) a crime involving domestic violence, as defined in AS 18.66.990,
25 that is a felony under AS 11;

26 (2) a crime that is an offense against the person under AS 11.41 and is
27 a felony under AS 11, except for a crime committed under AS 11.41.200 - 11.41.220
28 or 11.41.260;

29 (3) a crime that is a felony and involves a victim who was a child
30 under 18 years of age at the time of the conduct, including a crime where the
31 perpetrator was a person responsible for the child's welfare; in this paragraph, "person

1 responsible for the child's welfare" has the meaning given in AS 47.17.290;

2 (4) a crime that is arson under AS 11.46.400 or 11.46.410.

3 (b) The department may not issue an initial license under this chapter if the
4 applicant for the license who is a natural person or a person who is required to submit
5 a release under AS 47.35.017(b)(5) in connection with a license has been previously
6 convicted, within the five-year period immediately preceding the application, of any of
7 the following crimes or of violating a law or ordinance of this or another jurisdiction
8 with similar elements, or of an attempt, solicitation, or conspiracy to commit any of
9 the following crimes or to violate a law or ordinance of this or another jurisdiction
10 with similar elements:

11 (1) an assault that is a felony under AS 11.41.200 - 11.41.220;

12 (2) stalking under AS 11.41.260;

13 (3) a crime of misconduct involving controlled substances under
14 AS 11.71.010 - 11.71.060;

15 (4) a crime involving imitation controlled substances under
16 AS 11.73.010 - 11.73.040.

17 (c) In addition to the standards for denying an application or not issuing or
18 renewing a license under (a) and (b) of this section, the department may not issue an
19 initial license under this chapter if the applicant for the license who is a natural person
20 or a person who is required to submit a release under AS 47.35.017(b)(5) in
21 connection with the license

22 (1) has been found by a court or agency of this or another jurisdiction
23 to have neglected or abused a child as specified by the department in regulation; or

24 (2) is ^{4 delict - felony} ~~under investigation or arrest for,~~ charged by information or
25 complaint with, or under indictment or presentment for a crime listed in (a) or (b) of
26 this section or is under investigation for, or is the respondent in a civil proceeding
27 related to, the neglect or abuse of a child, unless the department finds that issuing the
28 license does not pose a threat to the department's ability to ensure the health, safety, or
29 welfare of children receiving care under this chapter.

*Adopted
Capital
Minn #2*

30 * Sec. 4. AS 47.35 is amended by adding a new section to read:

31 **Sec. 47.35.021. Discretionary denial of initial license.** Regardless of

L

1 whether the applicant for licensure has met all of the other requirements under this
 2 chapter and regulations adopted under this chapter, the department may refuse to issue
 3 an initial license under this chapter if the applicant for the license who is a natural
 4 person or a person who is required to submit a release under AS 47.35.017(b)(5) in
 5 connection with the license has been convicted, within the five-year period
 6 immediately preceding the date of the application, of any of the following offenses or
 7 of violating a law or ordinance of this or another jurisdiction with similar elements, or
 8 of an attempt, solicitation, or conspiracy to commit any of the following offenses or to
 9 violate a law or ordinance of this or another jurisdiction with similar elements:

10 (1) a crime involving domestic violence, as defined in AS 18.66.990,
 11 that is a misdemeanor under AS 11;

12 (2) assault in the fourth degree under AS 11.41.230;

13 (3) contributing to the delinquency of a minor under AS 11.51.130;

14 (4) endangering the welfare of a child in the second degree under
 15 AS 11.51.110;

16 (5) a serious offense as defined in AS 12.62.900, except for an offense
 17 included in AS 47.35.019;

18 (6) a crime concerning operating certain vehicles, aircraft, or
 19 watercraft while intoxicated under AS 28.33.030, 28.33.031, AS 28.35.030,
 20 28.35.031, and 28.35.032.

21 * Sec. 5. AS 47.35.022(a) is repealed and reenacted to read:

22 (a) The department may not place or continue placement of a child for care for
 23 placement under AS 47.10 in a foster home that is licensed under this chapter if the
 24 licensee who is a natural person or a person who is required to submit a release under
 25 AS 47.35.017(b)(5) in connection with a license has been convicted of an offense
 26 listed in AS 47.35.019(a) or has been found by the court to have neglected or abused a
 27 child under AS 47.35.019(c)(1).

28 * Sec. 6. AS 47.35.022(b) is repealed and reenacted to read:

29 (b) The department may not place or continue a placement of a child for foster
 30 care if the applicant who is a natural person or a person who is required to submit a
 31 release under AS 47.35.017(b)(5) has been previously convicted within a five-year

Conceptual Amend #1

withdrawn

1 period immediately preceding the application for an offense described in
2 AS 47.35.019(b) or is in a situation described in AS 47.35.019(c)(2) unless the
3 applicant demonstrates to the satisfaction of the department that the placement or
4 continued placement does not pose a threat to the department's ability to ensure the
5 health, safety, or welfare of the children receiving care under this chapter.

6 * Sec. 7. AS 47.35.023(b) is amended to read:

7 (b) Notwithstanding (a) of this section, if an emergency exists and a child
8 must be immediately placed, the department [OR THE DEPARTMENT'S
9 DESIGNEE] may issue a provisional foster home license on an emergency basis for a
10 period of 90 days or less if the department [OR THE DEPARTMENT'S DESIGNEE]
11 determines that the applicant meets minimal requirements for emergency conditions
12 and the applicant agrees in writing to provide the fingerprint information described in
13 AS 47.35.017(b) within 30 days after [OF] the placement of a child in the foster
14 home. The department may extend a provisional foster home license issued under this
15 subsection for one or two additional periods of up to 90 days each in order to obtain
16 the information from the national criminal background check required under
17 AS 47.35.017(b)(6). The department may not issue a license under this subsection
18 before checking state [AND NATIONAL] criminal justice information available to the
19 department under AS 12.62 and regulations adopted under AS 12.62 about the
20 administrator or foster parent and each person who is 16 years of age or older in the
21 foster home who will have contact with the child. If the department cannot obtain
22 direct access to the state [AND FEDERAL] criminal justice information, the
23 department shall request the agency having primary law enforcement responsibility for
24 the geographic area in which the prospective foster home is located to obtain the
25 information and provide it to the department before the license is issued under this
26 section. If the criminal justice information readily available to the department shows
27 an offense about which a person would be required to notify the department under
28 AS 47.35.047(b), the department may not issue the license under this subsection. If
29 the additional criminal justice information [AVAILABLE FROM THE
30 FINGERPRINT SEARCH OR ANOTHER SOURCE AFTER THE LICENSE IS
31 ISSUED] reveals that the person has a record for an offense listed in AS 47.35.019(a)

1 or (b) or is in a situation described in AS 47.35.019(c) [ONE OR MORE OF
2 THESE OFFENSES], the department shall immediately revoke the license and move
3 the child to an appropriate placement. The department may revoke the license and
4 move the child to an appropriate placement if the criminal justice information
5 available from the fingerprint search or another source after the license is issued
6 reveals that the person has a record for an offense listed in AS 47.35.021. For
7 purposes of obtaining criminal justice information under this subsection, the
8 department is a criminal justice agency conducting a criminal justice activity under
9 AS 12.62.

10 * Sec. 8. AS 47.35.023(d) is amended to read:

11 (d) Before expiration of a provisional license, the department shall issue a
12 biennial license for the facility or agency if (1) after inspection and investigation under
13 (c) of this section, the department finds that the facility or agency is operating in
14 compliance with, and meets the licensure requirements of, this chapter and regulations
15 adopted under this chapter; (2) a [THE] ground for revocation or suspension set out
16 in AS 47.35.130(a) or (b) [AS 47.35.130(a)(2)] does not exist; and (3) all applicable
17 fees have been paid. The department shall prepare a summary report of its findings
18 and recommendations for issuance of a biennial license.

19 * Sec. 9. AS 47.35.027 is amended by adding a new subsection to read:

20 (f) Notwithstanding (a) - (e) of this section, the department may not grant a
21 variance if the criminal record review indicates that the licensee or a person required
22 to provide a release under AS 47.35.017(b)(5) has a conviction for an offense listed in
23 AS 47.35.019(a) or (b).

24 * Sec. 10. AS 47.35.045(c) is amended to read:

25 (c) The department shall renew a biennial license if the department finds that

26 (1) the licensee

27 (A) either is in compliance with this chapter and regulations
28 adopted under this chapter or is substantially in compliance and has
29 implemented a plan of correction, approved by the department, that is designed
30 to bring the facility or agency into full compliance; and

31 (B) has maintained the facility or agency in good repair and is

1 in compliance with all state fire safety and environmental health and safety
2 code requirements;

3 (2) a [THE] ground for revocation or suspension set out in
4 AS 47.35.130(a) or (b) [AS 47.35.130(a)(2)] does not exist; and

5 (3) all applicable fees have been paid.

6 * **Sec. 11.** AS 47.35.047(b) is repealed and reenacted to read:

7 (b) A licensee shall notify the department within 24 hours after having
8 knowledge that an administrator, foster parent, member of the licensee's household,
9 regular volunteer, or staff person has been

10 (1) convicted of, or is or has been under investigation or arrest for, has
11 been charged by information or complaint with, or is under indictment or presentment
12 for any offense listed in AS 47.35.019, 47.35.021, or a law or ordinance of this or
13 another jurisdiction with similar elements; or

14 (2) found to have neglected or abused a child as described in
15 AS 47.35.019(c)(1).

16 * **Sec. 12.** AS 47.35.130 is repealed and reenacted to read:

17 **Sec. 47.35.130. Grounds for a license suspension, revocation, or**
18 **nonrenewal.** (a) Except as provided in AS 47.35.140, the department shall revoke or
19 decline to renew a license issued under this chapter if the criminal record review of the
20 licensee who is a natural person or a person who is required to submit a release under
21 AS 47.35.017(b)(5) reveals a conviction for an offense listed in AS 47.35.019(a) or
22 (b).

23 (b) The department shall suspend a license issued under this chapter during
24 any period of time that the licensee who is a natural person or a person who is required
25 to submit a release under AS 47.35.017(b)(5) in connection with the license is under
26 investigation or arrest for, charged by information or complaint with, or under
27 indictment or presentment for a crime listed in AS 47.35.019(a) or (b) or is under
28 investigation for, or the respondent in a civil proceeding related to, the neglect or
29 abuse of a child, unless the department finds that not suspending the license does not
30 pose a threat to the department's ability to ensure the health, safety, or welfare of the
31 children receiving care under this chapter.

1 (c) The department may revoke, or decline to renew, a license issued under
2 this chapter on one or more of the following grounds:

3 (1) failure to submit a timely and complete renewal application;

4 (2) obtaining or attempting to obtain or retain a license under this
5 chapter by fraudulent means, by misrepresentation, or by submitting false information;

6 (3) failure to correct a violation noted in a report of investigation
7 provided under AS 47.35.105(c) or 47.35.110(b);

8 (4) failure to comply with a final administrative order issued by the
9 department under AS 47.35.120.

10 (5) if the licensee who is a natural person or a person required to
11 submit a release under AS 47.35.017(b)(5) has been the subject of, is under
12 investigation for, or is the respondent in a civil proceeding regarding the abuse or
13 neglect of a child;

14 (6) violation of this chapter or a regulation adopted under this chapter.

15 (d) A licensee may voluntarily relinquish the license or withdraw an
16 application for renewal.

17 * **Sec. 13.** AS 47.35 is amended by adding a new section to read:

18 **Sec. 47.35.140. Exception for continued operation.** Notwithstanding any
19 other provision of this chapter, the department may allow a person licensed under this
20 chapter, other than as a provisional licensee under AS 47.35.023, to continue operating
21 if an employee of that facility or other agency who is required to submit a release
22 under AS 47.35.017(b)(5) discloses an offense under AS 47.35.019 or 47.35.021 if the
23 facility or agency takes immediate action to ensure the health, safety, and welfare of
24 the children residing at that facility or other agency, including notice to the department
25 and removing the person with the conviction described in AS 47.35.019 or 47.35.021
26 from contact with children at the facility or other agency.

27 * **Sec. 14.** The uncodified law of the State of Alaska is amended by adding a new section to
28 read:

29 **TASK FORCE ON CHILD SERVICES.** (a) There is established in the legislative
30 branch the Task Force on Child Services to focus on public and governmental concerns about
31 whether there are sufficient criminal background checks conducted before individuals are

1 allowed to perform services relating to children.

2 (b) The Speaker of the House of Representatives shall appoint two members of the
3 House as voting members, one member from the majority caucus and one member from the
4 minority caucus. The President of the Senate shall appoint two members of the Senate as
5 voting members, one member from the majority caucus and one member from the minority
6 caucus. The president and the speaker shall jointly appoint five members of the public who
7 are child service providers to be the other voting members of the task force. The
8 commissioners of public safety, health and social services, community and economic
9 development, and education and early development, or their designees, may serve on the task
10 force as nonvoting members. The voting members of the task force shall select a voting
11 member to chair the task force. The public members of the task force shall serve without
12 compensation and are not entitled to per diem or travel expenses authorized for boards and
13 commissions under AS 39.20.180.

14 (c) The task force

15 (1) may begin work immediately upon the appointment of its full voting
16 membership and shall meet as frequently as the task force determines necessary to perform its
17 work;

18 (2) shall hold public hearings and may perform research related to its work;

19 (3) may meet during the interim and vote by teleconference;

20 (4) shall report its written findings and give a copy of its proposed legislation
21 and other recommendations to the legislature by the first day of the First Regular Session of
22 the Twenty-Third Alaska State Legislature; and

23 (5) is terminated upon the convening of the First Regular Session of the
24 Twenty-Third Alaska State Legislature.

25 * **Sec. 15.** The uncodified law of the State of Alaska is amended by adding a new section to
26 read:

27 **TRANSITIONAL PROVISION; REGULATIONS.** The Department of Health and
28 Social Services may begin the process of developing and adopting regulations to implement
29 this Act. A regulation adopted under this section takes effect under AS 44.62 (Administrative
30 Procedure Act) but not before July 1, 2002.

31 * **Sec. 16.** Sections 1 - 13 of this Act take effect July 1, 2002.

1

* Sec. 17. Sections 14 and 15 of this Act take effect immediately under AS 01.10.070(c).

LEGAL SERVICES

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

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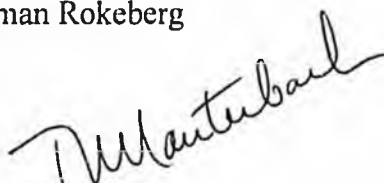
MEMORANDUM

April 23, 2002

SUBJECT: Background checks; task force (CSHB 180(JUD))

TO: Representative Norman Rokeberg
Attn: Heather

FROM: Terri Lauterbach
Legislative Counsel



Enclosed is CSHB 180(JUD), as passed out of the House Judiciary Committee. There are two issues that arise from the changes made by the committee.

The first issue is a potential equal protection problem with the addition of "indicted" on page 4, line 25, of the CS. I think a court would probably conclude that persons under presentment are similarly situated to persons under indictment, both situations being after a grand jury process. A court would almost as likely conclude that a person charged with a crime by information or complaint is similarly situated to a person under indictment or presentment for a crime. Therefore, the use only of the term "indicted" treats members of a similarly situated class differently, denying foster home placement to some but not others. The equal protection clause may not allow that.

The second issue is not a constitutional problem but, perhaps, a practical one. It concerns the task force in sec. 14 of the CS. Although the committee changed the due date for the report by the task force, the committee did not change the termination date of the task force. The task force will not officially exist after January 21, 2003. I guess the legislature is free to accept a report when the task force no longer exists, but I don't know if I've ever seen this type of date mixture before in a bill or resolution. ¹

If I may be of further assistance, please advise.

TML:med
02-404.med

Enclosure

¹ I have seen legislation in which a task force stays in existence after its report is turned in (so that the task force can officially testify at hearings on its proposed legislation), but I don't think I've seen legislation in which a task force is terminated and then turns in its report.

4-22-02
Amended

CS FOR HOUSE BILL NO. 180(HES)

IN THE LEGISLATURE OF THE STATE OF ALASKA

TWENTY-SECOND LEGISLATURE - SECOND SESSION

BY THE HOUSE HEALTH, EDUCATION AND SOCIAL SERVICES COMMITTEE

Offered:

Referred:

Sponsor(s): REPRESENTATIVES MCGUIRE, Murkowski, Dyson, Croft

A BILL

FOR AN ACT ENTITLED

1 "An Act relating to persons who provide services related to children; establishing a
2 legislative task force on child services; and providing for an effective date."

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

4 * **Section 1.** AS 47.35.010(a) is amended to read:

5 (a) The department may

6 (1) license and supervise foster homes, residential child care facilities,
7 semi-secure residential child care facilities, secure residential psychiatric treatment
8 centers, child placement agencies, and maternity homes;

9 (2) investigate applicants, licensees, and persons that the department
10 reasonably believes are operating a facility without a license in violation of this
11 chapter;

12 (3) adopt regulations to implement the provisions of this chapter,
13 including regulations establishing licensure and renewal procedures, standards, and
14 fees; establishing requirements for operation of facilities or agencies licensed under

1 whether the applicant for licensure has met all of the other requirements under this
2 chapter and regulations adopted under this chapter, the department may refuse to issue
3 an initial license under this chapter if the applicant for the license who is a natural
4 person or a person who is required to submit a release under AS 47.35.017(b)(5) in
5 connection with the license has been convicted, within the five-year period
6 immediately preceding the date of the application, of any of the following offenses or
7 of violating a law or ordinance of this or another jurisdiction with similar elements, or
8 of an attempt, solicitation, or conspiracy to commit any of the following offenses or to
9 violate a law or ordinance of this or another jurisdiction with similar elements:

10 (1) a crime involving domestic violence, as defined in AS 18.66.990,
11 that is a misdemeanor under AS 11;

12 (2) assault in the fourth degree under AS 11.41.230;

13 (3) contributing to the delinquency of a minor under AS 11.51.130;

14 (4) endangering the welfare of a child in the second degree under
15 AS 11.51.110;

16 (5) a serious offense as defined in AS 12.62.900, except for an offense
17 included in AS 47.35.019;

18 (6) a crime concerning operating certain vehicles, aircraft, or
19 watercraft while intoxicated under AS 28.33.030, 28.33.031, AS 28.35.030,
20 28.35.031, and 28.35.032.

21 * Sec. 5. AS 47.35.022(a) is repealed and reenacted to read:

22 (a) The department may not place or continue placement of a child for care for
23 placement under AS 47.10 in a foster home that is licensed under this chapter if the
24 licensee who is a natural person or a person who is required to submit a release under
25 AS 47.35.017(b)(5) in connection with a license ~~has a conviction for an offense listed~~
26 in AS 47.35.019(a) or has been found by the court to have neglected or abused a child
27 under AS 47.35.019(c)(1). *has been indicted for or convicted of*

28 * Sec. 6. AS 47.35.022(b) is repealed and reenacted to read:

29 (b) The department may not place or continue a placement of a child for foster
30 care if the applicant who is a natural person or a person who is required to submit a
31 release under AS 47.35.017(b)(5) has been previously convicted within a five-year

*Conceptual
Amendment
#1
Adopted*

Conceptual Amendment #3

Adopted

1 allowed to perform services relating to children.

2 (b) ~~The task force shall be chaired by the chair of the Administrative Regulation~~
3 ~~Review Committee, who shall be a voting member of the task force.~~ The Speaker of the
4 House of Representatives shall appoint ^{three} ~~two~~ additional members of the House as voting
5 members. ^{one of whom shall serve as chair} The President of the Senate shall appoint two members of the Senate as voting
6 members. The chair shall appoint four members of the public who are child service providers
7 to be the other voting members of the task force. The commissioners of public safety, health
8 and social services, community and economic development, and education and early
9 development, or their designees, may serve on the task force as nonvoting members. The
10 public members of the task force shall serve without compensation but are entitled to per diem
11 and travel expenses authorized for boards and commissions under AS 39.20.180.

Adopted
Conceptual
Amend
#4

of house
&
of public

2 House
2 Senate
5 public

separate parties

Choose
on
Chairman

12 (c) The task force

13 (1) may begin work immediately upon the appointment of its full voting
14 membership and shall meet as frequently as the task force determines necessary to perform its
15 work;

16 (2) shall hold public hearings and may perform research related to its work;

17 (3) may meet during the interim and vote by teleconference;

18 (4) shall report its written findings and give a copy of its proposed legislation
19 and other recommendations to the legislature by ^{February} ~~January 21, 2003~~; and

Senate needs
won't
to share
public
members

Conceptual
Amendment #2
Adopted

20 (5) is terminated upon the convening of the First Regular Session of the
21 Twenty-Third Alaska State Legislature.

22 * Sec. 15. The uncodified law of the State of Alaska is amended by adding a new section to
23 read:

24 TRANSITIONAL PROVISION; REGULATIONS. The Department of Health and
25 Social Services may begin the process of developing and adopting regulations to implement
26 this Act. A regulation adopted under this section takes effect under AS 44.62 (Administrative
27 Procedure Act) but not before July 1, 2002.

28 * Sec. 16. Sections 1 - 13 of this Act take effect July 1, 2002.

29 * Sec. 17. Sections 14 and 15 of this Act take effect immediately under AS 01.10.070(c).

Alaska State Legislature



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Chair, House Special Committee
on Economic Development, Trade
and Tourism

Chair, Joint House and Senate
Administrative Regulation and
Review Committee

Member
Resources Committee
Rules Committee

Representative Lesil McGuire
House District 17

SPONSOR STATEMENT

HB 180

"An Act relating to persons who provide services related to children."

In order to continually seek ways to better protect Alaska's children in certain child care facilities, precautions must be taken in order to ensure that they are being supervised by individuals who are moral, responsible, and committed to their positive growth.

HB 180 conforms to the Adoption & Safe Families Act (ASFA) passed by Congress in 1997, which takes further steps to promote safety and permanence of children.

HB 180 brings current statutes into compliance with federal licensing requirements in the areas of prohibited crimes and provides standards for mandatory denial of licenses to foster homes, residential childcare facilities, residential psychiatric treatment centers, child placement agencies and maternity homes. HB 180 limits the State from approving or licensing any person that has been convicted of a felony involving child abuse or neglect, spousal abuse, a crime against a child, a crime involving violence and other offenses. HB 180 also requires licensed providers to notify the department if they discover that an administrator, member of their household, foster parent, volunteer or staff person has been convicted of any serious offense.

HB 180 also creates a "Task Force" to research the topic of criminal background checks for other entities that provide services to children.

Not only does HB 180 seek to shield children from those who have past records of misconduct, but also from those who could possibly be poor role models for children. HB 180 not only protects children, but also deters those individuals who have a history of misconduct from pursuing similar behavior in the future.

Summary for CS for HB 180

This bill makes amendments to AS 47.35, the department's licensing statutes and provides for a legislative task force on child services.

This proposed legislation is intended to bring the current statute into compliance with federal licensing requirements in the areas of prohibited crimes and provides standards for mandatory denial of licenses and guidelines that allow for the discretion of the department in making some licensing decisions.

Section 1 – The proposed amendment in this section of the bill would allow the department to recognize licenses issued by other entities that have state or federal licensing authority.

Examples of this are municipalities, tribes and child placement agencies. Child placement agencies currently perform all the same licensing functions as the department. The intent of this amendment is to be able to increase the number of foster homes available for children.

Section 2 – This section clarifies the requirement that school district and other educational entities that provide residential type programs for students where there is 24-hour care, are subject to licensure by the department.

Section 3 – The purpose of this new section is to bring the current statute into compliance with federal licensing requirements in the areas of prohibited crimes and provides standards for mandatory denial of licenses.

Federal law states that the state may not approve or license any prospective foster or adoptive parent, the prospective foster or adoptive parent has been convicted of a felony involving: (1) Child abuse or neglect; (2) Spousal abuse; (3) A crime against a child or children (including child pornography); or, (4) A crime involving violence, including rape, sexual assault, or homicide, but not including other physical assault or battery.

In addition, the state may not approve or license any prospective foster or adoptive parent if foster or adoptive parent has, within the last five years, been convicted of a felony involving: (1) Physical assault; (2) Battery; or, (3) A drug-related offense.

Section 4 –adds a new section to AS 47.35, which discusses additional offenses, not listed in the federal requirements, under which the state would have the discretion to deny or not issue a license.

Sections 5 and 6 – These sections repeal and reenact AS 47.35.022 regarding foster care placement. It essentially incorporates the proposed new sections into existing statutes.

Section 7 – This section incorporates the new AS 47.35.19 regarding denials into the guidelines for making emergency placements. In addition, the department may revoke an emergency license if background checks indicate the existence of any discretionary offenses identified in the new AS 47.35.021.

Section 8 – clarifies that before issuing a biennial license, the department needs to make sure that no situation exists that would result in a revocation or suspension of a license.

Section 9 –the department may not issue a variance if a background check indicates a conviction for a criminal offense listed in new AS. 47.35.19.

Section 10 – clarifies that before renewing a biennial license, the department needs to make sure that no situation exists that would result in a revocation or suspension of a license.

Section 11 – This section amends AS 47.35.047(b) which requires licensed providers to notify the department if they discover that an administrator, member of their household, foster parent, volunteer or staff person has been convicted of, charged with or is under investigation for any serious offense. The amendment incorporates the newly added sections AS 47.35 019 and 47.35.021.

Section 12 –covers grounds for the revocation or nonrenewal of an existing license. It restructures the existing statute by incorporating the new sections to AS 47.35 and adds suspension to the actions the department may take.

Section 13 adds a subsection to allow licensed providers to continue operating if an employee discloses a serious offense, provided the employer takes immediate

action , including notice to the department to ensure the health and safety of the children.

Section 14 – implements a legislative task force on children’s services

Section 15 - allows the department to develop and adopt any regulations necessary to implement the new statutes and allows for the new statute to take effect July 1, 2002.

THE
FOLLOWING
DOCUMENT(S)
ARE
POOR
ORIGINAL
COPIES

DRAFT

FISCAL NOTE

**STATE OF ALASKA
2002 LEGISLATIVE SESSION**

Fiscal Note Number: _____
Bill Version: CS HB 180 (HES)
() Publish Date: _____

Revision Date/Time (Note if correction): _____ Dept. Affected: Health & Social Services
Title: BACKGROUND CHECKS FOR CHILD SERVICE PROVIDERS BRU: Family and Youth Services
Component: Front Line Social Workers
Sponsor: MCGUIRE
Requestor: HOUSE (HES) Component Number: 2305

Expenditures/Revenues (Thousands of Dollars)

Note: Amounts do not include inflation unless otherwise noted below.

OPERATING EXPENDITURES	FY 2003	FY 2004	FY 2005	FY 2006	FY 2007	FY 2008
Personal Services						
Travel						
Contractual						
Supplies						
Equipment						
Land & Structures						
Grants & Claims						
Miscellaneous						
TOTAL OPERATING	0.0	0.0	0.0	0.0	0.0	0.0

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

CHANGE IN REVENUES (0)						
---------------------------------	--	--	--	--	--	--

FUND SOURCE (Thousands of Dollars)

1002 Federal Receipts						
1003 GF Match						
1004 GF						
1005 GF/Program Receipts						
1037 GF/Mental Health						
Othe (Specify Type--do not abbrevia						
TOTAL	0.0	0.0	0.0	0.0	0.0	0.0

Estimate of any current year (FY2002) cost: _____

Check this box (X) if funding for this bill is included in the Governor's FY 2003 budget proposal:

POSITIONS

Full-time						
Part-time						
Temporary						

ANALYSIS: (Attach a separate page if necessary)

For the Department of Health and Social Services, the intent of this proposed legislation is to amend AS 47.35, which governs the licensing of foster homes, residential child care facilities, child placement agencies, child treatment facilities and maternity homes.

This proposed legislation also is intended to bring the current statute into compliance with federal licensing requirements in the areas of prohibited crimes and provides standards for mandatory denial of licenses and guidelines that allow for the discretion of the department in making some licensing decisions.

Should this bill become law, the department does not anticipate any fiscal impact.

Prepared by: Theresa Tanoury, Director Phone 465-3191
Division: Family & Youth Services Date/Time 04/12/2002
Approved by: Elmer A. Lindstrom, Deputy Commissioner Date 04/16/2002
Agency: Department of Health & Social Services

For distribution information, call the Governor's Legislative Office



Children's Defense Fund
America's Strongest Voice For Children

Action Council



Issue Basics

Adoption and Safe Families Act (ASFA)

What is the Adoption and Safe Families Act?

The Adoption and Safe Families Act (ASFA), Public Law 105-89, was enacted in November 1997 with bipartisan support. ASFA amends the 1980 Adoption Assistance and Child Welfare Act by taking further steps to promote safety and permanence for children who have been alleged or determined to be abused and/or neglected. Congress and the Administration were especially concerned about reports that children were being left in, or returned from foster care to, unsafe family situations and that an estimated 100,000 children were in foster care waiting for adoptive families. ASFA includes a number of specific provisions that require or provide incentives for states to change policies and practices to better promote children's safety and adoption or other permanency options. ASFA also requires the Department of Health and Human Services (HHS) and the U.S. General Accounting Office (GAO) to prepare several reports to assist Congress in making future decisions on behalf of children in the child welfare system. ASFA provides a unique opportunity to begin to move children who have been lingering in foster care without permanent plans into permanent homes. By clearing the system of these cases, the child welfare system should better be able to respond to children just entering care so they and their families can get the help they need and prompt permanency decisions can be made.

What does ASFA do to help keep children safe?

ASFA enhances children's safety by:

- Specifying that a child's health and safety must be paramount when decisions are made about the initial removal of a child from his or her home, the return home, and the care a child receives while in foster care or in an adoptive family.
- Clarifying that there is nothing in federal law requiring that a child remain in or be returned to an unsafe home. Federal law requires that state child welfare agencies make reasonable efforts to prevent the unnecessary placement of children in foster care and to reunify children in foster care with their families. ASFA includes specific examples where it would not be reasonable to require services to reunify children with their families and invites states to establish others in state law, if they have not already. The situations specified in ASFA where reasonable efforts are not required include where a court determines that a parent has committed murder or voluntary manslaughter of another of his/her children or a felony assault that results in serious bodily injury to his/her child; a parent has subjected the child to aggravated circumstances as defined in state law; or the parental rights to a sibling of the child have been involuntarily terminated.

What are the primary ways that ASFA promotes adoption and other permanency options for children?

ASFA intends to promote adoption and other permanency options by:

- Establishing expedited timelines for determining whether children who enter foster care can be moved into

permanent homes promptly – their own homes, adoptive homes or other planned permanent living arrangements. Two new timelines are imposed. First, permanency hearings must be held for children no later than 12 months after they enter foster care (6 months earlier than under prior law). Second, state agencies must review their existing caseloads and track new children entering care so that termination of parental rights (TPR) proceedings will be initiated for children who have been under the responsibility of the state for 15 out of the most recent 22 months, unless, in individual cases, certain exceptions apply.

- Requiring that termination of parental rights proceedings be initiated in additional circumstances – when a child is an abandoned infant, or in cases where a parent has committed murder, voluntary manslaughter, or felony assault of another of his/her children. Again, in individual cases, certain exceptions might be applied even in these situations.
- Offering adoption incentive payments for states that increase their adoptions of foster children over a base year. States that increase the number of adoptions of foster children in a given fiscal year over a base year will receive a bonus for each child adopted above the base year number.

Does the new TPR provision mean that parents' rights automatically will be terminated after a child is in care for a defined period of time?

No. ASFA requires that termination of parental rights proceedings be *initiated* when a child is in foster care for 15 out of the most recent 22 months. Once the TPR petition is filed and the proceedings are initiated, a court must determine first whether there are grounds for termination of the parents' rights (eventually both parents rights must be terminated for a child to be free for adoption), and second whether it would be in the child's best interest to do so.

What exceptions does ASFA provide to the requirement that a TPR petition be filed?

ASFA clearly associates termination of parental rights with adoption. It requires that the state agency, concurrently with its filing of a TPR petition, must identify, recruit, process, and approve a qualified family for adoption. It then specifies several circumstances that may make termination inappropriate at a particular time. ASFA includes three circumstances in which a decision could be made in an individual case that a TPR petition should not be filed, even though the child has been in care for 15 out of 22 months or one of the serious offenses by a parent against a child has been committed.

The exceptions are:

1. The child is in the care of a relative;
2. The state agency documents a compelling reason why filing is not in the best interest of the child; or
3. The state agency has not provided to the child's family, consistent with the time period in the case plan, the services deemed necessary to return the child to a safe home.

The recently issued ASFA regulations emphasize the importance of these exceptions being applied on a case-by-case basis. Decisions about the appropriateness of pursuing termination of parental rights, just like decisions about reasonable efforts and permanency plans, should be based on the individual needs of each child and family. It also is important to remember that ASFA requires that permanency plans for the child continue to be scrutinized after the first permanency hearing until a child is in a permanent placement. The court must continue to make a determination that reasonable efforts to move a child toward permanence are being made, there must be reviews at least every six months of the child's status, and a subsequent permanency hearing must be held at least every twelve months.

In making decisions about the appropriateness of initiating termination of parental rights proceedings, efforts should be made not to overburden the courts with cases in which termination is neither necessary nor appropriate. Clearly if adoption is the plan, termination is both necessary and appropriate. However, if the permanency plan is something else, such as permanent placement with a legal guardian for whom adoption has been ruled out, the steps to move toward that goal will be different.

Which children in care do the new ASFA permanency timelines apply to?

The new timelines in ASFA apply to all children entering foster care after November 19, 1997 (the effective date of ASFA), as well as those children already in care on that date.

- The timing of permanency hearings for all children will be moved up to within 12 months of the date the child enters foster care, or in the case of children already in care, 12 months from the last permanency hearing (referred to previously as a "dispositional" hearing).
- The 15 out of the most recent 22 months clock for filing a TPR petition begins running when a child enters foster care, for those entering after November 19, 1997. For children already in care on November 19, 1997, states are required to phase in the filing of TPR petitions beginning with children for whom the permanency plan is adoption or who have been in care the longest. Generally, a state agency has 18 months from the end of its state's first legislative session that began after November 19, 1997, to review its caseload and to file TPRs for the children for whom they are appropriate.

Is it true that a state will get a bonus for every foster child who is adopted?

No. ASFA provides for a bonus to a state only for adoptions that represent an increase over the number of adoptions achieved in an established base period in that state. For example, if 250 adoptions is the base level, and 253 children are adopted in a specific fiscal year, the state will receive bonus payments for only three children. The bonuses are \$4,000 for each foster child adopted above the base and an additional \$2,000 (\$6,000 total) if the child has special needs and is eligible for the federal Adoption Assistance program. (A capped amount of \$20 million was originally set aside for these bonuses, and that amount has been increased to \$43 million for at least FY 2000). It is also important that ASFA requires states to use their bonus funds for child welfare services, including post adoption services.

What other provisions in ASFA will help promote permanence for children?

The following provisions in ASFA all were intended by Congress to help promote prompt permanence for children in foster care:

- **Reasonable efforts toward permanence.** ASFA explicitly requires that when a child in foster care cannot be reunified with family members, state agencies must make reasonable efforts to place the child in a timely manner in accordance with the child's permanency plan and to complete whatever steps are necessary to finalize the plan. These steps, including specific recruitment efforts to find adoptive families, must be documented in the child's case plan. Consistent with this, ASFA clarifies that reasonable efforts to place a child for adoption or with a legal guardian may be made concurrently with reasonable efforts to reunify a child.
- **Continuation of the Family Preservation and Support Services Program.** ASFA changes the name of this program to the Promoting Safe and Stable Families program and continues funding for three years, increasing it \$20 million each year. It also expands the uses of the program funds to explicitly require that significant portions of the funds be used for family reunification and adoption promotion activities, as well as for family support and family preservation activities. These were the only new resources in ASFA, other than the adoption bonuses.
- **Attention to geographic barriers to adoption.** ASFA requires state agencies to develop plans for the effective use of cross-jurisdictional resources to facilitate timely adoptive or permanent placements for waiting children. States also are prohibited from denying or delaying a child's adoptive placement when an approved family is available outside of the jurisdiction.
- **Expanded health coverage for adopted children with special needs.** States not already providing health coverage to adopted children with special needs for whom there is an adoption assistance agreement through Medicaid or their own state funds are required to do so.
- **Notice and right to be heard for certain caregivers.** ASFA requires that foster parents and any pre-adoptive parents or relatives caring for a child in foster care must be given notice of, and an opportunity to be heard in, any reviews or hearings involving the child. Although some states already do this, others do not. ASFA specifically states that it is not requiring party status for all of these caregivers.
- **Continuing eligibility for federal adoption assistance.** Children who were previously adopted and eligible for the federal Adoption Assistance program under Title IV-B of the Social Security Act, but whose earlier adoption was

dissolved (because the parent died or the parents' rights were terminated) will continue to be eligible for Title IV-E Adoption Assistance payments if adopted again after October 1, 1997.

- **Use of Federal Parent Locator Service.** State child welfare agencies are authorized to use the Federal Parent Locator Services to assist in locating absent parents for the purpose of making or enforcing child custody or visitation orders, including termination of parental rights proceedings.
- **Congressional encouragement of standby guardianship laws.** ASFA includes a Sense of the Congress that states should have laws and procedures that would permit a parent who is chronically ill or near death to designate a standby guardian for their children without surrendering their own rights. This standby guardian could step in temporarily when the parent is incapacitated, and permanently if the parent should die.

Does ASFA provide any increased flexibility to states to protect children and to ensure them permanence?

Yes. ASFA specifically expands the ability of states to obtain federal waivers to demonstrate new approaches to child welfare reform. ASFA provides for HHS to grant such waivers to up to ten states a year. To date, 30 waivers have been awarded in 21 states and the District of Columbia. States have chosen to use their federal foster care funds more flexibly to establish subsidized legal guardianship programs for relatives caring for children in foster care; offer wrap-around services to young people in foster care with special needs; coordinate substance abuse treatment and child protection services; and to offer preventive in-home services, reunification services, or enhanced services for other children in foster care.

What reports to Congress are required by ASFA?

The Secretary of HHS was required to prepare the following reports and submit them to the House Ways and Means and Senate Finance Committees in Congress. Those that are completed are accessible on-line at www.acf.dhhs.gov/programs/cb:

- *Blending Perspectives and Building Common Ground: A Report to Congress on Substance Abuse and Child Protection* (Released April 1999).
- *Progress Report to the Congress on Conducting A Study of Performance-Based Financial Incentives in Child Welfare* (Released 1999).
- "Notice of the Final List of Child Welfare Outcomes and Measures" (Published in the *Federal Register* on August 20, 1999, Volume 64, Number 161).
- *Secretary's Report on Kinship Care* (Forthcoming) This report is to discuss the extent of the placement of children in foster care with relatives and recommendations for appropriate strategies to support these caregivers. It is to be prepared by the Secretary of HHS after consultation with the Kinship Care Advisory panel established by ASFA.
- *General Accounting Office Report on Inter-jurisdictional Adoptions.* (Forthcoming) GAO must conduct a study to consider how to improve procedures and policies to facilitate timely and permanent adoptions of children across state and county jurisdictions. It must forward the study and any recommendations to improve procedures to Congress.

When did these new ASFA requirements take effect in the states?

The ASFA requirements were effective immediately unless a state indicated that it needed new legislation to comply with the new ASFA provisions, which most did. In that case, the changes became effective in the state at the beginning of the first quarter that begins after the end of the first state legislative session after ASFA was enacted. This means that in a state where the 1998 legislative session ended in April 1998, ASFA provisions became effective on July 1, 1998. But in a state that just passed its ASFA legislation on February 1, 1999, it went into effect on April 1, 1999.

How many states have passed legislation to comply with ASFA?

All 50 states and the District of Columbia have passed legislation in response to ASFA. The nature of the legislation varies significantly. In some states, like Illinois, California, and Virginia, the changes made were relatively minor because major changes had been made earlier in response to other reform efforts in the states in anticipation of ASFA. Many states confined their changes to those required by ASFA.

What is known about state activities undertaken in response to ASFA?

The National Conference of State Legislatures (NCSL) has prepared useful summaries of the ASFA legislation passed by each state, as well as an analysis of selected provisions. These materials can be accessed through NCSL's website at www.ncsl.org. A State Legislative Report, *1998 State Legislative Responses to the Adoption and Safe Families Act of 1997*, is also available on their website, or from NCSL at (303) 830-2200.

The General Accounting Office also issued a report, *Foster Care: States' Early Experiences Implementing the Adoption and Safe Families Act* (December 1999), which can be obtained online at www.gao.gov.

What has been done on the federal level to implement ASFA?

HHS's Administration for Children and Families (ACF) has conducted numerous briefings and training sessions for states, localities, and others. On January 25, 2000 it also issued final regulations

implementing the foster care provisions of ASFA. These regulations also established procedures for Federal review of State Child and Family Services Plans, review of state eligibility for federal Title IV-E funds, and implementation of the Multi-Ethnic Placement Act (MEPA).

For a summary of the final ASFA regulations, consult the CDF publication, "Implementing the Adoption and Safe Families Act: An Overview of the Federal Regulations." To request a copy, call Cynthia Kirkland at (202) 662-3568. The complete text of the final regulations can be accessed on-line at www.access.gpo.gov. On February 17, 2000, the House Ways and Means Subcommittee on Human Resources held a hearing on the new child and family service review system. Testimony from that hearing is available at www.house.gov/ways_means. For a more detailed side-by-side comparison of the final regulations, public comments and federal child welfare law, contact Georgetown University Law Center Federal Legislation Clinic at (202) 662-9595 or access its website online at www.law.georgetown.edu/clinics/flc.index.html.

Special looks at ASFA

In addition to CDF and NCSL, a variety of other organizations and agencies are publishing special looks at the new law. Other resources include:

- *P.L. 105-89, Adoption and Safe Families Act of 1997, Issues for Tribes and States Serving Indian Children* is a November 1999 publication by the National Indian Child Welfare Association and the National Resource Center for Organizational Improvement and can be obtained by calling (207) 780-5810.
- *The Adoption and Safe Families Act: Exploring the Opportunity for Collaboration Between Child Mental Health and Child Welfare Service Systems* is a 1999 publication by the National Technical Assistance Center for Children's Mental Health at Georgetown University's Child Development Center. To order a copy, call (202) 687-8803.

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[[Wrap Up of 1st Session of the 107th Congress](#)] [[Budget & Taxes](#)] [[Child Care](#)] [[Child Welfare](#)]
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For more information about child welfare services, go to the Children's Defense Fund web site.

S T A T E O F F I C E

ALASKA PEACE OFFICERS ASSOCIATION

P.O. Box 240106 Anchorage, Alaska 99524-0106 Phone (907) 277-0515 Fax (907) 272-5355



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January 31, 2002

Representative Lesil McGuire
State Capitol
Juneau, AK 99801-1182

Dear Representative McGuire:

On behalf of the Alaska Peace Officers Association (APOA), I would like to thank you for introducing House Bill 180 (22-LS0642\O) requiring child service providers to obtain criminal background checks for child service workers.

The APOA State Board of Directors recently met and after discussing proposed legislation, decided to unanimously support this bill.

We believe that this legislation will provide additional protection for children who are supervised, trained or treated by a child services worker, while at the same time protecting the disclosure rights of the child services applicant.

Please contact the APOA office in Anchorage at 277-0515 if there is anything our organization can do to assist in the passage of this bill.

Sincerely,

Leo Brandlen
State President

cc: Rep. Lisa Murkowski
Rep. Fred Dyson

FEB 07 2002

Representative_Reggie_Joule <Representative_Reggie_Joule@legis.state.ak.us>,
Representative_Mary_Kapsner <Representative_Mary_Kapsner@legis.state.ak.us>,
Representative_Beth_Kerttula <Representative_Beth_Kerttula@legis.state.ak.us>,
Representative_Vic_Kohring <Representative_Vic_Kohring@legis.state.ak.us>,
Representative_Albert_Kookesh <Representative_Albert_Kookesh@legis.state.ak.us>,
Representative_Ken_Lancaster <Representative_Ken_Lancaster@legis.state.ak.us>,
Representative_Beverly_Masek <Representative_Beverly_Masek@legis.state.ak.us>,
Representative_Carl_Morgan <Representative_Carl_Morgan@legis.state.ak.us>,
Representative_Carl_Moses <Representative_Carl_Moses@legis.state.ak.us>,
Representative_Scott_Ogan <Representative_Scott_Ogan@legis.state.ak.us>,
Representative_Drew_Scalzi <Representative_Drew_Scalzi@legis.state.ak.us>,
Representative_Gary_Stevens <Representative_Gary_Stevens@legis.state.ak.us>,
Representative_Jim_Whitaker <Representative_Jim_Whitaker@legis.state.ak.us>,
Representative_Bill_Williams <Representative_Bill_Williams@legis.state.ak.us>,
Representative_Peggy_Wilson <Representative_Peggy_Wilson@legis.state.ak.us>,
Representative_Eric_Croft <Representative_Eric_Croft@legis.state.ak.us>,
Representative_Joe_Green <Representative_Joe_Green@legis.state.ak.us>,
Representative_Eldon_Mulder <Representative_Eldon_Mulder@legis.state.ak.us>,
Representative_Kevin_Meyer <Representative_Kevin_Meyer@legis.state.ak.us>,
James Brown <jbrown@ktuu.com>, Stancliff Sue <Sue_Stancliff@legis.state.ak.us>

Last year **Lesil McGuire** introduced a bill (HB 180) that would require **Criminal History Background Checks** on all individuals that work with youth groups.

I urge you to support this legislation.

This is a no brainer.

It is a Non Partisan issue.

All of you have a child that you care for. Help protect them.

I would be willing to attend any hearing and testify. If you need any additional information please contact me.

Please respond to this email as I will forward your positive support response to your constituents.

Thanking you for your support in advance.

Jack F. Bowen
jfb1@alaska.net
(907)349-7487 HM
(907)762-1546 WK
(907)227-7053 Cell

- Warm regards, Lorrie Lundquist

Lorrie Lundquist wrote:

Dear Rep McGuire: I wanted to make contact with you and inquire about any further information you could add about HB 180 that you introduced last session. Thank you so much for introducing it and I want to be part of any further support that I could offer to assist in it passing. Please refer to enclosed correspondence already written regarding my interest in this bill. Thanks so much for your time and energy in bringing this bill to the legislature! Hope to make contact with you. Lorrie Lundquist MEd

----- Original Message -----

From: Lorrie Lundquist

"Representative_Joe_Hayes" <Representative_Joe_Hayes@legis.state.ak.us>,
"Representative_Jeannette_James" <Representative_Jeannette_James@legis.state.ak.us>,
"Representative_Reggie_Joule" <Representative_Reggie_Joule@legis.state.ak.us>,
"Representative_Mary_Kapsner" <Representative_Mary_Kapsner@legis.state.ak.us>,
"Representative_Vic_Kohring" <Representative_Vic_Kohring@legis.state.ak.us>,
"Representative_Ken_Lancaster" <Representative_Ken_Lancaster@legis.state.ak.us>,
"Representative_Scott_Ogan" <Representative_Scott_Ogan@legis.state.ak.us>,
"Representative_Jim_Whitaker" <Representative_Jim_Whitake@legis.state.ak.us>,
"Representative_Peggy_Wilson" <Representative_Peggy_Wilson@legis.state.ak.us>,
"Representative_Joe_Green" <Representative_Joe_Green@legis.state.ka.us>,
"Representative_Kevin_Meyer" <Representative_Kevin_Meyer@legis.state.ak.us>
CC: <james.brown@ktuu.com>

To All,

I highly support what Jack Bowen is trying to accomplish here. As a coach and father of two active girls involved in multiple sports, this is easy legislation to enact for their protection. The cost of required background checks is nothing compared to that paid by victims of these preventable crimes.

Sincerely,

Kevin Smiley
10846 Goodpaster Circle
Eagle River, AK 99577

Original by Jack Bowen sent 19 February:

To All Alaska State Legislators:

I don't know if you have noticed but in the past weeks there have been several TV news broadcasts and articles in the Anchorage Daily News that relate to:

SEXUAL CONTACT, DRUG CHARGES or HOMICIDE by an Adult to a Minor.

Is this unusual? No!

If you look at the last several years many of the youth of our community (The State of Alaska) have been assaulted by or became the victims of predators.

Who did this?

Anchorage - Teacher / Hockey Coach, Sexual contact.

Anchorage - Teacher / Band Instructor, Bartlett High School, Sexual contact.

Homer - Fire Chief, Sexual contact.

Wasilla - Teacher - 3rd degree Sexual Abuse of a minor (2-9-01).

Juneau - Deputy Labor Commissioner - Sexual Harassment (2-9-01).

Manokotak - Victim, 12 year old girl - Homicide (2-14-01).

Fairbanks - Minister - Baptist Church, 12 counts (6-1st degree Sexual Abuse of minor, 5-2nd degree Sexual Abuse of minor, 1-1st degree Indecent Exposure) (2-4-01)

Anchorage - Junior Aces Hockey Coach - Cocaine Possession

Fairbanks - Boys & Girls Club employee - 2 Counts, 2nd degree Sexual Assault of minor. (2-17-01)

Sitka - Victim, 12 year old girl - 4 counts Sexual Abuse (2-18-01)

And, these are just a few of the violations, the list goes on!

The State of Alaska needs a law that requires:

That any organization that provides youth services should be required by state law to have a yearly background check conducted on all employees or volunteers.

That anyone who works with the youth of our community should be required by state law to have a background check conducted on them.

That any organization or youth services provider who does not have background checks conducted on employees or volunteers should lose any limit of liability and their insurance company should be required to pay any and all judgments without the right to appeal the size of the judgment.

There should be no exclusions of a background check due to the proverbial "Grandfather" clause.

The history of the past shows that many of the offenders fall into this category.

Do You Know!

Alaska has one of the highest rates of child abuse in the nation.

A background check by the Alaska State Troopers only costs \$20.00.

A background check by the FBI with fingerprints (Through the Alaska State Troopers) only costs \$99.00.

Is YOUR child's life and future worth less than \$100.00?

Please contact me by email if I can assist you in any way.

Jack F. Bowen

jfb1@alaska.net

Representative_Mary_Kapsner <Representative_Mary_Kapsner@legis.state.ak.us>,
Representative_Vic_Kohring <Representative_Vic_Kohring@legis.state.ak.us>,
Representative_Ken_Lancaster <Representative_Ken_Lancaster@legis.state.ak.us>,
Representative_Scott_Ogan <Representative_Scott_Ogan@legis.state.ak.us>,
Representative_Jim_Whitaker <Representative_Jim_Whitaker@legis.state.ak.us>,
Representative_Peggy_Wilson <Representative_Peggy_Wilson@legis.state.ak.us>,
Representative_Joe_Green <Representative_Joe_Green@legis.state.ak.us>,
Representative_Kevin_Meyer <Representative_Kevin_Meyer@legis.state.ak.us>

CC: "Marlow, Lael & Mark" <LaeMar@aol.com>,
"Paramount Supply Co." <paramountsupply@gci.net>, "Pate, Ken L." <Ken.Pate@veco.com>,
AK Bluesman <akbluesman@yahoo.com>, Anderson Stewart <meridian@ak.net>,
"Axelson, Keith" <Keith.Axelson@veco.com>, Billy & Marie <wcbmcb@gci.net>,
"Connors-David, Sheri" <Sheri.Connors-David@veco.com>,
"Gorne, Sheri L." <Sheri.Gorne@veco.com>,
"james.grimes@AKANCH.ANG.AF.MIL" <james.grimes@AKANCH.ANG.AF.MIL>,
Jessee Boullion <good_ol_snarf@hotmail.com>, Jim Newell <jim.newell@wsfp-ak.com>,
Katherine Martin <katemartin13@home.com>, Lisa Allegrucci <sftblgirl24@hotmail.com>,
"Steffens, Garry" <aktrivia@alaska.net>, tonya brown <browntf1@aol.com>,
Tim Twohy <tdot2e@mtaonline.net>, "Troy & LouAnne T." <larz@gci.net>

It appears that legislation will be introduced within the next week to require background checks for individuals who work with the youth of our communities.

please email your friends and neighbors to email the Alaska State Legislature to support this proposed law. It is very important that the legislature receive notification of your support and our unity to require background checks.

I will forward copies of this legislate am soon as I receive it.

Thank You,
Jack Bowen

PS: The email list of the Legislature is now correct. I think!

Representative_Reggie_Joule@legis.state.ak.us (Representative_Reggie_Joule),
Representative_Richard_Foster@legis.state.ak.us (Representative_Richard_Foster),
Representative_Scott_Ogan@legis.state.ak.us (Representative_Scott_Ogan),
Representative_Sharon_Cissna@legis.state.ak.us (Representative_Sharon_Cissna),
Representative_Vic_Kohring@legis.state.ak.us (Representative_Vic_Kohring)

Dear Senators and Representatives:

It is my understanding that legislation will be introduced next week addressing the issue of background checks for those who work with the youth of our communities. I am writing to request your support for background checks for individuals who work with our children. There have been many instances in past years which give evidence that people who are drawn to work with children are not always drawn by right motives. A background check would possibly be a deterrent to those with wrong intentions, and give parents a bit more peace of mind about who is working with their children. As the saying goes, more is "caught" than "taught" when it comes to children. The benefit of good role models cannot be overstated. Please support legislation that protects the children of our community.

Thank you!

Lael Marlow

Fwd: Background check requirement support]

Subject: [Fwd: Background check requirement support]

Date: Wed, 21 Feb 2001 15:50:12 -0900

From: Representative Lesil McGuire <Representative_Lesil_McGuire@legis.state.ak.us>

Organization: Alaska State Legislature

To: Sue_Stancliff@legis.state.ak.us

Subject: Background check requirement support

Date: Wed, 21 Feb 2001 12:10:56 EST

From: KEAxelson@aol.com

To: <Representative_Fred_Dyson@legis.state.ak.us>,
<Representative_Gail_Phillips@legis.state.ak.us>, <tundraperson@worldnet.att.net>,
<Representative_Andrew_Halcro@legis.state.ak.us>,
<Representative_Lesil_McGuire@legis.state.ak.us>,
<Representative_Lisa_Murkowski@legis.state.ak.us>,
<Representative_Brian_Porter@legis.state.ak.us>,
<Representative_Norman_Rokeberg@legis.state.ak.us>,
<Senator_John_Cowdery@legis.state.ak.us>, <Senator_Dave_Donley@legis.state.ak.us>,
<Senator_Johnny_Ellis@legis.state.ak.us>, <Senator_Bettye_Davis@legis.state.ak.us>,
<Senator_Rick_Halford@legis.state.ak.us>, <Senator_Loren_Leman@legis.state.ak.us>,
<Senator_Drue_Pearce@legis.state.ak.us>, <Senator_Randy_Phillips@legis.state.ak.us>,
<Senator_Jerry_Ward@legis.state.ak.us>,
<Representative_Ethan_Berkowitz@legis.state.ak.us>

CC: <KEAxelson@aol.com>

To All Alaska State Legislators,

Background check requirement:

As a parent, a coach, a concerned citizen, a taxpayer, and a voter in every election s

Please work this through to completion in a short time frame. The youth of Alaska need

Keith E. Axelson
800 Lighthouse Ct.
Anchorage, Alaska 99515
907-345-4473

"Representative_Joe_Hayes" <Representative_Joe_Hayes@legis.state.ak.us>,
"Representative_Jeannette_James" <Representative_Jeannette_James@legis.state.ak.us>,
"Representative_Reggie_Joule" <Representative_Reggie_Joule@legis.state.ak.us>,
"Representative_Mary_Kapsner" <Representative_Mary_Kapsner@legis.state.ak.us>,
"Representative_Vic_Kohring" <Representative_Vic_Kohring@legis.state.ak.us>,
"Representative_Ken_Lancaster" <Representative_Ken_Lancaster@legis.state.ak.us>,
"Representative_Scott_Ogan" <Representative_Scott_Ogan@legis.state.ak.us>,
"Representative_Jim_Whitaker" <Representative_Jim_Whitake@legis.state.ak.us>,
"Representative_Peggy_Wilson" <Representative_Peggy_Wilson@legis.state.ak.us>,
"Representative_Joe_Green" <Representative_Joe_Green@legis.state.ka.us>,
"Representative_Kevin_Meyer" <Representative_Kevin_Meyer@legis.state.ak.us>
CC: <james.brown@ktuu.com>

Dear Jack,

Thank you so much for all your hard work and dedication in this matter. I along with many other Alaskans greatly appreciate your efforts. I know that this is a subject very close to your heart, and that is what will make all the difference in the world. I only wish there would have been someone like you out there on my side when I was a youngster. As a victim of sexual abuse at the age of 9 while at YMCA summer camp, I know all too well about the scares that stay with us our entire lives. I won't get into the gory details at this time, but if you need me to testify, just let me know. Change will only come about if those who have been hurt are willing to speak out.

Dear Senators and Representatives,

Please help!

You have the power to make the changes necessary!

Why wouldn't you?

It's up to you now, do something!

I'm available any time.

Jay N. Goold
Anchorage
907 349-0280 work
907 345-7202 home

----- Original Message -----

From: "Jack Bowen" <jfb1@alaska.net>
To: "Representative Fred Dyson" <Representative_Fred_Dyson@legis.state.ak.us>; "Representative Gail Phillips" <Representative_Gail_Phillips@legis.state.ak.us>; "Russell Watts" <tundraperson@worldnet.att.net>; "Representative Andrew Halcro" <Representative_Andrew_Halcro@legis.state.ak.us>; "Representative Lesil McGuire" <Representative_Lesil_McGuire@legis.state.ak.us>; "Representative Lisa Murkowski" <Representative_Lisa_Murkowski@legis.state.ak.us>; "Representative Brian Porter" <Representative_Brian_Porter@legis.state.ak.us>; "Representative Norman Rokeberg" <Representative_Norman_Rokeberg@legis.state.ak.us>; "Senator John Cowdery" <Senator_John_Cowdery@legis.state.ak.us>; "Senator Dave Donley" <Senator_Dave_Donley@legis.state.ak.us>; "Senator Johnny Ellis" <Senator_Johnny_Ellis@Legis.state.ak.us>; "Senator Bettye Davis"

"Representative_Joe_Hayes" <Representative_Joe_Hayes@legis.state.ak.us>,
"Representative_Jeannette_James" <Representative_Jeannette_James@legis.state.ak.us>,
"Representative_Reggie_Joule" <Representative_Reggie_Joule@legis.state.ak.us>,
"Representative_Mary_Kapsner" <Representative_Mary_Kapsner@legis.state.ak.us>,
"Representative_Vic_Kohring" <Representative_Vic_Kohring@legis.state.ak.us>,
"Representative_Ken_Lancaster" <Representative_Ken_Lancaster@legis.state.ak.us>,
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"Representative_Peggy_Wilson" <Representative_Peggy_Wilson@legis.state.ak.us>,
"Representative_Joe_Green" <Representative_Joe_Green@legis.state.ka.us>,
"Representative_Kevin_Meyer" <Representative_Kevin_Meyer@legis.state.ak.us>
CC: <james.brown@ktuu.com>

----- Original Message -----
From: Marcey Lyons <lyons@atuonline.net>
To: <jfb1@alaska.net>; Representative Fred Dyson
<Representative_Fred_Dyson@legis.state.ak.us>; Representative Gail Phillips
<Representative_Gail_Phillips@legis.state.ak.us>; Russell Watts
<tundraperson@worldnet.att.net>; Representative Andrew Halcro
<Representative_Andrew_Halcro@legis.state.ak.us>;
Representative Lesil McGuire
<Representative_Lesil_McGuire@legis.state.ak.us>;
Representative Lisa Murkowski
<Representative_Lisa_Murkowski@legis.state.ak.us>;
Representative Brian Porter <Representative_Brian_Porter@legis.state.ak.us>;
Representative Norman Rokeberg
<Representative_Norman_Rokeberg@legis.state.ak.us>; Senator John Cowdery
<Senator_John_Cowdery@legis.state.ak.us>; Senator Dave Donley
<Senator_Dave_Donley@legis.state.ak.us>; Senator Johnny Ellis
<Senator_Johnny_Ellis@legis.state.ak.us>; Senator Bettye Davis
<Senator_Bettye_Davis@legis.state.ak.us>; Senator Rick Halford
<Senator_Rick_Halford@legis.state.ak.us>
Cc: <james.brown@ktuu.com>
Sent: Tuesday, February 20, 2001 11:14 AM
Subject: Re: Background Checks

> This should be a REQUIREMENT!! Please consider enacting this as law.

>

> Thank you,

> Marcey Lyons

> Youth sports coach and parent of 2 minor daughters

> ----- Original Message -----

> From: "Jack Bowen" <jfb1@alaska.net>

> To: "Representative Fred Dyson"

> <Representative_Fred_Dyson@legis.state.ak.us>; "Representative Gail

> Phillips" <Representative_Gail_Phillips@legis.state.ak.us>; "Russell
Watts"

> <tundraperson@worldnet.att.net>; "Representative Andrew Halcro"

> <Representative_Andrew_Halcro@legis.state.ak.us>;

> "Representative Lesil McGuire"

> <Representative_Lesil_McGuire@legis.state.ak.us>;

> "Representative Lisa Murkowski"

> <Representative_Lisa_Murkowski@legis.state.ak.us>;

> "Representative Brian Porter"

> <Representative_Brian_Porter@legis.state.ak.us>;

> "Representative Norman Rokeberg"

> <Representative_Norman_Rokeberg@legis.state.ak.us>; "Senator John Cowdery"

> <Senator_John_Cowdery@legis.state.ak.us>; "Senator Dave Donley"

> <Senator_Dave_Donley@legis.state.ak.us>; "Senator Johnny Ellis"

[rwd: Background Checks]

PLEASE, if your going to support any bills, support this one.

Thank you,

Tim Twohy

>

>

> >

> >

>

>

ALASKA SENATORS and REPRESENTATIVES

While in the US Post Office I was looking through some papers hanging on the wall. I thought you might like to learn more about what I saw.

DO YOU KNOW THIS PERSON

WANTED BY THE
FBI

William Dan Yater

DOB: 7/20/67	Eyes: Hazel	Height: 6'-4"
Place of Birth: Rochelle, Illinois		Weight: 175

SSN Used: 332-74-0149 Driver's License Used: Illinois # Y360-9246-7206

Occupation: Clerk, Janitor, Factory Worker

Criminal Convictions: Aggravated Sexual Assault

Remarks: Yater has been arrested and convicted of child molestation. Yater portrays himself as a religious person. He may use church activities to gain trust with potential victims' parents. Yater has said he likes boys under 10 because they are easier to scare not to tell.

Very soon there will be a bill introduced into the Alaska State Legislature to require Background Checks on all people who work or are volunteers for youth groups. This bill, if enacted into law, will help keep predators and child molesters like William Dan Yater from having access to our children.

**Please show your support and vote to enact
needed legislation to protect our children.**

The child you protect may be yours.

Thank you for your time,
Jack Bowen