

ALASKA LEGISLATURE COMMITTEE FILES, 2003-2004 8672

11151 SENATE JUDICIARY

ASSET ALLOCATION

SHARES/

CURRENT
INVESTMENT

ALLOCATION

· WELLS FARGO STABLE INCOME FUND
· WELLS FARGO DIV BOND FUND
· DREYFUS INTERM TERM INCOME
· JANUS ADVISORY BALANCED
· AIM BASIC VALUE FUND
· AIM MID CAP
· WELLS FARGO LARGE CO GROWTH
· JANUS ADVISER CAP APPREC
· WELLS FARGO SMALL CAP OPP
· AMERICAN CENTURY INTL GROWTH
· MFS INTL NEW DISCOVERY
· FROZ ASSET LTD PARTNERSHIP
TOTAL

JAN 12 2004

ATTACHMENT D

**H CONNER THOMAS IRA
FCC AS CUSTODIAN**

Sub / Branch / Rep Account No.
001 / 87 / 18751 7775-5180

November 1 - November 30, 2003

JAN 12 2004

Portfolio Assets

This section includes estimated or unrealized gains or losses for your information only and should not be used for tax purposes. If acquisition information is not available, the gain/loss information may not be displayed and section and summary totals may not reflect your complete portfolio. Cost basis information provided by the account owner is not verified by First Clearing, LLC and should not be relied upon for legal or tax purposes. Bonds purchased at a premium or O.I.D. (Original Issue Discount) will be carried at the original cost basis. Factored bonds (GNMA, CMO, etc.) will be adjusted for paydown of principal. Systematic investments in mutual funds and reinvested dividends for mutual funds and stocks have been consolidated for each position. Unit cost data for systematic investments and dividend reinvestment securities is provided for informational purposes only and is a non-weighted average. To update your cost information or provide omitted cost information, contact your Financial Advisor. Estimated Annual Income, when available, reflects the estimated amount you would earn on a security if your current position and its related income remained constant for a year. Estimated Annual Yield, when available, reflects the current estimated annual income divided by the current value of the security as of the statement closing date. The information used to derive these estimates is obtained from various outside vendors; FCC is not responsible for incorrect or missing estimated annual income and yields.

as. .id money market funds

Description

VERGREEN MONEY MKT FD
L A
Interest Period 11/03/03 - 11/30/03

otal cash and money market funds

rious how your securities are performing? T
rich may not be complete). Revisions to this
sts, contact Your Financial Advisor.

onds

overnment bonds

Description

DUPON TREAS RCPT 08/04
IEA . INT PMT
JE 1. 04
JSIP 222655FF4
quired 05/08/02

otal Government bonds

otal Bonds

Cost information for one or more securities is r



ATTACHMENT E

STATE OF ALASKA SUPPLEMENTAL ANNUITY PLAN

H R THOMAS
675251

Account Summary by Investment Option

	<u>Beginning Balance</u>	<u>Deposits</u>	<u>Change in Value</u>	<u>Transfers</u>	<u>Withdrawals /Expenses</u>	<u>Ending Balance</u>	<u>Ending Units/ Shares</u>
Alaska Balanced Fun Totals							
Employee Before Tax							
Employer Before Tax							
Totals							

<u>Investment Code</u>	<u>Investment Option</u>
1159	Brandes INST International Equity Fund
2144	T. Rowe Price Small Cap Stock Trust
4281	Citizens Core Growth Fund
5022	Global Balanced Fund
5128	Alaska Long-Term Balanced Fund
5024	Alaska Balanced Fund
5133	Tactical Asset Allocation Fund
6021	Daily Government/Corporate Bond Fund
7076	Short-Term Investment Fund
125	Alaska Target 2020 Fund
101	Alaska Target 2015 Fund
102	Alaska Target 2010 Fund
103	Alaska Target 2005 Fund
4031	S & P 500 Stock Index Fund

Both the employee and employer monies are 100% services under different names have all been branded the brand name. All of the current products, services remains the same. Welcome to the new Great-We

Alaska Public Employees' Retirement System

Annual Benefit Statement as of 6/30/2003

The Alaska Division of Retirement & Benefits is pleased to provide you with this benefit statement. This personalized statement highlights the financial security you are building for the future. It also summarizes the protection you and your family have against financial losses that may occur because of your disability or death. This statement is produced using data as of 6/30/2003. Please review the statement carefully, verifying total years of service and personal data such as birth date, marital status, etc.

Your benefits are a significant portion of your compensation package. The value of your benefits will continue to increase over time and you will want to compare this statement with those you receive in the future to measure your progress. Most financial planners suggest you need 65% to 85% of your current monthly income to maintain your standard of living at retirement. When you are two years away from retirement, contact the Division of Retirement and Benefits to enroll in a retirement planning seminar.

The account and service information contained in this statement is based on data reported by your employer(s). Please contact your employer(s) about any discrepancies. The benefit information shown is an estimate. While every effort has been made to ensure the accuracy of your statement, please know it does not have the force and effect of the law, rule, or regulations governing the payment of benefits. All benefits will be paid under the provisions of the applicable Alaska Statutes and Federal law.

Personal Information

Name: H CONNOR THOMAS
Retirement ID Number: R000142157
Birth Date: 12/20/1951 Marital Status: M

Account Summary as of 6/30/2003

- Our records indicate you are in Tier I
- Your total service is 3.12 years
- You are not vested in PERS
- Your estimated average monthly earnings are \$1,587
- You currently have no service indebtedness

Annual Contributions Summary

July 1, 2002 Account Balance
Mandatory Interest Earned
June 30, 2003 Account Balance

Retirement Summary

- Our records show that you are not currently active in the PERS. No projected benefit can be calculated based on inactive service. For your information, the following data would apply if you returned to service in the near future.
- Your PERS status means that you must be 55 years old or have 30 years of service to be eligible for normal retirement.
- If you were to return to work now, the earliest you could retire would be 1/1/2007.
- As of the 6/30/2003 service posting date, you did not have enough creditable service to be eligible for a benefit.

statement were estimated under the normal with a monthly income for your lifetime. receive money from the PERS. If a retiree was at the time of death, their surviving spouse may alth insurance benefits.



H CONNOR THOMAS
PO BOX 865
NOME, AK 99762-0865

JAN 1 2 2004

New York Life Insurance and Annuity Corporation
(A Delaware Corporation)
PO Box 539
Dallas, TX 75221
(800) 695-1314

The Company You Keep



ANNIVERSARY NOTICE

|||||
MRS MARGARET A THOMAS
PO BOX 865
NOME, AK 99762-0865

Agent/Representative
JOHN LUKEHART CLU CHFC
701 W 8TH AVE STE 900
ANCHORAGE, AK 99501-3467
(907) 257-5213

*Welcome to your !
is designed to keep
in value.*

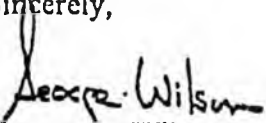
<u>CLIENT ID</u>	<u>POLICY N</u>
005-845-215	51 003

TOTAL
\$18,3

CASH VALUE AS OF
INTEREST EARNED
WITHDRAWAL :
SURRENDER CHARGE
CASH VALUE AS OF
INITIAL PREMIUM EFFE

*Your continued s
happy to answer ,*

Sincerely,


George E. Wilson, FLM
Service Center Vice Pre!

ATTACHMENT G

JAN 12 2004

194599-12

MARGARET A THOMAS 403B PLAN
PO BOX 865
NOME AK 99762-0865

LISA LADDS DOCHE
WACHOVIA SECURITIES LLC
20551 N PIMA RD STE 200
SCOTTSDALE AZ 8 255



CONTRACT

Contract N

Issue Date:
Annultant N
Primary Be

CURRENT

Variable
Investment O
Total Return

Grand Total

HISTORICAL

Investment O
Total Return
Government S
Total

If you find a
statement. U
statement, v

DEATH BENEFIT

Listed below

Greatest of a

Total Death

ADDITIONAL INFORMATION

Our automa
values or to

ATTACHMENT H

JAN 12 2004

MARGARET A THOMAS IRA R/O
FCC AS CUSTODIAN

Sub / Branch / Rep Account No.
001 / 87 / 8751 7772-4195

Statement period: July 1 - September 30, 2003

JAN 12 2004

Portfolio Assets

This section includes estimated or unrealized gains or losses for your information only and should not be used for tax purposes. If acquisition information is not available, the gain/loss information may not be displayed and section and summary totals may not reflect your complete portfolio. Cost basis information provided by the account owner is not verified by First Clearing, LLC and should not be relied upon for legal or tax purposes. Bonds purchased at a premium or O.I.D. (Original Issue Discount) will be carried at the original cost basis. Factored bonds (GNMA, CMO, etc.) will be adjusted for paydown of principal. Systematic investments in mutual funds and reinvested dividends for mutual funds and stocks have been consolidated for each position. Unit cost data for systematic investments and dividend reinvestment securities is provided for informational purposes only and is a non-weighted average. To update your cost information or provide omitted cost information, contact your Financial Advisor. Estimated Annual Income, when available, reflects the estimated amount you would earn on a security if your current position and its related income remained constant for a year. Estimated Annual Yield, when available, reflects the current estimated annual income divided by the current value of the security as of the statement closing date. The information used to derive these estimates is obtained from various outside vendors; FCC is not responsible for incorrect or missing estimated annual income and yields. Current how your securities are performing? The "Unrealized gain/loss" column tells you how much each stock has increased or decreased in value since you bought it (based on cost data supplied by you or by outside services, which may not be complete). Revisions to this information (because of corporate mergers, tenders and other reorganizations, for example) may be necessary from time to time. To update your cost information or provide omitted costs, contact Your Financial Advisor.

Bonds

Government bonds

Description
US TREAS STRIPS 05/04
INTEREST PMT
DUE 05/15/04
CUSIP 912833F 19
Acquired 12/16/9

Total Government bonds

Total Bonds

Cost information for one or more securities

ATTACHMENT I

Individual Retirement Account

38,355

Statement for

MARGARET A THOMAS IRA R/O
FCC AS CUSTODIAN

Page 1 of 2



WACHOVIA
SECURITIES

Sub / Branch / Rep Account No.
001 / 87 / 8751 7772-4195

Statement period: July 1 - September 30, 2003

Your Financial Advisor:
LSA DOCHE/RAY YERKES
20551 N. PIMA ROAD, STE 200
SCOTTSDALE, AZ 85255
800-453-6737
480-419-2015

Current Investment Objective: Growth + Conservative

Account Summary

Statement Period

Year-to-date

Portfolio Summary

Portfolio assets

Cash and money market

Stocks and options

Preferred stocks

Bonds

Certificates of Deposit

Mutual funds

Annuities/Insurance

Unit Investment trusts

Total assets

Outstanding margin balance

Net portfolio value

Other assets

These positions reflect purchases n
for informational purposes only. If y
can update this section. These a
protected by SIPC.

Direct Investments

Special products

Total other assets

Realized Gain/Loss

Short-term

Long-term

Total Realized gain/loss

JAN 12 2004



Account Statement

P.O. Box 60009
Los Angeles, CA 90060-0009
1-877-728-4338
www.scholarshare.com

07/01/2003 to 09/30/2003



GOLDEN STATE SCHOLARSHARE TRUST
HENRY A LANDSBERGER OWNER
MAISIE E THOMAS BENEFICIARY
346 CAROLINA MEADOWS VILLA
CHAPEL HILL NC 27517-7519

Now It's Even Easier To Save With ScholarShare! Enroll in an Automatic Contribution Plan (ACP) and add/change your banking information - all online at www.scholarshare.com! Automatic contributions are a convenient and effective way to build towards your college-savings goals. For more information call us 1-877-728-4338. Effective October 1, 2003, accumulations arising from contributions received under the funding agreement for the Guaranteed Option before October 1, 2003 will be credited with an effective annual interest rate of 3.00%, and are guaranteed to earn this rate through September 30, 2004, subject to the claims paying ability of TIAA-CREF Life Insurance Company. Contributions received under the funding agreement for the Guaranteed Option from October 1, 2003 until further notice will be credited with an effective annual interest rate of 3.00%, and are guaranteed to earn this rate through September 30, 2004, subject to the claims paying ability of TIAA-CREF Life Insurance Company. Teachers Personal Investors Services, Inc., distributor.

ACCOUNT VALUE

Trust-Account Number Name and Registration	Total Trust Units Owned	Trust Unit Price	Beginning Balance	Ending Balance
1817-27927525 <i>Age-Based Asset Allocation Option</i> FUND SERIES 1817 GOLDEN STATE SCHOLARSHARE TRUST HENRY A LANDSBERGER OWNER MAISIE E THOMAS BENEFICIARY				
1796-27927525 <i>Aggressive Age-Based Asset Allocation Option</i> FUND SERIES 1796 GOLDEN STATE SCHOLARSHARE TRUST HENRY A LANDSBERGER OWNER MAISIE E THOMAS BENEFICIARY				
1903-27927525 <i>GUARANTEED OPTION</i> GOLDEN STATE SCHOLARSHARE TRUST HENRY A LANDSBERGER OWNER MAISIE E THOMAS BENEFICIARY				
TOTAL NET CONTRIBUTION				
\$8,000.00				

Trust-Account Number Trust Name
1817-27927525 <i>Age-Based Asset Allocation Option</i> FUND SERIES 1817
1796-27927525 <i>Aggressive Age-Based Asset Allocation Option</i> FUND SERIES 1796

ATTACHMENT J



JAN 12 2004

T. Rowe Price



UNIVERSITY OF ALASKA

PO Box 17479
EAGLE PASS, AK 99571-0479
1800 478-0808
WWW.ACOLLEGESAVINGS.COM

Statement Date: December 30, 200

000000056

U A COLLEGE SAVINGS PLAN
H CONNER THOMAS
FBO MAISIE E THOMAS
PO BOX 865
NOME AK 99762-0865

If this statement reflects a PFD contribution and you have not returned an Account Agreement to T. Rowe Price, you have 90 days from the statement date listed above to make changes to your account or request a refund of your PFD contribution amount.

U A COLLEGE SAVINGS PLAN
H CONNER THOMAS
FBO MAISIE E THOMAS

Portfolio Number - Name
502 - Portfolio 2015

Account Number
521030327

TRANSACTION ACTIVITY

Trade/Settlement Date	Description of Transaction	Dollar Amount of Transaction	Unit Price	Units This Transaction	Total Units Owne
-----------------------	----------------------------	------------------------------	------------	------------------------	------------------

0.000

ATTACHMENT K

JAN 12 2004

FROM : H. LANDSBERGER

PHONE NO. : 9199293919

Jan. 03 2004 07:16PM P2

CollegeBoundfund

P.O. BOX 700074
San Antonio, TX 78278-6004



MARGARET A THOMAS
H CONNER THOMAS SUCC PARTIC
FBO MAISIE E THOMAS
PO BOX 865
NOME AK 99762-0865

Account Statement Period
July 01, 2003 - September 30, 2003

Page 1 of 1
Primary Beneficiary:
MAISIE E THOMAS
Beneficiary Date of Birth:
08/07/1997

Beneficiary expected
date to attend college:
2015

005998



MORGAN KEEGAN & CO., INC.
3100 TOWER BLVD
SUITE 404
DURHAM NC 27707-2563

Rep Name:
GOLDFINCH, JOHN
Rep No.: DH20

419-2500 x 531

Market Value as of July 1, 2003: \$205.72
Market Value as of September 30, 2003: \$213.62

CollegeBound Fund News

This holiday season, give a child the Gift of Education and take advantage of your 529 plan's unique, accelerated gifting feature. And, since anyone can contribute to CollegeBoundfund - parents, grandparents, family and friends - it's easy to save for a child's college education. Order a gift card and certificate today.

Account Summary Detail	Fund Number	Beginning Balance	Current Period Withdrawals	Current Period Contributions	Change in Account Value	Closing Market Value
	1610					

Fund Activity Detail

CBF AGI FUND/AC

Confirm Date

09-30

COLLEGE QUARTER YEAR TC

To Invest By Mail

MARGA H CONN FBO M/

Make your
above this
Third p/



JAN 12 2004

RESUME FOR DAVID INGRAHAM MD

David Ingraham
2526 Arlington Drive
Anchorage AK 99517

DOB 09/14/1953
Married

Undergraduate:
Bucknell University 1971 - 1975 BS Biology

Graduate:
Hershey Medical Ctr 1975 - 1979 Medical Doctorate

Residency:
Family Practice Residency, Bayfront Medical Center,
St. Petersburg, Florida 1979 - 1982

Work History:
General Practitioner Kananak Hospital, Dillingham AK
1982 - 1987

Emergency Physician, CVPH Hospital, Plattsburgh NY,
1988- 1990

Emergency Physician, PAMC Hospital, Anchorage AK,
1990-present

Additional Duties:
Alaska State Medical Director of EMS
Medical Director PAMC Emergency Department
First Vice President Medical Staff PAMC

NPP/VCC/1003

January 31, 2003

Dear Ms. Kristie Leaf,

I would like to express my interest in applying for a position on the State of Alaska Violent Crimes Compensation Board, in order to represent the average citizen.

Based upon recent events, having lost my father and nearly losing my mother during the commission of a violent crime, I have unique insight and empathy for those who are experiencing a similar loss. Additionally, I studied Criminal Justice in college and was raised in and around the law enforcement community my entire life.

I have witnessed first-hand, having lived in both urban and rural communities around Alaska, the effect that violent crimes have on individuals and society. My selection to this committee will offer a critical, yet compassionate, eye to the tragedies that befall the victim(s) and/or affected family members.

Thank you for this opportunity to serve the State of Alaska.

Sincerely,

Gerad G. Godfrey
305 River Drive
P.O. Box 1254
Valdez, AK 99686
Home phone # (907) 835-2329
Work phone # (907) 834-6480
Cell phone # (907) 529-6154
E-mail address: GodfreyG@alveska-pipeline.com

GGG/dh

Gerad G. Godfrey

P.O. Box 1254
Valdez, AK 99686
(907) 835-2329

OBJECTIVE: To obtain a position on the State of Alaska Violent Crimes Compensation Board.

EDUCATION: Bachelor's of Science Degree - University of Great Falls, Great Falls, MT
Criminal Justice Major, with Counseling Psychology Minor
Financed 100% of College Education Expenses

WORK EXPERIENCE:

Aug. 2001 – Present **Doyon Universal Services, Valdez, AK**
- Provide patrol security for the Marine Terminal and pipeline access points
- Process incoming dispatch services/control room functions
- Monitor personnel shift changes

Nov. 1998 – Aug. 2001 **Kelly Services, Ft. Richardson Army Base, Anchorage, AK**
- Provided audio/visual technical support for military trainers
- Design and implement floor plans for conferences and seminars
- Maintained inventory of essential facility materials

Sept. 1998 – Nov. 1998 **Alaska Department of Public Safety, Sitka, AK**
- Training Academy for the position of Fish & Wildlife Trooper

Oct. 1997 – Sept. 1998 **Guardsmark, Inc., Anchorage, AK**
- Interviewed, screened, and hired applicants for security positions
- Staffed supervisors' man-power shortages at various contract posts
- Accounted for staff's billable working hours

April 1997 – Aug. 1997 **Total Nutrition & Fitness, Great Falls, MT**
- Managed supplement retail/tanning business
- Advised patrons concerning nutrition and fitness programs

May 1996 – April 1997 **Nana-Marriott, Prudhoe Bay, AK**
- Preparation cook, kitchen maintenance, and supply stocker
- Also worked these positions seasonally during three years of college

June 1981 – Aug. 1992 **Commercial Salmon Fishing, seasonally in waters around Kodiak, AK**
- Fished aboard F/V's Millenium, Armageddon, Jenna, and Miss Valery
- Experienced in operating the skiff, deck boss, and deck hand

ACTIVITIES: Member – Oversight Committee Taskforce of APD 911 system review

Resume
of Joseph N. Faulhaber
For purposes of application to
State of Alaska
Boards and Commissions for
position of Alaska Bar Association
board of governors

February 3, 1948	Born in Naperville, Illinois
1948-1968	Growing up, living and learning
1968	Came to Alaska
1968-1973	Attended UAF, worked misc. jobs, businesses
1973-1976	Worked as realtor
1976	Founded the Realty Company of Alaska dba Realty Inc. aka Coldwell Banker Greatland Realty
1981	Elected to board of Greater Fairbanks Community Hospital Foundation
Approximately 1983-1990	President of Fairbanks Resource Agency Title Holding Company, A non-profit organization in Fairbanks.
1986	Invested in and became Vice President of Arctic Mortgage Insurance, Inc.
1994-2000	Appointed to Alaska Bar Association Board of Governors by Governor Hickel, Re-appointed by Governor Knowles.
1998	Co-founded Aloha Mortgage Insurance in Hawaii.
1998	Appointed to Board of Directors, Denali Group Companies.
Present	Live in Fairbanks and continue to serve on the boards of: Denali Group Companies Aloha Mortgage Insurance Inc., Realty Inc. Arctic Mortgage Insurance Inc. Greater Fairbanks Community Hospital Foundation

Michael J. Hurley
1300 W. 7th Ave. #407
Anchorage, AK 99501

March 6, 2004

Office of the Governor,
Boards and Commissions
State of Alaska
PO Box 110001
Juneau, AK 99811

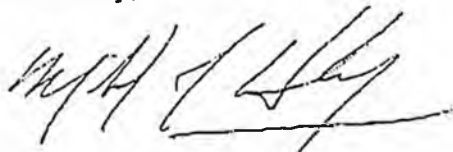
RE: Public Member, Board of Governors of the Alaska Bar

I am writing today to express my interest in serving as a public member on the Board of Governors of the Alaska Bar.

As a long time financial and commercial analyst in the oil and gas business in Alaska, I have worked with many bar association members. My experiences have included working closely with the staff of the State's Department of Law and the drafting and analysis of state legislation. I believe this experience and familiarity will allow me to effectively represent the public's interest in the governing of the Alaska Bar.

Thank you in advance for your consideration.

Sincerely,



Michael J. Hurley

App. / Bar / 010
Ass.

BOARDS & COMMISSIONS

MAR - 9 2004

Scott Probstman
Yes



STATE OF ALASKA
 OFFICE OF THE GOVERNOR
 P.O. Box 110001, Juneau, AK 99811-0001
 Phone: (907) 465-3500 Fax: (907) 465-3532

BOARDS AND COMMISSIONS APPLICATION/RESUME FORM

INSTRUCTIONS

A separate application is required for each position for which you apply. Complete and specific answers will aid in rapid and accurate processing of your resumé. Please type or print legibly in ink. Forward to the above address. Be sure your answers are true. A willfully false answer may result in your disqualification or removal from office if you are appointed.

Board or Commission for which I am applying: BOARD OF GOVERNORS, ALASKA BAR.

Please list any other State Boards or Commissions on which you currently or previously have served:

Name: MICHAEL J. HURLEY

Mailing Address: 1300 W. 7TH AVE. #407

Residence Address: SAME

City, State and Zip Code: ANCHORAGE, AK 99501

Home Telephone: 907 258 7659 Business or Message Telephone: 907 265 6313

Fax Number: 907 263 4944 Cell Phone: 907 440 4143

Email address: mhurley@gci.net

AS 39.05.100 requires that a person appointed to a state board or commission be a registered voter prior to the last general election:

Are you a registered voter? YES NO

Voter Registration Number (Optional) [REDACTED] Social Security Number (Optional): [REDACTED]

Have you ever been convicted of a misdemeanor within the past five years or a felony within the past ten years?

YES NO If "YES", explain the circumstances on a separate sheet of paper and attach it to this application. A conviction is not necessarily grounds for disqualification. The number of convictions, nature, recentness, and relationship to the board position applied for will be evaluated and a determination will be made after a review of all relevant facts.

CONFLICTS OF INTEREST: Certain boards and commissions require full disclosure of personal financial data under AS 39.50.010. If required for the board or commission for which you are applying, are you willing to do so?

YES NO

Could you or any member of your family be affected financially by decisions to be made by the board or commission for which you have applied? YES NO

If "YES", explain:

TRAINING AND EXPERIENCE: (If resumé attached, it is not necessary to complete items A-D)

A. List any professional licenses, certifications, or registrations and dates obtained that may be used as qualifying criteria:

B. List both formal and informal education and training experiences: (Use additional paper if necessary)

C. List any community service, municipal government, and state positions held, and any awards received. Include both compensated and uncompensated positions (such as president of a service organization or a mayor). Include length of time served.

D. Employment work history - paid, unpaid or voluntary: (Use additional paper if necessary)

The Office of the Governor and the State of Alaska have an Affirmative Action Equal Employment Opportunity Program. To assist in the program, you are asked to voluntarily answer the following questions to provide the information necessary for reporting purposes. Under State and Federal law, the information you provide will not be used to illegally discriminate against you.

DATE OF BIRTH: 6-25-56

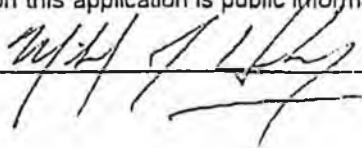
SEX: Male Female

ETHNICITY: Alaska Native American Indian Asian or Pacific Islander Black Hispanic White

MILITARY SERVICE (if applicable, give dates): _____

CERTIFICATION: I swear the information I have entered on this form is true to the best of my knowledge. I understand that if I deliberately conceal or enter false information on the form my application may be rejected, I may be removed from the list of eligible candidates, or I may be removed from the position. I agree that the Office of the Governor may contact present or former employees or other persons who know me to obtain additional information about my skills and abilities. I understand that the information on this application is public information and may be released through a legal request for such information.

Signature (in ink):



Date:

2/11/04

Michael J. Hurley

1300 W. 7th Ave. #407 Anchorage, Alaska 99501
e'mail: michael.j.hurley@conocophillips.com
mhurley@gci.net

Bus: (907) 265-6313
Res: (907) 258-7659
Cell: (907) 440-4143

CAREER PROFILE:

Project management, engineering background with over 15 years of broad based financial and commercial management experience. Organizational and managerial skills with an emphasis on influence management and negotiation. Strong analytical base with a high level of individual initiative.

- Facility Planning
- Project Scheduling/Cost Control
- Logistics Computer Simulation
- Cost of Service Tariff Development
- Commercial Negotiation
- DCF/ROI Economic Analyses
- Strategic/Financial Long Range Planning
- Fiscal Design and Negotiation
- Benchmarking/Competitor Analysis
- Gov. Relations/Legislative Lobbying

CAREER HISTORY:

ConocoPhillips Alaska

1994 - Present

- Sr. Commercial Consultant, Strategy and Portfolio Management
- Sr. Commercial Negotiator, North Slope Gas Commercialization
- Sr. Tax Consultant

ARCO Transportation Company

1990 - 1994

- Capital Administration Supervisor

ARCO Alaska, Inc.

1984 - 1990

- Director of Treasury Services and Headquarters Accounting
- Planning Consultant
- Facility Planning Engineer

Anaconda Minerals Company

1981 - 1984

- Project Engineer
- Project Control Engineer

EDUCATION:

BS. In Construction Management, Virginia Polytechnic Institute and State University, 1979

PROFESSIONAL EXPERIENCE:**COMMERCIAL/NEGOTIATIONS**

As Sr. Commercial Consultant in Strategy and Portfolio Management, responsible for tax and royalty strategy, analysis, and engagement. Negotiated recent royalty settlement re-opener. Developed strategy for MMS royalty negotiations on National Petroleum Reserve discoveries. Supported engineering, legal and financial groups in decision and risk analysis.

As Sr. Commercial Negotiator to ARCO's North Slope Gas Commercialization Group handled project commercial development and negotiations for a \$7B LNG export project to the Far East. Led a multi-company team designing a first-of-its-kind state and federal regulatory system for the project, negotiating directly with state and federal regulatory agencies. Pioneered an innovative fiscal framework for state and local tax treatment of the project, negotiating directly with, and lobbying, state legislators and administration officials, including public testimony with legislative committees.

TAX

As a Sr. Tax Consultant in a targeted effort, with the direct responsibility, to negotiate and resolve back tax and royalty assessments in excess of \$190MM, dating back to 1986. The successful effort resulted in ARCO having the most current tax position in the industry, while saving more than \$62MM. Also involved in state and local property tax negotiations, including a successful legislative lobbying effort to defeat a tax increase on crude tankers, resulting in savings to the industry of \$38MM per year.

PROJECT MANAGEMENT

In a turnaround effort, was brought in, with a totally new team, as Capital Administration Supervisor, to restructure ARCO's management of its Alaska pipeline assets. Supervised a small group of professionals who developed, from the ground up, controls and processes for capital project evaluation, capital budgeting of a \$100-\$200MM per year program, and long range pro-forma financial planning. Specific individual accomplishments included development of several cost of

service tariff models, and creation of a probabilistic marine terminal capacity model.

As a Project Engineer directly managed several \$5MM - \$15MM facility projects, including all aspects of project management, from original conceptual design and economic justification through construction and start-up.

ACCOUNTING

As Director of Treasury Services and Headquarters Accounting, led 14 professionals providing treasury and cash management services handling over \$500MM per year. Accomplishments included a revamped cash balance management procedure saving \$1.5MM per year in forgone interest.

ASCHEBRENNER LAW OFFICES, INC.

1830 Second Avenue • P.O. Box 73998 • Fairbanks, Alaska 99707
Phone (907) 456-3910 • Fax (907) 456-8064 • alo@alolaw.com

February 5, 2004
via fax (907) 465-3532

Linda Snyder
Office of the Governor
Boards & Commissions
P.O. Box 110001
Juneau, AK 99811

BOARDS & COMMISSIONS
FEB 04 2004

Re: Alaska Commission on Judicial Conduct

Dear Ms. Snyder:

It was a pleasure to speak with you yesterday. Please find attached my resume for Governor Murkowski's consideration.

If you should have any further questions, please do not hesitate to contact me.

Sincerely,
ASCHEBRENNER LAW OFFICES, INC.


Peter J. Aschenbrenner

PJAVI

RESUME OF
PETER J. A. CHENBRENNER

Offices:

P.O. Box 110988
8240 Sandlewood Place, Suite 202
Anchorage, AK 99511-0988
[REDACTED]

Voice 907-344-1500 Fax 907-344-1522

#1
P.O. Box 73998
1830 Second Avenue
Fairbanks, AK 99707
Voice 907.456.8064 fax 907.456.8064

Prefers Physical Address.

[REDACTED]
[REDACTED]
Home 907-479-5895 / 907-223-5510

Bar Memberships:

Alaska - 1972 / Alaska State Bar Association
Colorado - 1971 (inactive)
California - 1972 (inactive)

Other Professional Organizations:

American Collectors Association (Chairman, Members' Attorney Program)
Alaska Society of Independent Accountants
Society of Human Resource Managers (Instructor)

Education:

University of Wisconsin, BA 1968
University of California at Berkeley, JD 1971

Other Bar Admissions:

United States District Court, District of Colorado - 1971
United States District Court, District of Alaska - 1972
United States Court of Appeals, Ninth Circuit - 1977

Judicial Appointments

- United States Magistrate, appointed by the Hon. James A. von der Heydt, United States District Judge, 1974-1978;
- United States Magistrate, appointed by the Hon. James M. Fitzgerald, United States District Judge, 1978-1982, 1982-1986;
- United States Magistrate, appointed by the Hon. H. Russel Holland, United States District Judge, 1986-1990, 1990-1991.

Other Appointments:

- Reporter to the Supreme Court for the Civil Rules Committee, appointed by the Hon. Jay A. Rabinowitz, Chief Justice of the Alaska Supreme Court, 1973-1974
- California Law Review, 1969-1971; Note and Comment Editor, 1970-1971

Representative Clients:

State Farm Insurance Companies, Denali State Bank, Alaska Native Tribal Health Consortium, Valley Hospital Association, Kaktovik, Atkasuk, St. Mary's, Nulato (cities), Minto, The Kuskokwim Corporation, Ingalik (village corporations), Alaska Housing Finance Corporation, Interior Taxpayer Association, Inc.; Interior Cabaret, Hotel, Restaurant & Retailers Association.

Employed Attorneys:

Peter W. Giannini (Anchorage office)
Theodore S. Christopher (Fairbanks office)
Margaret L. O'Toole-Rogers (Fairbanks office)

Recent Workshops (last two years):

How to Represent Yourself or Your Corporation in Small Claims Court in Alaska; November 12, 2002 (Lorman Education Services).
Commercial and Residential Evictions; November 21, 2002 (Sterling Education Services).
Advanced Collection Strategies in Alaska; October 27, 2003 (NBI).

Recent Articles:

'Lies' or 'not lies' create paradox in modern law; The Alaska Bar Rag – November – December, 2003;
Where was Bertrand Russell when they really needed him?; The Alaska Bar Rag – July – August, 2003;
Tea with the Chief Justice: A glimpse at the Supreme Court; The Alaska Bar Rag – November – December, 2000.

Publications in Print (partial list):

The Thoroughly Modern Landlord
Better Recoveries from Bad Debt
Responding to Fraud in the Debtor's Bankruptcy
Sue It Yourself
Alaska Business Corporation Manual
Alaska Limited Liability Company Manual

Previous Law Partnerships and Other Employment:

Aschenbrenner & Savell, 1974-1980; Aschenbrenner & Brooks, 1984-1989; Bradbury, Bliss & Riordan and Bliss Riordan, 1991-1993. Mr. Aschenbrenner has practiced as a sole practitioner in 1974, 1980-1984, and since February 1, 1993.

Mr. Aschenbrenner was employed by the Alaska Supreme Court in Anchorage and Fairbanks, 1973-1974 to revise the Rules of Civil Procedure and by Alaska Legal Services Corporation in 1972-1973 in Anchorage and Fairbanks.

*Appellate cases argued and/or briefed
by Mr. Aschenbrenner with opinions published in the Alaska reporter:*

CITATION	COURT/YEAR	TITLE
WL 179026	(Alaska 2004)	ANTHC v. Warden / ANTHC v. E.R.
66 P.3d 736	(Alaska 2003)	Jerue v. Millett
995 P.2d 657	(Alaska 2000)	Parks Hiway Ent. LLC v. CEM Leasing, Inc.
835 P.2d 1225	(Alaska 1992)	UAF v. Patten
768 P.2d 124	(Alaska 1989)	Smith v. Krebs
761 P.2d 1013	(Alaska 1988)	Rybachek v. Sutton
756 P.2d 270	(Alaska 1987)	Lundgren v. NBA
742 P.2d 227	(Alaska 1987)	Lundgren v. NBA
742 P.2d 781	(Alaska 1987)	Interior Taxpayers Ass'n, Inc. v. FNSB
736 P.2d 1147	(Alaska 1987)	Donnybrook Bldg. Supply Co. v. FNBA
723 P.2d 1267	(Alaska 1986)	Gaudiane v. Lundgren
713 P.2d 1203	(Alaska 1986)	Drake v. Hosley
670 P.2d 707	(Alaska 1983)	Vest v. FNBF
664 P.2d 575	(Alaska 1983)	State Dept. of Labor v. UAF
663 P.2d 547	(Alaska 1983)	Hayer v. NBA
659 P.2d 1233	(Alaska 1983)	Vest v. FNBF
658 P.2d 761	(Alaska 1983)	Bentley Family Trust v. Noyes
630 P.2d 13	(Alaska 1981)	Morris v. State
628 P.2d 565	(Alaska 1981)	City of Fairbanks v. Rice
628 P.2d 918	(Alaska 1981)	Ballard v. Stich
623 P.2d 1216	(Alaska 1981)	Alaska Ins. Co. v. RCA Alaska
621 P.2d 887	(Alaska 1980)	State v. 18,018 Square Feet
618 P.2d 561	(Alaska 1980)	Walker v. White
615 P.2d 1	(Alaska 1980)	Penn v. Ivey
615 P.2d 631	(Alaska 1980)	Dalton v. ICB
599 P.2d 746	(Alaska 1979)	Veach v. Meyeres Real Estate, Inc.
593 P.2d 621	(Alaska 1979)	Robinson v. State
581 P.2d 218	(Alaska 1978)	Ashbrook v. O'Harra
577 P.2d 1077	(Alaska 1978)	Miller v. State
575 P.2d 782	(Alaska 1978)	Gipson v. State
569 P.2d 1338	(Alaska 1977)	Maher v. Maher
567 P.2d 311	(Alaska 1977)	Duncan v. City of Fairbanks
564 P.2d 1219	(Alaska 1977)	Taylor v. State
559 P.2d 104	(Alaska 1977)	ICB v. Dalton
549 P.2d 1341	(Alaska 1976)	Loomis Electronic Protection v. Schaefer
548 P.2d 279	(Alaska 1976)	Morrow v. New Moon Homes, Inc.
545 P.2d 163	(Alaska 1976)	Nickels v. State
540 P.2d 1056	(Alaska 1975)	City of Fairbanks v. Metro Co.

Thomas G. Nave, Esq.

RESUME'

Background

Born: Medford, Oregon [REDACTED]
Sports: Football, Ski Racing, Water skiing, Track
Parents: Extremely loving conservative Republicans
Member Alaska Bar since 1977

Education

St. Mary's H.S. Medford, Oregon 1968
Oregon State University, B.S. 1972 (pre-law/philosophy)
Northwestern School of Law at Lewis & Clark College, J.D. 1976

Legal Employment

Law Offices of Douglas Gregg, Esq., Associate. 1976-1978
Law Offices of Peter M. Page, Esq., Associate, 1978-1979
Alaska Public Defender Agency, Asst. Public Defender - Fairbanks 1979-1980
Alaska Public Defender Agency, Supervising Attorney - Juneau 1980-1985
Alaska Public Defender Agency, Deputy Director 1981-1985
Gullufsen & Nave, Partner 1985-1991
Thomas G. Nave, Attorney at Law 1991-present

Emphasis

Prior to 1985, my practice was almost exclusively criminal defense. Since that time, my practice is approximately 25% criminal defense and the remainder is divided among personal injury (plaintiff & defense), employment law, and defense of legal malpractice claims. I have also been retained by B.P. Exploration (Alaska) on two occasions as a trial consultant and retained by law firms as an expert witness in legal malpractice cases.

Other

Alaska Judicial Council, Member 1992-1998
Martindale-Hubbell Rating AV (highest possible rating)

[REDACTED]
[REDACTED]

SB

2

Notes on **CSSB 2 () 23-LS0079|W:**

I. The core intent of SB 2 is to remove the \$10,000 limit on the amount that can be recovered from parents when a minor intentionally and knowingly destroys or damages property. This core intent is maintained in cssb 2 () 23-LS0079|w.

II. The intent is expanded in the CS to ensure that adults who have the love and resources to take on parental responsibilities for children not fortunate enough to have functioning parents be protected from incurring liability for destructive actions of the children they are trying to help. Passage of this CS will clarify the following:

- 1. Legal guardians* are held harmless (Section 3 of |W)**
- 2. Adoptive parents of "hard to place" minors are held harmless. (Section 3 of |W)**
- 3. Foster parents** are held harmless in existing law: AS 34.50.020 (b) (attached).**

***This is only a "technical revision" regarding legal guardians and not a policy change, as is demonstrated in another law: AS 13.26.070 (attached).**

****Foster parents are not addressed or effected in CSSB 2. They are already specifically exempted from liability in AS 34.50.020(b).**

III. The chances of involving the minor in reparations are increased in the CS by a mandate that a court "require" a report from the minor. While it is not typical to involve a third party in a civil dispute, it is justifiable because of the nature of the relationship between a parent and a child. In the circumstances where this law would be applied, family assets are potentially at stake. Clearly both the parent and the minor have an interest in family assets. To reduce the burden on the court, the only mandate is to require the report. No guidance is given regarding how the report is to be used or not used; the report has no effect on the civil action; and, there is no requirement to coordination with the juvenile justice system or for anyone to follow-up with the minor. This CS would simply require one court order per application that has the potential of being tool to be used by some caring adult to steer an errant minor down the right path. I believe this provision will in fact be used to good effect both by the civil court and the juvenile justice system.

CSSB 2 () 23-LS0079/W

Sectional Analysis

"An Act Relating to Parental Liability"

Updated: March 18, 2003

Contact: Senator Fred Dyson's office at (907) 465-2199

Section 1

Clarifies that the intent of this act is two-fold. First, the act promotes responsibility in that it allows for recovery of damages caused by intentional vandalism by a minor. Second, it requires the involvement of the unemancipated minor in the resulting civil action to provide a better remedy and a learning experience for the minor.

Section 2

Deletes the \$10,000 limit on the amount that can be recovered to repair or replace real or personal property knowingly or intentionally destroyed by a minor. (Page 2, Line 1).

Section 2 & 3

Deletions of "Legal Guardian" from this entire section of existing law. (34.50.020). The reason for this deletion is to clarify that legal guardians do not take on the parental responsibility of being liable for the actions of the minors in their charge. This change makes AS 34.50.020 consistent with AS 13.26.070 that specifically states that, "A guardian of a minor... is not liable to third persons by reasons of the parental relationship for acts of the ward." This deletion does not introduce a policy change, it clarifies what has been accepted as policy.

Section 4

(d) Specifically exempts (1) legal guardians and (2) adoptive parents from being liable to pay damages.

(e) If damages are recovered from a parent, the court will require the unemancipated minor to provide a report that reveals the minor's contribution toward restitution and the minor's learning progress.

Sections 5&6 set date this act goes into effect and date for applicability.

23-LS0079W
Ford
4/2/03

CS FOR SENATE BILL NO. 2()

IN THE LEGISLATURE OF THE STATE OF ALASKA

TWENTY-THIRD LEGISLATURE - FIRST SESSION

BY

Offered:
Referred:

Sponsor(s): SENATORS DYSON, Bunde, Davis, Guess

A BILL

FOR AN ACT ENTITLED

1 "An Act relating to liability for destruction of property by an unemancipated minor;
2 and providing for an effective date."

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

4 * Section 1. The uncodified law of the State of Alaska is amended by adding a new section
5 to read:

6 INTENT. It is the intent of the legislature that this Act

7 (1) promote responsibility as well as the recovery of damages;

8 (2) require an unemancipated minor who causes civil damages to participate in
9 the justice process in order to provide a better remedy and to experience a learning
10 opportunity.

11 * Sec. 2. AS 34.50.020(a) is amended to read:

12 (a) Except as provided under (d) of this section, a [A] person, municipal
13 corporation, association, village, school district, or religious or charitable organization,
14 incorporated or unincorporated, may recover damages in a civil action [IN AN

1 AMOUNT NOT TO EXCEED \$10,000] and court costs from either parent or [,] both
2 parents [, OR THE LEGAL GUARDIAN] of an unemancipated minor under the age
3 of 18 years who, as a result of a knowing or intentional act, destroys real or personal
4 property belonging to the person, municipal corporation, association, village, school
5 district, or religious or charitable organization. However, for purposes of this
6 subsection, recovery in damages shall be apportioned by the court between the parents
7 [OR BETWEEN THE PARENTS AND LEGAL GUARDIAN, OR BOTH,] without
8 regard to legal custody but with due consideration for the actual care and custody of
9 the minor provided by the parents [OR LEGAL GUARDIAN].

10 * Sec. 3. AS 34.50.020(c) is amended to read:

11 (c) A parent [OR, IF ANY, A LEGAL GUARDIAN] of an unemancipated
12 minor under the age of 18 years who is a runaway or missing minor is not liable under
13 (a) of this section for the acts of the minor that are committed by the minor after a
14 parent [OR, IF ANY, A LEGAL GUARDIAN] of the minor has made a report to a
15 law enforcement agency, as authorized by AS 47.10.141(a), that the minor has run
16 away or is missing. In this subsection, "runaway or missing minor" means a minor
17 who a parent [OR LEGAL GUARDIAN OF THE MINOR] reasonably believes is
18 absent from the minor's residence for the purpose of evading a parent [OR THE
19 LEGAL GUARDIAN OF THE MINOR,] or who is otherwise missing from the
20 minor's usual place of abode without the consent of a parent [OR THE LEGAL
21 GUARDIAN OF THE MINOR].

22 * Sec. 4. AS 34.50.020 is amended by adding new subsections to read:

23 (d) Subsection (a) of this section does not authorize the recovery of damages
24 from

25 (1) a legal guardian; or

26 (2) the adoptive parents of a hard-to-place child if the adoptive parents
27 are receiving, at the time the property is destroyed, financial assistance from the state
28 as a result of the adoption; in this paragraph, "hard-to-place child" has the meaning
29 given in AS 25.23.240.

30 (e) If damages are recovered in a civil action as allowed under (a) of this
31 section, the court shall require the unemancipated minor who caused the damages to

1 provide a written report to the court regarding
2 (1) financial resources of the minor that are available for purposes of
3 restitution;
4 (2) restitution the minor has made to the claimants; and
5 (3) what, if anything, the minor has learned from the civil justice
6 process.

7 * Sec. 5. The uncodified law of the State of Alaska is amended by adding a new section to
8 read:

9 APPLICABILITY. This Act applies to a civil action that accrues on or after the
10 effective date of this Act.

11 * Sec. 6. This Act takes effect July 1, 2003.

Sec. 34.50.020. Liability for destruction of property by minors.

(a) A person, municipal corporation, association, village, school district, or religious or charitable organization, incorporated or unincorporated, may recover damages in a civil action in an amount not to exceed \$10,000 and court costs from either parent, both parents, or the legal guardian of an unemancipated minor under the age of 18 years who, as a result of a knowing or intentional act, destroys real or personal property belonging to the person, municipal corporation, association, village, school district, or religious or charitable organization. However, for purposes of this subsection, recovery in damages shall be apportioned by the court between the parents or between the parents and legal guardian, or both, without regard to legal custody but with due consideration for the actual care and custody of the minor provided by the parents or legal guardian.

(b) A state agency or its agents, including a person working in or responsible for the operation of a foster, receiving, or detention home, or children's institution, is not liable for the acts of unemancipated minors in its charge or custody. A state agency or an agent of a state agency, including a nonprofit corporation that designates shelters for runaways under AS 47.10.392 - 47.10.399 and employees of or volunteers with that corporation, is not liable for the acts of a minor sheltered in a shelter for runaways, as defined in AS 47.10.399.

(c) A parent or, if any, a legal guardian of an unemancipated minor under the age of 18 years who is a runaway or missing minor is not liable under (a) of this section for the acts of the minor that are committed by the minor after a parent or, if any, a legal guardian of the minor has made a report to a law enforcement agency, as authorized by AS 47.10.141 (a), that the minor has run away or is missing. In this subsection, "runaway or missing minor" means a minor who a parent or legal guardian of the minor reasonably believes is absent from the minor's residence for the purpose of evading a parent or the legal guardian of the minor, or who is otherwise missing from the minor's usual place of abode without the consent of a parent or the legal guardian of the minor.

Sec. 13.26.070. Powers and duties of guardian of minor.

A guardian of a minor has the powers and responsibilities of a parent who has not been deprived of custody of a minor and unemancipated child, except that a guardian is not legally obligated to provide from the guardian's own funds for the ward **and is not liable to third persons by reason of the parental relationship for acts of the ward.** In particular, and without qualifying the foregoing, a guardian:

(1) must take reasonable care of the ward's personal effects and commence protective proceedings if necessary to protect other property of the ward;

(2) may receive money payable for the support of the ward to the ward's parent, guardian or custodian under the terms of any statutory benefit or insurance system, or any private contract, devise, trust, conservatorship or custodianship; the guardian also may receive money or property of the ward paid or delivered by virtue of AS 13.26.015 ; any sums so received shall be applied to the ward's current needs for support, care and education; the guardian must exercise due care to conserve any excess for the ward's future needs unless a conservator has been appointed for the estate of the ward, in which case excess shall be paid over at least annually to the conservator; sums so received by the guardian may not be used for compensation for the guardian's services except as approved by order of court or as determined by a duly appointed conservator other than the guardian; a guardian may institute proceedings to compel the performance by any person of a duty to support the ward or to pay sums for the welfare of the ward;

(3) may facilitate the ward's education, social, or other activities and authorize medical or other professional care, treatment, or advice; a guardian is not liable by reason of this consent for injury to the ward resulting from the negligence or acts of third persons unless it would have been illegal for a parent to have consented; a guardian may consent to the marriage or adoption of the ward;

(4) must report the condition of the ward and of the ward's estate which has been subject to the guardian's possession or control, as ordered by court on petition of any person interested in the minor's welfare or as required by court rule.

SB 2

Sponsor Statement

"An Act relating to Parental Liability"

Updated: February 22, 2003

Contact: Senator Fred Dyson's office at (907) 465-2199

Last September Anchorage School District went on record that they want the legislature to erase limits that limit the amount of money they can sue for when students vandalize school property. Current state law limits recovery to not exceed \$10,000, an amount that too often does not cover actual damages. One vandalism spree last summer resulted in damages well over \$100,000 and this is unfortunately not an isolated event. Anchorage School District budgets approximately \$250,000 per year to clean up smashed computers, windows, and other school property.

The Alaska Association of School Boards (AASB) recently passed Resolution 2.21 that encourages the legislature to remove the cap to allow recovery of actual cost of intentional vandalism. The rationale: "Vandalism damages a school district's physical plant, has a negative impact on student learning, and demoralizes hard-working staff and students. Every dollar spent on repairing vandalism is a dollar we cannot invest in textbooks, teachers or technology."

SB 2 proposes a simple change to do exactly what the Anchorage School District and the AASB recommend. Foster parents will remain immune from the effects of this change because foster children are wards of the State. I anticipate adding an amendment that will protect caring parents who choose to adopt children who can be identified as potentially "high risk".

I anticipate discussion on whether some cap is a rational option to no cap. The question here is whether there is any legitimate governmental role to take the ultimate responsibility for a minor's action. It seems to me that the government should never take parental responsibility unless it is absolutely necessary in order to protect the best interests of the child. Four or five other states have no limits on parental liability.

CSSB 2 () 23-LS0079|S

Sectional Analysis

"An Act Relating to Parental Liability"

Updated: March 18, 2003

Contact: Senator Fred Dyson's office at (907) 465-2199

Section 1

(a) Deletes the \$10,000 limit on the amount that can be recovered to repair or replace real or personal property knowingly or intentionally destroyed by a minor.

Section 2

(c) (and Section 1) Deletions of "Legal Guardian" from this entire section of law. (34.50.020). The reason for this deletion is to remove legal guardians from the increased liability to parents that results from the elimination of the \$10,000 limit in Section 1. This change makes AS 34.50.020 consistent in principle with AS 13.26.070 that specifically states that, "A guardian of a minor... is not liable to third persons by reasons of the parental relationship for acts of the ward." This change is also consistent with the policies of DFYS that carries liability insurance to cover foster parents for "damage caused by the child to someone else's property or person."

Section 3

(d)(1) (A) Specifies that legal guardians are held harmless

(B) Specifies that parents that adopt a hard to place child are held harmless.

(d)(2) Recovery of damages is not allowed unless a judgment has been obtained against the minor. This means the assets of the minor, including the permanent fund dividend, must be put on the line to pay for damages before the assets of the minor's parents.

Sections 4 & 5 set date this act goes into effect and date for applicability.

23-LS0079\S
Ford
3/18/03

CS FOR SENATE BILL NO. 2()
IN THE LEGISLATURE OF THE STATE OF ALASKA
TWENTY-THIRD LEGISLATURE - FIRST SESSION

BY

Offered:
Referred:

Sponsor(s): SENATORS DYSON, Bunde, Davis, Guess

A BILL
FOR AN ACT ENTITLED

1 "An Act relating to recovery of civil damages from the parents or legal guardian of a
2 minor; and providing for an effective date."

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

4 * Section 1. AS 34.50.020(a) is amended to read:

5 (a) Except as provided under (d) of this section. a [A] person, municipal
6 corporation, association, village, school district, or religious or charitable organization,
7 incorporated or unincorporated, may recover damages in a civil action [IN AN
8 AMOUNT NOT TO EXCEED \$10,000] and court costs from either parent or [,] both
9 parents [, OR THE LEGAL GUARDIAN] of an unemancipated minor under the age
10 of 18 years who, as a result of a knowing or intentional act, destroys real or personal
11 property belonging to the person, municipal corporation, association, village, school
12 district, or religious or charitable organization. However, for purposes of this
13 subsection, recovery in damages shall be apportioned by the court between the parents
14 [OR BETWEEN THE PARENTS AND LEGAL GUARDIAN, OR BOTH,] without

1 regard to legal custody but with due consideration for the actual care and custody of
2 the minor provided by the parents [OR LEGAL GUARDIAN].

3 * Sec. 2. AS 34.50.020(c) is amended to read:

4 (c) A parent [OR, IF ANY, A LEGAL GUARDIAN] of an unemancipated
5 minor under the age of 18 years who is a runaway or missing minor is not liable under
6 (a) of this section for the acts of the minor that are committed by the minor after a
7 parent [OR, IF ANY, A LEGAL GUARDIAN] of the minor has made a report to a
8 law enforcement agency, as authorized by AS 47.10.141(a), that the minor has run
9 away or is missing. In this subsection, "runaway or missing minor" means a minor
10 who a parent [OR LEGAL GUARDIAN OF THE MINOR] reasonably believes is
11 absent from the minor's residence for the purpose of evading a parent [OR THE
12 LEGAL GUARDIAN OF THE MINOR,] or who is otherwise missing from the
13 minor's usual place of abode without the consent of a parent [OR THE LEGAL
14 GUARDIAN OF THE MINOR].

15 * Sec. 3. AS 34.50.020 is amended by adding a new subsection to read:

16 (d) Subsection (a) of this section does not

17 (1) authorize the recovery of damages from

18 (A) a legal guardian; or

19 (B) the adoptive parents of a hard-to-place child if the adoptive
20 parents are receiving financial assistance from the state as a result of the
21 adoption; in this subparagraph, "hard-to-place child" has the meaning given in
22 AS 25.23.240; or

23 (2) allow recovery of damages in a civil action unless the person
24 bringing the civil action has first obtained a judgment against the unemancipated
25 minor for the damages described under (a) of this section.

26 * Sec. 4. The uncodified law of the State of Alaska is amended by adding a new section to
27 read:

28 APPLICABILITY. This Act applies to a civil action that accrues on or after the
29 effective date of this Act.

30 * Sec. 5. This Act takes effect July 1, 2003.

Note on **CSSB 2 () 23-LS0079 |S:**

The core intent of SB 2 is to remove the \$10,000 limit on the amount that can be recovered from parents when a minor intentionally and knowingly destroys or damages property. This core intent is maintained in cssb 2 () 23-LS0079 |s.

The intent expanded to ensure that adults who have the love and resources to take on parental responsibilities for children not fortunate enough to have functioning parents be protected from incurring liability for destructive actions of the children they are trying to help. Passage of this CS will clarify the following:

- 1. Clarification that legal guardians are held harmless (Section 3 of |S)*
- 2. Adoptive parents of hard to place minors are held harmless. (Section 3 of |S)*
- 3. Foster parents are held harmless (existing law: AS 34.50.020 (b)) (attached).*

This is a "clarification" for legal guardians and not a policy change, as is reflected in AS 13.26.070 (attached).

This is a "clarification" for adoptive parents of hard to place children because this CS clearly states (new language) what has been DFYS policy.

Foster parents are not addressed in this CSSB 2. They are already specifically exempted from liability in AS 34.50.020(b).

The CS also includes the added intent to require a minor to be the first in line to pay for damages before damages can be sought from parents. (This has nothing to do with foster parents, legal guardians, or the special adoptive parents) (Section 3, (d) (2) of |S).

Sec. 34.50.020. Liability for destruction of property by minors.

(a) A person, municipal corporation, association, village, school district, or religious or charitable organization, incorporated or unincorporated, may recover damages in a civil action in an amount not to exceed \$10,000 and court costs from either parent, both parents, or the legal guardian of an unemancipated minor under the age of 18 years who, as a result of a knowing or intentional act, destroys real or personal property belonging to the person, municipal corporation, association, village, school district, or religious or charitable organization. However, for purposes of this subsection, recovery in damages shall be apportioned by the court between the parents or between the parents and legal guardian, or both, without regard to legal custody but with due consideration for the actual care and custody of the minor provided by the parents or legal guardian.

(b) A state agency or its agents, including a person working in or responsible for the operation of a foster, receiving, or detention home, or children's institution, is not liable for the acts of unemancipated minors in its charge or custody. A state agency or an agent of a state agency, including a nonprofit corporation that designates shelters for runaways under AS 47.10.392 - 47.10.399 and employees of or volunteers with that corporation, is not liable for the acts of a minor sheltered in a shelter for runaways, as defined in AS 47.10.399.

(c) A parent or, if any, a legal guardian of an unemancipated minor under the age of 18 years who is a runaway or missing minor is not liable under (a) of this section for the acts of the minor that are committed by the minor after a parent or, if any, a legal guardian of the minor has made a report to a law enforcement agency, as authorized by AS 47.10.141 (a), that the minor has run away or is missing. In this subsection, "runaway or missing minor" means a minor who a parent or legal guardian of the minor reasonably believes is absent from the minor's residence for the purpose of evading a parent or the legal guardian of the minor, or who is otherwise missing from the minor's usual place of abode without the consent of a parent or the legal guardian of the minor.

Sec. 13.26.070. Powers and duties of guardian of minor.

A guardian of a minor has the powers and responsibilities of a parent who has not been deprived of custody of a minor and unemancipated child, except that a guardian is not legally obligated to provide from the guardian's own funds for the ward **and is not liable to third persons by reason of the parental relationship for acts of the ward.** In particular, and without qualifying the foregoing, a guardian:

(1) must take reasonable care of the ward's personal effects and commence protective proceedings if necessary to protect other property of the ward;

(2) may receive money payable for the support of the ward to the ward's parent, guardian or custodian under the terms of any statutory benefit or insurance system, or any private contract, devise, trust, conservatorship or custodianship; the guardian also may receive money or property of the ward paid or delivered by virtue of AS 13.26.015 ; any sums so received shall be applied to the ward's current needs for support, care and education; the guardian must exercise due care to conserve any excess for the ward's future needs unless a conservator has been appointed for the estate of the ward, in which case excess shall be paid over at least annually to the conservator; sums so received by the guardian may not be used for compensation for the guardian's services except as approved by order of court or as determined by a duly appointed conservator other than the guardian; a guardian may institute proceedings to compel the performance by any person of a duty to support the ward or to pay sums for the welfare of the ward;

(3) may facilitate the ward's education, social, or other activities and authorize medical or other professional care, treatment, or advice; a guardian is not liable by reason of this consent for injury to the ward resulting from the negligence or acts of third persons unless it would have been illegal for a parent to have consented; a guardian may consent to the marriage or adoption of the ward;

(4) must report the condition of the ward and of the ward's estate which has been subject to the guardian's possession or control, as ordered by court on petition of any person interested in the minor's welfare or as required by court rule.



SENATOR FRED DYSON

SB 2

Sponsor Statement

"An Act relating to Parental Liability"

Updated: February 22, 2003

Contact: Senator Fred Dyson's office at (907) 465-2199

Last September Anchorage School District went on record that they want the legislature to erase limits that limit the amount of money they can sue for when students vandalize school property. Current state law limits recovery to not exceed \$10,000, an amount that too often does not cover actual damages. One vandalism spree last summer resulted in damages well over \$100,000 and this is unfortunately not an isolated event. Anchorage School District budgets approximately \$250,000 per year to clean up smashed computers, windows, and other school property.

The Alaska Association of School Boards (AASB) recently passed Resolution 2.21 that encourages the legislature to remove the cap to allow recovery of actual cost of intentional vandalism. The rationale: "Vandalism damages a school district's physical plant, has a negative impact on student learning, and demoralizes hard-working staff and students. Every dollar spent on repairing vandalism is a dollar we cannot invest in textbooks, teachers or technology."

SB 2 proposes a simple change to do exactly what the Anchorage School District and the AASB recommend. Foster parents will remain immune from the effects of this change because foster children are wards of the State. I anticipate adding an amendment that will protect caring parents who choose to adopt children who can be identified as potentially "high risk".

I anticipate discussion on whether some cap is a rational option to no cap. The question here is whether there is any legitimate governmental role to take the ultimate responsibility for a minor's action. It seems to me that the government should never take parental responsibility unless it is absolutely necessary in order to protect the best interests of the child. Four or five other states have no limits on parental liability.

23-LS0079\H
Ford
3/6/03

CS FOR SENATE BILL NO. 2()

IN THE LEGISLATURE OF THE STATE OF ALASKA

TWENTY-THIRD LEGISLATURE - FIRST SESSION

BY

**Offered:
Referred:**

Sponsor(s): SENATORS DYSON, Bunde, Davis, Guess

A BILL

FOR AN ACT ENTITLED

1 "An Act relating to recovery of civil damages from the parents or legal guardian of a
2 minor; and providing for an effective date."

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

4 * **Section 1.** AS 34.50.020(a) is amended to read:

5 (a) A person, municipal corporation, association, village, school district, or
6 religious or charitable organization, incorporated or unincorporated¹, may recover
7 damages in a civil action [IN AN AMOUNT NOT TO EXCEED \$10,000] and court
8 costs from either parent or [,] both parents [, OR THE LEGAL GUARDIAN] of an
9 unemancipated minor under the age of 18 years who, as a result of a knowing or
10 intentional act, destroys real or personal property belonging to the person, municipal
11 corporation, association, village, school district, or religious or charitable organization.
12 However, for purposes of this subsection, recovery in damages shall be apportioned by
13 the court between the parents [OR BETWEEN THE PARENTS AND LEGAL
14 GUARDIAN, OR BOTH,] without regard to legal custody but with due consideration

1 for the actual care and custody of the minor provided by the parents [OR LEGAL
2 GUARDIAN].

3 * Sec. 2. AS 34.50.020(c) is amended to read:

4 (c) A parent [OR, IF ANY, A LEGAL GUARDIAN] of an unemancipated
5 minor under the age of 18 years who is a runaway or missing minor is not liable under
6 (a) of this section for the acts of the minor that are committed by the minor after a
7 parent [OR, IF ANY, A LEGAL GUARDIAN] of the minor has made a report to a
8 law enforcement agency, as authorized by AS 47.10.141(a), that the minor has run
9 away or is missing. In this subsection, "runaway or missing minor" means a minor
10 who a parent [OR LEGAL GUARDIAN OF THE MINOR] reasonably believes is
11 absent from the minor's residence for the purpose of evading a parent [OR THE
12 LEGAL GUARDIAN OF THE MINOR,] or who is otherwise missing from the
13 minor's usual place of abode without the consent of a parent [OR THE LEGAL
14 GUARDIAN OF THE MINOR].

15 * Sec. 3. AS 34.50.020 is amended by adding a new subsection to read:

16 (d) In this section, "parent" or "parents" does not include a legal guardian.

17 * Sec. 4. The uncodified law of the State of Alaska is amended by adding a new section to
18 read:

19 APPLICABILITY. This Act applies to a civil action that accrues on or after the
20 effective date of this Act.

21 * Sec. 5. This Act takes effect July 1, 2003.

SENATE BILL NO. 2

IN THE LEGISLATURE OF THE STATE OF ALASKA

TWENTY-THIRD LEGISLATURE - FIRST SESSION

BY SENATORS DYSON, Bunde, Davis, Guess

Introduced: 1/21/03

Referred: Health, Education and Social Services, Judiciary

A BILL

FOR AN ACT ENTITLED

1 "An Act relating to recovery of civil damages from the parents or legal guardian of a
2 minor; and providing for an effective date."

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

4 * Section 1. AS 34.50.020(a) is amended to read:

5 (a) A person, municipal corporation, association, village, school district, or
6 religious or charitable organization, incorporated or unincorporated, may recover
7 damages in a civil action [IN AN AMOUNT NOT TO EXCEED \$10,000] and court
8 costs from either parent, both parents, or the legal guardian of an unemancipated
9 minor under the age of 18 years who, as a result of a knowing or intentional act,
10 destroys real or personal property belonging to the person, municipal corporation,
11 association, village, school district, or religious or charitable organization. However,
12 for purposes of this subsection, recovery in damages shall be apportioned by the court
13 between the parents or between the parents and legal guardian, or both, without regard
14 to legal custody but with due consideration for the actual care and custody of the

1 minor provided by the parents or legal guardian.

2 * Sec. 2. The uncodified law of the State of Alaska is amended by adding a new section to
3 read:

4 APPLICABILITY. This Act applies to a civil action that accrues on or after the
5 effective date of this Act.

6 * Sec. 3. This Act takes effect July 1, 2003.

FISCAL NOTE

STATE OF ALASKA
2003 LEGISLATIVE SESSION

Fiscal Note Number: 1
Bill Version: SB 2
(S) Publish Date: 2/26/03

Revision Date/Time (Note if correction): _____ Dept. Affected: DCED
Title Parent Liability for Damage by Child BRU Community Assist & Econ Dev. (405)
Component Community & Business Development
Sponsor Senator Dyson
Requester Senate Health Education & Social Services Component No. 2486

Expenditures/Revenues (Thousands of Dollars)

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

OPERATING EXPENDITURES	FY 2004	FY 2005	FY 2006	FY 2007	FY 2008	FY 2009
Personal Services						
Travel						
Contractual						
Supplies						
Equipment						
Land & Structures						
Grants & Claims						
Miscellaneous						
TOTAL OPERATING	0.0	0.0	0.0	0.0	0.0	0.0

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

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

FUND SOURCE (Thousands of Dollars)

1002 Federal Receipts						
1003 GF Match						
1004 GF						
1005 GF/Program Receipts						
1037 GF/Mental Health						
Other (Specify Type--Do not abbreviate)						
TOTAL	0.0	0.0	0.0	0.0	0.0	0.0

Estimate of any current year (FY2003) cost: 0.0
Mark this box (X) if funding for this bill is included in the Governor's FY 2004 budget proposal:

POSITIONS

Full-time						
Part-time						
Temporary						

ANALYSIS: (Attach a separate page if necessary)

This bill has no fiscal impacts to the operations of this department.

Prepared by: Gene Kane, Acting Director Phone 907-269-4578
Division Community & Business Development Date/Time 2/24/03 4:10 PM
Approved by: Edgar Blatchford, Commissioner Date 2/24/2003
Agency Department of Community & Economic Development

Anchorage Daily News

Date: 9/24/02

Schools want damage limits erased

Anchorage School District officials want to erase limits that dictate the amount of money they can sue for when students vandalize school property. Current state law says the district can sue an 18-year-old culprit or a minor's parents for up to \$10,000. Sometimes that doesn't cover actual damages, Superintendent Carol Comeau said. Members of the School Board's legislative subcommittee plan to lobby state lawmakers to do away with the cap. They want the freedom to sue for actual costs.

On Monday, the board voted unanimously to ask the Alaska Association of School Boards to make this move one of its 2002 resolutions. They want the backing of that group when time comes to persuade politicians.

Students smash windows and computers and trash Anchorage schools often enough that the district budget includes about \$250,000 a year to clean up. But financial retribution is hampered by the \$10,000 limit. There used to be a \$2,000 ceiling on lawsuits but the Legislature increased it in 1995. "We need to be able to recover the full cost of vandalism," Comeau said. "The current law limits recovery, and we think it's wrong because it penalizes the taxpayer." School Board member Rita Holthouse said the subcommittee will push to change the law, whether or not the state school board association signs on. The \$10,000 limit wasn't as noticeable with the more frequent lower-cost incidents, said Howard Trickey, one of the district's attorneys. But when kids do more than \$100,000 in damage, \$10,000 hardly helps. And the district's insurance policy applies only to damage amounts of more than \$1 million.

The most recent big-ticket vandalism came last summer when two teenagers destroyed buildings and equipment at the school maintenance facility in South Anchorage. District officials and the public were outraged. "It looked like a tornado had been there," said Ed Conyers, then the district's maintenance director. Vandalism at schools results mostly in small losses that quickly add up -- broken windows, gouges in desks, busted locks. The maintenance facility vandalism spree packed a financial wallop originally estimated by police at \$500,000. Later district officials said the sum was closer to \$100,000. It was one of the more costly attacks in recent years but not an isolated incident. The new Dimond High School, currently under construction, sustained \$177,000 in damage last year when teenagers trashed the inside, which was just taking shape. Students broke into the then new Mirror Lake Middle School in Eagle River about five years ago and chewed through property with a forklift. The roughly 120 employees in the maintenance department spend up to 15 percent of their time cleaning up this vandalism, Conyers said.

The district has tried to reduce the problem. Crews board up windows at more than a dozen schools during summer. Last summer, the district recruited volunteers who lived in motor homes at various schools to keep an eye out for troublemakers. Comeau has asked people who live near schools to watch for suspicious activity. And whenever possible, the district sues. Their legal success is mixed, Comeau said. She or other employees attend hearings, give the judge impact statements on damage, and work closely with police. "We routinely get reimbursement just from kids breaking windows," Conyers said. "That may only be \$250, but we still get it."

ALASKA ASSOCIATION OF SCHOOL BOARDS

RESOLUTION 2.21 INCREASE LIABILITY FOR DESTRUCTION OF PROPERTY BY MINORS

AASB encourages the Legislature to increase the maximum that may be recovered from either parent, both parents, or the legal guardian of an unemancipated minor under the age of 18 years who, as a result of a knowing or intentional act, destroys real or personal property belonging to a school district from \$10,000 to the actual amount of damages.

Rationale. Vandalism damages a school district's physical plant, has a negative impact on student learning, and demoralizes hard-working staff and students. Every dollar spent on repairing vandalism is a dollar we cannot invest in textbooks, teachers or technology.

Currently, school districts can recover a maximum of \$10,000 from either parent, both parents, or the legal guardian of an unemancipated minor under the age of 18 years who, as the result of a knowing intentional act, destroys real or personal property belonging to a school district. The current law forces taxpayers to bear the cost of vandalism even when a parent's liability insurance is otherwise available to pay the full cost. Adopted 2002 (Sunset: Nov. 2007)

Blank CS SB 2

March 17, 2003

Senate Judiciary:

The Core purpose of SB2 is to remove the \$10,000 limit on the amount that can be recovered from the parents of a minor when the minor has intentionally destroyed property.

There has been some discussion that it may be more appropriate to raise the cap as opposed to removing it altogether. At this point, the Sponsor is unwilling to agree to raising the cap. The foundational policy issue at stake is whether parents have the right and responsibility for controlling the actions of their children. If we remove or limit the responsibility for the actions of a minor, we are in effect usurping a basic parental responsibility. If the state doesn't in turn take on that fiscal responsibility, the cost of replacing or repairing destroyed property is forced onto the victim or the taxpayers of Alaska. If the State does take the fiscal responsibility, the incentive for proper care of children is removed.

- Please keep in mind that no one will starve or lose their home because of this law. We have good bankruptcy protection laws that allow the retention of home, transportation, and tools of the trade. It is true that it will be more risky to raise uncontrolled children, but there are other laws to prevent total ruination.
- Just because the limit is removed does not mean that the judge and defense attorney cannot negotiate a less than 100% recovery of damages. If there are mitigating circumstances acceptable to the parties involved, any settlement could be agreed upon.

Reason for the CS:

- Fixes inconsistency between AS 13.26.070 (attached) and AS 34.50.020 (attached).
- CSSB 2 (), version 23-LS0079\I changes the title 34 law to be consistent with the title 13 law.
- This reflects the way the department is doing business. The State carries liability insurance to protect foster families for "damage caused by the child to someone else's property or person" (from page 25 of the "Alaska Foster Parent Handbook") (attached).

Reason for the proposed amendment:

- Several Senators pointed out that the child is not being held responsible in this law. Legal Services has advised me that there is no law that prevents anyone from pursuing the assets of a minor. Any victim can currently get a judgment attached to a minors Permanent fund dividend or any of his or her assets. This is not often done --- presumably because of the relatively small annual revenue source and the extra work of having it renewed every 5 years as required by law... Amendment 23-LS0079\I.1 would require a victim to first obtain a judgment against the minor before pursuing the parent's assets.

Sec. 13.26.070. Powers and duties of guardian of minor.

A guardian of a minor has the powers and responsibilities of a parent who has not been deprived of custody of a minor and unemancipated child, except that a guardian is not legally obligated to provide from the guardian's own funds for the ward **and is not liable to third persons by reason of the parental relationship for acts of the ward.** In particular, and without qualifying the foregoing, a guardian:

(1) must take reasonable care of the ward's personal effects and commence protective proceedings if necessary to protect other property of the ward;

(2) may receive money payable for the support of the ward to the ward's parent, guardian or custodian under the terms of any statutory benefit or insurance system, or any private contract, devise, trust, conservatorship or custodianship; the guardian also may receive money or property of the ward paid or delivered by virtue of AS 13.26.015 ; any sums so received shall be applied to the ward's current needs for support, care and education; the guardian must exercise due care to conserve any excess for the ward's future needs unless a conservator has been appointed for the estate of the ward, in which case excess shall be paid over at least annually to the conservator; sums so received by the guardian may not be used for compensation for the guardian's services except as approved by order of court or as determined by a duly appointed conservator other than the guardian; a guardian may institute proceedings to compel the performance by any person of a duty to support the ward or to pay sums for the welfare of the ward;

(3) may facilitate the ward's education, social, or other activities and authorize medical or other professional care, treatment, or advice; a guardian is not liable by reason of this consent for injury to the ward resulting from the negligence or acts of third persons unless it would have been illegal for a parent to have consented; a guardian may consent to the marriage or adoption of the ward;

(4) must report the condition of the ward and of the ward's estate which has been subject to the guardian's possession or control, as ordered by court on petition of any person interested in the minor's welfare or as required by court rule.

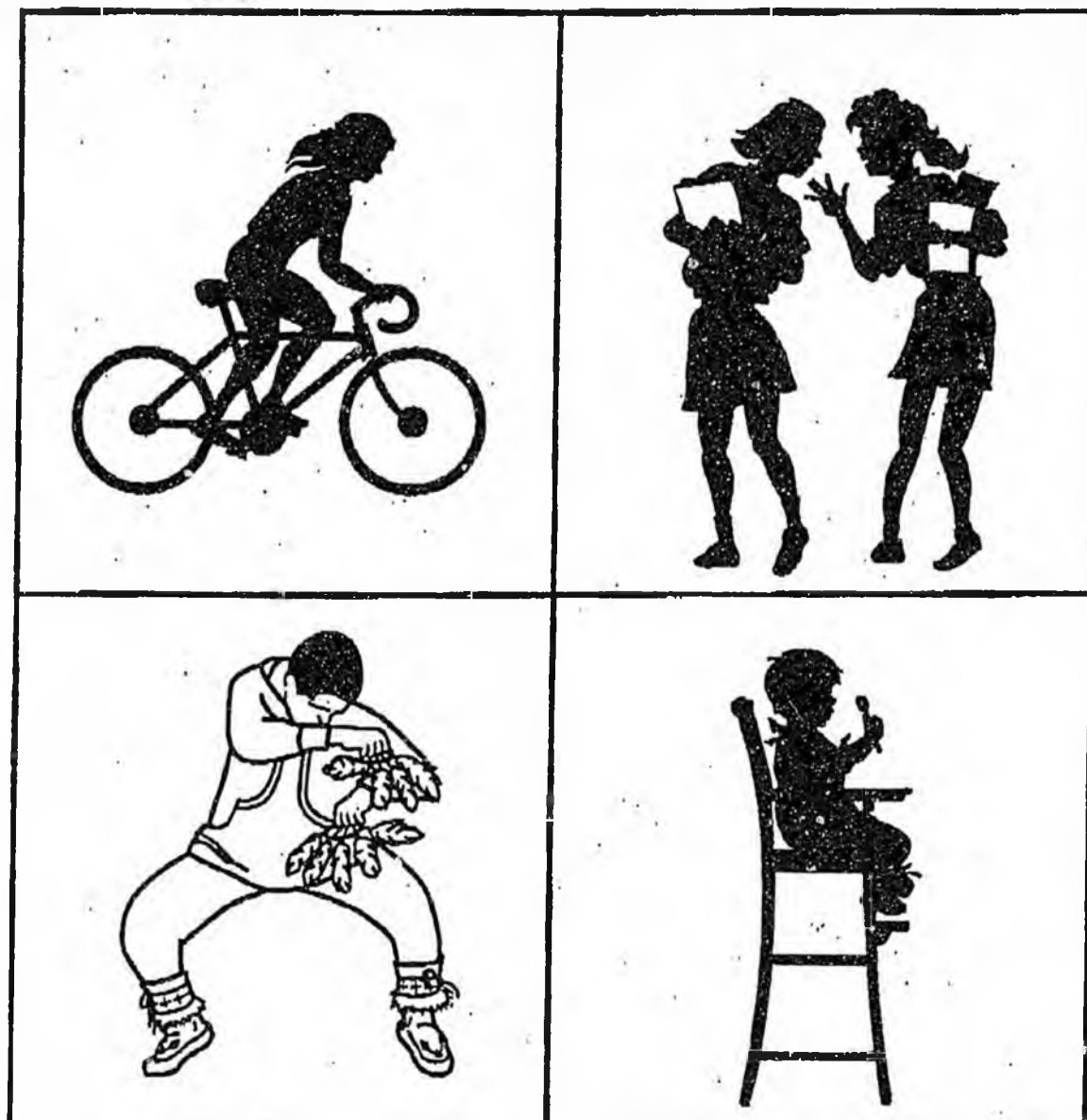
Sec. 34.50.020. Liability for destruction of property by minors.

(a) A person, municipal corporation, association, village, school district, or religious or charitable organization, incorporated or unincorporated, may recover damages in a civil action in an amount not to exceed \$10,000 and court costs from either parent, both parents, or the legal guardian of an unemancipated minor under the age of 18 years who, as a result of a knowing or intentional act, destroys real or personal property belonging to the person, municipal corporation, association, village, school district, or religious or charitable organization. However, for purposes of this subsection, recovery in damages shall be apportioned by the court between the parents or between the parents and legal guardian, or both, without regard to legal custody but with due consideration for the actual care and custody of the minor provided by the parents or legal guardian.

(b) A state agency or its agents, including a person working in or responsible for the operation of a foster, receiving, or detention home, or children's institution, is not liable for the acts of unemancipated minors in its charge or custody. A state agency or an agent of a state agency, including a nonprofit corporation that designates shelters for runaways under AS 47.10.392 - 47.10.399 and employees of or volunteers with that corporation, is not liable for the acts of a minor sheltered in a shelter for runaways, as defined in AS 47.10.399.

(c) A parent or, if any, a legal guardian of an unemancipated minor under the age of 18 years who is a runaway or missing minor is not liable under (a) of this section for the acts of the minor that are committed by the minor after a parent or, if any, a legal guardian of the minor has made a report to a law enforcement agency, as authorized by AS 47.10.141 (a), that the minor has run away or is missing. In this subsection, "runaway or missing minor" means a minor who a parent or legal guardian of the minor reasonably believes is absent from the minor's residence for the purpose of evading a parent or the legal guardian of the minor, or who is otherwise missing from the minor's usual place of abode without the consent of a parent or the legal guardian of the minor.

THE
FOLLOWING
DOCUMENT(S)
ARE
POOR
ORIGINAL
COPIES



Alaska Foster Parent Handbook

**Division of Family and Youth Services
Department of Health and Social Services
State of Alaska**

***Written By The Alaska Foster Parent Training Center
Updated August 1999***

Other Financial Considerations...

Income Tax Of The Foster Parent

The payment you receive for providing regular foster care is considered reimbursement for expenses incurred in providing care for the children in your home. Special increased payments for children requiring extra care are usually also considered as reimbursement. However, if your home is a specialized stand-by emergency home that receives a payment incentive to keep beds available, the incentive payment or stipend is considered taxable income. The foster care payment you receive for the actual children who stay in your home is not taxable. Contact your nearest Internal Revenue Service (IRS) for more information on what portions, if any, of foster care payment must be reported as income when you file your federal income tax return. Refer to **IRS Publication 17** under the section for Dependents in Chapter 3.

Liability Insurance

Liability coverage is provided for all DFYS foster families through the Alaska Department of Administration, Division of Risk Management. This coverage is designed for legal actions brought against the foster parents because of accidental injury to the child or damage caused by the child to someone else's property or person. This coverage is in effect during any time that you are providing foster care.

State liability protection is extended to a foster parent for allowing a foster child's participation in a risk activity that is not usual for the community if written permission is obtained from the child's parent or guardian or from the division.

Alaska Permanent Fund Dividend Check

The placement worker is responsible for applying for the foster child's Alaska Permanent Fund Dividend Check for every year the child is in care. The money will be held in trust for the child until the child emancipates from foster care or until custody is returned to the birth parents or to a permanent placement where the child is not in division custody.

Child Support Enforcement

When a child comes into care of the state, whether through public assistance or foster care, DFYS is required to contact the State of Alaska Child Support Enforcement Division. Child support will open a file and contact the birth parents for child support contributing to the care of a child. If child support is paid by the parents of a child in foster care, the money goes to the state to help cover the costs during the time the child is in out-of-home care.

AMENDMENT

OFFERED IN THE SENATE

BY SENATOR DYSON

TO: CSSB 2(), Draft Version "I"

1 Page 2, line 16, following "not":

2 Insert "(1)"

3

4 Page 2, line 18:

5 Delete "(1)"

6 Insert "(A)"

7

8 Page 2, line 19:

9 Delete "(2)"

10 Insert "(B)"

11

12 Page 2, line 20, following "adoption":

13 Insert "; or

14 (2) allow recovery of damages in a civil action unless the person
15 bringing the civil action has first obtained a judgment against the unemancipated
16 minor for the damages described under (a) of this section"

1 regard to legal custody but with due consideration for the actual care and custody of
2 the minor provided by the parents [OR LEGAL GUARDIAN].

3 * Sec. 2. AS 34.50.020(c) is amended to read:

4 (c) A parent [OR, IF ANY, A LEGAL GUARDIAN] of an unemancipated
5 minor under the age of 18 years who is a runaway or missing minor is not liable under
6 (a) of this section for the acts of the minor that are committed by the minor after a
7 parent [OR, IF ANY, A LEGAL GUARDIAN] of the minor has made a report to a
8 law enforcement agency, as authorized by AS 47.10.141(a), that the minor has run
9 away or is missing. In this subsection, "runaway or missing minor" means a minor
10 who a parent [OR LEGAL GUARDIAN OF THE MINOR] reasonably believes is
11 absent from the minor's residence for the purpose of evading a parent [OR THE
12 LEGAL GUARDIAN OF THE MINOR,] or who is otherwise missing from the
13 minor's usual place of abode without the consent of a parent [OR THE LEGAL
14 GUARDIAN OF THE MINOR].

15 * Sec. 3. AS 34.50.020 is amended by adding a new subsection to read:

16 (d) Subsection (a) of this section does not ⁽¹⁾ authorize the recovery of damages
17 from
18 ~~(A)~~ a legal guardian; or
19 ~~(B)~~ the adoptive parents of an unemancipated minor if the adoptive
20 parents are receiving financial assistance from the state as a result of the adoption.

21 * Sec. 4. The uncodified law of the State of Alaska is amended by adding a new section to
22 read:

23 APPLICABILITY. This Act applies to a civil action that accrues on or after the
24 effective date of this Act.

25 * Sec. 5. This Act takes effect July 1, 2003.

→ (2) allow recovery of damages in civil
action unless the person bringing the
civil action has first obtained a judgement
against the unemancipated minor for
the damages described under (a) of this
section.

CS FOR SENATE BILL NO. 2()

IN THE LEGISLATURE OF THE STATE OF ALASKA

TWENTY-THIRD LEGISLATURE - FIRST SESSION

BY

AMENDED

Offered:
Referred:

Sponsor(s): SENATORS DYSON, Bunde, Davis, Guess

A BILL

FOR AN ACT ENTITLED

1 "An Act relating to recovery of civil damages from the parents or legal guardian of a
2 minor; and providing for an effective date."

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

4 * Section 1. AS 34.50.020(a) is amended to read:

5 (a) Except as provided under (d) of this section, a [A] person, municipal
6 corporation, association, village, school district, or religious or charitable organization,
7 incorporated or unincorporated, may recover damages in a civil action [IN AN
8 AMOUNT NOT TO EXCEED \$10,000] and court costs from either parent or [,] both
9 parents [, OR THE LEGAL GUARDIAN] of an unemancipated minor under the age
10 of 18 years who, as a result of a knowing or intentional act, destroys real or personal
11 property belonging to the person, municipal corporation, association, village, school
12 district, or religious or charitable organization. However, for purposes of this
13 subsection, recovery in damages shall be apportioned by the court between the parents
14 [OR BETWEEN THE PARENTS AND LEGAL GUARDIAN, OR BOTH,] without

SB

8

23-LS0126D
Luckhaupt
4/29/03

CS FOR SENATE BILL NO. 8()
IN THE LEGISLATURE OF THE STATE OF ALASKA
TWENTY-THIRD LEGISLATURE - FIRST SESSION

BY

Offered:
Referred:

Sponsor(s): SENATOR DAVIS

A BILL

FOR AN ACT ENTITLED

1 "An Act relating to tampering with public records."

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

3 * Section 1. AS 11.56.815(a) is amended to read:

4 (a) A person commits the crime of tampering with public records in the first
5 degree if the person violates

6 (1) AS 11.56.820(a)(3) with intent to obtain a benefit for that person or
7 any person or to injure or deprive another person of a benefit; or

8 (2) AS 11.56.820(a)(1) or (2) with the intent to conceal a fact
9 material to an investigation or the provision of services under AS 47.10, AS 47.12,
10 AS 47.17, AS 47.20, or AS 47.24.

ALASKA STATE LEGISLATURE

Senate
Health, Education &
Social Services
Committee

Senate
Labor & Commerce
Committee

Senate
State Affairs
Committee



While in Session
State Capitol
Juneau, Alaska 99801
(907) 465-3822
Fax: (907) 465-3756

While in Anchorage
716 West 4th Avenue
Anchorage, Alaska 99501
(907) 269-0144
Fax: (907) 269-0148

SENATOR BETTYE DAVIS

Senator_Bettye_Davis@legis.state.ak.us
www.akdemocrats.org

Memorandum

To: Senator Ralph Seekins, Chair
Senate Judiciary Committee

From: Senator Bettye Davis

Date: April 4, 2003

RE: Request for Hearing, SB 8

I respectfully request a hearing for Senate Bill 8.

I have attached the following:

- Current version of the bill
- Sponsor Statement
- Sectional Analysis
- Background material

Alaska State Legislature

Interim: (May - Dec.)
716 W. 4th Ave
Anchorage, AK 99501
Phone: (907) 269-0144
Fax: (907) 269-0148



Session: (Jan. - May)
State Capitol, Suite 7
Juneau, AK 99801-1182
Phone: (907) 465-3822
Fax: (907) 465-3756
Toll free: (800) 770-3822

Senator Bettye Davis@legis.state.ak.us
<http://www.akdemocrats.org>

Senator Bettye Davis

Senate Bill 8

" An Act relating to tampering with public records."

Sponsor Statement

The tampering of public records at any time is illegal and can create problems and set in motion a series of unintended consequences. However when the tampering involves the records of a child under the age of 18 in the care or custody of the state those consequences can be grave.

Accurate and honest record keeping are of paramount importance to the state in the decisions that must be made for our most vulnerable citizens, our children. The mere fact that these children are already in the care or custody of the state suggests that they must be handled with extra care. We must take that extra step to insure all records dealing with their care are maintained with highest standard of integrity.

I ask for your support in the passage of this important legislation.

SENATE BILL NO. 8

IN THE LEGISLATURE OF THE STATE OF ALASKA

TWENTY-THIRD LEGISLATURE - FIRST SESSION

BY SENATOR DAVIS

Introduced: 1/21/03

Referred: Health, Education and Social Services, Judiciary

A BILL

FOR AN ACT ENTITLED

1 "An Act relating to tampering with public records."

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

3 * Section 1. AS 11.56.815(a) is amended to read:

4 (a) A person commits the crime of tampering with public records in the first
5 degree if the person violates

6 (1) AS 11.56.820(a)(3) with intent to obtain a benefit for that person or
7 any person or to injure or deprive another person of a benefit; or

8 (2) AS 11.56.820(a)(1) or (2) and the public record relates to a
9 child under 18 years of age in the care or custody of the state.

SB 8 Changes Underlined

AS 11.56.815. Tampering With Public Records in the First Degree.

(a) A person commits the crime of tampering with public records in the first degree if the person violates

(1) AS 11.56.820(a)(3) with intent to obtain a benefit for that person or any person or to injure or deprive another person of a benefit; or

(2) AS 11.56.820(a)(1) or (2) and the public record relates to a child under 18 years of age in the care or custody of the state.

(b) Tampering with public records in the first degree is a class C felony.

AS 11.56.820. Tampering With Public Records in the Second Degree.

(a) A person commits the crime of tampering with public records in the second degree if the person

(1) knowingly makes a false entry in or falsely alters a public record;

(2) knowingly destroys, mutilates, suppresses, conceals, removes, or otherwise impairs the verity, legibility, or availability of a public record, knowing that the person lacks the authority to do so; or

(3) certifies a public record setting out a claim against a government agency, or the property of a government agency, with reckless disregard of whether the claim is lawful, or that payment of the claim is not authorized in the budget of the government agency.

(b) In this section

(1) "certifies" means attesting to the existence, truth, or accuracy of facts, or that one holds an opinion, stated in a public record; the term includes the responsibilities for state officials set out in AS 37.10.030;

(2) "falsely alters" has the meaning ascribed to it in AS 11.46.580 ; and

(3) "makes a false entry" means to change or create a public record, whether complete or incomplete, by means of erasure, obliteration, deletion, insertion of new matter, transposition of matter, or by any other means, so that the record so changed or created states or implies a fact that the maker knows is not true, or states or implies an opinion that the maker does not hold.

(c) Tampering with public records in the second degree is a class A misdemeanor.

AS 12.55.125. Sentences of Imprisonment For Felonies.

(e) A defendant convicted of a class C felony may be sentenced to a definite term of imprisonment of not more than five years, and shall be sentenced to the following presumptive terms, subject to adjustment as provided in AS 12.55.155 - 12.55.175:

- (1) if the offense is a second felony conviction, two years;
- (2) if the offense is a third felony conviction, three years.

Alaska State Legislature

Interim: (May - Dec.)
716 W. 4th Ave
Anchorage, AK 99501
Phone: (907) 269-0144
Fax: (907) 269-0148



Session: (Jan. - May)
State Capitol, Suite 7
Juneau, AK 99801-1182
Phone: (907) 465-3822
Fax: (907) 465-3756
Toll free: (800) 770-3822

Senator Bettye Davis bettye@legis.state.ak.us
<http://www.akdemocrats.org>

Senator Bettye Davis

Sectional Analysis Senate Bill 8

Section 1. Amends the crime of tampering with public records in the first degree¹ by adding a new form of that crime that is committed when someone engages in certain activities prohibited by AS 11.56.820(a)(1) or (2) and the public record relates to a child in the care or custody of the state.

FISCAL NOTE

STATE OF ALASKA
2003 LEGISLATIVE SESSION

Fiscal Note Number: _____
Bill Version: SB 8
() Publish Date: _____

Revision Date/Time (Note if correction): _____ Dept. Affected: Law
Title "An Act relating to tampering with public records." BRU Criminal Division
Sponsor Senator Davis Component All
Requester Senate HESS Committee Component No. _____

Expenditures/Revenues (Thousands of Dollars)

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

OPERATING EXPENDITURES	FY 2004	FY 2005	FY 2006	FY 2007	FY 2008	FY 2009
Personal Services						
Travel						
Contractual						
Supplies						
Equipment						
Land & Structures						
Grants & Claims						
Miscellaneous						
TOTAL OPERATING	0.0	0.0	0.0	0.0	0.0	0.0

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

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

FUND SOURCE (Thousands of Dollars)

1002 Federal Receipts						
1003 GF Match						
1004 GF						
1005 GF/Program Receipts						
1037 GF/Mental Health						
Other (Specify Type--Do not abbreviate)						
TOTAL	0.0	0.0	0.0	0.0	0.0	0.0

Estimate of any current year (FY2003) cost: 0.0
Check this box (X) if funding for this bill is included in the Governor's FY 2004 budget proposal:

POSITIONS

Full-time						
Part-time						
Temporary						

ANALYSIS: (Attach a separate page if necessary)

This bill increases the penalty to a C felony for knowingly making a false entry in or falsely altering a public record; or knowingly destroying, mutilating, suppressing, concealing, removing, or otherwise impairing the verity, legibility, or availability of a public record, knowing that the person lacks the authority to do so, if the public record relates to a child under 18 years of age in the care or custody of the state. This crime of tampering with public records is currently a class A misdemeanor.

Anytime a misdemeanor crime is changed to a felony, the costs of prosecution increase. However, the Department of Law does not expect many of these new felony prosecutions to arise, and does not anticipate a fiscal impact from passage of this legislation.

Prepared by: Joan M. Kasson Phone (907) 465-5370
Division: Attorney General's Office Date/Time 3/4/03 2:33 PM
Approved by: Kathryn Daughhettee for Gregg D. Renkes, Attorney General Date 3/4/2003
Agency: Department of Law

Alaska State Legislature

Interim: (May - Dec.)
716 W. 4th Ave
Anchorage, AK 99501
Phone: (907) 269-0144
Fax: (907) 269-0148



Session: (Jan. - May)
State Capitol, Suite 7
Juneau, AK 99801-1182
Phone: (907) 465-3822
Fax: (907) 465-3756
Toll free: (800) 770-3822

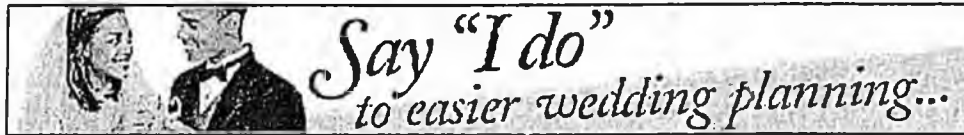
[Senator Bettye Davis@legis.state.ak.us](mailto:Senator_Bettye_Davis@legis.state.ak.us)
<http://www.akdemocrats.org>

Senator Bettye Davis

Senate Bill 8

Background Materials

St. Petersburg Times ONLINE STATE



[Weather](#) | [Sports](#) | [Forums](#) | [Comics](#) | [Classifieds](#) | [Calendar](#) | [Movies](#)

Faking records not new at DCF

Neither is the agency's failure to check on children in its care. These issues take on new meaning in light of Rilya Wilson's case.

By CURTIS KRUEGER, Times Staff Writer

© St. Petersburg Times, published May 20, 2002

Neither is the agency's failure to check on children in its care. These issues take on new meaning in light of Rilya Wilson's case.

In the baffling disappearance of Rilya Wilson, a caseworker has been accused of falsifying records, and the Department of Children and Families is struggling to explain why it failed to check on her properly for more than a year.

This tragic scenario, Gov. Jeb Bush and DCF Secretary Kathleen Kearney have said, amounts to an isolated incident.

But caseworkers who falsify records and fail to check on children are not new concerns for the Department of Children and Families. They are well-known problems the agency has battled for years.

Documents from DCF and other sources show:

DCF child welfare workers have been cited at least 14 times since 1999 for falsifying records in their work on behalf of children considered abused or neglected, according to DCF Inspector General's Office records reviewed by the St. Petersburg Times. One worker phoned in a false abuse report about a child she wanted to adopt.

DCF fired a family safety worker in Pinellas County in January 2000 for falsifying his application, but only after the agency's inspector general criticized his supervisors' inaction. The report said DCF managers "failed to investigate" and prepared paperwork that "implied that the staff were not concerned about the alleged falsifications."

An October 2000 review of 18 child welfare cases in Pinellas County stated that "in well over half the cases, reviewers noted that children and parents were not being seen in the home on a monthly basis. In some cases, months had passed without any documented contact with the family." These cases were handled by Family Continuity Inc., which works under contract for DCF in Pinellas and Pasco counties.

Several current and former employees of the child welfare system have testified in a lawsuit that counselors routinely falsified reports of visits to foster children, attorneys said in Palm Beach County last week.

DCF recently agreed to a \$5-million settlement in the case of six children who were physically and sexually abused in a Broward County foster home. Their attorney says DCF made no documented visits to the foster home for 20 months.

These issues are taking on new meaning as police and caseworkers search for Rilya, the 5-year-old Miami girl who disappeared while in the state's care.

Gov. Bush said during a visit to Brandon this week: "Falsification of documents, I hope, is isolated. But now, if it isn't, it is a felony in our state." He was referring to a law he signed this week that makes it a crime for workers to falsify child welfare records.

As to caseworkers visiting children at least monthly, Bush said, "We've made progress on that but last month, for example, in April, 8 percent of the kids weren't seen for a variety of reasons, and we need to improve on that."

Rilya disappeared after state workers removed her from her mother and sent her to live with Geralyn Graham and her sister Pamela. Geralyn Graham, who says she is Rilya's grandmother, said someone claiming to be from DCF removed the girl from their Miami home last year.

DCF says no records indicate this and they don't know where Rilya went.

But this much is clear: DCF was supposed to send a caseworker to visit Rilya at least monthly and make periodic reports to a juvenile judge. In reality, Kearney has said, "The casework, there is no doubt, was abysmal." The caseworker reported to a judge that Rilya was doing well, even though she had been gone for months.

Miami-Dade Circuit Judge Cindy Lederman blasted the department's handling of the case, and Kearney acknowledged she "had every right to be exceptionally angry."

Now, the hastily assembled Governor's Blue Ribbon Commission on Child Protection is looking into the handling of Rilya, and Chairman David Lawrence Jr. has specifically said he wants to determine if hers was an isolated case.

The St. Petersburg Times reviewed summaries of 14 cases in which DCF workers were cited for falsifying records since 1999. The documents show a variety of false information has crept into DCF paperwork that can help decide whether children continue to live with their parents. In some of the cases, the worker clearly was accused of deliberately providing false information; in others, it's not clear whether the misinformation was intentional.

In the southwest Florida DCF district, a worker was accused of having "misused the abuse hotline by calling in a false abuse report involving a child she was trying to adopt."

In another case, a family safety counselor in the Tampa Bay area was accused of falsely stating that an individual had been arrested and charged with child abuse. In another, an employee falsely stated the circumstances of an individual's previous drug arrest. In a Central Florida county, a counselor resigned after having "falsified records regarding visits with clients."

Each of the 14 cases involved falsifications in child welfare work.

Fourteen falsifications among tens of thousands of cases since 1999 are not enough to indict an entire department. But they show that falsifying records is a recurring issue. New child welfare workers are given ethics training that urges them to honestly and accurately document all their visits, said John Mullins, director of the Professional Development Center in Tampa, which trains workers hired by DCF and other agencies.

Child experts say it's important to visit foster kids monthly, but it isn't always done. University of Pennsylvania professor Richard Gelles said large states such as Florida often see only 50 percent of the children under their supervision.

Local DCF officials say the figure is much higher. "We've been running in the neighborhood of 90-plus percent," said Ron Zychowski, deputy regional director of a six-county DCF district that includes Hillsborough, Pinellas and Pasco counties.

Family Continuity says it has improved its visitation rate since the audit. "It's something we stress very highly. Children have to be seen," said spokeswoman Elaine Fulton-Jones.

In Brandon this week, Bush visited the offices of Hillsborough Kids Inc., which is taking over DCF's foster care work in the county in phases. In a meeting with Bush and other officials, Eva Horner of the Children's Home Society, a partner in the effort, said no one should think a monthly visit is the standard to shoot for. Children should be seen more often, she said.

"At least twice a month," she said. "That's kind of the standard that we're trying to set here."

-- Information from the Associated Press was included in this report. Times staff writer Curtis Krueger can be reached at krueger@sptimes.com or by calling (727) 893-8232.

[Home](#)

[Business](#) | [Citrus](#) | [Commentary](#) | [Entertainment](#)
[Hernando](#) | [Floridian](#) | [Obituaries](#) | [Pasco](#) | [Sports](#)
[State](#) | [Tampa Bay](#) | [World & Nation](#)

© Copyright 2001 St. Petersburg Times. All rights reserved



A Critical Look At the Child Welfare System Falsification of Records



Caseworkers often are caught in a Catch-22 situation, where they would have to doctor paperwork or have to acknowledge that they are not doing their job.

Benjamin Wolf -- American Civil Liberties Union
September, 1996

FALSIFICATION OF RECORDS

In southwest Florida, a supervisor of child-abuse investigators instructed several caseworkers to falsify reports to improve his unit's performance numbers, according to a 1991 Health and Rehabilitative Services Inspector General report.

In Broward County, state records show some child-abuse investigators were also lying about their cases. The investigators, many in an evening unit that tended to get the most dire cases, sometimes failed to visit reported child victims for up to a year. They never interviewed key witnesses, and decided without enough information whether or not children suffered abuse.

Worse, some supervisors were aware of these problems and failed to take corrective action.[1]

Investigators in Dade and Broward Counties, along with southwest Florida "have been caught faking and mishandling investigative reports." [2]

Notes the *Miami Herald* in part of an ongoing series: "This indicates an endemic problem. And, in fact, similar reports have implicated HRS offices elsewhere." [3]

What are the effects of all of this on the children the caseworkers are supposed to be protecting? According to the May 24 edition of the *Miami Herald*, the results are devastating.

- Even though HRS is supposed to be monitoring his welfare, 14-month-old

Courtney Sims is beaten for three months in a relative's home in Lauderhill. Two people warn that the child is in trouble, but the counselor supervising his care reports he is "doing fine." In October, he dies after being slammed into a metal door.

- Twice in 1991, HRS is told a Miami man is beating his children. Twice, police say, HRS investigators take too long to show up, then dismiss the complaints. In December, the man's infant son, Akeem Oats, dies of a beating.
- A child-abuse investigator in Broward gets a report in June that a man is sexually assaulting his 11-year-old niece. The investigator does nothing. By the time HRS finally sends another investigator out in November, the girl has been raped.

In 1994, a teen who spent most of her life in foster care or shelter homes filed suit against the Florida agency, charging that years of neglect left her mentally and physically scarred.

The girl's story of beating, torture and starvation at a foster home, rejection, intimidation, and allegations of sexual abuse at others, was chronicled in a 1993 *Tampa Tribune* series called "Nobody's Child," in which she is identified only as Jane.

In 1979, Jane was beaten, burned, tied to a bed and nearly starved to death at one foster home. A Health and Rehabilitative Services investigator would conclude that her caseworker either condoned the abuse or falsified visitation records.

"It's a horror story, not unlike many I've heard," said HRS Secretary Jim Towey.[4]

Do these narratives represent isolated cases? Sadly, falsification of visitation records, case histories, and even evidence would appear to be more the rule than the exception among many child protective services caseworkers. And the problem is not limited to Florida.

In South Carolina, the supervisor of the Aiken County Child Protective Services unit, along with the supervisor of the County Treatment Unit were arrested and charged with falsifying the records surrounding the removal of Krystal Scurry and her brother from their home.

A total of six Social Services workers, including the County Director of Foster Care, would eventually be charged in connection with the case. The multiple charges would include ethics violations, falsification of records, neglect of duty and embezzlement.

None of this would have come to light had two-year-old Krystal Scurry not been raped and murdered at the hands of the foster mother's son--after having endured a year of physical abuse at the hands of her foster mother.

Krystal Scurry was one of five foster children killed in South Carolina foster homes between February 1991 and January 1992. [5]

CULTURE OF LIES

In Louisiana, a 1992 case involved child protective caseworker Paula Bennett and her

supervisor Sheryl George. They were charged with misrepresenting facts concerning interviews with the plaintiff's children and the existence of crucial evidence, and of lying to a judge and the District Attorney.

The caseworkers claimed immunity from prosecution, but the Court of Appeals held that: "Any reasonable state actor employed in a capacity which embraces law enforcement would surely realize that misrepresenting or concealing facts to judges or prosecutors is a violation of the accused's guaranteed rights under the United States Constitution."[6]

Sometimes, child protective workers don't even bother to falsify their records. They simply don't maintain any.

In February of 1994, the state of Massachusetts terminated its contract La Alianza Hispana, a private agency that was supposed to be monitoring a Roxbury mother who allegedly scalded her 4-year-old son by plunging his hands into boiling liquid.

In at least nine of 17 cases reviewed by officials, families that should have been visited at least once a month by Alianza social workers had not been visited for a year, according to Massachusetts; Department of Social Services Commissioner Linda Carlisle.

According to a source familiar with the investigation, Alianza was unable to produce any records for four families it was supposed to be monitoring. Carlisle also said Alianza case workers falsified reports, claiming to have visited some families when they had not.

A team of Department of Social Services officials reviewing the private agencies work reportedly wrote "outrageous" and "This is scary!" on some of their reports.[7]

In 1996, DSS commissioner Carlisle overhauled a Boston Department of Social Services office that lost track of two young boys under its watch who ended up dead, taking the unusual steps of firing a social worker and her supervisor and demoting two managers.

An internal review found that the social worker assigned to the case had filed no reports or records about the family, and had failed to enter any notations for any other family under her supervision for several months. Her supervisor did not review her casework, and had completed only six of the 360 quarterly reviews for which he was responsible.

At one point, about 40 employees came to the commissioner's office urging leniency. After Carlisle proceeded with the firings, union officials protested.[8]

So, too, did union officials protest the terminations of child protective caseworkers in a similar case in Illinois, where two caseworkers with the Department of Children and Family Services were charged with falsifying records in child-abuse cases and failing to make home visits that might have saved the lives of two children who later were murdered.

Hattie Roland was indicted by a Cook County grand jury on 63 counts of official misconduct and charged with failing to file reports, falsifying reports, failing to provide protective services and failing to make monthly family visits.

Diane Henton was indicted on eight counts of official misconduct on charges of closing a case improperly, failing to report abuse and failing to provide protective services.

Before being fired, both of the caseworkers had been promoted to supervisory positions.

A leader of the union that represents the Illinois department workers said that if the employees are being indicted for failing to adequately protect abused children, then "every single DCFS worker is guilty."

Said outspoken Cook County Public Guardian Patrick Murphy: "They lie, and they do it all the time. They can do this because there is nobody to scrutinize them. They are above the law."^[9]

In a remarkably similar case, the Illinois Supreme Court upheld the firing of a caseworker who had falsified case records claiming that three girls she was supposed to monitoring were: "doing fine and have adjusted well to placement with the maternal grandmother."

In reality, the siblings had died months earlier in a fire that gutted their apartment, leaving their grandmother severely burned.^[10]

A spokesman for the American Federation of State, County and Municipal Employees, which had successfully defended caseworker Vera DuBose in earlier proceedings, called the ruling a bad precedent for other cases involving agencies that drag their feet in disciplining workers.

Children's rights experts said that the case reflected larger problems at DCFS that were especially prevalent in the early 1990s, and agency critics said the case shed light on a "culture of lying" at DCFS.

Said Benjamin Wolf, the ACLU attorney who had successfully sued the agency to implement reforms in 1988: "Caseworkers often are caught in a Catch-22 situation, where they would have to doctor paperwork or have to acknowledge that they are not doing their job."

Like her companion workers in Cook County, DuBose had been promoted to a \$34,000 investigators position shortly after filing the false progress report on the girls.^[11]

Her promotion proved to be her undoing when the caseworker assigned to replace her visited the girl's residence, only to discover a burned-out shell. Neighbors told him the girls had died in the fire.

A year later, she was still on the job. It took DCFS that long to make its decision to fire her.^[12]

Around this time, another DCFS caseworker was convicted of lying to a judge in a case in which an infant had died.

Ahmad Muhammad told a Cook County Juvenile Court judge that a cocaine-addicted mother had completed her court-ordered drug treatment and parenting classes. On the basis of his testimony, the judge halted state monitoring of the woman. Six months later, she was charged with fatally beating her infant son while under the influence of cocaine.

Testimony at Muhammad's contempt trial revealed that he had never called the woman's drug-abuse counselor to check on her progress.

Just like his co-worker, a year later Muhammad was still on the job as a DCFS caseworker, notwithstanding that by this time it had come to light that he had a criminal conviction involving armed robbery, larceny and forgery in another state.

Ed McManus, a DCFS spokesman, said the agency had no prohibition against hiring someone with a criminal record, unless the crime involved child abuse, and that lying on a job application is reviewed on a case-by-case basis.

"We take it seriously, but we need good people, and we're not going to throw away a good person without a careful review," he said.[13]

FROM WHITE-OUT TO WHITEWASH

In Utah, after months of speculation about an alleged "whitewash" of wrongdoing in the Moab office of the Division of Child and Family Services, officials released drafts of an internal investigation that was "less heavily edited" than one which had been previously released to the public.

The investigation by the Bureau of Service Review began in September 1995, when Assistant Attorney General Kenton Goodwill provided Human Services officials with 58 items that he considered as problems in the Moab office.

Goodwill suggested in his list of complaints that staffers were deliberately not closing cases once the court discharged them in order to inflate caseloads. While the audit did verify that some cases were not closed, it did not conclusively determine why.

The investigative report verified that some treatment plans were falsified by having been backdated, interviews with children were not timely or were inadequate, and children in state custody were sometimes not visited for several months.

The report concluded: "This problem also is not isolated to the Moab office. Previously, the bureau has identified this issue as a statewide problem." [14]

The extent to which some individuals with a vested interest in maintaining the status quo is perhaps best illustrated by the outcome of this case.

In 1997, Sherianne Cotterell, a member of a three-member monitoring panel overseeing the State's compliance with a recent lawsuit, resigned citing job stress as a key factor.

Cotterell's role in writing reports critical of agency compliance and in pursuing information about the audit being kept secret in Moab led to death threats against her.[15]

By 1998, a member of the monitoring panel said the number of children who have been compromised while the settlement languished was "mind-boggling."

Pam Rasmussen said the division has reshuffled people but not terminated incompetent

employees, and that some workers continue to fabricate paperwork.

Apparently, they weren't very clever at how they did it either. "I mean, if you're documenting something from 1997, don't use a '98 form. That goes to show they're not even thinking that through. They're fudging the documents," said Rasmussen.[16]

In Texas, a Grand Jury was convened in Tom Green County in November of 1987. The Jury was charged with the task of investigating the regional Child Protective Services division of its Department of Human Services. Among the Jury's findings:

- That false entries into records at DHS have been made in violation of the law
- That the system that exists appears to encourage inaccurate or false recordkeeping with no system of verification

The Grand Jury also found that management in one regional office has failed to correct inadequacies: "although they have been aware that problems have existed for two to three years." Among the recommendations put forth by the Grand Jury:

That the Commissioner of DHS determine whether inaccurate or false recordkeeping, though in violation of law and policy, is nevertheless being practiced statewide, at worker and management levels . . . [17]

In 1992, an attorney with the Texas Department of Protective and Regulatory Services alleged that she was instructed by her supervisor to proceed on a parental rights termination case, even though she felt there were no grounds to pursue the case.

She first wrote letters to general counsel of the Department, claiming that there were ethical problems and possible due process violations in the case.

Some time later, she was told by a Department employee that the caseworker assigned to the case had been instructed to alter the case record.

Her efforts to expose the possible misrepresentations and due process violations included discussions with her supervisor, the State Bar of Texas, the trial court and opposing counsel in the case, as well as the Office of the Inspector General.

Thereafter, she filed a Whistleblower lawsuit alleging that she had been retaliated against by her supervisor for her efforts in exposing the possible misrepresentations, also filing a claim that a former supervisor in the Texas Department of Human Services had falsified time records.[18]

The suit would never go to trial, as it was dismissed on procedural grounds, but the problems suggested by this case would appear to be widespread.

In May of 1990, the Regional Director of Protective Services in the Arlington region of Texas distributed an internal memorandum to CPS Program Directors and Supervisors. The subject of the memorandum: "Alternations, Backdating and Reconstruction of Case Records."

The memorandum detailed some of the methods employed by child protective caseworkers to falsify case records and service plans: "There should be absolutely no changes made to the service plans by use of white-out, correction tape, adding information or backdating.

"If part of a case record has been lost or a particular service plan was not done, do not reconstruct the plans and back date the plans with the date that the plan was actually due."

The memorandum concludes: "It is important to remember that whether or not there was a deliberate attempt to falsify, backdate or alter a case, it does indicate alteration of a case record which is considered to be a public record and may result in legal or personnel consequence, up to one including dismissal." [19]

The problem of backdating forms to render the appearance of being in compliance is not limited to Texas. In New York City, a 1989 audit conducted by the Office of the Comptroller determined that in more than one in five cases studied, caseworkers had falsified records "by altering dates and backdating forms" in order to appear to be in compliance with deadlines that had actually been missed--sometimes by years.[20]

In California, seven Los Angeles County social service employees were fired or disciplined in 1995 when children under their jurisdiction were fatally abused by parents or caretakers, according to a confidential report requested by county supervisors.

The report examines the homicides of a dozen children whose families had at some point been under investigation for child abuse or neglect. Eight of the children were under the supervision of the county Department of Children and Family Services when they died.

In one case, the department investigation found that when the child's social worker went on leave, a supervisor failed to reassign the case and falsified records. As a result, the child was "not seen or assessed for six months prior to his death." [21]

Some years earlier in California, the 1988-89 San Diego County Grand Jury examined several cases, one of which involved a six-year-old girl had been removed from her home on allegations of excessive punishment on the part of her parents.

During her first ten months in placement, the girl had experienced eight changes in placement. The child was then sent out of the State with incomplete paperwork. When that placement failed, she was returned to San Diego without a definite plan for foster care. After three weeks in San Diego, her parents had still not been notified of her return. By this time, the girl had been in foster care for two and a half years.

The Grand Jury observed "inaccurate statements in the social worker's report that were not corrected," noting that the social worker further delayed resolution of the case by failing to communicate with personnel regarding court orders.

In another case the Grand Jury examined, discrepancies were found between police and medical reports, and the caseworker's continuing written account, in which she indicated suspicions against a grandmother that were contrary to all available evidence.

Yet another case involved "conflicting statements between the school personnel and the social worker's report regarding the dates the abuse occurred and was reported." [22]

Three years later, another Grand Jury conducted a comprehensive investigation of the San Diego County child welfare system, interviewing hundreds of system professionals, examining thousands of pages of documents, observing nearly one hundred juvenile dependency cases and listening to one month of sworn testimony.

According to a letter addressed to the Chairman of the Public Safety Committee, the San Diego Grand Jury had:

seen repeated episodes of social worker perjury in court reports, and indeed, even in court testimony;

heard testimony of social workers lying to adoptive parents about the past history of children available for adoption;

read numerous Social Study reports written by social workers and filled with innuendo, half truths and lies;

seen documented evidence of social workers conspiring to place children for adoption with their own family members even while reunification with natural family members was in process.

The Grand Jury offered 92 recommendations, including that the Board of Supervisors seek legislative changes in the immunity provisions which insulated social workers against accountability.[23]

FRAUD, COERCION, PERJURY, COVER-UPS AND LIES

In 1996, Florida State Senator John Ostalkiewicz called for a full-scale investigation of the Florida Department of Health and Rehabilitative Services after hearing testimony from parents and experts, all of whom told horror stories of child abuse investigations mismanaged by the state agency.

"We need a full-scale investigation of this department, with subpoena power," he told a cheering audience at the Orange County Administration Center.

"What we're hearing about here is fraud, coercion, perjury, cover-ups and lies," he said. "It's time for this stuff to come to an end."

The most compelling testimony came from Glades County Chief Deputy Circuit Court Clerk Richard Blackwell, chairman of the HRS District 8 Human Rights Advocacy Committee, a volunteer advocacy group that investigates client complaints against HRS.

Blackwell told of his firsthand knowledge of the agency's misdeeds. His examples dated from 1991 to August 1995 and included the killing of a baby girl. Although neighbors told the media the baby's family had been reported for abuse several times, HRS workers denied it, Blackwell said.

When an HRS employee found records of these previous reports, agency workers secretly

destroyed them, he said.

"Documents were being altered, shredded," testified Charlotte Kav, a former HRS employee who watched the destruction of the documents. "It went on and on and on . . . It was nothing but a cover-up." [24]

The Massachusetts Department of Social Services finally admitted something many of its critics have long suspected -- that the department validates cases without even a cursory examination.

State social workers are filing abuse complaints against parents without interviewing them or their children, and then claiming in letters to the parents that family interviews were part of the investigation supporting the abuse charge.

The admission followed a decision to reverse an abuse claim against a doctor who was accused of neglect when she left her two young children unattended for less than two minutes in a locked car.

She was sent a letter 10 days after the incident informing her the charge of neglect against her was supported "after visiting with you and your children and talking to other people who know your family." The social worker had not talked to any of the people she cited and the doctor had been vacationing with her family in Colorado at the time. [25]

Falsifications such as these represent only the more overt practice of the art of deception, and cases such as these indicate fundamental problems in the child welfare system.

When caseworkers inflate their caseloads to increase or maintain government funding, or to justify inadequate response to crisis situations; when investigators falsify visitation records; when caseworkers falsify records to justify wrongful removals; and when supervisors ignore or encourage their deception, it is real children who suffer.

These children endure continued, and sometimes fatal abuse at the hand of heartless parents, foster parents and caretakers. Hundreds of thousands of children endure separation from loving families as they continue to "languish in inappropriate placements, with scarce hope of returning to their families or being adopted," all hope of a brighter future having been stripped away from them. [26]

Copyright © 1997 - 2002, Rick Thoma

[Next](#) | [Index](#) | [Home](#) | [Footnotes](#)

Last Updated June 6, 1998

Title 47. Welfare, Social Services and Institutions

(▶) areas covered by SB 55. **Bold** represent areas not covered by SB 55 dealing with children under 18.

- Chapter 5. Administration of Welfare, Social Services and Institutions
- Chapter 7. Medical Assistance For Needy Persons
- Chapter 8. Assistance For Catastrophic Illness and Chronic or Acute Medical Conditions
- ▶ Chapter 10. Children in Need of Aid
- ▶ Chapter 12. Delinquent Minors
- Chapter 14. Juvenile Programs and Institutions
- Chapter 15. Uniform Interstate Compact On Juveniles
- ▶ Chapter 17. Child Protection
- Chapter 18. Programs and Services Related to Adolescents
- Chapter 20. Services For Developmentally Delayed or Disabled Children
- Chapter 21. Adventure-Based Education
- Chapter 23. Child Support Enforcement Agency
- ▶ Chapter 24. Protection of Vulnerable Adults
- Chapter 25. Public Assistance
- Chapter 27. Alaska Temporary Assistance Program
- Chapter 30. Mental Health
- Chapter 31. Mental Health Treatment Assistance Program
- Chapter 33. Assisted Living Homes
- Chapter 35. Child Care Facilities, Child Placement Agencies, Child Treatment Facilities, Foster Homes, and Maternity Homes
- Chapter 37. Uniform Alcoholism and Intoxication Treatment Act
- Chapter 40. Purchase of Services
- Chapter 45. Alaska Longevity Bonus
- Chapter 50. Office of Child Advocacy
- Chapter 55. Pioneers' Home
- Chapter 60. Multi-Purpose Senior Centers
- Chapter 62. Office of the Long Term Care Ombudsman
- Chapter 65. Service Programs For Older Alaskans and Other Adults
- Chapter 70. Interstate Compact On the Placement of Children
- Chapter 75. Social Services Planning
- Chapter 80. Persons With Disabilities
- Chapter 90. Displaced Homemakers