

**State of Alaska
FY2004 Governor's Operating Budget**

**Department of Law
Human Services Section
Component Budget Summary**

Component: Human Services Section

Contact: Lisa Nelson, Assistant Attorney General

Tel: (907) 269-5100 **Fax:** (907) 258-6872 **E-mail:** lisa_nelson@law.state.ak.us

Component Mission

Mission statement appears at the department summary and BRU levels.

Component Services Provided

Provide legal assistance on issues arising from the state's education, health services, social services, juvenile justice, and welfare programs. Advise these agencies regarding changes in federal law and steps necessary at the state level to remain in compliance with federal funding requirements.

Initiate legal action to remove children from abusive or neglectful homes, assist DFYS to implement a plan to safely return children home or to act to terminate parental rights to allow permanent placement in adoptive homes of children in state custody, prosecute juvenile delinquency cases, prosecute foster care licensing revocations, establish senior guardianships, prosecute mental commitments, represent the state in Medicaid recipient/provider hearings and appeals, and handle Alaska Supreme Court and Court of Appeals appellate work for all of the above types of cases.

Component Goals and Strategies

Provide legal advice and representation to the Departments of Education and Early Development, Labor and Workforce Development, and Health and Social Services.

Protect the public by providing legal services and advice to these agencies regarding labor, education, child protection, juvenile delinquency, licensing, Medicaid funding matters, and health issues.

Protect the state's financial resources by advising agencies on decisions that might lead to financial claims, defending against unreasonable claims, and facilitating reasonable settlements or other appropriate resolution to issues.

Assist DFYS in initiating actions to remove children from abusive or neglectful homes, actions to reunify children with their parents if can be safely done, and the termination of parental rights when determined to be in the best interests of a child.

Prosecute juvenile delinquency cases. Institutionalize offenders if necessary to protect the public or support a lesser restrictive alternative if appropriate under the circumstances. Contact victims of crimes, encouraging their participation in the prosecution process, and provide support and information to them throughout the process.

Provide representation in cases involving denial or removal of childcare or adult foster care licenses.

Prosecute mental commitments.

Represent the Division of Medical Assistance in Medicaid provider and recipient hearings and appeals.

Advise on and represent the state in matters related to providing quality educational services throughout the state.

Protect the confidential personal information retained by the state in the context of administering state programs from improper or unnecessary disclosure.

Provide legal defense in appeals of administrative hearing decisions.

Fully litigate actions all the way to the Alaska Supreme Court or Court of Appeals, if necessary.

Advise the State Medical Examiner's Office.

Advise state public health officials regarding the Department of Health and Social Services' legal authorities to act to protect the public health.

Investigate reports of abuse of vulnerable adults and petition court for protective services by the state to include conservatorships and guardianships.

Key Component Issues for FY2003 – 2004

Child protection workloads continue to be of concern to the department. Statutory changes at the state and federal level have necessitated changes in how long children may remain in the child protection legal system, and when certain actions must occur, and they define parental responsibility more concretely. These changes move cases to conclusion faster to ensure that when reunification with the family is not in the child's best interest, the child can be made legally eligible for placement in a permanent home more quickly. The accelerated schedules severely impact attorney workloads. Maintenance of our existing resources for child protection is necessary in order for us to effectively manage this important responsibility. Another key issue for this component is the need for paraprofessional support to assist our Fairbanks Human Services section.

A pilot project for the Family CARE (Court Assisted Recovery Effort) Court began in August of 2002. The project encompasses the coordinated efforts of the Department of Law, Department of Administration's OPA and Public Defender, and the Court System. The pilot uses principles from the drug court model to directly engage and assist parents of children who have been the subject of CINA petitions. The capacity of the project is 12 clients and it is anticipated that the need will expand to 24 by FY 2004. A half-time attorney would be needed for that additional caseload.

Major Component Accomplishments in 2002

- Participated in an interagency effort (Balloon Project) to reduce backlog of children in foster care longer than state and federal laws permit. As of September 15, 2002, 94 percent of the 662 children in foster care the longest were in a permanent placement, and in another five percent of the cases, the legal work to free these children for adoption is complete. As these oldest cases have been successfully resolved, the next oldest group of cases has been added. The project now has seven phases including nearly 2,300 children, of whom 67 percent now have permanent homes, and another 14 percent are legally free for adoption. (See performance measure at the department level.)
- Participated in the Governor's Commission on Child Protection. The governor created this commission to determine the nature and degree of systemic deficiencies in the operations of the entire child protection system in Alaska and to make recommendations for solutions. This included an analysis of the recommendations made regarding the child protection system in the recent federal review of DFYS, in previous legislative performance audits of the agency, and in the 1997 Governor's Child Protection Review Team report. Testimony was heard from the agencies involved in the child protection system, from the general public, and from outside entities dealing with system. The commission made thirty-four recommendations for system improvements in a published report.
- Participated in the intensive federal review of DFYS – providing input, as well as legal advice along the way.
- Continued to fully prosecute hundreds of child-in-need-of-aid (CINA) cases, achieving permanency for children, whether it be reunification with their parents or other permanent placements, such as adoption or guardianship.
- Continued to revise DFYS forms and institute new practices to comply with the new law passed in 1998 and subsequent amendments to the children's code.
- Participated in an interagency effort (the SNAP Project – "Simple New Adoption Process") to develop ways to streamline the adoption process once adoption is determined to be the permanent plan for a child. Developed a judicial track committee which is designed to address the changes in the laws and legal culture that need to be made to speed up adoptions.

- Engaged in foster care licensing revocation actions.
- Achieved several major victories in the Alaska Supreme Court on issues that significantly affect our day-to-day practice.
- Provided regular training sessions at the social worker academy on the child protection legal system.
- Prosecuted scores of juvenile delinquents, obtaining numerous felony and misdemeanor adjudications. Did several jury trials. Several of these cases involved high-profile crimes with significant media attention. Participate in juvenile waiver cases involving a gruesome homicide and an attempted murder.
- Provided on-going advice and representation to the Department of Education and Early Development in matters requiring legislation, regulations, and legal defense.
- Advised the Department of Health and Social Services on matters related to compliance with federal law affecting confidential patient records, and legal matters regarding the reporting and control of diseases of public health significance.
- Resolved class action lawsuit related to how the Division of Public Assistance calculated fishing income in the Bristol Bay Region in order to determine eligibility for food stamps.
- Provided on-going advice and representation to the Division of Medical Assistance, Division of Mental Health and Developmental Disabilities and the Division of Senior Services related to the administration of the home and community based waiver programs. Such advice and representation includes representing the agency during fair hearings, superior court appeals, and supreme court appeals.
- Provided on-going advice to the Division of Mental Health and Developmental Disabilities related to the implementation of the involuntary mental commitment statutes (AS 47.30 et. seq.), including representing the state in mental commitment hearings, advising the division on issues related to mental commitments and providing training to various hospital staff around southeast Alaska and state magistrates and masters on the mental commitment process.
- Experienced a dramatic increase in the filing of guardianship and conservator petitions for vulnerable adults throughout the state.

Statutory and Regulatory Authority

AS 44.23.020

Human Services Section
Component Financial Summary

All dollars in thousands

	FY2002 Actuals	FY2003 Authorized	FY2004 Governor
Non-Formula Program:			
Component Expenditures:			
71000 Personal Services	3,670.9	3,462.4	3,553.3
72000 Travel	73.1	61.2	61.2
73000 Contractual	430.8	444.0	444.0
74000 Supplies	50.2	61.1	61.1
75000 Equipment	13.1	0.0	0.0
76000 Land/Buildings	0.0	0.0	0.0
77000 Grants, Claims	0.0	0.0	0.0
78000 Miscellaneous	0.0	0.0	0.0
Expenditure Totals	4,238.1	4,028.7	4,119.6
Funding Sources:			
1004 General Fund Receipts	2,841.9	2,960.8	2,976.9
1007 Inter-Agency Receipts	1,332.4	1,004.1	1,078.3
1037 General Fund / Mental Health	63.8	63.8	64.4
Funding Totals	4,238.1	4,028.7	4,119.6

**Human Services Section
Proposed Changes in Levels of Service for FY2004**

No service changes.

**Summary of Component Budget Changes
From FY2003 Authorized to FY2004 Governor**

All dollars in thousands

	<u>General Funds</u>	<u>Federal Funds</u>	<u>Other Funds</u>	<u>Total Funds</u>
FY2003 Authorized	3,024.6	0.0	1,004.1	4,028.7
Adjustments which will continue current level of service:				
-Annualize FY2003 COLA Increase for GG/GP/SS Bargaining Units	0.0	0.0	2.4	2.4
-\$75 per Month Health Insurance Increase for Non-covered Staff	15.1	0.0	8.1	23.2
-From Transportation Section to adjust vacancy by fund source	0.0	0.0	63.7	63.7
-From Natural Resources to adjust vacancy by fund source	1.6	0.0	0.0	1.6
FY2004 Governor	3,041.3	0.0	1,078.3	4,119.6

Human Services Section

Personal Services Information

	Authorized Positions		Personal Services Costs	
	<u>FY2003</u> <u>Authorized</u>	<u>FY2004</u> <u>Governor</u>		
Full-time	52	54	Annual Salaries	2,987,955
Part-time	3	1	Premium Pay	0
Nonpermanent	0	0	Annual Benefits	955,737
			<i>Less 9.90% Vacancy Factor</i>	(390,426)
			Lump Sum Premium Pay	0
Totals	55	55	Total Personal Services	3,553,266

Position Classification Summary

Job Class Title	Anchorage	Fairbanks	Juneau	Others	Total
Administrative Clerk I	2	0	0	0	2
Attorney III	9	0	3	1	13
Attorney IV	3	4	3	1	11
Attorney V	3	1	2	0	6
Law Office Assistant I	7	2	3	2	14
Law Office Assistant II	2	1	1	0	4
Paralegal I	2	0	0	0	2
Paralegal II	2	0	1	0	3
Totals	30	8	13	4	55