

State of Alaska FY2002 Governor's Operating Budget

Department of Law
Human Services Section
Component

Component: Human Services Section

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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 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 action to remove children from abusive or neglectful homes, act to terminate parental rights for permanent placement of children in state custody or adoptive homes, and prosecute juvenile delinquency 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 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.

Initiate actions to remove children from abusive or neglectful homes and to terminate parental rights when determined to be in the best interests of a child.

Prosecute juvenile delinquency cases.

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

Prosecute mental commitments.

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

Key Component Issues for FY2001 – 2002

Child protection workloads continue to be of concern to the department. The rate of increase in the number of new cases appears to be slowing; however, existing caseloads remain high particularly in Anchorage and Bethel. In addition, statutory changes at the state and federal level have necessitated important changes in how long children can 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 new accelerated schedules severely impact attorney workloads. Maintenance of our existing resources is necessary in order to manage this critical responsibility.

A second area of concern is juvenile delinquency workload in the Anchorage Human Services section. While the number of cases has remained relatively constant over the past three years, workload has increased 53 percent

since FY 1998. Cases are more complex, often involve multiple defendants and multiple defense attorneys, and are more often going to jury trial. Most of this increase has fallen on the one position in the Anchorage section devoted to juvenile delinquency. The Anchorage juvenile delinquency caseload has been of concern for some time. In FY1999, the department requested, but did not receive, funding for an additional juvenile delinquency position. The situation has only worsened, and it is unrealistic to expect one person to be willing and able to continue to carry this heavy workload.

Major Component Accomplishments for FY2000

Participated in interagency effort (Balloon Project) to reduce backlog of children in foster care longer than new state and federal laws permit. As of October 15, 2000, 81 percent of these children were in a permanent placement, and in another 13 percent of the cases, the legal work to free these children for adoption is complete. (See performance measure at the department level.)

Revised DFYS forms to comply with the new laws.

Provided monthly training sessions at the social worker academy on child protection legal issues.

Successfully negotiated an interim agreement with the Native Village of Barrow that maintains state concurrent jurisdiction while the Native Village of Barrow is developing its capacity to reassume exclusive jurisdiction over child protection cases involving their member children who are domiciled within their village boundaries.

Prosecuted scores of juvenile delinquents, obtaining numerous felony and misdemeanor adjudications. Worked closely with victims, law enforcement, defense attorneys, and juvenile probation officers to ensure accountability of juvenile offenders.

Statutory and Regulatory Authority

AS 44.23.020

Human Services Section
Component Financial Summary

All dollars in thousands

	FY2000 Actuals	FY2001 Authorized	FY2002 Governor
Non-Formula Program:			
Component Expenditures:			
71000 Personal Services	3,430.2	2,950.5	3,330.7
72000 Travel	47.5	50.0	61.2
73000 Contractual	430.0	393.7	444.0
74000 Supplies	57.0	51.1	61.1
75000 Equipment	37.3	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	4,002.0	3,445.3	3,897.0
Funding Sources:			
1004 General Fund Receipts	2,559.6	2,729.8	2,873.5
1007 Inter-Agency Receipts	1,245.4	632.3	959.7
1037 General Fund / Mental Health	63.0	64.0	63.8
1053 Investment Loss Trust Fund	0.0	13.9	0.0
1108 Statutory Designated Program Receipts	0.0	5.3	0.0
1119 Tobacco Settlement	134.0	0.0	0.0
Funding Totals	4,002.0	3,445.3	3,897.0

Estimated Revenue Collections

Description	Master Revenue Account	FY2000 Actuals	FY2001 Authorized	FY2001 Cash Estimate	FY2002 Governor	FY2003 Forecast
Unrestricted Revenues						
Tobacco Settlement	65045	134.0	0.0	0.0	0.0	0.0
General Fund Mental Health	68520	63.0	0.0	0.0	0.0	0.0
Unrestricted Total		197.0	0.0	0.0	0.0	0.0
Restricted Revenues						
Interagency Receipts	51015	1,245.4	632.3	633.5	959.7	959.7
Statutory Designated Program Receipts	51063	0.0	5.3	0.0	0.0	0.0
Investment Loss Trust Fund	51393	0.0	13.9	0.0	0.0	0.0
Restricted Total		1,245.4	651.5	633.5	959.7	959.7
Total Estimated Revenues		1,442.4	651.5	633.5	959.7	959.7

Human Services Section

Proposed Changes in Levels of Service for FY2002

Focus on Permanency

The department is requesting authority to receive and expend \$297,800 in interagency receipts from the Department of Health and Social services to make permanent two temporary attorney positions now funded through the Balloon Project. While more work remains to be done on this important project during FY 2001, the oldest cases are almost all resolved, and a picture of what on-going caseloads will be like absent other significant changes in law or policy is beginning to appear.

The rate of increase in new child-in-need-of-aid (CINA) cases has slowed significantly since the upsurge in 1998. Anchorage Human Services saw a 65 percent increase in new CINA cases between 1997 and 1998. In 1999, the number of new cases increased another 13.9 percent, and in 2000, 2.6 percent. During the first three months of FY 2001, the number of new CINA cases coming into the Anchorage office is already 5 percent more than in FY 2000. While the rate of increase is less, more new cases are still coming in each year. The Balloon Project has been very successful in clearing the backlog of cases involving children in out-of-home care for far too long, and overall, per attorney caseloads are down compared to prior years. However, caseloads are still high, particularly in Anchorage and Bethel, where per attorney caseloads are in excess of 60 cases. National standards suggest a responsible caseload is no more than 40 to 50 active cases.

With the number of new cases continuing to increase, the loss of two positions that focus on permanency for the most difficult children's cases would be costly. These positions allow the remaining attorneys in the section to handle the day-to-day crises associated with new children just entering the system, who have not moved to the point that termination of parental rights is mandated, and to meet the statutory deadlines child protection law requires. An analysis of cases opened in October and November 1998 indicates that the deadlines are being met in over 90 percent of the cases. If two attorney positions are lost, it is likely that this success rate will not continue, to the detriment of the children the deadlines were written to help.

Juvenile Delinquency

The second change proposed in FY 2002 is the addition of one new juvenile delinquency attorney position in Anchorage. General funds in the amount of \$137,000 are requested to fund this new position. The juvenile delinquency workload in our Anchorage office has increased by 53 percent since FY1998, but the resources to handle the work have not changed. In 1998, the court system calculated approximately 17 percent of all the juvenile delinquency cases opened in Anchorage were referred for prosecution by assistant attorneys general. In FY2000, the referral rate was 32 percent. Cases are also taking more attorney and paraprofessional time. More cases are being contested. During calendar year 2000, the Anchorage AGO has already had five juvenile delinquency jury trials, and ten more are currently calendared through November. While we do not have an exact count for 1999, this is substantially more trials than occurred last year. The Anchorage attorney is seeing more cases that involve multiple counts with multiple defendants, which are more complicated, and involve multiple defense attorneys. Yet the state relies on one prosecutor. The Anchorage attorney is also getting more sexual assault cases, which are high stakes cases and heavily contested, require expert testimony, and much more preparation.

During FY1998, 153 new juvenile delinquency cases were opened in the Anchorage office. In FY1999, 225 new cases were opened, and in FY2000, 233. Meanwhile, only one attorney position in Anchorage Human Services is dedicated to juvenile delinquency work for Anchorage, the Kenai Peninsula, and Dillingham. While other attorneys in the section assist, their child protection caseloads do not permit much time be devoted to juvenile delinquency cases. In FY2000, other attorneys worked less than 6 percent of the 2,059 attorney hours billed for JD work in Anchorage. It is unreasonable to expect one person to be willing and able to continue to carry this level of workload year after year.

Summary of Component Budget Changes
From FY2001 Authorized to FY2002 Governor

All dollars in thousands

	<u>General Funds</u>	<u>Federal Funds</u>	<u>Other Funds</u>	<u>Total Funds</u>
FY2001 Authorized	2,807.7	0.0	637.6	3,445.3
Adjustments which will continue current level of service:				
-Adjust vacancy by fund source between line items and components	0.0	0.0	27.1	27.1
-Convert Special FY2001 Labor Cost Fund Sources to GF	5.3	0.0	-5.3	0.0
-Year 2 Labor Costs - Net Change from FY 2001	-12.7	0.0	2.5	-10.2
Proposed budget increases:				
-Funding for Child Protection: Focus on Permanency	0.0	0.0	297.8	297.8
-Juvenile Delinquency Attorney Position and Funding	137.0	0.0	0.0	137.0
FY2002 Governor	2,937.3	0.0	959.7	3,897.0

Human Services Section**Personal Services Information**

Authorized Positions			Personal Services Costs	
	FY2001 Authorized	FY2002 Governor		
Full-time	47	51	Annual Salaries	2,785,286
Part-time	2	2	COLA	56,586
Nonpermanent	0	0	Premium Pay	0
			Annual Benefits	848,961
			<i>Less 9.76% Vacancy Factor</i>	(360,133)
			Lump Sum Premium Pay	0
Totals	49	53	Total Personal Services	3,330,700

Position Classification Summary

Job Class Title	Anchorage	Fairbanks	Juneau	Others	Total
Administrative Clerk I	1	0	0	0	1
Attorney III	9	1	3	1	14
Attorney IV	3	4	4	1	12
Attorney V	2	0	2	0	4
Attorney VI	0	1	0	0	1
Legal Secretary I	7	1	3	2	13
Legal Secretary II	1	1	1	0	3
Paralegal Asst I	2	0	1	0	3
Paralegal Asst II	2	0	0	0	2
Totals	27	8	14	4	53