

# DEPARTMENT OF HEALTH & SOCIAL SERVICES



## PROPOSED CHANGES TO REGULATIONS

7 AAC 58. State Child Protection Citizen Review Panel.



**PUBLIC REVIEW DRAFT**  
January 7, 2020

**COMMENT PERIOD ENDS: February 28, 2020.**

Please see the public notice for details about how to  
comment on these proposed changes.

7 AAC is amended by adding a new chapter to read:

**Chapter 58. State Child Protection Citizen Review Panel.**

**Section**

10. Purpose.

20. Establishment, membership, and maintenance of the state child protection citizen review panel.

30. Duties of the state child protection citizen review panel.

40. Department cooperation with state child protection citizen review panel.

50. Public outreach.

60. Reporting.

70. Confidentiality.

**7 AAC 58.010. Purpose.**

The purpose of the state child protection citizen review panel is to facilitate public participation in developing and implementing the state's child protection policies and practices. The panel will allow the public to voluntarily participate under AS 47.14.205.

(Eff. \_\_\_\_/\_\_\_\_/\_\_\_\_, Register \_\_\_\_)

**Authority:** AS 47.14.205 AS 47.14.215

**7 AAC 58.020. Establishment, membership, and maintenance of the state child protection citizen review panel.**

(a) The panel will be established within the department as required by AS 47.14.205.

(b) The panel shall be composed of volunteer members that are broadly representative of the state, including at least one member from each of the administrative regions established by the department. The panel must ensure that its membership represents the state's diversity geographically, and with respect to gender, ethnicity, professional background, race, and life experience. A panel member must be an Alaska resident and must include five or more members in the following categories:

(1) a professional with expertise in prevention and treatment of child abuse and neglect;

(2) a community leader or activist;

(3) a parent with experience in the child welfare system;

(4) a rural community member;

(5) a foster parent;

(6) a law enforcement professional;

(7) a health or behavioral health provider;

(8) a tribal representative;

(9) a child advocate;

(10) an attorney that represents a child or parent; or

(11) an individual with work experience in child protection services.

(c) The panel must maintain an active membership of at least three active members to be a functioning panel. The panel must not exceed a total of eleven active members.

(d) The panel shall establish procedures to appoint its members. The appointment process must include at least three panel members in the decision-making process. The panel shall

conduct a child protection services check for every potential member and consult with the director or the director's designee before it appoints a member. The director or the director's designee shall have the authority to approve or reject a member. The Commissioner or Commissioner's designee may appoint members to form a panel if there is no functioning state child protection citizen review panel.

(e) The process to recruit and appoint a member must be fair, open, non-discriminatory and clearly documented. The panel must advertise statewide to recruit a member.

(f) The panel shall establish policies and procedures for its operations. The panel's policies and procedures must include the following:

- (1) organizational structure;
- (2) member recruitment and retention;
- (3) member background check;
- (4) member tenure;
- (5) member responsibilities; and
- (6) access to department databases, data, and reports related to child protection.

(g) A panel member may serve a maximum of two consecutive three year terms. A panel member who is elected to an officer position on the panel, may serve one additional consecutive term in that position, in addition to terms already served in another elected position or as a member at large. A panel member may serve an unlimited number of non-consecutive terms.

(h) The department may fund the state child protection citizen review panel to operate and travel. The amount of the funding shall be contingent on available appropriation.

(Eff. \_\_\_\_/\_\_\_\_/\_\_\_\_, Register \_\_\_\_)

**Authority:** AS 47.14.205 AS 47.14.215

**7 AAC 58.030. Duties of the state child protection citizen review panel.**

(a) The panel shall evaluate the department's policies, procedures, and practices, and if appropriate, specific cases of child abuse or neglect, to determine whether the department is effectively discharging its child protection responsibilities in compliance with the following documents submitted to the United States Department of Health and Human Services:

(1) the state plan required under 42 U.S.C. 5106a(b);

(2) the state child welfare plans and family services plan and reports under 42 U.S.C. 621-629m; and

(3) state and federal law child protection standards.

(b) the panel may recommend and advocate for changes to the department's child protection policies, procedures, and practices, and for changes that may enable the department to improve its child protection policies, procedures, and practices.

(c) The panel shall consult with director of the office of children's services and the Commissioner of the department of health and social services before it implements a system of evaluation to allow for feedback regarding the department's priorities. The panel must align its evaluation with the department's priorities, to enable the department to comply with the panel's recommendations. The panel must consult with the department for the following:

(1) current priorities and needs identified by the child protection system;

(2) tools and methods that the panel will use to evaluate the department.

(d) The panel shall decide how to perform its department evaluation and may use the following strategies to gather information:

- (1) a site visit;
- (2) a focus group;
- (3) data from the department's child protection database;
- (4) a case file;
- (5) an interview with department
  - (A) staff;
  - (B) partner; or
  - (C) stakeholder; or
- (6) a department quality assurance report.

(e) The panel may evaluate the department's child protection system and make a recommendation based on:

- (1) the panel's examination of the department's policies, procedures and practices;
- (2) the panel's findings;
- (3) feedback from a stakeholder;
- (4) feedback from the public;
- (5) information from a state review related to child protection;
- (6) information from a federal review related to child protection;

or

(7) evaluation of a specific case of child abuse or neglect that may be instructive in improving the child protection system.

(Eff. \_\_\_\_/\_\_\_\_/\_\_\_\_, Register \_\_\_\_\_)

**Authority:** AS 47.14.205 AS 47.14.215

**7 AAC 58.040. Department cooperation with the state child protection citizen review panel.**

(a) The department will provide the panel access to the information necessary for the panel to conduct its duties including access to department:

(1) case records, database information, quality assurance reports, as listed in AS 47.10.093(b)(12);

(2) child protection and licensing policies, procedures and forms;

(3) child protection services staff for interviews.

(b) The panel must provide the department at least four weeks' notice for requests for information to allow adequate time to process information requests and schedule interviews.

(c) The department will provide the panel with the resources necessary to conduct its duties including:

(1) access to space for conducting private interviews with staff and stakeholders;

(2) staff assigned by the department to act as liaison to the panel;

(3) coordination services to assist the panel in collecting necessary information and resources;

(4) coordination of meetings and site visits.

(d) The director of the office of children's services or other designee representing the agency will meet with chair of the panel or the panel's designee at least once every quarter at a set time. The department and panel representatives will discuss:

- (1) ongoing efforts by the department to address the panel's recommendations;
- (2) changes to department practice or policy that affect functions related to child protection; and
- (3) other topics relevant to the panel's duties.

(e) The department may invite the panel to participate in a department-hosted meeting.  
(Eff. \_\_\_\_/\_\_\_\_/\_\_\_\_, Register \_\_\_\_\_)

**Authority:** AS 47.14.205 AS 47.14.215 AS 47.14.225

#### **7 AAC 58.050. Public outreach.**

(a) The panel must conduct public outreach as required by AS 47.14.245 to solicit comments from the public regarding department's policies and procedures. The outreach will also be used to inform the public about the panel's work.

(b) The panel must meet at least once every three months. The panel's meetings must be open to the general public as required by AS 47.14.235 (b) and AS 44.62.310. The panel's meetings must be advertised at least two weeks before the scheduled meeting date. The public comment must be solicited at each meeting. The panel's meetings may be held telephonically.

(c) The panel must maintain a public website that provides information on the panel and its activities.



(d) The panel's methods used to conduct public outreach may include but are not limited to the following:

- (1) quarterly panel meetings open to the public;
- (2) focus groups;
- (3) presentations at community meetings or conferences;
- (4) surveys;
- (5) advertisements through public media.

(Eff. \_\_\_\_/\_\_\_\_/\_\_\_\_, Register \_\_\_\_\_)

**Authority:** AS 47.14.215 AS47.14.245

#### **7 AAC 58.060. Report.**

(a) The panel must prepare and publish an annual report as required by AS 47.14.255. The panel's report must summarize its activities during the reporting period and make recommendations to improve the state's child protection services.

(b) The panel's recommendations must be detailed, specific and achievable. The panel must describe in its report any specific resources required to comply with its recommendations.

(c) The department will provide a written response to the panel's report within six months of its release date as required by AS 47.14.255. The department will include a detailed response to the panel's recommendation, including the department's reason for its decision.

(d) The panel's report and the department's response shall be available on the panel's public website. Additional reports may be published each year by the panel at its discretion.

(Eff. \_\_\_\_/\_\_\_\_/\_\_\_\_, Register \_\_\_\_\_)

**Authority:** AS 47.14.215 AS 47.14.255

**7 AAC 58.070. Confidentiality.**

(a) The panel shall require its members to sign a confidentiality agreement in compliance with AS 47.14.235. The confidentiality agreement must be stored in panel records. The panel must inform a person attending the panel's meeting or a site review that the person must not disclose confidential information obtained during a panel review unless authorized under AS 47.10.092 or 47.10.093.

(b) The panel's meetings are subject to AS 44.62.310 – 44.62.319.

(Eff. \_\_\_\_/\_\_\_\_/\_\_\_\_, Register \_\_\_\_\_)

**Authority:** AS 47.14.235 AS 47.14.265