

Kevin Meyer
Lieutenant Governor
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**OFFICE OF THE LIEUTENANT GOVERNOR
ALASKA**

M E M O R A N D U M

TO: Triptaa Surve
Department of Health and Social Services

FROM: April Simpson, Office of the Lieutenant Governor 
465.4081

DATE: July 9, 2020

RE: Filed Permanent Regulations: Department of Health and Social Services

Department of Health and Social Services regulations re: Office of Children's Services,
Citizen Review Panel (7 AAC 58)

Attorney General File:	2019200357
Regulation Filed:	7/9/2020
Effective Date:	8/8/2020
Print:	235, October 2020

cc with enclosures: Harry Hale, Department of Law
Judy Herndon, LexisNexis

ORDER ADOPTING CHANGES TO REGULATIONS
OF THE DEPARTMENT OF HEALTH & SOCIAL SERVICES

The attached 9 pages of regulations, dealing with the State Child Protection Citizen Review Panel (7 AAC 58), are adopted and certified to be a correct copy of the regulation changes that the Department of Health and Social Services adopts under the authority of AS 47.14.205, AS 47.14.215, AS 47.14.225, AS 47.14.235, AS 47.14.245, and AS 47.14.255, and after compliance with the Administrative Procedure Act (AS 44.62), specifically including notice under AS 44.62.190 and 44.62.200 and opportunity for public comment under AS 44.62.210.

This action is not expected to require an increased appropriation.

In considering public comments, the Department of Health & Social Services paid special attention to the cost to private persons of the regulatory action being taken.

The regulation changes adopted under this order take effect on the 30th day after they have been filed by the lieutenant governor, as provided in AS 44.62.180.

Adam Crum

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Date: 2020.07.01 14:34:49 -08'00'

Adam Crum, Commissioner
Department of Health & Social Services

FILING CERTIFICATION

April Simpson

I, Kevin Meyer, Lieutenant Governor for the State of Alaska, certify that¹ on July 9th,
2020, at 9:53a.m., I filed the attached regulations according to the provisions of AS 44.62.040 -
44.62.120.

April Simpson

for

Lieutenant Governor *Kevin Meyer*

Effective: August 8, 2020.

Register: 235, October 2020 .

FOR DELEGATION OF THE LIEUTENANT GOVERNOR'S AUTHORITY

**I, KEVIN MEYER, LIEUTENANT GOVERNOR OF THE STATE OF ALASKA,
designate the following state employees to perform the Administrative Procedures Act
filing functions of the Office of the Lieutenant Governor:**

**Josh Applebee, Chief of Staff
Kady Levale, Notary Administrator
April Simpson, Regulations and Initiatives Specialist**

**IN TESTIMONY WHEREOF, I have
signed and affixed the Seal of the State of
Alaska, in Juneau, on December 11th,
2018.**



K. Meyer

**KEVIN MEYER
LIEUTENANT GOVERNOR**

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

Chapter 58. Citizen Review Panel.

Section

- 10. Purpose
- 20. Membership and maintenance of the state panel
- 30. Duties of the state panel
- 40. Department cooperation with the state panel
- 50. Public outreach
- 60. Reporting
- 70. Confidentiality
- 90. Definitions

7 AAC 58.010. Purpose. The purpose of the Citizen Review Panel is to

(1) examine, under AS 47.14.215, the department's child protection policies, procedures, and practices; and

(2) facilitate public participation, under AS 47.14.245, in

(A) obtaining comments on current department procedures and practices involving children and family services; and

(B) developing recommendations under AS 47.14.255 for the improvement of child protection services in the state. (Eff. 8 / 8 / 2020, Register 235)

Authority: AS 47.14.215 AS 47.14.245 AS 47.14.255

7 AAC 58.020. Membership and maintenance of the state panel. (a) The state panel may not exceed a total of nine members. The state panel must be composed of a minimum of five members. Each member must be a volunteer and a resident of the state. Each of the five separate administrative regions established by the department for the administration of children's services must be represented by at least one member of the panel who resides in that region. Three members constitute a quorum for the transaction of business.

(b) Members of the state panel must be broadly representative of the state. In addition to meeting the requirement in (a) of this section for representing administrative regions, the state panel must represent the state's diversity geographically and with respect to gender, ethnicity, professional background, race, and life experience. The panel must include five or more members in the following categories, and not more than two members may be in the same category:

- (1) a professional with expertise in prevention and treatment of child abuse and neglect;
- (2) a parent who has had a previous open case with the office of children's services in the department;
- (3) a foster parent;
- (4) a peace officer;
- (5) a health or behavioral health provider;
- (6) a tribal representative;
- (7) a child advocate;
- (8) an attorney with significant experience representing children or parents in

child protection matters; or

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

(c) The state panel shall establish procedures to appoint its members. The panel or the department may not appoint an individual who is listed on the United States Department of Justice's Dru Sjodin National Sex Offender Public Website (NSOPW) maintained under 34 U.S.C. 20922, the Alaska Sex Offender/Child Kidnapper Registry that the Department of Public Safety maintains under AS 18.65.087, or a list or registry maintained under a substantially similar law in another jurisdiction. The panel shall consult with the director or the director's designee before it appoints a member. The director or the director's designee may approve or reject a member. If there is no quorum as described in (a) of this section, the commissioner or commissioner's designee may appoint members to form the state panel.

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

(e) The state 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 tenure;
- (4) member responsibilities; and
- (5) access to department databases, data, and reports related to child protection.

(f) 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

Register 235, October 2020 HEALTH AND SOCIAL SERVICES

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.

(Eff. 8 / 8 / 2020, Register 235)

Authority: AS 47.14.205 AS 47.14.215

7 AAC 58.030. Duties of the state panel. (a) The state panel shall review 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

(1) the following documents submitted to the United States Department of Health and Human Services:

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

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

(2) child protection standards under federal and state laws.

(b) The state panel may recommend and advocate for

(1) changes to the department's child protection policies, procedures, and practices; and

(2) changes that may enable the department to improve its child protection policies, procedures, and practices.

(c) The state panel shall consult with director and the commissioner before the panel implements a system of review to allow for feedback regarding the department's priorities. The state panel shall align its review with the department's priorities, to enable the department to

comply with the panel's recommendations. The state panel shall consult with the department for the following:

- (1) current priorities and needs identified by the child protection system; and
- (2) tools and methods that the panel will use to review the department.

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

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

(e) The state panel may review 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) review of a specific case of child abuse or neglect that may be instructive in improving the child protection system. (Eff. 8 / 8 / 2020, Register 235)

Authority: AS 47.14.205 AS 47.14.215 AS 47.14.255

7 AAC 58.040. Department cooperation with the state panel. (a) The department will provide the state panel access to the information necessary for the panel to conduct its duties including access to department

(1) case records, database information, and quality assurance reports, in accordance with AS 47.10.093(b)(12);

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

(3) child protection services staff for interviews.

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

(c) The department will provide the state 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; and

(4) coordination of meetings and site visits.

(d) The director or other designee representing the department shall meet with the chair of the state panel or the panel's designee at least once every calendar quarter at a set time. The representatives of the department and panel shall 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. 8/8/2020, Register 235)

Authority: AS 47.14.205 AS 47.14.215 AS 47.14.225

7 AAC 58.050. Public outreach. (a) The state panel shall conduct public outreach as required under AS 47.14.245 to solicit comments from the public regarding the department's policies and procedures. The panel shall also use the outreach to inform the public about the panel's work.

(b) A meeting of the state panel must be advertised at least two weeks before the scheduled meeting date. The panel shall solicit public comments at each meeting.

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

(d) The state panel's methods to conduct public outreach may include the following:

(1) panel meetings;

Register 235, ^{October} 2020 HEALTH AND SOCIAL SERVICES

- (2) focus groups;
- (3) presentations at community meetings or conferences;
- (4) surveys; and
- (5) advertisements through public media. (Eff. 8 / 8 / 2020, Register 235)

Authority: AS 47.14.205 AS 47.14.215 AS 47.14.245

7 AAC 58.060. Report. (a) In the annual report required under AS 47.14.255(a), the state panel's recommendations for the improvement of the state's child protection services must be detailed, specific, and achievable. The panel shall describe in its report any specific resources required for the department to incorporate the panel's recommendations.

(b) As part of the written response under AS 47.14.255(b), the department will provide, where appropriate, a detailed explanation of its reasons for whether and how the department will incorporate the panel's recommendations.

(c) The department and the state panel will make the panel's annual report and the department's response available on the panel's public website. The panel may publish additional reports. (Eff. 8 / 8 / 2020, Register 235)

Authority: AS 47.14.215 AS 47.14.255

7 AAC 58.070. Confidentiality. The state panel shall require each of its members to sign a confidentiality agreement not to disclose information for which AS 47.14.235 requires nondisclosure. The agreement must be stored in the panel's records. The panel shall inform a

Register 235, October 2020 HEALTH AND SOCIAL SERVICES

person attending the panel's meeting of the nondisclosure requirements of AS 47.14.235. (Eff.

8 / 8 / 2020, Register 235)

Authority: AS 47.14.215 AS 47.14.235

7 AAC 58.090. Definitions. In this chapter,

(1) "Citizen Review Panel" means the panel established under AS 47.14.205(a);

(2) "commissioner" means the commissioner of health and social services;

(3) "department" means the Department of Health and Social Services;

(4) "director" means the director of the office of children's services in the
department;

(5) "foster parent" means an adult head of household in a foster home licensed
under AS 47.32; in this paragraph, "foster home" has the meaning given in AS 47.32.900;

(6) "state panel" or "panel" means the Citizen Review Panel. (Eff. 8 / 8 / 2020,
Register 235)

Authority: AS 47.14.215

MEMORANDUM

State of Alaska Department of Law

To: The Honorable Kevin Meyer
Lieutenant Governor

Thru: Susan R. Pollard *SRP*
Chief Assistant Attorney General
and Regulations Attorney
Legislation and Regulations Section

From: Steven C. Weaver *SCW*
Senior Assistant Attorney General
Legislation and Regulations Section

Date: July 8, 2020

File No.: 2019200357

Tel. No.: 465-3600

Re: Department of Health and Social
Services regulations re: Office of
Children's Services, Citizen Review
Panel (7 AAC 58)

The Department of Law has reviewed the attached regulations of the Department of Health and Social Services against the statutory standards of the Administrative Procedure Act. Based upon our review, we find no legal problems. This memorandum constitutes the written statement of approval under AS 44.62.060(b) and (c) that authorizes your office to file the attached regulations. The regulations were adopted by the Department of Health and Social Services after the close of the public comment period. The regulations adopt requirements and procedures for activities of the Citizen Review Panel, the volunteer body established under AS 47.14.205 - 47.14.295 within the department to evaluate the extent to which the department is effectively discharging its child protection responsibilities and to make recommendations for improvement of child protection services in the state.

The January 14, 2020 public notice and the July 1, 2020 adoption order both state that this action is not expected to require an increased appropriation. Therefore, a fiscal note under AS 44.62.195 is not required.

SCW

cc w/enc: Hon. Adam Crum, Commissioner
Department of Health and Social Services

Triptaa Surve, Regulations Contact
Department of Health and Social Services

Natalie Norberg, Director
Office of Children's Services
Department of Health and Social Services

Chrissy Vogeley
Office of Children's Services
Department of Health and Social Services

Stacie L. Kraly, Chief Assistant Attorney General
Human Services Section

NOTICE OF PROPOSED CHANGES ON THE STATE CHILD PROTECTION CITIZEN REVIEW PANEL IN
THE REGULATIONS OF THE DEPARTMENT OF HEALTH & SOCIAL SERVICES.

BRIEF DESCRIPTION

The Department of Health & Social Services proposes to change regulations on State Child Protection Citizen Review Panel.

The Department of Health & Social Services proposes to adopt regulation changes in Title 7 of the Alaska Administrative Code, dealing with the State Child Protection Citizen Review Panel, including the following:

- 7 AAC is proposed to be changed as follows:
 - Add a new chapter, 7 AAC 58. State Child Protection Citizen Review Panel, to clarify the panel's responsibilities.

You may comment on the proposed regulation changes, including the potential costs to private persons of complying with the proposed changes, by submitting written comments to Ms. Chrissy Vogeley, Department of Health & Social Services, Office of Children's Services, P.O. Box 110630, Juneau, AK 99811. Additionally, the Department of Health & Social Services will accept comments by facsimile at (907) 465-3397 and by electronic mail at christina.vogeley@alaska.gov. The comments must be received not later than 5 p.m. on February 28, 2020.

Oral or written comments also may be submitted at a hearing to be held on February 19, 2020, at the State Office Building, AOB Room 115, 350 Main Street, Juneau, AK 99801. The hearing will be held from 1 p.m. to 3:00 p.m. and might be extended to accommodate those present before 2:30 p.m. who did not have an opportunity to comment. If you are unable to attend in person, but would like to comment during the oral public hearing, you can call the teleconference number 1-(800) 315-6338 (Toll Free) and use the code 81555.

You may submit written questions relevant to the proposed action to Ms. Chrissy Vogeley, by e-mail at christina.vogeley@alaska.gov, or by mail at the Department of Health & Social Services, Office of Children's Services, Attention: Chrissy Vogeley, P.O. Box 110630, Juneau, AK 99811. The questions must be received at least 10 days before the end of the public comment period. The Department of Health & Social Services will aggregate its response to substantially similar questions and make the questions and responses available on the Alaska Online Public Notice System.

If you are a person with a disability who needs a special accommodation in order to participate in this process, please contact Ms. Chrissy Vogeley at christina.vogeley@alaska.gov or at (907) 465-3548 no later than February 10, 2020, to ensure that any necessary accommodations can be provided.

A copy of the proposed regulation changes is available on the Alaska Online Public Notice System and by contacting Ms. Chrissy Vogeley at christina.vogeley@alaska.gov, or at (907) 465-3548.

After the public comment period ends, the Department of Health & Social Services will either adopt the proposed regulation changes or other provisions dealing with the same subject, without further notice, or decide to take no action. The language of the final regulation may be different from that of the proposed regulation. **You should comment during the time allowed if your interests could be affected. Written comments received are public records and are subject to public inspection.**

Statutory authority: AS 47.14.205; AS 47.14.205; AS 47.14.225; AS 47.14.235; AS 47.14.245; AS 47.14.255; AS 47.14.265.

Statutes being implemented, interpreted, or made specific: AS 47.14.205; AS 47.14.205; AS 47.14.225; AS 47.14.235; AS 47.14.245; AS 47.14.255; AS 47.14.265.

Fiscal information: The proposed regulation changes are not expected to require an increased appropriation.

The Office of Children's Services/Department of Health & Social Services keeps a list of individuals and organizations interested in its regulations. Those on the list will automatically be sent a copy of all of the Office of Children's/Department of Health & Social Services notices of proposed regulation changes. To be added to or removed from the list, send a request to Ms. Chrissy Vogeley at christina.vogelely@alaska.gov, giving your name, and either your e-mail address or mailing address, as you prefer for receiving notices.

DATE: January 9, 2020.

/s/Adam Crum

Commissioner,

Department of Health & Social Services

ADDITIONAL REGULATION NOTICE INFORMATION
(AS 44.62.190(d))

1. Adopting agency: Office of Children's Services
2. General subject of regulation: State Child Protection Citizen Review Panel
3. Citation of regulation (may be grouped): 7 AAC 58
4. Department of Law file number, if any: 2019200357
5. Reason for the proposed action:
☐ Compliance with federal law or action (identify): _____
☒ Compliance with new or changed state statute: AS 47.14.205 - .295
☐ Compliance with federal or state court decision (identify): _____
☐ Development of program standards
☐ Other (identify): _____
6. Appropriation/Allocation: N/A
7. Estimated annual cost to comply with the proposed action to: None.
A private person: \$0
Another state agency: \$0
A municipality: \$0
8. Cost of implementation to the state agency and available funding (in thousands of dollars): None.

	Initial Year	Subsequent
	FY _____	Years
Operating Cost	\$ _____	\$ _____
Capital Cost	\$ _____	\$ _____
1002 Federal receipts	\$ _____	\$ _____
1003 General fund match	\$ _____	\$ _____
1004 General fund	\$ _____	\$ _____
1005 General fund/ program	\$ _____	\$ _____
Other (identify)	\$ _____	\$ _____
9. The name of the contact person for the regulation:

Name: Chrissy Vogeley
Title: Social Services Program Officer
Address: P.O. Box 110630, Juneau, AK 99801
Telephone: (907) 465-3548
E-mail address: christina.vogeley@alaska.gov

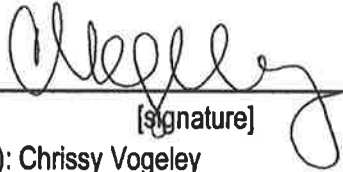
10. The origin of the proposed action:

- ☒ Staff of state agency
☐ Federal government
☐ General public
☐ Petition for regulation change⁷
☐ Other (identify): _____

11.

Date: 1/7/2020

Prepared by: _____


[signature]

Name (printed): Chrissy Vogeley

Title (printed): Social Services Program Officer

Telephone: (907) 465-3548

AFFIDAVIT OF NOTICE OF PROPOSED REGULATION
AND FURNISHING OF ADDITIONAL INFORMATION

I, Chrissy Vogeley, Social Services Program Officer, of the Department of Health & Social Services, under penalty of perjury, certify the following:

As required by AS 44.62.190, notice of the proposed adoption of changes to 7 AAC 58. State Child Protection Citizen Review Panel, has been given by being

- (1) published in a newspaper or trade publication;
- (2) furnished to every person who has filed a request for notice of proposed action with the state agency;
- (3) furnished to appropriate state officials;
- (4) furnished to interested persons;
- (5) furnished to the Department of Law, along with a copy of the proposed regulation;
- (6) furnished electronically to incumbent State of Alaska legislators;
- (7) posted on the Alaska Online Public Notice System as required by AS 44.62.175(a)(1) and (b) and 44.62.190(a)(1).

As required by AS 44.62.190, additional regulation notice information regarding the proposed adoption of the regulation changes described above has been furnished to interested persons and those in (2), (4) and (6) of the list above. The additional regulation notice information also has been posted on the Alaska Online Public Notice System.

There is no notary public or other official empowered to administer oaths available to notarize this document as a result of social distancing requirements implemented statewide.

I certify under penalty of perjury that the foregoing is true.

Date: April 17, 2020

Chrissy Vogeley

Digitally signed by Chrissy
Vogele
Date: 2020.04.17 12:26:25 -08'00'

[original or password-protected electronic signature]

Chrissy Vogeley, Social Services Program Officer

State of Alaska
Juneau, AK 99801.

ANCHORAGE DAILY NEWS

AFFIDAVIT OF PUBLICATION

Account #: 270229 ST OF AK/DHSS/COMMISSIONERS
3601 C STREET STE 902, ANCHORAGE, AK 99503

Order #: W0013039

Cost: \$443.26

STATE OF ALASKA
THIRD JUDICIAL DISTRICT

Lisi Misa being first duly sworn on oath deposes and says that she is a representative of the Anchorage Daily News, a daily newspaper. That said newspaper has been approved by the Third Judicial Court, Anchorage, Alaska, and it now and has been published in the English language continually as a daily newspaper in Anchorage, Alaska, and it is now and during all said time was printed in an office maintained at the afore-said place of publication of said newspaper. That the annexed is a copy of an advertisement as it was published in regular issues (and not in supplemental form) of said newspaper on

01/14/2020

and that such newspaper was regularly distributed to its subscribers during all of said period. That the full amount of the fee charged for the foregoing publication is not in excess of the rate charged private individuals.

Signed



Subscribed and sworn to before me
this 14th day of January 2020.

Notary Public in and for
The State of Alaska.
Third Division
Anchorage, Alaska

STATE OF ALASKA
NOTARY
PUBLIC

Jada L. Nowling

MY COMMISSION EXPIRES

7/14/2020

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Statutes being implemented, interpreted, or made specific: AS 47.14.205; AS 47.14.215; AS 47.14.225; AS 47.14.235; AS 47.14.245; AS 47.14.255; AS 47.14.265.

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DATE: January 9, 2020.
/s/Adam Crum
Commissioner,
Department of Health & Social Services

Published: January 14, 2020

AFFIDAVIT OF AGENCY RECORD OF PUBLIC COMMENT

I, Chrissy Vogeley, Social Services Program Officer, of the Department of Health & Social Services, under penalty of perjury, state the following:

In compliance with AS 44.62.215, the Department of Health & Social Services has kept a record of its use or rejection of factual or other substantive information that was submitted in writing and orally as public comment and that was relevant to the accuracy, coverage, or other aspect of the Department of Health & Social Services regulation on 7 AAC 58. State Child Protection Citizen Review Panel.

There is no notary public or other official empowered to administer oaths available to notarize this document as a result of social distancing requirements implemented statewide.

I certify under penalty of perjury that the foregoing is true.

Date: April 17, 2020

Chrissy Vogeley

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Vogele
Date: 2020.04.17 12:27:28 -08'00'

[original or password-protected electronic signature]

Chrissy Vogeley, Social Services Program Officer

State of Alaska
Juneau, AK 99801.

AFFIDAVIT OF ORAL HEARING

I, Chrissy Vogeley, Social Services Program Officer, of the Department of Health & Social Services, under penalty of perjury, state the following:

On February 19, 2020, at 1:00 pm, in room AOB 115, at the State Office Building, 350 Main Street, Juneau, AK 99801, I presided over a public hearing held under AS 44.62.210 for the purpose of taking testimony in connection with the adoption of changes to 7 AAC 58. State Child Protection Citizen Review Panel.

There is no notary public or other official empowered to administer oaths available to notarize this document as a result of social distancing requirements implemented statewide.

I certify under penalty of perjury that the foregoing is true.

Date: April 17, 2020

Chrissy Vogeley

Digitally signed by Chrissy
Vogelely
Date: 2020.04.17 12:28:24 -08'00'

[original or password-protected electronic signature]
Chrissy Vogeley, Social Services Program Officer

State of Alaska
Juneau, AK 99801.