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Senator Bettye Davis

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SENATE BILL 82-"Foster Care Licensing/State Custody"

SB 82 modifies various provisions in Title 47, which prioritizes the needs of children in state custody. This legislation seeks to:

1. Achieve Permanency for Older Children in Foster Care

Permanency for children in OCS custody is best achieved through reunification with the child's parent, or failing that option, through adoption or guardianship. If these three options are not available, another form of permanency is through APPLA ("Another Planned Permanent Living Arrangement"). This bill seeks to make sure the APPLA option is not chosen unnecessarily by providing guidelines for both OCS and the court as to when APPLA should be used.

2. Presumption to Keep Siblings Together

Although OCS attempts to keep siblings together when they enter foster care, this bill creates a statutory presumption that siblings be placed in the same home when possible and when such a placement is in the siblings' best interests. When the children cannot be in the same home, this bill requires an OCS supervisor to document in the file the efforts made and the reason for the separation.

3. Early Release of Custody

When OCS files a motion to release a child from state custody before the custody order expires, this bill requires OCS and the court to take extra steps to ensure that the child and guardian ad litem have ample notice of the motion and that the release is in the child's best interests.

4. Foster Home Licensing Variance Process

If a potential foster home cannot meet the building codes required to be a licensed foster home, this bill will allow a variance to be granted if the home is consistent with construction of other homes in the community and is otherwise a safe environment for the child.

5. Streamlining Application Process for foster parents

This bill requires that paperwork required for foster parent licensing be streamlined as much as possible.

6. Housekeeping

The bill includes changes to the statute providing for retention of jurisdiction by a court to make it consistent with last year's legislation to extend departmental custody or supervision to age 21.