

LEGAL SERVICES

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MEMORANDUM

January 9, 2015

SUBJECT: Sectional summary of HB 27 (Work Order No. 29-LS0176\W)

TO: Representative Les Gara
Attn: Joe Caissie

FROM: Kate S. Glover *KSG*
Legislative Counsel

You have requested a sectional summary of the above-described bill.

As a preliminary matter, note that a sectional summary of a bill should not be considered an authoritative interpretation of the bill and the bill itself is the best statement of its contents. If you would like an interpretation of the bill as it may apply to a particular set of circumstances, please advise.

Section 1 adds recruiting foster parents when there is a shortage of foster parents to the duties of the Department of Health and Social Services ("the department").

Section 2 requires the court to hold hearings reviewing the department's efforts to find permanent placements for children after ordering termination of parental rights.

Section 3 amends AS 47.10.080(I) to establish court hearings every six months if the department has not found a permanent placement for a child within two years of taking custody of the child, and requires the court to make certain findings.

Section 4 requires the department to search for an adult family member or family friend who meets foster care licensing requirements when transferring a child from one placement to another.

Section 5 adds subsection AS 47.10.080(x), requiring the department, when a court has ordered a termination of parental rights and the department has not found a permanent placement for a child within two years of taking custody of the child, to present evidence to a court at least once every six months establishing that the department has taken all feasible steps to find a permanent placement for a child. Section 5 also adds AS 47.10.080(y), requiring the department, when it transfers a child from one placement to another, to coordinate with the school district to allow the child to remain in the existing school through the end of the term, if it is in the child's best educational interests. This subsection also gives the department discretion to pay transportation costs for the child if other funding sources are not available.

Section 6 requires the department to disclose appropriate information to Alaska Native villages or Native organizations if certain conditions are met.

Section 7 requires the department to follow placement preferences under AS 47.14.100(e) when making emergency or temporary placements.

Section 8 requires the department to disclose appropriate information to Alaska Native villages or Native organizations if certain conditions are met.

Section 9 allows the department to authorize transitional living arrangements, including student dormitory residence, for children over 16 years of age.

Section 10 requires the department to pay maintenance costs to a child over 16 years of age who the department has authorized to live in a student dormitory residence or other transitional living arrangement.

Section 11 changes the age when the department is no longer required to continue searching for a suitable adoptive or permanent legal guardianship for a child from 18 to 21 years of age.

Section 12 amends the procedures for releasing a child, or a person over the age of 18, from department custody before custody is ordered to end to require the consent of the person if the person is over 18 years of age.

Section 13 amends requirements related to the development of a foster care transition program.

Section 14 requires the department, if appropriations are insufficient to meet the purposes of the foster care transition program, to submit a report to the legislature advising the legislature of the extent of the insufficiency, the department's efforts to use the funds efficiently, and the services the department cannot provide under existing appropriations.

Section 15 identifies sections of the bill that would result in indirect amendments to the court's Alaska Child in Need of Aid Rules of Procedure relating to permanency hearings and hearings relating to the termination of parental rights.

Section 16 provides that the amendments to AS 47.10.080(f), (l), and (x), amended or added by secs. 2, 3, and 5 of the bill, take effect only if sec. 15 of the bill receives a two-thirds vote of each house of the legislature as required by art. IV, sec. 15 of the Constitution of the State of Alaska. This is included because secs. 2, 3, and 5 of the bill would result in changes to the court's rules of procedure.

If I may be of further assistance, please advise.

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