

LEGAL SERVICES

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MEMORANDUM

October 20, 2017

SUBJECT: Sectional summary (CSHB 151()); Work Order No. 30-LS0451\L)

TO: Representative Les Gara
Attn: Craig Tuten

FROM: Kate S. Glover 
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.

Section 1 provides that the short title of the bill is the Children Deserve a Loving Home Act.

Section 2 amends legislative findings related to children to add a finding that the department should enable a child's contact with previous out-of-home caregivers if it is appropriate and in the best interests of the child.

Sections 3 – 5 amend AS 47.05.310(c), (i), and (k) to conform to a new subsection added in section 6 of this Act.

Section 6 allows the Department of Health and Social Services (the department) to issue or renew a foster home license or provide foster care payments to an entity, individual service provider, or person if the applicant or a person who resides in the home is barred from licensure or payments because of a barrier condition under AS 47.05.310(c), (i)(2), or (i)(3) if (1) a person in the home is an adult family member or family friend of a child in the custody or supervision of the state, (2) the department finds that placing the child with the entity, individual service provider, or person is in the best interests of the child, and (3) the conduct that is the basis of the barrier occurred at least ten years before the date the department receives the application for licensure or renewal or makes a payment to the entity, individual service provider, or person.

Section 7 amends requirements relating to the transfer of a child from one placement to another to require a supervisor at the department to certify in writing whether the

department has conducted a search for an appropriate placement with an adult family member or family friend.

Section 8 provides that a foster parent has the right and responsibility to use a reasonable and prudent parent standard to make decisions relating to a child in foster care, and requires the department to provide foster parents with training relating to the reasonable and prudent parent standard.

Section 9 requires the department to engage a child in an out-of-home placement who is 14 years of age or older in the development or revision of a case plan, permanency goal, or alternative permanency plan for the child and allows the child to select up to two adults, in addition to the child's foster parents or department employees who are supervising the care of the child, to participate in the development of the plan.

Section 10 amends confidentiality provisions to require a state or municipal agency or employee to disclose appropriate confidential information regarding a case to the sibling of a child who is the subject of the case if it is in the best interests of the child to maintain contact with the sibling.

Section 11 requires a supervisor at the department, when the department takes emergency custody of a child, to certify in writing whether the department has conducted a search for an appropriate placement with an adult family member or family friend.

Section 12 requires the department to search for an appropriate placement with an adult family member or friend when the child is removed from the parent's home. The section also requires a supervisor at the department to certify in writing whether the department has conducted the search.

Section 13 amends AS 14.14.100(i) to provide that when a child can remain safely at home with an adult family member or guardian who lives with the child, the child may not be placed with an out-of-home care provider.

Section 14 requires the department to provide contact information to siblings who are in separate placements if it is in the best interests of the children to maintain contact.

Section 15 requires the department to implement workload standards and a training program for department employees and to provide a report to the legislature if the department is not able to meet certain standards. Section 15 also provides that the department is immune from suit if the department is unable to meet workload standards under certain circumstances.

Section 16 adds a new subsection requiring the department to assist an adult family member in obtaining a foster care license, including any necessary variances, if placing the child with the adult family member is in the best interests of the child.

Section 17 requires the department, for a person who is 16 years of age or older, to provide the person, or assist the person with obtaining, the person's birth certificate, social security card, health insurance information, medical records, driver's license or identification card, and certificate of degree of Indian or Alaska Native blood, if applicable, when the person is released from state custody under AS 47.10.

Section 18 requires the department, to the extent feasible, to approve or deny a foster care home license, including a request for a variance, not more than 45 days after the date the department receives the application for a foster care home license.

Section 19 provides the Act applies to a child in the custody or under the supervision of the department under AS 47.10 on or after the effective dates of sections 1 - 19 and 21 of the Act.

Section 20 allows the department to adopt regulations necessary to implement the changes made by the Act. The regulations may not take effect until the effective date of the section of the Act implemented by the regulation.

Section 21 requires the department to implement the changes made by secs. 7 - 9, 11 - 13, and some of the changes made by sec. 15 not later than one year after the effective date of those sections. Those sections relate to searches for appropriate placements with family members, foster parent decision-making, involving children 14 or older in case plans, allowing a child to remain in the child's home with an adult family member, and training for new employees. In addition, sec. 21 requires the department to implement the changes made by secs. 3 - 6, 10, 14, the rest of the changes in sec. 15, and secs. 16 - 18 not later than three years after the effective date of those sections. Those sections relate to legislative findings, sharing case information with siblings, barriers to foster care licensing and payments, training and workload standards, assisting family members in obtaining foster care licenses, providing identification information to children 16 or older when released from department custody, and approval of foster care licenses within 45 days of receiving an application.

Section 22 provides that sec. 20 of the Act takes effect immediately.

If I may be of further assistance, please advise.

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