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CS FOR HOUSE BILL NO. 126()

IN THE LEGISLATURE OF THE STATE OF ALASKA

TWENTY-SIXTH LEGISLATURE - SECOND SESSION

BY

**Offered:
Referred:**

**Sponsor(s): REPRESENTATIVES GARA, Crawford, Kerttula, Gardner, Harris, Richard Foster, Edgmon,
Muñoz, Lynn, Herron, Dahlstrom**

A BILL

FOR AN ACT ENTITLED

**"An Act relating to extensions and resumptions of state custody of children; and
providing for an effective date."**

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF ALASKA:

*** Section 1.** AS 47.10.080(c) is amended to read:

(c) If the court finds that the child is a child in need of aid, the court shall

(1) order the child committed to the department for placement in an appropriate setting for a period of time not to exceed two years or in any event not to extend past the date the child becomes 19 years of age, except that the department, the child, or the child's guardian ad litem may petition for and the court may grant in a hearing

(A) one-year extensions of commitment that do not extend beyond the child's 19th birthday if the extension is in the best interests of the child; and

(B) [AN] additional one-year extensions of commitment

[PERIOD OF STATE CUSTODY] past 19 years of age that do not extend beyond the person's 21st birthday, if the continued state custody is in the best interests of the person and the person consents to it;

(2) order the child released to a parent, adult family member, or guardian of the child or to another suitable person, and, in appropriate cases, order the parent, adult family member, guardian, or other person to provide medical or other care and treatment; if the court releases the child, it shall direct the department to supervise the care and treatment given to the child, but the court may dispense with the department's supervision if the court finds that the adult to whom the child is released will adequately care for the child without supervision; the department's supervision may not exceed two years or in any event extend past the date the child reaches 19 years of age, except that the department or the child's guardian ad litem may petition for and the court may grant in a hearing

(A) one-year extensions of supervision that do not extend beyond the child's 19th birthday if the extensions are in the best interests of the child; and

(B) an additional one-year period of supervision past 19 years of age if the continued supervision is in the best interests of the person and the person consents to it; or

(3) order, under the grounds specified in (o) of this section or AS 47.10.088, the termination of parental rights and responsibilities of one or both parents and commit the child to the custody of the department, and the department shall report quarterly to the court on efforts being made to find a permanent placement for the child.

* **Sec. 2.** AS 47.10.080 is amended by adding a new subsection to read:

(v) In addition to the extensions of state custody ordered by a court under (c)(1)(A) or (B) of this section, a court may grant in a hearing a resumption of state custody that does not extend beyond a person's 21st birthday if the person

(1) consents to it;

(2) was placed in out-of-home care by the department immediately before being released from state custody and the person was released to the person's

own custody;

(3) is in need of out-of-home care to avoid personal harm or homelessness, or to enhance the person's ability to continue the person's education or training or otherwise improve the person's successful transition to independent living; and

(4) if requested by the department, agrees to reasonable terms for resuming state custody that may include matters relating to the person's education, attainment of a job or life skills, or other terms found by the court to be reasonable and in the person's best interest.

* Sec. 3. AS 47.10.990(3) is amended to read:

(3) "child" means a person who is

(A) under 18 years of age;

(B) [AND A PERSON] 19 years of age if that person was under 18 years of age at the time that a proceeding under this chapter was commenced; and

(C) under 21 years of age if that person is committed to the custody of the department under AS 47.10.080(c)(1) or (v);

* Sec. 4. This Act takes effect January 1, 2011.