



March 24, 2016 HB 200 Bill Overview

Overview of noted changes of significance from original version "A" to current proposed version "W"

Background:

Version "A" Under current law, a person seeking to adopt any child in the custody of the department must file a formal petition for adoption. The adoption hearing would then be heard in a probate proceeding, which is separate court proceeding from Child in Need of Aid proceedings often with a different judge. This creates challenges to the adoption process because a child-in-need-of-aid is a unique case. This bill would align adoption of a child-in-need-of-aid under AS 47.10 and allow for the department to develop alternatives, such as use of a "proxy", to the formal adoption petitions that are currently required under AS 25.23.080. This bill will improve department compliance with the Indian Child Welfare Act and support tribal partnerships and efforts.

Details:

Version "A" allows for the adoption of a child in state custody, identified as a child-in-need-of-aid, to be filed and heard as a Child-In-Need-of-Aid (CINA) matter.

- Outlines the process by which such adoptions would occur, via petition or proxy for formal petition, via telephone, fax, electronic or regular mail or in person.
- Defines that "proxy by formal petition" includes relative or tribal members, other Indian family interested in immediate placement and adoption of a child.
- Outlines the Legislative Intent to authorize a more appropriate adoption process for a child in state custody to allow adoption proceedings in an existing child-in-need-of-aid proceeding.
- Provides the department regulatory authority to address formal petition of adoption.

Background expanded to include amendments:

Version "W" *This bill would align adoption, guardianship and civil custody matters in Child In Need of Aid cases to be conjoined under AS 47.10, and will assist in preserving placement preferences outlined in 25 U.S.C. 11901 – 1963. This bill adds much needed flexibility in the initiation of adoption, guardianship, or civil custody proceeding for a child in state*

custody and clarifies the need for more appropriate adoption and legal guardian ship processes for an Indian child in state custody under the Indian Child Welfare Act. This bill will improve department compliance with the Indian Child Welfare Act and support tribal partnerships and efforts. This bill will streamline the legal processes, simplify the adoptions and guardianship processes and assist in expediting the goal of finding permanency for Alaskan youth who are subject to Child-in-need-of-aid proceedings

Details:

Version “W” allows for the adoption and guardianship of *all* Alaskan children in state custody, identified as a child-in-need-of-aid, to be filed and heard as a Child In Need of Aid (CINA) matter.

- The conjoining of the adoption, guardianship and civil custody matters where there is action which involves divorce or legal separation proceeds regarding a child in state’s custody will create efficiencies in the court system, eliminate barriers and provide for greater access to the extended family members of children subject to CINA proceedings.
- Outlines the process by which such adoptions and guardianships would occur, via petition or proxy for those cases involving children subject to the Indian Child Welfare Act (ICWA) for formal petition, via telephone, fax, electronic or regular mail or in person.
- Defines that "proxy by formal petition" includes relative (native and non-native relatives) or tribal members, other Indian family interested in immediate and permanent placement and adoption of a child who falls under the Indian Child Welfare Act.
- The CS extends the timeline Office of Children’s Services has to file a permanent plan with the court after receiving a “proxy” to 60-days from 10 and then provides the court up to 90-days from the date of the filing to hold a hearing to review that plan.
- Provides language that allows the court to hold those petitions or proxies in abeyance until the permanency goal is changed to adoption or guardianship.
- Provides language to clarify the “party status” when the hearings are conjoined to ensure for confidentiality.
- Broadens the scope of individuals that will be entitled to a placement review hearing by creating a definition of “family friend.”
- Provides the department regulatory authority to address formal petition of adoption and guardianship.
- Extends the effective date of this bill to give time for Office of Children’s Services and the Court System to make the necessary changes.