

ALASKA STATE LEGISLATURE



REPRESENTATIVE LES GARA

To: Senate Finance Committee

From: Representative Les Gara

Date: 4/10/18

Subject: House Bill 151, Sectional Analysis

**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 AS 47.10.093(a) to conform to new AS 47.17.030(g) added in section 18 of this Act.

**Section 11** 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 12** 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 13** 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 14** 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 15** 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 16** 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 16 also provides that the department is immune from suit if the department is unable to meet workload standards under certain circumstances. Section 16 requires the division of the department with responsibility over the custody of children to provide an annual report to the legislature on employee recruitment and retention.

**Section 17** 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 18** adds a new subsection providing that when the department or a local government health or social services agency completes certain investigations and identifies an appropriate community organization that will provide support services to families, that the department or a local government health or social services agency shall refer the child's parent or guardian to the community organization upon consent of the child's parent or guardian. Section 18 also provides for confidentiality of information received by the community organization under the new subsection.

**Section 19** 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 20** 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 21** provides secs. 2, 7 - 9, 11 - 15, 17, and 19 of 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 secs. 2, 7 - 9, 11 - 15, 17, and 19 of the Act. Section 19 also provides that secs. 3 - 6 and 20 of the Act apply to applications for a license, license renewal, certification, certification renewal, or payment received by the department on or after the effective dates of secs. 3 - 6 and 20 of the Act

**Section 22** 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 23** requires the department to implement the changes made by secs. 7 - 9 and 12 - 14 not later than 90 days 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, and allowing a child to remain in the child's home with an adult family member. Section 23 also requires the department to implement the changes made by secs. 2 - 6, 11, 15, 17, 19, and 20, and some of the changes made by sec. 16, not later than one year after the effective date of those sections. Those sections relate to legislative findings, barriers to foster care licensing and payments, sharing case information with siblings, providing sibling contact information in certain situations, department training and reports, assisting family members in obtaining foster care licenses, providing identification information to children 16 or older when released from department

Representative Les Gara  
April 9, 2018  
Page 4

custody, and approval of foster care licenses within 45 days of receiving an application. Section 23 further requires the department to implement the rest of the changes made by sec. 16 of the Act not later than two years after the effective date of that section. Those changes relate to employee workload standards.

**Section 24** provides that sec. 22 of the Act takes effect immediately.