

**SPONSOR SUBSTITUTE FOR HOUSE BILL NO. 340**

IN THE LEGISLATURE OF THE STATE OF ALASKA

TWENTIETH LEGISLATURE - SECOND SESSION

BY REPRESENTATIVE HODGINS

Introduced: 4/3/98

Referred: Health, Education and Social Services, Judiciary

**A BILL**

**FOR AN ACT ENTITLED**

1 "An Act relating to child abuse and neglect, child-in-need-of-aid proceedings,  
2 delinquency hearings, and review of cases involving certain children who are in  
3 the custody of the state; relating to the crime of endangering the welfare of a  
4 minor; relating to disclosure of information about children and their families;  
5 amending Rules 3, 7, 10, 15, 17 - 19, and 22, Alaska Child in Need of Aid  
6 Rules; amending Rules 3, 7, 10, 12, 21, 23, and 25, Alaska Delinquency Rules;  
7 and providing for an effective date."

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

9 \* **Section 1.** AS 11.51.100(a) is amended to read:

10 (a) A person commits the crime of endangering the welfare of a minor if,  
11 being a parent, guardian, or other person legally charged with the care of a child under  
12 10 years of age, the person

13 (1) intentionally deserts the child in any place under circumstances

1 creating a substantial risk of physical injury to the child;

2 (2) with criminal negligence, has the child in the person's care and  
 3 the person's physical or mental condition is impaired as a result of the  
 4 introduction of an intoxicating liquor or a controlled substance into the person's  
 5 body; or

6 (3) with criminal negligence, has the child in the person's care

7 (A) in a place where the person knows or reasonably ought  
 8 to know that a controlled substance is possessed in violation of law; or

9 (B) while the person illegally possesses a controlled  
 10 substance.

11 \* **Sec. 2.** AS 11.56 is amended by adding a new section to read:

12 **Sec. 11.56.802. False report of child abuse or neglect.** (a) A person  
 13 commits the crime of making a false report of child abuse or neglect if the person  
 14 knowingly makes a false report to the Department of Health and Social Services that  
 15 the person suspects that a child has suffered harm as a result of child abuse or neglect.

16 (b) Making a false report of child abuse or neglect is a class C felony.

17 \* **Sec. 3.** AS 47.10.010 is amended by adding a new subsection to read:

18 (f) The court may not find a child to be a child in need of aid under this  
 19 section solely on the basis that the child's family is poor, lacks adequate housing, or  
 20 lives a lifestyle that is different from the generally accepted lifestyle standard of the  
 21 community where the family lives. However, this subsection may not be construed to  
 22 prevent a court from finding that a child is in need of aid if the child has been  
 23 subjected to conduct or conditions described in (a) of this section.

24 \* **Sec. 4.** AS 47.10.030(b) is amended to read:

25 (b) In all cases under this chapter, the **child** [MINOR], each parent **or**  
 26 **custodian** of the **child**, [MINOR] and the **child's** guardian, **grandparents, healthcare**  
 27 **providers, current and previous foster parents, and guardian ad litem, if any,** [OF  
 28 THE MINOR] shall be given notice adequate to give actual notice of **all** [THE]  
 29 proceedings and the possibility of termination of parental rights and responsibilities,  
 30 taking into account education and language differences that are known or reasonably  
 31 ascertainable by the petitioner or the department. The notice of the hearing must

1 contain all names by which the **child** [MINOR] has been identified. Notice shall be  
 2 given in the manner appropriate under rules of civil procedure for the service of  
 3 process in a civil action under Alaska law or in any manner the court by order directs.  
 4 Proof of the giving of the notice shall be filed with the court before the petition is  
 5 heard. The court may also subpoena the parent of the **child** [MINOR], or any other  
 6 person whose testimony may be necessary at the hearing. A subpoena or other process  
 7 may be served by a person authorized by law to make the service, and where personal  
 8 service cannot be made, the court may direct that service of process be in a manner  
 9 appropriate under rules of civil procedure for the service of process in a civil action  
 10 under Alaska law or in any manner the court directs.

11 \* **Sec. 5.** AS 47.10.070(a) is amended to read:

12 (a) The court may conduct the hearing on the petition in an informal manner  
 13 in the courtroom or in chambers. The court shall give notice of the hearing to the  
 14 department and it may send a representative to the hearing. **The department shall**  
 15 **send a notice of the hearing to the persons entitled to notice under**  
 16 **AS 47.10.030(b).** The court shall also transmit a copy of the petition to the  
 17 department. The **persons to whom the department must send notice of the hearing**  
 18 **are entitled to** [REPRESENTATIVE OF THE DEPARTMENT MAY ALSO] be heard  
 19 at the hearing. The public shall be excluded from the hearing, but the court **shall** [,  
 20 IN ITS DISCRETION, MAY] permit **persons who are given notice under**  
 21 **AS 47.10.030(b)** [INDIVIDUALS] to attend a hearing **and remain present unless** [IF]  
 22 their attendance is **incompatible** [COMPATIBLE] with the best interests of the **child**.  
 23 **This subsection may not be construed to require that persons to whom notice is**  
 24 **given under AS 47.10.030(b) are required to be made parties to the proceedings**  
 25 [MINOR].

26 \* **Sec. 6.** AS 47.10.070 is amended by adding a new subsection to read:

27 (c) In all cases under this chapter, the court shall provide to the child's  
 28 grandparents, the child's current and previous foster parents, and any relative or other  
 29 custodian who is providing out-of-home care for the child notice of, and an  
 30 opportunity to be heard in, any hearing held with respect to the child. This subsection  
 31 may not be construed to require that these persons be made a party to the proceedings.

1 \* **Sec. 7.** AS 47.10.080(c) is amended to read:

2 (c) If the court finds that the **child** [MINOR] is a child in need of aid, it shall

3 (1) order the **child** [MINOR] committed to the department for  
4 placement in an appropriate setting for a period of time not to exceed two years or in  
5 any event past the date the **child** [MINOR] becomes 19 years of age, except that the  
6 department **or the child's guardian ad litem** may petition for and the court, **upon a**  
7 **showing of exceptional circumstances**, may grant in a hearing (A) **one-year** [TWO-  
8 YEAR] extensions of commitment that do not extend beyond the **child's** [MINOR'S]  
9 19th birthday if the **extensions are** [EXTENSION IS] in the best interests of the **child**  
10 [MINOR]; and (B) an additional one-year period of supervision past age 19 if the  
11 continued supervision is in the best interests of the person and the person consents to  
12 it; the department may transfer the **child** [MINOR], in the **child's** [MINOR'S] best  
13 interests, from one placement setting to another, and the **child, the child's foster**  
14 **parent** [MINOR], the **child's** [MINOR'S] parents or guardian, and the **child's**  
15 [MINOR'S] attorney **and guardian ad litem** are entitled to reasonable notice of the  
16 transfer;

17 (2) order the **child** [MINOR] released to the **child's** [MINOR'S]  
18 parents, guardian, or some other suitable person, and, in appropriate cases, order the  
19 parents, guardian, or other person to provide medical or other care and treatment; if  
20 the court releases the **child** [MINOR], it shall direct the department to supervise the  
21 care and treatment given to the **child** [MINOR], but the court may dispense with the  
22 department's supervision if the court finds that the adult to whom the **child** [MINOR]  
23 is released will adequately care for the **child** [MINOR] without supervision; the  
24 department's supervision may not exceed two years or in any event extend past the  
25 date the **child** [MINOR] reaches age 19, except that the department **or the child's**  
26 **guardian ad litem** may petition for and the court, **upon a showing of exceptional**  
27 **circumstances**, may grant in a hearing

28 (A) **one-year** [TWO-YEAR] extensions of supervision that do  
29 not extend beyond the **child's** [MINOR'S] 19th birthday if the **extensions are**  
30 [EXTENSION IS] in the best interests of the **child** [MINOR]; and

31 (B) an additional one-year period of supervision past age 19 if

1 the continued supervision is in the best interests of the person and the person  
2 consents to it; or

3 (3) by order, upon a showing in the adjudication by clear and  
4 convincing evidence that there is a child in need of aid under AS 47.10.010(a) as a  
5 result of parental conduct and upon a showing in the disposition by clear and  
6 convincing evidence that the parental conduct is likely to continue to exist if there is  
7 no termination of parental rights, terminate parental rights and responsibilities of one  
8 or both parents and commit the child to the department or to a legally appointed  
9 guardian of the person of the child, and the department or guardian shall report  
10 monthly [ANNUALLY] to the court on efforts being made to find a permanent  
11 placement for the child.

12 \* **Sec. 8.** AS 47.10.080(f) is amended to read:

13 (f) A child [MINOR] found to be a child in need of aid is a ward of the state  
14 while committed to the department or the department has the power to supervise the  
15 child's [MINOR'S] actions. The court shall review an order made under (c)(1) or (2)  
16 of this section semi-annually [ANNUALLY], and may review the order more  
17 frequently to determine if continued placement or supervision, as it is being provided,  
18 is in the best interest of the child [MINOR]. If a [ANNUAL] review under this  
19 subsection would arise within 90 days of the hearing required under (l) of this section,  
20 the court may postpone review under this subsection until the time set for the hearing.  
21 The department, the child [MINOR], and the child's [MINOR'S] parents,  
22 grandparents, current and previous foster parents, guardian, guardian ad litem,  
23 or other custodian are entitled, when good cause is shown, to a review on application.  
24 If the application is granted, the court shall afford these parties and their counsel  
25 reasonable notice in advance of the review and hold a hearing where these parties and  
26 their counsel and the child's health care providers shall be afforded an opportunity  
27 to be heard. The child [MINOR] shall be afforded the opportunity to be present at the  
28 review.

29 \* **Sec. 9.** AS 47.10.080(l) is amended to read:

30 (l) Within 18 months after the date a child is initially removed from the child's  
31 home by the department under AS 47.10.142(c) or committed to the custody of the

1 department under (c)(1) or (3) of this section or AS 47.14.100(c), the court shall hold  
 2 a hearing to review the placement and services provided and to determine the future  
 3 status of the **child. The persons entitled to be heard at the hearing under**  
 4 **AS 47.10.070 or under (f) of this section are also entitled to be heard at the**  
 5 **hearing under this subsection** [MINOR]. The court shall make appropriate written  
 6 findings, including findings related to the following:

7 (1) whether the child should be returned to the parent;

8 (2) whether the child should remain in out-of-home care for a specified  
 9 period;

10 (3) whether the child should remain in out-of-home care on a  
 11 permanent or long-term basis because of special needs or circumstances;

12 (4) whether the child should be placed for adoption or legal  
 13 guardianship.

14 \* **Sec. 10.** AS 47.10.090(e) is amended to read:

15 (e) The court's official records under this chapter may be inspected only with  
 16 the court's permission and only by persons having a legitimate interest in them. **A**  
 17 **foster parent is considered to have a legitimate interest in the records of a child**  
 18 **who is already placed with the foster parent or who is recommended for**  
 19 **placement with the foster parent.**

20 \* **Sec. 11.** AS 47.10.092(a) is amended to read:

21 (a) Notwithstanding AS 47.10.090 and 47.10.093, a parent or legal guardian  
 22 of a **child** [MINOR] subject to a proceeding under AS 47.10.010 - 47.10.142 may  
 23 disclose confidential or privileged information about the **child or the child's family**  
 24 [MINOR], including information that has been lawfully obtained from agency or court  
 25 files, to the governor, the lieutenant governor, a legislator, the ombudsman appointed  
 26 under AS 24.55, the attorney general, and the commissioners of health and social  
 27 services, administration, or public safety, or an employee of these persons, for review  
 28 or use in their official capacities. The department **shall** [MAY] disclose additional  
 29 confidential or privileged information **about the child or the child's family** and make  
 30 **copies of all documents contained in the file about the child or the child's family**  
 31 available for inspection [DOCUMENTS ABOUT THE MINOR] to these state officials

1 or employees for review or use in their official capacities **upon request of the official**  
 2 **or employee and submission of written evidence that a parent or legal guardian**  
 3 **of the child has requested the state official's assistance in the case as part of the**  
 4 **official's duties.** A person to whom disclosure is made under this section may not  
 5 disclose confidential or privileged information about the **child or the child's family**  
 6 [MINOR] to a person not authorized to receive it.

7 \* **Sec. 12.** AS 47.10.092 is amended by adding a new subsection to read:

8 (d) Notwithstanding AS 47.10.090 and 47.10.093, current or previous foster  
 9 parents or grandparents of a child subject to a proceeding under AS 47.10.010 -  
 10 47.10.142 may disclose confidential or privileged information about the child,  
 11 including information that has been lawfully obtained from agency or court files, to  
 12 the governor, the lieutenant governor, a legislator, the ombudsman appointed under  
 13 AS 24.55, the attorney general, and the commissioners of health and social services,  
 14 administration, or public safety, or an employee of these persons, for review or use in  
 15 their official capacities. The department shall disclose additional confidential or  
 16 privileged information about the child and make copies of all documents in the file  
 17 about the child available for inspection to these state officials or employees for review  
 18 or use in their official capacities upon request of the official or employee and  
 19 submission of written evidence that a current or previous foster parent or a grandparent  
 20 of the child has requested the official's assistance in the case as part of the official's  
 21 duties. A person to whom disclosure is made under this section may not disclose  
 22 confidential or privileged information about the child to a person not authorized to  
 23 receive it.

24 \* **Sec. 13.** AS 47.10.093(b) is amended to read:

25 (b) A state or municipal agency or employee may disclose information  
 26 regarding a case to

27 (1) a guardian ad litem appointed by the court or to a citizen review  
 28 board or local review panel for permanency planning authorized by AS 47.14.200 or  
 29 47.14.220;

30 (2) a person or an agency requested to provide consultation or services  
 31 for a **child** [MINOR] who is subject to the jurisdiction of the court under

1 AS 47.10.010;

2 (3) school officials as may be necessary to enable the school to provide  
3 appropriate counseling and support services to the **child** [MINOR] who is the subject  
4 of the case, to protect the safety of the **child** [MINOR] who is the subject of the case,  
5 and to protect the safety of school students and staff;

6 (4) a governmental agency as may be necessary to obtain that agency's  
7 assistance for the department in its investigation or to obtain physical custody of a  
8 child; [AND]

9 (5) a state or municipal law enforcement agency as may be necessary  
10 for a specific investigation being conducted by that agency or for disclosures by that  
11 agency to protect the public safety; **and**

12 **(6) a foster parent who requests information about a child who is**  
13 **already placed with the foster parent or who is recommended for placement with**  
14 **the foster parent.**

15 \* **Sec. 14.** AS 47.10.093 is amended by adding a new subsection to read:

16 (k) A state or municipal agency or employee shall disclose information  
17 regarding a case to a foster parent or to the administrator of a facility or an agency  
18 concerning a child placed with the foster parent, facility, or agency as may be  
19 necessary to protect the safety of the child who is the subject of the case and the safety  
20 of the foster parent and all persons residing with the foster parent and of the  
21 employees and residents of the facility or agency.

22 \* **Sec. 15.** AS 47.12.010 is amended to read:

23 **Sec. 47.12.010. Purpose of chapter.** The purposes of this chapter are **to**

24 (1) [TO] protect the public and to reform juvenile offenders;

25 (2) [TO] provide that, for the most common offenses committed by  
26 minors, those punishable as misdemeanors, resolution should require some form of  
27 sanction, that the form of the sanction should be certain, that the imposition of the  
28 sanction should be swift, and that the sanction may take the form of a reasonable claim  
29 on the time and talents of the minor who has committed the offense; and

30 (3) [TO] provide that counseling provided to the minor should, if  
31 appropriate, include the minor's family or guardian, that the minor's family, **foster**

1 **parent**, or guardian has the right to offer suggestions and make recommendations for  
 2 the correction of the minor's behavior, and that the minor's family or guardian may be  
 3 asked to participate in supervision of the minor's treatment.

4 \* **Sec. 16.** AS 47.12.050(a) is amended to read:

5 (a) Except as may be otherwise specifically provided, in all cases under this  
 6 chapter, the minor, each parent of the minor, **the foster parent of the minor**, and the  
 7 guardian of the minor are entitled to notice adequate to give actual notice of the  
 8 proceedings, taking into account education and language differences that are known  
 9 or reasonably ascertainable by the party giving the notice. The notice must contain all  
 10 names by which the minor has been identified.

11 \* **Sec. 17.** AS 47.12.060(b) is amended to read:

12 (b) When the agency decides that an informal adjustment of a matter should  
 13 be made, that informal adjustment may not be made without the agreement or consent  
 14 of the minor and the minor's parents or guardians to the terms and conditions of the  
 15 adjustment. **In addition, the agency shall give the minor's foster parent an**  
 16 **opportunity to be heard before the informal adjustment is made.** An informal  
 17 action to adjust a matter is not successfully completed unless, among other factors that  
 18 the agency considers, as to the victim of the act of the minor that is the basis of the  
 19 delinquency allegation, the minor pays restitution in the amount set by the agency or  
 20 agrees as a term or condition set by the agency to pay the restitution.

21 \* **Sec. 18.** AS 47.12.110(a) is amended to read:

22 (a) The court shall conduct a hearing on the petition. The court shall give  
 23 notice of the hearing to the department, and the department shall send a representative  
 24 to the hearing. The representative of the department may also be heard at the hearing.  
 25 **The department shall give notice of the hearing and a copy of the petition to the**  
 26 **minor's foster parent, and the court shall give the foster parent an opportunity**  
 27 **to be heard at the hearing.** The public shall be excluded from the hearing, but the  
 28 court, in its discretion, may permit individuals to attend a hearing [,] if their attendance  
 29 is compatible with the best interests of the minor. Nothing in this section may be  
 30 applied in such a way as to deny a minor's rights to a public trial and to a trial by jury.

31 \* **Sec. 19.** AS 47.12.120(b) is amended to read:

1 (b) If the court finds that the minor is delinquent, it shall

2 (1) order the minor committed to the department for a period of time  
3 not to exceed two years or in any event extend past the day the minor becomes 19,  
4 except that the department may petition for and the court may grant in a hearing (A)  
5 two-year extensions of commitment that do not extend beyond the child's 19th birthday  
6 if the extension is in the best interests of the minor and the public; and (B) an  
7 additional one-year period of supervision past age 19 if continued supervision is in the  
8 best interests of the person and the person consents to it; the department shall place  
9 the minor in the juvenile facility that the department considers appropriate and that  
10 may include a juvenile correctional school, juvenile work camp, treatment facility,  
11 detention home, or detention facility; the minor may be released from placement or  
12 detention and placed on probation on order of the court and may also be released by  
13 the department, in its discretion, under AS 47.12.260;

14 (2) order the minor placed on probation, to be supervised by the  
15 department, and released to the minor's parents, guardian, or a suitable person; if the  
16 court orders the minor placed on probation, it may specify the terms and conditions  
17 of probation; the probation may be for a period of time, not to exceed two years and  
18 in no event extend past the day the minor becomes 19, except that the department may  
19 petition for and the court may grant in a hearing

20 (A) two-year extensions of supervision that do not extend  
21 beyond the child's 19th birthday if the extension is in the best interests of the  
22 minor and the public; and

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

26 (3) order the minor committed to the department and placed on  
27 probation, to be supervised by the department, and released to the minor's parents,  
28 guardian, other suitable person, or suitable nondetention setting such as a family home,  
29 group care facility, or child care facility, whichever the department considers  
30 appropriate to implement the treatment plan of the predisposition report; if the court  
31 orders the minor placed on probation, it may specify the terms and conditions of

1 probation; the department may transfer the minor, in the minor's best interests, from  
 2 one of the probationary placement settings listed in this paragraph to another, and the  
 3 minor, **the minor's foster parent**, the minor's parents or guardian, and the minor's  
 4 attorney are entitled to reasonable notice of the transfer; the probation may be for a  
 5 period of time, not to exceed two years and in no event extend past the day the minor  
 6 becomes 19, except that the department may petition for and the court may grant in  
 7 a hearing

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

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

14 (4) order the minor and the minor's parent to make suitable restitution  
 15 in lieu of or in addition to the court's order under (1), (2), or (3) of this subsection;  
 16 under this paragraph,

17 (A) except as provided in (B) of this paragraph, the court may  
 18 not refuse to make an order of restitution to benefit the victim of the act of the  
 19 minor that is the basis of the delinquency adjudication; and

20 (B) the court may not order payment of restitution by the parent  
 21 of a minor who is a runaway or missing minor for an act of the minor that was  
 22 committed by the minor after the parent has made a report to a law  
 23 enforcement agency, as authorized by AS 47.10.141(a), that the minor has run  
 24 away or is missing; for purposes of this subparagraph, "runaway or missing  
 25 minor" means a minor who a parent reasonably believes is absent from the  
 26 minor's residence for the purpose of evading the parent or who is otherwise  
 27 missing from the minor's usual place of abode without the consent of the  
 28 parent;

29 (5) order the minor committed to the department for placement in an  
 30 **adventure-based** [ADVENTURE BASED] education program established under  
 31 AS 47.21.020 with conditions the court considers appropriate concerning release upon

1 satisfactory completion of the program or commitment under (1) of this subsection if  
 2 the program is not satisfactorily completed;

3 (6) in addition to an order under (1) - (5) of this subsection, if the  
 4 delinquency finding is based on the minor's violation of AS 11.71.030(a)(3) or  
 5 11.71.040(a)(4), order the minor to perform 50 hours of community service; for  
 6 purposes of this paragraph, "community service" includes work

7 (A) defined as community service under AS 33.30.901; or

8 (B) that, on the recommendation of the city council or  
 9 traditional village council, would benefit persons within the city or village who  
 10 are elderly or disabled; or

11 (7) in addition to an order under (1) - (6) of this subsection, order the  
 12 minor's parent or guardian to comply with orders made under AS 47.12.155, including  
 13 participation in treatment under AS 47.12.155(b)(1).

14 \* **Sec. 20.** AS 47.12.120(d) is amended to read:

15 (d) A minor found to be delinquent is a ward of the state while committed to  
 16 the department or while the department has the power to supervise the minor's actions.  
 17 The court shall review an order made under (b) of this section annually [,] and may  
 18 review the order more frequently to determine if continued placement, probation, or  
 19 supervision, as it is being provided, is in the best interest of the minor and the public.  
 20 If annual review under this subsection would arise within 90 days of the hearing  
 21 required under (g) of this section, the court may postpone review under this subsection  
 22 until the time set for the hearing. The department, the minor, **and** the minor's parents,  
 23 guardian, or custodian are entitled, when good cause is shown, to a review on  
 24 application. If the application is granted, the court shall afford these parties and their  
 25 counsel **and the minor's foster parent** reasonable notice in advance of the review and  
 26 hold a hearing where these parties and their counsel **and the minor's foster parent**  
 27 shall be afforded an opportunity to be heard. The minor shall be afforded the  
 28 opportunity to be present at the review.

29 \* **Sec. 21.** AS 47.12.120(g) is amended to read:

30 (g) Within 18 months after the date a minor is committed to the custody of the  
 31 department under (b)(3) of this section, the court shall hold a hearing to review the

1 placement and services provided and to determine the future status of the minor. **The**  
 2 **minor's foster parent is entitled to notice of the hearing, and, if the foster parent**  
 3 **attends, the foster parent is entitled to be heard at the hearing.** The court shall  
 4 make appropriate written findings, including findings related to the following:

5 (1) whether the minor should be returned to the parent;

6 (2) whether the minor should remain in out-of-home care for a  
 7 specified period;

8 (3) whether the minor should remain in out-of-home care on a  
 9 permanent or long-term basis because of special needs or circumstances;

10 (4) whether the minor should be placed for adoption or legal  
 11 guardianship.

12 \* **Sec. 22.** AS 47.12.250(b) is amended to read:

13 (b) A peace officer who has a minor detained under (a) of this section shall  
 14 immediately, and in no event more than 12 hours later, notify the court and make  
 15 reasonable efforts to notify the minor's parents or guardian, **the minor's foster parent,**  
 16 and the department of the officer's action. The department may file with the court a  
 17 petition alleging delinquency before the detention hearing.

18 \* **Sec. 23.** AS 47.12.250(c) is amended to read:

19 (c) The court shall immediately, and in no event more than 48 hours later, hold  
 20 a hearing at which the minor and the minor's parents or guardian if they can be found  
 21 shall be present. The court shall determine whether probable cause exists for believing  
 22 the minor to be delinquent. The court shall inform the minor of the reasons alleged  
 23 to constitute probable cause and the reasons alleged to authorize the minor's detention.  
 24 The minor is entitled to counsel and to confrontation of adverse witnesses. **The court**  
 25 **shall give the minor's foster parent the opportunity to be heard at the hearing.**

26 \* **Sec. 24.** AS 47.12.300(e) is amended to read:

27 (e) The court's official records under this chapter may be inspected only with  
 28 the court's permission and only by persons having a legitimate interest in them. A  
 29 person with a legitimate interest in the inspection of an official record maintained by  
 30 the court includes **a foster parent who requests information about a child who is**  
 31 **already placed with the foster parent or who is recommended for placement with**

1 **the foster parent and** a victim who suffered physical injury or whose real or personal  
 2 property was damaged as a result of an offense that was the basis of an adjudication  
 3 or modification of disposition. If the victim knows the identity of the minor, identifies  
 4 the minor or the offense to the court, and certifies that the information is being sought  
 5 to consider or support a civil action against the minor or against the minor's parents  
 6 or guardians under AS 34.50.020, the court shall, subject to AS 12.61.110 and  
 7 12.61.140, allow the victim to inspect and use the following records and information  
 8 in connection with the civil action:

9 (1) a petition filed under AS 47.12.040(a) seeking to have the court  
 10 declare the minor a delinquent;

11 (2) a petition filed under AS 47.12.120 seeking to have the court  
 12 modify or revoke the minor's probation;

13 (3) a petition filed under AS 47.12.100 requesting the court to find that  
 14 a minor is not amenable to treatment under this chapter and that results in closure of  
 15 a case under AS 47.12.100(a); and

16 (4) a court judgment or order entered under this chapter that disposes  
 17 of a petition identified in (1) - (3) of this subsection.

18 \* **Sec. 25.** AS 47.12.310(b) is amended to read:

19 (b) A state or municipal agency or employee may disclose information  
 20 regarding a case to

21 (1) a guardian ad litem appointed by the court or to a citizen review  
 22 board or local review panel for permanency planning authorized by AS 47.14.200 -  
 23 47.14.220;

24 (2) a person or an agency requested to provide consultation or services  
 25 for a minor who is subject to the jurisdiction of the court under this chapter;

26 (3) school officials as may be necessary to protect the safety of the  
 27 minor who is the subject of the case and the safety of school students and staff or to  
 28 enable the school to provide appropriate counseling and supportive services to meet  
 29 the needs of a minor about whom information is disclosed;

30 (4) a governmental agency as may be necessary to obtain that agency's  
 31 assistance for the department in its investigation or to obtain physical custody of a

1 minor;

2 (5) a state or municipal law enforcement agency as may be necessary  
3 for a specific investigation being conducted by that agency or for disclosures by that  
4 agency to protect the public safety; [AND]

5 (6) a victim as may be necessary to inform the victim about the  
6 disposition or resolution of a case involving a minor; **and**

7 **(7) a foster parent who requests information about a child who is**  
8 **already placed with the foster parent or who is recommended for placement with**  
9 **the foster parent.**

10 \* **Sec. 26.** AS 47.12.310 is amended by adding a new subsection to read:

11 (k) A state or municipal agency or employee shall disclose information  
12 regarding a case to a foster parent or to the administrator of a facility or an agency  
13 concerning a minor placed with the foster parent, facility, or agency as may be  
14 necessary to protect the safety of the minor who is the subject of the case and the  
15 safety of the foster parent and all persons residing with the foster parent and of the  
16 employees and residents of the facility or agency.

17 \* **Sec. 27.** AS 47.14.100(a) is amended to read:

18 (a) Subject to (e) and (f) of this section, the department shall arrange for the  
19 care of every child committed to its custody by placing the child in a foster home or  
20 in the care of an agency or institution providing care for children inside or outside the  
21 state. The department may place a child in a suitable family home, with or without  
22 compensation, and may place a child released to it, in writing verified by the parent,  
23 or guardian or other person having legal custody, for adoptive purposes, in a home for  
24 adoption in accordance with existing law. **After a child has been placed in a foster**  
25 **home, the department shall, on request of the foster parent, consider the views of**  
26 **the foster parent concerning appropriate treatment plans for the child and shall**  
27 **give the foster parent an opportunity to be heard before subsequent placement**  
28 **decisions are made by the department about the child.**

29 \* **Sec. 28.** AS 47.14.100(d) is amended to read:

30 (d) In addition to money paid for the maintenance of foster children under (b)  
31 of this section, the department

1 (1) shall pay the costs of caring for physically or mentally handicapped  
 2 foster children, including the additional costs of medical care, habilitative and  
 3 rehabilitative treatment, services, [AND] equipment, special clothing, and the indirect  
 4 costs of medical care, including child care and transportation expenses;

5 (2) **shall** [MAY] pay for respite care; in this paragraph, "respite care"  
 6 means child care for the purpose of providing

7 [(A)] temporary relief from the stresses of caring for a foster  
 8 child [WHO HAS A PHYSICAL OR MENTAL DISABILITY OR A  
 9 PHYSICAL OR MENTAL IMPAIRMENT; IN THIS SUBPARAGRAPH,

10 (i) "PHYSICAL OR MENTAL DISABILITY" HAS  
 11 THE MEANING GIVEN IN AS 18.80.300(12)(A), (B), AND (D);  
 12 AND

13 (ii) "PHYSICAL OR MENTAL IMPAIRMENT" HAS  
 14 THE MEANING GIVEN IN AS 18.80.300; AND

15 (B) PROTECTION FOR THE CHILD WHEN THE FOSTER  
 16 PARENT IS

17 (i) AWAY FROM THE HOME BECAUSE OF AN  
 18 EMERGENCY AND OTHER CARE IS NOT AVAILABLE FOR THE  
 19 CHILD; OR

20 (ii) ON VACATION AND THE CHILD, BECAUSE OF  
 21 AGE OR INFIRMITY, CANNOT BE PLACED IN ANY OTHER  
 22 TYPE OF TEMPORARY CARE FACILITY]; and

23 (3) may pay a subsidized guardianship payment under AS 25.23.210  
 24 when a foster child's foster parents or other persons approved by the department  
 25 become court-appointed legal guardians of the child.

26 \* **Sec. 29.** AS 47.14 is amended by adding a new section to read:

27 **Sec. 47.14.115. Training of foster parents.** On a quarterly basis and at no  
 28 cost to the foster parent, the department shall offer a training seminar or consultation  
 29 opportunity to a foster parent that is designed to help the foster parent understand and  
 30 care for the particular child who has been placed with the foster parent.

31 \* **Sec. 30.** AS 47.14.240(d) is amended to read:

1 (d) In reviewing a case, the local review panel shall consider the case plan and  
 2 any progress report of the department or the child's guardian ad litem, court records,  
 3 and other relevant information about the child and the child's family. The local  
 4 **review** panel shall provide to the following persons an opportunity to be interviewed  
 5 by the local review panel in person or by telephone or to provide written material to  
 6 the local review panel:

7 (1) the child whose case is being reviewed if the child is 10 years of  
 8 age or older;

9 (2) the parents, custodians, or other relatives of the child;

10 (3) the child's out-of-home care provider;

11 (4) the child's guardian;

12 (5) the child's guardian ad litem;

13 (6) the case worker or social worker assigned to the case;

14 (7) **the child's health care providers;**

15 (8) if the case is governed by 25 U.S.C. 1901 - 1963 (Indian Child  
 16 Welfare Act),

17 (A) the child's Indian custodian; and

18 (B) the designated representative of the child's Indian tribe if  
 19 the tribe has intervened in the court case; and

20 (9) [(8)] other persons with a close personal knowledge of the case.

21 \* **Sec. 31.** AS 47.14.240(h) is amended to read:

22 (h) The report required under (g) of this section must make advisory  
 23 recommendations based on the best interests of the child in accordance with  
 24 AS 47.10.082 and must include notification of the right to request court review under  
 25 AS 47.10.080(f). If the court has scheduled the case for review, the local review panel  
 26 shall submit its report at least 20 days before the hearing, **and the department shall**  
 27 **ensure that the court has a copy of the recommendations that are made in the**  
 28 **report.**

29 \* **Sec. 32.** COURT RULE CHANGE; CINA PROCEEDINGS. (a) AS 47.10.030,  
 30 47.10.070, and 47.10.080, as amended by secs. 4 - 9 of this Act, have the effect of amending  
 31 Rules 3, 7, 10, 15, 17, and 19, Alaska Child in Need of Aid Rules, by requiring certain

1 information about children's hearings to be sent to additional persons and by providing that  
2 those persons are entitled to testify and be present at the hearings.

3 (b) Sections 4 - 9 of this Act take effect only if this section receives the two-thirds  
4 majority vote of each house required by art. IV, sec. 15, Constitution of the State of Alaska.

5 \* **Sec. 33.** COURT RULE CHANGE; DELINQUENCY RULES. (a) AS 47.12.050,  
6 47.12.060, 47.12.110, 47.12.120, and 47.12.250, as amended by secs. 16 - 23 of this Act, have  
7 the effect of amending Rules 3, 7, 10, 12, 21, 23, and 25, Alaska Delinquency Rules, by  
8 requiring certain information about delinquency hearings to be sent to foster parents and by  
9 providing that foster parents are entitled to testify at the hearings.

10 (b) Sections 16 - 23 of this Act take effect only if this section receives the two-thirds  
11 majority vote of each house required by art. IV, sec. 15, Constitution of the State of Alaska.

12 \* **Sec. 34.** COURT RULE CHANGE; REVIEWS. (a) To the extent that AS 47.10.080(f)  
13 is amended by sec. 8 of this Act to require semi-annual court review of orders regarding a  
14 child in need of aid, that provision amends Rule 19(a), Alaska Child in Need of Aid Rules,  
15 which currently provides for annual review.

16 (b) The amendment described in (a) of this section takes effect only if this section  
17 receives the two-thirds majority vote of each house required by art. IV, sec. 15, Constitution  
18 of the State of Alaska.

19 \* **Sec. 35.** COURT RULE CHANGE; REPORTS. (a) AS 47.10.080(c)(3), as amended  
20 by sec. 7 of this Act, has the effect of amending Rule 18(e), Alaska Child in Need of Aid  
21 Rules, by requiring the Department of Health and Social Services to report monthly, instead  
22 of annually, on its efforts to find a permanent placement for a child.

23 (b) The amendment made to AS 47.10.080(c)(3) by sec. 7 of this Act takes effect only  
24 this section receives the two-thirds majority vote of each house required by art. IV, sec. 15,  
25 Constitution of the State of Alaska.

26 \* **Sec. 36.** COURT RULE CHANGE; EXTENSIONS OF COMMITMENT OR  
27 SUPERVISION. (a) To the extent that AS 47.10.080(c)(1) and (2) are amended by sec. 7  
28 of this Act to allow a child's guardian ad litem to petition for an extension of the child's  
29 commitment or supervision and to require a showing of exceptional circumstances, those  
30 provisions amend Rule 19(e), Alaska Child in Need of Aid Rules, relating to petitions for  
31 extensions of commitment or supervision of a child.

1 (b) The amendments described in (a) of this section take effect only this section  
2 receives the two-thirds majority vote of each house required by art. IV, sec. 15, Constitution  
3 of the State of Alaska.

4 \* **Sec. 37.** COURT RULE CHANGE; CONFIDENTIAL INFORMATION. (a)  
5 AS 47.10.092, as amended by secs. 11 and 12 of this Act, amend Rule 22, Alaska Child in  
6 Need of Aid Rules, by providing exceptions to the confidentiality of information pertaining  
7 to a child who is the subject of child-in-need-of-aid proceedings.

8 (b) Sections 11 and 12 of this Act take effect only if this section receives the two-  
9 thirds majority vote of each house required by art. IV, sec. 15, Constitution of the State of  
10 Alaska.

11 \* **Sec. 38.** APPLICABILITY. (a) The changes made by secs. 4 - 9 and 16 - 23 of this  
12 Act apply to hearings described in this Act for which notice has not been sent by the court  
13 or the Department of Health and Social Services before the effective date of this Act.

14 (b) AS 11.56.802, added by sec. 2 of this Act, applies to a report of suspected child  
15 abuse that is made on or after the effective date of this Act.

16 \* **Sec. 39.** This Act takes effect immediately under AS 01.10.070(c).