

CS FOR HOUSE BILL NO. 15(HES)

IN THE LEGISLATURE OF THE STATE OF ALASKA

TWENTY-FIRST LEGISLATURE - FIRST SESSION

BY THE HOUSE HEALTH, EDUCATION AND SOCIAL SERVICES COMMITTEE

Offered: 5/3/99

Referred: Judiciary

Sponsor(s): REPRESENTATIVES ROKEBERG, Dyson

A BILL

FOR AN ACT ENTITLED

1 "An Act relating to foster parents and out-of-home caregivers of a child in need
2 of aid."

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

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

5 (s) The department may transfer a child, in the child's best interests, from one
6 placement setting to another, and the child, the child's parents or guardian, the child's
7 foster parents or out-of-home caregiver, the child's guardian ad litem, the child's
8 attorney, and the child's tribe are entitled to advance notice of a nonemergency
9 transfer. A foster parent or out-of-home caregiver who requests a nonemergency
10 change in placement of the child shall provide the department with reasonable
11 advance notice of the requested change. Upon receipt of notice under this
12 subsection,

13 (1) a [A] party opposed to the proposed transfer may request a hearing
14 and must prove by clear and convincing evidence that the transfer would be contrary

1 to the best interests of the child for the court to deny the transfer;

2 (2) a [. A] foster parent **opposed to the proposed transfer from the**
3 **foster parent's placement setting to another proposed placement setting may**
4 **request a hearing; the court**

5 (A) shall grant the hearing if the foster parent provides
6 information to the court showing that the child's transfer to another
7 proposed placement setting will put the child's health or safety at risk; the
8 foster parent making the request is entitled to be heard at the hearing;

9 (B) may deny the proposed placement if the court
10 determines, on the basis of clear and convincing evidence, that the child's
11 transfer to another proposed placement setting will put the child's health
12 or safety at risk [OR OUT-OF-HOME CAREGIVER WHO REQUESTS A
13 NONEMERGENCY CHANGE IN PLACEMENT OF THE CHILD SHALL
14 PROVIDE THE DEPARTMENT WITH REASONABLE ADVANCE NOTICE
15 OF THE REQUESTED CHANGE].