

HOUSE BILL NO. 413

IN THE LEGISLATURE OF THE STATE OF ALASKA

TWENTY-FIRST LEGISLATURE - SECOND SESSION

BY REPRESENTATIVES CISSNA, Kemplen, Croft, Foster

Introduced: 2/16/00

Referred: Health, Education and Social Services, Judiciary, Finance

A BILL

FOR AN ACT ENTITLED

1 "An Act relating to intensive family preservation services; and providing for an
2 effective date."

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

4 * **Section 1.** AS 47.10.086(a) is amended to read:

5 (a) Except as provided in (b) and (c) of this section, the department shall make
6 timely, reasonable efforts to provide family support services to the child and to the
7 parents or guardian of the child that are designed to prevent out-of-home placement
8 of the child or to enable the safe return of the child to the family home, when
9 appropriate, if the child is in an out-of-home placement. Within appropriations
10 available for the purpose, the department shall also offer intensive family
11 preservation services when those services are available and the child's safety in
12 the home can be maintained during the time the services are provided. The
13 department's duty to make reasonable efforts under this subsection to provide family
14 support services includes the duty to

1 (1) identify family support services that will assist the parent or
 2 guardian in remedying the conduct or conditions in the home that made the child a
 3 child in need of aid;

4 (2) actively offer the parent or guardian, and refer the parent or
 5 guardian to, the **family support** services identified under (1) of this subsection; the
 6 department shall refer the parent or guardian to community-based family support
 7 services whenever community-based services are available and desired by the parent
 8 or guardian; and

9 (3) document the department's actions that are taken under [(1) AND
 10 (2) OF] this subsection, **including whether intensive family preservation services**
 11 **were appropriate, offered, used, or available.**

12 * **Sec. 2.** AS 47.10.086(b) is amended to read:

13 (b) If the court makes a finding at a hearing conducted under AS 47.10.080(1)
 14 that a parent or guardian has not sufficiently remedied the parent's or guardian's
 15 conduct or the conditions in the home despite reasonable efforts made by the
 16 department in accordance with this section, the court may conclude that continuation
 17 of reasonable efforts of the type described in (a) of this section are not in the best
 18 interests of the child. The department shall then make reasonable efforts to place the
 19 child in a timely manner in accordance with the permanent plan and to complete
 20 whatever steps are necessary to finalize the permanent placement of the child. **If the**
 21 **court concludes that continuation of reasonable efforts of the type described in (a)**
 22 **of this section are not in the best interests of the child and intensive family**
 23 **preservation services were not provided in the case, the court shall enumerate in**
 24 **the record the reasons the services were not provided.**

25 * **Sec. 3.** AS 47.10.142(b) is amended to read:

26 (b) The department shall offer available counseling services **and intensive**
 27 **family preservation services** to the person having legal custody of a minor described
 28 in AS 47.10.141 and to the members of the minor's household if it determines that
 29 counseling services **or intensive family preservation services** would be appropriate
 30 in the situation. If, after assessing the situation, offering available [COUNSELING]
 31 services to the legal custodian and the minor's household, and furnishing appropriate

1 social services to the minor, the department considers it necessary, the department may
2 take emergency custody of the minor.

3 * **Sec. 4.** AS 47.10 is amended by adding new sections to read:

4 **Article 7A. Intensive Family Preservation Services.**

5 **Sec. 47.10.500. Statewide program.** Subject to AS 47.10.510 and 47.10.520,
6 the department shall, within appropriations available for the purpose, provide intensive
7 family preservation services on a statewide basis. The department may provide the
8 services directly or through contracts with private nonprofit providers.

9 **Sec. 47.10.510. Effectiveness required.** (a) The department shall develop
10 measurable standards that must be met by a provider before a contract may be awarded
11 to the provider under AS 47.10.500.

12 (b) The department may not renew a contract with a provider of services
13 unless the provider can demonstrate that provision of the services prevented or
14 terminated out-of-home placement in at least 70 percent of the cases served by the
15 provider and that out-of-home placement was avoided for a period of at least six
16 months after termination of the services.

17 (c) The department may not continue direct provision of services unless the
18 department can demonstrate that provision of the services prevented or terminated out-
19 of-home placement in at least 70 percent of the cases served and that out-of-home
20 placement was avoided for a period of at least six months after termination of the
21 services.

22 **Sec. 47.10.520. Eligibility for services.** (a) The department may provide
23 intensive family preservation services to a child, the child's family, and other
24 appropriate nonfamily members only if

25 (1) there are no other available means that will prevent out-of-home
26 placement of the child or make it possible to immediately return the child to the child's
27 home; and

28 (2) the child has been placed in out-of-home care or is at actual,
29 imminent risk of out-of-home placement due to

30 (A) child abuse or neglect;

31 (B) a serious threat of substantial harm to the child's health,

1 safety, or welfare; or

2 (C) family conflict.

3 (b) The department need not provide services to an otherwise eligible family
4 if

5 (1) services are not available in the community in which the family
6 resides;

7 (2) services cannot be provided because the program is filled to
8 capacity;

9 (3) the family refuses the services;

10 (4) the child's case plan does not include reunification of the child and
11 family; or

12 (5) the safety of a child, a family member, or a person providing the
13 services would be unduly threatened.

14 **Sec. 47.10.530. Solicitation of funding sources.** The department shall solicit
15 federal and private resources that may be available to fund intensive family
16 preservation services.

17 **Sec. 47.10.590. Definition.** In AS 47.10.500 - 47.10.590, "intensive family
18 preservation services" and "services" mean intensive family preservation services, as
19 defined in AS 47.10.990.

20 * **Sec. 5.** AS 47.10.990 is amended by adding a new paragraph to read:

21 (28) "intensive family preservation services" means services provided
22 to a family with a child who is in an out-of-home placement or is at imminent risk of
23 out-of-home placement that

24 (A) are designed to address problems creating the need for out-
25 of-home placement by assisting the family to improve parental and household
26 management competence and by solving practical problems that contribute to
27 family stress so as to improve parental performance and enhance functioning
28 of the family unit; and

29 (B) have the following characteristics:

30 (i) are persistently offered but provided at the family's
31 option;

- 1 (ii) are provided in the family's home;
- 2 (iii) are available 24 hours a day and seven days a week;
- 3 (iv) are provided within 24 hours of initial contact for
- 4 assistance;
- 5 (v) are provided for a maximum of 40 days by a single
- 6 case worker whose caseload is not more than two families at any one
- 7 time; and
- 8 (vi) may, in appropriate instances and subject to
- 9 available appropriations, include monetary assistance for special needs
- 10 of the family, such as to obtain food, shelter, or clothing or to purchase
- 11 other goods or services that will enhance the effectiveness of other
- 12 services offered to help preserve the family.

13 * **Sec. 6.** AS 47.17.030(d) is amended to read:

14 (d) Before the department or a local government health or social services

15 agency may seek the termination of parental rights under AS 47.10, it shall offer

16 protective social services and pursue all other reasonable means of protecting the child.

17 **The department or agency shall also consider the eligibility of the child and**

18 **family for intensive family preservation services under AS 47.10.500 - 47.10.590.**

19 * **Sec. 7.** The uncodified law of the State of Alaska is amended by adding a new section

20 to read:

21 STUDY. (a) The Department of Health and Social Services shall conduct a study in

22 at least one region of the state in order to

23 (1) develop a valid and reliable process for accurately identifying clients who

24 are eligible for intensive family preservation services;

25 (2) collect data on which to base projections of service needs, budget requests,

26 and long-range planning related to intensive family preservation services;

27 (3) develop regional and statewide projections of needs for intensive family

28 preservation services;

29 (4) develop a cost estimate for implementation and expansion of intensive

30 family preservation services on a statewide basis;

31 (5) develop a long-range plan and time frame for ultimately making intensive

1 family preservation services available to all eligible families; and

2 (6) collect data regarding the number of children in foster care, group care,
3 institutional care, and other out-of-home care due to medical needs, mental health needs,
4 developmental disabilities, and juvenile offenses and to assess the feasibility of expanding
5 intensive family preservation services eligibility to include all of these children.

6 (b) By November 30, 2001, the Department of Health and Social Services shall submit
7 a report to the governor describing the study required under this section and including the
8 department's conclusions and recommendations that are based on the study. The department
9 shall notify the legislature that the report is available.

10 (c) In this section, "intensive family preservation services" has the meaning given in
11 AS 47.10.990.

12 * **Sec. 8.** This Act takes effect July 1, 2000.