

CS FOR HOUSE BILL NO. 346(HES)

IN THE LEGISLATURE OF THE STATE OF ALASKA

TWENTY-FOURTH LEGISLATURE - SECOND SESSION

BY THE HOUSE HEALTH, EDUCATION AND SOCIAL SERVICES COMMITTEE

Offered: 4/6/06

Referred: Judiciary

Sponsor(s): REPRESENTATIVES NEUMAN AND LYNN, Chenault, Dahlstrom

A BILL

FOR AN ACT ENTITLED

1 **"An Act relating to intensive family preservation and reunification services; relating to**
2 **child abuse investigations and training."**

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

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

5 (*l*) Within 12 months after the date a child enters foster care as calculated
6 under AS 47.10.088(f), the court shall hold a permanency hearing. The hearing and
7 permanent plan developed in the hearing are governed by the following provisions:

8 (1) the persons entitled to be heard under AS 47.10.070 or under (f) of
9 this section are also entitled to be heard at the hearing held under this subsection;

10 (2) when establishing the permanent plan for the child, the court shall
11 make appropriate written findings, including findings related to whether

12 (A) and when the child should be returned to the parent or
13 guardian;

14 (B) the child should be placed for adoption or legal

1 guardianship and whether a petition for termination of parental rights should be
2 filed by the department; and

3 (C) the child should be placed in another planned, permanent
4 living arrangement and what steps are necessary to achieve the new
5 arrangement;

6 (3) if the court is unable to make a finding required under (2) of this
7 subsection, the court shall hold another hearing within a reasonable period of time;

8 (4) in addition to the findings required by (2) of this subsection, the
9 court shall also make appropriate written findings related to

10 (A) whether the department has made the reasonable efforts
11 required under AS 47.10.086 to offer appropriate family support services,
12 **available intensive family preservation services, or intensive family**
13 **reunification services** to remedy the parent's or guardian's conduct or
14 conditions in the home that made the child a child in need of aid under this
15 chapter;

16 (B) whether the parent or guardian has made substantial
17 progress to remedy the parent's or guardian's conduct or conditions in the home
18 that made the child a child in need of aid under this chapter;

19 (C) if the permanent plan is for the child to remain in **out-of-**
20 **home care** [OUT-OF-HOME-CARE], whether the child's out-of-home
21 placement continues to be appropriate and in the best interests of the child; and

22 (D) whether the department has made reasonable efforts to
23 finalize the permanent plan for the child;

24 (5) the court shall hold a hearing to review the permanent plan at least
25 annually until successful implementation of the plan; if the plan approved by the court
26 changes after the hearing, the department shall promptly apply to the court for another
27 permanency hearing, and the court shall conduct the hearing within 30 days after
28 application by the department.

29 * **Sec. 2.** AS 47.10.086(a) is amended to read:

30 (a) Except as provided in (b) and (c) of this section, the department shall make
31 timely, reasonable efforts to provide family support services to the child and to the

1 parents or guardian of the child that are designed to prevent out-of-home placement of
 2 the child or to enable the safe return of the child to the family home, when appropriate,
 3 if the child is in an out-of-home placement. **Within appropriations available for the**
 4 **purpose, the department shall also make reasonable efforts to refer a child for**
 5 **intensive family preservation services, or intensive family reunification services,**
 6 **or both, when those services are available and, if the child is in the home, the**
 7 **child's safety in the home can be maintained during the time the services are**
 8 **provided.** The department's duty to make reasonable efforts under this subsection **to**
 9 **provide family support services** includes the duty to

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

13 (2) actively offer the parent or guardian, and refer the parent or
 14 guardian to, the **family support** services identified under (1) of this subsection; the
 15 department shall refer the parent or guardian to community-based family support
 16 services whenever community-based services are available and desired by the parent
 17 or guardian; and

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

22 * **Sec. 3.** AS 47.17.033 is amended by adding new subsections to read:

23 (j) The training required under (c) of this section must address the
 24 constitutional and statutory rights of children and families that apply throughout the
 25 investigation and department intervention. The training must inform department
 26 representatives of the applicable legal duties to protect the rights and safety of a child
 27 and the child's family.

28 (k) During a joint investigation by the department and a law enforcement
 29 agency, the department shall coordinate an investigation of child abuse or neglect with
 30 the law enforcement agency to ensure that the possibility of a criminal charge is not
 31 compromised.

1 (l) Unless a law enforcement official prohibits or restricts notification under
2 (k) of this section, at the time of initial contact with a person alleged to have
3 committed child abuse or neglect, the department shall notify the person of the
4 specific complaint or allegation made against the person, except that the identity of the
5 complainant shall not be revealed.