

SENATE BILL NO. 287

IN THE LEGISLATURE OF THE STATE OF ALASKA
TWENTY-FOURTH LEGISLATURE - SECOND SESSION

BY SENATOR ELLIS

Introduced: 2/13/06

Referred: Health, Education and Social Services, Finance

A BILL

FOR AN ACT ENTITLED

1 "An Act establishing a higher education savings program for eligible persons who were
2 placed in foster care by the state; and providing for confidentiality of identifying
3 information of a beneficiary under the program."

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

5 * **Section 1.** AS 47.05 is amended by adding a new section to read:

6 **Article 4. Alaska Higher Education Savings Program for Foster Children.**

7 **Sec. 47.05.400. Higher education savings program.** (a) The department shall
8 administer a program to encourage investment by a person or entity in the higher
9 education of eligible foster children in the state. The program must include

10 (1) a central office, dedicated to faith-based and community services,
11 for development and marketing of the program;

12 (2) a mechanism for the department to enter into a participation
13 agreement with the Board of Regents of the University of Alaska under AS 14.40.802
14 to establish and maintain an individual trust account under that section or to enter into

1 an advance college tuition savings contract under AS 14.40.803 - 14.40.817, or both,
2 for each child who is a beneficiary of the program;

3 (3) a process for identifying donors and eligible beneficiaries;

4 (4) a process for distributing nonconfidential information about an
5 eligible beneficiary to a potential donor, including the age, sex, and general location of
6 the beneficiary;

7 (5) terms and conditions for participation in the program that are
8 consistent with state and federal law for higher education savings accounts; and

9 (6) a procedure for monitoring success of the program, for record
10 keeping, and for maintaining confidentiality of records as required by federal and state
11 law.

12 (b) A person is eligible for participation in the higher education savings
13 program as a beneficiary if the person was ordered committed to the custody of the
14 department under AS 47.10.080(c) or AS 47.12.120(b)(3), was placed in a foster home
15 for not less than two years, and is a resident of the state.

16 (c) The commissioner or the commissioner's designee may name a new
17 beneficiary to an existing trust account or savings contract established under (a) of this
18 section if authorized under federal law and if the named beneficiary dies or if the
19 beneficiary fails to enroll in an eligible program before the beneficiary becomes 30
20 years of age.

21 (d) Identifying information of a beneficiary contained in records related to the
22 program is confidential.

23 (e) In this section,

24 (1) "beneficiary" has the meaning given in AS 14.40.802;

25 (2) "donor" means the person or entity who contributes to a higher
26 education savings program account or savings contract established for a foster child
27 under this section;

28 (3) "eligible program" has the meaning given in 20 U.S.C. 1088;

29 (4) "participation agreement" has the meaning given in AS 14.40.802.

30 * **Sec. 2.** AS 47.10.093(b) is amended to read:

31 (b) A state or municipal agency or employee shall disclose appropriate

1 confidential information regarding a case to

2 (1) a guardian ad litem appointed by the court;

3 (2) a person or an agency requested by the department or the child's
4 legal custodian to provide consultation or services for a child who is subject to the
5 jurisdiction of the court under AS 47.10.010 as necessary to enable the provision of
6 the consultation or services;

7 (3) an out-of-home care provider as necessary to enable the out-of-
8 home care provider to provide appropriate care to the child, to protect the safety of the
9 child, and to protect the safety and property of family members and visitors of the out-
10 of-home care provider;

11 (4) a school official as necessary to enable the school to provide
12 appropriate counseling and support services to a child who is the subject of the case, to
13 protect the safety of the child, and to protect the safety of school students and staff;

14 (5) a governmental agency as necessary to obtain that agency's
15 assistance for the department in its investigation or to obtain physical custody of a
16 child;

17 (6) a law enforcement agency of this state or another jurisdiction as
18 necessary for the protection of any child or for actions by that agency to protect the
19 public safety;

20 (7) a member of a multidisciplinary child protection team created
21 under AS 47.14.300 as necessary for the performance of the member's duties;

22 (8) the state medical examiner under AS 12.65 as necessary for the
23 performance of the duties of the state medical examiner;

24 (9) a person who has made a report of harm as required by
25 AS 47.17.020 to inform the person that the investigation was completed and of action
26 taken to protect the child who was the subject of the report;

27 (10) the child support services agency established in AS 25.27.010 as
28 necessary to establish and collect child support for a child who is a child in need of aid
29 under this chapter;

30 (11) a parent, guardian, or caregiver of a child or an entity responsible
31 for ensuring the safety of children as necessary to protect the safety of a child; [AND]

1 (12) a review panel established by the department for the purpose of
2 reviewing the actions taken by the department in a specific case; **and**

3 **(13) the Board of Regents of the University of Alaska under the**
4 **Alaska higher education savings program for foster children established under**
5 **AS 47.05.400, but only to the extent that the information is necessary to support**
6 **the program and only if the information released is maintained as a confidential**
7 **record by the Board of Regents.**

8 * **Sec. 3.** AS 47.12.310(b) is amended to read:

9 (b) A state or municipal agency or employee shall disclose

10 (1) information regarding a case to a federal, state, or municipal law
11 enforcement agency for a specific investigation being conducted by that agency;
12 [AND]

13 (2) appropriate information regarding a case to

14 (A) a guardian ad litem appointed by the court;

15 (B) a person or an agency requested by the department or the
16 minor's legal custodian to provide consultation or services for a minor who is
17 subject to the jurisdiction of the court under this chapter as necessary to enable
18 the provision of the consultation or services;

19 (C) school officials as may be necessary to protect the safety of
20 the minor who is the subject of the case and the safety of school students and
21 staff or to enable the school to provide appropriate counseling and supportive
22 services to meet the needs of a minor about whom information is disclosed;

23 (D) a governmental agency as may be necessary to obtain that
24 agency's assistance for the department in its investigation or to obtain physical
25 custody of a minor;

26 (E) a law enforcement agency of this state or another
27 jurisdiction as may be necessary for the protection, rehabilitation, or
28 supervision of any minor or for actions by that agency to protect the public
29 safety;

30 (F) a victim or to the victim's insurance company as may be
31 necessary to inform the victim or the insurance company about the arrest of the

1 minor, including the minor's name and the names of the minor's parents, copies
2 of reports, or the disposition or resolution of a case involving a minor;

3 (G) the state medical examiner under AS 12.65 as may be
4 necessary to perform the duties of the state medical examiner;

5 (H) foster parents or relatives with whom the child is placed by
6 the department as may be necessary to enable the foster parents or relatives to
7 provide appropriate care for the child who is the subject of the case, to protect
8 the safety of the child who is the subject of the case, and to protect the safety
9 and property of family members and visitors of the foster parents or relatives;

10 (I) the Department of Law or its agent for use and subsequent
11 release if necessary for collection of an order of restitution on behalf of the
12 recipient;

13 (J) the Violent Crimes Compensation Board established in
14 AS 18.67.020 for use in awarding compensation under AS 18.67.080; and

15 (K) a state, municipal, or federal agency of this state or another
16 jurisdiction that has the authority to license adult or children's facilities and
17 services; **and**

18 **(3) to the Board of Regents of the University of Alaska under the**
19 **Alaska higher education savings program for foster children established under**
20 **AS 47.05.400, but only to the extent that the information is necessary to support**
21 **the program and only if the information released is maintained as a confidential**
22 **record by the Board of Regents.**