

SPONSOR SUBSTITUTE FOR HOUSE BILL NO. 54
IN THE LEGISLATURE OF THE STATE OF ALASKA
TWENTY-EIGHTH LEGISLATURE - SECOND SESSION

BY REPRESENTATIVES GARA AND THOMPSON, Millett, Tuck, Peggy Wilson, Kerttula, Costello, Tammie Wilson, Lynn, Foster, Austerman, LeDoux, Nageak, Neuman, Hughes, Kito III, Muñoz

Introduced: 1/24/13

Referred: Health and Social Services, Judiciary

A BILL

FOR AN ACT ENTITLED

1 **"An Act relating to the identification, location, and notification of specified family**
2 **members and family friends of a child who is in state custody."**

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

4 *** Section 1.** AS 47.10 is amended by adding a new section to read:

5 **Sec. 47.10.035. Placement of a child with noncustodial parent, adult family**
6 **member, or adult family friend; due diligence.** (a) Within 30 days after removal of
7 a child from the child's home and placement of the child in out-of-home care under
8 this chapter and under AS 47.14, the department shall exercise due diligence to
9 identify, locate, and notify of the removal noncustodial parents, adult family members,
10 and appropriate adult family friends of the child. If circumstances prevent the
11 department from completing this due diligence search in 30 days, the department shall
12 complete the search as soon as possible.

13 (b) A supervisor of the division of the department with jurisdiction over
14 children in need of aid shall certify in writing, in a timely manner, the due diligence of

1 the department exercised under (a) of this section. The information provided under this
2 subsection shall be submitted to the court for consideration before the next scheduled
3 hearing after the due diligence period specified in (a) of this section.

4 * **Sec. 2.** AS 47.14.100(e) is amended to read:

5 (e) When a child is removed from a parent's home, the department shall, **after**
6 **conducting due diligence required under AS 47.10.035,** place the child, in the
7 absence of clear and convincing evidence of good cause to the contrary,

8 (1) in the least restrictive setting that most closely approximates a
9 family and that meets the child's special needs, if any;

10 (2) within reasonable proximity to the child's home, taking into
11 account any special needs of the child and the preferences of the child or parent;

12 (3) with, in the following order of preference,

13 (A) an adult family member;

14 (B) **an adult** [A] family friend who meets the foster care
15 licensing requirements established by the department;

16 (C) a licensed foster home that is not an adult family member
17 or family friend;

18 (D) an institution for children that has a program suitable to
19 meet the child's needs.