

ALASKA STATE LEGISLATURE
HOUSE HEALTH AND SOCIAL SERVICES STANDING COMMITTEE

March 29, 2016

6:06 p.m.

MEMBERS PRESENT

Representative Paul Seaton, Chair
Representative David Talerico
Representative Geran Tarr

MEMBERS ABSENT

Representative Liz Vazquez, Vice Chair
Representative Neal Foster
Representative Louise Stutes
Representative Adam Wool

COMMITTEE CALENDAR

HOUSE BILL NO. 200

"An Act establishing procedures related to a petition for adoption of a child in state custody; adding a definition of 'proxy for a formal petition'; amending Rule 6(a), Alaska Adoption Rules; and providing for an effective date."

- HEARD & HELD

PREVIOUS COMMITTEE ACTION

BILL: HB 200

SHORT TITLE: ADOPTION OF CHILD IN STATE CUSTODY

SPONSOR(S): RULES BY REQUEST OF THE GOVERNOR

04/16/15	(H)	READ THE FIRST TIME - REFERRALS
04/16/15	(H)	HSS, JUD
03/29/16	(H)	HSS AT 3:00 PM CAPITOL 106
03/29/16	(H)	HSS AT 6:00 PM CAPITOL 106

WITNESS REGISTER

ELIZABETH MEDICINE CROW, President/CEO
First Alaskans Institute
Fairbanks, Alaska

POSITION STATEMENT: Testified in support of HB 200.

MARY SATTLER, Lobbyist

Alaska Regional Coalition
Fairbanks, Alaska

POSITION STATEMENT: Testified in support of HB 200.

MELANIE BAHNKE, President
Kawerak, Inc.
Nome, Alaska

POSITION STATEMENT: Testified in support of HB 200.

JERRY ISAAC, Co-Chair
Alaska Federation of Natives
Fairbanks, Alaska

POSITION STATEMENT: Testified in support of HB 200.

NICOLE BORROMEO, General Counsel
Alaska Federation of Natives (AFN)
Fairbanks, Alaska

POSITION STATEMENT: Testified in support of HB 200.

TRACI MCGARRY, Program Director
Children & Family Services
Child Advocacy Center
Kawerak, Inc.
Nome, Alaska

POSITION STATEMENT: Testified in support of HB 200.

AMANDA MCADOO, ICWA Coordinator
Aleutian Pribilof Islands Association, Inc.
Anchorage, Alaska

POSITION STATEMENT: Testified in support of HB 200.

DONALD SHIRCEL, Program Administrator
Tanana Chiefs Conference
Fairbanks, Alaska

POSITION STATEMENT: Testified in support of HB 200.

ACTION NARRATIVE

[6:06:21 PM](#)

CHAIR PAUL SEATON called the House Health and Social Services Standing Committee meeting to order at 6:06 p.m. Representatives Seaton and Talerico were present at the call to order. Representative Tarr arrived as the meeting was in progress.

HB 200-ADOPTION OF CHILD IN STATE CUSTODY

6:06:48 PM

CHAIR SEATON announced that the only order of business would be HOUSE BILL NO. 200, "An Act establishing procedures related to a petition for adoption of a child in state custody; adding a definition of 'proxy for a formal petition'; amending Rule 6(a), Alaska Adoption Rules; and providing for an effective date."

6:07:26 PM

ELIZABETH MEDICINE CROW, President/CEO, First Alaskans Institute, shared that First Alaskans Institute was a state-wide Alaska Native non-profit organization, and its vision was "progress for the next 10,000 years," a recognition for how long Alaska Natives have been here and intend to remain here. She declared support for proposed HB 200, and shared insights garnered by her organization from its involvement with leadership development during the past 12 years. She listed the various programs offered by the organization. She declared that all Alaskan kids "do better when they are with their families and in their home communities and when they are actually raised and connected to their cultures." She shared that this was consistently stated by those who worked hard to become young leaders. She declared that "every single child is a leader." When their potential was viewed, it was understood that it was necessary to know who they were, and they had to be nurtured in that environment, to support achievement of their highest potential. She emphasized that placement while in state custody was critical and essential to their well-being and the well-being of their community, hence the strong support of the proposed bill.

CHAIR SEATON asked if she was supportive of the process in the proposed bill.

MS. MEDICINE CROW replied that she was supportive of the proposed bill, as anything that could make it more practical, easier, and efficient for people in rural Alaska to access [the placement process] was helpful. She declared that this was already a really hard situation and did not need to be more complicated and more difficult.

REPRESENTATIVE TARR asked if there would be additional interest from tribes to stepping up for adoptions if the process was made easier.

MS. MEDICINE CROW offered her belief that this proposed bill speaks to kids already in the state foster care system, whereas for families trying to understand the best options for their children, this bill would help delete some of the extra bureaucratic steps that made guardianship and permanency more complicated. She supported elimination of the duplication of the court systems and allowing for the proxy statement to hold a family preference for adoption. She declared that the tribes would be supportive of anything to keep the kids in their villages and families.

[6:12:16 PM](#)

MARY SATTLER, Lobbyist, Alaska Regional Coalition, shared that the coalition was comprised of five regional non-profit organizations, which collectively represented 100 tribes. She paraphrased from a prepared letter, which read:

This letter is to support House Bill 200/Senate Bill 112. We believe this bill will have positive and lasting impacts for Alaska.

Numerous state and national policy already dictate familial placements. This is based on research that proves time and again a child's family is the best placement option. State and federal statute mandate family placements of foster children when possible. For Native children, federal law takes this preference mandate further by ensuring preference to a child's tribe and other Native families when an immediate family placement is not available.

House Bill 200/Senate Bill 112 removes barriers for families who want to adopt those connected to them by family or tribal membership by making the process more realistic and understandable.

Well over 40 percent of Alaska Native children who are adopted annually are adopted by non-Native, non-family members. This is a concern because our children are our greatest resource, and too often Native children suffer in adulthood when they lose connection to their Native culture. It is our hope that this bill will increase the number of Alaska Native children to reach permanency with their family, culture and traditions.

Congress enacted the Indian Child Welfare Act (ICWA) in 1978 due to the alarming numbers of Indian children being removed from their homes by state and private welfare agencies and placed in non-Indian foster and adoptive homes never to be returned to their families, culture, or communities.

Alaska families who live in rural Alaska do not have fair access to the courts as do urban Alaskans. This bill seeks to eliminate complicated procedural barriers in the adoption process for children in custody so that Alaska families can be considered for adoption through the Child in Need of Aid (CINA) proceedings instead of through an entirely different proceedings held in Probate Court. Families will be able to assert their desire to adopt a child through the Child in Need of Aid proceeding and would be considered for adoption after the permanency goal changes to adoption.

Please take into consideration, that while this bill will help Alaska Native foster children, it will also help the 40 percent of the non-Native children in the system who also deserve to be placed with family.

Thank you for supporting keeping Alaskan's children with their families and in their own home communities.

MS. SATTLER stated that the outcome of the proposed bill was for more than Alaska Native children, as it allowed any children to live with people from their own community, which she declared to be "a universal positive." She addressed the concern for a child with two ethnicities, and offered her belief that social workers needed to look at the best interest of the child, regardless of ethnicity.

[6:17:03 PM](#)

MELANIE BAHNKE, President, Kawerak, Inc., reported that Kawerak, Inc. was a regional tribal consortia in the Bering Strait region with 20 federally recognized tribes in the region. She listed many of the services that they provided. She declared strong support of HB 200. She listed the three main reasons of support: it removed the barriers which currently prevented Alaska Native families and individuals from adopting native children in state custody by defining proxy in lieu of a formal petition for adoption as required by the U.S. Supreme Court; it

tied adoption proceedings with the Child in Need of Aid (CINA) proceedings, and would consolidate the two proceedings into one court matter; and, it furthered the states compliance with the Indian Child Welfare Act (ICWA). She reported that Alaska Natives were 20 - 25 percent of the state population, yet 60 percent of the children in foster care system were Alaska Native. She pointed out that there had been a complete re-vamping of judicial systems, social service systems, and educational systems with an attempt to reduce negative statistics and improve outcomes, and the elimination of barriers for Alaska Native adoption was a step in the right direction. She declared that the proposed bill was good for children, good for Alaska Natives, and good for Alaska.

[6:19:51 PM](#)

JERRY ISAAC, Co-Chair, Alaska Federation of Natives, stated the federation's support of HB 200, it removed the barriers which currently prevented Alaska Native families and individuals from adopting native children in state custody by defining proxy in lieu of a formal petition for adoption as required by the U.S. Supreme Court; it tied adoption proceedings with the Child in Need of Aid (CINA) proceedings, and would consolidate the two proceedings into one court matter; and it furthered the states compliance with the Indian Child Welfare Act (ICWA). He shared an anecdote of an adoption in his extended family, and the difficulties and suffering that resulted.

[6:24:14 PM](#)

NICOLE BORROMEO, General Counsel, Alaska Federation of Natives (AFN), stated support by AFN of the proposed bill, and reported that they were active in its drafting and the underlying legal cases. She stated that this was a good bill, and that it was good for Alaskans, while it furthered compliance with ICWA.

[6:25:12 PM](#)

TRACI MCGARRY, Program Director, Children & Family Services, Child Advocacy Center, Kawerak, Inc., shared that Kawerak worked with 16 tribes in the Bering Strait region. She expressed agreement with earlier testimony for the combination of adoption and legal guardianship proceedings with CINA to allow for "one judge, one family." She stated her support for the bill to expedite the process to allow children to be with their families in their communities. She declared her support of the proposed bill, pointing out that it was in support of ICWA.

6:27:12 PM

AMANDA MCADOO, ICWA Coordinator, Aleutian Pribilof Islands Association, Inc., paraphrased from a letter previously sent to the committee [included in members' packets], which read as follows [original punctuation provided]:

This letter is to support House Bill 200/Senate Bill 112. The Aleutian Pribilof Islands Association, Inc. and its thirteen (13) board members strongly believe this bill will have a positive and lasting impact for Alaska Native children and their families. The Bill efficiently removes barriers for Alaska Native families who strongly desire to adopt those connected to them by family or tribal membership by making the process more realistic and culturally relevant.

Well over 40 percent of Alaska Native children who are adopted annually are adopted by non-Native, non-family members. It is the APIA's hope that this bill will increase the number of Alaska Native children to reach permanency with their family, culture and traditions. As you know, the U.S. congress enacted the Indian Child Welfare Act (ICWA) in 1978 due to the disturbing numbers of Indian children being removed from their homes by state and private welfare agencies and placed in non-Indian foster and adoptive homes never to be returned to their families, culture, or communities. This had a devastating effect on Native families and ICWA has been key to reverse the traumatic effects of removal.

In addition, Alaska Native families who live in rural Alaska may not speak English fluently or they may have difficulties obtaining legal counsel. Bill 112 seeks to eliminate complicated procedural barriers in the adoption process for children in custody so that Alaska Native families can be considered for adoption through the Child in Need of Aid (CINA) proceedings instead of through an entirely different and convoluted proceeding held in Probate Court. With Bill 112 in place, Alaska Native families will be able to assert their desire to adopt a child through the Child in Need of Aid proceeding and would be considered for adoption after the permanency goal

changes to adoption. The Aleutian Pribilof Islands Association (APIA) strongly supports this action.

Committee members, on behalf of the 13 board members and 13 Tribes APIA represents, I urge you to support Senate Bill 112 by keeping Alaska Native children with their families and in their own home communities connected to their culture. Our future depends on it.

[6:30:15 PM](#)

DONALD SHIRCEL, Program Administrator, Tanana Chiefs Conference, stated his strong support of HB 200. He shared his background work with the Office of Children's Services, and stated his recognition of "the practical implications and significant contribution that this bill could have toward improving the Child Protection Services currently being offered by the state." He offered his belief that the proposed bill "would make possible a common sense approach that could easily fix a problem, potentially save some time, effort, and money by avoiding duplication and effort by consolidating and streamlining processes, and most importantly, provide more children who have been traumatized by abuse, a safe, healthy, nurturing, and permanent home that is fully connected to their family, community, and culture." He declared that the proposed bill could significantly help compliance with the spirit, intent, and letter of the law with ICWA, and it made sense for all Alaska's kids and families.

[6:32:13 PM](#)

The committee took an at-ease from 6:32 p.m. to 6:48 p.m.

[6:48:23 PM](#)

CHAIR SEATON brought the committee back to order. He stated that written testimony would continue to be accepted.

Public testimony was closed after ascertaining no one further wished to testify.

[HB 200 was held over.]

[6:49:09 PM](#)

ADJOURNMENT

There being no further business before the committee, the House Health and Social Services Standing Committee meeting was adjourned at 6:49 p.m.