

ALASKA STATE LEGISLATURE
SENATE HEALTH AND SOCIAL SERVICES STANDING COMMITTEE

April 11, 2016

1:30 p.m.

MEMBERS PRESENT

Senator Bert Stedman, Chair
Senator Cathy Giessel, Vice Chair
Senator Bill Stoltze
Senator Johnny Ellis

MEMBERS ABSENT

Senator Pete Kelly

COMMITTEE CALENDAR

CS FOR SS FOR HOUSE BILL NO. 27(JUD) AM

"An Act relating to the duties of the Department of Health and Social Services; relating to hearings on and plans for permanent placement of a child in need of aid; relating to school placement and transportation for children in foster care; relating to foster care transition programs; relating to emergency and temporary placement of a child in need of aid; relating to transitional living arrangements for children in foster care; and amending Rule 17.2, Alaska Child in Need of Aid Rules of Procedure."

- HEARD & HELD

PREVIOUS COMMITTEE ACTION

BILL: HB 27

SHORT TITLE: DHSS DUTIES; CINA; FOSTER CARE; ADOPTION

SPONSOR(S): REPRESENTATIVE(S) GARA

| | | |
|----------|-----|---------------------------------|
| 01/21/15 | (H) | PREFILE RELEASED 1/9/15 |
| 01/21/15 | (H) | READ THE FIRST TIME - REFERRALS |
| 01/21/15 | (H) | HSS, JUD |
| 02/11/15 | (H) | SPONSOR SUBSTITUTE INTRODUCED |
| 02/11/15 | (H) | READ THE FIRST TIME - REFERRALS |
| 02/11/15 | (H) | HSS, JUD |
| 02/12/15 | (H) | HSS AT 3:00 PM CAPITOL 106 |
| 02/12/15 | (H) | Heard & Held |
| 02/12/15 | (H) | MINUTE(HSS) |
| 02/24/15 | (H) | HSS AT 3:00 PM CAPITOL 106 |

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| 02/24/15 | (H) | Heard & Held |
| 02/24/15 | (H) | MINUTE(HSS) |
| 04/02/15 | (H) | HSS AT 3:00 PM CAPITOL 106 |
| 04/02/15 | (H) | Moved SSHB 27 Out of Committee |
| 04/02/15 | (H) | MINUTE(HSS) |
| 04/03/15 | (H) | HSS RPT 4DP |
| 04/03/15 | (H) | DP: TARR, FOSTER, WOOL, SEATON |
| 04/13/15 | (H) | JUD AT 1:00 PM CAPITOL 120 |
| 04/13/15 | (H) | Moved CSSSHB 27(JUD) Out of Committee |
| 04/13/15 | (H) | MINUTE(JUD) |
| 04/15/15 | (H) | JUD RPT CS(JUD) NT 5DP 1AM |
| 04/15/15 | (H) | DP: CLAMAN, LYNN, FOSTER, GRUENBERG, LEDOUX |
| 04/15/15 | (H) | AM: KELLER |
| 04/01/16 | (H) | TRANSMITTED TO (S) |
| 04/01/16 | (H) | VERSION: CSSSHB 27(JUD) AM |
| 04/04/16 | (S) | READ THE FIRST TIME - REFERRALS |
| 04/04/16 | (S) | HSS, JUD |
| 04/11/16 | (S) | HSS AT 1:30 PM BUTROVICH 205 |

WITNESS REGISTER

REPRESENTATIVE LES GARA
Alaska State Legislature
Juneau, Alaska

POSITION STATEMENT: Sponsor of HB 27.

TRACY SPARTZ CAMPBELL, Deputy Director
Office of Children's Services
Department of Health and Social Services (DHSS)
Juneau, Alaska

POSITION STATEMENT: Testified in support of HB 27.

AMANDA METIVIER, Executive Director
Facing Foster Care in Alaska
Anchorage, Alaska

POSITION STATEMENT: Testified in support of HB 27.

TREVOR STORRS, Executive Director
Alaska Children's Trust
Anchorage, Alaska

POSITION STATEMENT: Testified in support of HB 27.

JUDY ANDREE, Chair - Statewide Steering Committee
Alaska Women's Lobby
Douglas, Alaska

POSITION STATEMENT: Testified in support of HB 27.

MOLLY CARVER, Staff
Representative Les Gara
Alaska State Legislature
Juneau, Alaska

POSITION STATEMENT: Presented information on HB 27.

ACTION NARRATIVE

1:30:50 PM

CHAIR BERT STEDMAN called the Senate Health and Social Services Standing Committee meeting to order at 1:30 p.m. Present at the call to order were Senators Ellis, Stoltze, Giessel, and Chair Stedman. He noted one bill on the agenda - HB 27.

HB 27-DHSS DUTIES; CINA; FOSTER CARE; ADOPTION

1:31:23 PM

CHAIR STEDMAN announced the consideration of HB 27. The version before the committee was CS FOR SPONSOR SUBSTITUTE FOR HOUSE BILL NO. 27(JUD) am, "An Act relating to the duties of the Department of Health and Social Services; relating to hearings on and plans for permanent placement of a child in need of aid; relating to school placement and transportation for children in foster care; relating to foster care transition programs; relating to emergency and temporary placement of a child in need of aid; relating to transitional living arrangements for children in foster care; and amending Rule 17.2, Alaska Child in Need of Aid Rules of Procedure."

REPRESENTATIVE LES GARA, Alaska State Legislature, sponsor of HB 27, said the purpose of the bill is to give foster youth a much better chance to succeed without damage and being bounced between many foster homes. He maintained that more youth are succeeding, however, 24 percent of foster youth end up in jail at some point and roughly 35 percent end up "couch surfing" or homeless at some point. One of the goals of the bill is to get youth out of the foster care system into a permanent, loving home more quickly. Alaska has more youth per capita waiting for an adoptive home than in any other state but one.

He noted support letters in members' packets. He read from the Alaska Children's Trust letter. The purpose of the bill is to reduce the impact of trauma by taking steps to get youth out of foster care into loving homes, reduce new incidences of adverse childhood experiences, and build resilience among Alaska's children.

[1:34:37 PM](#)

REPRESENTATIVE GARA addressed getting youth into a permanent home. He said there are stresses within the Office of Children's Services (OCS) and problems related to foster children. The bill aims to provide a double check to ensure that the most important things regarding foster care are done right. At court hearings the question will be asked as to what is being done to get the child into a permanent home, such as a family search. Everything in the bill is consistent with best practices that should be happening within the system.

He described the Casey Family Foundation which pushed to allow youth to stay in foster care as long as they need to, up to age 21. Another part of HB 27 is that foster care workers must now show that a youth is ready to exit from the foster care system.

[1:38:19 PM](#)

REPRESENTATIVE GARA described the law that requires a family search, as a feasible placement for a child, to be done within the first 30 days of removal. Every time a child switches homes, a family search must also be done. The federal law says to check within the first 30 days, but HB 27 requires it more often and sooner, if feasible.

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REPRESENTATIVE GARA noted HB 27 is a no-cost bill. It adds to the department's duties to express the need for more foster homes.

He stressed the importance of school stability for a foster child. The bill provides that the department will attempt to keep the child in the same school, if feasible. A magistrate can check that the department has considered school issues.

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REPRESENTATIVE GARA said there is a provision in the bill, requested by the department, regarding foster students being allowed to live in a dorm. He said there is also an Independent Living provision in the bill related to job training and transition needs. There are funds for this called Employment Training Vouchers. A report from the department is required regarding that expense.

He concluded that it is wrong for Alaska to have the second highest number of youth needing an adoptive home.

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SENATOR GIESSEL asked who owns the child's PFD.

REPRESENTATIVE GARA understood that it is held for the child until they are older and OCS does the application.

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REPRESENTATIVE GARA explained the sectional analysis:

Section 1 This Act may be known as the Child Protection and Opportunity Act.

Section 2 formally adds recruiting foster parents when there is a shortage of foster parents to the duties of the Department of Health and Social Services ("the department").

CHAIR STEDMAN asked what was amended in Section 2.

REPRESENTATIVE GARA explained that on page 4, line 6, under the general duties of the department, they are required to actively recruit quality foster parents and adoptive parents when a shortage occurs.

[1:46:48 PM](#)

Section 3 amends AS 47.10.080(1) to require the department to demonstrate in existing hearings that the department is making reasonable efforts to find a permanent placement for a child

Section 4 requires that during status hearings the department demonstrate that it is taking reasonable efforts to find a permanent home for a child.

[1:47:57 PM](#)

Section 5 requires that when the department transfers a child from one out of home placement to another, the department shall search for an appropriate placement, if in the child's best interests, with an adult family member or a family friends who meets the foster care licensing requirements established by the department.

Section 6 requires that when a child is transferred from one placement setting to another, and it is reasonable and in the child's best educational interests, the department shall coordinate with the school the child is attending to ensure the child is permitted to remain in that school through the end of the school term if the child's new placement is in the same municipality and connected by road to the school. Where the

Department does a Team Decision Meeting involving a new home placement for a child, the participants must be invited to offer input on whether a school change is or is not in the child's best interests.

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Section 7 amends AS 47.10.142 by adding a new subsection requiring that when the department takes emergency custody of a child, the department shall, to the extent feasible and consistent with the best interests of the child, place the child according to the criteria specified under AS 47.14.100(e).

Section 8 amends AS 47.14.100(a) to allow the department to authorize a transitional living arrangement, including a student dorm at a postsecondary educational institution, in order to adequately meet the child's needs and assists the child in transitioning to independent living.

Section 9 changes the age when the department is no longer required to continue searching for a suitable adoptive or permanent legal guardianship for a child from 18 to 21 years of age.

[1:51:02 PM](#)

Section 10 requires that before a child is released from the Office of Children's Services custody before age 21 the department demonstrate at the court proceeding that releasing the child out of care is in the youth's best interests.

Section 11 amends AS 47.18.320(a) to state that the Office of Children's Services should work towards not just a "basic education", but towards "educational and vocational training." Word "basic" removed.

[1:52:25 PM](#)

Section 12 requires the department, if appropriations are insufficient to meet the purposes of the foster care transition program, to submit a report to the legislature advising the legislature of the extent of the insufficiency, the department's efforts to use the funds efficiently, and the services the department cannot provide under existing appropriations.

Section 13 identifies the section of the bill that would result in indirect amendments to the Alaska Child in Need of Aid Rules of Procedure relating to permanency hearings.

CHAIR STEDMAN requested the department comment on the bill.

[1:53:50 PM](#)

TRACY SPARTZ CAMPBELL, Deputy Director, Office of Children's Services (OCS), Department of Health and Social Services (DHSS), testified in support of HB 27. She addressed the PFD question first, saying OCS applies for the PFD on behalf of the children. They hold the PFDs in a trust, and release them when the child returns to the custody of their parents or if they age out of care.

She stated that OCS has worked closely the past year with the bill sponsor on HB 27. The bill helps to align current best practice standards to the statute itself, and it will better improve the permanency outcomes for youth. She said the permanency planning hearings are a required hearing in the court system at the 12-month mark in every case. The reports OCS presents to the courts do not necessarily outline who the permanent placement is or when it would begin. The bill allows reasonable effort standards to be added to the permanency hearing to ensure that there is a permanency placement in place.

[1:56:11 PM](#)

MS. CAMPBELL addressed placement change concerns. It is a part of OCS's practice now to continually evaluate if there is a family member available to take the child, but it isn't consistent. By providing for that in statute, it becomes a double check every time placement changes are considered.

[1:56:55 PM](#)

SENATOR GIESSEL asked if family members are vetted before placement.

MS. CAMPBELL explained the two methods for taking in a child; unlicensed care placement or licensed foster care. Unlicensed relatives must go through a basic safety review and a fingerprint background check.

[1:57:54 PM](#)

MS. CAMPBELL addressed school placement during a placement change. There is new federal legislation that requires OCS to continue to keep children in the school they started in at the beginning of the school year. The bill elevates this provision in statute. She described transportation issues and how available federal and state funds apply.

[1:59:02 PM](#)

SENATOR GIESSEL asked if the transportation funds are federal or state funds.

MS. CAMPBELL said both. There are federal funds available through school districts and state funds to fall back on.

She stressed the importance of OCS's plan to speak with youth at age 18 to communicate about exiting the program. The bill expands that requirement to age 21.

[1:59:59 PM](#)

MS. CAMPBELL spoke to the department's requirement to highlight the need for foster care homes and adoptive homes. She talked about the dorm provision; some youth are ready for college and the bill would allow them to live in dorms.

She noted that many provisions in the bill are part of the work the department does, so the department has submitted a zero fiscal note.

[2:01:16 PM](#)

CHAIR STEDMAN opened public testimony.

[2:01:26 PM](#)

AMANDA METIVIER, Executive Director, Facing Foster Care in Alaska, testified in support of HB 27. She said her organization supports every provision in the bill. As of February, 3,000 children are in foster care and are waiting for permanent families. She described her personal experience as a foster child and now as a foster parent. She maintained that the best thing for foster children is to get them out of the system. She spoke about a foster child who aged out and had no extended family and so went to other state programs. The bill would ensure that children get out of foster care and into permanent homes where everyone benefits. It would also be a cost savings to the state. She noted the importance of transitional living and dorm housing.

[2:05:45 PM](#)

TREVOR STORRS, Executive Director, Alaska Children's Trust, testified in support of HB 27. He said the bill works toward reducing trauma and building resiliency in both the child and the family, and in the community. It would reduce the number of adverse experiences related to foster care. It helps connect children with their relatives and connects OCS with family placement.

[2:08:01 PM](#)

JUDY ANDREE, Chair - Statewide Steering Committee, Alaska Women's Lobby, testified in support of HB 27. She referred to a letter written by Tamara Dietrich from Anchorage. She stressed the important of assisting these children to have as stable a childhood as possible and successfully transition into independence.

[2:09:42 PM](#)

SENATOR GIESSEL moved to adopt the Senate CS for CS for SS for HB 27(HSS), labeled 29-LS0176\S, as the working document.

CHAIR STEDMAN objected for discussion.

[2:10:20 PM](#)

REPRESENTATIVE GARA noted concerns in the bill on the House side, so an amendment was added on the House floor. This version of the bill includes an amendment that does not require adding new staff and costs. It includes team decision meetings, where all stakeholders meet to discuss foster placement changes. The decision regarding school placement will now be decided during the team decision meetings, where possible, and with stakeholders when meetings are not held. It avoids the need to convene many extra times.

CHAIR STEDMAN asked the department to come forward.

[2:12:29 PM](#)

MS. CAMPBELL stated the department supports version S.

CHAIR STEDMAN removed his objection to the adoption of version S.

There being no further objection version S was adopted.

[2:13:48 PM](#)

MOLLY CARVER, Staff, Representative Les Gara, Alaska State Legislature, presented information on HB 27. She shared her work on the bill and noted the benefits to the state and to foster kids.

[2:14:38 PM](#)

CHAIR STOLTZE asked if the upcoming fiscal note will be a zero fiscal note.

REPRESENTATIVE GARA said that is his understanding.

CHAIR STEDMAN closed public testimony and held HB 27 in committee.

[2:15:17 PM](#)

SENATOR ELLIS noted the importance of the legislation and wished to know the plan.

CHAIR STEDMAN said the committee plans to meet Wednesday or sooner to seek the will of the committee.

[2:16:38 PM](#)

There being no further business to come before the committee, Chair Stedman adjourned the Senate Health & Social Services Standing Committee at 2:16 p.m.