

**HOUSE BILL NO. 191**

IN THE LEGISLATURE OF THE STATE OF ALASKA

THIRTY-FIRST LEGISLATURE - SECOND SESSION

**BY REPRESENTATIVES VANCE, Wilson**

**Introduced: 1/21/20**

**Referred: Health and Social Services, Judiciary**

**A BILL**

**FOR AN ACT ENTITLED**

1 **"An Act relating to church attendance of a child who is in state custody."**

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

3 **\* Section 1.** AS 47.10.080(q) is amended to read:

4 (q) If the court orders a child committed to the department under (c) of this  
5 section and the department places the child in licensed foster care, the department  
6 shall

7 (1) provide the foster parent with a copy of

8 (A) appropriate information held by the department regarding  
9 the child to the extent required by AS 47.12.310(b)(2)(H);

10 (B) all initial, updated, and revised case service plans for the  
11 child, court orders relating to the child, and the child's medical, mental, and  
12 education reports prepared by or for the department, including reports  
13 compiled before the child was placed with the foster parent; and

14 (C) supplements to the plans, orders, and reports described in  
15 (B) of this paragraph;

1 (2) require the foster parent to

2 (A) maintain and update records regarding medical, mental,  
3 educational, and behavioral services provided to the child;

4 (B) provide all records described in (A) of this paragraph to the  
5 department when the child leaves the foster home placement; and

6 (C) maintain the confidentiality of records regarding a child  
7 placed in the foster home except when disclosure of the records is allowed  
8 under regulations of the department or when disclosure is reasonably necessary  
9 to ensure continuation of care for the child through appropriate medical,  
10 mental, educational, and behavioral services;

11 **(3) work with the foster parent to ensure the child is permitted to**  
12 **attend the child's current church if the child attends church.**

13 \* **Sec. 2.** AS 47.10.080(r) is amended to read:

14 (r) If the court orders a child committed to the department under (c) of this  
15 section, the court shall order the child's parent or guardian to provide the department  
16 with

17 (1) the names, addresses, and telephone numbers of all of the child's  
18 medical providers;

19 (2) the names, addresses, and telephone numbers of mental health  
20 providers that have provided services to the child;

21 (3) the names, addresses, and telephone numbers of schools,  
22 preschools, or day care facilities that the child was attending before the child was  
23 committed to the department;

24 (4) a description of special needs of the child, if any; [AND]

25 (5) the names and locations of relatives who may be willing to have  
26 the child placed in their home; **and**

27 **(6) the names, addresses, and telephone numbers of churches that**  
28 **the child was attending before the child was committed to the department.**

29 \* **Sec. 3.** AS 47.10.080(x) is amended to read:

30 (x) In any team-decision meeting the department holds to address the potential  
31 or actual transfer of a child from one placement setting to another, the department

1 shall ask the participants for input regarding whether it is in the child's best interest

2 **(1)** for the child to remain in the child's current school for the  
3 remainder of the school term; **and**

4 **(2) if the child attends church, for the child to remain in the child's**  
5 **current church.**

6 \* **Sec. 4.** AS 47.10.080(y) is amended to read:

7 (y) If the department transfers a child from one placement setting to another  
8 and it is reasonable and in the child's best [EDUCATIONAL] interests, the department  
9 shall immediately, and in advance of the transfer if possible,

10 **(1)** coordinate with the school the child is attending to ensure the child  
11 is permitted to attend that school through the end of the school term if the child's new  
12 placement is in the same municipality and connected by road to the school; **if** [. IF]  
13 federal funds and school district transportation funds are not available to pay for the  
14 cost of transportation for the child, the department shall pay the costs of transporting  
15 the child to school; **the** [. THE] department shall work with the family or agency  
16 where the child is placed to arrange for transportation; **the** [. THE] department shall  
17 consult with the school district regarding the child's best interests, but the school  
18 district may not override the department's decision to allow a child to remain in the  
19 current school through the end of the school term; **and**

20 **(2) work with the family or agency where the child is placed to**  
21 **ensure the child is permitted to attend the child's current church if the child**  
22 **attends church and if the child's new placement is in the same municipality and**  
23 **connected by road to the church.**

24 \* **Sec. 5.** AS 47.10.084(d) is amended to read:

25 (d) When the child is placed in foster care, the foster parent has the right and  
26 responsibility to use a reasonable and prudent parent standard to make decisions  
27 relating to the child. **Subject to AS 47.10.080(q) and (y), the** [THE] foster parent  
28 may make decisions under (a) or (b) of this section that include decisions relating to  
29 the child's participation in age-appropriate or developmentally appropriate activities,  
30 including travel, sports, field trips, overnight activities, and extracurricular,  
31 enrichment, cultural, and social activities. The department shall provide foster parents

1 with training regarding the reasonable and prudent parent standard. In this subsection,  
2 "reasonable and prudent parent standard" means a standard characterized by careful  
3 and sensible decisions to maintain the health, safety, and best interests of the child  
4 while encouraging the emotional and developmental growth of the child.