

HOUSE BILL NO. 337

IN THE LEGISLATURE OF THE STATE OF ALASKA

THIRTY-SECOND LEGISLATURE - SECOND SESSION

BY REPRESENTATIVE PRAX

Introduced: 2/17/22

Referred: Health and Social Services, State Affairs, Finance

A BILL

FOR AN ACT ENTITLED

1 **"An Act relating to citizen review panels for certain children in state custody;**
2 **reestablishing the Citizens' Review Panel for Permanency Planning; and providing for**
3 **an effective date."**

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

5 * **Section 1.** AS 44.66.010(a) is amended by adding a new paragraph to read:

6 (14) Citizens' Review Panel for Permanency Planning (AS 47.10.401)
7 - June 30, 2026.

8 * **Sec. 2.** AS 47.10.080 is amended by adding new subsections to read:

9 (z) Within 60 days after the date the department removes a child from the
10 child's home, the department shall notify the appropriate local citizen out-of-home
11 care review panel established under AS 47.10.421.

12 (aa) Within 60 days after a court orders a child committed to the department
13 under (c) of this section, and at a permanency hearing or review under (f) or (l) of this
14 section, the department shall inform the parties about the local citizen out-of-home

1 care review panel established under AS 47.10.421.

2 * **Sec. 3.** AS 47.10.093(b) is amended to read:

3 (b) A state or municipal agency or employee shall disclose appropriate
4 confidential information regarding a case to

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

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

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

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

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

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

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

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

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

30 (10) the child support services agency established in AS 25.27.010 as
31 necessary to establish and collect child support for a child who is a child in need of aid

1 under this chapter;

2 (11) a parent, guardian, or caregiver of a child or an entity responsible
3 for ensuring the safety of children as necessary to protect the safety of a child;

4 (12) a review panel, including a variance committee established under
5 AS 47.05.360, established by the department for the purpose of reviewing the actions
6 taken by the department in a specific case;

7 (13) the University of Alaska under the Alaska higher education
8 savings program for children established under AS 47.14.400, but only to the extent
9 that the information is necessary to support the program and only if the information
10 released is maintained as a confidential record by the University of Alaska;

11 (14) a child placement agency licensed under AS 47.32 as necessary to
12 provide services for a child who is the subject of the case;

13 (15) a state or municipal agency of this state or another jurisdiction
14 that is responsible for delinquent minors, as may be necessary for the administration of
15 services, protection, rehabilitation, or supervision of a child or for actions by the
16 agency to protect the public safety; however, a court may review an objection made to
17 a disclosure under this paragraph; the person objecting to the disclosure bears the
18 burden of establishing by a preponderance of the evidence that disclosure is not in the
19 child's best interest; [AND]

20 (16) a sibling of a child who is the subject of the case to allow the
21 siblings to contact each other if it is in the best interests of the child to maintain
22 contact; in this paragraph, "sibling" means an adult or minor who is related to the child
23 who is the subject of the case by blood, adoption, or marriage as a child of one or both
24 of the parents of the child who is the subject of the case; a sibling who is adopted by a
25 person other than the parent of the child who is the subject of the case remains a
26 sibling of the child; **and**

27 **(17) a local citizen out-of-home care review panel established**
28 **under AS 47.10.421.**

29 * **Sec. 4.** AS 47.10.142 is amended by adding a new subsection to read:

30 (j) Within 60 days after a court orders a child committed to the department
31 under this section, the department shall inform the parties about the local citizen out-

1 of-home care review panel established under AS 47.10.421.

2 * **Sec. 5.** AS 47.10 is amended by adding new sections to read:

3 **Article 3A. Citizens' Review Panel For Permanency Planning.**

4 **Sec. 47.10.401. Citizens' Review Panel for Permanency Planning.** (a) The
 5 Citizens' Review Panel for Permanency Planning is created in the Department of
 6 Administration. The state panel consists of five voting members appointed by the
 7 governor from among present members of local panels established under
 8 AS 47.10.421. The governor shall appoint at least one voting state panel member from
 9 each judicial district. The governor may not appoint a person who has committed a
 10 felony or violated AS 11.51.130 or a law with substantially similar elements. The state
 11 panel also includes the following five nonvoting members, or their designees, who
 12 serve ex officio: the commissioner of health and social services, the director of the
 13 office of public advocacy, the attorney general, the public defender appointed under
 14 AS 18.85.030, and the chief justice of the Alaska Supreme Court.

15 (b) The voting members of the state panel serve at the pleasure of the governor
 16 for staggered terms of three years or until successors are appointed.

17 (c) The voting members of the state panel shall elect from among the voting
 18 members a chair who shall serve for one year. Three voting members of the state panel
 19 constitute a quorum for the transaction of business. The state panel may not take
 20 official action without the affirmative vote of at least three of its members.

21 (d) Members of the state panel are entitled to reimbursement for actual
 22 expenses necessary to perform the duties of state panel members. The reimbursement
 23 may not exceed the amount of per diem and expenses authorized for boards and
 24 commissions under AS 39.20.180.

25 (e) The state panel shall meet at least twice annually. Meetings may take place
 26 electronically.

27 (f) The state panel may employ a program coordinator who shall serve at the
 28 pleasure of the state panel. The program coordinator shall employ staff as necessary to
 29 carry out the program coordinator's duties under state panel directives and to provide
 30 clerical assistance to local panels.

31 **Sec. 47.10.411. Duties of state panel.** The state panel shall

(1) by regulation, adopt policies and procedures to carry out its duties and to govern the performance of the duties of the local panels established under AS 47.10.421;

(2) ensure that local panel members receive at least the minimum level of training necessary to effectively carry out their duties;

(3) coordinate and review the activities of the local panels and make recommendations to the governor on appointments to the local panels;

(4) report annually to the legislature, by the 10th day of each regular session, concerning the activities of the state panel and local panels during the previous fiscal year; the panel shall submit a written report to the senate secretary and the chief clerk of the house of representatives and notify the legislature that the report is available; the report must include the number of cases reviewed by each local panel, a description of the characteristics of the children whose cases were reviewed by the panels, the number of children reunited with their families, the number of children placed in other permanent homes, and recommendations and justifications for program improvement, including recommendations relating to state agencies and to the panel review system; the report may contain other information on the experience of the local panels.

Sec. 47.10.421. Appointment of local panels. (a) The governor shall appoint for each judicial district a local citizen out-of-home care review panel composed of five members and two alternates who are residents of the judicial district. Members shall serve three-year terms. Alternates shall be appointed to three-year terms. Alternates may attend any meeting of the local panel and may review any material reviewed by the local panel.

(b) The governor shall appoint to a local panel persons who have training, experience, special knowledge, or a demonstrated interest in the welfare of children. An out-of-home care provider or a person employed by the court system, the department, the office of public advocacy, the Public Defender Agency, or the Department of Law may not serve as a member or alternate member of a local panel. The governor may not appoint a person who has committed a felony or violated AS 11.51.130 or a law with substantially similar elements.

1 (c) The governor shall ensure that appointments to a local panel are reasonably
 2 representative of the various social, economic, racial, ethnic, and cultural groups of the
 3 district from which the members are appointed.

4 (d) If the state panel determines that additional local panels are necessary in a
 5 judicial district because of excessively large or complex caseloads for review or
 6 because of the demographics of cases, or determines that a local panel is not necessary
 7 because of a reduced caseload, the governor may create or dissolve a local panel. The
 8 governor may not reduce the number of local panels in a judicial district to fewer than
 9 one. Appointments to a local panel established under this subsection are governed by
 10 (a) - (c) of this section.

11 (e) When a person is appointed to serve on a local panel, the person shall
 12 swear or affirm to keep confidential all information that comes before the local panel
 13 except for nonidentifying case information included in a report to the state panel, for
 14 information for reports required under AS 47.17, or as required by court order for
 15 good cause shown. A local panel member may share confidential information with
 16 other members of the local panel and staff who serve the local panel.

17 **Sec. 47.10.431. Meetings; expenses.** (a) A local panel may conduct meetings
 18 in person or by electronic means. In-person meetings must be held in the judicial
 19 district in which the panel members reside. The chair may permit a member to
 20 participate in an in-person meeting by electronic means.

21 (b) A local panel shall elect one of its members to serve as chair for a term of
 22 one year.

23 (c) A majority of the members of a local panel constitutes a quorum. A local
 24 panel may not take official action without the affirmative vote of at least three of its
 25 members.

26 (d) A local panel member is not eligible for travel expenses, per diem, or other
 27 expenses for service on the local panel unless the state panel requires a local panel
 28 member to travel to attend a meeting. If the state panel requires a local panel member
 29 to travel to attend a meeting, the local panel member is entitled to reimbursement for
 30 actual expenses incurred by the member in attending the meeting, except that the
 31 reimbursement may not exceed the amount of per diem and expenses authorized for

boards and commissions under AS 39.20.180.

Sec. 47.10.441. Duties of local panels. (a) A local panel shall review the case plan of each child in the custody of the department who is in a placement other than the child's own home under AS 47.10.080(c)(1) or (3), 47.10.142, or 47.14.100(c) if the case is under the jurisdiction of a court, including a tribal court, in the judicial district served by the panel. A local panel may request a local panel in another judicial district to conduct a review and make a report if that local panel is more convenient for the child and other persons involved.

(b) A local panel shall review a case as required under 42 U.S.C. 671 - 679c within 180 days after the day the child is initially removed from the child's home and every six months thereafter. A court review may be substituted for a review required under this subsection if the court review meets the requirements of this subsection.

(c) At least 30 days before beginning a review, a local panel shall provide written notice to the following persons that a review will be conducted and that each person notified may participate in the review:

- (1) the department;
- (2) the child or the child's legal representative;
- (3) the child's parents;
- (4) the child's guardian;
- (5) the child's guardian ad litem;
- (6) the child's out-of-home care provider; and
- (7) if the case is governed by 25 U.S.C. 1901 - 1963 (Indian Child Welfare Act),

- (A) the child's Indian custodian; and

- (B) the designated representative of the child's Indian tribe if the tribe has intervened in the case.

(d) In reviewing a case, a local panel shall consider the case plan and any progress report of the department or the child's guardian ad litem, court records, and other relevant information about the child and the child's family. The local panel shall also provide to the following persons an opportunity to be interviewed by the local panel in person or by telephone or to provide written material to the panel:

1 (1) the child whose case is being reviewed if the child is 10 years of
2 age or older;

3 (2) the parents, custodians, or other relatives of the child;

4 (3) the child's out-of-home care provider;

5 (4) the child's guardian;

6 (5) the child's guardian ad litem;

7 (6) the case worker or social worker assigned to the case;

8 (7) if the case is governed by 25 U.S.C. 1901 - 1963 (Indian Child
9 Welfare Act),

10 (A) the child's Indian custodian; and

11 (B) the designated representative of the child's Indian tribe if
12 the tribe has intervened in the case; and

13 (8) other persons with a close personal knowledge of the case.

14 (e) At the discretion of the child's guardian ad litem or, if the child does not
15 have a guardian ad litem, at the discretion of the child's parent or guardian, a child
16 under 10 years of age whose case is being reviewed may be present at interviews
17 conducted under (d) of this section and during review by the local panel, or may be
18 interviewed. At the child's request, the local panel shall allow a child who is 10 years
19 of age or older to be present at interviews or a review of the local panel that concerns
20 the child's case, unless the local panel determines that for good cause the child's
21 presence would be contrary to the best interests of the child or finds other good cause
22 for denying the child's request.

23 (f) During a review under (a) of this section, a local panel shall

24 (1) determine whether the child has a case plan designed to achieve
25 placement in the least restrictive, most family-like setting available in close proximity
26 to the home of the child's parents that is consistent with the best interests, special
27 needs, and circumstances of the child;

28 (2) evaluate the continuing necessity and appropriateness of the child's
29 placement, the extent of the parties' compliance with the child's case plan, and the
30 extent of progress that has been made toward mitigating the causes that necessitated
31 placement away from the child's parents;

1 (3) ascertain the date by which the child is likely to be returned to the
2 home or placed for adoption or legal guardianship;

3 (4) determine whether the parties have complied with applicable
4 provisions of 25 U.S.C. 1901 - 1963 (Indian Child Welfare Act) and other applicable
5 state and federal laws; and

6 (5) determine whether the requirements of AS 47.10.080(f) and (l) and
7 47.10.142(h) have been met.

8 (g) A local panel shall, within 30 days after reviewing a case, submit a written
9 report to the persons listed in (c) of this section. The report must make advisory
10 recommendations based on the health and safety of the child and must include
11 notification of the right to apply for a permanency hearing under AS 47.10.080(f). If
12 the court has scheduled the case for review, the local panel shall submit its report at
13 least 20 days before the hearing.

14 (h) A local panel shall report to the state panel information needed by the state
15 panel to prepare the report required under AS 47.10.411(4).

16 **Sec. 47.10.451. Cooperation with state and local panels.** The department,
17 Department of Law, public defender, office of public advocacy, and court system shall
18 cooperate with the state panel and the local panels to facilitate timely review of plans
19 for children whose cases are under the jurisdiction of the panels.

20 **Sec. 47.10.461. Records; communications.** (a) At the request of a local panel,
21 the department, the child's guardian ad litem, and the court shall furnish to the local
22 panel relevant records concerning a child and the child's family who are the subjects of
23 the local panel review. At the conclusion of a review, or, if necessary for the
24 preparation of the reports required under AS 47.10.441(g) and (h), upon completion of
25 the reports, a local panel shall destroy all electronic copies of records and return all
26 physical copies of records received by the local panel to the staff that serves the local
27 panel or to the agency from which the original copy was obtained. Notwithstanding
28 AS 44.62.310, records and reports of a local panel, testimony before a local panel, and
29 deliberations of a local panel are privileged under AS 47.10.093.

30 (b) A local panel member may not reveal to another person, other than another
31 member of the local panel or the staff serving the local panel, a communication made

1 to the member while performing the member's duties under AS 47.10.401 - 47.10.491,
 2 except as required under AS 47.17 or as required by court order for good cause shown.
 3 A local panel member may share with the state panel communications made during the
 4 local panel member's performance of official duties if the local panel member omits
 5 identifying information.

6 (c) A local panel proceeding is not governed by AS 44.62.310.

7 **Sec. 47.10.471. Court review of report.** (a) When a report is admissible under
 8 court rules, the court may consider the report of a local panel in its review under
 9 AS 47.10.080(f) and at other disposition hearings other than hearings related to
 10 delinquency proceedings.

11 (b) If the department, the child, or the child's parents, guardian, or guardian ad
 12 litem applies for a permanency hearing under AS 47.10.080(f), the court may refer the
 13 case to a local panel for review.

14 **Sec. 47.10.481. Indemnification of panel members.** The state shall indemnify
 15 a state panel member or local panel member against civil liability for a negligent act or
 16 omission by the panel member that occurs in the performance of the member's duties
 17 under AS 47.10.401 - 47.10.491, unless the civil liability results from the panel
 18 member's violation of

19 (1) AS 47.10.461(b); or

20 (2) the oath or affirmation required under AS 47.10.421(e).

21 **Sec. 47.10.491. Definitions.** In AS 47.10.401 - 47.10.491,

22 (1) "local panel" means a local citizen out-of-home care review panel
 23 appointed under AS 47.10.421;

24 (2) "out-of-home care provider" means an agency or a person, other
 25 than the child's legal parents, with whom a child who is in the custody of the state
 26 under AS 47.10.080(c)(1) or (3), 47.10.142, or 47.14.100(c) is currently placed,
 27 including a foster parent, a relative other than a parent, a person who has petitioned for
 28 adoption of the child, or a residential child care facility;

29 (3) "state panel" means the Citizens' Review Panel for Permanency
 30 Planning established under AS 47.10.401.

31 * **Sec. 6.** AS 44.66.010(a)(14), AS 47.10.080(z), 47.10.080(aa), 47.10.093(b)(17),

1 47.10.142(j), 47.10.401, 47.10.411, 47.10.421, 47.10.431, 47.10.441, 47.10.451, 47.10.461,
2 47.10.471, 47.10.481, and 47.10.491 are repealed.

3 * **Sec. 7.** The uncodified law of the State of Alaska is amended by adding a new section to
4 read:

5 CITIZENS' REVIEW PANEL FOR PERMANENCY PLANNING; STAGGERED
6 TERMS. Notwithstanding AS 47.10.401, enacted by sec. 5 of this Act, the governor shall
7 appoint the initial public members of the Citizens' Review Panel for Permanency Planning so
8 that one member serves a one-year term, two members serve two-year terms, and two
9 members serve three-year terms. The governor shall appoint initial public members who have
10 training, experience, special knowledge, or a demonstrated interest in the welfare of children.

11 * **Sec. 8.** The uncodified law of the State of Alaska is amended by adding a new section to
12 read:

13 LOCAL CITIZEN OUT-OF-HOME CARE REVIEW PANEL; STAGGERED
14 TERMS. Notwithstanding AS 47.10.421, enacted by sec. 5 of this Act, the governor shall
15 appoint the initial public members of a local citizen out-of-home care review panel so that one
16 member serves a one-year term, two members serve two-year terms, and two members serve
17 three-year terms.

18 * **Sec. 9.** Section 6 of this Act takes effect July 1, 2026.

19 * **Sec. 10.** Except as provided in sec. 9 of this Act, this Act takes effect July 1, 2022.