

ALASKA STATE LEGISLATURE
SENATE HEALTH AND SOCIAL SERVICES STANDING COMMITTEE

February 29, 2024

3:32 p.m.

MEMBERS PRESENT

Senator David Wilson, Chair
Senator Löki Tobin
Senator Forrest Dunbar
Senator Cathy Giessel

MEMBERS ABSENT

Senator James Kaufman, Vice Chair

COMMITTEE CALENDAR

SENATE BILL NO. 181

"An Act relating to placement of a child in need of aid; relating to adoption; and providing for an effective date."

- HEARD & HELD

PREVIOUS COMMITTEE ACTION

BILL: SB 181

SHORT TITLE: CHILD PLACEMENT; DILIGENT SEARCH

SPONSOR(S): SENATOR(S) BJORKMAN

01/16/24	(S)	READ THE FIRST TIME - REFERRALS
01/16/24	(S)	HSS
02/15/24	(S)	HSS AT 3:30 PM BUTROVICH 205
02/15/24	(S)	Heard & Held
02/15/24	(S)	MINUTE(HSS)
02/29/24	(S)	HSS AT 3:30 PM BUTROVICH 205

WITNESS REGISTER

SENATOR JESSE BJORKMAN, District D
Alaska State Legislature
Juneau, Alaska

POSITION STATEMENT: Sponsor of SB 181.

LAURA ACHEE, Staff
Senator Jesse Bjorkman

Alaska State Legislature
Juneau, Alaska

POSITION STATEMENT: Provided the sectional analysis for SB 181 from version H to Y.

KIM GUAY, Director
Office of Children Services
Department of Family and Community Services (DFCS)
Anchorage, Alaska

POSITION STATEMENT: Answered questions on SB 181.

ACTION NARRATIVE

[3:32:03 PM](#)

CHAIR DAVID WILSON called the Senate Health and Social Services Standing Committee meeting to order at 3:32 p.m. Present at the call to order were Senators Tobin, Giessel, and Chair Wilson. Senator Dunbar arrived thereafter.

SB 181-CHILD PLACEMENT; DILIGENT SEARCH

[3:32:42 PM](#)

CHAIR WILSON announced the consideration of SENATE BILL NO. 181 "An Act relating to placement of a child in need of aid; relating to adoption; and providing for an effective date."

[3:33:28 PM](#)

CHAIR WILSON solicited a motion.

[3:33:29 PM](#)

SENATOR TOBIN moved to adopt the committee substitute (CS) for SB 181, work order, 33-LS0348\Y, as the working document.

[3:33:44 PM](#)

CHAIR WILSON objected for the purpose of discussion.

[3:33:48 PM](#)

SENATOR JESSE BJORKMAN, District D, Alaska State Legislature, Juneau, Alaska, sponsor of SB 181, introduced Ms. Achee.

[3:34:08 PM](#)

LAURA ACHEE, Staff, Senator Jesse Bjorkman, Alaska State Legislature, Juneau, Alaska, provided the sectional analysis for SB 181 from version H to Y:

[Original punctuation provided.]

**SENATE BILL 181 CHILD PLACEMENT; DILIGENT SEARCH
SUMMARY OF CHANGES VERSION H TO Y**

Section 1 - Clarifies that while foster parents may request hearings regarding placement under AS 47.10.080(s), they are not parties to child in need of aid cases.

Section 2 - Clarifies the requirements for family searches in AS 47.10.088(i) when OCS is determining final placement of a child following termination of parental rights.

Section 2 - Retains eligibility for foster care license as standard for notification

Section 2 - Changes "courts" to "department" on page 2, lines 27 and 29 of as the Department of Family and Youth Services is responsible for the actions taken under AS 47.10.088(i) and not the Court System.

Section 4 - Removes the search requirement following a transfer of placement under AS 47.10.080(s) on page 3 line 21 - 23. This requirement is not in other Alaska statutes regarding family searches and could place an undue requirement on the Department as in some cases transfer can be of very short duration, such as to provide overnight inpatient medical care.

Section 4 -Removes the requirement from the new language in AS 47.10.145 to provide written notice in languages other than English. This may create undue hardship for the Department as there are 250 languages spoken in Alaska.

Section 4 - Replaces the requirement on page 4, lines 23 - 24 to file with the court information regarding the Department's progress on family searches 10 days in advance of hearings with a requirement to provide the information in writing at the time of a hearing. Cuts language directing oral reports of information received after the 10-day filing deadline as all information will be reported at the time of the hearing.

Section 5 - Adds language to clarify that the preferences in AS 47.14.100(e)(3)(A) should be applied in consideration of the best interest of the child.

Section 6 - Retains eligibility for foster care license as standard for placement of a child Page 2 of 2 Senator.Jesse.Bjorkman@akleg.gov

Section 6 - Adds language to AS 47.14.100(m) to clarify that non-parties requesting review hearings under AS 47.10.080(s) are not eligible for publicly appointed legal counsel.

Section 7 - Adds a new section that would require the Department to assist family members and family friends in the process of seeking licensing and waivers to licensing requirements under AS 47.32.032.

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MS. ACHEE provided a brief history of foster care licensing and placement requirements to explain the reason for adding Section 7 to SB 181. She stated that the department finds it difficult to move away from a licensing standard to a best interest standard and recommended that family and friends use the waiver process to become foster parents. Since the waiver process can be difficult for people unfamiliar with foster care system, the department suggested that instead of removing the existing language, SB 181 should direct the department to help family members in obtaining a waiver. She stated that agencies aren't allowed to do whatever seems right—they must do what they've been empowered to do by the legislature. By giving this direction to the department, it becomes a duty to help families with the waiver process.

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CHAIR WILSON acknowledged Senator Dunbar joined the meeting.

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At ease

[3:42:06 PM](#)

CHAIR WILSON reconvened the meeting.

[3:42:11 PM](#)

SENATOR TOBIN asked about the department's capacity to assist families who may speak another language, are new to the country, or lack experience with the legal and foster care systems.

[3:42:50 PM](#)

KIM GUAY, Director, Office of Children Services, Department of Family and Community Services (DFCS), Anchorage, Alaska replied that the department has access to language banks and interpreters, particularly in rural Alaska. She explained that they also try to utilize individuals near the family, such as partners who speak the family's language or through tribal or child advocacy centers. Although they aim to meet needs through various resources, access to a language bank is available if required.

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SENATOR TOBIN asked if the department ensures that the information transmitted to potential family members is accurate, especially in cases involving complex legal terminology or legal prescriptions. She inquired about the safeguards in place to guarantee accuracy.

MS. GUAY replied that the challenge often lies in obtaining past records to determine if a current relative would be a suitable provider. She noted that it can be difficult to retrieve records, especially if the person is from a different country, is from rural Alaska, or the events occurred many years ago. The department works with available systems to gather information, but when official records, such as court documents, are unavailable, they consider the individual's history, references, and parenting experience. She mentioned a variance process that helps navigate complex cases, such as when documents are inaccessible, giving an example where a courthouse fire destroyed necessary records, forcing the department to use alternative means to vet the person.

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SENATOR TOBIN asked how the department's search for records intersects with an individual's right to privacy. She noted that the right to privacy, particularly concerning electronic records, was established in the constitution to protect against state access to personal information. She requested clarification on how the department navigates this issue.

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MS. GUAY explained that if a person seeks to have a child placed in their care through the Office of Children's Services (OCS), they must demonstrate that they have remedied any past behavior, such as a termination of parental rights or a criminal conviction. While the department cannot obtain this information

directly, they can guide the individual on where to retrieve it. If the individual chooses to sign a Release of Information (ROI), the department can assist in obtaining the records. However, the decision to share this information is ultimately up to the individual. If they choose not to share it, the department may be unable to determine if their home is a suitable placement for the child.

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SENATOR DUNBAR asked about Section 4, which removes the search requirement following a transfer of placement. He noted that former Representative Gara had worked hard to include this provision and questioned why it is now being removed. He acknowledged that the justification provided is that transfers can be of short duration but wondered if the language could be adjusted so that only short transfers are exempt since transfers trigger the search requirement and circumstances change.

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MS. GUAY replied that the proposal to remove the search requirement following a transfer of placement aims to address redundancy in the system. She explained that children might move frequently between relatives or family friends, making it impractical to conduct relative searches with every placement change. She emphasized that there are built-in opportunities within the SB 181 for relative notification and searches, such as during the first 30 days after a child enters care, at disposition hearings, permanency hearings, or when the goal shifts from reunification to adoption or guardianship. She noted that in the Office of Children's Services (OCS), each change of placement, even short-term stays under the Prudent Parent standard, like visiting a friend's or relative's house, is considered a placement change, which would trigger a relative search under the current requirement.

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SENATOR DUNBAR asked if SB 181 is requesting the removal of the requirement under AS 47.10.080(s) and whether the department could provide data on how many searches were triggered by this provision and how many resulted in a permanent placement. He inquired if the department tracks the number of these searches performed.

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MS. GUAY replied that the department does not specifically track the data Senator Dunbar requested. She elaborated that while she could provide information on the number of relatives involved in

a specific case or across the 2,600 children currently in care, the department cannot break down the data to the specific detail requested. She noted that the number of relatives varies widely between cases, with some families having many relatives—sometimes over 150—and others having very few, making it difficult to provide the detailed information sought.

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SENATOR DUNBAR requested that, before the next hearing of SB 181, the department provide any available data to help quantify the burden that the current provision places on the department. He expressed a desire to understand the extent of the searches triggered by this provision and asked for any relevant information to support the assertion that it creates an undue burden.

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SENATOR BJORKMAN emphasized that the focus should be on the quality of the searches rather than the quantity. He noted that the bill includes measures to ensure that searches are thorough and effective, using various databases and methods to locate and connect with families. He compared this to how merely looking for something isn't enough; a high-quality search is necessary to achieve meaningful results.

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MS. GUAY clarified that Section 4 of SB 181 contains entirely new language, added at the request of stakeholders. She pointed out that Section 3 of SB 181 reflects existing statute, which does not include the requirement for a search after every temporary placement. She explained that the language mandating searches with each temporary placement change, found in the new Section 4, was inserted by the legislative drafter and not requested by stakeholders. After discussions with the department, which expressed concerns about the burden of conducting searches with every temporary placement change, the decision was made to remove that language. She reassured that this decision does not alter the original provisions authored by former Representative Gara. She highlighted that the department's current operations do not include conducting searches for every temporary placement change, which might explain the department's difficulty in providing data on the impact of the proposed change.

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SENATOR TOBIN expressed curiosity about Section 5, [lines 18-20] regarding [AS 47.14.100(e)(3)(A)] sibling placement,

specifically when there is a conflict between the best interests of a child under six and a child over six. She questioned how this section might impact situations where a best interest finding could result in siblings being placed in different environments.

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SENATOR BJORMAN opined that it would be difficult for a court to justify separating siblings in a best interest finding. He acknowledged that other stakeholders have questioned the age division and expressed willingness to remove it if desired. However, he emphasized that studies and research indicate children under six are at the highest risk for significant adverse childhood experiences when removed from a placement they have been in for a year or longer. He explained that this is why the age division is included. He stressed that both the department and the court would have to agree that separating a child from siblings is in the child's best interest, which he believes would only happen in the most extreme circumstances.

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SENATOR TOBIN stated adverse childhood experiences (ACES) also occur for children over six years old. She expressed interest in hearing from the court system regarding whether sibling separation has occurred in the past, whether there is any precedent, and what stipulations the court might consider in such cases.

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CHAIR WILSON removed his objection; finding no further objection, CSSB 181 was adopted.

[3:58:32 PM](#)

CHAIR WILSON held SB 181 in committee.

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SENATOR BJORKMAN said he would continue to work on SB 181 with the committee.

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There being no further business to come before the committee, Chair Wilson adjourned the Senate Health and Social Services Standing Committee meeting at 3:59 p.m.