

ALASKA STATE LEGISLATURE
SENATE HEALTH AND SOCIAL SERVICES STANDING COMMITTEE

April 8, 2025

3:31 p.m.

MEMBERS PRESENT

Senator Forrest Dunbar, Chair
Senator Cathy Giessel, Vice Chair
Senator Matt Claman
Senator Shelley Hughes

MEMBERS ABSENT

Senator Löki Tobin

COMMITTEE CALENDAR

HOUSE BILL NO. 36

"An Act relating to the placement of foster children in psychiatric hospitals; relating to the care of children in state custody placed in residential facilities outside the state; and amending Rule 12.1(b), Alaska Child in Need of Aid Rules of Procedure."

- HEARD & HELD

SENATE BILL NO. 88

"An Act relating to placement of a child in need of aid; relating to adoption; relating to variances for foster care licenses; relating to the medical records of children in foster care; and providing for an effective date."

- MOVED CSSB 88(HSS) OUT OF COMMITTEE

PREVIOUS COMMITTEE ACTION

BILL: HB 36

SHORT TITLE: FOSTER CHILDREN PSYCHIATRIC TREATMENT

SPONSOR(S): REPRESENTATIVE(S) GRAY

01/22/25	(H)	PREFILE RELEASED 1/10/25
01/22/25	(H)	READ THE FIRST TIME - REFERRALS
01/22/25	(H)	HSS, FIN
02/27/25	(H)	HSS AT 3:15 PM DAVIS 106
02/27/25	(H)	Moved HB 36 Out of Committee

02/27/25 (H) MINUTE (HSS)
02/28/25 (H) HSS RPT 7DP
02/28/25 (H) DP: PRAX, GRAY, SCHWANKE, RUFFRIDGE,
MEARS, FIELDS, MINA
03/11/25 (H) FIN AT 1:30 PM ADAMS 519
03/11/25 (H) Scheduled but Not Heard
03/12/25 (H) FIN AT 1:30 PM ADAMS 519
03/12/25 (H) Heard & Held
03/12/25 (H) MINUTE (FIN)
03/20/25 (H) FIN AT 1:30 PM ADAMS 519
03/20/25 (H) Moved HB 36 Out of Committee
03/20/25 (H) MINUTE (FIN)
03/21/25 (H) FIN RPT 8DP 2NR
03/21/25 (H) DP: BYNUM, HANNAN, ALLARD, GALVIN,
JIMMIE, TOMASZEWSKI, FOSTER, JOSEPHSON
03/21/25 (H) NR: JOHNSON, STAPP
03/26/25 (H) TRANSMITTED TO (S)
03/26/25 (H) VERSION: HB 36
03/28/25 (S) READ THE FIRST TIME - REFERRALS
03/28/25 (S) HSS, FIN
04/08/25 (S) HSS AT 3:30 PM BUTROVICH 205

BILL: SB 88

SHORT TITLE: CHILD PLACEMENT; DILIGENT SEARCH

SPONSOR(s): SENATOR(s) BJORKMAN

02/05/25 (S) READ THE FIRST TIME - REFERRALS
02/05/25 (S) HSS, FIN
02/27/25 (S) HSS AT 3:30 PM BUTROVICH 205
02/27/25 (S) Heard & Held
02/27/25 (S) MINUTE (HSS)
03/20/25 (S) HSS AT 3:30 PM BUTROVICH 205
03/20/25 (S) Heard & Held
03/20/25 (S) MINUTE (HSS)
03/27/25 (S) HSS AT 3:30 PM BUTROVICH 205
03/27/25 (S) Scheduled but Not Heard
04/01/25 (S) HSS AT 3:30 PM BUTROVICH 205
04/01/25 (S) <Bill Hearing Rescheduled to 04/03/25>
04/03/25 (S) HSS AT 3:30 PM BUTROVICH 205
04/03/25 (S) <Bill Hearing Canceled>
04/08/25 (S) HSS AT 3:30 PM BUTROVICH 205

WITNESS REGISTER

REPRESENTATIVE ANDREW GRAY, District 20
Alaska State Legislature
Juneau, Alaska

POSITION STATEMENT: Sponsor of HB 36.

KYLE JOHANNSON, Staff
Representative Gray
Alaska State Legislature
Juneau, Alaska

POSITION STATEMENT: Provided the sectional analysis for HB 36.

NANCY MEADE, General Counsel
Alaska Court System
Juneau, Alaska

POSITION STATEMENT: Answered questions on HB 36.

KIM SWISHER, Deputy Director
Office of Children's Services
Anchorage, Alaska

POSITION STATEMENT: Answered questions on HB 36.

AMANDA METIVIER, Co-Founder
Facing Foster Care in Alaska
Anchorage, Alaska

POSITION STATEMENT: Testified by invitation on HB 36.

KXLO STONE, Board Member
Statewide Youth Leadership
Facing Foster Care Alaska
Anchorage, Alaska

POSITION STATEMENT: Testified by invitation on HB 36.

MARGRET BERGERUD, Counsel
Legislative Legal Services
Juneau, Alaska

POSITION STATEMENT: Answered questions on HB 36.

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

POSITION STATEMENT: Sponsor of SB 88.

ARIELLE WIGGIN, Staff
Senator Forrest Dunbar
Alaska State Legislature
Juneau, Alaska

POSITION STATEMENT: Offered a summary of changes for SB 88.

LINDA BEECHER, Deputy Public Defender
Alaska Department of Administration

Anchorage, Alaska

POSITION STATEMENT: Answered questions on SB 88.

LAURA ACHEE, Staff
Senator Jesse Bjorkman
Alaska State Legislature
Juneau, Alaska

POSITION STATEMENT: Answered questions on SB 88.

ACTION NARRATIVE

[3:31:02 PM](#)

CHAIR DUNBAR called the Senate Health and Social Services Standing Committee meeting to order at 3:31 p.m. Present at the call to order were Senators Claman, Hughes, Giessel, and Chair Dunbar.

HB 36-FOSTER CHILDREN PSYCHIATRIC TREATMENT

[3:31:45 PM](#)

CHAIR DUNBAR announced the consideration of HOUSE BILL NO. 36 "An Act relating to the placement of foster children in psychiatric hospitals; relating to the care of children in state custody placed in residential facilities outside the state; and amending Rule 12.1(b), Alaska Child in Need of Aid Rules of Procedure."

[3:32:05 PM](#)

REPRESENTATIVE ANDREW GRAY, District 20, Alaska State Legislature, Juneau, Alaska, sponsor of HB 36. He stated that the bill strengthens due process protections for foster children placed in acute psychiatric facilities. HB 36 requires a judicial hearing within seven days of admission, mandates court-appointed legal representation for the child, allows virtual participation, and requires case reviews every 30 days for any long-term placement. HB 36 also adds reporting on the number of foster children placed in out-of-state residential facilities to an existing annual legislative report. He stated that the legislation responds to past failures in oversight that resulted in foster children being held far longer than medically necessary without timely hearings. Citing court rulings and documented cases, HB 36 ensures foster children receive timely judicial review and advocacy, aligning rights more closely with constitutional due process standards and preventing prolonged, unnecessary institutionalization.

[3:38:15 PM](#)

KYLE JOHANNSON, Staff, Representative Gray, Alaska State Legislature, Juneau, Alaska, provided the sectional analysis for HB 36:

[Original punctuation provided.]

Section 1

Non substantive statutory construction

Section 2

Defines "acute psychiatric hospital" as suggested in Kwinhagak v State of Alaska Defines "contemporaneous two-way video conference" to expedite due process

Section 3

New subsection

e) Allows the State to place child in an acute hospital if it's the least restrictive option, the child is gravely disabled/mentally ill and placement would improve the condition of the child with treatment or deteriorate the condition of the child without treatment.

f) Requires all parties of the case to be notified of placement within 24 hours

g) Requires a court review of placement within 7 days. Gives the court the option to extend the court review up to 14 days if necessary to secure attendance of case participants. Allows for contemporaneous two-way video conferencing.

h) Requires case review each 30 days or by a "good-cause" request by the child or interested party.

Section 4

Adds "The number of children placed in residential facilities providing care for children outside the state" to the required annual report to the Legislature on employee recruitment and retention, including a five year plan, for the division.

Section 5

Amends Court Rule 12.1 (b) Alaska Child in Need of Aid Rules of Procedure to mandate the court appointment of

an attorney for a child who has been placed in an acute psychiatric hospital.

[3:41:35 PM](#)

SENATOR CLAMAN said that in adult cases, a hearing is held within 72 hours, often with less than 24 hours of notice. He asked why HB 36 requires a hearing within seven days rather than the same 72-hour standard.

REPRESENTATIVE GRAY replied this is a compromise agreement. Not its first iteration.

[3:43:00 PM](#)

NANCY MEADE, General Counsel, Alaska Court System, Juneau, Alaska, answered questions on HB 36. She responded that the Supreme Court concluded that a 72-hour hearing is not workable in these cases. Unlike adult mental commitments, a child cannot simply be released if criteria are not met or reports are incomplete, because the child may have no safe alternative placement. She said the Court also recognized the complexity of child-in-need-of-aid cases, which involve multiple attorneys, Office of Children's Services (OCS) staff, and facility representatives, making expedited scheduling difficult. While 30 days was deemed too long, the Court found three days impractical, with courts generally aiming for hearings closer to seven days.

SENATOR CLAMAN asked whether this was the Sitka case.

MS. MEADE replied that this case was called Native Village of Kwinhagak versus State of Alaska, decided in February 2024. If the child was in Sitka, this may be the case being referenced.

[3:45:19 PM](#)

CHAIR DUNBAR stated that Representative Gray noted that an attorney is usually already appointed for the child. He asked for clarification on HB 36, Section 5, specifically regarding who typically serves in that role, whether an OPPA attorney, a private attorney, or a Department of Law attorney, and who the statute envisions appointing.

[3:45:46 PM](#)

MS. MEADE responded that the Office of Public Advocacy appoints an attorney to represent children in these types of situations.

CHAIR DUNBAR noted that the fiscal note estimates 110 additional one-hour court hearings, with attorney costs of \$107 per hour,

totaling \$18,700. He asked for clarification on whether these costs assume OPPA attorneys, private attorneys, or Department of Law attorneys, and whether the department plans to hire additional counsel, contract externally, or absorb the work within existing staff.

[3:46:45 PM](#)

KIM SWISHER, Deputy Director, Office of Children's Services, Anchorage, Alaska, answered questions on HB 36. She responded that the fiscal note reflects costs incurred by OCS for its own representation and participation in additional court hearings. These costs are billed hourly by the Attorney General's office.

[3:47:12 PM](#)

CHAIR DUNBAR noted that he didn't see a fiscal note from the Office of Public Advocacy and asked for an explanation from Ms. Meade on how that works.

[3:47:22 PM](#)

MS. MEADE stated that she could not speak for the Office of Public Advocacy and noted that HB 36 does not materially change the existing court rule. She said under current rules, courts must appoint an attorney when a child age ten or older does not consent to psychiatric placement, which occurs frequently, and courts often appoint counsel even when the child does consent due to the high stakes involved. As a result, HB 36 is not expected to significantly increase the number of attorney appointments.

[3:48:35 PM](#)

SENATOR HUGHES asked for an explanation of what happens when a foster child is hospitalized. She asked whether foster parents may visit or maintain contact, or whether OCS assumes the parental role with limited involvement from foster parents.

[3:49:28 PM](#)

REPRESENTATIVE GRAY answered that in most cases, once a child is transferred to an acute psychiatric facility, they do not return to the prior foster home, requiring OCS to find a new placement. He said when no immediate placement is available, the psychiatric facility effectively becomes the placement, leading to prolonged stays at a cost of nearly \$1,000 per night. These situations often involve children with significant behavioral distress, and it is uncommon for foster parents to remain involved during this period.

[3:51:00 PM](#)

SENATOR HUGHES asked whether the cutoff between a foster child and foster family during psychiatric hospitalization is required by law, regulation, or standard practice. She asked whether this approach serves the child's best interests. She suggested that even in cases of mental health crises, maintaining contact with a stabilizing foster family may be beneficial and propose that an evaluation be considered to determine whether continued engagement is appropriate.

[3:52:08 PM](#)

REPRESENTATIVE GRAY replied that in most cases, foster parents do not want the child returned to the foster family's home. This is not about being denied access; rather, foster parents are often overwhelmed and unsure how to manage the situation.

[3:53:07 PM](#)

SENATOR CLAMAN noted that HB 36 defines acute psychiatric hospital and asked if that included the emergency room.

REPRESENTATIVE GRAY answered that HB 36 does not include the emergency room.

SENATOR CLAMAN referenced a family friend who had a foster child that went to the ER and spent 7 to 10 days in a padded cell. He asked how such situations are addressed, since the bill's definition of an acute psychiatric hospital does not appear to include emergency room placements.

[3:53:56 PM](#)

REPRESENTATIVE GRAY responded that HB 36 doesn't cover that. Research indicates that in Alaska over the past 20 years, extended holds without due process have occurred in acute psychiatric facilities, not emergency rooms. He said acute psychiatric facilities function similarly to psychiatric emergency rooms. In cases like Kwinhagak, children may be temporarily held in a local ER until transfer to a facility. He said the exact legal status and when the timeline for hearings begins after an ER evaluation is unclear and would require legal clarification.

[3:55:35 PM](#)

CHAIR DUNBAR suggested the committee finish the conversation after invited testimony.

[3:55:49 PM](#)

CHAIR DUNBAR announced invited testimony on HB 36.

[3:56:16 PM](#)

AMANDA METIVIER, Co-Founder, Facing Foster Care in Alaska, Anchorage, Alaska, testified by invitation on HB 36. She referenced experiences in foster care and being a foster parent. She noted that many youth in foster care are placed in acute psychiatric hospitals unnecessarily or while awaiting other care. HB 36 responds to foster youth requests by ensuring timely judicial review to assess care needs, identify relatives or placements, and convene legal parties. She said HB 36 strengthens existing efforts to protect the rights of foster youth, aligns with recent court rulings that 30 days is too long, and is feasible given current practices in child-need cases. HB 36 complements prior legislation promoting ongoing contact with previous foster families, siblings, and important connections.

[4:00:06 PM](#)

SENATOR CLAMAN asked why the hearing timeline is set at seven days instead of 72 hours, given that it was mentioned that hearings can currently be scheduled within 72 hours.

[4:00:24 PM](#)

MS. METIVIER responded that the original request from youth was for a 72-hour hearing, however the seven-day timeline reflects a compromise, primarily due to concerns from state agencies about coordinating all legal parties. Similar scheduling occurs in other child-need-of-aid cases.

[4:00:49 PM](#)

SENATOR CLAMAN asked for clarification that she said another need of child of aid cases in Alaska.

MS. METIVIER replied yes, when children are removed from homes, hearings occur within 72 hours. She said this brings together all relevant legal parties, including parents and attorneys, the child (if represented), a guardian ad litem, tribal representatives if applicable, OCS, and OCS's attorney.

[4:01:23 PM](#)

SENATOR CLAMAN asked if she means removal from home not placement in a psychiatric ward.

MS. METIVIER replied yes, in OCS removal cases, hearings occur within three days and include all relevant legal parties, similar to acute psychiatric cases, though typically without the hospital clinician or facility representative.

[4:02:09 PM](#)

REPRESENTATIVE GRAY stated that the seven-day hearing timeline was chosen after considering the Supreme Court's guidance that 72 hours is too short, and 30 days is too long. Input from an OCS nurse indicated that seven days allows sufficient time to assess children's behavioral and mental health needs. Unlike the 72-hour proposal, seven days faced little resistance and was seen as a practical, logical compromise, though the sponsor remains open to adjustment.

[4:04:04 PM](#)

CHAIR DUNBAR said HB 36 applies only to acute psychiatric facilities, not traditional emergency rooms. He asked if there was a practical reason why including, or not including, emergency rooms might be necessary.

[4:04:46 PM](#)

MS. METIVIER answered that she did not consider emergency rooms when drafting HB 36. Typically, a foster child is taken to an ER for behavioral issues, where the hospital determines whether to transfer the child to an acute psychiatric facility. She said in urban areas, this transfer usually happens quickly, often the same day. She said she is less familiar with rural Alaska's timelines.

[4:05:46 PM](#)

CHAIR DUNBAR asked Senator Claman if he wanted to ask the drafter the same question.

[4:06:09 PM](#)

SENATOR HUGHES stated that she heard earlier from the sponsor that acute psychiatric placements often occur because foster parents are overwhelmed and do not want the child returned. She asked whether, in the rare cases where a caring foster family wishes to remain involved until a permanent placement is found, maintaining that connection might better serve the child rather than an automatic cutoff.

[4:07:18 PM](#)

MS. METIVIER answered that HB 36 does not address contact outside of hearings, attorney appointment, and notice. Decisions about contact are made by the caseworker acting as the child's guardian. She said OCS uses team decision-making meetings for any placement change, which include legal parties and often foster parents and other connections, providing existing opportunities to maintain relationships.

[4:08:39 PM](#)

KXLO STONE, Board Member, Statewide Youth Leadership, Facing Foster Care Alaska, Anchorage, Alaska, testified by invitation on HB 36. She referenced her background as a former foster youth, a current guardian to siblings, and a member of a foster youth leadership board. She described systemic failures in Alaska's foster care system, including lack of communication, inadequate advocacy, language barriers, and prolonged placements of youth in acute psychiatric facilities without appropriate therapeutic support. She argued that such placements should not be treated as punishment or a one-size-fits-all solution. She urged a shift toward timely evaluation, stronger due process, family engagement, and community-based mental health services that prioritize youth well-being and long-term recovery.

[4:13:11 PM](#)

SENATOR CLAMAN raised concerns about the 2024 Supreme Court Kwinhagak case, "Sitka case," noting that the youth spent about 18 days in the Sitka Hospital before being transferred to North Star. He asked when the hearing timeline would begin under HB 36 and whether excluding emergency rooms would leave children in similar situations without protection during prolonged ER stays.

[4:14:33 PM](#)

MARGRET BERGERUD, Counsel, Legislative Legal Services, Juneau, Alaska, answered questions on HB 36. She answered that the bill would not apply in that situation. The definition was crafted to include facilities like North Star. She said with it focused on hospital units providing diagnosis and short-term mental health treatment, at this time it does not encompass emergency room admissions.

[4:15:23 PM](#)

REPRESENTATIVE GRAY asked whether HB 36 could be easily amended so that the seven-day hearing timeline begins when a child is diagnosed in the emergency department as needing transfer, rather than upon admission to an acute psychiatric facility.

[4:15:58 PM](#)

MS. BERGERUD replied that legal could draft an amendment for the language to say when the child is admitted at the emergency room.

SENATOR HUGHES suggested emergency room padded area instead of emergency room.

[4:16:47 PM](#)

SENATOR CLAMAN asked how the phrase "acute psychiatric hospital" is understood today; to which hospitals does it apply in Alaska.

REPRESENTATIVE GRAY replied that acute psychiatric hospitals in Alaska are API and Northstar.

[4:17:20 PM](#)

SENATOR CLAMAN asked whether the reporting requirement on page 4, regarding the number of children placed in out-of-state residential facilities, applies only to children in OCS custody or also to children in private placements.

REPRESENTATIVE GRAY replied that it would apply only to state custody children.

SENATOR HUGHES asked if there were any foster children being placed in acute psychiatric hospitals outside of Alaska.

[4:18:04 PM](#)

REPRESENTATIVE GRAY answered that they would need to have transitioned from an acute psychiatric facility to a residential psychiatric facility. He said he is unaware of any child in an acute psychiatric facility outside of Alaska.

[4:18:33 PM](#)

SENATOR HUGHES asked if the child is outside of residential, then does the review period apply.

[4:18:41 PM](#)

REPRESENTATIVE GRAY replied that existing statutes already govern placements in residential facilities and require regular reviews, typically every 30 days, for children in OCS custody. HB 36 addresses the statutory gap related to acute psychiatric facilities, which previously lacked clear oversight.

[4:19:20 PM](#)

MS. SWISHER agreed that HB 36 fills a statutory gap regarding acute psychiatric facilities. She noted that OCS does facilitate contact with foster families when appropriate, though HB 36 primarily addresses youth who cannot safely return to a foster home or treatment facility due to being a danger to themselves or others. The seven-day hearing timeline allows sufficient time for evaluation and for the acute hospital to make informed recommendations on the appropriate level of care or potential return to the foster home.

[4:21:16 PM](#)

SENATOR CLAMAN asked why a new definition of acute psychiatric facility is needed if the current statutory definition of psychiatric hospital already covers two facilities and requests a follow-up explanation later.

[4:22:01 PM](#)

CHAIR DUNBAR held HB 36 in committee.

[4:22:14 PM](#)

At ease.

SB 88-CHILD PLACEMENT; DILIGENT SEARCH

[4:23:03 PM](#)

CHAIR DUNBAR reconvened the meeting and announced the consideration of SENATE BILL NO. 88 "An Act relating to placement of a child in need of aid; relating to adoption; relating to variances for foster care licenses; relating to the medical records of children in foster care; and providing for an effective date."

[4:23:38 PM](#)

SENATOR JESSE BJORKMAN, District D, Alaska State Legislature, Juneau, Alaska, sponsor of SB 88. He said the legislation aims to improve outcomes for foster children by enhancing family searches, codifying foster families' right to request hearings so judges have all relevant evidence for placement decisions. He said SB 88 ensures that children under six who have been in foster care over 12 months have their mental well-being and best interests considered when evaluating placement options.

[4:25:14 PM](#)

CHAIR DUNBAR solicited a motion.

[4:25:19 PM](#)

SENATOR GIESSEL moved to adopt the committee substitute (CS) for SB 88, work order 34-LS0397\G, as the working document.

[4:25:29 PM](#)

CHAIR DUNBAR objected for purposes of discussion.

[4:26:07 PM](#)

ARIELLE WIGGIN, Staff, Senator Forrest Dunbar, Alaska State Legislature, Juneau, Alaska, offered a summary of changes for SB 88:

[Original punctuation provided.]

SUMMARY OF CHANGES
CSSB 88: CHILD PLACEMENT; DILIGENT SEARCH
34-LS0397 Version A to Version G

Section 1

Page 1, line 10: Adds "with whom the child has resided for at least 18 months" after "or a child's foster parent."

Section 3

Page 3, line 13: Amends existing statute to specifically apply to children six years of age and older.

Page 3, line 18: Changes the length of placement with a foster family seeking adoption from 12 months to 24 months. This change is made to reflect that child welfare case delays can easily extend past 12 months.

Page 3, line 19: Adds new language instructing that the department must find clear and convincing evidence that continued placement with the foster family is in the best interest of the child to place the child, rather than reunification with the adult family member.

Section 6

Page 6, line 4: Adds new language instructing that the department must find clear and convincing evidence that continued placement with the foster family is in the best interest of the child, rather than reunification with the adult family member. Also extends the required placement period from 12 to 24 months.

Sections 2, 4, 5, 7 8 and 9

No changes are made.

[4:27:39 PM](#)

At ease.

[4:28:23 PM](#)

CHAIR DUNBAR reconvened the meeting.

[4:28:30 PM](#)

SENATOR HUGHES asked for Senator Bjorkman's thoughts regarding the changes to SB 88.

[4:28:53 PM](#)

SENATOR BJORKMAN replied that the current changes to SB 88 reflect committee work to address concerns and make members comfortable with the subject matter. He said the changes represent necessary adjustments to advance the bill through the legislative process.

[4:29:25 PM](#)

SENATOR HUGHES asked for confirmation that the original language was the sponsor's preference.

[4:29:36 PM](#)

SENATOR BJORKMAN replied, yes.

[4:29:57 PM](#)

SENATOR CLAMAN asked, for purposes of the status quo compared to the legislation in the CS for SB 88, what is the standard of proof the court uses to decide a child's placement when up for adoption and how does the foster family's status as a potential adoptive family factor into that decision.

[4:30:25 PM](#)

LINDA BEECHER, Deputy Public Defender, Alaska Department of Administration, Anchorage, Alaska, answered questions on SB 88. She replied that she didn't understand the question and asked for clarification.

[4:30:34 PM](#)

SENATOR CLAMAN asked what standard of proof the court applies when determining placement for a child who is currently available for adoption under existing law, and how does the foster family's status as a potential adoptive placement factor into that decision under current legal standards and practice.

[4:31:05 PM](#)

MS. BEECHER replied that foster parents already have opportunities to participate in child welfare proceedings. However, SB 88 creates a specific legal right for them to engage directly in litigation. Courts primarily focus on the child's best interests and permanency plan, as governed by existing permanency statutes.

[4:32:22 PM](#)

SENATOR CLAMAN asked whether, under current law, a foster family with long-term care of a child has any standing to influence placement decisions when a relative from out of state seeks to adopt or if the system favors the relative despite the child's established relationship with the foster family.

[4:33:22 PM](#)

MS. BEECHER replied that current law already allows these issues to be addressed, though delays possibly harm children, families, and relatives. She suggested that improving social work practices, conducting thorough searches for relatives promptly, and holding timely court hearings would better prevent placement challenges than the proposed legislation.

[4:34:32 PM](#)

SENATOR CLAMAN asked for confirmation that under current law, foster families may be considered as potential placements yet, do not have the legal right to participate as a party in adoption hearings.

MS. BEECHER replied that foster families can receive notice and be allowed to speak in court, often aligning with another party, however foster families do not have the legal right to intervene as a party. She proposed that legislation could increase litigation in child welfare cases.

SENATOR CLAMAN asked if under SB 88 and the committee substitute, a foster family that has cared for a child for at least 18 months would gain the right to appear as a legal party, have counsel, and have the court hear their position.

[4:36:34 PM](#)

MS. BEECHER replied that the distinction is between being present in court to advocate, even with counsel, and being granted full party status, which carries additional legal rights and represents a substantive change in the litigation.

[4:37:08 PM](#)

SENATOR CLAMAN referenced the CS to SB 88, lines 10-13, and said he interprets those lines to mean that a foster parent who has cared for a child for at least 18 months may request a hearing, present evidence, and meet a clear and convincing standard, which suggests party status. He asked whether that interpretation was correct.

[4:37:49 PM](#)

MS. BEECHER responded that granting foster parents party status would give them additional litigation rights. She said this includes access to information and discovery, placing them on equal footing with parents, guardians' ad litem, and tribes, and significantly altering the structure and balance of the child welfare system.

SENATOR CLAMAN noted that a key aspect of the legislation is a significant change to the current adoption process by granting party standing to foster families who do not have that standing under current law.

[4:39:02 PM](#)

SENATOR BJORKMAN stated that this provision does not grant foster parents party status or discovery rights. He noted this was clarified with the court system in the prior legislature and emphasized that, in practice, the language simply confirms that foster parents may request a hearing without making them a legal party to the case.

[4:40:40 PM](#)

LAURA ACHEE, Staff, Senator Jesse Bjorkman, Alaska State Legislature, Juneau, Alaska, answered questions on SB 88. She replied that version G of the bill clearly states that foster parents may request a hearing regarding a proposed transfer though, do not become parties to the case and are not entitled to publicly appointed counsel. She said these provisions were deliberately included after concerns were raised about foster parents gaining party status, and the language was carefully negotiated with the court system, the Office of Public Advocacy, and other stakeholders to ensure SB 88 preserves the existing balance of rights while clarifying what foster parents are permitted to do under current practice.

[4:41:54 PM](#)

CHAIR DUNBAR removed his objection. He found no further objection and CSSB 88 was adopted as the working document.

[4:42:20 PM](#)

SENATOR HUGHES noted that she did not object to the adoption of SB 88 even so, she expressed concern that changes removed requirements for a prospective caregiver to demonstrate prior contact with the child. She is concerned this could disrupt bonded relationships and affect the child's welfare. She stated that she prefers the earlier version of the bill on that point. She said she would support moving the bill forward.

[4:43:15 PM](#)

SENATOR CLAMAN appreciated the clarification that foster parents requesting a hearing do not become parties to the case and noted that SB 88 still grants them greater standing than they currently have. He observed that this expanded standing raises important legal questions about how adoption proceedings will function, describing the provision as a thoughtful and meaningful addition to SB 88.

[4:44:35 PM](#)

CHAIR DUNBAR noted that Alaska's policy strongly favors family reunification and that SB 88 represents a substantial change in certain cases. However, he appreciated the sponsor's work over the past two sessions to add guardrails, such as clarifying that foster parents do not become parties to the case and expects continued discussion as the bill moves forward.

[4:45:38 PM](#)

CHAIR DUNBAR solicited the will of the committee.

[4:45:41 PM](#)

SENATOR GIESSEL moved to report CSSB 88, work order 34-LS0397\G, from committee with individual recommendations and attached fiscal note(s).

[4:45:57 PM](#)

CHAIR DUNBAR found no objection and CSSB 88(HSS) was reported from the Senate Health and Social Services Standing Committee.

[4:46:17 PM](#)

There being no further business to come before the committee, Chair Dunbar adjourned the Senate Health and Social Services Standing Committee meeting at 4:45 p.m.