

Introduced: 3/18/85  
Referred: Health, Education &  
Social Services and Finance

1 IN THE HOUSE

BY COTTEN AND SUND

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HOUSE BILL NO. 297

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IN THE LEGISLATURE OF THE STATE OF ALASKA

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FOURTEENTH LEGISLATURE - FIRST SESSION

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A BILL

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For an Act entitled: "An Act relating to review panels for children in

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foster care; and amending the Rules of Children's

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Procedure."

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

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\* Section 1. AS 47.10.080 is amended by adding a new subsection to

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read:

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(1) When the court orders a child committed to the department

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under (c)(1) of this section and at an annual review under (f) of this

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section, the court shall inform the parties about the foster care

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review panel under AS 47.10.300 - 47.10.370.

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

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ARTICLE 5. FOSTER CARE REVIEW PANELS.

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Sec. 47.10.300. CREATION AND MEMBERSHIP OF PANELS. (a) The

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presiding judge for each judicial district shall appoint a foster care

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review panel for the judicial district.

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(b) A panel consists of three members. Members shall have

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training or experience in child welfare and shall have demonstrated an

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interest in children. Members may include foster parents or former

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foster parents, child psychologists, teachers, professionally trained

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social workers, and lawyers with experience in children's matters. A

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person employed by the court system or by the Department of Health and

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Social Services may not serve as a member of a panel. When a person

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is appointed to serve on a panel, the person shall swear or affirm to

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keep confidential all information that comes before the panel.

1 Members serve for terms of two years.

2 (c) The presiding judge may appoint additional panels if the  
3 volume or complexity of cases in a judicial district warrants.

4 (d) The presiding judge shall appoint one member of a panel to  
5 serve as chair.

6 Sec. 47.10.310. QUORUM. A majority of the members of a panel  
7 constitute a quorum. A majority of the members of the panel may  
8 decide an issue before the panel.

9 Sec. 47.10.320. STAFF. The office of public advocacy in the  
10 Department of Administration shall provide staff support and meeting  
11 space for the panel.

12 Sec. 47.10.330. REIMBURSEMENT FOR EXPENSES. Panel members are  
13 entitled to reimbursement from the office of public advocacy in the  
14 Department of Administration for actual and necessary expenses for per  
15 diem and travel. The reimbursement may not exceed the amount of the  
16 per diem and travel expenses authorized for boards and commissions  
17 under AS 39.20.180.

18 Sec. 47.10.340. DUTIES OF PANEL. (a) A panel shall review the  
19 placement plan and the actual placement of each child in need of aid  
20 under AS 47.10.080(c)(1) or (c)(3) residing within its jurisdictional  
21 area. The review shall assess the progress toward achievement of a  
22 permanent placement plan, the appropriateness of the placement  
23 setting, services actually provided to achieve the selected goals, and  
24 previous decisions in the case.

25 (b) The panel shall review a case within 90 days after entry of  
26 an order determining that the child is a child in need of aid under  
27 AS 47.10.080(c)(1) or (c)(3), within 90 days before the first annual  
28 review under AS 47.10.080(f), and every six months thereafter.

29 (c) At least two weeks before it begins a review, the panel

1 shall provide written notice to each party that a review will be  
2 conducted.

3 (d) In reviewing a case, the panel shall consider the placement  
4 plan and any progress report of the department, court records, and  
5 other information about the child and the child's family. The panel  
6 shall interview the child, foster parents, natural parents, other  
7 relatives of the child, guardian, guardian ad litem, the case worker  
8 or social worker assigned to the case, and other persons with a close  
9 personal knowledge of the case. Interviews may be in person or by  
10 telephone.

11 (e) The panel shall submit a written report to the court within  
12 30 days after reviewing a case. The report shall make recommendations  
13 based on the best interests of the child in accordance with AS 47.10.-  
14 082. The court shall make the report available to the parties immedi-  
15 ately. If the court has scheduled the case for review, the panel  
16 shall submit its report at least 10 days before the hearing.

17 (f) A party to a case reviewed under this section may request  
18 the panel to reconsider its recommendations.

19 Sec. 47.10.350. COOPERATION BY DEPARTMENT. The Department of  
20 Health and Social Services shall cooperate with a panel during the  
21 panel's review. If the department fails to implement a recommendation  
22 of a panel, it shall explain its failure to the court.

23 Sec. 47.10.360. RECORDS. The Department of Health and Social  
24 Services and the court shall furnish records concerning a child who is  
25 the subject of a panel review or the child's family maintained by the  
26 court under AS 47.10.090 or by the department to the panel at its  
27 request. A public or private agency or institution that provides care  
28 or services for the child shall furnish the panel with the records and  
29 other information the panel requests. Records of the panel are

1 confidential under AS 47.10.090.

2 Sec. 47.10.370. COURT REVIEW OF REPORT. (a) The court shall  
3 consider the report of the foster care review panel in its annual  
4 review under AS 47.10.080(f) of the placement of a child in need of  
5 aid under AS 47.10.080(c)(1) or when it considers the annual report of  
6 the department or guardian of a child in need of aid under AS 47.10.-  
7 080(c)(3).

8 (b) The court may refer a case called for a special review under  
9 AS 47.10.080(f) to the panel.

10 (c) The court may request a panel in another jurisdiction to  
11 conduct a review and submit a report if that panel is more convenient  
12 for the child and other persons involved.

13 Sec. 47.10.380. REPORT TO LEGISLATURE. The court system shall  
14 report to the legislature each year on the activities of the foster  
15 care review panels. The report shall include the number of cases  
16 reviewed by each panel, the changes in the plan or placement of a  
17 child in foster care made by the department as a result of recommenda-  
18 tions of the panel, and the savings to the state that result from the  
19 implementation of recommendations made by the panel and adopted by the  
20 department. The report may contain other information on the experi-  
21 ence of the panels and recommendations for change in the review panel  
22 system.

23 \* Sec. 3. Sections 1 and 2 of this Act have the effect of amending the  
24 Rules of Children's Procedure by creating foster care review panels and  
25 requiring the court to consider recommendations from the panels in conduct-  
26 ing reviews of the placement of children in foster care.