

1 IN THE HOUSE

BY COLLINS AND PHILLIPS

2

HOUSE BILL NO. 508

3

IN THE LEGISLATURE OF THE STATE OF ALASKA

4

FIFTEENTH LEGISLATURE - SECOND SESSION

5

A BILL

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For an Act entitled: "An Act relating to review panels for children in
foster care; and amending the Child in Need of Aid
Rules."

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

10 * Section 1. AS 47.10.080 is amended by adding a new subsection to
11 read:

12 (1) When the court orders a child committed to the department
13 under (c)(1) of this section and at an annual review under (f) of this
14 section, the court shall inform the parties about the foster care
15 review panel under AS 47.10.300 - 47.10.370.

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

17 ARTICLE 5. FOSTER CARE REVIEW PANELS.

18 Sec. 47.10.300. CREATION AND MEMBERSHIP OF PANELS. (a) The
19 presiding judge for each judicial district shall appoint a foster care
20 review panel for the judicial district.

21 (b) A panel consists of three members. Members shall have
22 training or experience in child welfare and a demonstrated interest in
23 children. Members may include foster parents or former foster par-
24 ents, child psychologists, teachers, professionally trained social
25 workers, and lawyers with experience in children's matters. A person
26 employed by the court system or by the Department of Health and Social
27 Services may not serve as a member of a panel. When a person is
28 appointed to serve on a panel, the person shall swear or affirm to
29 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 set-
23 ting, 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 Child in Need of Aid Rules by creating foster care review panels and re-
25 quiring the court to consider recommendations from the panels in conducting
26 reviews of the placement of children in foster care.