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Referred: Health, Education &  
Social Services, Judiciary and  
Finance

6-0133A

1 IN THE HOUSE

BY COLLINS AND GRUENBERG

2

HOUSE BILL NO. 19

3

IN THE LEGISLATURE OF THE STATE OF ALASKA

4

SIXTEENTH LEGISLATURE - FIRST SESSION

5

A BILL

6 For an Act entitled: "An Act relating to review panels for children in  
7 foster care; and amending Rule 19 of the Child in  
8 Need of Aid Rules."

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 47.10.400 - 47.10.480.

16 \* Sec. 2. AS 47.10.290 is amended to read:

17 Sec. 47.10.290. DEFINITIONS. In this chapter, unless the con-  
18 text otherwise requires,

19 (1) "care" or "caring" under AS 47.10.010(a)(2)(A), 47.10.-  
20 120(a) and 47.10.230(c), means to provide for the physical, emotional,  
21 mental, and social needs of the child;

22 (2) "child in need of aid" means a minor found to be within  
23 the jurisdiction of the court under AS 47.10.010(a)(2);

24 (3) "court" means the superior court of the state;

25 (4) "delinquent minor" means a minor found to be within the  
26 jurisdiction of the court under AS 47.10.010(a)(1);

27 (5) "department" means the Department of Health and Social  
28 Services;

29 (6) "juvenile detention facility" means separate quarters

1 within a city jail used for the detention of delinquent minors;

2 (7) "juvenile detention home" or "detention home" is a  
3 separate establishment, exclusively devoted to the detention of minors  
4 on a short-term basis and not a part of an adult jail;

5 (8) "minor" is a person under 18 years of age;

6 (9) "panel" means a foster care review panel established  
7 under AS 47.10.400 - 47.10.480.

8 \* Sec. 3. AS 47.10 is amended by adding new sections to read:

9 ARTICLE 6. FOSTER CARE REVIEW PANELS.

10 Sec. 47.10.400. CREATION AND MEMBERSHIP OF PANELS. (a) The  
11 presiding judge for each judicial district

12 (1) shall appoint a foster care review panel for the judi-  
13 cial district; and

14 (2) may appoint additional panels if the volume or complex-  
15 ity of cases involving a child placed in foster care under AS 47.10.-  
16 080(c)(1) or (3) in a judicial district warrants.

17 (b) A panel consists of three members. Members must have train-  
18 ing or experience in child welfare and a demonstrated interest in  
19 children. Members may include foster parents or former foster par-  
20 ents, child psychologists, teachers, professionally trained social  
21 workers, and lawyers with experience in children's matters. A person  
22 employed by the court system or by the department may not serve as a  
23 member of a panel.

24 (c) A member of a panel serves for a term of two years.

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

27 (e) When a person is appointed to serve on a panel, the person  
28 shall swear or affirm to keep confidential all information that comes  
29 before the panel.

1           Sec. 47.10.410. QUORUM. A majority of the members of a panel  
2 constitutes a quorum. A majority of the members of the panel may  
3 decide an issue before the panel.

4           Sec. 47.10.420. STAFF. The office of public advocacy in the  
5 Department of Administration shall provide staff support and meeting  
6 space for each panel.

7           Sec. 47.10.430. REIMBURSEMENT FOR EXPENSES. Panel members are  
8 entitled to reimbursement from the office of public advocacy in the  
9 Department of Administration for actual and necessary expenses for per  
10 diem and travel. The reimbursement may not exceed the amount of the  
11 per diem and travel expenses authorized for boards and commissions  
12 under AS 39.20.180.

13           Sec. 47.10.440. DUTIES OF PANEL. (a) A panel shall review the  
14 placement plan and the actual placement of each child in need of aid  
15 under AS 47.10.080(c)(1) or (3) residing within its jurisdictional  
16 area. The review shall assess the progress toward achievement of a  
17 permanent placement plan, the appropriateness of the placement set-  
18 ting, services actually provided to achieve the selected goals, and  
19 previous decisions in the case.

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

24           (c) At least two weeks before it begins a review, the panel  
25 shall provide written notice to each party that a review will be  
26 conducted.

27           (d) In reviewing a case, the panel shall consider the placement  
28 plan and any progress report of the department, court records, and  
29 other information about the child and the child's family. The panel

1 shall interview the child, foster parents, natural parents, other  
2 relatives of the child, guardian, guardian ad litem, the case worker  
3 or social worker assigned to the case, and other persons with a close  
4 personal knowledge of the case. The panel may conduct interviews in  
5 person or by telephone.

6 (e) The panel shall submit a written report to the court within  
7 30 days after reviewing a case. The report must make recommendations  
8 based on the best interests of the child in accordance with AS 47.10.-  
9 082. The court shall make the report available to the parties immedi-  
10 ately. If the court has scheduled the case for review, the panel  
11 shall submit its report at least 10 days before the hearing.

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

14 Sec. 47.10.450. COOPERATION BY DEPARTMENT. The department shall  
15 cooperate with a panel during the panel's review. If the department  
16 fails to implement a recommendation of a panel, it shall explain its  
17 failure to the court.

18 Sec. 47.10.460. RECORDS. At the request of a panel, the depart-  
19 ment and the court shall furnish to the panel records concerning a  
20 child who is the subject of a panel review or the child's family  
21 maintained by the court under AS 47.10.090 or by the department. A  
22 public or private agency or institution that provides care or services  
23 for the child shall furnish the panel with the records and other  
24 information the panel requests. Records of the panel are confidential  
25 under AS 47.10.090.

26 Sec. 47.10.470. COURT REVIEW OF REPORT. (a) The court shall  
27 consider the report of the foster care review panel in its annual  
28 review under AS 47.10.080(f) of the placement of a child in need of  
29 aid under AS 47.10.080(c)(1) or when it considers the annual report of

1 the department or guardian of a child in need of aid under AS 47.10.-  
2 080(c)(3).

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

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

8 Sec. 47.10.480. REPORT TO LEGISLATURE. The administrative  
9 director of the Alaska Court System shall report to the legislature  
10 each year on the activities of the foster care review panels. The  
11 report must include the number of cases reviewed by each panel, the  
12 changes in the plan or placement of a child in foster care made by the  
13 department as a result of recommendations of the panel, and the  
14 savings to the state that result from the implementation of recommen-  
15 dations made by the panel and adopted by the department. The report  
16 may contain other information on the experience of the panels and  
17 recommendations for change in the review panel system.

18 \* Sec. 4. Sections 1 - 3 of this Act have the effect of amending Rule  
19 19 of the Child in Need of Aid Rules by requiring a court to consider  
20 recommendations from a foster care review panel in conducting a review of  
21 the placement of a child in foster care.