

H/B - 71

POSITION PAPER
ON
HOUSE BILL 71

An Act relating to foster care custody of children committed to the custody of the Department of Health and Social Services.

Prior to placement of a child it is the Social Worker's responsibility to gather as much information as possible regarding the child and it is Federally required to have a casework plan for every child which includes a diagnostic service and treatment plan. Generally this plan, insofar as possible, includes the wishes of the legal parents of the child.

When a child is removed from the home by court order there is generally a degree of animosity and hostility toward the petitioning agency personnel and also toward the foster parents. The agency personnel can and do act as a buffer between parents and foster parents as well as arrange and supervise visits between parents and their children. It would appear to be an imposition to place foster parents in a direct involvement with legal parents and thereby establish an involvement which could hamper the relationship of the foster parent to the child.

As court orders are written, the petitioning agency is given the authority to consent to medical procedures and make decisions for the wellbeing of the child, including, but not limited to, social and educational factors.

It is not within the purview of the Department of Health and Social Services to place custody; this is a prerogative of the court. It is the responsibility of the Department to provide for appropriate care for the child in custody. In the case of the dependent child this would most often be foster care. It is also the responsibility of the Department to work with the child and the legal parents toward returning the child to the family unit. To accomplish this goal it is necessary for the Department to have authority and latitude to make decisions affecting the child.

It is the responsibility of the foster parent to provide the day by day care to the child that will provide the child with an atmosphere conducive to healthy emotional and physical growth with the supervision of the placing agency.

The concerns of the Department regarding House Bill 71 are as follows:


1. If the foster parent has legal custody of the child, the child, it appears, could be taken out of the State with no supervision, or handed on to other unknown persons without knowledge or permission of either the legal parents or the Department.
2. The foster parents could provide or deny medical care to the child according to their desires, thereby leaving themselves open to suit by the legal parents.
3. The foster parents could petition the court for termination of parental rights, although it might not be in the best interest of the child.
4. Custody implies financial obligation. The Department could not provide financially for care of a child for whom it has no legal responsibility.
5. Revocation of license is only accomplished through administrative action which, if appealed through court hearings, could lead to a time-consuming process.

In summary, it appears to be in the best interest of the child, the legal parent, and the foster parent for custody of the child to remain with the Department of Health and Social Services.

As the bill is written, there appears to be no additional expense to the Department of Health and Social Services.

The Department does not favor passage of the Bill.

Recommended By:


 Stanley P. Harris, Director

2-25-25
 Date

Approved By:


 Frederick McGinnis, Commissioner

2/6/25
 Date

Comments by Governor's Office:

By: _____

_____ Date

TELEGRAM

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PMS HEALTH EDUCATION AND SOCIAL SERVICES COMMITTEE

ALASKA STATE HOUSE SUSAN SULLIVAN CHAIRMAN

POUCH V

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ALASKA CHAPTER NATIONAL ASSOCIATION OF SOCIAL WORKERS SUPPORTS
THE CONCEPT EMBODIED IN HOUSE BILL 71 BUT BELIEVES SERIOUS
QUESTION EXISTS AS TO THE LEGALITY OF MANY OF ITS PROVISIONS
ESPECIALLY LINES 5 TO 8 PAGE TWO. WE URGE THE COMMITTEE
TO CONSIDER APPROACHING THE CONCEPT VIA THE GUARDIANSHIP
STATUTES

LUCIEN POUSSARD CHAIRMAN ALASKA CHAPTER NATIONAL ASSOCIATION
OF SOCIAL WORKERS

TO: The Honorable Suzan Sullivan
Chairperson
The Committee on Health, Education
and Welfare
State of Alaska
House of Representatives

DATE: February 7, 1975

FROM: Ken Fallon
Office of Comprehensive Health Planning

SUBJECT: House Bill No. 71

SYNOPSIS = House Bill No. 71 provides for the following:

1. Provides for the Department of Health and Social Services to grant custody to a foster home when the Department has custody.
2. Provides that foster homes may have custody granted to them by the Department for a specified period of time.

CONTRA INDICATION:

1. The bill provides that the Department will have the authority to grant custody. Heretofore that has not been the privilege of the Department but the responsibility of the court. The court has provided an objective forum where the rights of the legal parents and the child are considered in making decisions about legal custody. Often the Department is in an adversary position with the legal parent which would call into question decisions made by the Department in matters of custody.
2. Once foster care custody is granted it is not clear what the responsibility of the Department would be in assisting the foster parents with support services such as counselling, training and other support functions.

IMPRESSIONS:

I am not certain as to the reasons for this bill. I would suspect that the bill is an attempt to deal with frustrations that foster parents experience in working with the Department by granting them more responsibility thru legal custody.

RECOMMENDATIONS:

1. If in fact this bill is written in response to grievances by foster parents, these grievance should be heard in order that the Department can become more responsive to their needs.
2. The matter of legal custody is best left with the court in order that the legal rights of all affected are protected.
3. Bob Gin, Foster Home Coordinator, Helen Waley Center 2220 Nichol Street, Anchorage, Phone: 274-4586 has a most exemplary program in foster care and would be an expert resource to your committee.

KF:ap