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STATE OF ALASKA
THE LEGISLATURE

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JUNEAU, ALASKA 99801
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Mary Van Nimwegen

SB 445

H HESS

5/2/90

HOUSE COMMITTEE REPORT

(7)

Date Referred: April 28, 1990

FURTHER REFERRALS:

Date of Committee Action: 5/2/90

The HESS Committee considered:

CSSB 445(HESS)

CS SB NO. 445 (HESS)

SUBSIDIZED GUARDIANSHIPS

"An Act relating to subsidized adoption and guardianship; and providing for an effective date."

RECOMMENDATIONS:

- [] be replaced with HC5 CSSB 445 [] the same title
[] a new title
- [] have attached amendment(s)
- [] do pass
- [] do not pass
- [] no recommendation
- [] individual recommendations
- [] additional referral to the _____ Committee

ADOPTS: _____ letter of intent

ATTACHES NEW FISCAL NOTE(S):
(Dept)

APPROVES PREVIOUS:

(Date/Dept)

[] fiscal impact _____

[] fiscal note(s) _____

[] zero fiscal note _____

[] zero fiscal note(s) 3/13/90 / 01/55

[] zero with analysis _____

[] zero fn/analysis _____

SIGNING DO PASS:

SIGNING:

(Check approp. column)

Do Not
PASS
No Rec
Amend

J. Ellis

Cheri Davis Davis

Mark Boyer Boyer

K. Greenberg Greenberg

George J. Janko

[Signature]

[Signature]

[Signature]

[Signature]

[Signature]

[Signature]

[Signature]

[Signature]

[Signature]

Chairman's Signature

FISCAL NOTE

CS SB 445 (HESS)
3/13/90

REQUEST:

Revision Date: _____
 Title: An Act relating to Subsidized Guardianship . . .
 Sponsor: Rules Committee
 Requestor: Governor

Agency Affected: Health & Social Services
 BRU: _____
 Components: _____

EXPENDITURES/REVENUES: (Thousands of Dollars)

OPERATING	FY 91	FY 92	FY 93	FY 94	FY 95	FY 96
PERSONAL SERVICES						
TRAVEL						
CONTRACTUAL						
SUPPLIES						
EQUIPMENT						
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
TOTAL OPERATING	-0-	-0-	-0-	-0-	-0-	-0-

CAPITAL	-0-	-0-	-0-	-0-	-0-	-0-
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REVENUE	-0-	-0-	-0-	-0-	-0-	-0-
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FUNDING: (Thousands of Dollars)

GENERAL FUND						
FEDERAL FUNDS						
OTHER						
TOTAL	-0-	-0-	-0-	-0-	-0-	-0-

POSITIONS:

FULL-TIME	-0-	-0-	-0-	-0-	-0-	-0-
PART-TIME	-0-	-0-	-0-	-0-	-0-	-0-
TEMPORARY	-0-	-0-	-0-	-0-	-0-	-0-

ANALYSIS : (Attach a separate page if necessary)

FY 90 fiscal impact is "0."

Changes in CS SB 445 (HESS)
 have no fiscal impact. This
 fiscal note is appropriate.
 Projections of no fiscal impact
 would continue through 1996.
 DEM - S - HESS

Prepared by: Russ Webb, Director
 Division: Family and Youth Services
 Approved by Commissioner: Myra M. Munson
 Agency: Department of Health & Social Services

Phone: 465-3170
 Date: _____
 Date: Feb 5, 1990

Distribution (by preparer):

- Legislative Finance
- Legislative Sponsor
- Requestor
- Office of Management and Budget
- Impacted Agency(ies)

STEVE COWPER
GOVERNOR



STATE OF ALASKA
OFFICE OF THE GOVERNOR
JUNEAU

115

February 7, 1990

The Honorable Tim Kelly
President of the Senate
Alaska State Legislature
P.O. Box V
Juneau, AK 99811

Dear Mr. President:

Under the authority of art. III, sec. 18, of the Alaska Constitution, I am transmitting a bill relating to the establishment of a subsidized guardianship program for hard-to-place children who are in the custody of the Department of Health and Social Services. This bill addresses one facet of permanency planning for foster children.

The purpose of this proposed legislation is to provide the Department of Health and Social Services with another tool to assist children who require long-term foster placement. Many times it is not possible, or not in the child's best interest, to free the child for adoption. Many foster parents who have had a child placed with them on a long-term basis might not wish to adopt the child but are willing to take on legal responsibility beyond foster parenthood for the foster child growing up in their home. However, if assuming guardianship would mean that the state will release the child from state custody and leave the foster parents without needed financial resources to provide for the child, foster parents might reasonably be reluctant to become a hard-to-place child's legal guardian. This proposed legislation will allow the state to continue to subsidize the child's care even though the state no longer has legal custody of the child.

The bill would amend AS 25.23.200, which currently provides that foster parents who are caring for a hard-to-place child and who have applied to adopt the child and receive a subsidy for the care and support of the child, must be evaluated as to their suitability as adoptive parents. The amendment to AS 25.23.200 would require that persons who are caring for a hard-to-place child and who wish to be appointed the child's guardian and receive a subsidy, would, in the same manner, be evaluated as to their suitability as guardians.

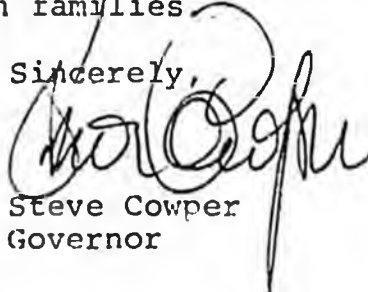
Under existing AS 25.23.210, the amount and duration of a monthly subsidy for a hard-to-place child is left to the discretion of the commissioner of the Department of Health and Social Services, but cannot exceed the existing rate being paid by the department for foster care.

Section 2 of the bill amends AS 25.23.220 to require that when a guardianship with subsidy has been ordered by the court and the court has released the child from the state's legal custody, the guardian will be independent of the department except for an annual evaluation by the department of the need for continued subsidy and the amount of the subsidy.

Sections 3 and 4 of the bill amend the definitions in AS 25.23.240(5) and (7), respectively, to add a reference to guardianships.

The subsidy program proposed in this bill recognizes that not only subsidized adoption but subsidized guardianship will be of benefit to the children of our state who are not able to grow up in their birth families.

Sincerely,



Steve Cowper
Governor

go0370sH
Lauterbach
4/30/90

Original sponsor(s): Rules/Governor

1 IN THE SENATE

2 HOUSE CS FOR CS FOR SENATE BILL NO. 445 ()

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 SIXTEENTH LEGISLATURE - SECOND SESSION

5 A BILL

6 For an Act entitled: "An Act relating to subsidized adoption and guardian-
7 ship."

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

9 * Section 1. AS 13.26 is amended by adding a new section to read:

10 Sec. 13.26.062. SUBSIDIZED GUARDIANSHIP; PROCEDURE. Procedures
11 relating to subsidized guardianships for hard-to-place children are
12 governed by AS 25.23.200 - 25.23.240.

13 * Sec. 2. AS 25.23.200 is amended to read:

14 Sec. 25.23.200. INVESTIGATION. Persons who are caring for a
15 hard-to-place child on a foster parent basis and who have applied to
16 adopt the hard-to-place child and to receive payments for the care and
17 support of the hard-to-place child shall be evaluated as to their
18 suitability as adoptive parents by means of an adoptive home study.
19 Persons who are caring for a hard-to-place child in the state's cus-
20 tody and who wish to be appointed legal guardians of the child under
21 AS 13.26.045, and to receive payments for the care and support of the
22 child, shall be evaluated as to their suitability as guardians by
23 means of a guardianship study. A [THIS] home study or guardianship
24 study shall be made by the commissioner's adoption staff or on the
25 commissioner's behalf by an authorized agency or individual that
26 [WHICH] provides adoption services.

27 * Sec. 3. AS 25.23.220 is amended to read:

28 Sec. 25.23.220. ANNUAL REEVALUATION. After an adoption with
29 subsidy is final or a guardianship with subsidy has been ordered by

1 the court and the court has released the child from the state's legal
2 custody, the family is independent of the department except for an
3 annual evaluation by the department of the need for continued subsidy
4 and the amount of the subsidy.

5 * Sec. 4. AS 25.23.240(5) is amended to read:

6 (5) "court" means the superior court of this state, and,
7 when the context requires, the court of another state empowered to
8 grant petitions for adoption or guardianship or to terminate parental
9 rights;

10 * Sec. 5. AS 25.23.240(7) is amended to read:

11 (7) "hard-to-place child" means a minor who is not likely
12 to be adopted or to obtain a guardian by reason of physical or mental
13 disability, emotional disturbance, recognized high risk of physical or
14 mental disease, age, membership in a sibling group, racial or ethnic
15 factors, or any combination of these conditions;

16 * Sec. 6. AS 47.10.230(d) is amended to read:

17 (d) In addition to money [FUNDS] paid for the maintenance of
18 foster children under (b) of this section, the department

19 (1) shall pay the costs of caring for physically or men-
20 tally handicapped foster children, including the additional costs of
21 medical care, habilitative and rehabilitative treatment, services and
22 equipment, special clothing, and the indirect costs of medical care,
23 including child care and transportation expenses; [AND]

24 (2) may pay for respite care; in this paragraph "respite
25 care" means child care for the purpose of providing

26 (A) temporary relief from the stresses of caring for a
27 foster child who has a physical or mental disability or a phys-
28 ical or mental impairment; in this subparagraph

29 (i) "physical or mental disability" has the

1 meaning given in AS 18.80.300(12)(A), (B), and (D); and

2 (ii) "physical or mental impairment" has the
3 meaning given in AS 18.80.300; and

4 (B) protection for the child when the foster parent is
5 (i) away from the home because of an emergency
6 and other care is not available for the child; or

7 (ii) on vacation and the child, because of age or
8 infirmity, cannot be placed in any other type of temporary
9 care facility; and

10 (3) may pay a subsidized guardianship payment under AS 25.-
11 23.210 when a foster child's foster parents or other persons approved
12 by the department become court-appointed legal guardians of the child.
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go0370sH
Lauterbach
4/30/90

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