

**HB**

**175**

# STATE OF ALASKA THE LEGISLATURE

POUCH Y - STATE CAPITOL  
JUNEAU, ALASKA 99811  
907-465-3800

## LEGISLATIVE AFFAIRS AGENCY LEGISLATIVE REFERENCE LIBRARY

Copies of minutes listed below were originally included in this file. The minutes are available on the STAIRS database CMPR. In order to save space copies of minutes have not been left in the files.

Mary Van Nimwegen

HB 175

H. HESS	3/9/89
H. HESS	3/10/89
H. HESS	4/4/89

Original sponsor: Health, Education and  
Social Services Committee

1 IN THE HOUSE BY THE JUDICIARY COMMITTEE  
2 CS FOR HOUSE BILL NO. 175 (Judiciary)  
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 the construction of laws pertain-  
7 ing to adoption; modifying policy statements relating  
8 to strengthening a child's family ties or family  
9 life; relating to review of orders in certain chil-  
10 dren's proceedings; and modifying the definition of  
11 'child abuse or neglect'."

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

13 \* Section 1. AS 25.23 is amended by adding a new section to read:

14 Sec. 25.23.005. CONSTRUCTION OF CHAPTER; RIGHTS OF PERSONS  
15 AFFECTED BY ADOPTION. This chapter shall be liberally construed to  
16 the end that the best interests of adopted children are promoted. Due  
17 regard shall be given to the rights of all persons affected by a  
18 child's adoption.

19 \* Sec. 2. AS 47.05.060 is amended to read:

20 Sec. 47.05.060. PURPOSE AND POLICY RELATING TO CHILDREN. The  
21 purpose of this title as it relates to children is to secure for each  
22 child the care and guidance, preferably in the child's own home, that  
23 will serve the moral, emotional, mental, and physical welfare of the  
24 child and the best interests of the community; to preserve and  
25 strengthen the child's family ties unless efforts to preserve and  
26 strengthen the ties are likely to result in physical or emotional  
27 damage to the child [WHENEVER POSSIBLE], removing the child from the  
28 custody of the parents only as a last resort when the child's welfare  
29 or safety or the protection of the public cannot be adequately

1        safeguarded without removal; and, when the child is removed from the  
2        family, to secure for the child adequate custody and care and adequate  
3        planning for permanent placement of the child.

4        \* Sec. 3. AS 47.10.080(f) is amended to read:

5                (f) A minor found to be delinquent or a child in need of aid is  
6        a ward of the state while committed to the department or the depart-  
7        ment has the power to supervise the minor's actions. The court shall  
8        review an order made under (b) or (c)(1) or (2) of this section an-  
9        nually, and may review the order more frequently to determine if  
10       continued placement, probation, or supervision, as it is being pro-  
11       vided, is in the best interest of the minor and the public. If annual  
12       review under this subsection would arise within 90 days of the hearing  
13       required under (1) of this section, the court may postpone review  
14       under this subsection until the time set for the hearing. The depart-  
15       ment, the minor, the minor's parents, guardian, or custodian are  
16       entitled, when good cause is shown, to a review on application. If  
17       the application is granted, the court shall afford these parties and  
18       their counsel reasonable notice in advance of the review and hold a  
19       hearing where these parties and their counsel shall be afforded an  
20       opportunity to be heard. The minor shall be afforded the opportunity  
21       to be present at the review. At any review conducted under this  
22       subsection, whether or not by hearing, the court shall make written  
23       findings of fact and conclusions of law regarding the following is-  
24       sues:

25                (1) why the child was removed from the home;

26                (2) what services have been provided to or offered to the  
27        parents to facilitate reunion;

28                (3) what services were utilized by the parents to facili-  
29        tate reunion;

1                   (4) the visitation history between the parents and the  
2 child;

3                   (5) whether additional services are needed to facilitate  
4 the return of the child to the child's parents;

5                   (6) when return of the child can be expected;

6                   (7) whether, under the circumstances of the case, reason-  
7 able efforts are being made to promote family reunification or other-  
8 wise address permanency planning.

9 \* Sec. 4. AS 47.10.080 is amended by adding a new subsection to read:

10                   (1) Within 18 months of the date a minor is initially committed  
11 to the department under AS 47.10.142(e), the court shall hold a hear-  
12 ing to review the placement and services provided and to determine the  
13 future status of the minor. The court shall make appropriate written  
14 findings, including findings related to the following:

15                   (1) whether the child should be returned to the parent;

16                   (2) whether the child should remain in foster care for a  
17 specified period;

18                   (3) whether the child should be placed for adoption;

19                   (4) whether the child should remain in foster care on a  
20 permanent or long-term basis because of special needs.

21 \* Sec. 5. AS 47.17.010 is amended to read:

22                   Sec. 47.17.010. PURPOSE. In order to protect children whose  
23 health and well-being may be adversely affected through the inflic-  
24 tion, by other than accidental means, of harm through physical abuse  
25 or neglect or sexual abuse or sexual exploitation, the legislature  
26 requires the reporting of these cases by practitioners of the healing  
27 arts and others to the appropriate public authorities. It is the  
28 intent of the legislature that, as a result of these reports, protec-  
29 tive services will be made available in an effort to prevent further

1       harm to the child, to safeguard and enhance the general well-being of  
2       the children in this state, and to preserve family life unless those  
3       efforts are likely to result in physical or emotional damage to the  
4       child [WHENEVER POSSIBLE].

5       \* Sec. 6. AS 47.17.070(2) is amended to read:

6               (2) "child abuse or neglect" means the physical injury or  
7       neglect, mental injury, sexual abuse, sexual exploitation, or mal-  
8       treatment of a child under the age of 18 by a person who is responsi-  
9       ble for the child's welfare under circumstances which indicate that  
10       the child's health or welfare is harmed or threatened thereby; in this  
11       paragraph, "mental injury" means an injury to the intellectual or  
12       psychological capacity of a child, as evidenced by an observable and  
13       substantial impairment in the child's ability to function within the  
14       normal range of performance and behavior, with due regard to the  
15       child's culture;

16       \* Sec. 7. AS 47.10.083 is repealed.

100,000



# HEALTH, EDUCATION AND SOCIAL SERVICES COMMITTEE

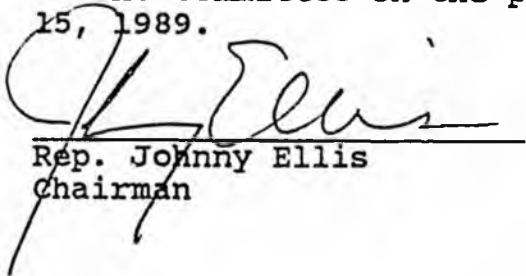
ALASKA STATE LEGISLATURE  
HOUSE OF REPRESENTATIVES



P.O. BOX V, JUNEAU 99811  
(907) 465-3759

## HOUSE HESS COMMITTEE LETTER OF INTENT TO CSHB 175 (HESS)

It is the intent of the House HESS Committee to endorse the Division of Family and Youth Services' "Permanency for Dependent Children" project as a means of expediting the planning and placement of children in state custody in permanent and safe homes. The Division is requested to report to the Committee on the progress of this project by October 15, 1989.

  
Rep. Johnny Ellis  
Chairman

April 6, 1989  
Date of Adoption

House Letter of Intent

# FISCAL NOTE

## REQUEST:

Revision Date: \_\_\_\_\_  
 Title: An Act relating to programs  
& proceedings concerning children...  
 Sponsor: House HESS Committee  
 Requestor: \_\_\_\_\_

Agency Affected: Health & Social Services  
 BRU: \_\_\_\_\_  
 Components: \_\_\_\_\_

### EXPENDITURES/REVENUES: (Thousands of Dollars)

OPERATING	FY 89	FY 90	FY 91	FY 92	FY 93	FY 94
PERSONAL SERVICES	-0-	-0-	-0-	-0-	-0-	-0-
TRAVEL						
CONTRACTUAL						
SUPPLIES						
EQUIPMENT						
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
<b>TOTAL OPERATING</b>	<b>-0-</b>	<b>-0-</b>	<b>-0-</b>	<b>-0-</b>	<b>-0-</b>	<b>-0-</b>

<b>CAPITAL</b>	<b>-0-</b>	<b>-0-</b>	<b>-0-</b>	<b>-0-</b>	<b>-0-</b>	<b>-0-</b>
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<b>REVENUE</b>	<b>-0-</b>	<b>-0-</b>	<b>-0-</b>	<b>-0-</b>	<b>-0-</b>	<b>-0-</b>
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### FUNDING: (Thousands of Dollars)

GENERAL FUND						
FEDERAL FUNDS						
OTHER						
<b>TOTAL</b>	<b>-0-</b>	<b>-0-</b>	<b>-0-</b>	<b>-0-</b>	<b>-0-</b>	<b>-0-</b>

### POSITIONS:

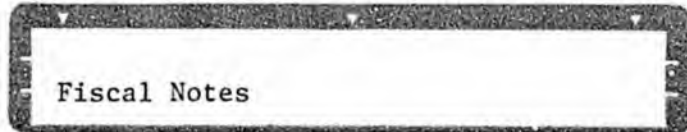
FULL-TIME						
PART-TIME						
TEMPORARY						

**ANALYSIS :** (Attach a separate page if necessary) Although CSHB 175 has a zero fiscal note, the legislation has potentially serious financial implications. If CSHB 175 does not become law, the Department will likely lose approximately \$100,000 in federal grant funds which are currently used for child abuse and neglect programs within Alaska.

Prepared by: Yvonne Chase, Director *Yvonne Chase* Phone: 465-3170  
 Division: Family and Youth Services Date: 4-6-89

Approved by Commissioner: MARY M. MINSON *Mary M. Minson* Date: 4-6-89  
 Agency: Department of Health & Social Services

- Distribution (by preparer):
- Legislative Finance
  - Legislative Sponsor
  - Requestor
  - Office of Management and Budget
  - Impacted Agency(ies)



**STATE OF ALASKA**  
**1989 LEGISLATIVE SESSION**

Bill Version: HB 175  
 Publish Date: 2/15/89

**FISCAL NOTE**

**REQUEST:**

Revision Date:	Agency Affected:	Alaska Court System
Title: An act relating to programs & proceedings concerning children...	BRU:	Trial Courts
Sponsor: HESS	Components:	
Requestor: HESS		

**EXPENDITURES/REVENUES: (Thousands of Dollars)**

OPERATING	FY 89	FY 90	FY 91	FY 92	FY 93	FY 94
Personal Services						
Travel						
Contractual						
Supplies						
Equipment						
Land & Structures						
Grants & Claims						
<b>TOTAL OPERATING</b>	0.0	0.0	0.0	0.0	0.0	0.0

<b>CAPITAL</b>						
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<b>REVENUE</b>						
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**FUNDING: (Thousands of Dollars)**

General Funds	0.0	0.0	0.0	0.0	0.0	0.0
Federal Funds						
Other						
<b>TOTAL</b>	0.0	0.0	0.0	0.0	0.0	0.0

**POSITIONS:**

Full-time						
Part-time						
Temporary						

**ANALYSIS: (Attach a separate page if necessary)**

No fiscal impact.

Prepared by:  
 Division:

*Jan Strandberg*  
 Jan Strandberg, General Counsel  
 Alaska Court System

Phone: 284-3228  
 Date: 03/17/89

Approved by:  
 Agency:

*Arthur H. Snowden, II*  
 Arthur H. Snowden, II, Administrative Director  
 Alaska Court System

Date: 03/17/89

Distribution (by preparer):  
 Legislative Finance  
 Legislative Sponsor  
 Requestor  
 Office of Management & Budget  
 Impacted Agency(ies)

SENATE COMMITTEE REPORT

FURTHER

JUD

5/1/89

DATE TURNED INTO OFFICE 5/5/89

Mr. President:

HESS

Committee considered CSHB 175 (JUD)

construction of laws pertaining to adoption; modifying policy statements relating to strengthening a child's family ties or family life; relating to review of orders in certain children's proceedings; and modifying the definition of child abuse or neglect and recommended

- replace with \_\_\_\_\_ CS \_\_\_\_\_ )  same title
- or adopt \_\_\_\_\_ CS \_\_\_\_\_ )  new title
- attached amendment(s) and  technical title change (HB only)
- \_\_\_\_\_ letter of intent adopted

do pass

do not pass

no recommendation

individual recommendations

further referral to \_\_\_\_\_

FISCAL NOTE(S)  zero  fiscal impact  appropriation no FN

new  updated  previous

same as previous fiscal note(s) published \_\_\_\_\_

MEMBERS SIGNING DO PASS

*Roy Jones*  
*Tim Kelly*  
 \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_

OTHER RECOMMENDATIONS

*See Adams - No Rec*  
 \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_

*Paul Grube (Do Pass)*  
Chairman signature and recommendation

Committee Backup attached

DEPARTMENT OF HEALTH AND SOCIAL SERVICES  
DIVISION OF FAMILY AND YOUTH SERVICES

PERMANENCY FOR DEPENDENT CHILDREN

AN INNOVATIVE PROJECT

March 1989

Every child should have the right to a permanent and safe home.

DOES EVERY CHILD HAVE A PERMANENT HOME?

No! At any time in Alaska 900 to 1,100 children are in out of home care. Today, there are 222 children in the custody of the State of Alaska who have been in continuous out of home care for more than two years.

Although most children in custody will return to their own homes, for some, termination of parental rights is the only way they will ever have a chance for a permanent family. A quick survey throughout the state revealed that there have been approximately 35 cases of nonvoluntary terminations of parental rights during the past 18 months. There have also been five guardianships, 17 relinquishments, and there are approximately 50 cases pending termination. Some parts of the state have not had a termination of parental rights case before the court for ten years.

More must be done to assure a permanent home for every dependent child. Better assessment and focused treatment are needed to help the child's parents, and, when that is unsuccessful, faster, more definitive action is needed to make a permanent, substitute home possible for the child.

WHAT CAN BE DONE TO ASSURE PERMANENCY FOR CHILDREN?

The Division of Family and Youth Services (DFYS), together with the Department of Law, is launching a new project, Permanency for Dependent Children (PDC). This project will be implemented in Nome, Bethel, Barrow, Fairbanks, Juneau, Anchorage, and Ketchikan by July 1, 1989. Training to prepare staff will occur in June.

The goals of PDC are to speed up recognition of those cases in which termination of parental rights, or another permanent plan, should be pursued and to reduce delays in court action necessary to achieve the permanent plan. There are many components to achieving these goals:

Permanency Planning Court Specialists --

At least one permanency planning court specialist will be identified and trained in each of the offices listed above. The social workers will be trained as a team so that standardized procedures are developed statewide and so that these specialists have special support for their work.

The court specialists will conduct periodic reviews of all cases in which a child has been in custody for one year or has been removed from parental care and placed in foster care more than once. The specialists will also be available to consult and assist regarding any child's case where the caseworker or supervisor believes that a permanent plan other than return to the parents may be needed.

In those cases where the parents are not actively involved and progressing, a team decision will be made about whether continued effort with the parents is most appropriate or termination of parental rights should be pursued. In the former cases, further review will occur quarterly to be certain that no "drift" occurs.

In situations where termination of parental rights is identified as the most appropriate permanent plan, the permanency planning court specialist will be responsible for preparing the case for presentation to the court. The specialist will prepare chronologies of events, organize the evidence, interview and prepare witnesses, identify and prepare expert witnesses, and generally assist the ongoing caseworker and the assigned attorney.

Freeing a child for adoption requires the court to terminate the most precious relationship in our society -- that between parent and child. Preparation for these proceedings is extraordinarily demanding, time consuming, and stressful. By assigning specialists, we expect to eliminate delays which occur when ongoing workers are trying to balance this kind of preparation with their day-to-day obligations to respond to the needs of children, parents, and foster parents. The added expertise the specialists can bring to consultation about ongoing cases will also help less experienced workers improve their assessment and treatment skills.

Training regarding Permanency Planning --

In conjunction with the Department of Law, training and orientation for all new social workers will include information concerning legal standards for termination of parental rights, documenting events and services offered throughout a case, and assessing when termination of parental rights or another permanent plan should be pursued.

Updates on these subjects will be included in periodic training for all of the social workers. This will help keep skills current and offer an opportunity to incorporate the findings of the permanency planning court specialists about how best to prepare for court proceedings when they are required.

Specialists will be trained as a team. Their training will focus on legal and child welfare issues associated with permanency planning. The training will include information on how to conduct case reviews, assessment of treatment plans and progress, weighing permanent plan alternatives such as guardianship, adoption and long-term foster care, and preparing for complex legal proceedings.

Department of Law Participation --

In the Fairbanks, Anchorage, and Juneau offices of the Attorney General, arrangements will be made to make attorneys available to assist with training the DFYS specialists and to consult with the specialists and take cases to court. In the other offices, the Assistant Attorneys General assigned to represent DFYS will be offered support and consultation from the three larger offices, as needed.

In Juneau, a paralegal position, which is currently not filled, will be dedicated specifically to child in need of aid termination proceedings.

In Anchorage, the 1990 budget request includes the addition of an attorney and a paralegal to the human services section. Both of those positions will be dedicated to children's proceedings--including consultation with other attorneys handling termination cases. The attorney specialist will also be responsible for developing and implementing the monitoring and evaluation system for all child protection attorneys' cases in Anchorage.

Fairbanks attorneys will continue weekly staffings on all pending cases. The Fairbanks office has been involved in vigorously pursuing termination cases for quite a period of time. They will participate in concerted monitoring of cases, and evaluation of this new statewide effort.

HOW WILL WE KNOW IF WE ARE SUCCEEDING?

No later than August 15, 1990, a report will be jointly issued by the two Departments on the project's first year of operation.

In developing this project, DFYS gathered significant information about the status of permanency planning in Alaska. With the

Department of Law, we closely examined statutes concerning termination of parental rights and the many perceptions about permanency planning and "the best interests of a child." The information we have gathered is set out here as the starting place for the project evaluation, which will be described in the August 1990 report.

The annual report will include an analysis of the impact the project has had on achieving a permanent plan for the children presently in placement more than two years. It will address the project's impact on reducing the average length of time before a permanent plan is achieved for all children in out of home care. It will also include findings about what works and what doesn't and plans and recommendations for further action.

#### WHY SHOULD WE START THIS PROJECT?

... What is happening to children in the custody of the State of Alaska?

... Are plans for permanency being made in a timely manner?

... What is the Division of Family and Youth Services doing to prevent foster care drift?

... What is in the best interest for each child?

... Are permanent plans being finalized for children?

... What are the barriers to quality care for children in State custody?

For several hundred children, the answers to these questions are vital elements in their day-to-day survival and their future well-being. These are questions considered by policy-makers, legislators, judges, social workers, guardians, and DFYS. These are the questions that drove us to the conclusion that we needed more focused attention than had previously been devoted to permanency planning in Alaska.

Even after a child has been removed from his or her home, the child's immediate safety is not assured. Without continuing appropriate service for the child and the family, the child is at risk of victimization by the protection system. Immediate and long-term goals are necessary for each child who is removed from his or her home. The nationally recognized term for this type of planning is "permanency planning."

#### WHAT IS PERMANENCY PLANNING?

Permanency planning for children is a concept, a philosophy, and the desired outcome of DFYS intervention with a family. In practice, permanency planning begins with the first act of intervention by the agency. Each child's situation is assessed in two ways:

- 1) The risk of harm to the child in his own home is determined.
- 2) The family is assessed to identify needed changes so the family can provide safe, nurturing care for the child.

Through permanency planning, the goal of safe, stable care is achieved individually for each child:

1. When the child's family can be rehabilitated in a reasonable period of time, the permanency planning goal is to reunite the child with his family;
2. When the potential for reuniting a child with his family exists, an interim placement should be found which "could be permanent" if the attempt to reunite the child with his family is unsuccessful. Future planning in this direction reduces the number of placements the child must experience;
3. Sometimes adoption is best for the child and is possible when the child's parents' rights are terminated in court;
4. When the child's family cannot be rehabilitated and relatives can provide a safe, nurturing environment, a permanent relative placement may be the plan;
5. For Alaskan Native children, relatives and tribal members must be considered, and are usually most appropriate to provide the needed permanent placement;
6. Foster families frequently are willing to provide permanent care to a child who cannot be freed for adoption and has no relatives who can provide safe and permanent care;
7. Guardianship is also an avenue for permanency which does not require termination of parental rights. Relatives, tribal members and foster families can be named guardians.

Permanency for Dependent Children  
 March 1989

WHERE ARE WE IN MEETING PERMANENCY PLANNING GOALS IN A TIMELY MANNER?

According to a recent analysis (data from December 1985 and the most recent analysis in January 1989), approximately 21% to 23% of the children in state care have been there for more than two years. In Washington, Maine, and Massachusetts the statistic is 30%, 51% and 31%, respectively. Alaska has a lower percentage rate. However, for the 222 children in Alaska who have been in substitute care for more than two years, timely permanency planning has not occurred, and for the 33 children who are between the ages of two and five, out of home care represents the majority of their life span. The following chart shows the region, age, and sex of these children.

<u>REGION</u>	<u>AGE AND SEX</u>						<u>TOTAL</u>
	<u>2-5 yrs.</u>		<u>6-10 yrs.</u>		<u>11-18 yrs.</u>		
	<u>M</u>	<u>F</u>	<u>M</u>	<u>F</u>	<u>M</u>	<u>F</u>	
Western	2	6	4	6	3	4	25
Northwestern					1		1
Northern	1		7	5	8	18	39
Southcentral	12	15	18	13	32	41	131
Southeastern		1	4	1	10	10	26
Totals	15	22	33	25	54	73	222
	37		58		127		

Alaska also appears to be doing a better job than some of the other states by not "losing" children for years in the system.

At the same time, the number of moves a child makes from foster home to foster home and from the child's home to a foster home is a measure of the quality of care the child is receiving from the "system". In 1985, 74% of the children in DFYS custody had been in at least two placements and 25% had over five placements.

In comparison, New Jersey reports that 45% of their children in substitute care have had only one placement. However, the other 55% represent multiple placements. Washington State's data for FY 86 indicated that of the 5,745 children placed, 3,858 (67%) received one placement each; 1,114 (20%) received two placements; 711, three to five placements; and 62 children had received more than six placements. The Division's program goals include reducing the number of placements for each child as well as reducing the length of time in placement for children.

#### HOW DO STATUTES AFFECT THIS PROCESS?

State and federal statutes define standards of proof for termination of parental rights: state statute mandates clear and convincing evidence that the parents' conduct is likely to continue. The Indian Child Welfare Act mandates evidence beyond a reasonable doubt that continued custody by the parents is likely to result in serious physical or emotional damage to the child and proof that active efforts have been made to offer remedial services. The statutes do not give time frames for the filing of a petition to terminate parental rights.

Both the parents' ability to change and to meet the child's needs are key elements. Although there are barriers to the timely planning for children in custody in Alaska, the statutes are rarely, if ever, the barrier. Ideal progression is dependent on the resources and skill of staff in the state agency, the community's resources for assisting the parents to learn to care for their child and to overcome the parents' problems, the skill and availability of the state's attorney, and the wisdom of the court.

Permanent status for some children can be achieved only through the termination of their parents' rights. State and federal statutes give the legal rules and structure to the courts and the state agency to use in deciding when the termination of parental rights can be granted:

AS 47.10.080 (c) (3) provides that by order, upon a showing in the adjudication by clear and convincing evidence that there is a child in need of aid under AS 47.10.010 (a) (2) as a result of parental conduct and upon a showing in the disposition by clear and convincing evidence that the parental conduct is likely to continue to exist if there is no termination of parental rights, terminate parental rights and responsibilities of one or both parents and commit the child to the department or to a legally appointed guardian of the person of the child, and the department or guardian shall report annually to

the court on efforts being made to find a permanent placement for the child.

The Indian Child Welfare Act (P.L. 95-608) provides in pertinent part that no termination of parental rights may be ordered in such proceeding in the absence of a determination, supported by evidence beyond a reasonable doubt, including testimony of qualified expert witnesses, that the continued custody of the child by the parent or Indian custodian is likely to result in serious emotional or physical damage to the child.

The Adoption Assistance and Child Welfare Act of 1980 (P.L. 96-272) provides in pertinent part that effective October 1, 1983, in each case, reasonable efforts will be made (A) prior to the placement of a child in foster care, to prevent or eliminate the need for removal of the child from his home, and (B) to make it possible for the child to return to his home; and it provides for the development of a case plan (as defined in section 475[1]) for each child receiving foster care maintenance payments under the State plan and provides for a case review system which meets the requirements described in section 475(5) (B) with respect to each such child.

The term 'case plan' means . . . a plan for assuring that the child receives proper care and that services are provided to the parents, child, and foster parents in order to improve the conditions in the parents' home, facilitate return of the child to his own home or the permanent placement of the child . . . 475(5) The term 'case review system' means a procedure for assuring that . . . (B) the status of each child is reviewed periodically but no less frequently than once every six months by either a court or by administrative review . . . in order to determine the continuing necessity for and appropriateness of the placement, the extent of compliance with the case plan, and the extent of progress which has been made toward alleviating or mitigating the causes necessitating placement in foster care, and to project a likely date by which the child may be returned to the home or placed for adoption or legal guardianship and

WHAT IS IN THE BEST INTERESTS OF A CHILD?

This question elicits emotional, philosophical, societal, tribal, and sometimes religious responses which are different for every child whose needs have not been met by the child's parents. The court ultimately may have to provide the answer for many children.

We believe it is in the best interest of every child to be loved and cared for by the child's own parents. Unfortunately, even with help to the parents, this is not always possible. The "reasonable efforts" requirement of the Adoption Assistance and Child Welfare Act of 1980 recognized, on a federal level, the bond which a child has with his family and the importance of maintaining that bond. The Indian Child Welfare Act has similar requirements. Both federal laws, like Alaska State law, recognize, however, that this goal may not be attainable for every child. When it is not, another permanent family must be found for the child.

FINALLY --

We will need lots of help to make this project work. We must have enough social workers and lawyers. Treatment providers must recognize the urgency. Tribal advocates and Native organizations must be included so we have the best possible support for parents of Native children and help finding and supporting the most appropriate substitute placements, when that is required. Guardians ad litem must advocate vigorously.

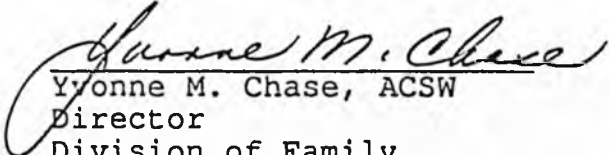
Meeting the goal of a permanent home for every child requires difficult decisions and painful choices. Most important, we need the commitment of every Alaskan to meeting this goal.

Permanency for Dependent Children  
March 1989

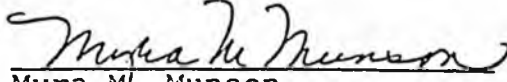
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Director  
Division of Family  
and Youth Services

Date: 3/8/89

  
Myra M. Munson  
Commissioner  
Department of Health and  
Social Services

Date: 3/8/89