

**S B**

**445**

SENATE COMMITTEE REPORT  
FIRST COMMITTEE OF REFERRAL

DATE: 2/7/90

FURTHER: Judiciary

Date of 5-Day Notice: 3/8/90  
(in accordance with Uniform Rule 23)

DATE TURNED INTO OFFICE: 3/19/90

H E S S

Committee considered

SB 445

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

and recommended:

- replace with \_\_\_\_\_ CS SB 445 (HESS)  same title  
[ ] attached amendment(s) [ ] new title
- [ ] \_\_\_\_\_ letter of intent adopted

do pass

[ ] do not pass

[ ] no recommendation

[ ] individual recommendations

[ ] further referral to \_\_\_\_\_

ATTACHES NEW FISCAL NOTE(S):

Department(s)/Date:

Department(s)/Date:

[ ] fiscal note(s) \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

zero fiscal note(s) CS  
\_\_\_\_\_  
\_\_\_\_\_

[ ] appropriation-no val note

Governor's bill w/fiscal note

SIGNING DO PASS:

Handwritten signatures  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

OTHER RECOMMENDATIONS:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Handwritten signature  
Chair: Signature and Recommendation

SENATE COMMITTEE REPORT  
FIRST COMMITTEE OF REFERRAL

DATE: 2/7/90

FURTHER: Judiciary

Date of 5-Day Notice: 3/8/90  
(in accordance with Uniform Rule 23)

DATE TURNED  
INTO OFFICE: 3/14/90

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and recommended:

- replace with \_\_\_\_\_ CS SB 445 (HESS)  same title
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fiscal note(s) \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

zero fiscal note(s) \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

appropriation-no fiscal note

Governor's bill w/fiscal note

SIGNING DO PASS:

[Signature]  
[Signature]  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

OTHER RECOMMENDATIONS:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

[Signature] V. Chair - Do Pass  
Chair: Signature and Recommendation

BY THE RULES COMMITTEE BY REQUEST OF THE GOVERNOR

1 IN THE SENATE

2

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 guardianship; and  
7 providing for an effective date."

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

9 \* Section 1. AS 25.23.200 is amended to read:

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

23 \* Sec. 2. AS 25.23.220 is amended to read:

24 Sec. 25.23.220. ANNUAL REEVALUATION. After an adoption with  
25 subsidy is final or a guardianship with subsidy has been ordered by  
26 the court and the court has released the child from the state's legal  
27 custody, the family is independent of the department except for an  
28 annual evaluation by the department of the need for continued subsidy  
29 and the amount of the subsidy.

1 \* Sec. 3. AS 25.23.240(5) is amended to read:

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

6 \* Sec. 4. AS 25.23.240(7) is amended to read:

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

12 \* Sec. 5. AS 47.10.230(d) is amended to read:

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

15 (1) shall pay the costs of caring for physically or mental-  
16 ly handicapped foster children, including the additional costs of  
17 medical care, habilitative and rehabilitative treatment, services and  
18 equipment, special clothing, and the indirect costs of medical care,  
19 including child care and transportation expenses; [AND]

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

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

25 (i) "physical or mental disability" has the  
26 meaning given in AS 18.80.300(2)(A), (B), and (D); and

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

29 (B) protection for the child when the foster parent is

1 (i) away from the home because of an emergency  
2 and other care is not available for the child; or

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

6 (3) may pay a subsidized guardianship payment under  
7 AS 25.23.210 when a foster child's foster parents or other persons  
8 approved by the department become court-appointed legal guardians of  
9 the child.

10 \* Sec. 6. This Act takes effect immediately under AS 01.10.070(c).

STEVE COWPER, GOVERNOR

**DEPT. OF HEALTH AND SOCIAL SERVICES**

P.O. BOX H  
JUNEAU, ALASKA 99801-0601  
PHONE: (907) 465-3030

**OFFICE OF THE COMMISSIONER**

February 16, 1990

Senator Paul Fischer  
Alaska State Legislature  
P.O. Box V  
Juneau, Alaska 99811

Dear Senator Fischer:

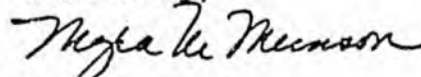
Senate Bill 445, an Act relating to subsidized guardianship, has recently been referred to the Senate HESS committee.

This legislation will offer this department an alternate method of assisting children who require long-term foster placement. In cases in which adoption is not appropriate, a family may be willing to become the long-term legal guardian of the child. This legislation offers the statutory change necessary so that this department can continue to pay for the child's care while in the guardianship relationship.

It should be noted that SB 445 carries a "0" fiscal note. This is possible because the dollars that make up the subsidy for the guardianship would have been paid for foster care in the absence of a guardianship option.

I respectfully request that this legislation be scheduled in the Senate HESS committee as soon as possible. If you require additional information, please let me know.

Sincerely,



Myra M. Munson  
Commissioner

Letter from the Commissioner of  
Health and Social Services.



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.

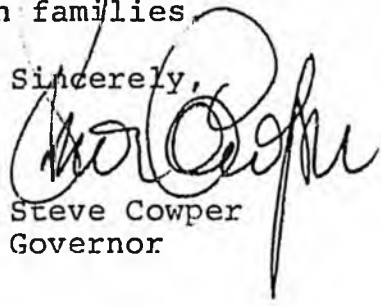
Under existing AS 25.23.210, the amount and duration of a monthly subsidy for a hard-to-place child is left to the discretion of the commissioner of the Department of Health and Social Services, but cannot exceed the existing rate being paid by the department for foster care.

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

# FISCAL NOTE

**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						
<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	-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."

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 Impacted Agency(ies)

*Adopted*

go0370sE  
Lauterbach  
3/13/90

Original sponsor(s): Rules/Governor

1 IN THE SENATE

BY THE HESS COMMITTEE

2 CS FOR SENATE BILL NO. 445 (HESS)

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 SIXTEENTH LEGISLATURE - SECOND SESSION

5 A BILL

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14 suitability as adoptive parents by means of an adoptive home study.  
15 Persons who are caring for a hard-to-place child in the state's cus-  
16 tody and who wish to be appointed legal guardians of the child, and to  
17 receive payments for the care and support of the child, shall be  
18 evaluated as to their suitability as guardians by means of a guardian-  
19 ship study. A [THIS] home study or guardianship study shall be made  
20 by the commissioner's adoption staff or on the commissioner's behalf  
21 by an authorized agency or individual that [WHICH] provides adoption  
22 services.

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1 (i) away from the home because of an emergency  
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3 (ii) on vacation and the child, because of age or  
4 infirmity, cannot be placed in any other type of temporary  
5 care facility; and

6 (3) may pay a subsidized guardianship payment under AS 25.-  
7 23.210 when a foster child's foster parents or other persons approved  
8 by the department become court-appointed legal guardians of the child.

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