

SB

288

ALASKA STATE LEGISLATURE



(907) 376-3157 Fax

SENATOR LYDA GREEN
SENATE DISTRICT G

SPONSOR STATEMENT FOR SENATE BILL 288

“An Act relating to certain determinations concerning placement of a child in emergency custody and temporary placement hearings in child in need of aid proceedings; and providing for an effective date.”

Current state law provides for the Court to determine, within 48 hours of removal from the home, whether probable cause exists for believing a child is in need of aid and to authorize a child's temporary placement out of the home. However, the language used by the courts in making determination varies and is often not in compliance with federal requirements. Senate Bill 288 mandates the Court to specifically use the language that continued placement in the home is “contrary to the welfare” of the child when exercising its authority to remove a child in need of aid. This legislation ensures that state law complies with federal requirements.

By requiring Contrary to the Welfare language in the first Court order following removal, the Office of Children's Services has the opportunity to increase federal reimbursement through the Title IV-E program for the care of the child and associated expenditures incurred by OCS for managing the foster care program. The Office of Children's Services estimates that passage of this legislation will result in an increase in federal Title IV-E receipts of \$500,000 in fiscal year 2005.



Alaska State Legislature

Senate Majority Web: <http://www.akrepublicans.org>

Sponsor: Senator Lyda Green
Current Version: CSSB 288(JUD)
Contact: Jacqueline Tupou, 465-6600
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Fact Sheet for: Senate Bill 288

Short Title: Emergency Child Custody Placement

Summary:

- Conforms to federal requirements the language a judge must use at a temporary custody hearing when determining placement of a child who has previously been removed from home.

Benefits:

- Requires a judge to explicitly state whether continued placement in the child's home is "contrary to the welfare" of the child.
- Ensures consistency in court rulings.
- The Office of Children's Services estimates that this bill will allow the department to receive an additional \$500,000 in federal Title IV-E funds in FY05.

Background:

Currently, the court must hold a hearing within 48 hours of removing a child from their home to determine placement. However, the language used by the courts in making determinations varies and is often not in compliance with federal requirements.