

HB

53

HFIN

FILE

FISCAL NOTE

STATE OF ALASKA
2005 LEGISLATIVE SESSION

Fiscal Note Number: _____
Bill Version: CSSS HB53 (FIN)
() Publish Date: _____

Revision Date/Time (Note if correction): _____ Dept. Affected: Administration
Title: An Act relating to child in need of RDU: Legal and Advocacy Services
aid proceedings;... Component: Public Defender Agency
Sponsor: Reps. Coqhill, Ramras,...
Requester: House Finance Component No.: 1631

Expenditures/Revenues (Thousands of Dollars)

Note: Amounts do not include inflation unless otherwise noted below.

OPERATING EXPENDITURES	FY 2006	FY 2007	FY 2008	FY 2009	FY 2010	FY 2011
Personal Services	54.3	54.3	54.3	54.3	54.3	54.3
Travel	2.4	2.4	2.4	2.4	2.4	2.4
Contractual	18.0	18.0	18.0	18.0	18.0	18.0
Supplies	1.3	1.3	1.3	1.3	1.3	1.3
Equipment	6.7	0.7	0.7	0.7	0.7	0.7
Land & Structures						
Grants & Claims						
Miscellaneous						
TOTAL OPERATING	82.7	76.7	76.7	76.7	76.7	76.7

CAPITAL EXPENDITURES						
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CHANGE IN REVENUES ()						
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FUND SOURCE (Thousands of Dollars)

1002 Federal Receipts						
1003 GF Match						
1004 GF	82.7	76.7	76.7	76.7	76.7	76.7
1005 GF/Program Receipts						
1037 GF/Mental Health						
Other (Specify Type--Do not abbreviate)						
TOTAL	82.7	76.7	76.7	76.7	76.7	76.7

Estimate of any current year (FY2005) cost: 0.0

Check this box (X) if funding for this bill is included in the Governor's FY 2006 budget proposal:

POSITIONS

Full-time						
Part-time	1	1	1	1	1	1
Temporary						

ANALYSIS: (Attach a separate page if necessary)

CSSS HB53(JUD) is an omnibus bill significantly changing the child protective statutes (CINA) and in some instances the adoption and guardianship statutes. The portions of the bill having a fiscal impact on the operations of the Public Defender Agency will be discussed on the following page

Prepared by: Linda K. Wilson, Deputy Director Phone: (907) 334-4416
Division: Public Defender Agency Date/Time: 4/27/05 7:25 AM
Approved by: Michael Tibbles, Deputy Commissioner Date: 4/27/2005
Agency: Department of Administration

FISCAL NOTE

STATE OF ALASKA
2005 LEGISLATIVE SESSION

BILL NO. CSSS HB 53 (JUD)

ANALYSIS CONTINUATION

Fiscal Note Analysis for SS HB 53: (continued)

Various Sections of this bill change statutes and court rules concerning confidentiality in child protective proceedings (CINA). CINA hearings will be presumptively open to the public, unless the court orders otherwise, based upon a motion to close it under certain circumstances enumerated in the bill. The Agency opens over 900 new child protective proceedings a year. It is anticipated that in a significant number of the Agency's cases the attorney will be repeatedly moving to close hearings. This additional motion practice will also require service on a member of the public who has requested notice. It is further anticipated that disputes over interpretation and implementation of this legislation will occur. This increase in workload necessitates an increase in operating costs amounting to a half-time attorney position, factoring in support staff. The additional operating costs to address the increased workload are based on attorney and support staff hours in Anchorage, where the bulk of these cases are handled.

Other provisions of the bill will have a fiscal impact on the Agency as well, but the extent of the impact cannot be predicted with any accuracy. In various sections of the bill it provides for family members or friends to request and obtain a review hearing of denied visitation, denied temporary placement, or a denied adoption placement request. While these identified people are not considered parties who would be entitled to the appointment of counsel, if indigent, Agency attorneys representing parents in these cases will likely be involved or need to attend these requested review hearings. In addition, the bill provides for additional review hearings in guardianship, termination, and adoption proceedings when a parent voluntarily relinquishes their parental rights but retains privileges, like visitation or contact, and seeks enforcement or modification of the retained privilege, or in some termination instances vacation of the termination order. These additional hearings will result in a fiscal impact to the Agency, but again, the extent cannot be predicted with any accuracy.

FISCAL NOTE

STATE OF ALASKA
2005 LEGISLATIVE SESSION

BILL NO. CS SS HB 53 (JUD)

ANALYSIS CONTINUATION

(continued from page 1)

and also provides parental representation for the parents where the Public Defender Agency has a conflict. In essence, every CINA case is the equivalent of two cases to OPA if not more (in cases where there are more than two parents). This representation for both children and parents is provided by staff attorneys and GALs, as well as contractors in areas of the state where OPA has no staff or where OPA staff have a conflict. It is anticipated that in a significant portion of OPA's cases the attorney representing either the child or parent will move to close the hearing. Prior to doing this, an investigation must be conducted up front to determine if an open hearing would be detrimental to the child's best interests. In addition, any motion practice regarding hearing closure must be served on any member of the public who has requested notice. It is further anticipated that disputes over interpretation and implementation of this legislation will occur. This increase in workload necessitates an increase in operating costs amounting to one full time attorney (a half-time attorney for child advocacy and a half-time attorney for parental advocacy), factoring in a third of a support staff member. The additional operating costs to address the increased workload are based on attorney and support staff hours in Anchorage, where the bulk of these cases are handled. Finally, contractors will bill additional hours for investigation, motion practice, and motion service regarding hearing closures. Additional contract funds have also been included. The costs for these confidentiality sections would be 161.3 the first year and 156.2 thereafter.

FISCAL NOTE

STATE OF ALASKA
2005 LEGISLATIVE SESSION

Fiscal Note Number: _____
Bill Version: HB053CS(FIN)-DHSS-OCS2-04-20-05

Revision Date/Time (Note if correction): _____

() Publish Date: _____
Dept. Affected: Health & Social Services

Title: RELATING TO CHILD-IN-NEED-OF AID MATTERS

RDU: Children's Services
Component: Children's Services Management

Sponsor: COGHILL

Requester: HOUSE (FIN)

Component No.: 2666

Expenditures/Revenues (Thousands of Dollars)

Note: Amounts do not include inflation unless otherwise noted below

OPERATING EXPENDITURES	FY 2006	FY 2007	FY 2008	FY 2009	FY 2010	FY 2011
Personal Services	71.9	71.9	71.9	71.9	71.9	71.9
Travel						
Contractual	70.8	10.8	10.8	10.8	10.8	10.8
Supplies						
Equipment						
Land & Structures						
Grants & Claims						
Miscellaneous						
TOTAL OPERATING	142.7	82.7	82.7	82.7	82.7	82.7

CAPITAL EXPENDITURES						
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CHANGE IN REVENUES (0)						
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FUND SOURCE (Thousands of Dollars)

1002 Federal Receipts						
1003 GF Match						
1004 GF	142.7	82.7	82.7	82.7	82.7	82.7
1037 GF/Mental Health						
Other(Specify Type-do not abbreviate)						
Other(Specify Type-do not abbreviate)						
TOTAL	142.7	82.7	82.7	82.7	82.7	82.7

Estimate of any current year (FY2005) cost: _____

Mark this box (X) if funding for this bill is included in the Governor's FY 2006 budget proposal:

POSITIONS

Full-time	1	1	1	1	1	1
Part-time						
Temporary						

ANALYSIS: (Attach a separate page if necessary)

CSSSIB 53 is an omnibus bill that incorporates a number of changes to the Child-in-Need-of-Aid (CINA) statutes. Changes that may have fiscal impact on the Department's Office of Children's Services (OCS) budget are summarized below.

Confidentiality

Various amendments and additions in this bill are similar to those included in SB 84 that allow public access to CINA proceedings and confidential information.

con't on page 2

Prepared by: Jimmy Sandoval, Acting Deputy Commissioner
Division: Office of Children's Services
Approved by: Joel S. Gilbertson, Commissioner
Agency: Department of Health and Social Services

Phone: 465-3191
Date/Time: 04/20/2005
Date: 04/26/2005

FISCAL NOTE
FN #

STATE OF ALASKA
2005 LEGISLATIVE SESSION

BILL NO. HB053CS(FIN)-DHSS-OCS2-04-26-05

ANALYSIS CONTINUATION

Confidentiality - Analysis Con't

Should either bill become law, the Department anticipates that increase in public concern and requests for information will necessitate an additional position within the OCS to assist in the effort to respond in a timely manner. This position would be an Associate Coordinator, Range 18, under the current Program Coordinator for Community Relations at a cost of \$71.9 per fiscal year for salary and benefits with 15% service costs for a total of \$82.7 in general funds.

Sec. 46. Notification of Status of Investigations

Section 46 requires that when a person makes a report of harm and requests notification of the status of the investigation, OCS provide the status without disclosing confidential information. Because the OCS case management system (ORCA) does not now capture all addresses and does not report on the required data, system changes at a one-time cost of approximately \$60.0 would be required. These reports are not federally mandated and therefore not eligible for federal match.

FISCAL NOTE

STATE OF ALASKA
2005 LEGISLATIVE SESSION

Fiscal Note Number: _____
Bill Version: CSSSHB53(Fin)-DHSS-OCS-05-27-05
() Publish Date: _____

Revision Date/Time (Note if correction) Rev 4/27/05 12:15p Dept. Affected: Health & Social Services

Title RELATING TO CHILD-IN-NEED-OF AID MATTERS RDU Children's Services

Component Front Line Social Workers

Sponsor COGHILL

Requester HOUSE (FIN) Component No. 2305

Expenditures/Revenues (Thousands of Dollars)

Note: Amounts do not include inflation unless otherwise noted below.

OPERATING EXPENDITURES	FY 2006	FY 2007	FY 2008	FY 2009	FY 2010	FY 2011
Personal Services	33.7	33.7	33.7	33.7	33.7	33.7
Travel	28.0	28.0	28.0	28.0	28.0	28.0
Contractual	2.0	2.0	2.0	2.0	2.0	2.0
Supplies	0.6	0.6	0.6	0.6	0.6	0.6
Equipment	41.9					
Land & Structures						
Grants & Claims						
Miscellaneous						
TOTAL OPERATING	106.2	64.3	64.3	64.3	64.3	64.3

CAPITAL EXPENDITURES						
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CHANGE IN REVENUES (0)						
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FUND SOURCE (Thousands of Dollars)

1002 Federal Receipts						
1003 GF Match						
1004 GF	106.2	64.3	64.3	64.3	64.3	64.3
1037 GF/Mental Health						
Other(Specify Type-do not abbreviate)						
Other(Specify Type-do not abbreviate)						
TOTAL	106.2	64.3	64.3	64.3	64.3	64.3

Estimate of any current year (FY2005) cost: _____

Mark this box (X) if funding for this bill is included in the Governor's FY 2006 budget proposal:

POSITIONS

Full-time						
Part-time	1	1	1	1	1	1
Temporary						

ANALYSIS: (Attach a separate page if necessary)

CS HB 53 is an omnibus bill that incorporates a number of changes to the Child-in-Need-of-Aid (CINA) statutes. Changes that may have fiscal impact on the Office of Children's Services (OCS) budget are summarized below:

Section 13 provides that if a parent or family member of a child in state custody is denied visitation, the department will inform the parent or family member as to the reason for the denial and their right

Con't on page 2

Prepared by: Tammy Sandoval, Acting Deputy Commissioner
Division: Office of Children's Services
Approved by: Joel S. Gibbetson, Commissioner
Agency: Department of Health and Social Services

Phone: 465-3191
Date/Time: 04/26/2005
Date: 04/27/2005

FISCAL NOTE

FN #

STATE OF ALASKA
2005 LEGISLATIVE SESSION

BILL NO. CSSH53(Fin)-DHSS-OCS-05-27-05

ANALYSIS CONTINUATION

to request a review hearing. The OCS believes there would be an increase in staff time required for hearing preparation and court time, but no data upon which to estimate the fiscal impact is available. Visitation denials are not tracked.

Section 38 provides that the department shall serve as staff to the Citizen Review Panel. The estimated cost to provide this support is:

.5 FTE staff support for CRP (Range 16)	\$33.7
Travel for 10 CRP members for 4 meetings	
Fairbanks	\$ 8.0
Anchorage x2	\$10.0
Juneau	\$10.0
Teleconferences (4)	\$ 2.0
Supplies (brochures, flyers, paper)	\$.6

Total	\$64.3

Section 49 provides that an interview of a child conducted as a result of a report of harm may be audiotaped or videotaped. When an interview concerns a report of sexual abuse by a parent or caretaker, the interview shall be videotaped unless it is not feasible to do so or unless the interview further harms the child. OCS estimates a need for video taping and viewing equipment in each of its 30 offices as follows:

	# needed	Pkg	Cost per	Ext
Camcorders w/ case, tripod, batteries & charger	30		815	24.6
Audio recorders w/ additional memory	30		269	8.1
Discs	3,500	150	75	.2
DVD players and monitors	30		300	9.0
Total				41.9

FISCAL NOTE

STATE OF ALASKA
2005 LEGISLATIVE SESSION

Fiscal Note Number: _____
Bill Version: CSHB53(FIN)-LAW-HS-4
() Publish Date: _____

Revision Date/Time (Note if correction): _____ Dept. Affected: LAW
Title: "An Act relating to child-in-need-of-aid
proceedings..." RDU: CIVIL
Sponsor: Representative Cochill Component: Human Services
Requester: House Finance Component No.: _____

Expenditures/Revenues (Thousands of Dollars)

Note: Amounts do not include inflation unless otherwise noted below.

OPERATING EXPENDITURES	FY 2006	FY 2007	FY 2008	FY 2009	FY 2010	FY 2011
Personal Services	484.0	484.0	484.0	484.0	484.0	484.0
Travel	1.2	1.2	1.2	1.2	1.2	1.2
Contractual	57.0	57.0	57.0	57.0	57.0	57.0
Supplies	7.5	7.5	7.5	7.5	7.5	7.5
Equipment	36.7	36.7	36.7	36.7	36.7	36.7
Land & Structures						
Grants & Claims						
Miscellaneous						
TOTAL OPERATING	586.4	586.4	586.4	586.4	586.4	586.4

CAPITAL EXPENDITURES						
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CHANGE IN REVENUES ()						
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FUND SOURCE (Thousands of Dollars)

FUND SOURCE	FY 2006	FY 2007	FY 2008	FY 2009	FY 2010	FY 2011
1002 Federal Receipts						
1003 GF Match						
1004 GF	586.4	586.4	586.4	586.4	586.4	586.4
1005 GF/Program Receipts						
1037 GF/Mental Health						
Other (Specify Type--Do not abbreviate)						
TOTAL	586.4	586.4	586.4	586.4	586.4	586.4

Estimate of any current year (FY2005) cost: 0.0
Mark this box (X) if funding for this bill is included in the Governor's FY 2006 budget proposal:

POSITIONS

POSITIONS	FY 2006	FY 2007	FY 2008	FY 2009	FY 2010	FY 2011
Full-time	4	4	4	4	4	4
Part-time	1	1	1	1	1	1
Temporary						

ANALYSIS: (Attach a separate page if necessary)
This bill amends AS 47.10 (Children in Need of Aid). Passage of this legislation will impact the Department of Law in two ways.

1. It changes statutes that apply to confidentiality of child in need of aid matters. Longstanding policies, practices and procedures of every agency and branch of government involved in child welfare protection will be altered. As a result it is anticipated that disputes will arise over the interpretation and implementation of this legislation. The additional operating costs to resolve such disputes are estimated based on 400 additional attorney hours per year at a cost of \$49,696. Half of an attorney position is also requested in conjunction with the funding to allow the Department to add a part time attorney to handle the increased caseload.

Prepared by: Kathryn Daughhete, Director Phone: 465-3673
Division: Administrative Services Division Date/Time: 4/27/05 12:16 PM
Approved by: Kathryn Daughhete for David Marquez, Attorney General Date: 4/27/2005
Agency: Department of Law

FISCAL NOTE

STATE OF ALASKA
2005 LEGISLATIVE SESSION

BILL NO. CSHB53(FIN)-LAW-HS-4

ANALYSIS CONTINUATION

2. It allows a parent, family member, or guardian who is denied visitation rights the right to request a review hearing thereby increasing the number of hearings attorneys must prepare for and attend. It includes a relative preference for adoption but adds three reasons why adoption may be denied to the relative. These sections will give rise to a number of contests and good cause findings. Taken together, these sections will cause an increase in the caseload that will add another 2 days of work to each CINA attorney's schedule and 1 day of work for each paralegal. This is a conservative estimate based on the assumption that some issues will be worked out early on in the placement process. That will cost \$536,759 which will fund 2.5 additional attorneys, 1 paralegal, and 1 law office assistant.

These costs are based on the Department of Law FY 2006 timekeeping and billing rate of \$107.99 per hour for attorneys and \$81.07 per hour for paraprofessionals. This rate includes overhead costs for leased space, office supplies, and 1 support staff (included in the position count and impact above) and \$6,500 per new position for one time costs for office furnishings and computer equipment.

FISCAL NOTE

STATE OF ALASKA
2005 LEGISLATIVE SESSION

Fiscal Note Number: _____
Bill Version: CSSSHB 53 (FIN)
() Publish Date: _____

Revision Date/Time (Note if correction): _____ Dept. Affected: _____
Title Child in Need of Aid/Review Panels BRU Alaska Court System
Component Trial Courts
Sponsor Representative Coghill
Requester _____ Component No. _____

Expenditures/Revenues (Thousands of Dollars)

Note: Amounts do not include inflation unless otherwise noted below.

OPERATING EXPENDITURES	FY 2006	FY 2007	FY 2008	FY 2009	FY 2010	FY 2011
Personal Services	83.6	83.6	33.6	83.6	83.6	83.6
Travel	5.3	5.3	5.3	5.3	5.3	5.3
Contractual						
Supplies	6.0	2.8	2.8	2.8	2.8	2.8
Equipment						
Land & Structures						
Grants & Claims						
Miscellaneous						
TOTAL OPERATING	94.9	91.7	91.7	91.7	91.7	91.7

CAPITAL EXPENDITURES						
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CHANGE IN REVENUES ()						
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FUND SOURCE (Thousands of Dollars)

1002 Federal Receipts						
1003 GF Match						
1004 GF	94.9	91.7	91.7	91.7	91.7	91.7
1005 GF/Program Receipts						
1037 GF/Mental Health						
Other (Specify Type--Do not abbreviate)						
TOTAL	94.9	91.7	91.7	91.7	91.7	91.7

Estimate of any current year (FY2005) cost: 0.0

Check this box (X) if funding for this bill is included in the Governor's FY 2006 budget proposal:

POSITIONS

Full-time						
Part-time						
Temporary	4	4	4	4	4	4

ANALYSIS: (Attach a separate page if necessary)

CSSSHB 53 (FIN) makes several changes to the statutes that govern Child in Need of Aid (CINA) proceedings. Most of those changes reflect a policy to presumptively open most CINA proceedings, and agency actions and records. Of particular interest to the court system are those sections that relate to court hearings. Under the bill, most CINA hearings will be open to the public unless a party files, and the court grants, a motion to close all or a portion of a hearing. An interested member of the public may notify the court and the parties that he or she would like to be served with any petitions to close. Additionally, if the court is considering closing a hearing out of concern that an open hearing might interfere with a criminal investigation then the court is to notify the criminal justice agency conducting the investigation and provide it with an opportunity to be heard. (Continued on page 2)

Prepared by: Doug Wooliver, Administrative Attorney Phone 907-463-4750
Division: Alaska Court System Date/Time 4/27/05 9:22 AM
Approved by: Doug Wooliver for Stephanie Cole, Administrative Director Date 4/27/2005
Agency: Alaska Court System

FISCAL NOTE

STATE OF ALASKA
2005 LEGISLATIVE SESSION

BILL NO. CSSSHB (FIN)

ANALYSIS CONTINUATION

Each year the court system receives roughly 1,200 new CINA cases and 200 petitions to terminate parental rights. Both the Public Defender Agency and the Office of Public Advocacy, who represent the parties in these cases, anticipate filing motions to close in a significant percentage of these cases. This fiscal note reflects additional judicial and clerical time associated with ruling on motions to close, closing and then reopening hearings where only a portion of a hearing needs to be closed, notifying law enforcement agencies in those cases where closure is needed to protect a criminal investigation and clerical work associated with data input and scheduling changes. Specifically, this note asks for four months of a part-time court clerk in Anchorage and two months of part-time clerks in both Bethel and Fairbanks and corresponding pro tem time for judge. in those same locations.

N/0.
adopted 4/22/05

24-LS0251\N
Mischel
4/21/05

CS FOR SPONSOR SUBSTITUTE FOR HOUSE BILL NO. 53()

IN THE LEGISLATURE OF THE STATE OF ALASKA

TWENTY-FOURTH LEGISLATURE - FIRST SESSION

BY

amendment on Page 22 line 15

Offered:
Referred:

Sponsor(s): REPRESENTATIVES COGHILL, Ramras, Rokeberg, Kelly, McGuire, Lynn

A BILL

FOR AN ACT ENTITLED

1 "An Act relating to child-in-need-of-aid proceedings; amending the construction of
 2 statutes pertaining to children in need of aid; relating to guardianships; relating to the
 3 confidentiality of investigations, court hearings, and public agency records and
 4 information in child-in-need-of-aid matters and certain child protection matters, to
 5 immunity regarding disclosure of information in child-in-need-of-aid matters and
 6 cert... child protection matters, to proceedings regarding voluntary relinquishment and
 7 termination of a parent and child relationship, to eligibility for permanent fund
 8 dividends for certain children in the custody of the state, and to juvenile delinquency
 9 proceedings and placements; reestablishing and relating to a state citizens' review panel;
 10 amending the obligation of a public agency to disclose agency information pertaining to
 11 a child in need of aid; relating to disclosure of confidential or privileged information
 12 about children and families involved with children's services within the Department of

1 Health and Social Services to officials for review or use in official capacities; relating to
2 reports of harm and to adoptions and foster care; relating to consent for the medication
3 of children in state custody; prescribing the rights of family members related to child-in-
4 need-of-aid cases and establishing a familial priority for adoption; modifying adoption
5 and placement procedures in certain child-in-need-of-aid cases; amending Rules 9 and
6 13, Alaska Adoption Rules, Rules 3, 17.2, 18, and 22, Alaska Child in Need of Aid Rules
7 of Procedure, and Rules 14 and 15, Alaska Rules of Probate Procedure; and providing
8 for an effective date."

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

10 * Section 1. AS 13.26.055 is amended to read:

11 Sec. 13.26.055. Court appointment of guardian of minor; qualifications;
12 priority of minor's nominee and adult family member. The court may appoint as
13 guardian any adult [PERSON] whose appointment would be in the best interests of
14 the minor and is consistent with a priority given to an adult family member. The
15 court shall appoint a person nominated by the minor, if the minor is 14 years of age or
16 older, unless the court finds the appointment contrary to the best interests of the minor.
17 In this section, "adult family member" has the meaning given in AS 47.10.990.

18 * Sec. 2. AS 13.26 is amended by adding a new section to read:

19 Sec. 13.26.064. Guardianship after voluntary relinquishment; procedure.
20 In addition to the applicable procedures under this chapter, a guardianship decree and
21 review of a guardianship decree are governed by the procedures established under
22 AS 25.23.180 and, for a child-in-need-of-aid, AS 47.10.089, pertaining to voluntary
23 relinquishment of parental rights and retaining of parental privileges in a guardianship
24 decree.

25 * Sec. 3. AS 25.23 is amended by adding a new section to read:

26 Sec. 25.23.127. Adult family member preference to adopt. Taking into
27 consideration a child's stated preference under AS 25.23.125(a) and consent given
28 under AS 25.23.040(a)(5), and unless the court finds that a petition to adopt the child

1 by an adult family member is contrary to the best interest of the child, the court shall
2 grant a petition to adopt a child by an adult family member who has had physical
3 custody of the child for at least 12 consecutive months before the parental rights to the
4 child have been terminated. In this section, "adult family member" has the meaning
5 given in AS 47.10.990.

6 * Sec. 4. AS 25.23.180 is amended by adding new subsections to read:

7 (j) In a relinquishment of parental rights executed under (a) of this section, a
8 parent may retain privileges with respect to the child, including the ability to have
9 future contact, communication, and visitation with the child. A retained privilege
10 must be stated in writing with specificity. Not less than 10 days after the
11 relinquishment is signed, the court may enter an order terminating parental rights if the
12 court finds that termination of parental rights under the terms of the agreement is in
13 the child's best interest. If a parent has retained one or more privileges, the court shall
14 incorporate the retained privileges into the termination order with a recommendation
15 that the retained privileges be incorporated in an adoption or legal guardianship
16 decree.

17 (k) A voluntary relinquishment may not be withdrawn and a termination order
18 may not be vacated on the ground that a retained privilege has been withheld from the
19 relinquishing parent or that the relinquishing parent has been unable, for any reason, to
20 act on a retained privilege, except as provided in Rule 60(b), Alaska Rules of Civil
21 Procedure.

22 (l) After a termination order is entered, a person who has voluntarily
23 relinquished parental rights under this section may request a review hearing, upon a
24 showing of good cause, to seek enforcement or modification of or to vacate a privilege
25 retained in the termination order. The court may modify, enforce, or vacate the
26 retained privilege if the court finds, by clear and convincing evidence, that it is in the
27 best interest of the child to do so.

28 (m) After a termination order is entered and before the entry of an adoption or
29 legal guardianship decree, a prospective adoptive parent or a guardian of a child who
30 is the subject of an adoption decree may request, after providing notice as specified
31 under this subsection, that the court decline to incorporate a privilege retained in a

1 termination order and recommended for incorporation in an adoption or guardianship
2 decree under (j) of this section. The request made under this subsection may only be
3 considered by the court after providing at least 20 days' notice by certified mail to the
4 last known address of the person who has voluntarily relinquished parental rights to
5 the child. The notice under this subsection must describe the request and explain that
6 the recipient of the notice may submit a written statement under penalty of perjury to
7 the court that the recipient either agrees with or opposes the request. The notice must
8 also include the deadline for submitting the statement and the mailing address of the
9 court. The court may decline to incorporate a retained privilege if the person who
10 retained the privilege agrees with the request or if the court finds that it is in the child's
11 best interest.

12 (n) A person who relinquished parental rights is entitled to the appointment of
13 an attorney if a hearing is requested under (l) or (m) of this section to the same extent
14 as if the parent's rights had not been terminated in a child-in-need-of-aid proceeding.

15 * Sec. 5. AS 43.23.005(f) is amended to read:

16 (f) The [IN A TIME OF NATIONAL MILITARY EMERGENCY, THE]
17 commissioner may waive the requirement of (a)(4) of this section for an individual
18 absent from the state

19 (1) in a time of national military emergency under military orders
20 while serving in the armed forces of the United States, or for the spouse and
21 dependents of that individual; or

22 (2) while in the custody of the Department of Health and Social
23 Services in accordance with a court order under AS 47.10 or AS 47.12 and placed
24 outside of the state by the Department of Health and Social Services for purposes
25 of medical or behavioral treatment.

26 * Sec. 6. AS 47.10.005 is amended to read:

27 Sec. 47.10.005. Construction. The provisions of this chapter shall be
28 liberally construed to

29 (1) achieve the end that a child coming within the jurisdiction of the
30 court under this chapter may receive the care, guidance, treatment, and control that
31 will promote the child's welfare and the parents' participation in the upbringing of

1 the child; and

2 (2) follow the findings set out in AS 47.05.065.

3 * Sec. 7. AS 47.10.020(a) is amended to read:

4 (a) Whenever circumstances subject a child to the jurisdiction of the court
5 under AS 47.10.005 - 47.10.142, the court shall appoint a competent person or agency
6 to make a preliminary inquiry and report for the information of the court to determine
7 whether the best interests of the child require that further action be taken. The court
8 shall make the appointment on its own motion or at the request of a person or
9 agency having knowledge of the child's circumstances. If, under this subsection,
10 the court appoints a person or agency to make a preliminary inquiry and to report to it,
11 or if the department is conducting an investigation of a report of child abuse or
12 neglect, the court may issue any orders necessary to aid the person, the agency,
13 or the department in its investigation or in making the preliminary inquiry and
14 report. Upon [THEN, UPO. THE] receipt of the report under this subsection, the
15 court may

16 (1) close the matter without a court hearing;

17 (2) determine whether the best interests of the child require that further
18 action be taken; or

19 (3) authorize the person or agency having knowledge of the facts of the
20 case to file with the court a petition setting out the facts.

21 * Sec. 8. AS 47.10.020 is amended by adding a new subsection to read:

22 (e) Nothing in this section requires the department to obtain authorization
23 from the court before

24 (1) conducting an investigation of a report of child abuse or neglect; or

25 (2) filing a petition.

26 * Sec. 9. AS 47.10.070(a) is amended to read:

27 (a) The court may conduct the hearing on the petition in an informal manner.
28 The court shall give notice of the hearing to the department, and it may send a
29 representative to the hearing. The court shall also transmit a copy of the petition to the
30 department. The department shall send notice of the hearing to the persons for whom
31 notice is required under AS 47.10.030(b) and to each grandparent of the child entitled

1 to notice under AS 47.10.030(d). The department and the persons to whom the
2 department must send notice of the hearing are entitled to be heard at the hearing.
3 Except as provided in (e) of this section, and unless prohibited by federal or state
4 law, court order, or court rule, a hearing is open to the public [HOWEVER, THE
5 COURT MAY LIMIT THE PRESENCE OF THE FOSTER PARENT OR OTHER
6 OUT-OF-HOME CARE PROVIDER AND OF ANY GRANDPARENT OF THE
7 CHILD TO THE TIME DURING WHICH THE PERSON'S TESTIMONY IS BEING
8 GIVEN IF IT IS (1) IN THE BEST INTEREST OF THE CHILD; OR (2)
9 NECESSARY TO PROTECT THE PRIVACY INTERESTS OF THE PARTIES
10 AND WILL NOT BE DETRIMENTAL TO THE CHILD. THE PUBLIC SHALL BE
11 EXCLUDED FROM THE HEARING, BUT THE COURT, IN ITS DISCRETION,
12 MAY PERMIT INDIVIDUALS TO ATTEND A HEARING IF THEIR
13 ATTENDANCE IS COMPATIBLE WITH THE BEST INTERESTS OF THE
14 CHILD].

15 * Sec. 10. AS 47.10.070 is amended by adding new subsections to read:

16 (c) Except as provided in (e) of this section, the following hearings in child-in-
17 need-of-aid cases are closed to the public:

18 (1) the initial court hearing after the filing of a petition to commence
19 the child-in-need-of-aid case;

20 (2) a hearing following the initial hearing in which a parent, child, or
21 other party to the case is present but has not had an opportunity to obtain legal
22 representation;

23 (3) a hearing, or a part of a hearing, for which the court issues a written
24 order finding that allowing the hearing, or part of the hearing, to be open to the public
25 would reasonably be expected to

26 (A) stigmatize or be emotionally damaging to a child;

27 (B) inhibit a child's testimony in that hearing;

28 (C) disclose matters otherwise required to be kept confidential
29 by state or federal statute or regulation, court order, or court rule; or

30 (D) interfere with a criminal investigation or proceeding or a
31 criminal defendant's right to a fair trial in a criminal proceeding; before ruling

1 on a request under this subparagraph, the court shall give notice and an
2 opportunity to be heard to the state or a municipal agency that is assigned to
3 the criminal investigation or to the prosecuting attorney.

4 (d) If a hearing, or part of a hearing, in a child-in-need-of-aid case is not
5 closed under (c) of this section, the court shall hear in camera any information offered
6 regarding the location, or readily leading to the location, of a parent, child, or other
7 party to the case who is a victim of domestic violence. Access to testimony heard in
8 camera under this subsection is limited to the court and authorized court personnel.

9 (e) The grandparents of the child and an out-of-home care provider may attend
10 hearings that are otherwise closed to the public under (c) of this section. However, the
11 court shall limit the presence of these persons in a hearing closed to the public to the
12 time during which the person's testimony is being given if the court determines that
13 the limitation is necessary under (c)(3) of this section.

14 (f) Notwithstanding any other provision of this chapter, a person attending a
15 hearing open to the public may not disclose a name, picture, or other information that
16 would readily lead to the identification of a child who is the subject of the child-in-
17 need-of-aid case. At the beginning of the hearing, the court shall issue an order
18 specifying the restrictions necessary to comply with this subsection. If a person
19 violates the order, the court may impose any appropriate sanction, including contempt
20 and closure of any further hearings in the case to the person.

21 * Sec. 11. AS 47.10.080(c) is amended to read:

22 (c) If the court finds that the child is a child in need of aid, the court shall

23 (1) order the child committed to the department for placement in an
24 appropriate setting for a period of time not to exceed two years or in any event not to
25 extend past the date the child becomes 19 years of age, except that the department or
26 the child's guardian ad litem may petition for and the court may grant in a hearing

27 (A) one-year extensions of commitment that do not extend
28 beyond the child's 19th birthday if the extension is in the best interests of the
29 child; and

30 (B) an additional one-year period of state custody past [AGE]
31 19 years of age if the continued state custody is in the best interests of the

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person and the person consents to it;

(2) order the child released to a parent, adult family member [RELATIVE], or guardian of the child or to another suitable person, and, in appropriate cases, order the parent, adult family member [RELATIVE], guardian, or other person to provide medical or other care and treatment; if the court releases the child, it shall direct the department to supervise the care and treatment given to the child, but the court may dispense with the department's supervision if the court finds that the adult to whom the child is released will adequately care for the child without supervision; the department's supervision may not exceed two years or in any event extend past the date the child reaches [AGE] 19 years of age, except that the department or the child's guardian ad litem may petition for and the court may grant in a hearing

(A) one-year extensions of supervision that do not extend beyond the child's 19th birthday if the extensions are in the best interests of the child; and

(B) an additional one-year period of supervision past [AGE] 19 years of age if the continued supervision is in the best interests of the person and the person consents to it; or

(c) order, under the grounds specified in (c) of this section or AS 47.10.058, the termination of parental rights and responsibilities of one or both parents and commit the child to the custody of the department, and the department shall report quarterly to the court on efforts being made to find a permanent placement for the child.

* Sec. 12. AS 47.10.080(l) is amended to read:

(l) Within 12 months after the date a child enters foster care as calculated under AS 47.10.088(1), the court shall hold a permanency hearing. The hearing and permanent plan developed in the hearing are governed by the following provisions:

(1) the persons entitled to be heard under AS 47.10.070 or under (f) of this section are also entitled to be heard at the hearing held under this subsection;

(2) when establishing the permanent plan for the child, the court shall make appropriate written findings, including findings related to whether

1 (A) and when the child should be returned to the parent or
2 guardian;

3 (B) the child should be placed for adoption or legal
4 guardianship and whether a petition for termination of parental rights should be
5 filed by the department; and

6 (C) the child should be placed in another planned, permanent
7 living arrangement and what steps are necessary to achieve the new
8 arrangement;

9 (3) if the court is unable to make a finding required under (2) of this
10 subsection, the court shall hold another hearing within a reasonable period of time;

11 (4) in addition to the findings required by (2) of this subsection, the
12 court shall also make appropriate written findings related to

13 (A) whether the department has made the reasonable efforts
14 required under AS 47.10.086 to offer appropriate family support services to
15 remedy the parent's or guardian's conduct or conditions in the home that made
16 the child a child in need of aid under this chapter;

17 (B) whether the parent or guardian has made substantial
18 progress to remedy the parent's or guardian's conduct or conditions in the home
19 that made the child a child in need of aid under this chapter; [AND]

20 (C) if the permanent plan is for the child to remain in out-of-
21 home-care, whether the child's out-of-home placement continues to be
22 appropriate and in the best interests of the child; and

23 (D) whether the department has made reasonable efforts to
24 finalize the permanent plan for the child;

25 (5) the court shall hold a hearing to review the permanent plan at least
26 annually until successful implementation of the plan, if the plan approved by the court
27 changes after the hearing, the department shall promptly apply to the court for another
28 permanency hearing, and the court shall conduct the hearing within 30 days after
29 application by the department.

30 * Sec. 13. AS 47.10.080(p) is amended to read:

31 (p) If a child is removed from the parental home, the department shall provide

1 reasonable visitation between the child and the child's parents, guardian, and family.
2 When determining what constitutes reasonable visitation with a family member, the
3 department shall consider the nature and quality of the relationship that existed
4 between the child and the family member before the child was committed to the
5 custody of the department. The court may require the department to file a visitation
6 plan with the court. The department may deny visitation to the parents, guardian, or
7 family members if there is clear and convincing evidence that visits are not in the
8 child's best interests. If the department denies visitation to a parent or family
9 member of a child, the department shall inform the parent or family member of a
10 reason for the denial and of the parent's or adult family member's right to
11 request a review hearing as an interested person. A parent, adult family member,
12 or guardian who is denied visitation may request a review hearing. A non-party
13 adult family member requesting a review hearing under this subsection is not
14 eligible for publicly appointed legal counsel.

15 * Sec. 14. AS 47.10.080 is amended by adding new subsections to read:

16 (t) The court may not terminate parental rights solely on the basis that the
17 parent did not complete treatment required of the parent by the department for
18 reunification with the child if the treatment required was unavailable to the parent and
19 the department did not provide the treatment.

20 (u) For a child who is placed in foster care, when the department finds that it
21 is in the best interest of a child and that the foster family will not be placed in undue
22 risk of harm, the department shall require foster parents to provide regular
23 opportunities for visitation with the child by the parents of the child and encourage
24 foster parents to serve as mentors for facilitating family reunification.

25 (v) A hearing conducted under this section is open to the public unless an
26 exception provided in AS 47.10.070(c) applies to make the hearing closed to the
27 public or unless prohibited by federal or state statute or regulation.

28 * Sec. 15. AS 47.10.084(c) is amended to read:

29 (c) When there has been transfer of legal custody or appointment of a guardian
30 and parental rights have not been terminated by court decree, the parents shall have
31 residual rights and responsibilities. These residual rights and responsibilities of the

1 parent include, but are not limited to, the right and responsibility of reasonable
2 visitation, consent to adoption, consent to marriage, consent to military enlistment,
3 consent to major medical treatment except in cases of emergency or cases falling
4 under AS 25.20.025, and the responsibility for support, except if by court order any
5 residual right and responsibility has been delegated to a guardian under (b) of this
6 section. In this subsection, "major medical treatment" includes the
7 administration of medication used to treat a mental health disorder.

8 * Sec. 16. AS 47.10.088(i) is amended to read:

9 (i) The department shall concurrently identify, recruit, process, and approve a
10 qualified person or family for an adoption whenever a petition to terminate a parent's
11 rights to a child is filed. Before identifying a placement of the child in an adoptive
12 home, the department shall attempt to locate all living adult family members of
13 the child and, if an adult family member expresses an interest in adopting the
14 child, investigate the adult family member's ability to care for the child. The
15 department shall provide to all adult family members of the child located by the
16 department written notice of the adult family members' rights under this chapter
17 and of the procedures necessary to gain custody of the child. If an adult family
18 member of the child requests that the department approve the adult family
19 member for an adoption, the department shall approve the request unless there is
20 good cause not to approve the adoption. If the court issues an order to terminate
21 under (j) of this section, the department shall report within 30 days on the efforts being
22 made to recruit a permanent placement for the child if a permanent placement was not
23 approved at the time of the trial under (j) of this section. The report must document
24 recruitment efforts made for the child.

25 * Sec. 17. AS 47.10 is amended by adding a new section to read:

26 Sec. 47.10.089. Voluntary relinquishment of parental rights and
27 responsibilities. (a) When a child is committed to the custody of the department
28 under AS 47.10.080(c)(1) or (3) or released under AS 47.10.080(c)(2), the rights of a
29 parent with respect to the child, including parental rights to control the child, to
30 withhold consent to an adoption, or to receive notice of a hearing on a petition for
31 adoption, may be voluntarily relinquished to the department and the relationship of

1 parent and child terminated in a proceeding as provided under this section.

2 (b) A voluntary relinquishment must be in writing and signed by a parent,
3 regardless of the age of the parent, in the presence of a representative of the
4 department or in the presence of a court of competent jurisdiction with the knowledge
5 and approval of the department. A copy of the signed relinquishment shall be given to
6 the parent.

7 (c) A voluntary relinquishment may be withdrawn within 10 days after it is
8 signed. The relinquishment is invalid unless the relinquishment contains the right of
9 withdrawal as specified under this subsection.

10 (d) A parent may retain privileges with respect to the child, including the
11 ability to have future contact, communication, and visitation with the child in a
12 voluntary relinquishment executed under this section. A retained privilege must be in
13 writing and stated with specificity.

14 (e) Not less than 10 days after a voluntary relinquishment is signed, the court
15 shall enter an order terminating parental rights if the court determines that termination
16 of parental rights under the terms of the relinquishment is in the child's best interest.
17 If a parent has retained one or more privileges under (d) of this section, the court shall
18 incorporate the retained privileges in the termination order with a recommendation
19 that the retained privileges be incorporated in an adoption or legal guardianship
20 decree.

21 (f) A voluntary relinquishment may not be withdrawn and a termination order
22 may not be vacated on the ground that a retained privilege has been withheld from the
23 relinquishing parent or that the relinquishing parent has been unable, for any reason, to
24 act on a retained privilege, except as provided in Rule 60(b), Alaska Rules of Civil
25 Procedure.

26 (g) After a termination order is entered, a person who has voluntarily
27 relinquished parental rights under this section may request a review hearing, upon a
28 showing of good cause, to seek enforcement or modification of or to vacate a privilege
29 retained in the termination order. The court may modify, enforce, or vacate the
30 retained privilege if the court finds, by clear and convincing evidence, that it is in the
31 best interest of the child to do so.

1 (h) After a termination order is entered and before the entry of an adoption or
2 legal guardianship decree, a person who voluntarily relinquished parental rights to a
3 child under this section may request a review hearing, upon a showing of good cause,
4 to vacate the termination order and reinstate parental rights relating to that child. A
5 court shall vacate a termination order if the person shows, by clear and convincing
6 evidence, that reinstatement of parental rights is in the best interest of the child and
7 that the person is rehabilitated and capable of providing the care and guidance that will
8 serve the moral, emotional, mental, and physical welfare of the child.

9 (i) A person who relinquished parental rights is entitled to the appointment of
10 an attorney if a hearing is requested under (g), (h), or (j) of this section to the same
11 extent as if the parent's rights had not been terminated in a child-in-need-of-aid
12 proceeding.

13 (j) After a termination order is entered and before the entry of an adoption or
14 legal guardianship decree, a prospective adoptive parent or a guardian of a child who
15 is the subject of the adoption or guardianship decree may request, after providing
16 notice as specified under this subsection, that the court decline to incorporate a
17 privilege retained in a termination order and recommended for incorporation in an
18 adoption or guardianship decree under (e) of this section. The request made under this
19 subsection may only be considered by the court after providing at least 20 days' notice
20 by certified mail to the last known address of the person who has voluntarily
21 relinquished parental rights to the child. The notice under this subsection must
22 describe the request and explain that the recipient of the notice may submit a written
23 statement under penalty of perjury to the court that the recipient either agrees with or
24 opposes the request. The notice must also include the deadline for submitting the
25 statement and the mailing address of the court. The court may decline to incorporate a
26 retained privilege if the person who retained the privilege agrees with the request or if
27 the court finds that it is in the child's best interest.

28 * Sec. 18. AS 47.10.09 (c) is amended to read:

29 (c) Within 30 days after [OF] the date of a child's [MINOR'S] 18th birthday
30 or, if the court retains jurisdiction of a child [MINOR] past the child's [MINOR'S]
31 18th birthday, within 30 days after [OF] the date on which the court releases

1 jurisdiction over the child [MINOR], the court shall order all the court's official
2 records pertaining to that child [MINOR] in a proceeding under this chapter sealed. A
3 person may not use these sealed records unless authorized by order of [FOR ANY
4 PURPOSE EXCEPT THAT] the court upon a finding of [MAY ORDER THEIR
5 USE FOR] good cause [SHOWN].

6 * Sec. 19. AS 47.10.090(d) is amended to read:

7 (d) The name or picture of a child [MINOR] under the jurisdiction of the court
8 may not be made public in connection with the child's [MINOR'S] status as a child in
9 need of aid unless authorized by order of the court or unless to implement the
10 permanency plan for a child after all parental rights of custody have been
11 terminated. This subsection does not prohibit the release of aggregate
12 information for statistical or other informational purposes if the identity of any
13 particular person is not revealed by the release.

14 * Sec. 20. AS 47.10.092(a) is amended to read:

15 (a) Notwithstanding AS 47.10.090 and 47.10.095, a parent or legal guardian of
16 a child subject to a proceeding under AS 47.10.005 - 47.10.142 may disclose
17 confidential or privileged information about the child or the child's family, including
18 information that has been lawfully obtained from agency or court files, to the
19 governor, the lieutenant governor, a legislator, the ombudsman appointed under
20 AS 24.55, the attorney general, and the commissioner [COMMISSIONERS] of health
21 and social services, administration, or public safety, or an employee of these persons,
22 for review or use in their official capacities. The Department of Health and Social
23 Services and the Department of Administration [DEPARTMENT] shall disclose
24 additional confidential or privileged information, excluding privileged attorney-
25 client information, and make copies of documents available for inspection about the
26 child or the child's family to these state officials or employees for review or use in
27 their official capacities upon request of the official or employee and submission of
28 satisfactory evidence that a parent or legal guardian of the child has requested the state
29 official's assistance in the case as part of the official's duties. A person to whom
30 disclosure is made under this section may not disclose confidential or privileged
31 information about the child or the child's family to a person not authorized to receive

1 it.

2 * Sec. 21. AS 47.10.092 is amended by adding new subsections to read:

3 (d) The obligations under (a) of this section remain in effect throughout the
4 period that the child is in the custody of the department, including after the parent's
5 parental rights have been terminated with respect to the child, unless the child's parent
6 or legal guardian who made the disclosure under (a) of this section subsequently files
7 a notice with the Department of Health and Social Services that the assistance of the
8 state official or employee is no longer requested.

9 (e) The Department of Health and Social Services shall notify an official
10 identified under (a) of this section of the opportunity for a parent to file a grievance
11 under AS 47.10.098 when the official is denied access to all or part of a requested
12 record.

13 * Sec. 22. AS 47.10.093(a) is amended to read:

14 (a) Except as permitted [SPECIFIED] in AS 47.10.092 and in (b) - (g) and
15 (k) - (n) [(b) - (g)] of this section and as provided under applicable court rules,
16 regarding discovery in a child-in-need-of-aid proceeding, all information and social
17 records pertaining to a child [MINOR] who is subject to this chapter or AS 47.17
18 prepared by or in the possession of a federal, state, or municipal agency or employee
19 in the discharge of the agency's or employee's official duty are privileged and may not
20 be disclosed directly or indirectly to anyone without a court order.

21 * Sec. 23. AS 47.10.093(b) is amended to read:

22 (b) A state or municipal agency or employee shall disclose appropriate
23 confidential information regarding a case to

24 (1) [A GUARDIAN AD LITEM APPOINTED BY THE COURT;

25 (2)] a person or an agency requested by the department or the child's
26 legal custodian to provide consultation or services for a child who is subject to the
27 jurisdiction of the court under AS 47.10.010 as necessary to enable the provision of
28 the consultation or services;

29 (2) an out-of-home care provider (3) FOSTER PARENTS OR
30 RELATIVES WITH WHOM THE CHILD IS PLACED BY THE DEPARTMENT]
31 as [MAY BE] necessary to enable the out-of-home care provider [FOSTER

1 PARENTS OR RELATIVES] to provide appropriate care to [FOR] the child [WHO
2 IS THE SUBJECT OF THE CASE], to protect the safety of the child [WHO IS THE
3 SUBJECT OF THE CASE], and to protect the safety and property of family members
4 and visitors of the out-of-home care provider [FOSTER PARENTS OR
5 RELATIVES];

6 (3) a [(4)] school official [OFFICIALS] as [MAY BE] necessary to
7 enable the school to provide appropriate counseling and support services to a [THE]
8 child who is the subject of the case, to protect the safety of the child [WHO IS THE
9 SUBJECT OF THE CASE], and to protect the safety of school students and staff;

10 (4) [(5)] a governmental agency as [MAY BE] necessary to obtain that
11 agency's assistance for the department in its investigation or to obtain physical custody
12 of a child;

13 (5) [(6)] a law enforcement agency of this state or another jurisdiction
14 as [MAY BE] necessary for the protection of any child or for actions by that agency to
15 protect the public safety;

16 (6) a member [MEMBERS] of a multidisciplinary child protection
17 team created under AS 47.14.300 as [MAY BE] necessary for the performance of the
18 member's [THEIR] duties;

19 (7) [(8)] the state medical examiner under AS 12.65 as [MAY BE]
20 necessary for the performance of the duties of the state medical examiner;

21 (8) [(9)] a person who has made a report of harm as required by
22 AS 47.17.020 to inform the person that the investigation was completed and of action
23 taken to protect the child who was the subject of the report; [AND]

24 (9) [(10)] the child support services agency established in
25 AS 25.27.010 as [MAY BE] necessary to establish and collect child support for a child
26 who is a child in need of aid under this chapter;

27 (10) a caregiver of a child or an entity responsible for ensuring the
28 safety of children as necessary to protect the safety of a child; and

29 (11) a review panel established by the department, the legislature,
30 or the governor for the purpose of reviewing the actions taken by the department
31 in a specific case.

1 * Sec. 24. AS 47.10.093(c) is repealed and reenacted to read:

2 (c) A state or municipal law enforcement agency shall disclose information
3 regarding a case that is needed by the person or agency charged with making a
4 preliminary investigation for the information of the court under AS 47.10.020.

5 * Sec. 25. AS 47.10.093(f) is amended to read:

6 (f) The department may release to a person with a legitimate interest
7 confidential information relating to children [MINORS] not subject to the
8 jurisdiction of the court under AS 47.10.010. [THE DEPARTMENT SHALL ADOPT
9 REGULATIONS GOVERNING THE RELEASE OF INFORMATION AND
10 IDENTIFYING A SUFFICIENT LEGITIMATE INTEREST.]

11 * Sec. 26. AS 47.10.093(g) is amended to read:

12 (g) The department and affected law enforcement agencies shall work with
13 school districts and private schools to develop procedures for the disclosure of
14 confidential information to a school official [OFFICIALS] under (b)(3) [(b)(4)] of
15 this section. The procedures must provide a method for informing the principal or the
16 principal's designee of the school that the student attends as soon as it is reasonably
17 practicable.

18 * Sec. 27. AS 47.10.093 is amended by adding new subsections to read:

19 (k) The Department of Health and Social Services and the Department of
20 Administration may disclose to the public, upon request, confidential information, as
21 set out in (l) of this section, when

22 (1) the parent or guardian of a child who is the subject of a report of
23 harm under AS 47.17 has made a public disclosure concerning the department's
24 involvement with the family;

25 (2) the alleged perpetrator named in a report of harm under AS 47.17
26 has been charged with a crime concerning the alleged abuse or neglect; or

27 (3) a report of harm under AS 47.17 has resulted in the fatality or near
28 fatality of that child.

29 (l) The type of information that may be publicly disclosed under (k) of this
30 section is information related to the determination, if any, made by the department
31 regarding the validity of a report of harm under AS 47.17 and the department's

1 activities arising from the department's investigation of the report. The department

2 (1) may withhold disclosure of the child's name, picture, or other
3 information that would readily lead to the identification of the child if the department
4 determines that the disclosure would be contrary to the best interests of the child, the
5 child's siblings, or other children in the child's household; or

6 (2) after consultation with a prosecuting attorney, may withhold
7 disclosure of information that would reasonably be expected to interfere with a
8 criminal investigation or proceeding or a criminal defendant's right to a fair trial in a
9 criminal proceeding.

10 (m) Except for a disclosure made under (k) of this section, a person to whom
11 disclosure is made under this section may not disclose confidential information about
12 the child or the child's family to a person not authorized to receive it.

13 (n) The Department of Health and Social Services and the Department of
14 Administration may adopt regulations to implement and interpret the duties of the
15 respective department under this section, including regulations governing the release
16 of confidential information and identifying a sufficient legitimate interest under (f) of
17 this section.

18 (o) A person may not bring an action for damages against the state, the
19 commissioner, or the commissioner's designee based on the disclosure or
20 nondisclosure of information under (k) of this section except for civil damages
21 resulting from gross negligence or reckless or intentional misconduct.

22 * Sec. 28. AS 47.10 is amended by adding a new section to read:

23 **Sec. 47.10.098. Grievance procedure.** (a) The department shall develop, in
24 regulation, a grievance procedure for a parent to file a complaint based on

25 (1) the application of a department policy or procedure under this
26 chapter;

27 (2) compliance with this chapter or a regulation adopted under this
28 chapter; or

29 (3) an act or failure to act by the department under this chapter.

30 (b) The department shall prepare and distribute to each parent of a child who
31 is under the jurisdiction of the department a written copy of the grievance procedure

1 developed under (a) of this section.

2 * Sec. 29. AS 47.10.960 is repealed and reenacted to read:

3 Sec. 47.10.960. Civil liability. Failure to comply with a provision of this title
4 does not constitute a basis for civil liability for damages.

5 * Sec. 30. AS 47.10.990(16) is amended to read:

6 (16) "mental health professional" has the meaning given in
7 AS 47.30.915, except that, if the child is placed in another state by the
8 department, "mental health professional" also includes a professional listed in
9 the definition of "mental health professional" in AS 47.30.915 who is not licensed
10 to practice by a board of this state but is licensed by a corresponding licensing
11 authority to practice in the state in which the child is placed:

12 * Sec. 31. AS 47.10.990 is amended by adding new paragraphs to read:

13 (28) "adult family member" means a person who is 18 years of age or
14 older and who is related to the child as the child's grandparent, aunt, uncle, or sibling;

15 (29) "family member" means a person of any age who is related to the
16 child as the child's grandparent, aunt, uncle, or sibling;

17 (30) "near fatality" means physical injury or other harm, as certified by
18 a physician, caused by an act or omission that created a substantial risk of death;

19 (31) "out-of-home care provider" means a foster parent or relative
20 other than a parent with whom the child is placed.

21 * Sec. 32. AS 47.12.990(10) is amended to read:

22 (10) "mental health professional" has the meaning given in
23 AS 47.30.915, except that, if the minor is placed in another state by the
24 department, "mental health professional" also includes a professional listed in
25 the definition of "mental health professional" in AS 47.30.915 who is not licensed
26 to practice by a board of this state but is licensed by a corresponding licensing
27 authority to practice in the state in which the minor is placed:

28 * Sec. 33. AS 47.14.100(a) is amended to read:

29 (a) Subject to (e), (f), and (i) - (m) [(i) - (l)] of this section, the department
30 shall arrange for the care of every child committed to its custody by placing the child
31 in a foster home or in the care of an agency or institution providing care for children

1 inside or outside the state. The department may place a child in a suitable family
2 home, with or without compensation, and may place a child released to it, in writing
3 verified by the parent, or guardian or other person having legal custody, for adoptive
4 purposes, in a home for adoption in accordance with existing law.

5 * Sec. 34. AS 47.14.100(e) is repealed and reenacted to read:

6 (e) When a child is removed from a parent's home, the department shall place
7 the child, in the absence of a showing of good cause to the contrary,

8 (1) in the least restrictive setting that most closely approximates a
9 family and that meets the child's special needs, if any;

10 (2) within reasonable proximity to the child's home, taking into
11 account any special needs of the child and the preferences of the child or parent;

12 (3) with, in the following order of preference,

13 (A) an adult family member;

14 (B) a family friend who meets the foster care licensing
15 requirements established by the department;

16 (C) an institution for children that has a program suitable to
17 meet the child's needs.

18 * Sec. 35. AS 47.14.100(f) is amended to read:

19 (f) If an adult family member [A BLOOD RELATIVE] of the child
20 specified under (e) of this section exists and agrees that the child should be placed
21 elsewhere, before placement elsewhere, the department shall fully communicate the
22 nature of the placement proceedings to the adult family member [RELATIVE].
23 Communication under this subsection shall be made in the adult family member's
24 [RELATIVE'S] native language, if necessary. [NOTHING IN THIS SUBSECTION
25 OR IN (e) OF THIS SECTION APPLIES TO CHILD PLACEMENT FOR
26 ADOPTIVE PURPOSES.]

27 * Sec. 36. AS 47.14.100(j) is amended to read:

28 (j) For the purpose of determining whether the home of a relative meets the
29 requirements for placement of a child, the department shall conduct a criminal
30 background check from state and national criminal justice information available under
31 AS 12.62. The department may conduct a fingerprint background check on any

1 member of the relative's household who is 16 [12] years of age or older when the
2 relative requests placement of the child. For the purposes of obtaining criminal justice
3 information under this subsection, the department is a criminal justice agency
4 conducting a criminal justice activity under AS 12.62.

5 * Sec. 37. AS 47.14.100 is amended by adding a new subsection to read:

6 (m) Prima facie evidence of good cause not to place a child with an adult
7 family member or family friend under AS 47.10.088(i) or under (e) of this section
8 includes grounds for denial of a foster care license under AS 47.35.019 or 47.35.021.
9 Prima facie evidence of good cause not to place a child with an adult family member
10 or adult family friend does not include poverty or inadequate or crowded housing. If
11 the department denies a request for placement with an adult family member or a
12 family friend, the department shall inform the adult family member or family friend of
13 the basis for the denial and the right to request a hearing to review the decision. A
14 non-party adult family member or family friend requesting a review hearing under
15 AS 47.10.088(i) or under (e) of this section is not eligible for publicly appointed legal
16 counsel.

17 * Sec. 38. AS 47.14 is amended by adding a new section to article 3 to read:

18 **Sec. 47.14.205. State Citizen Review Panel.** (a) There is established within
19 the department a Citizen Review Panel. The panel shall be composed of volunteer
20 members who are broadly representative of the state, including members who have
21 expertise in the prevention and treatment of child abuse and neglect.

22 (b) The panel shall meet not less than once every three months. Meetings may
23 take place telephonically and shall be closed to the public.

24 * Sec. 39. AS 47.14 is amended by adding a new section to article 3 to read:

25 **Sec. 47.14.215. Duties of the state panel.** (a) The state panel shall evaluate
26 the extent to which the department is effectively discharging its child protection
27 responsibilities under

28 (1) the state plan submitted to the United States Department of Health
29 and Human Services under 42 U.S.C. 5106a(b);

30 (2) child protection standards under federal and state laws; and

31 (3) any other criteria that the panel considers important to ensuring the

1 protection of children, including the level and efficiency of coordination of foster care
2 and adoption programs in the state and a review of child fatalities and near fatalities.

3 (b) In carrying out the responsibilities under (a) of this section, the state panel
4 shall examine the policies, procedures, and practices of the department, and, where
5 appropriate, evaluate specific cases of child abuse or neglect.

6 (c) The commissioner shall, by regulation, establish policies and procedures
7 necessary to carrying out the duties of the state panel under this section.

8 * Sec. 40. AS 47.14 is amended by adding a new section to article 3 to read:

9 Sec. 47.14.225. Cooperation with state panel. (a) The department shall
10 provide the panel access to information on child abuse or neglect cases that is
11 necessary for the panel to carry out its duties under AS 47.14.215.

12 (b) The department shall serve as staff to the state panel as requested by the
13 panel members.

14 * Sec. 41. AS 47.14 is amended by adding a new section to article 3 to read:

15 Sec. 47.14.235. Confidentiality. *A person attending a hearing of the state panel and*
~~The~~ members and staff of the state panel
16 may not disclose to any person, including a government agency or official, records or
17 other information containing personally identifying or other information made
18 confidential under state or federal law about a child or a witnesses involved in a case
19 under review by the panel.

20 * Sec. 42. AS 47.14 is amended by adding a new section to article 3 to read:

21 Sec. 47.14.245. Public outreach. The state panel shall conduct public
22 outreach and gather public comment on current department procedures and practices
23 involving children and family services.

24 * Sec. 43. AS 47.14 is amended by adding a new section to article 3 to read:

25 Sec. 47.14.255. Report. (a) The state panel shall prepare and make available
26 to the governor, the legislature, and to the public an annual report containing a
27 summary of the activities of the panel conducted under AS 47.14.205 - 47.14.295 and
28 recommendations for the improvement of child protection services in the state.

29 (b) Not later than six months after the date on which the report is released
30 under (a) of this section, the department shall submit a written response to the report.
31 The department's response must include a description of whether and how the

1 department will incorporate the recommendations of the panel, where appropriate.

2 * Sec. 44. AS 47.14 is amended by adding a new section to article 3 to read:

3 Sec. 47.14.265. Civil penalty for violation of AS 47.14.235. A violation
4 under 47.14.235 is subject to a civil penalty of up to \$2,500 for each violation.

5 * Sec. 45. AS 47.14 is amended by adding a new section to article 3 to read:

6 Sec. 47.14.275. Immunity. A member of the state panel and a person who
7 furnishes services to or advises the state panel is not liable for damages or other relief
8 in an action involving the performance or failure to perform a duty or other activity of
9 the state panel.

10 * Sec. 46. AS 47.14 is amended by adding a new section to article 3 to read:

11 Sec. 47.14.295. Definitions. In AS 47.14.205 - 47.14.295,

12 (1) "adult family member" has the meaning given in AS 47.10.990;

13 (2) "near fatality" has the meaning given in AS 47.10.990;

14 (3) "state panel" means the Citizen Review Panel established under
15 AS 47.14.205.

16 * Sec. 47. AS 47.17.025 is amended by adding a new subsection to read:

17 (c) Within 20 days after receiving a report of harm, whether or not the matter
18 is referred to a local government agency, the department shall notify the person who
19 made the report and who made a request to be notified, about the status of the
20 investigation, without disclosing any confidential information.

21 * Sec. 48. AS 47.17.027(a) is amended to read:

22 (a) If the department or a law enforcement agency provides written
23 certification to the child's school officials that (1) there is reasonable cause to suspect
24 that the child has been abused or neglected by a person responsible for the child's
25 welfare or as a result of conditions created by a person responsible for the child's
26 welfare; (2) an interview at school is a necessary part of an investigation to determine
27 whether the child has been abused or neglected; and (3) the interview at school is in
28 the best interests of the child, school officials shall permit the child to be interviewed
29 at school by the department or a law enforcement agency before notification of, or
30 receiving permission from, the child's parent, guardian, or custodian. A school official
31 shall be present during an interview at the school unless the child objects or the

1 department or law enforcement agency determines that the presence of the school
 2 official will interfere with the investigation. The interview shall be conducted as
 3 required under AS 47.17.033. Immediately after conducting an interview authorized
 4 under this section, and after informing the child of the intention to notify the child's
 5 parent, guardian, or custodian, the department or agency shall make every reasonable
 6 effort to notify the child's parent, guardian, or custodian that the interview occurred
 7 unless it appears to the department or agency that notifying the child's parent,
 8 guardian, or custodian would endanger the child.

9 * Sec. 49. AS 47.17.033 is amended by adding new subsections to read:

10 (c) An investigation by the department of child abuse or neglect reported
 11 under this chapter shall be conducted by a person trained to conduct a child abuse and
 12 neglect investigation and without subjecting a child to more than one interview about
 13 the abuse or neglect except when new information is obtained that requires further
 14 information from the child.

15 (d) An interview of a child conducted as a result of a report of harm shall be
 16 audiotaped or videotaped. However, if an interview of a child is to be audiotaped
 17 recorded and the interview concerns a report of sexual abuse of the child, the interview
 18 shall be videotaped, except that an interview of a child may not be videotaped if
 19 videotaping the interview is impracticable or will, in the opinion of the investigating
 20 agency, result in trauma to the child.

21 (e) An interview of a child that is audiotaped or videotaped under (d) of this
 22 section shall be conducted

- 23 (1) by a person trained and competent to conduct the interview;
- 24 (2) if available, at a child advocacy center; and
- 25 (3) by a person who is a party to a memorandum of understanding with
 26 the department to conduct the interview or who is employed by an agency that is
 27 authorized to conduct investigations.

28 (f) An interview of a child may not be videotaped more than one time unless
 29 the interviewer or the investigating agency determines that one or more additional
 30 interviews are necessary to complete an investigation. If additional interviews are
 31 necessary, the additional interviews shall be conducted, to the extent possible, by the

1 same interviewer who conducted the initial interview of the child.

2 (g) A recorded interview of a child shall be preserved in the manner and for a
3 period provided by law for maintaining evidence and records of a public agency.

4 (h) A recorded interview of a child is subject to disclosure under the
5 applicable court rules for discovery in a civil or criminal case.

6 * Sec. 50. AS 47.18.300(a) is amended to read:

7 (a) The department, in coordination with local public and private agencies,
8 shall design, develop, and implement a foster care transition program to provide
9 support and services to individuals who

10 (1) reach or have reached the age of 16 or older while in state foster
11 care and have not yet reached 23 years of age [THE AGE OF 21]; and

12 (2) meet other eligibility criteria established by the department under
13 (b) of this section.

14 * Sec. 51. The uncodified law of the State of Alaska is amended by adding a new section to
15 read:

16 DIRECT COURT RULE AMENDMENT. Rule 3(c), Alaska Child in Need of
17 Aid Rules of Procedure, is amended to read:

18 (c) Presence of Grandparent or Foster Parent. A grandparent of a child
19 and the foster parent or other out-of-home care provider are [IS] entitled to be heard
20 at any hearing at which the person is present. However, the court may limit the
21 presence of these persons in a hearing that has been closed to the public under
22 (f)(2) of this rule [THE FOSTER PARENT OR CARE PROVIDER] to the time
23 during which the person's testimony is being given if the court determines that such
24 a limitation is necessary under the circumstances listed in (f)(2)(C) of this rule [IT
25 IS (1) IN THE BEST INTEREST OF THE CHILD; OR (2) NECESSARY TO
26 PROTECT THE PRIVACY INTERESTS OF THE PARTIES AND WILL NOT BE
27 DETRIMENTAL TO THE CHILD].

28 * Sec. 52. The uncodified law of the State of Alaska is amended by adding a new section to
29 read:

30 DIRECT COURT RULE AMENDMENT. Rule 3(f), Alaska Child in Need of
31 Aid Rules of Procedure, is repealed and reenacted to read:

1 (f) **General Public Access to Hearings.**

2 (1) Except as provided in (2) of this paragraph, and unless prohibited
3 by federal or state statute or regulation, court order, or other court rule, hearings are
4 open to the public.

5 (2) The following hearings are closed to the public:

6 (A) the initial court hearing after the filing of a petition that
7 begins the child-in-need-of-aid case;

8 (B) a hearing following the initial hearing in which a parent,
9 child, or other party to the case is present but has not had an opportunity to
10 obtain legal representation;

11 (C) a hearing, or a part of a hearing, for which the court issues
12 a written order finding that allowing the hearing, or part of the hearing, to be
13 open to the public would reasonably be expected to stigmatize or be
14 emotionally damaging to a child; inhibit a child's testimony in the hearing;
15 disclose matters otherwise required to be kept confidential by state or federal
16 statute or regulation, court order, or court rule; or interfere with a criminal
17 investigation or proceeding or a criminal defendant's right to a fair trial in a
18 criminal proceeding.

19 (3) Before ruling on a request under (2)(C) of this paragraph
20 concerning potential interference with a criminal investigation or proceeding, the court
21 shall give notice and an opportunity to be heard to the state or a municipal agency that
22 is assigned to the criminal investigation or to the prosecuting attorney.

23 (4) If the court closes a hearing to the public under (2)(C) of this
24 paragraph, the court shall close only the portions of the hearing necessary to prevent
25 the potential harm listed in (2)(C) of this paragraph. If a hearing, or part of a hearing,
26 is open to the public, the court shall hear in camera any information offered regarding
27 the location, or readily leading to the location, of a parent, child, or other party to the
28 case who is a victim of domestic violence. Access to testimony heard in camera under
29 this subparagraph is limited to the court and authorized court personnel.

30 (5) Notwithstanding any other provision of this rule, the court shall
31 issue an order to prohibit all persons in a hearing open to the public from disclosing to

1 any person a name, picture, or other information that would readily lead to the
2 identification of a child who is the subject of the proceeding. If a person violates the
3 order, the court may impose any appropriate sanction, including contempt and closure
4 of any further hearings in the proceeding to the person.

5 (6) A party to the proceeding may move the court to close to the public
6 a hearing, or part of the hearing, to avoid the harm specified in (2)(C) of this
7 paragraph. A member of the public may request in writing to be served with a motion
8 filed under this subparagraph. If such a request has been filed in advance of the filing
9 of the motion, the party filing the motion must also serve the member of the public
10 who requested notice under this subparagraph. The court may waive the service
11 required under this subparagraph to a member of the public if a motion to close the
12 hearing, or part of the hearing, is made under this subparagraph immediately before or
13 during the hearing and the court finds that

14 (A) the need for closure was not reasonably foreseeable
15 sufficiently in advance of the hearing to allow for notice;

16 (B) there is good cause not to delay the hearing in order to
17 achieve notice, taking into consideration the age of the child and the potential
18 adverse effect that a delay could have on the child; and

19 (C) whatever notice is practicable under the circumstances has
20 occurred.

21 * **Sec. 53.** The uncodified law of the State of Alaska is amended by adding a new section to
22 read:

23 **DIRECT COURT RULE AMENDMENT.** Rule 17.2(f), Alaska Child in Need
24 of Aid Rules of Procedure, is amended to read:

25 (f) **Additional Findings.** in addition to the findings required under paragraph
26 (e), the court shall also make written findings related to

27 (1) whether the Department has made reasonable efforts required
28 under AS 47.10.086 or, in the case of an Indian child, whether the Department has
29 made active efforts to provide remedial services and rehabilitative programs as
30 required by 25 U.S.C. Sec. 1912(d);

31 (2) whether the parent or guardian has made substantial progress to

1 remedy the parent's or guardian's conduct or conditions in the home that made the
2 child a child in need of aid; [AND]

3 (3) if the permanent plan is for the child to remain in out-of-home care,
4 whether the child's out-of-home placement continues to be appropriate and in the best
5 interests of the child; and

6 (4) whether the Department has made reasonable efforts to finalize
7 the permanent plan for the child.

8 * Sec. 54. The uncodified law of the State of Alaska is amended by adding a new section to
9 read:

10 DIRECT COURT RULE AMENDMENT. Rule 18(d)(1), Alaska Child in
11 Need of Aid Rules of Procedure, is amended to read:

12 (d) Relinquishment.

13 (1) Notwithstanding other provisions of this rule, the court may
14 terminate parental rights after a voluntary relinquishment pursuant to AS 47.10.089
15 [AS 25.23.180]. In the case of an Indian child, the relinquishment must meet the
16 requirements set forth in 25 U.S.C. § 1913(c).

17 * Sec. 55. The uncodified law of the State of Alaska is amended by adding a new section to
18 read:

19 DIRECT COURT RULE AMENDMENT. Rule 22(c), Alaska Child in Need
20 of Aid Rules of Procedure, is amended to read:

21 (c) Child's Name or Picture. The name or picture of a child who is the
22 subject of a CINA proceeding may not be made available to the public unless
23 authorized by court order accompanied by a written statement reciting the
24 circumstances which support such authorization, or unless to implement the
25 permanency plan for the child after all parental rights of custody have been
26 terminated.

27 * Sec. 56. The uncodified law of the State of Alaska is amended by adding a new section to
28 read:

29 DIRECT COURT RULE AMENDMENT. Rule 9(a), Alaska Adoption Rules,
30 is amended to read:

31 (a) Form. A consent or relinquishment must be in writing and must include:

1 (1) notice of the person's right to withdraw the consent or
2 relinquishment as provided by paragraphs (g) and (h) of this rule;

3 (2) the address and telephone number of the court in which the
4 adoption or relinquishment proceeding has or is expected to be filed;

5 (3) a statement of the right to counsel as stated in Rule 8;

6 (4) a statement concerning whether or not any visitation rights or
7 other parental privileges are sought to be retained after the adoption;

8 (5) if a consent, the information required in AS 25.23.060; and

9 (6) if signed by a parent, a statement of whether the parent is a minor.

10 * Sec. 57. The uncodified law of the State of Alaska is amended by adding a new section to
11 read:

12 DIRECT COURT RULE AMENDMENT. Rule 9(g), Alaska Adoption Rules,
13 is amended to read:

14 (g) **Withdrawal of Consent or Relinquishment of a Non-Indian Child.**

15 The parent of a non-Indian child may withdraw a consent or relinquishment by
16 notifying in writing the court, or the person or agency obtaining the consent or
17 relinquishment, within 10 days of the birth or signing of the consent or
18 relinquishment, whichever is later. Notification is timely if received or postmarked on
19 or before the last day of this time period. The parent may move the court to permit
20 withdrawal of the consent or relinquishment after the 10 day period pursuant to
21 AS 25.23.070 for a consent or AS 25.23.180(g) or AS 47.10.089(h) for a
22 relinquishment.

23 * Sec. 58. The uncodified law of the State of Alaska is amended by adding a new section to
24 read:

25 DIRECT COURT RULE AMENDMENT. Rule 13(a), Alaska Adoption
26 Rules, is amended to read:

27 (a) **Voluntary Relinquishment.** A decree terminating parental rights may be
28 entered after a voluntary relinquishment pursuant to AS 25.23.180 or AS 47.10.089.
29 The court shall enter findings of fact which must include a statement concerning
30 whether visitation rights are being allowed under AS 25.23.130(c) or other privileges
31 are being retained under AS 25.23.180 or AS 47.10.089, and whether the time limit

1 for withdrawal of the relinquishment has elapsed. If the relinquishment was signed in
2 the presence of the court, findings also must be entered as to whether the parent
3 understood the consequences of the relinquishment, and whether the relinquishment
4 was voluntarily signed.

5 In the case of a voluntary relinquishment of parental rights to an Indian child,
6 the court shall make additional findings concerning whether any notice required by
7 Rule 10(e) was timely given; whether the relinquishment was voluntary and in
8 compliance with the requirements of 25 U.S.C. Section 1913; whether the child's
9 placement complies with the preferences set out in 25 U.S.C. Section 1915 or good
10 cause exists for deviation from the placement preference.

11 * Sec. 59. The uncodified law of the State of Alaska is amended by adding a new section to
12 read:

13 INDIAN COURT RULE AMENDMENT. (a) AS 13.26.064, added by sec. 2 of
14 this Act, amends Rules 14 and 15, Alaska Rules of Probate Procedure, by providing that
15 retained privileges be set out in the guardianship decree and by providing additional
16 procedures related to a voluntary relinquishment of parental rights.

17 (b) AS 25.23.180(j) - (n) and AS 47.10.089, added by secs. 4 and 17 of this Act,
18 amend Rules 9 and 13, Alaska Adoption Rules, by requiring retained privileges to be set out
19 in the relinquishment form and order and by providing additional procedures related to the
20 relinquishment.

21 (c) AS 25.23.180(k) - (n) and AS 47.10.089(g), (h), and (j), added by secs. 4 and 17
22 of this Act, amend Rule 13, Alaska Adoption Rules, by authorizing review hearings for
23 voluntary relinquishments.

24 (d) AS 47.10.080(l), as amended by sec. 12 of this Act, amends Rule 17.2(f), Alaska
25 Child in Need of Aid Rules of Procedure, by modifying the grounds for review of a
26 permanent plan.

27 (e) AS 47.10.089, added by sec. 17 of this Act, amends Rule 18, Alaska Child in
28 Need of Aid Rules of Procedure, by providing that a relinquishment be in writing, allowing
29 for the withdrawal of the relinquishment, allowing for the retention of certain privileges, and
30 authorizing a review hearing before the entry of an adoption or legal guardianship decree.

31 * Sec. 60. The uncodified law of the State of Alaska is amended by adding a new section to

1 read:

2 INDIRECT COURT RULE AMENDMENT. (a) Sections 9 and 10 of this Act, and
3 AS 47.10.080(v), enacted by sec. 14 of this Act, have the effect of changing Rule 3, Alaska
4 Child in Need of Aid Rules of Procedure, by allowing members of the public to attend court
5 hearings except in certain circumstances.

6 (b) Sections 19 and 22 - 27 of this Act have the effect of changing Rule 22, Alaska
7 Child in Need of Aid Rules of Procedure, by allowing the disclosure of confidential
8 information pertaining to a child, including a child's name or picture to be made public in
9 certain circumstances.

10 * Sec. 61. The uncodified law of the State of Alaska is amended by adding a new section to
11 read:

12 APPLICABILITY. (a) The amendment to Rule 3, Alaska Child in Need of Aid
13 Rules of Procedure, made by secs. 51 and 52 of this Act, apply to hearings that are conducted
14 on or after the effective date of secs. 51 and 52 of this Act.

15 (b) Sections 9 - 11, 14, 18, 19, 22 - 27, 51, 52, and 55 of this Act apply to all
16 proceedings and hearings conducted on or after the effective date of those sections.

17 (c) Sections 9, 10, 14, and 19 - 27 of this Act apply to all information, records, and
18 files created on or after the effective date of those section. however, if a file contains
19 information and records that were created before the effective date of secs. 9, 10, 14, and 19 -
20 27 of this Act, that information and those records retain the confidentiality that they had under
21 the law on the day before the effective date of secs. 9, 10, 14, and 19 - 27 of this Act.

22 * Sec. 62. The uncodified law of the State of Alaska is amended by adding a new section to
23 read:

24 TRANSITION: REGULATIONS. The Department of Health and Social Services
25 may proceed to adopt regulations necessary to implement the changes made by this Act. The
26 regulations take effect under AS 44.62 (Administrative Procedure Act), but not before the
27 effective date of the relevant statutory change.

28 * Sec. 63. The uncodified law of the State of Alaska is amended by adding a new section to
29 read:

30 REVISOR'S INSTRUCTION. The revisor of statutes is instructed to change the
31 heading of AS 47.10.088 from "Termination of parental rights and responsibilities" to

1 "Involuntary termination of parental rights and responsibilities."

2 * Sec. 64. The uncodified law of the State of Alaska is amended by adding a new section to
3 read:

4 CONDITIONAL EFFECT. (a) The amendments to Rule 3, Alaska Child in Need of
5 Aid Rules of Procedure, made by secs. 51 and 52 of this Act, take effect only if secs. 51 and
6 52 of this Act receive the two-thirds majority vote of each house required by art. IV, sec. 15,
7 Constitution of the State of Alaska.

8 (b) Section 12 of this Act and Rule 17.2(f), Alaska Child in Need of Aid Rules, as
9 amended by sec. 53 of this Act, take effect only if sec. 53 and sec. 59(d) of this Act receive
10 the two-thirds majority vote of each house required by art. IV, sec. 15, Constitution of the
11 State of Alaska.

12 (c) Rule 18(d)(1), Alaska Child in Need of Aid Rules, as amended by sec. 54 of this
13 Act, takes effect only if sec. 54 of this Act receives the two-thirds majority vote of each house
14 required by art. IV, sec. 15, Constitution of the State of Alaska.

15 (d) The amendments to Rule 22(c), Alaska Child in Need of Aid Rules of Procedure,
16 made by sec. 55 of this Act take effect only if sec. 55 of this Act receives the two-thirds
17 majority vote of each house required by art. IV, sec. 15, Constitution of the State of Alaska.

18 (e) Sections 9 and 10 of this Act, AS 47.10.080(v), enacted by sec. 14 of this Act, and
19 secs. 19 and 22 - 27 of this Act, take effect only if secs. 51, 52, 53, and 60 of this Act receive
20 the two-thirds majority vote of each house as required by art. IV, sec. 15, Constitution of the
21 State of Alaska.

22 (f) Rule 9(a), Alaska Adoption Rules, as amended by sec. 56 of this Act, takes effect
23 only if sec. 56 of this Act receives the two-thirds majority vote of each house required by art.
24 IV, sec. 15, Constitution of the State of Alaska.

25 (g) Rule 9(g), Alaska Adoption Rules, as amended by sec. 57 of this Act, takes effect
26 only if sec. 57 of this Act receives the two-thirds majority vote of each house required by art.
27 IV, sec. 15, Constitution of the State of Alaska.

28 (h) Rule 13(a), Alaska Adoption Rules, as amended by sec. 58 of this Act, takes effect
29 only if sec. 58 of this Act receives the two-thirds majority vote of each house required by art.
30 IV, sec. 15, Constitution of the State of Alaska.

31 (i) AS 13.26.064, added by sec. 2 of this Act, AS 25.23.180(j) - (n), added by sec. 4

1 of this Act, and AS 47.10.089, added by sec. 17 of this Act, take effect only if sec. 59(a) and
2 (b) of this Act receive the two-thirds majority vote of each house required by art. IV, sec. 15,
3 Constitution of the State of Alaska.

4 * Sec. 65. If, under sec. 64 of this Act, secs. 9 and 10 of this Act, AS 47.10.080(v), enacted
5 by sec. 14 of this Act, and secs. 19 and 22 - 27 of this Act take effect, they take effect July 1,
6 2005.

7 * Sec. 66. Except as provided in sec. 65 of this Act, this Act takes effect immediately under
8 AS 01.10.070(c).

adopted

4/26/05

AMENDMENT

1

DHSS

OFFERED IN THE HOUSE
TO: CSSSHB53() version N

Page 1, line 3, following "court hearings,":

Insert "court records"

adopted 4-26

AMENDMENT

2 Croft

OFFERED IN THE HOUSE FINANCE COMMITTEE

BY REPRESENTATIVE CROFT

TO: CSSSHB53() version N

Page 5, line 1, following "child":

Insert "to the fullest extent consistent with the child's best interests."

HB 53

adopted 4-26

AMENDMENT #

3

Kelly

OFFERED IN THE HOUSE FINANCE

1 Page 7, line 7, following "violence":

2 Insert: "or whose safety or welfare may be endangered by public release of

3 such information"

AMENDMENT

4
with drawn
4-26-05

OFFERED IN THE HOUSE

By Representative Hawker

TO: CS SS HB 53 (24-LS051\N)

1 Page 7, lines 14 through 20

2 Delete all material

3 Insert "(f) Notwithstanding any other provision of this chapter, a person attending a
4 hearing open to the public may not disclose information obtained during the hearing except
5 to the governor, the lieutenant governor, a legislator, the ombudsman appointed under AS
6 24.55, the attorney general, a member of the Citizen Review Panel established under
7 47.14.205, or the commissioner of health and social services, administration, or public safety,
8 or an employee of these persons, for review or use in their official capacities. A person to
9 whom disclosure is made under this section may not disclose confidential or privileged
10 information about the child or the child's family to a person not authorized to receive it.
11 A person who violates a provision of this section is guilty of a misdemeanor, and upon
12 conviction is punishable by a fine of not more than \$500 or by imprisonment for not more
13 than one year, or by both."

14

15 Make conforming changes to the court rule amendment on page 26, line 5 through page 27,
16 line 4.

17

AMENDMENT

5 adopted
4-26-05

OFFERED IN THE HOUSE

By Representative Hawker

TO: CS SS HB 53 (24-LS051\N)

Page 11 – Conceptual amendment to Section 16.

“The department’s duty to provide written notice of an adult family members’ rights and the procedures necessary to gain custody does not apply to a family member who has had parental rights terminated or who, to the department’s knowledge, would be denied a foster care license under AS 47.35.019 or 47.35.021.”

adopted 4/26/05

AMENDMENT 6

OFFERED IN THE HOUSE
TO: CSSSHB53() version N

Page 15, line 15, following "section":

Delete "and as provided under applicable court rules, regarding discovery in a child-in-need-of-aid proceeding."

adopted 4/26/05

AMENDMENT

7

OFFERED IN THE HOUSE

By Representative Hawker

TO: CS SS HB 53 (24-LS051\N)

- 1 Page 15, line 24
- 2 Delete "[A GUARDIAN AD LITEM APPOINTED BY THE COURT;
- 3 (2)]"
- 4 Insert "a guardian ad litem appointed by the court;
- 5 (2)"

adopted 4/26/05

AMENDMENT

8

Kelly

OFFERED IN THE HOUSE
TO: CSSSHB53() version N

Page 16, line 27, following "(10) a":

Insert "parent, guardian or"

HB 53

adopted 4/26/05
as amend

AMENDMENT #

9 Kelly

OFFERED IN THE HOUSE FINANCE

1 Page 19, line 14:

2 Delete: "or sibling"

3

4 Insert:

5 ~~"sibling, legal guardian or parent of sibling"~~

6

7

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9

10

Sibling, or legal guardian or parent of sibling

So it would techy be
legal guardian of sibling
or
parent of sibling

~~or sibling~~

HB 53

adopted 4/26/05
as amend

AMENDMENT #

9 Kelly

OFFERED IN THE HOUSE FINANCE

1 Page 19, line 14:

2 Delete: "or sibling"

3

4 Insert:

5 "sibling, legal guardian, ^{or} parent of sibling"

6

7

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adopted as 4/26
amended

AMENDMENT

10

DHSS

OFFERED IN THE HOUSE
TO: CSSSHB53() version N

Page 20, line 15, following "department;":

Insert "(C) a licensed foster home that is not an adult family or family friend or"

Page 20, line 16:

member

Delete "(C)"

Insert "(D)"

adopted 4/26

AMENDMENT

11

DHSS

OFFERED IN THE HOUSE
TO: CSSSHB53() version N

Page 20, line 29, following "child,":

Insert "under AS 47.10.088(i) or under (e) of this section"

adopted 4/26

HB 53

Kelley

AMENDMENT #

12

OFFERED IN THE HOUSE FINANCE

- 1 Page 21, line 23
- 2 Delete: "and shall be closed to the public"

One of the main purposes of this bill is to open the process to the public. This amendment eliminates an oversight in the language of the citizens review panel that closes their meetings to the public.

4/26/05
adopted as amended

AMENDMENT # 13 Kelly

OFFERED IN THE HOUSE FINANCE

1 Page 24, line 15:

2 Delete lines 15 through 20

3

4 Insert:

5 (d) An interview of a child conducted as a result of a report of harm ^{alleging severe}
6 physical abuse by a parent or caregiver may be audiotaped or videotaped. If an
7 interview of a child concerns a report of sexual abuse by a parent or caretaker, the
8 interview shall be videotaped, ^{unless} except that an interview of a child may not be videotaped
9 if ^{videotaping} videotaping the interview is not feasible or will, in the opinion of the investigating
10 agency, result in trauma to the child.

OCS has assured us that they will utilize CAC's and videotaping as much as they possibly can but are cautious in statutorily mandating videotaping in all cases. The reason is that if Senator Steven's funding of CAC's dries up, that mandate would fall to the hands of the legislature and OCS to fund CAC's.

adopted 4/26/05 HB 53

AMENDMENT # 14

OFFERED IN THE HOUSE FINANCE

1 Page 25, after line 5:

2

3 Insert:

4 “ (i) ‘child advocacy center’ means a facility with a child-focused, community
5 partnership committed to a multidisciplinary team approach that includes representatives
6 from law enforcement, child protection, criminal prosecution, victim advocacy, and the
7 medical and mental health fields who collaborate and assist in investigations of
8 allegations of sexual or other abuse, and neglect of children:”

9

delete

10

Defines Child Advocacy Center. This language is compromise language
between OCS, Department of Law, and the CAC's

AMENDMENT 15

OFFERED IN THE HOUSE FIN

BY REPRESENTATIVES CROFT & KELLY

TO: HB 53

1 Page 7, line 20, after the word "hearings"

2 Delete: "in the case"

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adopted

Amends the provision that if a person violates restrictions in the order that person could not only be barred from further hearings of the current parties, but additionally could be barred from any future hearings of any parties.

AMENDMENT 16

OFFERED IN THE HOUSE FIN

BY REPRESENTATIVES KELLY & CROFT

TO: HB 53

Adopted

1 Page 22, line 15, after the word "Confidentiality."

2 Delete lines 15 through 19

3

4 Insert:

5 "A person attending a meeting of the state panel, a member or staff of the state panel
6 may not make any disclosure related to information obtained during a review by the panel
7 unless authorized by AS 47.10.092 or 47.10.093.

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Addresses concerns of Representative Croft that panel members and staff were held to confidentiality but the section did not address the people attending a review panel meeting.

AMENDMENT 17

OFFERED IN THE HOUSE FIN

BY REPRESENTATIVES HAWKER

TO: HB 53

Adopted

1 Page 22, line 24:

2

3 Insert:

4 (c) to read: " the citizen review panel is subject to the provisions of the

5 Open Meeting Act under AS 44.62.310.

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Addresses concerns that reviewing a case could result in disclosure of information that would tend to prejudice the reputation and character of a person being discussed. The executive session is allowable under these circumstances in the "Open Meetings Act".

Section for CSSHB 53(FIN) Version N

Section 1. Amends Title 13, Article 2 "Guardians of Minors" to add as a qualification for the court to appoint a guardian if an adult family member applies for guardianship, unless the court finds that appointment would not be in the best interest of the child.

Sec. 2. This section adds language to Title 13.26 (Guardians of Minors) bridging guardianship placement with voluntary relinquishment language in adoption (Sec. 5) and CINA (Sec. 20) sections of Version C.

Sec. 3. Gives preference to an adult family member who has cared for a child for twelve consecutive months or more to adopt the child(ren) unless the court finds there is good cause not to grant the adoption.

Sec. 4. Adds a new section to CINA law that allows for voluntary relinquishment of parental rights while retaining privileges for future contact, communication, and visitation with a child. The relinquishment must be in writing and signed by the parent. A copy of the relinquishment is given to the parent and the parent has 10 days to withdraw from the relinquishment.

A relinquishment cannot be withdrawn and termination cannot be vacated on the grounds that a retained privilege has been withheld or relinquishing parent has been unable to act upon privileges.

A voluntary relinquishment can be withdrawn under Rule 60(b) of Alaska Rules of Civil Procedure Relief from Judgment or Order—"Mistakes-Inadvertance-Excusable Neglect-Newly Discovered Evidence-Fraud"

It also provides that after termination and before entry of adoption a person who voluntarily relinquishes parental rights may request an hearing and show good cause to enforce or modify a privilege retained in the termination order or to vacate the termination order and reinstate parental rights. Such a parent would be entitled to a public attorney.

HB 17 Rokeberg Placement with Relatives

HB 114 Governor Voluntary Relinquishment
Indirect Rule Change
Rules 14 and 15, Rules of Probate Procedure

HB 53 Coghill Relative Preference for Adoption

HB 114 Governor Voluntary Relinquishment

Direct Rule Change:
Rule 9(a) Alaska Adoption Rules Sec. 54
Rule 13(a) Alaska Adoption Rules Sec. 56

Indirect Rule Change:
Rules 9 and 14, Alaska Adoption Rules

Finally it provides that a prospective adoptive parent may, after a termination order is entered, before the entry of an adoption or legal guardianship decree, and after notification of the biological parent if required, request that the court decline incorporation of a retained privilege in the adoption decree.

Sec. 5. Amends the allowable absence for the permanent fund dividend allowing the Commissioner of Revenue to waive the requirement for a resident to be present in the State at least 72 hours in the two prior years if that person was in the custody of the State under a CINA or juvenile justice order and was outside of the state for medical or behavioral treatment.

Sec. 6. Intent language for the Family Rights Act.

Sec. 7. This section allows the court to, on its own motion, appoint a competent person or agency to make a preliminary inquiry. Currently a party has to petition the court for an inquiry. It also clarifies that when a court appoints an inquirer or if OCS is conducting an investigation, the court may issue orders necessary to aid the person, agency, or department in their investigation.

Sec. 8. Clarifies that OCS does not have to get prior permission from the court to start a CINA investigation or file a petition for custody.

Sec. 9. Opens CINA hearings to the public and allows the court to exclude individuals from hearings if it is in the best interest of the child. The court can also limit the presence of an attendee to the time that person is giving testimony.

Sec. 10. Applies sideboards to the opening of CINA court proceedings to give guidelines to the court as to when the proceeding must be closed to the public, when evidence is made in camera, and when a person's presence must be limited.

HB 114 Governor Protection of Child's Dividend

HB 53 Coghill Parent's Participation in the Upbringing of the Child

HB 114 Governor Improving the Process

HB 114 Governor Improving the Process

HB 113 Governor Open the Process

Direct Rule Change
Rule 3 Alaska CINA Rules of Procedure Sec. 50

HB 113 Governor Open the Process
Direct Rule Change
Rule 3(f) Alaska CINA Rules of Procedure
Sec. 50

Grandparents, foster parents, or other out-of-home care providers may attend hearings otherwise closed to the public but may be limited in their participation in the hearing.

Section 10 also sets restrictions on persons attending hearings, which the court will specify to attendants at the beginning of the hearing.

Finally, this section clarifies that the right of an adult family member to attend hearings under AS 10.070(a) does not affect their right to intervene in a proceeding under CINA nor the rights of an adult family member under Title 47.

Sec. 11. Legal has added some cleanup language to this section, including replacing the word "relative" with "adult family member".

Sec. 12. Provides that the court shall make one additional finding in the permanency plan, that being that the department has made reasonable efforts to finalize the permanent plan. It is needed to satisfy federal requirements for foster care reimbursement.

Sec. 13. This section instructs OCS that the legislature wants everything done possible to assure visitation by parents and families with children in custody. If OCS denies visitations they must notify the parents or family members of the reason for denying visitation and inform them of their right to request a review hearing on the denial. New language by Department of Law clarifies that a non-party adult family member would not qualify for publicly appointed legal counsel.

Sec. 14. Amends AS 47.10.80 (Judgments and Orders) to add three provisions:

(1) The court may not terminate parental rights solely on the basis the parent did not get required treatment if the treatment was not available and OCS did not provide the treatment.

(2) Requires foster parents to provide regular visitation with family and to encourage foster parents to serve as mentors for facilitating family reunification

Indirect Rule Change

Rule 3 Alaska CINA Rules of Procedure Sec. 50

LAA Legal Language Cleanup

Request of Department of Law to comply with federal law.

Direct Rule Change

Rule 3(c) Alaska CINA Rule of Procedure Sec. 49
Rule 17.2(f) Alaska CINA Rules Sec. 51

HB 17 Rokeberg Family Visitation

HB 53 Coghill Family Preservation

HB 53 Coghill Family Preservation

(v) It opens adjudication hearings to the public unless an exception in Section 12 applies.

Sec. 15. The section amends the residual rights section of Title 47, 10 to include language that defines "major medical treatment" to include "medication used to treat a diagnosed mental health disorder".

Sec. 16. Provides that before OCS can approve placement of a child for adoption, the department must attempt to locate all living adult family members. The department must provide written notice to all located family members of their right to adopt and those reason by which the department can deny adoption.

Sec. 17. Section 20 adds a new section to CINA statutes to provide for relinquishment of parental rights. The relinquishment must be in writing and signed by the parent. A copy of the relinquishment is given to the parent and the parent has 10 days to withdraw from the relinquishment.

It provides that parents can retain some privileges for future contact, communication, and visitation. A relinquishment cannot be withdrawn and termination cannot be vacated on the grounds that a retained privilege has been withheld or relinquishing parent has been unable to act upon privileges.

A voluntary relinquishment can be withdrawn under Rule 60(b) of Alaska Rules of Civil Procedure Relief from Judgment or Order-"Mistakes-Inadvertance-Excusable Neglect-Newly Discovered Evidence-Fraud"

It also provides that after termination and before entry of adoption a person who voluntarily relinquishes parental rights may request an hearing and show good cause to enforce or modify a privilege retained in the termination order or to vacate the termination order and reinstate parental rights. Such a parent would be entitled to a public attorney.

Sec. 18. Language clean up to statute providing for files of a child in custody being sealed when the child

HB 113 Governor Open the Process

HB 53 Governor Family Preservation

HB 17 Rokeberg Placement with Relatives

HB 114 Governor Voluntary Relinquishment

Direct Rule Change:

Rule 9(g) Alaska Adoption Rules Sec. 55

Rule 13(a) Alaska Adoption Rules Sec. 56

Rule 18(d)(1) Alaska CINA Rules Sec. 52

Indirect Rule Change:

Rules 9 and 14, Alaska Adoption Rules

Rule 18 Alaska CINA Rules

HB 113 Governor Improving the Process

Sec. 19. Allows the use of a child's name for the purposes of implementing a permanency plan and allows aggregate information to be released for statistical or other informational purposes as long as the identity of the child is not revealed.

Sec. 20. Allows adult family members to disclose to or request confidential information be provided to certain state officials such as the governor, the lieutenant governor, legislators, the ombudsman, the attorney general, and certain commissioners. TO obtain additional privileged information from Department of Health & Social Services or OPA or the public defender, a Disclosure of Information Release Form must be completed by a parent. Also attorney-client privileged would be protected.

Sec. 21. This section now provides that as long as the child is in state custody, disclosure to certain officials will stay in effect, unless a parent or legal guardian says it is not longer needed.

Additionally, in this section, the department will now be required to notify a state official or employee of the opportunity to file a grievance.

Sec. 22. The section inserts into AS 47.10.093(b), Disclosure of Agency records, mention of exceptions that are spelled out in Sections 26 & Section 27 and makes disclosure provisions inclusive of Court Rules.

Sec. 23. Language clean up to replace "foster parents" with "a foster parent" and "relatives" to "relative". Also disclosure of confidential agency records is expanded to include a caregiver, an entity responsible for ensuring the safety of children, and the citizen's review panel. The department is added language to subsection (12) to extend the authority to establish a review panel to the governor and the legislature.

Sec. 24. Language cleanup by legislative legal where four former subsections were repealed in 1996 and only one provision remained, which is disclosing to a person charged with making a preliminary investigation.

HB 113 Governor Improving the Process
Direct Rule Change
Rule 22(c) Alaska CINA Rules of Procedure
Sec. 53

Indirect Rule Change
Rule 22 Alaska CINA Rules of Procedure

HB 114 Rokeberg Family Preservation

HB 53 Coghill Improving the Process

HB 113 Governor Improving the Process
Indirect Rule Change
Rule 22 Alaska CINA Rules of Procedure

HB 113 Governor Improving the Process
Indirect Rule Change
Rule 22 Alaska CINA Rules of Procedure

LAA Legal
Indirect Rule Change
Rule 22 Alaska CINA Rules of Procedure

Sec. 25. Clarifies that information made available to party with interest is confidential information. The regulatory language is deleted because it has been added to Section 30.

Sec. 26. The section directs OCS to work with law enforcement agencies in assisting schools, both public and private, in developing procedures for disclosure of confidential information to schools in an as expedited timeline as possible.

Sec. 27. The purposes for which confidential agency records can be disclosed to the public have been expanded to include public officials, but additionally, when the parents have made information public concerning the department's involvement with the family, when the perpetrator has been charged with a crime, and when a report of harm has resulted in a death or near fatality of the child. The agencies allowed to disclose confidential information have been expanded to include not only Health and Social Services, but also the Department of Administration.

The department may withhold disclosure of child's name, picture or other information that would readily identify the child if it determines it is in the best interest of the child or other children in the household. The department can also withhold information if it would interfere with a criminal investigation or proceeding or a criminal defendant's right to a fair trial.

This section acknowledges that the person receiving confidential information has a fiduciary responsibility to keep the information confidential.

Gives Department of Health & Social Services and the Department of Administration authority to promulgate regulations.

Sec. 28. New language to this section establishes in statute a grievance process but leaves the ability to set policies and procedures to the regulatory process.

HB 113 Governor Language cleanup
Indirect Rule Change
Rule 22 Alaska CINA Rules of Procedure

HB 113 Governor Improving the Process
Indirect Rule Change
Rule 22 Alaska CINA Rules of Procedure

HB 113 Governor Improving the Process
Indirect Rule Change
Rule 22 Alaska CINA Rules of Procedure

HB 53 Coghill Improving the Process

Sec. 29. Provides that there is no civil liability for timeline failures but there is a civil liability for gross negligence or reckless or intentional misconduct.

Sec. 30. Defines "mental health professional" in CINA statutes to include a person who is licensed in another state and caring for a child placed in the state by OCS for treatment.

Sec. 31. Defines "adult family members" , "family members" , and "near fatality" in CINA statutes.

Sec. 32. Defines "mental health professional" in Delinquent minor statutes to include a person who is licensed in another state and caring for a child placed in the state by OCS for treatment.

Sec. 33. Provides priorities for placement of a child when removed from the parent's home. Placement must be the least restrictive and in close proximity to parents to allow for reunification planning. Preferences for placement would be an adult family member, a family friend, or lastly, an institution with a program suitable for the child.

Sec. 34. Provides that when a child is placed in a home other than a home of a relative the department must fully disclose to the relative the nature of the placement.

Sec. 35. Established that poverty is not a reason to deny placement and if a person is denied placement they are to be informed of the reason and told that they have a right to a hearing but not to legal counsel.

Sec. 36. Creates a State Citizens Review Panel consisting of volunteers who are broadly representative of the state.

Sec. 37. Duties of the panel are to examine policies, procedures, and practices of state and local agencies in making or investigating a ROH; evaluate specific cases; and report annually to the governor all of their activities.

HB 53 Coghill Accountability

HB 114 Governor Improving the Process

HB 114 & LAA Legal

HB 114 Governor Improving the Process

HB 53 Coghill Family Preservation

HB 17 Rokeberg Improving the Process

HB 17 Rokeberg Improving the Process

HB 53 Coghill Due Process

HB 53 Coghill Due Process

Sec. 38. Directs Department of Health & Social Services to cooperate with and provide records to the state panel to facilitate timely review of plans for children under the jurisdiction of the panel. The department shall serve as staff to the panel.

Sec. 39. Instructs panel that they may not disclose to ANYONE records or other information containing personally identifying or other information made confidential under state or federal law about a child or witnesses involved in a case under review by the panel.

Sec. 40. Directs the panel to conduct public outreach and gather information on the department's current procedures and practices.

Sec. 41. Directs the department to prepare an annual report and provide it to the governor. It also requires the department to submit a written response to the report to the governor within six months of the date the report is submitted to the governor.

Sec. 42. Imposes a civil penalty for violating the confidentiality clauses for up to \$2,500 per violation.

Sec. 43. Creates immunity for state panel members and persons provided support to the panel.

Sec. 44. Defines "adult family member", "state panel" as the Citizen Review Panel and "near fatality" in Title 47.14, Juvenile Programs and Institutions by reference to AS 47.10.990.

Sec. 45. Requires OCS to notify a person who has made a ROH with a status report within 20 days.

Sec. 46. Amends duties of school officials to direct schools to conduct interviews of children as provided for with trained interviewers and being videotaped or audiotaped.

Sec. 47. Creates standards for interviewing CINA children requiring audio or videotaping and requiring interviewers to be trained and competent to conduct the interview. It also limits interviews to one unless it is determined that an additional interview is

HB 53 Coghill Due Process

HB 53 Coghill Due Process

HB 53 Coghill Due Process

HB 53 Coghill Due Process

HB 53 Coghill Due Process

HB 53 Coghill Due Process

HB 53 Coghill Due Process

HB 17 Rokeberg Improving the process

HB 53 Coghill Improving the process

HB 53 Coghill Improving the process

Sec. 48. Amends Title 47.18, "Foster Care Transition Program" to provide for a transition plan for children who have reached the age of sixteen but have not reached the age of 23. Formerly the age limit was 21.

Sec. 49. Amends CINA Court Rule 3(c), Presence of Foster Parent, to include grandparents as being entitled to be heard at any hearings.

Sec. 50. Repeals CINA Rule 3(f), General Public Excluded, and reenacts the rule to open hearings to the public and establishes a process for the court to close a hearing.

Sec. 51. Direct court rule amendment for permanency plan efforts in Section 12.

Sec. 52. Direct rule change for voluntary relinquishment in CINA statutes.

Sec. 53. Rule change for use of a child's name and picture for implementing a permanency plan after termination of parental rights.

Sec. 54. Rule change for voluntary relinquishment with other parental privileges.

Sec. 55. Rule change for withdrawal of consent or relinquishment of a non-Indian child.

Sec. 56. Rule change for retaining other parental rights in voluntary relinquishment in adoption and CINA statutes.

Sec. 57. Various indirect rule change provisions.

Sec. 58. Indirect rule changes for disclosure of confidential information.

Sec. 59. Applicability.

Sec. 60. Transition language to implement changes through regulation.

Sec. 61. Revisor's instructions.

Sec. 62. Conditional Effect.

Sec. 63-64. Effective dates.

HB 53

Kelly

AMENDMENT # 1

OFFERED IN THE HOUSE FINANCE

1 Page 24, line 15:

2 Delete lines 15 through 20

3

4 Insert:

5 (d) An interview of a child conducted as a result of a report of harm alleging severe
6 physical abuse by a parent or caregiver shall be audiotaped or videotaped. If an
7 interview of a child concerns a report of sexual abuse by a parent or caretaker, the
8 interview shall be videotaped, except that an interview of a child may not be videotaped
9 if videotaping the interview is impracticable or will, in the opinion of the investigating
10 agency, result in trauma to the child.

HB 53

AMENDMENT # 2

Kelly

OFFERED IN THE HOUSE FINANCE

- 1 Page 7, line 7, following "violence":
- 2 Insert: "or whose safety or welfare may be endangered by public release of
- 3 such information"

HB 53

AMENDMENT # 3

Kelly

OFFERED IN THE HOUSE FINANCE

1 Page 19, line 14:

2 Delete: "or sibling"

3

4 Insert:

5 "sibling, legal guardian, or parent of sibling"

6

7

8

9

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HB 53

AMENDMENT #

4 Kelly

OFFERED IN THE HOUSE FINANCE

1 Page 21, line 23

2 Delete: "and shall be closed to the public"