SB

82

<TARGET><BILL>SB 82</BILL><SUBJECT>SB
82</SUBJECT><COMM>HHSS27</COMM></TARGET>

Alaska State Legislature

Senate
Health & Social
Committee
Chair
•
Senate
Education Committee
Vice-Chair

Legislative Council
Vice-Chair
•
Senate
Transportation
Committee
•
Senate
Labor & Commerce
Committee

Senator_Bettye_Davis@legis.state.ak.us
http://www.aksenate.org/

Senator Bettye Davis

SPONSOR STATEMENT

SENATE BILL 82-*"Foster Care Licensing/State Custody"*

SB 82 modifies various provisions in Title 47, which prioritizes the needs of children in state custody. This legislation seeks to:

1.Achieve Permanency for Older Children in Foster Care)
Permanency for children in OCS custody is best achieved through reunification with the child's parent, or failing that option, through adoption or guardianship. If these three options are not available, another form of permanency is through APPLA ("Another Planned Permanent Living Arrangement"). This bill seeks to make sure the APPLA option is not chosen unnecessarily by providing guidelines for both OCS and the court as to when APPLA should be used.

2. Presumption to Keep Siblings Together
Although OCS attempts to keep siblings together when they enter foster care, this bill creates a statutory presumption that siblings be placed in the same home when possible and when such a placement is in the siblings' best interests. When the children cannot be in the same home, this bill requires an OCS supervisor to document in the file the efforts made and the reason for the separation.

3. Early Release of Custody
When OCS files a motion to release a child from state custody before the custody order expires, this bill requires OCS and the court to take extra steps to ensure that the child and guardian ad litem have ample notice of the motion and that the release is in the child's best interests.

4. Foster Home Licensing Variance Process
If a potential foster home cannot meet the building codes required to be a licensed foster home, this bill will allow a variance to be granted if the home is consistent with construction of other homes in the community and is otherwise a safe environment for the child.

5. Streamlining Application Process for foster parents
This bill requires that paperwork required for foster parent licensing be streamlined as much as possible.

6. Housekeeping
The bill includes changes to the statute providing for retention of jurisdiction by a court to make it consistent with last year's legislation to extend departmental custody or supervision to age 21.

Session: (January – April)
State Capitol, Room #30, Juneau, AK 99801-1182 Phone: (907) 465-3822 · Fax: (907) 465-3756 · Toll Free: (800) 770-3822
Interim: (April – December)
716 West 4th Avenue, Anchorage, AK 99501-2133 · Phone: (907) 269-0144 · Fax: (907) 269-0148

27-LS0500\R
Luckhaupt/Mischel
3/6/12

HOUSE CS FOR CS FOR SS FOR SENATE BILL NO. 82(HSS)

IN THE LEGISLATURE OF THE STATE OF ALASKA

TWENTY-SEVENTH LEGISLATURE - SECOND SESSION

BY THE HOUSE HEALTH AND SOCIAL SERVICES COMMITTEE

Offered:
Referred:

Sponsor(s): SENATOR DAVIS

A BILL

FOR AN ACT ENTITLED

"An Act relating to the procedures and jurisdiction of the Department of Health and Social Services for the care of children who are in state custody; relating to court jurisdiction and findings pertaining to children who are in state custody; and modifying the licensing requirements for foster care."

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

*** Section 1.** The uncodified law of the State of Alaska is amended by adding a new section to read:

SHORT TITLE. This Act may be known as the Alaska Foster Family Protection Act.

*** Sec. 2.** 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(f), 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

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

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

(C) **there is a compelling reason that the most appropriate placement for** the child **is** [SHOULD BE PLACED] in another planned, permanent living arrangement **and the department has recommended the arrangement under AS 47.14.100(p); the findings under this paragraph must include the steps that** [AND WHAT STEPS] are necessary to achieve the new arrangement;

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

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

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

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

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

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

(5) the court shall hold a hearing to review the permanent plan at least annually until successful implementation of the plan; if the plan approved by the court

changes after the hearing, the department shall promptly apply to the court for another permanency hearing, and the court shall conduct the hearing within 30 days after application by the department.

*** Sec. 3.** AS 47.10.080(v) is amended to read:

(v) In addition to the extensions of state custody ordered by a court under (c)(1)(A) or (B) of this section, a court may grant in a hearing a resumption of state custody that does not extend beyond a person's 21st birthday if the person

(1) consents to it;

(2) was placed in out-of-home care by the department immediately before being released from state custody and the person was

(A) at least 18 years of age and released to the person's own custody; **or**

(B) at least 16 years of age and released to the

(i) person's own custody after the disabilities of minority were removed under AS 09.55.590; or

(ii) custody of a parent or guardian because the person refused out-of-home care;

(3) is in need of out-of-home care

(A) to avoid personal harm**;**

(B) because of the person's severe emotional disturbance, mental disability, physical disability, [OR] homelessness, **or a combination of those conditions;**

(C) because the person is completing an educational or vocational program; or

(D) to [ENHANCE THE PERSON'S ABILITY TO CONTINUE THE PERSON'S EDUCATION OR TRAINING OR] otherwise improve the person's successful transition to independent living; and

(4) if requested by the department, agrees to reasonable terms for resuming state custody that may include matters relating to the person's education, attainment of a job or life skills, or other terms found by the court to be reasonable and in the person's best interest.

1 * **Sec. 4.** AS 47.10.080 is amended by adding a new subsection to read:
2 (w) The court shall recognize a presumption that maintenance of a sibling
3 relationship, including with a sibling who is related by blood, marriage, or adoption
4 through one parent, is in a child's best interest.
5 * **Sec. 5.** AS 47.10.100 is amended to read:
6 **Sec. 47.10.100. Retention of jurisdiction over child [MINOR].** (a) The court
7 retains jurisdiction over the case and may at any time stay execution, modify, set
8 aside, revoke, or enlarge a judgment or order, or grant a new hearing, in the exercise
9 of its power of protection over the **child** [MINOR] and for the **child's** [MINOR'S] best
10 interest, for a period of time not to exceed two years or in any event extend past the
11 day the **child reaches** [MINOR BECOMES] 19 **years of age**, unless sooner
12 discharged by the court, except that the department may apply for and the court may
13 grant an additional one-year period of **custody or** supervision past [AGE] 19 **years of**
14 **age and additional one-year periods of custody that do not extend beyond the**
15 **person's 21st birthday** if continued **custody or** supervision is in the best interests of
16 the person and the person consents to it. An application for any of these purposes may
17 be made by the parent, guardian, or custodian acting in behalf of the **child** [MINOR],
18 or the court may, on its own motion, and after reasonable notice to interested parties
19 and the appropriate department, take action that it considers appropriate.
20 (b) If the court determines at a hearing authorized by (a) of this section that
21 **the department has complied with the requirements for release of a child under**
22 **AS 47.14.100(q) and that** it is **in** [FOR] the best interests of the **child** [MINOR] to be
23 released to the **child's own custody, or to the** care or custody of the **child's**
24 [MINOR'S] parent, guardian, or custodian, it **shall** [MAY] enter an order to that effect
25 and the **child** [MINOR] is discharged from the control of the department.
26 (c) If a **child** [MINOR] is adjudicated a child in need of aid before the **child's**
27 [MINOR'S] 18th birthday, the court may retain jurisdiction over the **child** [MINOR]
28 after the **child's** [MINOR'S] 18th birthday for the purpose of supervising the **child**
29 [MINOR], but the court's jurisdiction over the minor under this chapter never extends
30 beyond the **child's** [MINOR'S] 19th birthday, except that the department may apply
31 for and the court may grant an additional one-year period of **custody or** supervision

past [AGE] 19 **years of age and additional one-year periods of custody that do not extend beyond the person's 21st birthday** if continued **custody or** supervision is in the best interests of the person and the person consents to it. The department may retain jurisdiction over a child [BETWEEN THE CHILD'S 18TH AND 19TH BIRTHDAYS FOR THE PURPOSE OF SUPERVISING THE CHILD,] if the child has been placed **in the custody or** under the supervision of the department before the child's 18th birthday, except that the department may apply for and the court may grant an additional one-year period of **custody or** supervision past [AGE] 19 **years of age and additional one-year periods of custody that do not extend beyond the person's 21st birthday** if continued **custody or** supervision is in the best interests of the person and the person consents to it.

* **Sec. 6.** AS 47.14.100(m) is amended to read:

(m) Prima facie evidence of good cause not to place a child with an adult family member or family friend under AS 47.10.088(i) or under (e) of this section includes the failure to meet the requirements for a foster care license under AS 47.32 and regulations adopted under AS 47.32**, taking into account a waiver, variance, or exemption allowed under AS 47.32.030(a)(3) and 47.32.032**. Prima facie evidence of good cause not to place a child with an adult family member or adult family friend does not include poverty or inadequate or crowded housing. If the department denies a request for placement with an adult family member or a family friend, the department shall inform the adult family member or family friend of the basis for the denial and the right to request a hearing to review the decision. A non-party adult family member or family friend requesting a review hearing under AS 47.10.088(i) or under (e) of this section is not eligible for publicly appointed legal counsel.

* **Sec. 7.** AS 47.14.100 is amended by adding new subsections to read:

(o) Except as provided in (p) and (q) of this section, the department shall continue to search for a suitable adoptive or permanent legal guardianship for a child who is in the custody of the state and who is under 18 years of age.

(p) The department may recommend to the court another planned permanent living arrangement for a child who is in state custody only if

(1) the child is 16 years of age or older;

(2) the department has unsuccessfully made intensive efforts to find a permanent placement for the child; and

(3) the department, after considering reunification, adoption, legal guardianship, or permanent placement with a fit and willing relative, determines that there is a compelling reason that the most appropriate permanency plan for the child is placement in another planned permanent living arrangement, and the department documents for the court the compelling reason for the alternate plan.

(q) The department may release from state custody a child who has been committed to the custody of the department, before the custody is ordered to end, only if

(1) the child, if the child is over 16 years of age and available, and the guardian ad litem are notified not less than 30 days before a motion for release is filed unless the parties agree to a shorter notice period;

(2) the department files a motion with the court for release of state custody that describes the reasons the release is in the best interest of the child; and

(3) a court makes a written finding that release from state custody is in the best interest of the child.

(r) When custody of a child who has been committed to the custody of the department is due to expire, the department shall file a notice of release with the court 30 days before the date of release unless the parties agree to a shorter notice period and distribute the notice to the parties, including the child if the child is 16 years of age or older and available.

(s) The department shall make reasonable efforts to place siblings in the same placement if the siblings are residing in the same home when taken into the custody of the department. If siblings are not placed together after reasonable efforts have been made, the case supervisor for the division with responsibility over the custody of children shall document in the file the efforts that were made and the reason separating the siblings for placement purposes is in the best interest of the children. In this subsection, "sibling" means two or more persons who are related by blood, adoption, or marriage as a child of one or both parents.

(t) As used in (p) of this section, "compelling reason" may include

circumstances in which

(1) the child has specifically requested that emancipation be established;

(2) a parent and child have a significant bond, but the parent is unable to care for the child because of an emotional or physical disability, and the child's foster parents have committed to raising the child to the age of majority and to facilitating visitation with the disabled parent.

(u) In this section, "another planned permanent living arrangement" means a permanent living arrangement for a child who is committed to the custody of the department under AS 47.10.080(c)(1) that is an alternative to permanent placement with an adult family member, and to reunification, adoption, and legal guardianship.

*** Sec. 8.** AS 47.32 is amended by adding a new section to read:

Sec. 47.32.032. Foster care license; variance. (a) The department shall streamline the application and licensing paperwork necessary for a person to be approved as a foster parent or relative placement to the extent consistent with federal law.

(b) The department shall approve a variance of the applicable building code requirements for licensure of a foster care home to the extent permitted by federal law if an applicant does not meet the requirements at the time of inspection and

(1) the home design and construction is consistent with homes located in the community; and

(2) the home is otherwise a safe environment for a child.

ALASKA STATE LEGISLATURE

REPRESENTATIVE LES GARA

Stability and Opportunity for Foster Youth: HB 33

Explanation of Changes from Sponsor Substitute to proposed H&SS Committee Substitute

Section 1:
No changes

Section 2:
No changes

Section 3:
Includes in the definition of sibling a relationship through "marriage or adoption".

Section 4:
No changes

Section 5:
No changes

Section 6:
Subsection (p) adds additional clarifying language that the department may recommend "to the court" another permanent planned living arrangement (APPLA).

Adds in subsection (p)(1) that APPLA may be considered only for a child over the age of 16.

Removes subsection (p)(3) at the recommendation of Department of Law.

Inserts language in subsection (q) that will allow for release from custody in less than 30 days if the child, OCS and the guardian ad litem all agree to the expedited release.

Clarifies in (q)(1) that notification will be made to the child "if the child is available".

Subsection (q)(2) changes the word "petition" to "motion" at the recommendation of the Department of Law.

Subsection (s)(3) of the compelling reason definition has been deleted.

Creates a new subsection (t) which provides a statutory definition of APPLA.

Section 7:
Deletes subsections (b)(1) and (2). The Department of Law raised concern that these provisions were subjective and could create a conflict of interest between the licensing and social workers.

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June-December: 716 W. 4th Avenue • Anchorage, AK 99501• (907) 269-0106• Fax (907) 269-0109
Representative_Les_Gara@legis.state.ak.us

LEGAL SERVICES

DIVISION OF LEGAL AND RESEARCH SERVICES
LEGISLATIVE AFFAIRS AGENCY
STATE OF ALASKA

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Juneau, Alaska 99801-1182
Deliveries to: 129 6th St., Rm. 329

MEMORANDUM January 7, 2011

SUBJECT: Sectional Summary (Work Order No. 27-LS0203\D)

TO: Representative Les Gara
Attn: Amanda Metivier

FROM: Jean M. Mischel
Legislative Counsel

You have requested a sectional summary of the above-described bill.

As a preliminary matter, note that a sectional summary of a bill should not be considered an authoritative interpretation of the bill and the bill itself is the best statement of its contents. If you would like an interpretation of the bill as it may apply to a particular set of circumstances, please advise.

Section 1. Provides a short title for the bill.

Section 2. Amends the court findings required for establishing another planned permanent living arrangement for a child in state custody.

Section 3. Adds a presumption in favor of placement of a child in state custody with a sibling.

Section 4. Makes changes to the court jurisdiction provisions pertaining to the age of a child in state custody up to the person's 21st birthday, consistent with HB 126, passed by the 26th Legislature.

Section 5. Amends the evidentiary standard for placement of a child in state custody by the Department of Health and Social Services ("department") to take into account a foster care license waiver, variance, or exemption.

Section 6. Requires the department to continue a search for an adoptive parent or guardian except as provided in this section. Requires the department to enroll a child in state custody in a reading program in certain circumstances. Modifies the requirements and adopts a "compelling reason" standard for the department to recommend another planned permanent living arrangement for a child in state custody. Provides a "reasonable efforts" standard for placing children with siblings. Defines terms.

Section 7. Provides for a foster care license variance in certain circumstances and requires the department to simplify licensing paperwork.

JMM:ljw
11-010.ljw

FISCAL NOTE

STATE OF ALASKA cost ≠ codes
2012 LEGISLATIVE SESSION

Bill Version: **CSSSSB082(JUD)**
Fiscal Note Number:
Publish Date:

Identifier (file name): SB082CSSS(JUD)-DHSS-FLSW-03-19-12
Title: Foster Care Licensing/State Custody
Sponsor: Sen. Davis
Requester: House HSS Committee

Dept. Affected: Health and Social Services
Appropriation: Children's Services
Allocation: Front Line Social Workers
OMB Component Number: 2305

Expenditures/Revenues (Thousands of Dollars)

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

	FY13 Appropriation Requested	Included in Governor's FY13 Request	Out-Year Cost Estimates				
OPERATING EXPENDITURES	**FY13**	**FY13**	**FY14**	**FY15**	**FY16**	**FY17**	**FY18**
Personal Services							
Travel							
Services							
Commodities							
Capital Outlay							
Grants, Benefits							
Miscellaneous							
TOTAL OPERATING	**0.0**	**0.0**	**0.0**	**0.0**	**0.0**	**0.0**	**0.0**

FUND SOURCE		(Thousands of Dollars)						
1002	Federal Receipts							
1003	GF Match							
1004	GF							
1005	GF/Prgm (DGF)							
1037	GF/MH (UGF)							
1178	temp code (UGF)							
TOTAL		**0.0**	**0.0**	**0.0**	**0.0**	**0.0**	**0.0**	**0.0**

POSITIONS							
Full-time							
Part-time							
Temporary							

CHANGE IN REVENUES							

Estimated SUPPLEMENTAL (FY12) operating costs _____ *(separate supplemental appropriation required)*
(discuss reasons and fund source(s) in analysis section)

Estimated CAPITAL (FY13) costs _____ *(separate capital appropriation required)*
(discuss reasons and fund source(s) in analysis section)

Why this fiscal note differs from previous version (if initial version, please note as such)

Updates narrative to current version of the bill.

Prepared by: Christy Lawton, Director — Phone: 465-3191
Division: Office of Children's Services — Date/Time: 3/19/12 12:00 PM
Approved by: Nancy Rolfzen, Assistant Commissioner, DHSS Finance & Management Services — Date: 3/19/2012

(Revised 8/17/2011 OMB)

FISCAL NOTE

STATE OF ALASKA
2012 LEGISLATIVE SESSION

BILL NO. CSSSSB082(JUD)

Analysis

CSSSSB 82 has zero fiscal impact on the Department of Health and Social Services. This bill addresses permanent planning for children in custody under "Another Planned, Permanent Living Arrangement "(APPLA); modifies licensing procedures; outlines court requirements for release or termination of custody by the courts; outlines "compelling reason" standards for youth with APPLA permanency goals; provides a provision to support placement of siblings into the same foster home; and adds a new provision requiring the streamlining of the foster parent application process and the approval of building code variance requests under specified circumstances. No additional costs are anticipated.

FISCAL NOTE

STATE OF ALASKA
2011 LEGISLATIVE SESSION

Fiscal Note Number:
Bill Version: **SSSB082**
() Publish Date:

Identifier (file name): SSSB082-DHSS-FLSW-03-11-11
Title: Foster Care Licensing/State Custody
Sponsor: Sen. Davis
Requester: Senate HSS Committee

Dept. Affected: Health and Social Services
Appropriation: Children's Services
Allocation: Front Line Social Workers
OMB Component Number: 2305

Expenditures/Revenues (Thousands of Dollars)

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

	Appropriation Required	Information					
OPERATING EXPENDITURES	**FY 2012**	**FY 2012**	**FY 2013**	**FY 2014**	**FY 2015**	**FY 2016**	**FY 2017**
Personal Services							
Travel							
Services							
Commodities							
Capital Outlay							
Grants							
Miscellaneous							
TOTAL OPERATING	**0.0**	**0.0**	**0.0**	**0.0**	**0.0**	**0.0**	**0.0**
CAPITAL EXPENDITURES							
CHANGE IN REVENUES							

FUND SOURCE (Thousands of Dollars)

1002 Federal Receipts							
1003 GF Match							
1004 GF							
1005 GF/Program Receipts							
1037 GF/Mental Health							
Other (please identify)							
TOTAL	**0.0**	**0.0**	**0.0**	**0.0**	**0.0**	**0.0**	**0.0**

Estimate of any current year (FY2011) cost:

POSITIONS

Full-time							
Part-time							
Temporary							

Why this fiscal note differs from previous version (if initial version, please note as such)

Not applicable. Initial version.

Prepared by: Christy Lawton, Acting Director — Phone 465-3191
Division: Office of Children's Services — Date/Time 3/11/11 5:00 PM
Approved by: Alison Elgee, Assistant Commissioner, DHSS Finance & Management Services — Date 3/11/2011

(Revised 1/27/2011 OMB)

FISCAL NOTE

STATE OF ALASKA
2011 LEGISLATIVE SESSION

BILL NO. SSSB082

Analysis:

SSB082 has zero fiscal impact on DHSS. This bill addresses permanent planning for children in custody under "Another Planned, Permanent Living Arrangement (APPLA)"; modifies licensing procedures; outlines court requirements for release or termination of custody by the courts; outlines "compelling reason" standards for youth with APPLA permanency goals; provides a provision to support placement of siblings into the same foster home; and establishes a requirement that the Department will enroll children 6 years of age and younger into a "reading enhancement program" where available. No additional costs are anticipated.

SEAN PARNELL, GOVERNOR

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DEPT. OF HEALTH AND SOCIAL SERVICES
DIVISION OF HEALTH CARE SERVICES

November 19, 2010

The Honorable Les Gara
Alaska House of Representatives
716 W. 4th Ave. Suite 310
Anchorage AK, 99501-2133

Dear Representative Gara,

In light of the postponement of our scheduled meeting regarding the status of 2010 foster care reform efforts I wanted to update you on the issues. I look forward to meeting with you in the near future, and to working with you to further improve the lives of Alaska's children and youth in foster care.

In advance of a meeting, I want to touch on some of the points you raised and inform you of some of the progress that has been achieved since your letter of October 12.

Regarding the implementation of the provisions of HB 126, a small number of youth in the past have been released from foster care when continued care would have been to their benefit. Changes in our IL procedures, effective October 1, 2010 have made Regional Independent Living Specialists (RILS) responsible for developing transition plans for all youth age 17 and older. In light of HB 126, transition plans will be revised to include a thorough review of continued support and future requirements if the youth chooses to re-enter custody at a later date.

Recent federal changes to the Fostering Connections Act, allows states to pursue federal reimbursements for foster care for youth to age 21. However, the federal requirements indicate that should states choose to accept reimbursement for youth to age 21, the states must also open this option to youth to age 21 for the adoption and guardianship subsidy programs as well. HB 126 is currently funded with general fund and anticipated federal reimbursement amounts. OCS will implement HB 126 extended foster care using only general funds until it can be determined whether or not existing general fund will adequately support the program or extended adoption and guardianship subsidies will be pursued.

It has been, and continues to be the policy of OCS to utilize transportation funds to allow foster youth who move between placements to stay in their original school for the remainder of the school term. The additional $80,000 for FY 11 will assist us in implementing this policy further.

SEAN PARNELL, GOVERNOR

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DEPT. OF HEALTH AND SOCIAL SERVICES
DIVISION OF HEALTH CARE SERVICES

Since we received your letter an RFP, *Mentoring for Independent Living* was posted on November 4, 2010. Although the service area is statewide, the proposal evaluation committee will favor those proposing to serve two or more population centers. The deadline for proposals has been extended to December 10, 2010.

In the Fall, 2010 40 youth received funding to attend the University of Alaska, AVTEC and other colleges out of state. Through coordination with the University of Alaska, nine supplemental tuition waivers were issued to youth attending the University of Alaska. This was in addition to the 10 Presidential Tuition Waivers, for a grand total of 19 tuition waivers.

Additional waivers will be issued for the Spring, 2011 semester. Regional Independent Living Specialists contacted all youth who received a waiver and are providing case management services. The RILS are utilizing the additional funds to provide occupational and post secondary training opportunities to youth both in and out of custody. We currently have youth utilizing these funds at UAF Community & Technical College and in UAF's Nurse Aide Program. Meetings have taken place with the Department of Labor and Workforce Development to create coordination of services to utilize funds for Career Exploration and to provide for Apprenticeship and On-the-Job training opportunities for foster care youth.

I understand your concern with the case load of the four RILS and share your belief that two additional staff will positively impact the outcomes of youth coming out of care. Posting of these jobs is anticipated to take place in the near future.

Regarding the housing assistance funds, to date a total seven youth have utilized these funds for a total of 28 months of housing assistance. We are continuing to make efforts to promote this assistance and are contacting all youth out of care, in each region of the state.

With respect to the formal *FosterWear* cards, they have been printed and sent out to all licensed providers. Cards for unlicensed providers have been sent to the field offices as well. We regularly print *FosterWear* information in the Alaska Center For Resource Families (ACRF) newsletter and Izabel Bower's is currently working on a "print mailer" that will be sent out after the holidays.

I am also looking forward to working with you on the new initiatives you outlined in your letter. Dee Pearson and Mike Sobosinski of UAA have discuss peer mentorship in general and will be meeting again to discuss this service delivery more in depth. Dee is exploring a pilot project for peer mentorships for youth attending the University Fall, 2011.

STATE OF ALASKA

DEPT. OF HEALTH AND SOCIAL SERVICES
DIVISION OF HEALTH CARE SERVICES

SEAN PARNELL, GOVERNOR

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The above is a brief update on the status of some of the initiatives and programs that OCS is working on. I greatly look forward to exploring in more depth at our next meeting these subjects and any others you would like to talk about in our efforts to improve the lives and futures of Alaska's children and young people.

Sincerely,

Christy Lawton
Acting Director

Cc: Tracy Spartz Campbell, Deputy Director
Dee Pearson, Independent Living Coordinator

Covenant House Alaska
Crisis Center · Community Services Center · Transitional Living

March 30, 2011

Senator Bettye Davis
State Capital Room 30
Juneau, AK 99801

Dear Senator Davis,

Thank you for introducing SB 82, a bill focused on improving Alaska's foster care program and protecting children to the best of our ability. Covenant House Alaska (CHA) serves Alaska's homeless and at-risk youth through our Crisis Center, Transitional Living Programs, Healthcare and Educational/Employment Support. CHA appreciates your commitment to keeping Alaska's youth as safe and healthy as possible.

SB 82 enacts the following changes to protect foster care youth:

> (1) SB 82 requires the department to seek permanency for all youth and, if positive permanency plans are unsuccessful, imposes substantive and procedural protections around planning for youth to be placed in another planned permanent living arrangement;
> (2) SB 82 simplifies the application process to become a foster home and allows the department to waive strict compliance with building code requirements for foster and relative placements if the placement is in the child's best interest and is otherwise preferable and safe; and
> (3) SB 82 requires the department to make all reasonable efforts to place siblings together.

All of the changes listed above evince strong policy underpinnings. Specific to CHA's population of homeless and runaway youth, the provisions regarding waiving strict building code compliance for relatives' homes and placing siblings together are particularly noteworthy. Research indicates that foster care youth who are placed with siblings in the home of a relative or family friend, usually in a familiar community, tend to run away less frequently.

These statutory changes may be viewed as measures targeted to prevent youth homelessness. And, just as important, if a youth comes to Covenant House from the foster care system who qualifies for extended court supervision, it appears that this legislation would allow CHA to work with the department to continue to provide services for the youth.

Thank you for your efforts at protecting Alaska's vulnerable children. Please do not hesitate to contact me if I can answer any questions or provide further feedback on SB 82.

Sincerely,

Deirdre A. Cronin

Deirdre A. Cronin
Executive Director

Advisory Board on Alcoholism
and Drug Abuse

Alaska Mental Health Board

ALASKA MENTAL HEALTH BOARD
ADVISORY BOARD ON ALCOHOLISM AND DRUG ABUSE
431 NORTH FRANKLIN STREET, SUITE 200
JUNEAU, ALASKA 99801
(907) 465-8920

February 23, 2011

Representative Les Gara
Alaska State Legislature
State Capitol, Room 500
Juneau, Alaska 99801

Re: Support for HB 33

Dear Representative Gara,

On behalf of the Alaska Mental Health Board and the Advisory Board on Alcoholism and Drug Abuse, I would like to express our thanks and appreciation for the commitment that you and your co-sponsors have made to improving the lives of Alaskan children in foster care. HB 33 continues that process of system improvement, and we support the small but very significant changes that better prioritize the needs of foster children.

Being removed from your home, even when that home is not a safe or healthy environment, is traumatic. Being removed from your home and then separated from your brothers and sisters compounds the initial harm caused by abuse or neglect exponentially. While we know this from research and study, the Boards recognized fully the devastating effect this separation has on foster children when we heard from youth involved in the 2011 Youth Policy Summit. No child should have to beg, plead and fight for years to see a brother or sister, and yet we heard how this is the case for far too many youth who grow up in foster care.

HB 33 also prioritizes family connections as an important source of strength, support and resiliency for children and youth who experience abuse or neglect by making family placements easier in rural Alaska. Too often children in rural Alaska are placed with foster parents in urban communities rather than with relatives in villages, with the justification that the rural homes fail to meet foster care licensing standards. How can an aunt in a village where no one has running water ever hope to care for a niece or nephew who is in need, if there is no reasonableness standard in determining a safe physical environment for placement? HB 33 provides that element of reason to family placement decisions.

We are grateful for your continued advocacy for Alaska's children and are glad to be able to support HB 33.

Sincerely,

J. Kate Burkhart
Executive Director

cc: Representative Bill Thomas
Representative Bob Herron
Representative Berta Gardner

NASW, ALASKA CHAPTER
National Association of Social Workers

401 E. Northern Lights Blvd., Suite 205
Anchorage, Alaska 99503
907-332-NASW (6279) Fax: 907-332-6270
1-800-478-NASW (6279)
director@naswak.org
http://www.naswak.org

January 2nd, 2011

Representative Les Gara
State of Alaska
State Capitol, Room 500
Juneau, Alaska 99801-1182

Dear Representative Gara:
The National Association of Social Workers (NASW) – Alaska Chapter, a membership organization that represents over 500 social workers across the State of Alaska, supports The Alaska Foster Family Protection Act.

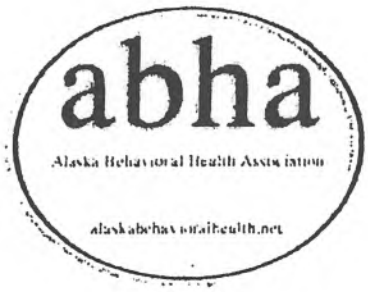
The mission of NASW is to enhance the effective functioning and well-being of individuals, families, and communities through its work and through its advocacy. The Alaska Foster Family Projection act upholds this mission by ensuring that Alaska's most vulnerable children can more easily transition into safe and permanent homes. The increase in the number of rural foster care placements is especially crucial so youth in rural Alaska can continue to live in their home communities. Research demonstrates that youth from rural communities, and specifically Alaska Native youth, have more promising futures when they are able to maintain connection with their communities and tribes.

Thank you for your consistent attention to child welfare issues in Alaska. We look forward to working with you on behalf of children and families in our state.

Sincerely,

M. L

Meg Loomis, MSW
Executive Director



January 26, 2011

The Honorable Les Gara
Alaska House of Representatives
State Capital
Juneau, AK. 99801-1181

RE: HB 33: Stability and Opportunity for Foster Youth

Dear Representative Gara,

The members of the Alaska Behavioral Health Association would like to inform you of their support for this legislation. It's intent is consistent with the goals and values of the members that provide services in our state and also provides opportunities to expand a system that is currently incapable of meeting the needs of youth.

Our providers have experienced tremendous difficulties in placing children and youth back in their home communities when a foster home is required due to the home situation of the biological parents. Frequently, homes may be available but they don't meet the more ridged codes and standards that govern construction in metropolitan areas. While no one would ever want a child placed in an unsafe environment, we are aware that minor code violations can be prohibitively expensive to repair and a foster home can be lost.

We hear reports from providers that it often takes up to six months or more from the time a family begins the application process and they are finally able to accept a child in their home. We appreciate the careful attention to ensure that a child is placed in a safe environment; however, redundancy and over-attention can become a barrier rather than a safe guard.

Thank you for your commitment to foster children and working to make their lives better.

Sincerely,

Donn Bennice

Donn Bennice, Ph.D.
President

ALASKA ASSOCIATION OF
Homes for Children

Alaska Baptist Family Services
Anchorage, AK

Alaska Children's Services
Anchorage, AK

Alaska Family Services
Palmer, AK

Covenant House of Alaska
Anchorage, AK

Family Centered Services of Alaska
Fairbanks, AK

Juneau Youth Services
Juneau, AK

Kenai Peninsula Community Care Center
Kenai, AK

Manillaq Association
Kotzebue, AK

Nome Children's Home
Nome, AK

North Slope Borough Children's Services
Barrow, AK

North Star Behavioral Health
Anchorage & Palmer, AK

Presbyterian Hospitality House
Fairbanks, AK

Providence Behavioral Health Systems
Anchorage, AK

Residential Youth Care
Ketchikan, AK

Searhc
Sitka, AK

The Boys and Girls Home of Alaska
Fairbanks, AK

The Salvation Army Booth Memorial Home
Anchorage, AK

Youth Advocates of Sitka
Sitka, AK

March 7, 2011

Senator Bettye Davis
Alaska Senate
State Capitol
Juneau, Alaska 99801

RE: SB 82: Stability and Opportunity for Foster Youth

Dear Senator Davis,

Alaska Association of Homes for Children (AAHC) thanks you for introducing legislation to improve the service delivery of foster care. Several agencies within our association provide foster care and many of the youth we serve benefit from this critical service.

Unfortunately, we all have witnessed children on long waiting lists for a viable foster care placement for various reasons. The intent of SB 82 provides concrete solutions to streamline the process for foster parents, develop resources for children, and reinforce the goals related to permanency planning.

Placing children in rural areas poses additional challenges related to numerous licensing issues. It can be extremely difficult finding foster homes that meet state licensing requirements. Licensing variances for homes failing to meet specific codes when indicated would provide opportunities for families to open up their homes to provide care for foster children.

Foster care provides for a very cost effective way of helping children. Allowing more families to commit to the many Alaskan children waiting for a quality home creates a win win opportunity for all. AAHC truly appreciates your continued efforts to assist with the foster care system in Alaska.

The provisions within your bill would provide a wise investment in the health and wellbeing of Alaska's children.

Thank you,

Brad Ohs
AAHC President

cc: Representative Les Gara

Alaska Children's Services

The Honorable Les Gara
Alaska House of Representatives
State Capitol
Juneau, AK 99801-1182

RE: HB 33: Stability and Opportunity for Foster Youth

Dear Representative Gara:

This letter is to inform you of the strong support the Administration and Board of Directors have for the above-mentioned bill. It's intent is consistent with the goals and values of the Treatment Foster Care Program operated by Alaska Children's Services and provides opportunities to expand a system that is currently incapable of meeting the needs of youth.

We are particularly appreciative of the section regarding permanency placement. As you have stated the ultimate goal in foster care is to place a child in a good, stable, permanent home through adoption, guardianship, or reunification. Frequently, however, in our haste to find a child a bed or a roof over their head, we lose sight of this goal. By adding additional oversight to the permanency planning process, this goal can be reached.

Alaska Children's Services has experienced tremendous difficulties in placing children and youth back in their home communities when a foster home is required due to the home situation of the biological parents. Frequently, homes may be available but don't meet the more rigid codes and standards that govern construction in metropolitan areas. While no one would ever want to place a child in an unsafe environment, we are aware that minor code violations can be prohibitively expensive to repair and a foster home can be lost.

Alaska Children's Services has three full-time professional staff who comprise the treatment foster care licensing department. They report that it frequently takes up to six months or more from the time a family begins the application process and they are finally able to accept a child in their home. We appreciate the careful attention to ensure that a child is placed in a safe environment; however, redundancy and over-attention can become a barrier rather than a safeguard.

Overall, thank you very much for your continued commitment to one of our most vulnerable populations, our foster children, and please advise if there is more we can do to support this legislation.

Regards,

Jim Maley,
President & CEO

1600 Abbott Road, Anchorage, Alaska 99507-1314 • (907) 346-2101 • Fax (907) 348-9220
Email: [illegible] • www.acs.ak.org

Denali Family Services
For Children For Families For Alaska

4600 DeBarr Rd., Suite 301 • Anchorage, Alaska 99508
Phone: (907) 274-8281 • Fax (907) 274-4055
www.denalifs.org

February 8, 2011

Representative Les Gara
Alaska State Legislature
Juneau, Alaska 99801

Dear Representative Gara:

I am writing in support of HB33, the legislation you have proposed relating to foster care in Alaska. Denali Family Services (DFS) is a community mental health agency that provides therapeutic foster care to many children in the custody of the State / Office of Children's Services. DFS is also a child placement agency and in that role, processes foster home applications and licenses foster home in cooperation with OCS (i.e., the license is still a State foster care license). As an agency licensing foster homes, we support using the variance for homes in rural communities as long as the home is a safe environment and there are adequate ways to exit the home in case of a fire.

Denali Family Services serves many adolescents who are moving from care to independence and I am especially pleased to see the language changes that will make extending foster care to age 21 easily accessible for youth who want to take advantage of that opportunity. For youth who do not have a support system in place, those additional three years can make a huge difference in their maturity and readiness to survive on their own.

With regard to the application process for foster parents, DFS has significantly reduced our paperwork requirements in the last two years. In addition, effective this fiscal year, DFS will be utilizing a new foster parent training curricula (Presley Ridge). This curricula offers foster care providers in-depth, specialized training and OCS has agreed that DFS' foster parents who complete the Presley Ridge training will not have to take the OCS CORE training. This change will provide foster parents with more specialized training while maintaining the total hours at a number (per year) that is manageable.

On behalf of Denali Family Services, I am writing in support of HB33. Should you need additional information, please feel free to contact me at 907-222-2322.

Sincerely,

Yvonne Chase

Yvonne M. Chase, PhD, LCSW
President / CEO

NATIONAL CONFERENCE *of* STATE LEGISLATURES

The Forum for America's Ideas

Richard Moore
Senator
Massachusetts Senate
President, NCSL

Tim Rice
Executive Director
Illinois Legislative Information System
Staff Chair, NCSL

William Pound
Executive Director

To: Amanda Metivier, Aide to Alaska Rep. Les Gara

From: Amy Taylor, NCSL Intern and Kelly Crane, NCSL

Date: November 17, 2010

Subject: Another Planned Permanent Living Arrangement

Following is information on state legislation around Another Permanent Planned Living Arrangement as a permanency goal for children in foster care. Also, below is information on states that allow for the reinstatement of parental rights (a strategy states may use to reduce the use of APPLA as a permanency option).

- **State Legislation**

New York:

2005 N.Y. Laws, SB 5805, Chap. 3: Specifies the required contents of permanency hearing reports to the court. Describes acceptable permanency goals. Provides that the permanency goal of "another planned permanent living arrangement" must include a significant connection to an adult who is willing to be a permanency resource for the child.

2007 N.Y. Laws, SB 4551, Chap. 327: Clarifies that the plan of "another planned permanent living arrangement" must include documentation of the child's significant connection to an adult who is willing to be a permanency resource for the child.
New York FCA §§1089(c)(1)(v), 1089(d)(2)(i)(E) can be retrieved at:

Alabama:

Section 12-15-315 of the Alabama Code: States that if the juvenile court determines the permanent plan shall be placement in another planned permanent living arrangement, the Department of Human Resources must document to the juvenile court a compelling reason for determining that it would not be in the best interests of the child to return home, be placed for adoption with no identified resource or with the current foster parent, or be permanently placed with a relative, with a transfer of legal and physical custody to the relative or with a transfer of physical custody to the relative but with the Department of Human Resources retaining legal custody, be placed with a kinship guardian, or be placed in adult custodial care.

Denver
7700 East First Place
Denver, Colorado 80230-7143
Phone 303.364.7700 Fax 303.364.7800

Washington
444 North Capitol Street, N.W. Suite 515
Washington, D.C. 20001
Phone 202.624.5400 Fax 202.737.1069

Website www.ncsl.org
Email info@ncsl.org

LEGAL SERVICES

DIVISION OF LEGAL AND RESEARCH SERVICES
LEGISLATIVE AFFAIRS AGENCY
STATE OF ALASKA

(907) 465-3867 or 465-2450
FAX (907) 465-2029
Mail Stop 3101

State Capitol
Juneau, Alaska 99801-1182
Deliveries to: 129 6th St., Rm. 329

MEMORANDUM March 20, 2012

SUBJECT: Sectional Summary and Comparison (HCS CS SSSB 82(HSS) (Work Order Nos. 27-LS0500\R and X))

TO: Senator Bettye Davis
Chair of the Senate Health and Social Services Committee
Attn: Celeste Hodge

FROM: Jean M. Mischel
Legislative Counsel

You have asked for a sectional summary, including the differences in the committee substitute, draft version "R" and the sponsor substitute, draft version "X" of SB 82. Note that a sectional summary is not a substitute for a thorough reading of the bill and may not be accurate. Unless a difference in the two versions is noted, the sections are the same in both versions.

Section 1. Provides a short title for the bill.

Section 2. Modifies the standard to compelling reason for placing and for recommending a child in the custody of the Department of Health and Social Services ("department") into another planned permanent living arrangement.

Section 3. New section in version "R". Amends provision for extensions of state custody orders to distinguish among circumstance of release and need for out-of-home care.

Section 4. (Section 3 of version "X") Requires a court to recognize a presumption in favor of maintaining sibling relations when a sibling is in the custody of the department. Version "B" adds a relationship by marriage or adoption.

Section 5. (Section 4 of version "X") Provides for retention of jurisdiction by a court over a child who is in the custody of the department until age 21.

Section 6. (Section 5 of version "X") Modifies the evidence needed for good cause to place a child in the custody of the department to include a wavier, variance, or exemption.

Section 7. (Section 6 of version "X") Adds requirements or authority for the department (1) continue to search for an adoptive or guardian placement for a child who is in state custody until age 18; (2) recommend another planned permanent living arrangement for a child in custody only in specified circumstances, including a "compelling reason"; (3) release a child over 16 year of age under certain circumstances; (4) provide notice of a release of a child from state custody before filing a motion with specified exceptions; (5) make reasonable efforts to place siblings together. Defines "compelling reason."

Section 8. (Section 7 of version X") Provides for streamlining of application for a foster care license and relative placement, and for a variance from the building code to the extent consistent with federal law.

JMM:plm
12-174.plm

Enclosure

Alaska State Legislature

Interim: (May - Dec.)
716 W. 4th Ave
Anchorage, AK 99501
Phone: (907) 269-0144
Fax: (907) 269-0148

Senator_Bettye_Davis@legis.state.ak.us
http://www.akdemocrats.org

Session: (Jan. - May)
State Capitol, Suite 30
Juneau, AK 99801-1182
Phone: (907) 465-3822
Fax: (907) 465-3756
Toll free: (800) 770-3822

Senator Bettye Davis

Explanation of Changes from CSSSSB 82 (JUD) to H&SS Committee Substitute
SENATE BILL 82-*"Stability and Opportunity for Foster Youth"*

Section 1: No changes.

Section 2: No changes.

Section 3: New section – Amends provision for extensions of state custody orders to distinguish among circumstance of release and need for out-of-home care. The proposed changes – page 3, line 11-17 were developed in consultation with the Department of Law and the Office of Children's Services and delineates statutorily the situations under which a youth may reenter state custody after being released. This delineation was needed to ensure proper application of the reentry provision passed in 2010. Specifically, the proposed changes enable youth to reenter state custody if they were released to their parents' custody between ages 16-18 but those parents are unable to care for the child.

Page 3, lines 19-27 – this language was added to clarify the conditions that must be met for a youth to reenter state custody.

Section 4 – Renumbered to Section 5.

Section 5 – Renumbered to Section 6.

Section 6 – Renumbered to Section 7.

Section 7 – Renumbered to Section 8.

27-LS0500\~~X~~R
Luckhaupt/Mischel
3/~~30/11~~6/12

HOUSE CS FOR ~~SPONSOR SUBSTITUTE~~CS FOR SS FOR SENATE BILL NO. 82(~~JUD~~HSS)

IN THE LEGISLATURE OF THE STATE OF ALASKA

TWENTY-SEVENTH LEGISLATURE - ~~FIRST~~SECOND SESSION

BY THE ~~SENATE JUDICIARY~~HOUSE HEALTH AND SOCIAL SERVICES COMMITTEE

Offered:
Referred:

Sponsor(s): SENATOR DAVIS

A BILL

FOR AN ACT ENTITLED

1 **"An Act relating to the procedures and jurisdiction of the Department of Health and**
2 **Social Services for the care of children who are in state custody; relating to court**
3 **jurisdiction and findings pertaining to children who are in state custody; and modifying**
4 **the licensing requirements for foster care."**

5 **BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF ALASKA:**

6 *** Section 1.** The uncodified law of the State of Alaska is amended by adding a new section
7 to read:
8 SHORT TITLE. This Act may be known as the Alaska Foster Family Protection Act.
9 *** Sec. 2.** AS 47.10.080(*l*) is amended to read:
10 (*l*) Within 12 months after the date a child enters foster care as calculated
11 under AS 47.10.088(f), the court shall hold a permanency hearing. The hearing and
12 permanent plan developed in the hearing are governed by the following provisions:
13 (1) the persons entitled to be heard under AS 47.10.070 or under (f) of
14 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

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

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

(C) **there is a compelling reason that the most appropriate placement for** the child **is** [SHOULD BE PLACED] in another planned, permanent living arrangement **and the department has recommended the arrangement under AS 47.14.100(p); the findings under this paragraph must include the steps that** [AND WHAT STEPS] are necessary to achieve the new arrangement;

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

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

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

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

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

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

(5) the court shall hold a hearing to review the permanent plan at least annually until successful implementation of the plan; if the plan approved by the court

changes after the hearing, the department shall promptly apply to the court for another permanency hearing, and the court shall conduct the hearing within 30 days after application by the department.

*** Sec. 3.** AS 47.10.080(v) is amended to read:

(v) In addition to the extensions of state custody ordered by a court under (c)(1)(A) or (B) of this section, a court may grant in a hearing a resumption of state custody that does not extend beyond a person's 21st birthday if the person

(1) consents to it;

(2) was placed in out-of-home care by the department immediately before being released from state custody and the person was

(A) at least 18 years of age and released to the person's own custody; **or**

(B) at least 16 years of age and released to the

(i) person's own custody after the disabilities of minority were removed under AS 09.55.590; or

(ii) custody of a parent or guardian because the person refused out-of-home care;

(3) is in need of out-of-home care

(A) to avoid personal harm**;**

(B) because of the person's severe emotional disturbance, mental disability, physical disability, [OR] homelessness, **or a combination of those conditions;**

(C) because the person is completing an educational or vocational program; or

(D) to [ENHANCE THE PERSON'S ABILITY TO CONTINUE THE PERSON'S EDUCATION OR TRAINING OR] otherwise improve the person's successful transition to independent living; and

(4) if requested by the department, agrees to reasonable terms for resuming state custody that may include matters relating to the person's education, attainment of a job or life skills, or other terms found by the court to be reasonable and in the person's best interest.

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

(w) The court shall recognize a presumption that maintenance of a sibling relationship, including with a sibling who is related by blood, marriage, or adoption through one parent, is in a child's best interest.

*** Sec. 45.** AS 47.10.100 is amended to read:

Sec. 47.10.100. Retention of jurisdiction over child [MINOR]. (a) The court retains jurisdiction over the case and may at any time stay execution, modify, set aside, revoke, or enlarge a judgment or order, or grant a new hearing, in the exercise of its power of protection over the **child** [MINOR] and for the **child's** [MINOR'S] best interest, for a period of time not to exceed two years or in any event extend past the day the **child reaches** [MINOR BECOMES] 19 **years of age**, unless sooner discharged by the court, except that the department may apply for and the court may grant an additional one-year period of **custody or** supervision past [AGE] 19 **years of age and additional one-year periods of custody that do not extend beyond the person's 21st birthday** if continued **custody or** supervision is in the best interests of the person and the person consents to it. An application for any of these purposes may be made by the parent, guardian, or custodian acting in behalf of the **child** [MINOR], or the court may, on its own motion, and after reasonable notice to interested parties and the appropriate department, take action that it considers appropriate.

(b) If the court determines at a hearing authorized by (a) of this section that **the department has complied with the requirements for release of a child under AS 47.14.100(q) and that** it is **in** [FOR] the best interests of the **child** [MINOR] to be released to the **child's own custody, or to the** care or custody of the **child's** [MINOR'S] parent, guardian, or custodian, it **shall** [MAY] enter an order to that effect and the **child** [MINOR] is discharged from the control of the department.

(c) If a **child** [MINOR] is adjudicated a child in need of aid before the **child's** [MINOR'S] 18th birthday, the court may retain jurisdiction over the **child** [MINOR] after the **child's** [MINOR'S] 18th birthday for the purpose of supervising the **child** [MINOR], but the court's jurisdiction over the minor under this chapter never extends beyond the **child's** [MINOR'S] 19th birthday, except that the department may apply for and the court may grant an additional one-year period of **custody or** supervision

past [AGE] 19 **years of age and additional one-year periods of custody that do not extend beyond the person's 21st birthday** if continued **custody or** supervision is in the best interests of the person and the person consents to it. The department may retain jurisdiction over a child [BETWEEN THE CHILD'S 18TH AND 19TH BIRTHDAYS FOR THE PURPOSE OF SUPERVISING THE CHILD,] if the child has been placed **in the custody or** under the supervision of the department before the child's 18th birthday, except that the department may apply for and the court may grant an additional one-year period of **custody or** supervision past [AGE] 19 **years of age and additional one-year periods of custody that do not extend beyond the person's 21st birthday** if continued **custody or** supervision is in the best interests of the person and the person consents to it.

*** Sec. ~~5~~6.** AS 47.14.100(m) is amended to read:

(m) Prima facie evidence of good cause not to place a child with an adult family member or family friend under AS 47.10.088(i) or under (e) of this section includes the failure to meet the requirements for a foster care license under AS 47.32 and regulations adopted under AS 47.32**, taking into account a waiver, variance, or exemption allowed under AS 47.32.030(a)(3) and 47.32.032**. Prima facie evidence of good cause not to place a child with an adult family member or adult family friend does not include poverty or inadequate or crowded housing. If the department denies a request for placement with an adult family member or a family friend, the department shall inform the adult family member or family friend of the basis for the denial and the right to request a hearing to review the decision. A non-party adult family member or family friend requesting a review hearing under AS 47.10.088(i) or under (e) of this section is not eligible for publicly appointed legal counsel.

*** Sec. ~~6~~7.** AS 47.14.100 is amended by adding new subsections to read:

(o) Except as provided in (p) and (q) of this section, the department shall continue to search for a suitable adoptive or permanent legal guardianship for a child who is in the custody of the state and who is under 18 years of age.

(p) The department may recommend to the court another planned permanent living arrangement for a child who is in state custody only if

(1) the child is 16 years of age or older;

(2) the department has unsuccessfully made intensive efforts to find a permanent placement for the child; and

(3) the department, after considering reunification, adoption, legal guardianship, or permanent placement with a fit and willing relative, determines that there is a compelling reason that the most appropriate permanency plan for the child is placement in another planned permanent living arrangement, and the department documents for the court the compelling reason for the alternate plan.

(q) The department may release from state custody a child who has been committed to the custody of the department, before the custody is ordered to end, only if

(1) the child, if the child is over 16 years of age and available, and the guardian ad litem are notified not less than 30 days before a motion for release is filed unless the parties agree to a shorter notice period;

(2) the department files a motion with the court for release of state custody that describes the reasons the release is in the best interest of the child; and

(3) a court makes a written finding that release from state custody is in the best interest of the child.

(r) When custody of a child who has been committed to the custody of the department is due to expire, the department shall file a notice of release with the court 30 days before the date of release unless the parties agree to a shorter notice period and distribute the notice to the parties, including the child if the child is 16 years of age or older and available.

(s) The department shall make reasonable efforts to place siblings in the same placement if the siblings are residing in the same home when taken into the custody of the department. If siblings are not placed together after reasonable efforts have been made, the case supervisor for the division with responsibility over the custody of children shall document in the file the efforts that were made and the reason separating the siblings for placement purposes is in the best interest of the children. In this subsection, "sibling" means two or more persons who are related by blood, adoption, or marriage as a child of one or both parents.

(t) As used in (p) of this section, "compelling reason" may include

circumstances in which

(1) the child has specifically requested that emancipation be established;

(2) a parent and child have a significant bond, but the parent is unable to care for the child because of an emotional or physical disability, and the child's foster parents have committed to raising the child to the age of majority and to facilitating visitation with the disabled parent.

(u) In this section, "another planned permanent living arrangement" means a permanent living arrangement for a child who is committed to the custody of the department under AS 47.10.080(c)(1) that is an alternative to permanent placement with an adult family member, and to reunification, adoption, and legal guardianship.

*** Sec. ~~7~~8.** AS 47.32 is amended by adding a new section to read:

Sec. 47.32.032. Foster care license; variance. (a) The department shall streamline the application and licensing paperwork necessary for a person to be approved as a foster parent or relative placement to the extent consistent with federal law.

(b) The department shall approve a variance of the applicable building code requirements for licensure of a foster care home to the extent permitted by federal law if an applicant does not meet the requirements at the time of inspection and

(1) the home design and construction is consistent with homes located in the community; and

(2) the home is otherwise a safe environment for a child.

Statewide Suicide Prevention Council

Alaska Suicide Facts and Statistics

- Alaska has the highest rate of suicide per capita in the country.
- The rate of suicide in the United States was 11.5 suicides per 100,000 people in 2007. In 2007, Alaska's rate was 21.8 suicides per 100,000 people. The rate of suicide among Alaska Native peoples was 35.1 per 100,000 people in 2007.
- Alaska had 1,369 suicides between 2000 and 2009, an average of 136 deaths by suicide per year. The highest number of suicides, 167, occurred in 2008. The lowest number, 123, occurred in 2003. That is an average of about 2.6 suicides in Alaska every week, or more than 10 a month.
- At least one suicide occurred in 176 Alaskan communities between 2000 and 2009.
- About 78% of suicides in Alaska are committed by men and 22% are committed by women, according to the Suicide Prevention Resource Center.
- Alaska Native men between the ages of 15-24 have the highest rate of suicide among any demographic in the country, with an average of 141.6 suicides per 100,000 each year between 2000 and 2009.
- Youth who are exposed to suicide or suicidal behaviors are more at-risk for attempting suicide, according to the American Association of Suicidology.
- Suicide deaths consistently outnumber homicide deaths by a margin of three to two, according to the American Association of Suicidology.
- More than 90% of people who die by suicide have depression or another diagnosable, treatable mental or substance abuse disorder, according to American Association of Suicidology.

Information is from the Alaska Bureau of Vital Statistics unless otherwise specified.