

SB

82

<TARGET><BILL>SB 82</BILL><SUBJECT>SB
82</SUBJECT><COMM>SHSS27</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 Betty Davis @legis.state.ak.us](mailto:Senator.Betty.Davis@legis.state.ak.us)
<http://www.aksenate.org/>

Senator Betty Davis

Senate Bill 82 "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."

SPONSOR STATEMENT

Senate Bill 82 modifies various provisions in Title 47 by making small, but very significant changes that better prioritize the needs of foster children. 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 interest. 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 the child and Guardian ad Litem have ample notice of the motion and that the release is in the child's best interest.
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 allows 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 some minor changes to a statute to make it consistent with last year's legislation to extend foster care to age 21.

CS FOR SPONSOR SUBSTITUTE FOR SENATE BILL NO. 82(HSS)

IN THE LEGISLATURE OF THE STATE OF ALASKA

TWENTY-SEVENTH LEGISLATURE - FIRST SESSION

BY THE SENATE 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;

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

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

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

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

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

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

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

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

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

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

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

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

4 * **Sec. 3.** AS 47.10.080 is amended by adding a new subsection to read:

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

8 * **Sec. 4.** AS 47.10.100 is amended to read:

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

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

29 (c) If a child [MINOR] is adjudicated a child in need of aid before the child's
 30 [MINOR'S] 18th birthday, the court may retain jurisdiction over the child [MINOR]
 31 after the child's [MINOR'S] 18th birthday for the purpose of supervising the child

1 [MINOR], but the court's jurisdiction over the minor under this chapter never extends
 2 beyond the child's [MINOR'S] 19th birthday, except that the department may apply
 3 for and the court may grant [AN] additional one-year periods [PERIOD] of
 4 supervision past [AGE] 19 years of age that do not extend beyond the person's 21st
 5 birthday if continued supervision is in the best interests of the person and the person
 6 consents to it. The department may retain jurisdiction over a child [BETWEEN THE
 7 CHILD'S 18TH AND 19TH BIRTHDAYS FOR THE PURPOSE OF SUPERVISING
 8 THE CHILD,] if the child has been placed under the supervision of the department
 9 before the child's 18th birthday, except that the department may apply for and the
 10 court may grant [AN] additional one-year periods [PERIOD] of supervision past
 11 [AGE] 19 years of age that do not extend beyond the person's 21st birthday if
 12 continued supervision is in the best interests of the person and the person consents to
 13 it.

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

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

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

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

31 (p) The department may recommend to the court another planned permanent

1 living arrangement for a child who is in state custody only if

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

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

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

10 (q) Unless the child, department, and guardian ad litem agree to a release from
11 custody without a motion and with less than 30 days' notice, the department may
12 release from state custody a child who is under 19 years of age who has been
13 committed to the custody of the department only if

14 (1) the child, if the child is available, and the guardian ad litem are
15 notified not less than 30 days before a motion for release is filed;

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

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

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

28 (s) As used in (p) of this section, "compelling reason" may include
29 circumstances in which

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

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

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

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

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

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

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

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

FISCAL NOTE

STATE OF ALASKA
2011 LEGISLATIVE SESSION

Fiscal Note Number: _____
 Bill Version: CSSSSB082(HSS)
 () Publish Date: _____

Identifier (file name): SSSB082CS(HSS)-DHSS-FLSW-03-18-11 Dept. Affected: Health and Social Services
 Title Foster Care Licensing/State Custody Appropriation: Children's Services
 Allocation: Front Line Social Workers
 Sponsor Sen. Davis
 Requester Senate JUD Committee OMB Component Number 2305

Expenditures/Revenues (Thousands of Dollars)

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

	Appropriation Required	Information					
		FY 2012	FY 2013	FY 2014	FY 2015	FY 2016	FY 2017
OPERATING EXPENDITURES							
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							
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CHANGE IN REVENUES							
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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.

Prepared by: Christy Lawton, Acting Director
 Division: Office of Children's Services
 Approved by: Alison Elgee, Assistant Commissioner
DHSS Finance & Management Services

Phone 465-3191
 Date/Time 3/18/11 12:00 PM
 Date 3/18/2011

FISCAL NOTE

STATE OF ALASKA
2011 LEGISLATIVE SESSION

BILL NO. CSSSSB082(HSS)

Analysis:

CSSSSB082 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; and provides a provision to support placement of siblings into the same foster home.

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

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Capital Outlay							
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TOTAL OPERATING	0.0	0.0	0.0	0.0	0.0	0.0	0.0

CAPITAL EXPENDITURES							
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CHANGE IN REVENUES							
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POSITIONS

Full-time							
Part-time							
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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
 Division: Office of Children's Services
 Approved by: Alison Elgee, Assistant Commissioner
DHSS Finance & Management Services

Phone 465-3191
 Date/Time 3/11/11 5:00 PM
 Date 3/11/2011

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.

AMENDMENT

OFFERED IN THE SENATE

BY SENATOR DAVIS

TO: CSSSSB 82(), Draft Version "I"

- 1 Page 5, line 10:
2 Delete "The"
3 Insert "Unless the child, department, and guardian ad litem agree to a release from
4 custody without a motion and with less than 30 days' notice, the"
5
6 Page 6, following line 2:
7 Insert a new subsection to read:
8 "(t) In this section, "another planned permanent living arrangement" means a
9 permanent living arrangement for a child who is committed to the custody of the
10 department under AS 47.10.080(c)(1) that is an alternative to permanent placement
11 with an adult family member, and to reunification, adoption, and legal guardianship."
12
13 Page 6, lines 11 - 13:
14 Delete all material.
15
16 Renumber the following paragraphs accordingly.

27-LS0500\I
Mischel
3/14/11

CS FOR SPONSOR SUBSTITUTE FOR SENATE BILL NO. 82()
IN THE LEGISLATURE OF THE STATE OF ALASKA
TWENTY-SEVENTH LEGISLATURE - FIRST SESSION

BY

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."**

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7 to read:

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

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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;

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(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

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

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7 through one parent, is in a child's best interest.

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11 aside, revoke, or enlarge a judgment or order, or grant a new hearing, in the exercise
12 of its power of protection over the child [MINOR] and for the child's [MINOR'S] best
13 interest, for a period of time not to exceed two years or in any event extend past the
14 day the child reaches [MINOR BECOMES] 19 years of age, unless sooner
15 discharged by the court, except that the department may apply for and the court may
16 grant [AN] additional one-year periods [PERIOD] of supervision past [AGE] 19
17 years of age that do not extend beyond the person's 21st birthday if continued
18 supervision is in the best interests of the person and the person consents to it. An
19 application for any of these purposes may be made by the parent, guardian, or
20 custodian acting in behalf of the minor, or the court may, on its own motion, and after
21 reasonable notice to interested parties and the appropriate department, take action that
22 it considers appropriate.

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

29 (c) If a child [MINOR] is adjudicated a child in need of aid before the child's
30 [MINOR'S] 18th birthday, the court may retain jurisdiction over the child [MINOR]
31 after the child's [MINOR'S] 18th birthday for the purpose of supervising the child

1 [MINOR], but the court's jurisdiction over the minor under this chapter never extends
 2 beyond the child's [MINOR'S] 19th birthday, except that the department may apply
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 5 birthday if continued supervision is in the best interests of the person and the person
 6 consents to it. The department may retain jurisdiction over a child [BETWEEN THE
 7 CHILD'S 18TH AND 19TH BIRTHDAYS FOR THE PURPOSE OF SUPERVISING
 8 THE CHILD,] if the child has been placed under the supervision of the department
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 11 [AGE] 19 years of age that do not extend beyond the person's 21st birthday if
 12 continued supervision is in the best interests of the person and the person consents to
 13 it.

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

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

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

31 (p) The department may recommend to the court another planned permanent

1 living arrangement for a child who is in state custody only if

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

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

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

10 (q) ~~The~~ ^{unless the child...} department may release from state custody a child who is under 19
11 years of age who has been committed to the custody of the department only if

12 (1) the child, if the child is available, and the guardian ad litem are
13 notified not less than 30 days before a motion for release is filed;

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

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

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

26 (s) As used in (p) of this section, "compelling reason" may include
27 circumstances in which

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

30 (2) a parent and child have a significant bond, but the parent is unable
31 to care for the child because of an emotional or physical disability, and the child's

1 foster parents have committed to raising the child to the age of majority and to
2 facilitating visitation with the disabled parent.

3 *(c) In this section, "another..."*
* Sec. 7. AS 47.32 is amended by adding a new section to read:

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

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

11 ~~(1) the variance serves the best interest of a child intended to be placed~~
12 ~~in that home;~~

13 ~~(2) the placement is preferable to other placement options;~~
14 ~~the home design and construction is consistent with homes located~~
15 in the community; and

16 ~~(3) the home is otherwise a safe environment for a child.~~

SPONSOR SUBSTITUTE FOR SENATE BILL NO. 82
IN THE LEGISLATURE OF THE STATE OF ALASKA
TWENTY-SEVENTH LEGISLATURE - FIRST SESSION

BY SENATOR DAVIS

Introduced:

Referred:

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.

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

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

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

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

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

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

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

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

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

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

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

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

4 * **Sec. 3.** AS 47.10.080 is amended by adding a new subsection to read:

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

8 * **Sec. 4.** AS 47.10.100 is amended to read:

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

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

29 (c) If a child [MINOR] is adjudicated a *child in need of aid* before the child's
 30 [MINOR'S] 18th birthday, the court may retain jurisdiction over the child [MINOR]
 31 after the child's [MINOR'S] 18th birthday for the purpose of supervising the child

1 [MINOR], but the court's jurisdiction over the minor under this chapter never extends
 2 beyond the **child's** [MINOR'S] 19th birthday, except that the department may apply
 3 for and the court may grant [AN] additional one-year **periods** [PERIOD] of
 4 supervision past [AGE] **19 years of age that do not extend beyond the person's 21st**
 5 **birthday** if continued supervision is in the best interests of the person and the person
 6 consents to it. The department may retain jurisdiction over a child [BETWEEN THE
 7 CHILD'S 18TH AND 19TH BIRTHDAYS FOR THE PURPOSE OF SUPERVISING
 8 THE CHILD.] if the child has been placed under the supervision of the department
 9 before the child's 18th birthday, except that the department may apply for and the
 10 court may grant [AN] additional one-year **periods** [PERIOD] of supervision past
 11 [AGE] **19 years of age that do not extend beyond the person's 21st birthday** if
 12 continued supervision is in the best interests of the person and the person consents to
 13 it.

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

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

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

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

31 (p) The department may recommend another planned permanent living

1 arrangement for a child who is in state custody only if

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

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

9 (3) the court, at a permanency hearing under AS 47.10.080(l), has
10 approved the placement of the child to another permanent planned living arrangement.

11 (q) The department may release from state custody a child who is under 19
12 years of age who has been committed to the custody of the department only if

13 (1) the child and the guardian ad litem are notified not less than 30
14 days before a petition for release is filed;

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

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

20 (r) The department shall make all reasonable efforts to place siblings who are
21 in the custody of the department in the same placement. If siblings are not placed
22 together after reasonable efforts have been made, the state or regional director of the
23 division with responsibility over the custody of children shall provide a written
24 explanation in the file of the efforts that were made and the reason separating the
25 siblings for placement purposes is in the best interest of the children. In this
26 subsection, "sibling" means two or more persons who are related by blood or marriage
27 as a child of one or both parents.

28 (s) As used in (p) of this section, "compelling reason" may include
29 circumstances in which

30 (1) the child is more than 15 years of age and has specifically
31 requested that emancipation be established;

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(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;

(3) a tribe has identified another planned permanent living arrangement for the child.

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

Sec. 47.32.032. Foster care license; variance. (a) The department shall ensure that the application and licensing paperwork necessary for a person to be approved as a foster parent or relative placement is not unduly complex and is as short and straightforward as necessary to protect a child's best interests.

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

(1) the variance serves the best interest of a child intended to be placed in that home;

(2) the placement is preferable to other placement options;

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

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

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 10, 2011

SUBJECT: Comparison of versions "A" and "M" (SSSB 82 (Work Order No. 27-LS0500\M))

TO: Senator Bettye Davis
Chair of the Senate Health and Social Services Committee
Attn: Tom Obermeyer

FROM: Jean M. Mischel
Legislative Counsel

You have asked for an outline of the differences in the sponsor substitute and the original version of SB 82. The sponsor substitute, version "M", enclosed, modifies the authority and duties of the Department of Health and Social Services when another planned permanent living arrangement for or release of a child in the custody of the department is recommended. The sponsor substitute also deletes the enrollment in a reading program requirement for low income children.

JMM:plm
11-135.plm

Enclosure

FISCAL NOTE

STATE OF ALASKA
2011 LEGISLATIVE SESSION

Fiscal Note Number: _____
 Bill Version: CSSSB082(HSS)
 () Publish Date: _____

Identifier (file name): SSSB082CS(HSS)-DHSS-FLSW-03-18-11
 Title: Foster Care Licensing/State Custody
 Sponsor: Sen. Davis
 Requester: Senate JUD 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						
		FY 2012	FY 2012	FY 2013	FY 2014	FY 2015	FY 2016	FY 2017
OPERATING EXPENDITURES								
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								
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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.

Prepared by: Christy Lawton, Acting Director
 Division: Office of Children's Services
 Approved by: Alison Elgee, Assistant Commissioner
DHSS Finance & Management Services

Phone 465-3191
 Date/Time 3/18/11 12:00 PM
 Date 3/18/2011

FISCAL NOTE

STATE OF ALASKA
2011 LEGISLATIVE SESSION

BILL NO. CSSSSB082(HSS)

Analysis:

CSSSSB082 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; and provides a provision to support placement of siblings into the same foster home.

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						
		FY 2012	FY 2012	FY 2013	FY 2014	FY 2015	FY 2016	FY 2017
OPERATING EXPENDITURES								
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
 Division: Office of Children's Services
 Approved by: Alison Elgee, Assistant Commissioner
DHSS Finance & Management Services

Phone 465-3191
 Date/Time 3/11/11 5:00 PM
 Date 3/11/2011

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.

**SENATE COMMITTEE REPORT
First Committee of Referral**

DATE: 3/11/11

FURTHER: Judiciary

Date of 5-Day Notice: 3/10/11
(in accordance with Uniform Rule 23)

DATE TURNED
IN TO OFFICE: 3/10/11

Health and Social Services Committee considered SPONSOR SUBSTITUTE FOR SENATE BILL NO. 82

SB 82-FOSTER CARE LICENSING/STATE CUSTODY

"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."

and recommends:

- be replaced with CS SB82 (HSS) Same Title [] New Title
- adopt previous CS _____ (_____) [] Same Title [] New Title
- [] attached amendment(s)
- [] adopt _____ Letter of Intent
- [] further referral to _____ Committee

Dept Abbr.	
ADM	LEG
CED	LAW
COR	LWF
CRT	MVA
EED	DNR
DEC	DPS
DFG	REV
GOV	DOT
DHS	UA

NEW FISCAL NOTE(S)				
Dept.	Fiscal	Indet.	Zero	FN #
HSS			✓	

PREVIOUS FISCAL NOTE(S)				
Dept.	Fiscal	Indet.	Zero	FN #

[] APPROPRIATION - no fiscal note

SIGNATURES AND RECOMMENDATIONS:	PRINTED LAST NAME	DO PASS	DO NOT PASS	NO REC	AMEND
	Meyer	X			
	ELLIS	X			
	ECAR	X			
	Dyson	X			
CHAIR:	DAVIS	X			



NATIONAL CONFERENCE OF STATE LEGISLATURES

The Forum for America's Ideas

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

Richard Moore
*Senator
Massachusetts Senate
President, NCSL*

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

William Pound
Executive Director

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.

DATE

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Connecticut:

Sec. 4. Section 46b-129 of the Connecticut Code: Orders that at a permanency hearing the court shall approve a permanency plan that is in the best interests of the child or youth and takes into consideration the child's or youth's need for permanency. Another Planned living arrangement can be ordered by the court, provided the Commissioner of Children and Families has documented a compelling reason why it would not be in the best interest of the child or youth for the permanency plan to include a different permanency goal. (Sec. 4. Section 46b-129 of the 2010 supplement to the general statutes)

West Virginia:

Section 49-6-5 of West Virginia Code: Orders that a child may be placed in another planned permanent living arrangement, but only in cases where the department has documented to the circuit court a compelling reason for determining that it would not be in the best interests of the child to follow one of the other permanency options. (Section 49-6-5. Disposition of neglected or abused children)

➤ **Reinstatement of Parental Rights**

Several states have also passed legislation that allows for the reinstatement of parental rights following termination of parental rights. The laws were developed in response to children who were aging out of the foster care system and re-establishing ties with parents and family members.

Legislation for Reinstatement following Termination of Parental Rights

State	Statute or Code	Who Can File Motion or Petition	Who Must Be Notified
Alaska	<u>Alaska Stat. § 47.10.089</u>	A person who has voluntarily relinquished the child.	
California	<u>Cal. Welfare and Institutions Code § 366.26</u>	Child for whom court has determined that adoption is no longer the permanent plan.	Social worker or probation officer, child's attorney, child's tribe, if applicable, former parent
Hawaii	<u>Act 135, 2010 Session Laws</u>	Child who is 14 or older; child's GAL; department	Former parent; child's GAL; department; child's resource family
Illinois	<u>705 Ill. Comp. Stat. 405/2-28 and 705 Ill. Comp. Stat. 405/2-34</u>	Dept of Child and Family Services on behalf of 13 years or older child	Parties to the Juvenile Court proceeding

DATE
p. 3

Louisiana	<u>La. Child. Code Ann. art. 1051</u>	Child in foster care over the age of 15.	Parents, foster parents, CASA volunteer.
Nevada	<u>Nev. Rev. Stat. Ann. § 128.160, 128.170</u>	Child or legal custodian or guardian of child	Parents, child's legal custodian or guardian, person or entity that petitioned for TPR, child's attorney
New York	<u>N.Y. Fam. Ct. Act, §§ 635-637</u>	Attorney, Guardian of child age 14 or older	Court may issue summons to child, guardian and custodian, respondent in TPR proceeding.
Oklahoma	<u>Okla. Stat. Ann. tit. 10 A, § 1-4-909</u>	Child 15 or older	Department, child's attorney, child, former parent, foster parent or relative guardian, GAL, child's tribe
Washington	<u>Wash. Rev. Code Ann §13.34.215</u>	Child 12 or older, or younger if good cause is shown	Department, child's attorney, child, former parent, existing parent, current caregiver, child's tribe.

Please let us know if we can be of further assistance!

Amy Taylor

National Conference of State Legislatures
Children and Families Program



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

Manitlaq 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

Searhe
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

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



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,

A handwritten signature in black ink, appearing to read "M. Loomis".

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, Ph.D.
President



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.

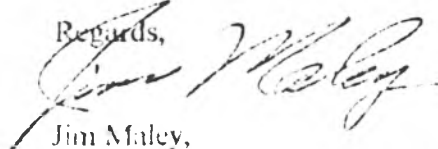
We are particularly appreciative of the section regarding permanency placement. As you have stated the ultimate goal in foster care is to place a child in a good, stable, permanent home through adoption, guardianship, or reunification. Frequently, however, in our haste to find a child a bed or a roof 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



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:

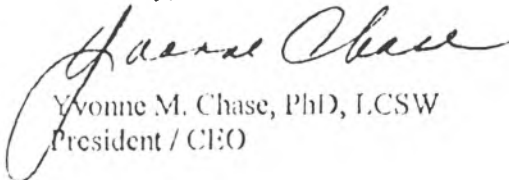
I am writing in support of HB33, the legislation you have proposed relating to foster care in Alaska. Denali Family Services (DFS) is a community mental health agency that provides therapeutic foster care to many children in the custody of the State / Office of Children's Services. DFS is also a child 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 M. Chase, PhD, I.CSW
President / CEO

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

SEAN PARNELL, GOVERNOR

350 Main Street, Room 412
P.O. Box 110660
JUNEAU, AK 99811-0660
PHONE: (907) 465-5829
FAX: (907) 465-2204

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.

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

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350 Main Street, Room 412
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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.


DEPT. OF HEALTH AND SOCIAL SERVICES
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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