

HB

27

<TARGET><BILL>HB 27</BILL><SUBJECT>HB
27</SUBJECT><COMM>HHSS29</COMM></TARGET>

ALASKA STATE LEGISLATURE



REPRESENTATIVE LES GARA

DATE: January 26, 2015
TO: Representative Paul Seaton, Chairman, House Health and Social Services
Committee
FROM: Representative Les Gara
RE: Hearing Request for House Bill 27

I respectfully request that House Bill 27, relating to the Office of Children's Services, be scheduled for a hearing in the House Health and Social Services Committee. Please feel free to contact me, or my aide Molly Carver, with questions or thoughts at 465-2647.

Attached you will find a background packet for House Bill 27. This includes the current version of the bill, a sponsor statement, and a sectional analysis, and pertinent background information (including research and letters of support).

Thank you for your consideration.

A handwritten signature in black ink, appearing to read "Les Gara", with a long horizontal flourish extending to the right.

Rep. Les Gara

29-LS0176\P
Glover
2/9/15

SPONSOR SUBSTITUTE FOR HOUSE BILL NO. 27
IN THE LEGISLATURE OF THE STATE OF ALASKA
TWENTY-NINTH LEGISLATURE - FIRST SESSION

BY REPRESENTATIVE GARA

Introduced:
Referred:

A BILL

FOR AN ACT ENTITLED

1 **"An Act relating to the duties of the Department of Health and Social Services; relating**
2 **to hearings on and plans for permanent placement of a child in need of aid; relating to**
3 **school placement and transportation for children in foster care; relating to foster care**
4 **transition programs; relating to emergency and temporary placement of a child in need**
5 **of aid; relating to the confidentiality of information regarding child protection; and**
6 **amending Rule 17.2, Alaska Child in Need of Aid Rules of Procedure."**

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

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

10 **SHORT TITLE.** This Act may be known as the Child Protection and Opportunity Act.

11 * **Sec. 2.** AS 47.05.010 is amended to read:

12 **Sec. 47.05.010. Duties of department.** The Department of Health and Social
13 Services shall

1 (1) administer adult public assistance, the Alaska temporary assistance
2 program, and all other assistance programs, and receive and spend money made
3 available to it;

4 (2) adopt regulations necessary for the conduct of its business and for
5 carrying out federal and state laws granting adult public assistance, temporary cash
6 assistance, diversion payments, or self-sufficiency services for needy families under
7 the Alaska temporary assistance program, and other assistance;

8 (3) establish minimum standards for personnel employed by the
9 department and adopt necessary regulations to maintain those standards;

10 (4) require those bonds and undertakings from persons employed by it
11 that, in its judgment, are necessary, and pay the premiums on them;

12 (5) cooperate with the federal government in matters of mutual
13 concern pertaining to adult public assistance, the Alaska temporary assistance
14 program, and other forms of public assistance;

15 (6) make the reports, in the form and containing the information, that
16 the federal government from time to time requires;

17 (7) cooperate with the federal government, its agencies, or
18 instrumentalities in establishing, extending, and strengthening services for the
19 protection and care of homeless, dependent, and neglected children in danger of
20 becoming delinquent, and receive and expend funds available to the department by the
21 federal government, the state, or its political subdivisions for that purpose;

22 (8) cooperate with the federal government in adopting state plans to
23 make the state eligible for federal matching in appropriate categories of assistance, and
24 in all matters of mutual concern, including adoption of the methods of administration
25 that are found by the federal government to be necessary for the efficient operation of
26 welfare programs;

27 (9) adopt regulations, not inconsistent with law, defining need,
28 prescribing the conditions of eligibility for assistance, and establishing standards for
29 determining the amount of assistance that an eligible person is entitled to receive; the
30 amount of the assistance is sufficient when, added to all other income and resources
31 available to an individual, it provides the individual with a reasonable subsistence

1 compatible with health and well-being; an individual who meets the requirements for
2 eligibility for assistance shall be granted the assistance promptly upon application for
3 it;

4 (10) grant to a person claiming or receiving assistance and who is
5 aggrieved because of the department's action or failure to act, reasonable notice and an
6 opportunity for a fair hearing by the office of administrative hearings (AS 44.64.010),
7 and the department shall adopt regulations relative to this;

8 (11) enter into reciprocal agreements with other states relative to
9 public assistance, welfare services, and institutional care that are considered advisable;

10 (12) establish the requirements of residence for public assistance,
11 welfare services, and institutional care that are considered advisable, subject to the
12 limitations of other laws of the state, or law or regulation imposed as conditions for
13 federal financial participation;

14 (13) establish the divisions and local offices that are considered
15 necessary or expedient to carry out a duty or authority assigned to it and appoint and
16 employ the assistants and personnel that are necessary to carry on the work of the
17 divisions and offices, and fix the compensation of the assistants or employees, except
18 that a person engaged in business as a retail vendor of general merchandise, or a
19 member of the immediate family of a person who is so engaged, may not serve as an
20 acting, temporary, or permanent local agent of the department, unless the
21 commissioner of health and social services certifies in writing to the governor, with
22 relation to a particular community, that no other qualified person is available in the
23 community to serve as local welfare agent; for the purposes of this paragraph, a
24 "member of the immediate family" includes a spouse, child, parent, brother, sister,
25 parent-in-law, brother-in-law, or sister-in-law;

26 (14) provide education and health-related services and referrals
27 designed to reduce the number of out-of-wedlock pregnancies and the number of
28 induced pregnancy terminations in the state;

29 (15) investigate reports of abuse, neglect, or misappropriation of
30 property by certified nurse aides in facilities licensed by the department under
31 AS 47.32;

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(16) establish state policy relating to and administer federal programs subject to state control as provided under 42 U.S.C. 3001 - 3058ee (Older Americans Act of 1965), as amended, and related federal regulations;

(17) administer the older Alaskans service grants under AS 47.65.010 - 47.65.050 and the adult day care and family respite care grants under AS 47.65.100;

(18) actively seek to recruit quality foster parents and adoptive parents when a shortage of quality foster parents or adoptive parents exists.

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

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

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

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

(B) additional one-year extensions of commitment past 19 years of age that do not extend beyond the person's 21st birthday if the continued state custody is in the best interests of the person and the person consents to it;

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

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

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

7 (3) order, under the grounds specified in (o) of this section or
8 AS 47.10.088, the termination of parental rights and responsibilities of one or both
9 parents and commit the child to the custody of the department; [, AND] the
10 department shall report quarterly to the court **and shall demonstrate in its report**
11 **that the department is making all reasonable** [ON] efforts [BEING MADE] to find
12 a permanent placement for the child.

13 * **Sec. 4.** AS 47.10.080(*l*) is amended to read:

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

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

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

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

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

26 (C) there is a compelling reason that the most appropriate
27 placement for the child is in another planned, permanent living arrangement
28 and the department has recommended the arrangement under AS 47.14.100(p);
29 the findings under this paragraph must include the steps that are necessary to
30 achieve the new arrangement;

31 (3) if the court is unable to make a finding required under (2) of this

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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 [OUT-OF-HOME-CARE], whether

(i) the child's out-of-home placement continues to be appropriate and in the best interests of the child; and

(ii) the department is making all reasonable efforts to find a permanent placement for 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;

(6) if the court finds, under (4)(C)(ii) of this subsection, that the department is not making all reasonable efforts to find a permanent placement for the child, the court shall order the department to make all reasonable efforts to find a permanent placement for the child unless the current placement is in the best interests of the child.

* Sec. 5. AS 47.10.080(s) is amended to read:

(s) The department may transfer a child, in the child's best interests, from one placement setting to another, and the child, the child's parents or guardian, the child's

1 foster parents or out-of-home caregiver, the child's guardian ad litem, the child's
2 attorney, and the child's tribe are entitled to advance notice of a nonemergency
3 transfer. A party opposed to the proposed transfer may request a hearing and must
4 prove by clear and convincing evidence that the transfer would be contrary to the best
5 interests of the child for the court to deny the transfer. A foster parent or out-of-home
6 caregiver who requests a nonemergency change in placement of the child shall provide
7 the department with reasonable advance notice of the requested change. **When the**
8 **department transfers a child from one out-of-home placement to another, the**
9 **department shall search for an appropriate placement with an adult family**
10 **member or a family friend who meets the foster care licensing requirements**
11 **established by the department.**

12 * Sec. 6. AS 47.10.080 is amended by adding a new subsection to read:

13 (x) If the department transfers a child from one placement setting to another
14 and it is reasonable and in the child's best educational interests, the department shall
15 immediately, and in advance of the transfer if possible, coordinate with the school the
16 child is attending to ensure the child is permitted to attend that school through the end
17 of the school term if the child's new placement is in the same municipality and
18 connected by road to the school. If federal funds and school district transportation
19 funds are not available to pay for the cost of transportation for the child, the
20 department shall pay the costs of transporting the child to school. The department shall
21 work with the family or agency where the child is placed to arrange for transportation.
22 The department shall consult with the school district regarding the child's best
23 interests, but the school district may not override the department's decision to allow a
24 child to remain in the current school through the end of the school term.

25 * Sec. 7. AS 47.10.093 is amended by adding new subsections to read:

26 (p) The department shall adopt regulations requiring the disclosure of
27 appropriate information to Alaska Native villages or Native organizations. The
28 regulations adopted under this subsection must require the department to disclose
29 appropriate information to Alaska Native villages or Native organizations if

30 (1) the department has entered into a confidentiality agreement with
31 the Alaska Native village or Native organization under AS 47.14.100(g);

1 (2) the department finds that disclosing the information is in the best
2 interests of the child; and

3 (3) disclosing the information is necessary to protect the child's safety
4 and to help meet the child's potential for a healthy and successful childhood and
5 adulthood.

6 (q) The department shall adopt regulations requiring the department to
7 disclose, in addition to the information disclosed under (p) of this section, relevant
8 information to an Alaska Native village or Native organization to assist the Alaska
9 Native village or Native organization in evaluating whether a family should be
10 licensed for foster care or whether placing a child with a family is in the best interests
11 of the child. The regulations must require the department, if the criteria in (p)(1) and
12 (2) are met, to disclose to the Alaska Native village or Native organization relevant
13 information regarding the department's

14 (1) denial of a foster care license under AS 47.32 to a family member
15 of a child subject to 25 U.S.C. 1901 - 1963 (Indian Child Welfare Act); or

16 (2) decision not to place a child subject to 25 U.S.C. 1901 - 1963
17 (Indian Child Welfare Act), with a person who has requested placement of the child
18 under AS 47.14.100.

19 * **Sec. 8.** AS 47.10.142 is amended by adding a new subsection to read:

20 (i) When the department takes emergency custody of a child under this section
21 or a court orders a child committed to the department for temporary placement under
22 this section, the department shall, to the extent feasible and consistent with the best
23 interests of the child, place the child according to the criteria specified under
24 AS 47.14.100(e).

25 * **Sec. 9.** AS 47.14.100(n) is amended to read:

26 (n) Except as provided in (o) and (p) of this section, the department shall
27 continue to search for a suitable adoptive or permanent legal guardianship for a child
28 or person who is in the custody of the state and who is under 21 [18] years of age.

29 * **Sec. 10.** AS 47.14.100(p) is amended to read:

30 (p) The department may release from state custody a child or person who has
31 been committed to the custody of the department, before the custody is ordered to end,

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only if the person, if the person is 19 years of age or older, consents, or

(1) the child or person, if the child or person 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 or person; and

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

* **Sec. 11.** AS 47.18.320(a) is amended to read:

(a) Subject to the availability of an appropriation made for the purposes of AS 47.18.300 - 47.18.390, the program may provide

- (1) education and vocational training;
- (2) assistance in obtaining educational [BASIC EDUCATION] and vocational training;
- (3) career and employment services;
- (4) training in basic life skills;
- (5) housing and utility assistance;
- (6) mentoring and counseling; and
- (7) other appropriate services to complement the efforts of former state

foster care recipients to achieve self-sufficiency.

* **Sec. 12.** AS 47.18.320 is amended by adding a new subsection to read:

(c) If appropriations to meet the purposes of this section are insufficient, the department shall submit a written report to the legislature advising the legislature of

- (1) the department's efforts to use existing funds efficiently; and
- (2) the opportunities and services the department cannot provide under the existing appropriation level.

* **Sec. 13.** The uncodified law of the State of Alaska is amended by adding a new section to read:

INDIRECT COURT RULE AMENDMENTS. AS 47.10.080(*l*), as amended by sec. 4 of this Act, has the effect of amending Rule 17.2, Alaska Child in Need of Aid Rules of

1 Procedure, relating to permanency hearings, by adding a requirement for the court to make
2 findings relating to the permanent placement of a child in need of aid and to the efforts of the
3 Department of Health and Social Services to find a permanent placement for a child.

ALASKA STATE LEGISLATURE



REPRESENTATIVE LES GARA

House Bill 27

Sponsor Statement

HB 27: Child Protection and Opportunity Act

House Bill 27 aims to improve multiple aspects of the lives of foster youth in an effective, but cost-efficient manner. These provisions are expected to be cost-neutral.

Reducing the Amount of Time Children Wait for a Permanent Home

This bill aims to speed up the process for placing a foster child in a permanent home to meet national standards. At existing proceedings, the court shall determine all reasonable steps are being taken to secure permanency. Bouncing children between foster homes is harmful, and the national standard is that a permanent home be found within 12-24 months.

Ensuring Children Are Prepared to Leave Foster Care

This bill requires the Office of Children's Services to demonstrate in court that releasing a foster child from custody prior to age 21 is in the best interests of the child. This provision reflects the fact that many foster youth are not ready to leave care at age 18 or 19, and that roughly 20% of youth end up homeless after leaving care.

Providing Foster Children with Quality Educations

This bill revises the requirement under AS 47.18.320(a)(2) requiring the state to provide "basic" education and training. Instead, the statute will require the state to provide "assistance in obtaining educational and vocational training."

Increasing the Number of Foster Parents

This bill also works to increase the number of foster/adoptive parents by requiring Health and Social Services to work with the Governor's Office to recruit foster/adoptive parents. Currently there is a great shortage of foster parents while 850 youth are awaiting adoptive homes.

Improving Collaboration with Alaska Native Communities

This bill encourages communication between Alaska Native entities and the Office of Children's Services so that Native groups are aware of significant challenges a child may be facing. This section will be implemented by Office of Children's Services regulation so that the department may determine the most appropriate language for determining this goal.

Ensuring that Relative Placements are Prioritized

This bill also requires Office of Children's Services to continue to seek relative placements after the initial 30-day search period where appropriate. Often a relative placement is the healthiest placement for a child.

Increasing Stability in Schools

This provision works to reduce the number of times a foster child moves from one school to another. Under federal law, homeless youth are allowed to finish their school term in the same school when a family moves, and this is important to help youth avoid delay in their academic progress.

ALASKA STATE LEGISLATURE



REPRESENTATIVE LES GARA

Sectional Analysis to SS HB 27 Version P

Section 1 This Act may be known as the Child Protection and Opportunity Act.

Section 2 formally adds recruiting foster parents when there is a shortage of foster parents to the duties of the Department of Health and Social Services ("the department").

Section 3 amends AS 47.10.080(l) to require the department to demonstrate in existing hearings that the department is making all reasonable efforts to find a permanent placement for a child.

Section 4 requires that during status hearings the department demonstrate that it is taking all reasonable efforts to find a permanent home for a child.

Section 5 requires that when the department transfers a child from one out-of-home placement to another, the department shall search for an appropriate placement, if in the child's best interests, with an adult family member or a family friends who meets the foster care licensing requirements established by the department.

Section 6 requires that when a child is transferred from one placement setting to another, and it is reasonable and in the child's best educational interests, the department shall coordinate with the school the child is attending to ensure the child is permitted to remain in that school through the end of the school term if the child's new placement is in the same municipality and connected by road to the school.

Section 7 requires the department to adopt regulations requiring the disclosure of appropriate information to Alaska Native villages or Native organizations so they may be apprised of needs a child who has not been placed in state custody so a tribal organization has needed information about the child's important needs discovered by the Office of Children's Services investigation, and so the tribal organization can, if it decides, help the child with those issues that need to be addressed.

Section 8 amends AS 47.10.142 by adding a new subsection requiring that when the department takes emergency custody of a child, the department shall, to the extent feasible and consistent with the best interests of the child, place the child according to the criteria specified under AS 47.14.100(e).

Section 9 changes the age when the department is no longer required to continue searching for a suitable adoptive or permanent legal guardianship for a child from 18 to 21 years of age.

ALASKA STATE LEGISLATURE

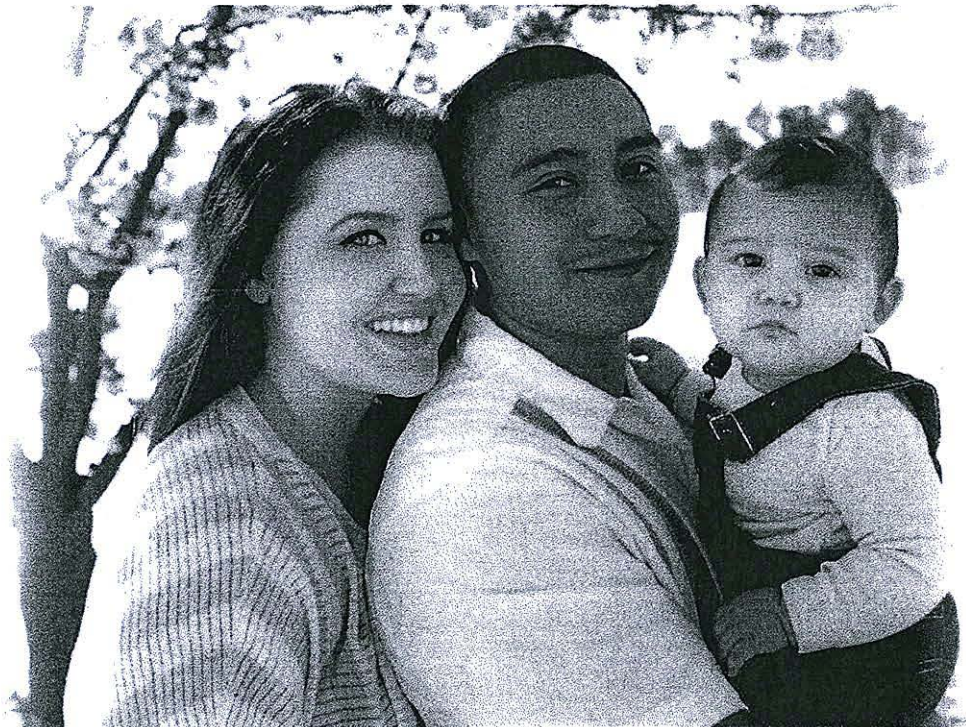


REPRESENTATIVE LES GARA

Section 10 requires that before a child is released from the Office of Children's Services custody before age 21 the department demonstrate at the court proceeding that releasing the child out of care is in the youth's best interests.

Section 11 amends AS 47.18.320(a) to state that the Office of Children's Services should work towards not just a "basic education", but towards "educational and vocational training." Word "basic" removed.

Section 12 identifies sections of the bill that could result in indirect amendments to the court's Alaska Child in Need of Aid Rules of Procedure relating to permanency hearings and hearings relating to the termination of parental rights. If no part of the bill is deemed a court change then this part of the bill will be deemed unnecessary. It is not clear that any portion of the bill constitutes a court rule change, though this section is added just in case the courts determine any provisions constitute court rule changes.



What is the Administration for Children & Families?

The Administration for Children and Families (ACF) is a division of the Department of Health & Human Services. We promote the economic and social well-being of families, children, individuals and communities.

View our **strategic plan**.

LEARN MORE ABOUT ACF



U.S. Department of Health and Human Services, Administration for Children and Families,
 Administration on Children, Youth and Families, Children's Bureau, <http://www.acf.hhs.gov/programs/cb>
 Data current as of July 2014



**Children in Public Foster Care on September 30th of Each Year Who Are
 Waiting to be Adopted
 FY 2004–FY 2013**

State	FY 2004	FY 2005	FY 2006	FY 2007	FY 2008	FY 2009	FY 2010	FY 2011	FY 2012	FY 2013
Alabama	1,599	2,128	1,658	1,824	1,751	1,475	1,271	1,297	1,156	1,076
Alaska	649	520	698	766	769	720	696	720	805	866
Arizona	2,124	2,478	2,648	2,516	2,323	2,792	2,673	2,822	2,914	3,579
Arkansas	949	1,191	945	780	872	850	1,604	1,414	1,023	994
California	16,299	16,700	21,202	20,830	17,847	15,664	14,892	14,630	13,091	13,167
Colorado	1,684	1,785	2,099	1,762	1,897	1,506	1,246	1,098	917	896
Connecticut	986	1,377	945	1,122	1,389	1,355	1,261	1,344	1,385	1,158
Delaware	218	274	302	311	304	239	253	244	243	218
District of Columbia	837	620	667	560	493	486	419	357	303	268
Florida	7,691	7,379	7,480	7,927	7,942	6,364	5,022	4,994	5,129	3,458
Georgia	2,507	2,370	2,305	2,162	2,245	1,802	1,690	1,567	1,648	1,799
Hawaii	1,019	980	808	733	555	428	351	296	223	154
Idaho	310	373	555	593	576	498	389	334	278	328
Illinois	3,432	3,408	5,746	5,598	4,608	2,728	2,944	3,272	2,936	3,103
Indiana	2,550	3,194	3,345	3,210	3,090	3,224	3,192	2,886	2,451	2,437
Iowa	1,139	1,265	1,419	1,299	1,158	1,003	1,068	1,088	961	964
Kansas	1,926	1,811	2,004	1,812	1,960	1,852	1,825	1,817	1,853	1,843
Kentucky	1,969	2,125	2,091	2,153	2,101	2,048	1,951	1,918	1,999	2,224
Louisiana	1,179	1,162	1,079	1,137	1,069	1,093	1,091	1,162	1,089	961
Maine	851	787	679	614	619	571	575	511	480	564
Maryland	2,202	1,954	1,626	1,660	1,506	1,221	883	772	559	498
Massachusetts	3,006	2,925	2,705	2,868	2,846	2,839	2,758	2,675	2,469	2,489
Michigan	6,486	7,061	6,164	6,116	5,674	4,902	5,235	4,237	3,586	3,337
Minnesota	1,795	1,579	1,638	1,674	1,393	1,227	1,073	955	983	1,080
Mississippi	914	858	903	898	996	975	843	880	890	999
Missouri	3,228	3,532	2,722	2,853	1,788	2,214	1,992	2,056	2,067	2,165
Montana	713	646	606	597	521	537	495	460	403	498
Nebraska	920	916	972	805	881	831	768	831	904	705

State	FY 2004	FY 2005	FY 2006	FY 2007	FY 2008	FY 2009	FY 2010	FY 2011	FY 2012	FY 2013
Nevada	1,573	1,701	1,786	1,936	2,200	2,098	2,094	1,970	1,880	1,956
New Hampshire	239	272	252	325	297	272	227	167	182	189
New Jersey	5,110	4,845	4,725	3,262	3,009	2,694	2,464	2,294	2,227	2,443
New Mexico	634	711	860	963	907	870	777	786	834	880
New York	10,650	9,238	8,039	7,659	7,014	6,890	6,603	6,417	6,061	5,843
North Carolina	3,074	3,137	3,116	3,095	2,903	2,722	2,427	2,234	2,071	2,172
North Dakota	277	344	321	337	288	298	227	230	211	237
Ohio	4,814	4,350	4,086	3,762	3,477	3,380	3,013	2,789	2,655	2,976
Oklahoma	4,471	3,504	3,657	4,022	3,766	3,429	2,872	2,956	2,803	3,241
Oregon	3,302	3,441	2,776	2,527	2,206	1,840	1,827	1,830	1,873	1,854
Pennsylvania	3,996	3,679	3,559	3,408	3,525	2,943	2,551	2,045	1,924	1,908
Rhode Island	331	407	405	400	415	333	309	267	222	250
South Carolina	1,769	1,819	1,771	1,781	1,823	1,862	1,699	1,415	1,336	1,226
South Dakota	480	472	507	452	423	380	418	376	397	354
Tennessee	1,776	1,717	1,788	1,622	1,477	1,326	1,692	2,027	2,517	2,668
Texas	9,957	10,947	12,542	13,552	13,414	12,844	13,108	13,481	13,154	12,991
Utah	437	436	475	574	553	565	553	567	567	608
Vermont	267	265	251	257	225	231	180	196	226	213
Virginia	1,611	1,823	1,783	1,834	1,769	1,617	1,562	1,372	1,519	1,503
Washington	2,317	2,168	2,360	2,837	3,035	3,147	3,089	2,783	2,860	3,101
West Virginia	976	1,312	1,204	1,277	1,300	1,220	1,241	1,474	1,407	1,364
Wisconsin	1,341	1,364	1,237	1,284	1,329	1,256	1,159	1,163	1,129	1,153
Wyoming	86	103	149	154	113	98	111	130	115	85
Puerto Rico	1,599	1,542	1,614	1,145	1,071	39	83	746	822	797
Total	130,269	130,995	135,274	133,645	125,712	113,798	108,746	106,352	101,737	101,840

NOTE: There is no federal definition for a child waiting to be adopted. For analytical purposes, the definition used in the table above includes children in foster care on the last day of the Federal Fiscal Year who have a goal of adoption and/or whose parental rights have been terminated. It excludes children 16 years old and older, whose parental rights have been terminated and who have a goal of emancipation. The number of children waiting to be adopted reported by individual States will likely differ somewhat from those in this table because State definitions vary according to State policies and practices.

Because AFCARS data are being continuously updated and cleaned, the numbers reported here may differ from data reported elsewhere. These data reflect all AFCARS submissions received by July of 2014.



NYTD

Listen

The National Youth in Transition Database (NYTD) collects information on youth in foster care, including sex, race, ethnicity, date of birth, and foster care status. It also collects information about the outcomes of those youth who have aged out of foster care. States began collecting data in 2010, and the first data set was submitted in May 2011.

Our **Q&A** (<http://www.childwelfare.gov/cb/research-data-technology/reporting-systems/nytd/faq>) summarizes responses to questions posed by states regarding implementation of the National Youth in Transition Database.

About NYTD (<http://www.acf.hhs.gov/programs/cb/resource/about-nytd>) - General information about NYTD

Federal Guidance on NYTD (<http://www.acf.hhs.gov/programs/cb/resource/nytd-guidance>) - Policy issuances and other guidance related to NYTD, including questions and answers

NYTD Data Briefs (<http://www.acf.hhs.gov/programs/cb/resource/data-briefs>) - Summarizes findings from State NYTD data submissions compiled by the Children's Bureau

NYTD Data Review Utility (NDRU) (<https://nytd.acf.hhs.gov/ndru>) - Desktop application available to States for checking data file compliance and quality prior to transmitting files to the federal NYTD system

Other NYTD Resources (<http://www.acf.hhs.gov/programs/cb/resource/nytd-TA>) - Contains technical assistance documents related to NYTD

National Youth in
Transition Database

Alaska

Baseline Population
Highlights

Includes all youth who turned age 17 while in foster care during FY 2011

Outcomes reported by survey participants at age 17:

<i>Financial self-sufficiency</i>	31% reported experiences in at least one employment-related category (current part- or full-time employment or receiving employment related training)
<i>Educational attainment</i>	98% reported being enrolled and attending school; 2% had already completed high school or had a GED
<i>High-risk behaviors</i>	31% reported a substance abuse referral 10% reported having been incarcerated 4% reported having children
<i>* Homelessness</i>	41% reported having been homeless at some point in their lives
<i>Connection to adult</i>	90% reported having a positive connection to an adult
<i>Access to health insurance</i>	90% reported having Medicaid and 47% reported having some other type of medical insurance

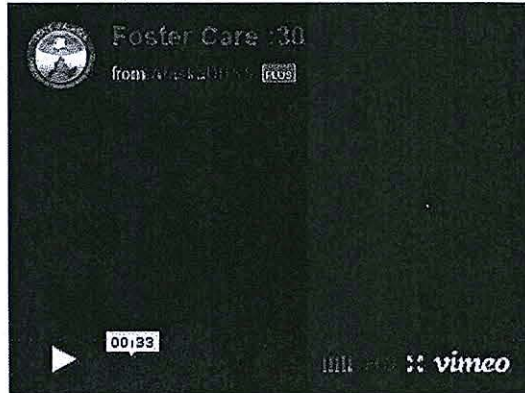
* Alaska's definition of homelessness includes youth who couch surf. National definition only includes youth had no regular or adequate place to live. This would include living in a car, or on the street, or staying in a homeless or other temporary shelter.



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Foster Care :30 from AlaskaDHSS on Vimeo.

Great resources available on the web:

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[National Foster Parent Association](#)

[Foster Parenting resources](#)

[Resources and discounts available to FP's](#)

Each year, hundreds of Alaska's children are placed in out-of-home care. Typically, it's because a child has been determined to be unsafe or at high risk of maltreatment, in their family home. These children range from newborns to teenagers and they live in communities all over Alaska.

OCS gathers information to make an informed assessment about whether the child is unsafe or at high risk, and the extent of the family's protective capacities. OCS also provides services to families with children remaining in their home as well as to families whose children have been placed in out-of-home care.

On average, there are approximately 1,200 children each month in foster care in Alaska. Foster homes provide children in care a temporary, safe, stable and nurturing home until they can be reunited with their families. Some children stay in a foster home for days or weeks; some stay for several years. In some cases, children are placed permanently with another family.

When out-of-home placement is needed to keep a child safe, OCS will make diligent efforts to identify, evaluate and consider relatives, family friends and those culturally tied to the family as the primary placement option. When relatives cannot be a placement option for the child, OCS will make efforts to actively recruit and support families within the child's home community and in close proximity as possible to the child's parents, to assure that the child may continue to maintain important and lasting cultural, ancestral, educational and community-based connections.

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- Useful Links**
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Consider becoming a foster parent today. It may be the most rewarding thing you ever do. You will help keep children safe, strengthen your community and give your own life a meaningful new challenge. Alaska welcomes and supports all families equally. Families of every race, culture, and ethnicity are needed to help children grown with a strong sense of racial and cultural identity. Applicants are considered regardless of race, ethnicity, gender, religion or sex.

As a foster parent, you will receive training based on the child's needs and help a child cope with the challenges that life brings. You can meet and get to know other foster parents, and agency staff can give you support.

Please check the links on the upper right hand side of this page for more information on how to become a foster or adoptive parent.

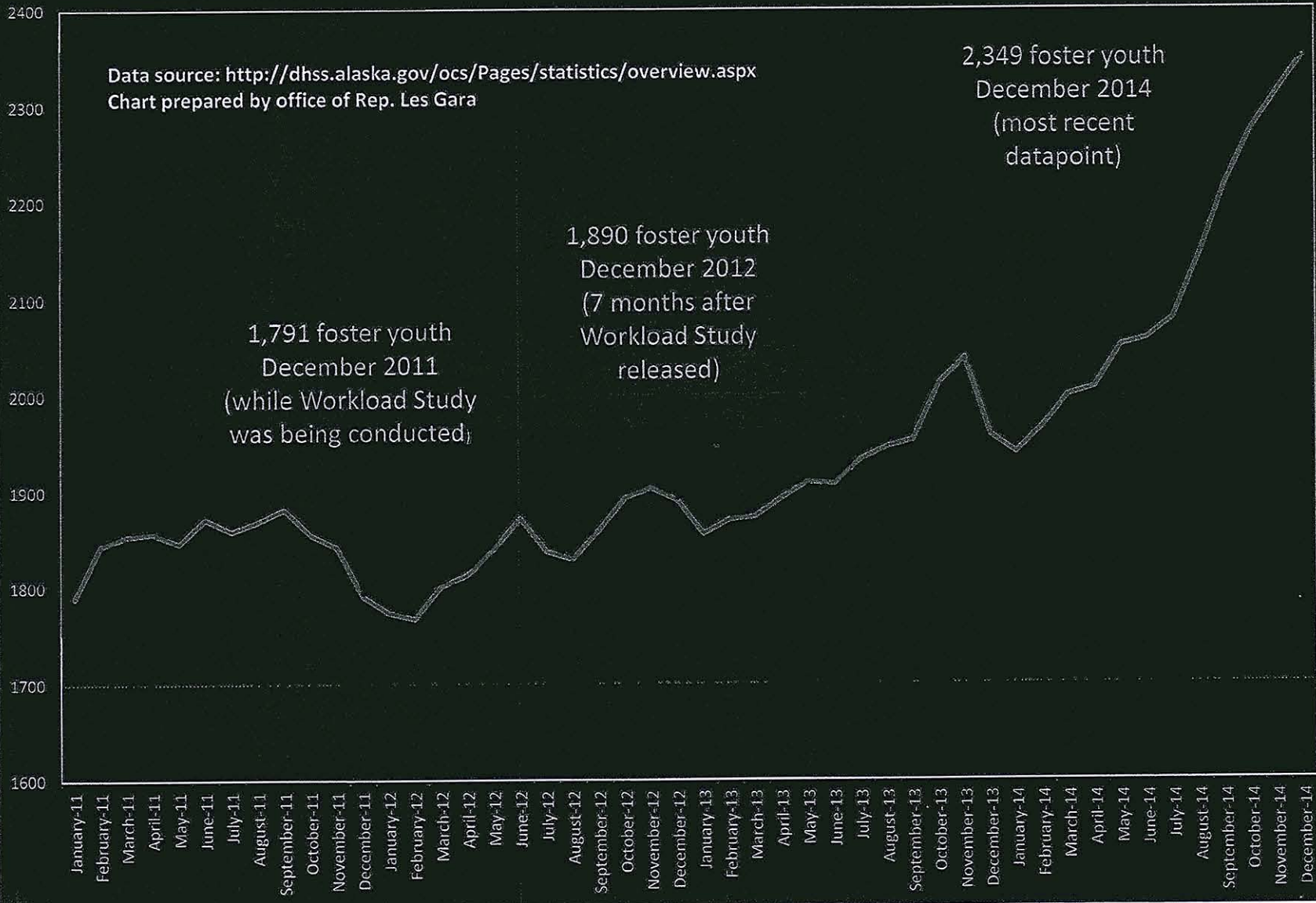
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Foster Youth in Care, 2011-14

Data source: <http://dhss.alaska.gov/ocs/Pages/statistics/overview.aspx>
Chart prepared by office of Rep. Les Gara



Fostering Success in Education: National Factsheet on the Educational Outcomes of Children in Foster Care

January 2014

Why Education Matters to Children in Foster Care

When supported by strong practices and policies, positive school experiences can counteract the negative effects of abuse, neglect, separation, and lack of permanency experienced by the nearly 400,000 U.S. children and youth in foster care. Education provides opportunities for improved well-being in physical, intellectual, and social domains during critical developmental periods and supports economic success in adult life. A concerted effort by child welfare agencies, education agencies, and the courts could lead to significant progress in changing the consistent and disheartening picture about educational outcomes for children in foster care the research portrays. The promising programs and interventions highlighted below represent innovative efforts to address a wide range of factors influencing the disparities in education outcomes. With cross-system collaboration, we are positioned to build on what is being learned, bring about change, and promote success for all children and youth in foster care.

Fast facts from national and multi-state studies*

Number of children and youth in foster care on September 30, 2012	399,546
Average number of living arrangements during first foster care stay	2.8
Number of foster children of school age	249,107
Likelihood of being absent from school	2x that of other students
Percent of foster youth who change schools when first entering care	56%-75%
Percent of 17-18 year olds in care who have experienced 5+ school changes	34%
Likelihood of 17-18 year old foster youth having an out-of-school suspension	2x that of other students
Likelihood of 17-18 year old foster youth being expelled	3x that of other students
Average reading level of 17-18 year olds in foster care	7th grade
Likelihood of foster youth receiving special education	2.5 - 3.5x that of others
Percent of foster youth who complete high school by 18	50%
Percent of 17-18 year old foster youth who want to go to college	84%
Percent of foster youth who graduated from high school who attend college	20%
Percent of former foster youth who attain a bachelor's degree	2 - 9%

* All *Fast Facts* are referenced elsewhere in this document. These facts were compiled based on findings from multiple studies where a consistent picture is emerging that points to widespread deficits on a number of markers of educational progress or success. Data points represented here are either from national studies or multiple studies conducted in different states (in which case a range is provided for the data point).

National Foster Care Data

National data on the number of children and youth in foster care and their characteristics provide a context for the research on the educational experiences of children and youth in foster care. Table 1 provides data on the characteristics of children and youth in foster care.

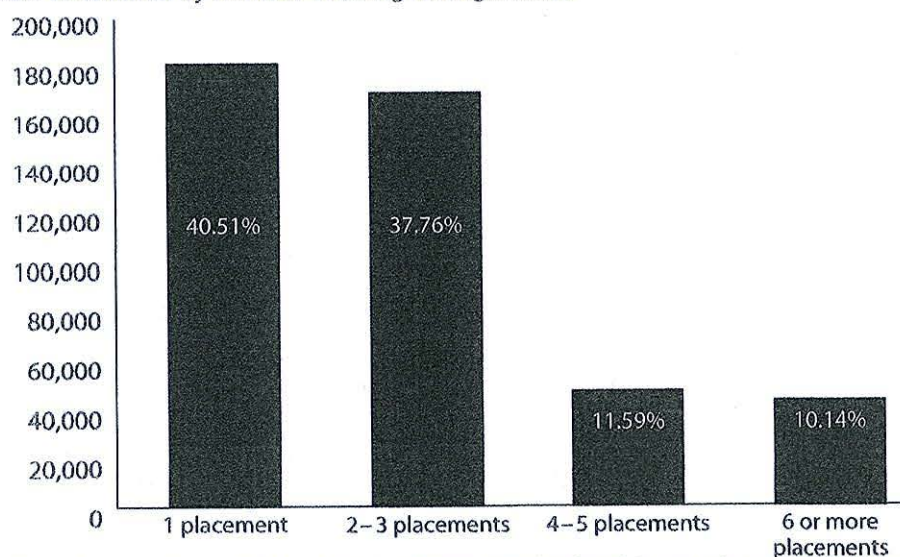
Table 1.
Characteristics of Children and Youth in Foster Care

Number of children and youth in foster care on September 30, 2012		399,546	
Characteristics of children and youth in foster care on September 30, 2012		Number	Percentage
Age			
Young children (age 0–4)		132,845	33
School age children and youth (age 5–17)		249,107	62
Young adults (age 18–20)		17,302	4
Race/Ethnicity*			
White		166,195	42
Black		101,938	26
Hispanic (any race)		84,523	21
Other children and youth of color		34,371	9
Gender			
Male		209,131	52
Female		190,355	48

* Includes 3 percent whose race/ethnicity was unknown

School age children in foster care commonly experience a number of moves while in out-of-home care as shown in Figure 1. These changes can significantly impact their school experiences. Data from Chapin Hall's Center for State Child Welfare Data shows that among school-aged youth who entered care between 2005-2009, each experienced an average of 2.8 living arrangements by the end of 2011, including their initial out-of-home placement when removed from home.

Figure 1.
School-Age Children and Youth in Foster Care (5–17 Years) Who Entered Care Between 2005-2009:
Number of Children by Number of Living Arrangements



Source: The Center for State Child Welfare's 2011 data. The Center draws data from 29 states and two counties. Each youth who first entered care between 2005-2009 is represented in this data. The number of living arrangements was counted from entry date through the end of 2011.

The Research Findings

Lay the Foundation for a Strong Start for Young Children in Care

Research has consistently found a high need for early intervention and early childhood education services among young children in foster care as a result of their developmental, emotional and behavioral problems.^{1,2,3,4,5} Data suggest that effective interventions exist to improve the performance of children in foster care when entering kindergarten. Yet, several studies indicate that many young children do not receive the early intervention or early childhood education services they need to address these problems.^{6,7,8} Studies indicate that children in foster care as a group are less likely to be enrolled in Head Start than eligible, low income children.⁹

Promising Program: The Education Equals Partnership is working to close the educational achievement gap between children in foster care and their peers in California by focusing on young children who are at early risk for school failure. For example, in Fresno County children under the age of five were not routinely accessing early intervention programs or preschool despite qualifying for services due to their high risk of developmental delays. The Fresno County child welfare agency assigned an education liaison to ensure that toddlers and preschool-age children received the assessments and services that they needed to thrive. These efforts have increased the percentage of children enrolled in preschool from 42% to 59% over the past two years. The Partnership is using data such as these to target their school readiness efforts.¹⁰

Promising Program: A randomized control trial of the Kids in Transition to School (KITS) Program showed that children in foster care participating in this pre-kindergarten program were reported to show considerably less aggressive or oppositional classroom behavior than a comparison group.¹¹

Promising Program: A study from the University of Delaware evaluating the Attachment and Biobehavioral Catch-up (ABC) intervention, a 10 session parenting program that targets children's self-regulation, showed that pre-school aged children in foster care who received this intervention exhibited stronger cognitive flexibility and theory of mind skills than a comparison group of children in foster care.¹²

Promising Program: In Illinois, all children between the ages of three and five receive a school readiness screening as part of the Integrated Assessment performed within 30 days of entering substitute care. Additionally, Early Childhood Procedures now require all children in care between the ages of three and five to be enrolled in an early childhood preschool program.¹³

Ensure School Stability

School changes are a significant problem for children and youth in foster care.^{14,15} Numerous studies have found that children in foster care frequently experience school changes.^{16,17,18,19,20,21} These school changes often occur when children are initially removed from home, or when they move from one foster care living arrangement to another.²² ²³ The rate of school mobility for children in foster care is greater than for their non-foster care peers.^{24,25,26} Children who change schools frequently make less academic progress than their peers, and each time they change schools, they fall farther and farther behind.²⁷ School mobility has negative effects on academic achievement and is associated with dropping out.²⁸ Children in foster care tend to score lower than their peers on standardized tests^{29,30,31,32,33,34} and some of these differences predate their entry into foster care.³⁵ Research consistently shows that children who are highly mobile, including both children in foster care and children experiencing homelessness, perform significantly worse on standardized tests than stably housed children.^{36,37}

Children who experience frequent school changes may also face challenges in developing and sustaining supportive relationships with teachers or with peers.³⁸ Supportive relationships and a positive educational experience can be powerful contributors to the development of resilience and are vital components for healthy development and overall well-being.³⁹ In a national study of 1,087 foster care alumni, youth who had even one fewer change in living arrangement per year were almost twice as likely to graduate from high school before leaving foster care.⁴⁰

Promising Policy: The Fostering Connections to Success and Increasing Adoptions Act of 2008 requires child welfare agencies to have a plan for "ensuring the educational stability of the child while in foster care," including the child remaining in the school in which the child is enrolled at time of placement unless it is not in the best interests of the child.⁴¹

Promising Practices: Many states have enacted legislation and developed policies to support maintaining school stability. Child welfare agencies have begun to use GIS mapping or other tools to locate living arrangements that allow a child to remain at the same school. Increasingly, child welfare agencies are collaborating with schools and others to make best interest decisions about school placement. Various tools and checklists have been created to assist with these important decisions. Child welfare agencies have also developed reimbursement mechanisms to provide transportation for children to remain in the same school.⁴²

Enroll Students in School Quickly and Consistently

Delays in school enrollment can occur when a child's initial entry into foster care, or a subsequent change in living arrangement while in foster care, involves changing schools.^{43, 44} These delays are often caused by failure to transfer records in a timely manner.^{45, 46} Delays in school enrollment can negatively impact attendance and have a number of other adverse consequences such as students having to repeat courses previously taken, schools failing to address the special education needs of students, and students being enrolled in inappropriate classes.⁴⁷

States have been using various strategies to ensure prompt enrollment when school changes are necessary. Some states have passed legislation or issued joint policies to streamline the process, including allowing for immediate enrollment without typically required documents, and creating timelines for prompt enrollment and records transfers. Many jurisdictions are using enrollment forms designed to facilitate communication between child welfare agencies and schools. For example, some child welfare agencies and schools have designated specific staff to serve as liaisons for children in care and assist with a smooth transition to a new school.

Promising Policy: In cases when remaining in the same school is not in the best interests of the child, the Fostering Connections to Success and Increasing Adoptions Act of 2008 requires that "the State agency and local educational agencies . . . provide immediate and appropriate enrollment in a new school, with all of the educational records of the child provided to the school."⁴⁸ States are now beginning to implement practices to meet this new federal mandate. The work of quickly enrolling foster children in school and ensuring better academic support has also been advanced by a recent amendment to the Family Educational Rights and Privacy Act (FERPA). This amendment, called the Uninterrupted Scholars Act (USA), was signed into law in January of 2013, and makes it easier for child welfare professionals to access the educational records of the foster youth in their care.⁴⁹

Promote Regular School Attendance

Studies show that children who enter foster care have often missed a substantial number of school days^{50, 51} and that once in foster care, children and youth often have higher school absence rates than their non-foster care peers.^{52, 53} The extent to which children experience absences from school appears to be influenced by the child's age, their pre-foster care experiences, and their experiences while in care,^{54, 55} particularly when children are placed in congregate care.⁵⁶ One study found that school attendance problems increase as children in foster care enter adolescence.⁷⁵

Promising Program: Allegheny County in Pennsylvania has established a data sharing program between the school system and the Department of Human Services that enables case workers and other child welfare staff to easily access the educational records of foster youth. This collaboration has led to the inclusion of an 'education page' in the electronic child welfare case record for each child involved in the child welfare system. One example of the benefit of access to shared data from the school district is case workers can be automatically alerted when a child has had three unexcused absences from school.⁵⁸

Support Children to Prevent Serious Behavior Problems at School

A growing body of research documents the behavioral problems that children and youth in foster care experience – issues that impact their prospects for academic success – in the form of disciplinary infractions and other offenses.^{59, 60, 61} Children and youth in foster care experience school suspensions and expulsions at higher rates than non-foster care peers.^{62, 63, 64} Some educational experts believe that failure to address the needs of children in foster care leads to behavioral problems at school.⁶⁵

In addressing behavioral problems with students in foster care, schools need to understand the impact of trauma on the lives of many children and youth in care. Research suggests that between half and two-thirds of all children are exposed to one or more adverse childhood experiences that can be trauma-inducing. Not surprisingly, children



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January 14, 2015

Representative Les Gara
State Capital
Juneau, AK 99810

RE: House Bill 27 and House Bill 28 Letter of Support

Dear Representative Gara,

I commend you for your work on improving services for Alaska children and their families, who experience abuse and neglect, in the many years you have served as a State Legislator. These two new pieces of legislation continue your work, and will enhance the reactive system that the State provides when children are at risk. HB 27 focuses upon reducing the trauma experienced by the abused and neglected child by seeking substitute care to be provided by family members or people previously know to the child. It also seeks to insure that children obtain permanency as quickly as possible and that movement among foster parents and schools are minimal. The trauma of children receiving multiple placements and attending numerous schools adds to the abuse and neglect that they already are experiencing. This represents system abuse

HB 28 seeking additional resources for children transitioning out of foster care must occur. Services must continue into the person's 20s. The average age of a majority of youth in the U.S. reaching self-sufficiency has extended into the mid 20s. Many of these youth have not experienced the trauma of the foster child. Some non-profit agencies are working with youth in transition to independence programs, and these need to be extended to all youth who are transitioning from foster care. If insufficient resources are provided to the youth, failure is guaranteed. A college degree or skilled training certification will lead to self-sufficiency. There is an abundance of data that supports this.

The lack of adequate services and resources compound the problem resulting in high caseloads, heavy turnover of staff, and the lack of support from other organizations serving children, including law enforcement. The Office of Children's Services remains isolated from other State, municipal, for profit and non-profit resources that must enter the arena of child protection. All of these players need to participate in the intake and assessment, placement in substitute care, removal of the conditions of abuse and neglect, reunification or adoption, treatment of trauma, and transition to functional adulthood. To rely solely on the Office of Children's Services does not work and has never worked. Recently OCS has entered into contracting with other organizations for some services but needs to do much, much more. The active recruitment of foster and adoptive parents will be more effective if it is outsourced to other organizations with built in incentives for success. More emphasis is needed in recruitment of parents that are the same ethnicity/culture of the child.

As you are aware, our child protective service system is strictly reactive. To eliminate child abuse and neglect in Alaska the following interventions are required. Eliminate all children living in poverty. Eliminate the use of violence as a problem solving method, and replace with more effective interventions to remedy problems. Provide adequate nutrition and health care to all children. Provide mentors to at risk parents and parental effectiveness training, with incentives. Eliminate classism and discrimination toward vulnerable populations regarding housing, education, and employment. Provide universal education from pre-school through PhD. programs.

Sincerely yours,

Patrick M Cunningham, DSW, MSW
Associate Professor of Social Work



1110 Vermont Avenue NW • Suite 900 • Washington, DC 20005
p: 202.657.0670 • f: 202.657.0671

The Honorable Les Gara
Alaska House of Representatives
Alaska State Capitol, Room 400
Juneau, Alaska 99801

February 3, 2015

Dear Representative Gara,

On behalf of the First Focus Campaign for Children (FFCC), a bipartisan advocacy organization committed to making children and their families a priority in federal policy and budget decisions, I would like to share our support for House Bills No. 27 and No. 28 introduced on January 21, 2015. At FFCC, we believe that promoting the safety, permanency and well-being of children and youth whose lives are impacted by child welfare should be a top priority for all States. These two bills have the potential to significantly improve outcomes for Alaska's most vulnerable children in each of these areas.

A substantial body of research has demonstrated that children and youth do best and are most able to cope with and overcome trauma when they have permanent connections to caring and supportive adults. For most children, their parents, supported by extended family and communities, provide this stable care and support. Sadly, for children and youth in foster care, these critical family and community connections have often been disrupted. While these disruptions have devastating and lasting effects on a child or youth's cognitive, social, emotional and identity development, such effects can often be mitigated through effective child welfare programs and services that connect children and youth to families and support them in forging a successful transition to adulthood.

Research has also shed light on the dismal outcomes facing youth who age out of foster care, often disconnected and unprepared for adult life - outcomes that have been shown to have much higher long-range costs than earlier investments that can be made to prevent them. Alaska's child welfare programs and services can be greatly strengthened by the provisions in House Bills No. 27 and No. 28 and ensure that those in or leaving foster care are connected to family, to a community, and that they are being prepared to not only survive but to thrive in adulthood as healthy, productive Alaskan citizens.

First Focus stands prepared to work with you to ensure swift passage of both House Bills No. 27 and No. 28, which take critical steps to improve the lives of children and youth in the care of the State of Alaska. If you have any questions or comments, need additional information, or would like us to provide testimony please contact Dianna Walters at DiannaW@FirstFocus.net.

Sincerely,

Bruce Lesley
President

**Facing Foster Care in Alaska
PO Box 92644
Anchorage, AK 99509**



**Representative Les Gara
Alaska State Capitol, Room 400
Juneau, Alaska 99801**

February 1, 2015

Representative Les Gara:

As current and former foster youth of Alaska's child welfare system, we would like to express our support for House Bill 27. This bill offers improvements to the child welfare system for the more than 2,400 children and youth in foster care in Alaska. We believe all aspects of this bill could significantly improve the lives of vulnerable children in Alaska.

Relative and Community Placements

The requirement that the Office of Children's Services (OCS) find a relative placement or a community placement when feasible, for emergency placements can help avoid placing children with strangers in foster care or even outside of their home communities. We believe that every child deserves to remain with family to avoid being re-traumatized and bounced between homes in a broken system. Relative placements provide for a child's need for safety, well-being and permanency, and can play a pivotal role in achieving reunification.

Timely Permanency

We know all too well, the repercussions of long term foster care. This bill requires that if a child has not been placed in a permanent home after 1 year, OCS must show to a Court that it is taking all feasible steps to secure permanency. After 2 years without permanency, there will be court hearings every 6 months to establish that all feasible steps are being taken. When reunification is not an option, we want to ensure OCS is working to find a forever family for all children lingering in the system.

Aging out of Foster Care

Many of our members have been released from foster care without stable housing, a high school diploma, and minimal skills to be self-sufficient. This bill requires OCS to establish in court that a release from custody before a youth turns 21 is in their best interests.

Education and Training

Many foster youth have a desire to complete their education and start a career. This bill requires AS 47.18.320(a)(2) to go from providing "basic" education and training to "education and training, including education and training that are consistent with the

individual's work and educational potential." This section also requires OCS to make a report to the legislature if it does not have adequate resources to meet this requirement.

Foster/Adoptive Parent Recruitment

There are more than 2,400 children in foster care. That's more than 1% of our overall child population. HB 27 requires the Department of Health and Social Services to work with the Governor's Office to recruit foster/adoptive parents when needed. It also requires adequate staffing to ensure caseworker have the time and resources to meet the needs of thousands of Alaskan families.

Information Sharing Between OCS and Tribes

OCS often receives multiple reports of abuse and neglect before they need to take action and intervene with a family. Tribes have a variety of resources to offer families, to prevent further intervention from the state. Allowing the release of cases that OCS does not pick up to tribal leaders, as a sort of early-warning system could prevent the removal of and placement of children in foster care. It's important that we catch families early and work to build healthier communities.

Regards,



Amanda Metivier
Executive Director
Facing Foster Care in Alaska
Facing_fostercare@yahoo.com
(907) 230-8237

To: Representative Seaton and the Health and Social Services Committee
Date: February 12, 2015
Re: HB 27 and HB 28

My Background

- 28 years experience as a clinical social worker
- 8 years experience in Canadian Child Protection System
- Currently: Statewide Director of Independent Living, Access Alaska Inc.
- Court recognized expert in child and family therapy in CINA matters

My focus:

1. HB 27 "An Act relating to the duties of the Department of Health and Social Services; relating to hearings on permanent placement of a child in need of aid; relating to school placement and transportation in foster care etc."
2. HB 28 "An Act relating to the foster care independent living transition program; and establishing and relating the foster care independent living transition program fund."

Rep Gara, I applaud your efforts at HB 27 and HB 28 to:

- Keep children with biological families who are able to provide safe care
- Create a provision that ensures that children who remain in foster care beyond 24 months, will return to court every 6 months to ensure that OCS is utilizing due diligence
- * That OCS will recruit appropriate foster families and adoptive families, and ensure biological families are fully considered as adoptive families
- Recognize the transitional needs of children and the importance of teaching independent living skills to youths transitioning out of OCS care

My concerns:

1. The systemic structure of the organization of OCS places too many demands on staff – resulting in a system constantly in crisis. Pivotal, this has to do with the unintentional failure of the OCS structure to hold a positive regard for the strengths and value of families.
2. Building a relationship with the family is not a key or focal point of OCS interventions which can result in an adversarial custody dispute, often from the initial point of intervention.
3. One OCS staff cannot adequately attend to a parent's treatment plan and a child's treatment plan due to numerous factors including: caseload demands, clinical training and a lack of focused shared community services with dedicated stakeholders.
4. The current system of mediation is unsuccessful because OCS workers lack time and incentive to create relationships that support change with their clients. Some workers utilize TDM meetings to do some semblance of casework or justify the lack of casework to their supervisors, GAL's and interested parties. This tends to solidify the appearance, rightly or wrongly of OCS's incompetence and/or indifference to the needs of the child(ren) and their family.

My experience has been collaborating with caring and dedicated OCS workers who are overwhelmed and just trying to take care of the latest crises on their caseloads. At some point managing crises appears to continue to be the norm.

Summary:

A report released January 30, 2015 entitled "Shame on U.S." (Children's Advocacy Institute) reported in "The Hill", sadly shows that "40 states and the District of Columbia failed to achieve substantial conformity to the outcome measures related to permanency, safety and family/child wellbeing." This must change and it is a community-based change that is required.

1. The attitude, competence and implementation skill of the OCS worker are critical factors that cannot be divorced in practical daily application, or we will continue as a state, to fail those innocents who are our children. It takes courage and trust for a parent in a relationship with an OCS worker to speak the truths of abuse and traumatized children. Building relationships that support child safety must be the philosophy and daily practice of OCS.
 2. OCS must take the lead with an active dialogue regarding the integration of broader community services that ensure child protection services at the right time, specialized family skill building services at the right time and the respect of the integrity of the family as the central premise of child protection intervention.
 3. Internally, OCS must further align itself to a shared services, community based model of care that supports and strengthens its' commitment to families and children. I believe it will be through a shared service model that an entire community is responsible for sustained child and family safety.
 4. I strongly believe that the needs of children in OCS custody are great. I would urge that children in state custody be assigned their own specific OCS social worker to ensure that the overall wellbeing of the child as well as their needs are being addressed in their placements. Many of our foster children experience disabilities that are not being fully addressed by well meaning but over loaded OCS staff. Also, this OCS social worker would provide support to the foster family in meeting the needs of the foster child.
 5. I strongly believe that the needs of parents whose children are in OCS custody, are great. I would urge that parents who are fighting to regain custody of their children be assigned their own OCS social worker, entirely focused on supporting the parent(s) and their treatment plan. OCS must strive to support parents to build families who are safe to raise their children.
 6. More legal oversight when the 24 continuous months in State custody has been passed does not adequately address the needs within this burdened system - it adds to the cost of the State caring for children, but not to the success of building safe families. Reuniting children with safe families will decrease costs - this will require more front end intervention that is focused.
- The costs of the impact of child abuse annually per year in the US is estimated at \$80 billion (CAI, "Shame on U.S.") per year; I know we can make a change; our children's lives depend on it. I have done this work in Canada. I continue to do parts of this work in my clinical private practice and I provide leadership in this work for youths in foster care who are in Access Alaska's Youth in Transition Program. I am not in support of the bills as written.

I send out my sincerest thanks and support to my colleagues at OCS who continue to work for the safety of children and families.

Respectfully,
Cathy McCarthy, LCSW

Fiscal Note

State of Alaska
2015 Legislative Session

Bill Version: HB 27
Fiscal Note Number: _____
() Publish Date: _____

Identifier: HB027-DOA-OPA-02-06-15
Title: CINA; FOSTER CARE; ADOPTION
Sponsor: GARA
Requester: House Health and Social Services

Department: Department of Administration
Appropriation: Legal and Advocacy Services
Allocation: Office of Public Advocacy
OMB Component Number: 43

Expenditures/Revenues

Note: Amounts do not include inflation unless otherwise noted below. (Thousands of Dollars)

	FY2016 Appropriation Requested	Included in Governor's FY2016 Request	Out-Year Cost Estimates				
			FY 2017	FY 2018	FY 2019	FY 2020	FY 2021
OPERATING EXPENDITURES	FY 2016	FY 2016	FY 2017	FY 2018	FY 2019	FY 2020	FY 2021
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 (Operating Only)

None							
Total	0.0	0.0	0.0	0.0	0.0	0.0	0.0

Positions

Full-time							
Part-time							
Temporary							

Change in Revenues							
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Estimated SUPPLEMENTAL (FY2015) cost: 0.0 *(separate supplemental appropriation required)*
(discuss reasons and fund source(s) in analysis section)

Estimated CAPITAL (FY2016) cost: 0.0 *(separate capital appropriation required)*
(discuss reasons and fund source(s) in analysis section)

ASSOCIATED REGULATIONS

Does the bill direct, or will the bill result in, regulation changes adopted by your agency? No
If yes, by what date are the regulations to be adopted, amended or repealed?

Why this fiscal note differs from previous version:

Not applicable; initial version.

Prepared By: Richard Allen, Director
Division: Office of Public Advocacy
Approved By: Sheldon Fisher, Commissioner
Agency: Department of Administration

Phone: (907)269-3504
Date: 02/06/2015 12:00 AM
Date: 02/06/15

FISCAL NOTE ANALYSIS

STATE OF ALASKA
2015 LEGISLATIVE SESSION

BILL NO. HB027

Analysis

If enacted into law as drafted would materially change or expand the duties of the Department of Health and Social Services and to a lesser extent, the Alaska Court System, in dealing with foster placement of children and permanency planning and placement of children in Child-In-Need-Of-Aid (CINA) proceedings. The bill directs the department to take a more proactive approach on certain issues, requires sharing of information under certain criteria with Alaska Native villages or organizations and requires the department to take more proactive measures to provide for education and safety measures, including underwriting of costs, associated with temporary placements.

The bill does not specifically address or alter any mission or activity of the Office of Public Advocacy, but, since the Guardian Ad Litem (GAL) program and the Court Appointed Special Advocate (CASA) program are both housed within that agency, it is to be expected that the duties and workloads of the individual staff and volunteers will expand and become more complex in response to the need to ensure that the department complies with the new requirements.

As such the Office of Public Advocacy submits a zero fiscal note.

Fiscal Note

State of Alaska
2015 Legislative Session

Bill Version: HB 27
Fiscal Note Number: _____
() Publish Date: _____

Identifier: HB027-DHSS-FP-02-07-15
Title: CINA; FOSTER CARE; ADOPTION
Sponsor: GARA
Requester: House Health & Social Services Committee

Department: Department of Health and Social Services
Appropriation: Children's Services
Allocation: Family Preservation
OMB Component Number: 1628

Expenditures/Revenues

Note: Amounts do not include inflation unless otherwise noted below. (Thousands of Dollars)

	FY2016 Appropriation Requested	Included in Governor's FY2016 Request	Out-Year Cost Estimates				
			FY 2017	FY 2018	FY 2019	FY 2020	FY 2021
OPERATING EXPENDITURES	FY 2016	FY 2016	FY 2017	FY 2018	FY 2019	FY 2020	FY 2021
Personal Services							
Travel							
Services							
Commodities							
Capital Outlay							
Grants & Benefits	1,200.0		1,200.0	1,200.0	1,200.0	1,200.0	1,200.0
Miscellaneous							
Total Operating	1,200.0	0.0	1,200.0	1,200.0	1,200.0	1,200.0	1,200.0

Fund Source (Operating Only)

1002 Fed Rcpts	300.0		300.0	300.0	300.0	300.0	300.0
1003 G/F Match	900.0		900.0	900.0	900.0	900.0	900.0
Total	1,200.0	0.0	1,200.0	1,200.0	1,200.0	1,200.0	1,200.0

Positions

Full-time	6.0		6.0	6.0	6.0	6.0	6.0
Part-time							
Temporary							

Change in Revenues							
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Estimated SUPPLEMENTAL (FY2015) cost: 0.0 (separate supplemental appropriation required)
(discuss reasons and fund source(s) in analysis section)

Estimated CAPITAL (FY2016) cost: 0.0 (separate capital appropriation required)
(discuss reasons and fund source(s) in analysis section)

ASSOCIATED REGULATIONS

Does the bill direct, or will the bill result in, regulation changes adopted by your agency? yes
If yes, by what date are the regulations to be adopted, amended or repealed? 01/01/16

Why this fiscal note differs from previous version:

Not applicable, initial version.

Prepared By: Christy Lawton
Division: Office of Children's Services
Approved By: Sarah Woods, Deputy Director Finance & Management Services
Agency: Health & Social Services

Phone: (907)451-2096
Date: 02/06/2015 05:20 PM
Date: 02/07/15

FISCAL NOTE ANALYSIS

STATE OF ALASKA
2015 LEGISLATIVE SESSION

BILL NO. HB027

Analysis

HB 27 would amend AS 47.14.100(a) to allow the department, for a child 16 years of age or older, to authorize another transitional living arrangement, including student dormitory residence at a postsecondary educational institution, that adequately meets the child's needs and is designed to assist the child's transition to independent life.

It would further amend AS 47.14.100(b) to require the department to pay the costs associated with this other transitional living arrangement, including the costs of maintenance, including food, lodging, and other necessities of life, to the child. Currently, this section requires the department to pay costs of maintenance that are necessary to assure adequate care of the child, and allows the department to accept federal funds for that purpose. This section specifies the department's duty to pay costs for this particular arrangement, but this is not necessary given the department's preexisting duty to pay such costs. Further, youth over 18 years of age would not be eligible for federal Title VE reimbursement of education costs.

Assumptions:

- Federal @ 25%, GF Match @ 75%
- Number of children eligible under proposals in HB 27 version "W" = 60

Assumptions for Costs:

- Grants: average price of \$20.0 for a full-time student, living on campus (tuition \$4.6, student fees \$0.8, books and supplies \$1.3, room \$7.4, board \$3.8, transportation \$0.5, personal misc. \$1.7)

Fiscal Note

State of Alaska
2015 Legislative Session

Bill Version: HB 27
Fiscal Note Number: _____
() Publish Date: _____

Identifier: HB027SS-DHSS-FP-02-23-15
Title: DHSS DUTIES;CINA; FOSTER CARE; ADOPTION
Sponsor: GARA
Requester: House HSS Committee

Department: Department of Health and Social Services
Appropriation: Children's Services
Allocation: Family Preservation
OMB Component Number: 1628

Expenditures/Revenues

Note: Amounts do not include inflation unless otherwise noted below. (Thousands of Dollars)

	FY2016 Appropriation Requested	Included in Governor's FY2016 Request	Out-Year Cost Estimates				
			FY 2017	FY 2018	FY 2019	FY 2020	FY 2021
OPERATING EXPENDITURES	FY 2016	FY 2016	FY 2017	FY 2018	FY 2019	FY 2020	FY 2021
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 (Operating Only)

None							
Total	0.0	0.0	0.0	0.0	0.0	0.0	0.0

Positions

Full-time							
Part-time							
Temporary							

Change in Revenues

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Estimated SUPPLEMENTAL (FY2015) cost: 0.0 *(separate supplemental appropriation required)*
(discuss reasons and fund source(s) in analysis section)

Estimated CAPITAL (FY2016) cost: 0.0 *(separate capital appropriation required)*
(discuss reasons and fund source(s) in analysis section)

ASSOCIATED REGULATIONS

Does the bill direct, or will the bill result in, regulation changes adopted by your agency? yes
If yes, by what date are the regulations to be adopted, amended or repealed? 04/19/17

Why this fiscal note differs from previous version:

This version of HB 27 has removed all mandates that reflected divisional fiscal responsibility. It removed the requirement for the department to pay to the child the cost of maintenance, in addition to all of the cost to support foster children attending full-time in-state undergraduate college course (books, tuition, rent, etc.).

Prepared By: <u>Christy Lawton, Director</u>	Phone: <u>(907)451-2096</u>
Division: <u>Office of Children's Services</u>	Date: <u>02/18/2015 04:14 PM</u>
Approved By: <u>Sarah Woods, Deputy Director Finance & Management Services</u>	Date: <u>02/23/15</u>
Agency: <u>Health & Social Services</u>	

FISCAL NOTE ANALYSIS

STATE OF ALASKA
2015 LEGISLATIVE SESSION

BILL NO. SSHB027

Analysis

This version of HB 27 would expand the department's duties, impose additional requirements on the department when making placement decisions, make changes to statutes governing the confidentiality of departmental records, and change the procedure for releasing a youth from state custody. It broadens the scope of the department's duties by requiring the department to recruit foster parents and adoptive parents when a shortage of foster parents or adoptive parents exists.

This bill mandates that, as during emergency custody, should a child transfer from one out-of-home placement to another, the Department shall search for an appropriate placement with an adult family member or family friend who meets the foster care licensing requirements. Should the child transfer from one placement to another, this bill mandates that if it is reasonable, the department shall, immediately and in advance of the transfer, coordinate with the child's school to ensure they are able to continue attendance through the end of the school term, if the child's transfer is in the same municipality and connected by the road system. If federal or school district funds are not available to pay for the cost of the child's transportation to this school, the department shall pay for the transportation costs.

This version of HB 27 would amend AS 47.10.093 requiring the department to adopt regulations to allow disclosure of appropriate confidential information to Alaska Native villages or Native organizations if (1) the department has entered into a confidentiality agreement with the Alaska Native village or Native Organization under AS 47.14.100(g); (2) the department finds that disclosing the information is in the best interests of the child; and (3) disclosing the information is necessary to protect the child's safety and to help meet the child's potential for a healthy and successful childhood and adulthood. Additionally, the department would adopt regulations that allow disclosure of confidential information to Alaska Native Villages or Native organizations that assist in evaluating whether a family should be licensed for foster care and considered a placement option. This includes information regarding denials of foster care licenses and department decisions not to place a child with a person who has requested placement.

In this version of HB 27 the department is mandated to continue searching for suitable adoptive or permanent legal guardianship for a child in custody who is under 21 years of age, and adds language so that these statutes apply to a "child or person." Also, HB 27 changes the age and requires consent for a person, age 19 or older, to be released from the department's custody.

This bill expands the department's responsibility from not only providing educational and vocational training, but also assisting the child in obtaining such training. Should there be insufficient appropriations available to meet the purpose of the foster care transition program, the department shall submit a written report to the legislature articulating the department's efforts to use existing funds, and the opportunities and services the department will be unable to provide under the current appropriation level.

The court shall also make findings, if the child remains in out-of-home placements, that the department has made reasonable efforts to find a permanent placement for the child and submits supporting evidence. If the court finds that the department made all reasonable efforts, the court shall order the department to do so unless the current placement is in the best interests of the child. With this addition, this bill also amends Rule 17.2 of CINA court rules.

This version of HB 27 removes the amendment to AS 47.14.100(b) which originally required the department to pay to the child, in addition to the costs of maintenance, the costs associated with placement in dormitories and attending undergraduate in-state full-time college courses, including food, lodging, and other necessities of life. This section was removed, as was any related fiscal responsibility, making this a zero fiscal note.

Dear Representative Gara,

I am writing to offer you my complete support for the Child Protection and Opportunity Act (HB 27), currently under consideration in the House.

Children in state custody, have, by definition, been traumatized by their early life experience. If they are to develop into responsible members of society they require tender care and excellent guidance. All over the United States child protective services agencies are understaffed and overworked and there is a high rate of burn-out and turn-over in case managers. This means that the most vulnerable children in our society are once again being neglected, this time by the very agency that is supposed to protect them.

All of the provisions of the bill are well-founded and they will go a long way to providing better care for foster children and youth. Until changes are made, like those required by HB 27, hard-working, dedicated social workers, like myself, will not enter the child protection field. Not only is the work very demanding and stressful, but every day you must worry about the safety of children for whom you do not have the time nor the allotted resources to provide adequate care.

Thank you for taking a stand, once again, for the youngest Alaskans, and the hope for our future — the children.

Sincerely,

Deborah Bock

Deborah Bock, MSW, LCSW
13211 Mountain Pl.
Anchorage, AK 99516
(907) 345-6611
bockdebbie@gmail.com

Peace may cost as much as war, but it is a better buy. ~Anon.

February 19, 2015

Tamara Dietrich
7857 Moose Run Circle
Anchorage, Alaska 99507

Representative Les Gara
State Capitol
Juneau, Alaska 99801

Dear Mr. Gara:

You have my full support of House Bill 27: Child Protection and Opportunity Act.

In writing this letter, it has become apparent how all aspects of HB 27 overlap in a myriad of ways. I have done my best to address each aspect in a logical progression. Where one aspect may seem lacking, may I suggest you consider the contents of this letter in whole, versus analyzing a standalone section please?

Please let me express my gratitude and thank you for all of your efforts to improve the lives of foster youth in our great state. My 16 year old niece entered foster care when she was three (3) years old. I will refer to her as my daughter from here on out.

Relative Placement – Our family met a lot of resistance from the Office of Children’s Services (OCS) when it was determined that my brother was not her biological father. The judge wanted to honor the inherent relationship; as my brother and sister-in-law were still married at the time, but OCS approached the bench. I do not know what was said, or why my family was not considered. We would have jumped through any hoop to prove ourselves. As it was, it took over eight months to become a foster parent and still OCS would not consider us a viable placement. When our daughter’s biological father was found, she was sent to the village. In both placements, she missed us dearly; to the point that her biological dad placed her in our care at the age of five (5).

Ensuring Foster Youth are Prepared to Leave Foster Care – In my heart, I felt that my daughter was not ready to enter middle school in the sixth grade. So we purchased a house in a school district where the elementary school still encompassed sixth grade. We wanted to give her the ability to be “Top Dog” and to experience the confidence boost which comes with that. She is in the 10th grade and on par with other kids her age now. However, she is terrified of “aging” out of our home. She feels like she has no safety net. Nothing we say or do can prove to her that she will *always* be our little baby.

Reducing the Amount of Time Foster Youth Wait for a Permanent Home – Due to the fact that her mother’s parental rights were not terminated while in OCS custody (two years), we have not been able to adopt her or become her *forever family*. Her father asked us to adopt her, but our lawyer encouraged him not to give up his rights because

Representative Les Gara

February 19, 2015

Page 2

then the biological mother would inherit all rights to the child. As long as he willingly placed his child in our home, we were able to become her legal guardians. Aside from adoption, legal guardianship is the best thing we could hope for in our case. Guardianship does NOT feel permanent to our daughter though.

Providing Foster Youth with Quality Educations - We have to break the cycle of poverty and homelessness. Success is not automatic. Even though I *thought* I was prepared to leave my parents house at the age of 18, I moved back in twice before I could fully support myself. It is imperative that we help foster youth in overcoming obstacles such as a lack of housing and low-wage jobs. Let us build in success by providing a stable home with a support system so that they can focus their energies on higher learning. Education is a major building block to success; education equalizes the playing field. We must work to eliminate the disparities between our foster youth and their peers. It is not enough to want our children to survive; we must help them to thrive.

Improving Collaboration with Alaska Native Communities – Where do I begin regarding this aspect of HB 27? I cannot stress enough how vital it is to encourage communication between Alaska Native entities and OCS. Our daughter had never been enrolled in a tribe prior to entering OCS custody; so no one else was fighting for her. Thankfully, after obtaining legal guardianship, we were able to enroll our daughter into her paternal tribe. This was fortunate because after her biological dad died, the maternal family tried to dissolve the guardianship. That is when her paternal tribe intervened on her behalf and stood behind their tribal member because he is the one who entrusted the care of his daughter to us. All children need someone looking out for their best interests. This is especially true for Alaska Native and American Indian children because their tribe not only provides a link to their past, but an important link to their future as well.

Thank you for your time.

Sincerely,



Tamara Dietrich
Legal Guardian, Fost-Adopt Parent, Child Advocate

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 4, 2015

SUBJECT: Reasonable efforts and suitability
(SSHB 27, Work Order No. 29-LS0176\P)

TO: Representative Les Gara
Attn: Molly Carver

FROM: Kate S. Glover 
Legislative Counsel

You have asked for definitions of "reasonable efforts" and "suitability" in the context of child in need of aid statutes.

Reasonable efforts

As Ms. Carver noted in her e-mail, AS 47.10.086 provides a definition of "reasonable efforts." Courts use the statutory definition to analyze the efforts of the Department of Health and Social Services (the department).¹ In general, this requires that the department identify the needs of the client and make appropriate referrals for services.² Such efforts may include, for example:

referrals . . . to Public Health, parenting classes, the Infant Learning Program, Head Start, mental health services, Alaska Housing Finance Corporation, and wrap-around services through the Dual Track program. OCS also points out that it arranged for food donations and laundry cards, conducted home visits, offered to pay for repair of the family's heating system, found a cabin and mattresses for the family, and tried to help Ralph get a job.³

¹ See, e.g., *M.W. v. Dep't of Health & Soc. Servs.*, 20 P.3d 1141, 1145 - 46 (Alaska 2001) (reviewing department efforts to provide family support services and to prevent out-of-home placement).

² *Id.*

³ *Ralph H. v. State*, 246 P.3d 916, 926 (Alaska 2011).

Representative Les Gara
March 4, 2015
Page 2

The inquiry is a factual one, and, while the statute provides guidance, "[i]n reviewing whether OCS made reasonable efforts, a court considers the [department's] efforts in their entirety. The court must first identify the problem that caused the children to be in need of aid and then determine whether OCS's efforts were reasonable in light of the surrounding circumstances."⁴

Suitability

Suitability is also a factual inquiry.

The Indian Child Welfare Act, 25 U.S.C. 1915(d), sets out placement preferences for children subject to the Act. Children are to be placed within the tribe if possible, and may only be placed elsewhere if there is no "suitable" placement that meets the preferences. In reviewing placements under this standard, courts must apply "the prevailing social and cultural standards of the Indian community in which the parent or extended family resides or with which the parent or extended family members maintain social and cultural ties."⁵ Factors that are relevant to suitability include a potential guardian's criminal history, health, and support system.⁶

I have found little judicial guidance in interpreting "suitability" outside of the context of the Indian Child Welfare Act. Department regulations, however, provide a detailed list of the type of factors that the department considers in determining whether a placement is suitable.⁷ The list is extensive, and includes an assessment of a family's capability, willingness, readiness, motivation, and preparedness for accepting a child, the mental and physical health of the foster parents or guardians, any history of abuse or criminal history, parenting philosophy, and a variety of other factors. It is an intensely fact-specific inquiry based on the needs of the child and the capacity of the potential foster family or guardian.

If I may be of further assistance, please advise.

KSG:lnd
15-182.lnd

⁴ *Barbara P. v. State*, 234 P.3d 1245, 1262 (Alaska 2010).

⁵ *Native Vill. of Tununak v. State*, 303 P.3d 431, 451 (Alaska 2013).

⁶ *Id.*

⁷ See 7 AAC 56.600.

Sec. 47.10.086. Reasonable efforts. (a) Except as provided in (b), (c), and (g) of this section, the department shall make timely, reasonable efforts to provide family support services to the child and to the parents or guardian of the child that are designed to prevent out-of-home placement of the child or to enable the safe return of the child to the family home, when appropriate, if the child is in an out-of-home placement. The department's duty to make reasonable efforts under this subsection includes the duty to

(1) identify family support services that will assist the parent or guardian in remedying the conduct or conditions in the home that made the child a child in need of aid;

(2) actively offer the parent or guardian, and refer the parent or guardian to, the services identified under (1) of this subsection; the department shall refer the parent or guardian to community-based family support services whenever community-based services are available and desired by the parent or guardian; and

(3) document the department's actions that are taken under (1) and (2) of this subsection.

(b) If the court makes a finding at a hearing conducted under AS 47.10.080(1) that a parent or guardian has not sufficiently remedied the parent's or guardian's conduct or the conditions in the home despite reasonable efforts made by the department in accordance with this section, the court may conclude that continuation of reasonable efforts of the type described in (a) of this section are not in the best interests of the child. The department shall then make reasonable efforts to place the child in a timely manner in accordance with the permanent plan and to complete whatever steps are necessary to finalize the permanent placement of the child.

(c) The court may determine that reasonable efforts of the type described in (a) of this section are not required if the court has found by clear and convincing evidence that

(1) the parent or guardian has subjected the child to circumstances that pose a substantial risk to the child's health or safety; these circumstances include abandonment, sexual abuse, torture, chronic mental injury, or chronic physical harm;

(2) the parent or guardian has

(A) committed homicide under AS 11.41.100 - 11.41.130 of a parent of the child or of a child;

(B) aided or abetted, attempted, conspired, or solicited under AS 11.16 or AS 11.31 to commit a homicide described in (A) of this paragraph;

(C) committed an assault that is a felony under AS 11.41.200 - 11.41.220 and results in serious physical injury to a child; or

(D) committed the conduct described in (A) - (C) of this paragraph that violated a law or ordinance of another jurisdiction having elements similar to an offense described in (A) - (C) of this paragraph;

(3) the parent or guardian has, during the 12 months preceding the permanency hearing, failed to comply with a court order to participate in family

support services;

(4) the department has conducted a reasonably diligent search over a time period of at least three months for an unidentified or absent parent and has failed to identify and locate the parent;

(5) the parent or guardian is the sole caregiver of the child and the parent or guardian has a mental illness or mental deficiency of such nature and duration that, according to the statement of a psychologist or physician, the parent or guardian will be incapable of caring for the child without placing the child at substantial risk of physical or mental injury even if the department were to provide family support services to the parent or guardian for 12 months;

(6) the parent or guardian has previously been convicted of a crime involving a child in this state or in another jurisdiction and, after the conviction, the child was returned to the custody of the parent or guardian and later removed because of an additional substantiated report of physical or sexual abuse by the parent or guardian;

(7) a child has suffered substantial physical harm as the result of abusive or neglectful conduct by the parent or guardian or by a person known by the parent or guardian and the parent or guardian knew or reasonably should have known that the person was abusing the child;

(8) the parental rights of the parent have been terminated with respect to another child because of child abuse or neglect, the parent has not remedied the conditions or conduct that led to the termination of parental rights, and the parent has demonstrated an inability to protect the child from substantial harm or the risk of substantial harm;

(9) the child has been removed from the child's home on at least two previous occasions, family support services were offered or provided to the parent or guardian at those times, and the parent or guardian has demonstrated an inability to protect the child from substantial harm or the risk of substantial harm;

(10) the parent or guardian is incarcerated and is unavailable to care for the child during a significant period of the child's minority, considering the child's age and need for care by an adult; or

(11) the parent or guardian

(A) has sexually abused the child or another child of the parent or guardian; or

(B) is registered or required to register as a sex offender or child kidnapper under AS 12.63.

(d) If the court determines under (b) or (c) of this section that reasonable efforts under (a) of this section are not required to be provided,

(1) the court shall hold a permanency hearing for the child within 30 days after the determination; and

(2) the department shall make reasonable efforts to place the child in a timely manner in accordance with the permanency plan, and complete whatever steps are necessary to finalize the permanent placement of the child.

(e) The department may develop and implement an alternative permanency plan

for the child while the department is also making reasonable efforts to return the child to the child's family under (a) of this section.

(f) In making determinations and reasonable efforts under this section, the primary consideration is the child's best interests.

(g) The department is not required to make reasonable efforts of the type described in (a) of this section if the department took emergency custody of an infant under AS 47.10.142 after the infant was abandoned safely within the meaning of AS 47.10.013(c).